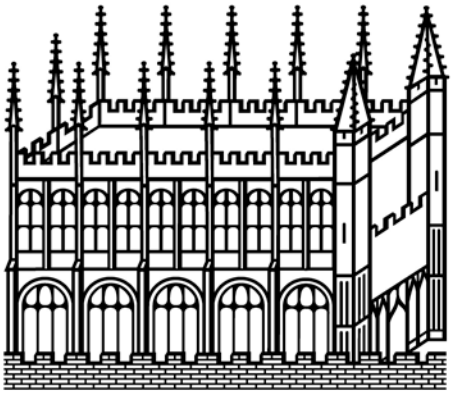

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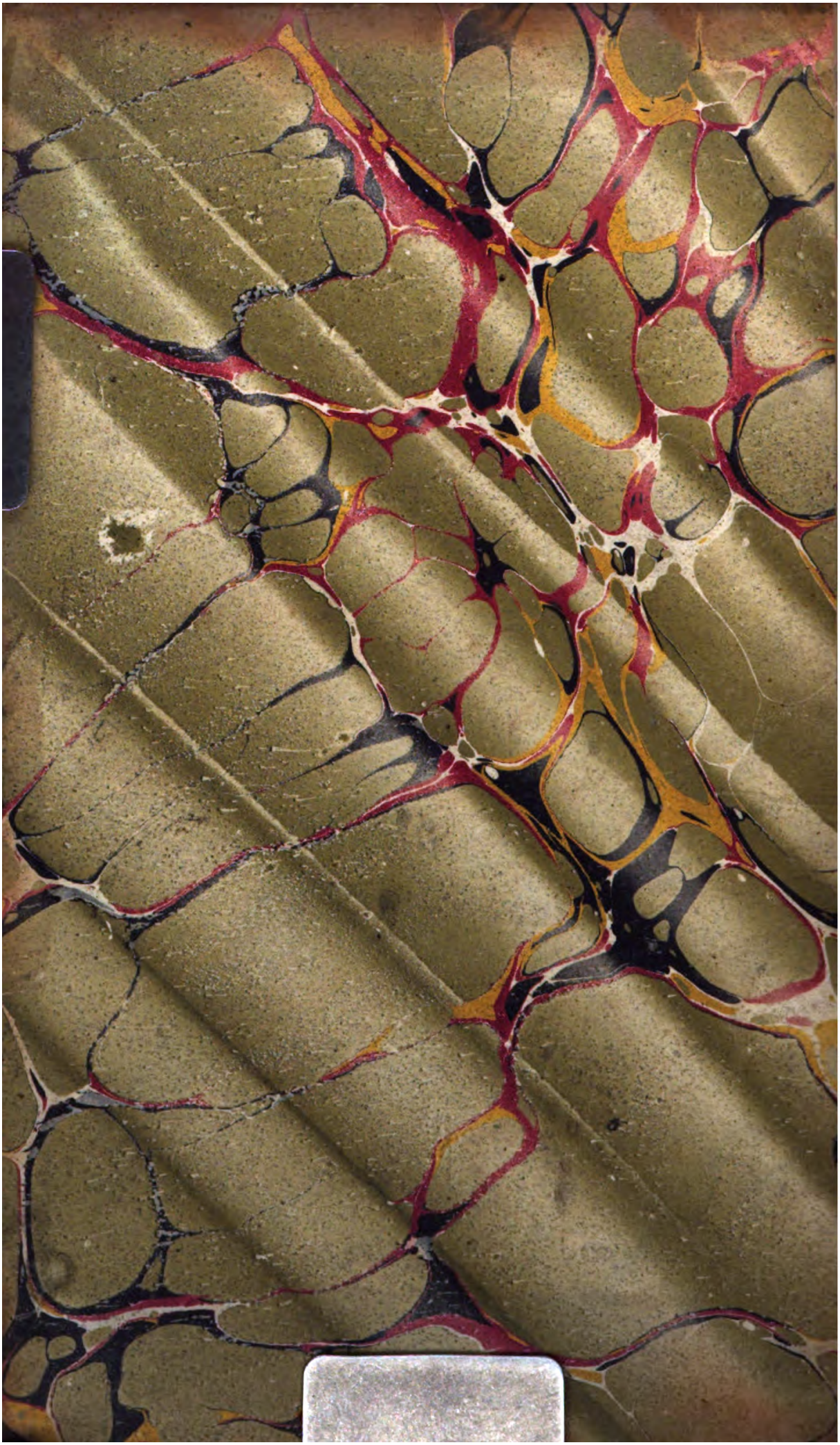

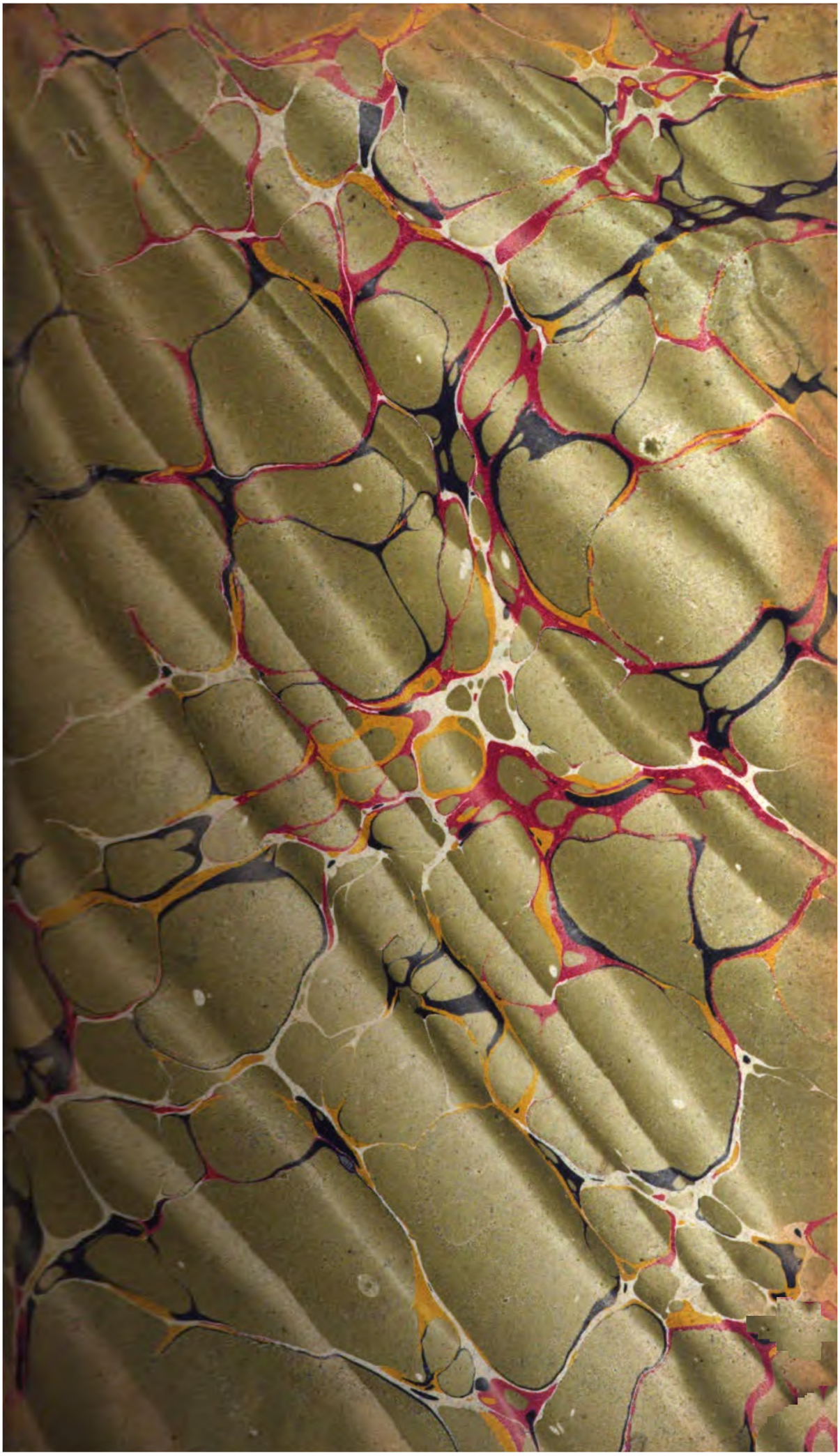

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The Right Honorable
C. W. Wynn
&c. &c. &c.

BRITISH AND FOREIGN

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BRITISH AND FOREIGN
State Papers.

SPEECH of The Lords Commissioners to both Houses of the British Parliament, on Thursday, February 2, 1826.

My Lords, and Gentlemen,

WE are commanded by His Majesty to inform you, that His Majesty has seen with regret the embarrassment which has occurred in the pecuniary transactions of the Country, since the Close of the last Session of Parliament.

This embarrassment did not arise from any Political Events, either at Home or Abroad; it was not produced by any unexpected demand upon the Public Resources, nor by the apprehension of any interruption to the general tranquillity.

Some of the Causes to which this Evil must be attributed lie without the reach of direct Parliamentary interposition; nor can security against the recurrence of them be found unless in the experience of the sufferings which they have occasioned.

But to a certain portion of this Evil, correctives at least, if not effectual remedies, may be applied; and His Majesty relies upon your wisdom to devise such Measures as may tend to protect both private and public Interests against the like sudden and violent fluctuations, by placing on a more firm foundation the Currency and Circulating Credit of the Country.

His Majesty continues to receive from His Allies, and generally from all Foreign Princes and States, the strongest assurances of their friendly disposition towards His Majesty. His Majesty on His part is constant and unwearied in His Endeavours to reconcile conflicting Interests, and to recommend and cultivate Peace, both in the Old World and in the New.

His Majesty commands us to inform you, that in pursuance of this Policy, His Majesty's Mediation has been successfully employed in the conclusion of a Treaty between the Crowns of *Portugal* and *Brazil*, by which the relations of friendly intercourse, long interrupted between Two kindred Nations, have been restored; and the Independence of the *Brazilian* Empire has been formally acknowledged.

His Majesty loses no opportunity of giving effect to the principles, of Trade and Navigation which have received the sanction of Parliament,

and of establishing them, as far as possible, by Engagements with Foreign Powers.

His Majesty has directed to be laid before you a Copy of a Convention, framed on these Principles, which has recently been concluded between His Majesty and the King of *France*; and of a similar Convention with the free *Hanseatick* Cities of *Lubeck*, *Bremen*, and *Hamburgh*.

His Majesty has likewise directed to be laid before you a Copy of a Treaty of Amity, Commerce, and Navigation, concluded between His Majesty and the Republic of *Columbia*, the Ratifications of which have been exchanged since the Close of the last Session. For the carrying into effect some of the Stipulations of this Treaty, His Majesty will have need of your assistance.

His Majesty regrets that He has not to announce to you the termination of Hostilities in India. But the Operations of the last Campaign, through the bravery of the Forces of His Majesty and of the *East India* Company, and the skill and perseverance of their Commanders, have been attended with uniform success; and His Majesty trusts that a continuance of the same exertions may lead, at no distant period, to an honourable and satisfactory pacification.

His Majesty's attention has been directed to the consideration of several Measures, recommended in the last Session of Parliament, for improving the Condition of *Ireland*.

The Industry of that part of the United Kingdom, His Majesty has the satisfaction of acquainting you, is in a course of gradual and general advancement, an advancement mainly to be attributed to that state of tranquillity which now happily prevails throughout all the Provinces of *Ireland*.

Gentlemen of the House of Commons,

His Majesty has directed the Estimates for the Year to be prepared and laid before you.

They have been framed with an anxious desire to avoid every Expenditure beyond what the necessary Demands of the Public Service may require.

His Majesty has the satisfaction of informing you, that the Produce of the Revenue in the last Year has fully justified the expectations entertained at the commencement of it.

My Lords, and Gentlemen,

His Majesty deeply laments the injurious effects which the late pecuniary crisis must have entailed upon many branches of the Commerce and Manufactures of the United Kingdom; but His Majesty confidently believes that the temporary check which Commerce and Manufactures may at this moment experience, will, under the blessing of Divine Providence, neither impair the great sources of our Wealth, nor impede the growth of National Prosperity.

CONVENTION of Commerce and Navigation between Great Britain and France.—Signed at London, Jan. 26, 1826.

IN THE NAME OF THE MOST HOLY TRINITY.

His Majesty The King of the United Kingdom of Great Britain and Ireland, on the one part, and His Majesty The King of France and Navarre, on the other part, being equally animated by the desire of facilitating the Commercial Intercourse between Their respective Subjects; and being persuaded that nothing can more contribute to the fulfilment of Their mutual wishes in this respect, than to simplify and equalize the Regulations which are now in force relative to the Navigation of both Kingdoms, by the reciprocal abrogation of all discriminating duties levied upon the Vessels of either of the Two Nations in the Ports of the other, whether under the head of Duties of tonnage, harbour, light-house, pilotage, and others of the same description, or in the shape of Increased Duties upon goods on account of their being imported or exported in other than National Vessels;—have named as Their Plenipotentiaries to conclude a Convention for this 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

AU NOM DE LA TRES SAINTE TRINITÉ.

Sa Majesté Le Roi du Royaume Uni de La Grande Bretagne et de l'Irlande, d'une part, et Sa Majesté Le Roi de France et de Navarre, de l'autre part, animés également du désir de rendre plus faciles les Communications Commerciales entre Leurs Sujets respectifs, et persuadés que rien ne saurait contribuer davantage à l'accomplissement de Leurs vœux mutuels à cet égard, que de simplifier et d'égaliser les Règlemens qui sont aujourd'hui en vigueur quant à la Navigation de l'un et l'autre Royaume, par l'abolition réciproque de tous droits différentiels levés sur les Navires d'une des deux Nations dans les Ports de l'autre, soit à titre de Droits de tonnage, de ports, de phares, de pilotage, et autres de même nature, soit à titre de Surtaxes sur les marchandises en raison de la non-nationalité du Bâtiment qui les importe, ou qui les exporte,—ont nommé pour Plénipotentiaires afin de 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 Majesté Britannique en Son Conseil Privé, Membre du Parlement, et Son Principal Secrétaire d'Etat, ayant le Département des Affaires Etrangères; et

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 France and Navarre, The Prince Jules, Count de Polignac, a Peer of France, Maréchal-de-Camp of His Most Christian Majesty's Forces, Knight of the Royal and Military Order of St. Louis, Officer of the Royal Order of the Legion of Honour, Grand Cross of the Order of St. Maurice of Sardinia, Aide-de-Camp of His Most Christian Majesty, and His Ambassador at the Court of His Britannick Majesty:—

Who, after having communicated to each other their respective Full Powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

Article I. From and after the 5th of April of the present year, French Vessels coming from or departing for the Ports of France, or, if in ballast, coming from, or departing for any Place, shall not be subject, in the Ports of The United Kingdom, either on entering into, or departing from the same, to any higher Duties of tonnage, harbour, light-house, pilotage, quarantine, or other similar or corresponding Duties, of whatever nature or under whatever denomination, than those to which British Vessels, in respect of the same voyages, are or may be sub-

le Très Honorable William Huskisson, Conseiller de Sa Majesté Britannique 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 Majesté Britannique:—

Et Sa Majesté Le Roi de France et de Navarre, Le Prince Jules, Comte de Polignac, Pair de France, Maréchal-de-Camp de Ses Armées, Chevalier de l'Ordre Royal et Militaire de St. Louis, Officier de l'Ordre Royal de la Légion d'Honneur, Grand Croix de l'Ordre de St. Maurice de Sardaigne, Aide-de-Camp de Sa Majesté Très Chrétienne, et Son Ambassadeur près Sa Majesté Britannique:—

Lesquels, après s'être communiqué réciproquement leurs Pleins pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et conclu les Articles suivans:—

Article I. A dater du cinq Avril de la présente année, et après cette époque, les Navires Français venant avec chargement des Ports de France, et sans chargement de tous Ports quelconques, ou se rendant avec chargement dans les Ports de France, et sans chargement dans tous Ports quelconques, ne seront pas assujettis, dans les Ports du Royaume Uni, soit à leur entrée, soit à leur sortie, à des Droits de tonnage, de ports, de phares, de pilotage, de quarantaine, ou autres Droits semblables ou analogues, quelle que soit leur nature ou leur dénomination, plus élevés que ceux

ject, on entering into or departing from such Ports; and, reciprocally, from and after the same period, British Vessels coming from or departing for the Ports of The United Kingdom, or, if in ballast, coming from or departing for any Place, shall not be subject, in the Ports of France, either on entering into, or departing from the same, to any higher Duties of tonnage, harbour, light-house, pilotage, quarantine, or other similar or corresponding Duties, of whatever nature, or under whatever denomination, than those to which French Vessels, in respect of the same voyages, are or may be subject, on entering into or departing from such Ports; whether such Duties are collected separately, or are consolidated in one and the same Duty;—His Most Christian Majesty reserving to Himself to regulate the amount of such Duty or Duties in France, according to the rate at which they are or may be established in The United Kingdom: at the same time, with the view of diminishing the burthens imposed upon the Navigation of the Two Countries, His Most Christian Majesty will always be disposed to reduce the amount of the said burthens in France, in proportion to any reduction which may hereafter be made of those now levied in the Ports of The United Kingdom.

auxquels sont ou seront assujettis, dans ces mêmes Ports, à leur entrée et à leur sortie, les Navires Britanniques effectuant les mêmes voyages avec chargement ou sans chargement;—et, réciproquement, à dater de la même époque, les Navires Britanniques venant avec chargement des Ports du Royaume Uni, et sans chargement de tous Ports quelconques, ou se rendant avec chargement dans les Ports du Royaume Uni, et sans chargement dans tous Ports quelconques, ne seront pas assujettis, dans les Ports de France, soit à leur entrée, soit à leur sortie, à des Droits de tonnage, de ports, de phares, de pilotage, de quarantaine, ou autres Droits semblables ou analogues, quelle que soit leur nature ou leur dénomination, plus élevés que ceux auxquels sont ou seront assujettis, dans ces mêmes Ports, à leur entrée et à leur sortie, les Navires Français effectuant les mêmes voyages avec chargement ou sans chargement; soit que ces Droits se perçoivent séparément, soit qu'ils se trouvent representés par un seul et même Droit; Sa Majesté Très Chrétienne Se reservant de règler en France le montant de ce Droit ou de ces Droits, d'après le taux auquel ils sont ou seront établis dans Le Royaume Uni; en même tems que, dans le but d'alléger les charges imposées à la Navigation des deux Pays, elle sera toujours disposée à en réduire proportionnellement l'élévation en France, d'après la réduction que pourront par la suite éprouver les Droits perçus maintenant dans les Ports du Royaume Uni.

II. Goods, wares, and merchandize, which can or may be legally imported into the Ports of The United Kingdom from the Ports of France, if so imported in French Vessels, shall be subject to no higher Duties than if imported in British Vessels, and, reciprocally, goods, wares, and merchandize, which can or may be legally imported into the Ports of France, from the Ports of The United Kingdom, if so imported in British Vessels, shall be subject to no higher Duties than if imported in French Vessels. The produce of Asia, Africa, and America, not being allowed to be imported from the said Countries, nor from any other, in French Vessels, nor from France in French, British, or any other Vessels, into the Ports of the United Kingdom, for home consumption, but only for warehousing and re-exportation, His Most Christian Majesty reserves to Himself to direct that, in like manner, the produce of Asia, Africa, and America, shall not be imported from the said Countries, nor from any other, in British Vessels, nor from The United Kingdom in British, French, or any other Vessels, into the Ports of France, for the consumption of that Kingdom, but only for warehousing and re-exportation.

With regard to the productions of the Countries of Europe, it is understood between The High Contracting Parties, that such productions shall not be imported,

II. Toutes marchandises et tous objets de commerce qui peuvent ou pourront être légalement importés des Ports de France, dans les Ports du Royaume Uni, et qui y seront apportés sur Navires Français, ne seront pas assujettis à des Droits plus élevés, que s'ils étaient importés sur Navires Britanniques; et, réciproquement, toutes marchandises et tous objets de commerce qui peuvent ou pourront être légalement importés des Ports du Royaume Uni, dans les Ports de France sur Navires Britanniques, ne seront pas assujettis à des Droits plus élevés que s'ils étaient importés sur Navires Français; Sa Majesté Très Chrétienne Se reservant d'ordonner que, de même que les produits de L'Asie, de L'Afrique, et de L'Amérique, ne peuvent être importés de ces Pays, ni de tout autre, sur Vaisseaux Français, ni de France sur Vaisseaux Français, Britanniques, ou autres, dans les Ports du Royaume Uni, pour la consommation du Royaume, mais seulement pour l'entrepôt et la ré-exportation; de même aussi les produits de L'Asie, de L'Afrique, et de L'Amérique, ne pourront être importés de ces Pays, ni de tout autre, sur Vaisseaux Britanniques, ni du Royaume Uni sur Vaisseaux Britanniques, Français, ou autres, dans les Ports de France, pour la consommation du Royaume, mais seulement pour l'entrepôt et la ré-exportation.

A l'égard des produits des Pays d'Europe, il est entendu entre Les Hautes Parties Contractantes, que ces produits ne pourront être importés sur Navires Britanniques en

in British Ships, into France, for the consumption of that Kingdom, unless such Ships shall have been laden therewith in some Port of The United Kingdom; and that His Britannick Majesty may adopt, if He shall think fit, some corresponding restrictive Measure, with regard to the productions of the Countries of Europe, imported into the Ports of The United Kingdom in French Vessels: The High Contracting Parties reserving, however, to Themselves, the power of making, by mutual consent, such relaxations in the strict execution of the present Article, as they may think useful to the respective interests of the Two Countries, upon the principle of mutual concessions, affording each to the other reciprocal or equivalent advantages.

III. All goods, wares, and merchandize, which can or may be legally exported from the Ports of either of the Two Countries, shall, on their export, pay the same Duties of exportation, whether the exportation of such goods, wares, and merchandize, be made in British or in French Vessels, provided the said Vessels proceed, respectively, direct from the Ports of the one Country to those of the Other. And all the said goods, wares, and merchandize, so exported in British or French Vessels, shall be reciprocally entitled to the same Bounties, Drawbacks, and other Allowances of the same nature, which are granted by the Regulations of each Country, respectively.

France, pour la consommation du Royaume, qu'autant que ces Navires les auront chargés dans un Port du Royaume Uni; et que Sa Majesté Britannique adoptera, si Elle le juge convenable, une mesure restrictive analogue, à l'égard des produits des Pays d'Europe, qui seraient importés sur Navires Français dans les Ports du Royaume Uni; Les Hautes Parties Contractantes Se reservant néanmoins la faculté de déroger en partie à la stricte exécution du présent Article, lorsque, par suite d'un consentement mutuel, et de concessions faites de part et d'autre, dont les avantages seront réciproques ou équivalens, Elles croiront utile de le faire dans l'intérêt respectif des deux Pays.

III. Toutes marchandises et tous objets de commerce, qui peuvent ou pourront être légalement exportés des Ports de l'un ou de l'autre des deux Pays, payeront, à la sortie, les mêmes Droits d'exportation, soit que l'exportation de ces marchandises ou objets de commerce soit faite par Navires Britanniques, soit qu'elle ait lieu par Navires Français, ces Navires allant respectivement des Ports de l'un des deux Pays dans les Ports de l'Autre; et il sera réciproquement accordé de part et d'autre, pour toutes ces dites marchandises et objets de commerce, ainsi exportés sur Navires Britanniques ou Français, les mêmes Primes, Remboursemens de Droits, et autres Avantages de ce genre, assurés par les Règlemens de l'un et de l'autre Etat.

IV. It is mutually agreed between The High Contracting Parties, that in the intercourse of Navigation between Their Two Countries, the Vessels of any Third Power shall, in no case, obtain more favourable conditions than those stipulated in the present Convention, in favour of British and French Vessels.

V. The Fishing Boats of either of the Two Countries, which may be forced by stress of weather to seek shelter in the Ports, or on the Coast of the other Country, shall not be subject to any Duties or Port Charges, of any description whatsoever; provided the said Boats, when so driven in by stress of weather, shall not discharge or receive on board any cargo, or portion of cargo, in the Ports, or on the parts of the Coast where they shall have sought shelter.

VI. It is agreed that the Provisions of the present Convention between the High Contracting Parties shall be reciprocally extended and in force, in all the Possessions subject to their respective Dominion in Europe.

VII. The present Convention shall be in force for the term of ten years, from the 5th of April of the present year; and further, until the end of 12 months after Either of the High Contracting Parties shall have given notice to the Other of its intention to terminate its operation; 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 agreed between Them, that,

IV. Il est réciproquement convenu entre Les Hautes Parties Contractantes, que dans les rapports de Navigation entre les deux Pays, aucun tiers Pavillon ne pourra, dans aucun cas, obtenir des conditions plus favorables que celles qui sont stipulées dans la présente Convention en faveur des Navires Britanniques et Français.

V. Les Bateaux Pêcheurs des deux Nations, forcés par le mauvais tems de chercher réfuge dans les Ports ou sur les Côtes de l'un ou de l'autre Etat, ne seront assujettis à aucuns droits de Navigation, sous quelque dénomination que ces Droits soient respectivement établis; pourvû que ces Bateaux, dans ces cas de rélache forcée, n'effectuent aucun chargement ni déchargement dans les Ports ou sur les points de la Côte où ils auront cherché réfuge.

VI. Il est convenu que les Clauses de la présente Convention entre Les Hautes Parties Contractantes, seront réciproquement mises à exécution dans toutes les Possessions soumises à leur domination respective en Europe.

VII. La présente Convention sera en vigueur pendant dix ans, à dater du 5 Avril de la présente année, et au delà de ce terme, jusqu'à l'expiration de 12 mois après que l'Une des Hautes Parties Contractantes, aura annoncé à l'Autre son intention d'en faire cesser les effets; chacune des Hautes Parties Contractantes Se reservant le droit de faire à l'Autre une telle déclaration, à l'expiration des dix ans susmentionnés: et il est convenu entr'Elles,

at the end of the 12 months' extension agreed to on both sides, this Convention, and all the Stipulations thereof, shall altogether cease and determine.

VIII. The present Convention shall be ratified, and the Ratifications shall be exchanged in London, within the space of one month, 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 26th of January, in the year of our Lord 1826.

GEORGE CANNING. (L.S.)

WILLIAM HUSKISSON. (L.S.)

qu'après les 12 mois de prolongation accordés de part et d'autre, cette Convention, et toutes les Stipulations y renfermées, cesseront d'être obligatoires.

VIII. La présente Convention sera ratifiée, et les Ratifications 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 26 Janvier, l'An de Grace 1826.

LE PRINCE DE POLIGNAC. (L.S.)

ADDITIONAL ARTICLES.

ARTICLE I. From and after the 1st of October of the present year, French Vessels shall be allowed to sail from any Port whatever of the Countries under the Dominion of His Most Christian Majesty, to all the Colonies of The United Kingdom, (except those possessed by the East India Company,) and to import into the said Colonies all kinds of merchandise, (being productions the growth or manufacture of France, or of any Country under the Dominion of France,) with the exception of such as are prohibited to be imported into the said Colonies, or are permitted to be imported only from Countries under the British Dominion; and the said French Vessels, as well as the merchandise imported in the same, shall not be

ARTICLES ADDITIONNELS.

ARTICLE I. A dater du 1er Octobre de la présente année, et après cette époque, les Navires Français pourront faire voile de quelque Port que ce soit des Pays soumis à la Domination de Sa Majesté Très Chrétienne, pour toutes les Colonies du Royaume Uni, (excepté celles possédées par la Compagnie des Indes,) et importer dans ces Colonies toutes marchandises, (produits du sol ou des manufactures de France, ou de quelque Pays que ce soit, soumis à la Domination Française,) à l'exception de celles dont l'importation dans ces Colonies serait prohibée, ou ne serait permise que des Pays soumis à la Domination Britannique; et les dits Navires Français, et les dites marchandises importées sur ces Navires, ne seront pas as-

subject, in the Colonies of The United Kingdom, to other or higher Duties than those to which British Vessels may be subject, on importing the same merchandise from any Foreign Country, or which are imposed upon the merchandise itself.

The same facilities shall be granted, reciprocally, in the Colonies of France, with regard to the importation, in British Vessels, of all kinds of merchandise, (being productions the growth and manufacture of The United Kingdom, or of any Country under the British Dominion,) with the exception of such as are prohibited to be imported into the said Colonies, or are permitted to be imported only from Countries under the Dominion of France. And whereas all goods, the produce of any Foreign Country, may now be imported into the Colonies of The United Kingdom, in the Ships of that Country, with the exception of a limited List of specified Articles which can only be imported into the said Colonies in British Ships, His Majesty The King of The United Kingdom reserves to Himself the power of adding to the said List of excepted Articles any other, the produce of the French Dominions, the addition whereof may appear to His Majesty to be necessary for placing the Commerce and Navigation to be permitted to the Subjects of each of the High Contracting Parties with the Colonies of the Other, upon a footing of fair reciprocity.

sujettis, dans les Colonies du Royaume Uni, à des Droits plus élevés, ni à d'autres Droits, que ceux auxquels seraient assujettis les Navires Britanniques important les dites marchandises de quelque Pays Etranger que ce soit, et les dites marchandises elles-mêmes.

Il sera accordé réciproquement, dans les Colonies de La France, les mêmes facilités, quant à l'importation, sur Navires Britanniques, de toutes marchandises, (produits du sol et des manufactures du Royaume Uni, ou de quelque Pays que ce soit, soumis à la Domination Britannique,) à l'exception de celles dont l'importation dans ces Colonies serait prohibée, ou ne serait permise que des Pays soumis à la Domination Française. Et attendu que les produits des Pays Etrangers peuvent être importés maintenant dans les Colonies du Royaume Uni, sur les Vaisseaux appartenant à ces Pays, à l'exception d'un nombre limité d'Articles spécifiés, lesquels ne peuvent être importés dans les dites Colonies que sur Vaisseaux Britanniques, Sa Majesté Le Roi du Royaume Uni Se reserve la faculté d'étendre cette exception sur tout autre produit des Pays soumis à la Domination de Sa Majesté Très Chrétienne, lorsque Sa Majesté Britannique jugera convenable de le faire, pour placer le Commerce et la Navigation permis aux Sujets de chacune des Hautes Parties Contractantes avec les Colonies de l'Autre, sur le pied d'une juste réciprocité.

II. From and after the same period, French Vessels shall be allowed to export from all the Colonies of The United Kingdom, (except those possessed by the East India Company,) all kinds of merchandise, which are not prohibited to be exported from such Colonies in Vessels other than those of Great Britain: and the said Vessels, as well as the merchandise exported in the same, shall not be subject to other or higher Duties than those to which British Vessels may be subject, on exporting the said merchandise, or which are imposed upon the merchandise itself: and they shall be entitled to the same Bounties, Drawbacks, and other Allowances of the same nature, to which British Vessels would be entitled, on such exportation.

The same facilities and privileges shall be granted, reciprocally, in all the Colonies of France, for the exportation, in British Vessels, of all kinds of merchandise, which are not prohibited to be exported from such Colonies in Vessels other than those of France.

These Two Additional Articles shall have the same force and validity as if they were inserted, Word for Word, in the Convention signed this day. They shall be ratified, and the Ratifications shall be exchanged at the same time.

In Witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the Seals of their Arms.

II. A dater de la même époque, les Navires Français pourront exporter de toutes les Colonies du Royaume Uni, (excepté celles possédées par la Compagnie des Indes,) toutes marchandises dont l'exportation de ces Colonies par Navires autres que ceux Britanniques ne serait point prohibée; et les dits Navires, et les dites marchandises exportés sur ces Navires, ne seront pas assujettis à des Droits plus élevés, ou à d'autres Droits, que ceux auxquels seraient assujettis les Navires Britanniques exportant les dites marchandises, et les dites marchandises elles-mêmes; et ils auront droit aux mêmes Primes, Remboursemens de Droits, et autres Allocations de cette nature, auxquelles pourraient prétendre les Navires Britanniques pour ces exportations.

Il sera accordé réciproquement dans toutes les Colonies de La France, les mêmes facilités et privilèges pour l'exportation, sur Navires Britanniques, de toutes marchandises dont l'exportation de ces Colonies par Navires autres que ceux Français ne serait point prohibée.

Ces Deux Articles Additionnels auront la même force et valeur que s'ils étaient insérés, Mot-à-Mot, dans la Convention de ce jour. Ils seront ratifiés, et les Ratifications en seront échangées en même tems.

En Foi de quoi, les Plénipotentiaires respectifs les ont signés, et y ont apposé le Cachet de leurs Armes.

Done at London, the 26th of January, in the Year of Our Lord 1826.

GEORGE CANNING. (L.S.)

WILLIAM HUSKISSON. (L.S.)

Fait à Londres, le 26 Janvier, l'An de Grace 1826.

LE PRINCE DE POLIGNAC. (L.S.)

CONVENTION of Commerce and Navigation between Great Britain and Sweden.—Signed at London, March 18, 1826.

His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of Sweden and Norway, having, by Declarations exchanged on the 24th day of April, and 16th day of July, 1824, entered into Stipulations for removing Impediments affecting the Navigation and Trade of Their respective States; and Their said Majesties being mutually desirous of still further extending and improving the relations of Friendship and Commerce now happily subsisting between Them and Their respective Subjects, and of placing the Arrangements already agreed upon by the Declarations aforesaid, upon a more sure and satisfactory footing, have appointed Their Plenipotentiaries to conclude a Convention for these purposes, that is to say:—

Hans Majeſtät Konungen af Sverige og Norrige, ſamt Hans Majeſtät Konungen af det förenade Konungariket Stora Britannien och Irland, ſom genom Declarationer utvexlade den 24 April och 16 Julii år 1824, öfverenskommit om ſtadganden till undanröjande af hinder för deras reſpective Staters ſjöfart och handel hafva, lifvade af ömſeſidig åſtundan, at mer och mer utvidga de vänſkaps och handels förhållanden, ſom nu lyckligen äga rum emellan Högſtbe-rörde Deras Majeſtäter och Deras ömſeſidige underſåtare, ſamt att gifva de genom förberörde Declarationer redan widtagne beſtämmelſer en mera ſäker och tillfredsſtällande grund, utſett hvar Sine befullmägtigade Ombud, till afſlutande af en Convention i detta afſeende, nemligen:

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

Hans Majeſtät Konungen af det förenade Konungariket Stora Britannien och Irland, The Right Honorable Georg Canning, Ledamot af Deß Hemliga Råd, Ledamot af Parlamentet, och Deß förnämſte Stats Secreterare för Utrikes Ärenderne;

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:—

samt The Right Honorable Wilhelm Huſkiſſon, Ledamot af Deß Hemliga Råd, och af Parlamentet, Preſident af Hemliga Rådets Utſkott för Handels och Colonial Ärenderne, ſamt Skattmåſtare af Deß Flotta:

And His Majesty The King of Sweden and Norway, The Sieur Gustavus Algernon, Baron de Stierneld, His First Gentleman of the Chamber, Under-Chancellor of His Orders, Commander of the Order of the Polar Star, Knight of the Order of St. Anne of Russia of the Second Class, and of the Order of the Red Eagle of Prussia of the Third Class; and His said Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Britannick Majesty:—

Och Hans Majeſtät Konungen af Sverige och Norrige, Friherre Guſtav Algernon Stierneld, Deß öfverſte Kammarjunkare, Under Cantzler wid Deß Orden, Commendeur af Deß Nordſtjerne Orden, Riddare af Ryſka St. Annæ Ordens Andra, och af Preuſiſka Röda Örns Ordens Tredje Claſſ, och Deß Envoyé Extraordinaire och Miniſtre Plénipotentiaire hos Hans Stor Britanniſka Majeſtät:

Who, after having communicated to each other their respective Full Powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

Hvilka efter utverlingen af de för dem utfärdade och i godt och behörigt ſkick befundne Fullmakter, hafva öfverenskommit om följande Artiklar.

Article I.

The several Stipulations contained in the Declarations exchanged between the Plenipotentiaries of His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of Sweden and Norway, on the 24th day of April, and 16th day of July, 1824, shall continue in force between The High Contracting Parties, respec-

Artikel 1.

De ſärſkilte ſtadganden ſom innehållas uti de emellan de af Hans Majeſtät Konungens af Sverige och Norrige, och Hans Majeſtät Konungens af det förenade Konungariket Stora Britanien och Irland dertill befullmägtigade Ombud, under den 24 April, och 16 Julii år 1824, utverlade Declarationer, ſkola åga kraft och verkan emellan de Höga Contraherande Magterne, ſå länge närvarande Convention räcker, och ſkola

tively, for the term of the present Convention, and shall be equally binding upon the said Parties, Their Officers and Subjects, (except as far as the same may be hereinafter varied,) as if the same had been inserted, word for word, in this Convention.

Article II.

British Vessels entering or departing from the Ports of the Kingdoms of Sweden and Norway, and Swedish and Norwegian 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 Ship-duties or Charges, than are or shall be levied on National Vessels entering or departing from such Ports, respectively.

Article III.

All goods, wares, and merchandize, whether the production of the Kingdoms of Sweden and Norway, or of any other Country, which may be legally imported from any of the Ports of the said Kingdoms into the United Kingdom of Great Britain and Ireland, in British Vessels, shall, in like manner, be permitted to be so imported directly in Swedish or Norwegian Vessels; and all goods wares, and merchandize, whether the production of any of the Dominions of His Britannick Majesty, or of any other Country, which may be legally exported from the Ports of The United

wara lika förbindande för dem, Deras Embetsmän och underſåtare (i ſå måtto de icke genom hvad härefter följer, blifva jemkade), aldeles ſom om de ord för ord woro införde uti närvarande Convention.

Artikel II.

Fartyg tillhörande det förenade Konungariket Stora Britannien och Irland, ſom inlöpa uti hamnar, belägne i Konungarikena Sverige och Norrige, eller ſom derifrån utlöpa, ſamt Svenſka och Norrſka fartyg ſom inlöpa uti det förenade Konungarikets Stora Britanniens och Irlands hamnar, eller ſom derifrån utlöpa, ſkola icke vara underkaſtade några afgifter eller pålagor högre eller andra än dem, ſom för närvarande äro eller framdeles kunna blifva de reſpective ländernes egna fartyg pålagde wid Deras inlöpande i berörde hamnar eller wid Deras utlöpande derifrån.

Artikel III.

Alla Handelswaror och gods, antingen de äro producerade i Konungarikena Sverige och Norrige, eller i hvilket annat land ſom helſt, hvaraf införſeln från nämde Konungarikens hamnar till hamnar belägna uti det förenade Konungariket Stora Britannien och Irland är lagligen tillåten uti fartyg tillhörande ſiſtnämde förenade Konungarike, kunna likaledes dit införas, directe från Sverige och Norrige uti Svenſka och Norrſka fartyg; och alla handelsvaror och gods, vare ſig producter af Hans Stor Britanniſka Majeſtäts Stater, eller af något annat land, hvaraf utförſeln från det förenade Konungarikets hamnar uti Deß egna Fartyg är lagligen tillåten, kunna likaledes ut-

Kingdom, in British Vessels, shall in like manner, be permitted to be exported from the said Ports in Swedish or Norwegian Vessels. An exact reciprocity shall be observed in the Ports of Sweden and Norway, so that all goods, wares, and merchandize, whether the production of the United Kingdom, or of any other Country, which may be legally imported from the Ports of the United Kingdom into the Ports of Sweden and Norway, in Swedish or Norwegian Vessels, shall, in like manner, be permitted to be so imported from the Ports of the United Kingdom in British Vessels; and all goods, wares, and merchandize, whether the production of any of the Dominions of His Swedish Majesty, or of any other Country, which may be legally exported from the Ports of Sweden or Norway in Swedish or Norwegian Vessels, shall, in like manner, be permitted to be exported from the said Ports in British Vessels.

föras från nämde hamnar uti Svenſka och Norrſka Fartyg. En fullkomlig reciprocitet ſkall iagttagas uti Sveriges och Norriges hamnar, ſå att alla handelswaror och gods, antingen de äro producerade uti det förenade Konungariket, eller i hvilket annat land ſom helſt, ſom lagligen kunna införas från det förenade Konungarikets hamnar, till Svenſka och Norrſka hamnar uti Svenſka och Norrſka Fartyg, kunna likaledes dit införas directe från det förenade Konungariket Stora Britannien och Irland uti Engelſka Fartyg, och alla handelsvaror och gods, antingen de äro producerade uti något af Hans Majeſtät Konungens af Sverige och Norrige Riken, eller i hvilket annat land ſom helſt, hvilka lagligen kunna utföras från Sveriges och Norriges hamnar uti Svenſka och Norrſka Fartyg, kunna likaledes utföras från nämde hamnar uti Engelſka Fartyg.

Article IV.

All goods, wares, and merchandize, which can legally be imported into the Ports of either Country directly from the other, shall, upon such importation, be admitted at the same rate of Duty, whether imported in Vessels of the one or the other Country; and all goods, wares, and merchandize, which can be legally exported from the Ports of either Country, shall, upon such exportation, be liable to the same Duties, and be entitled to the same Bounties, Drawbacks and Allowances, whe-

Artikel IV.

Alla handelsvaror och gods, hvaraf införſeln till endera af de båda Magternes hamnar, directe från den andras hamnar, är tillåten, ſkola wid deras införſel wara underkaſtade enahanda afgifter, antingen de äro införde med fartyg tillhörande den andra Maktens underſåter, eller med inhemſka Fartyg, och alla handelsvaror och gods, hvaraf utförſeln från både Makternes hamnar är tillåten, ſkola, wid deras utſkeppning, wara underkaſtade ſamma Tullafgifter, och berättigade till ſamma premier, reſtitution utaf afgifter, och öfrige förmåner, antingen denna utförſel verk-

ther exported in Vessels of the one or the other Country.

ſtälles med inhemſka, eller med Fartyg tillhörande den andra Maktens Underſåter.

Article V.

No priority or preference shall be given, directly or indirectly, by the Government of either Country, or by any Company, Corporation, or Agent, acting in its behalf or under its authority, in the purchase of any article of 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.

Artikel V.

Hvarken directe eller indirecte ſkall af den ena eller andra af de både Regeringarne, eller af något Compagnie eller någor Agent, ſom handlar i Deß namn, eller under Deß Autoritet, några företrädes rättigheter blifva beviljade för inköp af någon utaf ettdera af de båda Rikenas Natur eller Konſt producter, införd på det andras område, på grund eller till följe af det fartygs Nationalitet, ſom öfverförde denna product, då båda de Höga Contrahenternes affigt är att ingen ſlags olikhet eller åtſkillnad må åga rum i detta affeende.

Article VI.

From and after the date of the present Convention, British Ships shall be allowed to proceed direct from any Port of His Britannick Majesty's Dominions, to any Colony of His Majesty The King of Sweden and Norway not in Europe, and to import into such Colony any goods, the growth, produce, or manufacture of The United Kingdom, or of any of the British Dominions, not being such goods as are prohibited to be imported into such Colony, or as are admitted only from the Dominions of His Majesty The King of Sweden and Norway; and such British Ships, and such goods so imported in them, shall be liable, in such Colony of His Majesty The King of Sweden and Norway, to no higher or other Charges than

Artikel VI.

Från och med dagen af denna Conventions underteknande ſkola det förenade Konungariket Stora Britanniens och Irlands Fartyg kunna afgå directe från Hans Stor Britanniſka Majeſtäts Staters hamnar, till hvarje Colonie, tillhörig Hans Majeſtät Konungen af Sverige och Norrige, utom Europa, ſamt dit införa alla waror, ſom åro det förenade Konungarikets eller någon af Deß underlydande länders natur eller konſt producter, hvaraf införſeln icke är förbuden uti deſſa Colonier, eller ſom allenaſt åro tillåtne, ſåſom kommande från Hans Majeſtät Konungens af Sverige och Norrige Stater, och deſſa det förenade Konungarikets Fartyg, ſamt de ſålunda införda waror, ſkola icke, uti nämde Hans Majeſtät Konungens af Sverige och Norrige Colonier, wara underkaſtade högre eller andra afgifter, än dem ſom där ſkulle erläggas

would be there payable on Swedish or Norwegian Ships importing the like sorts of goods, or payable on the like goods, the growth, produce, or manufacture of any Foreign Country, allowed to be imported into the said Colony in Swedish or Norwegian Ships. And, from and after the same date, Swedish and Norwegian Vessels shall be allowed to proceed direct from any Ports of the Dominions of His Majesty The King of Sweden and Norway, to any Colony of the United Kingdom of Great Britain and Ireland, (other than those in the possession of the East India Company,) and to import into such Colony any goods, the growth, produce, or manufacture of the Kingdoms of Sweden and Norway, or of any of their Dominions, not being such goods as are prohibited to be imported into such Colony, or as are admitted only from the Dominions of His Britannick Majesty; and such Swedish and Norwegian Vessels, and such goods so imported in them, shall be liable, in such Colony of the United Kingdom of Great Britain and Ireland, (other than those in the possession of the East India Company,) to no other or higher charges than would be there payable on British Vessels importing the like sort of goods, or payable on the like goods, the growth, produce, or manufacture of any Foreign Country, allowed to be imported into the said Colony in British Ships.

af Svenſka och Norrſka Fartyg, då de införa ſamma ſlags waror, eller ſom ſkola betalas för hvarje annat främmande lands Natur eller Konſt producter, och hvaraf införſeln till deſſa Colonier är tillåten med Svenſka och Norrſka fartyg; och från och med ſamma dag ſkola Svenſka och Norrſka Fartyg kunna afgå directe från Hans Majeſtät Konungens af Sverige och Norrige Rikens hamnar, till hvar och en af det förenade Konungariket Stora Britanniens och Irlands Colonier, (med undantag af dem, ſom tillhöra Oſt-Indiſka Compagniet) ſamt dit införa alla waror, ſom äro Konungarikena Sveriges och Norriges eller något af deras underlydande länders Natur eller Konſt producter, hvaraf införſeln icke är förbuden uti deſſa Colonier, eller ſom allenaſt äro tillåtne ſåſom kommande från Hans Majeſtät Konungens af det förenade Konungariket Stora Britannien och Irland Stater, och deſſa Svenſka och Norrſka Fartyg, ſamt de ſålunda införda waror, ſkola uti nämde det förenade Konungariket Stora Britanniens och Irlands Colonier, (med undantag af dem, ſom tillhöra Oſt-Indiſka Compagniet), icke wara underkaſtade högre eller andra afgifter än dem, ſom ſkulle erläggas af Stor Britanniſka Fartyg, då de införa ſamma ſlags waror, eller ſom ſkulle betalas för hvarje annat främmande lands Natur eller Konſt producter, och hvaraf införſeln till deſſa Colonier är tillåten med det förenade Konungariket Stora Britanniens och Irlands Fartyg.

Article VII.

From and after the date of the present Convention, British Ships shall be allowed to export from any Colony of His Majesty The King of Sweden and Norway, not in Europe, any goods not prohibited to be exported from such Colony; and such British Ships, and such goods so exported in them, shall be liable, in such Colony, to no other or higher Charges than would be payable by, and shall be entitled to the same Drawbacks as would be there allowable on, Swedish or Norwegian Ships exporting such goods. And the like liberty and privileges of exportation shall be reciprocally granted in the British Colonies, (other than those in the possession of the East India Company,) to Swedish and Norwegian Ships, and to goods exported in them.

Article VIII.

In respect to the Commerce to be carried on in Vessels of Sweden or Norway with the British Dominions in the East Indies, or now held by the East India Company in virtue of their Charter, His Britannick Majesty consents to grant the same facilities and privileges, in all respects, to the Subjects of His Swedish Majesty, as are or may be enjoyed, under any Treaty or Act of Parliament, by the Subjects or Citizens of the most favoured Nation; subject to the Laws, Rules, Regulations, and Restrictions which are or may be applicable to the Ships and Subjects of any other Foreign Country

Artikel VII.

Från och med dagen af denna Conventions underteknande ſkola det förenade Konungariket Stora Britanniens och Irlands Fartyg kunna utföra från Hans Majeſtäts Konungens af Sverige och Norrige Colonier, utom Europa, alla de waror, hvaraf utförſeln från berörde beſittningar icke är förbuden, och deſſa det förenade Konungarikets Fartyg, jemte deras laſter, ſkola där icke wara underkaſtade, andra eller högre afgifter, än dem Svenſka och Norrſka Fartyg, ſom utföra ſamma waror, ſkulle erlägga, och ſkola äga rätt till ſamma reſtitution utaf afgifter, ſom ſiſt nämde Fartyg, och ſamma frihet, åfvenſom ſamma utförſels privilegier ſkola ſammaledes, uti det förenade Konungariket Stora Britanniens och Irlands Colonier (med undantag af dem ſom tillhöra Oſt-Indiſka Compagniet) tillgodonjutas af Svenſka och Norrſka Fartyg, jemte deras laſter.

Artikel VIII.

Hwad angår den handel, ſom kommer att äga rum, genom Svenſka och Norrſka Fartyg, med Hans Stor Britanniſka Majeſtäts Beſittningar uti Oſt-Indien, eller med dem, ſom nu innehafvas af Oſt-Indiſka Compagniet, i ſtöd af Deß privilegier, ſamtycker Hans Stor Britanniſka Majeſtät, att bevilja Hans Majeſtät Konungens af Sverige och Norrige Underſåtare, i alla affeenden, enahanda förmåner och privilegier, ſom antingen i följe af Tractater eller Parlaments Acter, någon af de mäſt gynnade Nationers Underſåtare eller medborgare, för närvarande åtnjuta eller framdeles komma att åtnjuta, med förbindelſe att ſtälla ſig till efterrättelſe de lagar, reglementen och inſkränkning

enjoying the like facilities and privileges of trading with the said Dominions.

gar, som äro eller kunna blifva ålagde Fartyg och undersåtare af hvarje annat land, som åtnjuter samma förmåner och privilegier för handeln med berörde besittningar.

Article IX.

The High Contracting Parties engage that all articles the growth, produce, or manufacture of their respective Dominions, shall be subject to no higher Duties, upon their admission from the one Country into the other, than are paid by the like articles, the growth, produce, or manufacture of any other Foreign Country; and that no prohibition or restraint shall be imposed upon the importation, into the one Country from the other, or upon the exportation from the one Country to the other, of any such articles, the growth, produce, or manufacture of either of the said States, which shall not equally extend to all other Nations; and, generally, that in all matters and regulations of Trade and Navigation, each of the High Contracting Parties will treat the other upon the footing of the most favoured Nation.

Artikel IX.

De Höga Contraherande Magterne öfverenskomma, att alla deras respective Länders Natur eller Konst producter icke, wid deras införsel uti det ena landet, skola wara underkastade högre afgifter än dem som skulle erläggas för något annat lands Natur eller Konst producter, samt att intet förbud eller inskränkning skall blifva pålagd införseln till det ena landet från det andra, eller utförseln från det ena landet till det andra af de båda Staternes Natur eller Konst producter, utan att på samma gång utsträckas till hvarje annan Nation, och i allmänhet, att i hwad som rörer handeln och sjöfarten, skall hvar och en af de Höga Contraherande Magterna behandla den andra såsom den mäst gynnade Nation.

Article X.

In consideration of the advantages and facilities which the Navigation and Commerce of The United Kingdoms of Sweden and Norway will enjoy, under the present Convention, and the Act of Parliament of the 5th July 1825, His Majesty The King of Sweden and Norway consents that, from and after this date, Vessels of The United Kingdom of Great Britain and Ireland shall be allowed to

Artikel X.

I följd af de förmåner och lättnader hvaraf de förenade Konungarikenas Sverige och Norrige handel och sjöfart komma i åtnjutande genom denna Convention, och medelst Parlaments Acten af den 5 Julii år 1825, samtycker Hans Majestät Konungen af Sverige och Norrige, att ifrån och med denna dag, Fartyg tillhörande det förenade Konungariket Stora Britannien och Irland, skola kunna, ifrån hvilken hamn som hälst, till Sverige införa alla slags

import into Sweden any merchandize or goods of European origin, which are likewise permitted to be imported into Sweden from any Port whatever, with the exception of the following articles:

Salt, *Hemp*, *Flax*, *Oil* of all kinds, *Grain* of all kinds, *Wine*, *Tobacco*, salt or dried *Fish*, *Wool*, and *Stuffs* of all kinds: which, as before, shall be imported into Sweden only in Vessels of Sweden and Norway, or in Vessels of the Countries of which such articles are the produce.

The said excepted articles shall, however, be allowed to be imported into Sweden in Vessels of The United Kingdom of Great Britain and Ireland, proceeding direct from some Port of The United Kingdom, provided such articles shall have been previously landed and warehoused in a Port of The United Kingdom, after having been imported thither from the Country of their origin.

These Stipulations in favour of British Commerce shall remain in force during the continuance of the present Convention, and as far as the Act of Parliament of the 5th July 1825, shall continue to grant to the Navigation and Commerce of Sweden, equivalent facilities of the same nature.

Article XI.

His Majesty The King of The United Kingdom of Great Britain and Ireland, and His Majesty The King of Sweden and Norway, mutually agree, that no higher or other Duties shall be levied, in any of their Dominions, upon any per-

handelsvaror och tilwerkningar af Europeiſkt urſprung hwilkas införſel där är lagligen tillåten, med undantag af följande Artiklar, nemligen:

Salt, Hampa, Lin, Oljor af alla ſlag, Winer, Toback, Fiſk, ſalt eller torr, Ull, och Wäfnader af alla ſlag; hwilka artiklar hädanefter, ſom hittils må till Sverige införas endaſt med Svenſka och Norrſka Fartyg eller det landets där ſamma artiklar äro alſtrade eller tilwerkade.

Nämde undantagne artiklar ſkola dock kunna till Sverige införas med Fartyg tillhörande det förenade Konungariket Stora Britannien och Irland, kommande directe från någon hamn i det förenade Konungariket ſåwida ſamma artiklar derſtädes förſt blifwit utloſſade, landade och magaſinerade, efter att hafwa dit blifwit införda från deras productions ort.

Deſſa Stadganden till förmån för Engelſka handeln ſkola åga kraft och werkan under fortwarandet af denna Convention, och för ſå widt, ſom Parlaments Acten af den 5 Julii år 1825 fortfar att lemna lika och motſwarande förmåner åt Svenſka handeln och ſjöfarten.

Artikel XI.

Hans Majeſtät Konungen af Sverige och Norrige, ſamt Hans Majeſtät Konungen af det förenade Konungariket Stora Britannien och Irland, öfwerenskomma ſins emellan, att ingen högre eller olika afgift ſkall, uti deras reſpective Länder, blifwa deras underſå-

sonal property of Their respective Subjects, on the removal of the same from the Dominions of Their said Majesties, reciprocally, either upon the inheritance of such property, or otherwise, than are or shall be payable in each State, upon the like property, when removed by a Subject of such State, respectively.

tare affordrad för Egendom, som öfverflyttas från det ena till det andra af Högstberörde Deras Majestäters Länder, antingen genom arf, eller annorledes, än som uti hvardera af de båda Magternas Länder, skulle erläggas af samma slags Egendom öfverflyttad af en detta Lands Undersåte.

Article XII.

The present Convention shall be in force for the term of 10 years from the date hereof, and further, until the end of 12 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 10 years; and it is hereby agreed between Them, that, at the expiration of 12 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.

Artikel XII.

Närvarande Convention skall fortfara uti Tio år, att räkna från denna dag, samt utöfver denna tid, intilldeß Tolf Månader äro förflutne sedan den ena af de Höga Contraherande Magterne, för den andra tillkännagifvit sin afsigt att upphäfva den samma, hvardera af de Höga Contraherande Magterne förbehållit, att göra den andra ett sådant tillkännagifvande vid slutet af förberörde Tio år, och är det emellan Dem öfverenskommit att, wid utgången af Tolf Månader sedan att sådant tillkännagifvande af endera af de Höga Contraherande Magterne blifvit af den endra emottagit, skall denna Convention, och alla stadganden, som deruti innehållas, ughöra att, å någondera sidan, vara förbindande.

Article XIII.

The present Convention shall be ratified, and the Ratifications shall be exchanged at London within six weeks 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 18th day of March, in the Year of Our Lord 1826.

(L.S.) GEORGE CANNING.

(L.S.) WILLIAM HUSKISSON.

Artikel XIII.

Närvarande Convention skall ratificeras och ratificationerne deraf utwexlas i London innom en tid af sex weckor, eller förr, om sig så göra låter.

Till yttermera wisso hafva de ömse sidiga befullmägtigade underteknat den samma, och den med deras Insegel bekräftat.

Som skedde i London den adertonde Mars år efter Christi Börd Ett Tusen åtta Hundråde Tjugu Sex.

(L. S.) Stierneld.

ADDITIONAL ARTICLE.

As it may sometimes happen that a Swedish or Norwegian Vessel, trading to the Possessions held by the British East India Company in the East Indies, under the 8th Article of the Convention of this date, may find it expedient to dispose of the whole or part of her Cargo, on her homeward bound voyage, in other Ports than those of Sweden and Norway, it is hereby agreed, that any such Vessel may proceed, with such Cargo, to any Foreign Place or Port whatsoever, not being within the limits of the East India Company's Charter, and excepting The United Kingdom of Great Britain and Ireland and its Dependencies.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Convention signed this day. It shall be ratified, and the Ratifications shall be exchanged at the same time.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the Seals of their Arms.

Done at London, the 18th day of March, in the Year of Our Lord 1826.

(L.S)GEORGE CANNING.
(L.S.)WILLIAM HUSKISSON.

Additionel Artikel.

Då det någongång skulle kunna hända att ett Svenskt eller Norrskt Fartyg, som drifver handel med besittningarne tillhörande Engelska Ost-Indiska Compagniet uti Ost-Indien, i följd af de uti VIIIde Artikeln af denna Convention innehållne stadganden, funne lämpeligt att föryttra eller aflasta hela sin retour last, eller en del deraf, i andra hamnar än Sveriges och Norriges, så är, genom närvarande Artikel öfverenskommit att ett sådant Fartyg skall kunna begifva sig med sin last till hvilken hamn som helst, undantagande till dem, som befinna sig innom de af Ost-Indiska Compagniets Privilegier föreskrefne gränsor, samt det förenade Konungariket Stora Britannien och Irland och de detsamma underlydande Länders hamnar.

Närvarande Additionella Artikel, skall åga samma kraft och verkan, som om den ord för ord wore införd uti Conventionen af denna dag. Den skall ratificeras och ratificationerne utwexlas på samma gång.

Till yttermera visso hafva de ömsesidiga Befullmägtigade underteknat den samma och den med deras Insegel bekräftat.

Som skedde i London den Adertonde Mars år efter Christi Börd Ett tusen åtta Hundrade Tjugu sex.

(L. S.) Stierneld.

CORRESPONDENCE OF THE FOREIGN OFFICE,

RELATING TO THE SLAVE TRADE.

1825,—1826, viz.

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CORRESPONDENCE WITH THE BRITISH COMMISSIONERS.

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(Presented to Parliament, May 1826.)

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SIERRA LEONE.—*(General.)*

No. 1 —*D. M. Hamilton, Esq. to Mr. Secy. Canning.—(Rec. April* 16.)
(Extract.) *Freetown, Sierra Leone, Jan.* 27, 1825.

In my Despatch to you of the 15th instant, I communicated to you the melancholy event of the death of my Colleague, Mr. Gregory, His Majesty's Commissary Judge;—I also therein informed you, that I had assumed the Office of Commissary Judge, *ad interim;* but that I had not yet appointed a Commissioner of Arbitration, in consequence of the adverse claims made by three of the Colonial Officers for that Office.

I have now the honour to inform you, that I have admitted the claim of Mr. Reffell, the Colonial Secretary, who, on the 25th instant, took the Oaths required by the respective Treaties, and immediately afterwards entered on the duties of the Situation of Commissioner of Arbitration.

The Right Hon. George Canning. D. M. HAMILTON.

No. 2.—*D. M. Hamilton, Esq. to Mr. Secy. Canning. (Rec. June* 14.)
Sir, *Sierra Leone, March* 14, 1825.

I have the honour to enclose herewith, Abstracts of the Proceedings of the past Year, under the Mixed Commissions established in this Colony.

The number of Cases adjudicated under the British and *Spanish* Commission in the year 1824, was one; which was deemed to be a Case for Condemnation. The number of Slaves emancipated was 117.

The number of Cases adjudicated under the British and *Portuguese* Commission in the same Year, was 5, which were also deemed to be Cases for Condemnation, and the number of Slaves emancipated was 1128.

There was no Case under the British and *Netherlands* Commission adjudicated in the past Year.

I beg leave to inclose for your information, a general List of Cases adjudicated under the Mixed Commissions to this date. You will perceive, Sir, that the number of Cases adjudged during the past Year

is 6; the number of Slaves emancipated, 1245; that the total number of Cases adjudicated, since the establishment of the Mixed Commissions, is 52; and that the total number of Slaves emancipated, up to the 1st of January last, is 5160. I have the honour, &c.

The Right Hon. George Canning. D. M. HAMILTON.

(Inclosure 1.)—Abstract of Proceedings under the British and Spanish *Mixed Commission at Sierra Leone, from the 1st of January,* 1824, *to the 1st of January,* 1825.

(No. 1.)—THE Schooner *Fabiana,* under Spanish Colours, Manoel de Maria, Master, was brought to Sierra Leone, on the 16th of October, with 117 Slaves on board; was captured by His Majesty's Ship *Owen Glendower,* Sir Robert Mends, on the 14th of September, 1823, being in latitude about 4° 28′ North, and longitude 7° 21′ East. The Slaves brought in this Vessel were delivered up to the Capturing Boats by a native Chief of the River Bonny, as having been landed from her six days previous to her Capture. The informality of the Evidence in this Case, induced the Commissioners to decline proceeding with it until the arrival of the Captor, but the Case having been referred back to the Commissioners by His Majesty's Government, they passed a Sentence of Condemnation against the *Fabiana,* on the 11th of October, 1824, declaring that no Slaves were on board at the time of Capture.

The *Concheta* was captured by Sir Robert Mends, commanding His Majesty's Ship *Owen Glendower,* on the 16th of June, 1823, in Old Calabar River. On the 9th of December she arrived at Sierra Leone, without any Slaves on board; the necessity of landing the Slaves at Cape Coast was urged, on the part of the Captor, as a reason for their not accompanying the Vessel; they were stated to have been captured in one of the Creeks of Old Calabar River, in 4° 31′ North latitude, and 8° 38′ East longitude. A number of Slaves were sent on board after her Capture by the Chief of the before-mentioned River, as forming a part of the Cargo of the *Concheta.* The Commissioners were of opinion that that clear and undeniable proof of her having been illegally engaged in the Traffick in Slaves, required by the Treaties, had not been furnished by the Captors; in consequence of which they ordered the Case to be postponed, until proper and sufficient Evidence should be produced; but on the motion of the Proctor for the Captor, the *Concheta* was ordered to be sold, and the proceeds of the sale lodged in the Registry. D. M. HAMILTON.

(Inclosure 2.)—Abstract of Proceedings under the British and Portuguese *Mixed Commission at Sierra Leone, from the 1st of January,* 1824, *to the 1st of January,* 1825.

THE Ship *Minerva,* under Brazilian Colours, Manoel Joaquim de Almeida, Master, was captured by His Majesty's Ship *Bann,* Capt^{n}. Courtenay, on the 30th of January, 1824, off the River Lagos, in latitude 6° 20′ North, and longitude 3° 46′ East, and had no Slaves on board.

This Cause was withdrawn from the Mixed Commission Court, on the Motion of the Proctor for the Captor.

(No. 1.)—The Brig *Bom Caminho,* under *Brazilian* Colours, Joaquim Luiz d'Aranjo, Master, was captured on the 10th of March, 1824, by His Majesty's Ship *Bann,* Captain Woollcombe, in latitude 1° 42′ North, longitude 3° 23′ East, with 334 Slaves on board, 7 of whom died on the passage to Sierra Leone. She was furnished with a Passport from the Provisional Government of Bahia, authorizing a Slave-trading voyage to Molembo. The Commissioners passed Sentence of Condemnation against the *Bom Caminho,* on the 15th of May, and decreed the Emancipation of her Slaves.

(No. 2.)—The Schooner-boat *Maria Piquena,* under *Portuguese* Colours, Leonardo Guaresma, Master and Owner, was seized about four or five miles off Port Antonio, Princes Island, by His Majesty's Ship *Victor,* Captain Scott, on the 8th of May, 1824, having on board 11 Slaves, some ivory, bees-wax, and gum-copal. The *Maria Piquena* was left in charge of the Authorities at Princes Island, until the decision of the Mixed Commission Court at Sierra Leone should be known. The Brig *Vencedor* brought her Slaves, and part of her Cargo, to Sierra Leone, which was condemned by order of the Commissioners, and the Slaves emancipated on the 14th of July last.

(No. 3.)—The Brigantine *Dianna,* Manoel dos Santos da Costa, Master, was captured, sailing under *Brazilian* Colours, by His Majesty's Ship *Victor,* Captain Woollcombe, on the 11th of August, 1824, in 2° 15′ North latitude, and 5° 13′ East longitude, with 143 Slaves on board, and arrived at Sierra Leone on the 9th of October. The Commissioners pronounced a Sentence of Condemnation against her, and ordered her Slaves to be emancipated, on the 15th of November, 1824.

(No. 4.)—The Brigantine *Dos Amigos Brazilieros,* Antonio Alvarez da Silva, Master, sailed from Bahia on the 6th of March last, under the *Brazilian* Flag, fully equipped for a Slave-trading voyage, and arrived at Badagry, in latitude about 6° 20′ North, and longitude 4° 20′ East, and was captured on the 18th September, 1824, with 260 Slaves on board, by His Majesty's Ship *Victor,* Captain Woollcombe, near Princes Island, in latitude 1° 40′ North, and longitude 6° 8′ East. The Commissioners condemned the Vessel, and decreed the Emancipation of her Slaves, on the 15th November, 1824.

(No. 5.)—The Brig *Avizo,* under the *Brazilian* Flag, Luis Pacheco da Silva, Master, arrived at Sierra Leone, on the 8th of November, 1824, with 431 Slaves on board. She was seized by His Majesty's Ship *Maidstone,* Commodore Bullen, in latitude 1° 33′ North, and longitude 7° 7′ East, and had 465 Slaves on board. The Commissioners passed a Sentence of Condemnation upon her, and decreed the Emancipation of her Slaves, on the 19th of November, 1824.

D. M. HAMILTON.

(Inclosure 3.)—List of Cases adjudged in the Courts of Mixed Commission at Sierra Leone, betwixt 1st Jan. 1824, and 1st Jan. 1825.

Number of Cases adjudged betwixt June 1819, and 1st Jan. 1825.	Number of Vessels liberated betwixt June 1819, and 1st January, 1825.	Number of Cases adjudged betwixt Jan. 1824, and 1st Jan. 1825.	Nations.	Name of Vessels.	Class.	Condemned.	Liberated.	Number of Slaves emancipated.		
			Spanish.							
47	5	1	1	Fabiana	Schooner	Condemned	...	117	Total number of Slaves emancipated betwixt June 1819, & Jan. 1824 - - -	3915
			Portuguese.							
48		2	1	Bom Caminho	Brig	Condemned	...	326		
49		3	2	Maria Piquena	Schooner Boat	Condemned	...	11	Total number of Slaves emancipated betwixt Jan. 1st 1824, and Jan. 1st 1825	1245
50		4	3	Diana	Brigantine	Condemned	...	114		
51		5	4	Dos Amigos Brazilieros	Brigantine	Condemned	...	253		
52		6	5	Avizo	Brig	Condemned	...	424	Total number of Slaves emancipated betwixt June 1819, and 1st Jan. 1825 -	5160
								1245		

No. 3.—Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, June 15, 1825.*

I HEREWITH transmit to you, for your information, six Copies of Papers, marked A and B, relative to the Slave Trade, which have been presented to both Houses of Parliament, by His Majesty's Command, in the course of the present Session. I am, &c.

His Majesty's Commissioners. GEORGE CANNING.

No. 4.—His Majesty's Commrs. to Mr. Secy. Canning.—(Rec. June 24.)

SIR, *Sierra Leone, April 10, 1825.*

IN commencing the Report which we now have the honour to address to you, relative to the state of the Slave Trade, and other circumstances connected with this Coast, since the last statement of the Commissioners, we have to lament the death of Mr. Gregory, His Majesty's Commissary Judge, whose attention had been particularly directed to the acquirement of that information which we fear the opportunities we have enjoyed will not enable us to afford.

We regret to state that, from every information we have received, the Slave Trade of the Cape de Verde Islands has rather increased than diminished since the last Report of His Majesty's Commissioners. Indeed we have good reason to believe that the vigilance of the Supreme

Government of those Islands is rendered nugatory, by the system pursued in carrying on this Traffick, in small Schooners running from the Islands of "Brava" and "Fogo" to the Rivers "Cazamança," "Cacheo," "Bissao," and "Grande," from whence the Slaves are brought, and afterwards shipped in larger Vessels for the Brazils and other Slave markets. The principal Persons who continue to be engaged in this Trade at the Cape de Verdes are, the noted *Brandao*, the former Owner of the *Conde de Villa Flor*, and *Antoine Leger*, a Frenchman by birth, but naturalized as a Portuguese Subject: the former employs several of the small Vessels in the carrying trade on his own account; —is reported to have shipped off in the last year two full Cargoes from the Island of "*Brava*," for Foreign sale, and at the date of the last accounts, which have reached this from St. Jago, was then there in a large Brig, well armed, waiting the result of his negociations with the Slave Factories in the Rivers we have before alluded to. The latter, *Antoine Leger*, is solely employed in the Traffick between the Islands and the Coast, in the prosecution of which he is stated to have lost two Vessels in the last twelve months, by their getting ashore on the Island of St. Jago, at which place both these men are frequently to be met with, and where their occupations are perfectly well known, and no doubt duly reported, with all other matters connected with the Cape de Verdes, by His Majesty's Consul at that Post. In justice, however, to the present Governor-General, who generally resides at Porto Praya, we deem it necessary to state, that His Excellency is spoken of as desirous of putting a stop to the Slave Trade within his Government, and also to be greatly interested in improving the condition of the Natives; the connivance, however, of most of the Authorities under him, and particularly the Residents of the several Islands, and those in the Rivers "Cacheo" and "Bissao," has hitherto and will continue to prevent much good resulting from His Excellency's personal good feeling, that has led him to adopt, so far as his means would allow him, a System of Government much superior to his Predecessors, and which we are informed is already visible in the improved appearance of the Capital, and state of the Police of St. Jago.

The principal Slave Factories in the Rivers we have before named, are, Zingiehor, in the *Cazamança*, the Governor of which is a Portuguese Negro, and most deeply engaged in the Traffick; St. Domingo, in the *Cacheo*; Bissao Island, in the River of that name; and Bellola, in the *Rio Grande*. These marts, in addition to supplying the Cape de Verde Islands, by means of their small craft, furnish Cargoes for larger Vessels, which go there direct for Slaves. No authentick account of the number of Africans exported from these Rivers can be given: there is, however, every reason to believe that the Traffick has not lately diminished in any of them. Among the larger class of Vessels which are known to have loaded Slaves on this part of the Coast, in

the last year, may be instanced a piratical Brigantine under Spanish Colours, pierced for 18 guns, and manned with 46 men of all Nations. This Vessel was reported to Commodore Bullen, who promptly sent His Majesty's Sloop *Victor* in search of her. Captain Woollcombe, of that Ship, however, on his arrival, found that she had sailed, and it was reported with a full Cargo, from the Cazamança, off the Bar of which River she anchored, and employed small craft in bringing the Slaves on board her. The French Schooner *Martiniquein*, of Guadaloupe, commanded by Monsieur Marsin, also fitted to carry a Cargo of Slaves, in going into the Cazamança in October last, was run on the Bar by a French Pilot, of *Goree*, and the Vessel totally lost: part of the Cargo being saved, was afterwards taken to that Island. The Captain of this Vessel died in the Gambia. The *Esperanza*, a Portuguese Brig, in the beginning of last year, was also totally lost at the mouth of the same River, having mistaken its entrance for the Cacheo. This Vessel had shortly before been rebuilt at Lisbon, and fitted out at an expence of (it is asserted) 14,000 dollars, for the Slave Trade between Cacheo and the Brazils, in which Traffick she had been successfully employed since the year 1817.

The Commerce of our Settlement, in the River Gambia, which from its establishment has been rapidly improving, sustained considerable injury in the last year by the large importations of American goods, which were brought by the French from the *Free Port* of *Goree*, and conveyed (without being liable to the duties paid by our Merchants for the merchandize they bring into the River) to the Factory at Albreda; in return for which the French exported hides and very large quantities of wax, gold, ivory, &c. The internal Slave Trade and consequent intercourse of the Natives (by Creeks) between this River and those of *Cazamança*, Cacheo, and Bissao, has also taken away large quantities of the Country Produce formerly obtained by our Traders, but which is now carried to the Slave Factories in those Rivers: notwithstanding, however, these drawbacks upon our Commerce, it is most gratifying to know, that, owing to the perseverance of the Merchants, who have extended their trade higher up the River under the protection of the Government, (who for that purpose have taken possession of an Island about 400 miles from St. Mary's, and which is garrisoned by a small military force,) the Exports in the past year are supposed to exceed in value £125,000, to which may be added about £12,000 sent home in gum, which is procured by a Company of British Merchants at St. Mary's, from the Moors at Portendick. The timber trade of this River is also likely to prove a commerce of considerable importance, several Vessels having sailed in the last year with full Cargoes.

We seldom receive information which can be depended on from the French Settlements of Senegal and Goree; the accounts which,

however, have reached us, represent the concurrence of the Colonial Authorities there, to the Inhabitants procuring, as domestick Slaves, any number of Africans they please, provided they are registered in the presence of the Mayor of Goree or Senegal; and further, that the Government have purchased considerable numbers, whom they have embodied as Soldiers to garrison their Forts in the Senegal, in which River they employ two Steam Vessels, and on the banks of which they spare no expense in encouraging troprical agriculture; first, by granting land to Settlers, and issuing rations and agricultural tools for 12 months, to as many *Domesticks* as they may employ; and secondly, in offering very large premiums to those who may raise given quantities of certain produce.

The Rio Nunez, which we shall next consider, runs through a valuable Country, and approaches Foola Jolla.—During the legitimate Slave Trade, this was the great outlet of Foulah Commerce through Labi, the Northern Capital of that Kingdom, and if now well supplied with merchandize, would, we understand, take away the whole produce trade of Bissao: it furnishes rice, gold, wax, hides, and ivory. Some of the Merchants of this Colony, and the Isles de Loss, have Factories on its banks, and there are also a number of resident Traders. It is always difficult to ascertain the amount of produce exported from the Rivers upon this Coast, out of British jurisdiction; but from the best information, we have reason to believe that 30,000 hides, 100 tons of rice, 20 tons of bees wax, 10 tons of ivory, and at least £3,000. worth of gold, have been procured in the Rio Nunez in the last 12 months, besides cattle, which may be purchased to any extent, and of which a considerable number have been exported in the last year to the West Indies.

A Slave Vessel entered this River last November, the Residents however refused to load her, and she was eventually supplied by a Portuguese from Bissao. This is the only instance we have heard of a Cargo of Slaves being taken from this River since the last Report of the Commissioners; there is, however, as we are informed, a considerable Traffick by the Creeks from thence to Bissao, Slaves being marched over land from the Rio Pongas for that purpose.

Since the capture of the *Rosalia* by Captain, then Lieutenant, Hagan, in 1822, very few Vessels that we are aware of had entered the Rio Pongas for Slaves, until within the last six months, when the Traffick appears to have partially revived. In the early part of September we had information of two Vessels being there engaged in the illicit Trade, one under French, the other Spanish Colours, and in the beginning of this year two others were known to have entered that River, and delivered merchandize for Slaves; of these, one (a Brig) has sailed, as we are informed, with a full Cargo, the other (a Schooner) is still there, most of the Crew having died. Previous to the arrival

of these Vessels the Residents of that River, most of whom are Mulattoes, and possessed of a great number of domestick Slaves, had been turning their attention to agriculture, and in furtherance of it, procured some thousands of coffee plants from this Colony. Since the last Report of the Commissioners, a gentleman residing here has himself forwarded 10,000, and, from a letter found on board the Spanish Schooner *Española*, lately condemned by the British and Spanish Mixed Commission, we find that two of the most opulent white Traders in tha t River, were employing themselves in legitimate trade and agriculture, and from other sources we have reason to believe such is the case. A civil War, which is however still carrying on, has tended much to disturb the innocent Commerce of the Rio Pongas, and we fear is not likely to be amicably settled at present, the Parties being very much exasperated against each other. Ormond, a Native Trader, assisted by the Foulahs, is opposed to Lawrence Tom Curtis (who murdered the Boat's Crew of His Majesty's Gun Brig *Thistle*), and some Native Chiefs. The Foulah in command has orders (as he says) from his Chief to get the heads of Lawrence Curtis, and Yenge Coney, the Chief Native : this man has also told, to respectable Persons of this Colony, that he is authorized and anxious to give us the possession of the River, which the Americans settled there are very desirous to obtain, in order to form an establishment under the protection of their Nation. The value of the Trade to them is most important, and the intercourse constant and regular with The United States. This Nation has increased its Commerce with the Rio Pongas, in the last year, two-fold.

With respect to this Colony, it is most gratifying to us to be enabled to state, that its export Trade has increased since the last Report of the Commissioners beyond any former Period ; the quantity of timber exported from October last to the date of this Report, is not less than 14,000 loads, with 22 Vessels still lying here to obtain Cargoes during the present shipping season, (the end of May ;) while the exports for the following Periods are as follows : from October 1821, to May 1822, 1,000 load ; from October 1822, to May 1823, 1,700 load ; from October 1823, to May 1824, 11,000 load. Great confidence has been given to the Persons engaged in this Trade, by the Colonial Government having obtained the cession and sovereignty of the Islands in this River, and also the northern bank of the same, a Measure which was alluded to in the last Report of the Commissioners as extremely desirable to be accomplished. These Merchants have thus become tenants of their own Government, instead of living, as heretofore, at the mercy of the petty Chiefs, who were their former landlords. They are already extending their trade, and erecting more substantial buildings, on the faith of the protection which has thus been afforded to them. The value shipped in gold, brought from the interior during the same Period, has been greater than all the preceding years together ; no

accurate account however of the shipment of this article can be obtained, as it is not entered at the Custom-House; we, however, know one Merchant who alone has sent home upwards of £5,500 worth.

The agriculture of the Colony has also greatly increased, and in some respects improved; and it is now gratifying to know that the produce grown in the Peninsula is fully sufficient to feed its population, instead of, as formerly, having recourse to the neighbouring Natives for the necessary supplies to support the liberated Africans and lower classes of the community; this abundance was found of the greatest consequence in the last year, when, from the unsettled state of the Sherbro, (which we shall more particularly speak of hereafter), and the Mandingo Country, very little rice, compared with former periods, was brought into the Colony, which, with the quantities required for the Gold Coast during the Ashantee War, caused that article to rise to £17 per ton, a price far above the means of most of the labouring classes to purchase. The Differences in the Mandingo Country, between the Chief and his Headmen, still partially exist; but we may expect that as it is the intention of some of the powerful Nations of the interior to *interfere* in order to bring about a reconciliation, a good understanding will shortly be established, particularly now that Almamy Abdool Kaddrier, the Chief of Foola Jolla, has put down the Usurper Bocarry, who had kept up a civil War in that Country for a considerable time back. This Chief is known to be very anxious to reconcile the Affairs of the Mandingo Country, and will, no doubt, so soon as he is a little at leisure, carry his intentions into effect; he has certainly the power, and we are credibly assured, is determined to exercise it, if necessary, to attain the object.

The Slave Trade, on the Coast between this Colony and the Gallinas, has increased of late beyond any former years since the existence of the Slave Treaties, and is almost entirely carried on under French and Spanish Colours; the former however continues to be the most general, and is often used as a mask by the illicit Traders to cover property of other Nations, which is the more to be lamented as rendering the Vessels at free liberty to carry on their abominable Traffick without any interruption from our Cruisers. The necessity for obtaining Slaves to meet this increased demand has, we are assured, been the cause of the destructive War, which has raged in the Sherbro for the last 18 months, between the Cussoos, a powerful Nation, living in the interior, on a line running parallel with the Coast extending from the Gallinas to the back of this Peninsula, and the Fi people and Sherbro Bulloms, who live near the water-side, (and are completely under the influence of the Slave-trading Chiefs, and Factors, settled in the neighbourhood of the Gallinas and Cape Mount;) the origin being traced to the nefarious manner in which this Traffick is carried on, and which at last induced the Cussoos to commence hostilities in retaliation for

the injuries and insults they had for a long time been subjected to by the proceedings of those people, who, in numerous instances, had seized and put on board Slave Vessels, not only the Slaves and other property brought to the Coast by the *free* people of the Cussoo Nation, for the purpose of barter, without making them any recompense, but, in many instances, their persons, whom they sold into slavery.

The Cussoos, having some time since revenged themselves upon their Aggressors in the neighbourhood of the Gallinas, have been coming up the Coast towards this Peninsula, near to which by the last accounts, they were encamped, having carried fire, rapine, and murder throughout the different Villages they passed,—most of the women and children of which, together with the prisoners they take, being immediately sold to the Slave Factors who are at hand to receive them. We have within the last few days heard that there is a probability of an amicable arrangement being entered into with these People, and the Chiefs of the Sherbro Bulloms, into whose Towns the War has extended: these men were not generally implicated in the treachery which has called forth the signal vengeance of the injured, but on the contrary, many of them were engaged in an innocent Commerce with this Colony, which the War has now, however, completely destroyed. This Trade, which was formerly most valuable and advantageous both to the Natives and also to the Colonial Traders, consisted in rice, dye-woods, ivory, country cloths, mats, palm oil, kolas, &c., for which was exchanged British manufactures. The Americans also carried on a legitimate Trade with the Sherbro, which, however, no longer exists.

The nearest mart for the criminal Traffick, is the Shebar, a distance of about 80 miles from this Colony, and where there have been seldom less than three or four French Vessels at a time, in the last year, illicitly trading. His Majesty's Ship, *Driver*, in April last, sent her Boats into that River, when there were two Vessels under the White Flag prepared to receive their Cargoes, which circumstance was reported to the French Commodore, then off the Gallinas, where he had taken about the same time three Vessels engaged in the Trade, two French and one under Spanish Colours. In September, a French Brig was seen in the same River, by a respectable Person of this Colony, preparing to take on board 400 Slaves. This Vessel was said to have been sent from Martinique to the Coast by one Captain Gicquell, who is reported to have made 11 successful voyages in this Traffick. (This Man, as appears by one of the Letters found on board the Cutter *Deux Sœurs*, is himself at present upon the Coast). Again, in December, we had advices of a Spanish Schooner, a Portuguese Brig, and a French Sloop, being there; (the latter, the *Deux Sœurs*, has since been seized within the limits of this Government); also, since that period, several other Vessels under the French Flag, as appears by

some letters that were found on board the *Deux Sœurs*, and are in the Registry of the Court of Vice Admiralty of this Colony, translations of which we beg leave herewith to transmit, as throwing considerable light on the manner in which the Laws of France are violated. From these Documents it appears that not only French, but Dutch property employed in the Slave Trade is covered by the White Flag, and that notwithstanding the undeniable proofs of such Vessels being embarked in the Slave Traffick, yet, they are allowed to remain unmolested, and the violators of the Laws of France left to carry on the prohibited Traffick with impunity. We would not remark on the conduct of the French Commodore and his Officers, who, in other instances, have enforced the Instructions of their Government against the Vessels and Crews found engaged in the illicit Trade, but it does really seem to us that there has been a great want of zeal evinced in their proceedings with regard to these Vessels.

The Crew of the *Deux Sœurs*, the Vessel in which these Letters were found, shortly after leaving Shebar, were overpowered by the Slaves, who killed eight of their number, leaving only three Persons to *navigate* the Vessel, and that under a promise they should land them on some part of the Coast near to the Plantain Islands: these three men made the Isles de Loss, where the Vessel was seized and sent here for adjudication in the Vice Admiralty Court, which condemned her and the Slaves as forfeited to the Crown.

The catastrophe on board may be attributed to several of the Slaves who had been employed as labourers and boatmen in this Colony, and who understood the English language: these men were aware of the consequences of being taken from the Coast, which no doubt induced them to have recourse to force, to effect their liberation. This is not the only case where free men, well acquainted with this Colony, have been shipped off lately, either being taken as prisoners of War in the Sherbro, or kidnapped by the Slave Factors to make up a Cargo. A Man similarly circumstanced was among the Slaves captured in the Spanish Schooner *Española* before mentioned, who had hired himself as a Canoe-puller in this Colony to a Foulahman, who under some trifling pretext, when he had him in his power, disposed of him to a Slave Factor near the Gallinas. This aggressor, should he again visit the Colony, will no doubt be brought to account by the Colonial Government, who have been made acquainted with the circumstance.

The American Settlement of Mesurado, we are most happy to state, is recovering from the misfortunes which attended its formation, and bids fair to realize the expectations of its founders. The United States Schooner, *Porpoise*, Captain Skinner, visited it in August last, when a more organised form of Government was established under that Officer's inspection, who then left in charge of the Settlement Mr. Ashman,

the Agent appointed in America, and who was a passenger in the *Porpoise* from the Cape de Verde Islands, which he had visited a short time before for the recovery of his health. From this gentleman's zeal and abilities the best results were expected, and from all accounts which have since reached us, are likely to be fully realized. In one of his letters to a gentleman here, published in the Gazette of this Settlement, it appears that on the 28th of September, two large Schooners, one French, *L'Achille*, Du Tertre, Master, from Nantes; the other Spanish, the *Biscayenne*, Andreas du Mina, Master, from The Havannah, went on shore at Mesurado, and were totally lost, the Crews being saved. Both these Vessels were fitted for the Slave Trade.

A later Communication, dated January, from the same gentleman, reports that three Vessels for Slaves, presumptively Americans, were then on the Coast, one of them at the Sherbro, and the remaining two at the Gallinas and Cape Mount, one of these, a Baltimore built Schooner, called the *General Winder*, Hill, Master, last from St. Thomas, carried 10 guns and a numerous Crew;—Hill and most of his Crew being Americans. These three Vessels, it is known, have their outward bound Cargoes on shore. The Ports of Cape Mount and the Gallinas have never been, within the last 12 months, without Vessels at anchor for Slaves; the number shipped from thence, since the last Report of the Commissioners, must therefore be very considerable, notwithstanding which, however, very few Captures on this part of the Coast have been made. This may very reasonably be attributed to the greater number of the Vessels being under French Colours, and to our Cruizers not being authorized to detain Spanish or Portuguese Vessels unless the Slaves are, or have been, on board them. The practice now universally adopted is, never to embark the Slaves until the Vessels are quite ready for sea; the shipment only occupies a very short time, and is generally done towards night, under cover of which they may very easily escape, even if a Cruiser should be in the neighbourhood, as the superior class of Vessels that are employed by the Spanish Slave dealers are so well calculated for sailing, that very few of the Men-of-War have much chance of overtaking them at Sea. The *Swinger* in going from this, in November last, fell in with four French Slave Vessels off the Gallinas, three of which were boarded; and also found at the anchorage two Spanish Schooners waiting for their Cargoes, which were stated to be then nearly collected.

His Most Christian Majesty's Gun-brig *Bressane*, however, left this on the 11th of December, to join the French Vessels *L'Hebé* and *Dragon* at Cape Mount; and it is reported here that they have since made several Captures in that neighbourhood.

The Slave Trade has certainly increased, from all accounts, in the Bights of Benin and Biafra, and in the large Rivers which empty themselves into the sea in those latitudes, and may, perhaps, be attributed

in some degree to the great increase of Slave Vessels, within the last twelve months, which have sailed from The Brazils for Cargoes, thirteen of which were stated to have left Bahia about the same time for Badagry, four of which, viz. the *Dianna, Two Brazilian Friends, Avizo,* and *Bella Eliza,* were captured by the Squadron, and sent here in the course of two months at the end of the last year, having on board near 1200 human Beings: the others no doubt carried off their Victims. The Prize Master of the *Two Brazilian Friends,* also on his passage here, when distant about 250 miles to the Southward of Cape Formosa, fell in with two large Schooners under Spanish Colours, crowded with Slaves. In this year the *Bom Fim,* having on board 149 Slaves, under Brazilian Colours, has also been brought in for adjudication. The Ports generally frequented being Badagry, Lagos, Popo, and Whydah, in the Bight of Benin; and the Rivers we more particularly allude to, the Bonny and Calabar, in the Bight of Biafra, which, in addition to being frequented by the Slavers from The Brazils, are infested with Vessels under the French and Spanish Flags, which are generally well armed, and particularly the latter, which may be considered to be fitted out as Privateers rather than Merchantmen, and make a practice of plundering such small Vessels of less power than themselves as unfortunately come across them. Among this class was the *El Romano,* commanded by Jozé del Catarro, which was armed with 16 18-pounders, and manned with 20 Officers and 120 men, and was fitted out by a Company of Merchants in The Havannah for this Coast. We beg leave herewith to transmit an Account of the Proceedings of this Vessel, extracted from the Gazette of this Settlement.

The *Swinger* since last leaving this, we also learn, boarded two Spanish Brigs in the latitude of these Rivers, mounting 16 guns each, one of them manned with 86, the other 68 men, and more recently on the 9th of February, fell in with four Vessels off Lagos towards night, which induced her Commander, Lieutenant Clerkson, to anchor, when he was actually fired into by a large Spanish Brig, the *Elaerto* of The Havannah, Antonio Echasamia Master, mounting 16 guns, and manned with 86 men well armed with cutlasses, &c. and furnished with every accommodation for a Cargo of Slaves which were then collecting at a Port in the neighbourhood. The *Victor* also running into Anna Bona on her late cruise, disturbed three Spanish Schooners, well equipped, who all escaped by superior sailing.

His Majesty's Ship *Maidstone,* in a Cruise in the Bights of Benin and Biafra, between the 17th of June and 15th of July, boarded 17 Slave Vessels, 10 of them under French Colours, 7 of which were at anchor in the River Bonny at one time, (the 16th of June,) and intended to take off 3000 human Beings, and, on the 10th of September, His Majesty's Ship *Bann,* then in that latitude, was informed of four Brigs and four Brigantines, under French Colours, being also in that

River for Slaves. The atrocity with which the Traffick in this River and the Old Calabar is carried on, has, we understand, been made the subject of an official notification to the Lords Commissioners of the Admiralty, by Commodore Bullen.

We have not heard so much of the infamous carrying Trade, between Princes and the large Rivers in the neighbourhood, as formerly; this we fear arises from our intercourse with that Island not being so frequent of late, rather than from any decrease of the Traffick. A most distressing and inhuman instance is however known to us—the *Victor*, when a few leagues from that Island on a late Cruise, fell in with the Schooner-boat, *Maria Piquena*, of five tons burthen, having on board 17 Slaves, being the remainder of 23, originally taken on board in the River Gaboon: the space allowed for the Slaves was only 18 inches between the water casks and the deck; the wretched survivors were taken out of this miserable Craft for a passage to this Colony, where they were emancipated by the British and Portuguese Commission, the Boat having been previously delivered by the Captor with a Statement of the Case to the Governor of the Island, whose Daughter nominally owned the Vessel, which however it is said really belonged to His Excellency.

We beg leave, most respectfully, Sir, to close this Report, by drawing your attention to the zeal and exertions of the highly respected and gallant Commodore, and the other Officers of His Majesty's Squadron upon this Station, during the past year, and to state, that we have before us Documents to prove that 65 Slave Vessels were visited by them since the month of May last, a number which, when considered with reference to the employment of the Naval Force upon the Gold Coast during the late Ashantee War, and the Slave Vessels, of which we have no account, furnishes strong reasons for supposing that the illicit Traffick has increased rather than otherwise since the last Report of His Majesty's Commissioners.

We have the honour to be, &c.

D. M. HAMILTON.

The Right Hon. George Canning. J. REFFELL.

(*Inclosure* 1.)—*Letter found among the Papers of the French Slave Cutter,* Les Deux Sœurs, *Henri Mornet, Master, addressed to the Gentlemen interested in the Affairs of the* Galathée.

(Translation.)

GENTLEMEN INTERESTED IN THE AFFAIRS OF THE SCHOONER "GALATHEE," *Shebar, Jan.* 2, 1825.

AFTER a passage of fifty days, continually baffled by calms and contrary winds, I stopped at the River Shebar, notwithstanding there were four Vessels in the River, to obtain information of what business was doing on the Coast of Africa. Having seen Mr. Gicquel, who had

examined the Coast, and found every where a number of Vessels more than sufficient to cause great competition in the Trade, I remained two days bargaining with The King for my Cargo: during this time the Schooner was outside the Bar. Prior to my leaving the Vessel, I had given to Mr. Reliquet, Mate (second) of the Vessel, the Dutch Papers, and the others, with an order, that if he perceived any Vessels, to get under weigh immediately, and not allow himself to be boarded by any Vessels but such as he might not be able to avoid, that is to say, such as might sail better than the Schooner: and that, if it was a French Vessel, which he would easily know, he should hoist his Dutch Flag, and if it was an Englishman, to hoist his French Flag, and show our Papers of that Nation. On the 12th of December, at noon, I quitted the Schooner; between four and five in the morning, the man De Bassoir perceived a Schooner very near us; immediately the Mate got under weigh, and had the advantage in sailing with this Vessel; at day-light the Vessel hoisted the White Flag—the Mate did the same; this Schooner continued her course; at eleven o'clock, not seeing any more of her, the Mate thought fit to come back to the anchorage; it was calm, according to his report; and having a man on the look-out, at four o'clock in the afternoon, he tells me, he saw no Vessel; at five, the same Schooner (of the morning), was so near our Vessel, that he tells me it was impossible to get under weigh; seeing that this Schooner was lowering her boat, and thinking that it was a French Vessel of War, this unfortunate man being out of his mind, notwithstanding that the Lieutenant and the Master put the Dutch Papers in a sack with the Dutch Flag, he threw my Papers into the Sea, on seeing the Boat of this Vessel, which had only three Men in it:—this, to my misfortune, is the first example of the kind, and committed too by an old Man: he kept the false French Papers, and if unluckily this had been a Vessel of War, he and the Crew would have found themselves in a very awkward situation.—I did not hear of this misfortune until my Boat came to fetch me, being on my way from the interior, and it was only from the Crew I learnt it; the Vessel remained outside the River, every day exposed without Papers; I adopted the measure of bringing the Schooner into the River by Mr. Henry, the 18th December; she was in the Roads of Shebar.

I went up the River to fetch Boats to discharge the Cargo. I was there till the 22d, when, in coming down, I learnt that a French Corvette was outside the Bar, and had sent her Boats to board the Vessels; that the Schooner not having hoisted any Flag, the Boats came on board and asked to what Nation the Schooner belonged; the Officer received for answer that she was Dutch, but that the Captain had carried the Papers with him into the interior. The Officer wished to get the Schooner under weigh, but as he did not know the Bar he could not, he only said that he should go and give notice to the Com-

mandant of the Brig, who would, without doubt, send in and fetch the Schooner; upon this information, and arriving at eight o'clock in the evening, I determined upon landing the Cargo during the night, which having finished early in the morning, I dismantled the Schooner, and at high water put her on a bank; a few moments afterwards the Boats were in the Roadstead, seeing the Vessel on the sand, and Crew on shore, the Officers took no notice of her, and on the morning of the next day, he set off to return aboard the Brig. As soon as the Brig left, I got the Schooner afloat, and she had not received any damage.—I lost a great many things in landing the Cargo at night, but, however, hope to accomplish the object that we agreed upon at the time of my departure from St. Thomas's. Rely upon my zeal for every exertion for the success of the affair; but I have at least three months to look forward to before my return, so that must not vex you: there have been a great number of Vessels taken on the Coast of Africa, in the North as well as the South. There are nine French Vessels of War to the Northward and Southward, and as many English: however, they do not interfere with the Dutch Flag, if there is nothing suspicious aboard, but all French Vessels are taken.

Deign to believe me, Gentlemen, very sincerely, your devoted Servant for the success of the affair. LOMBARD.

(*Inclosure 2.*)—*Letter found among the Papers of the Slave Cutter,* Les Deux Sœurs, *addressed to Ferdinand Savre and Co. Merchants, Nantes.* (*Translation.*)

GENTLEMEN, *Shebar River, January 2, 1825.*

M. BRAY DE LAVALETTE, my Captain, having been absent some days on business of the Vessel, has induced me to take advantage of the opportunity of the Sloop, the *Sans Soucée,* to inform you of the situation of the Schooner *La Rose.* I do not give you any intelligence upon our affair (operation), presuming that you will have received the Letter he wrote you lately by the way of Martinique.

We are now the first Vessel to be paid, and I think we shall be able to leave towards the end of this month.

On the 21st of December we were visited by a Boat from the Brig of War *Dragon,* Commandant Lâchelier. The Officer, after having searched the Schooner, and having been furnished with the Papers, gave me an order to follow him, that I might be able to answer such questions as the Commanding Officer might think proper to put to me. (I then mentioned that the Captain had had the misfortune to lose M. Durand four days previous—on the 17th of December.) When I got aboard, M. Lâchelier asked me why we were entered at Shebar, while our clearances stated St. Thomas's, on the Coast of Africa? I answered, that when passing here, a part of the Crew being sick, Captain Durand, in concert with M. Lavalette, Supercargo, had thought pro-

per to enter the River where we found ourselves, for the purpose of giving rest to the people, as well as fresh provisions; and that having found an opportunity of bartering our goods for the produce of the Country, we had given them out to different Traders, who were to pay us in a short time.

M. Lâchelier put me off to the next day to receive the answer that he was to give me, which he made me in nearly these terms :—" Sir, after having considered the circumstances in which your Vessel is found, I cannot decide any thing without seeing her myself, therefore I send you back to arrange every thing aboard for passing the Bar to-morrow; I observe to you, that I shall consider the not bringing out of the Vessel as a disobedience of my orders, even if the Pilot shall refuse to bring her."

Not seeing any answer that could be made to such unjust orders, I set off, without his giving me back the Papers, in the same Boat: she had more men than the evening before, without reckoning a Master, a Quarter-Master, and the same Officer, who were to be witnesses of our preparations: in that day we were ready for sea: I was three times ashore to ask for a Pilot—three times he was refused to me. The Officer to whom I made known my useless exertions made a note of it, and told me that he would go the next day with the Supercargo and three Men of the Crew, that the Commandant might examine them, and probably he might consider that sufficient. M. Lavalette, with his three Men, set off on the 23d, in a Boat belonging to the Roadsted, accompanied by the Brig's Boat, and did not return till the next day (the 24th) at 8 o'clock in the morning, with the same Crew in his Boat, without any other escort, after having undergone an examination of five hours, and each of our Sailors nearly two. M. Lavalette told me I must get ready directly, to go again aboard the Brig to demand our Papers, which they had refused to give back to him.

At six o'clock I passed the Bar, and got on board the *Dragon* at ten; the Commandant immediately sent for me into his Cabin, and made me undergo an examination nearly like that of M. Lavalette: after about three hours sitting, he told me I might retire, and asked me if there would be time for me to return into the River, supposing he sent me off in the afternoon; I replied, " Yes, provided it was not later than five o'clock." At four o'clock he sent for me again, that I might take notice of all the Papers he gave me back, and particularly the two Indorsements that he had put on the Roll of the Crew and upon the Vessel's Passport, after which I came away. This is a Copy of that on the Passport nearly :—

" That having suspected this Vessel of being engaged in the Slave-trade, the questions which have been put to the Captain, the Supercargo, and other Persons belonging to the Vessel, have confirmed them in the suspicion of unlawful Traffick on this point of the Coast; that, in con-

formity with the 9th Article of the Ministerial Orders, his intention was to seize this Vessel and send her to a French Colony for her Case to be inquired into and adjudicated; but he has not been able to follow up his intentions on account of the hindrances he has met with to get the Vessel out of the River, which is very dangerous, and cannot be done without a Pilot; those of the Country being too far off, and having declared that they will not make their appearance until the departure of the *Dragon*; that, in consequence, he has thought fit to give back to the Captain the Papers of his Vessel, which he had given him to examine, that he may not upon supposition, though justly founded, make it impossible for him to continue this voyage with safety; but he also thinks it necessary, for his own responsibility, to write the present Declaration upon the Passport of the Schooner *La Rose*, until he can make known to the Commandant of the African Station the circumstances relating to the search and abandonment of this Vessel.

"LACHELIER."

Pray, Gentlemen, notwithstanding all this, feel no uneasiness; we will endeavour to finish a voyage which has undergone some difficulties up to the present moment, but of which I have a tolerable good opinion, having seen the wisdom and prudence of M. Bray de Lavalette.

ALLE. HUART.

(Inclosure 3.)—Letter addressed to Messrs. Lancous Lancelier, Merchants, Basse Terre.—(Translation.)

GENTLEMEN, *Shebar, January* 3, 1825.

SINCE I had the honour of forwarding my last to you, in which I remarked to you, that, after 59 days' passage, I had arrived at Shebar, where I traded with the King 130 logs "Billots," having still something to trade with in spite of great competition. From the 15th to the 20th some sinister events occurred along the line of the Northern Coast; two very large Brigs, a Corvette and a Gun-Brig, compose the Naval Force of the Station, and the Instruction of the Commanders are such, that it is sufficient to be found in Africa to be sent either to Cayenne or Goree.

A fine Brig belonging to Nantes, and poor Flinke, have found themselves in this predicament, and the latter was doing nothing, but land at the Gallinas with his samples under his arm. We have been more fortunate at Shebar, and that, thanks to the great draught of water of the National Brig, the *Dragon*; nevertheless we have been boarded by the Boats of that Vessel, and willing, or unwilling, we were obliged to go on board, and submit to an examination, where we all said the same: in spite of this circumstance, the Commandant has indorsed my Passport and Roll in the most positive manner. This is the substance of what he has written:—"I deem this Vessel upon the Coast for the purpose of engaging in an unlawful Trade in Negroes, and if it had

been possible for me to have obtained a Pilot of the Country, to bring her out of the River, I should have seized her."

My voyage being legal and purely commercial, on my return will there be no means of obtaining redress for such crying injustice? I should not finish if I wished to give you the minutest part of what my indignation against such an arbitrary act made me say to M. Lâchelier, however every thing passed off with decency.

Before the appearance of this Brig, we had been visited twice by the English, but without any inconvenience. I have great troubles here, my second and myself have missed, finishing the year very badly. God send that of 1825 may be more happy for us. At the end of January, this current year, or in the month of February, I shall go out of this, and, without some unfortunate rencontre, in the month of March, or beginning of April, I calculate on embracing you.

Rely on the devotedness and affection of your Servant,

VOR PATISANIER.

Letter found on board the Cutter ,Les Deux Sœurs, *addressed to M. de Manaton, Docteur Medecin, Nantes, No. 70, Sur les Ponts, and translated from the Original.*

(Extract.) *Shebar, Coast of Afri a, Jan.* 2, 1825.

We have been visited by an English Boat, *Penish,* which said nothing to us, but 15 days afterwards we were visited by a Boat belonging to the *Dragon;* she obliged Mr. Huart and Mr. Lavalette to go on board, and obliged them to answer too many questions; they wished to have the Vessel taken outside the Bar, but we told them that having no Pilot, we could not risk such a thing, for when we saw the Boat coming Mr. Lavalette was on shore, and he obliged the Pilot to go away; this excuse answered our purpose very well, for without it we should have been sent to Senegal or Cayenne for adjudication.

There is also laying here a very fine Schooner, which, when she saw the Boat coming, took her anchor up and ran on shore; but it being only a sand bank, she was easily got off again some days afterwards.

We are very near an English Factory, for we are only 12 leagues from Sierra Leone.

Mr. Petit Pierre will not be well satisfied with the intelligence he will find in this Letter of Mr. Huart, for he will there learn the Capture of one of his Vessels by the *Dragon;* his Captain, Mr. Dutertre, will doubtless take his passage with us as Mate; the Brig *Le Glanneur,* has also been captured by the *Dragon* at the Gallinas, but she has been only sent to Cayenne for adjudication.

Mr. Lavalette is at present at the Gallinas, for the purpose, I think, of obtaining 100 of the Blacks belonging to the *Glanneur,* the Captain of which Vessel remains on shore, and I think also that Mr. Jicquel will take the remainder. Your respectful Son,

MANATON.

I presume that immediately after our arrival at St. Thomas's, we shall return to the Coast, and our Schooner will be sold there, for Mr. Lavalette will not return to France, since his Roll and Passport (*congé*), have been so well endorsed (*aspostillés*), by Mr. Lâchelier, Commander of the *Dragon*.

(Inclosure 4.)—Letter of Instructions from M. La Roche, Owner, to Henri Mornet, Captain of the Cutter, Les Deux Sœurs, *found among the Papers of that Vessel.—(Translation.)*

SIR, *St. Pierre, August* 3, 1824.

YOU will repair direct to the Coast of Africa, to trade there in billets of ebony wood; the Cargo which I give you being well chosen, and as advantageous as possible. I hope that you will bring back one, at your return, that will answer our expectations. I do not wish to have billets either too large or too small, but particularly sound.

You will return to Martinique, Pointe des Salines, at the second landing at the sea-shore; taking care not to pass Pointe Dunkerque, so as to expose yourself to the sight of the Marine.

You will land the things with which you may be loaded; at your arrival you will find orders for you to follow in the continuation of your voyage.

Wishing you a fortunate and quick return,

I am your devoted Servant,

Mr. Henry Mornet. HTE. DE LA ROCHE.

Instructions and Allowances for the Captain and Crew of Les Deux Sœurs, *Captain Henri Mornet.*

A GOOD understanding being the basis of success in all commercial and maritime operations, I cannot too much recommend to Captain Henri, the keeping up the best understanding and discipline among the Crew; recommending the most perfect agreement with his Mate, and advising also that if, at the place where he is going, he should meet with any Countryman about the same affair, to have a perfect understanding with him, so as not to injure the common interest.

He will also take the greatest pains, as much for the preservation of the property, as in the care he will bestow upon the return Cargo, which is the most essential thing. For which care and trouble he is allowed, as well as for all commissions of sale and purchase, out and home, upon each bale (par balle ou ballot) consisting only of the return Cargo that may be landed sound, safe, and without damage, at the place of her destination, the sum of 54 livres to Captain Henri, 36 livres to his Mate; besides which will be paid, for wages to Captain Henri, 540 livres per month, to the Mate, Durand, 450 livres, to the Lieutenant 225 livres, to the Master 270 livres, to the Cook 225 livres, and 180 livres to each Sailor per month, without any regard to the wages put upon the "Role d'Equipage."

As to the choice of the return Cargo, it is expressly recommended to the Captain and to his Officers, if there is opportunity of choosing, not to embark any other "balles" or "ballots" than those that weigh from 10 to 20 Arabas, of which the two-thirds to be in "ballots," and the other third in "balles;" it being expressly agreed, that if there are any "balles" or "ballots" found among the Cargo under 10 or above 20 Arabas, the Captain's allowances upon each of the "balles" or "ballots" to be reduced one half, the same for any that may be damaged, otherwise than by the chances of the voyage.

Under no pretext whatever must one "balle" or "ballot" be embarked, at the Sloop's return, upon any freight; and if any should be found, they will belong of right to the Owner of the Vessel, without paying any recompense whatever.

Presuming that the proceeds of the sale of the Cargo will be sufficient to obtain a return Cargo of about 150 "balles" or "ballots," and having every confidence in the sagacity of the Captain and his Officers, I give them full latitude to act according to their own knowledge, and the best for those interests which are confided to them.

If circumstances should be such, that the outward Cargo should be more than sufficient to obtain the return Cargo, it is expressly recommended to leave nothing in the Country; but to bring back, in produce, the value of the overplus, choosing the most valuable and least bulky, upon which, after valuation of sale, the Captain shall be allowed a commission of five per cent.

On the receipt of the Letter of Departure, which will be addressed to Captain Henri, he will conform to it on every point, in directing his steps to the Place where he is to make his Trade, and will return direct here, or touch at the Point mentioned in the same Letter; there he will find fresh Instructions, and my Orders for the rest of the affair, to which he will conform, it being expressly agreed that if it be necessary to give the Sloop another destination, either before having disembarked any thing here, or after having landed a part of the Cargo, Captain Henri Mornet, and his Mate, Durand, will conform to the Orders which will be given them upon this subject, without any observation whatever, and follow their route for the Place which will be pointed out to them.

It is agreed and recommended to M. Durand, to keep for the Captain a very exact Journal of the Sales and Purchases which shall be made in the business which is intrusted to them, and he will commence it at the beginning of the Trade.

Notwithstanding the above paragraph concerning the freight, Captain Henri Mornet is permitted to embark on board the Sloop one ballot, upon his own account, without paying any freight or remuneration.

(Inclosure 5.)—Extract of No. 315 of the Sierra Leone Gazette, under date June 12, 1824.

THE Brig *El Romano,* commanded by José del Catarro, armed with 16 18-pounders, and manned with 20 Officers and 130 Men, was fitted out by a Company of Merchants at The Havannah, and sent to this Coast. On the 9th of March last she made Trade Town, and there fell in with the French Lugger, *L'Henrietta Aimé;* which Vessel, Harry Karsdorp, a Native of Holland, the Second Mate, declares to have belonged to Martinique, and to have been lying at Trade Town for Slaves.

This Vessel the *El Romano* seized; she sent the Crew on shore, except two; and after some delay proceeded down the Coast with her seizure. About the 9th of April she fell in, near the River St. Andrews, with *El Vincedor,* under the Brazilian Flag, fitted out for the Slave Trade, and seized her also, sending her Crew afterwards on board a Dutch Vessel bound for Elmina.

El Romano, with her two Seizures then proceeded to Lagos, where the Cargo of *El Vincedor* was landed, and bartered for a Cargo of Slaves to be shipped on board *L'Henrietta Aimé,* Lugger, and *El Vincedor* was manned and armed from the *El Romano,* the command was given to Don Jose de Bagona; she was armed with 6 guns, 40 barrels of gunpowder, and manned with 5 Officers and 16 Men.

El Romano here pretended to be a Slaver armed for the protection of the Brig and Lugger, her consorts, and was anxiously waiting till a Brazilian Brig and Schooner, lying at Lagos, had received their Slaves (about 800), with an intention of then seizing them, when His Majesty's Ship *Victor,* Captain Scott, hove in sight, the two Brigs immediately cut their cables and put to Sea; after a long chase *El Vincedor* was re-captured, but *El Romano* escaped. Captain Scott returned to Lagos as soon as possible, which place he could not, however, regain in less than two days, when he found the Lugger still at anchor. On the appearance of the *Victor,* a Boat full of Men was seen to leave the Lugger; after which she got under weigh, but instead of attempting to escape, ran on shore in a heavy surf, where she immediately went to pieces, and we regret to add, that, from the number of Blacks observed on her decks, there can be no doubt she had her Cargo of Slaves on board, all of whom perished.

The Brazilian Schooner was still there waiting for her Cargo, the Brig had sailed the night before with 500 unfortunate human Beings on board. Captain Scott immediately sailed in hopes of overtaking her, and saw *El Romano* again that day, but was unable to reach her, and was not fortunate enough to overtake the Ship.

No. 5.—His Majesty's Commrs. to Mr. Secy. Canning.—(Rec. Aug. 9.)

SIR, *Sierra Leone, May* 11, 1825.

WE have the honour to acknowledge the receipt of your Despatch of the 28th of February last, furnishing us with the Copy of a Letter from the Secretary to the Admiralty, giving an account of Ships and Vessels in His Majesty's Navy, which have been furnished with the Instructions for Cruisers, conformably to the Treaty with His Netherlands Majesty of the 4th of May, 1818.

We also beg leave to inform you of the receipt of your Despatch of the 16th of March, with its Inclosures, on the subject of the over-rating in tonnage, of Vessels employed in the legal Slave Trade.

We have the honour to be, &c.

CHARLES TURNER, Governor.
Acting Commissary Judge.
J. REFFELL.

The Right Hon. George Canning.

No. 6.—*Mr. Secretary Canning to John Tasker Williams, Esq.*

SIR, *Foreign Office, September* 10, 1825.

HIS MAJESTY'S Government having permitted you to delay repairing to your Post, until that period of the year when an European may, without considerable danger to his health, establish himself at Sierra Leone, I have (that period being now arrived) to convey to you The King's Commands, that you proceed, without further delay, to execute the duties of His Majesty's Commissary Judge to the several Mixed Commissions established at Sierra Leone, under the Convention concluded between Great Britain and Portugal on the 28th of July 1817, the Treaty concluded between Great Britain and Spain on the 23d of September 1817, and the Treaty concluded between Great Britain and The Netherlands on the 4th of May 1818, for the prevention of illegal Slave-trade.

I send to you, herewith, the Commissions, bearing date the 1st of August 1825, by which The King was pleased to appoint you to the above-mentioned Situation.

You will show these Commissions to the Commissioners acting on the part of His Majesty at Sierra Leone, and, after conferring with those Gentlemen, who will introduce you to such of the Foreign Commissioners appointed under the above-mentioned Treaties as may be resident at Sierra Leone, and to the Local Authorities, you will proceed to take the requisite Oaths in the form prescribed, and will enter upon the duties entrusted to your charge.

You will consider the Instructions sent out from this Office for the guidance of your Predecessor, and of Mr. D. M. Hamilton, as equally addressed to yourself; and you will take those Instructions, together

with the Treaties above-mentioned, and the Acts of Parliament founded upon them, as the rules of your conduct.

Farther Instructions and Directions will be forwarded to you from time to time, as circumstances may require. I am, &c.

His Majesty's Commissary Judge. GEORGE CANNING.

No. 7.—His Majesty's Commrs. to Mr. Secy. Canning.—(Rec. Sept. 17.)

SIR, *Sierra Leone, June 17, 1825.*

WE have the honour to acknowledge the receipt of your Despatch of the 21st of March 1825, informing us that His Majesty has been pleased to nominate and appoint William Smith, Esq. to be Registrar to the Mixed Commissions established at Sierra Leone, under the Treaties with Foreign Powers for the repression of illegal Slave-trade. We beg to communicate the arrival of that Gentleman on the 24th ultimo.

Agreeably to the desire conveyed in your Despatch, we have administered to Mr. Smith, in proper form, the Oath prescribed to be taken by him, and he has accordingly entered upon the exercise of the duties of the Situation to which he is appointed.

We have the honour to be, &c.

CHARLES TURNER.

The Right Hon. George Canning. G. RENDALL.

No. 8.—Joseph Planta, jun. Esq. to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, September 27, 1825.*

THIS Letter will be delivered to you by Mr. John Tasker Williams, whom The King has been pleased to appoint to be His Majesty's Commissary Judge at Sierra Leone, under the Treaties with Foreign Powers for the suppression of illegal Slave-trade.

Mr. Williams will show to you his Commission and Instructions, and I am directed by Mr. Secretary Canning to request, that you will introduce Mr. Williams to the Foreign Commissioners acting with you at Sierra Leone, and to the Local Authorities; and that, having assisted at his taking the proper Oaths in the prescribed form, you will regularly install him as His Majesty's Commissary Judge.

You will deliver up to Mr. Williams the Archives of the Correspondence of the Commission at Sierra Leone. I am, &c.

His Majesty's Acting Commissioners. J. PLANTA, Jun.

No. 9.—His Majesty's Commrs. to Mr. Secy. Canning.—(Rec. Nov. 23.)

SIR, *Sierra Leone, September 6, 1825.*

WE have the honour to acknowledge the receipt of your Despatch of the 15th of June last, transmitting for our information Six Copies of

Papers, marked A and B, relative to the Slave-trade, which have been presented to both Houses of Parliament during the last Session.

We are, with the greatest respect, &c.

CHARLES TURNER.

The Right Hon. George Canning. G. RENDALL.

SIERRA LEONE.—*(Separate.)*

No. 10.—*Mr. Consul-General Clarke to Mr. Secretary Canning.*
(*Received April* 7.)

(Extract.) *St. Jago, February* 15, 1825.

I HAVE now to acquaint you that Brandon arrived here on the 31st ult. in a large Brig, mounting six guns, well manned, which is at present painted all black: she is now again preparing for Sea, waiting only the arrival of his Schooner from Surinam and America. At the former place she landed her cargo of Slaves, upwards of 200. From the information I am able to obtain, it appears that Surinam is the principal mart for Slaves from Bissao, Cacheo, and these Islands.

There is at present at this Port a large Spanish Schooner, mounting one long 24-pounder on a pivot, and four carronades, expressly fitted up for Slaving, and has lately returned from Cacheo. Some misunderstanding having arisen between the Commandant of that Place and the Captain of the Schooner, she proceeds to Bonavista for orders, and I have every reason to believe will return to the Coast again. The Captain has been 15 years in the Trade, and never once captured. Captain Woollcombe, of His Majesty's Ship *Victor*, boarded her, about the middle of last month, off the Gambia.

I have now an opportunity, of which I shall avail myself, of writing to the proper Authorities at Sierra Leone, and to Commodore Bullen, (by way of the Gambia,) relative to these Vessels.

The Right Hon. George Canning. J. P. CLARKE.

No. 11.—*G. Rendall, Esq. to Mr. Secy. Canning.—(Rec. April* 7.)

SIR, *Mixed Commission Office, Sierra Leone, Feb.* 1, 1825.

I HAVE the honour to inclose herewith a Return of all Slaves emancipated by the Courts of Mixed Commission established in this Colony for the suppression of the illicit Traffick in Slaves, during the period commencing the 5th day of July 1824, and ending the 5th day of January 1825. I have, &c.

The Right Hon. George Canning. G. RENDALL, Acting Registrar.

Mem.—The Inclosure contains the Names and Particulars of Eman-

cipation and Registry of Slaves, from No. 4237 to No. 5036, amounting to 800 Slaves.

No. 12.—*D. M. Hamilton, Esq. to Mr. Secy. Canning.—(Rec. June* 14.)

SIR, *Sierra Leone, April* 6, 1825.

I AM honoured with your Letter of the 18th of January last, communicating to me that His Majesty had been graciously pleased to grant me permission to return to Europe for the benefit of my health.

His Excellency Major-General Turner being at present absent on a visit to the Forts on the Gold Coast, and as I fear some embarrassment may possibly arise in provisionally filling my Situation, should I quit the Colony during his absence, it is therefore my intention, if possible, not to avail myself of His Majesty's most gracious indulgence till His Excellency's return to the Colony, which I expect will be about the latter end of next month. I have the honour to be, &c.

The Right Hon. George Canning. D. M. HAMILTON.

No. 13.—*J. Reffell, Esq. to Joseph Planta, jun. Esq.—(Rec. Aug.* 18.)

SIR, *Sierra Leone, June* 6, 1825.

HAVING obtained leave of absence, as Colonial Secretary, from His Excellency Major-General Turner, to return to Europe for the recovery of my health, which is much impaired by a very long residence here, I deem it my duty to acquaint you of the circumstance, for the information of the Right Honourable the Secretary of State, and to inclose a Certificate of the Surgeon of this Commission, showing the necessity of my taking my departure without delay; this I therefore purpose doing by a Vessel that leaves this on Sunday next, by which time I am in hopes His Excellency the Governor, who is Commissary Judge, *ad interim,* will have returned here from his visit to the Gambia.

I have the honour to be, &c.

J. Planta, jun. Esq. J. REFFELL.

No. 14.—*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN, *Foreign Office, October* 7, 1825.

I HEREWITH send to you for your information, the Copies of two Letters which have passed between this Office and the Colonial Department, on the subject of filling up, *ad interim,* the Vacancies which may, from time to time, occur in the British Judgeship in the Mixed Commission at Sierra Leone. I am, &c.

His Majesty's Commissioners. GEORGE CANNING.

(*Inclosure* 1.)—*Joseph Planta, jun. Esq. to R. W. Hay, Esq.*

SIR, *Foreign Office, October* 4, 1825.

I AM directed by Mr. Secretary Canning to acquaint you, for the information of Earl Bathurst, that J. T. Williams, Esq. His Majesty's

Commissary Judge at Sierra Leone, under the Slave-trade restriction Treaties, is now about to leave England for his Post, and that D. M. Hamilton, Esq. His Majesty's Commissioner of Arbitration in the same Court, is returned to England on leave of absence.

Mr. Canning feels it to be very desirable that the Vacancy occasioned by Mr. Hamilton's absence should be efficiently and properly filled up without delay, according to the tenour of the 14th Article of the Regulations for the Mixed Commission.

This Article stipulates, "that Vacancies in the Commission shall be filled up, *ad interim*, successively, by the Governor or Lieutenant-Governor resident in the Colony, by the Principal Magistrate of the Place, and by the Secretary."

The Vacancy therefore occasioned by the absence of Mr. D. M. Hamilton must be filled up, *ad interim*, by the Governor of Sierra Leone, but as his duties, as Governor-General of His Majesty's Settlements on the Gold Coast, necessarily occasion him to be frequently absent from Sierra Leone, the Vacancy in the Commission, which may be occasioned by his absence, should he be appointed, *ad interim*, must be filled up by the next Person described, namely, the Chief Magistrate, whom His Majesty's Law Officers report to be, at Sierra Leone, the Chief Justice.

Mr. Canning desires me, therefore, to request, that you will be pleased to move Earl Bathurst to apprize the Governor of Sierra Leone, that the temporary vacancy which has now occurred in the Sierra Leone Commission, by Mr. Hamilton's absence, should be filled up by his taking the Office held by Mr. Hamilton, upon himself as Governor, and, in the event of his being obliged to leave the Colony, the Vacancy so occasioned should be filled up by appointing the Chief Justice, or Acting Chief Justice, to the said Office; and to give directions to the Governor to carry these Instructions into effect.

I am likewise to suggest, in order to prevent the inconveniences which must arise to the publick Service, from irregular and improper Appointments, that you will move Earl Bathurst to be pleased to give directions to the Governor of Sierra Leone, that in any future case of Vacancy in the Mixed Commission, the same course be observed, namely, that the first Vacancy be filled, temporarily, by the Governor, and, in the event of his absence, by the Chief Justice, or Acting Chief Justice, and that if a second Vacancy occur in the Commission before the first Vacancy be definitively filled up by an Appointment from England, then the highest Place, (that of Commissary Judge,) be held by the Governor, or, if he be absent, by the Chief Justice, or Acting Chief Justice, and the Second Place, or that of Arbitrator, be held either by the Chief Justice or the Government Secretary to the Colony, according to the Person by whom the first, *ad interim*, Appointment is filled, viz. by the Chief Justice, if the first Appointment be filled, *ad*

interim, by the Governor, and by the Secretary to the Colony, if it be filled by the Chief Justice.

Mr. Canning desires me likewise to request, that you will be pleased to move Earl Bathurst to instruct the Governor and Authorities of Sierra Leone, to show all that courtesy and consideration to His Majesty's Commissioners, which is due to the publick character they bear, and which will tend to secure to the Court, in which they preside, the respect necessary to give a proper efficiency to its Proceedings.

I am, &c.

R. W. Hay, Esq. JOSEPH PLANTA, Jun.

(*Inclosure* 2.)—*R. W. Hay, Esq. to Joseph Planta, jun. Esq.*

SIR, *Downing Street, October* 6, 1825.

HAVING laid before Earl Bathurst your Letter of the 4th instant, stating the Arrangements which Mr. Secretary Canning wishes to be observed in future, in filling up any Vacancy which may occur among His Majesty's Commissary Judges in the Court of Mixed Commission at Sierra Leone, I am directed by his Lordship to acquaint you, for Mr. Canning's information, that the Governor of that Colony will be instructed to attend as much as possible to the wishes which Mr. Canning has expressed upon this subject; and I am directed to add that Chief Justice Hamilton is now preparing to return to the Colony.

I am, &c.

J. Planta, jun. Esq. R. W. HAY.

SIERRA LEONE. *(Spain.)*

No. 15.—*His Majesty's Commissioners to Mr. Secretary Canning.*
(Received June 24.)

SIR, *Sierra Leone, April* 13, 1825.

WE have the honour to enclose, for your information, the Report of the Case of the Spanish Schooner *Española*, Francisco Ramon Rodriguez, Master, brought in here for adjudication on the 14th ult. having been captured on the 7th of the same month, off the Gallinas, by His Majesty's Ship *Atholl*, commanded by Captain Murray, with 270 Slaves on board, for illicit Slave-trading: this Vessel was condemned, and the Slaves emancipated on the 19th of March, 1825.

We have the honour to be, &c.

D. M. HAMILTON.

The Right Hon. George Canning. J. REFFELL.

(*Inclosure.*)—*Report of the Case of the* Spanish *Schooner* Española, *Francisco Ramon Rodriguez, Master.*

THIS Vessel arrived in the Harbour of Sierra Leone, on the 14th of March last, with 270 Slaves on board; they consisted of 75 Men, 32 Women, 93 Boys, and 70 Girls. On the following day, the Ship's Papers were brought into the Registry of the Court by the Captor, Captain Murray, of His Majesty's Ship *Atholl*, who declared her to have been captured off the Gallinas, on the 7th of March, in latitude 5 deg. 21 min. North, and longitude 13 deg. 13 min. West. A Monition was prayed by him, which was issued, calling upon all Persons having, or pretending to have, any right, title, or interest in the Schooner *Española*, to appear and make claim, which was afterwards returned as duly served.

The Papers of the *Española*, and the Depositions of the Master, and the First Pilot, shew that she was fitted out at The Havannah for a Slave-trading voyage, by Francisco Ramon Rodriguez, the Master and ostensible Owner; she was well armed, with a long gun mounted on a traverse, 18 pistols, and 24 cutlasses; had 80 rounds of ammunition for the gun, and 600 rounds for small arms, and manned with a Crew of 25 Men and Officers. Her outward Cargo consisted of tobacco, rum, aquadente, and piece goods, which was disposed of at Gallinas, where a Cargo of 270 Slaves was taken on board. She was captured under Spanish Colours, and had the Flags of several other Nations aboard.

After leaving The Havannah, on the outward bound voyage, she put into Charlestown to refit, where she purchased tobacco to the amount of 1200 dollars, as appears from an Account furnished by the Ship's Agent at that Place.

The Master states, in his evidence, that the Schooner is of American build, and that he purchased her three years since at The Havannah for 6000 dollars, from Captain Garnin, an American; and her Papers place it beyond a doubt that she is, *bonâ fide*, Spanish property.

The proofs of illicit Slave Trade being clear, the Court unhesitatingly pronounced a Sentence of Condemnation against the Vessel, and decreed the Emancipation of her Slaves, on the 19th March, 1825.

D. M. HAMILTON.
J. REFFELL.

Sierra Leone, April 13, 1825.

No. 16.—*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN, *Foreign Office, February* 23, 1826.

I SEND to you the Copy of a Communication from the Admiralty, containing a Statement of the arrival at Cuba of a Spanish Brig, reported to have re-captured on the Coast of Africa, two Vessels concerned in the Slave Trade, which Vessels had been detained by a Bri-

tish Cruizer, and were on their way to Sierra Leone, for adjudication, when they were met by the Spanish Brig.

You will be so good as to make what enquiries you can into the truth of this transaction, and report to me the result, for the information of His Majesty's Government. I am, &c.

His Majesty's Commissrs. GEORGE CANNING.

(*Inclosure* 1.)—*John Barrow, Esq. to Joseph Planta, jun. Esq.*

SIR, *Admiralty Office, Feb. 7,* 1826.

I AM commanded by my Lords Commissioners of the Admiralty, to transmit to you, for the information of Mr. Secretary Canning, Copies of two Letters and their Inclosures, from Vice Admiral Sir Lawrence Halsted, relative to the reported arrival of a Spanish Slave Vessel at Saint Jago de Cuba, which had re-captured on the Coast of Africa two Vessels of a similar description, detained by a British Cruizer, and on their way to Sierra Leone for adjudication.

I am to observe, that no account of such an occurrence appears in the Letters from Commodore Bullen, but my Lords have directed Copies of the above to be transmitted to him. I am, &c.

J. Planta, jun. Esq. JOHN BARROW.

(*Inclosure* 2. A.)—*Vice-Admiral Halsted to J. W. Croker, Esq.*

SIR, *Isis, Port Royal Harbour, Jamaica, Dec.* 7. 1825.

THE paragraph, of which the inclosed is a Copy, having appeared in most of the Newspapers of this Island, stating that the Spanish Guineaman *Pelicano* or *Galvano,* had, in approaching the Coast of Africa, fallen in with a Brigantine and a Schooner with Negroes on board, as they were proceeding to Sierra Leone for adjudication, after seizure by a British Cruizer; which Vessels, the said *Pelicano* re-captured, divided the Slaves, and recently arrived at Saint Jago de Cuba with the Brigantine in company; you will be pleased to acquaint the Lords Commissioners of the Admiralty, that I sent for the Master of an English Schooner who brought over the report, and satisfying myself of the apparent truth and probability thereof, I addressed to the Governor of Saint Jago de Cuba, a Letter, of which the further Inclosure is a Copy, and shall send the *Isis* with it to-morrow. I have, &c.

J. W. Croker, Esq. L. W. HALSTED, Vice-Admiral.

(*Inclosure* 2. B.)—*Extract from the Jamaica Royal Gazette, December* 3, 1825.

ARRIVED at St. Jago de Cuba, on the 29th ult. the armed Guineaman, *Pelicano* (formerly His Majesty's Brig *Kite*), with a Brigantine belonging to that Port, both Vessels laden with Slaves; the Brigantine with another Slave Vessel, and a Schooner under Portuguese Colours, were captured on the Coast of Africa by one of the British Cruizers on

the Sierra Leone Station, and ordered thither; but were fallen in with shortly afterwards by the *Pelicano*, and re-captured by her. The Schooner was momentarily expected at St. Jago. The Seamen that had been sent on board these Vessels from the British Cruizers, did not arrive in the Brigantine, some of the Spaniards asserting that they were landed on the Coast; while others stated that they were put on board a small Vessel, and sent to Sierra Leone; some fears were therefore entertained for them at St. Jago de Cuba.

(*Inclosure* 2. C.)—*Vice-Admiral Halsted to the Governor of St. Jago de Cuba.*

MOST EXCELLENT SIR, *H. M. S. Isis, Jamaica, Dec.* 4, 1825.

I BEG to acquaint your Excellency, that I have received information that a Brig, under the Colours of the King of Spain, named the *Pelicano* or *Galvano*, had arrived at the Port of St. Jago de Cuba, on or about the 29th ultimo, in company with a Brigantine under the same Colours, after having landed the Slaves which they had on board, and I am further informed, that the Brig *Pelicano* had fallen in with the said Brigantine, the name of which I do not know, not a great way from the Coast of Africa, under the same Colours as before-mentioned, and a Schooner with Portuguese Colours; both of which had been taken possession of by a British Cruizer, in consequence of their having Slaves on board, and were on their way to Sierra Leone. Upon the Captain of the *Pelicano* finding out the state of these Vessels, he, it seems, did by force of arms take possession of them, and having divided the Negroes between them, made sail for St. Jago de Cuba.

This act is neither more nor less than one of piracy of the worst description, for, as I have no information of what became of the British Seamen, that were on board the Vessels so piratically seized upon, it is reasonable to suppose they have been murdered. Your Excellency, I am sure, will view the act of the Captain of the *Pelicano* in its proper light, and cause an immediate enquiry to be made into the circumstance as related, and, if found to be correct, I do, in the most solemn manner, demand the restitution of the Brigantine, to be disposed of as the British Government may think proper hereafter: and, in the event of the arrival of the Schooner before-mentioned, I do demand her in the same manner. I have sent Captain Patton, of His Britannick Majesty's Ship *Isis*, with this Letter, who will have the honour of delivering the same to you, and wait Your Excellency's answer. I have, &c.

Don Francisco Illas. L. H. HALSTED.

(*Inclosure* 3. A.)—*Vice-Admiral Halsted to J. W. Croker, Esq.*

SIR, *Isis, Port Royal Harbour, Jamaica, Dec.* 20, 1825.

WITH reference to my Letter of the 7th instant, I inclose, for the information of the Lords Commissioners of the Admiralty, a Copy of the

Governor of Saint Jago de Cuba's Reply to the Despatch I addressed to him, relative to the report of a Slaver, under Spanish Colours, having re-captured, in approaching the Coast of Africa, a Brigantine and a Schooner with Negroes on board, as they were proceeding to Sierra Leone for adjudication to one of His Majesty's Ships, which had previously detained them; notwithstanding this reply I have great reason to believe, from what I have been able to obtain, relative to the subject, that such a circumstance has actually taken place, but the truth will still depend upon the Returns from the Ships employed on the Coast of Africa. I have, &c.

J. W. Croker, Esq. L. H. HALSTED.

(*Inclosure* 3. B.)—*The Governor of Cuba to Vice-Admiral Halsted.*

MOST EXCELLENT SIR, *St. Jago de Cuba, Dec.* 14, 1825.

ON the receipt of Your Excellency's Official Letter of the 4th inst. which was delivered to me by the Commander of His Britannick Majesty's Frigate *Isis*, and in which you are pleased to demand of me, the restitution of a Brig and of a Schooner, which, (having been captured by an English Privateer,* in consequence of her having Slaves on board,) were taken on the Coast of Africa by a Spanish Brig called the *Pelican* or *Gabilar*, which is said to have brought the former into this Port on the 29th of last month, after having landed the Slaves that were on board of the first mentioned Vessel, I ordered the necessary enquiry to be made into the subject, from which it appears that, on the 28th of the same month, the Spanish Brig *Nuestra Senora del Vinet*, or the *Felix*, formerly called the *Gabilar* from St. Thomas, bound to Trinidad, with a Cargo of dry goods, was obliged to put into this Port, from whence she again proceeded on her voyage, on the 3rd instant, with the same Cargo, for Trinidad, to windward; her Captain, Don Jozé Sagarra, having remained on shore, and the Mate, Don José Mauri, having succeeded to the command of the Vessel in his absence.

In regard to the other Brig claimed by Your Excellency, I have discovered that on the 29th of the same month, the Spanish Brigantine *Juanita*, from the Island of Ibira, bound to The Havannah, came into this Port after having touched at St. Thomas's, was plundered to the Southward of the Island of St. Domingo, by an insurgent Privateer Brig, which robbed her of all her Cargo, and of her sailing Papers. She was ultimately despatched for the place of her destination, (The Havannah) on the 2d instant.

From what I have now stated, Your Excellency will observe, that it is impossible for me to comply with your wishes, by delivering up the Brig claimed, since she is not in this Port; but I shall, notwithstanding, continue to make every possible enquiry, in order to find out the Captain of the *Gabilar*, who, as I am informed, is in the interior of

* My Letter said "British Cruizer." L. H. H.

the Island, in order that I may be able to ascertain, through him, the truth of the facts alleged against him, and decide thereon, in conformity to the Laws.

May God preserve Your Excellency many years.

H. E. the Vice-Admiral. FRANCISCO ILLAS.

SIERRA LEONE. *(Portugal.)*

No. 17.—*Mr. Secretary Canning to His Majesty's Commissioners.*
(Extract.) *Foreign Office, April* 28, 1825.

In reference to your Despatch, marked Portugal, of the 24th of July, 1822, upon the Case of the *Dez de Fevereiro,* taken by Sir Robert Mends, and condemned on the 22d of June, 1822, for illegal Slave-trade; I forward to you, for your information, the accompanying Copy of a *Letter* from M. de Villa Real, His Most Faithful Majesty's Envoy Extraordinary and Minister Plenipotentiary at this Court, praying for a repeal of a Sentence given in this Case; and also the Copy of the Answer, which I have addressed to the Letter of M. de Villa Real upon this subject.

His Majesty's Commissioners. GEORGE CANNING.

(*Inclosure* 1. A.)—*M. de Villa Real to Mr. Secretary Canning.*
Monsieur, *Londres, ce* 31 *Mars,* 1825.

J'ai l'honneur de remettre à votre Excellence, une Représentation adressée aux Lords de la Trésorerie par Messrs. A. M. Pedra, Fils et Cie., fondés de pouvoirs de Donna Maria Victoria Carolina Cerqueira, par laquelle ils reclament une indemnisation pour les pertes que cette Dame a éprouvées en conséquence de l'injuste détention et condamnation du Brick *Dez de Fevereiro.*

Comme les dits fondés de pouvoirs appuient leur réclamation sur les Stipulations des Traités existans entre les deux Pays, je dois leur prêter tout le soutien qui depend de moi, et dans ce but je m'adresse à votre Excellence, espérant de la justice et de l'équité du Gouvernement Britannique, qu'après avoir pris en considération les Documens ci-joints, il accorde l'indemnisation en question, &c.

Je profite avec empressement de cette occasion, &c.

Son Excellence Monsieur Canning. VILLA REAL.

(*Inclosure* 1. B.)—*Memorial of Donna M. V. C. Cerqueira to the Lords of the Treasury.*

The Memorial of Donna Maria Victoria Carolina Cerqueira, Widow of Joze Cerqueira Lima.

Humbly sheweth,

That your Memorialist is, and at the several times hereinafter mentioned, was a Merchant, a Portuguese Subject residing at Bahia, in Brazil.

That your Memorialist, being the lawful Owner of a Brig called *Dez de Fevereiro*, despatched the same, loaded with suitable goods and merchandize, from the Port of that City, on the 19th of November 1821, to the Coast of Africa, for the sole purpose of trading there in gold, ivory, country cloths, palm oil, and other merchandize, permitted by the English and Portuguese Governments, at the same time, strictly charging her Commanding Officer, in his Letter of Orders, by no means to engage in the prohibited Traffick of Slaves; the hull, tackle of the said Brig, and the goods and merchandize loaded thereon for account of your Memorialist, and the value of a Negro Sailor, named Floriano, amounting together to the sum of 15,875 Rs. 085 Cs.

That on or about the 30th March 1822, whilst your Memorialist's Brig was lying in the Port of Appam, on the Gold Coast, for the sole purpose of lawful trading, the Master thereof being on shore at the time very ill, she was boarded and searched by the Officers of His Britannick Majesty's Ship *Iphigenia*, Sir Robert Mends, Knight, Commander, and captured on the ground of being engaged in the prohibited Traffick of Slaves, and was afterwards sent into Sierra Leone, where, with her Cargo and Stores, she was condemned as good and lawful Prize by the Sentence of the Court of the British and Portuguese Mixed Commission there, as per Document, marked A, in the Appendix to this Memorial.

Against the Sentence of that Court your Memorialist most humbly and most confidently appeals, principally on the grounds following:

First.—That, at the time of her detention, there were no Slaves intended for the purposes of Traffick, actually on board your Memorialist's Brig.

Secondly.—That no Slaves were received on board your Memorialist's Brig, for the purpose of Traffick, during her voyage.

Thirdly.—That the goods and merchandize, laden on your Memorialist's said Brig, were alone proper for the barter of the produce before-mentioned, and not such as were demanded in exchange for Slaves.

Fourthly.—That the outfit and clearances of the said Brig evidently shew, that the Traffick in Slaves was not contemplated by your Memorialist, as a proof of which she was not furnished with sufficient Stores and other things required for that illegal Trade.

Fifthly.—That your Memorialist's Brig was condemned as good and lawful Prize, on evidence at once interested, unworthy of credit,

and capable of receiving contradiction, by the concurrent testimony of the Ship's Company. If your Memorialist establishes these grounds, to your Lordships' satisfaction, it cannot be doubted that your Lordships have the power to indemnify her for the loss she has sustained by the illegal detention and condemnation of her Vessel and Cargo, by the 5th and 6th Articles of the Convention between His Britannick Majesty and His Most Faithful Majesty, of 28th July 1817, and the 12th and 13th Articles of the Regulations annexed to the Convention, which are evidently intended for the redress of those who have cause to complain, as your Memorialist most confidently submits she has cause to complain of injustice, on the part of the Court of Mixed Commission, in its adjudication and sentence of her Vessel. With regard to the first point, if there were no Slaves acquired by an illicit Traffick, or bought for the express purpose of the Traffick, actually on board your Memorialist's Brig at the time of her detention, your Memorialist humbly contends, that by Articles V. and VI. of the Convention of 28th July 1817, and Article I. of the Instructions, her detention and capture was arbitrary and illegal. That there were no Slaves actually on board your Memorialist's Brig at the time of her detention and capture, your Memorialist has only to refer your Lordships to the examinations of Illias, the Cooper, marked B, in the Appendix to this Memorial, and Thomas Duncan, marked C, who were examined for the Captors, and neither of them say more than—that the Slaves were brought on board and remained a short time: that they were actually on board at the time the Brig was detained, neither of them assert, nor indeed does it appear that they were asked, with a view to this question—if the Slaves were actually on board when the Officers of His Majesty's Ship *Iphigenia* boarded, detained, and captured her. The other Witnesses who were examined, though they differ in some degree from Illias and Duncan, yet agree in this with them, that not one swears to a single Slave, for the purpose of Traffick, being on board, when the Brig was detained by the English Frigate. The two Slaves that were on board were *bonâ fide* belonging to the Vessel, and by no means intended for the purpose of Traffick, neither was it on that ground the detention and capture took place, because it is well known, that Negro Servants or Sailors faring on board, in no case authorize detention or capture. Your Memorialist also refers your Lordships to the examination marked D, in the Appendix to this Memorial, of Joao Vieira da Silva, Master of your Memorialist's Brig, but who had no interest in the said Brig or Cargo, who states herein, amongst other things, that he had not taken any Slaves on board. Your Memorialist also refers your Lordships to the Affidavit of Claim of the said Joao Vieira da Silva, marked E, in the Appendix to this Memorial, who states therein, amongst other things, that the said Brig was not engaged in any unlawful Slave Trade, that she had no Slaves on board at the time of seizure, that after her capture and detention certain Natives of

Africa, said to be Slaves, were put on board the said Brig, but not by the orders, concurrence, or assent of him, the said Master; that the said Brig was in the prosecution of a lawful voyage of traffick, for the produce of Africa only, and that, in the said prosecution, he, the said Master, had delivered a considerable part of the Cargo of the said Brig to the said Thomas Duncan, for gold dust, oil of the palm, and ivory; that he, the said Master, verily believed that the said Duncan was the Person who delivered the said Natives of Africa to the Seizors of the said Brig, for the purpose of having the said Persons put on board the said Brig; that he believes the said Duncan so acted in order to elude the payment of the debt he had contracted with the said Master to a large amount, and that the said Slaves, or Natives of Africa, did not belong to the said Brig.

Your Memorialist confidently submits, that at the time of her detention, there were no Slaves, intended for the purpose of traffick, actually on board the Brig, within Articles V. and VI. of the Convention of the 28th of July 1817, and Article I. of the Instructions, and, that the detention and capture of the Brig was, therefore, clearly illegal.

As to the second Point—that no Slaves were received on board the said Brig for the purpose of traffick during her voyage; your Memorialist refers your Lordships to the examinations of Joao Joze de Lima, taken in the said Court of British and Portuguese Mixed Commission, marked respectively F, and G, in the Appendix to this Memorial, who states positively, amongst other things, that no Slaves whatever were taken on board during the Voyage, that there were no Slaves brought on board the Brig for sale, and that not one Slave was brought on board the Brig.

On this Point your Memorialist also refers your Lordships to the part above stated of the said examination of the Master of your Memorialist's Brig.

On the first and second Point also, your Memorialist refers your Lordships to the Petition of your Memorialist, and the Documents, Proceedings, and Examinations, exhibited and taken before the Board of Inspection in the City of Bahia, and fully stated in the Appendix to this Memorial.

Your Memorialist humbly submits, that the examinations of the several Witnesses examined and interrogated on oath, on behalf of your Memorialist, by the Judge of the Criminal Court, Intendant General of the Gold, and President of the said Board of Inspection of Bahia, stated in the Appendix, established beyond a doubt, that no Slave or Slaves was or were on board your Memorialist's Brig, for the purpose of traffick at the time of her seizure, or was or were taken on board for such purpose during her voyage.

As to the third Point, your Memorialist begs to state, that Illias, the Cooper, being himself a Negro Slave employed on board your Memorialist's Brig, with a view of being manumitted, he was clearly

an interested Witness, and as such ought not to have been admitted in evidence, or credited. Thomas Duncan had received part of the Cargo from on board your Memorialist's Brig, for which he was to have paid in gold dust, oil of the palm, and ivory, as before stated, but which he had not paid for, at the time of the capture of your Memorialist's Brig.

Your Memorialist humbly submits, that the said Thomas Duncan was an interested Witness, as, by the condemnation of your Memorialist's Brig, he kept possession of the part of the Cargo he had received without paying for it.

The two Witnesses, Illias and Duncan, could have been contradicted by the concurrent testimony of the Ship's Company, as appears by the Proceedings before the Board of Inspection above mentioned, and they would have been so contradicted before the said Court of British and Portuguese Mixed Commission, but the Master of your Memorialist's Brig, being on shore dangerously ill at the time of the capture of your Memorialist's Brig; after the capture thereof, was arrested and conveyed on board the said English Frigate, from whence he was removed to a French Brigantine, which had been also captured by the English Frigate, in order to be taken, as he actually was taken, to Sierra Leone. On his arrival there, being still in bad health, he was scarcely able to testify that the Brig was condemned and adjudged as good and lawful Prize, because the Judges who pronounced the Sentence refused him all redress, and did not allow him to make his defence, or to have a copy of his Papers, all which had been taken possession of by the Captors; and he was so infirm, that he was obliged to be taken in a car to the Court, the only time he was summoned to attend; and from his bad state of health and want of means, he could not use all possible efforts in defence of your Memorialist's right and interest, he could do no more before the Court, which adjudged the said Brig and her Cargo as good and lawful Prize, than impugn, as suspicious, the evidence given on the part of the Captors. At the City of Pernambuco, which was the first Port the said Master put into, after sailing from Sierra Leone, he petitioned the Judge Auditor and President of the Board of Inspection to allow him to make his Protest, narrating therein and proving with Witnesses the facts above stated, which Protest was written and adjudged by Sentence, as per Document, No. 5, in the Appendix to this Memorial.

Your Memorialist also, as soon as she received accounts of the capture of her Brig, which was in the month of May 1822, did not neglect immediately to protest for her right and interest, petitioning and proving with Witnesses before the Judge Auditor of the Customs, who then acted as a President of the said Board of Inspection, narrating at the same time the facts before mentioned, the Protest whereof was likewise written and adjudged by Sentence, in the manner set forth in Document No. 6.

Your Memorialist also begs to state, that your said Memorialist had computed or estimated all her losses, in the event of her Brig being captured by any evil-disposed Cruizer, at £12,000 sterling, by a just arbitration of the same, as is expressly stated in her Letters of Orders, Document No. 2, in the Appendix to this Memorial, all which losses are more particularly detailed in the Proceedings before the Board of Inspection, stated in the Appendix to this Memorial.

In the aforesaid estimate of loss, is not included or comprehended that suffered by the Shippers, described in the map of the Cargo at the end of the Document 2, above referred to, which losses, together with all the profits, interest accruing, and damages thence arising, by whatever cause, are likewise due, and for which your said Memorialist did in like manner protest before the said Board of Inspection, as Attorney of the said Witnesses.

On the said several grounds aforesaid, therefore, your Memorialist on behalf of herself, and of the said Shippers, most humbly, yet most confidently, solicits and expects from your Lordships, an indemnification for all the said losses and damages arising therefrom, and profits accruing; all which she requests and claims, agreeably to the beforementioned Treaty, Additional Convention, Instructions, and Regulations, for the Mixed Commissions.

And your Memorialist will ever pray.

(Inclosure 2.)—Mr. Secretary Canning to M. de Villa Real.

SIR, *Foreign Office, April 28, 1825.*

I SUBMITTED, for the opinion of His Majesty's Law Officers, the Letter which you did me the honour to write to me on the 31st ultimo, in support of a Claim of Donna Victoria Carolina Cerqueira, brought forward in the shape of an Appeal against the Sentence of the Mixed British and Portuguese Court of Commission at Sierra Leone, in the Case of the *Dez de Fevereiro*, condemned on the 22d of June 1822, for illegal Slave-trade.

I have now the honour to observe to you, that upon a reference to the Convention (quoted in your Communication) under which the Commission has been acting, it is declared in Article I. of the Regulations "That the Commission shall judge without appeal, and, that this Declaration is only qualified by the Article XIV. of the Regulations, in the Case of an imperfect Court of Mixed Commission at Sierra Leone, when an Appeal is allowed, under certain conditions there cited, to the Commission resident in the Brazils.

His Majesty's Government cannot, therefore, comply with the prayer of the Petition for the rehearing of this Case. But it may be satisfactory to you to know, that on a strict review, by His Majesty's Law Officers, of the Sentence given in the Case of the *Dez de Fevereiro*, they have reported it as their decided opinion, that the circumstances appear to have been examined with great impartiality by the Commis-

sioners, and with great attention to all the evidence that could be procured at Sierra Leone, where the Vessel was then lying.

I am, &c.

M. de Villa Real. GEORGE CANNING.

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*No.*18.—*D. M. Hamilton, Esq. to Mr. Secy. Canning.—(Rec. May* 14.)

SIR, *Sierra Leone, February* 23, 1825.

I HAVE the honour to inform you, that His Majesty's Sloop *Victor*, George Woollcombe, Esq. Commander, sent into this Port last October for adjudication, two Brigantines, taken under Brazilian Colours, called the *Dianna*, and the *Dos Amigos Brazillieros*. The former was captured on the 11th of August 1824, with 143 Slaves on board, in latitude 2 deg. 15 min. North, and longitude 5 deg. 13 min. East, and the latter on the 18th of September, 1824, in latitude 1 deg. 40 min. North, and longitude 6 deg. 8 min. East, with 260 Slaves on board.

On the 15th of November last, the Court proceeded to the Condemnation of these Vessels; and, as not the slightest doubt was entertained of the illegality of the Traffick in which they were engaged, they were accordingly condemned, and their respective Slaves emancipated.

I have the honour to enclose herewith, Reports of these two Cases, as well as that of the *Avizo*, sent into this River last November by His Majesty's Ship *Maidstone*, Commodore Charles Bullen, having on board 465 Slaves, taken in at the same place (Badagry) as those of the *Dianna* and *Dos Amigos Brazillieros*, captured on the 26th of September last, in latitude 1 deg. 33 min. North, and longitude 7 deg. 7 min. East.

The grounds for Condemnation in this Case were so precisely similar to the two former Cases, that the Court unhesitatingly passed a Decree of Condemnation against her on the 19th of the same month, and ordered her Slaves to be emancipated.

I have the honour to be, &c.

The Right Hon. George Canning. D. M. HAMILTON.

(Inclosure 1.)—*Case of the Brazilian Brigantine* Dianna, *Manoel Dos Santos da Costa, Master.*

THE *Dianna* was brought to Sierra Leone on the 9th of October 1824. On the next day Mr. Shower, the Medical Officer attached to the Mixed Commissions, reported that he found on board of her 116 Slaves, who generally appeared to be in a healthy state, although most of them had been, and some then were, under the influence of the small-pox. The Vessel was put under quarantine by the Colonial Government. On or about the 15th of October, the Vessel was removed by order of the Government, from before Free Town to Foura Bay, about two miles further up the River; the Women and Girls were there

landed and lodged in a house well adapted for them, where they remained until this dreadful malady ceased to exist among them. The Men remained on board the *Dianna*, until about the 29th of October, when they were landed, and the same precaution taken as with the Women and Girls.

Owing to the indisposition of the Proctor for the Captors, the Papers of the Vessel were not delivered into the Registry of the Court until the 29th of October, on which day they were received by the Registrar, and a Monition prayed and granted, calling upon all Persons interested in the Vessel and Slaves to appear and claim.

The Monition was issued in the Case on the 1st of November.

The Declaration of the Captor, Captain Woollcombe, of His Majesty's Ship *Victor*, stated that he detained her sailing under Brazilian Colours, on the 11th of August 1824, in 2 deg. 15 min. North latitude, and 5 deg. 13 min. East longitude, with 143 Slaves on board, (56 Men, 29 Women, 32 Boys, and 26 Girls); that the Master declared her to be bound from Benin to Rio de Janeiro; that the Slaves on board were in a filthy and wretched condition; that the small-pox had broken out among them; that several had died before the Captors took possession of the Vessel, and one a few minutes after her Capture; that the Slaves had not had any food for the whole of the day previous to Capture, perhaps owing to the chase given to the Vessel by her Captors, from the hour of seven in the morning until sun-set; that at the time of Capture the Supercargo and the Crew, with the exception of the Master, who was ill of a fever, were in a state of intoxication.

From the Papers of the *Dianna*, it appeared that she was fitted out at Bahia for a Slave-trading voyage to Molembo, by Joaquim Carvalho da Fonseca, her ostensible Owner. She was provided with an Imperial Passport, numbered 19, and dated at Bahia, the 12th of March 1824, which authorized the Vessel to carry 300 Slaves, being the number proportioned to her alleged burthen of 120 tons. The *Dianna* was allowed by her Passport to proceed from Molembo to Rio de Janeiro, by the way of Bahia. Her Crew consisted of 15 Persons, including the Master, and for her outward Cargo she had on board tobacco, aquadente, cloths, gunpowder, and hats: she sailed from Bahia under the Brazilian Flag, on the 14th of March 1824.

The Log-book stated her outward voyage to have been from Bahia to Molembo, and her homeward voyage, in which she was intercepted, from Molembo to Bahia. The attempt to deceive was not carried further, for the Log-book shews the course of the *Dianna* to have been constantly directed, after the first day of her leaving Bahia, in a North Easterly direction. The Molembo, where the *Dianna* terminated her outward voyage, is stated in the Log-book to be in latitude 4 deg. 30 min. North, and longitude 2 deg. 30 min. West, which is near the Rio Formosa, in the Bight of Benin; the real Molembo being in latitude

about 5 deg. South, and in longitude 13 deg. 30 min. East. The Log-book makes the homeward voyage commence in latitude 4 deg. 5 min. North, and in longitude 5 deg. 7 min. East.

The Master of the *Dianna* was not brought to Sierra Leone, in consequence of extreme ill health, as stated in Certificate of the Surgeon of the *Victor*, dated at Sea, the 11th of August 1824.

On the 4th of November, the Mate, Barber, and Cook, were examined upon the General Interrogatories.

The Mate, José Lorenço Sousa, deposed, that the *Dianna* anchored at Rio Formosa, which is in the Bight of Benin, and to the North of the Equator, to trade for Slaves, and that there were taken on board, in that River, 155 Slaves, some of whom died previously to the Capture of the Vessel, and some since.

The Barber, Antonio Francisco, and the Cook, Vicenté Luiz, deposed that the *Dianna* anchored at Benin, to trade for Slaves; the former Witness stated that 166 Slaves were taken on board during the voyage; that six of the Slaves died previously to Capture, and 30 since Capture; the last Witness did not know how many Slaves were taken on board during the voyage, but states the whole were taken on board at Benin.

The Monition in this Case was returned into the Registry on the 8th of November.

On the 15th of November, the Commissioners decided upon the Case: they decreed, the Evidence fully proving the illegality of the Traffick in which she had been engaged, that the *Dianna* should be condemned as Prize to the Crowns of Great Britain and Portugal, and that her Slaves should be emancipated. D. M. HAMILTON.

(Inclosure 2.)—Case of the Brazilian Brigantine Dos Amigos Brazillieros, *Antonio Alvarez da Silva, Master.*

This Vessel sailed from Bahia on the 6th of March last, for the Coast of Africa, under the Brazilian Flag, fully equipped for a Slave-trading voyage, and arrived at Badagry, in latitude about 6 deg. 20 min. North, and longitude 4 deg. 20 min. East, where a Cargo of Slaves was purchased, and taken on board, after which she sailed on her return voyage to Bahia, and was captured, on the 18th of September last, with 260 Slaves on board, viz. 191 Men, 42 Women, 21 Boys, and 6 Girls, by His Majesty's Sloop *Victor*, George Woollcombe, Esq. Commander, near Princes Island, in latitude 1 deg. 40 min. North, and longitude 6 deg. 8 min. East; her outward Cargo consisted of 1500 rolls of tobacco, and 28 pipes of aquadente.

It is stated in the Royal Passport, numbered 17, dated at Bahia, the 4th of March 1824, that she is 146 tons burthen, and carries 32 Men, that Antonio Marques de Carvello and Co. are her Owners; that she is bound to the Port of Mólembo, from whence she is to re-

turn to whatever Port she pleases of the Empire, and authorizes any number of Slaves, not exceeding 361, to be on board at one time.

On the 29th of October last, this Vessel arrived in this Port, and on the day following her Papers were brought into the Registry. On the 1st of November, a Monition was issued, calling upon all Persons interested in the Vessel and Slaves to make claim, which was returned on the 8th day of the same month, as duly served. Two of the Crew, Florenza Jose, the Barber, and Francisco Antonio, the Cook, were produced, sworn, and examined, on the General Interrogatories: both these Witnesses deposed, that the whole of the Slaves had been taken on board at Badagry, and that the Vessel was seized near Princes Island. The Declaration on oath of Mr. Young, Admiralty Mate of the seizing Ship, deposed to the Capture having been made in latitude 1 deg. 40 min. North, and longitude 6 deg. 8 min. East, and no Claimant having appeared, and it having been proved that the Master was left at St. Thomas at his own request, on account of ill health, it was therefore considered by the Court that just grounds existed for the condemnation of the Vessel, and for the emancipation of the Slaves, which was accordingly pronounced on the 15th day of November last.

D. M. HAMILTON.

(*Inclosure* 3.)—*Case of the Brazilian Brig* Avizo, *Luiz Pacheco da Silva, Master.*

THIS Vessel arrived in the Harbour of Sierra Leone, on the evening of the 8th day of November 1824, with 431 Slaves on board, many of them in a most wretched state of suffering from diarrhœa and dysentery; they consisted of 254 Men, 110 Women, 36 Boys, and 31 Girls. On the following day the Ship's Papers were brought into Court duly authenticated, with the Declaration of Commodore Bullen, of His Majesty's Ship *Maidstone*, the Captor, and Proceedings were commenced in this Case. A Monition was issued, citing all Persons having, or pretending, any interest in the *Avizo*, and Slaves, to appear and make claim, which was afterwards returned, certified as duly served.

It appeared by the Royal Passport, dated at Bahia, the 9th of March 1824, and numbered 18, that the *Avizo* was of the burthen of 231¼ tons, and was authorized to carry any number of Slaves not exceeding 578, that Adriano da Costa Carvalho was the Owner, and that she was bound to the Port of Molembo, from whence she was to return to Rio Janeiro, with intention to call at Bahia.

In Commodore Bullen's Declaration it was stated, that he seized the *Avizo*, in about latitude 1 deg. 33 min. North, and longitude 7 deg. 7 min. East, that she was armed with one four-pounder gun, with a Crew of 33 Men and Boys, and having on board 465 Slaves, consisting of 284 Men, 110 Women, 40 Boys, and 31 Girls.

The Master, Louis Pacheco da Silva, deposed, that 467 Slaves were taken on board the *Avizo* during the voyage, all which were shipped at Badagry; and one of the Mariners deposed, that the Slaves were bought at Badagry, and that the Capture was made near Princes Island. The Case of illicit Slave Traffick being thus clearly proved, Badagry being in latitude about 6 deg. 20 min. North, and no Claim having been made, the Court passed Sentence of Condemnation on the Vessel, and decreed the emancipation of the Slaves on the 19th of November 1824. D. M. HAMILTON.

No. 19.—His Majesty Comm^rs. to Mr. Secy. Canning.—(Rec. May 14.)

SIR, *Sierra Leone, February 24, 1825.*

WE have the honour to state, that, on the 10th day of December last, the Brazilian Brig *Bella Eliza*, Placedo José de Maria, Master, arrived in this Port, to which Place she had been sent for adjudication by Captain Courtnay, the Commander of His Majesty's Ship *Bann* for being engaged in the illicit Traffick in Slaves. She was seized in latitude 2 deg. 21 min. North, and longitude 5 deg. 42 min. East, on the 23d day of October last, having on board at that time 371 Slaves, (being three more than allowed by her Royal Passport.) These Slaves were taken on board in the River Lagos, in latitude 6 deg. 10 min. North, in the middle of October last, between which time and that of her arrival at this place 12 of them died. We beg to enclose herewith the Report of this Case.

We have the honour to be, &c.

D. M. HAMILTON.

The Right Hon. George Canning. J. REFFELL.

(Inclosure.)—Case of the Brazilian Brig Bella Eliza, *Placedo José de Maria, Master.*

THIS Vessel arrived in this Port on the 10th of December, 1824, with 359 Slaves on board, consisting of 176 Men, 72 Women, 58 Boys, and 53 Girls. On the 14th day of December following, the Papers, duly authenticated, with the Declaration of Captain Courtnay, of His Majesty's Ship *Bann*, the Captor, were brought into the Court, and Proceedings commenced in this Case. On the day following, a Monition was issued, calling on all Persons having any right, or pretended right, in the Vessel and Slaves, to appear and claim, which was afterwards returned, certified as duly served.

It is stated in the Royal Passport, dated at Bahia, on the 21st of June, 1824, that this Vessel is 147¼ tons, and carries 24 Men; that Antonio José de Mercellas is the Owner; that she is bound to the Port of Molembo, and back to Bahia; and that any number of Slaves, not exceeding 368, are permitted at one time to be on board of her.

Captain Courtnay's Declaration states, that he seized the *Bella Eliza* on the 23d day of October last, in Latitude 2 deg. 21 min. North, and Longitude 5 deg. 42 min. East; that she was sailing under Portuguese Brazilian Colours, with a Crew of 23 Men and 1 Boy, and having on board 371 Slaves, being 3 more than allowed by the Passport; that these Slaves consisted of 180 Men, 72 Women, 58 Boys, and 53 Girls.

Placedo José de Maria, the Master, deposed that he took on board the whole of the present Cargo of Slaves at Northern Molembo; they amounted to 371, and were all taken on board in six hours: this Witness, on being desired to point out Northern Molembo on the Chart, pointed out the Western Bank of the River Lagos, in Latitude 6 deg. 10 min. North, saying, at the same time, "that is Northern Molembo, where we took the Slaves on board."

Antonio Joaquim da Costa, the Boatswain, also deposed, that the number of Slaves taken on board was 371, and that they were all taken on board from the shore at Onim, in the River Lagos.

The Case on the part of the Captors having been thus clearly proved, and no Claim having been made, the Court passed Sentence of Condemnation on the Vessel, and decreed the emancipation of the Slaves, on the 31st of January, 1825.

D. M. HAMILTON.
J. REFFELL.

No. 20.—His Majesty's Commrs. to Mr. Secy. Canning.—(Rec. June 14.)

SIR, *Sierra Leone, March 31, 1825.*

WE have the honour to acknowledge the receipt of your Despatch, marked Portugal, dated the 30th of November last, enclosing the Copies of Despatches from Mr. Chamberlain, at Rio de Janeiro, dated August 27 and September 18, last, with the Copy of the Correspondence between that Gentleman and the Brazilian Government, relating to the measurement of the tonnage of Vessels belonging to the Brazils, fitted out for the Slave-trade.

We have the honour to be, &c.

D. M. HAMILTON.
J. REFFELL.

The Right Hon. George Canning.

No. 21.—His Majesty's Commrs. to Mr. Secy. Canning.—(Rec. June 24.)

SIR, *Sierra Leone, April 12, 1825.*

WE have the honour to inclose, for your information, the Report of the Case of the Brazilian Schooner *Bom Fim*, whereof Joachim José de Brito Lima was Master, captured on the 14th day of January last, by His Majesty's Gun-Brig *Swinger*, Lieutenant Clerkson, Commander, and sent in here for adjudication, where she arrived on the 8th ultimo, with 148 Slaves on board, which were emancipated on the 19th

of the same month, and delivered over to the Colonial Government to be employed as Servants or Free Labourers.

We have the honour to be, &c.

D. M. HAMILTON.

The Right Hon. George Canning. J. REFFELL.

(Inclosure.)—Case of the Brazilian Schooner Bom Fim, *Joachim José de Brito Lima, Master.*

THIS Vessel was captured on the 14th day of January last, in Latitude 2 deg. 20 min. North, and Longitude 5 deg. 31 min. East, by His Majesty's Gun-Brig *Swinger*, commanded by Lieutenant Clerkson, with 149 Slaves on board, all in good health: of these Slaves 41 were Men, 44 were Women, 43 were Boys, and 21 were Girls: she arrived at Sierra Leone on the 8th day of March following, with 148 of the Slaves in perfect health, having lost one of them, a man, who either fell or jumped overboard, and was drowned.

On the 12th of March the Ship's Papers, duly authenticated, were brought into Court, and a Monition prayed and issued, calling on all Persons having any right, title, or interest in the *Bom Fim*, and Slaves, to appear and make claim, which was afterwards returned, certified as duly served.

It appeared by the Royal Passport, dated at Bahia, the 23d day of August, 1824, and numbered 30, that the *Bom Fim* was a Brazilian Vessel of the burthen of 64 tons, carrying 17 Men, and was authorized to take on board any number of Slaves not exceeding 160; that Manuel José Freire de Carvalho, a Subject of the Brazilian Empire, was the Owner; that she was bound to the Port of Molembo, from whence she was to return to Bahia.

Her outward Cargo, as appeared from her Papers, consisted of 850 rolls of tobacco, 2 pipes of aquadente, 2 cases of course cambrics, 2 cases of cloths, &c., and 18 jars of sweetmeats; besides which there were some small adventures, consigned by various individuals to the charge of the Master of the *Bom Fim*, and amongst those Consignees were 4 Ladies, who particularly expressed that the returns should be made in Slaves, and who also as particularly pointed out the qualities they wished their respective Negroes to possess.

The Master of the *Bom Fim* in his Deposition in this Case, among other things, states the Vessel to have been a Brazilian Vessel, which was captured on the 14th of January last, in Latitude 2 deg. 21 min. North, and Longitude 5 deg. 31 min. East, for having Slaves on board, the whole of which Slaves, 149 in number, were shipped at Onim, in 6 deg. 16 min. North Latitude, and 3 deg. 10 min. East Longitude.

The Barber, or Surgeon, in his Deposition corroborates the Master in the Slaves having been shipped to the North of the Equator. The Case of illicit Traffick being unquestionably proved, and no Claim

having been made, the Court passed Sentence of Condemnation on the Vessel, and decreed the emancipation of the Slaves, on the 19th of March, 1825.

D. M. HAMILTON.
J. REFFELL.

No. 22.—His Majesty's Commrs. to Mr. Secy. Canning.—(Rec. Sept. 17.)

(Extract.) *Sierra Leone, June 18, 1825.*

We have the honour to acknowledge the receipt of your Despatch of the 28th of April, 1825, inclosing, for our information, a Copy of a Correspondence with M. de Villa Real, on the Case of the *Dez de Fevereiro.*

CHAS. TURNER.
GEO. RENDALL.

The Right Hon. George Canning.

No. 23.—His Majesty's Commrs. to Mr. Secy. Canning —(Rec. Sept. 17.)

Sir, *Sierra Leone, June 19, 1825.*

We have the honour to communicate, for your information, the arrival, on the 25th ultimo, of His Most Faithful Majesty's Commissary Judge, I. J. Altavilla, Esq. The leave of absence granted to that Gentleman by his Government having expired, he has resumed the exercise of his official functions as Commissary Judge in the British and Portuguese Court of Mixed Commission.

We have the honour to be, &c.

CHARLES TURNER.
GEORGE RENDALL.

The Right Hon. George Canning.

No. 24.—Mr. Secretary Canning to His Majesty's Commissioners.

Gentlemen, *Foreign Office, December 5, 1825.*

By the accompanying Copy of a Note, which I have this day received from the Marquess de Palmella, His Most Faithful Majesty's Ambassador at this Court, you will perceive it is announced that His Most Faithful Majesty has judged proper to remove Mr. Altavilla from the Office of Commissary Judge in the Mixed Court of Commission established on the Coast of Africa.

You will, in consequence, no longer consider M. Altavilla as invested with the Situation above-mentioned; and you will take proper steps that the service with which the Commission is entrusted may not suffer from this measure of the Portuguese Government, or from the vacancy thereby produced in the Commission.

You will deliver into the hands of M. Altavilla the Letter addressed to him from M. de Palmella, and which accompanies this Despatch. You will make known the suspension and recall of M. Altavilla; and you will take care that no sums of money remaining at Sierra Leone, due to the Crown of Portugal on account of Prizes taken under the Convention of 1817, shall be paid to M. Altavilla; but that the regular

course shall be pursued for their being placed in due deposit, until you shall receive further orders. I am, &c.

His Majesty's Commissioners. GEORGE CANNING.

(Inclosure.)—The Marquess de Palmella to Mr. Secretary Canning.
(Received November 30.)

(Extract.) *Londres, le 26 Novembre 1825.*

Le Soussigné Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Très Fidèle a l'honneur d'informer Son Excellence Mons. Canning, Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères, que Le Roi son Mâitre a jugé à propos de démettre Mons. I. I. Altavilla de l'emploi de Commissaire Juge dans la Commission Mixte établie sur les Côtes d'Afrique.

La Convention du 28 Juillet 1817, ayant pourvu au cas de mort ou d'absence des deux Commissaires Portugais, la place que Monsieur Altavilla laissera vacante, pourra être suppléée conformément aux Stipulations de la susdite Convention.

Le Soussigné prie Son Excellence Monsieur Canning de vouloir *bien* faire parvenir avec sureté entre les mains de Monsieur Altavilla, la Lettre cijointe, et d'annoncer aux Membres Anglais de la Commission de Sierra Leone la suspension et le rappel de Mons. Altavilla.

Son. Excellence M. Canning. LE MARQUIS DE PALMELLA.

No. 25.—Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, January 12, 1826.*

I HEREWITH transmit to you, for your information and guidance, the Copies of a Correspondence which has recently passed upon the subject of a practice which has prevailed on the part of the Authorities in Brazil, of inserting, in their Passport to Slave Vessels, a permission to touch at other Ports and Places than those which by Treaty they are allowed to enter in their voyages to trade in Slaves.

I am, &c.

His Majesty's Commissioners. GEORGE CANNING.

(Inclosure.)—Joseph Planta, jun. Esq. to J. W. Croker, Esq.

SIR, *Foreign Office, January 12, 1826.*

IT will be seen by the Despatches marked 48 and 54 of Class B, in the Papers on the Slave-trade, submitted to Parliament in the year 1825, that a practice has prevailed in Brazil of inserting in the Passports given to Slave Vessels, a permission that those Vessels may touch at Princes Island and St. Thomas's, on their voyage to the spots where they are yet by Treaty allowed to trade in Slaves.

His Majesty's Government having learnt that a Slave-trade in Places not permitted by Treaty, has prevailed with impunity, in con-

sequence of the facilities given by this permission, instructed Mr. Chamberlain to remonstrate against the practice.

The Brazilian Government referred Mr. Chamberlain to the Stipulations of the Treaties between this Country and Portugal, as the proper basis whereby a check is to be given to Slave-trade illegally carried on by Brazilian Vessels.

Mr. Chamberlain, in a Despatch, of which I send you herewith a Copy, has, therefore, called the attention of the Brazilian Government to the 2d Article of the Convention of 1817, and to the terms of the Licence authorised by that Convention, and has formally called on the Brazilian Government to forbid the issue of Licences to Slave Vessels, to touch at any other Ports or Places than those which, according to the existing Treaties, they are yet allowed to enter; namely, the Ports and Places claimed by the Crown of Portugal as her Territory on the Coast of Africa, to the South of the Equator.

I am directed by Mr. Secretary Canning to desire that you will be pleased to lay these Papers before the Lords Commissioners of the Admiralty, and move Their Lordships to give directions for pointing out, to the attention, and for the guidance of His Majesty's Naval Officers, the Stipulations here quoted in the Conventions above-mentioned, so that, upon the meeting with any Vessels irregularly licensed, such Vessels may be dealt with according to Treaty, upon that particular Point. I am, &c.

The Secretary to the Admiralty. J. PLANTA, jun.

For the other Inclosures in No. 25, see Class B.

No. 26.—Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, January* 13, 1826.

I HEREWITH send to you, for your information, the Copies of a Correspondence which has passed between this Department and His Majesty's Consul at Bahia,* upon the subject of Charters which have been offered to English Vessels to proceed from that Port to Places in Africa, North of the Line, laden with articles usually shipped for the purpose of purchasing Slaves. I am, &c.

His Majesty's Commissioners. GEORGE CANNING.

SIERRA LEONE.—(*Netherlands.*)

No. 27.—His Majesty's Commrs. to Mr. Secy. Canning.—(Rec. June 14.)

SIR, *Sierra Leone, March* 31, 1825.

WE have the honour to acknowledge the receipt of your Despatch of the 24th of January last, marked Netherlands, announcing the ap-

* See Class B.

pointment of Mr. E. P. G. Bonnouvrié, late the Arbitrator of His Majesty The King of The Netherlands, in the Mixed Court of Justice, to the Office of Netherlands Judge in that Court, in the room of Mr. J. A. de Marrée, deceased. We have the honour to be, &c.

D. M. HAMILTON.
J. REFFELL.

The Right Hon. George Canning.

No. 28.—His Majesty's Commrs. to Mr. Secy. Canning.—(Rec. Sept. 17.)

SIR, *Sierra Leone, June 18, 1825.*

WE are honoured with your Despatch of the 4th of April 1825, inclosing, for our information, the Copy of a Despatch from His Majesty's Commissary Judge at Surinam, containing observations on the state of the Netherlands Laws, as affecting the Captors of Vessels trading illegally in Slaves; also the Copy of a Despatch from His Majesty's Acting Minister Plenipotentiary at the Court of The Netherlands, and of its Inclosure, in which the purport of a Decree issued by The King of The Netherlands on the 14th of March last, is recorded.

We are, with the greatest respect, &c.

CHAS. TURNER.
GEO. RENDALL.

The Right Hon. George Canning.

No. 29.—His Majesty's Commrs. to Joseph Planta, jun. Esq.
(Received Sept. 17.)

SIR, *Sierra Leone, June 18, 1825.*

WE had the honour to receive your Despatch of the 23d of April 1825, forwarding, for our information, the Copy of the Law of The Netherlands on Slave-trade, of the 20th of November 1818; also of the Decrees of The King of The Netherlands of the 23d of December 1824, and the 10th of March 1825.

We have the honour to be, &c.

CHAS. TURNER.
GEO. RENDALL.

Joseph Planta, jun. Esq.

HAVANNAH.

No. 30.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. April 23.)

SIR, *Havannah, February 19, 1825.*

I HAVE the honour to acknowledge the receipt this day of your Despatch of the 20th of November of last year, in which you have been pleased to transmit, for the information and guidance of His Majesty's Commissioners here, a Copy of the Act of Parliament passed last Session, for amending and consolidating the Laws relating to the Abolition

of the Slave-trade; and likewise Copies of a Correspondence with the Treasury upon the subject of the 75th Clause of that Act.

I am, &c.

The Right Hon. George Canning. H. T. KILBEE.

No. 31.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. April 23.)

SIR, *Havannah, February 25, 1825.*

I HAVE the honour to inclose Translations of a Correspondence which has passed between the Captain-General and the Mixed Commission, upon the subject of a Royal Order received by the former, respecting the case of the Portuguese Brig *Maria de la Gloria.*

You will perceive that the Spanish Government in this Royal Order, does not enter into the merits of the Case, but merely directs that the Court of Admiralty shall proceed to the Decision thereof, without expressing any opinion upon the former Proceedings.

I have the honour to be, &c.

The Right Hon. George Canning. H. T. KILBEE.

(Inclosure 1.)—The Capt.-Gen. to the Mixed Commission.—(Translation.)

GENTLEMEN, *Havannah, February 23, 1825.*

UNDER date the 7th of November last, His Excellency the Minister of State writes to me as follows :—

" Most Excellent Sir, The Proceedings in the Case of the Prize, with a cargo of Negroes, made by the Brig *Romano,* having been laid before Our Lord The King, His Majesty has been pleased to resolve that, the Mixed Commission at The Havannah having relinquished the cognizance of this Cause, it shall be proceeded in and decided, conformably to the Laws, by the Court of Admiralty; that the Case shall be sent back to the Mixed Commission, if it should appear that the Prize is Spanish or English property, in fulfilment of the Treaty between the Two Powers;—and that His Majesty should be consulted respecting the Sentence, if it should be Portuguese property, or that of any other Foreign Nation; in which case the value of whatever may have been, or may be sold, belonging to the captured Vessel and its cargo, shall be placed in deposit until His Majesty's Pleasure shall be made known." By Royal Command, I communicate the above to Your Excellency for your information and guidance, in reply to your Despatch of the 31st of August, and I transmit the same to you, for the punctual and exact fulfilment thereof, as far as you are concerned. God preserve you many years.

FRANC°. DION°. VIVES.

The Members of the Mixed Commission.

(Inclosure 2.)—The Mixed Commission to the Captain-General.

MOST EXCELLENT SIR, *Havannah, February 24, 1825.*

THIS Mixed Commission has received the Royal Order of the 7th of November last, relative to the Case of the Prize with a cargo of Negroes, made by the Brig *Romano*, which Your Excellency has been pleased to transmit in your Official Letter of the 23d instant, and which has been ordered to be annexed to the other Proceedings, in order that His Catholick Majesty's resolution upon the Case may therein appear. God preserve Your Excellency many years.

H. T. KILBEE. ANDRES DE JAUREGUI.

H. E. The Captain-General. RAFAEL DE QUESADA.

No. 32.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. April 23.)

SIR, *Havannah, February 25, 1825.*

THREE Spanish Schooners, viz. the *Iris, Joaquina,* and *Ninfa,* Don Geronimo Rodriguez, Don Domingo Arcue, and Don Juan Mandial, Masters, sailed this day for the Coast of Africa.

On the 23d instant the Schooner *Ninfa Havanera,* which sailed for that Coast in April last, arrived here in ballast, having previously landed 400 Negroes near Cabañas. The Schooner *Chirigota,* which likewise sailed for the same destination in August, landed in the same neighbourhood 93 Negroes some days ago, but, on her way round to this Port, was captured and burnt by a Colombian Cruizer. Thus within less than two months, nine Slave Vessels have landed 2642 Negroes at Cabañas, or its immediate neighbourhood, and have all, with the exception of the *Chirigota,* subsequently entered this Port.

It has unfortunately happened, that, during this period of extensive illicit Slave-trade, without example even here, we have been only four days without some of His Majesty's Vessels of War in this Harbour, having had so many as eight at a time, aud no less than twelve having been here since the commencement of the present year. Some of these were expressly destined for the suppression of the Traffick by Sir Lawrence Halsted, who, in several Private Letters to me, has manifested the greatest anxiety upon the subject, and has done every thing in his power for the attainment of that object.

The success of the illicit Slave-traders has completely relieved them from all apprehension; and I believe that, at the present moment, the only check to their speculations is the apprehension that the supply already expected is much greater than can be disposed of with profit.

It is not from being in possession of better sources of information than formerly, that I am enabled to state the number of Negroes landed, and the place of their disembarkation, but merely because transactions of this nature are now publick and notorious, no mystery being found necessary. I have the honour, &c.

The Right Hon. George Canning. H. T. KILBEE.

No. 33.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. April 23.)

SIR, *Havannah, March 10, 1825.*

ON the 8th instant arrived here the Spanish Schooner *Iris*, in ballast, from St. Thomas's, on the Coast of Africa, for which destination she sailed in the month of August last. It is well known that she landed, previous to her entrance into this Port, 317 Negroes near Matanzas.

I have the honour to be, &c.

The Right Hon. George Canning. H. T. KILBEE.

No. 34.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. April 23.)

(Extract.) *Havannah, March 12, 1825.*

I HAVE received from the Captain-General a Letter, of which a Translation is enclosed, informing me of the result of the Investigation, instituted respecting the Case of the *Magico*, by which it appears that that Vessel had not landed Negroes in the Port of Cabañas, where she entered merely for the purpose of escaping from what she conceived to be Insurgent Privateers. His Excellency adds, that I shall be convinced that such was really the case, by the fact that the Local Authorities had not reported to him any landing of Negroes; and he concludes by expressing a hope that I will give him due notice, should I observe any thing connected with the subject of illicit Slave-trade.

I trust that it will not be doubted that my motives are strong when, in the face of that communication, I assert that there exists not a shadow of a doubt that the *Magico did* land a cargo of Negroes in the Port of Cabañas, under the circumstances stated in one of my former Despatches.

I confess I am not surprised at the result of the investigation; but I am both grieved and surprised to find that the Captain-General should have sanctioned that result.

In my reply to the Captain-General, of which I have the honour to inclose a Copy, I have not ventured to make any comment upon it, but have merely stated that I would transmit his Letter to His Majesty's Government. I have also mentioned that several Vessels have lately landed Negroes on the Coasts of this Island to the amount, as was notorious, of nearly 3000. It is my intention to refrain altogether, until I shall have the honour of receiving your Instructions, from calling the attention of the Captain-General to the ordinary cases of illicit Slave-trade that may occur, as I conceive that I should be in a manner lending myself to the disgraceful farce which is acting here, were I to continue to adopt a measure from which, after what has lately passed, it is not possible to expect any advantage whatever.

The Right Hon. George Canning. HENRY T. KILBEE.

(Inclosure 1.)—The Captain-General to the British Commissary Judge.
(Translation.)

SIR, *Havannah, March 9, 1825.*

HIS Excellency the Commander-in-Chief of the Naval Forces on this Station, directed that an investigation should be instituted for the purpose of discovering whether the Merchant Brig, called the *Magico*, had conveyed African Negroes, and had landed them in the Port of Cabañas: all in consequence of the Letter addressed to you by the Commander of His Britannick Majesty's Brig *Carnation*, by which he has manifested his zeal in favour of so solemn a Treaty. From the certified Copy of that summary investigation which the said Commander-in-Chief has transmitted to me, it does not appear that any such crime has been committed, or that the Brig *Magico*, in entering the Port of Cabañas, had been actuated by any other motive but that of escaping from the Insurgent Privateers, which abound in these Seas, and to which class she believed that the Brig *Carnation*, and the Tender-Schooners *Union* and *Assiduous* belonged.

If you add to this, that neither the Civil nor Military Authorities of that District have reported to me any such disembarkation of Negroes, which subject I have recommended to their zeal, you will be convinced that the cause of the arrival of the Brig *Magico* at Cabañas was no other than that which appears by the aforesaid summary investigation. Both the Commander-in-Chief of the Naval Forces and myself are fully persuaded of your approved zeal, and of that of the Officers of the British Navy; and in order to satisfy it, I apprise you of this result; hoping that if you should observe any thing connected with the subject, you will have the goodness to give me due notice, in order that I may take the proper steps for the purpose of inflicting the penalties of the Law upon the violators of a Treaty ordered to be strictly observed, and the fulfilment of which I have repeatedly enjoined in the strongest manner. God preserve you many years.

H. T. Kilbee, Esq. FRANCISCO DIONISIO VIVES.

(Inclosure 2.)—The British Commissary Judge to The Captain-General.

SIR, *Havannah, March 11, 1825.*

I SHALL not fail to transmit to my Government by the earliest opportunity, the Note which Your Excellency has done me the honour to address to me, under date the 9th instant, apprizing me of the result of the summary investigation instituted for the purpose of discovering whether the Brig *Magico* had landed Negroes in the Port of Cabañas; upon which subject it is not for me to make any further observations than those which I have already submitted to Your Excellency's consideration. With respect to the desire which Your Excellency has been pleased to express at the conclusion of your Note, I have only to observe that Vessels continue to depart for, and arrive from the Coast of

Africa, four having lately sailed for that destination, and six of those which sailed last year having arrived, as usual, in ballast; it being matter of notoriety and common conversation, that the latter and some other Vessels have, within the last ten or eleven weeks, landed very nearly 3,000 Negroes on the Coast of this Island.

I have the honour to be, &c.

H. E. The Captain-General. H. T. KILBEE.

No. 35.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. April 23.)

SIR, *Havannah, March 15, 1825.*

SINCE I closed my Despatch of the 12th instant, I have received a Letter, of which the inclosed is a Translation, from the Captain-General, in which His Excellency, in reply to a paragraph of mine of the 11th instant, states that he has nothing to do with the departures and arrivals of Vessels, unless there be a legal cause for proceeding against them.

I have the honour to be, &c.

The Right Hon. George Canning. H. T. KILBEE.

(Inclosure.)—The Captain-General to the British Commissary Judge.

(Translation.)

SIR, *Havannah, March 14, 1825.*

IN reply to the last paragraph of your Note of the 11th instant, in which you state that the departures for, and arrivals from, the Coast of Africa continue, I must apprize you, as I have done before, that I have nothing to do with the departures and arrivals of Vessels, or with their mercantile operations, unless there may be a legal cause for proceeding against them; in which case, nobody is more ready than I to observe the Laws, and cause them to be obeyed; and in order that you may be convinced of my intentions, I transmit, under this day's date, the paragraph above referred to of your Note to His Excellency the Intendant. God preserve you many years.

H. T. Kilbee, Esq. FRANCISCO DIONISIO VIVES.

No. 36.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. April 29.)

SIR, *Havannah, March 25, 1825.*

I HAVE the honour to inclose a Translation of another Note, which I have received from the Captain General, upon the subject of the illicit Slave-trade carried on with this Island, in which His Excellency inserts a Communication from the Intendant, stating, that the Custom-House Department here can do nothing in the matter.

Thus, while the extent and notoriety of the evil are not denied, it is expressly stated, that no branch of the Government here can afford any remedy whatever.

A Case of Slave-trade, of more than ordinary effrontery, has lately occurred. The Brig *Relampago*, which sailed from hence for the Coast

of Africa, in the month of August last, came close off this Port on the morning of the 22d, sent in her Boat with the Mate, and after receiving Instructions, proceeded to a small Port on this side of Mariel, where she landed 503 Slaves, after which she returned and entered this Harbour last night.

A Schooner, named the *Jacinta*, has cleared out at the Custom-House for St. Thomas's, on the Coast of Africa, but has not yet sailed. I have the honour, &c.

The Right Hon. George Canning. H. T. KILBEE.

(Inclosure.)—The Captain-General to the British Commissary Judge.
(Translation.)

SIR, *Havannah, March* 24, 1825.

UNDER date the 16th instant, His Excellency the Intendant writes to me as follows:

"Most Excellent Sir; In reply to the Official Letter of the 14th of this month, in which Your Excellency inserts that of the British Commissioner, Mr. Kilbee, I must repeat, that this Custom-House, by its Regulations, can do nothing in the matter; and this I have stated to our Lord The King, in order that His Majesty may be pleased to give me the directions He may think proper."

Which I transmit to you for your information, and in consequence of what I stated to you in my reply of the 14th instant.

God preserve you many years.

H. T. Kilbee, Esq. FRANCISCO DIONISIO VIVES.

No. 37.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. May 26.)

(Extract.) *Havannah, April* 12, 1825.

ON the 31st ultimo, the Schooner *Paulita*, which sailed from hence in the month of October last, for the Coast of Africa, arrived in ballast, having previously landed 129 Slaves.

On the 1st instant the Schooner *Jacinta* sailed for St. Thomas's on the African Coast.

That the number of departures of Slave-vessels has of late decreased is to be attributed entirely to the present general stagnation of trade here, and to the large supplies of Negroes that are expected. Those inclined to embark in the Traffick, are influenced by no consideration but the prospect of profitable returns; for experience has shown them, that no obstacle is to be apprehended from the Spanish Authorities; and I have no hesitation in saying, that the Slave-trade is now fully as extensive, and is carried on in all its branches, with very nearly as much publicity, as if our Treaty were not in existence.

The Right Hon. George Canning. H. T KILBEE.

No. 38.—Joseph Planta, jun. Esq. to H. T. Kilbee, Esq.

SIR, *Foreign Office, June 4, 1825.*

YOUR Despatches up to the 18th of April inclusive, have been received and laid before The King.

With respect to that part of your Despatch, of the 12th of March, in which you state your intention to refrain from calling the attention of the Captain-General to the ordinary Cases of illicit Slave Trade that may occur, until you receive further Instructions upon the subject, I am directed by Mr. Secretary Canning to desire that you will continue to represent on *all* Cases, as heretofore; and that you will use your utmost endeavours, in a firm, though temperate manner, to elucidate the truth of every circumstance which may come under your observation. I am, &c.

H. T. Kilbee, Esq. J. PLANTA, Jun.

No. 39.—Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, June 15, 1825.*

I HEREWITH transmit to you, for your information, six Copies of Papers, marked A and B, relative to the Slave Trade, which have been presented to both Houses of Parliament by His Majesty's Command, in the course of the present Session. I am, &c.

His Majesty's Commissioners. GEORGE CANNING.

No. 40.—Mr. Secretary Canning to H. T. Kilbee, Esq.

(Extract.) *Foreign Office, June 15, 1825.*

I PERCEIVE with satisfaction, in your Despatches, continued marks of your vigilance in watching the Slave Trade, which unfortunately prevails in Cuba; of your temperate zeal and judgment in remonstrating against it with the Local Authorities, and of your proper assiduity and attention in reporting to me, for the information of His Majesty's Government, the various circumstances which come under your knowledge, affecting the operations in illegal Slave Trade.

I herewith send to you, for your information, the Copy of a Despatch, which I have recently addressed to His Majesty's Envoy at Madrid,* enclosing to him the intelligence which you have given upon this subject.

H. T. Kilbee, Esq. GEORGE CANNING.

No. 41.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. July 21.)

SIR, *Havannah, May 10, 1825.*

I HAVE been informed by my Spanish Colleagues that, in a Report which they lately made to their Government, they mentioned the evil

* See Class B.

consequences likely, in their opinion, to result, from allowing the Negroes, who might be emancipated by the Mixed Commission, to remain in the Island; and they recommended that some arrangement should be proposed to the British Government for conveying such Negroes back to their own Country, or to any other Place, out of the Island, which might appear to the two Governments to be best adapted for the purpose. I am, &c.

The Rt. Hon. George Canning. H. T. KILBEE.

No. 42.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. July 21.)

SIR, *Havannah, May 18, 1825.*

THE suspension of the departures of Vessels for the Coast of Africa, has been of short duration.

On the 5th instant, no less than 5, the names of which are stated in the enclosed List, sailed for that destination. They left this Port under convoy of the Spanish Frigate *Arethusa,* and I understand were to proceed through the Florida Gulph in her company.

Three Vessels, two *Spanish* and one *French,* have arrived here lately, having previously landed about 815 Slaves. The names of these Vessels are likewise inserted in the enclosed List. I am, &c.

The Rt. Hon. George Canning. H. T. KILBEE.

(Inclosure.)—Vessels that have sailed from the Port of Havannah for the Coast of Africa.

1825.

May 5,	Spanish Brig	.... *Conquistador*	Don Juan Sandrino	Master.
„ 5,	„	„ ..... *Anibal*	Done José Gomez	„
„ 5,	„	Schooner, *Segunda Gallega,*	Don Augustin Capera....	„
„ 5,	„	„ *Clarita*.....	D. José Anto. Artamoni,	„
„ 5,	„	„ *Buena Ventura*...	D. Franco. Suarez	„

Vessels which have arrived from the Coast of Africa.

Apr. 27,	Spanish Schooner, *Anfitrite,*	D. Cristoval Mayor, Master, having landed	255	Slaves.
May 15,	French Brig..... *Angeline,*	M. L. Angaud, ...Master	300	„
„ 17,	Spanish Brig .... *Orestes,*	D.Franco.Grego.Vega „	260	„
		Total	815	

Note.—Both the Spanish Vessels sailed from hence last year for the Coast of Africa; and on their return they reported themselves to be, the first from Sisal, and the other from Baltimore. The French Brig was announced to be from Matanzas; all, as usual, in ballast.

No. 43.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. July 21.)

SIR, *Havannah, May 27, 1825.*

SINCE the date of my Despatch of the 18th instant, the Spanish Schooner, *Paulita,* (a notorious Slave-trader,) Don Joaquin Aureycochea, Master, has sailed for the Coast of Africa.

On the 25th instant the Schooner *Matilde,* which sailed for that Coast in the month of July, 1824, entered this Port in ballast, having previously landed a Cargo of Slaves, amounting, according to common report, to upwards of 350, on the Southern Coast of this Island.

I have the honour to be, &c.

The Rt. Hon. George Canning. H. T. KILBEE.

No. 44.—Mr. Secretary Canning to H. T. Kilbee, Esq.

SIR, *Foreign Office, August 15, 1825.*

YOUR Despatches, reporting the prevalence and the publicity of the Slave Trade in Cuba, were transmitted, together with other information upon the same subject, to His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Madrid, with the Instruction of which I enclose a Copy.*

I enclose at the same time a Copy of the Despatch which I have received from Mr. Lamb, reporting his conversation with the Spanish Minister upon that subject. Mr. Lamb's report has been communicated to the Admiralty. I am, &c.

H. T. Kilbee, Esq. GEORGE CANNING.

No. 45.—Mr. Secretary Canning to W. S. M'Leay, Esq.

SIR, *Foreign Office, Sept. 10, 1825.*

HIS Majesty's Government having permitted you to delay repairing to your Post, until that period of the Year when an European may, with less danger to his health, establish himself at The Havannah, I have, (that period being now arrived,) to convey to you The King's Commands, that you proceed without further delay to execute the duties of His Majesty's Commissioner of Arbitration to the Mixed British and Spanish Commission established at The Havannah, under the Treaty concluded between Great Britain and Spain on the 23d of September, 1817, for the prevention of illegal Slave-trade.

I send to you herewith the Commission, bearing date the 1st August, 1825, by which The King was pleased to appoint you to the above-mentioned Situation.

You will shew this Commission to Mr. Kilbee, His Majesty's Commissary Judge at The Havannah, and, after conferring with that Gentleman, who will introduce you to the Spanish Commissioners and to the Local Authorities, you will proceed to take the requisite Oaths in

* See Class B.

the form prescribed, and will enter upon the duties entrusted to your charge.

You will consider the Instructions sent out from this Office for the guidance of your Predecessor, and of Mr. Kilbee, as equally addressed to yourself; and will take those Instructions, together with the Treaty above-mentioned, and the Act of Parliament founded upon it, as the rule of your conduct.

Further Instructions and Directions will be forwarded to you from time to time, as circumstances may require. I am, &c.

W. S. M'Leay, Esq. GEORGE CANNING.

No. 46.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. Sept. 12.)

SIR, *Havannah, June 25, 1825.*

I HAVE the honour to acknowledge the receipt of your Despatch of March 17, 1825, addressed to His Majesty's Commissioners here, in which you are pleased to communicate the steps taken by His Majesty's Government, in conformity with the suggestions which I ventured to make in my Despatch of the 20th September, 1824.

I have the honour to be, &c.

The Rt. Hon. George Canning. H. T. KILBEE.

No. 47.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. Sept. 12.)

SIR, *Havannah, June 25, 1825.*

I HAD the honour of receiving on the 22d instant, your Despatch of the 30th March, 1825.

Highly gratifying as it must at all times be to me, to learn that my conduct meets with your approbation, it is more peculiarly so in my present mortifying situation, when the utmost exertions, which I have considered myself to be warranted in employing, with a view to the attainment of the object for which I am placed here by His Majesty's Government, have been attended with so little success.

I have the honour to be, &c.

The Rt. Hon. George Canning. H. T. KILBEE.

No. 48.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. Sept. 12.)

SIR, *Havannah, June 30, 1825.*

SINCE I addressed to you my Despatch of the 27th May last, four Vessels, two *French* and two *Spanish*, have arrived here, which, it is well known, had previously landed upwards of 1,000 Negroes on the Coast of this Island.

On the 26th instant, seven Vessels sailed for the Coast of Africa: they left this Port under convoy of His Catholick Majesty's Corvette *Zafiro*, which was bound to Cadiz, and was to give them protection until they should get through the Florida Gulph.

I have the honour to enclose a List of all these Vessels. Amongst the departures will be found the names of many old Slave-traders, and in particular the *Magico*, which has cleared out under the same name, and with the same Master, and has been dispatched by the same House, as on her former voyage to that Coast, which was brought under the consideration of this Government in so remarkable a manner.

Thus, in the first half of the present year, 19 Vessels, of which all but one are Spanish, have sailed from this Port for the Coast of Africa; and 20 Vessels, viz. 5 *French* and 15 *Spanish*, have arrived from thence, having previously landed on this part of the Island, that is, within 20 leagues of The Havannah, 5,766 Negroes. Allowing, therefore, for the mortality during the passage, which must be considerable, it will be found that the calculation made in my Despatch of the 1st of January last, is much below the truth. I have the honour to be, &c.

The Rt. Hon. George Canning. H. T. KILBEE.

(Inclosure.)—List of Vessels which have arrived at the Port of Havannah from the Coast of Africa.

1825.

May 29,	*Spanish* Schooner, *Barbarita*	Pedro Blanco, Master, having landed	190	Slaves.
June 14,	*French* Brig	*Le Jeune Louis*, F. Demony	150	„
„ 21,	*Spanish* Schooner, *Dorotea*	José Gardullo	352	„
	(a) La Deseade.			
„ 27,	*French* Brig	*Sirius*, C. M. Jasonns	318	„
		Total	1010	

Vessels that have sailed from the Port of Havannah for the Coast of Africa.

June 26,	*Spanish*	Schooner, *Amazona*	Raymundo Arribas,	Master
„	„	„ *Barbirita*	Pedro Blanco	„
„	„	Brig *Magico*	Joze Inza	„
„	„	„ *Asdruval*	Antonio Chevarrier	„
„	„	Schooner, *Ninfa Habanera*,	Joze Puig	„
„	„	„ *Matilde*	Juan Sagreras	„
„	„	„ *Anfitrite*	Juan Leton	„

No. 49.—Joseph Planta, jun. Esq. to H. T. Kilbee, Esq.

SIR, *Foreign Office, Sept. 21, 1825.*

THIS Letter will be delivered to you by Mr. William Sharp M'Leay, whom The King has been pleased to appoint to be His Majesty's Commissioner of Arbitration at The Havannah, under the Treaty between Great Britain and Spain for the suppression of illegal Slave Trade.

Mr. M'Leay will shew to you his Commission and Instructions,

and I am directed by Mr. Secretary Canning to request that you will introduce Mr. M'Leay to the Commissioners acting with you on the part of the Catholick King, and to the Local Authorities in Cuba, and that, having assisted at his taking the proper Oaths in the prescribed form, you will regularly install him as a Member of the Commission. You will shew to Mr. M'Leay Copies of the Correspondence which you have addressed to this Department, and the Originals of the Correspondence which you have received from hence, together with your Official Correspondence with the Local Authorities, and I am to express to you Mr. Canning's hope and belief that the proceedings of yourself and Mr. M'Leay, in the execution of the duties of your Office, will be marked with reciprocal confidence and cordiality.

I am, &c.

H. T. Kilbee, Esq. JOSEPH PLANTA, Jun.

No. 50.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. Sept. 23.)

(Extract.) *Havannah, July 1, 1825.*

THE sale of the Spanish Schooner *Relampago*, condemned on the 23d of December, 1824, was delayed in consequence of the severe illness of the Secretary shortly after that Condemnation. Upon his recovery every endeavour was made for effecting the sale as speedily as possible, consistent with the dilatory forms established here, and the Schooner was finally disposed of at public auction on the 18th of March, for 1300 dollars. She was very small, and in a bad state, and I am perfectly satisfied that every possible publicity was given to the sale, and that every effort was made to obtain a higher price.

The Rt. Hon. George Canning. H. T. KILBEE.

No. 51.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. Sept. 23.)

SIR, *Havannah, July 1, 1825.*

I HAVE the honour to enclose, in Duplicate, the Return directed by the 75th Clause of the Act of 5 Geo. 4. cap. 113. to be forwarded on the 1st of January and 1st of July of every year.

During the last six months, no Case has been brought for adjudication before this Mixed Commission. I have, however, inserted two Cases, which were adjudged in the preceding half year, but no Return of which was made on the 1st of January last; your Despatch, dated the 20th of November, 1824, in which that Act of Parliament was enclosed, not having reached me till the 19th of February.

I have the honour to be, &c.

The Rt. Hon. George Canning. H. T. KILBEE.

(Inclosure.)—Return of Cases adjudicated by the Mixed Commission at The Havannah.

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.
June 16, 1824.	Portuguese Brig Maria de la Gloria, with 400 Negroes.	Capt. Apodaca of H. C. M. Brig Marte.	July 16, 1824.	That the Mixed Commission was not competent to try the Case, the Vessel being Portuguese.	
Dec. 14, 1824.	Spanish Schooner Relampago, with 159 Negroes: no other Cargo.	Lieut. Liardet commanding H. B. M. Schooner Lion.	Dec. 23, 1824.	Forfeiture	The Schooner, tackle, &c. have been sold—nothing remains unsold. The British Moiety of the net Proceeds has been remitted to His Majesty's Secretary of State for Foreign Affairs. The Spanish Moiety has been handed over to the Government of the Island.

No. 52.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. Sept. 23.)

SIR, *Havannah, July 5, 1825.*

IN obedience to the Instructions contained in Lord Castlereagh's Despatch of the 19th of February, 1819, I have the honour to inclose a certified Copy of the Register of the Slaves emancipated by Decree of this Mixed Commission: they belonged to the Spanish Schooner *Relampago*, the only Vessel as yet condemned by the same.

It was with great satisfaction that I learnt from the Captain-General that, at the inspection of those Negroes which took place in his presence on the 1st June, His Excellency found them to be in a remarkably advanced state, and that they appeared to be well satisfied with their condition; very few were reported to have died, and those few had been under the care of the Consulado, where no suspicion of foul play could attach. I have the honour to be, &c.

The Rt. Hon. George Canning. H. T. KILBEE.

Mem.—The Inclosure contains the names and particulars of Emancipation and Registry of Slaves, from No. 1 to No. 149, amounting to 149 Slaves.

No. 53.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. Sept. 23.)

(Extract.) *Havannah, July 15, 1825.*

I HAVE already mentioned that Don Rafael Gonzalez, the Secretary of this Mixed Commission, was very seriously indisposed shortly after the conclusion of the Case of the *Relampago*. His recovery was slow; and being recommended by his Physician to retire to the Country, he applied for leave of absence to the Captain-General, requesting at the same time that his Son, Don Rafael Gonzalez y Bar-

ranco, might be allowed to act as his Deputy in the Office of Secretary during his absence, upon that or any future occasion.

The Captain-General having referred this application to the Mixed Commission, we gave our opinion that it should be complied with; and we took that opportunity to mention to His Excellency, that great inconvenience had been experienced by us in the Cases of the *Maria de la Gloria*, and the *Relampago*, from the want of proper Officers, adding that we should take an early occasion of calling his attention to the subject.

When the Offices of Spanish Commissary Judge and of Intendant were held by the same Person, which was always the case until the appointment of M. de Jauregui, no inconvenience was felt, as, at the few meetings which were held of the Mixed Commission, Clerks belonging to the Intendant's Department were always in readiness to act as Officers of the Court. But in the Cases above referred to, we were deprived of this resource and subjected to serious inconvenience. We accordingly addressed a Letter to the Captain-General, proposing the appointment of a first Clerk and an Alguacil, as permanent Officers of the Court, with a fixed Salary, and a certain additional allowance, when actually employed in the performance of their respective duties; and I conceived myself to be authorized, by Paper No. 3, of Class B. of the Papers laid before Parliament in 1824, to consent to the arrangement that those Salaries should be defrayed jointly by the two Governments, they being moreover of very trifling amount, viz. 30 dollars a month for the first Clerk, and 20 for the Alguacil. The additional allowance will of course be deducted from the Proceeds of the Sale of Slave Vessels in Cases of Condemnation. We also took occasion to recommend, in the strongest terms, the distinguished services and merits of our Secretary, who has hitherto performed the duties of his Office without any Salary or Emolument whatever; and we proposed that a Salary should also be assigned to him of 1000 dollars a year, together with an additional allowance when actually employed—both to be defrayed by the Spanish Government.

His Excellency, in reply, expressed his approbation of the arrangement proposed, but said that he had not authority to consent to its being carried into effect without the permission of his Government, to whom he had referred the subject.

The Rt. Hon. George Canning. H. T. KILBEE.

No. 54.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. Sept. 23).

SIR, *Havannah, July 31, 1825.*

DURING the present month four Vessels have sailed from hence for the Coast of Africa, and four have returned from thence; the latter having landed upwards of 1200 Negroes on the Coast of this Island.

I have the honour to inclose a List of these Vessels, which are all

Spanish. I have learnt, within these few days, that the Schooner *Relampago,* which was condemned and sold by the Mixed Commission, is one of those which have been dispatched for the Coast of Africa lately. She sailed under the name of the *Buena Ventura,* and her departure is reported in my Despatch of the 18th of May last.

I have the honour to be, &c.

The Rt. Hon. George Canning. H. T. KILBEE.

(Inclosure)—Departures of Vessels from the Port of Havannah for the Coast of Africa.

July 20....	*Spanish* Schooner....	*Teagenes*....	Juan Alvarez Verinas,	Master.
„	„ „	*Iberia*	Andrez Inzua.....	„
„	„ „	*Carlota*	Lorenzo Billo.....	„
„	„ Brig.....	*Orestes*	Jose Ramon Matiz ..	„

Arrivals from the Coast of Africa.

					Negroes.
July 20,	*Spanish* Brig	*Teresa,*	Juan B. Aresti, Master,	having landed	435
„ 22,	„ Schooner,	*Minerva,*	Pablo Barnet .. „	.....	182
„ 29,	„ „	*Ninfa* ..	Juan Mandial .. „	.....	245
„ 29,	„ „	*Atrevida,*	Jose Anto. Herrera „	.....	380
				Total	1242

No. 55.—Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, Sept.* 29, 1825.

I HAVE received the Despatches of His Majesty's Commissary Judge at The Havannah up to the 31st of July, 1825.

In reference to the Despatch of the 15th of July, I have to signify to you my approbation of the proposition which His Majesty's Commissioners, conjointly with the Spanish Commissioners, have, as mentioned in that Despatch, made, in respect to the appointment of Officers to the Mixed Commission Court at The Havannah.

At the same time I must remind you, that the Proceeds of each Vessel and Cargo, condemned under the Slave Trade Treaty with Spain, are not to suffer any deduction, excepting for the expences in each Case, necessarily attending and belonging to the proper adjudication and sale of the particular Vessel and Cargo in question.

I am, &c.

His Majesty's Commissioners. GEORGE CANNING.

No. 56.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. Jan. 16, 1826.)

(Extract.) *Havannah, August* 30, 1825.

FOR some days after the receipt of the Instructions conveyed to me in Mr. Planta's Letter of the 4th of June, I was prevented by indisposition from carrying them into effect. On the 19th instant,

however, I addressed to the Captain-General a Note, of which a Copy is enclosed, in which I stated the substance of my Reports to you, and the result of the observations which I have made upon the subject of illicit Slave Trade, since I had last addressed His Excellency upon the same.

In the Reply of the Captain-General, a Translation of which is also inclosed, the existence of the evil is not denied, it being indeed undeniable. It is asserted that the strictest orders have been repeatedly issued upon the subject, and a general excuse is attempted to be made for the ill success of the Local Authorities, which is certainly far from being satisfactory. With respect to the invitation given to me by His Excellency to inform him confidentially of any fact *that can be proved*, he can scarcely be ignorant that it is more peculiarly difficult for His Majesty's Commissioners to obtain proofs respecting Cases of illicit Slave Trade, than for any other Individuals in the Island.

The Rt. Hon. George Canning. H. T. KILBEE.

(*Inclosure* 1. A.)—*The British Commissary Judge to the Captain-General.*

Havannah, August 19, 1825.

HAVING received Instructions from my Government to continue to represent to Your Excellency upon the Cases of illicit Slave Trade that reach my knowledge, which practice I have for some time discontinued, I shall now proceed to draw Your Excellency's attention to the result of my observations since I last had the honour of addressing you upon this subject, in my Note of the 11th of March.

Since that date, 18 Spanish Vessels, the names of which are contained in the enclosed List, are stated in the public Newspapers to have sailed for the Coast of Africa. Among this number is the *Magico*, which cleared out under the same Name and Master, and was dispatched by the same House, as on her former voyage to that Coast, which was brought under Your Excellency's consideration in so remarkable a manner.

Within the same Period, 11 Spanish Vessels, the names of which are also contained in the enclosed List, which had sailed from hence for the Coast of Africa, during the last and present year, have returned all, as usual, in ballast; it being notorious, (so notorious as to preclude all doubt,) that these, together with some French Vessels, which have likewise arrived here, had previously to their entrance into this Port, landed upwards of 4000 Negroes upon the Coasts of this Island.

It cannot well be imagined that so considerable a number of Negroes should be landed and marched through the interior without the knowledge of the Local Authorities, upon whose conduct, in not preventing such repeated violations of Law and Treaty, I do not consider that it is within my province to make any comment here.

Bozal Negroes have of late been frequently, and I believe still are, sold in a very open manner at the Barracones, parties of them being marched off from thence by the Purchasers at the most publick hours.

The little reserve which it is thought necessary to observe upon this subject, may be collected from the Advertisements which are to be seen in the Newspapers; that inserted in the Diario of the 13th inst. (a Copy of which is herewith enclosed,) being particularly worthy of observation.

I think it right, however, to add, that I am perfectly aware that the mention made in it of Your Excellency's name, is merely a matter of form.

Being a witness of this state of things, I have felt it to be incumbent on me to express to His Majesty's Government my opinion, that the Slave Trade with this Island is now fully as extensive, and is carried on in all its branches with very nearly as much publicity, as if the Treaty of 1817, between Great Britain and Spain were not in existence.

Such is the substance of the Reports which it has been my painful duty to make to my Government, since I had the honour of addressing Your Excellency on the 11th of March, and of which I beg leave to apprize Your Excellency, in conformity with my former practice, and the express Instructions which I have just received.

I avail myself, &c.

H. E. The Captain-General. H. T. KILBEE.

(*Inclosure* 1. B.)—*List of Spanish Vessels which have sailed from the Port of Havannah for the Coast of Africa, in the interval between the* 11*th March and* 19*th August*, 1825.

April 1st	Schooner		*Jacinta.*
May 5	Brig		*Conquistador.*
„ 5	„		*Anibel.*
„ 5	Schooner		*Segunda Gallega.*
„ 5	„		*Clarita.*
„ 5	„		*Buena Ventura.*
„ 22	„		*Paulita.*
June 26	„		*Amazona.*
„ 26	„		*Barbareta.*
„ 26	„		*Ninfa Havanera.*
„ 26	„		*Matilde.*
„ 26	„		*Anfitrite.*
„ 26	Brig		*Magico.*
„ 26	„		*Asdrubal.*
July 20	Schooner		*Teagenes.*
„ 20	„		*Iberia.*
„ 20	„		*Carlota.*
, 20	Brig		*Orestes.*

(*Inclosure* 1.—C.)—*List of Spanish Vessels which have returned from the Coast of Africa during the same Period, having landed Cargoes of Negroes previously to their entering the Port of Havannah.*

March	24th	Brig	*Relampago.*
„	31	Schooner	*Paulita.*
April	27	„	*Anfitrite.*
May	17	Brig	*Orestes.*
„	25	Schooner	*Matilde.*
„	29	„	*Barbarita.*
June	21	„	*Dorotea.*
July	20	Brig	*Teresa.*
„	22	Schooner	*Minerva.*
„	29	„	*Ninfa.*
„	29	„	*Atrevida.*

(*Inclosure* 1. D.)—*Extract from the Diario del Gobierno de La Habana, of the* 13*th of August,* 1825.—*(Translation.)*

THE Commissary of the District of San Juan de Dios holds in his possession, by order of His Excellency the Captain-General, a Bozal Negress, who cannot tell her name or that of her Master; and he will deliver up the same to the Person who shall prove himself to be the Owner, upon payment of the reward for taking her (la captura) and the other expences that may have been occasioned.

(Inclosure 2.)—*The Captain General to the British Commissary Judge.*—(*Translation.*)

SIR, *Havannah, August* 27, 1825.

I HAVE received, together with your Note of the 19th instant, a List of the Vessels which have sailed from this Port for the Coast of Africa, and those which have returned in ballast, and likewise a Copy of the Diario of this City of the 13th, my attention being called to the Advertisement inserted in it respecting a Bozal Negress, unable to tell her name, who had appeared before the Commissary of the District of San Juan de Dios; and I have taken into due consideration the contents of the same, and the other Points to which you refer in your above-mentioned Note, by which you endeavour to persuade me, that the Treaty of 1817, relative to the illicit Commerce of Slaves, has been violated.

In reply, I cannot avoid stating to you, that the constant vigilance of this Government, in abolishing that Commerce, and its reiterated orders for the pursuit and apprehension of such as may endeavour to carry it on clandestinely, may have sometimes been eluded by the sordid interest of the Traffickers; but you must be aware that the Government cannot prevent Vessels from opening their Register for one Point, and proceeding to another on the Coast of Africa, returning

afterwards in ballast; the zeal being well known with which it has dictated all the measures in its power to prevent the violators from escaping with impunity. For this purpose very frequent have been the Circulars which I have addressed to all the Authorities of the Interior of the Island, in order that they may watch vigilantly that the Traffick be not carried on; and I have given the same directions, upon their most strict responsibility, to the Commandants of Detachments on the Eastern and Western Coasts, and of all fortified Points; this matter being an object of my care.

With respect to what you state to me, of your belief that Negroes are sold at the Barracones, I have given the strictest orders to the Parties of Police, and to the Captain of the District in which they are situated, to watch and take care at all hours, they being made strictly responsible, that the Treaty, to which I refer, be not violated, apprehending those who may attempt to do so, and seizing the Negroes that may be found, reporting the same to me immediately for the exemplary punishment of the Delinquents; and I request that you will state to me confidentially any fact that can be proved, for I desire nothing so much as to convince you of the real interest which I take in promoting the punctual and exact fulfilment of the said Treaty.

You must be aware that no Nation has ever been able to prevent its Subjects from engaging in smuggling; neither confiscations, nor the penalties which they suffer for the infraction of the Laws, being sufficient to deter them, as is the case even in England, the vigilance and activity with which they are pursued being rendered abortive; and that consequently it is not absolutely impossible that the Smugglers or Dealers in Bozal Negroes may elude the vigilance and activity of the Local Authorities, particularly as it is well known that the Island is accessible, in many Points, where there are nothing but Plantations in which encouragement may be given to this illicit Traffick, without the knowledge of the Authorities, the Parties concerned trusting to the fact that the Negroes of Plantations, after a residence of ten or more years in the Island, appear to have just come from Africa.

The investigation which I had ordered to be instituted, prior to the receipt of your Note, respecting the Advertisement in the Diario, which you mention, affords an unanswerable proof of the justness of my assertions, for the moment that it reached my knowledge that the Negress in question could not tell her name, I directed that it should be ascertained from whence she had come, and that her Owner should be required to produce the Barracon Paper, or whatever title he might have, it appearing, by that which was produced that she was purchased on the 4th May 1820, and that her ignorance or stupidity in the manner of expressing herself, was feigned, according to the statement made by her Mistress, Donna Jozefine Retelie, to whom, for these reasons she was delivered. This is all I have to state to you in reply to your above-

mentioned Note; availing myself on this occasion to renew to you my consideration and respect.

God preserve you many years.

H. T. Kilbee, Esq. FRANCISCO DIONISIO VIVES.

No.57.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. Jan. 16, 1826.)

SIR, *Havannah, August* 31, 1825.

DURING the present month, only one Vessel has sailed for the Coast of Africa, viz. the *French* Brig *Sirius*, A. Tarquer, Master, on the 29th inst. Her arrival here, after having landed a Cargo of Negroes, was reported in my Despatch of the 30th of June.

This is the first French Vessel which has sailed from hence direct for the Coast of Africa since the abolition of the Slave Trade; indeed, I believe, since I have been resident in the Island.

The *Spanish* Brig *Alerta* arrived here on the 29th instant, having previously landed at the usual haunt, the neighbourhood of Cabañas, about 450 Negroes, according to common report. This Vessel was fitted out at Cadiz, and it has been stated here that she was attacked, and received considerable damage from a British Cruizer on the Coast of Africa. I have lately heard that the Spanish Schooner *Feliciana*, which sailed from hence for the Coast of Africa in September 1824, upon her return some time ago with a Cargo of nearly 300 Negroes, was lost off the Isle of Pines. The Crew and some few of the Negroes were saved.

The French Government, having now accredited Agents resident here and at Santiago de Cuba, will be enabled to take effectual Measures for the suppression of the illicit Slave Trade carried on with this Island under the French Flag. Since the commencement of this year, five Vessels of that Nation have entered this Port, which it was perfectly notorious had previously landed Cargoes of Negroes. I have the honour to enclose a List of them, although the arrival of each has been already duly reported to you. I am, &c.

The Right Hon. George Canning. H. T. KILBEE.

(*Inclosure.*)—*List of* French *Vessels engaged in the Slave Trade, which have arrived at the Port of Havannah during the present Year,* 1825.

					Negroes.
Jan. 1,	Brig,	*Gaspard*	L. Maillard	Master, said to have landed	300
Feb. 13,	„	*Gustave*	Heraud Ainé	„	400
May 15,	„	*Angeline*	L. Angaud	„	300
June 14,	„	*Le Jeune Louis*,	F. Demony	„	150
„ 27,	„	*Sirius*	C. M. Jasonns	„	318
				Total	1468

No. 58.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. Jan. 16, 1826.)

SIR, *Havannah, September 4, 1825.*

I HAVE the honour to enclose the Translation of a Note which I have received from the Captain General, in which he informs me that a Police Officer had seized five Bozal Negroes in one of the Barracones. In my Reply, a Copy of which is enclosed, I thanked His Excellency for this communication, and expressed my intention of transmitting it to His Majesty's Government.

This Seizure has caused considerable alarm, and I have no doubt that it will prevent, for a long time, the sale of Negroes at the Barracones. I am, &c.

The Right Hon. George Canning. H. T. KILBEE.

(Inclosure 1.)—The Captain General to the British Commissary Judge.

(Translation.)

SIR, *Havannah, September 2, 1825.*

IN order to afford you a fresh proof of the exactitude and zeal with which this Government endeavours to observe, inviolably, the Treaty of 1817, and of the Orders which I have given expressly for that purpose to the Commandants of the Police Detachments, and to the Captain of the District of San Lazaro; I inform you that the said Captain has just reported to me, that having forcibly entered the Barracones, which are situated in his District, he found in that, No. 8, five Bozal Negroes, viz. two grown Males, two Boys and a Girl, under the care of Don Joaquin Martinez, a Person in the employ of D. Pablo Samá; which Negroes remain in the hands of the said Captain, in order that the proper Proceedings may be commenced in conformity with the Treaty above referred to. God preserve you many years.

Henry Kilbee, Esq. FRANCISCO DIONISIO VIVES.

(Inclosure 2.)—The British Commissary Judge to the Captain General.

SIR, *Havannah, September 3, 1825.*

I BEG leave to express my grateful thanks for the Communication which Your Excellency has been pleased to make to me in your Note of the 2d instant, which I shall not fail to transmit to my Government by the earliest opportunity, as well as that which Your Excellency did me the honour to address to me on the 27th ult, in reply to mine of the 19th of the same. I am, &c.

H. E. The Captain General. H. T. KILBEE.

No. 59.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. Dec. 3.)

SIR, *Havannah, September 16, 1825.*

I HAVE the honour to acknowledge the receipt of your Despatch, dated June 15, transmitting a Copy of the Papers relative to the Slave

Trade, which were presented to both Houses of Parliament in the course of the last Session.

I am, &c.

The Right Hon. George Canning. HENRY T. KILBEE.

No. 60.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. Dec. 3.)

SIR, *Havannah, September 16, 1825.*

I HAVE the honour to acknowledge the receipt of your Despatch of the 15th June, in which you have been pleased to transmit to me Copies of Communications made to His Majesty's Envoy at Madrid, and to the Secretary of the Admiralty, connected with the subject of the illicit Slave Trade, carried on with this Island, and to convey to me your approbation of my conduct; for which I beg leave to express my high gratification and most grateful acknowledgments.

I have the honour to be, &c.

The Right Hon. George Canning. HENRY T. KILBEE.

No. 61.—H T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. Dec. 3.)

SIR, *Havannah, September 30, 1825.*

DURING the present month three Spanish Vessels have sailed for the Coast of Africa; and two have arrived from thence, which landed 530 Negroes. The names of all these Vessels are contained in the enclosed List.

Since the date of my Despatch of August 31, I have had a conversation with M. Angelucci, the French Consul-General, respecting the Slave Trade carried on with this Island under the French Flag; and I have great pleasure in informing you that he expressed himself in the most satisfactory manner upon the subject. He stated his determination, now that he was duly acknowledged and his *Exequatur* granted, to do every thing in his power to put an end to this open violation of the French Laws; and that he was resolved, upon the arrival here of any of the notorious French Slave-traders, which are in the habit of entering this Port after landing their Negroes on the Coast, to apply to the Government to place the Master and Crew in confinement, until he should have an opportunity of sending them to France for trial. He also mentioned that he had drawn the attention of his Government to the Case of the Brig *Sirius*, whose departure from hence for the Coast of Africa has been reported to you in my above-mentioned Despatch.

I am, &c.

The Right Hon. George Canning. H. T. KILBEE.

(Inclosure)—List of Spanish *Vessels which have departed for, and arrived from, the Coast of Africa.*

Departures.

September 16	Schooner	*Intrepida*	Jose A. Herrera,	Master.
„ „	„	*Minerva*	Juan Duran,	„
„ „	„	*Ismenia*	Santiago Manzana	„

Arrivals.

				Negroes.
Sept. 15,	Schooner *Nicanor*,	Jacinto Telleache,	Master, having landed	180
„ 16,	„ *Iris*	M. S. Echevarria,	„	350
			Total.....	530

No. 62.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. Dec. 8.)

SIR, *Havannah, October* 20, 1825.

ON the 11th instant His Majesty's Schooner *Lion*, Lieutenant Edward Smith, Commander, brought into this Port the *Spanish* Brigantine *Isabel*, which she had captured on the 5th, with 10 Negroes on board.

On the 17th, Sentence of Condemnation was pronounced by the Mixed Commission.

The Brigantine *Isabel*, of which Don Joze Caetano de la Cuesta was the ostensible Owner, and Don Pedro Blanco, Master, sailed from hence for Princes Island, on the Coast of Africa, in the month of August 1824; she however proceeded direct to the Port of Gallinas, where she remained many months; and at length Blanco embarked, about the beginning of last August, 50 Negroes, and appointed Don Vicente Gomez to the command of the Vessel, (he himself remaining on the Coast of Africa), with directions to return to this Island, and land the Negroes on some part of the Coast. In the neighbourhood of Nuevitas she was chased and captured by the *Lion*, after having been purposely run ashore. She had a Pilot on board, and, it was stated, was making for that Port. The Master, (Gomez), with six of the Crew, the Pilot, and 39 Negroes, escaped on shore; the remainder of the Crew, consisting of the Acting Mate, Barriera, and 17 Men, with 10 Negroes, one having died during the voyage, were taken in the Vessel. All the Papers were said to have been carried away by Gomez, with the exception of the Log-book, which was duly produced to the Court.

I have the honour to enclose an Abstract of the Evidence, together with a Copy and Translation of the Decree of Condemnation.

The same formalities, with respect to the emancipation of the Negroes, were adopted in this Case as in that of the *Relampago*.

The foregoing statement is taken from the Depositions of the Witnesses; but I have heard that the Owners of the Vessel strongly suspect that she and the 50 Negroes were robbed by Gomez, and the

Crew, from the original Master, Pedro Blanco, who, it is said, was, at the time of sailing, at Gallinas, with 300 Slaves, with whom it was his intention to embark the next day. It certainly does appear extraordinary that so large a Vessel should have come with so small a Cargo, and that she should make for the Port of Nuevitas, so far distant from Havannah, where her Owners reside, and in the vicinity of which the Negroes could probably have been disposed of to more advantage.

The *Isabel* is one of the largest Vessels engaged in the Traffick from hence; she had 12 heavy guns on board, of which 6 were mounted. The extraordinary disparity in size and force, between the Captor and the Prize, while it is highly creditable to the former, has produced the salutary effect of shewing those engaged in illicit Slave Trade how little any effectual resistance can be expected from their Sailors, when opposed to His Majesty's Navy, under whatever advantages they may be placed.

The Captain-General will have learnt, from the Sentence, that 39 Negroes were conveyed on shore by the Master of the *Isabel*, and will consequently be enabled to issue orders for their apprehension, if they can be found, should he judge such a step to be advisable.

I have the honour to be, &c.

The Right Hon. George Canning. H. T. KILBEE.

P. S. I have just been informed, that one Negress has been delivered of a male child. This circumstance has been inserted in her Certificate of Emancipation.

(Inclosure 1.)—*Abstract of the Evidence in the Case of the Spanish Brigantine* Isabel.

LIEUT. SMITH declared in his Affidavit, that he had captured the *Isabel* on the 5th of October, in Latitude 21 deg. 27 min. North Longitude 77 deg. 16 min. West, with 10 Negroes on board, viz. 4 Males and 6 Females; and that he found on board only the Log-book, which he produced: the rest of the Papers of the Vessel were stated to have been taken away by the Master, who escaped on shore.

Joaquin Barriera deposed, that he was a Native of Malaga, from which Port he sailed in the month of August, 1824, in a French Brig, bound to Goree, where he arrived in about 25 or 30 days; that he there entered into the Spanish Schooner *Feliciana*, as a Passenger, to be conveyed to St. Thomas, and from thence to Havannah; but that Schooner having touched at Gallinas, where the Brigantine *Isabel* was then laying, he was admitted on board the latter as Third Mate; he was, however, subsequently informed, that he could only be received as a Passenger: that Pedro Blanco, the Master of the *Isabel*, after that Vessel had remained at Gallinas till the middle of August, embarked 50 Negroes, and gave the command of the Vessel to Vicente Gomez,

with directions to proceed to the Island of Cuba, and land the Negroes on some part of the Coast: that the said Gomez resolved upon making for Nuevitas, being informed by a Pilot whom he had received on board, that he could dispose of the Negroes there to advantage: that being near Guanaja, the Brigantine was chased by a Schooner, which was at first supposed to be a Pirate, but proved to be an English Vessel of War, and captured; the Master and 39 of the Negroes having escaped to the shore: that after the departure of Gomez, no one had been entrusted with the command of the Brigantine, but that it was he (the Deponent) who delivered up to the English Commander, the only Papers on board, viz. the Log-book.

Domingo Prato deposed, that he was a Native of Palma, in Majorca; that he sailed from this Port in the month of August, 1824, as a Sailor, on board the Brigantine *Isabel*, bound for Princes Island, but that she proceeded direct to Gallinas, on the Coast of Africa, where she remained for many months; that at length the Master, D. Pedro Blanco, sent on board 50 Negroes, and gave the command of the Vessel to D. Vicente Gomez, (he himself remaining on the Coast of Africa,) with orders to proceed to the Island of Cuba: that in the old Channel they were pursued and captured by an English Schooner, and carried into the Port of Havannah: the Master, Gomez, previous to the Capture, having landed, with part of the Crew and 39 Negroes. That Joaquin Barriera remained in the command of the Vessel after the departure of Gomez; and that he, the Deponent, acted as Boatswain on the return voyage from Africa. Joze Salas, a Native of Mahon, and also a Sailor belonging to the *Isabel*, corroborated fully the testimony of the two preceding Witnesses.

(Inclosure 2.)—Decree of Condemnation of the Spanish Brigantine Isabel.

(Translation.) *Havannah, October* 17, 1825.

THE merits of this Cause having been duly considered, it is declared to be good and lawful, the Prize made by His Britannick Majesty's Schooner of War, *Lion*, Lieutenant Edward Smith, Commander, of the Spanish Merchant Brigantine, named *Isabel*, with a Cargo of 10 Negroes at the time of the Capture, viz. 4 Males and 6 Females, being then under the command of D. Joaquin Barriera, the Master D. Vicente Gomez, having escaped on shore with 39 Negroes more, the remainder of the Cargo, as the aforesaid Barriera, and the Two other Witnesses who have been examined, have stated in their Depositions. It is consequently, likewise declared, that the said Brigantine, her tackle, apparel, and whatever may be contained therein, are subject and liable to confiscation, for the benefit of the Spanish and English Governments, with the exception of the aforesaid Negroes, who are free from all slavery and captivity. Let the condemned Vessel be appraised by

the principal Masters of the Arsenal, or by other skilful Persons who may be appointed, in order that it may be disposed of by public auction at Don Antonio Galea's, being previously proclaimed by the Publick Crier, at intervals of three days, and Advertisements of this Proceeding inserted in the "Diario" and "Noticiozo Mercantil," of The Havannah; the Vessel being for the present placed in deposit with D. Jayme Andrew, who shall take the proper oath for the purpose of receiving the same by formal inventory And with respect to the Negroes, let the proper Certificate of Emancipation be given to them, by the Person who shall be appointed to perform that duty, for which purpose an Official Letter, with a certified Copy of the Sentence, shall be addressed to His Excellency the Captain-General, requesting that he may be pleased to name a Person of trust to receive and take charge of them, until His Excellency shall dispose of them as he may think proper, in conformity with the letter and spirit of the Treaty. And when His Excellency shall have selected the said Person, it shall be notified to the Captor to deliver up to him the aforesaid Negroes, and the Brigantine to the Depositary.

ANDRES DE JAUREGUI. H. T. KILBEE.
RAFAEL DE QUESADA. RAFAEL GONZALEZ, Secretary.

No. 63.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. Dec. 8.)
(Extract.) *Havannah, October 21, 1825.*

SOME months ago an Individual with a party of newly imported Negroes was detained, when passing through a village, by a Country Magistrate, called a "Capitan de Partido," who placed the Negroes in the hands of certain Persons, by whom they were stolen during the night, and sold;—the Captain himself being implicated in the transaction, and all the Parties trusting that the Owner would never venture to institute legal proceedings, the Negroes having been illicitly imported. The Owner, however, did present himself before the Tribunal of the Captain General, claiming the restitution of the Negroes, and accusing the Persons to whose charge they had been confided, and even the Captain himself, of the robbery. The latter defended himself by alleging that the Negroes had been illicitly imported, and that he was consequently justified in the detention. In this state of the proceedings, the Owner contrived to have the Cause divided into two; the one for the prosecution for the robbery and the restitution of the Negroes, and the other for the purpose of investigating whether these had been illegally imported.

The latter involving most important considerations, the Captain-General required the advice of one of his Official Legal Counsellors, whom he is directed to consult in matters purely legal, and whose sanction in the same relieves him from all responsibility. There are two of those Counsellors, and their title is Lieutenant-Governor, (al-

though their Office is entirely judicial) and Assessor-General of the Government; and they are the Chief Judges here in Civil Affairs.

I have the honour to inclose a Translation of the Report made by one of those Judges to the Captain-General, respecting the investigation whether the Negroes were illegally imported, which, he gives it as his opinion, should be suspended for the present, on the grounds of expediency, *and of there being no positive Law to authorize such investigation.* He gravely argues, that *the English Negociator* not having been able, *in the Treaty,* to obtain the Concession, upon which it is taken for granted he insisted, that the Traffick should be suppressed on shore as well as at sea, it was never intended to carry the restriction so far; and, that it was thus, that His Catholic Majesty combined the sentiments of humanity with the wants of His American Possessions. He totally disregards the most sacred right to their liberty, which the Negroes expressly acquire by the *Royal Cedula,* in *the first Port* of the Spanish Dominions at which they shall arrive; and assumes, that before the provisions of that Cedula can be acted upon, there must be a previous declaration of the Vessel being a good Prize by the Mixed Commission, which is not so much as mentioned therein.—In short, the whole production would appear to be not that of a Judge expounding the Law, with a due regard to its true spirit, to the manifest intention of the Legislator, and the interests of all Parties, but of a subtle Advocate exerting his ingenuity to furnish arguments, some not even specious, and all most fallacious, for the obvious purpose of eluding its effects.

This Report affords the strongest possible proof of the absolute necessity, upon which I have before dwelt, of the Spanish Law, relating to illicit Slave-trade, being altogether new modelled.

The Right Hon. George Canning. H. T. KILBEE.

(*Inclosure.*)—*Judicial Report to The Captain-General.*—(*Translation.*)

MOST EXCELLENT SIR, *Havannah, October* 8, 1825.

THE subject of this Cause is one of the most arduous that can occur, and consequently demands the greatest caution and circumspection.

The Point in question is, to decide whether an inquiry can be instituted, judicially, respecting the origin and procedure of African Negro Slaves imported into this Island since the abolition of the Traffick, and to resolve accordingly what is to be done with regard to such as have been thus imported in contravention to the Treaty and Royal Cedula upon the subject.

For the better resolution of this question, it will be proper to mention the fact which has given rise to the doubt.

On the 6th of July of the present year, Don Pedro Cabradilla, when passing through the Town of Arroyo Arena with 14 Negroes, as it ap-

pears, "Bozales" was detained by the Captain of the District, who deposited the Negroes in a House out of the Town, and gave them in charge to certain Individuals in his confidence. During the night the Negroes were clandestinely withdrawn from the house of deposit, and secretly sold to different Planters. The Owner of the Negroes, Don Cornelio Souchai, having presented himself in due form before Your Excellency, requiring the Captain to be made responsible for the aforesaid detention, deposit, and robbery; the proper Proceedings were commenced, from which it appears, that the very Persons who had the charge of the Negroes are accused of the robbery, and that there are strong motives for believing that the above mentioned Captain was an accomplice, who, in order to render his conduct excusable in the detention, has occasioned the formation of this separate proceeding, for the purpose of proving that the Negroes were imported in contravention of the existing Laws.

The Party, Don Cornelio Souchai, always denying that the Negroes are of illicit importation, has opposed the continuation of this present proceeding, upon the grounds that there is no Law that authorizes this investigation, and enlarging upon the confusion and injury which such a novelty must cause, and the Fiscal, who has been heard, has corroborated this opinion and pretension of the Party.

It becomes, therefore, necessary to examine the Treaty signed at Madrid on the 23d of September 1817, and the Royal Cedula which, in consequence thereof, His Majesty was pleased to order to be issued, under date the 19th December of the same year.

Beginning with the said Treaty, unique in its class amongst Diplomatick Collections, it will be seen that, by it, the detention of Slave-Vessels is only authorized, upon the precise condition, that it be effected by Spanish or English Vessels belonging to one or other of the Royal Navies, and that their Commanders be provided with Special Instructions; and this in the sole case of the Negroes being still on board: so that, according to the Stipulations of the Treaty, should any of these requisites be wanting, the Mixed Commission, to which the cognizance was entrusted, cannot condemn the Vessel as a good Prize.

The English Negociator could not but be aware that the greatest part of the Slave Vessels would elude the vigilance of the Cruizers; and it is therefore probable that he insisted that this Commerce, being declared fraudulent, should be suppressed (perseguido) even on shore; but the mere fact of his not having obtained this concession convinces that it was not intended that the restriction should be carried to the extreme, upon the principle which His Majesty laid down, that He wished to combine his sentiments of humanity with the wants of His American Possessions.

The above mentioned Royal Cedula, in conformity with what is directed by the Treaty, imposes no other restrictions upon the Traffick

but those which are therein stipulated, and contains only the penal sanction of the prohibition, which is reduced to the confiscation of the Vessel, the penalties of the Purchaser, Captain, Master, and Pilot, and the manumission of the Slaves, the Vessel being previously pronounced to be a good Prize by the Mixed Commission.

From this statement, in my opinion, the conclusion may be drawn, that neither the Treaty nor the Royal Cedula authorizes the investigation as to the origin and procedure of African Negroes, when once landed and imported into the Island; and that all contrary proceedings, without having any precise and decisive legal support, might operate perniciously to the danger of publick tranquillity.

In effect, what confusion must not such investigations cause? There would be scarcely a Planter who would not be exposed to abuses of power and vexations on the part of the Subaltern Agents of the Government; not because all have Negroes "Bozales" imported subsequently to the prohibition, but because on the Plantations which have been commenced with few or no intelligent Negroes (Ladinos) it is difficult for these newly imported to forget, even after many years, the language, habits, and customs, peculiar to their origin.

This Cause furnishes a proof of the facility with which abuses would be committed were the investigation authorized. Why were the 14 Negroes, who have given rise to the proceedings, detained and scandalously stolen? For no other reason, but because it was thought, that being "Bozales" and illegally imported, the Owner would not venture to claim them; that is to say, it was hoped to find impunity for a crime, in the fear of discovering an abuse.

Moreover, Most Excellent Sir, would the simultaneous manumission of a considerable number of Slaves be prudent, even although they should be placed for a time under the care of the Proprietors? Would it be compatible with the tranquillity of the Island to emancipate men without means of subsistence, without morals, without the habits of society, and disposed to return to the ferocity of their former natural state? The consummate prudence of Your Excellency, and the exact knowledge which you possess of the circumstances of this Island, will enable you to decide this question.

From what has been stated, I deduce, Most Excellent Sir, that it is not prudent that this Cause should at present proceed any farther, both because there is no express Law which authorizes it, and likewise, because this is required by the general good. I am, therefore, of opinion, that Your Excellency shall make a Report to His Majesty, with a certified Copy of the Process, through the Department of Grace and Justice, in order that he may be pleased to resolve what may be His Sovereign Pleasure in this and similar Cases; previously requiring from Don Cornelio Souchai security to produce the Negroes whenever he shall be called upon, and ordering the Captain of the District in which

they may be, to prepare a statement in full of their several affiliations and marks, which shall remain with the other Proceedings, and the expense of which shall be paid by the aforesaid Souchai.

Your Excellency will determine whatever you may judge most advisable.

His Excellency The Captain-General.

I conform with the above, and let it be carried into effect. VIVES.

No. 64.—H. T. Kilbee, Esq. to Mr. Secy. Canning.—(Rec. Dec. 8.)

SIR, *Havannah, October* 31, 1825.

SINCE I addressed to you my Despatch of the 30th of September, only one Vessel has sailed for the Coast of Africa, viz. the Brigantine *Teresa*, Don Jose Cano, Master, on the 26th instant. The Portuguese Schooner *Tonina* arrived from Bonavista on the 12th instant. I have heard that this is really the *Spanish* Schooner *Amable Socorro*, an old Slave-trader, and that she has been despatched to the Owners of two or three Spanish Slave-ships, detained by the Portuguese in retaliation for the robberies committed by several Vessels of the former Nation, which are generally well armed, of the Negroes on board of Portuguese Vessels.

I cannot vouch for the truth of this statement; but there can be no doubt that the great delay which has occurred latterly in the return of many of the Slave-ships which have sailed from this Port, is owing to some unexpected obstacles in the way of their Traffick.

I have the honour to be, &c.

The Right Hon. George Canning. H. T. KILBEE.

No. 65.—Joseph Planta, jun. Esq. to H. T. Kilbee, Esq.

SIR, *Foreign Office, December* 10, 1825.

MR. SECRETARY CANNING directs me to acknowledge the receipt of your Letter to him, marked Separate, of the 8th of October 1825, and to acquaint you that he consents to your returning upon leave of absence to England, in the course of the next Spring, for a period of six months, provided that your health shall be in such a state as absolutely to require it.

I am, &c.

H. T. Kilbee, Esq. J. PLANTA, Jun.

No. 66.—H. T. Kilbee, Esq. to Mr. Secretary Canning.

(Received January 19, 1826.)

SIR, *Havannah, November* 25, 1825.

M. PINILLOS, who has lately returned from Spain, having been named Intendant of this Island, has again assumed the Office of Spanish Commissary Judge, the duties of which were performed in his absence by Don Andres de Jauregui.

I cannot avoid taking this opportunity to express my sense of the

conciliatory disposition manifested upon all occasions by M. de Jauregui, and of his anxious desire to do every thing in his power for the attainment of the objects of our Treaty, during a period in which the Mixed Commission has been more actively engaged in the discharge of its duties, than in any other since its establishment.

I have the honour to be, &c.

The Right Hon. George Canning. H. T. KILBEE.

No. 67.—H. T. Kilbee, Esq. to Mr. Secretary Canning.

(Received January 19, 1826.)

(Extract.) *Havannah, November* 25, 1825.

WITH reference to my Despatch of October 21, I have the honour to inform you, that I lately took an opportunity, when stating to the Captain-General (as I uniformly do) the ordinary Cases of illicit Slave-trade, which I consider myself to be justified in reporting to you, to notice the subject of the opinion officially given to him by his Assessor-General, as inclosed in that Despatch; and I observed, that it appeared to me to be so entirely in opposition to the spirit of our Treaty, and of His Catholick Majesty's Royal Cedula, issued in consequence thereof, that I felt it to be my duty to submit it to your consideration.

His Excellency merely said, that he did not at the moment recollect that such an opinion had been given to him; but that, if it was of the tenour I stated, it appeared to be in opposition to the Circular Orders lately issued by him to the Local Authorities.

The Right Hon. George Canning. H. T. KILBEE.

No. 68.—H. T. Kilbee, Esq. to Mr. Secretary Canning.

(Received January 19, 1826.)

SIR, *Havannah, November* 30, 1825.

DURING the present month, two Vessels, namely, the Spanish Brig *San Joze*, and the French Schooner *Felicie*, have arrived here, which had landed, according to common report, the former 480, and the latter upwards of 300 Negroes, previously to their entrance into this Port.

During the same period three Spanish Schooners, the *Iris*, *Nicanor*, and *Hecha*, Joze Le Grand, Francisco Pieto, and Domingo Bernadine, Masters, have sailed for the Coast of Africa. Another Schooner called the *Micaela*, which sailed in company with the two last, although she cleared out for Teneriffe, is, I strongly suspect, likewise destined for the Slave-trade.

I have much satisfaction in informing you that, in consequence of the steps which the French Consul took, with respect to the *Felicie*, her Captain thought it prudent suddenly to depart from this Port very early on the morning after his arrival.

I have been informed by Captain the Earl of Huntingdon, of His

Majesty's Ship *Valorous*, that, in the month of April last, he had chased and driven on shore, on the Coast of Yucatan, a Spanish Brig, which proved to be the *Victoria*, Joze de la Puente, Master, which had sailed from hence for the Coast of Africa in May 1824. It appears that, previously to his Lordship's chasing her, she had succeeded in landing her cargo, amounting to about 250 Negroes, on the Southern Coast of this Island.

I am, &c.

The Right Hon. George Canning. H. T. KILBEE.

No. 69.—Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, January* 31, 1826.

I TRANSMIT to you, for your information, and for your guidance in your Communications with the Colonial Authorities of Spain, the accompanying Copy of a Despatch, and of its Inclosure, which I have received from His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Madrid, together with the Copy of the Answer which, by His Majesty's Command, I have returned thereto,* upon the subject of the Orders which His Catholick Majesty has recently addressed to the Captain-General of Cuba, for the more effectual execution of the Treaties between Great Britain and Spain, for the abolition of the Traffick in Slaves. I am, &c.

His Majesty's Commissioners. GEORGE CANNING.

No. 70.—H. T. Kilbee, Esq. to Mr. Secretary Canning.

(Received February 13, 1826.)

SIR, *Havannah, December* 17, 1825.

I HAVE the honour to enclose a certified Copy of the Register of the Slaves emancipated by Decree of this Mixed Commission, since the date of my Despatch of the 5th of July of this year: they belonged to the Spanish Brigantine *Isabel.* I have, &c.

The Right Hon. George Canning. HENRY T. KILBEE.

Mem.—The Inclosure contains the Names and Particulars of Emancipation, and Registry, of ten Slaves taken from the Schooner *Isabel.*

No. 71.—H. T. Kilbee, Esq. to Mr. Secretary Canning.

(Received February 13, 1826.)

SIR, *Havannah, December* 18, 1825.

ON the 17th instant, I had the honour of receiving the Despatch, in which you have been pleased to transmit to me one received from Mr. Lamb, reporting a conversation with the Spanish Minister of State, upon the subject of the illicit Slave-trade carried on with this Island.

In reference to the assertion made by M. de Zea, "that the greater part of this Traffick was carried on by British Capital, and for the benefit of British Subjects," I consider it to be merely an act of justice

* See Class B.

to express my firm conviction that he is altogether mistaken; and it is most satisfactory for me to be enabled to state. that, during my long residence in this Country, I have never known the slightest suspicion attach to any of His Majesty's Subjects established here, of participating, directly or indirectly, in that abominable Traffick.

I have, &c.

The Right Hon. George Canning. HENRY T. KILBEE.

No. 72.—H. T. Kilbee, Esq. to Joseph Planta, Jun. Esq.
(Received Feb. 13, 1826.)

SIR, *Havannah, December 22, 1825.*

I HAVE the honour to inform you that Mr. Macleay arrived here on the 17th instant, and delivered to me your Letter of the 21st September.

The Instructions which you have therein been pleased to communicate to me, have been duly carried into effect, and I beg leave to assure you that, in my intercourse with Mr. Macleay, I shall ever be most desirous to promote the reciprocal confidence and cordiality which you have recommended. I have, &c.

Joseph Planta, Jun. Esq. HENRY T. KILBEE.

No. 73.—W. S. Macleay, Esq. to Mr. Secretary Canning.
(Received Feb. 13, 1826.)

SIR, *Havannah, December 22, 1825.*

I HAVE the honour to inform you that, in consequence of a very circuitous and tedious passage, I only arrived here on the 17th inst. when, in obedience to your commands, I lost no time in waiting upon Mr. Kilbee, and showing him my Commission. I have since been introduced by him to the Spanish Commissioners, and to the Captain-General of Cuba, before whom I this day took the requisite Oaths, in the form prescribed by the Treaty. I am now, therefore, prepared to enter upon the discharge of the duties entrusted to me as His Majesty's Commissioner of Arbitration at The Havannah.

I have the honour to be, &c.

The Right Hon. George Canning. W. S. MACLEAY.

No. 74.—His Majesty's Commissioners to Mr. Secretary Canning.
(Received Feb. 13, 1826.)

SIR, *Havannah, December 14, 1825.*

WE have the honour to acknowledge the receipt of the Despatch, in which you have been pleased to express your approbation of the arrangement proposed, in respect to the appointment of Officers of this Mixed Commission.

We shall be careful, in conformity with your injunction, that the Expenses attending each particular Case, shall alone be deducted from the Proceeds of the sale of the Vessel and Cargo.

We have the honour to be, &c. HENRY T. KILBEE.

The Right Hon. George Canning. W. S. MACLEAY.

No. 75.—His Majesty's Commissioners to Mr. Secretary Canning.
(Received February 13, 1826.)

SIR, *Havannah, December 24, 1825.*

WE have the honour to enclose a List of five Spanish Vessels, which sailed from hence for the Coast of Africa, in the early part of the present Year, and have lately returned in ballast. It is well known that, previously to their entering this Port, they had landed upwards of 1500 Negroes. We have the honour, &c.

HENRY T. KILBEE.
W. S. MACLEAY.

The Right Hon. George Canning.

(Inclosure.)—List of Spanish Vessels which have arrived from the Coast of Africa at the Port of Havannah.

1825.				Negroes.
December 2,	Schooner, *Jacinta*....	F. de Castro, Master,	said to have landed	250
„ 6,	„ *Anfitrite*...	Juan Seton „	„	180
„ 10,	„ *Matilde* ...	Juan Sangreras „	„	360
„ 10,	„ *Paulita*....	J. Aurecochea „	„	230
„ 15,	Brig *Conquistador*,...	J. Sandrino, „	„	525
				1545

No. 76.—Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, February 23, 1826.*

I SEND to you the Copy of a Communication from the Admiralty, dated the 7th instant,* containing a statement of the arrival at Cuba, of a Spanish Brig, reported to have re-captured on the Coast of Africa, two Vessels concerned in the Slave-trade, which Vessels had been detained by a British Cruizer, and were on their way to Sierra Leone for adjudication, when they were met by the Spanish Brig.

You will be so good as to make what inquiries you can into the truth of this transaction, and report to me the result, for the information of His Majesty's Government. I am, &c.

His Majesty's Commissioners. GEORGE CANNING.

No. 77.—His Majesty's Commissioners to Mr. Secretary Canning.
(Received March 9, 1826.)

SIR, *Havannah, December 31, 1825.*

SINCE the date of our Despatch of the 24th instant, three of the Spanish Vessels which sailed from hence for the Coast of Africa, during the early part of the present year, namely, the Brig *Anibal*, and the Schooner *Joaquina* and *Buena Ventura*, have returned here, as usual, in ballast, after landing 730 Negroes.

Thus, within the present month, no less than eight Slave-vessels have arrived at this Port, after clandestinely introducing into the Island nearly 2300 Slaves.

* See Inclosures in No. 16. page 56.

We have heard that the Spanish Brig *Constante*, which sailed from hence for the Coast of Africa, in the month of August 1824, was, upon her return lately, compelled, by some accident, to put into the Port of Trinidad, on the South side of this Island, where she is said to have landed upwards of 500 Negroes.

The French Schooner *Felicie*, whose arrival and immediate departure, in consequence of the steps taken by the French Consul-General, were reported in the Despatch, dated 30th November, returned to this Port on the 26th instant, from Matanzas. Her original Master has not ventured to come in here, and, during her absence of 40 days, precautionary measures have probably been taken, which will render it very difficult now to prove that she was engaged in illicit Slave-trade.

No Vessel has sailed from hence for the Coast of Africa during the present month. We have the honour to be, &c.

HENRY T. KILBEE.

The Right Hon. George Canning. W. S. MACLEAY.

No. 78.—Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, March* 10, 1826.

In reference to my Despatch to you of the 31st of January last, I transmit to you, for your information, the Copy of a Despatch, which on that day I addressed to His Majesty's Envoy at Madrid, and the Copy of his Answer thereto,* showing, that the Additional Articles to the Treaty of 1817, which were signed under the Government of the Cortes of Spain, have now received the sanction of His Catholick Majesty, and have been transmitted to His Authorities in Cuba for their guidance. I am, &c.

Messrs. Kilbee and Macleay. GEORGE CANNING.

RIO DE JANEIRO.

No. 79.—His Majesty's Commrs. to Mr. Secy. Canning.—(Rec. Apr. 29.)

SIR, *Rio de Janeiro, February* 28, 1825.

We have the honour, herewith, to transmit, for your information, the Case of the Brazilian Brig *Cerqueira*, detained on the 30th of January, 1824, by His Majesty's Ship *Bann*, Captain Courtenay, in the Port of Onim, in latitude 3. 59. 28. North, together with the most important Documents belonging to the Evidence before us, to enable you, Sir, to form your judgment upon it, or to take steps with a view to its investigation, and to give us such Instructions as you may think fit, for our guidance in this and such parallel Cases as may occur in future.

* See Class B.

We beg to call your early attention to this Case, it being of moment, inasmuch as we learn, from the Evidence before us, that two other Vessels were detained at the same time, and under the same circumstances, by the same Cruizer, and we suppose their Cases are kept back until the fate of this is known.

The Abstract of the Case, from what we can collect from the Petition of the Claimant, and the Protests annexed to it, the only Evidence we have, is this :

The Brazilian Brig *Cerqueira*, Manoel Cardozo dos Santos, Master, sailed from Bahia on the 8th of November, 1823, provided with a Passport, and duly legalized, on a voyage to fetch Slaves from Molembo, a Portuguese Settlement, 8 degrees to the South of the Equator; that, on her course thither, she encountered foul winds, which prolonged the voyage, and obliged the Captain, on the 17th of December, 1823, to put into Onim, to renew his stock of provisions. On his landing there, he found the Natives at war with those of Bajadre, which prevented his procuring the necessary supplies. During his stay in this Port, the *Cerqueira* was visited on the 15th of December, 1823, by His Majesty's Ship *Bann*, and on the 3d and 13th of January, 1824, by His Majesty's Ship *Swinger*. On neither of these occasions was the legality of her Trade questioned. On the 30th of January His Majesty's Ship *Bann*, Captain Courtenay, returned to Onim, and immediately sent armed Boats to take possession of the *Cerqueira*, though she had no Slaves on board. On the following day, Boats were sent to demand of The King the Slaves belonging to the Brazilian Ships in the Port, who denied having any, nor were any delivered. The British Boats, after spiking three guns and firing on the shore, returned to their Ships, and on the 2d of February, 1824, the *Bann* left Onim, with the *Cerqueira*, bound to Sierra Leone. On their voyage they made Cape Coast, where Captain Courtenay joined the *Owen Glendower*, and was succeeded by his immediate or next in command; and the *Cerqueira* was sent in charge of the Prize Master to Sierra Leone, where she arrived a few days before the *Bann*, which Ship arrived on the 16th of April, 1824, and, on the afternoon of the same day, the Mate of the *Cerqueira*, and all the Crew detained on board the *Bann*, were sent on board the *Cerqueira*, and the Mate was told to take the command of her in the absence of the Captain, and free permission was given to him to return to Bahia. In spite of the remonstrances of the Mate, no Inventory of the Brig was taken, nor was there any legal or regular Trial, either before the Mixed Commission, or any other Tribunal, previous to the release of the *Cerqueira;* nor, as the Mate alleges, would any of the Law Officers, or Authorities on shore, receive his Protest, or in any way afford him redress. The *Cerqueira* sailed from Sierra Leone, without any Documents, on the 18th of April, as stated in the Petition, and reached Bahia on the 24th of May follow-

ing. For losses, damages, and prejudices, arising out of this Capture and Detention, reclamation is made by the Owner to the amount of £60,000 sterling, and the Case laid before the Commission at Rio de Janeiro, because, as the Petition alleges, the Commission at Sierra Leone had not taken cognizance of it. The Case is stated more at length in the Petition of the Claimant's Proctor, of which we beg to enclose a Copy and Translation.

The reasons assigned in the Proctor's Petition for bringing the Case before this Commission, and the principal arguments he adduces to substantiate his Claim, are, "there having been no legal Proceedings instituted against the *Cerqueira*, by the Authorities at Sierra Leone, the illegality of the Capture is sanctioned, *de facto*, by the certain evidence of the Prize, and consequently the right founded for reparation; and he argues that Prizes, not brought to adjudication before the Mixed Commission at Sierra Leone, ought to be before that established at Rio de Janeiro, because it would be absurd to suppose, that the Captor failing to take his Prize to the proper Commission, or the Commission refusing to take cognizance of the Case, the captured would be deprived of his right to reclamation, or indemnification.

The most material parts of the Evidence in support of the Claim, which came to us attached to the Petition, were,

1st. A Protest on the detention of the *Cerqueira* by the Mate and Crew, dated Onim, 30th of January, 1824.

2d. A Protest by Manoel Cardozo Santos, Captain of the *Cerqueira*, declaring the circumstances of his detention by His Majesty's Ship *Bann*, and that he had no Slaves on board, and that he was on shore at Onim at the time, dated Onim.

3d. A Protest by the Mate and Crew, on the 16th of April, 1823, at Sierra Leone, on the *Cerqueira* being restored without any legal Proceedings being had against her, and without Inventory.

4th. A Protest by the Mate and Crew against the Authorities at Sierra Leone, for having denied every means of redress, and the power of laying his Protests before the Court, dated the 29th of April, 1824, in the Port of Sierra Leone.

Here we feel ourselves called upon to remark the strange incongruity in the date of this last Document, when compared with the Petition, which asserts that the *Cerqueira* left Sierra Leone for Bahia on the 18th of April, whereas the Protest bears date the 29th of April, 12 days after the day she is said to have left that Port.

5th. A Protest confirming those already taken, formally made at Bahia.

The above-mentioned five Protests we have the honour to enclose, with their respective Translations, and a Schedule of the whole of the Documents, which are brought forward in support of the Claim.

Having laid before you, Sir, the Abstract of the Case, the Petition,

containing the Case at length, and the Documents and Arguments brought forward in support of the Claims, it now becomes us to inform you what has been done in this Case by the Mixed Commission, and to assign the reasons for the line of conduct we have felt it to be our duty to pursue.

The Case was laid before the Commission on the 18th of January, 1825, but, owing to the Papers being very voluminous, the separate Examination occupied till the 1st of February, on which day more Papers were added by the Claimants; and on the 8th of February, when it was intended to discuss the Question, the Proctor for the Claimant filed a Petition, praying two months' delay, to enable him to obtain further proof from England. This gave a rise to a Question, whether this should be granted, or the general Question gone into.—The British Commissary Judge contended for the latter, because he thought it needless to hold out to the Claimants, hopes of the Commission taking cognizance of the Case, when he did not consider the Commission competent to it, or could he find by what authority it could take cognizance of it, since the Proofs alleged by the Claimant himself shew that *the Cerqueira* had been taken by the Captor to Sierra Leone, where a Mixed Commission is established for the express purpose of adjudicating Cases of illicit Slave-trade; and the same Evidence declares and complains that the *Cerqueira* was informally and illegally restored to the Mate within the Port of Sierra Leone; and since the Claimant alleges in his Petition that the Case is laid before this Commission because it was not heard, or because no redress could be obtained at Sierra Leone, and therefore it ought to be heard at Rio de Janeiro. As the Case had not been heard, it could not be considered an Appeal. He, the British Commissary Judge, could find no authority vested in this Commission, by the Convention, to receive those Cases that Claimants had failed to prosecute elsewhere, nor did it leave them the option which Commission should investigate their Claims: but he was of opinion that the 12th and 13th Articles of the Regulations of the Convention did most fully provide for and meet the Case in question.

The one, (12th) "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, Individuals who may compose these Commissions."

The other, (13th.) "In 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 tenour 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."

Now, the Petition of the Claimant's Proctor evidently complains, in the strongest terms, of the injustice of the detention by the Captor, and appeals to this Commission for its decision, because, as it alleges, the Commission at Sierra Leone would not, or did not, take cognizance of the Case.—Therefore the British Commissary Judge conceived that the Convention had marked out the channel by which the Claimants, under such circumstances, are to obtain redress through the medium of their own Government, and not the Mixed Commission. The Brazilian Commissary Judge, without entering upon the general Question, felt disposed to grant the delay. The British Commissary Judge being desirous that this Case should not form a precedent, and fearing that by acquiescence it would be considered as an admission of the liability to take cognizance, persisted in his former opinion. The Brazilian Commissary Judge then demanded, according to the Provisions of the Convention, a ballot, and the lot falling on the Brazilian Commissioner of Arbitration, the Secretary immediately applied to the Government to nominate one, since Mr. Joaõ Pereira da Souza was doing the duty, *ad interim*, of the absent Commissary Judge. On the 22d of February, Mr. Francisco Jose de Rocha having been duly named and installed, as Commissioner of Arbitration, *ad hoc*, he stated before the Court, " that having attentively examined the Papers on the Question pending, of two months' delay, asked by the Party, he thought it might be conceded without prejudice to the principal Question, of whether or not, the Commission is competent to take cognizance of the Case, for, on the one hand, the expected Documents might confirm the jurisdiction of the Commission, and on the other, the delay was only prejudicial to the Claimants, and on these grounds he voted for the delay," which was immediately granted.

Thus the Case now stands; and unless it is most materially altered by the Documents expected to be produced, which we cannot in any way anticipate, we purpose holding the same argument at the expiration of the term granted for further proof.

If it should be decided by ballot that we go into the Case, we must again put it off for some time, in justice to the Captor, who doubtless has had no intimation of these proceedings against him.

Amongst the many irregularities with which this Case is fraught, the unaccounted for delay in bringing it forward is worthy of remark.

The *Cerqueira* returned to Bahia on the 24th of May 1824, and the Case came to us on the 18th of January following, almost eight months after, with almost daily communication between this and Bahia.

If, after such lapses of time, without any limit, we are to award

damages for alleged offences committed on the Coast of Africa, we know not where it would end, which made us desirous of not admitting this as a precedent.

In this, as in all other Cases, we have constantly kept in view the strict letter and spirit of the Convention, and it has been our study to be guided in our decision by the greatest impartiality for the Parties, and we trust, Sir, that the view we have taken of the Case will meet with your approbation. We have the honour to be &c.

HENRY HAYNE.
A. CUNNINGHAM.

The Right Hon. George Canning.

P.S. We have kept this Despatch open to the last moment, in hopes the Interpreter would send the Translations of four of the Inclosures, but are disappointed of them. We think it of importance, however, that this Despatch should go by this Packet, and will transmit the remaining Inclosures by the first opportunity.

(*Inclosure* 1.)—*Petition of the Claimant of the Brig* Cerqueira.
(Translation.)

Honoured Sirs, Judges, Commissioners, and Arbitrators, for the Adjudication of Prizes of Slaves, by the Mixed Commission established in this City of Rio Janeiro.

JOZE CERQUEIRA LIMA, Brazilian Citizen and Merchant, residing at Bahia, in the Empire of Brazil, has the honour of submitting to the consideration and judgment of your Lordships, the Case he describes as follows:

That he being the only Claimant and lawful Owner of the Brig called *Cerqueira*, he purposed a trip, to trade in Slaves, to the Port of Molembo, at which, as well as all other Ports situated to the South of the Equator, it is lawful and allowed to traffick in Slaves, in conformity to the existing Convention between the Crown of Brazil and that of Great Britain; that having, with this intent, prepared and equipped the said Brig, *Cerqueira*, and obtained a License, Papers, and Clearances, in conformity to the Treaty, thus duly legalized, the Vessel sailed from Bahia on the 8th November 1823, under Captain Manoel Cardozo dos Santos.

That the Brig navigating on her ordinary course to the said Port of Molembo, as the wind was contrary, the voyage prolonged more than customary, and it was necessary that the Captain should water and renew his stock, he determined to proceed to Onim, where, in fact, he entered on the 17th December following, having proceeded to record his anchoring according to maritime custom.

That the Brig being there anchored, as the Inhabitants of the Country were at war with those of Bajadre, he could not readily procure the necessary supplies, on account of their differences and disturbances,

which obliged the Captain to remain until he could succeed in obtaining what he required.

That during this delay and stay there of the Brig, for that express purpose, she was at different times visited by different Ships of the British Squadron, employed cruizing on that Station, viz.

On the 15th of December, by the Corvette *Bann*; and on the 3d and 13th of January following, by the Sloop, called the *Swinger*.

That in neither of these visits did the Captains or Officers of the Cruizers meet with the least motive for supposing the voyage of the Brig, or her stay here, to be illicit; they consequently left her in peace, in possession of her Papers. That when the Brig's supplies were in a forward state, on the 30th of January, the above-mentioned Frigate, or Corvette, *Bann*, returned to the said Port of Onim, and on entering she immediately sent to attack the Brig with armed men, who were sent in her own Boats, and which act of violence was followed by the sending the Pilot, Officers, and Men on board the Corvette, with the sole exception of four Seamen, who were sick, and left in the Brig: those who were taken out of the Brig were put in irons, and this in spite of the Protests and Proclamations which, at the same time, the Pilot, Officers, and Men made, in which the Captain did not join, he being on shore.

That on the two following days the Commander and Officers of the Corvette followed, successively, the most violent and unheard of attempts, against the Chief and Inhabitants of the Country, who they rashly pretended to force to deliver to them the Slaves, which they supposed had been purchased for the Brig of the Claimant, when, in fact, none had been bought, for which delivery they endeavour to..... and to intimidate the said Chief and Inhabitants, first with promises, and then with threats of force, which in effect they employed, discharging on the shore both artillery and musquetry; with other gross insults, which it is unnecessary that the Claimant should relate, as well as against the several Brazilian Vessels which were there anchored, until returning from the Brig of the Claimant, they seized and detained, taking possession of them, as if they had belonged to an enemy: it is necessary to observe, as an important fact, and sufficient to exasperate to violence and attempt, that no Slave was found on board, or even on shore, not even proper utensils to carry into effect the Slave-trade. That the Captors not having succeeded either with the King or Chief, nor with the Inhabitants of the Country, in obtaining the delivery of any Slave, because, in truth, none had been bought for the Brig, whose destiny was to another Port, they determined that she should be sent as a Prize to Sierra Leone, which in effect took place, making sail for that Port on the 2d of February, under the command of a Prize Master, to whose charge the Vessel was delivered, without having sealed the hatches or without fulfilling any of the forms required in such cases, the Captain, Manoel Cardozo dos Santos, re-

maining on shore as aforesaid, and the Mate, Officers, and Crew of the *Brig* continuing to be kept in irons on board the *Bann*, with the exception of the four Seamen already mentioned. That whilst the Prize was following her direct course to Sierra Leone, the above-mentioned Corvette passed within sight of the Northern Coast, and put into Cape Coast, there met with the English Frigate, *Owen Glendower*, to which Ship Captain Courtenay, who commanded the *Bann*, removed, and took the command immediately on entering the Port. That the *Bann* then pursued her voyage to Sierra Leone, where she arrived on the 16th of April, at which time the Brig of the Claimant was already at anchor, having arrived some days before as a Prize: that in the afternoon of the same day, (16th of April,) the Commander of the *Bann* sent the Mate, Officers, and Crew, who had come up in the *Bann* on board the Prize Brig, ordering the Mate, as next in command to the Captain, to take the command of the Brig, the possession of which was in fact restored, without proceeding to any other formality, or without any solemn act of delivery, or without making an inventory of what remained in the *Brig*, notwithstanding the Mate claimed and insisted that he ought to *hear the* Judgment or Sentence of restitution, on account of the detention having been illegal, because in no other way could the release of the Prize be regularly made, or its restitution be fulfilled according to the right admitted by all civilized Nations. That the possession of the Brig, released and restored, in a manner so irregular and arbitrary, is manifest, by the faithful and proved exposition, by the effect of the same arbitrariness, and that prepotency which alone appeared to guide the judgment of the Captors throughout the whole of this disastrous affair; not only were the Clearances and Papers from the Authorities of the Port, to enable the Brig to quit the Port of Sierra Leone, denied her, but also any Document to justify or prove the cause of her being sent thither, saying, that it was enough for them to proceed to Bahia with the same Papers she had brought from thence, which at the time of Capture were seized, but were restored at the time the restitution and possession was forced in the manner above-mentioned. That during the time that the Brig still remained at Sierra Leone, the Mate could never succeed with the Law Officers or Authorities on shore to take his Protest or Claim, because to all and every one they refused, as, in the beginning, he as well as all those belonging to the Brig, were prohibited going on shore, or having any communication with it; excesses of every kind were carried to such a point by the Captors, as to outrage, and flog with stripes the Mate for having personally declared to the Commanding Captor the Protests that he and his Crew had made, praying for justice.

That it is a fact notorious and certain of all the mentioned and unheard of Proceedings, that no legal process was taken of the Brig *Cerqueira*, nor was the Prize taken cognizance of by the Mixed Commis-

sion at Sierra Leone, or brought before any other Court or Tribunal in that Colony; so that the detention and capture has been, in fact, the arbitrage of force, as likewise the release and restitution of the Prize was, in fact, the arbitrage of force, all power and means to substantiate their rights being denied to the captured Vessel, of which certainly it will not be easy to find a similar Case, in the maritime annals of any civilized Nation, even supposing the Parties in a state of open War.

That the Brig being obliged to return to Bahia, left Sierra Leone on the 18th of April, and arrived at Bahia on the 24th of May following, having gone without provisions and supplies proportioned to her Crew, and therefore exposed to double risk. That not only had the speculation, intended by the destiny of the Brig to the above named Port of Molembo, failed, and altogether lost by the consequent effect of the detention and violence of being taken as a Prize to Sierra Leone, and with the heavy prejudice of the expected gains by the enterprize to which she was legally destined, but almost the whole of the outward Cargo was lost, either because some part of it was abandoned at Onim, taken there to exchange for stores and provisions, or because other parts were stolen by the Captors themselves, which is proved by the evidence of the Inventories and Judicial Proceedings, which were taken on the return of the Vessel to Bahia.—Lastly, that all these facts are supported by legal proofs, all abundantly manifesting by Documents which the Claimant herewith offers, and subjoins, Nos. 1, 2, and 3, Documents which contain the original formal attestations, taken before the respective Local Authorities, due notice having been given to His Britannick Majesty's Consul at Bahia to attend the same, to which he made no opposition; and for which, and on the one part, not having judged or sentenced, or even taken any legal Proceeding against the Brig *Cerqueira* at Sierra Leone, the illegality and injustice of the Capture is proved and sanctioned, *de facto*, by the certain evidence of the Prize, and consequently the right is founded for a reparation of losses, and expected profits on the part of the detained, a right of which the Claimant wishes that application should be made to the Case *from its source*, according to the Stipulations of the subsisting Treaties between the Crown of Brazil and that of Great Britain; and on the other part, be it certain that the Prizes which are not brought to adjudication before the Mixed Commission at Sierra Leone, ought to be before that established at Rio de Janeiro, according to what is deduced and obviously understood by the letter of the said Treaties, since it would be incongruous and even absurd to suppose that the Captor failing to take the Prize to the proper Commission, for the purpose of proceeding to her adjudication, or the Commission refusing to take cognizance of the Case, the Captured would be inhibited, or deprived of his right to reclamation and adjudication of the *quantum* of indemnification which

should be granted to him, for the consequent prejudices, therefore the Claimants prays:

That your Lordships, Judges, Commissioners, and Arbitrators will be pleased to *renew* the Process to decide on the indemnification in the Case of the above-mentioned Brig *Cerqueira*, with the Documents which he offers sufficient to establish the evidence of the fact, and to found the right to a competent remuneration, the Claimant, if permitted, will produce justificatory probatory Documents to ascertain the prejudices, and calculate the expected profits, if the Sentence should award a full indemnification, which ought to be adjudged to the Claimant, according to the Stipulations and Regulations of the Convention of the 28th of July, 1817. Rio de Janeiro, 15th January, 1825.

As competent Attorney,
DIEGO SOARES DA SILVA DE BIVAR.

(Inclosure 2.)—PROTEST made on board the Brig Cerqueira, *by the Mate, Joze Francisco Carreirao, and the remainder of the Crew of the said Brig* Cerqueira, *in the absence of the Master of the said Brig, Manoel Cardozo dos Santos, for the facts and acts of violence herein declared.* (*Translation.*)

We, the undersigned, Joze Francisco Carreirao, Mate of the Brig *Cerqueira*, and in her, in the absence of the Master, Manoel Cardozo dos Santos, charged with the command of the said Brig, and also the Crew of the same, declare, that in the Year of Our Lord Jesus Christ 1824, on the 30th day of the month of January, at 5 o'clock in the evening, being at anchor in the Port of Onim, to purchase provisions, to pursue our voyage to Molembo, our destined Port, having been obliged to deviate from our course by the force of the winds and the inconstancy of the waves, and, by being attacked by the Frigate *Bann*, belonging to His Britannick Majesty, we protest against all and every violence offered to us by the Captors, who harshly took us from the above-mentioned Brig, and especially against Captain Courtenay and all the Officers, and against the British Government, or against whomsoever it may concern. Because we were in the said Brig *Cerqueira* with the Brazilian Flag hoisted, without having, or having had, any Slave (male or female) on board, and in the good faith which the Treaties made with His Britannick Majesty secure to us, and which should be kept by all Nations, we protest, as in effect we have protested, for all and every arbitrary acts which the Frigate *Bann* and her Commander, Courtenay, are practising, or may practise against us, that right may hold good, to claim losses, damages, ceasing profits, as well for the Proprietor residing in the City of Bahia, Joze Cerqueira Lima, as for all others who may have an interest therein, and that at all times it may appear we cause to be made this Protest, made by one of us, and signed by all on board the Brig *Cerqueira*, when we were taken and captured

by force. On board the Brig *Cerqueira*, anchored in the Port of Onim, on the 30th of January 1824.

Signed by JOZE FRANCISCO CARREIRAO, and by 20 of the Crew.

(*Inclosure* 3.)—*PROTEST of the Master of the* Cerqueira.

(*Translation.*)

PROTEST that Manoel Cardozo dos Santos makes against the British Nation, or to whom it may concern, on account of the capture and detention of the Brig *Cerqueira*, of which I am Master and Supercargo, made by the English Ship of War, in which the Commodore was said to have come, which Brig is Brazilian property, and Joze de Cerqueira Lima, of Bahia, is the Proprietor, which Protest I make to the amount of £60,000. sterling, the value in which the said Brig and all her cargo stood, and the ceasing profits arising from the acts of violence herein declared:—That after leaving the City of Bahia, on the 8th of November of the year 1823, in the Brig *Cerqueira*, under my command, to proceed on a voyage to the Port of Molembo, on account of the inconstancy of the wind, I was induced to shape a course to the Northward, and making the land on the Gold Coast, I resolved touching at this Port of Onim, to buy beans and some other provisions of which I stood in need. That on anchoring in the Roads of this Port on the 17th day of December of the same year, and on going on shore to supply myself with oil, beans, and some other provisions which I wanted, it happened that I found this Port at War with the Inhabitants of Badagoe, and on this account I was detained above three weeks, whilst the War lasted, not being able to obtain any thing.—That on the 25th of the same month, I was visited in this Roadstead by an English Corvette, said to be called the *Bann*, and no question was made about my Papers, as well as on the 3d of January 1824, when I was a second time visited by a Vessel of War, whose name I know not, and likewise she found nothing by which I was committed, and on the 13th of the month I was again visited by the same English Vessel of War, who made no more question than she had done in the first visit.

That on the 30th of January of the same year, about five o'clock in the evening, a Frigate coming from the East, hoisted English Colours, and fired a shot, and, as soon as anchored, a Boat was sent on board the Brig under my command, as well as on board the other Vessels that were in the same Roadstead, supposed to be to visit, or indorse their Papers.

That on the 31st, about five o'clock in the evening, two Launches and two Boats, all armed with artillery in the bow, with about 40 Men including some Soldiers, two Officers, and two Midshipmen, all armed with musquets, appeared before the Village, which is three leagues up the River. That, on arriving at the Village, they anchored the Launches and Boats, opposite a Factory or Store, where there was an English-

man, who had arrived three days previous in a Brig under American Colours, under pretence of negociating in Slaves; the two Officers and Midshipmen there disembarked, and went to the said Factory, and after remaining above an hour, they re-embarked in the Launches. That about seven in the evening they were sent for by the King of the Port, to know what their business was on shore; to which one of the Officers replied, that they came to ask the King to deliver up the Slaves that the Portuguese had bought; that the Commodore had ordered it. The King, in reply, told them,—that the Portuguese Captains were trafficking in his Port, none were buying Slaves, but they had bought provisions, cloths, oil, and ivory, and that they likewise exchanged tobacco for dollars: the Officer persisted for some time that he knew that the Portuguese had bought Slaves, that he should deliver them up, as for so doing he made him the offer of half the Slaves that the Portuguese might have: The King then testified that the Portuguese Captains were not purchasing Slaves: the said Officer then concluded by telling the King, that, on the following morning, if the Slaves were not delivered to him, he should open a fire on the shore from his Launches, and with these last words they embarked on board the Launches. That on the 1st of February the said Officers and Midshipmen disembarked, and went to the Factory of the said Englishman, and from thence to the Factory of Captain Manoel Joaquim de Almeida, where I was, together with Captain Andre Pinto, and he sent to tell us by a black Man, who served as Interpreter, that our Vessels were seized because our Papers were not legal, and that he, the Officer, came by order of the Commodore; that the Portuguese Captains should deliver up the Slaves we had bought, and the said Officer asking who was the Captain of the Brig *Cerqueira*, to which I replied that it was I, he sent to tell me by the Interpreter, that he did not take me when the Frigate went down, as he believed he should take many Prizes at Calabar and Camarao, but now on his way back, he could not fail taking me, to which I replied, that I was not buying Slaves, and that he might examine the Factory that belonged to me, but that I was replenishing my provisions, and exchanging tobacco for cloths to go to Molembo, and that I was ignorant in what my Papers were irregular, upon which he took his leave, saying he knew very well what to do. That again they went to the House of the King, and the said Englishmen decidedly told the King, that if he did not give up the Slaves by nine o'clock the same morning, that they should open a fire upon the shore, to which the King replied, that he had no Slaves to give, that they should not fire upon the shore, because he had not treated them ill, and that he treated well all that came to his Port, of whatever Nation they might be, to which no reply was made; and in returning to embark in their Launches, they spiked three guns, which The King had for the defence of his Port, and the Blacks seeing that they were destroying

their guns, rose; and in this disturbance of the Blacks, the said Englishmen embarked on board their Launches, and opened a fire of artillery and musketry on the shore, killing and wounding a great many Blacks, and under the smoke they retreated on board the Frigate: that as soon as they arrived on board the Frigate, they despatched Launches to all the Brazilian Ships that were in the Roadstead, which put themselves in readiness to make sail. That on the 2d of February, about five o'clock in the afternoon, I received notice from my Hut-man, that the Brig and the two Brazilian Vessels had made sail, and that the Frigate accompanied them. That I am ignorant of every thing that had passed on board the Brig under my command, because no cause was assigned to me, either by the Commander of the Frigate, or from the Brig by my Officers, which proves their want of communication, and perhaps my Officers and Crew were rigorously dealt with, even to castigation, that by these means to obtain a false oath, which is not to be wondered at, as many English Ships of War have done it to the Portuguese Vessels trading to this Coast of Africa. That as for myself, they found no Slaves on board the Brig or in the Factory, or even in the said Factory any thing belonging to the Traffick in Slaves. I protest, as I have immediately protested, against the British Nation, or against whomsoever it may concern, before the Witnesses undersigned, the Brig and the whole of the Cargo, and for the Parties, my wages, and of my Officers and Crew, gains ceasing, and that may be the whole to the amount of £60,000. sterling, for all and every prejudice that may be caused in the course of my voyage, whether during my stay in this Port, whether in my return from hence to Molembo, and thence to the Port of Bahia, caused by the detention of the said Brig, and in the event of the said being taken, or she happens to be wrecked, abandoned, and I give as abandoned every thing that was in my Factory, for want of means to embark it, and return to Bahia, since I was destitute of means, and scarcely could I contrive to transport my own Person alone to another Port, where I found a Vessel to transport myself. This Protest shall have the same force and power as if it had been made in a proper Tribunal, and which for want of such, I asked Zacarias de Assiz Ferreira, who made this, and as a Witness, signed it. Onim, at the Factory, on the 2d of February 1824.

Signed by MANOEL CARDOZO DOS SANTOS, and by Eight Witnesses.

(Inclosure 4.*)—PROTEST made on board the Brig* Cerqueira, *at anchor in the Port of Sierra Leone, on the* 16*th of April* 1824.

(Translation.)

We, the Undersigned, Joze Francisco Carreirao, Mate, and the Crew of the Brig *Cerqueira*, which was captured at Onim on the 30th of January of this year, and conducted on the 2d day of February of

the same year to Sierra Leone, where we now are brought as Prisoners and kept in irons from Onim during half the voyage to this Port, suffering all the rigour of oppression, we protest, as in effect we have protested, against all the Proceedings which have been practised against us, and particularly against me, Joze Francisco Carreirao, the Mate, now the Master of the said Brig, by the Frigate *Bann*, and her Commander, Captain Courtenay, who, refusing to hear our Protest and Reclamation at Onim, continued to exercise arbitrary acts of violence, compelling me, through the Officers of the *Bann* Frigate, under Captain Courtenay, to be shipped in another Frigate called the *Owen Glendower*, at Cape Corço, obliging me this day, 16th of April 1824, to take charge of the Brig on board which I am sent, as well as the Crew of the Brig *Cerqueira*; that we were this day brought to this Port of Sierra Leone in the said Frigate *Bann*, which took us, without having proceeded in any legal term, or without being heard or regarded, on the state of the cargo of the Brig, which is in her, ruined, or without it being notified to me, or adjudged that the unjust capture and detention of the Brig was given up, or by any other judicial proceeding; however protesting against all these Proceedings of the Captors and of the British Nation, which we shall ratify as soon as we arrive at another Port, where we may be permitted to land, and apply to the Authorities of the Place, to draw up a term in a manner that will secure to us the right of propriety of the Brig and Cargo, and of all who might be interested in the same; and that at all times, this our Protest will manifest, in which we have expressed all the clauses which, by right, are required in similar acts, one of us makes this term of Protest, which is signed by all. Sierra Leone, on board the Brig *Cerqueira*, 16th April 1824.

Signed by JOZE FRANCISCO CARREIRAO,
and by 20 of the Crew.

(*Inclosure* 5.)—*PROTEST made on board the Brig* Cerqueira, *at anchor in the Port of Sierra Leone, on the* 29*th of April* 1824.

(*Translation.*)

We, the undersigned, Jose Francisco Carreirao, Mate, and now Master of the Brig, *Cerqueira*, as well as all the Crew, make known, that in the year of Our Lord Jesus Christ, 1824, on the 29th of the month of April, on board of the Brig *Cerqueira*, of which Joze Cerqueira Lima, a Merchant, established in the City of Bahia, is Proprietor, protest, and I, Jose Francisco Carreirao, the Mate, and now serving as Master in the absence of Manoel Cardozo dos Santos, against Captain Courtenay, and the other Captors of the above-mentioned Brig, against the British Nation, and likewise against the Authorities residing at the Settlement of Sierra Leone, for having refused permission to land on the first days after my arrival at this Port, every redress and lawful means to allege, to protest, to claim losses, damages, and ceasing pro-

fits, in consequence of the arbitrary capture, and even to present to the Court the Protest made at Onim on the 30th January of this year, and that which I made in this Port on the 16th April, when I was turned over from the Frigate *Bann* to the Brig, being in spite of every thing compelled to take charge of the Brig and her Cargo, without any judicial term whatever, or act of delivery, and sent or ordered to depart without Passport or Document from the Authorities of Sierra Leone, to pursue my voyage to Bahia, scarcely delivering the Papers of the Brig, with which she had sailed from Bahia, and for this, we protest, and we will certify the protest, against all these violent and oppressive proceedings at the first Port we may arrive at, and before the Publick Authorities where we may be, we will deduce the whole that shall be necessary to have all, and whatever indemnification as regards the Brig and Cargo, losses and damages, and principally for being compelled to direct our course to the Port of Bahia, with a lack of provisions, the Cargo being already ruined; and that at all times it may appear, one of us have made this term or act of Protest, as in right it should be, being signed by all, although I am first and principal Protector, and I, Joze Francisco Carreirao, the Mate, and in charge of the Brig in the absence of the Master, Manoel Cardozo dos Santos, who remained at Onim, being on shore at the time of the capture and unjust detention. On Board the Brig *Cerqueira*, at anchor in the Port of Sierra Leone, 29th April, 1824.

Signed by JOZE FRANCISCO CARREIRAO,
and by 20 of the Crew.

(*Inclosure* 6.)—***PROTEST** of the necessity of putting into Port for the reasons herein declared, made by Manoel Cardozo dos Santos, Master of the Brazilian Brig* Cerqueira.—(Translation.)

We, the undersigned, Master, Officers, and Crew of the said Brig, swear by the Holy Bible, that having sailed from the Port of Bahia, on the 8th day of November 1823, on a direct voyage to Molembo, on licit traffick, ready and correct, according to her Papers, it happened that we experienced contrary winds and currents, which obliged us to tack or beat from South to North, without having being able to fetch the Port of our destination, consequently the provisions which we had taken for an ordinary voyage began to diminish, and finding ourselves in Latitude North 3. 59. 28., and Longitude West of Greenwich, 10. 32. 35., we were obliged to put into the nearest Port, there to replenish the said provisions, not only for our voyage to our destined Port, but likewise for the support of our Crew, and the Slaves on our return voyage, and it being the unanimous wish, and by the general consent of the Master, Officers, and Crew, so we did it; the Master protesting immediately to clear his responsibility, and that of the Shippers, against the sea and wind, and against whomsoever or whatever it ought or does concern.

On board the said Brig, in the Latitude above mentioned, on the 30th of November 1823.

Signed by the Master, and by 21 of the Officers and Crew.

(*Inclosure* 7.)—*SCHEDULE of the Documents attached to the Petition of the Claimant in the Case of the* Cerqueira, *Manoel Cardozo dos Santos, Master.*—(Translation.)

POWER of Attorney from the Proprietor, constituting Diego Soares da Silva de Bivar, his Attorney or Proctor in this Case. No. 1. The Protest of the Proprietor, proofs of the Capture, and ratification of the Protest made by the Master, Manoel Cardozo dos Santos, at Onim on the 2nd of February 1824, signed by the Crew, being all required, and done at the Magistracy of the Custom House at Bahia, the British Vice Consul having been cited to attend. No. 2. Protest and proof of the Pilot or Mate, Joze Francisco Carreirao, ratifying the Protests that he made, together with the Crew, at Onim and Sierra Leone. No. 3. Process of the Petition of the Proprietor, for the discharge, inventory, value, and sale by auction of the goods remaining on board the said Brig at Bahia; done at the Magistracy of the Custom House at Bahia. Documents attached to the Second Petition of the Claimant, presented on the 29th of January, to the Mixed Commission, to be added to the former.

No. 1 and 2. Writing and Certificate shewing the Claimant to be the Proprietor. 3. Certificate of the Alvara to permit the free Commerce to Molembo. 4. Certificate of Measurement, 304½ or 761 Slaves. 5. Certificate of Crew or Matricula. 6. Certificate of Custom-House Pass. 7. Passport. 8. Certificate of Visit on sailing. 9. Invoice and Letters of Orders. 10. Bill of Lading. 11. and 18. Account proved and sworn to from invoice. 19. Certificate of Brazilian Property.

Mixed Commission at Rio de Janeiro, February 17, 1825.

BRAZ. MARTINS COSTA PASSOS, Secretary.

No. 80.—*His Majesty's Commissioners to Mr. Secretary Canning.*

(*Received April* 29.)

SIR, *Rio de Janeiro, February* 28, 1825.

WE have the honour, herewith, to transmit for your information, the Copy of two Notes, which we received, on the 5th and 8th instant, from His Majesty's Consul-General resident here, on the subject of 39 African Negroes saved from a wreck at Sea, by the British Brig *Accession*, together with our replies to the same.

Although we felt persuaded in our own minds, that this Case did not come with the limits of the Convention upon which we are acting, yet, as Mr. Chamberlain had written to us officially on the subject, we thought it more satisfactory, as we were to meet our Brazilian Col-

leagues on the next day, on other business, to submit it to their opinion, which, coinciding with our own, we transmitted to Mr. Chamberlain the Minute on the subject, taken before the Board of Commission, a Copy which we have also the honour of enclosing.

We have the honour to be, &c. HENRY HAYNE.

The Right Hon. George Canning. ALEX. CUNNINGHAM.

(*Inclosure* 1.)—*Mr. Consul-General Chamberlain to His Majesty's Commissioners.*

GENTLEMEN. *Rio de Janeiro, February* 5, 1825.

I TRANSMIT to you, herewith, a Despatch from Mr. Follett, His Majesty's Vice Consul at Bahia, dated the 26th of January last, together with its Inclosures,* respecting 39 African Negroes taken off the wreck of a Vessel at Sea, by the English Brig, *Accession*, and by her conveyed to Bahia, whence they have been sent hither by Mr. Follett, and placed at my disposal.

Should you, upon perusal of these Papers, consider the Case therein set forth as one coming under your jurisdiction, I have to request you will be pleased to acquaint me therewith, taking the trouble, at the same time, to state the grounds upon which that opinion may be formed, and to return the Papers sent herewith.

I have the honour to be &c.

Messrs. Hayne and Cunningham. HENRY CHAMBERLAIN.

(*Inclosure* 2.)—*His Majesty's Commissioners to Mr. Consul-General Chamberlain.*

SIR, *Rio de Janeiro, February* 8, 1825.

WE have to acknowledge the receipt of your Letter, dated the 5th instant, on the evening of the same day, together with Mr. Follett's Letter, and its Inclosures, respecting 39 African Negroes taken off the wreck of a Vessel at Sea, by the English Brig *Accession*, and by her conveyed to Bahia, whence they had been sent hither, by His Majesty's Vice-Consul at Bahia, to be placed at your disposal; in which you also request, that should we, upon examination of the Documents enclosed, conceive the Case to come within our jurisdiction, that we would state the grounds on which our opinion is founded, and return you the Documents above mentioned.

In reply, we beg to inform you, that we availed ourselves of the first opportunity of bringing the Case before the Mixed Commission, for whose decision on it we beg to refer you to the enclosed Minute of this day's Meeting, by which you will learn, that it was the unanimous opinion of the Board of Commission, that the Case in question did not come within their jurisdiction, it not being a Prize Case. We, however, as individuals, feel persuaded that you will do every thing in your

* See Class B.

power to mitigate the sufferings of these poor wretches, whose lives have been so providently spared to them.

We herewith return you the Documents which you sent us, with the exception of the Affidavit stating the Case to the Consul at Bahia, which you shall have, as soon as a Copy has been taken of it.

We have the honour to be, &c. HENRY HAYNE.
H. Chamberlain, Esq. ALEX. CUNNINGHAM.

(*Inclosure* 3.)—*Mr. Consul-General Chamberlain to His Majesty's Commissioners.*

GENTLEMEN, *Rio de Janeiro, February* 9, 1825.

I AM prevented from making the necessary representation to this Government, respecting the Negroes saved from the wreck of a Slave-vessel, by the British Brig *Accession*, for want of the Document you have detained, wherefore I beg you will take the trouble to return it without delay; it being most desirable, upon many accounts, that not a moment should be lost in laying the Case before the proper Authorities.

I have honour to be, &c.
Messrs. Hayne and Cunningham. H. CHAMBERLAIN.

(*Inclosure* 4.)—*Henry Hayne, Esq. to Mr. Consul-Gen. Chamberlain.*

SIR, *Rio de Janeiro, February* 9, 1825.

To prevent further delay, I reply to your Note of this morning, addressed to the British Commissioners, in my own name only; and beg herewith, to transmit the Document which you required; which I have only this instant received from Town.

I remain, &c.
H. Chamberlain, Esq. H. HAYNE.

(*Inclosure* 5.)—*Minute taken at a Meeting of the Mixed Commission at Rio de Janeiro, on February* 8, 1825.—(Translation.)

AT the Sitting of the 8th of February 1825, the British Commissioners represented that they had received from the British Consul-General, resident at this Court, a Letter, in which he informed them of the arrival from Bahia of 39 Negroes, who had been saved from a wreck by the English Brig *Accession*, and taken there; which Negroes had been sent by the British Vice-Consul, for the disposal of the Consul-General; and he requested to know whether, on perusal of the Papers, which he enclosed, the Case was within the jurisdiction of the Commission.

The Commission, on examination of the Papers, were of the following unanimous opinion:

That, it not being a Prize Cause, it was not within the jurisdiction

of the Commission, as is expressed in the Additional Convention of 28th of July 1817, to the Treaty of 22d of January 1815.

HAYNE. SOUZA.

No. 81.—*His Majesty's Commissioners to Mr. Secretary Canning.*—(*Received April* 29.)

(Extract.) *Rio de Janeiro, Feb.* 28, 1825.

We have the honour to enclose, for your information, the Copy of the Appointment of Mr. Francisco Joze da Rocha, Merchant, of this Place, to act, *ad interim*, as Brazilian Commissioner of Arbitration in the Mixed Commission, in place of Signor Joao Pereira de Souza, who is, for the time being, doing the duty of Commissary Judge.

This Commission was presented by Mr. da Rocha to the Board of Commission on the 17th instant, together with the attested proof annexed, of his having taken the oath, prescribed by the Convention, before the Chancellor; it was deemed sufficient, and he was thereby installed.

HENRY HAYNE.

The Right Hon. George Canning. ALEX. CUNNINGHAM.

(*Inclosure*).—*Appointment of Signor Francisco Joze Rocha to act,* ad interim, *as Brazilian Commissioner of Arbitration in the Mixed Commission at Rio de Janeiro.*—(Translation.)

Joze de Cerqueira Lima, Merchant, of Bahia, through his lawful Attorney, Diego Soares da Silva Bivar, having represented to the Imperial Presence of His Majesty the Emperor, that a decision being pending in the Mixed Commission of this Court, of the cause of the detention and capture of his Brig, called *Cerqueira*, made on the Coast of Africa, by His Britannick Majesty's Frigate *Bann*, that there might be a difference of opinion between the British and Brazilian Commissary Judges, it would then be necessary to have recourse to the method of Arbitration by lot, according to the form of the Additional Convention of the 28th of July 1817; and the August Sir, considering that the Brazilian Commissioner of Arbitration, Signor Joao Pereira de Souza, is exercising, *ad interim*, the functions of Brazilian Commissary Judge, the Commissary Judge being actually absent on an important Commission in the National Service, on this account it is necessary to name a Person to serve, *ad interim*, as Commissioner of Arbitration, has been pleased, at the sight of the just motives stated, and having been informed of the intelligence and ability of the Merchant, Francisco Jozé da Rocha, to name him to exercise the duties of Commissioner of Arbitration, *ad hoc*, that they might decide the said Cause jointly with the other Commissioners, in case of a discordancy of opinion. Which is ordered to be communicated to the Mixed Commission, for its information, and execution by the Secretary of State for Foreign Affairs.

Palace, Feb. 7, 1825. LUIZ JOSE DE CARVALHO E MELLO

No. 82.—*His Majesty's Commrs to Mr. Secy Canning.*—(*Rec. May* 23.)

SIR, *Rio de Janeiro, March* 7, 1825.

WE have herewith the honour to transmit the four Documents belonging to our Despatch of the 28th ult. which, through the negligence of the Interpreter, who failed to return them to us, with their Translations, early enough to be sent in their place, were unavoidably omitted, and by not having them, we find we have been led into an error, for which we have to apologize, and beg to be allowed now to correct.

Enclosure No. 6, instead of being dated at Bahia, as stated in our Despatch, was made at Sea, on the 30th of November 1823, by the Master, Mate, and Crew of the *Cerqueira*, to account for their putting into Onim, when bound to Molembo.

We have the honour to be, &c. HENRY HAYNE.

The Right Hon. George Canning. ALEX. CUNNINGHAM.

No. 83.—*Joseph Planta, Junior, Esq. to His Majesty's Commissioners.*

GENTLEMEN, *Foreign Office, May* 27, 1825.

IN reference to the Question contained in your Despatch of the 10th of March 1825,—whether the Regulation as to the 75th Section of the Act for consolidating the Laws on Slave-trade, is to supersede the less formal Returns which you have been in the habit of forwarding Quarterly, I am directed by Mr. Secretary Canning to acquaint you, that the Regulation will *not* supersede any Returns *to this Office*, containing *other* matter than that which is stated in the Section in question; but will naturally supersede those Returns which would otherwise contain the same matter in a less formal shape.

I am, &c.

His Majesty's Commissioners. JOSEPH PLANTA, Jun.

No. 84.—*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN, *Foreign Office, June* 15, 1825.

I HEREWITH transmit to you, for your information, six Copies of Papers, marked A and B, relative to the Slave-trade, which have been presented to both Houses of Parliament, by His Majesty's Command, in the course of the present Session.

I am, &c.

His Majesty's Commissioners. GEORGE CANNING.

No. 85.—*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN, *Foreign Office, June* 15, 1825.

YOUR several Despatches of this Year, to the 10th of March, have been duly received.

I have referred, for the consideration of His Majesty's Advocate General, the Case of the Brazilian Slave-vessel, the *Cerqueira*, which was taken by His Majesty's Ship *Bann*, Captain Courtenay, and car-

ried into Sierra Leone, but not adjudged there, and afterwards brought before you by the Owners of the *Cerqueira*, with a claim for damages, on account of the illegal detention of their Vessel.

The King's Advocate reports; 1st, that, by the Instructions for Cruizers, annexed to the Slave-trade Convention, the Commanders are directed to bring the detained Vessel for Judgment, as soon as possible, to that Commission, either at Sierra Leone, or Rio de Janeiro, which shall be nearest, or which they shall soonest reach, from the spot where the Slave-ships shall be detained; 2dly, that the Commissioners shall give Sentence, as summarily as possible, within 20 days from the date on which the detained Vessel shall be brought into the Port where they reside; and, 3dly, that in one case alone, that of Vessels carried into Sierra Leone, and adjudged there during the vacancy, by death of the Portuguese Commissioner, there shall be a liberty of appealing to the Commission resident in the Brazils.

The result of these observations is, that the terms of the Convention distinctly confine the jurisdiction of the Commissions to Cases brought in by Cruizers to the nearest Commission, and becoming thereby the subject of Legal Proceedings in that Commission.

His Majesty's Advocate-General is, therefore, decidedly of opinion, that the Commission at Rio de Janeiro has no jurisdiction in the Case of the *Cerqueira*; that any Proceedings, which may be had there upon it, will be a nullity; aud that there will be no obligation on the British Government, or on the Captors, under the Convention, to pay obedience to any Sentence, or Award, so passed.

You will take this opinion as the rule of your conduct.

You will communicate to His Majesty's Consul General at Rio, the Correspondence of which you are in possession, upon this Case; and he will shew to you an Instruction which I have addressed to him, also under this day's date, upon the subject.

I am, &c.

Messrs. Hayne and Cunningham. GEORGE CANNING.

No. 86.—His Majesty's Commrs. to Mr. Secy. Canning.—(Rec. June 28.)

(Extract.) *Rio de Janeiro, April 5, 1825.*

We have the honour to inclose, for your information, the Copy and Translation of a *Portaria*, received from the Minister for Foreign Affairs, by the Mixed Commission on the 23d ult.

The intent of the above-mentioned *Portaria* was to put the Commission in possession of the Emperor's decision on three Points therein mentioned, which had been submitted to his Government by the British Commissioners, in conformity to their Instructions from home.

HENRY HAYNE.

The Right Hon. George Canning. ALEX. CUNNINGHAM.

(Inclosure.)—Portaria addressed to the Mixed Commission, on the 15th of March 1825.—(Translation.)

THE two Officios from the Mixed Commission, dated on the 18th of July of last year, and the 15th of January of the present year, transmitting, in the first place, a Copy of the Articles Additional to the Convention of the 28th of July 1817, which had been signed at Lisbon, on the 15th of March 1823, and the execution of which, on the part of the Brazilian Government, was requested by the British Commissioners; in the second place, transmitting the amount of the expences incurred by the Mixed Commission from the 7th of January 1823, amounting to 31$/$ 400 Reis: and requesting, that the Coffer of the Commission might be furnished with money to pay the Expenses that had been incurred, and for the supply of its present Contingencies; and in the third place, informing on the subject of the Accounts, that the Consul-General of His Britannick Majesty presented, of the Expenses incurred by the support of the Negroes of the Schooner *Emilia*, amounting to £1190. 2s. 2½d. according to the determination expressed in the Portarias, which were issued under the two dates of the 28th of August, and 4th of Sept. 1821, to the Mixed Commission, by the then Minister and Secretary of State for Foreign Affairs, Signor Pedro Alvarez Diniz; having been presented to His Imperial Majesty the Emperor, His Imperial Majesty was pleased to determine as follows:—As to the first object, That the Additional Articles referred to should be put in execution, since necessity existed to take measures against the frauds of those interested in the illegal Traffick in Slaves, which by them, (the Additional Articles,) are provided against. With regard to the second,—That the Mixed Commission should make an Estimate of what their annual Expences might be, in order that they may be supplied by the Publick Treasury: and lastly, with respect to the third, the Consul-General of His Britannick Majesty has, on this day, been written to, after noting the difference that there existed in the said Account, making the expence and support of each Negro 120 Reis, when, according to the information of the Commission, it never exceeded 86 Reis each, at this Court: That the Brazilian Government was ready to sanction the said determination, taken in the year 1821, it being proper, however, that an Additional Article to the above-mentioned Convention of the 28th of July 1817, should be previously signed, by Persons duly authorized from one Government to the other. Which His Imperial Majesty orders to be communicated to the Mixed Commission, through the Secretary of State for Foreign Affairs, for its information and execution; that it may also be known to them, that the necessary Orders have been given to the Minister, and Secretary of State for Finance, and the President of the Treasury, to send to the Mixed Commission Copies of the authentick Documents of the Payments made to its Subaltern Officers, belonging to the three last years, as required by the British Commissioners, for

the information of their Government, as appears by the Protocol, which accompanied the said Officio of the 15th of January of the present year. LUIZ JOSE DE CARVALHO E MELLO.

The Mixed Commission.

No. 87.—His Majesty's Commrs. to Mr. Secy. Canning.—(Rec. July 21.)

SIR, *Rio de Janeiro, May 18, 1825.*

WE had the honour of transmitting to you, in our Despatch of the 28th of February last, a Report of the Case of the *Cerqueira*, M. C. dos Santos, Master, together with all the Documents in our possession, which could throw any light upon it. The Report here referred to, brought the Proceedings of the Commission down to the 22d of February, when two months time was granted to produce further proof. This time having expired on the 22d of April, the Claimant petitioned for a further delay of the same time. The Brazilian Commissary Judge was of opinion, that the circumstances of the case did not justify it, and after the opinion at first given by us, we of course concurred in refusing it.

Owing to some holidays, and the indisposition of the Brazilian Commissary Judge, the final decision on the Case was not given till the 17th instant, 24 days after the expiration of the delay granted, when no further evidence being brought forward, the Commissioners unanimously agreed, that the Case did not come within the jurisdiction of the Mixed Commission; and, as is customary, the Documents were returned to the Parties, who were referred to the competent Authorities.

We beg leave to enclose, for your information, a Copy and Translation of the Minute of the Sitting of the 17th instant, wherein the grounds on which the Opinions were founded are recorded.

We have the honour to be, &c. HENRY HAYNE.

The Rt. Hon. George Canning. ALEX. CUNNINGHAM.

(Inclosure.)—Minute of the Sitting of the Mixed Commission, May 17, 1825.

AT the Sitting of the 17th May, 1825, the British Commissary Judge observed that the two months, which had been granted to Joze de Cerqueira Lima, to delay the question respecting his Brig *Cerqueira*, had expired, and that a further term of two months prayed by him having been refused, it became his duty and that of the Mixed Commission, finally to decide the said Question. He was of opinion, that the Documents produced by the said *Cerqueira*, after the delay granted to him for further proof, did not in any way change the face of the Case, and, consequently, that he was of the same opinion as when the principal Petition was first presented.

His opinion then was, that the Case of the *Cerqueira* did not come within the jurisdiction of this Commission, and, therefore, that it was not authorized to take cognizance of it. The grounds on which he formed his opinion were the following:

1st. The detained Brig was restored, and the Owners came to petition this Commission for indemnification for losses and damages; whereas the Convention only authorizes the Court to award indemnification when the act of restitution has been duly and legally adjudged by the Court.

2d. The act of restitution was made within the Port of Sierra Leone where there exists a Mixed Commission, and it is to be presumed that the Brig *Cerqueira* was taken there, for the purpose of adjudication, and if either of the Commissions are competent to take cognizance of this Case, it would be natural to refer the Question to that established at the Port where the detained Brig was taken by the Captor, and not to this Commission, under the pretext of the Case not having been taken cognizance of by that Commission.

3d. The pretext assigned, that the Case was not adjudged at Sierra Leone, proves that it is not a Case of Appeal.

4th. Finally, if it can be proved, that the Case be one of unjust detention by the Convention, the 13th Article of the Regulations provides the mode of redress; and, if a Case of great injustice can be made out against either of the Commissions, the 12th Article of the same Regulations provides the means of redress to the injured Parties; but neither the one nor the other of the said Articles constitute this Commission the Mediator in the Question, and he, the British Commissary Judge, declares, that, under these circumstances, he cannot take cognizance of the Case.

The Brazilian Commissary Judge, *ad interim*, declared, that he agreed with the reasons alleged by the British Commissary Judge, and although he was before of opinion, that the delay of the Petitioner should be granted, to enable him to present Documents which might throw light upon the Case, and the better to establish the jurisdiction of the Commission, it was in the hope that he might produce them; but now, on a review of all the Papers, and of what has been said by the British Commissary Judge, he agrees to pronounce the final decision.

The Board then gave the following Decision:

It does not belong to this Commission to take cognizance of the present Case, as it does not come within its jurisdiction: refer to the Competent Authorities, and let the Documents be given to the Claimant, taking a receipt for the same. Rio de Janeiro, May 17th 1825.

HAYNE. SOUZA.

The Sitting then broke up, and the Commissaries recorded, that they had not decided this Question before, on account of indisposition

Mixed Commission at Rio de Janeiro, on the 18th May 1825.

BRAZ MARTINS COSTA PASSOS, Secretary.

No. 88.—*His Majesty's Commrs. to Mr. Secy. Canning.*—(*Rec. Sept.* 26.)

SIR, *Rio de Janeiro, July* 1, 1825.

IN conformity with the Instructions contained in your Despatch of the 20th November last, and the 75th Clause of the Consolidated Slave-trade Act, which accompanied it, we have the honour herein to enclose a Return of the only Case which has come before us since our last Report, in the form prescribed by the above-mentioned Act of Parliament. We have the honour to be, &c.

HENRY HAYNE.

The Rt. Hon. George Canning. ALEX. CUNNINGHAM.

(Inclosure.)—Return of the Mixed Commission, at Rio de Janeiro, from the 1st January to the 1st of July 1825.

Date of Seizure.	Property Seized.	Seizor.	Date of Sentence.	Decretal part of Sentence whether Forfeiture or Restitution.	Whether Property condemned has been sold and converted.
Jan. 30, 1824 In the Port of Onim.	Brazilian Brig "Cerqueira," with part of her outward bound cargo on board.	Captain Courtenay, H.M.S. "Bann"	May 17, 1825	Not admitted as a Case of Appeal by the Mixed Commission at Rio de Janeiro.	The Vessel and Property on board, restored to the Mate, [then in command,] at Sierra Leone, on the 16th April 1824.

HENRY HAYNE.
ALEXANDER CUNNINGHAM.

No. 89.—*His Majesty's Commrs. to Mr. Secy. Canning.*—(*Rec. Nov.* 3.)

SIR, *Rio de Janeiro, August* 16, 1825.

WE had the honour to receive, on the 5th instant, your Despatch of the 15th of June last, together with Six Copies of Papers, marked A. and B. relative to the Slave-trade, which had been presented to Parliament, in the course of the present Session, for which we beg to offer our best thanks. And with the highest respect, we have, &c.

HENRY HAYNE.

The Rt. Hon. George Canning. ALEX. CUNNINGHAM.

No. 90.—*His Majesty's Commrs. to Mr. Secy. Canning.*—(*Rec. Nov.* 3.)

SIR, *Rio de Janeiro, August* 16, 1825.

WE have the honour to acknowledge the receipt, on the 5th instant, of your Despatch, dated the 15th of June last, announcing to us the receipt of our several Despatches of this Year, to the 10th of March, and likewise informing us of your having been pleased to refer, for the consideration of His Majesty's Advocate General, the Case of the Brazilian Slave-vessel, *Cerqueira,* detained by His Majesty's Ship *Bann,* Captain Courtenay, and taken to Sierra Leone but not adjudged there; and afterwards brought to us, by the Owner of the *Cerqueira,* with a claim for damages on account of the illegal detention of his Vessel.

That the result of your observations upon the Report of His Majesty's Advocate General, were, That the jurisdiction of the Commissions is distinctly confined to Cases brought in by Cruizers, to the nearest Commission, thereby becoming the subject of legal proceedings in that Commission. "That His Majesty's Advocate General was therefore, decidedly of opinion, that the Commission at Rio de Janeiro has no jurisdiction in the Case of the *Cerqueira*; that any Proceedings which may be had here upon it, will be a nullity, and that there will be no obligation on the part of the British Government, or on the Captors under the Convention, to pay obedience to any Sentence, or Award so passed." That we are to take this opinion as the rule of our conduct, and that we are to communicate to His Majesty's Consul General at Rio, the Correspondence upon this subject, of which we are in possession.

In reply to the above, we beg to observe that it is a matter of great satisfaction to us to find, that the opinion of His Majesty's Advocate General, on the Case of the *Cerqueira*, as well as the Instructions founded thereon, which you have been pleased to convey to us in your Despatch of the 15th of June 1825, coincide in every repect with the view which we have from the first taken of the Case, and in which our Brazilian Colleagues were induced to concur on the 17th of May last, when it was unanimously decided that the Case of the *Cerqueira* did not come within the jurisdiction of the Mixed Commission here established; of which, Sir, you will have been already apprized by our Despatch of the 18th of May last. We beg to inform you that we shall not fail to make the opinion of His Majesty's Advocate General the rule of our future conduct in similar Cases; and in conformity to your Instructions, we have this day put Mr. Consul General Chamberlain, in possession of all the Correspondence which we have had upon the Case of the Brazilian Brig *Cerqueira*.

We have the honour to be, &c, HENRY HAYNE.
The Rt. Hon. George Canning. ALEX. CUNNINGHAM.

No. 91.—His Majesty's Commissioners to Joseph Planta, Jun. Esq.
(Received November 5.)

SIR, *Rio de Janeiro, August 26, 1825.*

WE have the honour to acknowledge the receipt of your Despatch, bearing date the 27th of May 1825, in which, by the directions of Mr. Secretary Canning, you are pleased to acquaint us, in reply to a question put by us in our Despatch of March 10, whether "the Returns prescribed by the 75th Section of the Act for consolidating the Slave-laws on Slave-trade, are to supersede those which we have been in the habit of forwarding quarterly," that the Regulation in question will only supersede those Returns which would otherwise contain the *same* matter

in a less formal shape. We beg to express our thanks to you for this information for our guidance, and we shall not fail to conform to it.

We have the honour to be, &c. HENRY HAYNE.
Joseph Planta, Jun. Esq. ALEX. CUNNINGHAM.

SURINAM.

No. 92.—His Majesty's Commrs. to Mr. Secy. Canning.—(Rec. April 6.)

SIR, *Surinam, January 6, 1825.*

HAVING understood that the Court of Policy and Criminal Justice in this Colony had pronounced its Judgment upon the Case of the French Slave-brig *La Légère*, and the Persons who had been imprisoned for being concerned in that affair; we thought it proper to address a Note, of which the enclosed is a Copy, to His Excellency the Governor-General, to request of him an authenticated Copy of the Sentence. We also enclose a Copy of His Excellency's Reply thereto, declining to furnish us with a Copy of the Sentence; but stating that it would be forwarded to the Minister of National Industry and Colonies in Holland, from whom the Government of His Britannick Majesty might consequently obtain all the information they required.

We have the honour to be, &c. C. E. LEFROY.
The Right Hon. George Canning. J. H. LANCE.

(Inclosure 1.)—The British Commissioners to the Governor-General.

Paramaribo, December 16, 1824.

MR. LEFROY and Mr. Lance present their best respects to His Excellency the Governor-General, and would feel much obliged if he would favour them with an Official Copy of the Sentence passed upon the French Slave Brig *Légère*, and upon those Persons who have been confined on account of being concerned with her cargo, in order to their communicating the same to their Government, and thereby completing their information upon the Case, of which (as His Excellency knows) they are already in possession of all the preceding facts.
His Excellency the Governor-General.

(Inclosure 2.)—The Governor-General to the British Commissioners.

Paramaribo, December 18, 1824.

GENERAL DE VEER presents his compliments to Mr. Lefroy and Mr. Lance, acknowledging the reception of their Note of the 16th instant; in answer to the same, he has the honour to state, that he finds himself not qualified to grant to them a Copy of the Sentence passed upon the French Slave-brig *La Légère* and the Persons therewith concerned; but that the Official Copies of the said Sentence, and all other Documents

relative thereto, will be sent by him to His Excellency the Minister of National Industry and Colonies, which Minister consequently will be able to give to the British Government such information and communication as may be required on the subject.

C. E. Lefroy and J. H. Lance, Esqrs.

No. 93.—His Majesty's Commr. to Mr. Secy. Canning.—(Rec. April 5.)

SIR, *Surinam, January 25, 1825.*

WE have the honour to announce to you the death of Mr. J. P. Graafland, the Arbitrator on the part of His Netherlands Majesty, of the Mixed Court established in this Colony for the repression of the illicit Traffick in Slaves, which event took place on Saturday the 21st instant, leaving Mr. Lefroy the only one now surviving of the four original Commissioners appointed in 1819.

We have the honour to be, &c. C. E. LEFROY.

The Right Hon. George Canning. J. H. LANCE.

No. 94.—Joseph Planta, Jun. Esq. to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, April 23, 1825.*

I AM directed by Mr. Secretary Canning, to send to you, for your information, the accompanying Copies of the Law of The Netherlands on Slave-trade, of the 20th of November 1818; of the Decree of The King of The Netherlands on Slave-trade, of the 23d of December 1824; and of the Decree of The King of The Netherlands on Slave-trade, dated March 10, 1825.*

I have, &c.

His Majesty's Commissioners. JOSEPH PLANTA, Jun.

No. 95.—His Majesty's Commr. to Mr. Secy. Canning.—(Rec. Apr. 29.)

SIR, *Surinam, February 10, 1825.*

WE have the honour to acknowledge the receipt of your Despatch, dated November 20, 1824, together with the Act passed in the last Session of Parliament, for amending and consolidating the Laws relating to the Abolition of the Slave-trade; and also the Copies of the Correspondence which had passed with His Majesty's Treasury upon the subject of the enactment therein contained, for the transmission of certain Lists and Returns to His Majesty's Treasury; and we shall take care in our future Official Communications to observe the Instructions therein contained.

We have the honour to be, &c. C. E. LEFROY.

The Right Hon. George Canning. J. H. LANCE.

No. 96.—His Majesty's Commr. to Mr. Secy. Canning.—(Rec. Apr. 29.)

(Extract.) *Surinam, February 12, 1825.*

WE have the honour to inform you, that, on the 29th ultimo, a seizure was made, by his Honour the Fiscal, assisted by a detachment

* For the Inclosures see Class B.

of troops, of 215 newly-imported African Negroes, who had been smuggled into this Colony, and were privately offered for sale, upon an Estate called *A la bonne heure*, in the River Commewine, being the same Plantation to which Mr. Lance had directed the attention of the Local Authorities in August 1823.

Together with the Negroes, three White People were apprehended, a Mr. Boulemer, the Supercargo of the Vessel which brought them, and his Surgeon, both Frenchmen, and a Mr. Dykman, a Resident upon, and reputed Owner of, the Estate. These three Persons have been placed in close confinement, where they will remain until the next Session of the Court of Policy and Criminal Justice, when it is expected they will be tried. The Negroes have all been, for the present, taken into the service of the Government.

Notwithstanding the precaution which was taken of dividing the troops into three separate detachments, all closing in from different points, some of the Negroes contrived to escape into the bush, to the amount of 40, it is supposed, but measures have been taken for their capture, of which very little doubt is entertained, and 12 of the runaways have already been brought in, and placed with the others.

We feel pleasure in having thus to testify to the conduct of his Honour the Fiscal, (by whom the whole of this business was conducted), in enforcing the Decrees of His Majesty The King of The Netherlands for the abolition of the Slave-trade.

We have little doubt but that this blow, as sudden as it was unexpected, and which was planned and executed with the greatest secrecy, judgment, and prudence, will do more towards abolishing that infamous traffick in this Colony, than any thing which has previously been done by the Local Authorities alone, in furtherance of that object.

We have the honour to be, &c. C. E. LEFROY.
The Right Hon. George Canning. J. H. LANCE.

No. 97.—Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, June* 10, 1825.

YOUR Despatches of this Year, to the 12th of February, have been received.

His Majesty's Government have learnt, with much gratification, the proof afforded by the Fiscal's conduct, as related in your Despatch (dated that day,) of the zeal of that Officer in enforcing the Decrees of his Sovereign for the abolition of the Slave-trade.

I am, &c.
His Majesty's Commissioners. GEORGE CANNING.

No. 98.—Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, June* 11, 1825.

I HEREWITH send to you, for your information, the Copy of a Note,

dated the 3d instant *, which has been addressed to me by the Ambassador of The King of The Netherlands at this Court, notifying the Appointment of Mr. P. J. C. Brunings, to be Judge Arbitrator in the Mixed Commission Court at Surinam, in the room of Mr. T. P. Graafland, deceased. I am, &c.

His Majesty's Commissioners. GEORGE CANNING.

No. 99.—Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, June 15, 1825.*

I HEREWITH transmit to you, for your information, six Copies of Papers, marked A and B, relative to the Slave-trade, which have been presented to both Houses of Parliament by His Majesty's Command, in the course of the present Session. I am, &c.

His Majesty's Commissioners. GEORGE CANNING.

No. 100.—Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, June 18, 1825.*

IN reference to your Despatch, dated January 6, I transmit to you, for your information, the accompanying Copy of a Communication, dated the 14th instant, which I have received from His Majesty's Ambassador to the King of The Netherlands;* together with the Note and its Enclosures, forwarded by His Excellency, from M. de Koninck, the Netherlands Minister, containing Copies of the Judgments given in the Court of Policy and Criminal Justice at Surinam, in the Case of the French Slave-trading Vessel, *La Légère.*

I am, &c.

His Majesty's Commissioners. GEORGE CANNING.

No. 101.—His Majesty's Commrs. to Mr. Secy. Canning.—(Rec. Aug. 8.)

SIR, *Surinam, May 25, 1825.*

WE have the honour to acknowledge the receipt of your Despatch, dated the 28th of February last, enclosing, for our information and that of the other Members of our Board, the Copy of a Letter from the Secretary of the Admiralty to Mr. Planta, stating that the Instructions referred to in the Treaty with The Netherlands for the prevention of the Slave-trade, had been issued to the Ships *Dartmouth, Athol, Esk, Ringdove,* and *Grecian* Corvette, with their weight of metal, and names of their Commanders; and withdrawn from the following (viz.) *Isis, Owen Glendower, Thetis, Eden, Driver, Surinam.*

We have the honour to be, &c. CHRIS. E. LEFROY.

The Right Hon. George Canning, J. H. LANCE.

No. 102.—His Majesty's Commrs. to Mr. Secy. Canning.—(Rec. Aug. 16.)

SIR, *Paramaribo, June 10, 1825.*

IN reference to our Despatch, dated February 12, 1825, we have now the honour to inform you, that the Court of Policy and Criminal Jus-

* See Class B.

tice of this Colony, passed Sentence on the 6th instant, upon the White People, who were apprehended and placed in confinement, when his Honour the Fiscal made the seizure of Negroes, as mentioned in the Despatch above referred to.

The Supercargo of the Slave-vessel, a Mr. Boulemer, and the Surgeon, both Frenchmen, have been sentenced to five years' imprisonment, and to pay a fine of 5000 Gilders, Surinam currency. The other Person, a Mr. Duikman, a Dutchman, and the reputed Owner of the Estate where the Negroes were found, was discharged upon paying one-third of the Expenses, and a fine of 3000 Gilders of this currency; the confinement he has already undergone being considered as part of his punishment.

We understand that the cause of the distinction made between his Case and that of the others was, that it appeared, upon enquiry, that he was not the actual Proprietor of the Estate, nor was he present at, or privy to, the landing of the Negroes, but his crime is said to consist in failing to give information after he knew that they were there.

We have the honour to be, &c. CHRIS. EDW. LEFROY.
The Right Hon. George Canning. J. H. LANCE.

No. 103.—*His Majesty's Commrs. to Mr. Secy. Canning.*—(*Rec. Aug.* 30.)

SIR, *Surinam, June* 28, 1825.

WE have the honour to acknowledge the receipt of your Despatch of the 4th April, accompanied by a Copy of a Note from the Count de Reede, to His Majesty's Acting Minister Plenipotentiary at Brussells, describing the new Regulations ordained by His Netherlands Majesty, in compliance with the wish urged by His Britannick Majesty's Ambassador, (to whom Mr. Lance's Despatch of February 6, 1824, complaining of the inefficiency of those previously in practice, had been communicated,) in order to dispose the Officers of His Netherlands Majesty's Marine, furnished with Instructions for the repression of the Slave-trade, to attend more rigorously to their execution.

We have the honour to be, &c. CHRIS. EDW. LEFROY
The Right Hon. George Canning. J. H. LANCE.

No. 104.—*His Majesty's Commrs. to J. Planta, Jun. Esq.*—(*Rec. Aug.* 30.

SIR, *Surinam, June* 28, 182

WE beg to acknowledge the receipt of your Letter of the 23d Apr 1825, accompanied by Copies of the Law of The Netherlands on Slave trade, of the 20th November 1818; of the Decree of The King of Th Netherlands on Slave-trade, of the 23d December 1824; and of th Decree of The King of The Netherlands on Slave-trade, dated Marc 10, 1825; which Mr. Secretary Canning had directed you to send for our information. We have the honour to be, &c.

CHRIS. EDWARD LEFRO
Joseph Planta, Jun. Esq. J. H. LANCE.

No. 105.—His Majesty's Commr. to Mr. Secy. Canning.—(Rec. Nov. 3.)

SIR, *Surinam, August* 30, 1825.

IN reference to our Despatch of June 10, 1825, we think it right to inform you that the two French Subjects, who were sentenced, by the Court of Policy and Criminal Justice of this Colony, to pay a fine of 5,000 Gilders each, and to be imprisoned for 5 years, effected their escape from confinement on the night of Saturday the 16th ultimo, and have not since been heard of.

His Excellency the Governor informed us that they were both removed, without his knowledge, by order of his Honour the Fiscal, shortly after the Sentence was passed, from Fort Zealandia to a Place called the Piquet of Justice, a Place certainly of much less security in itself, but the constant occupation of which, by the greater part of the Colonial Police Officers, makes it difficult to believe an escape could have been effected without the connivance of some of them, and we are sorry to add, that we have not heard of any of them having been in consequence discharged.

The enclosed is a Proclamation issued on Monday the 18th ultimo, by his Honour the Fiscal, offering a reward of 2,000 Gilders for their apprehension, and giving a description of their persons.

We understand that their fines were both paid previous to their escape. We have the honour to be, &c.

CHRIS. E. LEFROY.

The Right Hon. George Canning. J. H. LANCE.

(Inclosure).—Supplement to the Surinam Courant of Monday, July 18, 1825, *(No. 57).*

ADVERTISEMENT.

WHEREAS the Prisoners, *Michael Bullemer* and *Pierre Marie Le Frapper*, in the night intervening between the 16th and 17th instant, have, by forcibly breaking out of Jail, fled from the hands of Justice; all Persons, and each in particular, are warned against giving the above mentioned Fugitives any lodging or shelter, or aiding their further escape in any manner, on pain of incurring the punishment prescribed; and moreover, a reward of 2,000 Gilders is hereby promised to any Individual who shall be able to communicate such information of their present retreat as may lead to their re-apprehension by the Officers of Justice.

The Councillor Fiscal of the Colony of Surinam,

Paramaribo, July 17, 1825. E. L. VAN HEECKEREN.

DESCRIPTION:

MICHAEL BOULLEMER—Stature, 5 feet 5 inches; Face long; Forehead round; Eyes black; Nose and Mouth common; Chin not remarkable; Hair black; Eyebrows black; Particular Marks—none.

PIERRE MARIE LE FRAPPER.—Stature 5 feet; Face long; Forehead round; Eyes blue; Nose and Mouth common; Chin not remarkable; Hair black; Eyebrows black; Particular Marks—black Whiskers.

No. 106.—*His Majesty's Commrs. to Mr. Secy. Canning.*—(*Rec. Nov.* 15.)
(Extract.) *Surinam, September* 19, 1825.

WE have the honour to acknowledge the receipt of your several Despatches of the 10th, 11th, 15th, and 18th of June of the present year.

CHRIS. E. LEFROY.
J. H. LANCE.

The Right Hon. George Canning.

Class B.

CORRESPONDENCE WITH FOREIGN POWERS.

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SPAIN.

No. 1.—G. Bosanquet, Esq. to Mr. Secy. Canning.—(Rec. April 11.)

Madrid, March 25, 1825.

SIR,

In compliance with the Instructions contained in your Despatch of 25th February, I have addressed to the Spanish Minister the Note, of which I have the honour to enclose a Copy, complaining of the continued infractions of the Slave-trade Treaty in the Island of Cuba, and urging the adoption of some measures for the prevention of this evil.

I have endeavoured, in this Communication, to point out to His Excellency the means of evasion practised by the Dealers in Slaves to avoid detection, and to prove the necessity of an alteration in the existing Laws, and the application of some severe punishment to this crime, as absolutely necessary for the attainment of the object in view. I have also taken this opportunity of recommending, as an additional means of prevention, that a reward should be given to Persons who might be induced to come forward and give information, according to the suggestions which Sir William à Court was directed to submit for the consideration of the Spanish Government in the month of April last, but which do not appear to have been hitherto attended to.

I have the honour to be, &c.

The Right Hon. George Canning. GEORGE BOSANQUET.

(Inclosure.)—George Bosanquet, Esq. to M. de Zea Bermudez.

Madrid, March 22, 1825.

THE Undersigned, His Britannick Majesty's Chargé d'Affaires, has received Instructions to address His Excellency Don F. de Zea Bermudez, respecting an evil, to which, unfortunately, it has been of late necessary repeatedly to call the attention of the Government of His Catholick Majesty, but to which, as yet, no effectual remedy has been applied—the continued infractions of the Slave-trade Treaty in the Island of Cuba.

The Note of the Undersigned, dated the 30th November last, and the Documents enclosed in that Communication, will have shewn how extensively this inhuman traffick is carried on in that Colony, and how utterly impossible it has been found for the Authorities, however well disposed, to prevent it, while the Laws in force are so inefficient for that purpose.

Subsequent advices, lately received from The Havannah, prove that the evil complained of continues rapidly to increase, and that, far from any impediments being put in the way of the Slave-traders, a practice has of late been introduced which greatly facilitates their undertakings, and, if it do not warrant the suspicion of a culpable

connivance on the part of the Authorities, shews at least, a great want of vigilance on their part. The practice alluded to, is that of officially announcing in the *Diario del Gobierno,* Vessels which have notoriously come from Africa, as having arrived from other Places, such as Sisal, St. Thomas, Curaçao, and, in one instance, Antigua, Places where they certainly had never touched; and as it appears that the mode by which the Owners of Slave-ships manage to conceal the real objects of their voyages is that of landing their cargoes at the back of the Island, and then returning to Port in ballast, they are relieved, by such false reports, from all apprehension on the part of their own Government.

During the course of last year, no fewer than 41 Vessels sailed from The Havannah to the Coast of Africa, notoriously, though not avowedly, for the purpose of Slave-trading, of which number 5 had returned, at the date of these advices, under the circumstances above related. Two of these, the *Nicanor,* and *Tranquilidad,* had undoubtedly come from Africa with cargoes of Slaves, which they had landed previous to their entrance into Port, and yet they were reported as having come from Sisal in ballast. Another Vessel, the French Brig *Marie,* P. Drouet, Master, arrived in ballast on the 16th November, and was announced to have come from the Danish Island of St. Thomas, but it was well known that she also had come direct from the Coast, with a cargo of upwards of 400 Slaves, which had been landed previous to her entrance into Port.

On such glaring infractions of the Treaty, it is unnecessary to make any further observation; it is almost surperfluous for the Undersigned to point out the improbability that Vessels sailing for the Coast of Africa, for the purposes, as professed by the Owners, of legitimate Commerce, should, one after another, return in ballast, and that others should, notwithstanding, venture to follow their example, and that even the very same Vessels should sail for that Coast, and again return still in ballast. It will no doubt excite surprise, that so palpable a fraud should not have awakened suspicion, and have led to a careful examination of the Papers and Crews of such Vessels, in order to ascertain how far their statements were correct. Had such a practice been adopted, there is no doubt the traffick would have been considerably checked; but no such means of detention appear to have been employed, and when the Captain-General was officially addressed on the subject by Mr. Kilbee, it was found that the investigation of such Cases belonged to a Department over which His Excellency had no controul.

Under these circumstances, the Undersigned has been directed to call the serious attention of the Government of His Catholick Majesty to this important subject, and to urge the adoption of some measures which may give efficacy to the solemn Compact entered into by Spain

in the year 1817, for the abolition of the Slave-trade, the conditions of which Compact are so openly violated, and the beneficent intentions of His Catholick Majesty rendered entirely of non-effect by the means of evasion above detailed.

His Excellency Don Francisco de Zea Bermudez must be aware, that since the abolition of the Penal Code established by the Cortes, by an Article of which Slave-trading was made Felony, the Regulations for putting down this traffick rest solely upon the Decree of His Catholick Majesty of December 1817, the Provisions of which experience has proved to be ineffectual; and, as it is evident, that it is only by the severest penalties it can be hoped to prevent Persons from engaging in speculations which offer such prospects of gain, some new Legislative enactment appears necessary to effect this object.

There is also reason to believe, that considerable benefit would arise from offering a liberal reward to such Persons as would give information as to the existence of this Traffick, and that the certainty of detection, to which the Persons engaging in it would thus be exposed, would prevent many such undertakings, and would deter the Planters *from* purchasing Slaves illegally imported. Upon this Point the Undersigned has the honour to refer His Excellency to a Note addressed by Sir William à Court to the Count de Ofalia, on the 18th April last, containing some suggestions which His Excellency was directed to submit to the Government of His Catholick Majesty. The Count de Ofalia promised, at the time, that these suggestions should be taken into consideration, but it does not appear whether they have led to any result.

The British Government feel perfectly satisfied that it is the wish and the intention of that of Spain, most punctually and faithfully to perform the Conditions of the Treaty of 1817; but they are of opinion, at the same time, that the Laws at present in force are not sufficient to effect the object of putting down this detestable Traffick, and if His Excellency Don Francisco de Zea Bermudez will examine attentively the various cases of infraction, which have at different times been brought to the notice of himself and his Predecessors, the Undersigned feels convinced that he must acknowledge that this opinion is well founded. He is directed, therefore, to express the confident hope that this matter will be taken into consideration at an early moment, and avails himself, &c. &c.

H. E. M. de Zea Bermudez. GEORGE BOSANQUET.

No. 2.—Mr. Secy. Canning to The Right Hon. Frederick Lamb.

SIR, *Foreign Office, May* 31, 1825.

I HEREWITH send you the Copy of a Communication, under date the 18th of this month, which has been addressed by the Secretary to the Admiralty, to one of the Under Secretaries of State for this De-

partment, enclosing a Report from Commodore Bullen, upon the present state of the Slave-trade on the Coast of Africa; and containing some particulars as to that part of the trade which is carried on under the Flag of Spain, from Cuba to the Northward of the Line.

You will make use of these Papers, for strengthening your Representations to the Government of His Catholick Majesty, upon the activity with which the Slave-trade is carried on from Cuba, in contravention of the Treaty of 1817.

I am, &c.

The Right Hon. F. Lamb. GEORGE CANNING.

(Inclosure 1.)—*J. W. Croker, Esq to Joseph Planta, Jun. Esq.*

SIR, *Admiralty Office, May* 18, 1825.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Mr. Secretary Canning, Copies of a Letter and its Enclosures, from Commodore Bullen, commanding on the Coast of Africa, containing an account of the boarding and disarming of a Brig, called the *Alerto*, under Spanish Colours, by the Lieutenant commanding His Majesty's Gun-Brig the *Swinger*, under the circumstances therein detailed, and I am to request you will acquaint Mr. Canning, that my Lords have written to desire further explanation on this subject: for, (although the Spaniards firing a gun at His Majesty's Ship was quite unjustifiable, and her being prepared for the reception of Slaves rendered her liable to great suspicion,) the conduct of the Lieutenant of the *Swinger* seems also to have been irregular, and as far as my Lords can judge, not such as the circumstances of the case required, or can justify.

I am, &c.

Joseph Planta, Jun. Esq. J. W. CROKER.

(Inclosure 2, *A.)—Commodore Bullen to J. W. Croker, Esq.*

SIR, *H. M. S.* Maidstone, *off Princes Island, 28th Feb.* 1825.

I HAVE the honour to enclose, for the information and consideration of my Lords Commissioners of the Admiralty, a Statement from Lieut. Clerkson, commanding His Majesty's Gun-Brig *Swinger*, of his having on the 10th inst., boarded and disarmed the *Alerto* brig, under Spanish Colours, at anchor off Lagos, for firing at, and attempting to board, the Brig under his command.

This Vessel is noted on the Coast for her attempts at piratical acts, having, among others, fired at the *Combermere* English Schooner, on her passage from Princes Island to Accra: and I beg to acquaint their Lordships, in furtherance of my opinion of the *Romano*, *Conquestador*, and *Ninfa*, as stated in my Letter of 22nd July, that the whole of the Spanish Vessels boarded by this Ship and the Squadron, have been well armed and manned, and to appearance intended

for Piracy as well as Slaving, which opinion has been fully confirmed by the repeated information I have received of their having fired at, and attempted to plunder, nearly every Vessel they fell in with; they have also made a common practice of robbing the Brazilian Vessels, on this Coast, of their Cargoes and Slaves, thus usurping to themselves the whole of the Trade. In proof of this, I have enclosed a Report from Lieutenant Lovitt, Agent of Transports, on board the *Marquis of Huntly*, stating his having been fired at by a large Schooner, and I was induced to send His Majesty's Sloop *Victor* to the Northward in chase of a piratical Vessel, as stated in my Letter of the 22nd of November. In whatever light their Lordships may be pleased to view the conduct of Lieutenant Clerkson, I beg to assure them I am most fully of opinion, that his prompt and decisive mode of acting will be attended with the greatest benefit to the commerce on this Coast, which has been lately disturbed by these lawless marauders, who swarm in every part of it, and evade detection in almost every instance by superior sailing, and the difficulty experienced in identifying and proving the fact of Piracy.

I have great pleasure in pointing out to their Lordships, the cool determination and decisive conduct of Lieutenant Clerkson, in thus boarding and completely disarming a Vessel heavily armed, and having on board nearly twice his number of men; (he being many short of complement from losses by sickness, and a party absent in a prize); and also beg to express my firm conviction, that in so doing he was solely actuated by that zeal, and indefatigable exertion in the performance of his duty, which has marked his conduct throughout the period of his service under my command, more particularly since the assumption of his present important charge, which he is so well calculated to fill, from his long and active services on this Station. On my arrival at Cape Coast, in January last, from a cruize, I found that the *Experiment*, a Schooner belonging to the Rio Pongos, had been seized by the Authorities, on suspicion of having committed murder and acts of piracy off Commenda; and, by the request of Lieutenant-Colonel Grant, I received the Crew and Witnesses on board His Majesty's Ship under my command, for a passage to Sierra Leone, in order to be tried for those crimes.

I have, &c.

J. W. Croker, Esq. CHARLES BULLEN.

(*Inclosure* 2. B.)—*Lieutenant Clerkson to Commodore Bullen.*

SIR, *H. M. B.* Swinger, *off Princes Island, Feb.* 19, 1825.

HEREWITH I have the honour to transmit a List of Vessels boarded by me since my last Communication of the 7th ultimo; and have further to acquaint you, that, in obedience to your orders for the suppression of the Slave Trade, His Majesty's Brig *Swinger*, under my

command, standing to the Eastward, between Badagry and Lagos, on the evening of the 9th of February, four Vessels were discovered at anchor off Lagos: it then being dusk I could not distinguish what rig or Nation they might belong to, however, it was my intention to anchor for the night, that I might be enabled to board and examine them correctly, supposing them to be engaged in the illicit Traffick.

At 7, 30, P. M. I shortened sail, and came to amongst them. No sooner was my anchor dropped, when I was hailed, and a shot fired over me from a large Brig on my starboard beam; unfortunately at that moment my bow swung towards her, which prevented my getting the broadside to bear, after firing four guns, double shotted, immediately at her: it entering my mind she might be one of the large Piratical Spanish Vessels which infest this Coast, I immediately weighed, and made all sail on a wind with the intention of closing and boarding her: but after several fruitless tacks, the wind falling light and variable, and the current setting on shore, obliged me to anchor at midnight; previously a boat full of men came along side from her, whom I immediately confined as prisoners. At day-light, the next morning, I weighed with the land breeze, cleared for action to renew the attack, and vindicate the glaring insult offered to His Majesty's Brig. On my closing with her I observed her to be a large armed Vessel under Spanish Colours, quite prepared for my reception, having 8 long guns of a side with her tampeons out. Conceiving it the mildest method of preventing unnecessary bloodshed, I desired one of the Prisoners to hail her, and advise the Master to call his men down from aloft, and send his numerous Ship's Company below, and offer no resistance, as I was going to fire; it was my wish only to dismantle his rigging, and effectually destroy those instruments which gave the insult to the Flag.

After an hour's backing and filling, I poured into her four successive broadsides, fore and aft, and noticing her masts and running rigging had suffered considerably, I then resolved to board her, which I did without opposition, and threw overboard the whole of his great guns and small arms.

This Vessel proved to be *El Alerto*, of The Havannah, Antonio Echavarria, Master, who never made his appearance during the whole transaction. By her Role d'Equipage, she had on board 86 men, 16 long twelve-pounders mounted, besides a great number of small arms in high order, completely prepared with water, wood, and platform laid for the reception of Slaves: she has been some time in this Bight, and to the great annoyance of English Traders.

Permit me to premise, on the 20th of December last, in coming to the Eastward, I observed the said Brig at anchor off Quitta, when I despatched Mr. Isaac, Mate, to board her, and make the necessary enquiries, the wind being light; I stood towards her with the Brig under my command to pick up the boat; she then had all her men at quar-

ters, with small-arm men in her tops, although my Officer was actually on board. I hailed her, and desired the Master to come on board, to interrogate him respecting his hostile movements; he replied in a taunting manner, "he took me for a Patriot," when he must have long seen the English Pennant and Ensign flying. A repetition of such unwarranted proceedings, particularly from a Renegade Cruizer, is too disgraceful to go unpunished.

I am happy to state, Sir, this piece of service has been performed without the least possible injury on either side; and I only regret, from the very steady and cool conduct of my Officers and Ship's Company, that they were not employed on a more favourable occasion.

I conclude with the hope you will not be displeased at what I have done, and apologize for trespassing on your time in reading this detail.

I have, &c.

Commodore Bullen. EDWARD STEWART CLERKSON.

P. S. I am happy to inform you I detained a Brazilian Schooner on the 14th of January last, eight days from Lagos, with 146 Slaves: and there being several Vessels about to sail with Slaves from that Place, and Whydah, in further execution of your orders, I intend cruizing for the purpose of intercepting them, if possible, having completed my wood and water this day. For your further information, I beg leave to enclose a Copy of the Declaration I left on board the *El Alerto.*

E. S. C.

(*Inclosure* 2. C.)—*Certificate left on board the* El Alerto.

THESE are to certify all whom it doth or may concern, that, on the evening of the 9th of February 1825, His Britannick Majesty's Brig *Swinger*, having entered the Roads of Lagos, on the Coast of Africa, and about to come to, for the purpose of remaining until the following morning, when just as the anchor was dropped, a shot was fired at His Britannick Majesty's said Brig, from a Brig then lying in the roads, which was afterwards found to be the Spanish Brig *El Alerto*, and said to belong to The Havannah, the Master of her (whose name is said to be *Antonio Echevarria*,) could not be found, which had every appearance of illegality in her proceedings, and as such an insult given by a Merchant Vessel of any Country, to the *National Ship* of any other in a state of amity could not be allowed with impunity, I got His Britannick Majesty's said Brig within range the following morning, and fired several shot over the hull of the said *El Alerto*, in order to obtain reparation for the unwarranted and unprovoked insult to the Flag of His Britannick Majesty, and by a trading Vessel, whose Master, or other Officers, have no authority, under any circumstances, to fire at, or bring to any Vessel or Boat, either to search or otherwise, which is the well known *Navigating Law of Nations.*

After observing her rigging dismantled, I ceased firing, boarded, and completely disarmed her of great guns, and small arms, which were the instruments used in giving the glaring insult.

This Document is given in order to satisfy the *Spanish Authorities* that the above aggression was committed in the most piratical manner, and that the punishment was inflicted, and intended only for the *Aggressors*, not with the most distant view of the slightest breach of *neutrality*, which will be clearly seen on mature consideration of the Case.

This I trust will cause him to leave this Port, where he has been some time, to the great annoyance of *British Trading Vessels*, and where, by his Papers, he is not justified to be, having purchased a great number of Slaves, and preparing to embark them contrary to the *Treaty entered into between our respective Governments*.

Given under my hand, on board His Britannick Majesty's Brig *Swinger*, in Lagos Roads, Coast of Africa, this 10th day of February 1825. E. S. CLERKSON, Lieut.

(*Inclosure* 2. D.)—*Lieutenant Lovitt to Commodore Bullen.*

His Majesty's Hired Transport, Marquis of Huntly,

SIR, *No.* 13.—564 *tons; at Sea,* 13*th December* 1824.

I FEEL it my duty to acquaint you, that on the 16th November 1824, in Latitude 19° 18′ N., Longitude 19° 3′ W., a large Schooner, under the Patriotick Flag, Blue and Yellow, swept close up with me. It being calm at the time, he came under my stern, and commenced his attack with a long nine-pounder, placed on a bed in midships; fortunately a breeze sprung up, and brought him on our beam: I then thought myself justified in shewing the pirate, that we were not without the means of defence, and had those steps not been adopted, and the Schooner allowed again to come under our stern, the loss might have been great, which I am happy to say is not the case, as the shot fired being rather high, passing through the lower part of our courses, and along our booms, was all the damage received. After a short time, finding himself disappointed, with the assistance of nine sweeps on each side, he hauled off.

His crew amounted to 90 or 100 men, mostly Blacks, four carriage guns on each side, in addition to the long gun, two swivels on each quarter and bows, and a boarding netting quite round, painted black, with white mouldings. I have, &c.

LOVITT,

Comodore Bullen, C. B. Lieut. R. N. Agent on board.

No. 3.— *Mr. Secretary Canning to the Right Hon. F. Lamb.*

(Extract.) *Foreign Office, May* 31, 1825.

I HEREWITH send to you the Copies of Despatches, which, since the date of my Despatch to you of the 4th of April last, I have received

from Mr. Kilbee, His Majesty's Commissary Judge at The Havannah,* upon the subject of the Slave-trade still carrying on actively, and with impunity, from the Island of Cuba.

You will take occasion to advert to the facts stated in these Despatches, in support of the remonstrance which you have been instructed to make to the Spanish Government, upon the flagrant violation, by the Subjects of Spain, of the Treaty which His Catholick Majesty entered into with His Majesty in the Year 1817.

The Right Hon. F. Lamb. GEORGE CANNING.

No. 4.—The Rt. Hon. F. Lamb to Mr. Secy. Canning.—(Rec. August 8.)

(Extract.) *Aranjuez, June 18, 1825.*

I HAD looked to the discussions which I have lately had with M. de Zea, as likely to afford a favourable occasion for beginning to fulfil your Instructions upon the commerce which is carried on in Slaves from the Island of Cuba. Accordingly, when M. Zea alluded to the nature of the Population of that Island, I stopped him, and stated the substance of your Despatch of the 4th of April, upon the subject. He gave me the most unequivocal assurances that the Treaty should be fully executed, and doubted the possibility of the Additional Articles not having been communicated to the Governor. He said, that he thought he had evidence that the greater part of the traffick was carried on by British Capital, and for the benefit of British Subjects. He also seemed to think, that, with more activity in our Cruizers, every Slave-trading Vessel might be captured, more particularly upon the Coasts of Cuba. But he allowed these two Points to have no connexion with the conduct of the Spanish Government, and admitted that the non-communication of the Articles would be a strong case, if I could make it out. In the end, it was agreed, that, on my return to Madrid, I should draw up a representation upon the subject, to which he promised a satisfactory answer.

I entertain a hope, that the suppression of Privateers may have a favourable influence on our efforts upon the subject.

The Right Hon. George Canning. F. LAMB.

No. 5.—The Rt. Hon. F. Lamb to Mr. Secy. Canning.—(Rec. Aug. 22.)

SIR, *Madrid, August 8, 1825.*

I ENCLOSE a Copy of a Note which, in obedience to your Instructions, I have presented, upon the subject of the Slave-trade.

I have the honour to be, &c.

The Right Hon. George Canning. F. LAMB.

(Inclosure.)—The Right Hon. F. Lamb to M. de Zea Bermudez.

Madrid, July 13, 1825.

THE Undersigned, His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, is directed to express to His Catholick

* See Class A. Nos. 31. to 37, Pages 76—81.

Majesty's Principal Secretary of State, the regret which is experienced by His Majesty, and the feeling of disappointment which has been excited in the Parliament and people of England, by the statements which they continually receive, indicating the open and uncontrouled activity, with which the Slave-trade is still carried on by the Subjects of Spain, not only in evasion, but in apparent defiance, of the Treaty concluded by His Catholick Majesty in 1817, for its abolition.

Information from Cuba shews, that 44 Vessels, conveying (upon a fair calculation) above 16,000 Slaves from Africa, arrived at The Havannah, in the course of the last Year, having landed their cargoes in that Island.

The Authorities of the Colony take no notice of these arrivals, and their negligence is seconded by the connivance of the Naval Department, and by the apathy of the Government of Spain.

The Captain-General of Cuba declares, that Copies of the Additional Articles to the Treaty, which Articles were concluded so far back as December, 1822, have never been transmitted to him by his Government; and he has accordingly refused to act upon their Stipulations.

Vessel after Vessel clears out from Cuba regularly for the Coast of Africa; and, after an absence of the usual period for the voyage, returns laden with Slaves, lands them at the back of the Island, and puts into The Havannah, declaring herself to have returned in ballast. These declarations are universally admitted by the Local Authority without enquiry; and the Ship is allowed to enter. The representations of His Majesty's Commissary Judge, at The Havannah, are of no effect. He is either answered, that it does not lie within his sphere to demand an enquiry; or he is referred from one Authority to another, and each Authority declares, that it does not feel itself called upon to interfere in the matter, in any way that can be effectual: when all these evasions and excuses are exhausted, His Majesty's Commissary Judge is told, at times, that the Question has been referred to Madrid: and the fact, that the Articles of December 1822, have not yet been acted upon by the Government of Spain, is of itself sufficient to prove, how hopeless any reference from the Authorities of The Havannah to the Court of Madrid is become, upon a question of fulfilling the Treaty for abolishing the Slave-trade.

This has reduced the British Cruizers to inactivity, and suspended the representations of the Commissary Judge in all ordinary Cases of Slave-trading. To what purpose continue efforts which there is an undisguised determination to render of no effect?

In the mean time the Trade increases. The concerns of the traffick are carried on in shares. The Adventurers in these shares do not conceal their interest in them; and it is notorious, that there is

scarcely an Individual in the Department of the Local Government itself, who is not, directly or indirectly, concerned in the Trade.

Thus are the safety and tranquillity of the Island permitted to be placed in hazard by the avidity of short-sighted men. Thus is a dangerous and already redundant Slave population increased Year after Year, to the manifest danger of the Colony, and in opposition to the true interests of the Mother Country. Thus is the faith of Treaties held of less account than the gain of a set of Adventurers of various Nations.

This subject, of deep and general interest, is one upon which the Spanish Government has been repeatedly and ineffectually addressed. It is once more called upon to carry into effect, with good faith, the Engagements into which His Catholick Majesty solemnly entered for the abolition of the traffick in Slaves; and the Undersigned is directed explicitly to add, that if Spain expects His Britannick Majesty to take any farther interest in the preservation of Cuba to the Mother Country, that interest can only be conditional, on the sincere execution, by Spain, of the Treaty of 1817. He avails himself, &c.

H. E. Don F. de Zea Bermudez. F. LAMB.

No. 6.—Mr. Secretary Canning to The Right Hon. F. Lamb.

SIR, *Foreign Office, September 27, 1825.*

THE King having been pleased to appoint John Tasker Williams, Esq. in the room of Edward Gregory, Esq., deceased, to be His Majesty's Commissary Judge at Sierra Leone, under the Treaty between Great Britain and Spain, for suppressing illegal Slave-trade, I have to desire that you will notify this Appointment to the Government of His Catholick Majesty, and add, that Mr. Williams is under Orders to proceed forthwith to his Post. I am, &c.

The Right Hon. F. Lamb. GEORGE CANNING.

No. 7.—Mr. Secretary Canning to The Right Hon. F. Lamb.

SIR, *Foreign Office, September 27, 1825.*

THE King having been pleased to appoint William Sharp M'Leay, Esquire, in the room of Robert Francis Jameson, Esquire, resigned, to be His Majesty's Commissioner of Arbitration at The Havannah, under the Treaty between Great Britain and Spain, for the suppression of illegal Slave-trade, I have to desire that you will notify this Appointment to the Government of His Catholick Majesty, and add, that Mr. M'Leay is under Orders to proceed forthwith to his Post.

I am, &c.

The Right Hon. F. Lamb. GEORGE CANNING.

No. 8.—Mr. Secretary Canning to The Right Hon. F. Lamb.

SIR, *Foreign Office, September 29, 1825.*

I HEREWITH send to you the Copies of two Despatches, which I have received from His Majesty's Commissary Judge at The Havannah,* and which afford confirmation, unfortunately strong, of the continued violation, by Spanish Subjects in Cuba, of the Engagements which His Catholick Majesty has contracted with Great Britain for the suppression of African Slave-trade.

The activity, the boldness, and the impunity with which the Subjects of Spain in Cuba, persevere in these undertakings, call for unremitting representations on your part, to obtain decisive Orders from The King of Spain to His Colonial Authorities, indicative of His Catholick Majesty's determination, strictly to fulfil the Stipulations of the Treaty. I am, &c.

The Right Hon. F. Lamb. GEORGE CANNING.

No. 9.—The Right Hon. F. Lamb to Mr. Secy. Canning.--(Rec. Nov. 17.)

SIR, *Madrid, November 2, 1825.*

IN compliance with the directions conveyed in your Despatch of the 27th of September, I have notified to the Spanish Government the Appointment of John Tasker Williams, Esq. to be His Majesty's Commissary Judge at Sierra Leone, in the room of Edward Gregory, Esq. deceased. I have, &c.

The Right Hon. George Canning. F. LAMB.

No. 10.—The Right Hon. F. Lamb to Mr. Secy. Canning.--(Rec. Nov. 17.)

SIR, *Madrid, November 2, 1825.*

IN compliance with the directions contained in your Despatch of September 27th, I have notified to the Spanish Government the Appointment of William Sharp M'Leay, Esq. to be His Majesty's Commissioner of Arbitration at The Havannah, in the room of Robert Francis Jameson, Esq. resigned. I have, &c.

The Right Hon. George Canning. F. LAMB.

No. 11.—Mr. Secretary Canning to The Right Hon. F. Lamb.

SIR, *Foreign Office, December 10, 1825.*

I HEREWITH send to you the Copies of two Despatches from His Majesty's Commissary Judge at The Havannah,† reporting the continuance of African Slave-trade in the Island of Cuba; and I have to desire, that you will represent to His Catholick Majesty's Government the facts contained in those Despatches. You will at the same time, refer the Spanish Minister to the Note which you delivered in on the

* See Class A. Nos. 48 and 54, Pages 85, 89.

† See Class A. Nos. 61 and 64, Pages 97, 105.

13th of July last, to M. Zea Bermudez, on the subject of the Slave-trade in Cuba, and to the promise which you received, (as by your Despatch of the 18th of June of this Year,) of receiving a satisfactory Answer to that Representation. I am, &c.

The Right Hon. F. Lamb. GEORGE CANNING.

No. 12.—Mr. Secretary Canning to The Right Hon. F. Lamb.

SIR, *Foreign Office, December* 31, 1825.

YOUR several Despatches of the Slave-trade Series, dated respectively, the 18th of June, 8th of August, and 2d of November, have been received, and laid before The King. I have, &c.

The Right Hon. F. Lamb. GEORGE CANNING.

No. 13.—Mr. Secretary Canning to The Right Hon. F. Lamb.

SIR, *Foreign Office, January* 20, 1826.

I HEREWITH send to you the Copy of a Despatch, and of its Inclosures, from His Majesty's Commissary Judge at The Havannah,* which you will communicate to the Government of His Catholick Majesty, as furnishing facts, which the Local Authorities at The Havannah do not venture to contradict, of the undisguised and undiminished Trade in Slaves which continues in the Island of Cuba.

Between the 11th of March and the 19th of August last, 18 Spanish Vessels are stated, in the publick Papers of The Havannah, to have sailed for Africa; and, within the same period, 11 Spanish Vessels had returned from thence, as usual, in ballast; it being notorious that these, together with some French Vessels, which had likewise arrived there, had landed 4000 Negroes upon the Coasts of the Island.

I send to you a Copy of a Despatch from Mr. Kilbee,† mentioning the names of the French Vessels alluded to. The Inclosure in the other accompanying Despatch, contains a List of the Spanish Vessels. Among these last will be found the name of the "*Magico,*" on which Vessel an investigation was held in the early part of last Year, on the ground of her being concerned in Slave-trade, and which has now set sail for Africa, with the same Captain, and under the same Owner, and probably on the same illicit errand. I am, &c.

The Right Hon. F. Lamb. GEORGE CANNING.

No. 14.—The Right Hon. F. Lamb to Mr. Secretary Canning.

(*Received January* 23.)

(Extract.) *Madrid, January* 9, 1826.

I HAVE the honour to acknowledge the receipt of your Despatches of the 29th of September and the 10th of December, upon the Slave-trade.

* See Class A. No. 56, Page 90.

† See Class A. No. 57, Page 95.

I have never lost sight of this Question, nor ceased to labour in it; and I have now the satisfaction of enclosing the Copy and Translation of a Note from the Duke of Infantado, which goes beyond the demands that we have made to the Spanish Government upon the subject.

A security is provided against the unwillingness of the Tribunals to act, and against their allegations of incompetency, in the exclusive jurisdiction conferred upon the Governor with his Assessor. This gives reason to hope, that the execution of the Decree will correspond with its provisions; and, if so, the African Slave trade may be considered as at an end, in as far as regards the Island of Cuba.

The Duke of Infantado having asked me if there was any other Measure which I should wish to suggest, I remarked to him, that no mention was made in his Note of the communication of the Additional Articles to the Governor of The Havannah; of which observation he immediately took a Note. I should hope, however, that the necessity of continuing to employ our Cruizers for the prevention of the Slave-trade with Cuba, would, at no distant period, be superseded by the effect of the Measures which the Spanish Government has now announced. The character of the Duke of Infantado is a sufficient guarantee, that what is promised is intended to be executed.

The Right Hon. George Canning. F. LAMB.

(*Inclosure.*)—*The Duke of Infantado to The Right Hon. F. Lamb.*—(*Translation.*)

SIR, *Madrid, January* 6, 1826.

WHEN the Note of your Excellency, dated the 13th of June last, was received by my Predecessor, the Government of His Majesty The King, my Master, was already engaged in the consideration of the subject to which it relates, in consequence of a similar Communication which had been made on the 22d of March preceding, by His Britannick Majesty's late Chargé d'Affaires. Both Documents relate to the complaints made by the British Government against the fraudulent importation of Negroes into the Island of Cuba, in open violation of the Treaty of 1817, and your Excellency, as well as the above-mentioned Chargé d'Affaires, express the opinion that the Laws prescribed in virtue of that Treaty, are inefficacious and insufficient, and that it is necessary to enact others which may contribute more effectually to its execution and observance.

His Catholick Majesty being at all times anxious, not only to meet, in as far as may depend upon Him, the just demands of the English Government, upon a Question which it has so much at heart, but also to fulfil on His side, the beneficial intentions which guide Him in this question, did not delay a moment in taking into due consideration the just complaints of the Government of His Britannick Majesty, and having consulted the Council of the Indies, and the

Junta of the Ministers of State, The King, my Master, although after an attentive examination of the existing Laws in execution of the Treaty, His Majesty is not entirely convinced that they are insufficient and inefficacious, for the exact performance of the Stipulations thereof, has been pleased to decree various Measures to that effect.

In consequence I hasten to communicate to your Excellency, by the Orders of His Catholick Majesty, the new Regulations which His Majesty has been pleased to adopt, to facilitate more and more the extinction of so abominable a traffick. His Majesty has decreed, that every Vessel proceeding from the Coast of Africa, shall immediately on her arrival, deliver to the Commandant of Marine her Log-book, in order that that Officer may examine it; and if he find any ground for suspecting that the Vessel has brought Negroes, and disembarked them secretly, may immediately acquaint the Captain-General of the Island, in order to ascertain the fact, and punish the Offence according to the Laws in force against it; it being understood that the Captain-General alone, guided by the opinion of his Advocate, is authorized to take cognizance of such Cases; and His Majesty declares, that any Person (to whatever class he may belong,) may denounce the Negroes which have been received fraudulently; and that, if the Informer be a Slave, he shall thereby become free, and the Purchaser be fined 200 dollars for every one so obtained. His Majesty has also decreed, that the Very Reverend the Archbishop of Cuba, and the Reverend the Bishop of The Havannah, shall be instructed to make known to the Parochial Clergy, and the Inhabitants of their respective Dioceses, that from the moment of the prohibition of the Slave-trade, the continuance thereof in any way, becomes a matter of conscience. Lastly, His Majesty has decreed, that Negroes who denounce Vessels in which they themselves have arrived, shall recover their liberty; subsequently, however, to the Decree which the Captain-General is to publish to that effect.

I have also the honour to acquaint your Excellency, by the Order of His Majesty The King, my Master, that Orders, in conformity with what has been decreed by His Majesty, have already been despatched, by which His Majesty feels convinced that the Stipulations of the Treaty will no longer continue illusory; and that the fraudulent Traffick in Slaves, complained of by the English Government, will be radically destroyed. His Majesty likewise feels the pleasing hope, that that Government will be completely satisfied as to her late complaints on this subject, as well as the validity and sufficiency of the Measures newly adopted in support of the Laws in existence respecting this matter.

I avail myself, &c.

The Right Hon. F. Lamb. THE DUKE OF INFANTADO.

No. 15.—Mr. Secretary Canning to The Right Hon. F. Lamb.

SIR, *Foreign Office, January 25, 1826.*

YOUR Despatch of the 9th inst. arrived here the day before yesterday, and has been laid before The King. I have received His Majesty's Commands to express to you, without delay, the sense which His Majesty entertains of the zeal and good management, by which you have procured from the Spanish Government the issue of Directions of apparently so effectual a character, for the execution of their Treaties with this Country, for the repression of illicit Slave-trade, as those which are announced in the Official Note from the Duke del Infantado. You will lose no time in apprizing the Duke del Infantado of the satisfaction which His Majesty's Government have felt in observing, that one of the first Acts of His Excellency's Administration has been to give vigour and activity to the friendly Engagements subsisting between Great Britain and Spain, for the extinction of this horrible Traffick. I am, &c.

The Right Hon. F. Lamb. GEORGE CANNING.

No. 16.—Mr. Secretary Canning to The Right Hon. F. Lamb.

SIR, *Foreign Office, January 31, 1826.*

IN reference to that part of your Despatch of the 9th instant, wherein you mention, that the Duke del Infantado asked you, whether you could suggest any other Measure for the more effectual abolition of Spanish Slave-trade, I have to desire you to refer His Excellency to the overtures which were made by your Predecessor at Madrid, for the adoption of an Article similar to that to which The King of The Netherlands has agreed, whereby a Vessel, fitted up evidently for the Slave-trade, and found so fitted up, cruizing in Places where she would trade for Slaves, is to be treated as though the Traffick on which she was bound had been completed.

It will be a great gratification to His Majesty, if Spain shall enter into a mutual Agreement with Great Britain, having this principle for its basis; and thus give to the World an additional proof of the desire which His Catholick Majesty has newly displayed, of shewing his sincerity and earnestness in the cause of the abolition of the Slave-trade. I am, &c.

The Right Hon. F. Lamb. GEORGE CANNING.

No. 17.—Mr. Secretary Canning to The Right Hon. F. Lamb.

SIR, *Foreign Office, February 23, 1826.*

IN reference to your Despatch of June 18th, 1825, and to the assertion therein reported to have been made by M. Zea, that the greater part of the Traffick in Slaves in Cuba is carried on by British Capital, and for the benefit of British Subjects, I send to you the accompanying Copy of a Despatch, which I have received from His

Majesty's Commissioner at The Havannah,* declaring his firm conviction, founded upon a close investigation into these matters, and the experience of his long residence in Cuba, that the assertion of M. de Zea Bermudez was entirely without foundation.

You will make such use of this information with the Spanish Government as you may judge proper. I am, &c.

The Right Hon. F. Lamb. GEORGE CANNING.

No. 18.—Mr. Secretary Canning to The Right Hon. F. Lamb.

SIR, *Foreign Office, February 23, 1826.*

IN reference to previous Correspondence on the subject of Slave-trade at Cuba, I transmit to you, for communication to the Spanish Government, the accompanying Copy of a Despatch, which I have recently received from His Majesty's Commissioners at The Havannah,† giving a list of Vessels which sailed from The Havannah for Africa, in the early part of 1825, and had lately returned into that Port in ballast, having, previously to their regularly shewing themselves thereat, landed upon other parts of the Island upwards of 1500 Negroes.

I sincerely hope that the Instructions issued under the sanction of the Duke of Infantado, will prevent the continuance of this greedy and inhuman Traffick. I am, &c.

The Right Hon. F. Lamb. GEORGE CANNING.

No. 19.—The Right Hon. Frederick Lamb to Mr. Secretary Canning.

(Received March 6.)

(Extract.) *Madrid, February 25, 1826.*

I WAS aware that the want of The King's confirmation stood in the way of the communication of the Additional Articles to the Treaty of 1817, to the Governor of The Havannah.

It was however brought forward, and overcome at once by the enclosed Note, which announces the communication of these Additional Articles to that Officer.

This preliminary difficulty having been overcome, I proposed to the Duke of Infantado to sign the further Additional Article, as directed by your Despatch of the 31st January of the present Year: he did not foresee any objections to agreeing to it. I have since addressed him a Note upon the subject, enclosing a Copy of the Article which was signed with the Government of The Netherlands, and I await his Answer.

The Right Hon. George Canning. F. LAMB.

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* See Class A. No. 71, Page 107.

† See Class A. No. 75, Page 109.

(*Inclosure.*)—*The Duke of Infantado to The Right Hon. F. Lamb.*
(*Translation.*)

HONOURED SIR, *Pardo, February* 12, 1826.

YOU will have learned from my Note of the 6th of January last, the new and efficacious Measures dictated by His Majesty The King, my Master, to the Constituted Authorities of the Isle of Cuba, for strengthening the Laws already in force for the extinction of the Slave-trade, and for putting an end to the abominable contraband Traffick which, in spite of them, was carrying on in Negroes; all which Measures are in conformity with the desires of The King, my Master, and with those of His Britannick Majesty, expressed at various times by His Representatives in Madrid. Notwithstanding this, and because you, Sir, have intimated that, in order to complete the destruction of the illegal Traffick, it would be proper to communicate to the above-mentioned Authorities of Cuba, the two Additional Articles, which was neglected at the time when it ought to have been done, a neglect that kept those Authorities in ignorance of the existence of the Articles in question, His Catholick Majesty, after taking the matter into due consideration, has thought proper first to confirm the said Articles, though they were concluded and ratified during the latter end of the Constitutional Anarchy, because they are consonant to the spirit of the Treaty of 1817, and to the intention of the Two High Contracting Parties.

The two Articles alluded to having been confirmed by The King, my Master, it follows as a matter of course, that they be communicated, as the English Government requests, to the Spanish Authorities of the Isle of Cuba; and His Majesty, without a moment's delay, directed me so to do, as I have already done, in compliance with His Sovereign Orders.

I have therefore the honour to notify this to you, for the information of your Government, whose wishes are thus fully accomplished and I am happy to avail myself of this opportunity, &c. &c.

THE DUKE OF INFANTADO

The Minister of His Britannick Majesty.

No. 20.—*Mr. Consul Bartlett to Mr. Secy. Canning.*—(*Rec. Jan.* 30

SIR, *Corunna, January* 7, 182(

I THINK it my duty to forward to you the Copy of a Deposition respecting the Slave-trade, made before me by two British Subjects who presented themselves at this Consular Office as Seamen in distress. I have, &c.

The Right Hon. George Canning. RICHARD BARTLET

(*Inclosure.*)—*Deposition of Two Seamen respecting the Slave-trade.*

MICHAEL MAC CARTY, born in Tothill-street, Westminster, and Peter Avery, born at Cawsand, near Plymouth, state, that being in the Danish Island of St. Thomas, they were induced to enter as seamen on board the Schooner *Teresa*, under Dutch Colours, and provided with Papers both as a Dutch and French Vessel, commanded by Captain Mené, a Frenchman. The *Teresa* sailed from St. Thomas, with a cargo of dry goods, stated to be bound to the Coast of Africa, for a cargo of palm oil and ivory. On the arrival of the Ship at Sugres Bay, near Cape Mount, on the Coast of Africa, the Captain and cargo were put on Shore, and the Ship sailed along the Coast under the orders of the Mate, for about six weeks, collecting provisions. On the return of the Vessel to Sugres Bay, the Captain had collected 150 Slaves; the Deponents saw them in the Barrack. While in Sugres Bay, the *Teresa* was driven ashore, and wrecked. Captain Mené afterwards went to a Place called Gallinas, in a Canoe, and returned in two days on board the French Schooner, called the *Clarisse*, of 100 and some odd tons. Captain Gamé, the Crew of the *Teresa*, and the 150 Slaves collected, were put on board the Schooner, and landed at Gallinas, and left with other Slaves belonging to Captain Gamé. The *Clarisse* went along the Coast for three weeks collecting provisions. On returning to Gallinas, the Deponents were informed, that the Slaves had risen and killed Captain Mené, and beaten another man dreadfully; they then broke out of the barrack and ran away; about 130 of them were, however, caught by men, called "Croo-men," who attended along the Coast. All the Slaves so seized were then embarked on board the Schooner, which sailed immediately to Cape Montserrat, and embarked more Slaves, making the whole number on board 250. The Ship then left the Coast for Cayenne; eight Frenchmen, and one Englishman of the crew, and about 50 Negroes, died during the passage, which lasted between 30 and 40 days. The Slaves were landed in a small River near Cayenne, and afterwards carried clandestinely along the Coast in two small Schooners, and distributed at different Estates. The Deponents, with the rest of the Crew, and also the platform where the Slaves had lain, were landed at the place of disembarkation, a French Man of War being expected up the River. The Deponents were afterwards forced on board the Schooner in the night by two French Planters, with about six or eight Negroes. The *Clarisse* sailed, as the Deponents were assured, for the Island of St. Eustatia, but came across the Atlantic, bound to Nantes, as the Deponents believe, lost her foremast and rudder in a gale of wind, and was towed into the Port of Muros, in the Province of Galicia, in Spain, by a Swedish Brig. The Deponents went to the Hospital of Santiago sick, and from thence came to Corunna.

The Deponents state, that there were a number of Vessels em-

ployed in the Slave-trade on the Coast; they recollect particularly three French Brigs from Nantes and Martinique, and one American built Schooner, under Dutch Colours, called the *General Warrender*.

MICHAEL M'CARTY, his ⋊ mark.
PETER AVERY, his ⋊ mark.

N.B. The names of Persons and Places are spelt after the pronunciation of the Deponents.

PORTUGAL.

No. 21.—Mr. Secretary Canning to Sir William à Court.

SIR, *Foreign Office, April* 14, 1825.

IN reference to my former Despatches upon the subject of the Trade in Slaves, carried on illegally in the Possessions of Portugal, I send to your Excellency the accompanying Extract of a Letter, dated 26th of May, Copy of one, dated 24th of June, 1824, and Extract of another, dated 15th of February last,* from His Majesty's Consul-General at the Cape de Verds, giving an account of importations of Slaves into those Islands from the Portuguese Settlement of Bissao, and of the enterprizes in Slaves for other Countries, which are carried on at St. Jago.

This information has already been furnished to the Admiralty, with a view to the prevention of the continuance of this evil; and it is forwarded to your Excellency, to enable you to avail yourself of it in your Communications with the Government of Portugal, in confirmation of the Statements which have already been made to that Government, of the prevalence of this illegal traffick in the Portuguese Settlements.

I am, &c.

H. E. Sir W. à Court. GEORGE CANNING.

(*Inclosure* 1.)—*Mr. Consul-General Clarke to Mr. Secretary Canning.*

(Extract.) *Villa da Praia, St. Jago's, Cape Verd, May* 26, 1824.

SINCE I last had the honour of addressing you, my attention has been particularly directed to the Slave-trade, and have now discovered that there is a constant importation of Slaves from Bissao, one of the Portuguese Settlements, to this Island, by a person of the name of Brandower; and who, I am credibly informed, has once been captured by His Majesty's Cruizers on the Coast. The same person, last week, brought over in a small Schooner, called, I believe, the *Liberale*, of less than 100 tons, 90 Slaves; and the way the Traffick is

* See Class A. No. 10, Page 51.

carried on, is, by having a temporary deck from the hold, where these poor wretches are confined, if necessary, in the event of being chased by any Cruizers, and above them appears a cargo of rice and wax. This person sailed again on the 24th for the Coast, and I have little doubt but he will return in a few weeks, his residence being on this Island: they are landed, six or seven miles to windward of Villa da Praia, sometimes four miles to leeward, in a little Bay, called St. Martin's.

His Majesty's Government may rely on my exertions, in gaining every intelligence, and communicating the same by the earliest conveyance, which I regret is very indirect.

The Right Hon. George Canning. J. P. CLARKE.

(*Inclosure* 2.)—*Mr. Consul-General Clarke to Mr. Secretary Canning.*

SIR, *Villa da Praia, St. Jago's, June* 24, 1824.

SINCE my Letter of the 26th ult., wherein I stated, for the information of His Majesty's Government, that a system of Traffick for Slaves was carrying on from the Coast to these Islands, and having stated my suspicions, that the same Vessel would return with another cargo in a few weeks, they have been fully realized, for, on the night of Sunday, the 20th instant, upwards of 40 of these poor unfortunate Beings were landed again from the said Vessel, she having returned from Bissao, after a lapse of only three weeks; and from the information I am able to obtain, the Master sails from this Place for the Island of St. Thomas', one of the Portuguese Settlements on the Coast, and thence to America, expressly to purchase a larger Vessel, and, as I am informed, to be well armed, to carry on this illicit Traffick with greater effect; having little or no communication with the Coast, I regret I am not enabled to carry His Majesty's Instructions into effect, by giving the necessary information to the Commodore of His Majesty's Squadron, or to any of His Majesty's Cruizers on that Station, not one having been within my Consulate since my arrival here. I have the honour to be, &c.

The Right Hon. George Canning. J. P. CLARKE.

No. 22.—*Sir William à Court to Mr. Secy. Canning.*—(*Rec. May* 26.)

SIR, *Lisbon, May* 12, 1825.

I HAVE the honour to acknowledge the receipt of your Despatch of the 14th of April, with its three Enclosures.

I shall immediately make the necessary communication to the Portuguese Government, exhorting it to take such measures as may most effectually check the practises complained of, and prevent the continuation of this inhuman Traffick. I have, &c.

The Right Hon. George Canning. WILLIAM à COURT.

No. 23.—Sir William à Court to Mr. Secy. Canning.—(Rec. July 31.)

SIR, *Cintra, July 10, 1825.*

I HAVE the honour to acknowledge the receipt of your Despatch of the 15th of June, transmitting to me Copies of the Papers presented to both Houses of Parliament by His Majesty's Command, during the present Session, upon the Subject of the Slave-trade.

I have, &c.

The Right Hon. George Canning. WILLIAM à COURT.

No. 24.—Mr. Secretary Canning to Sir William à Court.

SIR, *Foreign Office, September 27, 1825,*

THE King having been pleased to appoint John Tasker Williams, Esq. in the room of Edward Gregory, Esq. deceased, to be His Majesty's Commissary Judge at Sierra Leone, under the Treaty between Great Britain and Portugal, for suppressing illegal Slave-trade, I have to desire that you will notify this Appointment to the Government of His Most Faithful Majesty, and add, that Mr. Williams is under Orders to proceed forthwith to his Post. I am, &c.

H. E. Sir William à Court, G. C. B. GEORGE CANNING.

No. 25.—Mr. Secretary Canning to The Marquis de Palmella.

Foreign Office, December 5, 1825.

THE Undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, has had the honour to receive the Note addressed to him on the 26th ult. by His Excellency The Marquis de Palmella,* His Most Faithful Majesty's Ambassador at this Court, notifying the removal of M. Altavilla from the Situation of Commissary Judge in the Mixed Court of Commission on the Coast of Africa.

The Undersigned has lost no time in making to His Britannick Majesty's Commissioners at Sierra Leone, a communication of this measure, and in directing the necessary steps to be taken thereupon, in conformity with the desire expressed by The Marquis de Palmella, on the part of his Government.

The Undersigned has also given directions, that the British Commissioners shall deliver into the hands of M. Altavilla, the Letter addressed to that Gentleman, and transmitted by The Marquis de Palmella in his Note of the 26th ult.

The Undersigned avails himself of this opportunity, &c.

H. E. The Marquis de Palmella. GEORGE CANNING.

No. 26.—Mr. Secretary Canning to Sir William à Court.

SIR, *Foreign Office, December 5, 1825.*

I SEND to your Excellency with this Despatch, some Extracts of Papers which I have received from the Admiralty, containing addi-

* See Inclosure in No. 24, Class A. Page 73.

tional proofs, that the Islands of Princes and St. Thomas are openly the rendezvous for illegal Slave-traders, and afford encouragement and facilities to their undertakings.

I have to desire that you will communicate these Papers to the Government of His Most Faithful Majesty, and, in reference to my Despatches of October 31st, 1822, to Mr. Ward, and of May 13th, 1824, to Sir E. Thornton, and to other Correspondence on the same subject, that you will urge His Most Faithful Majesty's Government to issue such Orders to the Authorities of St. Thomas and Princes, as may prevent a continuance of those proceedings, so opposite to the intention of the various Compacts in force between the two Nations, on the subject of Slave-trade. I am, &c.

H. E. Sir W. à Court, G. C. B. GEORGE CANNING.

(*Inclosure* A).—*John Barrow, Esq. to Joseph Planta, Jun. Esq.*

SIR, *Admiralty Office, August* 1, 1825.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the consideration of Mr. Secretary Canning, an Extract of a Letter from Commodore Bullen, commanding on the Coast of Africa, stating the circumstances under which he had abstained from detaining a Brazilian Slave-vessel, called the *Silvereinha;* and submitting some observations on some of the Articles of the Convention with Portugal, of July 1817, and the Instructions to Ships of War, annexed to that Convention. I am, &c.

Joseph Planta, Jun. Esq. JOHN BARROW.

(*Inclosure* B.)—*Commodore Bullen to J. W. Croker, Esq.*

(Extract.) *H. M. S.* Maidstone, *Island of Ascension, Oct.* 23, 1824.

I BEG leave to acquaint you, for the information of my Lords Commissioners of the Admiralty, that, after completing my Prize with provisions and water, and rendering the situation of those unfortunate Beings as comfortable as circumstances would possibly admit of, I left Princes Island on the 4th instant, with her in tow, and arrived at the anchorage in the Island of Anno Bona on the 10th, where I found the *Silvereinha* Brig, under Brazilian Colours, and having on board 100 Slaves of both sexes, which her Master stated to have been shipped at the usual place (Molembo), and produced a log to that effect. His Papers were most strictly examined and searched for, and by some loose Papers and other Documents discovered, together with the information obtained from his Slaves, it was ascertained that he shipped his cargo at, and sailed from the River Gaboon, 78 days previous, the whole of which time he had been endeavouring to beat out of the Bight. He had already lost about 20 of his victims, and the whole of the others were dreadfully diseased.

The dubious and contradictory manner in which the several Articles of the Convention with Portugal are worded, more particularly the positive one, numbered 4, of the Instructions of Ships of War, gave me no hope of her being condemned as lawful prize, should I be enabled to ensure her safe arrival at Sierra Leone, and as her usual rate of sailing was from two to three knots per hour, neither provisions nor water on board, her Slaves in a horrid state of disease, and dying daily, to have detained her I must have devoted the whole of my attention to her, and been very considerably delayed in my passage to Ascension. To have removed these poor wretches, in their diseased state, to this Ship would have been madness, and the *Avisa*, was already by far too crowded. I therefore was forced, although painful to my feelings, to return this Vessel into the charge of her Master without hope of their reaching Pernambuco, the place of their destination.

I beg leave to request, with submission, that their Lordships will be pleased to take under their consideration the wording of the different Articles of the Instructions for Ships of War, contained in the Convention with Portugal, of July 1817, more particularly Nos. 1, 4, and 5, and No. 2, of the Convention, one completely contradicting the other as to the propriety of detaining Slave-vessels belonging to that Nation when met to the Southward of the Line, with cargoes shipped to the Northward, and without the limits assigned to the Portuguese as legal, thus, the Gaboon being situated in 31. North, will be seen the little probability of preventing their carrying on an extensive trade in that River under the existing Regulations.

J. W. Croker, Esq. C. BULLEN.

No. 27.—Mr. Secretary Canning to Sir William à Court.

SIR, *Foreign Office, December* 31, 1825.

YOUR Excellency's Despatches of the Slave-trade Series, dated the 12th of May, the 10th of July, the 21st and 27th of October, and 5th of November last, have been received and laid before The King.

I have, &c.

H. E. Sir W. à Court, G. C. B. GEORGE CANNING.

No. 28.—Sir W. à Court to Mr. Secy. Canning.—(Rec. Jan. 14, 1826.)

SIR, *Lisbon, December* 25, 1825.

I HAVE communicated to the Count de Porto Santo the contents of your Despatch of the 5th instant, and I have furnished him with Copies of its Enclosures. I have the honour to enclose a Copy of the Note with which I thought it right to accompany their transmission.

I have, &c.

The Right Hon. George Canning. WILLIAM à COURT.

(*Inclosure.*)—*Sir W. à Court to The Count de Porto Santo.*
Lisbon, December 24, 1825.

In reference to what the Undersigned had the honour of stating verbally to His Excellency the Count de Porto Santo, he has now the honour to enclose a number of Documents, proving the extent to which an illegal commerce in Slaves is still carried on, and the facilities afforded to those engaged in such Traffick, by the Portuguese Authorities in Princes Island, and in the Island of Saint Thomas.

The British Government is convinced that the Portuguese Government will not lose an instant, after the knowledge of these facts, in forwarding to its Authorities upon the Coast of Africa, the most positive Orders to hold as strictly to the spirit as to the letter of existing Treaties, and to take the most effectual means to stop the supplies, which it is stated by Commodore Bullen, the Slave-ships are in the habit of receiving from the Portuguese Settlements, and without which it will be extremely difficult for them to carry on their nefarious traffick. The Undersigned, &c.

H. E. The Count de Porto Santo. WILLIAM à COURT.

No. 29.—*Sir W. à Court to Mr. Secy. Canning.*—(*Rec. Jan.* 17.)
(Extract.) *Lisbon, January* 6, 1826.

I have the honour to enclose the Translation of a Note I have received from this Government, in answer to that I addressed to it, in consequence of the receipt of your Despatch of the 5th of December last.

This Note cautiously abstains from all notice of the principal motive of complaint, namely the facilities afforded to Vessels engaged in an illegal Traffick in Slaves, by the Portuguese Authorities in the Islands of Princes and St. Thomas. A proceeding, if not contrary to the letter, at least in direct contradiction to the spirit of the Slave-trade Treaty.

As, however, M. de Porto Santo intimates in his Note, that M. de Palmella is charged with some Representations upon the same Subject, I shall not push this Correspondence any further for the present.

The Right Hon. George Canning. WILLIAM à COURT.

(*Inclosure.*)—*The Count de Porto Santo to Sir William à Court.*
(Translation.) *Palace of Bemposta, January* 5, 1826.

The Undersigned, having laid before The Emperor and King, his Master, His Excellency Sir William à Court's Note of the 24th of December last, with the Documents, which accompanied it, has received his Orders to reply to His Excellency, that upon an attentive examination of the facts specified by Commodore Charles Bullen, not one is found which can be regarded as in contravention to the Articles of the Treaty, and Conventions, regulating the Traffick in Slaves. On the contrary, from the Reports of the Governor of the Islands of Saint Thomas and Princes, it appears that the English Cruizers have

committed excesses on those Coasts, in contradiction to the letter of the above-mentioned Treaty and Conventions, against which excesses His Most Faithful Majesty has already claimed the intervention of His Britannick Majesty's Government. The Undersigned, &c.

H. E. Sir W. à Court. CONDE DE PORTO SANTO.

No. 30.—Mr. Secretary Canning to Sir William à Court.

SIR, *Foreign Office, January 20, 1826.*

I TRANSMIT to your Excellency the Extract of a Letter dated the 25th of November last, from Mr. MacLeay, one of His Majesty's Commissioners under the Treaties with Foreign Powers for restricting the Traffick in Slaves.

I wish your Excellency to bring to the attention of the Portuguese Government, the Statement contained in this Letter, as to the extensive Slave-trade which is carried on at the Cape de Verds by the Portuguese Inhabitants of those Islands, and to endeavour to induce the Portuguese Ministers to issue Orders calculated to put that check upon this nefarious Traffick, to which Portugal is bound by Treaty.

I am, &c.

H. E. Sir W. à Court. G. C. B. GEORGE CANNING.

(Inclosure.)—W. S. Macleay, Esq. to Joseph Planta, Jun. Esq.

(Extract.) *Kingston, Jamaica, November 25, 1825.*

HAVING, in my way hither, called and made some little stay at the Cape de Verd Islands, I was sorry to find them wholly devoted to the Slave-trade, from the Portuguese Governor down to the Free Black Settlers, several of whom have established a species of regular partnership or correspondence with the principal Houses at The Havannah. The geographical position of the Islands; moreover, their vicinity to the Coast of Africa, and the numerous bays with which they are indented; render them, unfortunately, too well adapted as a depôt for this nefarious Traffick; and, indeed, during the short interval we were there, we heard of more than one instance of Slaves being landed on the North Coast of St. Jago, and carried into the interior.

Joseph Planta, Jun. Esq. W. S. MAC LEAY.

BRAZIL.

No. 31.—Mr. Vice Consul Follett to Mr. Secy. Canning.—(Rec. April 25.)

(Extract.) *Bahia, January 29, 1825.*

THE British Brig *Accession*, arrived in this Harbour on the 11th instant, bringing 39 African Negroes, which the crew took from off a wreck, in Latitude 22.55. South, and Longitude 34.30. West; the Master of the *Accession* being obliged immediately to prosecute

his voyage to Hamburgh, delivered these Negroes into my charge; I immediately communicated with the Government respecting them, proposing that they should be sent to Rio de Janeiro, to the Mixed Commission Court. The Government, although at first impressed that they should be treated as Slaves, and sold, subject to duties, &c. afterwards manifested great liberality, sincerely forwarding my views, and consenting, on my repeated instance, to their being sent there, but declining, however, to pay the cost of their support here, or to provide them a passage, leaving me to make these provisions, which I accordingly did, and they departed from hence on the 27th instant, for Rio de Janeiro, to be there placed at the disposal of His Majesty's Consul General, to whom I addressed a Despatch containing all the Correspondence and Documents relating thereto, and to the enclosed Copy of which I beg to refer you for a more circumstantial account of my proceedings in this business.

On a perusal of the Affidavit of the Master and part of the Crew of the *Accession*, humanity shudders at the description of the situation in which ten of these unfortunate creatures were found: they were taken out of the hold of the wreck, which was on its broadside, through a hole cut therein. On the aperture being made, the corrupted and almost pestilential air that issued forth, most sensibly affected those within its influence, and these ten human beings were dragged forth from misery and death. Thus is added another to the long catalogue of horrors and sufferings already exhibited to the world, caused by the prosecution of the Slave-trade, and which, but for the providential assistance of a British Vessel, would never have been known, and which creates fears that other Cases equally dreadful occur which are never brought to light.

The conduct of the Master of the *Accession* was truly praiseworthy; to his humane attention, after they arrived on board his Brig, many of the Blacks must owe their recovery, and, taking into consideration their previous sufferings, surprize is excited that the mortality was not greater, two only having died.

Whilst addressing you on this subject, I cannot refrain from repeating, that the Slave-trade is still extensively carried on in this City: By general report I learn, that the majority of the Slaves are systematically brought from those Parts prohibited by Treaty, and who, escaping the vigilance of our Cruizers, a danger not very much apprehended on that extended coast, are landed, and openly sold, after the payment of duties, (being 22,000 reis each) which is stated to be accomplished by the production of fictitious papers.

In the hope that the conduct I have pursued with respect to the Africans brought here by the Brig *Accession*, will be approved,

I have the honour to be, &c.

The Right Hon. George Canning. WILLIAM FOLLETT.

(Inclosure.)—Mr. Vice Consul Follett to Mr. Consul-General Chamberlain.

SIR, *Bahia, January 26, 1825.*

I BEG leave to acquaint you that the Brig *Accession*, which left Rio de Janeiro on the 18th ultimo, arrived in this Harbour on the 11th instant, bringing 39 African Negroes, which were found on a Wreck, in Latitude 22. 55. South, and Longitude 34. 30. West, on the 30th ultimo, which the Master on arrival delivered into my charge, as you will perceive by the enclosed Copy of his Letter to me, (1) and of my reply. (2.)

On a verbal representation to the Government, their first impression was, that these Blacks were Slaves, and should be treated as such, subject to duties, &c. On this I immediately made a written Communication to the President, Copy of which (3,) I enclose, proposing that these Blacks should be sent to Rio de Janeiro, to be delivered to the Mixed Commission Court there, as that Port was most probably the place of their original destination, and that the expenses thereof should be defrayed by this Government; that neither the Nationality of the Vessel in which they were found, nor the legality of traffick in which she was employed were ascertained; and praying that they might be immediately disembarked, with a due regard to their health and security, to allow the Brig *Accession* to prosecute her voyage (this permission was indispensable, as, being new Negroes, they were under the jurisdiction of the Custom-House.) The President, as appears in the enclosed Copy of his Reply (4,) immediately issued orders to the Mesa da Inspecção for their disembarkation, and for the nomination of a Merchant to take charge of them: not considering this Reply entirely satisfactory, I again, on the 14th instant, made another application to the Government, Copy of which (5,) is enclosed, still urging that these Blacks should be sent to Rio de Janeiro, as no proof yet existed of their being Slaves, and suggesting that even if there did, the possibility, from the abandoned state in which they were found by British Subjects, that they might be entitled to their liberty, and requesting that if they were not sent to Rio de Janeiro, that they might not be sold or disposed of until the decision of the competent Authorities there was known: in consequence of this, the President, as you will learn from the accompanying Copy of his Reply (6,) sent directions to the Board of Inspection to take my Letter into consideration; and in another Despatch of the 18th instant, Copy of which (7,) is also enclosed, containing the Resolution of the Inspection Board, His Excellency informed me that that Board had determined that the Blacks might be sent to Rio, but that he was not authorized by Law to defray the expenses already incurred on their account, or to procure transport for them, and that I should have to make the necessary arrangements herein. Against this I remonstrated

in a Letter of the 19th instant, of which I enclose a Copy (8,) and His Excellency in his Reply, Copy of which (9,) is also enclosed, repeated his objections to defray the expenses, and informed me that he had issued orders for the Blacks to be placed at my disposal, and that passports for them should be delivered when necessary.

I also enclose the Copy of a Letter (10,) received from the Desembargador, President of the Inspection Board, announcing the delivery of these Blacks into my charge, with the obligation of the payment of their expenses, and of my Reply. (11.)

Upon this I requested Mr. Dundas, Surgeon to the British Hospital in this City, to examine whether these Blacks were sufficiently recovered and healthy to undertake the voyage to Rio de Janeiro, and he reported to me that they were fully able to undergo the fatigues. I then arranged with the Owners of the Brig *Cerqueira* for their passage at Rs. 8,000 each, making myself personally responsible for the amount, Rs. 312,000, if it were not paid in Rio, within one month after their arrival, in conformity with the tenour of the enclosed acknowledgment of their embarkation (12,) which also places them at your disposal. I then requested the person, in whose care the Blacks were placed by the Government, to make out his account of all the necessary expenses incurred, which (13,) amounting to Rs. 54§900, and now enclosed, I have paid. I also enclose the Copy of a Letter (14,) containing an account of the expenses, amounting to Rs.74§150, to which the Master of the *Accession* was subject, sent me by his Agents, Messrs. Moir and Co. requesting the payment thereof, which, according to the enclosed Copy of my reply (15,) I declined acceding to, stating that I should transmit their claim to Rio de Janeiro. I trust, however, that all these accounts will be immediately paid by the Mixed Commission Court, to which, as the Legal Tribunal, I suppose this Case will be referred.

In addition to the reasons advanced to the Government, in favour of these Blacks being sent to Rio de Janeiro for adjudication, there are others arising from the certainty of increasing expenses, and from the possibility of doubts or claims originating here, which might retard or embarrass the decision of this Question.

In the progress of this business I have endeavoured to direct my conduct, so that I might obtain the concurrence and approbation of the Local Authorities, and in this, notwithstanding partial prejudices and jealousies might exist, I think I have succeeded; indeed it is but justice to state, that although the first impression here was, that these Blacks should be considered Slaves, a more liberal spirit immediately prevailed and triumphed, and the Authorities, as far as my observation goes, are inclined to uphold the arguments I have advanced.

The measures I have taken in this novel Case will, I hope, meet with your approbation and that of His Majesty's Government. My

wishes are for the freedom of these 39 Africans, and for this I have contended as far as was consistent with my duty; if it be so determined, a precedent will be established in favour of any other unfortunate beings who may be found in a similar situation, and by operating on the cupidity of the Slave-dealers, may be a remote inducement for them to take more precautions for the future safety of their Slaves after embarkation; by sending them to Rio de Janeiro, they will have the benefit of impartial justice, and if they should be considered Slaves, no one can complain that their interests have been sacrificed. I have, &c.

Henry Chamberlain, Esq. WILLIAM FOLLETT.

P. S. I also enclose the Affidavit (16,) of the Master and part of the Crew, who were present when the above Blacks were saved, recounting all the particulars relative thereto: also the Copy of a Letter (17,) from the Master of the Brig *Accession*, relative to the description of the Vessel from which they were rescued

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SIR, (1.) *Bahia, January* 12, 1825.

I BEG leave to inform you, that on the 30th ult. on my voyage from Rio de Janeiro to Hamburgh, in the Brig *Accession*, in Latitude 22. 55. South, Longitude 34. 30. West, I fell in with the wreck of a Brig, completely water-logged, and took from the said wreck 39 Negroes.

This circumstance compelled me to bear up for this Port, and I have now to request that you will be pleased to send on board the *Accession*, and take charge of the 39 Negroes before-mentioned, to enable me to proceed on my voyage.

In consequence of the rain which has commenced, I would recommend these Negroes being landed as soon as possible, being unable to give them effectual shelter, owing to my vessel being so fully laden.

I beg leave to refer you to the subjoined Extract from my Log, for other particulars respecting the state of the Slaver, which, in my opinion, must have been bound to the Port of Rio de Janeiro.

I remain, very respectfully, &c.

W. Follett, Esq. R. RODDAM.

The original number of Negroes taken from the Wreck was 41; two having died on the passage.

Extract from the Log of the Accession, *Thursday December* 30, 1824.

THIS day begins with light breezes and clear weather, all sail set; people employed at sundry jobs. At 3 P. M. a Wreck made in sight, bearing N. N. W. seven or eight miles distant. The Master and four of his crew took the Jolly-boat and made towards the said Wreck, found it to be a Brig, with her masts laying on the water, abandoned

by the crew, but a quantity of Blacks holding by the Wreck. I then returned to my Ship, having only a small boat, intending to get nearer them by day-light to take them from the Wreck. From two to four tacking Ship occasionally to keep near the Wreck—light winds, and variable, with calms during the night. At 4 hoisted out the Skiff and Jolly-boat, and made again for the said Wreck; at 5 took 31 Blacks out of the top of the mainmast, and by stopping a short time longer by the Wreck, found that there were living creatures inside; we then, from said Brig *Accession*, with carpenter's instruments, cut the side open, and got 10 blacks more, and a number laying dead. At 11 A. M. sailed from the Wreck. At meridian observation, Latitude 22. 55. South, Longitude 34. 30. West.

SIR, (2.) *Bahia, January* 12, 1825.

I HAVE received your Letter of this day's date, informing me of your arrival in this Port with 39 Negroes, which you picked up from a Wreck on the 30th ultimo, and requesting me to send and take charge of them.

As in ordinary cases new Negroes cannot be landed without an Order from the Custom-House, before I can comply with your request, I must make a representation of the facts to the Government, and obtain their permission for the disembarkation of those you have on board.

I cannot refrain from noticing the laudable efforts you have made in the cause of humanity, in saving the lives of 39 Black People, and which certainly entitles you to the greatest praise. I am, &c.

Mr. Robert Roddam, WILLIAM FOLLETT.
Master of the Brig Accession.

SIR, (3.) *Bahia, January* 12, 1825.

I HAVE the honour to inform your Excellency, that the British Brig *Accession*, which entered this Port last evening, picked up at sea on the 30th ultimo, about 180 leagues to the Eastward of Rio de Janeiro, 39 unfortunate Africans, from the wreck of a Brig, laden apparently with palm-oil.

As the Master of this Vessel is obliged immediately to proceed on his voyage, he has requested me to take charge of these Negroes, I therefore deem it right to apprize your Excellency of these particulars, assuring your Excellency, that my conduct will be guided by a due consideration to the cause of humanity and the Laws of the Country.

As the Brig on board of which these 39 Africans were found was a complete wreck, and no marks or signs appeared whereby she could be identified, I beg to submit for your Excellency's consideration, that they should be sent to Rio de Janeiro, and placed at the disposal of

the Slave Commission Court established there, this Court having full powers to investigate and determine on all the circumstances attendant upon this unfortunate Case.

It being necessary that these Blacks should be landed, it would be an object of great importance that they should be lodged in a healthy and at the same time a secure place, and I have therefore to request that your Excellency will be pleased to give the necessary orders for their disembarkation, and for their safe custody.

Respecting the expence attending their support, I should propose that it be defrayed by the Government, who could reclaim it from the Individuals who might eventually establish their right to these Blacks; or failing which, from the Government of Rio de Janeiro, who will then have the benefit of their labour, provided they should be considered and treated, which I imagine they will be, as emancipated Slaves under the Slave Treaty.

Waiting, therefore, to know your Excellency's sentiments respecting these Negroes, I cannot refrain from bringing to the notice of your Excellency, the probability of Rio de Janeiro being their original destination; and also that questions analogous to those brought before the Slave Commissioners, in the case of captured Slave-vessels, may arise in this, not only involving the Nationality of the Slave-vessel, but also the legality of the traffick in which she was engaged.

I have the honour to be, &c.

H. E. The President of Bahia. WILLIAM FOLLETT.

SIR, (4.) *Bahia, January* 13, 1825.

THE Despatch which you directed under yesterday's date, having been presented to this Government, communicating the praiseworthy act of humanity practised by the Commander of the English Brig, receiving on board his vessel 39 Africans, in imminent peril of shipwreck, 180 leagues to the Eastward of Rio de Janeiro, it appears to me proper to send this affair to the Inspection Board, recommending its President that he should immediately nominate a Merchant to take charge of these Africans, causing them to be immediately disembarked. The said Tribunal of Commerce is authorized to comply with all the requests that the Commander of the said Brig, or his Consignees, may make in this respect.

I ought to assure you that the proceeding of the English Captain being of great credit to the philanthropick sentiments of the English Nation, in the competent Tribunals of Brazil, their decisions will be in conformity to Maritime Right, and to the Laws of Justice, in favour of the Africans saved from death on board of an English Vessel.

I seize this opportunity to renew, &c.

The British Vice Consul. FRANCISCO VICENTE VIANNA.

SIR, (5.) *Bahia, January* 14, 1825.

I HAVE the honour to acknowledge the receipt of your Excellency's Despatch of yesterday's date, communicating that your Excellency had recommended the President of the Inspection Board to nominate a Merchant to take charge of the 39 Africans, which, in my Letter of the 12th instant, I informed your Excellency had been found at Sea, and brought here by a British Vessel, stating also my opinion that they should be sent to Rio de Janeiro.

In support of that opinion I beg to urge, that, as no proof yet exists of these men being Slaves, they ought, in justice, to be considered free, and treated as such, with a due regard to their actual situation, until a competent Tribunal shall determine otherwise; and it was principally for this reason that I was desirous they should be sent to Rio de Janeiro to be delivered up to the Mixed Commission Court.

As these men were entirely abandoned, and left without the means of even attempting to escape, and as they were rescued from destruction by British Subjects, upwards of 500 miles from land, it becomes a question, if even they should be proved to have been Slaves, whether, under the circumstances in which they were found, they are not entitled to their liberty.

Feeling satisfied that these Blacks will experience from your Excellency all that justice and benevolence can prompt, I have the honour to request, that if determined to detain them in this City, they may be securely protected, and that they may not be sold or otherwise disposed of, until the decision of the Authorities in Rio de Janeiro shall be known. I have, &c.

H. E. Francisco Vicente Vianna. W. FOLLETT.

SIR, (6.) *Bahia, January* 15, 1825.

THE Despatch addressed by you, of date the 14th instant, having been laid before this Government, respecting the Africans abandoned to shipwreck and death, by the Officers and Crew of the Vessel in which they were transported, it appears to me of great importance to transmit a Translation of the said Despatch to the Inspection Board, to whom this business ought to be referred, that, attending to the weighty reasons advanced by you in favour of the Africans who had the good fortune to be sheltered in an English Vessel, it may be disposed of as justice shall require.

I take this opportunity to give you the most sincere proofs of my consideration and esteem. God protect you.

The British-Vice Consul. FRANCISCO VICENTE VIANNA.

SIR, (7.) *Bahia, January* 18, 1825.

THE Judge of the Inspection Board having, on the 17th instant, written to this Government, communicating the Resolution of that

Board, respecting the Africans saved from shipwreck by the English Brig *Accession*, it is evident that you can send them to Rio de Janeiro, where the question can be discussed, and those interested heard, as the said Judge President sets forth in his Despatch, a Copy of which is here transmitted.

However, as I am not authorized by Law to defray the expence of their transport, it remains for you to provide for this object, as also to indemnify Joaõ Joze de Freitas, who has charge of their disembarkation and sustenance, hoping that you will communicate to me without delay your determination, and what shall appear most proper in this respect.

By this opportunity, I renew, &c.

The British Vice-Consul. FRANCISCO VICENTE VIANNA.

MOST ILLUSTRIOUS AND EXCELLENT SIR, *Bahia, Jan.* 17, 1825.

IN virtue of the Order of your Excellency, of date the 13th instant, respecting the 39 Slaves, or Angola Blacks, brought to this City by the English Brig *Accession*, I immediately nominated the Merchant Joaõ Joze de Freitas, as Administrator, to disembark them, and to proceed with every diligence to their sale and delivery, in the supposition that they were Slaves. But under date of the 15th instant, I received a Despatch from your Excellency, with the Copy of another of the British Vice Consul, in which are exposed the reasons why these Blacks should be considered free, claiming that they might be sent to Rio de Janeiro, in order that the business might be there determined; and I proposing this to the Board as your Excellency ordered me, they resolved, that, in consequence of the claim of the said Vice Consul, and of the good reasons on which it is founded, there would be nothing better than to send the said Slaves to the Court, as there may be procured superior decision, and delays and expences be avoided, which in any other mode would be certain and indispensable. I have also another strong reason to press for the remittance of these same Blacks, which is, that it having been ascertained from them, by means of a Linguist or Interpreter, that the shipwrecked Vessel, in which they were, belongs to Rio de Janeiro, and consequently that the parties interested being heard, the business can be better examined and decided; making it therefore necessary that your Excellency should authorize the Administrator Freitas to arrange their passage to Rio, and determine by what Department ought to be paid, this and other expences of support and medical attendance, which have been made, and which after the decision upon the fate of these Blacks, must be indemnified. I think it would also be proper that your Excellency, in your Despatch to the Minister, should give an account of all this.

As, then, the said Blacks are not considered Slaves, it is clear that neither the Custom-House nor the Health Board have to recover Duties

or Emoluments; and for this it is necessary that your Excellency in this respect should give the necessary orders to the respective Presidents. I beseech your Excellency without delay, to resolve on this business, that your orders may be promptly executed.

God preserve your Excellency.

LUIS PAULO DE ARAUJO BASTOS, Judge,

The President of Bahia. *President of the Inspection Board.*

SIR, (8.) *Bahia, January* 19, 1825.

I HAVE been honoured by the receipt of your Excellency's Despatch of yesterday's date, enclosing the determination of the Board of Inspection that the 39 Africans saved by the English Brig *Accession* might be sent to Rio de Janeiro and communicating also that your Excellency is not authorised by Law to indemnify Joaõ Joze de Freitas for their subsistence since their disembarkation, or to defray the expence of their transport, and that it remains for me to provide for these objects.

In cordially acquiescing in the decision of the Inspection Board, I beg respectfully to repeat the proposition contained in my Letter to your Excellency of the 12th instant, that this Government should, in the first instance, defray all the expences incurred on account of these Blacks, to be refunded as shall be determined by the Tribunals in Rio de Janeiro, on the ground that Brazilian Interests will be benefited, whether they be declared free or shall be considered Slaves.

If, however, your Excellency be determined not to accede to this proposal, I have no alternative than to comply with the tenour of your Excellency's Despatch, and pray your Excellency to furnish me with orders to the Person in charge of the 39 Africans, to deliver them up, upon satisfaction being made for all the necessary expences incurred, and I have further to request a Passport for their free departure for Rio de Janeiro.

I have the honour to be, &c.

H. E. Francisco Vicente Vianna. WM. FOLLETT.

SIR, (9.) *Bahia, January* 20, 1825.

I RECEIVED the Despatch which you addressed to me under yesterday's date, in reply to the Resolution of the Inspection Board, the Resolution which accompained my Letter of the 18th instant, and not being authorised by Law to defray the expence of the transport of the 39 Angola Blacks for Rio de Janeiro, and it not being lawful to order the Actual Administrator, Joaõ Joze de Freitas, to take the responsibility of their embarkation, it is evidently incumbent on you to undertake the business and defray the necessary expences.

I also inform you that the necessary orders have been dispatched to the Board of Inspection, to place these Africans at your disposal,

and when notice is sent of the Vessel in which they are to be conveyed, and the day of departure, I will send the passport required.

On this occasion, I renew, &c.

The British Vice-Consul. FRANCISCO VICENTE VIANNA.

SIR, (10.) *Bahia, January* 21, 1825.

I HAVE the honour to acquaint you that, by virtue of a Despatch of His Excellency the President of the Province, dated yesterday, in which he orders that the Inspection Board should deliver to you the 39 Angola Blacks saved by the Brig *Accession*, I have issued the necessary order to the Administrator by me named, the Merchant Joaõ Joze de Freitas, assuring him that he will receive from you all the expences incurred until their delivery, in conformity with the said Despatch of His Excellency. I have the honour, &c.

LUIS PAULO DE ARAUJO BASTOS.
Judge Intendant-General of Gold, and President
The British Vice-Consul. of the Inspection Board.

ILLUSTRIOUS SIR, (11.) *Bahia, January* 24, 1825.

I HAVE the honour to acknowledge the receipt of your Letter of 21st. January, informing me that in virtue of the order of His Excellency the President of the Province, you have directed the delivery of the 39 Africans (Blacks) saved by the Brig *Accession*.

I have to inform you that His Excellency not being authorized by Law to pay the expences incurred on account of the said Blacks, I have taken the responsibility of paying them.

I have the honour, &c.

Luiz Paulo de Araujo Bastos. WM. FOLLETT.

(12.) *Bahia, January* 26, 1825.

I THE Undersigned, do acknowledge that I have received on board the Brig *Cerqueira* 39 Africans (Blacks) to be supported and transported to Rio de Janeiro, and there placed at the disposal of Henry Chamberlain, Esq. His Britannick Majesty's Consul-General, for which it is agreed that I shall receive 8 mil-reis for the passage of each Black,—which, not being paid within one month after arrival, and application made in Rio de Janeiro to the said Henry Chamberlain, Esq., Mr. W. Follett, British Vice Consul in Bahia, remains personally responsible for the said sum. MANOEL CARDOZO DOS STOS.

I declare that the passage of R.8§000 for each of the Africans above-named, is subject to no expence or duty, which, with the same, it may be necessary to make in Rio de Janeiro.

For the Captain before signed,

J. CERQUEIRA LIMA.

(13.) *Bahia, January* 25, 1825.

AN Account of the expences which I have made from the 14th to the 25th instant, 12 days, as Administrator of the 39 Blacks saved from shipwreck by the English Brig *Accession*.

Freight of boat for the disembarkation of the same ...	2§000
8 arrobas of salt beef	12§800
10 alquieres of flour	7§600
4 ditto of beans	5§120
2½ pieces of stuffs for covering.....	10§000
Porterage, boat, wood, salt, pepper, vegetables and oil .	4§900
Rent of store at Rs.§320 for each Black.....	12§480
Rs.	54§900

Received from the British Vice Consul the amount of the above account, 54 mil 900 reis, for all the expences I have paid for the said 39 Blacks. Bahia, as above,

JOAO JOZE DE FREITAS.

SIR, (14.) *Bahia, January* 25, 1825.

WE beg leave to inform you that Captain Roddam, of the Brig *Accession*, on his departure for Hamburgh, left with us the enclosed Memorandum of provisions expended on the 39 Negroes he picked up at sea, amounting to Rs. 74§150, requesting that we would do all in our power to recover the amount.

In consequence of the communications which had passed between yourself and His Excellency the President, we memorialized the Meza de Inspeccão for the payment of the sum in question, and by the enclosed Reply to our Petition, you will perceive that this Board can no longer interfere in the business, in consequence of the Negroes, saved by Captain Roddam, having been delivered to you. To you, therefore, we now beg leave to apply for the payment of the before mentioned sum, and as the Authorities here, immediately on our representation did most liberally exonerate the *Accession* from all and even customary charge, we feel persuaded that, as an Agent of the British Government, you will immediately satisfy the claim now made on the part of Captain Roddam, who cannot be expected to suffer from the delay incident to a decision at Rio de Janeiro.

We are the more urgent in pressing this claim on your attention, in consequence of having heard that you have paid all the expenses incurred since the disembarkation of the Negroes, and we beg leave respectfully to state, that in allowing us to forward this claim to Rio de Janeiro, a dangerous precedent would be formed, by declaring to Masters of Vessels in general, that the expenses incurred by a deviation from their voyage in the cause of humanity, would be attended with a protracted liquidation.

We shall feel obliged by an early reply to this Letter, as the payment of the money in question, will render unnecessary the negociation of the Bill which Captain Roddam has left on his Owners, for provisions he was under the necessity of purchasing here.

We remain respectfully, &c.

W. Follett, Esq. MOIR and Co.

Account of the Expences made on board the English Brig Accession, *Captain Roddam, with* 39 *Blacks, from the* 30*th December* 1824, *to the* 13*th January, inclusive, being* 15 *days.*

1 lb. of Beef each Black per day, 15 days for 39 Blacks, are	lb 585 at	§070	40§950
½lb. of Bread	ditto 292 at	§060	17§520
2 Alquieres of Meal		§640	1§280
2 do of Rice		1§600	3§200
2 do of Flour		1§600	3§200
2 do of Flour		§800	1§600
Brandy and Medicine			6§400
		Rs.	74§150

Bahia, January 15, 1815. R. RODDAM.

ILLUSTRIOUS DEPUTIES OF THE INSPECTION. (*Translation.*)

MOIR and Co. British Merchants, and Consignees of the British Brig *Accession*, state, that the Most Excellent President of this Province, by virtue of his Despatch of the 14th of the present month, which is presented to this Illustrious Board, ordered that the said Brig should be exempted from payment of Port-charges, for having assisted in the salvation of the 39 Slaves found on the High Seas on the Hull of a Vessel. The Supplicants have applied to the Administrator, who, by Order of this Illustrious Board, took charge of the said Slaves, to pay the said expences, as the annexed Accounts shew, who does. not object to pay them upon receiving your determination, and for this they request that you will be pleased to order the payment of the said expences.

This business no longer appertains to the Inspection Board, as His Excellency the President of the Province has ordered the 39 Blacks, of which the Supplicants treat, to be delivered to the British Vice Consul.

Bahia, January 21, 1825. L. BASTOS.

GENTLEMEN, (15.) *Bahia, January* 25, 1825.

I AM to acknowledge the receipt of your Letter of this day's date, making application to me for the payment of Rs. 74§150 on Captain Roddam's account, being the amount disbursed by him for the support of the 39 Negroes, he picked up at sea from a wreck.

In reply I have to inform you, that I decline paying the above

amount, but I shall transmit the Account to His Majesty's Consul General at Rio de Janeiro, where I have no doubt it will, together with all other expenses similarly incurred, be duly and promptly satisfied.

I am, &c.

Messrs. Moir and Co. WILLIAM FOLLETT.

Affidavit. (16.) *British Consulate, Bahia.*

Be it known that on this 15th day of January, in the Year of our Lord 1825, before me, William Follett, His Britannick Majesty's Vice-Consul for the Province of Bahia, personally came and appeared, Robert Roddam, Master, Mark Dring, Carpenter, Benjamin Johnson, Cook, and Clifton Boyes, and Joseph Adamson, Apprentices, all belonging to the Brig *Accession*, of Whitby, and who being duly sworn on the Holy Evangelists, did voluntarily depose: that they sailed and departed from Rio de Janeiro, on Saturday the 18th day of December, 1824, for Hamburgh, and that they proceeded on their voyage, and that nothing particular occurred till Thursday the 30th of December, when, in Latitude 22° 55′ South, and Longitude 34° 30′ West, at about three P. M., they saw a wreck bearing N. N. W. seven or eight miles distant, that they took the Jolly-boat, and made towards the said Wreck, and they found it to be a Brig, with the masts laying in the water, abandoned by the Crew, but they saw a number of Black People holding on the Wreck; they then returned to their own Vessel, having but a small Boat with them, and being afraid to venture near, fearing all the blacks might attempt to get into her, but intending to get nearer the Wreck during the night, and return with more assistance in the morning; and in the morning, at about four A. M. they found themselves much nearer the Wreck, and they hoisted out the Skiff and Jolly-boat, and went again to the Wreck, and at about five A. M. they took 31 Blacks out of the top of the main-mast, and waiting a short sime near the Wreck, they discovered, from a noise they heard, there were living creatures inside, they then procured from the Brig *Accession*, carpenters' tools, and cut open the side of the Wreck, and there issued therefrom a most offensive effluvia, and they took out 10 more blacks alive, and saw a number laying dead, and at about 11 A. M. they made sail from the Wreck, with the intention of proceeding to Bahia, and landing the Blacks; that they arrived at Bahia on the 11th of January, 1825, two of the Blacks having died on the way; these Deponents further state, that there were no signs or marks about the wreck, whereby she could be identified, but that from the appearance of the wood, on cutting open the side, it is their opinion she is an American built vessel; that there were no provisions or boats on board the Wreck, and that in all probability, from the helpless state in which the Blacks were, they would have perished in a day or two; that they could obtain no

information from them, as no one on board the *Accession* understood their language; that on the 14th day of January they were landed by the principal guard of the Custom-house, by orders from the Government, and on their quitting the *Accession*, they were all more or less in a weak state of health.

R. RODDAM. CLIFTON BOYES.
MARK DRING. JOSEPH ADAMSON.
BENJ. JOHNSON.

SIR, (17) *Bahia, January* 15, 1825.

IN giving you a description of the Vessel from whence I took the 41 Negroes, I omitted to mention that she was a Brig without either head or poop, a circumstance which may probably assist in identifying her.

I remain, &c.

William Follett, Esq. R. RODDAM.

No. 32.—*Mr. Consul-General Chamberlain to Mr. Secretary Canning.*
(Received May 23.)

SIR, *Rio de Janeiro, March* 7, 1825.

ENCLOSED I have the honour to transmit a Copy of the Representation which, in obedience to the Instructions contained in your Despatch, Slave-trade Series, dated the 17th December last, I made to this Government, respecting the deplorable state of some Slaves found on board the Brazilian Brig *Diana*, when she was detained by His Majesty's Ship *Victor*.

M. de Carvalho, when I last saw him, expressed much regret that more particulars were not furnished, such as the name of the Master of the *Diana*, the Port she belonged to, and the names of the Owners, in order that the Parties offending might be more readily discovered and punished.

I enclose a Copy and Translation of the Official Reply, received yesterday, the nature of whose contents appears to be satisfactory.

I have, &c.

The Right Hon. George Canning. H. CHAMBERLAIN.

(Inclosure 1.)—*Mr. Consul-General Chamberlain to M. de Carvalho.*

SIR, *Rio de Janeiro, February* 26, 1825.

I HAVE been been instructed to lay before your Excellency the Report of Captain Woollcombe, of His Majesty's Ship *Victor*, of the state in which some Slaves have been found on board the Brazilian Brig *Diana*, detained by the *Victor*, on the Coast of Africa.

The deplorable condition of these unfortunate Beings, as described in the Report, is willingly believed to be totally at variance with the

Instructions and positive Orders of the Brazilian Government, which, it is not doubted, will cause enquiry to be made into the transaction, and, wherever blame may be found to rest, will visit the Persons concerned in it with such punishment as shall prevent for the future such an aggravation of misery as has been suffered by these unfortunate Negroes. I have the honour to be, &c.

H. E. Louiz Joze de Carvalho e Mello. H. CHAMBERLAIN.

(Inclosure 2.)—M. de Carvalho e Mello to Mr. Consul General Chamberlain.—(Translation.)

Secretary of State's Office for Foreign Affairs, March 25, 1825.

Luiz Joze de Carvalho e Mello presents his compliments to Mr. Henry Chamberlain, His Britannick Majesty's Consul-General, and acknowledges the receipt of the Office which he addressed to him, under date of the 26th of February last, transmitting the statement made by Captain Woollcombe, Commander of His Britannnick Majesty's Ship of War, *Victor*, respecting the miserable state in which some Slaves were found on board the Brazilian Brig *Diana*, when detained by her.

Luiz Joze de Carvalho e Mello did not lose a moment in laying the said Office, before His Majesty the Emperor, and the same august Lord experienced the utmost displeasure on reading the narration of the unworthy and barbarous manner in which the said Slaves were conveyed, and the more so, as this is not only positively contrary to His Imperial intentions, as Mr. Consul-General knows, but entirely opposed to the existing Orders and Regulations, which recommend the most humane and good treatment of these unfortunate Persons; and His Imperial Majesty has consequently ordered that the necessary measures shall be taken, in order that there may not be the slightest deviation in the execution of these wholesome Orders, punishing with the rigour of the Law those who may contravene them.

Luiz Joze de Carvalho e Mello renews, &c.

M: Chamberlain.

No. 33.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.
(Received 23d May.)

Sir, *Rio de Janeiro, March 14, 1825.*

I have the honour to transmit, herewith, Statements of the number of Slaves imported into, and exported from, Bahia, during the Year 1824, copied from Returns received from Mr. Vice-Consul Follett.

I have, &c.

The Right Hon. George Canning. H. CHAMBERLAIN.

(Inclosure 1.)—STATEMENT of the Number of Slaves Imported into Bahia during the Year 1824, as per Returns received from His Majesty's Vice Consul there, viz.

Date of Arrival.	Name of the Vessel.	Whence.	Number of Slaves.		
			Embarked.	Died.	Landed.
January 11	*Uniao*.....	Molembo.....	196	2	194
February 13	*Charlota*.....	Do.	341	„	341
March 1	*San Joao Baptista*....	Penido	12	„	12
April 26	*Estrella*.....	Molembo	223	„	223
May 21	*Conceiçao Estrella*....	Do.	219	„	219
June 29	*San Joao Qa. Rosalia.*	Do.	277	„	277
„ 24	*Carlota*.....	Do.	317	„	317
July 22	*Bom Fim*.....	Do.	167	„	167
August 4	*Eliza*.....	Do.	143	„	143
October 5	*Charlota*.....	Do.	368	„	368
„ 21	*Fidelidade*.....	Do.	279	48	231
November 8	*Carridade*.....	Do.	211	„	211
December 24	*San Benedicto*.....	Do.	434	„	434
			3,187	50	3,137

(Inclosure 2.)—STATEMENT of the Number of Slaves Exported from Bahia during the Year 1824, as per Returns received from His Majesty's Vice Consul there, viz.

Date of Sailing.	Name of Vessel.	Nation,	Whither Bound.	Number of Negroes.
January 21	*Avidor*.....	Brazilian.	Rio de Janeiro.	30
„ 27	*Jupiter*	Do.	Do.	60
February 22	*Leopoldina*	Do.	Do.	173
April 12	*St. Antonio Invensivel*	Do.	Cotinguiba.....	17
May 13	*Venturoso*.....	Do.	Rio de Janeiro.	62
„ 29	*Tiberio*.....	Do.	Do.	48
July 14	*Desempenho*	Do.	Rio Grande....	33
„ 15	*Crioula*.....	Do.	Do.	5
„ „	*San Manoel*.....	Do.	Do.	21
„ „	*Flor da America* ...	Do.	Do.	22
„ 22	*Henriqueta*	Do.	Rio de Janeiro.	218
August 8	*Graciosa*	Do.	Do.	19
„ 21	*Africano*	Do.	Rio Grande....	14
„ 30	*Tiberio*.....	Do.	Rio de Janeiro.	74
September 4	*Princeza*.....	Do.	Rio Grande....	6
November 14	*Cerqueira*	Do.	Rio de Janeiro.	160
				962

No. 34.—Mr. Secretary Canning to Mr. Consul-Gen. Chamberlain.

SIR, *Foreign Office, June 15, 1825.*

YOU will have learnt, by Nos. 45 and 46 in the Class A. of the Papers on Slave-trade, which have this Session been laid before Parliament, the circumstances under which the Brazilian Slave-vessel, the

Cerqueira, was detained by His Majesty's Ship *Bann*, Captain Courtenay, and carried into Sierra Leone, but not adjudged there.

This Case was afterwards brought before His Majesty's Commissioners at Rio de Janeiro, with a claim for damages on account of illegal detention, on the part of the Owners of the *Cerqueira*, and His Majesty's Commissioners at Rio, will communicate to you the particulars of the Case, as thus carried before them. The Commissioners have been instructed, under the opinion of His Majesty's Law Adviser, that their Commission has no jurisdiction in this Case; and that any proceedings which may be had by them at Rio upon it will be null and void.

I furnish you, for your information, with a Copy of that Instruction;* but my particular object in writing now to you, upon this Case, is to call your attention to the facts, allowed by the Master of the *Cerqueira*, of his having put into the Port of Onim to the North of the Line, and of his having remained there a considerable time.

The number of Cases of the same kind, which occur, refute the pretexts, continually alleged, of the particular cases of distress, and prove to a moral certainty, that such pretexts, in these cases, are false and fraudulent, and that the purpose for which the Slave-vessels touch and remain at these Ports, North of the Line, is, not to refit and refresh from distress, but to take Slaves from these parts of the prohibited Coast.

I have, therefore, to desire, that you will collect these facts, as they appear in the Cases of the *Cerqueira*, the *Minerva*, the *Creola*, and other Vessels, upon which I have already addressed you, and frame upon them an urgent Representation to the Government of Brazil, of the evils which result from this evasion of their recorded intentions; and that you will set before them the expediency of taking effectual measures to prevent this fraud being carried on with impunity.

You will communicate the substance of this Despatch to His Majesty's Commissioners at Rio de Janeiro. I am, &c.

Henry Chamberlain, Esq. GEORGE CANNING.

No. 35.—Mr. Consul Pennell to Mr. Secy. Canning.—(Rec. June 28.)

SIR, *Bahia, April 1, 1825.*

AN English and an American Vessel have recently sailed from hence, chartered for the Coast of Africa, North of the Line, laden with the articles usually shipped for the purpose of purchasing Slaves; and no doubt is entertained, by those most competent to form an opinion, that this is the object in contemplation of the Charterers.

It is also the general belief, that one of the inducements to employing British or American Ships, is the respect shewn to their Flags

* See Class A. No. 85, Page 129.

by our Cruizers; whereas, towards the Portuguese or Brazilian Flag, on the Coast of Africa, they are supposed sometimes to exercise a vigour beyond the Law. As these Vessels are only chartered to deliver their cargoes, I am not aware that the Parties have violated any existing Law; yet, as the practice affords increased facilities for the prosecution of the illegal Slave-trade, I have thought it my duty to make this Communication, being aware that the affording of any facilities for such objects, is contrary to the wishes of both the British and American Governments.

The practice is new, but is likely to become more general.

I have the honour, &c.

The Right Hon. George Canning. WM. PENNELL.

No. 36.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.
(*Received June* 28.)

SIR, *Rio de Janeiro, April* 14, 1825.

I PRESUME that Mr. Vice-Consul Follett, of Bahia, will have informed you, long since, that a British Vessel, (the Brig *Accession*, Roddam, Master), had arrived at Bahia with 39 Negroes saved from a wreck, which she had fallen in with at Sea, about 500 miles to the Eastward of Cape Frio.

Mr. Vice-Consul very properly exerted himself to prevent these poor creatures from being considered as Slaves; and speedily made the President and principal Persons of the Government (very much to their credit) converts to his opinion on this subject.

He obtained an Order for their being sent down here to my care, in the hope of my effecting their liberation; and I have much, (for I cannot say that it is entire) satisfaction in informing you, that, after considerable trouble and discussion, I have succeeded in procuring their being treated as Negroes, condemned and liberated under a Sentence of the Mixed Commission.

In the course of a few days they will be hired out for 14 years; and by the next opportunity I propose having the honour to send you the whole details of the transaction, with the Documents necessary for its elucidation.

In the mean time I take the liberty to enclose the Copy of a Letter Mr. Consul Pennell has lately addressed to me on the subject, and of my answer thereto.—The Insurance Companies and the Owners of the abandoned Vessel have consented that all the expences incurred shall be paid; and Mr. Roddam, the Master of the *Accession*, remunerated for his humane exertions.

I have, &c.

The Right Hon. George Canning. H. CHAMBERLAIN.

(*Inclosure* 1.)—*Mr. Consul Pennell to Mr. Consul-Gen. Chamberlain.*

SIR, *Bahia, March* 24, 1825

MR. Vice-Consul Follett has, in his Despatch of the 26th January 1825, communicated to you the circumstances attending the saving of 39 Blacks by Captain Roddam, of the British Brig *Accession*.

Mr. Follett's statement, together with the details which have since come to my knowledge, induce me to suggest for your consideration, whether the meritorious conduct of Captain Roddam should not be submitted to His Majesty's Government, as worthy of some mark of His Majesty's most gracious approbation.

The Judge of the Custom-House in this City, in consideration of Captain Roddam's praiseworthy conduct, exempted his Ship from the payment of all dues, and the other Local Authorities have manifested a similar feeling.

I believe, by the Laws of this Country, *Captain Roddam might have considered the Blacks as his property*, and after paying the duties, *have sold them* for his reimbursement and *emolument;* but his conduct throughout this transaction, has been marked, not only by an oblivion of all selfish motives, but by the most active and zealous humanity, under very peculiar circumstances, and towards that unfortunate class of our fellow-creatures, whose claims to our protection and sympathy are so justly urged, and so generally disregarded.

If this suggestion should be honoured with your sanction, and that you submit it to Mr. Secretary Canning's consideration, I am persuaded it will be favourably entertained; perhaps even the Brazilian Government would avail itself of this opportunity, (which must be of very rare occurrence) to signify its approbation of Captain Roddam's conduct, inasmuch as such approbation may be conducive to the general interests of humanity. I have, &c.

Henry Chamberlain, Esq. WM. PENNELL.

(*Inclosure* 2.)—*Mr. Consul-Gen. Chamberlain to Mr. Consul Pennell.*

SIR, *Rio de Janeiro, April* 11, 1825.

I SHALL not fail to transmit to Mr. Secretary Canning, by the present Packet, a Copy of your Letter, dated the 24th ultimo, relative to the very meritorious conduct of Mr. Roddam, the Master of the British Brig *Accession*, in saving the lives of the Negroes, whom he found upon a wreck at Sea.

There is but one opinion on this subject,—and the Brazilian Government have declared their sentiments upon it, in a manner most unequivocally favourable to Mr. Roddam. Under their sanction, an arrangement is now in progress for disposing of the Negroes, in nearly the same manner as is practised in cases of those who are liberated under the Treaties for repressing the contraband Slave-trade. The

Parties interested are willing to grant Mr. Roddam a liberal remuneration for his exertions, besides paying all expences: and the *quantum* is under consideration.

In the course of a few days I hope to be able to communicate to you a full detail of the arrangement.

I coincide most cordially in your warm commendation of Mr. Roddam's conduct throughout. I have, &c.

William Pennell, Esq. H. CHAMBERLAIN.

No. 37.—Mr. Consul Pennell to Mr. Secy. Canning.—(Rec. June 28.)

SIR, *Bahia, April 15, 1825.*

WITH reference to my Despatch of the 1st of April last, I have the honour to inform you, that the Captain of an English Vessel has since called on me for my opinion and advice, as to the legality and propriety of his accepting a Charter for the Coast of Africa, North of the Line, there to land his cargo, and to transport from one place to another a certain number of free Blacks. He admitted his belief that the ultimate object of the Charterers was an illegal traffick in Slaves.

To this enquiry I replied, that I was not aware that the Charter would be against the Law, but that I advised him to refuse it, *even if* he were guided only by prudential considerations, inasmuch as the ultimate object being notorious, in case of his being involved in any difficulties or contest with any of the Commanders of His Majesty's Ships on the Coast of Africa, suspicion, and perhaps a general feeling, would be against him, and he might suffer a loss from delay, or other unforeseen causes, more than commensurate to the advantages offered.

He left me with a determination to refuse the Charter.

If I should be incorrect in the advice I have given, I hope to be honoured with your Instructions, as its tendency is to deprive British shipping of employment. I have the honour to be, &c.

The Right Hon. George Canning. W. PENNELL.

No. 38.—Mr. Consul-General Chamberlain to Mr. Secretary Canning. (Received July 21.)

(Extract.) *Rio de Janeiro, May 20, 1825.*

I HAVE not failed to bring the subject of the fictitious measurement of the tonnage of Vessels engaged in the licit Slave-trade before the Brazilian Government; and I have the honour to enclose, for your information, a Copy of the urgent Representation made to M. de Carvalho e Mello thereupon, consisting, almost *verbatim*, as you will perceive, Sir, of the Instructions contained in your Despatch of the 16th of March of the present Year.

The Minister has enabled me to report the impression made by this appeal to the humanity of The Emperor and His Government, by a reply, of which the enclosed is a Translation, stating, that "a fit

opportunity will be taken to direct the adoption of proper measures in this respect."

I regret, Sir, that this Answer has not been rendered more satisfactory, by the adoption of some more definite term for operating the requested Amendment than "a fit opportunity."

The Right Hon. George Canning. H. CHAMBERLAIN.

(Inclosure 1.)—Mr. Chamberlain to M. de Carvalho e Mello.

SIR, *Rio de Janeiro, May* 14, 1825.

HAVING submitted to my Government the explanation contained in your Excellency's Note of the 6th of December last, respecting the method of ascertaining the tonnage of Vessels employed in the licit Slave-trade, I have been commanded to bring this subject again before your Excellency, and to represent the necessity of some change in the mode of admeasurement (*Arqueaçaõ*) of these Vessels, which shall put an end to the present system of over-rating their real tonnage, and by alleviating some of the evils of this wretched Commerce, render its continuance rather more consonant with those principles of humanity, solemnly and publickly recognized by His Most Faithful Majesty, and less at variance with the sentiments known to be entertained by His Imperial Majesty towards the unhappy captives, and ever avowed by his Government.

When His Most Faithful Majesty was first urged by His Britannick Majesty's Representative at Rio de Janeiro to put an end to the Slave-trade from Africa, it was answered that the Trade should be abolished on the part of Portugal and Brazil, so soon as the step could be taken without injury to the latter Country; and that, in the meanwhile, the Trade should be circumscribed in its limits, and mitigated in the mode of carrying it on.

In pursuance of these Principles, the Treaty of the 19th of February 1810, the Convention of the 21st of January 1815, and that of the 28th of July 1817, were severally concluded; and the Alvará of the 26th of January 1818, was, after much Correspondence on the part of the British Government, promulgated as the Law of Portugal and Brazil, for carrying into effect the Stipulations of these Compacts.

One point in the mode of carrying on the traffick, calling particularly for amendment, had been the practice of stowing away human Beings in Slave-ships, chained together so close, that in all cases extreme misery, and in very many cases, madness and death, were the result; but the 6th Article of the Alvará declared that, in future, "the number of Slaves shall be regulated according to the tonnage of the Vessel, in the proportion of five to every two tons, according to the ancient measure."

The expectations, however, which the British Government naturally entertained of the effect of this Order, have been entirely disappointed; for upon the investigation by His Majesty's Commissioners at Sierra Leone, in the Year 1823, of the Cases of the Slave-ships, *Nova Sorte, Conceiçaõ, Lisboa, and Commerçiante,* it was found that the Slaves authorized to be received on board, according to their respective Passports, were in far greater numbers in proportion to the regular and actual admeasurement of the Vessels, than, according to the Alvarà, were allowed.

These circumstances having been reported to His Majesty's Government, I was instructed to request an enquiry into the matter, and had the honour to draw your Excellency's attention thereto on the 26th of January of the last year, 1824.

Your Excellency replied, on the 26th of August following, that there were two modes of measuring Vessels. One for Merchant-vessels in general, and one for Slave-vessels. And your Excellency was pleased to assure me, that, in future, a fixed and regular mode of admeasurement should be employed, which would guard against the inconvenience whereof I had complained.

Subsequently, in compliance with my request to that effect, your Excellency favoured me with an explanation, in detail, of the method used to find the tonnage of Vessels employed in the licit Slave-trade, by which method, a Vessel of about 189 tons, real burthen, is allowed to rate herself at 300 tons, and to carry 750 Slaves.

I have been instructed to remark, that the principle thus avowed, instead of remedying, justifies the evil, by the extraordinary process of allowing a fictitious tonnage to a Slave-vessel.

Such a disappointment of their just expectations has attracted the serious consideration of the British Government, and I have accordingly received Instructions to make the most urgent representations to your Excellency upon the subject.

It is my duty to state, candidly, that the Law, as it now stands, is utterly at variance with the principles of humanity, declared in the solemn Compacts already recited, and that it by no means fulfils the promise officially made by your Excellency in August 1824, engaging that the evil complained of shall be remedied.

The sentiments of liberal policy and of philanthropy entertained towards these unhappy creatures by His Imperial Majesty, and His Majesty's sincere desire to put a stop to every abuse arising from the avarice of the Slave-dealers, (as expressed in your Excellency's Note just referred to,) leave no doubt that His Imperial Majesty wishes for every practical alleviation of the miseries of the Slave-trade, and that the system complained of, being not at all consonant with those sentiments and feelings, will not be allowed to continue. This consideration, in addition to those previously men-

tioned, leads His Majesty's Government to trust, that this most unjustifiable decision will be re-considered, and that a Decree will be immediately issued, which shall do away one at least among the evils justly complaind of, as existing in the details of the practice of Slave importations from Africa. I am, &c.

H. E. Luiz Jose de Carvalho e Mello. H. CHAMBERLAIN.

(*Inclosure* 2.)—*M. de Carvalho e Mello to Mr. Consul-General Chamberlain.* (*Translation.*)

Secretary of State's Office, May 19, 1825.

LUIZ JOSE DE CARVALHO E MELLO acknowledging the receipt of the Office which Mr. Henry Chamberlain, His Britannick Majesty's Consul-General, addressed to him, under date of the 14th of the present month, requesting, by order of his Government, that the Government of His Majesty the Emperor will give Orders to amend (*providenciar*) the mode actually in use for the measurement (*Arqueaçaõ*) of Vessels employed in the licit Slave-trade, has to reply to him, for his information, that the Brazilian Government will take a fit opportunity to direct the proper measures (*providencias convenientes*) to be adopted in this respect.

Luiz Jose de Carvalho e Mello renews, &c.&c.

Henry Chamberlain, Esq.

No. 39.—*Mr. Secretary Canning to Mr. Consul Pennell.*

SIR, *Foreign Office, July* 24, 1825.

I HAVE referred to the King's Advocate-General, your two Letters of April 1st, and April 15th, of this Year, adverting to practices of Chartering, under the circumstances there detailed, British Vessels destined for the Coast of Africa, and laden with articles usually shipped for the purpose of purchasing Slaves.

The King's Advocate reports, that by the Act of the 5th Geo. IV. for the suppression of Slave-trade, ch. 13; sec. 7: it is enacted, "That, (except in such special cases, and 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 hereinbefore 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 to be so as aforesaid, to be recovered and applied, as is hereinafter mentioned and applied."

The King's Advocate further gives his opinion, that the employment of British Shipping, described in your Letters, comes within the terms of this prohibition; and that, if from any circumstance peculiar to the case, the Clause above recited should be found to be inapplicable to it, a trade of this description is so far in the spirit of the trade intended to be prohibited, that it would assuredly be thought proper to suppress it by further enactments, in case they should become necessary.

I have therefore to instruct you to discourage undertakings such as you describe in your above-mentioned Letters, and to report to me the names, together with a particular description, of such Englishmen as may be engaged in them. I am, &c.

William Pennell, Esq. GEORGE CANNING.

No. 40.—Mr. Secretary Canning to Mr. Consul-Gen. Chamberlain.

SIR, *Foreign Office, September 27, 1825.*

THE King having been pleased to appoint John Tasker Williams, Esq. in the room of Edward Gregory, Esq. deceased, to be His Majesty's Commissary Judge at Sierra Leone, under the Treaty between Great Britain and Portugal, for suppressing illegal Slave-trade, I have to desire that you will notify this Appointment to the Government of Brazil, and add, that Mr. Williams is under Orders to proceed forthwith to his Post. I am, &c.

Henry Chamberlain, Esq. GEORGE CANNING.

No. 41.—Mr. Consul Pennell to Mr. Secy. Canning.—(Rec. Nov. 3.)

SIR, *Bahia, September 10, 1825.*

IN consequence of the perusal of your printed Despatch of the 16th March last to Mr. Consul-General Chamberlain, on the subject of the admeasurement of Vessels employed in the legal Slave-trade, I deemed it my duty to cause enquiries to be made, with a view to ascertain whether any new Instructions had been issued by the Brazilian Government, and whether they had been *bonâ fide* carried into effect in this Province.

I learnt that Instructions had been issued to remedy the grievances complained of, and, in the first instance, carried into effect, but that the Owner of the first Vessel admeasured by the new mode, dissatisfied with the result, appealed to a Superior Authority, and succeeded in obtaining an order that the old system should be observed; in consequence, the same abuse continues to be practised here as before the date of the Portaria.

I wanted to obtain a written and more authentick statement of these facts, and with more detail.—I have not hitherto been successful, because

the Person, from whom my information is derived, is apprehensive of the enmities which such disclosures excite in this City.

I shall make some further attempts, and address you again on the subject, and it will be a great satisfaction to me, if, by a representation to our present President, I shall succeed in obtaining new admeasurements of all the Vessels belonging to this Province engaged in the Slave-trade: a Measure dictated no less by the spirit of the Portaria than by the principles of humanity and good faith.

I have the honour to be, &c.

The Right Hon. George Canning. W. PENNELL.

No. 42.—Mr. Consul Pennell to Mr. Secy. Canning.—(Rec. Nov. 3.)

SIR, *Bahia, September* 17, 1825.

WITH reference to my Despatch of the 10th instant, I have the honour to inform you, that I have since had an interview with the Intendente da Marinha, who confirmed what I have stated, with regard to the admeasurement of a Vessel in obedience to the Portaria of the 12th of August 1824, and of its being set aside, on the Requerimento (Petition) of the Owner. He shewed me the Documents, and allowed me to take copies, with a knowledge of the object for which I required them. I shall have them translated for the purpose of transmitting them to you by the next Packet.

I feel much indebted to the Intendente da Marinha, for the frank and loyal manner with which he received and satisfied my enquiries. I am about to furnish him, at his request, with a translation of the mode of admeasurement adopted in England. I shall take it from the Act of 26 Geo. 3, Cap. 6. It appears to be the intention of the Intendente, as much as in him lies, to have it adopted in his Department, as more calculated to fulfil the humane intentions of His Imperial Majesty, as signified in the aforesaid Portaria.

I enclose a Copy of my Letter of yesterday's date, on this subject, to the President of this Province, which I hope will be favourably entertained. I have the honour to be, &c.

The Right Hon. George Canning. WM. PENNELL.

(Inclosure.)—Mr. Consul Pennell to the President of the Province of Bahia.

SIR, *Bahia, September* 16, 1825.

I HAVE the honour to state to your Excellency, that a Portaria, bearing date the 12th of August, 1824, signified His Imperial Majesty's pleasure, as to the regulations to be observed in the admeasurement of Vessels, more particularly with a view to prevent any violation of an existing Treaty, founded on principles of humanity.

It has been reported to me, that in the first instance which occurred, after the receipt of the aforesaid Portaria in this City, of a Vessel being

admeasured, the new regulations were duly observed by the proper Officer: but, that the Owner, being dissatisfied with the result, appealed to a superior Authority, and succeeded in obtaining an order to set aside the new admeasurement; in consequence, the said Vessel became authorized to carry upwards of 100 Slaves more than she had been adjudged competent to carry.

I am persuaded I need not do more than make this statement, in order to induce your Excellency to institute an enquiry, and to adopt such measures as shall best promote the humane objects contemplated by His Imperial Majesty, and secured by all those sanctions which are most obligatory.

To give your Excellency an idea of the extent to which the abuse complained of has been carried, I enclose copy of a Document which was laid before the English Parliament, and transmitted to me by Mr. Secretary Canning, with regard to four Vessels, namely, the *Nova Sorte, Conceiçao, Lisboa,* and *Commerçiante,* by which it appears they were authorized to carry 1677 Slaves in place of 1106.

I have the honour to be, &c.

H. E. Joao Severiano Maciel da Costa. WM. PENNELL.

No. 43.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.
(Received November 3.)

SIR, *Rio de Janeiro, July* 31, 1825.

I HAVE at length the satisfaction of being able to transmit the detailed Report of the Proceedings that have taken place here, with a view to obtain for the Negroes saved from a Wreck at Sea, by the British Brig *Accession,* Roddam, Master, the same advantages as are stipulated by the Treaty of Vienna, in favour of those condemned and liberated under a Sentence of the Mixed Commission; ending, I am happy to say, in the full accomplishment of my wishes.

Every precaution has been taken to prevent the possibility of eluding the terms under which these individuals have been hired out, (a point I am afraid not sufficiently attended to with respect to the *Emilia's* cargo, condemned by the Mixed Commission in 1817); and I would fain hope, that the arrangement made for remunerating the humane exertions of Mr. Roddam, as well as for securing to the Negroes themselves, at the end of their servitude, a small pittance out of their wages, may meet your approbation. I have, &c.

The Right Hon. George Canning. H. CHAMBERLAIN.

(Inclosure.)—Report of the Case of 39, *Survivors of* 41, *Negroes, saved from a Wreck at Sea, by the Brig* Accession, *Roddam, Master.*

(Extract.)

MR. FOLLETT, His Majesty's Vice-Consul at Bahia, has, doubtless, long since, put His Majesty's Government in possession of a full

detail of the circumstances attending the rescue of 41 Negroes from the Wreck of a Vessel, met with at Sea by the Brig *Accession*, Roddam, Master, whilst on her voyage from this Port to Hamburgh, in the month of December last: of the arrival at Bahia of 39 of these Beings on board the *Accession*, two having died during their short passage thither: of the discussions that took place there, whilst the question of how the survivors were to be disposed of was under consideration; and finally, of their shipment on board the Brig *Cerqueira*, for Rio de Janeiro, to be delivered over to His Majesty's Consul-General.

Under this supposition, it is unnecessary to enter here into the particulars of what took place with respect to these individuals, up to the time of their arrival at Rio de Janeiro; but, for the sake of immediate reference, a Copy of Mr. Follett's Letter, dated 26th January last, containing these details, is transmitted herewith.*

The *Cerqueira* arrived at Rio de Janeiro on the 5th of February, and on the same evening, an application was made by the Consul-General to the British Commissioners, to ascertain whether they coincided in the opinion of Mr. Follett, that this was a Case coming under the jurisdiction of the Mixed Commission.

These Gentlemen at once laid the matter before their Colleagues, and at the end of three days returned an Answer, containing the Official Despatch of the Board of Mixed Commission, purporting, as was to be expected, that this Case did not come within their competency.

This point being cleared up, a Letter was addressed the next day to M. de Carvalho, the Minister of Foreign Affairs, stating the arrival of the *Cerqueira*, with the Negroes on board, and the events that had led to this unexpected Consignment to His Majesty's Consul-General; the Claim of Ownership already advanced by the Brazilian Merchants, Joze Antonio de Oliveira Silva, and Joze Alexandre Ferreira Brandaõ; and requesting, that the Negroes might be allowed to be landed, whilst the question of how they were to be disposed of was pending.

On the day following, another Letter was despatched to M. de Carvalho, accompanied by Copies of all such of the Documents received from Bahia, as were requisite for the full understanding of the Case, and by a proposal that the Negroes should be dealt with upon the same principle as those condemned and liberated under Sentence of the Mixed Commission. The term of Seven or Nine Years being proposed as the period of their servitude, instead of that settled by Treaty.

In this Letter, the fact that these men were found by the *Accession*, in possession of actual liberty on the open Sea, at a great distance from Land, was insisted upon as of itself sufficient to justify the Claim, that they should be considered in Brazil as Freemen; and it was explained, that the desire to fit them for a state of freedom and industry in this Foreign Country was the sole motive for proposing to hire

* See Inclosure in No. 31, Page 174.

them out at all. As considerable Expenses, however, had been already incurred, and more were to be expected, it was suggested, in the proposals themselves, that the Persons hiring the Negroes should pay down a proportionate share of these Expenses, besides a certain sum, annually, as wages. And it was intended to propose, that these should be divided equally amongst the Negroes, at the expiration of their servitude.

The necessary Order for the landing of the Negroes, and placing them in the Lazaretto, until it should be decided whether they were to be considered as free, or delivered up to the Persons who claimed them, was immediately issued, and the Note conveying this information further signified, that this Question would be decided upon as soon as the Board of Trade, to whom it had been referred for consideration, should report their opinion.

No communication being received from the Government during nearly a month, advantage was taken of an application from the Consignee of the *Cerqueira*, for the payment of the Negroes' passage-money from Bahia, to press for a decision.

On the 11th of March, this anxiously expected Decision was communicated by M. de Carvalho; and it was learnt, not without great surprise, that the Government had resolved to leave the Question to be settled by the common course of Law.

From the tenour of this Note it was evident that the Emperor himself inclined towards the side of justice and humanity, and that the Report of the Board of Trade had been favourable; but the influence of the Slave-dealers had triumphed, and the Consul-General was left to decide, whether he would venture to face the Law, or whether he would consent to give up these poor Africans to Slavery.

The reasons, and the feelings, however, which weighed with the Consul-General, are too obvious to require explanation, and his mind was speedily made up to encounter every effort that might be attempted against him, rather than consent to replunge these individuals into slavery. He felt assured of the protection of His Majesty's Government in the line he resolved to adopt, and fortunately, this resolution has led to the accomplishment of the object he had in view.

During the month that had elapsed, whilst the Decision of the Government was pending, the Slave-merchants Oliveira and Brandaõ, had not been idle. They have asserted, that they were unwilling instruments in the hands of the Insurance Companies, with whom their Adventure had been Underwritten. Whether this be true, or not, is of little moment. But by sending the Master and Officers of the Brig, by whom the Negroes had been brought from Africa and abandoned at Sea, on board the *Cerqueira*, where they were immediately recognized by these poor people, they had obtained what the Law of this Country would consider sufficient proof of their identity. A formal Protest had

been entered before the Judge of the Customs, and had been regularly served upon the Consul-General, rendering him liable for all losses and damages that had already arisen, or might hereafter be incurred, in consequence of the refusal to deliver up the Negroes into their possession. And they had even gone the length of trying to commence a Suit against him in the British Conservatorial Court, which was only defeated by some defect of form, or the prudent doubts of the Judge Conservator, respecting his Jurisdiction in such a Case.

On the 15th of March, these Slave-merchants called upon the Consul-General, and, with many excuses and apologies, announced their intention of having recourse to proceedings at Law, in conformity with the Decision of the Government.

The Consul-General, in reply, gave them shortly to understand, that he was quite aware of all the steps they had already taken, and that his mind was quite made up to let matters proceed to the last extremity, rather than consent to these individuals being ever again considered as Slaves. That they had been found in a state of freedom by a British Ship,—that this British Ship had brought them to Brazil, that they were now in his, the British Consul-General's possession, and that no power on earth should ever compel him to sign his name, or do an act that could be tortured into a participation of Slave-dealing.

He likewise warned them against any proceedings that might render the matter a Question between the two Countries, and recommended to them to communicate to their Government the result of this interview before they had recourse to further proceedings.

This resolute explanation had the desired effect:—After a few more efforts and threats, they gradually relaxed in their pretensions, and before they left the house, made a Note of the terms he was willing to accept. Which terms they agreed to submit for the consideration of the Insurance Companies, promising to communicate with him again after they had held a consultation with these Bodies.

In the week following, they addressed to him a Letter consenting to the freedom of the Negroes, upon condition that they should be apprenticed for 14 years, that their wages should be paid over to them, Messrs. Oliveira and Brandaõ, (as the wages of the Negroes manumitted by the Mixed Commission were to the Government,) they paying all the Expenses already incurred, or to be incurred hereafter, with respect to them.

Although this extension of servitude was not very palatable, and the balance of the wages of the Negroes, after payment of Expenses, was to be diverted from them to their late Owners:—yet, when the Consul-General reflected upon the manner in which the Government had failed him on the question of Manumission, and that this, the real point of importance was secured, he inclined to accept the terms offered, rather than run the risk, and be exposed to the inconvenience

and Expenses of a Suit; which he could scarcely doubt would be decided in favour of his Opponents.

This resolution being come to, the Letter of Messrs. Oliveira and Brandaõ was communicated to M. de Carvalho; to whom it was at the same time intimated, that these propositions would be accepted, provided they should be approved by the Government, and authorized to be carried into effect.—The reply of this Minister signified the expected approbation, and that orders had been given, according to his, the Consul-General's request, for the delivery of the Negroes, without the payment of duties as "*Slaves*."

For these marks of His Imperial Majesty's gracious consideration a Letter of thanks was most respectfully addressed to the Minister for Foreign Affairs.

After a few days of delay, the Negroes were delivered up to Messrs. Oliveira and Brandaõ; and the conditions upon which they were to be hired out being agreed upon and signed, and all the preparations made, the Publick Auction took place on the 18th of April, at the door of the Custom-House, in the presence of His Majesty's Vice-Consul.

The Masters, previous to the apprentices being delivered into their possession, signed Duplicate Engagements, (one Copy of which is deposited in the Vice-Consul's Office,) binding themselves, with another well-known Person as security, to perform all the conditions agreed upon between His Majesty's Consul-General and Messrs. Oliveira and Brandaõ.

In the mean time, a new and delicate Question had arisen respecting Salvage. The Agents of Captain Roddam having claimed a remuneration for his services, after the mode of paying the Expenses had been settled.

Had these Negroes been considered "free" from the first, there would have been no inclination, on the part of the Consul-General, to listen to this pretension;—at least not for the present; nor until these men should be sufficiently instructed to be able to take part in the Question. But as their earnings, during the period of their servitude, were to go into the pockets of their former Owners; and were, therefore, turned wholly to their profit, it seemed just, that the instrument which had procured this advantage, should be considered entitled to some compensation from the Persons benefitted.

Messrs. Goring, Risk, and Co., the Agents before spoken of, demanded, on behalf of Captain Roddam, one-third of the wages of the Negroes, as a fair remuneration; that being the legal rate of Salvage, according to the Law of this Country. But, as this Case had not come under the cognizance of the Law, and was one entirely *sui generis*, the legal rule was not considered applicable, and the proportion claimed was thought to be too large. At an interview they had with the Consul-General on the subject, these Gentlemen, after hearing his reasons,

consented to reduce their Claim to one-fourth, or 25 per cent.:—and of this they agreed, at his suggestion, to devote one-fifth to form a fund for the benefit of the Negroes, at the end of their term of servitude.

This arrangement being made known to M. Oliveira, was acceded to by him on the part of the Persons interested, and thus the transaction was brought to a happy termination.

To conclude, the Negroes have been rescued from death and from Slavery. They are fitting for a state of freedom; and when the term of their servitude arrives, they will receive a small sum to enable them to begin the world on their own account.

H. CHAMBERLAIN.

LIST of Documents belonging to the Report of the Case of the Negroes saved from a Wreck by the British Brig Accession.

		1825.
1.	Mr. Vice-Consul Follett to Mr. Consul-General Chamberlain	26th January,
2.	Mr. Consul-Gen. Chamberlain to His Majesty's Commissioners	5th February.
3.	His Majesty's Commissioners to Mr. Consul-Gen. Chamberlain	8th „
4.	Mr. Chamberlain to M. de Carvalho e Mello	9th „
5.	Mr. Chamberlain to M. de Carvalho e Mello	10th „
6.	M. de Carvalho e Mello to Mr. Chamberlain	11th „
7.	Mr. Chamberlain to M. de Carvalho e Mello	9th March,
8.	M. de Carvalho e Mello to Mr. Chamberlain	11th „
9.	Messrs. Oliveira and Brandaõ to Mr. Chamberlain	23d „
10.	Mr. Chamberlain to M. de Carvalho e Mello	24th „
11.	M. de Carvalho e Mello to Mr. Chamberlain	30th „
12.	Mr. Chamberlain to M. de Carvalho e Mello	31st „
13.	Conditions under which the Negroes were hired out	16th April,
14.	Messrs. Goring, Risk, and Co. to Mr. Chamberlain	14th March,
15.	Mr. Chamberlain to Messrs. Goring, Risk, and Co	26th "
16.	Messrs. Goring, Risk, and Co. to Mr. Chamberlain	9th April,
17.	Mr. Goring to Mr. Chamberlain	22d June,
18.	Mr. Oliveira Silva to Mr. Chamberlain	27th "

For Sub-Inclosure (1.) *see Inclosure in No.* 31, *Page* 174.

GENTLEMEN, (2.) *Rio de Janeiro, February* 5, 1825.

I TRANSMIT you, herewith, a Despatch from Mr. Follett, His Majesty's Vice-Consul at Bahia, dated the 26th of January last, together with its Enclosures (numbered 1 to 17), respecting 39 African Negroes, taken off the Wreck of a Vessel at Sea, by the English Brig *Accession*, and by her conveyed to Bahia; whence they have been sent hither by Mr. Follett, and placed at my disposal. Should you, upon perusal of these Papers, consider the Case therein set forth as one coming under your jurisdiction, I have to request you will be pleased to acquaint me therewith; taking the trouble, at the same time, to state the grounds

upon which that opinion may be formed, and to return the Papers sent herewith. I have, &c.

Messrs. Hayne and Cunningham. H. CHAMBERLAIN.

SIR, (3.) *Rio de Janeiro, February* 8, 1825.

WE have to acknowledge the receipt of your Letter, dated the 5th instant, on the evening of the same day, together with Mr. Follett's Letter, and its Enclosures, No. 1 to No. 17, respecting 39 African Negroes, taken off the Wreck of a Vessel at Sea, by the English Brig *Accession*, and by her conveyed to Bahia, whence they have been sent hither by His Majesty's Vice-Consul at Bahia, to be placed at your disposal; in which you also request, should we, upon examination of the Documents enclosed, conceive the Case to come within our jurisdiction, that we would state the grounds on which our opinion is founded, and return you the Documents above-mentioned.

In reply, we beg leave to inform you, that we availed ourselves of the first opportunity of bringing the Case before the Mixed Commission, for whose decision upon it we beg to refer you to the enclosed Minute of this day's meeting, by which you will learn, that it was the unanimous opinion of the Board of Commission, that the Case in question did not come within their jurisdiction, it not being a Prize Case.

We, however, as individuals, feel persuaded, that you will do every thing in your power to mitigate the sufferings of these poor wretches, whose lives have been so providentially spared to them.

We herewith return to you the Documents which you sent us, with the exception of the Affidavit, stating the Case to the Consul at Bahia, which you shall have as soon as a Copy has been taken of it.

We have, &c. HENRY HAYNE.

Henry Chamberlain, Esq. ALEX. CUNNINGHAM.

Minute of the Mixed Commission.—(Translation.)

IT is not competent to the Commission to take cognizance of the Case, because it is not one of Prize, as is expressed in the Convention of the 28th of July 1817, additional to the Treaty of the 22d of January 1815; and let the Documents be returned.

Rio de Janeiro, February 8, 1825.

HAYNE. SOUZA.

SIR, (4.) *Rio de Janeiro, February* 9, 1825.

I HAVE the honour to acquaint your Excellency, that the Brazilian Brig *Cerqueira* is arrived in this Port from Bahia, having on board 39 African Negroes, who have been placed at my disposal by His Britannick Majesty's Vice-Consul, Mr. Follett, with the consent of the President of the Government of that Province; and, I beg shortly to relate, for your Excellency's information, the circumstances that have led to this very unexpected consignment.

The British Brig *Accession,* which sailed from the Port of Rio de Janeiro on the 18th of December last, for Hamburgh, fell in with a Wreck on the 26th of that month, in Latitude 20° 55′ South, Longitude 34° 30′ West, from which she took 41 Negroes, all that were found alive on board, and then proceeded to Bahia, where, (except two, who had died in the interim,) they were landed on the 11th of January, and placed under the charge of the British Vice-Consul.

The President of the Government was at first of opinion that these individuals ought to be considered and treated as Slaves, and, as such, liable to payment of duties. But, upon further consideration, this opinion changed, and they were allowed to be landed; and afterwards, with the consent of the President of the Meza de Inspecçaõ, His Excellency granted Passports to enable them to come to Rio de Janeiro at the expense of Mr. Vice-Consul Follett, to whose charge they were delivered; he being further called upon to pay the expenses incurred during their stay at Bahia.

Since their arrival here, they have been claimed by the Sñres. Joze Antonio d'Oliveira Silva and Joze Alexandre Ferreira Brandaõ, as part of a cargo of Negroes belonging to them, shipped at Ambris, on board the Brig *Lisboa,* which had been abandoned by the crew off the Island of Trinidad; and yesterday I received an application from Sñr. Felippe Ribeiro da Cunha, the Consignee of the Brig *Cerqueira,* requesting that they might be landed forthwith from that Vessel.

As it is in every point of view desirable that these Negroes should be allowed to come on shore, and placed under the care of proper Persons, whilst the question how they are to be finally disposed of is pending, I request your Excellency will be pleased to issue orders to that effect with as little delay as may be.

In the mean time Copies of all the Documents that have been sent to me are preparing for your Excellency's inspection, and shall be laid before you as speedily as possible, accompanied by such propositions, with respect to the disposal of these Persons, as I feel it to be my publick duty to bring forward.

For the present, I merely transmit a Copy of the Letter of the Master of the *Accession* to Mr. Vice-Consul Follett, dated the 12th of January, stating where he fell in with the Wreck, and his proceedings thereupon.

I have, &c.

H. E. Luiz Joze de Carvalho e Mello. H. CHAMBERLAIN.

SIR, (5.) *Rio de Janeiro, February* 10, 1825.

IN fulfilment of the promise made in my Letter of yesterday, I have the honour to enclose, for your Excellency's information, the Copies of 13 Documents received from Bahia, having relation to the 39 African Negroes of which that Letter speaks, and a Paper, marked A., contain-

ing the Propositions which I consider it my duty to make, for the disposal of these unprovided individuals.

From the perusal of the former of these Papers, your Excellency will be put in possession of the whole circumstances of the Case, and of the sentiments of those Persons in authority at Bahia, under whose cognizance these pitiable human beings came, particularly the change of opinion, in their favour, of His Excellency the President, upon receiving the second representation of the British Vice-Consul.

The Proposals contained in the Paper, A, are founded as your Excellency will perceive, upon the conviction which I entertain, that these Africans are free, and, that they ought not to be considered in any other light.

Unwilling just now to occupy your Excellency beyond what may be absolutely requisite, I pass over for the present, a variety of reasons that might be adduced in support of this my opinion; and content myself with quoting one, as quite sufficient to establish the position I have taken; without, however, giving up the right to have recourse to the others, should it become necessary to do so.

To fix this point we have only to consider "What was the situation of these poor individuals at the time they were found by the Brig *Accession?*" They were positively and incontrovertibly free: without Master or controul; subject to the will of no other human being; struggling with death upon the open Sea. They had been left by their late Masters to perish, or to escape in any way they could! They were upon the open Sea, 500 miles from any land, in the possession of that freedom which they had regained through being abandoned by those who had brought them there; and who, then, to save themselves, had left them to the unspeakable state of misery and desolation in which they were found and rescued, by the humane and meritorious Master and Crew of the British Brig *Accession.*

At the moment of rescue they were, to all intents and purposes, as free as any living beings upon earth! They owned no Master! They had none! They were struggling to preserve existence, upon a Wreck, without provisions or water, and even without the means of attempting an escape. Without even hope! and death must have been their inevitable doom within a few hours, but for this timely interposition of Providence in their favour.

Upwards of 200 of their wretched companions in misery had already sunk under their sufferings, during the few days that they had been abandoned to their fate; and justice, no less than humanity, forbids that these survivors should only have escaped death to be replunged into Slavery.

By the will of Providence they had first been made Slaves. By the will of Providence they had regained their freedom.

The change in their situation, to be sure, was coupled with the most

unenviable of all conditions, "the prospect of certain death;" but this in no wise altered or weakened the fact, that they had been set at liberty to shift for themselves, and that they were free when found upon the Wreck by the Master and Crew of the *Accession*.

Those sentiments of humanity, which so eminently distinguish His Imperial Majesty and His Government, will unquestionably speak in favour of these unfortunate Africans. It is in the full reliance, that such will be the case, that I have proposed, as stated in the enclosed Paper, marked A, that they shall be treated like other Africans freed under the Treaty of Vienna, and by Decree of the Mixed Commission. The sole motive being to fit them for a state of freedom and honest industry, in this Foreign Country, at the end of a certain time; and in the mean while, until that period arrives, to secure to them support and protection.

Recommending this matter to your Excellency's earliest attention, and requesting to be favoured with the decision of the Government so soon as it may have taken place, I beg leave to renew to your Excellency the assurance of high respect, &c. &c.

H. E. M. de Carvalho e Mello. H. CHAMBERLAIN.

(A.) *PROPOSALS, &c.*—THE 39 Negroes saved from a Wreck by the British Brig *Accession*, shall be delivered to the same Magistrate, and treated in the same way, and have the same protection of the Law, as the Negroes captured under the Treaty of Vienna, and condemned by the Mixed Commission. They shall be apprenticed for seven or nine years; the Person hiring them to pay down the proportionate part of the Expense incurred up to the day of hiring, according to the number hired, and engaging to pay a certain sum, annually, during the period of their respective engagement, as practised in the case of Slaves abovementioned, condemned and liberated under the Mixed Commission.

Secretary of State's Office for Foreign Affairs,

(6.) *February* 11, 1825.

LUIZ JOZE DE CARVALHO E MELLO presents his compliments to Mr. Henry Chamberlain, His Britannick Majesty's Consul-General, and, in reply to the two Notes which he addressed to him, under date of the 9th and 10th of the present month, requesting, in the first, that the 39 Negroes arrived from Bahia in the Brig *Cerqueira*, who were saved from a wreck by an English ship, may be ordered to be landed; and in the second, claiming the said Negroes as freemen; has to acquaint him, for his information, that the necessary orders have been already issued to the Councillor Acting Judge of the Custom-House, to cause the said Negroes to be landed, letting them be placed in the Lazaretto, where they will be kept until it is decided, whether they

ought to be considered as free, or to be delivered to the Persons who may present themselves as their legitimate Owners. His Majesty, The Emperor, having ordered the Board of Trade to report with the utmost brevity, on this Question, in order to resolve on what he may judge most proper in this affair.

Luiz Joze de Carvalho e Mello renews to Mr. Henry Chamberlain,&c.

H. Chamberlain, Esq.

MONS. LE COMMANDEUR, (7.) *Rio de Janeiro, March* 9, 1825.

I HAVE the honour to place in the hands of your Excellency the Copy of a Letter received yesterday, from M. Felippe Ribeiro da Cunha. Although I cannot consider myself responsible in any manner for the passage of these poor Africans from Bahia to this Place; this Letter offers a fresh motive for desiring the Decision of the Government with respect to them; it is on this account that I take the liberty of forwarding a Copy of it to your Excellency, begging at the same time that you will accept, &c.

H. E. Luiz Joze de Carvalho e Mello. H. CHAMBERLAIN.

SIR, (8.) *Palace of Rio de Janeiro, March* 11, 1825.

I ACKNOWLEDGE the receipt, as well of the Offices which you addressed to me, under the dates of the 9th and 10th of last February, as of the last, of the 9th of the present year, (month,) all of them concerning the 39 African Negroes, who were so benevolently and laudably saved from a Wreck by the Master and Crew of the Brig *Ascension (Accession.)*

Having conveyed to the knowledge of His Majesty, the Emperor, that unfortunate occurrence, the same August Lord felt the most lively grief at the narrative which you gave of the lamentable state in which those Negroes were found; and although His Imperial Majesty, actuated by the philanthropick sentiments which are innate in his heart, earnestly wishes to assent immediately to any claim in favour of these unfortunate Persons, and the more so as the report of the consultation, which the Board of Commerce, Agriculture, Manufactures and Navigation, have caused to be laid in His Imperial presence with respect to them, appears to Him to be founded on humanity; yet, considering that the said Decision may be prejudicial to third persons, who shew themselves to be Proprietors of the wrecked Brig which conveyed these unfortunate beings, having already interposed their Claims, and they having the right to be heard and convinced by the legal forms, he has been pleased to resolve, that the parties interested should recur to the ordinary course of Law (" aos meyos ordinarios.")

In acquainting you with this Imperial determination, for your due intelligence, I renew, &c. &c.

H. Chamberlain, Esq.

LUIZ JOZE DE CARVALHO E MELLO.

SIR, (9.) *Rio de Janeiro, March* 23, 1825.

WE convey to the knowledge of your Excellency, that having written to the Underwriters of the adventure of the Brig *Lisboa*, we are authorized by them to agree, that the 39 Negroes saved by the English Brig *Accession* shall be free, on condition that they be hired out by public auction to serve for 14 years, the produce of their wages being paid over to the Parties prejudiced, we paying from the said wages the charges for the subsistence of the said Negroes on board of the *Accession*, and in Bahia; their passage to this City in the Brig *Cerqueira*, and their maintenance and the medical assistance afforded at this Place up to the day of their being publickly hired, it being understood that these charges shall be paid from the said wages, and according as they may be received, we not being authorized to make any disbursement—all which is only to take place in case His Imperial Majesty shall be pleased to give up any Duties to which they might be liable as Slaves, the which your Excellency will shew in the Imperial presence; which being verified, we would desire that a Memorandum of these Negroes, and of the Persons who hire them, should remain in the British Consulate, and that a Person authorized by your Excellency should preside with us at the publick hiring, and to take care that these Blacks should not be embezzled, and that their freedom should not be frustrated, claiming from the Authorities of the Country all that may be for their benefit, according to the letter and spirit of what we have now said. We wait the answer of your Excellency, by which it is necessary we should be certain if you approve, or not, this proposal.

We are, with respect, &c.

JOZE ANTº. D'OLIVEIRA SILVA.

H. Chamberlain, Esq. JOZE ALEX. FERREIRA BRANDAO.

SIR, (10.) *Rio de Janeiro, March* 24, 1825.

MESSRS. JOZE ANTONIO D'OLIVEIRA SILVA, and Joze Alexandre Ferreira Brandaõ, acting for themselves and others, have written to me the enclosed Letter, containing propositions with respect to the 39 Negroes landed at Bahia, from the British Brig *Accession*, whose arrival here formed the subject of the Note I had the honour to address to your Excellency on the 10th ultimo.

Being willing, for the sake of settling this Question in a manner likely to be satisfactory to all Parties concerned, to agree to the proposals of these Gentlemen, I take the liberty to submit them previously to the inspection of His Imperial Majesty's Government, as a mark of respect, in return for the attention which my former Letter respecting these Africans received, and to request that your Excellency will take the trouble to signify to me, whether I am at liberty to accept the terms proposed, and to carry them into effect with the approbation of His Imperial Majesty's Government.

As the 39 Africans were landed upon the Territory of this Empire from a British Vessel, I conclude that they cannot be liable to pay duties as imported Slaves; but the gracious and most humane assurances your Excellency has been pleased to proclaim, in the name of His Imperial Majesty, leave no doubt that every facility will be given on the part of His Government to favour the freedom of these Individuals.

Wherefore, I respectfully request that the necessary orders may be issued for their delivery from the deposit, without payment of duties, in order that they may be apprenticed without delay. And I would further beg the favour of your Excellency, to direct the enclosed (being the original) Letter from the Representatives of the Parties interested, to be returned to me at the same time with the Answer to this Application. I have the honour, &c.

H. E. Luiz Joze de Carvalho e Mello. H. CHAMBERLAIN.

SIR, (11.) *Palace of Rio de Janeiro, March* 30, 1825.

I ACKNOWLEDGE the receipt of the Office which you addressed to me, under date of the 25th of the present month, transmitting the Letter which you had received from the Merchants, Joze Antonio d'Oliveira Silva, and Joze Ferreira Alexandre Brandaõ, in which they, as well in their own name, as in that of the Underwriters, in the transaction of the shipwrecked Brig *Lisboa*, propose the conditions under which they are ready to liberate the 39 Negroes that were saved from the wreck by the English Brig *Accession*.

I did not lose a moment in laying the said Office in the presence of His Majesty the Emperor, and the same August Lord, having taken the greatest interest in seeing this affair terminated in a satisfactory manner, has ordered me to acquaint you therewith, in order that, knowing His Imperial will in this respect, you may, as you wish, conclude with the said Merchants the proposed Convention; His Imperial Majesty having also been pleased to order the necessary directions to be issued to the Minister and Secretary of State of Finance, so that in the Custom-House no Duties shall be levied on the entry of these Negroes, annulling whatever Bonds may have been given.

Having the greatest satisfaction in announcing to you this Imperial determination, I return you the original Letter of the said Merchants, and renew, &c. &c.

LUIZ JOZE DE CARVALHO E MELLO.

H. Chamberlain, Esq.

SIR, (12.) *Rio de Janeiro, March* 31, 1825.

I LOSE not a moment in acknowledging the receipt of your Excellency's Note, dated the 30th instant, acquainting me that His Majesty The Emperor, had been graciously pleased to signify his high approbation of the conditions proposed for the liberation and disposal of the

Negroes saved from the wreck of the Brig *Lisboa* by the British Brig *Accession*, and had been likewise pleased to order that no duties should be levied in the Custom-House upon the said Negroes.

Deeply penetrated with these marks of His Imperial Majesty's gracious condescension, and of the interest His Majesty, with such true humanity, takes in the lot of these Individuals, so unexpectedly snatched from the very jaws of death, I entreat your Excellency to do me the favour to lay at His Majesty's feet the expression of my most humble and most respectful thankfulness for the attention His Majesty has vouchsafed to shew to my Representations, and for the authority to act in these men's behalf, conveyed in His August approbation of the propositions contained in the Letter that has been submitted to your Excellency. I beg leave at the same time to renew, &c.

H. E. Luiz Joze de Carvalho e Mello. H. CHAMBERLAIN.

(13.)—*CONDITIONS under which the* 39 *Negroes saved from the Wreck of the Brig* Lisboa, *by the English Brig* Accession, *will be hired out at the Custom-House door, on Monday the* 18*th day of April,* 1825.

1. The labour of these Negroes will be let for the term of 14 years, to the highest bidder, for the said servitude, in the manner undermentioned.

2. The Hirers must be Persons established, and of property, known to the Parties concerned, or they must give, for their satisfaction, a Security, who will become wholly responsible for the Hirer.

3. The Hirers, as well as the Securities, must sign a bond, binding themselves to support, keep, clothe, instruct in Religion, and teach some trade or work to these Blacks, as is prescribed in the 5th Article of the Alvarà of the 26th of January 1818, in favour of the Negroes liberated under Sentence of the Mixed Commission.

4. In order to be able to recognize at all times the identity of these Negroes, they shall retain, as a surname, (jointly with the Christian name, which is left to the will of the Hirer), the name they had in their own Country. Both names will be stated in the Bond.

5. One year's wages must be paid in advance; and should these not amount to Rs. 25§600, this sum must be paid; the difference will be deducted from the second year's wages, which, as well as the wages of the following years, are also to be paid in advance. The sum thus to be received, at sight, is for the payment of the disbursements already made with these said Blacks.

6. The Hirer will not have any right, in any case, to recover what he may have advanced.

7. In case of the decease of the Hirer, the agreement terminates, and his heirs can only continue to profit of the services of these Apprentices, by an agreement with the Parties concerned, or with some

Person authorized, as hereafter mentioned, and with the knowledge and approbation of His Britannick Majesty's Consul-General.

8. On the death of any one of these Negroes, the agreement (with respect to him) ends: Documents, however, must be presented by the Hirers in proof of death, which are to remain in the British Consulate.

9. On non-payment of a year in advance, the agreement will be annulled, and the Black will return into the hands of the Parties concerned, to be let out, in the presence of the Consul-General, for the time wanting to complete the said 14 years.

10. At the end of 14 years, the Hirers will be obliged to present the Blacks to the Parties concerned, and to the British Consulate, that they, the Blacks, may receive a legal Document, shewing that they are in full exercise of their liberty.

11. In the absence of the Parties concerned, the Hirers will bind themselves to recognize, as an authorized Person, and as the Representative of the said Parties, the Person who may be named by the Insurance Companies of this Capital, "Tranquillidade," "Permanente," and "Restauradora."

12. The Hirers will sign these Conditions, to which there will be a reference in the Agreements, that in conformity herewith are to be entered in two books, one of which books will remain in the hands of the Parties concerned, and the other in the British Consulate.

13. A list of the names of the Blacks, and of the Persons who hire them, will remain with the English Consul, and His Britannick Majesty's Consul-General will act in concert with the Parties concerned, to prevent evasion of the Agreements; and he will represent to the Government of His Imperial Majesty every thing that he may judge necessary to prevent the frustration of the liberty given to these Blacks, and the Hirers bind themselves to recognize the Consul-General as legally authorized to make such Claims.

JOZE ANTO. D'OLIVEIRA SA.
Rio de Janeiro, April 16, 1825. JOZE ALEX. FERRA. BRANDAO.

SIR, (14.) *Rio de Janeiro, March* 14, 1825.

THE Question regarding the fate of the 39 Negroes, saved from a Wreck at Sea by Captain Roddam, of the Brig *Accession*, bound hence to Hambro', being yet protracted: as his Agents and Consignees when in this Port, we take the liberty of submitting to your perusal the enclosed Copies of Documents remitted to us by Messrs. Moir and Co. of Bahia,* and respectfully beg, that you will order the amount of Captain Roddam's charge of the Negroes' maintenance to be paid, being an expense actually incurred, and which we are the more solicitous about, having orders to pay the same to a third party. Captain

* See Sub-Inclosure (14) in No. 31, Page 183.

Roddam directs us to make application for a remuneration for what he has done; we shall feel obliged by your saying to whom we ought to apply for this remuneration, and are, &c.

Henry Chamberlain, Esq. GORING, RISK, & Co.

GENTLEMEN, (15.) *Rio de Janeiro, March* 26, 1825.

IN reply to your Letter of the 14th instant, requesting payment of the expenses incurred for the maintenance of 39 Negroes saved from a Wreck by Captain Roddam, of the Brig *Accession,* and signifying your wish to be informed to whom you ought to apply for the remuneration which Captain Roddam expects for what he has done; I beg to acquaint you, with respect to the first point, that it seems likely there will speedily take place a definitive arrangement, by which funds will be procured for paying the several expenses incurred in the salvation of these Negroes, when the Claims of Captain Roddam will be duly contemplated; and, with respect to the second point, meritorious as Captain Roddam's conduct has been, and deserving, as he is, of remuneration, I do not know where you ought to apply to procure it for him, unless indeed it were looked for from the wages of the Negroes themselves, after the expenses have been paid, since it is clear that, but for his efforts and humanity, they would not now be in existence to earn them. I am, &c.

Messrs. Goring, Risk and Co. H. CHAMBERLAIN.

SIR, (16.) *Rio de Janeiro, April* 9, 1825.

WE take the liberty to submit to your consideration, a Copy of a Correspondence, relative to the Negroes saved by the *Accession,* which arose from a verbal communication with one of the Parties, who objected to our being present at any meeting on the subject of the final arrangement, but requested our giving, in writing, our estimate of the remuneration we thought Captain Roddam entitled to: this we have stated, and hope you may not judge the same unreasonable, on consideration of the value of his exertions in the cause of humanity.

It will afford us much pleasure to receive your approbation hereof at your earliest convenience, and are, &c.

H. Chamberlain, Esq. GORING, RISK, & Co.

SIR, (Translation.) *Rio de Janeiro, April* 7, 1825.

THE Letter which I received from Signor Oliveira, in reply to that I addressed to him, relative to the recompense due to Captain Roddam, of the Brig *Accession,* for saving the 39 Blacks from the Wreck of the Brig *Lisboa,* conveys, in general terms, that this recompense will not be forgotten. I, however, as the Attorney of the Captain, ought to know, now that the affair is settled, what this recompense is,

and I think it ought not to be less than a third of what the wages may produce, when the expenses are paid, a claim to which he would have a right, had they been Slaves. Now, however, that they are free, and that the Parties interested, notwithstanding, gain a profit by them, the Preservers ought to share in the same.

I beg the favour of a reply, and am, &c. &c.

Senor J. A. d'Oliveira Silva. A. T. GORING.

SIR, (Translation.) *Rio de Janeiro, April 7*, 1825.

IN reply to your Letter, in which you claim, on the part of Captain Roddam, a third part of the product of the wages, deducting the expenses of the 39 Negroes saved by the Brig *Accession*, which he commanded; we are to inform you, that, having spoken with Mr. Consul-General, he told us by Letter, that the settlement of the Salvage was to be made with his approbation; we therefore wish you would address to him a Copy of your Letter to us, and get him to state, whether he approves or not your Claim, in order that we may thereupon give an Answer in agreement with the Underwriters.

And we are, &c.

JOZE ANTO. D'OLIVRA. SILVA.

Mr. A. T. Goring. JOZE ALEXANDRE FERA. BRANDAO.

SIR, (17.) *Rio de Janeiro, June 22*, 1825.

AGREEABLY to the conclusion we came to, when I had the pleasure to wait upon you, on the subject of a recompense for Captain Roddam and Crew of the *Accession*, for their exertions in saving 39 Negroes from the Wreck of the Brig *Lisboa*, I beg leave to state, that, on behalf of Captain Roddam, I am perfectly willing to the remuneration of 25 per Cent. on the proceeds of the Negroes' wages, as you suggested, reserving one-fifth of the same as a fund for their benefit, when the period of their servitude expires; and hope such arrangement will meet the views of the Parties concerned.

I am, &c.

H. Chamberlain, Esq. ANTHONY T. GORING.

SIR, (18.) *Rio de Janeiro, June 27*, 1825.

IN reply to the Letter dated the 23d instant, with which your Excellency honoured me, I have to reply, that I am authorized to accede to the requisition made on the part of Captain Roddam of the Brig *Accession*, for saving the 39 Negroes from the Wreck of the Brig *Lisboa*, of 25 per Cent, on the wages of the said Negroes, deducting all expenses incurred, either on them or by this Claim, and to be paid in the same manner as they may be received, without any disbursement being made on the part of the Persons prejudiced.

This resolve being, as I judge, agreeable to your Excellency, I profit, &c.

H. Chamberlain, Esq. JOZE ANTONIO D'OLIVRA. SA.

No. 44.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.
(Received November 3.)

(Extract.) *Rio de Janeiro, August 8, 1825.*

In furtherance of your directions, I have this day communicated to His Majesty's Consuls, and Vice-Consuls, your desire that the Masters of British Vessels may be warned not to take on board Slaves as passengers, or as attendants on passengers, unless in cases of absolute distress at Sea.

A Public Notice to the same effect has been already affixed in the Vice-Consular Office in this City.

The Right Hon. George Canning. H. CHAMBERLAIN.

No. 45.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.
(Received November 3.)

SIR, *Rio de Janeiro, August 10, 1825.*

I BEG to acknowledge the receipt of your Despatch of this Series, of the 15th of June last, accompanied by a Copy of the Papers, marked A and B, relative to the Slave-trade, which have been presented to both Houses of Parliament by His Majesty's Command, in the course of the late Session. I have, &c.

The Right Hon. George Canning. H. CHAMBERLAIN.

No. 46.—Mr. Secretary Canning to Mr. Consul-General Chamberlain.

SIR, *Foreign Office, November 12, 1825.*

YOUR Despatches of the Slave-trade Series of this year, to the 10th of August, have been duly received.

I have to express to you the approbation of His Majesty's Government, of the discretion and humanity which have marked your conduct, in the case of the Negroes which were saved by the Brig *Accession*, from on board of a Wreck at Sea. I am, &c.

H. Chamberlain, Esq. GEORGE CANNING.

No. 47.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.
(Received November 24.)

SIR, *Rio de Janeiro, September 23, 1825.*

HAVING collected the principal facts of all the Cases I could ascertain of Brazilian Slave-vessels, found trading within the prohibited Districts, North of the Line, that had cleared out for the Islands of St. Thomas and Princes, and for Molembo, with leave to touch at those Islands, and in the Camaroon River; I proceeded to execute the Instructions contained in your Despatch of the 15th of June of

the present year. And, drawing out an urgent Representation, framed upon those Cases, presented it to the Minister on the 10th instant.

As he had not made any Communication in answer to the Letter I wrote on the same subject last year, beyond acknowledging its receipt, and stating that it would be sent to the President of Bahia to be reported upon, previous to any decision being come to by this Government on the subject, I thought it well to advert to this silence, and to express the deep regret of His Majesty's Government at the long period that had been suffered to elapse since that Representation was made, without any further notice being taken of it.

I have this day received an Answer from M. de Carvalho, stating that the Report directed to be made by the President of Bahia, had not yet reached the Government, wherefore the Instructions sent on the 27th of October of last Year had been renewed, and promising, that as soon as the Report should be received, The Emperor's decision on the subject shall be sent to me. I am, &c.

The Right Hon. George Canning. H. CHAMBERLAIN.

(Inclosure 1.*)—Mr. Consul-Gen. Chamberlain to M. de Carvalho e Mello.*

SIR, *Rio de Janeiro, September* 10, 1825.

I HAD the honour, on the 20th of October of last Year, to address your Excellency upon the mischievous effects resulting from the practice of granting permission to Slave-vessels to touch at the Islands of St. Thomas and Princes on their passage from this Country to Molembo, and other Ports on the Coast of Africa, South of the Line; and to solicit, in the name of my Government, that the form of the Passport, from which these evils spring, might be altered.

To this your Excellency replied, on the 29th of the same month, that my Note had been transmitted to the President of Bahia, in order that his Report thereon might be laid before The Emperor, since when, nothing further has been communicated to me. Having waited patiently during this period, without receiving any answer, it will not create surprize if I put an end to so long a silence, by requesting to know whether the Government has received the Report, and has come to a decision upon my Representation. The necessity for some Measure that shall prevent the continuation of the frauds complained of having become more than ever requisite.

The accompanying Document (A) which I place in your Excellency's hands by order of His Majesty's Government, contains the names and particulars of no less than 10 Brazilian Vessels found, at different periods, in Ports upon the Coast, within the prohibited Districts, North of the Line; many of them with cargoes of Slaves on board, and all having sailed originally from Bahia; two for the Islands of St. Thomas and Princes, and the other eight, ostensibly for Molembo, with permission to touch and trade at those Islands, and at

the River of Camaroons. The number of Cases of the same kind which are thus found to occur, refute the pretexts continually alleged, of the particular Cases of distress, and prove to a moral certainty, that such pretexts in these Cases are false and fraudulent; and that the purpose for which Slave-vessels touch and remain at these Ports, North of the Line, is not to refit and refresh from distress, but to take Slaves from these parts of the prohibited District.

Can it be believed, for example, that the *Cerqueira*, after being only 22 days at Sea, should be in want of provisions, or that the pretext under which she remained at Onim 44 days is the true one! and is there any material difference between her Case and that of the *Minerva* and the *Creola*?

It seems, moreover, very extraordinary, and, therefore, calling for remark, that neither of these Vessels were to return direct to the Port in Brazil, whence they had originally sailed!

The *Estrella*, with permission to touch and trade at St. Thomas and Princes on her way to Molembo, did not even take the trouble to go near either of these Islands, but, as appeared upon her log, boldly steered a direct course for the Gold Coast, whence she proceeded to Onim, and was captured shortly after leaving that Port with a full cargo of Slaves on board. The *Santo Antonio de Lisboa* having cleared out for Molembo, with permission to touch at the same Islands, steered, in like manner, a direct course for the Bight of Benin, remained at Porto Novo five months, took in a cargo of Slaves there, and was captured with them on board just after she had put to Sea.

The *Commerçiante*, with a like permission to touch and trade at St. Thomas, Princes, and the River of Camaroons, on her way to the same Port of Molembo, made Cape Palmas, in five degrees North Latitude, on the 36th day after she sailed from Bahia; and entered the Camaroon River eight days afterwards. She remained there during a period of seven weeks, and was then captured by the Boats of His Majesty's Ship *Driver*. Can it be credited that either of these Vessels ever had the intention of going to Molembo? Could they have any other object in obtaining permission to touch and trade at the Islands of Princes and St. Thomas, and in the Camaroons, than that of having a ready excuse for being found in Latitudes North of the Line?

In fact, each individual Case of those enumerated in the accompanying List, offers but too clear evidence of the intention with which the permission was obtained. And the whole, taken together, presents a mass of proof, irresistibly demonstrating, that the evasion of the Engagements and Laws of their Country, is the real motive for following so circuitous, so unnecessary, and (for all other but fraudulent purposes) so disadvantageous a course as this, on a voyage from Bahia to Molembo. The bare inspection of the Map is sufficient to satisfy any unprejudiced Person, that such a course can only be taken with sinister views.

The winds and currents are known to be entirely adverse to a voyage down the Coast *from* these Islands *to* Ports South of the Line.

The very Log-books, and Protests of some of the Masters of these Vessels, record as the best, and in some cases the sole excuse, for being found in Ports North of the Line, that the winds and the currents had forced them there, in spite of all their efforts to get to the Southward.

Is it conceivable then that a Vessel from Bahia, really and *bonâ fide* bound to Molembo, should seek to encounter these obstacles: that she should by choice touch at these Islands, with the fore knowledge, the positive certainty, that her voyage must thereby be rendered tedious, and may be wholly frustrated?

Common sense revolts against such a belief. There can be but one motive for taking this course, and for obtaining these permissions; consequently the expediency of putting an entire stop to their being issued cannot be questioned. My Government, however deeply it regrets the delay that has taken place in the decision of the Brazilian Government upon the Representation made last year, does justice to their benevolent sentiments, and trusts with confidence to their recorded intentions.

It counts upon their taking effectual and immediate Measures to prevent the fraud from being continued with impunity, and that Orders will be issued to the respective Authorities, not to allow the permission, from which these evils originate, to be inserted in any Passports hereafter granted to Slave-Vessels bound to Places South of the Line, where this unhappy Trade is still allowed to be carried on. I am, &c.

H. E. Luiz Joze de Carvalho e Mello. H. CHAMBERLAIN.

(*Inclosure* 1. *A.*)—*LIST of Vessels found trading in Ports on the Coast of Africa, North of the Line, with Passports permitting them to touch at St. Thomas, Princes, &c.*

1. The *Ninfa do Mar*, sailed from Bahia on the 14th August 1821, for the Islands of St. Thomas and Princes,—was captured, on the 6th April 1822, off Whydah, by His Majesty's Ship *Iphigenia.*

2. The *Defensora da Patria*, sailed from Bahia on the 21st of August 1821, for St. Thomas, and cleared from thence on the 4th February 1822, for Cabinda, but was taken on the 28th of April following, at Old Calabar, with 100 Slaves on board.

3. The *Esperança Felix*, sailed from Bahia sometime in 1821, with a Passport for Molembo, and leave to touch at St. Thomas and Princes, and was captured at Onim on the 7th April 1822, with 187 Slaves on board.

4. The *Estrella* sailed from Bahia in March 1822, for Molembo with leave to touch at St. Thomas and Princes—she went straight to the Gold Coast, and thence to Onim, where she took in a cargo of Ne-

groes, and was captured after leaving that Port, and condemned at Sierra Leone.

5. The *Santo Antonio de Lisboa* sailed from Bahia on the 13th May 1822, for Molembo, with leave to touch at St. Thomas and Princes; she arrived in June at *Porto Novo*, in the Bight of Benin, where she remained five Months, was boarded by several British Men of War during that Period, and was finally captured in 6. 20. North, with a cargo of 336 Slaves on board.

6. The *Commerciante* sailed from Bahia on the 10th of June 1822, with a Passport for Molembo, and leave to touch and trade at Camaroons, Princes, and St. Thomas. She came in sight of Cape Palmas on the 16th July, (36 days after she left Bahia), and entered the River Camaroons eight days afterwards, where she remained till the 7th of September, when she was captured by the Boats of His Majesty's Ship *Driver*.

7. The *Conceiçao* sailed from Bahia on the 1st. August 1822, bound to Molembo, with leave to touch and trade at the Islands of Princes and St. Thomas, and the Camaroons; she took in a cargo of 207 Negroes in the Camaroons, and was captured on the 13th of November, off St. Thomas, by His Majesty's Ship *Bann*.

8. The *Creola* sailed from Bahia for Molembo on the 29th October 1823, with leave to touch at St. Thomas and Princes Islands. She was detained at Lagos (Onim), on the 30th January 1824.

9. The *Cerqueira* sailed from Bahia for Molembo on the 8th November 1823, with leave to touch at St. Thomas and Princes, and on the 17th December arrived at Onim, under the pretext of being in want of provisions—which want was discovered after she had been *only* 22 *days at Sea!* She remained at Onim 44 days,—and was at length detained and sent to Sierra Leone, where, having no Negroes on board, she was liberated.

10. The *Minerva* sailed from Bahia on the 14th November 1823, bound to Molembo, with leave to touch at Princes and St. Thomas,—was detained at Lagos (Onim), Latitude 36. 20. North, Longitude 3. 46. East, on 30th January 1824: was to return to Rio de Janeiro, *via*, Bahia and Pernambuco.

(Inclosure 2.)—M. de Carvalho e Mello to Mr. Consul-Gen. Chamberlain.

Secretary of State's Office for Foreign Affairs,

(Translation.) *September* 22, 1825.

Luiz Joze de Carvalho e Mello presents his compliments to Mr. Henry Chamberlain, His Britannick Majesty's Consul-General, and acknowledging the receipt of his Note of the 10th instant, renewing his representation against the practice followed of granting to Vessels employed in the licit Slave-trade, permission to touch at the Islands of St. Thomas and Princes, alleging that they profit of that opportunity to load Slaves in the prohibited Ports, North of the Line; has to com-

municate, in reply, that the Report on this subject, required from the President of Bahia, on the 27th of October last Year, not having arrived, fresh orders have been issued, under this date, to the said President to transmit this Report, and that, so soon as it arrives, he will hasten to communicate to Mr. Consul-General His Imperial Majesty's resolution on this matter.

L. J. de Carvalho e Mello renews, &c. &c.

H. Chamberlain. Esq.

No. 48.—Mr. Consul Pennell to Mr. Secy. Canning.—(Rec. Dec. 19.)

(Extract.) *Bahia, October 17, 1825.*

WITH reference to my Despatch of the 17th of September last, I have the honour to enclose Copies of the Documents which I obtained from the Intendente da Marinha, respecting the admeasurement of the Brig *Henriqueta.*

1. Portaria, dated Rio de Janeiro, 12th of August 1824.

2. The Ex-President's Letter to the Intendente da Marinha, dated Bahia, 14th of September 1824.

3. *Requerimento* of Joze Cerqueira Lima to the Ex-President, marked A. The Ex-President's *Despacho,* dated Bahia, 23rd of October 1824, marked B. The Intendente da Marinha's Report dated Bahia, 23d of October, 1824, marked C. The Ex-President's *Despacho,* dated Bahia, 29th of October 1824, marked D. The Intendente da Marinha's *Despacho,* dated Bahia 29th of October 1824, marked E.

I also enclose Translations of these Documents made by a Sworn Interpreter.

I have not yet received any Official Answer to my Letter to the President of the 16th ultimo on this subject, although I have been verbally led to expect a satisfactory one, and I believe the subject is under investigation.

I shall forward a Duplicate of this Despatch, open, (together with the Documents) under cover to His Majesty's Consul-General.

The Right Hon. George Canning. W. PENNELL.

(Inclosure 1.)—Portaria. (Translation.)

AN Information was presented to His Imperial Majesty, bearing date the 16th of last May, transmitted by the President of the Province of Bahia, relating to a Representation made by His Britannick Majesty's Consul-General at this Court, against the practice carried on (he says) by the Owners of Vessels employed in the lawful commerce of Slaves, making their admeasurement amount to a greater number of tons, so as to be authorized to carry on board a greater number of Slaves, a practice which he (the Consul-General) exemplified in the Case of the Smack *Nova Sorte,* belonging to that Place; and though it be understood, by the informations and opinions that have been received and

consulted in this Case, viz. that the Vessels have been admeasured according to the method established by the respective Laws, and that the confusion arises from the custom of giving the same name to two different operations; first, the admeasurement for the cargo as to gravity and weight, which is the generally adopted method throughout the World; secondly, the admeasurement for the carrying of Slaves, which has different dimensions and particular rules; yet His Imperial Majesty, being desirous to avoid every and whatever abuse in this respect that may be practised by some of the Owners of the said Vessels, who, prompted by avarice, would sacrifice to a vile profit the lives of those unhappy creatures, heaping them up disproportionately on board the Vessels that transport them, ordains, through the Secretary of State's Office for Foreign Affairs, that the aforesaid President shall issue the most decisive orders to those Authorities of the Province aforesaid, whom this branch of the service may concern, that they may adopt unalterably, in the admeasurement of Vessels employed in the Slave-trade, a certain, fixed and regular method of measuring them by tons, which may provide against the inconveniences stated in the aforesaid Representation of the British Consul, and that the humane views, so much recommended by a liberal policy, and which moreover so becomes the credit of the Authorities, who ought to observe the Stipulations of the Treaties and Conventions against frauds in the lawful commerce of Slaves, may be thoroughly fulfilled.

Given at the Palace of Rio de Janeiro, on the 12th of August 1824.

LUIZ JOZE DE CARVALHO E MELLO.

(Inclosure 2.)—The President of Bahia to the Intendente da Marinha.

(*Translation.*)

SIR, *Palace of the Government of Bahia, Sept.* 14, 1824.

I TRANSMIT to you a Copy of the Portaria, dated the 12th of last August, in which His Imperial Majesty ordains, through the medium of the Secretary of State for Foreign Affairs, that, in the admeasurement of the Vessels employed in the lawful commerce of Slaves, there shall be adopted in this Province, an unalterably fixed, certain, and regular method of measuring them, according to the admeasurement for Cargoes as to gravity and weight, which is general in all Nations, in order that you may cause the determinations mentioned in the aforesaid Portaria to be put in practice, as lays in your power.

The same Notice is sent to the "Meza da Inspecção," in order to proceed uniformly in these operations.

May God preserve you.

FRANCISCO VICENTE VIANNA, P.

The Intendente da Marinha.

(*Inclosure* 3. A.)—*Requerimento of Joze Cerqueira Lima to the Ex-President.*—(*Translation.*)

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

JOSEPH CERQUEIRA LIMA, Owner of the Brig *Henriqueta*, now laden, and bound for Molembo, on a lawful commerce of Slaves, states, that the said Vessel, being admeasured for this voyage in the month of September last, according to the Alvará, with the force of a Law, dated the 24th of November 1813, which was ratified and ordained to be fulfilled by the Convention between His Most Faithful Majesty and The King of Great Britain, bearing date the 28th of July 1817, it appears that the Chefe de Divisão Graduado, Intendente da Marinha, having received from your Excellency a Portaria issued by the Secretary for Foreign Affairs, dated the 12th of August this present Year, in which it was ordained to provide against the abuses introduced in the admeasurements of Vessels, gave orders that a new method of ascertaining the tonnage should be put in practice, differing from the method established in the above-mentioned Alvarã, with the force of a Law, which orders two tons to be reckoned for five Slaves, without any distinction between the upper and lower decks, adopting a different admeasurement formerly practised in this Province, viz. four tons for every seven Slaves in the lower deck, a method which cannot be followed, as it is contrary both to Law and Treaty, and the consequence moreover being the very considerable damages the said Joseph Cerqueira Lima has to suffer, he having caused the aforesaid Vessel to be laden, her tonnage being reckoned as the Law directs. And as the said Law cannot be altered but by an express repeal in the form of the Book of Laws (Ordinação), Book 2, Title 44; and as it is even offensive to the Law of Nations, the Convention with His Britannick Majesty being still in force in the Empire of the Brazils;

For these reasons, the said Joseph Cerqueira Lima begs your Excellency will be pleased to issue orders to the Chefe de Divisão Graduado, Intendente da Marinha, that he may put in practice the directions of the Law, which is expressly quoted in the Convention; the method of reckoning two tons to five Slaves is even declared in the Formule of the Passports for the Vessels employed in the Slave-trade, since the Portaria of the 12th of last August does not order the Law or the Convention to be altered, and only recommends the avoidance of abuses, so that the aforesaid admeasurement for tonnage of two tons for five Slaves remains still in force, as the Petitioner pretends it should. E. R. M.

(B.)—Let Snr. Chefe da Divisão, Intendente da Marinha, give his information. VIANNA, P.

Palace of the Government of Bahia, October 23, 1824.

(C.)—Most Illustrious and Most Excellent Sir,

The Petitioner's Brig was admeasured by this Intendencia, according to the last Orders from His Imperial Majesty, communicated by a Portaria from the Secretary of State for Foreign Affairs, a Copy of which your Excellency sent me, but of which I cannot state the date, the Intendencia, where it now is, being shut. This Brig, however, was authorised by that admeasurement to carry 490 Slaves, as far as I can recollect,—a number which still appears to me excessive for so small a Vessel, notwithstanding the said number having amounted before to 600. TRISTAO PIO DOS SANTOS.

Intendencia da Marinha, at Bahia, October 23, 1824.

(D.)—To be sent to Snr. Chefe de Divisão, Intendente da Marinha, to cause the admeasurement for tonnage to subsist according to the Alvarà of the 24th of November 1813, since it has not been repealed by any other subsequent Law.

Bahia, October 29, 1824. VIANNA, P.

(E.)—Let the Despatch of His Excellency the President of the Province be obeyed and fulfilled.

Bahia, October 29, 1824. PIO DOS SANTOS,

No. 49.—Mr. Consul Pennell to Mr. Secy. Canning.—(Rec. Dec. 19.)

(Extract.) *Bahia, October* 18, 1825.

I have the honour to inform you, that on the 22d. ult., the Smack *Caridade* arrived here with a Cargo of Slaves from Molembo. On the 24th I was informed that she had brought 303 Slaves, although the Royal Passport allowed only 220, and also that, although the Master had reported only one death, and the rest healthy, yet, that four were seen on board by an intelligent and impartial witness, almost in the agonies of death, with an infectious disease, and that a strong belief remained on his mind that the mortality had been greater than the Master had reported.

I prepared an immediate Representation to the President on the subject, and I have now the honour to enclose Copy thereof. I have not hitherto received any reply.

I shall forward Duplicate of this Despatch under cover to Mr. Consul-General Chamberlain, together with that of yesterday's date, with a view to the object therein stated.

The Right Hon. George Canning. W. PENNELL.

(*Inclosure.*)—*Mr. Consul Pennell to the President of the Province of Bahia.*

Sir, *Bahia, October* 6, 1825.

I beg leave to acquaint your Excellency with the circumstance of the Smack *Caridade's* arrival from Molembo, with 303 Slaves, being

announced in the "Diario" of the 26th of September: this number is in violation of the Treaty.

I find, on enquiry, at the Arsenal, that the *Caridade*, measures, 88¾ tons, which would allow her to carry only 220 Slaves, but as this admeasurement is founded on the abuse complained of in my Despatch of the 16th ultimo, and reprobated by the Portaria of the 12th of August, 1824, it must be presumed that she has not a *bonâ fide* right to carry within a considerable number of even 220.

I believe there are other circumstances with regard to this Vessel deserving of enquiry.

In bringing these facts under your Excellency's consideration, I am persuaded my conduct will be approved of by both our Governments, which will be more than a sufficient recompense for any partial odium which it may excite elsewhere. I have the honour to be, &c.

H. E. Joao Severiano Maciel da Costa. W. PENNELL.

No. 50.—Mr. Consul Pennell to Mr. Secy. Canning.—(Rec. Dec. 28.)

SIR, *Bahia, November 5, 1825.*

WITH reference to my Despatch of the 18th of October, I have the honour to enclose Copy of my Letter to the President of this Province, of the 3d instant, also his Reply of the 4th, and a Translation thereof.

I have the honour to be, &c.

The Right Hon. George Canning. W. PENNELL.

(Inclosure 1.)—Mr. Consul Pennell to the President of the Province of Bahia.

SIR, *Bahia, November 3, 1825.*

I BEG leave to remind your Excellency that I am without any reply to the Letters which I had the honour to address to you on the 10th and 16th of September, and 6th of October last. I am particularly desirous to communicate to His Majesty's Government the decision which your Excellency may make on two of them, namely, that of the 16th of September, respecting the non execution of the Portaria of the 12th of August, 1824, as regards the admeasurement of Vessels employed in the Slave-trade, and that of the 6th of October, respecting the violation of the Treaty in the instance of the Smack *Caridade;* a decision to which I am persuaded great interest will be attached.

I have the honour to be, &c.

H. E. Joao Severiano Maciel da Costa. WM. PENNELL.

(Inclosure 2,)—The President of the Province of Bahia to Mr. Consul Pennell.—(Translation.)

Palace of the Government of Bahia,

MOST ILLUSTRIOUS SIR, *November 4, 1825.*

I HAVE received your Letter of yesterday, representing the im-

portance of a speedy reply to your Letters of the 10th and 16th of September, and 6th of October, which had been delivered to me.

It being necessary to discover the truth, the knowledge of which depends not only on information from the Board of Inspection, but also on other individual informations, I have not been able to satisfy your representation.

I can however, assert, that although it did not apear to me coherent to occupy your attention with vague replies, yet I shall, in the shortest time possible, accomplish what you represent.

On this occasion I renew, &c.

VISCONDE DE QUELUZ.

The Consul of His Britannick Majesty.

No. 51.—Mr. Consul Pennell to Mr. Secy. Canning.—(Rec. Dec. 28.)

SIR, *Bahia, November 5, 1825.*

I HAVE the honour to acknowledge the receipt of your Despatch of the 24th of July last (marked Slave Trade), containing the Report of The King's Advocate, with regard to the legality of the employment of British Shipping, as described in my Letters of the 1st and 15th of April.

The impression under which I gave my opinion to the Master of a British Vessel, as to the Law, was, that the Charter then contemplated was illegal, if he *knew* that the cargo was destined for the Traffick in Slaves ; but it was assumed that such knowledge, if denied, could not be legally proved.

The English Vessel which sailed for Africa, North of the Line, was the Brig *George and James*, of London, William Ramsay, Master, burthen 94 tons, Owner, Matthew Forster, loaded with tobacco, sailed in March last, with a crew of nine persons. Subsequent to the date of my Despatch of the 15th of April, Andrew Smith, Master of the English Brig *Grecian*, consulted me on a similar Charter, which I discouraged, and which he rejected. No English Vessel has since sailed on this voyage, nor do I think any will in future, under the same circumstances, particularly as your Despatch will enable me to oppose it with additional authority. It has, however, been observed, that no Charter to Africa from hence (unless to a British Settlement) can be made, that is not subject to great suspicion as to its illegal objects, and, that, in point of fact, if such suspicion be a legal objection, it is tantamount to a prohibition of trade to English Vessels, from this Province to Africa.

The Charters which were thus refused, appear to have been taken by American Vessels, of which the three following have since sailed for Africa :—the Brig *Fenelon* of 115 tons ; the Brig *William*, of 200 tons ; and the Schooner *La Fayette* of 75 tons.

The above-named English Brig *George and James* was chartered by the Owner of the Smack *Caridade*, whose cargo of Slaves forms

the subject of my Letter of the 18th October. It is probable, highly probable that the cargo of the *George and James*, was appropriated to the purchase of the Cargo of the *Caridade*.

I have the honour to be, &c.

The Right Hon. George Canning. W. PENNELL.

No. 52.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.
(Received December 31.)

SIR, *Rio de Janeiro, October 10, 1825.*

ON the 23d ult. I had the honour to transmit a Copy of the Representation, and its Inclosure, which, in obedience to your Instructions, I addressed to this Government, upon the subject of licensing Slave-vessels to touch at the Islands of St. Thomas and Princes, and in the Camaroons, North of the Line.

A few days ago I received from Snr. Francisco Villela Barboza, M. de Carvalho's Successor in Office, an Answer to that Representation, inclosing a Copy of the Report of the President of Bahia upon my former Application, on the same subject, of the 20th October of last Year. Copies of both these Documents, accompanied by Translations, will be found inclosed.

M. Villela sets out with stating, as you will perceive, Sir, that the Report from Bahia, dated the 6th of last month, includes as well the Representation made here on the 10th (four days afterwards), as the preceding Application of the 20th October, 1824, and, upon reference to the Report itself, you will observe, that the President thought it convenient to consult, not only the Meza d'Inspecção, (the Board of Trade), but some Merchants, upon the Question of whether it is right or wrong to cease giving the objectionable Licences. Who these Merchants are does not appear; but they may be some of the identical Individuals most interested in the continuation of the very abuse we are endeavouring to put down. None of the Papers referred to in the Report have been sent to me.

The tenour of M. Villela's Reply places it, however, beyond doubt, that there is no intention to accede to the request for the suspension of the Licences. Wherefore, there is now no remedy but to use the means we possess for checking the improper use made of them: and, as the Minister repeats the President's recommendation, to resort to the existing Treaties and Conventions for those means, they cannot object to our following their advice.

The Second Article of the Additional Convention, signed at London, the 28th July, 1817, restricts the Slave-trade to Places "within the Territories of the Crown of Portugal from 5° 12′ South Latitude to 18° South Latitude," and the Passport for Slave-vessels destined for the lawful traffick, (whose form is part of the Convention), makes it obligatory on the Master and Owner of Slave-vessels "to

enter solely such Ports on the Coast of Africa where the Slave-trade is permitted."

The detention of Brazilian Slave-vessels, when found upon the Coast any where to the Northward, would be fully borne out by these Stipulations.

The claim to the right of giving Licences to Slave-vessels to go to any Ports or Places but those where the trade is permitted, could not be successfully maintained in the face of the words of the Passport.

I have the honour, &c.

The Right Hon. George Canning. H. CHAMBERLAIN.

(Inclosure 1.)—M. Francisco Villela Barboza to Mr. Consul-General Chamberlain.

(Translation.) *Palace of Rio de Janeiro, Oct. 5,* 1825.

HAVING, as you have been already informed, ordered the Government of the Province of Bahia to report upon the representations you made in your Offices of the 20th of October of last Year, and the 10th of September of the present Year, against the practice followed in granting Licences to the Ships employed in the licit Slave-trade, to touch at the Islands of St. Thomas and Princes, because the Masters of the Vessels profit thereby to trade in the Ports prohibited by the Treaty, the present President of the said Province has just fulfilled that Order, after having consulted the Board of Inspection (Meza d'Inspecção) there; and by the Report it has given in, of which I enclose a Copy, His Imperial Majesty's Government have perceived, not only that there has been no foundation for those your representations, but also how very indecorous it would have been for the said Government, and even offensive to the rights of their Subjects, if, from the mere apprehension of a contingent illicit trade, they should have prohibited their touching at those Ports that are not forbidden to them; and the more so, that there being a Treaty, by which means are afforded for preventing the illicit trade in Slaves, every measure therein established might be applied for the said purpose.

On this occasion I renew, &c.

H. Chamberlain, Esq. FRANCISCO VILLELA BARBOZA.

(Inclosure 2.)—Report of the President of Bahia.—(Translation.)

Palace of the Government of Bahia, September 6, 1825.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

AMONGST the Portarias ordering information, delayed by and passed to me from my Predecessor, I find the inclosed, in which His Imperial Majesty orders the President to make his Report on the Representation of His Britannick Majesty's Consul, of which a Copy is annexed, the which states, that the Licence granted to the Ships which trade to Africa, of touching at the Islands of St. Thomas and Princes, is con-

trary to the Interests of the British Government, because he Traders profit thereby to trade illicitly in Slaves, in the Ports of the African Continent prohibited by the Treaty and Conventions with the said Government. It appeared necessary to consult the Board of Inspection and some of the Merchants on the British Consul's Representation, and my Predecessor ordered this to be done. From the Reports herewith, your Excellency will see, that neither the Board, nor the Merchants consulted, find any reason in the pretension of the Consul, as offensive to the Law of Nations, by which Independent Nations ought not to submit to orders prohibitory and offensive to the liberty of other Nations: and, in truth, it would have been injurious to His Imperial Majesty's Government, and offensive to the Rights of His Subjects, to hinder them from trading to free Ports, only because the English fear, that from thence they can easily carry on the illicit trade, on the prohibited Coasts of the African Continent. It would be curious to see what the British Government would answer, had such or similar propositions been made by the Government of His Imperial Majesty. They have the Treaty; let them employ the means that are granted to them to prevent the illicit trade which they apprehend. This is my opinion, and your Excellency will, with your well-known experience, lay it before His Imperial Majesty, who will determine on what is best.—God preserve your Excellency.

The President of the Province.

JOAO SEVERIANO MACIEL DA COSTA.

LUIZ MOUTTINHO LIMA ALVAREZ E SILVA.

The Most Illustrious and Most Excellent
Snr. Luiz Joze de Carvalho e Mello.

No. 53.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.
(Received December 23.)

SIR, *Rio de Janeiro October 21, 1825.*

THE Reply of the Visconde de Paranaguá, (M. de Villela Barboza,) of which I had the honour to transmit a Copy and Translation in my Despatch of the 10th instant, having pointedly referred to existing Treaties for the means of putting down illicit Slave-trade; I formed the resolution to try the effect of his recommendation, upon himself.

With this view, I have just addressed to him a Letter, accompanied by two Extracts from the Additional Convention of London, of July, 1817, shewing that the Slave-trade is restricted to Ports within the Portuguese Territories South of the Line; and that Brazilian Slave-vessels are not at liberty to enter any Ports or Places where the Trade is not permitted. And I have formally called upon him, in the name of my Government, to forbid the issue of the objectionable Licences,

and to cause the Engagements contained in the Convention to be observed according to their tenour. I have the honour to be, &c.

The Right Hon. George Canning. H. CHAMBERLAIN.

(Inclosure.)—Mr. Consul-Gen. Chamberlain to the Visct. de Paranagud.

SIR, *Rio de Janeiro, October* 21, 1825.

I HAVE had the honour to receive your Excellency's Note of the 5th instant, together with its Inclosure, relating to the practice of granting Licences to Slave-vessels bound to Ports South of the Line; and referring to the existing Treaties and Conventions, as containing the means for putting a stop to any contraband trade in Slaves.

Availing myself, at once, of this recommendation, I take the liberty to inclose two Extracts (A) from the Additional Convention, signed at London on the 28th of July, 1817; the first describing the limits within which the Slave-trade is still permitted on the West Coast of Africa, namely, from 5. 12. South Latitude to 18. South Latitude; and the second, an Extract from the Formulary of Passport to be granted to Slave-vessels, making it obligatory upon them to enter only into those Ports on the Coast of Africa where the trade is permitted.

Your Excellency will not fail to perceive, that to grant Licences to touch at any Ports or Places North of the Line, or other than those where the trade is permitted, is a palpable infraction of this Formulary which it supersedes, and renders of no effect.

And I, therefore, formally call upon your Excellency, in the name of my Government, to forbid the continuance of this highly objectionable deviation from existing Engagements, and to cause the Convention to be observed according to its stipulated tenour.

I avail myself of the opportunity, &c.

The Viscount de Paranagud. H. CHAMBERLAIN.

(Inclosure A.)—Extract from the Additional Convention, signed at London on the 28th of July, 1817.

"ART. 2. 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.

"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 (Western)* Coast of Africa, from the 5th degree 12′ to the 8th degree South Latitude."

Extract from the Formulary of Passport, for Vessels employed in the licit Slave-trade, annexed to the Additional Convention before mentioned.

" Os ditos Mestre e Dono do dito Navio ficando obrigados a entrar unicamente naquelles Portos da Costa de Africa onde o Trafico de Escravatura he permittido."	" 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."

No. 54.—Mr. Secretary Canning to Mr. Consul-General Chamberlain.

SIR, *Foreign Office December* 31, 1825.

YOUR several Despatches of the Slave-trade Series, numbered and dated as in the margin of this Despatch, (up to the 21st October last,) have been received and laid before The King. I have, &c.

H. Chamberlain, Esq. GEORGE CANNING.

No. 55.—Mr. Secretary Canning to Mr. Consul-General Chamberlain.

SIR, *Foreign Office, January* 18, 1826.

I HAVE to express to you His Majesty's gracious approbation of your conduct, in calling formally upon the Government of Brazil, to give orders for prohibiting the issue of Licences to Slave-vessels, to touch at any other Ports or Places than those which, according to the existing Treaties, they are yet allowed to enter; namely, the Ports and Places claimed by the Crown of Portugal, as her Territory, on the Coast of Africa to the South of the Equator.

I transmit to you, for your information, the Copy of a Letter, which, under my direction, has been addressed upon this subject, by one of the Under Secretaries of State of this Department, to the Secretary to the Admiralty.* I am, &c.

H. Chamberlain, Esq. GEORGE CANNING.

No. 56.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.

(Received February 1, 1826.)

SIR, *Rio de Janeiro, October* 28, 1825.

I HAVE the honour to forward herewith, Copies of two Returns received from Mr. Pennell, His Majesty's Consul at Bahia, shewing the number of Slaves imported into, and exported from Bahia, from the 1st of January to the 30th of June of the present Year. I have, &c.

The Right Hon. George Canning. H. CHAMBERLAIN.

* See Inclosure in No. 25, Class A, Page 73.

(Inclosure 1.)—A RETURN of the Number of Slaves imported into Bahia, from the 1st January to the 30th June, 1825.

Date of Arrival.	Name of Vessel.	Whence.	Number of Negroes.		
			Embarked.	Died.	Landed.
1825.					
January 6	*Conceiçao de Maria* .	Molembo ...	179	..	179
February 9	*Sacramento*	Do.....	231	..	231
March 13	*Henriqueta*.....	Do.....	504	..	504
.. ..	*Sao Joao*	Do.....	222	..	222
May 3	*Carlota*	Do.....	352	..	352
.. 25	*Aurora*.....	Do.....	83	..	83
			1,571	..	1,571

(Inclosure 2.)—A RETURN of the Number of Slaves exported from Bahia, from 1st January to 30th June 1825.

Date of Sailing.	Name of Vessel.	Where Bound.	Number of Negroes.
1825.			
January 15	*Sao Joao*	Rio Grande	10
March 7	*Tiberio*	Rio de Janeiro	66
June 1	*Marianna*	Do.....	48
.. .	*Conceiçao de Maria*.....	Do.....	15
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No. 57.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.
(Received February 1, 1826.)

SIR, *Rio de Janeiro, November 21, 1825.*

THE unsatisfactory state in which this Government have left the question of the Licences, authorizing Slave-ships to touch at Places North of the Line, has induced me to write to Mr. Consul Pennell, (at whose Port by far the greatest number of these improper Licences are granted,) advising him to urge the Visconde de Queluz to put a stop to this abuse, as an evident violation of the Treaty of 1817.

His Excellency Sir Charles Stuart, whom I have consulted, agrees with me in this view of the practice, and has been so good as to say he would use his influence with the Visconde to procure its cessation.

A Copy of my Despatch to Mr. Consul Pennell will be found enclosed.

I have, &c.

The Right Hon. George Canning. H. CHAMBERLAIN.

(Inclosure.)—Mr. Consul-Gen. Chamberlain to Mr. Consul Pennell.

SIR, *Rio de Janeiro, November* 19, 1825.

I HAVE lately called the attention of this Government to the irregular and mischievous practice introduced at Bahia, of authorizing Slave-vessels, bound from thence to Molembo, to touch at the Islands of St. Thomas and Princes, and at other Places North of the Equator, contrary to the declared intention of the two High Contracting Parties, and the positive words of the Passport, whose Form is stipulated in, and therefore makes a part of, the Treaty of London of 1817.

Not knowing whether this Government has issued any Orders, or whether any reference has been made to the President of Bahia, I enclose, for your information, a Copy of my last Representation on this subject; and I think it would be advisable, that you should take an opportunity of mentioning this matter to the Visconde de Queluz, and of endeavouring to press upon His Excellency, that a breach of the Engagements with Great Britain is, in fact, committed, every time these undue Licences are granted. I have, &c.

William Pennell, Esq. H. CHAMBERLAIN.

P.S. 21st November. I have mentioned to His Excellency Sir Charles Stuart, the subject of this Despatch; and His Excellency has been so good as to say, that he would take an opportunity, during his stay at Bahia, (for which Place he sails, in His Majesty's Ship *Diamond*, on Wednesday next, the 23d instant,) to bring it before the Visconde de Queluz.

You will, therefore, take His Excellency's commands, respecting the steps you ought to pursue in this matter. H. C.

No. 58.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.

(Received February 3, 1826.)

SIR, *Rio de Janeiro, December* 1, 1825.

IN pursuance of the Instruction contained in your Despatch of September 27th last, of the Slave-trade Series, I have notified to this Government the Appointment of John Tasker Williams, Esquire, to be His Majesty's Commissary Judge at Sierra Leone, under the Treaty between Great Britain and Portugal, for suppressing the illegal Slave-trade. I have, &c.

The Right Hon. George Canning. H. CHAMBERLAIN.

(Inclosure.)—Mr. Consul-General Chamberlain to the Viscount de Santo Amaro.

SIR, *Rio de Janeiro, December* 1, 1825.

I HAVE it in command from His Majesty's Secretary of State for Foreign Affairs, to notify to your Excellency the Appointment of John Tasker Williams, Esquire, in the room of Edward Gregory,

Esquire, deceased, to be His Majesty's Commissary Judge at Sierra Leone, under the Treaty between Great Britain and Portugal, for suppressing the illegal Slave-trade, and to add, that Mr. Williams is under Orders to proceed to his Post.

Profiting of this opportunity, &c.

H. E. The Viscount de Santo Amaro. H. CHAMBERLAIN.

No. 59.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.
(Received February 20, 1826.)

SIR, *Rio de Janeiro, December 19, 1825.*

I TAKE the liberty to send, for your information, the Copy of a Letter, and its Enclosure, received from Mr. Consul Pennell, relating to a Spanish Letter of Marque, belonging to Cuba, that was about to sail from Bahia for St. Thomas, with the intention, as there was reason to suspect, of carrying on the illicit Slave-trade. I also beg leave to enclose a Copy of the Letter, written in reply to Mr. Pennell's request for instructions how to act in such Cases. I have, &c.

The Right Hon. George Canning. H. CHAMBERLAIN.

(Inclosure 1. A.)—Mr. Consul Pennell to Mr. Consul-General Chamberlain.

(Extract.) *Bahia, November 23, 1825.*

I HAVE the honour to enclose a Copy of my Letter of the 21st instant, to the President of this Province, on the subject of a Spanish armed Schooner, in the Merchant Service, (named the *Carlota,*) as connected with the shipping some English sailors, under circumstances of suspicion of being engaged in the Slave-trade: she has a Letter of Marque from the Spanish Authorities at the Island of Cuba, and has loaded here a cargo of tobacco: she is cleared out for the Island of St. Thomas.

I shall be much obliged for any instructions you may deem necessary to guide my conduct on this and similar occasions. I am anxious to perform my duty, without being officious.

H. Chamberlain, Esq. W. PENNELL.

(Inclosure 1. B.)—Mr. Consul Pennell to the President of the Province of Bahia.

SIR, *Bahia, November 21, 1825.*

I HAVE the honour to inform your Excellency that the Master of a Spanish Schooner named *Carlota,* now in this Harbour, has lately engaged seven English seamen to proceed on a voyage, without mentioning any destination, and without having signed Articles: other

alleged facts combine to create a suspicion that she is bound to the Coast of Africa for illegal objects. Under these circumstances I have deemed it my duty to advise the English sailors not to proceed on the voyage, and I make this communication for the purpose of enabling your Excellency to decide, whether these facts are sufficient to call for any further investigation, under your Excellency's authority.

I beg, however, to state, that I do not wish that this Communication should be considered as a claim on your Excellency to take any proceedings against this Vessel, but rather that it may be ascribed to an anxiety that the humane objects contemplated by our respective Governments, as well as by that of His Most Catholick Majesty, as regards the Slave-trade, may not be contravened, from any want of attention on my part to my official duties, as connected with this subject. I have, &c.

H. E. The Viscount de Queluz. W. PENNELL.

(*Inclosure* 2.)—*Mr. Consul-Gen. Chamberlain to Mr. Consul Pennell.*

SIR, *Rio de Janeiro, December* 14, 1825.

IN reply to your Despatch, dated November 23, I have merely to say, that the watchfulness you have shewn to prevent English seamen from serving on board a Foreign Vessel, which there was so much reason to suspect was destined for the illicit Slave-trade, appears to me exceedingly meritorious; and I have no doubt that the steps you took with respect to the *Carlota* will be approved by His Majesty's Government.

The whole circumstances of this Vessel, as stated by you, can leave little doubt of the ends for which she has been fitted out, and I trust you reported her to Government.

Your own judgment will be the best guide for your proceedings on any similar occasions hereafter, for really you have shewn so much temperance and proper feeling upon this, as proves that you require no instructions from me and I should rather fear to clog than to assist you, by giving any. I have, &c.

William Pennell, Esq. H. CHAMBERLAIN.

No. 60.—*Mr. Consul-General Chamberlain to Mr. Secretary Canning.*

(*Received February* 20, 1826.)

SIR, *Rio de Janeiro, December* 22, 1825.

BY late arrivals from the Portuguese Colonies on the Coast of Africa, South of the Line, intelligence has been received of several Piracies committed upon Slave-vessels, even in the very Harbours, by Letters of Marque under Spanish Colours, fitted out in the Island of Cuba.

One Vessel, which arrived the day before yesterday, reports, that a Pirate of this description had boarded, in the Harbour of Cabinda, two Vessels belonging to Rio de Janeiro, and had taken from them 700 picked Negroes, with which she put to Sea.

It is rumoured that a Brig of War is about to be dispatched, for the protection of the trade on that part of the African Coast.

I have, &c.

The Right Hon. George Canning. H. CHAMBERLAIN.

No. 61.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.
(Received February 20, 1826.)

SIR, *Rio de Janeiro, December 23, 1825.*

I HAVE the honour to forward, herewith, a Copy and Translation of a Note from the Minister for Foreign Affairs, acknowledging the receipt of the Notification of Appointment of John Tasker Williams, Esq. to be His Majesty's Commissary Judge of the Mixed Commission at Sierra Leone. I have, &c.

The Right Hon. George Canning. H. CHAMBERLAIN.

(Inclosure.)—The Viscount de Stº. Amaro to Mr. Consul-General Chamberlain.—(Translation.)

Palace of Rio de Janeiro, December 23, 1825.

ACKNOWLEDGING the receipt of the Office of Mr. Henry Chamberlain, Consul-General of His Britannick Majesty, under date of the 10th current, wherein he acquaints, that the Secretary of State for Foreign Affairs of His Britannick Majesty, has named John Tasker Williams, Esq. as the Commissary Judge at Sierra Leone, I have to communicate to you that the Government of His Imperial Majesty are fully informed of this nomination.

Henry Chamberlain, Esq. VISCONDE DE Sº. AMARO.

No. 62.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.
(Received March 3.)

(Extract.) *Rio de Janeiro, January 4, 1826.*

IN transmitting the Annual Returns of the Slave Importations into this Place during the year 1825, I beg to call your attention to the Ship *General Rego*, which arrived here on the 10th November from Angola, with a cargo of 427 Slaves; having commenced her voyage from Lisbon with a Clearance, or, as it is called in this Country, a Passport for Angola, and a Port or Ports in Brazil.

I should have felt disposed to take some notice of this Vessel and the Cargo at the time, but for the consideration that the separation of

Brazil from Portugal, however existing *de facto*, had not been recognized by His Most Faithful Majesty, and that, therefore, Portuguese Shipping were still entitled, *de jure*, under the Stipulation of existing Treaties, to carry Slaves from their Colonies in Africa to (what their Government still continued to call) their Colony of Brazil.

In consequence of the Duties upon Merchandize exported from Portugal to the Portuguese African Colonies, being much lower than upon Merchandize exported from hence, it is more profitable to the Individuals concerned in this nefarious Trade to begin their voyages from Lisbon than from Rio de Janeiro; and, therefore, it is not surprising that other Vessels should be dispatched from the Tagus, in the same way as the *General Rego*, on a Slave-trading voyage between Portugal and Brazil. In a *Lisbon Gazette*, received here within these few days, there is an Advertisement, that a Vessel, called the *Conde dos Arcos*, would sail for Rio de Janeiro, on the 20th November, *viâ Angola* or *Benguella*.

The Additional Convention with Portugal, signed at London in July, 1817, will, if duly enforced, prevent Shipping under her Flag from carrying on this trade openly. But there will be no difficulty for Shipping so employed to change Flags whilst in the Ports of Africa, and appear here as Brazilian Shipping; as has been constantly done during the latter part of the late revolutionary war, by the Vessels employed in trade between Brazil and Portugal, who have always managed to be under the Colours of the Country in whose Port they were: and unless the Brazilian Government will cordially lend its co-operation towards checking such evasions, if they should be attempted, it will be very difficult to prevent their being made successfully.

There was no Stipulation in the Additional Convention of 1817, restricting the importation of Negroes into Brazil, to Shipping under the Portuguese Flag.

The Right Hon. George Canning. H. CHAMBERLAIN.

(*Inclosure* 1.)—*RETURN of the Number of Slaves Imported into Rio de Janeiro during the Year* 1825.

Date of Arrival.	VESSEL'S NAME.	Whence.	Slaves. Embarked.	Died	Landed	REMARKS.
1825.						
Jan. 1	*Sete de Março*	Mosambique	92	..	92	
..	*Viajante*	Do.	622	45	577	
	.....	.....	*138	..	*138	* These 138 Slaves formed part of the Cargo of the Brig "Lisboa," bound to this Port, which was fallen in with, in a sinking state, by the "Viajante," who saved these Slaves, and the Master and Crew of the "Lisboa:" 39 others, taken off the same Brig "Lisboa," by the British Brig "Accession," were carried into Bahia, whence they were sent to Rio by His Majesty's Vice-Consul, and disposed of through the exertions of His Majesty's Consul-General, in the same way as Slaves freed under the Mixed Commission.
.. 2	*Constitucional Africano*	Quilimane ..	795	69	726	
.. 26	*Seis de Fevereiro*	Mosambique	414	53	361	
..	*Sr. Jose Diligente*	Cabinda	522	3	519	
Feb. 10	*Adamastor*	Do.	492	5	487	
.. 12	*Velha do Dia*..	Angola	343	48	295	
.. 17	*Mercurio*	Benguella ..	471	4	467	
.. 20	*Conde dos Arcos*	Mosambique	555	42	513	
.. 22	*9 de Janeiro*	Do.	594	22	572	
.. 25	*Vulcano*	Quilimane ..	568	64	504	
Mar. 7	*Maria e Justina*	Ambris	443	12	431	
..	*S. Antonio Triunfo*	Quilimane ..	401	103	298	
.. 9	*Sr. Andre Diligente*....	Angola	343	20	323	
.. 11	*Minerva*	Quilimane ..	516	47	469	
.. 18	*Luiz*	Cabinda	584	5	579	
April 4	*Bom Jesus Triunfo*	Angola	633	91	542	
.. 5	*Conde dos Arcos*	Quilimane ..	400	25	375	
.. 15	*Lucretia*	Angola	300	9	291	
.. 21	*Trajano*.....	Quilimane ..	545	168	377	
..	*Tres Coraçoes*	Ambris	674	..	674	
.. 29	*Esperança*.....	Benguella ..	511	4	507	
May 11	*Despique*	Mosambique	563	142	421	
..	*Boa Uniao*..... ...	Angola	430	36	394	
.. 12	*Poliphemo*	Do.	505	19	486	
.. 26	*Trajano*.....	Benguella ..	518	48	470	
..	*Snra da Guia*.....	Quilimane ..	405	98	307	
June 4	*Tejo*	Cabinda	587	..	587	
.. 14	*Regeneradora*.....	Angola	250	5	245	
.. 18	*Heneriqueta*	Ambris	597	11	586	
..	*Cometa*	Cabinda	660	2	658	
..	*Marianna*	Bahia	48	..	48	
..	*Conceiçao de Maria*	Do.	18	..	18	
.. 22	*Imperio do Brazil*	Quilimane ..	425	198	227	
.. 28	*Mercantil*	Angola	730	8	722	
July 9	*Defensor Perpetuo*	Molembo ...	314	3	311	
.. 23	*Cutia*.....	Angola	360	11	349	
.. 27	*Espadarte*.....	Do.	466	14	452	
Aug. 18	*Activo*	Do.	506	19	487	
.. 24	*Triunfo de Inveja*.....	Molembo ...	314	18	296	
Sept. 2	*Caçador*	Ambris	526	4	522	
.. 3	*Esperança*.....	Angola	591	48	543	
..	*Pastora de Lima*	Benguella ..	477	145	332	
.. 22	*Marques de Pombal*....	Ambris	461	2	459	
Oct. 1	*Urania*	Angola	281	18	263	
..	*Jupiter*	Cabinda	389	..	389	
.. 13	*Amalia*	Angola	760	20	740	
.. 18	*Imperador do Brazil*...	Benguella ..	502	28	474	
.. 25	*Sa. Anna Flor de Loanda*	Cabinda	529	5	524	
.. 29	*Torquato*	Angola	295	..	295	This Vessel cleared out from Lisbon for Angola and Brazil.
Nov. 10	*General Rego*	Do.	427	12	415	
.. 14	*Lucrecia*	Do.	340	2	338	
.. 21	*Luiz de Camoes*	Benguella ..	559	16	543	
..	*Ligeiro*	River Zaire	400	16	384	
.. 22	*Desengano Feliz*	Benguella ..	572	37	535	The Slaves embarked on board this Vessel were taken out during her Voyage hither, by a Pirate under Spanish Colours.
.. 27	*Desuniao*	Cabinda....	..	..	..	
.. 29	*Ulysses*	Do.	700	2	698	
.. 30	*Duarte Pacheo*	Mosambique	560	25	535	
Dec. 6	*Amizade Dos Santos* ...	Benguella ..	301	37	264	Sailed from hence in August for Buenos Ayres.
.. 30	*Sete de Março*	Mosambique	353	18	335	
		Total.....	27,675	1906	25,769	

(*Inclosure* 2.)—*A Comparative Statement of the Number of Slaves Imported into Rio de Janeiro during the Years* 1824 *and* 1825.

	1824.			1825.			Increase.			Decrease.		
	Embarked.	Died	Landed	Embarked.	Died	Landed	Embarked	Died	Landed	Embarked.	Died	Landed
From Western Coast of Africa	21,742	1016	20,726	19,801	787	19,014	..	..	..	1941	229	1712
From Eastern Coast of Africa	6941	1483	5458	7808	1119	6689	867	..	1231	..	364	..
From Bahia	528	..	528	66	..	66	..	..	..	462	..	462
	29,211	2499	26,712	27,675	1906	25,769	867	.	1231	2403	593	2174
Deduct Increase										867	..	1231
Total Decrease in 1825 under 1824.....										1536	593	943

No. 63.—*Mr. Consul-General Chamberlain to Mr. Secretary Canning.*
(*Received March* 3.)

SIR, *Rio de Janeiro, January* 7, 1826.

I HAVE just received from M. de Sº. Amaro a Note, whereof the Inclosures are Copy and Translation, signifying that this Government, after due consideration, have come to the resolution to direct the President of Bahia not to permit Vessels, licensed for the licit Slave-trade, to touch at various Ports during their Voyages.

I beg leave to offer my congratulations on the attainment of this desirable object, and upon the positive good it is calculated to produce.

I have, &c.

The Right Hon. George Canning. H. CHAMBERLAIN.

(*Inclosure.*)—*The Viscount de Stº. Amaro to Mr. Consul-General Chamberlain.*

(*Translation.*) *Palace of Rio de Janeiro, January* 4, 1826.

THE Imperial Government having taken into due consideration the representation that you made against the practice followed, in the issue of Passports for Ships employed in the licit Slave-trade, by which they are permitted to call at various Ports, resulting from this the abuse of practising the illicit Trade, have resolved, granting your request, to direct the competent and necessary Orders to be issued to the President of the Province of Bahia, that in future such Licences may not be permitted; which I make known to you for your information. On this occasion I renew, &c.

H. Chamberlain, Esq. VISCONDE DE S. AMARO.

NETHERLANDS.

No. 64.—Mr. Secretary Canning to Sir Charles Bagot.

SIR, *Foreign Office, April* 14, 1825.

IN reference to my Despatch to Viscount Granville of the 7th of May, 1824, on the subject of *La Légère*, a French Slave Trader detained at Surinam, I forward to your Excellency the accompanying Copy of a Despatch, dated the 6th of January, and of its Enclosures, from His Majesty's Commissioners at that Settlement,* containing their application to the Governor General of the Colony, for a Copy of the Sentence passed upon this Vessel; and the answer of His Excellency the Governor thereunto.

Your Excellency will state to the Government of The King of The Netherlands, that it would be satisfactory to His Majesty's Government to learn the particulars of the Sentence which has been passed, upon the Vessel *La Légère*, by the Court of Policy and Civil Justice at Surinam. I am, &c.

H. E. Sir Charles Bagot, G. C. B. GEORGE CANNING.

No. 65.—A. S. Douglas, Esq. to Lord Howard de Walden.--(Rec. April 21.)

MY LORD, *Brussels, April* 15, 1825.

IN obedience to Mr. Planta's Letter dated April 4th, I have the honour to enclose herewith, six *printed* Copies of the Law of The Netherlands on Slave Trade of the 20th of November 1818,† and six, of the Decree of the 23d of December, 1824. I further enclose six *written* Copies of the Decree of the King of The Netherlands on Slave Trade, dated March 10th, 1825. I have, &c.

Lord Howard de Walden. A. S. DOUGLAS.

(*Inclosure* 1.)—*LOI du* 23 *Décembre* 1824, *portant des mesures ultérieures pour la répression et l'extinction de la Traite des Négres.*

NOUS, Guillaume, par la Grace de Dieu, Roi des Pays Bas, Prince d'Orange-Nassau, Grand Duc de Luxembourg, &c. &c. &c.

A TOUS ceux qui les présentes verront, salut! savoir faisons:

Ayant jugé convenable de prendre pour la répression et l'extinction de la Traite des Nègres, des mesures plus efficaces que celles contenues dans la Loi du 20 Novembre 1818.

A ces causes, notre Conseil d'Etat entendu, et de commun accord avec les Etats-Généraux;

Avons statué et statuons:—

ART. I. Ceux qui se seront rendus coupables des faits énoncés aux Articles 1 et 2, de la Loi du 20 Novembre, 1818, seront punis d'une amende de dix mille florins, et de quinze années de travaux

* See Class A. No 92, Page 136.

† See Inclosure in No. 70. Class B. Session 1825.

forcés; seront, en outre, confisqués les batimens qui auront été employés au dit commerce illicite.

II. Les faits énoncés aux Articles 3 et 4, de la prédite Loi, seront punis de 5 années de réclusion.

III. N'est pas compris dans les exceptions prononcées par l'Article 5 de la prédite Loi, le transport ou l'importation dans les Colonies de Notre Royaume, d'Esclaves provenant des Colonies étrangères, où leur importation directe *d'Afrique* est permise.

IV. Les dispositions ultérieures de la Loi ci-dessus énoncée sont maintenues.

Mandons et ordonnons que la presente Loi soit insérée au Journal Officiel, et que Nos Ministres et autres Autorités qu'elle concerne, tiennent strictement la main à son exécution.

Donné à Bruxelles le 23 Décembre, de l'An 1824, de notre Régne le douxième.

Publié le 27 Décembre 1824. GUILLAUME.

Le Secrêtaire d'Etat, Par le Roi.

J. G. de MEY de STREEFKERK. J. G. de MEY de STREEFKERK.

(*Inclosure* 2.)—*LOI du* 10 *Mars*, 1825.

NOUS, Guillaume, par la Grace de Dieu, &c. &c.

SUR le Rapport de notre Ministre des Affaires Etrangères, en date du 22 Février dernier, No. 24, auquel étoit joint Copie d'une Note de M. l'Ambassadeur Britannique, du 22 Mai 1824, &c.

Avons trouvé bon et entendu d'arrêter, premièrement;

1. Que la quote part du Gouvernement dans la saisie de Batimens des Pays-Bas ou Anglais, faisant la Traite, dont la confiscation aura été prononcé par des Tribunaux Mixtes, sera adjugée aux Officiers et Equipages de la Marine des Pays-Bas, qui les auront saisis, sauf toutefois déduction des frais relatifs à l'administration du régime intérieur de la Cour de Justice de Sierra Leone, en dérogéant ainsi au § 6 de l'Art. 3 de l'Arrêté du 18 Nov. 1820, No. 172.

II. Que le produit net des Vaisseaux Négriers qui sont pris en vertu de la Loi du 23 Dec. 1824, sera pareillement dévolu aux Officiers et aux Equipages des Batimens de guerre des Pays-Bas, sans déduction de la quote part, qui, d'après les dispositions de l'Arrêté du 13 Dec. 1818, devrait être prélevée au profit du Trésor.

En Second lieu, d'autoriser notre Ministre des Affaires Etrangères à repondre à la Note de l'Ambassadeur de S. M. Britannique, en lui donnant communication des dispositions précitées.

Nos Ministres de la Marine, de l'Industrie Nationale, des Colonies, et des Affaires Etrangères, sont chargés de l'exécution du présent, dont il sera également donné connaissance pour l'information à nos Ministres des Finances et de la Justice, ainsi qu'à la Chambre Générale des Comptes.

Donné à Bruxelles le 10 Mars 1825. GUILLAUME.

No. 66.—A. S. Douglas, Esq. to Mr. Secy. Canning.—(Rec. April 23.)

SIR, *Brussels, April 19, 1825.*

IN reference to your Despatch dated April 2nd. marked Slave-trade, I have now the honour to inform you, that I have taken an opportunity of expressing to the Government of The Netherlands, the gratification which the King has felt at the renewed proof of the honourable and humane desire of the King of The Netherlands, to carry into full effect the Stipulations of the Treaty of 1818, which is afforded by the last Decree, issued under date March 10th. upon the subject of the Slave Trade.

The Count de Reede has, in consequence, requested me to represent to you, the great pleasure which is experienced by the Government of His Netherland Majesty, at the satisfaction which you state to be felt by His Majesty on this occasion. I have, &c.

The Right Hon. George Canning. A. S. DOUGLAS.

No. 67.—Mr. Secretary Canning to Sir Charles Bagot.

SIR, *Foreign Office, May 31, 1825.*

I SEND to your Excellency the Copy of a Despatch, which I have received from His Majesty's Commissioners at Surinam, dated the 12th February last,* detailing the steps which have been taken by the Local Authorities at that Settlement, for the seizure of 215 African Negroes which had recently been smuggled into the Colony, and were privately offered for sale.

Your Excellency will communicate to the Netherland Government, the statement thus furnished to you of this transaction; and you will express at the same time, the gratification which has been felt by His Majesty's Government at learning this additional proof of the zeal of the Authorities at Surinam, in enforcing the Decrees of their Sovereign for the abolition of Slave-trade. I am, &c.

H.E. Sir Charles Bagot, G. C. B. GEORGE CANNING.

No. 68.—M. de Falck to Mr. Secretary Canning.

Londres, le 3 Juin, 1825.

LE Soussigné, Ambassadeur Extraordinaire et Plénipotentiaire de S. M. Le Roi des Pays-Bas, a l'honneur de s'acquitter des ordres qu'il a reçus de sa Cour, en portant à la connoissance de Son Excellence Monsieur le Principal Secrétaire d'Etat, Canning, que S. M. Le Roi des Pays-Bas a nommé Arbitre au Tribunal Mixte à Surinam, pour la répression du commerce illicit d'Esclaves, M: P. J.C. *Brunings*, Membre de la Cour Civile de Justice de cette Colonie, en remplacement de M: J. P. Graafland décédé.

Il saisit cette occasion, &c.

S. E. Monsieur Canning. A. R. FALCK.

* See Class A. No. 96, Page 137.

No. 69.—Sir Charles Bagot to Mr. Secy. Canning.—(Rec. June 11.)

SIR, *Brussels, June 7, 1825.*

I HAD the honour to receive, the day before yesterday, your Despatch of the 31st of last month, (Slave Trade) enclosing the Report of His Majesty's Commissioners at Surinam, of the steps taken by the Local Authorities of that Settlement, for the seizure of 215 African Negroes, which had been smuggled into the Colony.

I have this morning communicated this Report to Mr. de Koninc, and I have at the same time strongly expressed to him the great satisfaction which His Majesty has derived, from this fresh proof of the zeal with which the Decrees of His Netherland Majesty, for the abolition of the Slave-trade, appear to be enforced.

I regret that it is not yet in my power to furnish you with a Copy of the Sentence pronounced by the Court of Policy and Criminal Justice in Surinam, upon the French Slave-trading Vessel *La Légère.*

Immediately upon the receipt of your Despatch of the 14th of April, I wrote to the Count de Reede, requesting that the Judgment given in this Case might be communicated to me; and on the 10th of last month I received a letter from Mr. Le Clerq, the Secretary of the Department of Foreign Affairs, acquainting me that, in consequence of my Note, an application had been made upon the subject to the proper Department of the Government; but I have not yet received a Copy of the Sentence; and I this morning took the opportunity of bringing the matter again under Mr. de Koninc's notice.

I have, &c.

The Right Hon. George Canning. CHARLES BAGOT.

No. 70.—Sir Charles Bagot to Mr. Secy. Canning.—(Rec. June 17.)

SIR, *Brussels, June 14, 1825.*

ENCLOSED I have the honour to transmit to you the Copy of a Note, which I have received from Mr. de Koninc, transmitting to me Copies, in the Dutch Language, of the Judgments given in the Court of Policy and Criminal Justice at Surinam, in the Case of the French trading Ship *La Légère.*

I annex a French Translation of these Papers.

I have, &c.

The Right Hon. George Canning. CHARLES BAGOT.

(Inclosure.)—M. de Koninc to Sir Charles Bagot.

Bruxelles, le — Juin, 1825.

LE Soussigné, Ministre de l'Intérieur, Chargé du Portefeuille des Affaires Etrangères, ayant reçu du Département des Colonies, la communication des Pièces relatives aux Procédures dans l'affaire du batiment Négrier Français, *La Légère,* à Surinam, a l'honneur d'envoyer à Son Excellence Monsieur l'Ambassadeur Extraordinaire et Plénipo-

tentiaire de Sa Majesté Britannique, conformément à sa demande du 7me. Mai dernier: (*A.*) La Sentence de la Cour de Police et de Justice Criminelle à Paramaribo, donnée le 6 et prononcée le 9 Décembre, 1824, contre l'Equipage de *La Légère*, et autres Individus compris dans la Procédure, du chef d'avoir tenté d'éluder les dispositions primitivement ordonnées, pour le renvoi à La Martinique du batiment et de sa cargaison, et ainsi de s'être rendus coupables de rébellion envers le Gouvernement et les Autorités, la Cour n'ayant pas trouvé de motifs suffisans, pour condamner les prévenus d'avoir voulu introduire les Négres de *La Légère* avec l'intention de les rendre, ou de les faire passer de quelque autre manière, dans la possession des habitans de la Colonie; (*B.*) Un Dictum de la même Cour, donné et prononcé également le 6 et 9 Décembre, qui condamne le nommé Pierre Poussin, Patron de *La Légère*, et latitant, à un exil perpétuel de la Colonie; et (*C.*) un Dictum pareil, qui décerne la même peine contre le nommé Mandard, ci-devant Patron du Schoener Français *La Constance*, l'un et l'autre pour avoir pris part à l'affaire de *La Légère*.

Le Soussigné ajoutera encore pour l'information de Son Excellence, que déjà par disposition du Gouverneur de Surinam, antérieure à la Sentence, les Négres dont la cargaison de *La Légère* étoit composée, avoient été placés, comme hommes libres, sous la surveillance de l'administration Coloniale, pour être employés par le Gouvernement comme Journaliers. Il saisit, &c.

S. E. Monsieur Le Chev. Bagot. KONINC.

(*Sub-Inclosure* A.)—Au Nom du Roi.

Jugement en Cause de Mr. E. L. Baron Van Heeckeren, Conseiller Fiscal de la Colonie de Surinam, M. P. Demandeur.

Contre Richard O'Ferral, junior, Jean Marie Bled, Joseph Palla, Felix Breseau, Jean Marie Robert, Jean Drouet, Louis Camerais, Mathurin Le Clerc, Joseph Marceland, Pierre Blasse, Charles Plessis, Réné Gendron, Jean Marie Caillaud, Louis Denion, Mathurin Deniaud, Louis Ablin, Louis de la Charte, Jean Marie Vassinau, Yve Sebillo, Abm. Moise Bo. de Mesquita, et Pierre de Chatillon.

La Cour de Police et Justice Criminelle de la Colonie de Surinam, ayant vu êt examiné la demande faite et les conclusions prises par M. le Conseiller Fiscal, ainsi que les Pièces du Procès qui y sont jointes;

Vu le Jugement rendu par la Cour, en date du 13 Décembre, 1823, et prononcé le 22 suivant;

Considérant que par le Jugement sus énoncé, en date du 13 Décembre, 1823, il a été ordonné entr'autre que les Nègres, quant à ceux qui seroient encore vivans, ayant formé la cargaison du Brick François, *La Légère*, seroient réconduits à bord de ce bâtiment pour être convoyés par le premier vaisseau de guerre des Pays Bas qui arriveroit, jusqu'à une des Possessions Françoises;

Considérant que les ordres ont été donnés par S. E. pour que cette partie du Jugement sortit son plein effet ;

Considérant qu'au lieu que tous les Nègres vivans eussent été réconduits à bord, trente six individus, se disant malades, avoient été au contraire dans la soirée du 5 Janvier, 1824, enlevés par Richard O'Ferral, jr. accusé en état d'arrestation comme fondé de pouvoirs de l'Accusé J. M. Bled, de l'hopital de l'Etat et transportés à celui de Mozes Naar ;

Considérant en outre que dans la nuit du 7 au 8 Janvier, 1824, les autres Nègres qui avoient été transportés à bord en ont été enlevés sécrètement et transportés au Jonkerman's Kreek, où ils ont été après cela découverts et arrêtés ;

Considérant que bien qu'il ne conste pas des Pièces déposées au Procès, que les Accusés et Détenus auroient eu la volonté et l'intention de vendre dans cette Colonie les dits Négres, ou de les faire passer de quelque autre manière à la possession des habitans, mais au contraire que l'Accusé et moteur principal, Jean Marie Bled, ne peut jamais avoir eu d'autre volonté ni intention, ainsi que toutes les circonstances du Procès peuvent le faire presumer, que de soustraire les Nègres à l'exécution de l'ordre de la Cour, qui ordonnoit le convoiement à une Possession Française, dans le but de les emmener aussitôt que possible de cette Colonie dans un autre lieu à sa libre disposition ;

Considérant qu'il ne se présente de ce chef aucuns motifs qui rendent applicable aux Accusés et Détenus les peines statués par l'Arrêté de Sa Majesté en date du 17 Septembre, 1818, contre l'introduction des Esclaves ;

Considérant que cependant d'un autre coté il est suffisamment prouvé au Procès que les Accusés et Détenus, Jean Marie Bled, et Joseph Palla, ont cherché à empêcher et à éluder l'exécution du Jugement sus énoncé, et les ordres donnés par Son Excellence le Gouverneur, et se sont ainsi opposés par voie de fait aux Autorités légales de cette Colonie ;

Considérant comme il est prouvé que les autres Matelots accusés, et détenus ont en cela assisté, les uns plus les autres moins, les Accusés, Jean Marie Bled et Joseph Palla, ou qu'ils en ont au moins eu connoissance ;

Considérant néanmoins qu'ils ont agi d'après l'ordre et le commandement des Personnes auxquelles ils étaient soumis, ce qui peut parler en faveur de leur justification ;

Considérant en outre que les personnes de Richard O'Ferral, junior, et Abraham Moise Breno de Mesquita, ont aussi assisté par voie de fait les Accusés Jean Marie Bled et Joseph Palla ;

Considérant cependant qu'il n'est pas suffisamment prouvé au Procès que cela a eu lieu dans des intentions absolument coupables et avec suffisante connoissance de cause ;

Considérant enfin qu'il n'est rien prouvé au Procès contre le Sieur Pierre Chatillon, si ce n'est que dans la nuit du 7 au 8 Janvier, 1824, des Nègres enlévés secrètement se sont arrêtés quelques heures dans la plantation de Pomon, lui appartenant, et qu'ils s'en sont éloignés sans qu'il en ait donné connaissance aux Autorités compétentes ;

Ayant enfin eu égard à tout ce qu'il y avoit à prendre en considération dans la Cause et y faisant droit, au nom et de par Sa Majesté Le Roi :

Déclare les Sieurs Jean Marie Bled et Joseph Palla coupables de désobéissance et rébellion contre le Pouvoir Souverain et les Autorités ; les bannit de ce chef à perpétuité de cette Colonie, et des rivières, et districts dépendant d'icelle, sans pouvoir jamais y rentrer sous peine de punition plus grave.

Déclare les matelots détenus, nommés Felix Breteau, Jean Marie Robert, Jean Drouet, Louis Camerais, Mathurin Le Clerc, Joseph Marceland, Pierre Blasse, Charles Plessis, Réné Gendron, Jean Marie Caillaud, Louis Denion, Mathurin Deniaud, Louis Ablin, Louis de la Charte, Jean Marie Vassinau, et Yve Sebillo, coupables d'avoir prêté assistance aux Accusés, Jean Marie Bled et Joseph Palla, les uns plus les autres moins, au moins d'avoir été instruits ; mais cependant en considération de la circonstance atténuante ci-dessus énoncé, leur compte la détention qu'ils ont subie pour la peine qu'ils ont méritée, ordonnant néanmoins à tous les dits matelots de quitter cette Colonie à la première occasion favorable.

Déclare en outre les Accusés et Détenus Richard O'Ferral, jun. et Abraham Moise Breno de Mesquita aussi coupables d'avoir conjointement prêté assistance par voie de fait aux Sieurs Jean Marie Bled et Joseph Palla ; cependant en considération de la même cause que dessus, leur compte pour peine la détention qu'ils ont subie, et les avertit bien expressément de ne plus entrer à l'avenir dans de semblables trafics.

Déclare en outre au Sieur Pierre Chatillon en cause pour l'effet ci-dessus, lui compter pour peine la détention qu'il à subie, en l'avertissant pareillement de se conduire dans la suite avec plus de prudence.

Et enfin la Cour declare le Brick *La Légère* saisissable et exécutable pour les déboursés faits dans cette Procédure par M. Le Conseiller Fiscal.

Ainsi fait et arrêté dans notre Seánce tenu en cette Résidence de Paramaribo, le 6 Décembre 1824, et prononcé le 9 Décembre suivant. F. BENDEKER, C. GOLLENSTEED PICHOT, U. WILKENS, J. PLANTEAU, H. KLINT, et J. E. VANDENBERGH.

Par Ordonnance de la Cour. R. VAN REES.

Sub-Inclosure (B.)—*Dictum.*

En Cause de Mr. E. L. Baron Van Heeckeren, Conseiller Fiscal de la Colonie de Surinam, M. P. Demandeur, d'une part;

Contre Pierre Poussin, Capitaine, ayant commandé le Brick Français *La Légère*, Accusé, défaillant et latitant, d'autre part.

La Cour ayant vu et examiné l'intendit présenté par M. le Conseiller Fiscal, M. P. et en égard à l'absence continue et la contumace de l'Accusé, défaillant et latitant;

Faisant droit au nom et de par Sa Majesté Le Roi,

Déclare l'Accusé, défaillant et latitant, déchu de toutes exceptions dilatoires, déclinatoires, et péremptoires, ainsi que de toutes défenses et moyens de droit, qu'il auroit pu employer et faire valoir en comparaissant, et du chef d'avoir détourné et emmené clandestinement dans la nuit de 6 au 7 Janvier 1824, du bord du Brick François *La Légère* deux Nègresses appartenant à la cargaison du dit Navire, le bannit à perpétuité de cette Colonie, et des rivières et districts dépendant d'icelle, sous peine de punition plus grave s'il enfregnait ce banissement, et le condamne en outre aux frais du Procès.

Fait à Paramaribo, le 6 Décembre 1824, et prononcé le 9 suivant.

Plus bas étoit écrit, F. BENDEKER.

Par Ordonnance de la Cour. R. VAN REES. Az.

Sub-Inclosure (C.)—*Dictum.*

En Cause de Mr. E. L. Baron Van Heeckeren, Conseiller Fiscal de la Colonie de Surinam, M. P. Demandeur, d'une part,

Contre ..... Mandard, Capitaine, ayant commandé le Schoener Français *La Constance*, Accusé, défaillant et latitant, d'autre part.

La Cour ayant vu et examiné l'intendit présenté par M. le Conseiller Fiscal, M. P. et en égare à l'absence continue et la contumace de l'Accusé, défaillant et latitant;

Faisant droit au nom et de par Sa Majesté Le Roi.

Déclare l'Accusé défaillant et latitant, déchu de toutes exceptions dilatoires, déclinatoires, et péremptoires, ainsi que de toutes défenses et moyens de droit qu'il aurait pu employer et faire valoir en comparaissant.

Du chef d'avoir conduit dans la nuit du 7 au 8 Janvier 1824, le ponton sur lequel les Négres furent emmenés du Brick François *La Légère*, et de les avoir conduits à la plantation Pomona appartenant à Pierre Chatillon, le bannit à perpétuité de cette Colonie et des rivières et districts dépendant d'icelle, sous peine de puniton plus grave s'il enfreignait ce banissement, et le condamne en outre aux frais du Procès.

Fait à Paramaribo, le 6 Décembre 1824, et prononcé le 9 suivant.

Plus bas étoit écrit, F. BENDEKER.

Par Ordonnance de la Cour. R. VAN REES.

No. 71.—Sir Charles Bagot to Mr. Secretary Canning.—(Rec. July 2.)

SIR, *Brussels, June 28, 1825.*

I HAVE the honour to acknowledge the receipt of your Despatch of the 15th of this Month, inclosing to me Copies of the Papers relating to the Slave-trade, which have been laid before the two Houses of Parliament during the present Session. I have, &c.

The Right Hon. George Canning. CHARLES BAGOT

No. 72.—Mr. Secretary Canning to Sir Charles Bagot.

SIR, *Foreign Office, September 27, 1825.*

THE King having been pleased to appoint John Tasker Williams, Esq. in the room of Edward Gregory, Esq., deceased, to be His Majesty's Commissary Judge at Sierra Leone, under the Treaty between Great Britain and The Netherlands for suppressing illegal Slave-trade; I have to desire that you will notify this Appointment to The Netherland Government, and add, that Mr. Williams is under orders to proceed, forthwith, to his Post. I am, &c.

H. E. Sir Charles Bagot, G. C. B. GEORGE CANNING

No. 73.—Sir Charles Bagot to Mr. Secretary Canning.—(Rec. Oct. 7.)

SIR, *Brussels, October 3, 1825.*

I HAVE the honour to acknowledge the receipt, on Friday last, of your Despatch of the 27th of last Month, (Slave-trade) acquainting me with the appointment of Mr. John Tasker Williams, to be His Majesty's Commissary Judge at Sierra Leone, under the Treaty with this Country, for the suppression of the Slave-trade, in the room of the late Mr. Edward Gregory.

I have already communicated Mr. Williams's appointment to the Chevalier de Koninc, and I have at the same time informed him that Mr. Williams has received His Majesty's order to proceed immediately to his Post. I have, &c.

The Right Hon. George Canning. CHARLES BAGOT.

No. 74.—Mr. Secretary Canning to Sir Charles Bagot.

SIR, *Foreign Office, December 31, 1825.*

YOUR Excellency's Despatches of the Slave-trade Series, dated the 7th, 14th, and 28th of June, and 3d of October last, have been received, and laid before the King. I have, &c.

H. E. Sir Charles Bagot, G. C. B. GEORGE CANNING.

FRANCE.

No. 75.—Viscount Granville to Mr. Secretary Canning.—(Rec. May 5.)

SIR, *Paris, May 2, 1825.*

I HAVE the honour to inclose the Copy of a Letter which I have received from Monsieur Le Baron de Damas, in which His Excellency requests me to have duly legalized, that part of the Report of Captain Stoddart to Vice-Admiral Halsted, which I herewith transmit, wherein is stated the number of Negro Slaves found on board the French Vessel *Les Deux Nantais*, on her passage from the Coast of Africa to the West-India Islands. I have, &c.

The Right Hon. George Canning. GRANVILLE.

(*Inclosure* 1.)—*The Baron de Damas to Viscount Granville.*

MONSIEUR L'AMBASSADEUR, *Paris, le 23 Avril, 1825.*

J'AI annoncé à Votre Excellence, par la Lettre que j'ai eu l'honneur de lui écrire le 23 Mars, que le Gouvernement avoit donné des ordres pour qu'à son retour, le navire Français, *Les deux Nantais*, expédié en Juillet 1824, et prévenu de faire la Traite des Noirs, fût l'objêt d'une enquête particulière. Le Ministre de la Marine vient de m'informer, que les mesures sont prises en conséquence; mais pour l'instruction de l'affaire, il croit utile et désire que la Pièce ci-jointe, qui fait partie de celles que Votre Excellence m'a adressées le 18 Mars, et qui constate le nombre des Noirs trouvés à bord, lors de la capture du batiment, soit certifiée, et duement légalisée. J'ai l'honneur de la renvoyer à Votre Excellence, avec prière du vouloir bien la faire revêtir de cette formalité, et me la transmettre de nouveau. J'ai l'honneur, &c.

Son Excellence Lord Granville. LE BARON DE DAMAS.

(*Inclosure* 2.)

A Bord

Négres	126	Tous ces Esclaves ont été pris dans la Rivière de Sherbro'.
Négrillons	180	
Négresses	52	
Négrettes	100	
Petits Enfants	2	
Total—	460	

Pris après 34 Jours de traversée, venant de Boloom, Rivière Sherbro', en ayant à bord 483. Morts 23.

C. PELLETIER, Capitaine.
LE BOYER, Docteur.

Signed in our presence, PERCY F. HALL, Lieut. in Charge.
JOHN W. C. NASH, Mate.

No. 76.—Mr. Secretary Canning to Viscount Granville.

MY LORD, *Foreign Office, May* 31, 1825.

I FORWARD to your Excellency the Copy of a Despatch from the Governor of the Mauritius to His Majesty's Secretary of State for the Colonial Department, dated the 31st of December last, stating that there is every reason to suppose that the Slave-trade continues to be carried on by the Inhabitants of Bourbon to a very great extent; that no less than 1800 Blacks were introduced into Bourbon during the month of November 1824, and that at the date of that Despatch, in December 1824, no less than five Vessels were actually engaged in the Trade.

I send to your Excellency, likewise, the Copy of a Private Letter from the Governor of the Mauritius, stating that a Schooner, the *Walter Farquhar*, some time ago sold to a person at Bourbon, had been met with, laden with Slaves, and driven on shore on the Coast of Madagascar, by Captain Chapman, of H. M. S. *Ariadne;* and that one Frenchman, named Réné Brosquet, and 149 Slaves, were saved out of her.

Your Excellency will communicate this information to the Government of His Most Christian Majesty; and express His Majesty's hope, that measures will at length be taken to put a stop to the encouragement which is given to this Trade by French Subjects, and by the Flag of France. I am, &c.

H. E. Viscount Granville, G. C. B. GEORGE CANNING.

(Inclosure 1.*)—The Governor of The Mauritius to Earl Bathurst.*

MY LORD, *Mauritius, December* 31, 1824.

I DEEM it my duty to state, for your Lordship's Information, that from intelligence I have recently received, there is every reason to suppose that the Slave-trade continues to be carried on by the Inhabitants of Bourbon to a very great extent; and although Governor Freycinet expresses a great abhorrence of the traffick, and a sincere desire to put a stop to it, seizures are never made, and nothing is done to effect this purpose.

I am informed, from very good authority, that no less than 1800 Blacks have been introduced into Bourbon during the last month, and that five Vessels are actually engaged in the Trade. One of them is stated to have been fitted out in France, and to have landed 300 Blacks from the West Coast of Africa; the remaining Vessels are said to have procured their Cargoes from the Mozambique Channel and the Malay Coast.

I have great satisfaction in being able to state that there is no reason to suppose that any Vessel under the British Flag is at all connected with the proceedings above alluded to, nor do I hear of any being engaged in the Slave-trade. I have the honour, &c.

Earl Bathurst, K. G. G. LOWRY COLE.

(*Inclosure* 2.)—*The Governor of The Mauritius to R. W. Horton, Esq.*

MY DEAR SIR, *Mauritius, January* 29, 1825.

I TAKE the first opportunity of sending you the Copy of a Letter which I received, within these few days, from Captain Chapman, of His Majesty's Ship *Ariadne*, and by which you will learn, that that Officer has saved 149 Slaves from the Schooner *Walter Farquhar*, driven on shore by him, near St. Luce, on the Madagascar Coast. I understand Captain Chapman is gone to the Seychelles for the hurricane months, and I do not expect him here until April; so that I cannot at present afford you any other information than what is contained in the inclosed letter.

The *Walter Farquhar* at one time belonged to this Island, but (as stated in Captain Moorsom's letter of November 17th, which accompanied mine to you of December 17th, 1823,) I am glad to think that she was some time ago sold to a Person at Bourbon, and I have no reason whatever to imagine that *my subjects* were in any way concerned or interested in her last adventure. Believe me, &c.

R. W. Horton, Esq. G. LOWRY COLE.

(*Inclosure* 2.*A*)—*Captain Chapman to the Governor of The Mauritius.*

SIR, *H.M.S. Ariadne, Tamatave, January* 4, 1825.

I HAVE much pleasure in having the honour of stating to your Excellency, that after leaving Fort Dauphin on the 24th ultimo, being on the morning of the 26th off St. Luce, observed and chased a Schooner into that Place.

I sent two boats to examine her, she having no colours hoisted, and a short time afterwards she made sail to the Southward, and immediately ran on shore on the main. I sent the Master to assist, if possible, in getting her off; that Officer returned, and reported the Schooner full of Slaves, no Colours hoisted or White Men on board; that several of the Slaves were in the water.

I immediately anchored under the Island of St. Luce, and sent all boats away to save the Slaves: the Schooner filled and was totally lost.

Received from the Schooner 149 Slaves and one White Man, (French) named Réné Brosquet.

The Brig sailing at this moment, does not allow me to give Your Excellency a more perfect detail, which I hope you will excuse.

I have, &c.

Lieut. Gen. The Hon. Sir Lowry Cole, G.C.B. H. CHAPMAN.

No. 77.—*Mr. Secretary Canning to Viscount Granville.*

MY LORD, *Foreign Office, May* 31, 1825.

I SEND herewith to Your Excellency the Copy of a Communication, under date the 17th of this month, which has been addressed by the

Secretary to the Admiralty to one of the Under Secretaries of State for this Department, inclosing a Report from Commodore Bullen upon the present state of the Slave-trade on the Coast of Africa, and containing a List of French Vessels found off the Sherbro' River, all evidently trading in Slaves, and making preparations for the reception of their victims.

Your Excellency will make use of these Papers for strengthening your Representations to the French Government, upon the prevalence of the Slave-trade under the Flag of France. I am, &c.

H. E. Viscount Granville, G. C. B. GEORGE CANNING.

(Inclosure 1.)—J. W. Croker, Esq. to Joseph Planta, Jun. Esq.

SIR, *Admiralty Office, May* 17, 1825.

I AM commanded by My Lords Commissioners of the Admiralty to transmit to you, for the information of Mr. Secretary Canning, an Extract of a Letter from Commodore Bullen, with Copies of the Inclosures therein referred to, containing information respecting the Slave-trade carried on upon the Coast of Africa. I am, &c.

Joseph Planta, Jun. Esq. J. W. CROKER.

(*Inclosure* 2.)—*Commodore Bullen to J. W. Croker, Esq.*

(Extract.) *H. M. S. Maidstone, Sierra Leone, March* 19, 1825.

I HAVE the honour to acquaint you, for the information of my Lords Commissioners of the Admiralty, of my arrival at this anchorage on the 15th instant, and to report my proceedings since quitting it on the 4th of December.

Finding there was but little hope of the Governor shortly arriving, none of the Letters that were received by the Merchant Ships which daily came in, mentioning the circumstance of his having actually left England, I did not think it prudent longer to delay proceeding to the Southward, to visit my Squadron, and cruize for the interception of the Slave-trade.

On my arrival off Sherbro', I despatched two boats in charge of Lieutenant Poingdestre, to visit that River, (having received information of some Spanish Vessels obtaining Slaves off the Town of Jenkins) where he found the French Vessels described in the inclosed List, marked A, all evidently trading and making every preparation for the reception of Slaves.

Keeping close in shore, I visited Sugury and the River Gallinas, where I disturbed a great number of Spanish Schooners, who were bargaining for their Cargoes, and waiting a good opportunity to ship them, and sail. One was the *Feliciana*, reported to me in their Lordship's Letter of 16th December, and which was boarded by me in May last, when proceeding down the Coast, and has now returned to obtain another Cargo.

I am sorry to acquaint their Lordships, that I am of opinion the Slave-trade is again breaking out to the Northward, and carried on briskly in the neighbourhood of the Gallinas, and the Rivers Pongos and Nunez, by the Schooners from The Havannah, which are all very fine fast-sailing Vessels, well manned and armed, fitted and intended, I firmly believe, for Piracy as well as Slaving, and from their evident superiority in sailing, are enabled to evade detection; as they clear the Coast in a few hours after taking in their Slaves, always using the precaution to send a Consort, to observe if any of the Cruizers are on the look out; to check this as much as my means will permit, I intend stationing a Vessel of the Squadron to cruize a short distance from the land, off the suspicious places, when I hope to have the pleasure of reporting to their Lordships, the capture of some of these Dealers in this illicit and inhuman Traffic.

On the 14th of January, off the Island of Princes, I fell in with and boarded *L'Amiable* Schooner, mounting two guns, under French Colours, belonging to Nantes or to St. Maloes, Monsieur Dumonchel, Master, and J. Bidon, Owner, five days from the River St. John, and 121 Slaves on board, the Crew and Slaves in a dreadful state of sickness; but as my Instructions strictly forbid any Interference with that Nation, I allowed her to prosecute her Voyage without interruption.

Heaving to, on the 15th of January, off the mouth of Port Antonio, Princes Island, I perceived a suspicious Armed Schooner at Anchor under the Forts, without Colours hoisted, although all the other Vessels in the Harbour had theirs flying. I, therefore, sent one of my boats, in charge of a Lieutenant, to examine her, who on his arrival near, was hailed by the Sentinel at the Fort, and desired not to attempt to board her, accompanied by a threat of the consequence should he persist. Under these circumstances, the Officer deferred visiting her until he had my instructions on the subject. I afterwards learned it was the *Pylades* Spanish Schooner, described in their Lordships' Letter of the 23d September, armed with six eighteen Pounders, well manned, and was taking in water, farinha, &c. preparatory to proceeding to Whydah, where her Cargo of Slaves was in readiness. It being a neutral Port, I felt great delicacy in proceeding to vigorous measures, but must consider the conduct of the Governor highly reprehensible, in harbouring a Vessel prosecuting a Traffick declared to be illegal by his own Nation, and that which the Schooner in question pretended to own, as it is scarcely possible he could be ignorant of her intentions.

On anchoring in that Harbour on the 7th February, I found the French Corvette *Hebe*, Commodore La Freyte, and Brig *Bressane*, Captain Huby, which had paid a partial, and short visit to the Coast, and were then preparing for a longer voyage, as reported, to Cayenne, or the Brazils, whither they sailed on the 14th February.

J. W. Croker, Esq. CHARLES BULLEN.

(*Inclosure* 2 A.)—*LIST of VESSELS boarded by the Boats of H. M. Ship* Maidstone, *at Sherbro' Island, on the 8th December*, 1824.

Names.	Master.	How Rigged.	Under what Colours	No. of Men.	No. of Guns.	No. of Tons.	When Sailed.	Where From.	Where Bound.	Where Belonging.	Cargo.	Remarks.
L'Oriflamme	Durmois - -	Sloop - -	French	16	-	57	1824. - -	St. Thomas	Coasting	Guadaloupe	General	
Les Deux Soeurs - -	Mornet - -	Do. - -	Do. -	9	-	41	4 Aug.	Martinique	Sherbro'	Martinique	Do.	
Le Cesar - -	De la Touche	Brig - -	Do. -	45	10	219	8 - -	Guadaloupe	Do. - -	Guadaloupe	Do.	Boarded by "Swinger," 26th Nov.
La Rose - -	Durond - -	Schooner	Do. -	15	-	121	30 Sep.	Nantz - -	Do. - -	Nantz - -	Do.	

No. 78.—*Viscount Granville to Mr. Secretary Canning.*—(*Rec. June* 9.)

SIR, *Paris, June* 5, 1825.

I HAVE to acknowledge the receipt of your Despatch marked Slave-trade, of the 31st ultimo, with its Inclosures. I took an early opportunity of personally addressing myself to Monsieur Le Baron de Damas upon the subject, and remarked to His Excellency that the Traffic in Slaves, under the French Flag, seemed to flourish in various Quarters of the Globe—that the measures adopted by the Government of His Most Christian Majesty, for carrying into effect the Stipulations of the Treaty for the abolition of the Slave-trade, were quite ineffectual; and upon my return home I repeated these observations in a Note, of which I herewith inclose a Copy. I have, &c.

The Right Hon. George Canning. GRANVILLE.

(*Inclosure.*)—*Viscount Granville to The Baron de Damas.*

MONSIEUR LE BARON, *Paris, June* 4, 1825.

I HAVE the honour of transmitting to Your Excellency the Copy of a Despatch from the Governor of the Mauritius, stating that there is every reason to suppose that the Slave-trade continues to be carried on to a very great extent by the Inhabitants of Bourbon; that no less than 1800 Blacks were introduced into Bourbon during the month of November, 1824; and that at the date of that Despatch, no less than five Vessels were actually engaged in this inhuman Traffick.

I also inclose an Extract of a private Letter from the Governor of the Mauritius, stating that a Schooner, *The Walter Farquhar*, which was sold some time ago to a Person at Bourbon, had been met with, laden with Slaves, and driven on Shore on the Coast of Madagascar, by Captain Chapman, commanding His Britannick Majesty's Ship *Ariadne*, and that one Frenchman named Réné Brosquet, and 149 Slaves, were saved out of her.

When I yesterday verbally apprized you that I had received these Documents, and that I would transmit them to Your Excellency, I observed with regret that the Trade in Slaves, under the French Flag, seemed to flourish in various Quarters of the Globe, and that the mea-

sures taken by the Government of His Most Christian Majesty, for carrying into effect the Stipulations of the Treaty for the abolition of the Slave-trade, were quite ineffectual.

To the exercise and extension of this unchristian Trade, I am instructed earnestly to call your Excellency's attention, and to express the hope of His Majesty, that the French Government will at length adopt measures for putting a stop to a Traffick, which though reprobated by the declarations of His Most Christian Majesty, appears to flourish under the existing Regulations. I avail myself, &c.

H. E. The Baron de Damas. GRANVILLE.

No. 79.—Joseph Planta, Jun. Esq. to Viscount Granville.

Foreign Office, June 10, 1825.

MR. PLANTA presents his respects to Viscount Granville, and has the honour to send to His Excellency, by the direction of Mr. Secretary Canning, the accompanying Copy of a Note from the Secretary to the Admiralty, respecting the French Slave Vessel, *Les deux Nantais.*

Mr. Planta is directed to request, that His Excellency will have the goodness to ascertain from the French Government, and to acquaint Mr. Canning, with the manner in which they would wish that the Document, inclosed in Lord Granville's Despatch, of the 2d ultimo, should be certified and legalized.

H. E. Viscount Granville, G. C. B.

(Inclosure.)—J. W. Croker, Esq. to Joseph Planta, Jun. Esq.

Admiralty, May 28, 1825.

MR. CROKER presents his compliments to Mr. Planta, and in reply to his Letter of yesterday's date, respecting the Case of the French Slave Vessel, *Les deux Nantais,* begs to know in what way Mr. Secretary Canning understands that the Document alluded to is to be certified and legalized, as Mr. Croker is not aware of what would be considered sufficient by the French Authorities.

Joseph Planta, Jun. Esq.

No. 80.—Mr. Secretary Canning to Viscount Granville.

(Extract.) *Foreign Office, June* 11, 1825.

I HAVE to acknowledge the receipt of your Despatches to the 5th of June, inclusive, of the Slave-trade Series.

I have received from His Majesty's Consul-General in France, a Report dated the 3d instant, upon the present state of the Slave-trade at Nantes. You are already in possession of the Information transmitted in that Report.

Your Excellency will remark a fact stated, respecting the Vessel *Les deux Nantais,* which bears upon the face of it a strong proof of the indisposition of the Local Authorities at Nantes, to lend their cordial assistance in suppressing the Slave-trade. Your Excellency

will communicate to the French Government the details contained in these Papers, respecting the activity with which the Trade is carried on at Nantes; and you will more particularly call their attention to the conduct of the Marine Department at that Place, which by the premature disclosure of orders to seize the *Deux Nantais*, appears to have gone far towards defeating the intentions of the French Government, to bring the Persons concerned in that Vessel to the punishment they have deserved.

H. E. Viscount Granville, G. C. B. GEORGE CANNING.

No. 81.—*Viscount Granville to Mr. Secy. Canning.*—(*Rec. June* 12.)

SIR, *Paris, June* 9, 1825.

I HAVE to acknowledge the receipt of your Despatch of the 31st of May, marked Slave-trade, and I enclose a Copy of the Note which I addressed in consequence to M. Le Baron de Damas, sending at the same time an Extract of Commodore Bullen's Report, together with a List of the French Slave Vessels found off the River Sherbro'.

I have, &c.

The Right Hon. George Canning. GRANVILLE.

(*Inclosure.*)—*Viscount Granville to The Baron de Damas.*

M. LE BARON, *Paris, June* 8, 1825.

IN addition to the representation that I had the honour to address your Excellency the 4th of this Month, I beg leave to subjoin the enclosed Communication upon the present state of the Slave Trade on the Coast of Africa, which I have since received from His Majesty's Government. It contains a Report from Commodore Bullen, Commanding His Majesty's Naval Forces on that Station, with a List of French Vessels found off the Sherbro' River, all evidently engaged in this inhuman Traffick, and making preparations for the reception of their Victims. I avail myself, &c.

H. E. The Baron de Damas. GRANVILLE.

No. 82.—*Viscount Granville to Mr. Secy. Canning.*—(*Rec. June* 16.)

SIR, *Paris, June* 13, 1825.

I HAVE the honour to enclose a Copy of a Note from Monsieur Le Baron de Damas, in answer to the one I addressed to His Excellency, the 4th of this Month, and of which I transmitted a Copy in my Despatch marked Slave-trade, of the 5th of this Month.

I have, &c.

The Right Hon. George Canning. GRANVILLE.

(*Inclosure.*)—*The Baron de Damas to Viscount Granville.*

MONSIEUR L'AMBASSADEUR, *Paris, le* 9 *Juin,* 1825.

J'AI reçu, avec la Lettre que Votre Excellence m'a fait l'honneur de m'écrire, les rapports qui y étaient joints relatifs à la Traite des Noirs, qu'on suppose avoir lieu à l'Ile Bourbon. Je me suis empressé

de les transmettre au Ministre de la Marine, en l'invitant à faire prendre des informations sur les faits qui s'y trouvent exposés: je crois toutefois devoir faire observer à Votre Excellence que la plupart de ces faits ne paraissent appuyés que sur des allégations qui elles memes, aux termes des rapports, ne reposent que sur des probabilités. Quant aux réflexions que Votre Excellence ajoute sur l'insuffisance ou l'inefficacité des mesures employés pour la répression de cet odieuse traffic, le Ministère de Sa Majesté Britannique doit savoir que le Gouvernement du Roi fait constamment tout ce qui dépend de Lui pour y parvenir, et que les dispositions qui ont été faites à cet égard ont eu des résultats positifs et avantageux.

J'ai l'honneur d'être, &c.

S. E. Lord Granville. LE BARON DE DAMAS.

No. 83.—*Visct. Granville to Joseph Planta, Jun. Esq.*—(*Rec. June* 16.)

Paris, June 13, 1825.

LORD GRANVILLE has to acknowledge the receipt of Mr. Planta's Note, enclosing Copy of one from Mr. Croker respecting the French Slave Ship, *Les Deux Nantais.*

He has in consequence addressed a Note to the French Minister for Foreign Affairs, requesting to know the manner in which His Excellency would wish that the Document, enclosed in his Despatch, marked Slave-trade, of the 2nd. of May, should be certified and legalized.

Joseph Planta, Jun. Esq.

No. 84.—*Viscount Granville to Mr. Secy. Canning.*—(*Rec. June* 17.)

SIR, *Paris, June* 14, 1825.

I HAVE to acknowledge the receipt of your Despatch of the 11th of June, marked Slave-trade, and shall take an early opportunity of making a Communication to M. de Damas upon the contents of it.

I have, &c.

The Right Hon George Canning. GRANVILLE.

No. 85.—*Viscount Granville to Mr. Secy. Canning.*—(*Rec. June* 30.)

SIR, *Paris, June* 27, 1825.

I HAVE the honour to acknowledge the receipt of your Despatch, marked Slave-trade, of the 15th Instant, together with a Copy of Papers relative to the Slave-trade, which have been presented by His Majesty's Command to both Houses of Parliament, in the course of the present Session.

I have, &c.

The Right Hon. George Canning. GRANVILLE.

No. 86.—*Viscount Granville to Mr. Secy. Canning.*—(*Rec. July* 17.)

SIR, *Paris, July* 14, 1825

I HEREWITH transmit a Copy of a Letter from the Minister for Foreign Affairs, returning that part of the Copy of Lieutenant Perc

Hall's report, relative to the Negro Slaves found on board the French Ship, *Les Deux Nantais*, and which His Excellency considers to be a Document of such importance, as to wish to be put in possession of the Original; but should that be deemed impossible, it is necessary, he says, that the Copy granted to him should be certified by me to be a true Copy, and to do which, I must either await your directions, or an authenticated Copy from the Admiralty, which I shall be able to certify. I have, &c.

The Right Hon. George Canning. GRANVILLE.

(Inclosure.)—The Baron de Damas to Viscount Granville.

MONSIEUR L'AMBASSADEUR, *Paris, le 9 Juillet*, 1825.

D'APRES la Lettre que votre Excellence m'a fait l'honneur de m'écrire, le 19 Juin dernier, en me transmettant la Copie d'une Pièce relative au navire *Les Deux Nantais*, j'ai pris auprès de Monsieur le Ministre de la Marine les renseignemens nécessaires pour déterminer le mode de légalisation qui doit constater l'authenticité de cette Pièce.

M. le Ministre de la Marine m'écrit à ce sujet, que comme ce Document est important, il serait désirable de pouvoir le transmettre en Original aux Tribunaux, mais que, dans le cas où votre Excellence ne pourrait se dessaiser de cet Original, il sera nécessaire que la Copie soit certifiée véritable par votre Excellence, qui voudra bien me la transmettre, révêtue de cette légalisation: c'est la seule formalité à remplir pour ce qui concerne votre Excellence.

Je joins ici cette Copie, et J'ai, &c.

S. E. Le Vicomte Granville. LE BARON DE DAMAS.

No. 87.—Mr. Secretary Canning to Viscount Granville.

MY LORD, *Foreign Office, July* 19, 1825.

I SEND herewith to your Excellency a Copy of a Despatch, which I have received from His Majesty's Commissioners at Sierra Leone, dated the 10th of April,* containing their Report upon the present state of the Slave Trade on the Coast of Africa. In your Communications with the French Government upon the subject of Slave-trade, your Excellency will avail yourself of the information contained in this Document, commenting upon those facts in it, which relate to the frequent use of the French Flag, as a cover to Enterprizes in Slave-trade, and urging the adoption of such measures as shall put a stop to that practice. I am, &c.

H. E. Viscount Granville, G. C. B. GEORGE CANNING.

No. 88.—Viscount Granville to Mr. Secy. Canning.—(Rec. July 28.)

SIR, *Paris, 25 July*, 1825.

I HAVE the honour to acknowledge the receipt of your Despatch of the 19th. Instant, marked Slave-trade, and I shall not fail, in my com-

* See Class A. No. 4, Page 30.

munication with the French Government, upon the subject of the Slave Trade, to avail myself of the information contained in the Documents that accompanied it. I have, &c.

The Right Hon. George Canning. GRANVILLE.

No. 89.—Mr. Secretary Canning to Viscount Granville.

My Lord, *Foreign Office, August 2, 1825.*

I transmit to your Excellency a Copy, attested by the Secretary to the Admiralty, of the Document which the French Government wished to have authenticated, as reported in your Excellency's Despatch, marked Slave-trade, of the 14th Ultimo, respecting *Les Deux Nantais*. I am, &c.

H. E. Viscount Granville, G. C. B. GEORGE CANNING.

(*Inclosure.*)

A bord

Négres.....	126	Tous ces Esclaves ont été pris dans la Rivière de Sherbro'.
Négrillons.....	180	
Négresses.....	52	
Négrettes	100	
Petits enfans ...	2	
Total.....	460	

Pris après 34 jours de traversée, venant de Boloom, Rivière Sherbro',

En ayant à bord.....483

Morts..... 23

C. PELLETIER, Capitaine.

LE BOYER, Docteur.

N.B. This part of the Document is written in a French hand, apparently that of Mons. Le Boyer. J. W. CROKER.

Signed in our presence, PERCY F. HALL, Lieut. in Charge.

Friday, 10th Dec. 1824. JOHN W. C. NASH, Mate.

A true Copy, attested, J. W. CROKER.

No. 90.—Viscount Granville to Mr. Secy. Canning.—(Rec. August 12.)

Sir, *Paris, August 4, 1825.*

I herewith transmit a Copy of a Note which Monsieur Le Baron de Damas has addressed to me, in consequence of a representation that was made to the French Government, by Sir Charles Stuart, in the month of April, 1824, of the conduct of the Captain of a French Vessel, the *Louise*, accused of having thrown overboard 75 Slaves, forming part of his Cargo, on his voyage from the Coast of Africa to Guadeloupe. I have, &c.

The Right Hon. George Canning. GRANVILLE

(Inclosure.)—The Baron de Damas to Viscount Granville.

MONSIEUR L'AMBASSADEUR, *Paris, le 28 Juillet, 1825.*

AU mois d'Août de l'année dernière, M. Le Chevalier Stuart adressa au Ministère des Affaires Etrangères des renseignemens qui signalaient le Capitaine Armand, commandant la Goëlette *La Louise*, comme croyable d'avoir fait jetter vivans à la mer 75 Négres, faisant partie d'une cargaison plus considérable, qu'il conduisait à La Guadaloupe. Bien qu'il fut difficile de croire à une atrocité aussi révoltante, le Gouvernement s'empressa de prendre toutes les mesures nécessaires pour s'assurer de la réalité des faits. J'ai la satisfaction d'apprendre et d'annoncer à votre Excellence, que d'après l'enquête ordonnée par le Ministère de la Marine, et les informations recueillies avec le plus grand soin, rien n'est venu confirmer la conduite imputée au Capitaine de *La Louise*. Les circonstances même de l'armement du navire concourent à rendre tout à fait invraisemblable l'action dont il est accusé.

Le fait de contravention aux Lois qui proscrivent la traite, n'en a pas moins donné lieu aux poursuites judiciaires qu'ont encouru *La Louise* et les trois autres navires que signalaient les mêmes rapports.

Je crois toutefois devoir à cette occasion rappeler à Votre Excellence une observation que l'expérience a souvent confirmée: C'est que, soit légèreté dans la manière dont ils sont recueillis, soit ignorance des véritables circonstances, il est rarement arrivé que les renseignemens n'ayent pas présenté comme dans l'inculpation dirigée contre le Capitaine Armand, des inexactitudes, ou, au moins, de l'exagération. J'ai, &c.

S. E. Lord Granville. LE BARON DE DAMAS.

No. 91.—Viscount Granville to Mr. Secretary Canning.—(Rec. Aug. 11.)

SIR, *Paris, August 8, 1825.*

I HAVE to acknowledge the receipt of your Despatch of the 2d inst. marked Slave-trade, with the attested Document respecting the *Deux Nantais*, which I immediately transmitted to His Excellency The Baron de Damas. I have, &c.

The Right Hon. George Canning. GRANVILLE.

No. 92.—Mr. Pro-Consul Pickford to Joseph Planta, Jun. Esq.

SIR, *British Consulate General, Paris, August 12, 1825.*

I HAVE the honour to transmit herewith, for Mr. Secretary Canning's information, the Copy of a Letter just received from His Majesty's Vice-Consul at Nantes, by which you will perceive, that the Owners of the French Vessel, *Deux Nantais*, have positively succeeded, through the Pilots, in warning her not to approach a French Port.

Mr. Mackintosh adds that *he knows* that the Vessel in question has arrived safe at Antwerp, and that he is ready to prove the fact, of that

Vessel having been warned not to enter the Port of Nantes, should it be deemed necessary. I have, &c.

Joseph Planta, Jun. Esq. THOMAS PICKFORD.

(Inclosure.)—Mr. Vice-Consul Mackintosh to Mr. Pro-Consul Pickford.

SIR, *British Consulate, Nantes, August* 8, 1825.

IN reference to my Letter of the 14th May last, and in obedience to the commands of His Excellency Lord Granville, communicated to me, in a Letter dated 15th June, by Mr. Mandeville, I have now the honour to make known to you, for the information of His Excellency, that the Owners of the French Vessel *Deux Nantais*, commanded by Captain Pelletier, have positively succeeded, through the Pilots, in warning her not to approach a French Port. The above Vessel was boarded near Belle Isle (when about to enter the Loire) by a Pilot belonging to that Island, who delivered a Letter to the Captain, ordering him to proceed to Antwerp, and where *I know* she has arrived safe, and landed a Cargo originally intended for this Port.

I am not aware what steps the Owners intend taking in order to secure their property, but I imagine they will instruct the Captain to proceed to some Colony, where she will undergo a sham sale; and thus, by changing her name, she will be able to return again to the Slave-trade.

Should Lord Granville be particularly anxious to substantiate the fact of this Vessel having been warned not to enter this Port, &c. I beg you will inform His Excellency, that upon receiving his instructions to that effect, I will immediately proceed to Belle Isle, where I make no doubt but I shall succeed in obtaining legal and positive proof thereof. I have, &c.

Thomas Pickford, Esq. ROBERT MACKINTOSH.

No. 93.—*Viscount Granville to Mr. Sec*^{y} *Canning.—(Rec. Aug.* 21.*)*

(Extract.) *Paris, August* 17, 1825.

IN obedience to the directions contained in your Despatch of June 11th, 1825, marked Slave-trade, I have addressed a Note to M. de Damas, of which the enclosed is a Copy, transmitting at the same time a Copy of the List of the number of Vessels fitting out at Nantes, for the purpose of trading in Slaves, and which was referred to in the above-mentioned Despatch.

The Right Hon. George Canning. GRANVILLE.

(Inclosure.)—Viscount Granville to The Baron de Damas.

MONSIEUR LE BARON, *Paris, August* 17, 1825.

I HAVE received Instructions from my Court to transmit to your Excellency the enclosed Statement of the number of Vessels at Sea

fitting up and building, which are engaged, or intended to be engaged, in the Slave-trade, from the Port of Nantes.

This statement indicates the increased activity with which that iniquitous Traffic is carried on, and the inefficacy of the French Law, and Regulations, for its suppression.

I am also instructed particularly to call your Excellency's attention to the manner in which the intentions of the French Government have been defeated, with respect to a Ship called the *Deux Nantais*, belonging to Nantes, which was lately captured by a British Cruizer, carried to Kingston, in Jamaica, and subsequently released by order of the British Admiral commanding on that Station, and which, having landed 400 Slaves in the Island of Cuba, was ordered to be seized upon her return to France.

It appears that the Owners of this Vessel were informed that the Commissary of Marine at Nantes was in possession of this Order, and that Instructions were, in consequence, given by the Owners, to all the Pilots, between Croisic and Sables d'Olonne, to be on the look out for the arrival of the *Deux Nantais*, commanded by Captain Pelletier, and to deliver a Letter to the Captain, advising him not to enter the Loire, but to proceed to Antwerp. In consequence of this precaution, the above Vessel was boarded near Belle-Isle, when about to enter the Loire, by a Pilot belonging to that Island; a Letter was delivered to the Captain, in consequence of which Letter, he directed his course to Antwerp, where the Vessel has arrived, and has landed a Cargo originally intended for the Port of Nantes.

It is unnecessary for me to inform your Excellency, that the facts above stated afford presumptive evidence of the indisposition of the Local Authorities at Nantes to lend their cordial assistance in suppressing the Slave-trade; for by the premature disclosure of the Order to seize the *Deux Nantais*, the just intentions of the Government of His Most Christian Majesty, to bring the Persons concerned in that Vessel to the punishment they deserved, have been entirely defeated.

I avail myself, &c.

H. E. The Baron de Damas. GRANVILLE.

No. 94.—Mr. Secretary Canning to Viscount Granville.

My Lord, *Foreign Office, September* 8, 1825.

I transmit herewith to your Lordship, the Extract of a Communication received from the Admiralty, containing a statement by Commodore Bullen, of the prevalence of the Slave-trade, carried on under the Flag of France, upon the Coast of Africa, and particularly off the Gallinas; details of which, as your Excellency will perceive, are furnished by Commodore Bullen in the account of his cruize down that Coast. Your Excellency will communicate these facts to the Government of His Most Christian Majesty, and express the hope of this Government, that orders will be sent out to the French Colonial Authorities, to pur-

sue such measures as may tend, more effectually, to discourage the continuance of this disgraceful Traffick, under the protection of the Flag of France. I am, &c.

H. E. Viscount Granville, G. C. B. GEORGE CANNING.

(Inclosure.)—Commodore Bullen to J. W. Croker, Esq.

(Extract.) *H. M. S.* Maidstone, *Acera Roads, June* 18, 1825.

HAVING received information of some Vessels trading for Slaves in the River Sherbro', on my arrival off the Bazara Islands on the 15th ultimo, I despatched two boats of His Majesty's Ship under my command, accompanied by one from the *Esk*, in charge of Lieutenant Griffin, of this Ship, with instructions to examine that River and its vicinity as minutely as possible, and rejoin me off Manera Point on the 18th, where he found the first four French Vessels described in the enclosed List, marked A, all evidently trading, and making every preparation for the reception of their Slaves, as their Lordships will perceive by the remarks made by Lieutenant Griffin opposite each.

Keeping as close on shore as circumstances would admit, on the 19th at day light, I disturbed at Anchor off the Rivers Gallinas and Sugury, a horde of French vessels, with a Spanish and Dutch Schooner in company.

The next morning, off the River St. Paul, I boarded the three other French Vessels, also described in the enclosed List; the *Ernestine* was clearly seen from this Ship, as we were standing towards them, disembarking her Slaves, aided and assisted by the boats and canoes of the *Eclair* and *Clarisse*, and on my Lieutenant boarding her, was found with her Slave-deck in such a filthy condition, and the kids with the spoons and part of the rice that they had that day breakfasted from, as to leave not a doubt to testify what I had witnessed.

I am sorry to acquaint their Lordships that the Slave-trade is still carried on briskly in the neighbourhood of the Gallinas, but the principal part engaged in that illicit Traffick are French, having in my way down boarded only two Spaniards, (the *Attrevida* and *Fingal.*) The Vessels employed by the French are generally well manned and armed, and from their great superiority in sailing, frequently escape detection; and their Lordships will perceive that several of them have been detained by the French Man of War Brig *Dragon*, and sent to Senegal for adjudication, but have all been liberated by the Court there, and have returned to continue their inhuman voyage, although the *Dragon* was lately, from accounts, cruizing in that Quarter. As my instructions forbid my interfering with Vessels of that Nation, if Slaves are actually found on board, I have always desired the Lieutenant who boards them, to be mild and minute in conducting the examination, and particularly in the Cases of those Vessels who were assisting the *Ernestine*.

J. W. Croker, Esq. CHARLES BULLEN.

(Sub-Inclosure, A.)—***LIST** of French Vessels boarded by H. M. S. Maidstone, between 12th May and June, 1825.*

Date.	Place.	Name of Vessel.	Name of Master.	Name of Owner.	How rigged.	Under what Colours	No of Men.	No of Guns.	No of Tons.	When Sailed.	Where From	Where Bound.	Where Belonging.	Cargo.	REMARKS.
17th May	River Sherbro'	Eleonore	Mourailleur	Le Mercier	Brigantine	French	18	2	62	15 May, 1824	Nantes	St. Thomas	Nantes	Delivered	There is no doubt, from her large water-casks, and small wood in the hold, but that she is waiting for her Slaves.
—	—	Caravane	Gayrend	De La Roche	Schooner	—	14	—	70	13 Feb. 1825	Martinique	Martinique	Toulon	Do.	Water filled, and ready for her Slaves, which will be ready in the space of two Months.
—	—	Louise	Fatio	Fleuret & Co.	—	—	27	5	96	18 — —	St. Thomas, W. I.	France	Martinique	Do. in part	
—	—	Modeste	Rijon Felix	Crenord	—	—	13	2	50	5 Apr. —	Senegal	Trading	—	General	This Vessel was detained a short time since by the "Dragon," French Man of War Brig, but liberated by the Court at Senegal.
19 —	Off the River Gallinas	Amazone	Villicente	M. Cassarene	Brigantine	—	20	2	109	7 Feb. —	Martinique	Do.	—	—	
—	—	Modeste	Dejournay	Lemoine	—	—	19	—	77	20 Mar. —	—	—	—	—	
—	—	Marianne	Crenare	Geraut	—	—	13	—	54	23 — —	—	—	—	—	
—	—	Assurance	Braizeur	Gazoux	—	—	19	2	120	2 — —	Nantes	—	Nantes	—	This Vessel was also detained by the "Dragon," but liberated at Senegal by the Court, on the 30th January last.
20 —	Off River St. Paul	Ernestine	Milaud	Bidon	Schooner	—	11	—	39	1 Jan. —	Cayenne	Cayenne	Cayenne	Delivered	Water filled and wood on board, Slave deck laid, and she appeared to have had her Slaves on board this morning, which accounted for the number of Canoes and Boats of the other Vessels in company leaving her when I was standing in: the kids were also found with spoons, and rice in them, that the Slaves had breakfasted from.
—	—	Eclair	N. Fleury	Richard	Brigantine	—	19	2	134	7 Apr. —	Nantes	Trading	Nantes	General	
—	—	Clarisse	C. Claisse	Sellier	Schooner	—	18	—	122	7 Feb. —	—	—	—	—	
—	Off R. Junk	Adolphe	Thomas	Vallie	Brig	—	25	4	150	17 Mar. —	Senegal	—	—	—	Detained by the "Dragon" on the 1st March, but liberated by the Court at Senegal, and has now returned to this River, where some of her Cargo for trade had been landed previous to detention.
21 —	Grand Bassaur	Elizabeth	Desangat	Lafont	Schooner	—	14	—	67	23 Feb. —	Guadeloupe	Princes	Guadeloupe	—	

CHARLES BULLEN, Commodore.

No. 95.—Viscount Granville to Mr. Secy. Canning.—(Rec. Sept. 15.)

SIR, *Paris, September 12, 1825.*

I HAVE to acknowledge the receipt of your Despatch marked Slave-trade, of the 8th instant; and I shall not fail to communicate the statements therein contained, to the Government of His Most Christian Majesty.

I have, &c.

The Right Hon. George Canning. GRANVILLE.

No. 96.—Viscount Granville to Mr. Secy. Canning.—(Rec. Sept. 25.)

SIR, *Paris, September 22, 1825.*

I HAVE the honour to enclose a Copy of a Note from The Baron de Damas, in answer to that which I addressed to His Excellency, upon the receipt of your Despatch of the 8th instant, marked Slave-trade.

I have, &c.

The Right Hon. George Canning. GRANVILLE.

(Inclosure.)—The Baron de Damas to Viscount Granville.

MONSIEUR L'AMBASSADEUR, *Paris, le 17 Septembre, 1825.*

J'AI reçu avec La Lettre que Votre Excellence m'a fait l'honneur de m'adresser le 13 de ce mois, les renseignemens qui l'accompagnaient et qui signalent plusieurs Batimens Français comme faisant la Traite des Noirs. Je me suis empressé de les transmettre au Ministre de la Marine en l'invitant à faire prendre à cet égard des informations exactes, et à donner des ordres en conséquence. J'ai, &c.

S. E. L'Ambassadeur d'Angleterre. LE BARON DE DAMAS.

No. 97.—Mr. Secretary Canning to Viscount Granville.

MY LORD, *Foreign Office, October 27, 1825.*

I FORWARD to your Excellency, the Copy of a Communication received by the Secretary of State for the Colonial Department, from General Sir Lowry Cole, His Majesty's Governor of The Mauritius, on the subject of a clandestine and illegal transportation of Slaves from that Island, into the Island of Bourbon.

Proceedings having been had upon this Case in the Courts of Bourbon, Sentence was declared, that the Vessel, the *Marie*, importing the Slaves from Mauritius, should be confiscated; that her Captain should be interdicted from again commanding a Vessel of France, but that the Slaves should be given up to Messrs. Robins, of Bourbon, claiming them as their property in that Island.

This strange contradiction in the Sentence appears to have been grounded on the assertion made by the Bourbonese Claimants, that these Slaves had belonged to them prior to the arrival of the Vessel at Bourbon. Against this assertion, is the unanimous statement, separately taken, of each of the Slaves, that they belonged to Persons in the Mauritius, and were transported to Bourbon for sale in the

night, and on board of the Vessel in question, the *Marie*. There is the *Recensement Triennal*, taken in Mauritius, of the Slaves belonging to Mr. Calmet, one of the Persons by whom, at the period mentioned, most of them were sold, and which describes minutely certain characteristics, by which these individual Slaves are recognized There is the evidence of three persons of credibility who knew the Slaves in Mauritius; and there is also the very Sentence of the Colonial Court, against the Vessel and Captain condemned for the illegal transportation.

The Sentence of the Colonial Court, it appears, has, by order of M. Freycinet, His Most Christian Majesty's Governor of Bourbon, been carried up for a renewed hearing, to the Supreme Court of Cassation.

It is to be hoped that the Court of Cassation will reverse the latter part of the Sentence given, and order that the Slaves shall be placed at the disposal of the Governor of The Mauritius.

I have to instruct Your Excellency, to address the French Government on the subject; to communicate to them the accompanying Papers; and to express on the part of His Majesty's Government a hope, that His Most Christian Majesty's Ministers will see justice done on this occasion, so that no encouragement may be given to the continuance of the practice of clandestinely transportin Slaves from a Colony of one Nation to a Colony of the other; a practice decidedly contrary to the Laws of the two Countries, and detrimental to the interests of their Colonies.

Your Excellency, in your communication with the French Minister, will not omit to express the sense which this Government entertains of the loyal and upright conduct of the Governor of Bourbon, throughout the whole of this unpleasant transaction.

I have the honour to be, &c.

H.E. Viscount Granville, G. C. B. GEORGE CANNING.

(Inclosure.)—General Sir Lowry Cole to Earl Bathurst.

My Lord, *Mauritius, June* 21, 1825.

In reference to that part of my Despatch (No. 72), of 1824, which stated that certain Slaves had been clandestinely and illegally transported from this Island to Bourbon, I have now the honour to forward to your Lordship copies of the Correspondence which has passed on the subject between Governor Freycinet and myself, (1 to 11) to which I add Copies of Two Letters (12 and 13) which I have received from Mr. Vetch, the British Consular Agent, at Bourbon.

I have already had the honor of acquainting your Lordship, that, in order to identify the Slaves in question, and to prove to the Courts of Bourbon, that those individuals belonged to this Island, I had sent down an Officer and two or three Men, who were well acquainted with

Mr. Calmet's Blacks, generally, and their identification was established beyond all manner of doubt.

Your Lordship will observe on referring to the Enclosure (No. 13), that by Sentence of the Court of Revision, at Bourbon, the vessel which conveyed the Slaves has been confiscated, and the Captain interdicted from ever again commanding a French vessel; whilst the Slaves, for the introduction of whom the Schooner *Marie* has been condemned, are declared the property of the Persons claiming them at Bourbon.

It must be unnecessary for me to point out to Your Lordship the extraordinary contradiction of the Sentence in question; indeed, Governor Freycinet in his Letter, marked Enclosure (No. 9.) frankly expresses his surprise on the occasion, and adds that he has appealed from it to the "Cour de Cassation," in France. On learning the final decision of the Court at Bourbon, I conceived it my duty to address a letter to Governor Freycinet, (10) claiming the Slaves as subjects of His Majesty; but His Excellency states in reply, (11) that, according to the Sentence (and notwithstanding the Appeal) the Blacks have of necessity been given up to the Claimants at Bourbon.

I am induced to trouble Your Lordship with all the Papers relating to this transaction, as it may possibly be deemed necessary to address the Court of France on the subject: the question involved is one of considerable interest to this Colony; for as Slaves are sold for much higher prices at Bourbon than here, a continuation of the illegal speculation now reported would be most injurious to The Mauritius, and would perhaps lead to misunderstandings between the two Colonies.

I beg leave to express to Your Lordship, that, throughout the whole of the present affair, the loyalty of Governor Freycinet's conduct and proceedings has been most conspicuous, and no exertions seem to have been spared by His Excellency to produce a decision altogether different from that which has been pronounced by the Courts of Bourbon.

I have only further to inform Your Lordship, that Mr. Calmet, after being released from the Civil Prison (where the nature of the charges against him would no longer permit of his being detained) forfeited his recognizances and has absconded. Your Lordship will however remark, by the accompanying Copy of a Sentence of the Court of Vice Admiralty of this Colony, (14) that he has been condemned in Penalties for the illegal removal of his Slaves, but it has not been advisable, for want of sufficient evidence, to continue the prosecution against the other Persons implicated in the transaction.

I have, &c.

Earl Bathurst, K. G. G. LOWRY COLE.

MONSR. LE GOUVERNEUR, (1.) *St. Paul, le 20 Août*, 1824.

DANS la nuit du 17 au 18 de ce mois, des Noirs, qui, suivant leur déclaration, auraient appartenu aux Sieurs Calmet et Dupont, habitans de Maurice, paraissent avoir été débarqués à Bourbon par un de nos Caboteurs, qui, étant parti le 12 du Port Louis, vient mouiller le 15 sur notre rade de St. Paul.

Ces Noirs étaient au nombre de vingt-un; l'Administration avertie à point, en saisit vingt dès le lendemain; on est à la recherche de celui qui manque. Des informations sont commencées contre le Capitaine et l'équipage du navire Caboteur. Comme cette espèce particulière de contravention est prévue et caracterisée par nos Loix locales, et que d'ailleurs, dans le cas actuel, la preuve ne sera pas evidemment susceptible de difficultés, malgré le systême de dénégation où les inculpés se renferment, je ne doute pas que nos Tribunaux ne prononcent condamnation.

Je me reserve de témoigner alors à votre Excellence combien j'ai à cœur de réparer les atteintes qu'on aurait voulu porter d'ici aux intérêts de la Colonie qu'elle administre.

Je me fais un devoir, Monsieur le Gouverneur, de vous communiquer des projets que cette occasion a fait venir à ma connaissance. Beaucoup d'habitans de Maurice se proposent, m'a-t-on assuré, de faire passer clandestinement leurs Noirs à Bourbon, soit pour les y vendre, soit avec le dessein de demander à s'y établir eux mêmes. De mon coté je mettrai tous mes soins à déjouer ces combinations.

J'ai l'honneur d'être, &c.

(Le Commandant et Administrateur

S. E. Le Général Lowry Cole, pour S. M. T. C.)

Gouverneur de l'Ile Maurice, &c. HY. DE FREYCINET.

SIR, (2.) *Mauritius, September* 3, 1824.

I HAVE had the honour to receive Your Excellency's Letter of the 20th ult., and hasten to express to Your Excellency how very sensible I am of the feelings and principles which have influenced Your Excellency's measures in the case of the seizure of certain Blacks, clandestinely withdrawn from The Mauritius, and conveyed to Bourbon on board the *Marie*, Captain Imbert.

I have caused Mr. Calmet, stated to be the Owner of the Blacks in question, to be arrested, but I have been unable to secure his Accomplice, Mr. Dupont, as there are three Persons of that name here; and, I must therefore entreat Your Excellency to have the kindness to favour me with the christian name, and some further information on the subject of this Individual.

I shall forbear saying more on this matter until I shall be honoured with another Communication from Your Excellency; in the mean time I must repeat how much I feel obliged by the promptitude of

Your Excellency's proceedings, which, in bringing the present Offenders to justice, will deter others from embarking in an undertaking so decidedly contrary to the Laws of the two Colonies, and calculated to be very injurious to the welfare and interests of The Mauritius.

I have, &c.

H. E. Governor Freycinet, Bourbon. G. LOWRY COLE.

MONSIEUR LE GOUVERNEUR, (3.) *St. Paul, le 7 Septembre,* 1824.

J'AI l'honneur d'adresser à votre Excellence un Précis de l'interrogatoire auquel il fut procédé ici aussitot après la saisie des Noirs dont j'ai parlé dans ma Lettre du 20 Août (No. 89.) Ce n'est là qu'un simple renseignement, mais il peut fournir d'utiles indications, et faciliter les recherches que votre Excellence se proposerait d'ordonner à Maurice, relativement aux Sieurs Calmet, Dupont et Rempart.

J'ai mandé au Procureur du Roi d'interroger ceux des dits Noirs qui ont dit avoir été envoyés à bord du Navire, *La Marie,* par le Sieur Dupont, afin qu'ils donnent au sujet de celui-ci des notions précises qui le fassent distinguer des autres Individus qui portent le même nom à Maurice. Déjà peut-être, la Pièce que j'envoie ci joint à votre Excellence ne sera-t-elle pas inutile pour cet objet.

On cherche à prouver que les Noirs en question étaient à Bourbon avant l'époque du retour de la Goëlette *La Marie:* qu'ils avaient été acquis pour le compte d'une maison de cette Ile; et le Ministre Public m'informe qu'ils ont été réclamés par leurs soi-disants Propriétaires. Comme tout peut s'obscurcir devant les Tribunaux, où il n'est pas rare de voir paraître des Misérables pour soutenir des assertions fausses, et temoigner contre leur conscience, je vous prie, Monsieur le Gouverneur, de me communiquer les découvertes qui pourraient être faites à Maurice concernant cette affaire.

Pour moi, Monsieur le Gouverneur, en vous écrivant ainsi que je l'ai fait le 20 Août, j'ai cru ne remplir qu'une simple obligation de convenance et d'équité. Les expressions dont vous avez bien voulu m'honorer dans votre réponse me sont un nouveau temoignage que la politesse la plus exquise, ne vous est pas moins familière que la noblesse des sentimens.

J'ai l'honneur d'etre, &c.

(Le Commandant et Administrateur pour le Roi.)

S. E. Le Général Lowry Cole. HY. DE FREYCINET.

MONSIEUR LE GOUVERNEUR, (4.) *St. Paul, le 21 Septembre,* 1824.

LES Noirs qui ont fait des déclarations relatives au Sr. Dupont ont été de nouveau questionnés, afin qu'ils fissent connaitre distinctement cet individu. Le Procureur du Roi m'informe qu'ils ont fait les réponses suivantes:

Ils avaient été transportés des Seychelles à Maurice depuis un

mois environ, quand on les a embarqués sur le navire *La Marie*. Ils ne savent pas les prénoms du Sr. Dupont. Ils disent qu'il est habitant à la Montagne Longue, et qu'il a un emplacement au Grand Port. Ils n'ont pu désigner aucun des Propriétaires voisines du Sr. Dupont, soit au Grand Port, soit à l'habitation.

Quoique ces indices ne soient pas tout à fait directs, ils pourront aider utilement aux perquisitions que vous avez ordonnés. Je continue à prier votre Excellence de m'en communiquer les résultats. J'ai eu l'honneur de lui dire qu'on s'était présenté ici pour réclamer les Noirs en question. L'on a soutenu ce prétendu droit de propriété devant le Magistrat. Dans cet état de choses j'ai voulu que le Ministre Public ne portat l'affaire en instance, qu'après qu'il aura été nanti de tous les renseignemens propres à jeter plus de jour sur les causes de sa plainte, et en même temps à confondre celui qui s'est presenté pour se dire Propriétaire des Noirs.

J'ai l'honneur d'être, &c.

S. E. Le Général Lowry Cole. H. DE FREYCINET.

SIR, (5.) *Mauritius, October* 9, 1824.

I HAVE been honoured with the receipt of your Excellency's Letters of the 7th and 21st, instant and am most obliged by the information they contain.

Enclosed I transmit to your Excellency a Copy of Mr. Calmet's Recensement, by which you will perceive that a great portion of the Slaves, who have been seized at Bourbon, evidently appear to be those recensed by Mr. Calmet.

For want of evidence it has not, as yet, been possible to proceed against the Parties here; but, should the information afforded by your Excellency, in regard to Mr. Dupont and François Rempart, lead to the discovery of any further particulars, I shall not delay in comcating them to your Excellency. I have, &c.

H. E. Governor Freycinet, Bourbon. G. LOWRY COLE.

Précis de l'audition de vingt noirs que le Navire Caboteur *La Marie* est prévenue d'avoir transportés illégalement de l'Ile Maurice à Bourbon.

A laquelle audition il a été procédé le 19 Août, 1824, d'après les ordres de Mr. le Commandant et Administrateur pour le Roi, et selon les formalités d'usage, par M.M. Louis Jean Baptiste Thoumin, Lieutenant de Gendarmerie Royale, Chevalier de la Légion d'Honneur, Commandant de la Place de St. Paul, et Ferdinand Reynaud, Commis de Marine, Chargé du Service Administratif, au Quartier St. Paul.

Les Noirs susdits ayant été conduites successivement et séparément par un Gendarme, le premier entendu a déclaré se nommer (No. 1.) * Pierre Bonhomme, Noir Créole, de l'Ile Maurice, Charpentier Civil, appartenant au Sieur Calmet, demeurant au Port Louis. Il dépose ce qui suit :

" Le 11 Août, vers dix heures du soir, le Sr. Calmet, mon Maître, est venu nous donner l'ordre de faire nos dispositions pour partir travailler à la Rivière Noire.

" Environ les deux heures du matin de la même nuit, il nous a fait embarquer dans une Piroque appartenant au Sieur François Rempart, entrepreneur de bâtelage au Port Louis, escortés par notre Maître. Nous avons mis à terre dans la petite Rivière où nous avons fait cuire notre déjeuner, et nous y avons séjourné, cachés dans les herbes, jusqu'au soir, quand on nous a fait reprendre la mer dans la même Piroque, au nombre de seize, tous appartenant au dit Sr. Calmet.

" La nuit faite, on a dirigé la Piroque sur des signaux que faisait un navire sous voile. Environ les dix heures du soir nos avons accosté ce navire, et avons été forcés par notre Maître de monter à bord. Nous y avons trouvé cinq Noirs appartenant au Sieur Dupon (ou Dupont) habitant de Maurice."

Ont déposé des mêmes faits et circonstances, les nommés:

No. 2 * Pierre, Créole de Maurice, agé de 22 ans, Charpentier.
3 * Hyacinthe, Malgache..... 22 idem
4 * Auguste.....idem..... 20 idem
5 * Joseph, Mozambique ..... 25 idem
6 * Philogême, Créole de Maurice .... 20 idem
Lindor, Malgache..... 20 idem
Alexis, Mozambique..... 20 idem
7 * Atio .....idem ..... 30 idem
8 * Minos ....idem ..... 25 idem
Izidor, Malgache..... 35 idem
9 * Aurélie, Créole de Maurice..... 12 environ
Antoinette, Malgache..... 20
10 * Aurélie, Malgache..... 25
Celle-ci a un enfant nommé
Anne Marie, agée de..... 13 Mois
11 * Le Noire, Pierre Louis, Crêole de Bourbon, agé d'environ 60 ans, n'a point comparu, ayant échappé aux recherches de la Gendarmerie—Suivant le dire des précédens, il appartenait aussi au Sr. Calmet.

Ont encore comparu, et toujours séparément.
Théodore, Mozambique, agé de 25 ans, noir de Pioche.
Calix.....idem ..... 25 idem
Manuel. ....idem ..... 20 idem
Bijoux .....idem ..... 25 idem
Antoine.....idem ..... 20 idem

Lesquels ont déclaré avoir été envoyés des Seychelles à Maurice, par leur Maître, le Sieur Pinel ou Finel Major, à Mr. Dupont, habitant de cette dernière Ile, pour y être vendus: Que le dit Sr. Dupont les a envoyés à Bourbon, pour y être vendus plus avantageusement; qu'ils ont été conduits, de nuit, dans une grande Piroque, du Port Louis à bord de la Goëlette *La Marie*, où ils sont montés peu d'instans avant ceux du Sr. Calmet.

Note.—The Blacks marked thus (*,) and numbered from 1 to 11, evidently agree with their recensement, as furnished by Mr. Calmet.

RECENSEMENT TRIENNAL DES ESCLAVES.

Etat fourni par Joseph Cyprien Calmet, habitant au Port Louis, des Esclaves lui appartenant.

	Noms.	Surnoms.	Couleur.	Emplois.	Age.	Taille.		Pays.	Marques.	Parens.	Mutations.
						Pieds.	Pouces.				
	Joseph - -	Alexandre -	Rougeatre -	Chapelier -	18	5	2	Malgâche -			
	Prosper - -	Louis - -	Noire - -	Do. - -	13	4	5	Do. - -	Marques de son pays sur le bras		
(3.)	Jacinthe -	Vincent -	Rougeatre -	Do. - -	12	4	1	Do. - -			
	Marcelin -	Balthazar -	Noire - -	Do. - -	15	4	8	Do. - -	Marques de son pays sur le bras		

Le nombre total des Esclaves est de quatre.

Fourni le 31 Août, 1815, fo. 1138, vol. 3eme, Personnel.

RECENSEMENT TRIENNAL DE 1819.

	Fidel - - -	Laurent -	Rouge - -	Domestique	23	5	1	Malgâche -	- - - - - - -	- -	Acheté de Mons. Jean Rivière.
	Philogene -	Arture - -	Rougeatre -	Do. - -	18	3	8	Crêol - -	- - - - - - -	- -	Acheté de Mr. Menart, recenti par Made. A Dureau.
	Sophie - -	Dormie -	Noir Rouge	Do. - -	20	4	3	Malgâche -	De son pays - - -	- -	Acheté de Mons. Hypolite Froutin.
	Izidor - -	Lespays -	Noire - -	Do. - -	24	5	- -	Mozambique	De son pays au visage -	- -	Acheté de Monsr. Louis Pigeot, fils.
(5.)	Joseph - -	Pierre - -	Noire - -	Do. - -	22	5	2	Mozambique	Huit marques à chaque côté du visage, trois sur le front au dessus du nez - - -	- -	Acheté de Made. Antoine Euphrosine.
(1.)	Pierre - -	Bonhomme	Noir Rouge	Do. - -	21	4	11	Crêol - -	- - - - - - -	- -	Acheté de Monsr. Gabriel Roliet.

Le nombre total de mes Esclaves pour l'Anné 1819 est de neuf.

Fourni le 5 Mars, 1819, non enregistré étant incorrect.

RECENSEMENT TRIENNAL DE 1822.

	Noms.	Surnoms.	Couleur.	Emplois.	Age.	Taille. Pieds.	Taille. Pouces.	Pays.	Marques.	Parens.	Mutations.
(4.)	Auguste	-	Rouge	Maçon	23	5	-	Malgâche	-	-	Acquis, le dit Noir, de Mr. Boisgard, Jeune.
(8.)	Minos	-	Noire	Domestique	22	5	3	Mozambique	-	-	Acquis de Mons. Garien.
	Jupiter	Dit Baladin	Noire	Pioche	50	4	10	Idem	De son pays	-	Acquis de Monsr. Desjardins.
(2.)	Pierre	-	Rouge	Charpentier	22	4	7	Crêol Malgâche	-	-	Acquis de Jean Dantoine.
	Henry	François	Noire	Domestique	35	5	-	Malgâche	De son pays	-	Acquis de Made. Caetanne.
(11.)	Pierre Louis	-	Rouge	Charpentier	45	5	8	Crêol Bourbonnais	-	Avant des Parens -	Acquis de Monsr. Dupont.
(6.)	Philogène	-	Rougeatre	Domestique	12	3	8	Crêol Malgâche	-	-	Acquis de Made. Veuve Menard.
(7.)	Atisse	Jacques	Noire	Idem	22	4	10	Mozambique	Marques du front	-	Acquis de Monsr. Faucheur, fils.
	Laramée	Feuillage	Noire	Pioche	22	4	-	Do.	-	-	Acquis de Monsr. Guidel.
(9.)	Aurélie	Timonde	-	Couturiere	24	4	9	Malgâche	-	-	Acquis de Made. Veuve Humbert.
	Rosalie	Althea	Rouge	Domestique	29	4	9½	Idem	-	-	Acquis de Made. Veuve Michel.
(10.)	Aurélie	Marie Louise	Mulatresse	Do.	10	3	4	Créol	-	-	Acquis de Mons. Langlais.

Le nombre total des Esclaves à moi appartenant est douze.

Fourni le 25 Avril, 1822, non enregistré étant incorrect.

Pour Copie conforme aux Recensements du Sieur Calmet,

T. BRADSHAW, Registrar of Slaves.

MONSIEUR LE GOUVERNEUR, (6.) *St. Denis, le 15 Octobre,* 1824.

J'AI l'honneur de vous accuser réception de la Lettre que votre Excellence m'a écrite le 9 de ce mois, à l'occasion de mes Communications précédentes, concernant les Noirs saisis à St. Paul, le 18 Août dernier. La Copie des Recensemens du Sr. Calmet est effectivement une Pièce propre à inspirer une grande conviction. Mais dans une semblable affaire, où j'ai à cœur de ne rien négliger pour obliger nos Tribunaux à ne pas méconnoître l'évidence, si les informations que vous alliez ordonner fesoient ressortir des preuves plus directes encore, Je vous prie de nouveau, Monsieur le Governeur, de m'en donner aussitot ample communication. Ici le Ministre Public a terminé ses informations, et il ne lui reste plus qu'à porter l'affaire devant les Juges. J'en donnerai l'ordre dès l'instant que j'aurai recueilli tous les Documents qu'il sera possible de me procurer; car je voudrois, ainsi que je l'ai dit, que l'issue du Procès ne laissat d'avance aucune incertitude, et j'attendrai ces Documens Supplétifs de la part de votre Excellence.

J'ai, &c.

S. E. Le Général Lowry Cole. HY. DE FREYCINET.

(Extract.) (7.) *Mauritius, November* 10, 1824.

I HAVE had the honour to receive your Excellency's Letter of the 15th ult. and should have replied to it before this, but that I waited to obtain and transmit to your Excellency further evidence with respect to Mr. Calmet's Blacks.

I must now acquaint your Excellency, that having procured an Officer and two persons, viz. Captain Foreman of the 56th Regt., and Privates Zeal and Alexis, of the Colonial Company, who are acquainted with, and I trust will be able to identify, these Blacks, generally, His Majesty's Ship *Espiegle,* commanded by Captain Wray, conveys them to Bourbon; and I should hope that their testimony will convince the Tribunals of your Excellency's Government that the Slaves in question belong to this Colony. I have, &c.

H. E. Governor Freycinet, Bourbon. G. LOWRY COLE.

Note.—Paul Damain, an Inhabitant of Grand Port, was also sent to Bourbon at the same time, and for the same purpose.

M. LE GOUVERNEUR, (8.) *St. Denis, le 16 Novembre,* 1824.

LA tâche que je me suis imposée de suivre avec un soin rigoureux, l'affaire au sujet de la quelle vous avez bien voulu me faire parvenir de nouveaux moyens de conviction, fait que je vous demeure nonmoins obligé de votre co-operation, que s'il s'agissoit d'un objet qui blessat uniquement les Lois et les intérêts de notre Colonie. Dès ce moment je vais activer les soins du Ministre Public, afin que la Procédure s'engage devant les Tribunaux. Je m'empresserai d'en communiquer l'issue à votre Excellence.

Je vous fais aussi de remercimens, Monsieur le Gouverneur, de ce que vous m'avez procuré l'occasion de faire politesse à M. M. Les Capitaines Wray et Foreman. Ce sont des Officiers très aimables et fort distingués. Je me félicite beaucoup d'avoir fait connoissance avec eux.

J'ai l'honneur, &c.

S. E. Le Général Lowry Cole. HY. DE FREYCINET.

(9.) *St. Denis, le* 22 *Avril,* 1825.

Je conçois, Monsieur, que M. le Général Lowry Cole soit désireux de savoir l'issue d'une affaire dans la quelle je l'avois intéressé autant qu'il dépendit de moi. Issue n'est pas le mot. Nous n'en sommes pas à la termination.

Le dernier Jugement intervenu dans le Procès intenté par le Ministre Public au Sieur Jubert, concernant l'introduction de Noirs, qu'il effectua dans la nuit du 17 Août, 1824, prononce l'interdiction de ce Capitaine, et la confiscation du navire, *La Marie,* qu'il commandoit.

Ce Jugement l'a donc déclaré coupable. Il n'y a rien à dire jusque là. Mais quels sont les Noirs que le Sr. Jubert a transportés à Bourbon? Ici commencent l'hésitation et la difficulté des réponses chez la majorité des Juges, ou pour mieux dire les causes d'une bizarrerie dont ce Jugement est marqué. Les Noirs dont il s'agit n'avoient pas été suivis de l'œil dès l'instant du débarquement; ce débarquement n'avoit pas été soupçonné avant la déclaration de ces Noirs. Première raison sur la quelle la majorité des Juges s'est fondée pour prononcer qu'on n'avoit pas pu légalement procéder à la saisie de ces mêmes Noirs. Mais puisque le Sr. Jubert est condamné d'après leurs déclarations, il s'ensuit que le Jugement les reconnoit pour être ceux qui ont été conduits à Bourbon par le Navire *La Marie.*

Cependant un homme, se disant Agent de M. M. Robin, Frères, s'est présenté pour démontrer que ces Noirs étoient eu la propriété de ces Négocians, dès avant l'époque ou *La Marie* revint à Bourbon, Seconde raison qui a fait opiner la majorité des Juges contre la validité de la saisie des Noirs. Car en admettant qu'ils appartenaient à M. M. Robin, on a conclu de là, que leur témoignage ne pouvoit être admis en ce qu'il avoit de préjudiciable contre leurs maitres. Mais cette thèse conduit à une contradiction; et le jugement ne reconnoit plus ces Noirs comme étant ceux qui ont été conduits à Bourbon par le navire *La Marie.*

Pour moi, depuis le commencement de cette affaire, je n'ai pas cessé d'agir suivant la conscience de mes obligations. Je rends compte à son Excellence le Ministre de la Marine de ces incidens qui me causent un chagrin réel, et j'ai en même tems ordonné le Pourvoir en Cassation, qui n'étant pas suspensif de l'exécution du Jugement, n'a pu dispenser l'Autorité de remettre les dits Noirs à M. M.

Robin, en attendant que la Cour Suprême prononce sur le mérite du Pourvoir. Ces détails, tous sommaires qu'ils sont, expliquent suffisamment le progrès et l'état present de la Cause. Vous pouvez en entretenir M. Le Général Lowry Cole, en l'assurant avec une entière vérité qu'il ne s'est guère commis de contravention qui m'ait affecté autant que celle ci. Recevez, &c.

HY. DE FREYCINET.

M. de Villy, Agent Consulaire Français, à Maurice.

SIR, (10.) *Mauritius, May* 30, 1825.

MONSIEUR DE VILLY, the French Consular Agent at this place, has furnished me with your Excellency's Letter of the 22d ult., respecting the Slaves clandestinely conveyed from this Island to Bourbon in August last, and stating your Excellency's view of the Judgment which has been pronounced in the Case in question, by the Tribunals of your Excellency's Government. Your Excellency is pleased to mention, that you have appealed from the Judgment of the Colonial Court to the "Cour de Cassation", but that in the mean time the Slaves must be given up to the Parties claiming them. Although I am fully aware of the propriety of leaving the current of Public Justice to its own independent course, yet I feel it a duty incumbent on me, in the situation which I have the honour to hold, to solicit from your Excellency's authority, and to claim the return of the Slaves alluded to, as being the Subjects of His Britannick Majesty ; and that, as such, they should be reconveyed to the Mauritius, from whence, by the evidence of the Documents forwarded to me by your Excellency, as well as by the testimony of the Witnesses whom I sent to Bourbon for the purpose of identifying the Slaves, they were illegally transported.

Your Excellency will, I am sure, permit me to observe, that, according to the existing Laws, the individuals who have been conveyed from this Island to Bourbon, although in a state of Slavery, are not less the Subjects of His Britannick Majesty than any other Persons now resident and fixed at the Mauritius ; and, that their removal from this Colony has been a manifest violation of the Laws enacted for their protection.

Under these circumstances, I am induced to think that your Excellency's compliance with my request could work no injury to the Parties claiming a property in these Slaves ; but at all events, as your Excellency has appealed to the "Cour de Cassation," and, as no doubts can exist, that the Individuals in question were clandestinely transported from the Mauritius to Bourbon, (as is evident, by the Court confiscating the Vessel on which they had been embarked,) I trust I may be allowed to claim the right of their being deposited, if not under my authority; at any rate under that of your Excellency, until the Appeal shall be

determined, or the affair be decided and settled by our respective Governments at home. I have, &c.

H. E. Governor Freycinet. G. LOWRY COLE.

MONS. LE GOUVERNEUR. (11.) *St. Denis, le* 17 *Juin* 1825.

J'AI l'honneur de répondre à votre Communication du 30 Mai dernier, rélative aux Vingt Esclaves saisis à St. Paul, dans le mois d'Août 1824, et qui ont occasionné des poursuites et des condamnations judiciaires aux armateurs de la Goëlette de Bourbon, *La Marie,* et à son Capitaine.

Puisque M. l'Agent Consulaire François à Maurice, que j'avois informé de l'état où doit demeurer cette affaire jusqu'à l'époque où la Cassation aura prononcée sur le pourvoir, n'a pas laissé ignorer à votre Excellence le contenu de ma Lettre, il n'est pas besoin que j'en reprenne ici les détails. Je ne cesse point de me flatter que notre Tribunal Suprême prononcera que les Jugemens rendus à Bourbon dans cette Cause méritent d'être réformés. J'ai rendu compte en même tems à notre Ministère de la Marine de tout ce qui se rapporte à la dite contravention,et je ne doute point que son Excellence n'en apprécie la gravité. Aussi n'hésiterois-je pas à prendre sur moi de renvoyer à Maurice les Esclaves dont il s'agit, si cela étoit en mon pouvoir. Votre Excellence n'ignore pas que telle fut mon intention jusqu' à ce que nos Tribunaux, en adjugeant la possession de ces mêmes Esclaves à ceux qui s'en disent ici les maitres, eurent contrairié ma volonté. Je ne peux maintenant rien changer à ce que nos Juges ont arrêté : il faut attendre l'effet du Pourvoir en Cassation. Faire envoyer les dits Esclaves au camp du Roi, c'est précisément ce que j'avois souhaité,mais pour l'obtenir,la condition nécessaire dépendait de ces mêmes Jugemens qui ne l'ont point prononcé. Ce que je voudrois en cette rencontre, mon autorité ne le peut pas, ainsi des deux propositions que Votre Excellence me fait l'honneur de m'adresser, je me vois avec regret hors d'état d'en accomplir aucune.

Je ne veux pas omettre de dire à Votre Excellence que la Communication du 30 Mai ne restera pas ignorée de notre Ministère de la Marine. J'ai l'honneur, &c.

S. E. Sir Lowry Cole. HY. DE FREYCINET.

SIR, (12.) *Bourbon, December* 8, 1824.

I HAVE the honour to state, for the information of His Excellency the Governor, that the Court of First Instance this day pronounced Judgment, in the Suit instituted by this Government against the Captain and Owners of the Schooner *Marie,* for introducing Blacks into this Island from Mauritius. The tenor of the Judgment was as follows ; that the Schooner should be restored to her Owners, there being no sufficient grounds for her seizure, and that the Blacks in question should be given up to the Persons claiming them here ; the evidence of the Blacks

against their Masters, being inadmissible, and the examinations and depositions of the Persons, sent by the Governor of Mauritius to identify them, being illegal.

Such a Judgment cannot fail to excite His Excellency's astonishment: the affair, I understand, will be immediately carried into the Court of Appeal, when I hope it will meet a very different decision from that given this day, to the perversion of justice and common sense.

I have, &c.

FRANCIS VETCH,

Lt. Col. Dumaresq, Mauritius. British-Consular Agent.

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(13).—*Extract of a Note from Mr. Vetch, British Consular Agent at Bourbon, dated 26th March,* 1825.

I have just learned that a final decision has been given by the *Conseil de Révision,* of which the Governor is President, in the affair of the Ship *Marie,* Capt. Jubert, and the Blacks brought from Mauritius, which seems equally unsatisfactory and contradictory. The Vessel is confiscated, and the Captain interdicted from ever again commanding a French Vessel; but the Blacks, (strange to say) of whose identity there can be no manner of doubt, and for the very introduction of whom the Vessel has been condemned, are declared the property of the Person or Persons claiming them, as such, here.

(14.) *JUDGMENT.—In the Vice Admiralty Court at the Mauritius and Territories thereunto belonging.*

On Tuesday, the 15th day of March, in the year of our Lord 1825, before the Worshipful Edward Berens Blackburn, Esq. Barrister at Law, Commissary and Judge of the Vice Admiralty Court at the Mauritius and Territories thereunto belonging, in the Court House situate in Government Street, in Port Louis, at the Island of Mauritius.

Present, WILLIAM TELFAIR, Esq. Deputy Registrar.

Our Sovereign Lord the King, against Joseph Calmet, and Francis Rampal. Cooper, His Majesty's Attorney General, prayed the Court to condemn the said Joseph Calmet, in the penal sum of eight hundred pounds, lawful money of Great Britain, for having unlawfully embarked and carried away sixteen Slaves from the Island of Mauritius to the Island of Bourbon, contrary to the Statute in that case made and provided.

The Judge having heard information thereon, and the usual Monition having been issued and returned on the 24th day of November, in the year of our Lord 1824, and the said Joseph Calmet being duly and legally cited and intimated, called and not appearing, pronounced, decreed, and declared, the said Joseph Calmet to have unlawfully embarked and carried away sixteen Slaves from the Island of Mauritius to the Island of Bourbon, contrary to the Statute in that case made and provided, and as such, subject, and liable to the penalties prayed for,

and by Interlocutory Decree, condemned the said Joseph Calmet in the penal sum of eight hundred pounds of lawful money of Great Britain, two thirds thereof to the use of His Majesty, and the other third thereof to His Excellency the Governor, and further condemned the said Joseph Calmet in the costs of the Suit.

A true Copy. CHARLES TELFAIR, Registrar.

No. 98.—Viscount Granville to Mr. Secy. Canning.—(Rec. Nov. 13.)

SIR, *Paris, November 10, 1825.*

I HAVE the honour to acknowledge the receipt of your Despatch of October 27th, marked Slave-trade, relative to the illegal transportation of Slaves from the Mauritius to the Island of Bourbon.

I have in consequence addressed a Note to The Baron de Damas, recapitulating the circumstances of the Case, and expressing the hope of His Majesty's Government, that an Appeal from the Colonial Tribunals having been made to the Court of Cassation in France, the Ministers of His Most Christian Majesty will see justice done on this occasion.

I have at the same time not omitted to express the sense which my Government entertains of the honourable and upright conduct of the Governor of Bourbon, throughout the whole of this unpleasant transaction.

I have, &c.

The Right Hon. George Canning. GRANVILLE.

No. 99.—Mr. Secretary Canning to Viscount Granville.

MY LORD, *Foreign Office, December 5, 1825.*

A VESSEL under French Colours was met with on the 4th of September, off Princes Island, by Captain Bullen of His Majesty's Ship *Maidstone*. This French Vessel had on board a Cargo of 698 Slaves: 550 of them were heavily chained in couples; some round the ancles and arms, and many of them by the necks; and they were confined in a Deck of scarcely three feet in height. The atmosphere of the place in which they were confined was loathsome: the whole of their situation very distressing.

This Vessel proved to be the *Orphée*, of Nantes, 377 tons burthen; her Commander is M. de Coquard; and her Owner, M. Francis. She was pierced for 18 guns. She had a crew of 54 men. She was 5 days from the Old Calabar River, and was bound to Martinique.

The Captain of His Majesty's Ship *Maidstone*, having visited the *Orphée* to ascertain her real character, permitted her, in strict conformity to the relations subsisting between this Country and France, to pursue her course in safety towards Princes Island, where she was to take in flour and water, previously to her steering for her final destination. The details of this transaction are contained in the accompanying Papers; and I furnish your Excellency with some further Extracts of a Letter, received from the Admiralty, stating, amongst other particulars of French Slave Trade, the fact, that 13 Vessels under that Flag were met with in the space of two days, on the River Bonny,

concerned in this Traffick proscribed by the Laws of France. You will communicate these Papers to the French Ministers, and you will state to them, that the Government of Great Britain feel, that instances such as these call most loudly upon the Ministers of His Most Christian Majesty, to take some Measures not to suffer the French Flag to be any longer polluted by such nefarious undertakings.

I am, &c.

H. E. Viscount Granville, G. C. B. GEORGE CANNING.

(*Inclosure.*)—*J. W. Croker, Esq. to Joseph Planta, Jun., Esq.*

(Extract.) *Admiralty Office, November* 25, 1825.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Mr. Secretary Canning, a Copy of a Letter from Commodore Bullen, dated at Princes Island, the 5th of September last, (*A*,) and extracts of another Letter from the same Officer, dated the 12th of September, (*B*,) with Copies of the Papers therein referred to, respecting the Slave-trade carried on upon the Western Coast of Africa.

Joseph Planta, Jun. Esq. J. W. CROKER.

Sub-Inclosure (A.)—*Commodore Bullen to J. W. Croker, Esq.*

H. M. S. Maidstone, *West Bay, Princes Island, September* 5, 1825.

SIR,

I BEG leave to lay before you, for the information of my Lords Commissioners of the Admiralty, the following statement, and it is with regret I am necessitated to be so continually trespassing on their Lordships' time; but, considering the following to be of so atrocious and important a nature to the British Government, and in strict compliance with that part of their Lordships orders which directs me to acquaint them of every particular relating to Slave Vessels detected by me under the French Flag, I should not consider myself entitled to that confidence their Lordships have been pleased to repose in me, did I not detail to them the following circumstance, which must too clearly point out to their Lordships, the glaring and increasing extent to which the Slave-trade is carried on by the French in this Quarter.

Yesterday morning at daylight, while cruizing off Princes Island, a large Ship was seen ahead; chase was instantly given, and at 4. 30 P. M. after a hard run of eleven hours, I have the satisfaction to inform their Lordships I succeeded in bringing her to, though not until my shot fell over her. She proved to be the *Orphée* of Nantz, 377 tons burthen, commanded by J. Coquard, owned by M. Francis, and pierced for eighteen guns, but had only eight mounted, with a crew of 54 men. She was five days from the Old Calabar River, bound to Martinique with a Cargo of 698 Slaves, originally 700,—2 having died since leaving the River.

The state in which my Lieutenant found the miserable objects of their brutal traffick, is truly revolting to the feelings of human nature: the whole of the Men (550 in number) were heavily chained in couples; some round the ancles and arms, and many by the necks; the whole of whom he set at liberty, and suffered them during the search to inhale the fresh air; the confined and putrid air issuing from the Slave Deck, a height of scarcely three feet, was so strong as almost to deter my Lieutenant from exploring it, but considering it his imperative duty, and my orders to search every part of her as minutely as possible, that I might be the better enabled to particularize to their Lordships every circumstance respecting her, he did so, and found her as before described. My instructions positively forbidding my interference with French Vessels, other than as before mentioned, it was with feelings of reluctant regret, I allowed the Master to triumph in his villainy, by suffering him to proceed on his execrable and inhuman voyage.

He was bound to Princes Island, for farina and water, in sight of which I came up with him, thereby strengthening what I have advanced to their Lordships, the refreshment and rendezvous this Island affords to these wretches. I have the honour, &c.

J. W. Croker, Esq. CHARLES BULLEN.

Sub-Inclosure (B.)—*Commodore Bullen to J. W. Croker, Esq.*

H. M. S. Maidstone, *West Bay, Princes Island,*

(Extracts.) *September* 12, 1825.

I HAVE the honour to aquaint you, for the information of my Lords Commissioners of the Admiralty, that, in pursuance of the intentions expressed in my Letter to them of the 18th June, No. 23, I left Accra Roads on the following day with the *Atholl, Esk* and *Victor,* in company, and having despatched the Victor, agreeably to their Lordships directions, proceeded with the *Atholl* and *Esk* to protect the Bights of Benin and Biafra, stationing those two Vessels in such parts as I considered most advantageous for that purpose.

Off Cape Formosa on the 29th, about 9. 30. P. M. and after a close chase of eight hours, I have the satisfaction to inform their Lordships I succeeded in coming up with and boarding the Brig *Z* under Dutch Colours, belonging to Saint Eustatius, then on a voyage from Saint Thomas, West Indies, bound to the River Andony or Sombrero, having on board a very valuable cargo for trade, and fitted in every respect for the reception of Slaves, coming under Seven of the Nine Articles of the Additional Convention with The Netherlands, dated the 25th January 1823, but, in consequence of the unintelligent manner in which that Additional Treaty is worded, with respect to the words " hovering or sailing on the Coast of Africa, and within one geographic degree to the Westward thereof;" not being sufficiently

explanatory whether it is to be considered one geographic degree from the land, or a geographic degree within the longitude of the Western-most part of the Coast of Africa, she being then in four degrees East Longitude, and upwards of fifteen within that of the most Western part of the Coast, and although only seventy or eighty miles from the land, and in the Bight of Benin, I did not imagine myself justified in detaining her, and, therefore kept company with her until Sunday the 31st, at 10. 30. A. M. when having made the land about the River Andony or Sombrero, and waived the beforementioned doubt, I immediately brought her to, and detained her under the aforesaid Treaty: she proved to be a fine brig of 152 tons, well manned, and armed with 4 eighteen pound carronades, 2 long six pounders, and 2 swivels, beside small arms, the whole of which were found primed, and loaded, some double shotted, others with pieces of iron, and the swivels with musquet balls, to the muzzles. Her cargo is ostensibly, by the list of shipment, the property of British Subjects, resident at St. Thomas, there being among others, the names of the Houses of Bean Murray and Co., Walrond, Browne, and Co., and Ogilvie and Buchanan, and although her Papers were, in every respect, perfectly correct, there was not a Dutch Person on board of her, the whole of her Officers and Crew consisting of French and Spaniards, and I have every reason to believe has two sets of Papers; but being night when I first came up with him, and hailing him in French, most probably taking me for one of the French Squadron, he immediately declared himself to be Dutch, and thereby falling into his own snare. This supposition has been further confirmed, by the Master since declaring, that she is one of the French Vessels boarded by my boats in the river Bonny, in June 1824, being then named *La Pauline*, and that the reason of her being at present under Dutch Colours, is, that her French Papers were burnt in the late fire at St. Thomas, and he was necessitated to procure Dutch to prevent being detained by any of the French Squadron on this Coast; so that their Lordships will fully perceive the various schemes practiced by these nefarious dealers in human flesh to avoid detection. I proceeded with her to Princes Island, to complete her wood and water, and having so doné, despatched her on the 4th of August in charge of Lieutenant Franklin to Sierra Leone for adjudication.

On my arrival off the Bonny River on the 7th of August, I dispatched Lieutenant Griffin in charge of the two pinnaces and cutter (in all a force of 54 persons) with instructions to examine that River and its branches as minutely as possible, and in the event of his meeting with French Vessels, not to attempt boarding them against their wish; but should they not object to it, to do so, and obtain from them whatever information he could collect relative to the Slave-trade. After being absent two days he returned, having in that short space

of time boarded no less than eighteen Vessels engaged in that inhuman traffic, thirteen of which consisted of Frenchmen (described in list C.)

In addition to what I have hitherto advanced in my preceding Letters to their Lordships, with respect to what an alarming extent the Slave-trade is prosecuted on this Coast under the Flag of the French Nation, there are in that River alone, 2007 tons of shipping, 293 persons and 35 guns, under that Flag, employed in the speculation of human flesh.

Lieutenant Griffin states, that on his visiting them they evinced the most civil treatment, without a single exception; readily offering refreshments to the Officers and boats' crews, and shewing the former round their Slave decks, evidently exulting in their savage trade, and knowing at the same time we could not interfere with them. One Vessel *La Jeune Adèle,* disembarked her Slaves, on my boats entering the River, not knowing at the time whether they were French or English.

The Master of the *Sir Walter Scott* Palm Oil Ship, belonging to Sir John Tobin, shewed the usual kindness, hitherto always experiencd by the boats of the Squadron when examining that River, and informed Lieutenant Griffin, that during the three Months he had been there, three French Brigs and a Schooner had sailed with full Cargoes of Slaves, whereas none of the Spaniards had been able to procure any.

By this their Lordships will perceive, that on account of the vast number of French Vessels which arrive, and generally with very rich Cargoes, the Chiefs look upon them as a more powerful Nation, and readily give them the preference, and thereby, from their great superiority in force, they command nearly the whole of the Trade. He also acquainted him, that two or three had previously to that day shewed Dutch Colours, fully confirming my suspicions, that they are almost invariably furnished with two sets of Papers; *La Félicité,* the consort of the Brig *Z,* detained by me, having cleared out from St Thomas at the same time with Dutch Papers, whereas this day she shewed French Colours and Papers to my boats.

The *Atholl* has just joined me, and from Captain Murray I learn that on the 1st instant he succeeded in detaining the Schooner *La Venus,* under Dutch Colours, falling under the aforesaid Treaty with The Netherlands, from St. Eustatius bound to Princes Island, and by her boarding list I perceive, that on the 27th. ultimo, he examined the *Félicie* under French Colours, with a Cargo of 200 Slaves, on her way from the River Bonny to Guadaloupe.

As soon as I can spare one of the Squadron, I purpose stationing her between Cape Mount and the Sherbro', for the interception of Slave Vessels in those parts, but I am happy to observe, that I have every reason to believe very little Slaving is carried on there, the Chiefs being all at variance with each other.

J. W. Croker, Esq. CHARLES BULLEN

(*Sub-Inclosure C.*)—*A LIST of French Vessels boarded by His Majesty's Ship* Maidstone, *between the* 19*th Day of June and Day of September,* 1825.

Date.	Place.	Name of Vessel.	Master.	Owner.	How Rigged.	Under what Colours	No. of Men.	Guns.	Tons.	When Sailed.	Where From.	Bound.	Belonging.	Cargo.	REMARKS.
1825. 23 June	Whydau	Le Bienfaisant	Luret	Luret	Schooner	French	12	2	78	1825. 12 June	Princes Island	Whydau	Rochelle		
5th July	Princes Isld.	L'Hersilie	Anglade	Anglade	–	–	23	1	67	4 May	St. Thomas, W. I.	Trading	St. Thomas, W. I.	General	Intends proceeding to the Main, doubtless for Slaves.
		La Marie	Bredon	Jerot	–	–	18	—	126	30 —	Nantz	–	Nantz	Landed	Has large water-casks, which he states are for the reception of Palm Oil, although he has part of his Slave Deck laid.
		La Fortuna	Savant	Savant	–	–	19	4	69	4 —	St. Thomas, W. I.	St. Thomas	St. Thomas	–	Wood and water on board, and all ready for receiving Cargo.
		Le Ceron	S. Melager	G. River	Ship	–	24	2	291	11 Feb.	Nantz	St. Jago	Bordeaux	–	Waiting for his Cargo of Slaves.
		La Félicité	S. Berge	Veulleum	Schooner	–	16	2	131	–	–	St. Thomas	Nantz	General	Do.—This Vessel has at times hoisted Dutch Colours.
		La Nelly	C. Piel	Dennis	Brig	–	22	1	134	11 June	–	Nantz	–	–	Agreeing about his Slaves.
		La Jeune Adèle	S. Nand	L. Bureau	–	–	20	4	160	28 March	–	Princes Island	–	Landed	Has had her Slaves on board, but landed them, on my boats entering the River.
Boarded by the Boats in the River Bonny on the 8th and 9th August, 1825		Télémaque	Savarian	Bouché	–	–	24	2	173	23 June	–	Guadaloupe	–	General	Waiting for Slaves, expects to sail shortly.
		Clarisse	S. Made	Gerau	Ship	–	39	6	194	22 Feb.	–	Cape G. Hope	–	–	Do. expects to sail immediately.
		Celanie	E. Hard	Durlue	Brig	–	22	4	160	16 —	St. Thomas, W. I.	St. Thomas	Martinique	–	Do. uncertain.
		La Dauphine	Chauncy	Falane	–	–	18	2	94	22 —	Nantz	–	–	–	Do. do.
		L'Alfrède	Thebault	Roussel	–	–	21	2	147	26 March	–	Marseilles	Nantz	–	Do. do.
		La Caroline	Bigneau	Vircellau	–	–	21	2	150	10 June	–	Bordeaux	Bordeaux	–	Do. will sail in a few days.
		Guillaume	Maillard	Vollée	–	–	29	4	178	10 July	–	Martinique	Nantz	–	Do. uncertain.
Sept. 4th	Off Princes	Orphée	Coquard	Francis	Ship	–	54	8	377	31 Aug.	Old Calabar River	Do.	Do.	698 Slaves	After a hard chase of eleven hours.

N. B. In addition to the number of Vessels boarded by my Boats in the Bonny, the Master of the "Sir Walter Scott" English Palm Oil Ship, informed my Lieutenant, that, during the three months he had been in the River, three French Brigs and one Schooner had sailed with full Cargoes of Slaves.

CHARLES BULLEN.

No. 100.—*Viscount Granville to Mr. Secy. Canning.—(Rec. Dec.* 16.)

SIR, *Paris, December* 12, 1825.

I HAVE the honour to acknowledge the receipt of your Despatch of the 5th instant, marked Slave-trade, together with its several Inclosures.

I have, in obedience to your Instructions, communicated those Papers to The Baron de Damas, accompanied with the Note, of which I have now the honour to forward to you a Copy.

I have, &c.

The Right Hon. George Canning. GRANVILLE.

(Inclosure.)—Viscount Granville to The Baron de Damas.

MONSIEUR LE BARON, *Paris, December* 10, 1825.

I HAVE received Despatches from my Court, by which I am informed, that a Vessel under French Colours was met with on the 4th of September, off Princes Island, by Captain Bullen, of His Majesty's Ship *Maidstone.*

This French Vessel had on board a cargo of 698 Slaves; 550 of them were heavily chained in couples, some round the ancles and arms, and many of them by the necks, and they were confined in a deck of scarcely three feet in height. The atmosphere of the place in which they were confined was loathsome, and the whole of their situation very distressing.

This Vessel proved to be the *Orphée*, of Nantz, of 377 tons burthen, her Commander is Monsieur Coquard, and her Owner Monsieur Francis.

She was pierced for 18 guns; she had a crew of 54 men; she was five days from the Old Calabar River, and was bound to Martinique.

The Captain of His Majesty's Ship *Maidstone*, having visited the *Orphée*, to ascertain her real character, permitted her, in strict conformity to the relations subsisting between this Country and France, to pursue her course in safety towards Princes Island, where she was to take in flour and water, previously to her steering for her final destination.

The details of this transaction are contained in the accompanying Papers; and I furnish your Excellency with some further Extracts of a Letter received from the Admiralty, stating, amongst other particulars of French Slave-trade, the fact, that 13 Vessels, under that Flag, were met with in the space of two days, on the River Bonny, concerned in this Traffick, proscribed by the Laws of France.

I am instructed to state, at the same time that I transmit these Papers to Your Excellency, that the Government of Great Britain feel, that instances such as these call most loudly upon the Ministers of His Most Christian Majesty, to take some measures not to suffer

the French Flag to be any longer polluted by such nefarious undertakings. I have the honour to be, &c.

The Baron de Damas. GRANVILLE.

No. 101.—*Viscount Granville to Mr. Secy. Canning.—(Rec. Dec.* 25.)

SIR, *Paris, December* 22, 1825.

I HAVE the honour to enclose the Copy of a Note from The Baron de Damas, respecting the Slave-trading Vessel, the *Deux Nantais,* (A.) which I received some weeks ago; the information subsequently sent to me, appearing to afford satisfactory evidence of the truth of my statement, which was controverted in that Note, I was induced to address a Letter to the French Minister, of which (B), and of the Enclosure in it (C), I transmit a Copy. I have, &c.

The Right Hon. George Canning. GRANVILLE.

(Inclosure A.)—*The Baron de Damas to Viscount Granville.*

MONSIEUR L'AMBASSADEUR, *Paris, le* 27 *Septembre,* 1825.

JE me suis empressé de communiquer au Ministre de la Marine, ainsi que j'ai eu l'honneur de l'écrire à votre Excellence le 13 Août dernier, les renseignemens qu'elle m'avait transmis sur le navire *Les Deux Nantais,* prevenu de faire la Traite des Noirs: on en faisait resulter des doutes sur les dispositions de l'Administration de la Marine à Nantes, et on les fondait sur ce que le Bâtiment, au lieu d'opérer son retour au Port d'armement, s'était rendu à Anvers, par suit de l'avis qu'aurait reçu le Capitaine, qu'il avait été donné des ordres pour le poursuivre.

D'après le compte que s'est fait rendu le Ministre de la Marine, il a été reconnu, que l'Administration Maritime de Nantes n'a été informé que le 24 Avril des faits imputés aux *Deux Nantais,* et que le Batiment est entré à Flessingue le 1 Mai, c'est a dire, six jours après; en rapprochant ainsi les dates, il est impossible d'admettre avec l'Auteur des renseignemens, que le Capitaine qui se trouvais en mer dans les derniers jours d'Avril, ne se soit rendu en pays étranger que sur l'avis qui lui aurait été donné officieusement à son entrée dans la Loire, qu'il serait à Nantes exposé à des poursuites judiciaires; il est bien plus vraisemblable que son arrestation antérieure, par la Corvette Anglaise la *Primrose,* lui aura fait prevoir que cette circonstance fournirait contre lui les preuves qui, finissant par entrainer les aveux de son équipage, amènerait la condamnation du navire; dès lors s'explique tout naturellement la détermination qu'il a prise de s'y soustraire, en se rendant dans un Port étranger. Votre Excellence jugera qu'on ne peut en induire aucune connivence de la part de personne, et moins encore aucun doute sur les dispositions de l'Administration de la Marine, et qu'en ce qui la concerne, les renseignemens se trouvent

complettement démentis par les circonstances mêmes qui y sont rapportées. Agréez, &c.

S. E. Lord Granville. LE BARON DE DAMAS.

(*Inclosure* B.)—*Viscount Granville to The Baron de Damas.*

M. Le Baron, *Paris, December 22*, 1825.

In your Excellency's Answer, to the Note which I had the honour to address to you in the month of August last, on the subject of the Ship called the *Deux Nantais*, it is stated, on the authority of a Report made to the Minister of Marine, that the Naval Administration at Nantes was informed, only on the 24th of April, of the acts imputed to the *Deux Nantais*, and that this Vessel having entered the Port of Flushing on the 1st of May, (that is, six days afterwards), it was impossible, on a comparison of the two dates, to admit, that the Captain had directed the course of his Ship to a Foreign Country, in consequence of notice having been given to him, at the Mouth of the Loire, that his conduct would be subjected in France to legal investigation.

Upon an examination of the Chart of the Channel, it appeared to me by no means impossible, that a Vessel, hailed at the entrance of the Loire on the 25th, or even on the 26th, might have reached Flushing on the 1st of May; but I should not perhaps have troubled your Excellency again, by stating the doubts I felt of the accuracy of this conclusion, if a Copy of a Letter, from the Owners to the Captain of the *Deux Nantais*, had not since come into my possession, which seems to me to afford proof, almost amounting to moral certainty, that the Orders issued by the French Government to seize that Vessel, were made publick almost as soon as they were received.

I enclose a Copy of this Letter, of which I understand numbers of Copies were sent to different Pilots at the Mouth of the Loire. Your Excellency will observe that it is dated on the 25th, the very day after the receipt of the Orders by the Naval Authorities at Nantes. The extreme anxiety evinced in the Letter itself, and in the care taken to secure its delivery, indicate that the knowledge of the intended seizure of the *Deux Nantais*, had been recently acquired, and is a strong confirmation of the opinion which I stated in my former Note, that by an improper disclosure of the Orders of the Minister of Marine, the intentions of His Most Christian Majesty's Government were defeated, and the means afforded to the Owners and Captain of the Ship, of avoiding the penalties they had incurred by an infraction of the Laws of their Country. I have, &c.

H. E. The Baron de Damas. GRANVILLE.

(*Inclosure* C.)

M. Mahé, Capitaine des Deux Nantais, *Nantes, le 25 Avril*, 1825

Aussitot la presente reçue, vous ferez route pour le Port d'Anvers où je me rendrai de suite; vous voudrez bien ne point relâcher pou

quelque cause que ce soit, dans aucun Port de France; vous donnerez au Pilote qui vous remettra la présente, et qui vous conduira au large, un reçu sur lequel je lui payerai cent francs pour son pilotage. Je vous souhaite un bon voyage. OGERAU.

(A True Copy.) ROBERT MACKINTOSH,
His Britannick Majesty's Vice-Consul.

No. 102.—Mr. Secretary Canning to Viscount Granville.

My Lord, *Foreign Office, January* 6, 1826.

The accompanying Copy of a Communication from the Secretary to the Admiralty, to one of the Under Secretaries of this Department, gives an account of another Slave-trading transaction under the Flag of France, attended with circumstances scarcely less horrible than those which I had to transmit to your Excellency some few days ago, in the Case of the *Orphée*.

In the Case of the *Eclair*, herewith transmitted, your Excellency will perceive, that the fact of Slave-trade is clear, that, although the Captain lost one third of his cargo in their embarkation, the number of Slaves still on board exceeded, by nearly one half, the number of tons-burthen of the Vessel, that they were confined in a deck only three feet one inch in height, and that the men were chained, so that many of them were unable to sit upright.

Your Excellency will communicate to the Ministers of His Most Christian Majesty, this fresh instance of defiance of the Laws of France, and of the professions of her Government, as proving the absolute necessity of some coercive measures of a more efficacious nature than have hitherto been adopted by France, for stopping the disposition to embark in this abominable traffick, on the part of her Subjects, which, instead of diminishing, appears to be on the increase.

I am, &c.

H.E. Viscount Granville, G. C. B. GEORGE CANNING.

(Inclosure.)—John Barrow, Esq. to Joseph Planta, Jun. Esq.

Sir, *Admiralty Office, December* 17, 1825.

I am commanded by my Lords Commissioners of the Admiralty, to transmit to you, for the information of Mr. Secretary Canning, an Extract of a Letter from Captain Willes, of His Majesty's Ship *Brazen*, giving an account of his falling in with a French Slave Vessel, the *Eclair*, of Nantes, on the Coast of Africa. I am, &c.

Joseph Planta, Jun. Esq. JOHN BARROW.

(Sub-Inclosure.)—Captain Willes to J. W. Croker, Esq.

(Extract.) *H. M. S.* Brazen, *Sierra Leone, Oct.* 26, 1825.

I should not omit to mention, that I fell in with, and after a short chase overtook the French Schooner *L'Eclair*, 120 tons, of Nantz,

with 169 Slaves on board, from the River St. Paul's, near Cape Mount, bound to The Havannah: the Master stated that he lost one third of his cargo in the surf, in embarking them; she measured three feet one inch between decks; the men chained, many of them unable to sit upright.

J. W. Croker, Esq. G. W. WILLES.

No. 103.—*Mr. Secretary Canning to Viscount Granville.*

My Lord, *Foreign Office, January* 12, 1826.

In reference to my Despatch to your Excellency of the Slave-trade Series, of the 5th of December of last Year, I send herewith to your Excellency, the Copy of a further Letter from Commodore Bullen, together with the original French Papers of the Brig *Z*, which were found on board of that Vessel, and intended for her occasional use.

Your Excellency will communicate these Papers to the French Government, in corroboration of the Representations upon French Slave-trade, contained in your Note to The Baron de Damas of the 10th December, 1825. I am, &c.

H. E. Viscount Granville, G.C.B. GEORGE CANNING.

(Inclosure.)—Commodore Bullen to J. W. Croker, Esq.

H. M. S. Maidstone, *West Bay, Princes Island, Sept.* 14, 1825.

Sir,

I beg leave to lay before their Lordships, for their further information, with reference to mine of the 12th instant, No. 29, the French Papers (1 to 4) of the Dutch Brig *Z*, detained by me on the 31st July, for breaches of the Treaty with The Netherlands. They were discovered by Captain Murray on board the *Venus*, detained by him, enveloped to the Master of the Brig *Z*. The Muster Roll corresponds, and contains the exact of the Dutch one found on board of her by me when taken, and the reason of her sailing from St. Thomas without these Papers, was on account of several Vessels being ready to sail from thence for this Coast; the Master would not wait three days for them, but sailed immediately to ensure the first market, desiring them to be forwarded in this Vessel, so that their Lordships must now be too clearly informed of the infamous duplicity carried on in this Quarter under the White Flag. I have, &c.

J. W. Croker, Esq. CHARLES BULLEN.

(*Sub-Inclosure* 1.)

Cher Crobriand, *Du* 14 *Juillet*, 1825.

Deux mots à la hâte pour vous remettre ce dont nous sommes convenus. Vous remarquerez que je n'ai pas rempli les lieux de naissance et l'age des matelots: vous pourrez les garnir vous même. Vous aurez soin également de signer le role à coté du nom de l'Armateur.

Adieu, rien de nouveau, faites des bonnes affaires, et revenez promptement. Amitiés à ces Messieurs. Votre ami,

A. St.

(*Sub-Inclosure* 2.)

ANNÉE 1825. LE DU MOIS DE

No. 31. A L'ARMEMENT. L. S. No. AU DESARMEMENT.

LA GUADELOUPE.

QUARTIER DE LA BASSE TERRE.

(Armement au Mois.)

LE BRICK LE GUADELOUPÉEN.

ROLE DE L'EQUIPAGE du dit Brick du Port de Cent Quatre-Vingt Six $\frac{3}{94}$ Tonneaux, armé de Six Canons, appartenant à Monsieur Pre. Villeneuve, et commandé par Monsieur Kern Derne, allant à la Rivière D'Andony, (Afrique.)

Mouvemens.	Noms et Surnoms.	Lieu de Naissance.	Qualités.	Signalement.			Taxe par Mois.
				Age.	Taille.	Poil.	
	De K'Derne....	Brest.....	Capitaine...	25	5p.-2	chatain	300
	Maradon	Bordeaux. .	2d Cap.	38	5p.-8	id.	150
	Desangat.....	Blaye.....	Lieutenant..	25	5p.-1	id.	100
	Joseph Michel..	St. Martin..	2d Lieut....	23	5p.-3	id.	90
	Plumé	Honfleur...	Médecin....	26	5p.-2	id.	90
	Gibeau.....	St. Malo...	Mre d'Eqge.	50	5p.-4	gris	80
	Portier.....	St. Brieux..	2d do.....	44	5p.-2	brun	75
	Jn. André.....	Martinique.	Charpentier	28			80
	Perré.....	Nantes....	Voilier.....	30			70
	Louis.....	Martinique.	Tonnelier ..	28			60
	Very.....	L'Orient...	Cuisinier ...	24			70
	Cook.....	St. Martin..	Cocq.....	25			60
	Tougar Jh.....		Matelot	32			60
	Vieille, Jques..		id.				60
	Marcel..		id.				60
	Ferré Felix....		id.				60
	Flore Antoine..		id.				60
	Salvador.....		id.				60
	Touvin.....		id.				60
	John.....		id.				60
	Noresse.....		id.				60
	Mayorque.....		id.				60
	Jarcy.....		id.				60
	Passera.....		id.				60
	Cayol, Bte.....		id.				60
	Lambert.....		id.				60
	Lorenzo.....		id.				60
	Giradet.....		Novice.....				40
	Morene.....		id.				40
	Aubert, Ls.....		id.				40
	Alexis.....		id.				40
	Martin, Michel.		id.				40
	Jn. Baptise....		Mousse.....				25
	Appas.....		id.				25

Nous Soussignés, Propriétaire et Capitaine du Brick Le Guadeloupéen, reconnaissons le présent Rôle véritable, contenant personnes, que nous avons engagées pour naviguer au bord du dit Brick, pendant une Année, nous soumettant de les représenter à l'expiration d'icelle et d'observer pendant icelui les Lois du Royaume.

Fait à la Basse Terre, Ile Guadeloupe, le 24 du mois de Mai 1825.

X

Vu par moi, Sous-Commissaire, chargé du Bureau des Armemens et du Détail des Classes de la Marine, les trente quatre personnes nommées au présent Rôle, permis au Cap. de K'Derne de s'en servir pour le grand Cabottage, aux conditions portées par la soumission ci-dessus; et lui enjoignons de remettre à l'Officier des Classes, et autre Préposé au service de l'Administration de la Marine dans le Port où il fera son arrivé, son Rôle d'Equipage, à la marge du quel et à côté des noms il sera tenu d'apostiller les deserteurs, les morts et débarqués, et d'y insérer le jour; et s'il prend des augmentations ou remplacemens dans les Ports où il pourra relâcher, de les faire ajouter à la suite de son Rôle, de date en date, lui enjoignons aussi de ne passer ou repasser aucun Passager sans nous le présenter, et sans qu'il en soit fait mention au pied du présent Rôle, le tout sous les peines portées par les Ordonnances de la Marine.

Fait à La Basse Terre, le jour, mois, et an susdits.

A. YRRE.

Vu au Département pour la Rivière D'Andony,
Basse Terre, 24 Mai, 1825. J. SEGAULT.

(Sub-Inclosure 3).—Congé des Bâtimens de Commerce François.

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

A tous ceux qui les présentes verront, salut.

LE Batiment nommé *Le Guadeloupéen*, enregistré et domicilié au Port de la Basse Terre, construit à Baltimore, (Etats Unis) Francisé au dit Port de son domicile le 14 Mars 1819, appartenant à M. Pierre Villeneuve, Negt. domicilié à la Basse Terre, qui en est Propriétaire, ainsi qu'il l'a affirmé dans la Forme présenté par la Loi, et que le reconnut le Sr. Richard Cadit, Commis des Douanes chargé de la vérification du dit Batiment, lequel a déclaré que le dit Batiment est effectivement de construction, qu'il a 2 mâts, que sa longueur prise de tête en tête est de soixante douze pieds, 6 pouces, que sa longueur prise de l'étrave à l'étambot est de , que la plus grande largeur du Navire est de vingt deux pieds, que la hauteur de la cale et de l'entrepont est de onze pieds, qu'il mesure $186\frac{3}{94}$ tonneaux, que c'est un Brick, qu'il n'a pas de galerie. Nous déclarons qu'il a droit de naviguer sous le Pavillon de France, et avons donné congé et Passeport à M. Denis de K'Derne, Commandant le dit Batiment, pour partir du Port et Havre de la Basse Terre; à la charge de se conformer aux Lois du Royaume et aux Réglemens de la Navigation.

Prions et requérons tous Souverains, Etats, Amis et Alliés de La France et leurs Subordonnés, Mandons à tous Fonctionnaires Publics, aux Commandans des Bâtimens du Royaume, et à tous autres qu'il appartiendra, de laisser surement et librement passer le dit Denis de K'Derne, avec son dit Batiment, sans lui faire ni souffrir qu'il lui soit fait aucun trouble ni empêchement quelconque, mais au contraire de

lui donner toute faveur, secours et assistance partout ou besoin sera. Le present congé signé par le Gouverneur et Administrateur de La Guadeloupe et Dépendances.

Le Lieutenant Général, Gouverneur et Administrateur de la Guadeloupe et Dépendances. JACOB.

Expédié au Secrétariat de la Direction Administrative des Finances, sous le No. CADIOT.

Enregistré et délivré au Bureau de la Douane au Port de Basse Terre, le 22 Mai, 1825.

Le Directeur P^er^ des Douanes.

J. DELACHEVALERIE.

Reçu pour droit du present Congé, la somme de quarante francs cinquante centimes.

Basse Terre, le 22 Mai, 1825. Le Tres^r^ Part^er^.

NAVAILLER.

Bon pour un An. G. FERRIERE.

Au controle de la Basse Terre, pour le Délégué absent. JUPEAUX.

(*Sub-Inclosure* 4).—*Acte de Francisation des Bâtimens de Commerce de France.*

AU NOM DU ROI.

L'INTENDANT de La Guadeloupe et Dépendances, déclare que Monsieur Pierre Villeneuve, Negt. Armateur, domicilié à la Basse Terre, Guadeloupe, est Propriétaire* unique du Navire *La Guadeloupéen*, appartenant au Port de la Basse Terre, Guadeloupe, et ayant été construit à Baltimore, ainsi qu'il a été certifié par les Pièces déposées; que ce Batiment a deux mâts, un pont, que sa longueur de l'éperon à l'étambot est de 72 pieds, six pouces, que sa plus grande largeur est de vingt deux pieds, que sa hauteur entre les ponts est de onze pieds, qu'il mesure $186\frac{3}{94}$ tonneaux, ayant été jaugé suivant la manière prescrite par la Loi du 12 Nivose, de l'An 2.†

Qu'il est Brick.‡

Qu'il§ n'a pas une galerie en tête; que le Propriétaire du dit Brick a rempli les formalités prescrites par la Loi du 17 Vendemiaire, An 2, pour constater qu'il est Propriété Françoise, que les déclarations, sermens, soumissions, et cautionnemens, prescrits par la dite Loi, ont été faits le 13 Mars 1819, &c.; enregistrés No. 39, sur le Registre du Bureau de la Basse Terre, où reside le dit Propriétaire. Pour quoi il a droit de naviguer sous le Pavillon de France. Enjoignons en con-

* Exprimez s'il est Propriétaire unique, ou conjointement avec d'autres, dont il faut designer les noms et domicile.

† Ce blanc est destiné pour énoncer la profondeur de la cale, si le Navire n'a qu'un pont, conformément à l'Article IX. de la Loi.

‡ Exprimez ici sa nature, comme Brick, Goëlette, &c.

§ Qu'il a une ou n'a pas.

séquence aux Commandans des Bâtimens du Royaume, à tous Fonctionnaires Publics, de le reconnoître pour François et de le faire jouir de tous les privilèges des Vaisseaux du Royaume, à la charge par le Propriétaire de se conformer aux Lois, et de prendre les congés et expéditions prescrits.

Délivré le 14 Mars 1819.

L'Intendant de La Guadeloupe et Dépendances.

FULON DECOTIER.

Enregistré et délivré au Bureau de la Douane au Port le

DE BALON.

Reçu pour droit du present acte, la somme de quarante huit francs soixte. centimes, portée au Registre de recette, No.

Pr. le Trésorier de la Colonie. A. LAFONS.

Bon à expédier. L'Ordonnateur. ROOSTAC.

Expédié au Secrétariat de la direction administrative de la Basse Terre (finances) sous le No. 39. CADIOT.

Enregistré au Bureau des Classes à la Basse Terre, le 17 Mars, 1819.

Le Commissaire de Marine. CHICOURS.

No. 104.—*Mr. Secretary Canning to The Prince de Polignac.*

Foreign Office, January 12, 1826.

THE Undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, has the honour to request, that His Excellency the Prince de Polignac, His Most Christian Majesty's Ambassador Extraordinary and Plenipotentiary, will communicate to his Court, the accompanying Copy of a Despatch, which the Undersigned has received from His Majesty's Consul at Pernambuco, containing an account of the arrival at that Port of a Spanish Vessel the *Izabelite*, the crew of which, it appears, had been engaged in an act of piracy upon a French Brig on the Coast of Africa.

The Undersigned avails himself, &c.

H. E. The Prince de Polignac. GEORGE CANNING.

(Inclosure.)—Mr. Consul Parkinson to Mr. Secretary Canning.

SIR, *Pernambuco, October* 20, 1825.

ON the 12th instant, a Merchant Schooner, under Spanish Colours, entered this Harbour.

The rarity of such an occurrence induced me to institute an immediate enquiry into the nature of the commerce which could have led her hither, and for this purpose I sent on board my Secretary, Mr. Joaquim Pereira Branco, who, being master of the Spanish Language, obtained the following particulars :—The Schooner is named the *Izabelite*, she belongs to the Port of Havannah, her burthen is under 100 tons, and she sailed from The Havannah the 23d of March last, on a

voyage to Calabar, to purchase 265 Slaves; thus far the statement may be considered as substantially correct, but Signor Francisco Joze Mari, the Mate of the Schooner, and Acting Master, added, that his Vessel had been plundered by Pirates, who left him no part of his cargo but 20 tons of ivory, 60 barrels of gunpowder, and 200 muskets, all which addition was pure matter of invention, fabricated under personal fear, and the influence of a solemn promise extorted from him by his own crew: opportunity having, however, presented itself, on the 15th instant, Signor Mari made a full confession to the Intendente da Marinha, or Port Captain of this Harbour, which was followed by the arrest of seven of the crew of the Schooner, namely, six Spanish seamen, and one Portuguese, and the hatches of the Vessel were sealed down in the presence of the competent Authorities and the *Chancelier* of the French Vice-Consulate, acting as temporary Vice-Consul.

The Mate, Signor Mari, was allowed to continue to act as Master, and the French Sailor was equally allowed to continue his duty on board, and it is expected that a criminal prosecution will be instituted against the seven Seamen with reference to the piracy.

After this public confession, I again sent on board the Schooner, and I subjoin the substance of a narrative given by Signor Mari to Mr. Branco, my Secretary, who has made oath before me that the narrative faithfully reports the facts as they were related to him, on the 15th instant, by Signor Mari.

The *Izabelite* belongs to Havannah, the property in her being divided between Signor Mari, before named, the Captain of the Schooner, and three resident inhabitants of Cuba.

She was manned by the Captain before named, Signor Mari the Mate, one Portuguese, a Frenchman as Cook, and twelve Spaniards.

Her passage to Rio St. Lawrence was made in safety, and her cargo landed, together with the Captain and six of the crew, who went on shore to purchase the Slaves.

The Schooner then proceeded, under the command of the Mate, Signor Mari, to the Port of Beribe, in order to lay in a stock of rice for the expected cargo of Slaves. At this Place they found an English Brig, which his crew manifested a strong desire to board and plunder, but with difficulty he dissuaded them, and, without waiting to complete his transaction, he made sail for Rio St. Lawrence to join his Commander. During this run, the Schooner was chased for about twelve hours by an English Man of War, but escaped in the night owing to her fast sailing. On the 14th of September last, he spoke a French Goelette, belonging to Senegal, on her passage from Prince Island.

The *Goelette* being short of water and fire wood, her Commander made application to the Master of the Schooner, who spared him a portion, and offered to point out to the French Commander a place on

the Coast where his wants might be fully supplied. The Vessels accordingly sailed in company, and during the night came to anchor in the neighbourhood of St. Lawrence. On the morning of the 15th of September, the Schooner's crew appeared in a body, and avowed to Signor Mari their determination to board and plunder the French Goelette; this he opposed to the best of his power, when the Portuguese Sailor, on the part of the crew, declared that their determination was fixed, and that any opposition on the Master's part would only endanger his life. Seeing that resistance was fruitless, he took the advice given him, and retired to his cabin. One of the Schooner's boats was then lowered, and the men having loaded two small guns with grape, fired them at the Goelette. The particulars of what immediately followed, Signor Mari did not know, until the French Captain was brought on board the Schooner, and shut up as a prisoner with him in the cabin; from this person he learned that five of his crew boarded the Goelette, and succeeded in tying the hands of all her men, 13 in number, and then plundered her cargo, transhipping ivory and other valuables from the Goelette to the Schooner.

This effected, at five in the afternoon, Signor Mari and the French Commander were called on deck, and the latter was sent on board his Vessel.

The mischief thus completed without accident, the crew stated their wish to have some one to undertake the ownership of the plunder, offering Signor Mari a proportion, if he consented to navigate the Vessel to some Foreign Port. To this he appeared to consent, being thereto intimidated, by their menaces, and leaving the Captain of the Schooner, and six of the crew on the African Coast, he steered for Pernambuco, and arrived here on the 12th instant, after a passage of 26 days.

Implicated, as these parties avowedly have been, in the violation of the Treaties and Laws for the suppression of the Slave-trade, I have felt it incumbent on me to collect and transmit to you all the foregoing minute particulars, and I shall not fail to submit to you any new facts I may acquire, bearing on the present Case, as well as to forward the fullest information thereon to His Majesty's Consul-General at Rio de Janeiro.

I am, &c.

The Rt. Hon. George Canning. JAMES PARKINSON.

No. 105.—*The Prince de Polignac to Mr. Secretary Canning.*

Portland Place, le 14 *Janvier*, 1826.

Le Soussigné Ambassadeur de Sa Majesté Très Chrétienne, s'empresse de remercier Son Excellence Monsieur Canning, Principal Secrétaire d'Etat pour les Affaires Etrangères, de la communication qu'il a bien voulu lui faire d'une Dépêche de Fernambouc, qui rend compte d'un acte de piraterie commis par des Espagnols sur un Batiment François. Il vient de transmettre cette Pièce à sa Cour, qui ne pourra

qu' être fort sensible à cette attention du Gouvernement de Sa Majesté Britannique.

Le Soussigné saisit cette occasion, &c.

S. E. Monsieur Canning. LE Pce. DE POLIGNAC.

No. 106.—Mr. Secretary Canning to Viscount Granville.

My Lord, *Foreign Office January* 20, 1826.

The accompanying Communication from the Admiralty, contains a statement of Slave-trade on the part of French Vessels at The Havannah, carried on to an excess which must merit the consideration of the French Government; and described with particulars which give ample grounds for enquiry into the details, with a view of punishing the Offenders, and preventing a recommission of the offence.

Your Excellency will, therefore, lay before the Government of His Most Christian Majesty, the plain statement contained in Captain Croker's Letter, as detailing facts, with which it is hoped the French Government will be glad to be made acquainted, and upon which, it is also hoped they will take measures for punishing the guilty, and checking an evil which disgraces the French name. I am, &c.

H. E. Viscount Granville, G. C. B. GEORGE CANNING.

(Inclosure.)—John Barrow, Esq. to Joseph Planta, Jun. Esq.

Sir, *Admiralty Office, January* 14, 1826.

I am commanded by my Lords Commissioners of the Admiralty, to transmit to you, for the information of Mr. Secretary Canning, a Copy of a Letter addressed to Vice-Admiral Sir Lawrence Halsted, by Captain Croker, of His Majesty's Sloop *Bellette*, respecting the Slave-trade carrying on upon the South shore of the Island of Cuba.

I am, &c.

J. Planta, Jun. Esq. JOHN BARROW.

P. S. I am to observe, that my Lords apprehend, that the Vessel said to have been boarded by the *Maidstone*, was the *Orphée*, mentioned in Commodore Bullen's Letter of the 5th September last, No. 27, communicated to you on the 25th November.

Sir, *H. M. S.* Bellette, *Port Royal, Nov.* 25. 1825.

In pursuance of your directions I sailed from Port Royal, on the morning of the 15th instant, with the Schooner *Lady Halsted*, under convoy, and anchored in the Harbour of St. Jago de Cuba on the 20th; I found in this Harbour 15 French Vessels, 5 of them regular Guineamen who had disposed of their cargoes on the South-side of Cuba, one of them, a large Ship, had actually landed 700 Slaves.

I was informed, that this Vessel had been boarded on the Coast of Africa, by His Majesty's Ship *Maidstone*, and all her Papers indorsed by that Ship. On the 19th, to the Eastward of St. Jago de Cuba, I

boarded the *Eveline*, Schooner, of Nantes; she had previously landed her cargo, consisting of 169 Slaves; this Vessel's Papers were also indorsed by His Majesty's Sloop *Redwing*, by which it appeared she had on board, when boarded on the Coast of Africa, 209 Negroes; indeed the Master of the Vessel acknowledged having lost 48 men on his voyage. I am positively informed, that there are not less than 15 Vessels under the French Flag, employed in this horrible and lucrative Traffick, on the South-side of Cuba, and there has certainly been landed from French Vessels on this side of the Island of Cuba, within the last three months, upwards of 2,000 Slaves. The remainder of the Vessels in Port came out from France chiefly in ballast, to take home the produce of the Island in return for the Slave cargoes.

I left St. Jago de Cuba on the 23d instant, and have, &c.

Vice Adm. Sir L. W. Halsted, G. C. B. CHAS. CROKER.

No. 107.—*Viscount Granville to Mr. Sec^y. Canning.—(Rec. Jan.* 22.)

SIR, *Paris, January* 19, 1826.

I HAVE the honour to acknowledge the receipt of your Despatches of the 6th and 12th instant, marked Slave-trade, and I lost no time in addressing two Notes on the subject of them (of which I herewith enclose Copies) to The Baron de Damas.

I also enclose a Copy of a Note I have received, in answer to that which I addressed to His Excellency, in the Case of the *Eclair*.

I have, &c.

The Right Hon. George Canning. GRANVILLE.

(*Inclosure* 1.)—*Viscount Granville to The Baron de Damas.*

MONSIEUR LE BARON, *Paris, January* 17, 1826.

I ENCLOSE herewith to your Excellency the Copy of a further Letter from Commodore Bullen, together with the original French Papers of the Brig *Z*, which were found on board of that Vessel, and intended for her occasional use; in corroboration of the Representations which I addressed to your Excellency in my Note of the 10th December of last Year, relative to the Traffick in Slaves carried on under the French Flag. I avail myself, &c.

H. E. The Baron de Damas. GRANVILLE.

(*Inclosure* 1, A.)—*Viscount Granville to The Baron de Damas.*

MONSIEUR LE BARON, *Paris, January* 13, 1826.

THE accompanying Extract of a Letter from Captain Willes, of His Majesty's Ship *Brazen*, to Mr. Croker, Secretary to the Admiralty, gives an account of another Slave-trading transaction under the Flag of France, attended with circumstances scarcely less horrible than those which I had to transmit to your Excellency some few days ago, in the Case of the *Orphée*.

In the Case of the *Eclair*, herewith transmitted, your Excellency will perceive that the fact of Slave-trade is so clear, that, although the Captain lost one-third of his cargo in their embarkation, the number of Slaves still on board exceeded, by nearly one-half, the number of tons burthen of the Vessel; that they were confined in a deck only three feet one inch in height, and that the men were chained, so that many of them were unable to sit upright.

This fresh instance of defiance of the Laws of France, and of the professions of her Government, prove the absolute necessity of some coercive measures, of a more efficacious nature than have hitherto been adopted by France, for stopping the disposition to embark in this abominable traffick, on the part of her Subjects, which, instead of diminishing, appears to be on the increase. I avail myself, &c.

H. E. The Baron de Damas. GRANVILLE.

(Inclosure 2.)—The Baron de Damas to Viscount Granville.

MONSIEUR L'AMBASSADEUR, *Paris, le* 16 *Janvier*, 1826.

J'AI reçu avec la pièce qui l'accompagnoit, la Lettre que votre Excellence m'a fait l'honneur de m'écrire au sujet du Navire Français *L'Eclair* de Nantes, prévenu de faire la traite des Noirs ; Je me suis empressé d'en donner communication au Ministre de la Marine, en l'invitant à faire prendre des renseignemens sur la destination et l'emploi de ce Batiment. Agréez, &c.

S. E. Le Vicomte Granville. LE BARON DE DAMAS.

No. 108.—*Viscount Granville to Mr. Secy. Canning.*—(*Rec. Jan.* 26.)

SIR, *Paris, January* 23, 1826.

I HAD, a few days ago, a casual conversation with The Baron de Damas, on the Questions which, during the ensuing Session, might probably engage the attention of the French Legislature, and I availed myself of the opportunity to ask His Excellency, whether His Most Christian Majesty's Ministers intended to propose to the Chambers any new Law for the suppression of the Slave-trade. I said, that in transmitting to him the great number of Cases of French Slave-trade, which it had been my painful duty to bring under his consideration, I had frequently taken occasion to observe upon the utter inefficiency of the existing Law, as at present administered. The persons concerned in this iniquitous Traffick seemed, indeed, so secure of impunity, that little pains were taken by them to disguise the purpose for which their Ships were fitted out in the Ports of France, and particularly at Nantes. It was notorious that the French Slave-trade was carrying on with daily increasing activity, and the French Flag covered not only the illegal speculations of the Subjects of His Most Christian Majesty, but also those of Foreigners, who were pre-

vented, by the efficient Laws and Regulations of their Government, from engaging in the trade under the Flag of their own Country.

The Baron de Damas did not hesitate to acknowledge that the Slave-trade from the French Ports had very much increased during the last two years; and he assured me that His Most Christian Majesty's Ministers were examining thoroughly the whole Question, not only with the view of adopting an improved mode of administering the present Law, but with the intention of collecting materials on which to found the proposition of a new Law to the Chambers. He apprehended, however, that the investigation was not in a state of sufficient forwardness to enable the Government to bring forward the Question during the ensuing Session.

I have the satisfaction to believe, that the multiplied cases of cruel treatment of the African Slaves on board of French Ships has made an impression upon the Government of France, and that the publick feeling here is more alive, than heretofore, to the inhumanity of the Traffick. I have the honour to be, &c.

The Right Hon. George Canning. GRANVILLE.

No. 109.—*Viscount Granville to Mr. Secy. Canning.*—(*Rec. Jan.* 26.)

SIR, *Paris, January* 23, 1826.

I HEREWITH enclose the Copy of a Letter I have received from Mr. Mackintosh, His Majesty's Vice-Consul at Nantes, as also the Copy of a Note, which I addressed in consequence, to His Excellency Monsieur Le Baron de Damas. I have, &c.

The Right Hon. George Canning. GRANVILLE.

(*Inclosure* 1.)—*Mr. Vice-Consul Mackintosh to Consul Sir R. Clayton.*

SIR, *British Consulate, Nantes, January* 18, 1826.

The vast number of Vessels that have lately sailed from this Port for the purpose of carrying on the Traffick in Slaves, and which have been fitted out under the *immediate observation of the Naval Authorities of Nantes*, induces me, however unpleasant the task, to state to you, that there is at this moment fitting out, with considerable despatch, at Quai François, sur la Fosse, a Schooner that has lately been launched, owned by Messrs. Dennis et Giraud, Capitaines au Long Cours: this Schooner, whose name is at present kept a secret, admeasures about 150 tons, and is intended to carry 250 Slaves.

From my belief that orders have been lately issued to the Department of the Marine at this Port, to use vigorous measures against Vessels fitting out for this purpose, I think it my duty to lose no time in bringing the matter under the observation of His Britannick Majesty's Government; and as this Vessel will be ready to put to Sea in the course of a very few days, in order to frustrate her object, it will, perhaps, be indispensable to forward, by the same post, the information

herein contained, to His Excellency the British Ambassador in Paris, who may be enabled thereby to take such steps as he may judge necessary on the occasion.

It may not be superfluous to add, that there are many other Vessels here in a state of forwardness intended for the same trade.

I beg to observe, that in this instance I am fully prepared to substantiate the statement I have herein submitted to your consideration, and challenge the Authorities here to deny the fact.

Sir Richard Clayton, Bart. ROBERT MACKINTOSH.

(*Inclosure* 2.)—*Viscount Granville to The Baron de Damas.*

MONSIEUR LE BARON, *Paris, January* 21, 1826.

I HAVE just received information that a Slave-trading Schooner is at this moment fitting out with considerable despatch at Quai Français, sur la Fosse, at Nantes. She has lately been launched, is owned by Messieurs Denis et Giraud, Capitaines au Long Cours—her name is at present kept secret. She admeasures about 150 tons, and is intended to carry 250 Slaves.

My reliance upon your Excellency's anxiety to enforce the prohibition of the Slave-trade, induces me not to lose a moment in bringing this Case under your Excellency's notice: a Case much aggravated, as I am sure your Excellency will feel, by the barbarous cruelty of confining 250 unfortunate Beings in a Vessel of such small dimensions. I avail myself, &c.

H. E. The Baron de Damas. GRANVILLE.

No. 110.—*Viscount Granville to Mr. Secy. Canning.*—(*Rec. Jan.* 29.)

SIR, *Paris, January* 26, 1826.

I HEREWITH enclose a Copy of the Answer I have received from Monsieur Le Baron de Damas, in reply to the Note I addressed to him, relative to the fitting out at Nantes of a Vessel destined for the Traffick of Slaves.

His Excellency assures me therein, that he immediately made a communication upon the subject to the Minister of Marine, independent of which, he had every reason to believe that the Instructions already issued would have been sufficient to have stopped the departure of the Vessel. I have the honour to be, &c.

The Right Hon. George Canning. GRANVILLE.

(*Inclosure.*)—*The Baron de Damas to Viscount Granville.*

MONSIEUR L'AMBASSADEUR, *Paris, le* 24 *Janvier,* 1826.

J'AI reçu la Lettre que votre Excellence m'a fait l'honneur de m'écrire le 21 Janvier, au sujet d'un Batiment en armement à Nantes, et destiné à la Traite des Noirs; Je me suis empressé d'en donner im-

médiatement communication au Ministre de la Marine; J'ai tout lieu de croire qu'indépendamment des Ordres que je l'invite à donner à cette occasion, ses dernières Instructions auront suffi pour arrêter l'expédition et le départ du Navire. J'ai l'honneur d'être, &c.

S. E. Le Vicomte Granville. LE BARON DE DAMAS.

No. 111.—*Mr. Secretary Canning to Viscount Granville.*

MY LORD, *Foreign Office, January* 31, 1826.

THE Despatches of your Excellency, of the 19th and 23d of January, of the Slave-trade Series, have been received, and laid before the King.

Acknowledging the credit which is due to your Excellency's unwearied representations to the Government of His Most Christian Majesty, upon the laxity with which the Declarations and Laws of France for the Abolition of the Slave-trade have hitherto been carried into execution, it is matter of painful regret to His Majesty's Government, to feel that those Representations have produced so little effect.

Scarcely an arrival takes place from Africa, without bringing with it accounts that Slave-trade undertakings, covered by the Flag, and carried on by the Subjects of France, are in activity from North to South, and from West to East, throughout the whole Coast of that vast Peninsula; and in the African Islands, the West Indies, and elsewhere, French Subjects are continually heard of, as fitting out Vessels for the Slave-trade.

In the very Ports of France herself, these undertakings form the entire and almost publick concern of Companies of her Merchants.

One of these Ports, that of Nantz, seems to be entirely devoted to it, and is thus pointed out to the marked attention of the French Government.

Your Excellency, and your Predecessor, have repeatedly given to the French Minister the particulars of these equipments, from their earliest state to the time at which they leave that Port for their ultimate destination; but still these proceedings go forward with unabated ardour, and, as it appears, with perfect impunity.

The French Laws on this Subject are neither efficient in themselves, even in the heart of her Dominions, nor can it be believed that they are acted upon with integrity.

In the Case of *Les Deux Nantais*, when the Vessel had pursued her course with security, and with success, up to the very point at which she was returning to the Port whence she started, she was denounced to the French Authorities, in time for the French Government to have pursued what measures they might think proper for her punishment on her return. Orders were no sooner given for her arrest, than those Orders became null, by their communication, through some channel or other, to the Owners of the Vessel; she arrived off the Port, found boats in crowds ready to warn her of her danger, and

she rode off in safety to another Haven: nor does it appear that the Authorities, through whom these Orders became thus useless, have ever been made sensible of the delinquency of their conduct.

It is with satisfaction that I communicate to your Excellency, by the enclosed Despatch from Mr. Lamb,* that one of the first Acts of the Administration of the Duke del Infantado has been the issue of directions, which appear calculated to complete the abolition of the Slave-trade of Spain.

I also send to you a Copy of the Answer, which, by His Majesty's command, I have returned to this Communication.†

The States of Spanish America, who were the most interested in the traffick of Slaves, have been eager to disown, and to prohibit it: and The Emperor of Brazil has opened a Negociation, having for its basis the Declaration, that Slave-trade, after a given term of years, shall be held to be Piracy, and that Brazilian Subjects, engaging in it from that time, shall be treated as Pirates.

You will submit these statements to the Government of France; and you will express a hope, that His Most Christian Majesty will not longer permit, on the part of His Subjects, a traffick, which has been abandoned, as disgraceful, by every other Power of the civilized World.

I have the honour to be, &c.

H. E. Viscount Granville, G. C. B. GEORGE CANNING.

No. 112.—*Mr. Secretary Canning to Viscount Granville.*

MY LORD, *Foreign Office, January* 31, 1826.

I CANNOT forbear, in addition to my other Despatch on the subject of Slave-trade, communicating to your Excellency the enclosed Letters from the Colonial Department, shewing that the Native Sovereigns on the Coast of Africa, are at length sensible of the miseries entailed upon their Country, by this horrible traffick.

Perhaps a Communication to the French Government of this fact, may aid your Excellency's appeal to the humanity of the Ministers of France, and of their Sovereign.

I have the honour to be, &c.

H. E. Viscount Granville, G. C. B. GEORGE CANNING.

(*Inclosure* 1.)—*R. W. Hay, Esq. to Joseph Planta, Jun. Esq.*

SIR, *Downing Street, December* 26, 1825.

I AM directed by Earl Bathurst to transmit to you the enclosed Copies of two Despatches (A and B), which have been received from the Governor of Sierra Leone, reporting the results of an Expedition which he had undertaken to the Sherbro' River, for the purpose of suppressing the Slave-trade, which has been carried on from that Quarter, and stating that the Chiefs of the Country, which embraces

* See No. 14, Page 159. † See No. 15, Page 162.

the Rivers Pongos and Nunez, had offered to transfer the Sovereignty of that Country to Great Britain, and to abolish the Slave-trade; and I am to request that you will lay these Papers before Mr. Secretary Canning for his information. I have, &c.

Joseph Planta, Jun. Esq. R. W. HAY.

(*Inclosure* 1. A).—*Major General Turner to Earl Bathurst.*

My Lord, *Sierra Leone, October* 18, 1825.

I have now the satisfaction to announce to your Lordship the complete success of the little Expedition to the Sherbro', in the results of which I will hope that there will be found just cause of congratulation, not only as they regard the security and commercial interests of these Colonies, but as they promote the great cause of humanity, for which England has made such immense sacrifices in this Country.

On the 20th of September, I embarked about 80 soldiers on board the two Brigs, and on the 21st, I embarked myself, with Captain Ross, my Aid-de-Camp, the only disposeable officer I had, and sailed immediately.

I must now beg leave to observe, that nothing but the fear of losing, by delay, the opportunity which the plans I had been for some time maturing, for striking a great blow against the Slave-trade, in one of its strongest holds in this Country, had now presented, could have justified my going to Sea during the Tornado Season, in Vessels manned and commanded as these were, and upon a line of Coast, not surveyed or put down on the Charts, and only known to Canoes and small Craft; there were no sailors in the Colony; I found one of the Superintendents of Villages had been brought up to the Sea, and I took him with me; I manned the Vessels with such soldiers as had been most on Ship-board, together with such Native Fishermen, and others as I could collect; Mr. Kenneth Mac Caulay, and Mr. George Rendall, both Members of Council, had publick spirit enough to overlook the risque and privations inseparable from such an enterprise, and by accompanying me, rendered me the greatest assistance on every occasion.

On approaching the Sherbro', I caused the Kings and Chiefs of the Maritime Districts engaged in the war to be assembled, and as they had already applied to me for protection against their enemies, I informed them that the only Conditions upon which I could grant them effectual security would be their giving up for ever the Slave-trade, making over to me for The King of England, the Sovereignty of the Territories, acknowledging the Laws of England, laying down their arms in the present War, and agreeing never to undertake any other without the consent of the Governor of Sierra Leone for the time being: they immediately agreed to these Terms, and the Treaty, a Copy of which, for your Lordship's consideration, and His Majesty's

approval, accompanies this Despatch, was signed and ratified in presence of all the People.

By this Treaty, which I hope will meet your Lordship's approbation, it will be seen, that upwards of 100 miles of Sea-coast is added to this Colony, a circumstance which, in this particular case, will tend greatly to encrease its trade and general prosperity, by throwing open and securing the exclusive trade of five large Rivers, navigable a great way into the interior, and known long to have been the most fertile in rice, lamwood, and various products of this Country. As regards the Slave-trade, the District now ceded to us has for many years back been the theatre of the most active operations in this, or perhaps any other part of Africa, and the best information which I can collect, warrants my rating the number annually exported at not less than 15,000, all of whom will, in future, be employed in cultivating the soil, preparing and collecting articles of export, and improving their own condition; nor will the Kings or Head-men of these or the surrounding Nations, have, in future, any interest in carrying on these cruel and desolating wars which depopulated whole Districts.

The other Parties engaged in the war, and who are an inland people, I sent Messengers to, to desire that they would no longer carry on the war, as I had taken the Country under my protection. They expressed their willingness for peace, and some of the principal men among them came down and begged to be taken under my protection, which was done; I could not remain long enough in the Sherbro' to receive the more distant ones, but I make no doubt but I will be able to bring about a general peace throughout these Countries, and cause the Kings and Chiefs to turn their attention to more humane and profitable pursuits, in order to consolidate this, as well as to establish Branches of our Commercial Establishments in the most favourable situations. I propose returning to the Sherbro' the moment I can arrange a few matters which press here; should the steam-boat arrive in the mean time it will render me the most essential assistance.

After arranging these matters I proceeded to the Sea Bar, the Southern outlet to these Rivers, where I found five French Vessels taking in cargoes of Slaves; some were shipped, but on seeing me they landed them at night, and hid them in the woods, in chains, with guards of seamen over them.

The plan which I thought it my duty to adopt towards these Vessels, was, as the Country and Waters in which they laid had now become British, not to suffer them to carry away Slaves, but as the Treaty did not exist when they entered those Waters, I gave them leave to depart with their Ships, with a caution not to return again, or they would be seized; I made one exception in the Case of a Brig fitted to receive 500 Slaves, and sent her in here to be tried for a breach of our Navigation Laws, she having anchored for three days

at York Island, a Place belonging to us these hundred years, trading for Slaves, and having carried on at the anchorage where we found her, her trade in Slaves within 4 miles of a British Settlement. The whole of these Vessels had engaged 1,200 Slaves as their cargoes, (of whom 123 fell into my hands and are now enjoying their freedom at Sierra Leone,) and I am sorry to say, that several others got away with their Slaves on hearing of our approach ; I hope that your Lordship will be pleased to approve of the measures which I adopted towards these Vessels.

The troops, though not called upon beyond matters of fatigue, shewed the greatest zeal and activity, and Captain Ross, my Aid-de-Camp, was indefatigable in forwarding the public service.

In concluding this Despatch I have great satisfaction in drawing your Lordship's attention to the rapid improvement of this Colony, both in regard to its internal management, and to the security and extension of its trade.

The people, by being thrown more upon their own resources, are becoming industrious and orderly, respectful to their employers, submissive and obedient to the Laws. Crime, particularly thieving, which had ceased to be considered one, becomes less frequent, and the bounty of the British Government is received with more gratitude, and I trust, that religion and morality will keep pace with the other improvements. Externally, the affairs of the Colony are taking a much wider range, and the valuable products of the interior are finding their way here in a much larger proportion than formerly, and the influx of strangers from very distant Nations is very great; the name and character of the Colony is spreading rapidly, as is proved by the repeated Messengers sent to me from the Rulers of distant Nations, and the eagerness with which they seek our friendship and alliance; our influence and authority with the smaller Maritime States immediately around us are getting greater, and the beneficial results very visible : hitherto these people were regardless of our power, generally refractory and turbulent, and the Government here, as well as the Merchants, were obliged to pay them for allowing the trade of the Colony to pass through their Territories; still they robbed and plundered the Convoys. I made some examples amongst the worst of them, which alarmed the others, and having threatened them with the vengeance of the Interior Nations, as well as my own, they are becoming generally submissive; the most powerful of them, the King of the Mandingoes, has placed himself under our orders. I have, &c.

Earl Bathurst, K. G. CHAS. TURNER, Governor.

CONVENTION between His Excellency Charles Turner, Knight Companion of the Most Honourable the Military Order of the Bath, Commander of the Portuguese Order of the Tower and Sword, and of the Turkish Order of the Crescent, Captain-General and Governor-in-Chief of the Colony of Sierra Leone and its Dependencies, the Forts and Settlements in the River Gambia, Cape Coast Castle, and the Forts on the Gold Coast, the Isles de Loss, and the Islands, Territories and Factories to His Majesty belonging, on the Western Coast of Africa, from the twentieth Degree of North Latitude to the twentieth Degree of South Latitude; Vice-Admiral, Chancellor, and Ordinary of the same; Major-General of His Majesty's Land Forces, Colonel of His Majesty's Royal African Colonial Corps, and Commander-in-Chief of His Majesty's Forces on the Western Coast of Africa, &c. &c. &c., on the part of His Britannick Majesty: and Banka, King of Sherbro, on the part and behalf of his Tributary Kings, Chiefs, and Headmen, Kong Cuba, Prince of Sherbro, Sumana, King of Bendoo, Ta Bompay, King of Bullom, Soloccoo, King of Bagroo, Suwarrow, King of Char, Kenefarree, Chief of Sherbro Island, Will Adoo, Chief of Jenkins; and Ya Comba, by her lawful Representatives and next of kin; Thomas Caulker, Chief of Bompey; and George Caulker, Chief of Tasso and the Plaintain Isles; on behalf of themselves, their Tributary Chiefs, Headmen, and People:

WHEREAS a cruel and destructive war has, for several years, raged between certain Tribes of the Kussoo Nation, and the Inhabitants of Countries bordering on the Sherbro Bulloms, which Countries the said Tribes of the Kussoos have conquered and destroyed, and the defenceless inhabitants of which they have cruelly murdered or sold into Slavery: and Whereas the said Kussoo Tribes have already commenced hostilities against the said Sherbro Bulloms, and have over-run and depopulated part of the Territories belonging to the said Banka, King of Sherbro, and Ya Comba, Queen of Ya Comba, their Allies, Tributary Kings, Chiefs, and Headmen, and have manifested so determined a spirit, as to leave no room to doubt that their ultimate object is to over-run the said Territories—to exterminate the present Possessors of the soil by the sword, or by selling them into slavery; and so satisfied thereof are the said Banka and Ya Comba, their Tributary Kings, Chiefs, and Headmen, that they have, of their own free will and accord, stepped forward and thrown themselves and their Countries upon the protection of His Excellency the Governor-General of Sierra Leone, and the British Government, as the surest means of saving themselves and subjects from the destruction threatened by their cruel and implacable enemies: and Whereas, in the progress of the said war, violent outrages have been committed by

parties to the war, upon the property and persons of British Subjects engaged in lawful trade and commerce; plundering the one, seizing and selling into Slavery the others; and whereas His Excellency, the Governor-General of Sierra Leone, feeling no less apprehension for the peace and security of His Britannick Majesty's Territories—the war having already approached the frontiers of the Colony of Sierra Leone—than indignation at the insults offered to his Nation, in the outrages committed on the persons and properties of its subjects—has determined, for the peace and security of the British Possessions, and for checking the further progress of this cruel and desolating war, to accede to the prayer of the said Kings, Chiefs, and Headmen:

Wherefore His Excellency Charles Turner, Knight Companion of the Most Honourable the Military Order of the Bath, Commander of the Portuguese Order of the Tower and Sword, and of the Turkish Order of the Crescent, Captain-General and Governor-in-Chief of the Colony of Sierra Leone and its Dependencies, the Forts and Settlements on the River Gambia, Cape Coast Castle, and the Forts on the Gold Coast, the Isles de Loss, and the Islands, Territories and Factories to His Majesty belonging on the Western Coast of Africa, from the Twentieth Degree of North Latitude, to the Twentieth Degree of South Latitude; Vice-Admiral, Chancellor, and Ordinary of the same; Major-General of His Majesty's Land Forces, Colonel of His Majesty's Royal African Colonial Corps, and Commander-in-Chief of His Majesty's Forces on the Western Coast of Africa, &c. &c. on the part and behalf of His Britannick Majesty;

And Banka, King of Sherbro, by the advice and consent of his Tributary Kings, Chiefs and Headmen: namely, Sumana, King of Bendoo; Suwarrow, King of Char; Kong Cuba, Prince of Sherbro; Ta Bompay, King of Bullom; Soloccoo, King of Bagroo; Kenefarree, Chief of Sherbro Island; Will Adoo, Chief of Jenkins; and Ya Comba, Queen of Ya Comba, by her lawful Representatives and Next of Kin; Thomas Caulker, Chief of Bompey; and George Caulker, Chief of Tasso and the Plantain Isles; with h e advice and consent of their Tributary Chiefs and Headmen, have mutually agreed as follows:—

First.—Banka, King of Sherbro, by the advice and consent of his said Tributary Kings, Chiefs and Headmen, and the said Thomas Caulker, and George Caulker, Representatives of the said Ya Comba, Queen of Ya Comba, have, for themselves, their Tributary Kings, Chiefs, Headmen and People, for them, their heirs and successors for ever, ceded, transferred, and given over, unto his said Excellency Charles Turner, Governor of the said Colony of Sierra Leone, and his Successors, the Governors of the said Colony for the time being, for the use and on the behalf of His Majesty the King of Great Britain and Ireland, and His Successors, the full, entire, free, and unlimited right, title, possession and sovereignty, of all the Territories and Do-

minions to them respectively belonging, being situate between the Southern Bank of the Camaranca River, on the North, and the Town of Camalay and the line which separates the Territories of King Sherbro from those of the Queen of the Gallinas, on the South; together with all and every right and title to the navigation, anchorage, waterage, fishing, and other revenue and maritime claims in and over the said territories, and the rivers, harbours, bays, creeks, inlets, and waters of the same.

Second.—The said Charles Turner, for himself and his successors, the Governors of the said Colony of Sierra Leone for the time being, on the part and behalf of His said Britannick Majesty, agrees to accept the Cession of the aforesaid Territories and Dominions from the said Banka, King of Sherbro, and the said Ya Comba, Queen of Ya Comba, their Tributary Kings, Chiefs and Headmen; giving and granting to the said Banka, King of Sherbro, and Ya Comba, Queen of Ya Comba, their Tributary Kings, Chiefs, and Headmen, and the other Native Inhabitants of the said Territories and Dominions, the protection of the British Government, the rights and privileges of British Subjects, and guaranteeing to the said Banka, King of Sherbro, his Tributary Kings, Chiefs and Headmen, namely, Sumana, King of Bendoo, Suwarrow, King of Char, Kong Cuba, Prince of Sherbro, Ta Bompay, King of Bullom, Soloccoo, King of Bagroo, Kenefarree, Chief of Sherbro Island, Will Adoo, Chief of Jenkins, and the said Ya Comba, Queen of Ya Comba, and her Representatives, and to the said Thomas Caulker, Chief of Bompey, and George Caulker, Chief of Tasso and the Plantain Isles, and the other Native Inhabitants of the aforesaid Territories and Dominions, and to their heirs and successors for ever, the full, free, and undisturbed possession and enjoyment of the lands they now hold and occupy.

Signed at the Plantain Islands, on Saturday the 24th day of September, 1825, and ratified in the presence of all the Kings, Chiefs, and Headmen of the Sherbro Bulloms, at Yoni, on Sherbro Island, this 5th day of October, in the Year of our Lord 1825.

CHARLES TURNER, Governor of Sierra Leone, and Dependencies.
BANKA, ⋊ King of Sherbro.
YA COMBA, Queen, by her Representatives;
THOMAS CAULKER, Chief of Bompey.
GEORGE S. CAULKER, Chief of Tasso and Plantain Isles.
SUMANA, ⋊ King of Bendoo.
SUWARROW, ⋊ King of Char.
SOLOCCOO, ⋊ King of Bagroo.
KENEFARREE, ⋊ Chief of Sherbro.
WILL ADOO, ⋊ Chief of Jenkins.
THOMAS CAULKER, Chief of Bompey.

KONG CUBA, ✕ Prince of Sherbro.
TA BOMPAY, ✕ King of Bullom, by King Sherbro.
GEORGE S. CAULKER, Chief of Tasso and Plantain Isles.
BA YENDA, ✕ Chief of Brama.

In the presence of { G. RENDALL, A.C.J. / K. MACAULAY, M.C. / W. ROSS, M.C.

(*Inclosure* 1, B.)—*Major-General Turner to Earl Bathurst.*

MY LORD, *Sierra Leone, November* 1, 1825.

IT is with great satisfaction that I avail myself of the opportunity afforded by the delay of the Vessel (*Henry Wellesley*) to announce to your Lordship, that I have just received from Chiefs to the Northward of this Colony, an offer to give us the Sovereignty of their Country, and to abolish for ever the Slave-trade, receiving in return our protection, and the benefit of a free trade with us; inviting me to go and take possession of their Country, which embraces the two Rivers Pongos and Nunez, so celebrated for their slaving transactions, and running through the most fertile districts in this part of Africa: our name and influence are spreading with incredible rapidity throughout this part of Africa, and I have little doubt but I shall have the honour ere long to announce to your Lordship, the total abolition of the Slave-trade for 1,000 miles round me, and a tenfold increase to the trade of this Colony. I have, &c.

Earl Bathurst, K. G. CHAS. TURNER.

(*Inclosure* 2.)—*R. W. Hay, Esq. to Joseph Planta, Jun. Esq.*

SIR, *Downing Street, December* 29, 1825.

WITH reference to my Letter of the 26th instant, in which I enclosed to you Copies of two Despatches which had been received from Major-General Turner, reporting that the Chiefs of the Countries adjacent to His Majesty's Settlements on the Western Coast of Africa, had manifested their disposition to co-operate with this Country in suppressing the Slave-trade; I am now directed by Earl Bathurst to transmit to you enclosed (A), for the information of Mr. Secretary Canning, a Copy of an Instruction which his Lordship has addressed to Major-General Turner, for the guidance of his conduct in the arrangements which it will be expedient to adopt, for attaining that important object, in concert with the Native Powers. I have, &c.

Joseph Planta, Jun. Esq. R. W. HAY.

(*Inclosure* 2, A.)—*Earl Bathurst to Major-General Turner.*

SIR, *Downing Street, London, December* 18, 1825.

I HAVE laid before The King your Letters of the 1st and 18th of October last, and I am commanded to convey to you His Majesty's

approbation of the zeal and activity, which have been shewn by you in the conduct of the Expedition in which you have lately been engaged.

You have acted with great propriety in entering into Commercial Arrangements with the Native Chiefs of the line of Coast which you have recently visited, as a compensation for any immediate loss which they may sustain by consenting to the Abolition of the Slave-trade, although in the end, that odious Traffick must prove as injurious to the welfare, as it is discreditable to the character of the Nations which practise it.

His Majesty is, however, unwilling to sanction any proceeding which might be found to interfere with the Rights of other Nations, nor could His Majesty consent to any arrangement which might be construed into a desire of territorial aggrandizement.

You will communicate, therefore, to those Chiefs with whom your Negociations at the Sherbro' and its vicinity had been conducted, as well as those who have offered you the Sovereignty of the Country to the Northward of Sierra Leone, that, however much His Majesty may be gratified by the proofs which they have given of their attachment to this Country, in the offer which, through your intervention, they have recently made, yet that their connexion with Great Britain must be confined to one of amity and friendly intercourse, founded on the declaration which they have made, of their readiness to concur with us in the Abolition of the Slave-trade, for the more effectual extinction of which you will make such arrangement with the Native Powers as will secure that important object, and contribute to the internal prosperity of those Territories. I have, &c.

Major-General Turner. BATHURST.

No. 113.—*Consul Sir R. Clayton to Mr. Secy. Canning.*—(*Rec. Jan.* 31.)

(Extract.) *Nantes, January* 25, 1826.

I THINK it not improper to apprize you of what has passed within these few days here, on the subject of the Slave-trade, and I am happy to inform you that it has received what I consider its mortal blow at this Port. By Communications from the French Government, received the day before yesterday, a temporary stop has been put to every thing in this shameful commerce, and Shares in the concern were yesterday endeavoured, from the alarm, to be disposed of on the Exchange at 30 and 40 per Cent. loss, *but without success.*

The Right Hon. George Canning. R. CLAYTON.

No. 114.—*Viscount Granville to Mr. Secy. Canning.*—(*Rec. Feb.* 2.)

SIR, *Paris, January* 30, 1826.

I HAVE received your Despatch, marked "Slave-trade," of the 20th instant, enclosing a Statement of Slave-trade on the part of

French Vessels at The Havannah, from Captain Croker, of His Majesty's Ship *Bellette*.

The enclosed is a Copy of the Note which I in consequence addressed to His Excellency The Baron de Damas. I have, &c.

The Right Hon. George Canning. GRANVILLE.

(*Inclosure.*)—*Viscount Granville to The Baron de Damas.*

M. LE BARON, *Paris, January* 27, 1826.

THE enclosed Copy of a Despatch from Captain Croker, of His Majesty's Ship *Bellette*, contains a Statement of Slave-trade on the part of French Vessels at The Havannah, carried on to an excess which must merit the consideration of the French Government, and described with particulars, which give ample grounds for enquiries into the details, with a view of punishing the Offenders, and preventing a repetition of the offence.

My recent Communications with your Excellency on the subject of the Slave-trade, lead me confidently to expect that the Government of His Most Christian Majesty will be glad to be made acquainted with the facts detailed in Captain Croker's Letter, and that more effectual measures will be taken for punishing the guilty, and for checking an evil which brings so much discredit on the Flag of France. I avail myself, &c.

H. E. The Baron de Damas. GRANVILLE.

No. 115.—*Viscount Granville to Mr. Sec^y. Canning.*—(*Rec. Feb.* 5.)

SIR, *Paris, February* 2, 1826.

I RECEIVED some time ago a Note from The Baron de Damas, a Copy of which I here enclose, in which he states, that, were it possible to procure the Original Letter from Monsieur Ogerau, (a Copy of which was sent home in my Despatch, marked "Slave Trade," of the 22d of December of last Year,) one of the Owners of the *Deux Nantais*, to Monsieur Mahé, Captain of this Vessel, desiring him, upon the receipt of it, immediately to sail for Antwerp, where he would join him, it would be of great importance in the trial that is about to take place in the Affair of the *Deux Nantais*.

I have received from Mr. Mackintosh the Original Letter in question, and I hastened to communicate it to His Excellency, accompanied by a Note, of which the enclosed is a Copy. I have, &c.

The Right Hon. George Canning. GRANVILLE.

(*Inclosure* 1.)—*The Baron de Damas to Viscount Granville.*

M. L'AMBASSADEUR, *Paris, le* 16 *Janvier*, 1826.

J'AI communiqué au Ministre de la Marine, ainsi que J'ai eu l'honneur de l'annoncer à votre Excellence le 26 du mois dernier, les nouveaux renseignemens qu'elle m'avoit transmis le 22, au sujet du

Navire, *Les Deux Nantais*, prévenu de faire la Traite des Noirs. Parmi ces renseignemens, se trouve Copie d'une Lettre de l'armateur, qui serait nécessairement d'un grand poids dans l'instruction de l'affaire dont le Tribunal de Nantes est saisi, s'il était possible de la produire en original, ou du moins sous une forme authentique. Quelque confiance que puisse mériter la communication qui lui en a été donnée, et quelque forte que soit la présomption qui en resulte, votre Excellence jugera que la justice ne saurait l'admettre comme Pièce de conviction.

Dans le cas où votre Gouvernement parviendrait à se la procurer de maniere à ce qu'elle puisse faire preuve légale, Je prie votre Excellence de vouloir bien me l'adresser. Agréez, &c.

S. E. Le Vicomte Granville. LE BARON DE DAMAS.

(*Inclosure* 2.)—*Viscount Granville to The Baron de Damas.*

M. Le Baron, *Paris, January* 30, 1826.

In reference to your Excellency's Note of the 16th of this month, in which you mention, that if it were possible to procure the Original Letter, of which I had the honour to enclose to your Excellency a Copy in my Note of the 22d of December, it would be of great weight in the Trial that is about to take place relative to the affair of the *Deux Nantais;* I have the honour herewith to transmit the Original Letter in question from M. Ogerau to M. Mahé, Captain of the *Deux Nantais,* directing him to proceed without delay to the Port of Antwerp. I avail myself, &c.

H. E. The Baron de Damas. GRANVILLE.

No. 116.—*Viscount Granville to Mr. Secy. Canning.*—(*Rec. Feb.* 9.)

Sir, *Paris, February* 6, 1826.

I have the honour to acknowledge the receipt of your Despatches, marked "Slave-trade," of the 31st ult. and I have in consequence addressed a Note to His Excellency The Baron de Damas, a Copy of which I will send by the next Messenger. I have, &c.

The Right Hon. George Canning. GRANVILLE.

No. 117.—*Viscount Granville to Mr. Secy. Canning.*—(*Rec. Feb.* 11.)

Sir, *Paris, February* 8, 1826.

I herewith enclose a Copy of my Note to Monsieur Le Baron de Damas, mentioned in my Despatch of the 6th instant.

I have, &c.

The Right Hon. George Canning. GRANVILLE.

(*Inclosure.*)—*Viscount Granville to The Baron de Damas.*

M. Le Baron. *Paris, February* 6, 1826.

I have received Instructions, which impose upon me the duty of expressing to your Excellency the painful regret felt by His Majesty's

Government, at finding that the Representations addressed by me to the Government of His Most Christian Majesty, upon the laxity with which the Declarations and Laws of France for the abolition of the Slave-trade have been executed, have had no effect in checking this illicit traffick.

Scarcely an arrival takes place from Africa without bringing with it accounts, that Slave-trade undertakings, covered by the Flag, and carried on by the Subjects of France, are in activity from North to South, and from West to East, throughout the whole Coast of that vast Peninsula; and in the African Islands, in the West Indies, and elsewhere, French Subjects are continually heard of as fitting out Vessels for the Slave-trade.

In the very Ports of France, these Undertakings form the entire and almost publick concern of Companies of her Merchants.

One of these Ports, that of Nantes, seems to be peculiarly devoted to it, and is thus pointed out to the marked attention of the French Government.

The particulars of these Equipments have frequently been furnished by my Predecessor and by me, to Your Excellency, for the information of the French Government, but still these proceedings go forward with unabated ardour, and, as it appears, with perfect impunity; the Laws on this subject are not efficient in themselves, even in the heart of the Dominions of His Most Christian Majesty, nor can it be believed that they are acted upon with sincerity, by those on whom devolves the duty of carrying them into effect. In the Case of *Les Deux Nantais*, when the Vessel had pursued her course with security and with success, up to the very point at which she was returning to the Port whence she started, she was denounced to the French Authorities, in time for the French Government to have pursued what measures they might think proper for her confiscation: orders were given for her arrest, but those orders were no sooner given, than they became null by their communication through some channel or other, to the Owners of the Vessel. She arrived off the Port, found Pilot Boats ready to warn her of her danger, and she rode off in safety to another Haven.

His Majesty's Government has learnt with great satisfaction, that other States, whose subjects have hitherto carried on this abominable Traffick, have adopted effectual measures for its repression.

A Despatch from the British Envoy at Madrid, containing a Note from the Duke del Infantado, communicates to His Majesty's Government, that one of the first Acts of the Spanish Minister, has been the issue of directions, which appear calculated to complete the abolition of the Slave-trade of Spain.

The States of Spanish America, who were the most interested in the Traffick in Slaves, have been eager to disown and to prohibit it; and

the Emperor of Brazil has opened a Negociation, having for its basis the Declaration, that Slave-trade, after a given term of Years, shall be held to be piracy, and that Brazilian Subjects, engaging in it from that time, shall be treated as Pirates.

A Traffick, which has been abandoned as disgraceful by every other Power of the civilized World, His Majesty's Government confidently hope will no longer be permitted by His Most Christian Majesty to be exercised under the Flag of France; the verbal assurances I have received from Your Excellency, that the French Government is seriously occupied in devising an improved mode of administering the Laws which prohibit the Slave-trade, will of course confirm that confidence.

If any additional motive were wanting to stimulate the zeal and humanity of those who are endeavouring to repress this illegal trade, that motive would be found in the Statement contained in a Despatch from the Governor of Sierra Leone, shewing that the Native Sovereigns on the Coast of Africa, are at length sensible of the misery entailed upon their Country by the horrible Traffick. Under this impression, these Sovereigns have offered the Sovereignty of their Country to His Majesty. Your Excellency will see, by the enclosed Extract from the Instructions sent to the Governor of Sierra Leone, that His Majesty has declined to sanction any proceeding which might be found to interfere with the rights of other Nations, or to consent to any arrangement which might be construed into a desire of Territorial Aggrandizement.

The Governor of Sierra Leone is informed, that the connexion of these Native Chiefs with Great Britain, must be confined to one of amity and friendly intercourse, founded on the Declaration which they made, of their readiness to concur with the British Government in the abolition of the Slave-trade. I avail myself, &c.

H. E. The Baron de Damas. GRANVILLE.

No. 118.—*Viscount Granville to Mr. Secy. Canning.*—(*Rec. Feb.* 11.)

SIR, *Paris, February* 8, 1826.

I HAVE the satisfaction of transmitting to you, the Copy of a Note received yesterday from The Baron de Damas, in which His Excellency confirms the verbal assurances he had recently given me, of the disposition of the French Government to accomplish the repression of the odious Traffick in Slaves. I have the honour to be, &c.

The Right. Hon. George Canning. GRANVILLE.

(*Inclosure.*) *The Baron de Damas to Viscount Granville.*

MONSIEUR L'AMBASSADEUR, *Paris, le* 4 *Fevrier,* 1826.

J'AI reçu avec la Lettre que votre Excellence m'a fait l'honneur de m'écrire le 27 Janvier, le rapport qui l'accompagnait, et dans lequel

sont signalés plusieurs Batimens Français, comme ayant effectué dans l'Ile de Cuba, plusieurs débarquemens considérables de Nègres, provenant de la traite. Je me suis empressé d'en donner Communication au Ministre de la Marine. Je ne puis d'ailleurs que confirmer à votre Excellence les assurances que je lui ai recemment données, des dispositions du Gouvernement du Roi pour parvenir à la répression du cet odieux trafic. J'ai l'honneur d'être, &c.

S. E. Le Vicomte Granville. LE BARON DE DAMAS.

No. 119.—*Communication from Nantes.*—(*Rec. February* 20.)

Extract.) *Nantes, February* 10, 1826.

I THINK it necessary to apprize you, that another Schooner is on the point of sailing, and another on the stocks, evidently destined for this trade, for their construction leaves not a doubt on the subject, and they are wholly incapable of receiving a cargo of sufficient consequence to defray the freight and wages of the men. If the French Government are really in earnest, in seconding the wishes of the British Cabinet, something may *perhaps* be done; but the known avarice of Merchants will find out a number of modes to defeat every effort that may be made; and till they are made to feel, by the repeated captures of their Vessels (*the risk of which they now cover by Insurance*), I fear the difficulties will not be easily surmounted: yet there is one means of getting at the source, and checking it, in my opinion, *most effectually*, —that is, by an Ordinance of the French Government, declaring *all Insurances on Vessels engaged in this traffick void.* No Merchant would then run the risk against which he could not secure himself. Whether the British Government may have influence enough in the French Councils to prevail on them to introduce such a measure, I have no pretensions to warrant an idea: as I understand, however, some measures are to be brought forward in the "*Chambre*" of the Peers, and also that of the Deputies, relative to this traffick, perhaps the moment may be a favourable one for the attempt.

No. 120.—*Mr Secretary Canning to Viscount Granville.*

MY LORD, *Foreign Office, February* 23, 1826.

I FORWARD to your Excellency the Extracts of Communications which have been received at this Office from the Admiralty, giving accounts of the continuance of French Slave-trade on the Eastern Coast of Africa, and, in particular, authenticated details of the illegal conveyance of Slaves on board a French Slave-vessel *Les Deux Clementines* from a Place called Lorenço Marques, to the Isle of Bourbon. I have to desire that your Excellency will communicate these Papers to the Ministers of His Most Christian Majesty, urging them to enquire

into the particulars of the transaction, and, if it should prove to be as stated, to punish the Persons who have so decidedly transgressed the Laws of France against African Slave-trade.

I have the honour to be, &c.

H. E. Viscount Granville, G. C. B. GEORGE CANNING.

(Inclosure 1.)—Captain W. F. W. Owen to J. W. Croker, Esq.

H. M. S. Leven, *on the Outer Bar of Delagoa Bay, September* 6, 1825.

(Extract.)

At the same time I observed a French Schooner from the Factory of Lorenço Marques, called, I believe, *Les Deux Clementines*, of which I had information that she had left certain Persons there to purchase for her a cargo of Slaves, which she was to embark on her return. I took occasion to mention this information to His Excellency, who remarked that he had heard something of the sort, but he should take care to disappoint them if that was the case. I can only say they were not disappointed, as will be seen, for she embarked and took away with her about 130 Slaves from the Portuguese Factory of Lorenço Marques.

I beg also that you will acquaint their Lordships, that, about the middle of last Year, a French Schooner, of Bourbon, commanded by Monsieur Dorval, a native of Mauritius, entered Port Melville, and actually took off by force into Slavery, it is presumed, more than a hundred Natives of the Western Shores of Inyac Island, (otherwise St. Marie's,) so that this spot has lost the greater part of its population. Makasane, King of Mapoota, has recolonized it from that Country, and made it a Station to trade with the English; and has ordered his people not to communicate with the Ships of any other Nation.

J. W. Croker, Esq. W. F. W. OWEN.

(Inclosure 2.)—Capt. W. F. W. Owen to J. W. Croker, Esq.

(Extract.) *H. M. S.* Leven, *Table Bay, November* 1, 1825.

The Deposition (A) of the Carpenter of the *Eleanor*, relative to that vessel, contains another proof of the Slave-traffick carried on by the French, and particularly in the instance of the *Deux Clementines*, of which I have previously advertized His Excellency the Governor of Mozambique.

J. W. Croker, Esq. W. F. W. OWEN.

Sub-Inclosure (A.)—Deposition of John Hemsten, Carpenter on board the Brig Eleanor.

Be it hereby made known, that, on the 29th day of October 1825, before me, John Samuel Merrington, of Cape Town, Cape of Good Hope, Notary Public, duly admitted and sworn, personally came and appeared, John Hemsten, Carpenter, belonging to the Brig, *Eleanor*, of London, now lying at anchor in Table Bay, who did declare, testify, and say for truth, that he joined the said Brig as Carpenter, in

London, in the month of March 1824; just previous to her sailing from thence on a trading and fishing voyage to the South Seas, under the command of Robert Mitchell; that the first place she touched at was the Island of Bonavista, where she took in salt for curing skins, and thence proceeded to Algoa Bay, where they procured water and refreshments, and then proceeded to Port Natal, where they remained about 10 days, and thence proceeded to Delagoa Bay, and anchored for the night in Cow Bay, and in the afternoon of the next day, anchored off Sheltin Island, and Deponent, with the said Robert Mitchell, and four hands, proceeded in one of the Whale Boats to the Portuguese Fort in English River, where they arrived about eight o'clock in the evening, and were hailed by the Portuguese, who enquired "what Boat is that," to which they answered "English," and the Captain asked if they could go on shore, to which the Portuguese answered "No," but being afterwards informed that it was not a Man of War's Boat, but a Whaler from London, they allowed them to land, and assisted in hauling up the Boat, and the Captain went to lodge with the Governor, whose name was Schmidt, or Smith, and the Appearer, and the boat's crew slept in the house of a Serjeant; that the wind being unfavourable they remained there two days, and on the third, the Governor having agreed with Captain Mitchell, that the Brig should be brought into English River, sent his Launch with an Officer and five soldiers along with the Whale Boat to assist in bringing her in.

That having arrived and anchored off the Fort, one of the soldiers was left on board as a guard or Custom-House Officer, and on the next day Captain Mitchell obtained a written permission from the Governor, to trade up the Mapoola with King Makasane for 15 days.

That Deponent and said Mitchell, with two Whale Boats and Crews, proceeded up the Mapoola, and commenced trading with Makasane's People for Sea-horse teeth, in exchange for beads, cotton, (dungaree), bran, wine, &c.; that while so trading the Secretary to Makasane shewed Deponent an agreement made between said Makasane and Captain Owen, of His Majesty's Ship *Leven*, in the Year 1823, by which the English were allowed a free trade with Mapoola, on paying certain duties to Makasane, and it appeared that the Portuguese in English River had no right to prevent such trade, in consequence whereof they did not leave off trading at the end of the 15 days, which had been allowed by the Portuguese.

That a day or two after the expiration of the said 15 days, the Portuguese Governor sent an Officer and five soldiers to the *Eleanor's* people, who were then trading, (and who consisted of the Deponent, Mr. Pollard, the second Mate, and two of the crew, who were Portuguese,) with orders for them to leave off trading, and proceed to the Fort, which they refused to do, upon which said Officer told them, that unless they left the place by four o'clock the next morning, they

should all be shot, to which the second Mate again replied, he should not leave.

That said Officer then endeavoured to persuade the two Portuguese sailors, named Jozé Maria and Manuel da Costa, to leave the Mate and Appearer, as he was determined to kill them, but the said two sailors refused.

That Deponent then saw said Officer and soldiers distributing beads, dungaree, and grog among the Natives, and upon enquiring the reason thereof from one of the Petty Chiefs, he was informed that it was done to induce the Natives to plunder the Store or Shop of Deponent's party, upon which the 2d Mate went to the Secretary, who told him not to fear, for that none of the people should hurt them. That on the return of the Mate they sent Jozé Maria with two of the Natives as guides to Makasane, to inform him of what was going on; and Deponent, the Mate, and Manuel da Costa kept watch during the night, having only one musket, and one pistol, which they loaded, in case of an attack from the Portuguese.

That they saw nothing further of the Portuguese until about nine o'clock the next morning, when they hoisted the Portuguese Colours in the Town; but the Secretary having shortly after arrived, it was by his orders hauled down, and torn in pieces by the Natives. Soon after which Jozé Maria returned from Makasane, with a message, that Deponent's Party were not to mind the Portuguese, but continue to trade, and, that if the Portuguese attempted to hurt them, he would drive them out of the Country: shortly after which, the Secretary went to the Portuguese with some hundreds of armed Natives, and ordered them to return to the Fort, upon which the five soldiers returned, the Officer being allowed to continue and trade with the Natives for provisions, and he did not afterwards molest the people of the *Eleanor*, who continued trading until they had disposed of all their beads and dungaree; the *Eleanor's* Boats, in the mean time, communicating between the trading party and the Brig.

That when the Brig was ready for Sea, some difference arose between the Captain and the Portuguese Governor, about the Duties claimed by the latter, who arrested the Chief Mate and confined him in the Fort, and threatened to detain the Brig until the Duties were paid. Upon which the Captain ordered her to be dismantled by striking the topmasts, &c.; but the difference being settled in the course of the day, the Chief Mate was released, and the topmasts again set up, and the sails bent.

That Captain Mitchell having gone on shore to take leave of the Governor, returned on board, and on reaching the deck, said he found himself suddenly taken ill; that he had taken a glass of wine with the Governor, and he was sure he had poisoned him; that a bed was immediately got upon deck, upon which the Captain lay down, and appeared to lie in the agonies of death, until Deponent succeeded in get-

ting him to swallow a quantity of new milk, which produced violent vomiting, and as Appearer verily believed, saved his life.

That on the next day they sailed and proceeded to Solomon Isles, from thence to Sunday Island, and thence to The Mauritius, where they procured water, refreshments, and a fresh stock of beads and dungaree, and then returned to Delagoa Bay, where they arrived in March last, and anchored in Low Bay, and afterwards removed to Elephants Island, and commenced trading up the Mapoota River for Sea-horse teeth, of which they bought about a ton weight, without any interference with the Portuguese.

That Captain Mitchell having become ill while up the Mapoota, returned on board, and sent the Appearer up, who continued to trade for about 16 days, when, having disposed of his stock, he returned to the Brig, and found that the Captain, 2d Mate, and one of the Apprentices, had died during his absence, and the 1st and 3d Mate, and all the people, except two, were very ill, and during the next two days the 1st and 3d Mates and the Steward died.

That directly after Deponent returned on board, he procured the assistance of five Natives, to shift the water and get the Brig in ballast-trim to proceed to the Cape of Good Hope; that on the third day after his return Deponent was taken ill, and was unable to do more than give orders for about a week, when, getting better, and six of the crew having partly recovered, they resolved to attempt to proceed to the Cape, and accordingly weighed and got out into the middle of the Great Bay, when the wind falling light and calm, they were obliged to anchor; and the Deponent having, as he believes, over-exerted himself in getting the Brig under way, was again taken very ill, insomuch, that when the people asked him for orders the next morning, he told them he was unable to navigate the Ship. And a Vessel having gone into English River, while they were standing out on the preceding day, a part of the Crew went thither in the Whale-boat to procure assistance, and found the said Vessel to be an Arab, the Captain of which came off in his Launch with his Officers and Crew, and assisted the *Eleanor* into English River, where Deponent was sent on shore and remained about seven weeks, during which time one of the Crew died, and two others; the Cooper and an Apprentice, were sent by the Portuguese Governor over land to Ambona, to fetch a Launch which was laying there, and have not since been heard of by Deponent.

That, at the end of seven weeks, Deponent being partly recovered, and finding a French Schooner, called the *Two Clementines*, lying in English River and bound to Bourbon, he begged a passage for himself and John Jennings, one of the *Eleanor's* Crew, intending to proceed to The Mauritius and procure assistance from some of His Majesty's Ships at Port Louis, to bring the *Eleanor* from Delagoa Bay, but the

Portuguese Governor refused to grant them Passports to proceed in said Schooner until they paid him four Spanish Dollars each.

That they had previously been obliged to sell all the clothes and other articles they could spare, to procure fresh provisions and medicines, for which they were charged exorbitantly; their expences for the seven weeks being 75 Spanish dollars, during which time they only had fresh provisions two days in the week. That, in order to procure the sum demanded for their Passports, they were obliged to sell a piece of old chain belonging to the *Eleanor*, which had been previously used as a top-sail sheet, and which was sold under a written order of the said Portuguese Governor.

That having procured their Passports, they went on board the *Two Clementines*, which was partly laden with Slaves, who had been embarked on the preceding night, and were brought from the Fort in a Launch belonging to the Portuguese, and one of the *Eleanor's* Whale Boats, which had been taken possession of by the Governor.

That Deponent was informed by some of the Crew of the *Two Clementines*, that they had 220 Slaves on board, the greater part of whom were young women and little girls; there were also a few boys, and about 20 men. Deponent having counted that number of men who were chained together by the legs.

That the *Two Clementines* proceeded direct from Delagoa Bay to the Island of Bourbon, where she arrived after a passage of about 32 days, and lay off and on the Coast about 3 days, during which time Deponent, who had previously spoken to the Captain about the unlawfulness of the trade in which he was engaged, was kept below.

That on the third night, Deponent heard some Boats come alongside and wished to go upon deck, but was told he could not. But on the next morning he was allowed to go on deck, and then found that the Slaves had all been removed—the false deck, on which the Slaves had been stowed, removed, the decks cleared, the cables and ivory part of the cargo shifted, and every precaution taken to remove all appearance of Slaves having been on board. That in the course of the afternoon the *Two Clementines* went into South Deunes, leaving on board a quantity of elephant's teeth, which Deponent was informed was the ostensible object of her voyage to Delagoa Bay.

That Deponent went on shore the next morning, and was there informed * by the Carpenter and others of the *Two Clementine's* Crew, that while he was so below, as aforesaid, a small Schooner had been sent from Bourbon with provisions, and information, that the Douaniers or Custom-House Officers had been bribed, and the Slaves might be landed the next night, and that great part of them were so landed, but that, on the next morning, a Vessel was seen which they took for an English Man-of-War, and under fear of being boarded, some of the

* There appears to be some mistake in this part of the Deposition. W. F. W. OWEN.

Slaves were thrown overboard alive, as were the chains, false deck, and every thing which could lead to a suspicion of Slaves having been on board. That, although the Deponent did not see the Slaves thrown overboard, yet, from the manner in which the circumstance was related to him, the character of the carpenter, and his expressions of horror at the transaction, he verily, and in his conscience believes, they were so thrown overboard.

That two days after Deponent landed at Bourbon, he went on board the Schooner *Victoire of Bourbon*, and proceeded to the Mauritius, and reported the object of his voyage to the Police, by whom he was informed, that the *Leven* and *Barracousa* had sailed for the East Coast of Africa, and would go into Delagoa Bay.

That Deponent having, a few days after his arrival, become again very ill, was sent to the Hospital, where he remained for 17 days, when, being in a great measure recovered, he shipped on board the Brig *Venus* for the Cape of Good Hope, where he expected to find the *Eleanor*, and on the 15th instant arrived in Table Bay.

And the Deponent further made oath, that when the *Eleanor* first arrived in Delagoa Bay, a Galliot was lying in English River, under Portuguese Colours, and Deponent was employed five days repairing her copper, but without receiving any payment for the same; that said Galliot was French built, and he was informed, and believes, was French property, and belonged to the Isle of Bourbon. That the Deponent, while so employed, saw a number of female Negroes, from about 7 to 15 years of age, on board of her, and, as he supposes, near 20 in number, which were brought from the Fort and purchased, as he was informed and believes from the Portuguese Governor; and on the return of the *Eleanor* from the Mauritius to Delagoa Bay, Deponent was informed by the Native Chief of St. Mary's and Elephant Island, and the adjoining Country, that the people of the said Galliot had enticed a great number of his people on board, and carried them away as Slaves.

And Deponent further declared, that while the said Brig *Eleanor* lay at Elephant Island, Captain Mitchell engaged one of Makasane's People (who had previously sailed with Captain Owen) as a Cook, that said Cook was one of the hands who went on shore in his Whale Boat for assistance as aforesaid, and on arriving in English River was seized by the Portuguese Governor, put in irons, and afterwards sold to the Captain of the *Two Clementines* by the said Governor, as a Slave.

Thus done and declared at Cape Town, the day and year aforesaid, in the presence of Care Zieroogel and Adam Muller.

JOHN HEMSTEN.

As Witnesses,
C. ZIEROOGEL,
A. G. MULLER.

A counterpart hereof is duly signed by Deponent and Witnesses, and me the Notary, and now remaining in my Protocol.

Quod Attestor. JNO. SAML. MERRINGTON, Not. Pub.

No. 121.—*Mr. Secretary Canning to Viscount Granville.*

My Lord, *Foreign Office, February* 23, 1826.

The accompanying Copy of a Letter, which I have received from His Majesty's Consul at Corunna,* contains another instance of French Slave-trade.

It appears from these Papers, that a French Vessel, called *La Térèse*, with French and Dutch Papers, a French Captain, and mostly a French Crew, set sail from Gallinas for Africa; that while she cruized for provisions, the Captain, who remained on shore, collected Slaves. That the Vessel being wrecked, the Captain procured another French Vessel called the *Clarisse*, on board of which the Slaves were embarked, and that in the course of the voyage they rose upon and killed the Captain, and escaped; that they were, however, pursued and overpowered, and taken again on board of ship, and landed, together with some others, along the Coast of Cayenne; that the Vessel then sailed on her return, apparently for Nantes, and that having lost her foremast and rudder in a gale of wind, she put into Muros, in Spain.

I hope that the Ministers of His Most Christian Majesty will be induced, through your Excellency's representation to them of this Case, to cause some enquiry to be made into it, with a view of proving by the result, that the prospect of ultimate impunity, which evidently induces French Slave-traders to persevere in such practices, will, in this instance at least, be disappointed. I am, &c.

H. E. Viscount Granville, G. C. B. GEORGE CANNING.

No. 122.—*Mr. Secretary Canning to Viscount Granville.*

My Lord, *Foreign Office, February* 23, 1826.

In reference to my former Communications to your Excellency, on the subject of the undertakings in the trade in Slaves, carried on from the Port of Nantes; I send to your Excellency the Copy of a Communication which has been received at this Office, from that Port, † shewing that the Slave-trade at Nantes is not yet put a stop to, and suggesting a measure which the Writer considers as likely to conduce to the discouragement of this abominable Traffick; and I am to direct your Excellency to make use of this Communication as you may judge to be most expedient, with the Ministers of His Most Christian Majesty.

I am, &c.

H. E. Viscount Granville, G. C. B. GEORGE CANNING.

No. 123.—*Viscount Granville to Mr. Secy Canning.*—(*Rec. Feb.* 27.)

Sir, *Paris, February* 24, 1826.

I have sent a Copy of the enclosed Paper to His Majesty's Consul at Marseilles, desiring him to report to me whatever information he may be able to collect upon the subject,—and I have thought it right,

* See No 20, Page 164. † See No. 119, Page 314.

at the same time, to transmit it to you, for the information of His Majesty's Government.

I have, &c.

The Right Hon. George Canning, GRANVILLE.

(Inclosure.)—Extrait d'une Lettre de Marseille, du 11 Fevrier 1826.

On grée en ce moment un beau Brick neuf, construction Anglaise, venu directement et en lest à Marseille au sortir du chantier. Ce Navire, cloué, doublé et chevillé en cuivre, d'une marche supérieure, parait construit exprès pour la traite. Il est maté à hune, du port de 300 à 320 tonneaux, peint en blanc avec les sabords noirs. Sur sa poupe, presque toute dorée, on lit *Grecian, London.* Il est commandé par le Capitaine André Smith, Anglais; sa destination est l'Ile de France; cette destination singulière pour un Anglais, sortant d'un Port de France, autorise les soupçons où l'on est, sur ses véritables desseins. Le Consignataire de ce Navire est la maison J^n^. Roggers et C^ie^. Americains, établi à Marseille.

On soupçonne que l'Anglais, Williams, est dans notre Ville. Je ne puis l'assurer, mais je le saurai plus tard. Ce que je sais, c'est que le Capitaine a été un peu embarrassé quand on lui a demandé si ce Williams n'était pas l'armateur de son Navire.

No. 124.—Viscount Granville to Mr. Sec^y^. Canning.—(Rec. March 2.)

Sir, *Paris, February 27, 1826.*

I have the honour herewith to transmit a Copy of a Note from Monsieur Le Baron de Damas, in which His Excellency repeats what he had verbally expressed to me, in a conversation I had with him some time since, as mentioned in my Despatch, marked Slave-trade of 23d of January of this year, that it was the firm intention of His Most Christian Majesty to repress this odious traffick, and that the French Government proposes to add some new Regulations to those already in force, to destroy the evil effectually, but that more time was necessary than the present circumstances admitted of, to bring forward these regulations to the immediate consideration of the Chambers.

I have, &c.

The Right Hon. George Canning. GRANVILLE.

(Inclosure.)—The Baron de Damas to Viscount Granville.

M. L'Ambassadeur, *Paris, le 22 Fevrier, 1826.*

J'ai reçu avec la Lettre que votre Excellence m'a fait l'honneur de m'écrire le 6 de ce mois, relativement à la Traite des Noirs, les différentes pièces qui l'accompagnaient. Dans l'entretien que J'ai eu dernièrement avec elle à ce sujet, Je lui ai fait connaitre les intentions formelles du Roi, pour la répression de cet odieuse trafic. Je ne lui ai pas laissé ignorer que le Gouvernement de Sa Majesté se proposait d'ajouter de nouvelles dispositions à celles qui existait déjà, mais je lui

ai fait observer en même tems, et elle a paru convenir avec moi, que pour couper le mal dans la racine, il fallait plus de tems que n'en laissent les circonstances, pour préparer et soumettre immédiatement aux Chambres, des moyens propres à atteindre le but que nous nous proposons: en attendant, le Gouvernement y supplée par toutes les mésures administratives qui peuvent se concilier avec nos Institutions. Les nouveaux Ordres adressés dans tous nos Ports par le Ministre de la Marine, le concours des différentes Autorités appelées à en assurer l'exécution, ne laissent aucun doute sur leur résultat. L'Ambassadeur du Roi à Londres a été chargé de les faire connaitre au Gouvernement de Sa Majesté Britannique. Ces dispositions viennent d'être recemment confirmées dans l'affaire du Navire *Les Deux Nantais*, dont un Jugement vient de prononcer la confiscation, et de démentir les inductions qu'on paraissait vouloir tirer de quelques circonstances, qu'avec toute la surveillance possible, l'Administration ne pouvoit ni prevoir, ni prévenir. Ce n'est pas la seule preuve de l'esprit qui anime la Magistrature d'accord avec les intentions du Gouvernement, ainsi que le démontre l'Arrêt de la Cour de Cassation rendu le 14 Janvier, dans l'affaire du Navire *L'Hypolite*. J'aurai pu me dispenser de rappeler ces divers Actes, et il suffisait sans doute des assurances que J'ai données personnellement à votre Excellence, et qui ne sont pas ignorées du Gouvernement de Sa Majesté Britannique, pour démontrer que nous ne permettrons jamais que cet odieux trafic soit exercé sous le Pavillon du Roi.

Votre Excellence cite les mesures que vient de prendre l'Espagne, et qui lui paraissent devoir assurer dans ses Possessions l'entière abolition de la Traite. Votre Excellence sait toutefois, que long temps avant de l'être en Espagne, la Traite étoit abolie en France, et que la détermination du Roi à cet égard, proposée comme un motif puissant, n'a pas peu contribué peut-être à amener la Cour de Madrid à céder au vœu des amis de l'humanité. J'ajouterai que, dans l'appréciation des mesures adoptées par les deux Gouvernemens, il convient de tenir compte de la différence qui existe dans leur organization.—Je terminerai par cette dernière considération, qui n'échappera surement pas à votre Excellence, et dont le Gouvernement de Sa Majesté Britannique mieux qu'aucun autre est à même de juger la valeur et l'importance.

J'ai l'honneur d'être, &c.

S. E. L'Ambassadeur d'Angleterre. LE BARON DE DAMAS.

No. 125.—*Viscount Granville to Mr. Sec^y Canning.*—(*Rec. March* 6.)

Paris, March 3, 1826.

Sir,

I HAVE received your two Despatches of the 23d ult. marked Slave-trade, and have in consequence addressed to the Baron de Damas two Notes, of which the enclosed are Copies.

I have also received a further Despatch from you of the same date, marked Slave-trade, enclosing the Copy of a Letter received at the

Foreign Office from Nantes, in which the Writer states his opinion, that an Ordinance of the French Government, declaring all insurances on Vessels engaged in the Slave-trade void, would conduce to the discouragement of this odious traffick.

This measure had been suggested to me above a fortnight ago, and I in consequence made enquiry of some of the few Persons in this Country who feel a sincere and anxious desire to put an end to this disgraceful traffick, as to the effect to be expected from such an Ordinance.

I was informed that no insurance upon the loss of a Ship *proved* to have traded in Slaves could be recovered in a Court of Law, and that the insurances upon such Vessels are upon the same footing as illegal time-bargains in the Funds, the payment of which depends upon the honour of the insurers, if the word honour can be properly applied with regard to Persons who employ their capital in protecting and assisting this inhuman traffick. I have, &c.

The Right Hon. George Canning. GRANVILLE.

(*Inclosure* 1.)—*Viscount Granville to The Baron de Damas.*

MONSIEUR LE BARON, *Paris, March* 1, 1825.

THE accompanying Copy of a Letter received by the British Government, from His Majesty's Consul at Corunna, contains another instance of French Slave-trade.

It appears from these Papers, that a French Vessel called *La Thérèse,* with French and Dutch Papers, a French Captain, and mostly a French Crew, set sail from Gallinas for Africa; that while she cruized for provisions, the Captain, who remained on shore, collected Slaves; that the Vessel being wrecked, the Captain procured another French Vessel, called *La Clarisse,* on board of which the Slaves were embarked, and, that, in the course of the voyage, they rose upon and killed the Captain, and escaped; that they were, however, pursued, and overpowered, and taken again on board of ship, and landed, together with some others, along the Coast of Cayenne; that the Vessel then sailed on her return, apparently for Nantes, and that having lost her foremast and rudder in a gale of wind, she put into Muros, in Spain.

I hope the circumstances here represented, will induce the Ministers of His Most Christian Majesty to cause some enquiry to be made into this Case, with a view of proving by the result, that the prospect of ultimate impunity, which evidently induces French Slave-traders to persevere in such practices, will, in this instance at least, be disappointed.

H. E. The Baron de Damas. GRANVILLE.

(*Inclosure* 2.)—*Viscount Granville to The Baron de Damas.*

MONSIEUR LE BARON, *Paris, March* 1, 1826.

I FORWARD to your Excellency the Extracts of Communications which have been received by His Majesty's Government, giving accounts

of the continuance of French Slave-trade on the Eastern Coast of Africa, and, in particular, authenticated details of the illegal conveyance of Slaves on board of a French Vessel *Les Deux Clementines*, from a Place called Lorenzo Marques, to the Isle of Bourbon. I have received instructions to communicate these Papers to Your Excellency, and to express the hope of His Majesty's Government, that the Ministers of His Most Christian Majesty will cause an enquiry to be made into the particulars of the transaction, and, if it should be proved to be as stated, to punish the Persons, who have so decidedly transgressed the Laws of France against African Slave-trade. I avail myself, &c.

H. E. The Baron de Damas. GRANVILLE.

No. 126.—*Viscount Granville to Mr. Secy Canning.*—(*Rec. March* 9.)

SIR, *Paris, March* 6, 1826.

WITH reference to my Despatch of February 24, marked Slave-trade, I have the honour to enclose Mr. Turnbull's Answer to a Letter I caused to be addressed to him, upon the subject of the Enclosure contained in the above-mentioned Despatch. I have, &c.

The Right Hon. George Canning. GRANVILLE.

(*Inclosure.*)—*Mr. Consul Turnbull to Viscount Granville.*

MY LORD, *British Consulate, Marseilles, Feb.* 27, 1826.

I LOSE no time in replying to the Paper which I received yesterday by your Excellency's directions, relative to the English Vessel *Grecian*, Smith, Master, at present in this Harbour, and to the circumstances which, as stated in the Paper, have induced the Writer thereof to suspect, that that Vessel may be destined for the Slave-trade.

The *facts* stated in the Paper relative to the *Grecian* appear correct, as, on referring to my Registry, I find the Register of the Vessel is dated the 2d December 1825, and she may be consequently presumed to be new: she is of 212 tons: her Owner is Thomas Richardson, of London: (not in ballast but with a small cargo of general merchandize) her destination is the Isle of France, and her Consignees here, Messrs. J. H. Rogers and Co. an American-House.

With regard to the inference drawn from these facts, that the *Grecian* is destined for the Slave-trade, I do not think that it is borne out, by the following circumstances regarding her, which have come to my knowledge, and which I have reason to believe are quite correct.

She is chartered by an English Gentleman, of the name of Saunders, for a voyage from London to Marseilles, there to take in a cargo for the Isle of France; the Agent of the Charterers has the option of employing her in the Eastern Seas for a fixed time (I believe a certain number of Months,) and thereafter is to put on board of her a full cargo for England. (This same Charterer made a similar contract with the

English Ship *Elizabeth*, Captain Badger, which sailed from hence the beginning of last month, with a full cargo for the Isle of France, with the exception that *she* was to return immediately to England with a cargo of sugars.) The *Grecian* is now actually taking in a cargo of wines and other articles for the Isle of France; she has taken some fresh men here, in the place of some who had left her, and from all the circumstances, and from the respectability of the Parties interested in the voyage, (Messrs. Grant, Balfour, and Saunders, of Genoa, I understand being so) I see no just reasons to presume, that the suspicions are well founded.

The Writer of the Paper is incorrect in his observation on the destination of the *Grecian*: "Cette destination singulière pour un Anglais sortant d'un Port de France;" and consequently, in the inference he draws from it; as it is by no means uncommon for English Vessels to be chartered to take cargoes of French produce for the Isle of France from this Port; the Case has in several instances occurred.

On referring to the Muster Roll, I observe, that the Master has two persons of the name of Williams among his Crew, one as Steward, the other as Seaman; I am not at all aware who is alluded to as L'Anglais Williams, in the paper, and I cannot say whether he is in this City.

I trust, that this information will be satisfactory to your Excellency.

I have, &c.

H. E. Viscount Granville. ALEXANDER TURNBULL.

CORRESPONDENCE of the COLONIAL OFFICE,

TOUCHING

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 1ST JANUARY, 1825.

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MAURITIUS.

No. 1.—Sir G. L. Cole to R. J. Wilmot Horton, Esq.

(Extract.) *Mauritius, January 29, 1825.*

I TAKE the first opportunity of sending you the Copy of a Letter which I have received within these few days, from Captain Chapman,

of H. M. S. *Ariadne*, and by which you will learn, that that Officer has saved 149 Slaves from the Schooner *Walter Farquhar*, driven on Shore by him near St. Luce, on the Madagascar Coast.

I understand that Captain Chapman is gone to the Seychelles for the hurricane months, and I do not expect him here till April, so that at present I cannot afford you any other information than what is contained in the enclosed Letter.

The *Walter Farquhar* at one time belonged to this Island, but (as stated in Captain Moorsom's Letter of November 17th, which accompanied mine to you of December 17th, 1823,) I am glad to think that she was some time ago sold to a person at Bourbon, and I have no reason whatever to imagine that the People of this Island were in any way concerned or interested in her last adventure.

R. J. W. Horton, Esq. G. L. COLE.

(Inclosure.)—Captain Chapman to Sir G. Lowry Cole.

SIR, *H. M. S.* Ariadne, *Tamatave, January* 4, 1825.

I HAVE much pleasure in stating to your Excellency, that after leaving Fort Dauphin on the 24th ultimo, being on the morning of the 26th off St. Luce, observed and chased a Schooner into that place. I sent two boats to examine her, she having no Colours hoisted, and a short time afterwards she made sail to the southward, and immediately ran on Shore on the Main. I sent the Master to assist, if possible, in getting her off; that Officer returned, and reported the Schooner full of Slaves, no Colours hoisted, nor white Men on board; that several Slaves were drowned laying on the beach, and had picked up one white Man and several of the Slaves in the water. I immediately anchored under the Island of St. Luce, and sent all the Boats away to save the Slaves. The Schooner filled and was totally lost. Received from the Schooner 149 Slaves, and one white Man (French), named René Brasquah.

A Brig sailing at this moment does not allow me to give to your Excellency a more perfect detail, which I hope you will excuse.

I have the honour, &c.

J. F. CHAPMAN

H. E. Lieut.-General The Hon. Sir G. Lowry Cole.

No. 2.—Sir G. Lowry Cole to R. J. Wilmot Horton, Esq.

SIR, *Mauritius, June* 22, 1825.

I HAVE the honour to acquaint you, for the information of Earl Bathurst, that Captain Owen of His Majesty's Ship *Leven*, has brought into this Port a Vessel called *Le Soleil*, otherwise *Le Tigre*, which he captured on the 31st ult. at St. Augustin's Bay, on the west Coast of Madagascar, with a cargo of from 150 to 160 new Blacks from the Mozambique shore.

The *Soleil* it appears, was under false colours at the time of her capture, and her crew consisted of Foreigners (French, Portuguese, &c.) As Captain Owen will, I conclude, report officially to the Admiralty on this subject, I have only to add, that the Blacks will be prosecuted in the Vice Admiralty Court of this Colony, according to the usual forms; and I will take the opportunity of observing, in reference to my Letter to you of the 29th of January last, that the Blacks saved from the wreck of te Schooner *Walter Farquhar*, and brought here by Captain Chapman, of His Majesty's Ship *Ariadne*, have been condemned to His Majesty by the Sentence of the same Court.

I have the honour to be, &c.

R. J. Wilmot Horton, Esq. G. LOWRY COLE.

No. 3.—Lieut.-General Sir G. Lowry Cole to Earl Bathurst.

(Extract.) *Mauritius, August* 20, 1825.

I HAVE the honour to forward to your Lordship the Copy of a Communication I have received from Captain Owen, of His Majesty's Ship *Leven*, on the subject of the Slave-trade, which still exists on the East Coast of Africa.

Captain Owen having so long been employed in these Seas, I thought it would be satisfactory to your Lordship to be in possession of his opinions with respect to the Slave-trade; and I am happy to think, that the latter part of Captain Owen's Letter confirms what I have already stated to your Lordship, on the subject of the extinction of the Traffic in Slaves, as far as the Mauritius and its Dependencies are concerned.

It is, however, very desirable, as I have before had the honour of mentioning to your Lordship, that two small armed Vessels should be employed on this Station; one here, and the other at Seychelles. From the situation of the latter Islands, peculiar facilities are afforded for trafficking in Slaves; and unless they were occasionally visited by Vessels of War, some Adventurers might possibly be hereafter tempted to renew this disgusting commerce.

Earl Bathurst, K. G. G. LOWRY COLE.

(*Inclosure.*)—*Captain W. F. W. Owen to Sir G. Lowry Cole.*

(Extract.) *H. M. S.* Leven, *Port Louis, August* 4, 1825.

I HAVE the honour to acknowledge the receipt of your Excellency's Letter of the 2d inst. in which you are pleased to call on me for some information relating to the Slave-trade in general, and in as far as that Trade may at this time affect the Islands under your Excellency's Government, and also requesting me to suggest any measures which to me might seem calculated to effect the Suppression of the said Trade.

The Ports on the Coast of Africa from whence Slaves are exported, are Zanzibar, Keelwa or Quiloa, Kessooharra, Lindy, Moughon or Mongalloo, Mikindamy, Mizimbarly, and Stambosezy. The two first named are under the authority of the Imaum of Muscat; the others were formerly Dependencies on Keelwa, but at this time affecting independence.

All these Ports are to the northward of Cape Delgado, which is assumed in the Treaties as the northern limit of Portuguese Dominion, and is in 10° 42′ South. Southward of that limit, at Zoughy, which is the Bay formed by the said Cape Delgado, the Native Chiefs also affect independence, but accept from the Portuguese nominations to confirm their authority; at least, so I have been informed by the Portuguese of Mozambique; and in this Bay the Trade of Slaves is also carried on. The next Port to the southward of Zoughy or Delgado, is Oibo or Ibo, which is a Portuguese Settlement; between Ibo and Mozambique there is not at this time a place to which there is any resort for Slaves, nor between Mozambique and the River Angoxa or Angozha, which is also independent. To the southward of Angoxa, Quillimane, Sofala, Inhamban, and Delgado Bay, are the only places where the Traffick for Slaves is known.

The Imaum's authority is acknowledged for Zanzibar and Keelwa, and with him we have a Treaty which should prevent any Slaves being sent southward from those Places, or being sold to Christians.

With the Portuguese, their Treaty with England is not attended to at all. Not only do their Traders visit the Places northward of Delgado, to search for Slaves, but they permit, without reserve, Foreign Vessels to trade for Slaves, and to collect them at Zoughy, Ibo, and Mozambique.

The Vessels employed at this time in that infamous Traffick usually wear a French Flag, and carry their Slaves to Bourbon, where, by the laxity of its Government, no obstacles appear to be opposed to them.

To the northward of Delgado, it may be presumed that the only Persons now engaged in that Traffick are French Adventurers, except only the Arabs, who carry it on to the Red Sea and Persian Gulf, or assist the said Adventurers, by collecting Cargoes for them.

The simplest method of putting an entire stop to the Traffick for Slaves, now carried on northward of Delgado, would be for both Nations, British and French, to admit of mutual Right of Search and Seizure, modifying that Right as may be judged prudent; so that, whilst the independent Sovereignty of each is maintained, the object in question may be effected.

Southward of Cape Delgado, the Portuguese may be called on to fulfil their Treaty, an account to be rendered to His Majesty's Government of every infraction of it, for which purpose we should have Consular Residents at Mozambique and Ibo.

We require also a Consular Agent, or one of His Majesty's Subjects resident at Zanzibar, to observe that the Treaty with the Imaum be fulfilled. These Agents should none of them be considered stationary, but as having the surveillance or watch over a certain extent of the Coast.

For the Ports between Keelwa and Zoughy, another and more determinate line of policy may be adopted, by Separate Conventions with the Chiefs at the respective Ports; and if some encouragement were given to Merchants to trade with them for other objects of Commerce, they would soon find exchanges for the coarse Cottons for India, which is their principal demand; for very much of their demand for Arms and Ammunition, now much bartered with them for Slaves, is for the purpose of obtaining and securing such Slaves.

One moveable Agent would be sufficient from Keelwa to Zoughy, to see that the Conventions are not broken; that is, that no Slaves are sold.

For the disposition of such Slaves or Vessels as may be seized by the Imaum's authority, some arrangement should be entered into with him, as also with the Independent Powers of Kissooharra, Lindy, Moughoo, and Stambosezy.

But the most material arrangement would be, that every Port named, as well as that of Mombass, should be visited by a Vessel of War, at least once every two months, with specific Instructions as to their line of conduct; and for such Arab or African Vessels as pass southward of Cape Delgado, a Passport in English and Arabic should be adopted, to prevent those from being molested that trade on acknowledged principles: at present, a Vessel of War cannot know whether such be the case or not, because the Seamen of the Country Vessels are all Slaves. I had adopted such a measure, which might have been rendered effectual and permanent; and unless such a method be adopted, an Arabic Interpreter will be necessary to every Ship of War that goes on that Coast to stop the Traffick in Slaves.

I have said nothing of Mombass, because Your Excellency is acquainted already, that the People of that Place are under engagement with me not to permit any Traffick whatever in Slaves; and that several Ships have already been seized by the Officers commanding there, for a breach of that Engagement, and the Slaves disposed of by my orders.

A similar engagement has been entered into by the Sultan of Ozy and the Chief of Brava; but the latter Place is to the northward of the Equinoctial Line, and therefore not within the limits of this Station for the Ships of War, but included in the India command.

For the smaller Powers, between the Keelwa and Zoughy, there will be no necessity for having so high a political consideration, and such Vessels as may be seized there, might be disposed of in your Vice-Admiralty Court.

I am not aware that I could suggest any other modes of procedure to effect the extirpation of the Slave Traffick under present circumstances; but if His Majesty's Ministers should hereafter be disposed to take a decided part in the politicks of East Africa, some more decisive measures might then be adopted to annihilate the said Traffick.

In answer to that part of your Letter, relating to the Islands comprised in Your Excellency's Government, Mauritius and the Seychelles:—

In all my relations with the Coasts in question, I have never understood that there has recently existed any Traffick for Slaves either with the Mauritius or the Seychelles Islands; and the timidity of the French Population induces me to believe that they fear to be, and will not be engaged therein under the existing Laws; but neglected as the Seychelles and Amarantes are and have been, (and indeed even the Coast of Mauritius itself, not immediately in the vicinity of Port Louis), even since my arrival in these Seas, I must observe, that the business of landing Slaves on any of these Points, might be effected even without risk to the Vessels which might transport them.

In Mauritius, and even in Mahé, the internal Regulations would soon (it is probable) render the fact notorious, and the Prosecutions of Government would, perhaps, render such a Traffick of no worldly benefit to the Parties who might engage in it; but neither the information nor the remedy are at all certain, within reasonable time, should any of her Islands be chosen for an enterprize, and some there are adapted for depôts for Slaves, and well situated to become so for those intended for Bourbon or other parts. For this, I can suggest no other remedy, than that one Vessel of War at least, be always ready to visit the Islands to the northward of Madagascar, including the Seychelles, as well as the Ports on the coast before-named; indeed there would be full and constant occupation for two ten-gun Brigs on such a service: but whilst executing that duty, they might obtain perfect plans of every Island and danger, and bank of soundings within the said limits.

After the observations I have made, your Excellency will see that, in my opinion, the *Wizard* would be extremely useful on such a service; and that she ought never to remain longer in one spot than might be sufficient to procure the supplies and information necessary to her.

My occupations have left me no time to give the subject all the consideration it merits; but perhaps, much as this Letter may fall short of your Excellency's wish, yet the Commodore may be desirous to have a Copy of it, since he will probably not have derived even so much information as this contains, from any other source. May I therefore request you will be pleased to direct a Copy of it to be furnished to the Senior Naval Officer, who may succeed Captain Chapman in this Port, for Commodore Christian.

As I shall quit this station in a few days, I beg Your Excellency will accept my best thanks for all the polite attentions with which you have been pleased to honour me, and my best wishes for the prosperity of your Government, as well as for the health and safe return to our Country, of yourself and family.

W. F. W. OWEN.

H. E. Lieut.-General The Hon. Sir G. L. Cole.

ADDITIONAL ARTICLES to the Treaties concluded in 1817 *and* 1820, *between Governor Farquhar and Radama, King of Madagascar, for the Prevention of the Slave-trade.—Signed at Tamatave,* 31*st May,* 1823.

WHEREAS by certain Treaties and Engagements, made and established between the British Government and Radama, King of Madagascar, more particularly those dated the 23d day of October, 1817, and the 11th day of October, 1820, which said Treaties and Engagements have been approved and confirmed by His Britannic Majesty, the Slave-trade was abolished throughout Madagascar:

And whereas the conditions of the said Treaties have been faithfully observed and kept by the Contracting Parties on both sides, which have produced the happiest and most beneficial effects, in contributing to the accomplishment of the great object of general abolition, and more particularly in improving the people of Madagascar in their moral and religious habits, and in laying the most sure foundation for their rapid advancement to ultimate civilization:

Now, with the view of giving still greater force and efficacy to the objects and conditions of the said Treaties, and of for ever removing the possibility of the revival of a Traffic, which for Centuries was the great scourge of that vast, fertile and populous Island; It is agreed between Sir Robert Townsend Farquhar, Baronet, and Fairfax Moresby, Esquire, C. B. Captain of His Majesty's Ship the *Menai*, of the one part, and Rafarlah, Chief of Foule Point, and Jean Réné, Chief of Tamatave, on behalf of King Radama, of the other part:

ART. I. That the Ships and Vessels of His Britannic Majesty, and all other British Ships and Vessels, legally commissioned or deputed for the prevention of the Slave-trade, shall have, and by these presents they have, full power and authority to seize and detain all Ships and other Vessels, whether of and belonging to the Subjects of Madagascar, or of any other Nation or People whatsoever, which shall be found in any Harbour, Port, Roadstead, Creek or River, or on or near he Shores and Coasts of Madagascar, carrying on the traffic in Slaves,

or aiding or abetting in carrying on such Traffick; and that the said Ships, or other Vessels, when so seized and detained as aforesaid, shall be treated and dealt with as hereinafter mentioned.

II. That all Ships and Vessels seized and detained as aforesaid shall be given up, and delivered for adjudication to the Chief or Commandant of Foule Point, Tamatave, or wheresoever else the said Radama shall appoint a Governor, Commandant, or special Commissioners, for such purpose, or they the said Ships and Vessels shall and may be otherwise dealt with, as the Laws of Great Britain now or hereafter shall authorize and direct; and that when any such Ships or Vessels shall be so given up and delivered to any such Governor, Commandant, or special Commissioner as aforesaid, for adjudication, and lawfully convicted of any offence or fraud against this Treaty and Engagement, or any former Treaty and Engagement, made for the Abolition of the Slave-trade at Madagascar, such Ships or Vessels shall be confiscated and forfeited, together with their cargoes, guns, tackle and furniture, for the benefit of King Radama, to be by him applied as he shall judge fitting.

III. That when any such Ships or Vessels, so seized and detained as aforesaid, shall be found to have on board any Persons, Natives of Madagascar, or of Africa, or of any African Island, or of any other Territory or Place whatsoever, who shall have been taken on board, and detained, with intent to lead them into Slavery, all such Persons shall be dealt with as follows; that is to say: If they shall be Natives of Madagascar, they shall be forthwith restored to their own homes and families; and if they shall be natives of any other Country, Territory or Place, they shall (where it can be conveniently done) be sent and restored to their native Countries; or if that shall be found impracticable, or greatly inconvenient, then they shall be enrolled and classed with the corps or body called the Serundahs, which is a corps or body belonging to the establishment of King Radama, and maintained and provided for by him.

IV. That the Contracting Parties to these presents agree, in considering this Additional Treaty as provisional, until ratified and confirmed by His Majesty the King of Great Britain, and Radama, the King of Madagascar.

Done at Tamatave, Madagascar, this 31st day of May, in the year 1823.

RAFARLAH. R. T. FARQUHAR.

JN. RÉNÉ. FAIRFAX MORESBY.

CORRESPONDENCE of the ADMIRALTY,

RELATIVE TO

The SUPPRESSION of the SLAVE TRADE.

A.—COMMUNICATIONS received by the Lords Commissioners of the Admiralty, from Naval Officers, since March, 1825.

B.—INSTRUCTIONS issued by the Lords Commissioners of the Admiralty, to Naval Officers, since May, 1825.

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No. 1.—Commodore Bullen to J. W. Croker, Esq.

(Extract.) *H. M. S.* Maidstone, *Sierra Leone, March* 19, 1825.

From Captain Woolcombe I received a report of his proceedings, when despatched to the Gambia and Cape de Verd Islands, in pursuance of my orders, and I beg leave to enclose, for the perusal of their Lordships, an Extract therefrom, marked (B.)

The *Swinger* has been very actively employed in the Bights since December last, and on the 14th of January had the good fortune to capture the *Bom Fim*, under Brazilian Colours, with 146 Slaves.

I have great pleasure in acquainting their Lordships that His Majesty's Ship *Atholl* has had the good fortune to capture *L'Espaniola*, a very fine Schooner under Spanish Colours, with 260 Slaves on board; she was proceeding from the Gallinas when caught by the boats of that Ship in a calm.

J. W. Croker, Esq. CHARLES BULLEN.

(See other Extracts from this Letter, Page 251.*)*

(*Inclosure* B.)—*Captain Woolcombe to Commodore Bullen.*

(Extract.) *H. M. S.* Victor, *Sierra Leone, Feb.* 7, 1825.

In obedience to your orders, dated 18th November 1824, I proceeded with His Majesty's Sloop under my command, off the mouth

of the Rivers situated between Sierra Leone and the Gambia, and successively sent the boats up the Pongos, Cappatches and Nunez. Lieutenant Tulloch, who commanded the boats, found the two Spanish Slavers in the Pongos, in the same state as reported to have been left by the *Swinger:* the *Nueva Francisca*, having only her Captain and two men living, and those had fever; her cargo, intended for the purchase of Slaves, was burnt by the Natives in consequence of a quarrel, which renders it impossible for her to take away Slaves: the *Victoria* had lost three men, had her stock on board, and was otherwise perfectly ready for the reception of Slaves. Nothing was found in the Cappatches. In the Nunez Lieutenant Tulloch found a Spanish Felucca, the *Concheta*, in perfect readiness to embark her Slaves, and he was told by an American residing in the river, that they would be due in fourteen days. All the above-named Vessels I found in the list you last gave me. I next proceeded off the Casamanza in search of the piratical Brigantine, said to be at anchor off the mouth of that river, but found nothing there. I did not search that river, from having had a number of cases of fever break out among the men employed in the boats searching the other rivers, and I also received information that the Pirate could not get over the bar. I therefore proceeded to the Gambia, where I arrived on the 17th of December last, and learnt that she had sailed from off the Casamanza to Cacheo, and had proceeded from thence off the Coast. I could not ascertain whether she had taken Slaves on board, but rather think not, as that would soon have been known.

I left the Gambia on 25th December, and arrived at Porto Praia on 29th, where I learnt from Mr. Clarke, the British Consul-General, that the *Liberale* Portuguese Schooner was expected from Cacheo with Slaves, but that it was uncertain on what part of the Island they would be landed.

Commodore Bullen. G. WOOLCOMBE.

No. 2.—Commodore Bullen to J. W. Croker, Esq.

(Extract.) *H. M. S.* Maidstone, *Sierra Leone, May* 8, 1825.

I RAN across to Port Praya, St. Jago, Cape de Verds, where I arrived on the 22d ultimo; there appears to be still a remnant of Slavery carried on in the other Islands, on a small scale, and in a cautious manner.

J. W. Croker, Esq. CHARLES BULLEN.

No. 3.—Captain Chapman to J. W. Croker, Esq.

(Extract.) *H. M. S.* Ariadne, *Mauritius, May* 19, 1825.

ON the 25th December 1824, in the morning, being off St. Luce, observed a Schooner full of Slaves at an anchor within the Islands forming the anchorage; sent the boats to examine her, she having *no*

Colours hoisted; hove the Ship to; at 8. 40., the Schooner made sail to the southward, and immediately after she ran on shore on the main I sent the Master (Mr. Thompson) in the gig, to assist, if possible, in getting her off; at eleven that Officer returned, and reported the Schooner full of Slaves, no Colours hoisted, nor white men on board; that several Slaves were drowned, lying on the beach, and they had picked up one white man, and several of the Slaves who were in the water. I immediately bore up, and anchored under the Island of Somlae, hoisted out the barge, and sent all the boats away to save the Slaves; the Schooner being at this time full of water, and sunk to the decks, and no hope of saving her; the boats employed bringing the Slaves on board, and endeavouring to save whatever could be got; at noon the sea breaking over the Schooner; the same Schooner we chased yesterday standing to the N.E.: received from her 147 Slaves, and one white man (Portuguese) named René Brasquah.

On examining the papers found on board the wreck, no Register, or publick Document of any sort could be found; but it appears by some private Letters the Schooner's name was the *Salama;* that the people on the Coast called the *Ballyhoa,* and a man I had taken on board as a pilot, (John Robinson) declared her to be the *Walter Farquhar.*

The Slaves, at the time of capture, were in a wretched state, having 170 odd in so small a Vessel, and many were thrown overboard on her taking the ground. The people all jumped overboard on our boats nearing the Schooner; the Master and some few men left her in her boat, which we got off from the beach. The number of Slaves that to our arrival at the Mauritius, I am sorry to say, was 31.

On the 2d February landed all the Slaves on Stag Island, belonging to Mr. Ferdinand Favey, under no expense whatever to Government, and no other conditions but that of cleaning the Port of the Island they were on, as exercise, and conducive to their health.

Since His Majesty's Ship *Ariadne's* arrival at the Mauritius, judicial proceedings took place on the Slave-Schooner, *Walter Farquhar,* and on the 3d day of May the whole was condemned to the Crown.

J. W. Croker, Esq. J. F. CHAPMAN.

No. 4.—Captain Moorsom to Commodore Christian.

(Extract.) *H. M. S.* Andromache, *Simon's Bay,* May 24, 1825.

From Delagoa Bay to Cape Delgado is under the nominal authority of the Portuguese; their actual power is limited to certain spots where Forts are erected and Troops maintained, the principal of which are Sofala and Mozambique. Their chief trade is that in Slaves to Brazil, of whom the export in 1823 was 16,000.

A traffic is also carried on by Arabs from Muscat, who carry Slaves over to the Comoro Islands as well as to Muscat.

The Seychelles Islands are Dependencies of the Mauritius, as are also the several groups called the Almirantes, the Cargados, Cosmoledo, and Jean de Mooa, with the interjacent Isles of Coetivi, Agalega, Providence, Alphonsa, &c. By means of these Islands a Slave Traffic is carried on with Mauritius; new Blacks are introduced into them to supply the place of the old Slaves transferred to the former Island under the sanction of the law. By the Treaty with the Imaum of Muscat, all Vessels under his Flag are seizable if found with Slaves on board to the eastward of a line drawn from Cape Delgado to Diel Head.

Commodore Christian. C. R. MOORSOM.

No. 5.—Commodore Bullen to J. W. Croker, Esq.

(Extract.) *H. M. S.* Maidstone, *Accra Roads, June* 18, 1825.

KEEPING as close in shore as circumstances would admit, on the 19th, at daylight, I disturbed at anchor off the rivers Gallinas and Sugury, a horde of French Vessels, with a Spanish and Dutch Schooner in company; the Spanish Schooner *L'Atrevida,* on perceiving me standing in, immediately weighed and made sail, endeavouring to make his escape, but after a chase of two or three hours was boarded by one of my boats, in charge of Lieut. Poingdestre. This Vessel has been about three months on the coast, and at the time of her being boarded had her platform laid, her water filled, and wood on board, and in every respect ready for receiving her Slaves at a moment's notice, which from information I obtained from the other Vessels, were then ready on shore (340 in number) waiting an opportunity to be embarked. The Dutch Schooner proved to be the *Bey,* of St. Eustatia, armed with a 12-pounder on a pivot, manned chiefly by Americans, and has been a Virginia pilot boat; she was evidently fitted in every particular for a Slaving voyage; she produced no log of any voyage she had undertaken, nor any papers, except a licence, bill of sale, and muster-roll, which all bore date as far back as October 1824, and falling under five of the several designations of the Additional Articles signed at Brussels on the 25th January 1823, I deemed myself perfectly justified in detaining her, and therefore immediately dispatched her to Sierra Leone for adjudication.

I am sorry to acquaint their Lordships that the Slave-trade is still carried on briskly in the neighbourhood of the Gallinas; but the principal part engaged in that illicit Traffic are French, having in my way down boarded only two Spaniards. See List (A.)

J. W. Croker, Esq. CHARLES BULLEN.

(*Inclosure* A.)—*List of Spanish Vessels, boarded by His Majesty's Ship* Maidstone, *between* 12*th May, and* 18*th June* 1825.

May 19, 1825, off the river Gallinas, *Attrevida* Schooner, Capot Master, ——— Owner, 28 men, 6 guns, 160 tons; from Matanzas, belonging to The Havannah; cargo delivered. This Vessel perceiving me standing in endeavoured to elude me, but was pursued and brought to by the boats; she had her platform laid, water and wood on board, and every thing ready for the reception of her Slaves, which, from information, I found were waiting on the beach (342 in number) ready to be embarked at a moment's notice.

May 22, 1825, at sea, *Fingal*, Schooner, Demizco, Master, Hurgein Owner, 26 men, 1 gun, 72 tons, sailed 21st February, from The Havannah, bound to St. Thomas's, belonging to The Havannah; cargo delivered. This Vessel was brought to after two hours chase; her water and wood were on board, and every thing in readiness for receiving her cargo of Slaves.

No. 6.—*Commodore Bullen to J. W. Croker, Esq.*

H. M. S. Maidstone, *West Bay, Princes Island, Sept.* 12, 1825.

(Extract.)

LARGE armed Spanish Vessels are daily arriving on various parts of the Coast, to the great annoyance of the English Traders, and procuring their cargo for trade chiefly by plunder; by which means they are enabled to purchase their Slaves at a much more reasonable rate than the other Vessels; and by information obtained of the *Alerta*, (armed Spanish brig), she, two days after I chased her, ran into Lagos Roads, obtained her cargo of Slaves in a few hours, and immediately left the Coast for The Havannah.

Off Cape Formosa, on the 29th, about 9. 30. P. M., and after a close chase of eight hours, I have the satisfaction to inform their Lordships I succeeded in coming up with and boarding the Brig Z, under Dutch Colours, belonging to St. Eustatius, then on a voyage from St. Thomas, West Indies, bound to the River Andony or Sombrero, having on board a very valuable cargo for trade, and fitted in every respect for the reception of Slaves, coming under seven of the nine Articles of the Additional Convention with The Netherlands, dated 25th January, 1823.

At 10. 30. A. M., having made the land about the River Andony or Sombrero, I immediately brought her to, and detained her under the aforesaid Treaty. She proved to be a fine Brig of 152 tons, well manned, and armed with 4 18-pound carronades, 2 long 6-pounders, and 2 swivels, besides small arms, the whole of which were found primed and loaded, some double shotted, others with pieces of iron, and the swivels with musket balls to the muzzles. Her cargo is ostensibly, by the list of shipment, the property of British Subjects resident

at St. Thomas, there being, among others, the names of the houses of Bear, Murray and Co. Walrond, Brown and Co. and Ogilvie and Buchanan; and although her Papers were in every respect perfectly correct, there was not a Dutch Person on board of her, the whole of her Officers and Crew consisting of French and Spaniards, and I have every reason to believe has two sets of Papers; but being night when I first came up with him, and hailing him in French, most probably taking me for one of the French Squadron, he immediately declared himself to be Dutch, and thereby falling into his own snare. I proceeded with her to Princes Island to complete her wood and water, and having so done, dispatched her on the 4th August, in charge of Lieutenant Franklin, to Sierra Leone, for adjudication.

Having, during my stay in West Bay, been informed that three Spanish Vessels were then lying in Port Antonio, I made the best of my way round to that Harbour, where I arrived on the 5th, and found the three Vessels described in the List marked (B). The five Spanish Vessels were all manned and armed, and in every respect ready for the reception of their Slaves.

The *Esk* has been actively employed in the Bights since June last, and I have great pleasure in acquainting their Lordships, that on the 17th July she had the good fortune to capture the *Bon Jesus*, under Brazilian or Insurgent Portuguese Colours, with 283 Slaves, bound from Lagos to Bahia. The horrible condition she was in when taken was truly dreadful, having scarce a week's provision for her inhuman cargo; and how she was to have reached the Port of her destination in such a state, is a miracle, unless calculating on a great reduction by death.

This Ship joined me last evening, bringing me farther intelligence of her having two days previous, in company with the *Athol* and *Redwing*, detained the *Uniao*, under the before-mentioned Colours, with a cargo of 364 Slaves, making a total of 627 this Vessel has been instrumental in liberating within the short space of two months.

The *Athol* has just joined me; and from Captain Murray I learn, that on the 1st instant he succeeded in detaining the Schooner *La Venus*, under Dutch Colours, falling under the Treaty with The Netherlands, from St. Eustatius, bound to Princes Island.

As soon as I can spare one of the Squadron, I purpose stationing her between Cape Mount and the Sherbro', for the interception of Slave-Vessels in those Parts; but I am happy to observe, that I have every reason to believe that very little Slaving is carried on there, the Chiefs being all at variance with each other.

J. W. Croker, Esq. CHARLES BULLEN.

(*Inclosure* B.)—*A LIST of Spanish Vessels boarded by His Majesty's Ship* Maidstone, *between the* 19*th day of June and day of* 1825.

Date.	Place.	Name of Vessel.	Master.	Owner.	How Rigged.	Under what Colours	No. of Men.	Guns.	Tons.	When Sailed.	Where From.	Bound.	Belonging.	Cargo.	Remarks.
1825. 5 Aug.	Princes Island	Conquestador	D. P. Agero	D. P. Agero	Brig	Spanish	46	10	193	1825. 5 May	Havanna	St. Thomas	Havanna	Aquadente and Tobacco	There is no doubt, from the appearance of these Vessels, they intend shortly taking their Slaves on board; they are all procuring Farina, &c. as fast as they can make it on Shore.
—	- - -	Gallega	Dho. Capera	Dho. Capera	Schooner	—	26	1	91	- - -	- - -	- - -	- - -	Landed in part	
—	- - -	Constanti	D. Gabrielle	D. Gabrielle	Brig	—	60	14	250	11 Months out	- - -	- - -	- - -	Landed	
These five Vessels were boarded by the Boats in the River Bonny, on the 8th and 9th of August, 1825		Jacinta	Dho. Castro	Dho. Castro	Schooner	—	15	5	113	2 April	- - -	Coasting	- - -	General	Has every thing ready for Slaves.
		Paulita	J. Aurrocha	D. Sabillo	- -	—	17	4	69	15 June	St. Thomas, W. I.	Havanna	- - -	- - -	Ditto.
		Entrepreda	F. Gomerez	F. Gomerez	- -	—	18	2	50	28 May	Cuba	Princes Island	Cuba	- - -	Ditto.
		San Joze	N. Calvero	N. Calvero	Brig	—	52	14	262	8 Feb.	Havanna	- - -	Havanna	- - -	Ditto.
		Hannibal	J. Gomez	J. Gomez	- -	—	50	5	110	5 May	- - -	St. Thomas	- - -	- - -	Every thing ready, and Slave-deck laid.

No. 7.—Vice Admiral Sir L. W. Halsted to J. W. Croker, Esq.

H. M. S. Isis, *Port Royal Harbour,*

(Extract.) *Jamaica, Nov.* 18, 1825.

I BEG leave to enclose, for the information of my Lords Commissioners of the Admiralty, the Copies of two Letters which I have received from Lieutenant Edward Smith, commanding H. M. Schooner, *Lion*, employed on the north side of the Island of Cuba, giving an account of the capture and condemnation at The Havannah of a Slave-Vessel, *La Isabella*, which unfortunately had landed all her cargo of negroes but ten.

J. W. Croker, Esq. L. W. HALSTED.

(Inclosure 1.)—Lieutenant Edward Smith to Vice Admiral Sir L. W. Halsted.

(Extract.) *H. M. S.* Lion, *Havannah, Oct.* 11, 1825.

I HAVE the honour to inform you that on the 5th instant, 3 P. M. Pt. Maternellos, bearing S. E. five miles, I observed a large Brigantine to the westward, standing in shore on the larboard tack, to which I immediately gave chase.

On our approach she ran inside a reef off the Boca Caravela, and anchored; but, before within range, hoisted Spanish Colours, fired two shots, cut, and ran on shore.

At 4, 30., on passing under her stern, and in the act of boarding, she hailed to say "they were from Africa with Slaves, and would surrender." I immediately came to alongside in ten feet water, and had the satisfaction of taking possession of *La Isabella*, Spanish Brigantine, commanded by Don Vicente Gomez, pierced for eighteen, but mounting six long guns, four eighteen, and two nine pounders, with a crew consisting of twenty-five men, having lost upwards of that number on the coast; is from Rio Gallina (Africa) last, and had landed the whole of her Slaves but ten.

The Captain and six men, I am sorry to say, made their escape with the Papers previous to our getting alongside.

Vice Admiral Sir L. W. Halsted, K. C. B. EDWARD SMITH.

(Inclosure 2.)—Lieutenant Edward Smith to Vice Admiral Sir L. W. Halsted.

(Extract.) *H. M. S.* Lion, *Havannah, October* 19, 1825.

MY Letter of the 11th instant will have informed you of the capture of the Spanish Brigantine Slaver, *La Isabella*, off the Boca Caravela, by H. M. Schooner under my command. I have now the satisfaction in stating she is condemned.

Vice Admiral Sir L. W. Halsted, K. C. B. EDWARD SMITH.

No. 8.—Commodore Bullen to J. W. Croker, Esq.

(Extract.) *H. M. S.* Maidstone, *Sierra Leone, Dec.* 25, 1825.

SINCE my Letter of the 18th the *Swinger* has sent in a Brazilian vessel with 387 Slaves, and the *Athol* has captured another with 260.

J. W. Croker, Esq. CHARLES BULLEN.

No. 9.—Captain George Harris to J. W. Croker, Esq.

(Extract.) *H. M. S.* Hussar, *St. Thomas's, Jan.* 7, 1826.

I REQUEST you will be pleased to inform their Lordships that His Majesty's Ship under my command will sail to-morrow morning on a two months cruize, in latitude 19° 50′ N. and from longitude 67 to 69½ degrees W., in order to intercept the many Slave-Vessels I know to have been fitted out in March, April and May last, at Havannah.

J. W. Croker, Esq. GEORGE HARRIS.

SCHEDULE OF PAPERS. (B.)

INSTRUCTIONS TO NAVAL OFFICERS.

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8.	Letter issued to the Commanders of all such of His Majesty's Ships and Vessels as have been ordered, from the 8th of April 1825 to the 16th of March 1826, to proceed to either of the following Stations; viz. West Indies, South America, Cape of Good Hope, and East Indies		346

No. 1.—John Barrow, Esq. to Capt. Clavering, of H. M. S. Redwing.

SIR, *Admiralty Office, May* 25, 1825.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for your information and guidance, a Copy of an Act, 5 Geo, IV. c. 113. intituled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade;" and with reference to the Treaties which have been entered into with Spain and Portugal, and The Netherlands, for the prevention of an illicit traffic in Slaves, and of which Copies are contained in the said Act, I am

also to enclose to you three Instructions, signed by their Lordships, authorizing you, in conformity with the Treaties, 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 am, &c.

Captain Clavering. JOHN BARROW.

N. B.—Similar Letters were addressed on the 28th of July 1825, to Captain Willes, of His Majesty's Ship *Brazen;* and on the 22d of November 1825, to Captain Parsons, of His Majesty's Sloop *Dispatch.*

No. 2.—John Barrow, Esq. to Commodore Bullen, commanding H. M. Ships and Vessels on the Coast of Africa.

SIR, *Admiralty Office, July* 30, 1825.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you Copies of two Letters from a Gentleman at The Havannah to Mr. Secretary Canning, containing intelligence of the arrival at that place, and sailing from thence, of several Vessels suspected of being engaged in the Slave-trade. I am, &c.

Commodore Bullen. JOHN BARROW.

[For Inclosures, See Foreign Office Papers, Class A. Nos. 42 and 43, Pages 83 and 84.]

No. 3.—John Barrow, Esq. to the Commanding Officers of His Majesty's Ships and Vessels on the Coast of Africa, and in the West Indies.

SIR, *Admiralty Office, August* 6, 1825.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you an extract of a Letter from His Majesty's Consul at Cadiz to the Lieutenant Governor of Gibraltar, containing information relative to a Vessel named the *Proserpina,* which is preparing at Cadiz for the purpose of being employed in the Slave-trade.

I am, &c.

JOHN BARROW.

(Inclosure.)—Mr. Consul Brackenbury to General Sir George Don, Lieutenant-Governor of Gibraltar.

(Extract.) *Cadiz, July* 14, 1825.

THE *Bella Dolores* sailed direct from Gibraltar to the Coast of Africa, where she took in a cargo of Slaves, eight of whom died on the voyage, the rest were all sold, and the Vessel returned to Gibraltar, where I have reason to believe she was parted with.

There is now another Vessel preparing in this Port by the same owner, for the inhuman Traffick in Slaves, which it is intended shall be

finally fitted out, stored and equipped at Gibraltar, of which I consider it my duty to apprise Your Excellency, in order that, if it be practicable, this detestable project of fitting out a Slave-Ship in a British Settlement may be prevented.

The name of the Schooner is *Proserpina:* her tonnage about 100 tons; the Master Don José Antonio Barrera; the Owner James Tinto, of this City, to whom last year belonged the Slave-Schooner *Bella Dolores.*

H. E. Gen. Sir G. Don, Bart. K.B. J. M. BRACKENBURY.

No. 4.—John Barrow, Esq. to Commodore Christian, commanding His Majesty's Ships and Vessels on the Cape of Good Hope Station.

SIR, *Admiralty Office, December* 29, 1825.

I AM commanded by my Lords Commissioners of the Admiralty, to transmit to you an extract of a Letter addressed to Earl Bathurst by Lieutenant-General Sir Lowry Cole, Governor of the Mauritius, on the subject of the prevention of the Slave-trade in that Quarter; and I am to signify their Lordships direction to you to afford such assistance towards the prevention of that Trade as the force under your orders will admit.

I am, &c.

Commodore Christian. JOHN BARROW.

(Inclosure.)—Lieutenant-General Sir Lowry Cole, Governor of the Mauritius, to Earl Bathurst.

(Extract.) *Mauritius, August* 20, 1825.

IT is, however, very desirable, as I have before had the honour of mentioning to your Lordship, that two small armed Vessels should be employed on this Station, one here and the other at Seychelles. From the situation of the latter Islands, peculiar facilities are afforded for trafficking in Slaves; and unless they were occasionally visited by Vessels of War, some Adventurers might possibly be hereafter tempted to renew this disgusting commerce.

Earl Bathurst, K. G. G. LOWRY COLE.

No. 5.—John Barrow, Esq. to Commodore Bullen, commanding His Majesty's Ships and Vessels on the Coast of Africa.

SIR, *Admiralty Office, January* 14, 1826.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for your information and guidance, Copies of a Letter and its Inclosures from Mr. Planta, on the subject of Vessels proceeding to carry on the Slave-trade under the Treaties with Portugal, irregularly licensed to touch at any other Ports or Places than those which, according to the existing Treaties, they are yet allowed to enter.

I am, &c.

Commodore Bullen. JOHN BARROW.

(1.)—*Joseph Planta, Jun. Esq. to J. W. Croker, Esq.*

SIR, *Foreign Office, January* 12, 1826.

IT will be seen by the Despatches, marked 48 and 54 of Class B in the Papers on Slave-trade, submitted to Parliament in the year 1825, that a practice has prevailed in Brazil, of inserting in the passports given to Slave-Vessels a permission that those Vessels may touch at Princes Island and St. Thomas's, on their voyage to the Ports where they are yet, by Treaty, allowed to trade in Slaves.

His Majesty's Government having learned that a Slave-trade in Places not permitted by Treaty has prevailed with impunity, in consequence of the facilities given by this permission, instructed Mr. Chamberlain to remonstrate against the practice: the Brazilian Government referred Mr. Chamberlain to the Stipulations of the Treaties between this Country and Portugal, as the proper basis whereby a check is to be given to Slave-trade illegally carried on by Brazilian Vessels.

Mr. Chamberlain, in a Despatch, of which I send you herewith a Copy, has therefore called the attention of the Brazilian Government to the Second Article of the Convention of 1817, and to the terms of the Licence authorized by that Convention; and has formally called upon the Brazilian Government to forbid the issue of Licences to Slave-Vessels to touch at any other Ports or Places than those which, according to the existing Treaties, they are yet allowed to enter; namely, the Ports and Places claimed by the Crown of Portugal as her Territory on the Coast of Africa, to the South of the Equator.

I am directed by Mr. Secretary Canning to desire that you will be pleased to lay these Papers before the Lords Commissioners of the Admiralty, and move their Lordships to give directions for pointing out, to the attention, and for the guidance of His Majesty's Naval Officers, the Stipulations here quoted in the Conventions above mentioned; so that, upon the meeting with any Vessels irregularly licensed, such Vessels may be dealt with according to Treaty, upon that particular point. I am, &c.

The Secretary to the Admiralty. JOSEPH PLANTA, Jun.

[For the other Inclosures, see Foreign Office Papers, Class B., Nos. 52 and 53, Pages 226, 228.]

No. 6.—John Barrow, Esq. to Commodore Bullen, commanding His Majesty's Ships and Vessels on the Coast of Africa.

SIR, *Admiralty Office, January* 14, 1826.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for your information, a Copy of a Letter from Mr. Planta, with Copies of the Letters therein referred to, on the subject of Charters which have been offered to English Vessels to proceed

from Bahia to Places in Africa North of the Line, laden with articles usually shipped for the purpose of purchasing Slaves.

I am, &c.

Commodore Bullen. JOHN BARROW.

(Inclosure.)—Joseph Planta, Jun., Esq. to J. W. Croker, Esq.

SIR, *Foreign Office, January* 13, 1826.

I AM directed by Mr. Secretary Canning to send to you, for the information of the Lords Commissioners of the Admiralty, the accompanying Copies of a Correspondence which has passed between this Department and His Majesty's Consul at Bahia, upon the subject of Charters which have been offered to English Vessels to proceed from that Port to Places in Africa North of the Line, laden with articles usually shipped for the purpose of purchasing Slaves.

I am, &c.

To the Secretary to the Admiralty. JOSEPH PLANTA, Jun.

[For the other Inclosures, see Foreign Office Papers, Class B. Nos. 35, 37, 39, and 51, Pages 189, 192, 195, and 225.]

No. 7.—John Barrow Esq. to Commodore Bullen, commanding His Majesty's Ships and Vessels on the Coast of Africa.

SIR, *Admiralty Office, February* 25, 1826.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for your information, an extract of a Letter from Mr. Pennell, British Consul at Bahia, to His Majesty's Consul-General at Rio Janeiro, with a Copy of its Inclosure, respecting a Spanish Schooner, the *Carlota*, suspected of being intended for the illegal Traffick in Slaves.

I am, &c.

Commodore Bullen. JOHN BARROW.

[For the Inclosures, See Foreign Office Papers, Class B. Inclosures A. and B. in No, 59, Page 233.]

No. 8.—*Letter to the Commanders of all such of His Majesty's Ships and Vessels as have been ordered, from the* 8*th of April* 1825 *to the* 16*th March* 1826, *to proceed to either of the following Stations; viz. West Indies, South America, Cape of Good Hope, and East Indies.*

SIR, *Admiralty Office,* —— 182 .

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for your information and guidance, a Copy of an Act, 5 Geo. IV. c. 113, intituled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade," and with reference to the Treaties which have been entered into with Spain and Portugal

for the prevention of an illicit Traffick in Slaves, and of which Copies are contained in the said Act, I am also to inclose to you two Instructions signed by their Lordships, authorizing you, in conformity with the Treaties, 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.

The foregoing Letter, with the Documents therein referred to, have been issued between the 8th of April 1825 and the 16th of March 1826, to the Commanders of the following Ships and Vessels of His Majesty:

viz.			
	Ferret,	*Bustard,*	*Warspite,*
	Pylades,	*Helicon,*	*Volage,*
	Martin,	*Fly,*	*Cyrene,*
	Champion,	*Rainbow,*	*Sparrowhawk,*
	Diamond,	*Pandora,*	*Hind,*
	Doris,	*Harlequin,*	*Druid,*
	Ranger,	*Tweed,*	*Galatea.*

SPEECH of the Lords Commissioners, on the Closing of the British Parliament, May 31, 1826.

My Lords, and Gentlemen,

His Majesty commands us to inform you, that the state of the public business enabling His Majesty to close the Session at a period of the year the most convenient for a General Election, it is His Majesty's intention to dissolve, without delay, the present Parliament, and to direct the issue of Writs for calling a new one.

His Majesty cannot take leave of you, without commanding us to express His Majesty's deep sense of the zeal and public spirit which you have constantly displayed in the discharge of your several important functions.

His Majesty particularly acknowledges the promptitude and discretion with which you have applied yourselves to the objects specially recommended to you by His Majesty at the commencement of this Session; and His Majesty confidently hopes that the good effect of your deliberations will be manifested in the improved stability of public and private Credit.

His Majesty has the satisfaction to inform you, that the distinguished skill, bravery, and success, with which the operations of the British Arms, in the Dominions of the King of Ava, have been carried on, have led to the signature, upon highly honourable terms, of a Preliminary Treaty with that Sovereign, which His Majesty has every

reason to expect will be the foundation of a secure and permanent Peace.

His Majesty further commands us to repeat to you, that His Majesty's earnest endeavours have continued to be unremittingly exerted to prevent the breaking out of Hostilities among Nations, and to put an end to those which still unhappily exist, as well in America as in Europe.

Gentlemen of the House of Commons,

His Majesty commands us to thank you for the Provision which you have made for the Service of the Year.

His Majesty's attention will be constantly directed to the Reduction of the Public Expenditure, in every degree that may be consistent with the due maintenance of the security, honour, and interests of His Kingdom.

My Lords, and Gentlemen,

We are specially commanded to assure you, that His Majesty's paternal feelings have been deeply affected by the Distresses which have prevailed among the Manufacturing Classes of His Majesty's Subjects, and by the exemplary patience with which those Distresses have been generally borne.

His Majesty trusts that the causes out of which the partial stagnation of employment has arisen, are, under the blessing of Providence, in a course of gradual abatement.

His Majesty is confident, that your presence and example in your several Counties, will contribute to maintain and encourage the loyal and orderly spirit which pervades the great body of His People; and His Majesty relies upon your disposition to inculcate that harmony and mutual good-will among the several great interests of the Country, upon which the common prosperity of them all essentially depends.

ACT of the British Parliament, "to give effect to Treaties of Commerce with Countries in America not at present provided with National Merchant Shipping."

[7 Geo. 4. Cap. 5.] [22d March, 1826.]

WHEREAS Treaties of Amity, Commerce, and Navigation, have been concluded between His Majesty and the Republicks of the States of the Rio de la Plata and of Colombia respectively: And whereas it is expedient to give effect to such parts of the said Treaties as require the sanction of Parliament; 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 all Ships, of

whatever built, and in whatever way acquired, being duly owned and navigated as the Ships of the said Republicks respectively, shall, for the term of seven years from the respective dates of such Treaties, be deemed to be the Ships of those Countries respectively, in all Places under British dominion, any thing in the Law of Navigation to the contrary notwithstanding.

II. And whereas Treaties of the like nature may be concluded between His Majesty and other Countries in America not yet provided with National Merchant Shipping, built or acquired in manner required by the Law of Navigation; Be it therefore enacted, that all Ships, of whatever built, and in whatever way acquired, being duly owned and navigated as the Ships of particular Countries in America, shall be deemed to be the Ships of such Countries respectively, in all Places under British dominion, for any term not exceeding seven years, agreed to in that behalf in any Treaty between His Majesty and any of such Countries respectively, any thing in the Law of Navigation to the contrary notwithstanding.

ACT of the British Parliament "for the Registration of Aliens."

[7 Geo. 4. Cap. 54.] [26th May, 1826.]

WHEREAS in the 56th Year of the Reign of His late Majesty an Act was passed, (cap. 86) intituled *An Act for establishing Regulations respecting Aliens arriving in or 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;* which Act has by several subsequent Acts been continued, and will expire in the course of the present year: And whereas it is expedient that in lieu of the Regulations of the said Act, Provision should be made for a complete Registration of all Aliens in this Realm; 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 every Alien who shall at the commencement of this Act be in this Realm, shall, on the same day, or within 14 days thereafter, make a Declaration in writing of his or her Place of abode, names, rank, occupation, and description; and if a Domestic Servant, then also the Place of abode, names, rank, and description of his or her Master or Mistress, and of the Country and Place from whence he or she came, or of which he or she is a Native, and of the time when he or she last came from Foreign Parts into this Realm; and shall, within the said 14 days, transmit such Declaration by the Post, if in Great Britain, to one of His

Majesty's Principal Secretaries of State, at the Alien Office in Westminster, and if in Ireland, to the Chief Secretary of the Lord Lieutenant or Chief Governor of Ireland; such Declaration being signed by the Party making it, if he or she be able to write, or otherwise being attested by a Magistrate of the Place, or by the officiating Minister of the Parish, or by one or more of the Churchwardens or Overseers of the Poor of the parish or township where such Alien shall be: Provided always that one Declaration shall be sufficient for a Parent or Parents and any number of Children, if made in manner aforesaid by the Father, or in case of his death or incapacity, by the Mother.

II. And be it further enacted, That the Master of every Vessel which, after the commencement of this Act, shall arrive in this Realm from Foreign Parts, shall immediately on his arrival declare in writing to the Chief Officer of the Customs at the Port of arrival, whether there is, to the best of his knowledge, any Alien on board his Vessel, and whether any Alien hath, to his knowledge, landed therefrom at any Place within this Realm; and shall in his said Declaration specify the number of Aliens (if any) on board his Vessel, or who have, to his knowledge, landed therefrom, and their names, rank, occupation, and description, as far as he shall be informed thereof; and if the Master of any such Vessel shall refuse or neglect to make such Declaration, or shall make a false Declaration, he shall for every such offence forfeit the sum of £20, and the further sum of £10 for each Alien who shall have been on board at the time of the arrival of such Vessel, or who shall have, to his knowledge, landed therefrom, within this Realm, whom such Master shall wilfully have refused or neglected to declare; and in case such Master shall neglect or refuse forthwith to pay such penalty, it shall be lawful for any Officer of the Customs, and he is hereby required to detain such Vessel until the same shall be paid: Provided always, that nothing herein-before contained shall extend to any Mariner whom the Master shall certify in writing by him subscribed, to be actually employed in the navigation of such Vessel during the time that such Mariner shall remain so actually employed; which Certificate so subscribed every such Master is hereby required to give.

III. And be it further enacted, That every Alien who shall after the commencement of this Act arrive in any Part of the United Kingdom from Foreign Parts, or pass from Great Britain to Ireland, or from Ireland to Great Britain, shall immediately after such arrival or passage deliver to the Chief Officer of the Customs at the Port of debarkation any Passport which shall be in his or her possession, and declare in writing to such Chief Officer, or verbally make to him, a Declaration to be by him reduced into writing, of the name of the Vessel in which he or she shall have arrived, and also of his or her

names, rank, occupation, and description, and if a Domestic Servant, then also the names, rank, and description of his or her Master or Mistress; and shall also in like manner declare the Country and Place from whence he or she shall then have come, and the Place within this Realm to which he or she is then going, and the name and place of abode of the Person within this Realm (if any) to whom he or she is known, which Declaration shall be made in or reduced into such form as shall be approved by one of His Majesty's Principal Secretaries of State; and if any such Alien coming into this Realm shall neglect or refuse to deliver up his or her Passport, he shall forfeit and pay the sum of £5; and if he or she shall neglect or refuse to make such Declaration, or shall wilfully make any false Declaration, he or she shall be punished in the manner herein-after mentioned.

IV. And be it further enacted, That the Officer of the Customs to whom such Passport shall be delivered and Declaration made, shall immediately register such Declaration in a book to be kept by him for that purpose (in which book Certificates shall be printed in blank, and counterparts thereof, in such form as shall be approved by one of His Majesty's Principal Secretaries of State,) and shall insert therein the several particulars by this Act required in proper columns, in both parts thereof, excepting such particulars as shall be inserted in the Column of Remarks, which shall be entered only in one of such parts, and shall cut off one part of such Certificate containing all the particulars, excepting such as shall be contained in the Column of Remarks, and deliver the same to the Alien who shall have made such Declaration.

V. And be it further enacted, That the Chief Officer of the Customs in every Port shall within two days transmit the Declaration of every Master of a Vessel, and every Passport, and a true copy of every such Certificate, if in Great Britain, to one of His Majesty's Principal Secretaries of State at the Alien Office in Westminster, and if in Ireland, to the Chief Secretary for Ireland.

VI. And be it further enacted, That every Alien arriving in this Realm after the commencement of this Act, shall, within one week after his or her arrival at the Place which shall be expressed in such Certificate as the Place to which he or she proposes to go, produce such Certificate, if such Place shall be in the City of Westminster, or within 5 Miles thereof, at the Alien Office in Westminster, and shall declare in writing at what Place he or she intends to reside; and if the Place expressed in the Certificate shall be out of the limits aforesaid, shall make a Declaration in writing at what Place he or she intends to reside, and transmit the same by the Post, if in Great Britain, to one of His Majesty's Principal Secretaries of State at the Alien Office in Westminster, and if in Ireland, to the Chief Secretary for Ireland; and if any such Alien shall neglect or refuse to

produce such Certificate, or to make or transmit such Declaration as aforesaid, or shall wilfully make or transmit any false Declaration respecting any of the particulars aforesaid, he or she shall be punished in the manner herein-after mentioned.

VII. And be it further enacted, That every Alien being in this Realm after the commencement of this Act, shall, on the 1st day of January and on the 1st day of July in every Year, or within one week after those respective days, make a Declaration in writing of his or her Place of Residence, and therein state at what Place he or she intends in future to reside, and shall within the same week transmit such Declaration by the Post, if in Great Britain, to one of His Majesty's Principal Secretaries of State at the Alien Office in Westminster, and if in Ireland, to the Chief Secretary for Ireland, and if any Alien shall neglect or refuse to make or transmit such Declaration as last aforesaid, or shall wilfully make or transmit any false Declaration, he or she shall be punished in the manner herein-after mentioned.

VIII. And be it further enacted, That it shall be lawful for one of His Majesty's Principal Secretaries of State to require any Alien, being in Great Britain, and for the Chief Secretary for Ireland to require any Alien, being in Ireland, to make a Declaration of his or her actual Place of Residence, and of the Place at which he or she intends to reside in future, at shorter intervals than such a Declaration is herein-before required, which intervals may be either limited by time, or made to depend on the Alien's change of Residence, as to such Principal Secretary or Chief Secretary respectively shall seem meet; and such requisition may be made either by a Warrant under the Hand and Seal of such Principal Secretary or Chief Secretary respectively, to be delivered to the Alien, or left at his or her last declared Place of Residence, or otherwise by a Notice to be published in the London Gazette, or in the Dublin Gazette, as the case may be; and every Alien named in any such Warrant or Notice shall make and transmit such Declaration as often as he or she shall be required so to do by such Warrant or Notice; and if he or she shall neglect or refuse so to do, he or she shall be punished in the manner herein-after mentioned.

IX. And be it further enacted, That if any Alien in any of the cases aforesaid shall neglect to make such Declaration as is by this Act required, or to transmit the same, in the cases in which he is required so to do, within the time in that behalf limited, or shall wilfully make or transmit any false Declaration, every Person so offending shall, upon conviction thereof before two Justices of the Peace, for every such Offence either forfeit any sum not exceeding £50, or be imprisoned for any time not exceeding 6 months, at the discretion of such Justices.

X. And be it further enacted, that upon the receipt at the Alien Office, or at the Office of the Chief Secretary for Ireland, of any Declaration, in any of the cases aforesaid, such Clerk as shall be for that purpose nominated by one of His Majesty's Principal Secretaries of State, or by the Chief Secretary for Ireland respectively, shall within 3 days make out, in such Form as shall be for that purpose approved by one of His Majesty's Principal Secretaries of State, a Certificate, setting forth the names, rank, occupation, and description of the Alien, and his or her Place of abode, and shall transmit the same by the Post to such Alien; and if any Alien shall, by his or her default, not be possessed of such Certificate, or shall without any lawful excuse reside in any other Place than that expressed in such Certificate, every such Alien shall for every such Offence forfeit the sum of £20; and if any Alien, being required by any Justice of the Peace to produce such Certificate, shall refuse or neglect so to do, he or she shall be deemed not to be possessed of any Certificate.

XI. And be it further enacted, that where any Alien, about to depart from this Realm after the commencement of this Act, shall be desirous of having possession of the Passport by him or her delivered on his or her debarkation, and shall notify by Letter to the Alien Office in Westminster, or to the Chief Secretary's Office in Dublin, the Port at which he or she intends to embark, the proper Clerk of those respective Offices shall forthwith transmit such Passport by the Post to the Chief Officer of the Customs of the Port so notified, to be by him delivered to such Alien, on his or her making the Declaration hereinafter next mentioned; and every such Alien shall, before his or her embarkation, declare in writing his or her intention of departing, and shall deliver such Declaration to the Chief Officer of the Customs at the Port of departure, who shall forthwith transmit the same, if in Great Britain, to one of His Majesty's Principal Secretaries of State at the Alien Office in Westminster, and if in Ireland, to the Chief Secretary for Ireland; and if any Alien shall neglect to make such Declaration, or to deliver the same to the Chief Officer of the Customs at the Port of departure, he or she shall for every such offence forfeit the sum of £5.

XII. And be it further enacted, that if any Certificate issued to any Alien by virtue of this Act shall be lost, mislaid, or destroyed, and such Alien shall produce to one of His Majesty's Justices of the Peace proof thereof, and shall make it appear to the satisfaction of such Justice, that he or she hath duly conformed with this Act, it shall be lawful for such Justice, and he is hereby required to testify the same under his hand, and such Alien shall thereby be entitled to demand a fresh Certificate, which shall be of the like force and effect as the Certificate so lost, mislaid, or destroyed.

XIII. And be it further enacted, that all Certificates herein-before required to be given shall be given without any fee or reward whatsoever; and every Person who shall take any fee or reward of any Alien or other Person, for any Certificate, or any other matter or thing done under this Act, shall forfeit for every such offence the sum of £20; and every Officer of the Customs who shall refuse or neglect to make such entry as aforesaid, or grant any Certificate thereon, in pursuance of the Provisions of this Act, or shall knowingly make any false Entry, or neglect to transmit the Copy thereof, or to transmit any Declaration of the Master of a Vessel, or any Declaration of departure in manner directed by this Act, shall forfeit for every such offence the sum of £20.

XIV. And be it further enacted, that if any Person shall wilfully forge, counterfeit, or alter, or cause to be forged, counterfeited, or altered, or shall utter, knowing the same to be forged, counterfeited, or altered, any Declaration or Certificate hereby directed, or shall obtain any such Certificate under any other name or description than the true name and description of the Alien, intended to be named and described, without disclosing to the Person granting such Certificate the true name and description of such Alien, and the reason for concealing the same, or shall falsely pretend to be the Person intended to be named and described in any such Certificate; every Person so offending shall, upon conviction thereof before two Justices, either forfeit any sum not exceeding £50, or be imprisoned for any time not exceeding six months, at the discretion of such Justices.

XV. And be it further enacted, that all offences against this Act shall be prosecuted within six calendar months after the offence committed, except that of not making or delivering a Declaration of departure, which shall be prosecuted within six calendar months after the Offenders return to this Realm; and all such offences shall be prosecuted before two or more Justices of the Peace of the Place where the offence shall be committed, who are required, in default of payment of any pecuniary penalty, to commit the Offender to the Common Gaol for any time not exceeding six calendar months, unless the penalty shall be sooner paid, and forthwith to report to one of His Majesty's Principal Secretaries of State, or to the Chief Secretary for Ireland, as the case may require, the conviction of every Offender under this Act, and the punishment to which he is adjudged; and no Writ of Certiorari, or of Advocation or Suspension, shall be allowed to remove the proceedings of any Justices touching the cases aforesaid, or to supersede or suspend execution or other proceeding thereupon.

XVI. Provided always, and be it further enacted, that nothing in this Act contained shall affect any Foreign Ambassador, or other Publick Minister duly authorized; nor any Domestic Servant of any such Foreign Ambassador or Publick Minister, registered as such according to law, or being actually attendant upon such Ambassador

or Minister; nor any Alien who shall have been continually residing within this Realm for seven Years next before the passing of this Act, and obtained from the Alien Office a Certificate thereof; nor any Alien in respect of any act done or omitted to be done, who shall be under the age of 14 Years at the time when such act was so done or omitted to be done: provided always, that if any question shall arise whether any Person alledged to be an Alien, and to be subject to the Provisions of this Act, is an Alien or not, or is or is not subject to the said Provisions, or any of them, the proof that such Person is, or by Law is to be deemed to be, a natural-born Subject of His Majesty, or a Denizen of this Kingdom, or a naturalized Subject, or that such Person, if an Alien, is not subject to the Provisions of this Act, or any of them, by reason of any exception contained in this Act or otherwise, shall lie on the Person so alledged to be an Alien, and to be subject to the Provisions of this Act.

XVII. And be it further enacted, that this Act shall commence on the 1st day of July, in the Year 1826.

NOTICE published in the London Gazette, by the Alien Office, respecting the preceding Act of Parliament.

TO ALIENS.

NOTICE is hereby given, that by an Act passed in the last Session of Parliament, every Alien who shall, on the 1st day of July next, be in this Realm, is required on the same day, or within 14 days thereafter, to make a Declaration in writing of his or her Place of abode, names, rank, occupation, and description; (and if a domestic Servant, then also the Place of abode, names, rank, and description of his or her Master or Mistress,) and of the Country and Place from whence he or she came, or of which he or she is a native, and of the time when he or she last came from Foreign Parts into this Realm; and to transmit such Declaration by the Post, if in Great Britain, to His Majesty's Principal Secretary of State for the Home Department, at the Alien-Office in Westminster; and if in Ireland, to the Chief Secretary of the Lord Lieutenant of Ireland; and such Declaration must be signed by the Party making it, if able to write, or otherwise be attested by a Magistrate of the Place, or by the Officiating Minister of the Parish, or by one or more of the Churchwardens or Overseers of the Poor of the Parish or Township where such Alien shall be: but one such Declaration will be sufficient for a Parent or Parents, and any number of Children; if made by the Father, or in case of his death or incapacity, by the Mother.

And by the said Act, it is further required, that every Alien in this Realm, on the 1st day of January and on the 1st day of July in every year, shall, within one week after those respective days, make a Declaration in writing of his or her Place of residence, and therein state at what Place he or she intends in future to reside, and shall within the same week transmit such Declaration by the Post, in the manner before prescribed; and power is given to one of His Majesty's Principal Secretaries of State to require any Alien in Great Britain, and for the Chief Secretary for Ireland to require any Alien in Ireland, to make a Declaration of his or her actual Place of Residence, and of the Place at which he or she intends to reside in future, at shorter intervals than six months.

And it is enacted, That if any Alien in any of the Cases aforesaid shall neglect to make such Declaration, or to transmit the same within the time limited, or shall wilfully make or transmit any false Declaration, he or she shall, upon conviction thereof before two Justices of the Peace, for every such offence, either forfeit a sum not exceeding £50, or be imprisoned for a time not exceeding six months, at the discretion of such Justices.

Upon the receipt at this Office of a regular Declaration in any of the cases aforesaid, a Certificate, setting forth the names, rank, occupation, and description of the Alien, and his or her Place of abode, will be immediately made out, and transmitted to him or her by Post; and if any Alien shall, by his or her default, not be possessed of such Certificate, or shall without any lawful excuse reside in any other Place than that expressed in such Certificate, every such Alien shall for every such offence forfeit £20; and if any Alien being required by any Justice of the Peace to produce such Certificate, shall refuse or neglect so to do, he or she shall be deemed not to be possessed of any Certificate.

The Act further provides, That if any Certificate issued to any Alien shall be lost, mislaid, or destroyed, and such Alien shall produce to one of His Majesty's Justices of the Peace proof thereof, and shall make it appear to the satisfaction of such Justice that he or she hath duly conformed with the Act, such Justice shall testify the same under his hand, and such Alien shall thereby be entitled to demand a fresh Certificate.

Where any Alien, about to depart from this Realm, shall be desirous of having possession of the Passport delivered on his or her debarkation, and shall notify by Letter to the Alien-Office in Westminster, or to the Chief Secretary's Office in Dublin, the Port at which he or she intends to embark, such Passport will be transmitted by the Post to the Chief Officer of the Customs of the Port so notified, to be delivered to such Alien, on his or her making a Declaration in writing of his or her intention of departing, and delivering such Declaration to

the Chief Officer of the Customs at the Port of departure: and a penalty of £5 will be incurred by every Alien neglecting to make or deliver such Declaration.

The only Aliens exempted from the Provisions of this Act are the following, viz.: every Foreign Ambassador or Publick Minister, and their domestic Servants registered as such according to Law, or being actually attendant upon them; every Alien who shall have been continually residing within this Realm for seven years next before the passing of this Act, *and obtained from the Alien-Office a Certificate thereof;* and every Alien under the age of 14 years: and it is provided that if any question shall arise whether any Person alledged to be an Alien, and to be subject to the Provisions of the Act, is an Alien or not, or is or is not subject to those Provisions, the proof shall lie on the Alien.

And every Certificate is to be issued without fee or reward.

Of all which Provisions notice is hereby given to the end that no Person may plead ignorance thereof.

Alien-Office, Westminster, June 5, 1826.

BRITISH ORDER in COUNCIL, for levying Additional Duties on Goods imported in Netherland Vessels.

At the Court at Windsor, the 30*th of January,* 1826,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament, made and passed in the sixth year of the Reign of His present Majesty, [Cap. 111,] intituled, "An Act for granting Duties of Customs," it is, among other things, enacted, "That it shall be lawful for His Majesty, by and with the advice of His Privy Council, from time to time, to order and direct, that there shall be levied and collected any Additional Duty, not exceeding *one-fifth* of the amount of any existing Duty, upon all or any Goods, when imported in the Ships of any Country which shall levy higher or other Duties upon Goods when imported in British Ships, than when imported in the National Ships of such Country.

And whereas higher and other Duties are levied in the Ports of *The United Netherlands* on certain Goods, when imported in British Ships, than when imported in Netherland Ships, His Majesty does therefore, under the authority of the above recited Act, by and with the advice of His Privy Council, order, that upon all Goods imported into The United Kingdom in Netherland Ships from and after the date of this Order, there shall be levied and collected, in addition to the

existing Duties otherwise payable upon the Importation of such Goods, a further Duty, amounting to *one-fifth* part of such existing Duties.

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

JAS. BULLER.

BRITISH ORDER in COUNCIL, for levying Additional Tonnage Duties on Netherland Vessels laden with Salt.

At the Court at Windsor, the 30th of January, 1826,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament, made and passed in the fifth year of the Reign of His present Majesty, [Cap. 1,] 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," it is, amongst other things, enacted, "That from and after the passing of the said Act, it shall and may be lawful to and for His Majesty, by and with the advice of His Privy Council, or by His Majesty's Order or Orders in Council, to be published from time to time in the London Gazette, (whenever it shall be deemed expedient,) to levy and charge any Additional or Countervailing Duty or Duties of Tonnage, upon or in respect of any Vessels which shall enter any of the Ports in the United Kingdom of Great Britain and Ireland, or in any of His Majesty's Dominions, and which shall belong to any Foreign Country in which any Duties of Tonnage shall have been or shall be levied upon or in respect of British Vessels entering the Ports of such Country, higher or greater than are levied or granted upon or in respect of the Vessels of such Country: And it is thereby provided, 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 Duties of Tonnage are levied upon, or in respect of, British Vessels entering the Ports of *The United Netherlands* laden

with Salt, higher or greater than are levied and granted upon, or in respect of, the Vessels of *The United Netherlands* aforesaid, entering the Ports aforesaid, laden with Salt:

And such higher Tonnage Duties are, in the Ports aforesaid, levied upon, and in respect of, so much only of the Tonnage of such British Vessels as is actually employed in the carriage and importation of such Salt, and are equivalent to £1. 13*s*. 4*d*. for every Ton of such Vessels so employed:

His Majesty doth, therefore, under the authority of the above recited Act, by and with the Advice of His Privy Council, order, that from and after the date of this Order, there shall be levied and charged upon, or in respect of all Vessels belonging to *The United Netherlands* aforesaid, which shall enter any of the Ports of the United Kingdom of Great Britain and Ireland, such Additional or Countervailing Duty of Tonnage as aftermentioned; that is to say, there shall be levied upon every such Netherland Vessel which shall so enter the said Ports, a duty of £1. 13*s*. 4*d*. upon each and every Ton burthen of the said Vessel, which, upon her clearing out from any such Port, for any Port in the Kingdom of *The United Netherlands*, shall be actually occupied and employed in the carriage and exportation of Salt, the Tonnage or burthen so made subject to such Additional or Countervailing Duty, being deemed to be equivalent to the number of Tons of the weight of such Salt, ascertained prior to the shipment thereof:

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

JAS. BULLER.

BRITISH ORDER in COUNCIL, for repealing certain Tonnage Duties on French Vessels.

At the Court at Carlton-House, the 3d of May 1826,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS His Majesty was pleased, by His Order in Council, bearing date the 10th of March, 1824,* to order, that from and after the date of the said Order, there should be charged on all French Vessels which should 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 whereas a Convention of Commerce, between His Majesty and the Most Christian King,

* See State Papers, 1823, 1824, Page 155.

was signed at London, on the 26th January last,* in which Convention it is stipulated, that from and after the 5th day of April last, British Vessels entering into or departing from the Ports of *France*, shall not be subject to any higher Tonnage or other Duties than are levied on French Vessels; His Majesty is thereupon pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that from and after the 5th day of April last, the said Order of the 10th of March 1824, be, and the same is hereby revoked accordingly:

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

JAS. BULLER.

BRITISH ORDER in COUNCIL, prohibiting the Exportation of Gun Powder or Salt Petre, or Arms or Ammunition, to certain Parts of the Coast of Africa.

At the Court at Carlton-House, the 3d. of May 1826,

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the time limited by His Majesty's Order in Council, of the 30th September 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,) has expired; and whereas it is judged expedient that the said prohibition should be continued for some time longer; His Majesty, by and with the advice of His Privy Council, doth therefore hereby order, require, prohibit, and command, that no Person or Persons whatsoever (except the Master-General of the Ordnance for His Majesty's Service), do, at any time during the space of six months (to commence from the date of this Order), presume to transport any 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 29th Year of the Reign of His Majesty King George the Second, [Cap. 16.] 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

* See Page 3.

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.

BRITISH ORDER in COUNCIL, granting to Prussian Vessels the Privileges of Trading with the British Colonies.

At the Court at Carlton-House, the 3d of May, 1826,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the Law of Navigation, foreign Ships are permitted to import into any of the British Possessions Abroad, from the Countries to which they belong, Goods, the produce of those Countries, and to export Goods from such Possessions to be carried to any Foreign Country whatever; and whereas also by an Act of Parliament, made and passed in the 6th year of the Reign of His present Majesty, [Cap. 114] intituled "An Act to regulate the Trade of the British Possessions abroad," it is enacted, that the privileges granted by the Law of Navigation to foreign Ships, shall be limited to the Ships of those Countries which, having Colonial Possessions, shall grant the like privileges of trading with those Possessions to British Ships, or which not having Colonial Possessions, shall place the Commerce and Navigation of this Country, and of its Possessions abroad, upon the footing of the most favoured Nation: and whereas within the Dominions of His Majesty the King of *Prussia*, the Commerce and Navigation of this Country, and of its Possessions abroad, have been placed upon the footing of the most favoured Nation; His Majesty is pleased, by and with the advice of His Privy Council, to declare, that the Ships of and belonging to the Dominions of His Majesty the King of Prussia are entitled to the Privileges so granted as aforesaid by the Law of Navigation, and may import from such the Dominions of His Majesty the King of Prussia, into any of the British Possessions abroad, Goods, the produce of such Dominions, and may export Goods from such British Possessions abroad to be carried to any Foreign Country whatever.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable Earl Bathurst, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

JAS. BULLER.

TREATY of PEACE between the Honourable East India Company on the one part, and His Majesty the King of Ava on the other, settled by Major-General Sir Archibald Campbell, K.C.B. and K.C.T.S., Commanding the Expedition, and Senior Commissioner in Pegu and Ava, Thomas Campbell Robertson, Esquire, Civil Commissioner in Pegu and Ava, and Henry Ducie Chads, Esquire, Captain, Commanding His Britannick Majesty's and the Honourable Company's Naval Force on the Irrawaddy River, on the Part of the Honourable Company; and by Mengyee-Maha-Men-Klah-Kyan-Ten Woongyee, Lord of Lay-Kaeng, and Mengyee Mahah-Men-Klah-Shee-hah-the-Ahren-Woon, Lord of the Revenue, on the Part of the King of Ava; who have each communicated to the other their Full Powers:— agreed to, and executed at Yandaboo, in the Kingdom of Ava, on this 24th day of February, in the year of our Lord 1826, *corresponding with the fourth day of the decrease of the Moon Tuboung, in the year* 1187, *Mandina Æra.*

ART. I. There shall be perpetual Peace and Friendship between the Honourable Company, on the one part, and His Majesty the King of Ava on the other.

II. His Majesty the King of Ava renounces all Claims upon, and will abstain from all future interference with, the Principality of Assam and its Dependencies, and also with the contiguous Petty States of Cachar and Jyntia. With regard to Munnipore it is stipulated, that, should Gumbheer Singh desire to return to that Country, he shall be recognized by the King of Ava as Rajah thereof.

III. To prevent all future Disputes respecting the Boundary Line between the two great Nations, the British Government will retain the conquered Provinces of Arracan, including the four Divisions of Arracan, Ramree, Cheduba, and Sandowey; and His Majesty the King of Ava cedes all Right thereto. The Annonpeeteetonmien or Arracan Mountains, (known in Arracan by the name of the Yeornabourg or Pokhengloung Range), will henceforth form the Boundary between the two great Nations on that side. Any doubts regarding the said Line of Demarcation, will be settled by Commissioners appointed by

the respective Governments for that purpose, such Commissioners from both Powers to be of suitable and corresponding rank.

IV. His Majesty the King of Ava cedes to the British Government the conquered Provinces of Yeh, Tavoy, and Mergui, and Tenasserim, with the Islands and Dependencies thereunto appertaining, taking the Saluen River as the line of Demarcation on that Frontier. Any doubts regarding their Boundaries will be settled as specified in the concluding part of Article III.

V. In proof of the sincere disposition of the Burmese Government to maintain the relations of Peace and Amity between the Nations, and as part indemnification to the British Government, for the expenses of the War, His Majesty the King of Ava agrees to pay the Sum of One Crore of Rupees.

VI. No Person whatever, whether native or foreign, is hereafter to be molested, by either Party, on account of the part which he may have taken, or have been compelled to take, in the present War.

VII. In order to cultivate and improve the relations of Amity and Peace hereby established between the two Governments, it is agreed that accredited Ministers, retaining an escort or safeguard of 50 men, from each, shall reside at the Durbar of the other, who shall be permitted to purchase, or to build, a suitable place of residence, of permanent materials; and a Commercial Treaty, upon principles of reciprocal advantage, will be entered into by the two High Contracting Powers.

VIII. All public and private Debts contracted by either Government, or by the Subjects of either Government, with the other, previous to the War, to be recognized and liquidated upon the same principles of honour and good faith, as if hostilities had not taken place between the two Nations; and no advantage shall be taken by either Party of the period that may have elapsed since the Debts were incurred, or in consequence of the War; and, according to the universal Law of Nations, it is further stipulated, that the Property of all British Subjects who may die in the Dominions of His Majesty the King of Ava, shall, in the absence of legal heirs, be placed in the hands of the British Resident or Consul in the said Dominions, who will dispose of the same according to the tenor of the British Law. In like manner the Property of Burmese Subjects, dying under the same circumstances in any part of the British Dominions, shall be made over to the Minister or other Authority delegated by His Burmese Majesty to the Supreme Government of India.

IX. The King of Ava will abolish all Exactions upon British Ships or Vessels in Burman Ports, that are not required from Burman Ships or Vessels in British Ports; nor shall Ships or Vessels, the property of British Subjects, whether European or Indian, entering the Rangoon River, or other Burman Ports, be required to land their guns, or unship their rudders, or to do any other act not required of Burmese Ships or Vessels in British Ports.

X. The good and faithful Ally of the British Government, His Majesty the King of Siam, having taken a part in the present War, will, to the fullest extent, as far as regards His Majesty and His Subjects, be included in the above Treaty.

XI. This Treaty to be ratified by the Burmese Authorities competent in the like cases, and the Ratification to be accompanied by all British, whether European or Native (American), and other Prisoners, who will be delivered over to the British Commissioners. The British Commissioners, on their part, engaging that the said Treaty shall be ratified by the Right Honourable the Governor-General in Council, and the Ratification shall be delivered to His Majesty the King of Ava in four months, or sooner, if possible; and all the Burmese Prisoners shall, in like manner, be delivered over to their own Government, as soon as they arrive from Bengal.

LARGEEN MEONJA WOONGHEE.	(L.S.)	A. CAMPBELL, Major-General, and Senior Commissioner.
(Seal of the Lotoo.)	(L.S.)	T. C. ROBERTSON, Civil Commissioner.
SHWAGUM WOON ATAWOON.	(L.S.)	H. D. CHADS, Captain, Royal Navy.

ADDITIONAL ARTICLE.

The British Commissioners being most anxiously desirous to manifest the sincerity of their wish for Peace, and to make the immediate execution of the Fifth Article of this Treaty as little irksome, or inconvenient as possible to His Majesty the King of Ava, consent to the following Arrangements with respect to the division of the Sum total, as specified in the Article before referred to, into Instalments, viz.:— upon the payment of 25 Lacks of Rupees, or one-fourth of the Sum total, (the other Articles of the Treaty being executed,) the Army will retire to Rangoon; upon the future payment of a similar Sum at that Place, within 100 days from this date, with the proviso as above, the Army will evacuate the Dominions of His Majesty the King of Ava, with the least possible delay; leaving the remaining Moiety of the Sum total to be paid by equal annual Instalments in two years, from this 24th day of February, 1826, A. D., through the Consul, or Resident in Ava, or Pegu, on the part of the Honourable the East India Company.

LARGEEN MEONJA WOONGHEE.	(L.S.)	A. CAMPBELL, Major-General, and Senior Commissioner.
(Seal of the Lotoo.)	(L.S.)	T. C. ROBERTSON, Civil Commissioner.
SHWAGUM WOON ATAWOON.	(L.S.)	H. D. CHADS, Captain, Royal Navy.

BRITISH ORDER in COUNCIL, granting to French Vessels certain Privileges of Trading with the British Possessions in the West-Indies and America.

At the Court at Carlton-House, the 1st of June, 1826,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament passed in the sixth Year of the Reign of His present Majesty, [Cap. 114.] intituled "An Act to regulate the Trade of the British Possessions Abroad," after reciting that "By the Law of Navigation, Foreign Ships are permitted to import into any of the British Possessions abroad, from the Countries to which they belong, Goods, the produce of those Countries, and to export Goods from such Possessions, to be carried to any Foreign Country whatever; and that it is expedient that such permission should be subject to certain conditions;" it is enacted "That the privileges thereby granted to Foreign Ships shall be limited to the Ships of those Countries which, having Colonial Possessions, shall grant the like privileges of Trading with those Possessions to British Ships; unless His Majesty, by His Order in Council, shall, in any case deem it expedient to grant the whole, or any of such privileges to the Ships of any Foreign Country, although the conditions aforesaid shall not, in all respects, be fulfilled by such Foreign Country." And whereas the conditions mentioned and referred to in and by the said Act of Parliament, have not in all respects been fulfilled by the Government of *France;* but nevertheless His Majesty, by and with the advice of His Privy Council, doth deem it expedient to grant certain of the privileges aforesaid to the Ships of France; His Majesty doth therefore, by and with the advice of His Privy Council, and in pursuance and exercise of the powers and authority in Him vested by the said Act of Parliament, declare and grant that it shall and may be lawful for French Ships to import into any of the British Possessions in the West-Indies and America, from the Dominions of His Most Christian Majesty, such Goods being the produce of those Dominions as are mentioned and enumerated in the Table subjoined to this present Order, and to export Goods from such British Possessions, to be carried to any Foreign Country whatever.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable Earl Bathurst, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

JAMES BULLER.

THE TABLE REFERRED TO IN THE PRECEDING ORDER.

Wheat.	Shingles.
Flour.	Red oak staves or headings.
Biscuit.	White oak staves or headings.
Bread.	Wood.
Meal.	Lumber.
Peas.	Wood hoops.
Beans.	Live stock.
Rye.	Hay and straw.
Callavances.	Coin and bullion.
Oats.	Diamonds.
Barley.	Salt.
Indian corn.	Fruit and vegetables fresh.
Rice.	Cotton wool.

All articles subject, on importation, to a duty *ad valorem;* and on which articles the amount of such duty shall not, at the time of importation, exceed £7. 10*s.* for every £100 of the value of the same.

BRITISH ORDER in COUNCIL, regulating the Duties on Vessels of The United States of America, and their Cargoes, in certain British Colonies.

At the Court at St. James's, the 27th of July, 1826,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the sixth Year of the Reign of His present Majesty, [Cap. 114.] intituled "An Act to regulate the Trade of the British Possessions Abroad," after reciting, that "By the Law of Navigation, Foreign Ships are permitted to import into any of the British Possessions abroad, from the Countries to which they belong, Goods the produce of those Countries, and to export Goods from such Possessions, to be carried to any Foreign Country whatever;" and that "it is expedient that such permission should be subject to certain conditions;" it is enacted, "that the privileges thereby granted to Foreign Ships shall be limited to the Ships of those Countries which, having Colonial Possessions, shall grant the like privileges of trading with those Possessions to British Ships; or which, not having Colonial Possessions, shall place the Commerce and Navigation of this Country, and of its Possessions abroad, upon the footing of the most favoured Nation, unless His Majesty, by His Order in Council shall, in any case, deem it expedient to grant the whole or any of such privileges to the Ships of any Foreign Country, although the conditions aforesaid shall not in all respects be fulfilled by such Foreign Country:" and whereas, the conditions mentioned and referred

to in the said Act of Parliament, have not in all respects been fulfilled by the Government of *The United States of America;* and therefore the privileges so granted as aforesaid by the Law of Navigation to Foreign Ships, cannot lawfully be exercised or enjoyed by the Ships of The United States aforesaid, unless His Majesty, by His Order in Council, shall grant the whole or any of such privileges to the Ships of The United States aforesaid; and whereas, His Majesty doth deem it expedient to grant to the Ships of the said United States, such of the said privileges as are hereinafter mentioned; His Majesty doth therefore, with the advice of His Privy Council, and in pursuance and exercise of the powers and authorities in Him vested by the said Act of Parliament, declare and grant that it is and shall be lawful for the Ships of The United States aforesaid, to import into any of the British Possessions abroad, from the said United States, Goods the produce of The United States aforesaid, and not enumerated in the Table of prohibitions and restrictions in the said Act contained; and to export Goods from such British Possessions abroad to be carried to any Foreign Country whatever, provided always, that such Goods so imported shall be subject and liable to the payment of the Duties imposed and made payable under and by virtue of the said Act of Parliament; provided also, and His Majesty doth further, with the advice aforesaid, declare that the privileges so granted as aforesaid to the Ships of the said United States, so far as respects the British Possessions in the *West-Indies*, and on the Continent of *South America;* and so far as respects the *Bahama Islands*, and the *Bermuda* or *Somer Islands;* and so far as respects His Majesty's Settlements in the Island of *Newfoundland*, and the several Islands belonging to and dependent on those Settlements, shall absolutely cease and determine upon and from the 1st day of December, which will be in this present Year, 1826; provided also, and His Majesty doth further, with the advice aforesaid, declare, that the privileges so granted as aforesaid to the Ships of the said United States, so far as respects the British Possessions on the *Western Coast of Africa*, shall absolutely cease and determine upon and from the said 1st day of December 1826; provided also, and His Majesty, with the advice aforesaid, doth further declare, that the privileges so granted as aforesaid to the Ships of the said United States, so far as respects the Colony of the *Cape of Good Hope*, and the Islands, Settlements, and Territories belonging thereto, and dependent thereupon; and so fas as respects the Island of *Mauritius*, and the several Islands and Territories belonging thereto, or dependent thereupon; and so far as respects the Island of *Ceylon*, and the several Islands and Territories belonging thereto, and dependent thereupon, shall absolutely cease and determine, upon and from the 1st day of March, which will be in the Year 1827; provided also, and His Majesty doth further, with the advice aforesaid, declare that the privileges so granted as aforesaid to

the Ships of the said United States, so far as respects His Majesty's Settlements in the Island of *New Holland*, and the several Islands and Territories belonging thereto, and dependent thereupon; and so far as respects the Island of *Van Diemen's Land*, and the several Islands and Territories belonging thereto, and dependent thereupon, shall absolutely cease and determine upon and from the 1st day of May, which will be in the said Year 1827; provided also, that nothing in this present Order contained, extends, or shall be construed to extend, to infringe or interfere with the Convention of Commerce and Navigation, concluded between His late Majesty King George the Third, and the United States of America, bearing date the 3d day of July 1815; or the further Convention of Commerce and Navigation, concluded between His said late Majesty and the United States of America, bearing date the 20th day of October 1818; or to prevent Ships of the said United States from importing into any of the British Possessions in *Europe*, or from exporting from such British Possessions in *Europe*, any goods which, under or by virtue of the said Conventions, or either of them, or of the several Acts of Parliament made for carrying such Conventions into effect, can or may be lawfully imported into, or exported from such British Possessions in Europe, in the Ships of the said United States. And whereas, by a certain Act of Parliament, passed in the fourth Year of the Reign of His present Majesty, [Cap. 77.] intituled "An Act to authorize His Majesty, under certain circumstances, to regulate the duties and drawbacks on goods imported or exported in Foreign Vessels, and to exempt certain Foreign Vessels from pilotage;" it is, among other things, enacted, "that it shall and may be lawful to and for His Majesty, by and with the advice of His Privy Council, or by His Majesty's Order or Orders in Council, 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, and merchandise when imported or exported in Vessels of such Country;" and it is thereby provided, "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 by an Act of Parliament passed in the fifth Year of the Reign of His present Majesty, [Cap. 1.] 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," it is, among other things, enacted, "that it shall and may be lawful to and for His Majesty, by and with the advice of His Privy Council, or by His Majesty's Order or Orders in Council, 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 of 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: and it is thereby provided, 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 The United States aforesaid 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 upon the cargoes of such Vessels, to which Vessels of The United States, and cargoes of the same description, entering the Ports of The United States from the Ports of His Majesty's said Possessions, are not subject; His Majesty, by virtue of the powers vested in Him by the said Acts of Parliament, passed in the fourth and fifth years of His Majesty's Reign, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, that there shall be charged on all Vessels of The United States, which shall enter any of the Ports of His Majesty's Possessions on the Continent of North America, with articles of the growth, production, or manufacture of the said States, or which, until the said 1st day of December, 1826, shall enter with any such articles any of the Ports of His Majesty's

Possessions in the *West Indies* or *South America*, or in the *Bahama Islands*, or in the *Bermuda* or *Somer Islands*, a duty of 4*s*. 3*d*. 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; and further, an addition of 10 per cent. upon the duties set forth in the said Act of Parliament, passed as aforesaid in the 6th year of His Majesty's Reign, on any of the articles therein enumerated, which may be imported into His Majesty's said Possessions on the Continent of North America, in any Vessel of the said United States, or which, until the said 1st day of December 1826, may be imported into His Majesty's said Possessions in the West Indies or South America, or into the Bahama Islands, or into the Bermuda or Somer Islands, 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 6th 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.

C. C. GREVILLE.

MESSAGE of The President of The United States on the Opening of Congress, 6th December, 1825.

Fellow-Citizens of the Senate, and House of Representatives,

In taking a general survey of the concerns of our beloved Country, with reference to subjects interesting to the common welfare, the first sentiment which impresses itself upon the mind is of gratitude to the Omnipotent Dispenser of all Good, for the continuance of the signal blessings of His Providence, and especially for that health which, to an unusual extent, has prevailed within our Borders; and for that abundance which, in the vicissitudes of the Seasons, has been scattered with profusion over our Land. Nor ought we less to ascribe to Him the glory, that we are permitted to enjoy the bounties of His hand in peace and tranquillity; in peace with all the other Nations of the Earth, in tranquillity among ourselves. There has, indeed, rarely been a period in the History of civilized Man, in which the general condition of the Christian Nations has been marked so extensively by peace and prosperity. Europe, with a few partial and unhappy exceptions, has enjoyed ten years of peace, during which all her Governments, whatever the theory of their Constitutions may have been, are successively taught to feel, that the end of their institution is the hap-

piness of the People, and that the exercise of power among Men can be justified only by the blessings it confers upon those over whom it is extended.

During the same period, our intercourse with all those Nations has been pacific and friendly: it so continues. Since the close of your last Session, no material variation has occurred in our relations with any one of them. In the Commercial and Navigation System of Great Britain, important changes of municipal regulation have recently been sanctioned by Acts of Parliament, the effect of which, upon the interests of other Nations, and particularly upon ours, has not yet been fully developed. In the recent renewal of the Diplomatic Missions on both sides, between the two Governments, assurances have been given and received of the continuance and increase of that mutual confidence and cordiality, by which the adjustment of many Points of difference had already been effected, and which afford the surest pledge for the ultimate satisfactory adjustment of those which still remain open, or may hereafter arise.

The policy of The United States, in their commercial intercourse with other Nations, has always been of the most liberal character. In the mutual exchange of their respective productions, they have abstained altogether from prohibitions; they have interdicted themselves the power of laying Taxes upon Exports; and whenever they have favoured their own Shipping, by special preferences, or exclusive privileges in their own Ports, it has been only with a view to countervail similar favours and exclusions, granted by the Nations with whom we have been engaged in traffick, to their own People or Shipping, and to the disadvantage of ours. Immediately after the close of the last War, a proposal was fairly made by the Act of Congress of the 3d of March, 1815, to all the Maritime Nations, to lay aside the system of retaliating restrictions and exclusions, and to place the Shipping of both Parties to the common trade, on a footing of equality, in respect to the Duties of Tonnage and Impost. This offer was partially and successively accepted by Great Britain, Sweden, The Netherlands, The Hanseatic Cities, Prussia, Sardinia, the Duke of Oldenburg, and Russia. It was also adopted, under certain modifications, in our late Commercial Convention with France. And, by the Act of Congress of 8th January, 1824, it has received a new confirmation, with all the Nations who had acceded to it, and has been offered again to all those who are, or may hereafter be willing to abide in reciprocity by it. But all these Regulations, whether established by Treaty, or by Municipal Enactments, are still subject to one important restriction. The removal of discriminating Duties of Tonnage and Impost, is limited to articles of the growth, produce, or manufacture of the Country to which the Vessel belongs, or to such articles as are most usually first shipped from her Ports. It will deserve the serious consideration of

Congress, whether even this remnant of restriction may not be safely abandoned, and whether the general tender of equal competition made in the Act of the 8th of January, 1824, may not be extended to include all articles of merchandise not prohibited, of what Country soever they may be the produce or manufacture. Propositions to this effect have already been made to us by more than one European Government, and it is probable, that if once established by legislation or compact with any distinguished Maritime State, it would recommend itself, by the experience of its advantages, to the general accession of all.

The Convention of Commerce and Navigation between The United States and France, concluded on the 24th of June, 1822, was, in the understanding and intent of both Parties, as appears upon its face, only a temporary arrangement of the Points of difference between them, of the most immediate and pressing urgency. It was limited, in the first instance, to two years, from the 1st of October, 1822, but with a proviso, that it should further continue in force till the conclusion of a General and Definitive Treaty of Commerce, unless terminated by a Notice six months in advance, of either of the Parties to the Other. Its operation, so far as it extended, has been mutually advantageous; and it still continues in force, by common consent. But it left unadjusted, several objects of great interest to the Citizens and Subjects of both Countries, and particularly a mass of Claims, to a considerable amount, of Citizens of The United States upon the Government of France, of Indemnity for Property taken or destroyed under circumstances of the most aggravated and outrageous character. In the long period, during which continual and earnest appeals have been made to the equity and magnanimity of France, in behalf of these Claims, their justice has not been, as it could not be, denied. It was hoped that the accession of a new Sovereign to the Throne would have afforded a favourable opportunity for presenting them to the consideration of His Government; they have been presented and urged, hitherto without effect.

The repeated and earnest representations of our Minister at the Court of France, remain as yet even without an answer. Were the demands of Nations, upon the justice of each other, susceptible of adjudication by the sentence of an impartial Tribunal, those to which I now refer would long since have been settled, and adequate Indemnity would have been obtained. There are large amounts of similar Claims upon The Netherlands, Naples, and Denmark. For those upon Spain, prior to 1819, Indemnity was, after many years of patient forbearance, obtained; and those upon Sweden have been lately compromised by a private Settlement, in which the Claimants themselves have acquiesced. The Governments of Denmark and of Naples have been recently reminded of those yet existing against them; nor will any of them be forgotten, while a hope may be indulged of obtaining justice,

by the means within the constitutional power of the Executive, and without resorting to those measures of self-redress, which, as well as the time, circumstances and occasion, which may require them, are within the exclusive competency of the Legislature.

It is with great satisfaction that I am enabled to bear witness to the liberal spirit with which the Republic of Colombia has made satisfaction for well-established Claims of a similar character. And among the Documents now communicated to Congress, will be distinguished a Treaty of Commerce and Navigation with that Republic, the Ratifications of which have been exchanged since the last recess of the Legislature. The negotiation of similar Treaties with all the Independent South American States, has been contemplated, and may yet be accomplished. The basis of them all, as proposed by The United States, has been laid in two principles: the one of entire and unqualified reciprocity; the other, the mutual obligation of the Parties, to place each other permanently upon the footing of the most favoured Nation. These principles are, indeed, indispensable to the effectual emancipation of the American Hemisphere from the thraldom of colonizing monopolies and exclusions: an event rapidly realizing in the progress of human affairs, and which the resistance still opposed in certain parts of Europe to the acknowledgment of the Southern American Republics as Independent States, will, it is believed, contribute more effectually to accomplish. The time has been, and that not remote, when some of those States might, in their anxious desire to obtain a nominal recognition, have accepted of a nominal Independence, clogged with burdensome conditions, and exclusive commercial privileges granted to the Nation from which they have separated, to the disadvantage of all others. They are now well aware, that such concessions to any European Nation would be incompatible with that Independence which they have declared and maintained.

Among the measures which have been suggested to them by the new relations with one another, resulting from the recent changes of their condition, is that of assembling, at the Isthmus of Panama, a Congress, at which each of them should be represented, to deliberate upon objects important to the welfare of all. The Republics of Colombia, of Mexico, and of Central America, have already deputed Plenipotentiaries to such a meeting, and they have invited The United States to be also represented there by their Ministers. The invitation has been accepted, and Ministers on the part of The United States will be commissioned to attend at those deliberations, and to take part in them, so far as may be compatible with that neutrality from which it is neither our intention, nor the desire of the other American States, that we should depart.

The Commissioners under the Seventh Article of the Treaty of Ghent have so nearly completed their labours, that, by the Report

recently received from the Agent on the part of The United States, there is reason to expect that the Commission will be closed at their next Session, appointed for the 22d of May of the ensuing Year.

The other Commission, appointed to ascertain the Indemnities due for Slaves carried away from The United States, after the close of the late War, have met with some difficulty, which has delayed their progress in the inquiry. A reference has been made to the British Government on the subject, which, it may be hoped, will tend to hasten the decision of the Commissioners, or serve as a substitute for it.

Among the powers specifically granted to Congress by the Constitution, are those of establishing uniform Laws on the subject of Bankruptcies throughout The United States; and of providing for, organizing, arming, and disciplining the Militia, and for governing such part of them as may be employed in the service of The United States. The magnitude and complexity of the interests affected by legislation upon these subjects, may account for the fact, that long and often as both of them have occupied the attention, and animated the debates of Congress, no systems have yet been devised for fulfilling, to the satisfaction of the Community, the duties prescribed by these grants of power. To conciliate the claim of the individual Citizen to the enjoyment of personal liberty, with the effective obligation of private contracts, is the difficult problem to be solved by a Law of bankruptcy.—These are objects of the deepest interest to Society, affecting all that is precious in the existence of multitudes of Persons; many of them in the classes essentially dependent and helpless, of the age requiring nurture, and of the sex entitled to protection, from the free agency of the parent and the husband.

The organization of the Militia is yet more indispensable to the liberties of the Country. It is only by an effective Militia that we can at once enjoy the repose of peace, and bid defiance to foreign aggression; it is by the Militia that we are constituted an armed Nation, standing in perpetual panoply of defence, in the presence of all the other Nations of the Earth. To this end, it would be necessary so to shape its organization, as to give it a more united and active energy. There are Laws for establishing an uniform Militia throughout The United States, and for arming and equipping its whole body. But it is a body of dislocated members, without the vigour of unity, and having little of uniformity but the name. To infuse into this most important institution the power of which it is susceptible, and to make it available for the defence of the Union at the shortest notice, and at the smallest expense of time, of life, and of treasure, are among the benefits to be expected from the persevering deliberations of Congress.

Among the unequivocal indications of our National prosperity, is the flourishing state of our Finances. The Revenues of the present Year

from all their principal sources, will exceed the anticipations of the last. The Balance in the Treasury, on the 1st of January last, was a little short of 2,000,000 of Dollars, exclusive of 2,500,000, being the moiety of the Loan of 5,000,000, authorized by the Act of 26th May, 1824. The Receipts into the Treasury, from the 1st of January, to the 30th of September, exclusive of the other moiety of the same Loan, are estimated at 16,500,000 of Dollars, and it is expected that those of the current Quarter will exceed 5,000,000 of Dollars, forming an aggregate of Receipts of nearly 22,000,000, independent of the Loan. The Expenditures of the year will not exceed that sum more than 2,000,000. By those Expenditures, nearly 8,000,000 of the principal of the Publick Debt have been discharged. More than 1,500,000 has been devoted to the debt of gratitude to the Warriors of the Revolution: a nearly equal sum to the construction of Fortifications, and the acquisition of Ordnance, and other permanent preparatives of National defence: 500,000 to the gradual increase of the Navy: an equal sum for purchases of Territory from the Indians, and payment of annuities to them; and upwards of 1,000,000 for objects of internal improvement, authorized by Special Acts of the last Congress. If we add to these 4,000,000 of Dollars for payment of interest upon the Publick Debt, there remains a sum of about 7,000,000, which have defrayed the whole expense of the Administration of Government, in its Legislative, Executive, and Judiciary Departments, including the support of the Military and Naval Establishments, and all the occasional contingencies of a Government co-extensive with the Union.

The amount of Duties secured on merchandise imported, from the commencement of the present Year, is about 25,500,000; and that which will accrue during the current Quarter, is estimated at 5,500,000; from these 31,000,000, deducting the drawbacks, estimated at less than 7,000,000, a sum exceeding 24,000,000 will constitute the Revenue of the Year, and will exceed the whole Expenditures of the Year. The entire amount of Publick Debt remaining due on the first of January next, will be short of 81,000,000 of Dollars.

By an Act of Congress of the 3d of March last, a Loan of 12,000,000 of Dollars was authorized at four and a half per Cent., or an exchange of Stock to that amount of four and a half per Cent. for a Stock of six per Cent., to create a Fund for extinguishing an equal amount of the Publick Debt, bearing an interest of six per Cent., redeemable in 1826. An Account of the measures taken to give effect to this Act, will be laid before you by the Secretary of the Treasury. As the object which it had in view has been but partially accomplished, it will be for the consideration of Congress, whether the power with which it clothed the Executive should not be renewed at an early day of the present Session, and under what modifications.

The Act of Congress of the 3d of March last, directing the Secretary of the Treasury to subscribe, in the name and for the use of The United States, for one thousand five hundred shares of the capital stock of the Chesapeake and Delaware Canal Company, has been executed by the actual subscription for the amount specified, and such other measures have been adopted by that Officer, under the Act, as the fulfilment of its intentions requires. The latest accounts received of this important undertaking, authorize the belief that it is in successful progress.

The payments into the Treasury, from proceeds of the Sales of the Publick Lands, during the present Year, were estimated at 1,000,000 of Dollars. The actual receipts of the first two Quarters have fallen very little short of that sum: it is not expected that the second half of the Year will be equally productive; but the income of the Year, from that source, may now be safely estimated at 1,500,000. The Act of Congress of the 18th of May, 1824, to provide for the extinguishment of the Debt due to The United States by the purchasers of Publick Lands, was limited, in its operation of relief to the Purchaser, to the 10th of April last. Its effect at the end of the Quarter during which it expired, was to reduce that Debt from 10,000,000 to 7,000,000. By the operation of similar prior Laws of relief, from and since that of the 2d of March, 1821, the Debt had been reduced, from upwards of 22,000,000 to 10,000,000. It is exceedingly desirable that it should be extinguished altogether; and to facilitate that consummation, I recommend to Congress the revival, for one Year more, of the Act of 18th May, 1824, with such provisional modification as may be necessary to guard the public interests against fraudulent practices in the resale of the relinquished land. The purchasers of Publick Lands are among the most useful of our Fellow Citizens, and, since the system of sales for cash alone has been introduced, great indulgence has been justly extended to those who had previously purchased upon credit. The Debt which had been contracted under the credit sales had become unwieldy, and its extinction was alike advantageous to the Purchaser and the Publick. Under the system of sales, matured, as it has been, by experience, and adapted to the exigencies of the times, the lands will continue, as they have become, an abundant source of revenue; and when the pledge of them to the Publick Creditor shall have been redeemed by the entire discharge of the National Debt, the swelling tide of wealth, with which they replenish the common Treasury, may be made to reflow in unfailing streams of improvement from the Atlantic to the Pacific Ocean.

The condition of the various branches of the Publick Service resorting from the Department of War, and their administration during the current Year, will be exhibited in the Report from the Secretary of War, and the accompanying Documents herewith communicated. The organization and discipline of the Army are effective and satis-

factory. To counteract the prevalence of desertion among the Troops, it has been suggested to withhold from the men a small portion of their monthly pay until the period of their discharge; and some expedient appears to be necessary to preserve and maintain, among the Officers, so much of the art of horsemanship as could scarcely fail to be found wanting, on the possible sudden irruption of a war, which should overtake us unprovided with a single Corps of Cavalry. The Military Academy at West Point, under the restrictions of a severe but paternal superintendence, recommends itself, more and more, to the patronage of the Nation; and the number of meritorious Officers which it forms and introduces to the Publick Service, furnishes the means of multiplying the undertakings of publick improvements, to which their acquirements at that Institution are peculiarly adapted. The School of Artillery Practice, established at Fortress Monroe, is well suited to the same purpose, and may need the aid of further Legislative provisions to the same end. The Reports from the various Officers at the head of the administrative branches of the Military Service, connected with the quartering, clothing, subsistence, health, and pay of the Army, exhibit the assiduous vigilance of those Officers in the performance of their respective duties, and the faithful accountability which has pervaded every part of the system.

Our relations with the numerous Tribes of Aboriginal Natives of this Country, scattered over its extensive surface, and so dependent even for their existence, upon our power, have been, during the present Year highly interesting. An Act of Congress of 25th May, 1824, made an Appropriation to defray the expenses of making Treaties of Trade and Friendship with the Indian Tribes beyond the Mississippi. An Act of 3d March, 1825, authorized Treaties to be made with the Indians, for their consent to the making of a Road from the Frontier of Missouri, to that of New Mexico. And another Act of the same date, provided for defraying the expences of holding Treaties with the Sioux, Chippeways, Menomenees, Sauks, Foxes, &c. for the purpose of establishing Boundaries, and promoting Peace between the said Tribes. The first and the last objects of these Acts have been accomplished, and the second is yet in a process of execution. The Treaties, which, since the last Session of Congress, have been concluded with the several Tribes, will be laid before the Senate for their consideration, conformably to the Constitution. They comprise large and valuable acquisitions of Territory: and they secure an adjustment of Boundaries, and give pledges of permanent Peace between several Tribes, which had been long waging bloody wars against each other.

On the 12th of February last, a Treaty was signed at the Indian Springs, between Commissioners appointed on the part of The United States, and certain Chiefs and Individuals of the Creek Nation of Indians, which was received at the seat of Government, only a few

days before the close of the last Session of Congress, and of the late Administration. The advice and consent of the Senate was given to it, on the 3d of March, too late for it to receive the Ratification of the then President of The United States; it was ratified on the 7th of March, under the unsuspecting impression that it had been negociated in good faith, and in the confidence inspired by the recommendation of the Senate. The subsequent transactions in relation to this Treaty, will form the subject of a Separate Message.

The Appropriations made by Congress, for Public Works, as well in the construction of Fortifications, as for purposes of internal improvement, so far as they have been expended, have been faithfully applied. Their progress has been delayed by the want of suitable Officers for superintending them. An increase of both the Corps of Engineers, Military and Topographical, was recommended by my Predecessor at the last Session of Congress. The reasons upon which that recommendation was founded, subsist in all their force, and have acquired additional urgency since that time. It may also be expedient to organize the Topographical Engineers into a Corps similar to the present Establishment of the Corps of Engineers. The Military Academy at West Point, will furnish, from the Cadets annually graduated there, Officers well qualified for carrying this measure into effect.

The Board of Engineers for internal improvement appointed for carrying into execution the Act of Congress of the 30th of April, 1824, "to procure the necessary Surveys, Plans, and Estimates, on the subject of Roads and Canals," have been actively engaged in that service from the close of the last Session of Congress. They have completed the Surveys necessary for ascertaining the practicability of a Canal from the Chesapeake Bay, to the Ohio River, and are preparing a full Report on that subject; which, when completed, will be laid before you. The same observation is to be made with regard to the two other objects of national importance, upon which the Board have been occupied; namely, the accomplishment of a National Road from this City to New Orleans, and the practicability of uniting the waters of Lake Memphramagog with Connecticut River, and the improvement of the navigation of that River. The surveys have been made, and are nearly completed. The Report may be expected at an early period during the present Session of Congress.

The Acts of Congress of the last Session relative to the surveying, marking, or laying out Roads in the Territories of Florida, Arkansas, and Michigan, from Missouri to Mexico, and for the continuation of the Cumberland Road, are some of them fully executed, and others in the process of execution. Those for completing or commencing Fortifications, have been delayed only so far as the Corps of Engineers has been inadequate to furnish Officers for the necessary superintendance of the works. Under the Act confirming the Statutes of Virginia

and Maryland, incorporating the Chesapeake and Ohio Canal Company, three Commissioners on the part of The United States have been appointed for opening books and receiving subscriptions, in concert with a like number of Commissioners appointed on the part of each of those States. A meeting of the Commissioners has been postponed to await the definitive Report of the Board of Engineers. The light-houses and monuments for the safety of our commerce and mariners, the works for the security of Plymouth Beach, and for the preservation of the Islands in Boston Harbour, have received the attention required by the Laws relating to those objects respectively. The continuation of the Cumberland Road, the most important of them all, after surmounting no inconsiderable difficulty in fixing upon the direction of the Road, has commenced under the most promising auspices, with the improvements of recent invention in the mode of construction, and with the advantage of a great reduction in the comparative cost of the work.

The operation of the Laws relating to the Revolutionary Pensioners may deserve the renewed consideration of Congress. The Act of 18th March, 1818, while it made provision for many meritorious and indigent Citizens, who had served in the War of Independence, opened a door to numerous abuses and impositions. To remedy this, the Act of 1st May, 1820, exacted proofs of absolute indigence, which many really in want were unable, and all, susceptible of that delicacy which is allied to many virtues, must be deeply reluctant to give. The result has been, that some amongst the least deserving have been retained, and some in whom the requisites both of worth and want were combined, have been stricken from the list. As the numbers of these venerable relics of an Age gone by diminish; as the decays of body, mind, and estate, of those that survive, must in the common course of nature increase; should not a more liberal portion of indulgence be dealt out to them?

May not the want, in most instances, be inferred from the demand, when the service can be duly proved; and may not the last days of human infirmity be spared the mortification of purchasing a pittance of relief only by the exposure of its own necessities? I submit to Congress the expediency either of providing for individual cases of this description by Special Enactment, or of revising the Act of 1st May, 1820, with a view to mitigate the rigor of its exclusions, in favour of Persons to whom charity now bestowed can scarcely discharge the debt of Justice.

The portion of the Naval force of the Union in actual service, has been chiefly employed on three Stations; the Mediterranean, the Coasts of South America bordering on the Pacific Ocean, and the West Indies. An occasional Cruizer has been sent to range along the African Shores most polluted by the traffic of Slaves; one armed

Vessel has been stationed on the Coast of our Eastern Boundary, to cruize along the Fishing Grounds in Hudson's Bay, and on the Coast of Labrador; and the first service of a new Frigate has been performed in restoring to his native soil, and domestic enjoyments, the Veteran Hero whose youthful blood and treasure had freely flowed in the cause of our Country's Independence, and whose whole life had been a series of services and sacrifices to the improvement of his fellow men. The visit of General Lafayette, alike honourable to himself and to our Country, closed as it had commenced, with the most affecting testimonials of devoted attachment on his part, and of unbounded gratitude of this People to him in return. It will form, hereafter, a pleasing incident in the annals of our Union, giving to real history the intense interest of romance, and signally marking the unpurchasable tribute of a great Nation's social affections, to the disinterested champion of the liberties of human kind.

The constant maintenance of a small Squadron in the Mediterranean, is a necessary substitute for the humiliating alternative of paying tribute for the security of our Commerce in that Sea, and for a precarious peace, at the mercy of every caprice of four Barbary States, by whom it was liable to be violated. An additional motive for keeping a respectable Force stationed there at this time, is found in the maritime war raging between the Greeks and the Turks; and in which the neutral Navigation of this Union is always in danger of outrage and depredation. A few instances have occurred of such depredations upon our Merchant Vessels by Privateers or Pirates, wearing the Grecian Flag, but without real authority from the Greek or any other Government. The heroic struggles of the Greeks themselves, in which our warmest sympathies as Freemen and Christians have been engaged, have continued to be maintained with vicissitudes of success adverse and favourable.

Similar motives have rendered expedient the keeping of a like Force on the Coasts of Peru and Chili on the Pacific. The irregular and convulsive character of the war upon the shores, has been extended to the conflicts upon the ocean. An active warfare has been kept up for years, with alternate success, though generally to the advantage of the American Patriots. But their Naval Forces have not always been under the control of their own Governments. Blockades, unjustifiable upon any acknowledged principles of International Law, have been proclaimed by Officers in Command; and though disavowed by the Supreme Authorities, the protection of our own Commerce against them has been made cause of complaint, and of erroneous imputations upon some of the most gallant Officers of our Navy. Complaints equally groundless have been made by the Commanders of the Spanish Royal Forces in those seas; but the most effective protection to our Commerce has been the Flag, and the firm-

ness of our own Commanding Officers. The cessation of the war by the complete triumph of the Patriot Cause, has removed, it is hoped, all cause of dissention with one Party, and all vestige of force of the other. But an unsettled Coast of many degrees of latitude, forming a part of our own Territory, and a flourishing Commerce and Fishery, extending to the Islands of the Pacific and to China, still require that the protecting power of the Union should be displayed under its Flag as well upon the Ocean as upon the Land.

The objects of the West India Squadron have been to carry into execution the Laws for the suppression of the African Slave-Trade; for the protection of our Commerce against Vessels of piratical character, though bearing Commissions from either of the Belligerent Parties, for its protection against open and unequivocal Pirates. These objects during the present Year have been accomplished more effectually than at any former period. The African Slave-trade has long been excluded from the use of our Flag; and if some few Citizens of our Country have continued to set the Laws of the Union, as well as those of nature and humanity, in defiance, by persevering in that abominable traffic, it has been only by sheltering themselves under the Banners of other Nations, less earnest for the total extinction of the trade than ours. The irregular Privateers have, within the last year, been in a great measure banished from those seas; and the Pirates for months past, appear to have been almost entirely swept away from the borders and the shores of the two Spanish Islands in those regions. The active, persevering, and unremitted energy of Captain Warrington, and of the Officers and Men under his command, on that trying and perilous service, have been crowned with signal success, and are entitled to the approbation of their Country. But experience has shown, that not even a temporary suspension or relaxation from assiduity can be indulged on that Station, without re-producing Piracy and Murder in all their horrors; nor is it probable that for years to come, our immensely valuable Commerce in those seas can navigate in security, without the steady continuance of an Armed Force devoted to its protection.

It were indeed a vain and dangerous illusion to believe, that in the present or probable condition of human society, a Commerce so extensive and so rich as ours, could exist and be pursued in safety, without the continual support of a Military Marine; the only arm by which the power of this Confederacy can be estimated or felt by Foreign Nations, and the only standing Military Force which can never be dangerous to our own liberties at home. A permanent Naval Peace Establishment, therefore, adapted to our present condition, and adaptable to that gigantic growth with which the Nation is advancing in its career, is among the subjects which have already occupied the foresight of the last Congress, and which will deserve your serious

deliberations. Our Navy, commenced at an early period of our present political organization, upon a scale commensurate with the incipient energies, the scanty resources, and the comparative indigence of our infancy, was even then found adequate to cope with all the Powers of Barbary, save the first, and with one of the principal Maritime Powers of Europe. At a period of further advancement, but with little accession of strength, it not only sustained with honour the most unequal of conflicts, but covered itself and our Country with unfading glory. But it is only since the close of the late war, that by the number and force of the ships of which it was composed, it could deserve the name of a Navy. Yet it retains nearly the same organization as when it consisted only of five Frigates. The rules and regulations by which it is governed, urgently call for revision, and the want of a Navy School of Instruction, corresponding with the Military Academy at West Point, for the formation of scientific and accomplished Officers, is felt with daily increasing aggravation.

The Act of Congress of 26th May, 1824, authorizing an Examination and Survey of the Harbour of Charleston, in South Carolina, of St. Mary's, in Georgia, and of the Coast of Florida, and for other purposes, has been executed so far as the appropriation would admit. Those of the 3d of March last, authorizing the establishment of a Navy Yard and Depôt on the Coast of Florida, in the Gulf of Mexico, and authorizing the building of 10 Sloops of War, and for other purposes, are in the course of execution; for the particulars of which, and other objects connected with this Department, I refer to the Report of the Secretary of the Navy, herewith communicated.

A Report from the Postmaster General is also submitted, exhibiting the present flourishing condition of that Department. For the first time, for many years, the Receipts for the year ending on the 1st of July last, exceeded the Expenditures during the same period to the amount of more than 45,000 Dollars. Other facts, equally creditable to the administration of the Department are, that in two years, from the 1st of July, 1823, an improvement of more than 185,000 Dollars in its pecuniary affairs has been realized; that in the same interval the increase of the transportation of the Mail has exceeded 1,500,000 miles annually; and that 1040 new Post Offices have been established. It hence appears, that under judicious management the income from this Establishment may be relied on as fully adequate to defray its expenses; and that by the discontinuance of Post-roads, altogether unproductive, others of more useful character may be opened, till the circulation of the Mail shall keep pace with the spread of our Population; and the comforts of friendly Correspondence, the exchanges of internal Traffick, and the lights of the Periodical Press, shall be distributed to the remotest corners of the Union, at a charge scarcely perceptible to any Individual, and without the cost of a Dollar to the Public Treasury.

Upon this first occasion of addressing the Legislature of the Union, with which I have been honoured, in presenting to their view the execution, so far as it has been effected, of the measures sanctioned by them, for promoting the internal improvement of our Country, I cannot close the Communication without recommending to their calm and persevering consideration, the general principle, in a more enlarged extent. The great object of the institution of Civil Government, is the improvement of the condition of those who are Parties to the Social Compact; and no Government, in whatever form constituted, can accomplish the lawful ends of its institution, but in proportion as it improves the condition of those over whom it is established. Roads and Canals, by multiplying and facilitating the communications and intercourse between distant regions, and multitudes of men, are among the most important means of improvement. But moral, political, and intellectual improvement, are duties assigned, by the Author of our existence, to social, no less than to individual Man. For the fulfilment of those duties, Governments are invested with power; and to the attainment of the end, the progressive improvement of the condition of the governed, the exercise of delegated power is a duty as sacred and indispensable, as the usurpation of power not granted is criminal and odious. Among the first, perhaps the very first instrument for the improvement of the condition of Men, is knowledge; and to the acquisition of much of the knowledge adapted to the wants, the comforts and enjoyments of human life, Public Institutions and Seminaries of Learning are essential. So convinced of this was the first of my Predecessors in this Office, now first in the memory, as living he was first in the hearts of our Country, that once and again in his Addresses to the Congresses, with whom he co-operated in the Public Service, he earnestly recommended the establishment of Seminaries of Learning, to prepare for all the emergencies of peace and war—a National University, and a Military Academy. With respect to the latter, had he lived to the present day, in turning his eyes to the Institution at West Point, he would have enjoyed the gratification of his most earnest wishes. But, in surveying the City which has been honoured with his name, he would have seen the spot of earth which he had destined and bequeathed to the use and benefit of his Country, as the site for an University, still bare and barren.

In assuming her station among the civilized Nations of the Earth, it would seem that our Country had contracted the engagement to contribute her share of mind, of labour, and of expense, to the improvement of those parts of knowledge which lie beyond the reach of individual acquisition, and particularly to Geographical and Astronomical Science. Looking back to the history only of the half century since the Declaration of our Independence, and observing the generous emulation with which the Governments of France, Great

Britain, and Russia, have devoted the genius, the intelligence, the treasures of their respective Nations, to the common improvement of the Species in these branches of Science, is it not incumbent upon us to inquire, whether we are not bound by obligations of a high and honourable character, to contribute our portion of energy and exertion to the common stock? The Voyages of Discovery, prosecuted in the course of that time, at the expense of those Nations, have not only redounded to their glory, but to the improvement of human knowledge. We have been partakers of that improvement, and owe for it a sacred debt, not only of gratitude, but of equal or proportional exertion in the same common cause. Of the cost of these undertakings, if the mere expenditures of outfit, equipment, and completion of the Expeditions, were to be considered the only charges, it would be unworthy of a great and generous Nation to take a second thought. One hundred Expeditions of Circumnavigation, like those of Cook and La Perouse, would not burden the Exchequer of the Nation fitting them out, so much as the ways and means of defraying a single Campaign in War. But if we take into the account the lives of those benefactors of mankind, of which their services in the cause of their species were the purchase, how shall the cost of those heroic enterprises be estimated? And what compensation can be made to them, or to their Countries, for them? Is it not by bearing them in affectionate remembrance; is it not still more by imitating their example, by enabling Countrymen of our own to pursue the same career, and to hazard their lives in the same cause.

In inviting the attention of Congress to the subject of internal improvements, upon a view thus enlarged, it is not my design to recommend the equipment of an Expedition for circumnavigating the Globe, for purposes of scientific research and inquiry. We have objects of useful investigation nearer home, and to which our cares may be more beneficially applied. The interior of our own Territories has yet been very imperfectly explored. Our Coasts, along many degrees of latitude upon the Shores of the Pacific Ocean, though much frequented by our spirited Commercial Navigators, have been barely visited by our Public Ships. The River of the West, first fully discovered and navigated by a Countryman of our own, still bears the name of the Ship in which he ascended its waters, and claims the protection of our armed National Flag at its mouth. With the establishment of a Military Post there, or at some other point of that Coast, recommended by my Predecessor, and already matured in the deliberations of the last Congress, I would suggest the expediency of connecting the equipment of a Public Ship, for the exploration of the whole North-west Coast of this Continent.

The establishment of an uniform standard of Weights and Measures was one of the specific objects contemplated in the formation of our

Constitution, and to fix that standard was one of the powers delegated by express terms, in that Instrument, to Congress. The Governments of Great Britain and France have scarcely ceased to be occupied with inquiries and speculations on the same subject, since the existence of our Constitution, and with them it has expanded into profound, laborious, and expensive researches into the figure of the earth, and the comparative length of the pendulum vibrating seconds in various Latitudes from the Equator to the Pole. These researches have resulted in the composition and publication of several works highly interesting to the cause of Science. The experiments are yet in the process of performance. Some of them have recently been made on our own shores, within the walls of one of our own Colleges, and partly by one of our own Fellow-Citizens. It would be honourable to our Country if the sequel of the same experiments should be countenanced by the patronage of our Government as they have hitherto been by those of France and Britain.

Connected with the establishment of an University, or separate from it, might be undertaken the erection of an Astronomical Observatory, with provision for the support of an Astronomer, to be in constant attendance of observation upon the phenomena of the Heavens; and for the periodical publication of his observations. It is with no feeling of pride, as an American, that the remark may be made, that on the comparatively small territorial surface of Europe, there are existing upwards of 130 of these Light-houses of the skies, while throughout the whole American Hemisphere there is not one. If we reflect a moment upon the discoveries, which, in the last four Centuries, have been made in the physical Constitution of the Universe by the means of these buildings and of Observers stationed in them, shall we doubt of their usefulness to every Nation? And while scarcely a year passes over our heads without bringing some new astronomical discovery to light, which we must fain receive at second hand from Europe, are we not cutting ourselves off from the means of returning light for light, while we have neither Observatory nor Observer upon our half of the Globe, and the Earth revolves in perpetual darkness to our unsearching eyes.

When, on the 25th of October, 1791, the first President of The United States announced to Congress the result of the first enumeration of the Inhabitants of this Union, he informed them that the Returns gave the pleasing assurance that the Population of The United States bordered on 4,000,000 of persons. At the distance of thirty years from that time, the last enumeration, five years since completed, presented a Population bordering upon 10,000,000. Perhaps, of all the evidences of a prosperous and happy condition of human Society, the rapidity of the increase of Population is the most unequivocal. But the demonstration of our prosperity rests not alone upon this indication. Our commerce, our wealth, and the extent of our Territories have increased in corresponding proportions,

and the number of Independent Communities associated in our Federal Union, has, since that time, nearly doubled. The Legislative Representation of the States and People, in the two Houses of Congress, has grown with the growth of their Constituent Bodies. The House, which then consisted of 65 Members, now numbers upwards of 200. The Senate, which consisted of 26 Members, has now 48. But the Executive, and still more the Judiciary Department, are yet in a great measure confined to their primitive organization, and are now not adequate to the urgent wants of a still growing Community.

The Naval Armaments, which, at an early period, forced themselves upon the necessities of the Union, soon led to the establishment of a Department of the Navy. But the Departments of Foreign Affairs, and of the Interior, which, early after the formation of the Government had been united in one, continue so united at this time, to the unquestionable detriment to the Publick Service. The multiplication of our relations with the Nations and Governments of the Old World, has kept pace with that of our Population and Commerce, while, within the last 10 Years a new family of Nations, in our own Hemisphere, has arisen among the Inhabitants of the Earth, with whom our intercouse, commercial and political, would of itself furnish occupation to an active and industrious Department. The Constitution of the Judiciary, experimental and imperfect as it was, even in the infancy of our existing Government, is yet more inadequate to the administration of National Justice at our present maturity. Nine years have elapsed since a Predecessor in this Office, now not the last, the Citizen who perhaps of all others throughout the Union, contributed most to the formation and establishment of our Constitution, in his valedictory Address to Congress, immediately preceding his retirement from publick life, urgently recommended the revision of the Judiciary, and the establishment of an additional Executive Department.

The exigencies of the Publick Service, and its unavoidable deficiencies, as now in exercise, have added yearly cumulative weight to the considerations presented by him as persuasive to the measure; and in recommending it to your deliberations, I am happy to have the influence of his high authority, in aid of the undoubting convictions of my own experience.

The Laws relating to the administration of the Patent Office are deserving of much consideration, and perhaps susceptible of some improvement. The grant of power to regulate the action of Congress on this subject, has specified both the end to be attained, and the means by which it is to be effected. To promote the progress of Science and useful Arts, by securing, for limited times, to Authors and Inventors, the exclusive right to their respective writings and discoveries. If an honest pride might be indulged in the reflection, that on the records of that Office are already found inventions, the usefulness

of which has scarcely been transcended in the annals of human ingenuity, would not its exultation be allayed by the inquiry, whether the Laws have effectively insured to the Inventors the reward destined to them by the Constitution, of even a limited term of exclusive right to their discoveries?

On the 24th of December, 1799, it was resolved by Congress, that a marble Monument should be erected by The United States, in the Capitol, at the City of Washington: that the family of General Washington should be requested to permit his body to be deposited under it; and that the Monument be so designed as to commemorate the great events of his Military and Political life. In reminding Congress of this resolution, and that the Monument contemplated by it remains yet without execution, I shall indulge only the remarks, that the works in the Capitol are approaching to completion; that the consent of the family desired by the resolution was requested and obtained: that a Monument has been recently erected in this City, at the expense of the Nation, over the remains of another distinguished Patriot of the Revolution; and that a spot has been reserved within the walls where you are deliberating for the benefit of this and future Ages, in which the mortal remains may be deposited of him whose spirit hovers over you, and listens with delight to every act of the Representatives of his Nation which can tend to exalt and adorn his and their Country.

The Constitution under which you are assembled is a Charter of limited powers: after full and solemn deliberation upon all or any of the objects which, urged by an irresistible sense of my own duty, I have recommended to your attention, should you come to the conclusion, that however desirable in themselves the enactment of Laws for effecting them, would transcend the powers committed to you by that venerable instrument which we are all bound to support; let no consideration induce you to assume the exercise of powers not granted to you by the People. But if the power to exercise exclusive legislation in all cases whatsoever over the Districts of Colombia; if the power to lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defence and general welfare of The United States; if the power to regulate commerce with Foreign Nations, and among the several States, and with the Indian Tribes; to fix the standard of weights and measures; to establish Post-offices and Post-roads; to declare War; to raise and support Armies; to provide and maintain a Navy; to dispose of, and make all needful rules and regulations respecting the Territory, or other property, belonging to The United States; and to make all Laws which shall be necessary and proper for carrying these powers, into execution: If these powers and others enumerated in the Constitution, may be effectually brought into action by Laws promoting the improvement of Agriculture, Commerce, and Manufactures, the cultivation and encouragement of the mechanic

and of the elegant Arts, the advancement of Literature, and the progress of the Sciences, ornamental and profound; to refrain from exercising them for the benefit of the People themselves, would be to hide in the earth the talent committed to our charge,—would be treachery to the most sacred of trusts.

The spirit of improvement is abroad upon the earth. It stimulates the heart, and sharpens the faculties, not of our Fellow-Citizens alone, but of the Nations of Europe, and of their Rulers. While dwelling with pleasing satisfaction upon the superior excellence of our Political Institutions, let us not be unmindful that liberty is power; that the Nation blessed with the largest portion of liberty, must, in proportion to its numbers, be the most powerful Nation upon earth; and that the tenure of power by Man, is, in the moral purposes of his Creator, upon condition that it shall be exercised to ends of beneficence to improve the condition of himself and his fellow-men. While Foreign Nations, less blessed with that freedom which is power, than ourselves, are advancing with gigantic strides in the career of public improvement; were we to slumber in indolence, or fold up our arms and proclaim to the World, that we are palsied, by the will of our Constituents, would it not be to cast away the bounties of Providence, and doom ourselves to perpetual inferiority? In the course of the Year now drawing to its close, we have beheld, under the auspices, and at the expense of one State of this Union, a new University unfolding its portals to the Sons of science, and holding up the torch of human improvement to eyes that seek the light. We have seen, under the persevering and enlightened enterprise of another State, the waters of our western lakes mingled with those of the Ocean. If undertakings like these have been accomplished in the compass of a few Years, by the authority of single Members of our Confederation, can we, the Representative Authorities of the whole Union, fall behind our fellow-servants in the exercise of the trust committed to us for the benefit of our Common Sovereign, by the accomplishment of works important to the whole, and to which neither the authority nor the resources of any one State can be adequate?

Finally, Fellow-Citizens I shall await with cheering hope, and faithful co-operation, the result of your deliberations; assured that, without encroaching upon the powers reserved to the Authorities of the respective States, or to the People, you will, with a due sense of your obligations to your Country, and of the high responsibilities weighing upon yourselves, give efficacy to the means committed to you for the common good. And may He who searches the hearts of the Children of Men, prosper your exertions to secure the blessings of peace, and promote the highest welfare of our Country!

JOHN QUINCY ADAMS.

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(I.)—*MESSAGE of The President, to the Senate of The United States, 26th December,* 1825.

To the Senate of The United States:

Washington, December 26, 1825.

In the Message to both Houses of Congress at the commencement of the Session, it was mentioned that the Governments of the Republics of Colombia, of Mexico, and of Central America, had severally invited the Government of The United States to be represented at the Congress of American Nations, to be assembled at Panama, to deliberate upon objects of peculiar concernment to this Hemisphere, and that this invitation had been accepted.

Although this measure was deemed to be within the Constitutional competency of the Executive, I have not thought proper to take any step in it before ascertaining that my opinion of its expediency will concur with that of both branches of the Legislature: first, by the de-

cision of the Senate upon the nominations to be laid before them; and, secondly, by the sanction of both Houses to the Appropriations, without which it cannot be carried into effect.

A Report from the Secretary of State, and Copies of the Correspondence with the South American Governments, on this subject, since the invitation given by them, are herewith transmitted to the Senate. They will disclose the objects of importance which are expected to form a subject of discussion at this Meeting, in which interests of high importance to this Union are involved. It will be seen that The United States neither intend, nor are expected to take part in any delibetions of a belligerent character; that the motive of their attendance is neither to contract alliances, nor to engage in any undertaking or project importing hostility to any other Nation.

But the Southern American Nations, in the infancy of their Independence, often find themselves in positions, with reference to other Countries, with the principles applicable to which, derivable from the state of Independence itself, they have not been familiarized by experience. The result of this has been, that, sometimes, in their intercourse with The United States, they have manifested dispositions to reserve a right of granting special favours and privileges to the Spanish Nation as the price of their recognition; at others, they have actually established Duties and Impositions operating unfavourably to The United States, to the advantage of other European Powers; and sometimes they have appeared to consider that they might interchange, among themselves, mutual concessions of exclusive favour, to which neither European Powers nor The United States should be admitted. In most of these cases, their regulations, unfavourable to us, have yielded to friendly expostulation and remonstrance; but it is believed to be of infinite moment, that the principles of a liberal commercial intercourse should be exhibited to them, and urged, with disinterested and friendly persuasion upon them, when all assembled for the avowed purpose of consulting together upon the establishment of such principles as may have an important bearing upon their future welfare.

The consentaneous adoption of principles of Maritime Neutrality, and favourable to Navigation in time of Peace, and Commerce in time of War, will also form a subject of consideration to this Congress. The doctrine that free Ships make free Goods, and the restrictions of reason upon the extent of Blockades, may be established, by general agreement, with far more ease, and perhaps with less danger, by the general engagement to adhere to them, concerted at such a Meeting, than by partial Treaties or Conventions with each of the Nations separately. An agreement between all the Parties represented at the Meeting, that each will guard, by its own means, against the establishment of any future European Colony within its Borders, may be found advisable. This was, more than two years since, announced by my Predecessor to

the World, as a principle resulting from the emancipation of both the American Continents. It may be so developed to the New Southern Nations, that they will all feel it as an essential appendage to their Independence.

There is yet another subject, upon which, without entering into any Treaty, the moral influence of The United States may, perhaps, be exerted with beneficial consequences at such a Meeting;—the advancement of Religious Liberty. Some of the Southern Nations are, even yet, so far under the dominion of prejudice, that they have incorporated with their Political Constitutions, an exclusive Church, without toleration of any other than the dominant Sect. The abandonment of this last badge of religious bigotry and oppression may be pressed more effectually, by the united exertions of those who concur in the principles of freedom of conscience, upon those who are yet to be convinced of their justice and wisdom, than by the solitary efforts of a Minister to any one of the separate Governments.

The indirect influence which The United States may exercise upon any projects or purposes, originating in the War in which the Southern Republics are still engaged, which might seriously affect the interests of this Union, and the good offices by which The United States may ultimately contribute to bring that War to a speedier termination, though among the motives which have convinced me of the propriety of complying with this invitation, are so far contingent and eventual, that it would be improper to dwell upon them more at large.

In fine, a decisive inducement with me, for acceding to the measure, is to shew, by this token of respect to the Southern Republics, the interest that we take in their welfare, and our disposition to comply with their wishes. Having been the first to recognize their Independence, and sympathised with them so far as was compatible with our neutral duties, in all their struggles and sufferings to acquire it, we have laid the foundation of our future intercourse with them in the broadest principles of reciprocity, and the most cordial feelings of fraternal friendship. To extend those principles to all our commercial relations with them, and to hand down that friendship to future Ages, is as congenial to the highest policy of the Union, as it will be to that of all those Nations and their posterity.

In the confidence that these sentiments will meet the approbation of the Senate, I nominate Richard C. Anderson, of Kentucky, and John Sergeant, of Pennsylvania, to be Envoys Extraordinary and Ministers Plenipotentiary to the Assembly of American Nations at Panama; and William B. Rochester, of New York to be Secretary to the Mission.

JOHN QUINCY ADAMS.

(1.)—*Report of the Secretary of State.*

SIR, *Department of State, Washington, December* 20, 1825.

AGREEABLY to your direction, that a statement should be presented to you of what passed in the Department of State, with the Ministers of the Republic of Colombia, Mexico, and Central America, in respect to the invitation to The United States to be represented in the Congress at Panama, I have the honour now to report:

That, during the last Spring, I held separate Conferences, on the same day, with the respective Ministers of Mexico and Colombia, at their request, in the course of which each of them verbally stated that his Government was desirous that The United States should be represented at the proposed Congress, and that he was instructed to communicate an invitation to their Government to send Representatives to it. But that, as his Government did not know whether it would, or would not, be agreeable to The United States to receive such an invitation, and as he did not wish to occasion any embarrassment, he was charged informally to inquire, previous to the delivery of the invitation, whether it would be accepted if given by both of the Republics of Mexico and Colombia. It was also stated, by each of those Ministers, that his Government did not expect that The United States would change their present neutral policy, nor was it desired that they should take part in such of the deliberations of the proposed Congress as might relate to the prosecution of the present War.

Having laid before you what transpired at these Conferences, I received, about a week after they had been held, your direction to inform the Ministers of Mexico and Colombia, and I accordingly did inform them, that their Communication was received with due sensibility to the friendly consideration of The United States by which it had been dictated; that, of course, they could not make themselves a Party to the existing War with Spain, nor to Councils for deliberating on the means of its further prosecution; that the President believed such a Congress as was proposed, might be highly useful in settling several important disputed questions of Public Law, and in arranging other matters of deep interest to the American Continent, and strengthening the friendship and amicable intercourse between the American Powers; that, before such a Congress, however, assembled, it appeared to him to be expedient to adjust, between the different Powers to be represented, several Preliminary Points, such as the subjects to which the attention of the Congress was to be directed, the nature and the form of the powers to be given to the Diplomatic Agents who were to compose it, and the mode of its organization and action. If these Preliminary Points could be arranged in a manner satisfactory to The United States, the Ministers from Colombia and Mexico were informed that the President thought The United States ought to be represented

at Panama. Each of those Ministers undertook to transmit to his Government the Answer which was thus given.

In this posture the affair remained until the Letters were received which accompany this Report, from the Ministers of the Republics of Mexico and Colombia, under date of the 3d and 2d of November last. To both of those Letters the same Answer was returned, in Official Notes, a Copy of which is with this Report.

The first, and only Communication from the Minister of the Republic of Central America to this Department, in regard to the Congress at Panama, is contained in his Official Note, a Copy of which, together with a Copy of the Answer which was returned, by your directions, will be found along with this Report.

I have the honour to be, &c.

The President of The United States. H. CLAY.

(2.)—*Mr. Obregon to Mr. Clay.—(Translation.)*

Legation of the United States of Mexico,
Washington, November 3, 1825.

THE Underwritten, Minister Plenipotentiary, has the honour of informing the Honourable Secretary of State, that he has communicated to his Government the Conversations which occurred between them, on his making known to him the determination of the Governments of Colombia and Mexico, to form a Congress of Representatives from the New States of the Continent, who, to that end, had been invited; in which were to be discussed Subjects of general interest to all the American Powers, as well as those which might be particularly suggested by the existence and actual position of the new Powers; and in the meeting of which, it was thought proper by the Government of the Subscriber, that The United States of America, by means of their Commissioners, should constitute and take part, as being so much interested in the first and principal Subject upon which the Congress would be engaged.

In consequence of which, being informed of the concurrence of this Government, in the idea of discussing the first Point in a Congress, as was desired; and that it would send Representatives to it, under condition that the neutrality in which it stood towards Spain should not be violated, and that it should be invited thereto, by the Republics of Mexico and Colombia, who should, moreover, signify the Affairs with which it was to be occupied, to promote its object, and the necessary uniformity of Credentials, or authorization, of the respective Representatives; The President of The United States of Mexico has charged and commissioned anew the Underwritten, to make the invitation, and to point out the Affairs as stated.

The Government of the Subscriber never supposed nor desired, that The United States of America would take part in the Congress

about to be held, in other matters than those which, from their nature and importance, the late Administration pointed out and characterized as being of general interest to the Continent; for which reason, one of the Subjects which will occupy the attention of the Congress, will be the resistance or opposition to the interference of any Neutral Nation, in the Question, and War of Independence, between the new Powers of the Continent and Spain.

The Government of the Undersigned apprehends that, as the Powers of America are of accord as to resistance, it behoves them to discuss the means of giving to that resistance all possible force, that the evil may be met, if it cannot be avoided; and the only means of accomplishing this object, is by a previous concert, as to the mode in which each of them shall lend its co-operation; for otherwise, resistance would operate but partially, and in a manner much less certain and effective.

The opposition to Colonization in America, by the European Powers, will be another of the Questions, which may be discussed, and which is in like predicament with the foregoing.

After these two Principal Subjects, the Representatives of The United States of America may be occupied upon others, to which the existence of the new States may give rise, and which it is not easy to point out, or enumerate; for which, the Government of The United States of Mexico will give Instructions and ample powers to its Commissioners, and it trusts, that those from the other Powers may bear the same.

The Congress is to be assembled in Panama; at which City, the Representatives from Colombia, Peru, Guatimala, and Mexico, will have already arrived at the date of this; they will be engaged upon the Preliminary Rules of the Assembly; and likewise upon Questions which belong exclusively to the Belligerents.

The United States of America may send their Representatives to that City, to take part in those Questions, which long since they were the first in declaring to the World they regarded as of transcendant importance to the interests of all America; and in others, to which the formation of the new States will give rise; the concurrence in which, will, moreover, accomplish the object so much desired by their respective Governments, of manifesting, by deeds, the disposition and facility which the Powers of this Continent possess, to act in concert in the Common Cause.

To which end, and in compliance with the tenor of the conversations held with the Hon. Secretary of State, the Underwritten, Minister Plenipotentiary, invites this Government to send Representatives to the Congress of Panama, with authorities as aforesaid, and with express Instructions in their Credentials, upon the two principal Questions; in which step, he is likewise joined by the Minister of Colombia;

and with which, he trusts, he has fulfilled all that was stipulated to this end.

The Subscriber has the honour, on this occasion, &c.

The Hon. Henry Clay. PABLO OBREGON.

(3.)—*Mr. Salazar to the Secretary of State.—(Translation.)*

Legation of Colombia, near The United States, Washington, Nov. 2, 1825.

THE Undersigned has the honour to communicate to the Honourable Henry Clay, for the information of his Government, and the attainment of the objects proposed, that the Assembly of American Plenipotentiaries, in relation to which the Minister from Mexico, and the Undersigned, have held some verbal Conferences with the Secretary of State, at their previous request, will shortly be organized; as the Plenipotentiaries from Peru are already at the Isthmus of Panama: the Place appointed for the Congress, and those from Colombia, and other American Republics, are on their way to this Assembly, which they have provided for by Publick Treaties.

The Honourable Secretary having intimated, in the name of his Government, that The United States, if formally invited by Mexico and Colombia, and apprized of the Subjects to be discussed, would, on their part, appoint a Person to represent them, if these Subjects should be approved by The United States; the Undersigned is accordingly authorized by his Government, to address this invitation, which he now makes, by this Note, in all due form. He is also assured, that the Minister from Mexico will present the same invitation on the part of his Government, and the Minister from Guatimala has just received similar Instructions from his Government.

Of the Points which will be under discussion by the Assembly of Panama, the Undersigned is unable to give a minute enumeration, as they will evidently arise out of the deliberations of the Congress. He is, however, authorized by his Government to assure The United States, that these Points have no tendency to violate their professed principles of Neutrality. The Undersigned has also been instructed to suggest some Subjects that will form useful matter of discussion in the Congress.

These Subjects constitute two Classes:—

1st. Matters peculiarly and exclusively concerning the Belligerents.

2d. Matters between the Belligerents and Neutrals.

As The United States will not take part in the discussion of Subjects of the first description, we will confine ourselves to the latter.

At Panama, the best and most opportune occasion is offered to The United States to fix some principles of international Law, the unsettled state of which has caused much evil to humanity. It is to be presumed that this Government possesses more light upon the

subject than the other States of our Hemisphere, both from its experience during the Wars that succeeded the French Revolution, and from its Negotiations now on foot with Great Britain and other Nations, relative to these Principles. It belongs to each of the concurring Parties to propose their views, but the voice of The United States will be heard with the respect and deference which its early labours in a work of such importance will merit.

The manner in which all Colonization of European Powers on the American Continent shall be resisted, and their interference in the present Contest between Spain and her former Colonies prevented, are other Points of great interest. Were it proper, an eventual Alliance, in case these events should occur, which is within the range of possibilities, and the Treaty, of which no use should be made until the *casus fœderis* should happen, to remain secret, or if this should seem premature, a Convention so anticipated, would be different means to secure the same end of preventing Foreign influence. This is a matter of immediate utility to the American States that are at war with Spain, and is in accordance with the repeated declarations and protests of the Cabinet at Washington. The Conferences held on this subject being confidential, would increase mutual friendship, and promote the respective interests of the Parties.

The consideration of the means to be adopted for the entire abolition of the African Slave-trade, is a subject sacred to humanity, and interesting to the policy of the American States. To effect it, their energetic, general, and uniform co-operation, is desirable. At the proposition of The United States, Colombia made a Convention with them on this subject, which has not been ratified by the Government of The United States. Would that America, which does not think politick what is unjust, would contribute in union, and with common consent, to the good of Africa!

The descendants of this portion of the Globe have succeeded in founding an Independent Republic, whose Government is now recognized by its ancient Metropolis. On what basis the relations of Hayti, and of other parts of our Hemisphere that shall hereafter be in like circumstances, are to be placed, is a Question simple at first view, but attended with serious difficulties when closely examined. These arise from the different manner of regarding Africans, and from their different rights in Hayti, The United States, and in other American States. This Question will be determined at the Isthmus, and, if possible, a uniform rule of conduct adopted in regard to it, or those modifications that may be demanded by circumstances.

The Undersigned merely makes these suggestions by way of example; it is left to the wisdom of the Governments and the judgments of their Representatives, to propose whatever may be esteemed of common good to the new Hemisphere. In inviting The United States,

in the name of Colombia, to a Congress, the mere assembling of which will increase the political importance of America, and show the facility with which she can combine her resources in defence of common rights when necessary; the Undersigned hopes that The United States will make an early appointment of a Person or Persons to represent them in this Assembly, as the Conditions that were required have been fulfilled.

The Undersigned has the honour, &c.

The Hon. Henry Clay. JOSE MARIA SALAZAR.

(4.)—*Mr. Clay to Mr. Obregon.*

SIR, *Department of State, Washington, Nov.* 30, 1825.

I HAVE the honour to acknowledge the receipt of your Official Note of the 3d instant, communicating a formal invitation from the Government of The United States of Mexico, to that of The United States, to send Deputies to the contemplated Congress of Panama; and particularizing several Subjects, which your Government conceives may be proper for the consideration of that Congress; and I have laid your Note before the President of The United States.

When, at your instance, during the last Spring, I had the honour of receiving you at the Department of State, and conferring with you verbally, in regard to the proposed Congress, and to the friendly wish entertained by your Government that ours should be represented at it, I stated to you, by direction of the President, that it appeared to him to be necessary, before the assembling of such a Congress, to settle between the different Powers to be represented, several Preliminary Points: such as the Subjects to which the attention of the Congress should be directed; the substance and the form of the powers to be given to the respective Representatives; and the mode of organizing the Congress; and that, if these Points should be satisfactorily arranged, the President would be disposed to accept, in behalf of The United States, the invitation with which you were provisionally charged.

In your Note, there is not recognized so exact a compliance with The Conditions, on which the President expressed his willingness that The United States should be represented at Panama, as could have been desired. It would have been, perhaps, better, if there had been a full understanding between all the American Powers, who may assemble by their Representatives, of the precise Questions on which they are to deliberate; and that some other matters, respecting the powers of the Deputies, and the organization of the Congress, should have been distinctly arranged, prior to the opening of its deliberations. But, as the want of the adjustment of these Preliminaries, if it should occasion any inconvenience, could be only productive of some delay, the President has determined, at once to manifest the sensibility of

The United States, to whatever concerns the prosperity of the American Hemisphere, and to the friendly motives which have actuated your Government in transmitting the invitation which you have communicated. He has therefore resolved, should the Senate of The United States, now expected to assemble in a few days, give their advice and consent, to send Commissioners to the Congress at Panama. Whilst they will not be authorized to enter upon any deliberations, or to concur in any acts inconsistent with the present neutral position of The United States, and its obligations, they will be fully empowered and instructed upon all Questions likely to arise in the Congress, on Subjects in which the Nations of America have a common interest. All unnecessary delay will be avoided in the departure of these Commissioners from The United States, for the point of their destination.

I avail myself of the occasion, &c.

Don Pablo Obregon, Envoy Extraordinary and Minister Plenipotentiary from Mexico. H. CLAY.

(5.)—*Mr. Clay to Mr. Salazar.*

SIR, *Department of State, Washington, Nov.* 30, 1825.

I HAVE the honour to acknowledge the receipt of your Official Note of the 2d instant, communicating a formal invitation from the Government of Colombia to that of the United States, to send Deputies to the contemplated Congress at Panama, and particularizing several Subjects which your Government conceives may be proper for the consideration of that Congress; and I have laid your Note before the President of The United States.

When, at your instance, during the last Spring, I had the honour of receiving you at the Department of State, and conferring with you verbally, in regard to the proposed Congress, and to the friendly wish entertained by your Government, that ours should be represented at it, I stated to you, by the direction of the President, that it appeared to him to be necessary, before the assembling of such a Congress, to settle between the different Powers to be represented, several Preliminary Points: such as the Subjects to which the attention of the Congress should be directed; the substance and the form of the powers to be given to the respective Representatives; and the mode of organizing the Congress: and that if these Points should be satisfactorily arranged, the President would be disposed to accept, in behalf of The United States, the invitation with which you were provisionally charged.

In your Note, there is not recognized so exact a compliance with the Conditions on which the President expressed his willingness that The United States should be represented at Panama, as could have been desired. It would have been perhaps better, if there had been a full understanding between all the American Powers who may assemble

by their Representatives, of the precise Questions on which they are to deliberate, and that some other matters, respecting the powers of the Deputies, and the organization of the Congress, should have been distinctly arranged, prior to the opening of its deliberations. But, as the want of the adjustment of these Preliminaries, if it should occasion any inconvenience, could be only productive of some delay, the President has determined, at once to manifest the sensibility of The United States to whatever concerns the prosperity of the American Hemisphere, and to the friendly motives which have actuated your Government in transmitting the invitation which you have communicated. He has, therefore, resolved, should the Senate of The United States, now expected to assemble in a few days, give their advice and consent, to send Commissioners to the Congress of Panama. Whilst they will not be authorized to enter upon any deliberations, or to concur in any acts inconsistent with the present neutral position of the United States and its obligations, they will be fully empowered and instructed upon all Questions likely to arise in the Congress, on Subjects in which the Nations of America have a common interest. All unnecessary delay will be avoided in the departure of these Commissioners from The United States, for the point of their destination.

I avail myself of the occasion, &c.

Don Jose Maria Salazar, Envoy Extraordinary and Minister Plenipotentiary from Colombia. H. CLAY.

(6.)—*Mr. Canaz to the Secretary of State.*—(*Translation*).

SIR, *Washington, Nov.* 14, 1825.

THE Government of Central America which I have the honour to represent, as early as the year 1821, was sensible of the importance to the Independent Nations of this Continent, of a General Congress of their Representatives, at some Central Point, which might consider upon, and adopt the best plan for defending the States of the New World from Foreign aggression, and, by Treaties of Alliance, Commerce, and Friendship, raise them to that elevation of wealth and power which, from their resources, they may attain. It also acknowledged that, as Europe had formed a *Continental System*, and held a Congress whenever Questions affected its interests were to be discussed; America should form a System for itself, and assemble, by its Representatives, in Cortes, whenever circumstances of necessity and great importance should demand it.

Entertaining these views, the Government of Central America voluntarily expressed its willingness to appoint its Deputies for such an object; sensible of its importance, which has also been felt by the Governments of South America, it has resolved to send Plenipotentiaries to a General Congress, to be formed for the purposes of preserving the Territorial integrity, and firmly establishing the absolute Independence, of

each of the American Republics. On the 19th of March last, the Government of Central America formed a Convention with that of Colombia, providing for this object; and I, as its Representative, have been instructed to express to the Government of The United States the desire entertained by my Government, that it should send a Representative to the General Congress.

To fulfil the wishes of my Government, and convinced, at the same time, of the importance and respectability which would attach to the General Congress of the American Republics, from the presence of Envoys from The United States of America, I now address this high Government upon this subject, in the Name of Central America. I am anxious, therefore, to know, if this Republic, which has ever shown itself the generous Friend of the New American States, is disposed to send its Envoys to the General Congress, the object of which is, to preserve and confirm the absolute Independence of these Republics, and to promote the general good, and *which will not require that the Representatives of The United States should, in the least, compromise their present neutrality, harmony, and good intelligence with other Nations.* This, my Government has deemed it necessary to state distinctly, in making the present invitation. Be pleased, Sir, to accept, &c.

The Hon. Henry Clay. ANTONIO JOSE CANAZ.

(7.)—*Mr. Clay to Mr. Canaz.*

SIR, *Department of State, Washington, Nov.* 30, 1825.

I HAVE the honour to acknowledge the receipt of your Official Note of the 14th instant, communicating an invitation from the Government of the Federation of the Centre of America, to that of The United States, to send Deputies to the contemplated Congress at Panama. Having laid it before the President, I am instructed by him to say, that The United States, always feeling the deepest interest in whatever concerns the prosperity of the American Hemisphere, and receiving, with great sensibility, this new proof of the friendly esteem of the Government of the Central Republic, will be represented at that Congress, if the Senate of The United States should so advise and consent. That Body will assemble in the course of a few days, and, if it concur with the President, Commissioners from The United States will be deputed to Panama, without any unnecessary delay. These Commissioners will be empowered and instructed upon all Questions which may appear to this Government to be likely to arise in the Congress, on Subjects in which the Nations of America may be supposed to have a common interest. I avail myself of the occasion, &c.

Don Antonio Jose Canaz, H. CLAY.
Envoy Extraordinary and Minister Plenipotentiary from Central America.

(II.)—*MESSAGE of The President to the Senate of The United States, 9th January*, 1826.

To the Senate of The United States.

Washington, January 9, 1826.

In compliance with a Resolution of the Senate, of the 3rd instant, I communicate herewith, in confidence, a Report from the Secretary of State, with Translations of the Conventions, and Documents, containing information of the nature referred to, in the said Resolution.

JOHN QUINCY ADAMS.

(1.)—*Report of the Secretary of State.*

Department of State, Washington, January 9, 1826.

The Secretary of State, to whom the President has referred the Resolution of the Senate, of the 3d of January, 1826, requesting him to communicate to the Senate, confidentially, any Conventions in possession of the Executive, between any of the New States of America, relative to the proposed Congress of Panama; and, also any other information upon that subject, not before communicated, tending to shew the propriety of The United States sending Ministers to said Congress, has the honour to report:

That in compliance with the first part of the Resolution, Conventions are herewith presented, between—

The Republic of Colombia and that of Chile. [*See State Papers, Vol.* 1823, 1824, *Page* 213.]

The Republics of Colombia and Peru. [*See State Papers, Vol.* 1823, 1824, *Page* 105.]

The Republic of Colombia and the Federation of the Centre of America. [*See State Papers, Vol.* 1824, 1825, *Page* 802.]

The Republic of Colombia and The United Mexican States. [*See State Papers, Vol.* 1823, 1824, *Page* 784.]

That the latter part of the Resolution of the Senate opens a wide field, and might be made to embrace all the Foreign relations, American and European, of The United States; but it is presumed that it was not intended to have this extended scope. Under this impression, certain parts of the Correspondence between the Executive Government of The United States and the Governments of Russia, France, Colombia and Mexico, of which a descriptive List accompanies this Report,* and which are supposed to have such a connexion with the Resolution of the Senate, as to render their communication acceptable, are now respectfully laid before the President. The Negotiations to which a portion of this Correspondence relates, being yet in progress, the propriety of the confidential restriction which the Senate itself has suggested, must be quite evident.

All which is respectfully submitted.

H. CLAY.

* See Page 389.

(2.) *Mr. Clay to Mr. Middleton*—(*No.* 1.)

SIR, *Department of State, May* 10, 1825.

I AM directed by the President to instruct you to endeavour to engage the Russian Government to contribute its best exertions towards terminating the existing Contest between Spain and her Colonies.

Among the interests which, at this period, should most command the serious attention of the Nations of the Old and New World, no one is believed to have a claim so paramount as that of the present War. It has existed, in greater or less extent, 17 years. Its earlier stages were marked by the most shocking excesses, and, throughout, it has been attended by an almost incalculable waste of blood and treasure. During its continuance, whole generations have passed away without living to see its close, whilst others have succeeded them, growing up from infancy to majority, without ever tasting the blessings of Peace. The conclusion of that War, whatever and whenever it may be, must have a great effect upon Europe and America. Russia is so situated, as that, whilst she will be less directly affected than other Parts of Christendom, her weight and her Councils must have a controlling influence on its useless protraction or its happy termination. If this peculiar attitude secures her impartiality, it draws to it great responsibility in the decision which she may feel it proper to make. The predominance of the power of the Emperor is every where felt. Europe, America, and Asia, all own it. It is with a perfect knowledge of its vast extent, and the profoundest respect for the wisdom and the justice of the August Personage who wields it, that his enlightened and humane Councils are now invoked.

In considering that War, as in considering all others, we should look back upon the past, deliberately survey its present condition, and endeavour, if possible, to catch a view of what is to come. With respect to the first branch of the subject, it is, perhaps, of the least practical importance. No Statesman can have contemplated the Colonial relations of Europe and Continental America, without foreseeing that the time must come when they would cease. That time might have been retarded or accelerated, but come it must, in the great march of human events. An attempt of the British Parliament to tax without their consent, the former British Colonies, now these United States, produced the War of our Revolution, and led to the establishment of that Independence and freedom which we now so justly prize. Moderation and forbearance, on the part of Great Britain, might have postponed, but could not have prevented, our ultimate separation. The attempt of Bonaparte to subvert the ancient dynasty of Spain, and to place on its Throne a Member of his own Family, no doubt, hastened the Independence of the Spanish Colonies. If he had not been urged by his ambition to the conquest of the Peninsula, those Colonies, for a long time to come, might have continued quietly to submit to the

parental sway. But they must have inevitably thrown it off, sooner or later. We may imagine that a vast Continent, uninhabited, or thinly peopled by a savage and untutored race, may be governed by a remote Country, blessed with the lights and possessed of the power of civilization; but it is absurd to suppose that this same Continent, in extent twenty times greater than that of the Parent Country, and doubling it in a population equally civilized, should not be able, when it chooses to make the effort, to cast off the distant authority. When the epoch of separation between a Parent State and its Colony, from whatever cause, arrives, the struggle for self-government, on the one hand, and for the preservation of power on the other, produces mutual exasperation, and leads to a most embittered and ferocious War. It is then that it becomes the duty of Third Powers to interpose their humane offices, and calm the passions, and enlighten the Councils, of the Parties. And the necessity of their efforts is greatest with the Parent Country, whose pride, and whose wealth and power, swelled by the Colonial contributions, create the most repugnance to an acquiescence in a severance which has been ordained by Providence.

In the War which has so long been raging between Spain and her Colonies, The United States have taken no part, either to produce or to sustain it. They have been inactive and neutral Spectators of the passing scenes. Their frankness forbids, however, that they should say that they have beheld those scenes with feelings of indifference. They have, on the contrary, anxiously desired that other Parts of this Continent should acquire and enjoy that Independence, with which, by the valour and the patriotism of the Founders of their liberty, they have been, under the smiles of Heaven, so greatly blessed.

But, in the indulgence of this sympathetic feeling, they have not for one moment, been unmindful of the duties of that neutrality which they had deliberately announced. And the best proof of the fidelity with which they have strictly fulfilled its obligations, is furnished in the fact, that during the progress of the War, they have been unjustly accused by both Parties of violating their declared neutrality. But it is now of little consequence to retrace the causes, remote or proximate, of the revolt of the Spanish Colonies. The great and much more important consideration which will no doubt attract the attention of His Imperial Majesty, is the present state of the Contest. The principles which produced the War, and those which may be incoporated in the institutions of the New States, may divide the opinions of men. Principles, unhappily, are too often the subject of controversy. But notorious facts are incontestible. They speak a language which silences all speculation, and should determine the judgment and the conduct of States, whatever may be the school in which their Rulers are brought up or practised, and whatever the social forms which they would desire to see established. And it is to the voice of

such facts that Europe and America are now called upon, patiently to listen.

And in contemplating the present state of the War, what are the circumstances which must forcibly strike every reflecting observer? Throughout both Continents, from the western limits of The United States to Cape Horn, the Spanish power is subdued. The recent decisive victory of Ayachuco has annihilated the last remains of the Spanish force. Not a foot of territory, in all that vast extent, owns the dominion, not a bayonet sustains the cause of Spain. The War, in truth, has ended. It has been a War between a contracted corner of Europe, and an entire Continent; between 10 millions of people, amidst their own extraordinary convulsions, fighting, at a distance, across an ocean of 3000 miles in extent, against 20 millions, contending at home, for their lives, their liberty, and their property. Henceforward, it will present only the image of a War between an exhausted dwarf, struggling for power and empire, against a refreshed giant, combating for freedom and existence. Too much confidence is reposed in the enlightened judgment of His Imperial Majesty, to allow of the belief, that He will permit any abatement of His desire to see such a War formally terminated, and the blessings of Peace restored, from sympathies which he may feel, however strong, for the unhappy condition of Spain. These very sympathies will naturally lead His Imperial Majesty to give Her the best and most friendly advice in Her actual posture. And in what does that consist? His Imperial Majesty must be the exclusive, as He is the most competent judge. But it will not be deemed inconsistent with respect, to inquire, if it be possible to believe that Spain can bring the New States again under her Dominion? Where does the remotest prospect of her success break out? In Colombia, Mexico, or Peru? The re-conquest of The United States by Great Britain would not be a more mad and hopeless enterprize than that of the restoration of the Spanish Power on those Continents. Some of the most considerable of the New States have established Governments which are in full and successful operation, regularly collecting large Revenues, levying and maintaining numerous and well-appointed Armies, and already laying the foundations of respectable Marines. Whilst they are consolidating their Institutions at home, they are strengthening themselves abroad by Treaties of Alliance among themselves, and of amity and commerce with Foreign States. Is the vain hope indulged, that intestine divisions within the New States will arise, which may lead to the recall of the Spanish Power, as the Stuarts were recalled in England, and the Bourbons in France, at the close of their respective Revolutions?

We should not deceive ourselves. Amidst all the political changes, of which the New States are destined to be the theatre, whatever Party

or Power may be uppermost, one spirit will animate them all, and that is, an invincible aversion from all political connexion with Spain, and an unconquerable desire of Independence. It could not be otherwise. They have already tasted the fruits of Independence. And the contrast between what their condition now is, in the possession of free commerce, liberal institutions, and all the faculties of their Country, and its Population allowed full physical and moral development, and what it was, under Spain, cramped, debased, and degraded, must be fatal to the chimerical hope of that Monarchy, if it be cherished, by any means whatever, to re-establish her power. The cord which binds a Colony to its parent Country, being once broken, is never repaired. A recollection of what was inflicted and what was borne, during the existence of that relation, the pride of the former governing power, and the sacrifices of the interests of the Colony to those of the Parent, widen, and render the breach between them, whenever it occurs, perpetual. And if, as we may justly suppose, the embittered feelings excited by an experience of that unequal connexion, are in proportion to the severity of the parental rule, they must operate with irresistible force on the rupture which has taken place between Spain and her Colonies, since in no other instance has it been exerted with such unmitigated rigor.

Viewing the War as practically terminated, so far at least as relates to Spanish exertion on the Continent; in considering the third branch of the inquiry which I proposed, let us endeavour to anticipate what may be expected to happen, if Spain obstinately perseveres in the refusal to conclude a Peace. If the War has only a nominal continuance, the New Republics cannot disband their victorious Armies without culpable neglect of all the maxims of prudence and precaution. And the first observation that occurs is, that this protracted War must totally change its character and its objects. Instead of being a War of offensive operations, in which Spain has been carrying on hostilities in the bosom of the New States, it will become one to Her of a defensive nature, in which all her future exertions must be directed to the protection and defence of her remaining insular Possessions. And thus the Peninsula, instead of deriving the revenue and the aid so necessary to the revival of its prosperity, from Cuba and Porto Rico, must be further drained to succour those Islands. For it cannot be doubted, that the New States will direct their combined and unemployed Forces to the reduction of those valuable Islands. They will naturally strike their enemy wherever they can reach him. And they will be stimulated to the attack by the double motive arising from the richness of the prize, and from the fact that those Islands constitute the rendezvous of Spain, where are concentrated, and from which issue, all the means of annoying them which remain to her. The success of the enterprize is by no means improbable.

Their proximity to the Islands, and their Armies being perfectly acclimated, will give to the united efforts of the Republics great advantages. And, if with these be taken into the estimate, the important and well known fact, that a large portion of the Inhabitants of the Islands is predisposed to a separation from Spain, and would therefore form a powerful auxiliary to the Republican Arms, their success becomes almost certain. But even if they should prove incompetent to the reduction of the Islands, there can be but little doubt that the shattered remains of Spanish Commerce would be swept from the Ocean. The advantages of the positions of Colombia and Mexico for annoying that Commerce, in the Gulf of Mexico and the Carribbean Sea, must be evident, from the slightest observation. In fact, Cuba is in the mouth of a sack, which is held by Colombia and The United Mexican States. And if, unhappily for the repose of the World, the War should be continued, the Coasts of the Peninsula itself may be expected soon to swarm with the Privateers of the Republics. If, on the contrary, Spain should consent to put an end to the War, she might yet preserve what remains of her former American Possessions. And surely the retention of such Islands as Cuba and Porto Rico is eminently worthy of serious consideration, and should satisfy a reasonable ambition. The Possessions of Spain in the West Indies would be still more valuable than those of any other Power. The War ended, her Commerce would revive; and there is every reason to anticipate, from the habits, prejudices, and tastes of the New Republics, that she would find, in the consumption of their Population, a constantly augmenting demand for the produce of her industry, now excluded from its best markets. And her experience, like that of Great Britain with The United States, would demonstrate that the value of the commercial intercourse would more than indemnify the loss, whilst it is unburthened with the expense incident to political connexion.

A subordinate consideration, which should not be overlooked, is, that large estates are owned by Spanish Subjects, resident in Spain, which may possibly be confiscated, if the War be wantonly continued. If that measure of rigour shall not be adopted, their incomes must be greatly diminished, during a state of war. These incomes, upon the restoration of Peace, or the proceeds of the sales of the estates themselves, might be drawn to Spain, and would greatly contribute towards raising her from her present condition of embarrassment and languishment. If Peace should be longer deferred, and the War should take the probable direction which has been supposed, during its further progress, other Powers, not now Parties, may be collaterally drawn into it. From much less considerable causes, the peace of the World has been often disturbed. From the vicinity of Cuba to The United States, its valuable Commerce, and the nature of its Population, their Government cannot be indifferent to any political change to which

that Island may be destined. Great Britain and France also have deep interests in its fortunes, which must keep them wide awake to all those changes. In short, what European State has not much at stake, direct or indirect, in the destiny, be it what it may, of that most valuable of all the West India Islands? The reflections and the experience of the Emperor, on the vicissitudes of War, must have impressed Him with the solemn duty of all Governments, to guard against even the distant approach of that most terrible of all scourges, by every precaution with which human prudence and foresight can surround the repose and safety of States.

Such is the view of the War between Spain and the new Republics, which the President desires you, most earnestly, but respectfully, to present to His Imperial Majesty. From this view it is evident, that it is not so much for the new States themselves, as for Spain, that Peace has become absolutely necessary. Their Independence of her, whatever intestine divisions may, if intestine divisions shall yet unhappily await them, is fixed and irrevocable. She may, indeed, by a blind and fatal protraction of the War, yet lose more; gain, for her, is impossible. In becoming the advocate for peace, one is the true advocate of Spain. If the Emperor shall, by his wisdom, enlighten the Councils of Spain, and bring home to them a conviction of her real interests, there can be no fears of the success of His powerful interposition. You are authorized, in that spirit of the most perfect frankness and friendship which have ever characterized all the relations between Russia and The United States, to disclose, without reserve, the feelings and the wishes of The United States, in respect to Cuba and Porto Rico. They are satisfied with the present condition of those Islands, now open to the commerce and enterprise of their Citizens. They desire, for themselves, no political change in them. If Cuba were to declare itself Independent, the amount and the character of its population render it improbable that it could maintain its independence.

Such a premature declaration might bring about a renewal of those shocking scenes of which a neighbouring Island was the afflicting theatre. There could be no effectual preventive of those scenes, but in the guaranty, and in a large resident force, of Foreign Powers. The terms of such a guaranty, and the quotas which each should contribute, of such a force, would create perplexing questions of very difficult adjustment, to say nothing of the continual jealousies which would be in operation. In the state of possession which Spain has, there would be a ready acquiescence of those very Foreign Powers, all of whom would be put into angry activity upon the smallest prospect of a transfer of those Islands. The United States could not, with indifference, see such a transfer to any European Power. And if the New Republics, or either of them, were to conquer them, their mar-

time force, as it now is, or, for a long time to come, is likely to be, would keep up constant apprehensions of their safety. Nor is it believed that the New States desire, or will attempt the acquisition, unless they shall be compelled, in their own defence, to make it, by the unnecessary prolongation of the War. Acting on the policy which is here unfolded, the Government of The United States, although they would have been justified to have seized Cuba and Porto Rico, in the just protection of the lives and the commerce of their Citizens, which have been a prey to infamous Pirates, finding succour and refuge in Spanish Territory, have signally displayed their patience and moderation by a scrupulous respect of the Sovereignty of Spain, who was herself bound, but has utterly failed, to repress those enormities.

Finally, The President cherishes the hope, that The Emperor's devotion to peace, no less than his friendship for Spain, will induce Him to lend the high authority of his name to the conclusion of a War, the further prosecution of which must have the certain effect of an useless waste of human life. No Power has displayed more solicitude for the repose of the World than Russia, who has recently given the strongest evidence of her unwillingness to disturb it in the East, by unexampled moderation and forbearance. By extending to America the blessings of that peace which, under the auspices of His Imperial Majesty, Europe now enjoys, all parts of this Continent will have grateful occasion for regarding Him, as The United States ever have done, as their most potent and faithful Friend.

This Despatch is confided to your discretion, to be communicated, *in extenso*, or its contents disclosed in such other manner, to the Government of Russia, as shall appear to you most likely to accomplish its object.

I have the honour to be, &c.

Mr. Henry Middleton. H. CLAY.

(3.)—*Mr. Middleton to Mr. Clay.—No.* 48.

SIR, *St. Petersburg, 15th (27th) July,* 1825.

I HAD the honour of receiving your Despatch, No. 1, on the 28th June, (O. S.) The Emperor was, at that period, absent from this residence, but expected about the 5th of the present month. Count Nesselrode had preceded Him by a few days, and had announced by a Circular Letter, dated 24th June, that he had resumed the direction of the Imperial Ministry of Foreign Affairs.

I conceived it would be best to lose no time in opening the matter committed to my care by your Instructions in the Despatch above mentioned. After having carefully weighed what would be the best mode of proceeding, I mentioned to the Count the purport of the Instructions. He gave me, at first, no great encouragement, adverting to the essential difference in our way of thinking, on the Question be-

tween Spain and her Colonies. I begged leave, however, to furnish him with a Copy of the Despatch, (as you had permitted,) in order that he might lay it before the Emperor. Accordingly on the 2d of July, a Copy of your Instructions, together with a short Introductory Note, was sent in.

I conclude from my knowledge of the modes of proceeding in all matters of general concern, that the Proposition is in consideration between *The Allies;* it being a fundamental maxim with them not to take any determination in matters affecting the general policy, without the mutual consent of the Parties to this Alliance.

I trust that I need not add, that every endeavour shall be made, on my part, to give effect to your proposition.

I have the honour to be, &c.

The Hon. H. Clay. HENRY MIDDLETON.

(4.)—*Mr. Middleton to Mr. Clay.*—(*No.* 49.)

SIR, *St. Petersburg, August* 27, (*Sept.* 8.) 1825.

I HAVE the honour to forward herewith a Copy of the Answer of the Russian Secretary of State, to my Note of 2d July last, by which I had communicated to this Government, *in extenso,* the Instructions I had received by your Despatch No. 1.

I think I am warranted in considering this Answer to be, *in substance,* (when divested of diplomatic garb,) in every respect as favourable to the views developed in your Despatch, as could possibly be expected to be given by this Government, standing in the predicament it now does. We are left to infer from it, that the Proposal that the Emperor shall lend His aid towards the conclusion of the War between Spain and her Colonies, by interposing his good offices in the form of pacific Counsel to the Mother Country, has been communicated to the Allied Cabinets, and I am fully of opinion, that the majority, if not the whole of them, will agree to it. If such should be the event, the Diplomatic Committee sitting at Paris will be instructed accordingly. The chief difficulty to be overcome will be in the Cabinet of the King of Spain, where it is understood that *all Parties* are opposed to the Independence of the Colonies. The necessity of the case, however, begins to be so crying, that a hope may be entertained that even there the counsels of wisdom may ere long be listened to. For obvious reasons we must not expect to learn, *officially,* that such advice, as that alluded to above, has been given, unless it should be attended to.

I have the honour to be, &c.

The Secretary of State. HENRY MIDDLETON.

(5.)—*Count Nesselrode to Mr. Middleton.*

[*Translation of a Paper with Mr. Middleton's No.* 49.]

THE Undersigned, Secretary of State, directing the Imperial Admi-

nistration of Foreign Affairs, hastened to submit to the Emperor the Note with which Mr. Middleton, Envoy Extraordinary and Minister Plenipotentiary of The United States of America, did the honour to address him, on the 2d July last,* accompanying a Copy of the Despatch from Mr. Clay, in which that Minister, in the name of the Cabinet at Washington, urges the necessity of confirming the general peace, by terminating the Contest of the Spanish Colonies against the Government of His Catholic Majesty; of securing to Spain the peaceful possession of the Islands of Cuba and Porto Rico; and of effecting these objects by the impartial intervention of Russia.

The principles of the Emperor were sufficiently known to the Government of The United States, to justify the perfect confidence that, in expressing a wish for the continuance and confirmation of the peace enjoyed by the World, it did but represent the most sincere desire of His Imperial Majesty; that, in professing a generous solicitude for the rights of Spain, over her Islands in the West Indies, it avowed principles that had long since been adopted by Russia, as the basis of her Political System; and that, in anticipating perfect impartiality and true disinterestedness from her intervention, it was not deceived as to the sentiments of the Emperor, in relation to all Arrangements in which Foreign Powers might be pleased to claim or admit his good offices.

His Imperial Majesty felicitates himself with having inspired this confidence in The United States of America, and the Undersigned is charged to invite Mr. Middleton to convey to his Government the assurance of the high value at which the Emperor estimates those sentiments, of which new evidence is furnished by its present Propositions.

The opinions of His Imperial Majesty, as to the Question discussed by Mr. Clay in his Despatch, cannot be concealed from the Cabinet of Washington. His Imperial Majesty has ever thought that justice, the Law of Nations, and the general interest in having the indisputable titles of Sovereignty respected, could not allow the determinations of the Mother Country in this important case, to be prejudged or anticipated. On the other side, whenever Spain has wished to discuss the future condition of South America, she has addressed overtures to all the Allied Powers of Europe. It will not be possible, therefore, for His Imperial Majesty to change principles in this Negotiation, nor to institute it separately (isolement); and until positive information has been received of the ulterior views of Spain, in regard to her American Possessions, of her decision upon the Proposition of The United States, and of the opinions of her Allies in relation to the same subject, Russia cannot give a definitive answer.

She is, however, in the mean while, pleased to hope, that The

* See Page 490.

United States, becoming every day more convinced of the evils and dangers that would result to Cuba and Porto Rico from a change of Government, being satisfied, as Mr. Clay has said in his Despatch, with the present Commercial Legislation of these two Islands, and deriving an additional motive of security from the honourable resolution of Spain, not to grant to them any longer Letters of Marque, will use their influence in defeating, as far as may be in their power, every enterprise against these Islands, in securing to the rights of His Catholick Majesty constant and proper respect, in maintaining the only state of things that can preserve a just balance of power in the Sea of the Antilles, prevent shocking examples, and, as the Cabinet of Washington has remarked, secure to the general peace, salutary guarantees.

The Undersigned seizes with pleasure this occasion, &c.

St. Petersburg, August 20, 1825. NESSELRODE.

(6.)—*Mr. Clay to Mr. Middleton.*—(*No.* 2)

SIR, *Department of State, Washington, Dec.* 26, 1825.

YOUR Despatches, Nos. 48 and 49, have been duly received, and submitted to The President. He sees with much satisfaction, that the appeal which has been made through you to the Emperor of Russia, to employ his friendly offices in the endeavour to bring about a peace between Spain and the New American Republicks, has not been without favourable effect. Considering the intimate and friendly relations which exist between the Emperor and His Allies, it was perhaps not to be expected that, previous to consultations with them, language more explicit should be held, than that which is contained in Count Nesselrode's Note. Although very guarded, it authorizes the belief that the preponderating influence of Russia has been thrown into the scale of peace. Notwithstanding predictions of a contrary result, confidently made by Mr. Secretary Canning, this decision of the Emperor corresponds with the anticipations which have been constantly entertained here, ever since the President resolved to invoke his intervention. It affords strong evidence, both of his humanity and his enlightened judgment. All events out of Spain seem now to unite in their tendency towards peace; and the fall of the Castle of St. Juan d'Ulloa, which capitulated on the 18th of last month, cannot fail to have a powerful effect within that Kingdom. We are informed, that when information of it reached The Havannah, it produced great and general sensation: and that the Local Government immediately despatched a fast sailing Vessel to Cadiz, to communicate the event, and, in its name, to implore the King immediately to terminate the War, and acknowledge the New Republicks, as the only means left of preserving Cuba to the Monarchy.

In considering what further Measures could be adopted by this Government, to second the pacific exertions which, it is not doubted, the Emperor is now employing, it has appeared to the President, that a suspension of any military expedition, which both, or either of the Republicks of Colombia and Mexico, may be preparing against Cuba and Porto Rico, might have a good auxiliary influence. Such a suspension, indeed, seemed to be due to the friendly purposes of the Emperor. I have, accordingly, addressed Official Notes to the Ministers of those Republicks, accredited here, recommending it to their Governments; an Extract from one of which (the other being substantially the same) is herewith transmitted. You will observe it intimated in those Notes, that other Governments may feel themselves urged, by a sense of their interests and duties, to interpose in the event of an invasion of the Islands, or of contingencies which may accompany or follow it. On this subject, it is proper that we should be perfectly understood by Russia. For ourselves, we desire no change in the possession of Cuba, as has been heretofore stated. We cannot allow a transfer of the Island to any European Power. But if Spain should refuse to conclude a Peace, and obstinately resolve on continuing the War, although we do not desire that either Colombia or Mexico should acquire the Island of Cuba, the President cannot see any justifiable ground on which we can forcibly interfere. Upon the hypothesis of an unnecessary protraction of the War, imputable to Spain, it is evident that Cuba will be her only *Point d'appui*, in this Hemisphere. How can we interpose, on that supposition, against the Party clearly having right on his side, in order to restrain or defeat a lawful operation of war? If the war against the Islands should be conducted by those Republicks in a desolating manner; if, contrary to all expectation, they should put arms into the hands of one race of the inhabitants to destroy the lives of another; if, in short, they should countenance and encourage excesses and examples, the contagion of which, from our neighbourhood, would be dangerous to our quiet and safety, the Government of The United States might feel itself called upon to interpose its power. But it is not apprehended that any of those contingencies will arise, and, consequently, it is most probable that The United States, should the War continue, will remain hereafter as they have been heretofore, neutral observers of the progress of its events.

You will be pleased to communicate the contents of this Despatch to the Russian Government. And as, from the very nature of the object which has induced the President to recommend to the Governments of Colombia and Mexico, a suspension of their expeditions against the Spanish Islands, no definite time could be suggested for the duration of that suspension, if it should be acceded to, it must be allowed, on all hands, that it ought not to be unnecessarily protracted. Therefore, you will represent to the Government of Russia, the ex-

pediency of obtaining a decision from Spain, as early as possible, in respect to its disposition to conclude a Peace. I am, &c.

Mr. Henry Middleton. H. CLAY.

(7.)—*Mr. Clay to Mr. Salazar.*

SIR, *Department of State, Washington, Dec.* 20, 1825.

DURING the last Spring, I had the honour to state to you, that the Government of The United States had addressed that of Russia, with the view of engaging the employment of its friendly offices to bring about a Peace, if possible, between Spain and the New American Republicks, founded upon the basis of their Independence; and the Despatch from this Department, to the American Minister at St. Petersburg, having that object, was read to you. I have now the satisfaction to state, that it appears, by late Advices just received from St. Petersburg, that this appeal to the Emperor of Russia has not been without good effect; and that there is reason to believe that He is now exerting his friendly endeavours to put an end to the war. The first would be naturally directed to His Allies, between whom and His Imperial Majesty, it was desirable that there should be, on that interesting subject, concurrence of opinion and concert in action. Our information from Europe authorizes the belief that all the great Powers are now favourably inclined towards Peace; and that, separately or conjointly, they will give pacific counsels to Spain. When all the difficulties exterior to Spain, in the way of peace, are overcome, the hope is confidently indulged, that those within the Peninsula cannot long withstand the general wish. But some time is necessary for the operation of these exertions to terminate the War, and to ascertain their effect upon the Spanish Government.

Under these circumstances, the President believes that a suspension, for a limited time, of the sailing of the Expedition against Cuba or Porto Rico, which is understood to be fitting out at Carthagena, or of any other Expedition which may be contemplated against either of those Islands, by Colombia or Mexico, would have a salutary influence on the great work of peace. Such a suspension would afford time to ascertain if Spain, resisting the powerful motives which unite themselves on the side of peace, obstinately resolves upon a protraction of the War. The suspension is due to the enlightened intentions of the Emperor of Russia, upon whom it could not fail to have the happiest effect. It would also postpone, if not for ever render unnecessary, all consideration which other Powers may, by an irresistible sense of their essential interests, be called upon to entertain of their duties, in the event of the contemplated invasion of those Islands, and of other contingencies which may accompany or follow it. I am directed, therefore, by the President, to request that you will forthwith communicate the views here disclosed to the Government of the

Republick of Colombia, which he hopes will see the expediency, in the actual posture of affairs, of forbearing to attack those Islands, until a sufficient time has elapsed, to ascertain the result of the pacific efforts which the great Powers are believed to be now making on Spain.

I seize with pleasure the occasion, &c.

Don Jose Maria Salazar. H. CLAY.

(8.)—*Mr. Joel R. Poinsett to Mr. Clay.*—(*No.* 18.)

(Extract.) *Mexico, September* 13, 1825.

I HAD this morning a second Conference with the Plenipotentiaries of this Government, and as some difficulties have been presented that may retard the progress of the Negotiation, I am anxious that you should be made acquainted with them as early as possible, and lose no time, therefore, in laying them before you.

The Project of the Treaty was drawn up by me, and, of course, contains the principle of perfect reciprocity in the Commerce and Navigation of the two Countries, according to the spirit of the Act of 7th January, 1824. This was objected to, as might have been expected, and an effort made to introduce the Fourth Article of their Treaty with Great Britain, which contains an exception, in my opinion, highly objectionable. It is at the close of that Article, in these words, "excepting only the American Nations which were formerly Spanish Possessions, to which, on account of the fraternal relations that unite them to the United Mexican States, the latter may grant special privileges which shall not be extended to the Dominions and Subjects of His Britannic Majesty." It was agreed to reserve the point of perfect reciprocity in the commercial relations between the two Countries, but I most strenuously opposed the exception above cited, and, as at present advised, will never sign a Treaty on such terms.

The mail leaves the City in a few hours, so that I have not time to give you the arguments which were urged for and against it. My principal objections are, the impolicy of admitting any distinctions in the interests of the American States which would tend to unite these more closely and, place us in some contingencies without the pale. Treaties, in all probability, by this time, have been concluded between The United States and Buenos Ayres and Chili, on such terms as would render a provision of this nature nugatory in time of peace; but, in the event of a War between The United States and either of those Powers, an event which, however remote, ought to be provided against, such an exception would enable this Country to assist very materially our enemies, without violating the Treaty. With these impressions, and with this view of the subject, I will not agree to this provision; and as I know the Plenipotentiaries and the President of

the Mexican States to be obstinately bent on carrying this Point, I earnestly solicit that you will instruct me if you think I ought to yield it.

The Secretary of State. JOEL R. POINSETT.

(9.)—*Mr. Poinsett to Mr. Clay.*—(*No.* 22.)

(Extract.) *Mexico, September* 28, 1825.

ANXIOUS to conclude the pending Negotiations, in time for the President to communicate the result in his Message to the next Congress, I urged The President of these States, either to permit Alaman to continue them, or to appoint another Plenipotentiary. He preferred the latter alternative, and has given powers to Don Jose Gomez Pedraza, the Secretary of War, who now holds the Port Folio of the Minister of Foreign Relations, *ad interim*. The Secretary of the Treasury, being about to leave town for the coast, on business connected with the Capture of the Castle of Ulloa, a desire was expressed to complete the Negotiations before his departure. In consequence we have had two Conferences, yesterday and to day, but the exception contained in the Fourth Article of the Treaty, between Great Britain and Mexico, to which I alluded in my communication No. 18, and to which the Mexican Plenipotentiaries pertinaciously adhere, has prevented our coming to any conclusion.

They continue to urge the fraternal ties by which they are bound to the American Nations, which formerly were Spanish Possessions, and the Treaties of Alliance, offensive and defensive, which have been made between them. But what really prevents them from yielding the Point, is their having succeeded in persuading the British Negotiators to consent to insert this exception in their Treaty. I will, however, give you a succinct account of what passed, at our several Conferences on this subject.

I first objected to the exception in favour of the American Nations, formerly Spanish Possessions, on the ground that no distinctions ought to be made, between any of the Members of the great American Family; that Great Britain having consented to such a provision, ought not to influence The United States, because the Republics of America were united by one and the same interest, and that it was the interest of the European Powers to cause such distinctions to be made as would divide it into small Confederacies, and, if possible, to prevent us from so uniting, as to present one front against the attempts of Europe upon our Republican Institutions. That it might therefore have been considered by the British Plenipotentiaries, important to lay the foundation of distinctions which must disunite us; but that it was much more manifestly our interest, that all the States of America should be united as intimately as possible, an union which could only exist on the basis of the most perfect equality and reciprocity.

The Plenipotentiaries of Mexico observed, in reply, that Mexico was united by fraternal ties and strong sympathies, to the Nations which had, like themselves, shaken off the yoke of Spain; and that they had concluded with them an Offensive and Defensive Alliance, which united them more intimately, and placed them on a different footing, from that on which they stood towards The United States: to which I rejoined, that the policy we had observed towards these Countries, gave us a right to expect, that no such distinctions as those sought to be introduced into the Treaty, should be made in our case, and entitled us to be considered on, at least, an equal footing with any of the American Republics; and further, that this exception could, now, avail them nothing, as our Treaty with Colombia, and those probably by this time concluded with Buenos Ayres and Chili, contained no such Provision. The Plenipotentiaries of Mexico hastily remarked, that a War might dissolve any one of those Treaties, and, in such an event, they thought Mexico ought to possess the power to evince her sympathies in favour of either of the American Nations, which had been formerly Spanish Possessions, without violating her neutrality. To this observation I replied, that I considered this argument conclusive, why The United States should not accede to the insertion of such a Provision in the Treaty—that I regarded a War between The United States and any of the other Republicks of America as a very remote and improbable event; but that I never would consent, by Treaty, to place the former in a less favourable situation than their enemies, if, unfortunately, those Republics should ever become so. This was the substance of our discussion, at the first Conference on this subject. It has been alluded to since in conversation, in a manner that induced me to believe they were bent on carrying their Point, and they must have perceived that I was equally decided not to yield it.

Yesterday, after adjusting all other disputed Points, inserting an Article, similar to the 15th Article of our Treaty with Spain, signed at San Lorenzo el Real, in 1795, and one on the arrest, detention, and delivery of fugitive Slaves, this subject was again renewed. The President, they said, was so decided on the subject, that they feared there could be no Treaty without it. I replied, that I was perfectly aware what would be the view my Government would take of this Subject, and I could not agree to a Provision which would cause the Treaty to be rejected at Washington; that such distinctions were entirely contrary to the course of policy we were desirous America should pursue, and that, by persisting in them, Mexico placed herself in opposition to the interests of all the other American Republicks, and that uselessly; because whatever advantage she had promised herself from such an exception in favour of the former Spanish Colonies, it was now manifest that she could derive none, as the other

American States had made their Treaties on a different basis. I remarked, too, that it appeared to me very singular, that they should persist in their desire to insert a provision in this Treaty, which had already occasioned the non-ratification of the First, that Mexico had entered into; certainly exposed the Second to be rejected by England, for the Plenipotentiaries of that Power had consented to it, only because the Treaty with Colombia had been made and ratified here; and which would insure the rejection of this Treaty at Washington, if I were to consent to it.

The Plenipotentiaries replied, that all the Spanish American Republics had not made their Treaties, and instanced Peru and Guatemala. They readily admitted that Peru would, in all probability, follow the example of Colombia; and I then observed, that after what had so lately passed between Mexico and Guatemala, by which it was evident that the latter had more to fear than to hope from the former, she would scarcely adopt a line of Policy, which would place her in closer union with Mexico, and separate her from the other States of America. As it was late before this subject was touched upon, little more passed yesterday.

This morning, early, I received a visit from Don Ramos Arispe, a Priest and an intimate of mine, who brought me a Proposal from the Plenipotentiaries, to annex a Condition, that the exception should extend only to those Spanish American Nations who would treat with Mexico on the same terms. I told him, that I must persist in my objection, and would not admit the principle at all: that I believed the exception Mexico insisted upon making, would avail her nothing, for no other American Nation would agree to it; but that any distinctions at all, among the Nations of America, were, in my opinion, destructive of the best interests of this Hemisphere. As I knew that he is appointed one of the Plenipotentiaries of this Government to the Congress of Panama, I hinted to him that the course of policy Mexico appeared determined to pursue, would leave her at that Congress entirely alone: for it was to be expected that those American Republicks, who stood towards each other on the same footing, and whose interests were identical, would be united more closely among themselves than with a Third, which had thought proper to pursue a separate line of policy, and to unite herself more closely with a European Power than with them, notwithstanding they had obviously all the same interests. After some further discussion, in which I went over the whole course of Policy pursued by The United States towards these Countries, and recapitulated the reasons which induced me to believe that the great interests of America required us all to be intimately united, he either was or pretended to be, convinced, and promised to use his influence to induce the President and the Plenipotentiaries to yield this Point.

We met at noon, and the Plenipotentiaries of this Government commenced the Conference, by saying, that as I had not agreed to the modification proposed to me through Arispe, they had now one to submit to me, which, they presumed, I could not refuse, as I had the day before expressed an opinion that their Treaty with Great Britain would be rejected in London, on the ground of this exception. They then proposed to insert the following words:—"With respect to the exception contained in the —— Article, which speaks of the Republics which formerly were Spanish Possessions, it shall be understood in the same terms which finally shall be agreed upon, in relation to this subject, between Mexico and England."

To this proposal I instantly replied, that I would prefer agreeing to the Article as it stood, rather than consent to be governed by the decision of Great Britain; that our interests were separate and distinct: that Nation formed one of the European Powers, and The United States were the head of the American Powers; and that, in Treaties which were intended to strengthen the interests of the latter, no allusion ought to be made to those made with the former: Great Britain had concluded a Treaty with these States, in order to secure a profitable commerce with the Americans, but her interests were European, whereas ours were strictly American. With respect to the opinion I had advanced, that their Treaty with England would not be ratified in London, I had been induced to suppose so from the fact, that one of the Plenipotentiaries of that Government had assured me the Exception in question never would have been agreed to by them, if they had not been shown the Treaty with Colombia, which contained this principle of exclusive Alliance among the Spanish American States. It had been ratified here, and they supposed it would be ratified in Colombia, and therefore consented to what they considered irremediable, satisfied that we were excluded as well as themselves. If, therefore, this state of things constituted their only motive for agreeing to it, and they had so declared to their Government, I had a right to suppose, as the principle was not sanctioned by Colombia, that the Treaty, with that Condition, would not be ratified in London; and I knew that the Chargé d'Affaires of His Britannick Majesty had sent in a Note to explain the only reasons why the British Plenipotentiaries had agreed to that Provision in the Treaty, and to declare that, as the Treaty between Mexico and Colombia had not been ratified by the latter, those reasons no longer existed, and the Exception ought to be expunged. If the Cabinet of London took the same view of it, the alteration would be insisted upon; but, on the contrary, if it should appear to them more important in a political than in a commercial view, they might not object, as an European Power, to the establishment of such distinctions as those proposed, because these must necessarily separate the interests of the American Republicks,

and that nothing but the policy Great Britain might be disposed to adopt towards America, as one of the European Powers, could induce them to make so unnecessary a sacrifice of their Commercial Interests.

The Plenipotentiaries of this Government then asked, what would be their situation if their Treaty with Great Britain should arrive ratified, after they had signed one with us without inserting this Exception. Aware that this was the real difficulty, as well as the source of this obstinacy on their part, I replied that, in my opinion, as the Plenipotentiaries of Great Britain had been induced to consent to this Exception, from the mistaken belief that the Treaty with Colombia, in which the principle was established, would be ratified by both Parties, and that, therefore, they must admit it, however objectionable, or make no Treaty at all with Mexico; and as these motives had fallen to the ground with the rejection of the Treaty by Colombia, it would be not only decorous but honourable in the Mexican Government to agree, at once, to expunge that exceptionable Provision of their Treaty with Great Britain. One of the Plenipotentiaries who had assisted at the Conferences with those of Great Britain, protested that the motive alleged by the British Plenipotentiaries had not been the only one. I could only repeat, that one of the British Plenipotentiaries had assured me it was entered on the Protocol of the Conferences, that the previous Treaty of Mexico with Colombia, was the only motive which induced them to accede to this Exception in favour of the Spanish American States.

They continued to insist that they were bound by fraternal ties to the Spanish American States, and that it was natural they should unite themselves more intimately with States in their infancy, whose interests were identified with theirs, from the peculiar circumstances in which they mutually stood towards Spain, than with a Nation already in adolescence, and which had to pursue a different policy towards Spain, on account of the relations they had with the other Powers of Europe. To these observations I replied, that against the power of Spain they had given sufficient proof that they required no assistance, and The United States had pledged themselves not to permit any other Power to interfere either with their Independence or form of Government; and that, as in the event of such an attempt being made by the Powers of Europe, we would be compelled to take the most active and efficient part, and to bear the brunt of the Contest, it was not just that we should be placed on a less favourable footing than the other Republicks of America, whose existence we were ready to support at such hazards. They interrupted me by stating, that we had no right to insist upon being placed on the same footing with the Spanish American States, unless we were willing to take part with them in their Contest with Spain. I told them, that such an act would

be in the highest degree impolitic towards all Parties: it was true, that the power of The United States was sufficient, not only at once to put an end to this Contest, but, if the Nations of Europe did not interfere, to crush and annihilate that of Spain. This measure, however, which they now proposed, would infallibly produce what it was so much our interest to avoid, the Alliance of the great Powers of Europe against the Liberties of America. I then recapitulated the course of policy pursued towards the Spanish Colonies by our Government, which had so largely contributed to secure their Independence, and to enable them to take their Station among the Nations of the Earth: and declared what further we were ready to do, in order to defend their Rights and Liberties; but that this could only be expected from us, and could only be accomplished, by a strict Union of all the American Republicks, on terms of perfect equality and reciprocity; and repeated, that it was the obvious policy of Europe to divide us into small Confederacies, with separate and distinct Interests, and as manifestly ours to form a single Great Confederacy, which might oppose one united front to the attacks of our Enemies.

As this Conference had already lasted some hours, for Spanish eloquence is diffuse, and as I understood their motives for insisting on this provision in the Treaty, I broke it up, with a positive declaration, that, putting out of view my duty as Representative of The United States, I regarded the proposed Exception, in favour of the Nations which were formerly Spanish Possessions, so contrary to the best interests of the Americans, that I never would agree to its insertion in a Treaty between The United States and any of the American Republics.

The Secretary of State. JOEL R. POINSETT.

(10.)—*Mr. Clay to Mr. Poinsett.*

SIR, *Department of State, Washington, November* 9, 1825.

SINCE the date of my Letter of the 26th of September last, your Despatches, to No. 21, have been received. That of the 13th September, 1825, was received yesterday. They have all been laid before The President; and I shall now make the remarks which appear to be called for by the last, being the only one which seems to require particular notice. In that you state, that in the course of your Conferences with the Plenipotentiaries of The United Mexican States, on the subject of the proposed Commercial Convention, a point of difficulty has arisen, which has been agreed to be reserved. The point is, an Exception in favour of the American Nations which were formerly Spanish Possessions, to which, on account of the fraternal Relations that unite them to The United Mexican States, the latter may grant Special Privileges, which shall not be extended to the Dominions and

Citizens of The United States. The President approves of your refusal to accede to that Exception.

The United States have neither desired, nor sought to obtain, for themselves, in their Commercial Relations with the New States, any Privileges which were not common to other Nations. They have proposed, and only wished to establish, as the basis of all their Commercial Treaties, those of equality and reciprocity. They can consent to no other. Ready, themselves, to extend to The United Mexican States any favours which they have granted to other Nations, The United States feel themselves authorized to demand, in this respect, a perfect reciprocity. They could not agree to treat on the principle of a concession to any European Power, of Commercial Privileges which were denied to them. They would feel even more repugnance to the adoption of such a principle, in respect to any American Nations, because, by placing The United States, in some degree, out of the pale of that American System, of which they form no unessential part, it would naturally wound the sensibility of the People of The United States. As you had not time, at the date of your Despatch, to communicate the reasons which were urged in support of this extraordinary Exception, they can only be collected from the tenor of the Clause inserted in the British Treaty, which you have cited. That Clause asserts, as the motives for the Exception, 1st. That the new States, in whose favour it is to be applied, were formerly Spanish Possessions; and, 2d. That certain fraternal Relations unite them to The Mexican States. The validity of neither of these reasons can be perceived. What is there in the nature of the fact, that those Nations were once bound, by a common Allegiance to Spain, to justify the Exception? Can any rule be fairly deduced from a Colonial condition, which should govern independent Nations, no longer bound by any common tie? Is there not something derogatory from the character of free States, and free Men, in seeking to find a rule for their commercial intercourse, in their emancipated condition, from a retrospect of their Colonial state, which was one of dependence and vassalage? What is to be the limit of this Principle? If the accident of a Colonial connexion, under a common Sovereign, is to justify a peculiar rule for the emancipated Colonies, may not that common Sovereign also insist, on the ground of ancient relations, upon Special Privileges? And then it would be incumbent upon The United States to consider, if they had not been premature in their recognition of the Independence of The United Mexican States. But if the fact of the Spanish Dominion having once stretched over the New States, is to create an exception of commercial privileges in their behalf, The United States, upon a similar ground, have a right to demand the benefit of it; for the same Spanish Dominion once, and at no very distant day, extended over the larger part of their Territories, and all

that part which is conterminous with those of The United Mexican States.

With respect to the second reason, deducible from the Clause in the British Treaty, there is no statement of the nature of those fraternal Relations which are supposed to warrant the Exception. Certainly, as between The United Mexican States, and the other New Nations carved out of the former Spanish Colonies, none are known to the World which can sanction the Exception. The United Mexican States have, it is true, been waging War with Spain, contemporaneously with the other States, but hitherto there has been no co-operation of arms between them. The United Mexican States have, alone, sustained their Contest. If the idea of those fraternal Relations is to be sought for in the sympathy between the American Belligerents, this sympathy has been equally felt, and constantly expressed throughout the whole struggle, by The United States. They have not, indeed, taken up arms in support of the Independence of the New States; but the neutrality which they have maintained, has enabled them, more efficaciously, to serve the cause of Independence, than they could have done by taking part in the War. Had they become a Belligerent, they would, probably, have drawn into the War, on the other side, Parties whose force would have neutralized, if it had not overbalanced their exertions. By maintaining neutral ground, they have entitled themselves to speak out, with effect, and they have constantly so spoken, to the Powers of Europe. They disconcerted the designs of the European Alliance upon the New States, by the uncalculating Declarations which they made, in the face of the World. They were the first to hasten to acknowledge the Independence of The United Mexican States, and, by their example, drew after them Great Britain.

It has, no doubt, not escaped your observation, that, in the case of the Treaty which has been concluded between The United States and the Republick of Colombia (and of which, a printed, authentic Copy, as it has been ratified by the two Governments, is herewith transmitted), no such Exception was set up by that Republic. On the contrary, it is expressly stipulated in the Second Article, that the Parties "engage mutually, not to grant any particular favour to other Nations, in respect of Commerce and Navigation, which shall not, immediately, become common to the other Party, who shall enjoy the same freely, if the concession was freely made; or on allowing the same compensation, if the concession was conditional."

There is a striking inconsistency in the line of policy which The United Mexican States would seem disposed to pursue towards The United States. They would regard these States as an American Nation or not, accordingly as it shall suit their own purposes. In respect to Commerce, they would look upon us an European Nation, to be excluded from the enjoyment of privileges conceded to other

American Nations. But when an attack is imagined to be menaced by Europe, upon the Independence of The United Mexican States, then an appeal is made to those fraternal sympathies which are justly supposed to belong to our condition as a member of the American Family. No longer than about three months ago, when an invasion by France, of the Island of Cuba, was believed at Mexico, The United Mexican Government promptly called upon the Government of The United States, through you, to fulfil the memorable Pledge of The President of The United States in his Message to Congress, of December, 1823. What they would have done, had the contingency happened, may be inferred from a Despatch to the American Minister at Paris, a Copy of which is herewith sent, which you are authorized to read to the Plenipotentiaries of The United Mexican States. Again: The United Mexican Government has invited that of The United States to be represented at the Congress of Panama, and The President has determined to accept the invitation. Such an invitation has been given to no European Power, and it ought not to have been given to this, if it is not to be considered as one of the American Nations.

The President indulges the confident expectation that, upon reconsideration, The Mexican Government will withdraw the Exception. But if it should continue to insist upon it, you will, upon that ground, abstain from concluding any Treaty, and put an end to the Negotiation. It is deemed better to have no Treaty, and abide by the respective Commercial Laws of the Two Countries, than to subscribe to a Principle wholly inadmissible, and which, being assented to in the case of Mexico, might form a precedent to be extended to others of the New States.

I am, &c.

Mr. Joel R. Poinsett. H. CLAY.

(11.)—*Mr. Clay to Mr. Brown.*

SIR, *Department of State, Washington, October 25, 1825.*

DURING the last summer, a large French Fleet visited the American Seas, and the Coast of The United States. Its object naturally gave rise to much speculation. Neither here, nor through you, at Paris, was the Government of The United States made acquainted with the views of that of France, in sending out so considerable an Armament. The President conceives it due to the friendly relations which happily subsist between the two Nations, and to the frankness by which he wishes all their intercourse to be characterized, that the purpose of any similar movement, hereafter, made in a season of peace, should be communicated to this Government. You will, therefore, inform the French Government of his expectation that such a communication will, in future, be accordingly made. The reasonableness of it, in a time of peace, of which France shall enjoy the blessings, must be quite apparent. The United States having, at the present period,

constantly to maintain, in the Gulf of Mexico, and on the Coasts of Cuba and Porto Rico, a Naval Force, on a service beneficial to all Commercial Nations, it would appear to be quite reasonable, that, if the Commanders of any American Squadron, charged with the duty of suppressing Piracy, should meet with those of a French Squadron, the respective objects of both should be known to each. Another consideration to which you will advert, in a friendly manner, is the present condition of the Islands of Cuba and Porto Rico. The views of the Executive of The United States, in regard to them, have been already disclosed to France, by you, on the occasion of inviting its co-operation to bring about a Peace between Spain and her former Colonies, in a spirit of great frankness. It was stated to the French Government that The United States could not see, with indifference, those Islands passing from Spain to any other European Power; and that, for ourselves, no change was desired in their present political and commercial condition, nor in the possession which Spain has of them. In the same spirit, and with the hope of guarding, beforehand, against any possible difficulties on that subject, that may arise, you will now add, that we could not consent to the occupation of those Islands by any other European Power than Spain, under any contingency whatever. Cherishing no designs on them ourselves, we have a fair claim to an unreserved knowledge of the views of other great Maritime Powers, in respect to them. If any sensibility should be manifested, to what the French Minister may choose to regard as suspicions entertained here, of a disposition on the part of France to indulge a passion of aggrandisement, you may disavow any such suspicions, and say that the President cannot suppose a state of things, in which either of the great Maritime Powers of Europe, with or without the consent of Spain, would feel itself justified to occupy, or attempt the occupation of Cuba or Porto Rico, without the concurrence, or, at least, the knowledge of The United States. You may add, if the tenor of your communications with the French Minister should seem to make it necessary, that, in the course of the past summer, rumors reached this Country, not merely of its being the design of the French Fleet to take possession of the Island of Cuba, but that it had, in fact, taken possession of that Island. If the confidence in the Government of France entertained by that of The United States, could not allow it to credit these rumors, it must be admitted that they derived some countenance from the weakness of Spain, the intimate connection between that Monarchy and France, and the general ignorance that prevailed, as to the ultimate destination and object of a Fleet, greatly disproportionate, in the extent of its Armament, to any of the ordinary purposes of a peaceful commerce.

You are at liberty to communicate the subject of this Note to the French Government, in conference or in writing, as you may think

most proper; but, in either case, it is The President's wish that it should be done in the most conciliatory and friendly manner.

I am, &c.

Mr. James Brown. H. CLAY.

(12.)—*Mr. Clay to Mr. Obregon.* The same as that to Mr. Salazar, [Page 414.]

(13.)—*Don Jose Maria Salazar to the Secy. of State.*—(*Translation.*)

SIR, *Legation of Colombia, New York, December* 30, 1825.

I HAVE the honour to inform you that I have received the Note of the 20th current, in which you are pleased to communicate to me the hopes of a favorable result to the good offices of His Majesty The Emperor of Russia with the great Powers of Europe, and with Spain, to put an end to the War of America. The Government of Colombia, being informed by me of the Instructions given to the American Minister at St. Petersburg, which you had the goodness to read to me last Spring, has seen, with the greatest satisfaction, this measure of real friendship, and love of humanity, of the Government of The United States; and charged me to declare its gratitude, as well as its anxiety for the continuance of those good offices with the other Powers of the Continent of Europe.

As to the views of the President of The United States, for suspending the invasion of the Islands of Cuba and Porto Rico, until the result is obtained of the mediation of the great Powers with Spain, I shall have the honour of transmitting them to my Government, by the first opportunity; being able, in the mean time, to assure you, that neither, by Official Communications, nor by my Private Letters from Colombia, have I any knowledge relative to the Expedition which is preparing at Carthagena. I am, consequently, inclined to believe that what is said upon that matter, is founded on vague conjecture, or, perhaps, on the convenience and opportunity of invasion. I ought, likewise, to add, in confirmation of my private opinion, that, as I have been informed, there are, at Carthagena, only the troops necessary to garrison the Place, such as is requisite in these times, when new Expeditions have sailed from the Ports of the Peninsula, and are announced against America, and when the Spanish Army in the Islands of Cuba and Porto Rico has been augmented. When the great facility is considered, of acting against the territory of Colombia or Mexico, by the advantageous situation of the said Islands, their great resources and, what is more important, the superiority of the Marine which has assembled there, it will not be denied that Colombia has sufficient causes of alarm. It is true, in support of the said conjectures, on the approaching invasion of Cuba and Porto Rico, the necessity

presents itself, under which the Government of Colombia is, of withdrawing the Auxiliary Forces from Peru, by the way of Panama and Carthagena; which is the most convenient, ready, and economical way, to place them on the Atlantic in an attitude of giving immediate succour to any point of our Territory, or of that of our Allies, which may be invaded; but it is clear that this military operation is rather the necessary effect of the geographical situation of Colombia and Peru, than a meditated plan of an Expedition without the Continent.

To these reasons, which, in my private opinion, and for want of Official Communications from my Government, upon the subject, sufficiently explain the movement of Troops which are going on in Colombia, permit me to repeat to you what I said upon another occasion, that this military attitude, extremely grievous to our People, is a necessary consequence of the obstinacy of the Spanish Government in prolonging a useless War, and in declining every idea of treating with Independent America, no less than the lamentably equivocal policy of the Great Continental Powers, which, notwithstanding they see our Independence irrevocably established by force of Arms, and upon the solid basis of general opinion, and of just and moderate Governments, refuse the formal recognition of the New Republicks, pretending to misunderstand what their own interest, justice, reason, and humanity, demand. In this situation of justly inspired doubt and inquietude, when the obstinacy of Spain, and the indifference of the rest of Europe, have convinced us even that we are engaged in a Question of fact, when the Nations of America have displayed all the vigour of youth, and know the value of their Forces and combined resources, and when our Armies have gloriously terminated the Campaign which has for ever secured the Liberty of the South, it will not appear to many reasonable to renounce all these favourable circumstances, to terminate at once the evils of War, and dictate conditions of Peace, with the manifest advantage of the American System, in the absolute expulsion of one European Nation from the important Islands of Cuba and Porto Rico, which, in the precarious and miserable situation of Spain, are not without the possibility of falling into the power of some of the Great Powers of Europe.

It will appear even less reasonable, that Colombia and her Allies should have to continue in a state of inaction, enduring the heavy expenses and grievous inconveniences which accompany the maintenance of the Army and the Marine upon a war footing, not being able to rely upon a guarantee of suspension from armaments and attacks on the part of Spain, which, in spite of its nullity, does not cease in its efforts to augment the Army of America, so far as to induce us to suspect that a foreign hand affords these aids, which are by no means in harmony with the scantiness of the resources of the Peninsula.

I can likewise assure you that my Government has always regarded, with all due circumspection, the consequences which might result from an ill-directed Expedition against Cuba and Porto Rico; and notwithstanding the urgent necessity which it has had to attack the head quarters (if I may so speak) of our Enemies, and the opportunity which, oftener than once, has presented itself for that purpose, it has preferred to suffer repeated invasions from those Islands, waiting for the favourable moment to attack them with a certainty of success, by the greater Forces which the Alliance of all the Sections of the South and Mexico will procure to us, and by the state, every day advancing, of the opinion for Independence in the inhabitants of the said Islands, who have repeatedly implored our aid: by this prudent slowness, it has wished to give time to the Spanish Government to reflect upon its own interest, and, consequently, to take the just resolution of recognizing the Independence of the States of the Continent to save the rest of her Colonies; but the time has passed in vain, and Spain, in spite of the repeated reverses which she has suffered in the course of this year, shows herself as proud and indignant at every idea of accommodation as at the commencement of the Contest. Already a plan of conciliation has been seen, inadmissible by the Independent States, presented by the Minister Zea, in which were proposed some slight modifications of the ancient Colonial Regimen, and which, however, were rejected by King Ferdinand as too liberal.

In fine, by the same risks and lamentable consequences which would happen from the invasion of Cuba and Porto Rico, if the result is not secured by the combination of superior Forces, at least of the Nations most interested, Colombia and Mexico, and the plan of operations for this Campaign be regulated by common consent, I think that the fortune of said Islands must be decided in the Congress of the Isthmus of Panama, which gives time sufficient to receive positive accounts of the final result of the good offices of His Majesty The Emperor of Russia: and I doubt not, that, in attention to the friendship which His Imperial Majesty professes to The United States, which have requested His high mediation, and the glory of attributing to the great work of Peace, a boon so important will be obtained, or the recognition of our political existence by Russia and the other Powers, which is the object of the most ardent desires of the New Governments of America. I have the honour, &c.

The Hon. Henry Clay. JOSE MARIA SALAZAR.

(14.)—*Don Pablo Obregon to the Secretary of State.—(Translation.)*

Legation of The United States of Mexico,

Washington, January 4, 1826.

SIR,

I HAVE the honour of answering your Note of the 20th ultimo, in which you communicate to me the favourable hope of a happy issue

of the Negotiation undertaken by this Government with the Russian Cabinet, through its Minister at St. Petersburg, to solicit of His Imperial Majesty His interposition in promoting Peace between Spain and the Powers of the American Continent, formerly a part of that Monarchy, and in using His influence with His Allies towards a general Recognition; all of which you communicated to me in the month of May last, by reading to me the Instructions which had been given, to that effect, to the American Minister near His Imperial Majesty. I imparted to my Government a step so friendly and agreeable to the philanthropy and position of these States; and although I have as yet received no answer thereto, I repeat to you what I had the honour to mention verbally, that Mexico was only desirous of Peace, and that I acknowledged to this Government its interest and mode of acting in the cause of the Continent, and of liberty.

I shall make known to my Government the wishes of The President, that any other Expedition be suspended which may be projected, as well as that which is said to be fitting out at Carthagena, to assist the Independence of, one or both, the Islands of Cuba and Porto Rico, as the means best adapted to obtain the Negotiation mentioned.

I avail myself of this occasion, &c.

The Hon. H. Clay. PABLO OBREGON.

(III.)—*MESSAGE of The President, to the Senate of The United States, February* 1, 1826.

To the Senate of The United States. *Washington, Feb.* 1, 1826.

In compliance with a Resolution of the Senate, of the 30th ultimo, I communicate herewith, in confidence, a Report from the Secretary of State, with the Documents containing the Information desired by the Resolution.

JOHN QUINCY ADAMS.

(1.)—*Report from the Secretary of State.*

The Secretary of State, to whom The President has referred the Resolution of the Senate, of the 30th January, 1826, requesting him to inform the Senate whether the Government of Spain has been informed of the Application made by our Government for the intervention of The Emperor of Russia, to induce Spain to recognize the Independence of the South American States, and to lay before the Senate the Correspondence, if any has taken place, between our Minister at Madrid and the Spanish Government, and also between such Minister and our Government, on the subject of such Intervention and Recognition, has the honour to report:

An Extract of a Letter from this Department to Mr Everett, dated Department of State, 27th April, 1825.

An Extract from the Notes of a Conversation between Mr. Everett and Mr. Zea, communicated with a Despatch from Mr. Everett to this Department, dated 25th September, 1825.

An Extract of a Despatch from Mr. Everett to this Department, of the 20th October, 1825.

All of which is respectfully submitted,

H. CLAY.

(2.)—*Mr. Clay to Mr. Everett.*

(Extract.) *Department of State, April 27, 1825.*

BESIDES the preceding objects to which your attention will be directed, others of great interest will also claim it. Of these, that of the highest importance, is the present War between Spain and her former Colonies, on this Continent. The President wishes you to bring this subject, in the most conciliating manner possible, before the Spanish Government. It would be as unnecessary as unprofitable to look to the past, except for the purpose of guiding future conduct. True wisdom dictates that Spain, without indulging in unavailing regrets, on account of what She has irretrievably lost, should employ the means of retaining what She may yet preserve from the wreck of her former Possessions. The War upon the Continent is, in fact, at an end: not a solitary foot of land from the Western limit of The United States to Cape Horn owns her sway; not a bayonet in all that vast extent, remains to sustain her Cause. And the Peninsula is utterly incompetent to replace those Armies which have been vanquished and annihilated by the victorious Forces of the new Republicks. What possible object then can remain to Spain to protract a War which she can no longer maintain, and to the conclusion of which, in form, there is only wanting the recognition of the New Governments by Treaties of Peace? If there were left the most distant prospect of her re-conquering her Continental Provinces, which have achieved their Independence, there might be a motive for her perseverance. But every expectation of such re-conquest, it is manifest, must be perfectly chimerical. If she can entertain no rational hope to recover what has been forced from her grasp, is there not great danger of her losing what she yet but feebly holds. It should be borne in mind that the Armies of the New States, flushed with victory, have no longer employment on the Continent; and yet, whilst the War continues, if it be only in name, they cannot be disbanded, without a disregard of all the maxims of just precaution. To what object, then, will the new Republicks direct their powerful and victorious Armies? They have a common interest and a common enemy, and let it be supposed that that Enemy, weak and exhausted as he is, refuses to make Peace, will they not strike wherever they can reach; and, from the proximity and

great value of Cuba and Porto Rico, is it not to be anticipated that they will aim, and aim a successful blow too, at those Spanish Islands? Whilst they would operate from without, means would doubtless, be, at the same time, employed to stimulate the Population within to a revolt. And that the disposition exists among the Inhabitants, to a considerable extent, to throw off the Spanish Authority, is well known. It is due to The United States to declare, that they have constantly declined to give any countenance to that disposition.

It is not, then, for the New Republicks, that the President wishes you to urge upon Spain the expediency of concluding the War. Their interest is probably on the side of its continuance, if any Nation can ever have an interest in a state of War. But it is for Spain herself, for the cause of humanity, for the general repose of the World, that you are required, with all the delicacy which belongs to the subject, to use every topic of persuasion, to impress upon the Councils of Spain the propriety, by a formal pacification, of terminating the War. And as the views and policy of The United States in regard to those Islands, may possibly have some influence, you are authorized, frankly and fully, to disclose them. The United States are satisfied with the present condition of those Islands, in the hands of Spain, and with their Ports open to our Commerce, as they are now open. This Government desires no political change of that condition. The Population, itself, of the Islands, is incompetent at present, from its composition and its amount, to maintain self-government. The maritime force of the neighbouring Republicks of Mexico and Colombia is not, now, nor is it likely, shortly to be, adequate to the protection of those Islands, if the conquest of them were effected. The United States would entertain constant apprehension of their passing from their possession to that of some less friendly Sovereignty: and of all the European Powers, this Country prefers that Cuba and Porto Rico should remain dependent on Spain. If the War should continue between Spain and the New Republicks, and those Islands should become the object and the theatre of it, their fortunes have such a connection with the prosperity of The United States, that they could not be indifferent spectators; and the possible contingencies of such a protracted War might bring upon the Government of The United States, duties and obligations, the performance of which, however painful it should be, they might not be at liberty to decline. A subsidiary consideration in favour of Peace, deserving some weight, is, that as the War has been the parent cause of the shocking Piracies in the West Indies, its termination would be, probably, followed by their cessation: and thus the Government of Spain, by one act, would fulfil the double obligation, under which it lies to Foreign Governments, of repressing enormities, the Perpetrators

of which find refuge, if not succour, in Spanish Territory; and that, to the Spanish Nation itself, of promoting its real interests.

Mr. A. H. Everett. H. CLAY.

(3.) *Extract from the Notes of a Conversation between Mr. Everett and Mr. Zea, communicated with a Despatch, (No. 7,)—from Mr. Everett to Mr. Clay.* *Madrid, Sept. 25, 1825.*

In the course of this Conversation upon matters touching so nearly the Independence of the Colonies, there were of course frequent opportunities of alluding to that Question, and the Minister seemed to feel no delicacy or reserve in expressing his sentiments upon it. He remarked repeatedly, that the King would never abandon his claim to these His ancient and rightful Possessions; that the Cause was a good one; and that, however unfavourable their prospect might appear at present, they had a right to suppose that they should, in the end, succeed: that we had seen, of late, revolutions in political affairs at least as violent as this would be; for example, the overthrow of Bonaparte, and the restoration of Louis the XVIII to the Throne of His Ancestors; that the Party in the Colonies in favour of Independence, though dominant, and apparently unresisted, was not in reality so strong as was generally supposed; that it consisted of a busy and active, but in reality feeble minority; that the mass of the good Citizens, constituting a great majority of the Population, were in favour of the King, and were only waiting for some suitable occasion to come out in their strength, and to put down the Insurgents, and, finally, that the Cause being a just one, they had a right to suppose that they should be assisted, sooner or later, by an interference of Providence.

I did not think it necessary to enter very fully into the argument with Mr. Zea.

I said to him, however, that I regretted to hear from him so decisive a declaration of the King's resolution not to acknowledge the New States; that my Government had hoped that the Battle of Ayacucho, and the recognition of England, would have been considered by His Majesty as settling the Question, and that He would have been induced to put an end to the violent state of things now existing, which was more or less injurious to all Christian Nations; that enlightened men of all classes, parties, and opinions in most of the Civilized Countries of Europe, and in The United States, were now satisfied that Spain could never recover Her Authority over the Colonies. As a single instance, I mentioned to him the opinion of the Bishop of Hermopolis, Minister of Church Affairs in France, and well known, throughout Europe, as one of the ablest and most decided adherents of the anti-liberal sect, whom I had seen at Paris on my way, and who had told me, expressly, that they regarded the affair of South America as settled.

To this he made answer, that the Bishop had also, in the time of Bonaparte, despaired of the possibility of the King's restoration, and that he might be as much in the wrong now, as he was then. I remarked that there were evident symptoms in the proceedings of the French Government, of an intention to recognize the New States at no very distant period. He said that France had hitherto stood by them faithfully in all their troubles; that he could not say how long She would be true to them, but should She even desert them, the King would still adhere firmly to His principles; that the standing and invariable rule of conduct observed by His Majesty upon all occasions, was that of strict justice; that He made no concessions to expediency, acknowledged no distinction between politics and morals, and was prepared to sacrifice every thing rather than surrender what He knew to be His right. He then recurred to his favourite example of Louis the XVIII, and said that they were by no means reduced to so low a point as He had been: that He too, often had been solicited to abandon his claims to the French Throne; but that, by firmly rejecting all such propositions, and tenaciously adhering to his purpose, He had finally succeeded in recovering every thing.

It struck me that the example of Bonaparte, who had lost all by obstinately refusing to make a timely surrender of a part, would have been rather more to the point, but I did not think it worth while to press this subject at present. I told him that I was not called upon to advise His Majesty's Ministers upon this or any other Question, and that what I had said had been thrown out incidentally in reply to his remarks.

The Hon. H. Clay. A. H. EVERETT.

(4.)—Mr. Everett to the Secretary of State.—(No. 10.)

(Extract.) *Madrid, October 20, 1825.*

It was reported here very confidently, a few days ago, that the New Consultative Junta, or Council of Government, was occupied in preparing the way for an arrangement with the South American States. Upon tracing this rumour to its origin, I found that it arose from the fact that the Council had deputed some of its Members to confer with two Spanish Officers who lately arrived from South America, by way of The Havannah and New York, and are the same that were sent out by the Constitutional Government to Buenos Ayres, as Commissioners. They landed at Bordeaux from New York, and came on immediately to this Place, remained here about three weeks, during which time they had occasional Conferences with Members of the Council, and afterwards proceeded to Cadiz. These facts being known, and it being also understood that the Council had been requested by the Minister to give their opinion upon the Measures proper to be taken, in regard to the Colonies, it was natural enough to draw the conclusion, that the Conferences in question had some connexion with

this subject, and that the Persons with whom they were held, might, perhaps, have gone to Cadiz, on their way to America, as Private Agents of the Government. Another, and a more probable construction of the fact, would be, that the Council had no other object in conferring with these Gentlemen, than to obtain information respecting the state of the Colonies.

About the time when this report was in circulation, I went to The Escurial, in order to be present at the celebration of the King's Birthday, and when there, had, of course, frequent opportunities of seeing the Minister. In one of the conversations which I had with him, I inquired of him what foundation there was for this rumour, and whether there was any change of policy contemplated, in regard to the American States. To this Question, he replied most decidedly in the negative, and entered anew, and very readily, at great length, into an exposition of the intentions of the Government, repeating in substance the same remarks which he had made to me at San Ildefonso. He declared that The King would never abandon His Rights; that it was a matter of conscience with him to transmit His Hereditary Possessions to His Successors; that the Royalist Cause was not so desperate as we supposed, that there were, even now, symptoms of a return of these Provinces to their ancient loyalty; and that such an event would not be at all strange, considering what violent and sudden Revolutions have been constantly occuring, during the last 30 years. From all that he said upon the subject, I was quite satisfied that the reports of an intended Arrangement were entirely groundless, and that the detention and examination of the abovementioned Officers, were merely for the purpose of obtaining information as to facts.

The tone and manner of the Minister, during this conversation, were such as to induce me to doubt the correctness of the opinion which I had entertained and expressed to you, as to his private sentiments upon this subject. He spoke with so much decision and apparent openness, of the probability of reconquering the Colonies, that I found myself bound to give him credit for his sincerity, at the expense of his sagacity and good sense. He inquired of me at this time, whether I had any knowledge of the Communications that had lately been made by my Government upon that subject to The Emperor of Russia. I replied in the affirmative, and he then said that he had received the day before, for the first time, upon his return to The Escurial from Madrid, an intimation, (probably from one of the Ministers abroad,) that some Overtures had been made in that Quarter, and requested me to give him such information respecting them, as I might think it proper to communicate. I was not quite so fully prepared upon this subject myself as I could have wished, not having obtained any answer from Mr. King, to the request which I made him, for a Copy of the Instructions to Mr. Middleton, probably because he has had no good private occasion to

send it. I however, told him, that my Government made no secret of their policy, in regard to this business, and that I had no objection to inform him that our Minister at St. Petersburg, had been directed to express to the Emperor their full conviction, that the Contest between Spain and the Colonies must be considered as finally settled in favour of the latter Party; their persuasion that the interest of Spain, and the general good of the civilized World, would be promoted by the early acquiescence of His Catholic Majesty in this result, and their wish that The Emperor, should He also entertain these opinions, would unite with them in advising and requesting the Spanish Government to put an end to the War, by an acknowledgement of the Independence of the Colonies. I took this opportunity of informing the Minister, more precisely than I had done before, that what I had already suggested to him in favour of this Measure, must be considered as expressing the wishes and policy of my Government, and not my own individual sentiments, which I should not, of course, think of intruding upon His Majesty's Cabinet. I told him that I was formally instructed to avail myself of any suitable occasion, to suggest to him, with the delicacy required by the nature of the subject, the earnest desire of the Government of The United States, to see this long struggle brought to an amicable conclusion, and their complete conviction that all further efforts on the part of Spain, to recover the Colonies, must be wholly fruitless, and more injurious to herself, than to them.

Mr. Zea seemed to be a good deal struck with these remarks, and I was inclined to suppose, from his manner, that he had considered what I had said to him before, upon the subject, as a merely personal communication. He replied that these proceedings of the Government of The United States placed him under the necessity of declaring, in the most positive manner, the King's unalterable resolution never to abandon His rights, and to reject all offers of Mediation, or of amicable intervention, which should contemplate an acknowledgment of the Independence of the New States. He said that they were, and always had been, ready and willing to accept any proposal for Mediation, or to treat directly with the Colonies, upon the Basis of their previous submission to the King's Sovereign Power; but that they would never consent to negotiate in any way, upon any other terms; that The King, being once satisfied on this head, would doubtless be disposed to grant His Subjects in America every favour and indulgence which they could possibly wish, but that they must begin by proving their loyalty, and their confidence in His Majesty's justice and good intentions. He wondered, that among the offers of Mediation that had been made from time to time, especially by England, none had ever been proposed upon this Basis. I told him that the reason probably was, that the British Government, as well as that of The United

States, considered the Independence of the New States as now firmly established, and were well aware that they would never treat upon any other terms, than an acknowledgment of it by Spain. I added, however, that I should be well pleased to know, if he were disposed to inform me, what concessions The King would be willing to grant to the Americans, in the event of their return to their Allegiance: as, for example, whether he would allow them to make their own Laws, in Legislative Assemblies of their own choice? My object in asking this question, was, of course, merely to obtain a more complete view of the intentions and dispositions of the Government upon the whole subject. He replied, that, as to Legislative Assemblies, he was far from being satisfied that they would suit the condition of the Colonies, and that, in general, he thought the only safe course for the Americans would be to trust entirely and implicitly to The King's known good character. I should have thought from this Answer, that my Question did not make a very favourable impression upon him. At the close, however, of the conversation, he recurred to it in such a way as induced me to think that he would have been glad to consider it as an indirect Overture from some of the Colonies. He said, after I arose to go, that the conversation had turned upon a number of delicate and interesting topics: that on such occasions it was not always possible to distinguish between remarks that were merely of a private and personal description, and such as were official; and that, in order to avoid mistakes upon that point, he should be glad if I would state, in writing, what my Instructions required me to communicate to him as the opinions and intentions of my Government, and especially any Propositions that I might be authorized to make, in the nature of an Overture from the Colonies, founded on the Basis of submission. I told him, that I had no authority, from any Quarter, to make Propositions of that description; but that I would, with pleasure, if he wished it, give him an official statement of what I had said to him, by order of my Government, in favour of the acknowledgment of the Independence of the New States. He replied, that he was ready to receive any Note that I might send him: but that on that head, The King's mind was completely made up, beyond the possibility of change. Notwithstanding this, I have thoughts of preparing and transmitting to the Minister, a pretty detailed Communication upon this subject. Such a Paper, if it does not produce much immediate effect upon the Spanish Cabinet, may, perhaps, in one way or another, have a favourable bearing on the general Question.

Previously to this interview with Mr. Zea, I had availed myself of such occasions as offered, to converse upon the same subject with the British and Russian Ministers. The former is Mr. Frederick Lamb, brother of Lord Melbourne, a Gentleman of about forty-five years of age, regularly trained to the diplomatic line, and apparently

well fitted for it by his talents and information. The latter is Mr. D'Oubril, who has also passed his life in the employment of a Foreign Minister, and has now reached the age of about sixty. He seems to enjoy the confidence of his Government, and last year took the place of Count Nesselrode, as Minister of Foreign Affairs, during an absence of the latter from St. Petersburgh, which lasted several months. Both these Gentlemen have shown, since my arrival here, every disposition to be on friendly terms with me, and have plainly manifested, by their attentions, the high esteem in which they hold the American Nation and character. Mr. D'Oubril, in particular, has been more civil than any other of the Diplomatic Body with whom I was not previously acquainted.

Mr. Lamb's sentiments in regard to the South American Question, are, of course, precisely the same with ours. I was desirous to ascertain, whether the British Government had lately made any attempts to urge Spain to a recognition of the New States, and questioned Mr. Lamb upon this point. He said he had had one or two conversations with Mr. Zea soon after his arrival, (he has been here about five months,) and stated the substance of what had passed between them. The Minister, it seems, gave to him the same answer which he has since given to me, and cited, to illustrate his argument, the same examples of Louis XVIII and Bonaparte. No offer of formal Mediation has been made by England since her recognition. Indeed her interest as a commercial and manufacturing Country, is now on the other side. The longer the War continues, the longer She enjoys a monopoly of the Spanish American Market for her fabrics, and the more difficult will Spain find it to recover Her natural advantages upon the return of Peace. England will, therefore, probably be very easy in regard to this matter, and will leave Spain to pursue, unmolested, the course she may think expedient. I suggested this Point both to Mr. Zea and to the Russian Minister, and was inclined to think, from what they said of it, that it had more weight with them, than any other consideration, in favour of recognition. They both admitted the justice of my remarks, and the great inconvenience that resulted in this way from the present state of things, and could only avoid the proper conclusion, by reverting to their common-places, of the probability of a return of the Colonies to their Allegiance, which they really seem to imagine will come about, sooner or later, without any effort on the part of either Spain or her Allies, and by the aid of some unlooked-for intervention of Divine Providence. I learned nothing material from Mr. L., excepting the fact that the British Government is now quiet in regard to this matter, and makes no attempts to influence the decision of Spain. He professed to have but little information as to the state of the Spanish Settlements in America, and having passed

the greater part of his life, including the last eight or ten years, on the Continent, has been, in fact, rather out of the way of obtaining it.

Mr. D'Oubril was somewhat guarded in his language, and did not seem quite willing to admit, that it was the decided intention of the Emperor to encourage Spain in her present System. He said that, individually, he did not by any means take the same view of the Subject which the Spanish Government did, and yet that he was not completely satisfied, that an immediate Recognition was the true policy. He cited, in his turn, the old instance of Louis XVIII, and Buonaparte, and was far from being sure that the internal divisions which did, or would distract the Colonies, might not bring them again under the Spanish Government. He was aware, nevertheless, that Spain was daily and yearly suffering great injury from the effects of the present System, and that, by continuing it, she would probably lose her remaining Possessions in America, and her chance of ever obtaining a due share in the trade with that Continent, besides endangering her national existence at Home. This was making out a pretty strong case in favour of Recognition, but he still returned to his former text, that he considered the Question as extremely doubtful. In all that he said upon it, he professed to declare merely his own personal opinions and feelings, and, if I recollect right, did not say directly what language he was ordered to hold in his communications with this Government. It is understood, however, that the influence of the Emperor has been employed in support of the present System; and the general impression which I received from his remarks, coincided with this opinion. Mr. D'Oubril's private sentiments may possibly be different. Both he and Mr. L. inquired of me respecting the late Overtures made by the President's order at St. Petersburg, and appeared to have some, though not a very minute, acquaintance, with the language of your Instructions to Mr. Middleton. The Representatives of France, Holland, Sweden, Saxony, and Prussia, with whom I have had more or less conversation upon this subject, have all expressed themselves strongly in opposition to the policy of Spain. Even the Pope's Nuncio, and the Ambassador from Naples, seem to be of the American Party. The French, I suspect, are making pretty strong efforts in favour of the New States, but, on this point, I have at present, no very precise information.

The Hon. Henry Clay. A. H. EVERETT.

(IV.)—*MESSAGE of The President, to the Senate of The United States, March* 16, 1826.

To the Senate of The United States. *Washington, March* 16, 1826

SOME Additional Documents, having relation to the objects of the Mission to the Congress at Panama, and received since the communication of those heretofore sent, are now transmitted to the Senate.

JOHN QUINCY ADAMS.

(1.)—*Mr. Everett, Minister to Spain, to the Secy. of State.*—(*No.* 15.)
(Extract.) *Madrid, November* 21, 1825.

AFTER conversing with the Duke (del Infantado), as much as was necessary, upon the direct Relations between the two Countries, the opportunity being favourable for a longer interview, I availed myself of it to introduce the subject of the Colonies, upon which I had not before said any thing to him. I told him that it was a part of my Instructions, to intimate to His Majesty's Government, in the most delicate manner possible, the full conviction of that of The United States, that the Question of the Independence of the Colonies was, in point of fact, settled; and their strong desire, that the War might, as soon as possible, be brought to a close. I inquired of him, whether there was at present any disposition in His Majesty's Cabinet towards a change of policy upon this subject. He replied in the negative; but did not express himself, to this effect, with the same fullness and decision that I had observed in Mr. Zea's communications. I presume, however, that this difference, which was certainly very perceptible and obvious, is rather owing to the difference in the characters of the Men, and their habit of expressing themselves, than to any actual intention in the Cabinet to yield; at least, I do not learn from any other Quarter, that such an intention is supposed to exist. The Duke said, that the matter was a delicate one; that he could easily imagine, how inconvenient and injurious it must be to The United States, to have this struggle constantly going on at their doors; and that he was not surprised or dissatisfied, that they should exert their influence in endeavouring to procure the termination of it, in the way which they thought just; but that The King could not yet resolve to abandon His rights, or give up the hope that these Countries would in one way or another be ultimately brought back to their Allegiance. I then suggested to him, particularly, the opinion entertained by the Government of The United States, that the loss of the Islands of Cuba and Porto Rico, would be the inevitable effect of the continuance of the struggle for two or three years longer; but that Spain, by making peace at once, might very probably retain them. When I made this remark to Mr. Zea, he answered, that The King did not consider thes-

Islands as in danger, in any event; and that His Majesty confidently trusted, that he should not only retain them, but reconquer very shortly all the other American Provinces. The Duke's answer was quite different. He inquired of me, in reply, upon what evidence the American Government founded the opinion, that Spain would be able to retain these Islands, in case of her recognizing the Independence of the other Colonies. This Question seemed to suppose the persuasion, that the Islands must at all events be lost, unless The King should recover the whole of his American Possessions. I replied, that the principal circumstance in favour of this opinion was the fact, that no symptoms of a disposition to separate from the Mother Country had yet appeared in the Islands; and that as their situation, in consequence of the opening of the Ports, was extremely flourishing, there was room to suppose that they were contented with it. He acquiesced in this remark, and expressed his deep regret, that a similar system of allowing a full freedom of trade, had not been adopted in season, in regard to the other Colonies. This was the substance of our conversation. The general impression I received from it was, that there is at present no direct intention in the Cabinet to change their policy; but that there is at least as much probability of a Recognition now, as before the late Ministerial Revolution. I mentioned to the Duke, that Mr. Zea had expressed a wish, that I would give him in writing what I had to say by order of my Government upon this subject, and inquired of him, whether this would also be agreeable to him. He said, that he had no objection whatever to receive such a Communication; and I shall accordingly, at my leisure, prepare and transmit one.

The Hon. Henry Clay. A. H. EVERETT.

(2.)—*Mr. Everett to the Secretary of State.*—(*No.* 17.)

(Extract.) *Madrid, December* 12, 1825.

I RECEIVED, two or three days ago, from Mr. King, a Copy of the Instructions to Mr. Middleton, on the Affairs of Spanish America. It came very opportunely, while I was engaged in preparing the Note which I intend to address to this Government upon the same subject. This Communication, as it requires to be drawn up with care and caution, does not admit of being hastened, and will not, probably, be ready before the 1st of January. I learn with much pleasure, through the medium of Mr. Brown, that the Overture made by Mr. Middleton at St. Petersburgh has been well received, and is likely to produce a favourable effect. I shall take an early opportunity of conversing anew with Mr. D'Oubril, upon the subject, and of ascertaining what are his present Instructions.

The Hon. Henry Clay. A. H. EVERETT.

(3.)—*Mr. Everett to the Secretary of State.*—(*No.* 18.)

SIR, *Madrid, January* 1, 1826.

I HAVE the honour to transmit, herewith, a translation of a Decree which has just been published, for establishing a Council of State. A Council has already existed, I believe, ever since the King's return, bearing the same name, composed of nearly the same Persons, and charged with, substantially, the same duties as this, but the King has not been in the habit of calling them together. The only thing, therefore, really new in the Decree, is the part which declares that the Council shall meet every day, and remain in session three hours. How far this regulation is likely to be observed, is, of course, a matter of mere conjecture. It is rather singular that no allusion is made to an existing Council, and that the Decree purports to be for the establishment of an entirely new one. The Measure is considered here as pretty important, but I do not see that it is likely to introduce any very great changes, either in the principles or proceedings of the Government. The latent object of the Institution is, probably, to get rid of the Ministerial Council established by Mr. Zea. No allusion is, however, made to the latter, in the Decree which thus supersedes two of these high State Corporations, without naming either. Some of the most considerable Members of Mr. Zea's Council are transferred to the new one, including the President, Gen. Castanos, a Person much respected by all Parties, and of known liberal sentiments. He told me, yesterday, that this was the fifth Council to which he had been called, as they were successively instituted. He does not appear to anticipate any very important consequences from the innovation.

There are some things, however, in the Decree, and in the composition of the Council, which may be construed into indications, that the Measure has been taken with a view to a more careful consideration of the great Question of America. Among the Members named, who, exclusively of the Ministers, amount to only 14 or 15, are, the Archbishop of Mexico, the Viceroys of Mexico, Venegas, and Apodaca, under new names, the Duke de San Carlos, an American, and Father Cyril, who has been in America. The last is considered the ablest Man in the Council. It is worthy of remark, that none of these, except San Carlos, were of the old Council of State. General Castanos is friendly to the recognition of the Independence of America. Provision seems to have been made in this way for bringing into the meeting a great deal of positive information upon American Affairs. The Decree also mentions, that this Question is one to which the attention of the Council is to be particularly called; and speaks of it in terms which will bear a favourable interpretation, although they do not necessarily require it. Among other things deserving consideration, are enumerated " the weighty Affairs of the Colonies in America,

which are endeavouring to separate from the Mother Country, by a necessary effect of the dangers to which the Crown has been exposed." To acknowledge the necessity of the separation on any account, seems to be a large step towards the acknowledgment of the New States, and to call the effort to separate, a necessary effect of the late political crisis, is, perhaps, to give the best possible justification of it. The passage may, however, be interpreted in a different sense; and there is, at present, no other evidence of any recent change on this subject, in the disposition of this Government. The French Newspapers abound, as usual, with accounts, apparently authentic, of constant efforts made here by the Foreign Powers, especially the British Minister, in favour of the Colonies; but these accounts are also, as usual, without the slightest foundation. Mr. Lamb and myself converse, habitually, on this subject, with perfect freedom, and I am certain that he has said and done almost nothing for the Americans since I have been here: the others never interfere with the subject, excepting, perhaps, the French Ambassador, who has recently arrived, and with whose proceedings I am not so well acquainted.

I lately read to the Duke del Infantado a part of a Letter I had received from New York, which spoke with great confidence of the probability of an early and successful attack upon the Island of Cuba, by the Mexicans and Colombians. The intelligence evidently made an impression upon him. He asked me, among other things, as he has done before, what security there would be for the possession of Cuba, in the event of recognizing the Colonies. I replied, by stating the general reasons why they should not wish to separate. It has since occurred to me that the Duke, by his repeated Questions to this effect, intended to intimate a desire, that a Guarantee for the fidelity of Cuba should be offered by The United States, or by the Spanish American Powers. This was proposed directly by Mr. Zea to Mr. Nelson and to me, as a consideration for admitting our Consul at The Havannah

Since I wrote to you last, I have been principally engaged in preparing my Note upon the Affairs of the Colonies. It is now nearly ready, and I shall, probably, send you a Copy of it with my next Despatches. The other Affairs remain in the same state. The intelligence of the death of The Emperor of Russia arrived here about ten days ago, and was soon followed by that of the quiet succession of His Brother, Constantine. It does not appear that the change will produce any immediate effect upon the state of Political Affairs. The Money Market is exceedingly depressed in France and England, and the distress among the Merchants is greater than was almost ever known before; but the crisis appears to have arisen, in part, from pure panic, and will, in all probability, pass off very soon, leaving the value of Publick Stocks somewhat lower, perhaps, than it stood

before. The French Parliament is summoned for the 31st of this month.

I have the honour to transmit herewith Copies of the Notes which I have addressed to the Minister since my last Despatches, and of some Official Articles of general interest. And remain, &c.

The Hon. Henry Clay. A. H. EVERETT.

P.S. Upon looking again at the Decree upon the Council of State, which was out of my hands when I was writing the above, I find that the Council is not described as a new Institution, in such distinct terms as I had supposed and stated. The impression I had upon the subject was partly derived from conversation. The existence of the Council had been pretty generally forgotten, and this revival of it has been commonly mentioned as the establishment of an entirely new one; in effect it is, as The King never called the Members together under the former System.

(4.)—*Mr. Brown to Mr. Clay.*—(*No.* 42.)

SIR, *Paris, January* 10, 1826.

IN order to comply with the Instructions contained in your Despatch, No. 3, I obtained an interview with His Excellency The Baron de Damas on the 2d instant. I reminded him, that in the month of July last, I had, in a spirit of frankness, disclosed to him the views of The President of The United States, in relation to the Islands of Cuba and Porto Rico, and that I had then stated to him that The United States could not see with indifference those Islands passing from Spain to any other European Government; and that for The United States, no change was desired in their political or commercial condition, nor in the possession which Spain has of them. I informed him that I was now instructed to add, in the same frank and friendly spirit, and in order to guard against all possible difficulties that might arise on that subject, that we could not consent to the occupation of those Islands by any other European Power than Spain, under any contingency whatever. Disclaiming, as we now did, all designs on them ourselves, we believed we might justly claim an unreserved communication of the views of other great Maritime States in relation to them. I observed, that The President could not suppose a state of things, in which it would be right or proper, that Possessions so important should be occupied by either England or France, without the concurrence, or at least knowledge, of The United States.

The Baron de Damas appeared to concur entirely in the view which I took of the subject, and inquired whether it had been mentioned to the British Government. I told him that a similar communication had been made to Mr. Canning, and I had sufficient reason to think that the British Government concurred with The President

in the policy of not disturbing the possession of those Islands, in favour of either of the great Maritime Nations.

I then, in the most delicate and friendly manner, alluded to the French Squadron which had appeared in the West Indies, and on the American Coast, last summer, and stated that my Government would expect, that in case France should again send out a Naval Force, disproportionate in the extent of its armament to the ordinary purpose of a Peace Establishment, its design and object should be communicated to the Government of The United States. The Baron de Damas answered, that the Vessels composing that Squadron had been stationed at different Places, where the number on each Station was not more than sufficient for the service of protecting French Commerce, and their West India Islands; that it had become necessary definitively to settle the relations between France and St. Domingo; that this Squadron was hastily collected for that object, and that the nature of the Service required secrecy. He said, that it was not only right in itself, but had been customary with the French Government to communicate to friendly Governments, in time of peace, the objects of considerable Fleets sent on distant Service; that the peculiar circumstances, in the instance I alluded to, had occasioned a departure from the rule, but that, in future, The United States should be duly apprised of the objects of every such Squadron, sent into their vicinity. The Baron de Damas closed the Conference by saying, that he would communicate what had passed to The King, to whom, he was sure, it would give great satisfaction.

On the same day, I addressed a short Note to the Baron de Damas, of which I enclose a Copy; and, meeting him in the evening, I told him, in an informal manner, that I had written it with the design of avoiding any mistake in my communication to The President, of what had passed at the Conference. He said he was well satisfied that no mistake existed on either side, and that he had communicated our conversation to The King.

I have the honour to be, &c.

The Hon. Henry Clay. JAMES BROWN.

(5.)—Mr. Brown to The Baron de Damas.

SIR, *Paris, January 2, 1826.*

IN the month of July last, I had the honour to state to Your Excellency, with the utmost frankness, the views of the President of The United States, in relation to the Spanish Islands of Cuba and Porto Rico. I informed you that The United States could not see, with indifference, those Islands passing from Spain to any other European Power; and that The United States desired no change in their political or commercial condition, nor in the possession which Spain had of them. In the Conference with which Your Excellency honoured me

on this day, I repeated the same assurances, and added, in a spirit of friendship, and with a view of guarding beforehand against any possible difficulties on the subject, which might arise, that my Government could not consent to the occupation of those Islands by any other European Power than Spain, under any contingency whatever.

Having understood your Excellency to say, that the policy and views of The United States, as disclosed by me, corresponded with those of His Majesty's Government, I shall not fail to communicate the information to the President, who will feel happy in finding the two Nations agreeing on a point of so much importance to the tranquillity of that portion of the Globe.

I request your Excellency to accept, &c.

H. E. The Baron de Damas. JAMES BROWN.

(V.)—*MESSAGE of The President, to the House of Representatives of The United States, 15th March, 1826.*

Washington, March 15, 1826.

To The House of Representatives of The United States.

In compliance with the Resolution of the House, of the 5th ultimo, requesting me to cause to be laid before the House, so much of the Correspondence between the Government of The United States and the New States of America, or their Ministers, respecting the proposed Congress, or Meeting, of Diplomatic Agents at Panama, and such information respecting the general character of that expected Congress, as may be in my possession, and as may, in my opinion, be communicated without prejudice to the publick interest; and also to inform the House, so far as, in my opinion, the publick interest may allow, in regard to what Objects the Agents of The United States are expected to take part in the deliberations of that Congress; I now transmit to the House a Report from the Secretary of State, with the Correspondence and information Requested by the Resolution.

With regard to the Objects in which the Agents of The United States are expected to take part in the deliberations of that Congress, I deem it proper to premise, that these Objects did not form the only, nor even the principal motive for my acceptance of the invitation. My first and greatest inducement was to meet, in the spirit of kindness and friendship, an Overture made in that spirit by Three Sister Republicks of this Hemisphere.

The great revolution in human affairs which has brought into existence, nearly at the same time, Eight Sovereign and Independent Nations in our own Quarter of the Globe, has placed The United States in a situation not less novel, and scarcely less interesting, than that in which they had found themselves, by their own transition, from a cluster of Colonies to a Nation of Sovereign States. The deliverance

of the Southern American Republicks from the oppression under which they had been so long afflicted, was hailed with great unanimity by the People of this Union, as among the most auspicious Events of the Age. On the 4th of May, 1822, an Act of Congress made an Appropriation of 100,000 Dollars "for such Missions to the Independent Nations on the American Continent, as The President of The United States might deem proper."

In exercising the authority recognized by this Act, my Predecessor, by and with the advice and consent of the Senate, appointed, successively, Ministers Plenipotentiary to the Republicks of Colombia, Buenos Ayres, Chili, and Mexico. Unwilling to raise among the Fraternity of freedom, Questions of precedency and etiquette, which even the European Monarchs had of late found it necessary in a great measure to discard, he despatched these Ministers to Colombia, Buenos Ayres, and Chili, without exacting from those Republicks, as, by the ancient Principles of political primogeniture he might have done, that the compliment of a Plenipotentiary Mission should have been paid *first* by them to The United States. The Instructions prepared, under his direction, to Mr. Anderson, the first of our Ministers to the Southern Continent, contain, at much length, the general Principles upon which he thought it desirable that our Relations, political and commercial, with these, our new Neighbours, should be established, for their benefit and ours, and that of the future Ages of our posterity. A Copy of so much of these Instructions as relates to these general Subjects, is among the Papers now transmitted to the House. Similar Instructions were furnished to the Ministers appointed to Buenos Ayres, Chili, and Mexico; and the system of social intercourse which it was the purpose of those Missions to establish, from the first opening, of our Diplomatic Relations with those rising Nations, is the most effective exposition of the Principles upon which the invitation to the Congress at Panama has been accepted by me, as well as of the Objects of negotiation at that Meeting, in which it was expected that our Plenipotentiaries should take part.

The House will perceive that, even at the date of these Instructions, the first Treaties between some of the Southern Republicks had been concluded, by which they had stipulated among themselves this Diplomatic Assembly at Panama. And it will be seen with what caution, so far as it might concern the policy of The United States, and, at the same time, with what frankness and good will towards those Nations, he gave countenance to their design of inviting The United States to this High Assembly, for consultation upon *American Interests*. It was not considered a conclusive reason for declining this Invitation, that the proposal for assembling such a Congress had not first been made by ourselves. It had sprung from the urgent, immediate, and momentous common interests of the Great Communities, struggling for

Independence, and, as it were, quickening into life. From them the Proposition to us appeared respectful and friendly; from us to them it could scarcely have been made, without exposing ourselves to suspicions of purposes of ambition, if not of domination, more suited to rouse resistance and excite distrust than to conciliate favour and friendship. The first and paramount Principle upon which it was deemed wise and just to lay the corner-stone of all our future Relations with them was *disinterestedness;* the next was cordial good will to them; the third was a claim of fair and equal reciprocity. Under these impressions, when the Invitation was formally and earnestly given, had it even been doubtful, whether *any* of the Objects proposed for consideration and discussion at the Congress, were such as that immediate and important interests of The United States would be affected by the issue, I should, nevertheless, have determined, so far as it depended upon me, to have accepted the Invitation, and to have appointed Ministers to attend the Meeting. The proposal itself implied that the Republicks, by whom it was made, *believed* that important interests of ours or of theirs, rendered our attendance there desirable. They had given us notice, that, in the novelty of their situation, and in the spirit of deference to our experience, they would be pleased to have the benefit of our friendly counsel. To meet the temper with which this proposal was made, with a cold repulse, was not thought congenial to that warm interest in their welfare, with which the People and Government of the Union had hitherto gone hand in hand through the whole progress of their Revolution. To insult them by a refusal of their Overture, and then invite them to a similar Assembly to be called by ourselves, was an expedient which never presented itself to the mind. I would have sent Ministers to the Meeting, had it been merely to give them such advice as they might have desired, even with reference to *their own* interests, not involving ours. I would have sent them, had it been merely to explain and set forth to them our reasons for *declining* any proposal of specific Measures to which they might desire our concurrence, but which we might deem incompatible with our interests or our duties. In the intercourse between Nations, temper is a missionary, perhaps, more powerful than talent. Nothing was ever lost by kind treatment. Nothing can be gained by sullen repulses and aspiring pretensions.

But Objects of the highest importance, not only to the future welfare of the whole human race, but bearing directly upon the special interests of this Union, *will* engage the deliberations of the Congress of Panama, whether we are represented there or not. Others, if we are represented, may be offered by our Plenipotentiaries for consideration, having in view both these great results—our own interests, and the improvement of the condition of Man upon Earth. It may be, that in the lapse of many Centuries, no other opportunity so favourable will

be presented to the Government of The United States, to subserve the benevolent purposes of Divine Providence, to dispense the promised blessings of the Redeemer of Mankind; to promote the prevalence, in future Ages, of peace on Earth and goodwill to Man, as will now be placed in their power, by participating in the deliberations of this Congress.

Among the topics enumerated in Official Papers, published by the Republick of Colombia, and adverted to in the Correspondence now communicated to the House, as intended to be presented for discussion at Panama, there is scarcely one in which the *result* of the Meeting will not deeply affect the interests of The United States. Even those in which the Belligerent States alone will take an active part, will have a powerful effect upon the state of our Relations with the American, and probably with the principal European States. Were it merely that we might be correctly and speedily informed of the Proceedings of the Congress, and of the progress and issue of their negotiations, I should hold it adviseable that we should have an Accredited Agency with them, placed in such confidential relations with the other Members, as would ensure the authenticity, and the safe and early transmission of its Reports. Of the same enumerated topics, are the preparation of a Manifesto, setting forth to the World the justice of their Cause, and the Relations they desire to hold with other Christian Powers: and to form a Convention of Navigation and Commerce, applicable both to the Confederated States and to their Allies.

It will be within the recollection of the House, that immediately after the close of the War of our Independence, a Measure, closely analogous to this Congress of Panama, was adopted by the Congress of our Confederation, and for purposes of precisely the same character. Three Commissioners, with Plenipotentiary Powers, were appointed to negociate Treaties of Amity, Navigation, and Commerce, with all the principal Powers of Europe. They met, and resided for that purpose about one year at Paris; and the only result of their Negotiations at that time, was the first Treaty between The United States and Prussia,—memorable in the Diplomatic Annals of the World, and precious as a monument of the Principles, in relation to Commerce and Maritime warfare, with which our Country entered upon her career, as a Member of the great family of Independent Nations. This Treaty, prepared in conformity with the Instructions of the American Plenipotentiaries, consecrated three Fundamental Principles of the Foreign Intercourse which the Congress of that period were desirous of establishing. First, equal reciprocity, and the mutual Stipulation of the Privileges of the most favoured Nation in the Commercial exchanges of Peace; Secondly, the abolition of Private War upon the Ocean; and, Thirdly, Restrictions, favourable to neutral commerce, upon Belligerent practices, with regard to Contraband of War and Blockades. A

painful, it may be said a calamitous, experience of more than 40 years, has demonstrated the deep importance of these same Principles, to the peace and prosperity of this Nation, and to the welfare of all Maritime States, and has illustrated the profound wisdom with which they were assumed as cardinal points of the policy of the Union.

At that time, in the infancy of their political existence, under the influence of those Principles of liberty and of right, so congenial to the Cause in which they had just fought and triumphed, they were able but to obtain the sanction of one great and philosophical, though absolute, Sovereign, in Europe, to their liberal and enlightened Principles. They could obtain no more. Since then, a political hurricane has gone over three-fourths of the civilized portions of the Earth, the desolation of which, it may with confidence be expected, is passing away, leaving, at least, the American atmosphere purified and refreshed. And now, at this propitious moment, the new born Nations of this Hemisphere, assembling by their Representatives at the Isthmus between its two Continents, to settle the Principles of their future international intercourse with other Nations and with us, ask, in this great exigency, for our advice upon those very fundamental maxims, which we, from our cradle, at first proclaimed, and partially succeeded to introduce into the Code of National Law.

Without recurring to that total prostration of all Neutral and Commercial Rights, which marked the progress of the late European Wars, and which finally involved The United States in them, and adverting only to our political relations with these American Nations, it is observable, that, while in all other respects those relations have been uniformly, and, without exception, of the most friendly and mutually satisfactory character, the only causes of difference and dissension between us and them, which ever have arisen, originated in those never-failing fountains of discord and irritation—discriminations of commercial favour to other Nations, licentious Privateers, and Paper Blockades. I cannot, without doing injustice to the Republics of Buenos Ayres and Colombia, forbear to acknowledge the candid and conciliatory spirit with which they have repeatedly yielded to our friendly representations and remonstrances on these subjects; in repealing discriminative Laws which operated to our disadvantage, and in revoking the Commissions of their Privateers: to which Colombia has added the magnanimity of making reparation for unlawful Captures by some of her Cruisers, and of assenting, in the midst of war, to Treaty Stipulations favourable to Neutral Navigation. But the recurrence of these occasions of complaint has rendered the renewal of the discussions which result in the removal of them necessary; while, in the mean time, injuries are sustained by Merchants and other Individuals of The United States, which cannot be repaired, and the remedy lingers in overtaking the pernicious operation of the mischief. The settlement

of general principles, pervading, with equal efficacy, all the American States, can alone put an end to these evils, and can alone be accomplished at the proposed Assembly.

If it be true that the noblest Treaty of Peace ever mentioned in History, is that by which the Carthagenians were bound to abolish the practice of sacrificing their own Children, *because it was stipulated in favour of Human Nature*, I cannot exaggerate to myself the unfading glory with which these United States will go forth in the memory of future Ages, if, by their friendly counsel, by their moral influence, by the power of argument and persuasion alone, they can prevail upon the American Nations at Panama, to stipulate by general agreement among themselves, and so far as any of them may be concerned, the perpetual abolition of Private War upon the Ocean. And, if we cannot yet flatter ourselves that this may be accomplished; as advances towards it, the establishment of the principle that the friendly Flag shall cover the Cargo, the curtailment of Contraband of War, and the proscription of fictitious Paper Blockades, engagements which we may reasonably hope, will not prove impracticable, will, if successfully inculcated, redound proportionally to our honour, and drain the fountain of many a future sanguinary War.

The late President of The United States, in his Message to Congress of the 2d of December, 1823, while announcing the Negotiation then pending with Russia, relating to the Northwest Coast of this Continent, observed, that the occasion of the discussions to which that incident had given rise, had been taken for asserting as a principle in which the rights and interests of The United States were involved, that the American Continents, by the free and independent condition which they had assumed and maintained, were thenceforward not to be considered as subjects for future Colonization by any European Power. The principle had first been assumed in that Negotiation with Russia. It rested upon a course of reasoning equally simple and conclusive. With the exception of the existing European Colonies, which it was in no wise intended to disturb, the two Continents consisted of several Sovereign and Independent Nations, whose Territories covered their whole surface. By this, their independent condition, The United States enjoyed the right of commercial intercourse with every part of their Possessions. To attempt the establishment of a Colony in those Possessions would be to usurp, to the exclusion of others, a commercial intercourse which was the common possession of all. It could not be done without encroaching upon existing rights of The United States. The Government of Russia has never disputed these positions, nor manifested the slightest dissatisfaction at their having been taken. Most of the new American Republics have declared their entire assent to them; and they now propose, among the Subjects of consultation at Panama, to take into consideration the means of making

effectual the assertion of that principle, as well as the means of resisting interference, from Abroad, with the domestic concerns of the American Governments.

In alluding to these means, it would obviously be premature at this time to anticipate that which is offered, merely as matter for consultation, or to pronounce upon those Measures which have been or may be suggested. The purpose of this Government is to concur in none which would import hostility to Europe, or justly excite resentment in any of her States. Should it be deemed advisable to contract any Conventional Engagement, on this topic, our views would extend no further than to a mutual pledge of the Parties to the Compact, to maintain the principle in application to its own Territory, and to permit no Colonial lodgments or establishment of European Jurisdiction upon its own soil; and with respect to the obtrusive interference from abroad, if its future character may be inferred from that which has been, and, perhaps still is, exercised in more than one of the New States, a joint Declaration of its character, and exposure of it to the World, may be probably all that the occasion would require. Whether The United States should, or should not, be Parties to such a Declaration, may justly form a part of the deliberation. That there is an evil to be remedied, needs little insight into the secret History of late Years, to know, and that this remedy may be best concerted at the Panama Meeting, deserves, at least the experiment of consideration. A concert of Measures, having reference to the more effectual Abolition of the African Slave-trade, and the consideration of the light in which the political condition of the Island of Hayti is to be regarded, are also among the Subjects mentioned by the Minister from the Republic of Colombia, as believed to be suitable for deliberation at the Congress. The failure of the Negotiations with that Republic, undertaken during the late Administration, for the Suppression of that Trade, in compliance with a Resolution of the House of Representatives, indicates the expediency of listening, with respectful attention, to Propositions which may contribute to the accomplishment of the great end, which was the purpose of that Resolution, while the result of those Negotiations will serve as admonition to abstain from pledging this Government to any Arrangement which might be expected to fail of obtaining the advice and consent of the Senate, by a Constitutional Majority, to its Ratification.

Whether the political condition of the Island of Hayti shall be brought at all into discussion at the Meeting, may be a Question for preliminary advisement. There are, in the Political Constitution of Government of that People, circumstances which have hitherto forbidden the acknowledgment of them, by the Government of The United States, as Sovereign and Independent. Additional reasons for withholding that acknowledgment, have recently been seen in their accept-

ance of a nominal Sovereignty, by the *grant* of a Foreign Prince; under Conditions equivalent to the concession by them, of exclusive Commercial advantages to one Nation, adapted altogether to the state of Colonial vassalage, and retaining little of Independence but the name. Our Plenipotentiaries will be instructed to present these views to the Assembly at Panama: and should they not be concurred in, to decline acceding to any Arrangement which may be proposed upon different Principles.

The condition of the Islands of Cuba and Porto Rico, is of deeper import, and more immediate bearing upon the present interests, and future prospects of our Union. The Correspondence herewith transmitted, will show how earnestly it has engaged the attention of this Government. The invasion of both those Islands by the united Forces of Mexico and Colombia, is avowedly among the objects to be matured by the Belligerent States at Panama. The convulsions to which, from the peculiar composition of their Population, they would be liable, in the event of such an Invasion, and the danger therefrom resulting, of their falling ultimately into the hands of some European Power, other than Spain, will not admit of our looking at the consequences to which the Congress at Panama may lead, with indifference. It is unnecessary to enlarge upon this topic; or to say more, than that all our efforts in reference to this interest, will be to preserve the existing state of things, the tranquillity of the Islands, and the peace and security of their Inhabitants.

And lastly, the Congress at Panama is believed to present a fair occasion for urging upon all the new Nations of the South, the just and liberal principles of Religious Liberty. Not by any interference whatever, in their internal concerns, but by claiming for our Citizens, whose occupations or interests, may call them to occasional residence in their Territories, the inestimable privilege of worshipping their Creator according to the dictates of their own consciences. This privilege, sanctioned by the customary Law of Nations, and secured by Treaty Stipulations in numerous National Compacts; secured even to our own Citizens in the Treaties with Colombia, and with the Federation of Central America, is yet to be obtained in the other South American States, and Mexico. Existing prejudices are still struggling against it, which may perhaps be more successfully combated at this General Meeting, than at the separate Seats of Government of each Republic.

I can scarcely deem it otherwise than superfluous, to observe, that the Assembly will be in its nature Diplomatic and not Legislative. That nothing can be transacted there, obligatory upon any one of the States to be represented at the Meeting, unless with the express concurrence of its own Representatives; nor even then, but subject to the Ratification of its Constitutional Authority at home. The faith of The United States to Foreign Powers cannot otherwise be pledged.

I shall, indeed, in the first instance, consider the Assembly as merely *Consultative*; and although the Plenipotentiaries of The United States will be empowered to receive, and refer to the consideration of their Government, any Proposition from the other Parties to the Meeting, they will be authorized to conclude nothing, unless subject to the definitive sanction of this Government, in all its Constitutional forms. It has therefore seemed to me unnecessary to insist, that every Object to be discussed at the Meeting should be specified with the precision of a judicial sentence, or enumerated with the exactness of a mathematical demonstration. The purpose of the Meeting itself, is to deliberate upon the great and common *interests* of several new and neighbouring Nations. If the measure is new and without precedent, so is the situation of the Parties to it. That the purposes of the Meeting are somewhat indefinite, far from being an objection to it, is among the cogent reasons for its adoption. It is not the establishment of Principles of intercourse with One, but with Seven or Eight Nations at once. That, before they have had the means of exchanging ideas and communicating with one another in common, upon these topics, they should have definitively settled and arranged them in concert, is to require that the effect should precede the cause. It is to exact as a preliminary to the Meeting, that, for the accomplishment of which, the Meeting itself is designed.

Among the inquiries which were thought entitled to consideration, before the determination was taken to accept the invitation, was that, whether the measure might not have a tendency to change the policy, hitherto invariably pursued by The United States, of avoiding all entangling Alliances, and all unnecessary foreign connections.

Mindful of the advice given by the Father of our Country, in his farewell Address, that the great rule of conduct for us in regard to Foreign Nations, is, in extending our commercial relations, to have with them as little political connexion as possible; and, faithfully adhering to the spirit of that admonition, I cannot overlook the reflection, that the Counsel of Washington, in that instance, like all the counsels of wisdom, was founded upon the circumstances in which our Country and the World around us, were situated, at the time when it was given.—That the reasons assigned by him for his advice, were, that Europe had a set of primary interests, which to us had none, or a very remote relation. That hence she must be engaged in frequent controversies, the causes of which were essentially foreign to our concerns. That our *detached* and *distant* situation, invited and enabled us to pursue a different course. That by our Union and rapid growth, with an efficient Government, the period was not far distant, when we might defy material injury from external annoyance; when we might take such an attitude as would cause our Neutrality to be respected;

and, with reference to Belligerent Nations, might choose Peace or War, as our interests, guided by justice, should counsel.

Compare our situation and the circumstances of that time, with those of the present day, and what from the very words of Washington, then, would be his counsels to his Countrymen now? Europe has still her set of primary interests with which we have little or a remote relation. Our distant and detached situation, with reference to Europe, remains the same. But we were then the only Independent Nation of this Hemisphere; and we were surrounded by European Colonies, with the greater part of which we had no more intercourse than with the Inhabitants of another Planet. Those Colonies have now been transformed into Eight Independent Nations, extending to our very borders. Seven of them Republics like ourselves; with whom we have an immensely growing commercial, and *must* have, and have already important political, connexions. With reference to whom, our situation is neither distant nor detached. Whose political principles and systems of Government, congenial with our own, must and will have an action and counteraction upon us and ours, to which we cannot be indifferent if we would.

The rapidity of our growth, and the consequent increase of our strength, has more than realized the anticipations of this admirable political legacy. Thirty years have nearly elapsed since it was written; and in the interval, our Population, our Wealth, our Territorial Extension, our Power, physical and moral, has nearly trebled. Reasoning upon this state of things; from the sound and judicious principles of Washington, must we not say, that the period which he predicted as then not far off, has arrived? That *America* has a set of primary interests, which have none, or a remote relation to Europe. That the interference of Europe, therefore, in those concerns, should be spontaneously withheld by her, upon the same principles, that we have never interfered with hers; and that if she should interfere, as she may, by measures which may have a great and dangerous recoil upon ourselves, we might be called, in defence of our own altars and firesides, to take an attitude which would cause our Neutrality to be respected, and choose Peace or War, as our interest, guided by justice, should counsel.

The acceptance of this Invitation, therefore, far from conflicting with the counsel or the policy of Washington, is directly deducible from, and conformable to it. Nor is it less conformable to the views of my immediate Predecessor, as declared in his Annual Message to Congress, of the 2d December, 1823, to which I have already adverted, and to an important passage of which I invite the attention of the House. "The Citizens of The United States," said he, "cherish sentiments the most friendly, in favour of the liberty and happiness of their fellow men on that (the European) 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 candor, and to the amicable relations subsisting 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 purposes of oppressing them, or controuling 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."

To the Question which may be asked, whether this Meeting, and the principles which may be adjusted and settled by it, as rules of intercourse between the American Nations, may not give umbrage to the Holy League of European Powers, or offence to Spain, it is deemed a sufficient answer, that our attendance at Panama can give no *just cause* of umbrage or offence to either; and that The United States will stipulate nothing there which can give such cause. Here the right of inquiry into our purposes and measures must stop. The Holy League of Europe itself was formed, without inquiring of The United States, whether it would, or would not, give umbrage to them. The fear of giving umbrage to the Holy League of Europe, was urged as a motive for denying to the American Nations the acknowledgment of their Independence. That it would be viewed by Spain as hostility to her, was not only urged, but directly declared by herself. The

Congress and Administration of that day, consulted their rights and duties, and not their fears. Fully determined to give no needless displeasure to any Foreign Power, The United States can estimate the probability of their giving it, only by the right which any Foreign State could have to take it, from their measures. Neither the representation of The United States at Panama, nor any measure to which their assent may be yielded there, will give to the Holy League, or any of its Members, nor to Spain, the right to take offence. For the rest, The United States must still, as heretofore, take counsel from their duties, rather than their fears.

Such are the objects in which it is expected that the Plenipotentiaries of The United States, when commissioned to attend the Meeting at the Isthmus, will take part; and such are the motives and purposes, with which the invitation of the three Republicks was accepted. It was, however, as the House will perceive from the Correspondence, accepted, only upon condition, that the nomination of Commissioners for the Mission, should receive the advice and consent of the Senate.

The concurrence of the House to the measure, by the Appropriations necessary for carrying it into effect, is alike subject to its free determination, and indispensable to the fulfilment of the intention.

That the Congress at Panama will accomplish all, or even any of the transcendant benefits to the human race, which warmed the conception of its first Proposer, it were, perhaps, indulging too sanguine a forecast of events to promise. It is, in its nature, a measure, speculative and experimental. The blessing of Heaven may turn it to the account of human improvement. Accidents unforeseen, and mischances not to be anticipated, may baffle all its high purposes, and disappoint its fairest expectations. But the design is great, is benevolent, is humane.

It looks to the melioration of the condition of Man. It is congenial with that spirit which prompted the Declaration of our Independence; which inspired the Preamble of our first Treaty with France; which dictated our first Treaty with Prussia, and the Instructions under which it was negotiated: which filled the hearts and fired the souls of the immortal Founders of our Revolution.

With this unrestricted exposition of the motives by which I have been governed, in this transaction, as well as of the objects to be discussed, and of the ends, if possible, to be attained by our Representation at the proposed Congress, I submit the propriety of an Appropriation, to the candid consideration, and enlightened patriotism, of the Legislature.

JOHN QUINCY ADAMS.

(1.)—*Report of The Secretary of State.*

The Secretary of State, to whom The President has referred that part of the Resolution of the House of Representatives, of the 3d inst. which requests that he would cause to be laid before that House "so much of the Correspondence between the Government of The United States, and the New States of America or their Ministers, respecting the proposed Congress, or meeting of Diplomatic Agents at Panama, and of such information respecting the general character of that expected Congress, as may be in his possession," has the honour now to report;

That, during the last Spring, he held, at the Department of State, Separate Conferences, on the same day, with the respective Ministers of Colombia and Mexico, in the course of which, each of them verbally stated, that his Government was desirous that The United States should be represented at the proposed Congress, and that he was instructed to communicate an invitation to their Government to send Representatives to it; but that, as his Government did not know whether it would be agreeable or not to The United States to receive such an invitation, and as it was not wished to occasion any embarrassment to them, he was charged informally to inquire, previous to the delivery of the invitation, whether it would be accepted, if given by both of the Republicks of Mexico and Colombia. It was also stated, by each of those Ministers, that his Government did not expect that The United States would change their present neutral policy, nor was it desired that they should take part in such of the deliberations of the proposed Congress as might relate to the prosecution of the existing War with Spain.

Having laid before The President what transpired at these Conferences, his direction was received, about a week after they had been held, to inform the Ministers of Mexico and Colombia, and they were accordingly informed, that their Communication was received with due sensibility to the friendly consideration of The United States, by which it had been dictated; that, of course, they could not make themselves a Party to the War between the New States and Spain, nor to Councils for deliberating on the means of its further prosecution; that The President believed that such a Congress as was contemplated, might be highly useful in settling several important disputed Questions of Public Law, in arranging other matters of deep interest to the American Continent, and in strengthening the friendship and amicable intercourse between the American Powers; that before such a Congress, however, assembled, it appeared to The President to be expedient to adjust, between the different Powers to be represented, several Preliminary Points; such as the Subjects to which the attention of the Congress was to be directed, the nature and the form of the Powers to be given to the Diplomatic Agents who were to compose it,

and the mode of its organization and its action. If these Preliminary Points could be arranged in a manner satisfactory to The United States, the Ministers from Colombia and Mexico were informed, that The President thought that The United States ought to be represented at Panama. Each of those Ministers undertook to transmit to his Government the Answer which was thus given to both.

In this posture the Overture remained until the Letters were received which accompany this Report, from the Ministers of the Republicks of Mexico and Colombia, under date of the 2d and 3d November, 1825. A similar Answer was returned to each of those Letters, in Official Notes, a Copy of which is with this Report.*

The first and only Communication from the Minister of the Republic of Central America to this Department, in regard to the Congress at Panama, is contained in his Official Note; a Copy of which, together with a Copy of the Answer which was returned, will be found along with this Report.†

Copies of Conventions, containing Stipulations respecting the intended Congress, are herewith reported, between

The Republic of Colombia and that of Chili;

The Republics of Colombia and Peru;

The Republic of Colombia, and the Federation of the Centre of America; and

The Republic of Colombia, and The United Mexican States (A.)

The Secretary of State has also the honour to report to The President, Extracts from the Instructions which were given by the Department of State to Mr. Anderson, on the 27th day of May, 1823, and Copies of certain parts of the Correspondence which, since the last Session of Congress, has taken place between the Executive of The United States, and the Governments of Russia, France, Spain, and Mexico, of which a descriptive List accompanies this Report.‡ In respect to the Negotiation which Mr. Middleton was authorized, by the Despatch of the 10th of May last (B.), (one of the Papers now reported), to institute at St. Petersburg; considering the lapse of time, and the great and lamented Event which has lately occurred in Europe, perhaps there is no adequate reason for refraining from a communication of it to the House, which is recommended by its intimate connection with the interests of the new Republicks. About the same period with the date of that Despatch, Instructions were given to Mr. Everett, to inculcate on Spain the necessity of Peace; and to our Ministers in France and England, to invite the Cabinets of Paris and London to co-operate in the same work. The hope, not yet abandoned, was indulged, that, by an united exertion of all the Great Powers, and especially of Russia, Spain might be brought to see her true interests, in terminating the existing War. Other Negotiations,

* See Page 394. † See Page 400. ‡ See Page 389.

growing out of, and subordinate to that which was authorized in the before-mentioned Despatch of the 10th of May, to Mr. Middleton, have been more recently commenced. They have for their object the prevention of disorder in the Spanish Islands of Cuba and Porto Rico, and also to guard The United States against the danger of bad examples and excesses, of which, in the course of events, those Islands might become the theatre, as well as the conservation of our commercial and navigating interests.

All which is respectfully submitted. H. CLAY.

Department of State, March 14, 1826.

(A.) These Conventions, were communicated to the Senate, in a Report of the Secretary of State, accompanying The President's Message to the Senate, of the 9th of January, 1826, in answer to a Resolution of the Senate, of the 3d of January, 1826.—(See Page 402.)

(B.) This Letter to Mr. Middleton, of the 10th of May, 1825, was communicated, *with others*, to the Senate, at the same time with the Conventions above mentioned.—(See Page 403.)

(2.)—*Mr. Adams, Secretary of State, to Mr. Anderson, Minister Plenipotentiary to Colombia.*

(Extract.) *Washington, May* 27, 1823.

THE Revolution which has severed the Colonies of Spanish America from European thraldom, and left them to form self-dependent Governments, as Members of the Society of Civilized Nations, is among the most important events in Modern History. As a general movement in human affairs, it is, perhaps, no more than a developement of principles, first brought into action by the separation of these States from Great Britain, and by the practical illustration given in the formation and establishment of our Union, to the doctrine that voluntary agreement is the only legitimate source of Authority among Men, and that all just Government is a Compact. It was impossible that such a System as Spain had established over her Colonies, should stand before the progressive improvement of the understanding in this Age, or that the light shed upon the whole Earth by the results of our Revolution, should leave in utter darkness the Regions immediately adjoining upon ourselves. The Independence of the Spanish Colonies, however, has proceeded from other causes, and has been achieved upon principles in many respects different from ours. In our Revolution the principle of the Social Compact was, from the beginning, in immediate issue. It originated in a question of *Right*, between the Government in Europe, and the Subject in America. Our *Independence* was declared in defence of our *Liberties*, and the attempt to make the yoke, a yoke of oppression, was the cause and the justification for casting it off.

The Revolution of the Spanish Colonies was not caused by the oppression under which they had been held, however great it had been. Their Independence was first forced upon them by the temporary subjugation of Spain herself to a Foreign Power. They were, by that event, cast upon themselves, and compelled to establish Governments of their own. Spain, through all the vicissitudes of her own Revolutions, has clung to the desperate hope of retaining, or of reclaiming them to her own controul; and has waged, to the extent of her power, a disastrous War to that intent. In the mind of every rational Man, it has been for years apparent, that Spain can never succeed to recover her Dominion where it has been abjured, nor is it probable that She can long retain the small remnant of her Authority, yet acknowledged in some spots of the South American Continent.

The political course of The United States, from the first dawning of South American Independence, has been such as was prescribed by their relative duties to all the Parties. Being on terms of peace and amity with Spain, through all the changes of her own Government, they have considered the struggles of the Colonies for Independence as a case of Civil War, to which their national obligations prescribed to them to remain neutral. Their policy, their interest, and their feelings, all concurred to favour the Cause of the Colonies; and the Principles upon which the right of Independence has been maintained by the South American Patriots, have been approved, not only as identical with those upon which our own Independence was asserted and achieved, but as involving the whole theory of Government, on the emphatically American foundation, of the Sovereignty of the People, and the unalienable Rights of Man. To a Cause reposing upon this basis, the People of this Country never could be indifferent, and their sympathies have accordingly been, with great unanimity and constancy, enlisted in its favour. The sentiments of the Government of The United States, have been in perfect harmony with those of their People; and while forbearing, as their duties of Neutrality prescribed, from every measure which could justly be construed as hostile to Spain, they have exercised all the moral influence which they possessed, to countenance and promote the Cause of Independence. So long as a Contest of Arms, with a rational or even remote prospect of eventual success, was maintained by Spain, The United States could not recognize the Independence of the Colonies, as existing *de facto*, without trespassing on their duties to Spain, by assuming as decided, that which was precisely the Question of the War. In the history of South American Independence, there are two Periods, clearly distinguishable from each other. The first, that of its origin, when it was rather a War of Independence against France than against Spain; and the second, from the Restoration of Ferdinand the Seventh, in 1814. Since that period, the Territories now constituting the Republick of Colombia,

have been the only theatre upon which Spain has been able to maintain the Conflict offensively, with even a probable colour of ultimate success. But when, in 1815, she made her greatest effort in the Expedition from Cadiz, (commanded by Morillo,) Mexico, Peru, and Chili, were yet under her authority; and had she succeeded in reducing the Coast of Terra Firma and New Grenada, the Provinces of La Plata, divided among themselves, and weakened by the Portuguese occupation of Monte Video, would probably not have held out against her long. This, at least, was the calculation of her policy, and from the geographical position of these Countries, which may be termed the heart of South America, the conclusion might well be drawn, that if the Power of Spain could not be firmly reseated there, it must be on her part a fruitless struggle to maintain her supremacy in any part of the American Continent. The Expedition of Morillo, on its first arrival, was attended with signal success. Carthagena was taken. The whole Coast of Terra Firma was occupied, and New Grenada was entirely subdued. A remnant of Patriots in Venezuela, with their Leader, Bolivar, returning from expulsion, revived the Cause of Independence; and, after the Campaign of 1819, in which they reconquered the whole of New Grenada, the demonstration became complete, that every effort of Spain to recover the South American Continent must thenceforward be a desperate waste of her own resources, and that the truest friendship of other Nations to her, would consist in making her sensible that her own interest would be best consulted, by the acknowledgment of that Independence which she could no longer effectually dispute.

To this conclusion the Government of The United States had at an earlier period arrived. But from that emergency, The President has considered the Question of recognition, both in a moral and political view, as merely a Question of the proper *time*. While Spain could entertain a reasonable hope of maintaining the War, and of recovering her authority, the acknowledgment of the Colonies as Independent States, would have been a wrong to her; but she had no right, upon the strength of this Principle, to maintain the pretension, after she was manifestly disabled from maintaining the Contest, and by unreasonably withholding Her acknowledgment, to deprive the Independents of their right to demand the acknowledgment of Others. To fix upon the precise *time*, when the duty to respect the prior sovereign right of Spain should cease, and that of yielding to the claim of acknowledgment would commence, was a subject of great delicacy, and to The President, of constant and anxious solicitude. It naturally became, in the first instance, a proper subject of consultation, with other Powers, having relations of interests to themselves, with the newly opened Countries, as well as influence in the general Affairs of Europe. In August, 1818, a formal Proposal was made to the British Government, for a concerted and cotemporary recognition of the Independ-

ence of Buenos Ayres, then the only one of the South America States which, having declared Independence, had no *Spanish* Force contending against it, within its Borders; and where it therefore most unequivocally existed *in fact*. The British Government declined accepting the Proposal themselves, without however expressing any disapprobation of it; without discussing it as a Question of principle, and without assigning any reason for the refusal, other than that it did not then suit with their policy. It became a subject of consideration at the deliberations of the Congress of Aix La Chapelle, in October 1818. There is reason to believe that it disconcerted Projects which were there entertained, of engaging the European Alliance in actual operations against the South Americans; as it is well known that a Plan for their joint Mediation, between Spain and her Colonies, for restoring them to her authority, was actually matured and finally failed at that Place, only by the refusal of Great Britain to accede to the condition of employing *force* eventually against the South Americans, for its accomplishment. Some dissatisfaction was manifested by several Members of the Congress at Aix La Chapelle, at this avowal on the part of The United States, of their readiness to recognise the Independence of Buenos Ayres.

The reconquest in the Campaign of 1819, of New Grenada to the Patriot Cause, was immediately followed by the formation of the Republick of Colombia, consisting of three great Divisions of the preceding Spanish Government: Venezuela, Cundinamarca and Quito. It was soon succeeded by the dissolution of the Spanish Authority in Mexico; by the Revolution in Spain itself; aud by the Military Operations, which resulted in the Declaration of Independence, in Peru. In November, 1820, was concluded the Armistice between the Generals Morillo and Bolivar, together with a subsequent Treaty, stipulating that, in case of the renewal of the War, the Parties would abstain from all hostilities and practices not consistent with the modern Law of Nations, and the humane maxims of Civilization. In February, 1821, the partial Independence of Mexico was proclaimed, at Ygula, and, in August of the same year, was recognized by the Spanish Vice-Roy and Captain-General, O'Donojou, at Cordova.

The formation of the Republick of Colombia, by the Fundamental Law of 17th December, 1819, was notified to this Government, by its Agent, the late Don Manuel Torres, on the 20th of February, 1821, with a request that it might be recognized by the Government of The United States, and a proposal for the Negotiation of Treaties of Commerce and Navigation, *founded upon the basis of reciprocal utility and perfect equality*, as the most efficacious means of strengthening and increasing the relations of amity between the two Republicks.

The request and proposal were renewed in a Letter from Mr. Torres, of the 30th of November, 1821, and again repeated on the 2d of

January, 1822. In the interval, since the first demand, the General Congress of the New Republick had assembled, and formed a Constitution, founded upon the principles of Popular Representation, and divided into Legislative, Executive, and Judicial Authorities. The Government under this Constitution had been organized, and was in full operation; while, during the same period, the principal remnant of the Spanish Force had been destroyed by the Battle of Carabobo, and its last fragments were confined to the two Places of Porto Cabello and Panama.

Under these circumstances, a Resolution of the House of Representatives of The United States, on the 30th of January, 1822, requested of The President to lay before the House, the Communications from the Agents of The United States, with the Governments south of The United States, which had declared their Independence; and those from the Agents of such Governments here, with the Secretary of State, tending to shew the Political Condition of their Governments, and the state of the War between them and Spain. In transmitting to the House the Papers called for by this Resolution, The President, by his Message of 8th March, 1822, declared his own persuasion that the time had arrived when, in strict conformity to the Law of Nations, and in the fulfilment of the duties of equal and impartial justice to all Parties, the acknowledgment of the Independence declared by the Spanish American Colonies could no longer be withheld. Both Houses of Congress having almost unanimously concurred with these views of The President, an Appropriation was made by Law (4th May, 1822,) for such Missions to the Independent Nations on the American Continent, as The President should deem proper.

On the day after The President's Message of the 8th of March, the Spanish Minister, Anduaga, addressed to this Department a Remonstrance against the Measure which it recommended, and a solemn Protest against the Recognition of the Governments mentioned, of the insurgent Spanish Provinces of America. He was answered on the 6th of April, by a Letter recapitulating the circumstances under which the Government of The United States had "yielded to an obligation of duty of the highest order, by recognizing, as Independent States, Nations which, after deliberately asserting their right to that character, had maintained and established it against all the resistance which had been or could be brought to oppose it." On the 24th of April, he gave information that the Spanish Government had disavowed the Treaty of 24th August, 1821, between the Captain General O'Donoju and Colonel Iturbide, and had denied the authority of the former to conclude it.

On the 12th of February, 1822, the Spanish Extraordinary Cortes adopted the Report of a Committee, proposing the Appointment of Commissioners to proceed to South America, to negotiate with the

Revolutionary Patriots, concerning the relations to be established thereafter, in regard to their connexion with Spain. They declared, at the same time, all Treaties made with them before that time, by Spanish Commanders, implying any acknowledgment of their Independence, null and void, as not having been authorized by the Cortes; and on the next day, they passed three Resolutions, the first annulling, expressly, the Treaty between O'Donoju and Iturbide.

The Second, "That the Spanish Government, by a Declaration to all others with which it has friendly Relations, make known to them, that the Spanish Nation will regard, *at any Epoch*, as a violation of the Treaties, the Recognition, either partial or absolute, of the Independence of the Spanish Provinces of Ultra-Mar, so long as the dissensions which exist between some of them, and the Metropolis, *are not terminated*, with whatever else may serve to convince Foreign Governments that Spain has not yet renounced any of the Rights belonging to it in those Countries."

The Third Resolution recommended to the Government to take all necessary measures, and to apply to the Cortes for the needed resources, to preserve and recover the Authority of Spain in the Ultra-Marine Provinces.

These Measures of the Cortes were not known to The President of The United States when he sent to Congress his Message of the 8th of March. But information of them was received while the Bill making an Appropriation for the Missions was before Congress; and, on the 25th of April, a Resolution of the Senate requested of The President any information he might have, proper to be disclosed, from our Minister at Madrid, or from the Spanish Minister resident in this Country, concerning the views of Spain relative to the recognition of the Independence of the South American Colonies, and of the *Dictamen* of the Spanish Cortes. In answer to this Resolution, the Letter from Mr. Anduaga, protesting against the recognition, and one from Mr. Forsyth, inclosing a Translation of the *Dictamen*, were transmitted to the Senate, which, with all these Documents before them, gave their concurrent sanction, with that of the House of Representatives, to the passage of the Bill of Appropriation.

This review of the Proceedings of the Government of The United States, in relation to the Independence of Spanish America, has been taken to shew the consistency of the Principles by which they were uniformly dictated, and that they have been always eminently friendly to the New Republicks, and disinterested. While Spain maintained a doubtful Contest, with arms, to recover her dominion, it was regarded as a Civil War. When that Contest became so manifestly desperate, that Spanish Vice Roys, Governors, and Captain Generals themselves, concluded Treaties with the Insurgents, virtually acknowledging their Independence, The United States frankly and unreservedly recognized

the fact, without making their Acknowledgment the price of any favour to themselves, and although at the hazard of incurring the displeasure of Spain. In this measure they have taken the lead of the whole Civilized World: for although the Portuguese Brazilian Government had, a few months before, recognized the Revolutionary Government of Buenos Ayres, it was at a moment when a projected Declaration of their own Independence made the Question substantially their own Cause, and it was presented as an equivalent for a reciprocal recognition of their own much more questionable right to the Eastern Shore of La Plata.

On the 17th day of June, 1822, Mr. Manuel Torres was received by The President of The United States, as the Chargé d'Affaires from the Republick of Colombia, and the immediate consequence of our recognition was the admission of the Vessels of the South American Nations, under their own Colours, into the Ports of the principal Maritime Nations of Europe.

The European Alliance of Emperors and Kings have assumed, as the foundation of human society, the doctrine of unalienable *Allegiance*. Our doctrine is founded upon the principle of unalienable *Right*. The European Allies, therefore, have viewed the *Cause* of the South Americans as Rebellion against their lawful Sovereign. We have considered it as the assertion of Natural Right. They have invariably shewn their disapprobation of the Revolution, and their wishes for the restoration of the Spanish Power. We have as constantly favoured the Standard of Independence, and of America. In contrasting the principles and the motives of the European Powers, as manifested in their policy towards South America, with those of The United States, it has not been my intention to boast of our superior purity, or to lay a claim of merit to any extraordinary favour from South America in return. Disinterestedness must be its own reward; but, in the establishment of our future Political and Commercial intercourse with the New Republicks, it will be necessary to recur often to the Principles in which it originated; they will serve to mark the boundaries of the rights which we may justly claim in our future relations with them, and to counteract the efforts which, it cannot be doubted, European Negotiators will continue to make, in the furtherance of their monarchical and monopolizing contemplations.

Upon a Territory, by one-half more extensive than the whole inhabited part of The United States, with a population of less than 4,000,000 of Souls, the Republick of Colombia has undertaken to establish a Single, and not a Confederated Government.

Whether this attempt will be found practicable in execution, may be susceptible of doubt; but in the new organization of society, upon this Hemisphere, even unsuccessful experiments lead to results by which the science of Government is advanced, and the happiness of Man is promoted. The Republic of Colombia has a Constitution deliberately

formed and adopted upon principles entirely Republican, with an Elective Legislature in two branches, a distribution of the powers of Government, with the exception of the Federative Character, almost identical with our own, and Articles declaratory of the natural Rights of the Citizen to personal security, property, and reputation, and of the inviolable liberty of the Press. With such a Constitution, in such a Country, the modifications which experience may prove to be necessary for rendering the Political Institutions most effectually competent to the ends of Civil Government, will make their own way by peaceable and gradual conquests of publick opinion. If a Single Government should be found inadequate to secure and protect the Rights of the People living under it, a Federation of Republicks, may, without difficulty be substituted in its place. Practical effect having once been given to the principle, that lawful Government is a compact, and not a grant, the pretences for resorting to force for effecting Political Revolutions disappear. The subordination of the Military to the Civil Power is the only principle yet remaining to be established in Colombia, to ensure the liberties of the future Generations as well as those of the present Age; and that subordination, although not directly guaranteed by their present Constitution, is altogether conformable to its spirit.

In the Letter of 20th February, 1821, from the late Mr. Torres, demanding the recognition of the Republick of Colombia, it has been observed, that the Additional Proposal was made, of negotiating "*Treaties of Navigation and Commerce,* founded upon the Bases of reciprocal utility, and perfect equality, as the most efficacious means of strengthening and increasing the relations of amity between the two Republics."

In compliance with this Proposal, among the Documents furnished you, for proceeding upon the Mission to which you have been appointed, of Minister Plenipotentiary to the Republic of Colombia, is a Full Power, which will authorize you to negotiate, with any Plenipotentiary or Plenipotentiaries of that Government, duly provided with like Powers, such a Treaty. The President wishes, however, that every step in such Negotiation should be taken with full deliberation. The Treaty, if concluded, must, as you are aware, be reserved, subject to Ratification here, with the advice and consent of the Senate, by the Constitutional majority of two-thirds, as, by the Constitution of Colombia, (Article 120,) their Treaties, to be valid, must receive the consent and approbation of their Congress.

Our Commercial Relations with the Colombian Territory, are of so recent origin, and have depended so much upon the Revolutionary condition of that Country, under which they have arisen, that our knowledge of their state and character is very imperfect, although we are certain that they are altogether different from those which may be expected to arise from permanent interests, when the Independence of

the Republic shall be universally recognized, and a free trade shall be opened to its Inhabitants, with all Parts of the World. The only important Point now to be settled, as the radical principle of all our future commercial intercourse, is the Basis proposed by Mr. Torres, of *reciprocal utility and perfect equality*. As the necessary consequence of which, you will claim that, without waiting for the conclusion of a Treaty, the Commerce and Navigation of The United States, in the Ports of the Colombian Republick, should be received on the footing of equality with the most favoured Nation. It is hoped, indeed, that on your arrival at the Place of your destination, you will find the principle already settled; assurances to that effect having been given by the Minister of Foreign Relations, to Mr. Todd.

By an Act of the Congress of Colombia, of the 25th of September, 1821, an impost Duty of 7½ per Cent. was laid, upon all articles imported from any Part of America, *additional* to the duty upon the like articles imported from Europe. This discrimination was mentioned to Mr. Torres, at the time of his reception. He thought it had arisen only from an inadvertency, and promised to write concerning it to his Government. Mr. Todd was instructed to remonstrate against it, which he accordingly did. From his Correspondence and Conferences relating to it, with the Colombian Minister of Foreign Relations, Dr. Gual, it appears that the object of the Law was, to burden with heavier Duties the indirect trade from Great Britain and France, carried on through the medium of the West India Islands, and thereby to present to those Powers an inducement to acknowledge the Independence of the Republick. However just or reasonable this expedient might be, with reference to the Relations between the Colombian People and European Nations, it was manifestly injurious to The United States, nor was its injustice in any manner compensated, by the Provisions of another Law of the Congress, of 27th September, 1821, allowing a Drawback of Duties upon re-exportations *in their own Vessels*, of Provisions imported from The United States. It is alleged by Dr. Gual, that the object of this latter Law was to favour The United States, by facilitating the indirect trade between them and the British Colonies in the West Indies, the direct trade being then interdicted by the Laws of The United States, and of Great Britain. But this trade was carried on more advantageously to The United States, by the way of the Swedish, Danish, and Dutch Islands, than it could be by that of the Colombian Ports, and the object of favouring their own Shipping appears more obviously as the motive of the Law, than that of favouring the Commerce of The United States. The opening of the direct trade between The United States and the British Islands, has, at all events, rendered all the Provisions of the Colombian Law of 27th September, 1821, inoperative; and assurances have been given by Dr. Gual, that, at the

meeting of the Congress, which was to take place in March last, measures would be taken for procuring the immediate repeal of the discrimination, to the disadvantage of The United States, prescribed by the Law of the 25th September.

The spirit of the Colombian Constitution, is explicitly that of entire and unqualified Independence; and the sentiments expressed by Dr. Gual to Mr. Todd, have been altogether conformable to it. He has declared, that the intention of the Government is to treat all *Foreign Nations* upon the footing of equal favour and of perfect reciprocity. This is all that The United States will require, and this, so far as their interests are concerned, they have a right to exact.

It had been, in the first instance, proposed by Mr. Torres, that a Treaty of Commerce and Navigation should be negotiated *here*, and he informed me that a Minister would be appointed, with Powers and Instructions sufficient for concluding it at this Place. Dr. Gual has informed Mr. Todd, that the views of the Colombian Government have since undergone a change; and although they have appointed Mr. Salazar as Envoy Extraordinary and Minister Plenipotentiary to The United States, and in March last he was under instructions to proceed forthwith upon his Mission to this Country, they were nevertheless, exceedingly desirous that the *Treaty* should be negotiated there.

The President deems it of no material importance to The United States whether the Treaty shall be negotiated at Washington or at Bogota: but the proposal having first been made for concluding it here, it was natural to inquire what it was that produced the change in the wishes of the Colombian Government with regard to the Seat of Negotiation. Dr. Gual intimated confidentially to Mr. Todd, that it had proceeded from two causes; one, the desire to establish a *precedent*, which might prevail upon the great *European* Governments to negotiate likewise with the Republick at its own Capital, and thereby hasten them to the recognition of Colombian Independence; and the other, a jealousy of their own Negotiators in Europe, who were apt to become themselves entangled with European intrigues, and to involve the Republick in unsuitable and perplexing engagements. With regard to the second of these causes, whatever occasion may have been given to the distrust of their own Agents, which it avows, it could have no application to their transaction with The United States. By assuming the Principles of independence, equality, and reciprocity, as the foundations of all our Negotiations, we discard all the incentives and all the opportunities for double-dealing, over-reaching, and corrupt caballing. We shall ask nothing which the Colombian Republick can have any interest to deny. We shall offer nothing for which she may be unwilling to yield the fair equivalent. To the other reason, however, The President the more readily accedes, because perceiving

its full force, it gives him an opportunity of manifesting, in action, the friendly disposition of The United States towards the Republick, and the readiness to promote, by all proper means, the recognition of its Independence, by the great European Powers.

In the Negotiation of all Commercial Treaties there is undoubtedly an advantage, at least of convenience, enjoyed by the Party which treats *at home;* and this advantage acquires greater importance, when, as is now the case with both Parties, the Treaty to become valid must obtain the assent of Legislative Assemblies. This advantage in the ordinary course of things accrues to the Party to whom the proposal of Negotiation is first made. Independent then of all Questions of precedence, and without resorting to the example of the first Treaties negotiated by The United States, both of which considerations have been mentioned by Mr. Todd to Dr. Gual, The United States might insist upon having the Negotiation concluded *here*, not only as the first proposal of it was made to them, but because the proposal itself was that it should be concluded here. The President, however, is well aware of the stimulus which a Treaty negotiated, and even a Negotiation known to be in progress, at Bogota, will apply to the attention of European interests, and has no doubt that it will press them to the recognition, more powerfully than they have been urged by the example, or are likely to be by the exhortations, of the North American Government. You are accordingly furnished, by his direction, with the Full Power, necessary for the conclusion of the Treaty.

Dr. Gual informed Mr. Todd, that the Project of the Treaty was already prepared, and that a Copy of it would be committed to Mr. Salazar, with Powers and Instructions authorizing him to conclude the Negotiation, if this Government should insist upon its being completed here. The arrival of Mr. Salazar may be expected from day to day. In the mean time, we are yet unacquainted with the particular objects of Commercial intercourse which the Colombian Government wishes to regulate with us by Treaty. The only object which we shall have much at heart in the Negotiation, will be the sanction by solemn compact of the broad and liberal Principles of *independence, equal favours,* and *reciprocity.* With this view I recommend to your particular attention, the Preamble, and the first Four Articles of the first Treaty of Amity and Commerce between The United States and France, concluded on the 6th of February, 1778. The Preamble is believed to be the first instance on the Diplomatic Record of Nations, upon which the true Principles of all fair Commercial Negotiation between Independent States, were laid down and proclaimed to the World. That Preamble was to the foundation of our commercial intercourse with the rest of mankind, what the Declaration of Independence was to that of our internal Government. The two Instruments were parts of one and the same System, matured by long and

anxious deliberation of the Founders of this Union in the ever memorable Congress of 1776; and as the Declaration of Independence was the fountain of all our municipal institutions, the Preamble to the Treaty with France laid the corner stone for all our subsequent transactions of intercourse with Foreign Nations. Its Principles should be therefore deeply impressed upon the mind of every Statesman and Negotiator of this Union, and the first Four Articles of the Treaty with France, contain the practical exposition of those Principles which may serve as models for insertion in the projected Treaty, or in any other that we may hereafter negotiate with any of the rising Republicks of the South.

There is, indeed, a Principle of still more expansive liberality, which may be assumed as the Basis of Commercial Intercourse between Nation and Nation. It is that of placing the *Foreigner*, in regard to all objects of Navigation and Commerce, upon a footing of equal favour with the *native* Citizen, and to that end, of abolishing all discriminating Duties and Charges whatsoever. This Principle is altogether congenial to the spirit of our Institutions, and the main obstacle to its adoption consists in this: that the fairness of its operation depends upon its being admitted *universally*. For, while two Maritime and Commercial Nations should bind themselves to it, as a Compact operative only between *them*, a third Power might avail itself of its own restrictive and discriminating Regulations, to secure advantages to its own People, at the expense of both the Parties to the Treaty. The United States have nevertheless made considerable advances in their Proposals to other Nations, towards the general establishment of this most liberal of all Principles of Commercial Intercourse.

On the 3d of March, 1815, immediately after the conclusion of our late War with Great Britain, an Act of Congress (United States Laws, vol. iv, p. 824,) repealed *so much* of the discriminating Duties of Tonnage and Impost, as were imposed on Foreign Vessels and Merchandise, beyond the Duties imposed on the same in our own Vessels, *so far* as they respected *the Produce or Manufacture of the Nation to which the Foreign Vessel might belong*. The Repeal to take effect in favour of *any* Foreign Nation, whenever The President of The United States should be satisfied, that the discriminating or countervailing Duties of such Foreign Nation, so far as they operated to the disadvantage of The United States, had been abolished.

On the 3d of July, 1815, (United States Laws, vol. vi, p. 603,) a Convention was concluded with Great Britain, by the Second Article of which, this Principle was adopted for the Commercial Intercourse between The United States and the British Territories, *in Europe*, so far as related to Duties and Charges of Tonnage, Impost, Export, and Bounties upon articles of the produce or manufacture of the two

Countries, respectively. It was partially admitted for *Drawbacks.* But the intercourse between The United States and the British Possessions in India, was differently regulated by another Article of the same Convention, and that between The United States and the British Colonies in America was expressly excepted from the Convention, leaving each Party to the exercise, in this respect, of its own rights. This Convention, originally limited to four years, was afterwards, by the Convention of 20th October, 1818, (United States Laws, vol. vi, p. 607,) extended for the term of 10 years, from that time.

On the 4th of September, 1816, (United States Laws, vol. vi, p. 642,) a Treaty with Sweden and Norway was concluded, and extended to the Swedish Island of St. Bartholomew, in the West Indies; by the Second Article of which, the same Principle is established, of equal Duties and Charges, of Tonnage, Impost, Export, and Prohibition, upon Vessels and their Cargoes, being of the produce or manufacture of the respective Countries, whether in Vessels of the Foreigner or the Native. The duration of this Treaty is limited to the 25th of September, 1826.

On the 20th of April, 1818, (United States Laws, vol. vi, p. 344,) an Act of Congress repealed all discriminating Duties of Tonnage and Impost in favour of the Vessels of The Netherlands, and their Cargoes, being of the produce or manufacture of the Territories *in Europe,* of The King of The Netherlands, or "*such Produce and Manufactures as can only be, or most usually are, first shipped from a Port or Place in the Kingdom aforesaid.*" Such repeal to take effect from the time the Government of The Netherlands had abolished its discriminating Duties upon the Vessels of The United States, and on merchandise imported in them, being of the produce or manufacture of The United States.

By an Act of 3d March, 1819, in addition to the above, (United States Laws, vol. vi, p. 411,) it was extended in all its provisions and limitations, to the Vessels of Prussia, of the City of Hamburg, and of the City of Bremen.

This same Act of 3d March, 1819, limited its own duration, and that of the Act to which it was in addition, and the Act of 3d March, 1815, itself, to the 1st of January, 1824.

The provisions of the Act of the 3d March, 1815, have been extended by Proclamations of The President of The United States, as follows:—

1818, 24th July, to the Free and Hanseatic City of Bremen. (United States Laws, vol. vi, p. 599.)

1st August, to the Free and Hanseatic City of Hamburg, p. 600.

1820, 4th May, the Free and Hanseatic City of Lubeck, p. 601.

1821, 20th August, to the Kingdom of Norway, p. 602.

22d November, to the Dukedom of Oldenburg, p. 774.

You will observe, that the Acts of 3d March, 1819, admitted the Vessels of Hamburg and Bremen to advantages more extensive than those offered by the Act of 3d March, 1815, and which had already been secured to them by the Proclamations of 24th July, and 1st August, 1818. The same enlargement of the favours offered by the Act of 3d March, 1815, is extended to the Vessels of The Netherlands and of Prussia. While Norway has the double security of the principle offered in the Act of 3d March, 1815, by the Stipulation in the Treaty with Sweden, and by The President's Proclamation under the Act.

The Proclamation with regard to Norway, was founded on an Act of the Government of that Kingdom, not extending, however, to Sweden, abolishing all discriminating Duties whatsoever, in the Norwegian Ports, between their own Vessels and Vessels of The United States, upon their Cargoes, of whatsoever origin, and whencesoever coming. This is the consummation of the principle of treating the Foreigner, in respect to Navigation and foreign Commerce, upon a footing of equal favour with the Native. The Government of Norway, in adopting this Regulation, required that it should be reciprocally granted to Norwegian Vessels, and their Cargoes, in the Ports of The United States. This, however, could be granted only by an Act of Congress; and the Proclamation could only extend to them under the *Law*, that to which they were already entitled by the *Treaty*.

The subject was submitted to Congress by a Message from The President, towards the close of the first Session of the 17th Congress, (1st May, 1822,) and the general policy of our Commercial System, with particular reference to the Act of 3d March, 1815, and the subsequent measures resulting from it, had been reviewed in the Message of 5th December, 1821, at the commencement of the same Session. The principle offered by the Norwegian Government could not, however, then, have been accepted, without great disadvantage to The United States. Our direct Trade with the British Colonies in America, was interdicted by our own and British Laws. That with France was under countervailing Regulations of both Parties, equivalent to interdiction. To have granted then to Norwegian Vessels, unrestricted admission into our Ports, upon the same terms with our own, would in fact have granted them privileges, which our own did not, and could not enjoy; our own being under the operation of Restrictions and Prohibitions, ordained by Britain and France, from which the Norwegian Vessels would have been exempt.

Our direct Trade with the British American Colonies has since been opened, and that with France has been restored; both, however, shackled with countervailing Restrictions and Regulations, burdensome to those by whom it may be carried on. As the Act of Congress, of 3d March, 1815, and all the Regulations founded upon it, will expire on the 1st of January next, the whole subject will again be

before that Body at their next Session, for revisal. In this state of things it may be, perhaps, most prudent, in the Commercial Negotiations with the Republick of Colombia, to adhere to the principle of *equal favour to the most friendly Nation*, leaving that of *equal favour with the Native*, for future consideration and concert between the Parties.

To the same extent, however, as we are already bound by Treaty with Great Britain, until October, 1828, and with Sweden, until September, 1826, you may safely proceed: taking the Second Article of each of those Compacts for a model, and forming an Article, embracing the Stipulations of both. Thus far we may safely go with any one or more Foreign Nations, without endangering, by the liberality of our Engagements with them, the interests of our own Country, to be affected by the restrictive Ordinances of others. An exception must be made with regard to the Ports of St. Augustine and Pensacola, where, by the 15th Article of the late Treaty with Spain, Special Privileges are secured to Spanish Vessels, until the 22d of May, 1833.

Among the usual objects of Negotiation in Treaties of Commerce and Navigation, are the Liberty of Conscience, and of Religious Worship. Articles to this effect have been seldom admitted in Roman Catholic Countries, and are even interdicted by the present Constitution of Spain. The South American Republicks have been too much under the influence of the same intolerant spirit; but the Colombian Constitution is honourably distinguished by exemption from it. The 10th and 11th Articles of our Treaty with Prussia, or Articles to the like effect, may be proposed for insertion in the projected Treaty; and after setting the first example in South America, of a Constitution unsullied by prohibitions of Religious Liberty, Colombia will deserve new honours in the veneration of present and future Ages, by giving her *positive* sanction to the Freedom of Conscience, and by stipulating it in her first Treaty with these United States. It is, in truth, an essential part of the System of American Independence. Civil, Political, Commercial, and Religious Liberty, are but various modifications of one great Principle, founded in the unalienable Rights of human nature, and before the universal application of which, the Colonial Domination of Europe, over the American Hemisphere, has fallen, and is crumbling into dust. *Civil* Liberty *can* be established on no foundation of human reason, which will not at the same time demonstrate the *right* to Religious Freedom. The tendency of the spirit of the Age is so strong towards Religious Liberty, that we cannot doubt it will soon banish from the Constitutions of the Southern Republicks of this Hemisphere, all those intolerant Religious Establishments, with which they have hitherto been trammelled. Religious and Military Coercion will be alike discarded from all the Institutions framed for the protection of human rights, in civil society of Independent

Nations; and the freedom of opinion and of faith, will be guaranteed, by the same sanction as the rights to personal liberty and security. To promote this event, by all the moral influence which we can exercise, whether of example, of friendly counsel, or of persuasion, is among the duties which devolve upon us in the formation of our future relations with our Southern Neighbours; and, in the intercourse which is hereafter to subsist between us, as their Citizens, who may visit, or transiently reside with us, will enjoy the benefit of a religious freedom in its utmost latitude, we are bound to claim for our Countrymen, who may occasionally dwell for a time with them, the reciprocal exercise of the same natural rights.

In the present imperfect state of our information with regard to the existing Commerce between the two Countries, and the uncertainty what its future and permanent relations may be, it would be useless to enter into any further detail of Articles, which it may be proper to propose for the intended Treaty of Commerce. The Republick of Colombia, if permanently organized to embrace the whole Territory which it now claims, and blessed with a Government, effectually protective of the Rights of its People, is undoubtedly destined to become hereafter one of the mightiest Nations of the Earth. Its central position upon the surface of the Globe, directly communicating at once with the Pacific and Atlantic Oceans, north and south, with the Caribbean Sea, and the Gulf of Mexico, brings it into relations of proximity with every other Part of the World, while the number and variety of its Ports, on every Sea by which it is surrounded, the magnitude and extent of its navigable Rivers, three of which, the Amazon, the Orinoco, and the Magdalena, are among the largest in the World, intersecting with numberless tributary streams, and in every direction, the Continent of South America, and furnishing the means of water-communications from every point of its circumference, to every spot upon its surface; the fertility of its soil, the general healthiness and beauty of its climate, the profusion with which it breeds and bears the precious, and the useful metals; present a combination of elements unparalleled in the location of the human race, and relieve at least from all charge of enthusiasm, the sentiment expressed by the late Mr. Torres, that this Republick appeared to have been destined by the Author of Nature, "as the Centre and the *Empire* of the human family."

But it is to *Man*, placed in a Paradise like this, that nature with her loudest voice exclaims: "God to *thee* has done His part—do thine," and the part of Man so gifted, and so endowed, is to enjoy, and to communicate the bounties of Providence, so largely lavished upon him; and not to fancy himself destined to the *Empire* of the human family. If the natural advantages bestowed upon the Colombian Territory, were to be improved by its Inhabitants, only for purposes of

Empire, that which Nature has bestowed as a blessing upon them, would, in its consequences, prove a curse inflicted upon the rest of mankind. The Territory of Colombia contains at this moment, little more than 3,500,000 of Souls. Were it only as populous as its late Parent Country, Spain, it would bear 100,000,000, and if as populous as France, nearly three times that number. At the most rapid rate of increase, which human Population has ever attained, even a doubling every Quarter of a Century, the Republick of Colombia, for 200 years to come, may devote all her exertions to the improvement of her internal means of subsistence, for the multiplying myriads of her People, without seeking support from the extension of her Empire beyond her own Borders. Let her look to *Commerce* and *Navigation*, and not to Empire, as her means of communication with the rest of the human family. These are the principles upon which *our* Confederated Republick is founded, and they are those upon which we hope our Sisters of the Southern Continent will ultimately perceive it to be for their own welfare, no less than for that of the World, that they should found themselves.

The *materials* of commercial intercourse, between The United States and the Colombian Republick, are at present not many. Our Exports to it hitherto, have been confined to flour, rice, salted provisions, lumber, a few manufactured articles, warlike stores, and arms, and some East India productions, for which we have received cocoa, coffee, indigo, hides, copper, and specie. Much of this Trade has originated and has continued, only by the War in which that Country has been engaged, and will cease with it. As producing and navigating Nations, The United States and Colombia will be rather competitors and rivals than customers to each other. But as navigators and manufacturers, *we* are already so far advanced in a career, upon which *they* are yet to enter, that we may, for many years after the conclusion of the War, maintain with them a commercial intercourse, highly beneficial to both Parties, as *carriers* to and for them, of numerous articles of manufacture and of Foreign produce. It is the nature of Commerce, when unobstructed by the interference of Authority to find its own channels, and to make its own way. Let us only not undertake to regulate that which will best regulate itself.

In the Conferences between Dr. Gual and Mr. Todd, the Colombian Minister of Foreign Affairs has spoken of Treaties, *almost* Treaties of Alliance, concluded by the Colombian Plenipotentiary, Mosquera, with the Governments of Peru and of Chili, and which he expected would also be shortly concluded with Buenos Ayres. The purport of these Treaties, was mentioned by Dr. Gual only in general terms, but he said that Mr. Salazar would be authorized to communicate Copies of them to this Government, and eventually to propose that The United States should accede to them, or take a part in the System, which it

was their purpose to originate. In January last, about the same time when Dr. Gual was making this Confidential Communication to Mr. Todd, we learn by Despatches from Mr. Forbes, that Mr. Mosquera was at Buenos Ayres, and had made his Proposals of Negotiation to the Government there. Mr. Forbes speaks doubtfully of his prospects of success. The general intention, but not the specific purport, of the Treaties had also been communicated by Mr. Mosquera to Mr. Forbes. But the Colombian Minister had been more confidential with Mr. Prevost, who, in a Despatch dated the 14th of December last, states that he had obtained a sight of the original Treaty. He describes it in a preceding Letter, as a Treaty of Alliance, Offensive and Defensive, containing "a Pledge from each of the Contracing Parties, to send Deputies to the Isthmus, within a limited time, for the double purpose of effecting an Union in support of a Representative System throughout, and of preventing Partial Associations with any one of the Powers in Europe. An Agent, (he adds) has gone to Mexico with the same object, and it is in contemplation, as soon as the several Treaties shall be ratified by Colombia, to invite a Representation from The United States, to preside at a Meeting intended to assimilate the Politics of the South with those of the North," and in a Letter of 14th December, after having seen the Treaty, he says, "it embraces in the most express terms, the several objects to which I alluded, together with a Stipulation, not to enter into Partial Arrangements with Spain, and not to listen to Overtures on her part, unaccompanied with an acknowledgment of the Independence of All."

Mr. Prevost, as well as Dr. Gual, entertains higher expectations of the success of this Negotiation at Buenos Ayres, than Mr. Forbes. Mr. Prevost thinks that it must succeed, although the Government of Buenos Ayres is secretly averse to it, and implicated in secret intrigues with the Portuguese Government and General Le Cor, for a Confederacy of a different character. Dr. Gual told Mr. Todd that Proposals had been made by the Portuguese Government at Lisbon, to Colombia, for a General Confederacy of all America, North and South, together with the Constitutional Governments of *Portugal* and Spain as a counterpoise to the European *Holy Alliance;* but he said they had been rejected on account of their *European Aspect.* Loose and indefinite Projects of the same kind have been presented by the present Portuguese Government to us, but they have never been considered even as objects of deliberation. Brazil has declared its own Independence of Portugal, and constituted itself into an Empire, with an Emperor at its head. General Le Cor has lost the real Command of his own Army, and has been, or cannot fail shortly to be, compelled to embark, with all his European Portuguese Troops, for Lisbon. Then will come the Question between Buenos Ayres and Brazil, for Monte Video and the Oriental Band of La Plata.

Of this mighty movement in human affairs, mightier far than that of the downfal of the Roman Empire, The United States may continue to be, as they have been hitherto, the tranquil, but deeply attentive spectators. They *may* also, in the various vicissitudes, by which it must be followed, be called to assume a more active and leading part in its progress. Floating, undigested purposes, of this great American Confederation, have been for sometime fermenting in the imaginations of many speculative Statesman, nor is the idea to be disdainfully rejected, because its magnitude may appal the understanding of Politicians, accustomed to the more minute, but more complicated machinery of a contracted political standard.

So far as the proposed Colombian Confederacy has for its object a combined System of total and unqualified *Independence* of Europe, to the exclusion of all partial compositions, of any one of the emancipated Colonies, with Spain, it will have the entire approbation and good wishes of The United States, but will require no special agency of theirs to carry it into effect.

So far as its purposes may be to concert a General System of Popular Representation, for the Government of the several Independent States which are floating from the wreck of the Spanish Power in America, The United States will still cheer it with their approbation, and speed with their good wishes its success.

And so far as its objects may be to accomplish a Meeting, at which The United States should preside, to assimilate the Politics of the South with those of the North, a more particular and definite view of the end proposed by this design, and of the means by which it is to be effected, will be necessary to enable us to determine upon our concurrence with it. An Agent from France, named Molien, and Mr. Lorich, the Consul-General of Sweden in The United States, arrived at Bogota, in January last. Dr. Gual told Mr. Todd that Molien had no Letters or avowed Powers, though he had intimated he was there by authority; that he was considered as a Spy on behalf of a Faction in France. He had insinuated that The United States were *influenced by interested motives*, in recognizing the New Governments in South America; *that our influence in Europe had been impaired* by a measure which *was considered premature*; and that he supposed we were now endeavouring to procure exclusive advantages for having been the first to recognize." And Dr. Gual added, that Mr Molien undertook "to give him some advice as to our views." Mr. Lorich came with authority.

The Political Systems of Europe are all founded upon partial Rights and *exclusive* Privileges. The Colonial System had no other Basis; and having no generous or liberal views of their own, it is not surprising that they should entertain and disseminate suspicions of the disinterestedness of others. The French Government sends an Agent

to Bogota, without daring to trust him with a Credential or an avowed Power; and he executes his Commission by misrepresenting our motives, upon *suspicions*, which those to whom he makes the misrepresentation, know to be unfounded, and by testifying to those who were benefited by our recognition, that we had made it, by the sacrifice of some part of our influence in Europe. It must be admitted that the address of the Agent in the performance of his trust, was upon a level with the candour and frankness in which it originated.

We are well aware that our recognition of South American Independence was not palatable to the taste of any of the European Governments. But we felt that it was a subject upon which it became us to take the lead, and as we knew that the European Governments, sooner or later, must and would, whether with good or with bad grace, follow our example, we determined that both Europe and America should have the benefit of it. We hope, also, and this is the only return which we ask, and have a right to ask, from the South Americans, for our forwardness in their favour, that Europe will be compelled to follow the whole of our example: that is, to recognize without condition and without equivalent. We claim no exclusive privilege for ourselves. We trust to the sense of justice, as well as to the interest of the South Americans, the denial of all exclusive privileges to others. The Colombian Government, at various times, have manifested a desire, that The United States should take some further and active part, in obtaining the recognition of their Independence by the European Governments, and particularly by Great Britain. This has been done even before it was solicited. All the Ministers of The United States in Europe, have, for many years, been instructed to promote the Cause, by any means consistent with propriety, and adapted to that end, at the respective Places of their residence. The formal Proposal of a concerted Recognition was made to Great Britain before the Congress of Aix La Chapelle. At the request of Mr. Torres, on his dying bed, and signified to us after his decease, Mr. Rush was instructed to give every aid in his power, without offence to the British Government, to obtain the admission of Mr. Ravenga; of which Instruction, we have recent assurances from Mr. Rush that he is constantly mindful. Our own Recognition undoubtedly opened all the Ports of Europe to the Colombian Flag, and your Mission to Colombia, as well as those to Buenos Ayres and Chili, cannot fail to stimulate the Cabinets of Maritime Europe, if not by the liberal motives which influenced us, at least by selfish impulses, to a direct, simple, and unconditional Recognition. We shall pursue this policy steadily, through all the changes to be foreseen of European Affairs. There is every reason to believe that the preponderating tendency of the War in Spain, will be to promote the universal Recognition of all the South American Governments; and, at

all events, our course will be to promote it by whatever influence we may possess.

One of the complaints of Mr. Lowry, was relative to the Case of the Ship *Caravan*, from Providence, captured by a Colombian Cruizer, and carried into La Guayra, where the Vessel had been cleared as Neutral, and the Cargo condemned as Enemy's property. Mr. Lowry had invoked the Stipulations of various Treaties, establishing and recognizing the Principle that free Ships make free Goods; the application of which is denied by Dr. Gual, who appealed to the Instructions from Mr. Pickering, in 1797, to Messrs. Marshall, Pinckney, and Gerry, our Envoys in France.

By the general *usage* of Nations, independent of Treaty Stipulations, the property of an Enemy is liable to capture in the Vessel of a Friend. It is not possible to justify this rule upon any sound Principle of the Law of Nature; for, by that Law, the Belligerent Party has no right to pursue or attack his Enemy without the jurisdiction of either of them. The High Seas are a general jurisdiction common to All, qualified by a special jurisdiction of each Nation over its own Vessels. As the theatre of general and common jurisdiction, the Vessels of one Nation and their Commanders have no right to exercise over those of another, any act of authority whatsoever. This is universally admitted in time of Peace. War gives the Belligerent a right to pursue his Enemy within the jurisdiction common to both: but not into the special jurisdiction of the Neutral Party. If the Belligerent has a right to take the property of his Enemy on the Seas, the Neutral has a right to carry *and protect* the property of his Friend on the same element. War gives the Belligerent no natural right to take the property of his Enemy from the Vessel of his Friend. But as the Belligerent is armed, and the Neutral, as such, is defenceless, it has grown into *usage* that the Belligerent should take the property of his Enemy; paying the Neutral his freight, and submitting the Question of facts to the Tribunals of the Belligerent Party. It is evident, however, that this *usage* has no foundation in natural right, but has arisen merely from *force* used by the Belligerent, and which the Neutral in the origin did not resist, because he had not the power. But it is a usage, harsh and cruel in its operation, and unjust in its nature: and it never fails in time of Maritime War, to produce irritation and animosity between the Belligerent and the Neutral. So universally has this been found to be its consequence, that *all* the Maritime Nations of modern Europe have shown their sense of it, by stipulating in Treaties the contrary Principle, namely, that the property of an Enemy shall be *protected* in the Vessel of a Friend. Great Britain herself, the most unwilling to admit this Principle, because the most enabled to use the *force*, upon which the usage is founded, has recognized the superior justice and expediency of the other Principle, by stipulating it at distant intervals of

time, in two Treaties with France; the Treaty of Utrecht, and the Treaty of Commerce of 1786. In the Seven Years War, the King of of Prussia resisted the capture by British Vessels, of the property of their Enemies, in the Vessels of His subjects, then Neutrals, and made reprisals upon British property for such captures. The Question was then ultimately settled by a compromise, under which the British Government paid a large sum of money for indemnity to the Prussian Subjects who had suffered by those captures. The Armed Neutrality of the American war, is a memorable example of the testimony by all the civilized Nations of the World, to the Principle, that the protection of all Property, excepting Contraband of War, on board of Neutral Vessels, by Neutral force, is of *natural* right—and of this principle there can be no question. If, however, a Belligerent power, founded upon the *usage* which has superseded the natural right, practices the seizure and condemnation of enemy's property found in the Vessel of a Friend, it remains for the Neutral to decide, whether he will acquiesce in the usage, or whether he will maintain his natural right by force. No Neutral Nation is bound to submit to the usage; for it has none of the properties which can give to any usage the sanction of obligatory Law. It is not reasonable. It is not conformable to the Law of Nature. It is not *uninterrupted*. But reduced to the option of maintaining its right by force, or of acquiescing in the disturbance of it, which has been usual, the Neutral Nation may yield at one time to the usage, without sacrificing her right to vindicate by force the security of her Flag at another. And the Belligerent Nation, although disposed to admit the right of Neutrals to protect the property of her Enemy upon the Seas, may yet justly refuse the benefit of this Principle, unless admitted also by the Enemy, for the protection of her property, by the same Neutral Flag. Thus stands the state of this Question, upon the foundations of *natural*, *voluntary*, and *customary* Law. How stands it between us and the Republick of Colombia, on the ground of *Conventional* Law? By a Treaty between The United States and Spain, concluded at a time when Colombia was a part of the Spanish Dominions, and so far as the *Spanish* Laws would admit, enjoyed the benefit of its Stipulations, the Principle that free Ships make free Goods, was expressly recognized and established. It is asserted that by her Declaration of Independence, Colombia has been entirely released from all the obligations, by which, as a part of the Spanish Nation, she was bound to other Nations. This principle is not tenable. To all the Engagements of Spain with other Nations, affecting their rights and interests, Colombia, so far as she was affected by them, remains bound in honour and in justice. The Stipulation now referred to is of that character; and The United States, besides the natural right of protecting by force, in their Vessels on the Seas, the property of their Friends, though Enemies of the Republick of Colombia, have

the additional claim to the benefit of the Principle, by an express Compact with Spain, made when Colombia was a Spanish Country. Again, by the late Treaty of 22d February, 1819, between The United States and Spain, it is agreed that the 15th Article of the Treaty of 1795, in which it is stipulated that the Flag shall cover the property, shall be so understood with respect to those Powers who recognize the Principle; but if either of the two Contracting Parties shall be at War with a third Party, and the other Neutral, the Flag of the Neutral shall cover the property of Enemies whose Governments acknowledge the Principle, and not of others.

This Treaty having been concluded after the Territories now composing the Republick of Colombia had ceased to acknowledge the authority of Spain, they are not Parties to it, but their rights and duties in relation to the subject-matter remain as they had existed before it was made. Nor will she be affected by it at all, if she continues to acknowledge, in her new National character, and with reference to The United States, the Principle that free Ships make free Goods, which was the Conventional Law between them while Colombia was a part of Spain.

You will urge all these considerations upon the Colombian Minister of Foreign Affairs, to obtain restitution of the Cargo of the *Caravan*, or indemnity for it. The claim rests upon foundations so solid, that it is earnestly hoped your representations in its favour will be successful; and in the Negotiation of the Treaty, you will press in like manner for the insertion of an Article of the same purport as that of our last Treaty with Spain above recited. This Principle can with safety be recognized only to that extent; and to that extent The United States would willingly assent to it with every other Nation. It is a Principle favourable to the rights of Peace, and of pacific spirit and tendency. It is recommended by every humane and liberal consideration, as a rule of universal application. But the Nation which would enjoy the benefit of it, as a Neutral, or as a passive Belligerent, resorting to the Neutral Flag, must also recognize it as an active Belligerent, and suffer the property of her Enemy to be conveyed safely by the same Flag which safely conveys hers; otherwise the liberal Principle, of itself, is turned to the advantage of the Belligerent which rejects it, and the mild spirit of Peace is made subservient to the unfeeling rapacity of War.

A Resolution of the House of Representatives of 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*, under 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, (United States Laws, vol. vi. p. 325.) of 3d March, 1819, (p. 435.) and of 15th May, 1820, (p. 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 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 power.

There are several Cases of Claims by Citizens of The United States upon the Colombian Government, which were given in charge to Mr. Todd, and concerning which he has been often promised by Dr. Gual, that satisfactory proceedings would be had. Some of them are already of several years standing, and indemnity was acknowledged to be due upon them, so long since as when the late Commodore Perry was at Angostura. Mr. Todd will put you in possession of the Papers relating to them, and you will follow up the demand of Indemnities with all the earnestness and perseverance which their justice and the delays already interposed may require.

Most of them are complaints which have arisen from Maritime Captures. Before the establishment of the Republick of Colombia, the Venezuelan Revolutionary Authorities, for some time countenanced an irregular System of Maritime Warfare, which soon degenerated into absolute Piracy. It became a subject of very earnest remonstrance by the Government of The United States, whose Citizens suffered severely under its depredations, whose Laws were continually outraged by its operative Agents, and whose good faith and justice towards other Nations it tended very seriously to implicate. Since the organization of the New Republick, there has been less reason for complaints, but satisfaction has not yet been made for those which had arisen before. A List of the Cases committed to Mr. Todd, and Copies of Papers recently received at this Department, from the Delaware Insurance Company at Philadelphia, relating to the Schooner *Minerva*, are now furnished you.

In this Case of the *Minerva*, the Sentence is given by an *Assessor*, acting as a Court of Admiralty; and confirmed by the Commandant General of Marine at Santa Martha. It refers to the 19th Article of an Ordinance of 4th March 1817, which is no doubt a Law relating to

Prizes. You are requested to procure and transmit to this Department a Copy of that Ordinance, and also exact information of the organization of the Admiralty Courts, and any Laws relating to Prize, or Privateering which may be in force, whether Spanish Law continued, or new Law promulgated since the Revolution.

Our intercourse with the Republick of Colombia, and with the Territories of which it is composed, is of recent origin, formed, while their own condition was altogether revolutionary, and continually changing its aspect. Our information concerning them is imperfect, and among the most important objects of your Mission will be, that of adding to its stores, of exploring the untrodden ground, and of collecting and transmitting to us the knowledge, by which the friendly relations between the two Countries may be extended and harmonized, to promote the welfare of both, with due regard to the peace and good will of the whole Family of Civilized Man. It is highly important that the first foundations of the permanent future intercourse between the two Countries should be laid in Principles, benevolent and liberal in themselves, congenial to the spirit of our Institutions, and consistent with the duties of universal philanthropy.

In all your consultations with the Government to which you will be accredited, bearing upon its Political Relations with this Union, your unvarying standard will be, the spirit of Independence and of Freedom, as *equality* of rights and favours will be that of its Commercial Relations. The emancipation of the South American Continent, opens to the whole race of Man prospects of futurity, in which this Union will be called, in the discharge of its duties to itself and to unnumbered Ages of Posterity, to take a conspicuous and leading part. It involves all that is precious in hope, and all that is desirable in existence, to the countless millions of our Fellow Creatures, which, in the progressive revolution of time, this Hemisphere is destined to rear and to maintain.

That the fabric of our social connections with our Southern Neighbours may rise in the lapse of years, with a grandeur and harmony of proportion, corresponding with the magnificence of the means, placed by Providence in our power, and in that of our Descendants, its foundations must be laid in principles of politicks and of morals, new and distasteful to the Thrones and Dominations of the Elder World, but coextensive with the surface of the Globe, and lasting as the changes of time.

Mr. Anderson. J. Q. ADAMS.

(VI.)—*MESSAGE of The President, to the House of Representatives of The United States, 30th March*, 1826.

To the House of Representatives of The United States:

In compliance with a Resolution of the House, of the 27th instant, requesting a Copy of such parts of the Answer of the Secretary of

State to Mr. Poinsett's Letter to Mr. Clay, dated Mexico, 28th Sept 1825, No. 22,* as relates to the Pledge of The United States therein mentioned; and, also, requesting me to inform the House whether The United States have in any manner made any Pledge to the Governments of Mexico and South America, that The United States would not permit the interference of any Foreign Power with the Independence or Form of Government of those Nations; and, if so, when, in what manner, and to what effect; and, also, to communicate to the House a Copy of the Communication from our Minister at Mexico, in which he informed the Government of The United States that the Mexican Government called upon this Government to fulfil the memorable Pledge of The President of The United States, in his Message to Congress, of December, 1823; I transmit to the House a Report from the Secretary of State, with Documents, containing the Information desired by the Resolution.

Washington, March 30, 1826. JOHN QUINCY ADAMS.

(1.)—*Report of the Secretary of State.*

The Secretary of State, to whom has been referred, by the President, the Resolution of the House of Representatives, of the 27th March, 1826, requesting him to transmit to that House certain parts of the Correspondence between the Department of State, and the Minister of The United States at Mexico, and to communicate certain information therein mentioned, has the honour to report:

That no answer was transmitted from this Department to the Letter of Mr. Poinsett, No. 22, under date at Mexico, on the 28th Sept. 1825: that No. 18, from Mr. Poinsett, under date of the 13th of the same month,† and No. 22, relate to the same subject; the first stating the obstacle which had occurred to the conclusion of the Commercial Treaty, in the pretension brought forward by Mexico, to grant to the American Nations of Spanish origin, special privileges, which were not to be enjoyed by other Nations; and the second, narrating the arguments which were urged for and against it, in the Conferences between Mr. Poinsett and the Mexican Ministers. That No. 22 was received on the 9th of December last, and the Answer, of the 9th of November, 1825,‡ from this Department, to No. 18, having been prepared and transmitted, superseded the necessity, as was believed, of any more particular Reply to No. 22.

That Extracts from the General Instructions to Mr. Poinsett, under date the 25th of March, 1825, are herewith reported, marked A. That The United States have contracted no Engagement, nor made any Pledge to the Governments of Mexico and South America, or to either of them, that The United States would not permit the interference of any Foreign Powers, with the Independence or form of

* See Page 416. † See Page 415. ‡ See Page 422.

Government of those Nations: nor have any Instructions been issued, authorizing any such Engagement or Pledge. It will be seen that the Message of the late President of The United States of the 2d December, 1823, is adverted to in the Extracts now furnished from the Instructions to Mr Poinsett, and that he is directed to impress its principles upon the Government of The United Mexican States.

All apprehensions of the danger, to which Mr. Monroe alludes, of an interference, by the Allied Powers of Europe, to introduce their Political Systems into this Hemisphere, have ceased. If, indeed, an attempt by force had been made, by Allied Europe, to subvert the Liberties of the Southern Nations on this Continent, and to erect, upon the ruins of their Free Institutions, Monarchical Systems, the People of The United States would have stood pledged, in the opinion of their Executive, not to any Foreign State, but to themselves and to their posterity, by their dearest interests, and highest duties, to resist, to the utmost, such attempt; and it is to a Pledge of that character that Mr. Poinsett alone refers.

That Extracts from a Despatch of Mr. Poinsett, under date the 21st August, 1825, marked B, are also herewith reported, relating to the movements of the French Fleet in the West India Seas, during the last Summer. That his previous Letter, to which he refers, on the same subject with the accompanying Papers, is accidentally mislaid, and cannot, therefore, now be communicated; which is less regretted, because the information contained in that now reported, it is presumed, will be entirely satisfactory.

All which is respectfully submitted.

Department of State, Washington, March 29, 1826. H. CLAY.

(A.)—*General Instructions of Mr. Clay, Secretary of State, to Mr. Poinsett, appointed Envoy Extraordinary and Minister Plenipotentiary of The United States, to Mexico.*

(Extracts.) *Department of State, Washington, March* 25, 1825.

The Mission, on which The President wishes you, with all practicable despatch, to depart, would at any time be highly important, but possesses at this moment a peculiar interest. Every where, on this Continent, but on the side of The United Mexican States, The United States are touched by the Colonial Territories of some Sovereign Authority fixed in Europe. You are the first Minister, actually leaving The United States, to reside near a Sovereign Power, established and exerted on this Continent, whose Territories are conterminous with our own. You will probably be the first Minister received by that Power from any Foreign State, except from those which have recently sprung out of Spanish America. The United Mexican States, whether we regard their present fortune, or recall to our recollection their ancient history and fortunes, are entitled to high

consideration. In point of population, position, and resources, they must be allowed to rank among the first Powers of America. In contemplating the progress in them, towards civilization, which the Aborigines had made, at the epoch of the Spanish Invasion, and the incidents connected with the Spanish Conquest which ensued, an irresistible interest is excited, which is not surpassed if it be equalled, by that which is awakened in perusing the early history of any part of America. But what gives, with The President, to your Mission, peculiar importance at this time, is, that it has for its principal object, to lay, for the first time, the foundations of an intercourse of Amity, Commerce, Navigation, and Neighbourhood, which may exert a powerful influence, for a long period, upon the prosperity of both States.

In more particularly inviting your attention to the objects which should engage it, on your Mission, I will, in the first place, refer you to the General Instructions which were given by my Predecessor, on the 27th May, 1823, to Mr. Anderson,* the Minister of The United States at Colombia, of which a Copy is annexed, and which are to be considered as incorporated in these. So far as they are applicable, alike to the condition of Colombia and of Mexico, and shall not be varied in this or subsequent Letters, you will view them as forming a guide for your conduct. In that Letter of the 27th of May, the Principles which have regulated the course of this Government, in respect to the Contest between Spanish America and Spain, from its origin, are clearly stated, explained, and indicated; and the Basis of those, upon which it is desirable to place the future Intercourse between The United States and the several Governments which have been established in Spanish America, are laid down. So that, although that Letter was intended to furnish Instructions for the American Minister deputed to One of those Governments only, it should be contemplated as unfolding a System of Relations which it is expedient to establish with All of them.

From that Letter, as well as from notorious public facts, it clearly appears, that the People and the Government of The United States have alike, throughout all the stages of the Struggle between Spain and her Colonies, cherished the warmest feelings and the strongest sympathies towards the latter; that the establishment of their Independence and Freedom has been anxiously desired; that the recognition of that Independence was made as early as it was possible, consistently with those just considerations of policy and duty, which this Government felt itself bound to entertain towards both Parties; and that, in point of fact, with the exception of the Act of the Portuguese Brazilian Government, to which it was prompted by self interest, and which preceded that of The United States only a few months, this Government has been the first to assume the responsibility, and encounter the hazard, of recognizing the Governments which have been

See Page 459.

formed out of Spanish America. If there ever were any ground for imputing tardiness to The United States, in making that recognition, as it respects other Parts of what was formerly Spanish America, there is not the slightest pretext for such a suggestion in relation to Mexico; for, within a little more than a year after its Independence was proclaimed, The United States hastened to acknowledge it. They have never claimed, and do not now claim, any peculiar favour or concession to their Commerce or Navigation, as the consideration of the liberal policy which they have observed towards those Governments. But The President does confidently expect, that the priority of movement on our part, which has disconcerted Plans which the European Allies were contemplating against the Independent Governments, and which has, no doubt, tended to accelerate similar Acts of recognition by the European Powers, and especially that of Great Britain, will form a powerful motive with our Southern Neighbours, and particularly with Mexico, for denying to the Commerce and Navigation of those European States, any favours or privileges which shall not be equally extended to us.

You will bring to the notice of the Mexican Government, the Message of the late President of The United States to their Congress, on the 2d December, 1823, asserting certain important Principles of Inter-continental Law, in the relations of Europe and America. The first Principle asserted in that Message is, that the American Continents are not henceforth to be considered as subjects for future Colonization by any European Powers. In the maintenance of that Principle, all the Independent Governments of America have an interest, but that of The United States has, probably, the least. Whatever foundation may have existed three centuries ago, or even at a later period, when all this Continent was under European subjection, for the establishment of a rule, founded on priority of discovery and occupation, for apportioning among the Powers of Europe parts of this Continent, none can be now admitted as applicable to its present condition. There is no disposition to disturb the Colonial Possessions, as they may now exist, of any of the European Powers; but it is against the establishment of new European Colonies, upon this Continent, that the Principle is directed. The Countries in which any such new Establishments might be attempted, are now open to the enterprize and commerce of all Americans; and the justice or propriety cannot be recognized, of arbitrarily limiting and circumscribing that enterprize and commerce, by the act of voluntarily planting a new Colony, without the consent of America, under the auspices of Foreign Powers belonging to another and a distant Continent. Europe would be indignant at any American attempt to plant a Colony on any part of her Shores, and her justice must perceive, in the rule contended for, only perfect reciprocity.

The other Principle asserted in the Message is, that whilst we do not desire to interfere in Europe, with the Political System of the Allied Powers, we should regard, as dangerous to our peace and safety, any attempt, on their part, to extend their System to any portion of this Hemisphere. The Political Systems of the two Continents are essentially different; each has an exclusive right to judge for itself, what is best suited to its own condition, and most likely to promote its happiness; but neither has a right to enforce upon the other the establishment of its peculiar System. This Principle was declared in the face of the World, at a moment when there was reason to apprehend that the Allied Powers were entertaining designs inimical to the Freedom, if not the Independence, of the New Governments. There is ground for believing, that the Declaration of it had considerable effect in preventing the maturity, if not in producing the abandonment, of all such designs. Both Principles were laid down, after much and anxious deliberation, on the part of the late Administration. The President, who then formed a part of it, continues entirely to coincide in both. And you will urge upon the Government of Mexico the utility and expediency of asserting the same Principles, on all proper occasions.

Mr. Poinsett. H. CLAY.

(B.)—*Mr. Poinsett, Envoy Extraordinary and Minister Plenipotentiary of The United States to Mexico, to Mr. Clay.*

(Extracts.) *Mexico, August 21, 1825.*

THE Correspondence respecting the reported movements of the French Fleet, on the West India Seas, which accompanied my last Letter, was attended with circumstances which I had not then time to communicate.

The Intelligence was received on the 15th inst. by the Secretary of State. On the morning of the 16th, he called upon the Chargé d'Affaires of His Britannick Majesty, and showed him the Letters from the Agent of this Government, at Jamaica. Mr. Ward came immediately to me, to consult what was to be done, and expressed a wish that we should act in concert. As I had not seen the Secretary, nor the Letters to which he alluded, I could only reply, that I was perfectly willing to do so, provided this Government, in their Communication with us, placed both our Governments on precisely the same footing. He immediately went to the Palace, and saw the Secretary of State, to whom he explained his desire, that the Notes to be addressed to us, should be, *verbatim et literatim*, the same. Late in the afternoon, the Secretary called on me, and exhibited the Letters he had received from Jamaica, and which induced him to believe that France entertained hostile intentions against this Country. In this Conversation, I assured him of the friendly disposition of The United States,

and that they would not view with indifference the occupation of the Island of Cuba, by France, especially if it was the result of any hostile views towards Mexico; but, at the same time hinted, that the imprudent conduct of some of their Commanders might have induced Spain to cede that Island to the French, rather than have it wrested from her in the manner proposed by Santa Ana, of which they were fully aware.

When Mr. Ward was informed that the Secretary had said nothing to me of his interview with him, nor of his intention to make the Notes to be addressed to us on this Subject similar, he waited on The President, and reiterated his request. The President, after assuring him that this should be done, declared that he himself was ignorant of the arrival of this important Intelligence, until he saw it published in "the Sol."

On the ensuing day, Notes, couched in exactly the same words, were received by both Mr. Ward and myself. I objected to the language, and waited upon Mr. Alaman, to state my objections. The original Notes, after stating that we had declared, in the most solemn manner, that we would never consent that any third Power should interpose in the Question between Spain and her former Colonies, and that the conduct of France, on this occasion, is certainly an interposition, which, however cloaked, is not the less inexcusable, goes on to say, "The President therefore instructs me to inform your Excellency of these important occurrences, so that, by bringing them to the notice of your Government, it may demand of His Most Catholick Majesty such explanations as the case requires."

I told the Secretary, that the Declaration of The President, and the known friendly disposition of the Government and of the People of The United States, towards these Countries, did not confer upon this Government the privilege of demanding our interference as a right. He expressed his readiness to alter the phraseology of the Note, and it was done. The Note to His Britannick Majesty's Chargé d'Affaires was afterwards altered in the same terms; and the substance of our Answers corresponded.

The Hon. Henry Clay. JOEL R. POINSETT.

(VII.)—*MESSAGE of the President, to the House of Representatives of The United Sates, 5th April,* 1826.

To the House of Representatives of The United States:

Washington, April 5, 1826.

In compliance with a Resolution of the House, of the 30th ult. I transmit to the House a Report from the Secretary of State, with the Documents desired by the Resolution, and, also, a Copy of the Le ter from the Secretary of State to Mr. Poinsett, acknowledging the receipt of his Despatch, No. 22, accidentally overlooked in the Answer to the Resolution of the House of the 27th ult.

JOHN QUINCY ADAMS.

(1.)—*Report of the Secretary of State.*

Department of State, Washington, April 3, 1826.

THE Secretary of State, to whom has been referred, by the President, the Resolution of the House of Representatives of the 30th ult. requesting him to transmit to the House, a "Copy of Mr. Middleton's Letter, of the 2d of July, to Count Nesselrode, communicated with the Despatch of the Secretary of State, of the 10th of May 1825; and so much of the Instructions from the Department of State to the Ministers of The United States to Buenos Ayres, Chili, and Mexico, as relates to a proprosed or contemplated Congress of the Spanish American States," has the honour to report:

1st. A Copy of the Letter of Mr. Middleton, requested, with a Copy of a Translation of it into English;

2dly. An Extract from a Despatch from the late Secretary of State to Mr. Rodney, under date of 17th day of May, 1823, containing the only Instructions given to any Minister of The United States at Buenos Ayres, respecting the contemplated Congress; and,

3dly. An Extract from a Despatch from the Department of State, under date of the 24th September, 1825, embracing the only Instructions given to the Minister of The United States at Mexico, in relation to the Congress.

That no Instructions have been given to the Minister of The United States at Chili, in relation to the proprosed Congress.

The Secretary of State asks permission to take this occasion to state, that, when his Report of the 29th ult. was made, in obedience to the Resolution of the House of Representatives of the 27th ult. it was overlooked in the Office, that, in a Despatch to Mr. Poinsett, of the 9th of December last, communicating the conclusion of a Treaty with the Central Republick, the receipt was acknowledged of Mr. Poinsett's Despatch, No. 22. Although, in fact, nothing is contained in that Despatch, of the 9th of December, falling within the scope of the Resolution of the House, a Copy of it is, nevertheless, now laid before the President, that he may decide on the propriety of its being communicated to the House. The Secretary also begs leave to add, that Mr. Poinsett has been requested to furnish to this Department a Duplicate of the Despatch referred to by him in his Letter of the 21st. August, 1825, which was accidentally mislaid, as stated in the above Report of the 29th ult.

All which is respectfully submitted.

H. CLAY.

(2.)—*Mr. Middleton to Count Nesselrode.*

St. Petersbourg, le $\frac{2}{14}$ Juillet, 1825.

LE Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire des Etats Unis d'Amérique, a l'honneur de prévenir Son Excellence

Monsieur Le Comte de Nesselrode, qu'afin de remplir les intentions de son Gouvernement, il croit ne pouvoir mieux faire que de lui envoyer ci-près Copie d'une Dépêche en forme d'Instruction qu'il vient de recevoir, et de le prier de vouloir bien la mettre sous les yeux de Sa Majesté l'Empereur, dont l'intervention amicale, invoquée avec succès dans plus d'une occasion, peut encore en ce moment servir à la fois les intérêts de l'Europe et de l'Amérique.

Le Soussigné est d'autant plus porté à faire cette démarche, qu'il est dans la persuasion que Sa Majesté Impériale trouvera consignées, dans la Dépêche sus-mentionnée, de nouvelles preuves ajoutées à tant d'autres, des sentimens de haute estime et de confiance qu'Elle inspire au Gouvernement des Etats Unis, et par conséquent, qu'Elle daignera accueillir avec bienveillance les vœux qu'il a émis.

Dans la Guerre actuelle entre l'Espagne et ses ci-devant Possessions d'Outremer, Les Etats Unis n'ont jamais pris de part, ni pour l'exciter ni pour l'alimenter ; ils ont toujours observé la Neutralité la plus stricte. On ne peut pas dire, à la verité, qu'ils aient été des spectateurs indifférents aux événements qui se passaient sous leurs yeux. Dans des vues raisonnées de commerce, ils ont toujours désiré que ces Nations, placées sur la même Continent qu'ils habitent, pussent établir une Indépendance politique dont ils avoient eux memes ressenti l'heureuse influence ; mais ce sentiment n'a jamais faussé la Neutralité qu'ils avaient déclarée. La preuve de la fidélité avec laquelle ils en ont rempli les obligations, est, que dans le cours de la Guerre actuelle, les deux Parties Belligerantes se sont également et faussement plaintes de la violation de cette Neutralité.

Mais si Les Etats Unis ont vû avec satisfaction les efforts des Nations du Continent Americain, pour se soustraire au Joug de la Domination Espagnole, il n'en est pas de même pour ce qui regarde les Iles de Cuba et de Porto Rico. Le caractère de la population de ces Iles rend extrêmement problématique leur capacité de maintenir l'Indépendance. Une déclaration prématurée n'aurait probablement pour résultat, que la répétition affligéante des scênes désastreuses de St. Domingue.

Contre une telle catastrophe il ne puit y avoir d'autre garantie que celle de la présence d'une force armée, fournie par quelque Puissance protectrice. Si les Nouveaux Etats, ou quelques uns d'entre eux, faisaient la conquête de ces Iles, leurs moyens militaires et maritimes ne sauraient rassurer contre l'occurrence de scênes sanglantes et déplorables.

Ayant égard donc aux circonstances, et sous le point de vue commercial, Les Etats Unis sont parfaitement satisfaits de la condition politique de ces Iles sous la Domination de leur Métropole ; mais ils ne pourraient envisager comme indifférent à leurs intérêts l'intervention armée d'aucune autre Nation.

Toutes les Puissances qui ont des Possessions dans l'Archipel Américain ont un intérêt pressant d'empêcher le bouleversement de l'ordre existant dans ces Iles. Quoique La Russie ne se trouve pas dans cette catégorie, le caractère bienveillant de Sa Majesté Impériale, et Son penchant décidé pour le maintie de toutes les légitimités, font espérer qu'Elle ne refusera pas de préter Son puissant appui au *seul moyen* qui parait s'offrir pour éviter un surcroit de malheurs pour l'Espagne et le Monde civilisé.

Ce moyen se trouve indiqué dans l'Ecrit dont Copie ci-près.*

Le Gouvernement des Etats Unis plus à porter par sa position géographique, et par les informations qu'il a prises sur la condition actuelle des Nouveaux Etats, de juger des chances probables de cette guerre, que ne le sont des Gouvernments moins rapprochés, peut sans témérité se croire autorisé à émettre son opinion sur la meilleure manière de tarir une source déjà abondante de maux pour l'humanité, et qui menace incessamment de redoubler d'activité.

Dans toute cette question il ne s'agit pas de considérer qu'ils peuvent être les vrais principes du droit. En cela il peut y avoir ou n'y avoir pas, dissentiment d'opinion. Il s'agit ici de constater les faits. Où les faits ont prononcé, le droit se trouve anéanti. Il n'est question donc que de faire le bien qui soit encore possible, lorsqu'on ne peut pas accomplir tout le bien qu'on aurait désiré. Mais si l'on ne se hâte en ce moment de sauver pour l'Espagne les dernières Colonies qui lui restent, l'occasion en sera peut-être à jamais perdue.

En appelant une attention sérieuse sur l'urgence du cas qui se presente, il ne reste au Soussigné qu'à prier son Excellence M. le Comte de Nesselrode de vouloir bien agréer, &c.

S. E. Le Comte Nesselrode. H. MIDDLETON.

(3.)—*Mr. Adams, Secretary of State, to Mr. Cæsar A. Rodney, Minister Plenipotentiary of The United States at Buenos Ayres.*

(Extract.) *Washington, May* 17, 1823.

In the mean time a more extensive Confederation has been projected under the auspices of the new Government of the Republick of Colombia. In the last Despatch received from Mr. Forbes, dated the 27th January last, he mentions the arrival and reception at Buenos Ayres of Mr. Joaquin Mosquera y Arbolada, Senator of the Republick of Colombia, and their Minister Plenipotentiary and Extraordinary, upon a Mission, the general object of which he informed Mr. Forbes, was to engage the other Independent Governments of *Spanish* America to unite with Colombia in a Congress, to be held at such Point as might be agreed on, to settle a General System of *American Policy* in relation to Europe, leaving to each Section of the Country, the perfect liberty of Independent Self-Government. For this purpose he had already

* See Page 403.

signed a Treaty with Peru, of which he promised Mr. Forbes the perusal; but there were some doubts with regard to the character of his associations, and the personal influence to which he was accessible at Buenos Ayres, and Mr. Forbes had not much expectation of his success in prevailing on that Government to enter into his Project of extensive Federation.

By Letters of a previous date, November 1822, received from Mr. Prevost, it appears, that the Project is yet more extensive than Mr. Mosquera has made known to Mr. Forbes. It embraces North, as well as South America, and a formal Proposal to join and take the lead in it, is to be made known to the Government of The United States.

Intimations of the same design have been given to Mr. Todd, at Bogota. It will be time for this Government to deliberate concerning it, when it shall be presented in a more definite and specific form. At present it indicates more distinctly, a purpose on the part of the Colombian Republick, to assume a leading character in this Hemisphere, than any practicable objects of utility which can be discovered by us. With relation to *Europe* there is perceived to be only one object in which the interests and wishes of The United States can be the same as those of the Southern American Nations, and that is, that they should all be governed by Republican Institutions, politically and commercially, Independent of Europe. To any Confederation of Spanish American Provinces for that end, The United States would yield their approbation and cordial good wishes. If more should be asked of them, the Proposition will be received and considered in a friendly spirit, and with a due sense of its importance.

Mr. Cæsar A. Rodney. J. Q. ADAMS.

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(4).—*Mr. Clay, Secretary of State, to Mr. Poinsett, Minister of The United States to Mexico.*

(Extract.) *Department of State, September* 24, 1825.

During the last Spring, the Ministers of Mexico and Colombia, near this Government, made separate, but nearly simultaneous Communications to this Department, in relation to the contemplated Congress at Panama. Each of them stated that he was instructed by his Government to say, that it would be very agreeable to it that The United States should be represented at that Congress; that it was not expected that they would take any part in its Deliberations, or Measures of Concert, in respect to the existing War against Spain, but that other great interests, affecting the Continent of America, and the friendly intercourse between the Independent Nations established on it, might be considered and regulated at the Congress, and that, not knowing what might be the views of The United States, a previous inquiry was directed to be made, whether they would, if invited by Mexico or Colombia, be represented at Panama; and, if an affirmative answer

were given, each of those Ministers stated, that The United States would be accordingly invited to be represented there. The President directed me to say, and I accordingly replied, that the communication was received, with great sensibility to the friendly consideration of The United States, by which it had been dictated; that, of course, they could not make themselves any Party to the existing War with Spain, or to Councils for deliberating on the means of its further prosecution; that he believed such a Congress as was proposed, might be highly useful, in settling several important controverted Questions of Publick Law, and in arranging other matters of deep interest to the American Continent, and to the friendly intercourse between the American Powers; that before such a Congress, however, assembled, it appeared to him to be necessary to arrange, between the different Powers to be represented, several Preliminary Points; such as the Subjects to which the attention of the Congress should be directed, the nature and the form of the Powers to be given to the Ministers, and the mode of organizing the Congress. If these Preliminary Points could be adjusted in a manner satisfactory to The United States, the Ministers from Mexico and Colombia were informed, that The United States would be represented at the Congress. Upon inquiry if these Preliminary Points had yet engaged the attention of either the Government of Mexico or Colombia, they were unable to inform me that they had, whilst both appeared to admit the expediency of their being settled. Each of them undertook to communicate to his Government the Answer which I delivered to their Invitations, and nothing further has since transpired. It is deemed proper that you should be made acquainted with what has occurred here on this matter, in order that, if it should be touched upon by the Mexican Government, you may, if necessary, be able to communicate what passed. We shall make no further movement in it until we hear from the Government of Mexico or Colombia.

Mr. J. R. Poinsett. H. CLAY.

(5.)—*Mr. Clay to Mr. Poinsett.—(No. 8.)*

SIR, *Department of State, December 9, 1825.*

YOUR Despatch, No. 22, under date the 28th September, 1825*, is this day received. By mine of the 9th ultimo, you will have learnt that the President approves of your rejection of the exception in the proposed Commercial Treaty, which the Mexican Government insists upon making, of favours in behalf of the New Governments established within what was formerly Spanish Territory; and that you are instructed to break off the Negotiation rather than accede to that exception. It is, therefore, seen with regret, that the Mexican Government perseveres in an exception which is so inadmissible. On the 5th instant, a Treaty of Peace, Amity, Commerce, and Navigation, was

* See Page 416.

concluded and signed here with the Central Republic, which will be submitted to the Senate for its advice and consent in a day or two. This Treaty embraces the same Articles as that which we have made with Colombia, and three others, (one a modification of a similar Article in that Treaty, and two new ones,) of which Copies are herewith sent. It contains no exception of favours to any of the American Republicks, carved out of former Spanish Territory. On the contrary, no such pretension was ever advanced in the progress of the Negotiation. It has been brought forward by no American Power but Mexico. The Treaty with the Republick of the Centre, is characterized by the greatest liberality, and by a true American spirit. And it expressly provides that whatever favours shall be granted to any Foreign Power, (of course American as well as European,) by either of the High Contracting Parties, shall extend to and be enjoyed by the other.

Our information here in regard to the Treaty negotiated by Great Britain with Mexico, is, that the objection taken to it in England was, that it embraced the Principle that free Ships should make free Goods, to which Great Britain is not prepared to subscribe. I am, &c.

Joel R. Poinsett, Envoy Extraordinary and Minister Plenipotentiary of The United States to Mexico. H. CLAY.

(VIII.)—*MESSAGE of The President, to the House of Representatives of The United States, 15th April,* 1826.

To the House of Representatives of The United States.

Washington, April 15, 1826.

In compliance with a Resolution of the House, of the 11th instant, I transmit, herewith, a Report from the Secretary of State, and Documents, containing the information desired by the Resolution.

JOHN QUINCY ADAMS.

(1.)—*Report of the Secretary of State.*

The Secretary of State to whom has been referred, by the President, the Resolution of the House of Representatives of the 11th inst. requesting him to inform that House ("if within his power,) whether any Government, except the Government of The United States, has been invited to send Ministers to the Congress at Panama: and, also, whether he has any reason to expect that any other Government, or Governments, in addition to the Independent Governments of Spanish America, and the Government of The United States of North America, (and, if any, what other Government, or Governments,) will be represented in or at the Congress at Panama," has the honour to report:

A Copy of a Note from Mr. Salazar, addressed to the Secretary of State from New York, under date the 10th March, 1826, with a Copy of the Note to which it refers, from the Chevalier de Gameiro to

Mr. Hurtado, under date at Park Crescent, in London, on the 30th October, 1825:

An Extract from a Despatch from Mr. Raguet, Chargé d'Affaires of The United States to Brazil, under date the 14th February, 1826; and,

An Extract from a Letter of Mr. Poinsett, under date, at Mexico, the 18th January, 1826.

The Secretary has also the honour to state, that other information, though not in an Official Form, has reached this Department, of the intention of Great Britain to have an Agent present at the Congress of Panama: and the Department has also been informed that France (whether with, or without invitation, is not known here) will likewise have an Agent there. But it is not believed that these Agents, of Great Britain and France, are expected to take any part in the Conferences or Negotiations of the Congress. No information is possessed in the Department, of the intention of any other Government to be represented in, or at the Congress of Panama, except the Indepeudent Governments of Spanish America, The United States, Great Britain, France, and the Emperor of Brazil.

All which is respectfully submitted. H. CLAY.

(2.)—*Don Jose Maria Salazar to the Secretary of State.—(Translation.)*

Legation of Colombia, Near the U. States of North America,

SIR, *New York, March* 10, 1826.

I HAVE just received the Orders of my Government to communicate to that of The United States, that His Majesty the Emperor of Brazil, has accepted a formal Invitation, given by the Government of Colombia, to come to the Congress of Panama; and it has been resolved to send Plenipotentiaries, to take part in the Deliberations of General Interest, and which may be compatible with the Neutrality which Brazil has observed in the War of America with Spain.

The Plenipotentiary of His Majesty the Emperor of Brazil, near His Britannick Majesty, has made this Declaration to the Hon. Manuel José Hurtado, Minister of Colombia, at the said Court, by a Note dated the 30th of October last, a Copy of which I have the honour to enclose.

The Government of Colombia has seen with the greatest pleasure, this disposition of His Majesty the Emperor of Brazil, to enter into relations of friendship with the New Republicks, and to labour in concert for the general prosperity of America, at the same time that He puts an end to the sinister interpretations which have been given in Europe, to the objects of the Congress at Panama.

I avail myself of this occasion, &c.

The Hon. Henry Clay. JOSE MARIA SALAZAR.

(3.)—*The Chevalier de Gameiro to Mr. Hurtado.—(Translation.)*

SIR, *Park Crescent, Oct^br 30, 1825.*

I FULFIL to-day, a very agreeable duty, in announcing to you that the Emperor, my Master, to whom I made known the Note which you addressed to me on the 7th June last, has been pleased to accept the formal Invitation which the Government of Colombia gave to him, that Brazil should join the other States of America, about to assemble at Panama, to arrange, in common, their mutual Relations, and fix their respective Political and Commercial System.

The policy of the Emperor is so generous and benevolent, that he will always be ready to contribute to the repose, the happiness, and the glory of America. And as soon as the Negotiation, relative to the recognition of the Empire, shall be honourably terminated at Rio de Janeiro, he will send a Plenipotentiary to the Congress to take part in the deliberations of General Interest, which shall be compatible with the strict Neutrality which he observes *between the Belligerent States of America and Spain.*

Such, Sir, is the Answer which I am charged to make you, adding, that the Emperor appreciates the friendship of the Colombian Government and it will give him pleasure to cultivate it.

Happy to be the organ of the sentiments of my August Master, I pray you to accept, &c.

H. E. Mr. Hurtado, The CHEVALIER DE GAMEIRO.
Minister Plenipotentiary of the Republic of Colombia, London.

(4.)—*Mr. Condy Raguet, Chargé d'Affaires of The United States, Brazil, to Mr. Clay.*

(Extract.) *Rio de Janeiro, Feb.* 14, 1826.

BY Decree of 25th January, Theodoro Jose Brancardi, Chief Clerk of the Home Department, was appointed "Plenipotentiary" of this Government to the Congress at Panama, in which His Majesty was invited, by the Government of Colombia, through the Brazilian Minister at London, to take a part.

The Hon. H. Clay. CONDY RAGUET.

(5.)—*Mr. Poinsett to Mr Clay.*

(Extract.) *Mexico, January* 18, 1826.

THE Chargé des Affaires of The United Mexican States at Bogota, has very lately sent an Official Communication to this Government, from that of Colombia, setting forth that the Emperor of Brazil had been invited to send Plenipotentiaries to the Congress of Panama, and His Majesty the King of Great Britain to send an Agent there. Nothing is said as to the precise character of the latter.

The Hon. H. Clay. JOEL R. POINSETT.

MESSAGE from the President of The United States to Congress, transmitting the Correspondence with the British Government, in relation to the Boundary of The United States on the Pacifick Ocean.

To the House of Representatives of The United States.

Washington, January 31, 1826.

In compliance with a Resolution of the House of Representatives of the 18th instant, I transmit a Report from the Secretary of State, with the Correspondence with the British Government, relating to the Boundary of The United States on the Pacifick Ocean, desired by the Resolution.

JOHN QUINCY ADAMS.

Department of State, Washington, January 30, 1826.

The Secretary of State, to whom was referred the Resolution of the House of Representatives, of the 18th of January, 1826, requesting the President to communicate to that House all the Correspondence between the Government of The United States and the Government of Great Britain, respecting the Boundary of that part of the Territory of The United States which is situated upon the Pacifick Ocean, and which has not already been communicated, or so much thereof as may be compatible with the publick interest to disclose, has the honour to report to the President, as coming within the purview of the Resolution, Copies of

			Page
1. Mr. Adams, late Secretary of State, to Mr. Rush	22d July.	1823	498
2. Mr. Rush to the Secretary of State	12th August,	1824	504
3. Protocol of the 11th Conference of the American and British Plenipotentiaries, held at the Board of Trade, (in London,)	1st April.	1824	516
4. Protocol of the 12th Conference			516
5. Protocol of the 20th ditto			516
6. Protocol of the 23d ditto			518
7. American Paper, on the North-west Coast of America			518
8. British Paper, on ditto			519

Respectfully submitted, H. CLAY.

(*Inclosure* 1.)—*Mr. Adams to Mr. Rush.*

Sir, *Department of State, Washington, July* 22, 1823.

Among the subjects of Negotiation with Great Britain, which are pressing upon the attention of this Government, is the present condition of the North-west Coast of this Continent. This interest is connected in a manner becoming, from day to day, more important with our Territorial rights; with the whole System of our Intercourse with the Indian Tribes; with the Boundary Relations between us and the British North American Dominions; with the Fur Trade; the Fish-

eries in the Pacifick Ocean; the Commerce with the Sandwich Islands and China; with our Boundary upon Mexico; and, lastly, with our political standing and intercourse with the Russian Empire.

By the Third Article of the Convention between The United States and Great Britain, of the 20th of October 1818, it is agreed, "that any Country that may be claimed by either Party on the North-west Coast of America, Westward of the Stony Mountains, shall, together with its Harbours, Bays, and Creeks, and the Navigation of all Rivers within the same, be free and open for the term of ten Years, from the date of the signature of the Convention, to the Vessels, Citizens, and Subjects of the Two Powers: it being well understood that this Agreement is not to be construed to the prejudice of any Claim which either of the Two High Contracting Parties may have to any part of the said Country; nor shall it be taken to affect the Claims of any other Power or State, to any part of the said Country; the only object of the High Contracting Parties, in that respect, being to prevent disputes and differences amongst themselves."

On the 6th of October, 1818, 14 days before the signature of this Convention, the Settlement at the Mouth of Colombia River had been formally restored to The United States, by order of the British Government.—(Message P. U. S. to H. R. 15th April, 1822, p. 13. Letter of Mr. Prevost to the Secretary of State, of the 11th of November, 1818.)

By the Treaty of Amity, Settlement, and Limits, between The United States and Spain, of the 22d of February, 1819, the Boundary Line between them was fixed at the 42d degree of Latitude, from the Source of the Arkansas River to the South Sea. By which Treaty The United States acquired all the Rights of Spain, North of that parallel.

The right of The United States to the Columbia River, and to the Interior Territory washed by its Waters, rests upon its discovery from the Sea, and nomination, by a Citizen of The United States; upon its Exploration to the Sea by Captains Lewis and Clarke; upon the Settlement of Astoria, made under the protection of The United States, and thus restored to them in 1818; and upon the subsequent acquisition of all the rights of Spain, the only European Power who, prior to the discovery of the River, had *any* pretensions to Territorial Rights on the North-west Coast of America.

The Waters of the Columbia River extend, by the Multnomah, to the 42d degree of Latitude, where its Source approaches within a few miles of those of Platte and Arkansas; and by Clark's River, to the 50th or 51st degree of Latitude: thence descending Southward, till its Sources almost intersect those of the Missouri.

To the Teritory thus watered, and immediately contiguous to the original Possessions of The United States, as first bounded by the

Mississippi, they consider their right to be now established by all the principles which have ever been applied to European Settlements upon the American Hemisphere.

By the Ukase of The Emperor Alexander, of the 4th (16th) of September, 1821, an exclusive Territorial Right, on the North-west Coast of America, is asserted as belonging to Russia, and as extending from the Northern extremity of the Continent to Latitude 51 degrees; and the Navigation and Fishery of all other Nations are interdicted by the same Ukase, to the extent of 100 Italian miles from the Coast.

When Mr. Poletica, the late Russian Minister here, was called upon to set forth the grounds of right, conformable to the Laws of Nations, which authorized the issuing of this Decree, he answered, in his Letters of the 28th of February, and 2d of April, 1822, by alleging, first Discovery, Occupancy, and uninterrupted *Possession*.

It appears, upon examination, that these Claims have no foundation in fact. The right of *Discovery* on this Continent, claimed by Russia, is reduced to the probability that, in 1741, Captain Tchirikoff saw, from the Sea, the mountain called St. Elias, in about the 59th degree of North latitude. The Spanish Navigators, as early as 1582, had discovered as far North as 57 deg. 30 min.

As to Occupancy, Captain Cook, in 1779, had the express declaration of Mr. Ismaloff, the Chief of the Russian Settlement at Oonalaska, that they *knew nothing* of the Continent in America; and in the Nootka Sound Controversy between Spain and Great Britain, it is explicitly stated, in the Spanish Documents, that Russia had disclaimed all pretension to interfere with the Spanish exclusive Rights *to beyond* Prince William's Sound, Latitude 61 degrees. No evidence has been exhibited of any Russian Settlement on this Continent, South and East of Prince William's Sound, to this day, with the exception of that in California, made in 1816.

It never has been admitted, by the various European Nations which have formed Settlements in this Hemisphere, that the occupation of an *Island* gave any claim whatever to Territorial Possessions on the Continent to which it was adjoining. The recognized principle has rather been the reverse; as, by the Law of Nature, Islands must be rather considered as appendages to Continents, than Continents to Islands.

The only colour of Claim alleged by Mr. Poletica, which has an appearance of plausibility, is that which he asserts as an authentick fact, "that, in 1789, the Spanish Packet *St. Charles*, commanded by Captain Haro, found, in the Latitude 48 and 49 degrees, Russian Settlements to the number of eight, consisting, in the whole, of 20 Families, and 462 Individuals." But, more than 20 years since, Flurieu had shown, in his Introduction to the Voyage of Marchand, that, in this Statement there was a mistake of, at least, 10 degrees of Latitude,

and that, instead of 48 and 49, it should read 58 and 59. This is, probably, not the only mistake in the account. It rests, altogether, upon the credit of two private Letters: one written from St. Blas, and the other from the City of Mexico, to Spain, there communicated to a French Consul, in one of the Spanish Ports, and by him to the French Minister of Marine. They were written in October, 1788, and August, 1789. We have seen that, in 1790, Russia explicitly disclaimed interfering with the exclusive Rights of Spain to *beyond* Prince William's Sound, in Latitude 61 degrees; and Vancouver, in 1794, was informed by the Russians on the spot, that their most *Eastern* Settlement there was on Hinchinbrook Island, at Port Etches, which *had been established in the course of the preceding Summer*, and that the adjacent Continent was a *sterile and uninhabited Country*. Until the Nootka Sound Contest, Great Britain had never advanced any Claim to Territory upon the North-west Coast of America, by Right of Occupation. Under the Treaties of 1763, her Territorial Rights were bounded by the Mississippi.

On the 22d July, 1793, Mackenzie reached the Shores of the Pacifick, by Land, from Canada, in Latitude 52 deg. 21 min. North, Longitude 128 deg. 2 min. West, of Greenwich.

It is stated in the 52d Number of the Quarterly Review, in the Article upon Kotzebue's Voyage, "that the whole Country, from Latitude 56 deg. 30 min. to The United States, in Latitude 48 deg., or thereabouts, is now, and has long been, in the actual Possession of the British North-west Company;" that this Company have a Post on the Borders of a River in Latitude 54 deg. 30 min. North, Longitude 125 deg. West; and that in Latitude 55 deg. 15 min. North, Longitude 129 deg. 44 min West, "by this time, (March, 1822.) The United Company of the North-west and Hudson's Bay, have, in all probability, formed an Establishment."

It is not imaginable that, in the present condition of the World, *any* European Nation should entertain the project of settling a *Colony* on the North-west Coast of America: that The United States should form Establishments there, with views of absolute Territorial Right, and Inland Communication, is not only to be expected, but is pointed out by the finger of Nature, and has been for years a subject of serious deliberation in Congress. A Plan has, for several Sessions, been before them, for establishing a Territorial Government on the Borders of the Columbia River. It will, undoubtedly, be resumed at their next Session; and even if then again postponed, there cannot be a doubt that, in the course of a very few years, it must be carried into effect. As yet, however, the only useful purpose to which the North-west Coast of America has been, or can be made, subservient to the Settlements of civilized Men, are the Fisheries on its adjoining Seas, and Trade with the Aboriginal Inhabitants of the Country.

These have, hitherto, been enjoyed in common by the People of The United States, and by the British and Russian Nations. The Spanish, Portuguese, and French Nations, have also participated in them, hitherto, without other annoyance than that which resulted from the exclusive Territorial Claims of Spain, so long as they were insisted on by her.

The United States and Great Britain have both protested against the Russian Imperial Ukase of the 4th (16th) September, 1821. At the proposal of the Russian Government, a Full-Power and Instructions are now transmitted to Mr. Middleton, for the adjustment, by amicable Negotiation, of the conflicting Claims of the Parties on this subject.

We have been informed by the Baron de Tuyll, that a similar Authority has been given on the part of the British Government to Sir Charles Bagot.

Previous to the restoration of the Settlement at the Mouth of Columbia River, in 1818, and again, upon the first introduction in Congress of the Plan for constituting a Territorial Government there, some disposition was manifested by Sir Charles Bagot and Mr. Canning, to dispute the *Right* of The United States to that Establishment; and some vague intimation was given of British Claims on the North-west Coast. The restoration of the Place, and the Convention of 1818, were considered as a final disposal of Mr. Bagot's objections, and Mr. Canning declined committing to paper those which he had intimated in conversation.

The discussion of the Russian Pretensions in the Negotiation now proposed, necessarily involves the Interests of the Three Powers, and renders it manifestly proper that The United States and Great Britain should come to a mutual understanding, with respect to *their* respective Pretensions, as well as upon their joint Views with reference to those of Russia. Copies of the Instructions to Mr. Middleton are, therefore, herewith transmitted to you; and the President wishes you to confer freely with the British Government on the subject.

The principles settled by the Nootka Sound Convention of 28th October, 1790, were—

1st. That the Rights of Fishing in the South Seas; of trading with the Natives of the North-west Coast of America; and of making Settlements on the Coast itself, for the purposes of that Trade, North of the *actual* Settlements of Spain; were common to all the European Nations; and, of course, to The United States.

2d. That so far as the *actual* Settlements of Spain had extended, she possessed the exclusive Rights, Territorial, and of Navigation and Fishery, extending to the distance of 10 miles from the Coasts so *actually occupied.*

3d. That, on the Coasts of South America, and the adjacent Islands, *South* of the parts already occupied by Spain, no Settlement

should thereafter be made either by British or Spanish Subjects; but, on both sides, should be retained the liberty of landing and of erecting temporary buildings for the purposes of the Fishery. These Rights were, also, of course, enjoyed by the People of The United States.

The exclusive Rights of Spain to any part of the American Continents have ceased. That portion of the Convention, therefore, which recognizes the exclusive Colonial Rights of Spain on these Continents, though confirmed, as between Great Britain and Spain, by the First Additional Article to the Treaty of the 5th of July, 1814, has been extinguished by the fact of the Independence of the South American Nations, and of Mexico. Those Independent Nations will possess the Rights incident to that condition, and their Territories will, of course, be subject to no *exclusive* Right of Navigation in their vicinity, or of access to them, by any Foreign Nation.

A necessary consequence of this state of things, will be, that the American Continents, henceforth, will no longer be subject to *Colonization*. Occupied by civilized, Independent Nations, they will be accessible to Europeans, and each other, on that footing alone; and the Pacifick Ocean, in every part of it, will remain open to the Navigation of all Nations, in like manner with the Atlantick.

Incidental to the condition of National Independence and Sovereignty, the Rights of Interior Navigation of their Rivers will belong to each of the American Nations within its own Territories.

The application of Colonial principles of exclusion, therefore, cannot be admitted by The United States as lawful, upon any part of the North-west Coast of America, or as belonging to any European Nation. Their own Settlements there, when organized as Territorial Governments, will be adapted to the freedom of their own Institutions, and, as constituent parts of the Union, be subject to the principles and provisions of their Constitution.

The Right of carrying on Trade with the Natives throughout the North-west Coast, they cannot renounce. With the Russian Settlements at Kodiack, or at New Archangel, they may fairly claim the advantage of a Fur Trade, having so long enjoyed it unmolested, and because it has been, and would continue to be, as advantageous, at least, to those Settlements as to them. But they will not contest the right of Russia to prohibit the Traffick, as strictly confined to the Russian Settlement itself, and not extending to the original Natives of the Coast.

If the British North-west and Hudson's Bay Companies have any Posts on the Coast, as suggested in the Article of the Quarterly Review, above cited, the Third Article of the Convention of the 20th October, 1818, is applicable to them. Mr. Middleton is authorized, by his Instructions, to propose an Article of similar import, to be in-

serted in a joint Convention between The United States, Great Britain, and Russia, for a term of 10 Years from its signature. You are authorized to make the same proposal to the British Government; and, with a view to draw a definite Line of Demarkation, for the future, to stipulate, that no Settlement shall hereafter be made on the North-west Coast, or on any of the Islands thereto adjoining, by Russian Subjects, South of Latitude 55 degrees; by Citizens of The United States, North of Latitude 51 degrees; or by British Subjects, either South of 51 degrees, or North of 55 degrees. I mention the Latitude of 51 degrees, as the Bound within which we are willing to limit the future Settlement of The United States, because it is not to be doubted that the Columbia River branches as far North as 51 degrees, although it is, most probably, not the Tacoutche Tesse of Mackenzie. As, however, the Line already runs in Latitude 49 degrees, to the Stony Mountains, should it be earnestly insisted upon by Great Britain, we will consent to carry it in continuance, on the same parallel to the Sea.

Copies of this Instruction will likewise be forwarded to Mr. Middleton, with whom you will freely, but cautiously, correspond on this subject, as well as in relation to your Negotiation respecting the Suppression of the Slave-trade. I have the honour to be, &c.

Richard Rush, Envoy Extraordinary and Minister Plenipotentiary, U. S. London. JOHN QUINCY ADAMS.

(*Inclosure* 2.)—*Mr. Rush to Mr. Adams.*—(*No.* 10.)

(Extract.) *London, August* 12, 1824.

I NOW come to the last of the Subjects that The President confided to me—that contained in your Instructions of the 22d of July, 1823, relative to the North-west Coast of America. Although no Arrangement was concluded on this subject, it is not the less incumbent upon me carefully to apprize you of the Discussions by which it was marked. They will probably be found not without interest. In one of my Preliminary Communications respecting the Negotiation, viz. my No. 356, I informed you, that I had thought it necessary, yielding to events that transpired after your Instructions were received, to treat of this Subject of the North-west Coast with this Government alone, without considering the Negotiation as common also to Russia, as had been contemplated by your Instructions. In this deviation from your Instructions, I assigned my reasons, which, as they weighed strongly with me at the time, and do not appear, from any lights that I possess, to have lost any of their force since, I must hope will have been approved. My duty, therefore, will now be confined to informing you of the Discussions that took place, in my hands, with Britain, and as limited to the interests of The United States and Britain. These are the only Discussions, I may add, with which I have any acquaint-

ance, not having heard from Mr. Middleton of the nature of those that were carried on at St. Petersburgh; though, through the kindness of the Russian Ambassador at this Court, I have very recently been apprized of their result. It is probable that it has been through some accident, that I have not heard from Mr. Middleton, having apprized him of the course that I had felt myself compelled to adopt. In obedience to your Instructions, I also wrote to him on the Subject of the Slave-trade, transmitting him a Copy of the Convention with this Government, as soon as I had signed it.

In another of my Communications, written before the Negotiation opened, viz. my No. 358, I gave you a general intimation of what I then supposed would be the terms upon which this Government would be disposed to arrange with us the Questions of Boundary upon the North-west Coast.

At that time, however, I had been put in possession of nothing distinctive or final upon the subject, and was to wait the arrival of the Negotiation itself, for the full and authentick Statement of the British Claims. I am the more particular in referring back to this latter Communication, as it appears that I was under important misapprehensions in it, in regard to the true nature of the British Claims. They proved, on formally and accurately disclosing themselves, to be far more extensive than I had believed, and were advanced in a manner more confident than I had even then anticipated.

I opened this subject with the British Plenipotentiaries at the Eleventh Conference. I remarked, that, although it had been understood in my preparatory conversations with the proper organ of His Majesty's Government, that the respective Territorial or other Claims of The United States and Russia, as well as of Great Britain and Russia, regarding the Country Westward of the Rocky Mountains, were to be matter of separate discussion at St. Petersburgh; yet, that those of The United States and Britain were now, according to the understanding in the same conversations, to be taken up for formal discuss on in London.

My Government was aware, that the Convention of October 1818, between The United States and Great Britain, one Article of which contained a temporary regulation of this interest, had still four years to run; but The President, nevertheless, was of opinion, that the present was not an unsuitable moment for attempting a new and more definitive adjustment of the respective Claims of the Two Powers to the Country in question. It was a Country daily assuming an aspect, Political, Commercial, and Territorial, of more and more interest to The United States. It bore upon their relations with other States, upon their Fisheries as well as their Commerce in the Pacifick, upon their Fur Trade, and the whole system of their intercourse with vast Tribes of the Indians. I reminded the British Plenipotentiaries [illegible]

by the Third Article of the Treaty of Washington, of February the 22d, 1819, between The United States and Spain, the Boundary Line between the Two Countries was fixed, in part, along the Southern Bank of the Arkansas, to its Source, in Latitude 42 degrees North, and thence by that parallel of Latitude, to the South Sea; and that Spain had also renounced to The United States, by the same Article, all her rights North of that parallel. I then made known, at this and other Conferences—for, from the extent of the subject, I was unable even to open it all at one Conference—what I understood to be the nature of the Title of The United States to the whole of the Country North of the parallel stated. I said, that, apart from all the right as thus acquired from Spain, which, however, was regarded by my Government as surpassing the right of all other European Powers, on that Coast, The United States claimed, in their own right, and as their absolute and exclusive Sovereignty and Dominion, the whole of the Country West of the Rocky Mountains, from the 42d to at least as far up as the 51st degree of North Latitude. This claim they rested upon their first discovery of the River Columbia, followed up by an effective Settlement at its Mouth—a Settlement which was reduced by the arms of Britain during the late War, but formally surrendered up to The United States at the return of Peace.

Their Right, by first discovery, they deemed peculiarly strong, having been made not only from the Sea, by Captain Gray, but also from the Interior, by Lewis and Clarke, who first discovered its sources, and explored its whole inland course to the Pacific Ocean. It had been ascertained that the Columbia extended, by the River, Multnomah, to as low as 42 degrees North; and, by Clarke's River, to a point as high up as 51 degrees, if not beyond that point; and to this entire range of Country, contiguous to the original Dominion of The United States, and made a part of it by the almost intermingling waters of each, The United States, I said, considered their title as established, by all the principles that had ever been applied on this subject by the Powers of Europe, to Settlements in the American Hemisphere. I asserted, that a Nation, discovering a Country, by entering the Mouth of its principal River at the Sea Coast, must necessarily be allowed to claim and hold, as great an extent of the Interior Country as was described by the course of such principal River, and its Tributary Streams; and that the claim to this extent, became doubly strong, where, as in the present instance, the same River had also been discovered and explored from its very Mountain Springs to the Sea.

Such an union of titles, imparting a validity to each other, did not often exist. I remarked, that it was scarcely to be presumed that any European Nation would henceforth project any Colonial Establishment on any part of the North-west Coast of America, which, as yet, had never been used to any other useful purpose than that of trading with

the Aboriginal Inhabitants, or fishing in the neighbouring Seas; but that The United States should contemplate, and at one day form, permanent Establishments there, was naturally to be expected, as proximate to their own Possessions, and falling under their immediate jurisdiction. Speaking of the Powers of Europe, who had ever advanced claims to any part of this Coast, I referred to the principles that had been settled by the Nootka Sound Convention of 1790, and remarked, that Spain had now lost all her exclusive Colonial Rights, that were recognized under that Convention, first, by the fact of the Independence of the South American States, and of Mexico, and next, by her express renunciation of all her rights, of whatever kind, above the 42d degree of North Latitude, to The United States. Those New States would, themselves, now possess the rights incident to their condition of Political Independence, and the Claims of The United States above the 42d parallel, as high up as 60, Claims, as well in their own right, as by their succession to the title of Spain, would henceforth necessarily preclude other Nations from forming Colonial Establishments upon any part of the American Continents. I was, therefore, instructed to say, that my Government no longer considered any part of those Continents as open to future Colonization by any of the Powers of Europe, and that this was a principle upon which I should insist in the course of the Negotiation.

It was in this manner that I first laid down, for the information of this Government, the principles contained in your Despatch, or flowing from them. I combined, with what you had written to me, the contents of the Message of The President to Congress, of the 2d of December last, a Document which I could not but regard with the highest solemnity towards marking out my duty. I added that, The United States did not desire to interfere with the actual Settlements of other Nations on the North-west Coast of America, and that, in regard to those which Great Britain might have formed above the 51st degree of Latitude, they would remain, with all such rights of Trade with the Natives, and rights of Fishery, as those Settlements had enjoyed hitherto. As regarded future Settlements, by either of the Parties, I said, that it was the wish of my Government to regulate these, upon principles that might be mutually satisfactory, and tend to prevent all collision. I was, therefore, instructed to propose, first, the extension to a further term of ten Years, of the Third Article of the Convention of October, 1818; and secondly, that Britain should stipulate, during the like term, that no Settlement should be made by any of Her Subjects on the North-west Coast of America, or the Islands adjoining, either South of the 51st degree of Latitude, or North of the 55th degree; The United States stipulating, that none should be made by their Citizens, North of the 51st degree. This proposal I drew

up in form, and annexed it to the Protocol of the twelfth Conference. I said, that these Limits were supposed to be sufficient to secure to Great Britain all the benefit to be derived from the Settlements of her North-west and Hudson's Bay Companies on that Coast, and were indicated with that view. The insertion of a limit of 10 Years, which I introduced as applicable to the above restriction upon future Settlements, may require explanation. In your Despatch to me, as I understood it, there was no such limit of time specified.

But, in your Instructions to Mr. Middleton, of the 22d of July, 1823, which you enclosed to me, I perceive that there was this limit introduced, and that it was under this limit the proposal was described to him as the one which I was to submit to the British Government. I concluded, that it would be erring on the safe side, to take, in this particular, the Instructions to Mr. Middleton, as my guide, and I did so accordingly.

It is proper now, as on the Question of the St. Lawrence, that I should give you faithful information of the manner in which the British Plenipotentiaries received my proposal, and the principles under which I had introduced it. I may set out by saying, in a word, that they totally declined the one, and totally denied the other. They said that Great Britain considered the whole of the unoccupied parts of America, as being open to her future Settlements, in like manner as heretofore. They included within these parts, as well that portion of the North-west Coast, lying between the 42d and 51st degrees of Latitude, as any other parts. The principle of Colonization on that Coast, or elsewhere, on any portion of those Continents not yet occupied, Great Britain was not prepared to relinquish. Neither was she prepared to accede to the exclusive claim of The United States. She had not by her Convention with Spain, in 1790, or at any other period, conceded to that Power any exclusive rights on that Coast, where actual Settlements had not been formed. She considered the same principles applicable to it now, as then. She could not concede to The United States, who held the Spanish title, claims which she had felt herself obliged to resist, when advanced by Spain, and on her resistance to which, the credit of Great Britain had been thought to depend.

Nor could Great Britain at all admit, the Plenipotentiaries said, the claim of The United States, as founded on their own first discovery. It had been objectionable with her in the Negotiation of 1818, and had not been admitted since. Her surrender to The United States of the Post at Columbia River, after the late War, was in fulfilment of the Provisions of the first Article of the Treaty of Ghent, without affecting Questions of Right on either side. Britain did not admit the validity of the discovery by Captain Gray. He had only been on an enterprize of his own, as an Individual, and the British

Government was yet to be informed under what principles or usage, among the Nations of Europe, his having first entered or discovered the Mouth of the River Columbia, admitting this to have been the fact, was to carry after it such a portion of the Interior Country as was alleged. Great Britain entered her dissent to such a claim; and least of all did she admit that the circumstance of a Merchant Vessel of The United States having penetrated the Coast of that Continent at Columbia River, was to be taken to extend a claim in favour of The United States along the same Coast, both above and below that River, over Latitudes that had been previously discovered and explored by Great Britain herself, in expeditions fitted out under the authority and with the resources of the Nation. This had been done by Captain Cook, to speak of no others, whose Voyage was at least prior to that of Captain Gray. On the Coast, only a few degrees South of the Columbia, Britain had made purchases of Territory from the Natives, before The United States were an Independent Power; and upon that River itself, or upon Rivers that flowed into it, West of the Rocky Mountains, her Subjects had formed Settlements coeval with, if not prior to, the Settlement by American Citizens at its Mouth.

Such is a summary of the grounds taken at the very outset by the British Plenipotentiaries, in opposition to our claims. On my remarking, immediately, and before proceeding to any discussion of them, that I had not before been aware of the extent and character of all these objections, they replied, that it was also for the first time that they had been apprised, in any authentick and full way, of the nature of the claims, as I had now stated them, on behalf of The United States; claims, which they said they were bound to declare, at once, Great Britain was wholly unprepared to admit; and especially, that which aimed at interdicting her from the right of future Colonization in America.

Resuming the subject, I said, that it was unknown to my Government, that Great Britain had ever even advanced any claim to Territory on the North-west Coast of America, by the right of occupation, before the Nootka Sound Controversy. It was clear, that, by the Treaty of Paris, of 1763, her Territorial Rights in America, were bounded Westward by the Mississippi. The claim of The United States, under the discovery by Captain Gray, was, therefore, at all events, sufficient to over-reach, in point of time, any that Great Britain could allege along that Coast, on the ground of prior Occupation or Settlement. As to any alleged Settlements by her Subjects on the Columbia, or on Rivers falling into it, earlier, or as early, as the one formed by American Citizens at Astoria, I knew not of them, and was not prepared to admit the fact. As to the discovery itself of Captain Gray, it was not for a moment to be drawn into question. It was a

fact before the whole World. The very Geographers of Britain had adopted the name which he had given to this River.

Vancouver himself, undoubtedly the first British Navigator who had ever entered it, admitted that he found Captain Gray there; and the very Instructions to this British Officer, drawn up in March, 1791, and to be seen among the Records of the British Admiralty, expressly referred by name, to the previous Expedition in that quarter, of the American Sloop, the *Washington*. Was this, I asked, to be accounted nothing? Did it lie with a Foreign Power, whose own archives might supply her with the essential, incontestible fact of the first discovery by the Vessel of another Power, of a vast River, whose Waters, from their Source to the Ocean, had remained until then, totally unknown to all civilized Nations—did it lie with such Foreign Power to say, that the discovery was not made by a National Ship, or under National Authority? The United States, I said, could admit no such distinction; could never surrender, under it, or upon any ground, their Claim to this Discovery. The Ship of Captain Gray, whether fitted out by the Government of The United States or not, was a National Ship. If she was not so in a technical sense of the word, she was in the full sense of it, applicable to such an occasion. She bore at her stern the Flag of the Nation, sailed forth under the protection of the Nation, and was to be identified with the rights of the Nation. The extent of this Interior Country attaching to this Discovery, was founded, I said, upon a principle at once reasonable and moderate—reasonable, because as discovery was not to be limited to the local spot of a first landing place, there must be a rule both for enlarging and circumscribing its range; and none more proper than that of taking the Water Courses which nature had laid down, both as the fair limits of the Country, and as indispensable to its use and value—moderate, because the Nations of Europe had often, under their rights of Discovery, carried their Claims much farther. Here I instanced, as sufficient for my purpose, and pertinent to it, the terms in which many of the Royal Charters and Letters Patent had been granted, by the Crown in England, to Individuals proceeding to the Discovery or Settlement of New Countries on the American Continent: Among others, those from Elizabeth, in 1578, to Sir Humphrey Gilbert, and, in 1584, to Sir Walter Raleigh: those from James I, to Sir Thomas Yates, in 1606, and 1607, and the Georgia Charter of 1732. All these, extracts from which I produced, comprehended a range of Country fully justifying my remark. By the words of the last, a Grant is passed to all Territories along the Sea-coast, from the River Savannah to the most Southern Stream "of another great River, called the Alatamaha, and Westward from the heads of the said Rivers, in a direct line, to the South Seas." To show that Britain was not the only European Nation, who, in her Territorial Claims on

this Continent, had had an eye to the rule of assuming Water Courses to be the fittest Boundaries, I also cited the Charter of Louis XIV. to Crozat, by which "all the Country drained by the Waters emptying directly or indirectly into the Mississippi," is declared to be comprehended under the name, and within the limits, of Louisiana.

If Britain had put forth no Claims on the North-west Coast, founded on prior occupation, before the Nootka Sound Contest, still less could she ever have established any, I remarked, at any period, founded on prior discovery. Claims of the latter class belonged wholly to Spain, and now, consequently, to The United States.. The superior Title of Spain on this ground, as well as others, was, indeed, capable of demonstration. Russia had acknowledged it in 1790, as the State Papers of the Nootka Sound Controversy would show. The Memorial of the Spanish Court to the British Minister on that occasion, expressly asserted, that, notwithstanding all the attempted encroachments upon the Spanish Coasts of the Pacific Ocean, Spain had preserved her Possessions there entire, Possessions which she had constantly, and before all Europe, on that and other occasions, declared to extend to as high at least as the 60th degree of North Latitude. The very first Article of the Nootka Sound Convention, attested, I said, the superiority of her Title: for whilst by it the Nations of Europe generally were allowed to make Settlements on that Coast, it was only for the purposes of Trade with the Natives, thereby excluding the right of any exclusive or Colonial Establishments for other purposes. As to any Claim on the part of Britain under the Voyage of Captain Cook, I remarked, that this was sufficiently superseded (passing by every thing else) by the Journal of the Spanish Expedition from San Blas, in 1775, kept by Don Antonio Maurelle, for an account of which I referred the British Plenipotentiaries to the Work of Daines Barrington, a British Author. In that Expedition, consisting of a Frigate and Schooner, fitted out by the Viceroy of Mexico, the North-west Coast was visited in Latitude 45, 47, 49, 53, 55, 56, 57, and 58 degrees, not one of which Points, there was good reason for believing, had ever been explored, or as much as seen, up to that day, by any Navigator of Great Britain. There was too, I said, the Voyage of Juan Peres, prior to 1775; that of Aguilar, in 1601, who explored that Coast in Latitude 45 degrees; that of De Fuca in 1592, who explored it in Latitude 48 degrees, giving the name, which they still bore, to the Straits in that Latitude, without going through a much longer list of other early Spanish Navigators in that Sea, whose discoveries were confessedly of a nature to put out of view those of all other Nations. I finished by saying, that, in the opinion of my Governmant, the Title of The United States to the whole of that Coast, from Latitude 42 degrees to as far North as Latitude 60 degrees, was, therefore, superior to that of Britain, or any other Power: first, through the proper Claim

of The United States by Discovery and Settlement, and, secondly, as now standing in the place of Spain, and holding in their hands all her Title.

Neither my remarks nor my authorities, of which I have endeavoured to present an outline, made the impression upon the British Plenipotentiaries which I was desirous that they should have produced. They repeated their animated denials of the Title of The United States, as alleged to have been acquired by themselves, enlarging and insisting upon their objections to it, as I have already stated them. Nor were they less decided in their renewed impeachments of the Title of Spain. They said, that it was well known to them what had formerly been the pretensions of Spain to absolute Sovereignty and Dominion in the South Seas, and over all the Shores of America which they washed; but that these were pretensions which Britain had never admitted: on the contrary, she had strenuously resisted them. They referred to the Note of the British Minister to the Court of Spain, of May 16th, 1790, in which Britain had not only asserted a full Right to an uninterrupted Commerce and Navigation in the Pacifick, but also that of forming, with the consent of the Natives, whatever Establishments she thought proper on the North-west Coast, in Parts not already occupied by other Nations. This had always been the doctrine of Great Britain, and from it, nothing that was due, in her estimation, to other Powers, now called upon her in any degree to depart.

As to the alleged prior Discoveries of Spain, all along that Coast, Britain did not admit them, but with great qualification. She could never admit that the mere fact of Spanish Navigators having first seen the Coast at particular Points, even where this was capable of being substantiated as the fact, without any subsequent or efficient Acts of Sovereignty or Settlement following on the part of Spain, was sufficient to exclude all other Nations from that portion of the Globe. Besides, they said, even on the score of prior Discovery on that Coast, at least as far up as the 48th degree of North Latitude, Britain herself had a Claim over all other Nations.

Here they referred to Drake's Expedition in 1578, who, as they said, explored that Coast on the part of England, from 37 degrees to 48 degrees North, making formal claim to these Limits in the Name of Elizabeth, and giving the name of New Albion to all the Country which they comprehended. Was this, they asked, to be reputed nothing in the comparison of prior Discoveries, and did it not even take in a large part of the very Coast now claimed by The United States as of prior Discovery on their side? Such was the character of their remarks on this part of the Title. In connection with them, they called my attention to the Report of a Select Committee of the House of Representatives, in April last, on the subject of Colombia River

There is a Letter from General Jesup in this Report, adopted by the Committee as part of the Report, and which, as the British Plenipotentiaries said, had acquired importance in the eyes of their Government from that fact. They commented upon several passages of this Letter, a Newspaper Copy of which they held in their hands, but chiefly on that part which contains an intimation that a removal from our Territory of all British Subjects, now allowed to trade on the Waters of the Columbia, might become a necessary measure on the part of The United States, as soon as the Convention of 1818 had expired. Of this intimation the British Plenipotentiaries complained, as one calculated to put Great Britain especially upon her guard, arriving, as the Document did, at a moment when a friendly Negotiation was pending between the Two Powers, for the adjustment of their relative and conflicting Claims to that entire District of Country. Had I any knowledge, they asked, of this Document? I replied that I had not, as communicated to me by my Government. All that I could say of it was, and this I would say confidently, that I was sure it had been conceived in no unfriendly spirit towards Great Britain. Yet I was bound, unequivocally, to re-assert, and so I requested the British Plenipotentiaries would consider me as doing, the full and exclusive Sovereignty of The United States over the whole of the Territory beyond the Rocky Mountains washed by the River Columbia, in manner and extent as I had stated, subject, of course, to whatever existing Conventional Arrangements they may have formed in regard to it with other Powers. Their Title to this whole Country they considered as not to be shaken. It had often been proclaimed, in the Legislative Discussions of the Nation, and was otherwise publick before the World. Its broad and stable foundations were laid in the first uncontradicted Discovery of that River, both at its mouth and at its source, followed up by an effective Settlement, and that Settlement the earliest ever made upon its Banks. If a Title in The United States, thus transcendant, needed confirmation, it might be sought in their now uniting to it the Title of Spain. It was not the intention of The United States, I remarked, to repose upon any of the extreme pretensions of that Power to speculative Dominion in those Seas, which grew up in less enlightened Ages, however countenanced in those Ages; nor had I, as their Plenipotentiary, sought any aid from such pretensions; but, to the extent of the just Claims of Spain, grounded upon her fair enterprise and resources, at periods when her renown for both filled all Europe, The United States had succeeded, and, upon Claims of this character, it had, therefore, become as well their right as their duty to insist. I asserted again the incontestible priority of Spanish Discoveries on the Coast in question. I referred to the Voyage of Cortez, who, in 1537, discovered California; to those of Alarçon and Coronado, in 1540; to that of Cabrillo, in 1542, all of whom were prior to Drake, and the last of whom made the Coast, by all the accounts that

are given, as high up as Latitude 44 degrees. As to Drake, I said, that, although Fleurieu, in his introduction to Marchand, did assert that he got as far North as 48 degress, yet Hakluyt, who wrote almost at the time that Drake flourished, informs us, that he got no higher than 43 degrees, having put back at that point from "the extreme cold." All the later Authors or Compilers, also, who spoke of his voyage, however they might differ as to the degree of Latitude to which he went, adopted from Hakluyt this fact of his having turned back from the intensity of the weather. The preponderance of probability, therefore, I alledged, as well as of authority was, that Drake did not get beyond 43 degrees along that Coast. At all events, it was certain that he had made no Settlements there, and the absence of these would, under the doctrine of Great Britain, as applied by her to Spain, prevent any Title whatever attaching to his supposed discoveries. They were, moreover, put out of view by the Treaty of 1763, by which Britain agreed to consider the Mississippi as her Western Boundary upon that Continent.

Our discussions, which grew into length, and only a condensed view of which I have aimed at presenting to you, terminated without any change of opinion on either side. Having stated the principal points which marked them, my duty seems to be drawing to a close, without the necessity of setting before you all the amplifications and details into which, on topics so copious, they would sometimes run. They were ended on the side of Great Britain, by her Plenipotentiaries repeating, that they found it altogether impossible to accede, either to the proposal of The United States, or to the reasoning invoked in its support. That, nevertheless, they desired to lay a foundation of harmony between the two Countries in that part of the Globe, to close, not leave open, sources of future disagreement, which time might multiply and aggravate. That, with this view, and setting aside the discordant principles of the two Governments, in the hope of promoting it, they had to propose, first, that the third Article of the Convention of October 1818, should now be considered as at an end. Secondly, that instead of it, the Boundary Line between the Territories respectively claimed by the two Powers, Westward of the Rocky Mountains, should be drawn due West, along the 49th parallel of Latitude to the point where it strikes the North-easternmost branch of the Columbia, and thence, down along the middle of the Columbia to the Pacifick Ocean; the Navigation of this River to be for ever free to the Subjects and Citizens of both Nations: and further, that the Subjects or Citizens of either should not, in future, be allowed to form Settlements within the limits to be thus assigned to the other, with a saving in favour of Settlements already formed within the prohibited limits, the Proprietors or Occupants of which, on both sides, should be allowed to remain 10 Years longer.

This proposal they annexed in form to the Protocol of the 23d Conference. They remarked that, in submitting it, they considered Great Britain as departing largely from the full extent of her Right, and that, if accepted by The United States, it would impose upon her the necessity, ultimately, of breaking up four or five Settlements, formed by her Subjects, within the limits that would become prohibited; and that they had formed, under the belief of their full right as British Subjects, to settle there. But their Government was willing, they said, to make these surrenders, for so they considered them, in a spirit of compromise, on Points where the Two Nations stood so divided.

I instantly declared to the British Plenipotentiaries my utter inability to accept such a Boundary as they had proposed. I added, at the same time, that I knew how the spirit of just accommodation also animated the Government of The United States upon this occasion. That, in compliance with this spirit, and in order to meet Great Britain on ground that might be deemed middle, I would consent so far to vary the terms of my own proposal, annexed to the 12th Protocol, as to shift its Southern Line as low as 49 degrees, in place of 51 degrees. I desired it to be understood, that this was the extreme limit to which I was authorized to go: and that, in being willing to make this change, I too, considered The United States as abating their Rights, in the hope of being able to put an end to all conflict of Claims between the Two Nations, to the Coast and Country in dispute.

The British Plenipotentiaries, after having this modification of my first proposal a fortnight under consideration, rejected it, and they made me no new proposal in return.

They did not, in terms, enter their rejection of this, my second proposal, on the Protocol, and I did not urge it, thinking that their abstinence, as far as it could have any effect, might tend to leave the door somewhat less permanently closed against re-consideration, should the proposal, as so modified by me, ever be again made. But it is right for me to state, that they more than once declared, at the closing hours of the Negotiation, that the Boundary marked out in their own written proposal, was one from which the Government of The United States must not expect Great Britain to depart.

I have to add, that their proposal was first made to me verbally, at the 20th Conference, and that it then embraced an alternative of leaving the 3d Article of the Convention of 1818, to its natural course and limit. But this they afterwards controlled, by their more formal and final proposition, in writing, annexed, as before described, to the Protocol of the 23d Conference.

The Hon. J. Q. Adams. RICHARD RUSH.

(*Inclosure* 3.)—*Protocol of the Eleventh Conference of The British and American Plenipotentiaries, held at the Board of Trade, on the 1st of April,* 1824.

Present—Mr. Huskisson, Mr. Stratford Canning, Mr. Rush.

The Protocol of the preceding Conference was read over and signed.

THE American Plenipotentiary opened the Subject of Territorial Claims on the North-west Coast of America, Westward of the Rocky Mountains. It having been understood that the Pretension which had been put forward by the Cabinet of St. Petersburg, respecting its Jurisdiction in that Quarter, was to be matter of separate discussion between the respective Parties, he observed, that, notwithstanding this circumstance, and although the Convention of October, 1818, one Article of which contained a temporary Regulation with respect to the above-mentioned Claims, had still Four Years to continue, his Government was of opinion, that the present was not an unsuitable moment for attempting a Settlement of the Boundary on the North-west Coast of America, Westward of the Rocky Mountains; and he therefore proceeded to explain the nature of the Claims which his Government thought itself entitled to advance.

His Statement not being completed in the present Conference, Mr. Rush undertook to resume it on the following day.

W. HUSKISSON. RICHARD RUSH.
STRATFORD CANNING.

(*Inclosure* 4.)—*Protocol of the Twelfth Conference of the British and American Plenipotentiaries, held at the Board of Trade on the 2d of April,* 1824.

Present—Mr. Huskisson, Mr. Stratford Canning, Mr. Rush.

The Protocol of the preceding Conference was read over and signed.

THE American Plenipotentiary resumed the Communication which he had commenced in that Conference, on the Subject of the Territorial Claims on the North-west Coast of America, Westward of the Rocky Mountains; and concluded by giving in the Paper, annexed hereto, as containing the Proposal of his Government on that head.

Adjourned to Monday, April 5.

W. HUSKISSON. RICHARD RUSH.
STRATFORD CANNING.

(*Inclosure* 5.)—*Protocol of the Twentieth Conference of the British and American Plenipotentiaries, held at the Board of Trade on the 29th of June* 1824.

Present—Mr. Huskisson, Mr. Stratford Canning, Mr. Rush.

The Protocol of the preceding Conference was read over and signed.

THE British Plenipotentiaries stated, and explained at length, the sentiments of their Government, with respect to the conflicting Claims

of Great Britain and The United States to the Territories in North America, lying between the Rocky Mountains and the Pacific Ocean. They declined the Proposal, made on this Subject by the American Plenipotentiary, and annexed to the Twelfth Protocol, because it would substantially have the effect of limiting the Claims of their Government, to a degree inconsistent, as they thought, with the credit and just interests of the Nation. After much discussion and mutual explanation of the Claims on each side, when taken in their full extent, it was agreed that, following the example given by the American Plenipotentiary in his Proposal, it would be advisable to attempt a Settlement on terms of mutual convenience, setting aside for that purpose the discordant principles on which the respective Claims were founded. Whereupon the British Plenipotentiaries stated in general terms, that they were ready either to agree on a Boundary Line to be drawn due West from the Rocky Mountains, along the 49th Parallel of Latitude to the North-easternmost branch of the Columbia, or Oregan River, and thence down the middle of that River to the Ocean, or to leave the Third Article of the Convention of 1818 to its natural course. The American Plenipotentiary, in remarking upon this Boundary, declared his utter inability to accede to it; but, finding that the Line offered in his former Proposal was considered wholly inadmissible by the British Plenipotentiaries, said that, in the hope of adjusting the Question, he would so far vary his former Line to the South, as to consent that it should be the 49th, instead of the 51st Degree of North Latitude.

In the course of the Conference, the American Plenipotentiary stated that he was instructed to insist on the Principle, that no part of the American Continent was henceforward to be open to Colonization from Europe. To explain this Principle, he stated that the Independence of the late Spanish Provinces precluded any new Settlement within the limits of their respective Jurisdictions: that The United States claimed the exclusive Sovereignty of all the Territory within the Parallels of Latitude, which include as well the mouth of the Columbia as the heads of that River, and of all its tributary Streams; and that, with respect to the whole of the remainder of that Continent not actually occupied, the Powers of Europe were debarred from making new Settlements, by the Claim of The United States, as derived under their title from Spain.

The British Plenipotentiaries asserted, in utter denial of the above Principle, that they considered the unoccupied Parts of America just as much open as heretofore to Colonization by Great Britain, as well as by other European Powers, agreeably to the Convention of 1790, between the British and Spanish Governments, and that The United States would have no right whatever to take umbrage at the Establishment of New Colonies from Europe in any such Parts of the American Continent.

The British Plenipotentiaries added, that they felt themselves more particularly called upon to express their distinct denial of the Principle and Claims thus set forth by the American Plenipotentiary, as his Claim respecting the Territory watered by the River Columbia, and its tributary Streams, besides being essentially objectionable in its general bearing, had the effect of interfering directly with the actual Rights of Great Britain, derived from Use, Occupancy, and Settlement,

W. HUSKISSON. RICHARD RUSH.
STRATFORD CANNING.

(Inclosure 6.)—Protocol of the Twenty-third Conference of the British and American Plenipotentiaries, held at the Board of Trade on the 13th of July 1824.—(Extract.)

Present—Mr. Huskisson, Mr. Stratford Canning, Mr. Rush.

The Protocol of the preceding Conference was read over and signed.

THE British Plenipotentiaries, in more complete explanation of the Statement made by them in the 20th Conference, gave in an Article, comprizing the Counter-Proposals of their Government, as to the North-west Boundary in America, from the Rocky Mountains to the Pacifick Ocean. They observed, at the same time, that if their Article were accepted in substance by the American Government, it would be necessary, on framing it into a Convention, to give its details and accompanying Arrangements a more distinct and expanded shape. They added, that in making the annexed Proposal, they had departed considerably from the full extent of the British Right, agreeably to the readiness which they had before expressed, to settle the North-west Boundary on grounds of fair compromise and mutual accommodation.

The American Plenipotentiary, in receiving the above Article from the British Plenipotentiaries, remarked that he wished it also to be understood that, in proposing a modification of the Article originally submitted by him on this Subject, he had been governed by the same view.

W. HUSKISSON. RICHARD RUSH.
STRATFORD CANNING.

(Inclosure 7.)—Proposals of the American Plenipotentiary, for settling the Question of the North-western Boundary.

WHEREAS by the Third Article of the Convention between The United States and His Britannick Majesty, signed at London, on the 20th of October 1818, it was agreed, that any Country that might be claimed by either Party on the North-west Coast of America, Westward of the Stony Mountains, should, together with its Harbours, Bays and Creeks, and the Navigation of all Rivers within the same, be free and open for the term of Ten Years, from the date of the said Convention, to the Vessels, Citizens, and Subjects of the two Powers, it hav-

ing been understood that such Agreement was not to be construed to the prejudice of any Claim, which either of the Parties might have to any part of the said Country, or taken to affect the Claims of any other Power, but only to prevent Disputes and Differences between the Parties themselves; and whereas it is desirable that the Provisions of the said Article should be continued for a longer Term than as therein specified: it is therefore agreed, by The High Contracting Parties, that the same shall continue in force for the full Term of Ten Years, from the Signature of the present Convention. The High Contracting Parties further agree that, during the like Term, no Settlement shall be made on the North-west Coast of America, or on any of the Islands thereunto adjoining, by Citizens of The United States, North of the 51st. Degree of North Latitude, or by British Subjects, either South of the said 51st Degree, or North of the 55th Degree of North Latitude.

(Inclosure 8.)—Counter-Project of the British Plenipotentiaries, respecting the North-Western Boundary.

It is agreed that the Third Article of the Convention concluded at London, on the 20th of October 1818, between His Britannick Majesty and The United States of America, shall cease, and determine from the date hereof, and, instead of the Stipulations contained in that Article, it is further agreed, that the Boundary Line between the Territories claimed by His Britannick Majesty, and those claimed by The United States, to the West, in both Cases, of the Rocky Mountains, shall be drawn due West, along the 49th Parallel of North Latitude, to the Point where that Parallel strikes the great North-easternmost Branch of the Oregan, or Columbia River, marked in the Maps as M'Gillivray's River, thence down along the middle of that River, or down along the middle of the Oregan or Columbia, to its junction with the Pacifick Ocean, the Navigation of the whole Channel being perpetually free to the Subjects and Citizens of both Parties; the said Subjects and Citizens being also reciprocally at liberty, during the Term of Ten Years from the date hereof, to pass and repass by Land and by Water, and to navigate with their Vessels and Merchandize, all the Rivers, Bays, Harbours, and Creeks, as heretofore, on either side of the above-mentioned Line, and to trade with all and any of the Natives, free of Duty or Impost of any kind, subject only to such Local Regulations, as, in other respects, either of the two Contracting Parties may find it necessary to enforce within its own Limits, and prohibited from furnishing the Natives with Fire Arms and other exceptionable Articles, to be hereafter enumerated: and it is further especially agreed, that neither of the High Contracting Parties, their respective Subjects or Citizens, shall henceforward form any Settlements, within the Limits assigned hereby to the other, West of

the Rocky Mountains, it being, at the same time, understood, that any Settlements already formed by the British to the South and East of the Boundary Line above described, or by Citizens of The United States to the North and West of the same Line, shall continue to be occupied and enjoyed at the pleasure of the present Proprietors or Occupants, without let or hindrance of any kind, until the expiration of the above-mentioned Term of ten years from the date hereof.

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

SIR, *Treasury Department, December* 22, 1825.

I HAVE the honour to transmit a Report, prepared in obedience to the "Act supplementary to the Act to establish the Treasury Department." I have the honour to be, &c.

RICHARD RUSH.

The Hon. the Speaker of the House of Representatives.

REPORT.

IN obedience to the directions of the "Act supplementary to the Act, entitled an Act to establish the Treasury Department," passed on the 10th of May, 1800, the Secretary of the Treasury has the honour to submit to Congress the following Report:—

1.—*Of the Publick Revenue and Expenditure, of the Years* 1824 *and* 1825.

There being no direct Taxes of any kind, Duties of Excise, or other internal Duties, in operation under the authority of The United States, the Publick Revenue, by their existing Laws, arises almost entirely from Duties upon Foreign Merchandise imported, and upon Tonnage, and from the sale of the Publick Lands. There are other branches from which small and occasional receipts are derived, as Dividends on Bank Stock, the Post-office, arrearages of Taxes due under former Laws, and other incidental Payments, the aggregate of which, whether from temporary or permanent Sources, is inconsiderable, as will appear by Statements annexed to this Report, where all are recapitulated.

The Receipts from the Post-office, indeed, have, of late years, exceeded a Million of Dollars annually; but this sum, exhausted for the most part in defraying the expenses of that extensive and useful Establishment, performs, in this manner, the highest purposes of Revenue, by contributing to the intercourse, the trade, and the prosperity of the Country.

The Nett Revenue which accrued from Duties on Imports and Tonnage, during the Year 1824, amounted (see Statement A,) to.....Dollars 20,385,430 42

The actual Receipts into the Treasury, from all Sources, during the Year 1824, amounted (including the Loan of 5,000,000, at four and one-half per cent. interest, to discharge Florida Claims,) to.....Dollars 24,381,212 79

Viz: Customs,.....17,878,325 71

Publick Lands,..... 984,418 15

Dividends on Stock in the Bank of The United States, arrears of Internal Duties and direct Taxes, and incidental Receipts, 472,987 04

Repayments of advances made in the War Department, for Services and Supplies, prior to the 1st of July, 1816, 45,481 89

Loan made under the Act of the 24th of May, 1824, "To provide for the awards of the Commissioners under the Treaty with Spain," 5,000,000 00

Making, with the Balance in the Treasury on the 1st of January, 1824, of..... 9,463,922 81

An aggregate of..... Dollars 33,845,135 60

The regular and permanent Expenditures of The United States divide themselves into two principal branches: first, the Sums authorized by Law for defraying the whole Expenses of the Government, Domestic and Foreign, Civil, Military, and Naval: second, those provided for the Payment of the interest and principal of the Publick Debt.

The actual Expenditures of the Nation, on all Accounts, during the Year 1824, amounted to.....31,898,538 47

Viz: Civil, diplomatic, and miscellaneous 7,155,308 81

Military Service, including Fortifications, Ordnance, Indian Department, revolutionary and military Pensions, arming the Militia, and Arrearages prior to the 1st Jan. 1817.. 5,270,254 34

Naval Service, including the gradual increase of the Navy..... 2,904,581 56

Public Debt,..... 16,568,393 76

Leaving a Balance in the Treasury on the 1st of January, 1825, of..... Dollars 1,946,597 13

The difference between this Balance and that stated in the last Annual Report from the Treasury, is reconciled by the facts, that the Balance last Year was given as an estimated Balance, subject to correction by actual settlement afterwards, and that it included the

moiety of the Loan of 5,000,000, under the Act of May the 26th, 1824, which was not paid into the Treasury until after the first of January.

The actual Receipts into the Treasury during the three first Quarters of the Year 1825, are estimated to have amounted to.....Dollars 21,681,444 56

Viz: Customs.....15,196,397 00
Publick Lands..... 976,902 67
Dividends on Stock in the Bank of The United States..... 367,500 00
Arrears of internal Duties, and direct Taxes, and incidental Receipts.. 98,886 29
Repayments of Advances made in the War Department, for Services or Supplies prior to the 1st of July, 1816 ..... 41,758 60
Loan under the Act of May the 26th, 1824..... 5,000,000 00

And the actual Receipts into the Treasury, during the fourth Quarter of the Year, are estimated at..... 5,100,000 00

Making the total estimated Receipts into the Treasury, during the Year 1825,..... 26,781,444 56
And, with the Balance in the Treasury on the 31st December, 1824, of..... 1,946,597 13

An aggregate of .....Dollars.... 28,728,041 69
The Expenditures during the three first Quarters of the Year 1825, are estimated to have amounted to...20,190,979 91
Viz: Civil, diplomatick, and miscellaneous..... 2,098,525 16
Military Service, including Fortifications, Ordnance, Indian Department, revolutionary and military Pensions, arming the Militia, and Arrearages prior to 1st January, 1817 ..... 4,890,310 59
Naval Service, including the gradual Increase of the Navy... 2,127,156 37
Publick Debt,..... 11,074,987 79
And the Expenditures during the fourth Quarter are estimated at..... 3,253,000 00
Viz: Civil, diplomatick, and miscellaneous 445,000
Military Service, including Fortifications, Ordnance, Indian Department, revolutionary and military Pensions, arming the Militia, and Arrearages prior to the 1st of January, 1817 ...960,000 00

Naval Service, including the gradual Increase of the Navy ...	820,000 00	
Publick Debt	1,028,000 00	
Making the total estimated Expenditure of the Year 1825,		23,443,979 91
And leaving in the Treasury, on the 1st of January, 1826, an estimated Balance of .....Dollars.....		5,284,061 78

Should the expectations formed, respecting the Receipts in the fourth Quarter, be realized, the amount of Receipts for the whole Year will have exceeded the Estimate presented by the Treasury, at the last Session of Congress, by about 500,000 Dollars.

It is to be remarked, that of the above estimated Balance of 5,284,061 Dollars, 78, the Sum of 3,500,000 Dollars is not subject to Appropriation, being the estimated Amount that will remain on the 31st of December next unsatisfied, of Appropriations heretofore made. These Appropriations being necessary for the objects for which they were severally made, are still an existing Charge upon the means of the Treasury.

Of the residuary Balance of 1,784,061 Dollars, 78, it is proper distinctly to state, that about 1,000,000 cannot be counted upon, in any Estimate of effective Funds for the Public Service. It is made up of Debts due from various Banks, whose Notes were received by the Government during the suspension of Specie Payments, or which were heretofore used as Banks of Deposit; Debts of which the recovery must, in regard to a large part, be doubtful, and, in any case, slow. It may be proper to add, that the permanent Deposits, generally, made in State Banks, have recently been withdrawn, or put in train to be so; the publick exigencies, which rendered it necessary to make them, in common with those on which the losses above mentioned are likely to occur, no longer existing. Such portions of the Deposits as may still remain in any of these Institutions, will be further withdrawn, as circumstances may render just and expedient, until these operations are closed; nor will they be renewed, where it may be avoidable.

It may be proper, also, to state, that directions have lately been issued to all the Receivers and Collectors of the Publick Revenue, not to receive, in any payments made to them, Bank Notes of any of the State Banks, of less amount than five Dollars. In discountenancing a species of Paper Circulation, deemed to be objectionable, reference was had to the authority and example of Congress upon this point, as seen in the prohibition to the Bank of The United States, and to the Banks existing in the District of Columbia, against issuing Notes of a lower denomination. To guard against all inconvenience to Individuals, from the adoption of this measure by the Treasury, especially

in the Districts where the Public Lands are sold, an adequate previous Notice was directed to precede its enforcement.

2.—*Of the Publick Debt.*

The total Amount of Funded Debt, due on the 1st of October, 1825, was..... Dollars 80,985,537 72

Of the above Amount, the only portion remaining unpaid, of the Revolutionary Debt, is the 3 per Cents. amounting to 13,296,231 Dollars, 45. This Sum, and the Subscription of 7,000,000 in the Bank of The United States, at 5 per Cent. (The United States holding an equal Amount in the Shares of that Institution,) are redeemable at the pleasure of the Government, making together..... 20,296,231 45

The residue of the Public Debt, contracted subsequently to the 1st of January, 1812, and amounting to 60,689,306 Dollars, 27, exists in the following Portions, and is redeemable at the following Periods, viz.

In 1826, being the residue unpaid of Loans made in 1813, 16,270,797 24

In 1827, being the residue unpaid of Loans made in 1814, 13,096,542 90

In 1828, being the residue unpaid of Loans made in 1815, 9,490,099 10

The Stock of the foregoing portions of the Debt is all at 6 per Cent.

In 1829, Stock at 4½ per Cent., being the moiety of 6 per Cent. Stock of 1813, exchanged, under the Act of Congress of March the 3d, 1825,..... 792,569 44

In 1830, Stock at 4½ per Cent., being the other moiety exchanged, as last above stated,..... 792,569 44

In 1831, Stock at 5 per Cent. This is one-third of the Sum of 56,704 Dollars, 77, issued in exchange for the 6 per Cents. of 1813, 1814, and 1815, subscribed under the Act of the 20th of April, 1822,..... 18,901 59

In 1832, Stock at 5 per Cent., being one other third part of the Sum subscribed, as last above stated,..... 18,901 59

In 1832, Stock at 4½ per Cent., borrowed of the Bank of The United States, one half to pay the Florida Claims, the other half to pay off the 6 per Cent. of 1812, under the Act of Congress of May 26th, 1824,..... 10,000,000 00

In 1832, Stock at 5 per Cent., under the Act of Congress of May 15th, 1820,..... 999,999 13

In 1833, Stock at 5 per Cent., being the remaining third, subscribed under the Act of April the 20th, 1822,..... 18,901 59

In 1833, Stock at 4½ per Cent., being one moiety of the Amount subscribed in exchange for 6 per Cent. Stock of 1813, under the Act of May the 26th, 1824..... 2,227,363 97

In 1834, Stock at 4½ per Cent., being the other moiety subscribed, as last above stated, ... 2,227,363 98
In 1835, Stock at 5 per Cent., being the Amount issued under the Act of Congress of March the 3d, 1821, ... 4,735,296 30

Total redeemable at the Periods specified, ... 60,689,306 27
Total redeemable at the pleasure of Government, ... 20,296,231 45
Total Amount of Funded Debt, on the 1st day of October, 1825, ...Dollars 80,985,537 72

The Amount of Treasury Notes outstanding, on the 1st of October, 1825, is estimated at 16,600 Dollars.

And the Amount of Mississippi Stock unredeemed, on that day, including Awards not applied for, at 7,850 Dollars, 17.

The foregoing Recapitulation exhibits the precise Amount of the Public Debt now due, as well as the different Periods at which, by the terms of the several Loans under which it was contracted, The United States are at liberty to pay it off. Of the Sum of 11,074,987 Dollars, 79, mentioned under the head of Expenditures for 1825, as having been paid off in that Year, 7,727,052 Dollars, 19, were on account of the Principal of the Debt, and the remainder on account of Interest, during the three first Quarters of the Year. Nearly the whole of the Principal thus paid, was outstanding at an Interest of 6 per Cent. Looking to the above Recapitulation, it appears, that, in the Years 1826 and 1827, a larger Amount of Debt becomes redeemable, than it will fall within the ordinary surplus means of the Government to pay, in the course of those Years, viz.—a Sum exceeding 16,000,000 in the former, and 13,000,000 in the latter Year. Both these portions of the Debt are also at an Interest of 6 per Cent. In 1828, the Amount redeemable is at a point which it may be hoped the stated means of the Treasury for that Year will reach: the ability to pay off increasing as the process of reduction advances, both by the increasing means of the Nation, and the annual liberation of Interest on the Amount of Debt reduced. But, in the Year 1829, only a very small Amount becomes redeemable, viz. less than 1,000,000, and in the Year 1830, a Sum no larger.

At the period of the last Annual Report from the Treasury, no portion of the Debt became redeemable in either of those years; and, with a view to a more equal diffusion of payments, as well as to effect a saving in Interest, it was recommended, that the excess of Debt which could not, by the ordinary resources of the Treasury, be discharged in 1826 and 1827, the Debt redeemable in the former year then standing at 19,000,000, should be thrown in equal portions upon the years 1829 and 1830. To carry this recommendation into effect, so far as applied to the year 1826, a Loan of 12,000,000 was recommended at 5 per Cent. one half to be redeemable in 1829, the other

half in 1830; the entire 12,000,000 being intended to constitute a fund with which, in conjunction with the annual surplus means of the Treasury, to pay off the 19,000,000 redeemable in 1826. The principle of the recommendation was adopted by Congress, but not its precise terms. An Act was passed on the 3d of March, 1825, authorizing an Exchange of Stock to the amount of 12,000,000 of Dollars, at 4½ per Cent. for a Stock of like amount at 6 per Cent., the latter being so much of the Stock of 1813 as was intended, by the Act, to be redeemed. The Act also authorized a Loan to the same amount, and at the same rate of Interest, to accomplish the same object; both modes not to be pursued, if either succeeded. The new Stock of 4½ per Cent., whether proceeding from the Exchange, or the Loan, was, by the terms of the Act, to be subject to redemption in 1829 and 1830, in equal portions. The proper measures were taken to execute this Act, but have prevailed only to a limited extent.

The operation of Exchange, which was first resorted to, took effect to the amount of 1, 585, 138 Dollars, 88, and this sum, divided into equal parts, forms the two Sums that now stand in the General Table of the Debt, as redeemable in the years 1829 and 1830, whilst they have also served to diminish by so much the 6 per Cent, Stock of 1813. Proposals for a Loan, for the residue of the sum wanted, were next issued, but no offers were received. The causes of the failure, it may be presumed, were the low rate of Interest, and short periods of redemption, held out by the Act, in conjunction with an activity in the Commercial and Manufacturing operations of the Country, affording higher inducements to the investment of Capital. This mode of dealing with the Debt, whereby, through the instrumentality of new Loans, Stock at a high Interest is converted into Stock at a reduced interest, and whereby, also, the extinguishment of the Principal is made to fall, in payments as nearly equal as may be, throughout a given number of years, is evidently advantageous to the Publick; since it not only lessens the National Expenditure, on account of Interest, but guards against the possible accumulation of money in the Treasury, in years when it might remain inactive, towards the progressive reduction of the Debt. As it is a mode fully sanctioned by Congress heretofore, it is respectfully recommended, on this occasion, that an Act be passed, at an early day of the Session, giving authority to borrow 9,000,000 of Dollars, at an Interest not exceeding 5 per Cent., redeemable in equal portions, in 1829 and 1830, in order that the Treasury may be enabled to pay off, in 1826, the entire remaining amount of the 6 per Cent. Stock of 1813, redeemable in that year; 9,000,000, with the disposable means which the Treasury will probably have at command in 1826, it is believed will form a Sum commensurate with this object. Five per Cent. is named as the maximum of Interest; and considering the short period of redemption, it is not

probable that the Loan could be obtained at a lower rate. The contingencies of the Money Market might, indeed, produce more favourable offers; but these are not to be counted upon, with any approach to that certainty which should form the basis of such a financial operation.

Should the Act in question be passed, it is further respectfully recommended, that in the event of the Loan being obtained under it, authority be given to issue to the holders of the Stock under the 3d of of March last, exchanged Stock equal to the amount of the Subscription before stated, viz.: 1,585,138 Dollars, 88, bearing the same rate of Interest as that which may be issued under the Act proposed. The two Acts will have had precisely the same object. The second, should it succeed, will only have consummated an operation which will date its inception from the first. It is therefore considered that it will belong to a proper estimate of good faith, to place the Stockholders under both Acts upon a footing of equality. Those who were willing to accede to the terms of the Government at an early day in this transaction, should not be left in a worse situation than those who may have held back in the hope of better offers. Let all be treated alike. It is thus that the Government will exalt itself before the Nation. It is thus that, substituting an expanded justice for the mere letter of a bargain, it will be likely to invite still larger confidence in future. It is thus that it will ultimately be the gainer, by that connection invariably subsisting between the permanent interest of every Government, and its standing of unimpeachable and spontaneous equity in the eyes of the Publick Creditor.

Should an Act for the Loan of 9,000,000 be passed, a considerable surplus of Debt, at 6 per Cent. will still remain to be provided for, for the service of 1827. More than 13,000,000 of the Stock of 1814 becoming redeemable in 1827, the whole cannot be redeemed in that year, but with the aid of a Loan. A Loan of 6,000,000 would be sufficient, in all probability, for this purpose, and is, accordingly, recommended. The Interest not to exceed 5 per Cent. and the amount to be also subject to redemption in 1829 and 1830, in equal portions. The effect of the two Loans recommended, which it would be most desirable to authorize in distinct Acts, would, it is believed, be to enable the Government to redeem the whole of the 6 per Cent. Stock of 1813 and 1814, in the course of 1826 and 1827. It would also throw upon each of the years 1829 and 1830, an amount of Debt equal to about 8,500,000 instead of less than 1,000,000, according to the distribution as at present existing. The only remaining Stock of 6 per Cent. would then be, that of 1815, in amount under 9,500,000, redeemable in 1828. Should no unforeseen expenditures arise, and a proper economy be kept up in the publick administration, it may reasonably be hoped, as before intimated, that the surplus Revenue at the disposal of

the Treasury in 1828, will be equal to the reimbursement of that Sum. After 1830, the whole amount of Debt, on the results herein assumed, would stand at about 40,000,000; full one half of which will be redeemable at the pleasure of the Government. No portion of it will be at Interest exceeding 5 per Cent., whilst the principal part will be at a rate still lower. With these views of the Publick Debt, so encouraging in their bearing upon its speedy, certain, and regular extinguishment, it is not deemed necessary to recommend, at present, any other measures in relation to it, than the two Loans described.

3.—*Of the Estimate of the Publick Revenue and Expenditure for* 1826.

The Publick Revenue is derived, in an Amount so preponderating, from Foreign Commerce, that the state of the latter is always to be chiefly looked to, in every prospective view of the National Income. As the internal business of the Country has worn a character of activity and increase during the present Year, so has also its Foreign trade, by that close connection which subsists between them. The Exports for the Year, ending on the 30th of September last, have exceeded 92,000,000 of Dollars. The Imports have exceeded 91,000,000. Of the Exports, upwards of 66,000,000 were of Domestic, and the remainder of Foreign productions.

Of the Imports, upwards of 86,000,000 were in American Vessels. Of the Exports, upwards of 81,000,000. Considering that the Vessels of those Foreign Nations with which The United States have the most extensive Commercial Intercourse, are now placed upon a footing of equality, as to Duties, and Charges of whatever kind, in our Ports, with the Vessels of The United States, this heavy excess of American Tonnage is a signal proof of the flourishing state of our Navigation. It may serve to show how the efficient protection extended to it by the early Laws of Congress succeeded in establishing it in a manner to meet and overcome all competition. Before the era of those Laws, it is known how this great interest languished; how little able it proved, before the auxiliary hand of Government was stretched out, to support itself against the established superiority, and overwhelming competition which it had to face in the World.

The foregoing amount of Exports exceeds, by about 17,000,000 of Dollars, the average Amount for the three Years preceding. The Imports exceed, by about 11,000,000, the same average. Whilst this large excess of Exports during the past Year, arises chiefly from the produce of the Soil, it is satisfactory to know, that domestic manufactures have lent their contribution. Of the latter, there have been exported to the value of between 5 and 6,000,000 of Dollars. This is an excess of 800,000 Dollars over those exported in 1824: and of more than 2,000,000 of Dollars over those exported in 1823. The pro-

gressive increase in this branch of industry, is naturally ascribable to the new Tariff.

The effects of the Tariff upon the course of our Foreign Trade in other respects, have, as yet, been but very partially disclosed. More time must elapse before such a body of successive facts can be presented under it, as may lay a foundation for confident conclusions. The Law itself, by the terms of its enactment, has not yet come into full operation in all its parts; and the Returns in possession of the Treasury are not yet complete, even for the short period during which its principal provisions have had any efficacy. One thing seems apparent: that its effect, up to the present period, has not been to diminish the general aggregate of the Foreign Trade of the Country. In estimating the value of the Importations for the last year, it is probable that even an increase will be found to have taken place in some Articles on which the Duties were raised; as in fabrics of cotton, and in several Articles composed of iron; whilst in other Articles of this last material, as well as in some Articles composed of wool, a decrease will be observable. But a fact challenges notice, that can scarcely have been without its operations upon our importations, during the commercial Year just closed. It is, the extensive changes that were announced in March last, in the Tariff of Great Britain. The Trade of that Country exerts such an influence upon the trade of other Countries, that any important alterations in the former, must always be likely to affect, to a greater or less extent, the Markets of Europe, and of the Commercial World. The larger admission into England which the above changes authorized, of the commodities of other Countries, heretofore positively or virtually excluded, for Ages, from her Ports, must have affected the prices of a portion, at least, of those commodities, by the prospect of a new vent thus suddenly opened to them. This is known to have been the case, in regard to some commodities, the Duties upon which were lowered by the British Tariff; which commodities are, also, amongst those imported from Europe into The United States. It is presumable that it may have been the case in regard to others, less distinctly known. Hence, the additional value of Foreign merchandize imported into The United States during the past Year, cannot, in all cases, be taken as the true measure of an additional quantity, the Laws of The United States requiring the value of Foreign Articles to be fixed at the Port of exportation, and at the time of exportation. These changes in the British Laws of Trade, operating simultaneously with the new Tariff, at its commencement, increases the difficulty of ascertaining at this juncture, the exact effects of the latter, even for a single Year, upon the course of the Foreign Trade of The United States.

The Importations for the Year, being so large, and the Provisions of the new Tariff mainly attaching to them, a corresponding amount of Revenue will arise from this source during the Year. Accordingly,

the gross amount of Duties accruing upon Imports and Tonnage from the 1st of January, to the 30th of September last, is estimated at 25,500,000 Dollars. The gross amount that will probably accrue for the whole year, is estimated at 31,000,000. Should this amount prove to be correct, it will exceed, by 6,000,000 of Dollars, the amount which has accrued during any one year since the excessive importations that immediately followed the War, viz. those of 1815 and 1816.

In estimating the clear Revenue that may be expected to arise from the Duties of the Year; the amount of them to be drawn back on exportations of a portion of the Articles on which they have accrued; the losses that may happen; and the Expences of Collection; are all to be taken into consideration. The Duties secured by Bond during one Year are chiefly payable in the Year that follows. A portion is payable in the same Year; but this is generally counterbalanced by the portion that also becomes payable in the next Year on the importations of that Year. It will be more than counterbalanced if the importations prove greater, and will not be met if they prove less. Debenture Certificates for payment of Drawback being demandable, at any time within a year, after the importation of the Articles intended to be exported, the number and amount of them chargeable upon the accruing duties of the Year, can never be accurately foreknown.

The Debentures issued during the three first Quarters of the present Year, amounted to 4,489,710. This is more, by 1,537,710, than those issued during the corresponding period of the preceding Year. The amount of those outstanding on the 30th of September last, and chargeable upon the Revenue of 1826, was 1,858,315, which is more, by 854,313 than was chargeable on the same day, in 1824, upon the Revenue of 1825.

The amount of Duty Bonds in suit on the 30th of September last, was 2,987,347 Dollars, which is 92,791 more than was in suit on the same day in the Year preceding.

Deducing from the foregoing Statements the conclusions and probabilities that may at present seem warrantable, the Receipts for 1826 are estimated as follow, viz.:

From Customs	24,000,000 00
Publick Lands	1,000,000 00
Bank Dividends	385,000 00
Miscellaneous and Incidental receipts	115,000 00
Making an aggregate of Dollars	25,500,000 00

The expenditures of the Year are estimated as follow, viz.:

Civil, Miscellaneous, and Diplomatic	2,032,454 66
Military Service, including Fortifications, Ordnance, Indian Department, Revolutionary and Military Pensions, Arming the Militia, and Arrearages prior to the 1st January, 1817,	5,525,662 55

Naval Service, including the gradual increase of the Navy.....	3,026,612 81	
Publick Debt	10,000,000 00	
Making together.....		20,584,730 02

Which will leave in the Treasury on the 31st December, 1826, after satisfying all the demands of that Year, a Surplus, estimated at

Dollars 4,915,269 98

If the remark be entitled to any attention, that the recent alterations in the British Laws of Trade, have affected the importations into The United States during the existing year, by increasing their *ad valorem* amount, it ought not to create surprise if the value of importations in 1826, should fall below those of 1825, because, admitting that those Laws served, on their first promulgation, to enhance the price of certain enumerated commodities in the Markets of Europe, it is not probable that this effect of them will be either extensive or permanent. One of their main provisions is known to consist, in a reduction of the Duties upon a List of Articles manufactured in the different Countries of Europe, as well as in Britain. But the most important articles of this List, were already so thoroughly established in the manufactories of Britain, as to be beyond the reach of competition from Abroad. Hence, the privilege of introducing them there, and especially to any large extent (meaning for consumption in Britain, without here alluding to her warehousing system) must prove, in the end, to be nominal rather than real. Among the List are seen fabricks of woollen, of cotton, of linen, of hardware; and the new Scale of Duties is to have added to them, in every case, the amount of any internal Excise Duty previously existing, or which may at any time afterwards be imposed, upon the same articles when manufactured in England. The forecast of that Country, in all that relates to the interests of her Manufactures, justifies the belief, that she will not fail to conciliate the continued protection of them with whatever other abrogations she may ingraft upon her Commercial Code, either in relation to other Nations of the World, or to her own Dependencies in whatever part of it.

It has been seen how largely the Exportation of our own Manufactures during the past year, has exceeded the Exportations of the two years preceding. It may be added, that, in no previous year since the foundation of the Government, has the exportation of American Manufactures reached an amount at all approaching to that of 1825. This is known from Official Documents as far back as 1803, and no doubt can be entertained of its being true for the remainder of the period. This fact, in conjunction with the increasing consumption of these Manufactures at home, and not less of their improving quality, gives gratifying assurance of the progress of this most important

branch of the National Industry. It may be considered as marking the commencement of an epoch in the National Resources, since an intimate connexion is believed to exist between the full encouragement and success of domestick manufactures, and the wealth, the power, and the happiness of the Country. The United States, would, it is thought, overlook what is due to the essential interests of their Agriculture, which can never reach the full point of prosperity, but under the constant and various demand of the home market; of their Foreign Commerce, which can never expand to its full limit of activity, or reap its full measure of riches, but with the aids of an active Home Trade, and of an Export Trade enhanced in its value by being diversified in its objects; of the exuberance of their soil, yielding the best materials for so many of the fabricks which conduce to the wants, the comforts, and the refinements of the social state; of the industry, the enterprize, the frugality of their People; of the unrivalled equality of their Laws, which, interdicting exclusive rights and monopolies, invites the most energetic exertions of every Individual in the field of competition; and, finally, of the advantages flowing from the absence of pecuniary exactions by the hand of Government upon the internal products and labour of the Country—if they do not vigorously uphold the Manufactures of the Country, now for the first time appearing to be upon the eve of striking root. It is a commencement that deserves every seasonable improvement. The Territorial size and fertility of a Country depend upon nature or upon accident. Both the one and the other may exist upon the largest scale, but in vain, if a provident Government do not second these gifts; whilst Nations destitute of them, and struggling against positive obstacles of nature, are seen to arrive, through the wisdom of their policy, at the heights of prosperity and renown. To give perfection to the industry of a Country, rich in the gifts of nature, and blessed in the benificence of its Government; to draw out its obvious resources, and seek constantly for new ones, ever ready to unfold themselves to diligent inquiry, urged on by adequate motives; to augment the number and variety of occupations for its Inhabitants; to hold out to every degree of labour and to every modification of skill, its appropriate object and inducement—these rank amongst the highest ends of legislation. To organize the whole labour of a Country, to entice into the widest ranges its mechanical and intellectual capabilities, instead of suffering them to slumber; to call forth, wherever hidden, latent ingenuity, giving to effort activity, and to emulation ardor; to create employment for the greatest amount of numbers, by adapting it to the diversified faculties, propensities, and situations of Men, so that every particle of ability, every shade of genius, may come into requisition, is in other words, to lift up the condition of a Country, to increase its fiscal energy, to multiply the means and sources of its opulence, to imbue

it with the elements of general, as well as lasting strength and prosperity. It is in the destiny of Nations that the highest points of advancement are not to be arrived at, but through the complicated, yet harmonious action of these elements. That extensive and flourishing manufactures, with the train of useful arts allied to them, tend to propel Nations in this onward course, is a maxim believed to be enforced by the best lights of experience, and to be of peculiar application to The United States, under the present circumstances of their interior and external condition. By a flourishing state of Manufactures, we shall see rising up a new class of Capitalists, rivaling, in the extent and usefulness of their operations, and in the amount of their gains, the wealthiest of our Merchants; spreading too, by the education and habits for which their pursuits when largely conducted make a call, useful knowledge and science wherever those pursuits concentre. By a flourishing state of Manufactures, we shall see the gains of the Merchant augmented, even in his trade of imports, since for every Foreign fabrick excluded from consumption by the ultimate use of the rival fabrick at Home, other fabricks will find their way to us, consumption having no limits but the ability to buy, and this ability invariably increasing as home manufactures assume variety, and attain perfection. It is then that they create and diffuse wealth, by what is the only true foundation of it in a Nation—the universal, subdivided, and successful industry of the People. It is then that they make a call for an abundant Circulating Medium, by quickening the operations of purchase and sale. It is then that they attract the precious metals to a Country, and, beyond any other power of retention, keep them there. By numerous Manufactures, we shall see Agriculture, the first pillar in the State, stand firm; for when they shall have raised up new Capitalists, who so sure to maintain profitable dealing with them as the owner of the soil? For the Treasures that cover its surface, and that lie beneath it, he is then sure to find a Market both regular and growing, whatever the political or mercantile vicissitudes at a distance, and as sure to buy at cheap rates the fabricks that he wants, cheapness being the necessary consequence of full competition among a powerful class of Artizans at home. By numerous Manufactures, in fine, we shall see reared up in the State that additional pillar, which, standing in the middle, is indispensable to the stability of the other two; for the State must be in a false position, lying perpetually at the mercy of extrinsic events, when reposing only upon Foreign Commerce and Agriculture. The great intermediate interest, strengthening and upholding both the others, is Manufactures. When to the complete establishment of these, the internal improvement of the Country shall have been superadded, the Farmer of The United States cannot but perceive that the measure of his prosperity is made potentially full. Discouraging distances between himself and his Cus-

tomers exist no longer. Through the wisdom of art the obstacles of nature disappear. He sees combined with the advantages of a Country of almost boundless extent and capacity of production, the facilities of a quick intercourse, which compensate to small Countries the want of these advantages. He sees time anticipated in the effective augmentation of our numbers; for, as with Machinery in Manufactures, so, with Canals and good Highways, they change the relative weakness of a thin and scattered, into the activity and power of a condensed Population, thereby exemplifying the highest wisdom of Legislation: the noblest works of Government, guided by the intelligence, and stimulated by the energy of freedom.

In giving these opinions, in favour of domestic Manufactures, it is known that other opinions exist on this subject, claiming the support of distinguished names both at Home and Abroad. For these opinions, as they have from time to time been witnessed in the discussions of the Legislative Hall at Home, the utmost deference is felt. Nevertheless it is deemed proper to communicate with candour those contained in this Report, deliberately weighed as they have been, and uttered as they also are, under the obligations of Official Duty. In the submission of Plans for the improvement of the Public Revenue, none occur more likely to prove salutary than those that look to the fostering of Manufactures, under the truth, that in the multiplied productions of Nature and Art in a Country, the result of industry and skill every where diffused, lie the best and only foundation of finance. When the People of a Country are universally and profitably employed, the aggregate of Individual becomes the surest measure of National prosperity; and Revenue for the Public occasions will always be at hand, under whatever forms the Government may deem it most expedient and least burthensome to call it forth. The facts of the World are on the side of these opinions, it being incontestible, that Nations which have reached the most imposing heights of physical and intellectual power, are those in which Manufactures have been the most numerous, and arrived at the greatest perfection. It is more applicable to add, that this perfection, amongst the Nations where it has been most conspicuous, has been achieved through the most comprehensive and vigorous protection afforded to this kind of industry; a protection persevered in throughout Ages, and never given up whilst its objects remained unaccomplished. The speculative economists of Europe are in opposition to the experience that surrounds them, and not less frequently to each other, and to themselves, when they would hold up to any one Nation the asserted benefits of an opposite system. "France," says one of her most celebrated Writers of this class, (but who knows how to reconcile the enlightened ideas of free trade, with those first duties that every Nation owes to itself,) "is probably, indebted for the beauty of her silk and woollen Manufactures, to the wise encou-

ragement af that Adminstration which advanced to the Manufacturers 2,000 francs for every loom at work." The same Writer, (Say,) whilst describing the condition of some of the Provinces of that Country, and which, as he says, wanted nothing but Towns to bring them into high cultivation, adds, "that, hopeless, indeed, would be their situation, were France to adopt the system which recommends the purchase of Manufactures from Foreign Countries, with the raw produce of domestic Agriculture." France still adheres, in the midst of her riches and power, to the practice on which these sentiments are founded. Nor is the example of Britain, up to this very moment, less absolute, or less instructive. The prohibitions, the bounties, the high duties, the penalties, by force of which, throughout a long tract of time. the Manufactures of that Country have gained so much excellence, never, in anywise abated, until by the recent avowals of her Statesmen, high in intelligence, as authority, British fabrics were not merely certain to continue the supply, immense as it is known to be, of the home demand, but to find their way, in a proportion far greater than those from any other Country, into all the Markets of the World. The United States, with a combination of natural and political advantages, as transcendent in number as degree, have before them these and other examples; the lights of co-existent Nations, the amplest demonstrations of experience; for building up their Manufactures; and for that vigilant legislative assistance, without which they have never been known, in any Country, to establish themselves, in large or durable pre-eminence. Nor has this policy been found to interfere with an abundant Foreign Commerce in the wealthiest and most industrious Nations. It has, on the contrary, carried its bounds still further; since every Nation, by its habits and position, will always command superior facilities for excelling in certain branches of labour and art, which it therefore chiefly cherishes, leaving to other Nations the opportunity of excelling in other branches, or of running the career of beneficial rivalry in the same; by which System the artificial productions of the World are augmented and improved, and the fields of traffick, through the increasing desires and varying tastes of mankind, as opulence and civilization make new advances, more and more extended and enriched. If the Nations of Europe, whose industry and interchanges move in circles geographically proximate to each other, have yet adopted this policy, or have fallen back in their prosperity by the fact of its absence; if those Nations that have adopted it are still seen to keep to it, or have only swerved from it after its ends have been attained, by stronger reason should The United States act upon it. Their remoteness from all the chief sources of supply of manufactured articles, forms the additional motive; not to invoke that which might be drawn from the burdens, and even exclusion still in full existence in other Countries, against some of their primary productions. That a populous and Independent

Nation, a Nation civilized since the moment of its existence, and whose Institutions, by their essential principle, tend to accelerate it in the career of intellectual and social, as already they have conferred upon it political, eminence, should have continued, as long as The United States have done, to derive from a distance, to be computed only by the space of Oceans, so many of the fabrics which conduce to the necessary or tasteful accommodations of life, if not without precedent, has perhaps, not before existed in the case of any other Nation upon the same extensive scale. Without adverting to the contingencies which may diminish or cut off this supply from remote Hemispheres, the very deterioration to which time, and more frequently casualty, expose no inconsiderable portion of these fabrics, before the natural and intended uses of them can be exhausted, and where the skill that made, is too often alone competent to renovate or repair, becomes, by so much, a dead loss to the capital of the importer or consumer, and, consequently, to that of the Nation. The amount of it would go far, it is believed, towards forming a fund for encouraging the equally perfect fabrication at home, of most of the articles of Foreign origin, consigned, by the cause alluded to, to premature inutility or destruction. Besides the advantages of Manufactures for home use, the present moment is deemed to be peculiarly auspicious, not to say urgent, for fostering them, from the situation and circumstances of the rest of the World. An era has arrived, upon which after Ages are to look back as to a point in the Commercial destinies of mankind. The Colonial System is fast falling to pieces: over immense regions it is totally gone, involving the certainty of changes both in the channels and the objects of trade, as vast as they will be various. The Family of Nations has been extended; New Continents, New Oceans, are opened to Independent intercourse, to a just and equal participation in the benefits of which, The United States cannot but be alive. These benefits they can scarcely derive, to the full and proper extent, but by giving themselves to the large fabrication of those works of art, for which their climate, their productions, and the skill and capital of which their Citizens are already in possession, especially qualify them. The course of their Export Trade, for the last two years, as stated in this Report, is an encouraging omen of their ability and aptitude to enter this new and great field of competition. Not to follow up such beginnings, by timely and judicious measures, might be to let opportunities pass not always to be recalled. Whilst Nations, shut out by their limited territory, from agricultural products, as the basis of Foreign trade, have yet pushed the latter to its farthest limits, by Manufactures alone, as that basis, it is the favoured lot of The United States to superadd to the extent and riches of their soil, a state of social advancement, and an amount of town population, already equal to the most extensive and varied operations of Manufacturing industry. Not to found establish-

ments by which this species of profitable industry may take life and spread over the land, would, it is believed, be to forget alike what is due to the best interests of Agriculture, on the one hand, and to the further enlargement of our Commercial power, upon the other.

In expressing the convictions embraced in the foregoing remarks, it is not intended to close them by recommending any general revision of the Tariff, as fixed by the Act of Congress of the 22d May, 1824. But it is deemed proper, under cover of them, respectfully to submit the expediency of effectually increasing the existing Duties upon all Manufactures of cotton, *of a fine quality*.

The facilities and inducements to the fabrication of Cottons, of every description, in The United States, are so great, that the most beneficial consequences may be anticipated from the full establishment of this manufacture in all its finer branches, in like manner as by the protection already afforded to cotton fabrics in the coarser branches, we have seen these latter established with advantages so manifold and dicided. And should we establish, completely, the former also, such is the quantity in which we produce the raw material of this prominent Manufacture of modern times, and, what is still more important, such its quality, that there is no cause for apprehending that our immense Exportations of it Abroad will stop; on the contrary, it may be expected that they will go on progressively increasing.

Concurrently with this recommendation for an augmentation of Duties on all Cotton Manufactures, of fine quality, it is deemed advisable to submit also the expediency of lowering, to a small extent, the Duties at present existing upon Teas, upon Coffee, and upon Cocoa.

These articles, especially the two former, are of such large consumption in The United States, as to take rank among the necessaries of life. They go to make up a part of the daily beverage of the poor as well as the rich, and should, therefore, not be pressed upon too heavily by the hand of taxation, in any form; the less as they trench upon no rival production at home. Their more enlarged consumption would tend to increase, in corresponding proportion, the demand for Sugar, thereby fostering a valuable production of some of our own States. The more widely, also, the habit of their use can be extended, the greater, it is believed, would be the prospect of seeing lessened the consumption of ardent spirits, so baneful in their effects upon the industry, the health, and the morals, of the community. Under these views alone, regarding their connexion with the Publick prosperity and Individual happiness, any temporary or partial loss to the Revenue that might result from an adoption of this last recommendation, ought to be considered as compensated. It is not, however, certain that such loss would result, from the increased demand that might be expected to grow up for these articles, by a reduction of the present impositions upon them. As regards Teas, it may be added, as an additional motive to the recommendation, that under the present Duties, there is

reason to apprehend some falling off, ultimately, in our China trade, from the late Laws and Regulations of Britain, bearing upon this important article of merchandise. The interests of a valuable portion of our Foreign trade, therefore, and of our Shipping, appear to be at stake in fixing the Duties upon Teas of all kinds, at rates somewhat lower than as at present established.

All which is respectfully submitted.

RICHARD RUSH.

Treasury Department, December 22, 1825.

(A.) —*STATEMENT, exhibiting the Amount of Duties which accrued on Merchandise, Tonnage, Passports, and Clearances; of Debentures issued on the Exportation of Foreign Merchandise; of Payments for Drawback on Domestic Distilled Spirits, and Domestic Refined Sugar exported; of Bounties on Salted Fish exported; of Allowances 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, 1824.*

		Dollars.
Duties on Merchandise		25,494,628 55
Do. Tonnage, &c.		126,516 44
Do. Passports and Clearances		10,986 —
		25,632,130 99
Debentures issued	4,277,923 74	
Drawback on Domestic Distilled Spirits, and Domestic Refined Sugar	1,973 48	
Bounties and Allowances	214,870 88	
		4,494,768 10
Gross Revenue		21,137,362 89
Expenses of Collection		751,932 47
Nett Revenue		20,385,430 42
Payments made into the Treasury		17,878,325 71

Treasury Department, Register's Office, December 21, 1825.

JOSEPH NOURSE, Register.

(D.)—*LANDS sold, and Monies received for Lands, from 1st January to 31st December 1824; and Payments made into the Treasury during the same Period, on Account of Publick Lands.*

	Acres.
Lands sold in 1824	749,323

	Dollars.
Amount received for do.	953,799
Do. in 1824, for Lands sold prior to 1st July, 1820	110,890
Total received in 1824.....Dollars	1064,689
Incidental Expenses, including Salaries and Commissions....	74,621
Repayments made to Individuals for Lands erroneously sold.	493
Payments made into the Treasury .....Dollars	984,418

Treasury Department, General Land Office, November 1, 1825.
GEORGE GRAHAM.

(E.)—***STATEMENT of the Monies received into the Treasury, from all other sources than Customs and Publick Lands, during the Year*** **1824.**

	Dollars.
Dividends on Stock in the Bank of The United States...	350,000 00
From arrears of Old Direct Tax of 1798	5,203 50
New Direct Tax	998 46
New Internal Revenue	34,663 37
Fees on Letters Patent	6,270 00
Cents coined at the Mint	15,475 00
Passage Money of American Seamen returned	10 00
Surplus Emoluments of Officers of the Customs	31,490 56
Interest on Balances due by the Bank of Elkton to The United States	2,085 33
Received under the Act to abolish The United States' Trading Establishment	22,519 20
Monies previously advanced on account of Prisoners of War.	3,708 62
Do. Military Pensions	563 00
Dollars	122,987 04
Balances of Advances made to the War Department, repaid under the 3d Section of the Act of 1st May, 1820...	45,481 89
Loan of 5,000,000 of Dollars, at 4½ per Cent., to provide for the Awards under the Spanish Treaty.....	5,000,000 00
Dollars.....	5,518,468 93

Treasury Department, Register's Office, December 8, 1825.
JOSEPH NOURSE, Register.

(F.)—*STATEMENT of the Expenditures of The United States for the Year* 1824.

Civil, Miscellaneous, and Diplomatic. viz.

Legislature	603,738	39	
Executive Department	473,370	46	
Officers of the Mint	9,310	—	
Surveying Department	12,272	30	
Commissioner of the Publick Buildings	1,500	—	
Governments in the Territories of The United States	26,632	79	
Judiciary	209,442	30	Dollars.
			1,336,266 24
Annuities and Grants	1,953	02	
Mint Establishment	29,469	76	
Unclaimed Merchandise	767	99	
Light House Establishment	153,419	96	
Surveys of Publick Lands	108,891	—	
Registers and Receivers of Land Offices	1,206	—	
Boundary Lines between Missouri and Arkansaw	1,000	—	
Land claims in Florida Territory	13,564	92	
Land claims in St. Helena Land District	1,937	50	
Repairing the road from Cumberland to Ohio	17,000	—	
Roads within the Indian Territory, from Nashville to New Orleans	7,920	—	
Roads within the State of Indiana	11,462	73	
Roads, Canals, &c. within the State of Alabama	32,969	01	
Roads and Canals within the State of Missouri	3,282	79	
Payment to Ohio of the nett proceeds of Lands sold under the 3d Section of the Act of the 28th February, 1823	10,206	41	
Marine Hospital Establishment	34,986	77	
Publick Buildings in Washington	110,370	53	
Accommodation for the President's Household	839	34	
Payment of Balances due to Officers of Old Internal Revenue and Direct Tax	657	47	
Payment of Balances to Collectors of New Internal Revenue	317	50	
Payment of certain Certificates	425	73	
Miscellaneous Expenses	136,294	41	
			678,942 74
Diplomatic Department	108,898	47	
Missions to the Independent Nations on the American Continent	28,669	72	
Contingent Expenses of Foreign Intercourse	20,145	73	
Relief and protection of American Seamen	38,056	96	
Treaty with Spain	15,946	17	

Treaty of Ghent (6th and 7th Articles),...	14,136 44	
Do. (1st Article).....	12,327 78	
Treaties with Mediterranean Powers	10,550 —	
Claims on Spain	4,891,368 56	
		5,140,099 83
Dollars.....		7,155,308 81

Military Department, viz.

Pay of the Army.....	1,093,868 08
Subsistence	265,500 81
Forage	34,177 18
Purchasing Department	148,738 07
Medical and Hospital Department	23,674 19
Contingent Expenses	13,695 56
Ordnance	50,514 09
Quarter Master's Department	293,154 72
Repairs and contingencies of Fortifications	16,282 47
Fort Monroe	95,629 86
Calhoun	89,702 09
Washington.....	9,275 14
Delaware	11,500 —
Mobile Point.....	84,630 99
Regolets	100,000 —
Jackson	69,059 17
Brenton's Point	39,500 —
New Utrecht Point.....	15,510 —
Repairs of Plymouth Beach	20,000 —
Harbour of Presque Isle.....	3,000 —
Improving Ohio and Mississippi Rivers, &c.	3,003 84
Surveys of Roads and Canals.....	19,344 60
Relief of Officers, &c, of Seminole Campaign,	11,835 82
Military Academy, West Point.....	15,438 39
Medals, for Officers.....	2,215 —
Arrearages	17,331 62
Balances due to certain States	5,510 27
Bounties and Premiums	26,286 10
Gratuities	12,400 04
Expenses of Recruiting.....	8,279 65
Armories.....	386,357 38
Arsenals	2,538 92
Arming and equipping the Militia	171,155 43
National Armory, Western Waters	3,117 —
Purchase of Gredley's farm	10,000 —
Purchase of Wollens for 1825	20,000 —

Ransom of American Captives	767	75
Maps, Plans, &c. War Office	547	56
Road from Plattsburg to Sackett's Harbour.	1,350	—
Road from Ohio to Detroit	1,337	55
Road from Pensacola to St. Augustine	15,000	—
Relief of sundry Individuals	134,745	81
Invalid and half-pay Pensioners	231,726	18
Revolutionary Pensioners	1,267,600	41
Purchase and reservation of Indian Lands in Georgia	26,025	70
Purchase of Quapaw Lands	7,000	—
Treaty with the Choctaws	938	37
Ditto Creeks	23,000	—
Ditto Florida Indians	23,657	50
Military Escort ....do	9,500	—
Civilization of Indians	13,541	81
Pay of Indian Agents	22,874	24
Pay of Sub-agents	10,548	32
Presents	14,412	45
Contingencies, Indian Department	98,743	88
Indian Annuities	177,250	31
Treaties with Indians beyond the Mississippi,	3,094	99
Dollars	5,275,889	31

From which deduct the following Repayments:—

			Dollars.
Fortifications	4,667	30	
Fort opposite Fort St. Philip	168	—	
Cannon, Shot, Shells, &c.	200	—	
Treaties with Indians, Act 20th April, 1818	599	67	
	5,634	97	5,270,254 34

Naval Department, viz.

Pay of the Navy Afloat	898,415	50
Ditto Shore Stations	223,869	24
Provisions	312,404	56
Medicines	31,698	47
Repairs of Vessels	404,151	—
Ordnance and Ordnance Stores	30,156	44
Navy Yards, &c.	136,365	01
Contingent expenses prior to 1824	102,028	39
Do. for 1824	149,889	97
Do. not enumerated	680	94
Gradual Increase	286,977	45
Inclined Plane, Docks, &c.	11,375	81
Ship Houses	15,114	63

Suppression of Piracy	16,401 60	
Prohibition of the Slave-trade	14,032 58	
Survey of the Coast of Florida	1,412 82	
Survey of Charleston Harbour	2,962 37	
Rewarding Officers and Crews of two Gigs under the command of Lieut. Gregory	3,000 00	
Captors of Algerine Vessels	56 59	
Relief of sundry Individuals	22,305 07	
Pay and subsistence of the Marine Corps	199,061 30	
Clothing ....do....	31,334 83	
Military Stores ....do....	3,551 25	
Fuel ....do....	4,659 80	
Contingent Expenses ....do....	9,000 00	
Medicines ....do....	2,369 71	
Barracks....do....	9,631 81	
Dollars	2,922,907 14	

From which deduct the following Repayments:—

Building Barges	409 58		
Superintendent and Artificers, &c.	11,529 22		
Labourers and Fuel for Engines	6,320 15		
Rewarding Officers and Crew of the Frigate *Constitution*	66 63		
		18,325 58	Dollars. 2,904,581 56

Publick Debt, viz.

Interest &c. Domestick Debt		5,301,104 19	
Redemption of 7 pr. cent. Stock of 1815 for principal	8,589,309 35	8,647,611 54	
premium	49,302 19		
Redemption of exchanged 6 per cent. Stock of 1812		2,612,435 69	
Reimbursement of Mississippi Stock		7,242 34	
			16,568,393 76
		Dollars	31,898,538 47

Treasury Department, Register's Office, 8th Dec. 1825.

JOSEPH NOURSE, Register.

(I.)—*STATEMENT of the Debt of The United States, October* 1, 1824.

Three per cent. Stock	13,296,231 45	
Exchanged six per cent. Stock of 1812,	2,668,974 99	
		15,965,206 44

Six per cent. Stock of 1812	6,187,006 84	
Do. .....of 1813, (16,000,000)	15,497,818 63	
Do. .....of 1813 7½ do.....	6,812,845 44	
Do. .....of 1814, ...	13,096,542 90	
Do. .....of 1815, ...	9,490,099 10	
Treasury note six per cent, Stock, ...	1,479,374 82	
Do....seven per cent, do.	4,477,026 17	
Five per cent Stock, subscription to Bank of The United States	7,000,000 —	
Do. .....of 1820, ...	999,999 13	
Do. .....of 1821, ...	4,735,296 30	
Exchanged five per cent. of 1822,....	56,704 77	
Four and a half per cent. Stock, (Florida Loan,)	5,000,000 —	
		74,832,714 10
	Dollars	90,797,920 54

Treasury Department, Register's Office, December 8th, 1825.

JOSEPH NOURSE, Register.

Note.—The Amount of the Debt on the 1st October, 1824, as per Statement No. 3, which accompanied the Report of the Secretary of the Treasury, of the 31st December, 1824, was 90,697,071 54

Add the Sum, ascertained to have been issued on account of the Loan of 25,000,000, per Act of the 24th March, 1814, more than the Sum which has, heretofore, been stated as the Amount of the said Loan, and for which the Commissioners of Loans have not made such Returns as to enable the 1st Auditor to report thereon, 95,105 27

Also, for a variation in the Amounts of Treasury note six per cent. and seven per cent. Stocks, issued prior to the forming the said Statement, but subsequently entered on the Treasury Books, 5,743 73

100,849 —

As above, Dollars 90,797,920 54

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(2). — *STATEMENT of the Debt of The United States, January* 1, 1825.

Three per cent. Stock	13,296,231 45	
Exchanged six per cent. Stock of 1812,	56,539 30	
		13,352,770 75
Six per cent. Stock of 1812, (16,000,000)	6,187,006 84	
Do. .....of 1813, 7½ do.....	12,403,051 66	

Do. .....of 1813, ...	5,452,884 46	
Do. .....of 1814, ...	13,096,542 90	
Do. .. ..of 1815, ...	9,490,099 10	
Treasury note six per Cent. Stock	1,479,374 82	
Do.....seven per Cent. do.	2,113 92	
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	
Four and a half per Cent. Stock, per Act 26th May, 1824, (Florida Loan,)	5,000,000 00	
Exchanged four and a half per Cent. Stock, per Act 26th May, 1824	4,454,727 95	
		70,357,801 85
	Dollars....	83,710,572 60

Treasury Department, Register's Office, December 8, 1825.

JOSEPH NOURSE, Register.

(3.)—*STATEMENT of the Debt of The United States, 1st October*, 1825.

Three per Cent. Stock		13,296,231 45
Six per Cent. Stock of 1813, (Loan of 16 millions).....	*12,422,051 66	
Do. of do. (Loan of 7½ do.).....	*5,433,884 46	
Do. of 1814.....	13,096,542 90	
Do. of 1815.....	9,490,099 10	
Five per Cent. Stock (subscription to Bank U. S.)	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	
Four and a half per Cent. Stock, per Act 24th May, 1824, (Florida Loan). ...	5,000,000 00	
Exchanged 4½ per Cent. Stock, per Act of 26th May, 1824	4,454,727 95	
Funded 4½ per Cent. Stock, per do. do.	5,000,000 00	
		67,689,306 27
	Dollars....	80,985,537 72

Amount of the Debt on the 1st of October, 1824, per foregoing Statement No. 1.....		90,797,920 54
Add exchanged 4½ per Cent. Stock, issued under Act of the 26th May, 1824, in lieu of 6 per Cent. Stocks of 1813.....		4,454,727 95
	Dollars.....	95,252,648 49
Deduct Stock paid off in the fourth quarter of 1824, viz.7 per Cent Stock	4,474,912 25	
And exchanged 6 per Cent. Stock of 1812.....	2,612,435 69	
	7,087,347 94	
And 6 per Cent. Stocks of 1813 surrendered for exchange 4½ per Cent. Stock ,viz. of the		
Loan of 16,000,000.....	3,0947,66 97	
Do. 7½ do.....	1,359,960 98	
	4,454,727 95	
		11,542,075 89
Amount of the Debt on the Ist. of January, 1825, per Statement No. 2.....		83,710,572 60
Add Loan at 4½ per Cent. per Annum, per Act of 26th of May 1824.....		5,000,000
	Dollars....	88,710,572 60
Deduct Stock paid off since 1st of January, 1825, viz:		
In the first quarter of 1825, the residue of 7 per Cent.....	2,113 92	
Do. of exchanged 6 per Cent.....	56,539 30	
On the 1st of April, the whole of the Treasury note 6 per Cent.....1,479,374 82		
On the 1st of October, do.		
do. do. of 1812.6,187,006 84		
		7,725,034 88
Amount of the Debt on the 1st of October, 1825, as above stated ....Dollars		80,985,537 72

Treasury Department, Register's Office, December 8, 1825.

JOSEPH NOURSE, Register.

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*Six per Cent. of 1813.		
	(Dollars 16,000.000 Loan)	12,422,051 66
* Do. do.	(7,500,000 do.)	5,433,884 46
		17,855,936 12

Deduct amount subscribed under the Act of 3d of March, 1825, and for which 4½ per Cent Stock is to be issued on the 1st of January, 1826.....	1,585,138 88	
Leaves the amount of 6 per Cents. of 1813.	16,270,797 24	reimbursable in 1826.

(4.)—*Estimate amount of Treasury Notes outstanding, on the 1st October*, 1824.

Total amount issued, (as per No. 4 of the last Report,)...		36,680,794
Cancelled and reported on by the First Auditor,.....		36,664,194
Outstanding	Dollars	16,600
Consisting of small Treasury Notes,.....	2,370	
Notes bearing interest,.....	14,230	
		16,600

Treasury Department, Register's Office, December 8, 1825.

JOSEPH NOURSE, Register.

(5.)—*STATEMENT of the Stock issued under the Act of Congress, entitled "An Act supplementary to the Act for the indemnification of certain Claimants of Public Lands in the Mississippi Territory," passed the 3d March*, 1815.

Amount of claims awarded per Statement No. 5, of last Report.....Dollars			4,282,151 12½
Whereof there was paid in for Lands, per said Report,			2,447,535 39
Payments at the Treasury, to the 30th September, 1824.....	1,820,599 20		
Do. from 1st October, 1824 to the 30th September, 1825	6,166 36		
			1,826,765 56
Balance, outstanding 1st October, 1825. consisting of Certificates outstanding...	7,805 57		
Awards not applied for,.....	44 60½		
			7,850 17½
		Dollars.	4,282,151 12½

Treasury Department, Register's Office, December 8, 1825.

JOSEPH NOURSE, Register.

LETTER fom the Secretary of the Treasury, transmitting Statements of the Commerce and Navigation of The United States, for the Year ending on the 30th September, 1825.

SIR, *Treasury Department, March* 30, 1826.

IN conformity with the Provisions of the Act of Congress of the 10th of February, 1820, entitled "an Act to provide for obtaining accurate Statements of the Foreign Commerce of The United States," I have the honour to transmit, herewith, the following Statements of the Commerce and Navigation of The United States during the Year ending on the 30th day of September, 1825, viz :

Page

1. A General Statement of the quantity and value of Merchandise imported into The United States from the 1st of October, 1824, to the 30th of September, 1825..... 549
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3. A General Statement of the quantity and value of Domestic Articles exported..... 552
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9. A Statement of the Commerce and Navigation of The United States.... 560

From these Statements it appears that the Imports during the Year ending on the 30th of September, 1825, have amounted to 96,340,075 Dollars, of which amount 91,902,512 Dollars were imported in American Vessels, and 4,437,563 in Foreign Vessels. That the Exports have, during the same period, amounted to 99,535,388 Dollars, of which 66,944,745 Dollars were Domestic, and 32,590,643 Dollars were Foreign Articles. That of the Domestic Articles, 58,316,095, Dollars were Exported in American Vessels, and 8,628,650 Dollars in Foreign Vessels ; and of the Foreign Articles, 30,483,654 Dollars were Exported in American Vessels, and 2,106,989 Dollars in Foreign Vessels. That 880,754 Tons of American Shipping entered, and 960,366 cleared from, the Ports of The United States ; and that 92,927 Tons of Foreign Shipping entered, and 95,080 cleared from, the Ports of The United States during the said period.

I have the honour &c.

RICHARD RUSH.

The Hon. the President of the Senate.

(1.)—*General Statement of Goods, Wares, and Merchandise, of the Growth, Produce, and Manufacture, of Foreign Countries, imported into The United States; commencing on the* 1st *Day of October,* 1824, *and ending on the* 30th *Day of September,* 1825.

Imports from	Value of Merchandise imported from each Country.						
	Free of Duty.	Paying Duties ad Valorem.	Paying specific Duties.	Total.	In American Vessels.	In Foreign Vessels.	From the Dominions of each Power.
Russia	17,676	1,221,095	828,339	2,067,110	2,023,557	43,553	2,067,110
Sweden and Norway	7,645	42,721	1,285,530	1,335,896	1,274,951	60,945	1,417,598
Swedish West Indies	43,041	3,732	34,929	81,702	81,702	—	
Prussia	—	19,310	1,940	21,250	21,250	—	21,250
Denmark	2,206	36,562	8,059	46,827	46,827	—	1,539,592
Danish West Indies	243,290	91,975	1,157,500	1,492,765	1,491,359	1,406	
Holland	58,412	581,264	613,693	1,253,369	1,175,145	78,224	
Dutch West Indies	379,193	10,648	433,766	823,607	740,928	82,679	2,265,378
Dutch East Indies	42,373	2,194	143,835	188,402	188,402	—	
England	907,604	30,555,673	2,808,235	34,271,510	32,584,993	1,686,517	
Scotland	3,561	1,320,242	505,661	1,829,464	1,485,737	343,727	
Ireland	390	547,904	63,978	612,272	592,462	19,810	
Gibraltar	108,522	161,040	478,984	748,546	748,546	—	
British West Indies	732,460	70,082	1,634,580	2,437,122	2,097,657	339,465	
British East Indies	44,249	974,745	737,490	1,756,484	1,519,199	237,285	42,394,812
Mauritius	4,336	211	67,973	72,520	72,520	—	
British American Colonies	419,025	64,490	127,273	610,788	587,378	23,410	
Newfoundland, &c.	6,071	488	2,537	9,096	9,096	—	
Other British Colonies	2,415	976	37,864	41,255	41,255	—	
British African Ports	5,690	61	4	5,755	5,755	—	
Hanse Towns	63,793	2,592,781	82,952	2,739,526	1,703,183	1,036,343	2,739,526
France—Atlantic	66,330	8,932,133	1,153,208	10,151,671	10,056,275	95,396	
France—Mediterranean	50,817	338,298	423,396	812,511	812,511	—	11,835,581
French West Indies	181,255	10,034	657,679	848,968	830,577	18,391	
Bourbon	—	—	22,431	22,431	22,431	—	
Hayti	286,385	117,739	1,661,205	2,065,329	2,008,474	56,855	2,065,329
Spain—Atlantic	800	175,842	68,022	244,664	244,664	—	
Spain—Mediterranean	3,766	10,258	318,975	332,999	332,999	—	
Teneriffe and other Canaries	17,146	570	148,002	165,718	165,718	—	
Manilla and Philippine Islands	35,130	66,832	127,409	229,371	229,371	—	9,566,237
Honduras, Campeachy, &c.	82,768	62,822	97,856	243,446	241,281	2,165	
Cuba	640,517	926,074	5,989,821	7,556,412	7,396,143	160,269	
Other Spanish West Indies	46,869	4,474	742,284	793,627	788,063	5,564	
South America (generally)	43,120	2,341	2,364	47,825	47,825	—	47,825
Mexico	2,745,712	1,116,900	182,035	4,044,647	3,982,812	61,835	4,044,647
Guatimala	27,085	9,700	20,004	56,789	56,789	—	56,789
Colombia	764,132	94,035	978,883	1,837,050	1,804,920	32,130	1,837,050
Peru	330,736	15,573	574	346,883	346,883	—	346,883
Buenos Ayres	653,185	93,157	3,429	749,771	749,771	—	749,771
Chili	222,183	6,000	1,326	229,509	229,509	—	229,509
Brazil	1,136,548	156,307	863,852	2,156,707	2,156,442	265	2,156,707
Portugal	16,991	69,574	134,507	221,072	200,013	21,059	
Madeira	21,826	60,840	278,350	361,016	361,016	—	
Fayal, &c.	6,633	20,216	34,914	61,763	61,763	—	733,443
Cape de Verd Islands	80,240	190	9,162	89,592	89,592	—	
Italy and Malta	206,550	996,709	250,763	1,454,022	1,454,022	—	1,454,022
Trieste, &c.	7,070	52,115	46,654	105,839	105,839	—	105,839
Turkey, Levant, &c.	48,395	641,254	151,150	840,799	840,799	—	840,799
China	585	3,561,982	3,970,548	7,533,115	7,533,115	—	7,533,115
Asia (generally)	21,013	26,970	40,412	88,395	88,395	—	88,395
Africa do.	89,389	40,015	9,619	139,023	131,932	7,091	139,023
West Indies do.	234	632	8,713	9,579	7,993	1,586	9,579
Uncertain	104	13,006	15,936	29,046	7,453	21,593	29,046
South Seas	1,650	—	—	1,650	1,650	—	1,650
Morocco, &c.	20,394	3,173	3	23,570	23,570	—	23,570
Total - Dollars	10,947,510	55,923,959	29,468,606	96,340,075	91,902,512	4,437,563	96,340,075

Treasury Department, Register's Office, March 25, 1826.

JOSEPH NOURSE, Register.

(2.)—*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*, 1824, *and ending on the* 30*th Day of September*, 1825.

SPECIES OF MERCHANDISE.	In American Vessels.	In Foreign Vessels.	Total.
VALUE OF MERCHANDISE FREE OF DUTY:			
Articles imported for the use of the United States	2,922	—	2,922
Specially imported for incorporated Philosophical Societies:			
Philosophical Apparatus, Instruments, &c.	7,262	—	7,262
Books	22,013	2,854	24,867
Maps and Charts	—	—	—
Stationery, Busts, Casts, and Specimens of Sculpture	33	2	35
Paintings, Drawings, Etchings, and Engravings	—	—	—
Cabinets of Coins, Gems, Medals, &c.	10	—	10
Anatomical Preparations	319	—	319
Antimony	14,634	—	14,634
Lapis Calaminaris, Teutenegue, Spelter, and Zinc	52,292	6,607	58,899
Burr Stones, unwrought	10,247	—	10,247
Brimstone and Sulphur	26,667	—	26,667
Cork Tree, bark of	8,232	—	8,232
Clay, unwrought	3,575	1,440	5,015
Rags, of any kind of cloth	74,131	5,508	79,639
Furs, of all kinds	340,815	6,348	347,163
Felt, patent, to 30th June, 1826	200	—	200
Hides and Skins, raw	2,193,734	28,134	2,221,868
Plaster of Paris	98,405	5,469	103,874
Specimens of Botany, Natural History, and Mineralogy	4,944	179	5,123
Models of Invention and Machinery	120	—	120
Wood	1,010,375	95,872	1,106,247
Animals for breed	22,998	—	22,998
Pewter, old	3,100	30	3,130
Tin, in pigs and bars	56,925	—	56,925
Brass	38,173	175	38,348
Copper, in pigs and bars	143,704	60	143,764
Copper, in plates, suited to the sheathing of Ships	417,514	10,187	427,701
Copper, for the use of the Mint	54,780	810	55,590
Bullion	508,869	10,978	519,847
Specie	5,169,874	461,044	5,630,918
All other Articles	23,357	1,589	24,946
VALUE OF MERCHANDISE PAYING DUTIES ad Valorem:			
Manufactures of Wool. Cloths and Cassimeres	5,098,878	165,684	5,264,562
Manufactures of Wool. Flannels and Baizes	1,061,231	4,378	1,065,609
Manufactures of Wool. Blankets	863,299	27,898	891,197
Manufactures of Wool. Hosiery, Gloves, Mits, &c.	364,351	5,396	369,747
Manufactures of Wool. Worsted Stuff Goods, &c.	3,263,637	13,849	3,277,486
All other Manufactures of, paying a Duty of 30 per Cent.	990,371	17,901	1,008,272
Manufactures of Cotton. Printed and coloured	7,342,709	367,121	7,709,830
Manufactures of Cotton. White	2,141,922	184,286	3,326,208
Manufactures of Cotton. Hosiery, Gloves, Mits, &c.	465,352	80,563	545,915
Manufactures of Cotton. Twist, Yarn, and Thread	200,400	1,149	201,549
Manufactures of Cotton. Nankeens	349, 66	477	350,243
All other Manufactures of, paying a Duty of 25 per Cent.	294,416	81,355	375,771
Silk Goods, from India	2,626,405	68,302	3,694,707
Silk Goods, other Places	6,530,147	46,673	6,576,820
Vestings and Plaids	710,939	4,733	715,672
Flax	3,224,004	663,783	3,887,787
Hemp	1,353,850	143,511	1,497,361
Iron and Steel	3,128,075	184,413	3,312,488
Copper	31,004	8,157	39,161
Brass	465,822	11,598	477,420
Tin	9,674	1,739	11,413
Pewter and Lead, except Shot	37,507	19	37,526
Wood, including Cabinet Wares	70,405	5,069	75,474
Leather, including Saddles, Bridles, and Harness	618,297	11,475	629,772
Manufactures of Glass-ware	147,956	70,049	218,005
Wares	1,424,627	177,650	1,602,277
Gold and Silver, &c.	391,610	25,747	417,357
Lace	930,156	47,956	978,112
Plated Saddlery, Coach and Harness Furniture	77,512	1,249	78,761
Square Wire, used for Umbrella Stretchers	4,626	—	4,626
Marble, and Manufactures of Marble	14,881	—	14,881
Slates and Tiles, for building	27,345	18,002	45,347
Prepared Quills	9,659	3,592	13,251
Black Lead Pencils	2,582	2,437	5,019
Paper Hangings	93,558	924	94,482
Brushes of all kinds	9,750	342	10,092
Quicksilver	107,799	—	107,799
Hair-cloth and Hair-seating	16,507	459	16,966
Bolting-cloths	17,687	2,439	20,126
Oil cloth, and Oil-cloth Carpeting, of every description	10,232	14,528	24,760
Hats, Caps, and Bonnets	579,066	8,653	587,719
Unmanufactured Copper Bottoms, and Copper in plates or sheets, not suited to the sheathing of Ships	29,543	11,419	40,962
Brass, in plates or sheets	9,966	—	9,966
Tin, in plates or sheets	262,955	42,838	305,793
Raw Silk	8,090	—	8,090
Wool	549,016	20,460	569,476
Articles not specially enumerated, at 12½ per Cent.	1,545,669	12,463	1,558,132
Do. do. 15 do.	2,946,964	98,492	3,045,456
Do. do. 20 do.	163,530	24,131	187,661
Do. do. 25 do.	575,057	38,487	613,544
Do. do. 30 do.	965,856	37,453	1,003,309
Total Dollars	53,164,660	2,759,299	55,923,959

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 DUTIES							
Carpeting	sq. yards	586,288	510,770	4,881	4,621	591,169	515,391
Cotton bagging	do.	2,567,375	403,768	1,903,400	233,255	4,470,775	637,023
Wines	gallons	3,130,501	1,806,381	30,027	19,882	3,160,528	1,826,263
Spirits from Grain	do.	1,226,729	468,606	32,105	16,068	1,258,834	484,674
other materials	do.	3,775,394	1,622,480	56,942	28,056	3,831,336	1,650,536
Molasses	do.	12,453,388	2,528,887	81,674	18,828	12,535,062	2,547,715
Beer, Ale, and Porter	do.	56,140	53,215	7,155	5,924	63,295	59,139
Oils	do.	195,175	99,516	4,396	4,123	199,571	103,639
Teas	pounds	10,209,405	3,728,878	143	57	10,209,548	3,728,935
Coffee	do.	44,577,896	5,172,227	612,734	78,601	45,190,630	5,250,828
Cocoa	do.	3,033,221	499,474	56,355	12,080	3,089,576	511,554
Chocolate	do.	1,942	726	—	—	1,942	726
Sugar, brown and white	do.	71,130,559	4,188,612	640,920	43,918	71,771,479	4,232,530
candy and loaf	do.	813	114	41	8	854	122
other refined	do.	135	10	—	—	135	10
Fruits	do.	6,007,441	356,090	19,608	1,950	6,027,049	358,040
Vinegar	gallons	18,704	4,854	2,397	499	21,101	5,353
Candles, Cheese, Soap, and Tallow	lbs.	980,949	61,697	8,297	1,257	989,246	62,954
Beef and Pork	do.	261,101	5,001	2,533	293	263,634	5,294
Bacon	do.	9,517	786	6,109	458	15,626	1,244
Butter	do.	907	77	2,407	315	3,314	392
Saltpetre	do.	11,697	625	—	—	11,697	625
Vitriol	do.	48,528	2,493	—	—	48,528	2,493
Camphor	do.	43,121	13,426	—	—	43,121	13,426
Salts, Epsom, &c.	do.	105,016	4,774	23,097	995	128,113	5,769
Spices	do.	3,887,281	596,024	165,559	30,015	4,052,840	626,039
Tobacco, manufactured, and Snuff	do.	3,498	1,604	375	54	3,873	1,658
Indigo	do.	761,655	1,342,942	52,765	95,824	814,420	1,438,766
Cotton	do.	453,249	74,250	18,692	3,888	471,941	78,138
Gunpowder	do.	53,730	11,732	506	67	54,236	11,799
Bristles and Glue	do.	207,274	60,025	4,394	902	211,668	60,927
Paints	do.	2,210,469	132,328	698,311	34,227	2,908,780	166,555
Lead, pig, bar, &c. and shot	do.	5,897,375	296,094	97,236	5,314	5,994,611	301,408
Cordage, twine, packthread, seine, &c.	do.	1,267,170	133,241	51,369	7,779	1,318,539	141,020
Corks	do.	91,079	23,739	881	215	91,960	23,954
Copper rods and bolts, nails, and spikes.	do.	106,682	27,437	—	—	106,682	27,437
Fire arms, muskets and rifles	No.	26,739	87,920	1,432	4,859	28,171	92,779
Iron and Steel Wire	pounds	809,484	89,665	17,510	1,874	826,994	91,539
tacks, brads, sprigs, nails, spikes, cables, and chains	do.	693,806	70,206	286,695	15,799	980,501	86,005
mill irons and mill saws	No.	1,368	5,351	191	671	1,559	6,022
anchors, anvils, hammers, sledges, castings, and pigs	lbs.	3,154,186	113,440	1,009,982	32,363	4,164,168	145,803
braziers' rods, nail rods, sheet, hoop, scrawl, slit, &c.	do.	2,207,414	95,751	126,668	5,051	2,334,082	100,802
in bars and bolts, rolled and hammered	cwt.	532,771	1,666,651	45,237	119,992	578,008	1,786,643
Steel	do.	24,075	264,774	2,600	26,441	26,675	291,215
Hemp	do.	71,466	403,658	5,351	28,129	76,817	431,787
Alum	do.	13	31	—	—	13	31
Copperas	do.	1,671	2,040	1,738	1,909	3,409	3,949
Wheat flour	do.	18	35	100	231	118	266
Salt	bushels	4,080,657	514,340	493,545	74,785	4,574,202	589,125
Coal	do.	574,477	93,408	147,778	15,119	722,255	108,527
Wheat	do	986	971	79	44	1,065	1,015
Potatoes	do.	11,801	4,146	7,772	3,412	19,573	7,558
Oats	do.	435	97	500	100	935	197
Paper	pounds	1,432,398	266,184	37,815	6,945	1,470,213	273,129
Books	do.	112,567	164,776	2,904	7,370	115,471	172,146
Do.	vols.	82,720		7,252		89,972	
Glass, cut, and not specified	pounds	28,042	—	4,064	—	—	—
all other articles	do.	473,453	—	462,785	—	—	—
Apothecaries' phials	groce	3,960	51,384	676	20,349	4,636	71,733
bottles	do.	8,963		4,123		13,086	
window	100 sq. feet	4,422	48,580	1,084	11,376	5,506	59,956
demijohns	No.	24,243	9,803	13,640	5,634	37,883	15,437
Fish, dried or smoked	quintals	982	22,984	646	6,516	1,628	29,500
pickled	barrels	2,122		438		2,560	
Shoes and boots	pairs	5,187	3,715	519	280	5,706	3,995
Cigars	M.	18,748	213,565	361	2,254	19,109	215,819
Playing Cards	packs	11,858	1,250	12	2	11,870	1,252
Total value of Merchandise paying specific duty		—	28,427,628	—	1,040,978	—	29,468,606
Do. do. ad valorem duty		—	53,164,660	—	2,759,299	—	55,923,959
Do. do. free of duty		—	10,310,224	—	637,286	—	10,947,510
Total Value	Dollars,	—	91,902,512	—	4,437,563	—	96,340,075

Treasury Department, Register's Office, March 25, 1826.

JOSEPH NOURSE, Register.

(3.)—*General Statement of Goods, Wares, and Merchandise, of the Growth Produce, and Manufacture, of The United States, Exported: commencing on the 1st day of October, 1824, and ending on the 30th day of September, 182*

WHITHER EXPORTED.	TOTAL VALUE. In American Vessels.	In Foreign Vessels.	To each Country.	To the Dominion of each Power.
Russia	55,191	—	55,191	55,191
Prussia	—	4,918	4,918	4,918
Sweden and Norway	177,425	44,739	222,164	415,925
Swedish West Indies	191,224	2,537	193.761	
Denmark	200,418	14,099	214,517	1,495,765
Danish West Indies	1,251,181	30,067	1,281,248	
Holland	2,440,552	45,916	2,486,468	3,146,684
Dutch West Indies, &c.	461,744	35,450	497,194	
Dutch East Indies	163,022	—	163,022	
England, Man, and Berwick	26.442,931	5,633.459	32,096.390	
Scotland	1,110,134	589,392	1,699,526	
Ireland	1,140,107	107,443	1,247,550	
Gibraltar	835,302	26,431	861,733	
British African Ports	7,735	—	7,735	
British East Indies	203,899	2,551	206,450	40,372,987
Mauritius	40,125	—	40,125	
British West Indies	1,514,888	120,686	1,635,574	
Newfoundland, &c.	14,087	1,981	16,068	
British American Colonies	2 435,969	102,255	2,538,224	
Other British Colonies	23,612	—	23,612	
The Hanse Towns, &c.	859,970	274 504	1,144,474	1,144,474
French European Ports—Atlantic	6,084,572	1,254,121	7,338,693	
French European Ports—Mediterranean	187,242	—	187.242	8,464,971
French West Indies, &c.	843,954	93,414	937,368	
French African Ports	—	968	968	
Hayti	1,627,349	20,706	1,648,655	1,648,655
Spanish European Ports—Atlantic	73,515	—	73,515	
Spanish European Ports—Mediterranean	18,814	—	18.814	
Teneriffe and other Canaries	67,420	2,960	70,380	
Manilla and Philippine Islands	23,169	—	23,169	3,735,895
Honduras, Campeachy, &c.	47,019	10,267	57,286	
Cuba	3,242,326	34,230	3,276,556	
Other Spanish West Indies	214,022	2,080	216,102	
Mexico	927,926	23,114	951,040	951 040
Central Republic of South America	40.377	—	40,377	40,377
Colombia	1,069,558	43.722	1,118,280	1,118,280
Brazil	1,601,795	39.501	1,641,296	1,641,296
Buenos Ayres	404,201	—	404,201	404,201
Chili	438,257	15,997	454,254	454,254
Peru	359,854	—	359,854	359,854
South America (generally)	91,152	—	91,152	91,152
Portugal	94,859	15,156	110,015	
Madeira	120,229	2,611	122,840	326,349
Fayal and other Azores	32.637	784	33,421	
Cape de Verd Islands	60,072	—	60,072	
Italy and Malta	66,605	—	66,605	66,605
Trieste, &c.	8,834	—	8,834	8,834
Turkey, Levant, &c.	34,373	—	34,373	34,373
Morocco, &c.	3.589	—	3,589	3,589
China	160 059	—	160,059	160,059
Asia (generally)	37,486	—	37,486	37,486
West Indies, do.	639,047	7,591	646,638	646,638
Europe, do.	16,312	—	16,312	16,312
Africa, do.	59,365	—	59,365	59,365
South Seas	29,090	—	29,090	29,090
North-west Coast of America	11,500	—	11,500	11,500
Total Dollars	58,316,095	8,628,650	—	66,944,745

Treasury Department, Register's Office, March 25, 1826.
JOSEPH NOURSE, Register.

**(4.)—*General Statement of Goods, Wares, and Merchandise, of the Growth, Produce, and Manufacture, of Foreign Countries, Exported; commencing on the* 1st *Day of October,* 1824, *and ending on the* 30th *Day of September,* 1825.

Whither Exported.	Value of Merchandise Exported to each Country.					Total Value.
	Free of Duty.	Paying Duties ad Valorem.	Paying specific Duties.	In American Vessels.	In Foreign Vessels.	To each Country.
Russia	59,843	11,129	161,238	232,210	—	232,210
Prussia	1,904	—	10,746	—	12,650	12,650
Sweden and Norway	15,321	481	96,576	96,468	15,910	112,378
Swedish West Indies	—	15,183	26,064	41,247	—	41,247
Denmark	43,192	65,272	528,682	637,146	—	637,146
Danish West Indies	57,300	414,909	95,968	560,598	7,579	568,177
Holland	89,534	85,442	1,131,863	1,300,698	6,141	1,306,839
Dutch West Indies	902	61,224	14,966	71,266	5,826	77,092
Dutch East Indies	675,845	646,628	42,411	1,364,884	—	1,364,884
England, Man, and Berwick	585,030	622,008	824,148	549,980	1,481,296	2,031,186
Scotland	350	7,307	—	7,067	590	7,657
Ireland	2,620	18,049	—	2,850	17,819	20,669
Gibraltar	180,807	303,097	458,077	941,356	625	941,981
British African Ports	—	9	1,968	1,977	—	1,977
British East Indies	680,944	59,587	44,098	781,036	3,593	784,629
Mauritius	35,000	784	5,418	41,202	—	41,202
British West Indies	555	3,578	7,339	10,404	1,068	11,472
British American Colonies	145	5	1,590	636	1,104	1,740
Other British Colonies	—	—	2,025	2,025	—	2,025
The Hanse Towns, &c.	182,939	94,334	1,699,286	1,532,847	443,712	1,976,559
French Ports on the Atlantic	1,031,244	367,574	1,227,150	2,593,940	32,028	2,625,968
French Ports on the Mediterraneau	139,466	152,338	434,695	726,499	—	726,499
French West Indies	8,000	40,217	26,371	66,588	8,000	74,588
Hayti	25,235	333,279	48,046	406,237	323	406,560
Spanish Ports—Atlantic	4,443	—	78,279	82,722	—	82,722
Spanish Ports—Mediterranean	25	—	6,310	6,335	—	6,335
Teneriffe and other Canaries	7,844	8,041	5,386	20,676	595	21,271
Manilla and Philippine Islands	127,622	41,491	16,441	186,507	—	186,507
Honduras, &c.	5,751	12,884	4,908	15,429	8,114	23,543
Cuba	166,613	1,470,698	206,835	1,840,609	3,537	1,844,146
Other Spanish West Indies	12	17,024	5,120	22,156	—	22,156
Mexico	203,053	4,537,222	778,829	5,506,574	12,530	5,519,104
Central Republic of South America	3,200	51,157	4,788	59,145	—	59,145
Colombia	20,748	876,261	223,966	1,079,609	41,366	1,120,975
Peru	634	329,801	44,509	374,944	—	374,944
Brazil	98,361	363,132	290,965	750,540	1,918	752,458
Buenos Ayres	4,265	126,970	38,084	169,319	—	169,319
Chili	89,148	289,206	88,830	467,184	—	467,184
South America (generally)	814	31,803	14,037	46,654	—	46,654
Portugal	—	1,775	1,049	2,394	430	2,824
Madeira	53,217	480	1,629	50,091	235	55,326
Fayal, and other Azores	—	1,917	2,778	4,695	—	4,695
Cape de Verd Islands	—	13,149	5,818	18,967	—	18,967
Italy and Malta	51,626	52,950	473,858	578,434	—	578,434
Trieste, &c.	66,794	58,475	518,299	643,568	—	643,568
Turkey, Levant, &c.	4,186	48,244	312,161	364,591	—	364,591
Morocco, &c.	3,000	436	284	3,720	—	3,720
China	4,535,141	796,782	78,533	5,410,456	—	5,410,456
Asia (generally)	612,450	42,258	20,859	675,567	—	675,567
West Indies do.	10,532	5,514	6,984	20,030	—	20,030
Europe do	135	—	—	135	—	135
Africa do.	—	18,368	17,352	35,720	—	35,720
South Seas	50	24,413	2,701	27,164	—	27,164
North-west Coast of America	—	31,523	12,078	43,601	—	43,601
Total - - Dollars	9,885,840	12,554,408	10,150,395	30,483,654	2,106,989	32,590,643
Exported, entitled to drawback	—	11,428,204	9,967,009	19,689,437	1,705,776	21,495,213
Exported, not entitled to drawback	9,885,840	1,126,204	183,386	10,794,217	401,113	11,095,430

Treasury Department, Register's Office, March 25, 1826.

JOSEPH NOURSE, Register.

(5.)—*Summary Statement of the Value of the Exports, of the Growth, Produce, and Manufacture, of The United States, during the Year ending on the 30th Day of September,* 1825.

THE SEA,	1,595,065		
Fisheries:—			
Dried Fish, or Cod Fisheries		830,356	
Pickled Fish, or River Fishery, (Herring, Shad, Salmon, Mackerel,)		248,417	
Whale (common) Oil and Bone	296,425		
Spermaceti Oil and Candles	219,867		
		516,292	
			1,595,065
THE FOREST	4,938,949		
Skins and Furs		524,692	
Ginseng		144,599	
Product of Wood:—			
Lumber, Boards, Staves, Shingles, hewn Timber, &c.	1,717,571		
Oak Bark and other Dye	93,809		
Naval Stores (Tar, Pitch, Rosin, and Turpentine,)	463,897		
Ashes, Pot and Pearl	1,994,381		
		4,269,658	
			4,938,949
AGRICULTURE	54,237,751		
Product of Animals:—			
Beef, Tallow, Hides, Live Cattle	930,465		
Butter and Cheese	247,787		
Pork (pickled,) Bacon, Lard, live Hogs	1,832,679		
Horses and Mules	283,835		
Sheep	20,027		
		3,314,793	
Vegetable Food:—			
Wheat, Flour, and Biscuit		4,466,679	
Indian Corn and Meal		878,073	
Rye Meal		73,245	
Rye, Oats, other small Grain, and Pulse		92,226	
Potatoes		37,588	
Apples		53,662	
Rice		1,925,245	
			10,841,511
Tobacco			6,115,623
Cotton			36,846,649
All other Agricultural Products:—			
Indigo		7,034	
Flaxseed		324,845	
Hops		13,865	
Wax		85,592	
Brown Sugar		2,632	
			433,968
MANUFACTURES,	3,169,115		
Domestic Materials:—			
Soap and Tallow Candles	790,975		
Leather, Boots, Shoes, Saddlery	724,281		
Hats	240,074		
Grain, Spirits, Beer	154,223		
Wood (including Coaches, and other Carriages,)	470,006		
Snuff and Tobacco	172,353		
Lead	12,697		
Linseed Oil and Spirits of Turpentine	25,569		
Cordage	28,114		
Iron	156,173		
		2,774,465	
Foreign Materials:—			
Spirits from Molasses	51,505		
Sugar refined	6,963		
Chocolate	1,884		
Gunpowder	234,366		
Brass and Copper	30,472		
Medicinal Drugs	69,460		
		394,650	
			3,169,115
UNCERTAIN,	3,003,865		
Articles not distinguished in Returns:—			
Manufactured		2,560,682	
Raw Produce		443,183	
			3,003,865
Total — Dollars			66,944,745

Treasury Department, Register's Office, March 25, 1826.

JOSEPH NOURSE, Register.

(6.)—*Summary Statement, shewing the Value of Exports, of the Growth, Produce, and Manufacture, of Foreign Countries, during the Year ending on the 30th day of September, 1825.*

VALUE OF MERCHANDISE, FREE OF DUTY.	
Lapis Calaminaris, Teutenegue, Spelter, or Zinc	15,339
Brimstone and Sulphur	3,704
Cork Tree, Bark of	1,710
Furs of all kinds	5,049
Hides and Skins, raw	132,681
Plaster of Paris	10
Specimens of Botany, Natural History, and Mineralogy	225
Wood, Dye and Barilla, unmanufactured Mahogany, &c.	884,448
Copper, in pigs and bars	16,862
plates, suited to the sheathing of ships	25,224
for the use of the Mint	2,080
Bullion	10,849
Specie	8,786,206
Other free Articles	1,453
Dollars	9,885,840

VALUE OF MERCHANDISE PAYING DUTIES AD VALOREM.	
Manufactures of Wool:	
Cloths and Cassimeres	364,920
Flannels and Baizes	140,661
Blankets	24,914
Worsted and Stuff	71,338
Hosiery, Gloves, Mits, &c.	110
All other manufactures of, paying a Duty of 30 per cent.	68,145
Manufactures of Cotton:	
printed and coloured	1,105,252
white	705,339
Nankeens	443.271
Hosiery, Gloves, Mits, &c.	46,311
Twist, Yarn, and Thread	9,412
All other manufactures of, paying a Duty of 25 per cent.	94,870
Manufactures of Silk, from India	1,380,237
other Places	1,185,505
Vestings and Plaids	49,894
Flax	1,778,636
Hemp	654,989
Iron and Steel	267,692
Copper	9,018
Brass	3,438
Tin	2,750
Wood, including cabinet wares	10,849
Leather, including Saddles, Bridles, and Harness	7,455
Glass	28,259
Wares, China, &c. earthern and stone, japanned, plated, and gilt	120,584
Gold and Silver, &c.	30,423
Lace	136,129
Square wire	323
Slates and Tiles for building	990
Prepared Quills	2,514
Black lead pencils	646
Paper hangings	1,843
Brushes	50
Quicksilver	223,483
Oil Cloth	425
Hats, Caps, and Bonnets	11,196
Unmanufactured, Copper bottoms, and Copper in plates, or sheets, not suited to the sheathing of Ships	1,975
Brass	1,260
Tin	22,786
Silk	21,639
Wool	17,407
Articles not specially enumerated, at 12½ per cent.	1,300,538
15 do.	1,815,993
20 do.	97,705
25 do.	94,911
30 do.	195,324
Dollars	12,554,408

VALUE OF MERCHANDISE, PAYING SPECIFIC RATES OF DUTY.	
Carpeting	7,337
Cotton bagging	2,638
Wines	448,955
Spirits from grain	42,521
other materials	263,857
Molasses	4,578
Beer, Ale, and Porter	1,044
Oils	52,984
Teas	1,482,141
Coffee	3,254,936
Cocoa	495,082
Chocolate	16
Sugar, brown and white	1,614,660
candy and loaf	
other refined	37
Fruits	55,713
Vinegar	2,965
Candles, Tallow, Cheese, and Soap	28.827
Beef and Pork	615
Saltpetre	832
Camphor	96
Salts	495
Spices	705,120
Tobacco, manufactured, and Snuff	2,145
Indigo	891,974
Cotton	88,360
Gunpowder	3,712
Glue	12
Paints	15,014
Lead, pig, bar, and shot	75,880
Cordage	67,725
Twine, pack thread, and seine	8,625
Corks	3,543
Copper, rods and bolts, nails and spikes	228
Fire arms, muskets and rifles	87,753
Iron and steel wire	146
nails	849
rods, braziers or round, nail or spike, slit or rolled	851
cables and chains, and anchors	8,081
anvils, hammers, and sledges, for blacksmiths, castings	4,229
mill cranks and mill saws	398
sheet or hoop	4,233
bars and bolts	99,478
Steel	33,556
Copperas	27
Salt	19,445
Coal	1,285
Paper	200,938
Books	8,521
Glass	22,940
Fish	383
Shoes and Slippers	268
Boots, &c.	54
Cigars	33,175
Playing cards	1,118

Value of merchandise paying specific rates of Duty	10,150,395
Do. do. ad valorem do.	12,554,408
Do. do. free of duty	9,885,840
Total Value of Foreign produce	32,590,643
Do. Domestic do.	66,944,745
Total Dollars	99,535,388

Treasury Department, Register's Office, March 25, 1826.

JOSEPH NOURSE Register.

(7.)—*General Statement, exhibiting the Quantity of American and Foreign Ton-*
1st day of October, 1824, *and ending*

FROM	TONNAGE ENTERED INTO THE UNITED STATES.															
		FOREIGN VESSELS.														
	American Vessels.	British.	French.	Spanish.	Portuguese.	Dutch.	Hanse Towns.	Swedish.	Danish.	Prussian.	Brazilian.	Colombian.	Mexican.	Uncertain.	Total.
1 Russia	12,310	-	-	-	-	-	-	-	-	310	-	-	-	-	310
2 Prussia	147														
3 Sweden and Norway	18,861	-	-	-	-	-	-	1,136	200	-	-	-	-	-	1,336
4 Swedish West Indies	2,911														
5 Denmark	198														
6 Danish West Indies	30,597	328	122	-	-	-	-	-	438	-	-	-	-	-	888
7 Netherlands	20,921	-	-	-	-	480	-	320	-	-	-	-	-	-	800
8 Dutch East Indies	1,485														
9 Dutch West Indies	17,296	-	-	-	266	1,618	-	-	-	-	-	-	-	-	1,884
10 England, Man, and Berwick	128,789	38,251	-	-	-	-	-	-	-	-	-	-	-	-	38,251
11 Scotland	7,519	4,916	-	-	-	-	-	-	-	-	-	-	-	-	4,916
12 Ireland	17,985	3,204	-	-	-	-	-	-	-	-	-	-	-	-	3,204
13 Gibraltar	14,129														
14 British East Indies	2,986	497	-	-	-	-	-	-	-	-	-	-	-	-	497
15 British West Indies	101,604	6,907	-	-	-	-	-	-	-	-	-	-	-	-	6,907
16 British American Colonies	60,295	6,179	-	-	-	-	-	-	-	-	-	-	-	-	6,179
17 Newfoundland, &c.	237	173	-	-	-	-	-	-	-	-	-	-	-	-	173
18 British African Ports	273														
19 Other British Colonies	199	70	-	-	-	-	-	-	-	-	-	-	-	-	70
20 Hanse Towns and Ports of Germany	8,601	-	-	-	-	-	4,301	-	-	-	-	-	-	-	4,301
21 French European Ports on the Atlantic	46,519	-	6,777	-	-	-	-	-	-	-	-	-	-	-	6,777
22 French European Ports on the Mediterranean	8,554														
23 French West Indies	35,345	-	6,087	-	-	-	-	-	-	-	-	-	-	-	6,087
24 Bourbon	284														
25 Mauritius	889														
26 Other French African Ports	-														
27 Spanish European Ports on the Atlantic	3,669	-	-	207	-	-	-	-	-	-	-	-	-	-	207
28 Spanish European Ports on the Mediterranean	4,606														
29 Teneriffe and other Canaries	2,341														
30 Manilla and Phillippine Islands	1,525														
31 Cuba	115,481	238	85	1,881	-	-	231	-	-	-	286	-	-	-	2,021
32 Other Spanish West Indies	12,595	-	-	-	-	-	-	-	71	-	-	-	-	-	71
33 Portugal	14,703	-	-	432	723	-	272	-	-	-	-	-	-	-	1,427
34 Madeira	3,389														
35 Fayal and other Azores	2,045														
36 Cape de Verd Islands	3,597														
37 Other Portuguese African Ports	228														
38 Italy	10,247														
39 Trieste and other Austrian Ports on the Adriatic	1,380														
40 Turkey, Levant, Egypt, &c.	4,075														
41 China	13,468														
42 Morocco & Barbary States	303														
43 Honduras, Campeachy, &c.	2,211	164	-	-	-	-	-	-	-	-	-	-	-	-	164
44 Mexican Ports	24,824	-	-	60	-	-	-	-	-	-	-	-	1,153	-	1,213
45 Colombian do.	21,696	-	-	-	-	374	-	-	-	-	-	1,303	-	-	1,677
46 Guatemalian do.	3,288														
47 Chilian do.	1,231														
48 Peruvian do.	4,000														
49 United Provinces of La Plata	8,381														
50 Brazilian Ports	27,257	2,109	-	-	-	-	252	-	-	-	-	-	-	-	2,361
51 South America (generally)	1,766														
52 Hayti	34,618	-	790	-	-	211	-	-	-	-	-	-	-	83	1,084
53 West Indies (generally)	1,153														
54 Europe do.	-														
55 Asia do.	1,226														
56 Africa do.	2,715	-	122	-	-	-	-	-	-	-	-	-	-	-	122
57 South Seas	11,650														
58 Pacific Ocean	2,152														
59 Northwest Coast of America	-														
Total Tons	880,754	63,036	13,983	1,880	989	2,683	5,056	1,456	709	310	286	1,303	1,153	83	92,9[illegible]

nage employed in the Foreign Trade of The United States, commencing on the on the 30th day of September, 1825.

TO	TONNAGE DEPARTING FROM THE UNITED STATES.															
		FOREIGN VESSELS.														
	American Vessels	British.	French.	Spanish.	Portuguese.	Dutch.	Hanse Towns.	Swedish.	Danish.	Prussian.	Brazilian.	Colombian.	Mexican.	Uncertain.	Total.	
Russia	3,279	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Prussia	-	-	-	-	-	-	-	-	-	217	-	-	-	-	217	2
Sweden and Norway	3,435	-	-	-	-	-	-	702	-	-	-	-	-	-	702	3
Swedish West Indies	7,150	-	-	-	-	133	-	-	-	-	-	-	-	-	133	4
Denmark	5,698	-	-	-	-	-	-	200	-	-	-	-	-	-	200	5
Danish West Indies	37,720	208	-	-	-	318	-	-	186	-	-	-	-	-	712	6
Netherlands	26,946	-	-	-	-	678	-	-	-	-	-	-	-	-	678	7
Dutch East Indies	7,556	-	-	-	-	1,234	-	-	-	-	-	-	-	-	1,234	8
Dutch West Indies	14,809															9
England, Man, and Berwick	172,409	38,922	-	-	-	-	-	320	-	-	-	-	-	-	39,242	10
Scotland	7,253	2,932	-	-	-	-	-	-	-	-	-	-	-	-	2,932	11
Ireland	19,483	1,321	-	-	-	-	-	-	-	-	-	-	-	-	1,321	12
Gibraltar	20,363	-	-	-	-	312	-	272	-	-	-	-	-	-	584	13
British East Indies	4,124														-	14
British West Indies	93,967	6,742	-	-	-	-	-	-	-	-	-	-	65	-	6,807	15
British American Colonies	61,520	10,139	-	-	-	-	-	-	-	-	-	-	-	-	10,139	16
Newfoundland, &c.	23															17
British African Ports	648															18
Other British Colonies	363	70	-	-	-	-	-	-	-	-	-	-	-	-	70	19
Hanse Towns and Ports of Germany	17,260	-	-	-	-	-	6,488	-	-	-	-	-	-	-	6,488	20
French European Ports on the Atlantic	47,397	-	9,787	-	-	-	-	-	-	-	-	-	-	-	9,787	21
French European Ports on the Mediterranean	9,488															22
French West Indies	43,589	-	4,109	-	67	-	-	-	-	-	-	-	-	911	5,087	23
Bourbon																24
Mauritius	1,104															25
Other French African Ports	-	-	139	-	-	-	-	-	-	-	-	-	-	-	139	26
Spanish European Ports on the Atlantic	2,345															27
Spanish European Ports on the Mediterranean	1,568															28
Teneriffe and other Canaries	3,067	-	-	119	-	-	-	-	-	-	-	-	-	-	119	29
Manilla and Phillippine Islands	1,842															30
Cuba	111,203	-	-	1,212	-	-	-	-	-	-	-	-	-	-	1,212	31
Other Spanish West Indies	5,969	-	-	75	-	-	-	-	-	-	-	-	-	-	75	32
Portugal	3,241	-	-	-	723	-	-	-	-	-	-	-	-	-	723	33
Madeira	5,861	-	-	-	135	-	-	-	-	-	-	-	-	-	135	34
Fayal and other Azores	1,751	-	-	-	266	-	-	-	-	-	-	-	-	-	266	35
Cape de Verd Islands	2,680															36
Other Portuguese African Ports																37
Italy	7,015															38
Trieste and other Austrian Ports on the Adriatic	3,246															39
Turkey, Levant, Egypt, &c.	1,817															40
China	8,667															41
Morocco & Barbary States	122															42
Honduras, Campeachy, &c.	1,201															43
Mexican Ports	20,487	1,191	-	160	-	-	494	-	-	-	-	-	773	-	2,618	44
Colombian do.	25,923	242	-	119	-	228	-	-	-	-	-	1,269	-	-	1,858	45
Guatemalian do.	3,123															46
Chilian do.	7,207															47
Peruvian do.	2,919															48
United Provinces of La Plata	8,339															49
Brazilian Ports	33,938	-	-	-	142	-	317	-	-	-	248	-	-	-	707	50
South America (generally)	5,383															51
Hayti	39,866	-	183	-	-	211	-	-	71	-	-	-	-	-	465	52
West Indies (generally)	22,054	142	288	-	-	-	-	-	-	-	-	-	-	-	430	53
Europe do.	734															54
Asia do.	5,702															55
Africa do.	1,533															56
South Seas	9,072															57
Pacific Ocean	6,417															58
Northwest Coast of America	494															59
Total Tons	960,366	61,909	14,506	1,685	1,333	3,114	7,299	1,494	257	217	248	1,269	838	911	95,080	

Treasury Department, Register's Office, March 25, 1826.

JOSEPH NOURSE, Register.

(8.)—*Statistical View of the Commerce of The United States, exhibiting the Articles of every description of Exports to, each Foreign Country; also the to, each Foreign Country, and the Tonnage belonging to each Foreign ending on the 30th day of September,* 1825.

COUNTRIES.	COMMERCE.					
	VALUE OF IMPORTS.		VALUE OF DOMESTIC EXPORTS.		VALUE OF FOREIGN EXPORTS.	
	In American Vessels.	In Foreign Vessels.	In American Vessels.	In Foreign Vessels.	In American Vessels.	In Foreign Vessels.
1 Russia	2,023,557	43,553	55,191	—	232,210	—
2 Prussia	21,250	—	—	4,918	—	12,650
3 Sweden and Norway	1,274,951	60,945	177,425	44,739	96,468	15,910
4 Swedish West Indies	81,702	—	191,224	2,537	41,247	—
5 Denmark	46,827	—	20),418	14,099	637,146	—
6 Danish West Indies	1,491,359	1,406	1,251,181	30,067	560,598	7,579
7 Danish East Indies	—	—	—	—	—	—
8 Netherlands	1,175,145	78,224	2,440,552	45,916	1,300,698	6,141
9 Dutch West Indies and South American Colonies	740,928	82,679	461,744	35,450	71,766	5,826
10 Dutch East Indies	188,402	—	163,022	—	1,364,884	—
11 England, Man, and Berwick	32,584,993	1,686,517	26,442,931	5,653,459	549,890	1,481,296
12 Scotland	1,485,737	343,727	1,110,134	589,392	7,067	590
13 Ireland	592,462	19,810	1,140,107	107,443	2,850	17,819
14 Gibraltar	748,546	—	835,302	26,431	941,356	625
15 British East Indies	1,519,199	237,285	203,899	2,551	781,036	3,593
16 Mauritius	72,520	—	40,125	—	41,202	—
17 British African Ports	5,755	—	7,735	—	1,977	—
18 British West Indies	2,097,657	339,465	1,514,888	120,686	10,404	1,068
19 Newfoundland and British Fisheries	9,096	—	14,087	1,981	—	—
20 British North American Colonies	587,378	23,410	2,435,969	102,255	636	1,104
21 Other British Colonies	41,255	—	23,612	—	2,025	—
22 The Hanse Towns & Ports of Germany	1,703,183	1,036,343	869,970	274,504	1,532,847	443,712
23 French European Ports on the Atlantic	10,056,275	95,396	6,084,572	1,254,121	2,593,940	32,028
24 French European Ports on the Mediterranean	812,511	—	187,242	—	726,499	—
25 French West Indies and South American Colonies	830,577	18,391	843,954	93,414	66,588	8,000
26 Bourbon	22,431	—	—	—	—	—
27 French African Ports	—	—	—	968	—	—
28 Hayti	2,008,474	56,855	1,627,349	20,706	406,237	323
29 Spanish European Ports on the Atlantic	244,664	—	73,515	—	82,722	—
30 Spanish European Ports on the Mediterranean	332,999	—	18,814	—	6,335	—
31 Teneriffe and other Canaries	165,718	—	67,420	2,960	20,676	595
32 Manilla and Phillippine Islands	229,371	—	23,169	—	185,554	—
33 Cuba	7,396,143	160,269	3,242,326	34,230	1,840,609	3,537
34 Other Spanish West Indies	788,063	5,564	214,022	2,080	22,156	—
35 Portugal	200,013	21,059	94,859	15,156	2,394	430
36 Madeira	361,016	—	120,229	2,611	55,091	235
37 Fayal, and other Azores	61,763	—	32,637	784	4,695	—
38 Cape de Verd Islands	89,592	—	60,072	—	18,967	—
39 Other Portuguese African Ports	—	—	—	—	—	—
40 Italy and Malta	1,454,022	—	66,605	—	578,434	—
41 Trieste, and other Austrian Ports on the Adriatic	105,839	—	8,834	—	643,568	—
42 Turkey, Levant, Egypt, &c.	840,799	—	34,373	—	364,591	—
43 Morocco and Barbary States	23,570	—	3,589	—	3,720	—
44 China	7,533,115	—	160,059	—	5,410,456	—
45 Honduras, Campeachy, and Musquito Shore	241,281	2,165	47,019	10,267	15,429	8,114
46 Mexico	3,982,812	61,835	927,926	23,114	5,506,574	12,530
47 Colombia	1,804,920	32,130	1,069,558	48,722	1,079,609	41,366
48 Central Republic of South America	56,789	—	40,377	—	59,145	—
49 Brazil	2,156,442	265	1,601,795	39,501	750,540	1,918
50 Buenos Ayres	749,771	—	404,201	—	169,319	—
51 Chili	229,509	—	438,257	15,997	467,184	—
52 Peru	346,883	—	359,854	—	374,944	—
53 South America (generally)	47,825	—	91,152	—	46,654	—
54 Asia do.	88,395	—	37,486	—	675,567	—
55 West Indies do.	7,993	1,586	639,047	7,591	23,030	—
56 Europe do.	—	—	16,312	—	135	—
57 Africa do.	131,932	7,091	59,365	—	35,720	—
58 South Seas	1,650	—	29,090	—	27,164	—
59 North-west Coast of America	—	—	11,500	—	43,601	—
60 Uncertain	7,453	21,593	—	—	—	—
Total - - Dollars	91,902,512	4,437,563	58,316,095	8,628,650	30,483,654	2,106,989
	Foreign 4,437,563		Foreign 8,628,650		Foreign 2,106,989	
Grand Totals	96,340,075		66,944,745		32,590,643	

Value of Articles of every description of Imports from, and the Value of Tonnage of American and Foreign Vessels, arriving from and departing Power, employed in the Commerce of The United States, during the Year

COMMERCE.	NAVIGATION.						
	AMERICAN TONNAGE.		FOREIGN TONNAGE.		Foreign Tonnage entered into The United States belonging to each Foreign Power.	Foreign Tonnage departing from The United States belonging to each Foreign Power.	
Total Value of Domestic and Foreign Produce exported.	Entered into The United States.	Departing from The United States.	Entered into The United States.	Departing from The United States.			
287,401	12,310	3,279	310	—	—	—	1
17,568	147	—	—	217	310	Prussian 217	2
334,542	18,861	3,435	1,336	702	1,456	Swed. &c. 1,494	3
235,008	2,911	7,150	—	133	—	—	4
851,663	198	5,698	—	200	709	Danish 257	5
1,849,425	30,597	37,720	888	712	—	—	6
—	—	—	—	—	—	—	7
8,793,307	20,921	26,946	800	678	2,683	Dutch 3,114	8
574,286	17,296	14,809	1,884	—	—	—	9
1,527,906	1,485	7,556	—	1,234	—	—	10
34,127,576	128,789	172,409	38,251	39,242	63,036	British 61,909	11
1,707,183	7,519	7,253	4,916	2,932	—	—	12
1,268,219	17,985	19,483	3,204	1,321	—	—	13
1,803,714	14,129	20,363	—	584	—	—	14
991,079	2,986	4,124	497	—	—	—	15
81,327	889	1,104	—	—	—	—	16
9,712	273	648	—	—	—	—	17
1,647,046	101,604	93,967	6,907	6,807	—	—	18
16,068	237	23	173	—	—	—	19
2,539,964	60,295	61,520	6,179	10,139	—	—	20
25,637	199	363	70	70	—	—	21
3,121,033	8,601	17,260	4,301	6,488	5,056	Hanseatic 7,299	22
9,964,661	46,519	47,397	6,777	9,787	13,983	French 14,506	23
913,741	8,554	9,488	—	—	—	—	24
1,011,956	35,345	43,589	6,087	5,087	—	—	25
—	284	—	—	—	—	—	26
968	—	—	—	139	—	—	27
2,054,615	34,618	39,866	1,084	465	—	—	28
156,237	3,669	2,345	207	—	1,880	Spanish 1,685	29
25,149	4,606	1,568	—	—	—	—	30
91,651	2,341	3,067	—	119	—	—	31
208,723	1,525	1,842	—	—	—	—	32
5,120,702	115,481	111,203	2,021	1,212	—	—	33
238,258	12,595	5,969	71	75	—	—	34
112,839	14,703	3,241	1,427	723	989	Portug. 1,333	35
178,166	3,389	5,861	—	135	—	—	36
38,116	2,045	1,751	—	266	—	—	37
79,039	3,597	2,680	—	—	—	—	38
—	228	—	—	—	—	—	39
645,039	10,247	7,015	—	—	—	—	40
652,402	1,380	3,246	—	—	—	—	41
398,964	4,075	1,817	—	—	—	—	42
7,809	303	122	—	—	—	—	43
5,570,515	13,468	8,667	—	—	—	—	44
80,829	2,211	1,201	164	—	—	—	45
6,470,144	24,824	20,487	1,213	2,618	1,153	Mexican 838	46
2,239,255	21,696	25,923	1,677	1,858	1,303	Colomb 1,269	47
99,522	3,288	3,123	—	—	—	—	48
2,393,754	27,257	33,938	2,361	707	286	Brazilian 248	49
573,520	8,391	8,336	—	—	—	—	50
921,438	1,231	7,207	—	—	—	—	51
734,798	4,000	2,919	—	—	—	—	52
137,806	1,766	5,382	—	—	—	—	53
713,053	1,226	5,702	—	—	—	—	54
669,668	1,153	22,054	—	430	—	—	55
16,447	—	734	—	—	—	—	56
95,085	2,715	1,533	122	—	—	—	57
56,254	11,650	9,072	—	—	—	—	58
55,101	—	494	—	—	—	—	59
—	2,152	6,417	—	—	83	Uncertain 911	60
99,535,888	880,754	960,366	92,927	95,080	92,927	95,080	

Treasury Department, Register's Office, March 25, 1826.
JOSEPH NOURSE, Register.

(9.)—*Statement of the Commerce of each State and Territory, commencing on the 1st Day of October, 1824, and ending on the 30th Day of September, 1825.*

States, &c.	Value of Merchandise Imported.		Value of Merchandise Exported.				Quantity of American Tonnage.		Quantity of Foreign Tonnage.		Total American and Foreign Tonnage.	
			Domestic Produce.		Foreign Produce.							
	In American Vessels.	In Foreign Vessels.	In American Vessels.	In Foreign Vessels.	In American Vessels.	In Foreign Vessels.	Entered.	Departing.	Entered.	Departing.	Entered.	Departing.
1 Maine	1,159,871	10,069	926,634	38,030	66,463	—	71,292	113,331	2,230	3,250	73,522	116,581
2 New Hampshire	323,669	7,575	181,840	—	16,840	—	16,145	7,566	469	469	16,614	8,035
3 Massachusetts	15,729,925	115,216	4,227,415	34,689	7,110,532	60,251	172,782	145,972	4,709	4,943	177,491	150,915
4 Vermont	109,021	—	396,166	—	—	—	—	695	—	35	—	730
5 Rhode Island	907,906	—	519,589	—	158,878	—	23,354	23,923	—	—	23,354	23,923
6 Connecticut	707,478	—	684,686	—	4,584	—	22,072	24,395	—	—	22,072	24,395
7 New York	47,751,844	1,887,330	20,133,312	518,246	12,978,333	1,629,370	271,825	255,878	22,947	19,851	294,772	275,729
8 New Jersey	27,058	630	43,980	—	3,233	—	1,140	1,657	—	—	1,140	1,657
9 Pennsylvania	14,910,020	131,777	3,873,287	62,846	7,299,842	34,006	86,437	82,435	1,829	2,385	88,266	84,820
10 Delaware	18,693	—	29,361	—	2,295	—	283	827	—	—	283	827
11 Maryland	4,513,420	238,395	2,933,090	159,275	1,274,648	134,291	66,140	66,228	2,604	3,845	68,744	70,073
12 District of Colombia	277,297	—	749,159	—	9,208	—	8,779	12,342	—	—	8,779	12,342
13 Virginia	494,340	59,222	3,751,681	370,659	4,259	2,921	16,813	41,309	6,423	7,610	23,236	48,919
14 North Carolina	278,106	33,202	517,530	35,860	—	—	28,235	41,139	4,204	3,454	32,439	44,593
15 South Carolina	1,368,061	524,236	3,606,181	2,270,294	120,180	60,087	29,373	57,520	16,323	17,081	45,696	74,601
16 Georgia	303,079	40,277	5,665,055	555,884	859	1,035	10,946	23,328	5,939	5,547	16,885	28,875
17 Louisiana	2,963,399	1,326,635	6,522,032	4,443,202	1,432,762	184,928	49,016	51,602	23,962	25,776	72,978	77,378
18 Alabama	57,533	55,878	552,232	139,665	738	—	5,440	9,896	1,288	834	6,728	10,730
19 Michigan Territory	1,658	4,037	—	—	—	—	—	—	—	—	—	—
20 Florida do.	134	3,084	2,865	—	—	—	682	323	—	—	682	323
Total	91,902,512	4,437,563	58,316,095	8,628,650	30,483,654	2,106,989	880,754	960,366	92,927	95,080	973,681	1,055,446
Foreign	4,437,563	Foreign	8,628,650	Foreign	2,106,989							
Grand Totals	96,340,075		66,944,745		32,590,643							

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MESSAGES of the President of The United States to Congress, relative to the Treaties with the Creek Indians.

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(I.)—*MESSAGE of the President, to the Senate of The United States, 31st January*, 1826.

To the Senate of The United States.

I TRANSMIT, herewith, to the Senate for their consideration, and advice, with regard to its Ratification, a Treaty, concluded by the Secretary of War, duly authorized thereto, with the Chiefs and Head-men of the Creek Nation, deputed by them, and now in this City.

It has been agreed upon, and is presented to the consideration of the Senate, as a substitute for the Treaty signed at the Indian Springs on the 12th of February last. The circumstances under which this received, on the 3d of March last, your advice and consent to its Ratification, are known to you. It was transmitted to me from the Senate on the 5th of March, and ratified in full confidence, yielding to the advice and consent of the Senate, under a firm belief, founded on the Journal of the Commissioners of The United States, and on the express statements in the Letter of one of them of the 16th February, to the then Secretary of War, that it had been concluded with a large majority of the Chiefs of the Creek Nation, and with a reasonable prospect of immediate acquiescence by the remainder. This expectation has not merely been disappointed. The first measures for carrying the Treaty into execution had scarcely been taken, when the two Principal Chiefs, who had signed it, fell victims to the exasperation of the great mass of the Nation; and their Families and dependents, far from being able to execute the Engagements on their part, fled for life, safety, and subsistence, from the Territories which they had assumed to cede, to our own. Yet, in this fugitive condition, and whilst subsisting on the bounty of The United States, they have been found advancing pretensions to receive exclusively to themselves, the whole of the Sums stipulated by the Commissioners of The United States, in payment *for all* the Lands of the Creek Nation which were ceded by the terms of the Treaty. And they have claimed the Stipulation of the Eighth Article, that The United States would "*protect* the Emigrating Party against the encroachments, hostility, and impositions of the Whites, and of all others," as an Engagement by which The United States were bound to become the instrument of their vengeance, and to inflict upon the majority of the Creek Nation the punishment of Indian retribution, to gratify the vindictive fury of an impotent and helpless minority of their own Tribe.

In this state of things, the Question is not, whether the Treaty of the 12th February last, shall or shall not be executed. So far as The United States were, or could be bound by it, I have been anxiously desirous of carrying it into execution. But like other Treaties, its fulfilment depends upon the will, not of one, but of both the Parties to it. The Parties on the face of the Treaty are, The United States and the Creek Nation; and however desirous one of them may be to give it effect, this wish must prove abortive, while the other Party refuses to perform its Stipulations, and disavows its Obligations. By the refusal of the Creek Nation to perform their part of the Treaty, The United States are absolved from all its Engagements on their part, and the alternative left them is, either to resort to measures of War, to secure by force the advantages stipulated to them in the Treaty, or to attempt the adjustment of the interest by a New Compact. In the preference dictated by the nature of our Institutions, and by the sentiments of justice and humanity which the occasion requires, for measures of Peace, the Treaty herewith transmitted has been concluded, and is submitted to the decision of the Senate. After exhausting every effort in our power to obtain the acquiescence of the Creek Nation, to the Treaty of the 12th of February, I entertained for some time the hope, that their assent might at least have been given to a New Treaty, by which all their Lands within the State of Georgia should have been ceded. This has also proved impracticable; and, although the excepted portion is of comparatively small amount and importance, I have assented to its exception, so far as to place it before the Senate, only from a conviction that, between it and a resort to the forcible expulsion of the Creeks, from their habitations and Lands within the State of Georgia, there was no middle term.

The Deputation with which the Treaty has been concluded, consists of the Principal Chiefs of the Nation, able not only to negotiate, but to carry into effect the Stipulations to which they have agreed. There is a Deputation also here from the small Party which undertook to contract for the whole Nation at the Treaty, of the 12th of February, but the numbers of which, according to the information collected by General Gaines, does not exceed 400. They represent themselves, indeed, to be far more numerous, but whatever their number may be, their interests have been provided for in the Treaty now submitted. Their subscriptions to it would also have been received, but for unreasonable pretensions raised by them, after all the arrangements of the Treaty had been agreed upon, and it was actually signed. Whatever their merits may have been, in the facility with which they ceded all the Lands of their Nation within th State of Georgia, their utter inability to perfom the Engagements which they so readily contracted, and the exorbitancy of their demands, when compared with the

inefficacy of their own means of performance, leave them with no claims upon The United States other than of impartial and rigorous justice.

In referring to the impressions under which I ratified the Treaty of the 12th of February last, I do not deem it necessary to decide upon the propriety of the manner in which it was negotiated. Deeply regretting the criminations and recriminations to which these events have given rise, I believe the Publick Interest will best be consulted by discarding them altogether from the discussion of the subject. The great Body of the Creek Nation inflexibly refuse to acknowledge or to execute that Treaty. Upon this ground, it will be set aside, should the Senate advise and consent to the Ratification of that now communicated, without looking back to the means by which the other was effected. And in the adjustment of the terms of the present Treaty, I have been particularly anxious to dispense a measure of great liberality to both Parties of the Creek Nation, rather than to extort from them a bargain, of which the advantages on our part could only be purchased by hardship on theirs.

JOHN QUINCY ADAMS.

SIR, *Department of War, January 25, 1826.*

IN execution of the power which you conferred upon me to negotiate with the Creek Tribe of Indians, represented in this City by their Principal Chiefs, clothed with Full Powers, by the Nation fully assembled in Council, and if possible, to obtain such an Arrangement as would put an end to the serious difficulties growing out of the Treaty of the Indian Springs of February last, I proceeded, immediately on receiving your Instructions to that effect, to convene the Delegation in this Office, believing that a less restrained intercourse of views would thereby be effected, than in a Written Correspondence, and the result more propitious to your wishes. From information previously received from General Gaines, it was believed that their acquiescence in the Treaty negotiated at the Indian Springs, was utterly unattainable. But that their consent to the relinquishment of their Lands, within the State of Georgia, might be effected on reasonable terms. To that end, after perceiving the entire inutility of pressing them to an acquiescence in the Treaty of the Indian Springs, I directed my efforts, confidently anticipating, from the information above referred to, immediate success. To my surprise, and certainly very much to my regret, feeling as I did the utmost anxiety that such an Arrangement should be made, and knowing that nothing could be more acceptable to yourself, I found them determined to surrender their Lands only to the East of Chatahoochie. Every effort was made, which propriety would permit, to induce them to meet your wishes. Lest from ignorance of their character, I should fail in approaching them in some way accessible to one familiar with their motives of action, I availed myself of the aid of

a distinguished Citizen, whose intercourse with the Inhabitants of the Forests, gave him the desired qualifications ; and, if success had been attainable he must have succeeded. He entered into my views with alacrity, and pursued the object with a patience and an assiduity which has entitled him to my thanks. Every effort however was fruitless. The Chatahoochie, as forming a Natural Boundary, was a *sine qua non*. Indeed such a Boundary seemed with them of more consequence than the Land which was involved in the contest. They continually urged, that an Artificial Line was no security with the untutored Indian against those trespasses which the conterminous Whites perpetrated upon them. And candour has forced the acknowledgment from those experienced in the subject, that there is much of weight in their solicitude for a Natural Boundary. Finding them pertinacious in adhering to this Line, which, if established, would still leave a small portion of Land within the limits of Georgia, to gratify whose wishes, if practicable, had been a leading motive with you, in whatever connected itself with this subject, I had determined to put an end to the Negotiation. In reflecting, however, on the posture of things, in that event, and the consequences which might ensue, and believing that an amicable arrangement of this controversy was alike called for by the wishes of the American People and the interests of these unfortunate People, I proposed to them, after having obtained your consent, a Line of compromise and finally agreed to that which is inserted in the Treaty, which I herewith enclose;* and which, according to the Map on which I treated, will have acquired for Georgia some 4 or 500,000 Acres of Land, west of the Chatahoochie, and with the Lands on the East side of the Chatahoochie, making, it is believed, nearly 3,000,000 of Acres which Georgia acquires by the Treaty ; and leaving within the limits of Georgia a small fraction of Land, belonging to the Creeks not equal perhaps to one-tenth of the Part ceded. In arranging the details, great difficulty occurred. I found the Delegation invincibly opposed to taking any Land to the West of Mississippi. In consequence, the pecuniary consideration was obliged to be increased, to an amount however, comparatively small in respect to the Land which must have been given according to the scale heretofore adopted, of acre for acre. To the intrinsic difficulty arising from the negotiation, others, of no small magnitude, were added. The Delegation of the major part of the Creek Nation peremptorily refused to enter into a Treaty in common with the Delegation of the minor, or McIntosh Party. To provide for the latter, on liberal principles, was an indispensable condition from which nothing would have justified me in departing. To obviate this difficulty, I ascertained from each Party what would be satisfactory, and incorporated the whole in the Treaty which was to be signed, exclusively by the Delegation of the majority. The Treaty was pre-

* See Page 566.

pared on these data, and signed by the Delegation of the major Party. Out of abundant caution, I designed to obtain the signature of the Delegation of the minor Party to a paper to accompany the Treaty, expressing their entire satisfaction with the Arrangement. After the Treaty had been executed, and intimation made to the minor Party of the above wish, they declined complying therewith, unless a new provision should be made in their favour, namely, that of the value of their improvements within the Territory retained by the Indians, which being unreasonable was refused. This, however, has no bearing on the validity of the Treaty. Their number, according to a census taken by General Gaines, is very small, not above one fortieth of the Nation. They themselves stated the number at 1,600, at the opening of the Conference with them. They suppose now that 3,000 may be induced to emigrate. Whatever the number may be, there is no difficulty in saying, that the Treaty has been made with the Representatives of a vast majority of the Nation ; and, I think, on reference to the conditions of the Treaty, it will be found that ample justice has been done the smaller Party. Respectfully submitted.

The President of The United States. JAMES BARBOUR.

(II.)—*MESSAGE of the President, to the Senate of The United States,* 31 *March,* 1826.

To the Senate of The United States.

Washington, March 31, 1826.

I COMMUNICATE to the Senate, herewith, a Supplementary Article to the Creek Treaty with the Chiefs and Head-men of the Creek Nation, which was transmitted to the Senate on the 31st of January last, and which I submit, together with, and as a part of that Treaty, for the Constitutional advice of the Senate, with regard to its Ratification. A Report of the Secretary of War accompanies this Article, setting forth the reasons for which it has been concluded.

JOHN QUINCY ADAMS.

SIR, *Department of War, March* 31, 1826.

THE Senators of Georgia having communicated to me that the late Treaty negotiated with the Creeks, and now pending before the Senate, might, by a small extension of two Lines, on the west of Chatahoochie, in certain contingencies, depending on the direction of the River Chatahoochie and the Line between Georgia and Alabama, embrace all the Creek Lands in the State of Georgia, I, after having obtained your approbation, proceeded to negotiate anew with the Delegation here, for the purpose of obtaining an Additional Cession, conforming to the views above suggested. The utmost that could be effected is the Additional or Supplemental Article enclosed.* The Price agreed to be

* See Page 570.

paid is large for the additional extent of Country acquired. It was given, however, without regret, in the belief that it would place this unpleasant subject on a footing that would be acceptable to Georgia, and thereby terminate a state of things whose continuance could be contemplated only with regret. I have the honour to be, &c.

The President of The United States. JAMES BARBOUR.

(III.)—*MESSAGE of The President, to the Congress of The United States, April 25, 1826.*

Washington, April 25, 1826.

To the Senate and House of Representatives of The United States:

I NOW transmit to both Houses of Congress, Copies of a Treaty with the Creek Nation of Indians, concluded on the 24th day of January last, with a Supplementary Article, signed on the 31st of last month, which have been, with the advice and consent of the Senate, duly ratified. I send, at the same time, Copies of the Treaty, superseded by them, signed at the Indian Springs, on the 12th of February, 1825. The Treaty and Supplementary Article now ratified, will require the aid of the Legislature for carrying them into effect. And I subjoin a Letter from the Secretary of War, proposing an Additional Appropriation, for the purpose of facilitating the removal of that portion of the Creek Nation which may be disposed to remove West of the Mississippi; recommending the whole subject to the favourable consideration of Congress. JOHN QUINCY ADAMS.

JOHN QUINCY ADAMS,

PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular to whom these presents shall come, greeting:

WHEREAS a Treaty between THE UNITED STATES OF AMERICA and the CREEK NATION of Indians was made and concluded, on the 24th day of January, 1826, at the City of Washington, by JAMES BARBOUR, Secretary of War of The United States, on the part of The United States, and certain Chiefs and Warriors of said Nation, which Treaty is in the words following, to wit:

Articles of a Treaty made at the City of Washington, this 24th day of January, 1826, between James Barbour, Secretary of War, thereto specially authorized by The President of The United States, and the undersigned, Chiefs and Head-men of the Creek Nation of Indians, who have received full power from the said Nation to conclude and arrange all the matters herein provided for.

WHEREAS a Treaty was concluded at the Indian Springs, on the 12th day of February last, between Commissioners on the part of The United States, and a portion of the Creek Nation, by which an extensive District of Country was ceded to The United States.

And whereas a great majority of the Chiefs and Warriors of the said Nation have protested against the execution of the said Treaty, and have represented that the same was signed on their part by Persons having no sufficient authority to form Treaties or to make Cessions, and that the Stipulations in the said Treaty are, therefore, wholly void;

And whereas The United States are unwilling that difficulties should exist in the said Nation, which may eventually lead to an intestine War, and are still more unwilling that any Cessions of Land should be made to them, unless with the fair understanding and full assent of the Tribe making such Cession, and for a just and adequate consideration, it being the policy of The United States, in all their intercourse with the Indians, to treat them justly and liberally, as becomes the relative situation of the Parties:

Now, therefore, in order to remove the difficulties which have thus arisen, to satisfy the great body of the Creek Nation, and to reconcile the contending Parties into which it is unhappily divided, the following Articles have been agreed upon and concluded, between James Barbour, Secretary of War, specially authorized as aforesaid, and the said Chiefs and Head-men representing the Creek Nation of Indians:

ART. I. The Treaty concluded at the Indian Springs, on the 12th day of February, 1825,* between Commissioners on the part of The United States and the said Creek Nation of Indians, and ratified by The United States on the 7th day of March, 1825, is hereby declared to be null and void, to every intent and purpose whatsoever: and every right and claim arising from the same is hereby cancelled and surrendered.

II. The Creek Nation of Indians cede to The United States all the Land belonging to the said Nation in the State of Georgia, and lying on the East side of the middle of the Chatahoochie river. And, also, another tract of land lying within the said State, and bounded as follows: beginning at a Point on the Western Bank of the said River, 47 miles below the Point where the Boundary Line between the Creeks and Cherokees strikes the Chatahoochie river, near the Buzzard's Roost, measuring the said distance in a direct line, and not following the meanders of the said River; and from the Point of beginning, running in a direct line to a Point in the Boundary Line between the said Creeks and the Cherokees, 30 miles West of the said Buzzard's Roost: thence, to the Buzzard's Roost, and thence, with the middle of the said River, to the Place of beginning.

III. Immediately after the Ratification of this Treaty, The United States agree to pay to the Chiefs of the said Nation, the Sum of 217,600 Dollars, to be divided among the Chiefs and Warriors of the said Nation.

IV. The United States agree to pay to the said Nation, an additional perpetual Annuity of 20,000 Dollars.

* See State Papers, 1824, 1825, Page 610.

V. The difficulties which have arisen in the said Nation, in consequence of the Treaty of the Indian Springs, shall be amicably adjusted, and that portion of the Creek Nation who signed that Treaty shall be admitted to all their privileges, as members of the Creek Nation, it being the earnest wish of The United States, without undertaking to decide upon the complaints of the respective Parties, that all causes of dissatisfaction should be removed.

VI. That portion of the Creek Nation, known as the Friends and Followers of the late General William M'Intosh, having intimated to the Government of The United States their wish to remove West of the Mississippi, it is hereby agreed, with their assent, that a Deputation of five Persons shall be sent by them, at the expense of The United States, immediately after the Ratification of this Treaty, to examine the Indian Country West of the Mississippi, not within either of the States or Territories, and not possessed by the Choctaws or Cherokees. And The United States agree to purchase for them, if the same can be conveniently done upon reasonable terms, wherever they may select, a Country, whose extent shall, in the opinion of the President, be proportioned to their numbers. And if such purchase cannot be thus made, it is then agreed that the selection shall be made where the President may think proper, just reference being had to the wishes of the emigrating Party.

VII. The emigrating Party shall remove within 24 months, and the expense of their removal shall be defrayed by The United States. And such subsistence shall also be furnished them, for a term not exceeding 12 months after their arrival at their new Residence, as, in the opinion of the President, their numbers and circumstances may require.

VIII. An Agent, or Sub-agent, and Interpreter, shall be appointed to accompany and reside with them. And a Blacksmith and Wheelwright shall be furnished by The United States. Such assistance shall also be rendered to them in their agricultural operations, as the President may think proper.

IX. In consideration of the exertions used by the Friends and Followers of General M'Intosh to procure a Cession at the Indian Springs, and of their past difficulties and contemplated removal, The United States agree to present to the Chiefs of the Party, to be divided among the Chiefs and Warriors, the Sum of 100,000 Dollars, if such Party shall amount to 3,000 Persons, and in that proportion for any smaller number: 15,000 Dollars of this Sum to be paid immediately after the Ratification of this Treaty, and the residue upon their arrival in the Country West of the Mississippi.

X. It is agreed by the Creek Nation, that an Agent shall be appointed by the President to ascertain the damages sustained by the Friends and Followers of the late General M'Intosh, in consequence of the difficulties growing out of the Treaty of the Indian Springs, as

set forth in an Agreement entered into with General Gaines, at the Broken Arrow, and which have been done contrary to the Laws of the Creek Nation; and such damages shall be repaired by the said Nation, or the amount paid out of the Annuity due to them.

XI. All the improvements which add real value to any part of the Land herein ceded, shall be appraised by Commissioners to be appointed by the President; and the amount thus ascertained shall be paid to the Parties owning such improvements.

XII. Possession of the Country herein ceded shall be yielded by the Creeks on or before the 1st day of January next.

XIII. The United States agree to guaranty to the Creeks all the Country, not herein ceded, to which they have a just Claim, and to make good to them any losses they may incur, in consequence of the illegal conduct of any Citizen of The United States within the Creek Country.

XIV. The President of The United States shall have authority to select, in some part of the Creek Country, a tract of Land, not exceeding two Sections, where the necessary Public Buildings may be erected, and the Persons attached to the Agency may reside.

XV. Wherever any Stream, over which it may be necessary to establish Ferries, forms the Boundary of the Creek Country, the Creek Indians shall have the right of ferriage from their own Land, and the Citizens of The United States from the Land to which the Indian title is extinguished.

XVI. The Creek Chiefs may appoint Three Commissioners from their own People, who shall be allowed to attend the running of the Lines West of the Chatahoochie River, and whose expenses, while engaged in this duty, shall be defrayed by The United States.

XVII. This Treaty, after the same has been ratified by the President and Senate, shall be obligatory on The United States and on the Creek Nation.

In testimony whereof, the said James Barbour, Secretary of War, authorized as aforesaid, and the Chiefs of the said Creek Nation of Indians, have hereunto set their hands, at the City of Washington, the Day and Year aforesaid.

Signed by JAMES BARBOUR.
And by 13 Chiefs of Indians.

In presence of THOMAS L. M'KENNEY.
LEWIS CASS.
JOHN CROWELL, Agent for I. A.
HEZEKIAH MILLER.
JOHN RIDGE, Secretary, Creek Delegation.
DAVID VANN.

SUPPLEMENTARY ARTICLE to the Creek Treaty of the 24th January, 1826.

WHEREAS a Stipulation in the Second Article of the Treaty of the 24th of January, 1826, between the Undersigned, Parties to said Treaty, provides for the running of a Line "beginning at a Point on the Western Bank of the Chatahoochie River, 47 miles below the Point where the Boundary Line between the Creeks and Cherokees strikes the said River, near the Buzzard's Roost, measuring the said distance in a direct line, and not following the meanders of the said River, and from the Point of beginning, running in a direct Line to a Point in the Boundary Line between the said Creeks and the Cherokees, 30 miles West of the said Buzzard's Roost, thence to the Buzzard's Roost, and thence with the middle of the said River to the Place of beginning." And whereas it having been represented, to the Party to the said Treaty in behalf of the Creek Nation, that a certain extension of said Lines might embrace in the Cession, all the Lands which will be found to lie within the chartered limits of Georgia, and which are owned by the Creeks, the Undersigned do hereby agree to the following extension of said Lines, viz.: In the place of "forty-seven miles," as stipulated in the Second Article of the Treaty aforesaid, as the Point of beginning, the Undersigned agree that it shall be *fifty* miles in a direct line below the Point designated in the Second Article of the said Treaty; thence, running in a direct line to a Point in the Boundary Line between the Creeks and Cherokees, *forty-five* miles West of the said Buzzard's Roost, in the place of "thirty miles," as stipulated in the said Treaty; thence to the Buzzard's Roost, and thence to the Place of beginning—it being understood that these Lines are to stop at their intersection with the Boundary Line between Georgia and Alabama, wherever that may be, if that Line shall cross them in the direction of the Buzzard's Roost, at a shorter distance than it is provided they shall run, and, provided also, that if the said dividing Line between Georgia and Alabama shall not be reached by the extension of the two Lines aforesaid, the one 3, and the other 15 miles, they are to run and terminate as defined in this Supplemental Article to the Treaty aforesaid.

It is hereby agreed, in consideration of the extension of said Lines, on the part of the other Party to the Treaty aforesaid, in behalf of The United States, to pay to the Creek Nation, immediately upon the Ratification of said Treaty, the Sum of 30,000 Dollars.

In witness whereof, the Parties aforesaid have hereunto set their hands and seals, this 31st Day of March, in the Year of our Lord 1826.

Signed by JAMES BARBOUR,
And by 13 Chiefs of Indians.

In presence of THOMAS L. M'KENNEY.
JOHN CROWELL, Agent for I. A.
JOHN RIDGE, Secretary.
DAVID VANN.
WM. HAMBLY.

Now, therefore, be it known, that I, John Quincy Adams, 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 21st instant, accept, ratify, and confirm the same, and every Clause and Article thereof, together with the Supplementary Article thereunto subjoined.

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 22d day of April, 1826, and of the Independence of The United States of America the 50th.

By the President: JOHN QUINCY ADAMS.

H. CLAY, *Secretary State.*

SIR, *Department of War, April* 24, 1826.

I HAVE the honour to represent that, from information lately received, a further sum of 20,000 Dollars, over and above that provided for in the 9th Article of the late Treaty with the Creeks, judiciously applied in indemnifying Emigrants for their improvements in the unceded part of their Territory, as well within the limits of Alabama as of Georgia, (should, indeed, any portion of their Land be found within the latter State in this predicament,) will tend to increase the number of Emigrants, and thereby, to the extent of its influence, to promote the general policy of The United States, and I submit to you the propriety of communicating this subject to the consideration of Congress.

I have the honour to be, &c.

The President of The United States. JAMES BARBOUR.

MESSAGE of the President of The United States to Congress, relative to the Proceedings of the Commissioners under the 1st Article of the Treaty of Ghent, with Great Britain.

Washington, March 8, 1826.

To the House of Representatives of The United States.

IN compliance with the Resolution of The House of Representatives of the 10th ultimo, requesting information relating to the Proceedings of the Joint Commission of Indemnities, due under the Award of the Emperor of Russia, for Slaves, and other Private Property carried away by the British Forces, in violation of the Treaty of Ghent, I transmit herewith a Report from the Secretary of State, and Documents, containing the information desired by the Resolution.

JOHN QUINCY ADAMS.

Department of State, Washington, March 7, 1826.

THE Secretary of State, to whom has been referred by The President, the Resolution of the House of Representatives of the 10th

February, 1826, requesting certain information therein described, in relation to the Mixed American and British Commission, respecting the indemnity due, under the Award of the Emperor of Russia, for Slaves and other Property, transported by the British Forces, in violation of the Treaty of Ghent, has the honour to submit the following Report:

1. A Copy of the List of Slaves and other Private Property carried away, which has been submitted to the Commissioners, together with a Statement of the amount of the several Claims, as far as it is practicable to prepare such a Statement.

2. That no Claim has been finally acted upon and allowed by the Commissioners.

3. That none has been finally rejected, and all yet remain to be determined.

4. That "the causes which have delayed the complete adjustment of those Claims," are: 1st, the time which was consumed in procuring the necessary testimony to establish their amount and validity; and, 2dly, disagreement in opinion between the American and British Commissioners, in the execution of the Commission. One of the Questions on which they disagree, (that of Interest), applies to every Claim for indemnity which is presented to the Board. Another extends to all, or nearly all of the Slaves belonging to Citizens of Louisiana, for the loss of which they claim to be indemnified. These disagreements occurred in the course of the last Spring. By the First Article of the Convention, concluded and signed at St. Petersburg, in June, 1822, under the mediation of the late Emperor of Russia, provision is made, for the Appointment of two Arbitrators, as well as of two Commissioners, for the purpose of ascertaining and determining the amount of indemnification which may be due to Citizens of The United States, under the decision of His Imperial Majesty." And, by the Fifth Article of the same Convention, it is stipulated that, "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." The American Commissioner has offered, on his part, to give effect to that Article, in the several Cases in which the two Commissioners have disagreed, by proceeding to designate one of the Arbitrators, in the mode prescribed; but the British Commissioner has declined to concur in the selection of an Arbitrator, upon the ground, taken by him, that the Cases on which the Commissioners differ in their judgment, are not comprehended in the decision of the Emperor

of Russia, and the terms of the Convention. This ground being deemed wholly inadmissible, Instructions, adapted to the circumstances of the Commission, were given, during the last Spring, to the Minister of The United States at the Court of London, to bring the subject before the British Government. A Negotiation was accordingly opened as soon as it was practicable; but, at the date of the last Despatches from Mr. King, (the 25th day of December, 1825) it was not brought to a close; and it is now submitted to The President, whether the progress which had been then made in it, be such as to admit of any other notice of the Negotiation, than that which is now respectfully presented.

With respect to the inquiry, "at what period said Commission will probably terminate," no satisfactory answer can be given. The Commission does not depend upon the sole will of one Party, but upon that of two. Its progress is now obstructed by the non-concurrence of the two Commissioners. That obstacle to the execution of the business, and the consequent termination of the Commission, can only be removed by a change of opinion of one of the Commissioners, or by the American or British Government operating upon its Commissioner One of the objects of the Negotiation at London, is to remove that obstacle; and when that Negotiation, the precise duration of which cannot be anticipated, is brought to a conclusion, some probable estimate may be made of the subsequent continuation of the Commission. The hope is indulged, that the issue of that Negotiation may be known here before the adjournment of Congress.

All which is respectfully submitted. H. CLAY.

Number of the Slaves, and Amount, conformably to the Average Value agreed upon and fixed by the Commission.

	Slaves.	Average Value.	
Maryland	714	D. 280	each, 199,920
Virginia	1,721	280	481,880
South Carolina	10	390	3,900
Georgia	833	390	324,870
Louisiana	259	580	150,220
Mississippi	22	280	6,160
Delaware	2	280	560
Alabama	18	390	7,020
Alexandria, D. C.	3	280	840
		Dollars	1,175,370

Amount of Property, other than Slaves, with the estimated Value.

Maryland	83,256 22
Virginia	47,553 97½

Georgia	158,946	68½	
Delaware	250		
Maine	16,934		
Alexandria, D. C	113,108	77	
			420,049 65
Total of average and estimated Value . . . . . Dollars			1,595,419 65

DOCUMENTS accompanying The President's Message, on the Opening of the Congress of The United States, 6th December, 1825.

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Report from the Secretary of War.

Department of War, December 1, 1825.

SIR,

CONFORMABLY to usage, I submit a Report on the Administration of this Department during the current Year. For information, in detail, I refer to the accompanying Reports, prepared agreeably to my Instructions, on the various branches of the Publick Service, and marked from A to K. No. A is the Report of Major-General Brown. It presents the number and condition of the Army, and the positions occupied by its different Parts. The character of the Army, for the excellence of its discipline, is so satisfactory as to entitle the Officers to commendation. Desertion, however, from the extent to which it prevails, is a serious evil. The state of Society, which presents so many advantageous pursuits to our Citizens, as also the difficulty of apprehension, may possibly render the evil remediless, yet its results are so injurious to the Army, and constitute so heavy an Item to our Expenditures, that any measure promising a preventive should be adopted. I therefore recommend the Plan proposed, of detaining a small portion of the Monthly Pay of the Privates till their final discharge. To effect this, Legislative aid is required.

The good effects resulting from the establishment of the School of Practice at Fortress Monroe, are daily developed in the increasing improvement of the Artillery Corps, that important Arm of the Publick Force. To realize the anticipations which suggested that Establishment, the use of a few horses is indispensable, for the double purpose of acquiring a practical knowledge of Artillery and Cavalry Exercise. When it is recollected, that in modern tactics, these Arms have had the most decisive influence on the fate of battles, the small additional expense proposed to be incurred for the procurement of means, without which they must be deficient in practical knowledge, bears no proportion to

the manifest advantages which such an addition could not fail to produce.

No maxim is believed to be sounder than that which inculcates the propriety of adapting a Military Peace Establishment to an eventual state of War. Economy and the genius of our Institutions equally require that such an Establishment should be reduced to the smallest number which a just regard to a future state of War will admit. Such an organization as will, without entrenching on this maxim, furnish the means of extension in the event of necessity, is therefore highly desirable. Destitute, as we are, of Cavalry, that part of the military science is in danger of being lost. We are equally without the means of a knowledge of the Artillery field exercise. These defects will, in part, be remedied by the proposed Plan; as the whole Artillery Corps will successively have the advantage of this School of Practice, each Officer will understand the Cavalry, as well as the Artillery Exercise; and, in the event of War, will present ample materials for appointments to office in the Corps of Cavalry.

Documents B, C, D, E, F, and G, are Reports from the Quarter-Master General, Commissary-General of Subsistence, Paymaster-General, Surgeon-General, Commissary-General of Purchases, and Ordnance Departments, by reference to which, it will be seen that the administrative branches of the Army have been conducted with zeal and success. And although unexpected calls have been made on some of those Departments, from military movements in the South, the Expenditures have still been confined within the Appropriations; and it is due to the Chiefs, as well as the inferior Officers in these branches of the Publick Service, to notice particularly, that every disbursing Officer, as far as Returns have been received, has discharged his duty with fidelity, by the punctual application of the Funds committed to his care, so that not a Cent has been lost to the Government.

In executing so much of the Law of the last Session as appropriates 100,000 Dollars for the armament of New Fortifications, the course pursued heretofore by the Executive, of obtaining cannon by private contract, was adopted in preference to advertising for bidders. The reasons which induced the adoption of this course, after much consideration, are presented in the Documents accompanying the Report of the Ordnance Department, and are communicated for the purpose of presenting the subject to the consideration of Congress.

Document H. is the Report of the Engineer Department. Accompanying it, is the Report of the visitors of the Military Academy at West Point. The warm commendations the latter contains, coming from such highly respectable authority, must be particularly gratifying to the American People. It is the nursery, of this Country, of the Military Art, on the cheapest plan, as well as the most efficient; furnishing, annually, a supply of Officers for the Army, of great promise,

equal to the demand produced by vacancies. To the Military Science proper, are added many auxiliary acquirements—some of which are adapted to the walks of civil life, (particularly Civil Engineering) which, from the efforts every where making by the General and State Governments, for internal improvements, promises to be among the most beneficial acquisitions in the whole range of science. But what imparts to this Institution its predominant advantage over every other Establishment for the improvement of our youth, is the high moral character of the Pupils; the result of an impartial, though inexorable Police, aided by the insulated situation of the Institution, which separates it from the World, and, as a consequence, from the objects of temptation. The high esteem which this Institution enjoys, is indicated by the Thousands applying for admission. The painful duty of rejecting 29-30ths, many of whom are well qualified, is mitigated only by the reflection, that in designating the fortunate Candidates, the rule of selection will be founded on impartiality and equality; to fortify which, a Cadet, whenever a fit Candidate is presented, will be appointed from every Congressional District in the Union. This Establishment, to render it complete, requires Legislative aid. In addition to the improvements suggested by the Visitors, many of which are highly necessary, (and for such, Estimates will be submitted) I recommend the purchase of a few horses. The same reasons already urged, showing the advantages resulting from the use of horses at Fortress Monroe, will apply with equal force in favour of such an addition to the Military Academy; to which may be added, that, as the Cadets are confined four years to the Point without horses, the art of riding itself must be greatly impaired, if not lost. United with its military advantages, will be the exercise it furnishes, so friendly to the health of the Cadets.

By reference to the Report from the Engineer Department, it will be seen our System of Fortifications is progressing as successfully as could be expected. Some delay and embarrassment have resulted from the very limited number of Officers belonging to the Engineer Corps, an increase of whose numbers is required by the increasing duties they have to perform. The Law, entitled an Act to procure the necessary surveys, plans, and estimates, upon the subject of Roads and Canals, has received the attention its importance required. Three great Projects have engaged the chief attention of the Corps of Civil and Topographical Engineers: the proposed connection of the Eastern and Western Waters by the Ohio and Chesapeake Canal; the practicability of uniting the Waters of Lake Memphramagog with the Connecticut River; of improving the navigation of that River, and its tributary streams, and the National Road from this Place to New Orleans. The reconnoissance of the first has been completed, and the Board of Engineers is preparing a full Report on the subject. In causing a reconnoissance to be made upon the second object, I was led

thereto, as well by considerations of its National importance, as the request of many of the States interested in the Navigation of that River. Although the reconnoissance and examination have been completed, the Report of the Officer engaged in that Service has not yet reached the Department, as the details to accompany it have not been prepared.

The location of the Road from this Place to New Orleans has deservedly excited a very great interest, especially in those regions through which there was even the most remote possibility of its being carried. Memorials have been presented in favour of a great variety of routes. Although these have been respectfully considered, it is believed that the principal routes may with propriety be reduced to three. One by the Capitals of the Southern States. The second, the direct line which approaches as near as practicable the range of mountains nearly parallel therewith. And the third, crossing the Blue Ridge at the most convenient Pass, (supposed to be Rock Fish Gap, in the County of Albemarle,) and pursuing the valley between the North and South mountains, passing the neighbourhood of Knoxville, and thence to its final destination. The two first routes have been explored—the third is now in a course of inspection; and hopes are entertained that, during the present Session, a full Report, containing all the necessary information, may be made to Congress.

The execution of the Law of the last Session, entitled an Act for the continuation of the Cumberland Road, was referred to this Department. The Superintendent being appointed during the extra Session, steps were immediately taken to carry the Law into effect. The site of the Road not having been fixed upon, and great diversity of interests, producing a correspondent diversity of opinion, interposed some difficulty in fixing the most eligible route. After yielding to the petition of a number of respectable Citizens, so far as to cause an inspection of a new route, which resulted in an unfavourable Report, the one formerly recommended was adopted. Contracts have been already made for about 28 miles of the road, and which are in a course of execution. In directing the manner of its being made, the McAdam plan was adopted—recommended by its cheapness and superior quality. The superiority of this mode over that formerly pursued in the construction of turnpike roads, is ascertained most satisfactorily, by 20 years experience, in Great Britain. The evidence of which is found in the approbation of the Executive and Legislative Branches of that Government—both having liberally rewarded the Inventor—and also from a small experiment made in this Country. The result, as far as we have proceeded in the execution of this measure, has exceeded our most sanguine expectations. By dividing the Road into very small sections, so as to enlarge the sphere of competition, and to exclude speculations, the cost is reduced to 4,300 Dollars per mile, presenting a most favourable comparison with the expense incurred, being 12,900 Dollars - mile, in the construction of the Road on this side of the Ohio. I

refer to the Reports of the Quarter-Master General, and of the Engineer Department, for the measures which have been adopted in execution of the several Acts of Congress directing the surveys and construction of Roads, as also of sundry improvements in the Navigation of The United States.

Various applications have been presented from different Parts of The United States, asking the aid of Topographical Engineers, in inspecting and reporting upon Projects of internal improvement, which it was impossible to comply with, from the very limited number of that Corps; each of which has been engaged on service. It is submitted whether the Corps itself should not be placed on a similar basis with that of the Engineer Corps, and to be successively increased within a prescribed maximum, according to the discretion of the President, which would find security for its judicious exercise, in the calls that might be made on the services of that Corps, and the talents that time might successively offer for selection.

Document No. K is the Report on Indian affairs.

The Act of Congress, approved May 4, 1824, authorizing Treaties with the Tribes on the Missouri, has been successfully executed by the Commissioners, Messrs. Atkinson and O'Fallon, who have made Treaties with the Poncars, Teton, Yancton, Yanctonies, Augallallas, Saones, and Hunkpapas, Tribes of the Sioux—the Chayennes, the Ricaras, the Mandan, Minetarees, and Crow Nation of Indians.

Treaties have also been concluded by Governor Clark with the Osages and Kanzas—by which 100,000,000 of acres of land have been disencumbered of the Indian title, and also with the Shawnees, for exchange of lands in Missouri.

Deadly feuds and hostilities having raged for years among various Tribes, which threatened their extermination, and which proved fatal to some of our Citizens; the Congress of The United States, animated by the most laudable wish to put an end to them, appropriated a sum of money for the purpose of meeting the expense of a Treaty, and the Executive appointed Governors Clark and Cass as Mediators among these Tribes, who were so fortunate as to reconcile them to each other, and to re-establish peace, by adjusting their Boundaries, and removing other causes of discord, so as to justify a hope that it will not again be disturbed. The effect of our policy of furnishing the means of education to the Indian Youths, is disclosed in the Report, by which it will be seen that in this year 1,159 have profited by our liberality.

The pacific relations between every Tribe and the Citizens of The United States, have been preserved without the slightest violation, as far as this Department is informed. The situation of the Creeks, claims on account of its importance, a more particular notice, which will be the subject of a Special Report. Respectfully submitted.

To the President of The United States. JAMES BARBOUR.

(A.)—*Major General Brown to the Secretary of War.*

HEAD QUARTERS OF THE ARMY.

SIR, *Washington, Nov.* 17, 1825.

IN compliance with your Instructions, of the 3d ultimo, I have the honour to lay before 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.

B. A Return of the Strength of the Army, from the last regimental and other Returns received at Head Quarters.

C. A Return showing the distribution of the Troops in the Eastern Department.

D. A Return showing 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 October 1st, 1824, to September 30th, 1825.

By Statement E, it will appear that the Sum of 12,593 Dollars remains unexpended in the hands of the Recruiting Officers. This Amount is in a course of application to the Recruiting Service, and will, doubtless, in due season, be regularly accounted for.

Subsequent to the date of my Communication, of the 20th November, 1824, a lucid and comprehensive Report was received from Brevet Major-General Gaines, of his inspection of the Left Wing of the Eastern Department, made during that year, and embracing the Posts of New York harbour, Fort Howard, Michilimackinac, Fort Brady, Fort Gratiot, Detroit, Niagara, Sackett's Harbour and Boston; the Arsenals at Rome, Watervliet, Watertown, and the Arsenal and Armory at Springfield.

During the early part of the present Year, General Gaines proceeded on a tour of inspection of the Southern Posts of the Eastern Department, but his services having been required by Government, for other objects, his inspection has not been completed.

From Brevet Major-General Scott, no report of inspection has been received. A portion of his time has also been employed by Government, during the past Year, in duties of a special nature.

Colonel Wool has just completed a Tour of Inspection, embracing the Posts of St. Augustine, Savannah, Charleston, New York, New London, Newport, Boston, Portsmouth, Portland, Eastport, West Point, Delaware, Baltimore, Sackett's Harbour, Niagara, Detroit, Mackinac, Green Bay and the Saut of St. Marie; besides the Forts of Plattsburg, Salem, Beverly, Marblehead and Fort Mifflin, which are not occupied by Troops. Also, the Arsenals of Washington City, Pikesville, Frankford, Watertown, Watervliet, Rome and Detroit.

Colonel Wool is proceeding to the inspection of the Posts at the South and West.

Colonel Archer has inspected the Posts of New Orleans, Baton Rouge, Cantonment Jesup, Cantonment Towson, and Cantonment Gibson; being prevented by sickness from completing his Tour to the North and West.

The Reports of inspections performed by the Commanding Officers of the Artillery Regiments are not yet received.

The general condition of the Army, with respect to its administration, dicipline and efficiency, continues as favourable as can be expected, from the dispersed state of its distribution, and from the partial efficacy of the present limited means of coercion and restraint.

As a remedy to the former evil, so far as it operates upon the Artillery Regiments, the establishment of the School of Practice at Fortress Monroe, though labouring under the want of legislative aid, has, it is believed, already given the most favourable earnest of the advantages that may be expected from concentration. Among the numerous benefits to be derived from this Institution, there appears to me none more important than those to be reaped by the Graduates of the Military Academy, in the incipient formation of their ideas and character, with reference to the practical duties of their profession. Propriety and uniformity, in the discharge of these duties, have long been considered as desiderata, and can be secured only through the agency of a Supplemental School.

The evil of desertion, throughout the Army, continues undiminished, from the want of sufficient means to check its progress. While on this subject, I am induced to call your attention to my Communication of the 20th November, 1824, addressed to the War Department, in which are suggested some plans for the extenuation of this evil; and, as my reflection has been more matured, I have been led the more strongly to confide in their probable efficacy.

In addition to the proposition, then recommended, of retaining a portion of the Soldier's pay, until his discharge, the better to secure his fidelity, I would advise that, as an encouragement to faithful service, and as the surest method of preserving the best material for the ranks, additional pay be allowed to the Soldier as a condition of his re-enlistment; this plan has been adopted in almost every Foreign Service, and, it is believed, with invariable success.

I would also take the liberty of referring you to my Letter to the Secretary of War, of December last, containing certain propositions for the advancement of the Non-commissioned grades of the Army. I have recommended that the monthly pay of the Sergeant-major and Quartermaster-sergeant of each Regiment, and that of the first Sergeant of each Company, be increased to 15 Dollars, and that the monthly pay of every other Sergeant be increased to 10 Dollars

This increase of pay would scarcely be perceived in the general appropriation under this head, while its beneficial influence on the mass of the Army would be incalculable.

In order to command the talent and ability requisite in the station of a Non-commissioned Officer, it is necessary to hold forth a consideration proportioned to the importance of the object desired; and, in the sphere of life from whence the Candidates for this station are to be derived, the only inducement that can prove effectual is an adequate pecuniary emolument.

The *Commissioned* Officer finds his reward in the honour which clothes his profession; in a refined spirit of chivalry, congenial with its character; and, in that ready passport to the highest circles of society, guaranteed to him by his Commission. But there are no incentives like these to operate upon the Non-commissioned grades, while, from their exertions, not less than from those of the Commissioned, will result the moral and physical efficiency of the rank and file. Indeed, there is no Individual of a Company, scarcely excepting the Captain himself, on whom more depends for its discipline, police, instruction and general well-being, than on the first Serjeant. This is a grade replete with cares and with responsibility. Its duties place its incumbent in constant and direct contact with the men, exercising over them an influence the more powerful, as it is immediate and personal; and all experience demonstrates, that the condition of every Company will improve or deteriorate nearly in proportion to the ability and worth of its first Sergeant.

By securing talent and intelligence, therefore, for the Non-commissioned grades, the general mass of the Army may be improved, and these qualities can be procured, only by offering an adequate inducement to Persons of proper character in civil life, who would find, in this inducement, an object to enter the military—or else, by stimulating the ambition of the rank and file to qualify themselves for stations now rendered more respectable, on account of the additional value with which they will have been invested by the measure I propose.

If, in a Country like ours, it shall be considered most wise to maintain, in time of peace, the small Military Establishment which is now authorized, I trust there is good cause to believe that the People will see and feel the importance of making that Establishment as perfect as might be expected, from the unequalled materials on which the Nation has to draw.

I have the honour to be, &c.

The Secretary of War. JAC. BROWN.

ORGANIZATION of the Army of The United States.

General Staff.

1 Major-General.
2 Brigadier-Generals.
1 Adjutant-General.
2 Inspectors-General.
1 Quarter-Master General
2 Quarter-Masters.
1 Commissary-General of Subsistence.

Medical Staff.

1 Surgeon-General.
8 Surgeons.
45 Assistant-Surgeons.

Pay Department.

1 Paymaster-General.
14 Paymasters.

Purchasing Department.

1 Commissary-General of Purchases.
2 Military Storekeepers.

Corps of Engineers.

1 Assistant Engineer.
1 Colonel.
1 Lieutenant-Colonel.
2 Majors.
6 Captains.
6 First-Lieutenants.
6 Second-Lieutenants.

Topographical Engineers.

6 Majors.
4 Captains.

ARTILLERY.

Four Regiments, each consisting of

1 Colonel.
1 Lieutenant-Colonel.
1 Major.
9 Captains.
18 First-Lieutenants.
18 Second-Lieutenants.
1 Serjeant-Major.
1 Quartermaster-Serjeant.
36 Serjeants.
36 Corporals.
18 Musicians.
27 Artificers.
378 Privates.

Supernumeraries for Ordnance.

4 Captains,
56 Enlisted Men.

INFANTRY.

Seven Regiments, each consisting of

1 Colonel.
1 Lieutenant-Colonel.
1 Major.
10 Captains.
10 First-Lieutenants.
10 Second-Lieutenants.
1 Serjeant-Major.
1 Quartermaster-Serjeant.
30 Serjeants.
40 Corporals.
2 Principal Musicians.
20 Musicians.
420 Privates.

Total Commissioned Officers	542
Non-Commissioned Officers, Musicians, and Privates	5,642
Aggregate	6,184

(G.)—*Report of the Ordnance Department.*

SIR, *Ordnance Department, November* 29, 1825.

IN compliance with your Instructions, I have the honour to communicate, herewith, the Papers marked A, B, C, D, E, and F, which contain the Statements required.

Statement A. exhibits an Account of the remittances through this Department, in the Year 1824; showing the amount under each head

of Appropriation, received and expended by each Disbursing Officer; and the Balance remaining in the hands of each at the close of the Year. By this Statement, it appears that the Total Amount of Money remitted through this Department, during the year 1824, was

Dollars 638,798 82

And that the amount of Accounts rendered during the same period was..... 617,838 62

Leaving a Balance in the hands of Disbursing Officers at the close of the Year, of.....Dollars 20,960 20

The whole of which was accounted for in the first Quarter of 1825, except a Balance due from the estate of a deceased Officer, which is in course of payment.

Statement B. exhibits an Account of the Monies transmitted to the several Disbursing Officers, at the Armories and Arsenals, during the three first Quarters of the present Year; the Amount of the Accounts rendered by them during the same period; and the Balances remaining unexpended in the hands of each at the close of the third Quarter.

By this Statement, it appears that the Total Amount of Monies transmitted was.....Dollars 360,450 11

The Amount of Accounts rendered..... 353,247 63

The Amount remaining unexpended in the hands of Disbursing Officers at the close of the third Quarter, and applicable to the Service of the fourth Quarter...Dollars 7,202 48

The Accounts of all the Disbursing Officers of this Department have been rendered up to the 30th September last, excepting in one case, where the Officer died a short time previous to that date.

Statement C. shows the number and description of Arms and Accoutrements procured, and the Expenditures made, under the Act for Arming and Equipping the Militia, during the first, second, and third Quarters of the present Year.

The Arms procured, are, 5630 muskets and 3660 rifles, with 1,500 rifle flasks. The amount drawn from the Treasury, on this Account, is..... 131,963 01

Amount collected, on account of Advances made to Contractors, prior to the Year 1819..... 3,695 —

Total value of Arms procured.....Dollars 135,658 01

Statement D. exhibits an Account of the Work done, and Supplies procured, at the several Arsenals and Armories, during the Year ending September 30th, 1825. By this Statement it will be seen that

29,500 muskets and 1,000 rifles, have been manufactured at the National Armories during the Year. This number exceeds, by about 3000, the product of any former Year, and the Arms are equal in quality to any heretofore made.

In addition to the particulars exhibited in this Statement, much other business has been done, which cannot be stated in a Tabular Form; such as the repair of the Publick Buildings, the arrangement and preservation of the Military Stores, and the improvement of the Depots generally, to which due attention has been given.

The Work done under the appropriation for Arsenals, which is not exhibited in this Statement, is as follows, viz.: At the Arsenal in Washington, D. C. there has been erected one building, 100 by 30 feet, two stories high; one building 75 by 25 feet, two stories high; one building, 45 by 22½ feet, two stories high; and two small buildings, 25 by 19 feet, one story high; all of which are substantial brick buildings.

At the Arsenal in Watervliet, N. Y. but a small portion of the appropriation has been expended. It was found, after the appropriation was made, that building materials could not be procured upon favourble terms so late in the season. It was considered necessary, also, that additional ground should be purchased, before all the buildings contemplated at this Post should be commenced. For these reasons, it was deemed most advisable to defer erecting the buildings until the next season. Arrangements have, however, been made for procuring the necessary materials, preparatory to an early commencement next Spring.

The Amount appropriated for the Arsenal at Baton Rouge has been transmitted to that Post, and will effect the object contemplated.

Statement E. exhibits the number and description of Ordnance and Ordnance Stores issued from the Arsenals, to the Army and Military Posts, during the three first Quarters of the present Year.

Statement F. exhibits a view of the operations at The United States', Lead Mines, in the vicinity of Potosi, Missouri, and near Fever River, an Eastern branch of the Upper Mississippi. By this Statement, it appears that the amount of Lead produced at those Mines, during the first nine Months of the present Year, was 887,298 lbs.; and that the Amount received by The United States, for Rent of the Mines, during the same period, was 104,113 lbs. If to the latter be added the Amount which it is estimated will accrue on the ore already raised, and which it is supposed will be smelted during the present Quarter, the Rents will be augmented to 192,113 lbs.

The number of Leases granted, is 27; the greater part of which were given during the present Year. The business is, therefore, in its incipient state at present; and it is estimated, that, in the next Year, the product of the Mines, now in operation, will amount to 3 or

4,000,000 lbs.; yielding a Rent to The United States of about 350,000 lbs.

The rents have been fixed at a very low rate; being but 10 per cent. on the Lead produced at the Mines; while the Duties on imported Lead are more than 25 per Cent. It is supposed, therefore, that additional Leases will be applied for, and that 5,000,000 lbs. will be made at The United States' Mines next Year; which will yield a rent of 500,000 lbs.

It may be proper to add, that it is not contemplated to sell any of the Lead which has been, or which may be, received, on account of rent; but to deposit it in the Arsenals for publick use.

Contracts have been entered into for Cannon and Shot, for the new Fortifications; to the extent authorized by the Appropriation made on the 2d of March last. The Contractors are engaged in the business, but have not yet made any deliveries.

These Contracts were made by this Department in the usual manner, after having been submitted to, and approved, by the proper authorities. The Contracts for Cannon were made upon Proposals invited by Letters addressed to the Proprietors of all the Foundries, where Cannon had been made for the Public Service, and which were then in operation. The Contracts for Shot were made upon Proposals obtained by publick advertisement. It may not be irrelevant to advert, briefly, to the considerations which led to this course.

All the existing Cannon Foundries, as well as the Manufactories of Small Arms, had been established under assurances of continued support from the Government, if their terms, and the quality of their work, should prove satisfactory. These Foundries have accordingly continued to furnish all the Ordnance required for the Publick Service, both for the War and Navy Departments. The experience acquired in a practice of many years, enables them to furnish Ordnance of a more safe and durable description, and of a better quality, generally, than could be expected from new Establishments. The Cannon Foundries now established, are capable of furnishing more Ordnance than is required in the Publick Service. It was not, therefore considered either advantageous to the Publick Interest, or just to those who had relied upon the promised support of the Government, to depart from the course long since established, and uniformly pursued for a number of Years, by inviting Proposals from Persons unaccustomed to the business, and thereby encouraging the establishment of additional Cannon Foundries, which the wants of the Publick Service did not require, and could not sustain. The course uniformly pursued in procuring the Public Supplies, both of Small Arms and of Cannon, was therefore adhered to by the Government.

As there are no Foundries designed for the manufacture of Shot exclusively; and as most of the ordinary Foundries of the Country are competent to make them, without incurring any material additional

expenses; Proposals for them were invited by publick advertisement, from the belief, that competition, in this case, would be advantageous to the Publick Interest, without the hazard of receiving, for the Publick Service, Articles of an inferior quality.

I have the honour to be, &c.

The Hon. James Barbour. G. BOMFORD.

(H.)—*Report of the Engineer Department.*

SIR, *Engineer Department, Nov. 21, 1825.*

I HAVE the honour to present the following, as the Annual Report of the operations, conducted under the direction of the Engineer Department, during the Year ending on the 30th of Sept. last, and to refer to it as affording the information required to be furnished, by the Instructions contained in your Letter of the 3d ult. on the subjects of Fortifications, Internal Improvements and the Military Academy; and I beg leave to refer to the general estimate of funds required for conducting the operations under the Engineer Department, during the next Year, for information respecting the Office of the chief Engineer, which subject was also included in the Instructions.

The fiscal operations of the Engineer Department, referring to the several subjects to be embraced by this Report, as above stated, are exhibited in the accompanying Table, marked K. The amounts available, for the respective operations, as derived from the Appropriations passed at the last Session of Congress; the Balances of former appropriations undrawn from the Treasury, and the Balances remaining in the hands of Agents, on the 30th September, 1824; the amounts, applied to the respective operations, during the Year ending on the 30th of September last; the Balances undrawn from the Treasury, and those remaining in the hands of Agents, on the 30th of September last; and the amounts of accounts, for disbursements applied to the respective operations, during the Year ending on the 30th of September last, which have been rendered and settled, are shewn in this Table. The aggregate cost of the several Fortifications, and other operations under construction, on the 30th of September last, and the amounts requisite for their completion, respectively, are also shewn. The accounts rendered and settled, embrace all the disbursements made under the Engineer Department, during the Year ending on the 30th September last, with the exception of a small amount; and exhibit satisfactory evidence of the faithful application of the moneys advanced for expenditure during that period, except the small amount for which accounts have not been rendered, as above stated, of the faithful application of which amount, the reports of the progress of the operations to which it has been applied, leave no room to doubt.

The Fortifications, for which plans have been projected by the Board of Engineers, and which have not yet been commenced, are

arranged in the accompanying Table, marked L, in three classes, referring to the order in which they should be commenced; and the estimate of the expense of its construction is stated opposite to each.

The Board of Engineers for Fortifications were occupied during the early part of last Winter, in completing the memoirs and estimates for the Fortifications projected for the defence of Portland, Salem, Marblehead, Boston, Cannonnicut Island, the Patuxent River, and for Bogue Point and the Mouth of Cape Fear River, in North Carolina; in preparing an estimate for the repair of Fort Delaware; in examining the plans and models of machines for removing snags, sawyers, and other impediments of that nature, from the Ohio and Mississippi Rivers, and in selecting that which they conceived to be entitled to the premium of 1000 Dollars, which was offered by advertisement, for the plan or model which should be preferred by the Board of Engineers. In the month of March the Board was temporarily dissolved, and since that period, the Members have been separately employed in inspecting the Forts on the Gulf of Mexico, Forts Monroe and Calhoun, Fort Delaware, and the Fort at New Utrecht Point, called Fort Hamilton, and in examining the Island of Nantucket.

The results exhibited in the Table marked K, respecting the application to Fortifications, and other operations under construction, of the funds available for the service of the Year ending on the 30th of September last, are derived from statements, exhibiting, in minute detail, all the means applied, whether of materials or workmanship, and the cost of each kind, under each head respectively. From these statements, and from memoirs and drawings illustrative of them, which are also in the possession of this Department, the following summary of the operations adverted to, has been collated.

Of these operations, there were commenced this Year, the Fortification on Oak Island, at the Mouth of Cape Fear River, and that on Bogue Point, near Beaufort, both in North Carolina, and the works on George's Island, in the Harbour of Boston, intended for its preservation as a site of a Fortification.

The appropriations for commencing these operations were made, after it had been reported by this Department, that Officers of Engineers could not be spared to superintend them, without neglecting other important operations then going on. With respect to the works in Boston Harbour, there was no difficulty; their superintendence, under the general supervision of Colonel Totten, of the Corps of Engineers, having been committed to a Person who had acquired the requisite qualification while employed at Fortifications. But it was proper to have Engineers for the Fortifications in North Carolina, and, the whole of the Corps being employed, it was not easy to determine whence they could be taken, without injury to the Publick Interests. It was at length decided to transfer an Officer from the

Gulf of Mexico, on account of the operations in that Quarter being less active during the Summer, then commencing, and the fall Season.

The Officer so transferred, reached North Carolina in July, and, having purchased the site at Oak Island, commenced the preliminary examinations prescribed by the regulations, for testing the accuracy of the surveys and levellings of the site; the adaptation of the plan to them, the accuracy of the estimate, the resources of the Country, &c. &c. A Report, to contain the result of those examinations, is in the course of preparation, but it is not expected to reach here until late in next month.

In the month of September, the same Officer proceeded to Bogue Point, for the purpose of purchasing the site and making the requisite preliminary examinations, but having failed to effect the former, he returned to Oak Island. Another Officer has since been assigned to the superintendence of the work at Bogue Point. He arrived there on the 1st instant, and will lose no time in purchasing the site and in making the examinations and arrangements, preliminary to commencing the construction.

The Sea Wall, for the preservation of George's Island, has been but recently commenced, and will not probably be advanced, during the remainder of this Season, beyond the laying of the Foundations. It had been attempted early in the Summer, by advertising for proposals to have the stone, the only material required, supplied and laid by contract; but the rates of the proposals received were much higher than had been anticipated, and it was considered very doubtful if lower terms could be procured in Boston for a length of time, as an unusual demand for materials and workmanship existed, and was likely to be maintained there. It was suggested that there would be a great saving by deferring the commencement of the work until next year; but, as the expense was deemed to be of secondary importance in comparison with even a partial fulfilment of the object to which it was to be applied, and moreover, as the circumstances under which the appropriation for defraying the expense of effecting that object was made, appeared to indicate that its early application was contemplated and desired, it was determined to go on with the work. The advertisements which had been issued having failed to produce proposals for furnishing the stone required, from the neighbourhood of Boston, upon terms that could be accepted, the quarries at Cape Ann were examined, and the quality of the stone they could furnish being satisfactory, arrangements were made for procuring the requisite supply of stone from them, upon comparatively reasonable terms.

The Fortification at Brenton's Point, which has been named Fort Adams, was commenced last Year, under an appropriation for purchasing the site and collecting materials. This Year, besides the

completion of a very minute survey and levelling of the site, which had been commenced last Year, the construction of extensive wharfs for landing materials, the construction of cranes, and other labour-saving machinery, and the conducting of other auxiliary operations; the excavations of earth and stone for the foundations, and the laying of the same in stone masonry, were effected in nearly the whole extent of the Eastern, Northern, and Western fronts, and the superstructure of the Scarp Wall of the Eastern and Northern fronts was also commenced, and in some parts carried to the height of nearly five feet. The three fronts commenced are on the water side, and the remaining two fronts, which have not been commenced, are on the land side of the Fort. The greater part of the funds applicable to this work, which remain unexpended, have been reserved to fulfil contracts which will not be completed until next Year.

The Fortification at New Utrecht, which has been named Fort Hamilton, like Fort Adams, was commenced last Year, under an appropriation for purchasing the site and collecting materials. The land requisite, in addition to that already owned by The United States, to complete the site of this work, has not yet been procured, and the progress of the work has been in consequence, somewhat retarded. The Legislature of New York having authorized the appointment of Assessors to value the land, no doubt existed that possession would be obtained through them, and the plan of operations for the Year was adapted to that event. When, however, the survey of the land to be procured was made, agreeably to the Boundaries laid down in the Act of the Legislature, for the purpose of enabling the Assessors to see the land and judge of its value, it was perceived, for the first time, that the Boundaries did not join those of The United States' Land, there being two narrow triangular slips intervening, and that one of those slips embraced a part of the land intended to be occupied by the constructions which were included in the plan of operations. The Assessors valued the land included within the Boundaries designated by the Act of the Legislature of New York, and an attempt was made to purchase the intervening slips from the owner—but without effect. The Governor of New York has been requested to apply to the Legislature of New York, at its next Session, in January ensuing, for an amendment of the Act of its last Session, that will remove the difficulty above stated. The Boundaries designated in the Act of the Legislature of New York, corresponded with those stated in the original application to the Governor of New York, and the error of that statement arose from reliance being placed upon the correctness of determining with instruments, upon a map, the lines referring to the Boundaries, instead of resorting to the deed of the land owned by The United States, to the Boundaries of which, those designated were intended to be joined. Notwithstanding the derangement of the plan

of operations, produced by the difficulty above stated, very good progress in the work has been made during the Year. A substantial sea wall, to secure the site from abrasion, has been built; the rail-way, commenced last Year, for conveying materials from the wharf to the top of the bank, has been finished, and saves one-third of the expense of transportation; and the foundations of the scarp and counter-scarp, of nearly one-half of the work, exclusive of the gorge, and of a caponiere in the ditch, have been laid, and the walls have been built up several feet.

Of the Appropriation of the last Session of Congress for completing the unfinished parts of Fort Delaware, and repairing injuries at that Post, about one-half has been advantageously applied. The report of a recent inspection of the work done this Year, represents it to have been executed in the best manner, and that the results intended to be produced by the repairs have been in a degree, and will be ultimately, fully realized.

The work done at Fort Monroe, during this Year, has been very considerable, and in due proportion to the Sum expended, the Amount of which was, on the 30th of September last, nearly equal to the Amount of the appropriation for the Year. The operations are organized in a manner that admits of the various branches into which they are divided, being conducted with the utmost regularity, whether conjointly with, or independently of each other.

The superstructure of Fort Calhoun was not commenced last Year, and could not be commenced this Year, for the want of an Officer to superintend it. A large balance, which remained unexpended of the appropriation of last Year, and the greater part of the appropriation of this Year, have, however, been advantageously applied in the formation of the mole; in collecting materials for the superstructure; in the erection of cranes, and the completion of the permanent wharf, to facilitate the landing of materials; and the establishment of rail-ways, to aid in the transporting of them to the places where they were to be used; in the erection of buildings for work-shops, and quarters; and in other auxiliary preparations, necessary to be provided, previously to commencing the superstructure.

The works at Mobile Point have progressed successfully during the Year, but have been attended with extraordinary expense, in consequence of the rise in the price of cotton having caused a correspondent rise in the price of labour. The expenditure has been in due proportion to the amount applicable, and would have been greater, but for the interruption produced by the failure in the supply of materials from the North, which had been relied on. The Citadel has been completed, with the exception of a small portion of the carpentry, and a wharf has also been completed. All the foundations, except those of one front, have been laid, and the walls of the

superstructure have been raised, in some parts, to the height of three feet.

At Chef Menteur the progress of the operations has been much obstructed by the unusual quantity of rain which fell during the Year; yet, the means of the Contractors have been so ample and well organized, as to have enabled them to overcome every difficulty, and by the quantity of work executed, to have absorbed nearly the whole Appropriation, on the 30th September last. The advances which had been made to the Contractors on their commencing the work at the Rigolets, and which amounted to upwards of 80,000 Dollars, have been in the progress of gradual redemption, and were finally redeemed on the 30th September last.

The arrangements for procuring materials, and otherwise facilitating the progress of the work, which were made at Fort Jackson last Year, and which were expected to produce the most favourable results upon the operations during this Year, were rendered, in a great measure unavailing, in consequence of the site of the work being almost constantly inundated. During the Year ending on the 31st May last, it had rained 120 days, and the unprecedented quantity of 107 inches had fallen within that time, added to this, there were two overflows from the Sea, and three violent storms, the effect of which, and of the excessive rains, was to destroy, on several occasions, parts of the levee or embankment, for excluding the adjacent waters from the site of the work. Four powerful pumps, upon the plan of the Archimedes' screw, were found to be insufficient to keep out the water from the excavations, required to be made, in preparing for laying the foundations. Under these circumstances, it became impossible to lay the whole of the foundations, and it was with great difficulty that about a fifth of them was laid. Besides these several causes of embarrassment, there were on three occasions, mutinous combinations among the mechanics and labourers, or "turning out," as they term it, for an increase of wages, and their unreasonable demands having been resisted, a number left the works, and injurious delay ensued until others could be procured. These events, combined with the unhealthiness of the climate, which rendered unavoidable the suspension of the works from June until November, a period exceeding four months, have been the cause of so large a balance of the Appropriation remaining unexpended. The weather being dry during the present fall, it may be expected that, in a very short time after the resumption of operations, the remainder of the foundations will have been laid, and by the month of February, the balance of the Appropriation will have been absorbed. Should that prove to be the case, the best part of the working season, that is four months from February to May inclusive, will be lost, unless the appropriation which may be contemplated for next year, or a part of it, should be granted at the commencement of the Session of Congress.

This remark applies to the Works at Mobile Point and Chef Menteur, as well as the new work at Bayou Bienvenu, for the commencement of which, an appropriation will be asked this Year. Indeed, it would save expense, and greatly facilitate the operations of all of the Fortifications, if appropriations for them, entire or partial, could be obtained at the commencement of the Session of Congress.

The Board of Engineers for Internal Improvements were employed, during the early part of last Winter, in preparing the Report of their operations during the last Year, which was submitted to Congress, and published, and in preparing Instructions for the several Brigades, to be employed this Year, in making the requisite Surveys, to enable the Board to fulfil the objects of their examinations of last Year, in relation to the proposed routes for Canals, to connect the Chesapeake and the Ohio, and the Ohio and Lake Erie.

Pursuant to the Instructions of the War Department, the Board, consisting of General Bernard and Mr. David Shriver, in the further prosecution of the objects contemplated by the Act of Congress, of the 30th of April, 1824, " to procure the necessary Surveys, Plans, and Estimates, on the subject of Roads and Canals," set out on the —— of March last, from this place, to commence the reconnoissance and examination of the Country between the Seat of Government of The United States and New Orleans, with a view of selecting the most eligible site for locating the great National Road contemplated to be constructed between the two Cities. The Board was directed, in considering this subject, to take into view three Routes, viz.:

1. The Atlantic, or the Route passing through the Capitals of the Southern States, as Richmond, Raleigh, Columbia, Milledgeville, &c.

2. The intermediate Route, comprehending all the Routes West of the first, and East of the Mountains.

3. The Western Route, or the Route through the Valley of the Mountains West of the Blue Ridge.

In determining which of these Routes should be preferred, the Board was instructed to take into view every consideration which ought to have weight: such as the comparative distances of the several Routes; the facilities and cheapness of construction; the Political, Commercial, and Military advantages; and the transportation of the Mail.

The Board made an examination of the first and second Routes, but was unable to proceed to the examination of the third, or the Route West of the Mountains, owing to the indisposition of Mr. Shriver, and the necessity of General Bernard's attending to the subject of the Ohio and Chesapeake Canal; but, as great anxiety was manifested by the Inhabitants West of the Mountains, that the Western route should be examined this Season, in order that a Report might be made on the subject of the Road to Congress this Session, if possible, Captain

Poussin, of the Topographical Engineers, and Lieutenant Trimble, who were both employed on the examination of the other Routes, as Assistants to the Board, and who were deemed fully competent to the duty, were, in obedience to your Instructions, ordered to make the examination. Captain Poussin and Lieutenant Trimble, left this on the —— of October last, to commence their operations, and it is expected they will return in time to enable the Board to make its Report before the rising of Congress.

The Board was also required, while at New Orleans, to examine the communications between the Mississippi and Lake Pontchartrain, with the view of ascertaining the practicability of connecting them by a Canal, to be navigable by Sloops, that would possess greater Commercial and Military advantages than those afforded by the communication through the Bayou St. John and Canal Carondelet, which does not enter the Mississippi. The Board examined two Routes: one through the City of New Orleans, and in the direction of the Canal Marigny, to debouche into Lake Pontchartrain, about two miles East of the mouth of Bayou St. John; the other, from the Plantation of Mr. Trémé, on the Mississippi, about two miles below New Orleans, to enter Lake Pontchartrain, about five miles East of Bayou St. John.

The Report of the Board, which is to furnish the results of those examinations, will be prepared, after the Report upon the Chesapeake and Ohio Section of the Chesapeake and Erie Canal, and the Report respecting the Route for a National Road between the Seat of Government and New Orleans, shall have been completed; and no exertion will be omitted to have them ready to be laid before Congress during the ensuing Session. Some time will elapse, however, before the Reports and Drawings connected with the Surveys of this Year, relating to the Canal Route abovementioned, can be prepared; and, as they will present a great mass of materials, and much time will be required to digest and collate them, it will not be practicable within the limited time that can be bestowed upon them, to prepare, in time to be laid before the ensuing Congress, a very full Report upon the subject to which they relate. A general project and preparatory estimate, for the Chesapeake and Ohio Section of the Canal, containing information sufficient to authorize the commencement of operations should they be sanctioned, will, if possible, be completed. These several subjects will be attended to in the order of their relative importance. The Canal Route between the Chesapeake and Lake Erie, first; the National Road next; and lastly, the Route for a Canal between the Mississippi and Lake Pontchartrain.

Two Brigades of Topographical Engineers, and one Brigade of Civil Engineers, were employed this Season upon the Chesapeake and Ohio Section of the Canal to connect the Chesapeake and Lake Erie and have completed all the Surveys upon that Section, requisite to enable

the Board to select the most eligible Route, determine a general line of direction for the Canal, and make a preparatory project and estimate, upon which the operations may be commenced.

The Surveys connected with the Deep Creek Route across the summit level, required to be executed by one of the Brigades of Topographical Engineers, having been finished early in the Season, the Brigade, in pursuance of the Instructions of the Board, commenced the survey of another Route, across the summit level, from Will's Creek to Castleman's River; and, while that was going on, a part of the Brigade, in the fulfilment of Instructions, direct from this Department, examined and ascertained the levels and distances of a Route, to pass the summit level by the way of Cheat River.

Two Brigades of Topographical Engineers were employed this season on the Route between the Ohio and Lake Erie. One of the Brigades was required to survey a Route descending from Pittsburgh to the Mouth of the Big Beaver, and, ascending the Vallies of Big Beaver, and the Chenango, to pass near Conneaut Lake, and, descending, to terminate at the Mouth of Elk Creek, on Lake Erie; and also to Survey a line for a feeder from French Creek to Conneaut Lake. Minute Surveys of all parts of this Route, which presented any difficulties, have been completed, and general experimental lines have been surveyed of the remainder, including the Vallies of the Chenango and Big Beaver, to the Mouth of the latter and thence to Pittsburgh. The Surveys embraced by the Instructions to the other Brigade, from the Mouth of the Ashtabula, on Lake Erie, through the Champion Swamp, and along the Valley of the Mahoning to Big Beaver, have been completed.

The Survey of a Route for a Canal between Buzzard and Barnstable Bays, in Massachusetts, which was commenced last Year, was completed this Season.

The Brigade of Civil Engineers, which, in pursuance of your Orders, was instructed to examine the Communications between Lake Memphramagog, in Vermont, and Connecticut River, and also, between Lake Connecticut and the Tide Waters of the River Connecticut, and to make the Surveys requisite for determining whether it would be practicable and expedient to unite by Canals, the waters of those communications respectively, and for selecting the most eligible Routes, and preparing projects and estimates for the same, has effected the several objects of those Instructions, and has also examined the communication between the Rivers Connecticut and Merrimack.

A limited Topographical Brigade has been employed this Season in making Surveys at the Island of Nantucket, which may subserve the immediate purpose of ascertaining if a Harbour, for the protection of Shipping, can be formed there, by the establishment of a Pier, and the ultimate purpose of affording the requisite preliminary information

for projecting a system of defence, should it be determined, at any time hereafter, to be necessary. The Survey was commenced late in the Season, and no Report has, as yet, been received of the progress made in its execution.

Another Topographical Brigade was divided between Marblehead and Holmes' Hole, to carry into effect the objects of an Appropriation of the last Session of Congress, for making Surveys at those Places, to ascertain the practicability and utility of improving these Harbours by the erection of Piers. The Surveys at both Places have been completed.

The execution of the plan projected by the Board of Engineers, for deepening the Channel leading into the Harbour of Presqu' Isle, was commenced at a late period in the last Season, and has been continued during the present Season. The results produced by the work which has been done, afford abundant evidence of the feasibility of the plan, and of the ultimate fulfilment of its object, on the completion of the work. The work may be completed in the course of next Summer, should an Appropriation be made, of the sum estimated to be necessary for that purpose.

The works for the security of Plymouth Beach, which were commenced last Year, late in the Season, under the superintendence of an Officer of the Corps of Engineers, have been continued this Year, with an Appropriation made at the last Session of Congress, under the general supervision of Colonel Totton, of the Corps of Engineers, and the immediate superintendence of a Gentleman, a respectable Inhabitant of Plymouth, who had paid particular attention to the work during its progress last Year. The Appropriation of this Year has been very advantageously applied, and, although extremely limited, has produced highly important results. The Appropriation asked for next Year, if granted, will complete the work, and afford permanent security to the Beach.

The experiment for the removal of a sand bar in the Ohio near the Town of Henderson, which could not be carried on last Year, though arrangements had been made for the purpose, because of the River's not having subsided to the usual level, at its lowest stage, has been conducted, this Year, under favorable circumstances, and is expected to produce the desired effect by the Officer superintending it.

The Officer who has superintended the executing of the contract for the removal of snags, sawyers, planters and other impediments of that nature, to the Navigation of the Ohio and Mississippi, has reported that the Contractor had faithfully executed his contract on that part of the Ohio, extending from Pittsburgh to Louisville.

Very satisfactory progress has been made in the continuation of the Cumberland Road, from Canton to Zanesville, which was commenced this Season. Some interruption occurred in the early part of the

Season in making a thorough examination of a different route from that which had been recommended by the Commissioners, and adopted, in compliance with representations in its favour, which were signed by the Owners of the Land through which it was desired that it should pass. The examination resulted in the confirmation of the selection which had been made by the Commissioners. That point having been settled, contracts, for which proposals had been previously required by advertisements, were entered into for executing 28 miles and 88 poles of the distance, from Canton towards Zanesville, which it was estimated would be as great a distance as the existing Appropriation would allow of being undertaken at present. Nearly the whole extent of road embraced by the contracts, has been cleared, cut, graded and and shaped, so as to be ready for receiving the first course of metal, as it is called, meaning the stone broken to a small size, agreeably to the Mc Adam Plan. It is not intended to lay on the first course, to consist of a thickness of 3 inches, until May next. The second course, also of 3 inches, will be laid after the first course shall have become consolidated and compact by the pressure of a heavy roller, and it is believed, will be found, after having been compacted by the same process, to afford the requisite solidity to the road. If it should prove to be otherwise, a third course of 3 inches will be laid.

The continuation of the Cumberland road, west of Zanesville, has been laid out as far as Columbus, a distance of 53 miles. The Commissioner under whose direction the work has been performed, represents the location to be more favourable than had been anticipated, and especially with regard to the first 20 miles west of Zanesville, which pass through a very hilly region. The laying out of the road as above stated, was not commenced until the Season had considerably advanced, the Commissioner having been occupied, in the early part of the Season, in examining the route between Zanesville and Canton, which had been presented to the consideration of Government, for competition with that which had been selected by the Commissioners.

The Commissioners appointed to lay out a road from Detroit to Chicago, have reported the same to have been executed, and promise, at an early day, to send their Report and drawings relating to it.

No Reports have been received from the Commissioners appointed to lay out roads from Little Rock to Cantonment Gibson, and from St. Louis to the confines of Mexico; and nothing, therefore, is distinctly known of the progress which may have been made in the prosecution of those operations, although it is understood the former has been completed and the latter nearly so.

A Brigade of Topographical Engineers was employed this Year on the Coast of South Carolina, in the continuation of surveys requisite to aid the projection of a system of fortification for the defence thereof.

The Military Academy has maintained, during this year, the high standing to which it had previously obtained. The Report of the last examination of the Board of Visitors, which is herewith submitted, marked M, represents its condition in a very favourable light, and suggests improvements and additions, some of which require Legislative Provision for their accomplishment. The number of Cadets, at this time attached to the Military Academy, amounts to 258, and the number which has been graduated, and attached to the Army and Marine Corps this year, amounts to 37.

In addition to what is now taught at the Military Academy, I beg leave to suggest the advantage of introducing a system of equitation, and also the exercises and manœuvres of Cavalry and Light Artillery. Although Cavalry does not constitute a part of the present Military Establishment, in the event of War it must be resorted to as a powerful means of attack and defence : and it is evident that the possession of a competent number of well-trained Officers, in this arm, would be of incalculable advantage to the Service, in forming a good Corps of Cavalry whenever it may be required. Besides these advantages, the Instruction is deemed essential to the Staff and Artillery Officers, and the exercises cannot but prove highly beneficial to the health of the Students of the Military Academy. It could be introduced at an expense, not considerable, when compared with the advantages that may be expected to be derived from it, as will be seen by the enclosed Estimate,* marked N, for the purchase, keeping and equipment of 50 Horses, the number deemed fully adequate to the contemplated purposes of Instruction.

The operations, conducted under the general direction of the Engineer Department, have progressively increased for several years. Those of the last year greatly exceeded those of the year before, and have been exceeded by those of this year in a still greater ratio. The Corps of Engineers and the Topographical Engineers are relied on chiefly for conducting these operations, and their numbers are so limited that it was thought expedient, the year before last, to apply to Congress for an augmentation of them. If it was expedient then to augment the strength of these Corps, it is now obviously much more so, and must become more and more so for several years henceforward. The operations of this year, notwithstanding that they have been so much greater than they had been at any former period, have been limited, in comparison with what they may be expected to become in the course of a few years. The Fortifications, for which Plans have been already projected, and which, in the accompanying Table, are arranged in the first Class, which refers to those which should be commenced without delay, are 18 in number, and of themselves, if they were under construction, would require more than twice the number of Officers now

* First Year, 10,100 Dollars. Second Year, 3,600.

in the Corps of Engineers, to attend to them properly. The Fortifications for Charleston and Pensacola, for which Plans have not yet been projected, would also belong to the first Class. Should it be determined, upon a further developement of the present views of the Nation, in relation to internal improvements, that the Government should undertake the construction of Roads and Canals, the improvement of Rivers and Harbours, &c. these objects would give further employment to the Corps of Engineers, of extent nearly equal to that of the Fortifications. The duties of the Topographical Engineers would be increased nearly in the same ratio with those of the Corps of Engineers. Many of the Surveys, upon which Plans of Fortifications have been projected, have not been, and were not intended to be, sufficiently minute to be relied on for the location of the works, and others will be required to be made for that purpose. All of the Surveys connected with Canal routes, which have been made, have been intended merely to afford the information requisite to determine upon the practicability and the general line of direction of such routes, and other Surveys, far more minute, will be required for the location of the Canals. Many routes for Roads and Canals, but little if at all inferior, in National importance, to those already surveyed, remain to be surveyed. These operations, with others now contemplated, which are of less importance, but are still entitled to the consideration of Government, would afford constant employment for many years, to treble the number of Topographical Engineers now in service. It has been found, by experience, that the skill, requisite to carry on works of the nature adverted to, in a proper manner, can be acquired only by a regular course of instruction in the theory, with long and faithful experience in the practice. The means at present at the disposal of the Engineer Department are, the Corps of Engineers, consisting of 22 Officers ; the Topographical Engineers consisting of 10 Officers ; aided by occasional details of Officers of Artillery and Infantry, who have been graduated at the Military Academy, and the occasional employment of Civil Engineers when required. The only portion of this force that has a specific organization, is the Corps of Engineers. The Topographical Engineers have no regimental form, and the employment of the Civil Engineers is temporary. In all regular establishments it is necessary and convenient that there should be order and form, and that there should be different grades in the Officers, suitable to the circumstances of the service to be performed : indeed, it is essential to discipline, and a just accountability and responsibility in the various branches of duty. The propriety of recommending an increase of the Corps of Engineers, and the organization of the Topographical Engineers, into a Corps similar to the present establishment of the Corps of Engineers, is, therefore, respectfully submitted for your consideration. The enlargement and formation of these Corps should be gradual, and none should here-

after be permitted to enter either, who had not been graduated at the Military Academy; and they should be appointed, in the first instance, to the lowest grades, and be advanced or promoted with a view to particular merit, without regard to rank or seniority.

All which is respectfully submitted. ALEX. MACOMB,
Maj. Gen. Chief Eng.

The Hon. J. Barbour, Sec^{y}. of War.

REPORT from the Navy Department.

Navy Department, December 2, 1825.

THE Secretary of the Navy respectfully submits to the President of The United States, the following Statements respecting the concerns of the Navy Department, during the present year.

The Vessels in Commission, for active service, at Sea, have been the same as they were at the close of the last year, with the following exceptions:—

The Frigate *Brandywine*, then on the stocks at the Navy Yard in this place, has been launched and fitted out, and is now a part of the Mediterranean Squadron. The Schooner *Nonsuch* has been sold, because she was so far decayed that it was not "for the interest of The United States to repair her." The Schooner *Ferret* was lost in a gale on the Coast of Cuba, on the 4th of February last. The *Beagle* and *Terrier* have been sold under the Law of the last Session, entitled "An Act to authorize the building of 10 Sloops of War, and for other purposes." The latter recently arrived at Wilmington, North Carolina, in distress, and was disposed of at publick auction, at that place. The proceeds of the sales of the Vessels sold, have been carried to the funds designated by Law. The *Decoy* is still used as a Store-Ship, but will be sold on her return to The United States. The *Sea Gull* has been profitably converted into a receiving Vessel, at Philadelphia. Some of the Barges have become useless, by decay, and the rest are retained on the Florida Station.

The *Fox*, a Schooner of 53 tons, is the only cruizing Vessel remaining of those purchased under the "Act authorizing an additional Naval Force for the suppression of Piracy."

The Paper marked A exhibits the Vessels in Commission, and the Station on which each is employed.

The West India Squadron now consists of the Frigate *Constellation*, Corvette *John Adams*, Sloop *Hornet*, Brig *Spark*, Schooners *Grampus*, *Shark*, and *Fox*, and the Store-Ship *Decoy*, with the Barges. The duties assigned to it have been signally accomplished. Several captures of Pirates were made, in the early part of the year, of which the Documents annexed furnish an account. Since that time, the principal places where Piracy existed, have been diligently watched, and no

complaints on the subject have been made, to the knowledge of the Department, for several months past.

Captain Warrington, an active, systematic, and enterprising Officer, commands in that Quarter, and seconded, as he is, by a commendable zeal and skill in his subordinate Officers, it is believed that he will continue to repress that evil, which has, heretofore, produced so much anxiety and distress.

There have been 13 deaths among the Officers attached to that Squadron, occasioned by diseases, contracted either in the Vessels or in the Ports of the West Indies.

Against danger from this cause, the Commanding Officer was particularly instructed to be upon his guard, and has, no doubt, been attentive to his orders; but severe exposures are incident to the Service, and where so many Officers are subjected to them, it must be expected that they will prove fatal to some; especially to those who are not very cautious in guarding their health. We have been, however, so far fortunate, as to suffer less, from this cause, in the present than in the preceding years, arising probably, in part, from a change in the size and character of the Vessels employed; and steady attention is paid to the subject, and such arrangements made, as give the best hopes of lessening the evil. Although sickness has prevailed at Thompson's Island to a distressing extent, it has been less severe than heretofore. Two Officers have died there, and their deaths are probably not to be attributed solely to the climate.

The Station at that place having been found unhealthy, a surrender of the buildings occupied by the War Department, at Pensacola, was obtained for the purpose, and arrangements made early in the Spring for the removal of the stores, &c. to them. An order for the transfer was issued on the 24th of May, to be sent by the *Decoy;* but an unexpected accident delayed the sailing of that Vessel until the 13th July, and she had an unusually long passage of between 40 and 50 days. The transfer has since been made, and Pensacola is now the rendezvous of the Squadron, and will continue so: the site for a Navy Yard and Depôt having been selected at that place, under the Act of Congress, entitled " An Act authorizing the establishment of a Navy Yard and Depôt on the Coast of Florida, in the Gulf of Mexico."

Immediately after the passage of that Law, on the 3d March last, measures were taken to obtain such information, not then in the possession of the Department, as was necessary to a safe execution of the power; and this being procured, arrangements were made to send out Captains Bainbridge, Warrington, and Biddle, to make the selection of a site.

They sailed from Norfolk on the 13th of October, and arrived at Pensacola, after a very short passage, on the 25th; lost no time in completing a full examination of the places which were considered

most likely to answer for such an establishment; and have made such a selection as their intelligence and discretion dictated. Their Report was received at the Department on the 1st December, and has been transmitted to, and approved by you.

The orders under which they acted, together with their Report, are annexed.

The experience of the Department, and personal observation during the last year, have entirely satisfied me that the greater part, if not the whole of our Navy Yards, are badly located: and that a very large proportion of the Publick Money, which has been, and continues to be expended upon them, might have been saved, by a wiser location at the commencement. A desire to avoid the recurrence of this evil induced me to adopt the mode of selecting the site of the Florida Navy Yard; a mode in which the best skill would be exercised, in the absence of all private interests and feelings.

Under the Law of the last year, entitled "An Act authorizing an examination of the Harbour of Charleston, in South Carolina; of St. Mary's in Georgia, and of the Coast of Florida, and for other purposes," Surveys have been made of the harbours mentioned, and such examinations and surveys of Pensacola and the Coast of Florida procured, as seemed necessary to accomplish the objects of that Law. The expediency of establishing a "Naval Depôt" on the Gulf of Mexico, was determined at the last Session of Congress, and an Appropriation made for the purpose. What has been done by the Department on that subject, will be seen by the preceding part of this Report.

A detailed statement of the Surveys of Charleston and St. Mary's, to be accompanied by a Chart, is now preparing, by the Officers who were employed on that duty, may be communicated in the progress of the Session, should it be wished, and will be some guide in forming an opinion "on the expediency of establishing a Navy Yard, at either of those places, for the building and repairing of Sloops of War and other Vessels of an inferior class."

There are still, perhaps, one or two places on the Coast of Georgia and South Carolina, which it would be proper to survey, but the Appropriation is expended. These Surveys, with others which have, from time to time, been made under the direction of the Department, have, to a certain extent, been useful, but they have also been very expensive, in proportion in their usefulness. Made under special Appropriations and special Acts of Congress, the Officers, and other means for their execution, were to be collected at the time, and all the expense of organizing those means to be encountered at the commencement of every Survey, and to be disposed of at its termination; a large part of the Appropriations has necessarily been expended for this purpose; and I would respectfully suggest, that a more regular and systematic,

and, therefore, economical plan, should be adopted. Our whole Coast ought to be surveyed. The acquaintance with it, of our best informed men, both on land and water, is much more superficial than it ought to be. There is scarcely a mile of it which is thoroughly known. Hence our Commerce, and the interests of our Navy, suffer greatly, even in time of Peace, and in War are unnecessarily hazarded. The last War exhibited, in many instances in the enemy, a knowledge on this subject, not inferior to that possessed by ourselves. It seems due to the character of the Nation, and to the interests of Commerce, and of the Naval Service, that a more systematic and scientific mode of making these surveys should be adopted; that they should extend over the whole Coast, and that means, commensurate with the object, should be placed under the controul of this or some other Department. A Naval School would, in a short time, furnish cheap and valuable means of accomplishing them.

The Mediterranean Squadron, at this time, consists of the *North Carolina* 74; Frigates *Brandywine* and *Constitution;* and Sloops *Ontario* and *Erie;* and is still under the command of Commodore Rodgers. A slight temporary alarm existed in the course of the Summer, respecting its health, resulting from accidental causes; but, from communications recently received from Commodore Rodgers, it appears to have passed by, and it may be said that its general health during the year, has been, and that it now is, as good as is common with our Squadron in that Sea. Three only of our Officers, and very few of the men, have died; and no extensive sickness has prevailed among them.

The general objects of the Squadron have continued the same as in former years, but additional importance has been given to its presence, in the Eastern part of the Mediterranean, by the nature of the Contest between Greece and Turkey, and the inconvenience to our Commerce, likely to result from it. Some injuries must necessarily be anticipated, and some have actually been felt, from the unauthorized abuse of the Flag of one of the Contending Parties to purposes of plunder. The presence of the whole of the Squadron there for a short period, and the continuance of a portion of it for a much longer time, have, no doubt, prevented numerous trespasses upon our rights.

The Commanding Officer has been directed to yield a suitable protection to our Commerce with Smyrna, and other places on the borders of that Sea, and will, with his usual correctness and energy, discharge the trust confided to him. The Squadron will rendezvous at Mahon for the Winter, the Spanish Government having granted permission to deposit there, without charge, the stores necessary for its use. No positive exertion of force has been required to maintain our rights, nor has any incident, calling for particular mention, occurred, in preserving the discipline and health of the Squadron. The whole is now in a state which merits approbation.

The *Cyane*, has lately returned from that Station, and is about to perform a short cruize on the Coast of South America, bordering on the Atlantic, having in view the general interests of our Commerce, and a communication with the Publick Agents of the Government in that Quarter. She is commanded by Captain Elliot.

The Schooner *Porpoise* will sail in a few days to join the Squadron, and will carry orders for the Frigate *Brandywine* to return to The United States, with the view to prepare her for a cruise in the Pacific, to relieve the Frigate *United States*, in the course of the coming Summer. It would, probably, be better not to lessen the Force now in the Mediterranean, but it cannot be avoided, unless such an Appropriation should be made, as to enable the Department to put another Frigate or Ship of the Line in Commission.

Our Naval Force in the Pacific still consists of the Frigate *United States*, the Sloop of War *Peacock*, and the Schooner *Dolphin*, under the command of Captain Hull. Our Commerce in that Ocean having suffered severely from the War between Spain and South America, being alternately the prey of those who used the Flag of both Parties, a determination was formed to recommend such an increase of our Force as would be sufficient to command respect, and security for our interests, on every part of the extensive Coasts of Chili and Peru, and enable the Commanding Officer, occasionally, to send a Vessel to cruise along the Coast of Mexico, California, and to the Mouth of the Colombia River. But this addition is not considered indispensably necessary at this time. The War in Chili and Peru is nearly closed, and there is no Spanish Naval Force on the water. This state of things has relieved us entirely from the depredations of one Party, and taken from the other all those excuses which are usually found under the claim of Belligerent Rights. Our interests and Commerce are, therefore, comparatively safe, and do not require a large augmentation of Force to protect them.

It is, nevertheless, thought proper to add one Vessel, a Sloop of War, to the Squadron; and when the extent of the Coast, and the Islands and Ocean, and the variety and magnitude of our Commerce upon them, is considered, no hesitation is felt in assuming it as a fact, that our interests require at least four Vessels for their protection, even in a state of Peace between all the Powers, whose Rights and Commerce extend to that portion of the Globe. It is proposed, therefore, in the course of the ensuing Summer, to send another Sloop of War to the Pacific, and also to relieve the Frigate *United States* by a Vessel of the same class.

Orders were given, on the 24th of May last, to Commodore Hull, to visit, at a convenient and proper time, the Society and Sandwich Islands, for the purpose of looking to the interests of our Navigators, and to endeavour to relieve some of the latter Islands from a number

of American Seamen, who, having deserted, have given great annoyance both to our Vessels, and to the Inhabitants. It is hoped he will be able to make that visit before he returns to The United States, and that it will have a salutary effect.

The distance to our Squadron in the Pacific, and the length and uncertainty of the passages round Cape Horn, render it extremely inconvenient to make the necessary Communications between the Department and the Commanding Officer. In some instances, within the last two or three years, it has been found necessary to send special Messengers for the purpose. It is believed that a regular line of communication, through Panama and the Isthmus, may be established at small expense, so as to furnish a periodical conveyance in both directions, as often as once in four or six weeks. It is wished, by the Department, to have such a plan in operation in the course of the ensuing Spring. Should the wish be gratified, great benefit will result to the Publick Service, and the effect on the mercantile interests of the Country may be estimated by those who best understand the extent of our Commerce in the Pacific, and the difficulty of corresponding with Commercial Agents there.

Inconveniences having been heretofore felt in the Fisheries to the North, particularly in the Bay of Fundy, and on the Coast of Newfoundland, it was thought that the presence of a Publick Vessel might be useful there. The Schooner *Porpoise*, under the command of Master Commandant Parker was, therefore, sent early in June; and, after making an examination, throughout the line of Fisheries, as far North as 55° 9′ of Latitude, returned to New York on the 25th October. The Reports of Captain Parker have been satisfactory, and the cruise beneficial. The only injury to our Fishermen, of which information was received, was, that a small number of them had been, in the early part of the Season, and before the arrival of the *Porpoise*, ordered away from Higurath Bay, by the French, who claim a right to the use of that Bay, exclusive of all other Nations; a right to which our Government has not assented.

It is proposed that a similar cruise be made during the Fishing Season of the next year.

Due attention has been paid to the Agency for re-captured Africans, and Vessels, from time to time, sent to it, and to accomplish the objects of the Laws for the Suppression of the Slave-trade. No information has been received of our Flag being used in that Trade, although it continues to exist, and it is to be feared that some of our Citizens are engaged in it. The situation of the Agency has not been materially changed since the last communication respecting it. The expenditures during the year, so far as yet known, are 12,900 Dollars, 31, and it will be necessary to make an additional Appropriation for its support, in the course of the present Session.

The number of Africans sent to it will be greatly increased in the next three or four months. A decision of the Supreme Court, in the Case of the *General Ramirez*, placed under the controul of the Government from 125 to 130, who were brought into Georgia, and arrangements are making to send them to the Agency.

The Paper G shows the Naval Officers who have died since the 1st December, 1824. It contains the names of some of the most promising, active, and meritorious, at the head of whom is that of Commodore McDonough. His loss is deeply to be deplored, both on account of the splendid services he has performed, and the useful example of private and publick worth, which he exhibited to his brother Officers.

Paper H shows the resignations during the present year.

Paper I is a Report of the Expenditures for the Naval Service during the year. [1st Jan. to 30th Sept. 2,145,900 Dollars.]

The Estimates for the ordinary Service of the ensuing year will be found in the Papers marked K. [2,290,220 Dollars.]

Should any, or all of the objects recommended in this Report find favour with Congress, Additional Appropriations, to a small amount, will be required. The form of the Estimates is the same as that of last Year, both being dictated by the understanding which the Department has of the wishes of Congress on the subject. The reasons for any change which exists in the amount of any of the items, will be found in this Report.

One of the most serious inconveniences under which the Department labours in the administration of the concerns of the Navy, is the *time* at which the Appropriation Bills are passed by Congress. They are passed in the Short Sessions, late in February, and, in the Long Sessions, generally in May, so that, during a period of from one-fourth to a third of the Year, the Department is left without funds previously appropriated, and must, of necessity, permit Expenditures not yet legally authorized. Another evil results: It is the will of Congress often to change the wording and character of the Appropriation, and after the Bill is passed, it is a month or six weeks before the instructions, under the new Appropriation, can be given to and acted upon by the Agents. It consequently follows, that for nearly one-half of the Year, the Department acts in perfect ignorance of the Law under which it is bound to act. Expenditures are made under one form, when they ought to have been made under another. The Law is, necessarily, not complied with, because it is passed after the act is performed. Infinite confusion is created in settling the Accounts, and it is impossible for any talent or any industry ever to have them rendered and settled, in that plain and simple manner in which they ought always to be exhibited, and in which they must be exhibited, if any efficient controul is to be had by Congress or the Department,

over that branch of the Service. The accounting Officers do all that capacity and labour can accomplish, but they cannot settle an Account according to the forms of a Law not yet in existence; nor can they, every Year, alter the items, open new books, meet the errors resulting from this cause, in Accounts transmitted from a distance, and yet settle the Accounts of the Year within the Year. A remedy might be found in two circumstances:

1st. An earlier passage of the Appropriation Bill, or by making the Year end on the 1st April, and always passing the Bills before that day. If the latter mode be taken, the first Appropriation should be for 15 or 18 months.

2d. By reducing the number of heads, under which the Appropriation for the Service is made, and continuing those heads permanently.

It would be more practicable, under this arrangement, than it now is, to make the investigation and preserve a rigid accountability.

The Appropriation, so far as the contingent is concerned, has been, within the two last Years, changed, and the sum appropriated, ordered to be expended, only, on the contingencies of the Year in which the Bills were passed.

Two difficulties have arisen, which it is my duty to mention:

1st. Much of the Year had expired before the Law was passed, and the Agents and Pursers informed of it: they of course had, until that time, paid the money and transmitted the Accounts, under the old forms. An effort has been made to correct this unavoidable error, and to settle the Accounts by the principle laid down in the Law, but it has proved very ineffectual. It is next to impossible to retrace the items, and place them under their proper heads; and, where money has been paid, on debts really due by the Government, for the preceding Years, it could not be recovered.

In the 2d place, many of our Officers are on Foreign Stations, and at such a distance from the seat of Government, that their claims in preceding Years could not be transmitted for settlement, until after the passage of the existing Law, and therefore, when presented, payment was denied to them. The Department had no right to use the Appropriation for the satisfaction of any claims which originated before the beginning of the Year.

Yet the claims were just; the Government owed the money; the debt was honestly and fairly contracted under the Law, as existing and known to the Department and Officer. The effect on the Service and the Individual, has been severely felt.

Another difficulty which has been encountered, and to which legislative attention will, no doubt, be directed, at no distant period, is that of procuring and enlisting Seamen. Our vessels are sometimes detained by it an inconvenient length of time, occasioning much additional expense, and depriving us of their active service at Sea. The

higher wages, and stronger inducements held out by the merchant service, and the temptations presented by other Governments, are the active causes which produce this state of things, at this time.

The Department has endeavoured to escape the evil by such arrangements as, being within its power, promised to have most effect. Among them, is that of placing at each of the principal Recruiting Stations, a vessel not calculated for the Sea, but fitted up with the same comfort, and officered and governed in the same way as if in actual Commission, to which the Recruit can be sent, and there kept until he can be transferred to the vessel in which he is to sail. One or two have already been prepared for the purpose, and others will be, without delay. This arrangement is still matter of experiment, and the effect may not prove beneficial. The benefits promised are, that the seamen, assured of immediate comfort, will more readily enlist; their health will be promoted, and the diseases contracted on shore removed; they will be disciplined and trained, so as to be, at once, useful; fewer desertions will take place; they can be employed in the yards, should circumstances call for it; and our vessels, when they arrive, and discharge those whose service has expired, be again manned, without delay. But the arrangements of the Department, however useful, must be comparatively inefficient to remove the evils suggested. The remedy rests with the power which can establish permanent Regulations, which will tend both to increase the number of Seamen, and bind them more permanently to our Public Service. This object will be found, in the progress of our Naval History, to be of high importance. Our Naval Power, in all other respects, has its limit only in the will of the Nation. Our free Institutions interpose a barrier to a compulsory augmentation of the number of our Seamen, and a System must be devised which will ensure voluntary enlistments sufficient to meet our increasing wants. Two of the features of this System will probably be, to admit more Boys, in the character of apprentices, and enlist robust and healthy Landsmen, in the interior, who will soon acquire the habits and skill of Seamen, and form a most valuable portion of our Force.

Other difficulties have arisen, from the present disposition of the building arrangements at our Yards. They have, heretofore, been improved by temporary expedients, and the buildings erected and arranged, with reference only to existing necessities, and without regard to the future and growing wants of our Navy. Many and serious evils have resulted; much publick money has been unnecessarily expended; many losses sustained by the change, removal, and alteration of the several erections; timber exposed to decay, stores requiring immense labour to deposite and preserve them: a much larger number of hands required to perform the work; unpleasant, and sometimes injurious delays in fitting out our vessels. It is a mortifying fact, yet there is no doubt of its truth, that one-third of the money expended

at our Yards, has been lost from this cause. The remedy is manifest, and it is earnestly hoped that means may be provided to apply it. A Commission of prudent and intelligent Officers should be selected, to examine minutely and carefully all our Navy Yards, and to make a Plan for each, suited to its location, and the future wants of the service at it; prescribing the buildings which will be required, and the location and character of each building, together with such improvements in the ground and form of the Yard as will be most beneficial. This plan, after being submitted to the Department, and amended if necessary, and approved, should be the guide in all future expenditures. The expense of making such a Plan and erecting the buildings necessary to execute it, would cost a large sum of money, and increase the present expense of our Navy Establishment, but the future saving to the Nation, by adopting and pursuing it rigidly, may be counted by hundreds of thousands, perhaps by millions of Dollars; and the promptitude which would be created by it in all our works, and especially in the fitting out of our Vessels, be felt in the efficiency of every part of the Service. A Board of Officers could form such a plan, to be submitted to the Department in the course of one season, and would be established; but it will demand some expenditure of money, and the present Form of the Appropriation forbids it; and as it must be completed by legislative aid, it is now proposed to you, in the performance of my duty, that, if approved, it may be adopted.

An allowance-book for all the wants of each vessel of the several classes, has been prepared with great care, by the Board of Navy Commissioners, and approved by the Department; a Copy of which will be sent to each of the Yards, and be the *invariable* guide in preparing our Vessels for Sea. If to this were added, a proper arrangement of the buildings, materials and stores, in the Yard, a very small portion of time now spent in Port, would be required, and our vessels be able to render much more service at Sea.

Statement, marked E, in paper K, shows the progress made under the Law for the gradual increase of the Navy.

The annexed Letter to the Commissioners of the Navy, marked L, and their Report, marked F, in Paper K, will show the progress that has been made in executing the Law, passed on the 3d March last, "to authorize the building of 10 Sloops of War, and for other purposes." It will be perceived, that Orders were issued to the respective Commandants at Portsmouth, Philadelphia, Washington and Gosport, for the construction of one Sloop of War, at each of the Yards under their command, and also to the Commandants at Charlestown and Brooklyn, to make arrangements to commence immediately, the construction of 3 Sloops of War, at each of those Yards. Three of the 10 Sloops will be launched within the present Year, 2 at Charlestown and 1 at Brooklyn; one of those at Charlestown will be ready for Sea before the 1st of January next.

Contracts for the timber and other materials, for all the Sloops authorized by Law, have been made upon terms favourable to the Government, to be delivered at the several places of building, within the ensuing year ; in which time, it is believed, the entire number may be afloat, should Congress think proper to make the Appropriation for that purpose. It will be recollected that the Estimate for building these Vessels was 850,000 Dollars, and that 500,000 Dollars, only, were appropriated by the Law authorizing their construction. The remaining 350,000 Dollars will be necessary before they can be completed. The Department was urged to build some of these Vessels by contract, with a view to occasion a portion of the expenditure at Places other than our Navy Yards. But, as all the expenditures of the Department, except the expenses of Building, are made by public contract, and thus equally open to all parts of the Union, this consideration was believed to be of inferior moment, and other reasons seemed to render it both inexpedient and illegal. If built any where but in our Public Yards, it must have been by contract or by the establishment of temporary Yards. Building by contract has been abandoned, as inexpedient and expensive, for many years past, and ought not to be resumed but by the express direction of Congress. This direction has been more than once attempted and always refused, thus indicating strongly the legislative opinion on the subject. The Law itself, is in the same form as that for the gradual increase of the Navy, and it was therefore to be presumed, that Congress meant it to be executed in the same mode. In addition to which the Appropriation was for a part only of the cost : and if contracts for *completing the whole*, had been made, a refusal by Congress to provide the means at the time required by the contracts, would have created serious inconvenience to both Parties.

The other mode, of establishing temporary Yards for the purpose, collecting Officers, materials and machinery, and disposing of them when the work was completed, was surrounded by so many objections, both as to convenience and economy, has permitted no hesitation in rejecting it. It was not doubted therefore, that the proper execution of the Law, required that the contracts for materials should be made in the usual mode, and the building be done at our Public Yards.

Under the authority given by the second Section of this Law, sale has been made of the whole of the public Vessels upon Lakes Erie, Ontario and Champlain, except the Ships of the Line *New Orleans*, and *Chippewa*, at Sackett's Harbour, and the Schooner *Ghent* at Erie. Almost the whole of the public property at those Places has also been sold or ordered to be transported to the Navy Yards on the Atlantic, and the Stations will be broken up as soon as those orders can be executed, leaving only an Officer and one or two men at each, to look after such property as it may be found impossible or inexpedient to remove. For the expense attending these operations no Appropriation was made,

during the last Session of Congress, the Estimates having been presented before the Law for the sale of the Vessels on the Lakes was passed, or the direction given for the removal of the Stores. It has therefore, diminished the Contingent Fund to an unexpected extent, and created a necessity for an addition to the Appropriation of the present year. It is, however, a temporary expense, and less than is required for the support of those Stations, and will avoid the necessity of making estimates for them, after the present year, saving annually about 25,000 Dollars.

In this first Annual Report to you, I would respectfully call your attention to the wants of the Service, in relation to discipline, efficiency and economy. These matters have been presented and urged by me in Reports to your Predecessor and to Congress. To repeat my views on them would be superfluous; I therefore respectfully refer you to the Reports, particularly those which are dated 24th January, 1824, and 1st January, 1825.

Without an organization of some kind—without a revision of our Penal Code, and of our rules and regulations,—and without a Naval School, tardy amendments may be made in the Naval Service, and in its administration, but it is in vain to hope for speedy, useful, and very practical changes. The power of the Department is unequal to such objects. Even the exercise of the power properly belonging to it, without legislative aid in other respects, would produce unpleasant excitement and complaints. With the aid which has been heretofore earnestly entreated from Congress, it is confidently believed that a System more prompt, more efficient, and more economical could readily be introduced.

The experience of the present year has confirmed, most strongly, the views taken on all the subjects mentioned in the Reports to which I refer you. Very respectfully, &c.

The President of The United States. SAM. L. SOUTHARD.

LIST of Vessels of The United States Navy in Commission, and their Stations.

NAMES.	RATE.	STATIONS.
North Carolina	74	Mediterranean.
Brandywine	44	
Constitution	44	
United States	44	Pacific.
Constellation	36	West Indies.
Cyane	24	Coast of Brazil.
John Adams	24	West Indies.
Erie	18	Mediterranean.
Ontario	18	

NAMES.	RATE.	STATION.
Peacock	18	Pacific.
Hornet	18	West Indies.
Boston	18	Will be put in Commission early next Year.
Spark.....Brig.....	12	West Indies.
Porpoise.....Schooner.	12	Mediterranean.
Grampus.....do.....	12	West Indies.
Shark.....do....	12	
Dolphin.....do....	12	Pacific.
Fox.....do....	3	West Indies.
Decoy .....Storeship.	6	
Barges		

Estimate of the Pay and Subsistence of all Persons of the Navy, attached to Vessels in Commission.

Rank or Station.	One Ship of the Line.	Three Frigates 1st Class.	One Frigate 2d Class.	Six Sloops 1st Class.	Three Sloops 2d Class.	Five Brigs and Schooners.	Two small Vessels.	Total.	Amount.
	No.	No.	No.	No.	No.	No.	No.	No.	Dollars. Cts.
aptains.....	2	3	2	1	--	—	—	8	16,900 00
asters Command- ant.....	1	—	—	5	3	—	—	9	9,765 00
eutenants Com- mandant.....	—	—	—	—	—	5	2	7	6,116 25
eutenants.....	10	24	7	30	12	10	4	97	64,262 50
asters.....	1	3	1	6	3	3	2	19	10,853 75
rond Masters...	1	—	—	—	—	—	—	1	360 00
aplains.....	1	3	1	—	—	—	—	5	2,856 25
rgeons	1	3	1	6	3	5	—	19	13,133 75
rsers.....	1	3	1	6	3	5	—	19	10,853 75
atswains.....	1	3	1	6	3	—	—	14	4,637 50
nners.....	1	3	1	6	3	—	—	14	4,637 50
rpenters	1	3	1	6	3	—	—	14	4,637 50
makers.....	1	3	1	6	3	—	—	14	4,637 50
dshipmen.....	40	78	20	72	30	30	6	276	62,928 00
rgeon's Mates..	3	6	2	6	3	—	2	22	9,927 50
oolmasters	1	—	—	—	—	—	—	1	391 25
rks	1	3	1	6	3	5	—	19	5,700 00
nourers.....	1	3	1	6	3	5	—	19	4,104 00
tswain's Mates	6	12	3	12	6	10	2	51	11,628 00
ner's Mates...	3	6	2	12	3	5	2	33	7,524,00
penter's Mates	2	6	1	6	3	5	2	25	5,700 00
maker's Mates	2	3	1	6	3	5	—	20	4,560 00
ers-at-Arms..	1	3	1	6	3	5	—	19	4,104 00
swains	1	3	1	6	3	—	—	14	3,024 00
Corporals....	2	6	1	—	—	—	—	9	1,944 00
ers.....	1	3	1	6	3	—	—	14	3,024 00
s.....	1	3	1	6	3	5	2	21	4,536 00
ter Gunners..	20	36	10	48	18	10	2	144	27,104 00
ter-masters ..	10	24	6	30	12	10	2	94	20,304 00
men.....	3	9	3	18	6	5	—	44	9,504 00
ers' Stewards	1	3	1	6	3	5	2	21	4,536 00
en	280	480	129	420	180	100	14	1,603	290,832 00
nary Seamen	260	510	131	240	150	40	6	1,337	160,440 00
.....	40	60	22	60	30	30	—	242	17,424 00
Total.....	701	1,308	355	1,050	501	303	50	4,268	752,890 00

***STATEMENT** of the Progress made under the Law for the* Gradual Increase *of the Navy, shewing the time of commencing and completing the several Vessels, and the Expenditures for each.*

SHIPS OF THE LINE.—*Launched.*

1. *Columbus,* built at Washington, commenced May, 1816, launched March, 1819.
2. *Delaware,* built at Gosport, commenced August, 1817, launched October, 1820.
3. *North Carolina,* built at Philadelphia, commenced February, 1818, launched September, 1821.
4. *Ohio,* built at New York, commenced November, 1817, launched May 1820.

SHIPS OF THE LINE.—*Building.*

1. One at Portsmouth, N. H., commenced June, 1819.
2. One at Charlestown, Mass. commenced September, 1818.
3. One at Ditto commenced May, 1822.
4. One at Philadelphia, commenced September, 1821.
5. One at Gosport, commenced May, 1820.

9 Ships of the Line.

FRIGATES.—*Launched.*

1. *Potomac,* built at Washington, commenced August, 1819, launched March, 1822.
2. *Brandywine,* built at Washington, commenced September 1821, launched June 1825.

FRIGATES.—*Building.*

1. One at Portsmouth, N. H. commenced August, 1821.
2. One at Brooklyn, N. Y. No. 8, commenced July, 1820.
3. One Ditto No. 10, commenced February, 1823.
4. One at Philadelphia, commenced September 1820.

FRIGATES *to be Built.*

1. One at Charlestown, Mass.

   The frame and principal materials are provided, the building-ways nearly completed, and it is expected the keel will be laid this Autumn.

2. One at Washington.

The frame and principal materials procured; the keel will be laid in the ensuing Month (November.)

3. One at Gosport.

The frame and principal materials procured; the building-ing-ways are constructing, and preparations making for laying the keel, as soon as the ways are finished, which are expected to be completed during the present Year.

9 Frigates

RECAPITULATION.

4 Ships of the Line,	2 Frigates.	*Built.*
5 Ships of the Line,	4 Frigates.	*Building.*
	3 Frigates.	*To be built.*
9	9	

NOTE.—The Ships of the Line and Frigates, now building, except the Ship at Philadelphia, are nearly in as finished a state as is deemed adviseable, until there is a probability of their being required for service; by leaving them uncaulked, and giving a free circulation of air, and being under cover, entirely protected from the weather, their timbers are improved by seasoning, and, without doubt, will be more durable than if launched immediately on being built. They can be launched in about 90 days.

The Ship at Philadelphia will require about five months.

Contracts have been made for all the anchors, water-tanks, copper, iron, and other imperishable materials, except kentledge, to complete the Vessels authorized under gradual increase. Contracts for kentledge will be made in the ensuing month.

Athough there appears on the Treasurer's Books a large unexpended Balance for the gradual increase, yet it is not, in the opinion of the Board, too much to meet the demands of existing contracts and other expenditures, to complete the Vessels, necessarily growing out of the execution of the Law for increasing the Navy.

Owing to the difficulty in obtaining Mechanics, particularly Ship Carpenters, it has not been in the power of the Commissioners to report such progress in the various operations in the several Building Yards, as they could have wished, although they feel confident, that every exertion has been made by the Commandants of the respective Yards.

Exhibit, shewing the Names and Force of the Vessels of The United States' Navy; also, when and where Built, Purchased, or Captured, and the present State and Condition of the Vessels in Ordinary, and on the Lakes.

Names of Vessels.	Force.	When Built, or Captured.	Where Built.	State.	Condition.
Independence	74	1814	Boston	In Ordinary	At Boston.—Would require an examination of her copper, and some slight repairs, before going to Sea.
Franklin	74	1815	Philadelphia	Do.	At New York.—Would require coppering, and considerable other repairs, to fit her for Service.
Washington	74	1816	Portsmouth	Do.	At New York.—Her copper would require examination, and considerable repairs would be necessary, to fit her for Service.
Columbus	74	1819	Washington	Do.	At Boston.—Would require an examination of her copper, and some slight repairs, before going to Sea.
Delaware	74	1820	Gosport, Va.	Do.	At Gosport.—Will require considerable repairs before going to Sea.
North Carolina	74	1820	Philadelphia	In Service.	
Ohio	74	1820	New York	In Ordinary	At New York.—Her copper would require examination, and considerable repairs would be necessary, to fit her for Service.
United States	44	1797	Philadelphia	In Service	
Constitution	44	1797	Boston	Do.	
Guerriere	44	1814	Philadelphia	Repairing	At Gosport.
Java	44	1814	Baltimore	Do.	At Boston.
Potomac	44	1821	Washington	Under Cover	At Washington.
Brandywine	44	1825	Do.	In Service	
Congress	36	1799	Portsmouth	Repairing	At Washington.
Constellation	36	1797	Baltimore	In Service	
Macedonian	36	1812	Captured	Repairing	At Gosport.
Cyane	24	1815	Do.	In Service	
John Adams	24	1799	Charleston	Do.	
Ontario	18	1813	Baltimore	Do.	
Erie	18	1813	Do.	Do.	
Peacock	18	1813	New York	Do.	
Hornet	18	1803	Baltimore	Do.	
Spark	12	1814	Purchased	Do.	
Porpoise	12	1820	Portsmouth	Do.	
Dolphin	12	1821	Philadelphia	Do.	
Grampus	12	1821	Washington	Do.	
Shark	12	1821	Do.	Do.	
Fulton, Steam Frigate	—	1815	New York	Receiving Vessel	At New York.
Alert	—	1815	Captured	Do.	At Norfolk.

Suppression of Piracy.

	Tons.			
Fox	53	Purchased	In Service.	
Terrier	61	Do.	Do.	
Sea Gull, Steam Galliot	—	Do.	Receiving Vessel.	At Philadelphia.
Decoy, Transport	—	Do.	In Service.	
Musquito, Barge	—	Built	Do.	
Gnat, Barge	—	Built	Do.	
Midge, Barge	—	Built	Do.	
Sand Fly, Barge	—	Built	Do.	
Gallinipper, Barge	—	—	Do.	

EXHIBIT.—*(Continued.)*

On the Lakes.

	Guns.		
Ghent	4	Erie	Recommended to be sold.
Chippewa	74	Ontario ...	Under cover at Sackett's Harbour.
New Orleans	74	Do.....	Do. - - - do.

MESSAGE from the President, to the Congress of The United States, on the subject of the Commercial Relations with the Colombian Government.

To the Senate and House of Representatives of The United States.

Washington, March 30, 1826.

By the Second Article of the General Convention of Peace, Amity, Navigation, and Commerce, between The United States and the Republick of Colombia, concluded at Bogota on the 3d of October, 1824, it was stipulated, that the Parties engaged, mutually, not to grant any particular favour to other Nations, in respect of Commerce and Navigation, which should not immediately become common to the other Party, who should enjoy the same freely, if the concession was freely made, or, on allowing the same compensation, if the concession was conditional.

And, in the Third Article of the same Convention, it was agreed, that the Citizens of The United States might frequent all the Coasts and Countries of the Republick of Colombia, and reside and trade there in all sorts of produce, manufactures, and merchandise, and should pay no other or greater duties, charges, or fees, whatsoever, than the most favoured Nation should be obliged to pay; and should enjoy all the rights, privileges, and exemptions, in Navigation and Commerce, which the most favoured Nation should enjoy, submitting themselves, nevertheless, to the Laws, Decrees, and Usages, there established, and to which were submitted the Subjects and Citizens of the most favoured Nations, with a reciprocal Stipulation in favour of the Citizens of the Republick of Colombia in The United States.

Subsequently to the conclusion of this Convention, a Treaty was negotiated between the Republick of Colombia and Great Britain, by which it was stipulated that no other or higher Duties, on account of Tonnage, Light or Harbour Dues, should be imposed, in the Ports of Colombia, on British Vessels, than those payable, in the same Ports, by Colombian Vessels; and that the same Duties should be paid, on the importation into the Territory of Colombia, of any article the growth, produce, or manufacture, of His Britannick Majesty's Dominions, whether such importation should be in Colombian or in British Vessels, and that the same Duties should be paid, and the same dis-

count (drawbacks) and bounties allowed on the exportation of any articles the growth, produce, or manufacture, of Colombia, to His Britannick Majesty's Dominions, whether such exportation were in Colombian or British Vessels.

The Minister of The United States to the Republic of Colombia, having claimed, by virtue of the Second and Third Articles of the Convention between the two Republicks, that the benefit of these subsequent Stipulations should be alike extended to the Citizens of The United States, upon the condition of reciprocity provided for by the Convention, the application of those Engagements was readily acceded to by the Colombian Government, and a Decree was issued by the Executive Authority of that Republick, on the 30th of January last, a Copy and Translation of which are herewith communicated, securing to the Citizens of The United States, in the Republick of Colombia, the same advantages, in regard to Commerce and Navigation, which had been conceded to British Subjects in the Colombian Treaty with Great Britain.

It remains for the Government of The United States to secure to the Citizens of the Republick of Colombia the reciprocal advantages to which they are entitled by the terms of the Convention, to commence from the 30th of January last; for the accomplishment of which, I invite the favourable consideration of the Legislature.

JOHN QUINCY ADAMS.

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(1.)—*Mr. Clay to Mr. Anderson.*

Department of State, Washington, September 16, 1825.

By the Treaty recently concluded between Great Britain and Colombia, it is understood that the Vessels of the two Countries, and their Cargoes, are admitted into their respective Ports, upon the payment, without discrimination, of the same Duties of Impost and Tonnage, whenever the Cargo consists of the produce of the Country to which the Vessel belongs. Colombia having adopted the system of protecting her own Tonnage, by subjecting Native Vessels, and their Cargoes, to a less rate of Duty than that which is demanded on Foreign Vessels and their Cargoes, these discriminating Duties, are paid by all Foreign Nations with which she has not agreed to equalize them. But the

Treaty between The United States and Colombia, has not stipulated for the equalization of those Duties, and, consequently, the Vessel and its Cargo, of each Country, now remains subject, in the Ports of the other, to Alien Duties. The United States would have had just cause to complain of the advantage conceded to Great Britain, if, by the Second Article of our Treaty with Colombia, we had not a right to demand the same concession; and, if Mr. Gual had not, in a friendly spirit, in the course of the month of June last, informed Mr. Watts "that The United States, whenever its Government desired, would be invested with all the privileges and powers which had been surrendered to England." The President wishes, and you are authorized to propose, a mutual abolition of those discriminating Duties. No difficulty, on the part of the Government of Colombia, in acceding to this Proposal, is anticipated; and it is only necessary to inquire into the best way of accomplishing the object. This may be done in either of the two following modes: 1st. By the Fourth Section of the Act of Congress of the 7th January, 1824, it is enacted "That, upon satisfactory evidence being given to the President of The United States, by the Government of any Foreign Nation, that no discriminating Duties of Tonnage or Impost are imposed or levied, within the Ports of the said Nation, upon Vessels wholly belonging to Citizens of The United States, or upon Merchandise, the produce or manufacture thereof, imported in the same, the President is hereby authorized to issue his Proclamation, declaring that the Foreign discriminating Duties of Tonnage and Impost, within The United States, are, and shall be, suspended, and discontinued, so far as respects the Vessel of the said Nation, and the Merchandise, *of its produce or manufacture*, imported into The United States in the same; the said suspension to take effect from the time of such notification being given to the President of The United States, and to continue so long as the reciprocal exemption of Vessels belonging to Citizens of The United States, and Merchandise, as aforesaid, thereon laden, shall be continued, and no longer."

This Act, conceived in a genuine spirit of liberality, makes a general proposition to all Nations. The same offer had been made by a previous Act of Congress, and it has been embraced by the King of The Netherlands, Prussia, the Imperial Hanseatic Cities of Hamburgh, Lubeck, and Bremen, the Dukedom of Oldenburg, Norway, Sardinia, and Russia. A Convention between The United States and Great Britain, and a Treaty with Sweden, adopt the same principle; and Mr. Poinsett has been instructed to propose it to Mexico. The President is desirous that all Nations would see and appreciate the fairness of the principle of reciprocity and competition upon which the Act of Congress is based. To enable the President to give effect, as it respects any particular Foreign Nation, to the Act, by issuing the

Proclamation for which it provides, all that is requisite is, that *satisfactory evidence* should be given to him "that no discriminating Duties of Tonnage or Impost are imposed or levied within the Ports of the said Nation, upon Vessels wholly belonging to Citizens of The United States, or upon Merchandise, the produce or manufacture thereof, imported in the same." In regard to Colombia, an Act of its Congress abolishing all such discriminating Duties, or a Diplomatic Note from its Minister of Foreign Affairs, declaring that no such discriminating Duties exist against The United States, would be deemed, by the President, evidence sufficiently satisfactory to authorize the issuing of his Proclamation: and it would, accordingly, upon the production of such evidence, be by him issued.

2dly. A Convention might be concluded between the two Powers, effecting the proposed mutual abolition of Alien Duties; and, in that case, the Second Article of that which, on the 3d of July, 1815, was formed between The United States and Great Britain, (6th vol. of the Laws of The United States, page 603) will supply a model that may be safely followed. It is not very important which of these two modes be adopted; but the President rather prefers the latter, because the proposed equalization of Duties would not, when depending upon compact, be so liable to a sudden termination, as if it rested on separate Acts of the two Parties, revocable at the pleasure of either. But if a strong inclination to the other mode should be manifested by the Government of Colombia, you are authorized to accede to it. A Commission, empowering you to conclude and sign a Convention, if that should be the form selected, accompanies these Instructions.

Mr. Anderson. H. CLAY.

(2.)—*Mr. Watts to Mr. Clay.*

(Extract.) *Bogota, January* 17, 1826.

I HAVE the honour to enclose you a Copy of my Note, addressed to the Secretary of Foreign Affairs, growing out of the Treaty recently ratified between this Republick and His Majesty the King of Great Britain.

This morning I had a short interview with M. Revenga, when he apologized for not answering my Note of the 15th, but gave me assurances that Vessels of The United States, trading to the Territories of Colombia, would be treated, by the Authorities of his Government, as in possession of all the privileges granted to the Colombian and English Vessels, upon a reciprocal equality, and that orders would immediately issue to the Officers of the Customs, directing them to observe the same.

The Hon. Henry Clay. BEAUFORT T. WATTS.

(3.)—*Mr. Watts to Mr. Revenga.*

SIR, *Bogota, January* 15, 1826.

SINCE your Excellency has been pleased to communicate to me the Ratification of the Treaty entered into between the Republick of Colombia and His Majesty the King of Great Britain, it becomes my duty to call your attention to the Second and Third Articles of the Treaty made and ratified between this Republick and The United States, wherein it is declared that the Contracting Parties engage, mutually, not to grant any particular favour to other Nations which shall not immediately become common to the other Party. In the Treaty between Colombia and His Britannick Majesty, it is stipulated, that no other or higher Duties or Imposts shall be levied, on account of Tonnage, Light-House Dues, Port Fees, &c. in the Territories of Colombia, on British Vessels, than the payments made for the same by Colombian Vessels; and the same Discount and Bounties granted, whether in British or Colombian Vessels.

May I therefore, Sir, remind you of the promise made by your Predecessor, Dr. Gual, and subsequently renewed by yourself, that, whenever it should be officially communicated to your Government, that the Treaty with Colombia and Great Britain had been ratified, that, simultaneously, thereafter, Orders would be issued placing The United States in all the Privileges of the most favoured Nations.

I have the honour, &c.

H. E. Joseph R. Revenga. BEAUFORT T. WATTS.

(4.)—*Mr. Anderson to Mr. Clay.*

SIR, *Bogota, February* 1, 1826.

AGREEABLY to the expectation intimated in my Letter No. 32, no difficulty has occurred in procuring from this Government its assent to a mutual and immediate renunciation of the countervailing Duties, to which the Commerce and Navigation of the two Countries have been heretofore subjected in the Ports of each other; and a few days only were occupied in concerting the means of accomplishing that end. Not having ascertained, with distinctness, in the conversation which I had with the Secretary of Foreign Relations on this subject, the views of his Government in relation to the mode of effecting the desired object, I determined to submit, at once, in a formal manner, the alternative suggested in your Instructions, of effecting the abolition, either by a Convention, or by an Order to that end, to be issued by Colombia, in anticipation of a corresponding Order from the Government of The United States.

To this mode I was led from a wish to exclude, without delay, a subject which, in truth, admitted no delay, without great injury to our Commerce, and, also, because, although an inclination had been indicated to adopt the course of mutual Executive Orders, no such distinct

preference had been announced as to justify me in forbearing to make the proposition to effect the object by Treaty. This Government has, however, elected to abolish the Duties under consideration, by a Decree of the Executive, a Copy of which, together with the Official Note accompanying it, is herewith transmitted to you. The thing is, I believe, satisfactory and complete. The Decree, in recapitulating the different motives and obligations which moved the Executive to issue it, has gone into a recital much more minute than was necessary for our purpose, but probably not more so than was necessary to show, on its face, the authority of the Vice-President for acting in the case.

The late Convention between Colombia and Great Britain, which has been assumed, in this case, as the standard for affixing the regulations to be established with us, embraces the following principles:—

1st. It equalizes the Tonnage and other Port Duties on the Vessels of the two Countries.

2d. It equalizes the Duties on the Importation of goods, whether it be in the Vessels of the one or the other Country, provided those goods are of the produce or manufacture of the Country from which the Importation is made.

3d. The Duty, and

4th. The Bounty, on Exportation, are made equal, whether the Exportation be made in Colombian or British Vessels.

It is on this footing that the recent Order has placed our Navigation; and it is to this extent, no doubt, that Colombia expects an entire reciprocity from The United States. But you will observe that, in this respect, the enclosed Decree is broader than the Act of Congress to which you refer me, as giving the President authority to reciprocate the Abolition. The Fourth Section of the Act of the 7th of January, 1824, authorizes the President, in certain events, to declare discontinued and suspended the Duties of Tonnage and *Impost*. I am aware that no difficulty can, at any time, occur, with regard to a Duty on Exportation, as none, by our Laws, has been, or can be imposed: but inasmuch as it is within the competency of Congress to legislate, at any time, on the subject of a *Bounty* on Exports, I considered it proper to call your attention to the extent of the arrangement on the part of Colombia, in order that the reciprocity, which I believe will exist under our Laws as they now are, may not be violated by future Legislation.

In that part of the Decree which refers to my Letter of the 28th of January, to the Secretary of Foreign Relations, as giving an assurance that there will be a mutual abrogation of the corresponding Duties in The United States, it is stated that this abolition will take place from the day on which the supsension occurs in Colombia. You will see that this is not the language of my Note. My expressions conform more nearly to the language of the Law, which says "The suspension

shall take effect from the time of the notification being given to the President of The United States." But well knowing the liberal spirit which governs our conduct on analagous occasions, I did not doubt that, if a Colombian Vessel should arrive in our Ports, under the faith of that construction, that the excess between the Alien and Domestick Duties would be refunded. I have, therefore, permitted the subject to pass without notice, under the certain belief that no difficulty can arise out of it. I have the honour to be, &c.

The Hon. Henry Clay. R. C. ANDERSON, Jun.

(5.)—*Mr. Anderson to Mr. Revenga.*

SIR, *Bogota, January* 28, 1826.

THE propriety of abolishing the discriminating Duties of Imposts and Tonnage, hitherto imposed by the Laws of our respective Countries, on the Vessels and Merchandise of the one, in the Ports of the other, has been a subject of Correspondence between yourself and Mr. Watts, Chargé d'Affaires of The United States, near this Republick. It is with great pleasure, I learn from that Correspondence, that the Government of Colombia is not indisposed to make a mutual abolition of those Duties; and it is with still further satisfaction, I learned from you, in conversation on Thursday last, that this Government was now ready, in confirmation of its previous declaration, to make an immediate arrangement which would place the Commerce and Navigation of the two States on so eligible a foundation. In that conversation I had the honour of stating to you that two modes occurred to me, by either of which, the same beneficial result would probably be produced; but that there were considerations connected with one of them, which seemed to give claims to its adoption beyond the other.

The one mode of accomplishing the object, is that referred to in your Letter to Mr. Watts, of the 20th of the present month, in which you declare the readiness of Colombia to extend, by a Decree of the Government, to the Vessels and Merchandise of The United States, the same Rights and Exemptions which have been recently granted to Great Britain. This course will be in fulfilment of those Clauses of the Treaty between The United States and Colombia, signed on the 3d of October, 1824, by which each has assured to the Commerce and Navigation of the other, the footing of the most favoured Nation. This principle, then, taken in connexion with the Provisions of the late Convention between this Government and the Government of Great Britain, under which the Vessels of those Countries, and their Cargoes, pay only, in the Ports of each other, the Duties demanded in like cases, from Native Vessels and their Cargoes.

If this shall be the mode preferred to be made to The United States, I am authorized to say, and I desire that this may be deemed the necessary declaration, that, immediately on receiving the information that the Duties in question have been abolished here, the Pre-

sident of The United States will issue his Proclamation, declaring a mutual and immediate abolition of the corresponding Duties with regard to Colombia, in the Ports of The United States.

Another mode, suggesting itself for effecting the desired object, is, a Convention between the two Powers, declaring a mutual abolition of Alien Duties. This mode is recommended by its superior simplicity. A single instrument would then show the whole rule governing the Commerce of the two Countries. A Convention would declare, on its face, without reference for explanation to any other Treaty or Publick Document, the Duties demandable in the Ports of the one, from the Citizens of the other Nation.

The relations produced in this way, would be more permanent, inasmuch as they would not rest, for their existence or continuance, on any Arrangement made with a third Power, which would necessarily be the case, if the first course referred to, be adopted.

Under this view, it is respectfully submitted, whether it is not more desirable to effect an object directly, and by express Stipulation, than to reach it by a circuity, and then to permit it to depend, for its duration, on the continuance of an Arrangement to which one of our Governments is no Party. It does not occur to me, that any objection can exist on the part of Colombia, to make the same Stipulations with The United States, and in the same form, too, in which they have been recently made between this Government and that of His Britannick Majesty; and especially, as whatever objection to the principle or precedent of such a Compact may once have existed, is now destroyed by the adoption and ratification of that Convention.

In the event that the manner here last suggested, should be preferred by this Government, it will give me great pleasure, under the Full Powers with which I have been furnished for the purpose, to enter on the Negotiation, at as early a day as it may be convenient.

I have the honour, &c.

The Hon. Joseph R. Revenga. R. C. ANDERSON, Jun.

(6.)—*Don Joseph R. Revenga to Mr. Anderson.—(Translation.)*

SIR, *Bogota, January* 31, 1826.

I HAVE had the honour to receive, and to lay before the Vice-President, your Communication of the 28th ultimo, in which, after referring to that addressed by this Department to Mr. Watts, Chargé d'Affaires of The United States, on the 20th, you are pleased to propose a Treaty, in addition to that which was concluded between Colombia and The United States on the 3d October, 1824, as the most simple means of extending to their Vessels, Productions and Manufactures, the privileges which, by the Treaty concluded here in April last, were granted to the Vessels, Productions, and Manufactures, of the Dominions of His Britannick Majesty.

The Vice-President agrees in opinion with you, that a Treaty

which should abolish all the Duties to which Foreign Vessels are subject, in the mutual Commerce of our respective Countries, would facilitate the comprehension of the rules to be observed in our mutual mercantile relations; but he judges, at the same time, that this object is no less attainable by a simple Declaration, and that this being in the power of the Executive of both Countries, in virtue of the said Treaty of October, the adoption of what you propose would only have the effect of deferring it.

The Copy with which you were pleased to accompany your above-mentioned Communication, has inspired the Vice-President with the agreeable persuasion that, for this purpose, a Decree, such as that which I have the honour to inclose, would be entirely satisfactory to the Government of The United States. And the apprehension that the duration of these new privileges would be thus more ephemeral, has appeared to His Excellency to be removed, as he flatters himself that those States endeavour, no less than Colombia, to strengthen and cultivate, mutually, the most frank, friendly, and benevolent relations. These sentiments have induced the Vice-President to order me to communicate that Decree to the proper Persons, that it may be observed as a Law of the Republick; and I am gratified in adding, that I this day fulfil that order. I pray you, Sir, to accept, &c.

Mr. R. C. Anderson, Jun. JOSEPH R. REVENGA.

(7.)—*DECREE of the Colombian Government, respecting the Duties payable on Vessels and Caryoes of The United States, January* 30, 1826.—*(Translation.)*

Francisco de Paula Santander, Vice-President, charged with the Executive Authority of the Republick of Colombia.

THE Ratifications of the Treaty of Friendship, Commerce, and Navigation, concluded in this City on the 18th of April, 1825, between Colombia and His Majesty the King of the United Kingdom of Great Britain and Ireland, having been exchanged, as is duly known; in which Treaty it is declared, in the 5th Article, "That no other or higher Duties, on account of Tonnage, Light or Harbour Dues, shall be imposed in the Ports of Colombia, on British Vessels, than those payable in the same Ports by Colombian Vessels;" and also, in the 6th Article, "That the same Duties shall be paid on the importation into the Territories of Colombia, of any article, the growth, produce, or manufacture, of his Britannick Majesty's Dominions, whether such importation shall be in Colombian or British Vessels; and the same Duties shall be paid, and the same discount [drawback] and bounties allowed on the Exportation of any articles, the growth, produce, or manufacture of Colombia, to His Britannick Majesty's Dominions, whether such Exportation be in Colombian or British Vessels."

And it being stipulated in the 3d Article of the General Convention of Peace, Amity, Navigation, and Commerce, concluded in this City, on the 3d day of October, in the year 1824, between Colombia and The United States of America, the Ratifications of which were exchanged on the 27th of May, 1825, "That the Citizens of The United States of America shall pay no other or greater Duties, charges, or fees, whatsoever, than the most favoured Nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions, in Navigation and Commerce, which the most favoured Nation does or shall enjoy."

And the Hon. Richard C. Anderson, Envoy Extraordinary and Minister Plenipotentiary of The United States near the Government of Colombia, having made known, in a Communication dated on the 28th day of the present month of January, that the President of the said United States is ready to concede, or cause to be conceded, to the Vessels, productions, and manufactures of Colombia, the same exemptions which, by the beforementioned Treaty, are granted to the Vessels, productions, and manufactures of the Dominions of His Britannick Majesty, which may be introduced into the Ports and Territories of Colombia; and that those exemptions will be granted from the day in which, in Colombia, there shall be extended to the Commerce of the Citizens of The United States, the Privileges which are granted to British Commerce.

And it being obligatory on Colombia, by the 2d and 3d Articles of the before-mentioned General Convention, "not to grant any particular favour to other Nations, in respect to Commerce and Navigation, which shall not become common to The United States."

Wherefore, and the Condition of which the said 2d Article speaks, being considered as complied with, and in the execution of the Laws of the Republic, I declare:

Article I. That there shall be paid the same Duties on the Importation into the Territories of Colombia, of any Article whatever, of the growth, produce, or manufacture of The United States of America, and of the Territories subject to the Government of The United States; and that there shall be paid the same Duties, and there shall be granted the same discounts and bounties, on the exportation of any Article, the growth, produce, or manufacture, of Colombia, to The United States, or to the Territories of the same, whether the said importation or exportation be made in Colombian Vessels, or in Vessels of the said United States.

II. The Vessels of The United States which may enter into the Ports of the Republick of Colombia, shall not pay other or higher Duties or charges, on account of Tonnage, Light or Harbour dues, or other local charges, than shall be payable in the same Ports by Colombian Vessels.

III. The Secretary of State in the Despatch of Foreign Affairs, is charged with communicating this Declaration.

Done in the City of Bogota, this 30th day of January, 1826, in the 16th of Independence.

FRANCISCO DE PAULA SANTANDER.

By the Vice-President, charged with the Executive Power:
The Secretary of State in the despatch of Foreign Relations,
JOSEPH R. REVENGA.

ACT of Congress of The United States, "to equalize the Duties on Vessels of the Republick of Colombia, and their Cargoes."

BE it enacted by the Senate and House of Representatives of The United States of America in Congress assembled, That no other or higher rate of Duties shall be imposed or collected on Vessels of the Republick of Colombia, and their Cargoes, consisting of Articles of the growth, produce, or manufacture of said Republick, than are, or may be, payable on Vessels of The United States, with Cargoes composed as aforesaid.

Sec. 2. And be it further enacted, That the Secretary of the Treasury be, and he is hereby authorized to return all Duties which have been assessed since the 29th of January, 1826, on Vessels of the Republick of Colombia, and their Cargoes, of the growth, produce, or manufacture of the said Republick, beyond the amount which would have been payable on Vessels of The United States, and Cargoes, composed as aforesaid, imported therein; and that the same allowances of Drawback on exportation in Vessels of the Republick of Colombia be made, as on the like exportation in Vessels of The United States.

Sec. 3. And be it further enacted, That this Act shall continue and be in force during the time that the equality for which it provides shall, in all respects, be reciprocated in the Ports of the Republick of Colombia; and if, at any time hereafter, the said equality shall not be reciprocated in the Ports of the said Republick, The President may, and he is hereby authorized to issue his Proclamation, declaring that fact, whereupon this Act shall cease and determine.

Approved, April 20, 1826.

CORRESPONDENCE between The United States and France, in relation to Deserters from French Ships.

SIR, *Department of State, January 5*, 1826.

IN reply to your Letter of the 3d instant, transmitting a Copy of a Resolution of the House of Representatives, instructing the Com-

mittee of Foreign Relations to inquire into the expediency of making provision by Law, for the more complete execution of the Sixth Article of the Convention with France, of the 24th June, 1822, touching the delivery of Deserters, and requesting any information in the Department of State, on the subject of that Resolution, I have the honour now to communicate,

1st. Copy of a Correspondence which has taken place with the French Minister, in regard to the interpretation and execution of the Sixth Article of the Convention.*

2dly. Copy of a Letter from the Department of State, addressed to the Mayor of Norfolk; and,

3dly. Copy of a Letter, under date of 29th December, 1825, from the Mayor of Norfolk to Mr. Hersant, Vice-Consul of France, at Norfolk.

The above Correspondence shows, that from the opinion, in which both the Executive of The United States and the Representative of France concur, as to the meaning of the Sixth Article of the Convention, the Mayor of Norfolk dissents; and, according to his Letter to Mr. Hersant, that the Attorney-General of Virginia, to whom he had appealed for advice, has confirmed the correctness of his declaration, that he did not possess the authority to lend his official assistance in the recovery of French Sailors who had deserted from the Public Ships of France. Not having seen the opinion of that Law Officer of Virginia, the ground upon which it is placed, or the extent of its scope, cannot be now stated. Whatever they may be, it is presumed that the Magistracy of that State will act in conformity to his opinion, and will decline, in the cases in which he thinks they ought to withhold, their co-operation in the recovery of French Deserters.

I have the honour to be, &c.

H. CLAY.

John Forsyth, Esq.
Chairman of the Committee of Foreign Relations,
House of Representatives.

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* Extract of the Convention of Navigation and Commerce between The United States and France, signed at Washington, June 24, 1822.

Art. 6. The Contracting Parties, wishing to favour their mutual Commerce, by affording in their Ports every necessary assistance to their respective Vessels, have agreed, that the Consuls and Vice-Consuls may cause to be arrested the Sailors, being part of the Crews of the Vessels of their respective Nations, who shall have deserted from the said Vessels, in order to send them back and transport them out of the Country; for which purpose the said Consuls and Vice-Consuls shall address themselves to the Courts, Judges, and Officers competent, and shall demand the said Deserters in writing: proving, by an exhibition of the Registers of the Vessel, or Ship's Roll, or other Official Documents, that those Men were part of said Crews; and on this demand, so proved, (saving, however, where the contrary is proved,) the delivery shall not be re-

INCLOSURES.

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(1.)—*The Baron de Mareuil to Mr. Adams.*—(*Translation.*)

SIR, *Washington, October* 3, 1824.

THE French Squadron which is in Hampton Roads has experienced some desertion in their Crews. The Vice-Consul of France, residing at Norfolk, took the necessary steps to obtain the arrest of these Deserters, agreeably to the Sixth Article of the Maritime and Commercial Convention of the 24th June, 1822; and having only on this subject to acknowledge the readiness of the Magistrates to whom he applied, he attributes his want of success hitherto, to a circumstance of form, with which I have the honour to make you acquainted.

The Convention stipulates, that to obtain the delivery of Deserters, the respective Consuls must address themselves to the *Courts, Judges, and Officers competent;* consequently, the Consul must address himself to the Magistrate of the County in which the Vessel is stationed from which the desertion took place; but it happens, from the very division of the territory of each State, that the particular competence of each Magistrate being restricted, the Deserters may easily, in the space of a day, shift from the Counties several times, and the Mandate obtained in the one being of no force in the other, it is very easy for them to escape the researches directed against them.

The same inconvenience does not exist in France, where the Tribunals are permanent, where their competence is less limited, and where, moreover, their Mandates, by means of a simple formality, have force through the whole Kingdom.

It is therefore true, that the intention of the Sixth Article of the

fused; and there shall be given all aid and assistance to the said Consuls and Vice-Consuls for the search, seizure, and arrest of said Deserters, who shall even be detained and kept in the Prisons of the Country, at their request and expense, until they shall have found an opportunity of sending them back. But if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Convention to give, in a just and complete reciprocity to the Commerce of the two Countries a sufficient protection, is partly eluded, to the detriment of France, and it becomes indispensable that the Federal Government be pleased to find means for re-establishing, in this regard, the perfect equality which the spirit of the Treaty demands.

With this view I have thought it my duty to address you, Sir, and to request you to call all the attention, which the President cannot fail to give it, to a point which so nearly touches the commercial interests of the two Countries.

Accept, Sir, the assurance, &c.

The Hon. J. Q. Adams. THE BARON DE MAREUIL.

(2.)—*The Baron de Mareuil to Mr. Clay.*—(*Translation.*)

SIR, *Washington, October* 4, 1825.

ON the 3d of October, last year, I had the honour to address the Department of State, to call its attention to certain difficulties relative to the execution of the Sixth Article of the Convention of 1822, and to measures to be taken in the States of the Union, for securing the surrender of Marine Deserters. My Letter still remaining without answer, I proposed to revert to this matter, when a fact still more grave should put me to the necessity of demanding of you an immediate explanation.

During the stay of the French Brig, the *Endymion*, at Norfolk, one of her Sailors having disappeared from on board, the Vice-Consul of France immediately applied to the Mayor of the City, and to the Judge of the County: from the one the assistance, and from the other the Warrant necessary for the seizure of the Deserter, and sending him on board. Both formally refused it, and under the pretext, equally new and unexpected, that the Sixth Article of the Convention was only applicable to the Sailors of Merchant Vessels, and not to those of Ships of War.

As this is the first time in three years that a distinction so strange has been advanced, and as I cannot believe that it had the approbation of the Government, I shall abstain from discussing it; but I pray you, Sir, to be pleased to put me right in this regard, and to cause the necessary Orders to be given, that a similar refusal on the part of the Local Authorities may no more fetter the execution of a Stipulation, so formal, and so important to the maritime interests of the two States.

I send, herewith, a Copy of the two Answers made to Mr. Hersant.

Accept, Sir, the assurances, &c.

The Hon. H. Clay. THE BARON DE MAREUIL.

(3.)—*Mr. Holt, Mayor, to the Vice-Consul of France, at Norfolk.*

SIR, *Norfolk, September* 29, 1825.

I HAVE to acknowledge the receipt of your Letter of the 28th instant, informing me of the desertion of a Sailor from His Most Christian Majesty's Brig *Endymion*, and requesting me to issue an Order, for his Arrest, and delivery to that Vessel, in conformity to the Convention between France and The United States, signed on the 24th of June, 1822.

There exists no Law of our General and State Government, that authorizes a Magistrate of this Commonwealth to cause a Deserter from a Foreign national or private Vessel of War, to be apprehended and restored to such Vessel; nor is it presumed, that the Convention to which you refer confers the power, but is solely applicable to cases of desertion from those employed between the two Countries for the purposes of Commerce. The Sixth Article provides, that "the Contracting Parties, wishing to favour their mutual Commerce, by affording in their Ports every necessary assistance to their respective Vessels, have agreed that the Consuls and Vice-Consuls may cause to be arrested the Sailors, being part of the Crews of the Vessels of their respective Nations, who shall have deserted from the said Vessels, in order," &c. I have the honour to be, &c.

Mr. Vice-Consul Hersant. JOHN E. HOLT.

(4.)—*Mr. Stephen Wright, Judge of the County of Norfolk, to the Vice-Consul of France in said City.*

SIR, *Norfolk County, September* 29, 1825.

I HAVE the honour, in reply to your Note of yesterday, requesting a Warrant to apprehend a Deserter from the *Endymion*, a French Vessel of War, to state, that the construction given to the Sixth Article of the Convention by the Commonwealth's Attorney does not relate to Deserters from Vessels of War. This opinion I feel myself bound to respect. Your application to the higher Authorities may produce a more liberal construction.

Accept, Sir, an assurance, &c.

Mr. Vice-Consul Hersant. STEPHEN WRIGHT.

(5.)—*Mr. Clay to Mr. Holt, and to Mr. Wright.*

SIR, *Department of State, November* 7, 1825.

THE Baron de Mareuil, the Minister of France, has presented a complaint to the Government, founded upon your refusal on the 29th of September last, to afford your official co-operation for the recovery of a Sailor who had deserted from the *Endymion*. It has been laid before the President, who conceives that the Sixth Article of the Convention with France, of the 24th day of June, 1822, comprehends as

well Deserters from Public Ships as from Merchant Vessels. The inducement which operated with the Parties, to agree to the Sixth Article, was that of favouring their mutual Commerce. That the Stipulation itself makes no exception of Public Vessels; on the contrary, it applies to all Vessels of the respective Parties, and to all deserting Sailors, being part of the Crews of those Vessels. Besides, it cannot be said that the surrender of the Deserter from the Public Vessel has no tendency to favour Commerce. This is believed to be the true construction of the Treaty, and if we have to extend the benefit of it to French Vessels, public as well as private, in our Ports, it should not be forgotten that we derive a corresponding benefit in the Ports of France. Assuming this to be the meaning of the Treaty, all observation is presumed to be unnecessary, to show that it is the Law of the Land. I have the honour to be, &c.

Mr. Holt and Mr. Wright. H. CLAY.

(6.)—Mr. Clay to The Baron de Mareuil.

SIR, *Department of State, November 7, 1825.*

I HAVE the honour to acknowledge the receipt of your Note of the 4th ultimo, which has been submitted to the President. In respect to that of the 3rd of the same month of the previous year, I understand, in this Department, that an answer was not sent to it, in consequence of some conversation which passed between my Predecessor and you, which appeared to render one unnecessary. If any misconception prevailed in that particular, and you should desire a written reply, it will afford me pleasure to furnish one.

In regard to the refusal of the Mayor of Norfolk, and the Justice of the Peace of Norfolk County, to afford the requisite aid to the recovery of the Sailor who deserted from the *Endymion*, that refusal, so far as it was founded upon the interpretation which those Officers gave to the 6th Article of the Convention of 1822, ought not to have occurred. The President believes that, according to the true construction of that Article, Sailors deserting from Public Ships are comprehended, as well as those from Vessels in the Merchant Service. The error of those Officers might have been corrected by resort to the Tribunals of The United States, which will ever be ready to afford their co-operation, when Questions are regularly brought before them, in carrying into effect the Engagements of The United States with Foreign Nations, with all the precision and good faith which the President desires should characterize their execution. I have, in the mean time, communicated to the Mayor of Norfolk, and to the Justice of the Peace of Norfolk County, the opinion of the President, as to the erroneous construction of the Convention, which they have adopted,

and doubt not that if their authority should again be invoked, it will not be withheld upon the ground heretofore assumed by them.

I avail myself of the occasion, &c.

The Baron de Mareuil. H. CLAY.

(7.)—*The Baron de Mareuil to Mr. Clay.*—(*Translation.*)

SIR, *Washington, November* 16, 1825.

THE Letter under date of the 7th of this Month, which you did me the honour to write me in answer to mine of the 3d October, 1824, and of the 4th October, of the present year, places me under the necessity of making you acquainted with, and of recommending, also, to your benevolent attention, two important observations.

The first is relative to that conversation of which you remind me, that took place last year between your Predecessor and me, and in which I do not remember that there was any other question than the difficulties arising from the division of Territories, and that of jurisdiction, for the very execution of the 6th Article of our Convention; so that it appeared to have been intended, that the Attorney General of The United States should be consulted upon the means of procuring a more easy execution of the Stipulation relative to Deserters, in the Ports and Countries of the American Confederacy.

This is the result of that consultation which I solicited, and which I still solicit, for the purpose of establishing, upon this subject, a complete reciprocity between the two Countries.

My second observation will bear upon that part of your Letter where, after having acknowledged that the interpretation given by the Mayor of Norfolk, and the Magistrate of the County, to the same Article of the Convention, is erroneous; and that this Article applies to Deserters from Ships of War, as well as to those from Merchant Vessels; announcing to me, moreover, that according to the orders of the President, you have transmitted to Norfolk the necessary information, that a difficulty of the same nature may not again take place. You, in the mean time, add, that there would be an appeal in the matter from this first decision to the Tribunals of The United States. On this subject, Sir, it is impossible for me not to remark, that, from Government to Government, in all that concerns the general interests of the respective States, the execution of Treaties can never afford matter for juridical actions; that it belongs to each Government to procure, in its Territory, the full and entire execution of Stipulations which bind it towards Foreign Governments; and that, in the case in question for example, if the Consuls of France shall be always bound to pursue, before the Courts, the arrest and return of Deserters, there will result a loss of time and expense, which would render illusory the Stipulation made for the mutual interests of the Navigation and Commerce of the two States.

Be pleased to receive these two observations as emanating from the very duties of my Station; and the sincere desire which I shall always have to contribute all in my power to the maintenance of a perfect understanding, which no one appreciates more than I do.

Accept, Sir, &c.

The Hon. Henry Clay. THE BARON DE MAREUIL.

(8.)—*Mr. Clay to The Baron de Mareuil.*

SIR, *Department of State, Washington, December* 19, 1825.

IN answer to the Note which you did me the honour to address to me on the 16th ultimo, it is quite unnecessary to repeat the assurance, already given, of an anxious disposition on the part of the Government of The United States, to fulfil its Engagements with France, in their true spirit, and to their utmost extent. With respect to the Desertion of Sailors from the Vessels of one of the two Countries in the Ports of the other, the instances cannot be so numerous as to require the establishment of any new Tribunals, or the creation of any new Officers, to enforce the provisions of the 6th Article of the Convention. The facilities for apprehending Deserters necessarily depend in some degree, upon the density of population, and other circumstances, at the Place where a Desertion happens; and they are greater at some Ports than at others. This observation is applicable to both Countries. It is believed, that the suggestion is not well founded, that any difficulty in arresting and securing such Deserters is to be attributed to the form of our Confederacy. "The Courts, Judges, and Officers, competent," referred to in the above Article, comprehend those of the several States, as well as of the general Government. And one or other of the two descriptions of Officers are to be found, in sufficient number, at all Places. Besides, both Nations contemplated, at the time of contracting, the actual forms of their respective Governments.

In regard to the second observation which you have done me the honour to make in your Note, I have to remark, that, whatever may be the case with Treaties generally, between State and State, the above Article of the Convention, so far from being withdrawn from judicial action, expressly refers itself to judicial means for its execution; and from the very nature of the facts to be examined, the intervention of judicial Functionaries was indispensable.

I pray you Sir, to accept, &c.

The Baron de Mareuil. H. CLAY.

(9.)—*The Baron de Mareuil to Mr. Clay.—(Translation.)*

SIR, *Washington, December* 24, 1825.

WHEN, on the 3rd October, 1824, I submitted to your honourable Predecessor, some difficulties which obstructed the execution of the

6th Article of the Convention of 1822, relative to the mutual surrender of Deserters, I did not require that there should be, on that account, new Courts of Justice established, or new Functionaries created for the execution of said Article; but I only shewed the desire, that means might be found of rendering effective, from one County to another, of the same State, the Warrant obtained from the Magistrate residing in the Port where the Desertion took place, in order to obtain the reciprocity of what is practised in France on the same occasion.

I regret, without doubt, to learn, that the Federal Government has not discovered any means of procuring this perfect equality in the execution of a Stipulation, so interesting to the Navigation of the two Countries.

But an object, more important, has engaged me since then, and to which I find myself obliged to recur, as, on the one hand, we are not entirely agreed on the sense itself of the Convention, and on the other, the assurances given in your letter of the 7th November last are not sufficient to prevent a new refusal of the Mayor of Norfolk which you will see expressed, Sir, in the Letter of which a Copy is sent.

It is, besides, evident to me, that the 6th Article of the Convention in enumerating the *Tribunals, Judges and Officers competent*, has principally had in view to specify, according to the organization of each Country, the different Authorities to which the Consuls and Vice Consuls ought to address themselves for the arrest and surrender of Deserters, but that it has not supposed that there ever was, in this circumstance, a ground of procedure to appeal from one jurisdiction to another, unless in the case where one Party appeared denying the very fact of the Desertion. The Question from the beginning therefore has been, to know what was, in the Ports of The United States, the competent Authority, to which the French Consuls ought to address themselves. Now it had appeared, until now, that the Magistrate, or Justice of the Peace, granted the *Warrant*, and that the Mayor attended to the execution of it. Several examples have already presented themselves, where those of Norfolk had attended to the requisitions of the Consul. Still it is not their competence that they refuse to acknowledge; it is not the justice of the requisition that they discuss; it is the very application of the Treaty—it is its interpretation that they contest; and in this case, as in those of which I spoke in my Letter of the 17th November, it is impossible for me to admit, that the Consul ought to address himself to the Court of The United States. It appeared to me, on the contrary, that his representation could only come to the Minister of his Government; and that it was my part to make it the object of a direct representation to the Federal Government; for if, definitively, (and the new Letter of the Mayor of Norfolk afforded the idea,) the directions of the Cabinet were not

sufficient to regulate the conduct of this Magistrate, there was a necessity, in the system of the Country, to cause Judgment to be given by the Court of The United States, it would be for the Federal Government to cause it.

I can only, therefore, through your means, Sir, refer myself to the justice of the President, and to the express intention which I, without doubt, acknowledge that he has, to contribute all in his power to the full and entire execution of the Engagements which subsist between France and The United States.

Accept, Sir, the assurance, &c.

The Hon. Henry Clay. The BARON DE MAREUIL.

(10.)—*Mr. Holt to Mr. Hersant.*

SIR, *Norfolk, December* 16, 1825.

I HAVE to acknowledge the receipt of your Letters of the 8th instant, and of this date, in which you desire me to cause two Deserters from His Most Christain Majesty's Brig *Endymion*, to be apprehended and confined, subject to your Order. I had the honour to communicate to you, in answer to your former Note on this subject, my impression, that the 6th Article of the Convention of Navigation and Commerce, between The United States and France, provided for cases of Desertion from Vessels engaged in their mutual Commerce, and not from their Ships of War. This construction still appears to me to be correct, and I must therefore decline for the present complying with your request. I have, however, applied to the Attorney General of the State for his interpretation of the Article above alluded to; which, when received, shall be communicated to you, and your demand complied with, if sustained by his opinion. I am, &c.

Mr. Vice Consul Hersant. JOHN E. HOLT.

(11.)—*Mr. Holt to Mr. Hersant.*

SIR, *Norfolk, December* 29, 1825.

IN the Note I had the honour to address you on the 16th instant, you were apprized I had submitted to the consideration of the Attorney General of the State, your application to me, to cause two Deserters from His Most Christian Majesty's Brig *Endymion* to be arrested and confined, subject to your Order, and that I had desired his opinion as to the propriety of my affording my official co-operation for their recovery. His answer to my Letter has confirmed me in the correctness of the declaration contained in the Note above alluded to, that I did not possess the authority to comply with your request.

I am, &c.

Mr. Vice Consul Hersant. JOHN E. HOLT.

ACT of the Congress of The United States, "to provide for the apprehension and delivery of Deserters from French Ships in the Ports of The United States."

BE it enacted by the Senate and House of Representatives of The United States of America in Congress assembled, That, on the application of a Consul or Vice-Consul of France, made in writing, stating that the Person therein named has deserted from a Publick or Private Vessel of France, while in any Port of The United States, and on proof, by the exhibition of the Register of the Vessel, Ship's Roll, or other official Document, that the Person named belonged, at the time of desertion, to the crew of said Vessel, it shall be the duty of any Court, Judge, Justice, or other Magistrate, having competent power to issue Warrants, to cause the said Person to be arrested for examination; and if, on the examination, the facts stated are found to be true, the Person arrested, not being a Citizen of The United States, shall be delivered up to the Consul or Vice-Consul, to be sent back to the Dominions of France; or, on the request, and at the expense of the said Consul or Vice-Consul, shall be detained, until the Consul or Vice-Consul, finds an opportunity to send him back to the Dominions of France: *Provided nevertheless*, That no Person shall be detained more than three months after his arrest, but, at the end of that time, shall be set at liberty, and shall not be again molested, for the same cause.

Sec. 2. And be it further enacted, That this Act shall continue in force, so long as the Convention of the 24th of June, 1822, between The United States and France, shall be mutually obligatory on the Parties to it, and no longer.

Approved, May 4, 1826.

LETTER from the Secretary of the Navy of The United States, relative to the protection of the Commerce with Brazil and Buenos Ayres.—March 3, 1826.

SIR, *Navy Department, March* 3, 1826.

IN answer to the Resolution of the House of Representatives of the 23d February, "that the Secretary of the Navy be directed to report if there be a sufficient number of Vessels now in Commission for actual Service, to enable him to extend adequate protection to our Commerce to the Empire of Brazil, and to the Republick of Buenos Ayres, and in the event of the whole Naval Force in Commission being engaged on other Stations, what Additional Appropriation will be required for this object:

I have the honour to state, that Estimates have been formed, and an Appropriation Bill passed for the support, in Commission, of one Ship of the Line; three Frigates of the first Class; one Frigate of

the 2d Class; six Sloops of War of the 1st Class; three Sloops of the 2d Class, and seven Brigs, Schooners, &c.

These Vessels were intended to be distributed in the following manner:

In the Mediterranean.—*North Carolina* 74, *Constitution* Frigate, Sloops *Erie* and *Ontario*, and Schooner *Porpoise*. These Vessels are now there, and it is not believed that any change can be made with safety to the Publick Interest, by withdrawing any part of this force.

In the Pacifick.—The Frigate *United States*, Sloop *Peacock*, and Schooner *Dolphin*. The *Brandywine*, now in Commission, will be prepared for the purpose, and relieve the Frigate *United States*, so that that Vessel will return about the close of the Year. The *Peacock* must, in like manner, be relieved by another Sloop of War, and it was intended to send an additional Vessel of that class, making, in all, a Frigate, two Sloops, and a Schooner; a force which cannot be diminished with safety to our Commercial Interests in that Ocean.

In the West Indies, we have the Frigate *Constellation*, Corvette *John Adams*, Sloop *Hornet*, Brig *Spark*, and Schooners *Shark*, *Grampus* and *Fox*, to which may be added the Corvette *Cyane*, intended for that Station at the expiration of her present cruise on the Coast of the Brazils and Buenos Ayres. The recollections of the last two Years admonish us that any part of this force cannot be withdrawn. It could be sent to no Place where our interests are in greater jeopardy. Indeed the impression is not feeble that we ought to increase it without delay.

This distribution of the force leaves but a single Sloop of War in Commission, which is not specifically attached to, and employed in the protection of Commerce, upon and near some Station. Separate Service, and objects of a general nature will certainly employ that one.

It may, therefore, in answer to the Resolution, be stated, that there are not a sufficient number of Vessels now in Commission for actual Service, to enable the Department to extend adequate protection to our Commerce to the Empire of Brazil, and to the Republick of Buenos Ayres. It is believed that an additional Frigate and two Sloops of War would be necessary for that object, and an Estimate is herewith transmitted of the annual expense of supporting a Frigate of the first Class, one of the second Class, and one Sloop of War.

The Appropriation which shall be made by Congress, will determine the character and number of the Vessels which will be put in Commission for that Service. I am, most respectfully,

SAM. L. SOUTHARD.

To the Speaker of the House of Representatives of The United States.

***ESTIMATE** shewing the Annual Expense, for one Year, of a Frigate of the first and second Class, and of a Sloop of War, exclusively of the Pay and Rations of the Commission and Warrant Officers, but including the Expense of Outfits.*

	Frigate. Forty-four.	Frigate. Thirty-six.	Sloop of War.
Pay of Petty Officers, Seamen, &c. ..	53,772 ..	44,616 ..	17,712
Provisions	36,043 ..	29,930 ..	11,223
Medicines and Hospital Stores	2,000 ..	1,600 ..	1,000
Outfits, to be appropriated	50,000 ..	45,000 ..	20,000
Wear and Tear (repairs)	16,000 ..	12,000 ..	8,000
Dollars.....	157,815	133,146	57,935

***LOI** de France, relative au Réglement définitif du Budget de l'Exercice, 1824.*

Au Château de Saint Cloud, le 21 Juin, 1826.

CHARLES, PAR LA GRACE DE DIEU, ROI DE FRANCE ET DE NAVARRE, à tous présens et à venir, salut.

Nous avons proposé, les Chambres ont adopté, nous avons Ordonné et Ordonnons ce qui suit:—

I^er^.—*Des Annullations de Crédits.*

ART. 1^er^. Les Crédits ouverts par les Lois des 10 Mai, 1823, et 21 Mai, 1825, aux Ministères ci-après, pour les Services de l'Exercice, 1824, sont réduits d'une Somme totale de 4,743,279 Francs, restée disponible et sans emploi sur ces Crédits; savoir:—

Intérêts des 5 p. o/o Consolidés				22,064f.
Justice—Service ordinaire				73,727
Affaires Ecclésiastiques et Instruction Publique				149,095
Intérieur	Service ordinaire	74,060f.		1,088,349
	Cultes non catholiques	1,542		
	Dépenses départles. fixes	72,515f.	524,516	
	Fonds de secours....452,001			
	Dépenses secrètes de la Police Générale....488,231			
Guerre				886,255
			A reporter....Francs..	2,219,490

		Report..... Francs		2,219,490f.
Finances	Dette viagère		315,974f.	946,050
	Pensions	Civiles	37,903	
		Donataires dépossédés	28,889	
	Intérêts de Cautionnemens		386,094	
	Frais de Service et de Trésorerie		18,964	
	Service administratif du Ministère		158,226	
	Administrations et Regies Financières.	Forêts	23,510	824,749
		Douanes (Amendes et Confiscations attribuées)	187,015	
		Contributions indirectes. Exploitation des Tabacs. 575,898f.		
		Remboursems. et Restitutons. 3,058	578,956	
		Loterie. Personnel et matériel 29,840		
		Remise de 6 pr. o/o aux Receveurs .. 5,428	35,268	
	Contributions directes.	Non-valeurs et Attributions sur Patentes	734,795	739,409
		Frais d'assiette et de recouvrement. Directions des Contributions directes 2,232		
		Centimes de Perception .. 2,382	4,614	
	Fonds de dépenses communales et de réimpositions....			13,581
		Somme égale..... Francs		4,743,279

2. Les Crédits affectés au Service des Départemens pour les Dépenses variables et pour celles du Cadastre sont réduits d'une Somme de 5,352,951 Francs, restée disponible au 31 Décembre, 1825; savoir :—

Dépenses Départementales.	Dépenses variables spéciales	2,012,195f.	4,186,985f.
	——— sur centimes facultatifs votés par les Conseils Généraux	2,059,901	
	——— sur Ressources extraordinaires locales	114,889	
Dépenses Cadastrales.	Sur le fonds commun compris au Budget..	811,910	1,165,966
	Sur centimes facultatifs votés par les Conseils Généraux	354,056	
	Total égal..... Francs		5,352,951

Cette Somme est affectée et transportée au Budget de 1826, pour y recevoir la destination qui lui a été donnée, par la Loi de Finances du 10 Mai, 1823.

II.—*Des Supplémens de Crédits.*

3. Il est accordé, sur le Budget de 1824, au-delà des Crédits fixés par les Lois des 10 Mai, 1823, et 21 Mai, 1825, les supplémens ci-après :—

1°. Au Ministère de la Justice (complément de frais de Justice Criminelle).....	1,065,865f.
2°. Au Ministère des Affaires Etrangères	315,285
3°. Au Ministère de l'Intérieur (travaux publics)	599,007
A reporter..... Francs	1,980,157

		Report..... Francs..		1,980,157
4°. Au Ministère de la Marine				637,106
5°. Au Ministère des Finances :—				
Dépenses Générales.	Pensions.. Militaires.....	546,720f.	701,980f.	
	Pensions.. Ecclésiastiques	155,260		
	Intérêts de la Dette flottante, escompte et frais de négociation		7,609,504	
	Intérêts, lots et primes des annuités		1,835,370	
	Intérêts des reconnaissances de liquidation		5,046,665	15,438,394
	Légion d'Honneur.....		134,488	
	Cour des Comptes		27,628	
	Monnaies		24,382	
	Frais d'inventaire des biens mobiliers et immobiliers de la Couronne		58,377	
Frais de régie et d'exploitation des Impôts, et remboursemens et restitutions de Droits.	Enregistrement. et Domaines. Frais d'Administration et de Perception	14,518f.	510,762	
	Enregistrement. et Domaines. Remboursemens et Restitutions	496,244		
	Douanes. Frais d'Administration	73,009	4,079,167	
	Douanes. Remboursemens et Restitutions et primes à l'Exportation	4,006,158		
	Contributions Indirectes. Frais d'Administration et de Perception	500,688	644,296	7,700,581
	Contributions Indirectes. Exploitation des Poudres à Feu	12,490		
	Contributions Indirectes. Avances à Charge de Remboursement	16,113		
	Contributions Indirectes. Amendes et Confiscations (portion attribuée)	115,005		
	Postes. Service Ordinaire	873,079	1,039,181	
	Postes. Service Extraordinaire de l'Armée d'Espagne	63,271		
	Postes. Remboursemens et restitutions	102,831		
	Finances. Remises et taxations sur l'Impôt indirect et les recettes diverses	255,356	1,427,175	
	Finances. Remboursemens et restitutions sur produits divers .	1,171,819		
	Total des Supplémens accordés.. Francs			25,756,238

III.—*Fixation du Budget de l'Exercice* 1824.

4. Au moyen des dispositions précédentes, les Crédits du Budget de l'Exercice 1824, sont définitivement fixés à la Somme de 986,073,842f. et répartis entre les différens Ministères et Services, conformément à l'Etat A ci-annexé.

5. Les recettes de toute nature de ce même Exercice sont arrêtées, au 31 Décembre, 1825, à la Somme Totale de 994,971,962f. conformément à l'Etat B aussi annexé à la présente Loi.

6. La Somme de 8,898,120f. formant la différence entre les recettes de 1824, arrêtés par l'Article précédent à..... 994,971,962f.
et les Crédits du même Exercice, définitivement réglés
par l'Article 4 à..... 986,073,842

Différence..... Francs.. 8,898,120

Est affectée et transportée ; savoir:

Au Budget de l'Exercice 1826, conformément à l'Article 2 de la présente Loi, pour une Somme de..... 5,352,951f.
A celui de 1825, pour la différence, montant à..... 3,545,169

Total égal.....Francs 8,898,120

IV.—*Dispositions Générales.*

7. Les Sommes qui pourraient provenir encore des ressources affectées à l'Exercice 1824, seront portées en recette au compte de l'Exercice courant, au moment où les recouvremens seront effectués.

8. A l'avenir, les fonds provenant du produit du centime spécial prélevé pour être distribué en secours pour grêle, incendie, épizootic, &c., et non employés lors de la clôture d'un Exercice, seront transportés avec leur spécialité à l'Exercice suivant, pour y recevoir la destination qui leur a été donnée par la Loi.

La présente Loi, discutée, délibérée et adoptée par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous cejourd'hui, sera exécutée comme Loi de l'Etat ; voulons, en conséquence, qu'elle soit gardée et observée dans tout notre Royaume, Terres et Pays de notre obéissance.

Si donnons en mandement à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et, pour les rendre plus notoires à tous nos Sujets, ils les fassent publier et enregistrer partout où besoin sera : car tel est notre plaisir ; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre Scel.

Donné en notre Château de Saint-Cloud, le 21.e jour du mois de Juin, l'An de Grâce 1826, et de notre Règne le Deuxième.

CHARLES.

Par le Roi :
Le Ministre Secrétaire d'Etat au Département des Finances.
J. DE VILLELE.

Vu et scellé du Grand Sceau :
Le Garde des Sceaux de France, Ministre Secrétaire d'Etat au Département de la Justice,
Cte. DE PEYRONNET.

Etat A.—*DÉPENSES.*

MINISTERES ET SERVICES.	Crédits législatifs accordés par les Lois des 10 Mai, 1823, et 21 Mai, 1825.	Crédits non consommés au 31 Dec. 1825.		Crédits Supplémentaires accordés sur l'Exercice 1824.	Crédits définitifs de l'Exercice 1824.
		Retranchés et annullés.	Affectés au Service des Dépenses Départementales et transportés au Budget de 1826.		
1°.—Dette Consolidée et Dépenses Generales.					
Intérêts des 5 pour o/o consolidés	197,086,308f.	22,064f.	—	—	197,064,244f.
Dotation de la Caisse d'Amortissement	40,000,000	—	—	—	40,000,000
Liste Civile et Famille Royale	34,000,000	—	—	—	34,000,000
Justice. Service ordinaire	15,925,559	73,727	—	—	15,851,832
Justice. Frais de Justice	2,520,000	—	—	1,065,865	3,585,865
Affaires Etrangères	8,923,906	—	—	315,285	9,239,191
Affaires Ecclésiastiques et Instruction Publique	27,903,000	149,095	—	—	27,753,905
Intérieur. Service Ordinaire	11,445,000	74,060	—	—	11,370,940
Intérieur. Cultes non Catholiques	575,000	1,542	—	—	573,458
Intérieur. Travaux Publics	36,683,194	—	—	599,007	37,282,201
Intérieur. Dépenses Départementales. Fixes	12,553,436	72,515	—	—	12,480,921
Intérieur. Dépenses Départementales. Variables (y compris 2 millions 505,249f. restés disponibles sur les Exercises 1822, et anter.) (Art. 2 et 4 de la Loi du 13 Juillet, 1824)	24,519,246	—	2,012,195	—	22,507,051
Intérieur. Dépenses Départementales. Fonds de secours pour grêle, incendies, &c.	1,819,336	452,001	—	—	1,367,335
Intérieur. Dépenses secrètes de la Police Générale	2,200,000	488,231	—	—	1,711,769
Guerre.—Service actif et Dépenses temporaires	218,850,000	886,255	—	—	217,963,745
Marine.—Service Général et Colonies	63,088,831	—	—	637,106	63,725,937
Finances. Dette viagere	9,500,000	315,974	—	—	9,184,026
Finances. Pensions. Civiles	1,860,000	37,903	—	—	1,794,006
Finances. Pensions. Militaires	48,161,050	—	—	546,720	48,735,861
Finances. Pensions. Ecclésiastiques	8,000,000	—	—	155,260	8,155,260
Finances. Pensions. Donataires dépossédés	1,640,000	28,889	—	—	1,611,111
Finances. Pensions. Suppl. aux fonds de retenues	1,370,950	—	—	—	1,370,950
Finances. Intérêts de cautionnemens	10,000,000	386,094	—	—	9,613,906
Finances. Frais de Service et de Négociation. Frais de Service et de Trésorerie	3,350,000	18,964	—	—	3,331,036
Finances. Frais de Service et de Négociation. Intérêts de la Dette Flottante, escompte et frais de Négociation	—	—	—	7,609,504	7,609,504
Finances. Frais de Service et de Négociation. Remises aux Réceveurs Généraux et Particuliers sur l'Impôt direct	2,600,000	—	—	—	2,600,000
Finances. Intérêts, lots et primes des annuités	—	—	—	1,835,370	1,835,370
Finances. Intérêts des reconnaissances de liquidation	—	—	—	5,046,665	5,046,665
Finances. Chambre des Pairs	2,000,000	—	—	—	2,000,000
Finances. Chambre des Députés	800,000	—	—	—	800,000
Finances. Légion d'Honneur	3,400,000	—	—	134,488	3,534,488
Finances. Cour des Comptes	1,256,300	—	—	27,628	1,283,928
Finances. Administration des Monnaies	1,000,000	—	—	24,382	1,024,382
A reporter Francs.	793,031,116	3,007,314	2,012,195	17,997,280	806,008,887

Suite de l'Etat A.—*DÉPENSES.*

MINISTERES ET SERVICES.	Crédits législatifs accordés par les Lois des 10 Mai, 1823, et 21 Mai, 1825.	Crédits non consommés au 31 Dec. 1825. Retranchés et annullés.	Crédits non consommés au 31 Dec. 1825. Affectés au Service des Dépenses Départementales et transportés au Budget de 1826.	Crédits Supplémentaires accordés sur l'Exercice 1824.	Crédits définitifs de l'Exercice 1824.
Report - Francs	793,031,116f.	3,007,314f.	2,012,195f.	17,997,280	806,008,887f.
Finances. Suite des — Cadastre. Fonds commun (y compris 102,125f. restés disponibles sur 1822.)—(Art. 4 de la Loi du 13 Juillet, 1824.) -	1,102,125	—	811,910	—	290,215
Finances. Suite des — Frais d'Inventaire des biens Mobiliers et Immobiliers de la Couronne - -	—	—	—	58,377	58,377
Finances. Suite des — Service administratif du Ministère des Finances - - - - - -	5,797,000	158,226	—	—	5,638,774
		3,165,540	2,824,105		
Totaux de la première partie Francs -	799,930,241	5,989,645		18,055,657	811,996,253
2e. Frais d'Administration, de Perception et d'Exploitation.					
Enregistrement et Domaines - - - - -	11,376,400f.	—	—	14,518f.	11,390,918f.
Forêts - - - - - - - - -	3,318,000	23,510f.	—	—	3,294,490
Douanes et Sels. — Personnel et matériel - - -	23,956,300	—	—	73,009	24,029,309
Douanes et Sels. — Remise de 2 p. o/o sur l'Impôt du Sel -					
Douanes et Sels. — Amendes et Confiscations attribuées -	1,600,000	187,015	—	—	1,412,985
Contributions indirectes — Frais d'Administration et de Perception	20,000,000	—	—	500,688	20,500,688
Contributions indirectes — Exploitation, achat et fabric. des Tabacs	24,000,000	575,898	—	—	23,424,102
Contributions indirectes — Exploitation et vente des Poudres à feu	2,133,000	—	—	12,490	2,145,490
Contributions indirectes — Avances à charge de remboursement -	670,000	—	—	16,113	686,113
Contributions indirectes — Amendes et Confisc. (portion attribuée)	900,000	—	—	115,005	1,015,005
Postes. — Service ordinaire - - - - -	11,982,930	—	—	873,079	12,856,009
Postes. — Service extraord. de l'Armée d'Espagne -	320,000	—	—	63,271	383,271
Loterie. — Personnel et matériel - - -	1,495,750	29,840	—	—	1,465,910
Loterie. — Remise de 6 p. o/o aux Receveurs burtes.	3,060,300	5,428	—	—	3,054,872
Contributions directes. — Non-valeur des quatre Contributions directes et attribut. aux Communes sur Patentes - - - - - -	5,542,085	734,795	—	—	4,807,290
Contributions directes. — Frais d'assiette et de recouvrem. — Directions des Contributions directes - -	3,398,275	2,232	—	—	3,396,043
Contributions directes. — Frais d'assiette et de recouvrem. — Centimes de perception -	12,817,864	2,382	—	—	12,815,482
Remises et Taxations aux Receveurs Généraux et Particuliers sur l'Impôt indirect, et les Recettes diverses - - - - - - - -	1,200,000	—	—	255,356	1,455,356
	127,770,604	1,561,100	—	1,923,529	128,133,033
Remboursemens, Restitutions, et Primes.					
Ministère des Finances - - - - - -	200,000	—	—	1,171,819	1,371,819
Administrations Financières. — Enregistrement, Domaines et Forêts -	1,325,000	—	—	496,244	1,821,244
Administrations Financières. — Douanes et Sels (y comp. 2,500,000f. pour primes à l'Exportation) - -	4,050,000	—	—	4,006,158	8,056,158
Administrations Financières. — Contributions indirectes - -	174,000	3,058	—	—	170,942
Administrations Financières. — Postes - - - - - -	340,000	—	—	102,831	442,831
		1,564,158	—		
Totaux de la deuxième partie Francs -	133,859,604	1,564,158f.		7,700,581	139,996,027

Suite de l'Etat A.—DÉPENSES.

MINISTERES ET SERVICES.	Crédits législatifs accordés par les Lois des 10 Mai, 1823, et 21 Mai, 1825.	Crédits non consommés au 31 Dec. 1825. Retranchés et annullés.	Crédits non consommés au 31 Dec. 1825. Affectés au Service des Dépenses Départementales et transportés au Budget de 1826.	Crédits Supplémentaires accordés sur l'Exercice 1824.	Crédits définitifs de l'Exercice 1824.
3e. DÉPENSES DÉPARTEMENTALES, COMMUNALES ET CADASTRALES, ARTICULÉES POUR MEMOIRE DANS LA LOI DE FINANCES.					
Dépenses imp. sur le prod. de div. cent. addit. imp. dans les rôles des contr. dir. et des red. des Mines. — Centimes facultat. pour Dépenses d'utilité Départementale	8,667,471f.				
Reste desdites Dépenses transporté à 1824. — Sur 1821, et Années antérieures	1,469,390f.				
Sur 1822	1,788,522				
	3,257,912				
	11,925,383f.	—	2,059,901f.	—	9,865,482f.
Pour Dépenses cadastr. (y comp. 1,615,835f. non employés sur 1822, et transportés à 1824)	3,567,016	—	354,056	—	3,212,960
Dépenses ordinaires et extraordinaires des Communes	17,602,897	2,307f.	—	—	17,600,590
Frais de premier avertissement pour les Contributions directes	627,855	555	—	—	627,300
Fonds de réimpositions pour décharges et réductions	1,099,480	993	—	—	1,098,487
Non valeurs extraordin. sur patentes pour cessation de commerce	238,754	3,569	—	—	235,185
Redevances des Mines.—Frais de confection de rôles; non-valeurs et frais de perception	14,838	6,157	—	—	8,681
Ressources spéciales et produits divers appartenant aux Départemens	942,739f.				
Reste desdites Dépenses transp. à 1824. — Sur 1821, et Années ant.	292,550f.				
Sur 1822	312,477				
	605,027				
	1,547,766	—	114,889	—	1,432,877
		13.581	2,528,846		
Totaux de la troisième partie Francs	36,623,989	2,542,427f.		—	34,081,562

RECAPITULATION.

1. Dette Consolidée et Dépenses Générales	799,930,241f.	3,165,540f.	2,824,105f.	18,055,657f.	811,996,253f.
2. Frais d'admin., de perception et d'exploitation	133,859,604	1,564,158	—	7,700,581	139,996,027
3. Dépenses Départementales et Communales sur centimes additionnels et ressources locales	36,623,989	13,581	2,528,846	—	34,081,562
		4,743,279	5,352,951		
Totaux généraux Francs	970,413,834	10,096,230f.		25,756,238	986,073,842

DÉPENSES POUR ORDRE.

Dépenses de l'instruction publique	1,994,870f.	6,103,370f.
Direction générale des poudres et salpêtres	4,108,500	

Etat B.—*RECETTES.*

DÉSIGNATION DES PRODUITS.			Evaluations des Produits par les Lois des 10 Mai, 1823, 8 Juillet, 1824, et 21 Mai, 1825.	Produits recouvrés en excédant des Evaluations.	Diminutions et non-valeurs.	Fixation définitive des Produits de l'Exercice 1824.
Enregistrement, timbre et domaines, et produits accessoires des forêts			171,000,000f.	10,141,200f.	—	181,141,200f.
Coupes de bois. (Principal des adjudications payable en traites.)			20,000,000	—	1,340,967f.	18,659,033
Douanes et Sels.	Droits de douanes et de navigation, et recettes accidentelles		84,000,000	14,022,511	—	98,022,511
	Droits de consommation sur les sels		53,000,000	—	237,242	52,762,758
	Amendes et confiscations attribuées		1,600,000	—	187,015	1,412,985
Contributions indirectes	Droits généraux		133,000,000	137,994	—	133,137,994
	Tabacs		65,000,000	1,143,041	—	66,143,041
	Poudres à feu		3,800,000	—	345,983	3,454,017
	Recouvrement d'Avances		900,000	3,388	—	903,388
	Amendes et Confiscations (portion attribuée)		900,000	115,005	—	1,015,005
Postes			24,600,000	1,887,041	—	26,487,041
Loterie			17,300,000	—	4,545,033	12,754,967
Versement au Trésor sur le produit des jeux			5,500,000	—	—	5,500,000
Produits divers.	Salines de l'Est		2,400,000	—	342,917	2,057,083
	Produits de l'Inde		1,000,000	15,537	—	1,015,537
	Recettes de diverses origines, y compris 184,401f. pour redevances de Mines		2,100,000	8,288,418	—	10,388,418
Contributions directes.	Principal et centimes additionnels		297,814,190	2,654,675	—	300,468,865
	Centimes de perception		12,817,864	—	—	12,817,864
	Centimes additionnels mentionnés pour mémoire dans la Loi de Finances. — Centimes facultatifs. — Pour Dépenses Départementales	8,667,471f.				
	Pour Dépenses Cadastrales	3,405,483				
	Pour Dépenses ordinaires et extraordinaires des Communes	17,602,897	31,641,940	—	—	31,641,940
	Frais de premier Avertissement	627,855				
	Fonds de Réimpositions	1,099,480				
	Fonds de non-valeurs extraordinaires	238,754				
Ressources locales extraordinaires pour Dépenses Départementales		942,739	942,739	—	—	942,739
Total des recettes articulées pour mémoire au Budget		32,584,679				
A reporter		Francs	929,316,733	38,408,810	6,999,157	960,726,386

Suite de l'Etat B.—*RECETTES.*

DÉSIGNATION DES PRODUITS.	Evaluations des Produits par les Lois des 10 Mai, 1823, 8 Juillet, 1824, et 21 Mai, 1825.	Produits recouvrés en excédant des Evaluations.	Diminutions et non-valeurs.	Fixation définitive des Produits de l'Exercice 1824.
Report - Francs -	929,316,733f.	38,408,810f.	6,999,157f.	960,726,386
Transport à l'Exercice 1824. — Des Fonds non employés au 31 Decembre, 1823, sur les Crédits affectés aux Dépenses départementales des Exercices 1822, et antérieurs.—(Exécution des Art. 2 et 8 de la Loi du 13 Juillet, 1824.) - - - - -	4,869,906	- -	- -	4,869,906
Transport à l'Exercice 1824. — De l'excédant de Recette sur l'Exercice 1823. —(Art. 6 de la Loi du 21 Mai, 1825.) - -	55,969	- -	- -	55,969
RESSOURCES EXTRAORDINAIRES.	934,242,608	38,408,810	6,999,157	965,652,261
Transport à l'Exercice 1824. — Des Fonds restés disponibles au 31 Décembre, 1824, sur le crédit de 350 millions affecté au paiement de l'arrière de la deuxième série. —(Ordonnance du 27 Octobre, 1824.)	5,319,701	- -	- -	5,319,701
Créance constituée pendant l'Année 1824, sur le Gouvernement Espagnol - - - - - - - -	24,000,000	- -	- -	24,000,000
		38,408,810	6,999,157	
Francs -	963,562,309	31,409,653f.		994,971,962
Prélèvement affecté et transporté — Au Budget de 1826, avec affectation aux Dépenses Départementales non acquittées au 31 Décembre, 1825, ci - -		5,352,951f.		8,898,120
Prélèvement affecté et transporté — Au Budget de 1825, en accroissement de Ressources - - - - -		3,545,169		
Reste, somme égale aux Crédits fixés pour l'Exercice 1824 - Francs -				986,073,842

RECETTES POUR ORDRE.

Revenus de l'Instruction publique - - - - - - -	2,688,483f.	7,108,593f.
Direction Générale des Poudres et Salpêtres - - - - -	4,420,110	

Certifie conforme : le Ministre Secrétaire d'Etat des Finances,

JH. DE VILLELE.

An Account of the Ordinary Revenues and Extraordinary Resources, constituting the Publi

HEADS of REVENUE.	1. BALANCES and BILLS outstanding on 5th Jan. 1825.	2. GROSS RECEIPT.	3. Repayments, allowances, discounts, drawbacks & bounties in the nature of drawbacks; allowances to the two Universities on account of almanacks, and for paper & parchment to stamp on.	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	369,914 12 9⅛	20,367,652 14 10	1,422,394 15 8½	18,945,257 19 1½	19,315,172 11
Excise	1,403,310 13 1⅝	26,089,408 10 -½	3,742,554 16 8½	22,346,853 13 3½	23,750,164 6
Stamps	426,023 2 3	7,881,150 1 10½	257,408 1 4½	7,623,742 - 6¼	8,049,765 2
Taxes, under the Management of the Commissioners of Taxes	216,443 17 10	5,183,012 10 5	6,290 2 3	5,176,722 8 2	5,393,166 6
Post Office	206,006 18 0 19/12	2,367,567 16 6	98,948 6 5 10/12	2,268,619 10 -2/12	2,474,626 8
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	3,291 12 9	57,958 10 5½	- - -	57,958 10 5½	61,250 3
Hackney Coaches, and Hawkers and Pedlars	14 7 10	69,998 10 7	- - -	69,998 10 7	70,012 18
Crown Lands	111,859 12 4¼	513,766 10 4½	- - -	513,766 10 4½	625,626 2
Small Branches of the King's Hereditary Revenue	4,055 8 3½	9,056 1 5	- - -	9,056 1 5	13,111 9
Lottery; Surplus Produce after payment of Prizes	- - -	295,390 - -	- - -	295,390 - -	295,390 -
Surplus Fees of Regulated Public Offices	- - -	56,091 14 7	- - -	56,091 14 7	56,091 14
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	- - -	11,520 6 11½	- - -	11,520 6 11½	11,520
TOTALS of Ordinary Revenues. £	2,740,920 5 3 7/12	62,902,573 8 1	5,527,596 2 6 19/12	57,374,977 5 6 8/12	60,115,897
OTHER RESOURCES.					
Money brought from the Civil List on account of the Clerk of the Hanaper	- - -	2,000 - -	- - -	2,000 - -	2,000
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.	- - -	60,000 - -	- - -	60,000 - -	60,000
From the Commissioners for the Issue of Exchequer Bills, per Act 57 Geo. 3. c. 34, for the Employment of the Poor	- - -	208,307 - -	- - -	208,307 - -	208,307
Money received from the Trustees of Naval and Military Pensions	- - -	4,507,500 - -	- - -	4,507,500 - -	4,507,500
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.	- - -	210,388 14 10¾	- - -	210,388 14 10¾	210,38
Imprest Monies, repaid by sundry Public Accountants, and other Monies paid to the Public	- - -	220,283 11 -¾	- - -	220,283 11 -¾	220,2
TOTALS of the Public Income of the United Kingdom £	2,740,920 5 3 7/12	68,111,052 14 -¼	5,527,596 2 6 19/12	62,583,456 11 5 8/12	65,324,

Whitehall, Treasury Chambers, 20th March, 1826.

Income of the UNITED KINGDOM of Great Britain and Ireland; for the Year ended 5th Jan. 1826

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, 1826.	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.
1,504,703 4 2	748,834 18 7½	2,253,538 2 9½	16,541,524 – 1	520,110 8 11⅞	19,315,172 11 10⅜	7 7 9
1,253,105 8 3½	327,829 7 –⅞	1,580,934 15 4⅛	21,004,487 6 11	1,164,742 4 2	23,750,164 6 5⅛	4 16 –½
184,914 – 4	- - -	184,914 – 4	7,447,923 18 11	416,927 3 6¼	8,049,765 2 9¼	2 6 11
289,827 5 9¾	20,842 7 11¼	310,669 13 9	4,990,961 2 4¾	91,535 9 10¼	5,393,166 6 –	5 11 10
665,988 – 11	58,779 9 1	664,767 10 –	1,595,461 10 9½	214,397 7 3¾	2,474,626 8 1	25 11 10¾
1,323 6 8	52 12 –	1,375 18 8	56,730 5 11¾	3,143 18 7	61,250 3 2¾	2 5 7¾
10,149 17 1	- - -	10,149 17 1	59,857 – –	6 1 4	70,012 18 5	14 9 11¾
47,053 10 8½	540,715 4 10	587,768 15 6½	- - -	37,857 7 2¼	625,626 2 8¾	9 3 2
1,313 2 8	2,000 – –	3,313 2 8	5,442 9 7	4,355 17 5¾	13,111 9 8¾	14 9 11½
- - -	- - -	- - -	295,390 – –	- - -	295,390 – –	—
- - -	- - -	- - -	56,091 14 7	- - -	56,091 14 7	—
- - -	- - -	- - -	11,520 6 11¾	- - -	11,520 6 11¾	—
998,377 16 7½	1,699,053 19 6⅝	5,597,431 16 2⅛	52,065,389 16 2½	2,453,075 18 5⅛	60,115,897 10 9⅝	6 3 11
- -	- - -	- - -	2,000 – –	- - -	2,000 – –	—
- -	- - -	- - -	60,000 – –	- - -	60,000 – –	—
- -	- - -	- - -	208,307 – –	- - -	208,307 – –	—
- -	- - -	- - -	4,507,500 – –	- - -	4,507,500 – –	—
- -	- - -	- - -	210,388 14 10¾	- - -	210,388 14 10¾	—
- -	- - -	- - -	220,283 11 –¾	- - -	220,283 11 –¾	—
377 16 7½	1,699,053 19 6⅝	5,597,431 16 2⅛	57,273,869 2 2	2,453,075 18 5⅛	65,324,376 16 9¼	—

J. C. HERRIES.

An Account of the Ordinary Revenues and Extraordinary Resources, constituti

HEADS of REVENUE.	1. BALANCES and BILLS outstanding on 5th Jan. 1825.	2. GROSS RECEIPT.	3. Repayments, allowances, discounts, drawbacks & bounties of the nature of drawbacks; allowances to the two Universities, on account of 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 d
Customs	325,452 15 5¾	18,226,717 17 9½	1,188,360 10 8½	17,038,357 7 1	17,363,810 2
Excise	1,329,877 3 8¼	24,188,397 14 11½	3,711,709 3 9¼	20,476,688 11 2¼	21,806,565 14
Stamps	318,277 7 7½	7,391,527 10 4½	247,856 9 8¼	7,143,671 - 8¼	7,461,948 8
Taxes, under the management of the Commissioners of Taxes	216,443 17 10	5,183,012 10 5	6,290 2 3	5,176,722 8 2	5,393,166 6
Post Office	163,088 17 3 1/12	2,160,390 2 1	78,810 13 8 7/12	2,081,579 8 4 5/12	2,244,668 5
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions.	3,291 12 9	57,958 10 5½	- - -	57,958 10 5½	61,250 3
Hackney Coaches, and Hawkers and Pedlars	14 7 10	69,998 10 7	- - -	69,998 10 7	70,012 18
Crown Lands	111,859 12 4¼	513,766 10 4½	- - -	513,766 10 4½	625,626 2
Small Branches of the King's Hereditary Revenue	4,055 8 3¾	9,056 1 5	- - -	9,056 1 5	13,111 9
Lottery, Surplus Produce after Payment of Prizes	- - -	295,390 - -	- - -	295,390 - -	295,390 -
Surplus Fees of Regulated Public Offices	- - -	56,091 14 7	- - -	56,091 14 7	56,091 14
TOTALS Of Ordinary Revenues £	2,472,361 3 1 10/12	58,152,307 3 -¾	5,233,027 - 1 7/12	52,919,280 2 11 2/12	55,391,641 6
OTHER RESOURCES.					
Money brought from the Civil List, on Account of the Clerk of the Hanaper	- - -	2,000 - -	- - -	2,000 - -	2,000
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	- - -	60,000 - -	- - -	60,000 - -	60,000
From the Commissioners for the Issue of Exchequer Bills, per Act 57 Geo. 3. c. 34, for the Employment of the Poor	- - -	208,307 - -	- - -	208,307 - -	208,307
Money received from the Trustees of Naval and Military Pensions	- - -	4,507,500 - -	- - -	4,507,500 - -	4,507,500
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public	- - -	173,677 14 8½	- - -	173,677 14 8½	173,677
TOTALS of the Public Income of Great Britain	2,472,361 3 1 10/12	63,103,791 17 9¼	5,233,027 - 1 7/12	57,870,764 17 7 8/12	60,343,126

Whitehall, Treasury Chambers, 20th March, 1826.

the Public Income of GREAT BRITAIN; for the Year ended 5th January, 1826.

Payments out of the Revenue, 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 1826.	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.
1,136,176 4 3	602,791 11 4½	1,738,967 15 7½	15,194,256 5 1½	430,586 1 9½	17,363,810 2 6½	6 4 8
1,027,426 4 –½	237,070 6 9	1,264,496 10 9½	19,524,621 17 10½	1,017,447 6 2	21,806,565 14 10½	4 4 11½
149,231 – 1½	- - -	149,231 – 1½	6,997,233 16 9	315,483 11 5½	7,461,948 8 4	2 0 4½
289,827 5 9½	20,842 7 11½	310,669 13 9	4,990,961 2 4½	91,535 9 10½	5,393,166 6 –	5 11 10
512,585 11 3½	51,372 1 -	563,957 12 3½	1,517,000 – –	163,710 13 4	2,244,668 5 7 6/12	23 14 6½
1,323 6 8	52 12 –	1,375 18 8	56,730 5 11½	3,143 18 7	61,250 3 2½	2 5 7½
10,149 17 1	- - -	10,149 17 1	59,857 – –	6 1 4	70,012 18 5	14 9 11½
47,053 10 8½	540,715 4 10	587,768 15 6½	- - -	37,857 7 2½	625,626 2 8½	9 3 2
1,313 2 8	2,000 – –	3,313 2 8	5,442 9 7	4,355 17 5½	13,111 9 8½	14 9 11½
- - -	- - -	- - -	295,390 – –	- - -	295,390 - -	—
- - -	- - -	- - -	56,091 14 7	- - -	56,091 14 7	—
173,086 2 8½	1,454,844 3 11	4,629,930 6 7½	48,697,584 12 4	2,064,126 7 1½	55,391,641 6 1	5 9 2½
- - -	- - -	- - -	2,000 – –	- - -	2,000 - -	—
- - -	- - -	- - -	60,000 – –	- - -	60,000 - -	—
- - -	- - -	- - -	208,307 – –	- - -	208,307 - -	—
- - -	- - -	- - -	4,507,500 – –	- - -	4,507,500 - -	—
- -	- - -	- - -	173,677 14 8½	- - -	173,677 14 8½	—
3,086 2 8½	1,454,844 3 11	4,629,930 6 7½	53,649,069 7 –½	2,064,126 7 1½	60,343,126 – 9½	—

J. C. HERRIES.

An Account of the Ordinary Revenues and Extraordinary Resources, constituting

HEADS of REVENUE.	1. BALANCES and BILLS outstanding on 5th Jan. 1825.	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.	£. s. d.
Customs	44,461 17 3 3/8	2,140,934 17 0 1/2	234,034 5 -1/4	1,906,900 12 -1/4	1,951,362 9 3 3/8
Excise	73,433 9 5 3/8	1,901,010 15 -3/4	30,845 12 11 1/2	1,870,165 2 1 1/4	1,943,598 11 6 3/8
Stamps	107,745 14 7 1/4	489,622 11 6 1/4	9,551 11 8 1/4	480,070 19 10	587,816 14 5 1/2
Post Office	42,918 0 9 3/4	207,177 14 5	20,137 12 9 1/4	187,040 1 7 3/4	229,958 2 5 1/2
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	- - -	11,520 6 11 3/4	- - -	11,520 6 11 3/4	11,520 6 11 1/2
TOTAL of Ordinary Revenues £	268,559 2 1 6/8	4,750,266 5 -1/4	294,569 2 5 1/4	4,455,697 2 7	4,724,256 4 8 6/8
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 10 1/4	- - -	1,107 13 10 1/2	1,107 13 10 1/2
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	- - -	7,827 11 11	- - -	7,827 11 11	7,827 11 11
From several County Treasurers, and others. On account of Advances made by the Treasury for building Gaols, under Act 50 Geo. 3. c. 103	- - -	27,863 8 3 1/2	- - -	27,863 8 3 1/2	27,863 8 3 1/2
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 180. and 3 Geo. IV. c. 103.	- - -	111,566 14 7 1/4	- - -	111,566 14 7 1/2	111,566 14 7 1/2
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, and 3 Geo. IV. c. 84	- - -	62,023 6 2 3/4	- - -	62,023 6 2 3/4	62,023 6 2 3/4
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public	- - -	46,605 16 4 1/4	- - -	46,605 16 4 1/2	46,605 16 4 1/2
TOTALS of the Public Income of Ireland. £	268,559 2 1 6/8	5,007,260 16 3 1/4	294,569 2 5 1/4	4,712,691 13 10	4,981,250 15 11 5/8

Whitehall, Treasury Chambers, 20th March, 1826.

the Public Income of IRELAND, for the Year ended 5th January, 1826.

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, 1826.	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
368,526 19 11	146,043 7 2¾	514,570 7 1¾	1,347,267 14 11¼	89,524 7 2⅝	1,951,362 9 3⅝	17 4 2½
225,679 4 2½	90,759 - 3⅜	316,438 4 6⅜	1,479,865 9 -¼	147,294 18 -	1,943,598 11 6⅜	11 17 5
35,683 - 2¼	- -	35,683 - 2¼	450,690 2 2	101,443 12 1	587,816 14 5¼	7 5 9
93,402 9 7½	7,407 8 1	100,809 17 8½	78,461 10 9¼	50,686 13 11¾	229,958 2 5½	45 1 7¾
- -	- -	- -	11,520 6 11¾	- -	11,520 6 11¾	- - -
723,291 13 11¼	244,209 15 7⅛	967,501 9 6⅜	3,367,805 3 10⅛	388,949 11 3⅜	4,724,256 4 6⅝	15 4 1¼
- -	- -	- -	1,107 13 10¼	- -	1,107 13 10¼	—
- -	- -	- -	7,827 11 11	- -	7,827 11 11	—
- -	- -	- -	27,863 8 3½	- -	27,863 8 3½	—
- -	- -	- -	111,566 14 7¼	- -	111,566 14 7¼	—
- -	- -	- -	62,023 6 2¾	- -	62,023 6 2¾	—
- -	- -	- -	46,605 16 4¼	- -	46,605 16 4¼	—
723,291 13 11¼	244,209 15 7⅛	967,501 9 6⅜	3,624,799 15 1⅛	388,949 11 3⅜	4,981,250 15 11⅝	—

J. C. HERRIES.

AN ACCOUNT of the TOTAL INCOME of the REVENUE of GREAT BRITAIN and IRELAND, in backs, and Bounties of the nature of Drawbacks; together with an Account of the Public Expendi- within the same Period.

HEADS OF REVENUE.	NET RECEIPT, as stated in Column 4 of the Account of Public Income.	
	£. s. d.	£. s. d.
ORDINARY REVENUES:		
Balances and Bills outstanding on 5th January, 1825 ...	.....	2,740,920 5 $3\frac{7}{12}$
Customs	18,945,257 19 $1\frac{1}{4}$	
Excise	22,346,853 13 $3\frac{1}{2}$	
Stamps	7,623,742 0 $6\frac{1}{4}$	
Taxes	5,176,722 8 2	
Post Office	2,268,619 10 $0\frac{2}{12}$	
One Shilling and Sixpenny Duty on Pensions and Salaries, and Four Shillings in the Pound on Pensions....	57,958 10 $5\frac{3}{4}$	
Hackney Coaches, and Hawkers and Pedlars	69,998 10 7	
Crown Lands	513,766 10 $4\frac{1}{2}$	
Small Branches of the King's Hereditary Revenue.....	9,056 1 5	
Surplus Produce of Lottery, after payment of Lottery Prizes	295,390 0 0	
Surplus Fees of regulated Public Offices.....	56,091 14 7	
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees.....	11,520 6 $11\frac{3}{4}$	
		57,374,977 5 $6\frac{2}{12}$
		60,115,897 10 $9\frac{6}{8}$
Deduct Balances and Bills outstanding on 5th January, 1826		2,453,075 18 $5\frac{1}{8}$
TOTAL Ordinary Revenues....	.....	57,662,821 12 $4\frac{5}{8}$
OTHER RESOURCES:		
Money brought from the Civil List, on account of the Clerk of the Hanaper	2,000 0 0	
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	60,000 0 0	
By the Commissioners for the issue of Exchequer Bills, for the Employment of the Poor, per Act 57 Geo. III. c. 34	208,307 0 0	
By the Trustees of Naval and Military Pensions.....	4,507,500 0 0	
Money repaid in Ireland, on account of Advances from the Consolidated Fund, under various Acts, for Public Improvements	210,388 14 $10\frac{3}{4}$	
Imprest and other Monies paid into the Exchequer.....	220,283 11 $0\frac{3}{4}$	
		5,208,479 5 $11\frac{1}{2}$
	£.	62,871,300 18 $4\frac{1}{8}$
Balances in the hands of Receivers, &c. on 5th January, 1825 .....£.		2,740,920 5 $3\frac{7}{12}$
Do. .....do..... ..... on 5th January, 1826		2,453,075 18 $5\frac{1}{8}$
Balances less in 1826 than in 1825		287,844 6 $10\frac{1}{12}$
Surplus Income paid into the Exchequer, over Expenditure thereout		5,653,841 6 $0\frac{3}{4}$
Actual Excess of Income over Expenditure £.		5,365,996 19 $1\frac{1}{2}$

the Year ended 5th January 1826, after deducting the Repayments, Allowances, Discounts, Drawture 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;		
Charges of Collection	3,898,377 16 7½	
Other Payments	1,699,053 19 6⅝	
TOTAL Payments out of the Income, prior to the Payments into the Exchequer		5,597,431 16 2⅛
PAYMENTS OUT OF THE EXCHEQUER;		
Dividends, Interest, and Management of the Public Debt, four Quarters to 10th October, 1825, exclusive of £5,486,475. 7s. 8d. issued to the Commissioners for the Reduction of the National Debt	27,230,789 19 6¼	
Interest on Exchequer Bills	829,498 2 5	
		28,060,288 1 11¼
Issued to the Trustees of Military and Naval Pensions, &c. per Act 3 Geo. IV. c. 51	2,214,260 0 0	
Ditto to the Bank of England, per Act 4 Geo. IV. c. 22	585,740 0 0	
		2,800,000 0 0
Civil List.....four Quarters to 5th January, 1826	1,057,000 0 0	
Pensions charged by Act of Parliament upon Consolidated Fund, four Quarters to 10th October, 1825	366,028 8 2½	
Salaries and Allowances.....do	87,641 5 0½	
Officers of Courts of Justice.....do	98,642 0 4	
Expences of the Mint.....do	14,748 15 10	
Bounties.....do	2,956 13 8	
Miscellaneous.....do	261,845 18 0	
Do.... Ireland.....do	301,084 2 9	
		2,189,947 3 10
Repayment of Loan from Royal Exchange Assurance Company, on account of the New Street	100,000 0 0	
For the purchase of Silver for the New Coinage in Ireland	500,000 0 0	
For Building New Churches in the Islands of Scotland	50,000 0 0	
		650,000 0 0
Army	7,579,631 4 4½	
Navy	5,849,119 4 3	
Ordnance	1,567,087 7 7¾	
Miscellaneous	2,216,081 15 4½	
		17,211,911 1 7¾
Money paid to the Bank of England, more than received from them for Unclaimed Dividends	49,464 11 6	
By the Commissioners for issuing Exchequer Bills, per Act 3 G. IV. c. 86, for the employment of the Poor	125,150 0 0	
Advances out of the Consolidated Fund in Ireland, for Public Works	533,258 7 2¼	
		707,872 18 8¼
	TOTAL..£.	57,217,459 12 3⅞
Surplus of Income paid into the Exchequer, over Expenditure issued thereout		5,653,841 6 0¼
	£.	62,871,300 18 4⅛

Whitehall, Treasury Chambers, 20th March, 1826.

J. C. HERRIES.

AN ACCOUNT of the NET PUBLIC INCOME of the United Kingdom of GREAT BRITAIN thereout, defrayed by the several Revenue Departments, and of the Actual Issues or of Funded Debt, or for

INCOME.	Applicable to the Consolidated Fund.	Applicable to other Public Services.	INCOME PAID into the EXCHEQUER.
	£. s. d.	£. s. d.	£. s. d.
CUSTOMS	13,530,524 0 1	3,011,000 0 0	16,541,524 0 1
EXCISE	21,000,487 6 10½	4,000 0 0	21,004,487 6 10½
STAMPS	7,447,923 18 11	— —	7,447,923 18 11
TAXES under the management of the Commissioners of Taxes, including Arrears of Property Tax	4,990,961 2 4¾	— —	4,990,961 2 4¾
POST OFFICE	1,595,461 10 9½	— —	1,595,461 10 9½
One Shilling and Sixpence Duty on Pensions and Salaries; and Four Shillings in the Pound on Pensions	56,730 5 11¾	— —	56,730 5 11¾
Hackney Coaches, and Hawkers and Pedlars	59,857 0 0	— —	59,857 0 0
Small Branches of the King's Hereditary Revenues	5,442 9 7	— —	5,442 9 7
Surplus Produce of Lottery, after payment of Lottery Prizes	— —	295,390 0 0	295,390 0 0
Surplus Fees, regulated Public Offices	56,091 14 7	— —	56,091 14 7
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	11,520 6 11¾	— —	11,520 6 11¾
TOTAL ORDINARY REVENUE	— —	— — £.	52,065,389 16 2
The Amount brought from the Civil List, on account of the Clerk of the Hanaper	2,000 0 0	— —	2,000 0 0
By the East India Company, on account of retired Pay, Pensions, &c. of H. M. Forces serving in the East Indies, per Act 4 Geo. IV. c. 71	— —	60,000 0 0	60,000 0 0
By the Trustees of Military and Naval Pensions, &c.	— —	4,507,500 0 0	4,507,500 0 0
By the Commissioners for issuing Exchequer Bills for Public Works	— —	208,307 0 0	208,307 0 0
Money repaid in Ireland, on account of Advances from the Consolidated Fund, under various Acts for Public Improvements	210,388 14 10½	— —	210,388 14 10½
Imprest and other Monies paid into the Exchequer	218,240 7 6	2,043 3 6¾	220,283 11 0¾
£	49,185,628 18 6¾	8,088,240 3 6¾	57,273,869 2 1½

and IRELAND, in the Year ended 5th January 1826, after abating the EXPENDITURE Payments within the same period, exclusive of the Sums applied to the Redemption paying off Unfunded Debt.

EXPENDITURE.	NET EXPENDITURE.					
	£.	s.	d.	£.	s.	d.
Dividends, Interest, and Management of the Public Funded Debt, four Quarters to 10th October, 1825, exclusive of £ 5,486,475. 7. 8. issued to the Commissioners for the Reduction of the National Debt.....	27,230,789	19	6¼			
Interest on Exchequer Bills.....	829,498	2	5			
				28,060,288	1	11¼
Issued to the Trustees of Military and Naval Pensions, per Act 3 Geo. IV. c. 51...	2,214,260	0	0			
Do. .... Bank of England .... 4 Geo. IV. c. 22.. .. .	585,740	0	0			
				2,800,000	0	0
Civil List, four Quarters to 5th January, 1826.....	1,057,000	0	0			
Pensions charged by Act of Parliament, on Consolidated Fund, Four Quarters to 10th October 1825....	366,028	8	2½			
Salaries and Allowances .....do .....do.....	87,641	5	0½			
Officers of Courts of Justice ....do.....do.....	98,642	0	4			
Expenses of the Mint .....do.....do.....	14,748	15	10			
Bounties .....do.....do.....	2,956	13	8			
Miscellaneous .....do.....do.....	261,845	18	0			
D°..... Ireland .....do.....do.....	301,084	2	9			
				2,189,947	3	10
Repayment of Loan from the Royal Exchange Assurance Company, on account of the New Street.....	100,000	0	0			
For Purchase of Silver for the New Coinage in Ireland..	500,000	0	0			
For Building New Churches in the Highlands of Scotland	50,000	0	0			
				650,000	0	0
Army.....	7,579,631	4	4½			
Navy	5,849,119	4	3			
Ordnance	1,567,087	7	7¾			
Miscellaneous.....	2,216,081	15	4½			
				17,211,919	11	7¾
TOTAL .....£.				50,912,154	17	5
Money paid to the Bank of England more than received from them on account of Unclaimed Dividends	49,464	11	6			
By the Commissioners for issuing Exchequer Bills, per Act 3 Geo. IV. c. 86, for the Employment of the Poor	125,150	0	0			
Advances out of the Consolidated Fund in Ireland, for Public Works.....	533,258	7	2¼			
				707,872	18	8¼
TOTAL .£.				51,620,027	16	1¼
SURPLUS of INCOME over Expenditure thereout ...				5,653,841	6	0¼
£.				57,273,869	2	1½

Whitehall, Treasury Chambers, 8th February 1826.

J. C. HERRIES.

AN ACCOUNT of the BALANCE of PUBLIC MONEY remaining in the EXCHEQUER on UNFUNDED Debt, in the Year ended 5th January 1826; the Money applied towards period; and the Money remaining in the

				£.	s.	d.
Balances in the Exchequer on 5th January, 1825				9,552,522	13	6½
MONEY RAISED in the Year ended 5th January, 1826, by the creation of Unfunded Debt:						
	£.	s.	d.			
Exchequer Bills issued per Act... 4 Geo. IV. c. 115	4,109,100	0	0			
— ..... 6 .....c. 2	20,000,000	0	0			
— ..... 6 .....c. 70	3,756,300	0	0			
Public Works.... 3 Geo. IV. c. 86	125,150	0	0			
Churches..... 58 Geo. 3. c. 45	146,500	0	0			
				28,137,050	0	0
To pay off £4 per cent Dissentients per Act 5 Geo. IV. c. 45				597,000	0	0
			TOTAL £.	38,286,572	13	6½
Surplus of Income over Expenditure thereout				5,653,841	6	0
			£.	43,940,413	19	7

Whitehall, Treasury Chambers,
28th February, 1826.

J. C. HERRIES.

the 5th January, 1825; the Amount of Money raised by additions to the FUNDED or the Redemption of the Funded, or paying off Unfunded Debt, within the same Exchequer on the 5th January, 1826.

APPLIED BY	£. s. d.	£. s. d.
The Commissioners for the Reduction of the National Debt in the Redemption of Funded Debt.		
Sinking Fund, Unredeemed Funded Debt.	5,000,000 0 0	
Interest on Redeemed .....do.....	486,475 7 8	
		5,486,475 7 8
Bank of England, to pay off £.5 per cent Annuities 1797 and 1802...	10,000 0 0	
Do. ..... £.4 per cent Annuities	200,000 0 0	
Bank of Ireland ..... do.	397,000 0 0	
		607,000 0 0
Applied towards Redemption of Funded Debt.....£		6,093,475 7 8
UNFUNDED DEBT		
Issued to the Paymasters of Exchequer Bills to pay off Unfunded Debt		32,541,300 0 0
£.		38,634,775 7 8
Balances in the Exchequer at 5th January, 1826		5,305,638 11 11
£.		43,940,413 19 7

B.—The Sum of £.5,486.475. 7. 8. applied by the Commissioners for the Reduction of the National Debt to the purposes of the Sinking Fund, was disposed of as follows; viz.

	£ s. d.
By Purchase of Stock	2,438,359 18 4
By cancelling Exchequer Bills issued to pay off £.4 per cent Dissentients	2,390,000 0 0
By interest on Exchequer Bills charged on Sinking Fund	95,446 10 3
By Life Annuities	562,668 19 1
£.	5,486,475 7 8

AN ACCOUNT of the INCOME of the CONSOLIDATED FUND arising in the United
account of the CONSOLIDATED

	£.	s.	d.
The Total Income applicable to Consolidated Fund	49,185,628	18	6¾
£.	49,185,628	18	6¾

Whitehall, Treasury Chambers, 8th February, 1826. J. C. HERRIES.

AN ACCOUNT of the MONEY applicable to the Payment of the CONSOLIDATE
CHARGES which have become due thereon, in the same Year, including the Amou
nation of the Year.

	£.	s.	d.	£.	s.	d.
Income arising in Great Britain				45,560,829	3	5
Income arising in Ireland	3,624,799	15	1			
Add the Sum paid out of the Consolidated Fund in Ireland, towards the Supplies, in the Quarter ended 5th January 1825	254,356	14	0¼			
	3,879,156	9	1¼			
Deduct the Sum paid out of the Consolidated Fund, towards the Supplies, in the Quarter ended 10th day of October 1825	437,321	18	4½			
Deduct the Sum paid out of the Consolidated Fund, towards the Supplies, in the Quarter ended 5th day of January 1826	218,119	14	5½			
	655,441	12	10			
				3,223,714	16	
Total Sum applicable to the Charge of the Consolidated Fund, in the Year ended 5th day of January 1826				48,784,543	19	
Exchequer Bills to be issued, to complete the payment of the Charge, to the 5th day of January 1826				5,548,817	9	
£.				54,333,361	9	

Whitehall, Treasury Chambers, 8th February 1826. J. C. HERRIES.

Kingdom, in the Year ended 5th January 1826; and also of the actual Payments on Fund within the same Year.

HEADS OF PAYMENT.	£.	s.	d.
Dividends, Interest, Sinking Fund, and Management of the Public Funded Debt, 4 Quarters to 10th October 1825	32,717,265	7	2½
Interest on Exchequer Bills, issued upon the Credit of the Consolidated Fund	9,498	2	5
Trustees for Naval and Military Pensions .. per Act 3 Geo. IV. c. 51 £.2,214,260 0 0			
Bank of England ..... per Act 4 Geo. IV. c. 22 - 585,740 0 0			
	2,800,000	0	0
Civil List, 4 Quarters to 5th January, 1826	1,057,000	0	0
Pensions charged by Act of Parliament upon the Consolidated Fund ..... 4 Quarters to 10th Oct. 1825	366,028	8	2½
Salaries and Allowances ..... do	87,641	5	0½
Officers of Courts of Justice .... do	98,642	0	4
Expenses of the Mint ..... do	14,748	15	10
Bounties ..... do	2,956	13	8
Miscellaneous ..... do	911,845	18	0
Do. Ireland ..... do	301,084	2	9
Advances out of the Consolidated Fund in Ireland, for Public Works	533,258	7	2½
£.	38,899,969	0	7½
Surplus of the Consolidated Fund.....	10,285,659	17	11½
£.	49,185,628	18	6¾

Fund of the United Kingdom, in the Year ended 5th January 1826, and of the several of Exchequer Bills charged upon the said Fund, at the commencement and at the termi-

HEADS OF CHARGE.	£.	s.	d.
Dividends, Interest, Sinking Fund, and Management of the Public Funded Debt, 4 Quarters to 5th January 1826	32,733,516	19	11½
Interest on Exchequer Bills, issued upon the Credit of the Consolidated Fund	14,611	11	2
Trustees for Naval and Military Pensions .. per Act 3 Geo. IV. c. 51 £.2,214,260 0 0			
Bank of England ..... 4 Geo. IV. c. 22 - 585,740 0 0			
	2,800,000	0	0
Civil List, 4 Quarters to 5th January 1826	1,057,000	0	0
Pensions charged by Acts of Parliament upon the Consolidated Fund ..... 4 Quarters to 5th Jan. 1826	369,628	0	9½
Salaries and Allowances .. .. do	83,587	13	10½
Officers of Courts of Justice ..... do	122,006	12	1
Expenses of the Mint ..... do	14,748	15	10
Bounties ..... do	2,956	13	8
Miscellaneous .. .. do	796,082	18	3
Do. Ireland ..... do	302,459	9	5½
Advances out of the Consolidated Fund in Ireland, for Public Works	533,258	7	2½
£.	38,829,857	2	2¾
Exchequer Bills issued to make good the Charge of the Consolidated Fund to the 5th January 1825	1,550,031	5	6½
£.	40,379,888	7	9½
Surplus of the Consolidated Fund.....	13,953,473	1	6¾
£.	54,333,361	9	4

AN ACCOUNT of the ACTUAL RECEIPT and EXPENDITURE of the Sums placed in the ending the 5th

Drs. THE SAID COMMISSIONERS - . - - -

		£. s. d.	£. s. d.
	GREAT BRITAIN.		
ISSUES FROM THE CONSOLIDATED FUND.	TO CASH, being four Quarterly Issues, per 4 Geo. IV. c. 19...	4,840,000 0 0	
	To Do. - Interest on Capitals standing in the names of the Commissioners, at 3 per Cent	246,686 12 7	
	3½ per Cent	213,180 2 11	
	4 per Cent	1,862 8 0	
	Long Annuities	6,569 14 0	
			5,308,298 17 6
OTHER ISSUES.	To Sums returned from the Account of Life Annuities, the Nominees whereof died previously to its being set apart for payment.....	9,180 13 6	
	To Bank Life Annuities, unclaimed for three years or upwards, at 5th January 1825	2,329 14 0	
	To the Bequest of John Phillips, Esq. late of Bank Hall, Township of Heaton Norris, near Stockport, Chester, towards the Reduction of the National Debt	900 0 0	
			12,410 7 6
	In GREAT BRITAIN.....£.		5,320,709 5 0
	IRELAND, in British Currency.		
ISSUES FROM THE CONSOLIDATED FUND.	To CASH, being four Quarterly Issues, per 4 Geo. IV. c. 19 ..	160,000 0 0	
	To - Do. Interest on Capital Stock, standing in the names of the Commissioners, at 3½ per Cent	18,176 10 2	
	In IRELAND .....£.		178,176 10 2
	UNITED KINGDOM .....£.		5,498,885 15 2

RESULT.

	RECEIPT. From the Consolidated FUND.	RECEIPT. From other Sources.	RECEIPT. TOTAL Sums received	CAPITAL STOCK placed in the Names of the Commissioners.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
In GREAT BRITAIN -	5,308,298 17 6	12,410 7 6	5,320,709 5 0	2,515,410 0 0
In IRELAND - - - -	178,176 10 2	- - -	178,176 10 2	181,394 14 11
UNITED KINGDOM £.	5,486,475 7 8	12,410 7 6	5,498,885 15 2	2,696,804 14 11

National Debt Office, 26th January, 1826.

hands of the COMMISSIONERS for the REDUCTION of the NATIONAL DEBT, in the Year of January 1826.

- - - - - - - - - - - - - - - - - - Crs.

CAPITAL STOCK placed in the Names of the Commissioners in the Year.		RATE per Cent.		Average Price of STOCK.
£. s. d.			£. s. d.	£. s. d.
2,368,510 0 0	By CASH, paid for £.2,368,510 Capital Stock	3 p'cent.	2,132,474 0 8	90 0 8
146,900 0 0	By - Do. .... for £146,900 do...	3½ p'cent	140,119 15 0	95 7 8
	By - Do. being four Quarterly Instalments to the Banks of England and Ireland, per 5 Geo. IV. c. 45, towards the payment of the Principal and Interest of Exchequer Bills placed in their hands, for the Sums advanced and paid to the Proprietors of 4 per cents, who dissented from receiving 3½ per cents in lieu thereof	- -	2,485,446 10 3	—
	By - Do. set apart for the payment of Life Annuities at the Bank of England, per 48 Geo. 3. c. 142, and 59th, c. 34	- -	562,668 19 1	—
£ 2,515,410 0 0	- - - - - - - - - - - -	- £.	5,320,709 5 0	—
181,394 14 11	By Cash paid for £181,394.14s11d Capital Stock	3½ p'cent	178,176 10 2	98 4 6
£ 2,696,804 14 11	- - - - - - - - - - - -	- £.	5,498,885 15 2	—

RESULT.

EXPENDITURE.

SUMS paid for Capital Stock.	SUMS paid to the Bank towards the Redemption of Exchequer Bills, per 5 Geo. IV. c. 45.	SUMS set apart for payment of Life Annuities, per 48 and 59 Geo. 3. c. 142 and 34.	TOTAL Sums paid.	
£. s. d.	£. s. d.	£. s. d.	£. s. d.	
2,272,593 15 8	2,485,446 10 3	562,668 19 1	5,320,709 5 0	In GREAT BRITAIN.
178,176 10 2	- - -	- - -	178,176 10 2	In IRELAND.
2,450,770 5 10	2,485,446 10 3	562,668 19 1	5,498,885 15 2	UNITED KINGDOM.

S. HIGHAM, Comptroller General.

AN ACCOUNT of the Total Amount of the UNREDEEMED FUNDED DEBT and created in the Year ended 5th January 1826; of the Debt and Charge thereof Debt and Charge, as it stood

Dr.

GREAT BRITAIN.	CAPITAL STOCK. £. s. d		ANNUAL CHARGE thereon. £. s. d.
TO Unredeemed Capital	753,167,948 7 3¾	- -	24,496,505 13 5¼
— Schedules C. D 1. and D 2. on account of Land Tax	- - -	- -	8,467 5 2½
— Long Annuities, expire 1860....	- - -	- -	1,333,843 6 4
— Life Annuities payable at the Exchequer.... English.	- - -	- -	27,704 10 5½
— Life Annuities payable at the Exchequer.... Irish. ..	- - -	- -	35,461 7 9
— Management	- - -	- -	279,360 9 9¾
— Military and Naval Pensions....	- - -	- -	2,800,000 0 0
TOTAL DEBT at 5th Jan, 1825..£.	753,167,948 7 3¾	£.	28,981,342 13 0½
DEBT created in the Year 1825. TO Capital transferred from the Funded Debt in Ireland to the Funded Debt in Great Britain	70,994 11 3	3 p. cent	8,951 8 10½
	102,307 3 7	3½ p. cent	
	81,021 10 10	4 p. cent	
To Capital transferred from the Commissioners, Reduction National Debt, the Dividends upon which had remained unclaimed 10 years or upwards, the same having been reclaimed by the Proprietors thereof	11,185 11 10	3 p. cent	394 13 8
	1,643 16 3	3½ p. cent	
	39 13 5	4 p. cent	
To - D° - Long Annuities, transferred from d° to d°	- - -	- -	37 18 2
To Consolidated 3 per cent Annuities, created in exchange for £952,867. 8. 4, Unredeemed 5 per cents 1797, per 37 Geo. 3. c. 10..	1,270,489 10 9	3 p. cent	38,114 13 8
To 3½ per cents (heretofore 4 per cents) transferred to the Proprietors thereof, being part of the non-assented Capital which had been placed in the names of the Commissioners per 5 Geo. IV. c. 45, the Proprietors having since assented to convert the same into 3½ per cents, per 5 Geo. IV. c. 11.	47,766 14 4	3½ p. cent	1,671 16
TOTAL DEBT created in 1825..£.	1,585,448 12 3	- £.	49,170 11
GENERAL TOTAL, Great Britain ..£.	754,753,396 19 6¾	- £.	29,030,513 4

the CHARGE thereof, at the 5th January, 1825; of the Debt and Charge thereof reduced in the course of that Year; and of the Total Amount of the Unredeemed on the 5th of January, 1826.

Cr.

		CAPITAL STOCK. £.	s.	d.		ANNUAL CHARGE thereon. £	s.	d.
DEBT reduced in the Year 1825.	BY Capital purchased with the Sinking Fund	2,368,510	0	0	3 p. cent	76,196	15	11¼
		146,900	0	0	3½ p. cent			
	By D° transferred for the purchase of Life Annuities	528,205	0	0	3 p. cent	16,954	16	5¼
		6,777	0	0	3½ p. cent			
		21,787	0	0	4 p. cent			
	By D° Long Annuities transferred for d°	-	-	-	- -	619	0	0
	By Capital transferred to the Commissioners, the Dividends upon which had remained unclaimed 10 years or upwards.	4,961	12	8	3 p. cent	148	16	11¾
	By D° Long Annuities, unclaimed d°	-	-	-	- -	5	0	0
	By Capital purchased with unclaimed Dividends	15,000	0	0	3 p. cent	450	0	0
	By Capital transferred to the Commissioners for the Redemption of Land Tax, under Schedules A. and B.	49,154	19	7	3 p. cent	1,474	12	11¼
	D° D° C. D 1. and D 2.	9,510	3	0	3 p. cent	The annual Interest of this Capital is continued in the ann. charge.		
	By Capital transferred from the Funded Debt in Great Britain, to the Funded Debt in Ireland	1,944,429	11	6	3 p. cent	116,623	0	3
		1,081,647	13	10	3½ p. cent			
		510,811	10	2	4 p. cent			
	By 5 per cents 1797, converted into £1,270,489. 10. 9. consolidated 3 per cent Annuities, per 37 Geo. 3. c. 10	952,867	8	4	5 p. cent	47,643	7	5
	By 5 per cents 1797, wrote off the Funded Debt, to be paid in money	41,011	4	9	5 p. cent	2,050	11	2¾
	- Fractions wrote off the the 4 per cent Annuities		1	6	7 4 p. cent	0	0	11
	- Life Annuities, payable at the Exchequer, decreased	-	-	-	- -	1,530	11	6¾
	- Management decreased	-	-	-	- -	3,306	14	1¾
	Fractions	-	-	-	- -	0	0	1
	TOTAL DEBT reduced in 1825...£.	7,681,574	10	5	- £.	267,003	7	10¾
	By due to the Public Creditor, 5th January 1826	747,071,822	9	1¾	- -	28,487,456	0	7
	- Management	-	-	-	- -	276,053	15	8
	GENERAL TOTAL.....£	754,753,396	19	6¾	- £.	29,030,513	4	1¾

ACCOUNT—*continued.*

IRELAND.	CAPITAL STOCK, (British Currency.) £. s. d.		Annual Charge thereon, (British Currency) £. s. d.
To Unredeemed Capital	27,955,274 8 3	- -	1,044,545 4 3¾
— Life Annuities	- - - - - -	- -	7,035 4 7½
— Management (Sinking Fund Office) ..	- - - - - -	- -	752 6 2
Total Debt at 5th January 1825..£	27,955,274 8 3	- £.	1,052,332 15 1½
DEBT created in the Year 1825. To Capital transferred from the Funded Debt in Great Britain to the Funded Debt in Ireland.....	1,944,429 11 6	3 p'ct.	116,623 0 3
	1,081,647 13 10	3½ p'ct.	
	510,811 10 2	4 p'ct.	
Management increased	- - - - -	- -	21 16 1
Total Debt created in 1825 .....£	3,536,888 15 6	- £.	116,644 16 4
General Total, Ireland.....£	31,492,163 3 9	- £.	1,168,977 11 5½

SUMMARY:

		DEBT. £. s. d.	CHARGE. £. s. d.
TOTAL DEBT on 5th Jan. 1825.	Great Britain	753,167,948 7 3⅜	28,981,342 13 0½
	Ireland	27,955,274 8 3	1,052,332 15 1½
	£	781,123,222 15 6⅜	30,033,675 8 1⅞
DEBT created in the Year 1825.	Great Britain.....	1,585,448 12 3	49,170 11 1½
	Ireland	3,536,888 15 6	116,644 16 4
	£	5,122,337 7 9	165,815 7 5½
	Total .....£	786,245,560 3 3⅜	30,199,490 15 7

National Debt Office,
4th February 1826.

S. HIGHAM,
Comptroller General.

ACCOUNT—*continued.*

		CAPITAL STOCK, (British Currency.)				ANNUAL CHARGE thereon, (British Currency)		
		£.	s.	d.		£	s.	d.
DEBT reduced in the Year 1825.	By Capital purchased with the Sinking Fund ...	181,394	14	11	3½ p'ct.	6,348	16	3¼
	By Capital transferred from the Funded Debt in Ireland to the Funded Debt in Great Britain.	70,994	11	3	3 p'ct.	8,951	8	10½
		102,307	3	7	3½ p'ct.			
		81,021	10	10	4 p'ct.			
	Fractions..	0	0	2	- -	0	0	1
TOTAL DEBT reduced in 1825.. £		435,718	0	9	- £.	15,300	5	2¾
By due to the Public Creditor, 5th January 1826.....		31,056,445	3	0	- -	1,152,903	3	11½
- Management		- - - - - -			- -	774	2	3
GENERAL TOTAL.....£		31,492,163	3	9	- £.	1,168,977	11	5¼

SUMMARY:

		DEBT.			CHARGE.		
		£.	s.	d.	£.	s.	d.
DEBT reduced in the Year 1825.	GREAT BRITAIN	7,681,574	10	5	267,003	7	10¾
	IRELAND	435,718	0	9	15,300	5	2¾
	£	8,117,292	11	2	282,303	13	1½
TOTAL DEBT on 5th Jan. 1826.	GREAT BRITAIN	747,071,822	9	1¾	28,763,509	16	3
	IRELAND	31,056,445	3	0	1,153,677	6	2½
	£	778,128,267	12	1¾	29,917,187	2	5½
TOTAL - -	£	786,245,560	3	3¼	30,199,490	15	7

Note.—Besides the Reduction of the Funded Debt in the year 1825 above stated, there was paid, thin the same year, to the Banks of England and Ireland, per 5 Geo. IV. c. 45, towards the charge of Exchequer Bills placed in their hands, for the Sums advanced by them to pay off Proprietors of £.4 per cents. who did not assent to receive £.3½ per cents. in lieu thereof:

Principal	£.2,390,000 0 0
Interest	95,446 10 3
	£.2,485,446 10 3

AN ACCOUNT of the state of the PUBLIC FUNDED DEBTS of GREAT
DEBT:

	C° 1. CAPITALS.			C° 2. CAPITALS transferred to the Commissioners			C° 3. CAPITALS UNREDEEMED.		
GREAT BRITAIN:	£.	s.	d.	£.	s.	d.	£.	s.	d.
Debt due to the South Sea Company.... at £3 p' ct.	3,662,784	8	6½	-	-	-	3,662,784	8	6½
Old South Sea Annuities do.	4,574,870	2	7	434,000	0	0	4,140,870	2	7
New South Sea Annuities do.	3,128,330	2	10	210,000	0	0	2,918,330	2	10
South Sea Annuities, 1751 ..... do.	707,600	0	0	46,500	0	0	661,100	0	0
Debt due to the Bank of England..... do.	14,686,800	0	0	-	-	-	14,686,800	0	0
Bank Annuities created in 1826... do.	1,000,000	0	0	437	10	9	999,562	9	3
Consolidated Annuities do.	369,177,746	1	0¼	7,279,953	9	3	361,897,792	11	9¼
Reduced Annuities.... do.	132,711,527	5	3	3,255,499	17	1	129,456,027	8	2
TOTAL at £3 per cent..£.	529,649,658	0	2¾	11,226,390	17	1	518,423,267	3	1¼
Annuities at £3½ per cent	15,117,637	8	10	380,338	0	0	14,737,299	8	10
Reduced Annuities at £3½ per cent.....	74,059,199	0	10	5,830,634	18	0	68,228,564	2	10
New £4 per cent Annuities	145,756,608	18	11	73,917	4	7	145,682,691	14	4
GREAT BRITAIN.. ..£.	764,583,103	8	9¾	17,511,280	19	8	747,071,822	9	1¼
IN IRELAND, (in British Currency.)									
Irish Consolidated £3 per cent Annuities	2,238,528	19	7	-	-	-	2,238,528	19	7
Irish reduced £3 per cent Annuities	1,031,425	14	9	-	-	-	1,031,425	14	9
£3½ per cent Debentures and Stock	13,919,552	13	9	474,794	8	1	13,444,758	5	8
Reduced £3½ per cent Annuities	1,691,008	6	9	366,938	19	3	1,324,069	7	6
Debt due to the Bank of Ireland, at £4 per cent	1,615,384	12	4	-	-	-	1,615,384	12	4
New £4 per cent Annuities	10,386,893	10	10	-	-	-	10,386,893	10	10
Debt due to the Bank of Ireland, at £5 per cent	1,015,384	12	4	-	-	-	1,015,384	12	4
IRELAND.....£.	31,898,178	10	4	841,733	7	4	31,056,445	3	0
TOTAL UNITED KINGDOM £.	796,481,281	19	1¾	18,353,014	7	0	778,128,267	12	

	STOCK. £.	s.
Note.—The above Columns, 1 and 2, show the Totals of 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	484,458,039	19

BRITAIN and IRELAND, and the Charge thereupon, at the 5th of January 1826.

CHARGE:

	In GREAT BRITAIN.			In IRELAND. (In British Currency.)			TOTAL ANNUAL CHARGE.		
	£	s.	d.	£	s.	d.	£	s.	d
Sinking Fund—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.....	4,840,000	0	0	160,000	0	0			
Sinking Fund—Annual Interest on Stock standing in the names of the Commissioners	548,379	17	11¼	29,460	13	4¼			
Sinking Fund—Long Annuities do.	7,394	14	2½	—					
£	5,395,774	12	1¾	189,460	13	4¼			
Due to the Public Creditor—Annual Interest on Unredeemed Debt	24,283,810	18	1¾	1,145,867	19	3½			
Due to the Public Creditor—Long Annuities, expire 1860.....	1,333,257	4	6	—					
Due to the Public Creditor—Life Annuities payable at the Exchequer—English	26,173	18	10¾	—					
Due to the Public Creditor—Life Annuities payable at the Exchequer—Irish...	35,461	7	9	7,035	4	8			
£	25,678,703	9	3½	1,152,903	3	11½			
Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the redemption of Land Tax, under Schedules C. D 1. and D 2. 53 Geo. 3. c. 123	8,752	11	3½	—					
Management.....	276,053	15	8	774	2	3			
The Trustees of Military and Naval Pensions and Civil Superannuations	2,800,000	0	0	—					
TOTAL CHARGE, including Sinking Fund and Pensions .... £	34,159,284	8	4¾	1,343,137	19	6¾	35,502,422	7	11½

ABSTRACT

ABSTRACT.

	CAPITALS.			CAPITALS transferred to the Commissioners			CAPITALS UNREDEEMED.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Great Britain	764,583,103	8	9¾	17,511,280	19	8	747,071,822	9	1¾
Ireland - -	31,898,178	10	4	841,733	7	4	31,056,445	3	0
£.	796,481,281	19	1¾	18,353,014	7	0	778,128,267	12	1¾

The Trustees of Military and Naval Pensions and Civil Superannuations - - - - - - - - .....

Non-assented £. 4 per Cents, vested in the Commissioners as £. 3½ per cents, 5 Geo. IV. c. 45- - - - - -	£. 6,149,245	17	7
Purchased with the Sinking Fund - - - - - - - -	9,541,495	8	1
Transferred for Life Annuities - - - - - - - - -	1,654,981	0	0
Stock Unclaimed, 10 years and upwards - - - - - -	203,039	17	1
Purchased with Unclaimed Dividends - - - - - - -	512,500	0	0
Transferred for Redemption of Land Tax under Schedules C. D. 1. & D. 2. - - - - - - - - - - - - - -	291,752	4	3
Total transferred to Commissioners, as above -	£. 18,353,014	7	0

National Debt Office,
4th February 1826.

ABSTRACT:

ANNUAL CHARGE.

Due to the Public Creditor.	MANAGEMENT.	SINKING FUND.	TOTAL.
£. s. d.	£. s. d.	£. s. d.	£. s. d.
25,678,703 9 3½ 8,752 11 3½	276,053 15 8	5,395,774 12 1¾	(a)
1,152,903 3 11½	774 2 3	189,460 13 4¾	—
26,840,359 4 6½	276,827 17 11	5,585,235 5 6	—
2,800,000 0 0	—	—	—
29,640,359 4 6½	276,827 17 11	5,585,235 5 6	35,502,422 7 11½

(a) Chargeable with £.553,945. 1. 6, Life Annuities, per 48 Geo. 3. c. 142.—Do. with the sum of £91,800. 0. 0. Annuities for a Term of Years to the Trustees of the Waterloo Fund, per 59 Geo. 3. c. 34. payable by sundry half-yearly Instalments.

Also with the payment of £. 3,759,245. 17. 7. (by Quarterly Instalments,) being part of £. 6,149,245 17. 7. Non-assented £. 4. per cents, vested in the Commissioners as £.3½ per cents, per 5 Geo. IV. c. 45.

S. HIGHAM,
Comptroller General.

AN ACCOUNT OF THE UNFUNDED DEBT OF GREAT BRITAIN AND IRELAND;

And of the Demands outstanding on the 5th day of January 1826;

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 day of January 1826, to defray such part of the Unfunded Debt and Demands outstanding, as have been provided for.

	PROVIDED.	UNPROVIDED.	TOTAL.
EXCHEQUER BILLS, exclusive of £.3,756,300 issued for paying off £.4 per cents, the payment of which is charged on the Sinking Fund.....	£ s. d. – – –	£ s. d. 30,771,650 0 0	£ s. d. 30,771,650 0 0
SUMS remaining unpaid, charged upon Aids granted by Parliament	4,422,497 3 5¼	– – –	4,422,497 3 5¼
ADVANCES made out of 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.....	655,441 12 10	– – –	655,441 12 10
TOTAL Unfunded Debt, and Demands outstanding ... £	5,077,938 16 3¼	30,771,650 0 0	35,849,588 16 3¼
WAYS and MEANS	5,335,870 9 4¼	—	—
Surplus Ways and Means ..... £	257,931 13 1	—	—
EXCHEQUER BILLS to be issued to complete the Charge upon the Consolidated Fund..... £		5,548,817 9 7	5,548,817 9 7

Whitehall, Treasury Chambers, 8th February, 1826.

J. C. HERRIES.

TRADE OF THE UNITED KINGDOM.

AN ACCOUNT of the VALUE of all IMPORTS into, and of all EXPORTS from, the United Kingdom of GREAT BRITAIN and IRELAND,

During each of the Three Years ending the 5th January 1826, (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.
1824 - -	35,798,707 5 0	43,804,372 18 1	8,603,904 9 1	52,408,277 7 2	35,458,048 13 6
1825 - -	37,552,935 7 1	48,735,551 2 5	10,204,785 6 4	58,940,336 8 9	38,396,300 17 3
1826 - -	44,137,482 6 0	47,166,020 2 11	9,169,494 8 3	56,335,514 11 2	38,877,388 7 6

Inspector General's Office,
Custom-House, London,
22d March, 1826.

WILLIAM IRVING,
Inspector General of Imports and Exports.

TRADE OF GREAT BRITAIN.

AN ACCOUNT of the VALUE, as calculated at the Official Rates, of all IMPORTS into, and of all EXPORTS from, GREAT BRITAIN,

during each of the Three Years ending the 5th January 1826; shewing the Trade with Foreign Parts separately, from the Trade with Ireland; and distinguishing the Amount of the Produce and Manufactures of the United Kingdom exported, from the Value of Foreign and Colonial Merchandize exported:—Also, stating the Amount of the Produce and Manufactures of the United Kingdom exported from Great Britain, according to the Real and Declared Value thereof.

TRADE OF GREAT BRITAIN WITH FOREIGN PARTS.

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.
1824 - -	34,591,264 9 0	43,144,466 1 6	8,588,995 18 0	51,733,461 19 6	34,691,124 8 10
1825 - -	36,146,448 0 0	48,030,036 11 4	10,188,596 9 2	58,218,633 0 6	37,573,918 0 0
1826 - -	42,589,678 4 2	46,468,281 7 2	9,155,305 5 0	55,623,586 12 2	38,083,773 4 7

TRADE OF GREAT BRITAIN—*continued.*

TRADE OF GREAT BRITAIN WITH IRELAND:

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.
1824.....	5,821,036 1 11	3,141,825 11 0	1,359,376 6 5	4,501,201 17 5	3,488,591 0 8
1825.....	5,591,161 5 0	3,688,570 6 4	1,318,069 0 8	5,006,639 7 0	4,261,113 11 10
1826.....	6,544,573 5 9	3,837,336 11 7	1,437,708 17 10	5,275,045 9 5	4,962,751 8 10

TRADE OF GREAT BRITAIN WITH ALL PARTS.

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.
1824.....	40,412,300 10 11	46,286,291 12 6	9,948,372 4 5	56,234,663 16 11	38,179,715 9 6
1825.....	41,737,609 5 0	51,718,606 17 8	11,506,665 9 10	63,225,272 7 6	41,835,031 11 10
1826.....	49,134,251 9 11	50,305,617 18 9	10,593,014 2 10	60,898,632 1 7	43,046,524 13 5

Inspector General's Office,
Custom House, London,
22d March, 1826.

WILLIAM IRVING,
Inspector General of Imports and Exports.

TRADE OF IRELAND.

AN ACCOUNT OF THE VALUE OF ALL IMPORTS INTO, AND OF ALL EXPORTS FROM, IRELAND;

)uring each of the Three Years ending the 5th January 1826, (calculated at the Official Rates of Valuation, and stated exclusive of the Trade with *Great Britain;)* distin-*guishing* 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 real or declared Value thereof.

		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, according to the Real or Declared Value thereof.
Years ending 5th January			Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandize.	TOTAL EXPORTS.	
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
'ALUE, usive of the ade with T BRITAIN.	1824 -	1,207,442 16 0½	659,906 16 7½	14,908 11 1½	674,815 7 8½	766,924 4 8½
	1825 -	1,406,487 7 1½	705,514 11 0½	16,188 17 2½	721,703 8 3	822,382 17 3
	1826 -	1,547,804 1 10½	697,738 15 9	14,189 3 3	711,927 19 0	798,615 2 11½

ector General's Office,
lom House, London,
21st March 1826.

WILLIAM IRVING,
Inspector General of Imports and Exports.

NAVIGATION OF THE UNITED KINGDOM.

NEW VESSELS BUILT.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, that were built and registered in the several Ports of the BRITISH EMPIRE, in the Years ending the 5th January 1824, 1825, and 1826, respectively.

	IN THE YEARS ENDING THE 5TH JANUARY					
	1824.		1825.		1826.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom	594	63,151	799	91,083	975	122,479
Isles Guernsey, Jersey, and Man..	10	637	38	2,136	28	1,550
British Plantations	243	22,240	342	50,522	353	50,299
Total	847	86,028	1,179	143,741	1,356	174,328

Inspector General's Office, Custom House, London, 22d March, 1826.

WILLIAM IRVING,
Inspector General of Imports and Exports.

VESSELS REGISTERED.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE, on the 30th September, in the Years 1823 and 1824, and on the 31st December 1825, respectively.

	On 30th September 1823.			On 30th September 1824.			On 31st December 1825.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
United Kingdom	20,573	2,275,995	147,058	20,803	2,321,953	149,742	20,087	2,298,886	146,7
Isles Guernsey, Jersey and Man	469	26,872	3,680	477	26,361	3,806	508	28,505	3,7
British Plantations	3,500	203,893	14,736	3,496	211,273	15,089	3,579	214,875	15,0
TOTAL	24,542	2,506,760	165,474	24,776	2,559,587	168,637	24,174	2,542,216	165,5

Note.—The Returns upon which the above Account is founded were formerly made up to 30th September in each year, but are now made up on 31st December, conformably to the Act 4 Geo. IV. c. 41.

Inspector General's Office, Custom House, London, 22d March, 1826.

WILLIAM IRVING,
Inspector General of Imports and Exports.

NAVIGATION OF THE UNITED KINGDOM—*continued.*

VESSELS EMPLOYED IN THE FOREIGN TRADE.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS employed in Navigating the same, (including their repeated Voyages,) that entered Inwards, and cleared Outwards, at the several Ports of The United Kingdom, from and to all Parts of the World, (exclusive of the Intercourse between GREAT BRITAIN and IRELAND respectively;) during each of the three Years ending 5th January 1826.

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.
1824.....	11,271	1,740,859	112,244	4,069	582,996	33,828	15,340	2,323,855	146,072
1825.....	11,731	1,797,089	108,686	5,655	759,672	42,126	17,386	2,556,761	150,812
1826.....	13,503	2,143,317	123,028	6,981	959,312	52,722	20,484	3,102,629	175,750

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.
1824.....	9,666	1,546,976	95,596	3,437	563,571	29,323	13,103	2,110,547	124,919
1825.....	10,156	1,657,270	103,085	5,025	746,729	38,782	15,181	2,403,999	141,867
1826.....	10,843	1,793,842	109,537	6,085	906,066	47,535	16,928	2,699,908	157,072

Inspector General's Office,
Custom House, London,
22d March 1826.

WILLIAM IRVING,
Inspector General of Imports and Exports.

LOI de France, relative à la fixation du Budget des Dépenses et des Recettes de 1827.

Au Château de Saint-Cloud, le 6 *Juillet* 1826.

CHARLES, par la Grâce de Dieu, Roi de France et de Navarre, à tous présens et à venir, salut.

Nous avons proposé, les Chambres ont adopté, nous avons ordonné et ordonnons ce qui suit :

TITRE PREMIER.—*Crédits votés pour l'Exercice,* 1827.

§ I.—*Budget de la Dette Consolidée.*

ART. I. Les Dépenses de la Dette Consolidée et de l'Amortissement sont fixées, pour l'Exercice 1827, à la somme de 238,840,121 francs, conformément à l'Etat A ci-annexé.

§. II.—*Fixation des Dépenses Générales du Service.*

II. Des Crédits sont ouverts jusqu'à concurrence de 676,889,621 francs, pour les dépenses générales du Service de l'Exercice 1827, conformément à l'Etat B, applicables, savoir :

Aux Dépenses générales, ci	541,798,109 f
Aux frais de régie, d'exploitation, de perception et non-valeurs des contributions directes et indirectes et des revenus de l'Etat, ci	126,491,512
Aux remboursemens et restitutions à faire aux contribuables sur les produits desdites contributions, ci	8,600,000
Total égal. Francs	676,889,621

TITRE II.—*Impôts autorisés pour l'Exercice* 1827.

III. Continuera d'être faite, en 1827, conformément aux Lois existantes, la perception

Des droits d'enregistrement, de timbre, de greffe, d'hypothéques, de passe-port et permis de port d'armes ;

Des droits de douanes, y compris celui sur les sels ;

Des contributions indirectes, des postes, des loteries, des monnaies, et droits de garantie ;

Des taxes des brevets d'invention ;

Des droits établis sur les journaux ;

Des droits de vérification des poids et mesures, conformément au Tarif annexé à l'Ordonnance Royale du 18 Décembre, 1825 ;

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, y compris les amendes et condamnations pécuniaires ;

Des contributions spéciales destinées à subvenir aux dépenses des Bourses et Chambres de Commerce, ainsi que des revenus spéciaux accordés auxdits Établissemens et aux Établissemens Sanitaires ;

Des droits établis pour les frais de visite chez les pharmaciens, droguistes et épiciers ;

Des rétributions imposées, en vertu des Arrêtés du Gouvernement du 3 Floréal, An VIII (23 Avril, 1800) et du 6 Nivôse, An XI (27 Décembre, 1802), sur les Etablissemens d'eaux minérales, pour le traitement des médecins chargés par le Gouvernment de l'inspection de ces Etablissemens ;

Des redevances sur les mines ;

Des diverses rétributions imposées en faveur de l'Université, sur les établissemens particuliers d'instruction et sur les élèves qui fréquentent les Ecoles publiques ;

Des taxes imposées, avec l'autorisation du Gouvernement, pour la conservation et la réparation des digues et autres ouvrages d'art intéressant les communautés de propriétaires ou d'habitans, et des taxes pour les travaux de dessêchement 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.

IV. La contribution foncière, la contribution personnelle et mobilière, les contributions des portes et fenêtres et des patentes, seront perçues, pour 1827, en principal et centimes additionnels, conformément à l'Etat C ci-annexé.

Le contingent de chaque Département dans les contributions foncières, personnelle et mobilière, et des portes et fenêtres, est fixé aux sommes portées dans les Etats D, N^os^. 1, 2 et 3, annexés à la présente Loi.

TITRE III.—*Evaluation des Recettes de l'Exercice* 1827.

V. Le budget des recettes est évalué pour l'Exercice 1827, à la somme de 916,608,734 francs, conformément à l'Etat E ci-annexé.

Moyens de Service.

VI. 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 125,000,000.

Dans le cas où cette somme serait insuffisante pour les besoins du Service, il y sera pourvu au moyen d'une émission supplémentaire, qui

devra être autorisée par Ordonnances du Roi, et dont il sera rendu compte à la plus prochaine Session des Chambres.

DISPOSITIONS GÉNÉRALES.

VII. Toutes contributions directes ou indirectes, autres que celles autorisées par la présente Loi, à quelque titre et sous quelque dénomination qu'elles se perçoivent, sont formellement interdites, à peine contre les Autorités qui les ordonneraient, contre les Employés qui confectionneraient les rôles et tarifs, et ceux qui en feraient le recouvrement, d'être poursuivis comme concussionnaires, sans préjudice de l'action en répétition, pendant trois années, contre tous Receveurs, Percepteurs ou Individus qui auraient fait la perception, et sans que, pour exercer cette action devant les Tribunaux, il soit besoin d'une autorisation préalable. Il n'est pas néanmoins dérogé à l'exécution des Articles 22 de la Loi du 17 Août, 1822, et 20 de la Loi du 31 Juillet, 1821, relatifs aux centimes facultatifs que les Conseils Généraux de Département sont autorisés à voter pour les dépenses d'utilité départementale et pour les opérations cadastrales, et des Articles 31, 39, 40, 41, 42 et 43 de la Loi du 15 Mai, 1818, relatifs aux dépenses ordinaires et extraordinaires des Communes.

La présente Loi, discutée, délibérée et adoptée par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous cejourd'hui, sera exécutée comme Loi de l'Etat ; voulons, en conséquence, qu'elle soit gardée et observée dans tout Notre Royaume, Terres et Pays de Notre obéissance.

Si donnons en mandement à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et, pour les rendre plus notoires à tous nos Sujets, ils les fassent publier et enregistrer par-tout où besoin sera : car tel est notre plaisir ; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre Notre Scel.

Donné en Notre Château de Saint-Cloud, le 6.e jour du mois de Juillet, de l'An de Grâce 1826, et de notre Règne le Deuxième.

CHARLES.

Vu et scellé du Grand Sceau :
Le Garde des Sceaux de France, Ministre Secrétaire d'Etat au Département de la Justice,
C.te DE PEYRONNET.

Par le Roi :
Le Ministre Secrétaire d'Etat au Département des Finances,
JH. DE VILLELE.

Etat A.—*BUDGET de la Dette Consolidée et de l'Amortissement.*

		Francs.
Rentes inscrites au 1er. Janvier, 1826		195,090,121
***Rentes à inscrire sur le Crédit de** 30 **Millions de Rentes** 3 **p. o/o accordé par la Loi du** 27 **Avril,** 1825.*		
SAVOIR :		
En 1826, le Second Cinquième, avec jouissance du 22 Juin, 1826	6,000,000f.	
Ci, pour les Arrérages des deux Semestres échéant en 1827.....	.....	6,000,000
En 1827, le Troisième Cinquième, avec jouissance du 22 Juin, 1827	6,000,000	
Ci, pour les Arrérages du Semestre à l'échéance du 22 Décembre, 1827	.....	3,000,000
Montant des Rentes à inscrire en 1826 et 1827....	12,000,000	
Montant des Arrérages à servir sur les Rentes inscrites et à inscrire.....		204,090,121
Dont à déduire, pour les Arrérages des Rentes présumées devoir être rachetées par la Caisse d'Amortissement,		
en 1826 ..... 3,000,000f.		
en 1827 3,000,000	6,000,000	
rayées du Grand-livre de la Dette Publique, et annullées au profit de l'Etat.		
SAVOIR :		
Deux Semestres sur les Rentes rachetées en 1826 ..	3,000,000	
Deux Semestres sur les Rentes rachetées en 1827, jusqu'au 22 Juin .... 1,500,000f.		
Un seul Semestre, celui à l'échéance du 22 Décembre, 1827, sur les Rentes rachetées à partir du 22 Juin précédent 750,000	2,250,000	
Total des Arrérages à déduire.....	5,250,000	ci 5,250,000
Montant des Arrérages de Rentes à servir pour l'Année 1827 ..		198,840,121
Dotation de la Caisse d'Amortissement.....		40,000,000
Total.....Francs.		238,840,121

Etat B.—1°. *BUDGET des Dépenses Générales et Services.*

				Montant des Dépenses présumées.
				Francs.
Liste Civile			25,000,000f.	32,000,000
Famille Royale			7,000,000	
MINISTERES.				
Justice	Service Ordinaire		16,091,934	19,491,934
	Frais de Justice		3,400,000	
Affaires Etrangères				9,000,000
Affaires Ecclésiastiques.	Affaires Ecclésiastiques		32,675,000	34,500,000
	Instruction Publique		1,825,000	
Intérieur.	Administration centrale et Dépenses secretes de Police Générale		3,384,000	91,301,400
	Cultes non Catholiques		676,400	
	Services divers d'utilité publique		10,263,000	
	Travaux publics		40,594,275	
	Dépenses départementales. Fixes (6 centimes ½ centralisés au Trésor)	11,824,711f.		
	Variables (12 centimes ½, dont 5 en fonds commun)	22,739,828	36,383,725	
	Secours pour grêle, incendies et autres cas fortuits (1 cent. additionnel special)	1,819,186		
Guerre	Services actif		190,299,000	196,000,000
	Dépenses temporaires		5,701,000	
Marine	Service général			57,000,000
Finances.	Dette viagère		8,100,000	102,504,775
	Pensions. Civiles	1,600,000		
	Militaires	48,150,000		
	Ecclésiastiques	6,700,000		
	Donataires dépossédés	1,540,000	59,067,175	
	Supplément aux fonds de retenues de divers Ministères	1,077,175		
	Intérêts de cautionnemens		9,000,000	
	Frais de service et de Negociations. Frais de Service et de Trésorerie	2,800,000		
	Intérêts de la Dette Flottante, Escomte et frais de Négociations	4,500,000		
	Bonifications aux Receveurs Généraux et Particuliers des Finances sur les anticipations de versemens des contributions directes	2,500,000	9,800,000	
	Chambre des Pairs		2,000,000	
	Chambre des Députés		800,000	
	Legion d'Honneur. (Supplément à sa dotation.)		3,400,000	
	Bureau du Commerce et des Colonies		125,000	
	Cour des Comptes		1,256,300	
	Administration des Monnaies		956,300	
	Cadastre.—Fonds commun		1,000,000	
	Service administratif du Ministère		7,000,000	
		Total - Francs		541,798,109

Etat B.—2°. *FRAIS de Régie, de Perception, d'Exploitation, Non-valeurs, &c. Remboursemens et Restitutions aux Contribuables.*

(A ordonnancer par le Ministre des Finances.)

FRAIS DE REGIE, DE PERCEPTION, D'EXPLOITATION, NON-VALEURS, &c.			Montant des Dépenses presumées.
ADMINISTRATIONS FINANCIERES.			
Enregistrement et Domaines		10,628,200f.	
Forêts — Frais Administratifs	3,361,500f.	3,699,000	
Forêts — Avances à charge de remboursement. (Frais de poursuites et frais d'arpentage.)	337,500		
Douanes et Sels — Frais d'administration et de perception.	23,850,800	25,450,800	
Douanes et Sels — Prélèvement sur le produit des amendes et confiscations attribuées	1,600,000		
Contributions indirectes. — Frais d'Administration et de perception	20,792,700	48,154,200	126,491,512f.
Contributions indirectes. — Exploitation des tabacs	23,665,000		
Contributions indirectes. — Exploitation et vente des poudres à feu	2,133,000		
Contributions indirectes. — Avances à charge de remboursement	663,500		
Contributions indirectes. — Prélèvement sur le produit des amendes	900,000		
Postes		12,570,595	
Loterie — Frais d'Administration	1,083,895	4,083,895	
Loterie — Remise de 6 p. o/o aux Receveurs buralistes	3,000,000		
Contributions indirectes — Non-valeurs des quatre contributions directes	5,056,822	20,404,822	
Contributions indirectes — Dépenses des directions des contributions directes dans les Départemens	3,300,000		
Contributions indirectes — Frais de perception	12,048,000		
Taxations aux Receveurs-Générales et Particulières, sur l'Impôt indirect et les recettes diverses.		1,500,000	
REMBOURSEMENS ET RESTITUTIONS POUR TROP PERCU ET PAIEMENT DE PRIMES A L'EXPORTATION.			
Produits divers et contributions directes		600,000	8,600,000
Enregistrement, timbre et Domaines		1,500,000	
Forêts		100,000	
Douanes et Sels (y compris 4,040,000f. pour primes à l'exportation)		6,000,000	
Contributions indirectes		200,000	
Postes		200,000	
Total - Francs			135,091,512

3°. DÉPENSES DÉPARTEMENTALES ET COMMUNALES MENTIONNÉES POUR MEMOIRE.

Dépenses imputables sur le produit de divers centimes additionnels imposés dans les rôles des contributions directes et des redevances des mines.	Centimes facultatifs votés par les Conseils Généraux — pour Dépenses d'utilité départementale	Mémoire.	Mémoire.
	Centimes facultatifs votés par les Conseils Généraux — pour Dépenses Cadastrales		
	Dépenses ordinaires et extraordinaires des Communes		
	Frais de premier avertissement pour les Contributions directes		
	Fonds de réimpositions pour décharges et réductions		
	Fonds de non-valeurs extraordinaires, sur patentes pour cessation de commerce		
	Redevances des mines.—Frais de confection de rôles; non-valeurs et frais de perception		
Ressources spéciales et produits, divers appartenant aux Départemens			

RÉCAPITULATION DES DÉPENSES.

Etat A.	Dette Consolidée et Amortissement		238,840,121f.
Etat B.	1°. Service Général	541,798,109f.	676,889,621
Etat B.	2°. Frais d'Administration, de Perception, d'Exploitation, &c.	135,091,512	
Etat B.	3°. Dépenses départementales, mentionnées pour mémoire.	Mémoire.	
Montant des Dépenses propres à l'Exercice 1827			915,729,742
DÉPENSES POUR ORDRE.			
Affaires Ecclésiastiques.—Instruction publique		2,219,200f.	6,184,463
Intérieur — Produit de la taxe spéciale des brevets d'invention, par aperçu. (Loi du 25 Mai, 1791.)		80,000	
Guerre — Direction générale des poudres et salpêtres.		3,885,263	
Total Général - Francs			921,914,205

Etat C.—*Tableau des Contributions directes à imposer en principal et centimes additionnels, pour l'Exercice* 1827.

Designation des Contributions en Principal et Centimes Additionnels.	Montant de chaque Contribution.								Totaux.	Observations.
	Foncière.		Personnelle et Mobilière.		Portes et Fenêtres.		Patentes.			
Produits Généraux.	Nom. de centimes addition.	Francs C.	Nom. de centimes addition.	Francs C.	Nom. de centimes addition.	Francs C.	Nom. de centimes addition.	F. (A) C.	Francs C.	
Principal des quatre Contributions	—	154,757,604 93	—	27,161,012 92	—	12,812,466 32	—	22,440,952 40	217,172,043 57	(A) Sur ce produit présumé, il est prélevé 10 centimes pour frais de confection de rôles, supplément au fonds de non-valeurs et attributions aux Communes. On porte néanmoins la somme totale en recette, parce que les 10 centimes figureront en dépense.
Centimes Additionnels. Sans affectation speciale	10c.	15,475,760 49	10c.	2,716,101 99	10c.	1,281,246 63	—	—	19,473,109 11	
Centimes Additionnels. Pour Dépenses Départementales fixes, communes à plusieurs Départemens — 6c. ½										
Centimes Additionnels. Pour Dépenses variables des Départemens — 7. ½	19	29,403,944 93	19	5,160,593 78	—	—	—	—	34,564,538 71	
Centimes Additionnels. Pour fonds commun des mêmes Départemens — 5.										
Centimes Additionnels. Pour secours, grêle, incendies	1	1,547,576 05	1	271,610 20	—	—	—	—	1,819,186 25	
Centimes Additionnels à voter par les Conseils Généraux (maximum, 5 centimes)	—	Mémoire	—	Mémoire	—	—	—	—	Mémoire	
Centimes Additionnels à voter par les Conseils Généraux pour Dépenses du Cadastre (maximum, 3 centimes)	—	Mémoire	—	—	—	—	—	—	Mémoire	
Produits affectés aux Non-valeurs, Dépenses des Communes, Reimpositions et Frais de Perception.										
Centimes Additionnels. Pour Non-valeurs et Dégrémens, &c.	1	1,547,576 04	1	271,610 20	5	640,623 31	5c.	1,122,047 60	3,581,857 15	
Centimes Additionnels. Pour Dépenses ordinaires des Communes	—	Mémoire	—	Mémoire	—	—	—	—	Mémoire	
Centimes Additionnels. Pour Dépenses extraordinaires des Communes	—	Mémoire	—	Mémoire	—	—	—	—	Mémoire	
Centimes Additionnels. Pour Reimpositions	—	Mémoire	—	Mémoire	—	—	—	—	Mémoire	
Totaux (non compris les pour Mémoire)	31	202,732,462 44	31	35,580,936 09	15	14,734,336 26	5	23,563,000 00	276,610,734 79	
Centimes Additionnels sur principal et cent. add. reun. Traitemens et taxations des Receveurs Généraux et Particuliers (par évaluation)	—	1,740,000 00	—	287,000 00	—	148,000 00	—	79,600 00	2,254,600 00	
Centimes Additionnels sur principal et cent. add. reun. Remises des percepteurs	—	7,369,200 00	—	1,165,600 00	—	597,400 00	—	661,200 00	9,793,400 00	
Frais de premier avertissement	—	Mémoire	—	Mémoire	—	Mémoire	—	Mémoire	Mémoire	
Totaux généraux	—	211,841,662 44	—	37,033,536 09	—	15,479,736 26	—	24,303,800 00	288,658,734 79	

RAPPORT du Ministre des Finances, et Ordonnance du Roi de France, sur le Controle des Comptes des Ministres. Le 9 Juillet, 1826.

RAPPORT AU ROI.

SIRE,

LES nouvelles dispositions de comptabilité que j'ai l'honneur de présenter à Votre approbation, ont pour but de compléter les garanties qui ont été déjà données à La France, sur la recette et l'emploi des deniers de l'Etat, depuis le retour d'un Gouvernement qui a voulu fonder sa force et son crédit sur l'ordre et sur la publicité des actes de Son Administration. Je propose à Votre Majesté de soumettre au contrôle d'une Cour Judiciaire les Comptes de toutes les opérations Financières exécutées par les Ministres, afin que ce Tribunal puisse juger dans son indépendance, la réalité des faits exposés par les Documens livrés à l'examen des Chambres, et certifier, sur le vu des Pièces justificatives, l'exactitude de tous les résultats qui font la matière de leur délibération. La Loi du 27 Juin, 1819, s'était bornée à réclamer l'état des travaux de cette Cour, à l'appui des Tableaux remis à la Législature; les Ordonnances du 14 Septembre, 1822, et 10 Décembre, 1823, n'avaient pu que préparer l'accomplissement d'un vœu dont l'objet n'est pas suffisamment déterminé, et qu'il vous est réservé de réaliser dans son acception la plus rigoureuse. Au moment où je suis appelé à compléter cette importante mesure, dont les Finances de Votre Majesté offriront le premier exemple, je ne puis mieux lui en faire apprécier l'utilité et la facilité d'exécution, qu'en retraçant ici les améliorations qui ont conduit à ce nouveau degré de régularité, comme à la dernière conséquence d'un Système de Comptabilité perfectionné par une épreuve de douze Années.

Service de Trésorerie.

L'Administration du Trésor public est la première qui ait senti le besoin de l'ordre que lui commandait plus impérieusement qu'à toute autre, la nature mobile et variable d'un service qui ne peut se régler que sur la connaissance journalière de ses ressources et de ses besoins; éclairée sans doute aussi par d' anciens désordres qui avaient trop souvent entravé la marche du Gouvernement, elle s'était, même avant 1814, ressaisie de la direction du mouvement des deniers publics qui avait été long-tems abandonnée à des Compagnies de Finances; elle rassembla toute son action dans une Banque Centrale instituée sous le nom de *Caisse de Service*, pour maintenir chaque jour et sur tous les points, avec le concours des Receveurs des Finances, un équilibre constant entre les recettes et les dépenses de chaque Département. C'est de ce premier retour à de meilleurs principes d'Administration, que date l'introduction de la methode des Ecritures en parties doubles dans la comptabilité du Trésor et dans celle de ses préposés; importante amélioration qui a révélé des dilapidations nombreuses, et qui en a préservé pour

l'avenir la fortune de l'Etat. C'est à l'aide de ces moyens d'ordre, que l'on est parvenu à connaître l'actif et le passif du Trésor Public, et qu'il a été possible à l'Administration des Finances de déterminer le point de départ de son Service au 1er Avril, 1814, et de publier pour la première fois sa situation générale.

On doit reconnaître que le régime antérieur du Trésor était habilement conçu pour un Gouvernement qui n'avait à éclairer que sa propre surveillance et qui se jugeait lui-même. Mais ce régime ne pouvait plus suffire à une Administration qui s'était imposé le devoir de tout dire, de se faire comprendre par tous, et d'être toujours approuvée.

En commençant cette ère nouvelle de nos Finances, qui s'est ouverte par des Budgets librement consentis et par des Comptes annuellement publiés, on s'est empressé de placer sous le contrôle de la Cour des Comptes, toutes les opérations réelles de la Trésorerie qui n'avaient jamais été livrées à ses investigations, soit qu'elles eussent été confiées à des traitans, soit que l'Administration elle-même se fut mise à la place de ces Agens étrangers, en conservant la même liberté dans son action et le même secret dans ses résultats. On ne pouvait plus alors soustraire la nouvelle Banque du Trésor et tous ses comptoirs dans les Départemens, aux vérifications légales, ni faire représenter fictivement toutes les Recettes et toutes les Dépenses de l'Etat par un Caissier Général du Trésor, qui ne recevait que les engagemens des comptables réels et qui ne dépensait que des délégations sur leurs caisses.

On commença donc par annuller les valeurs fictives qui étaient substituées aux deniers publics, et le Trésor se mit immédiatement en possession de la totalité de ses ressources, en rendant ses Receveurs-Généraux débiteurs, depuis l'époque de la recette des contributions jusqu'au jour de leur emploi légalement justifié.

Cette utile réform a permis de retirer aux comptables toute jouissance abusive du produit des impôts, de ne leur accorder pour bénéfices que le prix légitime de leurs services, et de laisser à leur charge les pertes provenant de la stagnation des fonds; elle a simplifié les écritures, rendu la surveillance administrative plus facile et l'application locale des ressources aux besoins plus sûre et plus prompte; elle a supprimé toutes réserves de caisse, prévenu les déficits, conduit successivement à plus de régularité dans le Service et de fidélité dans les Comptes, et procuré enfin près de 10,000,000 d'économie sur les frais des opérations de la Trésorerie.

Contributions et Revenus Publics.

Ces premiers améliorations ont préparé celles que réclamait aussi la comptabilité des Impôts. Les Revenus Publics, qui avaient depuis long-tems cessé d'être affermés, étaient régis à l'époque de la restauration, par des Administrations placées en dehors du Ministère des Finances; l'indépendance de leur position n'était plus conciliable avec

les devoirs de responsabilité qui venaient d'être imposés au Ministre de ce Département. On reconnut bientôt la nécessité de ramener au mobile commun d'une action centrale toutes les parties de ce nouvel ensemble qui s'en trouvaient trop éloignées. Chacune des branches isolées de l'Administration Générale des Finances avait voulu assurer son propre service, par un mécanisme spécial de Trésorerie, qui détournait les produits des contributions de leur application commune à tous les besoins de l'Etat, et qui embarrassait la distribution régulière des fonds, par des directions opposées à celles que réclamaient les dépenses générales.

On se hâta de ramener aux seules Caisses du Trésor Royal les ressources réalisées par les nombreux Agens de la perception ; on les fit passer ensuite sur les lieux mêmes, sans déviation ni retard, et sans frais pour les parties, des mains des redevables de l'Etat dans celles de ses Créanciers, et l'on soumit pour l'avenir à l'unique impulsion du Ministère, le mouvement général des Fonds du Royaume.

Ce nouveau perfectionnement à permis de supprimer les intermédiaires inutiles entre le Trésor et les contribuables pour les produits versés en valeurs à terme ; il a provoqué la diminution successive des percepteurs, la réform de toutes les caisses centrales des régies financières, et rendu facile l'exécution du service matériel des recettes et des paiemens de l'Administration à Paris, avec le concours d'un seul Caissier et d'un seul Payeur.

Ces simplifications ont réduit de près de 5,000,000 les traitemens et remises et les frais administratifs, en mettant à la disposition immédiate du Trésor 40,000,000 de ressources qui en étaient long tems détournées pour une destination irrégulière, ou pour entretenir une surabondance onéreuse dans les caisses des agens de la perception.

Cette réunion des diverses Parties qui composent aujourd'hui l'Admistration Centrale des Finances, leur surveillance complette, cette unité de principes et d'action dans la marche des services et dans les mouvemens de toutes les caisses, n'ont pu s'obtenir qu'en faisant pénétrer dans les divers degrés du service, des régles plus sévères et des écritures plus méthodiques, et en introduisant partout l'ordre qui s'était établi dans l'intérieur du Ministère.

Une analyse exacte des opérations, un contrôle plus éclairé de leurs détails, une description plus rapide et plus fidèle de la situation des personnes et des choses, ont permis de reconnaître et de réformer les vices d'un ancien système de comptabilité, qui avait dénaturé la véritable position des Administrateurs et celle des Manutenteurs de deniers publics, en substituant des comptables d'ordre aux comptables réels, et des comptes d'exercices à des comptes individuels de Receveurs ou de Payeurs.

Cette fausse combinaison avait conduit à ne considérer le Compte de chaque Caissier que comme une fraction du Compte Général d'exer-

cice que rendaient, en leur nom, quelques Administrateurs tout-à-fait étrangers au maniement des deniers publics. Aussi, l'établissement de ces résumés administratifs était toujours, pour ces Agens principaux, embarrassé par des lenteurs et des difficultés de tous les genres, puisqu'il suffisait d'une exception, d'une circonstance fortuite, de la négligence d'un préposé ou de l'absence d'une seule formalité dans les Pièces, pour en retarder indéfiniment la présentation.

Les Agens comptables des Recettes et des Dépenses ne pouvaient obtenir leur libération définitive qu'après un retard habituel de huit à dix Années, pendant lequel ils supportaient tous, sans distinction, le poids d'une responsabilité qui compromettait à-la-fois leur fortune et le repos de leurs familles.

Ce mode de travail avait encore l'inconvénient de ne jamais permettre à la Cour des Comptes, l'exercice d'un utile contrôle sur la gestion des comptables réels et même sur l'ensemble de leurs opérations, puisque les résultats généraux établis par chacun des Comptables d'Ordre, n'avaient entre eux aucune coincidence d'époques, aucune analogie dans les formes, ni aucune concordance avec les termes des Lois de Finances ; le bienfait de sa justice était donc entièrement perdu pour le Gouvernement et pour ses préposés comptables.

L'Administration Royale a enfin replacé les Manutenteurs de deniers publics sous la juridiction immédiate de la Cour des Comptes : les Comptables d'Ordre ont été supprimés ; des Comptes de Gestion rendus chaque Année par tous les Receveurs et Payeurs de Finances, ont remplacé tous les Comptes Administratifs d'Exercice ; quinze ou vingt Ans d'arriéré, produit inévitable de l'insuffisance de la comptabilité antérieure, qui se trouvait encore compliquée par les désordres de deux invasions, ont été entièrement apurés et jugés définitivement. Tous les nouveaux Comptes des Agens de la Recette et de la Dépense sont maintenant présentés, verifiés et soumis, le 1er Juillet de l'Année suivante, à la Cour des Comptes, qui a prononcé tous ses Arrêts avant le 31 Décembre, exemple remarquable d'une vaste comptabilité constamment à jour, où tout est démontré par pièces, avant l'expiration de la seconde Année, et qui ne laisse plus subsister aucun doute sur la régularité des opérations, sur les actes d'un seul Administrateur et sur la gestion d'un seul comptable.

Les progrès de ces nouvelles méthodes venaient à peine de mettre en évidence dans tous les Comptes, les opérations de Trésorerie qui se lient à l'exécution des Budgets, que le même esprit de régularité fit, pour la première fois, publier le produit brut des Contributions et Revenues Publics, en même tems que les frais de régie et de perception dont ils étaient grevés.

Le Ministère est désormais parvenu à dégager le Système de nos Finances, de toute compensation occulte entre les recettes et les dépenses, à compléter l'expression fidèle des divers services, à les sous-

traire aux abus cachés sous les formes décevantes que l'Administration semblait avoir empruntées à ces anciens traitans qui, après avoir pris à ferme les Revenus de l'Etat, ne comptaient plus au Trésor que d'un produit net réduit de tous leurs prélèvemens.

Cette mesure importante permit enfin de vérifier le résultat exact de l'application des Tarifs pour toutes les Taxes établies ; on fût à même d'apprécier les charges des contribuables, de constater leur liquidation, de les soumettre au vote Législatif et d'en contrôler l'assiette et le recouvrement dans les Comptes annuels : on put également juger les dépenses relative à l'administration des impôts et à la rentrée de leur produit, en calculer la proportion moyenne avec la ressource qu'ils procurent, ouvrir des crédits à leurs frais de régie et de perception, et en placer l'emploi sous la garantie d'un ordonnancement légal.

Le Ministre responsable a repris l'initiative dans tous les services et l'approbation préalable de toutes les dépenses, il a recouvré la direction immédiate des écritures des Agens de la perception. Il a pu ainsi vérifier incessamment si les fonds ont éte appliqués à la destination qu'il a prescrite, et contrôler, dans la gestion des comptables, l'usage que chaque administrateur a fait de son mandat.

Dépenses Publiques.

Après avoir appliqué à la comptabilité du Trésor et des Revenus Publics, les règles d'ordre que commandaient nos formes Constitutionnelles, on a réussi également à y soumettre l'Administration des Dépenses.

L'Exercice dont la durée était jusqu'alors indéterminé a été défini *le Service fait pendant une Année*, et les douze mois qui la suivent ont été accordés comme un délai suffisant, pour réaliser, par des recettes et des paiemens matériels, les droits qu'il avait créés, et pour en rendre le Compte définitif.

C'est donc aujourd'hui sur la base positive du service annuel, que les Crédits sont accordés aux Ministres, et le Trésor n'a plus à demander désormais aux contribuables que les sacrifices réclamés par des besoins réels et prochains. En supposant même que l'éventualité d'une dépense puisse entraîner l'Administration à dépasser cette limite annuelle dans la proposition du Budget, la Loi de réglement des Comptes lui reprend à l'expiration de ce délai de rigueur l'excédent de ressources qu'elle n'a pas dû employer.

On doit à la sévérité de cette régle nouvelle le prompt retour à l'Etat, de fonds très-considérables qui restaient indéfiniment à la disposition des Ordonnateurs, et qui auraient pu favoriser des dépenses étrangères à la destination primitive des Crédits : elle a fait clore, pour la dernière fois, les Budgets des Exercices ouverts depuis 1814, et dont les réglemens provisoires laissaient constamment au Trésor 60,000,000 d'excédent de recettes dont il attendait l'emploi : elle a accéléré dans toutes les parties de l'Administration Publique, la marche des services

et l'acquittement de leurs dépenses avec une progression tellement active que l'excédent habituel des rentrées sur les paiemens est souvent inférieur à la réserve nécessaire aux caisses du Trésor Royal: enfin elle a réduit toute la comptabilité publique à l'Exercice qui commence et à celui qui s'acheve ; mode simple et rapide qui prépare un enchainement facile entre les opérations des Administrateurs et les actes des Comptables, qui présente avec clarté le tableau complet de notre situation Financière à l'examen des Chambres, et qui livre au même moment tous les Agens d'exécution au jugement des Autorités Compétentes. Le réglement de chaque Exercice, au lieu de reposer sur l'évaluation incertaine des services à faire, peut s'arrêter à la fin de la seconde Année sur le chiffre invariable du recouvrement et du paiement, et sur le double appui des comptes individuels et des pièces justificatives.

La question de la spécialité des Crédits a été résolue de manière à respecter la Prérogative Royale et à satisfaire les vœux légitimes de la Législature. Les Ministres sont désormais dans l'obligation de faire approuver l'Ordonnance de répartition de leur Budget, avant le commencement de chaque Exercice et d'expliquer ensuite, dans les Comptes annuellement publiés, les causes d'exception qui les auraient forcés de s'écarter sur quelques articles, de ces délimitations administratives.

Divers produits accidentels, qui venaient accroître irrégulièrement les ressources des Ministères, ont été rendus au Budget Général des Revenus de l'Etat, les caisses spéciales des Ordonnateurs ont été fermées ; les deniers publics ne peuvent plus entrer qu'au Trésor Royal, et n'en doivent jamais sortir, qu'en vertu d'un Crédit Législatif, sur l'Ordonnance d'un Ministre responsable, et après le contrôle des droits des Parties par un comptable des Finances.

Cependant on a conservé à l'Administrateur les Piéces nécessaires à la justification et au contrôle de son propre service, en même tems qu'on a complété les titres de vérification indispensables au Payeur pour connaître un véritable Créancier dans chaque partie prenante : il a suffit, pour y parvenir, de faire produire à l'appui des paiemens tous les documens de la dépense, soit en original, soit en copie, ou extraits légalisés, lorsque l'Ordonnateur ne pouvait s'en dessaisir qu'au détriment de la régularité de son travail ou des devoirs de sa responsabilité.

Pour mieux fonder ces nouveaux principes et pour en perpétuer les avantages, chaque Ministère s'est aidé du secours d'une comptabilité centrale en parties doubles, organisé à l'instar de celle des Finances. Cette comptabilité a été chargée de recueillir tous les résultats, dans un plan complet d'écritures, de constater sur un Journal Général et sur un Grand-livre, la description et le contrôle des actes de l'Administration ; d'arrêter sur un modèle commun, les formes à suivre par ses nombreux Agens, et de les assujétir à transmettre chaque mois à ce point central, des élémens de Compte appropriés à son travail d'ensemble.

Des instructions détaillées ont réglé partout la marche des opérations, ont donné les moyens de les mieux connaître et de les exécuter plus régulièrement; elles ont appris à saisir la trace de la dépense dans tous les degrés qu'elle vient de parcourir, et à suivre son développement successif depuis l'acte qui a donné naissance aux droits des Créanciers jusqu'à celui de leur acquittement matériel. Quels perfectionnemens et quelles économies ne permet pas d'espérer un ordre de comptabilité qui montre sans cesse à l'Administrateur tout ce qu'il a fait, ce qu'il peut encore entreprendre, et le but où il doit s'arrêter, et qui déroule en même tems à tous les regards le tableau fidèle de nos besoins et de nos Services Publics!

Comptabilité Générale des Finances.

Tous les faits relatifs à l'administration de la Trésorerie, des Revenus et des Dépenses, se trouvant ainsi constaté par un enchaînement d'écritures non interrompues, viennent se réunir et se coordonner dans une Comptabilité Générale des Finances, devenue un centre unique de contrôle et de description. C'est de là que se répandent dans les nombreuses gestions de deniers publics les règles d'ordre et les formes de Comptes que le Ministère applique à tous les préposés. C'est là, enfin, que tous les Comptables du Royaume sans exception, apportent le tribut de leurs situations périodiques, de leurs Pièces justificatives, et de leurs Comptes d'Année, et que les divers Départemens Ministériels, par un échange de communications réciproques avec celui des Finances, fournissent à la fin de chaque mois des résultats qui complétent cette centralisation de tous les services, et assurent en même tems l'exactitude des opérations de la dépense commencées par les Ordonnateurs et consommées définitivement par les Payeurs du Trésor Royal.

L'impulsion directe de cette comptabilité générale a produit chez tous les Agens, l'uniformité des méthodes et préparé d'avance l'analyse de tous les faits sur un seul Journal et sur un Grand-livre, qui décrivent sans interruption ni retard, d'après les écritures des Comptables démontrées sur Pièces justificatives, la marche progressive et l'état au vrai de chaque branche d'Administration et de chacun de ses préposés, et qui produit à la fin de chaque mois, par une simple totalisation des Comptes ouverts, la situation générale des Finances. Les regards de l'Administrateur peuvent toujours s'élever à la sommité de cet ensemble et redescendre ensuite avec facilité jusqu'à ses détails les plus élémentaires.

Contrôle et Justification des Comptes des Ministres.

La comptabilité publique, ainsi organisée, était déjà arrivée au but qui lui avait été marqué par la Loi du 25 Mars, 1817, lorsqu'une Ordonnance Royale a déterminé avec précision la forme et l'objet de chacun des Comptes Ministériels. Des Membres du Conseil-d'Etat et des Magistrats de la Cour des Comptes, choisis de préférence dans le sein des deux Chambres, ont été chargés par le Roi de comparer, à l'expira-

tion de chaque Année, les Comptes et les Ecritures des Ministères et des Comptables, avec le Compte des Finances qui en présente le résumé et avec les livres de la comptabilité générale.

Après avoir reconnu la concordance de ces divers Documens et en avoir vérifié l'exactitude par leur rapprochement, soit avec les Comptes Individuels appuyés de Pièces justificatives, soit avec les Arrêts de la Cour des Comptes, ils arrêtent définitivement le Journal et le Grand-livre des Finances, et publient dans un Rapport, et par un Procès-verbal distribué aux Chambres, tous les travaux de leur vérification.

Cet important contrôle est devenu aussi simple que facile à exécuter, depuis que les Comptes Individuels et les Arrêts de la Cour ont été récapitulés par branche principale de service, dans des *Résumés Administratifs* et dans des *Déclarations Judiciaires*, qui permettent de reconnaître l'identité des jugemens rendus, avec les résultats publiés par les Ministres de tous les Départemens.

Pour compléter les termes de ces Comparaisons, la Comptabilité des Finances ajoute à ces résumés des opérations de toutes les Caisses publiques, un Tableau général des *Viremens de Comptes*, présentant les changemens d'imputations, les mouvemens de Comptes Courans, et les régularisations d'Ecritures qui n'ont donné lieu à aucune entrée ni à aucune sortie matérielle de fonds, et qui n'ont d'autre effet que de modifier, en sommes égales, la recette et la dépense, conformément aux dispositions des Lois, des Ordonnances Royales et des Réglemens Administratifs.

Le succès des travaux exécutés pendant trois Années consécutives, par une Commission Spéciale, pour appliquer tous ces Documens à la vérification des Comptes des Ministères et pour en démontrer la conformité avec les Arrêts rendus par la Cour, me permet aujourd'hui de proposer à Votre Majesté de conférer l'attribution de ce contrôle officiel, à ce même Pouvoir indépendant que la Loi a déjà investi de la mission expresse de juger tous les faits sur Pièces justificatives, et de prononcer sur leur existence et sur leur régularité.

Le vœu de la Loi du 27 Juin, 1819, qui n'aurait jamais pu s'accomplir par le seul concours de la Législature et de la Cour des Comptes, sera entièrement satisfait par l'empressement que le Gouvernement mettra lui-même à expliquer à des Juges inamovibles, l'application qu'il a faite dans ses comptes des recettes et des dépenses de ses préposés, et l'interprétation qu'il a donnée à toutes les dispositions légales et réglementaires. Cette Cour, ainsi associée au travail intérieur du Ministère, pourra facilement reconnaître sur les Pièces et les Comptes Individuels, l'emploi qui a été fait dans les Comptes Publics de tous les résultats matériels dont elle a la preuve sous les yeux. Il n'échappera pas un seul fait à ses investigations, elle n'en recevra pas un seul, sous une expression obscure ou infidèle; point de réticence ni de dissimulation qui ne doive être aussitôt découverte et révélée. A aucune époque et chez

aucun Peuple l'Administration ne se sera livrée elle-méme à une épreuve aussi difficile, si elle n'était pas le meilleur temoignage de la loyauté de ses principes et de la régularité de son action.

A chaque Session Législative, une première Déclaration Générale de la Cour des Comptes, prononcée en Séance solennelle, établira la conformité de ses Arrêts avec les Comptes Ministériels publiés pour l'Année précédente; et par une seconde Déclaration, cette Cour certifiéra sous la foi des mêmes garanties, la concordance des résultats de ses jugemens avec ceux du réglement légal du dernier Exercice expiré. Les Chambres pourront ainsi procéder avec une entière confiance à la discussion des Comptes Généraux dont l'exactitude leur sera si authentiquement démontrée, et faire reposer les bases définitive de chaque Loi de Finances, sur des résultats irrécusables et à l'abri de toute critique.

Votre Majesté aura ainsi préservé de toute atteinte la fortune de l'Etat, en ajoutant au bienfait d'une publicité sans réserve, celui d'un contrôle éclairé et indépendant. Je La prie donc de vouloir bien approuver le Projet d'Ordonnance que j'ai l'honneur de Lui présenter, comme une nouvelle preuve de l'Ordre de Ses Finances, et de la fidélité des Comptes de Ses Ministres.

Le Ministre Secrétaire-d'Etat des Finances.

JH. DE VILLELE.

Paris, le 9 Juillet, 1826.

ORDONNANCE du Roi de France, sur le Contrôle des Comptes des Ministres.

Donné au Château de Saint-Cloud, le 9 Juillet, 1826.

CHARLES, PAR LA GRACE DE DIEU, ROI DE FRANCE ET DE NAVARRE.

Vu l'Article 20 de la Loi du 27 Juin, 1819, l'Article 22 de l'Ordonnance du 14 Septembre, 1822, et le Titre III. de l'Ordonnance Royale du 10 Décembre, 1823.

Sur le Rapport de Notre Ministre Secrétaire-d'Etat des Finances,

Avons Ordonné et Ordonnons ce qui suit:

Art I. A partir des Comptes de l'Année 1825, Notre Ministre Secrétaire-d'Etat des Finances complétera les Documens, qui sont adressés à la Cour des Comptes par tous les Comptables du Royaume, sur le recouvrement et l'emploi des Revenus de l'Etat, en faisant, à la fin de chaque Année, déposer, au greffe de la Cour, le *Résumé Général des Viremens de Comptes* constatés par la Comptabilité générale des Finances, pour consigner dans ses écritures officielles les articles de recette et de dépense qui n'ont pas dû entrer dans le Compte des Caisses publiques, attendu qu'ils ne représentent que des changemens d'imputation, des mouvemens de Comptes courans et des opérations d'ordre, qui ne donnent lieu à aucune entrée ni à aucune sortie matérielle de fonds.

II. Par l'effet de cette disposition, les Documens soumis à l'examen de Notre Cour des Comptes, devront reproduire tous les faits publiés dans le Compte Général de l'Administration des Finances, et les résultats de ces Documens seront intégralement compris dans les Tableaux ci-après : savoir :—

1° Les Résumés Généraux de Comptes Individuels.
des Receveurs-Généraux des Finances. (*Ordonnance du* 29 *Décembre* 1823.)
des Payeurs du Trésor Royal. (*Ordonnances des* 18 *Novembre*, 1817, *et* 27 *Décembre*, 1823.)
des Receveurs de l'enregistrement, du timbre et des domaines. (*Ordonnances des* 8 *Novembre*, 1820, *et* 4 *Novembre*, 1824.)
des Receveurs des Contributions indirectes. (*Idem.*)
des Receveurs des Douanes et Sels. (*Idem.*)
des Directeurs des Postes. (*Idem.*)
des Receveurs de la Loterie. (*Idem.*)
des Caissiers des Monnaies et des Receveurs des Argues. (*Idem.*)

2° Le Compte du Caissier du Trésor Royal. (*Ordonnance du* 8 *Juin*, 1821.)

3° Le Résumé Général des Virémens de Comptes. (*Art.* 1^er^ *de la présente Ordonnance.*)

III. Pour faciliter le rapprochement de cet ensemble d'élémens de Comptes avec les résultats publiés par nos Ministres, à chaque Session des Chambres les *Résumés Généraux* désignés à l'Article précédent seront, accompagnés, à partir des Comptes de 1825, d'Etats présentant la comparaison des opérations comprises dans chaque Résumé Général, avec les résultats de la partie du Compte des Finances, où les mêmes faits auront été présentés.

IV. Les *Déclarations de Conformité*, que Notre Cour des Comptes délivre, pour constater la concordance des résultats de ses Arrêts sur les Comptes Individuels des Comptables, avec ceux de chaque Résumé Général, devront nous confirmer aussi l'accord de ces mêmes Arrêts, avec les opérations correspondantes, qui sont comprises dans le Compte Général de l'Administration des Finances.

V. Le 1^er^ Juillet de chaque Année, Notre Ministre Secrétaire-d'Etat des Finances fera remettre, à notre Cour des Comptes, un *Tableau Comparatif* des recettes et des dépenses publiques, comprises dans le Compte Général des Finances de l'Année précédente, avec les Comptes Individuels, et les Résumés Généraux qui auront du être antérieurement transmis à la Cour pour la même Année.

VI. Ce *Tableau Comparatif* sera rapproché des *Déclarations de Conformité* rendues par notre Cour des Comptes sur chaque Résumé Général ; et lorsque la Cour aura reconnu la concordance de ces divers Documens, elle délivrera, en audience solennelle, une *Déclaration générale*,

pour attester l'accord du Compte Annuel des Finances avec les Résumés Généraux, et avec les Arrêts prononcés sur les Comptes Individuels des comptables.

VII. A l'aide du *Tableau Comparatif* établi chaque Année et présentant la distinction des recettes et des dépenses, par exercice, notre Cour de Comptes delivrera également, en Séance Générale, une semblable *Déclaration de Conformité* sur la situation définitive de l'Exercice expiré, qui aura déjà été provisoirement vérifiée par la Commission créée en vertu de l'Ordonnance du 10 Décembre, 1823, et dont l'état se trouvera annexé à son Procès-verbal.

VIII. Ces deux Déclarations de notre Cour des Comptes seront adressées a Notre Ministre Secrétaire-d'Etat des Finances, qui les fera mettre sous les yeux de la Commission, désignée à l'Article précédent, pour qu'elles soient imprimées à la suite du Procés-verbal de ses travaux, dont la communication doit être faite aux Chambres, en exécution de l'Article 8 de l'Ordonnance précitée.

IX. Notre Cour des Comptes remettra à Notre Ministre des F nances les Déclarations de Conformité cidessus prescrites, à une époque assez rapprochée de l'ouverture de chaque Session des Chambres, pour que l'exactitude du dernier réglement du Budget ait pu être confirmée avant qu'il ait été statué sur les résultats du nouveau réglement proposé pour l'Exercice suivant.

X. Notre Ministre Secrétaire-d'Etat des Finances est chargé de l'exécution de la présente Ordonnance, qui sera insérée au Bulletin des Lois.

Donné en Notre Château de Saint-Cloud, le 9 du mois de Juillet, de l'An de Grâce 1826, et de notre Règne le Second.

CHARLES

Par le Roi :
Le Ministre Secrétaire-d'Etat des Finances,
JH. DE VILLELE.

ORDONNANCE du Roi de France, qui prescrit l'accomplissement des Conditions de réciprocité stipulés par une Convention du 26 Janvier, 1826, à l'égard de la Navigation Britannique.

Au Château des Tuileries, le 8 Fevrier, 1826.

CHARLES, PAR LA GRACE DE DIEU, ROI DE FRANCE ET DE NAVARRE.

VU la Convention conclue et signée entre Nous et Sa Majesté Britannique, le 26 Janvier de la présenté Année ;

Voulant assurer, en tout ce qui ne résulte pas déjà des Réglemens Français sur la Navigation générale, l'accomplissement des conditions de réciprocité stipulées en ladite Convention à l'égard de la Navigation Britannique ;

Sur le Rapport du Président de Notre Conseil des Ministres, Ministre Secrétaire-d'Etat des Finances ;

Notre Conseil Supérieur de Commerce et des Colonies entendu,

Nous avons ordonné et ordonnons ce qui suit :

ART. Ier. A dater du cinq Avril prochain, les Navires Britanniques venant avec ou sans chargement, des Ports du Royaume-Uni de l'Angleterre et de l'Irlande, et des Possessions du dit Royaume en Europe, dans les Ports de France, et les Navires Français revenant des Ports du Royaume-Uni et de ses Possessions en Europe, paieront un Droit de tonnage égal, lequel, jusqu'à ce qu'il en soit autrement ordonné, n'excèdera pas le Droit maintenant perçu à l'entrée des Ports de France sur tous Navires Etrangers.

Les Navires Britanniques venant des Ports du Royaume-Uni ou des Possessions de ce Royaume en Europe, ne supporteront les redevances de pilotage, de bassins, de quarantaine et autres analogues, que d'après le Taux établi pour les Navires Français.

II. A dater de la même époque, toutes marchandises et tous objets de Commerce qui peuvent ou pourront être légalement importés des Ports du Royaume-Uni et de ses Possessions en Europe, pour la consommation de notre Royaume, ne paieront, à leur importation par Navires Britanniques, que les mêmes Droits qui sont ou seront perçus sur lesdites marchandises et objets de commerce à leur importation par Navires Français.

III. Les produits de l'Asie, de l'Afrique et de l'Amérique, importés de quelque Pays que ce soit par Navires Britanniques, ou bien chargés par Navires Français ou tous autres dans un des Ports de la Domination Britannique en Europe, ne pourront, à dater de la même époque du cinq Avril prochain, être admis en France pour la consommation du Royaume, mais seulement pour l'entrepôt et la réexportation.

La même disposition est applicable aux produits des Pays d'Europe autres que le Royaume-Uni ou ses Possessions, lorsqu'ils seront importés par Navires Britanniques venant d'un autre Port que ceux du Royaume-Uni ou de ses Possessions en Europe.

IV. Seront affranchis de tous Droits de navigation les bateaux pêcheurs appartenant au Royaume-Uni ou à ses Possessions en Europe, lorsqu'étant forcés par le mauvais tems de chercher un refuge dans les Ports ou sur les Côtes de France, ils n'y auront effectué aucun chargement ni déchargement.

V. Le Président de Notre Conseil des Ministres, Ministre Secrétaire-d'Etat au Département des Finances, est chargé de l'exécution de la présente Ordonnance, qui sera insérée au Bulletin des Lois.

Donné en notre Château des Tuileries, le 8 Fevrier, de l'An de Grace 1826, et de notre Règne le Second.

CHARLES.

Par le Roi,
Le Président du Conseil des Ministres, Ministre Secrétaire-d'Etat des Finances,
JH. DE VILLELE.

CONSTITUENT ACT of the Mexican Confederation.

31st *January*, 1824. (Translation.)

THE Supreme Executive Power, provisionally named by the Sovereign Mexican Congress, to all those who may see and understand these Presents, be it known: That the Sovereign Constituent Congress has decreed as follows:—

The Sovereign Constituent Mexican Congress decrees as follows:

CONSTITUENT ACT OF THE CONFEDERATION.

FORM OF GOVERNMENT AND RELIGION.

ART. I. The Mexican Nation is composed of the Provinces comprehended in the Territory of the Viceroyalty heretofore called New Spain, including the Captain-generalship of Yucatan, and the Interior Provincial Commanderies of the East and West.

II. The Mexican Nation is for ever free and independent of Spain, and of any Foreign Authority, and is not and cannot be the patrimony of any Family or Person.

III. The Sovereignty resides inherently and essentially in the Nation, and, in consequence, it belongs to it, of right, to adopt, and establish, by means of its Representatives, the form of Government and the other Fundamental Laws most conducive to its preservation and greater prosperity, changing and modifying them as it may deem expedient.

IV. The Religion of the Mexican Nation is, and shall be perpetually, the Apostolical Roman Catholick. The Nation protects it by wise and just Laws, and prohibits the exercise of any other.

V. The Nation adopts for its Government, the form of a Representative, Popular, and Federal Republick.

VI. Its integral parts are Independent, Free, and Sovereign States, in what exclusively concerns their Interior Administration and Government, agreeably to what is detailed in this Act and the General Constitution.

VII. The States of the Confederation are at present the following: Guanajuato; the Interior of the West, composed of the Provinces of Sonora and Sinaloa; the Interior of the East, composed of the Provinces of Coahuila, New Leon, and the Tejas; the Interior of the North, composed of the Provinces of Chihuahua,

Durango and New Mexico; Mexico, Michoacán, Oajaca, Puebla de los Angeles, Querétaro, San Luis Potosi, New Santander, which is to be called Tamaulipas, Tabasco, Tlaxcala, Veracruz, Xalisco, Yucatan, Zacatecas, the Californias, and part of Colima, (exclusive of the Inhabitants of Tolila, who are to be united to Xalisco,) which shall from henceforth form the Territories of the Confederation, and be immediately subject to the Supreme Power thereof. The Districts and Inhabitants which compose the Province of the Isthmus of Guazacualco, shall revert to those States to which they formerly belonged. The Lake shall belong to, and form the Boundary of, the State of Yucatan.

VIII. In the Constitution, the number of the States, comprehended in the preceding Article, may be augmented or modified, as may be considered most conducive to the happiness of the People.

DIVISION OF POWERS.

IX. The Supreme Power of the Confederation is divided for its exercise into the Legislative, Executive, and Judicial; and two or more of them shall not be united in any one Person, or Publick Body, nor shall the Legislative be vested in one Individual.

LEGISLATIVE POWER.

X. The Legislative Power of the Confederation shall reside in a General Congress, composed of a Chamber of Deputies, and a Senate.

XI. The Members of the Chamber of Deputies and of the Senate, shall be elected by the Citizens of the States, in the form to be provided for by the Constitution.

XII. The basis for the election of the Chamber of Deputies, shall be the Population: each State shall name two Senators, as prescribed by the Constitution.

XIII. It belongs exclusively to the General Congress to enact Laws and Decrees:

1. To uphold the National Independence, and to provide for the preservation and security of the Nation, in respect of its Foreign Relations.

2. To preserve peace and publick order in the Interior of the Confederation, and generally to promote publick education and prosperity.

3. To maintain the independence of the States, respectively.

4. To protect and regulate the liberty of the Press, throughout the Confederation.

5. To preserve the Federal Union of the States, to regulate their limits definitively, and settle their differences.

6. To uphold the rights and obligations which the States have hitherto respectively possessed.

7. To admit New States or Territories into the Federal Union, incorporating them with the Nation.

8. To regulate, Annually, the General Expenses of the Nation, grounded on the Estimates which the Executive Power shall submit to it.

9. To establish the necessary Contributions to cover the General Expenses of the Republick, to designate their application, and to render an account of the same to the Executive Power.

10. To regulate the Commerce with Foreign Nations, and between the different States of the Confederation, and the Tribes of Indians.

11. To contract Debts on the credit of the Republick, and to assign Funds for their discharge.

12. To recognize the Publick Debt of the Nation, and to point out the mode of consolidating it.

13. To declare War on a view of the considerations offered by the Executive Power.

14. To grant Licences for Privateering, and to decide upon the legality or illegality of Captures made at Sea or on Shore.

15. To appoint and organize the Land and Sea Forces, and to fix the Contingents for the respective States.

16. To organize, arm, and discipline the Militia, reserving to each State the nomination of its own Officers, and the power to instruct them, conformably to the discipline prescribed by the General Congress.

17. To approve Treaties of Peace, Alliance, Friendship, Confederacy, and Armed Neutrality, and any others, which may be concluded by the Executive.

18. To regulate and render uniform, the weight, value, die, standard, and denomination, of the Coinage, throughout the Confederation, and to adopt a general system of Weights and Measures.

19. To grant, or refuse, permission to Foreign Troops to enter the Territory of the Confederation.

20. To establish Ports of every description.

XIV. The Constitution will fix the other general and special attributes of the Congress of the Confederation, the mode of discharging them, and the prerogatives of that Body and of the Individuals composing it.

EXECUTIVE POWER.

XV. The Supreme Executive Power shall be exercised by the Individual or Individuals prescribed by the Constitution; who shall be Residents and Natives of one of the States or Territories of the Confederation.

XVI. Its attributes, with such others as may be fixed by the Constitution, are the following:—

1. To put in execution the Laws for consolidating the integrity of the Confederation, and for upholding its external Independence, and internal union and liberty.

2. To appoint, and remove at pleasure, the Secretaries of State.

3. To watch over the collection, and decree the application of the General Contributions, according to Law.

4. To appoint the Officers in the Financial Department, according to the Constitution and the Laws.

5. To declare War, on the previous decision of the General Congress; or, should that Body not be assembled, in the form prescribed by the Constitution.

6. To dispose of the permanent Land and Sea Forces, and of the active Militia, for external defence, and the internal security of the Confederation.

7. To dispose of the local Militia for the same purposes; but, previously to its being ordered to march out of any particular State, a Decree of the General Congress must be obtained, which shall declare the Force necessary.

8. To appoint the Officers of the Army, active Militia, and Navy, according to the existing Laws, and Ordinances, and the Constitution.

9. To grant discharges, and leave of absence, and to regulate the Pensions of the Military, to whom the preceding attribute refers, conformably to the Laws.

10. To appoint Diplomatick Envoys and Consuls, with the approbation of the Senate, and, in the mean time, with that of the present Congress.

11. To direct Diplomatick Negotiations, to conclude Treaties of Peace, Friendship, Alliance, Confederacy, Truce, Armed Neutrality, Commerce, and any others; but, previously to the Ratification of the same, the approbation of the General Congress must be obtained.

12. To see that justice be promptly and effectually administered by the General Tribunals, and that their Sentences are carried into effect, according to Law.

13. To publish, circulate, and cause to be observed, the General Constitution and the Laws; having the power, for once only, to object either wholly or in part, to the same, within ten days, during which time their execution shall be suspended, until the determination of the Congress shall be ascertained.

14. To issue Decrees and Orders for the better fulfilment of the Constitution and General Laws.

15. To suspend from employment for three months, and to mulct of one-half of their emoluments for that time, such Officers of the Confederation as shall violate its Orders and Decrees; and, in the cases in which it may be deemed right to prosecute such Officers, the proceedings shall be submitted to the proper Tribunal.

XVII. All Decrees and Orders of the Supreme Executive Power, shall be signed by the Secretary of the Department to which the matter belongs, and without his signature they shall not be obeyed.

JUDICIAL POWER.

XVIII. Every Inhabitant of the Territories of the Confederation, has a right to prompt, complete, and impartial justice; and to this end the Judicial Power is vested, by the Confederation, in a Supreme Court of Justice, and in the Tribunals which are to be established in each State; it being reserved for the Constitution to define the powers of that Supreme Court.

XIX. No Person shall be tried in the States or Territories of the Confederation, but by Laws issued, and Tribunals established, before the commission of the act, of which he may be accused. All Judgments by Special Commission, and Retrospective Laws, are, therefore, for ever prohibited.

LOCAL GOVERNMENT OF THE STATES.

XX. The Government of each State shall be divided, for its exercise, into three Powers; the Legislative, the Executive, and the Judicial; two or more of these shall never be united in any one Individual, or Publick Body, nor shall the Legislative be vested in one Person.

XXI. The Legislative Power of each State shall reside in a Congress, composed of the number of Individuals prescribed by its particular Constitution, popularly elected, and renewable in the time and manner appointed.

EXECUTIVE POWER.

XXII. The Executive Power of each State shall be exercised only for a limited period, to be fixed by its respective Constitution.

JUDICIAL POWER.

XXIII. The Judicial Power of each State shall be exercised by the Tribunals, which its Constitution may establish.

GENERAL REGULATIONS.

XXIV. The Constitutions of the States shall not be inconsistent with the present Act, nor with that to be established by the General Constitution: they cannot, therefore, be sanctioned until after the publication of the latter.

XXV. The Legislatures of the different States are, nevertheless, empowered, provisionally, to organize their Interior Government; the existing Laws continuing, in the mean time, to be observed.

XXVI. No Criminal of one State shall receive shelter in another; but shall be immediately delivered up to the Authority claiming him.

XXVII. No State shall levy Tonnage Duties, without the consent of the General Congress, nor maintain Troops, nor Ships of War, in time of Peace.

XXVIII. No State, without the consent of the General Congress, shall impose Contributions, or levy Duties, upon imports, or exports, not already sanctioned by the Laws.

XXIX. No State shall negotiate, or contract with another, or with a Foreign Power, nor engage itself in War, except in case of actual Invasion, or such imminent peril as will not admit of delay.

XXX. The Nation is bound to protect, by wise and just Laws, the Rights of the Man, and of the Citizen.

XXXI. Every Inhabitant of the Confederation is at liberty to write, print and publish, his political ideas, without the necessity of a licence, revision, or approbation previous to publication, subject to the restrictions of, and his responsibility to, the Laws.

XXXII. The Congress of each State, shall transmit Annually, to the General Congress of the Confederation, a circumstantial, and comprehensive Return of all the receipts and disbursements of the Treasuries in their respective Districts; reporting upon each branch of industry, agriculture, commerce, and manufactures, and describing their progress or decay, with the causes thereof; the new sources which may be available, and the means of rendering them so; with an account of its respective population.

XXXIII. All Publick Debts contracted before the promulgation of this Act are acknowledged by the Confederation, and shall be classed, and liquidated, as the General Congress may direct.

XXXIV. The General Constitution, and this Act, guaranty to the States of the Confederation, the form of Government adopted in the present Law; and each State engages to the utmost of its power to maintain the Federal Union.

XXXV. This Act shall not be altered, except at the time, and in the manner, prescribed by the General Constitution.

XXXVI. The execution of this Act is entrusted, under the strictest responsibility, to the Supreme Executive Power, which shall in all respects be regulated by it, from the time of its publication.

Mexico, 31st January, 1824. 4°. & 3°.

[SIGNED BY THE DEPUTIES.]

Wherefore we command all Authorities, as well Civil as Military, and Ecclesiastical, of whatever Class and dignity, to keep, and cause to be kept, fulfilled and executed, the present Decree in all its parts. They will cause it to be understood, and adopt the necessary measures for its accomplishment, by ordering it to be printed, published and circulated.

Given in Mexico, 31st January, 1824. 4°. 3°.

JOSE MARIANO MICHELENA, President.
MIGUEL DOMINGUEZ.
VICENTE GUERRERO.

To the Minister of the Interior, and Foreign Relations.

By Order of Their Highnesses, I communicate it to you, for your information, and its fulfilment.

God and Liberty. Mexico, 31st January, 1824. 4°. 3°.

JUAN GUZMAN.

FEDERAL CONSTITUTION of The United Mexican States; sanctioned by the General Constituent Congress, the 4th of October, 1824. (Translation.)

THE Supreme Executive Power, provisionally named by the Sovereign General Congress of the Nation, to all who may see and understand these Presents, be it known: that the said Sovereign Congress has decreed and sanctioned the following:

FEDERAL CONSTITUTION OF THE UNITED MEXICAN STATES.

In the Name of the All-powerful God, Author and Supreme Legislator of Society.

The General Constituent Congress of the Mexican Nation, in fulfilment of the duties which have been committed to its charge, by its Constituents; for the purpose of fixing its Political Independence, establishing and securing its Liberty, and promoting its Prosperity and Glory, decrees as follows:—

CONSTITUTION OF THE UNITED MEXICAN STATES.

TITLE I.

OF THE MEXICAN NATION, ITS TERRITORY AND RELIGION.

Art. I. The Mexican Nation is for ever Free, and Independent, of Spain and of all Foreign Authority.

II. Its Territory comprehends what was formerly called the Vice Royalty of New Spain, the Captain-Generalship of Yucatan, the Commanderies formerly called the Interior Provinces of the East and West, and Upper and Lower California, with the Lands annexed and Islands adjacent in both Seas. The limits of the Confederation shall be defined by a Constitutional Law, as soon as circumstances permit.

III. The Religion of the Mexican Nation is, and shall be perpetually, the Apostolical Roman Catholick. The Nation protects it by wise and just Laws, and prohibits the exercise of any other.

TITLE II.

OF THE FORM OF THE NATIONAL GOVERNMENT, ITS INTEGRAL PARTS, AND THE DIVISION OF THE SUPREME POWER.

IV. The Mexican Nation adopts for its Government the form of a Representative, Popular, and Federal Republick.

V. The Confederation is composed of the following States and Territories, viz.: The States of Chiapas, Chihuahua, Coahuila, and Tejas, Durango, Guanajuato, Mexico, Michoacan, New Leon, Oajaca, Puebla de Los Angeles, Querétaro, San Luis Potosi, Sonora and Sinaloa, Tabasco, Tamaulipas, Veracruz, Jalisco, Yucatan, Zacatecas; the

Territories of Upper and Lower California, Colima, and Santa Fé in New Mexico. A Constitutional Law shall fix the character of Tlaxcala.

VI. The Supreme Power of the Confederation is divided, for its exercise, into the Legislative, the Executive, and the Judicial.

TITLE III.

Of the Legislative Power.

Section I.—*Of its nature, and the mode of exercising it.*

VII. The Legislative Power of the Confederation is vested in a General Congress. It is divided into two Chambers, one of Deputies, the other of Senators.

Section II.—*Of the Chamber of Deputies.*

VIII. The Chamber of Deputies shall be composed of Representatives, elected wholly every two years, by the Citizens of the States.

IX. The qualifications of the Electors shall be constitutionally prescribed by the Legislatures of the States, which shall regulate the elections conformably to the principles established by this Constitution.

X. The general basis for the nomination of the Deputies shall be the Population.

XI. One Deputy shall be named for every 80,000 souls, or for a fraction exceeding 40,000. Each State, however, whether containing the required population or not, shall name one Deputy.

XII. A Census of the whole Confederation shall be taken within five, and be renewed every ten years; and, by it, the number of Deputies from each State shall be regulated. In the mean time, the basis laid down in the preceding Article shall be observed, agreeably to the Census established previous to the election of Deputies for the present Congress.

XIII. There shall be elected, at the same time, in each State, the requisite number of Deputies; and of Deputies' Substitutes, in the ratio of one for every three Proprietaries, or for a fraction amounting to two. Each State, however, whether containing three Proprietaries or not, shall elect one Substitute.

XIV. A Territory possessing more than 40,000 Inhabitants shall name one Proprietary Deputy, and a Substitute, who shall have a voice, and vote in the formation of Laws and Decrees.

XV. A Territory, not, however, possessing the said Population, shall name one Proprietary Deputy, and a Substitute, who shall have a voice upon all Questions. The election of Deputies for the Territories shall be regulated by a particular Law.

XVI. The Deputies shall be named throughout the States of the Confederation, on the first Sunday of October, preceding the renewal of the Chambers; otherwise the nomination shall be void.

XVII. Upon the close of the Election of Deputies, each Electoral Junta shall transmit, through its President, to the Council of Govern-

ment, a Report of the result of the Election, duly attested; and shall deliver to the Representative an Official Letter of Nomination, which shall serve as his Credential.

XVIII. The President of the Council of Government shall dispose of the Reports to which the preceding Article refers, agreeably to the Regulations of the Council.

XIX. To be a Deputy it is required;

1. That he shall have attained, at the time of Election, the age of 25 years.

2. That he shall have resided in the State, in which he is elected, two complete years, or have been born in it, altho' he reside in another,

XX. Aliens, to be eligible as Deputies, must have resided at least eight years, and possess a real estate worth 8000 Dollars in some part of the Republick, or be in the exercise of some pursuit of the annual value of 1,000 Dollars.

XXI. Are excepted from the preceding Article:

1. Persons born in any other Part of America, which, in 1810, was dependent on Spain, and which has not united with, or is not dependent on any other Nation, are eligible, after a residence of three complete Years in the Territory of the Confederation, under the conditions required in Article 19.

2. Soldiers not born in the Territory of the Republick, but whose valour has contributed to the Independence of the Country, shall be eligible, after a residence of eight complete Years in the Country, under the conditions required in Article 19.

XXII. In the Elections, residence shall be preferred to birth in the choice of the Deputies.

XXIII. Are not eligible as Deputies:

1. Those who are deprived of, or suspended from, the rights of Citizenship.

2. The President and Vice-President of the Confederation.

3. The Members of the Supreme Court of Justice.

4. The Secretaries of State, and those officially employed under them.

5. The Officers of the Treasury, whose duties extend throughout the Confederation.

6. The Governors of States or Territories, Commandants-General, Archbishops and Bishops, Governors of Archbishopricks and Bishopricks, Provisors and Vicars-General, Judges of Circuit, and Commissaries-General of Finance and War, for the States or Territories in which they exercise their duty and ministry.

XXIV. None of the Persons, described in the preceding Article, shall be elected as Deputies, unless their functions shall have wholly ceased six months previously to the Elections.

SECTION III.—*Of the Chamber of Senators.*

XXV. The Senate shall be composed of two Senators from each

State, elected by an absolute majority of Votes of its Legislatures, one of whom shall be renewed every two years.

XXVI. The Senators having the least number of Votes shall be renewed at the end of the first two years; the renewals shall afterwards take place according to seniority of election.

XXVII. When a vacancy occurs in the Senate, in consequence of death, expulsion, or other cause, it shall be filled up by the Legislature of the respective State, if assembled, or as soon as it shall have met.

XXVIII. To be a Senator, it is required that the Individual shall possess the qualifications, prescribed in the preceding Section for a Deputy, in addition to which he must have attained the age of 30 years previous to the Election.

XXIX. Those who are not eligible for Deputies cannot be elected Senators.

XXX. In the Election of Senators, the same preference shall be given as is expressed in Article 22.

XXXI. When the same Individual shall be elected both a Senator and a Deputy, the first election in point of time shall be preferred.

XXXII. The periodical election of Senators shall take place on the same day throughout the States, which shall be the first day of September, preceding the renewal of the half of the Chamber.

XXXIII. Upon the close of the election of Senators, the Legislatures shall transmit, by means of their Presidents, to the President of the Council of Government, a Report of the result of the Election, duly attested; and they shall give to the Senators, respectively, an Official Letter of Nomination, which shall serve as their Credential. The President of the Council of Government shall dispose of these Reports as stated in the 18th Article.

SECTION IV.—*Of the Functions of both Chambers, and the Privileges of Individual Members.*

XXXIV. Each Chamber shall observe in its Preparatory Juntas, and in all that relates to its interior Government, the Regulations adopted by the present Congress, without prejudice to the reforms which the two Chambers may hereafter think proper to establish.

XXXV. Each Chamber shall decide upon the elections of its respective Members, and shall settle all disputes arising therefrom.

XXXVI. The Chambers cannot open their Sessions without the concurrence of more than one half of the total number of their Members; who shall meet on the day appointed by the regulations for their interior proceedings, and shall compel the attendance of the respective Absentees, by enforcing the penalties prescribed by Law.

XXXVII. The Chambers shall communicate with each other, and with the Executive Power, through their respective Secretaries, or by means of a Deputation.

XXXVIII. Either of the Chambers shall act as a Grand Jury, upon Accusations:

1. Against the President of the Confederation, for acts of Treason against the National Independence, or the established Form of Government, and for Bribery or Corruption, committed whilst in Office.

2. Against the President, for acts evidently calculated to impede the Elections of President, Senators, and Deputies, or their appearance in the Chamber, at the time appointed by the Constitution, or for obstructing the Chambers in the lawful exercise of their functions.

3. Against the Members of the Supreme Court of Justice, and the Secretaries of State, for Offences committed whilst in Office.

4. Against the Governors of States, for infractions of the Federal Constitution; Laws of the Union; or Orders of the President of the Confederation, which are not manifestly contrary to the Constitution, and General Laws of the Union; also, for the publication of any Laws or Decrees, of the Legislatures of their respective States, which may be contrary to the said Constitution and Laws.

XXXIX. It belongs exclusively to the Chamber of Deputies, to act as a Grand Jury, when the President, or his Ministers, shall be accused, for acts of interference with the Senate, or Council of Government, in the discharge of their duties. The Chamber of Deputies shall also act as a Grand Jury, in cases of Accusation against the Vice President, for Offences committed by him whilst in Office.

XL. The Chamber, before which the Accusations mentioned in the two preceding Articles, shall be brought, shall form themselves into a Grand Jury, and if it be decided, by the Votes of two thirds of the Members present, that the Accusations afford grounds for further proceeding, the Accused shall be suspended from employment, and placed at the disposal of the Competent Tribunal.

XLI. Any Deputy or Senator may present written Propositions, or Projects of Laws, or Decrees, to the Chamber to which he belongs.

XLII. The Deputies and Senators shall not be attacked for their opinions, nor be made responsible in any way, for what they may have uttered, in the discharge of their Duty.

XLIII. No Criminal Accusation shall be brought against Senators or Deputies, from the day of their Election, until two months after their functions shall have ceased, except before their respective Chambers; and the Chamber of Senators, acting as a Grand Jury, shall decide whether or not there are sufficient grounds for proceeding against the Accused.

XLIV. If the Chamber acting as a Grand Jury, in the case referred

to in the preceding Article, shall declare, by a vote of two thirds of the Members present, that there are grounds for proceeding, the Accused shall be suspended from his functions, and placed at the disposal of the competent Tribunal.

XLV. The Compensation to Deputies and Senators, shall be fixed by Law, and shall be paid by the General Treasury of the Confederation.

XLVI. Each Chamber, and also the Juntas to which the 36th Article refers, may issue such Orders as they may deem expedient, to carry into effect the Resolutions which they pass, in virtue of the functions intrusted to them, respectively, by Articles 35, 36, 39, 40, 44 & 45, of the Constitution, and the President of The United States shall cause them to be executed, without objecting to them.

SECTION V.—*Of the Powers of the General Congress.*

XLVII. No Resolution of the General Congress shall have any other character, than that of a Law or Decree.

XLVIII. The Resolutions of the General Congress shall be signed by the President, previously to their having the force of Laws or Decrees, excepting in the cases mentioned in this Constitution.

XLIX. The Laws and Decrees which emanate from the General Congress, shall have for object:

1. To uphold the National Independence, and provide for the preservation and security of the Nation, in its Foreign Relations.

2. To preserve the Federal Union of the States, and the peace and publick order of the interior of the Confederation.

3. To maintain the Independence of the States, in respect of their Interior Government, agreeably to the Constituent Act, and this Constitution.

4. To uphold the Rights and Privileges which the States have hitherto respectively possessed.

L. The exclusive powers of the General Congress are:

1. To promote learning, securing to Authors, for a limited time, an exclusive property in their respective works; to establish Colleges for the Marine, Artillery, and Engineers; erecting one or more Establishments, in which the natural, political, and moral sciences, and noble arts and languages, may be taught; without prejudice to the rights possessed by the Legislatures of the different States, in respect of Publick Education.

2. To encourage the general prosperity, by decreeing the making of Roads and Canals, or their improvement, without interfering with those carrying on by the respective States; to establish Posts, and Post-offices; and to secure, for a limited time, to the Persons inventing, improving, or introducing any branch of industry, an exclusive property in such inventions, improvements, or introductions.

3. To protect and regulate the Political Liberty of the Press, in such manner that its exercise may never be suspended, much less abolished, in any of the States, or Territories, of the Confederation.

4. To admit New States into the Federal Union, or to incorporate Territories with the Nation.

5. To regulate, definitively, the limits of the States, and to settle the disputes which may arise between them, respecting the demarcation of their respective Districts.

6. To erect Territories into States, or to incorporate them with those already existing.

7. To unite two or more States, on the petition of their Legislatures, in order that they may form one only; or to erect a new State within the limits of those which already exist, with the consent of a majority of three-fourths of the Members present, of both Chambers, and the Ratification of a like number of the Legislatures of the States of the Confederation.

8. To create the necessary Funds, to cover the General Expences; to regulate their collection; to designate their application; and to render an account of the same, Annually, to the Government.

9. To contract Debts on the credit of the Confederation, and to assign Funds for their discharge.

10. To recognise the Publick Debt of the Nation, and to establish the mode of consolidating and redeeming it.

11. To regulate Commerce with Foreign Nations, and between the different States of the Confederation, and the Tribes of Indians.

12. To give instructions for the conclusion of Concordates, with the Apostolick See, to approve them, previous to their Ratification, and to regulate the Church Preferment throughout the Confederation.

13. To approve of Treaties of Peace, Alliance, Friendship, Confederacy, Armed Neutrality, and any others, which the President of The United Mexican States may conclude with Foreign Powers.

14. To open Ports of every description, establishing Custom-houses where necessary.

15. To regulate and render uniform, the weight, standard, value, die, and denomination of Monies, throughout the Confederation, and to adopt a general system of Weights and Measures.

16. To decree War, on a view of the grounds presented by the President of The United Mexican States.

17. To grant Licences for Privateering, and to declare the legality or illegality of Prizes by Sea and Land.

18. To decree the Armed Force by Sea and Land, to fix the contingent of men to be furnished by each State, and to issue Orders and Regulations for its organization and employment.

19. To establish Regulations for the organization, arming, and disciplining, the Local Militia of the States, reserving to each State the

nomination of its respective Officers, and the power to instruct them conformably to the discipline prescribed by the said Regulations.

20. To grant, or refuse, permission to Foreign Troops, to enter the Territory of the Confederation.

21. To grant, or refuse, permission to the Squadrons of Foreign Nations, to remain in the Mexican Ports, for a longer period than one month.

22. To grant, or refuse, permission for the marching of the National Troops, out of the limits of the Republick.

23. To appoint, or dismiss, the Officers of the Publick Departments of the Confederation; and to fix, augment, or diminish their Salaries, Retirements, and Pensions.

24. To grant Rewards and recompenses to those Bodies, or Individuals, who may have rendered important services to the Republick, and to decree posthumous honours to the memory of celebrated Characters.

25. To grant Amnesty or pardon, for crimes, of which Persons have been convicted by the Tribunals of the Confederation, according to the forms required by the Laws.

26. To establish a general rule of Naturalization.

27. To issue uniform Laws respecting Bankrupts, throughout the States.

28. To select a Place for the residence of the Supreme Powers of the Confederation, and to exercise the functions of the Legislative Power of a State, in that District.

29. To change such residence, whenever it may be deemed necessary.

30. To issue Laws and Decrees, for the regulation of the Interior Administration of the Territories.

31. To dictate all Laws and Decrees that may be necessary, for carrying into execution the objects mentioned in Article 49, without interfering with the Interior Administration of the States.

SECTION VI.—*Of the Formation of Laws.*

LI. Laws and Decrees may be proposed in either Chamber, excepting only those relating to Taxes or Imposts, which must originate in the Chamber of Deputies.

LII. Shall be considered as initiatives of Law or Decree.

1. Propositions which the President of The United Mexican States may urgently recommend to the Chamber of Deputies, for the general benefit of the Publick.

2. Propositions, or Projects of Law or Decree, which the Legislatures of the States may direct to either Chamber.

LIII. All Projects of Law or Decree, without exception, shall be successively discussed in the Two Chambers; the forms, intervals, and

manner of proceeding, in the discussions and Votes prescribed by the Regulations, being uniformily observed in both.

LIV. Projects of Law or Decree, rejected by the Chamber in which they originated, before passing to a second reading, shall not again be proposed in it, during the Session of the same Year, nor until the Ordinary Session of the next Year.

LV. When Projects of Law or Decree, after discussion, shall be approved by an absolute Majority of the Members of each Chamber, they shall pass to the President of The United Mexican States, who, if he approve thereof, shall sign and publish them; if he do not approve, he shall return them within ten open days, to the Chamber in which they originated, with his observations thereon.

LVI. Projects of Law or Decree, returned by the President, agreeably to the preceding Article, shall be a second time discussed in both Chambers, and if approved by two-thirds of the Members present, shall pass again to the President, who shall then, without further objection, sign and publish them; but if not approved by two-thirds of both Chambers, they shall not be proposed again, before the succeeding Year.

LVII. If the President do not return any Project of Law or Decree, within the time appointed by Article 55, he shall be understood to have sanctioned it, and shall publish it; unless Congress shall, within the appointed time, have closed, or suspended its Session, in which case it shall be returned on the first day of the next Meeting of Congress.

LVIII. Projects of Law or Decree, wholly rejected, on the first reading, by the Chamber of Revision, shall be returned, with observations, to the Chamber in which they originated. If, on re-examination, they be approved by two-thirds of the Members present, they shall pass a second time to the Chamber which rejected them, where they shall not be definitively rejected, unless by the Votes of two-thirds of the Members present.

LIX. Projects of Law or Decree, which, on a second revision, shall be approved by two-thirds of the Members of the Chamber, in which they originated, and not rejected by two-thirds of the Members of the Chamber of Revision, shall pass to the President, who shall sign and circulate them, or return them to the Chamber in which they originated, within ten open days, with his observations thereon.

LX. Projects of Law or Decree which, according to the preceding Article, the President shall return to the Chamber in which they originated, shall be again taken into consideration; and, if approved by two-thirds of the Members present, and not rejected by the Chamber of Revision by a like majority, they shall be returned to the President, who shall publish them. But if not approved by the Vote of two-thirds of the Chamber in which they originated, or if negatived by a like number in the Chamber of Revision, they shall not be proposed again until the next Ordinary Session.

LXI. If rejected a second time by the Chamber of Revision, according to Article 58, the Projects shall be considered as absolutely rejected, and shall not be proposed again until the following Year.

LXII. When Amendments are made by the Chamber of Revision to Projects of Law or Decree, the same forms shall be observed as are usual when Projects pass to the President.

LXIII. The rejection of the Chamber of Revision, for the first time, of part of a Project of Law or Decree, shall render it subject to the same forms as when it is wholly rejected by it.

LXIV. The same forms shall be observed with respect to the interpretation, modification, or revocation of Laws and Decrees as are requisite in their formation.

LXV. When a Resolution shall be communicated from the General Congress to the President of the Republick, the same shall be signed by the Presidents of both Chambers, and by a Secretary of each.

LXVI. An absolute majority of Members composing each Chamber is necessary to the forming a Law or Decree.

SECTION VII.—*Of the Time, Duration, and Place of Meeting, of the General Congress.*

LXVII. The General Congress shall meet on the 1st day of January in every Year, in a place to be designated by a Law. The forms and ceremonies to be observed, at its opening and installation, shall be prescribed in the Regulations for its internal proceedings.

LXVIII. The President of the Confederation shall open the Congress with a Speech, touching the importance of the occasion on which the Chambers are assembled; and the President of the Congress shall reply to him in suitable terms.

LXIX. The Ordinary Sittings of the Congress shall be daily, with the exception of the days of Solemn Festivals; and their labours shall not be suspended for more than two days at a time, without the consent of both Chambers.

LXX. The Chambers shall meet in the same place, and shall not remove to another, without first agreeing on the time and manner of so doing, and fixing a date for their re-assembling. If the two Chambers agree as to the expediency of removing, but differ as to the time, manner, or place, it shall be referred to the President of the States, who shall decide the question.

LXXI. The Congress shall close its Session, Annually, on the 15th day of April, with the same formalities as are prescribed for its opening. It may be prorogued when deemed expedient, or when proposed by the President of the Confederation, for 30 open days.

LXXII. When an Extraordinary Session of the General Congress be held, it shall be composed of the Deputies and Senators of the Ordinary Session for the same year, and shall be occupied exclusively

with the Subject or Subjects mentioned in the Act for its Convocation; but should they not be terminated before the day on which the Ordinary Session meets, the former shall be closed, leaving the Points in question for the decision of the Ordinary Congress of the Year.

LXXIII. The Resolutions which the Congress may adopt, with respect to the removal, suspension, or prorogation of its Sittings, according to the three preceding Articles, shall be communicated to the President, who shall carry them into effect, without objection.

TITLE IV.

Of the Supreme Executive Power of the Confederation.

Section I.—*Of the Persons in whom it is vested, and of their Election.*

LXXIV. The Supreme Executive Power of the Confederation, is vested in an Individual, who shall be styled the President of the United Mexican States.

LXXV. There shall be also a Vice-President, on whom shall devolve all the Powers and Prerogatives of the President, in the event of his moral or physical incapacity.

LXXVI. The necessary qualifications for the Office of President or Vice-President are: to be, by birth, a Mexican Citizen, 35 years of age at the time of election, and resident in the Country.

LXXVII. The President shall not be re-elected until the fourth Year after his functions shall have ceased.

LXXVIII. The Persons elected as President or Vice-President shall fill those Offices in preference to any other.

LXXIX. On the 1st day of September, preceding the Year in which the new President is to enter on the exercise of his Functions, two Individuals shall be elected, by an absolute majority of the Votes of the Legislature of each State, of whom one, at least, shall be a Resident of the State by which he is elected.

LXXX. Upon the close of the Elections, the Legislatures shall transmit, to the President of the Council of Government, a Report of the result of the Election, duly attested, in order that it may pass through the forms provided by the Regulations of the Council.

LXXXI. On the 6th of January following, the Reports, to which the preceding Article refers, provided those of three-fourths of the Legislatures of the States shall have been received, shall be opened and read in the presence of the two Chambers.

LXXXII. The Reports being read, the Senators shall retire, and a Commission named by the Chamber of Deputies, composed of one from each State whose Representatives are present, shall examine them and communicate the result.

LXXXIII. The Chamber shall then declare the Elections and the number of the Votes.

LXXXIV. The Person who shall have an absolute Majority of the Votes of the Legislatures, shall be the President.

LXXXV. If two have the required Majority, he who has also a majority of Votes, shall be the President, and the other, the Vice-President. In case of an equality of Votes, the Chamber of Deputies shall select the President, the other becoming the Vice-President.

LXXXVI. If no Person shall have an absolute Majority of Votes of the Legislatures, the Chamber of Deputies shall elect the President and Vice-President, choosing, in each Election, one of the two who have the greatest number of Suffrages.

LXXXVII. When more than two Individuals shall have a respective Majority, and an equal number of Votes, the Chamber shall elect from amongst them the President or Vice-President, as the case may be.

LXXXVIII. If only one shall have the respective Majority, and two or more shall have an equal number of Suffrages, but greater than the others, the Chamber shall elect from amongst those who have the highest numbers.

LXXXIX. If all shall have an equal number of Votes, or one shall have a greater number, and the rest an equal number, the Chamber shall elect the President and Vice-President, from amongst them.

XC. If, upon examination of the Elections made by the Legislatures, there shall be an equality of Votes, they shall be examined a second time, and if there should still be the same result, the lot shall decide the question.

XCI. In contests between three or more, having an equal number of Votes, the Electors shall be directed to reduce the number of Candidates to two, or to one, in order that the Election may be contested with the other, who may have obtained a respective Majority over the rest.

XCII. As a general rule, relative to the Election of President and Vice-President, recourse shall not be had to the lot until the Votes shall have been counted a second time.

XCIII. The decision upon the merits of the Elections made by the Legislatures, and upon those which the Chamber of Deputies may make of President or Vice-President, shall be given by the States, one Vote being allowed to each State; and the decision of the Chamber shall be pronounced by an absolute majority of Votes.

XCIV. The decisions spoken of in the preceding Article shall not be pronounced, unless by the concurrence of one-half of the total number of the Members of the Chamber, and in the presence of the Deputies from three-fourths of the States.

SECTION II.—*Of the Duration of the Offices of President and Vice-President, of the manner of supplying their Vacancies, and of their Oath.*

XCV. The President and Vice-President of the Confederation shall enter upon their functions on the 1st day of April, and their Successors shall be named on the same day of every fourth Year, by a New Constitutional Election.

XCVI. If, by accident, the Elections of President and Vice-President shall not have taken place, and have been published by the 1st of April, or the Persons newly elected shall not be ready to enter upon the exercise of their duties, the functions of the President and Vice-President shall nevertheless cease on that day, and the Supreme Executive Power shall be vested, in the mean time, in a President, who shall be elected by the Chamber of Deputies, voting by States.

XCVII. In case of the temporary indisposition or incapacity of the President and Vice-President, their places shall be provided for as in the preceding Article; but should they both be incapacitated, at a time when the Congress is not assembled, the Supreme Executive Power shall be vested in the President of the Supreme Court of Judicature, and in two Individuals, elected by an absolute majority of the Council of Government. They shall not be Members of the General Congress, but must possess the qualifications required for the Office of President of the Confederation.

XCVIII. During the Elections referred to in the two preceding Articles, the Supreme Executive Power shall be vested in the President of the Supreme Court of Judicature.

XCIX. In case of the continued indisposition or incapacity of the President and Vice-President, the Congress, and, if the Congress be not assembled, the Council of Government, shall act respectively as provided for by Articles 96 and 97, and shall direct the Legislatures to proceed to the election of a President and Vice-President, agreeably to the forms of the Constitution.

C. The Election made by the Legislatures, in consequence of the continued incapacity of the President and Vice-President, shall not prevent the Ordinary Elections, which are to take place every fourth Year, on the 1st of September.

CI. The new President and Vice-President, elected every fourth Year, shall present themselves in the Hall of the Supreme Power of the Confederation, before the two Chambers, on the 1st of April, and shall take an Oath, to the performance of their respective duties, in the following form:—"*I, ——, named President (or Vice-President) of The United Mexican States, swear, by God and the Holy Evangelists, that I will exercise faithfully the Charge which the said United States have confided to me; and that I will keep, and cause to be duly kept, the Constitution, and General Laws of the Confederation.*"

CII. If neither the President nor Vice-President shall present himself to take the Oath, as appointed in the preceding Article, the Congress being assembled, they shall take the Oath before the Council of Government, as soon as either presents himself.

CIII. If the Vice-President shall take the Oath prescribed in Article 101, previously to the President's having done so, he shall take charge of the Government until the President has gone through the same form.

CIV. The President and Vice-President, constitutionally named, according to the 99th Article, and the Individuals named for provisionally exercising the duties of those Offices, according to Articles 96 and 97, shall take the Oath prescribed in Article 101, before the Chambers, if assembled, and, if not, before the Council of Government.

SECTION III.—*Of the Prerogatives of the President and Vice-President.*

CV. The President shall address to the Congress such Propositions or reforms of Law as he may deem to be conducive to the general welfare, through the medium of the Chamber of Deputies.

CVI. The President shall have power, for once, to make observations, within ten open days, upon the Laws and Decrees which may be passed by the General Congress, suspending their publication until the determination of the same thereupon, unless in the cases excepted by this Constitution.

CVII. The President, whilst in Office, shall not be accused but before one of the Chambers, and then only for Offences committed during the period specified in Article 38.

CVIII. Accusations against the President for the Offences specified in Article 38, or for any others committed during the period of his Office, shall be brought before one or other of the Chambers, within one Year from the period of the cessation of his functions, after which Year he shall not be accused for the said Offences.

CIX. The Vice-President, during the four Years of his Administration, shall not be accused but before the Chamber of Deputies, for any Offence committed during that period.

SECTION IV.—*Of the Attributes of the President, and the Restrictions of his Powers.*

CX. The attributes of the President are as follow:

1. To publish, circulate, and cause to be observed, the Laws and Decrees of the General Congress.

2. To issue Regulations, Decrees, and Orders, for the better fulfilment of the Constitution, Constituent Act, and General Laws.

3. To put in force the Laws and Decrees, enacted to preserve the integrity of the Confederation, and to uphold its independence Abroad and its union and liberty at Home.

4. To appoint, and remove at pleasure, the Secretaries of State.

5. To watch over the collection, and direct the application of the General Contributions, agreeably to the Laws.

6. To appoint the Principal Officers of the Treasury, and Commissariat, Diplomatick Envoys and Consuls, and the Colonels and Superior Officers of the Permanent Army, Active Militia, and Navy; subject to the approbation of the Senate, and, if that be not assembled, of the Council of Government.

7. To appoint the other Officers of the Permanent Army, Navy, and Active Militia, and of the Confederation, agreeably to the Laws.

8. To select, from amongst three Persons proposed by the Supreme Court of Justice, the Judges and Fiscals of Circuit and District.

9. To grant retirements, and leave of absence; and to regulate the Pensions of the Military, according to Law.

10. To dispose of the Permanent Armed Force, by Sea and Land, and of the Active Militia, for the internal security and external defence of the Confederation.

11. To dispose of the Local Militia for the same objects; but the sanction of the General Congress, and, if that be not assembled, the Council of Government, shall be obtained, which shall declare the Force requisite, previously to its being employed out of its respective State or Territory.

12. To declare War, in the name of The United Mexican States, previously decreed by the General Congress; and to grant Licences for Privateering, agreeably to the Laws.

13. To conclude Concordates with the Apostolick See, in the manner designated in Clause 12 of Article 50.

14. To direct Diplomatick Negotiations, conclude Treaties of Peace, Friendship, Alliance, Truce, Confederacy, Armed Neutrality, Commerce, and others; but, previously to the Ratification of either of them, the approbation of the General Congress must be obtained.

15. To receive Ministers and Envoys from Foreign Powers.

16. To propose to the General Congress the prorogation of its Ordinary Session, for 30 open days.

17. To convoke an Extraordinary Session of Congress, when he may deem it necessary, with the consent of two-thirds of the Members present of the Council of Government.

18. To convoke, also, an Extraordinary Session of Congress, when the Council of Government, by a majority of two-thirds of the Members present, shall deem it necessary.

19. To see that prompt and complete Justice be administered, by

the Supreme Court, Tribunals, and Judges, of the Confederation, and that their Sentences be executed according to Law.

20. To suspend from employment, for three months, and deprive of the half of their pay for the same time, such Officers of the Confederation as shall violate its Orders and Decrees; and, in the cases in which it may be thought right to institute proceedings against such Persons, the Accusation shall be submitted to the respective Tribunal.

21. To confirm or withhold Consular Decrees, Papal Bulls, Briefs, and Rescripts, with the consent of the General Congress, if they contain general dispositions; submitting them to the Senate, and in its recess, to the Council of Government, if they relate to private or governmental matters; and to the Supreme Court of Justice, if they concern disputed points.

CXI. The President shall use the following Form in the publication of Laws and Decrees:—"*The President of The United Mexican States to the Inhabitants of the Republick; be it known: that the General Congress has decreed the following:* (the Decree.) *Wherefore I command that it be printed, published, circulated, and duly executed.*"

CXII. The restrictions of the Powers of the President, are the following:

1. The President shall not command the Land or Sea Forces, in person, without the previous consent of the General Congress, or, during its recess, of a majority of two-thirds of the Members present of the Council of Government; and when he is thus in command, the Vice-President shall take charge of the Government.

2. The President shall not deprive any Person of his liberty, nor impose on him any penalty; but, should the welfare and security of the Confederation require it, he may arrest, but, within 48 hours, shall cause the arrested Person to be placed at the disposal of the competent Tribunal, or Judge.

3. The President shall not seize the property of any Individual or Corporation, nor disturb the possession, use, or improvement of it; but if, in any case, it be necessary to appropriate property belonging to an Individual, or a Corporation, for a purpose of general acknowledged utility, the approbation of the Senate, and, in its recess, of the Council of Government, shall be obtained; the Party interested, being always indemnified by a Jury of good Men, chosen by itself and the Government.

4. The President shall not impede the Elections, nor commit the other acts mentioned in the Second Clause of Article 38.

5. The President, and Vice-President, shall not quit the Territory of the Republick, whilst in Office, nor for one Year afterwards, without the consent of Congress.

SECTION V.—*Of the Council of Government.*

CXIII. During the recess of the General Congress, a Council of Government shall be formed, composed of one half of the Members of the Senate, one for each State.

CXIV. For the first two Years, this Council shall be composed of the Members first named by their respective Legislatures, and afterwards of the Members, in order of seniority of election.

CXV. The Vice-President of The United Mexican States shall be President of the Council, which shall elect a temporary President, according to the Regulations, to act for him in case of his absence.

CXVI. The attributes of this Council are:

1. To watch over the observance of the Constitution, Constituent Act, and General Laws, doing what may be deemed expedient, in relation to those objects.

2. To communicate to the President, such suggestions as may be thought conducive to the better execution of the Constitution, and Laws of the Union.

3. To convoke, either of itself, or on the proposition of the President, an Extraordinary Session of Congress; the Votes of two-thirds of the Councillors present being necessary, in both cases, agreeably to the 17th and 18th Clauses of Article 110.

4. To give its consent to the employment of the Local Militia, in the cases contemplated in the 11th Clause of Article 110.

5. To approve the nomination of the Officers mentioned in the 6th Clause of Article 110.

6. To give its consent in the case specified in Article 112, Restriction 1st.

7. To name two Individuals, in order that the President of the Supreme Court of Judicature, may exercise, provisionally, the Supreme Executive Power, according to Article 97.

8. To administer the Oath, agreeably to Article 101, to the Individuals of the Supreme Executive Power, in the cases provided for by this Constitution.

9. To give its opinion, on the matters which the President may submit to it, in virtue of the 21st Clause of Article 110, and in other matters, upon which he may consult it.

SECTION VI.—*Of the despatch of the Business of Government.*

CXVII. The number of Secretaries required for discharging the business of the Government of the Republick, shall be fixed by a Law of the General Congress.

CXVIII. All Regulations, Decrees, and Orders, of the President, shall be signed by the Secretary of State of the Department to which the matter relates and without this requisite, they shall not be obeyed.

CXIX. The Secretaries of State shall be responsible for the Acts of the President, which they sanction by their Signatures, if such Acts be contrary to this Constitution, the Constituent Act, General Laws, and particular Constitutions of the States.

CXX. The Secretaries of State shall make a Report to each Chamber, of the state of their respective Departments, Annually, on the Opening of the Session.

CXXI. The Secretaries of State must be Citizens of Mexico, by birth.

CXXII. The Secretaries of State shall prepare a Regulation, for the better distribution and discharge of the duties of their respective Departments, which the Government shall submit to Congress, for its approbation.

TITLE V.

OF THE JUDICIAL POWER OF THE CONFEDERATION.

SECTION I.—*Of the Nature and Distribution of this Power.*

CXXIII. The Judicial Power of the Confederation shall reside in a Supreme Court of Justice, in the Tribunals of Circuit, and in the Courts of District.

SECTION II.—*Of the Supreme Court of Justice, and the Election, Duration of Office, and Oath of its Members.*

CXXIV. The Supreme Court of Justice shall be composed of 11 Members, distributed in three Halls, and of one Fiscal; the General Congress having the power of augmenting or diminishing this number, as may be judged expedient.

CXXV. No Person shall be elected a Member of the Supreme Court of Justice, unless he be acquainted with the practice of the Courts of Law of the Legislatures of the States; be 35 years of age; a Native Citizen of the Republick; or have been born in a Part of America, which, before the year 1810, was dependent on Spain, and is now separated from it; and have resided five Years in the Territory of the Republick.

CXXVI. The Members of the Supreme Court of Justice shall hold their Office permanently, and shall not be removed, unless in conformity with the Laws.

CXXVII. The Members of the Supreme Court of Justice shall be elected on the same day, by an absolute majority of the Votes of the Legislatures of the States.

CXXVIII. At the close of the Elections, the Legislatures shall transmit to the President of the Council of Government, a List, duly attested, of the 12 Individuals elected, distinguishing the one who is to execute the Office of Fiscal.

CXXIX. The President of the Council, as soon as he shall have received the Lists of three-fourths of the Legislatures, shall proceed according to the course prescribed by the Regulations of the Council.

CXXX. On the day appointed by Congress, the Lists shall be opened and read, in the presence of the two Chambers, after which the Senators shall retire.

CXXXI. The Chamber of Deputies shall then name, by an absolute majority of Votes, a Commission, composed of one Deputy for each State, whose Representatives are present, to whom the Lists shall be referred, who shall revise them and report the result; the Chamber declaring the Elections, and number of the Votes.

CXXXII. The Individual or Individuals who shall have more than one-half of the Votes, computed by the total number of Legislatures, and not by their respective Members, shall be considered as elected, with no other formality than that of the declaration of the Chamber of Deputies.

CXXXIII. If less than 12 Individuals possess the majority of Suffrages mentioned in the preceding Article, the same Chamber shall fill up the remainder from amongst those who have obtained the next greatest number of Votes of the Legislatures, complying in every respect with the Regulations provided in the 1st Section of the 4th Title, which treats of the Elections of the President and Vice-President.

CXXXIV. If a Senator or Deputy shall be elected to the Office of Member or Fiscal of the Supreme Court of Justice, he shall prefer the Office to which such Election has destined him.

CXXXV. When any Member or Members of the Supreme Court of Justice, are permanently incapacitated, the Vacancy shall be filled up agreeably to the Provisions of this Section, the Government giving previous notice thereof to the Legislatures of the States.

CXXXVI. The following Oath shall be administered by the President of the Republick, to the Members of the Supreme Court of Justice, previously to their entering upon the exercise of their functions.

Do you Swear by God our Lord to act faithfully and legally in the discharge of the Duties confided to you by the Nation? If you do so act, may God reward you, and if you do not, may He call you to account.

SECTION III.—*Of the Attributes of the Supreme Court of Justice.*

CXXXVII. The Attributes of the Supreme Court of Justice are:—

1. To take cognizance of disputes between any two States of the Confederation, in order that, by a just decision, the contention may be set at rest in a formal Sentence; and of those between a State, and one or more neighbouring States; or between Individuals, upon Claims to

Lands under Grants from different States, without prejudice to the Right of the Parties to reclaim the concession from the Authority which granted it.

2. To settle disputes which may arise respecting Contracts entered into with, or arrangements made by, the Supreme Government, or its Agents.

3. To consult upon the passing or withholding of Papal Bulls, Briefs, and Rescripts, expedited on disputed Points.

4. To adjust differences between the Tribunals of the Confederation, and between them and the Tribunals of the States; and those between the Tribunals of the different States.

5. To take cognizance;

1. Of Charges which may be brought against the President and Vice-President, agreeably to Articles 38, 39, and 40.

2. Of Criminal Charges against Deputies and Senators, agreeably to Articles 43 and 44.

3. Of Charges against Governors of States, in the Cases mentioned in the 3d Clause of Article 38, and agreeably to Article 40.

4. Of those against Secretaries of State, agreeably to Articles 38 and 40.

5. Of Civil and Criminal Charges against Envoys and Consuls of the Republick.

6. Of Admiralty Causes; Prizes by Sea and Land; and Contraband; of Crimes committed on the High Seas; of Offences against the Nation of the United Mexican States, committed by Officers of the Revenue, and Justice, of the Confederation, and by Violators of the Constitution and General Laws, as established by Law.

CXXXVIII. The form and order in which the Supreme Court shall take cognizance of the Cases comprehended in this Section shall be settled by a Law.

SECTION IV.—*Of the Form of Trial of Members of the Supreme Court of Justice.*

CXXXIX. In order to proceed against Members of the Supreme Court of Justice, the Chamber of Deputies, voting by States, shall, in the first month of the Ordinary Session of each two Years, elect 24 Individuals, who shall not be Members of the General Congress, but shall possess the qualifications required for Members of the Supreme Court. From amongst these Individuals shall be drawn, by lot, a Fiscal, and a number of Judges, equal to that which composes the First Hall of the Court; and, when it shall be necessary, the same Chamber shall proceed, and, in its recess, the Council of Government, to draw, in the same manner, the Judges of the other Halls.

SECTION V .—*Of the Tribunals of Circuit.*

CXL. The Tribunals of Circuit shall be composed of a Law Judge, and a Fiscal, both selected by the Supreme Executive Power, from amongst three Individuals proposed by the Supreme Court of Justice; and of two Associates; agreeably to the Laws.

CXLI. To be a Judge of Circuit, it is necessary that he be 30 years of age, and a Citizen of the Confederation.

CXLII. These Tribunals shall take cognizance of Admiralty Causes; Prizes by Sea and Land; Contraband; Crimes committed on the High Seas; Offences against The United Mexican States; Charges against Consuls; and Civil Causes, exceeding 500 Dollars in amount, in which the Confederation is interested. The number of these Tribunals, their respective jurisdictions, and the manner, form, and order, in which they, and others, under the superintendence of the Supreme Court of Justice, shall exercise their respective functions, shall be regulated by Law.

SECTION VI.—*Of the Courts of District.*

CXLIII. The United Mexican States shall be divided into a certain number of Districts, in each of which a Tribunal shall be established, with a Law Judge, which shall take cognizance, without Appeal, of all Civil Causes, in which the Confederation may be interested, not exceeding 500 Dollars in amount; and, in the first instance, of all those Causes from which an Appeal lies to the Tribunals of Circuit.

CXLIV. To be a Judge of District, it is necessary that he be 25 years of age, and a Citizen of The United Mexican States. These Judges shall be selected by the President, from amongst three Individuals proposed by the Supreme Court of Justice.

SECTION VII.—*General Regulations for the Administration of Justice, in all the States and Territories of the Confederation.*

CXLV. Each State of the Confederation shall give entire faith and credit, to the Acts, Records, and Proceedings, of the Judges and Authorities of the other States. The General Congress shall render uniform, the Laws by which the said Acts, Records, and Proceedings, may be verified.

CXLVI. The pain of infamy shall not be withdrawn from a Delinquent, who has merited it according to the Laws.

CXLVII. The punishment of confiscation of property is for ever prohibited.

CXLVIII. Judgments by Commission, and Retrospective Laws, are for ever prohibited.

CXLIX. No Authority shall apply any kind of torture, whatever may be the nature and stage of the Process

C . No Person shall be detained, unless there be an Evidence, or circumstantial proof, of his guilt.

CLI. No Person shall be detained, on suspicion alone, more than Sixty hours.

CLII. No Authority shall have the power of ordering the inspection of Houses, Papers, or other Effects, of the Inhabitants of the Republick, excepting in the cases mentioned in, and in the manner prescribed by, the Laws.

CLIII. No Inhabitant of the Republick shall be sworn, respecting his own acts, in Criminal matters.

CLIV. The Military and Ecclesiasticks shall continue subject to their present Authorities, according to the existing Laws.

CLV. No Action for Injuries, either Civil or Criminal, shall be commenced, until after legal means of reconciliation have been resorted to.

CLVI. No Person shall be deprived of the right of terminating his differences by Arbitration, in any stage of the Proceedings.

TITLE VI.

OF THE STATES OF THE CONFEDERATION.

SECTION I.—*Of the local Government of the States.*

CLVII. The Government of each State shall be divided, for its exercise, into three Powers—the Legislative, Executive, and Judicial; and two or more of these cannot be united in a Corporation or Person, nor the Legislative in one Individual.

CLVIII. The Legislative Power of each State shall reside in a Legislature, composed of the number of Members which its particular Constitution shall prescribe, popularly elected, and renewable in the time and manner therein pointed out.

CLIX. The Person or Persons, to whom the Executive Power of each State is confided, shall not exercsie the same but for a limited time, to be fixed by its respective Constitution.

CLX. The Judicial Power of each State, shall be exercised by the Tribunals appointed by its particular Constitution; and all Civil and Criminal Causes, of which these Tribunals shall take cognizance, shall be determined by them, and their Sentence carried into effect without Appeal.

SECTION II.—*Of the Duties of the States.*

CLXI. It is the duty of each State:

1. To organize its Government and interior Administration, conformably to this Constitution, and the Constituent Act.

2. To publish, through the medium of its Governors, its respective Constitution, Laws and Decrees.

3. To keep, and cause to be kept, the Constitution, and General Laws of the Union, and the Treaties ma 'e, or which may hereafter be made, by the Supreme Authority of the Confederation, with any Foreign Power.

4. To protect its Inhabitants, in the exercise of the liberty, which

they enjoy, of writing, printing and publishing their political ideas, without the necessity of a licence, revision, or approval, before publication; subject, however, to the general Laws in this respect.

5. To deliver up Criminals of other States, immediately, to the Authority claiming them.

6. To deliver up Fugitives from other States to the Person authorized to demand them, or else to compel them to make reparation to the injured Party.

7. To contribute to the consolidation, and redemption, of the Debts acknowledged by the General Congress.

8. To transmit, Annually, to each of the Chambers of the General Congress, a circumstantial and comprehensive Account; of the Receipts and Disbursements of all the Treasuries, in its respective District, distinguishing their origin; of the state of each branch of industry, agriculture, and manufacture; of the new branches of industry, which may be introduced and encouraged, describing the mode of carrying them into execution; and of its respective population, and the means of protecting or increasing it.

9. To transmit to the Two Chambers, and, in their recess, to the Council of Government, and also to the Supreme Executive Power, an authentic Copy of its Constitution, Laws, and Decrees.

SECTION III.—*Of the Restrictions of the Powers of the States.*

CLXII. It shall not be lawful for a State:

1. To establish a Tonnage, or other Port Duty, without the consent of the General Congress.

2. To impose Contributions, or Duties upon Imports, or Exports, not already sanctioned by Law, without the consent of the General Congress.

3. To maintain, at any time, a standing Army, or Ships of War, without the consent of the General Congress.

4. To treat with any Foreign Power; or declare War, unless for its defence, in case of actual Invasion, or other imminent danger, not admitting of delay; which must be reported immediately to the President of the Republick.

5. To treat, or contract, with other States of the Confederation, without the previous consent, or subsequent sanction, of the General Congress; should the matter relate to Limits.

TITLE VII.

OF THE OBSERVANCE, INTERPRETATION, AND REFORM, OF THE CONSTITUTION, AND CONSTITUENT ACT.

CLXIII. All Publick Functionaries, without exception, previously

to entering upon the execution of their Duties, shall take an Oath to observe this Constitution, and the Constituent Act.

CLXIV. Congress shall pass such Laws and Decrees as it may deem effectual, to ensure the punishment of those who violate this Constitution, or the Constituent Act.

CLXV. All doubts which arise, as to the interpretation of the Articles of this Constitution, and the Constituent Act, shall alone be decided by the General Congress.

CLXVI. The Legislatures of the States may propose such modifications, as they think proper, of particular Articles of this Constitution, and of the Constituent Act, but the General Congress shall not take them into consideration, previously to the Year 1830.

CLXVII. The Congress of the present Year shall confine itself to an examination of the modifications, which may be proper to be submitted to the consideration of the next Congress, and its Report shall be communicated to the President, who shall publish, and circulate it, without comment.

CLXVIII. The next Congress shall take into consideration, in the Ordinary Session of its first Year, the modifications submitted for its deliberation, for the purpose of effecting the necessary reforms; but the same Congress which examines the modifications of the States, according to the preceding Article, shall not decree the reforms.

CLXIX. The reforms, or additions, which may be proposed, in the Years subsequent to that of 1830, shall be taken into consideration by Congress, in the second of each two Years; and, if provided with the necessary qualification prescribed in the preceding Article, it shall publish its Resolutions, in order that the next ensuing Congress may take them into consideration.

CLXX. In the reforms, or additions to this Constitution, or to the Constituent Act, besides the Regulations prescribed in the preceding Articles, all the forms required in the formation of Laws shall be observed, with the exception of the right of making observations thereupon, conceded to the President in Article 106.

CLXXI. The Articles of this Constitution, and of the Constituent Act, which establish the Liberty and Independence of the Mexican Nation, its Religion, Form of Government, Liberty of the Press, and Division of the Supreme Power of the Confederation, and of the States, shall never be altered.

Given in Mexico, the 4th day of October, in the Year of Our Lord, 1824; 4th of Independence, 3rd of Liberty, and 2nd of the Confederation.

[SIGNATURES OF DEPUTIES.]

Wherefore, we command all Tribunals, Justices, Chiefs, Governors and other Authorities, as well Civil as Military, and Ecclesiastical, of

whatever Class and Dignity, to keep and cause to be kept, fulfilled and executed in every respect, the present Constitution, as a Fundamental Law of the Nation. They will cause it to be understood, for its fulfilment, and order it to be printed, published, and circulated.

Mexico, the 4th of October, 1824.

GUADALUPE VICTORIA, President.
NICOLAS BRAVO.
MIGUEL DOMINGUEZ.

AD JUAN GUZMAN.

CONSTITUTION of the Federal Republick of Central America; decreed by the National Constituent Assembly, the 22d of November, 1824. (Translation.)

CONSTITUTION OF THE FEDERAL REPUBLICK OF CENTRAL AMERICA.

In the name of the Supreme Being, Author of all Societies, and Legislator of the Universe:

We, the Representatives of the Nation of Central America, assembled in a National Constituent Assembly, in compliance with their desire, and in exercise of their Sovereign Rights;—in order to promote their felicity, to ensure to them the greatest possible enjoyment of their Privileges; to uphold the rights of the Man and the Citizen, upon the unalterable principles of Liberty, Equality, Security, and Property; to establish Publick Order, and to form a perfect Confederation; —Decree the following Constitution.

TITLE I.

OF THE NATION, AND ITS TERRITORY.

Section I.—*Of the Nation.*

Art. I. The Nation of the Federal Republick of Central America, is Sovereign and Independent.

II. The essential and first object of the Sovereignty, is, the preservation of Liberty, Equality, Security, and Property.

III. All the Inhabitants of the Republick form the Nation.

IV. It is their duty to obey and respect the Law; to serve and defend the Country with Arms, and to contribute, proportionably, towards the Publick Expences, without privilege or exemption.

Section II.—*Of the Territory.*

V. The Territory of the Republick is that which formerly composed the Ancient Kingdom of Guatemala, with the exception, for the present, of the Province of Chiapas.

VI. The Confederation is at present composed of Five States, viz: Costarrica, Nicaragua, Honduras, El Salvador, and Guatemala. The Province of Chiapas shall become one of the States, when it unites itself freely to the Confederation.

VII. The limits of the Territory of the States, shall be defined by a Constitutional Law, when the necessary information shall have been obtained.

TITLE II.

OF THE GOVERNMENT, RELIGION, AND CITIZENS.

SECTION I.—*Of the Government, and Religion.*

VIII. The Government of the Republick, is Popular, Representative, and Federal.

IX. The Republick is denominated, *The Confederation of Central America.*

X. Each of the States which compose it, is free and independent, in its Interior Government and Administration; and all the Power which the Constitution shall not have conferred on the Federal Authorities belongs to it.

XI. Its Religion is, the Apostolic Roman Catholick, to the exclusion of the Publick Exercise of any other.

XII. The Republick is a sacred Asylum for all Foreigners, and the Country of All, who chuse to reside within its Territory.

SECTION II.—*Of Citizens.*

XIII. Every Man in the Republick is free. No Person under the protection of the Laws, can be a Slave, nor can he who traffics in Slaves be a Citizen.

XIV. Inhabitants, Natives of, or naturalized in, the Country, who are married, or are more than 18 years of age, and exercise some useful Profession, or have visible means of subsistence, are Citizens of the Republick.

XV. Congress shall grant Letters of Naturalization to Foreigners, who express to the Local Authority, their wish to settle in the Republick, in consideration:—

1. Of important services rendered to the Nation, and designated by the Law.

2. Of any useful Invention, and the introduction of any science, art, or trade, not yet established in the Country, or the notable improvement of any branch of industry, already known.

3. Of a residence of five Years.

4. Of a residence of three Years, to those who come to settle with their families; who marry in the Republick; or who acquire a real estate, of the value and description required by Law.

XVI. Children born of Citizens of Central America, in Foreign Countries, shall be considered as Natives, should their Parents be in the service of the Republick, or their absence not have exceeded five Years, and it have been with the permission of the Government.

XVII. Spaniards, and all Foreigners whatever, who were settled in any Part of the Territory of the Republick, at the time of the Proclamation of its Independence, and have sworn to it, shall be considered as naturalized.

XVIII. Persons born in the Republicks of America, who come to settle in the Confederation, shall be considered as naturalized in it, from the moment in which their intention shall be made known to the Local Authority.

XIX. Citizens of one State may exercise the rights of Citizenship in any of the States of the Confederation.

XX. Persons shall lose the character of Citizens,

1. Who enter the Service of, or accept Pensions, Rewards, or Hereditary or personal Titles, from another Government, without the permission of Congress.

2. Who are convicted of Offences, which subject them by Law to more than correctional punishment; should they not have obtained a pardon.

XXI. The rights of Citizenship shall be suspended:

1. For having been subject to a Criminal Process, in which a Writ of Arrest has issued, for Crimes, meriting, by Law, more than correctional punishment.

2. For having been declared a fraudulent Debtor, or a Debtor to the Publick Taxes, after payment has been judicially demanded.

3. For notoriously vicious conduct.

4. For physical or moral incapacity, judicially substantiated.

5. For being employed in domestick servitude.

XXII. Citizens, only, who are in the full exercise of their rights, are eligible to Offices in the Republick.

TITLE III.

OF THE ELECTION OF THE SUPREME FEDERAL AUTHORITIES.

SECTION I.—*Of the Elections in General.*

XXIII. The Assemblies of the States shall divide their Population, with all possible exactness and convenience, into Popular Juntas, Districts, and Departments.

XXIV. The Popular Juntas shall be composed of Citizens, in the exercise of their rights; the Juntas of District, of the Electors named by the Popular Juntas; and the Juntas of Department, of the Electors named by the Juntas of District.

XXV. Every Junta shall be organized by a Directory, composed of a President, two Secretaries, and two Scrutineers, elected within itself.

XXVI. Accusations of Violence, Bribery, or Subornation, against Voters, during the Election, shall be decided by the Directory, and four good Men, chosen from amongst the Citizens present, by the Accuser and the Accused, and they shall annul the disputed Votes, or those of the Calumniator, according to the merits of the case. At other times, such accusations shall be brought before, and disposed of by, the Ordinary Tribunals.

XXVII. Appeals respecting the nullity of the Elections of the Popular Juntas, shall be finally decided by the Juntas of District; and those against the latter, in those of the Department. The Legislative Bodies which verify the Elections, shall decide upon the qualifications of the last elected, when they are disputed, and upon the charges of nullity, brought against the Acts of the Juntas of Department.

XXVIII. Electors of District and Department, shall not be responsible for their electoral acts. The Law shall grant the necessary guarantees for the free and punctual discharge of their duty.

XXIX. The Constitutional Election of the Popular Juntas shall take place the last Sunday of October; those of District, the second Sunday of November; and those of Department, on the first Sunday of December.

XXX. No Citizen shall be excused from serving as an Elector, on any ground or pretext whatever.

XXXI. No Person shall come to the Election armed, or vote for himself.

XXXII. The Juntas can only decide upon the objects designated by the Law. Their acts are null and void if not within their legal cognizance.

Section II.—*Of the Popular Juntas.*

XXXIII. The smallest basis of a Popular Junta, shall be 250 Inhabitants; and the greatest 2,500.

XXXIV. Registers shall be formed of the Citizens who belong to the basis of each Junta, and those only who are registered shall have an active and passive Vote.

XXXV. The Juntas shall name a Primary Elector for each 250 Inhabitants. Those which possess a residue of 126 shall name a second Elector.

Section III.—*Of the Juntas of District.*

XXXVI. The Primary Electors shall meet in the Places of the Districts, which the Assemblies shall appoint.

XXXVII. Two-thirds, at least, of the Primary Electors being assembled, the Junta shall be formed, and shall name, by an absolute Majority, an Elector of District for each 10 Primary Electors which it has to appoint.

SECTION IV.—*Of the Juntas of Department.*

XXXVIII. A Department shall invariably consist of 12 Electors of District, for each Representative which it has to name.

XXXIX. The Electors of District shall meet in the Places of the Department, which the Assemblies shall appoint.

XL. Two-thirds, at least, of the Electors of District being met, shall form the Junta of Department, and shall elect, by an absolute Majority, the number of Representatives and Substitutes which it has to appoint for Congress.

XLI. The Representatives and Substitutes being named, each shall receive an authorized Copy of the Act of his nomination, which shall serve as his Credential.

XLII. On the renewal of the President and Vice-President of the Republick, of Members of the Supreme Court of Justice, and Senators of the State, the Electors shall vote for these Functionaries in distinct Acts, and each Vote shall be registered separately.

XLIII. The Juntas of Department shall form, from each Act of Election, Lists of the Electors, describing their Votes.

XLIV. The Lists relative to the Election of the President and Vice-President of the Republick, and the Members of the Supreme Court of Justice, shall be signed by the Electors, and be remitted, enclosed and sealed, to Congress. A Copy of the same shall also be sent in proper form, with the Votes for Senators, to the Assemblies of the States, respectively.

SECTION V.—*Of the regulation of the Votes, and mode of verifying the Election of the Supreme Federal Authorities.*

XLV. When the Lists of the Departmental Juntas of each State shall have been received, its Assembly shall scrutinize them, and transmit the result, with the Lists, to Congress, agreeably to the preceding Article, reserving those which contain the Election of Senators.

XLVI. When all the Lists of the Departmental Juntas, and the scrutiny made by the Assemblies, shall be received, the Congress shall open them, and regulate the Election by the number of the Electors of District, and not by that of the Juntas of Department.

XLVII. An absolute Majority of Suffrages shall decide the Election. Should there be no such Majority, and several Citizens have 40 or more Votes, the Congress, by an absolute majority, shall elect from amongst them alone. Should this not be the case, the Congress shall elect from amongst those who possess 15 Votes and upwards; and should not a sufficient number result from either of these two modes, it shall elect from those who have any number of votes.

XLVIII. Should there be no result from the Votes of the Electors of Districts, the Assemblies of the States shall, according to the same rules, and proportion, verify the Election of Senators.

XLIX. In the same Individual, the Election of a Proprietor with any number of Votes, shall be preferred to that of a Substitute.

L. In the event of the same Citizen being returned at two or more Elections, that shall be preferred in which he has obtained the greatest number of popular Votes; and if the Votes are equal, the Person elected shall make his choice.

LI. Citizens who have served in any Elective Office of the Confederation, for the time appointed by the Constitution, shall not be obliged to enter on the exercise of another until an interval of one Year shall have elapsed.

LII. The Elections of the Supreme Federal Authorities shall be published, by a Decree of the Legislative Body which has verified them.

LIII. All the Acts of Election, of the Popular Juntas, as well as the Scrutinies of Congress, and of the Assemblies, shall be publick, in order to their validity.

LIV. These Elections shall be regulated by Law, upon the basis herein established.

TITLE IV.

OF THE LEGISLATIVE POWER, AND ITS ATTRIBUTES.

SECTION I.—*Of the Organization of the Legislative Power.*

LV. The Legislative Power of the Confederation resides in a Congress, composed of Representatives popularly elected, in the proportion of one for each 30,000 Inhabitants.

LVI. One Substitute shall be elected for every three Representatives: but if any Junta have not the power to elect more than one or two Proprietors, it shall, notwithstanding, name one Substitute.

LVII. Substitutes shall act in the place of Proprietors, in case of death, or when Congress shall declare their incapacity.

LVIII. The Congress shall be renewed by one half, each year; and the same Representatives may be re-elected, once, without any interval.

LIX. The first Legislature shall decide, by lot, the Representatives who are to be renewed in the following Year; they shall afterwards be renewed according to seniority of Election.

LX. The Elections and Credentials of Representatives shall be verified, for the first time, by their own Preparatory Junta; afterwards, prior to the Session being opened, such verification shall be made by the Representatives who remain, in conjunction with those newly elected.

LXI. The necessary qualifications for a Representative are: to be 23 Years of age, to have been five Years a Citizen, either of the Laity or Secular Clergy, and in the actual exercise of his Rights. Natu-

ralized Persons must, moreover, have been a Year resident, immediately previous to the Election, unless they have been absent in the Service of the Republick.

LXII. Officers of the Federal Government, or of the States, shall not be Representatives in Congress, nor in the Assemblies, for the Territory in which they exercise their Charge; nor shall the Representatives be employed by those Governments, nor obtain any promotion, which shall not be in order of gradation, during their Office.

LXIII. Representatives shall not, at any time, or upon any pretext whatever, be responsible for any Proposition, Speech, or Debate, in or out of Congress, upon matters relating to their Duties: and during the Session, and for a month afterwards, they shall not be arrested for Debt, or be liable to Civil Process.

LXIV. The Congress in each Legislature shall fix the Place of its residence; but the Congress, and the other Federal Authorities, shall not exercise any other powers over the Inhabitants where they reside, than those necessary to maintain publick order and tranquillity, and to secure to them the free and proper exercise of their duties.

LXV. When the resources of the Nation permit it, a City shall be constructed for the residence of the Federal Authorities, in which they shall exercise an exclusive jurisdiction.

LXVI. Congress shall meet, every Year, on the 1st day of March, and its Session shall continue for three months.

LXVII. The first Legislature may prorogue itself for the time which it may judge necessary; the succeeding ones shall not be prorogued for more than one month.

LXVIII. An absolute majority of the Representatives is necessary for the passing of any Resolution, and the concurrence of half, and one more, of those present; but a less number may require the attendance of Absentees, in the mode, and under the penalties, prescribed by the interior Regulation of the Congress.

SECTION II.—*Of the Attributes of Congress.*

LXIX. It belongs to Congress:

1. To make the Laws for upholding the Confederation, and those, the general uniformity of which, directly and relatively, interest each of the States.

2. To raise and maintain the National Army and Navy.

3. To make General Regulations for both Forces.

4. To authorize the Executive Power to employ the Militia of the States, when the execution of the Law requires it, or when it shall be necessary to quell insurrection, or repel invasion.

5. To grant to the Executive Power extraordinary Authority, to be expressly defined, and for a limited time, in case of War against the National Independence.

6. To fix the Expenses of the General Administration.

7. To decree and designate the General Taxes for the discharge thereof; and, if they be not sufficient, to fix the relative quota o each State, proportionably to its population and resources.

8. To regulate the Administration of the General Taxes; to watch over their application; and to render an Account thereof to the Executive Power.

9. To decree, in cases of emergency, extraordinary Contributions, Loans, and Imposts.

10. To verify and recognize the National Debt.

11. To apply the necessary funds for its redemption and interest.

12. To contract Debts upon the National Exchequer.

13. To furnish Loans to other Nations.

14. To direct education; establishing the general principles most conformable to the popular system, and to the progress of the useful arts and sciences; and to secure to the Inventors, for the time which may be considered just, an exclusive right in their discoveries.

15. To regulate and protect the Right of Petition.

16. To declare War, and make Peace, grounded upon the information and considerations communicated by the Executive Power.

17. To ratify the Treaties and Negotiations which the Executive Power may have concluded.

18. To grant or refuse the entrance of Foreign Troops into the Republick.

19. To regulate Commerce with Foreign Nations, and between the States of the Confederation; and to pass uniform Laws in respect of Bankruptcy.

20. To establish Ports, and Maritime Custom-houses.

21. To settle the value, standard, die, and weight of the National Money, and the value of Foreign Coin; to establish an uniformity of Weights and Measures; and to decree punishments against Counterfeitors.

22. To open High Roads and Canals of communication; and to establish and controul the General Posts and Post Offices of the Republick.

23. To make Regulations for Privateering; to issue Laws for the trial of Piracy; and to decree the punishments against that and all other Offences committed on the High Seas, contrary to the Law of Nations.

24. To grant Amnesties or general Pardons, in the Case mentioned in Article 118.

25. To establish inferior Tribunals, for taking cognizance of matters relating to the Confederation.

26. To verify the popular Elections of the Federal Authorities, with the exception of those of the Senate.

27. To accept by two-thirds of the Votes, the resignations, which on sufficient grounds may be tendered by Representatives in Congress; by the President and Vice-President of the Republick; by Sena-

tors, after they shall have taken their seats; and by the Members of the Supreme Court of Justice.

28. To fix the Allowances of the Representatives in Congress; of the President, and Vice-President; of the Senators; of the Members of the Supreme Court; and of the other Officers of the Confederation.

29. To watch, especially, over the observance of the Articles contained in Titles 10 and 11, and to annul, without reference to the formalities prescribed in Article 194, all Legislative Provisions contrary thereto.

30. To grant permission to obtain Pensions, Rewards, or Personal Titles, from another Nation, if not incompatible with the System of Government of the Republick.

31. To decide upon the formation and admission of New States.

LXX. When an Extraordinary Congress shall be convoked, it shall deliberate solely upon those subjects which gave rise to its convocation.

TITLE V.

OF THE FORMATION, SANCTION, AND PROMULGATION OF THE LAW.

SECTION I.—*Of the Formation of Laws.*

LXXI. Projects of Law shall be presented to Congress, in writing, by Representatives and Secretaries of State, who alone possess this power; but the latter shall not be empowered to present Propositions respecting Taxes.

LXXII. Each Project of Law shall be read twice, on different days, before it shall be decided whether, or not, it shall be admitted to discussion.

LXXIII. If admitted, it shall pass to a Commission, which shall examine it leisurely, and shall not present it until after three days. The Report of the Commission shall likewise be read twice on different days; and its discussion shall take place, after an interval of at least three days, unless deferred with the consent of Congress.

LXXIV. In the formation of New States, the Law shall be regulated by the Provisions of Title 14.

LXXV. A Project of Law, not admitted to discussion, or rejected, shall not be proposed again before the following Year.

LXXVI. If the Project be adopted, Triplicate Copies of it shall be prepared in the form of a Law. It shall be read in Congress; and the Three Originals, signed by the President, and two Secretaries, shall be transmitted to the Senate.

SECTION II.—*Of the Sanction of Laws.*

LXXVII. All Resolutions of Congress, passed in exercise of the Functions designated by the Constitution, shall be sanctioned by the Senate, otherwise they shall not be valid; excepting those only, confided to it, which relate:

1. To its interior regulations, its Place of residence, and the Prorogation of its Sittings.

2. To the verifying of Elections, and the resignations of the elected.

3. To the granting of Letters of Naturalization.

4. To the Question, whether or not there are grounds for proceeding against any Functionary.

LXXVIII. The Senate shall give its sanction, by an absolute Majority of Votes, in the following form:—" To the Executive Power;" and shall refuse it as follows:—" Returned to Congress."

LXXIX. Previously to the sanction or refusal, it shall communicate with the Executive Power, whose opinion shall be given within eight days.

LXXX. Should the Senate not have given or refused its sanction within the ten succeding days, the Resolution shall be considered as approved.

LXXXI. The Senate shall refuse it, when the Resolution may be in any manner contrary to the Constitution, or its operation deemed disadvantageous to the Republick. In these two cases it shall return one of the Originals to Congress, in the prescribed form, explaining distinctly the reasons on which it grounds its decision. Congress shall examine them, and again discuss the Resolution returned. If it be then confirmed by two thirds of the Votes, the sanction shall be held as given, and, in effect, the Senate shall give it. In the contrary case, it shall not be proposed again before the following Year.

LXXXII. If the Resolution relate to Contributions of any description, and the Senate refuse to sanction it, the concurrence of three-fourths of the Congress shall be necessary for its confirmation. In ratifying it the Provisions of the preceding Article shall also be observed.

LXXXIII. When the Senate refuses to sanction a Resolution of Congress, as being contrary to Titles 10 and 11, the consent of three-fourths of the Congress shall be necessary, and it shall pass a second time to the Senate, in order that it may give, or refuse, its sanction.

LXXXIV. If, however, it do not obtain the same, or if the Resolution be not confirmed, it shall not be proposed again before the following Year, when it must be sanctioned or confirmed agreeably to the ordinary rules for every Resolution.

LXXXV. Should a Majority of the States object to the Resolutions of Congress, referred to in Article 83, they shall be forthwith revised, without prejudice to their fulfilment, and be again sanctioned in the manner provided in the same Article; proceeding, in other respects, conformably to Article 84.

LXXXVI. The sanction being Constitutionally given, the Senate shall return one of the Originals to Congress, and transmit the other to the Executive Power, for its execution.

Section III.—*Of the Promulgation of Laws.*

LXXXVII. The Executive Power, as soon as it shall receive a sanctioned Resolution or one of the others described in Article 77, shall order its fulfilment, under the strictest responsibility; arrange within 15 days, every thing necessary to its execution, publication, and circulation; requesting, of Congress, an extension of that time, when necessary.

LXXXVIII. Its promulgation shall be made in the following Form:—"*Whereas The Congress decrees, and the Senate sanctions, the following:*—(The Resolution)—*Wherefore let it be executed.*

TITLE VI.

OF THE SENATE AND ITS ATTRIBUTES.

Section I.—*Of the Senate.*

LXXXIX. The Senate shall be composed of two Members for each State, popularly elected. It shall be renewed Annually, by thirds; and the same Individuals may be re-elected, once, without any interval.

XC. To be a Senator, it is required that he be a Native of the Republick; be thirty Years of age: have been seven Years a Citizen, of the Laity, or Secular Clergy, and be in the actual exercise of his rights.

XCI. Each State shall name one Substitute, possessing the same qualifications, to act in the cases of death, or incapacity, declared by the Senate.

XCII. One only of the Senators to be named by each State shall be an Ecclesiastick.

XCIII. The Senate in its First Session shall be divided, as nearly as may be, by lot, into three equal parts, one of which shall be successively renewed every Year.

XCIV. The Vice-President of the Republick shall preside in the Senate, and vote only in cases of equal division.

XCV. In his absence, the Senate shall name a President from amongst its own Members, who shall possess the qualifications required for President of the Republick.

XCVI. The Vice-President shall retire whilst the Senate names the Members of the Tribunal to be established by Article 147.

XCVII. The Session of the Senate shall last the whole Year, in the form prescribed for its regulation.

Section II.—*Of the Attributes of the Senate.*

XCVIII. The Senate shall sanction the Resolutions of Congress, in the form established in Section 2 of Title 5.

XCIX. It shall be diligent, in upholding the Constitution; watch-

ing over the fulfilment of the General Laws, and the conduct of the Functionaries of the Federal Government.

C. It shall give counsel to the Executive Power:

1. Upon doubts which may arise respecting the execution of the Resolutions of Congress.

2. Upon Questions arising out of the Relations and Treaties with Foreign Powers.

3. Upon subjects relating to the internal Government of the Republick.

4. Upon matters concerning War or Insurrection.

CI. It shall convoke Congress on extraordinary occasions, requiring the attendance of the Substitutes of such Representatives as may have died during its recess.

CII. It shall propose three Persons, from amongst whom the Executive Power shall, from time to time, select Diplomatick Ministers, the Commandant of the Armies of the Confederation, Officers of the Army, inclusive of, and superior to, the rank of Colonel, Commandants of Ports and Frontiers, Officers of the General Treasury, and Chiefs of the General Taxes.

CIII. It shall declare when there are grounds for proceedings against Diplomatick Ministers and Consuls, for Offences of every description: against the Secretaries of State; the Commandant of the Armies of the Confederation; the Commandants of Ports and Frontiers; Ministers of the General Treasury; and Chiefs of the General Taxes; for Offences committed in the exercise of their Functions; they being subject, in every other respect, to the ordinary Tribunals.

CIV. It shall take cognizance of the Controversies referred to in Article 194, and shall name, in its first Session, the Tribunal established by Article 147.

CV. It shall revise the Sentences mentioned in Article 137.

TITLE VII.

OF THE EXECUTIVE POWER, AND ITS ATTRIBUTES, AND OF THE SECRETARIES OF STATE.

SECTION I.—*Of the Executive Power.*

CVI. The Executive Power shall be exercised by a President, named by the People of all the States of the Confederation.

CVII. In his default, a Vice-President, also named by the People, shall supply his place.

CVIII. In case of the default of both, Congress shall name a Senator possessing the qualifications mentioned in Article 110. If the impediment be not temporary, and it be more than one Year previously to the periodical renewal, it shall proceed to order a new Election, to be made from the Popular Juntas, for the remaining period. The Per-

son so elected, shall exercise his functions for the time designated in Article III.

CIX. Should the defanlt, referred to in the preceding Article, occur whilst Congress be not assembled, an Extraordinary Congress shall be convoked; and, in the mean time, he who presides in the Senate shall exercise the Executive Power.

CX. The necessary qualifications for the Office of President, or Vice-President, are: that he be a Native of the Republick, be 30 years of age, have been seven Years a Citizen, of the Laity, and in the actual enjoyment of his rights.

CXI. The Office of President and Vice-President shall continue four Years; and they may be re-elected, once, without any interval.

CXII. The President shall not derive private emolument, or receive presents of any kind, from any State, Authority, or Individual, nor shall his Allowance be altered whilst in Office.

Section II.—*Of the Attributes of the Executive Power.*

CXIII. The Executive Power shall publish the Law, enforce its observance, and maintain Publick Order.

CXIV. He shall consult Congress respecting the interpretation of the Law; and the Senate, upon doubts and difficulties which may arise in the execution of it; conforming, in the latter case, with the opinion thereof, when his responsibility ceases.

CXV. He shall enter into Negociations and Treaties with Foreign Powers, consulting the Senate thereupon. He shall also consult the same on Questions arising out of those relations; but in neither case, shall he be bound to conform with its opinion.

CXVI. He shall consult the Senate upon important matters, relative to the internal Government of the Republick, and to War or Insurrection.

CXVII. He may appoint the Functionaries of the Republick, mentioned in Article 102, on the proposition of the Senate; those mentioned in Article 139, on the proposition of the Supreme Court of Justice; and the Subalterns of each, and the Officers of the Permanent Force, under the rank of Colonel, on the proposition of their respective Chiefs or Superiors.

CXVIII. If, by any important event, the safety of the Country be endangered, and it be expedient to grant amnesty or pardon, the President shall propose the same to Congress.

CXIX. He shall direct the Armed Force of the Confederation; he shall assemble and dispose of the Civil Power, when the Service of the Republick requires it; and command the Army in Person, with the approbation of the Senate; in which latter case, the Government shall devolve upon the Vice-President.

CXX. He shall employ the Forces to repel Invasion, or suppress In-

surrection, reporting thereupon, immediately, to the Congress, or, in its recess, to the Senate.

CXXI. He may grant, with the approbation of the Senate, such honorary Rewards as are compatible with the System of Government of the Nation.

CXXII. He may change the Secretaries of State at pleasure, without declaring the cause thereof; remove, agreeably to the Laws, the Functionaries of the Federal Executive Power, suspending them for six months; and dismiss them, on proof of unfitness, or disobedience, with the approbation of two-thirds of the Senate.

CXXIII. He shall present, through the medium of the Secretaries of State, at the opening of the Session of Congress, a circumstantial detail of the state of all branches of the Publick Administration, and of the Army and Marine, with the Projects which he may judge most expedient for its preservation, or improvement; and a correct Account of the Expenses incurred, with the Estimates for the future, and of the means of covering them.

CXXIV. He shall give to Congress, and to the Senate, the information which they demand; but, if it relate to matters of secrecy, he shall state that fact, in order that the Congress, or Senate, may dispense with their communication, or exact it, should they deem it necessary. He shall not be compelled to communicate Plans of War, or Negotiations of political importance, pending with Foreign Powers.

CXXV. In case information be required to enable the President to execute his duties, it shall not be refused to him on any account, nor shall Documents be withheld from him, after he has declared that there are grounds for demanding their production.

CXXVI. The President shall not leave the Place in which Congress is assembled, without its permission; nor shall he quit the Territory of the Republick, until six months after his functions shall have ceased.

CXXVII. Should the President be informed of any Conspiracy or Treason, against the Republick, which threatens immediate danger, he may give orders to arrest and interrogate those whom he may suspect to be the Offenders; but, at the end of three days, he must place them entirely at the disposal of the proper Judge.

CXXVIII. He shall communicate the General Laws and Regulations to the Chiefs of the States, and shall execute those which concern the service of the Confederation; and which have not been entrusted to their Agents.

SECTION III.—*Of the Secretaries of State.*

CXXIX. The Congress, on the proposition of the Executive Power, shall appoint the number of Secretaries of State, organize their Departments, and fix the business to be transacted by each.

CXXX. The necessary qualifications for the Office of Secretary of State, are: that he be an American by birth, a Citizen in the exercise of his rights, and upwards of 25 Years of age.

CXXXI. The Orders of the Executive Power shall be expedited through the medium of the Secretary of the Department to which they belong; and those expedited in any other manner, need not be obeyed.

TITLE VIII.

OF THE SUPREME COURT OF JUSTICE, AND ITS ATTRIBUTES.

SECTION I.—*Of the Supreme Court of Justice.*

CXXXII. There shall be a Supreme Court of Justice, composed of from five to seven Members, as the Law may prescribe; they shall be elected by the People; shall be renewed by thirds, every two Years, and may be at any time re-elected.

CXXXIII. The necessary qualifications for a Member of the Supreme Court, are: that he be an American by birth, have had seven Years of uninterrupted residence, immediately previous to the Election; be a Citizen in the exercise of his rights; of the Laity; and upwards of 30 Years of age.

CXXXIV. In the absence of any Member of the Supreme Court, his place shall be supplied by one of three Substitutes, who shall possess the same qualifications, and be elected by the People, after the nomination of the Proprietors.

CXXXV. The Supreme Court shall select, in such case, the Substitute who shall act.

SECTION II.—*Of the Attributes of the Supreme Court of Justice.*

CXXXVI. It shall take cognizance, in the last instance, and under the limitations and regulations prescribed by Congress; of Cases arising out of the Constitution; General Laws; Treaties made by the Republick; Maritime Jurisdiction; and Controversies of Citizens, or Inhabitants of different States, on the competency of Tribunals.

CXXXVII. In Cases of dispute, in which the Republick may be a Party, and one or more States with any other or others, or with Foreigners, or Inhabitants of the Republick; the Supreme Court of Justice shall name Arbitrators, for the first instance; shall take cognizance of them, in the second; and its Sentence shall be carried in revision to the Senate, should the Parties be dissatisfied with the first and second Judgments, and shall be there tried according to Law.

CXXXVIII. It shall take cognizance, originally, conformably to the Laws, in Civil Charges against Diplomatick Ministers and Consuls; and, in Criminal Charges against Functionaries, in which the

Senate shall declare, that there are grounds for further Proceedings, according to Article 103.

CXXXIX. It shall propose three Persons to the Executive Power, from amongst whom it may, from time to time, select the Judges of the inferior Tribunals, mentioned in Article 69, Clause 25.

CXL. It shall watch over the conduct of the inferior Judges of the Confederation, and see that prompt and complete justice is administered.

TITLE IX.

OF THE RESPONSIBILITY OF, AND MODE OF PROCEEDING AGAINST, THE SUPREME FEDERAL AUTHORITIES.

CXLI. Functionaries of the Confederation, previously to entering upon their respective Offices, shall take an Oath to be faithful to the Republick, and to uphold, with all their power, the Constitution and the Laws.

CXLII. Publick Functionaries are responsible to the established Laws, for the exercise of their Duties.

CXLIII. It shall be declared, when there are grounds for legal proceedings against Representatives in Congress, for Treason, Venality, serious neglect in the discharge of their Functions, and common Offences, which merit more than correctional punishment.

CXLIV. In these Cases, and in those of infringing or exceeding the Law, Proceedings shall be instituted against Members of the Senate; of the Supreme Court of Justice; the President, and Vice-President of the Republick; and the Secretaries of State.

CLXV. The Accused is suspended from Office, by the act of declaring that there are grounds for proceedings against him; he shall be displaced, and incapacitated from all Publick Employment, if pronounced guilty; a Sentence to that effect being passed according to Law; in all other cases, he shall be subject to the ordinary Tribunals.

CXLVI. These offences may be brought forward by popular accusation, and the allegations of any Citizen, or Inhabitant of the Republick, shall be attended to.

CXLVII. A Tribunal shall be formed, composed of five Members, which the Senate shall name from amongst the Substitutes of the Senate or Congress, who may not have entered upon the exercise of their Functions: their powers are fixed by Articles 149 and 150.

CXLVIII. In Accusations against Members of Congress, it shall be declared, when there are grounds for proceedings, and the same shall be prosecuted, and terminated, according to the Law, for its interior regulation.

CXLIX. In Accusations against the President, and Vice-President, if the period of their Office shall have expired, Congress shall declare when there are grounds for legal proceedings; the Supreme Court shall try the Cause, and the Tribunal, established by Article 147, shall take cognizance of it, by Appeal.

CL. In Accusations against Members of the Supreme Court, the Congress shall declare when there are grounds for proceedings, and the Tribunal, established by Article 147, shall try the Cause.

CLI. In Accusations against the Senators, and Vice-President, Congress shall declare when there are grounds for proceedings, and the Supreme Court shall try the Cause.

TITLE X.

GUARANTEES OF PERSONAL LIBERTY.

CLII. The pain of Death shall not be inflicted, but for Crimes expressly directed against the Publick Government; those of assassination; and premeditated, or secret homicide.

CLIII. Citizens and Inhabitants of the Republick, without distinction, shall be proceeded against and tried, according to Law.

CLIV. The Assemblies shall establish a System of Juries as soon as possible.

CLV. No Person shall be arrested but in pursuance of a written Order of an Authority competent to give it.

CLVI. This Order shall not be issued, without previous proof that a Crime has been committed, which may merit more than correctional punishment, or without the testimony of, at least, one Witness against the Delinquent.

CLVII. Persons liable to detention, are:—1st. Delinquents who, there are grounds for supposing, intend to abscond;—2d. Those who may be detected in the act of delinquency; in which case any Person may apprehend them in order to their being taken before a Magistrate.

CLVIII. The detention, referred to in the preceding Article, shall not continue longer than 48 hours, during which time the Authority who ordered it, shall proceed according to the Provisions of Article 156, and either issue a written Order of imprisonment, or set the detained Individual at liberty.

CLIX. No Jailer shall receive or detain any Person in prison, without inserting in his Register, a Copy of the Order of imprisonment or detention.

CLX. Persons taken into custody shall be examined within 48 hours; and the Magistrate shall order their liberation, or further imprisonment, within 24 hours following, according to the merits of the case.

CLXI. He may, however, order their detention, for a correctional

punishment, complying with the Formalities prescribed by the Code of each State in that respect.

CLXII. A detention for a correctional punishment shall not exceed one month.

CLXIII. Persons apprehended by authority, shall not be carried to any Places of imprisonment, detention, or arrest, than those which are legally and publickly destined for that object.

CLXIV. Unless a Criminal be interdicted therefrom, by an Order of a Judge, inserted in the Register of the Jailer, he shall not be prevented from communicating with any Person whatever.

CLXV. Persons, not authorized by Law, who shall expedite, sign, execute, or cause to be executed, an Order for the arrest, imprisonment, or the detention, of any Person; those who, in cases of lawful arrest, imprisonment, or detention, shall conduct, receive, or detain a Criminal, in a Place not publickly and legally appointed for that purpose; and Jailers who transgress the preceding Regulations; are guilty of arbitrary detention.

CLXVI. No person shall be conveyed to, or detained in Prison, if he give bail, excepting in those cases in which the Law expressly prohibits it.

CLXVII. The Assemblies shall appoint Inspectors of the Prisons appointed for the reception of all classes of Persons, imprisoned, detained, or arrested.

CLXVIII. No House shall be searched, unless in pursuance of a written Order of the Competent Authority, preceded by two formal Depositions, affording grounds to justify the proceeding, which must take place in the day time: it shall be lawful, however, for an Agent of the Publick Authority to enter at all hours:—

1st. In the actual pursuit of a Delinquent.

2d. In the case of any scandalous disturbance, requiring prompt attention;

3d. In the case of demands for assistance of the Inhabitants of a house; but, after the search, it shall be proved by two Witnesses that it was made for one of the reasons above stated.

CLXIX. In cases only of Treason, shall the Papers of Inhabitants of the Republick be seized; but their inspection shall take place only when indispensable for ascertaining the truth, and in the presence of the Accused; returning to him, immediately, such of them as may not relate to the enquiry.

CLXX. The Police shall be confided only to the Civil Authorities, agreeably to Law.

CLXXI. No Civil Action, or Action for injuries, shall be commenced, unless it be proved that means of conciliation have been previously attempted.

CLXXII. Persons shall have the power of naming Arbitrators, in

any stage of the proceedings; the Sentence given by Arbitrators shall be without Appeal, if the Parties concerned have not reserved this right.

CLXXIII. The same Judge shall not decide a Cause in two different instances.

CLXXIV. No Law of Congress, or of the Assemblies, shall be incompatible with the Guarantees contained in this Title; but they may amplify them, and decree new ones.

TITLE XI.

GENERAL REGULATIONS.

CLXXV. Congress, the Assemblies, and other Authorities shall not:—

1. Limit, in any case, nor under any pretext, the liberty of thought, speech, writing, or printing.

2. Suspend the right of Petition, by word or writing.

3. Prohibit Citizens, or Inhabitants of the Republick, from emigrating to Foreign Countries, free from all responsibility.

4. Take the property of any Person, nor disturb him in the free use of his estate; unless the publick welfare shall in any important urgency require it; previously and legally verifying, and guarantying, in such case, a just indemnification for the same.

5. Establish entails; grant titles of nobility, hereditary pensions, decorations, or distinctions; or consent to their admission, as Citizens of Central America; in favour of persons to whom other Nations have conceded similar privileges.

6. Permit the use of the rack, or torture; or order the confiscation of property; whipping, or cruel punishments.

7. Grant, for an unlimited time, exclusive privileges to Commercial Companies, or Manufacturing Bodies.

8. Issue proscriptive or retrospective Laws; nor those for the pain of infamy to descend.

CLXXVI. They shall not, excepting in cases of tumult, rebellion, or an attack with arms, on the Constituted Authorities:

1. Disarm any of the Population, nor take away from any Person, of whatever rank, arms which he may have in his house, or which he may lawfully carry.

2. Prevent popular Meetings, for proper objects, or to discuss politicks, and examine the publick conduct of Functionaries.

3. Dispense with the sacred formalities of the Law, in the searching of the House of any Citizen or Inhabitant, nor in the inspection, deprivation, or detention of his private Correspondence.

4. Form Commissions, or Special Tribunals, to take cognizance of specified Crimes, or for any class of Citizens or Inhabitants.

TITLE XII.

OF THE LEGISLATIVE POWER; OF THE REPRESENTATIVE COUNCIL; OF THE EXECUTIVE POWER; AND OF THE JUDICATURE OF THE STATES.

SECTION I.—*Of the Legislative Power.*

CLXXVII. The Legislative Power of each State shall reside in an Assembly of Representatives, elected by the People, and shall not be composed of less than 11, or of more than 21 Members.

CLXXVIII. It belongs to the first Legislatures, to form the particular Constitution of the State, conformably to the Federal Constitution: and it belongs to each, respectively;

1. To make its Laws, Ordinances, and Regulations.

2. To fix the expenses of its Administration; and to decree the Taxes necessary for covering them, and the Quota which belongs to it, for the General Expenditure; but it cannot impose Duties on exports and imports in Commercial transactions with Foreigners, nor in those between the States, without the consent of Congress.

3. To fix, periodically, the number of the Troops of the Line, should they be required, in time of Peace, with the consent of Congress; to assemble the Militia; and to raise its proportion of both in time of War.

4. To erect Establishments, Corporations, or Tribunals, as may be considered proper, for the better ordering of Justice, Government, Publick Instruction, and of all the Departments of Administration.

5. To accept, by two-thirds of its Votes, and on sufficient grounds, the resignations of Senators prior to their taking their seats.

SECTION II.—*Of the Representative Council of the States.*

CLXXIX. There shall be a Representative Council, composed of Representatives, popularly elected, in the proportion of one for every Territorial Section of the State, according to the Division which its Assembly may establish.

CLXXX. It belongs to the Representative Council:

1. To give sanction to the Law.

2. To counsel the Executive Power, when it may be consulted.

3. To propose Persons to it for the nomination of the first Functionaries.

4. To watch over their conduct, and declare when there be occasion to institute proceedings against them.

SECTION III.—*Of the Executive Power of the States.*

CLXXXI.—The Executive Power resides in a Chief, named by the People of the State.

CLXXXII. It is his duty:

1. To execute the Law, and to maintain Publick Order.

2. To name the first Functionaries of the State, from time to time, from amongst three Persons proposed by the Council; and Subalterns, on the proposition of their Chiefs.

3. To dispose of the Armed Force of the State, and to employ it for its defence, in case of sudden invasion; communicating immediately with the Assembly, or in its recess, with the Council, in order that the same may be reported to Congress.

CLXXXIII. In the absence of the Chief of the State, there shall be a Second Chief to supply his place, also named by the People.

CLXXXIV. The Second Chief shall be President of the Council, and shall only vote in case of equality of votes.

CLXXXV. In the absence of the President, the Council shall elect one from amongst its own Members.

CLXXXVI. The Second Chief shall not assist at the Council, in cases in which the Vice-President of the Republick absents himself from the Senate.

CLXXXVII. The Chief, and Second Chief of the State, shall continue in their Functions four Years, and may be re-elected, once, without any interval.

CLXXXVIII. They shall be answerable to the State for their good conduct in the exercise of their Functions.

SECTION IV.—*Of the Judicial Power of the States.*

CLXXXIX. There shall be a Superior Court of Justice, composed of Judges, popularly elected, and renewable periodically.

CXC. It shall be the Tribunal of last instance.

CXCI. The Order of proceeding in Charges against the Representatives in the Assembly, the Executive Power, and Members of the Council, and the Superior Court of each State, shall be regulated in the form, and under the Regulations, appointed for the Federal Authorities.

TITLE XIII.

GENERAL REGULATIONS FOR THE STATES.

CXCII. The States shall mutually deliver up the Criminals which may be claimed.

CXCIII. The legal and judicial Acts of one State shall be recognized in all the others.

CXCIV. In case any State, or Constituted Authority, complain that the Assembly of another State have passed its Constitutional boundaries, the Senate shall take the necessary information, and submit it to two of the nearest States, for their opinion; should they not concur, or should the Assembly, against which the Complaint is made, not conform to their judgment, the affair shall be laid before Congress, and its decision shall be final.

CXCV. Citizens of one State may be elected Representatives, Senators, Chiefs, Counsellors, and Members of the Superior Court of Justice, of other States; but they cannot be compelled to accept these Offices.

TITLE XIV.

OF THE FORMATION, AND ADMISSION OF NEW STATES.

CXCVI. New States may hereafter be formed, and others admitted into the Confederation.

CXCVII. No New State can be formed in the interior of another; neither can they be formed by the Union of two or more States, or parts of them, unless they adjoin each other, nor without the consent of their respective Assemblies.

CXCVIII. Projects of Law for the formation of New States, shall be proposed to Congress, by a majority of the Representatives of the People, who are intended to form it, and the necessary proof shall be given, that it possesses a Population of 100,000, or more, Inhabitants, and that the State, from which it proposes to separate, retains a like Population, and is in a capacity to support itself.

TITLE XV.

OF THE REFORMS, AND OF THE SANCTION, OF THIS CONSTITUTION.

SECTION I.—*Of the Reforms of the Constitution.*

CXCIX. Projects of reform, or addition, to this Constitution, in order to their being discussed, must be presented, with the signatures of at least six Representatives in Congress; or be proposed by one of the Assemblies of the States.

CC. Projects presented in this form, which shall have been admitted to discussion, and rejected, shall not be proposed again before the following Year.

CCI. Those admitted to discussion, and put to the Vote, in order to pass, shall have two thirds of the Votes of the Members.

CCII. The Reform or Addition granted, in order to be valid and deemed as Constitutional, must be accepted by an absolute majority of the States, and by two thirds of the Votes of their Assemblies.

CCIII. When the Reform, or Addition, shall relate to any Point, which may essentially alter the established form of Government; Congress, after the acceptance of the States, shall convoke a National Constituent Assembly, in order that it may be definitively decided.

SECTION II.—*Of the Sanction.*

CCIV. The first Federal Congress shall sanction this Constitution.

CCV. The Sanction shall be given to the whole Constitution, and not to any particular Article or Articles.

CCVI. The Sanction shall be understood to be given by an absolute majority, or negatived by two thirds of the Votes of Congress.

CCVII. If a majority do not concur in giving, nor two thirds in denying the Sanction, it shall be discussed again at the end of eight days, in order to obtain a decision.

CCVIII. If, on the second voting, there be not the necessary result, the Senators shall be called to the Congress, and shall assist as Representatives in resolving upon the Sanction.

CCIX. The Senators, incorporated with the Congress, shall, a third time, open the discussion, which shall not be postponed beyond 15 days; and if there be not then a majority of Votes for the Sanction, or of two thirds against it, the Constitution shall be sanctioned, in virtue of this Constitutional Article.

CCX. The Sanction, being given, it shall be published with the greatest solemnity; if refused, the Congress shall convoke, without delay, a National Constituent Assembly.

CCXI. This Constitution, even before it be sanctioned, shall have full force and vigour, as a Fundamental Law, from the day of its publication, whilst no other shall be sanctioned.

Given in the City of Guatemala, the 22nd of November, 1824. 4. 2.

FERNANDO ANTONIO DAVELA,
Deputy for the State of Guatemala, *President.*
JOSE NICOLAS IRIAS,
Deputy for the State of Honduras, *Vice President.*

[*Signatures of Representatives.*]

National Palace of the Supreme Executive Power, of the Federal Republick of Central America, in Guatemala, the 22nd of November, 1824.

Let it be executed.

Signed with our Hand, Sealed with the Seal of the Republick, and by the Secretary of State, of the Interior, and Foreign Relations:—

JOSE MANUEL DE LA CERDA.
THOMAS O'HORAN.
JOSE DEL VALLE.

Countersigned,
MANUEL J. IBARRA,
Secretary of State.

CORRESPONDENCE between the Governments of Brazil and The Rio de La Plata, respecting the Province of Monte Video. 1823—1825.

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(1.)—*Memorandum, presented by the Commissioner of the Government of Buenos Ayres, to the Minister of Foreign Affairs of the Court of Brazil.*

(Translation.) *Rio Janeiro, September* 15, 1823.

WHEN, in the month of May 1810, Buenos Ayres, Capital of the ancient Viceroyalty of La Plata, raised the cry of Insurrection, against the Despotick Government of Spain—the greater part of which latter Country was, at that period, occupied by French Troops—and when, overthrowing the Authorities of the Mother-country, she organized a Provisional Government, and placed herself at the head of the new order of things, the natural consequence ensued; and other Provinces, repeating an echo of her voice, and displaying the same sentiments, hastened to strengthen their relations with her, and to obey the Authorities which superseded those of His Catholick Majesty and their Subaltern Functionaries. In proportion as the ties which united them to the ancient Mother-country were loosened, those which had previously bound them towards each other were strengthened. The same complaints which they uttered in that moment, on account of the oppressions of three Centuries, combined with the necessity of defending themselves, compromised anew their rights and wishes; and

the Social Compact which already existed between them, far from being altered, received a still greater degree of legality and solidity. In a word, these Provinces became essentially constituted as a Nation, at the very moment when they shook off the yoke of the ancient Mother-Country; in the same manner as those of Brazil entered into that rank, from the hour of the publication of the Act which proclaimed their Independence of Portugal.

The Province of Monte Video distinguished herself in her sentiments in favour of the cause of the Revolution, and in her efforts to second the enterprise of Buenos Ayres. In her Capital, the embers of commotion were speedily blown into a flame, which was unfortunately quenched by the Spanish Authorities. Nevertheless, the opinion of the propriety of a Union with the other Provinces was declared, and was progressively unfolded, amidst the same difficulties, till it became generally diffused amongst all Americans, or the greater part of them. The Towns in the Country became convulsed in different directions, and, emancipating themselves from the power which oppressed them, hastened forthwith to become obedient to the General Government. With the same view, the most distinguished Individuals emigrated from thence; and amongst them the Officers of the Army, Don José de Rondeau, and Don José de Artigas, who, after having paid their respects to the Authorities, returned, decorated and invested with the rank of Lieutenant-Colonel, and were entrusted with the command of the Troops, already on their march for that destination, and whose ranks were to be reinforced by the remnant of the Army of Paraguay. When these forces had crossed the Uruguay, the divisions of Patriot Volunteers, who had mustered in the Country, and placed themselves under the orders of the General-in-Chief, were immediately incorporated with them. The Army marched without further opposition, and the victory of Las Piedras, gained by its vanguard under the command of Lieutenant-colonel Artigas, left it master of the whole Country, even to the walls of Monte Video.

The authority of the Supreme Government established in Buenos Ayres, was then acknowledged throughout the extent of that Country. Congratulations were addresed to it from all Quarters, accompanied by protestations of union, fidelity, and obedience. All Persons in employment received new Commissions; and the Officers of the Army, as well of the Veterans as of the Militia, were presented with the promotions of which the Victory of Las Piedras had made them worthy. The Eastern Country has retained itself, since that period, on the same footing of union as the Provinces of Corrientes, Entrerios, Cordova, Mendoza, Tucuman, Salta, Chuquisáca, Cochabamba, and La Paz; which, freed from the enemy, composed the integral parts of the new State.

The defeat of the Patriotick Army of Peru at that time obliged the

Government to withdraw the Troops from the siege of Monte Video, and to conclude (in May, 1812) an Armistice with the Governor of the Fortress. This was the moment when Colonel Artigas began to show indications of insubordination towards the Supreme Authority; by which he had been confirmed in his employment, as Major-General of the Army; to which he had formerly addressed the Official Despatch announcing the victory of Las Piedras; and from which, as a reward for that victory, he received the rank of Colonel.

That Chief, discontented with the Armistice, did not follow the Army to Buenos Ayres, but kept a position on the Uruguay, at the head of the Provincial Militias. They, nevertheless, continued their relations with that Capital; and he was constantly assisted with the necessary succours, until, hostilities breaking out again with the Government of Monte Video, a respectable Army was despatched a second time to that side of the River, commanded by the Representative of the Supreme Government, Don Manuel Sarratéa, who ultimately remained under the Orders of General Don Jose de Rondeau. The Militias under the command of Colonel Artigas co-operated in the new Siege of the Fortress; and, although the conduct of that Chief was always arbitrary and alarming, General Rondeau was acknowledged and obeyed throughout the Campaign. The War was carried on with such success, that, immediately on the defeat of the Squadron of Monte Video by that of the United Provinces, the Fortress was given up to the besieging General; and, his Troops having occupied it, Authorities, named by the General Government, were established in it.

It is not to be dissembled, that, at this time, the insubordination of Colonel Don Jose Artigas assumed a more decided appearance, which compelled the General-in-Chief to cause him to be pursued, to the satisfaction of all the Proprietors in the Country, by a part of the same Forces which had occupied the Fortress of Monte Video. Events unfortunately favoured his disobedience; and the Government of Buenos Ayres were necessitated to leave that Province at his disposal, in order to turn its forces against the common Enemy, whose movements it was desirable to confine to Peru.

Colonel Artigas, having become Master of the Eastern Side of the River, and of the resources which it presented to him, displayed his resentment against the Government of Buenos Ayres; and events succeeded each other in such manner, that hostilities, the operations of which are matter of notoriety, became unavoidable between the two Provinces. Nevertheless, the Eastern State remained firm to its first resolution—of forming one Nation with the Provinces of the ancient Viceroyalty; and even Artigas did not in the least oppose, by any of his measures, a determination which had entered in part into his plans of enterprize. Opinion, it is true, became divided on an im-

portant question—as to the form of Government which ought to be adopted by the New State; the preference being given in that Quarter to a Federal Government like that of The United States. This discrepancy of opinion retarded the organization of the State, and, favouring the sinister views of that Chief, gave him an opportunity of tyrannizing over that Province with the excesses of his despotism, till it was taken possession of (in 1817) by the Portuguese Troops.

From this plain Narrative, which accurately describes the course of events, it appears that the Eastern Side, for a length of time, remained entirely under the personal government, or, more properly speaking, under the tyrannical despotism, of Colonel Artigas; but that no formal Act was, at any time, put forth to break off the national union with these Provinces, consolidated by new efforts in the first periods of the Revolution. Its dissentions with Buenos Ayres can be considered only in the light of domestick and partial differences, such as have subsequently, and unexpectedly, occurred, in the other Provinces; but which, in their result, do not involve a complete dissolution of the State, nor the dismemberment of its National Territory. Thus it is, that, whilst they are governed, provisionally, by their particular and Independent Governments, they are preparing their political re-organization; acknowledging as a basis that Territorial unity which they have preserved. Such is the precise situation in which, at that moment, the Eastern Side should be viewed; and in that situation it was, when it was taken possession of by the Troops of His Most Faithful Majesty; inasmuch as, at that period, it had not ceased to form an integral part of the Territory of the Provinces of La Plata. It was on this account that the Supreme Director of Buenos Ayres considered himself called upon then to request explanations from that Court; and to protest against the Military Occupation which had been effected of that Territory, under the pretext of taking measures for the security of the Frontiers of Brazil. His Most Faithful Majesty deigned to reply to these requests of the Supreme Director, in a Note, addressed to him by His Royal Order, by the Minister of Foreign Affairs, the most Illustrious and Excellent Señor Tomas Antonio de Villanova, dated 23d July, 1818, wherein, ratifying the Armistice of 1812, His Majesty was pleased to declare that the occupation of the Eastern Side was purely *Provisional*.

In referring to the Armistice concluded between the Government of His Most Faithful Majesty and that of the Provinces of La Plata, in 1812, it is impossible to refrain from transcribing in this place the Third Article, wherein the Eastern Territory is acknowledged as a Part of the State of those Provinces. It is thus worded:—"As soon as their Excellencies the Generals of the two Armies shall have received the notification of this Convention, they shall give the necessary Orders, as well to avoid all hostile acts, as to withdraw, as

speedily as possible, the Troops under their command, within the limits of the Territories of the two respective States, those limits being understood to be the same which were acknowledged as such, before the Portuguese Army commenced its march towards the Spanish Territory; and in faith of which, both Territories shall remain inviolable during the existence of this Convention:—and, to the end that all things which are stipulated herein may be exactly complied with, we sign this Document, in Buenos Ayres, the 26th May, 1812."

It is evident, then, by the wording of that Article, that His Most Faithful Majesty, on ratifying anew the Armistice concluded with the Government of the Provinces of La Plata, through the medium of the before-mentioned Note of His Minister of State for Foreign Affairs, despatched in the Year 1819, when the Spanish Authorities had disappeared from the Country, and when the private conduct of Colonel Artigas served as a pretext for its Military Occupation, acknowledged the Eastern Bank as part of the Territory of the Provinces of La Plata. It will be essentially useful to bear this observation in mind during the examination which it is necessary to make, of the nature of the deliberations of the Cisplatine Congress, as it appears to negative all the claim which that Government advances to the retention of the Province in question.

It is sufficient to know that that ill-fated Congress was convoked by incompetent Authority, and held in the presence of a Foreign Army; interested moreover in its Resolutions; so that its Deliberations and Acts may be considered as illegal as were the famous transactions at Bayonne, in the year 1808. But it is not permitted to pass over other occurrences of an equally serious nature, which prove that the Country was neither sufficiently consulted, nor were its Votes free and spontaneous. The Baron de Laguna, transgressing the express Orders of His Majesty, and the Instructions of the Ministry, conducted himself as an avowed Agent for the incorporation of that Province with the Kingdom of Portugal; and, on his own private authority, altered the bases laid down for the nomination of the Representatives of the Towns; substituting, for their voice and vote in the Elections, that of several Town-Councils, destitute of the necessary attributes for that purpose, subject to the influence of power, and many of them ignorant of the important business on which they were to deliberate.

We must here pause to consider the motive alleged by that General, in his Note of the 10th January, 1818, in which he informs His Most Faithful Majesty of the Deliberations of the Cisplatine Congress, for having taken the liberty to adopt that measure. He excuses his proceeding as having been necessary on account of the nature of the Population of the Country, which he asserts to consist of shepherds, wandering and thinly scattered. This insulting language, by which the Baron de Laguna so little recommends himself to the In-

habitants of the Country over which he accidentally presides, cannot be misunderstood; and the inaccuracy and falsity of the alleged motive should be exhibited in a clear point of view. That Country is organized in the same manner as all the rest of the American Continent, in which the Population is so scarce; and is divided into Departments, subject to their immediate Chiefs, as well Political as Military, who concert measures to assemble their Inhabitants, in all cases where the publick service requires it, trusting, for the most part, to voluntary acts, which bring with them no burthensome obligations. Thus it is, that, in the Country of Buenos Ayres, where a great portion of the Inhabitants are Shepherds, as is the case on the Eastern side, all the Population assemble at the points designated, to give their Votes, in person, for the election of the Deputies for the Legislative Body. And what would become of the National Representation of Brazil, if, under pretext of the dispersed state of its Country Population, that part of the Community should be deprived of the Right of Suffrage, and that Right be transferred from them to the Chambers of the principal Cities? And yet it is certain that the ruggedness of the roads does not allow the Brazilians the facilities of transporting themselves, which the Country of Monte Video presents in its plains. But General Lecor himself incautiously pointed out the true motive of such an unjust proceeding, in the Note referred to; wherein he assures His Most Faithful Majesty, that publick opinion was decidedly against the Act of Incorporation, and that it was countenanced solely by Men, whom he permits himself to class as the most enlightened, and of the greatest respectability in the Country. His Excellency might have added, that the number of those Persons was as scanty as that which followed him on his retreat to the Country, in consequence of the dissensions which occurred with the Division of Royal Volunteers.

And what confidence could be inspired in those States by the deliberations, on so momentous and difficult a matter, of a Congress, composed, in a great part, of Persons in the employment of His Most Faithful Majesty, possessing scanty incomes, and seduced with the hope of more elevated destinies? Those who were not thus circumstanced, were awed by the presence of an armed force, which did not conceal its private interest in the affairs on which they were to deliberate;—their discussions sufficiently prove that truth. The Town of Monte Video was a cold and patient spectator of the tyranny and injustice with which its first rights were disposed of; and which clearly proved that the obligations contracted with the other Provinces of the Union, which had contributed to its Liberty and Emancipation, with so many and such immense sacrifices, were utterly forgotten.

But even were it wished to withdraw the sight from this mass of abuses, illegalities, and deeds of violence, it cannot be forgotten that

these transactions, which were null in their origin, have since become invalid, by a combination of circumstances, which would appear to have been studiously occasioned, as if to make amends for the rights of that City which have been so atrociously infringed. The Cisplatine Congress, in the different Articles of its Act, sanctioning the incorporation of that Province with the Kingdoms of Portugal, Brazil, and Algarves, retained for itself the character of a distinct State, the condition of its being governed by the Constitution which might be sanctioned by the Cortes of Portugal, and other Stipulations which are therein expressed. It does not appear that the incorporation was accepted by the Government of Portugal: far from it; the Diplomatic Commission charged with the examination of the Documents, frankly expressed its opinion as to the nullity of the Congress. The Cortes were afterwards dissolved, the Constitution remained without effect, and Brazil has declared, and still supports, in a dignified manner, her National Independence. The condition of Monte Video has thus returned to the situation in which it was found at the epoch preceding the installation of the Congress. In what point of view can Brazil at present maintain, upon the strength of such titles, any shadow of claim to that Province? A Deputy, named in Monte Video by the Superior Junta of Royal Finance, to proceed to the Court of Portugal, in order to facilitate the Ratification of the Acts of the Cisplatine Congress, presented himself there, and laid before that Government, Propositions, at variance with those which had been sanctioned in that Assembly; without bearing any other Commission than that of Syndic of the Province, whose Functions, very remote from such purposes, are detailed in the 20th Article of its Acts. That Article is worthy perusal, in order to be convinced of the length to which matters were carried, on this occasion, and of the means by which His Imperial Majesty, unprepared for the question, was taken by surprise.

And what can be said of the system of Acclamations resorted to by the Empire of Brazil, in the Towns of San José and Canelones? Those Acclamations, besides being destitute of the formalities prescribed by the principles of Publick Right, generally recognized, were assuredly counterbalanced by the silence of the rest of the Country, and the solemn Votes of the City of Monte Video, declared through the medium of its Town-Council, popularly and expressly elected for that occasion. An objection has been made to the legality of that respectable Declaration, owing to the circumstance of that City being then in the power of the Portuguese Forces. And where would be the guarantee of its Liberty and Independence, whilst it deliberated in the presence of the Battalions of Brazil? In the mean time the People of Monte Video have declared their sentiments to be as hostile to an incorporation with the Brazilian Empire, as with the Kingdom of Por-

tugal; which clearly proves that the above step was taken on its part, because it was apparently most conducive to its own interests: and the Government of Buenos Ayres, which has laid its remonstrances before the Government of Brazil, is disposed to lay them equally before that of Portugal, reckoning upon the probable results which may be expected from the general conduct of His Most Faithful Majesty.

As it has been demonstrated, in so convincing a manner, that the pretended Incorporation of the Province of Monte Video, whether with Portugal or with Brazil, is in the highest degree unjust, and that all and each of the other Provinces of La Plata possess a right to demand the re-incorporation of the National Territory; it would appear to be unnecessary to discuss the line of conduct which, in this case, a sound policy would dictate to the Cabinet of Janeiro. The New States of America, on constituting themselves, appealed to the impartial judgment of Civilized Nations against the acts of violence and the usurpations of their ancient Mother-Country; and they are, consequently, indispensably bound, not to suffer the force of reason and the justice of their complaints to be weakened by the present proceeding. It behoves them to manifest to the World that they can become great and powerful, by the skilful management alone of the immense resources which each of them possesses within itself; without submitting themselves to that domination, which a spirit of ambition and avarice would suggest, so degrading to Nations, and which has occasioned so much mischief to humanity. United together by the identity of their Principles, by the Cause which they uphold, and, above all, by the ideas of Justice with which their minds are so strongly impressed, they cannot fail to be powerful, and capable of successfully repelling any aggression which may be attempted upon their Rights, or upon the Liberties which they have proclaimed.

Brazil, by persisting in her pretensions to the Eastern side, would depart from that line of conduct so honourable to her, and moreover so befitting her own interests. And how would the other States of America contemplate that spirit of conquest, developed thus early, and the abandonment of those principles which may, with strict propriety, be said to constitute American policy?

But the Cabinet of Brazil cannot allow itself to be any longer dazzled by a Plan, which, although on a superficial view, may hold out certain flattering prospects, comprises, in its consequences, evils fraught with the greatest calamities. It should suffice for that Cabinet to know that, by authorizing the incorporation of the Eastern Province, under the pretext of the dissension prevailing therein, it sanctions a principle which may eventually prove fatal even to Brazil itself. If, in the Political Code of its Government, it be sufficient that a small number of Individuals, raise their voice in favour

of domestic dissensions, in order to prove that a Province is capable of separating from the rest of the Union, and of disposing arbitrarily of itself; with what shadow of justice, or of moral strength, could that Government keep in check any of its own Provinces which, guided by the same impulse that promoted its revolution, might perhaps choose, hereafter, to adopt a similar proceeding?

Brazil is as yet in the first stage of her political regeneration: she has manifold difficulties and dangers to overcome; and her Treasury is in a state of incumbrance and exhaustion. Will it suit her any longer to withdraw from their pursuits and private occupations in the interior, the Men composing her Army, which now occupies the Eastern side, and to keep up the immense Expenditure which that Army causes, and must ever occasion to her? That Country will never quietly submit to Foreign Domination; and should she even, in order to subdue it, be reduced to a greater degree of languor, the facilities for supplies and other advantages which might be gained by the possession of it, would in no point of view bear comparison with the beneficial results which must ensue to her from a Free Commerce, established with reference to the principles that prevail in all Civilized Nations.

In the mean time the Provinces of La Plata cannot recede from the necessity of supporting their honour and dignity: and, should they be compelled to adopt measures in support of their Independence and National Interests, they will, if necessary, adventure even their existence to effect the re-incorporation of a Fortress, the key of the mighty River which washes their Coasts, lays open Channels for their Commerce, and facilitates the communication with an endless number of Places situated within their Territory. As little will they be indifferent to the fate of a Population, which has been united to them for so long a time, and is impatient for the re-establishment of its former political connexion; which belongs to it, not only by virtue of the social ties which unite both, but by ancient kindred, and the bonds of similar interests, customs, and language.

The Government of Buenos Ayres felt the force of its duty in this respect, when, under particular circumstances, its aid was solicited by the Inhabitants of Monte Video. It conceived that its own dignity, and the respect due to a neighbouring State, required that it should have recourse, in the first instance, to the honourable mode of Official remonstrance, by sending a Deputy to the Court of Brazil for that purpose; and it was desirous, at the same time, if practicable, to regulate its political relations with a Country, in whose emancipation it most cordially rejoices, as sincerely as it respects the form of Government which it has chosen, as the best suited to its wishes and necessities.

The Government of La Plata flatters itself that this step will be

appreciated, in its true character, by the Government of Brazil, and that the result will be such as may reasonably be expected.

VALENTIN GOMEZ.

Senor Luis Jose Carvalho e Mello.

(2.)—*The Buenos Ayres Commissioner to the Brazilian Minister.*

(Translation.) *Rio de Janeiro, November* 26, 1823.

THE Undersigned, Commissioner from the Government of Buenos Ayres to this Court,—in reference to what he had the honour to explain to His Excellency the Counsellor, Minister, and Secretary of State for Foreign Affairs, in his Note of the 22d Instant, and adverting particularly to the remarkable want of attention on the part of the Brazilian Government, in leaving unanswered the Communications which, at different times, he had addressed to it,—has now to convey to the knowledge of His Excellency, in the name of the Chapter of Monte Video, and its Inhabitants, that, in consequence of their having learnt that the General of the Army which garrisons that Fortress, had treated for a suspension of Arms with His Imperial Majesty, and a safe-conduct to retire to Portugal, (an occurrence which increases the danger of their being governed by an Authority which they disclaim, and have resisted,) they have sent a Special Deputation to the Government of Buenos Ayres, urgently demanding its protection, in order that they might again enjoy their undoubted right, in virtue of their decided will, to return into the General Association of the Provinces of La Plata, from which they had been separated by violence. He reminds him, at the same time, that, agreeably to the Stipulations and Conventions entered into at the time of the Occupation of that Place by the Troops of His Imperial Majesty, in the event of their evacuation of it, the Keys were to be delivered up to the Municipality, who should provide for its safety, as they might deem expedient, under the particular circumstances of the moment.

The Government of Buenos Ayres have determined, unless all means of prudence and conciliation shall have been exhausted, to avoid a rupture with a State, which has obtained its emancipation on the same principles as those of the other American States, and in respect of which there is also the recommendation of neighbourhood, and other mutual relations; but the Undersigned, reflecting, on the one hand, upon the mysterious conduct of this Cabinet with regard to the pending Negotiation, and impressed, on the other, with the peculiar importance which the Subject has acquired, by the existing situation of Monte Video, has thought proper to give an account of all the circumstances to the Honourable the Junta of the Province, and to acquaint it, in detail, with what has transpired at this Court, in order that it may decide with respect thereto, as may seem expe-

dient; all which has produced a serious alarm, both to the Honourable Members of the Junta, and to all the Inhabitants of the Province, who conceive that the Cabinet of Brazil, by postponing its final resolution, treats only to gain time, in order that the Imperial Forces may occupy Monte Video, and thereby enable it more freely to reject the claim for its re-incorporation with The United Provinces.

The Government of Buenos Ayres has, in consequence, directed the Undersigned to lose no time, in addressing the Administration of His Imperial Majesty, without reserve, upon these occurrences; and in demanding an immediate and definitive declaration, whether or not this Government will deliver up the Fortress, and its Territory, to The United Provinces; giving it to understand, at the same time, that if it decline the same, the delay consequent thereupon may bring about serious consequences, for which the Government of the Brazils alone will be responsible.

The Undersigned, having thus conveyed the last Resolutions of his Government to the knowledge of His Excellency the Counsellor, Minister, and Secretary of State, has only to add the assurances, &c.

VALENTIN GOMEZ.

Senor Luis Jose Carvalho e Mello.

(3.)—*The Buenos Ayres Commissioner to the Brazilian Minister.*

(Translation.) *Rio de Janeiro, January* 27, 1824.

THE Undersigned, Commissioner of the Government of Buenos Ayres, resident at the Court of Brazil, has the honour to inform His Excellency, the Counsellor, Minister, and Secretary of State for the Department of Foreign Affairs of the Empire, that, having given an account to his Government of the result of the Conference of the 1st of December, respecting Monte Video; in which His Excellency announced, by order of His Imperial Majesty, that he could not give a decisive Answer upon the Question of the Restitution of that Province, until the Advices which were then expected might arrive; he has lately received Orders from His Excellency the Governor of Buenos Ayres, to insist upon obtaining the Answer which he has already demanded from this Government upon the Point in dispute.

In thus complying with the superior Orders of his Government; considering the time which has elapsed since the Conference alluded to; the reports which have been circulated through all Parts of the State, respecting the affairs of Monte Video; and the Publication which has appeared, as well in the Publick Journals of this Court, as in those of the Capital of Buenos Ayres, of the Convention signed on the 18th of November*, between the General Commandant of the Troops of His Imperial Majesty besieging Monte Video, and those of

* See State Papers, 1823, 1824, Page 229.

His Most Faithful Majesty which garrisoned it, which was ratified on the 19th of the same month, and by virtue of which the latter ought already to have evacuated it, and to have embarked for Europe; the Undersigned cannot but believe, that His Excellency the Minister, Secretary of State for Foreign Affairs, is now possessed of all the necessary Documents, and is prepared to return such a categorical Answer upon the Subject, as shall correspond with the dignity of this Government, and that he will declare whether or not it will consent to the re-incorporation of that Place with the Provinces of the Rio de la Plata; in which persuasion he begs to recall to His Excellency's recollection, that the decision has been promised from the commencement of this Negotiation, under an assurance, that it had been delayed solely from the want of sufficient Intelligence from that Quarter, to enable the Government to deliberate on the matter.

The Undersigned, Commissioner of the Government of Buenos Ayres, avails himself, &c.

VALENTIN GOMEZ.

Senor Luis Jose Carvalho e Mello.

(4.)—*The Buenos Ayres Commissioner to the Brazilian Minister.*

(Translation.) *Rio de Janeiro, February 5*, 1824.

THE Undersigned, Commissioner from the Government of Buenos Ayres, resident at the Court of His Imperial Majesty of The Brazils, has the honour to remind His Excellency the Counsellor, Minister, and Secretary of State for Foreign Affairs, that the Note which he had the honour of addressing to him, dated 27th January, demanding a decisive Answer upon the Question pending with this Government, relative to the restoring to the Province of Buenos Ayres, and the rest of La Plata, the possession of Monte Video, has not as yet been answered, notwithstanding the assurances which he was pleased to give, in the Conference of the 1st December, that, so soon as the Advices should be received, which His Excellency then expected very shortly to arrive, the Government of His Imperial Majesty would come to a final resolution, and return a definitive reply upon this Subject.

The Undersigned cannot refrain from remarking to His Excellency, upon the length of time that this Negotiation has awaited his pleasure, without advancing a single step, and upon the fact, that when any remarkable circumstance has occurred, touching its merits, he has taken so singular a view of it, that the delay has appeared, not only inconsistent with the sentiments repeatedly professed by the Administration of His Imperial Majesty, but quite irreconcileable with the rights and interests of the Government of Buenos Ayres; which consideration imposes upon him the duty of demanding from His Excel-

lency, for the last time, the determination to which this Note, as well as the former One abovementioned, particularly refer.

The Undersigned, Commissioner of the Government of Buenos Ayres, has the honour to reiterate, &c.

VALENTIN GOMEZ.

Senor Luis Jose Carvalho e Mello.

(5.)—*REPLY of the Court of Brazil to the Commissioner of the Government of Buenos Ayres.*

(Translation.) *Rio de Janeiro, February* 6, 1824.

THE Undersigned, Counsellor, Minister, and Secretary of State for Foreign Affairs, has laid before His Imperial Majesty, the Emperor, the two last Notes which Don Jose Valentin Gomez, Commissioner from the Government of Buenos Ayres to this Court, lately addressed to him, dated the 27th of January and the 5th of February, of this year, urging, by order of his Government, a definitive Reply on the subject of the Restoration of the Province of Monte Video to the Province of Buenos Ayres.

The Undersigned, in assuring the Commissioner that the delay which has occurred, in giving him the desired Reply, instead of being inconsistent, as regards the feeling entertained by the Ministry of His Imperial Majesty, and irreconcileable with the rights and interests of the Government of Buenos Ayres,—the apprehension of which appears to have imposed on the Commissioner the necessity of demanding, for the last time, the explanations to which the other Notes refer,—is, on the contrary, a proof of the great desire which animates the Court of Brazil, in fulfilling its political transactions, to meet the wishes of the State of Buenos Ayres; by allowing a reasonable time to elapse, for the receipt of the information necessary to enlighten it, and which might serve as a basis, whereby to appreciate the alleged rights and interests of that neighbouring Government. And, in declaring also, that such ought to be the interpretation given to the delay of that Reply,—as it is manifest that it was the intention of this Government to reply, categorically, to the Commissioner, since it now does so, having obtained the information which it required, and which it would have done before, immediately on the Commissioner's first Overture, if such conclusive information had been in its possession,—the Undersigned has received the Orders of His Imperial Majesty the Emperor, with the frankness and sincerity which invariably influence this Government, to submit the following considerations to the Commissioner, in Reply to his Notes:—That, inasmuch as it is the constant desire of His Imperial Majesty to prove to the Government of Buenos Ayres the estimation in which he holds it; and, consequently, not his wish that a longer delay of the decision demanded, should tend to make

such feelings on his part questionable; he must point out to him, how impracticable it was to come to a definitive decision, on the affair of the Restoration of Monte Video to the Province of Buenos Ayres, by reason of the identical principles on which the Commissioner grounds his claim to demand it: since the Commissioner grounds it, principally, on the choice of the Province of Monte Video, which is said to desire and solicit the aid of Buenos Ayres in separating it from this Empire; for, there being, on the contrary, every legal presumption that the Inhabitants of Monte Video do not desire such separation, the Question, amidst such a discrepancy of opinion, could only remain as a moot point; and, even admitting the right of remonstrance on the part of Buenos Ayres, the expedient of ascertaining their determination publickly, cannot, in justice, be resorted to.

To appeal to the general wish of the Cisplatine State, is both unnecessary and fallacious:—unnecessary, because that general wish has already been ascertained by all practicable means, and, because it is to be presumed, that more credit should be given to a decision of the Congress of Representatives of the whole State, which, in 1821, determined on its Incorporation with Brazil, and to the Acts of all the Town-councils in the Country, which subsequently hailed His Imperial Majesty's Government with Acclamations, acknowledged it, and nominated Electors to choose Deputies to represent them in the General Brazilian Assembly;—than to a wish of the single and illegal Town-council of the City of Monte Video alone, which, in the midst of the Factions that a Foreign influence creates, demands from Buenos Ayres an Incorporation not called for by the other Town-councils:—fallacious, because, even taking for nothing the expression, already announced, of the general wish of the Inhabitants of Monte Video in favour of their Incorporation with this Empire, and allowing it were desirable to consult them anew, to satisfy the remonstrances of the Government of Buenos Ayres, that could not be effected: 1st. As the Country is garrisoned with Brazilian Troops, indispensably required for the security and defence of its Inhabitants; and as, on the other hand, the City of Monte Video is still occupied in a Military manner by Portuguese Troops, opposed to those of the Empire; all and every popular declaration would be equally considered as coerced, and illegal, by both Parties, which must be the case even if it should again enter into the State from which the Commissioner says it now desires to withdraw. 2dly. As it is evident that, although a Party may exist in the Cisplatine State, in favour of Buenos Ayres—of which no rational doubt can be entertained, as the Commissioner asserts that there does—seeing that, in better consolidated Countries discrepancies always exist in political opinions, it is, at the same time, certain, by reason of the pending struggle between the Armies which occupy that Province, that other Parties have arisen, fomented by the Enemies of the Empire, and by the In-

habitants of Monte Video themselves; such are those that desire a union with Portugal, or with England, and those that aspire to the absolute Independence of the Cisplatine State; which Parties, though small in number, and scattered amongst the great mass of Persons who approve, and swear to maintain, its Incorporation with the Empire, present, on the whole, in consequence of the state of fermentation in which they necessarily place the Country, the greatest obstacles in the way of collecting the expression of a general wish, freely pronounced.

To these reasons must be added, that the decision referred to ought to appertain alone, constitutionally speaking, to the Legislative Power; and the Question of the Incorporation of the Cisplatine State having, moreover, become a Constitutional object, on which the last General Assembly of Brazil not only legislated, but actually did so with a knowledge of the remonstrances of the Commissioner; and the new Legislative Assembly not being yet convened; His Imperial Majesty would not wish, in the existing state of things, to take upon himself to decide peremptorily upon the subject; it being obvious that, in Countries with Representative Governments, it belongs exclusively to the Legislative Bodies to alienate or cede any portion of Territory in actual possession; more particularly in a case like the present, in which the cession of Monte Video would amount to a violation of the territorial integrity of the Empire.

Nevertheless, His Imperial Majesty,—aware of the importance of a definitive resolution in an affair of this nature; desirous to evince in every possible manner, how much he prefers the principles of a frank and true policy; and judging, moreover, by the last information which has been communicated to him, that this Government can answer with confidence, and henceforward for itself, in this matter,—has commanded the Undersigned to acquaint the said Commissioner, that, should the general wish of the Cisplatine Province be again consulted, by any mode which the Commissioner might think it proper to propose, and should that wish be expressed (which is scarcely credible!) in favour of an Incorporation with Buenos Ayres, Portugal, or any other Power, the Imperial Government could not but regard such a result as a measure, directed, not only against the true interests of the Cisplatine State, but also against the Rights acquired, at the cost of so many sacrifices, by Brazil, to the possession of the Province in question; because the Convention, solemnly concluded between that State and the Empire of Brazil, (upon which Empire the said Convention was, and is, excessively onerous) cannot be annulled at the option of one of the Contracting Parties alone, the consent of the other being indispensably necessary for such purpose, and without which consent the Empire would be under the necessity of defending its Rights. They are as sacred as the Cause, out of which they proceeded:

as, without reference to the Ancient Treaties of Limits concluded with the Crown of Spain, it is sufficient to consider:—1st. That the Inhabitants of Monte Video, being exposed to the despotism of Colonel Artigas, and the Province almost annihilated, as it were, by the horrors of Civil War, could not find protection from any Power excepting Brazil, which delivered them from that ferocious Chief, and caused peace and plenty to be restored to their Country, at a time when neither Buenos Ayres nor Spain made the smallest sacrifice to aid or protect them. 2dly. That the Brazilian Government has, since that time, expended immense sums of money on that Province, an expense which is constantly increasing; and for which it possesses so evident a right to be indemnified, in the event of its choosing to abandon the State alluded to, that the Court of Madrid itself recognised its Claims to such indemnification, when the intervention of the Principal Courts of Europe was lately employed, although ineffectually, to effect the restitution of Monte Video by His Most Faithful Majesty. 3dly. That, after the Province became tranquil and free, His Most Faithful Majesty enabled it to decide upon its future condition, without restraint; and that the Province, since legally represented in Congress,—aware that it possessed the same right as that exercised by the Viceroyalty of Buenos Ayres, of determining upon its separation from the Mother Country, and that it, moreover, enjoyed the same privilege as the other Provinces of the said Viceroyalty, (those, for instance, of Cordova, Tucuman, Santa Fé, Entrerios, &c. &c.) of acting independently of Buenos Ayres, and of disposing of its own destinies,—resolved to incorporate itself with Brazil; which incorporation was successively ratified, both by the Acclamations in favour of His Imperial Majesty, and by the Elections which returned a Deputy to the General Brazilian Assembly. Therefore, on these important considerations, the Government of His Imperial Majesty cannot enter with Buenos Ayres on a Negotiation, which has for its fundamental basis the Cession of the Cisplatine State, the Inhabitants of which it cannot abandon: and the more especially as, the reciprocal conviction of the advantages resulting from the incorporation, the obligations mutually contracted, the fidelity which so eminently distinguishes the Cisplatine Inhabitants, and the dignity of the Brazilian Empire, present such serious obstacles to any Negotiation by which these relations might be exposed to interruption.

The Undersigned, in laying the contents of this Communication before the Commissioner, hopes that the Government of Buenos Ayres, appreciating, in its wisdom and impartiality, the obstacles which oppose the admission of its Claim, will be convinced that the Imperial Government acts, as, in a similar situation, the Government of Buenos Ayres itself would act; and that it will greatly rejoice to see the relations of good harmony, subsisting between the two Countries,

cemented henceforth, on every occasion, with greater firmness and dignity.

The Undersigned avails himself, &c.

LUIS JOSE DE CARVALHO Y MELO.

Senor Don Jose Valentin Gomez.

(6.)—*Report of the Commissioner of the Government of Buenos Ayres, on his return from his Mission to Brazil.*

(Translation.) *Buenos Ayres, April* 12, 1824.

After having forwarded to your Excellency, on the 9th of February last, from the Court of Janeiro, the Note of the 6th of February, from his Excellency Señor Luis Jose Carvallo y Melo, Counsellor, Minister and Secretary of State for Foreign Affairs, containing the final resolution of that Government, relative to the Negotiation with which I was entrusted, it would have been proper that, on my return to this Capital, I should have had the honour of placing in your Excellency's hands, the Copy of the Note I addressed, in reply to his Excellency, with the view of throwing new light on some Points of my former Communications; of dissipating the illusions contained in his Despatch; and of demanding my Passports, in conformity with the Orders with which your Excellency was pleased to furnish me previously to my departure. Having, however, been deprived of that satisfaction, in consequence of the loss of my baggage by shipwreck, no other means remain to me of informing your Excellency of the contents of the Note alluded to, than of laying before you, in a summary manner, the observations which I deemed it expedient to submit to the consideration of his Excellency the Brazilian Minister: they were as follows:—

That the Commissioner of the Government of Buenos Ayres, in representing to his Excellency the Minister for Foreign Affairs, that the extraordinary delay which had occurred in the progress of the Negotiation was inconsistent with the sentiments expressed by the Ministry of His Imperial Majesty, and irreconcileable with the rights and interests of the Government of Buenos Ayres, and in demanding, for the last time, a categorical decision, did not attempt to account for that delay, but merely to point out, in express terms, its real incompatibility with the formal promises, which he had received on that subject, from the Most Excellent Señor Jose Joaquim Carnero de Campos, his Excellency's worthy Predecessor in the Ministry, in an Official Note of the 8th of September; promises repeated in the Conference of the 19th of the same month, and renewed by his Excellency in his Note of the 1st of December.

That the Claim advanced for the restitution of the Province of Monte Video, had not been founded *principally*, as his Excellency stated, on the wish which its Inhabitants at that time manifested

to return to their ancient Union with the rest of the Provinces of La Plata; although that wish was general and decided; but on the strength of the Social Compact, which had bound them together since the remote period of their origin, was revived at the moment of their emancipation from their ancient Mother-country, and was finally strengthened by a thousand solemn Acts, similar to those which unite the Provinces of Brazil; all which had been fully demonstrated in the *Memorandum* which the Commissioner had the honour to address to the Ministry on the 15th of September; and from which Compact, the Rights and Privileges of the Eastern Province, with respect to its Union with the other Provinces of La Plata, were established as fundamentally as those of the Brazilian Provinces with Janeiro.

That it was impossible to raise the shadow of a doubt, as to the right of the Government of Buenos Ayres to interfere in this matter; whether it did so in its own Name, or as a Member of the General Association, in the first of which characters, besides the popular measure which it was its duty to adopt, it was especially bound so to do, by the relations of consanguinity, friendship, vicinity, and intercourse, existing between the two Populations; or whether it did so in the name of the other Provinces; proceeding in either case with a view of maintaining, at all risks, the unity of the Nation.

That the Government of the Provinces of La Plata had made every effort to free the Eastern Country, as well from the despotism of Colonel Artigas as from the disorder in which he had plunged it, until it was obliged to direct its attention towards the Common Enemy; hoping to obtain from the lapse of time, and the operation of other natural causes, a result which it was not in its power to obtain by force;—a policy which could not be censured by the Brazilian Ministry, without incurring the risk of censure itself; nor alleged as a motive for grounding the Claim of the Court of Brazil to that Territory, which the Troops of His Most Faithful Majesty occupied, provisionally, under the pretext of re-establishing tranquillity in it, and placing the Frontiers of his Kingdom in security. But, admitting that it had been possible for it by these means to have succeeded in restoring the peace and prosperity, with which his Excellency now flatters himself, still, by the Province having been exposed to a desolating warfare, carried on between Foreign Armies, which had, for so long a time, disputed its occupation; the removal of its establishments in the Country to the neighbouring Territory; the violation of its Houses, by the billeting of the Officers and Soldiers of Brazil; and the forcing of its Inhabitants from their homes, in order to swell the ranks of the Army; it has violated the Stipulations of the said Cisplatine Congress.

That the Commissioner of Buenos Ayres had seen with astonishment, that his Excellency, in his Note alluded to, had asserted the principle, that the Province of Monte Video was at liberty to release itself from

its connexion, in the same manner as the other Provinces of La Plata; which it now considers as placed in a similar predicament, by reason of the difficulties which attend their new organization, and the differences which have arisen amongst them upon that subject; because he was given to understand that the Government of his Excellency did not consider the Province of Pernambuco as disunited from the other Provinces of Brazil, notwithstanding the domestic convulsions to which it had for so long a time been exposed, and the situation in which it is at present notoriously placed.

That, in the event of its having been disposed to ascertain the real wish of the Inhabitants of Monte Video, on the subject of their re-incorporation with the Provinces of La Plata, or of their union with those of Brazil, in order to avoid the risk of their determination being considered as originating in the influence of a Foreign Power, it would have ordered the Brazilian troops to have retired within their own Frontier, immediately on the Place being abandoned by the troops of His Most Faithful Majesty; thus guarantying to the Province, independence, and freedom of deliberation, and leaving to the Municipal Authority the care of preserving Publick Order: by this measure the Government of His Imperial Majesty would have risked nothing; if, as his Excellency alleges, there exist in that Country small Parties only, in favour of a union with Buenos Ayres, England, or Portugal, or of the establishment of its absolute Independence, which are lost in the great mass of those who desire its Incorporation with Brazil, and whose fidelity is so highly eulogized by his Excellency.

That as, in consequence of the tenour of the Communication of his Excellency the Minister of Foreign Affairs, to which the Commissioner of Buenos Ayres had the honour to reply, the Negotiation was broken off, and the rights of the Provinces, as well of Monte Video as of the others of Rio de la Plata, disregarded, he requested that his Excellency would send him Passports, to enable him to withdraw himself from that Court, in conformity with the Orders of his Government; which Passports were, in consequence, transmitted to him the same day.

These are the principal Points contained in the Note to which this exposition refers. Your Excellency may rely on the accuracy with which they are described; and, may, therefore, confidently lay them before the Government for its consideration. If the Commissioner have not obtained the success which was desirable in so important an affair, he flatters himself, nevertheless, that he has conducted it with the greatest possible zeal, and in perfect conformity with the Instructions given to him for his guidance.

Deign, Sir, to receive the assurances, &c.

Señor Don Bernardino Rivadavia. VALENTIN GOMEZ.

(7.)—*The Brazilian Admiral to the Buenos Ayres Minister for Foreign Affairs.*

(Translation.) *Corvette* Liberal, *off Buenos Ayres, July 5*, 1825.

His Imperial Majesty, Perpetual Defender of Brazil, having received the disagreeable intelligence that an Insurrection has manifested itself in the Cisplatine Province, excited by many of the Buenos Ayrean Subjects, who, misleading the unsuspecting People, and uniting with the rebellious and perfidious Fructuoso Ribera, have commenced hostilities against the Empire of Brazil; and it appearing to the said August Senhor, that every thing concurs to cause the most vehement suspicions to fall upon the Government of Buenos Ayres, of countenancing that Insurrection; not only from the impulse to hostilities having been given from thence; by the publick circulation of it; by subscriptions opened in its favour; and by predisposing the Banda Oriental to enter into what is called the Union of the Provinces of the Rio de la Plata; as well as by permitting the Official Journals and Gazettes of the Government of Buenos Ayres to rouse the general ill-will against the incorporation of the Cisplatine Province with the Empire of Brazil, by using the most virulent and offensive expressions against His Majesty; but because He has received information that Arms and Money are supplied to the Factious from Buenos Ayres; and that hints have been given to the Entrerios to succour them: the notoriety of which facts it is impossible to overlook; but, moreover, having to notice that five Launches and a Balandra, were latterly seen leaving the Port of Buenos Ayres, full of Men, in the direction of Colonia, with a view, perhaps, of surprizing some of the Imperial Vessels stationed there; to which circumstances may be added, the most aggravating and scandalous of all: viz. the capture and robbery of the Portuguese Vessel *Pensamiento Feliz*, then anchored in the Port of Buenos Ayres, close to the Guard Ship:—the said August Senhor has resolved to send Forces, by Sea and Land, immediately to repel Force by Force, wherever it may be necessary, and to secure to the faithful Inhabitants of the Cisplatine Province, the enjoyment of their Political Rights, as Citizens of the Empire of Brazil, to which they legally and spontaneously united themselves, by swearing to the Fundamental Constitution, and electing Deputies to the Assembly of the Nation. But His Majesty, the Emperor, unwilling, nevertheless, to persuade himself that the Government of Buenos Ayres, to which Brazil has constantly given every proof of friendship, can lend itself to the encouragement of Revolutionary measures, disgraceful to Civilized Governments, and to foment hostilities, without an open and frank Declaration of War, does not intend to have recourse to the hostile means permitted by the Rights of Nations; and which are at his disposal, without previously demanding explanations of such aggravated facts.

The Undersigned, Vice-Admiral of the Imperial Squadron, and Commander of the Forces stationed at Monte Video, has, accordingly, received Orders from His Majesty the Emperor, his August Sovereign, to require from this Government an explanation thereof; firmly persuaded that it will cause its Subjects concerned in the Revolution which has broken out there, to be recalled from the Cisplatine Province; this being the only means by which satisfactory proof can be given, that they neither receive, nor expect encouragement from Buenos Ayres; this Government using, at the same time, all its influence with the Provinces of Entrerios and Santa Fé, to dissuade them from lending assistance to the Revolutionists; it being presumed that they will not afford it without the connivance and approbation of the Government of Buenos Ayres. His Imperial Majesty's Government entertain the hope that this demand, so just and generous, will be promptly complied with, thereby demonstrating the ingenuousness of its conduct, and convincing the Imperial Government that its suspicions are unfounded, a result greatly to be wished for their mutual advantage.

The Undersigned, in communicating the above to the said Most Excellent Senhor, Minister of Foreign Relations, of the Government of Buenos Ayres, in order that it may be laid before that Government, has the honour to request the favour of a categorical answer, and avails himself, &c.

RODRIGO JOSE FERREIRA DE LOBO.

Don Manuel José Garcia. Vice-Admiral.

(8.)—*The Buenos Ayres Minister for Foreign Affairs to the Brazilian Admiral.*

(Translation.) *Buenos Ayres, July* 6, 1825.

THE Undersigned, Minister and Secretary of State in the Department of Foreign Relations, of the Republick of the United Provinces of the Rio de la Plata, has received the Note, which, under yesterday's date, the Most Excellent Vice-Admiral of the Imperial Brazilian Squadron, and Commander of its Naval Forces, assembled at Monte Video, was pleased to address to him; and has the honour to acquaint him, that he is ready to reply to him upon the matters to which it relates, as soon as it shall appear that the Vice-Admiral is duly and sufficiently possessed of the necessary powers to that effect, established by international Law.

The Undersigned profits of this opportunity, &c.

MANUEL JOSE GARCIA.

The Vice-Admiral of the Brazilian Squadron, off Monte Video.

(9.)—*The Brazilian Admiral to the Buenos Ayres Minister for Foreign Affairs.*

(Translation). *Corvette* Liberal, *in front of Buenos Ayres, July* 7, 1825.

THE Undersigned, Vice-Admiral of the Imperial Squadron, and Commander in Chief of the Naval Forces, stationed in the Rio de la Plata, has the honour to acquaint his Excellency the Minister of Foreign Relations, of the Government of Buenos Ayres, that he has received the Note, which his Excellency was pleased to address to him, in answer to his first Communication, dated the 5th Instant, in which he requested, in the name of His Imperial Majesty, the explanations therein referred to; and that the reclamations therein contained were made by order of the same August Lord.

His Excellency the Minister desires to be informed whether the Undersigned is duly, and sufficiently invested for this Mission, with all the Formalities established by International Law; in answer to which he acquaints his Excellency, that he acts in pursuance of the Orders of His Imperial Majesty; and that he addressed the said Note to his Excellency, in the manner and form pointed out in the Instructions received from his Government.

The Undersigned having nothing further to add upon the subject, returns to his Excellency the assurances, &c.

RODRIGO JOSE FERREIRA DE LOBO.

The Minister for Foreign Affairs of Buenos Ayres.

(10.)—*Reply of the Buenos Ayres Minister for Foreign Affairs to the Brazilian Admiral.*

(Translation.) *Buenos Ayres, July* 8, 1825.

THE Undersigned, having informed his Government, that it appears from the Note of the Vice-Admiral of the Brazilian Squadron, in his Communication of yesterday, that he is not qualified, in the usual form recognized among Nations, to treat upon the subjects mentioned in his Note of the 5th Instant, he has been authorized to acquaint him, that, in consequence thereof, no Diplomatick Communication can take place.

In making this declaration, however, he is authorized to inform the Vice-Admiral, that, although it is not the practice of the Government of The United Provinces, to enter into diplomatick explanations with a Military Chief, who, besides not being characterized in form for it, presents himself in the command of an Armed Force, and in an evidently hostile attitude; it is necessary to the dignity of the Government of The United Provinces, that the rest of the World should have no reason to suppose that it refuses in any shape to contradict, on every occasion, the charge advanced against it—of having promoted the present Insurrection of the People of the Banda Oriental

of the Rio de la Plata; and the Undersigned is authorized, in consequence, solemnly to deny the imputation. The Vice-Admiral cannot be ignorant of a fact, which has been so long notorious throughout this Country, that the existing Revolt has been the exclusive work of the Inhabitants, without the aid, or countenance, of the Government of The United Provinces, and that whatever succours they may have obtained from Buenos Ayres, have been bought with the money, and on the credit of Individuals, in the stores of this City, which are open to all, without even the exclusion of its natural Enemies.

With respect to the armed Boats which sailed from this Port; the Decree of the 9th June last, which must likewise have come to the knowledge of the Vice-Admiral, and the steps taken to recover the Vessel, *Pensamiento Feliz*, will serve for answer, and shew the dignified measures which this Government adopted to prevent the repetition of similar proceedings. With regard to the Subjects of these Provinces who are employed, as it is said, in the Banda Oriental, the Government is ignorant of the fact, and, moreover, has no authority over them; inasmuch as the Citizens of The United Provinces are at liberty to go where they please; and, even were it compatible with the liberal Institutions of this Republick, to interfere with the private acts and arrangements of its Citizens, it cannot compel them to return from a Territory, over which it exercises no authority whatever.

Finally, and in order to mark on this important occasion, in a still more positive manner, the true character of the Government of The United Provinces, the Undersigned does not hesitate to inform the Vice-Admiral, that the present condition of the Banda Oriental, which so much endangers the tranquillity of the other Provinces of this Republick, cannot be matter of indifference to the Government of The United Provinces; and that it being, on that account, the more anxious to establish definitively, the future relations between this Republick and the Court of Brazil, the National Government had determined, from the moment of its installation, to send, with that view, a Special Mission to Rio de Janeiro; a measure which it will now accelerate, from the weighty motives which the late events have furnished, and which will, at all events, prove to the Court of Brazil, the amicable disposition of this Government, and to the World, the principles which regulate the conduct of the Two States.

All further explanations, of a diplomatick character, with the Vice-Admiral, being at an end, the Undersigned has only to offer the assurances, &c.

The Brazilian Vice-Admiral. MANUEL J. GARCIA.

(11.)—*The Brazilian Admiral to the Buenos Ayres Minister for Foreign Affairs.*

(Translation.) *Corvette* Liberal, *in front of Buenos Ayres, July* 11, 1825.

THE Undersigned acknowledges the receipt of the Note, which, under date of the 8th Instant, the most Excellent Senhor, Minister of Foreign Relations, of the Government of Buenos Ayres, did him the honour of addressing to him; to which he replies, that since his Excellency considers all further explanation, of a diplomatick character, as definitively shut, he will inform His Imperial Majesty, and his Government, of the result of his Mission: certain, however, that His Imperial Majesty, and his Government, desire to preserve the ties of friendship, that have hitherto subsisted between the Empire of Brazil, and the Government of The United Provinces, the Undersigned hastens to signify to the before-mentioned Minister, that his having presented himself off Buenos Ayres, with part of the Naval Forces placed under his command, is not, nor ought it to be considered as, an hostile proceeding; since, so far from intending to disturb the tranquillity, and security, of the Capital of the Republick, or the Commerce of its peaceful Inhabitants, his sole object is, as his duty prescribes, to use every means of preventing the exportation of supplies for the use of the Insurgents in the Banda Oriental, or the sailing of Pirates, because the measures (whatever they may have been, or may be,) of the Government of the Republick, are seen by experience, to have been uniformly eluded and ineffectual.

The Most Excellent Senhor, Minister, will be pleased to convey this to the knowledge of his Government, accepting also the assurances of esteem, and consideration, which the Undersigned again repeats, &c.

RODRIGO JOSE FERREIRA DE LOBO.

Manuel José Garcia.

(12.)—*The Brazilian Minister for Foreign Affairs to the Government of Buenos Ayres.*

(Translation.) *Palace of Rio de Janeiro, October* 10, 1825.

WHEN it was made known to the Government of Brazil, that certain Revolutionists from Buenos Ayres had proceeded to unite themselves to the Rebel, Fructuoso Ribera, in the Cisplatine Province, and had commenced hostilities therein against the Empire of Brazil, the Government of His Imperial Majesty could not but order, as it did, that the Troops which appeared to be requisite should proceed to that Quarter, to repel force by force; thereby doing no more than, in a like situation, other Governments would have done, and the same which His

Imperial Majesty had done in the case of the Rebellion in the Province of Pernambuco.

But the amicable dispositions of the Brazilian Government having been constantly evinced to that of Buenos Ayres, and it being moreover proper, that a Government, legitimately established, should omit no means of frankly exhibiting the purity of its intentions, His Imperial Majesty did not hesitate, in spite of the most evident proofs, that that Rebellion was encouraged from Buenos Ayres, to inform that Government of the purpose for which those Forces were intended, and that they were solely destined to re-establish order and tranquillity in the Banda Oriental, and to ensure the repose of the Empire.

With this view, one of the first steps taken by His Imperial Majesty, was to order Admiral Lobo, commanding the Naval Forces in the River Plate, without committing any act offensive to the relations of amity subsisting between the two Governments, to require, as a preliminary, indispensable to the preservation of those relations, an explanation of the sentiments with which that Government was animated towards this Empire, inasmuch as public facts caused a doubt of their pacifick nature; and, in the event of the reply of that Government being such as was to be hoped from its wisdom and justice, that he should demand the punishment of the Subjects of Buenos Ayres, who were implicated in the Cisplatine Revolution; or, at least, a formal and public disapproval of their proceedings. And His Imperial Majesty, not content with these and former proofs of his friendly sentiments, was pleased at the same time to appoint a Political Agent to the Government of Buenos Ayres, who departed immediately for his destination.

Under the circumstances above narrated, your Excellency may judge of the pain and surprise of the Brazilian Government at seeing its object frustrated: the Correspondence of Admiral Lobo was not only disregarded and rejected, a course of proceeding practised alone by hostile Governments, but no disposition was shewn of an intention to disapprove of the revolutionary conduct of the Subjects of Buenos Ayres, in the Cisplatine Province, from whence their Government had even refused to order them to withdraw. These, and other facts, strengthened the belief, that the most decisive support of the Revolution in the Banda Oriental was obtained from Buenos Ayres. Under this impression, the line of the Uruguay caused no less uneasiness than apprehension, as the said Government had reinforced it, by decreeing the sending of Troops to that Quarter, without the preliminary communication which is indispensable in such cases, between neighbouring States: as if it were supposed that Brazil would attempt any aggression upon the Provinces of the Rio de la Plata, with which the said August Personage was the first to cultivate relations, and which, assuredly, was the most erroneous idea which could be formed of the

Government of His Imperial Majesty, the policy of which is to maintain Peace with all the neighbouring States: the more especially, as these are His Majesty's personal and generous sentiments.

His Imperial Majesty wishing, nevertheless, to attend most scrupulously to every thing calculated to preserve harmony between the two States, has ordered me to address your Excellency, to represent the necessity and mutual convenience of putting a period to the uncertain and vacillating state of things existing between the two Governments. The Government of Buenos Ayres is aware, that His Imperial Majesty, who has happily terminated the War with Portugal, is anxious not to have occasion to wage it against any other Nation, to avoid which He is ready to make any sacrifices, compatible with the security and dignity of the Empire. The presence of a Fleet in the River Plate, is solely caused by the existence of a Revolution in a Province of the Empire, and with a view to prevent the passage of Armaments to that Quarter; as the Government of Buenos Ayres appears to be either unable or unwilling to prevent such proceedings, and it became absolutely necessary to arrest the evil, before matters reached a more alarming crisis.

His Imperial Majesty therefore commands me, to declare, formally, to your Excellency; as your Government cannot, in the face of these representations, entertain fears as to the intentions of that August Personage; and as, consequently, the causes have disappeared which might have induced it to form the line of the Uruguay, and to arm three Brigs, and six Gun-boats, besides purchasing Ships for that purpose; that if these preparations are continued, they can leave no doubt that a different object is intended than the one ostensibly given out. And I venture to flatter myself, that when this declaration shall be laid before your Government, it will not delay immediately to desist from acts and demonstrations, which serve, on the part of Buenos Ayres, to support the Insurgents of Monte Video; one of which being the non-disapproval of the conduct of the Subjects of Buenos Ayres implicated with them, a conduct which that Government cannot countenance, without affording reason to suppose that it is in league with those Revolutionists.

In every issue of the case, His Imperial Majesty is satisfied, that he has taken every step due to His August Person, to the Nation, and to Publick Opinion, in order to preserve Peace with the neighbouring States, and that they alone, therefore, will be answerable for the consequences which may result. I remain, &c.

F. V. BARBOZA.

M. J. Garcia, Minister for Foreign Affairs, Buenos Ayres.

(13.)—*The Government of Buenos Ayres to the Brazilian Government.*

Department for Foreign Affairs, Buenos Ayres, Nov. 4, 1825.

THE Undersigned, Minister, Secretary of State for the Department of Foreign Affairs, of the Republick of the United Provinces of the Rio de la Plata, specially authorized by his Government, has the honour to address himself to the Most Illustrious and Most Excellent Minister of State for the Department of Foreign Affairs of the Empire of Brazil, to make known to him; that the Inhabitants of the Oriental Province, having, by their own efforts, recovered the liberty of their Territory, occupied by the Forces of His Imperial Majesty, and, after installing a regular Government for the administration of the Province, having solemnly declared the nullity of the Acts, by which it was intended to annex that Country to the Empire of Brazil, and having, in consequence thereof, further declared, "that their general, constant, and decided wish, has been for a Union with the other Argentine Provinces, to which they have ever belonged, by the most sacred ties known to the World:"

The General Congress of the United Provinces, to which this Declaration was transmitted, could not decline, without injustice, the exercise of a right which has never been disputed, nor leave, without dishonour and imprudence, abandoned to their fate, an armed, valiant, and irritated Population, capable of proceeding to the last extremities, in defence of their rights. That Body, in the Sitting of the 25th of October last, has in consequence declared; "That, in conformity with the uniform wish of the Provinces of the State, and of that deliberately expressed by the Oriental Province, through the legitimate medium of its Representatives, in the Law of the 25th of August, of the present Year, the Congress, in the name of the People it represents, recognizes the said Province as re-incorporated, *de facto*, with the Republick of the United Provinces of the Rio de la Plata; to which, of right, it has belonged, and desires to belong."

By this solemn Declaration, the General Government is bound to provide for the defence and security of the Oriental Province. It will fulfil this obligation by every means in its power, and by using them to accelerate the evacuation of the only two Military Points which are still garrisoned by the Troops of His Imperial Majesty.

The Undersigned is, at the same time, authorized to declare, that, in this new situation, the Government of The United Provinces retains the same spirit of moderation and justice which is the basis of its policy, and which has induced the repeated efforts hitherto made, in vain, to negotiate, amicably, the restitution of the Oriental Province, and of which it will give new proofs whenever its dignity shall permit. That in every case it will not attack, unless in self-defence, or to obtain the restitution of the Points still occupied, confining its pretensions to the preservation of the integrity of the Territory of The United

Provinces, and to solemnly guarantying, for the future, the inviolability of its limits against force or seduction.

In this state of things, and having made known to the Most Illustrious and Most Excellent Minister of State for Foreign Affairs, of the Empire of Brazil, the wishes and intentions of the Goverament of The United Provinces of the Rio de la Plata, it only remains for the Undersigned to add, that it depends upon the will of His Imperial Majesty alone, to establish a Peace, exceedingly precious to the Interests of the neighbouring States, and to those of the whole Continent.

The Undersigned avails himself, &c.

Don F. V. Barboza. MANUEL JOSE GARCIA.

BRAZILIAN Declaration of War against The United Provinces of the Rio de la Plata.—December 10, 1825.

THE United Provinces of the Rio de la Plata having committed acts of hostility against this Empire, without provocation or previous formal Declaration of War, thus departing from the forms established between Civilized Nations, it is due to the dignity of the Brazilian People, and the rank which belongs to it among the Powers of the World, that I, with the advice of my Council of State, should, as I do hereby, declare War against the said Provinces and their Government; directing that, by Sea and Land, all possible hostilities be waged upon them; authorizing such Cruizers and Armaments as my Subjects may think proper to employ against that Nation; and decreeing that all Captures or Prizes, of every description, shall belong wholly to the Captors, without any deduction in favour of the Publick Treasury.

The Privy Council is charged with the execution of the present Decree.

Palace of Rio de Janeiro, December 10, 1825; Fourth Year of the Independence of the Empire.

THE EMPEROR.

MANIFESTE de la Cour de Rio de Janeiro, portant Déclaration de Guerre contre les Provinces-Unies de la Rivière de la Plata.—Le 10 *Décembre*, 1825.

L'EMPEREUR du Brésil, après avoir fait tous les sacrifices possibles pour le maintien de la Paix, se voit réduit à la pénible nécessité de récourir aux armes pour défendre ses droits, injustement attaqués par le Gouvernement de Buenos Ayres; et, comme son silence et une plus longue souffrance pourraient attirer des soupçons sur sa politique, qui d'ailleurs est réglée d'après les principes de la justice, il a crû que Sa dignité, et le rang qu'il occupe parmi les Puissances, lui imposaient le devoir de leur adresser une exposition franche et sincère de sa conduite, (tant pour le passé, que pour le présent) envers le susdit Etat, afin que

ses Sujets, les Nations des deux Hemisphères, et la posterité réconnaissent la justice de la Cause qu'il défend pour conserver l'intégrité de son Empire.

Dès le moment où la Révolution a éclaté dans les Provinces de la Plata, et nommément à Buenos Ayres, la Cour de Rio Janeiro a gardé la plus stricte neutralité, malgré les sérieuses appréhensions qu'elle devait avoir de la contagion révolutionnaire.

De leur côté, les Insurgés, sans que nous les eussions provoqués, et comme pour nous faire un reproche du systême pacifique que nous avions adopté, ont commencé tout de suite à infester les Frontières de la Province de Rio Grande de San Pédro, en attirant les Indiens à leur parti, en levant des troupes pour envahir cette Province, et en répandant des Proclamations incendiaires pour porter le Peuple des Sept-Missions à la révolte.

Sa Majesté Très Fidèle a senti dès lors que, pour garantir ses Etats contre les tentatives des révolutionnaires, il fallait élever entre eux et le Brésil une barrière forte et naturelle; et tout en réconnaissant avoir des droits à la propriété de la Banda Oriental, dont l'Espagne était en possession, elle conjura la Cour de Madrid d'y arrêter la Révolution: mais cette Cour, au lieu de concourir à éteindre l'incendie dont cette Province était la proie, l'abandonna à son sort, et elle tomba dans une anarchie affreuse. C'est alors qu'Artigas s'empara de l'Autorité Suprême à Monte Video. Les hostilités contre le Brésil furent poursuivies avec plus d'acharnement; les habitans de la Banda Oriental furent opprimés à un tel degré, qu'un grand nombre ont cherché leur salut dans l'émigration; et les troupes de Buenos Ayres, de cette même Province qui plus tard conçut le projet d'imposer le joug aux Cisplatins, ont éprouvé à Guabijú, en 1815, un si rude échec, que son Gouvernement a été forcé de respecter le Pavillon d'Artigas, et de sanctionner son usurpation, en le reconnaissant comme Chef Suprême, et Indépendant, de la Banda Oriental.

Dans cet état de choses, Sa Majesté Très Fidèle n'avait d'autre parti à prendre, que celui d'envoyer, comme Elle a fait, un corps d'armée pour chasser ce Chef audacieux au dela de l'Urugay, et pour occuper toute la rive gauche de cette rivière. Par cette entreprise, qui fut exécutée au prix des plus grands sacrifices, le Brésil acquit des droits à l'occupation de ce Territoire dont Artigas était le maitre, et dont l'indépendance avait été reconnue par Buenos Ayres. L'entrée des troupes Brésiliennes, en 1817, a mis un terme au désordre et à l'oppression: et les Cisplatins, voyant la Paix rétablie, et la fertilité rendue à leurs champs dévastés par la Guerre Civile et la tyrannie de l'Usurpateur, ont témoigné toute leur reconnaissance.

La tranquillité publique n'a jamais été troublée dans l'espace de quatre Ans: tout annonçait le calme des Factions, la sûreté des Frontières du Brésil, et le contentement des Cisplatins, jouissant de tant d'avantages sous la protection de Sa Majesté Très Fidéle. Cepen-

dant, Buenos Ayres ne cessait pas d'employer tous les moyens les plus perfides, et les plus indignes d'un Gouvernement sage et régulier, pour semer la discorde dans la Banda Oriental, y créer un Parti contre la domination de la Cour de Rio Janeiro, que l'on taxait de tyrannie et d'usurpation, pendant que l'on cherchait à insinuer aux Partisans les plus exaltés, et même aux Citoyens les plus paisibles, que l'occupation de Monte Video aurait du cesser avec la défaite d'Artigas, et que la Cour de Rio Janeiro ne devait pas tarder plus long tems à en opérer l'évacuation.

Or, si cette Province n'avait point les élémens nécessaires pour être érigée en Etat séparé et indépendant, et si la Métropole, de son côté, n'avait pas les moyens ou la volonté de la conserver et défendre, à qui la Cour de Rio Janeiro pourrait-elle la remettre sans exposer la sûreté du Brésil, et sans courir le risque de voir se renouveller les mêmes scénes de dévastation, et de carnage dont elle a été le théatre? Quand même cette évacuation eût été juste et opportune, serait-ce à Buenos Ayres, que le Brésil rendrait une Province, dont on sait qu'il avait déjà reconnu l'indépendance? Et dans ce cas tout-à-fait extraordinaire, Buenos Ayres, déchiré lui même par les factions intestines, pourrait-il offrir au Brésil les garanties nécessaires contre le renouvellement des maux qu'il avait soufferts, et lui donner les indemnités auxquelles il avait un droit incontestable, et dont le montant surpassait la valeur du Territoire occupé?

Dans cette circonstance, et au moment de son retour en Europe, Sa Majesté Très Fidèle, portée par les sentimens de son cœur magnanime, et par le désir de faire connaitre à tous les Partis la générosité de ses intentions, a daigné convoquer à Monte Video un Congrés Extraordinaire, composé de Représentans de toute la Province, élus librement et d'après les formes les mieux adaptées aux circonstances et usages du Pays, pour délibérer sur le sort futur de la Province, et adopter la forme de Gouvernement qui conviendrait le mieux à l'intérêt général. Buenos Ayres en a été témoin, et n'ayant aucun titre pour s'opposer ouvertement à une délibération aussi solennelle, a eu recours à son systême d'intrigue pour tromper la réligion du Peuple Cisplatin, et l'attirer dans ses vues ambitieuses.

Ses Emissaires, répandus en grand nombre dans la Banda Oriental, commencèrent à calomnier les intentions du Monarque, qui, bien loin de vouloir se prévaloir de ses anciens droits et des victoires de ses armes, accordait à la Province le droit de décider elle même sur son sort: mais la facilité avec laquelle le Gouvernement de Buenos Ayres poursuivait ses intrigues, et la prudence et la dignité avec les quelles la Cour de Rio Janeiro méprisait ces perfides manœuvres prouvent à la face du monde entier que le Congrés délibérait en pleine liberté. En effet, après avoir discuté cette grave question avec la plus grande publicité, les Députés des différens Districts de la Banda Oriental, réunis

en Congrés à Monte Video, sont convenus le 31 Juillet, 1821, de dresser un Acte spontané d'incorporation de la dite Province au Royaume-Uni de Portugal, Brésil, et Algarves, sous les Conditions qu'ils ont jugé convenables. La Cour de Rio Janeiro les a acceptées et par là Elle a acquit le droit de maintenir et de défendre une Incorporation qui a été opérée d'une manière aussi solennelle.

Malgré tant de franchise, de libéralité et de bonne foi de la part du Cabinet de Rio Janeiro, malgré tous ses soins pour conserver la bonne harmonie avec Buenos Ayres, ce Gouvernement n'a jamais agi loyalement, et continua à souffler l'intrigue, et le feu de la discorde, en répandant par ses Emissaires, que l'Acte du Congrés était coactif et illégal!

Mais quelle peut être l'action qui, toute spontanée, toute légale qu'elle soit, ne puisse être susceptible des interprétations les plus opposées et contradictoires? Point de sûreté, point de bonne foi dans les sociétés, si l'on admettait le principe de coaction sans avoir des preuves les plus clairés et les plus décisives pour la constater. Et, comment cette Incorporation pourrait elle être forcée, si déjà auparavant elle avait été offerte par les Autorités Constituées à Sa Majesté Très Fidèle, qui ne l'a point acceptée? Si toutes les solennités réquises pour la validité d'un tel Acte ont été remplies; s'il y a eu à ce sujet discussion publique, sans aucune intervention de la force armée; si le Gouvernement de Buenos Ayres avait employé tous les moyens de séduction pour l'empêcher; si la résolution du Congrés a été renforcée par les voix des Autorités des differens Districts, qui ont été consultées sur cette importante affaire; si, enfin, l'Acte d'Incorporation, qui a été imprimé et publié, contient des Clauses qui sont manifestement onéreuses au Brésil: il est donc prouvé que l'Incorporation en question ne fût ni pouvait être forcée. Et comme tout le monde sait, et même ceux qui ont des notions imparfaites de la Révolution des Colonies Espagnoles, qu'aucune d'elles n'a pas un titre de suprématie sur les autres, on doit reconnaitre que le Gouvernement de Buenos Ayres a été constamment injuste et hostile envers celui du Brésil, qui le présente aujourd'hui au monde entier comme un ennemi ténébreux et perfide, travaillant sans relâche à entraver sa marche, et à compromettre sa sûreté.

Peu de tems après cette incorporation, le Brésil s'est séparé des autres Parties de la Monarchie Portugaise, et a fourni aux Habitans de la Banda Oriental l'occasion de manifester leurs vœux, et de montrer à Buenos Ayres si l'incorporation de leur Pays au Brésil était ou n'était pas forcée. Certes, le moment était le plus favorable; mais on a vû que, malgré toutes les intrigues du Gouvernement voisin, les Cisplatins ont adhéré à la Cause du Brésil, par l'organe de leur Procureur Général, en Juin, 1822; et ce qui prouve évidemment que cet Acte d'adhésion a été libre et spontané, c'est qu'il a eu lieu, pendant que la Ville de

Monte Video était occupée par un Corps de Troupes Portugaises, qui, s'étant séparé de la Cause du Brésil, aurait empêché cette Union, s'il y eût eu un Parti qui lui fût opposé.

Buenos Ayres a vû cette nouvelle preuve de la spontanéité des Cisplatins, sans donner aucune marque de désapprobation, et il aurait dû rénoncer à la folle idée de réunir à lui un Peuple sur lequel il n'a aucun droit, et en faveur duquel il n'a jamais fait le moindre sacrifice; mais il a voulu d'autres preuves de la sincérité de l'union des Cisplatins au Brésil, et les voici:

A l'avènement de l'Empereur au Trône, par unanime acclamation de toutes les Provinces du Brésil, le 12 Octobre, 1822, les Peuples Cisplatins ont manifesté un si vif enthousiasme et ont mis tant d'empressement à prendre part à cet évènement à jamais memorable dans les annales du Nouveau Monde, qu'ils ont prouvé par là, qu'ils le faisaient en toute liberté, et par un sentiment de leur propre intérêt. Tous les Cabildos, toutes les Villes et toutes les Troupes de la Province Cisplatine ont proclamé solennellement l'Empereur Dom Pierre I. et lui ont prêté serment de fidélité, en déclarant dans les Actes qu'ils ont dressés à cet effet, que la seule protection de l'Empereur pouvait, en mettant un terme à la Révolution, soutenir l'indépendance, et la liberté du Pays, arrêter les complots des anarchistes, et garantir les droits des Peuples, la tranquillité publique, la sûreté individuelle, et la propriété des Citoyens.

Ennemi implacable des Institutions Monarchiques, le Gouvernement de Buenos Ayres n'a pas pû en déguiser son ressentiment, et voyant que toutes ses menées avaient été frustrées par la loyauté inébranlable du Peuple Cisplatin, it prit alors le parti d'envoyer à Rio Janeiro un Commissaire, lequel, avec un ton dictatorial, à peine tolérable dans les Nations les plus puissantes, a demandé une réponse cathégorique sur la question de savoir si la Province de Monte Video serait ou non réunie à Buenos Ayres?

Toujours franche et loyale, la Cour de Rio Janeiro ne se refusa pas, ni à recevoir ce Commissaire, ni à lui répondre avec modération et fermeté, qu'Elle ne reconnaissait point dans le Gouvernement de Buenos Ayres le droit de lui faire une telle demande; et ce nonobstant le Ministère Brésilien, pour justifier amplement sa conduite, a bien voulu ajouter à cette réponse quelques explications, par une Note que lui fut adressée le 6 Février, 1824.

Le Gouvernement de Buenos Ayres, en conséquence d'une explication aussi franche, a paru se désister de ses injustes prétentions; mais sa conduite ultérieure prouve jusqu'à l'evidence que, sous le masque de la dissimulation, il n'attendait qu'un moment favorable pour attaquer le Brésil, non pas par une Déclaration de Guerre ouverte et formelle, (ce qui serait plus conforme à la justice qu'il prétend inculquer) mais par des menées les plus indignes, et les plus odieuses.

La Mission de ce Commissaire, qui se disait en même tems l'interprête des vœux des Habitans de la Banda Oriental, a été connue de ces Habitans, mais ils étaient si fermement résolus de rester unis au Brésil, que l'Empereur ayant présenté volontièrement à ses Sujets les Projets de la Constitution Fondamentale de l'Empire, en les invitant à faire librement sur chacun de ses Articles les observations qu'ils jugeraient convenables, les Cisplatins, après la formalité d'un examen préalable qui en fut fait en chaque District de la Province, ont accepté, en Mars 1824, le dit Projet de Constitution, sauf les Clauses de l'Acte, par lequel la Province s'était incorporé au Brésil.

Les faits nombreux qui viennent d'être cités devaient suffire à prouver la sincérité et la légalité de la réunion de la Province Cisplatine au Brésil; mais il y en a un tout récent qui en comblera la preuve: c'est la nomination que les Habitans de la dite Province, malgré les intrigues et les insinuations perfides de Buenos Ayres, ont faite dernièrement des Députés pour siéger au Corps Législatif de l'Empire, et y prendre part à la Représentation Nationale.

Telle est l'exposition fidèle et résumée des faits relatifs à l'incorporation de la Province Cisplatine à l'Empire du Brésil. Et après des faits aussi positifs, et des Documens aussi irréfragables, constatant que cette incorporation a été libre et spontanée, qui pourrait supposer que le Gouvernement de Buenos Ayres oserait révoquer en doute la validité de cette incorporation, et prétendre la possession de la susdite Province, comme si elle lui eût été usurpée? C'est vraiment incroyable; mais ce Gouvernement, qui n'a jamais cessé d'exciter une révolte contre le Brésil, leva le masque qui cachait ses horribles desseins, lorsqu'il trouva l'opportunité de les réaliser.

La surprise de la Cour de Rio Janeiro fût extrême, quand elle a vû que le Gouvernement de Buenos Ayres, sans une Déclaration préalable de Guerre, et au mépris de tous les principes du Droit des Gens, avait laissé sortir de son Territoire des Bandes de Révolutionnaires armés pour aller opérer une Insurrection dans la Province Cisplatine, de concert avec Fructuoso Rivéra, ce Traitre qui, étant parvenu à séduire une partie des troupes qu'il commandait, tourna contre l'Empire les mêmes armes que lui avaient été confiées pour maintenir la tranquillité dans la Province.

Le Cabinet de Rio Janeiro n'a pas tardé un moment, ni à employer les moyens en son pouvoir pour ramener au chemin de l'honneur tous ceux qui s'en étaient écartés, ni à demander au Gouvernement de Buenos Ayres les explications nécessaires sur la part qu'il paraissait avoir prise dans l'insurrection. Ce Gouvernement, agissant toujours avec sa duplicité habituelle, a déclaré qu'il était tout à fait étranger à la Révolte opérée dans la Province Cisplatine; et malgré les demandes réitérées du Commandant de l'Esquadre Impériale, stationnée à la Rivière de la Plata, et du Chargé d'Affaires du Brésil à Buenos Ayres, il s'est refusé

constamment à rappeler ses Sujets qui s'étaient réunis aux Rebelles, ainsi qu'à désapprouver publiquement et formellement une entreprise criminelle qui compromettait si fortement la tranquillité des deux Etats. Et tandis qu'il faisait au Brésil ce déni de justice il invitait les autres Provinces Argentines à fournir aux Rebelles de la Banda Oriental tous les secours dont ils auraient besoin.

Si à tous les faits précités nous ajoutons encore ceux qui suivent: l'établissement d'une ligne militaire dans l'Urugay, sans aucun prétexte plausible et sans l'avoir notifié à la Cour de Rio Janeiro, selon l'usage entre les Nations voisines et civilisées; —l'encouragement criminel par lui donné à la piraterie de ses Sujets contre les batimens Brésiliens même dans la rade de Buenos Ayres;—les outrages faits par la Populace au Consul de Sa Majesté Imperiale et aux armes de l'Empire placés sur la porte de sa maison, sans avoir réçu aucune satisfaction de la part du Gouvernement; et enfin les préparatifs de Guerre que l'on faisait partout;—les Batimens de Guerre que l'on achetait;—les Officiers de Marine Etrangers que l'on engageait;—il ne pouvait rester le moindre doute sur les intentions hostiles et perfides du Gouvernement de Buenos Ayres.

Si la Cour de Rio Janeiro, n'eût consulté que l'opinion publique des Brésiliens si fortement prononcée contre une aussi injuste aggression, elle n'aurait point hésité un instant à avoir recours aux armes; mais elle fit taire son juste ressentiment, en attendant d'autres faits plus formels, et offensifs pour réduire le Gouvernement de Buenos Ayres à l'impossibilité d'en nier l'évidence. Ces faits se sont présentés et les voici:

Au moment même où le Commandant de l'Esquadre Impériale, et l'Agent Diplomatique du Brésil, réclamaient contre l'entreprise hostile des Invahisseurs de la Province Cisplatine et de ceux qui partaient successivement de Buenos Ayres pour aller les réjoindre; et que ce Gouvernement, voyant avec indifférence la continuation de tous ces attentats, protestait de n'avoir pas tramé la Révolte qui avait éclatée dans la Banda Oriental, on ouvrait à Buenos Ayres des souscriptions publiques en faveur des Rebelles; on leur envoyait des armemens et des munitions de Guerre; on établissait à Buenos Ayres un Comité pour diriger toutes ces manœuvres, et pour entretenir publiquement une correspondance avec la Banda Oriental, ce qui contribua à augmenter le nombre et l'audace des Rebelles à tel point, qu'ils ont institué une espéce de gouvernement, que celui de Buenos Ayres ne tarda pas à reconnaitre.

Par là, le Gouvernement de Buenos Ayres a donné la preuve la plus évidente de sa coopération avec les Rebelles; mais pour en imposer à la Cour de Rio Janeiro, il fit semblant de lui envoyer un Agent (qui n'a jamais arrivé) pour arranger le différend qui était survenu entre les deux Etats. C'est avec la plus odieuse ingratitude

que ce Gouvernement a payé la généreuse neutralité que la Cour du Brésil a constamment gardée envers lui.

De plus, le Gouvernement établi par les Rebelles dans la Province Cisplatine, ayant déclaré que l'opinion générale des Habitans s'était prononcée en faveur de l'Union avec les Provinces Argentines, celui de Buenos Ayres, régardant comme légitime les vœux d'une faction, et violant tous les principes du Droit des Gens, s'est empressé de réconnaitre l'incorporation de la dite Province à celles de la République de Buenos Ayres, alleguant qu'elle lui appartenait de droit, et mettant de côté la série des faits qui vient d'être présentée et prouve évidemment le contraire.

En effet, quels titres de domination ou de suprématie Buenos Ayres pouvait-il avoir sur Monte Video? Cette Province, formait jadis avec les autres la Vice-royauté de Buenos Ayres; mais, en se séparant de leur Mère-patrie, et en formant chacune un corps politique tout à fait indépendant, aucune d'elles n'a conservé des droits sur les autres. Et si Monte Video de son plein gré a déclaré vouloir s'incorporer plutôt au Brésil, qui est un Empire puissant, consolidé et réconnu, qu'à toute autre Province Espagnole, qui ne peut lui offrir les garanties nécessaires à sa sûreté et prospérité, où est donc ce droit que le Gouvernement de Buenos Ayres veut s'arroger?

Par suite de l'Acte du Congrés de Buenos Ayres, portant l'incorporation de la dite Province, le Ministre des Affaires Etrangères de cet Etat a notifié à celui de l'Empereur (dans une Note qui fut publiée à Buenos Ayres avant d'être parvenue à sa destination) que son Gouvernement se croyait en devoir d'employer tous les moyens à accélérer l'évacuation des Points militaires occupés par les Troupes Brésiliennes.

Le Gouvernement de Buenos Ayres a manifesté par là, sa ferme résolution d'attaquer le Brésil sans aucune provocation de notre part; et pour combler la mesure de sa perversité, et du mépris qu'il a pour les formes usitées parmi les Nations Civilisées, il a souffert qu'une Populace effrénée se portât avec violence contre la personne de notre Agent Diplomatique y résidant; insultant en lui la dignité de la Nation qu'il représentait, et le forçant par la plus affreuse violation du Droit des Gens, à s'échapper clandestinement de Buenos Ayres, et à aller chercher à Monte Video la protection des Armes Impériales. Ce dernier attentat ayant épuisé la patience de la Cour de Rio Janeiro, et lui ayant fait perdre tout espoir de réconciliation, l'a obligé à avoir recours aux armes, et à repousser la force par la force. En conséquence, Sa Majesté Impériale, prennant le ciel et la terre à témoins des sentimens de son cœur, qui éprouve une profonde douleur à la vue du tableau affligeant des malheurs que la Guerre entraine avec elle; cédant au vœu général de ses fidèles Sujets, et aux devoirs que lui imposent les titres qu'il porte d'Empereur, et de Défenseur Perpetuel du Brésil,

ainsi que le salut, et la dignité de l'Empire, déclare Guerre offensive et défensive à l'Etat de Buenos Ayres, attendant de la protection de la Divine Providence, de la justice de sa Cause, de la fidélité de ses Sujets, le triomphe de ses armes; et de l'impartialité des Nations étrangères, l'entière approbation d'une résolution aussi inévitable que contraire aux sentimens de son cœur.

Rio Janeiro, le 10 *Décembre*, 1825.

BRAZILIAN Declaration of Blockade, of Buenos Ayres and the Banda Oriental.

(Translation.)

Manifesto of the Commander of the Imperial Squadron.

THE sincere desire to maintain the best harmony with Neutral Powers, and the urgent necessity of preventing the Enemy from receiving succours from the Western Bank of the River of La Plata, as well as of repelling the Hostilities which the Government of Buenos Ayres, without Declaration of War, has commenced, and continues, against the Empire, compel the Commander of the Squadron of His Majesty the Emperor of Brazil to declare as follows:—

1. All the Ports and Coasts of the Republick of Buenos Ayres, and all those of the Banda Oriental, occupied by the Troops of Buenos Ayres, are, from this date, subject to the most rigorous Blockade.

2. The Ships of Neutral Powers that remain in the Ports of the Republick of Buenos Ayres, shall be permitted to depart within the space of 14 days, from the date hereof, after which period such Vessels will be allowed to proceed only in ballast, provided they have not any suspected Persons on board; they continuing to be subject to the search ordered by the Commander of the Imperial Squadron.

On Board the Corvette *Liberal*, December 21, 1825.

RODRIGO JOSE FERREIRA LOBO,
Vice-Admiral.

DECLARATION of the Government of Buenos Ayres, of War against Brazil.—December, 1825.

FELLOW CITIZENS, (Translation.)

THE Emperor of Brazil has given to the World the last proof of his injustice, and of his immoral and inconsistent policy, as regards the peace and security of his Neighbours. After having usurped, in the most base and infamous manner recorded in History, a principal part of our Territory; after having burthened our innocent Compatriots with the weight of a tyranny, the more cruel, in as much as the instruments of it were unworthy and contemptible; and after the brave Orientalists have given the lie to the impostures on which he pre-

tended to found his usurpation, he not only rejects the dictates of reason, but replies to their moderate demands with the cry of War; he insults, and invades anew, our Territory, and with the fury of a Tyrant, without Law and restraint, unites as many elements as he can snatch from his unhappy Vassals, to pour vengeance, desolation, and death upon our Territory.

Citizens!—Let us all answer to the cry of war and vengeance. The hour is come! From this moment we shall not have to answer to the World for the disasters of this unhappy event; they will fall upon the head of him who provokes them.

Citizens!—From this day we are all, without exception, Soldiers. Let the Tyrants again learn how tremendous is the strength of a Free People when defending their Honour and their Rights. If the Emperor, in the intoxication of his pride, has mistaken moderation for pusillanimity, let him be undeceived! Let the Brazilian People take example from us; and let the Allied Republicks always see the Banners of The United Provinces of the River de la Plata waving in the Vanguard of the War of Liberty. If there be any amongst us who are not actuated by this noble sentiment, let execration fall upon, and confound them.

Heroes, who have given Independence to our Country! unsheath your swords. A King, born on the other side of the Ocean, insults our repose, and menaces the glory and honour of our Sons.

To Arms, Compatriots! to Arms!

JUAN GREGORIO DE LAS HERAS.

DECREE of the Government of Buenos Ayres, authorizing Privateering against Brazil.

(Translation.) *Buenos Ayres, January* 2, 1826.

THE War which the Emperor of Brazil has commenced against the Republick of The United Provinces of the Rio de la Plata, being evidently unjust, and having for its object to retain by violence a principal part of the Territory of the Nation:

Considering that the Emperor of Brazil employs seduction and anarchy amongst the Inhabitants of neighbouring Countries, as a legal means of separating them from the Nation to which they belong, and that he does not disdain to feign and assume their express will, contrary to the most evident demonstrations, in order to deduce a title of legitimate acquisition therefrom:

Considering that a Government which adopts such principles, as rules of conduct, and which attacks its Neighbours in contempt of the Laws which Nations have established to secure their existence, should be repelled by all the means which the right of War has made legitimate.

Considering that, notwithstanding the desire of the Government of The United Provinces, expressed in the Decree of October 6, 1821, that Maritime Privateering should cease, this measure has become necessary in the present juncture, and that it is one of the most efficacious means of bringing the Emperor of Brazil to reason, and of inducing him to adopt principles of moderation and justice, without which there can neither be peace nor security among Nations:

The Government charged with the National Executive, has granted, and decrees as follows:—

1. Privateering is authorized against the Ships and Property of the Emperor of Brazil and his Subjects.

2. Persons who desire to fit out Privateers, may obtain Letters of Marque according to the regulations of May, 1817, and under the guarantees and responsibility therein established.

3. In conformity with the Regulations prescribed in the first Article of the said Decree of the 1st of October, the present Resolution shall be solemnly published and posted up in all Publick Places.

4. The Ministers of War and Marine are charged with the execution of this Decree, which shall be inserted in the National Register.

JUAN GREGORIO DE LAS HERAS.
MARCOS BALCARCE.

LAW of the United Provinces of the River Plate, declaring Buenos Ayres the Capital of the State, and sanctioning its Institutions.—3d March, 1826. (Translation.)

THE General Constituent Congress of the United Provinces of the River Plate has sanctioned, and decrees, the following Law:

Art. I. The City of Buenos Ayres is the Capital of the State.

II. The Capital and all the Territory hereinafter described, shall be under the immediate and exclusive direction of the National Legislature, and of the President of the Republick.

III. All the Publick Establishments in the Capital are declared National.

IV. All the Credits as well as all the Obligations and Debts contracted by the Province of Buenos Ayres, are also declared National.

V. The execution of the Laws sanctioned by the said Province, as well those which secure the fundamental rights of Man in Society, as those which grant special privileges in the Province, shall be solemnly guarantied.

VI. The Capital of the State comprises all the Territory between the Port of Las Conchas and the Port of Ensenada, and between the River Plate and the River Las Conchas, as far the Bridge of Marquez,

and from thence, in a parallel line with the River Plate, as fas as the Bridge of Santiago.

VII. The remainder of the Territory belonging to the Province of Buenos Ayres, shall be formed into a Province by a special Law.

VIII. In the meantime, the said Territory also remains under the immediate direction of the National Authorities.

Hall of Sessions of the Congress, at Buenos Ayres, 3d of March, 1826.

MANUEL ARROYO Y PINEDO, PRESIDENT.
ALEJO VILLEGAS, SECRETARY.

SPEECH of The Emperor, on the Opening of the National Assembly of Brazil.—6th May, 1826. (Translation.)

MOST AUGUST AND MOST WORTHY REPRESENTATIVES OF THE BRAZILIAN NATION.

FOR the second time I have the pleasure to present Myself amongst you, to open the National Assembly. I regret exceedingly that it could not be opened on the day fixed by the Constitution, after the Government had made every effort in its power, in order that the Law might not be unfulfilled.

On the 12th of November, 1823, I dissolved the Constituent Assembly, much to my grief, but for motives which are not unknown to you. I promised at the same time a Project of Constitution; this has been accepted and sworn to, and is this day the Political Constitution that rules this Empire, and in virtue of which this Assembly is met. The harmony so desirable between the Political Powers prevails throughout this Constitution in the best possible manner.

The Empire is tranquil, with the exception of the Cisplatine Province. The continuance of tranquillity, the necessity of the Constitutional System, and the obligation I am under, that the Empire should be ruled thereby, render it necessary that such harmony should exist between the Senate and the Chamber of Deputies, and between the Government and both Chambers, as may convince every one that Revolutions do not proceed from the System, but rather from the conduct of those, who, although under its protection, endeavour to carry into effect their private ends. The Cisplatine Province is the only one that is not tranquil, as I have already observed, for ungrateful Men who owe much to Brazil have conspired against her, and now find themselves supported by the Government of Buenos Ayres, which is actually at War with us. The National honour demands that the Cisplatine Province should be maintained, for the integrity of the Empire has been sworn to.

The Independence of Brazil was acknowledged by my August Father, the Lord Don John the Sixth, of glorious memory, on the 15th of November of last Year; the recognition, by Austria, England, Sweden and France, followed. That by the United States of America, had long before taken place.

On the 24th of April, of the present Year, the Anniversary of the embarkation of my Father, the Lord Don John the Sixth, for Portugal, I received the unhappy and unexpected news of his death. A profound grief took possession of my heart; the plan I ought to follow, on finding myself, when I least expected it, Legitimate King of Portugal, Algarves, and their Dominions, suddenly presented itself to me; sorrow and duty by turns occupied my thoughts; but, putting every thing else aside, I looked to the interests of Brazil, I regarded my word, I desired to preserve my honour, and I considered that I ought to advance the happiness of Portugal, and that it would be indecorous in me not to do so. What must have been the anxiety of my mind, when I sought the means of rendering the Portuguese happy, without offending the Brazilian Nation, and of separating them (although they were already separated) so that they should never be united again? I have confirmed the Regency in Portugal, which my Father appointed; I have granted an Amnesty; I have given a Constitution; I have abdicated, and ceded all the indisputable and irrefragable rights which I had to the Crown of the Portuguese Monarchy, and to the Sovereignty of those Kingdoms, to the Person of my much beloved and dear Daughter, the Princess Donna Maria da Gloria, now Queen of Portugal, Donna Maria the Second. This is what it became me to do for the sake of my honour, and of Brazil. The credulous Brazilians will now learn (what they ought already to have known) that the interest of Brazil, and the love of her Independence is so dear to me, that I have abdicated the Crown of the Portuguese Monarchy which belonged to me by indisputable Right, only because it might hereafter compromise the interests of that Brazil of which I am Perpetual Defender.

The education of the Youth of both sexes, the Publick Revenue, the other Publick Establishments, but, first of all, the formation of regulatory Laws, and the abolition of those at variance with the Constitution, that we may guide and regulate ourselves by it, demand your principal attention. The majority of the Senators and Deputies who compose this Assembly, must well remember the evils which some Nations have suffered from the absence of that respect which is due to the Constituted Authorities, when they are attacked and treated with contempt, instead of being accused and proceeded against according to Law and universal Justice. I am aware that these reflections from me are unnecessary in this Assembly, composed of such worthy Senators and Deputies, but they will serve to convince them

of the zeal, love, and interest, which I really have for the Empire of Brazil, and for the execution of the Constitution. I could have added much more, but it appears to me that I ought not to do so.

THE CONSTITUTIONAL EMPEROR,
AND PERPETUAL DEFENDER OF BRAZIL.

DECREE of The King of The Netherlands, revoking the Decree relative to the Duties payable on Articles imported in British Vessels.—8th February, 1826.

Nous Guillaume, par la Grace de Dieu, Roi des Pays Bas, Prince d'Orange Nassau, Grand Duc de Luxembourg, &c. &c. &c.

Considérant, qu'en conséquence des dispositions du Conseil prises par le Gouvernement Anglais en date du 30 Janvier dernier, les circonstances ne sont plus les mêmes, qui avaient donné lieu à notre Arrêté du 11 Août 1824,* par lequel il a été statué que toutes les marchandises qui, à dater du 14 du même mois, seraient importés du Royaume Uni de la Grande Brétagne dans ce Pays, sur des Bâtimens portant Pavillon Anglais, seraient provisoirement considerées et traitées, quant aux Droits d'Entrée comme si elles étaient importées par des Bâtimens Nationaux;

Sur la proposition faite par le Département des Affaires Etrangères de concert avec celui de l'Interieur, et avec l'Administration des Contributions directes, Droit d'Entrée et des Accises:

Avons trouvé bon et entendu de revoquer notre Arrêté du 11 Août 1824, et d'en faire cesser les effets à dater du 11 de ce mois.

Les Départemens des Affaires Etrangères et de l'Interieur, et l'Administration des Contributions Directes, Droits d'Entrée, et de Sortie, et des Accises, sont chargés de l'exécution du present Arrêté, dont expédition sera adressée à notre Ministre des Finances, et à la Chambre générale des Comptes, et qui sera inséré au Journal Officiel.

La Haye, le 8 *Février*, 1826.

GUILLAUME.

De par le Roi.
J. G. MEY DE STREEFKERK.

ORDINANCE of The King of Prussia, placing the Commerce and Navigation of Great Britain upon the footing of the most favoured Nation.—20th May 1826.

SUR le rapport que vous m'avez fait le 9 de ce mois relativement à l'assurance donnée de la part du Gouvernement Britannique à mon

* See State Papers, 1823, 1824, Page, 852.

Ministre à Londres, que mes Sujets seroient aussitôt mis en jouissance des avantages que l'Acte 6 Geo. IV. Chap. 114, accorde aux Sujets de Pays Etrangers, par rapport au Commerce avec les Colonies Anglaises, si le Commerce et la Navigation de l'Angleterre et de ses Colonies étoient mis dans mes Etats sur le pied de la Nation la plus favorisée, j'ordonne qu'ils soient traité sur ce pied dès à présent, et tant que mes Sujets continueront à jouir des avantages qui leur sont assurés par l'Acte sus mentionné ; et je vous charge de mettre cette Ordonnance à exécution.

Berlin, le 20 *Mai,* 1826. FREDERIC GUILLAUME.

M. de Schuckmann, Ministre d'Etat et de l'Intérieur.

Le Comte de Bernstorff, Ministre d'Etat et du Cabinet.

SPEECH of the Minister of the Interior, on the Closing of the States General of The Netherlands.—25*th March,* 1826.

Nobles et Puissans Seigneurs,

Le Roi a bien voulu me charger de clore la Session des Etats-généraux, pour l'Année 1825 à 1826.

En me confiant cette honorable mission, Sa Majesté m'a autorisé à vous témoigner sa satisfaction du zèle avec lequel vous avez concouru, dans cette Session comme dans les précédentes, à la confection de Dispositions Législatives nouvelles, matériaux successivement préparés pour consolider de plus en plus notre édifice social.

Les Questions agitées dans le cours de cette Session prouveront de nouveau à l'Europe que tout ce qui concerne le bien-être de la Patrie, but unique des vœux du Roi, comme des vôtres, fait l'objet constant de sa sollicitude et de vos méditations. Aussi, et je m'empresse de vous le rappeler, Nobles et Puissans Seigneurs, l'accord le plus unanime, je dirai même le plus touchant, entre le Chef de l'Etat et les Mandataires de la Nation, a été surtout remarqué quant à celles des Lois présentées et accueillies, qui touchent plus immédiatement à l'intérêt du Peuple: je veux parler des Lois Fiscales. Le Budget, adopté par une grande majorité, a présenté des économies que vous-mêmes avez signalées. A l'examen de ce Budget, on a rattaché d'autres discussions que le Gouvernement, toujours désireux de s'entourer de lumières, a suivies avec intérêt.

Le Chef de l'un des Départemens d'administration générale avait promis à cette occasion la publication de Documens propres à jeter un grand jour sur les matières délicates alors agitées; la prévision et l'espoir de circonstances nouvelles qui rendraient une publication inutile ont engagé le Gouvernement à l'ajourner encore.

Différens titres du Code Civil et de Commerce, adoptés dans cette Session, ont grandement avancé l'œuvre d'une Législation nouvelle

toute appropriée à nos mœurs, à nos besoins et aux nouveaux rapports de notre Patrie, depuis qu'elle est heureusement constituée en Royaume Indépendant; en un mot d'une Législation toute Nationale.

La nécessité de créer une subdivision de la Pièce de 10 fl. a été comprise par Vos Nobles Puissances; cette Loi, en ravivant, ou pour mieux dire, en facilitant les relations journalières du commerce secondaire, est aussi un bienfait pour l'industrie Nationale.

Les modifications apportées au Tarif des droits d'entrée et de sortie sont autant d'améliorations appelées par les vœux d'une industrie toujours croissante et dont vous avez senti l'importance. C'est ainsi qu'en cherchant à perfectionner successivement notre système général d'impôts, nous parviendrons, sinon à le fixer, du moins à l'asseoir sur les meilleures bases; car l'invariabilité est une chose impossible en économie politique, surtout en matière de douanes, où il faut nécessairement suivre pas à pas les influences du déhors.

Le Commerce du Levant, déchu par suite des circonstances et de l'agrandissement des relations commerciales des autres Peuples, de son ancienne prospérité, supportait encore des charges qui n'étaient pas en rapport avec ses bénéfices amoindris; vous l'en avez débarrassé, et ce Commerce pourra du moins maintenant soutenir, avec celui des autres Nations, une concurrence que des charges plus lourdes et les préférences que l'Egypte accordait à d'autres Peuples, avaient détruite.

D'autres Projets de Loi non moins importans ont été adoptés par vous; de ce nombre est la négociation de vingt millions pour nos Possessions d'outre-mer; le tems arrivera sans doute où l'équilibre s'établissant entre les produits et les besoins de nos Colonies, elles pourront se passer de l'assistance la Mère-patrie; en attendant c'est un lien de plus qui les attache à nous.

Je ne puis résister ici, Nobles et Puissans Seigneurs, au désir, au besoin même de rappeler avec quelle confiance, quel abandon, cette Loi a été votée.

Noble et touchante manifestation des sentimens qui unissent l'un à l'autre, un Roi qui veut rendre son Peuple heureux, et un Peuple qui sait comprendre son Roi!

Tel est en abrégé le tableau des résultats importans de vos deliberations, et ce doit être pour Vos Nobles Puissances une bien douce récompense de leurs travaux, que d'apporter dans leurs foyers la conviction d'avoir co-opéré au bien-être de la Patrie, et d'avoir aidé le Roi à accomplir les désirs d'amélioration dont son cœur paternel abonde. Vous vous séparez avec la certitude que le Roi et la Nation sont contens de vous.

Au nom de Sa Majesté, j'ai l'honneur de clore la présente Session.

SPEECH of The King of France, on the Opening of the Chambers, 31st January, 1826.

MESSIEURS,

C'EST avec une véritable satisfaction que je me retrouve au milieu de vous. Attentif au mouvement des esprits et à la marche des Affaires, j'ai jugé qu'aucun motif sérieux n'exigeait que l'époque où je m'étais proposé de vous réunir fût devancée. Ma prévoyance a été justifiée, et je me félicite de n'avoir pas abrégé le repos sur lequel il vous était permis de compter.

La mort vient de frapper au milieu de Sa carrière l'un de mes plus magnanimes Alliés: cette perte a profondément affligé mon cœur. Je reçois de son Successeur, ainsi que des autres Puissances, les assurances les plus positives sur la continuation de leurs dispositions amicales: et j'ai la confiance que rien n'altérera la bonne harmonie qui s'est établie entre mes Alliés et moi pour le repos des Peuples.

J'ai conclu avec Sa Majesté Britannique une Convention, qui rendra plus uniformes et moins onéreuses les conditions auxquelles est soumise la Navigation réciproque des deux Royaumes et de leurs Colonies. J'attends de cet arrangement d'heureux résultats pour notre Commerce Maritime.

Je me suis déterminé à fixer enfin le sort de Saint-Domingue. Le temps était venu de fermer une plaie si douloureuse, et de faire cesser un état de choses qui compromettait tant d'intérêts. La séparation définitive de cette Colonie, perdue pour nous depuis plus de trente années, ne troublera poin' la écurité de celles que nous conservons.

Une Loi devient nécessaire pour la répartition de l'indemnité que j'ai réservée aux anciens Colons; elle vous sera proposée.

Je ferai mettre immédiatement sous vos yeux les Comptes de 1824, l'aperçu des Recettes et des Dépenses de 1825, et le Budget de 1827. Le développement de notre commerce et de notre industrie, élevant de jour en jour le produit des taxes sur les consommations et les transactions, permettra d'améliorer le sort des Ministres de notre Sainte Religion, d'accroître la dotation de plusieurs autres services, et d'ajouter au dégrèvement que les contributions directes ont déjà obtenu cette année, un nouveau dégrèvement de 19,000,000.

Vous vous féliciterez avec moi, Messieurs, de trouver ainsi dans les progrès de notre prospérité intérieure les moyens de réduire les charges les plus onéreuses aux contribuables.

La Législation doit pourvoir par des améliorations successives à tous les besoins de la société. Le morcellement progressif de la propriété foncière, essentiellement contraire au principe du Gouvernement Monarchique, affaiblirait les garanties que la Charte donne à mon Trône et à mes Sujets.

Des moyens vous seront proposés, Messieurs, pour rétablir l'accord qui doit exister entre la Loi Politique et la Loi Civile, et pour con-

server le patrimoine des familles, sans restreindre cependant la liberté de disposer de ses biens.

La conservation des familles amène et garantit la stabilité politique qui est le premier besoin des Etats, et qui est sur-tout celui de la France, après tant de viccissitudes.

Vous me seconderez, Messieurs, pour accomplir les desseins que j'ai médités, et pour assurer de plus en plus le bonheur des Peuples que la Divine Providence a confiés à mes soins. Vous ne serez pas plus émus que moi de ces inquiétudes irréfléchies qui agitent encore quelques esprits, malgré la sécurité dont nous jouissons. Cette sécurité ne sera pas compromise, Messieurs: comptez que je veillerai avec une égale sollicitude à tous les intérêts de l'Etat, et que je saurai concilier ce qu'exigent l'exercice des libertés légales, le maintien de l'ordre et la répression de la licence.

TREATY between Austria and Modena, for the reciprocal free transfer of Private Property and Inheritances. Signed at Milan, August 12th 1823.

(Translation.)

Sua Maestà Francesco, I., Imperatore d' Austria, Rè di Gerusalemme, Ungheria, Boemia, Lombardia, eVenezia, Dalmazia, Croazia, Schiavonia, Galizia, Lodomiria, ed Illiria; Arciduca d'Austria; Duca di Lorena, Salisburgo, Stiria, Carintia, Carniola, alta e bassa Slesia; Gran Principe di Transilvania; Conte Principesco di Habsburg e del Tirolo, etc. etc.

His Majesty Francis the 1st, Emperor of Austria, King of Jerusalem, Hungary, Bohemia, Lombardy and Venice, Dalmatia, Croatia, Schlavonia, Galicia, Lodomiria, and Illyria; Arch-Duke of Austria; Duke of Lorena, Salzburg, Styria, Carinthia, Carniola, Upper and Lower Silesia; Grand Prince of Transylvania, Principal Count of Hapsburgh, and of the Tyrol, &c. &c.

E Sua Altezza Reale Francesco IV., Principe Reale d'Ungheria, e di Boemia, Arciduca d'Austria, Duca di Modena, etc. etc.

And His Royal Highness Francis the IVth, Prince Royal of Hungary and Bohemia, Arch-Duke of Austria, Duke of Modena, &c. &c.

Volendo che i loro Sudditi risentano il vantaggio dei vincoli di sangue, che felicemente uniscono i due Sovrani, col veder vieppiù consolidate ed aumentate le relazioni d' Amicizia e di Commercio

With the intention of extending to their Subjects the advantages of the existing bonds of consanguinity which happily unite the two Sovereigns, by strengthening and enlarging the relations

che già sussistono fra i Sudditi dei due Dominj, hanno determinato di divenire ad un Trattato, col quale venga stabilito il diritto del libero trasporto delle Sostanze, Eredità e Successioni dai loro rispettivi Stati.

A tale effetto hanno nominato per loro Plenipotenziarj, cioé:

Sua Maestà l'Imperatore e Rè Francesco I. etc. etc.

Il Barone Francesco di Sardagna, Commendatore dell' Ordine Costantiniano di San Giorgio di Parma, Cavaliere dell' Ordine di San Giuseppe di Toscana, di quello de' SS. Maurizio e Lazaro, e dell' Ordine di Cristo, Ciambellano, e Consigliere di Legazione di S. M. I. R.

E Sua Altezza Reale l'Arciduca d' Austria, Duca di Modena, &c. &c.

Il Consigliere Giovanni Maria Poli: i quali dopo aver cambiate le loro Plenipotenze, ed avendole trovate in debita forma, hanno convenuto, e convengono di quanto segue:

Articolo I. D' or innanzi avrà luogo reciprocamente fra gli Stati di Sua Maestà Imperiale e Reale Appostolica, e quelli di Sua Altezza Reale il Duca di Modena, il libero trasporto delle sostanze, eredità e successioni, cosichè non verranno più esatte, negli Stati dove queste esistono, sopra le medesime le gravezze cosi dette *Abschoss*-ossia *Abfahrtsgeld* ovvero *Nachsteuer*, nè veruna altra tassa sotto qualunque titolo, spettante finora, per causa di esportazione, alle casse

of Friendship and Commerce already existing between the Inhabitants of both States, they have been induced to conclude a Treaty, the object of which is to establish the right of a free transfer of Private Properties, Inheritances, and Successions from one State to the other.

For this purpose they have named for their Plenipotentiaries:

His Majesty the Emperor and King, Francis the 1st. &c. &c.

The Baron Francis Sardagna, Commander of the Constantinian Order of St. George of Parma, Knight of the Orders of St. Joseph of Tuscany, of St. Maurice, and Lazarus, and of the Order of Christ; Chamberlain and Counsellor of Legation of H. I. M.

And His Royal Highness the Arch-Duke of Austria, Duke of Modena, &c. &c.

The Counsellor John Maria Poli: which Plenipotentiaries, after having exchanged their respective Full Powers, found in due form, have agreed, and do agree, upon the following Articles:—

Art. I. There shall exist henceforward, between the States of His Apostolic Majesty and those of His Royal Highness the Duke of Modena, the right of a free transfer of Private Property, Inheritances and Successions; so that neither the Taxes, called *Abschoss* or *Abfahrts-geld*, or *Nachsteuer* in the Provinces where they are now levied, nor any other Taxes of transfer, under any denomination whatsoever, shall be hereafter levied on account of the State Trea-

dello Stato, e qualunque sia il modo con cui abbia luogo la esportazione.

II. Coll' abolizione delle Tasse sovraindicate non viene già revocata l' esazione di quella di Emigrazione, non che delle altre che si pagano nei due Dominj nell' atto di adirvi una eredità, o donazione; essendo la prima troppo intimamente legata colle leggi vigenti sull' emigrazione negli Stati Austriaci, e troppo di uso locale, e la seconda sanzionata dalle leggi relative nei due Dominj, in esecuzione delle quali è dovuta dai sudditi, anche fuor del caso di emigrazione, o di esportazione delle sostanze.

III. Siccome questo diritto di libero trasporto si riferisce di sua natura solamente all' esportazione delle sostanze, e non è applicabile alle persone, restano perciò, negli Stati ove esistono, conservate nel loro vigore legale, a fronte di questo Trattato, quelle leggi che impongono ad ogni Suddito, sotto pena di confisca, l'obbligo d'impetrare dal proprio Sovrano, prima di domiciliarsi in estero Stato, la concessione di emigrare.

IV. Riguardo a quegli Individui, che avessero emigrato senza la permissione del loro Principe, prima della Stipulazione di questo Trattato, la pena della confisca, negli Stati ove essa ha luogo, sarà loro inflitta soltanto nel caso, che i medesimi siano andati a risidere fuori del proprio Stato, e nel caso che avessero piena cognizione delle ordinanze sovrane a

sury, whatever may be the mode of effecting such transfer.

II. The abolition of the abovementioned Taxes does not, however, affect the payment of the Tax of Emigration, or those Taxes which must be paid in both States upon the entering into possession of an Inheritance, or Donation, the former being so closely connected with the existing Emigration Laws of the Austrian States, and local usage, and the latter so sanctioned by the Laws of both States, that they must be paid by their respective Inhabitants, even in cases where there is no question of Emigration or transfer of Property.

III. As this right of free transfer, in its nature, relates only to the Property to be transferred from the Country, and is not applicable to Persons, those Laws will remain in force, notwithstanding this Treaty, in the States in which they exist, by which every Subject, under the penalty of the confiscation of his Property, is bound to solicit the consent of his Sovereign to emigrate, previously to his settling in a Foreign Country.

IV. With respect to those Individuals, however, who shall have already emigrated before the conclusion of the present Treaty, without the consent of the Sovereign, the punishment of confiscation, in those States where it is prescribed, shall only take place, in the cases of such Individuals as have settled in a Foreign Country, with a full knowledge of the

tale proposito emanate, egualmente che nel caso in cui essi non si fossero presentati dopo di essere stati richiamati dalle Autorità superiori dell' altro Stato.

V. In conseguenza dello stesso principio si stabilisce inoltre che, nulla ostante il diritto di libera esportazione, possa aver luogo l' esazione di quella somma, che si paga per redimersi dall' obbligo del servizio militare, in quei casi ove vien rilasciata la concessione di emigrare ad un Individuo, il quale, essendo soggetto all' obbligo del servigio militare per la sua condizione personale, non ha per anco compita l' età che lo dispensa dall' obbligo suddette.

VI. Similmente, negli Stati ove esistono, restano ferme nei rispettivi casi, riguardo, alla tassa personale di emigrazione, le prescrizioni osservate per il passato, giusta le quali si esige il trè per cento sulla facoltà dell' Emigrante, come una tassa relativa alla di lui persona. Essendo poi l' esazione della tassa di successione fondata sopra leggi, che non hanno alcun rapporto col diritto del libero trasporto, cosi il presente Trattato non ha alcuna relazione colla tassa sovraccennata, ma sarà facoltativo ad ambe le parti contraenti di emanare in proposito per diritto di Sovranità le disposizioni legali che loro sembreranno opportune.

VII. E convenuto ancora, che colle precedenti Stipulazioni non si è fatta alcuna mutazione al sistema dei Dazj e delle Dogane attualmente, in vigore o da

Emigration Laws issued by their Sovereign, or of those who have not returned, after having received a summons from their Authorities.

V. According to the same principle, it is further established, that, notwithstanding this right of a free transfer of Property, the payment of the Duty of exemption from military service can be exacted, if the permission to emigrate is given to an Individual, who, from his personal qualifications, is liable to military service, if he have not yet reached the age which absolves him from the said service.

VI. In like manner shall remain in force, in the States where they now exist, the Laws relating to the Emigration Tax; according to which 3 per cent. must be paid from the property of the Individual emigrating, as a Tax upon his person; and as the Duties paid by an Heir, are founded upon Laws, which have no connexion with the right of a free transfer of Property, in the same manner the present Treaty has no reference to the abovementioned Tax; it being left to the Two Contracting Parties to establish such legal regulations as they may deem expedient.

VII. It is further agreed that the above-mentioned Stipulations shall have no effect on the system of Imposts and Custom-houses, which exists at present in force in

stabilirsi in appresso nei rispettivi Stati.

VIII. Abbenchè in vigore del presente Trattato vengano, negli Stati ove esistono, abolite tutte quelle tasse, intorno all' esportazione, che si pagano all' Erario sovrano, restano ciò nulla ostante illese le ragioni di quelle corporazioni dell' uno o dell' altro Stato, e di quegli Stati Provinciali, i quali hanno diritto a delle retribuzioni sopra le eredità.

IX. Finalmente questo Trattato dovrà avere irrevocabilmente la forza di un Trattato pubblico, e comincierà ad avere il suo pieno effetto dal giorno del cambio delle ratifiche, che avranno luogo in tre mesi.

In fede di che i rispettivi Plenipotenziarj hanno firmato il presente Trattato, fatto in doppio Originale, e vi hanno apposto il Sigello delle loro Armi.

Fatto a Milano, il giorno 12 Agosto, dell' Anno 1823.

(L. S.) FRANC. BARONE DI SARDAGNA.

(L. S.) GIO. MARIA POLI.

both States, or such as may be hereafter introduced.

VIII. Although all Taxes upon the transfer of Property in the States where they exist, as far as relates to the receipt of the same into the Treasury of the State, are abolished by virtue of this Treaty, nevertheless, those Corporations existing in either State, and those Provincial States which are entitled to raise Taxes, in cases of transfer of Inheritances, shall continue in the exercise of their rights.

IX. Finally, this Treaty shall have irrevocable validity as a Publick Treaty, and enter into full effect, from the day of exchanging the Ratifications, which shall take place within three months.

In faith of which, the respective Plenipotentiaries have affixed their Signatures, and the Seal of their Arms, to the present Treaty, in Duplicate.

Done at Milan, the 12th day of August, in the Year 1823.

(L. S.) FRANCIS BARON SARDAGNA.

(L. S.) JOHN MARIA POLI.

[NOTE.—The Ratifications of this Treaty were exchanged at Milan, 6th February, 1826.]

MESSAGE of the Vice-President, on the Closing of the Congress of Colombia. 2d January, 1826. (Translation.)

FELLOW CITIZENS OF THE SENATE AND CHAMBER OF REPRESENTATIVES.

ON the termination of your Legislative Functions for the first Constitutional Period of the Republic, you will find a vast field in which to employ your talents and patriotism with utility to the Colombian People. The state of internal tranquillity which the Nation happily enjoys, and the advancement of its external relations, present to you

an advantageous occasion for ameliorating the Administration of, and perfecting the Laws, from the wisdom and propriety of which the prosperity of Colombia must arise. Removed from the din of War, and enlightened by a sound publick opinion, and by your own experience, you may be enabled, in the present Session to contribute towards the consolidation of the edifice of Liberty, which has been erected by immense and costly sacrifices.

The Fundamental Law imposes upon me the agreeable duty of aiding you with the lights which a practical knowledge of the Administration affords, and I proceed to fulfil an obligation, perfectly in accordance with the wishes of my heart.

The Government of Spain, blind to the true state, so frequently exhibited to her, of the Contest with America, and deaf to the suggestions of impartial and experienced Governments, does not shew any symptom of abandoning her hostile projects against the Republick. The Government of Colombia, by a conduct worthy of the Cause which it defends, has redoubled its efforts to draw that of Spain to an honourable reconciliation, in proportion as the successes of our Arms, and the march of the Republick irrevocably ratify our Independence. You will see, in the Documents which will be presented to you, the Offices exercised in our favour, by some of the Powers of Europe and America, with the Cabinet of Madrid; the steps which the Executive has taken, with the same view, and the firmness and dignity with which it has sustained the Cause and the Principles of the Colombian People. It is grievous to have to contend with so obstinate a Government; the Executive is not, however, disheartened by the difficulties which oppose themselves to the Negotiation of Peace.

I shall proceed firmly in pursuing this beneficial object, and I can assure you that, should we not obtain a sincere reconciliation, worthy of Colombia, we possess sufficient means of continuing the War with the same honour and success with which the Republick has sustained it during 15 consecutive Years.

Our relations with the American Governments, and particularly with those of the United Mexican States and Peru, have been consolidated in such manner as to ensure a perpetual and sincere friendship.

The Plenipotentiaries of the New American States are about to assemble in Panama, for the purpose of ratifying, in the most solemn manner, our common resolution to maintain and defend our Independence and National Liberty against the attempts of our Enemies. This Assembly, originating in the most lively desire to preserve the result of the sacrifices of the American People, and the ardent wishes of the Colombian Government, and of her Liberator, for Peace and Friendship amongst all the Confederate Belligerents, is, in the opinion of the Executive, the final Guarantee of our Independence. I have made known in Europe the true object of this Assembly in the Isthmus, in

order to remove any unpleasant impressions which some Cabinets may have received; less through the insidious conduct of our Enemies, than from the magnitude of the undertaking we have been enabled to accomplish.

The Peruvian Republick has recovered its Political Existence by the Sword, and under the guidance of the Liberator, President: you know the result of General Bolivar's exertions, efficaciously supported by the fidelity of the Peruvian People to the Common Cause, and by the constancy and intrepidity of the defenders of Liberty. The Spanish Army, which governed that immense Country, was vanquished in the Battle of Ayacucho, and from that glorious day, until the hour in which the hostile Chief, who occupied Potosi, died, the united Arms of Colombia and Peru, under the immediate direction of an able and fortunate Colombian General, have obtained a series of the most prosperous successes. The consequence of such brilliant events, has been, that the Provinces of Upper Peru, the cradle of American Liberty, have assumed that Political existence which they required, elevating themselves into an Independent State. Transported by enthusiasm and gratitude, this new Nation has adopted the appellation of the Republic of Bolivar, thus consecrating, to the end of time, the illustrious name of the Liberator of Colombia. I have not language to express the joy and gratitude which the Colombian Government feels at the homage done to the Liberator, to the Colombian Army, and its General, by the Congress of Peru, the Assembly of Chuquisaca, and by the Cities, and Towns, and their Inhabitants. The Congress will receive a Deputation of the Representatives of Peru, whose principal object is to present you with a testimonial of its gratitude, for the efforts of the Colombian Republick in establishing the Liberty and Independence of that Country, in spite of ignorant forebodings. I hope that you will join the Executive in the satisfaction it feels, at seeing an undertaking realized which appeared to compromise our own destinies. Part of the Auxiliary Army is on its return Home, another will remain in Peru, at the disposal of that Government, to support the deliberations of the People, and protect the internal tranquillity, so long as that State may require it, or this Republick has not occasion for its Troops. To fulfil our engagements with the United Mexican States, I have disposed of a part of our Forces, in a manner, of which you shall be made acquainted, at a proper time. The Common Cause of America, interested in this measure, will vitally be a gainer, and there will remain no part of the New World, in which the Republick of Colombia will not have contributed to the pursuit of its ancient Oppressors, and have been the bearers of Peace and Friendship to its Brethren.

No motive of complaint exists on the part of the Brazilian Government. The Executive has deferred opening the Negociations, which are necessary for the establishment of our Boundaries, until it is

assured that the Minister of the Republick will be received by that Government in the form acknowledged by the Law of Nations. Foreign Journals represent the Emperor as at variance with the Government of Buenos Ayres, respecting the possession of the Banda Oriental; the Executive is not officially acquainted with the merits of the Question.

Our relations with the United States of America, are of a most happy and flattering description, their President having ratified the Treaty of Peace, Friendship, Navigation, and Commerce, which we concluded with them. The Convention for suppressing the African Slave-trade has not been ratified, in consequence of doubts having been raised in the American Senate, of which you will be fully informed by the Secretary of Foreign Relations.

The Treaty of Peace and Friendship, which you approved last Session, is about also to be ratified by the Government of His Britannick Majesty. From that moment the Political and Commercial Relations between the Republic and Great Britain will be established on a permanent basis, beneficial to the two Nations, and advantageous to the Cause of America. After the signature of this Treaty, I received, with the customary forms, His Britannick Majesty's Chargé d'Affaires, who now resides in this Capital. The Commercial Agents in our Ports, continue to exercise their functions, on the footing announced in my last Message; as the reason for this proceeding, on the part of the Government still exists, and it cannot alter the rules of its conduct. Our Consuls and Commercial Agents in the United Kingdom of Great Britain and Ireland, will be, in due time, despatched to those Ports most convenient for our mercantile relations.

The Executive has laboured with the greatest zeal to obtain from the Government of His Most Christian Majesty, an explicit declaration in favour of the Republick. A preliminary step to the accomplishment of our desires and endeavours, was to offer her various explanations, and to point out the true rule of our conduct, in order to throw light on some Points, on which unfavourable ideas were entertained. For this purpose I authorised, in an adequate manner, a confidential Agent, who has fulfilled my expectations; his Communications will be presented to you in detail; and I feel convinced that Congress will approve the circumspection with which this matter has been conducted, under circumstances of some difficulty; and will applaud the firmness with which we have maintained the System proclaimed by the Colombian People. I have no reason to doubt, that the French Government, supported by the National opinion, will at length acknowledge our Sovereignty, in imitation of other great Powers, and will proceed to establish friendly relations, advantageous to both Countries.

Our relations with the Apostolick Chair possess an indefinite character, for reasons which it is not difficult to point out. Peculiar

circumstances have induced me to conduct this business with the greatest caution, feeling confident that the course of events must produce a result favourable to the stability of publick Order. The Laws which Congress has passed on points connected with Ecclesiastical worship and discipline, have been communicated to the Papal See, and you may rest assured, that, if necessary, the Government will support with dignity and firmness the rights of the Colombian Nation.

The Republick enjoys internal tranquillity; the Constitution is venerated, the Laws are obeyed, and Colombians enjoy the right of claiming their enforcement. The Constitutional Elections, for the renewal of the Deputies of the Nation, have taken place without disturbance, and with that freedom which should belong to a Sovereign People. The Press has performed part of its duty, in the examination of those important Points which the Republick has to determine upon, in the exercise of its duties; and, although it was impossible, and indeed useless, to put a restraint upon the insidious language of the passions, we have seen, with satisfaction, that it has been unable to weaken the moral force of the Government. The Political Administration of the Departments and Provinces, and that of Justice, has received considerable advantage from the Laws of the 11th of March, and the 11th and 13th of May, which are in course of execution. There are, nevertheless, imperfections to correct, voids to fill up, and doubts to resolve, in this branch, so important to the welfare of the Citizens; and although I cannot but perceive that the lapse of time, the advancement of civilization, and the diffusion of knowledge, are necessary for the formation of a perfect Code of Laws, which shall protect liberty, insure order, and raise the Nation to a high pitch of prosperity and glory, still I promise myself from your wisdom, and the information which I have solicited from those Tribunals of Justice, a Work, more perfect, and more in conformity with our Institutions. Scrupulously examine whether it be yet convenient to establish, universally, the excellent guarantee of Juries, or whether it cannot be extended, from Mercantile transactions and the abuses of the Press, to which it is at present confined, to Criminal Cases, or at least to Crimes which most injure society, or are of most frequent occurrence. Education requires a uniform plan, and adequate funds to enable it to be extended throughout the Republick, so that no Parish may be without its Lancastrian School, and no Province without an appropriate Establishment for learning. Although the views of the Executive have had obstacles to contend with, we flatter ourselves that, in this branch, its progress has been wonderful. The colonization and cultivation of the National Lands, placed by the Congress at the disposal of the Government, must in a short time be commenced, under the regulations and agreements entered into with the

Contractors, of which the Nation is already acquainted by Official Publications. The Executive has distributed the 3,000,000 of Fanegadas of Land, mentioned in the Law of the 11th of June 1823, in the different Provinces of the Republick, in order that the benefit might be general, especially in those, which, by their climate and small Population, demanded, preferably, the attention of the Government. The Colombians have formed Associations not only for this purpose, but for others of common interest, and are thus nourishing a spirit of enterprize, which is universally the source of all National and Individual wealth.

Some Writers have pointed out defects in our Law on Emigration; it is your duty to inquire into them, and to suggest the modifications worthy of this Age, and agreeable to the Institutions of Colombia. I leave to the Secretary of the Interior the duty of presenting you with the details necessary to assist you in your labours, and to give you complete information on the Interior state of the Republick. It only remains for me to request you to abolish for ever, those objectionable Laws which were applicable to circumstances which disgraced our Institutions, although they might have assisted to restore the Republick in those unfortunate days, when a powerful and active Enemy was alternately in occupation of different parts of it; now that the whole is free, and that knowledge has rectified and confirmed the general opinion, they can only serve as a terror to the People, or a stimulus to the irregularity of power.

The Secretary of the Treasury will present you with the general state of the Receipts and Disbursements of the National Funds, and with an Estimate of the Expences for the present Year, with such other information as the Government can furnish you, on so complicated a subject as that of Finance. The Executive has had to contend with innumerable difficulties, in covering the Expences of the Administration, not precisely because the Charges of the Year exceeded the produce of the Revenue, but because the major part of the Creditors of the Republick have demanded at once to be satisfied for all that has been due to them since 1816. The Congress will therefore perceive, that the Executive, being required in one Year to cover the deficit of so many preceding ones, has been placed in a most disagreeable and embarrassing situation. The determination to pay the different Creditors by Instalments, at times with a fourth of the produce of the Customs, at others with the Ordinary Funds, has partly satisfied the necessities of those interested, but has diminished in a considerable degree the amount of the Income of the Year, which was required for the expenses of the Administration. The Congress has much to do in the branch of Finance; its legislative part demands continual vigilance, and your particular attention. It is necessary, in the first place, to establish a general system of Taxes, and on this basis to dictate the

creative Laws of the general Finances, and to proceed in organizing and rendering uniform the mode of their administration. On the one hand, you must bear in mind, that from wealthy Individuals, and the fruits of their undertakings, the general Treasury is formed for supplying the indispensable wants of the Republic; and, on the other, you must recollect that Citizens cannot acquire a fortune, nor yield to the spirit of enterprize, unless they have a reliance on the Laws which protect and encourage them in an efficacious manner; thus it is, that one of your first duties, and your particular study, must be to harmonize the protecting Laws of individual wealth with those of public contributions.

I fear that in the present Session, there will not be sufficient time for you to embrace these objects, but it is my duty to urge, in a lively manner, your zeal and activity in the cause of the Republick; in examining most minutely the Estimate of Expences, in order that you may make those reductions which appear necessary; fix the Sum to which the Expences of the present Year should be limited; and sustain Publick Credit; augmenting, however, the incomes of those in Office, whose Salaries are at present insufficient for their subsistence. On a view of the Documents relating to our Revenue, and the expenses required by the state of War, in which the Republick still continues, you will be convinced that, after organizing the Plan of Taxation, and improving its Administration, there will be resources for fulfilling our Foreign and Domestic Engagements, whenever we can lay aside our Arms, and enjoy the blessings of Peace. In the Account of the appropriation of the Loan for 1824, you will perceive that, agreeably to the Law on that subject, many Debts, both Foreign and Domestic, have been paid, the Stores and Arsenals have been provided, the Army has been maintained, the Revenues of the Government improved, the interest of the Foreign Debt paid up to the present month, and that the agriculture of some Departments has received the encouragement which circumstances permitted. It has not been possible to conclude the liquidation of the Peruvian Debt, in favour of the Republick; although Colombia appears as her Creditor, yet she is Debtor to many Citizens of the Departments of the South, from whom assistance has been obtained in aid of Peru. The Executive trusts that Congress will destine part of the Debt due from Peru, to the liquidation of their Claims; we shall thereby perform an act of justice, and protect the People of the South, whose services were prompt and efficacious, during the Contest in Peru.

The Colombian Army merits from the Executive, a fresh tribute to its virtues, by a public testimony of satisfaction. The Arms of Colombia have been signalized far from their Country, by the same glory as that with which they defended the Cause of the People.

The Army continues on the warlike footing, on which Spanish

policy compels us to maintain it, and as the largest portion of the estimated Expenses, is destined for the Military, I recommend to you, as a means of reducing those Expences, the regulation of the National Militia, in a manner useful to the object of its establishment; the granting leave of absence, or means of retirement, to those Individuals who can no longer hold effective employment in the Army; and an especial protection to our Marine. During the present Administration, I have encountered many difficulties, as well in paying the Army, as in organizing it, in accordance with our Institutions, for you are aware that the Republick has no particular Laws on this subject, and that those of Old Spain are only calculated for an absolute Monarchy. The Secretary at War will fully inform you, on this branch of the Administration; and will give you an account of the state of our Army, of our Fortified Places, Stores, Barracks, and Military Schools, and of the plans of the Government. It is my duty to suggest to you, in favour of this most estimable portion of the Republick, by whose valour and exertions this beautiful edifice has been erected, and by whose assistance it is preserved, that you should devote some portion of your time to the formation of Laws, which shall preserve it from tyranny and vexations, assure to it a competent subsistence, open the door of honour and repose to it, direct an equitable distribution of rewards, and application of the Penal Laws, and provide that their families shall not be forgotten after their death.

The Naval Force of the Republic is receiving a considerable augmentation, in consequence of the measures taken, and of which I partly informed you during the last Session; but the Executive being exposed to considerable difficulties, as I observed to you in my former Message, owing to the want of organic and administrative Laws, to regulate its direction, it is not in my power to present you with information, in all respects satisfactory, upon the subject. Should Congress apply a remedy to this urgent necessity, the Maritime Force of the Republick, would be sufficient, not only to assist in its defence, but to make it respected Abroad, and it being made adequate to the protection of the Atlantic Coast against sudden invasion, the Land Forces might be considerably reduced; and the Treasury would thereby be spared expence, and agriculture receive additional hands. Nautical education advances with success, notwithstanding the smallness of the funds applied to that object.

Nothing would have crowned my wishes so effectually, as to have been enabled this day to present you with a highly satisfactory account of the state of Colombia, in all its branches; but it is impossible in four Years, to destroy the work of three Centuries. You know, from experience, the great difficulties which oppose an infant Nation, which, from the most abject Slavery, has elevated itself to the rank of a Free Nation, having alone, and with few resources, sustained a long and

arduous Contest. Notwithstanding this fact, and the peculiar circumstances which have characterized our political transformation, we can boast, that the Republick of Colombia, has not only broken asunder the chains of its own slavery, but that it has also established a System of Liberty, founded on the dignity and rights of Man; that it holds among Ancient and Modern Nations, a reputation, which its political organization has acquired for it, by the admirable constancy of its Defenders, the glory of its Arms, and the integrity of its Administration; that, to its heroic exertions, it is indebted, at this moment, for the good Offices, respectively, of two Governments, whose physical and intellectual powers are universally acknowledged; that our People enjoy their Political and Civil Liberty, without having been exposed to those internal convulsions, of which New Societies are so frequently the victims; that the Constitution and Laws are supported by publick opinion and the freedom of the Press; that knowledge is diffused, and is gradually extending itself throughout the vast extent of our Territory; that a spirit of enterprize and activity begins to be exhibited by our Citizens; that a foundation has been laid for peopling and cultivating immense tracts of Territory scarcely known, which, within seven years, will have augmented the family and wealth of Colombia; finally, that the Republick, by the generous aid which it has afforded to the Sister States, may be considered as the Protectress of American Independence and Liberty. No branch, in particular, can assume to itself the credit of having produced this flattering state of things; it is the combined work, of the People, the Army, the Representative Body, and all the Authorities, whose unanimous and persevering efforts have been protected by the Supreme Author and Legislator of the Universe. The Republick has confided to you a large portion of its hopes, for the preservation of its Liberties, the protection of its rights, and the fostering of national and individual wealth; by means of a prudent vigilance, and wise Laws, which may restrain arbitrariness, preserve order, favour innocence, chastize crimes and protect freedom. In the co-operation, which I afford to you in such important objects, I fulfil the mandate of the Law: to you it belongs to execute your Functions, with that zeal and intelligence which you have already displayed; in order that you may carry to your homes, the satisfaction of having complied with the wishes of your Constituents, by upholding the Constitution, watching over the Publick Agents, assisting the Executive Power, and diffusing happiness and prosperity throughout the Republick, under the benign influence of the reign of Peace and the Laws.

FRANCISCO DE P. SANTANDER.

Bogota, January 2, 1826.

TREATY of Friendship, Navigation, and Commerce, between France and Brazil, signed at Rio de Janeiro, 8th January, 1826; and Additional and Explanatory Articles, signed at Rio de Janeiro, 7th June, 1826.

Nos o Imperador Constitucional e Defensor Perpetuo do Brasil, &c. Fazemos saber a todos os que a presente Carta de Confirmação, Approvação, e Ratificação virem, que aos oito dias do mez de Janeiro do corrente Anno se concluio e assignou nesta Côrte do Rio de Janeiro, hum Tratado de Amizade, Navegação, e Commercio entre Nós, e o Muito Alto, e Muito Poderoso Principe Carlos X., Rei de França e de Navarra, Nosso Bom Irmão e Primo, com o fim de se estabelecerem, e consolidarem as relações politicas entre ambas as Corôas, e de se promoverem e segurarem as de Commercio, e Navegação, em beneficio commum de Nossos respectivos Subditos, e em vantagem reciproca de ambas as Nações: do qual Tratado o theor he o seguinte:

EM NOME DA SANTISSIMA E INDIVISIVEL TRINDADE.

Sua Magestade o Imperador do Brasil, e Sua Magestade El-Rei de França e de Navarra, querendo estabelecer e consolidar as relações politicas entre as duas Corôas, e as de Navegação e Commercio entre o Brasil e a França, julgàrão por conveniente fazer

CHARLES, Par La Grace De Dieu, Roi de France et de Navarre, à tous ceux qui ces présentes lettres verront, Salut: Ayant vu et examiné le Traité d'Amitié, de Navigation, et de Commerce, conclu et signé à Rio de Janeiro, le huit Janvier de la présente Année, entre la France et le Brésil, par notre cher et aimé le Sieur Comte de Gestas, notre Chargé d'Affaires et Consul Général au Brêsil, et notre Plénipotentiaire, en vertu des Pleins Pouvoirs que nous lui avons donnés, avec le Sieur Vicomte de S^t^. Amaro, Grand de l'Empire, Conseiller d'Etat, Ministre et Secrétaire d'Etat au Département des Affaires Etrangères, &c. &c. &c., et le Sieur Vicomte de Paranagua, Grand de l'Empire, Conseiller d'Etat, Ministre et Secrétaire d'Etat au Département de la Marine, &c. &c. &c. Plénipotentiaires de notre cher et très aimé bon Frère et Cousin l'Empereur du Brésil, également munis de Pleins Pouvoirs en bonne forme: du quel Traité la teneur suit:

AU NOM DE LA TRES SAINTE ET INDIVISIBLE TRINITÉ.

SA Majesté le Roi de France et de Navarre, et Sa Majesté l'Empereur du Brésil, desirant établir et consolider les relations politiques entre les deux Couronnes, et celles de Navigation et de Commerce entre la France et le Brésil, ont résolu de faire le présent Traité

o presente Tratado de Amizade, Navegação, e Commercio, em beneficio commum dos Seus respectivos Subditos, e em vantagem reciproca de ambas as Nações.

Por este Acto Sua Magestade El-Rei de França e de Navarra, no Seu Nome e de Seus Herdeiros e Successores, reconhece a Independencia do Imperio do Brasil, e a Dignidade Imperial na Pessoa do Imperador D. Pedro I., e de Seus Legitimos Herdeiros e Successores. E Ambos os Soberanos, debaixo destes principios, e para este fim, Nomeárão por Seus Plenipotenciarios, a saber:

Sua Magestade Imperial, ao Illustrissimo e Excellentissimo Visconde de Santo Amaro, do Seu Conselho de Estado, Grande do Imperio, Gentilhomem da Imperial Camara, Dignitario da Imperial Ordem do Cruzeiro, Commendador das Ordens de Christo, e da Torre e Espada, e Ministro e Secretario de Estado dos Negocios Estrangeiros; e ao Illustrissimo e Excellentissimo Visconde de Paranaguá, do Seu Conselho de Estado, Grande do Imperio, Grão Cruz da Imperial Ordem do Cruzeiro, Cavalleiro da Ordem de Christo, Coronel do Imperial Corpo de Engenheiros, Ministro e Secretario de Estado dos Negocios da Marinha, e Inspector Geral da Marinha. E Sua Magestade Christianissima, ao Illustrissimo Conde de Gestas, Cavalleiro da Legião de Honra, Encarregado de Negocios, e Consul Geral de França no Imperio do Brasil;

Os quaes, depois de haverem

d'Amitié, de Navigation et de Commerce, dans l'intérêt commun de leurs Sujets respectifs, et à l'avantage réciproque des deux Nations.

Par cet Acte, Sa Majesté Le Roi de France et de Navarre, dans son nom et dans celui de Ses Héritiers et Successeurs, reconnait l'Indépendance de l'Empire du Brésil, et la dignité Impériale dans la Personne de l'Empereur Don Pierre Premier, et de Ses légitimes Héritiers et Successeurs. Les deux Souverains, d'après ces principes et à cette fin, ont nommé pour leurs Plénipotentiaires, savoir:

Sa Majesté Le Roi de France et de Navarre, le Sieur Comte de Gestas, Chevalier de l'Ordre Royal de la Légion d'Honneur, Chargé d'Affaires et Consul Général de France au Brésil; et Sa Majesté l'Empereur du Brésil, leurs Excellences Messieurs le Vicomte de S^{t}. Amaro, Grand de l'Empire, Conseiller d'Etat, Gentilhomme de la Chambre Impériale, Dignitaire de l'Ordre Impérial du Cruzeiro, Commandeur des Ordres du Christ, et de la Tour et l'Epée, Ministre et Secrétaire d'Etat au Département des Affaires Étrangères; Et le Vicomte de Paranaguá, Grand de l'Empire, Conseiller d'Etat, Grand Croix de l'Ordre Impérial du Cruzeiro, Chevalier de l'Ordre du Christ, Colonel du Corps Impérial du Génie, Ministre et Secrétaire d'Etat au Département de la Marine, et Inspecteur Général de la Marine;

Les quels, après avoir échangé

trocado os seus respectivos Plenos Poderes, que forão achados em boa e devida fórma, concordarão e convierão nos Artigos seguintes.

Art. I. Haverá Paz constante e Amizade perpetua entre Sua Magestade, o Imperador do Brasil, e Sua Magestade El-Rei de França e de Navarra, Seus Herdeiros, e Successores, e entre Seus Subditos e Territorios, sem excepção de pessoa ou lugar.

II. Sua Magestade Imperial, e Sua Magestade Christianissima, convém em conceder os mesmos favores, honras, immunidades, privilegios, e isenções de Direitos e Impostos aos Seus Embaixadores, Ministros, e Agentes acreditados nas Suas respectivas Côrtes com as formalidades do estilo. E qualquer favor, que hum dos Dous Soberanos conceder á este respeito na Sua propria Côrte, o outro Soberano Se obriga a conceder tambem na Sua.

III. Cada huma das Altas Partes Contractantes terá o direito de nomear Consules Geraes, Consules, e Vice Consules em todos os Portos ou Cidades dos Dominios da outra, onde elles são, ou forem precisos, para o adiantamento do Commercio, e interesses commerciaes dos Seus respectivos Subditos, á excepção d'aquelles Portos ou Cidades, em que as Altas Partes Contractantes entenderem, que taes Empregos não são necessarios.

IV. Os Consules, de qualquer classe que sejão, devidamente nomeados pelos seus respectivos Soberanos, não poderão entrar no

leurs Pleins Pouvoirs, qu'ils ont trouvés en bonne et due forme, sont convenus des Articles suivans.

Art. I. Il y aura Paix constante, et Amitié perpétuelle entre leurs Majestés Le Roi de France et de Navarre, et l'Empereur du Brésil, leurs Héritiers et Successeurs, et entre leurs Sujets de tous Territoires, sans exception de personne ni de lieu.

II. Sa Majesté Très Chrétienne, et Sa Majesté Impériale, conviennent d'accorder les mêmes faveurs, honneurs, immunités, privilèges, et exemptions de droits et charges, à leurs Ambassadeurs, Ministres, et Agens accrédités dans leurs Cours respectives, selon les formalités d'usage: et quelque faveur que l'un des Souverains accorde, à cet égard, dans sa propre Cour, l'autre Souverain s'oblige à l'accorder également dans la sienne.

III. Chacune des Hautes Parties Contractantes aura le droit de nommer des Consuls Généraux, Consuls et Vice-Consuls dans tous les Ports ou Villes des Domaines de l'autre, où ils sont ou seraient jugés nécessaires pour le développement du Commerce et des intérêts commerciaux de leurs Sujets respectifs, à l'exception des Ports ou Villes dans les quels les Hautes Parties Contractantes jugeraient que ces Agens ne sont pas nécessaires.

IV. Les Consuls de quelque classe qu'ils soient, duement nommés par leurs Souverains respectifs, ne pourront entrer dans

exercicio das suas funcções sem preceder approvação do Soberano, em cujos Dominios houverem de ser empregados. Elles gozaráõ em hum e outro Paiz, tanto para as suas pessoas, como para o exercicio do seu Emprego, e protecção que devem aos seus Compatriotas, dos mesmos privilegios, que são, ou forem concedidos aos Consules da Nação a mais favorecida.

V. Os Subditos de cada huma das Altas Partes Contractantes gozaráõ em todos os Territorios da Outra da mais perfeita liberdade de consciencia em materias de Religião, conforme o systema de Tolerancia estabelecido e praticado nos Seus respectivos Estados.

VI. Os Subditos de cada huma das Altas Partes Contractantes, ficando sujeitos ás Leis do Paiz, gozaráõ em todos os Territorios da outra, quanto ás suas pessoas, dos mesmos dereitos, privilegios, favores, e isenções, que são ou forem concedidos aos Subditos da Nação mais favorecida. Elles poderáõ dispor livremente das suas Propriedades por venda, troca, doação, testamento, ou por outra qualquer maneira, sem que se lhes opponha obstaculo ou impedimento algum, suas casas, propriedades e effeitos serão protegidos e respeitados, e não lhes serão tomados contra a sua vontade por auctoridade alguma. Serão isentos de todo o serviço militar obrigatorio, de qualquer genero que seja, e de todo o Emprestimo forçado, e de impostos e requisições militares; nem serão obrigados a pagar con-

l'exercice de leurs fonctions, sans l'approbation préalable du Souverain, dans les Etats du quel ils seront employés. Ils jouiront, dans l'un et l'autre Pays, tant dans leurs personnes, que pour l'exercice de leur charge et la protection qu'ils doivent à leurs nationaux, des mêmes privilèges qui sont ou seraient accordés aux Consuls de la Nation la plus favorisée.

V. Les Sujets de chacune des Hautes Parties Contractantes jouiront, dans toute l'étendue des Territoires de l'autre, de la plus parfaite liberté de conscience en matière de Religion, conformément au système de tolérance établi et pratiqué dans leurs Pays respectifs.

VI. Les Sujets de chacune des Hautes Parties Contractantes, en restant soumis aux Lois du Pays, jouiront en leurs personnes, dans toute l'étendue des Territoires de de l'autre, des mêmes droits, privilèges, faveurs, et exemptions, qui sont ou seraient accordés aux Sujets de la Nation la plus favorisée. Ils pourront disposer librement de leurs propriétés, par vente, échange, donation, testament, ou de toute autre manière, sans qu'il y soit mis aucun obstacle ou empêchement. Leur maisons, propriétés et effets, ne pourront être saisis par aucune Autorité, contre la volonté des possesseurs; ils seront exempts de tout service militaire de quelque nature que ce soit, et de tous emprunts forcés ou impôts et réquisitions militaires; ils ne seront tenus à payer aucunes contributions ordinaires plus fortes que celles

tribuição alguma ordinaria maior do que aquellas, que pagão ou houverem de pagar os Subditos do Soberano, em cujos Territorios residirem. Igualmente não serão sujeitos a visitas e buscas arbitrarias, nem se poderá fazer exame ou investigação nos seus Livros ou Papeis, debaixo de qualquer pretexto que seja.

Fica com tudo entendido, que, nos casos de traição, contrabando, ou outros crimes, de que as Leis do respectivo Paiz fazem menção, as buscas, visitas, exames, e investigações, não se poderão fazer, nem terão lugar, se não com assistencia do Magistrado competente, e estando presente o Consul da Nação, á quem pertencer a Parte accusada, ou o respectivo Vice-Consul, ou seu Delegado.

VII. Se houver quebra d'amizade, ou rompimento entre as duas Corôas (o que Deos não permitta) o qual rompimento nunca se reputará existir, se não depois do chamamento ou partida dos Seus respectivos Agentes Diplomaticos ; os Subditos de cada huma das Altas Partes Contractantes residentes dentro dos territorios da Outra poderão ficar no paiz para arranjo dos seus negocios, ou commerciar no Interior, sem serem interrompidos de qualquer modo, emquanto continuarem a comportar-se pacificamente, e não commetterem offensa contra as Leis.

No caso porém de que o seu comportamento dê motivo de suspeita, serão mandados sahir do Paiz, concedendo-se-lhes comtudo a faculdade de se retirarem com a

que payent ou viendraient à payer les Sujets du Souverain dans les Etats du quel ils résident. De même ils ne seront point assujettis aux visites et recherches arbitraires, ni à aucun examen ou investigation de leurs livres et papiers, sous quelque prétexte que ce soit.

Il est entendu que, dans les cas de trahison, contrebande ou autre crime, dont les Lois des Pays respectifs font mention, les recherches, visites, examens et investigations, ne pourront avoir lieu qu'avec l'assistance du Magistrat compétent, et en présence du Consul de la Nation à qui appartiendra la Partie prévenue, du Vice-Consul ou de son Délégué.

VII. En cas de mésintelligence ou de rupture entre les deux Couronnes (puisse Dieu ne le permettre jamais !), le quel cas ne sera réputé exister qu'après le rappel ou le départ des Agens Diplomatiques respectifs, les Sujets de chacune des Hautes Parties Contractantes résidant dans les Domaines de l'autre, pourront y rester pour l'arrangement de leurs affaires, ou commercer dans l'intérieur, sans être gênés en quelque manière que ce soit, tant qu' ils continueront à se comporter pacifiquement, et à ne commettre aucune offense contre les Lois.

Dans le cas cependant où ils se rendraient suspects par leur conduite, ils seront sommés de sortir du Pays, leur accordant la liberté de se retirer, avec leurs biens, dans un

sua propriedade e effeitos, e tempo sufficiente que não exceda seis mezes.

VIII. Os individuos accusados dos crimes de alta traição, falsidade, e falsificação de moeda, ou de papel que a represente, nos Estados de Huma das Altas Partes Contractantes, não serão admittidos, nem receberão protecção nos Estados da Outra. E para que esta estipulação possa ter a mais completa execução, cada hum dos Dous Soberanos se obriga a fazer com que as pessoas assim accusadas sejão expulsas dos seus respectivos Estados, logo que o Outro assim o requerer.

IX. Cada huma das Altas Partes Contractantes se obriga tambem a não receber sciente e voluntariamente nos Seus Estados, e a não empregar no Seu Serviço, Individuos Subditos da Outra, que desertarem do Serviço Militar de mar ou terra; devendo ser prezos e entregues os Soldados e Marinheiros desertores, assim dos navios de guerra, como dos mercantes, logo que forem reclamados pelo respectivo Consul ou Vice-Consul.

X. Haverá reciproca liberdade de Commercio e Navegação entre, e com os respectivos Subditos das Altas Partes Contractantes, assim em Navios Brasileiros, como em Navios Francezes em todos e quaesquer Portos, Cidades, e Territorios pertencentes ás mesmas Altas Partes Contractantes, excepto n' aquelles que são positivamente vedados á qualquer Nação Estrangeira; ficando comtudo entendido, que, huma vez que forem abertos ao Commercio de qualquer

délai qui n'excédera pas six mois.

VIII. Les Individus accusé dans les Etats de l'une des Hautes Parties Contractantes, des crimes de haute trahison, félonie, fabrication de fausse monnaie ou de papier qui la représente, ne seront pas admis ni ne recevront protection dans les Etats de l'autre; et pour que cette clause recoive sa pleine exécution, chacun des deux Souverains s'engage à faire expulser de ses Etats les dits Accusés, aussitôt qu'il en sera requis par l'autre.

IX. Chacune des Hautes Parties Contractantes s'oblige également à ne pas recevoir, sciemment et volontairement, dans ses Etats, et à ne pas employer à son service, les Individus, Sujets de l'autre, qui déserteraient du Service Militaire de merre et de terre; devant les soldats et malelots déserteurs, tant des batimens de guerre, que des navires marchands, être arrêtés et remis aussitôt qu'ils seront réclamés par les Consuls ou Vice-Consuls respectifs.

X. Il y aura une liberté réciproque de commerce et de navigation entre les Sujets respectifs des Hautes Parties Contractantes, tant en Navires Français qu'en Navires Brésiliens, dans tous les Ports, Villes et Territoires appartenant aux Hautes Parties Contractantes, excepté dans ceux qui sont positivement interdits aux Nations étrangères; restant entendu qu'aussitôt qu'ils seront rendus au commerce des autres Nations, ils seront dès ce moment ouverts aux Sujets des deux Cou-

outra Nação, ficaráõ desde logo franqueados aos Subditos das Altas Partes Contractantes, assim e da mesma maneira, como se fosse expressamente estipulado neste Tratado.

XI. Em consequencia desta reciproca liberdade de Commercio e Navegação poderáõ os Subditos das Altas Partes Contractantes entrar com os seus respectivos Navios em todos os Portos, Bahias, Enseadas, e Surgidouros dos Territorios pertencentes á cada huma das mesmas Altas Partes Contractantes, nelles descarregar toda ou parte das suas mercadorias, carregar, e reexportar. Poderáõ residir, alugar casas, e armazens, viajar, commerciar, abrir lojes, transportar generos, metaes, e moeda, e manejar os seus interesses, sem para isso empregarem corretores, podendo-o fazer por si, ou seus Agentes e Caixeiros, como melhor entenderem.

Conveio-se porém em exceptuar os artigos de contrabando de guerra, e os reservados á Corôa do Brasil, assim como o commercio costeiro de porto á porto, consistindo em generos do Paiz ou Estrangeiros já despachados para consumo, cujo commercio não se poderá fazer senão em Embarcações Nacionaes, sendo comtudo livre aos Subditos de ambas as Partes Contractantes carregar seus effeitos e mercadorias nas ditas Embarcações, pagando huns e outros os mesmos Direitos.

XII. Os Navios e Embarcações dos Subditos de cada huma das Altas Partes Contractantes não pagaráõ nos Portos e Ancoradouronnes, de la même manière que si cela était expressément stipulé dans le présent Traité.

XI. En conséquence de cette réciproque liberté de Commerce et de Navigation, les Sujets des Hautes Parties Contractantes pourront respectivement entrer avec leurs navires dans tous les Ports, Baies, Anses et Mouillages des Territoires appartenant à chacune d'elles, y décharger tout ou partie de leurs marchandises, prendre chargement et réexporter. Ils pourront résider, louer des maisons et des magasins, voyager, commercer, ouvrir boutique, transporter des produits, métaux et monnaies, et gérer leurs affaires par eux, par leurs Agens ou Commis, comme bon leur semblera, sans l'entremise de Courtiers.

Il en est excepté toutefois les articles de contrebande de guerre, et ceux réservés à la Couronne du Brésil, de même que le commerce côtier de Port à Port, consistant en produits indigènes ou ètrangers déjà dépêchés pour la consommation, le quel commerce ne pourra se faire qu'en Embarcations Nationales, étant libres cependant aux Sujets des Hautes Parties Contractantes de charger leurs effets et marchandises sur les dites embarcations, en payant les uns et les autres les mêmes droits.

XII. Les Navires et embarcations des sujets de chacune des Hautes Parties Contractantes ne payeront dans les Ports et Mouil-

ros da outra, à titulo de farol, tonelada, ou por qualquer modo designado, nenhuns outros nem maiores direitos, do que aquelles que pagão, ou vierem á pagar, os Navios e Embarcações da Nação mais favorecida.

XIII. As Altas Partes Contractantes convierão em declarar, que serão consideradosNavios Brasileiros os que forem construidos ou possuidos por Subditos Brasileiros, ou por qualquer delles, e cujos Capitaes, e tres quartas partes da tripulação forem Brasileiros; não tendo porém esta ultima clausula vigor, em quanto a falta de marinheiros assim o exigir, devendo todavia ser o dono e Capitão Brasileiro, e levarem as Embarcaçoes todos os outros Despachos em forma legal. Da mesma sorte serão considerados Navios Francezes aquelles que forem navegados e possuidos, segundo os regulamentos da França.

XIV. Todos os generos, mercadorias, e artigos quaesquer que sejão, da producção, manufactura, e industria dos Subditos e Territorios de Sua Magestade Christianissima, importados dos Portos de França para os do Brasil, tanto em Navios Francezes, como em Brasileiros, e despachados para consumo, pagaráõ geral e unicamente os mesmos Direitos, que pagão ou vierem á pagar, os da Nação mais favorecida, conforme a Pauta geral d'Alfandega que para este fim será promulgada em todos os Portos do Brasil, onde ha ou houverem Alfandegas.

lages de l'autre, à titre de phare, tonnage, ou autre dénomination quelconque, que les mêmes droits que payent ou viendraient à payer les Navires et embarcations de la Nation la plus favorisée.

XIII. Les Hautes Parties Contractantes conviennent de déclarer que seront considérés Navires Brésiliens, ceux qui seront construits ou possédés par des Sujets Brésiliens, et dont le Capitaine et les trois quarts de l'équipage seront Brésiliens; cette dernière clause cependant ne devant pas être en vigueur tant que le demandera le manque de matelots, pourvu toutefois que le Maître et le Capitaine du Navire soient Brésiliens, et que tous les papiers du bâtiment soient dans les formes légales. De la même manière seront considérés Navires Français, ceux qui navigueront et seront possédes, conformément aux réglemens en vigueur en France.

XIV. Tous les produits, marchandises et articles quelconques, qui sont de production, manufacture et industrie des Sujets et Territoires de Sa Majesté Très Chrétienne, importés des Ports de France pour ceux du Brésil, tant en Navires Français que Brésiliens, et dépêchés pour la consommation, payeront généralement et uniquement les mêmes droits que payent ou viendraient à payer les Sujets de la Nation la plus favorisée, conformément au Tarif général des douanes qui, à cette fin, sera promulgué dans tous les Ports du Brésil où des Douanes sont ou seraient établies.

Conveio-se em declarar, que, tratando-se da Nação mais favorecida, não deve servir de termo de comparação a Nação Portugueza, ainda quando esta haja de ser a mais favorecida no Brasil em materias de commercio.

XV. Fica entendido, que, todas as vezes que alguns dos productos do Territorio ou industria Franceza, não tiverem nas Pautas hum valor determinado, o seu despacho na Alfandega terá lugar à vista da sua avaliação assignada pelo importador; mas no caso em que os Officiaes d'Alfandega encarregados da fiscalisação dos Direitos entendão que tal avaliação he lesiva, terão elles a liberdade de tomar os objectos assim avaliados, pagando ao importador dez por cento sobre a dita avaliação, dentro do prazo de 15 dias, contados do primeiro da detenção, e restituindo os direitos pagos.

XVI. Todos os Artigos de producção, manufactura, e industria dos Subditos de Sua Magestade Imperial, importados dos Portos do Brasil para os de França, assim em Navios Brasileiros, como em Navios Francezes, e despachados para consumo, pagarão geral e unicamente os direitos, que não excedão os que actualmente pagão sendo importados em Navios Francezes.

Em consequencia Sua Magestade Christianissima convem em supprimir à favor da Navegação Brasileira a sobretaxa de 10 por cento imposta em França sobre as mercadorias importadas em Navios Estrangeiros.

Il est convenu, qu'en parlant de Nation la plus favorisée, la Nation Portugaise ne devra pas servir de terme de comparaison, même quand elle viendrait à être privilégiée au Brésil en matière de Commerce.

XV. Il est bien entendu que, lorsque des produits Français agricoles ou industriels, n'auront pas une valeur déterminée dans le Tarif Brésilien, l'expédition en douane s'en fera sur une Déclaration de leur valeur, signée de la Partie qui les importera; mais, dans le cas où les Officiers de la Douane, chargés de la perception des droits, auraient lieu de soupçonner fautive cette évaluation, ils auront la liberté de prendre les objets ainsi évalués, en payant dix pour cent ensus de la dite évaluation, et ce dans l'espace de 15 jours, à compter du premier jour de la détention, et en restituant les droits payés.

XVI. Tous les articles de production, manufacture, et industrie, des Sujets de Sa Majesté Impériale, importés des Ports du Brésil pour ceux de France, en Navires Brésiliens ou Français, et dépêchés pour la consommation, payeront généralement et uniquement des droits, qui n'excéderont pas ceux qu'ils payent actuellement par le Tarif Français, étant importés en Navires Français.

En conséquence, Sa Majesté Très Chrétienne supprime, en faveur de la Navigation Brésilienne, la surtaxe de 10 pour cent, établi en France sur les marchandises importées par Navires Etrangers.

E igualmente supprime Sua Magestade Christianissima, à favor dos algodões do Brasil, a distincção existente na Pauta Franceza sobre os algodões de fio curto, e fio comprido.

XVII. Conveio-se em que seja permittido aos Consules respectivos de cada huma das Altas Partes Contractantes fazerem representações, quando se mostre, que se acha excessivamente avaliado qualquer artigo comprehendido nas Pautas, para se tomarem em consideração o mais breve que for possivel, não ficando com isso suspenso o expediente do despacho dos mesmos generos.

XVIII. Sua Magestade Imperial ha por bem conceder aos Subditos de Sua Magestade Christianissima o privilegio de poderem ser Assignantes das Alfandegas do Brasil, com as mesmas condições e seguranças dos Subditos Brasileiros. E por outra parte conveio-se que os Subditos Brasileiros gosaráõ nas Alfandegas Francezas deste mesmo favor, quanto as Leis permittem.

XIX. Todos os generos ou mercadorias exportadas directamente do Territorio de Huma das Altas Partes Contractantes para o da outra, seráõ acompanhados de Attestados originaes assignados pelos competentes Officiaes d'Alfandega no Porto do embarque, sendo os Attestados de cada Navio numerados progressivamente e unidos com o Sello Official da mesma Alfandega ao Manifesto, que deverá ser jurado perante os respectivos Consules, para tudo ser apresentado na Alfandega do Porto da entrada; e nos Portos

Sa Majesté Très Chrétienne supprime en outre, en faveur des cotons du Brésil, la distinction existante dans le Tarif Français entre les cotons à longue et courte soie.

XVII. On est également convenu, qu'il sera permis aux Consuls respectifs, de faire des représentations, quand il leur sera prouvé que quelque article compris dans les Tarifs est excessivement évalué, à fin que ces représentations soient prises en considération dans le plus court délai possible, sans arrêter pour cela l'expédition des mêmes produits.

XVIII. Sa Majesté Impériale accorde aux Sujets de Sa Majesté Très Chrétienne, le privilège de pouvoir être Signataires des Douanes du Brésil, avec les mêmes conditions et sûretés que les Sujets Brésiliens; et d'autre part, il est convenu que les Sujets Brésiliens jouiront dans les Douanes de France de la même faveur, autant que les Lois le permettent.

XIX. Tous les produits et marchandises exportés directement du Territoire de l'une des Hautes Parties Contractantes pour le Territoire de l'autre, seront accompagnés de Certificats d'origine, signés par les Officiers compétens des Douanes dans le Port d'embarquement, les Certificats de chaque Navire devant être numérotés progressivement et joints avec le sceau de la Douane au Manifeste, qui devra être certifié par les Consuls respectifs, pour être le tout présenté à la Douane du Port d'entrée. Dans les Ports

onde não houver Alfandega, ou não existirem Consules, a origem das mercadorias será legalisada e authenticada pelas Authoridades Locaes.

XX. Todos os generos e mercadorias da producção e manufactura dos Territorios de cada huma das Altas Partes Contractantes, que forem despachados dos seus respectivos Portos por baldeação ou reexportação, pagaráõ reciprocamente nos referidos Portos, os mesmos direitos que pagão, ou vierem á pagar os Subditos da Nação mais favorecida.

XXI. Se accontecer que huma das Altas Partes Contractantes se ache em guerra com alguma Potencia, Nação, ou Estado, os Subditos da Outra poderáõ continuar seu Commercio e Navegação com estes mesmos Estados, exceptuando porém as Cidades ou Portos, que se acharem bloqueados ou sitiados por mar ou por terra.

Mas para nenhum e qualquer Porto se permittirá o commercio dos artigos reputados contrabando de guerra, que são os seguintes: peças, morteiros, espingardas, pistolas, granadas, salsixas, carretas, talabartes, polvora, salitre, capacetes, ballas, chuços, espadas, alabardas, selins, arreios, ou outros quaesquer instrumentos fabricados para o uso da guerra.

XXII. A fim de mais effectivamente protegerem o Commercio e Navegação dos seus respectivos Subditos, as Duas Altas Partes Contractantes convem em não receber Piratas, nem Roubadores de mar, em alguns dos Seus Portos

où il n'y aurait ni Douanes ni Consuls, l'origine des marchandises será légalisée et certifiée par les Autorités Locales.

XX. Tous les produits et marchandises de production et manufacture des Territoires de chacune des Hautes Parties Contractantes, qui seront dépêchés de leurs Ports respectifs pour la réexportation ou le transbordement, payeront réciproquement dans les dits Ports les mêmes droits que payent ou viendraient à payer les Sujets de la Nation la plus favorisée.

XXI. S'il arrive que l'une des Hautes Parties Contractantes soit en guerre avec quelque Puissance, Nation, ou Etat, les Sujets de l'autre pourront continuer leur Commerce et Navigation avec ces mêmes Etats, excepté avec les Villes ou Ports qui seraient bloqués ou assiégés par terre ou par mer.

Mais dans aucun cas ne sera permis le Commerce des articles réputés contrebande de guerre, qui sont les suivans; canons, mortiers, fusils, pistolets, grenades, saucisses, affûts, baudriers, poudre, salpêtre, casques, balles, piques, épées, hallebardes, selles, harnais, et autres instrumens quelconques fabriqués à l'usage de la guerre.

XXII. A fin de protéger plus efficacement le Commerce et la Navigation de leurs Sujets respectifs, les deux Hautes Parties Contractantes conviennent de ne pas recevoir des Pirates ni Ecumeurs de mer, dans aucun des Ports,

Bahias, ou Surgidouros dos Seus Dominios, e em impor o pleno vigor da Lei sobre os mesmos Piratas; bem como sobre aquelles Individuos residentes dentro dos seus Territorios, que forem convencidos de terem correspondencia, ou serem complices com elles. E todos os Navios e Cargas pertencentes aos Subditos das Altas Partes Contractantes, que os Piratas tomarem ou trouxerem para os Portos da outra, serão entregues á seus donos, ou á seus Procuradores devidamente authorisados, provando-se antes a identidade da propriedade; e a restituição será feita, ainda quando o artigo reclamado tenha sido vendido, com tanto que se mostre que o Comprador sabia, ou poderia ter sabido, que o dito artigo tinha sido obtido por pirataria.

XXIII. Quando succeder que algum dos Navios de guerra, ou mercantes, pertencentes á cada hum dos dous Estados, naufraguem nos Portos ou Costas dos seus respectivos Territorios, se prestará todo o soccorro possivel, tanto para a salvação das pessôas, e effeitos, como para segurança, cuidado, e entrega dos artigos salvados, os quaes não serão sujeitos á pagar direitos, excepto sendo despachados para consummo.

XXIV. As Altas Partes Contractantes convém em empregar Pacquetes, a fim de facilitar as relações entre os dous Paizes; e para este effeito se farà huma Convenção Especial.

XXV. As Estipulações conteudas no presente Tratado serão per-

Baies, et Ancrages de leurs Etats, et d'appliquer l'entière vigueur des Lois contre toutes Personnes connues pour être Pirates, et contre tous Individus résidant dans leurs Territoires qui seraient convaincus de correspondance ou complicité avec elles. Tous les Navires et cargaisons appartenant aux Sujets des Hautes Parties Contractantes, que les Pirates prendraient ou conduiraient dans les Ports de l'une ou de l'autre, seront restitués à leurs Propriétaires ou à des fondés de pouvoirs duement autorisés, en prouvant l'identité de la propriété; et la restitution sera faite même quand l'article réclamé serait vendu, pourvu qu'il soit prouvé que l'Acquéreur savait ou pouvait savoir que le dit article provenait de piraterie.

XXIII. S'il arrive que quelque Navire de guerre ou marchand appartenant aux deux Etats, naufrage dans les Ports ou sur les côtes de leurs Territoires respectifs, le plus grand secours possible leur sera donné, tant pour la conservation des Personnes et effets, que pour la sûreté, le soin, et la remise des articles sauvés. Les produits sauvés du naufrage ne seront pas assujettis à payer les droits, excepté quand ils seront dépêchés pour la consommation.

XXIV. Les Hautes Parties Contractantes sont convenues d'employer des Paquebots pour faciliter les relations entre les deux Pays; une Convention Spéciale réglera ce service.

XXV. Les Stipulations du présent Traité seront perpétuelles, à

petuas, á excepção dos Artigos 12, 14, 15, 16, 17, e 20, que duraráõ pelo tempo de 6 Annos, contados da data da Ratificação deste Tratado.

XXVI. As Ratificações do presente Tratado serão trocadas na Cidade do Rio de Janeiro dentro do espaço de 6 mezes, ou mais breve se for possivel, contados do dia da assignatura.

Em testemunho do que Nós abaixo assignados, Plenipotenciarios de Sua Magestade Imperial, e de Sua Magestade Christianissima, em virtude dos nossos respectivos Plenos Poderes, assignámos o presente Tratado com os nossos punhos, e lhe fizemos pôr o Sello das nossas Armas.

Feito na Cidade do Rio de Janeiro, aos 8 dias do mez de Janeiro, do Anno do Nascimento de Nosso Senhor Jesus Christo de 1826.

VISC. DE S. AMARO.
VISC. DE PARANAGUA.
CONDE DE GESTAS.

E sendo Nos presente o mesmo Tratado, cujo theor fica acima inserido, e sendo bem visto, considerado e examinado por Nós tudo o que nelle se contém, tendo ouvido o Nosso Conselho de Estado, o approvamos, ratificamos, e confirmamos, assim, no todo, como em cada hum dos seus Artigos, e Estipulações; e pela presente o damos por firme, e valioso para sempre, promettendo em fé, e palavra Imperial observal-o, e compril-o inviolavelmente, e fazel-o cumprir, e obse rvar por qualquer modo que possa ser. Em teste-

l'exception des Articles 12, 14, 15, 16, 17, et 20, qui dureront pendant le cours de six Années, à commencer de la date des Ratifications.

XXVI. Les Ratifications du présent Traité seront échangées à Rio de Janeiro, dans l'espace de 6 mois, ou plutôt si faire se peut, à compter du jour de la signature.

En conséquence de quoi, nous Soussignés, Plénipotentiaires de Sa Majesté Très Chrétienne, et de Sa Majesté Impériale, en vertu de nos Pleins Pouvoirs respectifs, avons signé le présent Traité de notre main, et y avons fait apposer le Sceau de nos Armes.

Fait à Rio de Janeiro, le 8 de Janvier, de l'Année de la Naissance de notre Seigneur Jesus Christ, 1826.

LE COMTE DE GESTAS.
LE VIC. DE S. AMARO.
LE VIC. DE PARANAGUA.

Nous, ayant agréable le dit Traité en toutes et chacune des dispositions qui y sont contenues, déclarons, tant pour nous que pour nos Héritiers et Successeurs, qu'il est accepté, approuvé, ratifié, et confirmé, et par ces présentes, signées de notre main, nous l'acceptons, approuvons, et confirmons; promettant, en foi et parole de Roi, de l'observer et de le faire observer inviolablement sans jamais y contrevenir ni permettre qu'il y soit contrevenu, directement ni indirectement, en quelque manière et sous quelque pretexte que ce

munho, e firmeza do sobredito fizemos passar a presente Carta por Nós assignada, passada com o Sello Granda das Armas do Imperio, e referendada pelo Nosso Ministro e Secretario de Estado abaixo assignado.

Dada no Palacio do Rio de Janeiro, aos 6 dias do mez de Junho, do Anno do Nascimento de Nosso Senhor Jesus Christo, de 1826.

PEDRO IMPERADOR.

Com. Guarda.

VISCONDE DE INHAMBUPE.

Bento da Silva Lisboa a fez.

soit. En foi de quoi, nous avons fait mettre notre Sceau à ces présentes.

Donné en notre Château des Tuileries, le 19 jour du mois de Mars, l'An de Grâce 1826, et de notre Règne le Deuxième.

CHARLES.

Par le Roi,

LE BARON DE DAMAS.

Artigos Addicionaes e declaratorios dos Artigos 4, 13, e 14, do Tratado firmado aos 8 de Janeiro do Anno corrente, pelos Plenipotenciarios abaixo assignados.

Articles Additionnels et explicatifs des Articles 4, 13, et 14, du Traité conclu le 8 Janvier de la présente Année, par les Plénipotentiaires soussignés.

Art. I. Conveio-se em declarar, que não só, como fica dito no Artigo 4, do mencionado Tratado, os respectivos Consules gosaráo em um e outro Paiz, tanto para as suas Pessoas, como para o exercicio do seu emprego, e protecção que devem aos seus Compatriotas, dos mesmos privilegios, que são ou forem concedidos aos Consules da Nação a mais favorecida; mas tambem que estes Agentes serão tratados a todos estes respeitos, em cada um dos dois Paizes, segundo os principios da mais exacta reciprocidade.

II. Igualmente se declara, que, convindo-se pelo Artigo 13 do Tratado, em que a Clausula, que exige os tres quartos de Nacionaes na equipagem de todo o Navio Bra-

Art. I. On est convenu de déclarer que non seulement, comme il est dit dans l'Article 4, du Traité mentionné, les Consuls respectifs jouiront dans l'un et l'autre Pays, tant dans leurs Personnes que pour l'exercice de leur charge et la protection qu'ils doivent à leurs Nationaux, des mêmes privilèges qui sont ou seraient accordés aux Consuls de la Nation la plus favorisée, mais encore que ces Agens seront traités sous tous ces rapports dans chacun des deux Pays, d'après les principes de la plus exacte réciprocité.

II. Il este également déclaré qu'en convenant, par l'Article 13 du même Traité, que la Clause qui exige les trois quarts de Nationaux dans l'équipage de tout

sileiro, não terá vigor, em quanto a falta de Marinheiros assim o exigir, as Altas Partes Contratantes não entendem, em nenhum caso prolongar a suspensão da dita Clausula além dos seis Annos ajustados para a duração de muitas outras Estipulações do mesmo Tratado.

III. Finalmente se conveio em declarar, que o primeiro paragrapho do Artigo 14, que diz, todos os generos, mercadorias, e artigos, quaesquer que sejão da producção, manufactura, e industria, dos Subditos e Territorios de Sua Magestade Christianissima, importados dos Portos de França para os do Brasil, tanto em Navios Francezes, como em Brasileiros, e despachados para consumo, pagaráõ geral e unicamente os mesmos Direitos, que pagão, ou vierem á pagar os da Nação mais favorecida, devese entender neste sentido, que o quantum dos Direitos he de quinze por cento do valor das mercadorias, e que a avaliação será conforme o modo geral estabelecido, ou que houver de se estabelecer, tendo por base os preços do mercado.

IV. Os presentes Artigos Addicionaes e terão a mesma força e valor, como se fossem inseridos palavra por palavra no Tratado de 8 de Janeiro, de 1826.

Em testemunho do que Nós abaixo assignados, Plenipotenciarios de Sua Magestade Imperial, e de Sua Magestade Christianissima, em virtude dos nossos respectivos Plenos Poderes, assignámos os presentes Artigos Addicionaes e declaratorios com os nossos pun-

Navire Brésilien, ne devra pas être en vigueur tant que le demandera le manque de matelots; les Hautes Parties Contractantes n'entendent, dans aucun cas, prolonger la suspension de la dite Clause au delà des six Années déjà assignées pour terme de plusieurs autres Stipulations du Traité.

III. Il est déclaré enfin, que le premier paragraphe de l'Article 14, portant que tous les produits, marchandises, et articles quelconques, qui sont de production, manufacture, et industrie des Sujets et Territoires de Sa Majesté Très Chrétienne, importés des Ports de France pour ceux du Brésil, tant en Navires Français que Brésiliens, et dépêchés pour la consommation, payeront généralement et uniquement les mêmes droits que payent ou viendraient à payer les Sujets de la Nation la plus favorisée, doit être entendu en ce sens que le quantum des droits est de quinze pour cent de la valeur des marchandises dont l'évaluation sera, selon le mode général, établi ou à établir, ayant pour base les prix du marché.

IV. Les présens Articles Additionnels auront la même force et valeur que s'ils avaient été insérés mot à mot dans le Traité du 8 Janvier, de 1826.

En conséquence de quoi, nous soussignés, Plénipotentiaires de Sa Majesté Très Chrétienne, et de Sa Majesté Impériale, en vertu de nos Pleins Pouvoirs respectifs, avons signé les présens Articles de notre main, et y avons fait apposer le Sceau de nos Armes.

hos, e lhes fizemos por o Sello das nossas Armas.

Feito no Rio de Janeiro, aos 7 dias do mez de Junho, do Anno do Nascimento de Nosso Senhor Jesus Christo de 1826.

(L. S.) VISCONDE DE SANTO AMARO.
(L. S.) VISCONDE DE PARANAGUA.
(L. S.) CONDE DE GESTAS.

Fait à Rio de Janeiro le 7 de Juin, de l'Année de la Naissance de notre Seigneur Jesus Christ, 1826.

(L. S.) LE COMTE DE GESTAS.
(L. S.) LE VICOMTE DE SAINT AMARO.
(L. S.) LE VICOMTE DE PARANAGUA.

ORDONNANCE du Roi de France, relative à l'exécution du Traité de Commerce et de Navigation, conclu avec l'Empire du Brésil, à Rio de Janeiro, le 8 *Janvier*, 1826.

Au Château de Saint-Cloud, le 4 *Octobre*, 1826.

CHARLES, par la grâce de Dieu, ROI DE FRANCE ET DE NAVARRE:

Vu le Traité d'Amitié, de Navigation, et de Commerce, conclu entre Nous et Sa Majesté l'Empéreur du Brésil, le 8 Janvier de la présente Année;

Voulant assurer, en tout ce qui ne résulte pas déjà des Lois générales du Royaume, l'accomplissement des Stipulations consenties à l'égard de la Navigation et du Commerce de l'Empire du Brésil;

Sur le Rapport du Président de notre Conseil des Ministres, Ministre Secrétaire d'Etat des Finances,

Notre Conseil Supérieur de Commerce et des Colonies entendu,

Nous avons Ordonné et Ordonnons ce qui suit:

Art. I. A partir de la publication de la présente Ordonnance, les Navires Brésiliens, venant de quelque lieu que ce soit dans les Ports de France, ne supporteront les redevances de pilotage, de bassins et de quarantaine, que d'après le taux établi pour les Navires Français.

II. Les produits de sol et de l'industrie du Brésil, importés des Ports dudit Empire dans ceux de la France par Navires Brésiliens, ne paieront que les mêmes droits qui sont perçus sur lesdits produits venant des mêmes Ports par Navires Français, pourvu qu'ils soient accompagnés de Certificats d'origine délivrés par les Agens des Douanes du Port d'embarquement, et attestés par les Consuls ou Vice-Consuls de France, dans le même Port; lesquelles attestations devront être suppléées par celle de l'Autorité Locale, au cas où il n'existerait dans le susdit Port aucun Agent Consulaire de France.

III. Jusqu'à ce qu'il en soit autrement ordonné, seront admis au bénéfice des deux Articles précédens tous Navires possédés par des

Sujets Brésiliens, dont le Capitaine sera également Sujet Brésilien, à quelque Nation qu'appartienne le reste de l'Equipage.

En conséquence, demeure suspendue, à l'égard desdits Navires, l'application de l'Article 3 de l'Acte du 21 Septembre, 1793, qui ne reconnait la Nationalité des bâtimens étrangers qu'autant que les Officiers et les trois quarts de l'Equipage sont du Pays dont les mêmes bâtimens portent le Pavillon.

IV. Les cotons *longue-soie* provenant du Brésil, et qui seront apportée directement de ce Pays par Navire Brésilien ou Français, ne paieront que le droit des cotons *courte-soie*.

V. La différence entre le droit des cotons longue-soie et celui des cotons courte soie, sera remboursée pour les quantités de coton du Brésil, qui ont été importées en France aux conditions de l'Article précédent, depuis le 8 Juin 1826, jour où le Traité du 8 Janvier de la présente Année a reçu son exécution au Brésil en faveur du Commerce Français.

VI. Le Président de notre Conseil des Ministres, Ministre Secrétaire d'Etat au Département des Finances, est chargé de l'exécution de la présente Ordonnance, qui sera insérée au Bulletin des Lois.

Donne à Saint Cloud, le 4 Octobre, de l'an de grâce 1826, et de notre Règne le Troisième.

CHARLES.

Par le Roi ; *le Président du Conseil des Ministres, Ministre Secrétaire d'Etat des Finances.*

JH. DE VILLELE.

NOTES of the Charyé d'Affaires of The United States, at Buenos Ayres ; relative to the Brazilian Blockade of the River Plate.

(1.)—*Mr. Forbes to the Buenos Ayres Government.*

Legation of The United States of America,
Buenos Ayres, February 13, 1826.

THE Undersigned, Chargé d'Affaires of The United States of America, having communications of high international interest to make to Admiral Lobo, commanding the Brazilian Blockading Squadron, most respectfully requests his Excellency General de la Cruz, Minister of Foreign Relations, to grant him a Flag of Truce, according to the usages of War, to guaranty the safety of such an intercourse.

In order to manifest to this Government that sincere confidence which ought to exist between Sister Republicks, the Undersigned has the honour to communicate a Copy of the Note which he wishes to transmit to the Brazilian Admiral. This Note has for its object an humble effort to vindicate Neutral Rights in the Principles and Rules which ought to be observed in cases of Blockade ; and it is to be hoped that this

attempt will not be misconstrued into any, the slightest, deviation from the straight line of most scrupulous and delicate Neutrality between the Belligerent Parties, which it is the policy of The United States to observe under present circumstances. The Undersigned, &c.

JOHN M. FORBES.

H. E. General Don Francisco de la Cruz,
Minister of Foreign Relations.

(2.)—*Mr. Forbes to the Brazilian Admiral.*

Legation of The United States of America,
Buenos Ayres, February 13, 1826.

In the Official Note which the Undersigned, Chargé d'Affaires of the United States of America, had the honour to address to His Excellency Admiral Lobo, Commander of the Imperial Brazilian Squadron, blockading the Coasts and Ports of Buenos Ayres, under date of 1st January last, it was reserved by the Undersigned to present, on a future occasion, the views and principles professed and put forth by the Government of The United States on the Law of Blockade. In conformity to that reservation, the Undersigned now takes the liberty to present to the consideration of His Excellency Admiral Lobo, and, if deemed worthy of transmission, to that of His Imperial Majesty's Ministry, the following observations:

If the subject of Blockade, so simple in its original application, now involves the most complicated questions of Maritime Law among Nations, it is to be ascribed to abuses of power on one side, to too much condescension on the other, and to the multitude of incidental cases which have arisen as precedents, establishing arbitrary and ephemeral doctrines, since the breaking down of the original bounds and land-marks of mutual and universal rights.

Although the Commerce of The United States has been, to a greater extent than any other, the victim of those gigantic abuses of power, it has never suffered without just complaints, in individual cases, and constant and strong remonstrances on the part of the Government of the said States, against the principle and practice of every thing like an imaginary Blockade, the hydra of lawless oppression.

Thus it has ever been maintained by The United States, that a Proclamation or ideal Blockade of an extensive Coast, not supported by the actual presence of a Naval Power competent to enforce its simultaneous, constant and effective operation, on every point of such Coast, is illegal throughout its whole extent, even for the Ports which may be in actual Blockade; otherwise every capture under a notified Blockade would be legal; because the capture itself would be proof of the Blockading Force. This is, in general terms, one of the fundamental Rules of the Law of Blockade, as professed and practised by the Government of The United States.

And if this principle is to derive strength from the enormity of consequences resulting from a contrary practice, it could not be better sustained than by the terms of the original Declaration of the existing Brazilian Blockade, combined with its subsequent practical application.

The Manife to of His Excellency, Admiral Lobo, dated 21st December last, declares that "all the *Ports and Coasts* of the Republick of Buenos Ayres, and all those on the Oriental Side (of La Plata) which may be occupied by the Troops of Buenos Ayres, are from that date, subject to the *most rigorous Blockade.*" This Declaration of Blockade embraces an extent of Maritime Coast of more than twenty degress of latitude; on which vast Coast it is not pretended that His Imperial Majesty maintains any Force beyond a single Corvette, the *Maria da Gloria*. If, therefore, there can exist any thing like an imaginary Blockade, this is, most unequivocally, one of that description, and, as such, in conformity with the principles before laid down, it calls for the resistance of the Government of The United States. If we turn our attention to the manner in which the Blockade has been enforced in the immediate Waters of Buenos Ayres, abundant matter of criticism presents itself. Since the establishment of the Blockade, six Foreign Vessels, according to the annexed List,* have entered the inner roads of Buenos Ayres, and three have gone into the Port of Ensenada. Among the former, one was carried into Montevideo, detained nearly a week, and then suffered to take a new destination, without any endorsement of the notice of Blockade on the principal Papers of the Vessel, as is practised in similar cases by other Maritime Nations: another, the Hamburg Ship, *Daphne*, passed within gun shot of the Brazilian Squadron, and, under the protection of a very inferior Force, proceeded up to the anchorage of the Inner Roads. By these examples, occu ring in a fine season of the Year, there being no violent stormy weather to justify such a failure to enforce the Blockade, it seems to be conclusively proved, either that the Brazilian Squadron cannot, or that it will not enforce it: and thus, this high and important Belligerent Measure, which ought to be rigorously, constantly and uniformly, put into execution, has dwindled into a feeble and inefficient effort, depending on casualty, caprice or convenience.

On a full view and mature consideration of all these circumstances, the Undersigned feels it his indispensable duty to remonstrate and protest, and he thus remonstrates and protests, against the Blockade of the Ports and Coasts of the Republick of Buenos Ayres, as lately declared by His Excellency Admiral Lobo,

* *Buenos Ayres*.....Brothers—Mary Ann.....*English.*
Mohawk—Ant—Grace Ann.....*American.*
Daphne.....*Hamburgh.*
Ensenada.....Harmony—Intrepid Packet.....*English.*
Caroline Augusta.....*American.*

Commander in Chief of His Imperial Brazilian Majesty's Forces; the said Blockade being, in its general character, as well as in its practical application, stamped with inefficiency; supported by a Naval Power wholly incompetent to enforce it in its whole extent, and consequently illegal; prostrating Neutral Rights, and wholly inadmissable on the part of the Government of The United States.

Having thus remonstrated and protested against the said Blockade, the Undersigned reserves to the Government of The United States, the right of continuing, as may be deemed expedient, the further discussion of National and Individual interests, involved in this very important subject. The Undersigned, &c.

JOHN M. FORBES.

H. E. Don Rodrigo Jose Ferreira Lobo.

CORRESPONDENCE between Captain Elliott, of The United States' Ship, Cyane, *and the Vice Admiral of the Brazilian Squadron blockading the River Plate.*

(1.)—*Captain Elliott to Admiral Lobo.*

United States' Ship Cyane,

SIR, *Off the Ortis Bank, April* 3, 1826.

THE Undersigned, commanding the United States' Naval Force on the Coast of Brazil, begs leave to submit for the consideration of Admiral Lobo, commanding His Imperial Majesty's Forces at the Rio de la Plata, a few remarks on the subject of the Blockade, recently proclaimed by him, of the whole extent of Coast of the Republick of Buenos Ayres, and all those on the Oriental Side of the La Plata, an extent of nearly 30 degrees of Latitude.

The Unites States, just in her intercourse with the Nations on both sides of the Hemisphere, will expect a correspondent return. She has steadfastly contended for, and uniformly *sustained* the *Point*, that she will not submit to the terms of a Blockade of a whole Coast of nearly 30 degrees of Latitude, such as you have been pleased to set forth in your Manifesto of the 21st of December last; and the Undersigned begs leave to remark to Admiral Lobo, that, whilst The United States will observe a strict Neutrality between the Parties in the present Contest, she will most steadfastly and scrupulously defend a Point which she has already waded through a bloody, but a successful War, in the maintenance of.

The intelligence of an Officer vested with the Command of a Force of the magnitude of the present, it is presumed, will induce him to look into and search for information of those Authorities which treat on International Law, and can enlighten and illume the mind; he will there have brought to his view the terms of the Armed Neutrality of 1780,

which settled all those Points, amongst the different European Nations. Great Britain, then the most powerful of the Maritime Nations in the World, in a Convention with the Empire of Russia, entered into in 1801,* stipulated, "That in order to determine what characterizes a blockaded Port, that denomination is given only to a Port, where there is, by the dispositions of the Power which attacks it with Ships, stationary or sufficiently near, an evident danger in entering." It is needless to say, that the other Powers of Europe, as well as The United States, then the only Independent one of the great Western World, never having disputed the Principle, it could not be otherwise regarded than as the established line drawn between All. It commenced with the present Century, and it is equally clear that it must be so considered, at this time, notwithstanding the violations practised in recent days. So satisfied with the correctness of this Principle was the Government of Great Britain, that, in the Year 1804, in consequence of a remonstrance made by the American Government, against a Declaration of a general Blockade of the Islands of Martinique and Guadaloupe, proclaimed by the British Naval Commander, Orders were issued to him "not to consider any Blockade of those Islands existing, unless in respect of particular Ports which may be actually invested, and then not to capture Vessels bound to such Ports, unless they previously shall have been warned not to enter them."† The United States will not acknowledge a Blockade as valid against its Civil Marine, unless confined to particular Ports, each one having *stationed before it* a Force sufficiently great to prevent the entry of all Vessels carrying materials to succour the besieged, and no Vessel shall be seized in attempting to enter the Port so blockaded, till she has been previously warned off, and the fact endorsed on her Register. The Undersigned will also avail himself of this occasion to express his regret that the Representative of His Imperial Majesty should have found it necessary to adopt a course, in relation to The United States, so well calculated to disturb the harmony and good feelings which exist between the two Governments; that whilst he has the disposition to present to Admiral Lobo an earnest of those feelings of his Government, when she stepped forth *first* from amongst the Nations of the Earth in the recognition of the Empire of Brazil, as amongst them *free, sovereign, and independent,* he will also assure him, that indemnity will be claimed, and, if necessary, the Undersigned will feel himself called upon to bring into operation that arm of the Nation's Naval Force, placed subject to his control, in repelling all improper encroachments on American Vessels, and on her Maritime and Neutral Rights.

With great respect and consideration, &c.

H. E. Don Jose Rodrigo Ferreira Lobo. J. D. ELLIOTT.

* St. Petersburgh $\frac{4}{17}$ June 1801, Art. 3. §. 4.

† Papers presented to Parliament, Feb. 1808.

(2.)—*Extract from the Log-book of The United States' Ship* Cyane, *April 3d*, 1826.

"At 8 A. M. moderate, pleasant weather; at 9 discovered the Vessels, at anchor ahead, to be the Brazilian Blockading Squadron. About 10 miles E. S. E. of the S. E. end of the Ortiz Bank, at 9, 30, observed five Vessels of War under-weigh standing towards us; at 10, made them to be one Frigate, one Corvette, and three Brigs; prepared for battle and shewed our Colours; at 11, shortened sail to the topsails, and hauled up for the Brazilian Squadron under weigh; at 11, 30, the Frigate was on the lee beam, at about 150 yards distance; two Brigs on the lee bow, the other a little on the weather quarter, and the Corvette astern and to leeward; at 11, 40, hailed the Frigate and asked her name: answered, His Imperial Majesty's Frigate *Maria da Gloria*. The name of our Ship was then asked and given, succeeded by a demand that a boat should be sent; this demand was peremptorily refused by Captain Elliott, adding that a boat should never be sent from his Ship, although one would be received; observed the guns of the Frigate trained and tomkins out; kept the larboard guns on the main deck manned for the Frigate and her consorts on the lee bow, and manned the starboard quarter deck guns for the Brig on the weather quarter; observed the Brig, on the weather quarter, shortly after drop astern; at 11, 45, received a boat from the Frigate and Brig with two Officers, who were introduced to Captain Elliott in his cabin, by whom he was informed that the Port of Buenos Ayres was Blockaded, and he could not be permitted to proceed. To which he replied, that if even he were to admit their right to proclaim the Blockade of an extent of Coast against a Civil Marine, he could not against Neutral Vessels of War—that both English and French Vessels of War were in the habit of proceeding, almost daily, to and from Monte Video and Buenos Ayres, as instanced, both in the British and French Corvettes *Chasseur* and *Faun*—that he would allow him 30 minutes to deliberate on his future actions, and at the expiration of that time he would proceed, prepared to resist all consequences—that the Flag he wore, carried under it the Sovereignty of the soil it represented—that violated, the soil became invaded—and that he should defend his Ship to the last moment.

Captain Elliott further observed, to the Officer, that he had a Communication for Admiral Lobo; which was requested. Captain Elliott declined giving it to the Officer, until he returned from his Frigate and discovered her true character; at 12, the Brazilian boats left the Ship. During all this time the weatherly position of the Ship was maintained, and every other precaution taken, to resist with effect, an attack from the Squadron, which appeared to be meditated; at 12, 20, hailed the Frigate, to know if they had any further communication to make; they answered by asking if Captain Elliott would send the Admiral's

Letters and Papers? Yes, was the reply, if you will send a boat; at 12, 45, a boat came alongside for Letters and Papers for the Admiral, with the compliments of the Commanding Officer to Captain Elliott, tendering every civility, and offering any supplies he might be in want of, with his best wishes for a speedy and pleasant passage to Buenos Ayres. Captain Elliott returned his compliments and thanks, adding that his Ship was abundantly supplied with every necessary, and that all that he wanted was a free and generous intercourse with all Nations; concluding with an offer to be the bearer of any Communication, the Commanding Officer, or any other in the Squadron, might have to make with Buenos Ayres. At one, the Brazilian boat departed; bore up, passed within hail of the Brazilian Squadron along the line; made all sail for Buenos Ayres.

(3.)—*Admiral Lobo to Captain Elliott.*—(Translation.)

On board the Brazilian Corvette Liberal, *at anchor in the River La Plata, April* 6, 1826.

THE Undersigned, Vice-Admiral and Commandant of the Naval Forces stationed in the River La Plata, informs the Illustrious Senr. J. D. Elliott, Commandant of the Naval Forces of The United States upon the Coast of Brazil, that he has received his Letter of the 3d of the present month, respecting the Blockade which His Majesty the Emperor of Brazil has established, before all the Ports of the Western Bank of the River La Plata, as well as of the Eastern Bank, which are occupied by the Enemy: these the Undersigned intends to Blockade, and those of the Coast of Patagonia to the Bay of Branca; and all those which are in Parana and Uruguay, are to be considered Blockaded by the Ships which cruise in the River La Plata, because it is the entrance to them; and in order to blockade a Port, it is not necessary that one should always be in sight of it; it is sufficient to cruise in that place which forms the entrance to it: for example, the Undersigned can blockade Buenos Ayres, being East of the Ortis and and Chico Banks, and if he should wish, proceed from that Place against Buenos Ayres.

The Undersigned is impressed with the friendship which the Cabinet of The United States bears towards the Empire of Brazil, and hopes not to give here the least motive for dissension or misunderstanding between the two Cabinets; and he trusts no cause can offer why the two Cabinets should have any disagreeable discussion; beause nothing is more easy, where there is a good understanding, than to conform to the established Laws of Blockade. The following has been the mode of proceeding with those Ships of Foreign Nations which the Undersigned has sent away. Every time that I have met Ships of Foreign Nations, I have communicated to them that the Ports of the Republick of Buenos Ayres were blockaded, and in their Passports I

made a remark to the same effect. Until the present time all have submitted to the Blockade, some voluntarily, and others with a little difficulty; except one American Schooner, which, after being Registered, entered the Port of Monte Video, where she cleared to double Cape Horn, and after going out of the Harbour, she entered the North Channel and arrived in Buenos Ayres, and is now a Schooner of War belonging to the Republick of Buenos Ayres, and is called the *Sarandi.*

The Undersigned judges that he has more than sufficient Force to Blockade all the Ports of the River La Plata. Yet until the present time he has not met any Foreign Vessels but those bound to Buenos Ayres. And thus far I think I have fulfilled my duty on all occasions, whether in sight of Buenos Ayres, or at anchor at the East end of the Banks, by the principles above established, upon the mode of blockading any Port. Every Vessel which shall violate the Blockade, after being duly warned of its existence, is liable to be condemned by established Laws.

The Undersigned judges that he has satisfactorily answered your Letter of the 3d of April; if not, you will have to address the Imperal Cabinet at Rio de Janeiro. The Undersigned, &c.

Commodore Elliott. RODRIGO JOSE FERRA. LOBO.

(4.)—*Admiral Lobo to Captain Elliott.*—(Translation.)

On board the Corvette Liberal, *at Anchor in sight of Monte Video, April* 27, 1826.

SIR,

THE Undersigned, Vice Admiral Commandant of the Naval Forces of the Empire of Brazil, stationed in the River La Plata, acknowledges the receipt of two Letters from Commodore Elliott, of The United States' Frigate *Cyane*, upon the Blockade of the Ports of the Republick of Buenos Ayres, as the Manifesto of the Undersigned declares, and which is approved by his Government.

To which Commodore Elliott does not accede in all its extent, and only admits the Blockade to extend to Buenos Ayres and to Ensenada, and that all the rest of the Ports ought not to be considered in a state of Blockade; and upon this opinion the Undersigned cannot agree with Commodore Elliott, who claims that all the other Ports within, and those out of, the River La Plata, should be excluded. The Undersigned reminds Commodore Elliott, that he (Ad. L.) maintained in the conference, which they had, that all the Ports comprehended within the Rio de la Plata, that is, between the Capes of Santa Maria and Santo Antonio, were all rigorously Blockaded.

The Undersigned hopes he has satisfied Commodore Elliott on this Question. If not, he has only to direct him to the Court at Rio Janeiro, where he will be completely satisfied. The Undersigned would not grant that which would not be approved by his Government.

This is all which on this occasion remains for him to offer upon the subject in question. The Undersigned, &c.

Com. J. D. Elliott. DON JOSE FERRA. LOBO.

(5.)—*Captain Eillott to Admiral Lobo.*

SIR, *U. S. Ship* Cyane, *off Monte Video, May* 4, 1826.

THERE is still one Letter of your Excellency to which I feel called upon to reply. In taking leave of the subject we have had under discussion, I will briefly remark, that I have not yet seen the grounds on which His Imperial Majesty presents the justice of his Blockade, of the extent you set forth in answer to my Note of the 3d ult.; 2d, that because some of the European Powers have attempted to introduce a System most pernicious to the Commerce of Non-belligerents, the justice of a similar action on the part of one of the youngest Governments on this side of the Hemisphere, can by no means be made apparent; if there is authority, I should be glad to see it, and will submit for your further consideration some other, on the subject of a Blockade, which is new to us on this side of the water, and requires great circumspection in the introduction of a System which, in the end, may be quoted and used successfully against us.

The following is of British origin, strengthened by reference to those able Writers on International Law, Grotius and Vattel:—

"Chitty, on the Law of Nations." 1812. (Pages 129, 130, 131, and 132.)

"It is under this impression that Tribunals of the Law of Nations, before they have enforced the provisions of a Blockade, have uniformly required it to be established by clear and unequivocal evidence, first, that the Party proceeded against, has had due notice of the existence of the Blockade; and, secondly, that the Squadron allotted for the purposes of its execution, was fully competent to cut off all communications with the interdicted Port. These points have been deemed so indispensably requisite to the existence of a legal Blockade, that the failure of either of them has been held to amount to an entire defeazance of the measure, and this even in cases where the Notification of it has issued immediately from the fountain of Supreme Authority.*

"The Blockade must not only have been declared by competent Authority, but must be also an actually existing Blockade. A Blockade is then only to be considered as actually existing, when there is a power to enforce it.†

"In the very notion of a complete Blockade," said Sir Wm. Scott, in the Case of the *Stert,*‡ "it is included that the besieging Force

* This was decided in the Court of Appeal, in February 1792. Dr. Phillimore, on License Trade, 52, in notes.

† Mercurius. 1 Rob. Rep. 80.

‡ 4 Rob. Rep. 66. [1 Acton, 64, 5; Lord Erskine's Speech, 8th March, 1808, on the Orders in Council, 10 Cobbett's Parl. Deb. 949, 950.]

can apply its power to every point of the Blockaded State. If it cannot, it is no Blockade of that Quarter where its power cannot be brought to bear.

"We find, however, from the Case of the *Frederick Molke*,* that "it is not an accidental absence of the Blockading Force, nor the circumstance of being blown off by wind, (if the suspension and the reason of the suspension are known) that will be sufficient in Law to remove a Blockade." But if the relaxation happen not by such accidents as these, but by mere remissness of the Cruisers stationed to maintain the Blockade, (who are too apt, by permitting the passage of some Vessels, to give fair grounds to others for supposing the Blockade concluded) then it is impossible for a Court of Justice to say that the Blockade is actually existing.

"It is in vain," said Sir Wm. Scott, in the Case of the *Juffrow Maria Schroeder*, † "for Governments to impose Blockades, if those employed on that Service will not enforce them. The inconvenience is very great, and spreads far beyond the individual case. Reports are eagerly circulated that the Blockade is raised; Foreigners take advantage of the information; the property of innocent Persons is ensnared, and the honour of our own Country is involved in the mistake."—

Perhaps I may be considered as travelling a little out of the strict path of my duty, as a Naval Commander, when I present for your information those Authorities on International Law, but when one feels disposed not to call forth unpleasant discussion with our respective Governments, there is always a hope when light can be shed, and this reference seems to meet the present Case at issue.

I did not expect you would have introduced the Case of the *Grace Anne*. It is one to which you may have supposed I had an allusion in the closing paragraph of my Communication. She was a trading Vessel, belonging to Citizens of The United States, from one of its Ports, destined for Buenos Ayres. Since the receipt of your Note, the particulars of her Case, as well as those of the Brigs *Henry*, of Portland, and the *Joseph*, of Boston, have been presented to me through an Official source; the former, it appears, was taken forcible possession of, off the Ortis, by your Squadron, brought back to Monte Video, and there detained as a prize; and, at the same time, the Master was denied all opportunity of having intercourse with the Shore, or of communicating with The United States' Consul, and she was further detained, full three weeks, in your possession, on the pretext that she had more goods on board than was stated in the Manifest of her cargo. The *Henry* was also boarded off Buenos Ayres, the Vessel overhauled, the Mate and one of the Seamen most cruelly beaten; and the *Joseph* was also taken possession of, off Monte Video, there held, the Vessel

* 1 Rob. Rep. 86 [1 Rob. 93, 94, 147, 156; 1 Acton's Rep. 59.]
† 3 Rob. Rep. 157. [ibid. 158, 159, note: 1 Acton's Rep. 59.]

drifted about by the current, and returned to the Master, her geographical position not then known, and was eventually lost on the English Bank. These points are presented for your explanation. I will further beg leave to remark to your Excellency, it has been always admitted, that when a Blockade is established, first, on lawful principles, a trading Vessel has a right to present herself before any Force, there to be warned not to enter the Port; should a farther attempt be made, she may be taken possession of, and, under the forms of a Trial, be condemned; it becomes a matter on which the Vessel and Cargo is the only forfeit. I am somewhat at a loss to perceive how your Excellency can believe your Force, stationed, in the Blockade of all the Ports of the Rio de la Plata, according to Maritime principles; being in a line parallel to a shore, distant on one side 30 miles, and on the other 17, and from the three most important Ports more than 100 miles; commanding the space between your buoys, where Vessels may pass and repass unseen, at their pleasure; instanced in the arrival at Buenos Ayres, whilst my Ship lay there, of an American, of a French, and of two English Brigs, all richly laden.

Possessed of a Fleet of nearly 50 sail, wearing the Flag of His Imperial Majesty, and now in the La Plata, Admiral Brown, from a declared *Blockaded* Port, with a temporarily fitted Force, of only six Vessels, passes and repasses at pleasure, in your presence; and, within 20 miles of you, attacks and captures, at Colonia and Monte Video, both His Imperial Majesty's Vessels of War, as also those of his Subjects; this fact is instanced in the arrival, within the space of six days, of six prizes at Buenos Ayres.

On closing this, the Undersigned begs leave to call your Excellency's attention to his former Communication, setting forth the view of his Government on the subject of Blockade; and trusts they will meet with the entire approbation of His Imperial Majesty.

With high consideration, the Undersigned &c.

Don Rodrigo Jose Ferra. Lobo. J. D. ELLIOTT.

(6.)—*Admiral Lobo to Captain Elliott.*—(Translation.)

On board the Corvette Liberal, *at Anchor in front of Monte Video, May* 4, 1826.

I HAVE received your Note of this day, concerning the Ports which are considered as rigorously blockaded; they are those which are within the River La Plata, from Cape St^a. Maria to Cape St. Antonio, as well as the Western and Eastern Banks of the River, except Monte Video, and this was always the understanding which I had in the Conference with yourself, and in no other form: and if you have understood it in any other manner I am not culpable for it, because I have the misfortune of not understanding your language. I cannot be responsible for the mistakes which the interpreters, who serve us, may make.

You are aware that His Imperial Majesty having approved my Manifesto, it is not in my power to destroy what has been published; and I have endeavoured not a little to consider only in rigorous Blockade the Ports which I have mentioned above.

I have imparted to you all which offers itself on this subject.

I remain, &c.

RODRIGO JOSE FERRA. LOBO.

Com. J. D. Elliott.

(7.)—*Captain Elliott to Admiral Lobo.*

SIR, *U. S. Ship* Cyane, *off Monte Video, May* 4, 1826.

THE Undersigned has the honour to acknowledge the receipt of the Communication of his Excellency Vice-Admiral Lobo, of this present date; and, in answer, he has to remark, that he understood distinctly from your Excellency's declaration at the Conference to which you allude, that the Blockade you intended hereafter to enforce was confined to the Ports within the Rio de la Plata, and that the Coast outside was no longer to be considered as in Blockade. This was also the understanding of his Officer, who had a Conference with your Excellency the succeeding day.

The Undersigned has the honour to be, &c.

Don Rodrigo Jose Ferra. Lobo. J. D. ELLIOTT.

CORRESPONDENCE between the French Admiral Rosamel, and the Brazilian Admiral Guedes; relative to the Brazilian Blockade of the River Plate.

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(1)—*Admiral Rosamel to Admiral Guedes.*

A bord de la Frégate La Marie Thérèse,
devant Monte Video, le 6 *Juin,* 1826.

LE Soussigné, contre-Amiral commandant la Division Navale de Sa Majesté Très Chrétienne, stationnée dans l'Amérique du Sud, s'étant convaincu, après avoir examiné les Papiers du Brick Français, *le Cosmopolite,* que le Gouvernement de S. M. l'Empereur du Brésil a adopté, relativement aux Navires Neutres, un Droit Maritime que le Gouvernement de Sa Majesté Très Chrétienne ne reconnaît point et ne pourra reconnaître, a l'honneur de mettre sous les yeux de S. Exc. l'Amiral commandant les Forces Navales de S. M. l'Empereur du Brésil, les principes suivis par la France dans les cas pareils, et à l'égard desquels elle a le droit d'exiger la réciprocité. Ces principes sont fondés sur une justice sévère, et exactement conforme au Droit des Gens, qui ne permet à aucune Puissance Maritime de s'arroger sur l'Océan une souveraineté qui appartient à toutes, et qu'aucune n'a le droit d'exercer exclusivement.

La France a reconnu les principes consacrés par le Traité conclu entre les Puissances du Nord,* et qui lui fut communiqué le 15 Août 1780; elle les a toujours suivis depuis, et si elle s'en est écartée quelquefois, dans le tems des Gouvernemens qui se sont succédés pendant la Révolution, ce fut par représailles ou pour repousser des prétentions de la Puissance Maritime avec laquelle elle était en guerre, prétentions qu'elle n'a jamais voulu reconnaître. Depuis que les rênes du Gouvernement ont été remises entre les mains de ses Souverains légitimes, elle est revenue à ces principes, et elle les a observés même dans la dernière Guerre qu'elle a eu à soutenir contre les Cortès d'Espagne.

Voici quels sont ces principes :

1° Le Pavillon couvre la marchandise, à l'exception des articles de guerre que l'on voudrait introduire par contrebande;

2° Les Bâtimens de Guerre doivent visiter les Bâtimens Neutres avec toute la circonspection possible;

3° Les seuls objets de contrebande sont les munitions de guerre, les pièces de canon, la poudre, les balles, les boulets, etc.

4° Toute Puissance a le droit de faire convoyer ses bâtimens de commerce; et, dans ce cas, une déclaration du Commandant du Bâtiment de Guerre suffit pour justifier du Pavillon et de la cargaison des Navires convoyés;

5° Aucun Port n'est bloqué, s'il n'y a pas un risque évident à y entrer, et on ne pourra empêcher aucun Bâtiment Neutre d'entrer dans un Port, précédemment bloqué par une Force qui ne serait pas devant le Port, lorsque le Bâtiment Neutre se présentera, soit que cette Force ait été éloignée par les vents, soit qu'elle ait été obligée d'aller se ravitailler.

Ce qui a été fait à l'égard du *Cosmopolite* donne lieu surtout au Soussigné de penser que les intentions du Gouvernement de S. M. l'Empereur du Brésil ne sont en harmonie ni avec le sens ni avec la lettre de ce dernier Article. Outre qu'il est du devoir du Soussigné de faire connaître à S. Exc. M. l'Amiral les principes professés par le Gouvernement de Sa Majesté Très Chrétienne, ses Instructions ont prévu le cas actuel, et lui prescrivent impérieusement la conduite qu'il a à suivre dans cette circonstance. Ainsi, pour éviter tout ce qui pourrait altérer la bonne harmonie qui règne heureusement entre les deux Etats, le Soussigné s'empresse de faire savoir à S. Ex. M. l'Amiral qu'elle est la manière de voir et d'agir en France, relativement aux Navires neutres.

Lorsque le Soussigné sera arrivé à Rio-Janeiro, il aura l'honneur de faire la même communication à S. Exc. le Ministre des Affaires Etrangères; et dans le cas où S. Exc. M. l'Amiral ne serait point

* Convention between Russia and Sweden. St. Petersburgh, $\frac{\text{21st July,}}{\text{1st August,}}$ 1780.

autorisé par ses Instructions, à se conformer aux principes ci-dessus, le Soussigné proteste, dès ce moment, contre toute arrestation, détention, ou confiscation de Bâtimens Marchands Français, exercée en violation desdits principes.

Le Contre-Amiral soussigné saisit cette occasion, &c.

ROSAMEL.

S. E. M. l'Amiral commandant les Forces Navales de Sa Majesté L'Empereur du Brésil, dans la Rivière de la Plata.

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(2).—*Admiral Guedes to Admiral Rosamel.*

A bord de la Frégate La Piranga, *le 7 Juin*, 1826.

L'AMIRAL Soussigné, commandant les Forces Navales de Sa Majesté l'Empereur du Brésil dans le Rio de la Plata, et du Blocus des Ports de la République de Buenos-Ayres, a bien reçu la Note de Son Excellence le Contre-Amiral Francais, en date du 6 de ce mois, relative à l'examen des Papiers du Brick Français *le Cosmopolite*. Le Contre-Amiral Français pretend devoir observer certains principes qu'il classe dans le droit des gens, et qui sont:

(Ici suivent les cinq Articles mentionnés dans le Note de l'Amiral Rosamel.)

Comme il ne s'agit pas ici d'une infraction du mode de visite prescrit par l'Article 2, ou de l'Article 4, qui se reduit à une simple prière, le Contre-Amiral me permettra de n'en pas parler, et de ne m'arrêter qu'aux deux autres, en tant que cela concerne la commission dont je suis chargé.

Le droit des gens est fondé sur le droit naturel, et celui-ci sur la raison. Ses principes doivent être constans et ne jamais changer. La Nation Française a publié, sous la date du 20 Juillet 1704, une Ordonnance dans laquelle se trouvent les Articles suivans:

III. Comme aussi leur fait défense d'arrêter les Vaisseaux appartenant aux Sujets des Princes Neutres, partis des Ports d'un des Etats Neutres ou Alliés de Sa Majesté, pour aller dans un autre Etat, pareillement Neutre ou Allié de Sa Majesté, pourvu qu'ils ne soient pas chargés de marchandises du crû ou fabrique de ses Ennemis; auquel cas les marchandises seront de bonne prise et les Vaisseaux seront relâchés.

IV. Défend pareillement Sa Majesté aux Armateurs, d'arrêter les Vaisseaux appartenant aux Sujets des Princes Neutres, sortis des Ports d'un Etat Allié de Sa Majesté ou Neutre, pour aller dans un Port ennemi de Sa Majesté, pourvu qu'il n'y ait sur lesdits Vaisseaux aucune marchandise de contrebande, ni du crû et fabrique des Ennemis de Sa

Majesté, dans lequel cas les marchandises seront de bonne prise et les Vaisseaux seront relâchés.

V. Et néanmoins, si dans les cas portés par les quatre premiers Articles du présent Réglement, il se trouvait sur les Vaisseaux Neutres des effets appartenant aux Ennemis de Sa Majesté, les Vaisseaux et tout leur chargement seront de bonne prise, conformément à l'Article 7 du Titre des Prises, de l'Ordonnance du mois d'Août, 1681.

VI. Les Vaisseaux appartenant aux Sujets des Etats Neutres qui seront sortis des ports d'un Etat ennemi de Sa Majesté et y auront pris leur chargement, en tout ou en partie, pour aller dans les Etats d'un autre Prince que le leur, soit qu'il soit allié de Sa Majesté, Neutre ou Ennemi, pourront être arrêtés et amenés dans le Royaume, et seront déclarés de bonne prise avec leur chargement, encore qu'ils fussent chargés pour le compte de Sa Majesté, ou d'un Etat Allié ou Neutre.

Une autre Ordonnance Française de 1744, contient l'Article suivant:

V. Si, dans les cas—, il se trouvait sur lesdits Navires Neutres, de quelque Nation qu'ils fussent, des marchandises ou effets appartenant aux Ennemis de Sa Majesté, les marchandises ou effets seront de bonne prise, quand même elles ne seraient pas de fabriques du Pays Ennemis, et néanmoins les Navires relâchés.

On trouve, en outre, dans les premières Ordonnances de la Marine Française, du mois d'Août 1681, l'Article ci-après.

VII. Tous les Navires qui se trouveront chargés d'effets appartenant à nos Ennemis, et les marchandises de nos Sujets ou Alliés qui se trouveront dans un Navire Ennemi, seront pareillement de bonne prise.

Le Soussigné a l'honneur de prévenir Son Excellence le Contre-Admiral qu'il ne transcrit point ces Articles comme une régle à suivre, attendu que ce ne sont pas des Lois de l'Empire du Brésil, qui n'a point admis ces doctrines avec les mêmes restrictions; il ne les transcrit que pour prouver que, même par les Lois Françaises, l'assertion que le Pavillon couvre la marchandise est insoutenable; et pour montrer aussi qu'à cette époque, *où les rênes du Gouvernement étaient entre les mains des Souverains Légitimes,* un Vaisseau de Guerre Français qui rencontrait un Navire Neutre avec une cargaison appartenant à l'Ennemi, non-seulement confisquait la cargaison, malgré la Neutralité du Pavillon, mais condamnait le Vaisseau Neutre lui-même comme bonne prise.

Il est résulté qui si ce premier principe de la Note de Son Excellence le Contre-Amiral faisait partie du Droit des Gens, la France l'en a exclu par les Ordonnances ci-dessus mentionnées. Sans doute, le Traité de 1780, entre les Puissances du Nord, connu sous le nom de Neutralité Armée, a eu pour but, comme le dit Son Excellence, d'établir ce premier Article, et de l'incorporer au Droit Maritime; mais on ne peut prouver que les Puissances qui ne faisaient pas partie de cette ligue

l'aient reconnu à la conclusion de la Paix. On ne voit pas non plus que dans la dernière Paix de Vienne, ou dans les Congrès qui l'ont suivie, on ait accordé des indemnités pour les marchandises ainsi capturées, quoique la France n'ait pas respecté ces marchandises sous Pavillon Neutre (sans doute comme représailles) ni même sur le Territoire de Nations Neutres. Les systèmes relatifs à ce principe sont si divers, qu'il vaudrait mieux l'appeler Droit de Convenance que Droit des Gens. Qui ignore que les Puissances Neutres, en aidant ainsi un des Belligérans, commettent des hostilités contre l'autre, parce qu'en soutenant son Commerce, ils le mettent en état de mieux continuer la Guerre? Qui ignore qu'un des plus grands maux que l'on puisse faire à son Ennemi, est de troubler son Commerce? M. le Contre-Amiral sait bien que le Gouvernement du Brésil adopte le principe que le Pavillon ne couvre pas la marchandise, principe suivi par toutes les Nations, sans exception, dans la dernière Guerre d'Europe; car il doit se ressouvenir qu'un Traité de Commerce du 18 Octobre, 1825, l'a établi ainsi par l'Article 17.* Quoique ce Traité n'ait pas été officiellement publié, cependant il a été imprimé dans le *Diario Fluminense*, du 12 Novembre de cette Année, et jamais il n'y a été répondu, ce qui indique au moins qu'on en avait adopté la doctrine; et si quelques éclaircissemens nécessaires en ont fait différer la Ratification, il est à croire que ce n'est point à cause de ce principe, puisque l'Angleterre l'a constamment suivi.

L'exemple du Système adopté par la France dans la Guerre contre les Cortès d'Espagne ne prouve rien, attendu qu'outre que cela est une exception de circonstance, le secours donné par Sa Majesté Très Chrétienne à Sa Majesté Catholique, pour la tirer des mains des Cortès, n'était point une Guerre de Nation contre Nation, et c'est pour cela qu'on a fait quelques exceptions dans le Blocus de Cadix.

La contrebande de Guerre mentionnée dans l'Article 3 n'a pas besoin, pour être de bonne prise, d'entrer dans les Ports bloqués; on en voit la preuve dans l'Article suivant d'une Ordonnance Française de 1681:

"XI. Les Armes, poudres, boulets et autres munitions de Guerre, même les chevaux et équipages, qui seront transportés pour le service de nos Ennemis, seront confisqués, en quelques Vaisseaux qu'ils soient trouvés, et à quelque personne qu'ils appartiennent, soit de nos Sujets ou Alliés."

Tout Commerce est défendu avec les Ports bloqués, et par conséquent toutes les marchandises sont de contrebande, par la raison que leur transport a été fait quoiqu'on eût connaissance du Blocus rendu

* Alluding to the Treaty with Great Britain, which was not ratified.

public par le Gouvernement, auteur de cette mesure. Les spéculateurs qui, guidés par l'ambition, agissent contre la déclaration et la reconnaissance de leur Gouvernement, cherchent à éluder le Blocus, et commettent ainsi des hostilités contre la Nation qui a établi ce Blocus, encourent la peine, en cas de saisie du bâtiment, de la confiscation des marchandises et des Navires. S'il n'en était pas ainsi, ils tenteraient tous de violer le Blocus.

Ces principes sont si connus qu'il ne parait pas possible qu'il y ait contestation.

Comme dans l'Article 5 de la Note de Son Excellence le Contre-Amiral, on argue, quoiqu'indirectement, de la manière dont les Blocus doivent être faits, ainsi que cela a déjà eu lieu dans une autre Note du 25 Mai dernier, le Soussigné, pour satisfaire Son Excellence, lui représente qu'il y a dans la Rivière deLa Plata des Ports qui appartiennent au Territoire de l'Empire du Brésil, et d'autres aux Ennemis du Brésil. Ces derniers sont en état de Blocus; et attendu que la meilleure manière d'exécuter cette mesure regarde le Soussigné, Son Excellence le Contre-Amiral doit croire que, dans quelque partie de la Rivière de La Plata qu'il rencontre des bâtimens de l'Escadre de Sa Majesté l'Empereur du Brésil, leur service fait partie du Système adopté pour empêcher l'entrée des bâtimens dans les Ports bloqués, et certainement ce mode ne peut être réputé moins efficace que celui par lequel la France et l'Angleterre avaient déclaré en état de Blocus, la première les Iles Britanniques, et la seconde les Ports des Etats dont le Territoire était occupé par les Armées Françaises. Son Excellence sait également que les prises faites sur les Puissances Neutres furent toutes jugées légales; et lorsqu'elle dit que ce fait et plusieurs autres n'eurent lieu que dans le temps où un Usurpateur occupait le Trône de France, on peut repondre à cette objection et à toute autre, en rappelant qu'il ne fut donné aucune indemnité, et que les Ordonnances, les Réglemens et les Lois déjà cités forment en grande partie la Législation Maritime de la France.

Telle est la réponse explicative du Soussigné à la Protestation contenu dans la Note de Son Excellence le Contre-Amiral, en date du 6 du courant. Si Son Excellence n'en est pas satisfaite, elle peut recourir au moyen qu'elle indique dans cette même Note. Il ne reste plus au Soussigné que de lui renouveler l'assurance, &c.

PINTO GUEDES.

S. E. le Contre-Amiral commandant les Forces Navales de Sa Majesté Très Chrétienne, dans l'Amérique-Sud.

GENERAL Convention of Peace, Amity, Commerce, and Navigation, between The United States of America and the Federation of the Centre of America.—Signed at Washington, December 5, 1825.

WHEREAS a General Convention of Peace, Amity, Commerce, and Navigation, between the United States of America, and the Federation of the Centre of America, was concluded and signed at Washington, on the 5th day of December, in the Year of our Lord 1825; which Convention, being in the English and Spanish languages, is, word for word, as follows:

General Convention of Peace, Amity, Commerce, and Navigation, between The United States of America, and the Federation of the Centre of America.

The United States of America, and the Federation of the Centre of America, desiring to make firm and permanent the Peace and Friendship which happily prevails between both Nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a Treaty, or General Convention of Peace, Friendship, Commerce, and Navigation.

For this most desirable object, the President of the United States of America has conferred Full Powers on Henry Clay, their Secretary of State; and the Executive Power of the Federation of the Centre of America on Antonio Jose Canas, a Deputy of the Constituent National Assembly for the Province of San Salvador, and Envoy Extraordinary and Minister Plenipotentiary of that Republick, near The United States, who, after having exchanged their said

Convencion General de Paz, Amistad, Comercio, y Navegacion, entre la Confederacion de Centro-America, y los Estados-Unidos de America.

La Federacion de Centro-America, y los Estados-Unidos de America, deseando hacer firme y permanente la Paz é Amistad que felizmente existe entre ambas Potencias, han resuelto fijar de una manera clara, distinta y positiva, las reglas, que deben observar religiosamente en lo venidero, por medio de un Tratado ó Convencion General de Paz, Amistad, Comercio, y Navegacion.

Con este muy deseable objeto, el Poder Executivo de la Federacion de Centro-America, ha conferido Plenos Poderes à Antonio Jose Canas, diputado de la Asemblea Nacional Constituyente por la Provincia de San Salvador, é Enviado Extraordinario y Ministro Plenipotenciario de la aquella Republica cerca de los Estados Unidos, y el Presidente de los Estados Unidos de America, à Henrico Clay, su Secretario de Estado, quienes despues de haber canjeado sus espresados

Full Powers in due and proper form, have agreed to the following Articles:

Art. I. There shall be a perfect, firm, and inviolable Peace, and sincere Friendship, between the United States of America and the Federation of the Centre of America, in all the extent of their Possessions and Territories, and between their People and Citizens, respectively, without distinction of Persons or Places.

II. The United States of America, and the Federation of the Centre of America, desiring to live in peace and harmony with all the other Nations of the Earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favour to other Nations, in respect of Commerce and Navigation, which shall not immediately become common to the other Party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

III. The two High Contracting Parties, being likewise desirous of placing the Commerce and Navigation of their respective Countries on the liberal basis of perfect equality, and reciprocity, mutually agree that the Citizens of each may frequent all the Coasts and Countries of the other, and reside and trade there, in all kinds of produce, manufactures, and merchandise, and they shall enjoy all the rights, privileges, and exemptions, in Navigation and Commerce, which native Citizens do, or shall enjoy, submitting themselves to the Laws,

Plenos Poderes en debida y buena forma, han convenido en los Articulos siguientes:

Art. I. Habra una Paz, perfecta, firme, é inviolable, y amistad sincera, entre la Federacion de Centro-America y los Estados-Unidos de America, en toda la estencion de sus Posesiones y Territorios, y entre sus Pueblos y Ciudadanos respectivamente, sin distincion de Personas, ni Lugares.

II. La Federacion de Centro-America, y los Estados-Unidos de America, deseando viver en paz y harmonia con las demas Naciones de la Tierra, por medio de una politica franca, é igualmente amistosa con todas, se obligan mutuamente à no conceder favores particulares à otras Naciones, con respecto à Comercio y Navegacion, que no se hagan inmediatamente comun à una ú otra, quien gozarà de los mismos libremente, si la concesion fuese hecha libremente, ó prestando la misma compensacion, si la concesion fuere condicional.

III. Las dos Altas Partes Contratantes, deseando tambien establecer el Comercio y Navegacion de sus respectivos Paises sobre las liberales bases de perfecta igualidad y reciprocidad, convienen mutuamente que los Ciudadanos de cada una podran frecuentar todas las Costas y Paises de la otra, y residir y traficar en ellos con toda clase de producciones, manufacturas, y mercaderias, y gozaran de todos los derechos, privilegios y esempciones, con respecto à Navegacion y Comercio, que gozan ó gozaren los Ciudadanos nativos, so-

Decrees, and Usages, there established, to which native Citizens are subjected. But it is understood that this Article does not include the Coasting Trade of either Country, the regulation of which is reserved by the Parties respectively, according to their own separate Laws.

IV. They likewise agree, that whatever kind of produce, manufacture, or merchandise, of any Foreign Country, can be from time to time, lawfully imported into The United States, in their own Vessels, may be also imported in Vessels of the Federation of the Centre of America; and that no higher or other Duties, upon the Tonnage of the Vessel, or her Cargo, shall be levied and collected, whether the importation be made in Vessels of the one Country, or of the other. And in like manner, that whatever kind of produce, manufactures, or merchandise, of any Foreign Country, can be, from time to time, lawfully imported into the Central Republick, in its own Vessels, may be also imported in Vessels of The United States, and that no higher or other Duties, upon the Tonnage of the Vessel, or her Cargo, shall be levied and collected, whether the importation be made in Vessels of the one Country or of the other. And they further agree, that whatever may be lawfully exported, or re-exported, from the one Country, in its own Vessels, to any Foreign Country, may, in like manner, be exported, or re-exported in the Vessels of the other Country. And the same Bounties, Du-

metiendose à las Leyes, Decretos é Usos establecidos, à que estan sujetos dichos Ciudadanos nativos. Pero deber entenderse que este Articulo no comprende el Comercio de Costa de cada uno de los dos Paises, cuya regulacion es reservada à las Partes, respectivamente, segun sus propias y peculiares Leyes.

IV. Igualmente convienen, que cualquiera clase de producciones, manufacturas, ó mercaderias Estrangeras, que puedan ser, en cualquier tiempo, legalmente introducidas en la Republica Central en sus propios Buques, puedan tambien ser introducidas en los Buques de los Estados Unidos; y que no se impondran ó cobraran otros ó mayores derechos de tonelada ó por el cargamento, ya sea que la importacion se haga en Buques de la una ó de la otra. De la misma manera que cualesquiera clase de producciones, manufacturas ó mercaderias Estrangeras, que pueden ser en cualquier tiempo legalmente introducidas en los Estados-Unidos en sus propios Buques, puedan tambien ser introducidas en los Buques de la Federacion de Centro-America; y que no se impondran ó cobraran otros ó mayores derechos de tonelada ó por el cargamento, ya sea que la importacion se haga en Buques de la una ò de la otra. Convienen ademas, que todo lo que pueda ser legalmente esportado ò re-esportado de uno de los dos Paises, en sus Buques propios, para un Pais Estranjero, pueda de la misma manera ser esportado ò re-esportado en los Buques de el otro. Y los

ties, and Drawbacks, shall be allowed and collected, whether such exportation, or re-exportation be made in Vessels of The United States, or of the Central Republick.

V. No higher or other duties shall be imposed on the importation into The United States, of any articles, the produce or manufactures of the Federation of the Centre of America, and no higher or other duties shall be imposed on the importation into the Federation of the Centre of America, of any articles, the produce or manufactures of The United States, than are, or shall be, payable on the like Articles, being the produce or manufactures of any other Foreign Country; nor shall any higher or other duties, or charges, be imposed in either of the two Countries, on the exportation of any articles to The United States, or to the Federation of the Centre of America, respectively, than such as are payable on the exportation of the like articles to any other Foreign Country: nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufactures of The United States, or of the Federation of the Centre of America, to or from the Territories of The United States, or to or from the Territories of the Federation of the Centre of America, which shall not equally extend to all other Nations.

VI. It is likewise agreed, that it shall be wholly free for all Merchants, Commanders of Ships, and

mismos derechos, premios ò descuentos se concedran y cobraran ya sea que tal exportacion, ò re-exportacion se haga en los Buques de la Republica Central ó de los Estados-Unidos.

V. No se impondran otros ó mayores derechos sobre la importacion de cualquier articulo, produccion ò manufactura de los Estados-Unidos en la Federacion de Centro-America, y no se impondran otros ò mayores derechos sobre la importacion de cualquier articulo, produccion ó manufactura de la Federacion de Centro-America en los Estados-Unidos, que los que se pagan ó pagaren en adelante por iguales articulos, produccion ó manufactura de cualquiera Pais Estranjero; ni se impondran otros ó mayores derechos ó cargos en cualquiera de los dos Paises sobre la esportacion de cualesquiera articulos para la Federacion de Centro-America, ó para los Estados-Unidos respectivamente, que los que se pagan ó pagaren en adalante por la esportacion de iguales articulos para cualquiera otro pais Estrangero; ni se establecera prohivicion sobre la importacion ó esportacion de cualesquiera articulos, produccion ó manufactura de los Territorios de la Federacion de Centro-America para los de los Estados Unidos, ó de los Territorios de los Estados-Unidos para los de la Federacion de Centro-America, que no sea igualmente estensiva à las otras Naciones.

VI. Se conviene ademas, que serà enteramente libre y permitido, á los Comerciantes, Comand-

other Citizens, of both Countries, to manage, themselves, their own business, in all the Ports and Places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading, and sending off, their Ships; they being, in all these cases, to be treated as Citizens of the Country in which they reside, or at least to be placed on a footing with the Subjects or Citizens of the most favoured Nation.

VII. The Citizens of neither of the Contracting Parties shall be liable to any embargo, nor be detained with their Vessels, cargoes, merchandise, or effects, for any military expedition, nor for any publick or private purpose whatever, without allowing to those interested a sufficient indemnification.

VIII. Whenever the Citizens of either of the Contracting Parties shall be forced to seek refuge or asylum, in the Rivers, Bays, Ports, or Dominions, of the other, with their Vessels, whether Merchant or of War, publick or private, through stress of weather, pursuit of Pirates, or Enemies, they shall be received and treated with humanity, giving to them all favour and protection for repairing their Ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

IX. All the Ships, merchandise, and effects, belonging to the Citizens of one of the Contracting

antes de Buques, y otros Ciudadanos de ambos Paises, el manejar sus negocios, por si mismos, en todos los Puertos y Lugares sujetos à la jurisdiccion de uno ù otro, asi respecto à las consignaciones y ventas por mayor y menor de sus efectos y mercaderias, como de la carga, descarga y despacho de sus Buques, debiendo en todos estos casos, ser tratados como Ciudadanos del Pais en que residan, ó al menos puestos sobre un pie igual con los Subditos ó Ciudadanos de las Naciones mas favorecidas.

VII. Los Ciudadanos de una ù otra Parte, no podràn ser embargados ni detenidos con sus embarcaciones, tripulaciones, mercaderias, y efectos comerciales de su pertenencia, para alguna espedicion militàr, usos publicos, ó particulares cualesquiera que sean, sin conceder à los interesados una suficiente indemnizacion.

VIII. Siempre que los Ciudadanos de alguna de las Partes Contratantes se vieren precisados à buscàr refujio, ó asilo en los Rios, Bahias, Puertos, ó Dominios de la otra, con sus Buques, ya sean Mercantes, ó de Guerra, publicos ó particulares, por mal tiempo, persecucion de Piratas ó Enemigos, seràn recibidos y tratados con humanidad, dandoles todo favor y proteccion, para reparar sus Buques, procuràr viveres, y ponerse en situacion de continuar su viaje, sin obstaculo ó estorbo de ningun genero.

IX. Todos los Buques, mercaderias y efectos pertenecientes á los Ciudadanos de una de las

Parties, which may be captured by Pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the Rivers, Roads, Bays, Ports, or Dominions, of the other, shall be delivered up to the Owners, they proving in due and proper form, their rights, before the Competent Tribunals; it being well understood that the claim should be made within the term of one Year by the Parties themselves, their Attornies, or Agents of the respective Governments.

Partes Contratantes, que sean apresados por Piratas, bien sea dentro de los limites de su jurisdiccion, ó en alta mar, y fueren llevados, ó hallados en los Rios, Radas, Bahias, Puertos, ó Dominios de la otra, seràn entregados à sus dueños, probando estos en la forma propia y debida, sus derechos ante los Tribunales Competentes; bien entendido que el reclamo ha de hacerse dentro del termino de un Año, por las mismas Partes, sus Apoderados ó Agentes de los respectivos Gobiernos:

X. When any Vessel belonging to the Citizens of either of the Contracting Parties shall be wrecked, foundered, or shall suffer any damage on the Coasts, or within the Dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the Vessels of the Nation where the damage happens; permitting them to unload the said Vessel, if necessary, of its merchandise and effects, without exacting for it any Duty, Impost, or Contribution whatever, until they may be exported.

X. Cuando algun Buque perteneciente à los Ciudadanos de alguna de las Partes Contratantes, naufrague, encalle, ó sufra alguna averia, en las Costas, ó dentro de los Dominios de la otra, se les darà toda ayuda y proteccion, del mismo modo que es uso y costumbre, con los Buques de la Nacion en donde suceda la averia; permitiendoles descargàr el dicho Buque (si fuere necesario) de sus mercaderias y efectos, sin cobrar por esto hasta que sean esportados, ningun Derecho, Impuesto ó Contribution.

XI. The Citizens of each of the Contracting Parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their Representatives, being Citizens of the other Party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for

XI. Los Ciudadanos de cada una de las Partes Contratantes, tendràn pleno podér para disponér de sus bienes personales dentro de la jurisdiccion de la otra, por venta, donacion, testimento, ó de otro modo; y sus Representantes, siendo Ciudadanos de la otra Parte, succederàn à sus dichos bienes personales, ya sea por testamento ó *ab intestato*, y podran tomar posesion de ellos, ya sea por si mis-

them, and dispose of the same at their will, paying such Dues only as the Inhabitants of the Country, wherein said goods are, shall be subject to pay in like cases: And if, in the case of real estate, the said Heirs would be prevented from entering into the possession of the Inheritance, on account of their character of Aliens, there shall be granted to them the term of three Years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all Duties of detraction, on the part of the Government of the respective States.

XII. Both the Contracting Parties promise and engage, formally, to give their special protection to the Persons and Property of the Citizens of each other, of all occupations, who may be in the Territories, subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the Tribunals of Justice for their judicial recourse, on the same terms which are usual and customary with the Natives or Citizens of the Country in which they may be; for which they may employ in defence of their rights, such Advocates, Solicitors, Notaries, Agents, and Factors, as they may judge proper, in all their Trials at Law; and such Citizens or Agents shall have free opportunity to be present at the decisions and Sentences of the Tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evi-

mos ó por otros, que obren por ellos, y disponer de los mismos, segun su voluntad, pagando aquellas cargas, solamente, que los Habitantes del Pais en donde estan los referidos bienes estuvieren sujetos à pagar en iguales casos. Y si en el caso de bienes raices, los dichos Herederos fuesen impedidos de entràr en la posesion de la herencia por razon de su caracter de Estrangeros, se les darà el termino de tres Años, para disponer de ella como juzguen conveniente, y para estraér el producto sin molestia, y esentos de todo derecho de deduccion por parte del Gobierno de los respectivos Estados.

XII. Ambas Partes Contratantes se comprometen y obligan formalmente à dar su proteccion especial à las Personas y Propiedades de los Ciudadanos de cada una reciprocamente, transeuntes ó habitantes de todas occupaciones, en los Territorios sujetos à la jurisdiccion de una y otra, dejandoles abiertos y libres los Tribunales de Justicia, para sus recursos judiciales, en los mismos terminos que son de uso y costumbre para los Naturales ó Ciudadanos del Pais en que residan; para lo cual, podràn emplear en defensa de sus derechos aquellos Abogados, Procuradores, Escribanos, Agentes, ó Factores que juzguen conveniente, en todos sus asuntos y litigios; y dichos Ciudadanos ó Agentes tendràn la libre facultad de estar presentes en las decisiones y Sentencias de los Tribunales, en todos los casos que les conciernan, como igualmente al to-

dence which may be exhibited in the said Trials.

XIII. It is likewise agreed, that the most perfect and entire security of conscience shall be enjoyed by the Citizens of both the Contracting Parties in the Countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their Religious Belief, so long as they respect the Laws and established usages of the Country. Moreover the bodies of the Citizens of one of the Contracting Parties, who may die in the Territories of the other, shall be buried in the usual Burying Grounds, or in other decent or suitable Places, and shall be protected from violation or disturbance.

XIV. It shall be lawful for the Citizens of the United States of America, and of the Federation of the Centre of America, to sail with their Ships, with all manner of liberty and security, no distinction being made who are the Proprietors of the merchandise laden thereon, from any Port, to the Places of those who are now or hereafter shall be at enmity with either of the Contracting Parties. It shall likewise be lawful for the Citizens aforesaid to sail with the Ships and merchandise before mentioned, and to trade with the same liberty and security from the Places, Ports, and Havens, of those who are Enemies of both or either Party, without any opposition or disturbance whatsoever, not only directly from the Places of the Enemy, beforementioned,

mar todos los examenes y declaraciones que se ofrezcan en los dichos litigios.

XIII. Se conviene igualmente en que los Ciudadanos de ambas Partes Contratantes gozen la mas perfecta y entera seguridad de conciencia en los Paises sujetos à la jurisdiccion da una ù otra, sin quedar por ello espuestos à ser inquietados ó molestados en razon de su creencia religiosa, mientras que respeten las leyes y usos establecidos. Ademas de esto, podràn sepultarse los cadaveres de los Ciudadanos de una de las Partes Contratantes, que fallecieren en los Territorios de la otra, en los Cementerios acostumbrados, ó en otros lugares decentes, y adecuados, los cuales, seràn protejidos contra toda violacion ó trastorno.

XIV. Serà licito á los Ciudadanos de la Federacion de Centro-America, y de los Estados-Unidos de America, navegàr con sus Buques, con toda seguridad y libertad, de cualquiera puerto à las plazas ó lugares de los que son ó fueren en adelante Enemigos de cualquiera de las dos Partes Contratantes, sin hacerse distincion de quienes son los dueños de las mercaderias cargadas en ellos. Serà igualmente licito à los referidos Ciudadanos navegàr con sus Buques y mercaderias mencionadas, y traficàr con la misma libertad y seguridad, de los lugares, puertos y enseñadas de los Enemigos de ambas Partes, ó de alguna de ellas, sin ninguna oposicion, ó disturbio cualquiera, no solo directamente de los lugares de Enemigo arriba mencionados à lugares neutros, sino tambien de un lugar per-

to Neutral Places, but also from one Place belonging to an Enemy to another Place belonging to an Enemy, whether they be under the jurisdiction of one Power or under several. And it is hereby stipulated, that Free Ships shall also give freedom to goods, and that every thing shall be deemed to be free and exempt, which shall be found on board the Ships belonging to the Citizens of either of the Contracting Parties, although the whole lading, or any part thereof, should appertain to the Enemies of either, Contraband Goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to Persons who are on board a Free Ship, with this effect, that although they be Enemies to both or either Party, they are not to be taken out of that Free Ship, unless they are Officers or Soldiers, and in the actual service of the Enemies: provided, however, and it is hereby agreed, that the Stipulations in this Article contained, declaring that the Flag shall cover the property, shall be understood as applying to those Powers only who recognise this principle; but if either of the Two Contracting Parties shall be at War with a third, and the other Neutral, the Flag of the Neutral shall cover the property of the Enemies whose Governments acknowledge this principle, and not of others.

XV. It is likewise agreed, that, in the case where the Neutral Flag of one of the Contracting Parties

teneciente à un Enemigo, à otro Enemigo, ya sea que esten bajo la jurisdiccion de una Potencia, ó bajo la de diversas. Y queda aqui estipulado, que los Buques libres, dan tambien libertad à las mercaderias, y que se ha de considerar libre y esento todo lo que se hallare à bordo de los Buques pertenecientes à los Ciudadanos de cualquiera de las Partes Contratantes, aunque toda la carga ó parte de elle pertenezca á Enemigos de una ù otra, eceptuando siempre los articulos de contrabando de guerra. Se conviene tambien del mismo modo, en que la misma libertad se estienda à las Personas que se encuentren à bordo de Buques libres, con el fin de que aunque dichas Personas sean Enemigos de ambas Partes ó de alguna de ellas, no deban ser estraidos de los Buques libres, à menos que sean Oficiales ó Soldados en actual servicio de los Enemigos: à condicion no obstante, y se conviene aquien esto, que las Estipulaciones contenidas en el presente Articulo, declarando que el Pabellon cubre la propiedad, se entenderàn applicables solamente á aquellas Potencias que reconocen este principio; pero si alguna de las dos Partes Contratantes, estuviere en guerra con una tercera, y la otra permaneciese Neutràl, la Bandera de la Neutral cubrirà la propiedad de los Enemigos, cuyos Gobiernos reconozcan este principio, y no de otros.

XV. Se conviene igualmente que en el caso de que la Bandera Neutrál de una de las Partes

shall protect the property of the Enemies of the other, by virtue of the above Stipulation, it shall always be understood that the Neutral property found on board such Enemy's Vessels shall be held and considered as Enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such Vessel before the Declaration of War, or even afterwards, if it were done without the knowledge of it; but the Contracting Parties agree, that two months having elapsed after the Declaration, their Citizens shall not plead ignorance thereof. On the contrary, if the Flag of the Neutral does not protect the Enemy's property, in that case the goods and merchandise of the Neutral, embarked in such Enemy's Sh ps shall be free.

Contratantes protega las propiedades de los Enemigos de la otra, en virtud de lo estipulado arriba, deberà siempre entenderse, que las propiedades neutrales encontradas à bordo de tales Buques Enemigos, han de tenerse y considerarse como propiedades Enemigas, y como tales, estaràn sujetas à detencion y confiscacion, eseptuando solamente aquellas propiedades que hubiesen sido puestas à bordo de tales Buques antes de la declaracion de la guerra, y aun despues, si hubiesen sido embarcadas en dichos Buques, sin tenèr noticia de la guerra; y se conviene, que pasados dos meses despues de la Declaracion, los Ciudadanos de una y otra Parte no podràn alegàr que la ignoraban. Por el contrario, si la Bandera Neutrál, no protegiese las propiedades Enemigas, entonces seràn libres los efectos y mercaderias de la Parte Neutrál, embarcados en Buques Enemigos.

XVI. This liberty of Navigation and Commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of Contraband, and under this name of Contraband, or prohibited goods, shall be comprehended:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2dly. Bucklers, helmets, breastplates, coats of mail, infantry belts,

XVI. Esta libertad de Navegacion y Comercio se estenderà a todo genero de mercaderias, eceptuando aquellas solamente, que se distinguen con el nombre de contrabando, y bajo este nombre de contrabando ó efectos prohibidos se comprenderán:

1°. Cañones, morteros, obuces, pedreros, trabucos, mosquetes, fusiles, rifles, carabinas, pistolas, picas, espadas, sables, lanzas, chuzos, alabardas, y granadas, bombas, polvora, mechas, balas, con las demas cosas correspondientes al uso de estas armas.

2° Escudos, casquetes, corazas, cotas de malla, fornituras, y ves-

and clothes, made up in the form and for a military use.

3dly. Cavalry belts and horses, with their furniture.

4thly. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed, expressly to make War by Sea or Land.

XVII. All other merchandise and things not comprehended in the articles of Contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the Contracting Parties, even to Places belonging to an Enemy, excepting only those Places which are at that time Besieged or Blockaded; and, to avoid all doubt in this particular, it is declared that those Places only are besieged or blockaded which are actually attacked by a Belligerent Force capable of preventing the entry of the Neutral.

XVIII. The Articles of Contraband, before enumerated and classified, which may be found in a Vessel bound for an Enemy's Port, shall be subject to detention and confiscation, leaving free the rest of the Cargo and the Ship, that the Owners may dispose of them as they see proper. No Vessel of either of the two Nations shall be detained on the High

tidos hechos en forma, y à usanza militar.

3°. Bandoleras, y caballos junto con sus armas y arneses.

4°. Y generalmente toda especie de armas, é instrumentos de hierro, acero, bronce, cobre y otras materias cualesquiera, manufacturadas, preparadas, y formadas espresamente para hacér la guerra por Mar, ó Tierra.

XVII. Todas las demas mercaderias, y efectos no comprendidos en los articulos de contrabando esplicitamente enumerados, y clasificados en el articulo anterior, seràn tenidos, y reputados por libres, y de licito y libre comercio, de modo, que ellos puedan sér transportados, y llevados de la manera mas libre, por los Ciudadanos de ambas Partes Contratantes, aun á los lugares pertenecientes à un Enemigo de una ù otra, ecceptuando solamente aquellos lugares ó plazas, que estàn al mismo tiempo sitiadas ó bloqueadas; y para evitar toda duda en el particulár, se declaran sitiadas ó bloquedas à quellas plazas, que en la actualidad estuviesen átacadas por una Fuerza de un Beligerante capaz de impedir la entrada del Neutral.

XVIII. Los Articulos de Contrabando, antes enumerados y clasificados, que se hallen en un buque destinado à puerto enemigo estarán sujetos à detencion y confiscacion; dejando libre el resto del cargamento y el Buque, para que los dueños puedan disponer de ellos como lo crean conveniente. Ningun Buque de cualquiera de las dos Naciones, será detenido, por tenér à bordo

Seas, on account of having on board articles of Contraband, whenever the Master, Captain, or Supercargo, of said Vessel will deliver up the articles of Contraband to the Captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing Ship without great inconvenience; but, in this and in all other cases of just detention, the Vessel detained shall be sent to the nearest convenient and safe Port, for Trial and Judgment, according to Law.

XIX. And whereas it frequently happens that Vessels sail for a Port or Place belonging to an Enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed, that every Vessel so circumstanced may be turned away from such Port or Place, but shall not be detained, nor shall any part of her Cargo, if not Contraband, be confiscated, unless, after warning of such Blockade or Investment, from the Commanding Officer of the Blockading Forces, she shall again attempt to enter; but she shall be permitted to go to any other Port or Place she shall think proper. Nor shall any Vessel of either, that may have entered into such Port before the same was actually besieged, blockaded, or invested, by the other, be restrained from quitting such Place, with her Cargo, nor, if found therein, after the reduction and surrender, shall such Vessel or her Cargo be liable to confiscation, but they shall be restored to the Owners thereof.

articulos de contrabando, siempre que el Maestre, Capitan, ó Sobrecargo de dicho buque quiera entregár los articulos de contrabando al apresador, á menos que la cantidad de estos articulos sea tan grande y de tanto volumen, que no puedan sér recibidos à bordo del Buque apresadór, sin grandes inconvenientes; pero en este, como en todos los otros casos de justa detencion, el Buque detenido será enviado al Puerto mas inmediato, comodo y seguro, para ser juzgado y sentenciado conforme á las leyes.

XIX. Y por cuanto frecuentemente sucede que los Buques navegan para un Puerto ó Lugàr perteneciente á un Enemigo, sin saber que aquel esté sitiado, bloqueado ó envestido, se conviene en que todo Buque en estas circunstancias se pueda hacer volver de dicho Puerto, ó Lugar; pero no será detenido, ni confiscada, parte alguna de su cargamento, no siendo contrabando; á menos que despues de la intimacion de semejante bloqueo ó ataque, por el Comandante de las fuerzas bloqueadoras, intentase otra vez entrar; pero le será permitido ir á cualquiera otro Puerto ó Lugar que juzgue conveniente. Ni ningun buque de una de las Partes, que haya entrado en semejante Puerto, ó Lugar, antes que estuviese sitiadó bloqueado, ó envestido por la otra, será impedido de dejar el tal lugar con su cargamento, ni si fuere hallado alli despues de la rendicion y entrega de semejante lugár, estarà el tal buque ó su cargamento sujeto à confisca-

XX. In order to prevent all kind of disorder in the visiting and examination of the Ships and Cargoes of both the Contracting Parties on the High Seas, they have agreed, mutually, that whenever a Vessel of War, publick or private, shall meet with a Neutral of the other Contracting Party, the first shall remain out of cannon shot, and may send its boat, with two or three men only, in order to execute the said examination of the Papers, concerning the ownership and cargo of the Vessel, without causing the least extortion, violence, or ill treatment, for which the Commanders of the said Armed Ships shall be responsible with their persons and property; for which purpose the Commanders of said Private Armed Vessels shall, before receiving their Commissions, give sufficient security to answer for all the damages they may commit. And, it is expressly agreed, that the Neutral Party shall in no case be required to go on board the examining Vessel, for the purpose of exhibiting her Papers, or for any other purpose whatever.

XXI. To avoid all kind of vexation and abuse in the examination of the Papers relating to the ownership of the Vessels belonging to the Citizens of the two Contracting Parties, they have agreed, and do agree, that in case one of them should be engaged in War, the Ships and Vessels belonging to the Citizens of the other must be furcion, sino que serán restituidos á sus dueños.

XX. Para evitar todo genero de desorden en la visita, y examen de los buques y cargamentos de ambas Partes Contratantes en alta mar, han convenido mutuamente, que siempre que un Buque de Guerra, publico ó particular, se éncontrase con un Neutral de la otra Parte Contratante, el primero permanecerá fuera de tiro de cañon, y podrà mandàr su bote, con dos ó tres hombres solamente, para ejecutàr el dicho examen de los Papeles concernientes á la propiedad y carga del Buque, sin ocasionàr la menor estorcion, violencia ó mal tratamiento, por lo que los Comandantes del dicho Buque armado seràn responsables, con sus personas y bienes; á cuyo efecto los Comandantes de Buques armados, por cuenta de particulares, estaràn obligados antes de entregarseles, sus Comisiones ó Patentes, á dar fianza suficiente para respondér de los perjuicios que causen. Y se ha convenido espresamente, que en ningun caso se exigira á la parte neutral, que vaya á bordo del Buque examinadór con el fin de exibir sus Papeles, ó para cualquiera otro objeto sea el que fuere.

XXI. Para evitar toda clase de vejamen y abuso en el examen de los Papeles relativos á la propiedad de los Buques pertenecientes á los Ciudadanos de las dos Partes Contratantes, han convenido y convienen, que en caso de que una de ellas estuviere en guerra, los buques, y bajeles pertenecientes á los Ciudadanos de la otra, seràn pro-

nished with Sea-letters or Passports, expressing the name, property, and bulk of the Ship, as also the name and place of habitation of the Master or Commander of said Vessel, in order that it may thereby appear that the Ship really and truly belongs to the Citizens of one of the Parties; they have likewise agreed that, such Ships, being laden, besides the said Sea-letters or Passports, shall also be provided with Certificates, containing the several particulars of the Cargo, and the Place whence the Ship sailed, so that it may be known whether any forbidden or contraband goods be on board the the same; which Certificates shall be made out by the Officers of the Place whence the Ship sailed, in the accustomed form; without which requisites said Vessel may be detained to be adjudged by the competent Tribunal, and may be declared Legal Prize, unless the said defects shall be satisfied or supplied by testimony entirely equivalent.

XXII. It is further agreed, that the Stipulations above expressed, relative to the visiting and examination of Vessels, shall apply only to those which sail without Convoy; and when said Vessels shall be under Convoy, the verbal declaration of the Commander of the Convoy, on his word of honour, that the Vessels under his protection belong to the Nation, whose Flag he carries,—and when they are bound to an Enemy's Port, that they have no contraband goods on board,—shall be sufficient.

vistos con Letras de Màr, ó Pasaportes, espresando el nombre, propiedad y tamaño del Buque, como tambien el nombre y lugar de la residencia del Maestre, ó Comandante, á fin de que se vea que el Buque, real y verdaderamente pertenece á los Ciudadanos de una de las Partes; y han convenido igualmente, que estando cargados los espresados Buques, ademas de las Letras de Mar, ó Pasaportes, estarán tambien provistos de Certificatos, que contengan los por menores del cargamente, y el lugar de donde salió el Buque, para que asi pueda saberse, si hay à su bordo algunos efectos prohibidos ó de contrabando, cuyos Certificatos serán hechos por los Oficiales del lugàr de la procedencia del Buque, en la forma acostumbrada, sin cuyos requisitos el dicho Buque puede ser detenido, para ser juzgado por el Tribunal competente, y puede ser declarado buena presa, á menos que satisfagan, ó suplan el defecto con testimonios enteramente equivalentes.

XXII. Se ha convenido ademas, que las estipulaciones anteriores, relativas al examen y visita de Buques, se aplicaràn solamente à los que navegan sin Conboy, y que cuando los dichos Buques estuvieren bajo de Conboy, serà bastante la declaracion verbal del Comandante del Conboy, bajo su palabra de honór, de que los Buques que estàn bajo su proteccion pertenecen á la Nacion, cuya Bandera llevan, y cuando se dirijen á un Puerto Enemigo, que los dichos Buques no tienen á su bordo articulos de contrabando de guerra.

XXIII. It is further agreed, that, in all cases, the established Courts for Prize Causes, in the Country to which the Prizes may be conducted, shall alone take cognizance of them. And whenever such Tribunal of either Party shall pronounce Judgment against any Vessel or Goods, or Property claimed by the Citizens of the other Party, the Sentence or Decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated Copy of the Sentence or Decree, and of all the proceedings in the Case, shall, if demanded, be delivered to the Commander or Agent of said Vessel, without any delay, he paying the legal fees for the same.

XXIV. Whenever one of the Contracting Parties shall be enengaged in War with another State, no Citizen of the other Contracting Party shall accept a Commission, or Letter of Marque, for he purpose of assisting or co-operating hostilely, with the said Enemy, against the said Party so at War, under the pain of being treated as a Pirate.

XXV. If, by any fatality, which cannot be expected, and which God forbid, the two Contracting Parties should be engaged in a War with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the Merchants residing on the Coasts and in the Ports of each other, and the term of one Year to those who dwell in the interior, to arrange their business, and transport their

XXIII. Se ha convenido ademas, que en todos los casos que ocurran, solo los Tribunales establecidos para Causas de Presas, en el Pais á que las Presas sean conducidas, tomarán conocimiento de ellas. Y siempre que semejante Tribunal de cualquiera de las Partes, pronunciase sentencia contra algun Buque, ó efectos, ó propiedad reclamada por los Ciudadanos de la otra Parte, la Sentencia ó Decreto hará mencion de las razones ó motivos en que aquella se haya fundado, y se entregará sin demora alguna al Comandante ó Agente de dicho Buque, si lo solicitase, un testimonio autentico de la Sentencia, ó Decreto, ó de todo el proceso, pagando por él los derechos legales.

XXIV. Siempre que una de las Partes Contratantes estuviere empeñada en guerra, con otro Estado, ningun Ciudadano de la otra Parte Contratante aceptarar una Comision ó Letra de Marca para el objeto de ayudàr ó co-operar hostilmente con el dicho Enemigo, contra la dicha Parte que este asi en guerra, bajo la pena de ser tratado como Pirata.

XXV. Si por alguna fatalidad, que no puede esperarse, y que Dios no permita, las dos Partes Contratantes se viesen empeñadas en guerra una con otra, han convenido y convienen de ahora para entonces, que se concederá el termino de seis meses á los comerciantes residentes en las Costas y en los Puertos de entrambas, y el termino de un año à los que habitan en el interior, para arreglàr sus negocios, y transportar sus efectos á donde quieran,

effects wherever they please, giving to them the Safe Conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated Port. The Citizens of all other occupations, who may be established in the Territories or Dominions of The United States and of the Federation of the Centre of America, shall be respected and main ained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the Contracting Parties engage to give them.

dandoles el salvo conducto necesario para ello, que les sirva de suficiente proteccion hasta que lleguen al Puerto que designen, Los Ciudadanos de otras ocupaciones, que se hallen establecidos en los Territorios ó Dominios de la Federacion de Centro-America ó los Estados-Unidos de America, seràn respetados, y mantenidos en el pleno goze de su libertad personal y propiedad, á menos que su conducta particular les haga perdér esta proteccion, que en consideracion à la humanidad, las Partes Contratantes se conprometen á prestarles.

XXVI. Neither the Debts due from Individuals of the one Nation to the Individuals of the other, nor Shares nor Monies, which they may have in Publick Funds, nor in Publick or Private Banks, shall ever, in any event of War, or of National difference, be sequestered or confiscated.

XXVI. Ni las deudas contraidas por los Individuos de una Nacion, con los Individuos de la otra, ni las acciones ó dineros, que puedan tenér en los fondos publicos, ó en los bancos publicos, ó privados, seràn jamas secuestrados ó confiscados en ningun caso de guerra, ó diferencia nacional.

XXVII. Both the Contracting Parties being desirous of avoiding all inequality in relati n to their Publick Communications and Official intercourse, have agreed and do agree, to grant to the Envoys, Ministers, and other Publick Agents, the same favours, immunities and exemptions, which those of the most favoured Nation do or shall enjoy; it being understood that whatever favours, immunities or privileges, the United States of America or the Federation of the Centre of America, may find it proper to give the Ministers and Publick Agents of any other Power, shall, by the same act, be ex-

XXVII. Deseando ambas Partes Contratantes, evitár toda diferencia, relativa á etiqueta en sus comunicaciones, y correspondencias diplomaticas, han convenido asi mismo, y convienen en conceder á sus Enviados, Ministros, y otros Agentes Diplomaticos, los mismos favores, inmunidades, y esenciones da que gozan ó gozaren en lo venidero los de las Naciones mas favorecidas, bien entendido que cualquier favór, inmunidad ó privilegio, que la Federacion de Centro-America, ó los Estados Unidos de America, tengan por conveniente dispensár á los Enviados, Ministros, y Agentes Diploma-

tended to those of each of the Contracting Parties.

XXVIII. To make more effectual the protection which The United States and the Federation of the Centre of America shall afford in future to the Navigation and Commerce of the Citizens of each other, they agree to receive and admit Consuls and Vice Consuls in all the Ports open to Foreign Commerce, who shall enjoy in them all the rights, prerogatives, and immunities, of the Consuls and Vice Consuls of the most favoured Nation; each Contracting Party, however, remaining at liberty to except those Ports and Places in which the admission and residence of such Consuls may not seem convenient.

XXIX. In order that the Consuls and Vice Consuls of the two Contracting Parties may enjoy the rights, prerogatives, and immunities, which belong to them, by their publick character, they shall, before entering on the exercise of their functions, exhibit their Commission or Patent, in due form to the Government to which they are accredited; and having obtained their *Exequatur*, they shall be held and considered as such, by all the Authorities, Magistrates and Inhabitants, in the Consular District in which they reside.

XXX. It is likewise agreed, that the Consuls, their Secretaries, Officers, and Persons attached to the service of Consuls, they not being Citizens of the Country in which

ticos de otras Potencias, se hagl por el mismo hecho estensivo á los de una y otra de las Partes Contratantes.

XXVIII. Para hacér mas efectiva la proteccion, que la Federacion de Centro-America, y los Estados-Unidos de America, daràn en adelante á la navegacion y comercio de los Ciudadanos de una y otra, se convienen en recibir y admitir Consules y Vice Consules en todos los Puertos abiertos al Comercio estrangero, quienes gozarán en ellos todos los derechos, prerrogativas é inmunidades de los Consules, y Vice Consules de la Nacion mas favorecida, quedando no obstante en libertad cada Parte Contratante, para eceptuar aquellos Puertos y Lugares en que la admision y residencia de semejantes Consules, y Vice Consules no parezca conveniente.

XXIX. Para que los Consules y Vice Consules de las dos Partes Contratantes, puedan gozar los derechos, prerrogativas, é inmunidades, que les corresponden por su caracter publico, antes de entràr en el ejercicio de sus funciones, presentarán su Comision ó Patente en la forma debida, al Gobierno con quien esten acreditados, y habiendo obtenido el *Exequatur*, serán tenidos, y considerados como tales, por todas las Autoridades, Majistrados y Habitantes del Distrito Consular en que residan.

XXX. Se ha convenido igualmente, que los Consules, sus Secretarios, Oficiales y personas agregadas al servicio de los Consulados, no siendo estas personas Ciudada-

the Consul resides, shall be exempt from all Publick Service, and also from all kind of Taxes, Imposts and Contributions, except those which they shall be obliged to pay on account of Commerce, or their Property, to which the Citizens and Inhabitants, Native and Foreign, of the Country in which they reside, are subject, being in every thing besides subject to the Laws of the respective States. The Archives and Papers of the Consulate shall be respected inviolably, and under no pretext whatever shall any Magistrate seize, or in any way interfere with them.

XXXI. The said Consuls shall have power to require the assistance of the Authorities of the Country, for the arrest, detention, and custody of Deserters from the Publick and Private Vessels of their Country, and for that purpose they shall address themselves to the Courts, Judges, and Officers competent, and shall demand the said Deserters in writing, proving by an exhibition of the Registers of the Vessel's or Ship's Roll, or other Publick Documents, that those men were part of the said Crews; and, on this demand so proved, (saving however, where the contrary is proved,) the delivery shall not be refused. Such Deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the Publick Prisons, at the request and expense of those who reclaim them, to be sent to the Ships to which they belonged, or to others of the same Nation. But if they be not

nos del Pais en que el Consul reside, estaràn esentos de todo servicio Publico, y tambien de toda especie de pechos, impuestos, y contribuciones, eceptuando aquellas que esten obligados á pagar por razon de Comercio, ó propiedad, y á las cuales estan sujetos los Ciudadanos, y Habitantes Naturales, y Estrangeros del Pais en que residen, quedando en todo lo demas, sujetos á las leyes de los respectivos Estados. Los Archivos y Papeles de los Consulados seràn respetados inviolablemente, y bajo ningun pretesto los occuparà Magistrado alguno, ni tendrà en ellos ninguna intervencion.

XXXI. Los dichos Consules tendràn podér de requerir el auxilio de las Autoridades locales, para la prision, detencion y custodia de los Desertores de Buques Publicos y particulares de su Pais, y para este objeto se dirigiràn à los Tribunales, Jueces, y Oficiales competentes, y pedirán los dichos Desertores por escrito, probando por una presentacion de los Registros de los Buques, Rol del equipage, ù otros Documentos Publicos, que aquellos hombres eran parte de las dichas Tripulaciones, y á esta demanda asi probada (menos no obstante cuando se probare lo contrario) no se reusará la entrega. Semejantes Desertores luego que sean arrestados, se pondràn á disposicion de los dichos Consules, y pueden ser depositados en las Prisiones Publicas, á solicitud y espensas de los que los reclamen, para ser enviados á los Buques á que corresponden ó à otros de la misma Nacion. Pero si no

sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

XXXII. For the purpose of more effectually protecting their Commerce and Navigation, the two Contracting Parties do hereby agree, as soon hereafter as circumstances will permit them, to form a Consular Convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective Parties.

XXXIII. The United States of America and the Federation of the Centre of America, desiring to make as durable as circumstances will permit, the relations which are to be established between the two Parties by virtue of this Treaty, or General Convention of Peace, Amity, Commerce, and Navigation, have declared solemnly, and do agree to the following Points:

1st. The present Treaty shall remain in full force and virtue for the Term of twelve years, to be counted from the day of the exchange of the Ratifications, in all the parts relating to Commerce and Navigation; and in all those parts which relate to Peace and Friendship, it shall be permanently and perpetually binding on both Powers.

2dly. If any one or more of the Citizens of either Party shall infringe any of the Articles of this Treaty, such Citizens shall be held personally responsible for the same, and the harmony and good

fueren mandados dentro de dos meses contados des de el dia de su arresto, serán puestos en libertad, y no volverán á ser presos por la misma causa.

XXXII. Para protegér mas efectivamente su comercio y navegacion, las dos Partes Contratantes se convienen en formar luego que las circunstancias lo permitan, una Convencion Consulàr, que declare mas especialmente los poderes é inmunidades de los Consules y Vice Consules de las Partes respectivas.

XXXIII. La Federacion de Centro-America, y los Estados Unidos de America, deseando hacer tan duraderas y firmes, como las circunstancias lo permitan, las relaciones que han de establecerse entre las dos Potencias, en virtud del presente Convencion ó Tratado General de Paz, Amistad, Navegacion, y Comercio, han declarado solennemente y convienen en los puntos siguientes:

1°. El presente Tratado permanecerà en su fuerza y vigor por el termino de doce años, contados desde el dia del cange de las Ratificaciones, en todos los puntos concernientes á Comercio y Navegacion, y en todos los demas puntos que se refieren á Paz y amistad, serà permanente, y perpetuamente obligatorio para ambas Potencias.

2°. Si alguno, ó algunos de los Ciudadanos de una ù otra Parte infringiesen alguno de los Articulos contenidos en el presente Tratado, dichos Ciudadanos serán personalmente responsables, sin que

correspondence between the two Nations shall not be interrupted thereby; each Party engaging in no way to protect the Offender, or sanction such violation.

3dly. If (which, indeed, cannot be expected) unfortunately, any of the Articles contained in the present Treaty shall be violated or infringed in any other way whatever, it is expressly stipulated, that neither of the Contracting Parties will order, or authorize any acts of reprisal, nor declare War against the other, on complaints of injuries or damages, until the said Party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing in this Treaty contained shall, however, be construed or operate contrary to former and existing Publick Treaties with other Sovereigns or States.

The present Treaty of Peace, Amity, Commerce and Navigation, shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Government of the Federation of the Centre of America, and the Ratifications shall be exchanged in the City of Guatemala, within eight months from the date of the signature hereof, or sooner if possible.

por esto se interrumpa la harmonia y buena correspondencia entre las dos Naciones, comprometiendose cada una á no protegér de modo alguno al Ofensor ó sancionàr semejante violacion.

3°. Si (lo que á la verdad no puede esperarse) desgraciadamente, alguno de los Articulos contenidos en el presente Tratado, fuesen en alguna otra manera violados, ó infringidos, se estipula espresamente que ninguna de las dos Partes Contratantes, ordenará, ó autorizarà ningunos actos de represalia, ni declarará la guerra contra la otra por quejas de injurias, ó daños, hasta que la Parte que se crea ofendida, haya antes presantado á la otra una esposicion de aquellas injurias, ó daños, verificada con pruebas y testimonios competentes, exigiendo justicia y satisfaccion, y esto haya sido negado, ó diferido sin razon.

4°. Nada de cuanto se contiene en el presente Tratado, se construirá sin embargo, ni obrarà, en contra de otros Tratados Publicos anteriores, y existentes con otros Soberanos ó Estados.

El presente Tratado de Paz, Amistad, Comercio, y Navegacion, será ratificado por el Gobierno de la Federacion de Centro-America, y por el Presidente de los Estados Unidos de America, con consejo, y consentimiento del Senado de los mismos; y las Ratificaciones serán cangeadas en la Ciudad de Guatemala, dentro de ocho meses contados desde este dia, ó antes si fuese posible.

In faith whereof, We, the Plenipotentiaries of the United States of America, and of the Federation of the Centre of America, have signed and sealed these Presents.

Done in the City of Washington, on the 5th. day of December, in the Year of Our Lord 1825, in the 50th Year of the Independence of the United States of America, and the 5th of that of the Federation of the Centre of America, in duplicate.

(L. S.) H. CLAY.
(L. S.) ANTONIO JOSE CANAS.

En fé de lo cual, nosotros los Plenipotenciarios de la Federacion de Centro-America, y de los Estados-Unidos de America, hemos firmado y sellado las Presentes.

Dadas en la Ciudad de Washington, el dia 5 de Deciembre, del Año del Señor 1825, 5° de la Independencia de la Federacion de Centro-America, y 50° de la de los Estados Unidos de America, por duplicado.

(L. S.) ANTONIO JOSE CANAS.
(L. S.) H. CLAY.

And whereas the said Convention has been duly ratified on both parts, and the respective Ratifications of the same were exchanged, at Guatemala, on the 2nd day of August, 1826, by John Williams, Chargé d'Affaires of The United States, near the Government of the Federation of the Centre of America, and Pedro Gonzalez, Chief Officer of the Department of State, Despatch, War, and Marine, Secretary of Legation of the Republick of Central America, near the Governments of South America, on the part of their respective Governments.

Now, therefore, be it known, that I, John Quincy Adams, President of The United States, have caused the said Convention to be made Publick, to the end that the same, and every Clause and Article thereof, may be observed and fulfilled with good faith by The United States, and the Citizens thereof.

In Witness whereof, I have hereunto set my Hand, and caused the Seal of The United States to be affixed.

Done at the City of Washington, this 28th day of October,
(L. S.) in the Year of Our Lord 1826, and of the Independence of The United States the 51st.

JOHN QUINCY ADAMS.

By the President:

H. CLAY, *Secretary of State.*

DECLARATION of Independence of the Provinces of Upper Peru.—6th August, 1825. (Translation.)

THE Lion of Iberia, springing furiously from the Columns of Hercules to the Empires of Montezuma and Atagualpa, has for many Centuries torn to pieces the unfortunate body of America, and fed upon its vitals. All the States of the Continent can exhibit their deep wounds to the World, to prove the laceration they have suffered. Upper Peru has felt them the most severely, and the blood which she has shed up to the present time, affords the most convincing proof of the ferocity of that Monster.

During 16 years that America has been the theatre of War, throughout its whole extent, the cries of liberty, repeated by its Sons, have re-echoed amongst them, without leaving a corner, in any part of its surface, where this sacred name has not been the delight of the American, and the torment of the Spaniard. In the course of this protracted struggle, the Nations of the World have received different accounts of the justice and legality of the grounds upon which all the regions of America have had recourse, for their safety, to this sacred insurrection. Now that the Liberators of Junin and Ayacucho have purged the Earth of the race of Despots: and that the great Nations have, at length, acknowledged the Independence of Mexico, Colombia, and Buenos Ayres, whose complaints and grievances were not greater than those of Upper Peru, it would be superfluous to present a new justificatory Manifesto of the Resolution which we have taken.

The World knows that, on the Continent of America, Upper Peru was the altar upon which the first blood of Freemen was spilt, and is the Land wherein the tomb of the last of the Tyrants is laid; that Charcas, Potosi, Cochabamba, La Paz, and Santa Cruz, have made constant efforts to shake off the Peninsular yoke; and that its unchangeable hostility to Spanish dominion, and its heroic opposition, have a thousand times arrested the impetuous assaults of the Enemy, in Regions which would otherwise have been enchained, or could only have saved themselves by a last and most prodigious struggle.

The World also knows that, placed in the centre of the Continent, destitute of Arms, and of every description of the elements of War, without the means possessed by other States of obtaining them from Nations beyond the Seas, the Upper Peruvians have beaten down the standard of the Despots, in Aroma and Florida, in Chiquitos, Tarabuco, Sinti, in the Vallies of Sicasica, Ayopaya, Tumusla, and in various other places. The barbarous conflagration of upwards of a hundred Towns; the pillage of Cities; the hundreds of scaffolds raised for the sacrifice of Freemen; the blood of thousands of Martyrs to the Country, shed with such atrocious barbarity that would make even the Caribs shudder; the imposts, contributions, and arbitrary and inhuman

exactions; the absolute disregard of honour, of life, of persons, and of property; and, in short, an inquisitorial, atrocious, and savage System;—have not been sufficient to quench in Upper Peru the sacred flame of liberty, the holy hatred of the power of Iberia

The time having now arrived for declaring our independence of Spain, and of decreeing our future destiny, in a decorous, legal, and solemn manner, we think that we should fulfil our duty of respect towards Foreign Nations, and offer a sufficient explanation of the powerful reasons, and just motives which influence our conduct, by exposing, as the Manifestoes of the other States of America have already done, the cruelty, injustice, oppression, and want of protection with which they have been treated by the Spanish Government; but, if this, and the confidence with which we declare, in the presence of the Great Father of the Universe, that no Region of the Continent of Columbus has been so much tyrannized over as Upper Peru, be not sufficient to convince the World that our Cause is just; we might appeal to the notoriety with which the Spanish Legions and their principal Chiefs have profaned our altars, attacked our faith, and insulted our religious worship, whilst the Cabinet of Madrid has fostered, from the time of the Conquest, the most horrid and destructive superstition: we might exhibit a Territory of more than 300 leagues in extent, from North to South, and of nearly as many from East to West, with navigable Rivers, a fertile Soil, with all the treasures of the vegetable World, in the immense Mountains of Yungas, Apolobamba, Yuracare, Mojos, and Chiquitos, and abounding in the most precious and useful animals, for the food, the recreation, and industry of Man; situated where the principal source of metals is found, which constitute the happiness of the Universe, and fill it with opulence; with a Population more extensive than that which the Argentine and Chilian Republicks contain; and we might then exclaim: Behold, where a flourishing Empire might have existed, there appear, under the torpid and withering hand of Iberia, the symbols only of ignorance, fanaticism, slavery and ignominy; approach and witness a barbarous system, calculated to impoverish all the resources of the mind, a languishing husbandry guided solely by routine, a monopoly the scandal of trade, the decay and unproductiveness of our immense mines, owing to the barbarism of the Spanish Power; the care with which it was intended to perpetuate amongst us, in the Nineteenth, the knowledge, the arts and sciences, only of the Eighth Century; and when, at length, you contemplate our indigenous Brothers, the Sons of the great Manco Capac, your eyes will be suffused with torrents of tears, in beholding in them the most degraded of Men, the most humbled Slaves; Beings exposed to every species of torment, outrage, and misery: you will say that, in comparison with them, the Helots of Sparta, and the Blacks or Chandalas of Hindostan were happier

Men, and concur with us in the sentiment, that nothing could be more just than to break asunder the iniquitous chains by which we were united to cr el Spain

We might also have presented to the World a powerful and dignified exposition of the solid grounds on which, after the most serious, deliberate, and mature considertion, we have thought that it concerned our happiness, not to associate ourselves, either with the Republick of Lower Peru, or with that of the Rio de la Plata, had not their respectable Congresses, governed by wisdom, disinterestedness, and prudence, left us at full liberty to fix our own destiny; but as the Law of the 9th of May, of the one, and the Decree of the 23d of February, of the other, evidently display a generous and laudable disposition regarding our future fate, and place in our own hands the free and spontaneous decision as to what may best conduce to our felicity and government, in assuring the two States of our eternal acknowledgments, and our sincere feeling and ardent wish for friendship, peace, and good understanding, with them; we have unanimously agreed upon the following

DECLARATION.

The Sovereign Representation of the Provinces of Upper Peru, deeply penetrated with the magnitude, and immense weight of their responsibility, towards Heaven and Earth, in the act of deciding upon the future destiny of their Constituents; divesting themselves, on the altar of justice, of all spirit of partiality, interest, and private views; having implored, with due submission and respectful fervency, the paternal assistance of the Supreme Creator of the Universe; and tranquil in the inmost recesses of their consciences, in respect of the good faith, deliberation, justice, moderation, and profound considerations, which dictate the present Resolution; declare solemnly, in the name and absolute authority of their worthy Electors, that the happy Day is arrived, on which the invariable and ardent wishes of Upper Peru, to emancipate itself from the unjust, oppressive, and wretched power of King Ferdinand the Seventh, a thousand times confirmed by the blood of her Sons, are to be accomplished, with the solemnity and authenticity of the present Act, and when the degrading condition of a Colony of Spain shall cease, with respect to this privileged Region, together with all dependence, not only on her, but on her present and future Monarchs; that, in consequence thereof, and it being, at the same time, essential to its happiness that it should not unite itself with any of the neighbouring Republicks, it doth erect itself into a State, sovereign and independent of all Nations, as well of the Old as of the New World; and the Departments of Upper Peru, firm and unanimous in this just and magnanimous resolution, declare in the face of the whole Earth, that their irrevocable will is to be governed by themselves, and to be ruled by the Constitutional Laws and Authorities

which they may give to themselves, and which they may deem most conducive to their future felicity, as a Nation, and to the unalterable support of the Holy Catholick Religion, and of the most sacred rights of honour, life, liberty, equality, property and security. And for the inviolabity and firmness of this resolution, they bind, oblige, and engage themselves, through the medium of this Sovereign Representation, to uphold it firmly, constantly, and heroically; and, in case of need, to devote themselves cheerfully to its accomplishment, defence, and immutability, with their lives, their property, and all that is dear to man.

Let it be printed, and communicated to the Competent Authority for publication and circulation.

Given in the Hall of Session on the 6th of August, 1825.

JOSE MARIANO SERRANO, *President.*

JOSE MANUEL MENDIZABAL, *Vice-President.*

[Signed by 14 Deputies from the Province of *Potosi*, 13 from *Cochabamba*, 12 from *La Paz*, 7 from *Charcas*, and 2 from *Santa Cruz*.]

DECREE of the General Assembly of the Provinces of Upper Peru, establishing the "Republick Bolivar," &c.

11th August, 1825. (Translation.)

THE General Assembly of Upper Peru, being desirous of manifesting, in a public, expressive, and solemn manner, its eternal gratitude and acknowledgment, so eminently due to the immortal Liberator of Colombia and Peru, Simon Bolivar; to the valiant and virtuous Grand Marshal of Ayacucho; and to the Liberating Army, Conqueror of the Conquerors at Huaqui, Vilcapucio, Ayoma, Sipesipe, and Torata; being also desirous of perpetuating, in the memory of Upper Peruvians, that to such heroic, generous, and noble hands, this Country is indebted for its political existence and liberty; the Assembly, which has deliberated on its future destinies, has decreed and decrees as follows:—

1st. The denomination of the New State, is, and shall be in future, "The Republick Bolivar."

2d. Upper Peru declares to the whole Continent, that, in consequence of the unbounded confidence which it places in the Liberator of Colombia and Peru, it acknowledges him as the Father of the Country, and its best support against the dangers of disorder, anarchy, tyranny, unjust invasion, and against any attack on the National Character which it has assumed, by the unanimous suffrage of its Representatives.

3d. His Excellency the Liberator shall exercise the Supreme Executive Power of the Republick, during the time he resides within its limits; and whenever he resides out of them, he shall enjoy the honours of Protector and President of the Republick.

4th. The memorable 6th of August, on which Day the ferocious Iberian fled on the plains of Junin, in Peru, before the immortal Legions commanded by the Liberator, shall be kept as a National Festival, and shall be celebrated as an Anniversary throughout the Territory of the Republick.

5th. The Birth-day of His Excellency the Liberator shall also be kept as a National Festival throughout the Territory of the Republick; but this Resolution shall not be carried into effect until after the demise of His Excellency.

6th. The Portrait of His Excellency the Liberator shall be placed in all the Tribunals, Town-Halls, Universities, Colleges, Schools, and Places of Public Instruction, in order that the sight of it may call to mind the remembrance of the Father of the Country, and stimulate to an imitation of his eminent virtues.

7th. In each of the Capital Towns of the Departments of the Republick, a Column shall be erected, whereon an Equestrian Statue of His Excellency the Liberator shall be placed.

8th. The Grand Marshal of Ayacucho, being entrusted with the immediate command of the Departments of the Republick, shall cause a Gold Medal to be struck, studded with brilliants, and of the size he may judge proper; which he will present to His Excellency the Liberator: on one side of it the Mountain of Potosi shall be represented, the Liberator placed on an eminence, formed of muskets, swords, cannons, and flags, in the act of fixing on the top of the Mountain the Cap of Liberty; on its reverse shall be the following inscription, surrounded by a wreath of olive and laurel: "The Republick of Bolivar, grateful to the Hero whose name it bears."

9th. The 9th of December shall be kept as a National Festival, throughout the Territory of the Republick, in celebration and grateful remembrance of the glorious Battle of Ayacucho.

10th. The Birth-day of His Excellency the Grand Marshal of Ayacucho, shall also be celebrated as a National Festival, after His Excellency's death, throughout the Territory of the Republick.

11th. The Portrait of the Grand Marshal shall be placed on the left of that of His Excellency the Liberator of Colombia and Peru, in the same Places, and for the same purposes as those expressed in Article 6 of this Decree.

12th. The Grand Marshal of Ayacucho shall be acknowledged First General of the Republick, with the title of Captain-General, until the Law shall determine that which the highest Military Dignitary shall bear.

13th. His Excellency shall also enjoy the title of Defender and Grand Citizen of the Republick Bolivar.

14th. The Capital City of the Republick and its Department shall in future be denominated "Sucre."

15th. The President of this Department is directed to cause a Gold Medal to be struck, which he will present to His Ex ellency the Grand Marshal, Antonio Jose de Sucre, in the name of the Congress. This medal shall be set with diamonds of a sufficient diameter: on one side of it, His Excellency shall appear in the act of wresting Peru (represented by a Lama) from the claws of a Lion; and on its reverse the following inscription:—"The Republick of Bolivar to its Defender, the Hero of Ayacucho."

16th. A Pedestrian Statue of the Grand Marshal shall be placed on a Column in every Capital Town of the Departments of the Republick.

17th. A large Plate of Gold shall be engraved, in the centre of which a beautiful Indian Female, as the symbol of America, shall appear, seated on the skin of a Lion, beneath a Canopy formed of the Flags of the States of the American Continent: this Female shall be embracing the Liberator with her right arm, and the Grand Marshal of Ayacucho with her left; and these Heroes shall appear, in the act of decorating her with the Cap of Liberty, and trampling upon broken fetters and chains. On the sides of the Plate, the names of the other Generals and Chiefs who were engaged in the Battles of Junin and Ayacucho shall be engraved; and, underneath, the names of all the Commanders and Officers who distinguished themselves in both Actions. This Plate shall be placed in the Hall of Sessions of the Republick B var.

18th. Every Man who fought for Liberty at Junin or Ayacucho, shall be considered as a Native and Citizen of the Republick Bolivar.

19th. One million of Dollars shall be opportunely distributed by His Excellency the Liberator, to the United Liberating Army, which conquered at Junin and Ayacucho, as a small reward for their valour, and the services they have rendered to America in general, and to this Republick in particular.

20th. In order that the reward mentioned in the preceding Article may be duly presented, His Excellency the Liberator is fully authorised to appoint an Agent or Agents to raise a Loan of such an amount as may be sufficient for that purpose, pledging the Funds of the Republick for its re-payment.

The present Decree shall be communicated to His Excellency the Grand Marshal of Ayacucho, for its publication and fulfilment.

Given in the Hall of Sessions, at Chuquisaca, the 11th of August, 1825.

JOSÉ MARIANO SERRANO, PRESIDENT.
ANGEL MARIANO MOSCOSO, Dep. SECRETARY.
JOSÉ YGNACIO DE SAN-GINES, Dep. SECRETARY.

ADDRESS of General Bolivar to Congress, communicating the Project of a Constitution for the Republick of Bolivia. 25th May, 1826. (Translation.)

To the Constituent Congress of Bolivia.

LEGISLATORS!—In submitting to you the Project of a Constitution for Bolivia, I feel overwhelmed with confusion and timidity, being convinced of my incapacity to frame Laws. When I consider that the wisdom of whole Centuries is insufficient to draw up a Fundamental Law with perfection, and that the most enlightened Legislator is the immediate cause of human infelicity, and, if I may so express myself, a mockery of his divine ministry; what will be said of a Soldier born amongst Slaves, and buried in the Deserts of his Country—having seen nothing but Captives in chains, and Companions in arms to break them?—I, a Legislator!—Your liability to be deceived, and mine to commit myself, are disputing, as it were, for precedence. I know not which may suffer most in this tremendous conflict; whether it be your lot, on account of the evils you have to apprehend from the Laws you solicit me to enact; or my own, on account of the opprobrium to which your confidence exposes me.

I have employed all the powers of my mind, for the purpose of submitting to you my opinions, respecting the best method of governing Freemen, according to the principles adopted amongst Civilized Nations; the lessons of experience, however, exhibit only long periods of disasters, interrupted by occasional good fortune. What guides can we follow in the shade of such obscure examples?

Legislators! Your duty calls upon you to resist the shock of two monstrous Enemies, which are constantly contending with each other, and will both attack us at the same time. Tyranny and Anarchy form an immense Ocean of Oppression, rolling round a small Island of Liberty, perpetually beaten by the violence of the waves and of the hurricanes which threaten its immediate submersion. Such is the Sea which we have to navigate in a frail bark, with such an inexperienced Pilot.

The Project of the Constitution of Bolivia is divided into Four Political Powers, an additional one having been added, without thereby complicating the Classical Division of either of the others. The Electoral Power has received certain Attributes which are not allotted to it by other Governments which consider themselves amongst the most liberal. These attributes greatly resemble those of the Federal System. It has appeared to me not only convenient and useful, but also practicable, to grant to the immediate Representatives of the People the privileges which are most desirable to the Citizens of each Department, Province, and Canton. No object is of greater importance to a Citizen than the Election of his Legislators, Magistrates, Judges, and

Pastors. The Electoral Colleges of every Province represent the wants and interests thereof, and are the medium of complaint of the infringement of the Laws, and of the misconduct of Magistrates. I may venture to say, with some confidence, that this branch participates in the Rights which are enjoyed by the different Governments of Federal States. By this means a new counterpoise is put into the scale against the Executive Power, and the Government acquires fresh guarantees, more popularity, and additional grounds of preference over those of the most democratical States.

Every ten Citizens name an Elector; and the Nation is therefore represented by one tenth of its Citizens. Nothing is required but capacity; they need not possess Estates, to enable them to exercise the august functions of sovereignty; but they must be able to write their Votes, to sign their Names, and to read the Laws. They must profess some science, or art, which secures to them an honest livelihood. Nothing will exclude them but vice, idleness, and absolute ignorance Knowledge and honesty, not money, are the requisites for exercising Political Power.

The Legislative Body is so composed as necessarily to be harmonious in its different parts: it will never be found divided for want of an Arbitrating Judge, which frequently happens where there are only two Chambers. There being Three here provided, any disagreement between two of them is decided by the intervention of the third; and a question, investigated and examined by two contending Parties, finds a third impartial one to settle it: by this means no useful Law is put aside, or until it has undergone one, two, or three votings prior to its rejection. In all matters of business between two contending Parties, a third is named to decide; and would it not be absurd that, in the most important interests of Society, such a provision, dictated by imperious necessity, should be disregarded? The Chambers will thus possess, towards each other, those considerations which are indispensable for the preservation of the union of the whole, which ought to deliberate dispassionately, and in the calmness of wisdom. Modern Congresses, I shall be told, are composed of only two Bodies. It is because, in England, which Country has been taken as a model, the Nobility and the People are represented in two Houses; and if the same course has been followed in North America, where there is no Nobility, we must suppose that the habit of living under the English Government induced the imitation. The fact is that two deliberative Bodies must be in perpetual conflict; and for this reason Sieyes proposed to have only one. Strange absurdity!

The first Chamber is that of Tribunes, which is privileged to originate Laws, respecting the Revenue, Peace and War. This Body has the immediate inspection of those branches which the Executive administers with the least intervention of the Legislature.

The Senators frame the Ecclesiastical Codes and Regulations, and watch over the Tribunals and Divine Worship. It belongs to the Senate to choose the Prefects, Judges of District, Governors, Corregidors, and all the Subalterns of the Judicial Department. It proposes to the Chamber of Censors, the Members of the Supreme Tribunal, the Archbishops, Bishops, Dignitaries of the Church, and Canons. Whatever relates to Religion and the Laws falls under the cognizance of the Senate.

The Censors exercise a political and moral power, bearing some resemblance to the Areopagus of Athens, and the Censors of Rome. They are a sort of Fiscals on the Government, to watch over the religious observance of the Constitution and Publick Treaties. I have placed under their protection the National Jury, which is to decide on the good or bad administration of the Executive.

The Censors are charged with the protection of Morality, the Arts and Sciences, Instruction, and the Press. The most terrible as well as the most august functions belong to the Censors. They condemn to perpetual opprobrium, the Usurpers of Sovereign Authority, and distinguished Criminals. They bestow publick honours for the services and virtues of illustrious Citizens. The appreciation of glory is confided to their hands; the Censors therefore must be Men of the most unsullied reputation and unblemished life. If they err they will be accused, even for the slightest Offences. To these Priests of the Laws is the preservation of our sacred Tables intrusted; and they are bound to denounce the Profaners thereof.

The President of the Republick is, in our Constitution, like the Sun, which, firm in its centre, gives life to the Universe. This Supreme Authority should be perpetual; for in Systems that have no Hierarchy, it is more necessary than in others, that there should be a fixed Point, around which the Magistrates and Citizens, as well men as things, should revolve. Give me a fixed Point, said one of the Ancients, and I will move the World. To Bolivia, a President for life will serve for such a fixed Point. He is the support of the whole System, without taking any active share in it. His head has been severed, in order that his intentions may not create alarm, and his hands have been tied, that he may injure no one.

The President of Bolivia exercises the powers of the American Executive, but under restrictions favourable to the People. His continuance in Office is similar to that of the Presidents of Hayti. I have chosen for Bolivia the Executive of the most democratic Republick in the World.

The Island of Hayti (if I may be allowed this digression,) was in a continual state of insurrection: after having tried an Empire, a Kingdom, and a Republick; every species of Government known, and others beside,

she found herself under the necessity of having recourse to the illustrious Petion to save her. Confidence was placed in him, and the destinies of Hayti vacillated no longer. Petion was appointed President for life, with the power to select his Successor; after which, neither the death of this great Man, nor the succession of a new President, caused the slightest commotion in the State. Under the worthy Boyer, every thing has gone on with the tranquillity and calmness of a Legitimate Reign:—a triumphant proof that a President for life, with power to choose his Successor, is the most sublime inspiration of the Republican System.

The President of Bolivia will be less dangerous than that of Hayti, inasmuch as the mode of succession is better secured for the welfare of the State. The President of Bolivia is, moreover, deprived of every species of influence. He does not nominate the Magistrates, or the Judges, nor the Ecclesiastical Dignitaries, however subordinate they may be. This diminution of power has hitherto not been submitted to, by any well established Government: the possession of such power, places obstacle after obstacle in the way of the Authority of a Chief, which must ever arise amongst a People under the influence of those who exercise the most important functions of Society. The Priests have the controul over the consciences, the Judges over property, honour, and life, and the Magistrates over all publick acts. As these owe their dignities, glory and fortune, to the People, the President could never hope to engage them in any ambitious views of his own. If to this consideration we add, that which naturally flows from the constant opposition, which exists in a Democratic Government, at every step of its administration, we may assume it as certain, that the usurpation of Publick Authority will be farther removed from this Government than from any other.

Legislators ! From this day forward Liberty will be indestructible in America. The uncultivated aspect of this Continent is of itself sufficient to repel the idea of a Monarchical form of Government. Deserts are suitable to Independence, Here we have neither Grandees in Nobility, nor High Dignitaries in the Church. Our wealth was almost annihilated, and it is now not much better. The Church still possesses influence; but is far from aspiring to dominion, being satisfied with its own preservation. Without such supports, tyranny can never be permanent; and if some ambitious Men should attempt to raise Empires, the fate of Dessalines, Christophe, and Iturbide, will point out to them what they have to expect. No Power is found to be so difficult of maintaining itself as that of a New Prince. Bonaparte, who vanquished so many Armies, was unable to triumph over this rule, which is stronger than Empires. And if the great Napoleon could not succeed in sustaining himself against a league of Republicans and Aristocrats, who shall hope to found Monarchies

in America, in a soil illumined by the brilliant flame of Liberty, which consumes the materials used for erecting such regal scaffolds? No, Legislators!—Fear not any Pretenders to Crowns. They will prove to their heads what the suspended sword was over the head of Dionysius. These flaming Princes, who are blind enough to erect thrones on the ruins of Liberty, are erecting tombs for their own ashes, to inform future Generations how they preferred their insane ambition to liberty and glory.

The Constitutional Authority of the President of Bolivia is the most restricted of any that is known: he merely nominates the Officers of the Revenue, of Peace and War: he commands the Army. These are his functions.

The Administration belongs wholly to the Ministry, which is responsible to the Censors, and subject to the zealous vigilance of all the Legislators, Magistrates, Judges, and Citizens. The Officers of the Customs, and the Soldiers, the only Agents of this Ministry, are, indeed, not the most likely to gain the popular favour; and thus its influence is reduced to nothing.

The Vice President is the Magistrate, whose hands are most fettered of those who are in command: he has to obey both the Legislative and Executive branches of a Republican Government. He receives Laws from the former, and Orders from the latter; and between these two barriers he has to proceed in a difficult path, surrounded with precipices. Notwithstanding these inconveniences, this mode of governing is preferable to that of an absolute Authority. These Constitutional barriers strengthen his political conscience, and afford him the firm hope of being enabled to obtain the light which is to guide him amidst the rocks which surround him: they serve as a support against the impulse of his passions, moving in concert with the interest of others.

In the Government of The United States, the practice of naming the first Minister as Successor to the President, has been latterly observed. Nothing can be more suitable to a Republick than this custom; as it has the advantage of putting at the head of the Administration a Man experienced in the management of the State. When he enters upon the exercise of his functions, he goes prepared, and is accompanied by the popular voice, and by a practical experience. I have availed myself of this idea, and have established it as a Law.

The President of the Republick names the Vice President for the administration of the State, and for succeeding him in the command. By this foresight, those elections are avoided which so often produce that scourge of Republicks—Anarchy—the delight of tyranny, and the most immediate, and most terrible danger which threatens popular Governments. You see, by this mode, the most tremendous crisis passes over in Republicks as it does in Legitimate Reigns.

The Vice President should be of the purest reputation: because, if the first Magistrate do not select an unimpeachable Citizen, he will have cause to fear him as a dangerous enemy, and to suspect his secret ambition. The Vice President must endeavour to merit, by his good services, the assistance he stands in need of, for the due performance of his high functions, that he may hope to obtain that great National reward, the Supreme Command. The Legislative Body and the People will require qualifications and talents, on the part of this Magistrate, and will exact from him a blind obedience to the Laws of Liberty. If he be ambitious of command, the succession will be repugnant to him, and he will view his exaltation only as a partial loss of his authority.

It is Inheritance that perpetuates the Monarchical System, and thereby renders it so general in the World. How much more advantageous is the plan I have just proposed for the succession of the Vice-President? If Hereditary Princes were chosen according to merit, and not by descent; and if, instead of remaining inactive, and in ignorance, they were placed at the head of the Administration, they would, doubtless, become more enlightened Monarchs, and the delight of their People. Yes, Legislators! the Monarchies which govern the Earth have obtained their claims to approbation, from Inheritance, which renders them stable, and from union, which makes them strong. Thus, though a Sovereign Prince be a spoiled child, shut up in his Palace, educated by flattery, and guided by all the passions; such a Prince, whom I may venture to call the mockery of human nature, governs Mankind, because he preserves the order of things, and subordination among Citizens, by a firm power and constancy of action. Consider, Legislators, that these great advantages are combined in a President for life, and an Hereditary Vice President.

The Judicial Power which I propose is absolutely independent; no where is it so much so. The People present the Candidates, and the Legislature chooses the Individuals who are to compose the Tribunals. If the Judicial Power do not emanate from this source, it is impossible to preserve the safeguard of individual rights in all its purity. These rights, Legislators, constitute liberty, equality, and security—all the guarantees of social order. The truly liberal Constitution is to be found in its Civil and Criminal Codes; in which the Tribunals exercise the most formidable power, by means of the tremendous instrument of the Laws. In ordinary matters the Executive is only the depository of the Publick weal; but the Tribunals are the arbitrators of Property—of things belonging to Individuals. The Judicial Power holds the measure of the good or evil of the Citizens; and if Liberty and Justice exist in the Republick, they are distributed by this Power. The political organization of a State matters little, provided that its civil organization be perfect; that the Laws

are religiously fulfilled, and are held to be as inexorably fixed as fate.

It must have been expected that, in conformity with the ideas of the present times, we should prohibit the use of the torture in Confessions, and that we should shorten and abridge the protracted Pleadings in the intricate labyrinth of Appeals.

The Territory of the Republick is governed by Prefects, Governors, Corregidors, Judges of Peace, and Alcaides. I could not enter into the details of the interior arrangements and faculties of their jurisdiction; it is my duty, however, to recommend to Congress the regulations concerning the government of the Departments and Provinces. Bear in mind, Legislators, that Nations consist of Cities, and Villages, and that their well-being constitutes the happiness of the State. You can never bestow too much attention on the good government of the Departments. This is a point of paramount importance in Legislative science, notwithstanding which it is too much neglected.

I have divided the Armed Force into four parts; the Army of the Line—the Cavalry—the National Militia—and the Military Commercial Guard. The Army is destined to garrison the Frontier. God forbid that it should ever turn its arms against the Citizens! The National Militia will suffice to preserve internal order. Bolivia does not possess an extensive Coast, and for that reason a Navy is unnecessary; we ought, however, one day to acquire both the one and the other. The Military Commercial Guard is in every respect preferable to a Police of the Customs; such a Service being rather immoral than superfluous. It is, therefore, for the interest of the Republick to garrison its Frontiers with Troops of the Line, and to employ Troops of the Commercial Guard to repress Frauds on the Revenue.

I have thought it necessary that the Constitution of Bolivia should be reformed from time to time, when the progressive movement of the moral World requires it. The paths of reform have been pointed out in the terms which I have deemed most suitable to the occasion.

The responsibility of its Publick Officers is described in the Bolivian Constitution in the most explicit manner. Without responsibility—without restriction—the State would be a chaos. I venture most earnestly to request the Legislators to enact strong and well defined Laws upon this important subject. Every one talks of responsibility, but it is confined to his lips. There is no responsibility, Legislators!—the Magistrates, Judges, and Publick Officers abuse their Authority, because it is not rigorously defined for the Agents of Administration; whilst in the meanwhile the Citi-

zens are victims of this abuse. I shall recommend a Law, which will prescribe a mode of annual responsibility for every Person in Office.

The most perfect guarantees have been established. Civil Liberty is the true Liberty—the others are merely nominal, and of little effect with respect to the Citizens. Personal security, which is the end of Society, and from which the rest emanate, has been guarantied. With respect to the guarantee of property, that must depend upon the Civil Code, which, in your wisdom, you will forthwith prepare, for the benefit of your Fellow Citizens. I have left untouched that Law of Laws—Equality, without which all guarantees, as well as all rights, perish. To it we are bound to make sacrifices. I have laid prostrate at its feet, covered with humiliation, the infamous condition of Slavery.

Legislators—Slavery is an infraction of all Law. The Law which would permit it, would be most sacrilegious! What right can be alleged in favour of its continuance? In whatever view this Crime is considered, I am persuaded, that there is not a single Bolivian in existence, so depraved as to be of opinion that such a signal violation of the dignity of Man, can be legalized. Man to be possessed by his fellow Man! Man to be made a property of! The image of the Deity to be put to the yoke like a beast! Let the Usurpers of Man exhibit their title deeds! Guinea cannot furnish them, for Africa, devastated by fratricide, presents nothing but crimes. After these relics of African Tribes have been transported hither, what Law or Power can sanction a right of property over these Victims? To transmit, prolong, and perpetuate this Crime, mingled with death, is a most shocking outrage. A principle of possession, founded upon the most ferocious delinquency, could not be admitted, without overturning every element of justice, and without the most absolute perversion of every notion of duty. Nothing can destroy the sacred doctrine of Equality; and can Slavery exist where Equality reigns? Such contradictions would rather impugn our reason than our justice. We should be considered more as Madmen than as Usurpers.

If there existed no God, the Protector of innocence and liberty, the condition of the noble Lion, ranging in deserts and woods, would be preferable to that of a Captive in the service of an infamous Tyrant, who, as an Accomplice of his crimes, provokes the anger of Heaven: but no,—God has intended Man for Liberty! He protects him, that he may enjoy the heavenly function of a free will.

Legislators! I shall make mention of an Article, which in prudence I ought to omit. No Religious Professions should be prescribed in a Political Constitution; for, according to the best Doctrines upon Fundamental Laws, they are the guarantees of Civil

and Political Rights; and as Religion touches none of those Rights, it is, in its nature, not to be defined in the social order, and belongs to intellectual morality. Religion governs Man at home, in the closet, and within himself; it alone has a right to examine his secret thoughts. The Laws, on the other hand, regard the exterior of things; they govern only outside of the houses of Citizens. Applying these considerations, how can the State regulate the consciences of its subjects, watch over the fulfilment of the religious Laws, and reward or punish, when the Tribunals are in Heaven, and when GOD is the Judge? The Inquisition alone would undertake to effect this, in this World. Shall the Inquisition, with its incendiary piles, return amongst us?

Religion is the Law of Conscience. Every Law on the subject annuls Religion, because, by imposing the necessity of the duty, it takes away the merit of faith, which is the basis of Religion. The precepts and the sacred dogmas are useful and luminous; they are metaphysical evidence; we ought all to study them; but this is a moral, and not a political duty.

On the other hand, where are the duties of Man towards Religion in this World? They are in Heaven. There is the Tribunal which recompenses merit, and renders justice, agreeably to the Code dictated by THE LEGISLATOR. As this is wholly of Divine Jurisdiction, it appears to me, evidently, as sacrilegious and profane, to mix up our Ordinances with the Commandments of the LORD. It therefore belongs *not* to the Legislator to prescribe Religion—for the Legislator must impose penalties against the infractions of the Laws, to avoid their being merely regarded as matters of advice. When there are neither temporal punishments, nor Judges to inflict them, the Law ceases to be Law.

The moral developement of Man is the first intention of the Legislator: when this developement has taken place, Man supports his morality by revealed truths, and professes, in fact, the Religion which seems the most efficacious, and which he has adopted after personal investigation. Moreover, Fathers of Families cannot neglect their religious duties towards their children. The Spiritual Pastors are bound to teach the knowledge of Heaven: the example of the true Disciples of JESUS is the most eloquent teacher of His moral divinity; but morality should not be commanded, nor would he who commanded it be a Teacher of it, nor ought he to be employed in giving counsel. GOD and His Ministers are the Authorities of Religion, which operates by means and organs exclusively Spiritual; but not so, in any respect, are the National Body, which applies the Publick Power to objects purely Temporal.

Legislators! What generous and sublime thoughts must fill your

souls, when you see the New Bolivian Nation proclaimed! The addition of a New State to the Society of those previously existing, forms matter of exultation to the Human Race, inasmuch as by these means the great Family of the People is augmented. How great must be that of its Founders! and my own!!! seeing myself on a level with the most celebrated of the Ancients,—the Founder of the Eternal City! This glory belongs of right to those Founders of Nations, who, being their first Benefactors, must have received immortal Rewards; but mine, besides its immortality, possesses the credit of being gratuitous, if not meritorious. Whence comes the City?—Whence the Republick, which I have formed? Your munificence in dedicating a Nation to me, has surpassed all my Services, and is infinitely superior to every enjoyment which Man can possess. My perplexity increases, when I contemplate the immensity of your Reward, for were I endowed with the talents, the virtues, and even the genius of the greatest of Heroes, I should, nevertheless, not merit that you should select the name which you have given us.—My own!!!—Shall I speak of gratitude, when that sentiment cannot otherwise than feebly express what I experience from your goodness, which, like that of GOD, surpasses all limits! Yes; GOD alone had the power of naming this Country, Bolivia.—What means the word Bolivia? An unbridled love of liberty, on the adoption of which your rapture saw nothing equal to your valour. Your extacy, incapable of any demonstration adequate to the vehemence of your feelings, cancelled your own name, and substituted mine to all posterity. This, which has no parallel in the History of the World, has still less in that of sublime enthusiasm. This resolution will show to futurity, that you sighed for the possession of your Rights; which consist in the power of exercising your political virtues, in the acquisition of luminous talents, and in the enjoyment of being Men. This resolution, I repeat it, will prove that you were worthy of obtaining the great Blessing of Heaven,—the Sovereignty of the People,—the only legitimate Authority of Nations.

Legislators! You are so fortunate as to preside over the destinies of a Republick, which is crowned with the Laurels of Ayacucho, and which must perpetuate its happy existence, under the Laws which your wisdom may dictate, in the calm which has succeeded the tempest of War.

BOLIVAR.

Lima, the 25th May, 1826.

PROJECT of Constitution for the Republick of Bolivia.

IN THE NAME OF GOD.

The General Constituent Congress of the Bolivian Republick, appointed by the People to form the Constitution of the State, decrees as follows:

TITLE I.

OF THE NATION.

CHAPTER I.—*Of the Bolivian Nation.*

Art. 1. The Nation of Bolivia is the union of all Bolivians.

II. Bolivia is, and ever shall be, Independent of all Foreign dominion; and cannot be the patrimony of any Person or Family.

CHAPTER II.—*Of the Territory.*

III. The Territory of the Republick of Bolivia, comprehends the Departments of Potosi, Chuquisaca, La Paz, Santa Cruz, Cochabamba and Oruro.

IV. It is divided into Departments, Provinces and Cantons.

V. A Law shall render the division more convenient; and another shall determine its limits, by agreement with the adjoining States.

TITLE II.

OF THE GOVERNMENT.

CHAPTER I.—*Form of the Government.*

VI. The Government of Bolivia is Popular Representative.

VII. The Sovereignty emanates from the People, and its exercise resides in the Powers which this Constitution establishes.

VIII. The Supreme Power is divided for its exercise into Four Sections:—the Electoral, Legislative, Executive, and Judicial.

IX. Each Power shall exercise the Attributes assigned to it by the Constitution, without exceeding its respective limits.

CHAPTER II.—*Of Bolivians.*

X. Are Bolivians:

1. All who are born in the Territory of the Republick.

2. The Children of Bolivian Parents, born out of the Territory, so soon as they legally manifest their wishes to domicile in Bolivia.

3. The Liberators of the Republick, declared as such by the Law of 11th August, 1825.

4. Foreigners, who obtain Letters of Naturalization, or who have resided three years in the Territory of the Republick.

5. All those who, up to the present day, have been Slaves; and who are, de facto, free, by the act of publishing this Constitution. The indemnification to be made to their former Owners, shall be determined by a Special Law.

XI. It is the duty of every Bolivian:

1. To live in submission to the Constitution and Laws.
2. To respect and obey the Constituted Authorities.
3. To contribute to the Publick Expences.
4. To sacrifice his property, and even life, when the safety of the Republick demands it.
5. To watch over the preservation of Publick Liberty.

XII. Bolivians who are deprived of the exercise of the Electoral Power, shall enjoy all the civil rights conceded to Citizens.

XIII. In order to be a Citizen it is necessary;

1. To be a Bolivian.
2. To be married, or more than 21 Years of age.
3. To be able to read and write.
4. To have some employment or mode of livelihood; or to profess some art or science, without being subject to another in the capacity of Servant.

XIV. Are Citizens;

1. The Liberators of the Republick. (Art. X. 3.)
2. Foreigners who have obtained Letters of Citizenship.
3. Foreigners, married with Bolivians, who unite the conditions, 3d and 4th of Article XIII.
4. Unmarried Foreigners who have resided four Years in the Republick, and unite the same conditions.

XV. Citizens of what was formerly Spanish America, shall enjoy the rights of Citizenship in Bolivia, according to the Treaties which may be made with their respective Nations.

XVI. Those only who are actually Citizens, can hold Publick Offices and Employments.

XVII. The exercise of Citizenship is suspended;

1. By insanity.
2. By the stigma of being a fraudulent Debtor.
3. By being criminally prosecuted.
4. By being a notorious drunkard, gambler, or beggar.
5. By purchasing or selling suffrages in the Elections, or by disturbing the order of them.

XVIII. The right of Citizenship is lost;

1. By treason to the Publick Cause.
2. By naturalization in a Foreign Country.
3. By having suffered infamous or corporeal punishment, by virtue of a Judicial condemnation.

TITLE III.

OF THE ELECTORAL POWER.

CHAPTER I.—*Of the Elections.*

XIX. The Electoral Power shall be directly exercised by those who are actually Citizens, one Elector being chosen for every ten.

XX. The exercise of the Electoral Power can never be suspended; and the Civil Magistrates, without waiting any order, shall convoke the People exactly at the period prescribed by the Law.

XXI. An especial Law shall detail the regulations of Elections.

CHAPTER II.—*Of the Electoral Body.*

XXII. The Electoral Body is composed of the Electors appointed by the popular Suffrages.

XXIII. The Electors, being assembled in the Capital of the Province, shall name, by a plurality of votes, a President, two Censors, and a Secretary, from their own body; these shall exercise their functions during the continuance of the Electoral Body.

XXIV. Each Electoral Body shall continue four Years; at the termination of which it shall cease, after the installation of that which is to succeed it.

XXV. The Electors shall assemble every Year, on the 2d, 3d, 4th, 5th, and 6th days of January, in order to exercise the following attributes:

1. To qualify the Citizens who enter upon the exercise of their rights, and to suspend those who may fall under the Provisions of Articles XVII and XVIII.

2. To elect, and propose *en terna* (by a nomination of three)—1st. To the respective Chambers, the Members which are to compose them, or to fill their Vacancies.—2d. To the Executive Power, the Candidates for the Prefecture of their Department, for the government of their Province, and for the Corregidors of their Cantons and Towns.—3d. To the Prefect of the Department, the Alcaides and Justices of the Peace, who are to be appointed.—4th. To the Senate, the Members of the Courts of the Judicial District to which they belong, and the Judges of First Instance.—5th. To the Executive Power, the Curates and Vicars, for the vacancies in their Province.

3. To receive the Returns of the popular Elections; to examine the identity of the Persons newly elected, and to declare them Constitutionally appointed.

4. To ask from the Chambers whatever they may deem conducive to the welfare of the Citizens: and to complain of the grievances and injustices which they may have experienced from the Constituted Authorities.

TITLE IV.

OF THE LEGISLATIVE POWER.

CHAPTER I.—*Of the Division, Attributes, and Restrictions, of this Power.*

XXVI. The Legislative Power emanates directly from the Electoral Bodies appointed by the People. Its exercise resides in the three Chambers; 1st of Tribunes, 2d of Senators, 3d of Censors.

XXVII. Each Chamber shall consist of 30 Members during the first 20 years.

XXVIII. On the —— day of the month of ——— of each year, the Legislative Body shall assemble of its own accord, without waiting for convocation.

XXIX. The particular Attributes of each Chamber, shall be detailed in their proper place. They are, generally:

1. To appoint the President of the Republick, for the first time, and to confirm the nomination of his Successors.

2. To approve of the Vice-President, on the proposal of the President.

3. To select a Place for the residence of the Government, and to transfer it to another, when important circumstances render it necessary, and when two-thirds of the Members, who compose the three Chambers, shall have declared it expedient.

4. To decide by a National Judgment, (Juicio Nacional) whether or not a necessity exist, for a legal procedure against the Members of the Chamber, the Vice-President, and the Secretaries of State.

5. To invest the President of the Republick, in time of War or extraordinary danger, with such powers as they may deem indispensable to the salvation of the State.

6. To select from among the Candidates which the Electoral Bodies may present, *en terna*, the Members for the vacancies in each Chamber.

7. To make Regulations for their interior government, and to punish the Members who infringe them.

XXX. The Members of the Legislative Body, shall be eligible to the Offices of Vice-President of the Republick, or Secretaries of State, relinquishing their seats in their respective Chamber.

XXXI. No Individual of the Legislative Body, shall be arrested during the period of his Office, unless by order of his respective Chamber; or unless he be detected in the commission of a Crime which merits capital punishment.

XXXII. The Members of the Legislative Body, shall not be responsible for the opinions which they deliver within their Chamber, in the exercise of their functions.

XXXIII. Each Legislature shall continue four Years, and each Annual Session two Months. The opening and closing of the three Chambers shall take place at the same time.

XXXIV. The opening of the Session shall take place Annually, in the presence of the President of the Republick, the Vice-President, and the Secretaries of State.

XXXV. The Sittings shall be publick, and those questions of State only, which require secrecy, shall be discussed with closed doors.

XXXVI. The Questions in each Chamber shall be determined by an absolute majority of Votes of the Members present.

XXXVII. Persons in Office, who are appointed to be Deputies to the Legislative Body, shall be temporarily relieved from the discharge of their duties by other Individuals.

XXXVIII. The restrictions upon the Legislative Body are as follows;

1. No Sitting can be held of either of the Chambers without the presence of one more than the half of the respective Individuals which compose it; but they may compel the absent Members to attend to their duty.

2. No Chamber can originate a Project of Law, relative to Subjects which the Constitution has entrusted to another Chamber, but it may invite the others to take into consideration such Resolutions as it may submit to them.

3. No Member of the Chambers can obtain, during the period of his Office, any other promotion than that in the regular course of preferment.

XXXIX. The Chambers shall be united;

1. At the opening and closing of their Sessions.

2. For the purpose of inquiring into the conduct of the Ministry, when it be impeached by the Chamber of Censors.

3. For the purpose of revising the Laws, which are returned by the Executive Power.

4. Whenever it be demanded, on sufficient grounds, by one of the Chambers, in the case provided for by Article XXIX, Attribute 3d.

5. In order to confirm the Vice-President in the exercise of the Office of President.

XL. When the Chambers are united, one of their Presidents shall preside in rotation.

CHAPTER II.—*Of the Chamber of Tribunes.*

XLI. In order to be a Tribune, it is necessary;

1. To be an actual Citizen.

2. To be 25 Years of Age.

3. To have never been condemned in a Criminal Cause.

XLII. The Chamber of Tribunes shall have the initiative;

1. Concerning the arrangement of the Territorial Division of the Republick.

2. Respecting the Annual Contributions and Publick Expences.

3. In authorizing the Executive Power to negociate Loans, and adopt means for extinguishing the Publick Debt.

4. Respecting the value, type, standard, weight, and denomination of money, and the regulation of weights and measures.

5. Concerning the establishment of Ports of every description.

6. Concerning the construction of roads, causeways, bridges, publick buildings, and the improvement of the Police, and branches of industry.

7. Concerning the Salaries of Publick Functionaries.

8. Concerning the reforms which they may deem necessary in the Departments of Finance and War.

9. In making War or Peace, on the proposition of the Government.

10. Concerning Alliances.

11. In permitting a passage to Foreign Troops.

12. Concerning the Naval and Land Forces for the Year, on the proposition of the Government.

13. In giving Ordinances to the Marine, Army, and National Militia, on the proposition of the Government.

14. Concerning Foreign Affairs.

15. In granting Letters of Naturalization and Citizenship.

16. In granting general Pardons.

XLIII. The Chamber of Tribunes shall be renewed by halves, every two Years, and shall have four Years duration. In the first Legislature, the half which is to retire at the expiration of two Years, shall be determined by lot.

XLIV. Tribunes may be re-elected.

CHAPTER III.—*Of the Chamber of Senators.*

XLV. To be a Senator, it is necessary;

1. To have the qualifications requisite for an Elector.

2. To be 35 Years of age.

3. To have never been condemned in a Criminal Cause.

XLVI. The Attributes of the Senate are;

1. To form the Civil and Criminal Codes, of Procedure and Commerce, and the Ecclesiastical regulations.

2. To originate all Laws relative to Judiciary reforms.

3. To watch over the prompt administration of Justice, in Civil and Criminal Causes.

4. To originate Laws to prevent infringements of the Constitution and Laws, by Magistrates, Judges, and Ecclesiastics.

5. To exact responsibility from the superior Tribunals of Justice, the Prefects, Magistrates, and Inferior Judges.

6. To propose, *en terna*, (by a nomination of three) to the Chamber of Censors, the Individuals who are to compose the Supreme Tribunal of Justice, the Archbishops, Bishops, Dignitaries, Canons, and Prebends of Cathedrals.

7. To approve or reject the Prefects, Governors, and Corregidors, which the Government may select from the Three Persons presented by the Electoral Bodies.

8. To elect from the Three Persons which the Electoral Bodies may present, the District Judges, and the Subalterns of every Department of Justice.

9. To regulate the Church preferment, and to propose Projects of Law relative to all Ecclesiastical business which has relation to the Government.

10. To examine Counciliary Decisions, Bulls, Rescripts, and Pontifical Briefs, in order to their approval or rejection.

XLVII. The duration of Members of the Senate shall be eight Years, and they shall be renewed by one half every four Years; the half of the first Legislature which is to retire, being determined by lot.

XLVIII. The Members of the Senate may be re-elected.

CHAPTER IV.—*Of the Chamber of Censors.*

XLIX. To be a Censor, it is necessary:

1. To possess the qualifications requisite for a Senator.
2. To be 40 Years of age.
3. To have never been condemned, even for trifling Offences.

L. The Attributes of the Chamber of Censors are:

1. To see that the Government observes, and causes to be observed, the Constitution, Laws, and Publick Treaties.
2. To accuse the Executive, before the Senate, of infringements upon the Constitution, Laws, and Publick Treaties.
3. To demand from the Senate the suspension of the Vice-President and Secretaries of State, should the safety of the Republick urgently demand it.

LI. It belongs exclusively to the Chamber of Censors to impeach, before the Senate, the Vice-President and Secretaries of State, in cases of treason, peculation, or manifest violation of the fundamental Laws of the Republick.

LII. If the Senate shall deem the accusation by the Chamber of Censors to be well founded, resort shall be had to a National Judgment; but if the Senate decide in the negative, the accusation shall pass to the Chamber of Tribunes.

LIII. If the two Chambers agree, recourse shall be had to the National Judgment.

LIV. The three Chambers shall then be united, and the Documents which the Chamber of Censors may have presented, having been examined, it shall be decided by an absolute majority of Votes, whether or not there be cause for the impeachment of the Vice-President or Secretaries of State.

LV. When the National Judgment shall have decreed that there is ground for impeachment of the Vice-President or Secretaries of State, they shall be immediately suspended from the exercise of their functions, and the Chamber shall transmit all their proceedings to the Supreme Tribunal of Justice, which shall take exclusive cognizance of the Cause, and the Sentence which it may pronounce shall be executed without Appeal.

LVI. When the Chambers have declared that there exists ground for the impeachment of the Vice-President and Secretaries of State, the President shall present to the united Chambers a Candidate for the Vice-Presidency, ad interim, and shall nominate, ad interim, Secretaries of State. If the first Candidate be rejected, by an absolute majority of the Legislative Body, the President shall present a second, and if he be rejected, he shall present a third Candidate, and if he be also rejected, then the Chambers shall choose, by an absolute majority of votes, within the period of 24 hours, one of the three Candidates proposed by the President.

LVII. The Vice-President, ad interim, shall exercise his functions from the time of his Appointment, until the result of the Proceedings against the Accused.

LVIII. By a Law, which shall originate in the Chamber of Censors, the Cases shall be specified, in which the Vice-President and Secretaries of State are collectively or individually responsible.

LIX. It belongs, moreover, to the Chamber of Censors:

1. To choose from the Three Persons presented by the Senate, the Individuals who are to form the Supreme Tribunal of Justice, and those who are to be presented to the Archbishopricks, Bishopricks, Canonries, and vacant Prebends.

2. To execute the Laws relative to the Press, interior government, regulation of studies, and method of Publick Education.

3. To protect the Liberty of the Press, and to appoint the Judges who are to decide in the last instance, upon the Judgments respecting it.

4. To propose Regulations for encouraging the Arts and Sciences.

5. To grant Rewards and National Compensations to those who may have merited them by their services to the Republick.

6. To decree Publick Honours to the memory of great Men, and to the virtues and services of Citizens.

7. To condemn to everlasting disgrace the Usurpers of the Publick Authority, and distinguished Traitors and Criminals.

LX. The Censors shall be appointed for life.

CHAPTER. V.—*Of the Formation and Promulgation of Laws.*

LXI. The Government may present to the Chambers such Projects of Law as it may deem necessary.

LXII. The Vice-President and Secretaries of State may attend the Sittings, and bear a part in the discussion of Laws and other subjects; but they cannot vote, nor be present when the Votes are taken.

LXIII. When the Chamber of Tribunes adopts the Project of a Law, it shall be transmitted to the Chamber of Senators, in the following form:

"The Chamber of Tribunes transmits to the Chamber of Senators the annexed Project of Law; and believes that there is occasion for it."

LXIV. If the Chamber of Senators approve the Project of Law, it shall return it to the Chamber of Tribunes, in the following form:

"The Senate returns to the Chamber of Tribunes the Project of Law (with or without amendment) and is of opinion that it ought to be transmitted to the Executive for execution."

LXV. All the Chambers, in similar cases, shall observe the same form.

LXVI. If one Chamber disapprove the Amendments or additions of another, and the proposing Chamber be of opinion that the Project, as originally proposed, is most advantageous, it shall invite, by a Deputation of three, a meeting of the two Chambers, in order to discuss the Project, or the Amendment, or Negative, which it may have received. This meeting of the Chambers shall have no other object than that of coming to a mutual understanding, and each shall resume the business which it may deem expedient.

LXVII. The Project being adopted by two Chambers, two Copies thereof shall be sent to the President of the Republick, signed by the President and Secretaries of the Chamber which originated the Law, in the following form:

"The Chamber of ———, with the approbation of the Chamber of ———, sends to the Executive Power the Law respecting ———, in order that it may be promulgated."

LXVIII. If the Chamber of Senators refuse to adopt the Project of the Chamber of Tribunes, it shall be sent to the Chamber of Censors, in the following form:

"The Chamber of Senators transmits to the Chamber of Censors the annexed Project, which it does not deem expedient."

After which, the determination of the Chamber of Censors shall be definitive.

LXIX. If the President of the Republick consider the Law inexpedient, he shall, within the period of 10 days, return it to the Chamber which originated it, together with his observations, in the following form:

"It is the opinion of the Executive that this Law should be reconsidered."

LXX. The Laws which may be passed within the last ten days of the Session, may be retained by the Executive Power, until the succeeding Session, and shall then be returned with its observations thereupon.

LXXI. When the Executive Power returns to the Chambers a Law, with its observations, the Chambers shall be united, and whatever they determine by a majority of Votes, shall be fulfilled, without further discussion or observation.

LXXII. If the Executive Power have no observations to make, relative to the Law, it shall order it to be published, in the following form:

"Let it be promulgated."

LXXIII. The Laws shall be promulgated in the following form:

"N. of N. President of the Bolivian Republick. We make known to all Bolivians, that the Legislative Body has decreed, and that we publish the following Law. (Here follows the Law.) We therefore command all the Authorities of the Republick to observe it, and to cause it to be observed.

"The Vice-President will cause this to be printed, published, and transmitted to all whom it may concern."—and it shall be signed by the President, the Vice-President, and the respective Secretary of State.

LXXIV. A Project of Law which originates in the Senate, shall pass to the Chamber of Censors, and, if there approved, shall have the force of a Law. If the Censors do not approve the Project of Law, it shall be sent to the Chamber of Tribunes, whose decision shall be definitive, as has been said, with respect to the Chamber of Censors.

LXXV. A Project of Law which originates in the Chamber of Censors, shall pass to the Senate; and, if it receive its sanction, it shall have the force of a Law. But in case it should refuse its assent to the Project, it shall be sent to the Chamber of Tribunes, which shall give or refuse its sanction, as in the case of the preceding Article.

TITLE V.

OF THE EXECUTIVE POWER.

LXXVI. The exercise of the Executive Power resides in a President for life, a Vice-President, and three Secretaries of State.

CHAPTER I.—*Of the President.*

LXXVII. The President of the Republick shall be chosen the first time, by an absolute majority of the Legislative Body.

LXXVIII. In order to be eligible as President of the Republick, it is necessary:

1. To be an actual Citizen and a Native of Bolivia.
2. To be upwards of 30 years of age.
3. To have rendered important services to the Republick.

4. To possess known talents for the administration of the State.

5. To have never been condemned by the Tribunals, even for slight Offences.

LXXIX. The President of the Republick is the Chief of the Administration of the State, without responsibility for the acts of the said Administration.

LXXX. In the event of the resignation, death, infirmity, or absence, of the President of the Republick, the Vice-President succeeds to his Station.

LXXXI. In default of the President and Vice-President of the Republick, the three Secretaries of State, shall conduct the Administration, ad interim, the eldest in Office presiding, until the assembling of the Legislative Body.

LXXXII. The Attributes of the President of the Republick, are:

1. To open the Sessions of the Chambers, and to lay before them a Message respecting the state of the Republick.

2. To propose to the Chambers the Vice-President; and to appoint the Secretaries of State.

3. To change the Vice-President and Secretaries of State, whenever he may deem it expedient.

4. To order the Laws to be published, circulated, and observed.

5. To authorize Regulations and Orders for the better fulfilment of the Constitution, Laws, and Publick Treaties.

6. To order and enforce the fulfilment of the Sentences of the Tribunals of Justice.

7. To demand of the Legislative Body the prorogation of its Ordinary Sessions, for the period of 30 days.

8. To convoke the Legislative Body in an Extraordinary Session, when such convocation is absolutely necessary.

9. To dispose of the permanent Military and Naval Forces, for the external defence of the Republick.

10. To command in Person, the Armies of the Republick, in Peace and War. When the President is absent from the Capital, the Vice-President shall be charged with the government of the Republick.

11. To reside in any part of the Territory occupied by the National Armies, when he directs the War in Person.

12. To dispose of the National Militia, for internal security, within the limits of its respective Department, and beyond them, with the consent of the Legislative Body.

13. To appoint all Officers of the Army and Navy.

14. To establish Military and Naval Schools.

15. To order Military Hospitals, and Houses for the reception of Invalids, to be established.

16. To grant furloughs and retirements. To grant the Pensions of

the Military, and of their Families, according to Law, and to regulate, in conformity with the Laws, every thing relating to this branch.

17. To declare War in the name of the Republick, previously decreed by the Legislative Body.

18. To grant Letters of Marque.

19. To superintend the collection and distribution of the Publick Revenue, according to Law.

20. To appoint the Officers of Finance.

21. To direct diplomatick Negotiations, and to conclude Treaties of Peace, Friendship, Confederation, Alliance, Armistice, Armed Neutrality, Commerce, and any others; with the previous approbation of the Legislative Body.

22. To appoint Publick Ministers, Consuls, and Subalterns, of the Department of Foreign Affairs.

23. To receive Foreign Ministers.

24. To confirm or to suspend Counciliary Decisions, Pontifical Bulls, Briefs, and Rescripts, with the consent of the Power to which they relate.

25. To present to the Senate for its approbation, one of the three Candidates, proposed by the Electoral Body, for Prefects, Governors, and Corregidors.

26. To present to the Ecclesiastical Government one of the three Candidates, proposed by the Electoral Body, as Curates and Vicars of Provinces.

27. To suspend Functionaries for the period of three months, whenever there may be cause for such suspension.

28. To commute Capital Punishments, decreed by the Tribunals against Criminals.

29. To expedite, in the name of the Republick, the Commissions and Appointments of all Functionaries.

LXXXIII. The restrictions on the President are:

1. He cannot deprive any Bolivian of his liberty, or impose, of his own will, any punishment whatsoever.

2. When the safety of the Republick demands the arrest of one or more Citizens, he cannot permit more than 48 hours to elapse, before the Accused be placed at the disposal of the competent Judge or Tribunal.

3. He cannot deprive any Individual of his property, unless the Publick interest urgently demand it; and a just indemnification shall, in such case, be made to the Proprietor.

4. He cannot impede the Elections, nor other Functions which the Laws have confided to the Powers of the Republick.

5. He cannot absent himself from the Territory of the Republick, nor from the Capital, without the permission of the Legislative Body.

Chapter II.—*Of the Vice-President.*

LXXXIV. The Vice-President is nominated by the President of the Republick, and approved by the Legislative Body, in the mode prescribed in Article LVI.

LXXXV. The mode of succession shall be determined by a Special Law, comprehending all cases which can occur.

LXXXVI. To be Vice-President, the same qualifications are requisite as for President.

LXXXVII. The Vice-President of the Republick is the Chief of the Ministry.

LXXXVIII. He shall be responsible, together with the Secretary of State of the respective Department, for the administration of the State.

LXXXIX. He shall despatch and sign, in the name of the Republick and of the President, all the Affairs of the Administration, together with the Secretary of State of the respective Department.

XC. He shall not absent himself from the Territory of the Republick, nor from the Capital, without the permission of the Legislative Body.

Chapter III.—*Of the Secretaries of State.*

XCI. There shall be three Secretaries of State. One of them shall be charged with the Department of Government and Foreign Affairs; one with that of Finance; and the other with that of War and Marine.

XCII. These three Secretaries shall discharge their duties under the immediate Orders of the Vice-President.

XCIII. No Tribunal or Public Authority shall observe Orders of the Executive, which are not signed by the Vice-President, and the Secretary of State of the Department to which they relate.

XCIV. The Secretaries of State shall be reponsible, with the Vice-President, for all Orders which they may authorise, contrary to the Constitution, Laws, and Publick Treaties.

XCV. They shall make out the Annual Estimates of the Expences, which may be necessary for their respective Departments, and shall render an Account of those which may have been incurred in the preceding Year.

XCVI. To be a Secretary of State, it is necessary:

1. To be an actual Citizen.
2. To be 30 Years of age.
3. To have never been condemned in a Criminal Cause.

TITLE VI.

OF THE JUDICIAL POWER.

CHAPTER I.—*Of the Attributes of this Power.*

XCVII. The Tribunals and Courts of Justice exercise no other Functions than those of applying the existing Laws.

XCVIII. The Magistrates and Judges shall hold their Offices during good behaviour.

XCIX. The Magistrates and Judges cannot be suspended from their Offices, unless in the cases determined by Law; the application of which, in regard to the former, appertains to the Chamber of Senators; and, as respects the latter, to the District Courts, with the previous cognizance of Government.

C. Every serious Offence, which the Magistrates and Judges commit, in the discharge of their respective duties, may be prosecuted by popular accusation, and be commenced within the period of a Year, through the medium of the Electoral Body.

CI. Justice shall be administered in the name of the Nation, and the Judgments and Orders of the Superior Tribunals shall be issued in that form.

CHAPTER II.—*Of the Supreme Court.*

CII. The highest judicial Magistracy of the State shall reside in the Supreme Court of Justice.

CIII. It shall be composed of a President, six Members, and a Fiscal, divided into the requisite Chambers.

CIV. To be a Member of the Supreme Tribunal of Justice, it is necessary:

1. To be 35 Years of age.

2. To be an actual Citizen.

3. To have been a Member of one of the Judicial District Courts; and, until they are organised, those Advocates who may have exercised their Profession with credit, for the period of eight Years, shall be eligible.

CV. The Attributes of the Supreme Tribunal of Justice are:

1. To take cognizance of Criminal Accusations against the Vice-President of the Republick, Secretaries of State, and Members of the Chambers, whenever the Legislative Body shall decree that there is ground for a prosecution.

2. To take cognizance of all Causes relating to the National Church Preferment.

3. To examine Bulls, Briefs, and Rescripts, when they relate to Civil matters.

4. To take cognizance of Causes respecting Ambassadors, Resident Ministers, Consuls, and Diplomatick Agents.

5. To take cognizance of Cases of the removal of Magistrates from the Judical District Courts, and Departmental Prefects.

6. To settle Controversies between the Courts of Justice, and between them and other Authorities.

7. To take cognizance, in the third instance, of Accusations against Publick Functionaries.

8. To determine the doubts of other Tribunals respecting the meaning of any Law; and to consult with the Executive as to the explanation thereof in the Chambers.

9. To take cognizance of Charges of Nullity, brought against Sentences pronounced, in the last instance, by the Courts of Justice.

10. To examine the state and progress of Civil and Criminal Causes, pending in the District Courts, in the manner established by Law.

11. To exercise the high directional, interior, and correctional controul, over the Tribunals and Courts of Justice of the Nation.

Chapter III.—*Of Judicial District Courts.*

CVI. In order to be a Member of these Courts it is necessary:

1. To be 30 Years of age.

2. To be an actual Citizen.

3. To have been a Law Judge, or a respectable Advocate for five Years.

CVII. The Attributes of the Judicial District Courts are:

1. To take cognizance, in the second and third instance, of all Civil Causes, of Common Law, Publick Finance, Commerce, Mining, Seizures, and Confiscations, aided by an Individual of those branches, respectively, in the capacity of Assistant Judge.

2. To take cognizance of Controversies between the inferior Justices of their Judicial District.

3. To take cognizance of Charges of Violence, brought before them by the Tribunals and Ecclesiastical Authorities within their Territory.

Chapter IV.—*Of Judicial County Courts.*

CVIII. County Courts shall be established in the Provinces, which shall be proportionally equal; and, in each Capital of a County, there shall be a Law Judge, with a Court of Justice, as determined by Law.

CIX. The cognizance of these Courts shall be limited to litigious Causes, and they can determine, without appeal, in Civil Cases not exceeding 200 dollars.

CX. To be a Law Judge it is necessary:

1. To be 28 Years of age.

2. To be an actual Citizen.

3. To have been admitted as an Advocate in a Tribunal of the Republick.

4. To have exercised the Profession for four Years, with credit.

CXI. The Law Judges are personally responsible for their conduct to the Judicial District Courts, as the Members of the latter are to the Supreme Tribunal of Justice.

CHAPTER V.—*Of the Administration of Justice.*

CXII. There shall be Justices of the Peace in each Village, who shall act as Conciliators; and no Civil or Criminal Cause shall be commenced, which shall not previously have been submitted to them.

CXIII. The duty of these Conciliators shall be limited to the hearing the statements of the Parties, to the informing them of their rights, and to the effecting between them a satisfactory accommodation.

CXIV. Fiscal Prosecutions shall not be submitted for conciliation.

CXV. Judgments in three instances only are recognized.

CXVI. Recourse to manifest injustice is for ever abolished.

CXVII. No Bolivian shall be arrested, without previous information, for Crimes meriting corporeal punishment, and without a written Order from the Judge before whom he is to appear: excepting in the Cases mentioned in Articles LXXXIII, (Restriction 2d,) CXXIII and CXXXIII.

CXVIII. At this stage of the Proceedings, if possible, the information shall be taken even without oath, but this shall not be deferred in any case, for a longer period than 48 hours.

CXIX. Any Person detected in the commission of a crime, may be arrested by any Individual, and taken before the Judge.

CXX. In Criminal Causes, the Proceedings shall be publick; the crime being recognized and declared by Juries, (when they are established) and the Sentence being pronounced by the Judges.

CXXI. The use of torture, and forced confession, shall be abolished for ever.

CXXII. The confiscation of goods, and all cruel punishments, and those of descending infamy, shall be abolished. The Criminal Code shall restrict as far as possible, the application of Capital Punishment.

CXXIII. If, under any extraordinary circumstances, the security of the Republick should require the suspension of any of the formalities prescribed in this Chapter, the Chambers may decree such suspension. And, should they not be assembled, the Executive may exercise such function, as a provisional measure, and shall render an account of the same at the succeeding opening of the Chambers; it being responsible for any abuses which may have been committed.

TITLE VII.

OF THE INTERIOR GOVERNMENT OF THE REPUBLICK.

CXXIV. The superior Political Government of each Department shall reside in a Prefect.

CXXV. That of each Province in a Governor.

CXXVI. That of the Cantons in a Corregidor.

CXXVII. In each Town, the Inhabitants of which amount to 100 Souls, including those within its boundary, there shall be a Justice of the Peace.

CXXVIII. Where the Population of a Town, and its vicinity, amounts to 1000 Souls, there shall be (besides a Justice of the Peace for each 200) an Alcaid; and where the number of Souls exceeds 1000, there shall also be a Justice of the Peace for every 500, and an Alcaid for every 2000.

CXXIX. The duties of Alcaids and Justices of the Peace are to give advice; and no Citizen, without just cause, shall be exempted from fulfilling them.

CXXX. The Prefects, Governors, and Corregidors, shall continue in the exercise of their Functions for the period of four Years; but may be re-elected.

CXXXI. The Alcaids and Justices of the Peace shall be renewed every two Years; but may be re-elected.

CXXXII. The attributes of the Prefects, Governors, Corregidors, and Alcaids, shall be limited, by Law, to the maintenance of publick order and security, and of due subordination to the Supreme Government.

CXXXIII. They are prohibited from all judicial authority; but, should the publick tranquillity demand the arrest of any Individual, and circumstances not permit them to apprize the respective Judge, they may immediately order the same, rendering an account thereof, within 48 hours, to the competent Court of Justice. Whatever excess these Magistrates commit, relative to Individual security, or domicile, shall be liable to popular accusation.

TITLE VIII.

OF THE ARMED FORCE.

CXXXIV. There shall be a permanent Armed Force in the Republick.

CXXXV. The Armed Force shall be composed of the Army of the Line, and a Squadron.

CXXXVI. In each Province there shall be Bodies of National Militia, composed of its Inhabitants.

CXXXVII. There shall be also a Military Guard, whose chief duty it shall be to prevent all illegal Commerce. The peculiar organization and constitution of this Body shall be detailed in a Special Regulation.

TITLE IX.

Of the Reform of the Constitution.

CXXXVIII. If, at the expiration of —— Years, after the Constitution shall have been sworn to, it should be deemed expedient to reform any of its Articles; a Proposition to that effect shall be made, in writing, signed by at least ten Members of the Chamber of Tribunes, and supported by two-thirds of the Members present in the Chamber.

CXXXIX. The Proposition shall be read three times, with an interval of six days between each reading; and, after the third reading, the Chamber of Tribunes shall determine whether or not the Proposition shall be admitted to discussion; and any further proceedings thereupon shall be similar to those for the formation of Laws.

CXL. The discussion being admitted, and the Chambers convinced of the necessity of reforming the Constitution; a Law shall be passed, desiring the Electoral Bodies to invest the Deputies of the three Chambers with Special Powers, to alter or reform the Constitution, and indicating the basis upon which such reform is to be made.

CXLI. In the first Session of the Legislature, subsequent to that in which the Proposition to alter or reform the Constitution was adopted, the subject shall be proposed and discussed; and whatever the Chambers resolve upon shall be fulfilled; the Executive Power being consulted respecting the expediency of such Reform.

TITLE X.

Of the Nomination and Responsibility of Functionaries.

CXLII. Three Persons shall be proposed as Candidates to the Executive Power, which shall select and present one of them to the respective Chamber for confirmation; and, if he be not approved, it shall present a second; and, if he also be rejected, a third shall be proposed; and in case the Chamber again refuse its approbation, it shall be obliged to select one of the three proposed by the Executive.

CXLIII. Public Functionaries are strictly responsible for the abuses which they commit in the exercise of their Functions.

TITLE XI.

OF GUARANTEES.

CXLIV. Civil liberty, individual security, property, and legal equality, are guarantied to the Citizens by the Constitution.

CXLV. Every Person may communicate his thoughts, verbally or

in writing, or publish them through the medium of the Press, without previous censorship; but under the responsibility which the Law may determine.

CXLVI. Every Bolivian may continue in, or quit the Territory of the Republick, as he may think proper, and carry with him his property; observing, however, the Regulations of the Police, and the rights of other Parties.

CXLVII. The House of every Bolivian is an inviolable asylum. It cannot be entered by night, unless by his consent; and by day, only in those cases, and under the restrictions, which the Law may determine.

CXLVIII. Contributions shall be proportionably levied, without exception or privilege.

CXLIX. All hereditary Offices, Privileges, and Entails, are abolished; and property of every description is alienable, notwithstanding it belong to pious or religious Institutions, or other objects.

CL. No article of workmanship, industry, or commerce, shall be prohibited, if it be not incompatible with publick habits, or the safety and health of Bolivians.

CLI. Every Inventor shall have a property in his discoveries and productions. The Law shall secure to him an exclusive temporary privilege, or a compensation for his loss, in the case of its being made public.

CLII. The Constitutional Powers cannot suspend the Constitution, nor the rights belonging to Bolivians, excepting in the cases, and under the circumstances, expressed in the Constitution itself; on which occasions it is indispensable that the period for which such suspension is to continue shall be specified.

CONVENTION of Friendship, Commerce, and Navigation, between The United States and Denmark. Signed at Washington, 26th April, 1826.

WHEREAS a General Convention of Friendship, Commerce, and Navigation, between The United States of America and His Majesty the King of Denmark, was concluded and signed at Washington, on the 26th day of April last, by Henry Clay, Secretary of State of The United States, on the part of The United States, and Peter Pedersen, Minister Resident from Denmark, on the part of Denmark, the respective Plenipotentiaries of the two Powers: And whereas the said Convention has been duly and respectively ratified by me, by and with the advice and consent of the Senate of The United States, and

by His Majesty the King of Denmark; and the Ratifications of the same have been exchanged on the 10th day of August last, at the City of Copenhagen, by John Rainals, Consul of The United States, on the part of The United States, and Count Schimelmann, Minister of Foreign Affairs of His Majesty the King of Denmark, on the part of Denmark; which Convention is in the words following, to wit:—

General Convention of Friendship, Commerce, and Navigation, between the United States of America and His Majesty the King of Denmark.

The United States of America and His Majesty the King of Denmark, being desirous to make firm and permanent the Peace and Friendship which happily prevail between the two Nations, and to extend the commercial relations which subsist between their respective Territories and People, have agreed to fix, in a manner clear and positive, the rules which shall in future be observed between the one and the other Party, by means of a General Convention of Friendship, Commerce, and Navigation. With that object, the President of the United States of America has conferred Full Powers on Henry Clay, their Secretary of State, and His Majesty the King of Denmark has conferred like Powers on Peter Pedersen, his Privy Counsellor of Legation, and Minister Resident near the said States, Knight of the Dannebrog, who, after having exchanged their said Full Powers, found to be in due and proper form, have agreed to the following Articles:

Art. I. The Contracting Parties, desiring to live in peace and harmony with all the other Nations of the Earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favour to other Nations, in respect of Commerce and Navigation, which shall not immediately become common to the other Party, who shall enjoy the same freely, if the concession were freely made, or, on allowing the same compensation, if the concession were conditional.

II. The Contracting Parties, being likewise desirous of placing the Commerce and Navigation of their respective Countries on the liberal basis of perfect equality and reciprocity, mutually agree that the Citizens and Subjects of each may frequent all the Coasts and Countries of the other, (with the exception hereafter provided for in the Sixth Article,) and reside and trade there in all kinds of produce, manufactures and merchandise; and they shall enjoy all the rights, privileges, and exemptions, in Navigation and Commerce, which Native Citizens or Subjects, do or shall enjoy, submitting themselves to the Laws, Decrees, and Usages, there established, to which Native Citizens or Subjects are subjected. But it is understood that this Article does not include the Coasting Trade of either Country, the regulation of which is reserved by the Parties respectively, according to their own separate Laws.

III. They likewise agree, that whatever kind of produce, manufacture, or merchandise, of any Foreign Country, can be, from time to time, lawfully imported into The United States, in Vessels belonging wholly to the Citizens thereof, may be also imported in Vessels wholly belonging to the Subjects of Denmark; and that no higher or other Duties upon the tonnage of the Vessel or her cargo shall be levied and collected, whether the importation be made in Vessels of the one Country or of the other. And, in like manner, that whatever kind of produce manufacture, or merchandise, of any Foreign Country, can be, from time to time, lawfully imported into the Dominions of the King of Denmark, in the Vessels thereof, (with the exception hereafter mentioned in the 6th Article,) may be also imported in Vessels of The United States; and that no higher or other Duties upon the tonnage of the Vessel or her cargo shall be levied and collected, whether the importation be made in Vessels of the one Country or of the other. And they further agree, that whatever may be lawfully exported or re-exported, from the one Country in its own Vessels, to any Foreign Country, may, in like manner, be exported or re-exported in the Vessels of the other Country. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation or re-exportation be made in Vessels of The United States or of Denmark. Nor shall higher or other Charges of any kind be imposed, in the Ports of one Party, on Vessels of the other, than are, or shall be, payable in the same Ports by Native Vessels.

IV. No higher or other Duties shall be imposed on the importation into The United States, of any article, the produce or manufacture of the Dominions of His Majesty the King of Denmark; and no higher or other Duties shall be imposed on the importation into the said Dominions of any article, the produce or manufacture of The United States, than are, or shall be, payable on the like articles, being the produce or manufacture of any other Foreign Country. Nor shall any higher or other Duties or Charges be imposed in either of the two Countries, on the exportation of any articles to The United States, or to the Dominions of His Majesty the King of Denmark, respectively, than such as are, or may be, payable on the exportation of the like articles to any other Foreign Country. Nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufacture of The United States, or of the Dominions of His Majesty the King of Denmark, to, or from, the Territories of The United States, or to or from the said Dominions, which shall not equally extend to all other Nations.

V. Neither the Vessels of The United States nor their cargoes, shall, when they pass the Sound or the Belts, pay higher or other Duties than those which are or may be paid by the most favoured Nation.

VI. The present Convention shall not apply to the Northern Possessions of His Majesty the King of Denmark, that is to say, Iceland, the Ferroé Islands, and Greenland, nor to places situated beyond the Cape of Good Hope, the right to regulate the direct intercourse with which Possessions and Places is reserved by the Parties respectively. And it is further agreed that this Convention is not to extend to the direct trade between Denmark and the West India Colonies of His Danish Majesty, but, in the intercourse with those Colonies, it is agreed that whatever can be lawfully imported into or exported from the said Colonies, in Vessels of one Party, from or to the Ports of The United States, or from or to the Ports of any other Foreign Country, may, in like manner, and with the same Duties and Charges applicable to Vessel and cargo, be imported into or exported from the said Colonies, in Vessels of the other Party.

VII. The United States and His Danish Majesty mutually agree, that no higher or other Duties, Charges, or Taxes of any kind, shall be levied in the Territories or Dominions of either Party, upon any personal property, money, or effects, of their respective Citizens or Subjects, on the removal of the same from their Territories or Dominions reciprocally, either upon the inheritance of such property, money, or effects, or otherwise, than are or shall be payable in each State, upon the same, when removed by a Citizen or Subject of such State respectively.

VIII. To make more effectual the protection which The United States and His Danish Majesty shall afford in future, to the Navigation and Commerce of their respective Citizens and Subjects, they agree mutually to receive and admit Consuls and Vice-Consuls in all the Ports open to Foreign Commerce, who shall enjoy in them all the rights, privileges, and immunities, of the Consuls and Vice-Consuls of the most favoured Nation; each Contracting Party, however, remaining at liberty to except those Ports and Places in which the admission and residence of such Consuls may not seem convenient.

IX. In order that the Consuls and Vice-Consuls of the Contracting Parties may enjoy the rights, privileges, and immunities, which belong to them, by their publick character, they shall, before entering on the exercise of their functions, exhibit their Commission or Patent, in due form, to the Government to which they are accredited; and having obtained their Exequatur, which shall be granted gratis, they shall be held and considered as such by all the Authorities, Magistrates, and Inhabitants, in the Consular District in which they reside.

X. It is likewise agreed, that the Consuls and Persons attached to their necessary service, they not being Natives of the Country in which the Consul resides, shall be exempt from all publick service, and also from all kind of taxes, imposts, and contributions; except those which they shall be obliged to pay, on account of commerce, or their pro-

perty, to which Inhabitants, Native and Foreign, of the Country in which such Consuls reside, are subject; being in every thing besides subject to the Laws of the respective States. The Archives and Papers of the Consulate shall be respected inviolably, and, under no pretext whatever, shall any Magistrate seize or in any way interfere with them.

XI. The present Convention shall be in force for ten Years from the date hereof, and further until the end of one Year, after either of the Contracting Parties shall have given notice to the other of its intention to terminate the same; each of the 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, on the expiration of one Year after such notice shall have been received by either, from the other Party, this Convention, and all the Provisions thereof, shall altogether cease and determine.

XII. This Convention shall be approved and ratified by the President of The United States, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Denmark, and the Ratifications shall be exchanged in the City of Copenhagen, within eight months, from the date of the signature hereof, or sooner, if possible.

In faith whereof, We, the Plenipotentiaries of The United States of America, and of His Danish Majesty, have signed and sealed these presents.

Done, in Triplicate, at the City of Washington, on the 26th day of April, in the Year of our Lord 1826, in the 50th Year of the Independence of the United States of America.

(L. S.) H. CLAY. (L. S.) Pr. PEDERSEN.

Now, therefore, be it known, that I, John Quincy Adams, 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 Seal of The United States to be affixed.

Done at the City of Washington, this 14th day of October, in the Year of our Lord 1826, and of the Independence of The United States the 51st.

JOHN QUINCY ADAMS.

By the President:

H. CLAY, Secretary of State.

ADDENDUM.

Mr. Clay to Mr. Pedersen.

Department of State, Washington, 25 April, 1826.

THE Undersigned, Secretary of State of The United States, by direction of the President thereof, has the honour to state to Mr. Pedersen, Minister Resident of His Majesty the King of Denmark, that it would have been satisfactory to the Government of The United States, if Mr. Pedersen had been charged with Instructions, in the Negociation which has just terminated, to treat of the Indemnities to Citizens of The United States, in consequence of the seizure, detention, and condemnation of their property, in the Ports of His Danish Majesty. But as he has no Instructions to that effect, the Undersigned is directed, at and before proceeding to the signature of the Treaty of Friendship, Commerce, and Navigation, on which they have agreed, explicitly to declare, that the omission to provide for those Indemnities is not hereafter to be interpreted as a waiver or abandonment of them by the Government of The United States, which, on the contrary, is firmly resolved to persevere in the pursuit of them until they shall be finally arranged, upon principles of equity and justice. And, to guard against any misconception of the fact of the silence of the Treaty, in the above particular, or of the views of the American Government, the Undersigned requests that Mr. Pedersen will transmit this Official Declaration to the Government of Denmark.

And he avails himself, &c. H. CLAY.

The Chevalier Pedersen, Minister Resident from Denmark.

The Chevalier Peter Pedersen to Mr. Clay.

Washington, April 25, 1826.

THE Undersigned, Minister Resident of His Majesty the King of Denmark, has the honour, herewith, to acknowledge having received Mr. Clay's Official Note of this day, declaratory of the advanced Claims against Denmark, not being waived on the part of The United States, by the Convention agreed upon, and about to be signed; which Note, he, as requested, will transmit to his Government.

And he avails himself, &c.

P. PEDERSEN.

The Hon. Henry Clay,
Secretary of State of The United States.

CONVENTION between Russia and The Ottoman Porte, explanatory of the Treaty of Buccharest.—Signed at Ackermann, the 25th of September, (7th October,) 1826.

(I.)—*Convention explicative du Traité de Boucarest*.*

Au Nom de Dieu Tout Puissant.

La Cour Impériale de Russie et La Sublime-Porte, animées du désir sincère de mettre un terme aux discussions qui se sont élevées entre elles depuis la conclusion du Traité de Boucarest, et voulant consolider les rapports des deux Empires, en leur donnant pour base une parfaite harmonie et une entière confiance réciproque, sont convenues d'ouvrir, par le moyen d'une réunion de Plénipotentiaires respectifs une Négociation amicale, dans la pure intention d'écarter de leurs relations mutuelles tout sujet de différend ultérieur, et d'assurer pour l'avenir la pleine exécution du Traité de Boucarest, anisi que des Traités et Actes qu'il renouvelle ou confirme, et dont l'observation peut seule garantir le maintien et la durée de la Paix si heureusement établie entre la Cour Impériale de Russie et La Sublime-Porte Ottomane. En conséquence, Sa Majesté l'Empereur et Padischah de toutes Les Russies, et Sa Majesté l'Empereur et Padischah des Ottomans, ont nommé pour leurs Plénipotentiaires, savoir: Sa Majesté l'Empereur et Padischah de toutes les Russies, les Sieurs Comte Michel Woronzoff, Aide-de-camp-général, Général d'Infanterie, Membre du Conseil de l'Empire, Gouverneur-général de la Nouvelle-Russie, et Commissaire Plénipotentiaire de la Province de Bessarabie, Chevalier de l'Ordre de St.-Alexandre-Newsky, Chevalier Grand' Croix de celui de St.-George de 2de Classe, de St.-Wladimir de 1re Classe, de Ste.-Anne de 1re Classe enrichi de Diamans, et Chevalier de plusieurs Ordres Etrangers; et Alexandre de Ribeaupierre, Conseiller-privé et Chambellan Actuel, Envoyé Extraordinaire et Ministre Plénipotentiaire près La Sublime-Porte, et Chevalier de l'Ordre de Ste.-Anne de 1re Classe enrichi de Diamans, Chevalier Grand'Croix de l'Ordre de St.-Wladimir de 2de Classe, ainsi que de celui de Léopold d'Autriche de 1re Classe;—Et Sa Hautesse, les Sieurs Seid-Mehmed-Hadi-Effendi, Contrôleur-général d'Anatolie, Premier-Plénipotentiaire, et Seid-Ibrahim-Iffet-Effendi, Cadi Provisoire de Sophia, avec rang de Molla de Scutari, Second Plénipotentiaire: lesquels, après s'être réunis en la Ville d'Ackermann, et avoir échangé les Copies vidimées de leurs Pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté, conclu et signé les Articles suivans:

Art. Ier. Toutes les Clauses et Stipulations du Traité de Paix conclu à Boucarest le 16 Mai 1812 (17me jour de la lune de Djemaziul Ewel de l'an de l'Egire 1227,) sont confirmées dans toute leur force et valeur par la présente Convention, comme si le Traité de Boucarest s'y

* See the Treaty of Buccharest, Page 908.

trouvait inséré mot pour mot, les éclaircissemens qui font l'objet de la présente Convention ne devant servir qu'à déterminer le sens précis et à corroborer la teneur des Articles dudit Traité.

II. L'Article 4 du Traité de Boucarest ayant stipulé pour les deux grandes Iles du Danube, situées vis-à-vis d'Ismail et Kili, lesquelles, tout en demeurant propriété de La Porte Ottomane, doivent rester en partie désertes et inhabitées, un mode de délimitation dont l'exécution a été reconnue impossible, vu les inconveniens qu'entraînent les fréquens débordemens du fleuve, et l'expérience ayant démontré en outre la nécessité d'établir une séparation fixe et suffisamment étendue entre les riverains respectifs, pour leur ôter tout point de contact, et pour faire cesser par là même, les différends et les troubles continuels qui en résultent, La Sublime-Porte Ottomane voulant donner à la Cour Impériale de Russie une preuve non équivoque de son désir sincère de cimenter les relations d'amitié et de bon voisinage entre les deux Etats, s'engage à exécuter et à maintenir l'arrangement qui a été convenu à cet egard à Constantinople entre l'Envoyé de Russie et les Ministres de La Sublime-Porte, dans la Conférence tenue le 21 Août 1817, conformément aux dispositions consignées au Protocole de cette Conférence. En conséquence, les dispositions énoncés dans ce Protocole et relatives à l'objet en question, seront considérées comme faisant partie intégrante de la présente Convention.

III. Les Traités et Actes relatifs aux priviléges dont jouissent la Moldavie et la Valachie, ayant été confirmés par une Clause expresse de l'Article 5 du Traité de Boucarest, La Sublime-Porte s'engage solennellement à observer lesdits Priviléges, Traités et Actes en toute occasion, avec la fidélité la plus scrupuleuse, et promet de renouveler, dans l'espace de six mois après la ratification de la présente Convention, les Hatti-Chérifs de 1802, qui ont spécifié et garanti ces mêmes priviléges. En outre, vu les malheurs qu'ont essuyés ces Provinces par suite des derniers événemens, vu le choix fait de Boyars Valaques et Moldaves pour être Hospodars des deux Principautés, et vu que la Cour Impériale de Russie a donné son assentiment à cette mesure, il a été reconnu, tant par La Sublime-Porte que par la Cour de Russie, que les Hatti-Chérifs cidessus mentionnés de l'Année 1802 devaient, indispensablement être complétés au moyen des Clauses consignées dans l'Acte Séparé ci-joint, qui a été convenu entre les Plénipotentiaires respectifs, et qui est et sera considéré comme faisant partie intégrante de la présente Convention.

IV. Il a été stipulé par l'Article 6 du Traité de Boucarest, que du côté de l'Asie, la Frontière entre les deux Empires serait rétablie comme elle était anciennement avant la Guerre, et que la Cour Impériale de Russie restituerait à La Sublime-Porte Ottomane les Forteresses et Châteaux situés dans l'intérieur de cette Frontière et conquis par ses armes. En conséquence de cette Stipulation, et vu que la Cour Im-

périale de Russie a évacué et restitué immédiatement après la Paix, celles de ces Forteresses qui avaient été prises, seulement pendant la Guerre, sur les troupes de La Sublime-Porte, il est convenu de part et d'autre que désormais les Frontières Asiatiques entre les deux Empires demeureront telles qu'elles existent aujourd'hui, et qu'un terme de deux ans est fixé afin d'aviser réciproquement aux moyens les plus propres à maintenir la tranquillité et la sûreté des Sujets respectifs.

V. La Sublime-Porte Ottomane, désirant donner à la Cour Impériale de Russie un témoignage éclatant de ses dispositions amicales, et de sa scrupuleuse attention à remplir en entier les Conditions du Traité de Boucarest, mettra immédiatement à exécution toutes les Clauses de l'Article 8 de ce Traité, relatives à la Nation Servienne, laquelle étant *ab antiquo*, sujette et tributaire de La Sublime-Porte, devra éprouver en toute occasion les effets de sa clémence et de sa générosité. En conséquence, La Sublime-Porte réglera avec les Députés de la Nation Servienne, les mesures qui seront jugées les plus convenables pour lui assurer les avantages stipulés en sa faveur, avantages dont la jouissance sera tout à-la-fois la juste récompense et le meilleur gage de la fidélité dont cette Nation a donné des preuves à l'Empire Ottoman. Comme un terme de 18 mois est jugé nécessaire pour procéder aux vérifications qu'exige cet objet, conformément à l'Acte Séparé ci-joint, convenu entre les Plénipotentiaires respectifs, lesdites mesures seront réglées et arrêtées de concert avec la Députation Servienne à Constantinople, et consignées en détail dans un Firman suprême revêtu du Hatti-Chérif, lequel sera mis en vigueur dans le plus court délai possible, et au plus tard dans le susdit terme de 18 mois, et sera en outre communiqué à la Cour Impériale de Russie, et considéré dès-lors comme faisant partie intégrante de la présente Convention.

VI. En vertu des Stipulations expresses de l'Article 10 du Traité de Boucarest, toutes les affaires et réclamations des Sujets respectifs lesquelles avaient été suspendues par l'évènement de la guerre, devant être reprises et terminées, de même, les créances que les Sujets respectifs pouvaient avoir les uns contre les autres, ainsi que sur le fisc, devant être examinées et réglées en toute justice, et promptement et entièrement liquidées, il est convenu que toutes les affaires et réclamations des Sujets Russes, à l'occasion des pertes qu'ils ont essuyées par les déprédations des Pirates Barbaresques, les confiscations faites au moment de la rupture entre les deux Cours en 1806, et autres actes de même nature, y compris ceux qui ont eu lieu depuis l'année 1821, donneront lieu à une liquidation et à un dédommagement équitables. A cet effet, il sera nommé sans delai, de part et d'autre, des Commissaires qui vérifieront les états des pertes et fixeront le montant d'un dédommagement. Tous les travaux de ces Commissaires seront terminés, et la somme à laquelle s'élèvera le dédommagement ci-dessus mentionné, sera remise en bloc à la Légation Impériale de Russie à Constantinople, dans un terme de

18 mois, à dater de la Ratification de la présente Convention. Il sera aussi observé une égale réciprocité envers les Sujets de La Sublime-Porte.

VII. La réparation des dommages, causés aux Sujets et Négocians de la Cour Impériale de Russie par les Corsaires des Régences d'Alger, de Tunis et de Tripoly, et la pleine et entière exécution des Stipulations du Traité de Commerce, et de l'Article 7 du Traité de Jassy,* étant d'une sticte obligation pour La Sublime-Porte, en vertu des Clauses expresses de l'Article 12 du Traité de Boucarest, lequel, conjointement avec l'Article 3, rappelle et confirme toutes les transactions antérieures, La Sublime-Porte réitère solennellement la promesse de remplir désormais avec la plus scrupuleuse fidélité tous ses engagemens à cet égard. En conséquence :

1. La Sublime-Porte mettra tous ses soins à empêcher que les Corsaires des Régences Barbaresques ne puissent, sous quelque prétexte que ce soit, inquiéter le Commerce ou la Navigation Russe, et en cas de déprédation de leur part, dès qu'elles en sera instruite, elle s'engage

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* *Art.* 7, *of the Definitive Treaty of Peace, between Russia and The Ottoman Porte, signed at Jassy,* $\frac{\text{9th December 1791.}}{\text{9th January 1792.}}$ (Translation from the German.) Commerce being the real, and the most lasting bond of reciprocal harmony, The Sublime Ottoman Porte, in renewing Peace and Friendship with the Russian Empire, hereby stipulates, as a proof of the sincerity with which She desires to give the most effectual encouragement to a secure and profitable Commerce between the Subjects of the two Realms, to observe and execute the 60th Article of the Treaty of Commerce,* concluded with the Russian Empire, respecting the Privateers of Algiers, Tunis, and Tripoli, and engages particularly, if any Subject of Russia should be met with and captured by the Privateers of Algiers, Tunis, and Tripoli, or if the Pirates should appropriate any Ship or Property whatsoever, belonging to Russian Merchants to employ her authority with the States just mentioned, in such case, with the view to obtain the release of the Russian Subjects who shall thus have been reduced to Slavery, to procure the restoration to them of the Ship, commodities and goods, of which they may have been plundered, and to cause reparation to be made to the injured Parties for all losses resulting therefrom: and should it appear by authentick information, that the Firmans are disobeyed by the said States of Algiers, Tunis, and Tripoli, then The Sublime Porte, on the demand of the Minister or Chargé d'Affaires of the Russian Empire, binds itself to pay for, and repair such losses, out of its Imperial Treasury, within two months, or sooner, if possible, to compute from the day of the signature of such demand.

* Article, 60 of the Treaty of Commerce between Russia and The Ottoman Porte, signed at Constantinople the $\frac{10}{21}$ of June, 1783.—Pour protéger les Vaisseaux Russes en mer contre les Corsaires Barbaresques, ainsi que pour mettre les Consuls et les Marchands Russes à l'abri des insultes dans les Ports où ces Pirates peuvent mouiller, La Sublime Porte s'oblige de veiller, de la manière la plus sévère, à ce que les Pachas, Commandans, et autres Officiers dans l'Empire Ottoman, protègent et défendent les Consuls et Marchands Russes. Et lorsque le Ministre et les Consuls Russes auront vérifié par des témoignages, que les Vaisseaux arrivés aux Ports ou Forteresses, appartenants à La Porte, jouissent effectivement de la protection du Pavillon Russe, alors tous le Commandans de ces Ports seront obligés de tâcher de toute façon que les susdits Corsaires ne saisissent point les Vaisseaux Russes, et que surtout aucun Vaisseau, se trouvant près de la Forteresse ne soit pris: si les Corsaires causent aux Sujets Russes des pertes, dans ceux des Endroits de la Domination Ottomane, où il y a des Pachas et Commandans, ces derniers sont tenus à dédommager toutes les Pertes, causées par leur négligence.

itérativement à faire restituer sans nul retard, toutes les prises faites par lesdits Corsaires, à faire dédommager les Sujets Russes des pertes qu'ils auraient essuyées, à adresser à cette fin un Firman rigoureux aux Régences Barbaresques, de manière à ce qu'il ne soit plus nécessaire de le réitérer une seconde fois, et, dans le cas où ce Firman n'aurait pas été exécuté, à payer le montant de l'indemnité, de son Trésor Impériale, dans le terme de deux mois, spécifiés en l'Article 7 du Traité de Jassy, à dater du jour de la réclamation qui aura été présentée à cet égard par le Ministre de Russie sur la vérification qu'il en aura faite.

2. La Sublime-Porte promet d'observer rigoureusement toutes les conditions dudit Traité de Commerce, de lever toutes les prohibitions contraires à la teneur expresse de ses Stipulations, de ne mettre aucune entrave à la libre Navigation des Navires Marchands sous Pavillon Russe, dans toutes les mers et eaux de l'Empire Ottoman, sans aucune exception, en un mot, de faire jouir les Marchands, les Capitaines et tous les Sujets Russes en général, des avantages et prérogatives comme de l'entière liberté de Commerce, qui sont formellement stipulés par les Traités existans entre les deux Empires.

3. Conformément à l'Article 1er. du Traité de Commerce,* qui stipule en faveur de tous les Sujets Russes en général, la liberté de Navigation et de Commerce dans tous les Etats de La Sublime-Porte, tant sur terre que sur mer, et partout où la Navigation et le Commerce pourront convenir aux Sujets Russes, et en vertu des Clauses des Articles 31 et 35 dudit Traité,† qui assurent le libre passage par le Canal de Constanti-

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**Extracts of the Treaty of Commerce between Russia and The Ottoman Porte, signed at Constantinople the* $\frac{10}{21}$ *June*, 1783.—Art. 1. La Sublime Porte promet entièrement à tous les Sujets Russes en général, de naviguer librement, et d'exercer leur Commerce dans tous ses Etats, tant par Terre, que sur les Mers, Eaux, et sur le Danube, et partout, où la Navigation et le Commerce pourront convenir aux Sujets Russes; s'est pourquoi il sera libre à tout Commerçant Russe, de voyager, demeurer et rester dans les Etats de La Porte, sous la protection particulière de son Gouvernement, aussi long tems que l'avantage de son Commerce pourra l'exiger.

†31. La Sublime Porte s'engage de ne pas prétendre, ni ne permettre, à qui que ce soit, d'exiger aucune douane ou droit, de la Cargaison des Batimens Marchands Russes, qui viennent des Etats de Russie pour passer dans les Mers Blanche et Méditerranée, ainsi que de ceux qui passent de ces deux Mers dans la Mer Noire. Et à leur passage par le Canal ils ne doivent pas être forcés de décharger, ni à Constantinople, ni dans aucun autre endroit, les Cargaisons dont ils sont chargés.

35. S'il arrivoit, que les Vaisseaux fussent chargés de vivres, pour être exportés de la Russie dans d'autres Etats, qui ne sont pas soumis à La Porte, ou bien s'il leur arrivoit encore de transporter des vivres des dits Pays dans les Etats de La Russie, pourvu qu'ils ne soyent pas seulement des Etats de la domination Ottomane: ces Vaisseaux ne s'arrêtant pas par cette même raison nulle part dans L'Empire Ottoman, ne doivent pas être soumis à aucun reglement du Pays; mais ils pourront passer librement par le Canal de Constantinople, conformément à l'Article 31. de ce Traité de Commerce.

nople des Navires Marchands Russes, chargés de vivres ou autres marchandises et productions de la Russie, ou d'autres Etats non soumis à l'Empire Ottoman, ainsi que la libre disposition de ces vivres, marchandises et productions, La Sublime-Porte promet de n'apporter aucun obstacle ni empêchement à ce que les Bâtimens Russes, chargés de blés et autres vivres, à leur arrivée dans le Canal de Constantinople, le cas de besoin échéant, puissent transborder leur cargaison sur d'autres bâtimens, soit Russes ou d'autre Nation Etrangère, pour être transportée hors des Etats de La Sublime-Porte.

4. La Sublime-Porte acceptera les bons offices de la Cour Impériale de Russie à l'effet d'accorder, d'après les exemples précédens, l'entrées de la Mer Noire aux Bâtimens des Puissances amies du Gouvernement Ottoman, qui n'ont pas encore obtenu ce privilége, de manière à ce que le commerce d'importation en Russie par le moyen de ces bâtimens, et l'exportation des produits Russes à leur bord, ne puissent essuyer aucune entrave.

VIII. La présente Convention, servant d'éclaircissement et de complément au Traité de Boucarest, sera ratifiée par S. M. l'Empereur et Padischah de toutes les Russies, et par Sa Majesté l'Empereur et Padischah des Ottomans, au moyen de Ratifications solennelles munies de leur propre signature suivant l'usage, qui seront échangées par les Plénipotentiaires respectifs, dans le terme de quatre semaines ou plus tôt s'il est possible, à compter du jour de la conclusion de la présente Convention.

Fait à Ackermann, le 25 Septembre, 1826.

(L. S.) COMTE M. WORONZOW.
(L. S.) RIBEAUPIERRE.

(II.)—*ACTE Séparé, relatif aux Principautés de Moldavie et de Valachie.*

Les Hospodars de Moldavie et de Valachie étant choisis parmi les Boyars indigènes, leur élection sera désormais faite dans chacune de ces Provinces, d'après le consentement et la volonté de La Sublime-Porte, par l'Assemblée Générale du Divan, conformément à l'ancien usage du Pays.

Les Boyars du Divan de chaque Province, comme Corps du Pays, et avec l'accord général des Habitans, feront choix pour la dignité de Hospodar, d'un des Boyars les plus anciens et les plus capables de la bien remplir, et ils présenteront à La Sublime-Porte par une requête (Arz-Mahsar) le Candidat élu, lequel, s'il est agréé par La Sublime-Porte sera nommé Hospodar et recevra son investiture. Si par des raisons graves la nomination du Candidat élu ne se trouvait point conforme au désir de La Sublime-Porte, dans ce cas, après que ces raisons graves auront été averées par les deux Cours, il sera permis de recommander aux dit Boyars de procéder à l'élection d'une autre Personne convenable.

La durée de l'Administration des Hospodars restera toujours fixée comme par le passé, à sept Années complètes et entières, à dater du jour de leur nomination, et ils ne pourront être destitués avant ce terme. Si pendant la durée de leur administration, ils commettent quelque délit, La Sublime-Porte en informerait le Ministre de Russie, et lorsqu'après vérification, faite de part et d'autre, il sera constaté que le Hospodar s'est effectivement rendu coupable d'un délit, sa destitution sera permise dans ce cas seulement.

Les Hospodars, qui auront achevé leur terme de sept Années, sans avoir donné, soit aux deux Cours, soit au Pays, aucun sujet de plainte légitime et grave, seront nommés de nouveau pour sept autres Années, si la demande en est faite à La Sublime-Porte par les Divans des Provinces, et si le consentement général des Habitans se manifeste à leur égard.

S'il arrive qu'un des Hospodars abdique avant l'accomplissement du terme de sept Ans, pour cause de vieillesse, de maladie ou par toute autre raison, La Sublime-Porte en donnera connaissance à la Cour de Russie, et l'abdication pourra avoir lieu d'après un accord préalable des deux Cours.

Tout Hospodar, qui aurait été destitué après avoir fini son terme, ou qui aurait abdiqué, encourra la déchéance de son titre, et pourra rentrer dans la classe des Boyars, à condition de rester paisible et tranquille, mais sans pouvoir ni redevenir Membre du Divan, ni remplir aucune fonction publique, et sans pouvoir être réélu Hospodar.

Les fils des Hospodars, destitués ou abdicataires conserveront la qualité de Boyars, pourront occuper les charges du Pays, et être élus Hospodars.

En cas de destitution, d'abdication ou de mort d'un Hospodar, et jusqu'à ce qu'il lui soit donné un Successeur, l'Administration de la Principauté vacante sera confiée à des Caimacans nommés par les Divans de ladite Principauté.

Le Hatti-Chérif de 1802 ayant ordonné l'abolition des impôts, redevances et réquisitions introduits depuis l'année 1198, (1783), les Hospodars avec les Boyars des Divans respectifs, détermineront et fixeront les impôts et les charges annuelles de la Moldavie et de la Valachie, en prenant pour base les réglemens qui ont été établis à la suite du Hatti-Chérif de 1802. Les Hospodars ne pourront dans aucun cas manquer au strict accomplissement de cette disposition. Ils auront égard aux représentations du Ministre de Sa Majesté Impériale, et à celles que les Consuls de Russie leur adresseront d'après ses Ordres, tant sur cet objet, que sur le maintien des privilèges du Pays, et spécialement sur l'observation des Clauses et Articles insérés dans le présent Acte.

Les Hospodars, de concert avec les Divans respectifs, fixeront dans chaque Province le nombre de Beschlis d'après celui qui existait avant les troubles de 1821. Ce nombre, une fois fixé, ne pourra être

augmenté sous aucun prétexte, à moins que l'urgente nécessité n'en soit reconnue de part et d'autre, et il est bien entendu que les Beschlis continueront à être formés et organisés comme ils l'étaient avant les troubles de 1821; que leurs Agas continueront d'être choisi et nommés d'après le mode suivi avant ladite époque, et qu'enfin les Beschlis et leurs Agas ne rempliront jamais que les fonctions pour lesquelles ils ont été originairement institués, sans pouvoir se mêler des affaires du Pays, ni se permettre aucune autre action.

Les usurpations faite sur le Territoire de Valachie du côté d'Ibraïl Ghierghiova et de Coulé, et au delà de l'Olta, seront restitués au Propriétaires, et il sera fixé pour ladite restitution, un terme dans les Firmans y relatifs, lesquels seront adressés à qui il appartient.

Ceux des Boyars Moldaves et Valaques, qui uniquement par suite des derniers troubles, se sont vus forcés de quitter leur Patrie, pourront y revenir librement, sans être inquietés par qui que ce soit, et rentreront dans la pleine et entière jouissance de leurs droits, prérogatives, biens et propriétés comme par le passé.

La Sublime Porte, en égard aux malheurs qui ont pésé sur les Principautés de la Moldavie et de la Valachie, par suite des derniers troubles, leur accordera deux Années d'exemption des tributs et redevances qu'elles sont tenues de lui payer; à l'expiration du terme de l'exemption ci-dessus mentionné, lesdits tributs et redevances seront acquittés aux taux fixé par les Hatti-Chérifs de 1802, et ne pourront être augmentés dans aucun cas. La Sublime-Porte accordera également aux Habitans des deux Principautés la liberté de commerce pour toutes les productions de leur sol et de leur industrie, dont ils pourront disposer comme bon leur semblera, sauf les restrictions exigées d'un côté par les fournitures dues annuellement à La Sublime-Porte, dont ces Provinces sont comme les greniers, de l'autre par l'approvisionnement du Pays. Toutes les dispositions du Hatti-Cherif de 1802, relatives à ces fournitures, à leur acquittement régulier aux prix courans, d'après lesquels elles doivent être soldées et dont la fixation appartiendra, en cas de litige, aux Divans respectifs, seront remises en vigueur et observées à l'avenir avec une scrupuleuse exactitude.

Les Boyars seront tenus d'exécuter les ordres des Hospodars et de rester envers eux dans les bornes d'une parfaite soumission. De leur côté, les Hospodars ne pourront sévir arbitrairement contre les Boyars, ni leur faire subir des punitions non méritées et sans qu'ils aient commis quelque faute avérée, et les derniers ne subiront de peine qu'après avoir été jugés conformément aux Lois et usages du Pays.

Les troubles, survenus dans les dernières Années en Moldavie et en Valachie, ayant porté la plus grave atteinte à l'ordre dans les diverses branches de l'Administration intérieure, les Hospodars seront tenus de s'occuper sans le moindre délai, avec les Divans respectifs, des mesures

nécessaires pour améliorer la situation des Principautés confiées à leurs soins, et ces mesures feront l'objet d'un Réglement général pour chaque Province, lequel sera mis immédiatement à exécution.

Tous les autres droits et priviléges des Principautés de Moldavie et Valachie, et tous les Hatti-Chérifs qui les concernent, seront maintenus et observés, en tant qu'ils ne seraient pas modifiés par le présent Acte.

C'est pourquoi, nous Soussignés, Plénipotentiaires de Sa Majesté l'Empereur et Padischah de toutes les Russies, munis des Pleins-pouvoirs souverains, de concert avec les Plénipotentiaires de La Sublime-Porte Ottomane, avons arrêté et réglé à l'égard de la Moldavie et de la Valachie les points ci-dessus, lesquels sont la conséquence de l'Article 3 de la Convention explicative et confirmative du Traité de Boucarest, conclue en 8 Articles, dans les Conférences à Ackermann, entre nous et les Plénipotentiaires Ottomans.

En conséquence le présent Acte Séparé a été rédigé, muni de nos Cachets et de nos Signatures, et délivré entre les mains des Plénipotentiaires de La Sublime-Porte.

Fait à Ackermann, le 25 Septembre, 1826.

(L. S.) Comte M. WORONZOW.
(L. S.) RIBEAUPIERRE.

(III.)—*ACTE Séparé, relatif à La Servie.*

La Sublime Porte, dans l'unique intention de remplir fidèlement les Stipulations de l'Article 8, du Traité de Boucarest, ayant précédemment permis aux Députés Serviens à Constantinople, de lui présenter les demandes de leur Nation, sur les objets les plus convenables pour consolider la sûreté et le bien-être du Pays, ces Députés avaient précédemment exposé dans leur requête, le voeu de la Nation, relativement à quelques-uns de ces objets, tels que la liberté du Culte, le choix de ses Chefs, l'indépendance de son Administration Intérieure, la réunion des Districts détachés de La Servie, la réunion des différens Impôts en un seul, l'abandon aux Serviens de la régie des biens appartenant à des Musulmans, à charge d'en payer le Revenu ensemble avec le Tribut, la liberté de Commerce, la permission aux Négocians Serviens de voyager dans les Etats-Ottomans avec leurs propres Passeports, l'établissement d'hôpitaux, d'écoles et d'imprimeries, et enfin la défense aux Musulmans, autres que ceux appartenant aux Garnisons, de s'établir en Servie. Tandis que l'on s'occupait à vérifier et à régler les Articles ci-dessus spécifiés, certains empêchemens survenus en motivèrent l'ajournement. Mais La Sublime-Porte persistant aujourd'hui encore dans la ferme résolution d'accorder à la Nation Servienne les avantages stipulés dans l'Article 8 du Traité de Boucarest, elle réglera, de concert avec les Députés Serviens à Constantinople, les demandes ci-dessus mentionnées de cette Nation fidèle et soumise, comme aussi toutes les autres qui lui seraient présentées par la Dépu-

tation Servienne, et qui ne seraient point contraires à la qualité des Sujets de l'Empire Ottoman.

La Sublime-Porte informera la Cour Impériale de Russie de l'exécution qu'aura reçue l'Article 8 du Traité du Boucarest, et lui communiquera le Firman revêtu du Hatti-Chérif par lequel les susdits avantages seront accordés.

C'est pourquoi, nous Soussignés, Plénipotentiaires de Sa Majesté l'Empereur et Padischah de toutes les Russies, munis des Pleins-pouvoirs souverains, de concert avec les Plénipotentiaires de La Sublime-Porte Ottomane, avons arrêté et réglé à l'égard des Serviens les points ci-dessus, lesquels sont la conséquence de l'Article 5 de la Convention explicative et confirmative du Traité de Boucarest, conclue en 8 Articles dans les Conférences à Ackermann, entre nous et les Plénipotentiaires Ottomans.

En conséquence, le présente Acte Séparé a été rédigé, muni de nos Cachets et de nos Signatures, et délivré entre les mains des Plénipotentiaires de La Sublime-Porte.

Fait à Ackermann, le 25 Septembre, 1826.

(L. S.) COMTE M. WORONZOW.
(L. S.) RIBEAUPIERRE.

[Ratifié par Sa Majesté Impériale le 14 Octobre, 1826.]

TREATY of Peace between Russia and The Ottoman Porte. Signed at Buccharest, the 16th of May, 1812.

(Referred to in the preceding.)

AU NOM DE DIEU TOUT PUISSANT.

SA Majesté Impériale, le Très-haut et Très-puissant Empereur et Autocrate de toutes les Russies, et Sa Hautesse, le Très-haut et Très-puissant Empereur Ottoman, également animés du désir sincère de mettre fin à la Guerre qui a duré jusqu'à présent, entre Leurs Empires respectifs, et de rétablir, d'une manière solide, la Paix, l'amitié, et la bonne harmonie, ont jugé à propos de confier ce saint et salutaire ouvrage aux soins et à la direction de Leurs Suprêmes Plénipotentiaires, c'est-à-dire, Sa Majesté Impériale de toutes les Russies, au Très-Illustre, et Très-Excellent Seigneur Michel, Comte de Golénistcheff Coutousoff, Son Général d'Infanterie, Commandant de Son Armée, Chevalier de tous les Ordres de Russie; Grand-Croix de l'Ordre Impérial de Marie-Thérèse, et Commandeur de l'Ordre Souverain de St.-Jean de Jérusalem; et Sa Majesté l'Empereur Ottoman, au Très-Illustre et Très-Excellent Seigneur Achmed Pacha, Grand Visir et Généralissime de la Sublime Porte Ottomane, afin que ledit ouvrage de la pacification puisse être terminé par des Personnes respectivement nommées, choisies et munies des Pleinspouvoirs nécessaires, pour sti-

puler, arrêter et signer le présent Traité de Paix. En conséquence de quoi ont été choisis, nommés et munis de Pleinspouvoirs, savoir: de la part de la Cour Impériale de Russie, les Très-excellens et Très-honorables, André d'Italinsky, Conseiller Privé de Sa Majesté Impériale, Son Chambellan Actuel, Chevalier des Ordres de St.-Wladimir de la Seconde Classe, de Ste.-Anne de la Première, de l'Ordre Impérial Ottoman du Croissant de la Première Classe, et Commandeur de l'Ordre Souverain de St.-Jean de Jérusalem; Jean de Sabanéeff, Lieutenant-Général des Armées de Sa Majesté Impériale, Chef d'Etat-major de la Grande Armée des bords du Danube, Chevalier des Ordres de St.-Wladimir de la Seconde Classe, de Ste.-Anne de la Première, et de St.-George de la Troisième; et Joseph de Fonton, Conseiller d'Etat Actuel de Sa Majesté Impériale, Chevalier de l'Ordre de St.-Wladimir de la Troisième Classe, et de Ste.-Anne de la Seconde. Et de la part de La Sublime Porte Ottomane, les Très-excellens et Très-honorables, Esseid-Said, Mohammed Ghalib-Effendi, actuel Kehaga Bey de La Sublime Porte Ottomane; Mufti-Zadé Ibrahim-Sélim Effendi, Cazi-Asker d'Anatolie, actuel Juge de l'Armée Ottomane; et Abdul-Hamid-Effendi, actuel Yenitcherileri Kiatibi; lesquels étant assemblés à Bucharest, après avoir échangé leurs Pleinspouvoirs, sont convenus des Articles suivans:

Art. I. L'inimitié et les différens qui ont subsisté jusqu'à présent entre les deux Hauts Empires, cesseront par le présent Traité, tant sur terre que sur mer, et il y aura, à perpétuité, paix, amitié, et bonne intelligence entre Sa Majesté l'Empereur et Padischah de toutes les Russies, et Sa Majesté l'Empereur et Padischah des Ottomans, Leurs Héritiers et Successeurs au Trône, et entre Leurs Empires respectifs.

Les deux Hautes Parties Contractantes donneront une attention spéciale à empêcher tout ce qui pourroit faire naitre l'inimitié entre les Sujets respectifs. Elles rempliront exactement tout ce qui est arrêté par la présent Traité de Paix, et observeront rigoureusement qu'à l'avenir il ne soit commis de part et d'autre, ni publiquement ni en secret, aucun procédé contraire au susdit Traité.

II. Les Hautes Parties Contractantes, en rétablissant ainsi entre Elles une sincère amitié, accordent une amnistie et un pardon général à tous ceux de Leurs Sujets, qui, pendant le cours de la Guerre qui vient d'être terminée, ont pris part dans les opérations militaires, ou de quelque autre manière que ce soit, contre les intérêts de leur Souverain, et de leur Pays. En vertu de cette amnistie qui leur est accordée, aucun d'eux ne sera dorénavant ni vexé, ni poursuivi pour sa conduite passée, mais chacun retournant dans ses foyers, jouira tranquillement des biens qu'il possédait précédemment, sous la garde et protection des Loix, également avec les autres.

III. Tous les Traités, Conventions, Actes, et Stipulations conclus

et arrêtés à différentes époques connues, entre la Cour Impériale de Russie et La Sublime Porte Ottomane, sont pleinement confirmés, a l'exception seulement des Articles auxquels il a été successivement aporté des changemens, tant par le présent Traité que par les Traités précédens; et les deux Hautes Parties Contractantes s'engagent à les observer religieusement et inviolablement.

IV. Par l'Article premier des Préliminaires précédemment signés, il est stipulé, que la Rivière du Pruth, depuis son entrée en Moldavie jusqu'à son confluent avec le Danube, et la rive gauche du Danube, depuis ce confluent jusqu'à la bouche de Kili et à la mer, formeront la limite des deux Empires. Cette bouche sera commune à l'un et à l'autre. Les petites Iles inhabitées avant la guerre, et qui, à partir de vis-à-vis Ismail jusqu'à la dite bouche de Kili, sont plus près de la rive gauche, laquelle doit appartenir à la Russie, ne seront possédées par aucune de ces Puissances. Il n'y sera point élévé dorénavant des fortifications, ni des édifices; elles resteront désertes, et les Sujets respectifs pourront les fréquenter seulement pour y pêcher et pour y couper du bois. Les côtés des deux grands Iles qui sont situés vis-à-vis d'Ismail et de Kili, resteront également déserts et inhabités, dans l'étendue d'une heure de distance, à partir du point le plus rapproché de la susdite rive gauche du Danube; cet espace sera marqué par des signaux, les habitations existantes avant la guerre, ainsi que le vieux Kili restant hors de cette ligne de démarcation. En conséquence du susdit Article, La Sublime Porte Ottomane, cède et abandonne à la Cour Impériale de Russie, les Pays situés à la rive gauche du Pruth, avec les Forteresses, Bourgs, Villages et Habitations qui s'y trouvent, et le milieu de la rivière du Pruth sera la limite entre les deux Hauts Empires.

Les Bâtimens Marchands des deux Cours pourront naviguer comme auparavant dans ladite embouchure de Kili, ainsi que sur tout le cours du Danube. Quant aux Bâtimens de Guerre de la Cour Impériale de Russie ils pourront y naviguer, depuis l'embouchure de Kili, jusqu'au confluent de la rivière du Pruth avec le Danube.

V. Sa Majesté l'Empereur et Padischah de toutes les Russies rend et restitue à La Sublime Porte Ottomane, le Territoire de la Moldavie situé à la rive droite de la rivière du Pruth, ainsi que la Grande et Petite Valachie, avec les Forteresses, dans l'état où elles se trouvent actuellement, les Villes, Bourgs, Villages, Habitations et tout ce que contient ces Provinces, ainsi que les Iles du Danube, à l'exception de celles spécifiées dans l'Article 4 du présent Traité.

Les Actes et Stipulations relatifs aux privilèges de la Moldavie et de la Valachie, lesquels existaient et étaient observés jusqu'à l'époque de cette guerre, sont confirmés, ainsi qu'il a été stipulé dans l'Article 5, des Préliminaires. On exécutera exactement les Clauses de l'Article 4, du Traité de Jassy, portant: qu'il ne soit exigé aucun paye-

ment pour d'anciens comptes, ni les tributs pour tout le tems de la Guerre; que les Habitans des deux Provinces seront exempts de tout impôt pendant deux ans, à compter du jour de l'échange des Ratifications; et qu'il sera donné un terme à ceux des Habitans de ces Provinces qui voudront passer ailleurs. Il est entendu que ce terme sera prolongé de quatre mois, et que La Sublime Porte accordera que le tribut de la Moldavie soit réglé proportionnellement à son Territoire actuel.

VI. Indépendemment de la Frontière du Pruth, celles du Côté de l'Asie et des autres lieux, sont rétablies entièrement, comme elles étoient anciennement avant la Guerre, ainsi qu'il est stipulé par l'Article 3, des Préliminaires. En conséquence la Cour Impériale de Russie rend et restitue à La Sublime Porte Ottomane en l'état où ils se trouvent actuellement, les Forteresses et Châteaux, situés dans l'intérieur de cette Frontière et conquis par Ses armes, ainsi que les Villes, Bourgs, Villages, Habitations et tout ce que contient ce Pays.

VII. Les Habitans Mahométans des Pays cédés à La Cour Impériale de Russie, lesquels pourraient s'y trouver par une suite de la Guerre, et les Naturels d'autres Contrées, lesquels seraient restés pendant la Guerre dans ces mêmes Pays cédés, passeront, s'ils le veulent, sur le Territoire de La Sublime Porte, avec leur familles et leurs biens, et y resteront à perpétuité sous Sa Domination. Outre qu'il ne leur sera pas fait en cela le moindre empêchement, il leur est permis de vendre leurs biens à qui ils voudront des Habitans du Pays, et d'en faire passer le produit dans les Etats Ottomans. La même permission est accordée aux Naturels des susdits Pays cédés, qui y ont des possessions et qui se trouvent aujourd'hui sur le Territoire de La Sublime Porte.

En conséquence, il leur sera accordé aux uns et aux autres un terme de 18 mois, à compter de la date de l'échange des Ratifications du présent Traité, pour l'arrangement de leurs intérêts susmentionnées. De même, les Tartares de la horde de Yedissan, qui pendant le cours de cette guerre ont passé de la Bessarabie en Russie, pourront, s'ils le veulent, retourner dans les Etats Ottomans, mais à condition que La Sublime Porte sera tenue de rembourser à la Cour Impériale de Russie, les frais qui peuvent avoir été faits pour le transport et l'établissement de ces Tartares.

En réciprocité, les Chrétiens qui ont des possessions dans les Pays cédés à La Cour de Russie, ainsi que ceux qui étant natifs de ces mêmes Pays, se trouvent actuellement dans d'autres Contrées Ottomanes, pourront, s'ils le veulent, passer et s'établir dans les susdits Pays cédés, avec leurs familles et leurs biens. Il ne leur sera fait en cela aucun empêchement, et il leur est permis de vendre les biens de toute espèce qu'ils possédent sur le Territoire de La Sublime Porte, à ceux des Habitans des mêmes Contrées Ottomanes, et d'en transporter le

produit dans les Etats de l'Empire de Russie; il leur sera également accordé pour cet objet le même terme de 18 mois, à compter de la date de l'échange des Ratifications du présent Traité de Paix.

VIII. Conformément à ce qui est stipulé par Article 4, des Préliminaires, quoiqu'il soit certain que La Sublime Porte, par une suite de ses principes, usera de clémence et de générosité envers la Nation servienne, qui est, *ab-antiquo* sujette et tributaire de cette Puissance, cependant, vu la part que les Serviens ont prise dans les opérations de cette Guerre, il a été jugé convenable de stipuler expressément leur sûreté. En conséquence La Sublime Porte accorde aux Serviens un pardon et une amnistie générale, et ils ne pourront être inquiétés en aucune manière pour leurs actions passés. Les Fortifications qu'ils peuvent avoir élevées par une suite de la Guerre, dans les Pays qu'ils habitent, et qui n'y existaient point anciennement, devenant desormais inutiles, seront détruites, et La Sublime Porte, rentrera en possession comme Elle l'était par le passé, de toutes les Forteresses, Palanques et autres Lieux fortifiés qui existent de tout tems, avec l'artillerie, les munitions et autres objets et ustensiles militaires, et Elle y établira des garnisons suivant que bon lui semblera. Mais afin que ces Garnisons ne commettent contre les Serviens aucune espèce de vexations, au mépris des droits de Sujets, La Sublime Porte, mue par un sentiment de clémence, règlera avec la Nation Servienne, les sûretés qui seront nécessaires à cet effet.—Elle accordera aux Serviens, sur leurs instances, les mêmes avantages dont jouissent ses Sujets des Iles de l'Archipel et d'autre Contrées, et leur fera éprouver les effets de Sa haute clémence, en leur abandonnant à eux-mêmes l'Administration de leurs affaires intérieures, en fixant la masse de leurs tributs, en les recevant de leur propres mains, et Elle règlera enfin tous ces objets de concert avec la Nation Servienne.

IX. Tous les prisonniers de guerre, tant hommes que femmes, de quelque Nation et condition qu'ils soient, qui se trouvent dans les deux Empires, doivent aussitôt après l'échange des Ratifications du présent Traité de Paix, être délivrés et rendus sans la moindre rançon, ou payement, à l'exception toutefois des Chrétiens qui ont embrassé de leur propre volonté la Religion Mahométane dans les Etats de La Sublime Porte, et des Mahométans qui, également de leur plein gré, ont embrassé la Religion Chrétienne dans les Etats de l'Empire de Russie.

On en agira de même à l'égard de ceux des Sujets Russes qui, après la signature du présent Traité de Paix, seraient tombés par quelque accident en captivité, et qui peuvent se trouver dans les Pays appartenans à La Sublime Porte. La Cour de Russie promet de son côté d'en user de même envers tous les Sujets de La Sublime Porte.

Il ne sera point exigé de remboursement des sommes qui ont été employées par les deux Hautes Parties Contractantes à l'entretien des

prisonniers. En outre, chacune des deux Parties fournira à ces prisonniers tout ce qui leur sera nécessaire pour leur voyage jusqu'à la Frontière, où ils seront échangés par des Commissaires respectifs.

X. Toutes les affaires et réclamations des Sujets respectifs, suspendues par l'évènement de la Guerre, ne seront point abandonnées, et elles seront reprises et terminées, suivant le droit, après la conclusion de la Paix. Les créances que les Sujets respectifs peuvent avoir les uns envers les autres, ainsi que celles sur le fisc, seront promptement et entièrement liquidées.

XI. Après la conclusion du Traité de Paix entre les deux Hauts Empires, et l'échange des Ratifications des deux Souverains, les Troupes de Terre et la Flottille de la Cour Impériale de Russie procèderont à l'évacuation du Territoire de l'Empire Ottoman. Mais, comme il est nécessaire de la combiner avec la distance des lieux et leurs circonstances, les deux Hautes Parties Contractantes sont convenues d'établir le terme de trois mois, à dater du jour de l'échange des Ratifications, pour l'entière évacuation, tant du côté de la Moldavie et de la Valachie, que de celui de l'Asie. En conséquence, depuis le jour de l'échange des Ratifications, jusqu'à l'expiration du susdit terme, les Troupes de Terre de la Cour Impériale de Russie, évacueront entièrement, tant du côté de l'Europe que de celui de l'Asie, tous les Pays qui sont restitués à La Sublime Porte Ottomane par le présent Traité; la Flottille et tous les Bâtimens de Guerre sortiront également des eaux de La Sublime Porte Ottomane.

Tant que les Troupes Russes se trouveront dans les Pays et Forteresses, qui conformément au présent Traité de Paix, doivent être restitués à La Sublime Porte Ottomane, juqu'à l'expiration du terme de l'évacuation, l'administration et l'ordre de choses resteront tels qu'ils sont actuellement, sous la domination de la Cour Impériale de Russie; La Sublime Porte Ottomane ne s'en mêlera aucunement jusqu'au terme de la sortie de toutes les Troupes. Elles se pourvoiront de toutes les provisions de bouche et autres objets nécessaires, jusqu'au dernier jour de leur sortie, de la même façon qu'elles s'en sont pourvus jusqu'à présent.

XII. Toutes les fois que le Ministre ou le Chargé d'Affaires de la Cour Impériale de Russie, résidant à Constantinople, présentera une Note pour demander, en vertu de l'Article 7, du Traité de Jassy, la réparation des dommages causés aux Sujets et Négocians de la Cour Impériale de Russie, par les Corsaires des Régences d'Alger, de Tunis, et de Tripoly, ou bien pour faire des réclamations sur des objets relatifs aux Stipulations du Traité de Commerce, lequel est confirmé et qui auroient occasionné des discussions et des plaintes, La Sublime Porte Ottomane, donnera son attention à l'éxecution de ce que prescrivent les Traités, et à ce que les susdits objets soient poursuivis et terminés, sans qu'il soit apporté la moindre négligence dans les injonc-

tions et intimations nécessaires à cet égard. La Cour Impériale de Russie observera un procédé semblable envers les Sujets de La Sublime Porte conformément aux Stipulations Commerciales.

XIII. Après la conclusion du présent Traité de Paix, la Cour Impériale de Russie consent à ce que La Sublime Porte Ottomane, d'après l'identité du culte religieux avec les Persans, puisse employer ses bons offices pour que la Guerre entre la Cour de Russie et cette Puissance soit terminée, et la Paix rétablie entre Elles, de leur consentement mutuel.

XIV. Après l'échange des Ratifications du présent Traité de Paix par les Plénipotentiaires Suprèmes des deux Empires, on enverra respectivement et sans délai des ordres à tous les Commandans de Troupes, tant sur terre que sur mer, pour faire cesser les Hostilités. Celles qui auront été commises après la signature du présent Traité, seront considérées comme non avenues, et n'apporteront aucun changement aux Stipulations faites par ce Traité. De même, tout ce qui, dans cet intervalle, aura été conquis par l'une ou l'autre des Hautes Parties Contractantes, sera restitué sans délai.

XV. Lorsque les Plénipotentiaires respectifs auront signé le présent Traité de Paix, le Suprème Plénipotentiaire de Sa Majesté Impériale de toutes les Russies, et le Suprème Visir de La Sublime Porte Ottomane le ratifieront, et les Actes en seront échangés par les mêmes Plénipotentiaires dans l'espace de dix jours après la signature du Traité ou plutôt si faire se peut.

XVI. Le présent Traité de Paix perpétuelle sera confirmé et ratifié de la part de Sa Majesté l'Empereur et Padischah de Russie, et de la part de Sa Majesté l'Empereur et Padischah des Ottomans, par des Ratifications solennelles munies de leur propre écrit et signature, suivant l'usage, et elles seront échangées par les Plénipotentiaires respectifs au lieu même, où ce présent Traité de Paix aura été conclu, dans le terme de quatre semaines, ou plutôt s'il est possible, à compter du jour de la conclusion de ce Traité.

Le présent Instrument de Paix, contenant 16 Articles, et auquel il sera mis la dernière main par l'échange des Ratifications respectives dans le terme stipulé, a été, en vertu de Nos Pleinspouvoirs, signé et scellé par Nous, et échangé contre un autre pareil, signé par les Plénipotentiaires susmentionnés de la Sublime Porte Ottomane, et muni de leurs Sceaux.

Fait à Bucharest, le 16 Mai, 1812.

(L. S.) A. D'ITALINSKY.
(L. S.) JEAN DE SABANEEFF.
(L. S.) JH. DE FONTON.

ORDER in Council, for the admission of certain sorts of Foreign Grain into British Ports.—1st September, 1826.

At the Court at Windsor, the 1st of September, 1826.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the Laws now in force for regulating the importation of Corn,—Oats, and Oatmeal may be imported into The United Kingdom, and into the Isle of Man, for home consumption, under and subject to the Regulations of the several Statutes in that case made and provided, whenever the average price of Oats (to be ascertained in the manner therein prescribed) shall be at or above the price of 27 Shillings per quarter, and Pease may in like manner be imported, whenever the price shall be at or above 53 Shillings per quarter: and whereas by a certain Act of Parliament, made and passed in the 3rd Year of His Present Majesty's Reign, [Cap. 60.] intituled "An Act to amend the Laws relating to the Importation of Corn," it is enacted, that whenever Foreign Corn, Meal, or Flour, shall be admissible under the Provisions of an Act, passed in the 55th Year of the Reign of His late Majesty, King George the Third, [Cap. 26.] intituled "An Act to amend the Law now in force for regulating the Importation of Corn," or under the Provisions of the said Act, passed in the 3rd Year of the Reign of His present Majesty, there shall be levied and paid certain Duties therein specified, upon all such Foreign Corn, Meal or Flour, when admitted for home consumption: and whereas by the weekly Returns of purchases and sales of Corn made by the several Inspectors of Corn Returns in the Cities and Towns of England and Wales, to the Receiver of Corn Returns, it appears that the Average Price of Oats, and also the Average Price of Pease at the present time exceed the before mentioned Prices of 27 Shillings and 53 Shillings per quarter; and whereas, from information which hath this day been laid before His Majesty, it appears that the Price of Oats, as well as that of Pease, is still rising, and that the crop of Oats, and also the crops of Pease and Beans, of the present Year, have failed to a considerable extent, and that a deficiency in the crop of Potatoes is also apprehended in some parts of the United Kingdom: and whereas, if the Importation, for home consumption, of Oats and Oatmeal, and of Rye, Pease, and Beans, be not immediately permitted, there is great cause to fear that much distress may insue to all Classes of His Majesty's Subjects:

And whereas, under the Acts aforesaid, no Foreign Grain of the above description, whatever may be the respective Average Prices of the same, can be admitted to entry, for home consumption, till after the 15th day of November in the present Year, when the next quarterly Average, by which the admission of such grain is regulated, will be

made up, according to the Provisions of the said Acts: His Majesty, with the advice of His Privy Council, doth order, and it is hereby accordingly ordered, that Foreign Oats and Oatmeal, Rye, Pease, and Beans, whether warehoused or otherwise, shall and may, from the date hereof, be permitted to be entered in the Ports of the United Kingdom, and of the Isle of Man, for home consumption, provided the Parties making entry of any such Foreign Oats, Oatmeal, Rye, Pease, or Beans, do give Bond, with sufficient Sureties, to the satisfaction of the Commissioners of His Majesty's Customs, for the payment of any Duties, not exceeding in amount the Duties herein-after mentioned, in case Parliament shall authorise the levy and receipt thereof, that is to say:

Oats, per quarter, 2s.
Oatmeal, per boll, 2s. 2d.
Rye, Pease, and Beans, per quarter, 3s. 6d.

And His Majesty, by and with the advice aforesaid, doth hereby further order, and it is accordingly ordered, that such permission to enter Oats and Oatmeal, Rye, Pease, and Beans, for home consumption, on the conditions aforesaid, shall continue in force from the date hereof, until the expiration of 40 days, to be reckoned from the day of the next meeting of Parliament, unless the Parliament shall, previously to the expiration of the said 40 days, make Provision to the contrary:

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

C. C. GREVILLE.

SPEECH of The King, to both Houses of the British Parliament, November 21*st*. 1826.

My Lords, and Gentlemen,

I HAVE called you together at this time, for the special purpose of communicating to you the Measure which I judged it necessary to take, in the Month of *September*, for the admission into the Ports of the United Kingdom of certain sorts of Foreign Grain, not then admissible by Law.

I have directed a Copy of the Order in Council issued on that occasion to be laid before you, and I confidently trust that you will see sufficient reason for giving your sanction to the Provisions of that Order, and for carrying them into effectual execution.

I have great satisfaction in being able to inform you, that the hopes entertained at the close of the last Session of Parliament, respecting the termination of the War in the *Burmese* Territories, have been fulfilled, and that a Peace has been concluded in that Quarter, highly honourable to the *British* Arms and to the Councils of the *British* Government in *India*.

I continue to receive from all Foreign Powers assurances of their earnest desire to cultivate the relations of peace and friendly understanding with Me.

I am exerting Myself with unremitting anxiety, either singly or in conjunction with My Allies, as well to arrest the progress of existing Hostilities as to prevent the interruption of peace in different Parts of the World.

Gentlemen of the House of Commons,

I have directed the Estimates for the ensuing Year to be prepared and they will, in due time, be laid before you.

I will take care that they shall be formed with as much attention to economy as the exigencies of the Public Service will permit.

The distress which has pervaded the commercial and manufacturing Classes of My Subjects, during the last Twelve Months, has affected some important Branches of the Revenue; but I have the satisfaction of informing you, that there has been no such diminution in the internal consumption of the Country, as to excite any apprehensions that the great Sources of our wealth and prosperity have been impaired.

My Lords, and Gentlemen,

I have deeply sympathized with the sufferings which have been, for some time past, so severely felt in the Manufacturing Districts of this Country; and I have contemplated with great satisfaction the exemplary patience with which those sufferings have been generally borne.

The depression under which the Trade and Manufactures of the Country have been labouring has abated more slowly than I had thought Myself warranted in anticipating; but I retain a firm expectation that this abatement will be progressive, and that the time is not distant when, under the Blessing of Divine Providence, the commerce and industry of the United Kingdom will have resumed their wonted activity.

MESSAGE of The President of The United States to both Houses of Congress.—December 5, 1826.

Fellow-Citizens of the Senate and of the House of Representatives;

The assemblage of the Representatives of our Union in both Houses of Congress at this time, occurs under circumstances calling for the renewed homage of our grateful acknowledgments to the Giver of all Good. With the exceptions incidental to the most felicitous condition of human existence, we continue to be highly favoured in all the elements which contribute to individual comfort and to National prosperity. In the survey of our extensive Country, we have generally to

observe abodes of health and regions of plenty. In our Civil and Political Relations, we have peace without, and tranquillity within, our borders. We are, as a People, increasing with unabated rapidity in population, wealth, and national resources; and, whatever differences of opinion exist among us, with regard to the mode and the means by which we shall turn the beneficence of Heaven to the improvement of our own condition, there is yet a spirit animating us all which will not suffer the bounties of Providence to be showered upon us in vain, but will receive them with grateful hearts and apply them with unwearied hands, to the advancement of the general good.

Of the subjects recommended to the consideration of Congress, at their last Session, some were then definitively acted upon. Others left unfinished, but partly matured, will recur to your attention, without needing a renewal of notice from me. The purpose of this Communication will be, to present to your view the general aspect of our Publick Affairs at this moment, and the measures which have been taken to carry into effect the intentions of the Legislature, as signified by the Laws then and heretofore enacted.

In our intercouse with the other Nations of the Earth, we have still the happiness of enjoying Peace and a general good understanding—qualified, however, in several important instances, by collisions of interest, and by unsatisfied claims of justice, to the settlement of which, the Constitutional interposition of the Legislative Authority may become ultimately indispensable.

By the decease of the Emperor Alexander of Russia, which occurred cotemporaneously with the commencement of the last Session of Congress, The United States have been deprived of a long tried, steady, and faithful Friend. Born to the inheritance of absolute power, and trained in the school of adversity, from which no Power on Earth, however absolute, is exempt, that Monarch, from his youth, had been taught to feel the force and value of publick opinion, and to be sensible that the interests of his own Government would best be promoted, by a frank and friendly intercourse with this Republick, as those of his People would be advanced by a liberal commercial intercourse with our Country. A candid and confidential interchange of sentiments between him and the Government of The United States, upon the affairs of Southern America, took place at a period not long preceding his demise, and contributed to fix that course of Policy which left to the other Governments of Europe no alternative but that of sooner or later recognizing the Independence of our Southern Neighbours, of which the example had, by The United States, already been set. The ordinary Diplomatick Communications between His Successor, the Emperor Nicholas, and The United States, have suffered some interruption by the illness, departure, and subsequent decease of His Minister residing here, who enjoyed, as he merited, the

entire confidence of his new Sovereign, as he had eminently responded to that of his Predecessor. But we have had the most satisfactory assurances, that the sentiments of the reigning Emperor towards The United States are altogether conformable to those which had so long and constantly animated His Imperial Brother; and we have reason to hope that they will serve to cement that harmony and good understanding between the two Nations, which, founded in congenial interests, cannot but result in the advancement of the welfare and prosperity of both.

Our relations of Commerce and Navigation with France are, by the operation of the Convention of 24th of June, 1822, with that Nation, in a state of gradual and progressive improvement. Convinced by all our experience, no less than by the principles of fair and liberal reciprocity, which The United States have constantly tendered to all the Nations of the Earth, as the rule of commercial intercourse, which they would universally prefer, that fair and equal competition is most conducive to the interests of both Parties, The United States, in the Negotiation of that Convention, earnestly contended for a mutual renunciation of discriminating duties and charges in the Ports of the two Countries. Unable to obtain the immediate recognition of this principle in its full extent, after reducing the duties of discrimination, so far as was found attainable, it was agreed that, at the expiration of two years from the 1st of October, 1822, when the Convention was to go into effect, unless a notice of six months, on either side, should be given to the other, that the Convention itself must terminate, those duties should be reduced by one-fourth; and that this reduction should be yearly repeated until all discrimination should cease, while the Convention itself should continue in force. By the effect of this Stipulation, three-fourths of the discriminating duties which had been levied by each Party upon the Vessels of the other in its Ports, have already been removed; and, on the 1st of next October, should the Convention be still in force, the remaining fourth will be discontinued. French Vessels, laden with French produce, will be received in our Ports on the same terms as our own; and ours, in return, will enjoy the same advantages in the Ports of France. By these approximations to an equality of duties and of charges, not only has the Commerce between the two Countries prospered, but friendly dispositions have been, on both sides, encouraged and promoted. They will continue to be cherished and cultivated on the part of The United States. It would have been gratifying to have had it in my power to add, that the claims upon the justice of the French Government, involving the property and the comfortable subsistence of many of our Fellow-Citizens, and which have been so long and so earnestly urged, were in a more promising train of adjustment than at your last meeting; but their condition remains unaltered.

With the Government of The Netherlands, the mutual abandonment of discriminating duties had been regulated by Legislative Acts on both sides. The Act of Congress of the 20th of April, 1818, abolished all discriminating duties of impost and tonnage, upon the Vessels and produce of The Netherlands in the Ports of The United States, upon the assurance given by the Government of The Netherlands, that all such duties operating against the Shipping and Commerce of The United States in that Kingdom had been abolished. These reciprocal Regulations had continued in force several Years, when the discriminating principle was resumed by The Netherlands in a new and indirect form, by a bounty of 10 per Cent. in the shape of a return of duties to their National Vessels, and in which those of The United States are not permitted to participate. By the Act of Congress, of the 7th January, 1824, all discriminating duties in The United States were again suspended, so far as related to the Vessels and produce of The Netherlands, so long as the reciprocal exemption should be extended to the Vessels and produce of The United States in The Netherlands. But the same Act provides that, in the event of a restoration of discriminating duties, to operate against the Shipping and Commerce of The United States, in any of the Foreign Countries referred to therein, the suspension of discriminating duties in favour of the Navigation of such Foreign Country should cease, and all the Provisions of the Acts imposing discriminating Foreign tonnage and impost duties in The United States, should revive and be in full force with regard to that Nation.

In the Correspondence with the Government of The Netherlands upon this subject, they have contended that the favour shown to their own Shipping by this bounty upon their tonnage, is not to be considered as a discriminating duty. But it cannot be denied that it produces all the same effects. Had the mutual abolition been stipulated by Treaty, such a bounty upon the National Vessels could scarcely have been granted, consistently with good faith. Yet, as the Act of Congress of 7th of January, 1824, has not expressly authorized the Executive Authority to determine what shall be considered as a revival of discriminating duties by a Foreign Government to the disadvantage of The United States, and as a retaliatory measure on our part, however just and necessary, may tend rather to that conflict of Legislation which we deprecate, than to that concert to which we invite all commercial Nations, as most conducive to their interest and our own, I have thought it more consistent with the spirit of our Institutions to refer the subject again to the paramount Authority of the Legislature, to decide what measure the emergency may require, than abruptly, by Proclamation, to carry into effect the minatory Provision of the Act of 1824.

During the last Session of Congress, Treaties of Amity, Navigation, and Commerce, were negotiated and signed at this Place with the

Government of Denmark, in Europe, and with the Federation of Central America, in this Hemisphere. These Treaties then received the Constitutional sanction of the Senate, by the advice and consent to their Ratification. They were accordingly ratified on the part of The United States, and, during the recess of Congress, have been also ratified by the other respective Contracting Parties. The Ratifications have been exchanged, and they have been published by Proclamations, Copies of which are herewith communicated to Congress. These Treaties have established between the Contracting Parties the principles of equality and reciprocity in their broadest and most liberal extent: Each Party admitting the Vessels of the other into its Ports, laden with cargoes the produce or manufacture of any Quarter of the Globe, upon the payment of the same duties of tonnage and impost that are chargeable upon their own. They have further stipulated, that the Parties shall hereafter grant no favour of Navigation or Commerce to any other Nation, which shall not, upon the same terms, be granted to each other; and that neither Party will impose upon articles of merchandise, the produce or manufacture of the other, any other or higher duties than upon the like articles, being the produce or manufacture of any other Country. To these principles there is, in the Convention with Denmark, an exception, with regard to the Colonies of that Kingdom in the Arctic Seas, but none with regard to her Colonies in the West Indies.

In the course of the last Summer, the term to which our last Commercial Treaty with Sweden was limited, has expired. A continuation of it is in the contemplation of the Swedish Government, and is believed to be desirable on the part of The United States. It has been proposed by the King of Sweden, that pending the Negotiation of renewal, the expired Treaty should be mutually considered as still in force; a measure which will require the sanction of Congress to be carried into effect on our part, and which I therefore recommend to your consideration.

With Prussia Spain, Portugal, and in general all the European Powers, between whom and The United States, relations of friendly intercourse have existed, their condition has not materially varied since the last Session of Congress. I regret not to be able to say the same of our commercial intercourse with the Colonial Possessions of Great Britain, in America. Negotiations of the highest importance to our common interests have been for several Years in discussion between the two Governments; and on the part of The United States have been invariably pursued in the spirit of candour and conciliation. Interests of great magnitude and delicacy had been adjusted by the Conventions of 1815 and 1818, while that of 1822, mediated by the late Emperor Alexander, had promised a satisfactory compromise of Claims which the Government of The United States, in justice to the rights of

a numerous class of their Citizens, was bound to sustain. But with regard to the Commercial intercourse between The United States and the British Colonies in America, it has been hitherto found impracticable to bring the Parties to an understanding satisfactory to both. The relative geographical position, and the respective products of nature cultivated by human industry, had constituted the elements of a Commercial intercourse between The United States and British America, insular and continental, important to the Inhabitants of both Countries. But it had been interdicted by Great Britain, upon a principle heretofore practised upon by the Colonizing Nations of Europe, of holding the trade of their Colonies, each in exclusive monopoly to herself. After the termination of the late War, this Interdiction had been revived, and the British Government declined including this portion of our intercourse with her Possessions in the Negotiation of the Convention of 1815. The trade was then carried on exclusively in British Vessels, till the Act of Congress concerning Navigation, of 1818, and the Supplemental Act of 1820, met the Interdict by a corresponding measure on the part of The United States. These measures, not of retaliation, but of necessary self-defence, were soon succeeded by an Act of Parliament, opening certain Colonial Ports to the Vessels of The United States, coming directly from them, and to the importation from them of certain articles of our produce, burdened with heavy duties, and excluding some of the most valuable articles of our exports. The United States opened their Ports to British Vessels from the Colonies, upon terms as exactly corresponding with those of the Act of Parliament, as, in the relative position of the Parties, could be made. And a Negotiation was commenced by mutual consent, with the hope, on our part, that a reciprocal spirit of accommodation, and a common sentiment of the importance of the Trade to the interest of the Inhabitants of the two Countries, between whom it must be carried on, would ultimately bring the Parties to a compromise, with which both might be satisfied. With this view, the Government of The United States had determined to sacrifice something of that entire reciprocity which in all commercial arrangements with Foreign Powers they are entitled to demand, and to acquiesce in some inequalities disadvantageous to ourselves, rather than to forego the benefit of a final and permanent adjustment of this interest, to the satisfaction of Great Britain herself. The Negotiation, repeatedly suspended by accidental circumstances, was, however, by mutual agreement and express assent, considered as pending, and to be speedily resumed. In the mean time, another Act of Parliament, so doubtful and ambiguous in its import as to have been misunderstood by the Officers in the Colonies, who were to carry it into execution, opens again certain Colonial Ports, upon new conditions and terms, with a threat to close them against any Nation which may not accept those terms, as pre-

scribed by the British Government. This Act passed in July, 1825, not communicated to the Government of The United States, not understood by the British Officers of the Customs in the Colonies where it was to be enforced, was nevertheless submitted to the consideration of Congress, at their last Session. With the knowledge that a Negotiation upon the subject had long been in progress, and pledges given of its resumption at an early day, it was deemed expedient to await the result of that Negotiation, rather than to subscribe implicitly to terms the import of which was not clear, and which the British Authorities themselves, in this Hemisphere, were not prepared to explain.

Immediately after the close of the last Session of Congress, one of our most distinguished Citizens was despatched as Envoy Extraordinary and Minister Plenipotentiary to Great Britain, furnished with Instructions which we could not doubt would lead to a conclusion of this long controverted interest, upon terms acceptable to Great Britain. Upon his arrival, and before he had delivered his Letters of Credence, he was met by an Order of the British Council, excluding, from and after the 1st of December, now current, the Vessels of The United States from all the Colonial British Ports, excepting those immediately bordering upon our Territories. In answer to his expostulations upon a measure thus unexpected, he is informed that, according to the ancient maxims of Policy of European Nations having Colonies, their trade is an exclusive possession of the Mother Country. That all participation in it by other Nations, is a boon or favour not forming a subject of Negotiation, but to be regulated by the Legislative Acts of the Power owning the Colony. That the British Government, therefore, declines negotiating concerning it; and that, as The United States did not forthwith accept purely and simply the terms offered by the Act of Parliament of July, 1825, Great Britain would not now admit the Vessels of The United States even upon the terms on which she has opened them to the Navigation of other Nations.

We have been accustomed to consider the Trade which we have enjoyed with the British Colonies, rather as an interchange of mutual benefits, than as a mere favour received; that, under every circumstance, we have given an ample equivalent. We have seen every other Nation, holding Colonies, negociate with other Nations, and grant them, freely, admission to the Colonies by Treaty; and, so far are the other Colonizing Nations of Europe now from refusing to negociate for trade with their Colonies, that we ourselves have secured access to the Colonies of more than one of them by Treaty. The refusal, however, of Great Britain to negociate, leaves to The United States no other alternative than that of regulating, or interdicting, altogether, the Trade on their part, according as either measure may affect the interests of our own Country; and, with that exclusive object, I would recommend the whole subject to your calm and candid deliberations.

It is hoped that our unavailing exertions to accomplish a cordial good understanding on this interest, will not have an unpropitious effect upon the other great topics of discussion between the two Governments. Our Northeastern and Northwestern Boundaries are still unadjusted. The Commissioners under the 7th Article of the Treaty of Ghent, have nearly come to the close of their labours; nor can we renounce the expectation, enfeebled as it is, that they may agree upon their Report to the satisfaction or acquiescence of both Parties. The Commission for liquidating the Claims for indemnity for Slaves carried away after the close of the War, has been sitting, with doubtful prospects of success. Propositions of compromise have, however, passed between the two Governments, the result of which, we flatter ourselves, may yet prove satisfactory. Our own dispositions and purposes towards Great Britain are all friendly and conciliatory; nor can we abandon, but with strong reluctance, the belief that they will, ultimately, meet a return, not of favours, which we neither ask nor desire, but of equal reciprocity and good will.

With the American Governments of this Hemisphere we continue to maintain an intercourse altogether friendly, and between their Nations and ours that commercial interchange of which mutual benefit is the source, and mutual comfort and harmony the result, is in a continual state of improvement. The War between Spain and them, since the total expulsion of the Spanish Military Force from their Continental Territories, has been little more than nominal; and their internal tranquillity, though occasionally menaced by the agitations which Civil Wars never fail to leave behind them, has not been affected by any serious calamity.

The Congress of Ministers from several of those Nations which assembled at Panama, after a short Session there, adjourned to meet again, at a more favourable Season, in the neighbourhood of Mexico. The decease of one of our Ministers on his way to the Isthmus, and the impediments of the Season, which delayed the departure of the other, deprived us of the advantage of being represented at the first meeting of the Congress. There is, however, no reason to believe that any of the transactions of the Congress were of a nature to affect injuriously the interests of The United States, or to require the interposition of our Ministers, had they been present. Their absence has, indeed, deprived us of the opportunity of possessing precise and authentic information of the Treaties which were concluded at Panama; and the whole result has confirmed me in the conviction of the expediency to The United States of being represented at the Congress. The surviving Member of the Mission appointed during your last Session, has accordingly proceeded to his destination, and a Successor to his distinguished and lamented Associate will be nominated to the Senate. A Treaty of Amity, Navigation, and Commerce, has, in the course of the

last Summer, been concluded by our Minister Plenipotentiary at Mexico, with the United States of that Confederacy, which will also be laid before the Senate, for their advice with regard to its Ratification.

In adverting to the present condition of our Fiscal concerns, and to the prospects of our Revenue, the first remark that calls our attention, is, that they are less exuberantly prosperous than they were at the corresponding period of the last year. The severe shock so extensively sustained by the commercial and manufacturing interests in Great Britain, has not been without a perceptible recoil upon ourselves. A reduced importation from Abroad is necessarily succeeded by a reduced return to the Treasury at Home. The Net Revenue of the present Year will not equal that of the last. And the Receipts of that which is to come will fall short of those in the Current Year. The diminution, however, is in part attributable to the flourishing condition of some of our domestic manufactures, and so far is compensated by an equivalent more profitable to the Nation. It is also highly gratifying to perceive, that the deficiency in the Revenue, while it scarcely exceeds the anticipations of the last Year's Estimates from the Treasury, has not interrupted the application of more than 11,000,000 Dollars during the present Year, to the discharge of the principal and interest of the Debt, nor the reduction of upwards of 7,000,000 Dollars of the capital Debt itself. The Balance in the Treasury on the 1st of January last, was 5,201,650 Dollars and 43 Cents. The Receipts from that time to the 30th of September last, were 19,585,932 Dollars and 50 Cents. The Receipts of the current Quarter, estimated at 6,000,000 Dollars, yield, with the Sums already received, a Revenue of about 25,500,000 Dollars for the Year. The Expenditures for the three first Quarters of the Year have amounted to 18,714,226 Dollars and 66 Cents. The Expenditures of the current Quarter are expected, including the 2,000,000 of the principal Debt to be paid, to balance the Receipts. So that the Expenses of the Year, amounting to upwards of 1,600,000 less than its Income, will leave a proportionally increased Balance in the Treasury on the 1st of January, 1827, over that of the 1st of January last. Instead of 5,200,000, there will be 6,400,000 Dollars.

The amount of Duties secured on Merchandise imported from the commencement of the Year until the 30th September, is estimated at 21,250,000 Dollars, and the amount that will probably accrue during the present Quarter, is estimated at 4,250,000, making for the whole Year 25,500,000, from which the Drawbacks being deducted, will leave a clear Revenue from the Customs, receivable in the Year 1827, of about 20,400,000 Dollars, which, with the Sums to be received from the proceeds of Publick Lands, the Bank Dividends, and other incidental receipts, will form an aggregate of about 23,000,000, a Sum falling

short of the whole expenses of the present Year, little more than the portion of those Expenditures applied to the discharge of the Publick Debt, beyond the Annual appropriation of 10,000,000, by the Act of 3d March, 1817. At the passage of that Act, the Publick Debt amounted to 123,500,000 Dollars. On the 1st of January next, it will be short of 74,000,000. In the lapse of these 10 Years, 50,000,000 of Publick Debt, with the Annual Charge of upwards of 3,000,000 of Interest upon them, have been extinguished. At the passage of that Act, of the Annual appropriation of the 10,000,000, 7,000,000 were absorbed in the Payment of interest, and not more than 3,000,000 went to reduce the Capital of the Debt. Of the same 10,000,000, at this time scarcely 4,000,000 are applicable to the interest, and upwards of 6,000,000 are effective in melting down the Capital. Yet our experience has proved that a Revenue consisting so largely of Imposts and Tonnage, ebbs and flows to an extraordinary extent, with all the fluctuations incident to the general Commerce of the World. It is within our recollection that even in the compass of the same last 10 Years, the Receipts of the Treasury were not adequate to the Expenditures of the Year; and that in two successive Years, it was found necessary to resort to Loans to meet the engagements of the Nation. The returning tides of the succeeding Years replenished the Publick Coffers, until they have again begun to feel the vicissitude of a decline. To produce these alternations of fulness and exhaustion, the relative operation of abundant or of unfruitful Seasons, the Regulations of Foreign Governments, Political Revolutions, the prosperous or decaying condition of manufactures, Commercial Speculations, and many other causes not always to be traced, variously combine. We have found the alternate swells and diminutions embracing periods of from two to three Years. The last period of depression to us was from 1819 to 1822. The corresponding revival was from 1823 to the commencement of the present Year. Still we have no cause to apprehend a depression comparable to that of the former Period, or even to anticipate a deficiency which will intrench upon the ability to apply the Annual 10,000,000 to the reduction of the Debt. It is well for us, however, to be admonished of the necessity of abiding by the maxims of the most vigilant economy, and of resorting to all honorable and useful expedients, for pursuing with steady and inflexible perseverance the total discharge of the Debt.

Besides the 7,000,000 of the Loans of 1813, which will have been discharged in the course of the present Year, there are 9,000,000 which, by the terms of the Contracts, would have been, and are now, redeemable. 13,000,000 more of the Loan of 1814, will become redeemable from and after the expiration of the present month; and 9,000,000 more from and after the close of the ensuing Year. They constitute a mass of 31,000,000 of Dollars, all bearing an interest of 6 per Cent. more than 20,000,000 of which will be immediately redeemable,

and the rest within little more than a Year. Leaving of this amount, 15,000,000 to continue at the interest of 6 per Cent. but to be as far as shall be found practicable, paid off in the Years 1827 and 1828, there is scarcely a doubt, that the remaining 16,000,000 might, within a few months, be discharged by a Loan at not exceeding 5 per Cent. redeemable in the Years 1829 and 1830. By this operation, a Sum of nearly 500,000 Dollars may be saved to the Nation, and the discharge of the whole 31,000,000 within the four Years, may be greatly facilitated, if not wholly accomplished.

By an Act of Congress of 3d March, 1825, a Loan, for the purpose now referred to, or a subscription to Stock, was authorized, at an Interest not exceeding 4½ per Cent. But, at that time, so large a portion of the Floating Capital of the Country was absorbed in Commercial Speculations, and so little was left for investment in the Stocks, that the measure was but partially successful. At the last Session of Congress, the condition of the Funds was still unpropitious to the measure; but the change so soon afterwards occurred that, had the authority existed to redeem the 9,000,000, now redeemable by an exchange of Stocks, or a Loan at 5 per Cent. it is morally certain that it might have been effected, and with it a yearly saving of 90,000 Dollars.

With regard to the Collection of Revenue of Impost, certain occurrences have, within the last Year, been disclosed in one or two of our principal Ports, which engaged the attention of Congress at their last Session, and may hereafter require further consideration. Until within a very few Years, the execution of the Laws for raising the Revenue, like that of all our other Laws, has been ensured more by the moral sense of the Community, than by the rigours of a jealous precaution, or by penal sanctions. Confiding in the exemplary punctuality and unsullied integrity of our importing Merchants, a gradual relaxation from the Provisions of the Collection Laws, a close adherence to which would have caused inconvenience and expense to them, had long become habitual; and indulgences had been extended universally, because they had never been abused. It may be worthy of your serious consideration, whether some further Legislative Provision may not be necessary to come in aid of this state of unguarded security.

From the Reports herewith communicated of the Secretaries of War and of the Navy, with the subsidiary Documents annexed to them, will be discovered the present condition and administration of our Military Establishment on the Land and on the Sea. The organization of the Army having undergone no change since its reduction to the present Peace Establishment in 1821, it remains only to observe, that it is yet found adequate to all the purposes for which a permanent armed Force in time of Peace can be needed, or useful. It may be proper to add, that, from a difference of opinion between the late President of The United States and the Senate, with regard to the construction of the

Act of Congress of 2d March, 1821, to reduce and fix the Military Peace Establishment of The United States, it remains hitherto so far without execution, that no Colonel has been appointed to command one of the Regiments of Artillery. A supplementary or explanatory Act of the Legislature appears to be the only expedient practicable for removing the difficulty of this Appointment.

In a period of profound Peace, the conduct of the mere Military Establishment forms but a very inconsiderable portion of the duties devolving upon the administration of the Department of War. It will be seen by the Returns from the Subordinate Departments of the Army, that every branch of the Service is marked with order, regularity, and discipline. That from the Commanding General through all the gradations of superintendence, the Officers feel themselves to have been Citizens before they were Soldiers, and that the glory of a Republican Army must consist in the spirit of freedom by which it is animated, and of patrioism by which it is impelled. It may be confidently stated that the moral character of the Army is in a state of continual improvement, and that all the arrangements for the disposal of its parts have a constant reference to that end.

But to the War Department are attributed other duties, having indeed relation to a future possible condition of War; but being purely defensive, and in their tendency contributing rather to the security and permanency of Peace:—the erection of the Fortifications provided for by Congress and adapted to secure our Shores from hostile Invasion: the distribution of the Fund of publick gratitude and justice to the pensioners of the Revolutionary War: the maintenance of our relations of Peace and of protection with the Indian Tribes: and the internal improvements and surveys for the location of Roads and Canals, which during the last three Sessions of Congress have engaged so much of their attention, and may engross so large a share of their future benefactions to our Country.

By the Act of the 30th of April, 1824, suggested and approved by my Predecessor, the Sum of 30,000 Dollars was appropriated for the purpose of causing to be made the necessary surveys, plans, and estimates, of the routes of such Roads and Canals as the President of The United States might deem of National importance in a Commercial or Military point of view, or necessary for the transportation of the Publick Mail—the surveys, plans, and estimates, for each, when completed, to be laid before Congress.

In execution of this Act, a Board of Engineers was immediately instituted, and have been since most assiduously and constantly occupied in carrying it into effect. The first object to which their labours were directed, by order of the late President, was the examination of the Country between the tide waters of the Potomac, the Ohio, and Lake Erie, to ascertain the practicability of a communication between

them, to designate the most suitable route for the same, and to form plans and estimates in detail of the expence of execution.

On the 3rd of February, 1825, they made their first Report, which was immediately communicated to Congress, and in which they declared that, having maturely considered the circumstances observed by them personally, and carefully studied the results of such of the preliminary surveys as were then completed, they were decidedly of opinion that the communication was practicable.

At the last Session of Congress, before the Board of Engineers were enabled to make up their second Report, containing a general plan and preparatory estimate for the work, the Committee of the House of Representatives upon Roads and Canals, closed the Session with a Report, expressing the hope that the plan and estimate of the Board of Engineers might at this time be prepared, and that the subject be referred to the early and favourable consideration of Congress at their present Session. That expected Report of the Board of Engineers is prepared, and will forthwith be laid before you.

Under the Resolution of Congress, authorizing the Secretary of War to have prepared a complete System of Cavalry Tactics of The United States, to be reported to Congress at the present Session—a Board of distinguished Officers of the Army, and of the Militia, has been convened, whose Report will be submitted to you, with that of the Secretary of War. The occasion was thought favourable for consulting the same Board, aided by the results of a Correspondence with the Governors of the several States and Territories, and other Citizens of intelligence and experience, upon the acknowledged defective condition of our Militia System, and upon the improvements of which it is susceptible. The Report of the Board upon this subject is also submitted for your consideration.

In the Estimates of Appropriations for the ensuing Year, upwards of 5,000,000 of Dollars will be submitted for the expenditures to be paid from the Department of War. Less than two-fifths of this will be applicable to the maintenance and support of the Army. A million and a half, in the form of Pensions, goes as a scarcely adequate tribute to the services and sacrifices of a former Age; and a more than equal Sum invested in Fortifications, or for the preparations of internal improvement, provides for the quiet, the comfort, and the happier existence of the Ages to come. The Appropriations to indemnify those unfortunate remnants of another race, unable alike to share in the enjoyments, and to exist in the presence of civilization, though swelling in recent Years to a magnitude burdensome to the Treasury, are generally not without their equivalents, in profitable value; or serve to discharge the Union from engagements more burdensome than Debt.

In like manner, the Estimate of Appropriations for the Navy Department will present an aggregate Sum of upwards of 3,000,000

Dollars. About one-half of these, however, cover the Current Expenditures of the Navy in actual Service, and one-half constitutes a fund of National property, the pledge of our future glory and defence. It was scarcely one short Year after the close of the late War, and when the burden of its Expenses and Charges was weighing heaviest upon the Country, that Congress, by the Act of 29th April, 1816, appropriated 1,000,000 Dollars Annually, for eight Years, to the *gradual increase of the Navy*. At a subsequent period, this Annual Appropriation was reduced to 500,000 for six Years, of which the present Year, is the last. A yet more recent Appropriation the last two Years for building ten Sloops of War, has nearly restored the original Appropriation of 1816, of 1,000,000, for every Year. The result is before us all. We have 12 Line-of-Battle Ships, 20 Frigates, and Sloops of War in proportion; which, with a few months of preparation, may present a line of Floating Fortifications along the whole range of our Coast, ready to meet any Invader who might attempt to set foot upon our Shores. Combining with a system of Fortifications upon the Shores themselves, commenced abo t the same time under the auspices of my immediate Predecessor, and hitherto systematically pursued, it has placed in o.r possession th. most effective sinews of War, and has left us at once an example and a lesson, from which our own duties may be inferred. The gradual increase of the Navy was the principle of wl.ich the Act of 29th April, 1816, was the first developement. It was the introduction of a System, to act upon the character and history of our Country for an indefinite series of Ages. It was a declaration of that Congress to their Constituents and to Posterity, that it was the destiny and the duty of these Confederated States, to become, in regular process of time, and by no petty advances, a great Naval Power. That which they proposed to accomplish in eigh. Years, is rather to be considered as the measure of their means, than the limitation of their design. They looked forward for a term of Years sufficient for the accomplishment of a definite portion of their purpose; and they left to their S.ccessors to fill up the canvass of which they had traced the large and prophetic outline. The Ships of the Line, and Frigates, which they had in contemplation, will be shortly completed. The time which they had allotted for the accomplishment of the work has more than elapsed. It remains for your consideration how their Successors may contribute their portion of toil and of treasure for the benefit of the succeeding Age, in the gradual increase of our Navy. There is, perhaps, no part of the exercise of the Constitutional Powers of the Federal Government, which has given more general satisfaction to the People of the Union, than this. The system has not been thus vigorously introduced, and hitherto sustained, to be now departed from or abandoned. In continuing to provide for the gradual increase of the Navy, it may not be necessary or expedient to add for the present

any more to the number of our Ships; but should you deem it advisable to continue the Yearly Appropriation of 500,000 to the same objects, it may be profitably expended, in providing a supply of timber to be seasoned, and other materials for future use; in the construction of Docks, or in laying the Foundations of a School for Naval Education, as to the wisdom of Congress either of these measures may appear to claim the preference.

Of the small portions of this Navy engaged in actual Service during the Peace, Squadrons have continued to be maintained in the Pacific Ocean, in the West India Seas, and in the Mediterranean; to which has been added a small Armament, to cruise on the Eastern Coast of South America. In all they have afforded protection to our Commerce, have contributed to make our Country advantageously known to Foreign Nations, have honorably employed multitudes of our Seamen in the service of their Country, and have inured numbers of Youths of the rising generation to lives of manly hardihood and of nautical experience and skill. The Piracies with which the West India Seas were for several years infested, have been totally suppressed. But, in the Mediterranean, they have increased in a manner afflictive to other Nations, and but for the continued presence of our Squadron, would probably have been distressing to our own. The War which has unfortunately broken out between the Republic of Buenos Ayres and the Brazilian Government, has given rise to very great irregularities among the Naval Officers of the latter, by whom principles in relation to Blockades, and to Neutral Navigation, have been brought forward, to which we cannot subscribe, and which our own Commanders have found it necessary to resist. From the friendly disposition towards The United States constantly manifested by the Emperor of Brazil, and the very useful and friendly commercial intercourse between The United States and His Dominions, we have reason to believe that the just reparation demanded for the injuries sustained by several of our Citizens from some of his Officers, will not be withheld. Abstracts from the recent Despatches of the Commanders of our several Squadrons are communicated with the Report of the Secretary of the Navy to Congress.

A Report from the Postmaster-General is likewise communicated, presenting in a highly satisfactory manner the result of a vigorous, efficient, and economical administration of that Department. The Revenue of the Office, even of the Year including the latter half of 1824, and the first half of 1825, had exceeded its Expenditures by a sum of more than 45,000 Dollars. That of the succeeding Year has been still more productive. The increase of the Receipts, in the Year preceding the first of July last, over that of the Year before, exceeds 136,000 Dollars, and the excess of the Receipts over the Expenditures of the Year has swollen from 45,000 to nearly 80,000 Dollars. During the

same period, contracts for additional transportation of the Mail, in stages, for about 260,000 miles, have been made, and for 70,000 miles, annually, on horseback. Seven hundred and fourteen new Post Offices have been established within the year; and the increase of Revenue within the last 3 years, as well as the augmentation of the transportation by mail, is more than equal to the whole amount of receipts, and of mail conveyance, at the commencement of the present Century, when the Seat of the General Government was removed to this Place. When we reflect that the objects effected by the transportation of the mail are among the choicest comforts and enjoyments of social life, it is pleasing to observe, that the dissemination of them to every corner of our Country has outstripped in their increase even the rapid march of our Population.

By the Treaties with France and Spain, respectively ceding Louisiana and The Floridas to The United States, provision was made for the security of land titles derived from the Governments of those Nations. Some progress has been made, under the authority of various Acts of Congress, in the ascertainment and establishment of those titles: but Claims to a very large extent remain unadjusted. The public faith, no less than the just rights of Individuals, and the interest of the Community itself, appears to require further provision for the speedy settlement of these Claims, which I therefore recommend to the care and attention of the Legislature.

In conformity with the provisions of the Act of 20th May last, to provide for erecting a Penitentiary in the District of Columbia, and for other purposes, three Commissioners were appointed to select a site for the erection of a Penitentiary for the District, and also a site in the County of Alexandria for a County Jail: both of which objects have been effected. The building of the Penitentiary has been commenced, and is in such a degree of forwardness as to promise that it will be completed before the Meeting of the next Congress. This consideration points to the expediency of maturing, at the present Session, a system for the regulation and government of the Penitentiary, and of defining the class of Offences which shall be punishable by confinement in this Edifice.

In closing this Communication, I trust that it will not be deemed inappropriate to the occasion and purposes upon which we are here assembled, to indulge a momentary retrospect, combining, in a single glance, the period of our origin as a National Confederation with that of our present existence, at the precise interval of half a century from each other. Since your last meeting at this place, the 50th Anniversary of the Day when our Independence was declared, has been celebrated throughout our Land; and on that day, when every heart was bounding with joy, and every voice was tuned to gratulation, amid the blessings of Freedom and Independence, which the Sires of a former

Age had handed down to their Children, two of the principal actors in that solemn scene, the hand that penned the ever-memorable Declaration, and the voice that sustained it in debate, were, by one summons, at the distance of 700 miles from each other, called before the Judge of All, to account for their deeds done upon earth. They departed cheered by the benedictions of their Country, to whom they left the inheritance of their fame, and the memory of their bright example. If we turn our thoughts to the condition of their Country, in the contrast of the first and last day of that half century, how resplendent and sublime is the transition from gloom to glory! Then, glancing through the same lapse of time, in the condition of the Individuals, we see the first day marked with the fulness and vigor of youth, in the pledge of their lives, their fortunes, and their sacred honor, to the cause of freedom and of mankind. And on the last, extended on the bed of death, with but sense and sensibility left to breathe a last aspiration to Heaven of blessing upon their Country; may we not humbly hope that to them, too, it was a pledge of transition from gloom to glory; and that while their mortal vestments were sinking into the clod of the valley, their emancipated spirits were ascending to the bosom of their God.

JOHN QUINCY ADAMS.

CONVENTION between Portugal and Brazil, for the Settlement of Claims.—Signed at Rio de Janeiro, the 29th of August, 1825.

(Translation.)

EM NOME DA SANTISSIMA E INDIVISIVEL TRINIDADE.

HAVENDO-SE estabelecido no Artigo 9 do Tratado de Paz e Alliança, firmado na data desta, entre o Portugal e Brasil, que as Reclamaçoens publicas de hum á outro Governo, seriaõ reciprocamente recebidas, e decididas, ou com a restituiçaõ dos objectos reclamados, ou com huma indemnisaçaõ equivalente, convindo-se em que para o ajuste dellas, Ambas as Altas Partes Contractantes fariaõ huma Convencaõ directa e especial: E considerando-se depois ser o melhor meio de terminar esta questaõ o fixar-se, e ajustar-se desde logo em huma Quantia certa,

IN THE NAME OF THE MOST HOLY AND INDIVISIBLE TRINITY.

IT having been stipulated by the 9th Article of the Treaty of Peace and Alliance, signed on the same day as the present, and concluded between Portugal and Brazil, that the public Claims of either Government upon the other, should be reciprocally admitted, and decided by means, either of a restitution of the objects claimed, or of an equivalent Indemnity, under an understanding, that, with a view to the adjustment of those Claims, both the High Contracting Powers would agree upon a direct and Special Convention: and it having been considered, that the

ficando extincto todo o direito para as reciprocas e ulteriores Reclamaçoens de ambos os Governos: Os abaixo assignados, Sir Carlos Stuart, Conselheiro Privado de Sua Magestade Britannica, Grão Cruz da Ordem da Torre e Espada, Plenipotenciario de Sua Magestade Fidelissima El Rey de Portugal e Algarves: e o Illustrissimo e Excellentissimo Luiz José de Carvalho e Mello, do Conselho de Estado, Dignitario da Imperial Ordem do Cruzeiro, Commendador das Ordens de Christo, e da Conceição, e Ministro e Secretario de Estado dos Negocios Estrangeiros; o Illustrissimo e Excellentissimo Barão de Santo Amaro, Grande do Imperio, do Conselho de Estado, Gentil-Homem da Imperial Camara, Dignitario da Imperial Ordem do Cruzeiro, e Commendador das Ordens de Christo, e da Torre e Espada; e o Illustrissimo e Excellentissimo Francisco Vilella Barbosa, do Conselho de Estado, Grão Cruz da Imperial Ordem do Cruzeiro, Cavalheiro da Ordem de Christo, Coronel do Imperial Corpo de Engenheiros, Ministro e Secretario de Estado dos Negocios da Marinha, e Inspector Geral da Marinha; Plenipotenciarios de Sua Majestade O Imperador do Brazil, debaixo da Mediaçaõ de Sua Magestade Britannica, convieraõ em virtude dos seus Plenos Poderes respectivos, em os Artigos seguintes:

best method of setting this question at rest, would be to fix and specify immediately a certain Sum, so as to annul every right to any reciprocal and further Claims of both Governments: the Undersigned, Sir Charles Stuart, Privy Councillor of His Britannic Majesty, Grand Cross of the Order of the Tower and Sword, Plenipotentiary of His Most Faithful Majesty The King of Portugal and the Algarves: and The Most Illustrious, and Most Excellent Luiz Joze de Carvalho e Mello, of the Council of State, Dignitary of the Imperial Order of the Cross, Commander of the Order of Christ and of the Conception, and Minister and Secretary of State for Foreign Affairs: The Most Illustrious and Most Excellent Baron of Santo Amaro, Grandee of the Empire, of the Council of State, Gentleman of the Imperial Chamber, Dignitary of the Imperial Order of the Cross, and Commander of the Orders of Christ and of the Tower and Sword: and The Most Illustrious and Most Excellent Francisco Vilella Barboza, of the Council of State, Grand Cross of the Imperial Order of the Cross, Knight of the Order of Christ, Colonel of the Imperial Corps of Engineers, Minister and Secretary of State for the Affairs of the Navy, and Inspector General of Marine; Plenipotentiaries of His Majesty, the Emperor of Brazil, under the mediation of His Britannic Majesty, have, in virtue of their respective Full Powers, agreed on the following Articles:

ART. I. S. M. I. convem á vista das Reclamaçoens apresentadas de Governo á Governo dar ao de Portugal a Somma de 2,000,000 de Libras Esterlinas, ficando com esta somma extinctas de ambas as Partes todas e quaesquer outras Reclamaçoens, assim como todo o direito á indemnisaçoens desta natureza.

II. Para o pagamento desta Quantia, toma S. M. I. sobre o Thesouro do Brasil o Emprestimo que Portugal tem contrahido em Londres no Mez de Octubro de 1823, pagando o restante para prefazer os sobreditos 2,000,000 de Libras Esterlinas, no prazo de hum Anno a quarteis, depois da Ratificaçaõ e publicaçaõ da presente Convençaõ.

III. Ficaõ exceptuadas da regra estabelecida no Artigo 1 desta Convençaõ as Reclamaçoens reciprocas sobre transporte de Tropas, e despezas feitas com as mesmas Tropas. Para liquidaçaõ destas Reclamaçoens haverá huma Commissaõ, formada e regulada pela mesma maneira que se acha estabelecida no Artigo 8 do Tratado de que acima se faz menção.

IV. A presente Convençaõ será ratificada, e a mutua tróca das Ratificaçoens se fará na Cidade de Lisboa, dentro do espaço de cinco mezes, ou mais breve se for possivel.

Em testemunho do que, Nós abaixo assignados, Plenipotenciarios de S. M. El-Rey de Portugal e Algarves, e de S. M. O Imperador do Brasil, em virtude dos

ART. I. His Imperial Majesty agrees, in consideration of the Claims advanced by one Government against the other, to give to that of Portugal the Sum of £2,000,000 which Sum shall extinguish, on the part of both, all and every other Claims, as well as every right to any Indemnities of this nature.

II. With the view of discharging this Sum, His Imperial Majesty takes upon the Treasury of Brazil the Loan contracted by Portugal in London, in the Month of October 1823, liquidating the remainder, so as to pay up the above £2,000,000 within one year, by quarterly Instalments, to be computed from the Ratification and publication of the present Convention.

III. Are excepted from the rule laid down in the first Article of the present Convention the reciprocal Claims concerning the conveyance of Troops, and the expences incurred on account of those Troops. In order to the liquidation of those Claims, there shall be appointed a Commission, under regulations similar to those specified in Article 8 of the Treaty above mentioned.

IV. The present Convention shall be ratified, and the mutual exchange of the Ratifications effected in the City of Lisbon, within five months, or sooner, if possible.

In witness whereof, we, the Undersigned Plenipotentiaries of H. M. The King of Portugal and the Algarves, and of H. M. the Emperor of Brazil, do, in virtue of

nossos respectivos Plenos Poderes, assignamos a presente Convençaõ, e lhe fizemos por os Sellos das nossas Armas.

Feita na Cidade do Rio de Janeiro, aos 29 de Agosto, de 1825.

L. J. DE CARVALº. E MELO.
BARAO DE SANTO AMARO.
FRANCISCO VIL. BARBOZA.

our respective Full Powers, sign the present Convention, and cause to be affixed to it the Seals of our Arms.

Done in the City of Rio de Janeiro, the 29th August, 1825.

CHARLES STUART.

ACT of the Emperor of Brazil, promulgating the Constitution of the Empire.

ACTE OFFICIEL.

Don Pedro, par la grâce de Dieu, et l'acclamation unanime du Peuple, Empereur Constitutionnel et Défenseur Perpétuel du Brésil.

Nous faisons savoir à tous nos Sujets que les Peuples de cet Empire réunis en Chambres, ayant requis de nous qu'aussitôt que possible, nous prêtâssions et fissions prêter serment au Projet de Constitution que nous avions présenté à leur discussion, afin d'assister aussitôt à la nouvelle Assemblée Constituante; montrant de plus le vif désir qu'ils avaient que cet Acte qui avait leur entière approbation, et dont ils attendaient leur félicité politique individuelle et générale, fût regardé comme Constitution de l'Empire, nous prêtons serment au susdit Projet, pour l'observer comme la Loi Constitutionnelle qui dorénavant régira cet Empire.

Cette Constitution est de la teneur suivante:

PROJET de Constitution pour l'Empire du Brésil, élaboré dans le Conseil d'Etat, sur les Bases présentées par Sa Majesté Impériale Don Pédro 1er. *Empereur Constitutionnel et Défenseur Perpétuel du Brésil.*

TITRE I.

DE L'EMPIRE DU BRESIL, DE SON TERRITOIRE, DE SON GOUVERNEMENT, DE SA DYNASTIE, ET DE SA RELIGION.

Art. I. L'Empire du Brésil est l'association politique de tous les Citoyens Brésiliens. Ils forment une Nation libre et indépendante, qui n'admet avec aucune autre un lien d'Union et de Fédération qui s'opposerait à son Indépendance.

II. Son Territoire est partagé en Provinces telles qu'elles sont au-

jourd'hui, et qui pourront être subdivisées selon que le requerra le bien de l'Etat.

III. Son Gouvernement est Monarchique, Héréditaire, Constitutionnel et Représentatif.

IV. La Dynastie Régnante est celle de Don Pédro I^er^, Empereur actuel et Défenseur Perpétuel du Brésil.

V. La Religion Catholique, Apostolique, et Romaine, continuera à être la Religion de l'Empire. Toutes les autres Religions seront permises, avec le Culte domestique ou particulier, dans des Maisons destinées à cet effet, mais sans aucune forme extérieure du Temple.

TITRE II.

DES CITOYENS BRESILIENS.

VI. Sont Citoyens Brésiliens:

1. Ceux qui sont nés au Brésil, libres ou affranchis, bien que le Père soit Etranger, pourvu qu'il ne réside pas au Brésil pour le service de sa Nation.

2. Les Fils de Pères Brésiliens, et les Enfans illégitimes d'une Mère Brésilienne nés en pays Etranger, mais qui viendraient fixer leur domicile dans l'Empire.

3. Les Fils d'un Père Brésilien établi en Pays Etranger pour le service de l'Empereur, quoiqu'ils ne soient pas venus établir leur domicile au Brésil.

4. Tous ceux nés en Portugal et dans ses Possessions, qui, residant au Brésil à l'époque de la Proclamation de l'Indépendance dans leurs Provinces, y adhéreront expressément ou tacitement, en continuant d'y résider.

5. Les Etrangers Naturalisés, quelle que soit leur religion: la Loi déterminera les conditions de cette naturalisation.

VII. On perd les droits de Citoyen Brésilien:

1. En se faisant naturaliser en Pays Etranger.

2. En acceptant, sans la permission de l'Empereur, des emplois, pensions ou décorations de quelque Gouvernement Etranger.

3. Par une Sentence de Bannissement.

VIII. Le droit de Citoyen se suspend de deux manières:

1. Par incapacité physique et morale.

2. Par une Sentence d'Emprisonnement et de dégradation, seulement tant que dureront ses effets.

TITRE III.

DES POUVOIRS ET DE LA REPRESENTATION NATIONALE.

IX. La division et l'harmonie des pouvoirs politiques est le principe conservateur des droits des Citoyens, et le meilleur moyen de rendre effectives les garanties offertes par la Constitution.

X. Les pouvoirs politiques reconnus par la Constitution de l'Empire du Brésil sont au nombre de quatre: le Pouvoir Législatif, le Pouvoir Modérateur, le Pouvoir Exécutif et le Pouvoir Judiciaire.

XI. Les Représentans de la Nation Brésilienne sont l'Empereur et l'Assemblée Générale.

XII. Tous ces Pouvoirs dans l'Empire du Brésil sont des Délégations de la Nation.

TITRE IV.

DU POUVOIR LEGISLATIF.

CHAPITRE I.—*Des branches du Pouvoir Législatif et de ses attributions.*

XIII. Le Pouvoir Législatif est délégué à une Assemblée Générale, avec la sanction de l'Empereur.

XIV. L'Assemblée Générale se compose de deux Chambres: Chambre des Députés et Chambre des Sénateurs ou Sénat.

XV. Les attributions de l'Assemblée Générale sont:

1. De faire prêter serment à L'Empereur, au Prince Impérial, au Régent ou à la Régence.

2. D'élire la Régence ou le Régent, et de poser les limites de son autorité.

3. De reconnaître le Prince Impérial comme Successeur du Trône, dans la première Session qui suivra sa naissance.

4. De nommer le Tuteur de l'Empereur Mineur, au cas où son Père ne l'aurait pas nommé par son testament.

5. De résoudre les doutes qui peuvent se présenter relativement à la succession à la Couronne.

6. D'instituer à l'époque de la mort de l'Empereur ou de la vacance du Trône, une enquête sur l'administration qui finit, et de réformer les abus qui s'y sont introduits.

7. De choisir une Dynastie nouvelle au cas d'extinction de la Dynastie régnante.

8. De faire des Lois, de les interpréter, les suspendre et les révoquer.

9. De veiller au maintien de la Constitution et au bien général de la Nation.

10. De fixer annuellement les Dépenses Publiques, et de faire la répartition de la Contribution directe.

11. De fixer annuellement, d'après les rapports du Gouvernement, les Forces de terre et de mer, ordinaires et extraordinaires.

12. D'accorder ou de refuser l'entrée de Forces Etrangères de terre et de mer dans l'intérieur de l'Empire, ou seulement dans ses Ports.

13. D'autoriser le Gouvernement à contracter des Emprunts.

14. D'établir des moyens convenables pour le paiement de la Dette Publique.

15. De régler l'Administration des Biens Nationaux, et d'en décréter l'aliénation.

16. De créer ou de supprimer des Emplois publics, et d'en poser les Régles.

17. De déterminer le poids, le titre, la valeur, l'inscription, le type, et la dénomination des monnaies; aussi bien que l'étalon des poids et des mesures.

XVI. Chacune des Chambres recevra le titre d'Augustes et Très-dignes Représentans de la Nation.

XVII. Chaque Législature durera quatre Années, et chaque Session annuelle quatre mois.

XVIII. La Séance Impériale d'Ouverture aura lieu tous les ans le 3 Mai.

XIX. La Séance de Clôture sera aussi une Séance Impériale, et ces deux Séances se feront en Assemblée Générale avec la réunion des deux Chambres.

XX. Leur cérémonial et celui de la participation de l'Empereur sera rédigé sous la forme de réglement intérieur.

XXI. La nomination des Présidens, Vice-Présidens, et Secrétaires des deux Chambres, la vérification des pouvoirs de ses Membres, le serment à prêter, et la Police Intérieure, seront rédigés sous la forme de réglement.

XXII. Dans la réunion des deux Chambres, le Président du Sénat dirigera le travail, mais les Députés et les Secrétaires prendront place indistinctement.

XXIII. Aucune Séance ne pourra avoir lieu dans l'une des deux Chambres sans la présence de la moitié plus un de ses Membres.

XXIV. Les Séances de chaque Chambre sont publiques, à l'exception des cas où le bien de l'Etat exige qu'elles soient secrètes.

XXV. Les affaires seront résolues à la majorité absolue des Membres présens.

XXVI. Les Membres de chacune des Chambres seront inviolables pour les opinions qu'ils professeront dans l'exercice de leurs fonctions.

XXVII. Aucun Sénateur ou Député ne peut être arrêté pendant sa députation par aucune Autorité, excepté par l'ordre de sa Chambre, à moins de flagrant délit de Peine Capitale.

XXVIII. Si quelque Sénateur ou Député est mis en cause, le Juge suspendra le cours de l'affaire, et en rendra compte à la Chambre de l'Accusé, laquelle décidera si le Procés doit se continuer, et si le Membre doit être ou non suspendu de l'exercice de ses fonctions.

XXIX. Les Sénateurs et Députés pourront être nommés aux Emplois de Ministre et de Conseiller d'Etat, avec la différence que les Sé-

nateurs continuent à siéger au Sénat et que les Députés laissent leur siége vacant. On procéde alors à une nouvelle élection, dans laquelle il peut être réélu, et cumuler ainsi les deux fonctions.

XXX Ils peuvent cumuler également les deux fonctions s'ils possédaient la charge de Ministre ou de Conseiller d'Etat au moment de leur élection.

XXXI. On ne peut être en même temps Membre des deux Chambres.

XXXII. L'exercice de tout emploi, à l'exception de ceux de Ministre et de Conseiller d'Etat, cesse entièrement tant que durent les fonctions de Député ou de Sénateur.

XXXIII. Dans l'intervalle des Sessions, l'Empereur ne pourra employer un Sénateur ou un Député hors de l'Empire, et ils n'iront pas exercer leur emploi lorsque cela les empêcherait de se réunir au moment de la Convocation de l'Assemblée Générale ordinaire ou extraordinaire.

XXXIV. Si par quelque cas imprévu d'où dépend la sûreté publique et le bien de l'Etat, il était indispensable qu'un Sénateur ou un Député fût envoyé en mission, la chose sera soumise à chaque Chambre, qui en décidera.

CHAPITRE II.—*De la Chambre des Députés.*

XXXV. La Chambre des Députés est élective et temporaire.

XXXVI. A la Chambre des Députés seule appartient l'initiative: 1. Sur les impôts. 2. Sur les recrutemens. 3. Sur le choix d'une Dynastie nouvelle en cas d'extinction de l'ancienne.

XXXVII. C'est aussi dans la Chambre des Députés que commenceront: 1. L'examen de l'Administration passée et la reforme des abus qui s'y sont introduits. 2. La discussion des propositions faites par le Pouvoir Exécutif.

XXXVIII. C'est à la Chambre des Députés seul qu'il appartient de décréter qu'il y a lieu à mettre en accusation les Ministres et Conseillers d'Etat.

XXXIX. Les Députés toucheront, pendant les Sessions, un subside réglé à la fin de la dernière Session de l'Assemblée précédente. Outre ce subside, il leur sera alloué une indemnité pour les dépenses du voyage en allant et venant.

CHAPITRE III.—*Du Sénat.*

XL. Le Sénat se compose de Membres nommés à vie, et il sera organisé par des Elections Provinciales.

XLI. Chaque Province fournira par moitié autant de Sénateurs que de Députés, et quand le nombre des Députés sera impair, le nombre de ses Sénateurs sera la moitié du nombre pair inférieur, de manière que la Province qui aura onze Députés ait cinq Sénateurs.

XLII. La Province qui n'a qu'un Député élira toutefois un Sénateur, malgré la règle établi ci-dessus.

XLIII. Les Elections seront faites de la même manière que celles des Députés, mais avec des listes triples sur lesquelles l'Empereur choisira un tiers.

XLIV. On nomme aux emplois de Sénateurs vacans de la même manière qu'à la première Election.

XLV. Pour être Sénateur, il faut:

1. Etre né Citoyen Brésilien et jouir de ses droits politiques.

2. Etre âgé de quarante Ans au moins.

3. Etre savant, habile et vertueux: on préférera ceux qui auront rendu des services à la Patrie.

4. Posséder un revenu annuel de 800 millereis, soit en bien, soit par son industrie, son commerce ou ses emplois.

XLVI. Les Princes de la Maison Impériale sont de droit Sénateurs, et siégeront dans le Sénat aussitôt qu'ils auront atteint l'âge de 25 Ans.

XLVII. Les attributions exclusives du Sénat sont:

1. De connaître des délits Individuels commis par les Membres de la Famille Impériale, les Ministres d'Etat, les Conseillers d'Etat, les Sénateurs, et par les Députés, durant la périod de leur Législature.

2. De connaitre de la responsabilité des Ministres, et Conseillers d'Etat.

3. D'expédier les Lettres de Convocation de l'Assemblée, au cas où l'Empereur ne l'aurait pas fait deux mois après l'époque déterminée par la Constitution; le Sénat se réunira extraordinairement à cet effet.

4. De convoquer l'Assemblée à l'époque de la mort de l'Empereur, pour l'élection d'une Régence au cas où elle doit avoir lieu, si la Régence provisoire ne l'a pas fait.

XLVIII. Lorsqu'on aura à prononcer sur des crimes dont l'accusation n'appartient pas à la Chambre des Députés, le Procureur de la Couronne et de la Souveraineté National sera chargé de l'accusation.

XLIX. Les Sessions du Sénat commencent et finissent avec celles de la Chambre des Députés.

L. A l'exception des cas prescrits par la Constitution, toute réunion du Sénat hors du temps des Sessions de la Chambre des Députés est illicite et nulle.

LI. Le subside des Sénateurs sera de la moitié autant que celui des Députés.

CHAPITRE IV.—*De la proposition, discussion, sanction, et promulgation des Lois.*

LII. La proposition, opposition, et approbation des Projets de Loi, appartient à chacune des Chambres.

LIII. Le Pouvoir Exécutif exerce par chacun des Ministres d'Etat, la faculté de Proposition qui lui appartient dans la formation des Lois. Ce n'est qu'après avoir été examinée par une Commission de la Chambre des Députés, où elle doit avoir son origine, qu'elle pourra être convertie en Projet de Loi.

LIV. Après le rapport de la Commission, les Ministres peuvent assister aux débats et discuter la Proposition ; mais ils ne peuvent voter ni être présens au scrutin, à moins qu'ils ne soient Sénateurs ou Députés.

LV. Si la Chambre des Députés adopte le Projet, elle le remettra à celle des Sénateurs, avec la formule suivante: "La Chambre des Députés envoie à la Chambre du Sénat la Proposition suivante du Pouvoir Exécutif (avec ou sans Amendemens), et pense qu'il y a lieu à délibérer."

LVI. Si elle ne peut adopter la Proposition, elle en fait part à l'Empereur par une Députation de sept Membres, de la manière suivante: " La Chambre des Députés témoigne à l'Empereur sa reconnaisance du zèle qu'il montre à veiller aux besoins de l'Empire, et le supplie respectuensement de daigner prendre en considération ultérieure la Proposition du Gouvernement."

LVII. En général, les Propositions admises et approuvées par la Chambre des Députés seront remises à la Chambre des Sénateurs de la manière suivante: " La Chambre des Députés envoie au Sénat la Proposition suivante, et pense qu'il y a lieu à demander la sanction de l'Empereur."

LVIII. Si la Chambre des Sénateurs n'adopte pas entièrement le Projet de la Chambre des Députés, mais l'amende ou y ajoute, elle le renvoie de la manière suivante: " Le Sénat envoie à la Chambre des Députés sa Proposition sur tel sujet, avec les Amendemens et Additions ci-jointes, et pense que dans cet état il y a lieu à demander la sanction Impériale."

LIX. Si le Sénat après avoir délibéré prononce qu'il n'y a pas lieu à admettre la Proposition ou le Projet, il dira: "Le Sénat renvoie à la Chambre tel ou tel Projet, auquel il n'a pu donner son consentement."

LX. La Chambre des Députés agira de la même manière que le Sénat, quand le Projet viendra de lui.

LXI. Si la Chambre des Députés n'approuve pas les Amendemens ou Additions du Sénat, et *vice versa*, et que toutefois elle juge que le Projet est avantageux, elle pourra requérir, par une Députation de trois Membres, la réunion des deux Chambres, qui aura lieu dans la Chambre du Sénat, et, suivant le résultat de la discussion, ce qui sera résolu aura lieu.

LXII. Si après la clôture de la discussion, l'une des deux Chambres adopte entièrement le Projet que l'autre Chambre lui a envoyé, elle le rédigera en forme de Décret, et après l'avoir fait lire en Séance

Publique, elle en adressera deux Copies à l'Empereur, en lui demandant sa sanction avec la Formule suivante : " L'Assemblée Générale adresse à l'Empereur le Décret suivant, qu'elle juge avantageux et utile à l'Empire, et prie Sa Majesté de daigner lui donner sa sanction."

LXIII. Cette remise sera faite par une Députation de sept Membres, envoyée par la dernière des Chambres qui aura délibéré, et l'autre Chambre d'où le Projet a pris naissance, informera en même-temps l'Empereur qu'elle a adopté sa Proposition relativement à tel ou tel objet, et qu'elle s'adresse à l'Empereur en lui demandant sa sanction.

LXIV. Si l'Empereur refuse son consentement, il répondra dans les termes suivans : " L'Empereur méditera sur le Projet pour se résoudre en temps convenable." A quoi la Chambre répondra qu'elle loue Sa Majesté de l'intérêt qu'elle prend à la Nation.

LXV. Ce refus n'a qu'un effet suspensif; mais si deux Legislatures successives approuvent le Projet et le présentent successivement dans les mêmes termes, il est entendu que l'Empereur accorde sa sanction.

LXVI. L'Empereur donnera ou refusera sa sanction dans l'intervalle d'un mois à dater de la présentation.

LXVII. S'il ne le fait pas dans le temps ci-dessus mentionné, ce retard aura le même effet que s'il refusait expressément sa sanction. Mais ce retard comptera aux Membres des Législatures pendant lesquelles il peut refuser sa sanction, de sorte que s'il avait refusé dans les deux Législatures précédentes, le Décret serait obligatoire.

LXVIII. Si l'Empereur adopte le Projet de l'Assemblée Générale il s'exprime ainsi : " L'Empereur consent." Le Décret est sanctionné par là et devient Loi d'Empire, et un des deux Autographes, après la Signature de l'Empereur, sera déposé dans les Archives de la Chambre qui l'a envoyé, et l'autre servira à la promulgation de la Loi par le Ministre d'Etat compétent.

LXIX. La Formule de promulgation des Lois sera conçue dans les termes suivans : " Don N. par la grâce de Dieu et l'acclamation unanime des Peuples ; Empereur Constitutionnel et Défenseur Perpétuel du Brésil, Nous faisons savoir à tous nos Sujets que l'Assemblée Générale a décrété et que nous approuvons la Loi suivante. (Suit la Loi avec ses dispositions seulement.) Nous Ordonnons à toutes les Autorités à la connaissance et exécution desquelles cette Loi appartient, de l'exécuter et faire exécuter et observer entièrement telle qu'elle est conçue. Le Ministre d'Etat des Affaires (suit le Titre du Ministre) sera chargé de la faire imprimer, publie et corriger."

LXX. La Loi, signée par l'Empereur, visée par le Ministre d'Etat compétent, et scellée du Sceau de l'Empire, sera gardée en Original dans les Archives de l'Empire, et des Exemplaires imprimés en seront

remis à toutes les Chambres de l'Empire, aux Tribunaux, et dans tous les lieux où il convient que cela soit fait.

CHAPITRE V.—*Des Conseils-Généraux de Province et de leurs Attributions.*

LXXI. La Constitution reconnaît et garantit à tout Citoyen le droit de prendre part aux affaires de sa Province, immédiatement relatives à ses intérêts particuliers.

LXXII. Ce droit sera exercé par la Chambre du District, et par des Conseils qui, sous le titre de Conseil-Général de la Province, doivent être établis dans chaque Province où ne sera pas placé la Capitale de l'Empire.

LXXIII. Chaque Conseil-Général sera composé de 21 Membres dans les Provinces les plus peuplées, telles que Pará, Maranhaõ, Ceara, Fernambouc, Bahia, Minas Geraes, Saint-Paul et Rio-Grande-du-Sud; et dans les autres, de 12 Membres.

LXXIV. L'élection se fera à la même époque et de la même manière que celle des Représentans de la Nation, et pour le temps de chaque Legislature.

LXXV. Les qualités nécessaires pour être Membre de ces Conseils sont d'avoir 25 Ans, de la probité et une existence honnête.

LXXVI. Les Membres de ce Conseil se réuniront dans la Capitale de la Province. La première Séance préparatoire sera consacrée à la nomination des Président, Vice-Président, Secrétaire et Suppléans, élus pour tous le temps de la Session, et à l'examen de la vérification de l'élection de ses Membres.

LXXVII. Il y aura tous les ans une Session de deux mois, qui pourra être prorogée d'un mois si la majorité du Conseil l'a décidé ainsi.

LXXVIII. Pour pouvoir délibérer, il faudra la réunion de la moitié plus un de ses Membres.

LXXIX. Le Président de la Province, le Secrétaire et le Commandant Militaire, ne peuvent être élu Membres du Conseil.

LXXX. Le Président de la Province assistera à l'installation du Conseil-Général, qui aura lieu le 1^er^ Décembre. Son siége sera placé à la droite de celui du Président du Conseil et sur la même ligne. Le Président de la Province adressera la parole au Conseil, et lui rendra compte de l'état des affaires publiques et des mesures d'amélioration nécessaires à la Province.

LXXXI. Les Conseils auront pour objet principal de discuter et de délibérer sur les affaires les plus intéressantes des Provinces. Ils présenteront des Projets particuliers appropriés à ses localités et à ses besoins.

LXXXII. Les affaires commencées dans les Chambres seront remises officiellement au Secrétaire du Conseil, où elles seront discutées

les portes ouvertes, aussi bien que celles qui auront leur origine dans les Conseils eux-mêmes. Leurs résolutions seront prises à la pluralité absolue des suffrages des Membres présens.

LXXXIII. On ne peut discuter dans les Conseils aucuns Projets sur les matières suivantes :

1. Sur les intérêts généraux de la Nation.
2. Sur les affaires d'un Province avec un autre.
3. Sur les impositions dont l'initiative est de la compétence particulière de la Chambre des Députés. (*voyez* Art. XXXVI).
4. Sur l'exécution des Lois. Ils pourront cependant adresser à cet égard des représentations motivées à l'Assemblée Générale et au Pouvoir Exécutif réunis.

LXXXIV. Les Résolutions des Conseils-Généraux de la Province seront directement remises au Pouvoir Exécutif par l'intermédiaire du Président de la Province.

LXXXV. Si l'Assemblée Générale se trouve réunie en ce moment, elles lui seront immédiatement envoyées par le Ministre d'Etat, dans les attributions duquel elles se trouvent, pour être proposées sous forme de Projet de Loi, et obtenir l'approbation de l'Assemblée pour une discussion unique dans chaque Chambre.

LXXXVI. Si l'Assemblée n'est pas réunie en ce moment, l'Empereur les fera provisoirement exécuter, s'il juge cette rapidité d'exécution nécessaire au bien général de la Province.

LXXXVII. Faute de ces circonstances, l'Empereur déclarera qu'il suspend son jugement à l'égard de cette affaire ; à quoi le Conseil répondra qu'il à reçu très respectueusement la réponse de Sa Majesté Impériale.

LXXXVIII. Aussitôt la réunion de l'Assemblée Générale, ces Résolutions ainsi différées lui seront transmises, aussi bien que celles qui ont été mises à exécution, pour être délibérées et décrétées dans les formes de l'Article LXXXV.

LXXXIX. La méthode à suivre par les Conseils-Généraux de Province dans leur travail et leur police intérieure et extérieure, sera fixée par un Réglement, qui leur sera donné par l'Assemblée Générale.

Chapitre VI.—*Des Elections.*

XC. La nomination des Députés et Sénateurs pour l'Assemblée Générale et des Membres des Conseils-Généraux des Provinces sera faite par élection indirecte. La masse des Citoyens actifs réunis en Assemblées Paroissiales nommera les Electeurs des Provinces, et ceux-ci les Représentans de la Nation et de la Province.

XCI. Ont droit de voter dans les élections primaires :

1. Les Citoyens Brésiliens qui jouissent de leurs Droits Politiques.
2. Les Etrangers naturalisés.

XCII. Sont exclus du droit de voter dans les Assemblées Primaires:

1. Les Hommes âgés de moins de 25 ans; (toutefois les Hommes mariés et Officiers militaires âgés de plus de 21 ans, les Bacheliers et les Clercs dans les Ordres sacrés, posséderont ce droit comme s'ils avaient atteint leur 25e Année.)

2. Les Fils de famille qui sont dans la maison de leur Père, à moins qu'ils ne possèdent un Emploi public.

3. Les Domestiques; (ne sont pas compris toutefois dans cette classe, les Garçons de bureau, les Garçons caissiers des maisons de commerce, les Domestiques des Maisons Impériales qui ne portent plus le galon blanc, et les Surveillans des fermes et fabriques.)

4. Les Moines et tous ceux qui vivent dans une Communauté cloîtrée.

5. Ceux qui n'ont pas un revenu annuel de 100 millereis (600 fr.) soit par leurs biens, leur industrie, leur commerce ou leur emploi.

XCIII. Ceux qui ne peuvent voter dans les Assemblées Primaires de Paroisse ne peuvent être élus eux-mêmes, ni voter pour la nomination d'aucune Autorité élective, nationale ou locale.

XCIV. Peuvent être Electeurs et voter dans l'élection des Députés, Sénateurs et Membres des Conseils de Provinces, tous ceux qui peuvent voter dans les Assemblées Paroissiales, excepté:

1. Ceux qui n'ont pas un revenu net de 200 millereis (1200 fr.) de leurs biens fonciers, de leur industrie, de leur commerce, ou de leur emploi.

2. Les Affranchis.

3. Les Criminels jugés tels.

XCV. Tous ceux qui peuvent être Electeurs sont habiles à être Députés, à l'exception:

1. De ceux qui n'ont pas 400 millereis (2,400 fr.) de revenus net, dans la forme des Articles XCII et XCIV.

2. Des Etrangers naturalisés.

3. De ceux qui ne professent pas la Religion de l'Etat.

XCVI. Tous les Citoyens Brésiliens, dans quelque lieu qu'ils se trouvent, sont éligibles dans tout District électoral, comme Députés ou Sénateurs, même quand ils n'y seraient pas nés et n'y auraient pas résidé.

XCVII. Une Loi réglementaire déterminera le mode des élections et le nombre des Députés, proportion gardée avec la population de l'Empire.

TITRE V.

DE L'EMPEREUR.

CHAPITRE 1.—*Du Pouvoir Modérateur.*

XCVIII. Le Pouvoir Modérateur est le chef de toute l'organisation politique. Il est délégué uniquement à l'Empereur, comme Chef Su-

prême de la Nation et son Premier Représentant, pour qu'il veille incessament sur le maintien, l'équilibre et l'harmonie des autres Pouvoirs Politiques.

XCIX. La Personne de l'Empereur est inviolable et sacrée; il n'est soumis à aucune sorte de responsabilité.

C. Ses titres sont: Empereur Constitutionnel et Défenseur Perpétuel du Brésil. On le traite de Majesté Impériale.

CI. L'Empereur exerce le Pouvoir Modérateur:

1. En nommant les Sénateurs conformément à l'Article XLIII.

2. En convoquant l'Assemblée Générale Extraordinaire dans l'intervalle des Sessions, quand le bien de l'Empire l'exige.

3. En sanctionnant les Décréts et Résolutions de l'Assemblée Générale, pour leur donner force de Loi. (Art. LXII.)

4. En approuvant et en suspendant provisoirement les Résolutions des Conseils Provinciaux. (Art. LXXXVI et LXXXVII).

5. En prorogeant ou éloignant l'Assemblée Générale, et en dissolvant la Chambre des Députés, dans le cas où l'exige le salut de l'Etat, et en convoquant immédiatement une autre pour la remplacer.

6. En nommant et renvoyant à son gré les Ministres d'Etat.

7. En suspendant les Magistrats dans le cas de l'Art. CLIV.

8. En remettant ou adoucissant les peines prononcées contre les Coupables par les Tribunaux.

9. En accordant, dans un cas urgent, une amnistie que réclament à la fois et l'humanité et le bien de l'Etat.

Chapitre II.—*Du Pouvoir Exécutif.*

CII. L'Empereur est le Chef du Pouvoir Exécutif, et il l'exerce par ses Ministres d'Etat. Ses principales attributions sont:

1. De convoquer la nouvelle Assemblée Générale ordinaire le 3 Juin de la 3me Année de la Législature existante.

2. De nommer les Evêques et de pourvoir aux Bénéfices Ecclésiastiques.

3. De nommer les Magistrats.

4. De pourvoir aux autres Emplois civils et politiques.

5. De nommer les Commandans de Terre et de Mer, et de les changer, quand l'exige l'intérêt du Service.

6. De nommer les Ambassadeurs et autres Agens Diplomatiques et Commerciaux.

7. De diriger les Négociations politiques avec les Nations Étrangères.

8. De faire les Traités d'Alliance, Offensive et Défensive, de Subsides, et de Commerce; en les portant, après leur conclusion, à la connaissance de l'Assemblée Générale, lorsque l'intérêt et la sécurité de l'Etat le permettent: si les Traités conclus en tems de paix stipulent la cession ou l'échange d'une Partie du Territoire de l'Empire, ou de

Possessions auxquelles l'Empire à des droits, ils ne pourront être ratifiés sans avoir été approuvés par l'Assemblée Générale.

9. De déclarer la Guerre et faire la Paix, en faisant à l'Assemblée les Communications compatibles avec l'intérêt et la sûreté de l'Etat.

10. De concéder des Lettres de Naturalisation sous forme de Loi.

11. De donner des Titres, Honneurs, Ordres Militaires et autres Distinctions, en récompense de services rendus à l'Etat; les gratifications pécuniaires seront toutefois soumises à l'approbation de l'Assemblée, quand elles ne seront pas déjà stipulées par une Loi.

12. De publier les Décrets, Instructions et Réglemens pour la bonne exécution des Lois.

13. De décréter l'application des sommes votées par l'Assemblée aux différentes branches de l'Administration publique.

14. D'accorder ou de refuser son approbation aux Décrets des Conciles et Lettres Apostoliques, et autres Constitutions Ecclesiastiques, qui ne sont pas contraires à la Constitution de l'État, en faisant précéder son approbation de celle de l'Assemblée, s'il s'agit de dispositions générales.

15. De pourvoir à tout ce qui concerne la sécurité intérieure et extérieure de l'État, dans la forme voulue par la Constitution.

CIII. Avant d'être proclamé, l'Empereur prêtera, entre les mains du Président du Sénat, les deux Chambres réunies, le Serment suivant: "Je jure de maintenir la Religion Catholique, Apostolique et Romaine, et l'intégrité et l'indivisibilité de l'Empire; d'observer et de faire observer la Constitution Politique de la Nation Brésilienne, et les autres Lois de l'Empire, et de pourvoir au bien général du Brésil autant qu'il est en moi."

CIV. L'Empereur ne pourra quitter l'Empire du Brésil sans le consentement de l'Assemblée Générale; et au cas où il le quitterait sans autorisation, il est entendu par là qu'il abdique la Couronne.

CHAPITRE III. —*De la Famille Impériale et de sa dotation.*

CV. L'Héritier Présomptif de l'Empire prendra le titre de Prince Impérial, et son Fils aîné celui de Prince du Grand-Para. Tous les autres auront le titre de Prince; l'Héritier Présomptif, et le Prince du Grand Para auront le titre d'Altesse Impériale, et tous les autres Princes celui d'Altesse.

CVI. L'Héritier Présomptif, dès qu'il aura atteint sa 14 Année, prêtera entre les mains du Président du Sénat le Serment suivant: "Je jure de maintenir la Religion Catholique, Apostolique et Romaine; d'observer la Constitution Politique de la Nation Brésilienne, et d'obéir aux Lois et à l'Empereur."

CVII. Aussitôt que l'Empereur sera monté sur le Trône, l'Assemblée Générale lui assignera, ainsi qu'à l'Impératrice, son Auguste Epouse, la dotation qui convient à sa haute dignité.

CVIII. La dotation assigné à l'Empereur actuel et à son Epouse,

devra être augmentée, attendu que les circonstances actuelles ne permettent pas qu'on fixe dès aujourd'hui une somme convenable à la dignité de leurs Augustes Personnes et de la Nation.

CIX. L'Assemblée assignera aussi des dotations au Prince Impérial et aux autres Princes, à mesure de leur naissance. La dotation (alimens) donnée aux Princes ne cessera que quand ils sortiront de l'Empire.

CX. Les Instituteurs des Princes seront choisis et nommés par l'Empereur, et l'Assemblée fixera le traitement qui devra leur être payé par le Trésor National.

CXI. Dans la première Session de chaque Legislature, la Chambre des Députés exigera des Professeurs un comte rendu des progrès de leurs Augustes Disciples.

CXII. Quand les Princesses devront se marier, l'Assemblée leur assignera une dot, et la dotation (alimens) cessera, aussitôt après de leur être accordée.

CXIII. Les Princes qui se marieront et iront résider hors de l'Empire, recevront une fois pour toutes, une somme désignée par l'Assemblée, et ils cesseront alors de recevoir leur dotation (alimens.)

CXIV. La dotation, les alimens et les dots mentionnés ci-dessus, seront payés par le Trésor National, entre les mains d'un Majordome nommé par l'Empereur, et contre lequel on pourra diriger les actions actives et passives relatives aux intérêts de la Couronne.

CXV. Les Palais et Terres Nationales, possédées actuellement par Don Pédro, continueront d'appartenir à ses Successeurs, et la Nation prendra soin des acquisitions et constructions convenables à la dignité et à la récréation de l'Empereur et de sa Famille.

Chapitre IV.—*De la Succession au Trône.*

CXVI. Don Pédro 1^er^, par l'acclamation unanime des Peuples, Empereur Constitutionnel et Défenseur Perpétuel du Brésil, continuera à régner au Brésil.

CXVII. Le Descendant Légitime succédera au Trône, selon l'ordre régulier de primogéniture et de représentation; la ligne antérieure étant toujours preférée à la ligne postérieure; le degré le plus proche au degré plus éloigné dans chaque ligne; le sexe masculin au sexe féminin dans le même degré; la personne la plus âgée à la plus jeune dans le même sexe.

CXVIII. A l'extinction des Descendans Légitimes de Don Pédro 1^er^, pendant la vie même du dernier descendant et durant son règne, l'Assemblée Générale choisira une Dynastie nouvelle.

CXIX. Aucun Etranger ne pourra succéder à la Couronne Impériale du Brésil.

CXX. Le mariage de l'Héritière Présomptive de la Couronne sera fait selon le bon plaisir de l'Empereur. Si l'Empereur était mort au mo-

ment où il s'agira de cette union, elle ne pourra la contracter sans l'approbation de l'Assemblée Générale. Son Mari n'aura aucune part au Gouvernement, et ne prendra le titre d'Empereur que quand il aura de l'Impératrice un Fils ou une Fille.

CHAPITRE V.—*De la Régence pendant les minorités ou l'infirmité de l'Empereur.*

CXXI. L'Empereur est mineur jusqu'à l'âge de 18 ans accomplis.

CXXII. Pendant sa minorité, l'Empire sera gouverné par une Régence qui appartiendra au Parent le plus proche de l'Empereur, selon l'ordre de succession, et pourvu qu'il ait plus de 25 ans.

CXXIII. Si l'Empereur n'a aucun Parent qui reunisse ces qualités, l'Empire sera gouverné par une Régence permanente, nommée par l'Assemblée Générale, et composée de trois Membres dont le plus âgé sera Président.

CXXIV. Jusqu'à l'élection de cette Régence Permanente, l'Empire sera gouverné par une Régence Provisoire, composée des Ministres de l'Interiéur et de la Justice, et des deux Conseillers-d'Etat les plus anciens en exercice, présidés par l'Impératrice veuve, et en son absence par le plus ancien Conseiller-d'Etat.

CXXV. En cas de mort de l'Impératrice régnante, cette Régence sera présidée par son Mari.

CXXVI. Si l'Empereur, par une cause physique ou morale, évidemment reconnue par la pluralité de chacune des Chambres de l'Assemblée, est hors d'état de gouverner, le Prince Impérial gouvernera en son lieu, au cas où il aurait atteint sa 18me année.

CXXVII. Le Régent, aussi bien que la Régence, prêteront le Serment de fidélité spécifié dans l'Article CIII. en y ajoutant la clause de fidelité à l'Empereur, et l'engagement de lui remettre le Gouvernement aussitôt qu'arrivera sa majorité ou que son infirmité cessera.

CXXVIII. Les Actes de la Régence et du Régent seront expédiés au nom de l'Empereur avec la formule suivante. "La Régence, au nom de l'Empereur, ordonne." "Le Prince Impérial Régent, au nom de l'Empereur, ordonne."

CXXIX. La Régence ni le Régent ne seront responsables.

CXXX. Pendant la minorité du Successeur de la Couronne, il aura pour Tuteur celui qui aura été désigné par son Père dans son testament; faute de cette désignation, l'Impératrice-mère, au cas où elle ne se remarierait pas; à leur défaut, l'Assemblée Générale nommera le Tuteur, qui ne pourra jamais être celui auquel peut échoir la Couronne après l'Enfant Mineur.

CHAPITRE VI.—*Du Ministère.*

CXXXI. Il y aura différentes Secrétaireries d'Etat. La Loi désignera les affaires qui seront du ressort de chacune, ainsi que leur nombre, et elle les réunira ou séparera selon qu'il conviendra le mieux.

CXXXII. Les Ministres d'Etat rapporteront et signeront tous les Actes du Pouvoir Exécutif, qui ne peuvent être exécutés qu'avec cette formule.

CXXXIII. Les Ministres d'Etat seront responsables :

1. De trahison.
2. De corruption, subornation et concussion.
3. D'abus de pouvoir.
4. De défaut d'observation des Lois.
5. D'actions contraires à la liberté, à la sécurité, et à la propriété des Citoyens.
6. De toute dissipation des biens publics.

CXXXIV. Une Loi particulière spécifiera la nature de ces délits, et la manière de procèder en ce cas.

CXXXV. L'Ordre de l'Empereur, donnée de bouche ou par écrit, ne préserve pas les Ministres de leur responsabilité.

CXXXVI. Les Etrangers, quoique naturalisés, ne peuvent être Ministres d'Etat.

Chapitre VII.—*Du Conseil d'Etat.*

CXXXVII. Il y aura un Conseil d'Etat composé de Conseillers nommés à vie par l'Empereur.

CXXXVIII. Ils n'excéderont pas le nombre de dix.

CXXXIX. Ne sont pas compris dans ce nombre les Ministres d'Etat qui eux-mêmes ne sont pas réputés Conseillers d'Etat sans une désignation spéciale de l'Empereur à cette charge.

CXL. Pour être Conseiller-d'Etat, il faut posseder les mêmes qualifications que pour être Sénateur.

CXLI. Les Conseillers-d'Etat, avant d'entrer en fonction prêteront serment entre les mains de l'Empereur, de maintenir la Religion Catholique, Apostolique, et Romaine, d'observer la Constitution et les Lois, d'être fidèles à l'Empereur, de le conseiller selon leur conscience, et n'ayant égard qu'au bien de l'Etat.

CXLII. Les Conseillers seront entendus dans toutes les affaires graves, et dans les mesures générales d'Administration Publique, principalement quand il s'agira de Déclaration de Guerre, de Traité de Paix, de Négociations avec les Nations Etrangères, aussi bien que dans toutes les occasions où l'Empereur se propose d'exercer quelques-uns des droits du Pouvoir Modérateur, indiqués dans l'Article CI, à l'exception du paragraphe 6.

CXLIII. Les Conseillers d'Etat sont responsables des conseils qu'ils donnent en opposition aux Lois, et de manière à induire évidemment en erreur.

CXLIV. Aussitôt que le Prince Impérial aura atteint sa 18^{e} Année, il sera de droit Membre du Conseil d'Etat. Pour entrer au Conseil d'Etat, les autres Princes de la Maison Impériale doivent recevoir leur

nomination de l'Empereur. Ces Princes et le Prince Imperial sont placés dans les régles de l'Article CXXXVIII.

Chapitre VIII.—*De la Force Militaire.*

CXLV. Tous les Brésiliens sont obligés de porter les Armes pour soutenir l'Indépendance et l'intégrité de l'Empire, et le défendre contre ses Ennemis extérieurs et intérieurs.

CXLVI. Jusqu'à ce que l'Assemblée Générale ait désigné les Forces Militaires permanentes de Terre et de Mer, elles subsisteront telles qu'elles sont jusqu'à ce qu'elles soient augmentées ou diminuées par l'Assemblée.

CXLVII. La Force Militaire est essentiellement obéissante. Elle ne pourra jamais se réunir sans l'ordre de l'Autorité Légitime.

CXLVIII. C'est au Pouvoir Exécutif seul qu'appartient le droit d'employer les Forces Armées de Terre et de Mer, de la manière qui lui paraît convenable à la sûreté et à la défense de l'Empire.

CXLIX. Les Officiers de l'Armée et de la Flotte ne peuvent être privés de leur brevet que par une Sentence rendue par les Tribunaux compétens.

CL. Une Ordonnance Spéciale réglera l'organisation de l'Armée et de la Marine du Brésil, sa promotion, solde et discipline.

TITRE VI.

DES JUGES ET DES COURS DE JUSTICE.

CLI. Le Pouvoir Judiciaire est indépendant, et sera composé de Juges et de Jurés, qui seront employés aussi bien au civil qu'au criminel, et de la manière déterminée par les Codes.

CLII. Les Jurés prononceront sur le fait, et les Juges appliqueront la Loi.

CLIII. Les Juges de droit seront perpétuels. On n'entend pas cependant par là qu'ils ne peuvent être déplacés d'un lieu dans un autre, pendant le temps et de la manière déterminée par la Loi.

CLIV. L'Empereur pourra les suspendre pour plaintes faites contre eux, après avoir toutefois entendu les Juges eux-mêmes, pris les informations nécessaires, et entendu le Conseil d'Etat. Les Actes relatifs à des affaires de cette nature seront renvoyés dans leur District respectif, pour qu'on puisse y procéder selon les Lois.

CLV. Les Juges ne pourront perdre leur place que par un Jugement.

CLVI. Tous les Juges d'un District et les Officiers de Justice sont responsables des abus de pouvoir, et des prévarications qu'ils peuvent commettre dans l'exercice de leur emploi. Cette responsabilité sera rendue effective par une Loi réglementaire.

CLVII. On pourra intenter contre eux une Action populaire pour subornation, corruption, péculat, et concussion. Cette Action pourra

être poursuivie pendant une Année et un jour par le Plaignant même, ou tout autre Individu de la Ville, conformément à l'ordre légal de procédure.

CLVIII. Il y aura dans les Provinces de l'Empire, des Tribunaux de Séconde et de Dernière Instance, nécessaires à la commodité des Citoyens.

CLIX. Dans les Causes Criminelles on publiera les interrogatoires des Témoins; et tous les autres Actes des Procès seront publiés après le Jugement.

CLX. Dans les Causes Civiles et dans les Causes Pénales portées au Civil, les Parties pourront nommer des Arbitres. Leur Jugement sera exécuté sans appel, si les Parties en sont convenues entr'elles.

CLXI. On ne pourra commencer un Procès sans faire constater qu'on a usé des moyens de conciliation.

CLXII. Il y aura à cette fin des Juges de Paix, qui seront élus de la même manière et pour le même tems que les Officiers des Chambres. Leurs attributions et leurs districts seront réglés par une Loi.

CLXIII. Dans la Capitale de l'Empire, outre le Tribunal qui doit y exister, comme dans les autres Provinces, il y aura un autre Tribunal sous la dénomination de Tribunal de Justice, dont les Membres seront tirés des autres Tribunaux et décorés du titre de Conseillers. Les Officiers des Tribunaux abolis aujourd'hui pourront être employés dans l'organisation du nouveau Tribunal.

CLXIV. A ce Tribunal appartient le droit:

1. D'accorder ou refuser la revue des Causes, de la manière déterminée par la Loi.

2. De connaître des délits et fautes commises par ses Officiers, par ceux des autres Tribunaux, par les Employés du Corps Diplomatique, et par les Présidens des Provinces.

3. De connaître et de décider les conflits de juridiction et la compétence des Tribunaux de Province.

TITRE VII.

DE L'ADMINISTRATION ET L'ECONOMIE DES PROVINCES.

CHAPITRE I.—*De l'Administration.*

CLXV. Il y aura dans chaque Province un Président nommé par l'Empereur, qui pourra le changer selon le bien du service.

CLXVI. La Loi désignera ses attributions, sa compétence et son autorité, et tout ce qui convient à la meilleure expédition des affaires.

CHAPITRE II.—*Des Chambres Provinciales.*

CLXVII. Dans toutes les Cités et Villes existant adjourd'hui, et dans toutes celles qui pourront exister à l'avenir, il y aura des Cham-

bres auxquelles appartiendra le Gouvernement économique et Municipal de ces Cités et de ces Villes.

CLXVIII. Ces Chambres seront électives, et composées d'un nombre d'Officiers désignés par la Loi. Celui qui aura le plus grand nombre de voix sera nommé Président.

CLXIX. Une Loi réglementaire déterminera l'exercice des fonctions Municipales, la formation de leurs mesures de Police, l'application de leurs Revenus, et toutes leurs autres attributions particulières et utiles.

Chapitre III.—*Du Trésor National.*

CLXX. Les Recettes et Dépenses des Finances Nationales seront confiées à un Tribunal, sous le nom de Trésor National, qui, dans ses différentes divisions établies par la Loi, aura l'administration et une comptabilité en correspondance réciproque avec les Trésoreries et Autorités des Provinces de l'Empire.

CLXXI. Toutes les Contributions directes, à l'exception de celles qui sont appliquées à l'amortissement de la Dette Publique, seront annuellement votées par l'Assemblée Nationale, mais elles continuéront à être perçues jusqu'à ce qu'on ait prononcé leur abolition, ou qu'on les ait remplacées par d'autres.

CLXXII. Le Ministre des Finances, après avoir reçu des autres Ministres les rôles relatifs aux Dépenses de leurs Ministères, présentera Annuellement à la Chambre des Députés, aussitôt sa réunion, une Balance générale de la Recette et de la Dépense du Trésor National de l'Année précédente, ainsi que le Rôle général de toutes les Dépenses publiques de l'Année future, et la valeur de toutes les Contributions et de tous les Revenus Publics.

TITRE VIII.

DES DISPOSITIONS GENERALES ET DES GARANTIES DES DROITS CIVILS ET POLITIQUES DES CITOYENS BRESILIENS.

CLXXIII. L'Assemblée Générale, au commencement de ses Sessions, examinera si la Constitution Politique de l'Etat a été exactement observé, pour y porter remède comme il convient.

CLXXIV. Si, quatre Ans après le serment prêté à la Constitution du Brésil, on reconnaît que quelqu'un des Articles mérite d'être réformé, la Proposition en devra être faite par écrit, mais seulement dans la Chambre des Députés, et être appuyée par le tiers de ses Membres.

CLXXV. La Proposition sera lue trois fois, avec un intervalle de six jours entre chaque lecture, et, après la 3me lecture, la Chambre des Députés délibérera, si la Proposition peut être admise en discussion, en suivant dans tout le reste la méthode suivie pour la formation d'une Loi.

CLXXVI. La discussion admise, et la nécessité d'une réforme d'un Article Constitutionnel approuvée, on rédigera une Loi, qui sera sanctionnée et promulguée par l'Empereur dans la forme ordinaire, et dans laquelle on ordonnera aux Electeurs des Députés pour la Législature suivante, de leur donner, dans leur procuration, un Pouvoir Spécial pour l'altération ou la réforme demandée.

CLXXVII. Dans la Législature suivante, dès la première Session, la matière sera de nouveau proposé et discutée; la majorité prévaudra pour le changement ou l'addition à la Loi fondamentale. Le nouvel Article, réuni à la Constitution, sera ensuite solennellement promulgué.

CLXXVIII. Cela seul est Constitutionnel qui respecte les limites et attributions respectives des Pouvoirs Politiques et les Droits Politiques et Individuels des Citoyens. Tout ce qui n'est pas Constitutionnel peut être altéré dans les formalités ci-dessus par les Législatures ordinaires.

CLXXIX. L'inviolabilité des Droits Civils et Politiques des Citoyens Brésiliens, qui a pour base la liberté, la sûreté individuelle et la propriété, est garantie par la Constitution de l'Empire, de la manière suivante :

1. Aucun Citoyen ne peut être obligé à faire ou à cesser de faire une chose qu'en vertu d'une Loi.

2. Aucune Loi ne sera établie sans utilité publique.

3. Aucune Loi n'aura d'effet rétroactif.

4. Tout homme peut communiquer ses pensées par parole et par écrit, et les publier par la voie de la Presse, sans dépendre de la censure ; chacun sera toutefois responsable des abus qu'il commettra dans l'exercice de ce droit, dans les cas et sous la forme déterminés par la Loi.

5. Personne ne peut être poursuivi pour matière de Religion, s'il respecte la Religion de l'Etat et n'offense pas la morale publique.

6. Il est permis à tout Individu de rester dans l'Empire ou d'en sortir, comme bon lui semble, en emportant ses biens, sauf à se conformer aux Réglemens de Police, et sans porter préjudice à personne.

7. La Maison de tout Citoyen est un asile inviolable ; qui que ce soit ne pourra y entrer de nuit que de son consentement, ou pour la défendre d'incendie ou d'inondation; l'entrée n'en sera permise de jour que dans les cas et de la manière déterminés par la Loi.

8. Personne ne pourra être arrêté, sauf le cas d'un commencement de mise en accusation, excepté dans les cas prévus par la Loi ; 24 heures après son entrée en prison, si c'est dans une Cité, Ville ou Village, voisins de la résidence d'un Juge, et dans un intervalle proportionné à l'étendue du Territoire, et déterminé par la Loi pour les lieux

éloignés, le Juge fera savoir à l'Accusé, par une Note signée de lui, le motif de son emprisonnement, le nom des Accusateurs et celui des Témoins, s'il y en a.

9. Même dans le cas de mise en accusation, Personne ne peut être conduit en prison, ou y être retenu, s'il donne une caution déterminée par la Loi; en général dans tous les crimes qui ne sont pas punis de plus de six mois de prison ou d'expulsion de l'arrondissement, l'Accusé restera libre.

10. Sauf le flagrant délit, l'emprisonnement ne peut être exécuté que par un Ordre écrit de l'Autorité compétent; si cet Ordre est arbitraire, le Juge qui l'a donné, et celui qui l'a requis, seront punis des peines déterminées par la Loi; dans cette disposition sur les emprisonnemens, ne sont pas comprises les Ordonnances Militaires, nécessaires à la discipline et au récrutement de l'Armée, ni les cas qui ne sont pas purement Criminels, dans lesquels la Loi détermine l'emprisonnement d'une Personne, pour avoir désobéi aux ordres de la Justice, pour n'avoir pas rempli leurs obligations dans le temps prescrit.

11. Personne ne sera condamné que par l'Autorité compétent, en vertu d'une Loi antérieure, et dans la forme prescrite.

12. L'indépendance du Pouvoir Judiciaire sera maintenue; aucune Autorité ne pourra évoquer les Causes pendantes, les supprimer ou faire recommencer les Procédures terminées.

13. La Loi sera égale pour tous, soit qu'elle punisse, soit qu'elle châtie, et récompensera en proportion des mérites de chacun.

14. Tout Citoyen est également admissible aux Emplois Civils, Politiques ou Militaires, sans autre différence, sans autre considération, que celle de ses talens et de ses vertus.

15. Personne ne sera exempt de contribuer aux Charges de l'Etat en proportion de son avoir.

16. Tous les Privilèges qui ne sont pas essentiels et entièrement liés aux Emplois et d'une utilité publique sont désormais abolis.

17. A l'exception des causes qui, de leur nature, appartiennent à des Juges particuliers déterminés par les Lois, il n'y aura pas de Privilégié ni de Commission spéciale pour les Causes Civiles ou Criminelles.

18. Il sera rédigé, aussitôt que possible, un Code Civil, fondé sur les bases solides de la Justice et de l'équité.

19. Dès aujourd'hui sont abolis les coups de fouet, la torture, la marque au fer rouge, et tous les autres châtimens barbares.

20. La peine ne frappera jamais que le Coupable; ainsi il ne pourra exister aucune confiscation de biens, et jamais l'infamie du Coupable ne se transmettra à ses Parens, à quelque degré que ce soit.

21. Les Prisons seront sûres, propres et bien entretenues; il y aura différentes Prisons pour séparer les Coupables, selon leur situation et la nature de leurs crimes.

22. Le droit de propriété est garanti dans toute sa plénitude; si, après mûr examen, le bien public exige qu'on fasse usage de la propriété d'un Citoyen, il sera provisoirement indemnisé de sa valeur; la Loi fixera les cas dans lesquels cette unique exception aura lieu, et elle donnera les régles pour la détermination de l'indemnité.

23. La Dette Publique est également garantie.

24. Aucun genre de travail, de culture, d'industrie ou de commerce, ne peut être entravé toutes les fois qu'il ne s'oppose ni aux mœurs publiques ni à la sécurité et à la santé des Citoyens.

25. Les Corporations, avec leurs Doyens, Maîtrises, et Secrétaireries sont abolies.

26. Les Inventeurs auront la propriété de leurs découvertes et de leurs productions; la Loi leur assurera un privilége exclusif temporaire, ou les récompensera, eu égard à la perte que leur fera éprouver la publication de la découverte.

27. Le secret des Lettres est inviolable; l'administration des Postes est rigoureusement responsable de toute infraction à cet Article.

28. Toutes les récompenses conférées pour services rendus à l'Etat dans le Civil et le Militaire sont garanties, aussi bien que le droit acquis à ces récompenses conformément aux Lois.

29. Les Employés publics sont strictement responsables des abus et omissions qu'ils commettent dans l'exercice de leurs fonctions, et leur négligence à surveiller la responsabilité du leurs Subalternes.

30. Tout Citoyen pourra présenter au Pouvoir Législatif et Exécutif ses réclamations, plaintes ou pétitions, et exposer même toutes les infractions à la Constitution, en reclamant de l'Autorité compétente la responsabilité effective des Coupables

31. La Constitution garantit encore les secours publics.

32. L'instruction primaire est gratuite pour tous les Citoyens.

33. L'établissement des Colléges et Universités où seront enseignés les élémens des sciences, belles-lettres, et arts, est ordonné.

34. Les Pouvoirs Constitutionnels ne peuvent suspendre la Constitution en ce qui concerne les droits individuels, hors les cas et circonstances spécifiés dans l'Article suivant.

CLXXX. Dans le cas de rébellion ou d'invasion ennemie, la sécurité de l'Etat demandant qu'on se dispense, pour un temps déterminé, de quelques unes des formalités qui garantissent la liberté individuelle, cette suspension pourra se faire par un Acte spécial du Pouvoir Législatif; mais si l'Assemblée n'est pas alors réunie, et si la Patrie court un danger imminent, le Gouvernement pourra exercer cette mesure comme moyen provisoire et indispensable: mais il rétablira ces choses aussitôt que cessera la nécessité urgente qui les a motivées.

Dans l'un et dans l'autre cas cependant, il devra remettre à l'Assemblée, aussitôt sa réunion, une relation motivée des emprisonnemens et autres moyens de précaution qu'il aura prises, et toutes les Autorités qui auront ordonné de procéder à l'exécution de ces mesures, seront responsables des abus commis à cet égard.

J. S. Maciel da Costa, Francisco Villela Barboza,
L. J. de Carvalho e Mello, Barao de S. Amaro,
Clemente Ferreira França, A. L. Pereira da Cunha,
M. J. Pereira da Fonseca, M. J. Nogueira da Gama,
J. G. da Silveira Mendonça, J. J. Carneiro de Campos.

Rio Janeiro, 11 *Décembre,* 1825.

Nous ordonnons donc à toutes les Autorités auxquelles appartiendra la connaissance et l'exécution de cette Constitution, d'y prêter et faire prêter Serment, de l'exécuter et de la faire exécuter dans l'intégrité de son contenu.

Le Secrétaire d'Etat des Affaires de l'Empire est chargé de la faire imprimer, publier et circuler.

Donné à Rio Janeiro, le 25 Mars 1826.

L'EMPEREUR.

Joao Severiano Maciel da Costa.

Serment de l'Empereur.

Je jure de maintenir la Religion Catholique, Apostolique et Romaine, et l'intégrité et l'indivisibilité de l'Empire, de faire observer comme Constitution Politique de la Nation Brésilienne le présent Projet de Constitution que j'ai présenté, que la Nation a accepté, et qu'elle a demandé qu'on jurât aussitôt que possible comme Constitution de l'Empire. Je jure de respecter et de faire respecter toutes les Lois de l'Empire, et de pourvoir au bien général du Brésil autant qu'il sera en Moi.

Rio Janeiro, le 25 *Mars,* 1826. L'EMPEREUR.

DECREE of the Emperor of Brazil, as King of Portugal, promulgating the Constitutional Charter of Portugal.— 29th April, 1826.

CHARTE CONSTITUTIONNELLE DE PORTUGAL.

Don Pedre, par la grâce de Dieu, Roi de Portugal, des Algarves, etc.

Je fais savoir à vous tous, mes Sujets Portugais, qu'il m'a plu de décréter, donner, et faire jurer immédiatement par les Trois Ordres

de l'Etat, la Charte Constitutionnelle ci-dessous transmise, laquelle désormais régira mes Royaumes et Possessions, et qui est de la teneur suivante:

CHARTE Constitutionnelle pour le Royaume de Portugal, des Algarves, et leurs Dépendances.

TITRE I.

DU ROYAUME DE PORTUGAL, DE SON TERRITOIRE, GOUVERNEMENT, DYNASTIE ET RELIGION.

Art. I. Le Royaume de Portugal est l'Association Politique de tous les Citoyens Portugais. Ils forment une Nation libre et Indépendante.

II. Leur Territoire forme le Royaume de Portugal et des Algarves, et comprend:

1. En Europe, le Royaume de Portugal, qui se compose des Provinces de Minho, Trez-os-Montes, Beira, Estramadoure, Alentejo et Royaume des Algarves, et des Iles adjacentes de Madére, Porto-Santo, et Açores.

2. Dans l'Afrique Occidentale, Bissau et Cacheu; sur la côte de Mina le Fort, de Saint Jean Baptiste d'Ajuda, Angola, Benguella et ses Dépendances, Cabinda, et Molembo, les Iles du Cap-Vert, et celles de Saint Thomé, et du Prince, et leurs Dépendances; sur la côte Orientale, Mozambique, Rio de Senna, Sofalla, Inhambane, Quélimane, et les Iles du Cap Delgado.

3. En Asie, Salsete, Bardez, Goa, Damao, Diu, et les Etablissemens de Macao, et des Iles de Solor et Timor.

III. La Nation ne renonce pas aux droits qu'elle peut avoir sur quelque portion de Territoire dans ces trois parties du Monde, non comprise dans l'Article précédent.

IV. Son Gouvernement est Monarchique, Héréditaire et Représentatif.

V. La Dynastie Régnante se continue dans la Sérénissime Maison de Bragance et dans la Personne de la Princesse Dona Maria da Gloria; par l'Abdication et Cession de Son Auguste Père, Don Pédro I^er^, Empereur du Brésil, Légitime Héritier et Successeur de Jean VI.

VI. La Religion Catholique, Apostolique et Romaine continuera à être la Religion du Royaume. Toutes les autres Religions séront permises aux Etrangers avec leur culte domestique, sans aucune forme extérieure de Temple.

TITRE II.

DES CITOYENS PORTUGAIS.

VII. Sont Citoyens Portugais:

1. Ceux qui seront nés en Portugal ou dans ses Dépendances, et qui aujourd'hui ne seraient pas Citoyens du Brésil, quoique leur Père soit Etranger, pourvu qu'il ne réside pas en Portugal pour le service de sa Nation.

2. Les Fils d'un Père Portugais, et les Enfans illégitimes d'une Mère Portugaise nés en Pays Etrangers, qui viendraient établir leur domicile dans le Royaume.

3. Les Fils d'un Pére Portugais qui serait en Pays Etrangers pour le service du Royaume, lors même qu'ils ne viendraient pas habiter le Portugal.

4. Les Etrangers naturalisés, quelle que soit leur Religion : une Loi déterminera les qualités requises pour obtenir des Lettres de Naturalisation.

VIII. Perd ses Droits de Citoyen Portugais :

1. Celui qui se fait naturaliser en Pays Etranger.

2. Celui qui, sans permission du Roi, accepte un Emploi, une Pension ou décoration de quelque Gouvernement Etranger.

3. Celui qui a été banni par une Sentence.

IX. L'exercice des Droits Politiques est suspendu :

1. Par l'incapacité physique ou morale.

2. Par un Jugement de Condamnation, Emprisonnement, ou Décret, tant que dureront leurs effets.

TITRE III.

DES POUVOIRS, ET DE LA REPRESENTATION NATIONALE.

X. La division et l'harmonie des Pouvoirs Politiques sont le principe conservateur des Droits des Citoyens, et le plus sûr moyen de rendre effectives les garanties que leur offre la Constitution.

XI. Les Pouvoirs reconnus par la Constitution du Royaume de Portugal sont au nombre de quatre : le Pouvoir Législatif, le Pouvoir Modérateur, le Pouvoir Exécutif, et le Pouvoir Judiciaire.

XII. Les Représentans de la Nation Portugaise sont le Roi et les Cortès Générales.

TITRE IV.

DU POUVOIR LEGISLATIF.

CHAPITRE I.—*Des Branches du Pouvoir Législatif et de leurs Attributions.*

XIII. Le Pouvoir Législatif appartient aux Cortès avec la sanction du Roi.

XIV. Les Cortès se composent de deux Chambres : la Chambre des Pairs et la Chambre des Députés.

XV. Il est dans les attributions des Cortès :

1. De recevoir le serment du Roi, du Prince Royal, du Régent, et de la Régence.

2. D'élire le Régent ou la Régence, et de marquer les limites de leur Autorité.

3. De reconnaître le Prince Royale comme Héritier du Trône, dans la Première Session qui suivra sa naissance.

4. De nommer un Tuteur au Roi Mineur, dans le cas où son Père ne l'aurait pas nommé dans son Testament.

5. A la mort du Roi, ou dans une vacance du Trône, d'établir un Conseil d'Administration qui recherche et réforme les abus qui s'y seraient introduits.

6. De faire des Lois, de les interpréter, de les suspendre et de les révoquer.

7. De veiller à la garde de la Constitution et de pourvoir au bien général de la Nation.

8. De fixer Annuellement les Dépenses Publiques et de répartir la Contribution directe.

9. D'accorder ou de refuser l'entrée des Forces Etrangères de Terre et de Mer dans l'intérieur du Royaume ou dans ses Ports.

10. De fixer Annuellement, d'après le Rapport du Gouvernement, les Forces de Terre et de Mer ordinaires et extraordinaires.

11. D'autoriser le Gouvernement à contracter des Emprunts.

12. Se procurer et établir des ressources convenables pour le paiement de la Dette Publique.

13. Régler l'administration des Domaines de l'Etat, et décréter leur aliénation.

14. Créer ou supprimer des Emplois publics et en fixer les émolumens.

15. Déterminer le poids, le titre intrinsèque, la valeur, l'inscription, le type et la dénomination des monnaies ; aussi-bien que l'étalon des poids et mesures.

XVI. Le titre de la Chambre des Pairs, sera celui de *Dignes Pairs du Royaume;* et celui des Députés, de *Messieurs les Députés de la Nation Portugaise.*

XVII. Chaque Législature durera quatre Années, et chaque Session Annuelle trois Mois.

XVIII. L'Ouverture de la Session par Séance Royale aura lieu chaque Année le 2 Janvier.

XIX. La fermeture de la Session sera également une Séance Royale, et celle-ci, comme celle d'ouverture, aura lieu en Cortès Générales, les deux Chambres réunies : les Pairs à droite et les Députés à gauche.

XX. Son cérémonial et celui relatif à la présence du Roi sera déterminé par un Réglement particulier.

XXI. La nomination du Président et du Vice-Président de la Chambre des Pairs appartient au Roi ; celle du Président et Vice-Président

de la Chambre des Députés sera au choix du Roi, sur la proposition faite par ladite Chambre. Celles des Secrétaires des deux Chambres, la vérification des pouvoirs de ses Membres, et le Serment et la police, auront lieu d'après les formes de leurs Réglemens intérieurs respectifs.

XXII. Lors de la réunion des deux Chambres, le Président de la Chambre des Pairs dirigera le travail, et les Pairs et les Députés prendront leurs places comme dans la Séance d'Ouverture des Cortès.

XXIII. Les Sessions de chacune des Chambres seront publiques, à l'exception des cas où le bien de l'Etat exigerait qu'elles fussent secrètes.

XXIV. Les affaires se décideront à la majorité absolue des Votes des Membres présens.

XXV. Les Membres de chacune des Chambres sont inviolables pour les opinions qu'ils professeraient dans l'exercice de leurs fonctions.

XXVI. Aucun Pair ou Député ne pourra, durant sa députation, être arrêté par une Autorité quelconque, à moins que ce ne soit en flagrant délit emportant peine capitale.

XXVII. Si un Pair ou un Député était en prevention, le Juge suspendra toutes poursuites ultérieures, et rendra compte à sa Chambre respective, laquelle décidera si le procès devra se continuer, et si ce Membre sera ou non suspendu de l'exercice de ses fonctions.

XXVIII. Les Pairs et les Députés pourront être nommés aux fonctions de Ministre d'Etat ou de Conseiller d'Etat, avec la différence, néanmoins, que les Pairs continueront à siéger dans leur Chambre, tandis que le Député laissera sa place vacante, et qu'on procédera à une nouvelle élection dans laquelle il pourra être réélu et cumuler les deux fonctions.

XXIX. Ils cumuleront également les deux fonctions, s'ils exerçaient déjà l'un ou l'autre des Emplois susmentionnés au moment de leur Election.

XXX. On ne peut être en même tems Membre des deux Chambres.

XXXI. L'exercice d'un emploi quelconque, à l'exception de ceux de Conseiller d'Etat ou de Ministre d'Etat, cessera entièrement pendant le tems que dureront les fonctions de Pair ou de Député.

XXXII. Dans l'intervalle des Sessions le Roi ne pourra point employer un Député hors du Royaume, et même il n'ira point exercer les fonctions de son emploi si cela le mettait dans l'impossibilité de se réunir lors de la convocation des Cortès Générales ordinaires ou extraordinaires.

XXXIII. Si par un mouvement imprévu dont peut dependre la sûreté Publique ou le bien de l'Etat, il était indispensable que quelque Député s'absente pour remplir un autre Emploi, la Chambre respective à laquelle il appartient en décidera.

CHAPITRE II.—*De la Chambre des Députés.*

XXXIV. La Chambre des Députés est élective et temporaire.

XXXV. Il appartient en privilége à la Chambre des Députés l'initiative:

1. Sur les impositions.

2. Sur le recrutement.

XXXVI. A la Chambre des Députés appartient également le privilége:

1. De l'examen de l'administration précédente et la réforme des abus qui s'y seraient introduits.

2. La discussion des Propositions faites par le Pouvoir Exécutif.

XXXVII. Il est également des attributions privilégiées de ladite Chambre de décréter qu'il y a lieu à accusation contre les Ministres d'Etat et contre les Conseillers d'Etat.

XXXVIII. Les Députés toucheront, durant la Session, un dédommagement pécuniaire, fixé dans la dernière Séance de la précédente Législature; outre cela on leur allouera une indemnité pour les frais de voyage d'aller et retour.

CHAPITRE III.—*De la Chambre des Pairs.*

XXXIX. La Chambre des Pairs est composée de Membres à vie héréditaires, nommés par le Roi, et en nombre indéterminé.

XL. Le Prince Royal et les Infans seront Pairs de droit et prendront siége dans la Chambre aussitôt qu'ils auront atteint l'âge de 25 Ans.

XLI. Il est des attributions exclusive de la Chambre des Pairs:

1. De connaître de délits individuels commis par les Membres de la Famille Royale, par les Ministres d'Etat, par les Conseillers d'Etat, et par les Pairs, et des délits des Députés commis pendant la durée de la Session de Législature.

2. De connaître de la responsabilité des Secrétaires et Conseillers d'Etat.

3. De convoquer les Cortès lors de la mort du Roi pour l'Election d'une Régence, dans le cas où elle aurait lieu, lorsque la Régence provisoire ne le fait point.

XLII. Lors du Jugement des Crimes, dont l'accusation n'appartient point à la Chambre des Députés, le Procureur de la Couronne fera les fonctions d'Accusateur.

XLIII. Les Sessions de la Chambre des Pairs commencent et finissent à la même époque que celles de la Chambre des Députés.

XLIV. Toute réunion de la Chambre des Pairs hors le tems des Sessions de celle des Députés, est illégale et nulle, à l'exception des cas désignés par la Constitution.

CHAPITRE IV.—*De la proposition, discussion, sanction, et promulgation des Lois.*

XLV. La proposition, l'opposition et l'approbation des Projets de Lois, appartient à chacune des deux Chambres.

XLVI. Le Pouvoir Exécutif fait faire, par l'un ou par l'autre des Ministres d'Etat, la Proposition qui lui appartient dans la formation des Lois ; et seulement après avoir été examinée par une Commission de la Chambre des Députés, dont cette Proposition doit émaner, elle pourra être convertie en Projet de Loi.

XLVII. Les Ministres pourront soutenir et discuter la Proposition après le Rapport de la Commission ; mais ils ne pourront point émettre de vote, ni être présens lorsqu'on votera, à moins d'être Pairs ou Députés.

XLVIII. Si la Chambre des Députés adopte le Projet, elle l'adressera à celle des Pairs avec la Formule suivante :

" La Chambre des Députés envoie à la Chambre des Pairs la Proposition ci-jointe du Pouvoir Exécutif (avec des Amendemens ou sans Amendemens), et pense qu'il y a lieu," etc.

XLIX. Si elle ne peut adopter la Proposition, elle en fera part au Roi par une Députation de sept Membres et de la manière suivante :

" La Chambre des Députés témoigne au Roi sa reconnaissance pour le zèle qu'il montre à veiller sur les intérêts du Royaume, et le supplie respectueusement de daigner prendre en considération ultérieure la Proposition du Gouvernement."

L. En général les Propositions que la Chambre des Députés admettra et approuvera, seront adressées à la Chambre des Pairs avec la Formule suivante :

" La Chambre des Députés adresse à la Chambre des Pairs la Proposition ci annexée, et pense qu'il y a lieu à demander au Roi sa sanction."

LI. Si néanmoins la Chambre des Pairs n'adoptait pas entièrement le Projet de la Chambre des Députés, et qu'elle l'eût au contraire amendé ou qu'elle y eût ajouté, elle le renverra de la manière suivante :

" La Chambre des Pairs adresse à la Chambre des Députés sa Proposition (telle) avec les Amendemens ou Additions y jointes, et elle pense qu'il y a lieu à demander au Roi sa sanction."

LII. Si la Chambre des Pairs après en avoir délibéré, juge qu'il n'y a pas lieu à admettre la Proposition ou le Projet, elle l'exprimera dans les termes suivans :

" La Chambre des Pairs adresse de nouveau à la Chambre des Députés la Proposition (une telle) à laquelle elle n'a pu donner son consentement."

LIII. La même marche se suivra par la Chambre des Députés avec celle des Pairs, lorsque le Projet aura eu son origine dans cette dernière.

LIV. Si la Chambre des Députés n'approuve pas les Amendemens ou les Additions de celle des Pairs, ou *vice versa*, et que la Chambre refusant son approbation juge néanmoins que le Projet est avantageux, on nommera une Commission, composée d'un égal nombre de Pairs et de Députés, et ce qu'elle décidera servira, soit pour faire une Proposition de Loi ou pour la rejeter tout-à-fait.

LV. Lorsque l'une ou l'autre des deux Chambres (la discussion étant fermée) aura adopté entièrement le Projet que l'autre Chambre lui avait adressé, elle le rédigera en Décret, et lecture faite Séance tenante, elle l'adressera au Roi en deux Expéditions signées par le Président et deux Secrétaires, et lui demandera sa sanction dans les termes suivans :

" Les Cortès Générales adressent au Roi le Décret ci-inclus, qu'elles jugent avantageux et utile au Royaume, et demandent à Sa Majesté qu'elle daigne y donner sa sanction."

LVI. Cette remise sera faite par une Députation de sept Membres, envoyés par la Chambre ayant délibéré en dernier lieu, laquelle en même tems informera l'autre Chambre où le Projet a pris naissance, " qu'elle a adopté sa Proposition relative à tel objet; qu'elle l'a fait remettre au Roi en lui demandant sa sanction."

LVII. Si le Roi refuse d'accorder son consentement il répondra dans les termes suivans :

" Le Roi veut méditer le Projet de Loi, pour en son tems faire connaître sa Proposition."

A quoi la Chambre répondra :

" Qu'elle remercie Sa Majesté de l'intérêt qu'elle prend à la Nation."

LVIII. Ce refus a un effet absolu.

LIX. Le Roi donnera ou refusera sa sanction à chaque Décret dans le délai d'un mois, du jour qu'il lui aura été présenté.

LX. Si le Roi adopte le Projet des Cortès Générales, ils s'exprimera ainsi :

" Le Roi consent." Par là il est sanctionné, et dans les formes requises pour être promulgué comme Loi du Royaume, et l'une des deux Expéditions autographes, après avoir été signée par le Roi, sera déposée aux Archives de la Chambre qui en avait fait l'envoi, et l'autre servira pour par elle faire faire la promulgation de la Loi par le Secrétaire d'Etat qu'elle concerne, et elle sera ensuite déposée aux Archives de l'Etat.

LXI. La Formule de la Proclamation de la Loi est conçue dans les termes suivans :

" Don Pédro, par la grâce de Dieu, Roi de Portugal et des Algarves, etc., etc., faisons savoir à tous nos Sujets, que les Cortès Générales

ont décrété, et que nous voulons la Loi suivante (le texte de la Loi dans ses dispositions seulement); ordonnons en conséquence à toutes les Autorités auxquelles la connaissance et l'exécution de ladite Loi appartiennent qu'ils s'y conforment et y fassent se conformer et exécuter en son entier en ce qu'elle contient. Le Secrétaire d'Etat des Affaires de (ou de toute autre Section) la fera imprimer, publier et distribuer."

LXII. La Loi, signée par le Roi, contresignée par le Secrétaire d'Etat compétent, et scellée du Sceau Royal, l'original sera déposé aux Archives de l'Etat, et des Exemplaires imprimés en seront adressés a toutes les Chambres de Justice, aux Tribunaux, et autres lieux où il conviendra de la faire publier.

Chapitre V.—*Des Elections.*

LXIII. Les nominations des Députés pour les Cortès Générales seront faites par des Elections indirectes; la masse des Citoyens actifs, réunis en Assemblées Paroissiales, éliront les Electeurs de Provinces, et ceux-ci les Représentans de la Nation.

LXIV. Auront droit de voter dans ces Elections Primaires:

1. Les Citoyens Portugais qui jouissent de leurs droits politiques:
2. Les Etrangers naturalisés.

LXV. Sont exclus du droit de voter dans les Assemblées Paroissiales.

1. Les Mineurs au-dessous de 25 Ans, parmi lesquels ne sont point compris ceux Mariés, ou Officiers Militaires, qui sont Majeurs à 21 Ans, les Bacheliers licenciés et les Ecclésiastiques dans les Ordres Sacrés.

2. Les Fils de famille qui sont dans la compagnie de leurs Pères, à moins qu'ils n'occupent des Emplois publics.

3. Les Domestiques de Service, dans laquelle classe n'entrent point les teneurs de livres et les premiers Commis de Maisons de Commerce, les Domestiques de la Maison Royale, qui ne portent point le galon blanc, et les administrateurs de biens ruraux et de fabrique.

4. Les Religieux et toutes Personnes qui vivent en Communauté claustrale.

5. Toutes Personnes qui ne possédent point un revenue net annuel de 100 mil reis (600 fr.) provenant de biens fonds, industrie, commerce ou emploi.

LXVI. Tous ceux qui n'ont pas le droit de voter dans les Assemblées primaires paroissiales, ne peuvent être Membres, ni donner leurs Votes pour la nomination d'une Autorité quelconque Elective Nationale.

LXVII. Peuvent être Electeurs et voter dans l'Election des Députés, tous ceux qui peuvent voter dans les Assemblées paroissiales: sont exclu néanmoins;

1. Toutes Personnes ne jouissant pas d'un revenu net annuel, de 200 mil reis (1,200 fr.) provenant de biens fonds, industrie, commerce ou emplois.

2. Les libérés.

3. Les Criminels poursuivis pour querelles, ou par suite d'une enquête.

LXVIII. Toutes les Personnes qui peuvent être Electeurs, sont aptes à être nommés Députés.

Sont exceptées:

1. Toutes Personnes n'ayant pas un revenu net de 400 mil reis (2,400 fr.) conformément aux Articles LXV et LXVII.

2. Les Etrangers naturalisés.

LXIX. Les Citoyens Portugais, en quelque lieu qu'ils vivent, sont éligibles dans tout District Electoral, pour être Députés, lors même qu'ils n'y seraient point nés, résidens, ou domiciliés.

LXX. Une Loi réglementaire désignera le mode pratique des Elections, et le nombre des Députés en rapport avec la Population du Royaume.

TITRE V.

Du Roi.

Chapitre I.—*Du Pouvoir Modérateur.*

LXXI. Le Pouvoir Modérateur est la clé de toute l'organisation politique, et appartient primitivement au Roi, comme Chef Suprême de la Nation, pour qu'il veille continuellement sur le maintien et la conservation de l'indépendance, l'équilibre et l'harmonie des autres Pouvoirs Politiques.

LXXII. La Personne du Roi est inviolable et sacrée; il n'est soumis à aucune responsabilité quelconque.

LXXIII. Ses titres sont: Roi de Portugal et des Algarves, en-deçà et outre-mer, en Afrique, Seigneur de Guinée et de la Conquête, Navigation, et Commerce de l'Ethiopie, Arabie, Perse et de l'Inde, et doit être traité de *Majesté Très Fidèle.*

LXXIV. Le Roi exerce le Pouvoir Modérateur:

1. En nommant les Pairs, sans nombre fixe.

2. Convoquant les Cortès Générales, et extraordinairement dans les intervalles des Sessions, quand aussi le demandera le bien du Royaume.

3. Sanctionnant les Décrets et Résolutions des Cortès Générales, pour qu'ils aient force de Loi. (Art. LV.)

4. Prorogeant ou avançant l'époque de convocation des Cortès Générales, ou ordonnant la dissolution de la Chambre des Députés, dans le cas où l'exigera le salut de l'Etat, convoquant immédiatement une autre pour la remplacer.

5. Nommant et destituant librement les Ministres d'Etat.

6. Suspendant de leurs fonctions les Magistrats dans le cas de l'Article CXXI.

7. Pardonnant, modérant les peines imposées aux Criminels par Jugement.

8. Accordant une amnistie dans un cas urgent, et quand ainsi le conseillent l'humanité et le bien de l'Etat.

CHAPITRE II.—*Du Pouvoir Exécutif.*

LXXV. Le Roi est le Chef du Pouvoir Exécutif, et l'exerce par ses Ministres d'Etat. Ses principales attributions sont :

1. Convoquer les nouvelles Cortès Générales, le 2 de Mars de la quatrième Année de la Législature existante dans le Royaume de Portugal, et dans les Colonies l'Année antécédente.

2. Nommer les Evêques ainsi que les Bénéfices Ecclésiastiques.

3. Nommer les Magistrats.

4. Nommer à tous les Emplois civils et politiques.

5. Nommer les Commandans des Forces de Terre et de Mer, en les changeant toutes les fois que le demandera le bien de l'Etat.

6. Nommer les Ambassadeurs et tous autres Agens Politiques et Commerciaux.

7. Diriger les Négociations Politiques avec les Nations Etrangères.

8. Faire des Traités d'Alliance Offensive et Défensive, de Subside, de Commerce, les portant après leur conclusion, à la connaissance des Cortès Générales, quand l'intérêt et la sûreté de l'Etat le permettront. Si les Traités conclus en tems de Paix entrainaient cession ou échange de Territoire du Royaume ou de Possession auxquelles le Royaume ait droit, ils ne seront pas ratifiés sans avoir été approuvé par les Cortès Générales.

9. Déclarer la Guerre et faire la Paix, donnant participation à l'Assemblée, des Communications qui seront compatibles avec les intérêts et la sûreté de l'Etat.

10. Donner des Lettres de naturalisation selon la Loi.

11. Donner des Titres, Honneurs, Ordres Militaires, et Distinctions, en récompenses de services rendus à l'Etat, dépendant les Pensions à la charge de l'Etat de l'approbation de l'Assemblée, dans les cas où elles ne seraient pas déjà assignées et fixées par une Loi.

12. Expédier les Décrets, Instructions, et Réglemens convenables, et appropriés à la bonne exécution des Lois.

13. Décréter et appliquer aux diverses branches de l'Administration publique les Revenus votés par les Cortès.

14. Concéder ou refuser l'*Exequatur* aux Décrets des Conciles et Lettres Apostoliques, et toutes autres Constitutions Ecclésiastiques qui ne s'opposeront point à la Constitution, l'approbation des Cortès devant précéder s'ils contenaient des dispositions générales.

15. Pourvoir à tout ce qui concernera la tranquillité intérieure de l'Etat dans les formes voulues par la Constitution.

LXXVI. Le Roi, avant d'être proclamé, prètera, entre les mains du Président de la Chambre des Pairs, les deux Chambres réunies, le Serment suivant: "Je jure de maintenir la Religion Catholique, Apostolique et Romaine, observer et faire observer la Constitution Politique de la Nation Portugaise, et toutes les autres Lois du Royaume, et pourvoir au bien général de la Nation, en tout et autant qu'il sera en mon pouvoir."

LXXVII. Le Roi ne pourra pas sortir du Royaume de Portugal sans le consentement des Cortès Générales, et s'il le fait, il est entendu qu'il aura abdiqué la Couronne.

Chapitre III.—*De la Famille Royale, et de sa Dotation.*

LXXVIII. L'Héritier Présomptif du Royaume portera le titre de Prince Royal, et son fils aîné celui de Prince Da Beira; tous les autres Princes celui d'Infant. L'Héritier Présomptif sera traité d'Altesse Royale, de même que le Prince Da Beira. Les Infants seront traités d'Altesse.

LXXIX. L'Héritier Présomptif, ayant accompli l'âge de 14 Ans, prètera, entre les mains du Président de la Chambre des Pairs, les deux Chambres réunies, le Serment suivant:

"Je jure de maintenir la Religion Catholique, Apostolique, Romaine, observer la Constitution Politique de la Nation Portugaise, et d'obéir aux Lois et au Roi."

LXXX. Les Cortès Générales, aussitôt que le Roi aura succédé au Royaume, devront lui assigner, ainsi qu'à la Reine son épouse, une dotation correspondant à sa haute dignité.

LXXXI. Les Cortès assigneront également une dotation au Prince Royal et aux Infants, dès le jour de leur naissance.

LXXXII. Lorsque les Princesses ou Infantes devront se marier, les Cortès leur assigneront leur dot, et à la remise de celle-ci devra cesser sa dotation.

LXXXIII. Aux Infans qui se marieront et iront résider hors du Royaume, il sera remis, cette seule fois, une certaine somme fixée par les Cortès, à la remise de laquelle cessera la dotation qu'ils recevaient.

LXXXIV. Les dotations et les dots desquelles traitent les Articles précédens seront payés par le Trésor public, remises à un Intendant, nommé par le Roi, avec lequel se traiteront toutes les affaires actives et passives concernant les intérêts de la Maison Royale.

LXXXV. Les Palais et Terres Royales qui ont été possédés jusqu'à présent par le Roi, resteront la propriété de ses Successeurs, et les Cortès prendront soin des acquisitions et constructions qu'ils jugeront nécessaires à la décence et récréation du Roi.

Chapitre IV.—*De la Succession à la Couronne.*

LXXXVI. La Reine Dona Maria II. par la grâce de Dieu, et la formelle Abdication et Cession du Seigneur Don Pédro Ier. Empereur du Brésil, régnera toujours en Portugal.

LXXXVII. La descendance légitime succédera au Trône selon l'ordre régulier de la primogéniture, préferant toujours la branche antérieure au postérieure, dans le même ligne le degré le plus rapproché au plus éloigné, dans le même degré, le sexe masculin au sexe feminin, dans le même sexe la Personne la plus âgée à la plus jeune.

LXXXVIII. Dans le cas de complette extinction des lignes des Descendans légitimes de la Reine Dona Maria II. la Couronne passera à la ligne collatérale.

LXXXIX. Aucun Etranger ne pourra succéder à la Couronne de Portugal.

XC. Le mariage de la Princesse Héréditaire Présomptive de la Couronne, se fera toujours avec l'agrément du Roi, et jamais avec un Etranger. Si le Roi avait cessé de vivre au moment où l'on devra s'occuper de ce mariage, il ne pourra s'effectuer sans le consentement des Cortès Générales. Son époux n'aura aucune part au Gouvernement, et seulement portera le titre de Roi après qu'il aura eu de la Reine un Fils ou une Fille.

Chapitre V.—*De la Régence pendant la Minorité, ou autre cause qui empêche le Roi de gouverner.*

XCI. Le Roi est Mineur jusqu'à l'âge de 18 Ans révolus.

XCII. Durant sa minorité, le Royaume sera gouverné par une Régence qui appartiendra au Parent le plus proche du Roi, selon l'ordre de Succession, et qui devra être majeur de 25 Ans.

XCIII. Si le Roi n'a aucun Parent qui réunisse ces qualités, le Royaume sera gouverné par une Régence permanente, nommée par les Cortès Générales, composée de trois Membres, présidée par le plus âgé des trois.

XCIV. En attendant que cette Régence soit élue, le Royaume sera gouverné par une Régence Provisoire, composée des deux Ministres d'Etat du Royaume et de la Justice, et des deux Conseillers d'Etat les plus anciens en exercice, présidé par la Reine Veuve, et à défaut de la Reine, par le plus ancien Conseiller d'Etat.

XCV. Dans le cas de décès de la Reine Régente, la Régence sera présidée par son Epoux.

XCVI. Si le Roi par quelque cause physique ou morale, évidemment reconnue par le pluralité de chacune des Chambres des Cortès, se trouve dans l'impossibilité de gouverner, le Prince Royal, s'il est âgé de 18 Ans, gouvernera en sa place.

XCVII. La Régente ainsi que la Régence prèteront le Serment mentionné dans l'Article LXXVI, en ajoutant la clause de fidélité au Roi et de lui remettre le Gouvernement ausitôt sa majorité ou la cessation de la cause qui l'empêchait de gouverner.

XCVIII. Les Actes de la Régence et du Régent seront publiés au nom du Roi, avec la formule suivante: "Commande la Régence au nom du Roi." "Commande le Prince Royal Régent au nom du Roi."

XCIX. Ni la Régence, ni le Régent ne seront responsables.

C. Pendant la minorité des Successeurs de la Couronne, sera son Tuteur celui que son Père lui aura nommé par son Testament. Faute de celui-là, ce sera la Reine-mère, et à défaut de la Reine, les Cortès Générales nommeront le Tuteur. Toutefois ne pourra jamais être Tuteur du Roi Mineur, celui à qui appartiendrait la Succession à la Couronne si le Roi venait à mourir.

Chapitre VI.—*Du Ministère.*

CI. Il y aura plusieurs Secrétaireries d'Etat, la Loi désignera les affaires qui seront du ressort de chacun de leurs Membres, les réunira ou les séparera selon qu'il conviendra le mieux.

CII. Les Ministres signeront tous les Actes du Pouvoir Exécutif, qui sans cette formalité ne pourront être exécutés.

CIII. Les Ministres d'Etat seront responsables:

1. Pour trahison.
2. Pour tentative de corruption, subornation et concussion.
3. Pour abus de pouvoir.
4. Lorsqu'ils ne se conformeront pas à la Loi.
5. Pour tout ce qu'ils feront de contraire à la liberté, sûreté et propriété des Citoyens.
6. Pour la moindre dissipation des Deniers Publics.

CIV. Une Loi particulière spécifiera la nature de ces délits et la manière de procéder contre eux.

CV. L'Ordre du Roi donné de vive voix ou par écrit ne peut en aucun cas décharger les Ministres de leur responsabilité.

CVI. Les Etrangers, quoique naturalisés, ne pourront pas être Ministres d'Etat.

Chapitre VII.—*Du Conseil d'Etat.*

CVII. Il y aura un Conseil d'Etat composé de Conseillers à vie, nommés par le Roi.

CVIII. Les Etrangers ne pourront pas être Conseillers d'Etat quoique naturalisés.

CIX. Les Conseillers d'Etat avant d'entrer en fonction, préteront serment entre les mains du Roi, de maintenir la Religion Catholique, Apostolique et Romaine, d'observer la Constitution et les Lois, d'être fidèles au Roi, le conseiller d'après leur conscience, donnant attention seulement au bien de la Nation.

CX. Les Conseillers seront entendus dans toutes les Affaires graves, et dans les mesures générales d'Administration, principalement sur une Déclaration de Guerre avec les Nations Etrangères; de même dans toutes les occasions dans lesquelles le Roi se propose d'exercer quelqu'une des Attributions propres au Pouvoir Modérateur, indiqués dans l'Article LXXIV, à l'exception du § 5.

CXI. Les Conseillers d'Etat seront responsables des Conseils qu'ils donneront, et qui seront opposés aux Lois, et aux intérêts de l'Etat, et manifestement préjudiciables.

CXII. Le Prince Royal, aussitôt qu'il aura atteint l'âge de 18 ans accomplis, sera de droit du Conseil d'Etat; les autres Princes de la Maison Royale, pour pouvoir entrer au Conseil d'Etat, restent à cet égard dépendans de la nomination du Roi.

CHAPITRE VIII.—*De la Force Militaire.*

CXIII. Tous les Portugais sont obligés de prendre les Armes, pour soutenir l'indépendance et l'intégrité du Royaume, et pour le défendre contre ses Ennemis internes et externes.

CXIV. Pendant tout le tems que les Cortès Générales ne désigneront point la Force Militaire permanente de Mer et de Terre, celle présentement existante continuera de subsister jusqu'au moment où lesdites Cortès la diminueront ou l'augmenteront.

CXV. La Force Militaire est essentiellement obéissante, elle ne pourra jamais se réunir, sans qu'elle en reçoive l'ordre, par l'Autorité Légitime.

CXVI. Il appartient exclusivement à la Puissance Exécutive d'employer la Force Armée de Mer et de Terre, de la manière qu'elle jugera convenable à la sûreté et à la défense du Royaume.

CXVII. Une Ordonnance Spéciale régularisera l'organisation de l'Armée, sa promotion et sa discipline, de même que celle de la Force Navale.

TITRE VI.

DU POUVOIR JUDICIAIRE.

CHAPITRE UNIQUE.—*Des Juges et des Tribunaux de Justice.*

CXVIII. Le Pouvoir Judiciaire est indépendant, et sera composé de Juges et de Jurés, lesquels seront appelés, tant au Civil qu'au Criminel, dans les cas et de la manière que les Codes détermineront.

CXIX. Les Jurés prononceront sur le fait, et les Juges appliqueront la Loi.

CXX. Les Juges de droit sont inamovibles: par là néanmoins il n'est point entendu qu'ils ne puissent être changés d'une localité dans une autre pour le tems et de la manière que la Loi déterminera.

CXXI. Le Roi pourra les suspendre de leurs fonctions pour raison de plaintes portées contre eux, ayant au préalable donnée audience à

ces mêmes Juges et pris l'avis du Conseil d'Etat. Toutes les Pièces qui les concernent seront remises au Tribunal du District respectif pour, par lui, procéder d'après les formalités voulues par la Loi.

CXXII. Par un Jugement seulement, ces Juges pourront perdre leurs Emplois.

CXXIII. Tous les Juges de droit et les Officiers de Justice seront responsables des abus de pouvoir et des prévarications qu'ils commettraient dans l'exercice de leurs fonctions; cette responsabilité sera rendue effective par une Loi réglementaire.

CXXIV. Pour subornation, tentative de corruption, péculat et concussion, on aura contre eux Action populaire, qui pourra leur être intentée dans le délai d'un An et d'un jour, soit par le propre Plaignant ou par toute autre Personne du Peuple, en se conformant à l'ordre de Procédure établi par la Loi.

CXXV. Pour juger les Causes en seconde et dernière instance, il sera établi dans les Provinces du Royaume, les Tribunaux qui seront nécessaires pour la plus grande commodité du Peuple.

CXXVI. Dans les Causes Criminelles, l'audition des Témoins et tous les autres Actes de la Procédure, depuis la prevention, seront publiés, et cela dès aujourd'hui.

CXXVII. Dans les Causes Civiles et dans celles Pénales, les Parties pourront nommer des Juges Arbitres, leurs Sentences seront exécutées sans appel si les Parties dissidentes en sont ainsi convenues.

CXXVIII. Sans faire constater qu'on a recherché des moyens de conciliation, on ne pourra commencer un Procès quelconque.

CXXIX. À cet effet, il y aura des Juges de Paix, lesquels seront électifs pendant le même tems et de la même manière que se fera l'élection des Membres des Municipalités. Leurs Attributions et leurs Arrondissemens seront réglés par une Loi.

CXXX. Dans la Capitale du Royaume, outre le Tribunal qui devra y exister, de même que dans les autres Provinces, il y aura de plus un Tribunal sous la dénomination de Tribunal Suprême de Justice; il sera composé de Lettrés, tirés des Tribunaux par rang d'ancienneté, ils seront décorés du titre de Conseillers. Dans la première organisation pourront être employés dans ce Tribunal, les Juges de ceux des Tribunaux qu'il conviendra de supprimer.

CXXXI. Ce Tribunal a dans ses attributions:

1. D'accorder ou refuser le recours en cassation dans les Causes, et de la manière que la Loi le déterminera.

2. Connaître des délits et des erreurs dans leurs emplois, que commettront les Juges,ceux des Tribunaux et les Employés dans le Corps Diplomatique.

3. Connaître et décider dans les conflits de juridiction et de competence des Tribunaux Provinciaux.

TITRE VII.

DE L'ADMINISTRATION DES PROVINCES.

CHAPITRE I. —*De l'Administration.*

CXXXII. L'Administration des Provinces continuera d'exister de la même manière, qu'elle est établie en ce moment, jusqu'à ce qu'elle soit changée par une Loi.

CHAPITRE II.—*Des Tribunaux.*

CXXXIII. Dans toutes les Villes et Bourgs présentement existans, et dans tous ceux qui pourront se former par la suite, il sera établi des Municipalités, auxquelles appartiendront le Gouvernement Economique et Municipal des mêmes Villes et Bourgs.

CXXXIV Les Municipalités seront électives et composées du nombre de Membres que la Loi désignera, celui d'entre eux qui obtiendra le plus grand nombre de voix, en sera le Président.

CXXXV. L'exercice de leurs fonctions Municipales, la formation des Ordonnances de police, l'emploi de leurs Revenus et autres; toutes ces attributions seront décrétées par une Loi réglementaire.

CHAPITRE III.—*Des Revenus Publics.*

CXXXVI. La Recette et la Dépense des Revenus publics sont confiées à un Tribunal sous le Titre de Trésor Public, dans lequel diverses Sections duement établies par une Loi, régleront son administration et sa comptabilité.

CXXXVII. Toutes les Contributions directes, à l'exception de celles qui seront appliquées à payer les intérêts et à l'amortissement de la Dette Publique, seront Annuellement établies par les Cortès Générales, mais continueront jusqu'à ce qu'on en publie la dérogation ou qu'on y en substitue d'autres.

CXXXVIII. Le Ministre d'Etat des Finances, après avoir reçu des autres Ministres les Budgets relatifs aux Dépenses de leurs Ministères, présentera Annuellement à la Chambre des Députés, et aussitôt que les Cortès se seront assemblées, une Balance Générale de Recettes et de Dépenses de l'Année précédente, et également le Budget Générale de toutes les Dépenses Publiques de l'Année prochaine, et le montant de toutes les Contributions et Revenus Publics.

TITRE VIII.

DES DISPOSITIONS GENERALES ET DES GARANTIES DES DROITS CIVILS ET POLITIQUES DES CITOYENS PORTUGAIS.

CXXXIX. Les Cortès Générales, dès le commencement de leurs Sessions, examineront si la Constitution Politique du Royaume a été exactement observée.

CXL. Si après le laps de tems de quatre Années, écoulées depuis

que la Constitution du Royaume a été jurée, il était reconnu que quelqu'un de ses Articles eût besoin d'être reformé, la Proposition s'en fera par écrit, et elle devra prendre naissance dans la Chambre des Députés, et être appuyée, par le tiers d'entre eux.

CXLI. La Proposition sera lue trois fois avec des intervales de six jours de l'une à l'autre lecture, et après la troisième, la Chambre des Députés délibérera si la discussion peut en être admise : on suivra ensuite tout ce qui est nécessaire pour la formation d'une Loi.

CXLII. La discussion étant admise, et la nécessité de la réforme de l'Article Constitutionnel étant bien établie, la Loi sera expédiée, sanctionnée et promulguée par le Roi dans la forme ordinaire, mais on y ordonnera aux Electeurs des Députés pour la prochaine Législature, que dans leurs procurations ils leur confèrent des Pouvoirs Spéciaux pour l'altération ou la réforme demandée.

CXLIII. Dans la Législature suivante et dans sa première Session, la matière sera proposée et discutée, et le résultat prévaudra pour faire le changement ou l'addition à la Loi fondamentale, et l'ajoutant à la Constitution, elle sera solennellement promulguée.

CXLIV. Est seulement Constitutionnel, tout ce que l'Acte Constitutionnel fixe à l'égard des limites et des attributions respectives des Pouvoirs politiques, et des Droits politiques et individuels des Citoyens. Tout ce qui n'est point Constitutionnel, peut être altéré sans les formalités référées par les Législatures ordinaires.

CXLV. L'inviolabilité des Droits Civils et Politiques des Citoyens Portugais qui ont pour base la liberté, la sûreté individuelle, et la propriété, est garantie par la Constitution du Royaume de la manière suivante :

1. Aucun Citoyen ne peut être obligé de faire ou empêché de faire une chose quelconque, si non en vertu d'une Loi.

2. La disposition d'une Loi n'a point d'effet rétroactif.

3. Chacun peut communiquer ses pensées, soit verbalement, soit par écrit, les publier par l'impression, en tant toutefois qu'il est responsable des abus qu'il commettrait dans l'exercice de ce droit, dans les cas et les formes déterminés par la Loi.

4. Personne ne peut être poursuivi pour des motifs de religion dès qu'il respecte celle de l'Etat et n'offense point la morale publique.

5. Chacun peut rester ou sortir du Royaume comme il lui convient, emportant toutes ses propriétés, s'étant néanmoins conformé aux réglemens de Police, et sans préjudice des droits d'un tiers.

6. Tout Citoyen possède dans sa Maison un asile inviolable. De nuit, on ne peut y entrer sans son consentement ou dans le cas d'une réclamation de secours, venue du dedans, ou pour la défendre de l'incendie ou de l'inondation ; et de jour, l'entrée de sa Maison sera seulement accordée dans les cas et de la manière que la Loi déterminera.

7. Personne ne pourra être arrêté sans plainte formée, excepté dans les cas déterminés par la Loi; et dans ces cas le Juge, dans les 24

heures à compter de son entrée en prison (celle-ci se trouvant en Villes, Bourgs ou Villages près du lieu de résidence du Juge, et dans les endroits éloignés dans un laps de tems raisonnable, que la Loi déterminera, faisant attention à l'extension du Territoire,) fera, par une Note signée de lui, connaître au Coupable le motif de son arrestation, les noms des Accusateurs et ceux des Témoins, s'il les connaît.

8. Quoiqu'une plainte soit formée, Personne ne sera conduit en Prison ou n'y sera retenu, étant déjà arrêté, s'il fournit caution solvable dans les cas où la Loi l'admet; et en général pour les crimes qui n'entraînent pas de plus forte peine que celle de six mois de prison ou le banissement hors du Territoire: dans ce cas le Coupable pourra se faire mettre en liberté.

9. A l'exception du flagrant délit, on ne pourra faire mettre en prison, sinon sur l'Ordre par écrit de l'Autorité Légitime: si cet Ordre est arbitraire, le Juge qui l'aura donné et celui qui l'aura requis seront punis des peines que la Loi déterminera.

Ce qui est fixé à l'égard de la Prison, avant que la plainte soit formée, ne comprend point les Ordonnances Militaires établies, celles-ci étant nécessaires à la discipline et au recrutement de l'Armée; ni les cas qui ne sont pas absolument criminels, et dans lesquels la Loi ordonne cependant l'emprisonnement de quelques Personnes pour avoir désobéi aux injonctions de la Justice, ou pour n'avoir point rempli une obligation dans un tems déterminé.

10. Personne ne recevra Sentence de Jugement, sinon par l'Autorité Compétente, en vertu d'une Loi antérieure, et dans la forme par elle prescrite.

11. L'indépendance du Pouvoir Judiciaire sera maintenue. Aucune Autorité ne pourra évoquer les Causes pendantes, les soutenir ou faire revivre les Procés finis.

12. La Loi sera égale pour tous, qu'elle protège ou qu'elle chatie. Elle récompensera en proportion du mérite de chacun.

13. Tout Citoyen est admissible aux fonctions publiques, civiles, politiques ou militaires, sans autre différence que celle résultant de ses talens et vertus.

14. Personne ne sera exempté de contribuer aux Dépenses de l'Etat, en proportion de ses moyens.

15. Sont abolis tous les Privilèges qui ne sont point essentiels et entièrement liés aux Emplois, pour l'utilité publique.

16. A l'exception des causes qui par leur nature appartiennent aux Juges particuliers, en conformité des Lois, il n'y aura pas de Tribunal privilégié, ni de Commission Spéciale dans les Causes civiles ou Criminelles.

17. Il sera rédigé aussi promptement que possible, un Code civil et criminel, fondé sur les bases solides de la Justice et de l'Equité.

18. Dès ce moment sont abolies la peine du fouet, la torture, la marque du fer rouge, et tous les autres châtimens plus cruels.

19. Aucune peine ne s'étendra plus loin que le Coupable. C'est pourquoi la confiscation des biens n'aura lieu en aucun cas, et l'infamie du Criminel ne se transmettra à aucun de ses Parens de quelque degré que ce soit.

20. Les prisons seront sûres, propres et bien aérées, avec des locaux différens pour la séparation des Détenus, suivant les circonstances et la nature de leurs Crimes.

21. Le droit de propriété sera garanti dans toute sa plénitude.

22. La Dette Publique sera également garantie.

23. Aucun genre de travail, culture, industrie ou commerce ne peut être prohibé, pourvu qu'il ne préjudicie en rien aux coutumes publiques à la sûreté et à la santé des Citoyens.

24. Les inventeurs conserveront la propriété de leurs découvertes ou de leurs productions. Une Loi leur garantira leur privilège exclusif temporaire, ou une indemnité de la perte qu'ils pourraient éprouver par la publicité.

25. Le secret des Lettres est inviolable. L'administration des Postes sera rigoureusement responsable de toute infraction de cet Article.

26. Seront garanties les recompenses accordées pour les services rendus à l'Etat, soit Civils, soit Militaires, de même que les Droits qui y sont attachés, conformément aux Lois.

27. Les Fonctionnaires publics seront strictement responsables des abus et omissions qu'ils commettront dans l'exercice de leurs fonctions, et en aucun cas ils ne pourront faire retomber cette responsabilité sur leurs Subalternes.

28. Tout Citoyen pourra présenter par écrit au Pouvoir Législatif et au Pouvoir Exécutif, des reclamations, plaintes ou pétitions, et leur dénoncer toute infraction quelconque de la Constitution, en requérant de l'Autorité Compétente la responsabilité effective des Infracteurs.

29. La Constitution garantit pareillement les secours publics.

30. L'Instruction primaire est gratuite à tous les Citoyens.

31. La Constitution garantit la Noblesse Héréditaire et les Prérogatives.

32. Pareillement les Colléges et Universités où sont enseignés les élémens des sciences, belles-lettres et arts.

33. Les Pouvoirs Constitutionnels ne peuvent jamais suspendre la Constitution, ni attenter aux droits individuels, hors les cas et circonstances spécifiés dans le paragraphe suivant:

34. Dans le cas de révolte ou d'invasion de l'Ennemi, la sûreté de l'Etat exigeant que l'on se dispense pour un tems déterminé de quelques unes des formalités qui garantissent la liberté individuelle, il pourra y être pourvu par un Acte Spécial du Pouvoir Législatif. Si les Cortes ne pouvaient être réunies à tems, et le danger devenant imminent, le Gouvernement pourra prendre les mêmes mesures, comme reméde provisoire et indispensable, en suspendant immédiatement le

cours ordinaire des Lois d'après la nécessité urgente qui l'exigera; mais dans tous les cas, il devra remettre aux Cortès, dès qu'elles seront rassemblées, un Rapport motivé des arrestations et autres mesures de prévention qui auraient été prises. Toute Autorité qui aura été chargée de leur exécution sera responsable des abus qui auraient été commis à ce sujet.

J'ordonne à toutes les Autorités à qui appartiennent la connaissance et l'exécution de cette Charte Constitutionnelle, qu'ils lui prêtent et fassent prêter serment, en l'accomplissant et faisant accomplir dans sa teneur totale et dans chacun de ses Articles.

La Régence de mes Royaumes et Possessions l'aura aussi pour entendu. En conséquence, elle fera imprimer, publier, exécuter et garder la susdite Charte dans sa teneur totale et chacun de ses Articles, afin qu'elle soit valable comme un Acte passé par la Chancellerie, quoiqu'elle ne doive pas y passer, nonobstant, toutes Ordonnances à ce contraires, et auxquelles il me plait de déroger, les autres demeurant en vigueur; nonobstant pareillement tout défaut de rédaction et autres formalités de style dont je trouve bon de donner dispense.

Donné au Palais de Rio Janeiro, le 29e Jour du mois d'Avril de l'Année de la Naissance de Notre Seigneur Jesus Christ 1826.

LE ROI.

FRANCISCO GOMEZ DA SILVA.

MESSAGE from the President to the Congress of the United States, relative to the Proceedings of the Congress at Panama, &c., and to the Relations between the Spanish American Governments and Foreign Powers.—*26th December*, 1826.

TO THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES:

Washington, December 26, 1826.

I TRANSMIT to the House of Representatives a Report from the Secretary of State, with sundry Documents containing the information requested by two Resolutions of the House, of the 15th inst. relating to the Proceedings of the Congress of Ministers which assembled last Summer at Panama. The occasion is taken to communicate, at the same time, two other Despatches from the Minister of The United States to the Mexican Confederation, one of which should have been communicated at the last Session of Congress, but that it was then accidentally mislaid,* and the other having relation to the same subject.

JOHN QUINCY ADAMS.

* See Page 485.

Department of State, Washington, December 21, 1826.

THE Secretary of State, to whom the President has referred two Resolutions of the House of Representatives, adopted on the 15th instant, by the first of which the President is requested to furnish to the "House any information in his possession, which, in his opinion, may be communicated, without detriment to the Publick Service, concerning the nature of the Stipulations contained in the Treaty of League and Perpetual Friendship; the Convention respecting Contingents; and the Special Convention and Compact which were concluded and signed at Panama, on the 15th July last;" and, by the second, to communicate "any information in his possession relative to the Organization, Proceedings, and Adjournment, of the Congress lately held at Panama, which, in his opinion, may be communicated without detriment to the Publick Interest," has the honour now to report to the President:

No.				Page
1. Despatch from Mr. Poinsett, with the accompanying Documents	Mexico,	Aug. 20,	1826.	979
2. Despatch from the same Minister, with the accompanying Documents	Mexico,	Aug. 26,	—	981
3. Despatch from the same Minister	Mexico,	Sept. 6,	—	988
4. Despatch from the same Minister	Mexico,	Sept. 23,	—	990
5. Despatch from the same Minister, with the accompanying Document	Mexico,	Oct. 4,	—	991
6. Note from Mr. Salazar	Washington,	Nov. 20,	—	994

These Papers and Documents supply all the information in the possession of the Department of State, called for by both the abovementioned Resolutions.

During the last Session of Congress, a Despatch from Mr. Poinsett was accidentally mislaid.* In order to replace it, a Note was addressed to him, and a copy of the last Despatch was obtained. It is laid before the President, at this time, for his decision upon the propriety of his taking this occasion to communicate it to the House of Representatives.

7. Despatch from Mr. Poinsett ..... Mexico, Aug. 17, 1825. 995

With the same view,

8. Despatch from Mr. Poinsett ..... Mexico, May 6, 1826. 998

is reported to the President.

All which is respectfully submitted.

H. CLAY.

No. 1.—*Mr. Poinsett to the Hon. H. Clay.*

SIR, *Legation of The United States, Mexico, Aug.* 20, 1826.

I HAVE the honour to send herewith the translation of a Note, received late last night from the Secretary of State, *ad interim*, together with the Gazette to which it alludes.

* See Page 485.

The Government received this intelligence only yesterday, and I doubt whether the terms of the Treaties and Conventions concluded at Panama are yet known here. Nothing relating to them has yet transpired.

I am, &c.

The Hon. Henry Clay. J. R. POINSETT.

(*Enclosure* 1.)—*Don. J. J. Espinosa de los Monteros to Mr. Poinsett.*

(Translation.)

MOST EXCELLENT SIR, *Palace, Mexico, August* 19, 1826.

The Most Excellent President of this Republick, desirous that your Excellency should be gratified with the intelligence, no less important than flattering, contained in the Gazette Extraordinary of to-day, and that you should communicate the same to your Government, has directed that ten copies of it should be remitted to your Excellency; and the undersigned, while he fulfils, with pleasure, this supreme order, has the honour to renew, &c.

JUAN JOSE ESPINOSA DE LOS MONTEROS.

His Excellency J. R. Poinsett.

(*Enclosure* 2.)—*Extraordinary Gazette of the Supreme Government of the Mexican Federation.—August* 19, 1826. (Translation.)

THE Official Document, which, by Order of the Most Excellent President, is copied below, imparts the most glorious political event that posterity will ever celebrate in the annals of the New American States, which, intimately connected by the indissoluble bonds of fraternity, met together in the famous Assembly of Panama, to sustain their Independence against their ancient Oppressor.

We refer with pleasure to the plain tenor of the Document itself, without making a mystery of any of its Clauses; nor, by pompous annunciations, depriving the Inhabitants of the happy Anahuac of the ineffable pleasure of regarding themselves the honour, which, in so happy an event, has fallen to the lot of the Federal Republick of the United Mexican States. Blessed be Providence, that has deigned so bountifully to extend to them its favours; praise and immortal glory to the learned, zealous, active, and patriotic Ministers Plenipotentiaries of that Assembly, who have discharged, with so much ability, the most high, serious, and important object of their Mission, and to the Governments of the States concerned, who have evinced so much judgment in their delicate choice!

Legation of Mexico to the Assembly of the New American States.

MOST EXCELLENT SIR, *Acapulco, August* 15, 1826.

We arrived at this Port to-day in the Brig of War, *Constante*, having left Panama the 21st of the past month, and have the satisfaction of announcing to your Excellency, that, on the 15th of the same month,

were concluded and signed a Treaty of League and Perpetual Friendship between the Republicks represented, a Convention respecting Contingents, a Secret Convention, and an Agreement which, within a few days, we shall have the honour of delivering, personally, into the hands of your Excellency.

In conformity with this Agreement, the Assembly of Plenipotentiaries is transferred to the village of Tacubaya,* there to continue its Sessions; and, for this purpose, a Minister of each Republick proceeds to Mexico, whilst the others have gone to communicate what has been done by the Congress, to their respective Governments. His Excellency Don Pedro Gual, Minister for Colombia, will leave here for the Capital within three days. His Excellency Don Antonio Larrazabal, Minister for Central America, has arrived in company with us, and likewise proceeds to Mexico. His Excellency Don Manuel Tudela, Minister for Peru, and the Secretaries of that Legation, and of that of Central America, are expected in a few days, in the Brig *Treshermanos*, for the same purpose.

All which we communicate to your Excellency, that you may be pleased to arrange what you think expedient, in order that the Plenipotentiaries may find the succours they require, and that every possible facility may be afforded them, suited to the dignity of our Republick, and likewise that this interesting intelligence may be laid before the Most Excellent President.

May God preserve your Excellency many Years.

JOSE MARIA MICHELENA.
JOSE DOMINGUEZ.

His Excellency, the Minister of State,
and of Interior and Exterior Relations.

NOTE. By a private Letter of the 15th of this month, we learn the following, viz.:

Ministers Plenipotentiaries of the Assembly.

For *Colombia:* Señor Gual, who left Acapulco on the 16th instant, for the Capital. Señor Briceño, who returned with the Treaties.

For *Peru:* Señor Tudela, who will arrive at Acapulco in eight or ten days. Señor Vidaurre, who returned with the Treaties.

For *Guatemala:* Señor Larrazabal, who comes with our Ministers Plenipotentiaries. Señor Molina, who returned with the Treaties.

The Minister of *Holland* comes via Vera Cruz.

The Minister of *England* will not come until November.

No. 2.—Mr. Poinsett to The Hon. H. Clay.

(Extract.) *Mexico, August* 26, 1826.

The Plenipotentiaries from Panama have not yet reached this City. It is, now, confidently asserted, that those from Mexico were

* Tacubaya is two leagues from the Capital of Mexico.

instructed to propose the removal of the Congress to Yucatan, or some other Point in these States. Upon their arrival, I shall endeavour to learn the precise nature of the Secret Convention, concluded at Panama. In all probability, it relates to the Invasion of Cuba and Porto Rico.

I send herewith, a Translation of the Speech of the President of the Congress of Panama, on the Installation of that Assembly.

The Hon. H. Clay. J. R. POINSETT.

(Enclosure.)—Installation of the American Congress.

(Translation.) *Panama, 22d of June,* 1826.

THIS day may be called the day of America. From this day, the People enjoy freely their Political Liberty, and each Individual conforms to his social compacts. A strict and eternal Bond unites the four Republicks of Colombia, Guatemala, Mexico, and Peru. All engage mutually to assist each other against their Foreign Oppressors and against those who may attempt to infringe the Rights they have recovered. To preserve a perfect equality, the Presidency was decided by lot, as was the order of Signatures. The names of the Most Excellent Señors Pedro Gual, Minister of State, and of Exterior Relations of Colombia; Antonio Larrazabal, Penitentiary of the Holy Cathedral Church of Guatemala; Don Manuel Lorenzo de Vidaurre, President of the Supreme Court of Justice of Peru, and decorated with the medal of *Benemaritos* of his Country; Don José de Michelena, Brigadier-General in the Armies of Mexico; Pedro Briceño Mendez, Brigadier-General in the Armies of Colombia, and of the Liberators of Venezuela and Cundinamarca; Pedro Molina, Plenipotentiary from Central America; Don Manuel Perez Tudela, Attorney-General of the Supreme Court of Justice of Peru; and Don José Dominguez, Regent of the Tribunal of Justice of Guanaxuato; will be repeated for ever with respect, as the most eminent Defenders of our Liberty and Independence. Blessed be the God of Justice, who, in recompense of our toils and slavery, has vouchsafed to us for ever the means of being happy.

ADDRESS of Don Manuel Lorenzo de Vidaurre, to the Plenipotentiaries of the American States, assembled at Panama.—22d June, 1826. (Translation.)

THE Inhabitants of the Americas which were formerly Spanish, will cover themselves with infamy in the eyes of all known Nations, if they fail to promulgate such wise, equitable, and just Laws, as will ensure their present felicity, and that of their Descendants for many generations. Restored to a state of Nature, free and independent, in the perfect possession of all their rights, and of that free will given to them by

the Sublime Author of all Beings, they are more perfect than they were in the early days of the Creation. Then, man could not be prudent, because he had no experience; he could not avoid evil, because he knew it not; he was incapable of enjoyment, because he was ignorant of pain and pleasure. Now, in the exercise of his perfect faculties, he distinguishes that which is just, from that which is unjust; the useful and agreeable from the pernicious and troublesome; security from danger; the enjoyment of continued and moderate pleasures, from those which are momentary though intense. The overthrow of a thousand Empires, the flux and reflux of riches throughout all parts of the known World, the destruction of some Cities, the elevation of others, and the rise and fall of States: all are lessons of which he may profit, all are rules offered to him for his present conduct.

Amongst the many physical, moral, and political Revolutions, which History relates and Philosophers have examined, our's is unexampled. Dynasties succeeded each other in China from the time of Fo-hi until the Tartars seized the Throne. The Egyptians number 341 generations down to the days of Sethon; the Persians succeeded the Medes, as these had succeeded the Assyrians; the Romans succeeded them all; a cloud of Locusts sallied forth from the North and took possession of the South of Europe; the Infant Henry and Columbus discovered a New World; Cortez, Pizarro, and other criminal Adventurers dethroned Sovereigns and seized upon a fourth part of the Globe. Human nature did not advance; she became every day more a slave to the shameful passions of the few, and an accomplice in their crimes, by a senseless passive obedience, which blinded it to a sense of its degradation, and almost caused it to forget its noble origin. Dynasties were changed, but not the vices of Government.

Even when the Greek, the Roman, and the Carthagenian, of antiquity, appeared devoted to liberty, they were unsteady, inconstant, suspicious, envious, discontented with their Territories; great Warriors, but bad Citizens; I see only in them vices under different aspects, and a chain of evils and misfortunes. They might sing in Marathon and Salamis, still the Athenian was panic struck at hearing that the walls of the Pireus were doomed to destruction, and to be levelled with the Earth; the Sons of Thebes wept over their fallen Country; the Emilian shed tears at seeing Carthage in ashes, because it prognosticated that Barbarians were to sack Rome, her precious monuments to be delivered over to the flames, and her famished Sons to run through her streets seeking bread or death. The time had not yet come when Man was to be happy. The sublime theory of rights and obligations had not then been discovered. Countries were defended but not Individuals.

I consider the English as the first who laboured for the Rights of Man. Their ancient Charter, extorted, by force, from John, Lackland, and their progress, through several Centuries, to the time of William

the III., show that we ought to consider them as the discoverers of the great political system. The Anglo-American must confess that the lights he received from his Ancestors, directed him in his struggle, and conducted him to the haven where he reposes under the shade of the tree of a just and moderate liberty.

Our situation, however, is still more fortunate. We have before us, in pictures accurately drawn, the errors and the knowledge, the virtues and the vices, of 72 Centuries. The union of the Swiss, the constancy of the Dutch, the prudence of the North Americans, the atrocities of the French Revolution, the Parties in the Belgic Provinces, and even our own, are models which we must keep in view, in order that we may follow the examples of some and shun those of others.

This day the great American Congress, which is to be a Council in great conflicts, a faithful interpreter of Treaties, a Mediator in domestick disputes, and charged with the formation of our new international law, is invested with all the powers necessary to accomplish the noble, grand, and singular object, for which it has been convoked. All the precious materials have been collected beforehand. The whole World is about to witness our labours, and to examine them with deliberation. From the first Sovereign to the last Inhabitant of the Southern Hemisphere, there is no one indifferent to our task. This, perhaps, may be the last experiment that will be tried, to ascertain whether Mankind is capable of being happy. Fellow-labourers! the field of glory has been laid open to us, by Bolivar, San Martin, O'Higgins, Guadalupe, and many other heroes, superior to Hercules and Theseus. Our names are about to be written, either with immortal praise or eternal opprobrium. Let us elevate ourselves above a thousand millions of Inhabitants, and may a noble pride inspire us, assimilating us to the Deity Himself, on that day when He gave the first Laws to the Universe!

Illumined by a divine light, and fixing my eyes steadily on the Author of the Universe, the most enormous difficulties appear to me trivial. Few, but solid, are the bases, upon which our Confederation is to be founded. Peace with all the World; respect to the established Governments of Europe, although they be diametrically opposite to those generally adopted in our America; free Commerce with all Nations; and a great diminution of Duties in favor of those which have recognised us; religious toleration towards such as observe different rites from those which we have established, by our respective Constitutions. Nearly 33,000,000 of victims, sacrificed by fanaticism, from the time of the Hebrews to the beginning of the present Century, should teach us to be humane, pacific and compassionate, even towards those who walk in very different paths. Let the Stranger come; whatever be his mode of Worship, he will be admitted, respected, and protected; if his morality, which is true Religion, be not contrary to that taught by Christ. Let them be our masters in agriculture

and the arts. Let the sad and despairing countenance of the African, oppressed by the chains of force and power, disappear from our fields. Let him see by his side a Man of that colour which he had believed to be a mark of superiority. He will begin to be rational when he perceives that he is distinguished in nothing from other Men. Immortal Pitt! eloquent Fox! interrupt for a moment your repose, raise your heads from the tomb, and behold with admiration that the Countries, formerly enslaved, are now those which most venerate your philanthropic maxims.

With respect to ourselves, there are two terrible dangers to avoid. One, the desire of aggrandisement of some States at the cost and to the injury of others. The other, the risk that some ambitious Man may aspire to tyrannise over his fellow Men, and enslave them. I fear both as much as I despise the threats of the feeble Spaniards. We cannot extinguish the passions, nor would it be well to extinguish them. Man is for ever aspiring to something above him! Man is never content with what he possesses! He has ever been unjust, and can we convert him at once to a love of Justice? I trust we can. He has experienced the ravages caused by extravagant desires.

Sully and Henry the Fourth formed the project of a Tribunal, in order to prevent, in Europe, the first of these dangers. In our days, Gondon wrote a Treatise upon the same subject. This Diet realises the praise-worthy intentions of the King, and of the Philosophers. Let us avoid War, by submitting every thing to mediation. The effect of War is Conquest; one State is augmented by reducing that of the vanquished. Montesquieu explained what it really was: Debonaire, what it ought to be. Napoleon by every fresh victory acquired new Territories for France. An arrow shot into our Fields or Mountains will cause a dreadful sound, which will be heard throughout the Continent, and in all the Islands. And about what shall we dispute? Our productions are the growth of every soil; our Territories are immense; our Ports secure and excellent. One Republick need not envy another. Shall the Shepherd having a thousand sheep go forth to rob the small flock of his Neighbour? What injustice! The Diet will not consent to it.

As it frequently happens that Wars spring from Alliances, it would appear that America will not enter into the latter without the consent of all the Contracting Parties. I suspend my reasoning, because I would not prejudge our decisions.

The second danger may be averted by very simple regulations. First, that the Confederated Governments guaranty each other's liberty and independence. Secondly, that no Individual be ever entrusted with more power than is necessary to accomplish the purpose for which it was granted. Thirdly, that the greater the power, the shorter the time of its exercise, if this be compatible with its object. Fourthly, that

he to whom the armed force is confided, be made dependent upon that part of the Nation which is unarmed. Fifthly, that there be no standing Armies, except in time of actual War. Sixthly, that we avoid the latter dreadful evil, which is incompatible with the domestic tranquillity of Society, by every means in our power, and which honour and prudence dictate.

It does not escape me, that, in the retirement of the Escurial, or of Aranjuez, plans are forming for new Expeditions. I consider the attempt, however, impossible. The History of Spain furnishes us with proofs. Could Philip the IInd, his Son, or Grandson subjugate Holland? Could Philip the IVth recover Portugal? Would Catalonia ever have been obtained, but for the generosity of France? Has Gibraltar returned into the hands of the Spaniards? Has Jamaica been restored? The History of Treaties may be called that of the renunciations of Spain. What she gained at Pavia, and St. Quentin, she lost by the Treaties of Vervins, Westphalia, the Pyrenees, Nimeguen, Aix-la-Chapelle, and all that have been since concluded up to the present day. If the Floridas were acquired by the Treaty of Paris [Versailles], the North Americans compelled the cession of them again by force to them.

Let us recall to mind a few circumstances.—Philip the IInd consented that his Troops should live by pillage, and thus drove the Dutch to desperation. Charles the IInd raised Loans at 15 per Cent. and sold the Vice-Royalties of Peru, and Mexico, to carry on His Wars. This was when the Sun was never seen to set in the Dominions of the Kings of Spain, and when they were implicitly obeyed. What can they do now? without Colonies, without internal union, and with the Peninsula garrisoned by 100,000 Frenchmen. I am well aware how the Expedition against us was formed, which was broken up at Cadiz in the Year 1820. For that purpose were employed the indemnities paid by the French, the Private Purse of the King, and the last resources of the State. All have been exhausted. There are no Vessels; the last rotten hulks have been sent to The Havannah. There are no arms, nor is there any disposition on the part of the Spaniard to come and perish in these Countries, by the lance, or the insalubrity of the Climate.

It is not my wish that we persuade ourselves to disarm. On the contrary, let our Land and Naval Forces be increased: but let them not remain inactive in their Quarters. Let us strike a blow against that obstinate Nation, which shall make her tremble. To wait until she attacks us, is to wait for the Messiah. It is to be eternally armed. Let us compel our Enemy to abandon his rashness and caprice. All Europe disapproves his conduct. Even the Princes of the House of Bourbon do not flatter him on this subject. No Nation feels an interest in the continuance of the War by Spain: the general wish is for Peace; with-

out it, the uniform course of commerce is frequently interrupted, to the prejudice of all industrious, and commercial Nations. How different was the position of England, when she recognized the Independence of The United States! May the prudent English lead the blind Spaniards!

So long as she resists the Mediation of those Powers that protect us, let the products of her soil and manufactures of every sort be entirely prohibited. Let them be confiscated wherever they are found; and let those who may be convicted of having broken a Law, which we are compelled to adopt, lose their Cargoes. Let the manufactures of Valencia and Barcelona be destroyed. Let the industry of Spain be paralized for want of a market. Let Ferdinand the VIIth be convinced that if, by withholding his recognition, he compels us to incur prodigious expences, by maintaining Armies, he likewise destroys the remnant of his miserable Kingdom, torn to pieces, as it is, by discord, and prostrate under the yoke of a Foreign Nation.

If he were ever accessible to reason founded in strict justice; if he could persuade himself that he can ill recover what he knew not how to preserve; if He could be convinced that he has in the Americas neither factions, nor places of security, the sensible American would then express himself in a different manner. We will never purchase our Independence. The name of Freed-men is abhorrent to us. We are constituted into States, with rights equal to those possessed by Europeans. We are Men spontaneously united in society, and subject only to those Compacts which, in the exercise of our free will, we have formed. If Ferdinand the VIIth recognizes them, let him enter into the generous reconciliation, which is offered to him. We will forget the immense evils he has occasioned us, and the period of Peace will be that of the sincerest union. We continue the War against our inclination and inconsistently with our character; if not dishonorably, we will terminate it with the liveliest pleasure.

But, Gentlemen, this Recognition is not the question which most interests us. Holland became very wealthy, and achieved conquests before it was acknowledged. The Swiss formed Alliances with the Sovereigns of Europe, before the House of Austria recognized them. The existence of a State does not depend upon its recognition; which serves only to open its Foreign relations. The existence of a Nation depends upon its interior political organization. Let us secure this, and it will be the interest of the whole World to have communication with us. Let us preserve our dignity: let us not admit Foreigners who do not come authorised in due Diplomatic Form. Let us not consent that other Flags shall be displayed in our Ports than those of the Kingdoms and Republicks in which ours are admitted.

Above all, let us form one Family: let the names which distinguished the different Countries, be at an end, and let us adopt the general one of Brothers; let us carry on commerce without obstacles,

let us go every where without impediment or prohibition; let American goods pass every Custom House unregistered; let us give to each other continued proofs of confidence, disinterestedness, and sincere friendship: let us form a Code of Publick Law which may become the admiration of the Civilized World. By it, let an injury done to one State, be understood to be done to all; as, in a well organized Society, what is committed against one Citizen interests the rest of the Republick. Let us solve the Problem of what is the best Government. Where each Individual enjoys, as in ours, the greatest portion of good, and the Nation the most perfect prosperity, exists, without doubt, that which reaches the climax of happiness of which human nature is susceptible.

And when, having concluded our labours, we retire to our homes, surrounded by our Sons, and Grandsons, let us take the youngest of them in our arms, and lifting him up as an offering to the Supreme Being, our cheeks bathed in tears, let us make him, in innocent accents, pronounce a thanksgiving for the immense benefits we have received from His Sovereign Justice. Let the Greek boast of his deeds in having left Troy in ashes: may the Representatives of the Republicks glory in having promulgated Laws, for securing universal Peace with all Nations, and the internal felicity of those States which are this day met together, and which will endure to the end of Ages.

MANUEL DE VIDAURRE.

Panama, 22nd June, 1826, 1st of the Great American Diet.

No. 3.—Mr. Poinsett to The Hon. H. Clay.

(Extracts.) *Mexico, September* 6, 1826.

I saw the Mexican Deputies to the Congress of Panama, this morning, for the first time since their return.

One of the Articles of Agreement between the New States is, that whenever the safety of America shall require a large force to be kept on foot, the expense shall be defrayed by all Parties.

A Meeting of the Plenipotentiaries of the Allied Republicks is to take place once in every Year, in the month of September, so long as the common War continues, and every two Years in time of Peace. The Plenipotentiaries are to remain in the Place agreed upon for three months, which term may be prolonged for two months more, at the end of which period the Sessions may be renewed; but, during the War, these Plenipotentiaries cannot leave the Territory of the Republick wherein the Meetings are held, so that they may meet together immediately, if any extraordinary circumstance should require it.

The Congress will continue its Negotiations in Tacubaya, so soon as the Ministers arrive who carried the Treaties from Panama to their respective Governments, (eight months is the time fixed for exchanging

these Ratifications, six will probably elapse before these Plenipotentiaries reach Mexico.)

The following is the substance of an Additional Article of the Treaty of Union, League, and Perpetual Confederation, concluded and signed at Panama.

"Whereas the contracting Parties, desiring ardently to live at Peace with all the Nations of the Universe, by avoiding all motives of misunderstanding which might arise from the exercise of the legitimate rights in Peace and War, have agreed and hereby agree, that, immediately on the Ratification of the present Treaty, they will proceed to fix, by common agreement, all those Points, Rules, and Principles, which are to govern their conduct in both cases; for which purpose they will renew their invitation to the Neutral and Friendly Powers, that, if they deem it expedient, they may take an active part in these Negotiations, and may be present, by means of their Plenipotentiaries, in order to adjust, conclude, and sign, such Treaty or Treaties as may be made for so important an object."

It would appear from this Article that, although the Sessions of the Congress of Panama have been removed to Tacubaya, the invitation is to be renewed to the Neutral and Friendly Powers. At all events, our Plenipotentiaries need not be here before the month of February next.

The Mexican Plenipotentiaries told me that they found no difficulty to induce a Majority of the Deputies of the Congress of Panama to remove to Tacubaya.

The Isthmus is so sickly that they were all glad to remove from Panama.

I adverted, in the course of conversation, to the very extraordinary sentiments contained in Vidaurre's Speech on the opening of the Congress. They assured me that Vidaurre never delivered that Discourse, but published it without the knowledge of his Colleagues; that, on the following day, they, the Mexican Plenipotentiaries, remonstrated verbally, both against the publication of that Discourse, and against the sentiments it contained, and the Colombian Plenipotentiaries delivered in a written Protest to the same effect.

I suggested the propriety of publishing a Notice of what took place on that occasion, as the whole tenor of Vidaurre's discourse is calculated to produce an unfavourable impression. I believe this will be done. Might it not be well to do so in our Papers?

I shall probably learn the whole of the Proceedings at Panama in a few days, and I will continue to send the information as I collect it.

The Hon. H. Clay. J. R. POINSETT.

No. 4.—Mr. Poinsett to The Hon. H. Clay.

SIR, *Mexico, September* 23, 1826.

I have been assured that, although the present condition of the Islands of Cuba and Puerto Rico was considered by the American Plenipotentiaries at Panama, to be incompatible with the safety of these Countries, and the policy of subduing them by force formed a frequent topic of conversation in that Assembly, still no decisive measures with respect to them were resolved upon, nor are they mentioned in the Secret Convention concluded between the Spanish American States.

The Plenipotentiaries were probably deterred from acting upon this very important subject, both by the language which has been held by the President with regard to these Islands, and by the inability of the Governments of Mexico and Colombia, at this time, to undertake any expensive Expedition. The American Plenipotentiaries at Panama, followed in their discussions the order of matters as laid down in General Bolivar's Proclamation. The defence of these Countries formed the first and most important subject of their deliberations, and they founded the basis of their system, on the ground that Spain had lost the means of protecting or holding her American Colonies, at St. Vincent's and Trafalgar, where her Fleets were beaten and destroyed: that those disastrous defeats, and the subsequent events of her Revolutions having almost entirely annihilated her Maritime Power, the most obvious method of defending the Americas will be to augment their Naval Forces, so as to enable them to intercept and destroy on the Ocean any Expedition that might be sent by Spain against them.

On this reasoning the Offensive and Defensive Treaty between the Spanish American States is formed; and it embraces two objects; first, the ostensible one above recited, and, secondly, that by this Arrangement the Governments concerned may be enabled gradually to diminish their land forces. A well-grounded jealousy appears to have been entertained by the Plenipotentiaries assembled at Panama, with respect to these large standing Armies, and it entered into their views, that, by this Convention, the Governments concerned should be compelled to develope their intentions in this respect. By Governments, is meant here those Military Chieftains who direct the Civil as well as Military Affairs of their respective Governments.

As it was understood that Mexico and Colombia must defray the expenses to be incurred in building and equipping the proposed Naval Force, it is provided that the other States shall pay a Contingent for the purpose of supporting it.

The Agent sent to Panama by His Majesty the King of the Netherlands is arrived here; but His Britannic Majesty's Commissioner, Mr. Dawkins, is returned to England. These Gentlemen were not

present at the deliberations of the Congress. The American Plenipotentiaries communicated to them, from time to time, accounts of such of their proceedings as were of great interest, or as they judged proper.

I have gathered these particulars in conversation with the Plenipotentiaries, but have not yet had a sight of the Treaties; whenever I do see them, I will immediately give you a more detailed account of their import.

I have the honour to be, &c.

The Hon. Henry Clay. J. R. POINSETT.

No. 5.—Mr. Poinsett to The Hon. H. Clay.

SIR, *Mexico, October* 4, 1826.

I have the honour to transmit herewith, the Translation of a Report, made by the Secretary of State of this Republick to the Senate, in reply to a call for information, directed to ascertain the causes of the removal of the Congress of Panama, from that Place to Tacubaya.

I am, &c.

The Hon. Henry Clay. J. R. POINSETT.

Communication from the Government of Mexico to the Chamber of the Senate, on the motives of the Removal of the Congress of Panama to Tacubaya.—September 26, 1826. (Translation.)

MOST EXCELLENT SIRS:

The Most Excellent Ministers Plenipotentiary of the Republick, in the Assembly of the New American States, under date of the 22d Instant, make to this Department the following Communication:

"In order to gratify the wishes of the Most Excellent President, which you express to us, in your Note of the 18th of the present month, we have solicited and obtained the Publick Papers referred to, and it is only in the Gazette Extraordinary of the Isthmus, of the 22d of June, in the Sun of the 22d August, and in the Supplement to the Royal Gazette of Jamaica, Number 32, that we have found any Notice or Articles having reference to the Assembly of the New American States which met at Panama. The mistakes and political errors which those Papers contain on this subject will be demonstrated and removed by the simple exposition we here make of all that occurred in the said Isthmus during the forty-eight days we remained there. To do this in regular order, we shall have to repeat here the relation of some events of which the Most Excellent President will have been already informed by the respective Protocols which we have placed in your hands.

We arrived at Panama on the 4th of June of this year, after a passage of twenty-two days. Compliments and visits of etiquette being

concluded, we began to treat of the labours which formed the object of our Mission, and, although all the Ministers of the Republicks resident there, were most anxious that we should assemble formally, we could not do so, on account of the illness of Don Manuel Vidaurre, Plenipotentiary from Peru. While waiting his recovery, we held various Private Conferences, which facilitated the course of the Negotiations when the time arrived to hold formal Sessions. With this object we met on the 22d of June, and, from that date to the 15th of July, by means of the painful labour of ten and eleven hours daily, we proposed, discussed, adjusted, and concluded, a Treaty, of Friendship, League, Alliance, and perpetual Confederation, in Peace and in War, between the Republicks present; a Convention on the Quotas of Men, Ships, and Money, to make the Treaty effective: an Arrangement by which the Allied Governments only should combine their military operations, by Sea and Land; and an Agreement for the removal of the Assembly, most necessary, as well on account of the insalubrity and of the absolute want of resources experienced at the Place fixed upon, as because of the difficulty of communication with the respective Governments, and the scarcity of intelligence of events in Europe, so important to an Assembly whose principal care it was to propose and negotiate the means of preserving the Independence of the New American States, by agreeing upon Measures proper to disconcert and resist those which, with opposite views, either by themselves alone, or with the aid of the Holy Alliance, might be taken by our Oppressors. It is scarcely credible that, during the four months of our absence, neither did we receive any Communication from Mexico, nor did the Government know any thing whatever of our operations, although, on our part, no opportunity was lost of making them known, and sending successively the corresponding Documents. The most frequent communication at Panama is that which that City maintains with the Capital of the Republic of Colombia, (Santa Fé de Bogota,) and letters to go and return again, require seventy-five days, at least. On the same day on which the Plenipotentiaries assembled in form, an Address appeared in the Gazette of the Isthmus, which is supposed to have been spoken to that Assembly. The Assembly not only did not hear this harangue, nor approve this measure, but did not agree with the views it contained of the business that had been concluded, nor in the designation of those subjects which were intended to form the object of their future Sessions. The Minister himself who subscribed that Paper, was satisfied of the propriety of this conduct. The Republick of Chile offered to send her Ministers so soon as her attention should be relieved from the War of Chiloe, which at that period had not terminated. Buenos Ayres had shewn no disposition to attend. Upper Peru or Bolivar is not yet recognized as a Re-

publick, independent of its former Metropolis. The United States of the North appointed their Ministers, of whom one has not yet set out for his destination, and the other was in Bogota. They were to unite and to join the Assembly, to agree upon such matters as might not infringe the neutrality which that Republick observes and wishes to continue to observe towards Spain. In the same situation, but under different circumstances, the Empire of Brazil is placed. These considerations, the faculty possessed by a majority of the Republicks, in virtue of the Treaties made by Colombia with Mexico, Guatemala, and Peru, to commence their labours, and select a Place proper for their Sessions, the liberty remaining to the Republicks, which may be Allies, to join the Confederation, on condition that they ratify the Treaties already concluded, and the option left to the Neutral and Friendly Powers to attend as Witnesses, (signatarias,) the succeeding Sessions, at which is to be negotiated all that may contribute to the establishment of a System of Publick Law, which shall render uniform the conduct of the American Continent, in Peace and in War, determined the Assembly to commence at once the Negotiations, and pursue them to their termination, and to propose a change of Place; when, after some discussion, Tacubaya was agreed upon by the majority. At the period of our arrival at Panama, the dissentions excited by General Paez, had already commenced, but neither had he, nor the Government he had disobeyed, assumed a hostile attitude, but both waited until General Bolivar, in person, or in such other manner as he might think best, should terminate those disturbances, which, although they threatened a Revolution in the form of Government, had not effected this object. In this state the affair remained when we left Panama to return to this Republick. During the time we remained at Panama, the most perfect tranquillity prevailed, and the only disagreeable incident which occurred, was the imprisonment of two or three of the principal Inhabitants, Men of good reputation, on an accusation made against them at Lima, by an Individual known to be an impostor and an evil-minded man, of their being connected with the Spaniards. At the same time there appeared off Carthagena, an Atlantic Port, at a great distance from Panama, the Ship of the Line *Guerrero*, and two Spanish Frigates; whereupon, the Commanding General declared his District under Martial Law, assuming the powers which the Laws gave him, and assembled a Meeting of the Inhabitants to demand supplies. Those persons who had been imprisoned justified themselves, and obtained their liberty in a short time, and the Ships disappeared in two days. The Plenipotentiaries, in the midst of these occurrences, continued assembled, made no alteration in their arrangements, and took no part in matters that did not concern them, and which they only learned in familiar conversations. Nothing was communicated

to us, Officially, by the Authorities of that Country, which, at the time of our departure, enjoyed the most perfect order, repose, and tranquillity."

And, by order of the President, I have the honour to communicate the same to your Excellencies, for the information of the Senate, until the Treaties concluded in that Assembly are laid before it, which will be done in due time by this Department.

God preserve your Excellencies many years.

JUAN JOSE ESPINOSA DE LOS MONTEROS.

The Most Excellent Secretaries to the Chamber of the Senate.

No. 6.—*Don José Maria Salazar to the Secretary of State.* (Translation.)

SIR, *Legation of Colombia, Washington, Nov.* 20, 1826.

I HAVE received an Order from the Government of Colombia to communicate to that of the United States, that the Great American Assembly was installed on the 22d of June last, by the Plenipotentiaries of Peru, Mexico, Central America, and Colombia. The necessity for the concurrence of the Legislature of Chile, which was not in Session, to the Nomination of Plenipotentiaries, had retarded their arrival at Panama.

The Assembly being installed, it was determined by lot in what order the Confederated States should be named, and, by common consent, it was determined that the Representatives of each should alternately hold the Presidency for the direction of the discussions. These were conducted with that perfect harmony and concord, which the great and important object in view should inspire; and the Preparatory Conferences, and labours which preceded, enabled the Plenipotentiaries, on the 15th of July last, to sign;

1st. A Treaty of Union, League, and perpetual Confederation, between the Four States represented, to which the other Powers of America might have an opportunity to accede within one Year.

2dly. A Convention for the renewal of the Great Assembly, annually in time of Common War, and biennially during Peace.

3dly. A Convention which fixes the Contingent which each Confederate should contribute for the common defence.

4thly. An Agreement concerning the employment and direction of those Contingents; and,

5thly. Divers Declarations that the Treaties which Colombia had formerly concluded with the United Mexican States, Central America, and Peru, should be included in those Treaties with certain reservations.

Although the labours of the Congress were already so far advanced, the hazards occasioned by the Climate of Panama to the Plenipotentiaries, admonished them to resolve upon a removal of the Congress to the Town of Tacubaya, near the City of Mexico, where

they expect the Minister whom the Government of The United States has resolved to send. I have the honor, &c.

The Hon. Henry Clay. JOSE MARIA SALAZAR.

No. 7.—Mr. Poinsett to the Hon. H. Clay.

SIR, *Mexico, August* 17, 1825.

I RECEIVED this day a Note from the Secretary of State, dated on the 16th Inst. a Translation of which accompanies this Letter, together with my reply, (marked A and B.) The intelligence communicated by the Agent of this Government at Jamaica, of a large French force being collected at Martinique, and of the appearance of a squadron of French Vessels of War off the Western Cape of the Island of St. Domingo, directing their course towards Havannah, has produced a great sensation here; and a strong disposition exists on the part of the Executive and of Congress, to take very decisive measures against the French Residents, and against the Commerce of that Nation; a disposition, which I shall use every exertion to soften and restrain within due bounds.

The Chargé d'Affaires of His Britannic Majesty despatches this evening a Courier for London, by the way of New York, to convey intelligence of these events to his Court. He waits for my Letters, and I have not time, therefore, to write so fully by this opportunity as I could have wished.

I have the honour to be, &c.

The Hon. Henry Clay. J. R. POINSETT.

(*Enclosure* A.)—*Don Lucas Alaman to Mr. Poinsett.* (Translation.)

National Palace of Mexico, August 16, 1825.

MOST EXCELLENT SIR,

I HAVE the honour to enclose to your Excellency, Copies of the Communications received by this Government from their Agent in Jamaica, and of a paragraph from a Kingston Gazette, which he sends with them. Whatever degree of credit may be given to the intelligence of the union of French Maritime Forces in Martinique, to the number of 28 Sail, and which is founded on two Notices, confirmatory of each other, the fact appears undoubted, that a French Squadron, composed of two Ships of the Line, seven Frigates, and two Brigs, passed Cape St. Nicholas, sailing in the direction of Havannah, since, as your Excellency will see, the Commander of the Colombian Schooner of War, the *Zulma*, gives official Notice to his Government of his having fallen in with it, and of having spoken one of the Frigates. By the paragraph of the Jamaica Gazette, your Excellency will see that it is said, although on information less certain, that French troops had disembarked in the Island of Cuba, and that its Capital was about to be garrisoned by French troops. Suppos-

ing only so much of all this to be true, as is absolutely incontestible, which is, that a French squadron, composed of nine large Vessels, and two smaller, has appeared off the Coast of the Island of Cuba, sailing in the direction of The Havannah—and immediately the question occurs, what is the object of this Force? Undoubtedly, it will not be pretended, that it is to protect the French Commerce in the West Indian Seas: for, it is very well known that in them it has no other Enemies but the Pirates, who are Enemies to all Nations, and against these, it is clear, there would not be sent large Vessels united in Squadron, neither can it be said that these Vessels have for their object the Island of St. Domingo, because it would always be asked wherefore they were directed towards The Havannah? and, even should such excuses be alleged instead of an admissible explanation, they would only in the present state of these Countries, call to mind the Cordon Sanitaire, which under this pretext was organized on the Frontiers of Spain, the very Army which was to invade it. If it is pretended that a French Squadron may go to The Havannah without causing well founded alarm, because that Place is in the possession of Spain, it should be remembered that Havannah is the Head-quarters of the Spanish Forces in the present War against the American Continent. From thence have issued the reinforcements, and every description of supplies, for the Spanish Army, which fought in Colombia, and, from thence, the Spanish Garrison of the Castle of San Juan de Ulloa still maintains itself; so that, even in the case when the Spaniards of The Havannah would receive no direct aid from the French Forces, these, by placing that Bay under shelter, give to the former the means of attacking us, by leaving them at liberty to dispose of their Ships of War against us, and even of their Land Forces. This reasoning would be much stronger, if, as reported, the Fortresses of The Havannah have been garrisoned by French Troops, under whatsoever pretext those may have been delivered up to them: for, such a measure can produce no other effect than to leave the Spanish Forces free to undertake Expeditions against the Continent. Under whatever aspect this extraordinary and secret union of French Forces in Martinique be considered, and, much more, their employment on the Island of Cuba, the President of this Republick can do no less than see in it an act positively hostile against the Independent States of America, or, at least, so suspicious, that it justly demands the attention of this Government. That of your Excellency has declared, in the most solemn manner, that it will never consent that any third Power interfere in the existing Question between Spain and the Independent States of America, which formerly were part of her Dominions. The conduct of France, in the step to which I refer, is certainly an interference which, for being dissembled, is not more excusable. The President, therefore, directs me to inform your Excel-

lency, of these important events, and to request that you will be pleased to bring them to the notice of your Government, from whose friendship he hopes that it will ask of that of His Most Catholick Majesty such explanations as the case requires, which may serve also as a rule of proceeding to these States, which, in the mean time, under these circumstances, will find themselves obliged to adopt that line of conduct with respect to France, which may be dictated by prudence, and the necessity of preserving their dignity and political existence.

The President flatters himself that the Government of your Excellency will see in this step a new and distinguished proof of the confidence and reciprocity of interests, which happily exists between both Nations. I have the honour, &c.

His Ex. J. R. Poinsett. L. ALAMAN.

(*Enclosure* B.)—*Mr. Poinsett to Don Lucas Alaman.*

SIR, *Mexico, August* 17, 1825.

I HAVE the honour to acknowledge the receipt of your Excellency's Note of the 16th instant, together with the Copies of the Communications which this Government has received from its Agent in Jamaica, and of a paragraph from the Gazette of Kingston.

In compliance with his Excellency the President's desire, I shall immediately transmit them to my Government, not doubting that the President of The United States will take measures to obtain the explanations which His Excellency the President of these States solicits him to ask from His Most Catholick Majesty.

I beg your Excellency to assure the President, that, in the Declaration made by the late President of The United States, in his Message to Congress of the 2d December, 1823, respecting the policy it would become The United States to adopt, in the event of any interposition of the Powers of Europe in the Contest between Spain and the Independent States of America, which formerly formed a part of her Dominions, he spoke the sentiments of the whole Nation; and that the present President cherishes the same feelings towards these Countries, and entirely coincides in the views and principles laid down in that Message.

Although the re-union of so large a French Force in the Island of Martinique, and the information received by this Government of the appearance of a numerous Squadron of the Ships of War of that Nation in the vicinity of the Island of Cuba, are certainly calculated to alarm the fears and to excite the suspicions of this Government, as to the ulterior views of His Most Catholick Majesty, and not only justify but call for measures of precaution, I cannot abstain from observing to your Excellency, that these movements do not necessarily imply hostile intentions on the part of France towards these Countries, and that it will be politick that the measures this Government proposes to

take with regard to France should not be of a nature to give just cause of complaint to His Most Catholick Majesty, if it should hereafter appear that the re-union of so large a force in Martinique, and the movements of the French Squadron in the West-India Seas were entirely unconnected with any designs of that Government against the Americas.

I trust His Excellency the President will attribute this expression of my opinion to the only motive which can actuate me—my earnest solicitude for the peace and security of this Country.

I have honour, &c.

Don Lucas Alaman. J. R. POINSETT.

No. 8.—Mr. Poinsett to The Hon. H. Clay.

SIR, *Mexico, May* 6, 1826.

I HAVE this instant seen Washington Papers of the 20th and 30th March, containing the Debate upon a Resolution offered by Mr Wickliffe, and directed to learn upon what authority I had declared, that The United States had pledged themselves not to permit any other Power than Spain to interfere with the Independence or Form of Government of the New American Republicks.

This inquiry was avowedly made in order to ascertain whether I was expressly authorized by the President of The United States to make such a declaration; and although you have, no doubt, been able clearly to show, that no such authority, implied or direct, was ever given to me, I cannot rest satisfied without stating explicitly, that in the observations I made during my Conference with the Mexican Plenipotentiaries, I alluded only to the Message of the President of The United States to Congress in 1823.

That Message, dictated, in my opinion, by the soundest policy, has been regarded both in Europe and America as a solemn declaration of the views and intentions of the Executive of The United States; and I have always considered that declaration as a pledge, so far forth as the language of the President can pledge the Nation, to defend the New American Republicks from the attacks of any of the Powers of Europe other than Spain. That the People of The United States are not bound by any declarations of the Executive, is known and understood as well in Mexico, where the Government is modelled upon our own Political Institutions, as in The United States themselves. I need scarcely, therefore, disclaim all intention to have deceived the Mexican Plenipotentiaries by the argument I used on that occasion.

But, in order to correct any erroneous impression these words might have made upon the minds of the Mexican Plenipotentiaries, I explained to them, in the course of our Conference this morning, their precise meaning: that the declaration of Mr. Monroe, in his

Message of 1823, to which I had alluded, indicated only the course of policy the Executive of The United States was disposed to pursue towards these Countries, but was not binding upon the Nation, unless sanctioned by the Congress of The United States; and, that when I spoke of The United States having pledged themselves not to permit any other Power than Spain to interfere with the Independence or Form of Government of the New American Republicks, I meant only to allude to the above cited declaration of the President of The United States in his Message of 1823, and to nothing more. Don José Ignacio Esteva, one of the Plenipotentiaries at that period of our Negotiations, replied, that he had so understood it, but it was not thought by the Mexican Plenipotentiaries at the time, that such a disposition, nor even a more solemn pledge so to act, entitled us to any special privileges, as it was so obviously the interest of The United States to assist in defending the Americas against the attacks of United Europe.

I have the honour to be, &c.

The Hon. H. Clay. J. R. POINSETT.

PROCLAMATION of the President of Haiti, accepting the Ordinance of the King of France, recognizing the Independence of St. Domingo.—11th July, 1825.

HAITIENS!

UNE longue oppression avait pesé sur Haïti: votre courage et des efforts héroïques l'ont arrachée, il y a 22 ans, à la dégradation pour l'élever au niveau des Etats Indépendans. Mais il manquait à votre gloire un autre triomphe. Le Pavillon Français, en venant saluer cette terre de liberté, consacre en ce jour la légitimité de votre Emancipation. Il était réservé au Monarque, aussi grand que religieux, qui gouverne la France, de signaler son avénement à la Couronne par un acte de justice, qui illustre à la fois et le Trône dont il émane, et la Nation qui en est l'objet.

Haïtiens! une Ordonnance spéciale de Sa Majesté Charles X. en date du 17 Avril dernier, reconnaît l'Indépendance pleine et entière de votre Gouvernement. Cet Acte authentique, en aujoutant la formalité du droit à l'existence politique que vous aviez déjà acquise, légalisera, aux yeux du Monde, le rang où vous vous êtes placés, et auquel la Providence vous appelait.

Citoyens! le Commerce et l'Agriculture vont prendre une plus grande extension. Les arts et les sciences qui se plaisent dans la paix, s'empresseront d'embellir vos nouvelles destinées de tous les bienfaits de la civilisation: continuez, par votre attachement aux Institutions Nationales, et surtout par votre union, à être le désespoir de ceux qui tenteraient de vous troubler dans la juste et paisible possession de vos Droits.

Soldats! vous avez bien mérité de la Patrie. Dans toutes les circonstances, vous avez été prêts à combattre pour sa défense Vous serez toujours fidèles à vos devoirs. La confiance dont vous avez donné tant de preuves au Chef de l'Etat est la plus douce récompense de sa constante sollicitude pour la prospérité et la gloire de la Republique.

Haïtiens! montrez-vous toujours digne de la place honorable que vous occupez parmi les Nations; et, plus heureux que vos Pères, qui ne vous avaient transmis qu'un sort affreux, vous léguerez à votre postérité le plus bel héritage qu'elle puisse désirer, la concorde intérieure, la paix au déhors, une Patrie florissante et respectée.

Vive à jamais la Liberté!

Vive à jamais l'Indépendance!

Donné au Palais National du Port-au-Prince, le 11 Juillet, 1825, an 22e de l'Indépendance.

Par le Président : BOYER.

Le Secrétaire-Général,

B. INGINAC.

MESSAGE of the Supreme Director, on the Installation of the National Congress of Chile.—4th July, 1826.

GENTLEMEN, (Translation.)

AFTER so many toils, secure at length from the dangers which threatened us, how grateful is my heart to behold, united in this August Assembly, the Representatives of the Chilian People. The hopes of the Nation are reposed in this Assembly, and on it depend, from henceforward, its destinies. To your wisdom, your interests, and your patriotism the public confidence looks up; to me they are the strongest guarantee of your future conduct, and a surety that no obstacle, of whatsoever magnitude or nature, will delay the progress of your march, until you have accomplished the immense undertaking of a new social regeneration.

The purpose for which we now assemble cannot be exceeded in interest, nor in its transcendant importance. The National Dignity, the spirit of the Age, all show the imperious necessity of speaking to the People the language best adapted to their present circumstances.

Every thing, Gentlemen, calls for the speedy completion of a work which may fix the general Rights of the Nation, and the particular Rights of the Citizen; which may lay the foundation of our common prosperity, be a barrier against the encroachments of arbitrary power, and the influx of anarchical ideas, which happily have made but little progress, and meet with but little encouragement amongst us.

In speaking of the formation of the Fundamental Laws of a Constitution, I may be permitted to observe, that, to render such a Constitution productive of the immense benefits which we are all so anxious

to witness, it is necessary that it should not only be conformable to our customs, and adapted to our state of civilization, but be calculated to avoid the errors into which American Legislators have frequently fallen; by giving to their Political Codes a character of immutability, which opposes itself to the progressive adoption of the improvements which particular circumstances, or experience, may point out as most desirable. Notwithstanding the enlightened principles, and the great and elevated ideas, to be found in the Constitution, formed by the Congress of 1823, it was not possible, from some cause or other, to resist the clashing of publick opinion, nor the force of the general will of the People, who, impelled as by a simultaneous movement, solemnly raised their voices to the Government, and supplicated its suspension. Amongst other reasons, adduced in favour of its suspension, was the impracticability of its application, owing to its complicated machinery, its excessively minute and controlling spirit; its perfection was regarded as ideal, and it was deemed inconsistent with our native customs, and the prevailing ideas: it was also thought, that, constituted as the Executive Power was, owing to its restricted faculties, it was comparatively impotent, and deprived of that strength and energy which, from its very nature, it ought to possess, and which, in the midst of difficulties, the publick weal required, in undertaking the reforms loudly called for by the present enlightened age.

These sentiments were at one time addressed to the Government in submissive and respectful representations; but they latterly bore the character of impatience, and even assumed the language of desperation.

Under these circumstances, I was compelled, contrary to my own principles and sentiments, to yield to the universal clamour The pernicious effects, however, did not escape me, which this resolution, although made legitimate by the publick voice, presented, it being an example pernicious in its effect, and which might possibly prove injurious at a future period. Determined to shut my eyes and ears to every thing but the general welfare, I decreed, in conjunction with the then existing Senate, the dissolution of that Body, and the suspension of those parts of the Constitution which had been objected to.

Resuming, therefore, in consequence of this event, in my own person, the extraordinary powers, agreeably to the general wish, I proceeded, with the greatest earnestness, to the adoption of every means within reach to promote the publick good, endeavouring to deserve the unlimited confidence reposed in me by my Fellow-Citizens, until such period as circumstances might permit the re-assembling of a Congress, which might reform the old Constitution, or model a new one. One of the first Measures which I undertook was the reformation of the Religious Orders. The decay of those Establishments, the total disregard of the intentions of their Founders; morality, religion, and a wise policy, counselled me, not only to restore them to their ancient purity, by con-

fining them to the objects of their institution, but to the alienation of that immense wealth, which a mistaken piety and the torrent of antiquated prejudices had accumulated in their possession, to the great detriment of industry, and in direct opposition to those principles of Political Economy which experience has proved to be the principal source of Publick Prosperity; that is to say, the subdivision of Capital. To the adoption of such a measure France owes its happiness, power, and splendour, and its rank as the first Nation of the European Continent, and is enabled to bury in oblivion the misfortunes and horrors of its past Revolution. If, of these funds, which as yet have suffered no material diminution, a proper use be made, Chile might devote a portion of them to its future prosperity, by being enabled, with the proceeds of this alienated property, to liquidate a part of the Publick Debt.

Convinced that agriculture is the first of the arts, and that it constitutes the real wealth of a Nation, and consequently is entitled to the chief protection of every Government, especially in a Country so extremely fertile as ours, I have spared no pains for the accomplishment of my anxious desire to recover it from its present decayed and neglected state. With this view our Minister Plenipotentiary, residing in London, conformably with the Instructions given to him, has concluded a Contract of Colonization, in which he has agreed for the emigration hither of 4,000 Families, amongst whom it is proposed to distribute 28,000 Squares of Land; in the Territory that lies between the rivers Bio-bio and Imperial, in certain Districts of the Government of Valdivia and in the Department of Osorno. Should this Project be carried into effect, not only will those extensive tracts be transformed into cultivated and highly productive Estates, and covered with industrious labourers, but a powerful impulse will be given to Population, so greatly diminished by the cruel and desolating War which we have waged for 15 years against the injustice and tyranny of Spain; the immediate termination of which we hardly dare to hope, when we contemplate the blind and contemptible policy of the Monarch who rules the destinies of that unhappy Country.

The Minister above alluded to has likewise entered into Agreements with Parties of respectability in London, for the working of the mines of this Country. It is of little consequence to us that Nature, with unwonted profusion, has deposited in our soil vast masses of those precious metals which constitute a principal source of National Wealth, if we not do possess the means of availing ourselves of these rich gifts. The means hitherto employed were undoubtedly insufficient for the purpose; and a further impediment to the success of operations of this nature may be found in the smallness of the Capitals heretofore appropriated to the purpose, and the absence of that theoretical and practical knowledge, and improved machinery, which the perfection of the arts has in modern times introduced into Europe. New methods, large

capitals, and extensive resources of every kind, have superseded the feeble attempts, imperfect management, and unenlightened opinions, which so long presented an insuperable obstacle to the prosperity of this branch of industry. The different result will very soon be visible, and Chile will then compete with the first Countries of the World in her mineral productions and labours, and will feel a vivifying impulse communicated to her agricultural and manufacturing industry, as well as to her commercial interests. With the same view, one of the most eminent Commercial Houses in London had been treated with, and a Contract concluded for the establishment of a National Bank in Chile, with a Capital of £2,000,000 sterling; but circumstances had occurred to prevent the final conclusion of the same. Recent Communications, however, from the Minister, already alluded to, render it probable that a new Contract will shortly be concluded, on terms more advantageous than the first, with another House of equal credit and respectability.

As it is impossible to establish any just system of Finance, or any fixed rates of Contribution, without a thorough knowledge of the bases upon which every Financial System should be grounded; the Government has entrusted to an Individual, of well known talents and experience, the duty of compiling a statistical account of the Country, commencing with the Provinces of the North. A portion of the labours of this Individual is already before the Publick; and it is hoped that, in a short time, we shall have the gratification of possessing a full and perfect digest of all the details relative to the population, production, and resources of our soil. These facts are not merely useful for the primary object already mentioned; they contribute likewise, very materially, to the improvement of geographical knowledge, and, by the information thus diffused, they must tend to establish that credit which cannot, without injustice, be denied to this beautiful and gifted portion of America.

The Administration of Justice, a point of such immense importance to the welfare and felicity of every Country, and the principal guarantee of its Citizens, is conducted in Chile on fixed and invariable principles. The Code promulgated by a Decree of the Senate, in 1824, cannot be sufficiently praised, abounding as it does in the most philosophical principles, well worthy the enlightened age in which we live.

The establishment of a Police, having for its object not only the publick tranquillity, but the convenience, ease, and health of our Countrymen, and the embellishment of our Towns, has not yet been effected. The Minister of the Interior will, in due time, lay before Congress, for its attentive consideration, a plan of Police which will, it is hoped, meet with approbation, and ensure to this Country the beneficial effects observable in other Civilized States. The object of all Institutions of this nature must be the amelioration of publick morals, and, indirectly, the diminution of those crimes and offences which disgrace humanity.

But these Institutions operate only in a limited degree in producing that amelioration of morals, so desirable in every Community. This is more peculiarly the province of Education. It is education that, in forming the heart and understanding—in eradicating the seeds of vice, and implanting the germ of knowledge and of virtue—points out the true path to felicity. It is by Education that men become good Citizens—that they learn respect for the Laws, and obedience to the Authorities of their Country;—in a word, it is by Education they acquire those moral and social virtues, which are the only secure foundation of National prosperity—the only real pledges of the strength and stability of Governments. The present state of Education amongst us is certainly deplorable, and has, therefore, a preferable claim to your attention and protection. I speak not of individual or privileged Education, confined to a certain number, or to a certain class; but I speak of that National Education, properly so called, which, embracing in its vast plan all the Individuals of the social circle, opens to all, without distinction, the door of universal knowledge, which, indifferent to those accidental inequalities which capricious fortune, or vicious institutions, or even crime itself, sometimes establish amongst men, appreciates merit alone, and gives the freest scope to talent. The National Institute, although inadequate to these high purposes, is, without doubt, the only Establishment which can with truth be said to exist in Chile capable of fulfilling the ardent hopes entertained on this subject, particularly since its late reform, in virtue of my Decree, and the great improvements that have taken place, aswell in its external appearance, as in its internal administration. In a short time it may be expected that this Establishment will justify the deep interest which I have taken in its prosperity, and repay you for the protection now solicited in its behalf. Let us remember that to the studious Youth, who now dwell within its precincts, are entrusted the future destinies—the glory—the hopes of our Country!

The affairs of the Treasury, perpetually in a state of exhaustion, in consequence of the drains occasioned by a large and extraordinary Expenditure, have left me but little leisure to attend to other objects of publick importance and utility; nor have I yet been able to effect such organization of the Finances of the Country as would bring the Revenue of the Nation, and even its ordinary Expenditure, to a level. This desirable object cannot, however, be realized, until it is determined to supersede certain regulations, which affect injuriously the labouring Classes, by principles more congenial to common sense, and more in accordance with the ordinary and well-known axioms of Political Economy.

A System of direct Taxation, combining, as it does, every financial advantage, with the principles of distributive justice on which it is founded, experienced a most remarkable indifference at the hands of the Legislative Body in the Year 1824, to whom it was then proposed,

together with other matters, by the Minister of Finance, who adduced, in a luminous Memorial, the most approved maxims of Political Economy, in support of its adoption. This System also met with great opposition from a numerous body, who considered it in the light of a fatal innovation, and who went to the extreme of viewing it as a matter of doubt and anxiety, for persons of timid and over-scrupulous consciences, who are perpetually vacillating between their own interest, and the sacred obligation of an Oath. Finally, it was represented as a fiscal inquisition, which compromised and exposed domestic secrets. To you, Gentlemen, it belongs to remove these errors of opinion, which have at all times acted as a check to the development of great and useful discoveries. The Minister of Finance will lay before you, with every possible clearness, a detailed Communication respecting the state of perfect nullity in which this branch of Revenue is at present placed, and will propose the reforms which have become imperiously necessary, for meeting the ordinary expenditure of the Nation.

The deficiency in the Revenue, up to the present day—which the ordinary resources have been insufficient to cover—has occasioned evils of the greatest magnitude; and of these evils, by no means the least, has been the necessity imposed on the Government, of granting a monopoly of the articles of Tobacco, Cards, Foreign Liquors, and Tea, for the purpose of providing for the half-yearly interest of the Loan of 5,000,000 Dollars raised in London; to the great detriment of a portion of the incipient industry of the Nation. The only justification of this measure is the imperious law of necessity, which teaches and compels us of two evils to choose the least.

The Expedition against Chiloe, the last refuge in these Seas for the remnant of the Spanish Power, having succeeded in its object by the union and incorporation of that Archipelago with the Territory of the Republick, of which it formed an integral part, our Independence has been established for ever, and a considerable portion of our Naval and Military Force left without employment. This consideration induced me to issue the Decree for disarming the Squadron, and for the sale of the Frigate *Maria Isabel*, and the two Corvettes, the *Independencia* and *Chacabuco*, of the particulars of which, the Minister of the Department will give you the requisite information. A great part of the produce of these sales has been applied to the payment of the arrears due to their Officers and Crews,—a debt rendered the more sacred by the eminent services performed by those brave and honorable Men, whose Flag, always victorious, has traversed the vast expanse of the Pacific, to meet and triumph over the Enemies of the Republick.

The diminution of the Army is not less an object of interest and importance to the Nation, especially when the National Guards, whose organization will soon be completed, shall be able to supply its place, in promoting and maintaining publick order and tranquility. It is,

moreover, just that, after so many sacrifices—so many proofs of constancy and valour—such great and meritorious services, particularly in the last Campaign,—a part of the Veterans composing that Army should return to their fire sides, to the society of their families and friends—carrying with them, as rewards for their bravery, not only honourable scars and never fading laurels, but some substantial testimony of the gratitude and munificence of the Nation.

I must here observe, that motives of economy, as well as justice, should induce us to entertain the proposed measure of reduction in the Army; and suggest, that, in carrying it into effect, we should be guided by the example of a Sister Republick, whose Government and whose Institutions should operate upon us with the force of authority. But, setting aside the motive of example, we have other, and decisive reasons for adopting the measure proposed; let us determine not to allow the Session to pass by without distinguishing, by some just recompense, those Heroes, who have sealed with their blood the Independence of their Country.

The division of the Territory of the Republick into a greater number of Provinces, has been provisionally decreed, in conformity with the general wish of the People of Chile, and with a view to conciliate the interests and advantages of all This measure, appears to me to promise the most beneficial results, not only by promoting the different branches of National Industry within the Provinces, but by exciting useful competition amongst them, instead of a species of rivalry, which has existed; the effect of which must be to increase the National Prosperity, and to impart to our Institutions a firmness and solidity, springing from this closer union and friendship, to which they have hitherto been strangers, to the injury of our reputation, and the imminent risk of an interruption of publick tranquillity.

Having thus gone through the principal topicks, relating to the Internal Administration of Affairs, it remains for me to give you some account of our Foreign Relations.

The most friendly disposition exists between this Republick and the Sister Republicks of Peru, Colombia, The United Mexican States, Guatemala, and the United Provinces of Rio de la Plata. These amicable relations are unalterable in their nature, and have the common welfare for their object.

The first of these Republicks has repeatedly received the most earnest pledges of the interest that Chile takes in her fate, especially when Chile, forgetful of her own necessities, found means to lend to Peru, at a period of difficulty and danger, that assistance which was unquestionably beyond the sphere of her duty, and was scarcely within the limits of her means. It cannot be doubted that the Peruvian Government is sensible of the obligation, and acknowledges it with gratitude, and that the very considerable claims of Chile upon that State

will have a preference, when our own wants are considered, and the heroic sacrifices by which they have been occasioned. For the purpose of arranging this matter, and for obtaining the surrender, according to International Law, of those intriguing Persons, who, in the very centre of that Republick, are iniquitously employed in stirring up civil commotions and dissentions, which may have injurious effects within this State, the Mission of an Envoy to the Peruvian Government has become a measure of imperious necessity. The recent Military Insurrection at San Carlos, in the Archipelago of Chiloe, into which that Garrison was betrayed by the most unheard-of perfidy, is one of the first results of the dark intrigues of these factious Individuals, whose treachery is the more scandalous, inasmuch as its odious perpetrators have dared to attach to their crime the illustrious name of the Liberator of Colombia, to the prejudice of his high reputation and glory. The Government, in the mean time, has adopted the most active and vigorous measures for the re-establishment of public tranquillity in that quarter, the particulars of which will be given to you by the Minister of the respective Department.

The decision of the Assembly is also desired with respect to the invitation given to Chile, by the Republicks of Peru and Colombia, to join those States, and the other Republicks, which were formerly Spanish Colonies, but have elevated themselves to the rank of Independent Nations, in sending Plenipotentiaries to the General Congress assembled at Panama. The Plenipotentiaries of Peru and Colombia have been on that spot since the 11th December last, and those of Mexico and Guatemala must by this time have joined them. Although fully sensible of the great advantages to be derived from this Confederation, I have not ventured to take upon myself the nomination of the Mission in question, reserving the decision of this most important matter for the National Representation, now assembled. The principal motives that have induced the meeting of that Congress, the basis of its proceedings, together with the Documents relative thereto, will be submitted to your consideration by the Minister for Foreign Affairs.

The circumstances under which the Emperor of Brazil has provoked an unjust and scandalous War with the United Provinces of the River Plate, induced the Government of that Republick, through the medium of its Minister Plenipotentiary here, to offer certain propositions, to which, not conceiving that I had sufficient authority, I have hitherto abstained from giving any reply; the more especially, because it appeared to be expedient to avoid every opportunity of becoming involved in a compromise, which prudence, and the Laws of Neutrality, rendered it my duty to avoid. This matter also will be submitted for your consideration.

Being desirous of strengthening the friendship existing between Chile and The United States of North America, and to fulfil the obli-

gation incurred by the generous conduct of that Nation, which, disdaining the timid circumspection of European Diplomacy, solemnly acknowledged our Independence, and appointed, from that moment, a Minister Plenipotentiary to reside amongst us, I have named an Agent, invested with a similar rank, to reside at the seat of that Government. This resolution, founded on a just feeling of reciprocity, is, as must be apparent, a testimony of our gratitude towards that Republick, which is the cradle of liberty of the human race, and an object more easy of admiration than of imitation to all Nations.

The Government of The Netherlands have named a Consul at Valparaiso, with the view of cultivating relations of commerce with Chile. This Nation, governed by a Prince, who is attached to liberal Institutions, induces me to hope that this is only the first step towards opening other relations of a new and more favourable nature.

Similar advantages may be expected from the enlightened policy of France, and from the disposition evinced by her in favour of the Independent States of America, whose Vessels are already permitted to enter her Ports and to partake of the usual protection extended to friendly Nations.

England, whose circumspect conduct with regard to Chile, has in a great measure been influenced by the spirit of detraction of prejudiced Foreign Writers, or by sinister reports, founded upon events of a trifling and unimportant character, having at length ascertained the true state of the interior of our Country, will, I confidently hope, soon place us on a level with the United States of Mexico, Colombia, and the United Provinces of the River Plate, by taking such measures as are pointed out by the equity of her principles, and the maxims of sound policy which govern the proceedings of her Government.

With regard to Spain, nothing leads me to expect that she will awake from the torpor and impotent pride with which King Ferdinand, deaf to the voice of his own interest, continues to resist the adoption of the only resource left open to that Nation to re-animate her declining industry, and almost annihilated commerce, to which she has been throughout invited, with a generous hand, by the whole of the American Continent.

[Here follow some particulars respecting the Apostolick Vicar Muzzi, who had, in consequence of a misunderstanding with the Government, returned to Rome.]

I have thus, Gentlemen, laid before you a brief and imperfect account of the situation of the Country, as respects both its external and internal Relations. A few branches of the Administration have, unquestionably, undergone some amelioration during my Administration, but their improvement must be considered rather as incipient and partial, than as radical and efficient: we are, therefore, still at an immea-

surable distance from that perfection, which is so greatly to be desired. Even this moderate amelioration it has been impossible to extend to some branches, as the calamities and necessities of a cruel War, now happily terminated, have imposed an insuperable barrier to that care, protection, and economy, which the Internal Administration of affairs imperiously demands. Vicissitudes, inseparable from every stage of Political revolution, which have interrupted, although for a moment, the harmony of the Social System, have continually frustrated my well-known wishes to assemble, before this, a Constituent Congress, and by these means to render more solid the fabric of National honour, credit, and security, which have suffered injury in the opinion of Foreign Countries. The disastrous events occasioned by these vicissitudes must no longer be remembered—prudence demands that in these moments of National joy, occasioned by the auspicious meeting of the Assembly, we should forget the errors and aberrations, that had their origin in an over-refined patriotism, and their excuse in the blindness of inexperience. Nor let this acknowledgment of the mistakes that have been committed serve for a triumph to the malignity of our Detractors, who rejoice in exhibiting us as the victims of Anarchy and Despotism. Chile has not suffered these disasters during my Administration —nor have we reason to regret any occurrences, beyond those slight oscillations which my personal character, so inimical to every species of Tyranny, may have, in some degree, been instrumental in producing, inasmuch as it may have opened too great a field to a licentiousness or abuse of liberty, which is still, however, to be preferred to a gloomy and silent subserviency. If this has been my error, I know it will meet with indulgence from my Fellow-Citizens. The liberty of the Press, unknown till the period of my Administration, would have been the means of denouncing me to all the World, if I had permitted my conduct to be stained with the reproach of one oppressive act; and I glory in declaring, that I have, during my continuance in authority, fearlessly protected and promoted that engine, so hateful and so formidable to Tyrants.

It remains for the Fathers of the Country— for the Representatives of this heroic Nation—to contribute their strenuous efforts to remedy the evils that afflict us. The gradual improvement of morals, by means of Education—the diffusion of knowledge, and of enlightened ideas—the encouragement of agriculture, the revival of commerce and industry, the facility of Roads and Communications—the protection of useful Institutions of every kind—the reform of abuses—these are the great subjects that should occupy our thoughts, excite our warmest sympathies, and command our most persevering exertions. But of all our labours the most important is the formation of a Code of just and Fundamental Laws—in one word, of a Constitution! This is the universal wish of the People of Chile—the summit of its desires—the basis of its hopes. Legislators! this is your first duty; and it is mine to re-

quest you will elect, without delay, the Individual to whom you may be willing to transfer the trust you have reposed in me—permitting me to mingle again in the ranks of my Fellow-Citizens, from whence, should necessity require it, I shall ever be ready to advance, in the service of my Country, begirt with that sword which I have drawn so often against its Enemies—never against its Liberties!

RAMON FREIRE.

REPORT of the Secretary of State for Foreign Affairs, to the Congress of Colombia.—2d January, 1826.

(Translation.)

To the Honourable the Senate and Chamber of Representatives of the Republick, assembled in Congress.

THE Secretary of State for the Department of Foreign Affairs, in compliance with the 8th Article of the Law, which regulates the duties of the several Secretaries, respectfully reports the state of that which is entrusted to his management.

He can add little to the details already given by the Executive, of the progress of the relations between Colombia and other Powers. He will, therefore, say nothing of the proofs of friendship which our Republick continues to receive from some of them, nor of the good understanding, to the preservation of which, they all manifest a disposition, nor of the humane and unremitted exertions which, directly or indirectly, some of them are making to induce Spain to consent to the restoration of Peace.

He will, however, notice the means hitherto adopted to preserve and strengthen that good understanding; and in so doing, and in calling the attention of Congress to the circumstances or chances which may interrupt it, and in offering, as he is permitted to do, some suggestions conducive to the interests of the Republick, he will have afforded all the information which can be made publick without injury to the pending Negotiations.

It was natural that, in considering the means of preserving Peace with Friendly Powers, the demarcation of the Boundaries of the Republick, should claim his preferable attention. Instructions were, in consequence, given without delay, to the Minister of Colombia, in Peru, upon that subject; but the vicissitudes which the latter Country has experienced, and the sinister interpretations which were apprehended from the presence of our Troops, were motives for postponing the settlement of our Frontier on that side. The Auxiliary Army having, however, again returned to its own Country, and an opportunity offering to enter into the discussion of that Question, at Panamá, without

any cause of suspicion of undue influence, there is reason to hope it will there be definitively settled. Such particular attention has been paid in preparing the Instructions, with respect to the most convenient, clear, and natural Frontiers, as to assure us that our intention will not be misunderstood.

The same object has been kept in view, in regard to the settling of our Boundaries with the Central Republick, and the same will be attended to in defining them on the East and South-East of Colombia. Being in possession of such an extent of Territory, that many generations must pass away before its population can become redundant, it appeared prudent, to make it a principal consideration, to provide against causes of future dispute.

At the same time that our efforts have been directed to diminish the occasion of Controversy with neighbouring Nations, nothing has been omitted to cement, more and more, the relations of Peace between all the American States. Congress has been already informed, that one of the objects for which the Assembly in the Isthmus has been convoked, is that of agreeing together on the means of consolidating the liberty and independence of the Allied States; and another, that the Assembly be made the Arbiter and Conciliator of whatever differences may unhappily arise between the Confederate Powers. The imposing attitude of the Co-belligerents, the comparative weakness of the Enemy, and the friendly sentiments continually evinced towards us by other Nations, would make it appear that the first object can be attained without any extraordinary effort. But a prudent foresight of the danger, to which, from its own nature, the second is exposed, has suggested the expediency of consulting the other States on the mode of rendering the arbitration efficacious, without any interruption of Peace. And, not only has the desire been expressed to them that they should give sufficient Instructions to their Plenipotentiaries on this point, but it has also been proposed, that the Confederation shall always act as Mediator in disputes between any of its Members and a Foreign Power. The interest which all Nations feel in settling their disputes by quiet means, has been considered as one pledge of the success of these proposals; and, as another, that they will find in the love of peace and of glory, ample guarantees of the justice of the Mediator. Such salutary effects will then incline, in favour of the American Confederation, all those who duly appreciate the respect we manifest for the general preservation of tranquillity: and the number of the Confederates will necessarily increase. Already it is said, that the great credit attached to the projected Association has induced the Government of the Republick of Chile, to send its Plenipotentiaries to it; and that the Government of the Provinces of South America was about to decree the desired Ratification of the Treaty of Alliance, which it concluded, in 1823, with Colombia,

and which naturally tends to attract them to that League which unites the other Sister States.

But transitory as are all the Compacts of mankind, whatever advantages they produce, nothing should be omitted to render more durable those which it is intended to establish through the medium of the Assembly of the Isthmus. It is proper to strengthen them by extending their benefits, even to the private transactions of the Citizens: it is proper to remind them of their common origin, and that each State is a Member of the same Family. It will, therefore, be an object of primary consideration to facilitate the Commerce of the New States with each other, by proposing to the American Assembly, that all make use of the same weights and measures, and of money of equal value. The notorious imperfection of those we at present use, induce the belief that the necessity will soon be universally felt, of an amendment of them; and, if they are not to be continued, the opportunity appears to be arrived when, preferring, at once, others of more convenient division, and of which the model and standard shall be invariable, and generally used amongst us, these additional advantages should be set forth as a motive for their universal adoption and preservation.

In speaking of the means of promoting the commercial relations between the States of this Hemisphere, we must not overlook what may be prejudicial to those, which it is desirable to see in a flourishing state, between Colombia and the Powers of Europe.

The Commerce of the Antilles is open to all, or, at least, only subject to trifling restrictions: and some of them, which are, at the same time, the most frequented and nearest to our Coasts, have recently been declared Free Ports.

Such an important measure merits the attention of Congress, with respect to all the points on which our internal prosperity and external commerce may be influenced by it: but this allusion applies chiefly to the manifest tendency of the measure to retard the progress of our direct relations with the rest of the World, if, in some other way, the commercial advantages it holds forth cannot be counter-balanced.

Information has also been received, although not officially, that another of the Powers of Europe, at the same time that it evinces a disposition to a direct Commerce between its Ports and our own, has required, that none of the Vessels belonging to the American States, which are still Belligerent, shall hoist their Colours within its Ports, or present themselves with the Flag of their respective Nations.

Notwithstanding the free admission of the Flag is in perfect accordance with the obligation of Neutrals, this prohibition is not presumed to have been proposed with any intention of offence; but identified, as is

the respect of the Flag, with the glory of the Nation, even this simple regulation has been thought worthy of the attention of the Congress; because the inestimable merit of the sacrifices, and the virtue of the Colombian People, will, doubtless, cause the immediate decree of such measures as may eventually become necessary, if, in opposition to what appears probable, it should be true that, in any quarter, unnecessary caution is preferred to the respect due to the symbol of our Independence.

Our scruples in the defence of that which is so justly our due, and the perseverance with which we endeavour to extend and cultivate, with every Nation, the most frank and amicable relations, should, however, increase our efforts to avoid even occasions of casual misunderstanding. The Undersigned is timid in entering upon this subject; for, although the Law directs him to propose to Congress such Amendments as he may deem advisable, he must not forget that, in recommending improvements in our Provisional Ordinance for Letters of Marque, he is about to submit them, with reference to a Statute which has hitherto possessed, and still possesses, the force of a Law. Compelled to it by his Office, and by the dangerous contact in which that Regulation places us with Friendly and Neutral Nations, now that he must do it with the frankness which the common welfare requires, he will shield himself under the evils that it has occassioned.

The consideration, that no one of the Regulations which require revision is indispensable, or will conduce to the more speedy or more glorious termination of the War in which Colombia is still, unfortunately, engaged, is no small encouragement to so bold an attempt: for surely such a tendency cannot be ascribed to the permission given to Foreigners to fit out Vessels, as Privateers, under our Flag; to the facilities which, for this purpose, are given to them, by only requiring from them a small, and always the same, security; nor to the injuries, risks, and inconveniences to which Neutrals, falling in with Colombian Cruizers, are exposed.

In allowing Foreigners to fit out Privateers, in our Cause, we are, without doubt, giving exercise to the right which, by nature, every Man possesses to assist the oppressed; and the vicissitudes of which, to our misfortune, we have been an example during the War, gave some importance to the exercise of this right. But there is scarcely an instance of a Nation making it an Article of its Code of Laws; and our present political circumstances bear no resemblance to what they were. This permission exposes us, moreover, to disagreeable collisions with those Powers who carry on the most extensive Commerce, and with whose Laws, it is in manifest contradiction; and in all cases it is liable to the imputation of encouraging Piracy. There exist, therefore, many motives for renouncing

the weak and doubtful assistance which it might, at other times, have promised to afford.

The fear of abuse is not dispelled by the probable effect of the security required by that Ordinance. This security bears no proportion to the evil for which the Republick may eventually become responsible; neither is it required that those who give it should be uninterested in the success of the Privateer, nor that those should be so, on whom it may afterwards devolve, to take part in, or influence, the condemnation of the Prizes. Our confidence, in this respect, rests on the moral character of the Party who becomes security, and on his adherence to our Institutions; notwithstanding that, if this Individual happen to be the Owner of the Privateer, the security of another Colombian be required.

The evils which may result to Colombia, from her present Privateering Laws, extend much further, because all those which are unduly inflicted on Neutrals recoil on herself; and, without mentioning those which are incidental to the application of the 18th Article to Ships which do not belong to the Enemy, they are occasioned to them when, under pretence of risks which the Privateer may fear to encounter, and for the purpose of effecting an examination which only belongs to the Belligerent, they are obliged to lower a boat, and even to send on board the Privateer, the Captain or Supercargo, with the Ship's Papers. The Neutral is aggrieved, in being subject to condemnation for being destined to a blockaded Port; without confining this Regulation expressly to the cases in which due notice of the Blockade has been promulgated, and where it is evidently effective. He is aggrieved, by adding to the right which the Law of Nature gives to the Privateer, to take out from the captured Vessel, articles indispensable to the preservation of life, that of taking out articles required for equipment, or subsistence, without reference to the degree of such necessity. He is aggrieved, in being subject to condemnation, together with his whole cargo, where part of it consists of articles which are 'Contraband of War,' whether such articles belong or not to the Owners of the rest of the cargo, or whether they have, or not, been shipped with the knowledge of such Owners. He is aggrieved, when, in case of recapture, before having passed 24 hours in the power of the Enemy, one half of the property recaptured is taken from him; because he is thus deprived of a property which could not have been condemned, if the Capture were unjust, and which much exceeds the compensation to which the Privateer is entitled, anticipating the restitution of the property. He is aggrieved, ultimately, by the Agent of the Vessel, or condemned property, not being allowed a longer period to Appeal than 24 hours, from the time at which the Sentence was pronounced.

Almost all these Regulations have been revoked, with respect to Nations with which we have concluded Treaties, as well as that by which the property of Enemies was subject to capture, even on board Neutral Vessels, belonging to a Nation which, in general, or by particular Stipulations with the Enemy, observes a contrary practice. It behoves the Congress to regulate our Privateering Laws, consistent with the Treaties concluded, and with the general practice of Nations; and thus to avoid, in future, the frequent complaints and claims which impede the progress of commerce, and bring our Legislation into disrepute.

The information required by the Law, respecting such Reforms or Regulations as experience may suggest, would be incomplete, if it were not also here mentioned that, as it has not hitherto been practicable in Colombia, to comply with the obligation by which Merchant Vessels, on arriving in our Ports, are bound to present their Bills of Lading, certified by the Consuls or Commercial Agents of the Republicks, residing in the Ports from whence they may have proceeded, it has been impossible to comply with the 5th Article of the Law, which prescribes the duties of Colombian Consuls. This obligation is of great importance in many points of view; but the Undersigned confines himself to the point only, which affects the Department under his superintendence; and, in mentioning the difficulties which impede the fulfilment of the 5th Article, he has to add, that the Seals to be used by the different Departments, not having yet been decided upon, presents an obstacle to the complete fulfilment of the 12th Article.

Neither should it be omitted to observe, how insufficient to the duties of the Department for Foreign Affairs, is the number of Officers of its present Establishment, and how very inadequate the Salaries allowed to them by Law. The first circumstance causes delay in the daily despatch of publick business, augments its imperfections, incapacitates this Department from rendering to others the necessary assistance, and threatens with great and almost insurmountable embarrassment those who, at some future day, may be entrusted with it: the second keeps away from this description of service the young Men, who, possessing the requisite talents for it, give a preference to more lucrative Occupations, and, in consequence, the assistance to be expected from the subordinate Officers is wanting, and the Republick is deprived of the advantages which it would derive from a trifling increase of their Salaries.

JOSE R. REVENGA.

Office for Foreign Affairs, Bogota, January 2, 1826.

SPEECH of the President, on the Opening of the Congress of Central America.—Guatemala, 1st March, 1826.

(Translation.)

CITIZENS, REPRESENTATIVES OF THE PEOPLE OF CENTRAL AMERICA.

THE Executive this day appears in the Sanctuary of the Laws to congratulate the Legislative Power on it meeting anew.

This, Citizens, is the Second Constitutional Congress, which the Nation has seen assembled.

Happy the Patriots, who, in distant and perilous times, have the will, and know how to adopt, this august act of a Free People!

Nothing could be more proper on this day, than to record the History of our Revolution. It would display the sacrifices of Patriots, who, free from ambition and abounding in prudence, required Independence, preparing Publick opinions, without any other compromise, than that of their persons and of their properties.

They knew from their first progress that the People of Central America ought not to suffer the same misfortunes as Colombia and Mexico. Rich and powerful in its nature, it found itself between two belligerent Nations, at the time when America rose to shake off her chains and even the Throne, and our Revolution was conducted by the paths of wisdom, reconciling our political existence with our preservation, and the latter with our fundamental rights.

This plan might be compared with that of a skilful General, who, satisfied with vanquishing an Enemy, manœuvred his wings, and did not expose his centre; thus avoiding bloodshed, which, under other circumstances, must have been shed for the general good.

But, as the narrative of the Events of Fourteen Years, is unsuitable to the limits of a Speech, permit me to offer you my congratulations; they are offered also to the Patriots, who, on the former occasion, assembled with you, or were your Predecessors.

Eternal praise to the Central American, who, inflamed with the love of Country, applied his hands to the construction of our Edifice: praise to the first Constituent Assembly who knew how to express the general will: praise to the first Constitutional Congress, who knew how to sanction that will: and praise to you, Citizen Representatives, who, labouring equally with them, know how to lead the Nation, through the medium of the Laws which you promulgate, to the advantage and aggrandizement at which you wish it to arrive.

This subject being concluded; consistently with the dignity of the Executive, I proceed to fulfil the duty of informing the Representatives of the People, and the People themselves, of my Magisterial conduct.

I shall speak first of our relations with the Powers of Europe and America; I shall then describe the Plan which the Government has adopted and followed, in order to the consolidation of the Constitutional Rules,

and System; and lastly, I will exhibit in detail the state of the principal branches of the Administration.

The Secretaries of State will, in their respective Reports, embrace the whole period which has elapsed since the Installation of the first Congress, and in them you will find extensive information; which will officially make known to you, what they have done, and the co-operation which the Executive stood in need of, from your Constitutional Power, to enable it to fulfil the arduous and important duties with which it is entrusted.

Spain ought to occupy the first place in our consideration. Slaves as we were of that worm-eaten Monarchy, it followed that our fate was to participate in the disorders of that Monarchy.

The Spanish Government still opposes itself to the acknowledgment of our just Independence, and, in that point of view, is our Enemy, and so is the Spanish Nation.

Since 1808 immense evils have fallen upon her, which have reduced her to an absolute nullity. Ephemeral Governments have succeeded each other, without having attended to the Publick wish; for which reason, courage resists, and despotism cannot establish itself because the People oppose it.

Ferdinand the VII. is criminal, in this Contest, and his criminality does not confine itself to the limits of the Peninsula, because he has extended it, and wishes further to extend it, to this Continent. Allied with the Sovereigns of the Coalition, he has prevented Europe from recognizing our Rights, he has done to America all the injury of which he was capable, and we ought to force him to turn from this Country his stern aspect. Agreeably to this principle, the Executive, on the 10th December, proposed to the Federal Congress, that we should shut our Ports against Spanish Commerce. It founded this proposal on clear grounds, and, relying on the coincidence of Congress, it submitted certain Legislative Measures which it considered necessary, in order that this System might take effect.

The Legislative issued a Decree on the 22nd of the same month, couched in terms of which the Government could not approve: this was made known to the Senate, with the frankness and dignity which belongs to the Executive Authority, by the previous communication which the Law authorises it to give in all Legislative Resolutions.

On investigating the matter as minutely as possible, the Executive, in the course of the inquiry, found cause to believe itself authorized, and at full liberty, to order our Ports to be shut against the Spanish Flag. By the Provisional Tariff of Duties, of February 13th, 1822, it is resolved,—"That the Ports of the Republick shall be open to every Ship of whatever Nation, which does not oppose the just cause of our Independence;" and, as it is a fact that the Cabinet of Madrid not only opposes it, but encourages others to deny to America the

Sacred Rights of Liberty, it may be thought that the Government has the power to prohibit all Commerce with Spain and its Dependencies.

Being of this opinion, the Executive, adhering to the genuine meaning of the Law, by which it was intended to separate from us all who oppose our Holy Cause, and also taking into consideration reasons of deep policy, and of incalculable importance, which compel us to act a part in the World, on a level with the other Republicks of this Continent, (whatever may have been the motives, for not having before excluded from our soil, all that was Spanish, or belonged to those who did not present us with a recognition of our Rights); the Executive, guided by this conviction, and guided also by its own sentiments, which could not be indifferent to the credit of the Republick, whilst it could not discover the benefits to arise, from an intercourse with a region, from whence has sprung the disasters which have for many years afflicted America; guided, I say, by considerations so imperative, it determined to issue a Decree, by which our Ports should be shut against Spanish Commerce. With this view it again examined the question, as to Law and expediency; it revised anew all that had been said, endeavouring to weigh the discrepancies; and, desiring to omit nothing which could influence its decision, it consulted the Senate on a subject of such serious consequence to the Republick; submitting to it the grounds on which the Government judged that it was authorized to close, and ought to close, the Ports against Spanish Commerce.

The Senate finished its deliberations on the 18th February, dissenting from the Government, and, although my opinion could not alter, because I believe that Spain is at War with us, being so with all America, reasons of much force in our actual situation, the proximity of the day on which you open your Session, caused the Executive to be persuaded that you would have the glory of amply ratifying the Decree, which the former Congress issued, to banish from our Coasts the Spanish Flag.

I discharge the duty of protesting that the interests of the Republick, and the wishes of the People of Central America, demand, that the Ensign of the Nation which has oppressed us, and which professes to oppress us, shall not float in our Ports.

Notwithstanding that numerous obstacles have been raised, with a view to obstruct the Minister of the Republick from repairing to London, where he could conveniently announce us to that Court as being freed from the Spanish dominion, we are in a certain degree recognized by Great Britain; and it is not doubted that the English Government will formally recognize Central America, the moment that C. Marciel Zebadua, Envoy Extraordinary, and Minister Plenipotentiary, to the King of the United Kingdom of Great Britain and Ireland, presents himself.

In the month of August last, Mr. O'Reilly presented himself to the Government, in the character of a Commercial Consul of that Nation; his Commission, drawn up in good and due form, obtained the "Exequatur" of the Executive, and since that time he has exercised the functions which belong to that Office. Mr. Edward Schenley, British Vice-Consul, subsequently came to Guatemala, to whom also was given the Warrant of his rank.

On the 24th of January last, the Secretary for Foreign Affairs laid before me an Official Note from Mr. O'Reilly, in which he stated, that his Government had instructed him to come to an understanding with the Ministry, by an explanation of the meaning of the 9th and 13th Articles of the Treaty of Bogota, concluded between our Minister Plenipotentiary and Señor Gual, Minister of State and Foreign Affairs of the Republick of Colombia, on the 15th March last.

The Instructions which the Cabinet of St. James has sent to Mr. O'Reilly, under which he treats on matters purely Diplomatic with the Secretary of State for Foreign Affairs, give an assurance that C. Zebadua will be received with friendship and good will by His Britannick Majesty, and that our relations with Great Britain will be established for ever on the footing of the most favoured Nations.

On the 27th of November last, Señor José Moreno Guerra, Consul of Central America, at Gibraltar, wrote from Tangiers to the Governor of that Place, enclosing his Letter of Citizenship of this Republick, and the Patent of his Office, and asking to be recognized in the character which such Documents confer, as the English Government had sent Mr. O'Reilly to Guatemala with a similar destination; but the Governor, not being informed that the necessary "Exequatur" had been previously granted to him, could not accede to his request.

Our Consul in consequence resolved to go to London last November, and it is not doubted that, on presenting himself in due form, he will receive the corresponding sanction.

On the 4th of February last, Mr. H. Quartel, Chargé d'Affaires of His Majesty the King of The Netherlands, to this Republick, as also to Colombia and Mexico, was publickly received by the Government. The sentiments of deference which, at the instance of his Sovereign, he manifested towards the Executive, were strongly expressed. He assured the Government of His Majesty's sincere wishes for the prosperity of the Nation, and for establishing a Treaty of Commerce and Amity, equally advantageous to both Countries. He offered, on His Majesty's behalf, a guarantee for respecting the National Flag in His Dominions, with the same consideration that is shewn to Dutch Vessels, in the Ports of Central America; he stated also that he would, by virtue of his Instructions, appoint Consuls for the Ports of this Republick, in which there might be a likelihood of establishing a com-

mercial intercourse, and requested that, after verifying their Commissions, the necessary Exequatur might be given to them.

The Government, expressing the gratitude of the Nation, said, that the wishes conveyed were worthy of the Government of The Netherlands, that the medium of conveying them was correct, and according to the usual mode of Sovereigns, and assured the Minister, that every respect should be shewn to the Flag of his Nation, in Central America, and that the Consuls should obtain their "Exequatur," on presenting Officially their Commissions, according to custom.

The conduct of England, and of the Low Countries, offers an example which Europe will imitate, or endeavour to follow, for her own advantage. America is Independent, and will be so eternally; there is nothing under Heaven to impede her progress; her rights are imprescriptible; her Revenues are no longer Colonial. The policy of those Powers, ruled by justice and reason, arises from this conviction, and those who may be disposed to reap the benefit of our productions will seek our friendship.

If our relations with the old Continent, be not more extensive than those which I have described, they will on the contrary be so in the new;—The United Provinces of the Rio de la Plata, and the Empire of Brazil, are the only recently established Powers which have been backward in treating with us; but the Government can assert that this abstraction, if it may so be called, originates in the great distance which separates them from us, for there has been no other cause to obstruct a communication between the respective Governments.

Neither have we had any intercourse with the newly established Republick of Bolivar, which, after the Battle of Ayacucho, has been formed in Upper Peru; this Nation has just presented herself to the World under the auspices of the Liberator of Colombia, to whom she is indebted for her existence, and, as soon as she extends her connexions, she will associate us with the line of policy of the Hero.

The United States of America, whose Constitution so much resembles our fundamental Law, have acknowledged our Independence with the greatest good will, and have given us testimony of great friendship and good understanding. When I took charge of the Presidency of the Republick, I found in this City Mr. Charles Savage, Consul of that Nation, who informed the Government that he was returning Home, with the intention of bringing his family to reside here.

At that time Mr. William Miller was appointed at Washington, Chargé d'Affaires to this Republick: this Minister was unable to present himself at his destination, having died at Bone Quay, before the termination of his Voyage. Our Plenipotentiary, Anthony Joseph Cañas, residing at Washington, has informed the Government, of his having concluded a Treaty of Peace, Amity, Commerce and Navigation, which ought to be duly ratified in this Capital.

We have strongly bound with Colombia, the tie which connects the two Powers, by the Treaty of Bogota, of the 15th of March last. It may be called the regulation of our Fraternity ; notwithstanding the question which is still pending relative to the Mosquito Shore, of which there is little doubt of a satisfactory termination for both Nations.

C. Peter Molina, whom the Government invested with the character of Envoy Extraordinary and Minister Plenipotentiary to the Court of Bogota, returned after having concluded the Treaty before mentioned; having dispatched his Secretary, P. Gonzalez, to North America, with Letters for the Minister Cañas, and left in Colombia, as Chargé d'Affaires, Colonel Domingo Cayado, of that City.

Brigadier General Anthony Morales was there appointed as Envoy Extraordinary and Minister Plenipotentiary to this Court ; but Letters have been received from Panama, stating that the Legation could not then proceed, in consequence of the death of Mr. Silva the General's Secretary. The Government is assured, that the feelings of Colombia towards Central America, and the other Continental Powers, possess a character consistent with the greatness of the triumphs by which she has exalted herself.

Mexico is the Nation which, morally and physically, is in more immediate contact with us. The revolution, or rather the retrocession of the principles of Liberty, made one Power of the two Republicks, whose union was the effect of seduction and violence, which had scarcely taken place before those principles again prevailed.

The Government derives extreme satisfaction when, looking back to the years 1821 and 1822, they contrast them with 1823 and 1824. The former exhibit a Man, who, by the same means, and in the same manner, outrages his Country, and injures his Neighbours ; the latter a Congress, chosen in the school of adversity, which, with one hand repairs the evils done to its Country, and with the other resists the usurpations of the Genius of Evil.

In consequence of these events, the questions of Chiapas and Soconusco are pending. The Executive has the satisfaction of being enabled to assure you that, on its part, these matters have been treated with circumspection, delicacy, good faith, and dignity. Both Governments are at present employed in forming an arrangement for setting at rest the question of Boundaries, in a friendly manner, suited to the character of both Nations, and to the whole of America ; and we cannot believe that, with the liberal sentiments of the persons engaged in this Negotiation, those opinions, which in other times reflected so much honour upon Anahuac, will now lose their force.

Cl. Juan de Dios Mayorga remains in Mexico, exercising the functions confided to him in 1823. He has been nominated to the Direction of the Federal Revenues, but the Person who is to succeed him has not yet been appointed.

Our Diplomatic Communications with the Republick of Chile have yet to be established: this is a very desirable point, in order that the New States may act with united energy in the common Cause, and regulate their mutual interests. We have only a Consul General, accredited by that Government, resident in Central America, who has obtained an "Exequatur." In virtue of his Special Powers, he has appointed a Vice Consul, who, from some trifling difficulties which have arisen, is not yet recognized;—The Chilian Minister at the Court of the King of Great Britain has had various Communications with the Office of Foreign Relations, by means of Official Notes, and the Executive has, through that medium, grounds for the assurance of that Power being well disposed towards us.

With respect to Peru, it is my duty to state, that its Government has manifested the esteem and favour which it entertains towards Central America, and nothing remains to be done, but the appointment of Publick Ministers by their Governments respectively, to connect as closely as possible the relations between the two Republicks.

This, Gentlemen, is the detail of our connections with Foreign Powers in both Hemispheres. On the old Continent we are, with the exception of some formalities, as fully recognized, as the other Republicks; on the new one, our rights are similar to those of the other Sections of America which have raised themselves to Independence. The Executive, fully persuaded that it is necessary for all the States newly formed to connect themselves closely with each other, proposed to the preceding Congress, on the 17th December last, the Project of a Law upon the subject, but which, after being adopted by the Legislatve Body, did not receive the sanction of the Senate. I recommend to you the consideration of this project; it is one of great importance, and will enable us to stand well in the view of other Nations.

Our Plenipotentiaries to the Congress of Panama have departed for their destination. The meeting of this great Assembly, representing the major part of the Sections of America, will afford great facilities for the particular Negociations which the Governments have to arrange between each other; but there will always be, in the respective Capitals, Diplomatick Envoys, to watch over and promote the interests of their respective Nations.

It is impossible to quit this subject without alluding, in a few words to the grandeur and novelty of this August Diet of the Sovereign States of the World discovered by Colombus. If the Oppressors of the Earth have formed various Congresses for exhausting the patience of the human race, the Genius of Benignity will appear at Panama to defend its Cause. The Representatives of 13,000,000 of Men present themselves to the World, proclaiming that the horrible chains, with which Cortez and Pizarro subjected America to the fangs of the Ibe-

rian Lion, are rent asunder. In the same voice they tell their Constituents that they will establish a Continental Peace, that precious gift which will lead them forward to the destinies which await them.

In speaking of the internal situation of the Republick, the Executive enjoys great satisfaction from being enabled to inform you, that the Nation presents the appearance of tranquillity and good order in all the States.

The delicate situation in which Nicaragua was placed, by the commotions, in the Year 1824, is well known to you. Part of the Troops of St. Salvador, which, in January, 1825, performed the distinguished service of putting an end to the tumults with which the spirit of discord afflicted it, remain in that State, for objects designated by the Supreme Government, and for maintaining the respectability of the Constituted Authorities; and if, in the opinion of the latter, it should still be necessary, a small division will march from Honduras to relieve the one now stationed there.

Nicaragua is the only State which has not finished the formation of its Constitution; its Legislature is now occupied on this important object, and it is probable will not delay presenting to the People the work which has been committed to its care.

The Ports of the North are guarded by detachments proportionate to the organised Force. In Omoa it has been judged expedient to augment the Garrison, and, very shortly, the Troops for that purpose, will leave this Capital.

In the Ports of the South there has been no occasion to increase the number of Soldiers; small posts have been sufficient for all the purposes that have demanded attention, and, were it necessary in the opinion of Government, these would have been increased to the number required.

It is most gratifying to the Executive, that the opinion of the Central American People should accord with that of the President of Central America. This fact has convinced him, that, as the existing System is the expression of the will of the People, he ought to be the first to observe it strictly, and to die for it, if necessary.

To perform the duty of complying with the Constitution, and of giving due effect to it in all its details, the Government has placed a bulwark between its own attributes and those of the other Federal Authorities; between its faculties and those of the Chiefs of the States; and it has prescribed to itself the resolution, of not coming to a decision upon the most unimportant subject, without previous reference to the Fundamental Law.

This resolution is not the result of timidity, but of patriotism, and of a conviction that the wisest Institutions are a misfortune to the People when they possess the slightest elasticity. In the Constituent Order of things, and before the Social Pact has been celebrated, the

People, or the National Representation, is omnipotent: under the Constitutional Order, the given Law alone is powerful, and he, who has to execute it, is a flagitious Criminal, if he deviates therefrom, knowing that he commits an infraction of it.

These duties, these maxims, which the Executive can never forget, are the rules which are to guide it; they are the deeds which are to defend it, and the friends who are to sustain its reputation.

Acting on these principles, there is no Executive Act, which can be judged at variance with the line traced by the Law; at least nothing has been done with that design; and if the Government knew, or were convinced, of any error in this particular, it would not rest until it had retracted its previous conduct, and amended its fault.

With equal zeal he has taken care that, in all matters in which the Official Persons of the Government and the Chiefs of the States have come in contact with him, each should execute that which belonged to him, without intermeddling in the functions of another. In no case does the Government permit the exercise of an abuse of power; and if any one has shewed such an intention, it has had recourse to the remedy assigned by the Constitution. But it is not, therefore, to be understood that it has failed to distinguish between the blameless acts arising out of the infancy of a new order of things, and those of a premeditated character. Throughout America mistakes are, as yet, committed in the different branches of Administration, but it would be an atrocious calumny to say that the New States do not love and observe their Institutions.

The Executive flatters itself that you will be pleased to agree with it, that this method is the most proper and efficacious, to cause the Constitution to rule, and the System to be consolidated; the more so as it can affirm that the result is favourable; inasmuch as each day the uniformity of its march becomes more apparent, the conformity between the Supreme Government and the States appears by every post to improve, and the Central Americans learn to use their rights, and to direct their affairs, with the prudence consequent upon the knowledge of our Charter and of our new Laws. Let us confess—I confess it with pleasure,—that the progress which is made in the consolidation of our System has other causes, sufficient of themselves to ensure its indestructibility. The love of liberty, and the increase of civilization, are two irresistible powers which uphold the Republick, and are united intimately with the principles which it has adopted.

Above all things the Central American loves absolute Independence in a glorious manner, and it would be easier to eradicate the Human Race from the Classic Land of Liberty, than to obtain the smallest triumph over our rights.

The Chiefs of the States pay due attention to the encouragement of education. In Guatemala and St. Salvador its advancement

is well known, and the day is not distant in which knowledge will be our inheritance.

The Executive has devoted its greatest attention to the science which forms the art of establishing Nations; convinced that the Republick ought to be respected in all its integrity, and that the national union requires, at the same time, that we should die before we yield to injustice, it has omitted nothing to provide our Army with experienced Officers, and of undoubted courage, and to establish a Military School, as the germ to produce the Defenders of the Country. It has provided that the discipline of the organized Troops shall be strict, and such as suits the employing to advantage the force and the courage which form the character of a Soldier of Central America. It has exerted itself to augment the armament with a considerable quantity of arms adapted to local wants. It has occupied itself in forming the Depôts for gunpowder and ammunition necessary to our defence, and has collected as much of the Marine as possible in our Ports, to prevent smuggling, and to drive from our Coast the Pirates which infest it. It has arranged the cost of the Armaments and Ships of War, with the foreknowledge of the conditions on which they could have procured them in England and other Countries, and it has thereby effected a considerable saving to the Treasury.

But whatever the zeal which has been employed in the organization of the Armed force, it is not possible to place it in that state of perfection in which it ought to be, without the removal of existing obstacles, and the encouragement of that military spirit, which is the principal incentive to all Armies. On the 20th of September last, the Government submitted to Congress the Project of an Organic Military Law, and the Project of a Law to render active the Militia of the States. Other reforms which, in its opinion are essential, will be successively proposed; but, for the present, I confine myself to recommending to you to decide upon what is suggested in those Projects.

It is said, that the Finances form the stability of States; this truth and its consequences merit the especial consideration of the Executive; this branch, therefore, has occupied its principal attention, and the result proves that its efforts have not been in vain. Although it has awaited since November the realization of the Loan contracted with the Agent of the House of Barclay and Co., it has scarcely felt the want of it, and, at this moment, the Military and Civil Lists are paid up. It has augmented the Military Force as much as possible, part of the ancient Provincial Militia is under arms, the Expences of the Legation to Panama have been defrayed, as well as other extraordinary Disbursements.

In April of the last Year, the Alcabala Duty was destined, and has been scrupulously applied, to the credit of the Consulado, without per-

mitting that Fund to be otherwise appropriated, until the fulfilment of the object for which it was intended.

The Federal Congress, on the 7th October, issued the Organic Law for the Military School, reforming, in a great measure, the complicated system which then existed. It has not been possible to organise this system throughout, owing to its General Administration not being yet established, a Department essentially necessary to the completion of that Law. The same has happened with the Decree which assigned the active, to the payment of the passive, Debts; the Legislative disposition not having been sanctioned, which appointed the Federal Judges of the First Instance for this object, and, as those of the States could not be employed, it has not been possible to advance some, and to give effect to other claims which have been established. It cannot but be satisfactory, however, to be informed that, instead of augmenting the amount of the Debt of the Treasury, it has diminished it considerably by the sums which it has liquidated of the ancient credits. The improvement which has taken place in the Publick Finance, has been accomplished, because there has been great purity in the administration, a high vigilance in the execution, order, and uniformity, of all the operations, and perfection in the Laws which sustain them. It is not possible that the Revenue can be encreased, unless the sources from which they spring, receive encouragement; these are, agriculture, commerce, and industry, vital organs, which create and sustain the wealth of Nations.

The Government, penetrated with the importance of this truth, affords every protection to the National Company of Central America, formed and presided over by Señor Antonio Jose Irrisary, whose funds have for their object, Mines, Agriculture, Commerce, and Industry; it has extended equal protection to the Establishment which the same Company intend to place on the Coast of Nicoya, to fish for pearls; and it has lately had Proposals from another London Company, which asks permission to fish in our Seas and Rivers, for pearl, tortoise shell, and coral, and to collect and extract the gold contained in the sands of the Guayape; which will be considered as soon as the Representative of the Party arrives.

The splendid Project of opening a Communication between the two Seas, by the Isthmus of Nicaragua, has engaged that interest in my attention which it peculiarly merits. As soon as the time fixed for receiving Proposals had expired, the Government countenanced this Project, which may be called the source of riches; and, with pleasure, I announce to you that the Contract is about to be concluded, with a most flattering prospect for the Republick.

There will, in a short time, be presented to you, a Plan for a National School of sciences, arts, and trades, and one for Colonization, which the Government is preparing; in order that the influence of your attri-

butes may devolve upon it and the Nation, and that the advantages to be expected from these measures, which are essentially necessary, may be obtained.

Having communicated to you the state of the affairs of the Nation, it is my duty to offer the homage of my most pious thanks to the All-Powerful, for the goodness which He has extended to us in the first steps of our career. Prosperity has attended us, unaccompanied by the difficulties experienced in other New States. We have passed the whole of the Year 1825, and the beginning of 1826, with the happiness which the Central Americans deserve.

To you Legislators, and to the other Representatives of the People, it belongs, to labour in such manner as to effect every practicable improvement, in order that the present generation and posterity may bless your endeavours and praise your names.

MANUEL JOSE ARCE.

SPEECH of The King of France, on the Opening of the Chambers.—12*th December*, 1826.

MESSIEURS,

D'IMPORTANS travaux ont été préparés pour cette Session. Certain de votre zèle, je n'ai pas hésité à devancer l'époque ordinaire de votre Convocation.

Deux Codes seront soumis à votre examen : ils ont pour but de perfectionner la Législation des forêts et de fixer les règles de la juridiction militaire. J'ai permis peu d'innovations dans ce travail : les bases en ont été prises dans le régime actuel de l'Armée et dans l'Ordonnance de mon Auguste Aïeul, sur les forêts.

J'aurais desiré qu'il fût possible de ne pas s'occuper de la Presse ; mais, à mesure que la faculté de publier des écrits s'est développée, elle a produit de nouveaux abus, qui exigent des moyens de répression plus étendus et plus efficaces. Il était tems de faire cesser d'affligeans scandales, et de préserver la liberté de la Presse ellemême du danger de ses propres excès. Un Projet vous sera soumis pour atteindre ce but.

Des imperfections avaient été remarquées dans l'organisation du Jury. Je vous ferai proposer un Projet de Loi pour l'améliorer et pour lui donner des règles plus conformes à la nature de cette Institution.

Les peines portées contre la Traite des Noirs manquaient d'efficacité, et l'application pouvait en être éludée. Une Loi plus complète était nécessaire ; j'ai prescrit, Messieurs, de vous en proposer le Projet.

Je continue à recevoir de tous les Gouvernemens Etrangers l'assurance des dispositions les plus amicales et les plus conformes à mes propres sentimens pour le maintien de la Paix.

Des troubles ont éclaté récemment dans une Partie de la Péninsule : j'unirai mes efforts à ceux de mes Alliés, pour y mettre un terme et pour en prévenir les conséquences.

L'accroissement progressif du produit des Taxes indirectes nous permettra d'augmenter, cette Année, les Fonds affectés aux Services Publics, d'une Somme égale à celle dont les Contribuables ont été dégrevés par la dernière Loi de Finances.

Cette augmentation deviendra un véritable soulagement pour mes Peuples. Elle affranchira les Communes des supplémens qu'elles accordent à leurs desservans, et les classes indigentes trouveront d'abondantes ressources dans la nouvelle activité que prendront les travaux de nos grandes Routes, de nos Places Fortes, et de nos Arsenaux Maritimes.

J'ai lieu d'espérer que les allocations qui seront fixées pour les Services publics, suffiront pendant plusieurs Années à tous leurs besoins, et que je pourrai désormais appliquer les excédens de produits à la réduction des Taxes les plus onéreuses.

Rendons grâces, Messieurs, à la Divine Providence, d'une situation si favorable, et travaillons de concert à l'accroître et à l'affermir, afin que mes Peuples en puissent long-tems recueillir les fruits. La France, industrieuse et tranquille, acquerra une grandeur nouvelle, et ses succès dans la Paix ne répandront pas moins d'éclat que n'en répandraient encore ses vertus guerrières, si l'honneur l'obligeait à les déployer.

BRITISH Order in Council, prohibiting the exportation of Gunpowder or Salt-petre, or Arms or Ammunition, to certain Parts of the Coast of Africa.

At the Court at St. James's, the 20th of November 1826.

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the time limited by His Majesty's Order in Council, of the 3d of May 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), has expired; and whereas it is judged expedient that the said prohibition should be continued for some time longer,

His Majesty by and with the advice of His Privy Council, doth therefore hereby order, require, prohibit, and command, that no Person or Persons whatsoever (except the Master-General of the Ordnance for His Majesty's Service), do, at any time during the space of six months (to commence from the date of this Order), presume to transport any Gunpowder or 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 Gunpowder 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, [Cap. 16.] intituled "An Act to empower His Majesty to prohibit the exportation of Gunpowder, or any sort of Arms or Ammunition, and also to empower His Majesty to restrain the carrying coastwise of Salt-petre, Gunpowder, or any sort of Arms or Ammunition;" and also by an Act passed in the 33d Year of His late Majesty's Reign, Cap. 2, intituled "An Act to enable His Majesty to restrain the exportation of Naval Stores, and more effectually to prevent the exportation of Salt-petre, Arms, and Ammunition, when prohibited by Proclamation or Order in Council:"

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, the Commissioners for executing the Office of Lord High Admiral of Great Britain, the Lord Warden of the Cinque Ports, the Master-General, and the rest of the Principal Officers of the Ordnance, and His Majesty's Secretary at War, are to give the necessary directions herein as to them may respectively appertain.

JAS. BULLER.

BRITISH NOTIFICATION of the Brazilian Blockade of the River Plate.

Foreign Office, February 18, 1826.

It has been notified by the Brazilian Minister for Foreign Affairs, to His Majesty's Chargé d'Affaires at Rio de Janeiro, by a Communication, dated the 7th of December last, that the Emperor of Brazil had ordered to be instituted, a strict Blockade of the Ports in the River Plate, belonging to the Government of Buenos Ayres.

DECLARATION accompanying the Ratification by the President of Central America, of the Convention between that Republick and Colombia, signed at Bogota, 15th March 1825.*—*Guatemala, 12th September* 1825.

(Translation.)

THE President of the Federal Republick of Central America, &c. having laid the said Convention before the Federal Congress, it has been pleased to ratify it (exercising the right which the 17th Paragraph, 69th Article, of the Constitution confers upon it,) in a Decree of the 30th of August last, sanctioned by the Senate on the 10th of this Month;—modifying the 5th Article in the following terms:

Art. V. "The two Contracting Parties mutually guaranty the integrity of their respective Territories, on the footing on which they *naturally* existed, before the present War of Independence, against the attempts and incursions of the Subjects of the King of Spain and his adherents."—and, declaring that;

"The August General Assembly, mentioned in the 17th Article, shall have power to settle, as Arbitrators, the disputes and differences of the Republick of Central America, whenever such disputes and differences occur with other American Nations, who confer, or may have conferred, similar power to the said Assembly; but, with respect to disputes and differences which occur with States which do not recognize the same power in the said Assembly, its decisions shall be admitted by the Republick of Central America, as Conciliators."

Wherefore, this Convention of perpetual Union, League and Confederation, with the aforesaid modification and Declaration, shall on our part be exactly and faithfully observed, in all and each of its Articles.

In faith whereof, I have caused these presents to be despatched, signed by my Hand, sealed with the Great Seal of the Republick, and countersigned by the Secretary of State for Interior and Foreign Relations, in the City of Guatemala, the 12th of September, in the Year of Our Lord 1825.—5th of the Independence, and 3rd of the Liberty, of the Republick.

MANUEL JOSE ARCE.

The Secretary of State,
for Interior and Foreign Relations.

JUAN FRANCISCO DE SOSA.

* See State Papers, 1824, 1825, Page, 802.

SPEECH of The King of The Netherlands, on the Opening of the States General.—16*th October*, 1826.

NOBLES ET PUISSANS SEIGNEURS,

J'éprouve une grande satisfaction à pouvoir de nouveau vous communiquer que je continue de recevoir de toutes les Puissances des marques d'une bienveillante amitié.

La conclusion de Conventions dans l'intérêt du Commerce et des fabriques, si éminemment propre à cultiver des sentimens réciproques, fait constamment l'objet de mes soins, comme aussi tout ce qui peut servir à faciliter et à étendre les relations de mes Sujets dans toutes les parties du Monde.

Bientôt, je l'espère, un Arrangement concernant les affaires du Culte Catholique Romain, pourra être conclu avec le Saint-Siège; conformément au désir manifesté des deux côtés, une nouvelle Négociation va s'ouvrir à cet effet à Rome.

Malgré quelques circonstances très affligeantes, la situation intérieure du Pays offre de nombreux motifs de satisfaction.

Le fléau cruel qui désole depuis quelque-temps une partie de nos Provinces, semble avoir atteint sa plus grande intensité ; il est à espérer que sa marche sera désormais rétrograde. Rien de ce que l'humanité et la science indiquent pour soulager le mal présent, et limiter, pour l'avenir, ses ravages, n'est négligé.

Une terrible catastrophe a frappé la Ville d'Ostende ; on s'occupe à en constater avec exactitude, la cause et les effets. Des secours convenables seront distribués là où la nature et l'importance des pertes le reclameront.

Les grandes Communications s'améliorent et leur nombre augmente de plus en plus. De nouvelles et importantes parties seront entièrement achevées cette Année, et procureront à des Contrées jusqu'alors dépourvues de communications faciles, et qui renferment tant de richesses agricoles et minérales, des moyens de transport pour leurs importans produits ; le développement d'une industrie active et féconde ne tardera pas à y faire sentir ses heureux résultats.

La Commission que j'avais chargée de l'examen des meilleures dérivations des Rivières, s'est honorablement acquittée de sa tâche difficile et m'a présenté son Rapport. Cet important travail sera publié et livré à l'examen et aux débats de l'opinion publique ; quelques unes des mesures que cette Commission a proposées, et dont l'utilité a été reconnu incontestable ont été immédiatement adoptées, et les moyens d'exécution préparés ; mais avant de prendre un parti définitif sur l'ensemble des Propositions, j'ai désiré pouvoir profiter des investigations scientifiques auxquelles la publication du Rapport donnera sans doute lieu.

La Commission à laquelle j'avais confié le soin de partager entre les victimes des dernières inondations, les dons que la bienfaisance pub-

lique avait destinés à soulager de si grandes infortunes, a dignement rempli ce devoir. La répartition a pu atteindre un taux proportionnel assez élevé, grâce à la généreuse commisération de Mes Compatriotes, et à l'esprit d'ordre et de justice distributive, qui a signalé le travail de la Commission.

Les derniers mois de l'Année qui vient de s'écouler, forment l'une des époques les plus difficiles pour toutes les sources de la prospérité publique. Le défaut de confiance, plus peut-être que le manque réel d'argent, a exercé une fâcheuse influence sur les relations commerciales entre les différentes Nations. Plusieurs marchés principaux de l'Europe en ont éprouvé les secousses. Ce Royaume en a également souffert; mais la crise a été supportée avec honneur, et les effets s'en sont fait ressentir bien moins chez nous que dans d'autres Pays.

L'agriculture, les fabriques, la pêche, le Commerce et la Navigation, ne se sont pas élevés cette Année à un moindre degré de prospérité que l'année précédente.

L'instruction publique satisfait de mieux en mieux aux divers besoins de la société. Presque partout, la classe indigente peut en profiter gratuitement.

Dans quelques Villes on a commencé avec succès à donner à la Classe Ouvrière une instruction spéciale, destinée à augmenter ses connaissances pratiques.

Les mesures prises les Années précédentes, relativement à l'enseignement des langues anciennes et à quelques branches particulières de l'instruction supérieure, ont pleinement répondu à ce qu'on en attendait. Ces mesures seront maintenues et suivies avec persévérance.

L'Institution Fondamentale des Gardes Communales pourra être réglée dans la presente Session de Vos Nobles Puissances ; on s'est particulièrement attaché à concilier le grand intérêt de la défense de la Patrie avec les devoirs domestiques et les convenances des habitans.

Nos Possessions d'Outre-mer occupent ma sollicitude particulière.

Mon Commissaire-Général dans les Indes Orientales, s'occupe avec zèle à arrêter les mesures qui peuvent tendre à remplir le but de son importante mission. La tranquillité n'y est pas encore entièrement rétablie, mais le nombre de troupes déjà parties depuis quelque temps pour aller renforcer l'Armée dans les Indes, et dont l'envoi ne discontinue pas, parviendront, si elles sont conduites avec habileté et prudence, à dompter la rébellion, et le développement de tant de forces rendra sans doute plus efficace cet esprit de modération et de persuasion, qui devra ainsi que j'en ai la ferme volonté, caractériser désormais l'autorité des Pays-Bas dans ces Contrées.

Quant à nos autres Possessions d'Outre-mer, des mesures viennent d'être prises pour augmenter leur bien-être et assurer leur prospérité ; le port de Curaçao sera à l'avenir ouvert à toutes les Nations. Le Commerce, la Navigation, l'Agriculture et les fabriques pourront trou-

ver dans cette mesure les grands avantages que la position géographique de cette Ile semble leur offrir.

La situation Financière de l'Etat est favorable. Le produit des Impôts est en général satisfaisant à tous égards. Les effets salutaires de la fixité du systême adopté, se font ressentir. Dans toutes les branches des Revenus de l'Etat, son exécution se perfectionne par l'expérience des Employés, en même temps que chez les Contribuables l'habitude en rend l'observation plus facile. L'exercice de l'année dernière offre un excèdent qui pourra être appliqué à couvrir en partie les besoins de l'Exercice suivant; on peut attendre avec confiance les mêmes résultats favorables de l'Exercice courant.

Plusieurs Provinces ont élevé des plaintes au sujet d'une inégalité dans la répartition de l'Impôt Foncier, leurs griefs ont fixé mon attention particulière; en conséquence les opérations cadastrales se sont poursuivies avec un redoublement d'activité et de zèle, et ont amené la possibilité de présenter dans cette Session à Vos Nobles Puissances un Projet pour apporter des modifications dans la répartition de l'impôt. Cet objet difficile et compliqué par sa nature, exige encore un examen approfondi; si les résultats demeuraient encore imparfaits, cette circonstance ne serait pas un motif de ne pas procéder d'abord à une répartition plus égale: son introduction successive fournira l'occasion de redresser et de faire disparaître les imperfections inhérentes à des opérations aussi compliquées.

Les modifications qui devront être apportées au Tarif des Droits d'Entrée et de Sortie, seront soumises à Vos Nobles Puissances.

L'emprunt au profit de nos Possessions d'Outre -mer, auquel Votre Assemblée a consenti, s'est effectué d'une manière peu onéreuse; à cette occasion l'utilité de l'institution du Syndicat d'Amortissement s'est encore évidemment montrée.

Le troisième compte annuel de cette Institution vient d'être clos récemment, l'Assemblée Générale a pu de nouveau donner une entière approbation aux opérations de sa Commission permanente. Elle a en même-temps émis l'opinion, que pendant la présente Année comptable, la somme destinée à l'amortissement de la Dette, pourra être augmentée. Je compte en faire l'objet d'une Proposition à Vos Nobles Puissances.

La clôture de l'Exercice 1823, a permis d'augmenter pour l'Exercice prochain, le montant qui y avait été imputé d'abord pour couvrir les Dépenses de l'Exercice courant; la situation favorable des Finances de l'Etat permet, à ma vive satisfaction, de proposer de nouveau à Vos Nobles Puissances une diminution de Cents additionnels sur quelques impositions, sans laisser en souffrance des dépenses utiles.

Je me flatte de pouvoir, pendant la présente Session, soumettre à Vos Nobles Puissances un Projet de Loi sur l'Organisation Judiciaire, dans la rédaction duquel on a eu égard aux observations qu'un Projet présenté antérieurement avait fait naître. La Commission de rédaction de la législation nationale a également achevé la rédaction du Code de Procédure Civile, qui fait dans ce moment l'objet d'un examen ap-

profondi, tandis qu'elle s'occupe aussi avec un zèle constant de la rédaction du Code Pénal.

Je déclare la présente Session de Vos Nobles Puissances ouverte. Une heureuse expérience bien établie, offre la preuve que l'augmentation de la prospérité de la Patrie est le seul but de nos efforts unanimes; il nous est permis d'implorer sur eux, avec confiance, la protection Divine, et de continuer à y fonder nos espérances.

CONVENTION of Limits between Sweden and Russia. Signed at St. Petersburgh, the ½ May, 1826.

Nous, Charles Jean, par la grâce de Dieu, Roi de Suède, de Norvège, des Goths et des Vandales, Savoir faisons: que Nous et Notre Très Cher Frère et Cousin, le Sérénissime et Très Puissant Prince et Seigneur Nicolas I. Empéreur et Autocrateur de Toutes les Russies, de Moscovie, Kiovie, Wladimirie et Novogorod, Czar de Cazan, Czar d'Astrachan, Czar de Pologne, Czar de Sibèrie, Czar de la Chersonèse Taurique, Seigneur de Plescow, et Grand Duc de Smolensko, Lithuanie, Wolhynie, Podolie, et de Finlande, Duc d'Estonie, de Livonie, de Courlande et Sémigalle, de Samogitie, Belostock, Carelie, Twer, Jugorie, Permie, Wiatka, Bolgarie, et d'autres; Seigneur et Grand Duc de Novogorod Inférieur, de Czernigovie, Resan, Polozk, Rostow, Jaroslaw, Belo-Osorie, Udorie, Obdorie, Condinie, Witepsk, Mstislaw, Dominateur de Tout le Coté du Nord et Seigneur d'Ivérie, de Cartalinie, de Grusinie et de Carbardinie; Prince Héréditaire et Souverain des Princes de Czircassie, Gorsky et autres; Héritier de Norvège, Duc de Schelsvig Holstein, de Stormarie, de Ditmarsen et d'Oldenbourg, &c.&c. animés d'un désir mutuel d'étendre et de confirmer les relations d'amitié, qui existent entre Nos Sujets respectifs, et afin de prévenir les collisions, qui pourraient résulter du droit de possession en commun, qui a eû lieu jusqu'ici de quelques Districts dans le Province de Finmarken Norvégienne et Russe; ayant jugé àpropos de procéder au partage des Districts précités et à la détermination des limites entre notre Royaume de Norvège d'un coté, et l'Empire de Russie de l'autre, après que des Commissaires, désignées à cet effêt des deux cotés, ont examiné sur les lieux l'état de choses actuellement existant, et levé une Carte topographique des Districts appelés *Fœlleds-districter;* et ayant nommé des Plénipotentiaires, Savoir, Nous de Notre coté, Notre Amé et Féal, le Sieur Nicolas Frederic Baron de Palmstjerna, Notre Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empéreur de Toutes les Russies, Notre Aide de Camp Général, Colonel dans Nos Armées, Chambellan, Porte Etendart de Nos Ordres, Commandeur de Notre Ordre de l'Etoile Polaire, et Chevalier de celui de l'Epée: et Sa Majesté l'Empéreur de Toutes les Russies, de

Son coté, le Sieur Charles Robert Comte de Nesselrode, Son Conseiller Privé actuel et Chambellan actuel, Membre du Conseil de l'Empire, Secrétaire d'Etat dirigeant le Ministère des Affaires Etrangères, Chevalier Commandeur de Nos Ordres, Chevalier des Ordres de St. Alexandre Newsky, de St. Wladimir de la Première Classe, de l'Aigle Blanc de Pologne, et de plusieurs autres; lesquels, après avoir échangé leurs Pleinpouvoirs, trouvés en bonne et dûe forme, ont conclu, arrêté, signé, et scellé, le $\frac{14}{26}$ Mai, de la présente Année, à St. Petersbourg, une Convention portant, mot à mot, ce quit suit:

Au Nom de la très Sainte et Indivisible Trinité!

Sa Majesté le Roi de Suède et de Norvège, et Sa Majesté l'Empéreur de Toutes les Russies, également animés du désir de faire regner dans tous les rapports entre Leurs Sujets respectifs cette bonne intelligence, si conforme aux relations d'amitié et de bon voisinage, qui unissent Leurs Augustes Cours; voulant en conséquence prévenir les collisions, auxquelles a pu donner lieu jusqu'ici l'absence d'une Délimitation précise entre la Norvége et la Russie, dans les Districts Lapons connus sous la dénomination de *Fœlleds Districter* (districts communs); ont résolu de régler, par une démarcation, fondée sur le principe des convenances réciproques, les limites, qui sépareront dorénavant Leurs Possessions respectives dans les Districts susmentionnés, ainsi que les relations limitrophes des Communes Laponnes qui les habitent. A cet effet, après avoir envoyé sur les lieux des Commissaires, qui ont pris connaissance de l'état de choses actuellement existant, et qui ont levé une Carte topographique des Districts appelés *Fœlleds Districter*, Leurs dites Majestés ont nommé pour Leurs Plénipotentiaires, Savoir: Sa Majesté le Roi de Suède et de Norvége, le Sieur Nicolas Frederick Baron de Palmstierna, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empéreur de Toutes les Russies, son Aide de Camp Général, Colonel dans ses Armées, Chambellan, Porte Etendart de ses Ordres, Commandeur de l'Ordre de l'Etoile Polaire et Chevalier de celui de l'Epée; et Sa Majesté l'Empéreur de toutes les Russies, le Sieur Charles Robert Comte de Nesselrode, Son Conseiller Privé actuel et Chambellan actuel, Membre du Conseil de l'Empire, Secrétaire d'Etat dirigeant le Ministère des Affaires Etrangères, Chevalier des Ordres de St. Alexandre Newsky, de St. Wladimir de la Première Classe, de l'Aigle Blanc de Pologne, Chevalier de l'Ordre des Séraphins de Suède, et de plusieurs autres; lesquels, après avoir échangé leurs Pleinpouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:

Art. I. Le Traité, conclu entre la Suède et le Dannemarc en 1751,* ayant déterminé la ligne de Frontière, qui devait séparer la Suède et la Norvège, cette Ligne est maintenue expressément, en autant qu'elle sert aujourd'hui de limite entre le Royaume de Norvège et le

* See Wenck, Vol. II. Page 598.

Grand Duché de Finlande, c'est à dire, depuis l'endroit, où commence la nouvelle Frontière, tracée par l'Acte de démarcation du $\frac{20}{8}$ Novembre, 1810, jusqu'au point appelé Kolmisoive-Madakjetsa.

II. A partir de ce point jusqu'à la Rivière de Paswig (ou Pasrek), la Frontière, qui sépare la Norvège du Territoire Russe, restera la même qui a existé jusqu'à présent entre les Districts appelés *Fœlleds Districter*, et la Russie, de sorte que de Kolmisoiwe Madakjetsa elle passera par les montagnes Rejsa-Gora et Rejsa-Oive jusqu'à Gelsomio.

De là il suivra le cours du Paswig (ou Pasrek) et les lacs qu'il forme jusqu'à l'église construite sur la rive gauche de cette Rivière, sous l'invocation des Saints Boris et Gleb, laquelle église appartiendra à la Russie avec un rayon d'une Verste à l'entour.

A la distance d'une Verste au nord de cette église la Frontière traversera le Paswig, se dirigera vers le sudest sur le petit Lac, où le Lax-Elf prend sa source, et de là vers le point où le Jacobs-elf (Woriema) est formé par le confluent de trois petits ruisseaux. La Ligne de Démarcation suivra ensuite le Jacobs-elf, jusqu'à son embouchure dans le mer glaciale près de Jacobs-Wik.

Partout où les Rivières de Paswig et de Jacobs-Elv formeront la limite entre la Norvège et la Russie, c'est le chénal de ces eaux, qui devra servir de Ligne de Démarcation.

Dans les Lacs formés par la Rivière de Paswig, la Ligne passera par le milieu, en suivant celle de la plus grande profondeur des eaux.

Tous les Ilots, situés à l'est de cette Ligne dans les dites Rivières, comme dans les Lacs que forme le Paswig, appartiendront à la Russie, et ceux à l'ouest de la même Ligne appartiendront à la Norvège.

III. Sa Majesté le Roi de Suède et de Norvège renonce à perpétuité, pour Elle et pour ses Successeurs, à toutes prétentions, qui ont pu être formées anciennement par la Couronne de Norvège sur les Territoires quelconques, situés du Côté de la Russie au delà de la Ligne de Démarcation, fixée par le présent Act.

Sa Majesté renonce également au droit exercé précédemment par la Norvège, de prélever un tribut des Lapons Russes domiciliés dans cette partie des *Fœlleds Districter*, qui par le present partage, est définitivement réunis à l'Empire de Russie.

IV. Immédiatement après la Ratification de la présente Convention, des Commissaires, nommés de part et d'autre et accompagnés d'un nombre suffisant d'Ouvriers, se rendront sur les lieux pour tracer la Ligne de Démarcation, telle qu'elle a été stipulée à l'Article Second, et pour faire construire les Colonnes destinées à indiquer cette Ligne.

Le travail de ces Commissaires devra être achevé dans le courant de l'Eté de 1826. Les Autorités locales de Wadsöe et de Kola auront à leur préter à cet effet toute aide et assistance.

V. Il sera reservé aux Familles Norvégiennes habitant le Territoire, qui à la suite de cette délimitation, doit tomber définitivement en

partage à la Russie, de même qu'aux Familles Russes qui passent sous la domination Norvégienne, la faculté de rester dans leurs domiciles actuels ou de s'établir sur le Territoire de l'autre Puissance. Il leur est accordé à cet effet un délai de trois Ans, à compter du jour de l'échange des Ratifications, pour vendre leurs propriétés ou les transporter ailleurs, sans que ces Familles soient soumises à cette occasion à un droit de détraction ou une autre redevance quelconque.

VI. Les Lapons Russes, qui par cette délimitation se trouveront soumis au Gouvernement Norvégien, et les Norvégiens ou Lapons Norvégiens, qui se trouveront soumis au Gouvernement Russe, conserveront dans tous les cas le libre exercice de leur culte.

Il sera permis aux Familles Russes, établies sur le Territoire Norvégien, de fréquenter, comme par le passé, l'église des Saints Boris et Gleb, à charge de contribuer, pour autant qu'elles l'auroient fait jusqu'à present, à l'entretien des desservans de cette église.

De même les Familles Norvégiennes, qui demeureraient établies sur le Territoire Russe, jouiront de la permission de fréquenter les églises Norvégiennes, en contribuant à l'entretien du Clergé pour autant qu'elles l'auraient fait jusqu'à présent, et aussi longtemps qu'il n'y aura pas sur le Territoire Russe, à la proximité de leur habitations, une Eglise ou Chapelle où elles pourront suivre le culte divin selon le rit de leur confession.

VII. Les Familles Norvégiennes et Russes, qui par cette délimitation se trouveront soumises à l'un des deux Gouvernemens, conserveront pendant l'espace de six Ans, la faculté de se rendre sur le Territoire de l'autre, pour y faire la pêche et la chasse, comme par le passé, en se conformant toutefois aux Réglemens de Police Intérieure et de Douanes.

Cette disposition n'empéchera pas que de nouveaux Habitans Norvégiens ou Russes, qui viendroient se domicilier dans ces Districts, les exploitent également selon leurs convenances et leurs besoins. Mais ces nouveaux Habitans devront se restreindre dans les limites du Territoire appartenant dorénavant à la Puissance, dont ils seraient Sujets, et ils ne pourront dans aucun cas participer à la faculté accordée aux Indigènes de ces Districts, de faire la chasse et la pêche sur le Territoire de l'autre Puissance.

Pour prévenir tout abus, les Autorités Locales auront soin de remettre aux Individus de leur compétence respective, qui jouiront de cette faculté, une permission par écrit, qu'ils produiront en cas de besoin, afin d'être protégés dans l'exercice du droit qui leur est accordé par le présent Article.

De part et d'autre les dites Autorités se communiqueront la liste des Familles actuellement établies dans ces Districts, et celle des Individus y appartenant, qui auront obtenu de pareils permis.

Les Stipulations du présent Article n'étant dictées, que par la sollicitude des Hautes Puissances Contractantes pour le bienêtre de leurs Sujets respectifs, Habitans indigènes des Districts en question, Elles se reservent, avant l'expiration du terme de six Ans, de prendre en considération, si et jusqu'à quel point ces Stipulations ont repondu à leurs intentions bienveillantes, et de convenir alors, soit du maintien ultérieur du droit temporairement accordé aux sus-dits Habitans, soit de son entière suppression. Si, à l'expiration du terme de six Ans, il n'avait été rien arrêté à cet égard, les Indigènes des Districts en question cesseront de jouir du droit de faire la pêche et la chasse sur Territoire Etranger.

VIII. Afin de prévenir désormais les différends auxquels a donné lieu la communauté des pâturages entre les Habitans limitrophes, il sera interdit expressément aux Lapons Norvégiens et aux Lapons Russes, qui par ce partage se trouveront soumis à l'une ou l'autre des Hautes Puissances Contractantes, de continuer à faire paître leurs troupeaux de rennes et autres sur le Territoire qui aura cessé de leur appartenir en commun.

Toute contravention à cette défense sera portée à la connaissance du Magistrat de qui relève le Coupable. Celui ci sera, après la vérification du fait, condamné à une amende proportionnée à la gravité du délit, et payable au profit de la Commune dont le Territoire aura été violé.

Cependant il est entendu, que les rennes et autres animaux domestiques, qui par hasard auraient pu s'égarer et passer sur le Territoire Etranger, seront remis sans aucune difficulté à leurs propriétaires.

IX. La Navigation, le flottage du bois et la pêche dans le Jacobs-Elv, et dans toute cette partie du Paswig, qui forme la limite des deux Etats, sont également libres aux Sujets de l'un et de l'autre. Il sera permis à tout bateau de prendre terre à l'une et l'autre rive, aussi souvent que ce sera nécessaire pour la sûreté de la Navigation, le halage des bateaux, ou le flottage du bois qui descend la Rivière, sans qu'à ces occasions il soit prélevé un droit, ou qu'il soit fait une molestation quelconque aux propriétaires.

La navigation du Paswig, (ou Pasrek) là où cette Riviére passe devant l'église des Saints Boris et Gleb, et où, sur une distance de deux Verstes, ses deux rives appartiendront à la Russie, n'en sera pas moins libre aux Sujets Norvégiens, qui pourront également faire descendre par cette partie de la Rivière le bois coupé dans l'intérieur de leurs Districts, sans qu'il leur soit fait aucun empêchement.

De même, la navigation de cette rivière, depuis le point où elle entre dans le Territoire Norvégien jusqu'à son embouchure dans la mer glaciale, sera libre aux Sujets Russes.

X. Aussitôt après la Ratification de la présente Convention, elle sera portée par les Autorités Locales, à la connaissance des Lapons Norvégiens et Russes habitant les Districts, dont le partage vient d'être reglé, et il leur sera expressément enjoint de s'y conformer, en tant qu'elle les concerne.

Dans tous les cas, où il y auroit des différends entre les Habitans limitrophes, soit pour cause de contravention à la défense portée à l'Article VIII. soit pour d'autres motifs, les Hautes Puissances Contractantes S'engagent à faire rendre bonne et prompte justice à la Partie lésée.

XI. La Carte topographique qu'ont levée les Commissaires respectifs, envoyés sur les lieux en 1825, et où la Ligne Frontière, fixée par l'Article II, se trouve exactement tracée, ayant servi de base aux Négociations actuelles, est annexée à la présente Convention pour en faire partie, telle qu'elle a été signé par les dits Commissaires.

XII. La présente Convention sera ratifiée, et les Ratifications en seront échangées, à St. Pétersbourg, ou à Moscou, dans l'espace de six semaines, ou plustôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée et y ont fait apposer le cachet de leurs armes.

Fait à St. Pétersbourg, le ¼ Mai, l'An de Grace 1826.

(L. S.) N. F. DE PALMSTIERNA. (L. S.) NESSELRODE.

A ces causes, Nous avons voulu ratifier, approuver et accepter la susdite Convention, avec son Annexe, et avec tous ses Articles, Points et Clauses, comme aussi, par les présentes, Nous les acceptons, approuvons et ratifions, avec tous leurs Articles, Points et Clauses; promettons, et Nous engageons de la manière la plus efficace que faire se peut, de remplir et d'observer la dite Convention avec son Annexe, dans toute sa teneur, sincèrement, fidèlement et loyalement. En foi de quoi, Nous avons signé la présente de Notre propre main, et y avons fait attacher Notre Grand Sceau Royal. Fait au Château de Stockholm, le 27 Jour du mois de Mai, l'An de Grace 1826.

CHARLES JEAN.

GUSTAVE DE WETTERSTEDT.

Ratification de Sa Majesté l'Empereur de toutes les Russies, de la Convention sus-mentionnée.

NOUS Nicolas I., par la Grace de Dieu, Empéreur et Autocrate de toutes les Russies, de Moscovie, Kiovie, Wladimire, Novogorod, Czar de Casan, Czar d'Astrachan, Czar de Pologne, Czar de Siberie, Czar de la Chersonése Taurique, Seigneur de Plescow et Grand-Duc de Smolensko, de Lithuanie, Volhynie, Podolie, et de Finlande, Duc d'Estonie, de Livonie, de Courlande et Sémigalle, de Samogitie, Bialostok, Carélie, Twer, Jugorie, Permie, Wiatka, Bolgarie, et d'autres; Seigneur et Grand-Duc

de Novogorod Inférieur, de Czernigovie, Résan, Polock, Rostow, Jaroslaw, Belo Oserie, Udorie, Obdorie, Condinie, Witepsk, Mstislaw, Dominateur de tout le côté du Nord; Seigneur d'Ivérie, de Cartalinie, de Georgie et de Cabardinie; Prince Héréditaire et Souverain des Princes de Circassie, Gorsky et autres, Héritier de Norvège, Duc de Schlesvig Holstein, de Stormarie, de Ditmarsen et d'Oldenbourg, &c. &c. Savoir faisons, que, d'un commun accord entre Nous et Sa Majesté le Roi de Suède et de Norvège, Nos Plénipotentiaires respectifs ont conclu et signé à St. Petersbourg, le $\frac{2}{14}$ Mai, de l'Année courante, une Convention rélative à la délimitation, entre la Russie et la Norvège, des Districts Lapons connus sous le nom de Districts communs, dont la teneur, mot pour mot, est comme suit:

(Insertio.).

A ces causes, après avoir suffisamment examiné cette Convention, Nous l'avons agréée, confirmée, et ratifiée, comme, par les présentes, Nous l'agréons, confirmons, et ratifions dans tous ses Articles, en promettant, sur Notre parole Imperiale, pour Nous, Nos Héritiers et Successeurs, que tout ce qui y est stipulé sera observé et exécuté invariablement. En foi de quoi, Nous avons signé de Notre propre main la présente Ratification Impériale, et avons ordonné d'y apposer le Sceau de Notre Empire. Donné à St. Petersbourg, le $\frac{19 \text{ Juin,}}{1 \text{ Juillet,}}$ de l'An de grace 1826, l'An premier de Notre Regne.

NICOLAS.

Le Secrétaire d'Etat, COMTE DE NESSELRODE.

TREATY of Commerce and Navigation between Sweden and Denmark.—Signed at Stockholm, 2d November, 1826.

Nous, Charles Jean, par la grâce de Dieu, Roi de Suède, de Norvège, des Goths et des Vandales, Savoir faisons: que Nous et Notre Très Cher Frère et Cousin, le Sérénissime et très Puissant Prince et Seigneur, Frederic VI. Roi de Dannemarc, des Vandales et des Goths, Duc de Schlesvig Hollstein, de Stormarie, de Ditmarsen, de Lauenbourg et d'Oldenbourg, &c. &c. &c. ayant jugé àpropos, pour l'avantage réciproque de Nos Sujets respectifs, d'entrer en Négociation, afin de régler, d'une manière plus précise, les relations commerciales, qui existent entre la Suède et la Norvège, d'une part, et les Etats de Sa Majesté Danoise de l'autre: et ayant nommé, à cet effet, Nos Plénipotentiaires respectifs, savoir: Nous, de Notre côté, Notre Aimé et Féal, le Sieur Gustave Comte de Wetterstedt, Notre Ministre d'Etat et des Affaires Etrangères, Chevalier Commandeur de nos Ordres, Chevalier des Ordres de Russie, de St. André, de St. Alexandre Nevsky, et de St. Anne de la Première Classe, Chevalier

de l'Ordre de l'Aigle Rouge de Prusse de la Première Classe, et Grand' Croix de celui de Leopold d'Autriche, Un des Dix Huit de l'Academie Suédoise, et le Sieur David de Schulzenheim, Notre Chancelier de la Cour, Chambellan, Commandeur de Notre Ordre de l'Etoile Polaire, Chevalier des Ordres de St. Anne de Russie de la Seconde Classe, et de l'Aigle Rouge de Prusse de la Troisième Classe; et Sa Majesté le Roi de Dannemarc, de Son côté, le Sieur Hans de Krabbe, Son Chambellan, et Son Envoyé Extraordinaire près Notre Cour, Grand' Croix de Son Ordre du Dannebrog, et Chevalier de celui de Russie de St. Anne de la Seconde Classe; lesquels, après avoir échangé leurs Pleinspouvoirs, trouvés en bonne et due forme, ont dressé, conclu, signé et scellé à Stockholm, le 2me Novembre, de l'Année courante, un Traité, avec un Article séparé y appartenant, portant mot pour mot ce qui suit:

Au Nom de la Très Sainte et Indivisible Trinité!

Sa Majesté le Roi de Suède et de Norvège, et Sa Majesté le Roi de Dannemarc, également animés du désir d'étendre et de consolider, pour le bien réciproque de leurs Sujets, les relations commerciales, qui subsistent entre leurs Etats respectifs, et convaincûs que ce but salutaire ne saurait être mieux rempli, que par l'adoption d'un Système de parfaite réciprocité, basé sur des principes équitables, sont convenûs, en conséquence, d'entrer en Négociation, pour la conclusion d'un Traité de Commerce, et ont nommé, pour cet effet, des Plénipotentiaires, savoir: Sa Majesté le Roi de Suède et de Norvège, le Sieur Gustave, Comte de Wetterstedt, Son Ministre d'Etat et des Affaires Etrangères, Chevalier Commandeur de Ses Ordres, Chevalier des Ordres de Russie de St. André, de St. Alexandre Nevsky, et de St. Anne de la Première Classe, Chevalier de l'Ordre de Prusse de l'Aigle Rouge de la Première Classe, Grand' Croix de l'Ordre de Leopold d'Autriche, Un des Dix Huit de l'Academie Suédoise, et le Sieur David de Schulzenheim, Son Chancelier de la Cour, Chambellan, Commandeur de Son Ordre de l'Etoile Polaire, Chevalier de l'Ordre de Russie de St. Anne de la Seconde Classe, et de celui de Prusse de l'Aigle Rouge de la Troisième Classe: et Sa Majesté le Roi de Dannemarc, le Sieur Hans de Krabbe, Son Chambellan, et Son Envoyé Extraordinaire près Sa Majesté le Roi de Suède et de Norvège, Grand' Croix de Son Ordre du Dannebrog, et Chevalier de celui de Russie de St. Anne de la Seconde Classe: lesquels, après avoir échangé leurs Pleinspouvoirs respectifs, trouvés en bonne et dûe forme, sont convenus des Articles suivans:

Art. I. Les batimens et embarcations Suédois et Norvégiens, quelles que soient leur capacité et leur construction, qui arrivent, sur leur lest ou chargés dans les Ports du Royaume de Dannemarc, de même que les batimens et embarcations Danois, de quelle capacité et construction que ce soit, qui arrivent dans les Ports des Royaumes de Suède et de Norvège, sur leur lest ou chargés, seront traités, tant à leur entré qu'à leur sortie, sur le même pied que les batimens Nationaux, par rapport

aux Droits de Port, de Tonnage, de Fanaux, de Pilotage, et de Sauvetage, ainsi qu'à tout autre Droit ou charge, de quelle espèce ou dénomination que ce soit, revenant à la Couronne, aux Villes, ou à des établissemens particuliers quelconques.

II. Toutes les marchandises et objets de commerce, soit productions du sol ou de l'industrie des Royaumes de Suède et de Norvège, soit de tout autre Pays, dont l'importation dans les Ports du Royaume de Dannemarc est légalement permise dans des batimens et embarcations Danois, pourront également y être importés sur des batimens et embarcations Suédois et Norvégiens, sans être assujettis à des Droits plus forts ou autres, de quelle dénomination que ce soit, que si les mêmes marchandises ou productions avaient été importées dans des batimens Danois; et, réciproquement, toutes les marchandises et objets de commerce, soit productions du sol ou de l'industrie du Royaume de Dannemarc, soit de tout autre Pays, dont l'importation, dans les Ports des Royaumes de Suède, et de Norvége, est légalement permise, dans des batimens et embarcations Suédois et Norvégiens, pourront également y être importés sur des batimens et embarcations Danois, sans être assujettis à des Droits plus forts ou autres, de quelle dénomination que ce soit, que si les mêmes marchandises ou productions avaient été importées dans des batimens Suédois ou Norvégiens.

Il est entendu, toutefois, que, par exception spéciale, l'importation du Sel, sur des batimens et embarcations Danois, dans les Ports du Royaume de Suède, et réciproquement dans ceux du Royaume de Dannemarc, sur des batimens et embarcations Suédois, ne jouira pas des avantages généraux ci-dessus mentionnées et restera assujettie aux Réglemens jusqu'ici existans.

Il est entendu, de même, que, comme la Compagnie Asiatique du Royaume de Dannemarc possède le privilège exclusif d'importer, sur ses propres Navires, dans les Ports Danois, les marchandises de la Chine, chargées dans les Ports situés au delà du Cap de Bonne Espérance, les dites marchandises venant directement de ces mêmes Contrées du Globe, ne pourront pas, non plus, êtres importées dans les Ports de Suède et de Norvège, sur des batimens Danois. Quant au Commerce indirect avec les dites marchandises, entre la Suéde, la Norvège et le Dannemarc, les Stipulations ci-dessus dans l'Article présent, lui seront applicables en tous points.

III. Toutes les marchandises et objets de commerce, soit productions du sol ou de l'industrie des Royaumes de Suède et de Norvège, soit de tout autre Pays, dont l'exportation des Ports des dits Royaumes, dans leurs propres batimens et embarcations, est légalement permise, pourront, de même, être exportés des dits Ports sur des batimens et embarcations Danois, sans être assujettis à des Droits plus forts ou autres de quelle dénomination que ce soit, que si l'exportation avait éte faite en des batimens Suédois ou Norvégiens. Une exacte réciprocité sera

observée dans les Ports du Royaume de Dannemarc, de sorte, que toutes les marchandises et objets de commerce, soit productions du sol ou de l'industrie du Royaume de Dannemarc, soit de tout autre Pays, dont l'exportation des Ports du dit Royaume, dans ses propres batimens et embarcations, est légalement permise, pourront, de même, être exportés des dits Ports, sur des batimens et embarcations Suédois et Norvégiens, sans être assujettis à des Droits plus forts ou autres, de quelle dénomination que ce soit, que si l'exportation avoit été faite en des batimens Danois.

IV. Il ne sera donné, ni directement, ni indirectement, préférence quelconque à l'achat d'aucune marchandise, en considération de la Nationalité du Navire, qui serait entré, avec sa cargaison légalement permise, dans un Port des Royaumes de Suède et de Norvège, ou du Royaume de Dannemarc, l'intention des Hautes Parties Contractantes étant, qu'aucune différence quelconque n'ait lieu à cet égard, entre les batimens et embarcations de Leurs Etats respectifs.

V. Les Colonies respectives des deux Hautes Parties Contractantes, y compris, de la part du Dannemarc, le Groenland, l'Islande, et les Iles de Ferröe, sont spécialement exceptées des Stipulations contenues dans les Quatre Articles précédents, lesquels ne seront applicables qu'aux Royaume de Suède et de Norvège, d'une part, et au Royaume de Dannemarc, ainsi qu'aux Duchés de Schlesvig, de Holstein, et de Lauenbourg, de l'autre part.

VI. Les bateaux Suédois, dits *Fârjemans-Bâtar*, des Villes de Helsingborg, de Malmö, et de Landscrona, ainsi que les bateaux Danois de la même espèce de Copenhague et d'Elséneur allant entre les Villes susmentionnées, demeureront exemptés, des deux côtés, de tout Droit de Port et de Tonnage. Quant à leurs chargemens, ceux-ci seront traités, par rapport aux Droits d'Entrée et de Sortie, d'après les régles générales établies par les Articles II. et III. du présent Traité.

La faculté accordée, par le Réscript de Sa Majesté le Roi de Suède et de Norvège du 19 Novembre, 1823, aux Bateaux Danois, dits *Færge baade*, arrivés sur leur lest à Höganas, d'en exporter des charbons de terre et de la terre à porcellaine et à fayence (Eldfasta leror), sans payer des Droits quelconques, est maintenue. Par contre, les bateaux Suédois, qui vont directement de Höganas en Dannemarc, chargés de charbons de terre et de terre à porcellaine et à fayence (Eldfasta leror) seront également affranchis de tous Droits quelconques.

VII. Les batimens et embarcations Suédois et Norvégiens, ainsi que les batimens et embarcations Danois, ne pourront profiter des immunités et avantages, que leur accorde le présent Traité, qu'autant qu'ils se trouveront munis des Papiers et Certificats, voulus par les réglemens existans des deux côtés, pour constater leur Port et leur Nationalité.

VIII. Le présent Traité sera en vigueur pendant 10 Années, à comp-

ter du 1 Janvier de l'Année prochaine, 1827, et même au dela de cette époque, à moins qu'ensuite l'une ou l'autre des Hautes Parties Contractantes ne déclare explicitement l'intention d'en faire cesser l'effet.

En ce cas il restera encore obligatoire, jusqu'à l'expiration des 12 mois qui suivront l'annonce officielle, faite par l'une des deux Puissances à l'autre, pour qu'il soit annullé.

IX. Ce Traité sera ratifié par les Hautes Parties Contractantes, et les Ratifications en seront échangées à Stockholm, dans l'espace d'un mois après la signature, ou plutôt, si faire se peut.

En foi de quoi les susdits Plénipotentiaires, en vertu de leurs Pleinspouvoirs respectifs, ont signé le présent Traité, et y ont apposé le Cachet de leurs Armes. Fait à Stockholm, le 2e Novembre, l'an de grâce 1826.

D. V. SCHULZENHEIM. KRABBE.
G. DE WETTERSTEDT.

ARTICLE SÉPARÉ.

L'Article VIII. du Traité de Paix, conclu à Jonkoping le 10 Décembre, 1809,* stipulant l'abolition du Droit de Détraction, entre le Royaume de Suède d'une part, et celui de Dannemarc de l'autre, en autant que les Deux Couronnes respectives l'avaient jusque là perçû ou fait perçevoir; il a été convenu maintenant entre les deux Hautes Parties Contractantes, non seulement d'appliquer la susdite Stipulation au Royaume de Norvège, de manière, que le Droit de Détraction sera définitivement aboli entre ce Royaume et celui de Dannemarc; mais aussi, d'étendre cette abolition réciproque à la Partie du Droit de Détraction, dont jouissent, en certain cas, les Villes, Communes, ou autres Autorités particulières, et qui cessera, en conséquence, dès à-présent, à être lévée de part et d'autre sur les Sujets respectifs des deux Gouvernemens.

Le présent Article Séparé aura la même force et valeur, que s'il etait inséré, mot à mot, dans le Traité signé adjourd'hui, et sera ratifié en même tems.

En foi de quoi, Nous Soussignés, en vertu de nos Pleinspouvoirs respectifs, avons signé le présent Article Séparé, et y avons apposé le Cachet de nos Armes. Fait à Stockholm, le 2e jour de Novembre, l'An de grâce 1826.

D. V. SCHULZENHEIM. KRABBE.
G. DE WETTERSTEDT.

A ces causes, nous avons voulu accepter, approuver, confirmer et ratifier ce Traité, ainsi que son Article Séparé, avec tous ses Articles, Points, et Clauses, tout comme, par la présente, nous les acceptons, approuvons et ratifions, de la manière la plus efficace que faire se peut,

* See Martens, Supplement, Vol. V. Page 227.

voulons et promettons de tenir et de remplir sincèrement, fidèlement et loyalement, ce que contient le dit Traité, avec l'Article Séparé y annexé, et tous ses Articles, Points et Clauses. En foi de quoi, nous avons signé la présente de Notre propre main, et y avons fait attacher Notre Grand Sceau Royal. Fait au Château de Stockholm, le 30e jour du mois de Novembre, l'an de grâce 1826.

CHARLES JEAN.

G. DE WETTERSTEDT.

(Ratifié à Copenhague, le 17e Novembre, 1826.)

RUSSIAN Declaration of War against Persia.
16*th* (28*th*) *September*, 1826.

DÉCLARATION.

LES doutes que la Russie conservoit encore sur la nature d'une injuste et soudaine agression, sont levés. Pendant un mois, elle s'est plue à regarder comme impossible qu'en pleine Paix, au milieu d'une Négociation amicale, sans motif de discussion grave, sans prétexte même de plainte, sans déclaration préalable, le Souverain de la Perse eût ordonné à ses Troupes, de violer le Territoire Russe, de l'envahir, d'y porter à la fois, l'Insurrection et la Guerre. Cette opinion si naturelle étoit néanmoins une erreur. Ce n'est pas, comme la Russie le supposoit dans sa modération et sa bienveillance, une de ces peuplades barbares voisines de nos frontières, qui les a franchies à l'improviste ; c'est l'Armée Persanne elle-même, qui a subitement attaqué nos Postes, et qui s'est avancée vers l'intérieur de nos Provinces Limitrophes. Ce n'est pas non plus quelque Chef turbulent qui la guide au mépris des Ordres du Schah ; c'est son propre Fils, c'est l'Héritier Présomptif de son Trône qui la commande, qui dirige cette Invasion, qui l'accompagne de provocations à la révolte. Contrainte d'opposer la force à la force, et la guerre à la guerre, la Russie se feroit un devoir de repousser à la face de l'Europe, les accusations sur lesquelles la Perse auroit fondé la nécessité de ces mesures extrêmes, si elle connoissoit les griefs de cet Etat, ou si elle pouvoit simplement les pénétrer. Mais quoiqu'elle ignore et le sujet et les causes du différend que vont décider ses armes, la Russie, en se bornant à tracer un rapide exposé de ses rapports avec le Gouvernement qui l'attaque, prouvera si elle devoit s'attendre à une pareille infraction des Traités et de tous les principes du Droit des Gens.

Au moment où de mémorables triomphes couronnoient cette noble union qui a sauvé le Continent Européen, et pacifié le Monde, la Providence Divine avoit aussi daigné bénir les efforts de la Russie, dans la Guerre qu'elle soutenait contre la Perse. Plusieurs Provinces Persannes avoient été conquises par les Armées Russes, et à la suite de

leurs victoires, la Perse ayant demandé la Paix, un Traité fut signé entre les deux Puissances à Gulistan, le 12 Octobre 1813.*—Ce Traité constituoit depuis cette époque, la règle de leurs mutuelles relations. Il avoit défini, d'après la base du *status quo ad praesentem*, l'état de leurs Possessions respectives et n'imposoit à la Russie que *deux* obligations essentielles envers la Cour de Téhéran, celle de reconnoître pour Héritier légitime de la Couronne de Perse, le Fils du Schah auquel ce Monarque lui-même assureroit son héritage, et celle d'effectuer, de concert avec des Commissaires Persans, la démarcation des nouvelles limites que le Traité de Gulistan assignoit aux Provinces dont l'Empire Russe s'étoit augmenté. *La Première* de ces obligations a été remplie par la Russie, avec la plus scrupuleuse exactitude, et dès que le Cabinet de St-Pétersbourg sut que Feth Aly avoit désigné pour Successeur, son Fils Abbas Mirza, il s'empressa de lui reconnoître les droits d'Héritier Présomptif dont l'investissoient les décisions de son Pére. *La Seconde* a donné lieu à quelques difficultés et la principale n'étoit pas encore résolue, quand la Russie eut la douleur de perdre le Grand Prince qui avoit porté si haut sa prospérité et sa gloire. Cependant les Négociations mêmes relatives à ces difficultés peu importantes, n'avoient cessé d'offrir la preuve de cette modération, de cette loyauté qui caractérisoient la politique générale de l'Empereur Alexandre. Ses ordres appliquoient constamment à ses relations avec la Perse, le systême de paix, d'amitié et de bienveillance réciproque que son Cabinet suivoit envers toutes les Puissances Etrangères. Ils prescrivoient à ses Ambassadeurs et Agens auprès de la Cour de Téhéran, la conduite la plus propre à convaincre le Schah, son Héritier et ses Ministres, que la Russie ne nourrissoit aucune idée de conquête, qu'elle ne désiroit que le calme, qu'elle ne vouloit que l'exécution des Traités. Ils prescrivoient à toutes les Autorités Russes de Géorgie, les procédés les plus concilians, et des mesures dont l'effet ne pût jamais être de donner à la Perse de légitimes motifs de soupçon ou de plainte. Enfin dans le différend survenu entre les deux Etats, parce que la Perse avoit occupé, depuis la cessation des Hostilités, un Territoire compris entre les Rivières de Tchoudouv et de Kapanaktchay, Territoire que le Traité de Gulistan assignoit expressément à la Russie, et parce qu'à son tour, la Russie avoit placé des Postes sur la lisière qui sépare au Nord-Ouest les eaux du lac de Goktcha, des montagnes dont elles sont bordées, l'Empereur Alexandre loin de contester les Droits des Persans sur ce point, ne demandoit pour le restituer, que la restitution simultanée du District qui lui appartenoit, ou proposoit l'échange de ce même District riche et fertile, contre cette même rive du Goktcha, bien moins considérable en étendue, et dont le sol aride et pauvre, ne présentoit que le voisinage du lac pour toute compensation. Des projets de démarcation analogues, furent remis à la Cour de Perse. Après des

* See Martens, Supplement, Vol. VIII. Page 89.

explications prolongées, mais qu'aucun incident fâcheux ne marqua, les opinions se rapprochèrent au mois de Mars 1825, et lorsque Dieu appela à lui l'Empereur Alexandre, tout sembloit annoncer que cette discussion paisible touchoit à son terme. Héritier des principes de son Auguste Prédécesseur, l'Empereur Nicolas s'empressa de marcher sur ses traces. Dès le mois de Janvier, il confia au Général Major Prince Menchikoff, une Mission Extraordinaire pour le Perse, il le chargea de notifier au Schah et à Abbas Mirza son avénement au Trône, et lui-même il leur adressa dans ce but des Lettres Autographes, dont les expressions affectueuses n'énonçoient que le désir de voir les Traités existans observés et la Paix affermie. Les pouvoirs du Prince Menchikoff l'autorisoient même à transiger sur la seule question qui retardât la démarcation des limites, à réitérer la proposition de l'échange indiqueé plus haut, ou, afin de mieux satisfaire encore aux intérêts de la Perse, et de placer dans leur vrai jour, les intentions de la Russie, à joindre aux points déjà occupés par les Persans, une portion du District de Talyschyne. Ses Instructions l'invitoient en outre: "à persuader le Schah et le Prince Héréditaire, de la droiture des vues de Sa Majesté Impériale, à leur montrer la force unie à la justice et à la modération; à leur prouver que l'intérêt commun des deux Empires est de resserrer les liens que la Paix a dû former entre eux, à détruire tous leurs soupçons, à les convaincre enfin que l'Empereur Nicolas, suivant l'exemple de son Auguste Frère, ne souhaite que le maintien exact et religieux du Traité de Gulistan." Telle est la Mission à laquelle la Cour de Téhéran à répondu par la Guerre. Les principaux événemens qui ont suivi, sont déjà connus. Arrivé sur la Frontière de Perse, le Prince Menchikoff y est reçu avec de grands égards. A Tauris, Abbas Mirza lui prodigue les démonstrations d'honneur et les assurances les plus pacifiques. Bientôt il est mandé au Camp de Soultaniéh pour s'acquitter auprès du Schah des ordres de l'Empereur. Dans le même instant un mouvement subit se manifeste en Perse. Abbas Mirza devance en toute hâte à Soultaniéh, l'Envoyé de Sa Majesté Impériale. Les Troupes Persannes marchent vers nos Frontières; les Postes qui les gardent sont surpris et forcés de se replier; le Territoire Russe est envahi. Instruit de ces actes d'hostilité, l'Empereur ne veut les attribuer d'abord qu'à la désobéissance de quelque Chef Persan, qui a méconnu les intentions de son Souverain et il ne demande que la destitution immédiate et la punition exemplaire du Sardar d'Erivan qui lui paroissoit être le premier agresseur. Mais quand ces ordres arrivent en Géorgie, l'exécution n'en est plus possible, et la question est tranchée. Abbas Mirza, revenu du Camp de Soultaniéh, a pris lui même le commandement des Forces Persannes. Il a déjà occupé une portion de la Province de Carabâk, appartenante à la Russie: il y a excité la révolte; ses émissaires la fomentent dans toutes les Contrées voisines parmi les Sujets Mahométans de Sa Majesté; les Proclamations an-

noncent une Guerre de Religion. De semblables procédés ne doivent pas rester impunis.

La Russie déclare la Guerre à la Perse. Elle déclare que le Traité de Gulistan étant rompu, elle ne posera les armes qu'après s'être assuré des garanties de sécurité complette pour l'avenir, et de justes compensations, par un Paix honorable et solide.

Donné à Moscou, le 16 (28) *Septembre*, 1826.

PAPERS published by the Russian Government, relative to the War with Persia.—St. Petersburgh, $\frac{4}{16}$ October, 1826.

ARTICLE OFFICIEL.

Les Rapports reçus du Général-Major Prince Menchikoff, depuis son retour à Tiflis, présentent des renseignemens d'un haut intérêt sur les circonstances qui ont porté la Cour de Téhéran à attaquer subitement la Russie. Ces renseignemens vont être publiés ci-dessous, tels que le Prince Menchikoff lui-même les donne, et si la Déclaration du Cabinet de Pétersbourg, n'avait déjà prouvé que l'agression des Persans offre un caractére d'injustice et de perfidie, dont il serait difficile de trouver un plus triste exemple, les détails qui suivent suffiraient pour faire apprécier à l'Europe la bienveillante loyauté avec laquelle la Russie n'a cessé d'agir envers la Perse, et les causes à-la-fois étranges et déplorables qui ont entraîné le Schah dans une Guerre, au moment où la politique la plus amicale d'une part, et de l'autre, les premiers intérêts de son Empire, lui commandaient impérieusement le maintien de la Paix.

Nous avons eu occasion d'annoncer qu'après avoir été accueilli et traité avec beaucoup d'égards à Tauris par Abbas-Mirza, le Prince Menchikoff avait quitté cette Ville pour se rendre auprès du Schah de Perse, au Camp de Soultaniéh. En route, il fut tout-à-coup devancé par Abbas-Mirza, qui s'y rendait également, et en toute hâte. Ce voyage inattendu, la précipitation avec laquelle il se faisait, les bruits de Guerre dont il était accompagné, ne pouvaient que frapper le Prince Menchikoff. En effet, arrivé à Soultaniéh, il trouva la Guerre résolue. Voici comment il s'exprime à cet égard, dans des Dépêches dont nous allons copier le texte.*

Soultaniéh, le 3 *Juillet*, 1826.

Le Principal Ministre du Schah est un certain Alaïar-Khan, Kadjar de naissance, gendre de son Souverain et beau-frère d'Abbas-Mirza,

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* Les Courriers du Prince Menchikoff ont été arrêtés par le Gouvernement Persan, et ce n'est que de Tiflis qu'il a pu faire parvenir la série de ses Rapports.

qui a épousé sa sœur. Il porte le titre d'Assefout-Dovlé, et ce titre a été créé pour lui. Les autres Ministres se trouvent sous sa dépendance, et toutes les décisions du Schah passent par ses mains.

Cependant, le peu de connaissance qu'Alaïar-Khan a des affaires, l'a forcé à avoir recours aux autres Ministres pour les relations avec les Puissances Etrangères, et ceux-ci, particulièrement Mirza-Aboul, Hassan-Khan, et Mirza-Abdoul-Wéhab, ont voulu en profiter pour le renverser, en démontrant au Schah son incapacité, et en offrant en même temps les preuves d'un vol de 80 mille tomans, que ce Ministre a soustrait au Trésor de l'Etat. La perte d'Alaïar--Khan allait être décidée, quand il trouva une ressource dans les moyens extrêmes. La Guerre les lui fournit. Il se ligua avec le Seïd de Kerbelay et s'en fit un appui. D'un autre côté, il envoya quérir Abbas-Mirza, qui se rendit à Franc-étrier à Soultaniéh pour soutenir son beau-frère. Le Mollah prêcha la Guerre de Religion et ameuta le Peuple; Alaïar-Khan produisit de prétendues Pétitions des mécontens de nos Provinces, qui appelaient les Persans à leur secours, et Abbas-Mirza insista sur l'opportunité de la Guerre. Le Schah craignant son fils, ses Mollahs et le Peuple, céda, malgré son aversion pour la Guerre, et Alaïar-Khan se retrouve au faîte du pouvoir.

Les Troupes eurent ordre de se mettre en marche vers les Frontières, et l'appel des Mollahs au Peuple fut expédié dans toutes les Provinces pour être lu dans les Mosques.

Toutes ces déterminations furent prises et exécutées pendant mon voyage de Tauris à Soultaniéh, où j'arrivai sous des auspices bien peu favorables.

Dans de pareilles circonstances, le seul but utile auquel je puisse viser, est celui de gagner du temps, pour que les Autorités de la Géorgie soient en mesure de repousser l'agression; mais j'ai fort peu d'espoir de faire traîner la Négociation des limites, car on est décidé ici à ne la suivre que pour la forme, à outrer les prétentions et à la rompre, quand je rejeterai ce qui n'est pas acceptable.

Soultaniéh, le 3 *Juillet*, 1826.

Mon arrivé à Soultaniéh a été le terme des procédés de civilité des Persans à mon égard. Ma tente est entourée de gardes, qui empêchent toute communication au-déhors. A l'audience publique que m'a accordée le Schah, on a affecté de ne pas me rendre les honneurs d'usage, même pour les Chargés d'Affaires qui résident à cette Cour, quoique le cérémonial ait été réglé d'avance. D'après ce même cérémonial, le Schah devait prendre de mes mains la Lettre de l'Empereur, et j'ai eu l'assurance positive deux fois répétée, qu'il le ferait; malgré cela, quand je la lui ai présenté il ne voulut pas la prendre, et m'indiqua de la main un coussin pour la déposer; or, selon l'usage du Pays, c'était manquer d'égards à l'Empereur. On m'a donné pour excuse de soi-disans mésentendus.

Tout se fait à l'instigation d'Abbas-Mirza, qui, cédant toujours à l'impulsion du moment, voudrait, dans sa fureur guerrière, pousser les choses à bout.

Soultaniéh, le 5 Juillet, 1826.

J'ai eu ce matin une Conférence avec les Ministres du Schah, présidés par Alaïar-Khan, qui seul a porté la parole. Il a renouvelé des prétentions étranges, en insistant particulièrement sur la restitution du littoral du lac de Goktcha. Je lui ai opposé la Lettre du Prince Royal au Général Yermoloff, par laquelle il consentait à nous abandonner ce littoral en échange de l'espace compris entre le Kapan et le Kapanaktchay. Alaïar-Khan m'a répondu que le Schah n'avait jamais donné, ni son consentement, ni son approbation à un semblable échange, et qu'il était inadmissible.

J'ai fait observer à ce Ministre que ce changement d'intention n'était pas connu de l'Empereur quand j'avais quitté Pétersbourg, que par conséquent mes Instructions n'avaient pu faire mention d'un fait postérieur à mon départ; mais que je m'empresserais de demander de nouveaux Ordres à mon Gouvernement. Le Ministre n'a pas trouvé d'objections à me faire, et s'est borné à me dire que le Schah devant partir incessamment pour Ardébil, on me donnerait les moyens de retourner à Tiflis, et que la Négociation pourrait continuer dans une des Villes de la Frontière dont on tomberait d'accord, pour y tenir les Conférences.

Le Prince Royal est parti ce matin pour réunir les Troupes vers nos Frontières du Karabag. Il se voit déjà en possession de Tiflis et dictant la Paix à la Russie. En se berçant des plus belles espérances, sa presomption va jusqu'à l'enfantillage. Il se compare à Tamerlan et à Nadir Schah.

Soultaniéh, le 9 Juillet, 1826.

Le Prince Royal a expédié un Courrier de Mïana à son beau-frère Alaïar-Khan, pour l'engager à sauver les apparences d'une première agression.

On a décidé en conséquence, dans un Conciliabule d'Affidés qui s'est tenu chez ce Ministre, qu'on me proposerait de terminer les différends des limites d'après les Stipulations de Gulistan, en leur donnant un sens que je ne pourrais adopter.

Cette Résolution prise, Alaïar-Khan m'a faite tenir la Note ci-jointe, en se taisant sur la proposition que je lui ai adressée le 5 du courant, et sans mentionner la reprise des Négociations dans une Ville Frontière, mesure à la laquelle il avait précédemment acquiescé. Ma réponse se trouve également sous ce pli.*

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* Dans la Conférence du 5, le Prince Menchikoff, sachant la Guerre décidée, et ne voulant pas que le rejet absolu d'une proposition même inadmissible, fournit à la Perse un prétexte quelconque pour justifier les Hostilités; avait

J'en ai fait remettre une Copie à Aboul-Hassan-Khan, afin que de son côté il puisse en faire parvenir le contenu au Schah.

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déclaré aux Ministres Persans, comme il le dit dans ses Rapports, qu'il demanderait de nouveaux ordres à son Gouvernement, et qu'il acquiescerait au désir exprimé par Alaïar-Khan, de faire reprendre et continuer les Négociations dans une Ville Frontière. Il s'était même fait un devoir de consigner, dans une Note, son assentiment à cette mesure. Cependant le 7, Alaïar-Khan lui adressa, de son côté, un office où, sans parler de cette même mesure ni du consentement mutuel qu'elle avait obtenu, sans rappeler les Négociations antérieures qui avaient eu lieu entre la Russie et la Perse, ni les points sur lesquels on était tombé d'accord de part et d'autre, sans énoncer des griefs positifs, sans appuyer de preuves l'accusation vague qu'il articulait à la charge des Autorités Frontières de Géorgie, d'avoir montré des intentions peu conciliantes dans les différends de limites existans entre les deux Etats, sans même préciser les faits qui motivaient ce reproche, il déclarait que le Schah ne reprendrait désormais les Négociations, que sur la base du Traité de Gulistan, et sommait le Prince Menchikoff, en termes impérieux, de lui faire connaître si cette base serait admise par la Russie, ajoutant, que si elle était rejetée, la Cour de Pétersbourg, ne pourrait légitimement se plaindre des déterminations ultérieures de la Perse.

La réponse du Prince Menchikoff fut aussi simple qu'habilement calculée. Il rappela que l'Empereur, à son avénement au Trône, avait trouvé un Projet de démarcation présenté le 28 Mars, 1825, au nom de la Russie, pour ses limites avec la Perse, et un Contre-projet remis au nom du Schah; que d'après ces Documens, les différences entre les désirs respectivement exprimés, quant au tracé de la Frontière, étaient si peu importantes qu'elles ne pouvaient tarder à disparaître; que la seule difficulté qui eût long-tems occupé les deux Cabinets, avait été aplanie par le consentement de la Perse à l'échange du littoral du lac de Goktcha, contre le Territoire du Kapanaktchay ou Tchoudour, consentement énoncé en ces termes dans une Lettre du Sultan Naïb, qui négociait pour le Schah, au Général-en-chef Yermoloff: "Toutes les propositions que vous avez faites quant au Kapanaktchay et au Goktcha, ont été approuvées par Sa Majesté Feth-Ali-Schah, à son dernier retour, et nous vous promettons qu'il les adoptera définitivement;" que lui, Prince Menchikoff, avait en conséquence été porteur de Propositions fondées sur cet assentiment si solennel; que néanmoins ses ouvertures avaient été repoussées; que du reste, la Cour de Russie, qui ne voulait que le maintien de la Paix, qui ne perdait de vue ni les intérêts, ni les droits de la Perse, et qui ne désirait aucun accroissement de Territoire, accepterait avec un véritable plaisir l'offre de négocier sur la base du Traité de Gulistan; que pour tomber d'accord sur la démarcation des limites, l'Envoyé de Sa Majesté Impériale énonçait itérativement l'idée de réunir des Négociateurs dans une Ville Frontière, où seraient discutées les demandes inattendues que ses Instructions n'avaient pu prévoir; que si cette proposition était agréée, il garantissait que des Plénipotentiaires Russes, munis de tous les ordres dont ils auraient besoin, se rendraient aussitôt dans la Ville qui serait déterminée à cet effet; que si cette même proposition était rejetée, la Perse, en prenant les Armes, ne pourrait prétendre que la Russie lui eût donné le plus léger motif de mécontentement et de Guerre.

Le Ministère Persan n'a répliqué à cette Note du Prince Menchikoff, que le 30 Août, au moment même où ce dernier montait à cheval pour quitter le Territoire occupé par l'Ennemi et pour rejoindre nos Troupes. Dans cette réplique,

Soultaniéh, le 9 Juillet, 1826.

M. Willock, Chargé d'Affaires d'Angleterre, est venu me voir ce soir, et m'a dit que le Schah l'avait fait appeler pour l'engager à me parler des moyens d'éviter une rupture entre les deux Etats, et qu'il l'avait choisi, parce qu'il ne pouvait se fier à aucun de ses Ministres, qui étaient divisés de vues et d'intérêts. M. Willock a ajouté, qu'il s'est chargé de ce message, non d'office, mais par suite du désir personnel qu'il avait de voir aplanir les différends qui se sont élevés entre la Russie et la Perse, et qu'avant d'entrer en matière, il me demandait la permission préalable de m'entretenir sur l'objet de sa visite. Je lui ai répondu, que j'accueillais sa proposition avec infiniment de plaisir, et je l'assurai que la politique de l'Empereur était trop franche et trop droite, pour que je crusse devoir cacher mes démarches à l'Agent d'une Puissance alliée, et que j'acceptais ses bons offices sans admettre son intervention. Après m'avoir dit, qu'il l'entendait de même, et après une longue discussion, il m'a proposé d'emmener avec moi à Tiflis un Négociateur Persan, dont j'appuierais les démarches et qui chercherait à obtenir du Général Yermoloff, l'évacuation du littoral de Goktcha, pendant l'hiver prochain, qu'on emploierait à s'entendre sur les points litigieux des limites.

Je me suis empressé d'adhérer à cette proposition, qui, selon M. Willock, fournira au Schah un prétexte pour arrêter la marche des Troupes, et qui d'ailleurs rentre absolument dans le sens de la Note que j'ai adressé aujourd'hui à Alaïar-Khan.

Les Officiers et Sergens Anglais qui exercent les Troupes Persanes, ont reçu ordre de M. Willock, de ne pas les suivre, mais de rester à Tauris. M. Cormick, Médecin Anglais du Prince Royal, s'est également refusé à l'accompagner, et Abbas-Mirza n'aura, en fait d'Européens, à son Armée, qu'un Italien, nommé Bernardi, qui a servi en qualité de Sous-officier dans l'Artillerie Française, et que les cent jours ont fait avancer au grade d'Officier, et peut-être un Ex-sergent de l'Artillerie Anglaise, maintenant à la solde du Prince, et qui, par conséquent, est indépendant du Chargé d'Affaires de son Gouvernement.

M. Willock compte suivre la Cour à Ardébil, mais en déclarant au Schah, que s'il se rapprochait de nos Frontières au-delà de ce point, il se trouverait obligé de quitter ce Souverain.

Soultaniéh le 11 *Juillet,* 1826.

La proposition de M. Willock, mentionneé dans mon précédent Rap-

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le Ministère Persan fait espérer l'acceptation de la proposition de négocier dans une Ville Frontière, la démarcation des limites, et ne dit pas un mot de six semaines d'Hostilités flagrantes et de Guerre ouverte, de la violation de notre Territoire à main armée, de l'Invasion de nos Provinces jusqu'au-delà d'Elisabethpol, de l'insurrection propagée dans toutes les Contrées avoisinantes, parmi les Sujets Musulmans de l'Empereur. Il serait difficile d'imaginer une mauvaise foi plus insigne.

port, venait d'être agréée par le Schah, et le Kaïmmacam était désigné pour m'accompagner à Tiflis, quand un événement inattendu est venu renverser tous les projets de rapprochement. C'est la révolte du Khan de Talyche qui, après avoir égorgé la petite Garnison Russe d'Arkévan, demanda des renforts à la Perse pour s'emparer de Lenkoran.

Alaïar-Khan s'est empressé de profiter de cette circonstance, pour réagir sur l'esprit du Schah. Ce Souverain s'est décidé à la Guerre, et il se met en route demain pour Ardébil, où il arrivera le 18 de ce mois avec toutes les Troupes du Camp de Soultaniéh.

Cette détermination prise, on m'a fait dire que tout était prêt pour mon départ.

Tauris, le 28 *Juillet*, 1826.

Arrivé à Tauris, j'ai appris, que le Courrier que j'avais expédié le 2 du courant de Soultaniéh, est retenu à Ahar. J'ai trouvé M. Ivanoff et le Dragoman Chah-Nazaroff, attaché à notre Mission arrêtés et gardés à vue dans leurs logemens respectifs. Deux Courriers que m'avaient été expédiés de Tiflis, ont été également retenus et leurs Papiers enlevés.

Toutes ces infamies ont été commises par ordre d'Abbas-Mirza.

J'ai réclamé mes Papiers qu'on vient de me rendre. M. Ivanoff et Chah-Nazaroff, ont été élargis ; mais l'Hôtel de la Mission est entouré de gardes, et Personne n'ose en sortir sans être accompagné par quelques Soldats avec l'arme au bras.

Tiflis, le 12 *Septembre*, 1826.

Je suis arrivé le 4 Août à Erivan, où le Sardar m'a fait retenir sous différens prétextes jusqu'au 9 du même mois, et m'a fait déclarer ensuite qu'il ne pouvait me permettre de joindre les Troupes Russes, mais qu'il me ferait escorter jusqu'aux Frontières de Turquie, et si je ne consentais pas à cette proposition, il ne pouvait m'indiquer d'autre route, que celle de notre Province Tartare de Kazan, dont la fidélité à cette époque était pour le moins suspecte. J'ai été prévenu en même temps que les retards que j'éprouvais, provenaient des dispositions que prenait le Sardar pour faire piller mes bagages et m'enlever, ainsi que les Personnes de ma Suite, dès que nous aurions dépassé, d'une journée de marche, les limites de la Perse, et on m'a désigné en même temps les Individus chargés d'exécuter ces atrocités.

Pendant la durée des pour-parlers concernant mon départ, Mirza-Ismaël, mon Mehmandar, reçut l'injonction d'Alaïar-Khan de me retenir à Erivan jusqu'à nouvel ordre, sous le prétexte spécieux qu'il était nécessaire que j'attendisse la réponse qu'on se proposait de faire à ma Note du 9 Juillet.

J'ai protesté contre une violation aussi manifeste du Droit des gens, en écrivant, tant à Abbas-Mirza qu'au Principal Ministre, et

j'ai fait connaître à la Mission Anglaise la situation dans laquelle je me trouvais.

Depuis cette époque, chaque jour de détention était marqué par quelque nouvelle infamie. On m'insinuait de la part d'Alaïar-Khan que la femme du Khan de Talyche ayant été retenue en otage lors de la révolte de ce dernier, on me garderait à Erivan tant qu'elle ne serait pas en liberté, mais que cependant on me laissait la faculté de me racheter, si je voulais faire l'abandon, au Principal Ministre, de mon argenterie et des cadeaux non distribués qui me restaient. On a cherché, quoiqu'en vain, à corrompre mes Dragomans. Le Sardar engageait Mirza-Ismaël, mon Mehmandar, tantôt à exiger de moi le paiement d'un transport de coton, qu'il avait envoyé vendre en Russie avant le commencement des hostilités, ou bien à garder quelques Personnes de ma Suite en otage.

Ne pouvant corrompre mes Dragomans, le Sardar a énoncé l'intention de les garder de force, comme étant l'un et l'autre natifs du Karabag, qu'il considérait déjà comme une Province conquise et comme Partie intégrante de la Perse.

Je ferais un volume entier, si je voulais rendre compte à V. Exc. de toutes les vexations auxquelles j'ai été obligé de résister, et auxquelles l'esprit inventif de mes geôliers donnait tous les jours une forme nouvelle, mais dans le but constant de m'escroquer de l'argent ou des effets.

Voyant le tems s'écouler et les réponses à mes Lettres n'arrivant pas, et apprenant que la Mission Anglaise avait quitté le Camp du Schah pour aller au-devant de M. Macdonald, je persuadai mon Mehmander de s'opposer aux prétentions du Sardar d'Erivan, et d'insinuer au Principal Ministre, dont il est la créature, que vu l'antipathie du Schah pour la Guerre, les Ennemis d'Alaïar-Khan saisiraient la première occasion, que leur fournira un combat douteux, pour le perdre, s'il ne songeait d'avance à la Paix, et que le seul moyen d'en conclure une avantageuse, était celui de me faire partir le plustôt possible, parceque je me trouvais personnellement intéressé à porter notre Cabinet à un accommodement.

Ce moyen me réussit, et je lui dois ma libération, après 25 jours de détention dans l'endroit le plus malsain des environs d'Erivan, dont l'influence délétère a agi violemment sur tous les Individus de la Mission, tant Maîtres que Domestiques, y compris le Médecin et son Aide, au point que le Lieutenant Comte Tolstoy s'est vu dans la nécessité de faire l'infirmier et d'apprendre à saigner pour porter des secours aux malades.

M. Macdonald, nouveau Ministre d'Angleterre à la Cour de Téhéran, a appris en arrivant au Camp du Schah, que l'ordre avait déjà été expédié pour mon libre passage, mais redoutant quelques nouvelles perfidies de la part des Persans, il a cru devoir demander de nouveaux

Firmans et faire partir le Major Monteith pour en surveiller l'exécution; toutefois je me trouvais déjà à Tiflis, quand cet Officier est arrivé au Camp du Sardar d'Erivan.

Nous ne nous abaisserons pas à examiner dans leurs rapports avec le Droit des Gens, les traitemens indignes que le Prince Menchikoff a essuyés sous les murs d'Erivan. Les Armes Russes achèveront de venger les insultes faites à la Russie dans la personne de son Envoyé. Mais plus on considère les faits dont les Dépêches, que nous publions, présentent le tableau, moins on conçoit et l'imprévoyance du Premier Ministre Persan, et la faiblesse du Schah, et l'aveuglement du Fils qui était appelé à porter un jour sa Couronne. Pour conserver un pouvoir qui lui échappe, le Ministre provoque une Guerre, dont la suite immédiate est de lui imprimer un ineffaçable cachet de perfidie et de honte, et dont sa ruine doit nécessairement être le résultat définitif. Pour ne pas manifester une volonté forte, le Schah se laisse précipiter dans une lutte aussi inégale qu'elle est injuste et gratuite. Enfin, pour soutenir un beau-frère, Abbas-Mirza déchire le Traité qui devait lui valoir un Royaume. Il délie lui-même la Russie de ses engagemens; il se prive des droits qu'elle lui avait reconnues et à ses yeux du rang d'Héritier Presomptif de la Couronne de Perse; il redescend dans la foule des nombreux Prétendans qui se disputeront le Trône des Schahs, à la mort du Souverain actuel. La Russie n'en déplore pas moins cette agression. Elle est trop amie de la Paix, pour ne pas voir avec peine la nécessité d'une Guerre, mais elle ne pouvait désirer d'événemens plus propres à faire éclater ses intentions toujours loyales et pures. Le Prince Menchikoff en a été le digne interpréte: dans les circonstances les plus difficiles, sa conduite n'a cessé d'offrir l'heureuse alliance de l'habileté et de la modération. Dans les dangers, elle a présenté un noble exemple de dévouement et de courage. Celle du Chargé d'Affaires et du Ministre d'Angleterre à la Cour de Téhéran inspire à l'Empereur la satisfaction la plus vive. Il était impossible de donner un meilleur démenti aux conjectures que les malveillans se seront empressés de propager et les ignorans d'accueillir, sur la position réciproque de la Russie et de l'Angleterre dans les affaires de Perse; impossible de mieux attester les liens qui unissent les deux Etats, et la continuation de cette politique commune aux grandes Cours Européennes, dont la Paix générale est toute ensemble le premier but et la plus belle récompense.

CORRESPONDENCE between the Russian Chargé d'Affaires, and the Ottoman Porte, relative to the Principalities of Wallachia and Moldavia, &c.—April and May, 1826.

(1.)—*Note remise par M. de Minciaky à la Porte Ottomane.*

Constantinople, le 5 Avril, 1826.

Le Soussigné, etc, etc, a reçu de l'Empereur, son Maitre, l'ordre de faire à la Porte Ottomane la Communication suivante :

Dans la Conférence du $\frac{1}{13}$ Octobre 1825, après avoir démontré encore une fois aux Ministres de Sa Hautesse, combien l'état actuel de la Valachie et de la Moldavie est différent de celui qui a précédé dans ces Provinces les troubles de 1821, et qui devait y être rétabli complétement, suivant les promesses données par la Porte Ottomane à l'Ambassadeur de Sa Majesté Britannique ; aprés avoir prouvé combien le système adopté par le Gouvernement Turc envers les Principautés, est dérogatoire à leurs priviléges, comme aux Traités par lesquels la Russie en est constituée garante ; après avoir enfin signalé, d'un côté, les inévitables résultats de la conduite du Divan envers le Peuple et les Députés Serviens, de l'autre, le droit que possède la Russie de réclamer, en faveur de cette Nation, l'exécution des Clauses de l'Art. VIII. du Traité de Boucarest, le Soussigné a remis au Ministre de Sa Hautesse, d'ordre exprès de l'Empereur Alexandre, de glorieuse mémoire, une protestation formelle contre toutes les mesures que la Porte Ottomane persistait à prendre, en contravention aux Traités et à ses propres engagemens.

Dès son avénement au Trône, un des premiers soins de Sa Majesté l'Empereur Nicolas a été d'examiner, avec la plus scrupuleuse attention, tous les motifs des différends qui se sont élevés entre la Russie et la Porte Ottomane, et nommément toutes les circonstances des discussions qui ont amené de la part de l'Empereur Alexandre la protestation dont il s'agit.

C'est avec un profond regret que Sa Majesté Impériale vient d'acquérir la conviction, qu'elle n'avait été que trop justifiée par les actes du Gouvernement Turc, que depuis l'époque où elle se trouve entre ses mains, elle n'a provoqué aucune détermination qui puisse faire espérer à la Russie le redressement de ses légitimes griefs, et que par une déplorable fatalité, la noble modération du Monarque, dont l'Europe entière déplore la perte, sa politique à l'égard de la Porte Ottomane et tous les droits que lui donnaient des Traités solennels, et des promesses positives, sont également méconnus.

Nul doute que, dans cette position, après cinq années d'une longanimité sans exemple, Sa Majesté ne fût pleinement autorisée à l'adoption immédiate des mesures que faisait prévoir la protestation de Son Auguste Prédécesseur ; mais, héritier des principes de l'Empereur Alexandre, l'Empereur Nicolas veut, comme lui, donner à la

Porte Ottomane la preuve de ses intentions pacifiques; il veut ajouter une occasion de plus à toutes celles qu'a déjà eues le Divan de satisfaire aux justes réclamations de la Russie, il veut même que tout motif de discussion ultérieure entre les deux Empires disparaisse, que désormais leurs mutuels rapports soient dégagés de toutes les questions qui, dès l'Année 1816, les ont rendus précaires et pénibles, que les liens de paix et d'amitié qui les uniront à l'avenir offrent des garanties réelles d'une longue durée, qu'en un mot la Porte Ottomane trouve, dans la franchise de Sa Majesté, le meilleur témoignage des dispositions conciliantes qui l'animent.

Espérant que Sa Hautesse saura apprécier des vues aussi loyales, l'Empereur charge le Soussigné de déclarer, par la présente Note, à Son Excellence le Reis-Effendi, que, malgré la protestation qui lui a été remise le $\frac{1}{13}$ Octobre, 1825, et qui devait être la dernière démarche de persuasion faite par la Russie auprès de la Porte Ottomane, Sa Majesté Impériale invite encore une fois le Gouvernement Turc à prendre en mûre considération les argumens, sur lesquels le Soussigné a fondé ses réclamations contre l'état de choses qui continue à exister dans les Principautés de Valachie et de Moldavie, contre l'inexécution des promesses faites par la Porte elle-même au Vicomte de Strangford; contre le pouvoir et le mode de nomination des Basch-Beschlis-Agas; contre la présence des troupes qu'ils commandent dans les Principautés; contre la détention des Députés Serviens, et le refus du Gouvernement Turc de reconnaître la fidélité de la Nation qu'ils représentent, par la réforme des abus dont elle se plaint, et la concession des priviléges qui lui ont été garantis.

A ces demandes, dont la justice a été si souvent démontrée, qu'elle n'a pas besoin de développemens nouveaux, s'associe encore un double grief non moins juste, non moins essentiel à redresser, et que chaque jour fortifie et aggrave.

La Note Officielle, présenté par le Soussigné à la Porte Ottomane le 21 Juin (3 Juillet) 1825, relativement à la position de la Valachie et de la Moldavie, demeure jusqu'à présent sans réponse, et nulle réponse non plus n'a été faite par le Divan à la protestation du Soussigné en date du $\frac{1}{13}$ Octobre suivant.

Plus se prolonge l'intervalle qui sépare le moment actuel des époques, où le Soussigné a effectué ces deux démarches, plus l'Empereur est en droit d'exiger la réparation éclatante d'un silence contraire à tous les usages comme aux égards que commande la dignité de la Russie, et plus la Porte elle-même doit sentir la nécessité d'effacer de pénibles impressions par un irréfragable témoignage de ses vrais sentimens.

Mais, ainsi qu'il a été observé plus haut, ce n'est pas seulement le présent qui motive la sollicitude amicale que l'Empereur manifeste à la Porte Ottomane, c'est aussi l'avenir que Sa Majesté Impériale

embrasse dans sa prévoyance, et ce n'est pas vers une réconciliation momentanée qu'elle croit utile de tendre, c'est sur les moyens d'établir et de consolider entre les deux Gouvernemens des rapports stables, des rapports sans nuage et sans discussion ultérieure, qu'elle appelle aujourd'hui l'attention de Sa Hautesse et de ses Ministres.

Or la Porte ne peut se dissimuler que, tant que subsisteront, entre la Russie et l'Empire Ottoman, les questions que le Baron de Stroganoff a travaillé à résoudre pendant sa résidence à Constantinople, tant qu'une transaction complète et définitive, en satisfaisant à tous les droits et à tous les intérêts qu'il avait ordre de soutenir, n'aura mis un terme aux réclamations qu'il a été dans le cas d'énoncer ou de combattre, le Cabinet de St. Pétersbourg et le Divan se trouveront toujours dans des relations qui, loin de cimenter entre eux des liens solides, ne feront que produire de perpétuels débats, d'inévitables ressentimens, et un état de choses constamment voisin des plus fâcheuses extrémités.

L'Empereur se flatte que La Porte sera frappée des inconvéniens d'une telle situation ; il se flatte qu'elle n'aura pas de peine à calculer la bienfaisante influence d'une combinaison qui, aussi facile à réaliser qu'à comprendre, détruirait tous les motifs de plainte que la conduite du Gouvernement Turc a donnés en dernier lieu à la Russie, qui ferait évanouir le danger d'une complication imminente et qui en préviendrait le retour, qui offrirait à Sa Majesté Impériale le témoignage de déférence qu'Elle doit nécessairement attendre après tant de refus et de délais, et qui autoriserait l'espoir des salutaires résultats attachés à un rapprochement durable.

C'est dans cette persuasion, c'est afin d'assurer à La Porte tous les avantages dont l'aperçu précède et dont l'évidence n'exige pas de preuves, que l'Empereur a confié au Soussigné le soin de signaler à Son Excellence le Reis-Effendi l'utilité, la nécessité même des mesures suivantes :

Pour exécuter les Traités, qui ont garanti les priviléges de la Valachie et de la Moldavie, la Porte Ottomane satisfairait aux demandes rappelées par le Soussigné dans sa protestation du $\frac{1}{13}$ Octobre 1825, et conséquemment, les Principautés seraient remises, sous tous les rapports, dans la même position où elles étaient avant les troubles de 1821; le mode de nomination, les attributions et l'autorité des Basch-Beschlis-Agas, ainsi que le nombre, les fonctions et la nature des Beschlis, seraient absolument tels qu'avant cette époque, en un mot l'état de choses voulu par les Traités serait parfaitement rétabli dans ces Provinces.

Pour témoigner de justes égards au caractère dont les Députés Serviens sont revêtus, la Porte les remettrait en pleine liberté sans aucun délai, et pour reconnaître la fidélité de la Nation Servienne, la Porte

conviendrait du principe de régler, de concert avec elle, les priviléges dont la jouissance lui a été promise.

Pour réparer ses procédés hostiles envers la Cour de St. Pétersbourg, la longue inexécution des promesses faites au Vicomte de Strangford, et le silence opposé aux représentations du Cabinet Impérial, pour anéantir tout sujet de différend dans les relations futures des deux Etats, la Porte, en adoptant, à l'égard des Principautés et de la Servie, les déterminations mentionnées ci-dessus, chargerait des Plénipotentiaires de se rendre sur les Frontières de Russie, et de déclarer qu'ils sont autorisés à entrer en Négociation avec des Plénipotentiaires de Sa Majesté Impériale, sur les questions qui ont été discutées à Constantinople, depuis l'année 1816 jusqu'à l'année 1821, par le Baron de Stroganoff, en vertu du Traité de Boucarest, et à faire de ces questions la matière d'une transaction complète, d'autant plus desirable, que seule elle peut établir entre la Russie et le Divan de vrais rapports de paix, d'amitié et de bon voisinage.

Les mesures, qui viennent d'être indiquées, seraient non-seulement toutes consenties, mais toutes complétement exécutées par la Porte Ottomane, tant à Constantinople que dans les Principautés, dans le terme de six semaines, à compter du jour où la présente Note lui est adressée.

Telles sont les demandes définitives que l'Empereur ordonne au Soussigné de porter à la connaissance du Gouvernement de Sa Hautesse.

Il n'aurait dépendu que de Sa Majesté Impériale de regarder comme terminée toute négociation ultérieure avec lui, par le résultat de la Conférence du $\frac{1}{13}$ Octobre 1825. Il n'aurait tenu qu'à l'Empereur d'employer dès ce moment les moyens les plus efficaces de faire respecter ses Droits et ses Traités. Mais, dans cette grave conjoncture Sa Majesté Impériale n'a encore écouté que ses dispositions pacifiques, ainsi que sa modération, et Elle croit incontestable qu'en exprimant à la Porte Ottomane le désir de voir disparaître simultanément tous les griefs de la Russie et jusqu'au germe d'une discussion nouvelle, Elle donne à Sa Hautesse la plus forte preuve d'amitié qu'Elle puisse Lui fournir, le plus réel motif de confiance et de sécurité.

Le Soussigné terminera la tâche que lui imposent les Instructions de son Auguste Souverain, en prévenant la Porte Ottomane que si, contre la légitime attente de l'Empereur, les mesures indiquées dans les trois demandes que renferme le présent Office n'avait pas été mises *complétement* à exécution dans le délai de six semaines, il quitterait aussitôt Constantinople, et qu'il serait facile aux Ministres de Sa Hautesse de prévoir les conséquences immédiate de cet événement.

Le Soussigné, etc. etc.

MINCIAKY.

(2.)—*Note Officielle de la Porte Ottomane, adressée à M. Minciaky, Chargé d'Affaires de Russie, en date du 7 de la Lune de* Schewal *de l'An* 1241. (*Le* $\frac{1}{13}$ *Mai,* 1826.) (Traduction littérale.)

La Sublime Porte a pris connaissance du contenu de la Note Officielle, en date du $\frac{24 \text{ Mars,}}{5 \text{ Avril,}}$ que le Chargé d'Affaires de la Cour Impériale de Russie, notre très-éclairé ami, M. Minciaky, a remise dans sa dernière Conférence.—La traduction de cette Note porte en substance que Sa Majesté l'Empereur de Russie, par suite de ses intentions pures et bienveillantes, demande et désire que le mode de nomination et les attributions des *Beschlis-Agas,* ainsi que le nombre des Soldats *Beschlis,* dans les deux Provinces, soient rétablis sur le même pied où ils étaient avant la naissance des troubles; que les Députés Serviens qui se trouvent à Constantinople chez le *Bostanji-Bachi,* soient remis en liberté, et qu'il soit nommé de part et d'autre des Plénipotentiaires, qui se rendraient sur les Frontières, pour achever et terminer, à l'aide de dispositions mutuelles également satisfaisantes, les Négociations précédemment entamées à Constantinople entre les Délégués de la Sublime Porte et le ci-devant Ministre de la Cour de Russie, M. de Stroganoff, lesquelles avaient été suspendues par le cours des événemens.

Il est manifeste et généralement connu que, de tout temps, La Sublime Porte, en s'attachant à exécuter pleinement les Stipulations et les Engagemens contractés avec toutes les Puissances Amies, et spécialement avec la Cour de Russie, qui est son intime Amie et Voisine, s'est constamment efforcée de maintenir avec elle des rapports de bonne intelligence. Par suite de ce principe, également animée du désir de régler, d'une manière conforme aux stipulations claires des Traités, les objets sur lesquels les Délégués respectifs avaient précédemment commencé à négocier et voulant écarter détruire par là tout motif de discussions semblables entre les deux Cours, La Sublime Porte ne se permettra, en aucun temps, de refuser son adhésion à un pareil arrangement d'après les bases et les principes alors adopté. D'ailleurs, Sa Majesté l'Empereur de Russie, mu par un sentiment de droiture et de loyauté, ayant témoigné aujourd'hui, dans sa bienveillance, le désir d'aviser aux moyens les plus propres à cimenter les liens d'une Amitié sincère entre les deux hauts Empires, et ayant fait la proposition de négocier, d'après les Traités, en tout droit et justice, et sans y mêler d'autres questions, La Sublime Porte trouve dans cette démarche la preuve de l'éminente équité et de la modération qui caractérisent ce Monarque.—Aussi, voulant de son côté témoigner à Sa dite Majesté une haute déférence et des égards particuliers, s'empresse-t-elle d'exécuter promptement les demandes ci-dessus mentionnées, considérant l'adhésion sincère et cordiale qu'elle y donne, comme un heureux présage du rétablissement prochain de la bonne harmonie entre les deux Empires.

En premier lieu, l'intention de La Sublime Porte était de conserver avec les priviléges établis dont jouissent les deux Principautés de Mol-

davie et de Valachie, la paix et la tranquillité publique dans ces Provinces; et, sans aucune vue intéressée, La Sublime Porte y considérait l'existence des Beschlis-Agas et de leurs gens comme nécessaire au maintien du bon ordre. Néanmoins, comme il n'est point de chose qui puisse être préférée au voeu d'un grand ami, un Ordre expédié séparément au Gouverneur de Silistrie, lui enjoint de retirer de ce côté-ci du Danube les Basch-Beschlis-Agas et tous leur gens; et un autre Ordre, expédié séparément aux Voïvodes, leur enjoint de nommer eux-mêmes les Beschlis-Agas qui doivent remplacer les précédens, ajoutant qu'à l'égard du nombre et de l'emploi des simples Beschlis, le tout se fasse exactement comme cela se pratiquait avant l'insurrection. De cette manière, le *statu quo* se trouve rétabli dans les deux Principautés.

Pareillement, la Nation Servienne participant aussi à toutes les faveurs que la haute miséricorde (de Sa Hautesse) accorde à tous les autres Peuples, Sujets de La Sublime Porte, il n'y a eu de sa part, envers la dite Nation, qu'un surcroit de bienveillance et de protection. Si donc, depuis quelque temps, ses Députés à Constantinople ont été logés en guise d'ôtages dans un endroit *ad hoc*, cette mesure n'a été dictée que par un sentiment de sollicitude pour le bien-être et la tranquillité de leur propre Nation. Cependant, comme il est notoire que, jusqu'à présent, la dite Nation Servienne s'est abstenue de s'unir aux autres malveillans, et comme le terme du séjour des dits Députés s'est prolongé; en conséquence, afin de régler désormais avec eux les demandes qui ne seraient point contraires à la condition de Raya; sur la sollicitation des dits Kniès qui se trouvent à Constantinople, on les a fait sortir et loger dans la maison qu'ils avaient achetée anciennement au Fanal.—D'autre part, comme, d'après les informations récentes du Pacha, Gouverneur de Belgrade, il s'agit de faire remplacer les anciens Députés par des Députés nouveaux, cette intention coincidant d'ailleurs avec celle de Sa Hautesse, et par égard pour le bon plaisir de Sa Majesté l'Empereur, l'article de la mise en liberté des dits Députés a été exécuté dès-à-présent.

Troisièmement, pour ce qui concerne la nomination des Plénipotentiaires respectifs, comme il est expressément dit, dans la Note citée ci-dessus, que la reprise des discussions entamées jadis à Constantinople par M. de Stroganoff, est motivée par l'intention bienveillante de consolider la bonne harmonie entre les deux Etats; et le plus grand désir de La Sublime Porte étant aussi d'exécuter suivant la justice les Stipulations claires des Traités existans; l'adhésion de La Sublime Porte aux demandes de la Cour de Russie, basées sur les Traités, a lieu dans l'espérance de voir se raffermir les rapports de bonne intelligence entre les deux Cours, au moyen de Conférences, dans lesquelles on adopterait les principes précédemment établis, sans élever de prétentions hors des Traités, sans introduire de nouvelles Clauses, ni vouloir changer, étendre ou modifier les Stipulations existantes, et

en se tenant au contraire en tout à la lettre claire des Traités, en se conformant à leur sens précis. A cet effet, et pour être toujours fidèles aux principes précédemment établis, le Serviteur de La Sublime Porte, Seïd-Méhémed-Hadi-Effendi, Contrôleur Actuel d'Anatolie, a été nommé Premier Plénipotentiaire, et le Molla Seïd-Ibrahim-Afet-Effendi, revêtu du grade de Molla de Scutari et Cadi Provisoire de Soffià, a été nommé Second Plénipotentiaire, afin de conférer sur les Frontières avec ceux des Plénipotentiaires de la Cour de Russie qui seront nommés et annoncés à cet effet.

L'exécution de tous ces points de la part de La Sublime Porte, et les preuves de déférence et de respect qu'elle vient de donner, étant dignes de la justice qui caractérise Sa Majesté Impériale, comme aussi le gage d'un surcroît d'honneur, Sa Hautesse espère qu'en rétour, Sa dite Majesté Impériale prendra à tâche d'exécuter et de confirmer les Stipulations existantes, qui cimenteront de plus en plus l'amitié et la bonne harmonie entre les deux Empires.

C'est pour exprimer cet espoir et afin de déclarer aussi par écrit à notre ami, M. le Chargé d'Affaires, la mise à exécution des Articles ci-dessus, quoiqu'une notification verbale lui en ait déjà été faite par l'entremise de son Drogman Franchini, que la présente Note Officielle a été rédigée et remise.

M. Minciaky.

PROCLAMATIONS of the National Assembly at Epidaurus, relative to the Government and Independence of Greece. $\frac{16}{28}$ of April, 1826. (Translation.)

THE Greek Nation has witnessed the epoch, when her Representatives, invested with Full Powers, have assembled in a National Congress, for the third time, for the purpose of enacting Laws relating to the Internal Administration of Greece: it was for this object that they assembled at Epidaurus on the 6th Instant.

Scarcely, however, had they commenced proceedings upon the Affairs of the State, as will appear from their Acts, than the dangers which menaced Missolonghi by Sea and Land, and the fresh preparations of the Enemy, called forth the attention of the Assembly to more imperative objects; under these circumstances, which threatened the annihilation of a whole People, the Assembly deemed it neither prudent nor necessary to employ itself in discussions which required tranquillized minds, as well as long and deep deliberation. The safety of the Greek People, the basis of their Political Existence, ought to command, and have commanded, the attention of the National Assembly; and while measures of minor importance have been deferred, no time has been lost in bringing the physical and moral resources of the Nation into action, and keeping them in motion, with a view to oppose the impending danger.

In order to direct these resources, the formation of a sound Administration was indispensable; but the latter ought to be organized in as simple a manner as possible. Several instances of Nations placed under similar circumstances offer themselves to our view.

It was, therefore, deemed necessary, by the National Assembly, to place provisionally the Administration of the Affairs of Greece, both Military and Political, into the hands of Messrs. P. Mavromihali, Andrea Zaïmi, A. Deliyanis, G. Sisinin, Epiridonæ Tricoupi, Andrea Iskon, Joani Vlasson, Demetrius Tchmadon, Andrea Hadgi Anarghiron, Anagnosti Monarchides, and Panagioti Dimitracopulo, constituting the new Administration: men capable of governing under present circumstances, and whose experience and zeal are a pledge to the People for their fidelity and unfeigned patriotism. The existence of this Administration will commence this day, and expire in the latter end of September next; when the Persons thus invested with Full Powers, and constituting the National Assembly, will meet again, to resume their proceedings and establish the permanent Administration of Greece.

With this view the Assembly elected thirteen Commissioners, chosen from among her own Members; called "the Commission of the Assembly," and composed of Messrs. Paleon Patron Germanos, Artis Porphyrion, P. Notaras, Anagnostis Kopanitza, Anastasius Lonton, G. Darioto, Spiridion Caloyeropulo, G. Ainianos, Basilis Boudouri, George Boukouri, Nic. S. Velissarios, Em. Zenon, and Nicholas Rinieros, and whose duty it will be to convoke the National Assembly, at the period already determined. This Commission will moreover have to manage all the affairs which refer to the common weal of the People.

Greeks! Your Legitimate Representatives, in whom, by a free election, you have placed your confidence, deem it their sacred duty to provide for your safety. This is their only aim, and all that present circumstances and the times permit them to attempt. Therefore, it is your duty, your sacred duty, to place entire confidence in the present Administration; to execute its regulations, and for each individual to concur with all his might, physically and morally, towards the great object which we have in view, in fighting this sacred war, for the sixth year. Men and youths! all ye who glory in the name of Christ—all ye who have Greek blood in your veins; prepare your sinewy arms against the barbarous Enemy of Christ—against the mortal Enemy of the Greek name. The Clergy, the Primates, and those who possess large fortunes, must come forward with generous succours to the assistance of their Country, now in danger. The struggle is common to us all—the sacrifices are common to us all—but the same fortune attends us all, if we emerge gloriously from the present Contest.

Greeks! When we first embarked in this noble enterprize, we declared in the face of God and Man our unshaken resolution; which we corroborated by the most sacred oaths, and which we cemented by

so many sacrifices and by such an effusion of blood! Let us shew once more that we are Christians—that we are Greeks, faithful to our oaths, firm in our resolves, and that with the Cross before us, and weapons in our hands, we are ready to descend into the grave, sooner than to live in chains, without a Religion—without a Country—without Honour: torn from our relatives and friends, the infamy of our neighbours, the mockery and sport of all who surround us. In this undaunted resolution we have conquered, and shall continue to overcome our tyrants, till we witness at last, and ere long, our fate decided by the Judges who rule the destinies of Nations, whose sympathy our unparallelled efforts have secured for us.

The Assembly of the Representatives, invested with Full Powers is dissolved this day, and hastens to express in the name of the Greek Nation which it represents, their lively gratitude to the Patriots who fight by Sea and Land, to the immortal Garrison of Missolonghi, and to the defenders of Greece in general, whose bravery and efforts prove to the World at large, that the Greek Nation fights for her Faith and Country.

Given at Epidaurus, April 16th, 1826.

The President of the National Assembly,
PANOUTZOS NOTARAS.
The Chief Secretary,
A. PAPADOPULO.

The Deputies of the several Districts of Greece, assembled in New Epidaurus, and lawfully and regularly constituting the Third National Assembly, unanimously judged it for the advantage of the People to postpone their proceedings to a future period.

But, impressed with devout sentiments of gratitude to the Disposer of human events, their first duty led them to offer with humble hearts, the sincere acknowledgments of the Greek Nation, that it has pleased the Almighty to uphold their Arms with His continual support; and though sometimes to have permitted them to be led into the temptations of Sin, to have never for a moment neglected their Cause; but to have girded them with strength, for the Glory of his Holy Name. In this grateful effusion of their hearts, they unite with one soul and one voice to pay the Sacred Tribute to Divine Omnipotence. With the same accord, the people of Greece form the firm resolution, whatever the issue of the war may be, to live and die unshaken in the Sacred Faith of the Christian Religion, in defence of which, tears and torrents of blood have been shed throughout the Land of Greece; and to devote their last breath in vindication of the rights of their Country, usurped and enslaved by Despotism, and long darkened by the barbarity of Tyrants.

The People of Greece are confident that they have convinced their enemies, by their faithful and heroic acts, of all those resolves of

which they wished to persuade the August Sovereigns of Christendom, when they addressed to them their first cries for compassion. They now declare once more, that they did not take up Arms to found a State upon anarchical principles, which would undoubtedly excite the disapprobation of the Sovereigns of Europe, nor to subdue and reign over Foreign Lands; their sole aim was to resist the dominion of the Ottoman Porte, which the Greek Nation never has recognized, and which the Porte herself had never fancied that she possessed. The Greeks have not taken up Arms to disengage themselves from any oaths, or from any duties: as Prisoners of War, they never owed any allegiance to the Sultan, nor has the Sultan ever thought it expedient to require such allegiance at their hands. The Greek Nation does not fight to throw off any lawful restraint, as it is well known that the only Law of Greece was the will of the Sultan. The objects of the Greeks in taking up Arms was the glory of the Church of Christ, which, together with its Hierarchy, was held in contempt and slavery. They claim the complete possession of that Land which was left them as an inheritance by their Forefathers. They claim that liberty and that political existence which they are now endeavouring to establish: in short, they claim their entire Independence of any Nation upon Earth.

For these rights alone the People of Greece are waging war—amidst the desolation of their blood-stained Towns and Villages, and the desertion of their Country; whilst thousands of their men and children are butchered, and thousands led into shameful captivity; it is still for these rights alone that they are firmly determined sooner to quit the World, than return under the degrading yoke of Ottoman tyranny.

The Representatives of the Greek Nation feel it their indispensable duty to make this solemn and candid declaration, signifying at the same time, the unshaken resolution of the Phillochrists, who, confident in the innocence and justice of their Cause, do not doubt that the August Monarchs who reign in the Name of Christ, will take compassion upon an unfortunate People, in danger of utter destruction, for no other reason than that of believing in the same God with them.

The Representatives, in thus fulfilling their duty before God and Man, will postpone the proceedings of the National Assembly to September next; meanwhile, impressed with a lively faith and love, they implore at the Throne of Divine Mercy, at this moment of trial, assistance and support from Him who is alone their hope, their refuge, and their strength.

Given at Epidaurus, April 16th, 1826.

The President of the National Assembly,

PANOUTZOS NOTARAS.

The Chief Secretary,

A. PAPADOPULO.

DECLARATION of the Provisional Government of Greece, against Piracy. $\frac{27\text{ Mai}}{8\text{ Juin}}$, 1826.

La Commission directrice de la Grèce.

Considerant avec peine que toutes les mesures prises jusqu'ici contre les abus commis sur mer, et dans l'intention de mettre fin aux Pirateries, n'ont pas réussi; convaincue que ces abus impardonnables et ces Pirateries affreuses, ouvrage de quelque hommes pervers et indignes du nom Grec, attirent sur toute la Nation l'indignation des Puissances neutres et la haine des autres Peuples, par les dommages qu'elles causent à leur Commerce; voulant atteindre, par tous les moyens, le but de la cessation des Pirateries et la juste punition des Pirates, but pour lequel elle a même réclamé plus d'une fois la co-opération de tous les Commandans des Forces Navales des Puissances neutres dans l'Archipel: la Commission Directrice déclare ce qui suit:

Art. I. Aucun bâtiment Grec, à l'exception de ceux qui font partie de la Flotte Grecque, n'a le droit de porter le Pavillon de Guerre, de la Nation, ou d'aller en course, tant dans le mers Grecques que dans les mers voisines.

II. Il est pour le moment défendu aux bâtimens, mêmes armés, qui font partie de la Flotte Grecque, et qui portent, outre leurs Papiers de service Militaire, une Patente en règle du Gouvernement pour la course, ou pour un blocus, ou qui sont autorisés par une permission spéciale de l'Amiral, d'arrêter les bâtimens neutres, à moins que ces bâtimens ne portent, dans un endroit du Territoire Eunemi, à la Flotte, aux Armées ou aux Forteresses Ennemies, des vivres, des munitions de Guerre, ou quelqu'autre objet tendant au Commerce de contrebande en tems de Guerre.

III. Après la publication de cette Déclaration, seront considérés comme bâtimens Pirates, 1. Tous ceux qui, sans faire partie de la Flotte Grecque, parcourent la mer pour faire la course. 2. Ceux des bâtimens qui, tout en faisant partie de cette Flotte, ne sont pas munis, outre leurs Papiers de service Militaire, de Lettres de Marque en règle, signées par le Gouvernement, ou d'une permission spéciale de l'Amiral. 3. Tous les petits bâtimens armés en course, tels que les *mistiks*, les *perames*, les bateaux connus sous le nom de *clephtines*.

IV. Les Autorités Locales, établies dans les Iles ou sur les côtes de la Grèce, et les bâtimens de guerre Grec, portant leurs Papiers en règle, doivent arrêter et expédier au Gouvernement tous les bâtimens qui, d'après l'Article précédent, sont considérés comme Pirates. Si ces derniers bâtimens, resistent, ils doivent les poursuivre, les couler à fond ou les brûler, s'ils sont pris, et en expédier les équipages au Gouvernement.

V. La construction des *perames*, des *clephtines*, et d'autres bâtimens pareils, destinés évidemment à des courses de Piraterie, est expressé-

ment défendue, à dater de la publication de la présente Déclaration. Si les constructeurs de ces Barques défendues ne cessent pas de suite leurs constructions entreprises, ou s'ils en entreprennent de nouvelles à l'avenir, ils encourront la peine d'une amende pécuniaire et d'un emprisonnement. Les Communautés des Iles ou des côtes sur lesquelles ces barques sont construites, si elles n'empêchent pas les constructeurs, seront punies d'une amende pécuniaire.

VI. Tous les bâtimens Neutres chargés d'objets de contrebande de Guerre, qui seraient pris par des bâtimens faisant partie de la Flotte Grécque, et munis de Papiers en régle pour la course ou pour un blocus, conformément à l'Article II. seront immédiatement conduits à l'endroit où réside le Tribunal de Prises, afin d'être examinés et jugés. Autrement, si ceux qui les avaient pris avant de les conduire devant le Tribunal de Prises, ou avant que la décision régulière de ce Tribunal soit rendue, mettent la main sur la cargaison, la gaspillent ou s'en emparent par force ; s'ils insultent ou blessent le Capitaine, les Matelots ou les Passagers du bâtiment pris, non-seulement ils perdront tout droit de course qu'ils pourraient avoir, mais ils seront encore considérés comme Pirates, et assujéttis aux peines portées par les Lois.

VII. La présente Déclaration sera communiquée aux Amiraux et aux Commandans des Divisions Navales des Puissances Neutres dans la Méditerrannée, dont le Gouvernement Grec réclame de nouveau la co-opération efficace, pour arrêter les abus et mettre un terme aux Pirateries qui attirent les cris et l'indignation générale, sur le Peuple innocent et sur toute la Nation Grecque, quoique, par leurs effets, elles ne frappent pas plus le Commerce des Neutres que celui des Grecs eux-mêmes, dont les maisons, les propriétés, et quelquefois la vie même, n'ont pas été à l'abri de l'attaque des Forbans.

Donnée à Nauplie, le 27 Mai (8 Juin), 1826.

LE PRESIDENT, A. ZAIMIS.
LE SECRETAIRE-GENERAL, C. ZOGRAPHOS.

MESSAGE of the President, on the Opening of the General Congress of Mexico, 1st January, 1826.

GENTLEMEN, (Translation.)

THE affairs of the Country having become even more prosperous than we beheld them in the flattering perspective of last year, and, having acquired an external consideration, which, while satisfactory to our wishes, is hastening them on to the pinnacle of glory, it is pleasing for me to offer you a picture of the progressive felicity of this fortunate Nation, brought to perfection after 15 years of heroic struggling, and putting into a state of completion the dispensations of Providence with regard to this Republick.

The august ceremony of the Assemblage of the Representatives imposes upon me the duty of presenting a sketch of the year 1825, which in our annals will be ever memorable, as one of the most eventful which the God of nature and of societies has ever bestowed on a Nation. I fulfil, at the same time, the pleasing task of making known the acts of my administration, while the Secretaries of State perform the duty, imposed on them by the Law, of reporting to Congress the business of their Departments.

The month of January of last year is deserving of eternal record, as the Government of His Britannick Majesty then evinced a disposition, to the Diplomatick Agents in London, to enter into friendly relations with, and recognize the Independence of, the New American States. This proceeding of the wise British Cabinet has strengthened our interests, and at the same time disconcerted the plans of external Enemies, surprising the Cabinets of the Allied Powers. The latter have disclaimed all interference with the affairs of the Americans, and have thus discovered the ulterior plans which lay latent in their bosoms: they wished to waft across the Ocean the absurd principles of Legitimacy, and to smother liberal ideas in the New World. All their intercourse with the Court of Madrid indicated a wish again to subjugate the ancient Colonies of Spain by Foreign Forces. The Invasion of the Peninsula, in 1823, had for its object to enable Ferdinand VII. *to undertake the reconquest of his former Colonies.* The French Generalissimo proclaimed this to be the object of his *August Uncle.* England has the credit of flying to the assistance of reason, justice, and liberty, and of rescuing America from the disasters of War, by the interposition of her Trident. This eventful circumstance has opened the means of communication between the two Worlds; and Mexico, blessed by the inexhaustible resources of its soil, occupies a high station in the new order of things. Our Agent in London now enjoys the rank given to him by our Government; and, associated with Mr. Morier, who arrived at Vera Cruz the 14th of last month, a Chargé d'Affaires of His Britannick Majesty now resides in our Capital; and Treaties will shortly be entered into, which it is hoped will soon conciliate the interests of both Nations. The Chambers, by virtue of the 13th Attribute of the General Congress, will be occupied with this important Negotiation, which occupies the attention of Europe.

France has solemnly declared her desire to establish mercantile relations with the Republicks of America, under guarantees proposed by her Government. It is to be hoped, more for France than for us, that the wishes of those Frenchmen who are desirous of establishing a new market for their commercial speculations, will be attended to with promptness and energy. Whatever may be the true motive for the Diplomacy which has declared the Independence of Hayti, it has incontestably recognized the right of insurrection in Nations, and esta-

blished the expediency of attending to the state of the times, in lieu of that false principle which in no way distinguishes men from the flocks of a shepherd. This measure has been followed by the appointment, by the Court of Versailles, of a Commercial Agent to reside at the seat of this Government. In short the measures of France are now not in the least calculated to alarm the Inhabitants of the Republick.

The King of The Netherlands, the descendant of that Orange who fostered liberty, has recognised the Provisional Consul of Mexico; and M. de Quartel, Commissioner of that King in this City, has expressed to me the adhesion of his Government to our philanthropic principles.

The President of the Council of Government of Prussia has informed me of the nomination of a Commercial Agent to the Republick.

Foreign Newspapers have given satisfactory information of the sentiments of Sweden and Denmark towards us, and although Government has nothing official to submit to Congress, it has no doubt but that these Maritime Nations will soon form relations of commerce with this State.

The Emperor of Russia evinces no hostile prejudices against our Revolution; and, as Mexico is the nearest of the New States to the Russian Possessions, a communication will ere long be established between the two Countries. What most concerns us, is the Ukase of 28th of September, 1821, prohibiting to all, except Russians, trade, fishing, and traffick, in the Ports of the Islands, and on the North-west Coasts of America, from Behring's Straits to the 51st Degree of North Latitude; with the Aleutian Islands, the East Coast of Siberia, and the Kurile Islands. The reclamations of The United States of the North sufficiently explain how far that Law may interfere with the Sovereignty of the Ocean.

The Holy Father, at once Sovereign of Rome and Head of the Catholick Church, inspires veneration and affection in the Mexicans, who are anxious to treat with him on matters exclusively religious and ecclesiastical. The benevolent Letter which Leo XII. addressed to me on the 29th of last July, proves his ideas of justice, and raises a hope that our Envoy, who arrived at Brussels in August last, will be paternally received, and be permitted to pay homage to the legitimate Successor of St. Peter.

With respect to the Nations of the happy Hemisphere of Colombus, justice and gratitude compel us to mention, before all others, the most ancient State of America, and the first of the Civilized World which solemnly proclaimed our rights, after having preceded us in the heroick resolution of shaking off a dependence on the Mother Country. The United States of the North, models of political virtue and moral rectitude, have advanced under the system of a Federative Republick, which, having been adopted amongst us, by the most spontaneous Act

on record, exalts us to a level with the Country of Washington, and establishes the most intimate Union between the neighbouring Countries. A Plenipotentiary from that Nation accredited to our Government is commissioned to conclude Treaties which, without delay, shall be laid before your Chambers. The most urgent point is the definitive regulation of the limits between the two Nations, and the Government is preparing Surveys, which will facilitate the conclusion of the Negotiation, on the unalterable bases of liberality and good faith.

The Republick of Colombia, in order to identify its principles in peace and war with ours, has concluded a Treaty of Perpetual Union, League, and Confederation, which, being solemnly ratified, is the inviolable support of the harmony of two Countries naturally friends and allies. The Colombian Squadron was ready to set sail for our Coasts, in compliance with one of the Articles of the Convention; but this Government considered it unnecessary, owing to the recent success of our Arms.

The great victories of the President Bolivar will accelerate the desired organization of Peru. The Independence of that Republick was recognized in the time of the Protectorship of General San Martin, and since that period no Minister, commissioned by any of the various Provisional Governments of Peru, has appeared in Mexico.

The Chief of the United Provinces of the Rio de la Plata has offered protestations of the most firm and cordial friendship between that State and the Mexican Nation.

The Chilian Republick, when free from momentary oscillations, will have a more intimate and frequent communication with Mexico.

During the last year, discussions took place with the Central Republick, respecting the integrity of the State of Chiapas, and the Government, in accordance with the opinion of Congress, will give preference to the means of peace and friendship, whilst they may be found sufficient to guaranty the National honour. An Agent has been named for commercial affairs in Guatemala, who will depart when he has obtained the Constitutional approbation of the Chamber of Senators.

The union of the Representatives of all the American Nations at Panama will soon take place, in order to consolidate the alliance and cordial friendship of the great Family, which, by multiplied prodigies of valour, and exertions of constancy, have banished for ever, the Spanish domination. The Plenipotentiaries of Mexico will embark during the present month. I congratulate the Chambers and the American Continent on the approach of an Event which history will record as of greater moment than any which will occur in the nineteenth Century.

Directing our attention to the prosperous situation of the Interior, new and important triumphs have rendered the glory of the Republick more sublime. The Spanish Squadron in the Pacific, which supported

the hopes of the Government of Madrid, even after the Campaign of Ayacucho, capitulated on the 1st of May, in Monterey of California, augmenting our marine by the ship *Asia*, now the *Congreso Mexicano*, and the brig of war *Constante*. The importance of this event, in a political point of view, is incalculable, and, in a moral point of view, it gives room to considerations highly honourable to Mexico, which was chosen from among the States that front the Ocean, to receive the last spoils of the dying power of Spain in the Seas of America. The generosity of the Republick towards the unfortunate men, who adopted a new and ameliorated Country, induced it to pay the wages due to them from the Spanish Government, which fails in its engagements, whilst it demands sacrifices.

The Chambers will participate in the joy which transports me, when I call to mind that, at the end of four years of fruitless attempts and toils, in the reduction of the famous Castle of St. Juan d'Ulloa, the Flag which Cortez raised over the waters of Mexico has at length struck. Owing to the arrangements of the Government, the vigorous siege by Sea and Land, and the forward movement of our Marine, directed by an able hand, against that of the Enemy, our Troops, on the 21st of December, gained the position called the Gibraltar of America, which may be said to be the Key of Mexico, and which the sworn Enemies of Independence preserved as the Gates of the Republick. An event of such magnitude, the object of the most ardent wishes of the Patriots, is sufficient to indemnify the Nation for its losses during so many years of Contest, and to satisfy the Congress and the Government that their labours have been directed for the benefit of the Mexican States. The Republick has placed itself on that high point of elevation, which the experience of each day confirms to it, and it has impressed the last seal on the triumph of the great Cause of American Liberty, which is radically identified with the fortune of Mexico. The Government, seated in the National Congress on the Throne of justice, demands from its august munificence the recompense which gratitude owes to the valiant Soldiers of the Country.

Finance, which in all Countries is the barometer of their riches and aggrandizement, promises the most gratifying augmentation of revenue. The redemption of debt has infused into our Creditors that confidence which constitutes the magic of our resources. Our National Credit in Foreign Markets advances in proportion to our scrupulous faith in fulfilling the conditions of our Loans with the houses that contract for them. Messrs. Barclay, Richardson, and Co. of London, negotiated advantageously the Loan which they were commissioned to raise for the Republick. Happily, little of it has been required for ordinary expenses. The equipment of Ships; the providing of arms, clothing, and accoutrements for the Army; the improvement of our tobacco plantations, and the redemption of a considerable part of the Loan con-

tracted in 1823 with the English House of B. A. Goldschmidt and Co.; together with the punctual payment of the Dividends, and the ordinary Sinking Fund, are the objects to which its produce has been applied. Its utility has been seen in the state of the Army, in the increase of our Marine, in the acquisition of Ulloa, and in the external and internal security which we enjoy. The half of the duties of our Marine Customs being paid at the Custom-house on the Coast, and the other half in Mexico, the strictest orders have been given that the half of the former, that is, the fourth part of the whole amount, shall be deposited in Vera Cruz, Alvarado, the old Town of Tampico, Tampico de las Tomaulipas, Soto la Marina, and Refugio, to be employed in the complete and prompt discharge of the dividends and ordinary sinking fund; without the necessity of having recourse for this purpose to the remainder of the last Loan, which is still in London at the disposal of the Government.

The strict regulation of Maritime Duties will produce the greatest benefits to commerce, and the approaching balance will exceed that of 1824, and even of 1825, compared with which it will be more general and perfect. The Customs for some months past have been approaching their total organization, and they will, beyond doubt, attain it according to the designed plan. The States of Chiapas, Queretaro, Puebla, Tabasco, and Yucatan, have received the pecuniary assistance which their finances, at the moment, required. Bejar, Cohahuila, Chihuahua, and Tejas, have also been suitably regarded. Succours of every kind have been sent to California. The Warehouses of the Capital have been supplied with an abundance of clothing and stores for the Army.

Commerce, the channel of communication between produce and consumption, advances beyond all calculation on the shores of Mexico, and neither monopoly nor rivalry affect the markets. Commercial prosperity requires the assistance of internal circulation, to which the Chambers will give the last helping hand by considering the Project for the Roads. Nothing has yet occurred on which publick opinion has been so decidedly pronounced.

The System of Finance adopted by the Sovereign Power of the Nation, has been completely carried into effect by the Executive. To the advantage of our regular Revenues, and to crown our prosperity, I anticipate, that it is probable that the demands for the present year, will be covered by the natural products of our soil. Let those pusillanimous Persons be silent, who distrust the immense resources, and the genius and industry, of our fortunate Country.

The Army has re-established its *morale*, the principle of its existence, and its discipline has improved in one year exceedingly, both in the regiments of the line, and the active militia. The superiority of their equipment, and the excellence of their arms, contribute in a great

measure to render our Army equal to the best in the world. The greater part of the valuable armament from Europe has already arrived, and the remainder will soon be received, thereby supplying the wants of the Nation. It has provided Artillery for the fortified Points of the Coast, and the service of the interior. In Perote a large depôt of munitions of war has been directed to be formed, in order to ensure tranquillity in the North, and with other views of evident advantage. Provisional arrangements have been made for the Presidial Companies, until the Chambers shall have approved the Consulta of the 23rd of March last, and for supplying them with clothing, and with arms, and ammunition, to keep in order the uncivilized tribes. The Yaquis Indians, in Upper Sonora, have committed several murders; but the activity of the Military Chief and Political Authorities, has placed the latter in a condition to restore Peace, and to prevent the repetition of similar atrocities. Congress, by granting the means adapted to its philanthropic sentiments, and the compassion which those unfortunate branches of the human race inspire, further facilitates the acquisition of social enjoyments, and banishes for ever the barbarous policy of Spanish government, which, by regulations, printed and circulated amongst the Military Chiefs on their Frontiers, directed that War should be provoked in order to their destruction. Government has instructed the Garrisons to treat them with kindness and lenity; and the sword will not be drawn unless to punish insurrection. The points nearest to the Enemy have been reinforced by the opportune dispatch of Troops. The state of defence in Yucatan is very respectable, to which, on account of its proximity to Cuba, the Government has paid particular attention. These precautions are not unnecessary, even though the physical and moral impotence of the Enemy be acknowledged. The fortifications of the important Fortress of San Juan de Ulua are undergoing repair, in order that the first Port of the Republick in the Ocean may be maintained in perfect security.

Our Navy, after having done its duty in the reduction of Ulua, is employed in guarding our Coasts from the incursions of Pirates and Smugglers. The Vessels which are preparing will augment its force in a short time, and protect commerce in the Mexican Gulf, and two Brigs and a Sloop of War will always be kept in regular employment in the South Sea. Our communications with California, which are paralyzed for want of Vessels, will soon be increased by two Packets built at San Blas. The Ship *Congreso Mexicano*, fully equipped, will weigh anchor from Acapulco within a month at the latest, for the North Sea, where it will perform the useful services for which it is destined.

The Supreme Power, being charged with watching over the prompt and complete administration of justice in the Confederation, is anxious that the existing Laws in favour of the property, honour, and life of the Citizens, should not be merely brilliant chimeras, nor Juries

a snare for the innocent, or the means of escape for the guilty. The Chambers know how far the powers of Government extend, and the various conditions which this complicated part of social organization affects. Congress will have to take care that the high judicial power continues its progress: the Tribunals for regulating the administration of justice, in the Districts and Territories of the Confederation, will secure to the well deserving Citizens which they contain, the inestimable guarantees of man in society. In viewing the Constitutions published in the States, the care and circumspection with which the Legislatures have established the bases of this branch, agreeably to the forms of the general Constitution, and the luminous principles of the science of Legislation, will be remarked. The moral progress of the Republick is astonishing, and bears testimony, no less to the mild character and amiable disposition of the Mexicans, than to the excellence of the Institutions adopted, and their conformity with the National habits. Robbers, driven from the States, find a refuge in the great Capital, and, owing to its crowded population, are enabled to perpetrate in the darkness of night, and even in the light of noon, their infamous offences. They have excited the attention of the Government, which, supported by the salutary Law of the 3d of October, has the power to suppress, chastise, and imprison Criminals. The Jury, for atrocious crimes committed in the Federal District, may lead us to the agreeable discovery, that the Republick has arrived at a state of perfection in that Department of Jurisprudence.

Knowledge is beginning to be diffused among all classes of society. The Government delights to exert itself in improving the Establishments for the purposes of education, in the formation of others, and in the efforts employed to effect a genuine and lasting spirit of intelligence among the People. A select meeting of Citizens, lovers of the glory of their Country, have projected and realized the design of erecting, in the Capital, an Institution for the advancement of science, literature, and the arts. The Executive has approved of its statutes, and has conferred with the Directors respecting the appropriation of its funds. The Academy of San Carlos opens the door to the formation of good taste, in those arts which supply the comforts of life, and has begun to form a National Museum, which will be the depository of all that is the most rare and precious of our soil, for the improvement of our Youth, and the admiration of Foreigners. In the various States, Colleges are erecting for the study of the physical and moral sciences, including political economy, legislation, and the other branches of knowledge, which the pusillanimity of Spanish government prevented from being extended to us. The Schools for primary instruction also increase in number, and the Lancasterian System is becoming general, assisted by the Government. Various Societies and Academies further the rapid progress of information. Most of the States have

purchased printing-presses, and freedom of sentiment in Mexico gives ample employment to them all. The Government is occupied in forming an extensive Plan of Education, which will merit from the Chambers all the attention which the first of their exclusive powers prescribes.

The working of the Mines has given employment to various Foreign Capitals, has given life to our interior Population, and animated our agriculture and commerce. Want of employment exists no longer; all hands are occupied, and the hopes of those families are revived, which from a state of opulence had arrived at the deepest poverty. An abundant supply exists in the Mint, and the circulation of the currency will augment with the publick wealth. The introduction of machinery in the working of the metals, and the arrival of consummate Artists, will diffuse amongst us the lights, of the possession of which we once envied Europe. Imagination can scarcely picture the felicity which is in store for our Country. Industry, which, secondarily, is the foundation of our resources, visibly improves. Our paper, iron, glass, and cotton manufactures, all attest the activity, and enterprize of the Mexicans.

Hitherto, the Plan has appeared problematical, of forming a Communication between the two Seas, by means of a Canal across the Isthmus of Tehuantepec; no doubt, however, now exists of the practicability of opening a good road to convey the commerce of the World. The Expedition, which the Government sent to that part of the Country, has returned, confirming this intelligence, having already satisfied itself of that fact. The Secretary of State will detail to the Chambers the great efforts made by Government to leave nothing undone, in the important object of establishing and advancing the interior organization

Let me be allowed to withdraw the attention of the Chambers, from this description of uninterrupted prosperity, to the melancholy record of the victims who have been cut down by the pestilence. The Government has visited the house of mourning, and its aid will be directed, to avert, as much as possible, the lamentable consequences which have, happily, not yet arisen.

There is an unbounded source of consolation in the prospect, that the seed of our liberties will speedily form a fruitful and luxuriant tree, which will extend the elements of life to our Federative Body. It is only a Year since those who, believing us incapable of being governed on philosophical principles, lamented our fate. The National Code was regarded as a theory, vain in itself, and it was prognosticated that its ultimate result would be to deceive every body. They conjectured that our Legislators, devoid of foresight, or led away by a torrent of dangerous ideas, would involve the Nation in the disasters of anarchy, whilst they were inviting them to social perfection. The Mexicans, naturally accustomed to all that was good, great, and pure, mocked these ignorant prophecies, and effusions of bad faith. Universal content, adherence to the Laws, respect for the maxims that preserve our

political existence, all arise from the knowledge and profound wisdom of the Mexican Legislatures.

The Country, crowned with glory, displays to the Universe that it contains in its bosom, peace, philanthropy, and virtue. From this moment we shall see its name advance to distant Ages, by the majesty of its principles, and the immensity of its resources. The Chambers of the Mexican General Congress, in the plenitude of their power, will raise to its highest pitch the greatness and felicity of the Republick.

GUADALUPE VICTORIA.

REPORT of the Minister of War to the Congress of Mexico, January, 1826.

(Abstract.) —— (Translation.)

The Army of the Republick consists of 22,750 permanent Troops; and 42,047 active Militia, of whom 21,577 are actually under arms, and on duty.

The Infantry consists of 12 Battalions of 1,223 Men each.

There are 13 Regiments of Cavalry, each composed of 815 Men. Most of these Regiments are already well mounted, clothed, and armed: all will be so in less than six months.

The Companies, denominated by the Spaniards, Presidial Companies, which were kept up formerly on the Northern Frontier, in order to repress the inroads of the Indians, had been suffered to fall completely into decay. The Government has now re-established them; their Arrears have been paid up; and Arms, Clothing, and Ammunition for 3,000 Men (of which Number the 31 Companies are composed) have been forwarded by Sea and Land.

Besides the Regular Troops thus enumerated, there are in the different States upwards of 6,000 Landed Proprietors, Miners, and Agriculturalists, &c. who have enrolled themselves as a sort of Auxiliary Militia, mounted and armed at their own expence; and who, inured to fatigue, and being admirable horsemen, might be very usefully employed as Light Troops.

The Law of the 24th August, 1824, by which the Quotas of the different States are fixed, requires amendment. Congress ought to enact that each State should furnish its Quota out of its own Citizens; otherwise all the Rogues and Vagabonds will be sent to the Military Depôts, and the Army will be composed of Men, without a Country, and without honour, instead of Citizens who fight for their own interest in defending that of the Nation. In the Deserts of California and New Mexico there is space enough for the crowds of Vagabonds who still infest our Towns; and there, under a firm and steady Superintendence, they might, like the Convicts sent by England to Botany

Bay, become in time useful Members of Society, instead of being, as they are now, an incumbrance and a disgrace to our Army.

A supply of 20,000 Muskets has been already received from Europe; 70,000 more are daily expected, together with 14,000 Carbines, 20,000 Swords, and 5,000 pairs of Pistols; a part of which has already reached the Coast.

In less than six months the whole Army will be provided with new Arms, and the Government will have in hand 40,000 Muskets, which will be deposited in the Capital.

Clothing for 20,000 Men has been contracted for Abroad, and as much more at Home.

Our Fortresses, though not in the very best state, are all able to stand a Siege, and the Government has taken measures for repairing thoroughly that of St. John of Ulloa, and for putting Perote and Campeachy in a complete state of defence. So long as the Island of Cuba continues to be occupied by Spanish Troops, Mexico must consider it as the Head Quarters of the Enemy. It is on this account that the Government has directed its attention most particularly to the Peninsula of Yucatan, which it regards as one of the most vulnerable Points. It is now occupied by 6,000 Men, who are amply provided with Arms, Ammunition, Money, and Flying Artillery. Campeachy is the Point d'Appui of this Force, and care has been taken to occupy and fortify the most important Positions upon the Coast.

The Government has been most indefatigable in its efforts to restore order, to extirpate vices and excesses which had been tolerated during our protracted Civil War, and to re-establish subordination. Let the present state of the Army be compared with that of the last few Years, and it will afford the best proof of the progress which it has made. The party movements which, although the natural consequence of revolutionary restlessness, on more than one occasion most seriously endangered the Government, have entirely disappeared.

Since the promulgation of the Constitution, and its spontaneous adoption by the People, not the slightest dissension has occurred: Officers and Soldiers have respected the wish of the Nation, and seconded the views of the Government.

The whole Estimate for the Expences of the Army and Navy, during the last Year, amounted to 18,946,524 Dollars. Thus a reduction of upwards of 5,000,000 of Dollars has been effected.

This Reduction is owing entirely to the general improvement which has taken place in the state and prospects of the Country. Last Year it was thought necessary to keep the whole disposable Force of the Republick under Arms; this Year a small Force is all that will be required in order to maintain our Liberties, and secure our Independence.

By the Statements contained in this Report, the Congress will perceive that the Nation has under Arms, at the present moment, upwards of 40,000 Men: that these Troops are most punctually paid, and, for the most part, are well clothed, armed, and disciplined: that, within a short time, all will be so: that, in the present Year, the remainder of the Militia, established by Law, will be completely organized; when the Army will be composed, in all, of 64,000 Men, two-thirds of which will cost the Nation nothing; because, the Militia Regiments being once created, and brought into a fit state to be made use of when required for the Public Service, the skeleton of the Regiment alone will remain on full-pay, whilst the rest of the Men will retire to their homes, and be called out only in case of necessity.

This happy moment once arrived, the Estimate of this Department may be reduced immediately to 7,000,000 of Dollars, and thus the enormous Deficit of the last Year will disappear, which occasioned so much alarm to those Politicians, who neither knew how to appreciate the immense resources of the Country, nor to calculate the progressive improvements which a happier state of affairs would enable the Government to effect.

MANUEL GOMEZ PEDRAZA.

REPORT of the Minister of Marine to the Congress of Mexico, January, 1826.

(Abstract.) — (Translation.)

THE Naval Forces of the Republick consist of one Ship of the Line of 68 Guns; one Frigate of 40; one Corvette of 30; six Sloops of 20; four Golettes; and eight Gun Boats. The *Asia* and *Constante* are now completely refitted, and ready for Sea.

To these Forces, Mexico is indebted, for the possession of the Castle of Ulua, and for the reductions which the termination of this siege will enable her to make, both in the Naval and Military Departments.

The vast expence of the Garrison which has been hitherto kept up on the Island of Sacrificios is at an end.

The Arsenal which had been necessarily removed from Vera Cruz to Alvarado, where every expence was at least double, will now be removed back to Vera Cruz.

On the Western Coast, it is the intention of the Government to transfer the Naval Depôt, from San Blas to Acapulco, or to Manzanillo, should the survey now making of that Place prove favourable.

On the Atlantic side, there is at present no Depôt, or Dock Yard for repairing Ships, but the Government is of opinion that the Isla del Carmen, from its position and other local circumstances, might be made use of for this purpose, and an Estimate of the expence of this intended

Establishment, amounting to 450,000 Dollars, is consequently included in the Estimate of the Year.

The whole charges of the Naval Department, including the Isla del Carmen, for the Year 1826, will amount to 1,889,016 Dollars.

MANUEL GOMEZ PEDRAZA.

REPORT of the Minister of Finance to the Congress of Mexico, January 1826.

(Extract.) (Translation.)

Estimate of the Receipts for 1825, 1826.

	Amount actually received in the first eight months of 1825.	Estimate of the whole Receipt for 1825.	Estimate of the whole Receipt for 1826.
Maritime Customs	3,670,887 2 8	5,000,000 0 0	8,000,000 0 0
Tobacco.....	634,416 4 4	951,624 6 6	2,000,000 0 0
Gun Powder	96,587 7 0	144,881 6 6	200,000 0 0
Alcabala on Tobacco...	1,633 0 9	40,000 0 0	100,000 0 0
Post Office	272,071 1 11	408,106 6 10	500,000 0 0
Lottery.....	98,672 6 11	148,009 2 4	150,000 0 0
Salt.....	32,087 6 10	48,131 6 3	76,000 0 0
Territories.....	16,717 5 0	25,076 3 6	40,000 0 0
National Property.....	25,647 3 0	38,471 1 6	38,471 1 6
Tithes.....	67,483 2 7	400,000 0 0	400,000 0 0
Contingents from States	1,114,615 5 5	1,862,688 2 10	3,136,875 0 0
Credits due.....	1,208,516 4 10	1,500,000 0 0	2,500,000 0 0
Interior Customs.....	29,189 7 0	43,784 6 6	43,784 6 6
Miscellaneous	268,519 5 6	402,779 4 3	402,779 4 3
Saving-Banks	47,354 4 1	71,031 6 1	71,031 6 1
Balance of the first Year.	318,761 7 5		
Dollars	7,903,163 3 3	11,084,586 5 1	17,658,942 2 4

ESTIMATE OF EXPENCES FOR THE YEAR 1826.

Minister of the Interior, and Foreign Affairs..	– – –	147,768 0 0	
Justice	– – –	221,720 0 0	
War.....	– – –	8,456,722 3 0	
Marine	– – –	1,574,180 3 4	
Finance, viz.:–..			*Estimated Receipt for* 1826.
General Congress, &c...	288,529 0 0		
Sundries	2,635,943 0 0		
Debts owing, viz.;		2,924,472 5 5	17,658,942 2 4
One-eighth from duties to pay old Tobacco credits	150,000 0 0		
Dividends, &c. on Goldschmidt's Loan.....	973,600 0 0		
Ditto on Barclay's Loan.	568,000 0 0		
		1,691,600 0 0	
Extraordinary Expences for the four Departments		1,650,000 0 0	
			16,666,463 3 9
Estimated Surplus for the Year 1826.....Dollars			992,4786 7

JOSE IGNACIO ESTEVA.

SPEECH of the President, on the Closing of the General Congress of Mexico.—23rd May, 1826.

(Extract.) ——— (Translation.)

FELLOW CITIZENS, OF THE SENATE, AND CHAMBER OF REPRESENTATIVES,

DURING the Months of the present Year which have already elapsed, Providence has continued to pour out its Blessings upon the Republick. The splendid Successes of 1825 were overcast by the melancholy consequences of the pestilence: at present, Health is every where restored. The Year, as it advances, promises to crown the hopes of the labourer; and those sources of National Prosperity which are not dependent upon the vicissitudes of the Seasons, justify the calculations which had been formed respecting them, and encourage the most gratifying expectations. In the bosom of most profound Peace we enjoy the happiness, which has been extended to us, by that Supreme Being, to whom, in the name of all, I humbly offer the Tribute of National Gratitude.

In the short period which has intervened since I last addressed you, our Relations with Foreign Powers have experienced no material alteration.

The Government of Spain, deaf to the voice of reason, and contrary to its interest, has not ceased to pursue with persevering obstinacy, a course, which only demonstrates the dullness of its Policy. Notwithstanding the distress which prevails in the Peninsula, and the discredit into which the Government has fallen Abroad, by failing in all its Engagements with Foreigners; we have seen it fit out Expeditions, which have already reached the Islands of Cuba and Porto Rico, put into a state of repair Vessels of the largest size, and even build others in the Dock-yards of Spain! The Council of State which has been recently installed, is to occupy itself, more particularly, with the affairs of America, and in considering of the means of restoring to the Mother Country the enjoyment of her pretended Rights! The energy which the Government of Ferdinand displays, whenever the interests of his former Colonies are touched upon, is really astonishing, at a time when Ferdinand hardly sustains himself upon a Throne, which is shaken by continual Revolutions! The prospect of an amicable Arrangement appears as remote as ever; nor is there any reason to hope, at present, that Spain will abandon those Principles, by which she has hitherto regulated her conduct. It is true that the surrender of the Fortress of Callao, and the success which has attended the Arms of another of our Sister Republicks, in the Archipelago of Chiloe, have completed the ruin of Spain in the New World; but it is no less true that, in the last struggles for her former Dominion in America, she will

make a convulsive effort, and will endeavour to turn even the resources of despair to account. This reflection naturally leads to another, which is, that Mexico has not enjoyed that tranquillity, which she was anxious to secure by a reconciliation, on terms worthy of the Holy Cause which she defends. It is still the wish of Mexico to be at Peace, with an Enemy bent upon continuing a War, fatal, in all its results, to his best Interests; but the Republick, victorious in its Struggle with its Ancient Masters, will never be unmindful of its own dignity, and will never listen to any Proposal, not founded upon an unqualified Recognition of its Rights. The wisdom of Congress has closed the door upon all those Proposals for Indemnification, Tribute, or Compensation, for the loss of that Supremacy, which Spain formerly exercised in these Countries, which might have been brought forward, in favour of the Mother Country, and enforced by the example of a Recognition recently effected upon similar Principles. Congress has, likewise, prohibited the entry of Spanish Subjects into the Territory of the Federation, and this prudent Regulation cannot fail to give us additional security, both at Home and Abroad. The Government, which has never ceased to consider the Nation as at War with Spain, has increased or diminished, its defensive preparations, in proportion as Spain has displayed more or less activity in her plans of attack. The Executive has no hesitation in stating that it has gone, in this, to the full extent of its powers, and that whenever those powers appeared insufficient, it has appealed to the Congress, and demanded such Measures as the situation of the Republick seemed to require. The War will be sustained with that firmness with which it has been carried on, up to the present day. The Government feels confident that the enthusiasm of the Nation will, at all times, baffle the Schemes of its most inveterate Enemies. By War we shall conquer Peace; and Peace with all the World is the first of our wishes.

Some difficulties have arisen, which have hitherto delayed the conclusion of the Treaty of Amity, Commerce and Navigation, with Great Britain, but I have reason to hope that a Negotiation equally desirable, and advantageous, to both Contracting Parties, will soon be brought to a conclusion, and thus seal for ever that amicable intercourse which, already, so happily exists between the Two Countries, and which has been cultivated, on both sides, in a spirit of sincere friendship. When frankness and good faith predominate in a Negotiation, it is easy to reconcile even the most opposite interests.

On similar grounds it is to be hoped that the Government will succeed, in arranging and combining the interests of The United States of the North with those of this Country. That Government, pursuing its System of Neutral Trade upon the basis of perfect equality, has refused, in the course of the Negotiations, to admit the exception which Mexico wished to establish, generally, throughout those portions

of America, which have been dependent on the same Mother Country, and which, from their identity of principles, origin, and necessities, should make Common Cause, and mutually assist each other against the common Enemy. The United States of the North though essentially *American* in their feelings and interests, are, nevertheless, up to a certain point, hampered with Engagements already contracted with European Powers; Engagements which do not exist for the New States, which are, consequently, free to assist each other in every sense. An Official Document, which has very recently been published, has thrown considerable light upon the policy of the Cabinet at Washington, with regard to the Struggle in which a large portion of America is involved. The memorable promise of the President Monroe, contained in his Message of the 2nd. of December 1823, is disclaimed by the present Government of The United States, which has publickly declared "that they have contracted no Engagement, nor made any Pledges to the Governments of Mexico, and South America, or to either of them, that The United States would not permit the interference of any Foreign Powers, with the Independence, or Form of Government, of those Nations."

It is, indeed, true, that Mr. Clay, Secretary of State, and Author of the Note, appeals to the sympathy of the People of The United States, and to their community of interests with the New Republicks: but it is no less true, that we have no longer any sort of Guarantee, or Promise, on the part of that Government, to take a part in the Contest, if a Third Power should become an Auxiliary of Spain.

Mexico, when she proclaimed her Independence, grounded her Right on the purity of the Principles which she invoked, and relied on the inexhaustible resources of her soil, and the adventurous valour of her Citizens. She proclaimed maxims of universal Justice, and announced her wish to connect herself with the Nations of the World, by the ties of a friendly intercourse, and by a reciprocity of rights and favours. She has excluded no Flag from her Ports, and her rich Commerce is open to all Countries. This philanthropic conduct has conciliated general esteem, at the same time that internal tranquillity, and a free circulation of riches, have augmented her elements of defence. The Government of the Republick consider it as beyond the circle of probabilities, that any Power, except Spain, will engage in an attempt to disturb the Republick, in the peaceful possession of that existence, which it acquired by its own efforts, and has maintained with unexampled moderation: but if, contrary to all expectation, the classic soil of liberty should be profaned, Mexico, left to her own resources, will be found able to preserve her dignity and Rights.

The Emperor Alexander, in the last days of his life, proclaimed solemnly his principles, his wishes and his intentions, with regard to the

American Revolution. Mr. Clay submitted to the Cabinet of St. Petersburg the many important considerations, which ought to induce it to interfere in a Question of such deep interest. He insisted upon the fact, that the Peace of the World could not be regarded as secure, so long as the Struggle between America and the Mother Country continued undecided. The intentions of the Cabinet of Washington upon that occasion will always do it honour; they were worthy of its foresight, its prudence, and its philosophy: the bases of American Independence were analyzed with great discrimination, the course of past events perspicuously traced, and the denouement, which is now fast approaching, foretold: the necessity of conforming to circumstances, and of yielding to the inevitable result of a triumphant Revolution, was boldly demonstrated: and it was stated that, with the resources possessed by the New States, there was reason to apprehend that the continuation of War,—a War fatal to Spain herself, in the first instance,—might ultimately give a direction, highly unfavourable to certain interests, to the combined power of 20 Millions of Men, all more or less committed, and all flushed with success. Nothing, in short, seems to have been omitted, in Mr. Clay's Note, which could, in any way, produce conviction. On the other hand, it must, in justice, be admitted, that the Emperor of Russia by no means gave an unfavourable reception to a Proposal, which was made in full reliance upon his generous character, as one of the Regulators of the Destinies of Europe. Count Nesselrode, in a Note dated August 20th 1825, confines himself to declaring; that the Opinions of His Imperial Majesty did not allow him to prejudge or anticipate the determination of the Mother Country, upon so important a Question; and that Russia could not give a definitive answer to the Proposals of The United States, until she had received positive information of the ulterior views of Spain, as well as of the opinions of her Allies. We are not ignorant of the favourite maxims of a Cabinet, which may be regarded as the head of the Holy Alliance, nor will any one who reflects, fairly, upon the terms in which this curious Document is couched, deny, that they do not even *imply* any hostile Projects, on the part of Russia, against the New Republicks.

A French Superior Commercial Agent has lately arrived here, authorized to present himself as such by One of His Most Christian Majesty's Admirals. The Government, taking into consideration the nature of his Credentials, the want of so essential a requisite as the immediate sanction of his Sovereign, and the fact that the Mexican Agent at Paris has not been received as such, nor admitted in the Publick Character which he holds, in virtue of an Appointment emanating from our Chargé d'Affaires in England, has regarded it as a duty to insist upon a strict compliance with the customs in use amongst Civilized Nations: but, as the strictest reciprocity is the principle upon which the Mexican Govern-

ment is determined to act, I have directed that Mr. Alexander Martin shall be received in the capacity of Confidential Agent, which is the Character assigned to the Citizen, Thomas Murphy, in France. I have, likewise, been induced, by my wish to do every thing in my power to conciliate, and keep up a good understanding with the Court of France, to allow Mr. Martin to execute the duties of his office as Commercial Agent, until he be accredited in due form, an attention to which, on the part of France, is required by the interest of both Nations, happily disposed to maintain, and extend, the friendly intercourse which already subsists between them.

The Commission issued by the Minister of State, and Trade, of His Prussian Majesty, in favor of Mr. Lewis Sulger, appointing him Commercial Agent in the Capital of the Republick, instructed that Gentleman to protect the rights and interests of all Prussian Subjects, "with the Superior and Subaltern Authorities of Mexico," without being addressed to the Government of the Federation, from which alone Orders for the reception of Foreign Agents, and permission to exercise their Functions as such, must emanate. On this account, although with much regret, I have been forced to refuse the usual Exequatur to the Commission of the Prussian Agent; but as soon as it has been remodelled, according to the Forms usual in international intercourse, there is no doubt that the good understanding between the two Countries will be strengthened: in the mean time the personal applications of Mr. Sulger will be duly attended to, in all cases in which the interests of His Prussian Majesty's Subjects are concerned.

Our Envoy to the Court of Rome is still detained at Brussels; from which place he has addressed to the Holy Father a remonstrance against the contents of his Pastoral Letter of the 24th September 1824. He is likewise endeavouring to ascertain the views of the Court of Rome with regard to our connexion with the Apostolick See, in conjunction with the Minister of Colombia, whose Negociations are more advanced. The Mexican Envoy will take no decided step until he receives the Instructions, with respect to his Mission, which are still before the Chambers.

The Republick of Peru was restored, at the commencement of the present Year, to the full possession of its Liberty, and Territory.

The Republick of Chile has dislodged the Spaniards from the Islands in the vicinity of its Coast, by the success of its Arms, and has incorporated them with its Territory. Our relations with the Chilian Government, founded on congeniality of feeling, have been considerably improved.

A New Republick has sprung up from the Tomb of the Incas, which has adopted the Name of the first President of Colombia. We look with anxiety for the first Measures of its Government, as the presage of the firmness and stability of its formation. It is

very satisfactory, however, that the Provinces of Upper Peru have manifested, with regard to their Independence of Spain, the same glorious enthusiasm which has been displayed by the Sister Republicks.

The Acknowledgment of the Independence of Brazil by the King of Portugal is an event of immense importance in the history of our times. John VI. has renounced, in substance, the rights and prerogatives of His Throne; and this example of submission to the empire of circumstances,—I might add, of philanthropy and moderation,—will tend to weaken those maxims, which form the Code of Legitimacy. The distance which separates this Republick from the new Empire, and the few interests which they have in common, are the reasons why no communication has as yet been opened between the two Governments. The Friends of liberty see, with regret, the War which has broken out, between Brazil and The United Provinces of Rio de la Plata. If War is, at all times, the scourge of Nations, it becomes doubly so with Nations in their infancy, which ought to make every sacrifice, rather than mutually destroy each other.

The Mexican Plenipotentiaries appointed to the Congress, have sailed for Panama, in the Brig of War, *Constante*. The nature and complicated business of their very important Mission have alone been the cause of the delay in their departure. The Instructions of the Government have been weighed and discussed with the deepest consideration, and, when the time arrives for acting upon them, and promulgating them to the World, Mexico will occupy that station, which she has merited by the frankness and philanthropy of her principles. To secure the Independence, gained by the most heroic efforts; to unite, in the most solid and permanent manner, the Relations of the great American Family; to proclaim the friendly and pacific intentions of the New States: these objects form the bases of those Instructions; and the result proposed, is the establishment of the Publick and Divine Right of the Americas.

Turning our attention to the interior State of the Republick, we receive the congratulations of those who are spectators of the majestick career of our undisturbed felicity. The Constitution is loved and respected by all free Americans. The controversies which have necessarily arisen, respecting certain important points, far from being aberrations from sound reason, should be considered as the most brilliant proof of that spirit of life, serenity, and energy, which exist in our fortunate Association. Let us leave to despotic Governments that death-like silence with which they enforce obedience and submission to their mandates. The Government strengthens its moral force, by submitting its operations to criticism and investigation. Our system is like the Sun in its meridian splendour.

The Executive has given impulse to the progress of our Financial System, founded on the wise principles adopted by the Chambers.

The Establishment of Maritime Custom-houses, the augmentation of the Preventive Service, the plan proposed for simplifying that service, the continued orders, and watchings, and the most minute particulars, constantly reported to the Officers, all afford the flattering prospect of being able to diminish fraud, and of compelling the Trader to have recourse to legal channels. The result of these measures will be, a material increase of the Revenue, arising from the removal of restrictions, and other improvements which the useful exertions of Congress have afforded to Commerce, by the reform of the Tariff, and which the interests of the Republick, as well as those of the Nations who frequent our Territories, imperiously called for.

The productive Revenue of Tobacco will not fail to improve, in proportion to the combined exertion of the General Government, and of those States which are anxious for its advancement.

The Regulations adopted, in the administration of the Salt Works, Powder Mills, and other Revenues of the Federation, have been so beneficial, that, after paying the expenses incurred by the Nation, and the advances made by Foreigners, they promise in future a surplus to the Republick.

I observe with singular satisfaction, that, in the middle of the Year 1826, what I foretold in the Month of January is about to be realized.

I have the additional pleasure of announcing to the Chambers, that the terms of the Contracts for Loans raised in Foreign Markets, have been scrupulously fulfilled, up to the present day. In the beginning of January of the present Year, it was necessary to assign Funds in London, for the payment of the interest of the Loan contracted with the House of B. A. Goldschmidt and Co.: a balance remaining in the hands of that House was made use of for this purpose.

The Money destined to pay the Interest due in April is already on its way: there is in Vera Cruz sufficient to meet that due in July, which will be embarked without loss of time; and it is with further satisfaction that I assure the General Congress, that the Duties payable by the different Vessels now in our Ports, will be amply sufficient to provide for the payments of the two last Dividends of 1826.

The Mexican National Funds have declined, similarly to those the most accredited in England.

During the last few months, Credits of all kinds, not excepting those of Europe, have gradually depreciated.

The consequence of this has been, that various Houses have suspended their payments, and among them that of Goldschmidt, which has interested the Mexican Government to a certain degree; but the

necessary steps have been taken to secure to her, by the due course of Law, the balance which remains in her favour.

This Commercial Revolution has been attributed by some, without the least foundation, to political causes. The fluctuations of that great market, cannot be assigned, in the present instance, to any other cause than the immense extent of the speculations which have been entered into, and the scarcity of money which has in consequence been occasioned.

Accounts, received up to the 21st of March, state, that this mercantile storm had subsided. The Mexican Funds rose to 63, and continued steady at 62½ at the above date.

The Executive has had the satisfaction of seeing the credit of the Republick revive, with a marked preference over all others, solely from the circumstance of its being known in London, that Sums, deposited in our Maritime Custom Houses, were to be scrupulously appropriated to the discharge of our Engagements.

It shall be the endeavour of the Government to maintain this reputation, by the unalterable good faith with which it will fulfil its promises and obligations.

This point, so identified with the honour of the Supreme Authorities, shall never be lost sight of by the Executive; nor that of economizing, as far as it is practicable, those valuable resources, by means of which the Nation has preserved its Liberty and Independence.

To these important subjects, the attention of the Government has been principally directed, without neglecting, at the same time, the Conscription for the Army, the organization of the Municipal Militia, the formation of 8 Regiments of Permanent Cavalry, and a Squadron of Mazatlan, the concession of judicial privileges to the State of Guanaxuato, the Contingent necessary to complete our Marine; and other matters which will require the enactment of appropriate Laws.

The uncivilized Indians have renewed their predatory incursions; but the reorganization of the Presidial Companies, and the stationing 15 others in the Places pointed out for that purpose, with the nomination of Commandants as Inspectors, lead us to hope for the speedy chastisement and pacification of those Tribes.

The Northern Ports are protected by Armed Cruizers and Gun Boats, which have captured several Vessels employed in Smuggling.

The Peninsula of Yucatan has been supplied with all the necessaries of War, and an Estimate of the Expenses for the defence of the Coasts and Ports of the North Sea, has been submitted for the approbation of the Chambers.

The expediency of determining the situation most advantageous for the establishment of a Naval Arsenal, has induced the Government to appoint a Commission of scientific Persons, for the purpose of comparing the local and other advantages of the Isla de Lobos, with those which the Isla del Carmen is known to possess.

The Commission appointed for the final arrangement of the Boundary Line is occupied in the discharge of its important duties, at the same time that it is receiving additional data and information connected with their employment.

GUADALUPE VICTORIA.

SPEECH of the Duke of Cambridge, Governor General of Hanover, on the Opening of the Assembly of the States. 23rd January 1826.

HONORABLES ETATS DU ROYAUME,

Il m'est très-agréable de voir assemblés autour de moi les Etats du Royaume, qui ont été convoqués de nouveau par Sa Majesté le Roi, mon Auguste Frère, et appelés par la confiance de leurs Concitoyens, pour délibérer sur les intérêts de la Patrie. Sa prospérité ne peut être fondée d'une manière durable, qu'autant que les Etats seconderont avec l'ancienne fidélité et union, dont ils ont toujours fait preuve, les efforts du Gouvernement, pour améliorer les Institutions publiques autant qu'il est nécessaire, et pour avoir égard autant que possible aux intérêts des particuliers, dans les dispositions qu'exigeront les intérêts généraux de l'ensemble.

Le Roi a compté là-dessus ; et, satisfaite des efforts patriotiques de la précédente Assemblée des Etats, Sa Majesté a prononcé, lors de sa dissolution, que son attente, à cet égard, avait été remplie. C'est à vous, Messieurs, à justifier de nouveau pour l'avenir la confiance dont vous avez reçu des preuves.

Pendant la Paix, dont la durée est garantie par la Constitution de la Diète Germanique, et par les dispositions des Souverains Alliés, il a fallu régler les mesures nécessaires pour le cas d'une guerre imprévue, et pour remplir alors les engagemens du Royaume. Les dispositions concédées à cette fin, et approuvées par Sa Majesté, relativement au contingent du Pays pour completter et entretenir l'Armée, ont réglé les rapports à cet égard pour l'avenir, et assurent ainsi cette importante branche du service public, contre tout ce qui pourrait y porter atteinte.

L'achèvement du systême général des taxes, mis à exécution sur la proposition de l'Assemblée provisoire des Etats, a du réclamer principalement jusqu'à présent les soins du Souverain et des Etats. D'après le principe invariable, que tous les habitans sont tenus de contribuer également d'après leurs moyens, toutes les restrictions et faveurs qui avaient été introduites relativement aux taxes, par les Administrations provinciales, ou par des rapports antérieurs, ont du être abolies pour toujours, en ayant des égards équitables aux droits des particuliers.

Ce n'est que par ce moyen qu'on a pu réussir à supporter sans oppression les charges considérables, que des tems malheureux ont fait peser sur le Pays, et mettre sa caisse en état de remplir ses engagemens avec l'exactitude la plus parfaite.

Le produit des taxes est en général satisfaisant, et si l'expérience confirme ce qu'on attendait à cet égard, le tems n'est peut-être pas éloigné où vous pourrez vous occuper des moyens de les diminuer d'une manière durable. En attendant, Sa Majesté ne croit pas pouvoir répondre mieux au désir général, qu'en vous recommandant, eu égard à l'état de gêne où se trouvent maintenant les Propriétaires Fonciers, d'employer les excédens de Recettes que l'on obtiendra dans la prochaine Année d'Exercice, à opérer une remise extraordinaire dans l'impot général sur les fonds et les Maisons. Le travail sur cet objet est près d'être achevé.

On vous communiquera dans le cours de cette Session les cotes de Contributions des Provinces, et rien n'empêchera de mettre en activité au commencement de la prochaine Année d'Exercice, la perception de l'Impot Foncier, d'après cette nouvelle répartition. L'unité et l'uniformité du système des taxes dans toutes les parties du Pays, ainsi que les soins nécessaires pour juger équitablement des réclamations éventuelles, exigent néanmoins qu'on fasse pour l'administration de la Contribution Foncière des arrangemens qui assurent l'accomplissement de ces deux buts. On vous présentera incessamment les Projets à cet égard.

On peut regarder comme satisfaisant l'état de la Dette du Pays, dans lequel les soins persévérans des états ont établi le meilleur ordre.

L'amortissement a pris un cours régulier et avantageux; les obligations du Pays sont au pair.

Si, d'après cela, on pouvait, à l'avenir, avec plus de facilité et moins de tems, conserver et perfectionner l'état de choses existant, ce résultat serait d'autant plus à désirer, qu'on pourrait alors donner des soins d'autant plus actifs à d'autres objets non moins importans pour le bien du Pays. On doit mettre à la tête de ceux-ci une bonne Administration de la Justice, qui est le premier besoin d'un Etat bien organisé. Car c'est sur une égale protection accordée à la liberté personnelle et à la propriété que repose le bonheur et le contentement des habitans. C'est à obtenir ce resultat que les Souverains de ce Pays ont de tout tems mis leur gloire, et secondés par des Fonctionnaires loyaux, ils l'ont fondée par des Réglemens sages et qui assurent une administration impartiale de la Justice. Mais ces Réglemens et ces Lois, qui antérieurement remplissaient leur but, sont en partie insuffisans aujourd'hui, pour satisfaire à ce qu'exigent les nombreux changemens que le tems a amenés dans les rapports sociaux, et ils réclament des améliorations. Ce besoin est surtout urgent pour ce qui concerne l'organisation des Tribunaux intérieurs, qui doit assurer une bonne et

prompte administration de la Justice à la grande majorité des habitans. Il a été présenté à cet égard un Projet aux Etats pendant leur dernière Session; je vous recommande d'autant plus l'examen des propositions sur ces objets que plusieurs autres parties de la législation, surtout la révision des Lois Criminelles, dont le principal travail preparatoire est déjà achevé, réclameront dans les Sessions suivantes toute votre activité.

Plusieurs causes, particulièrement le bas prix des grains, ont concouru à déranger l'aisance de plusieurs Familles. Plus il est difficile d'apporter un remède prompt et sur à ces maux, plus il est nécessaire de donner la plus grande attention aux moyens qui peuvent, ne fût-ce qu'insensiblement, amener un meilleur état de choses. On peut obtenir, non-seulement par les divisions et réunions de biens communaux, ainsi que par les secours continués pour le perfectionnement de l'agriculture, et de l'éducation du bétail, mais encore en activant le commerce et l'industrie, surtout dans un moment où de grands changemens survenus dans les rapports des Peuples offrent des débouchés qui étaient restés jusqu'à présent sans usage. La suppression des droits dans l'intérieur du Pays, et l'encouragement donné à l'industrie par les changemens apportés aux droits d'entrée, n'exerceront leur favorable influence sur le débit des produits naturels, et de ceux de fabrique, qu'autant que les communications dans l'Intérieur et avec l'Etranger seront facilités et assurés par de bonnes chaussées, et que les travaux dans cette partie seront bientôt achevés. Je recommande, en conséquence, particulièrement, cet objet important à votre attention.

Par le Budget des Recettes et des Dépenses de la Caisse du Pays, qui sera présenté à votre examen et à votre assentiment, vous verrez la situation favorable où se trouve cette Caisse, malgré les efforts et les sacrifices qu'a rendu inévitable le prompt rétablissement des digues et des écluses, ruinées par les inondations extraordinaires. Vous recevrez incessamment les communications exactes sur ce qui a été exécuté sous ce dernier rapport, et sur ce qui reste encore à faire. Plus Sa Majesté a déploré sincèrement le malheur que cet évènement a attiré sur un grand nombre de ses fidèles Sujets, plus le cœur paternel de Sa Majesté a été soulagé par l'accomplissement et la bonne volonté avec lesquels les Etats du Royaume ont secondé les efforts du Gouvernement, et tous les habitans de ce Pays ont contribué à adoucir la détresse de leurs Compatriotes.

En consacrant le souvenir de ces désastres et de ces secours officieux, l'histoire transmettra aussi à la postérité les généreuses actions et les sacrifices auxquels ils ont donné lieu. Si l'on compare avec tout ce qui s'est fait à cet égard, les difficultés qu'éprouvèrent les efforts réunis des Provinces, lors d'un événement semblable qui arriva il y a plus de cent ans, on reconnaîtra d'autant plus évidemment combien il est ne-

cessaire d'assurer l'union et l'association intime de toutes les parties du Pays, sans laquelle on n'aurait pu obtenir d'aussi bienfaisans résultats.

Je déclare que la Session de l'Assemblée Générale des Etats est ouverte.

REPORT of the Minister of Finance to the Congress of Colombia.—1st February, 1826.

(Extract.) (Translation.)

General Statement, shewing in detail the Total Produce of the several Branches of Revenue, without deducting Expences, during the Financial Year, from 1st July, 1824 to 30th June, 1825, according to the Returns made by the several Directors General of Finance.

COLLECTED BY THE TREASURIES.

	Dollars.	Rls.
Alcabalas	119,902	0
Direct Contribution	194,558	6
Extraordinary Do.	115,010	5
Tributes of the Indians (*Indijenas*)	172,051	2
Tithes	135,573	1
Vacant Ecclesiastical Appointments	87,302	7
Ninths of the Fund for building Churches	6,248	0
Mesadas Ecclesiasticas (since suppressed)	2,789	0
Suppressed Convents	979	0
Legacy Duties	1,015	2
Unappropriated Hospital Funds	1,806	5
Quintos on Gold and Silver	32,747	7
Salt Works	187,904	7
Stamped Paper	55,866	4
Spirituous Liquors	60,563	7
Rents of Lands, Houses, &c.	3,283	1
Playing Cards	200	5
Tax on Consumption (3 per Cent.)	7,014	1
Seizures of Smuggled and Contraband Goods	4,147	6
Duties on Smelting Gold and Silver	4,302	1
Outstanding Balances	4,433	2
Tax on the Liquor Guarapo, and Cock-pits	1,446	6
Widow's Pension Fund (Military)	71,543	7
Ditto ditto (Civil)	2,166	2
Sequestrations and Confiscations	23,243	7
Fund for repairing Roads	3,838	3
Fund for the Museum	9,221	2
Tiendas de Composicion (Printing.)	500	0
Produce of Government Mines	679	0
War Contributions	88,419	5
Deposits	256,035	0
Temporalities	15,735	1
Donations	6,389	7
Aprovechamientos (Effects.)	9,335	0

	Dollars.	Rls
Auctions	10,445	4
Unclaimed Property	45	0
Half-yearly Contribution on Secular Appointments	534	0
Colacion de Buques	8,958	0
Freight of Vessels	5,123	6
Sale of Marine Stores	23,030	0
Invalid Fund	2,801	7
Fund for Alms Houses	2,066	2
Rents of Hospitals	8,365	7
Subsidies	7,310	7
Waste Lands	4,477	2
Sweepings of the Mints	2,799	7
Fines	2,402	2
Recovery of Treasury Claims	43,057	6
Small Receipts. Treasury	139,011	4
Loans, forced and voluntary	516,188	5
Consolidation	25,713	1
Manumission	630	3
Fund for Education	272	7
Fines of the Chamber	139	4
Printing Duties	73	7
Quicksilver	123	4

COLLECTED BY THE CUSTOM-HOUSES.

1st Class.—Duties on Importation	1,888,016	0
Ditto Exportation	467,848	5
Ditto Consumption	148,011	0
Tonnage Duties	40,147	3
One per Cent. on Duties in Arrear	56	7
Rents of Public Edifices	1,904	0
Seizures	449	7
Securities for Redemption of Seizures	823	2
2d Class.—Anchorage	28,734	0
Patents of Vessels	1,120	0
Presunto Duty	2,187	3
Duties on Prizes, for Military Hospitals	18,286	1
Guias (Cockets)	15,272	0
3rd Class.—San Lazaro	9,974	7
Customs	4,630	3
Consulado	10,687	1
Malsion	8,314	2
Provisional Imposts	4,432	5
Tolls	230	0
Mints.—Bogotà	35,115	3
Popayan	66,877	5
Tobacco.—Total Produce of Sales of all Qualities	859,066	7
Post Office.—Total Produce throughout the Republic	94,719	2
Grand Total..Dollars	6,196,725	3

N.B. In the General Return of the Treasuries, there appeared four additional heads of Revenue which are omitted in this Statement, and were as follows: viz.

	Dollars.	Rls.
Under the head of *.....	85,800	0
Under that of " Receipts from other Treasuries.".....	422,309	3
Under that of " Bills of Exchange.".....	67,413	0
Under that of " Accounts between the different Treasuries"..	236,500	0
Dollars...	..812,022	3

* Of these Heads of Income, it is not known whether the first is not included in the Returns of the Mint; the third forms part of the Foreign Loan, and the other two are not productive branches.

ESTIMATE of One Year's Expences in each of the Departments of the Administration of the Republick.

			Dollars.	Rls.	ms
Department for Foreign Affairs, including Casual Charges.			295,762	7	17
Home Department			621,431	1	0
War Department.....			6,803,296	1	0
Marine ditto			4,809,077	4	17
Finance ditto (as follows)—					
Expences of the Department.....	858,142	7½			
Interest of the Foreign Debt.....	1,800,000	0			
One per Cent. for formation of Sinking Fund for this Debt	300,000	0			
			2,958,142	7	17
Dollars....			15,487,710	5	17

ESTIMATE of the Produce of the various Heads of Income, calculated to result to the Finance Department, provided the improvement suggested in the Report of the Minister of Finance to Congress be adopted.

	Dollars.
mportation.....	2,500,000
Exportation.....	600,000
Tonnage Duties	40,000
Consumption ditto	200,000
Tobacco	4,000,000
Trao (a kind of Alkali found in a Lake near Mexida)	10,000
nuff and pulverized Tobacco	25,000
alt Works	300,000
Hints.....	180,000
Quintos on Gold and Silver	50,000
melting Duties on Gold and Silver	4,302
Government Mines	679
weepings of the Mints.....	2,799
tamps.....	60,000
pirituous Liquors.....	100,000

	Dollars.
Tithes	300,000
Post Office	100,000
Auctions	10,445
Various Small Branches	204,472
Rents of Lands	4,477
Fines	2,402
Personal Contribution	500,000
House Tax	600,000
Land Ditto	2,000,000
Dollars....	11,794,576

J. M. DEL CASTILLO.

Statement of the Savings in the following Departments of the State, which will be made in the Year, 1826, in diminution of the Estimate of Expenditure, presented to the Congress by the Minister of Finance.

		Dollars.	Rls.	Dollars.	Rls.
Foreign Department		142,331	4		
Interior Do.		100,000	0		
Finance Do.		36,000	0		
				278,331	4
War Department		2,987,036	0		
Marine Do.		1,500,000	0		
				4,487,036	0
Dollars....				4,765,367	4

REPORT of the Minister of War to the Congress of Colombia.—18th February, 1826.

(Extract.) (Translation.)

GENERAL Estimate of the Expences of the War Department, during the Year 1826.

STAFFS.

	Dollars.	Rls.
Salaries of the Persons employed in the Establishment of the War Office, and Office expences	13,380	0
Pay of the Generals and Chiefs of the Army not employed in any other duty, and not in Command of Corps—(unattached)	313,560	0
Pay of Subaltern Officers and Employés of the General Staff, together with Office expences	71,244	0

TROOPS OF THE LINE.—(*Fuerza Veterana.*)

Pay and Clothing of 18 Companies of Artillery, receiving extra pay	273,024	0
Pay and Clothing of 6 Companies of Artillery, not receiving extra pay	73,728	0
Pay and Clothing of 18 Battalions of Infantry, receiving extra pay	2,171,880	0

	Dollars	Rls.
Pay and Clothing of 8 Battalions of Infantry, not receiving extra pay	782,784	0
Pay and Clothing of 14 Squadrons of Cavalry, receiving extra pay	386,232	0
Pay and Clothing of 3 Squadrons of Cavalry, not receiving extra pay	68,256	0
ADMINISTRATION.		
Salaries of Persons employed in the Administration of the Army, and Office Expences	4,320	0
Salaries of Persons employed in the Civil Department of the Artillery, and Office Expences	18,720	0
MILITIA.		
Pay, Clothing, and Expences of the Staff of 4 Battalions of Infantry, receiving extra pay	23,136	0
Pay, Clothing, and Expences of the Staff of 2 Battalions of Infantry, not receiving extra Pay	9,672	0
Pay, Clothing, and Expences of one Squadron of Cavalry, receiving extra pay	2.850	0
Pay, Clothing, and Expences of 4 Squadrons of Cavalry, not receiving extra pay	9,480	0
PENSIONS AND RETIRED ALLOWANCES.		
Allowances to Officers, of all Classes, who have retired, up to 26th of October, 1825	99,679	0
Pensions granted to Invalids, up to 9th November, 1825	61,503	0
ENGINEERS.		
Pay of the Engineers and Workmen of 4 Companies of Engineers	49,824	0
Materials consumed	139,588	0
FORTIFICATIONS.		
Pay of the Workmen employed on Fortified Places	17,024	0
Expences of the Works	300,000	0
HOSPITALS.		
Expences of every description, in those Departments where the Troops receive extra pay	182,975	2
The same, where the Troops do not receive extra pay	114,323	4
RATIONS.		
Rations (of forage) allowed the Army	391,051	7
GUNPOWDER.		
Annual cost of the manufacture of Gunpowder in the Capital, including expences of every description	25,061	4
PARK OF ARTILLERY.		
To provide articles of constant consumption	150,000	0

	Dollars	Rs.
REMOUNTS, BAGGAGE, &c.		
For remounting the Cavalry, and providing conveyance for Baggage	50,000	0
EXTRAORDINARY EXPENCES.		
For extraordinary and unforeseen expenses	1,000,000	0
Total Dollars....	6,803,296	1

Statement of various particulars contained in the Report of the Minister of War of the Colombian Government, for the Year 1826.

Account of the Number of General Officers, Colonels, and Lieutenant-Colonels, not in Command of Corps.

7 Generals in Chief, at 300 Dollars *per Mensem*.
9 ..... of Division....250
21 ..... of Brigade...200
69 Colonels 140
122 Lieutenant-Colonels ...100

Of the above, are employed on the Civil and Diplomatick List:—2 Generals in Chief, 2 Generals of Division, 5 Generals of Brigade, 7 Colonels, 12 Lieutenant-Colonels.—Total 28.

Composition of a Company of Artillery.

1 Captain, 2 Lieutenants, 2 Sub-Lieutenants, 1 Serjeant-Major, 6 Serjeants, 2 Drummers, 1 Fifer, 8 First Corporals, 8 Second Corporals, 75 Rank and File.

Total Annual Cost of each Company for 101 Men, including 24 Dollars per Man for clothing, 15,168 Dollars.

Composition and Cost of a Battalion of Infantry.

1 Lieutenant-Colonel, 1 Major, 1 Surgeon, 1 Chaplain, 2 Adjutants, 1 Standard-bearer (Sub-Lieutenant), 8 Captains, 9 Lieutenants, 16 Sub-Lieutenants, 8 First Serjeants, 24 Second Serjeants, 14 Drummers, 7 Fifers, 3 Bugle-players, 48 First Corporals, 48 Second Corporals, 648 Soldiers, 1 Drum-major, 1 Corporal of Pioneers, 6 Pioneers.—Total 848 Men.

Total Cost of a Battalion, including 24 Dollars per annum for clothing per Man, for 808 Men is 120,660 Dollars.

In the 18 Battalions of Infantry mentioned in the Estimate, are included 5 which have returned, or have been ordered to return, from Peru.

Of the 8 Battalions, not receiving extra pay, 3 are expected from Peru to garrison the Interior.

The total Infantry Force is 26 Battalions.

Composition and Cost of a Squadron of Cavalry.

1 Lieutenant-Colonel, 2 Captains, 2 Lieutenants, 4 Cornets, 2 Adjutants, 1 Surgeon, 1 Chaplain, 2 Clarinet-players, 1 Farrier, 1 Sadler, 1 Armourer, 2 First Serjeants, 6 Second Serjeants, 10 First Corporals, 10 Second Corporals, 132 Soldiers.—Total 179 Men.

The cost of a Squadron, including 24 dollars per Man for clothing, is 27,588 Dollars.

Of the 14 Squadrons, mentioned in the Report, 5 are expected from Peru.

MILITIA.

Until the Law for the Organization of the Militia be completed, those Militia Corps only are included which are completely organized.

Statement of the Number of Officers on retired Allowances.

6 Generals of Brigade, 21 Colonels, 39 Lieutenant-Colonels, 9 Majors, 112 Captains, 66 Lieutenants, 42 Sub-Lieutenants, 1 Commissary of War, 1 Chaplain.—Total 292.—Annual Expence 99,679 Dollars.

INVALIDS.

The amount of Pensions to Invalids is 61,503 Dollars.

HOSPITALS.

The Estimate of the Expence under this head, is calculated on the supposition of 75 Officers and 1,500 Men being in Hospitals, and from whom, during such time, two-thirds of their Pay is deducted.

FORAGE.

There are now drawing rations of Forage, 3 Generals in Chief, 4 Generals of Division, 10 Generals of Brigade, 64 Staff Officers, 16 Colonels, 18 Commanding Officers of Squadrons, 216 Cavalry Officers, 2,488 Soldiers. The expence under this head is 391,051 Dollars 7 Reals per Annum, at the rate of 3 Reals per daily ration.

GUNPOWDER.

The Powder-mill, near Bogota, is calculated to produce about 266 quintals per Annum.

NOTES.—1. Four Battalions of Infantry have been reduced to their staffs; One on the Coast, and three in the Interior; which will cause reduction in the Expenses estimated, and this will be of more import-

ance, if the Government shall find itself enabled to reduce the Forces to a Peace Establishment. Some Battalions are also still employed in Peru, which do not draw pay from Colombia, but they have been included in the Estimate because they are about to return.

2. The Estimate for the Hospitals must also decrease in proportion to the decrease of the Forces.

3. The Rations of Forage are only calculated in the event of general operations, which may not take place.

4. In the Estimate under the head of Fortifications, are included the expences of those actually existing, and those intended to be raised on the Coasts of the Atlantic and Pacific.

5. Of the Militia, 6 Battalions of Infantry and 5 Squadrons of Cavalry only, are estimated for, because they, alone, have Staffs of regular Officers, according to the "Regulation of Cuba," and although there are a considerable number of Corps of Militia, the Government has deemed it right to wait for the Law regulating the organization of this Force, in order to regulate its measures accordingly, and not to continue a method which is necessarily subject to variation.

6. By Extraordinary Expences, are understood those which would be occasioned, if the Republick were invaded, and obliged to increase its Force in proportion. From what has been said, it may be inferred, that, if the Nation continue in the state of Peace in which it has been for the last two Years, an expenditure of 2,000,000 may be saved, and our security from Foreign attack be increased, the Army-list will cease to be oppressive to the Treasury, because, for the preservation of the tranquillity of the Interior, scarcely any Force has been necessary.

CARLOS SOUBLETTE.

MEMORANDUM.—The Military Force actually receiving Pay consists of

	Men.
24 Companies of Artillery of 101 Men each, making.....	2,424
26 Battalions of Infantry of 848 Men each, making.....	22,048
17 Squadrons of Cavalry of 179 Men each, making.....	3,043
Total...	27,515

making, on an approximate calculation, an effective strength of about 25,000 Men. This Force includes 8 Battalions of Infantry and 5 Squadrons of Cavalry, already returned, or expected to return, from Peru; leaving in that Country a Force of about 5,000 Men, who, although they do not receive pay from Colombia while in Peru, make the grand total of the effective strength of the Colombian Army about 30,000 Men. There also exists in the several Departments of Colombia a Militia Force, completely organized, of 6 Battalions of Infantry and 4 Squadrons of Cavalry.

The Eight fortified Places in Colombia are:—Cumana, La Guayra, Maracaybo, Porto Cabello, Santa Martha, Carthagena, Portobello, and Guayaquil.

REPORT of the Minister of Marine to the Congress of Colombia.—9th January, 1826.

(Extract.) —— (Translation.)

GENERAL Estimate of the Expences of the Naval Department for the whole of the ensuing Year.

	Dollars	Rls.
For payment of the Salaries of the Secretary and Officers of the Official Establishment, for the Administration of this Department of the Publick Service.....	11,260	0
For payment of the Officers, Civil, and Naval, of the Departments, formed for each separate Department of the four into which the Coasts of the Atlantic and Pacific are divided, including the Captains of the Ports.....	58,288	0
For payment of the expenses of the Ship of the Line *Bolivar*, for one Year.....	240,211	6
For the same of the Frigates *Venezuela*, *Congreso*, *Colombia*, and *Cundinamarca*	495,368	0
For the same of the Corvettes *Bolivar*, *Ceres*, *Urica*, *Boyaca*, and *Pichincha*.....	588,324	3
For the same of the Brigs of War *Independiente*, *Pichincha*, *Libertador*, *Chimborazo*, *Congreso*, *Carabobo*, and *Araure*..	558,608	6
For the same of the Schooners *Independencia*, *Atrevida-Maracaybera*, *Voladora*, *General Padilla*, *Espartana*, *Atrevida*, *Rosa*, *Manrique*, and *Guayaquilena*.....	512,155	1
For the Gun-Boats, *Atrato*, *Colombia*, *Apure*, *Meta*, *Independencia*, *Orinoco*, *Diligente*, *Congreso*, *Constitucion*, *Presidente*, *Libertad*, *Vice-Presidente*, and the Bomb *Ejecutivo*..	177,840	0
For 36 Cutters or other description of smaller Vessels.....	472,009	4
For the expences of four Arsenals, and the Receiving Ships engaged in the Service	867,432	0
For supplying the Magazine with Stores, to replace the consumption for the whole of the Magazines of the four Maritime Departments.....	752,740	0
For Salaries of the Teachers of the four Marine Schools, and the supply of instruments, books, furniture, and other objects of expenditure during the Year..... .	33,968	0
For the expences of the Battalion of Marine Infantry, in the first, second, and third Departments, and of the two Companies stationed in the fourth.....	40,872	0
Total....Dollars	4,809,077	4

CARLOS SOUBLETTE.

NOTES.—This Estimate is formed, under the supposition that all the Vessels, great and small, will be maintained thoughout the Year in a complete state of Equipment. On the other hand, it should be considered that should circumstances permit the reduction of this Force to a Peace Establishment, the expence will be much reduced. It must be observed, notwithstanding, that the protection of our Commerce, and the care of our Coasts will always give employment to a considerable portion of our Navy.

The Ship of the Line and three Frigates are included in the Estimates, as they have been contracted for, although they are not yet actually incorporated with the Fleet.

CARLOS SOUBLETTE.

MEMORANDUM.—The Force of the Colombian Navy consists of 1 Ship of the Line, 4 Frigates, 5 Corvettes, 7 Brigs, 9 Schooners, 13 Gun-boats, and 36 Cutters and smaller Vessels.

CORRESPONDENCE between the Governments of France and Mexico, relative to the reciprocal appointment of Commercial Agents.—March to May 1826.

No. 1.—*Le Capitaine Cuvillier à M. Camacho.*

A bord de la Frégate de S. M. T. C. la Nymphe,
en rade de Véra-Cruz, le 17 *Avril,* 1826.

MONSIEUR,

J'AI l'honneur d'annoncer à Votre Excellence l'arrivée de la Frégate du Roi *la Nymphe,* et de vous envoyer une Dépêche de Son Excellence le Vice-Amiral Duperré, Commandant-en-chef les Forces Navales Françaises dans les Antilles et le Golfe du Mexique, et avec elle une Lettre de M. Murphy. M. Martin, désigné pour remplir les fonctions d'Agent Supérieur Commercial au Mexique, est à bord de la Frégate; la Dépêche de M. l'Amiral vous fera connaître quel a été le but du Gouvernement Français en envoyant M. Martin.

Je me félicite d'avoi été désigné par M. l'Amiral, pour donner à Votre Excellence l'assurance des dispositions les plus amicales pour maintenir entre les deux Pays la plus parfaite harmonie; je joins à la présente Lettre une Copie de l'Ordre qui m'a été donné par M. l'Amiral, pour réclamer du Gouvernement du Mexique l'admission et l'installation de M. Martin. M. le Général Barrayen, qui nous a reçus avec la plus grande bienveillance, ayant bien voulu favoriser notre départ immédiat pour Mexico, nous partirons demain avec M. Martin pour cette Capitale.

Je suis, avec la plus haute considération, etc.

JACQUES CUVILLIER.

S. E. Le Ministre des Affaires Etrangères
du Gouvernement Mexicain.

No. 2.—Le Vice-Amiral Duperré à M. Camacho.

Amphitrite, *Fort-Royal, Martinique, le* 14 *Mars,* 1826.

MONSIEUR,

SA Majesté Très Chrétienne, qui maintient une Force Navale imposante dans les Antilles et le Golfe du Mexique, sous mon commandement, m'a confié de nouveau le soin de faire respecter son Pavillon et de protéger le commerce de ses Sujets. A la demande de M. Murphy, Agent à Paris, autorisé par M. Rocafuerté, Chargé d'Affaires du Gouvernement Mexicain à Londres, Sa Majesté a autorisé l'établissement d'Agences Commerciales Mexicaines dans les Ports de son Royaume. Elle a pensé que l'adoption d'une pareille mesure dans les Ports du Mexique contribuerait à faciliter et à étendre les rapports commerciaux déjà établis entre les deux Pays; elle m'a ordonné en conséquence, par l'organe de M. le Comte de Chabrol, son Ministre de la Marine et des Colonies, de réclamer du Gouvernement du Mexique l'établissement d'un Agent Supérieur du Commerce Français; elle m'a autorisé à l'accréditer auprès de Son Excellence le Président de la République du Mexique en qualité d'Agent Supérieur Commercial, délégué par l'Amiral Commandant-en-chef des Antilles. Cet Agent Supérieur, dont l'unique objet sera de conserver l'harmonie et la bonne foi qui doivent assurer le succès de nos relations commerciales, sera également le seul intermédiaire de celles qu'au nom du Roi j'aurai à entretenir avec le Gouvernement du Mexique, toujours dans le seul intérêt du commerce.

Je charge M. Cuvillier, Capitaine de Vaisseau, de conduire M. Martin à Véra-Cruz; il aura l'honneur d'informer votre Excellence de son arrivée, du motif qui le conduit à l'un des Ports de la République, et lui transmettra ma Dépêche avec une Lettre de M. Murphy.

D'après la réponse de votre Excellence, M. Martin se rendra immédiatement à Mexico, où il présentera la Lettre de Créance, que je suis autorisé à lui délivrer.

Le choix de M. Martin, bien pénétré de mes intentions, et dont le caractère franc et loyal sera sans doute apprécié par votre Excellence, est une garantie réciproque pour les deux Parties.

Aussitôt après l'établissement de cet Agent dans la Capitale, son premier soin sera d'élire dans les divers Ports de la République, des Agens Secondaires, pour surveiller les intérêts du commerce, et remplir sous sa direction, dans chacun des Ports où ils se trouveront, les mêmes fonctions qui lui sont confiées en chef. Je lui ai prescrit de faire choix des Négocians les plus recommandables établis dans ces différens Ports, et qui offrent le plus de garanties aux intérêts des deux Pays. Je l'autorise à les désigner et à réclamer pour chacun d'eux une reconnaissance individuelle.

Je charge M. le Capitaine de Vaisseau, Cuvillier, de donner à votre Excellence l'assurance de mes dispositions pour maintenir pendant mon

commandement la meilleure harmonie dans nos rapports, tels étant l'intention et les ordres de mon Souverain.

M. Martin sera également chargé de les renouveler et de les conserver. Agréez, etc.

DUPERRE.

S. E. le Ministre des Affaires Etrangères.

No. 3, n'est que l'ampliation des Ordres donnés par M. le Baron Duperré à M. Cuvillier.

No. 4, est la Lettre de M. Martin à Son Excellence le Ministre des Affaires Etrangères du Gouvernement Mexicain, pour demander à lui présenter ses Lettres de Créance.

No. 5, est l'ampliation des Pouvoirs donnés par M. le Baron Duperré à M. Martin, en sa qualité d'Agent Supérieur du Commerce.

No. 6.—M. Camacho au Capitaine Cuvillier. (Traduction.)

MONSIEUR, *Mexico, le 8 Mai*, 1826.

J'AI eu le plaisir de recevoir la Lettre que vous m'avez adressée de la Baie de la Véra-Cruz, le 17 Avril, avec les Dépêches qu'elle renferme, de M. le Vice-Amiral Duperré, Commandant-en-chef la Station des Antilles, et de M. Murphy, Agent Mexicain à Paris; je n'y ai pas répondu plustôt, par la raison que vous m'annonciez votre prochaine arrivée dans cette Capitale avec M. Alexandre Martin.

L'arrivée de la Frégate de Sa Majesté Très-Chrétienne *la Nymphe* dans l'un des Ports de la République, et le sujet de son voyage, ont été aussi agréables que les résultats qu'on doit en attendre, si, par ce moyen, on veut arriver, par une communication franche et sincère, à former et consolider les rapports de deux Pays, appelés par leur intérêt et leurs convenances réciproques, à s'unir par les liens de la plus parfaite amitié.

L'admission et l'installation de M. Martin, sous le caractère publique d'Agent Supérieur du Commerce Français, dépendent entièrement de la nature de ses Lettres de Créance, et Son Excellence le Président de la République, à qui j'ai eu l'honneur de les présenter, se serait fait un devoir de les accueillir immédiatement, si elles eussent été expédiées dans la forme généralement reconnue et consacrée par l'usage des Nations. Mais cet usage ayant été altéré d'une manière sensible, il n'en résulte pas seulement des obstacles pour le moment; mais une fois toléré, il en pourrait résulter pour le Mexique des embarras et des difficultés dans ses relations futures, tant avec la France qu'avec les autres Puissances. Je ne puis donc que me référer à cet égard à ce que j'écris aujourd'hui même à M. Martin.

Je profite de cette occasion, &c. CAMACHO.

Le Capitaine Cuvillier.

No. 7.—M. Camacho à M. Martin. (Traduction.)

MONSIEUR, *Palais de Mexico, le* 8 *Mai,* 1826.

AVEC la Note de Votre Seigneurie du 1er de ce mois, j'ai eu l'honneur de recevoir la Lettre Patente qu'elle renferme de Son Excellence le Vice-Amiral Duperré, Commandant-en-chef les Forces Navales de Sa Majesté Très-Chrétienne, qui vous accrédite auprès du Gouvernement suprême des Etats Unis Mexicains, en qualité d'Agent Supérieur du Commerce Français.

Quoique l'usage généralement reçu parmi les Nations exige que de semblables établissemens soient précédés de la formalité indispensable de la sanction immédiate du Souverain ou du Chef de l'Etat, cependant Son Excellence le Président des Etats-Unis Mexicains, toujours disposé à favoriser, autant qu'il depend de lui, le maintien et la consolidation de l'amitié et de la bonne harmonie avec la France et toute autre Puissance, se serait cru obligé pour le moment de s'écarter de ces principes, en autorisant votre installation, et en vous faisant reconnaître, si l'Agent du Mexique à Paris nommé par M. Rocafuerté eût été admis publiquement et reconnu avec le caractère qu'il représente; mais Votre Seigneurie ne peut ignorer que M. Murphy, à qui le Gouvernement Français a d'ailleurs témoigné la plus haute considération, n'a pas été autorisé à ce titre, et n'a pu exercer publiquement ses fonctions, ce qui explique, sans doute, le silence qu'on remarque dans le Discours de Sa Majesté Très-Chrétienne à l'Ouverture des Chambres, en ce qui touche les relations avec le Mexique, quoique ce Discours soit très postérieur à la Mission de M. l'Amiral Duperré, et au choix qui avait été fait de Votre Seigneurie pour commencer ces relations.

Une parfaite réciprocité est la base des dispositions du Gouvernement. M. Murphy est considéré à Paris comme Agent Confidentiel, et Votre Seigneurie pourra résider au même titre sur le Territoire de la République. Elle pourra remplir sur ce pied les Instructions de son Gouvernement en ce qui touche les intérêts du Commerce, jusqu'à ce que Sa Majesté Très-Chrétienne, informée par vous de ce qui s'est passé, vous accrédite en bonne forme. Dans ce cas, et sous l'assurance donnée au Gouvernement du Mexique que ses Agens trouveront en France des dispositions semblables pour leur réception et leur installation, avec la jouissance des prérogatives attachées à leurs emplois, Votre Seigneurie ou toute autre Personne qui serait désignée après elle, sera reçue suivant toutes les formes usitées en pareil cas.

Le Gouvernement de Sa Majesté Très-Chrétienne ne peut douter un moment des bonnes et constantes dispositions des Etats-Unis Mexicains pour établir avec la France les rapports les plus actifs, d'après le témoignage incontestable de cette vérité dans la protection accordée au commerce Français, tant sur mer que dans les Ports de la République, dans l'hospitalité toujours prodiguée à ses Sujets, et surtout dans la nomination d'un Agent chargé de disposer le Monarque Français à

leur envoyer ses Représentans, alors même que la France paraissait se placer dans une attitude douteuse à leur égard; par la même raison, il faut espérer qu'après avoir fait un pas aussi important, et après s'être pénétrée de la nécessité d'avoir des Agens Commerciaux sur ce Territoire, elle ne trouvera plus de difficultés à les accréditer en bonne forme, afin qu'ils puissent exercer librement leurs fonctions, et être considérés dans l'opinion publique avec la dignité qui appartient aux deux Nations.

Son Excellence le Président des Etats-Unis, en désirant que ses vues à cet égard s'accomplissent, verrait avec plaisir que Votre Seigneurie fût l'organe officiel de ces premiers Rapports, ainsi qu'elle a déjà mérité par ses qualités recommandables d'être désignée pour surveiller dans les Etats du Mexique les intérêts du Commerce Français.

Veuillez agréer l'hommage, &c. CAMACHO.

M. Victor Alexandre Martin.

MEMORIAL of the Minister of Interior and Foreign Relations to the Congress of Mexico, January 1826.

(Extract.) FOREIGN AFFAIRS. (Translation.)

THE Cabinets of Europe having been enlightened by reason, and become moderate from the lessons of experience, expectations were entertained, towards the latter part of the last year, that their policy would have taken a direction more explicit, and favorable to the cause of the Americas. When the acknowledgment of the Independence of Saint Domingo, was announced by the French Government, the flattering prognostication, that the recognition of the rest of the American States, by that Nation, would speedily follow, found a place in the minds of all, or of nearly all, reflecting Men, who studied to make themselves conversant with Publick Affairs. And as, by reason of her relative position, towards this part of the Globe, and the double empire she holds, owing to the sway exercised by her over all the acts of the Cabinet of Madrid, France was the Power most likely to influence the decision of the Holy Alliance, in that respect; illusion and enthusiasm caused Persons to imagine, that she, guided by her own interests, and abjuring for ever the dogma of Legitimacy, would, by such a step, discover the ground-work of the new policy which she, as well as the Allies, would, in future, adopt, respecting the quiet and pacific possession of the Independence which the New States have acquired by conquest, by the power of their arms, and by the conviction of their own necessities.

The subsequent appearance of the Decree of the 17th April, in which that acknowledgment was made, despoiled the illusion of all its enchantments. That Document clearly proves that, because it was not easy to wrest Independence from a set of Men, untameable in spirit,

and resolved to sacrifice themselves for liberty, acts of Sovereignty were attempted to be exercised over them, in order to enslave the fate of the Haytian Republick for ever, to the will of the French Government. To be convinced of this, it will be sufficient to peruse the Document. It begins by declaring all the Ports of the Island to be open to the general commerce of Nations; and then proceeds to regulate the import and export duties to be paid, under Foreign Flags; to establish an exception, in a reduction of one half of those duties, in favour of France; to exact a considerable sum, by way of indemnification; till, at last, it concludes by saying that, under these conditions, she recognises the Independence of Hayti: which is equivalent to informing that Republick, that it must not alter any of the proposed bases, without the consent of the Grantor, under the penalty of exposing itself to a repeal of the Recognition. These Stipulations, immediately affecting the most important interests, and the sovereignty of the Country, and presenting an insuperable barrier to the advancement of the Nation, and to the conclusion, in peace or war, of Treaties with other Powers, denote the proceeding to be an interested measure, rather than an act of frankness and justice. The results will be discovered by time; but, in the mean while, on account of its originality, the affair deserves especial consideration.

The Government, whose attention is constantly directed to the examination of all that can in any way affect the Foreign Relations of the Republick, upon analysing this event, finds in it ample proof that, as yet, European Policy has not departed from its ancient principles, concerning States which have shaken off the fatal yoke of their Mother Country; although interest and convenience suggest a different course, and oblige them to tread in unknown paths, in order to reconcile the movements of these foundations of the greatness of Nations with the stability of the System which they uphold. It is to be expected, in the natural course of things, that, in this unequal struggle between interest and principles, the irresistible power of the latter, and the unanimous voice of the Nations, will ultimately triumph: but we ought not, therefore, to neglect the dictates of prudence, which warn us to proceed with caution, and to shun the dangers of a vain and delusive confidence. The Government, therefore, into whose hands is entrusted the momentous charge of providing for the safety of the Republick, is obliged to pursue and extend its plans of defence, conducting them, as far as possible, with that frankness and generosity which it has proposed to itself; under the persuasion that, by these means, and whilst the Mexicans continue, as heretofore, united in support of the Federal Administration, and observe the sacred Institutions which guaranty that admirable System, their Independence can never be assailed by the combined power of the World, and will not fail to command universal good will, and the respect of its Enemies. This appears to be

the most convenient and secure path by which to arrive, in an honourable manner, at the wished-for goal of a general peace; when, by Treaties of friendship and reciprocal convenience, we may stipulate for our interests with all civilized Nations.

The oscillations which have been latterly observable in the ancient System, prove the difficulties which it has to struggle with in practice, and confirm what has been said as to its nature and result. We see, on the one hand, the Government of France, and other Powers, eager to give us the most positive proofs of their good disposition, and of their wish to establish open relations of friendship and commerce with the Republick, offering immediately to send their Consuls, and to receive ours, so that their Subjects may not be deprived of the advantages which others enjoy, by the establishment of such Functionaries. On the other hand, there is no doubt that orders have been recently issued, by the French Ministry of Marine, that the Ships of the Independent States are to be admitted into the Ports of that Nation, upon the extraordinary condition that they are not to display their Flag whilst they remain in them; but it is likewise notorious that, at the same moment that those Cabinets are thus anxious to exculpate themselves for publishing such measures, Spain, by preparing expensive Expeditions in the Island of Cuba, proves that she reckons on the resources, and the efficacious military co-operation, of some Foreign Auxiliary, inasmuch as without such assistance she could not hope to realise any undertaking; and it is still more extraordinary, that the French Ministers should have shewn great unwillingness to grant Passports to Mexicans, who have solicited them in order to proceed to the Territory of their Nation. In such a state of things more credit is, undoubtedly, to be given to actions, than to appearances of an effective change; and although the proceeding adopted towards our Citizens, by placing obstacles and delays in the way of their journies, appears deserving of retaliation, with respect to the Subjects of France, who daily arrive in considerable numbers in our Ports, the Government, notwithstanding, prefers principles of greater frankness and liberality, and admits all to this Soil, with no other requisite than the previous and indispensable assurance of good conduct, which they must continue to produce, so long as circumstances, and the internal safety, do not render it expedient to adopt another system.

Such, according to the most authentic and recent accounts, is the picture of what is passing in Europe. The state of our own relations is more extensive and interesting than it was last year.

On the 3rd of January, England appointed two Plenipotentiaries to our Government; on the 4th. the Secretary for Foreign Affairs announced to the Diplomatic Body, composed of the Foreign Ministers, that, after repeated Conferences with the Court of Madrid, concerning the recognition of the new Governments of America, His Britannick

Majesty had determined to conclude Treaties of Amity, Navigation, and Commerce, with the Republicks of Mexico, Colombia, and Buenos Ayres; which declaration was officially given, and communicated to our Legation in London, as the formal acknowledgment of the Sovereignty of these States. From that moment our relations with that Kingdom changed their aspect, and assumed a more animated appearance. Towards the end of March, the British Commissioners exhibited their Full Powers, authorizing them to proceed with the Negociation alluded to, which being found to be in due form, the Treaties were prepared, which, after various Conferences, were concluded and signed on the 6th. of April. They were successively submitted to the Chambers, conformably to the 13th Clause, Article 50, of the Federal Constitution, and, having been returned with their approbation, one of the British Commissioners departed, with the said Documents, for London, while the other remained in the Capital, with the title of Chargé d'Affaires of His Britannick Majesty. The former of these Commissioners has since returned, without having obtained the acquiescence of his Government, with respect to certain points, the examination of which will be the object of new Conferences, and the result will be submitted for consideration, in the Constitutional form.

On the 26th May, the Envoy Extraordinary and Minister Plenipotentiary of the United States of the North, presented himself for the same purpose; with whom five Conferences have already been held, in which the business has been materially advanced: it will in due time be laid before the Legislative Body, for its sovereign determination.

On the 19th of September, a Commissioner presented himself from the King of the Low Countries, who, on being admitted to a private audience, expressed to the Government the desire of his Monarch to enter into relations of friendship with the Mexican Republick, and stated that the King had authorised him, for that purpose, to appoint Consuls in our Ports, and to declare that the National Flag would be received in the most friendly manner, in all the Ports of the Low Countries and her Colonies.

On the 30th of the same month, the Treaty of perpetual Amity, League, and Confederation, between this Republick and that of Colombia, which was ratified, in the Capital of the latter Nation, on the 30th June, 1824, was solemnly published.

Our relations continue on the firmest footing of intimacy and harmony, with these Governments, as well as with that of Guatemala: and it is greatly to be desired that similar relations may, as soon as possible, be entered into with all the States of America, now in the possession and enjoyment of Independence and Sovereignty; so as to strengthen the valuable links, which connect us in a Cause, endeared to us by our interests, and safety, and the stimulus of mutual necessities and services.

The General Congress of the Americans will tend essentially to further this object. That august Assembly will shortly be held at Panama; the new States having agreed to send Representatives to that Meeting, which is to serve as a counsel, and a point of contact, in common danger. Mexico was not the last in appointing her Agents, and the Government is now occupied with all that relates to their delicate Commission, and will endeavour immediately to hasten their journey.

Our Embassies in London, Washington, and Bogota, continue to perform their functions. An Agent has lately come to this Capital, from the Low Countries, and has been admitted to the exercise of his functions; and the Prussian Government, by a Communication received on the 25th August, informs this Government that it has appointed a Representative to our State. The Senate of Hamburgh has adopted a similar measure, and its Consul General is speedily expected in Mexico. Our Embassy to Rome was in Brussels on the 29th of August, and it is supposed that, before this time, it will have reached the Capital of the Christian World, where the Government hopes the Spiritual Concerns of the Nation will be satisfactorily arranged, especially as His Holiness, in his Letter written from Rome to the President of these States, on the 25th of June, declared himself to be benevolently disposed to preserve the peace of consciences, and the regulations of the Church.

The Commotions of the Tribes of Indians, who, wandering and scattered over the Territory of the Union, never cease to disturb the tranquillity of its inhabitants by their ferocious habits, have lately been less frequent and dangerous. In the beginning of August, some symptoms of tumult were observed in the Tribe Navajo, but the activity and vigilance of the Political Chief, and the co-operation of the Natives, checked the evil in its infancy. The Inhabitants of the banks of the River Yaqui threatened incursions into the Western States in the beginning of November, but these troubles are believed to have been entirely neutralized, by means of the prompt measures to pacify them, which were immediately concerted and carried into effect by the Governor of the neighbouring State. Time alone, and the paternal cares of the Supreme Powers, can terminate these troubles, which are at present unavoidable, by infusing into the bosom of these Savages, a ray of light, to shew them the advantages of social life.

I ought not to conclude this part of my exposition without mentioning other events more visible and interesting, although of a different nature to those already mentioned. The Ship *Asia* and the Brig *Constante*, the last remnant of the Spanish Marine, have ploughed immense Seas, and encountered all the perils of a difficult Navigation, in order to come hither, and, by capitulation, pay a tribute of respect and acknowledgment to Mexico. The reconquest of the Fortress of Ulloa which has greatly increased the strength and credit of the

Republick Abroad, has also contributed to extend and ensure its internal security; and, finally, the consideration and respect which were shewn to the National Flag, when, for the first time, it presented itself in a Port dependent on the Spanish Dominion, not only prove the stability and progress of the Federation, but also give presages of more happy and extensive results, when such facts shall have convinced other Nations, that Mexico contains within herself immense and powerful resources, which entitle her to the importance to which she has raised herself, and that she knows how to make use of them in a manner, consistent with the dignity, justice, and good faith, which preside over all her actions.

SEBASTIAN CAMACHO.

DECREE of The King of The Netherlands, respecting the Navigation of the Rhine.—10th September, 1826.

Nous Guillaume, par la grâce de Dieu, Roi des Pays Bas, Prince 'Orange-Nassau, Grand Duc de Luxembourg, etc. etc. etc.

Vu l'Acte du Congrès de Vienne du 9 Juin, 1815, et les Articles oncernant la Navigation du Rhin y appartenant.

Eu égard à Notre Accession audit Acte:

Considérant que lesdits Articles ont établi le principe que la Navi- ation du Rhin sera libre, et ne sera interdite à personne sous le rap- ort du Commerce;

Désirant voir levées les difficultés, qui jusqu'à ce jour se sont op- osées à l'établissement des arrangemens nécessaires, tant par rapport la Navigation du Rhin, que relativement au règlement à projeter, après lequel cet Navigation devra être réglée en vertu des Stipula- ns faites à Vienne en 1815;

Considérant les démarches auprès des autres Etats Riverains, et plus rticulièrement celles qui ont eu lieu récemment pour faire mettre en ueur les dispositions existantes touchant la navigation du Rhin;

Voulant contribuer, autant qu'il dépend de Nous, à prévenir qu'en endant le concert à établir avec les autres Etats Riverains, les intéres- ne soient plus longtemps privés de la jouissance des avantages, que Stipulations de l'Acte du Congrès de Vienne sur la Navigation du in ont fait attendre;

Voulant en même temps donner une preuve de Notre disposition, enir au devant des vœux qui Nous ont été exprimés par quelques ssances et Etats Riverains, aussitôt que cela peut s'effectuer sans dé- er à l'honneur, à l'interêt bien entendu et aux droits du Gouverne- nt des Pays-Bas, dans la persuasion que les autres Etats Riverains, me on est fondé à attendre et à désirer, seront animés des mêmes ositions, tandis que Nous avons encore en vue de prévenir, que la

conduite des Pays-Bas ne soit alléguée comme motivant un refus de la part d'autres Etats Riverains de donner suite aux dispositions de l'Acte du Congrès de Vienne ;

Considérant que dans la huitième Séance de la Commission du Congrès de Vienne, nommée pour régler les affaires de la navigation fluviale en général, il a été convenu, que le Lek seul serait considéré comme une continuation du Rhin, et assujetti aux dispositions à établir pour ce fleuve ;

Avons arrêté et arrêtons :

Art. 1er. Le Lek sera considéré comme la continuation du Rhin sur le Territoire des Pays-Bas, et les péages qui se perçoivent sur cette voie cesseront au premier Avril prochain, et seront remplacés, d'après la première partie du troisième des Articles précités, concernant la Navigation du Rhin, par un droit de Navigation, que Nous réglerons ultérieurement dans l'esprit de cet Article, et selon la longueur de la rivière dans les Pays-Bas.

II. De même, à partir du 1er Avril prochain, il ne sera plus perçu de droit de patente des bateliers du Rhin, faisant usage de la voie indiquée dans l'Article précédent.

Au lieu de cet impôt, il sera levé un droit de reconnaissance sur le pied de celui qui se perçoit sur le Rhin conventionnel, et qui de même sera réglé ultérieurement par Nous dans l'esprit de la seconde partie du troisième Article ci-dessus mentionné.

III. D'après le 22e des mêmes Articles concernant la Navigation du Rhin, les bateliers et les bâtimens appartenans à la Navigation du Rhin qui remontent ou descendent la rivière, et qui sont destinés au transport direct de marchandises sans rompre charge, seront libérés à compter de la même époque à leur entrée dans le Royaume, des formalités prescrites par la Loi du 26 Août 1822, sur l'importation, l'exportation et le transit, lesquelles formalités seront remplacées par telles mesures de précaution contre l'introduction clandestine des marchandises sur le Territoire des Pays-Bas, qu'on jugera nécessaire, telles que l'établissement des gardiens à bord des bâtimens, ou la fermeture des écoutilles, ou bien l'une et l'autre simultanément, le tout cependant sans frais pour le batelier ou la cargaison, et sans que le batelier soit tenu à autre chose qu'à fournir la nourriture, le chauffage et l'éclairage, aux gardiens, pendant leur séjour sur les bâtimens.

IV. Les prohibitions du transit de marchandises, établies par le Tarif de 1822, seront levées à partir du 1er Avril prochain, pour ce qui concerne les marchandises qui sont transportées, soit en montant, soit en descendant le Rhin, et le Lek comme continuation du premier fleuve.

V. Les mesures que renferme le présent Arrêté sont prises dans la confiance que les autres Etats Riverains y répondront par des mesures analogues ; et si les Pays-Bas ne voyaient pas réaliser cette attente, Nous Nous réservons de les mettre hors d'effet, ou de

les modifier de telle manière que, dans ce cas, Nous le jugerons convenable.

Nos Ministres des Affaires Etrangères et de l'Intérieur, et Notre Conseiller d'Etat, Administrateur des Impositions Directes, Droit d'Entrée et de Sortie et des Accises, Nous soumettront le plustôt possible les propositions nécessaires à l'égard de tout ce qui est requis pour assurer la stricte exécution des dispositions que renferme cet Arrêté au premier Avril prochain.

Copies du présent Arrêté seront expédiées à Nos Ministres des Affaires Etrangères et de l'Intérieur, et à Notre Conseiller d'Etat, Administrateur des Impositions Directes, Droits d'Entrée et de Sortie et des Accises, à l'effet d'en soigner l'exécution ; et sera en outre le présent Arrêté inséré au *Journal Officiel*.

Donné au Château du Loo, le 10 Septembre de l'An 1826, le 13me de Notre Régne.

PAR LE ROI, GUILLAUME.

J. G. DE MEY DE STREEFKERK.

Publié le 27 Octobre 1826.

Le Secrétaire d'Etat,
J. G. DE MEY DE STREEFKERK.

ACT of Abdication of the Crown of Portugal, by the Emperor of Brazil. Rio Janeiro, 2d May, 1826.

(Translation.)

DON PEDRO, by the Grace of God, King of Portugal and of the Algarves, on this side, and beyond the Sea, in Africa, Lord of Guinea, of the Conquest, Navigation, and Commerce of Ethiopia, Arabia, Persia, and India, &c.

I make known unto all my Portuguese Subjects, that, it being incompatible with the interests of the Empire of Brazil, and those of the Kingdom of Portugal, that I should continue to be King of Portugal, Algarves, and their Dominions, and desiring to advance the happiness of the said Kingdoms as much as may be in my power; I am pleased, of my own motion, and free will, to abdicate, and cede, all the indisputable and irrefragable Rights which I have to the Crown of the Portuguese Monarchy, and the Sovereignty of the said Kingdoms, to the Person of my above all best beloved, prized, and dear Daughter, the Princess of Grand Para, Dona Maria da Gloria, in order that She, as heir Reigning Queen, may govern them, independently of this Empire, nd by the Constitution, which I have been pleased to decree, give, nd order to be sworn to, by my Letter of Law, of the 29th of April, of he present Year: and I am also pleased to declare that my said Daughter, Reigning Queen of Portugal, shall not leave the Empire of

Brazil, without it being officially known to me, that the Constitution has been sworn to, according as I have ordered, and without the affiance of Marriage, which I propose to make between her and my much beloved and prized Brother, the Infant Don Miguel, shall be made, and the Marriage concluded; and this my Abdication and Cession shall not be carried into effect, if either of these two conditions be not performed.

Wherefore I order all the Authorities to whom the knowledge of this my Letter of Law may belong, to make it publick, in order that this my determination may be known to all my Portuguese Subjects. The Regency of my said Kingdom and Dominions will so understand it, and cause it to be printed, and published in the most authentick manner, in order that every thing contained therein may be entirely fulfilled; and it shall be as valid as a Letter issued through the Chancery, although it will not go through that Office, notwithstanding the Ordinance to the contrary, from which I am pleased in this respect only to derogate; it remaining in full vigour, notwithstanding the want of Countersignature, and several other formalities, with which I am also pleased to dispense.

Given at the Palace of Rio de Janeiro, the 2d day of the month of May, in the Year of our Lord Jesus Christ, 1826.

THE KING.

PROCLAMATION of the Infanta, Regent of Portugal, on assuming the Regency.—August 1st, 1826. (Translation.)

PORTUGUESE!

BY the Constitutional Charter to which you have just sworn, I am appointed to the Regency of these Kingdoms, during the minority of my August Niece, our lawful Queen, Senhora Dona Maria da Gloria. As chief Subject, it is my first duty to put into speedy and vigorous execution the wise Constitutional Charter which has been given from the Throne to His Portuguese Subjects, by my August Brother, our legitimate King, Senhor Don Pedro IV., whose glorious name is pronounced with admiration, respect, and astonishment, in America, in Europe, and in the whole World. I shall execute, therefore, and cause to be executed, this immortal Constitutional Code, the only pledge of our Political salvation. The Law will punish those who oppose it without pity, and I shall be as inexorable as the Law.

To revive, by all possible means, our ancient prosperity and glory; to encourage the arts and sciences; to promote agriculture, commerce, and industry; to employ, in short, all the means calculated to make a Nation happy, which is worthy of being so; this is my second duty. Such is my ambition. Portuguese! I have no other; and if, as you

know, I have hitherto sacrificed my health for the good of the Country, I will sacrifice my life, should such a sacrifice be necessary to the good of the State. Where is the Portuguese, worthy of that glorious name, who does not willingly join his Regent in such noble sentiments?

Portuguese! let us imitate our Ancestors, and we shall be as they were, by their immortal deeds, the wonder of Europe and of the World. Union, and obedience to the Laws, and we shall be happy; and when I shall deliver up the Government of these Kingdoms to our legitimate Sovereign Senhora, Dona Maria da Gloria, I shall be able to say to her with truth, and with the purest delight, "Senhora, you are going to govern a noble Nation, always faithful—always attached to its legitimate Sovereigns. It was unhappy, because the genius of evil found amongst the Portuguese a fatal and protracted asylum: but the wise Political Institutions which your August Father, our King, graciously granted us, casting far from us the monster, laid the most solid foundation of our felicity and glory. I have raised the edifice of our felicity as high as I could, assisted by the whole Nation, but its completion is reserved for your Majesty. You will find exalted models for imitation in the conduct of the Queens and Kings of Lusitania. Read and meditate, as is fitting, the truly heroick History of Portugal. No reading will be more useful to you. Imitate the examples which it presents to you in the difficult art of reigning. Imitate them Senhora, and you will be the delight of the Portuguese, who, to the remotest Posterity, will repeat with respect, love, gratitude, and benediction, the adored name of your August Father and of yourself."

Portuguese!—Union and obedience to the Laws. Let us imitate the heroic virtues of our Ancestors, and we shall be, as they were, the wonder and admiration of the Universe.

Given at the Palace of Nossa Senhora da Ajuda, August 1, 1826.

THE INFANTA, REGENT.

SPEECH of the Princess Regent of Portugal, on the Opening of the Cortes.—October 30th 1826. (Translation.)

OBLE PEERS OF THE KINGDOM, AND SENHORS DEPUTIES OF THE PORTUGUESE NATION.

ON seeing you assembled, on this memorable day, around the Throne my August Brother, the King Don Pedro IV., I congratulate myself, you, and the whole Nation, that it has pleased Divine Providence consolidate in so authentick and solemn a manner those wise Intutions which, at different times, have produced the prosperity of

many Nations, and which will speedily effect that of our beloved Country.

You know that the Land which we now call Portugal has, from the remotest Ages, had no other Political Government than that of a Representative Monarchy. Prelates and Secular Grandees alone formed that Representation; the People had neither suffrage nor influence in a System which was nearly Feudal. But, soon after the beginning of the Monarchy, the Portuguese Kings granted to the third Estate, the rights and dignities which barbarous Ages had refused to it. Portugal was then flourishing under the shelter of a Government entirely Representative; but, as she required Laws to fix invariably the Institutions adopted from practice, and derived from her Ancestors, those Institutions unfortunately fell into disuse; the Cortes of the Nation no longer existed, and it was reserved to our days to revive them by means of wise and permanent establishments. This project was conceived by the Royal mind of my August Father, whose memory will be ever dear to the Portuguese; and my August Brother completed it, to his immortal glory, by blessing this Nation with a Constitutional Charter.

We are, therefore, called to accomplish the highest destinies, in order to secure the happiness of our Country. This should naturally lead us to pursue, with hope and courage, the arduous path which conducts to the noble goal, from whence alone we can expect honour and glory.

The sentiments of the multitude of Individuals which form a Nation, can never be uniform, respecting the principles on which the art of governing States is founded, nor the means by which the publick happiness is to be attained. This is especially the case, when different political Revolutions have successively occurred in a Nation. Still, however, amongst the Portuguese, who are peculiarly gifted with a mild and moderate character, as well as with an ardent love and fidelity to their legitimate Monarchs, such diversity of sentiments cannot be permanent, much less productive of disastrous results.

There have, it is true, risen amongst us, perverse Men and Traitors, who have degenerated from valour and loyalty; but they scarcely succeed, in diverting from the path of honour and duty, even the timid and unsuspecting, by means of gross misrepresentations and criminal falsehoods. Fortunately the number of both is inconsiderable, and the great majority of the Portuguese continue firm in the obedience due to their Monarch.

I cannot but anticipate a happy result from the sentiments entertained by Foreign Nations in respect of Portugal; and time will not disappoint this auspicious expectation. Connected as we are, by the faith of Treaties, and by the most abundant proofs of an uninterrupted friendship, with one of the great Powers of Europe, and at Peace with all, I calculate upon the decided support of the former, as well as upon

the good will and fraternal disposition of the latter. All know from experience that the present Representative Government of Portugal is essentially just and moderate; that it does not, moreover, seek to molest other States, on account of the difference of their Institutions, and that it confines itself solely to a vigorous and persevering defence of its own.

Facts, rather than words, have already sufficiently manifested the prudence and good faith of the Government; they have, in a great degree, lessened the apprehensions of a neighbouring Nation, whose Government is now convinced, that the difference of Political Institutions ought not to impair the friendship and mutual confidence, which the most solemn Treaties, as well as the ties of blood and of neighbourhood, have for a length of years cemented. What further is wanting upon which to found the hope of our future happiness? But a few hours ago, I received from Vienna the information, that my much beloved and valued Brother, the most Serene Senhor Infante Don Miguel, had, on the 4th of the present month, simply and unconditionally, taken the oath to the Constitutional Charter; and had, immediately after that act, petitioned His Holiness the Pope, to obtain the dispensation necessary for his espousals with my August Niece and Sovereign, the Queen Dona Maria the Second.

Legislative Acts will eminently contribute in maintaining the publick tranquillity of the State, and will consolidate the Political System established by the Constitutional Charter; they will erect the Palace of Justice upon the solid bases of the Civil and Criminal Codes; will regulate the Municipal Bodies, and the Administrations of the Provinces, and will give a fresh impulse to industry, commerce, and agriculture, the sources of the prosperity of the Nation.

I cannot allude to Commerce, without announcing to you the most flattering expectation of the activity which the intercourse between Portugal and Brazil will cause it to assume. The Treaties concluded between the latter and some of the Powers of Europe favour this hope, and the well known generosity of the Emperor of Brazil towards the Country of his birth, and where His August Predecessors reigned, is the most indubitable pledge of it.

Your most diligent attention will, doubtless, be devoted to publick education and instruction, which are calculated to influence in so great a degree the improvement of the morality of the People, which times of trouble have corrupted; and the restoration of which, founded upon the principles of the Holy Religion which we profess, and tenaciously defend, will strengthen the stability of the Monarchy, and the perfect harmony which ought to subsist between the Members of this great Family.

Noble Peers of the Realm! as Legislators you bear a share in these important labours; but you are also called upon to exercise

the exalted functions of the Magistracy. By your wisdom, firmness, and love of Country, which ought to distinguish you, an example will be set to those who are to succeed you in your hereditary dignity.

It is for you, Senhores Deputies of the Portuguese Nation, to take the initiative with regard to two subjects of paramount influence in strengthening the publick happiness, and the independence and security on which that happiness mainly depends:—the Recruiting of the Army, and the Taxes. The consolidation of publick Credit demands your most serious attention. The Ministers of State will submit to you the information required of them by the Constitutional Charter.

Finally, it is from you all, Noble Peers of the Realm, and Senhores Deputies of the Portuguese Nation, that I confidently expect, and the whole Nation anticipates, a brilliant destiny. You will be the firmest support of the Throne; and you will receive the highest recompense for the interesting labours in which you are about to engage, by enjoying hereafter, the sweet satisfaction of being able to say to your Countrymen, "We found Portugal weak and languishing, and we have left her vigorous and flourishing."

PAPERS relating to the Application of the Government of Portugal to that of Great Britain, for Aid against an Hostile Aggression from Spain.—December, 1826.

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No. 1.—*The Marquis de Palmella to Mr. Secretary Canning.*

Londres, le 2de Décembre, 1826.

Le Soussigné, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Très Fidèle, ne sçauroit différer un seul instant, après la nouvelle qui vient d'arriver, de l'invasion du Territoire Portugais, à

main armée, par un Corps de Troupes réunies et organisées dans les Provinces limitrophes d'Espagne, d'adresser à Son Excellence Monsieur Canning, Principal Secrétaire d'Etat de Sa Majesté Britannique au Département des Affaires Etrangères, la demande formelle, au Nom de Son Altesse Royale l'Infante Régente du Portugal, de l'appui et du secours des Forces Britanniques, en vertu des Traités d'Alliance et de Garantie qui existent en pleine vigueur entre les deux Couronnes, et ont heureusement subsisté sans interruption depuis plus d'un siècle et demi.

C'est en conséquence des Ordres exprès de son Gouvernement, que le Soussigné reclame les Stipulations des Traités, et qu'il a l'honneur de répéter, à cet égard, par écrit, les représentations officielles, qu'il a déjà, dans plusieurs Conférences, adressées à Son Excellence Monsieur Canning.

L'Alliance défensive entre Le Portugal et La Grande Bretagne est tellement fondée sur les interêts permanents, politiques et commerciaux, des deux Pays, sur leur position géographique, qu'on pourroit la regarder comme virtuellement existante lors même qu'elle ne seroit pas consacrée, comme elle l'est en effet, par des Actes Diplomatiques, et devenue, pour ainsi dire, habituelle à l'une et l'autre Nation. Cette Alliance date, (pour ne pas faire mention des relations qui ont eu lieu plus anciennement) de l'époque de l'établissement de la Maison Royale de Bragance sur le Trône de Portugal, et ensuite de celle de Bourbon sur le Trône d'Espagne; ces deux grands événements ayant concouru, l'une et l'autre, à faire regarder aux Portugais l'Angleterre comme leur Alliée naturelle, aux Anglais l'indépendance du Portugal comme une des conditions essentielles de la Balance politique de l'Europe. Enfin ces liens, formés par la convenance mutuelle, ont été trop souvent cimentés sur les Champs de Bataille, pour qu'il soit nécessaire de rappeler des faits, dont quelques uns sont encore si récents et d'un souvenir si glorieux.

Cependant le Soussigné ne se bornera pas seulement à invoquer l'esprit général des nombreux Traités existants entre les deux Couronnes, et il joint à cette Note la Copie textuelle de quelques uns des Articles des Traités de 1661, 1703, 1810, et 1815, qui ne peuvent laisser aucune espèce de doute sur les obligations positives qui ont été contractées. Le Soussigné prie Monsieur Canning de vouloir bien lui permettre d'en faire ici une analyse rapide, et il espère pouvoir ensuite aisément démontrer à Son Excellence que le *Casus fœderis* se présente actuellement d'après l'esprit et la lettre de ces Traités.

Les Articles 15, 16, 17, et l'Article Secret, du Traité de 1661, stipulent explicitement que Sa Majesté Britannique prendra à cœur les intérêts du Portugal, et le défendra, ainsi que tous ses Domaines, avec toute sa puissance, par Mer et par Terre, *comme s'il s'agissait de l'Angleterre même. Que toutes les fois que Le Portugal seroit envahis,*

et que Le Roi de Portugal reclameroit les secours de son Allié, Sa Majesté Britannique enverroit gratuitement des Forces pour le défendre; et enfin, que Sa Majesté Britannique défendroit aussi les Conquêtes et les Colonies de la Couronne du Portugal contre tous ses Ennemis, présents et futurs.

Ce seroit en vain que l'on diroit que ce Traité n'a eu qu'un objet spécial, et qu'il a cessé d'être en vigueur après la Paix de 1668, entre Le Portugal et L'Espagne* ; 1°, parcequ'il est conclu sans limitation de temps et à perpétuité. 2°, parceque par l'Article Premier du Traité de 1703, entre Le Portugal et La Grande Bretagne, *tous les Traités précédents sont expressément approuvés, confirmés, et ratifiés :* ce qui sans aucune espèce de doute comprend aussi le Traité de 1661. 3°, parceque la Garantie et la Promesse de Secours faite au Portugal est accordée, comme le disent clairement les Articles ci-dessus mentionnés, en considération des Cessions importantes de Territoire, faites par Le Portugal à L'Angleterre, c'est à dire, *pour une valeur reçue*, et que L'Angleterre conserve encore en grande partie aujourd'hui.

Les Articles 2e. et 3e. du Traité d'Alliance Défensive conclu en 1703, entre Le Roi de Portugal d'une part, et L'Angleterre et Les Etats Généraux des Provinces Unies de l'autre, stipulent d'une manière très positive le Secours qui sera envoyé de 12,000 hommes, si jamais il arrivait que les Rois de France ou d'Espagne, *soit présents ou futurs, ensemble ou séparément*, venaient à faire la Guerre au Portugal. Ce Traité est perpetuel ; et l'objection que l'on pourroit avancer, sur ce qu'il comprend conjointement avec Sa Majesté Britannique Les Etats Généraux d'Hollande, n'est pas valable: 1°, parceque d'après tous les principes de Droit Public, la défection d'un des deux Associés n'annuleroit pas les obligations contractées par l'autre. 2°, parceque les relations entre Le Portugal et Les Provinces Unies sont tombées en prescription, en consequence des Guerres qui ont eu lieu depuis, et récemment du changement de forme du Gouvernement du Pays-Bas, sans qu'elles soient été renouvellées ; tandis que les relations du Portugal avec L'Angleterre n'ont pas subi un seul instant d'interruption. 3°, surtout, parceque ce Traité, comme tous les autres qui existent entre les deux Couronnes de Portugal et de La Grande Bretagne, a été confirmé et révalidé par les Traités postérieurs. 4°, pour preuve évidente que le Traité de 1703 doit être regardé comme en pleine vigueur, il suffira d'ajouter, que dans le Traité d'Alliance de 1810, on considérait comme existante (voyez l'Article VIII†.) une des Stipulations du susdit Traité.

Par la Garantie du Traité d'Utrecht entre Le Portugal et L'Espagne, Sa Majesté Britannique s'engage aussi formellement *sur Sa Parole Royale* à veiller à l'observation inviolable du susdit Traité de Paix.

Enfin, par le Traité de Vienne de 1815, entre Sa Majesté Très Fidèle et Sa Majesté Britannique, il est dit (Article III.) que *tous les*

* Dumont, T. 7. P. 1. p. 70. † Martens, Sup. T. 5. P. 248.

Traités d'Alliance, d'Amitié, et de Garantie, antérieurs à celui de 1810, *sont renouvellés par les deux Hautes Parties Contractantes, et qu'elles reconnaissent leur existence en pleine force et vigueur.*

Il parait inutile d'ajouter, comme on le pourroit aisément, d'autres citations et d'autres arguments pour démontrer l'existence des obligations d'Alliance Défensive et de Garantie, contractées entre les deux Couronnes; et le Soussigné passera à remplir la seconde tache qui lui est imposée, en présentant à la considération du Cabinet de Sa Majesté Britannique, l'état actuel des choses en Portugal.

Le Gouvernement Britannique a adopté pour principe, et Son Excellence Monsieur Canning l'a encore publiquement annoncé dans une occasion récente, de ne jamais intervenir dans les discordes civiles des autres Pays. Ce principe pourroit se trouver en contradiction avec quelques unes des Stipulations des anciens Traités ci-dessus mentionnés; mais, sans vouloir entrer pour le moment dans une discussion de cette nature, le Soussigné croit pouvoir clairement démontrer que L'Espagne commet actuellement des actes hostiles contre Le Portugal, et que ces actes s. nt assez flagrants pour constituer les deux Pays dans un véritable état de Guerre. Il avancera en outre, que lors même qu'on voudroit fermer les yeux à ces provocations, et pousser comme le Gouvernement Portugais le fait en réalité, (par le désir de conserver la Paix, et par égard pour les vœux de toutes les autres Puissances) la retenue jusqu'au dernier degré où elle peut-être poussée, aucun motif raisonnable ne pourroit empêcher que Sa Majesté Britannique n'envoyat par précaution, et dans le but même d'empêcher que la Guerre n'éclate en effet, un Corps de Troupes Auxiliaires en Portugal; car enfin on ne peut se dissimuler que si la Guerre n'existe pas encore en effet, il y a du moins des chances trop probables de la voir s'allumer. Sans doute, Sa Majesté Britannique reconnaitra qu'il y a des justes bornes à la constance qu'on met à tolérer des aggressions et des insultes, et que l'existence de l'Etat, et de l'honneur de la Nation, exige que ces bornes ne soient pas dépassées.

Or, quel seroit le droit que pourroit raisonnablement avoir toute autre Puissance quelconque de l'Europe, de trouver mauvais, encore moins d'empêcher, le séjour temporaire en Portugal d'un Corps de Troupes Alliées dans le but avoué de maintenir la Paix? Bien plus il est clair qu'un tel Secours stipulé par des Traités antérieurs ne constitueroit pas même (d'après les principes de Droit Public) l'Angleterre en état de Guerre avec les Ennemis du Portugal, lors même qu'elles seroient forcées d'agir pour la défence de ce Royaume! On trouveroit plus d'une preuve de cette assertion dans l'Histoire Moderne de l'Europe, et notamment pour ce qui regarde les Etats formant autrefois l'Empire Germanique, qui se regardaient comme *individuellement* en Paix tandis qu'ils fournissaient à l'Armée de l'Empire les contingents stipulés.

Les preuves de la mauvaise volonté du Gouvernement Espagnol envers celui de Portugal, et des hostilités commises par les Autorités Espagnoles, soit de l'avœu du Gouvernement, ou de leur propre Chef, sont innombrables. Le Soussigné se bornera à rappeler les suivantes: 1°. La Cour d'Espagne se refuse encore en ce moment à reconnaître explicitement Sa Majesté Le Roi de Portugal comme Successeur de Son Auguste Père, et Son Altesse Royale l'Infante Donna Isabelle Marie comme Régente du Royaume. 2°. Les Déserteurs et les Transfuges Portugais sont accuellis en Espagne avec empressement; on leur permet de rester réunies; de conserver leurs Armes; de prêter Serment de Fidélité publiquement à un autre Prince que leur Souverain Légitime; et enfin, on vient de consentir à leur rentrée à main armée en Portugal. 3°. Aucune des promesses faites par le Cabinet de Madrid pour le redressement des griefs ci-dessus mentionnées, n'a été jusqu'à present exécutée. 4°. Les Autorités, et le Gouverneur de la Ville d'Ayamonte, ont été en Correspondance Officielle avec les Rebelles Portugais de l'Algarve. 5°. Des Soldats Espagnols sont entrées dans le Territoire Portugais et y ont commis des violences, entre autres, le vol des propriétés d'un Sujet de Sa Majesté Britannique. 6°. On a plus d'une fois fait fœu du côté de l'Espagne sur les Barques Portugaises qui navigaient paisiblement sur la Rivière de Minho qui divise les deux Pays.

Tous ces attentats sont constatés par des Documents authentiques dont l'Ambassadeur de Sa Majesté Britannique à Lisbonne a reçu communication, et le Soussigné se bornera à joindre à la présente Note l'Extrait de deux Dépêches qu'il a reçus de Son Excellence le Ministre des Affaires de Sa Majesté Tres Fidèle, qui, en peu de mots, donnent une idée de l'état actuel de nos relations avec l'Espagne.

Telles sont les provocations que Le Portugal reçoit du Gouvernement Espagnol:—et quels sont les reproches que de son côté L'Espagne peut faire à la Nation Portugaise? Est ce d'avoir reconnu pour son Souverain légitime, d'accord avec le vœu de l'Europe entière, le fils aîné de son dernier Roi? Est ce d'avoir reçu avec reconnaissance la Charte librement octroyée par ce Souverain, qui dans le fait n'est que le rétablissement des Anciens Droits et Libertés de la Nation? Est ce, enfin, de travailler paisiblement à l'organisation de son administration intérieure, et d'observer, avec une scrupuleuse bonne foi tous les égards qui sont dus au Gouvernement d'un Etat voisin, en s'abstenant d'employer contre lui des Armes semblables à celles qu'il employe?

Ce contraste est de la plus exacte vérité et les faits parlent d'eux mêmes. L'Europe entière doit le reconnaitre, et le Gouvernement Britannique doit, à la foi des Traités, à l'amour de la Paix, à son propre honneur, à l'intérêt que ne peut manquer d'inspirer en Angleterre le sort du Portugal, de prendre des mesures promptes et décisives pour

mettre son Allié à l'abri du danger des attaques extérieures, et pour faire cesser un état de choses qui amenera nécessairement, si on n'intervient point pour l'empêcher, une crise violente.

Le Soussigné n'ajoutera plus que quelques réflexions sur le principe adopté par L'Angleterre, de la non intervention dans les dissensions intérieures des autres Etats. Ce principe, si on voulait l'observer à la lettre, et ne considérer la Guerre comme existante avec l'Espagne, que lors qu'une Armée Espagnole seroit effectivement entrée dans le Territoire Portugais, guideroit les Ennemis du Portugal dans la conduite qu'ils ont à suivre; car ils sçauroient qu'ils peuvent impunément inviter les Soldats à la désertion, semer la corruption parmi eux, les maintenir en Corps d'Armée sur les Frontières, et enfin, commettre toutes sortes d'hostilités pourvu qu'elles ne fussent pas avouées, et Le Portugal se trouveroit placé entre un Ennemi qui se permettroit les moyens les plus perfides pour lui nuire, et un Allié qui s'interdiroit de le secourir!

D'ailleurs, dans le cas dont il s'agit on ne peut même admettre qu'il existe en Portugal une véritable division d'intérêt ou d'opinion. La Nation Portugaise, représentée par les deux Chambres, on se trouvent réunis le Clergé et la Noblesse, se montre d'accord avec le Souverain, et suit avec modération la route qui lui a été tracée par la volonté libre et spontanée de son Roi. Les Partis qui s'agitent guidés par quelques hommes qu'on peut regarder comme la honte de la Nation, osent proclamer le Nom d'un jeune Prince qui, appelé à partager un jour légitimement ce même Trône, a donné en attendant par des Sermens, et des Actes solennels, la Garantie la plus satisfaisante de sa fidélité et de son dévouement aux Ordres de Son Auguste Frère, et dément l'indigne abus que l'on fait de son Nom.

Cependant, qu'elle que soit l'opinion et la volonté manifeste de la majorité de la Nation Portugaise, il ne seroit pas impossible d'imaginer le cas où par les intrigues étrangères, et par le terrible moyen de la séduction employée contre des Soldats ignorants, et des Sous-Officiers avides, d'Argent et de Postes, on viendroit à opérer par la défection de l'Armée une fatale Révolution en Portugal.

Le Soussigné terminera cette Note, comme il l'a commencée, en reclamant, au Nom de Son Altesse Royale, L'Infante Régente, l'appui et les secours de Sa Majesté Britannique, conformément aux Traités existants.

Il profite de cette occasion, &c.

LE MARQUIS DE PALMELLA.

S. E. Monsieur Canning,

&c. &c. &c.

(Enclosure 1.)—Extracts of the Treaties between Great Britain and Portugal, 1661—1815.

Extract of the Treaty signed at Whitehall, 23d of June 1661.

XV. In consideration of all which grants and privileges, so much to the benefit of the King of Great Britain and his Subjects in general, and of the delivery of those important Places to His said Majesty and His Heirs for ever, whereby the greatness of His Empire is so far extended; and even in consideration of the portion itself, which far exceeds the proportion that hath ever yet been given to any Daughter of Portugal; the King of Great Britain doth profess and declare, with the consent and advice of His Council, that he will take the interest of Portugal and all its Dominions to heart, defending the same with His utmost power by sea and land, even as England itself; and that he will transport thither, at his proper costs and charges, two Regiments of Horse, each Regiment consisting of 500, and two Regiments of Foot, each consisting of 1000, all which shall be armed at the charge of the King of Great Britain; but after they are landed in Portugal, shall be paid by the King of Portugal; and in case the said Regiments come to be diminished by fight, or otherwise, the King of Great Britain shall be obliged to fill up the number at his own charge; and that he shall cause the said Regiments to be transported as soon as the Lady Infanta shall arrive in England, if it be so desired by the King of Portugal.

XVI. The King of Great Britain doth also promise, with the advice and consent of His Council, that when and as often as Portugal shall be invaded, he will send thither (being thereunto desired by the King of Portugal) ten good Ships of War; but when, and as often as it shall be infested by Pirates, three or four Ships; all sufficiently manned, and victualled for eight months, from the time of their setting sail from England, to obey the orders of the King of Portugal. And if it shall be required that they stay above six months there, the King of Portugal shall be obliged to victual them for so long a time as they are to stay; and to put in one month's victuals at the time they are to set sail for England: but if the King of Portugal shall be pressed in any extraordinary manner by the power of the Enemies, all the King of Great Britain's Ships, which shall at any time be in the Mediterranean Sea, or at Tangier, shall have Instructions, in such cases, to obey any Orders they shall receive from the King of Portugal, and shall betake themselves to his succour and relief. And in regard of the above mentioned concessions, and grants of the King of Portugal, His Majesty of Great Britain, His Heirs and Successors, shall not at any time require any thing for these succours.

XVII. Besides the Levies the King of Portugal hath liberty to make by virtue of past Treaties, the King of Great Britain, doth oblige himself by this present Treaty, that in case Lisbon, Porto, or any other

Sea Town, shall be besieged or blocked up by the power of Castile, or any other Enemy, he will afford timely assistance of Men and Shipping, according to the exigence of the circumstances, and proportionable to the necessity of the King of Portugal.

A SECRET ARTICLE,

OVER and above all and singular agreed and concluded in the Treaty of Marriage between the Most Serene and Most Powerful, Charles, the Second of that Name, King of Great Britain, and the most Virtuous and Serene Lady Catherine, Infanta of Portugal.

It is by this Secret Article concluded and accorded, that His Majesty of Great Britain, in regard of the great advantages and increase of Dominion he hath purchased by the above-mentioned Treaty of Marriage, shall promise and oblige himself, as by this present Article he doth, to defend and protect all Conquests or Colonies belonging to the Crown of Portugal, against all his Enemies, as well future as present: moreover, His Majesty of Great Britain doth oblige himself to mediate a good Peace between the King of Portugal and the States of the United Provinces, and all Companies or Societies of Merchants subject unto them, upon conditions convenient, and becoming the mutual interest of England and Portugal; and in case such a Peace ensue not, then His Majesty of Great Britain shall be obliged to defend, with Men and Ships, the said Dominions and Conquests of the King of Portugal. In case also that any Towns, Forts, Castles, or any other Places, shall be taken by the Dutch, after the 1st. of May this present year 1661, then His Majesty of Great Britain doth promise and engage to oblige the Dutch to a full and perfect restitution thereof. His Majesty of Great Britain doth moreover oblige himself to send, the next Monsoon ensuing after the Ratification of the Treaty of Marriage, and this Article, a convenient succour to the East Indies, proportionable to the necessity of Portugal, and strength of our Enemies. It being declared, that His Majesty nor His Successors shall not at any time require any pay or satisfaction for the same.

Extract of the Treaty signed at Lisbon, 16th May, 1703.

I. All former Treaties between the above said Powers, are hereby approved, confirmed, and ratified, and are ordered to be exactly and faithfully observed, except in so far as by the present Treaty is otherwise provided and established, so that there shall be between the said Kingdoms and States, their People and Subjects, a sincere friendship and perfect amity: they shall all of them mutually assist one another; and each of the said Powers shall promote the interest and advantage of the rest, as if it were his own.

II. If ever it shall happen that the Kings of Spain and France, either the present or future, that both of them together, or either of them separately, shall make war, or give occasion to suspect that they intend to make war, upon the Kingdom of Portugal, either on the Continent of Europe or in its Dominions beyond Seas, Her Majesty the Queen of Great Britain, and the Lords the States-General, shall use their friendly offices with the said Kings, or either of them, in order to persuade them to observe the terms of peace towards Portugal, and not to make war upon it.

III. But these good offices not proving successful, but altogether ineffectual, so that war should be made by the aforesaid Kings, or by either of them upon Portugal, the above-mentioned Powers of Great Britain and Holland, shall make war, with all their force, upon the aforesaid Kings or King, who shall carry hostile arms into Portugal, and, towards that war which shall be carried on in Europe, they shall supply 12000 men, whom they shall arm and pay, as well when in quarters as in action; and the said High Allies, shall be obliged to keep that number of men complete, by recruiting it from time to time at their own expense.

His Britannick Majesty's Guaranty of the Treaty of Peace made at Utrecht, February 6, $17\frac{14}{15}$, *between the Crowns of Spain and Portugal.*

GEORGE, by the grace of God, &c. to all and singular to whom these present letters shall come greeting. Whereas the Most Serene King of Portugal has notified to us, that Peace is established between him and the Most Serene King of Spain, by a Treaty concluded at Utrecht, on the 6th day of the month of February last past;* and has also invited us, that, pursuant to what the late Queen Anne of pious memory, our most dear Sister and Cousin, undertook, we would engage our promise and guarantee for the performance of the said Treaty, and all and every the Articles thereof. And whereas Joseph da Cunha Brochado, Ambassador Extraordinary, and Councillor of the said Most Serene King of Portugal, has, on the part of his Master, delivered to us a Copy in due form of the said Treaty, the guarantee or engagement for the performance of which is desired of us, written in the Portuguese Language, and being word for word as hereunder follows:

IN THE NAME OF THE MOST HOLY TRINITY.

Know all present and to come, that the greatest part of Christendom having been afflicted with a long and bloody War, &c.

We, following the steps of our Royal Ancestors, and being unwilling to decline any offices by which the Peace between the said Kings may be promoted, do therefore most readily engage for the preservation of the Treaty now established; gladly taking this occasion to satisfy

* Dumont, T. 8. P. 1. p. 444.

His Royal Majesty of Portugal of our friendship and sincere regard to his Person and Interests, agreeable to the most strict concord which has always been between the British and Portuguese Crowns. We have therefore made ourselves Guarantees and Sureties of the said Treaty of Peace, as by these Presents, in the most due and ample form, we do make ourselves Guarantees and Sureties thereof; engaging and promising on our Royal word, to take care (as far as in us lies) that the said Treaty, with all and every the Articles and Clauses in it, shall be sacredly and inviolably observed according to their genuine sense, and that nothing shall be done in anywise contrary thereunto; and that we will be always ready to enter into all such reasonable measures as shall appear most necessary and effectual for preserving the same from all violation.

In witness whereof, we have caused Our Great Seal of Great Britain to be affixed to these Presents, signed with Our Royal Hand. Given at Our Palace at St. James's, on the 3d of May, in the Year of our Lord 1715, and of our Reign the First.

GEORGE R.

Extract of the Treaty between Great Britain and Portugal, Signed at Vienna, 22nd January, 1815.

III. 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.

(*Enclosure 2.*)—*Extracts of Despatches from the Minister for Foreign Affairs in Portugal.*

Don Francisco d'Almeida to the Marquis de Palmella.

Lisbonne, le 13 *Novembre,* 1826.

L'Espagne continue a promettre qu'elle remettra les effets volés par les Déserteurs Portugais; qu'elle ordonnera la dispersion de ces Corps de Déserteurs, &c. cependant, quoique les susdites promesses aient été plusieurs fois réiterées, et quoique le Ministre des Affaires Etrangères de Sa Majesté Catholique ait assuré que les ordres en conséquence avaient été expédiés, et l'ait déclaré officiellement au Comte de Villa Real, aucune de ces promesses n'a été exécutée. Les Documents que j'envois en cette occasion à Votre Excellence (c'est la Correspondance trouvée aprés la fuite des Rebelles d'Algarve, entre les Chefs de ces Rebelles et les Autorités Espagnoles de Ayamonte) prouvent assez la mauvaise foi des Agents du Gouvernement Espagnol,

et les hostilités qu'ils commettent contre nous. J'ai donné Copie de ces Documents à Sir William à Court, et Votre Excellence devra en parler à Monsieur Canning, et lui faire observer combien une semblable conduite viole tous les principes du Droit des Gens.

Les deux Chambres ont commencé leurs travaux avec le meilleur esprit, et il existe entre elles et le Gouvernement une parfaite harmonie, et un sentiment unanime de reconnaissance et de respect envers le Roi et envers la Régente. Enfin, si nos voisins ne nous troublaient pas, la grande œuvre de la régénération du Portugal pourroit facilement s'accomplir.

Le Marquis de Palmella. D. FRANCISCO D'ALMEIDA.

Don Francisco d'Almeida to the Marquis de Palmella.

Lisbonne, le 18 *Novembre,* 1826.

Le Gouvernement de Sa Majesté Catholique, ou pour mieux dire la Faction qui le domine, continue à nous faire une guerre effective, soit en convoyant en Portugal des Emissaires et de l'argent, soit en engageant par mille moyens les Militaires à déserter, et les malheureux Bourgeois à émigrer et à abandonner leurs familles; enfin, en promettant la remise des effets volés et emportés en Espagne par les Déserteurs Portugais, sans jamais remplir cette promesse. Votre Excellence doit assurer le Gouvernement Britannique, *qu'il n'est pas possible* que nos relations avec l'Espagne se conservent encore long temps sur le pied où elles sont actuellement. Les clameurs augmentent tous les jours; toutes les Lettres que l'on reçoit continuellement de nos Frontières nous informent de nouveaux attentats commis ou appuyés par les Autorités Espagnoles. Si un prompt remède n'est pas appliqué à cet état de choses, le Gouvernement sera obligé à consentir à des moyens de défense qui ne sont pas sans danger, et qui souvent entrainent des conséquences graves et incalculables, entre autres à la formation d'une Garde Nationale.

Le Marquis de Palmella. D. FRANCISCO D'ALMEIDA.

No. 2.—Mr. Secretary Canning to the Marquis de Palmella.

Foreign Office, December 11, 1826.

The Undersigned, &c. in reply to the Official Note of the Marquis de Palmella, &c. of the 2d instant, has the honour to enclose to his Excellency, the Copy of a Message from His Majesty, delivered this day to both Houses of Parliament, which he, at the same time, offers to the Marquis de Palmella an opportunity of transmitting to his Government, by a British Ship of War, which is under Orders for Lisbon.

The Undersigned, &c.

The Marquis de Palmella. GEORGE CANNING.

Enclosure.—Message of the King of Great Britain to both Houses of Parliament, 11th December, 1826.

GEORGE R.

His Majesty acquaints the House of Lords [Commons], that His Majesty has received an earnest application from the Princess Regent of Portugal, claiming, in virtue of the antient Obligations of Alliance and Amity subsisting between His Majesty and the Crown of Portugal, His Majesty's aid against an hostile aggression from Spain.

His Majesty has exerted himself, for some time past, in conjunction with His Majesty's Ally, the King of France, to prevent such an aggression; and repeated assurances have been given by the Court of Madrid, of the determination of His Catholick Majesty, neither to commit, nor to allow to be committed, from His Catholick Majesty's Territory, any aggression against Portugal.

But His Majesty has learnt, with deep concern, that, notwithstanding these assurances, hostile inroads into the Territory of Portugal have been concerted in Spain, and have been executed under the eyes of Spanish Authorities, by Portuguese Regiments which had deserted into Spain, and which the Spanish Government had repeatedly and solemnly engaged to disarm and to disperse.

His Majesty leaves no effort unexhausted to awaken the Spanish Government to the dangerous consequences of this apparent connivance.

His Majesty makes this Communication to the House of Lords [Commons], with the full and entire confidence that the House of Lords [His Faithful Commons] will afford to His Majesty their cordial concurrence and support, in maintaining the Faith of Treaties, and in securing against Foreign Hostility the safety and independence of the Kingdom of Portugal, the oldest Ally of Great Britain.

G. R.

SPEECH of the Commissioners on the Closing of the Cortes of Portugal.—23d December, 1826. (Translation.)

WORTHY PEERS OF THE KINGDOM, AND SENHORS DEPUTIES OF THE PORTUGUESE NATION,

HER Most Serene Highness the Senhora Infanta Regent, on Opening the Session of the Cortes of the present Year, congratulated herself and you upon beholding you assembled round the Throne of her August Brother the King, Dom Pedro IV., ready to consolidate by the faithful execution of the fundamental Law, given to us by a generous Monarch, the establishment of wise Institutions, like those to which other Nations are indebted for their prosperity and glory, and which were already, in a great measure, known to and adopted by our An-

cestors; though they have subsequently fallen into disuse, and been forgotten, on account of the diversity of times and events.

In closing the Session, the Infanta Regent once more congratulates herself and you, inasmuch as, by the uniform gratitude displayed towards the generosity of the August Monarch, by the respect paid to the Constitutional Charter, and by the noble desire of repairing the calamities of the Country, and of reviving the days of its happiness and illustrious fame, you have confirmed, in the most unequivocal manner, the hopes entertained by the Portuguese, of the discernment of the Legislator, of the wisdom of the Law, and of your enlightened patriotism.

In this short space of time, you have indisputably demonstrated, that you perceive with regret, the defects under which our Agriculture labours, the slow advancement of our Commerce, the great reduction of our Revenues, and the decay of Military discipline and valour; and that you diligently apply yourselves to remedy such grievous evils, by measures at once adequate and prompt. As you are aware of the mischief, and as the speedily applying to it an adequate remedy, is the principal requisite for attaining a good result, there is ample foundation for hoping that, with a longer space of time in the succeeding Sessions of the Legislature, you will raise our Portugal to the exalted degree of prosperity and political consideration, which is in accordance with her situation, with the number and stability of her Alliances, and with the strong sense, and the enterprizing, and, at the same time, circumspect, spirit of her Citizens.

Such agreeable and well founded hopes cannot be extinguished by the discontent of some Cowards, and the delusion of some Communities, misled by artful suggestions. Certain designing men have from the Frontier of a neighbouring Nation, where a reception was given them, employed seduction, and have misguided some unwary Districts. That Religion was threatened, and that the fundamental Laws were violated, have been the idle phantasms by which they were intimidated, and under which they were invited to disturb the union, which they, as Portuguese, had heretofore always preferred above every thing.

The Government, however, is not unmindful to recal them to the love of Country, which, though impaired, is not effaced from their hearts; nor has it omitted to employ measures of precaution, and to obstruct the progress of the contagion. Faithful Soldiers, animated by valour and constancy, occupy themselves in overthrowing the schemes and counteracting the projects of the cowardly and disloyal; and, reinforced by the assistance of our ancient and faithful Ally, Great Britain, an assistance which is generous, even on account of its promptness, we might well indulge the confident hope of overcoming obstacles even of greater magnitude.

As the Marriage Contract, celebrated between the Most Faithful Queen Senhora Dona Maria II. and the Most Serene Senhor In-

fante Dom Miguel, deprives the seditious Intriguers of their pretext, and withdraws every motive for distrust from the misguided, it cannot but become a remedy no less powerful than efficacious against the discord which has arisen, from error rather than perverse intention, amongst Persons who have been misled by designing Men.

Worthy Peers of the Kingdom, and Senhors Deputies of the Portuguese Nation; Her Highness the Senhora Infanta Regent is confident that you will be disposed to continue, in the next Session, to evince your ardent zeal for the good of your Country, and that you will promote it with efficacy and wisdom.

By so doing, Her Highness is convinced, that the Tree of the State, which has fallen into decay, owing to so many causes, both internal and external, will recover its vigour, and flourish, so as to deserve the applause of the present age, and the admiration of posterity.

PROCLAMATION of the President of Hayti, relative to the non-Ratification of the Convention of Commerce with France, signed at Paris, 31st October, 1825.

HAITIENS,

LE pouvoir dont je suis investi par la Constitution, et la confiance dont vous m'avez donné tant de preuves dans les circonstances les plus difficiles, m'ont fait, en tout temps, une obligation honorable de vous faire connaître ce que j'ai entrepris pour assurer votre bonheur, et consacrer les droits que vous avez si glorieusement conquis.

Ma Proclamation du 11 Juillet, 1825, vous a instruit du résultat des Négociations conclues en cette Capitale avec un Envoyé de Sa Majesté Très Chrétienne. En acceptant l'Acte qui reconnaît l'Indépendance d'Haïti, nous ne nous sommes pas dissimulé le vague des dispositions qu'il renferme. Nous avons prévu dès lors la diversité des interprétations qu'on pourrait lui donner, mais nous aurions cru faire injure au Gouvernement Français, en lui supposant d'autres pensées, d'autres intentions, que celles qui, dans une déclaration de cette nature, peuvent seules honorer et immortaliser le Souverain qui l'a proclamée.

Des intérêts aussi chers, des droits aussi sacrés que ceux de la Patrie, ne pouvaient pas toutefois être abandonnés à l'arbitraire des interprétations. Mon devoir me prescrivait de réclamer des explications précises: je les ai demandées.

Les Commissaires que j'avais, à cet effet, revêtus des Pouvoirs nécessaires, et qui étaient en outre chargés de régler, en France, les bases des Relations Commerciales des deux Pays, sont de retour. Ils ont fait leurs efforts pour remplir dignement leur Mission; mais ils

n'ont pas obtenu ce qu'ils étaient particulièrement chargé de réclamer. Les Clauses essentielles de la Convention qu'ils m'ont remise, ne s'accordant pas exactement avec les intérêts d'Haïti, la prudence a commandé de ne rien conclure à cet égard, dans l'espoir fondé que des explications ultérieures amèneront le résultat désiré.

Je suis loin de rien préjuger contre la loyauté des vues du Ministère Français; le temps, sans doute, élaircira, à la satisfaction mutuelle, les points importans sur lesquels il est de notre devoir de porter la plus scrupuleuse attention. Néanmoins, je m'attacherai toujours à remplir mes obligations, parce que la bonne foi doit être la principale règle de conduite de ceux qui régissent les Etats.

Cependant, dans l'état des choses, je me dois à Moi-même, je dois à mon Pays, au Monde entier, de déclarer solennellement le sens d'après lequel le Gouvernement d'Haïti a accepté l'Ordonnance du 17 Avril.

" Libre et indépendante de fait depuis 22 années, Haïti n'a vu dans cette Ordonnance, que l'application à son égard d'une formalité pour légitimer, aux yeux des autres Nations, le Gouvernement d'un Peuple qui s'est constitué en Etat Souverain. C'est cette formalité, d'où résulte la renonciation du Roi de France, pour lui, Ses Successeurs et ayant cause, à toute Souveraineté sur le Territoire de la République, que nous avons obtenue, en compensation d'une indemnité, dont le premier paiement a été effectué, comme les autres le seront religieusement aux termes convenus. La présente Législature, en déclarant cette indemnité *Dette Nationale*, vient de donner une nouvelle preuve de la garantie offerte par la République de la bonne foi de son Gouvernement.

" Ainsi, il ne peut exister dans l'opinion du Monde le moindre doute que ce ne soit là, la seule interprétation raisonnable de l'Ordonnance reconnaissant l'Indépendance d'Haïti; interprétation qui, d'ailleurs, s'accorde naturellement avec les précédens Manifestes du Gouvernement."

Citoyens! la déclaration de votre Premier Magistrat est en harmonie avec votre inébranlable détermination, qui depuis long-temps est universellement connue. Gardez l'attitude à laquelle vous devez le rang que vous occupez. Que la loyauté caractérise constamment vos transactions et vos rapports avec le Commerce étranger. Redoublez d'ardeur pour fertiliser vos champs: le travail vous donnera les moyens de multiplier vos échanges, et vous fera mieux apprécier les douceurs d'une sage Liberté. Ayez pour la Loi le plus profond respect, et pour les Fonctionnaires qui en sont les organes, la confiance et l'obéissance qui leur sont dues. N'oubliez pas que l'union et la concorde feront toujours votre plus grande force. Conservez à la Patrie l'amour le plus pur; et que chaque jour vos cœurs reconnaissans paient à l'Etre Suprême le tribut d'hommages que vous impose la protection éclatante qu'Il vous a accordée.

Soldats ! en vous chargeant du soin particulier de veiller à sa défense, la Patrie ne vous dispense pas des obligations que je viens de retracer. Déjà, vous avez donné la mesure de ce que peut la valeur guidée par le patriotisme. Montrez-vous, dans toutes les circonstances, fidèles à l'honneur et à vos devoirs. Je mettrai ma gloire dans votre dévouement, comme je mets mon bonheur dans la gloire de mon Pays.

Donné au Palais National du Port-au-Prince, le 5 Mars 1826, an 23e. de l'Indépendance.

BOYER.

PROCLAMATION of the President, relative to Commercial Intercourse between Hayti and Foreign Countries.

1*st April* 1826.

Les motifs qui avaient porté le Gouvernement à défendre toute espèce de communication entre ses Vaisseaux et les Pays Etrangers, n'existant plus, puisque, par la recognition de notre Indépendance, et l'établissement à Haïti de Consuls de plusieurs Puissances, le Pavillon Haïtien peut paraître en pleine Mer avec cette sécurité que garantit le Droit des Gens, nous déclarons qu'à compter du 15 courant, notre Proclamation du 20 Mars 1823 est remise en vigueur, afin que les Citoyens d'Haïti, qui commercent avec les Pays Etrangers, puissent jouir de tous les avantages qu'ils ont droit d'attendre.

En conséquence, nos vaisseaux peuvent naviguer en pleine Mer et commercer avec les Pays qui sont en amitié avec la République, en observant strictement le Droit des Gens.

Néanmoins, notre détermination d'éviter scrupuleusement toute occasion d'ombrage aux autres Gouvernemens, relativement à la Police intérieure de leurs Colonies, exige que nous renouvellions encore une fois, par ces présentes, notre défense expresse, aux Vaisseaux Haïtiens, de se rendre dans les Colonies appartenant à ces Gouvernemens, ainsi qu'aux Carolines du Nord et du Sud dans les Etats-Unis de l'Amérique.

Cependant, conformément au vœu exprimé par les Gouvernemens de Curaçao et de Saint-Thomas, que nos Relations Commerciales continuent sur l'ancien pied, et maintenant que nous pouvons repondre à ces avances amicales, sans danger pour l'honneur du Pavillon National, nous autorisons les Vaisseaux Haïtiens à commercer librement avec lesdites Iles de Saint-Thomas et de Curaçao.

La présente Proclamation sera imprimée et publiée partout où besoin sera, et insérée pendant trois mois, dans la *Gazette Officielle*; les Autorités Civiles et Militaires s'y conformeront.

Donné au Palais National du Port-au-Prince, le 1er Avril 1826, de notre Indépendance l'an 23.

BOYER.

***ADDRESS** of the Chamber of Deputies to the People of Hayti, on the Closing of the Session.*—*10th May*, 1826.

CITOYENS,

PARVENUS à l'Année où nos fonctions Législatives doivent cesser, nos devoirs nous imposent l'obligation, avant de nous démettre de nos Pouvoirs, de présenter à la Nation le précis de nos travaux dans le cours de cette deuxième Législature. Fiers du titre dont nous fûmes honorés, nos vœux et notre ambition sont pleinement satisfaits, si nous avons le mérite d'avoir justifié la haute confiance dont nous avons déjà été revêtus.

Déjà nous avons mis sous vos yeux une partie de nos Actes faits dans les Sessions de 1823 et 1824; parmi les Lois qui intéressent essentiellement l'ordre social, vous apprécierez le Code Civil, qui, profondement médité par le Premier Magistrat de la République, et discuté dans la Chambre, a été rendu en 1825, par le Corps-législatif; il a été suivi du Code de procédure Civile.

Le tems, qui mûrit tout, avait décidé que dans le courant de 1825 s'effectuerait en Haïti le grand évènement politique que fait connaître au Monde, le rang que nous occupons parmi les Nations. La puissance et la sagesse de nos Institutions commandaient une semblable mesure.

La prévoyance du Chef de l'Etat lui a suggéré la pensée de réunir le Corps-législatif avant l'époque ordinaire fixée par la Constitution. Les circonstances nouvelles exigeaient en effet des dispositions de nature à donner un témoignage éclatant de la loyauté et de la bonne foi qui président aux Actes du Gouvernement, il devenait aussi indispensable de parfaire le Corps de Droits Haïtien, en réunissant les Lois commerciales, en un Code pour régler les transactions variées de cette branche qui doit nous mettre en relation avec tous les Peuples de l'Univers: il fallait encore assurer le repos public, en lui donnant pour garantie un Code Pénal.

C'est dans le cours de cette Session laborieuse que vos Législateurs ont, avec la maturité de la réflexion, délibéré sur ses importantes matières, et rendu le Code de Commerce et le Code Pénal.

Les formes à suivre dans l'institution criminelle sont déterminées par le Code rendu à cet effet. L'organisation Judiciaire et la Police des Tribunaux, ont été l'objet d'une Loi.

On n'eût pas pourvu aux soins du principe conservateur, si la régénération de nos cultures n'eût été provoquée par des Lois, à-la-fois justes et sévères. Vos mandataires, en rendant le Code Rural, ont pensé que le Peuple recevait un bienfait.

Plusieurs Lois transitoires ont réglé les diverses branches du Service Public; l'Armée, la Gendarmerie, et la Garde Nationale ont éprouvé

quelques changemens dans leur organisation, sans que l'effectif de nos moyens de défense ait été diminué.

Dans la conjoncture actuelle, le Gouvernement a dirigé sa sollicitude vers une sage économie, lorsqu'en créant d'utiles institutions, il s'est en même tems procuré de nouvelles ressources. La Loi sur l'enregistrement et celle sur la conservation des hypothéques donneront aux titres plus de régularité et en garantiront les effets.

La Législature, après avoir rendu une Loi qui reconnaît Dette Nationale l'indemnité de 150,000,000 de Francs consentie envers la France, devait pourvoir aux moyens d'éteindre cet engagement sacré. Une contribution extraordinaire, répartie de la manière la plus équitable et la plus régulière sur la généralité des Citoyens, a paru le mode le plus convenable à employer. Une Loi qui établit une contribution extraordinaire de 30,000,000 de gourdes, payable en dix Années, a donc été rendue par la Chambre.

Haïtiens ! le sacrifice est grand, il sera peut-être pénible à supporter ; mais vos Mandataires ne vous l'ont imposé qu'avec la certitude que l'honneur et la dignité Nationale conservés, il vous garantira pour l'avenir la paisible jouissance de vos propriétés, la libre et tranquille exploitation de vos champs, l'existence et la prospérité de vos Familles.

Une Loi sur les Droits locatifs et l'Impôt foncier a été jugée nécessaire, afin que les Propriétaires de maisons et quelques Habitans des Campagnes et autres qui exercent une industrie, supportassent désormais les charges de l'Etat dans une juste proportion avec les Habitans laborieux qui cultivent les denrées propres à l'exportation. Par l'effet de cette Loi, l'impôt territorial, qui jusqu'ici n'avait pésé que sur cette classe respectable de Cultivateurs, portera également sous une autre dénomination, sur toutes les classes de Propriétaires, et coopérera, avec les autres mesures arrêtées, à avancer l'époque où, la dette Nationale se trouvant éteinte, la Loi sur la Contribution extraordinaire devra être rapportée.

L'étendue des attributions données à la Chambre des Comptes, dans la Loi rendue sur son organisation nouvelle, ne pourra servir qu'utilement nos Finances.

La Loi qui porte création d'une Banque Nationale, donnera, par la circulation des capitaux, des facilités incalculables au Commerce : le tems était venu de faire usage de ce moyen puissant.

L'établissement des entrepôts réels dans la République fera ressortir les avantages qu'offre notre heureuse position, en donnant plus de développement à nos rapports de commerce.

Il était naturel de favoriser notre Pavillon ; les avantages qui lui sont accordés par une Loi nous donnent l'espoir de voir naître bientôt une Marine marchande.

Citoyens, telles sont les principales Lois rendues dans la Session de

cette Année. Toutes ont été conçues pour la prospérité d'Haïti; toutes ont été faites pour le bonheur de ses enfans.

Avant de déposer notre Mandat, empressons-nous de rendre grace à la Providence, qui nous a permis de contribuer au grand œuvre de notre régénération. Nous devons ce bienfait à nos Institutions et au pouvoir des Lois. Nous sentons toutefois que les devoirs du Législateur sont trop étendus pour penser que nous ayons pourvu à tout ce qui intéresse la Patrie et les Citoyens; mais, pleins de confiance dans les lumières des Membres qui formeront la prochaine Législature, nous leur légons la noble tâche d'épurer et de perfectionner notre Législation. Le bonheur des Peuples résultant de Lois sages et appropriées au caractère et aux mœurs des Citoyens, nous ne saurions trop appeler l'attention de ceux qui concourent à la nomination de la Représentation Nationale, afin qu'ils fixent leurs choix sur des Hommes animés de saint amour de la Patrie, et distingués par des vertus morales.

Pour conserver le domaine précieux de notre Indépendance, continuons à nous montrer dignes de cette organisation épurée que la civilisation rend si appréciable; remplissons les engagemens que nous avons bien voulu contracter. Le sol fortuné d'Haïti offre des richesses inépuisables, que nous serions bien coupables de ne point exploiter: profitons des douceurs de la paix pour nous livrer à des travaux de tous genres, pour consolider notre édifice social; et soyons toujours prêts à ressaisir nos armes, si l'on cherchait jamais à renverser ce monument d'une gloire éternelle.

Vive l'Indépendance! Vive la République! Vive le Président d'Haïti!

Donné en la Chambre des Communes, au Port-au-Prince, le 10 Mai, 1826, an 23e de l'Indépendance.

ARDOUIN. ELIE. DUMAS. etc.

DECREE of the King of Spain, relative to the Representative System of Government established in Portugal.—15th August, 1826. (Translation.)

THE King our Lord has been pleased to address to his First Secretary of State and Despatch, the following Decree:

The promulgation of a Representative System of Government in Portugal might have affected publick tranquillity in another Country, its Neighbour, which, having just escaped from a Revolution, might not have been generally animated by the purest loyalty. But in Spain, few have dared to cherish, in obscurity, hopes of seeing the ancient form of Government changed; for publick opinion has declared itself in so decided a manner, that no one can have the hardihood to deny it. This new proof of the fidelity of my Vassals obliges me

to manifest to them my sentiments, which are directed to the preservation of their Religion and their Laws. With them the name of Spain has always been glorious, and without them we can only have demoralization and anarchy to supply their place, as experience has demonstrated.

Be the circumstances of other Countries what they may, we will govern ourselves according to our own System; and I, as the Father of my People, have chosen rather to listen to the humble voice of an immense majority of Vassals, who are faithful and useful to the Country, than to the audacious clamours of a small and disorderly Faction, desirous, perhaps, of renewing scenes which I do not wish to recall to mind.

Having already published, on the 19th of April, 1825, my Royal Decree, in which, convinced that our ancient Legislation is the fittest for maintaining the purity of our Holy Religion, and the mutual rights of a paternal Sovereignty and a faithful Vassalage—the best adapted to our customs and education—I thought proper to promise to my Subjects, that I never would make any alteration in the legal form of my Government, *nor permit the establishment of Chambers, or other Institutions, whatever might be their denomination;* it only remains for me to assure all the Vassals of my Dominions, that I will make a due return for their loyalty, by causing the Laws to be executed, which punish the violators only, and protect those who obey them; and that, desirous of seeing all Spaniards united in opinion and inclination, I shall extend protection to all who respect the Laws, and be inflexible towards any who dare to dictate them to their Country.

Wherefore I have resolved, that the before-mentioned Decree, of the 19th of April, 1825, shall be again transmitted to the Authorities and Tribunals of the Kingdom, enjoining the Magistrates to a due administration of Justice, the chief security for the happiness of the People, and the best recompense for their fidelity.

You will take notice of this Decree, and make the necessary arrangements for its publication and fulfilment.

Palace, August 15, 1826.

(Signed by the Royal Sign Manual.)

The Duke del Infantado. FERDINAND.

***SPEECH** of the President, on the Opening of the Diet of Switzerland.—3rd. July,* 1826. (Translation.)

FIDÈLES ET CHERS ALLIÉS ET CONFÉDÉRÉS,

HEUREUX le Pays qui, depuis cinq Siècles, s'applaudit de sa liberté et de son Indépendance.

La pierre fondamentale de la Confédération Helvétique fut posée l'an 1308. Après bien de vicissitudes, cette Confédération se plaça

dans les rangs des Puissances Européennes, et, avec l'aide de Dieu, constata son existance par des victoires glorieuses, des actes civils, et une sage modération.

Une heureuse étoile luit long-temps sur notre heureuse Patrie. Les Suisses goûtèrent avec confiance les fruits de leurs travaux et de leur industrie, n'oubliant jamais ce que leur avait couté une liberté, qu'ils ne devaient ni à l'or ni aux richesses, mais à leurs sentimens innés et jamais méconnus de justice, d'honneur et de fidélité paternelle.

Mais, avouons-le, nos Alpes n'opposèrent pas une digue suffisante, ni à la mollesse des mœurs qui gagna insensiblement les Peuples comme les Trônes, ni à l'égoisme qui ronge toutes les forces de l'ame. En dépit de cette fièvre lente, des orages et des séductions de la Révolution, le Peuple Helvétique prouva cependant que l'esprit de ses Ancêtres ne l'avait pas abandonné: la tempête se déchaina, il lui opposa un calme réflechi; et la Suisse se releva par la pacification générale de l'Europe.

Plus j'approche du tems où nous vivons, moins mon langage a d'assurance. Les nouvelles Républiques ont de plus habiles Orateurs: goûtant, dans la force de leur jeunesse, les prémices de la liberté, les paroles découlent comme le miel de leurs lèvres, et la chûte de Missolonghi est un thème sublime digne de l'éloquence d'un Demosthène. C'est par de beaux souvenirs seuls que je suis inspiré—et certes le présent, la situation actuelle de ma Patrie, est digne d'envie.

Entourés de Puissances amies dont le vif intérêt pour nous est constaté, nous nous reposons avec confiance dans la continuation des sentimens bienveillans des Augustes Monarques. Quelle preuve plus convaincante de leur affection pourrions-nous désirer que celle que nous offre la présence de leurs Ministres? Les Députés de la Confédération savent apprécier une pareille attention.

La Suisse, comme République, de même que ses Peuples, rend hommage aux vertus de ces Princes: elle s'applaudit, avec le monde entier, de voir revivre les temps des Titus et des Antonins. Qui est ce qui, en évoquant ces illustres noms de l'antiquité, n'offrirait pas le tribut d'une larme à Alexandre Empereur de toutes les Russies?

Je rentre dans le cercle de mes chers Confédérés. Ce qui se présente d'abord à mes regards, ce sont les Cohortes de nos défenseurs, bien équipés, bien exercés au métier des armes, de nos braves Arquebusiers des montagnes et des vallées, toujours sûrs d'atteindre le but. C'est la noble émulation avec laquelle nos Officiers s'efforcent de s'initier dans les profondes études de leur art; c'est la totalité de l'Armée Fédérale, animée du patriotisme le plus pur, pénétrée du respect le plus profond pour la Loi et les Autorités. Elle n'a qu'une pensée, celle de se rendre digne du nom Suisse.

Nous devons un juste tribut d'éloges à nos Fils placés dans les rangs des Armées Etrangères; ils sont riches des trophées de la disci-

pline, de la fidélité, de la valeur. Le 10 Août est immortel. Le Lion mourant ressuscite.

Et quel esprit public, quelle industrie n'appercevons nous pas dans l'intérieur des Cantons! Sans doute le marchand calcule avec prudence l'avantage et les risques d'entreprises lointaines, et préfère un gain modique et sûr, à une richesse ou à une ruine immédiate. Le cultivateur rivalise avec son voisin, et les productions variées de notre sol sont le plus bel éloge de son infatigable activité. Les sciences, les arts, compagnes fidèles de la vie, de la jeunesse comme de la vieillesse, de la fortune comme de l'infortune, ne sont non seulement tolérés, mais appréciés, cultivés, soutenus, et jouissent en réalité dans notre Patrie, d'un droit de bourgeoisie immémorial. L'esprit des Suisses, éloigné de tout faux-brillant, de toute présomption et vanité, prêtant la parole à la vérité, et méprisant le mensonge, doit ressembler à la nature sévère, grande et majestueuse, qui les environne.

Nobles Députés des 22 Cantons, c'est à vous à achever le tableau que j'ai tracé avec de foibles contours. Les yeux de tous les Confédérés sont fixés sur vous. La Diète, Autorité Suprême de la Confédération, embrasse l'ensemble. C'est à elle à veiller sur le salut de la République. Elle s'efforcera toujours de suivre, dans un esprit de concorde et d'union fédérale, une carrière digne du nom Suisse, digne des Ancêtres qui ont si souvent obtenu de grands résultats avec de foibles moyens.

Que le Dieu de nos Pères qui veille si visiblement sur notre Patrie, continue à nous accorder sa protection et sa bénédiction; et puissent nos derniers neveux s'écrier comme nous;—Heureux le Pays, qui s'applaudit de sa Liberté et de son Indépendance!

VINCENT RUTTIMAN.

***FIRMAN of the Grand Seignior, for the Dissolution of the Corps of Janissaries.*—19 *June*, 1826.** (Translation.)

Il est connu à toute la Nation Mahométane, que la première fondation de cette Religion et de cet Empire Mahométan, et puis leur extension dans l'Orient et dans l'Occident, n'ont été opérées autrement que par la sainteté de nos Loix, et avec l'épée de ceux qui ont combattu pour la gloire de cette Religion.

Ayant été, de tout tems, indispensable, que des Troupes Musulmanes et de braves Soldats *unitaires* se trouvâssent prêts à être opposés à l'Ennemi de la Foi, le Corps des Janissaires a été établi précedemment dans cet Empire d'éternelle durée. Dans les tems passés les Janissaires présentoient leur poitrine à l'Ennemi dans les guerres de Religion, et par leur constance et leur valeur, ainsi que par leur obéissance, et leur soumission aux Autorités, un grand nombre de victoires ont été remportées.

Mais, par la suite des inconvéniens, des désordres de tout genre se sont introduits parmi eux, et leur obéissance primitive a dégénéré en insubordination. Dans les guerres qu'ils font depuis un siècle, ils inventent mille calomnies, s'endurcissent dans leurs mauvaises dispositions, désobeissant à leurs Chefs, et se couvrent de honte en prenant la fuite devant l'Ennemi. C'est ainsi qu'ils sont cause que plusieurs Forteresses et plusieurs Provinces sont restées au pouvoir des Infidèles. Et l'Ennemi de la Foi, en voyant notre état actuel, croit la Nation Musulmane reduite au dernier dégré de foiblesse et de détresse; et dans la prétention, (Dieu nous en préserve!) de détruire entièrement le brilliant Islamisme, il augment de plus en plus ses demandes et ses prétentions, et notre position devient de jour en jour plus critique. Les Infidèles, nos Ennemis, nous ont, pour ainsi dire, entourés de tous côtés. Dans cet état de choses, il est devenu un devoir religieux pour nous de renouveler notre zèle pour l'Islamisme, et d'aviser au moyen de tirer vengeance de nos ennemis, pour le bien de notre religion.

Dans les guerres survenues jusqu'à présent, ainsi qu'on l'a vu et expérimenté plusieurs fois, les victoires obtenues par les Infidèles proviennent uniquement et visiblement de l'emploi des Troupes exercées. Voilà pourquoi, à la fin de la guerre de 1201 (1787) et postérieurement à cette époque, on a deux fois entrepris par nécessité de former des Troupes réglées. Mais les Janissaires, non-seulement n'ont pas été utiles en y prenant part, mais même ne voulant pas les Troupes réglées, ils ont, en se révoltant et par la conduite qu'ils ont tenue, renversé et rendu nuls tous les plans et les préparatifs qui avoient été faits. Ce n'est pas tout; ils ont par les actes abominables, qu'ils ont eu l'insolence de commettre plusieurs fois jusqu'à présent, causé la mort de plusieurs Souverains, qui sont, à parler ainsi, les colonnes du monde. Malgré cela, l'on devoit continuer à regarder les Janissaires comme un ancien Corps militaire. Les Janissaires se sont fait un usage d'être obéissants, si cela leur plaisoit, ou de se livrer à la révolte et au brigandage, si bon leur sembloit. Mais bien que, parmi nous, nous ayions souffert cela à ce point là, à quoi cela a-t-il servi? Les ennemis de notre religion ne restent pas tranquilles; tant qu'ils voient notre situation présente ils cherchent, Dieu nous en garde! à nous perdre totalement. Ainsi tous ces faits ont été exposés en dernier lieu dans un Conseil tenu dans le Palais du Mufti, auquel ont assisté tous les Vizirs, tous les Oulemas, tous les Ministres, et tous les Officiers du Corps des Janissaires. Des Fetwas* ayant été demandés au Mufti, on a finalement et unanimement résolu, avec l'assentiment de toute la Nation, en vertu des Fetwas qui ont été donnés, appert l'Instrument juridique qui a été signé et cacheté par tous, et dans la vue sincère de faire fleurir la sainte parole de Dieu; en premier lieu, de lever des Troupes Musulmanes, capables de faire face à la ruse et à l'adresse, qui sont les

* Fetwa. (Opinion écrite du Mufti, qui tient lieu de Loi.)

moyens dont les Infidèles se servent pour vaincre ; et en second lieu de leur faire acquérir de l'experience en leur enseignant la tactique, vû qu'il est constant qu'il n'y a d'autre moyen sinon celui là de parvenir à ce but, en prenant à cet effet 150 hommes seulement de chaque *Ortà*, pour les entretenir à la Solde et leur enseigner l'Exercice ; sans qu'il soit porté préjudice à aucun des réglemens et des canons du Corps des Janissaires.

On avoit donc commencé à enrôler des Soldats, consentant par nécessité à dépenser pour leur entretien une si grande quantité des deniers Nationaux ; ayant été déclaré et publié d'avance que personne ne seroit privé de la solde qu'il recevoit autrefois, et que d'après la sainte sentence qui vient d'être prononcée, tout homme qui auroit tenu quelque propos contre une mesure adoptée avec le consentement commun de toute la Nation, et qui auroit agi en contravention à la même, seroit puni de la peine Capitale.

On a armé et habillé les Soldats qui s'étoient fait enrôler ; mais tant d'Ordres, dictés par la Religion et par les Loix, n'ont servi à rien.

Dans la nuit du Mercredi au Jeudi de la Semaine passée, les Janissaires se sont révoltés ; ils ont commencé par attaquer le Palais du Janissaire Aga, et de là ils se sont portés au Palais dit de la Sublime Porte, et à d'autres endroits, qu'ils ont pillés et saccagés. Ils ont coupé en pièces avec des couteaux tous les Livres du Coran qui tomboient entre leurs mains, et commis des excès et des horreurs de tout genre ; donnant pour prétexte de leur révolte qu'ils ne vouloient point faire l'exercice, et fesant voir qu'à cet égard, ils n'obéissoient ni à la Sainte Loi, ni aux Fetwas sacrés, ni à la Sublime Porte, ni aux illustres Oulemas. Ils se sont mis en état de rébellion ouverte envers le Sultan, en tournant avec audace contre la Sublime Porte Mahométane, des armes qu'Elle leur avoit mises entre les mains pour faire l'exercice légal.

Une pareille conduite étant incompatible avec l'esprit de la foi et de la religion, les ci-devant *Scheikhs-ul-Islam*, le *Scheikh-ul-Islam* actuel, les *Caziskers* et tous les *Oulemas*, (que Dieu augmente leur nombre jusqu'à la résurrection des morts) les Ministres, les Employés du Gouvernement, et d'autres Musulmans, accourus au Palais Impérial, ont pris le Drapeau Sacré du Saint Prophète, (sur qui soient les bénédictions de Dieu,) et l'ont porté à la Mosquée du Sultan Ahmed. L'on a, en même tems, averti le Peuple Mahométan et les hommes qui ont de la foi, par des Crieurs publics envoyés de tous côtés, de se rendre à Sultan Ahmed, de se ranger sous le Drapeau de l'Envoyé de Dieu, et d'agir d'après les prescriptions du Livre et de la Loi.

Bien que tous les Musulmans qui ont de la foi ayant accouru avec le plus vif empressement au rendez-vous, les Rebelles persistoient dans leur révolte, dans les places où ils s'étoient réunis, s'opposoient à la

Religion et au Gouvernement, et vouloient, Dieu préserve! renverser le Gouvernement Mahométan de fond en comble, et fouler aux pieds tant d'honnêtes gens pleins de foi; conduite audacieuse, extrêmement criminelle, et propre à nous faire tomber, à la fin, sous le joug des ennemis de la Religion. On a donc, suivant ce que la Loi exige, chargé une partie des Troupes d'attaquer les Rebelles pour verser leur sang; on a brûlé leurs Casernes, et Dieu les ayant fait périr par l'épée de la Loi, ils ont trouvé ainsi la récompense due à leur œuvre.

Or, quoique cette grande sédition soit en apparence l'ouvrage d'une Bande de Brigands, il a été constaté que nombre des principaux Janissaires, des esprits remnans des Conspirateurs, des hommes désirant le mal de la Religion et du Gouvernement, étoient dans le fond d'accord avec eux et les premiers instigateurs de cet attroupement. Aussi, chacun d'eux, désigné par son nom et prénom, est-il arrêté et exécuté suivant les Loix.

Il conste par un grand nombre d'évènemens qui ont eu lieu jusqu'ici, que depuis quelque tems la valeur et l'obéissance qu'on s'étoit proposées en instituant les Janissaires, se sont converties au contraire, en dépravation et en perversité. Et la qualité de Janissaire, ainsi que le tître de *Camarade*, étoient devenus on peut dire, la sauvegarde du Brigandage. Les mauvais Sujets avoient acquis la supériorité sur les honnêtes gens. De plus, parmi ceux qu'on vient d'arrêter et d'exécuter, il s'en est trouvé qui portoient au bras, avec l'Enseigne du 75me Ortà, la Croix des Infidèles. Voilà donc que des gens de toute espèce s'étoient introduits parmi eux, et qu'il y avoit dans leur Corps des Espions Infidèles sous l'habit Musulman.

Les Aghas et les Officiers qui, hommes d'honneur, ne partageoient pas leurs sentimens, se trouvoient hors d'état de les contenir dans les bornes du devoir; et il est devenu clair et évident que telles mesures que l'on eu pû prendre à l'avenir, dès qu'on conserveroit le nom de Janissaire, n'auroient produit aucun bien.

Aujourd'hui donc leurs Eminences les *Scheïkhs-ul-Islam*, tous les illustres *Caziskers* et *Oulemas*, et tous ceux qui veulent le bien de la Religion et de l'Etat, réunis sous l'étendard sacré dans la Mosquée du Sultan Ahmed, ont changé pour le bien général, le nom et la dénomination de *Janissaire*, avec l'assentiment unanime qu'ont produit les devoirs imposés par la Sainte Loi, et ont résolu de renouveler et de changer sous d'autres modifications tous les anciens Canons.

Ils ont entièrement aboli le nom de *Janissaire*, et ce Corps est remplacé par des guerriers qu'on enrôle, capables de rendre service à la Religion et à l'Etat, formant un nombre suffisant pour faire face à l'Ennemi, et portant le nom de *Troupes victorieuses Mahométanes*. Son Excellence Hussein Pasha, Gouverneur actuel de la Province de *Khudavendighiar* (Brousse) est nommé *Seraskier* (Généralissime) de ces Troupes, et doit s'établir à l'*Agha Capissi*, (Palais des Janissaires Aghas) lequel,

changeant de nom, portera désormais dans le Public celui de *Seraskier Pasha Capissi.* Les nouvelles Troupes occuperont dorénavant les Casernes, et formeront les Corps de Garde de la Ville.

Les postes de *Janissaire Agha,* de *Catar Aghassi,* et de *Boulouk-Aghalari,* sont totalement supprimés et abolis. Il a été conféré au dernier Janissaire Agha, Mehemmed Agha, le grade de *Capidgi Bashi* (Chambellan), et le poste de Grand Ecuyer. Le Coul-Kiayassi (son second), a été fait Pasha à Deux Queues, et destiné à être employé auprès de lui. Le *Zahradgi Bashi* et le *Samsondgi Bashi* (autres Chefs des Janissaires), ont été nommés *Capidgi-Bashis,* et quelques Bouloukbashis, (Chefs de Compagnies), qui se sont montrés fidèles, ont été faits *Salahors* (grade inférieur à celui de Capidgi Bashi); et seront comme d'autres *Zaïms,* employés par le Gouvernement pour des services d'une autre nature.

Les Grands et les Petits, les Oulemas, tous les Mahométans, les Troupes des autres Corps Militaires, et le Peuple, ne formeront qu'un seul Corps, et se considéreront indistinctement comme Frères de Religion. Les Grands regarderont les Petits avec des yeux de bonté et de clémence; les Petits se montreront obéissans aux Grands. Tous les hommes ayant de la foi seront à jamais d'accord et feront cause commune dans cette affaire salutaire, entreprise unanimement pour remplir le principal objet en vue et le devoir imposé à tous par la Sainte Loi, de faire fleurir la Parole de Dieu et de donner un nouvel élan à la Religion du Prince des Prophétes.

Que chacun se garde bien d'oser agir en contravention à ces réglemens, ou tenir des propos contraires aux mêmes; car s'il y en avoit qui le feroient, ils seroient sur le champ punis avec le glaive de la Loi, telle étant la résolution prise en demandant l'assistance Divine; et ce nouvel état de choses qu'on a commencé à mettre en exécution a été publié par des Firmans dans les Trois Parties de la Roumélie,* dans les Trois Parties de l'Anatolie, et dans tout l'Empire.

Ainsi, vous ferez venir au Tribunal les Imams (Curés) de tous les Quartiers, et vous leur annoncerez tout ce que ci-dessus, en leur délivrant sur le champ, Copie légalisée de ce Firman Suprême, afin que chacun d'eux aille la lire dans les Mosquées et dans les Oratoires de leurs quartiers respectifs devant le Peuple. Vous leur ordonnerez, en même tems, de donner à entendre comme il faut à leurs ouailles que, dans la seule vue de donner un nouvel élan à la Religion et à La Sublime Porte Mahometane, et d'améliorer le sort de la Nation Mussulmane, la qualité de Janissaire est désormais, ainsi que le prescrivent le Livre et la Loi, entièrement abolie; que les Janissaires sont remplacés, dans ce renouvellement des canons, par des Soldats qu'on a commencé à enrôler et à instruire dans la tactique, et qui porteront le nom

* La Roumélie et l'Anatolie sont divisées en trois Parties chacune, savoir; partie droite, partie gauche, et partie d'entre-deux.

de *Troupes victorieuses Mahométanes;* que Personne parmi ceux qui recevoient une solde ou une paye ne perdra rien à cet égard, vû que ceux qui produiront au Bureau leurs tîtres en régle et compris dans la Liste, on leur fera la grâce de la leur payer, quel qu'en soit le montant, durant toute leur vie; que ceux qui ont de la Foi et qui obéissent au Livre de Dieu, et à la Sainte Religion, reconnoissans pour ce qui vient d'être fait, contens et tranquilles sous la protection de Sa Majesté le *Padischah,* doivent s'occuper à faire des vœux pour la conservation et la prospérité de celui qui est l'ombre de Dieu; que Personne ne doit rien dire contre ces réglemens; et que malheur, s'ils s'en trouvoit qui le feroit, malheur à lui et dans ce monde et dans l'autre.

Et vous aussi, de votre côté, vous employerez sans cesse votre attention à cet égard, et vous mettrez tous vos soins à remplir dans toutes les circonstances les devoirs imposés par la Sainte Loi.

Le Juge de Galatée. (Le 11e Zilcade, 1241,-19th June, 1826.)

FIRMAN of the Grand Seignior, abolishing Confiscations of Property.—August, 1826. (Translation.)

Le Souverain Maître des mondes, ayant constitué Sa Hautesse Protecteur de Sa Sainte Religion et Emam des Musulmans, attaché à l'observation de Sa Loi la durée de la Sublime Porte jusqu'au jour du jugement. Quoique le but premier de Sa Hautesse fut d'apporter ses soins à ce qu'une exacte observation en toutes choses de la Loi Musulmane, et des pratiques instituées par le Prophête, assurât à tous ceux qui vivent à l'ombre de Sa Puissance Impériale, un repos et bien être parfait, depuis nombre d'Années, l'audace et l'insubordination des Janissaires les portant à tous les excés, leurs demandes exorbitantes, ont causé l'épuisement du Trésor des Musulmans, qui ne doit être employé que pour les guerres sacrées, et ils ont été ainsi un obstacle à ce que jusqu'à ce jour chaque chose fut reglée d'après une marche convenable. Parmi les désordres qui en sont résultés, le mal de la saisie par le Fisc des inventaires de succession, a été le produit de la nécessité de couvrir le déficit qu'avaient amené dans le Trésor Public les prodigalités faites en faveur des Janissaires. Mais aujourd'hui que, par un effet spécial de la Puissance de Dieu, et par un miracle évident de Son Prophête, la destruction des Janissaires rebelles, conforme au livre Divin, à la Loi, et au vœu unanime de tous les Musulmans, et l'abolition de leur nom, permettent de purger de cette tâche le Gouvernement de Sa Hautesse; Ses Ordres et Instructions immédiates sont que, puisque, grâce à Dieu, la Sublime Porte et tous les Musulmans se trouvent désormais à l'abri de la violence de la dite Milice, la dissipation du Trésor Public cesse aussi, que desormais, avec l'aide le Dieu, l'on s'attache unanimement en toutes choses à l'observation de la Loi sans tâche, que quelque circonstance qui puisse arriver l'on ne s'écarte en rien du livre de Dieu, et des

pratiques observées par Son Prophête, et que surtout, à compter de ce jour, le funeste système des Confiscations soit entièrement abandonné. Ainsi qu'à la mort de tous Vizirs, Pachas à Deux Queues, Ministres, et autres Employés de La Sublime Porte ou de toute autre Personne de Marque à Constantinople ou au dehors, telle que *Aïan, Vaivode, Mutesellim, Négociant,* en un mot de tout Musulman ou Raïa, quel qu'ils soient, la totalité de leur succession, petite ou grande, leurs biens et propriétés, soient partagés entre leurs Orphelins et Héritiers, ainsi que Dieu nous en a fait l'obligation; que ni le Fisc ni aucun autre ne s'y ingére, que les organes de la Loi ne dressent point par force les inventaires des biens revenant à ceux ou à celles qui ne seront pas Mineurs; que quant aux Mineurs en faveur desquels la Loi ordonne le dressement d'inventaires, il ne doit être pris conformément à la Loi qu'un Droit d'un para par piastre. Dieu garde qu'à titre de *Riatitre, Khrudamié, Uhokadarié, Ralimié, Rikidie,* ou sous toute autre dénomination, l'on prenne une aspre, une obole de plus le Droit susdit devra suffire pour les frais d'inventaire; les inventaires de successions voulus par la Loi, seront dressés uniquement par les Magistrats, les Vizirs, Pachas à Deux Queues, Mutesellims, Vaivodes, Aïans, Autorités Militaires, et autres, n'exigeront point une seule aspre, une seule obole, qu'ils ne s'y ingéreront en rien. Des Firmans particuliers ont en consequence été envoyés à chacune des trois Divisions Militaires qui se trouvent, soit dans la Roumélie, soit dans l'Anatolie, pour leur faire connaître cette volonté irrévocable de Sa Hautesse, à laquelle l'on devra se conformer. Des Bougouroulées ont dans le même but été adressés anx Caziaskers de Roumélie et d'Anatolie, au Cadi de Constantinople et de Scutari, aux Mussettich des Vacouss, des deux Saintes Villes, et des Jardins particuliers de Sa Hautesse.

Vous aurez donc soin de faire connaître et d'expliquer à qui besoin sera, cette volonté Impériale basée sur la justice. Vous enregistrerez mot pour mot le présent Ordre, vous veillerez à ce qu'il soit exécuté tant qu'il plaira à Dieu et empêcherez qu'il n'y soit contrevenu.

MESSAGE of the President, to the Senate of The United States, respecting the Claims of American Citizens upon the French Government.

Washington, 20th May, 1826.

In compliance with a Resolution of the Senate, of the 5th of March, 1824, requesting Copies of the several Instructions to the Ministers of The United States to the Government of France, and of the Correspondence between the said Ministers and Government, having reference to the Spoliations committed by that Power, on the Commerce of The United States, anterior to the 30th September, 1800, or

so much thereof as can be communicated without prejudice to the Publick Interests; also how far, if at all, the Claim of Indemnity from the Government of France, for the Spoliations aforesaid, was affected by the Convention entered into between The United States and France on the said 30th of September, 1800, I transmit herewith a Report from the Secretary of State, with the Documents desired by the Resolution.

JOHN QUINCY ADAMS.

To the Senate of The United States.

Department of State, Washington, 20th May, 1826.

THE Secretary of State, in compliance with the Resolution of the Senate, of the 5th of March, 1824, which was referred to this Department, requesting the President "to cause to be laid before the Senate, Copies of the several Instructions to the Ministers of The United States to the Government of France, and of the Correspondence between the said Ministers and Government, having reference to the Spoliations committed by that Power on the Commerce of The United States, anterior to the 30th September, 1800, or so much thereof as can be communicated without prejudice to the Publick interests; also how far, if at all, the Claim of Indemnity from the Government of France, for the Spoliations aforesaid, was affected by the Convention entered into between The United States and France, on the said 30th of September, 1800," has the honour to report to the President, Copies of so much of the Instructions and Correspondence in question as is supposed to be embraced in the call of the Senate: to which are added, Copies of other Papers and Documents, to a great extent, which are believed to be within the intention, if not comprehended in the terms, of the Resolution of the Senate. By a reference to former Messages to Congress, and to the Publick Documents, the publication of which had been authorised, from time to time by Government, it will be perceived that many of the Papers now reported, have been already communicated to Congress, or spread before the Publick, through the medium of the Press; but it has been thought nevertheless, expedient, to submit them in their present collected form, that a full and connected view might be presented at the same time. There may be even yet remaining in the Archives of the Department, others, having a bearing on the subject, which have escaped our diligence and researches.

My Predecessor was unable to command, from the other important duties which he had to perform, sufficient time to have this Collection completed, during his continuance in Office, after the passage of the Resolution of the Senate. The same cause, not less sensibly felt by his Successor, has delayed this Report until the present period—and he feels himself required to state, that, without material injury to the

Publick Service, he was himself unable to examine the many Volumes containing the very extensive Correspondence, from which the Copies and Extracts now submitted have been taken, or even attentively to peruse the whole of those Copies and Extracts, which have been just finished. The desire to present them to the Senate, in conformity to the anxious wish of the Claimants, before the close of its present Session, renders these explanations necessary, and it is hoped that they may prove satisfactory.

The closing Paragraph of the Resolution of the Senate, enjoins another duty, which, from the ambiguous manner in which it is expressed, the Secretary feels some difficulty in clearly comprehending. The Senate resolved "that the President of The United States be requested to cause to be laid before the Senate, Copies," &c. and concludes by requesting to cause also to be laid before the Senate "how far, if at all, the Claim of Indemnity from the Government of France for the Spoliations aforesaid, was affected by the Convention entered into between The United States and France, on the said 30th of September, 1800."

The Secretary can hardly suppose it to have been the intention of the Resolution, to require the expression of an argumentative opinion, as to the degree of responsibility to the American Sufferers from French spoliations, which the Convention of 1800 extinguished, on the part of France, or devolved on The United States,—the Senate itself being most competent to decide that Question. Under this impression, he hopes that he will have sufficiently conformed to the purposes of the Senate, by a brief statement, prepared in a hurried moment, of what he understands to be the Question.

The Second Article of the Convention of 1800, was in the following words: "The Ministers Plenipotentiary of the two Parties, not being able to agree at present respecting the Treaty of Alliance of 6th February 1778, the Treaty of Amity and Commerce of the same date, and the Convention of the 14th November, 1788, nor upon the Indemnities mutually due or claimed; the Parties will negotiate farther on these subjects at a convenient time; and, until they may have agreed upon these Points, the said Treaties and Convention shall have no operation, and the relations of the two Countries shall be regulated as follows."

When that Convention was laid before the Senate, it gave its consent and advice that it should be ratified, provided that the Second Article be expunged, and that the following Article be added or inserted; "It is agreed that the present Convention shall be in force for the term of Eight Years from the time of the exchange of the Ratifications"—and it was accordingly so ratified by the President of The United States, on the 18th day of February, 1801. On the 31st July, of the same Year, it was ratified by Bonaparte, first Consul of the French Republick, who incorporated in the Instrument of his Ratifica-

tion the following Clause, as a part of it: "The Government of The United States, having added to its Ratification, that the Convention should be in force for the space of Eight Years, and having omitted the the Second Article, the Government of the French Republick consents to accept, ratify, and confirm the above Convention, with the addition, importing that the Convention shall be in force for the space of Eight Years, and with the retrenchment of the Second Article: *Provided that by this retrenchment, the two States renounce the respective pretensions which are the object of the said Article.*

The French Ratification being thus conditional, was, nevertheless exchanged against that of The United States, at Paris, on the same 31st of July. The President of The United States, considering it necessary again to submit the Convention, in this state, to the Senate, on the 19th day of December, 1801, it was resolved by the Senate, that they considered the said Convention as fully ratified, and returned it to the President for the usual promulgation. It was accordingly promulgated, and thereafter regarded as a valid and binding Compact. The two Contracting Parties thus agreed, by the retrenchment of the Second Article, mutually to renounce the respective pretentions which were the object of that Article. The *pretensions* of The United States to which allusion is thus made, arose out of the Spoliations, under colour of French Authority, in contravention to Law and the existing Treaties. Those of France sprung from the Treaty of Alliance of the 6th of February, 1778, the Treaty of Amity and Commerce of the same date, and the Convention of the 14th of November, 1788. Whatever obligations or indemnities, from those sources, either Party had a right to demand, were respectively waived and abandoned, and the consideration which induced one Party to renounce his pretensions, was that of the renunciation by the other Party of his pretensions. What was the value of obligations and indemnities so reciprocally renounced, can only be matter of speculation. The amount of the indemnities due to Citizens of The United States was very large; and, on the other hand, the obligation was great, (to specify no other French pretensions), under which The United States were placed in the Eleventh Article of the Treaty of Alliance, of 6th February, 1778, by which they were bound for ever, to guaranty, from that time, the then Possessions of the Crown of France in America, as well as those which it might acquire by the future Treaty of Peace with Great Britain—all these Possessions having been, it is believed, conquered at, or not long after, the exchange of the Ratifications of the Convention of September 1800, by the Arms of Great Britain, from France.

The Fifth Article of the Amendments to the Constitution, provides: "Nor shall Private Property be taken for Publick use without just compensation." If the indemnities to which Citizens of The United States were entitled, for French spoliations, prior to the 30th September, 1800,

have been appropriated to absolve The United States from the fulfilment of an obligation which they had contracted, or from the payment of indemnities which they were bound to make to France, the Senate is most competent to determine how far such an Appropriation is a publick use of private property within the spirit of the Constitution, and whether equitable considerations do not require some Compensation to be made to the Claimants. The Senate is also best able to estimate the probability which existed of an ultimate recovery from France of the amount due for those Indemnities, if they had not been renounced; in making which Estimate, it will, no doubt, give just weight to the painful consideration, that repeated and urgent appeals have been, in vain, made to the justice of France, for satisfaction of flagrant wrongs, committed upon property of other Citizens of The United States, subsequent to the period of 30th September, 1800.

All which is respectfully submitted.

H. CLAY.

SPEECH of the King, on the Opening of the Assembly of the States of Wirtemberg.—*1st December*, 1826.

Sérénissimes, Nobles, respectables, chers et fidèles Sujets.

Je salu avec joie la Seconde Assemblée des Etats qui depuis l'établissement de la Constitution vient entourer mon Trône.

Elle aura de même toujours en vue les obligations qu'elle a contractées dans ce moment solennel, et moi aussi je ne puis trouver mon bonheur que dans celui de mes Sujets.

Assurer ce bonheur par tout ce qui dépendra de moi sera toujours le soin le plus important de mon Gouvernement.

Cependant mes efforts vers ce noble but sont soumis à l'influence de circonstances placées hors du portée de la puissance humaine.

L'état languissant de nos rapports agricoles et industriels subsiste encore, et jusqu'ici les soins les plus assidus n'ont pas réussi à donner une direction favorable à des objets si importants au bien être commun.

C'est avec d'autant plus de reconnaissance que nous avons reçus les bénédictions du ciel dont il nous a récemment comblé.

Le plus prochain avenir, aussi nous offre une perspective qui doit servir à nous tranquilliser; j'ai jugé que l'époque actuelle était convenable pour donner à notre économie financière une base solide et sûre, et pour déterminer d'une manière durable sur cette base l'équilibre entre la Recette et la Dépense.

Il ne sera pas difficile dans des tems plus favorables de s'occuper d'objets utiles, et que peut être on pourroit juger nécessaire, mais que le moment actuel ne permet pas de discuter de la même manière.

Quant aux épargnes à faire sur le Service Public et qui tendent vers le but proposé, je vous ferai présenter par mes Ministres dans le courant de votre Session actuelle, des Projets de Loi, durant la délibération desquels vous ne perdrez pas de vue que leurs résultats, quelqu' avantageux qu'ils se monteront par la suite, ne pourront cependant pas être immédiatement obtenu.

Dans les délibérations sur ces matières et sur d'autres Projets de Loi qui vous seront communiqués, vous continuerez et j'y compte à montrer de la prudence et de la modération, en répondant ainsi à la confiance avec laquelle je viens au devant de vous.

Une expérience, dont à la fin de la dixième Année de mon Règne, je puis parler avec certitude, me la garantit.

Conformément à la marche habituelle des destinées humaines, mon Règne a compté beaucoup de circonstances affligeantes, comme aussi des sujets de satisfaction. Mais je loue la Providence, je remercie mon Peuple. Jamais je n'ai eu occasion de douter de son amour et de son attachement, jamais il n'a méconnu mes intentions; il s'est montré toujours constant dans des evènemens d'une nature pénible, comme dans ceux qui présentaient des motifs de joie, et je m'estime heureux de pouvoir dire comme mon Aïeul, "que partout et toujours je puis compter sans crainte sur mes fidèles Sujets."

CORRESPONDENCE explanatory of the VIIth Article of the Treaty of Commerce between Denmark and The United States, of the 26th April, 1826.

The Hon. H. Clay to M. Bille.

SIR, *Department of State, Washington, November 10, 1826.*

IN the VIIth Article of the Treaty of Friendship, Commerce, and Navigation, between His Danish Majesty, and The United States, lately concluded,* provision is made for exempting Personal Property of the Subjects and Citizens of the two Parties from the payment of any Taxes or Charges, in certain cases. The object which the Government of The United States had in view in that Stipulation, was to secure the right of their Citizens to bring their money and moveable property home from the Danish Islands, free from Charges, or Duties, and especially from the onerous Tax, known in those Islands, under the denomination of Sixths and Tenths. This object was distinctly known to Mr. Pedersen, throughout the whole of the Negotiation, and was expressly communicated by me to him in writing. Some of the American Citizens, interested in the Stipulation, have stated to me their apprehensions that such an interpretation will be given to it, by

* See Page 896.

the Local Authorities, as will defeat the accomplishment of that object. I have informed them that they might remain in entire confidence, that His Danish Majesty would not allow such a consequence, and that I was quite sure, if it became necessary, that he would interpose his authority to cause that to be done which was within the contemplation, and according to the understanding of both Parties.

In the hope that you might be able to quiet all apprehensions on this subject, entertained by the Persons immediately concerned, I have the honour now to inquire, if you have received from your Government any Instructions which authorize you to enable me to give them such assurances as would tranquillize their fears.

I pray you to accept, &c.

HENRY CLAY.

M. Stein Bille, Chargé d'Affaires from Denmark.

M. Bille to the Hon. H. Clay.

SIR, *Washington City, November* 11, 1826.

I HAVE had the honour of receiving your Note of yesterday, representing that the object which the Government of The United States had in view, in the Stipulation of the VIIth Article of the Treaty of Friendship, Commerce, and Navigation, lately concluded between The United States and His Danish Majesty, was to secure the right of their Citizens to bring their money and moveable property home from the Danish Islands, free from Charges or Duties, and especially from the onerous Tax known in those Islands under the denomination of Sixths and Tenths; but that some of the American Citizens, interested in the Stipulation, had stated to you their apprehensions that such an interpretation would be given to it by the Local Authorities, as would defeat the accomplishment of that object; in consequence of which you enquire of me, if I have received from my Government any Instructions which would authorize me to enable you to give them such assurances as would tranquillize their fears, you having, meanwhile, expressed to them your full conviction, that His Majesty, at all events, if necessary, would interpose his authority to cause that to be done which was within the contemplation, and according to the understanding of both Parties.

In reply to this, I beg leave to state, that, immediately on my arrival in this Country, when I had become acquainted with the Stipulations of the Convention above alluded to, and had perceived, from the wording of the VIIth Article, that there existed some possibility of a misconstruction of its real intent and meaning, with reference to the Danish Law on the subject, I did state the fact to my Government, for the purpose of preventing any temporary inconvenience that might result to Individuals from such misconstruction by the Local Authorities, more particularly in His Majesty's West India Possessions; and I have

now the satisfaction to add, that I have been authorized, in consequence thereof, to declare to you, that measures have been taken accordingly, by the Danish Government, to secure the due execution of the VIIth Article of the Convention, conformably to the intent and meaning thereof, as by you stated; the object having been so understood by Mr. Pedersen throughout the whole of the Negotiation, and so communicated to him at the time by you in writing, which, of course, left no doubt whatever as to the real understanding of both Parties.

In tendering assurances of my most distinguished consideration, I have the honour to be, &c.

STEIN BILLE.

The Hon. H. Clay, Secretary of State.

CORRESPONDENCE, relative to the Dispute between Spain and Portugal, in consequence of the Invasion of the latter Kingdom, by Portuguese Refugees from Spain.

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No. 1.—Don F. de Almeida to the Conde de Casa Flores.

(Translation.) *Palace of Ajuda, Nov. 27, 1826.*

THE Undersigned, Minister and Secretary of State for Foreign Affairs, has the honour to communicate to his Excellency the Count de Casa Flores, that the Governor of the Province of Alentejo announces, under yesterday's date, that a Corps, composed of Portuguese Rebels, who had taken refuge in Spain, and had been armed for the Invasion by the Spanish Authorities, had entered Villa Vicosa. From the Report of the Governor of Alentejo, it also appears, that 500 muskets have been distributed to Portuguese Peasants, on the Frontiers, and that a Park of Artillery was about to leave Badajoz, by order of the Governor, for the purpose of joining the Insurgents—proceedings which are entirely contrary to the Rights of Nations, and inconsistent with the reiterated assurances given to the Undersigned, by the Count de Casa Flores; and to the Count of Villa Real, and the Minister of His Britannick Majesty, by his Excellency M. Salmon. In consequence of such extraordinary acts, unknown among civilized Nations, the Undersigned is under the necessity of communicating to his

Excellency the Count de Casa Flores, agreeably to Orders received to that effect from Her Highness the Princess Regent, that, until the Government of His Catholick Majesty shall have given clear and satisfactory explanations of so gross an insult, his Excellency the Count de Casa Flores will be considered as suspended from his Functions of Ambassador.

The Undersigned has the honour to inform the Count de Casa Flores, that every necessary step has been taken to guard against any failure of the respect or attention due to the Person of his Excellency, and that of his Suite.

The Undersigned avails himself of this opportunity, &c.

DON FRANCISCO DE ALMEIDA.

H. E. The Conde de Casa Flores.

No. 2.—Don F. de Almeida to the Conde de Casa Flores.

(Translation.) *Palace of Ajuda, December 25, 1826.*

THE Undersigned, Minister, and Secretary of State for Foreign Affairs, has seen the Note addressed to the Minister of His Britannick Majesty, on the 18th of December; in which his Excellency Don Manoel Salmon formally disapproves of the proceedings of the Portuguese Rebels, and announces, that the Government of His Catholick Majesty is ready to receive the Diplomatick Agent who shall be accredited to His Majesty, by Her Highness The Most Serene Infanta Regent, the moment that his Excellency the Conde de Casa Flores shall be reinstated in his Functions as Ambassador of His Catholick Majesty. The Undersigned has laid the above Note before the Most Serene Infanta Regent, and Her Highness desiring to afford a fresh proof of her wish to contribute to the preservation of Peace, and the re-establishment of a good understanding between Portugal and Spain, has ordered the Undersigned to inform his Excellency the Conde de Casa Flores, that Her Highness is pleased to agree to this proposed reconciliation, and also to receive his Excellency in a private audience to-morrow, at half past twelve, at the Palace of Nostra Senhora d'Ajuda.

Immediately after this audience his Excellency will be considered as fully reinstated in all his rights and privileges, as Ambassador of His Catholick Majesty. The immediate execution of all the promises made by Spain, in the Circular of the 28th of November, signed by his Excellency Don Manoel Salmon, and more especially the prompt and total disarming and dispersion of the Corps of Magessi, which is actually in the Spanish Territory, must be considered as an indispensable condition of this reconciliation.

There still remain yet various matters to arrange, which the Undersigned will have the honour to explain to his Excellency, the moment that his Excellency shall be reinstated in his functions, and respecting which Jose Guil. Lima, will also receive Instructions, whom Her

Highness has thought proper to appoint Chargé d'Affaires to the Government of His Catholick Majesty, until She shall be pleased to nominate a Diplomatick Agent of higher rank.

The Undersigned avails himself, &c.

D. FRANCISCO DE ALMEIDA.

The Conde de Casa Flores.

Documents referred to in No. 2.

(A.)—Don Manuel Salmon to the Foreign Ministers at the Court of Madrid. (Translation.)

(CIRCULAR.) *Palace, 28th November,* 1826.

I HAVE the honour to inform you, by order of The King my Master, that, it having come to His knowledge that the Portuguese Refugees in Spain had mutinied from their Depôts, and made a movement upon the Frontier of Portugal, thus abusing the generous Asylum which Spain had given to them, eluding the vigilance and taking advantage of the confidence, of the local Authorities; His Majesty learnt this Intelligence with the greatest displeasure, and, being anxious to prevent the evil consequences which such an event might occasion, and in order that the humane hospitality, granted in his States, to Foreigners who, from similar causes, may take refuge therein, may not again be abused, He has been pleased to order:

That the Captains General of the Provinces bordering on Portugal shall transmit Reports, by extraordinary Couriers, verifying the delivering up of the Arms and Military effects found upon Portuguese Refugees, and shall also receive the Arms which the Spanish Deserters have taken with them into Portugal;

That the said Captains General shall also cause all Portuguese Emigrants now in Spain, to retire inland, 60 leagues from the Frontiers, the Chiefs and Officers being separated from the Troops, and shall not allow more than 40 Men to remain in one Depôt, who shall be under the superintendence of Spanish Officers.

Orders have also been issued, that no Armed Portuguese, shall in future be admitted, and that no succour, save an Asylum recommended by humanity, shall be afforded to them.

With respect to Generals the Marquez de Chaves, and the Visconde de Canellas, the most positive Orders have been issued, that they shall not be allowed to remain within this Kingdom, but shall be removed therefrom by the Royal Police.

Finally, the Generals commanding on the Frontier are strictly enjoined to cause these Orders to be punctually executed.

These Orders will be forwarded this evening, by Couriers Extraordinary, to all the Captains General of the Frontier, and a Courier will be sent to His Majesty's Ambassador at Lisbon, with Instructions for him to bring them to the knowledge of the Portuguese Government.

His Majesty, always desirous, not to deviate from the political conduct he has adopted towards Portugal, and to avoid every thing which might tend to interrupt the relations now subsisting between the two Countries, has commanded me to make this Communication to your Excellency, in order that you may transmit the same to your Government; His Majesty being well assured that it will see therein a new proof of his sincere desire, not to consent, under any pretext, to any thing which might be likely to disturb the Peace which Europe now enjoys, and to avoid, on his part, every thing which might have a tendency to compromise it.

In consequence of these arrangements, made by the King, my August Master, Your Excellency will perceive that the difficulties which you were pleased to anticipate, and respecting which you desired an explanation, in your last Note, are satisfactorily removed.

I avail myself, &c.

MANOEL GONSALVES SALMON.

(B.)—Don Manoel Salmon to the Right Honorable F. Lamb.

(Translation.)

SIR, *Palace, 18th December, 1826.*

I HAVE laid before the King, my August Master, the Note which you were pleased to address to me on the 16th instant; communicating the determination of the British Government, immediately on its becoming acquainted with the Invasion of Portugal, by the Portuguese Deserters who had sought refuge in Spain, and with the arrangements made in consequence by His Catholick Majesty, which I had the honour to announce officially to your Excellency, as well as to the Representatives of the Allied Powers, friendly to Spain, in my Note of the 28th of November last.

His Catholick Majesty has seen with lively interest and great satisfaction, that the assurances and resolutions, expressed in my Note therein alluded to, have produced in the Cabinet of His Britannick Majesty, those happy results which were to have been expected from them.

In adopting those resolutions, my August Master experienced the greatest pleasure, as he thereby evinced, how displeasing to his Royal mind was the abuse, by the Portuguese, of the Asylum which he had been pleased to grant them in his Dominions, and testified anew, how much it was consonant with his wishes to remove any circumstance which might tend to disturb the harmony existing with the adjoining Kingdom of Portugal. The better to explain h se Royal sentiments, I set forth in my Note the measures which had been taken by this Cabinet, to bring about the desired effect, and to

prove that every step was taken to prevent a recurrence of disagreeable events, which might compromise the relations between the Governments of Spain and Portugal.

His Catholick Majesty, in communicating these determinations, only confirms and repeats what he had already expressed; and if, unfortunately, any events should have occurred, apparently inconsistent with the system which he has from the beginning adopted, it is hoped, that no other cause will be assigned for them, but the proximity of the Provinces of Spain and Portugal, in consequence of which a proper controul cannot always be exercised, and that no doubt will exist as to His Majesty's political conduct.

This has been, and will be, in future, to maintain the relations of good understanding with Portugal, scrupulously avoiding every thing that could compromise or alter them; and it is hoped that the Government of His Most Faithful Majesty will act reciprocally, and in the same spirit as that of the King my August Master.

Your Excellency will find another proof of the desire of His Catholick Majesty to preserve Peace, in the fact, that he did not order His Ambassador, the Count of Casa Flores, to quit Lisbon, notwithstanding the insult shewn to his Official capacity, by the precipitate resolution of suspending him from his Functions. The restoration of the Artillery, and Vessel of the Royal Portuguese Navy, brought by the Portuguese Deserters from Algarve to Ayamonte; and the placing at the disposal of your Excellency, the Depôt of Arms at *Alconion*, which could not be given up to the Portuguese Authorities, in consequence of the state of the Frontiers, will also prove the decided conduct adopted by the Spanish Government for the preservation of Peace.

The communications between this Kingdom and Portugal have, however, been maintained, notwithstanding the cessation of the Functions of the accredited Agent from Lisbon, at the Court of Madrid; an event which has not occurred at any other Court of Europe; their Functions being still vested in the same Persons who were Representatives of Portugal in the time of the King Don John the VIth; and, if they have been latterly interrupted, it has been only in consequence of the step taken by the Portuguese Government respecting the Spanish Ambassador at Lisbon.

Nevertheless, the King my Master, taking into his consideration, what your Excellency has communicated, by order of your Government, relative to that event, and His Catholick Majesty desiring to give a new and incontestible proof of his fixed resolution to maintain Peace, and to avoid every thing which might endanger it, has deigned to command me to inform your Excellency, that he is ready to admit a Publick Agent, on the part of His Most Faithful Majesty Don Pedro

so soon as his Ambassador in Lisbon, the Count of Casa Flores, shall be restored to the exercise of his Functions, and to the rights belonging to his character.

This deference which His Catholick Majesty shews to the wishes of His Britannick Majesty, expressed in your Note of the 16th Instant, together with the fresh assurance that the resolutions communicated by me to your Excellency, on the 28th November last, and which have again been ordered to be carried into effect, whilst measures of precaution are at the same time taking, calculated to insure their punctual fulfilment, are an additional proof of the sincere desire of the King, my Master, to preserve unimpaired the publick tranquillity happily enjoyed by Europe, and a solid guarantee of the pacifick intentions of His Catholick Majesty.

In consequence of this assurance, the King, my Master, flatters Himself, that any occurrence which may unfortunately happen, and that might appear to be at variance with the principles He has manifested, and which coincide with what your Excellency has stated to me, by order of your Government, will be explained in a satisfactory manner; and he likewise hopes, that the frank, upright, and true exposition, which I have the honour to offer to you, of the sentiments which animate my August Master, will be productive of the happy result, of removing any kind of apprehension which may have hitherto existed, and of securing, the no less important object, that the present Military state of the Peninsula be not altered in any respect.

I with pleasure avail myself, &c.

MANOEL GONSALVES SALMON.

The Minister of His Britannick Majesty.

No. 3.—The Conde de Casa Flores to Don Francisco de Almeida.

(Translation.)

MOST EXCELLENT SIR, *Lisbon, December* 26, 1826.

IN consequence of what your Excellency is pleased to state to me in your Note of yesterday, I shall have the honour of presenting myself, with great pleasure, to-day, at half-past twelve o'clock, at the Palace of Nostra Senhora d'Ajuda, to pay my respects to Her Highness the Most Serene Infanta Regent.

Having been reinstated by this Government in the rights and privileges which belong to me, as Ambassador from His Catholick Majesty to His Most Faithful Majesty, I shall have the satisfaction to treat with your Excellency upon the particular points to which you allude in your Note, and also respecting whatever may appear proper to avoid every thing which might endanger the peace and harmony

between the two Monarchies, which the King, my August Master, so much wishes to preserve.

By an extraordinary Messenger, who arrived yesterday at noon, I received the Orders of my Government, as also a Copy of a Note which His Excellency Don M. Gonsalves Salmon, addressed, on the 18th Instant, to the Minister of His Britannick Majesty in Madrid, and which corresponds in every respect with that which your Excellency has been pleased to transmit to me, together with the Note to which I have herein replied.

I avail myself of this opportunity, &c.

CONDE DE CASA FLORES.

H. E. Don Francisco de Almeida.

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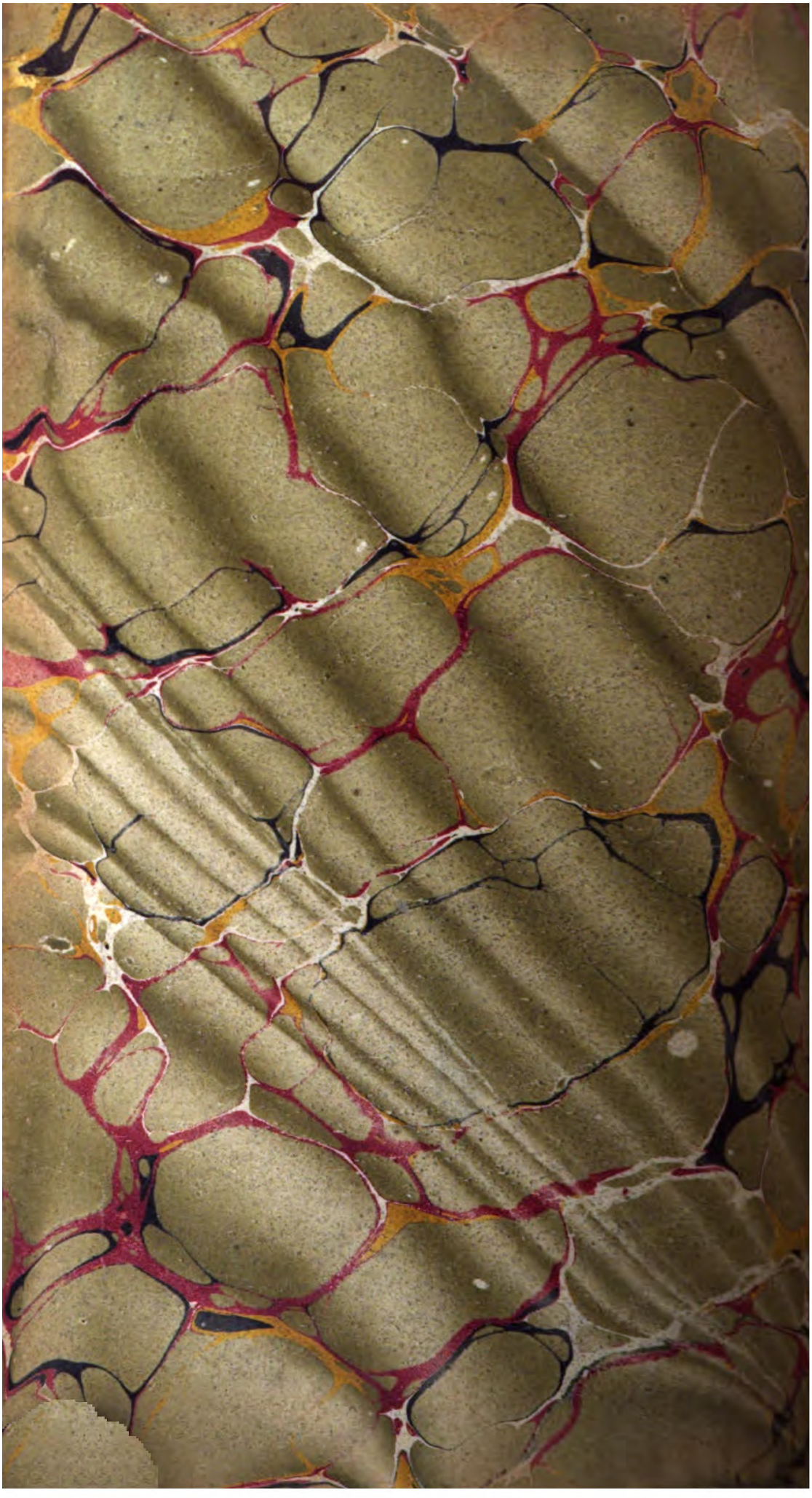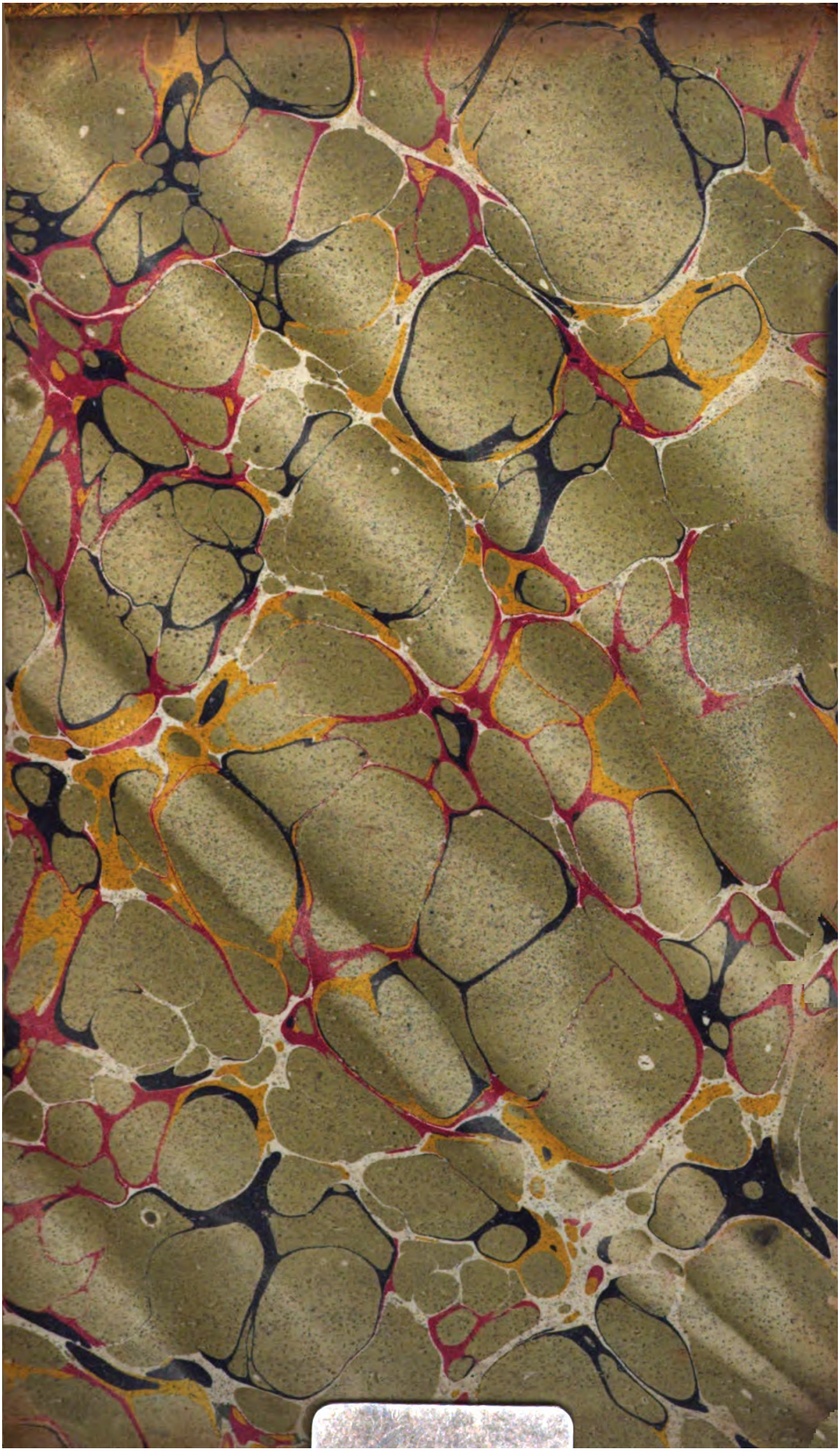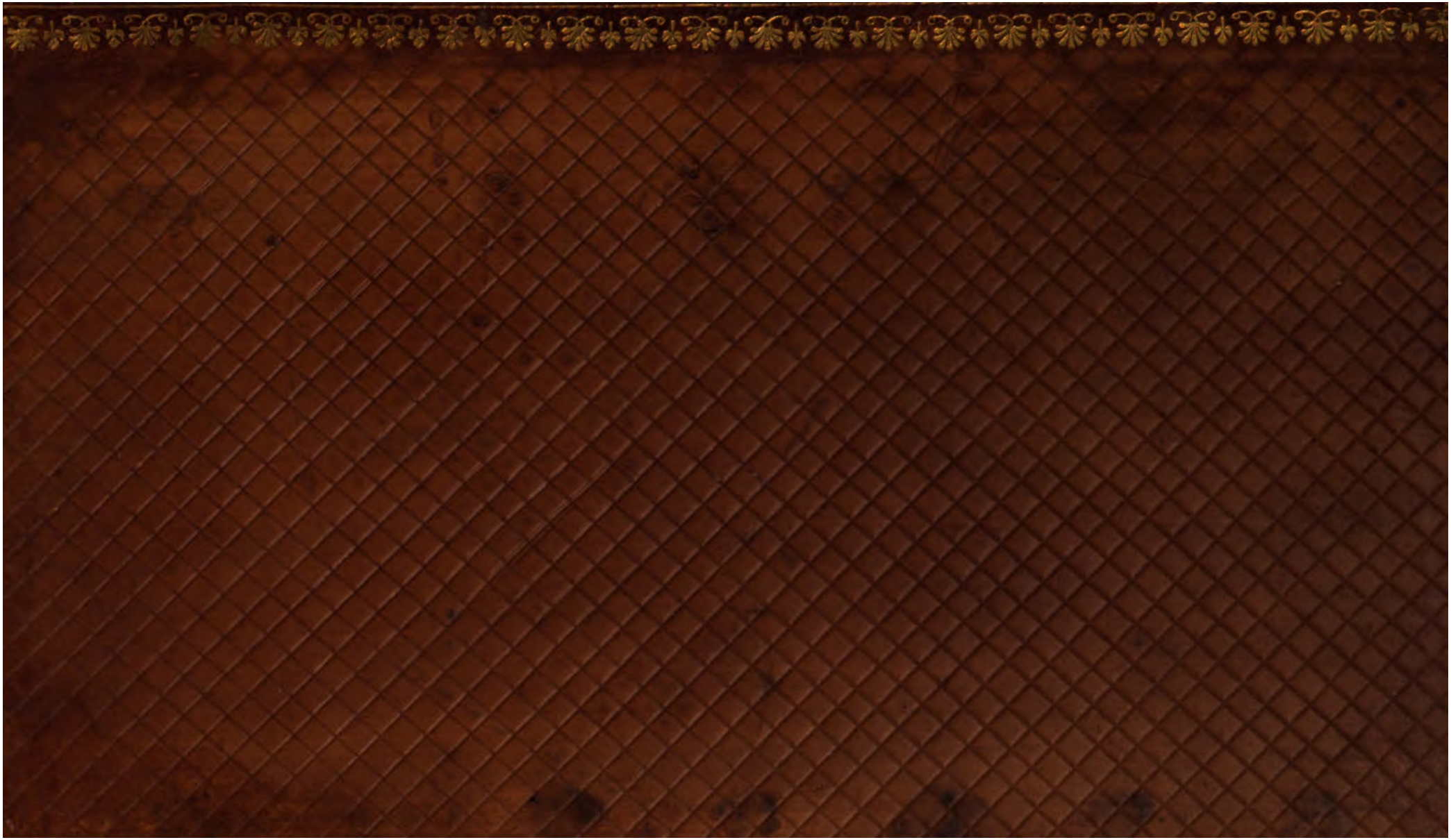
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