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The Right Honble C. W. W. Wynne
Esq. Esq. Esq.

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

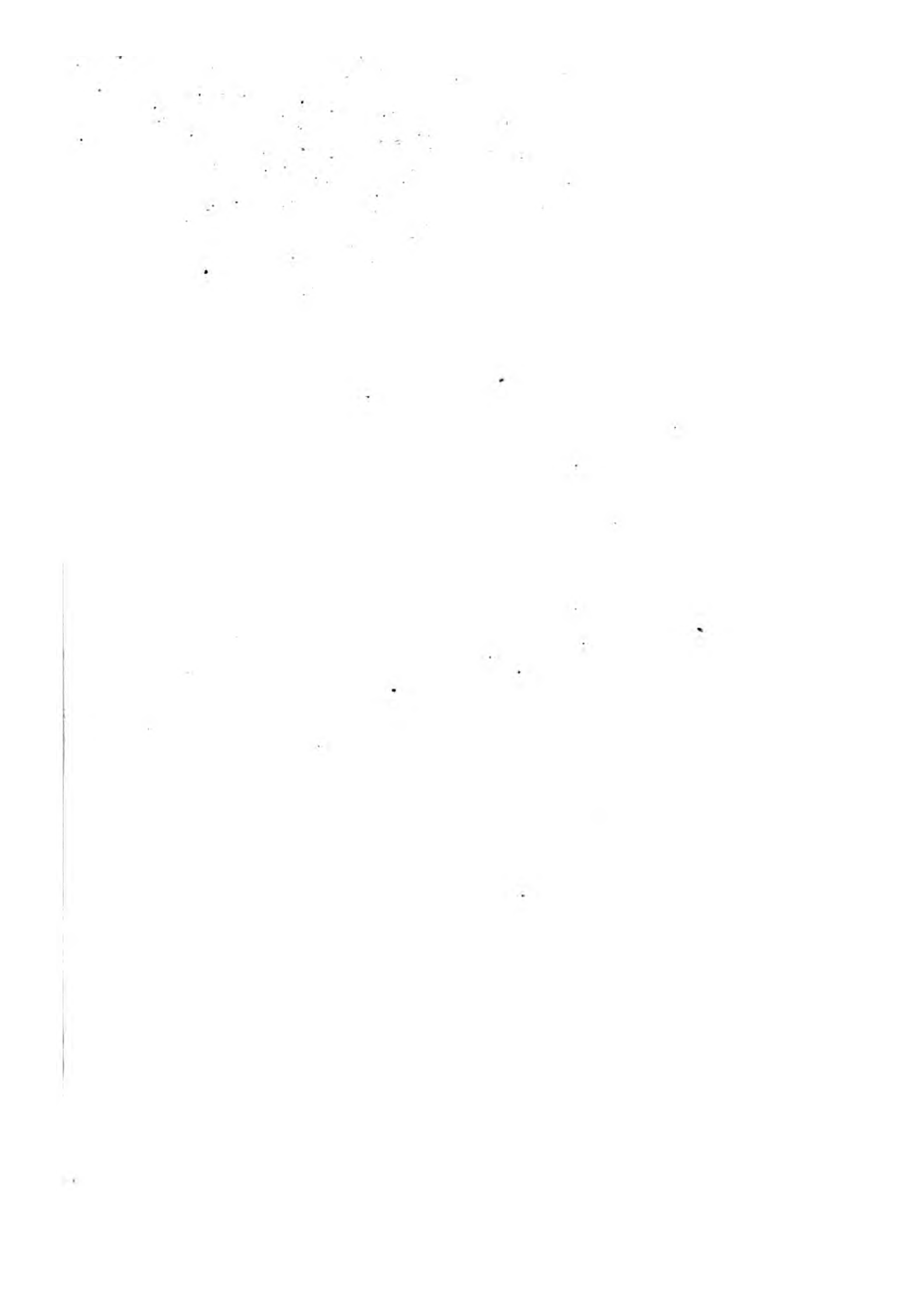
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*SPEECH of the Lords Commissioners, on the Closing of the
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My Lords, and Gentlemen,

WE are commanded by His Majesty to express to you the satisfaction which His Majesty feels in being enabled, by the state of the publick business, to release you from further attendance in Parliament.

His Majesty directs us to inform you, that He continues to receive from all Foreign Powers assurances of their earnest desire to cultivate relations of friendship with His Majesty ; and that His Majesty's best efforts, as well as His Majesty's Communications with His Allies, are unceasingly directed to the termination of existing Hostilities, and to the maintenance of general Peace.

Gentlemen of the House of Commons,

His Majesty commands us to thank you for the Supplies which you have granted for the Service of the present Year, and to assure you that His Majesty has given directions for a careful revision of the Financial state of the Country, with a view to every diminution of Expenditure which may be found consistent with the necessary demands of the Public Service, and with the permanent interests, good faith, and honour of the Nation.

My Lords, and Gentlemen,

His Majesty is confident that you participate with His Majesty in the pleasure which His Majesty derives from the indications of a gradual revival of employment in the Manufacturing Districts.

His Majesty trusts that, although your deliberations on the Corn Laws have not led, during the present Session, to a permanent settlement of that important Question, the consideration of it will be resumed by you early in the ensuing Session, and that such an arrangement of it may finally be adopted as shall satisfy the reasonable wishes, and reconcile the substantial interests, of all classes of His Majesty's Subjects.

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SIERRA LEONE. (*General.*)

No. 1.—*J. T. Williams, Esq. to Mr. Sec^y. Canning.—(Rec. April 24.)*
 SIR, *Sierra Leone, January 28, 1826.*

I HAVE the honour to acquaint you that I arrived at this Place on the 5th instant, and that I lost no time in proceeding to make the requisite arrangements, previous to entering on the functions of the Office which His Most Gracious Majesty has been pleased to entrust to me.

On the 10th, I took the Oaths, in the form prescribed, before the Principal Magistrate, and in the presence of His Excellency Major-General Turner, and the Members of the several Mixed Commissions.

The various Despatches, of which I had the honour to be the bearer, were laid before His Majesty's Acting Commissioners, and, as they relate principally to circumstances of previous occurrence, I beg to refer you to their Despatches, for such information and explanation as may be deemed necessary.

I am given to understand, that some delay has taken place in transmitting the Reports of the Cases of several Vessels adjudicated. I am also aware that this has been mainly owing to the multifarious duties which have occupied, and still continue to occupy, the time and attention of His Excellency the Governor, in carrying into effect matters which are highly important to the present interest, and which materially concern the future prosperity, of this Colony. Some difficulty has also arisen from the absence and sickness of Clerks attached to the Commissioners.

I purpose having the honour again to address you in a few days, and to communicate such information as I have been able to acquire on the present state of the Slave-trade.

I am duly impressed, Sir, with the great importance of the Trust which has been reposed in me; and it shall be my endeavour to prove, by the most strict and conscientious attention to the performance of the duties of my Office, rather than by any present professions, how very anxious I am to merit your approbation, and how highly I value the Charge which has been confided to me.

I have the honour to be, &c.

The Right Hon. George Canning.

J. T. WILLIAMS.

No. 2.—*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, May 6, 1826.

I HEREWITH transmit to you, for your information, four 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. 3.—*J. T. Williams, Esq. to Mr. Sec^y. Canning.*—(*Rec. May 22.*)
 SIR, *Sierra Leone, February 28, 1826.*

I HAVE the honour to inclose herewith, the Copy of a Letter addressed to me by the Commissioners of West African Enquiry, together with Copies of my Reply, and of the Documents with which they were furnished in accordance with their Application.

I have the honour to be, &c.

The Right Hon. George Canning.

J. T. WILLIAMS.

(*Enclosure 1.*)—*Commissioners of West African Enquiry to J. T. Williams, Esq.*

SIR, *Sierra Leone, February 14, 1826.*

WE request the favour of you to direct that we may be furnished, from the Records of the Mixed Commission Court, with a Statement shewing the number of Slaves (whether men, women, or children,) captured; the number adjudicated; and the number condemned at Sierra Leone, in each Year; from the earliest period for which the same can be made out.

We have the honour to be, &c.

JAMES ROWAN.

J. T. Williams Esq.

HENRY WELLINGTON.

(*Enclosure 2.*)—*J. T. Williams, Esq. to the Commissioners of West African Enquiry.*

GENTLEMEN, *Sierra Leone, February 15, 1826.*

I HAVE to acknowledge the receipt of your Letter of yesterday's date, and in reply beg to acquaint you, that I have instructed the Registrar of the Courts of Mixed Commission to furnish you, as early as possible, with the Documents which you require.

I have the honour to be, &c.

Major J. Rowan, and H. Wellington, Esq.

J. T. WILLIAMS.

(*Enclosure 3. A.*)—*W. Smith, Esq. to the Commissioners of West African Enquiry.*

GENTLEMEN, *Sierra Leone, February 23, 1826.*

IN accordance with the directions of His Majesty's Judge of the Mixed Commissions, established at this Place for the prevention of the illicit Traffick in Slaves, I have the honour herewith to send you a Return of the number of Slaves captured, emancipated, and registered, with such other particulars concerning them, as appear by the Records in my Office, from the Establishment of the Courts of Mixed Commission up to the 6th day of February 1826, that being the date of the adjudication of the last Vessel.

I have the honour to be, &c.

Major J. Rowan, and H. Wellington, Esq.

WILLIAM SMITH.

(Enclosure 3 B.)—List of Vessels Adjudicated in the Court of the British and Netherlands Mixed Commission, shewing the Number of Slaves Captured, Emancipated, and Registered, from its Establishment to the 6th Day of February 1826.

NAME of VESSEL.	Date of Capture.	Where Captured.		By what Vessel captured.	NAME of COMMANDER.	Date of the Condemna- tion of the Vessel, and of the Emanci- pation of the Slaves.	Number of Slaves Captured.	Number died before Adjudication.	Number Emancipated and Registered.				REMARKS.	
		Latitude.	Longitude.						Men.	Women.	Boys.	Girls.		Total.
Virginia - -	Oct. 10, 1819	5. 20. N.	9. 0. W.	H. M. B. Thistle -	Robert Hagan -	Nov. 15, 1819	32	-	7	8	13	4	32	These 4 Vessels had no Slaves on board, but were condem- ned under the Additional Arti- cle to the Treaty of the 4th of May, 1819, between His Ma- jesty and His Majesty the King of The Netherlands, signed at Brussels 25th Janu- ary, 1823. These Slaves having been put on board this Vessel at the instance of the Captors, by the Natives of Little Elmina, near Popo, the Court could not decree their emancipa- tion. They were, as in other cases of similar nature, deli- vered over to the Colonial Government.
Eliza - - -	Oct. 9, -	5. 35. N.	9. 0. W.	H. M. B. Thistle -	Robert Hagan -	Nov. 25, -	1	-	1	-	-	-	1	
Maria - - -	Jan. 30, 1820	In the Rio Pongos.		H. M. S. Tartar -	Sir G. R. Collier -	Feb. 15, 1820	33	-	8	8	13	4	33	
Aurora - - -	Oct. 23, 1822	7. 2. N.	11. 37. W.	H. M. S. Cyrene -	Percy Grace -	Nov. 9, 1822	2	-	-	-	2	-	2	
Bey - - -	May 19, 1825	Off River Gallinas.		H. M. S. Maidstone -	Charles Bullen -	June 29, 1825	180	2	43	22	74	39	178	
Z. - - -	July 31, -	3. 30. N.	6. 0. E.	H. M. S. Maidstone -	Charles Bullen -	Sept. 9, -	-	-	-	-	-	-	-	
Venus - - -	Sept. 1, -	4. 12. N.	5. 53. E.	H. M. S. Atholl -	James A. Murray -	Oct. 21, -	-	-	-	-	-	-	-	
Hoop - - -	Jan. 3, 1826	Between River Gallinas and Manna.		H. M. S. Maidstone -	Charles Bullen -	Jan. 23, 1826	-	-	-	-	-	-	-	
Amable Clau- dina - - -	Nov. 12, 1825	Off Elmina Castle.		H. M. S. Atholl -	James A. Murray -	Feb. 6, -	34	-	-	-	-	-	-	

(Continued.)

(Enclosure 3 B. continued.)—List of Vessels Adjudicated in the Court of the British and Spanish Mixed Commission, shewing the Number of Slaves Captured, Emancipated, and Registered, from its Establishment to the 6th Day of February 1826.

NAME of VESSEL.	Date of Capture.	Where Captured.		By what Vessel Captured.	NAME of COMMANDER.	Date of the Condemnation of the Vessel, and of the Emancipation of the Slaves.	Number of Slaves Captured.	Number died before Adjudication.	Number Emancipated and Registered.				REMARKS.
		Latitude.	Longitude.						Men.	Women.	Boys.	Girls.	Total.
Neustra Senora de Regla - - -	Aug. 10, 1819	4. 43. N.	9. 3. W.	H. M. S. Morgiana -	C. B. Strong	Sept. 13, 1819	1	-	1	-	-	-	1
Fabiana - - -	Sept. 18, -	4. 10. N.	7. 52 W.	H. M. S. Morgiana -	C. B. Strong	Oct. 7, -	13	-	12	-	-	1	13
Junietta - - -	Sept. 30, -	5. 39. N.	1. 21 E.	H. M. B. Snapper -	J. Henderson	Nov. 12, -	9	-	7	-	2	-	9
Esperanza - - -	Dec. 10, -	5. 49. N.	9. 57. W.	H. M. S. Morgiana -	C. B. Strong	Dec. 27, -	40	1	10	12	14	3	39
							63	1	30	12	16	4	62
									Total in the Year 1819.				
Neustra Senora de Nieves - -	Dec. 11, 1819	7. 0. N.	12. 0. W.	H. M. S. Morgiana -	J. Nash	Jan. 8, 1820	122	1	25	24	42	30	121
Francisco - - -	Jan. 30, 1820	10. 10. N.	0. 40. W.	H. M. S. Tartar -	Sir G. R. Collier	Feb. 8, -	69	-	53	6	8	2	69
Gazetta - - -	Mar. 2, -	5. 0. N.	10. 10. W.	H. M. S. Tartar -	Sir G. R. Collier	Mar. 18, -	81	-	27	13	21	20	81
Neustra Senora de Monserrate -	Oct. 16, -	6. 8. N.	10. 55. W.	H. M. B. Thistle -	Robert Hagan	Nov. 2, -	84	-	11	3	50	19	83
							356	1	116	46	121	71	354
									Total in the Year 1820.				
Anna Maria - - -	Mar. 23, 1821	4. 26. N.	Off the River Bonny.	{ H. M. S. Tartar & } { H. M. B. Thistle }	Sir G. R. Collier and Lieut. Hagan	May 16, 1821	491	90	191	81	73	55	401
La Caridad - - -	Sept. 4, -	River Bonny, Bight of Biafra.		H. M. S. Myrmidon -	H. J. Lecke	Nov. 7, -	153	17	60	15	25	36	136
La Nueva Virgen - -	Sept. 7, -	River Bonny, Bight of Biafra.		H. M. S. Myrmidon -	H. J. Lecke	Nov. 7, -	140	34	56	14	11	25	106
							784	141	307	110	109	116	643
									Total in the Year 1821.				
Rosalia - - -	Jan. 11, 1822		River Pongos.	H. M. B. Thistle -	Lieut. R. Hagan	Jan. 31, 1822	60	-	41	10	5	3	59
Joseph - - -	Feb. 26, -	7. 0. N.	10. 30. W.	H. M. S. Iphigenia -	Sir R. Mends	June 18, -	-	-	-	-	-	-	-

One man died after emancipation, but before his description could be taken to be registered.

This Vessel had no Slaves on board, but was condemned for being engaged in the illicit Traffic in Slaves.

(Continued.)

(Enclosure 3 B. continued.)

NAME of VESSEL.	Date of Capture.	Where Captured.		By what Vessel Captured.	NAME of COMMANDER.	Date of the Condemna- tion of the Vessel, and of the Eman- cipation of the Slaves.	Number of Slaves Captured.	Number died before Adjudication.	Number Emancipated and Registered.				REMARKS.	
		Latitude.	Longitude.						Men.	Women.	Boys.	Girls.		Total.
Dichosa Estrella	April 1, 1822			H. M. S. Morgiana	Chris. Knight	June 18, 1822	29	—	10	9	6	4	29	This Vessel was upset off the Mouth of this Harbour in a violent tornado, and all the Slaves on board, excepting the 12 emancipated and re- gistered, perished.
Vecua	April 15, —	Off Cape Mesurado, 4. 22. N.	7. 22. E.	H. M. S. Iphigenia and H. M. S. Myrmidon	Sir R. Mends and H. J. Leeke	June 25, —	325	108	114	38	42	23	217	
Ycanam	April 15, —	4. 22. N.	7. 22. E.	H. M. S. Iphigenia and H. M. S. Myrmidon	Sir R. Mends and H. J. Leeke	June 25, —	380	368	6	1	2	3	12	
Josefa	Aug. 19, —	3. 6. N.	6. 35. E.	H. M. S. Driver	Thomas Wolrige	Oct. 5, —	216	33	183	—	—	—	183	
							1010	509	354	58	55	3	500	Total in the Year 1822.
San Raphael	Aug. 27, —	6. 19. N.	2. 26. E.	H. M. S. Bann	Charles Phillips	—	—	—	—	—	—	—	—	This Vessel was not condemn- ed, but no Claimant appear- ing, the Court decreed the sale of the same on the 17th June, 1823, and that the proceeds thereof should be lodged in the Registry to await further proceedings in this Case. These Slaves were emancipated by decree of the Court, but could not be registered here, they having been landed and delivered over to the Com- manding Officer at Cape- Coast-Castle on the 6th Au- gust, 1823, in consequence of their very debilitated state.
Maria La Luz	July 3, 1823	4. 24. N.	7. 11. E.	H. M. S. Owen Glen- dower	Sir R. Mends	Sept. 8, 1823	184	1	—	—	—	—	183	
							184	1	—	—	—	—	183		Total in the Year 1823.

(Continued.)

(Enclosure 3 B. continued.)

NAME of VESSEL.	Date of Capture.	Where Captured.		By what Vessel Captured.	NAME of COMMANDER.	Date of the Condemna- tion of the Vessel, and of the Emanci- pation of the Slaves.	Number of Slaves Captured.	Number died before Adjudication.	Number Emancipated and Registered.					REMARKS.
		Latitude.	Longitude.						Men.	Women.	Boys.	Girls.	Total.	
Concheta -	June 13, 1823	4. 31. N.	5. 38. E.	H. M. S. Owen Glen- dower	Sir R. Mends	-	-	-	-	-	-	-	-	{ This Vessel was not condemn- ed, but the Court decreed the sale of the said Vessel and cargo, as perishable articles, on the 9th February, 1824, and the proceeds thereof were or- dered to be paid into the Re- gistry. { The Court decreed that the Slaves which were brought in for adjudication in this Ves- sel were not entitled to be emancipated; they were how- ever delivered over to the Co- lonial Government. Total in the Year 1824.
Fabiana -	Sept. 14, -	4. 28. N.	7. 21. E.	H. M. S. Owen Glen- dower	Sir R. Mends	Oct. 11, 1824	118	-	-	-	-	-	-	
Espanola -	Mar. 7, 1825	5. 21. N.	13. 13. W.	H. M. S. Atholl -	James A. Murray -	Mar. 29, 1825	270	-	75	32	93	70	270	
Segunda Gallega	Sept. 29, -	6. 13. N.	3. 18. E.	H. M. S. Maidstone -	Charles Bullen -	Nov. 23, -	285	11	123	15	114	22	274	
Clara -	Nov. 4, -	5. 15. N.	10. 10. W.	H. M. S. Brazen -	George W. Willes	Nov. 23, -	36	-	12	9	9	6	36	
							591	11	210	56	216	98	580	Total in the Year 1825.
Teresa -	Oct. 6, -	In Old Calabar River.		H. M. S. Redwing	Doug. C. Clavering	Jan. 3, 1826	197	191	6	-	-	-	6	{ This Vessel was upset in a tor- nado in the Bight of Benin, and only 6 Slaves were saved.
Ana -	Oct. 11, -	3. 50. N.	9. 2. E.	H. M. S. Redwing	Doug. C. Clavering	Jan. 3, -	198	68	50	22	40	18	130	
Ninfa Habanera	Nov. 7, -	Off Accra.		H. M. S. Brazen -	George W. Willes	Jan. 3, -	231	3	-	-	-	-	-	{ The Court decreed that the Slaves, to the number of 228, were not entitled to emanci- pation; they were, however, delivered over to the Colonial Government.
							626	262	56	22	40	18	136	

(Continued.)

(Enclosure 3 B. continued.)—List of Vessels Adjudicated in the Court of the British and Portuguese Mixed Commission, shewing the Number of Slaves Captured, Emancipated, and Registered, from its Establishment to the 6th Day of February 1826.

NAME of VESSEL.	Date of Capture.	Where Captured.		By what Vessel Captured.	NAME of COMMANDER.	Date of the Condemna- tion of the Vessel, and of the Emanci- pation of the Slaves.	Number of Slaves Captured.	Number died before Adjudication.	Number Emancipated and Registered.				REMARKS.	
		Latitude.	Longitude.						Men.	Women.	Boys.	Girls.		Total.
Nova Felicidade	July 30, 1819	2. 23. N.	9. 50. E.	H. M. S. Pheasant	B. M. Kelly	- Feb. 24, 1820	71	-	17	11	20	23	71	{ These Slaves were emanci- pated, but not registered.
Cintra	Oct. 26, -	6. 29. N.	11. 12. W.	H. M. S. Morgiana	C. B. Strong	- June 3, -	26	-	7	4	9	6	26	
St. Salvador	Jan. 25, 1820	Off River Manna.		H. M. S. Myrmidon	H. J. Leeke	- Liberated June 19, 1820	-	-	-	-	-	-	-	
							97	-	24	15	29	29	97	Total in the Year 1820.
Donna Eugenia	Mar. 22, 1821	River Bonny	4. 26. N.	H. M. S. Tartar and Thistle	Sir G. R. Collier and Lieut. Hagan	May 19, 1821	83	5	29	17	8	24	78	{ One man died after emancipa- tion, but before his descrip- tion could be taken to be re- gistered.
Constantia	April 9, -	4. 32. N.	8. 34. E.	H. M. S. Tartar and Thistle	Sir G. R. Collier and Lieut. Hagan	June 5, -	244	90	51	33	32	38	154	
Gaviao	April 9, -	River of Old Calabar.		H. M. S. Tartar and Thistle.	Sir G. R. Collier and Lieut. Hagan	Liberated July 5, 1821	-	-	-	-	-	-	-	
Adelaide	July 25, -	4. 15. N.	0. 0. E.	H. M. S. Pheasant and Myrmidon	B. M. Kelly and H. J. Leeke	Sept. 17, 1821	232	24	116	42	40	9	207	
Conceicao	Aug. 2, -	River of Old Calabar.		H. M. B. Snapper	Lieut. C. Knight	Sept. 26, -	56	2	22	5	11	16	54	
							615	121	218	97	91	57	433	Total in the Year 1821.
El Conde de Villa Flor	Feb. 21, 1822	11. 47. N.	R. Bissao.	H. M. S. Iphigenia	Sir R. Mends	- Mar. 13, 1822	172	1	70	46	25	30	171	
Esperanza	April 15, -	6. 27. N.	3. 32. E.	H. M. S. Morgiana	C. Knight	- June 8, -	149	2	102	14	29	2	147	
Des de Fevereiro	April 1, -	5. 16. N.	0. 10. 30. W.	H. M. S. Iphigenia	Sir R. Mends	- June 22, -	10	-	2	2	3	3	10	
Esperanza Felis	April 7, -	6. 20. N.	4. 12. E.	H. M. S. Iphigenia and Myrmidon	Sir R. Mends and H. J. Leeke	July 4, -	187	102	36	28	8	13	85	
Defensora	April 27, -	4. 31. N.	8. 37. E.	H. M. S. Myrmidon	H. J. Leeke	- July 4, -	100	20	20	25	20	15	80	
Estrella	June 29, -	5. 1. N.	5. 20. E.	H. M. B. Thistle	Lieut. R. Hagan	- Aug. 6, -	296	4	207	85	-	-	292	
Nymfa del Mar	April 6, -	6. 17. N.	2. 55. E.	H. M. S. Iphigenia	Sir R. Mends	- Aug. 28, -	2	-	2	-	-	-	2	
St. José Hallam	June 23, -	4. 40. N.		H. M. B. Thistle	Lieut. R. Hagan	- Aug. 28, -	20	3	13	4	-	-	17	

(Continued)

(Enclosure 3 B. continued.)

NAME of VESSEL.	Date of Capture.	Where Captured.		By what Vessel Captured.	NAME of COMMANDER.	Date of the Condemna- tion of the Vessel, and of the Emanci- pation of the Slaves.	Number of Slaves Captured.	Number died before Adjudication.	Number Emancipated and Registered.				REMARKS.
		Latitude.	Longitude.						Men.	Women.	Boys.	Girls.	
Commerciante -	Sept. 7, 1822	River Cameroons		H. M. S. Driver	Thomas Wolrige	Dec. 7, 1822	179	12	85	82	—	—	167
St. Antonio de Lisboa -	Oct. 6, —	5. 35. N.	3. 40. E.	H. M. S. Bann	Charles Phillips	Dec. 23 —	335	19	197	116	4	—	317
Juliana daPraça	Oct. 31, —	5. 43. N.	3. 17. E.	H. M. S. Bann	Charles Phillips	Dec. 30, —	112	13	76	23	—	—	99
Total in the Year 1822.													
Conceição -	Nov. 13, 1822	Off the Island of St. Thomas.		H. M. S. Bann	Charles Phillips	Jan. 18, 1823	207	9	109	88	1	—	198
Magdalena da Praça -	Sept. 29, —	1. 9. N.	7. 54. E.	H. M. S. Bann	Charles Phillips	Jan. 23, —	33	—	32	1	—	—	33
Nova Sorte -	Oct. 14, —	6. 5. N.	1. 25. E.	H. M. B. Snapper	Lieut. T. H. Ro- thery	Liberated Feb. 5, 1823.	122	—	—	—	—	—	—
Sinceridade -	Dec. 3, —	0. 80. S.	5. 26. W.	H. M. S. Bann	Charles Phillips	Liberated Feb. 13, 1823.	124	—	—	—	—	—	—
Total in the Year 1823.													
Bom Caminho -	Mar. 10, 1824	1. 42. N.	3. 23. E.	H. M. S. Bann	G. Woolcombe	May 15, 1824	486	9	141	89	1	—	231
Maria Piquena -	May 8, —	About 4 or 5 miles dis- tant from the Har- bour of Port Antonio Princes.	2. 15. N.	H. M. S. Victor	John Scott	July 14, —	334	7	196	50	63	18	327
Diana -	Aug. 11, —	5. 13. E.	—	H. M. S. Victor	G. Woolcombe	Nov. 15, —	143	29	45	21	27	21	114
Dos Amigos Brazileiros -	Sept. 18, —	1. 40. N.	6. 8. E.	H. M. S. Victor	G. Woolcombe	Nov. 15, —	260	9	184	37	23	7	251
Avizo -	Sept. 26, —	1. 33. N	7. 7. E.	H. M. S. Maidstone	C. Bullen, C.B.	Nov. 19, —	465	41	222	102	66	3	424
Total in the Year 1824.													
									652	185	210	80	1127

These two Vessels were libe-
rated by decrees of the Court
on the days herein-men-
tioned; the Slaves, however, were
landed and delivered over
to the Colonial Government,
but not emancipated, or re-
gistered.

Continued.

(Enclosure 3 B. continued.)

NAME of VESSEL.	Date of Capture.	Where Captured.		By what Vessel Captured.	NAME of COMMANDER.	Date of the Condemnation of the Vessel, and of the Emancipation of the Slaves.	Number of Slaves Captured.	Number died before Adjudication.	Number Emancipated and Registered.				REMARKS.
		Latitude	Longitude.						Men.	Women.	Boys.	Girls.	
Bella Eliza -	Oct. 23, 1824	2. 21. N.	5. 42. E.	H. M. S. Bann -	G. W. C. Courtenay -	Jan. 31, 1825	371	12	161	49	79	70	Thirty-five died after emancipation, but before their description could be taken to be registered, owing to the wretched state of disease they were in when landed, arising from dysentery and small-pox.
Bom Fim -	Jan. 14, 1825	2. 20. N.	5. 31. E.	H. M. B. Swinger -	Lieut. E. S. Clerkson -	Mar. 19, -	149	4	40	44	41	21	
Bom Jesus dos Navegantes -	July 17, -	4. 0. N.	4. 4. E.	H. M. S. Fsk -	W. J. Purchas -	Sept. 14, -	280	14	104	76	54	32	
Uniao -	Sept. 9, -	2. 23. N.	4. 17. E.	H. M. S. Atholl -	J. A. Murray -	Nov. 4, -	361	112	108	21	54	31	
Paqueta da Bahia -	Nov. 22, -	5. 15. N	0. 30. E.	H. M. B. Swinger -	Lieut. J. C. Gilles -	Jan. 10, 1823	1161	142	413	190	228	154	Total in the Year 1825.
							385	1	147	104	77	57	

ABSTRACT.

Total Number of Slaves Captured in the Year		Number died before Adjudication		Number Emancipated, but died before their Descriptions could be taken to be Registered		Number delivered over to the Colonial Government, not Emancipated or Registered		Number Emancipated, but not Registered		Number Emancipated and Registered	
1819	96	-	-	-	-	-	-	-	-	-	1462
Ditto	455	-	-	-	-	-	-	-	-	-	38
Ditto	1399	-	-	-	-	-	-	-	-	-	626
Ditto	2753	-	-	-	-	-	-	-	-	-	254
Ditto	679	-	-	-	-	-	-	-	-	-	7122
Ditto	1331	-	-	-	-	-	-	-	-	-	9502
Ditto	1752	-	-	-	-	-	-	-	-	-	
Ditto	1046	-	-	-	-	-	-	-	-	-	
up to February 6, 1826		-	-	-	-	-	-	-	-	-	
Grand Total	9502	-	-	-	-	-	-	-	-	-	Grand Total

Sierra Leone, February 23, 1826.

WM. SMITH, Registrar to the Mixed Commissions.

No. 4.—*J. T. Williams, Esq. to Mr. Secy. Canning.*—(Rec. May 22.)
SIR, *Sierra Leone, March 10, 1826.*

NOTWITHSTANDING the acknowledged zeal, vigilance, and activity, of His Majesty's Squadron on this Coast, and the unremitting assiduity of its Officers in the performance of their duty, to endeavour to check the illicit Traffick in Slaves; and, although His Majesty's Ships have lately captured more Vessels concerned in the prosecution of this detestable Trade, in a shorter space of time than, I believe, at any former period, since the establishment of the Courts of Mixed Commission; still, and it is with a feeling of painful regret I state it, no great diminution appears to have been the consequence—it is still most flourishing.

Of sixteen Vessels taken during the last nine months, seven had taken their Cargoes from Lagos, three from the River Calabar, two from Popo, and Parts adjacent thereto, all which Places are deep in the Bights of Benin and Biafra; and one from a Place called Manna, on the Windward Coast, and about 250 miles to leeward of this Colony: the Dutch Vessels *Z* and *La Venus*, were bound to the River Bonny, and the *Bey* intended taking her Cargo on board from the Gallinas.

It would therefore appear evident from these facts, that the Rivers in the Bights of Benin and Biafra, form the principal sources of this Trade; and which is carried on to a great extent under the Flags of Spain, France, Brazil and Holland; the latter, in most cases, being made the cover of French property.

Whilst Miscreants, so engaged, continue to foster by its means the worst feelings of the Native Africans, by so powerfully exciting their cupidity, it cannot be expected that any permanent, or extensive good, can be effected in ameliorating their condition, or extending the blessings of civilization. It is however, amidst all this evil, matter of congratulation, that in the neighbourhood of this Colony, there exists little, if any, remains of the Slave-trade. The River Sherbro' was, at one period, a principal Emporium for Slaves; but the policy of the late much-lamented Governor, Major-General Turner, gave a deep, and I hope a death blow, to any further proceedings of that nature there.

The Havannah is the only Port from which Vessels under the Spanish Flag clear out for Africa. Whether from the just remonstrances of the British Government, or otherwise, they now clear out, under the pretence of legitimate Commerce, for the Islands of St. Thomas and Princes; which Islands, from their contiguity to the Bights of Benin and Biafra, greatly facilitate the carrying their real object, that of Slaving, into effect.

It has also come to my knowledge, that such Vessels as get off the Coast with safety, land their Slaves at the back of the Island, and then return into the Port of The Havannah in ballast.

Bahia is the principal Port from which Vessels under the Brazilian Flag are cleared out for a Slaving-voyage to Molembó; but, in every Case which has of late come before the Court of Mixed Commission for adjudication, it has been most satisfactorily proved, that their Cargoes had been shipped from Lagos: false Logs, and Journals of their Voyages, being regularly made out, as if from the Port they swear they came from, and this, of necessity, induces a system of prevarication, and of the grossest perjury.

The vigilance and activity of our Cruizers have been the means of making the Slavers extremely cautious in their proceedings. Until the day of departure, although every preparation for the reception of their Victims is made, not a Slave is embarked; and when that does take place, it is distressing to reflect on the number which is thus taken on board. The poor Wretches may literally be said to be stowed in bulk. The consequence is, (either from contagious disease getting among them, or the length of time before they arrive at their Place of destination, the Brazilian Vessels being generally very dull sailers,) that the number of deaths which occur, and the squalid, diseased and deplorable state of the Survivors, when landed, are shocking to humanity.

I purpose making the Cases under The Netherlands Flag, the subject of a Separate Despatch. I have, &c.

The Right Hon. George Canning.

J. T. WILLIAMS.

No. 5.—*G. Rendall, Esq. to Mr. Sec^y. Canning.—(Recd. June 2, 1826.)*
SIR, *Sierra Leone, November 10, 1825.*

IN consequence of the protracted illness of one Clerk, and the resignation of another, we were deprived of assistance during a period of three Months, and by the departure of one of these Individuals on leave to England, the Commissioners' Office was left without a Writer.

We were, therefore, induced to remove Mr. Bidwell from his Situation of First Clerk of the Registry, to do duty under the Commissioners, with leave to draw the full Salary of Second Writer; and we also engaged a young Gentleman (Mr. Bouverie) who had lately arrived from England as another Writer, with the half Salary of the First.

We sincerely hope, Sir, that these temporary arrangements will meet with your entire approbation. I have, &c.

The Right Hon. George Canning.

G. RENDALL.

No. 6.—*G. Rendall, Esq. to Mr. Sec^y. Canning.—(Received June 2.)*
SIR, *Sierra Leone, January 10, 1826.*

I HAVE the honour to enclose, herewith, Abstracts of the Proceedings in the several Courts of Mixed Commission established in this Colony, during the last Year.

There were three Cases adjudicated under the British and Spanish Mixed Commission, all of them deemed Cases for condemnation, and the number of Slaves emancipated amount to 579.

The number of Cases adjudicated under the British and Portuguese Mixed Commission was four, all which were condemned, and the number of Slaves emancipated amount to 1020.

There were three Cases adjudicated in the British and Netherlands Mixed Court of Justice; no Slaves were on board any of them at the time of capture; but (falling under the several designations in the Additional Article to the Treaty signed at Brussels, the 25th of January, 1823,) the Vessels and their Cargoes were condemned.

The total number of Cases adjudged during the past Year will thus be found to be 10, and the number of Slaves emancipated 1599.

I have the honour to be, &c.

The Right Hon. George Canning.

G. RENDALL.

(*Enclosure 1.*)—*Abstract of Proceedings under the British and Spanish Mixed Commission at Sierra Leone, from the 1st of January 1825, to the 1st of January 1826.*

(No. 1.)—The Schooner *Espanola*, under Spanish Colours, Francisco Ramon Roderiguez, Master, was captured by His Majesty's Ship *Atholl*, commanded by Captain James A. Murray, off the river Gallinas, on the 7th of March 1825, in Latitude 5. 21. North, and Longitude 13 13. West, with 270 Slaves on board.

Part of the outward-bound Cargo of this Vessel was purchased at Charleston: viz. Tobacco, to the amount of 1200 dollars.

This vessel was condemned on the 19th of March 1825, and her Slaves were emancipated on the same day.

(No. 2.)—The *Segunda Gallega*, sailing under Spanish Colours, was captured by His Majesty's Ship *Maidstone*, Commodore Bullen, C. B. on the 29th of September 1825, in Latitude 6. 13. North, and Longitude 3. 18. East, with 285 Slaves on board.

The Court condemned this Vessel and emancipated her Slaves on the 23d of November 1825.

(No. 3.)—His Majesty's Ship *Brazen*, commanded by Captain Willes, detained the Schooner *Clara*, otherwise *Clarita*, Joze Morano, Master, sailing under Spanish Colours, off Cape Mesurado, in Latitude 5. 15. North, and Longitude 10. 30. West, on the 4th of November 1825, with 36 Slaves on board. These were emancipated, and the Vessel condemned on the 23d of November 1825.

GEO. RENDALL.

(Enclosure 2.)—*Abstract of Proceedings under the British and Portuguese Mixed Commission at Sierra Leone, from the 1st of January 1825, to the 1st of January 1826.*

(No. 1.)—The Schooner *Bella Eliza*, under Brazilian Colours, Placido Joze de Maio, Master, was captured by His Majesty's Ship *Bann*, G. W. C. Courtenay, Esq. Commander, on the 23d of November 1824, in Latitude 2. 2. North, and Longitude 5. 42. East, with 371 Slaves on board, (being three more than allowed by Passport,) 12 of whom died on their passage up to this Place. She was furnished with a Royal Passport from the Provisional Government at Bahia, dated the 21st of June 1824, authorising a Slave trading voyage to Molembo.

The Master declared that he took the Slaves on board at Northern Molembo, and, when desired to shew that Place upon the Chart, pointed to the Western Bank of the River Lagos, in Latitude 6. 10. North.

This Vessel was condemned, and her Slaves emancipated on the 31st of January 1825.

(No. 2.)—The Schooner *Bom Fim*, sailing under Brazilian Colours, and commanded by Joaquim Joze de Britto Lima, was captured by His Majesty's Brig *Swinger*, Lieutenant Edward Stewart Clerkson, Commander, on the 14th of January 1825, in Latitude 2. 20. North, and Longitude 5. 31. East, with 149 Slaves on board, 3 of whom died previous to adjudication.

This Vessel was furnished with a Royal Passport, dated at Bahia, the 23d of August 1824, authorising a Slave-trading voyage to Molembo.

The Master acknowledged having shipped the Slaves in Latitude 6. 16. North, and Longitude 3. 10. East.

The Vessel was condemned, and the Slaves emancipated on the 19th of March 1825.

(No. 3.)—On the 17th of July 1825, in Latitude 4. 0. North, and Longitude 4. 4. East, His Majesty's Ship *Esk*, W. J. Purchas, Esq. Commander, detained the Sumaca *Bom Jesus dos Navegantes*, sailing under the Brazilian Flag, Joao Pereiro, Master, with 280 Slaves on board, (73 more than allowed by Passport,) 13 of whom died on their passage up to Sierra Leone.

The Royal Passport given at Bahia, the 21st of January 1825, allowed this Vessel to trade for Slaves at the Ports of Molembo, with liberty to call at the Costa da Mina.

This Vessel was condemned, and the Slaves emancipated on the 14th of September 1825.

(No. 4.)—The Brazilian Schooner *Uniao*, Jozé Ramos Gomis, Master, arrived here on the 21st of October last, detained by His Majesty's Ship *Atholl*, Captain Murray, (His Majesty's Ships, *Esk* and *Redwing* in company,) on the 9th of September 1825, in Latitude 2. 33. North,

and Longitude 4. 17. East, with 361 Slaves on board, (being 66 more than allowed by Passport,) 112 of whom died on their passage up to this Place.

This Vessel was furnished with a Royal Passport, dated at Bahia, the 14th of July 1825, authorising a Slave-trading voyage to the Port of Molembo.

The Master stated that he shipped the Slaves from the River Lagos.

The Vessel was condemned, and the Slaves emancipated, on the 4th of November 1825. GEO. RENDALL.

(*Enclosure 3.*)—*Abstract of Proceedings in the British and Netherlands Mixed Court of Justice at Sierra Leone, from the 1st of January 1825, to the 1st of January 1826.*

(No. 1.)—The Schooner *B y*, was captured by His Majesty's Ship *Maidstone*, Commodore Bullen, C. B. on the 19th of May 1825, off the River Gallinas, sailing under The Netherlands Flag, and commanded by William Woodside, having no Slaves on board, but falling under the several designations in the Additional Article to the Treaty, signed at Brussels the 25th of January 1823.

This Vessel was condemned on the 29th of June 1825.

(No. 2.)—The Brig *Z*, sailing under Dutch Colours, and commanded by Denis Kere Derne, was captured off the River Andony or Sombrero, on the 31st of July 1825, by His Majesty's Ship *Maidstone*, Commodore Bullen, C. B. having no Slaves on board, but falling under the several designations contained in the Additional Article to the Treaty, signed at Brussels, the 25th of January 1823.

The proof of illicit Traffick being clear, the Judges condemned the Vessel and Cargo on the 9th of September 1825.

(No. 3.)—On the 1st of September 1825, His Majesty's Ship *Atholl*, Captain Murray, captured The Netherlands Schooner *La Venus*, in Latitude 4. 12. North, and Longitude 5. 33. East, not having any Slaves on board, but falling under the several designations contained in the Additional Article to the Treaty, signed at Brussels, the 25th of January 1823.

This Case was so exactly similar to those of the *Bey* and *Z*, that the Judges, without hesitation, condemned the Vessel and Cargo on the 1st of November 1825. GEO. RENDALL.

No. 7.—G. Rendall, Esq. to Mr. Sec^y. Canning.—(Rec. June 2.)
SIR, *Sierra Leone, January 12, 1826.*

I HAVE the honour to acquaint you that Mr. John Tasker Williams arrived in this Colony on the 5th instant, and having produced the Commission of His Most Gracious Majesty, appointing him Commissary Judge at Sierra Leone, under the Treaties with Foreign Powers

for the suppression of illegal Slave-trade, we had the pleasure of introducing that Gentleman to the Portuguese and Netherlands Commissioners, as well as to the Local Authorities; and, upon the 10th instant, the several Courts of Mixed Commission were duly opened, wherein the prescribed Oaths of Office were administered by the principal Magistrate of the Place, (Mr. Acting Chief Justice Rendall,) to Mr. Williams, who was then regularly installed as His Majesty's Commissary Judge.

The Archives of the Correspondence of the Commissioners at Sierra Leone will be delivered up to Mr. Williams, at the earliest moment after the Proceedings of the Commissioners, *ad interim*, are duly recorded.

I have the honour to be, &c.

The Right Hon. George Canning.

GEO. RENDALL.

No. 8.—*J. T. Williams, Esq. to Mr. Sec^y. Canning.—(Rec. July 12.)*

SIR,

Sierra Leone, March 30, 1826.

WITH reference to my Despatch of the 10th of March, on the subject of the Slave-trade, generally, I now beg to enclose, as tending to corroborate some of the statements therein made, Copy of a List, given to me by Captain Willes, of Vessels boarded by His Majesty's Ship *Brazen*, during her late cruize.

The *Feliz Africano*—(the Slaves for which were said to be ready for embarkation, at the moment that might appear most favourable,) is fitted for the reception of 670 human beings.

The *Prince of Guinea*—(during the last visit of the *Brazen* at Whydah, this Vessel had just arrived there from America for De Souza, or Cacha as he is called on the Coast,) a fine Brig, pierced for 16 guns, carrying a long 24-pounder on a pivot, and six smaller guns at the side; she was supposed to be better constructed for sailing than any Vessel out of America—entirely new. The Master of her stated, that De Souza had given him a very considerable sum of money to build her, fit her out, and load her; her Cargo was landing when the *Brazen* left.—The Master further stated, that she was going to Bahia with palm-oil, for the purpose of changing her Papers, when he would leave her. Captain Willes observed, that he did not suppose any Ship-of-War on the Coast could come up with her, and that there would, therefore, be but little chance of taking her, when she commences Slaving, (for which purpose she is declared to have been purchased and fitted,) unless during a calm, with Boats.—She will not take less than from 500 to 600 Slaves.

The *Activo*—(the last Vessel on this List,) was detained and sent here for adjudication by His Majesty's Ship *Atholl*.

I have the honour to be, &c.

The Right Hon. George Canning.

J. T. WILLIAMS.

(*Enclosure.*)—*Vessels boarded by His Majesty's Ship Brazen.*

Barbarita—Schooner, 65 tons, 19 men, 1 gun, P. Blanco, Master and Owner, from Havannah, fitted for slaves; boarded by the *Brazen*, off Quitta, 20th of November 1825.

Magico—Brigantine, 130 tons, 35 men, 5 guns, Inza, Master, from Havannah; boarded off Whydah, 24th November 1825; fully fitted for Slaves.

Eliza—Schooner, 85 tons, 25 men, from Saint Thomas, under Portuguese Colours, fitted for Slaves; boarded off Whydah, 24th November.

Feliz Africano—Brig, 227 tons, 25 men, 2 guns, Antonio José Gabao, Master, from Bahia, under Brazilian Colours; boarded off Whydah 24th November, Slaves ready to embark, left her at Whydah early in February.

Bienfaisant—Brigantine, 69 tons, 12 men, Luzet, Master, from Rochelle, under French Colours; boarded off Whydah, 24th November, supposed to be Slaving.

Alliance dos Naçoens—Brig, 16 men, Luiz de Sylva, Master, from Bahia, under Brazilian Colours; boarded off Whydah, likely to take in her Slaves at Little Elmina or Popo; boarded again off Whydah, 24th November; again at Little Elmina, 3d February.

Carlota—Brigantine, 176 tons, 30 men, 4 guns, José da Costa, Master, from Bahia, under Brazilian Colours; boarded 1st December, likely to take in Slaves at Whydah.

Nova Brilliante—Brig, 260 tons, 20 men, 2 guns, Antonio Alvo de Silva Porto, Master, from Bahia, under Brazilian Colours; boarded by the *Brazen*, off Badagry, 28th December.

Prince of Guinea—Brig, 260 tons, 17 men, 5 guns, from Philadelphia, under American Colours; Cargo said to be bought by De Souza, at Whydah; boarded there 30th December.

L'Entreprenante—Brig, 216 tons, 18 men, 2 guns, from Bordeaux, Gassris, Master, under French Colours; Cargo consigned to De Souza; boarded at Whydah 31st January.

St. Juan—Ketch, 49 tons, 18 men, 2 guns, Manl. Dos Santos De Costa, Master, under Brazilian Colours, with a Passport to carry 125 Slaves from Molembo; boarded off Ningo, 3d February.

Caridade—Ketch, 106 tons, 21 men, 2 guns, José de Santa Tarara, Master, under Brazilian Colours; fitted for Slaves; boarded to windward of Accra, 5th February.

Activo—Brig, 149 tons, 21 men, José Pinto, Master, under Brazilian Colours; boarded the 17th November, off Accra, and seen between Badagry and Porto Novo early in February.

No. 9.—*J. T. Williams, Esq. to Mr. Sec^y. Canning.—(Rec. July 12.)*
 SIR, *Sierra Leone, April 5, 1826.*

I HAVE very considerable pleasure in communicating to you the return to this Place, on the 1st instant, by the Government Steam Vessel *African*, of his Honour D. M. Hamilton, Chief Judge of this Colony.

Mr. Hamilton immediately resumed his functions, as His Majesty's Commissioner of Arbitration, in the Courts of Mixed Commission, and of Justice, a circumstance which is to me most satisfactory, for several reasons, but particularly from the value I attach to the assistance, which his experience will enable him to afford me, in Cases of doubt or difficulty.

I have the honour to be, &c.

The Right Hon. George Canning.

J. T. WILLIAMS.

No. 10.—*Mr. Secretary Canning to J. T. Williams, Esq.*
 SIR, *Foreign Office, July 21, 1826.*

I HAVE received your Despatch of the 5th of April, reporting that Mr. Hamilton had arrived at Sierra Leone, and had taken upon himself the functions of His Majesty's Commissioner of Arbitration.

I am glad to take this opportunity of expressing my approbation of the diligence, zeal, and good sense, which you have shewn in the execution of your duties, during the time in which you have acted as His Majesty's Commissary Judge at Sierra Leone.

I am, &c.

J. T. Williams, Esq.

GEORGE CANNING.

No. 11.—*His Majesty's Comm^r. to Mr. Sec^y. Canning.—(Rec. Sept. 2.)*
 (Extract.) *Sierra Leone, May 20, 1826.*

WE have been honoured with your Despatch of the 23d of February, enclosing a Communication from the Admiralty, with several Letters and Enclosures from Vice-Admiral Sir Lawrence Halsted, relative to the "arrival at Cuba of a Spanish Vessel, reported to have re-captured, on the Coast of Africa, two Vessels concerned in the Slave-trade, which Vessels have been detained by a British Cruizer, and were on their way to Sierra Leone for adjudication."

We instituted immediate enquiry, in order to gain any information that might assist in elucidating this transaction.

The only Vessel that we could ascertain to be missing, was the Spanish Brigantine *Isabella*, detained by His Majesty's Ship *Redwing*, Captain Clavering, in Old Calabar River, at the same time (6th October 1826,) as the Spanish Schooners *Tereta* and *Ana*. With the me-

lancholy fate of the *Teresa*, you have already been acquainted, and the Cases of both Vessels have been communicated to you by His Majesty's late Acting Commissioners, in their Despatches of the 10th of January 1826, marked *Spain*.

A few loose Papers were lodged in the Registry by Lieutenant Card, the Officer who boarded the *Isabella*, the material ones having been conveyed away when the Vessel was deserted; and, as he had left Sierra Leone, no further information could be obtained: we were, therefore, of necessity, obliged to defer our enquiries until the return of Captain Clavering.

The *Redwing* having returned to Sierra Leone from a Cruize, a Letter was addressed to Captain Clavering on the 4th of May on this subject; we received his Reply on the 13th, and of which we inclose a Copy.

Captain Clavering was also requested to furnish us with a List of the Officers and Crew placed by him on board the *Isabella*. A Copy of this Document we also beg leave to inclose for your information, and it is but justice to this excellent Officer to observe, that the number appears fully adequate to the duty.

Two Vessels are mentioned in Vice-Admiral Halsted's Letter to the Admiralty, but our enquiries have been fruitless as to any other than the *Isabella*. It is, however, notorious, that a most nefarious system is pursued on the Coast of Africa by Vessels under the Flag of Spain.

One of their practices, as we have been given to understand, is to lay in wait for other Slave-vessels, take possession when their lading is completed, and transfer their Cargoes.

It has come to our knowledge that The Netherlands Schooner *La Venus*, (condemned as Prize to His Majesty's Ship *Atholl*, Captain Murray,) was detained on her passage to Sierra Leone, by a Brig and Schooner off the Island of St. Thomas, on the 9th of September 1825.

We had no opportunity of conferring with the Party in charge of The Netherlands Schooner; but we have understood that, previous to boarding *La Venus*, the Brig telegraphed to the Schooner, when she hoisted a red Ensign and Pendant, bore up and fired a gun, shotted, at *La Venus*; *La Venus* then hoisted Dutch Colours, (not having any English on board,) the Schooner then shewed Spanish Colours, and again fired; *La Venus* then hove to, and Mr. Hodder, whose charge she was under, was then obliged to go on board the Schooner, where he was detained two hours, and improperly treated. During this time the Brig closed, and the Prize Master was removed from the Schooner on board of her. At noon, Mr. Hodder was allowed to return, but with positive orders to keep between the Brig and Schooner. In the night:

they separated. The Brig was called by the Captain the *Don Pedro*, pierced for 22, but mounted only 16 or 18, guns, with a complement of 88 men; painted black, with a white ribbon, sliding gunter royal masts, and had on board, he believes, 600 Slaves. The men on board wanted the Captain to take *La Venus*, to which he would not agree.

The Schooner had two top-sails, four small guns, and a long one a midships on a pivot; does not recollect how she was painted; both Vessels were bound to The Havannah.

Another, and a very recent, instance has occurred. The *Netuno*, a Brazilian Brigantine, detained by His Majesty's Ship *Esk*, Captain Purchas, arrived here on the 2d instant, having had a rencontre on her passage with one of these Piratical Spanish Vessels, in which the Prize Master Mr. Crawford, appears to have acted with a great degree of spirit and firmness.

J. T. WILLIAMS.

The Right Hon. George Canning.

D. M. HAMILTON.

(Enclosure 1.)—Captain Clavering to J. T. Williams, Esq.

SIR, H. M. S. Redwing, Sierra Leone, May 13, 1826.

IN compliance with your request, I readily proceed to give such information as I am possessed of, relative to the Spanish Brigantine *Isabella*, detained by His Majesty's Ship under my command in October last, which Vessel has been missing since the day of her parting company for Sierra Leone, to which Port she was ordered for adjudication.

On the 5th of October, 1825, the Boats were despatched up the Old Calabar River in quest of Vessels concerned in illegally carrying on the Slave-trade. At day-light, on the 6th, a Schooner and a Brigantine were discovered coming down the River under sail, to which the Boats immediately gave chase; on nearing them, both hoisted Spanish Colours; the headmost (the Schooner) wearing a broad pendant, opened a fire on the Boats, which was instantly returned, and, after a short contest of about a quarter of an hour, the Boats succeeded in closing, boarding, and carrying the Schooner. The Crew of the Brigantine, seeing the fate of their comrade, took to their Boats, and escaped amongst the Mangrove Bushes, carrying with them also the Papers of the Vessel. From this circumstance we only know of her being called the *Isabella*, from the verbal Communication of the Captain, Francisco Granelle, and the Crew of the *Theresa*, who had no hesitation in acknowledging that she was a Spaniard, belonging to St. Jago de Cuba. This was further corroborated by some loose Letters found on board the Spanish Schooner *Anna*, being No. 14 of the Papers deposited in that Case in the Mixed Commission Court at Sierra Leone, which, if necessary to be produced, may be obtained at that Court.

At the time of capture, the *Isabella* had on board 273 Slaves, and the *Theresa* 248. The very crowded state of the former induced me to remove 50 of them into this Ship, which were afterwards put on board the *Anna*, another Spanish Schooner, which arrived in safety, and was condemned at this Port.

As the fate of the *Theresa* is too well known, having been lost in a tornado, I shall confine myself to stating, that the *Isabella* parted company on the 9th October for Sierra Leone, officered and manned as per accompanying List, which I trust will be found sufficiently ample to prosecute such further enquiries as may lead to the detection of this most abominable piracy. Since the above period she has never been heard of.

From an attentive perusal of the Letters transmitted by Vice-Admiral Sir Lawrence Halsted to the Lords Commissioners of the Admiralty, I cannot but strongly suspect, that the Brigantine therein mentioned, and called the *Juanita*, is the identical *Isabella*, with the circumstance only of her name changed, as the date of her arrival, the 29th of November, corresponds but too well with the time she would have taken to perform that voyage, namely, a period of 51 days. The non-appearance of the Officers and men leads me also to the melancholy and distressing conclusion, that they must have been brought to an untimely end.

Having now given all the information that has come to my knowledge, I have only to add, that no official Report was made of her loss when I was last in Port, as it was then still within the bounds of possibility that she might arrive. I have, &c.

John Tasker Williams, Esq.

D. C. CLAVERING.

P. S. Of the other Vessel, a Brig mentioned in Sir Lawrence Halsted's Letter, I know nothing further than that she could not be a Prize to any of His Majesty's Squadron on this Station, as no Portuguese Vessel had been detained at that time by the Squadron.

D. C. C.

D. C. CLAVERING, Commander.

[illegible]

No. 12.—*D. M. Hamilton, Esq. to Mr. Sec^y. Canning.—(Rec. Oct. 17.)*
 SIR, *Sierra Leone, August 7, 1826.*

I HAVE the honour to acknowledge the receipt of your Letter of the 6th of May last, transmitting, for the information of Mr. Williams and myself, four Copies of Papers, marked A. and B. relative to the Slave-trade, which have been presented to both Houses of Parliament in the course of the present Year. I have, &c.

The Right Hon. George Canning.

D. M. HAMILTON.

No. 13.—*D. M. Hamilton, Esq. to Mr. Sec^y. Canning.—(Rec. Oct. 17.)*
 SIR, *Sierra Leone, August 12, 1826.*

WITH the deepest sorrow I perform the melancholy duty of communicating to you the loss of my much valued and esteemed Friend and Colleague, Mr. Williams, His Majesty's Commissary Judge, whose death took place the day before yesterday, after his suffering, under a lingering illness, for upwards of three Weeks.

During the short period of the residence of Mr. Williams in this Place, his mild manners and amiable disposition obtained him the friendship of all who knew him, and his loss has proved a source of universal regret.

By the death of Mr. Williams, His Majesty has been deprived of the services of a most valuable and zealous Officer, who was always anxious for the proper discharge of the duties of the Office, with which His Majesty had been graciously pleased to entrust him.

Mr. Smart, His Majesty's Advocate, who is at present administering the Government of the Colony, this day, in the presence of the Chief Justice, took the Oaths prescribed by the Act, intituled, "An Act to amend and consolidate the Laws relating to the abolition of the Slave-trade," and entered on the duties of the Office of Commissary Judge to the several Commissions established in this Colony for the prevention of illicit Slave-trade. I have, &c.

The Right Hon. George Canning.

D. M. HAMILTON.

No. 14.—*D. M. Hamilton, Esq. to Mr. Sec^y. Canning.—(Rec. Nov. 2.)*
 SIR, *Sierra Leone, August 28, 1826.*

IN my Despatch of the 12th instant, I had the honour to inform you that, on that day, Mr. Smart, His Majesty's Colonial Advocate, who was then in the administration of the Government of the Colony, had taken the Oaths required, and entered on the duties of the Office of Commissary Judge, *ad interim*, in the several Courts of Mixed Commission established at this Place, for the prevention of illicit Traffick in Slaves, in the room of Mr. Williams, deceased.

I now, Sir, beg leave to inform you that, on the 22d instant, Major-General Sir Neil Campbell arrived here from England with a Commission under the Great Seal, appointing him Captain-General

and Governor-in-Chief over this Colony and its Dependencies ; and he has, in pursuance thereof, assumed the Colonial Government, but has not yet taken upon himself the Office of Commissary Judge, nor do I think it probable he will during his present stay here, as he purposes in a few days proceeding to Cape Coast:—even were he installed in the Office, he could not possibly, during the short interval he intends remaining in the Colony, be expected to pay any attention to the concerns of the Courts of Mixed Commission.

Whether the General means to leave the Colony, during his absence, as has been heretofore the case, without any Commander-in-Chief, or whether he intends to take upon himself to appoint a Lieutenant-Governor, is a matter as yet, I believe, not determined. In the event of the former case, I shall immediately, on his departure, assume the Office of Commissary Judge, and call upon the Colonial Secretary to take upon himself the Situation of Commissioner of Arbitration ; and I have no doubt but every thing will then go on in a proper manner. In the event of a Lieutenant-Governor being appointed, and assuming the Office of Commissary Judge, though I fear in that case the business of the Government must be attended to in preference to the business of the Commissions, yet I beg to assure you, Sir, that no exertion shall be wanting on my part, in the performance of the duties of the Courts, and to keep the business from getting into arrear.

There are two Cases at present before the Courts for adjudication, which, I am sorry to say, have unavoidably lain over since the time of the late Commissary Judge being taken ill: the short period that Mr. Smart was in the Office, with the duties of the Government, precluded him from considering those Cases, so as to form his Judgment on them.

I would most respectfully beg your opinion, whether, in the event of the absence of both Foreign Commissioners, and of incapacity from temporary illness on the part of His Majesty's Commissary Judge, or Commissioner of Arbitration, the Individual retaining his health can legally constitute the Court of Mixed Commission. I have, &c.

The Right Hon. George Canning.

D. M. HAMILTON.

No. 115.—*D. M. Hamilton, Esq. to Mr. Secy. Canning.*—(Rec. Nov. 14)
 Sir,

Sierra Leone, September 20, 1826.

UPON understanding that his Excellency Sir Neil Campbell would be detained here longer than I at first represented to you, in my Despatch of the 28th ultimo, in consequence of His Majesty's Ship *Lively*, which brought him out, and which was waiting to convey him to Cape Coast, having put to Sea in search of a Pirate, I lost no time in addressing to him, through the Colonial Secretary, a Letter, requesting him to make known to me, for your information, whether it was his pleasure to take upon himself the Office of Commissary Judge, prior

to his visit to the Gold Coast: a Copy of this Letter, and of the Answer, I have herein inclosed for your information. In consequence of this Correspondence, his Excellency was sworn into Office, on the 30th of August, as Commissary Judge on the part of His Majesty, and continued in that Office till the 9th instant, during which period one Case was disposed of. On the 9th His Excellency departed for Cape Coast, leaving a Commission with Lieut. Colonel Lumley, of the Royal African Corps, appointing him Lieutenant-Governor, but with Instructions, I believe, only to assume the Government in the event of circumstances requiring his so doing. On Monday the 11th. I, consequently, as Principal Magistrate of the Colony, assumed the Office of Commissary Judge, and appointed Mr. Reffell, the Colonial Secretary, Commissioner of Arbitration.

I beg leave to inform you, Sir, that two new Cases have been brought before the Courts for adjudication since I last had the honour of addressing you. In one of these Cases, the Vessel brought in is the *Principe de Guinca*, under Brazilian Colours, mentioned in the late Mr. Williams's Despatch of the 30th March last; she was captured after a severe action with a Tender of His Majesty's Ship *Maidstone*, commanded by Lieutenant Tucker of that Ship, in which many lives were lost: she had on board previous to the action 609 Slaves, out of which two were killed and 13 drowned during the fight; and 13 died and two were drowned on the passage up; the remainder, 579 in number, arrived here in a healthy state, except several that, I understand, were wounded in the engagement. In the other Case, the Vessel brought in is called the *Intrepida*, and was captured under Spanish Colours; she had on board when seized 290 Slaves, 56 of whom died in the passage up; the others were landed here in a state of miserable wretchedness from disease. The other Cases remaining in the Courts to be finally disposed of are two—the first of which is that of the *Perpetuo Defensor*, captured under Brazilian Colours, with 366 Slaves on board; she was given up by the Captors, in consequence of her having been seized to the South of the Equator, but Mr. Macaulay, the then Acting Governor, being of opinion the Slaves ought not be allowed to leave the Harbour, ordered the greatest part of them to be landed from one of the Colonial Vessels, (to which they had been removed on their arrival, from motives of humanity,) and to be taken possession of, and disposed of, by the Officers of the Colonial Government: the remaining part of the Slaves that were left on board being in a state of mutiny, the Claimant was obliged to land to prevent bloodshed; Mr. Macaulay having threatened to order The King's Advocate to prosecute criminally any one attempting to coerce them. These last were, in like manner, disposed of by the Colonial Government; in consequence, a Claim has been made for costs and damages on behalf of the Owners of the Vessel, which have been decreed by the Court, but the Amount has not yet

been exactly settled. The remaining Case is that of the *San Benedicto*, under Brazilian Colours, seized by His Majesty's Ship *Brazen*, Captain Willes; but as it was clearly proved that though fitted for the Slave-trade, she had not had a Slave on board during the present voyage, the Court released her; but would not award demurrage, in consequence of her having been seized out of the limits, allowed by the Treaty and Convention, for Portuguese Vessels to carry on the Slave-trade. This Case, like the last, is not quite concluded; these two last Cases being Cases of restitution, have unavoidably taken up a great deal of time, but I am in hopes that, by the next Vessel sailing for England, I shall be able to transmit Reports of all the four Cases herein mentioned.

I have, &c.

The Right Hon. George Canning.

D. M. HAMILTON.

(Enclosure 1.)—*D. M. Hamilton, Esq. to J. Reffell, Esq.*

SIR,

Freetown, August 29, 1826.

THE business of the Courts of Mixed Commission established in this Colony for the prevention of the illicit Traffick in Slaves, being at present at a stand, in consequence of the Vacancy of the Office of Commissary Judge on the part of His Majesty, and understanding yesterday, while attending the Council, that his Excellency the Governor was likely to remain longer than he at first supposed in the Colony, in consequence of the departure of His Majesty's Ship *Lively* on a cruise, I have, therefore, to request you will be pleased to call his Excellency's attention to the 54th Clause of the Act of Parliament, passed in the 5th year of the Reign of His present Majesty, intituled, "An Act to amend and consolidate the Laws relating to the abolition of the Slave-trade," and to the Regulations annexed to the Treaties and Convention recited in the said Act; and I have further to request you will be pleased to make known to me, for the information of His Majesty's Secretary of State for Foreign Affairs, whether it is his pleasure, during his present stay in the Colony, to take upon himself the Office of Commissary Judge.

Should his Excellency be pleased to signify his intention of assuming that Office, I will do myself the honour of waiting on him in my capacity of Chief Justice, at any time (that my health will allow,) that he may be pleased to appoint, to administer to him the usual Oaths.

I have the honour to be, &c.

J. Reffell, Esq.

D. M. HAMILTON.

(Enclosure 2).—*J. Reffell, Esq. to D. M. Hamilton, Esq.*

SIR,

Secretary's Office, Sierra Leone, August 29, 1826.

I HAVE the honour to acknowledge the receipt of your Letter of this Morning, relative to the Vacancy of the Office of His Majesty's Commissary Judge in the Courts of Mixed Commission established in this

Colony, and, having submitted the same to his Excellency the Governor, to acquaint you that his Excellency is ready to take upon himself the duties of the said Office, in conformity to the Regulations annexed to the Treaties and Convention recited in the 54th Clause of the Act of Parliament passed in the 5th Year of the Reign of His present Majesty, and that his Excellency is desirous of taking the usual Oaths of such Office, at the Government-House, to-morrow, at two o'clock, at which hour his Excellency requests your attendance in your capacity of Chief Justice, in order to administer the same to him.

I have the honour to be, &c.

D. M. Humilton, Esq.

J. REFFELL.

No. 16.—Joseph Planta, Jun. Esq. to His Majesty's Commissioners.
GENTLEMEN, *Foreign Office, October 31, 1826.*

I AM directed by Mr. Secretary Canning to acquaint you, that you may promote Mr. Magnus to the Situation of First Clerk to the British Commissioners, and Mr. Bidwell to the Situation of Second Clerk, become vacant by the promotion of Mr. Magnus.

These Appointments are to date from the 5th of July last, with the Allowances hitherto attached to those Situations, subject to the Regulations established as to leave of absence.

Mr. Canning has also considered the Representations which were made to him, under your sanction, as to the inadequacy of Salary attached to the Situations, and I have to authorise you, in consequence, to pay, from the 5th of January next, to the Individual holding the Situation of First Clerk, a Salary at the rate of £500 a Year, and to the Individual holding the Situation of Second Clerk, a Salary at the rate of £350 a Year; these Allowances being subject to the existing Regulations as to leave of absence; and I have further to authorise you to acquaint them, that, should their conduct obtain the approbation of their Superiors, and their health require a permanent retirement, at any time after a period of 12 Years' actual service at their Post, Mr. Canning will be disposed to recommend them, upon such retirement, for a Pension to an amount not exceeding one half of the Salary enjoyed by them in their Situation under the Commission.

Mr. Canning approves of the Arrangement, that the establishment of the Clerks under the British Commissioners shall be entirely separate from that of the Clerks under the Mixed British and Foreign Commissioners; and that the Appointment and Regulation of the Salary of the Clerks under the Mixed Commission should be vested in the British and Foreign Commissioners jointly; subject, as far as the British Commissioners are concerned, to the final approval of His Majesty's Secretary of State.

Mr. Canning also approves, that, in the event of the death, or of the absence of either or both of the Clerks of the British Commissioners,

you shall procure such temporary aid as the Colony may afford, until the Vacancy is regularly filled up; in the first instance, by an Appointment by the Secretary of State, in the other instance, by the return to his duties of the Clerk who may have been absent.

The Allowance to be made for temporary assistance on those occasions is left to your discretion; but you will take care, of course, that it shall not, on any occasion, exceed the regular Salary attached to the Situation.

I should suppose, that, in most cases, it will not be necessary that the temporary Allowance should be placed on so high a scale.

I am, &c.

His Majesty's Commissioners.

JOSEPH PLANTA, JUN.

No. 17.—*Mr. Secretary Canning to His Majesty's Commissioners.*
(Extract.) *Foreign Office, November 25, 1826.*

I HAVE received your Despatches up to the 20th of September last.

The subject of Mr. Hamilton's Despatch, marked General, of the 28th of August, having been referred for the opinion of His Majesty's Law Officer, The King's Advocate has reported, that the Treaties, the Commission, and the Provisions of the Act of Parliament for carrying the same into effect, as consolidated in the 5th Geo. IV. cap. 113, furnish the only safe guide for the exercise of jurisdiction by the Members of the Mixed Commission Courts.

His Majesty's Commissioners.

GEORGE CANNING.

No. 18.—*Joseph Planta, Jun. Esq. to D. M. Hamilton, Esq.*
SIR, *Foreign Office, November 25, 1826.*

MR. SECRETARY CANNING has received your Letter of the 12th of August last, and I am directed to acquaint you, in answer, that Mr. Canning will have pleasure in recommending you for the Appointment which you solicit, of His Majesty's Commissary Judge in the Mixed Commission Court at Sierra Leone.

In notifying to you this Appointment, I am directed by Mr. Canning to explain to you the manner in which your future retirement will be regulated, in consequence of your filling Situations of different rank in the Commission.

You are already aware of the Regulation, that no Pension can be granted under the Commission, until the Person who may be permitted to retire shall have completed, at Sierra Leone, in Appointments by The King, under the Mixed Commission at that Place, a period of 6 Years' actual service.

If an Officer in the Mixed Commission, having served in an inferior Situation, shall be promoted to a higher Post in that Commission, and shall be permitted to retire, previously to his having completed 3 Years' actual service, at Sierra Leone, in that higher Appointment, the

said Officer shall only receive the Pension allotted to the lower Situation in the Commission.

If, however, the service of the said Officer, in the higher Situation, shall have exceeded the term of 3 Years, and his whole service under the Commission the period of 6 Years, and that he shall then be permitted to retire, he shall receive the Pension allotted to the higher Situation.

These Regulations will apply to your case ; and, as it is intended that this principle shall be acted upon as the general rule for Pensions to be granted for services rendered in the Situations of Commissary Judge, Commissioner of Arbitration, and of Registrar, under the Mixed Commission, I am directed to desire that you will deposit in the Archives of the Office at Sierra Leone, a Duplicate, which is herewith sent to you, of this Letter. I am, &c.

D. M. Hamilton, Esq.

JOSEPH PLANTA, JUN.

No. 19.—Joseph Planta, Jun. Esq. to William Smith, Esq.

SIR,

Foreign Office, November 25, 1826.

MR. SECRETARY CANNING has received your Letter of the 14th of August last, and I am directed to acquaint you, in answer, that Mr. Canning will recommend you for the Appointment which you solicit, of His Majesty's Commissioner of Arbitration, in the Mixed Commission Court at Sierra Leone, which Situation has become vacant by the promotion of Mr. Hamilton to be His Majesty's Commissary Judge in that Court.

In respect to the Pension, which may hereafter be granted to you, I have to refer you to the Letter, which, by Mr. Canning's direction, I have, under this date, addressed to Mr. D. M. Hamilton upon this subject, the Regulations contained in which will be equally applicable to you both, in your respective Situations.

I am, &c.

William Smith, Esq.

JOSEPH PLANTA, JUN.

SIERRA LEONE. (*Separate.*)

No. 20.—William Smith, Esq. to Mr. Sec^y. Canning.—(Rec. May 22.)

SIR,

Sierra Leone, March 15, 1826.

I HAVE the honour, herewith, to transmit to you a certified Return, taken from the Register in this Office, of the Number of Slaves emancipated from the 5th day of January 1825, to the 5th day of January 1826.

The Total number registered amounts to 1701.

I deem it also my duty to forward a Return of the Number of Slaves landed from the Spanish Brigantine, *Ninfa Habanera*, amounting to 228.

These Slaves having been put on board the said Vessel, after capture, by the Caboceer of Popo, at the instance of the Captors, the Judges of the British and Spanish Court of Mixed Commission did not decree their Emancipation; they were, however, delivered over to the Colonial Government. I have the honour to be, &c.

The Right Hon. George Canning.

WM. SMITH.

Mem. The Enclosure contains the Names and Particulars of Emancipation and Registry of Slaves, from No. 5037 to 6737, inclusive.

No. 21.—George Rendall, Esq. to Mr. Secy. Canning.—(Rec. June 2.)
SIR, *Sierra Leone, January 12, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch, dated the 7th of October 1825, enclosing, for our information, Copies of two Letters which had passed between the Foreign Office and the Colonial Department, on the subject of filling up, *ad interim*, Vacancies which may occur in the British Judgeships in the Mixed Commission at Sierra Leone. I have the honour to be, &c.

The Right Hon. George Canning.

GEO. RENDALL.

No. 22.—D. M. Hamilton, Esq. to Mr. Secy. Canning.—(Rec. Oct. 17.)
SIR, *Sierra Leone, August 15, 1826.*

I HAVE the honour to enclose, herewith, a Return of the Slaves emancipated by the Courts of Mixed Commission established in this Colony, for the prevention of illicit Traffick in Slaves, during the period from the 5th of January to the 5th of July, of the present Year.

By this Document you will observe that 1492 Slaves have been emancipated by those Courts in that period.

I have the honour to be, &c.

The Right Hon. George Canning.

D. M. HAMILTON.

Mem. The Enclosure contains the Names and Particulars of Emancipation and Registry of Slaves, from No. 6738 to 8227 inclusive, amounting to 1490 Slaves; 2 having died before they were registered.

No. 23.—Joseph Planta, Jun. Esq. to William Reffell, Esq.
SIR, *Foreign Office, Nov. 25, 1826.*

MR. SECRETARY CANNING has received your Letter of the 12th of August, and I have the pleasure to acquaint you, by his direction, that Mr. Canning will recommend you for the Situation of Registrar to the Mixed Commission Court at Sierra Leone, which Situation is become vacant by the Appointment of Mr. William Smith to be His Majesty's Commissioner of Arbitration in that Court.

The Salary attached to this Situation is £1000 a Year, but it is diminished by one half in those cases in which a Person holding the Ap-

pointment under the Commission, enjoys at the same time any other Situation, with Salary or Emolument, under His Majesty's Government.

If, at any period, after 6 years' actual service at Sierra Leone, in your present Appointment under the Commission, you should be desirous of retiring, the Secretary of State will be disposed, upon due consideration of your services, to recommend you for a Pension, not exceeding in amount the sum of £500 a Year.

I am, &c.

William Reffell, Esq.

JOSEPH PLANTA, JUN.

SIERRA LEONE. (*Spain.*)

No. 24.—*G. Rendall, Esq. to Mr. Sec^y. Canning.*—(*Rec. June 2.*)

SIR,

Sierra Leone, January 10, 1826.

I HAVE the honour to enclose, for your information, the Report of the Case of the Spanish Schooner *Segunda Gallega*, whereof Agustin Capera was Master, brought in here for adjudication on the 31st of October last, having been captured in Latitude 6. 13. North, and Longitude 3. 18. East, on the 29th of the previous Month, by His Majesty's Ship *Maidstone*, Commodore Bullen, C. B. with 285 Slaves on board.

The Court passed Sentence of condemnation on the Vessel, and emancipated the Slaves, on the 23d of November 1825.

I have the honour to be, &c.

The Right Hon. George Canning.

GEO. RENDALL.

(*Enclosure.*)—*Report of the Case of the Spanish Schooner Segunda Gallega, Agustin Capera, Master.*

THIS Vessel arrived in the Harbour of Sierra Leone on the 31st of October 1825, with 276 Slaves on board, consisting of 132 men, 20 women, 105 boys, and 19 Girls. On the 2d of November, the Ship's Papers were brought into Court, duly attested, by William Gray, Lieut. of His Majesty's Ship *Maidstone*, Charles Bullen, C. B. Commodore, and Proceedings were commenced in this Case; a Monition was prayed and issued, citing all Persons having any right, or pretended right, to the said Vessel and Slaves, to appear and make claim, which was afterwards returned, certified as duly served.

In Commodore Bullen's Declaration it is stated, that "on the 29th of September 1825, in or about Latitude 6. 13. North, and Longitude 3. 18. East, he detained the Schooner *Segunda Gallega*, sailing under Spanish Colours, armed with 1 gun, 12-pounder, commanded by Dho

Capera, with a crew of 29 men and boys, who declared her to be bound from the River Lagos to The Havannah, having on board 292 Slaves, viz. 145 men, 20 women, 108 boys, and 19 girls."

The Master, in his examination, stated, that the Vessel, and the greatest part of the Slaves, belonged to himself, and that he took possession of her in April last; that she is 51 tons burthen; that the present voyage began at The Havannah, but cannot say whether it would have ended at Porto Rico or The Havannah; that 285 Slaves were taken on board during the voyage; they were all shipped at the River Lagos, and that none had died previous to capture.

Antonio Roderiguez, Steward of the said Vessel, in his Answers to the Standing Interrogatories, confirms the Evidence of the Master.

The Case of illicit Slave-trade being thus clearly proved, and no claim having been made by the Owner, the Court passed Sentence of condemnation on the Vessel, and decreed the Emancipation of the Slaves, on the 23d day of November 1825.

GEO. RENDALL.

No. 25.—*G. Rendall, Esq. to Mr. Secy. Canning.*—(Rec. June 2.)

SIR,

Sierra Leone, January 10, 1826.

I HAVE the honour to enclose, for your information, the Report of the Case of the Spanish Schooner *Clara*, otherwise *Clarita*, detained by His Majesty's Ship *Brazen*, Captain George Wicken Willes, off Cape Mesurado, on the 4th of November 1825, with 36 Slaves on board.

This Vessel was brought in here for Adjudication on the 15th of November 1825, and the proof of illicit Slave-trade being perfectly clear, she was condemned by the Court on the 23d of the same month, the Emancipation of the Slaves being decreed on the same day.

I have the honour to be, &c.

The Right Hon. George Canning.

GEO. RENDALL.

(Enclosure.)—*Report of the Case of the Spanish Schooner Clara, otherwise Clarita, José Morano, Master.*

THIS Vessel was sent into the Port of Freetown on the 15th of November 1825, by Captain George W. Willes, with 36 Slaves on board, consisting of 12 men, 9 women, 8 boys, 6 girls, and 1 infant. On the same day the Ship's Papers, with the Declaration of the Captor, were lodged in the Registry Office, duly attested by Mr. J. Batt, Admiralty Mate of His Majesty's Ship *Brazen*. On the 16th of November, a Monition was prayed and issued, calling upon all Persons having, or pretending to have, any right, title, or interest, in the said Vessel and Cargo, to appear and make claim, which was returned on the 23d, certified as having been duly served.

Captain Willes, in his Declaration, states, that on the 4th of November 1825, being in Latitude 5. 15. North, and Longitude 10. 30.

West, he fell in with and detained the Schooner *Clarita*, Jozé Morano, Acting Master, with a crew of 14 men, armed with 1 gun and 20 muskets, and having on board 36 Slaves, together with some tobacco, spirits, and other articles.

Jozé Morano, the Master, in answer to the Standing Interrogatories, deposed, that the late Master was the Owner; that upon his decease, on the 18th of September last, he appointed himself to the command off Grand Currow; that the present voyage began at The Havannah, and was to have ended there. Gibraltar was the last clearing Port the Vessel sailed from; touched at Grand Currow, Teembo, and the Gallinas, on this Coast, during the voyage; she was seized for having Slaves on board off Cape Mesurado; sailed under Spanish Colours; her name was the *Clarita*. The present Cargo consists of 36 Slaves, and 450 rolls of tobacco; 33 Slaves were taken on board at Teembo, from a man named Brown, and 3 at the Gallinas.

The Boatswain, in his examination, corroborates fully the evidence of the Master.

It appears by the Papers of this Vessel, that she cleared out from The Havannah with a Crew of 12 men, on the 22d of March 1825, for Gibraltar; that José Peres Munoz was then Master; that on the 4th of July he appeared before the Spanish Consul at Gibraltar, and obtained a Certificate of having shipped 15 men and boys, retaining only the Boatswain and 1 boy of the original Crew; he cleared out also on the same day for St. Thomas and The Havannah. The whole of the Papers found on board consist only of a Passport for the Vessel, (therein called the *Clara*,) a List of the Crew, printed Rules to be observed by Masters and Officers of Spanish Vessels, a Mediterranean Passport, and a Bill of Health given at Gibraltar.

The case of illicit Traffick being clearly proved, and no Claim having been made on behalf of the Owner or Master, the Court, without hesitation, pronounced Sentence of Condemnation on the said Vessel, and decreed the Emancipation of the Slaves on the 23d day of November 1825.

GEO. RENDALL.

No. 26.—*G. Rendall, Esq. to Mr. Sec^y. Canning.*—(Received June 2.)
SIR,

Sierra Leone, January 10, 1826.

I HAVE the honour to enclose, for your information, the Report of the Case of the Spanish Schooner *Teresa*, whereof Francisco Granell was Master.

This Vessel was detained by His Majesty's Ship *Redwing*, D. C. Clavering, Esq. Commander, in Old Calabar River, on the 6th of October, 1825, with 248 Slaves on board, 50 of whom, on account of her crowded state, were put on board the Spanish Schooner *Ana*, also detained by the *Redwing*.

The *Teresa* was upset in a tornado on the 19th of October last, when all on board perished, except 8 of the Prize Crew, 4 Spaniards, and 6 Slaves.

The Court, deeming the proofs of illicit Slave-trade to be clearly established, pronounced that at the time of seizure the Schooner *Teresa* was liable to confiscation, and decreed the Emancipation of the surviving Slaves, on the 3d day of January 1826. I have, &c.

The Right Hon. George Canning.

GEO RENDALL.

(Enclosure.)—*Report of the Case of the Spanish Schooner Teresa, Francisco Granell, Master.*

UPON the 17th of December 1825, the Papers of this Vessel were brought into Court by Lieutenant Card, of His Majesty's Ship *Redwing*, D. C. Clavering, Esq. Commander, and duly attested by him. On the same day, an Affidavit, made by Lieutenant Wilson and Thomas Mac Gowan, Esq. Admiralty Mate, both of His Majesty's Ship *Redwing*, was filed, and was in substance as follows: That, on the 8th of October last, by order of Captain Clavering, they took charge of the detained Schooner *Teresa*, with 248 Slaves on board, and accompanied His Majesty's Ship *Redwing* to the River Cameroons and Cape Formosa. That said Schooner being very crowded, 50 Slaves were removed into the Spanish Schooner *Ana*; that on the 19th of October last, at about 2. 30. A. M., being about half a mile from the Ship, with nearly all sail set, the Schooner was suddenly laid on her beam-ends by a tornado, and almost immediately went down; that, by clinging to spars, these Deponents, with 8 of the Prize Crew, 4 Spaniards, and 6 Slaves, were rescued by the Boats of the Ship, after being 7 hours in the water; that 186 Slaves, 4 of the Prize Crew, and 1 Spaniard, were unfortunately lost; 6 Slaves had died of fever and dysentery previous to this occurrence. The usual Monition was prayed and issued, on the 19th of December, calling upon all Persons having, or pretending to have, any right in the Spanish Schooner *Teresa* to appear and make due Claim; it was returned on the 26th, certified as having been duly served.

The Declaration of the Captor, Captain Douglas Charles Clavering, states, that, on the 6th of October 1825, the Boats of His Majesty's Ship *Redwing* detained the Schooner *Teresa* in Old Calabar River, in about Latitude 4. 35. North, and Longitude 8. 45. East, with 248 Slaves on board, who were counted in the presence of the Master and Mate of the said Vessel.

A Certificate, signed "D. C. Clavering, Commander," "Francisco Granell," and witnessed by "Robert Card, Lieutenant," and "William Armstrong, Surgeon," was filed in Court on the 27th of December. It states, that Francisco Granell has petitioned to be landed at the nearest Port, in consequence of sickness and scurvy, which were increasing daily, by living on salt provisions, and which Mr. Armstrong, the Sur-

geon of the Ship, confirms; that, as the *Teresa* was lost, it was supposed his presence as a Witness was no longer required; that he freely and willingly (knowing the seizure to have been just,) gave up all claim to indemnification for her loss; that, in consideration of the above circumstances, Captain Clavering acceded to his request, and landed him at Princes Island.

Pablo Frexas, in his Answers to the Standing Interrogatories, states, that the Master, Francisco Granell, took possession of the Vessel at Saint Jago de Cuba. She was seized for having Slaves on board. Sailed under Spanish Colours. The present voyage began at Saint Jago de Cuba, and was to have ended there; it was the last clearing Port. She anchored in Cameroon and Calabar Rivers, to trade for Slaves; was armed with 4 carronades, some muskets, cutlasses and cartridges; fired one carronade and some muskets at the Boats; does not know who gave the orders to do so; 247 Slaves were taken on board, some in the River Calabar, and the remainder in the Cameroons.

By the Vessel's Papers, it appears that the Schooner *Teresa*, Francisco Granell, Master, of 85 tons burthen, with a Crew of 23 men and boys, cleared out from Santiago de Cuba on the 4th of May, 1825, with a general cargo, for Princes' Island.

The proofs of illicit Slave-trade being so clear, the Court pronounced, that, at the time of seizure, the said Schooner *Teresa* was illegally engaged in the Traffick of Slaves, and, as such, subject and liable to confiscation; and decreed the surviving Slaves belonging to the said Schooner *Teresa* to be emancipated on the 3d day of January, 1826,

GEO. RENDALL.

No. 27.—*George Rendall, Esq. to Mr. Secy. Canning.*—(Rec. June 2.)
SIR,

Sierra Leone, January 10, 1826.

I HAVE the honour to forward, for your information, the Report of the Case of the Spanish Schooner, *Ana*, detained off the River Cameroons on the 11th of October, 1825, by His Majesty's Ship *Redwing*, Douglas C. Clavering, Esq. Commander, having on board at the time of the capture 103 Slaves.

This Vessel arrived in the Harbour of Freetown, on the 25th of November last, with 130 Slaves, 50 having been put on board from the *Teresa*, and 45 from the *Isabella*, and 68 out of the whole number having died on their passage to this Place.

The engagement of this Vessel in the illicit Traffick in Slaves being clearly proved, the Court passed Sentence of Condemnation on the 3d of January, 1826, and decreed the Emancipation of the surviving Slaves.

I have the honour to be, &c.

The Right Hon. George Canning.

GEO. RENDALL.

(Enclosure.)—*Report of the Case of the Spanish Schooner Ana, Manoel Sierra, Master.*

THE *Ana* arrived in Sierra Leone Harbour on the 25th of November, 1825, in a wretched condition, having lost 68 Slaves on the passage, as appears by the Affidavit of Mr. Taylor, Master of His Majesty's Ship *Redwing*, Douglas Charles Clavering, Esq., Commander; he deposes that, on the 11th of October last, they detained, off the Cameroons, the Spanish Schooner *Ana*, with 107 Slaves on board, that 50 Slaves were put on board said Schooner from the *Teresa*, and 45 from the *Isabella*, two other Prizes to His Majesty's Ship *Redwing*, making in the whole 202 Slaves; that on the passage up 68 died, chiefly from dysentery; that no Medical Officer was on board, but that Deponent administered medicine to the said Slaves to the best of his power, and the greatest care and attention was paid to them. On the 26th of November, the Agent for Captors prayed, that the Slaves might be landed, which the Court immediately allowed; the following number, viz. 50 men, 39 boys, 23 women, and 18 girls, making a total of 130 Slaves, were then handed over to the Marshal of the said Court, and, ultimately, delivered by him to the Chief Superintendent of Liberated Africans. There were no means of ascertaining the survivors of the Slaves belonging to each Vessel separately, as no precaution had been taken for that purpose.

The Declaration of the Captor, Captain Clavering, which was filed in Court on the 28th of November, states, that on the 11th of October, 1825, he detained the Spanish Schooner *Ana*, off the River Cameroons, in Latitude 3. 50. North, and Longitude 9. 2. East, having on board 106 Slaves, counted in the presence of the Mate, Francisco Carbonell (the Master having been left on shore at Bimbia.)

On the 5th of December, the Vessel's Papers were brought into Court, and duly authenticated by Mr. Braund, Purser of His Majesty's Ship *Redwing*.

The Monition was prayed on the 16th of December, and returned as duly served on the 26th.

Francisco Carbonell, Second Captain, states, in his examination, that the Master, Manoel Sierra, took possession of this Schooner at St. Jago de Cuba. She sailed under Spanish Colours, was seized for having Slaves on board; the Schooner's name is the *Ana*, she is about 80 tons burthen, had a Crew of 27 Officers and Mariners, exclusive of the Master. The voyage began at St. Jago de Cuba, and the Master said it was to have ended there; it was the last clearing Port; touched at Calabar to trade for Slaves; first saw Capturing Ship off Bimbia; was captured about 4 leagues off the River Cameroons; was coming from Bimbia; was armed with 4 guns, 5 muskets, some cutlasses, powder, and a few balls; fired 2 guns at the Boats; cannot say who gave the order, as he was lying sick; does not know the Owner of the Vessel; 106 Slaves were taken on board at Bimbia; 3 died previous to capture.

The evidence given by Mariano Casa, the Boatswain of the Vessel, is the same in substance with that of the Second Captain, except in the number of slaves said to have been taken on board. The Boatswain states that only 90 Slaves were shipped at Bimbia.

The Papers of the Vessel shew that she cleared from Santiago de Cuba on the 8th of June, 1825, with a general Cargo for St. Thomas', and a Crew of 25 men and boys commanded by Manoel de Sierra.

The proofs of illicit Slave-trade being thus clearly established, the Court passed Sentence of Condemnation against the Schooner *Ana*, and decreed the Emancipation of the surviving Slaves, on the 3d day of January, 1826.

GEO. RENDALL.

No. 28.—*George Rendall, Esq. to Mr. Sec^y. Canning.*—(Rec. June 2.)
SIR, *Sierra Leone, January 10, 1826.*

I HAVE the honour to enclose, for your information, a Report of the Case of the Spanish Brigantine *Ninfa Habanera*, José Puiz y Miro, Master, brought in here for Adjudication on the 21st of December, 1825, having been detained on the 17th of November, off Accra, by His Majesty's Ship *Brazen*, Captain George Wicken Willes, for having carried 50 Slaves from Accra to Popoe: 231 Slaves were on shore at Popoe at the time of seizure, which the Master acknowledged to be the Cargo belonging to the said Brigantine.

The Cook belonging to the Vessel corroborated the evidence of the Master. It being clearly proved that 50 Slaves had been shipped on board the *Ninfa Habanera* during the present voyage, the Court felt no hesitation in passing Sentence of Condemnation of the Vessel, and gave it as their opinion, that most of the Slaves that were brought from Popoe to this Colony, did compose the Cargo belonging to that Vessel, but as they were not on board at the time of capture, the Court could not decree their Emancipation.

I have, &c.

The Right Hon. George Canning.

GEO. RENDALL.

(Enclosure.)—*Report of the Case of the Spanish Brigantine Ninfa Habanera, Jozé Puiz y Miro, Master.*

THIS Vessel arrived in the Harbour of Freetown on the 21st of December, 1825, with 228 Slaves on board, consisting of 103 men, 70 women, 35 boys, and 20 girls. On the same day the Ship's Papers, duly authenticated by Lieutenant Walker, of His Majesty's Ship *Brazen*, together with the Declaration of the Captor, Captain G. W. Willes, were filed in the Registry of the Court.

The usual Monition was prayed and issued on the 22d of December, and returned into Court on the 30th, certified by the Marshal as having been duly served.

The Declaration of Captain George Wicken Willes, commanding His Majesty's Ship *Brazen*, states, that he detained the Spanish

Brigantine *Ninfa Habanera*, of The Havannah, off Accra, on the 17th of November, 1825, for having had Slaves on board for the purpose of illicit Traffick during her present voyage; and further, that, on the 22d of November, he obtained from Little Popoe 231 Slaves, being the cargo of the said Vessel, acknowledged as such by the Master, Jozé Puiz y Miro, as well as the Caboceer and principal People of Popoe.

The Master, Jozé Puiz y Miro, in answer to the Standing Interrogatories, deposed, that the Owner, Emecildo Laureyro, who lives in The Havannah, appointed him to the command of the Vessel on the 31st of May last. She has been called the *Ninfa Habanera* for the two last voyages, but was formerly called the *Segunda Ligera*. She is 150 tons burthen, had a Crew of 46, Officers and Mariners; sailed under Spanish Colours; was seized for having carried 50 Slaves from Accra to Popoe. The present voyage commenced at The Havannah, and was to have ended there; it was her last clearing Port; anchored at Quittah, Popoe, and Accra; at the first Place, to ascertain her Longitude, at the two last, to trade for Slaves; was captured off Accra on the 17th of November, 1825; was armed with 1 twelve-pounder, on a pivot, and 5 carronades, also some muskets, cutlasses, powder and shot. The Slaves were put on board the Schooner by the Captain of the Man-of-war. Fifty Slaves were taken on board from the time they commenced trading at Accra from the shore, and landed at Popoe; 21 men, 20 women, and 9 children. In answer to Special Interrogatories, put by the permission of the Court, he stated, that most of the Slaves put on board at Little Popoe were the same that he purchased for the Brigantine taken; but some of the healthy ones were exchanged by the Caboceer of Popoe, with whom they were in charge, for sickly ones; they were all confined in one house, the men in irons, the women and children were not; they were in the actual possession of the second Pilot of the Brigantine; believes the Caboceer sent them on board, but cannot be positive; the son of the Caboceer of Popoe, and two other People of that Place, were on board at the time of capture; they were landed at Little Popoe. He purchased 50 Slaves at Accra from a Caboceer named Ancrah. He lives nearer the Dutch Fort than the English; the Brigantine lay equally distant from the Danish and the Dutch Forts, out of gun-shot of the English Fort; the 50 Slaves were shipped in Ancrah's Canoes; did not purchase any Slaves from Mr. Hansen; made the bargain with Ancrah for the 50 Slaves, who distributed the money among his friends; believes one is named Quarty Cudjoe, and knows that Ay, the brother of Ancrah, is another; the latter is Mr. Hansen's head-man; part of the 50 Slaves were supplied by him; does not know if they were on Mr. Hansen's account; Ay was with Ancrah daily; was there when the agreement was made for the 50 Slaves; went once to Mr. Hansen's House to pur-

chase a barrel of tar, and another time with a Spanish Captain to purchase a piece of silk. Mr. Hansen did not recommend Ancrah to him, nor did he ever speak about Slaves; does not know if Mr. Hansen authorized the sale of the Slaves, or whether the purchase was by his order, or on his account; Mr. Hansen did not send him to Ancrah, nor does he know if the Slaves were furnished by Mr. Hansen's orders.

Luiz de Seppe, the Cook belonging to this Vessel, was also examined upon the Standing Interrogatories, and corroborated the evidence of the Master.

The Vessel's Papers shew that she was fitted out at The Havannah, from whence she cleared for Princes Island on the 14th of June, 1825, with a general Cargo of dry goods, rum, tobacco, &c.

The fact of 50 Slaves having been shipped on board the *Ninfa Habanera* at Accra, during the present voyage, and afterwards landed at Popoe, being clearly proved, the Court felt no hesitation, on the 3d of January, 1826, in pronouncing Sentence of Condemnation against the Vessel, as having been illegally engaged in the Slave-trade at the time of Capture; but as it was proved that no Slaves were actually on board the *Ninfa Habanera* when detained by His Majesty's Ship *Brazen*, and as no satisfactory evidence was given of the means by which the 231 Slaves shipped at Popoe were obtained by the Captors, the Court could not decree their Emancipation; at the same time expressing its opinion, that most of the Slaves brought to this Colony, in the said Brigantine *Ninfa Habanera*, did compose the Cargo belonging to that Vessel.

GEO. RENDALL.

No. 29.—*His Majesty's Comm^r. to Mr. Sec^y. Canning.*—(Rec. June 2.)

SIR,

Sierra Leone, March 25, 1826.

HEREWITH we have the honour to transmit to you, a Report of the Case of the Spanish Schooner *Iberia*, detained by His Majesty's Ship *Brazen*, Captain G. W. Willes, on the 27th December, 1825, for being engaged in illicitly trading in Slaves.

The Adjudication of the *Iberia* took place on the 21st instant, and as the Traffick in Slaves is by Treaty entirely prohibited to the Subjects of His Catholick Majesty, and this Vessel having been actually found with 422 Slaves on board at the time of capture, no difficulty could arise regarding the decision, and Sentence of Condemnation was, therefore, pronounced against her.

We have, &c.

J. T. WILLIAMS.

The Right Hon. Geo Canning.

GEO. RENDALL.

(Enclosure.)—*Report of the Case of the Spanish Schooner Iberia, Andres Insua, Master.*

THIS Vessel was captured by His Majesty's Ship *Brazen*, Captain G. W. Willes, on the 7th day of December, 1825, in Latitude 4. 25. N. and Longitude 3. 43. West, having, as he states in his Declaration, 325

Slaves on board. She arrived in this Harbour the 22d January, 1826, and was immediately visited by the Surgeon of the Court, who recommended, that as the Slaves on board were in a very crowded state, and many suffering from dysentery, as well as 15 cases of small-pox, and also many emaciated and debilitated, that those in a healthy state should be allowed to be landed instantly, and those suffering from small-pox, dysentery, &c. be kept on board, and the Vessel placed in quarantine, till such time as the infection ceased. A Petition was immediately made to the Court to land the healthy Slaves, which was granted, and the Vessel placed in quarantine for some days, owing to which the Papers in this Case were not filed until the 28th January; which having been done, a Monition was prayed for and granted on the 31st, citing the Parties interested in the Case, to appear and shew cause why she should not be condemned as lawful Prize.

This Vessel, by the Papers found on board, of which there were only four, viz. Passport, List of Crew, Countersign, and Bill of Sale, declare her to have cleared out from Havannah on the 16th July, 1825, for the Island of Princes on the Coast of Africa, for legitimate Commerce, and not to trade for Slaves; and yet, on the 6th of October following, she is boarded by the Boats of His Majesty's Ship *Maidstone*, while lying at anchor at Lagos, as appears by the endorsement of the Boarding Officer on the back of her Papers. It is necessary to remark that, as no Log, or any other Papers or Writings than those above stated, were found on board of her, there can be no doubt but that they were destroyed during the chase of the said Vessel, which occupied 50 hours, yet the Master declares, in his Examination, that no Papers, Letters, Writings or other Documents, which were on board the Vessel, when she took her departure from the last clearing Port, and before capture, were burnt, torn, thrown overboard, destroyed, cancelled, or concealed. He further declares, that the present voyage began at The Havannah, and when his Cargo was completed, it was to have ended there.—Havannah was the last clearing Port previous to Capture. The Schooner anchored at Accra and Lagos, during the voyage in which she was taken; she anchored at Accra to purchase provisions, and at Lagos to trade, half of the Cargo having been damaged from the length of time it had been on board; he was obliged to purchase Slaves, as he could not wait any longer to get palm-oil and ivory, and those Slaves he took on board to sell along the Coast from Lagos to Accra, (he would have passed them up by land, but a war between the King of Lagos and the King of Badagery prevented his doing so,) and with the proceeds of them he intended to purchase palm-oil, ivory, and other produce; he further declares, that 422 Slaves were taken on board altogether, from the time the trading for them commenced to the completing of the Cargo, and that he is the sole Owner of them, and of the Vessel, which last fact is

corroborated by the Bill of Sale found on board, and the former by Pedro Salvo, Carpenter of the said Schooner, who, in every other material point, corroborates the Master's Declaration.

This Case presented no difficulty, the Treaty being plain and explicit, the Slave-trade to Spanish Vessels being totally prohibited.—The Court did not hesitate in pronouncing the Condemnation of the said Schooner, and that 422 Slaves were on board at the time of capture, 417 of whom were decreed to be emancipated, 5 having died before Adjudication.

Sierra Leone, March 25, 1826.

J. T. WILLIAMS.

GEO. RENDALL.

No. 30.—*D. M. Hamilton, Esq. to Joseph Planta, Jun. Esq.—*
(Received October 16.)

SIR,

Sierra Leone, August 15, 1826.

IN pursuance of the 75th Clause of the Act, passed in the 5th Year of the Reign of His present Majesty, intituled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade;" and, in obedience to the Instructions received from Mr. Secretary Canning relative to the same, I beg leave to enclose, in duplicate, a List or Return of all Spanish Vessels which have been Adjudicated in the British and Spanish Court of Mixed Commission established at this Place, from the 1st day of January to the 30th day of June, 1826, both days inclusive.

I have the honour to be, &c.

J. Planta, Jun. Esq.

D. M. HAMILTON.

(Enclosure.)—*Return of Spanish Vessels Adjudicated by the British and Spanish Court of Mixed Commission, established at Sierra Leone, from the 1st day of January to the 1st day of July, 1826.*

NAME of VESSEL.	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, whether any part remains unsold, and in whose hands the Proceeds remain.
Teresa - -	Oct. 6, 1825	Schooner and 197 Slaves -	D.C.Clavering	Jan. 3, 1826	Condemned for illicitly trading in Slaves -	This Vessel was sold and lost in a storm in the Bight of Benue.
Ana - -	Oct. 11, -	Schooner and 198 Slaves -	D.C.Clavering	Jan. 3, -	Condemned for illicitly trading in Slaves -	The Schooner sold by public Auction, the proceeds paid to the Military chest.
Ninfa Habanera -	Nov. 7, -	Brigantine and 231 Slaves -	G. W. Willes	Jan. 3, -	Condemned for illicitly trading in Slaves, but the Court decreed that no Slaves were on board of the said Brigantine at the time of the capture thereof, and therefore the 231 Slaves which were delivered up to Captor, by the Caboecer of Popoe, were not entitled to Emancipation.	The Brigantine, by public auction, and the proceeds into the Military chest.
Iberia - -	Dec. 27, -	Schooner and 422 Slaves -	G. W. Willes	Mar. 21, -	Condemned for illicitly trading in Slaves.	The Schooner sold by public auction, the proceeds paid to the Military chest.

Sierra Leone, July 1, 1826.

D. M. HAMILTON

No. 31.—*D. M. Hamilton, Esq. to Mr. Secy. Canning.*—(Rec. Oct. 17.)
(Extract.) *Sierra Leone, August 7, 1826.*

MR. WILLIAMS being yet very ill, it therefore becomes my duty to enclose, for your information, the Report of the Case of the Spanish Schooner *Nicanor*, whereof Jozé Le Grand was Master, captured by a Boat of His Majesty's Ship *Maidstone*, on the 20th day of May last, off Whydah, having on board 174 Slaves, one of whom jumped overboard and was drowned prior to her arrival in this Harbour. She was bound, at the time of capture, from Little Popoe to The Havannah. The proof of illicit Slave-trade being very clear and unequivocal, the Court pronounced Sentence of Condemnation of the Vessel, and Emancipation of the Slaves on the 1st of July last.

Mr. Williams and myself think it our duty in this Case to call your attention to the fact of the Capture having been made by a Schooner acting as a Tender to His Majesty's Ship *Maidstone*; and we beg your Instructions for our guidance in similar Cases.

The Right Hon. George Canning.

D. M. HAMILTON.

(*Enclosure.*)—*Report of the Case of the Spanish Schooner called the Nicanor, whereof Jozé Le Grand was Master.*

THIS Vessel, with 173 Slaves, all in good health, arrived in this Harbour on the 12th of June last. On the day following, the Papers, with the Affidavit of Mr. Samuel Richardson, Admiralty Mate of His Majesty's Ship *Maidstone*, commanded by Commodore Bullen, were brought into Court, together with the Declaration of Lieutenant Wm. Tucker, of that Ship, in which he certifies that "being in the command of a boat belonging to the said ship, detached to cruise for the prevention of the illicit Traffick in Slaves, on the 20th day of May, 1826, being off Whydah, he detained the Schooner named the *Nicanor*, sailing under Spanish Colours, armed with one gun (12-pounder) commanded by José Le Grand, who declared her to be bound from Little Popoe to The Havannah, with a Crew consisting of 19 men and 1 boy, and having on board 174 Slaves, all healthy: viz. 58 men, 57 women, 36 boys, 22 girls, and 1 infant." He further certifies, "that the said Schooner appeared to be sea-worthy, and was supplied with a sufficient stock of water and provisions for the support of the said Negroes and Crew on their destined voyage to The Havannah." And he certifies the same to be "given under his hand on board the Boat of His Majesty's Ship *Maidstone*, the 20th day of May, 1826." Mr. Richardson, the Admiralty-mate, in his Affidavit aforesaid, maketh oath, "That, on the 20th day of the month of May last, being off Whydah, in a Boat of His Majesty's Ship *Maidstone*, they seized and detained the Ship or Vessel called the *Nicanor*, whereof José Le Grand was Master, by reason that the said Schooner was employed in the illicit Traffick in Slaves, contrary to the existing Treaties entered into

with His Britannick Majesty and His Catholick Majesty the King of Spain.

By the *Nicanor's* Papers, consisting of a Spanish Royal Passport, (by which it appears she cleared out for legitimate Traffick only, at the Islands of Princes and St. Thomas on the Coast of Africa,) a Mediterranean Pass, Role d'Equipage, and another Document, it appears from the endorsements on them, that, prior to her capture on the 20th of May, she was visited by His Majesty's Ship *Brazen*, Captain Willes, off Cape St. Paul, on the 18th April last, and again by the same Ship off Ningo, on the 26th of the same month.

On the 20th of June, the usual Monition was prayed for and granted, calling upon all Persons, having or pretending to have, any right, title, or interest in the said Schooner and Slaves, to appear and make claim, &c. which was afterwards returned certified to have been duly served, and on the 22d day of the same month, after the examination of the aforesaid Jozé Le Grand had been taken on the General Interrogatories, an Order of Court was made on the Petition of the Captors, stating their apprehension of the Slaves becoming sickly, by reason of the badness of the weather, and the smallness of the Vessel for the landing of them, 173 in number,—1 having jumped overboard, and having been thereby drowned, on her passage to this Place since the capture. The Depositions of the Master and Cook, both clearly and unequivocally establishing the fact of illicit Slave-trading, the Court, on the 1st of July, pronounced Condemnation of the Vessel and Emancipation of the Slaves.

Prior to the Judgment being given in this Case, the Commissioners, on enquiring of Mr. Richardson, the Admiralty-mate of His Majesty's Ship *Maidstone*, ascertained that the Boat of the *Maidstone*, said to have made this capture, was one of the Boats of that Ship attached to a decked Vessel, a Schooner, called the *Hope*, and a Tender to the *Maidstone*, Frigate, and which Mr. Richardson believes to be the property of Commodore Bullen; her Crew consists entirely of persons belonging to His Majesty's Ship *Maidstone*, and she has been cruising alone after Slave-vessels. She chased the *Nicanor* several hours prior to her being boarded by the *Maidstone's* Boat. She is commanded by Lieutenant Tucker, and parted company with the *Maidstone* off the Island of St. Thomas in the beginning of May last.

D. M. HAMILTON.

No. 32.—*Mr. Secretary Canning to His Majesty's Commissioners.*
GENTLEMEN, *Foreign Office, November 29, 1826.*

I HAVE received your Despatch of this Series, marked Spain, of the 7th of August last, in which you call my attention to the Case of the *Nicanor*, captured and condemned for illegal Slave-trade.

The peculiarity of this Case was, that the Slave-trader was cap-

tured by a Vessel acting under the command of Lieut. Tucker, as a Tender to His Majesty's Ship *Maidstone*.

On this point I have to acquaint you, that, by a Communication from the Admiralty, it appears that it would be contrary to all the Regulations of His Majesty's Naval Service, to consider the Tenders as in any way distinct from the Ships to which they belong; and I have further to state to you, that it is the opinion of His Majesty's Law Officer, that you have acted properly in the Case referred to, and that you should continue to act on the same principle in future Cases.

I have also to acquaint you, that, for the more fully carrying of this principle into effect, the Lords of the Admiralty have given orders that the respective Officers commanding the Tenders in question, should each be furnished with the signed Instructions required by the Treaties for the repression of the Slave-trade. I am, &c.

His Majesty's Commissioners.

GEORGE CANNING.

SIERRA LEONE.—(*Portugal and Brazil.*)

No. 33.—*George Rendall, Esq. to Mr. Secretary Canning.*—
(Received June 2, 1826.)

SIR,

Sierra Leone, November 21, 1825.

I HAVE the honour to enclose for your information, the Report of the Case of the Brazilian Sumacca, *Bom Jesus dos Navigantes*, whereof Joaõ Pereiro was Master, captured on the 17th of July last, by His Majesty's Ship *Esk*, W. J. Purchas, Esq. Commander, with 280 Slaves (being 73 more than allowed by Passport,) on board.

The British and Portuguese Commissary Judges, agreeing perfectly in opinion, that this Vessel had taken on board the Slaves to the Northward of the Line, passed Sentence of Condemnation, and decreed the Emancipation of the Slaves, on the 14th of September last.

I have the honour to be, &c.

The Right Hon. George Canning.

GEO. RENDALL.

(Enclosure.)—*Report of the Case of the Brazilian Sumacca, Bom Jesus dos Navigantes, Joaõ Pereiro, Master.*

THIS Vessel arrived in the Port of Freetown, on the 13th of August 1825, with 267 Slaves on board, consisting of 106 men, 78 women, 40 boys, 27 girls, and 7 infants.

On the same day, the Papers, duly authenticated, with the Declaration of the Captor, Captain Purchas, of His Majesty's Ship *Esk*, were brought into Court, and proceedings commenced by the issue of a Monition, calling upon all Persons having any right, or pretended right,

to the Vessel and Cargo, to appear and make claim, which was afterwards returned, certified as duly served.

It is stated in the Royal Passport, given at Bahia the 21st day of January, 1825, that this Vessel is 82½ tons, and carrying 22 men; that Antonio Narciso is the Owner; that she was bound to the Ports of Molembo, with the intention to call at Costa da Mina, and back to any Ports in the Brazilian Empire; and that any number of Slaves, not exceeding 206, are permitted at one time to be on board of her.

Captain Purchas's Declaration states, that he detained the *Bom Jesus dos Navegantes* on the 17th day of July last, in or about Latitude 4. 0. North, and Longitude 4. 4. East; that she was sailing under Brazilian or Insurgent Portuguese Colours, with a Crew of 20 men and boys, 1 supercargo, and 7 passengers, and having on board 280 Slaves (being 73 more than allowed by Passport); that these Slaves consisted of 114 men, 80 women, 54 boys, 30 girls, and 7 infants.

Joaõ Pereiro, the Master, in answer to the Standing Interrogatories, deposed, that he took on board the whole of the present Cargo of Slaves at Molembo; that he touched at Piccaniny, Elmina, Popoe, and Lagos, for the purpose of purchasing provisions and a canoe; that he does not understand Navigation. In answer to Special Interrogatories, he states that Molembo and Onim are different places; thinks Molembo is close to Benin; does not know the Latitude North or South, or Longitude, where he took the Slaves on board; Slaves had been embarked 15 days when the Vessel was captured; had been 3 days from Onim when captured; a Spanish Schooner took all his corn and beans, which obliged him to go to Onim, having no money at any other Port; left his outward Cargo there; Spaniard boarded them close to the land, when he was going to Molembo from Onim, but did not know the Latitude or Longitude; did not know the day he arrived at, or sailed from, Molembo; left Onim for Molembo on the 28th of May; was 8 days on the passage; never purchased a Slave at Onim, or in the Bight of Benin.

Gregorio Narciso, Cooper on board this Vessel, in answer to the Standing Interrogatories, stated, that the Vessel went direct from Bahia to Molembo, and touched at no other port; that the Slaves and the Canoe were purchased there. To the Special Interrogatories,—Molembo and Onim are different places; does not know if Molembo is in the Bight of Benin, or the Latitude North or South where the Slaves were taken on board, or how many days the Slaves had been embarked, or had been at Sea, previous to capture; could not tell why they were so far to the Northward; stated that a Spanish Vessel took from them a part of their beans, corn, and farinha; went straight to Molembo; did not purchase provisions there, but after leaving Molembo they came close to the Bight of Benin to purchase beans, &c. there being none at Molembo.

Louis Ferrara, a seaman belonging to this Vessel, in his examination, stated, that the Vessel touched at Elmina for water, at Popoe for wood, at Onim to land the whole of the tobacco, and at Molembo to deliver the remainder of the cargo; that the whole of the Slaves were taken on board at Molembo.

An Affidavit of 3 of the Slaves, found on board of this Vessel, was produced on the part of the Captors, (the men having been sworn before the Registrar, according to the custom of their Country, to speak the truth,) which stated, that they were all sold at a Place called Aco to the Master of the *Bom Jesus dos Navegantes*; that Aco is a Town in the middle of a large Lake, fresh in the rainy season, and salt in the dry season; that they were first put into Coromantin or Fantee Canoes, manned by Fantee men, then into a Sloop Boat, which carried them across the bar, where the surf was great and the water broke very heavy, to the *Bom Jesus dos Navegantes*; that they never saw land from the time the Vessel sailed until after she was captured, and that they were only 5 days on board before the capture took place.

Six more of the Slaves were examined upon Special Interrogatories put by order of the Court; they all state that they were embarked at a Place called Aco, and that they were only 5 days on board previous to the capture of the Vessel.

The Court having duly considered the fact of this Vessel being found so far to the Northward of the Equator, the prevaricating testimony of the Master and two other Witnesses, with the pretence of not knowing the Latitude of Molembo, from whence the Slaves were taken on board, the proof afforded by the Log-books, and the concurring testimony of the Slaves, did not hesitate to pass Sentence of Condemnation of the Vessel, and decree the Emancipation of the Slaves, on the 14th of September, 1825.

GEO. RENDALL.

No. 34.—George Rendall, Esq. to Mr. Secretary Canning.—
(Received June 2, 1826.)

SIR,

Sierra Leone, November 21, 1825.

I HAVE the honour to enclose, for your information, the Report of the Case of the Brazilian Schooner *Uniao*, Jozé Ramos Gomis, Master, sent into this Harbour for Adjudication on the 21st of October last, having been detained on the 9th of the previous month by His Majesty's Ship *Atholl*, commanded by Captain James Arthur Murray, (His Majesty's Ships *Esk* and *Redwing* in Company,) having on board 361 Slaves, all of whom were stated by the Master and Mate to have been taken on board from the River Lagos, and 112 of whom died on their passage up to this place.

The proof of illicit Slave-trade being so clear, (Lagos lying in about Latitude 6. 10. North,) the Court passed Sentence of Condem-

nation on the Vessel, and decreed the Emancipation of the surviving Slaves, on the 4th of November, 1825.

I have, &c.

The Right Hon. George Canning.

GEO. RENDALL.

(*Enclosure.*)—*Report of the Case of the Brazilian Schooner Uniao, Jozé Ramos Gomis, Master.*

THIS Vessel arrived in the Harbour of Freetown, on the 21st of October, 1825, with 249 Slaves on board, consisting of 138 men, 25 women, 53 boys, and 33 girls; 112 having died since Capture, on the passage up to this Port, as stated in the Affidavit of Mr. Rowe, Prize-master, who deposes that they died principally from small-pox and dysentery; that no Surgeon was on board, but that the greatest care was taken of them. Mr. Shower, the Surgeon attached to the Mixed Commissions, visited the Vessel immediately on her arrival, and reported 11 cases of small-pox, and several of dysentery, then remaining. It was deemed expedient to place the Vessel under Quarantine Regulations, and precautionary measures were taken in the landing of the Slaves, by which all contagion was happily avoided. On the same day the Ship's Papers were brought into Court, duly authenticated, with the Declaration of Captain J. A. Murray, of His Majesty's Ship *Atholl*. A Monition was issued on the 22nd of October, calling upon all Persons having, or pretending to have, any right or interest in the *Uniao* and Slaves, to appear and make claim, which was returned on the 31st of October, certified as having been duly served.

By the Royal Passport, No. 16, dated at Bahia, the 14th of July, 1825, it appears that the *Uniao* is of the burthen of 118 tons, and therefore authorized to carry any number of Slaves not exceeding 295 at one time; that Vincente de Paulo e Silva was the Owner, and that she was bound to the Ports of Molembo, from whence she was to return to any of the Ports of the Empire.

Captain Murray's Declaration states, that, on the 9th of September, 1825, being in or about Latitude 2. 33. North, Longitude 4. 17. East, he detained (His Majesty's Ships *Esk* and *Redwing* in company,) the Schooner *Uniao*, sailing under Brazilian Colours, armed with 2 guns, 6-pounders, commanded by Joseph Gomez, who declared her to be bound from Lagos to Bahia, with a Crew consisting of 24 men and 1 boy, having on board 361 Slaves, said to have been taken on board at Lagos, on the 1st of September, viz.: 217 men, 30 women, 80 boys, and 33 girls.

The Master, Jozé Ramos Gomis, deposeth, that 364 Slaves were taken on board the *Uniao* during the voyage, all of whom were shipped at the River Lagos. The Vessel was captured near Princes Island. The Mate, Jozé da Rosa, in his Deposition, gives the same evidence. The Case of illicit Slave-traffick being thus cleared proved, (the River Lagos being in about Latitude 6. 10. North,) the Court passed Sentence of

Condemnation on the Vessel, and decreed the Emancipation of the Slaves, upon the 4th day of November, 1825.

GEO. RENDALL.

No. 35.—*George Rendall, Esq. to Mr. Secy. Canning.*—(Rec. June 2.)

SIR,

Sierra Leone, January 10, 1826.

I HAVE the honour to enclose, for your information, a Report of the Case of the Brazilian Brig *Paqueta de Bahia*, Bento Francisco de Carvalho, Master, detained by His Majesty's Brig *Swinger*, J. C. Giles, Acting Lieutenant, Commander, off Accra, on the 22d of November, 1825, with 386 Slaves on board, all of whom, the Master stated, were shipped at Whydah. The Court passed Sentence of Condemnation of the Vessel, on the 10th of January, 1826, and decreed the Emancipation of the Slaves.

I have, &c.

The Right Hon. George Canning.

GEO. RENDALL.

(*Enclosure.*)—*Report of the Case of the Brazilian Brig Paqueta de Bahia, Bento Francisco de Carvalho, Master.*

THIS Vessel arrived in Sierra Leone Harbour, on the 23d day of December, 1825, with 385 Slaves on board, consisting of 145 men, 97 women, 79 boys, and 64 girls.

On the same day Mr. Burnett, the Prize Master, brought into the Registry the Declaration of the Captors, and deposed, that he boarded the Brig *Paqueta de Bahia*, but found no Papers, the same having been taken by the Spanish Schooner *Matilda*, John Segrera, Master, as appears by a Certificate, signed by the Master and Mate of the said Brig, and annexed to Mr. Burnett's Deposition.

The Declaration of the Captor states, that His Majesty's Brig *Swinger*, J. C. Giles, Acting Lieut. Commander, detained the Brazilian Brig *Paqueta de Bahia*, on the 22d of November, 1825, in Latitude 5. 15. North, and Longitude 0. 30 East, commanded by Bento Francisco de Carvalho, with 386 Slaves on board, shipped at Whydah.

The Master, in answer to the Standing Interrogatories, deposed, that Manoel Joaquim de Almeida, the Supercargo, gave him the command of the Vessel at Molembo, about eight months ago. She sailed under Brazilian Colours; the name of the Vessel is the *Paqueta de Bahia*, is about 200 tons burthen, the present voyage began at Bahia, and was to have ended there, it was the last clearing Port sailed from; the Vessel anchored at Lagos and Molembo during the voyage, in which she was taken, and took on board at Molembo 388 Slaves, of which he was plundered by the Spanish Schooner *Matilda*, as also of his Ship's Papers, on his way from Molembo to Bahia. He then went to Whydah, where he took on board the present Cargo; that Joao Victa Moreira and Manoel Jozé de Maghalaens, were the Owners of the said Vessel; Francisco Felis de Sousa is the Lader of the Slaves

on board, Joao Victa Moreira, Manoel Jozé de Maghalaens, himself, the first Pilot, and some of the Passengers, are the Owners and Consignees of them ; says 387 Slaves were taken on board, all of them at Whydah, 1 died previous to capture, and 1 since ; he ordered the remaining Ship's Papers to be thrown overboard, when the Man-of-war's Boats were about to board the Vessel.

Braz Riberio de Moreira, the Doctor belonging to this Vessel, in his Answers to the Standing Interrogatories, confirmed the material points of the Master's evidence.

The case of illicit Traffick being thus clearly proved, and no Claim having been made, the Court passed Sentence of Condemnation of the Vessel, and decreed the Emancipation of the Slaves, on the 10th of January, 1826.

GEO. RENDALL.

No. 36.—His Majesty's Commr. to Mr. Secy. Canning.—(Rec. June 2.)
(Extract.) *Sierra Leone, March 21, 1826.*

WE have been honoured with your Despatch of the 5th December last, with Copy of a Note from the Marquis Palmella, announcing that His Most Faithful Majesty had judged it proper to remove M. Altavilla from the Office of Commissary Judge in the Mixed Court of Commission established at this Place.

The Letter addressed to M. Altavilla by M. de Palmella, and which accompanied the said Despatch, was delivered into the hands of M. Altavilla on the 10th of February, the day on which it was received.

We have been careful, Sir, in adopting such measures, conformably to the Stipulations of the Convention, so that the Service, with which the Commission is entrusted, will not suffer from the recall of M. Altavilla.

J. T. WILLIAMS.

The Right Hon. George Canning.

GEO. RENDALL.

No. 37.—His Majesty's Commr. to Mr. Secy. Canning.—(Rec. June 2.)
SIR, *Sierra Leone, March 21, 1826.*

WE have the honour to acknowledge the receipt, on the 15th of last Month, of your Despatch of the 12th of January last, with its several Enclosures, transmitted for our information and guidance, being 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, to grant permission to Slave-vessels to touch at other Ports and Places than those which, by Treaty, they are allowed to enter.

These Documents are very gratifying to us, as they tend to lighten in a considerable degree the difficulties that we might feel in the Adjudication of Vessels detained for trafficking in Slaves, and sailing under the Brazilian Flag.

In a Case which is not yet decided, but which is now occupying the attention of the Court, and on which we shall have the honour to report to you in a few days, one of the grounds on which the Claimant founds his Claim, is the circumstance of the Brazils having been recognized as an Independent State, or Kingdom, by Portugal.

We hope soon to have the satisfaction to learn that the Lords Commissioners of the Admiralty, will have issued Instructions to the Officers of His Majesty's Squadron on this Coast, in accordance with the application from your Department, because we are convinced their tendency will be most materially to cripple the facilities of the Parties interested in the furtherance of this most abominable Traffick.

We have the honour to be, &c.
The Right Hon. George Canning.

J. T. WILLIAMS.
 GEO. RENDALL.

No. 38.—*His Majesty's Comm^r. to Mr. Sec^y. Canning.*—(Rec. June 2.)
 SIR, *Sierra Leone, March 21, 1826.*

WE have had the honour to receive your Despatch of the 13th January, with its Enclosures, being Copies of a Correspondence which has passed between yourself and His Majesty's Consul at Bahia, on the subject of Charters which had been offered to English Vessels, to proceed from that Port to Places in Africa, North of the Line. We return thanks to you, Sir, for this communication.

As the name of the Brig, *George and James*, appears in Mr. Consul Pennell's Despatch of the 5th of November, 1825, it may not be considered irrelevant to make a few observations regarding this Vessel, inasmuch as they will tend to shew how just is the view which was taken as to the object of the Parties who employed her.

A person of the name of Dollond, came out to the Coast of Africa as Master of the *George and James*, then the property, or said to be so, of Matthew Foster and Co. of London; he proceeded to Whydah, and there sold the Vessel to a Mr. Ramsay, who was his first Mate. Ramsay takes her to the Brazils, ships the Cargo stated in Mr. Consul Pennell's Letter, and proceeds back again to Whydah, where a considerable portion of such Cargo was distributed to several Vessels, which were, on that part of the Coast, trading for Slaves.

It is supposed that De Souza, the notorious Portuguese Slave-trader, who for so many Years has resided at Whydah and its vicinity, was the real Owner; that he furnished Ramsay with the dollars with which the Vessel was purchased, and that in reality, he (Ramsay) was only the nominal Owner, placed in command of her by De Souza, to protect his property by giving a false colour to the transaction. Ramsay died shortly after the return from Brazil. The Vessel was taken by His Majesty's Ship *Atholl*, at, or off, Whydah, brought to Sierra Leone, tried under the Consolidated Slave-trade Abolition Act, in the

Court of Vice Admiralty, and condemned under the 4th Section of the said Act, the 17th day of October, 1825.

We have the honour to be, &c.
The Right Hon. George Canning.

J. T. WILLIAMS.
 GEO. RENDALL.

No. 39.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. June 2.)
 (Extract.) *Sierra Leone, March 25, 1826.*

We have the honour to send you, enclosed, a Report of the Case of the Brazilian Brigantine, *Sam Joao Segunda Rosalia*, Amara Jose da Silva, Master, captured by His Majesty's Ship *Atholl*, Captain James Arthur Murray, on the 28th of November, 1825, in Latitude 3. 31. N. Longitude 0. 54. E. having on board 258 Slaves.

This Vessel arrived at Sierra Leone the 9th February, and was tried and condemned in the British and Portuguese Court of Mixed Commission on the 21st instant.

Captain Murray, in his Declaration, states, that the Master acknowledged the Slaves to have been shipped at Lagos. This Man, unfortunately, died previous to the arrival of the Vessel here. The Examinations, however, of some of the most intelligent of the Slaves, proved satisfactorily, that Lagos was the Place from whence they were shipped. For more minute particulars we beg to refer you to the Report.

It is distressing to us to have again to observe, that a system of the grossest perjury prevails to a great extent, in the evidence given by many of the Parties concerned in slave transactions, who are examined on the Standing Interrogatories. We feel this to be a most serious evil, and should be most desirous to check its progress, were we satisfied as to the extent of our power to do so.

The Right Hon. George Canning.

J. T. WILLIAMS.

(Enclosure.)—*Report of the Case of the Brazilian Brigantine, Sam Joao Segunda Rosalia, Amara Jose da Silva, Master.*

THIS Vessel was detained by His Majesty's Ship *Atholl*, Captain James Arthur Murray, on the 28th day of November, 1825, who, in his Declaration, states, that, being in or about Latitude 3. 31. North, Longitude 0. 54. East, he detained the Brigantine *Sam Joao Segunda Rosalia*, sailing under Brazilian Colours, commanded by Amara Jose da Silva, who declared her to be bound from Lagos to Bahia, with a Crew consisting of 18 men, 3 boys, and 3 passengers, and having on board 260 Slaves, said to have been taken on board at Lagos.

This Vessel arrived here on the 9th February, after an unusually protracted passage of 65 days, when scarcely a hope of her safety remained, and it was dreaded that she had shared the same fate as the

unfortunate *Teresa*. During this time, 72 of the miserable Beings on board died, principally, as is stated in an Affidavit of Mr. Richard Musgrove, the Midshipman in charge, "from want of food, the said Vessel being only provisioned for 30 days, and that, after the greater part of the provisions were out, they were put on an allowance of $\frac{1}{2}$ a pint of farina, and $\frac{1}{4}$ of a pint of water per day."

A Monition was prayed for and granted on the 9th February, and, on the same day, a Petition was made to the Court, to be allowed to land the Slaves, in consequence of their being much reduced by famine and sickness, which was immediately acceded to, the Court feeling most anxious to relieve, as far as lay in its power, the wretched sufferers,—and most miserable indeed was the spectacle that presented itself on their being landed.

It appears that this Vessel cleared from Bahia for Molembo on a trading voyage for Slaves, and her Passport is dated the 6th of May, 1825. In this Document it is stated, that "the said Amara Joseph da Silva, Master, and Emanuel Francisco Moreira, Owner, of the said Vessel, are under an obligation to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted,"—yet, on the 23d of July, 1825, she was boarded by the Boats of His Majesty's Ship *Atholl*, at Lagos, trading—and also by the Boats of His Majesty's Ship *Maidstone*, on the 6th of October, 1825, at the same place; as appears by the Indorsements of the Boarding Officers, on the back of the said Passport.

No Log was found on board at the time of capture; but it appears by the Declaration of the Captor, that the Master, Da Silva, acknowledged the Vessel was bound from Lagos to Bahia. This person died on the passage to Sierra Leone, otherwise there is just ground for believing, that more particulars of the proceeding in this illicit voyage would have been elicited.

The first Pilot and Supercargo, Prudencio Vidal de Albuquerque Vianna, and Manoel Gonsalves Coelho, Boatswain, being examined, on the usual Interrogatories, declare, that the voyage commenced at Bahia for Molembo, and that the Brigantine went to Lagos to repair a leak she had sprung, and during her stay there, some trade was carried on by exchanging tobacco for cloths, for the Molembo Market; from which Place she went direct to Molembo, in South Latitude, where the Cargo of Slaves on board was shipped from the Shore. Prudencio Vidal de Albuquerque Vianna also declared, that, after leaving Molembo, both the Master and himself were attacked with fever, and were confined to their beds; the Second Mate, (the above-named Manoel Gonsalves Coelho,) then took charge of the Vessel, and he knew nothing about Navigation. The day before the Vessel was taken, was the first day he had been able to go on deck—and then, for the first time, he took an observation, and found

the Vessel was in 3 North Latitude, having then been out 14 days, without any other proof of such being the fact than their own unsupported declarations. Under these circumstances, 6 of the most intelligent Slaves taken on board were examined, and they all declared, they were shipped at "Eco," which is the Native name for Lagos;—one more intelligent than the rest, named Dalla, declared, "that, the name of the Place where he was shipped on board the aforesaid Brigantine, 'is Eco.' Eco is 9 days march from Benin; knows Badaggery, and it is 5 days march from Eco; that Eco is between Badaggery and Benin; saw the Ship by which the Brigantine was taken, on the 7th day after leaving Eco, and they were captured on the 9th day.—The whole of the Slaves on board the captured Brigantine, were taken on board at Eco, and they were all shipped in one day; he also states, he lived at Eco (Lagos) 3 Years; and has been at Badaggery, from 'Eco,' which he knows well."

Prudencio Vidal de Albuquerque Vianna, being again examined as to the Latitude and Longitude of Molembo, that he stated that the Slaves were shipped on board at, declared it to be in 5. 30. South and 13 East of the meridian of London, *but contumaciously refused to point out the place upon the Chart.* That this individual most grossly perjured himself is beyond doubt. This practice, which is much to be regretted, seems too frequently to obtain.

After having fully considered this Case, and taking into view that part of the Treaty which states, that "the proof of the legality of the voyage shall rest with the Claimants of Vessels, when taken to the Northward of the Line;" and no such proof being exhibited, the suspicious circumstance of no Log being on board, to account for the Vessel's course and proceedings, together with the Declarations of the Slaves, which left not a doubt as to the Place of shipment:

The Court condemned the said Brigantine as lawful Prize, and as taken in such illicit Traffick by His Majesty's Ship *Atholl*, Captain J. A. Murray, and pronounced 258 Slaves to have been taken on board at the time of capture, and emancipated the survivors, amounting in number to 186,—72 having died before adjudication.

J. T. WILLIAMS.

GEO. RENDALL.

Sierra Leone, March 25, 1826.

No. 40.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. Sept. 2.)
SIR,

Sierra Leone, June 10, 1826.

WE have the honour to enclose an Abstract of the Case of the Sloop *Esperança*, Joaõ Babtiste Lopes. This Vessel, the burthen of which is only 40 tons, was furnished with an Imperial Passport, authorizing her to proceed from Pernambuco to Molembo, for a Cargo of Slaves.

She was detained in the River Benin on the 4th of March, by His Majesty's Ship *Esk*, Captain William Jardine Purchas, and sent here for Adjudication.

On the 8th of June, she was condemned in the British and Portuguese Court of Mixed Commission:—for the particulars, we beg your reference to the Report. We have, &c.

J. T. WILLIAMS.

The Right Hon. George Canning.

D. M. HAMILTON.

(*Enclosure.*)—*Report in the Case of the Sloop Esperança, Joao Baptiste Lopes, Master, sailing under Brazilian Colours.*

THIS Vessel was detained by His Majesty's Ship *Esk*, William Jardine Purchas, Esq. Commander, on the 4th of March last, in Latitude 5. 43. North, Longitude 5. 25. East, and arrived in this Harbour on the 3d of May.

On the following day (the 4th) the Papers in this Case were delivered into the Registry by the Prize-Master, Mr. George Herbert, a Midshipman of His Majesty's Ship *Esk*, who, in his Affidavit, declares, that the said Papers were received by Captain Purchas from the first Pilot of the *Esperança*. On the same day, the Court was petitioned that a Monition might issue, the prayer of which was granted.

On the 8th, an Affidavit of Mr. Richard Borough Crawford, Admiralty Mate of the *Esk*, was filed, accounting for the absence of the Master of the *Esperança*. He deposed, that, being in a Boat of His Majesty's said Ship, he boarded the said Sloop in the River Benin, and found her in charge of Jozé Carneiro dos Santos, first Pilot, who informed the Deponent that the Master, Joao Baptiste Lopes, was on shore at a place called Gato, purchasing Slaves.

The Captor, in his Declaration, sets forth, that he detained the Sloop *Esperança*, under Brazilian Colours, on the 4th of March, 1826, being then at anchor in the River Benin, commanded by Jozé Baptiste Lopes, but who was then absent from the said Sloop; that Jozé Carneiro dos Santos, the Pilot, stated to him, the Declarer, that the intended destination of the *Esperança* was from Benin to Pernambuco; and further declared, that 36 Slaves were landed from the Sloop, when the Boats of His Majesty's Ship hove in sight. The Declaration also states, that 4 Slaves were intercepted in the attempt of the Sloop's Boat to land them, and brought back to her.

The Monition was returned into the Registry, certified as having been duly served, on the 22d.

On the 8th of June, the Case was adjudicated.

The acknowledgment of Jozé Carneiro dos Santos, the Pilot, in his examination, of the illegal pursuit in which this Vessel was employed; a similar statement made by the Cabin-boy, Manuel Joaquim de Brito; and the fact of her having been found actually engaged in

the Traffick in Slaves on a part of the Coast of Africa, where the Slave-trade is not permitted to the Subjects of the Emperor of Brazil, being clear and manifest; the Commissioners without hesitation, condemned her as lawful Prize to the respective Governments.

Sentence of Condemnation was accordingly passed against her, and the Slaves, 4 in number, were decreed to be emancipated.

J. T. WILLIAMS.

D. M. HAMILTON.

Sierra Leone, June 10, 1826.

No. 41.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. Sept. 2.)
SIR, Sierra Leone, June 10, 1826.

WE have the honour to transmit with this Despatch, for your information, a Report of our Decision in the case of the Brazilian Brigantine *Netuno*, Jozé Claudio Gomes, Master.

This Vessel was detained in the River Benin, on the 4th of March, and her condemnation was decreed, and her Slaves emancipated, on the 8th instant.

In a late Despatch we acquainted you that the *Netuno*, on her passage to Sierra Leone, had fallen in with, and, being obstructed, had engaged a Brig under the Spanish Flag.

In conformity with the intention we then expressed, we made particular enquiry into the circumstances of this affair; and, in order, Sir, to put you in full possession of the facts, we deem it the better method to enclose Copy of a Memorandum which was made, at our request, by Mr. Crawford the Prize Master, and which contains, in addition to the detail, a particular description of the Brig.

We certainly think that this young Officer deserves much credit for his cool and determined conduct on this occasion, particularly when the very small number of which his crew consisted, and the manner in which the Schooner was armed, as contrasted with the Pirate, be considered.

The escape was most fortunate; for had they succeeded in the detention, the consequence, in all probability, would have been most disastrous.

One shot from the Brig penetrated the hull of the *Netuno*, and killed one unfortunate female Slave in the hold.

We have the honour to be, &c.

J. T. WILLIAMS.

The Right Hon. George Canning.

D. M. HAMILTON.

(Enclosure 1.)—*Report of the Case of the Brigantine Netuno, Jozé Claudio Gomes, Master, sailing under Brazilian Colours.*

THIS Vessel arrived in the River Sierra Leone on the 5th of May, under charge of Mr. Richard Borough Crawford, Admiralty-Mate of His Majesty's Ship *Esk*, having on board, according to the Marshal's Report, 84 Slaves. On the following day (the 6th) the Papers were

filed in Court, and on the same day a Monition was prayed and granted.

The Declaration of William Jardine Purchas, Esq. Commander of His Majesty's Ship-of-War *Esk*, sets forth, that, on the 4th day of March 1826, he detained, in the River Benin, the Brigantine *Netuno*, (being at anchor there under Brazilian Colours,) Jozé Claudio Gomes, Master, who declared that the said Brigantine was bound from the River Benin to Pernambuco.

The Captor further declares, that, when the said Vessel was boarded, 72 Slaves were found on board of her; and he further states, that the Brigantine was supplied with provisions and water for 50 days, for the Negroes and Crew for the intended voyage.

The Declaration also states, that, on the appearance of the Boats of the *Esk*, a number of Slaves in Canoes and in Boats were landed from the *Netuno*; that one of the Boats so employed was intercepted in attempting to land, and brought back to the Brigantine; the Boat contained 20 Negroes, viz: 1 woman, and 19 boys and girls.

It is also set forth in the Declaration, that a statement was made to the Captor by the afore-named Jozé Claudio Gomes, that the number of Slaves on board the Brigantine, when the Boats of the *Esk* hove in sight, amounted to 150—58 of whom they succeeded in landing.

On the 8th, an Affidavit of Mr. Richard Borough Crawford, the Officer in charge, was made and filed, setting forth that 7 of the Slaves had died on the passage, and that 1 had been killed in the hold of the said Vessel on the 20th of March, (being then in Latitude 0. 5. North, Longitude 1. 2. East) by a shot from a Vessel, which is designated in the Affidavit as a piratical Brig.

The Monition was returned as duly served on the 22d, and the 29th of May was appointed for the Adjudication of the Case, but the indisposition of His Majesty's Commissioner caused it to be delayed until the 8th of June, when it took place.

Jozé Claudio Gomes, Master of the Brigantine *Netuno*, in his examination upon the Interrogatories, deposed, that Francis Jacinto Pereira, a resident of Pernambuco, is the Owner of the *Netuno*, that she was provided with an Imperial Passport to carry Slaves to Molembo (under the usual restrictions and conditions;) that he proceeded from Pernambuco to the River Benin, which was the only Place where he anchored during the voyage in which he was taken. Francisco Pereira, the Deponent himself, the Pilot, and the Boatswain, were the Owners of the Slaves. Himself had 10 Slaves, the Pilot 3 and the Boatswain 2. They were all taken on board from the Shore at Bohee, in the River Benin. 158 Slaves were taken on board from the commencement of trading until the appearance of the Boats of the capturing Ship. When they were found to be approaching, the Natives of Bohee came off in

their Canoes, and took as many of the Slaves out of the Brigantine as they could, but he knew not how many.

The testimony of Francisco Antonio Gomes, Cabin Boy, and Pedro Jozé Gomes, Cook, confirmed, in most particulars, the previous statement.

The Slaves on board the Brigantine *Netuno*, being thus acknowledged to have been shipped in the River Benin, to the Northward of the Equator, the fact of illicit Traffick was manifest.

Sentence of Condemnation was accordingly passed against her, and her Slaves were decreed to be emancipated. His Majesty's Commissioners decided the number taken to be 92.

J. T. WILLIAMS.

Sierra Leone, June 10, 1826.

D. M. HAMILTON.

(Enclosure 2.)—*Brazilian Vessel Netuno, of 75 Tons.*

(Memo.)

Sierra Leone, May 11, 1826.

The *Netuno* was detained by the Boats of His Majesty's Ship *Esk*, in the River Formosa, on the 4th, and sailed from thence on the 6th of March, in company with the Brazilian Sloop *Esperanza*, captured at the same time.

Sloop parted company in the night, in consequence of her superiority in sailing.

Contrary winds endeavouring to get to the westward till March 20, when at 3 P. M. in Latitude 1. 31. North, and Longitude 1. 31. East, by account, observed a Vessel in the S. E., standing towards us under all sail; 3. 50., Stranger fired 2 guns, prize hoisted an English Ensign; 4., Brig S. E. 2 miles, thought she was a Man of War. At 4. 50. Stranger 1 mile, tacked, stood towards her and shortened sail: at 5. observed Stranger shorten sail, and that she was not an English Man of War.

At 5. 10. filled, and in hoisting fore-top-mast studding sail, Stranger fired at us, then no Colours flying, but immediately after hoisted French Ensign and Pendant, beat retreat with drum, and lowered 5 ports a-side, hove to for her a second time; Stranger, when within 40 or 50 yards, hove to, (used a Boatswain's call,) hailed Prize in English, and lowered a Boat.

At 5. 20. P. M. Boat came alongside with the Captain and 4 men, who asked whether we had Slaves? also several other questions in Spanish and broken English. The Captain could not speak French, and on my remarking it to an English Interpreter, one of his Boat's-crew, at the same time observing that Brig was not a French Man-of-War, he replied that she was, but that the Captain was a Spaniard; and on my further interrogating him, the Captain, who had previously used threatening language, both Spanish and English, repeatedly ordered me into his Boat, with Papers, &c. &c. I, as often pointing to the En-

sign, told him, Vessel was prize to an English Man-of-War, that I had no Papers for him, neither would I go into his Boat, adding again that she was not a French Man-of-War, and that he himself was a Spaniard. He, in a menacing manner and tone, said, I am a Spaniard from The Havannah, Brig *Carolina*; into the Boat immediately; pronto, pronto, &c. &c., and concluded by ordering me to be silent, and his men to board: I dared them at their peril, told them to remain, and that the Papers should be produced. Now seeing the necessity of acting promptly, knowing with whom I had to deal, and resolving not tamely to give up my charge, I brought a brace of pistols, the only small arms in Prize, and supplied by the *Esk*, and three distinct times asked the Captain and Interpreter whether he still remained determined to have me in his Boat, with my Papers, &c. and finding him increase in abuse and threatening language, I shot the Captain and Bowman, and made the remainder of Boat's crew jump overboard; holding by the gunwale they regained their Boat, and pulled to their Vessel.

The Pirate commenced firing 5 guns in the broadside, round and grape, returned by the Prize within from 30 to 50 yards, with one 6 pounder carronade, round shot and cannister, from 5. 30. till 7. 15 P. M. when, observed Pirate's Crew leave their guns and retreat forward; fired amongst them, Pirate ceased firing and hauled her wind; her gang-way ports in one, and part of fore-castle bulwark knocked down; we had at this time only 4 cartridges left.

The *Netuno's* Crew are 6 in number, she is armed with 2 6-pound carronades, 1 brace of ships' pistols, and 6 Slave cutlasses; she has sustained considerable damage in sails and rigging, main-gaff wounded, trysail gaff shot away; also tack of fore-topsail, 1 shot between wind and water.

The Slaves, 92 in number, were below during the contest, and fortunately escaped with only 1 woman killed, and 1 girl wounded.

The Pirate brig is pierced for 20, and mounts 10 guns, has a top-gallant fore-castle, is painted with 2 white streaks to a billet head; ports true up, the inside of which are painted red, a large Boat on booms, covered with tarpauling awning, and, from the noise and confusion during the contest, must have had a cargo of Slaves.

R. B. CRAWFORD, Prize Master.
Admiralty Mate, His Majesty's Ship *Esk*.

No. 42.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. Sept. 2.)
SIR,

Sierra Leone, June 10, 1826.

WE have the honour to enclose the Report of the Case of the Brazilian Brig *Activo*.—This Vessel was seized by His Majesty's Ship *Atholl*, Captain James A. Murray, on the 1st of February last, in Latitude 4. 24. South of the Equator, and Longitude 9. 37. West of

London, and brought into this Port for Adjudication, on the 17th of the same Month, with 164 Slaves on board. Condemnation of the Vessel and Emancipation of the Slaves was prayed in the British and Portuguese Court of Mixed Commission, on the plea of her having carried on an illicit Traffick in Slaves to the North of the Equator, which plea was fully substantiated by proof, but it was acknowledged by the Captors that she was seized to the South of the Equator; and it appearing to us a Case exactly similar to that of the *Sinceridade*, the principles of which have been so fully and ably investigated and reported on by our Predecessors, and whose Decision in that Case you were pleased to express your approbation of, we therefore decreed the restoration of the Vessel and Slaves, and referred it to the Registrar, to ascertain the amount of the costs, damages, and expences.

The Slaves in this Case quitted the Vessel a few days before the Adjudication took place; it has been reported to us, that they revolted against the Persons who were on board, and forcibly seized the Boats, and came on Shore, and they were taken possession of by Mr. Cole, the Collector of the Duties, on the part of the Colonial Government.

Mr. Lake, the Agent for the Captors, states, that he applied to Mr. Macaulay, the Acting Governor, on finding that the Colonial Government had taken possession of the Slaves, praying that they might be given up to him; upon which Mr. Macaulay observed, that no Slaves could be given up after being once landed in the Colony. It has, therefore, become a question now, whether the Captor should be adjudged to pay the value of those Slaves or not: the Proctor for the Claimant insists that the value of the Slaves must be awarded, because it was through the Captor's not taking reasonable precaution that they mutinied, and came on Shore. Mr. Macaulay having left the Colony for the Gambia, almost immediately after the revolt of these Slaves, we have had no communication with him on the subject. We shall not fail, Sir, as soon as this Case is finally closed, to make a further Report on it.

We have the honour to be, &c.

J. T. WILLIAMS.

The Right Hon. George Canning.

D. M. HAMILTON.

(Enclosure.)—*Report of the Case of the Activo, José Pinto de Araujo, Master.*

THIS Vessel, under Brazilian Colours, being on her voyage to Pernambuco from Badagry in the Bight of Benin, in Latitude 6. 20. North, and Longitude about 4. East, was captured on the 1st of February last, in Latitude 4. 24. South, and Longitude 9. 37. West, with 166 Slaves on board, by His Majesty's Ship *Atholl*, James A. Murray, Esq. Commander, and was sent to this Place for Adjudication, where she arrived on the 17th day of February following, with 164 of those Slaves; to wit—100 men, 20 women, 31 boys, and 13 girls, all in good

health, except 7 of them, who were suffering from wounds and diarrhœa; the Master, 2 Cooks, and a Boy of her Crew, were also sent in her. On the day following (the 18th) the Ship's Papers, an Affidavit of Lieutenant Stephens, the Prize Master, and the Declaration of Captain James Murray, were brought into the Court by Mr. Lake, for Mr. Macaulay, the Agent and Proctor for the Captors.

Among the Ship's Papers is a Royal Passport, (numbered 309,) dated at Pernambuco, the 17th of August 1825, granted to Jozé Carlos Marink da Silva Ferrao, President of the Province of Pernambuco for His Imperial Majesty.—It is stated in this Passport, "that the Vessel called *Activo*, is 149 tons burthen, and carries 15 men; that Jozé Pinto de Araujo is the Master, and that Antonio de Oliveira, Jozé A. de Oliveira and Co. are the Owners; that they are Brazilians, and Subjects of the Brazilian Empire; that she is bound for the Port of Molembo on the Coast of Africa, calling at Bahia and returning to Pernambuco; that the said Master and Owners are under an obligation to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of The Emperor of Brazil."

In this Declaration, Captain Murray states, "that, on this 1st day of February 1826, being in about Latitude 4. 24. South, and Longitude 9. 37. West, he detained the Brig named the *Activo*, sailing under Brazilian Colours, commanded by Jozé Pinto, who declared her to be bound from Molembo to Pernambuco, with a Crew consisting of 17 men, 2 boys, and 1 Supercargo, and having on board 166 Slaves, said to be taken on board at Lagos, previous to the 9th of January 1826." The words underscored were apparently written at another time, and with different ink to the other part of the Declaration. He further states, "that the said Vessel appeared to be sea-worthy, and was supplied with a sufficient stock of water and provisions for the support of the said Negroes and Crew for their destined Voyage to Pernambuco."

Lieutenant Stephens, in his Affidavit, deposes, "that, on the 1st day of February 1826, being in Latitude 4. 24. South, and Longitude 9. 57. West, they seized and detained the Ship or Vessel called the *Activo*, whereof Jozé Pinto de Araujo was Master," thereby corroborating on oath the Declaration of Captain Murray, that the Vessel was seized to the South of the Equator.

It was not till the 6th of March following, that Mr. Macaulay prayed the usual Monition, which was decreed, and issued on the 8th, two days afterwards; and, on the 10th of March, Antonio Jozé, the Cook, and Marcellina d'Almeira, were brought in by the Captors, and examined on the General Interrogatories, the Master being at that time too ill to attend to be examined. Antonio Jozé, the Cook, swore positively to the Slaves found on board being purchased and taken on board at Badagry, and although Marcellina d'Almeira did not positively depose the same thing, yet the inference drawn from his Examination left no

room to doubt but that was the case ; they both deposed to the *Activo* being a Brazilian Vessel, and under Brazilian Colours.

On the 13th of March, a Claim was given in by Mr. Savage, the Proctor of Jozé Pinto de Araujo, the Master, for Francisco Antonio, an inhabitant and native of Pernambuco, for the said Brig, her tackle, apparel, furniture, goods, wares, merchandize, and 166 Slaves, natives of Africa, and for the value of such Slaves as had departed this life since the capture, and for all costs, charges, losses, damages, demurrage, and expences that had arisen, or should arise, by means of the capture and detention of the said Brig and her cargo: and on the same day, and at the same time, Mr. Savage brought into Court the Affidavit of the said Jozé Pinto de Araujo, the Claimant, in which he deposes and saith, "that he is a Subject of His Majesty The Emperor of Brazil, and was Master of the said Brig at the time of the capture thereof by His Majesty's Ship *Atholl*, James A. Murray, Commander; that the said Brig was so captured on the 1st day of February last, in the prosecution of her voyage from Molembo on the Coast of Africa, to Pernambuco in The Brazils, with a cargo consisting of 166 Slaves, natives of Africa, and brought to Sierra Leone;" and he further saith, "that Francisco Antonio, of Pernambuco, a Subject of His Majesty The Emperor of the Brazils, was, at the time of the said capture, and now is, the true, lawful, and sole Owner and Proprietor of the said Brig *Activo*, her tackle, apparel, and furniture, and of the said cargo and Slaves on board the same;" and he further saith, "that by the Certificate and Declaration of the capturing Officer, the said Brig was not found to the North of the Equator, nor had she been chased from the North before being captured to the South;" and he further saith, "that the said Vessel and Cargo are further protected, from the circumstance of the Kingdom of The Brazils having been recognized as an Independent State or Kingdom by Portugal, through the mediation of Great Britain, and therefore, that the Slave-voyage on which the said Vessel was bound, was not an infringement of the Law of the New Empire, nor against the Law of Nations."

On the same day, the said Master, having recovered from his indisposition, was brought in by the Captors, and examined on the General Interrogatories. He deposed, "that Francisco Antonio de Oliveira, who lives at Pernambuco, was the sole Owner of the Brig at the time she was seized; that 183 Slaves were taken on board, from the time the trading for them commenced to the time of completing the cargo, and that they were all taken on board from the Shore at Molembo, in 5. 30. South, and about 13° East," (and he pointed out on the Chart 5. 30. South, and 11°. East, as the Place.)

On the 27th day of March, 6 of the Slaves were examined by order of the Court, whose testimony clearly established the fact of their having been shipped on board at or near Badagry.

On the same day, Mr. Savage brought in the Certificate given by Captain Murray, at the time of capture, to Jozé Pinto de Araujo, which states, "that on the 1st day of February 1826, being in about Latitude 4. 24. South, and Longitude 9. 57. West, he detained the Brig named the *Activo*, sailing under Brazilian Colours, commanded by Jozé Pinto, who declared her to be bound from Molembo to Pernambuco, with a Crew consisting of 17 men, 3 boys, and 1 Supercargo, and having on board 166 Slaves."

On the 12th of April, the Court heard the Parties in this Case. Mr Savage, for the Claimant, cited the Case of the *Sinceridade*, adjudicated in this Court in the Year 1823, and argued that the present Case was exactly similar in principle to that, and therefore the Vessel and Slaves must be restored as claimed, with costs and damages.

Mr. Lake, on the part of the Captors, stated nothing that had not before been strongly argued in the Case of the *Sinceridade*, reported in Class B, of Papers presented to both Houses of Parliament by Command of His Majesty, in 1824. He particularly insisted on the Treaty being entered into for the purpose of preventing illicit Traffick in Slaves; that the trading in Slaves to the North of the Equator was undoubtedly an illicit trading in Slaves, which was clearly proved to have been done in this Case; and that, therefore, by the spirit of the Treaty, the Vessel ought to be condemned, and her Slaves emancipated.

On the 9th of May, the Court proceeded to give Judgment, observing, that not the shadow of a doubt existed but that this Vessel had been engaged in an illicit Traffick in Slaves to the North of the Equator, the proof of which fact was extremely clear.

Her two Log-books most distinctly shewed, by the courses and distances entered in them, that she made the Coast of Africa in about 4. North Latitude.

An Endorsement of Captain Murray on the Royal Passport, uncontradicted by the Claimant, proved her to have been visited by that Officer in His Majesty's Ship *Atholl*, off Elmina, on the 11th of November, 1825, and to have been considerably out of the limits allowed by the Treaty, and specified in the Royal Passport, where she had permission to carry on a Traffick in Slaves. The Depositions of the Cook, with those of the Slaves, distinctly proved that the Slaves were shipped at Badagry, and the Deposition of Marcellina d'Almeira tended strongly to establish the same fact. The Master indeed not only asserted, but most positively deposed on oath the contrary, but the Court was sorry to observe that no credit whatever could be given to his testimony. His Proctor did not venture distinctly to aver that the Slaves were shipped on board at the real Molembo, which no doubt he would have done had there been any chance whatever of proving it. The Court therefore felt no hesitation in pronouncing that this Vessel had been engaged in the illicit Traffick in Slaves at Badagry, in

6. 20. North Latitude, contrary to the Convention between Great Britain and Portugal, of the 28th of July, 1817, and that it would be the duty of the Commissioners to decree Condemnation of the Vessel and Emancipation of the Slaves; did not the 4th Article of the Instructions intervene, a Copy of which Instructions are furnished to every British Ship of War employed to prevent the illicit Traffick in Slaves, and form an integral part of the said Convention. This Article states, "That no Portuguese Merchantman or Slave Ship shall, *on any pretence whatever*, be detained, which shall be found near the Land or on the High Seas, South of the Equator, unless after a chase that shall have commenced North of the Equator."

By the construction put by the Court on this Article in the Case of the *Sinceridade*, the right of visitation and search is limited on the part of the British to such Portuguese Vessels only as shall be found to the North of the Equator, or to the South thereof, in the event of a chase begun to the North. The fact that this Vessel was detained to the South of the Equator is acknowledged by the Captors. It is distinctly alleged by Captain Murray in his Declaration, and also in the Certificate he gave to the Master at the time of Capture, and is as distinctly sworn to by his Lieutenant; no mention by them is made of any chase began to the North of the Line.

The Claimant distinctly averred, that the Vessel had not been chased from the North before being captured to the South, which assertion was not attempted to be contradicted on the part of the Captors, and must, therefore, be taken to be true.

The Commissioners expressed their opinion that this Case did not differ from that of the *Sinceridade*, the principles of which had been so fully and ably investigated by the late Mr. Gregory and Mr. Fitzgerald.

The Vessel and Slaves were, therefore, decreed to be restored to the Claimant for the use of the Owner and Proprietor thereof, with costs, damages, and expences, and referred it to the Registrar, to ascertain the amount thereof, and report the same to the Commissioners.

J. T. WILLIAMS.

Sierra Leone, June 10, 1826.

D. M. HAMILTON.

No. 43.—*D. M. Hamilton, Esq. to Mr. Secy. Canning.*—(Rec. Oct. 17.)
(Extract.) *Sierra Leone, July 25, 1826.*

MR. WILLIAMS being too ill at present to attend to any business, I beg leave to enclose a Supplement of the Report of the Case of the Brazilian Brig *Activo*, Joze Pinto de Araujo, Master.

In the Letter of Mr. Williams and myself of the 10th ultimo, we had the honour to state, that the Slaves on board this Vessel having revolted and come on shore a few days before Adjudication took place, were seized by the Colonial Government, and that Mr. Macaulay, the Acting Governor, having refused to give them up, it became a question

whether the Captor should be adjudged to pay the value of those Slaves or not.

Upon mature consideration of all the circumstances of the Case, we came to the conclusion, that the Claimant ought to be paid the value of his Slaves, unless his having taken them on board to the North of the Equator should be considered a bar thereto, and we therefore thought the giving him a conditional Decree for their value, reserving the final decision of the Case for the British and Brazilian Governments, would be most equitable, and be a means of again drawing the attention of those Governments to the incongruity of the Convention in Cases similar to the present.

I beg leave to observe, that, prior to our proceeding to Judgment in this Case, we proposed to both Parties, for the purpose of securing the liberty of the Slaves, that they should enter into an Agreement similar to the one entered into by the Captor and Claimant in the Case of the *Sinceridade*; but without effect.

I beg leave further to observe, in consequence of so very considerable a time having intervened between the bringing the Case of this Vessel into Court and the final decision of the same, that, with the exception of the period from February 17th to March 6th last, while Mr. Rendall, the then Acting Commissioner of Arbitration, and Mr. Macaulay, the Captor's Agent, were attending the late General Turner on the Sherbro' Expedition, and of the period from April the 23d to May the 9th, during which I was confined to my house with severe illness, every exertion was made by the Court to bring the Case to a conclusion.

I conceive, Sir, I should be wanting in duty did I not state for your information, that this is the first Case that I am acquainted with of Slaves revolting in this Harbour, that have been brought therein for Adjudication, either in the Courts of Mixed Commission or in the Court of Vice-Admiralty.

The Right Hon. George Canning.

D. M. HAMILTON.

(Enclosure.)—*Supplemental Report of the Case of the Brig Activo, Jozé Pinto de Araujo, Master.*

On the 26th day of May, the Registrar finished his Report on this Case (A.) in which he gave it as his opinion that the Claimant was entitled to £55. for costs of suit; £256. 2s. 8d. for special damages and expences; £654. for demurrage; £9,983.15s. for the total loss of 166 Slaves; and £150. for 5 per Cent. on total of capital employed; making altogether the sum of £11,098. 17s. 8d.

On the 8th of June, Mr. Savage, the Claimant's Proctor, prayed the Court to award to the Claimant, the sums stated in the said Report to be due to him, for the unlawful seizure and detention of the said Vessel, and for the total loss of 163 Slaves.—Mr. Lake, the Proctor of

Captain Murray, the Captor, prayed the Court not to award the sum of £9,983. 15s. for the loss of the Slaves, inasmuch, as the said Slaves mutinied and rose upon the Crew in charge of the said Brig *Activo*, and forcibly made their way to the Shore; and were afterwards taken charge of by the Collector of Duties by the order of the Acting Governor.—The Court directed that the circumstances of the escape of the said Slaves from the said Brig should be more particularly detailed and brought before it, before it proceeded to make its award on the Registrar's Report; in pursuance of which, the Parties brought in and filed various Papers relative to the aforesaid circumstances, and on the 1st day of July the said Papers were read in Court, to wit—the Affidavit of Mr. Lake, the Captor's Proctor, (B.) wherein, among other matters, he deposeth and saith, "that, on or about the 4th day of April last, Lieutenant Robert Lee Stephens, of His Majesty's Ship *Atholl*, and Prize-Master on board the Brig *Activo*, received a written order from Captain William Fitz-William Owen, of His Majesty's Ship *Leven*, to leave the said Brig *Activo*, and proceed on board His Majesty's Ship *Romney*, for a passage to England, at the same time taking the Prize Crew on board His Majesty's Ship *Leven*.—That, in consequence thereof, this Deponent sent on board the said Brig *Activo*, 6 men to take charge of the Vessel and Slaves; that, on the 29th day of April last, this Deponent did consider it for the benefit of the Captors, to call upon the Proctor for the Claimant to take charge of the said Brig and Slaves, by forwarding to Claimant's Proctor the following Letter, to wit:—

SIR, (1.) *Water-Street, April 29, 1826.*

ON behalf of the Captors of the Brig *Activo*, Louis Pinto de Araujo, Master, I beg leave to deliver you up the said Brig and Slaves on board, and I beg you will let me know as soon as possible when you will take charge of her and the Slaves. An early answer will oblige.

I remain, &c.

J. D. LAKE, for Captors.

Wm. Henry Savage, Esq. Proctor for Claimants.

"That thereupon, and in answer thereto, Deponent received from Claimant's Proctor the following Letter, to wit:—

SIR, (2.) *April 29, 1826.*

IN reply to yours of this date, notifying on the part of the Captors, that you beg leave to deliver up the Portuguese Brig *Activo*, and the Slaves on board; I have to state that I shall as early as possible lay your Letter before the Judges of the Mixed Commission, but that until that Court restores, in form, the said Vessel and Slaves, the Claimant cannot interfere with her or consider himself responsible either for her safety or the custody of the Slaves.

I am, &c.

W. H. SAVAGE.

J. D. Lake, Esq. Proctor for Captors.

" That, on the same day, Deponent forwarded to Claimant's Proctor the following Letter, to wit:—

SIR, (3.) *Water-Street, April 29, 1826.*

I BEG leave to acquaint you, that, on behalf of the Captors, I am willing to enter into the same arrangement, as regards the Slaves on board the *Activo*, as was done in the recent Case of the *Sinceridade*, J. G. da Rocha, Master. I remain, &c.

Wm. H. Savage, Esq. J. D. LAKE.

" And received in Answer the following Letter and Enclosure, to wit:—

SIR, (4.) *April 29, 1826.*

I ENCLOSE you a Copy of a Letter I have just received from His Honour the Acting Governor.

And I beg to refer you to that part of the Regulations for the Mixed Commission, which directs 1s. to be paid for every day for each Slave on board, for the period the Vessel is detained, and to press on you to victual the said Slaves, (as I understand the Captors have for some time done,) as it is notorious that such victualling cannot here cost 1s. each.

If, however, you have any difficulty in so doing, I am willing immediately to sign with you a Petition to the Court to allow the Slaves to be landed, provided that such landing shall not affect the rights of the Claimant, and those otherwise concerned in them.

I have the honour to be, &c. W. H. SAVAGE.

J. D. Lake, Esq.

SIR, (5.) *Government House, April 29, 1826.*

MR. COLE, the Collector, having reported to me that there are no provisions on board the Brazilian Brig, for the Slaves; that, in consequence, they have become very riotous, and 21 of them have come on shore; I have to desire you will take immediate steps for supplying these unfortunate people with sufficient provisions. I am, &c.

W. H. Savage, Esq. K. MACAULAY, Acting Governor.

" That, during the said 29th and 30th days of April, and 1st day of May last, the said Slaves growing impatient at not being landed, and having, as this Deponent verily believes, been informed (by what means your Deponent knoweth not,) there was no likelihood of their being emancipated, did, by force and arms, escape from the said Brig *Activo*, and land in this Colony; that, on their landing in this Colony, they were immediately seized by the Acting Collector of Duties; that this Deponent applied personally to his Honour the Acting Governor for permission to replace the said Slaves on board the said Brig *Activo*, which permission his Honour the Acting Governor refused to grant, on the ground that they could not be dealt with as Slaves, being at large in this Colony; that this Deponent hath used all the diligence in his power to keep the said Slaves in the state they were brought in for Adjudication, and none of the said Slaves came on Shore with this Deponent's

sanction or knowledge, save and except 6 Slaves, who, after being examined by the Court were safely placed on board again. And further, that this Deponent, having given notice to the Claimant's Proctor, that he, on behalf of the Captors, declined proceeding any further in the said Cause, did discontinue, on the 29th day of April last, to provision the said Slaves." The Affidavit of William Henry Savage, Claimant's Proctor, (C.) corroborating so much of the Affidavit of Mr. Lake as relates to the Correspondence between Mr. Lake and him, was also read; also the Affidavit of Mr. Thomas Cole, Acting Collector of Duties, and Assistant Superintendent of Liberated Africans (D.) wherein he deposeth and saith, "that, on or about the 29th and following day of the month of April last, he, this Deponent, (whose Office is situated contiguous to the Sea,) saw a number of Black Persons in a Boat pulling from the said Brig towards the Publick Watering Place of this Colony, where they landed; and, whilst standing on the Beach, he, this Deponent, sent one of the Clerks employed in the Liberated African Department, to ascertain who and what they were, when he understood they had forcibly made their escape from the said Brig, where they had been confined without a sufficient quantity of food being issued for their subsistence; that shortly afterwards he, this Deponent, reported the circumstance to Mr. Reffell, the Colonial Secretary and Chief Superintendent of Liberated Africans, in the absence of his Honour the Acting Governor, (who had not reached Town from his Country residence,) who directed this Deponent to take charge of and safely keep the said Persons who had so escaped on shore; that on the Deponent afterwards waiting on his Honour the Acting Governor, with the Colonial Secretary, who reported what had been done in this Case, the said Deponent received a verbal order from his Honour the Acting Governor, to treat the said Persons who had thus escaped, and were then on shore, in the same light and manner as emancipated Negroes, and that, in consequence, the said Persons were so dealt with accordingly.

The Letter from the said Mr. Thomas Cole to the Registrar, (E.) stating the landing of the Slaves, and his taking charge of them, was also read; the Affidavits of George Springle, the Shipkeeper (F.) and Robert Leigh, his Assistant, (G.) were also read, setting forth the circumstances of the revolt and escape of the Slaves. The Affidavit and Petition of Joze Pinto de Araujo, (H.) stating that the Slaves had quitted the Vessel, was likewise read; and lastly, the Affidavit of Joze Pinto de Araujo and Furtunato Mina (I.) were read, who make oath and say, "That, at the time the said Brig was brought into this Harbour for Adjudication, by His Majesty's Ship of War *Atholl*, James Arthur Murray, Commander, the Deponents, one other African, and a lad, were all the Persons of the said Brig's original Crew on board as aforesaid, who were brought up in the said Brig; that the remainder of the Crew, that

is to say, the Pilot, Boatswain, Clerk, and 15 Sailors, were taken on board the *Atholl*, and Deponents believe left this Colony in the said Vessel, and that they never did again join the said Brig, after being taken out of her on the night of the day the said Vessel was so as aforesaid detained; that he, the said Master, was sick, without necessary provision, and did therefore come on shore as soon as possible after the arrival of the said Vessel in this Harbour, and more especially to be ready at all times to communicate with his Proctor relative to prosecuting the Claim for the said Vessel; and that he the said Master never had any command nor controul over the said Vessel or the Slaves on board, and that he was always obliged to conform to the Orders and Regulations of the Prize-Master until he came on shore. And the said Furtunato further says, that to his own personal knowledge, the Master nor any one of the Crew of the said Brig, had not any controul over the said Vessel and the Slaves on board after her arrival in this Port, nor since capture. And that this Deponent and another man alone continued always on board, the lad before-mentioned having quitted the Vessel soon after her arrival here, and the other man, an African, when the Slaves got on shore. And Deponents further say, that the means to controul the said Slaves were never in their possession or power, by reason of the Crew aforesaid having been taken away by the Capturing Vessel, and retained as part of her Crew."

Whereupon the Commissioners absolutely and unconditionally confirmed so much of the Registrar's Report, as he stated his opinion the Claimant was entitled to, for costs of suit and special damages and expences occasioned to the said Brig by detention; but, for the reasons set forth in the Decree, (K.) only conditionally confirmed the remainder of the said Report, that is to say, they only confirmed the same in the event of the British and Brazilian Governments agreeing and declaring that the same ought to be confirmed, according to the true intent and meaning of the Convention between Great Britain and Portugal for preventing illicit Traffick in Slaves, but not otherwise.

D. M. HAMILTON.

(A.)—*Registrar's Report of Costs, Damages, and Expences.*

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

WHEREAS by your Decree of the 9th day of May 1826, you pronounced the Brig *Activo*, Cargo and Slaves, to have belonged as claimed, and decreed the same to be restored to the Claimant for the use of the Owner and Proprietor thereof, with costs, damages, and expences, and referred the consideration of such costs, damages, and expences to your Registrar, and that he should report the amount thereof. Now I do most humbly report, that, having received an Account of the same brought in on behalf of the Claimant, and having taken the same, together with what was urged by the Agents of the Parties on both sides,

into consideration, I am of opinion that the Claimant is entitled, under your Decree, to the several sums mentioned in the Schedule hereunto annexed.

All which is humbly submitted by

May 26, 1826.

WM. SMITH, Registrar.

Schedule of Costs, Damages, and Expenses.

£	s.		£.	s.	d.	£.	s.	d.
55	0	Claimed as Costs of Suit						
		Allowed by agreement between both Parties.....	-	-	-	55	-	-
		FIRST, Special Damages and Expenses occasioned to the Brig by detention.						
25	0	Claimed for a Jolly-boat.						
		Allowed by Proctor for Captors to have been broken up by their orders. The boat is stated to have been at the time of detention in an unsound state, although she was used after Brig's arrival in this Harbour. I therefore allow the sum of £12. for this Claim—£18. being the lowest amount a Boat answering the same purpose could be purchased for here; the difference I deduct for wear and tear of the one destroyed.....	12	0	0	-	-	-
12	0	Claimed for caulking Brig's long Boat.						
		Allowed by agreement between both Parties.....	3	0	0	-	-	-
75	0	Claimed for a new cable of 12 inch, 80 fathoms long, and an anchor lost by the Captors, off the Island of Bannanas.						
		Allowed by agreement between both Parties.....	75	0	0	-	-	-
12	12	Claimed for 2 coils of new rope, on board at the time of detention, but now missing, and which do not appear to have been used for the Brig.....	12	12	0	-	-	-
8	8	Claimed for 2 bolts of canvass, 4 being on board at the time of detention, and 2 only now remaining.						
18	0	Claimed for 6 bolts of duck, used or made away with by the Captors.						
		The Proctor for Captors is not willing to allow the above 2 charges, but brings no proof that those articles were not on board at the time of Brig's detention; while the Proctor for Claimant produces in proof the Affidavits of the Master and Cook, the latter of whom swears he saw them cut up by the Captors. I therefore allow the sum charged, the canvass and duck being new.....	26	8	0	-	-	-
20	0	Claimed for 1 lower, 1 top-mast, and 1 top-gallant steering sails.						
		Allowed by agreement between both Parties, deduct-one third for new.....	13	6	8	-	-	-
4	6	Claimed for loss of log lines, fishing lines, twine to make and repair sails, and cotton twist.						
		Allowed by agreement between both Parties.....	3	16	0	-	-	-
3	0	Claimed for two muskets and 4 cutlasses.						
		I allow 20s. each for the muskets, and 2s. 6d. each for the cutlasses.....	2	10	0	-	-	-
Carried forward....£			148	12	8	55	0	0

£	s.		£	s.	d.	£	s.	d.
		Brought forward...	148	12	8	55	0	0
35	0	Claimed for casks supposed to have been burnt, as the hoops are still on board.						
		Allowed by agreement between both Parties	10	0	0	-	-	-
12	10	Claimed for 100 gallons of aquadente, used by the Captors, at 5s. per gallon.						
		Allowed by agreement between both Parties	6	5	0	-	-	-
2	10	Claimed for 15 gallons of vinegar used by the Captors.						
		Allowed by agreement between both Parties	2	10	0	-	-	-
8	0	Claimed for a cask of palm-oil used by the Slaves and others since detention.						
		Allowed by agreement between both Parties, 30 gallons at 2s. per gallon.....	3	0	0	-	-	-
6	5	Claimed for a cask of olive-oil (25 gallons) not now to be found on board.						
		Allowed by agreement between both Parties	4	0	0	-	-	-
10	0	Claimed for wooding and watering Brig for Sea.						
		Allowed by agreement between both Parties	10	0	0	-	-	-
30	0	Claimed for property belonging to the Master, which is stated to have been used, taken away, or destroyed by Captors.						
		I do not allow this charge, as I conceive the Master to have been very neglectful in almost abandoning the Brig, and thereby not taking due care of his own property.....	-	-	-	-	-	-
20	0	Claimed to replace cabin stores for Sea.....	20	0	0	-	-	-
60	0	Claimed for provisioning Brig for Sea.						
		Allowed by agreement between both Parties.....	50	0	0	-	-	-
1	15	Claimed for use of a Canoe, 7 days at 5s. per diem.						
		This charge is made in consequence of the Boat of the Brig being at present unserviceable—which I allow.....	1	15	0			
		SECONDLY,—				256	2	8
588	0	Claimed for demurrage, from the 1st of February to the 9th of May, 1826 (98 days at £6. per day) detained Brig being 149 tons burthen per Passport.						
		Allowed by agreement between both Parties.....	588	0	0	-	-	-
66	0	Claimed for 11 additional days' demurrage, being from the period of the Sentence of Restitution to the closing of the Case.						
		Allowed by agreement between both Parties.....	66	0	0	-	-	-
		No charge made under the Head of the THIRD Item.				654	0	0
		FOURTHLY,—						
10,167	10	Claimed for the total loss of 166 Slaves, value at the Place of destination (Pernambuco,) 300 dollars each, each dollar being equal to 4s. 1d. British sterling money; the Slaves which were on board when the Brig was detained and brought to Sierra Leone for Adjudication, have been restored by decree of Court, but are not now on board.						
		163 Slaves having been proved to be the number that escaped from the Brig, and that the value of						
		Carried forward....£				965	2	8

£.	s.		£.	s.	d.	£.	s.	d.
		Brought forward....	-	-	-	965	2	8
		each Slave, at the Place of destination, is 254 mil reas, equal at 800 reas per dollar to 317½ dollars; therefore, deducting the 17½ dollars for charges and commission on the sale of each Slave, I allow the sum charged for each of the 163 Slaves, being in conformity with the 8th Article of the Regulations for the Mixed Commission, annexed to the Convention between His Majesty and His Most Faithful Majesty the King of Portugal, signed at London, 28th July, 1817—163 at 300 dollars (4s. 1d.) each, £61. 5s.....	9983	15	0	-	-	-
		SIXTHLY,—						
450	0	Claimed for 5 per cent. on total of capital employed, value at £9,000.						
		This estimate I consider as greatly exceeding the amount of money employed. On referring to an Invoice of a similar cargo on board of a Vessel brought in here for Adjudication, as is stated to have been on board the <i>Activo</i> , and the Declaration of the Master, that the principal articles of his outward cargo consisted of 2,100 rolls of tobacco and 12 pipes of aquadente, which, together with the value of the Brig, I estimate the whole at £3,000, and have allowed upon that sum 5 per cent. in accordance with the 8th Article of the Convention, as stated in the last charge.....	150	0	0	-	-	-
						10,133	15	0
		Total Amount....	£	11,098	17	8		

May, 26, 1826.

WM. SMITH.

(B.)—Affidavit of the Captor's Proctor.

APPEARED personally John Dean Lake, of Freetown, in the said Colony, Proctor, on behalf of Captain James Arthur Murray, and the Officers and Crew of His Majesty's Ship *Atholl*, who, being duly sworn, deposeth and saith, that, on or about the 16th day of February last, the said Brig *Activo*, with 165 Slaves on board, arrived in this Harbour, having been detained by His Majesty's Ship *Atholl*, for being engaged in the illicit Traffick in Slaves, in charge of Lieutenant Robert Lee Stephens, of that Ship; that, on the day after her arrival, the Papers and Documents were lodged in the Registry of the above Court; that there came up as Witnesses, in the said Case, the Portuguese Master, Louis Pinto de Araujo, the first and second Cook, and a Boy, all belonging to the said Brig; that about 8 days after the said Brig's arrival in this Port, the Master, Joze Pinto de Araujo, with one of the Cooks, proceeded to the Shore, from whence he refused to return; that the Deponent, in company with the said Lieutenant Robert Lee Stephens, proceeded to the House where the said Master, Louis Pinto de Araujo, was residing; that the said Lieutenant requested the said Master, Louis Pinto de Araujo, to proceed on board the said Brig, when the

said Master, Louis Pinto de Araujo, in this Deponent's hearing, told the said Lieutenant "that he had nothing more to do with the said Brig *Activo*, as she was detained against his will;" that the Deponent asked the said Master, Louis Pinto de Araujo, if he would give his consent for the said Slaves to be landed, which the said Master declined, on the ground of his having nothing more to do with the said Brig *Activo*; that, at the request of the said Master, his private property was sent on shore to him; that on or about the 4th day of April last, the said Lieutenant Robert Lee Stephens received a written order from Captain William Fitz-William Owen, of His Majesty's Ship *Leven*, to leave the said Brig *Activo*, and proceed on board His Majesty's Ship *Romney*, for a passage to England, at the same time taking the Prize Crew on board of His Majesty's Ship *Leven*; that in consequence thereof, this Deponent sent on board the said Brig *Activo* 6 men to take charge of the Vessel and Slaves; that on the 29th day of April last this Deponent did consider it for the benefit of the Captors, to call upon Proctor for the Claimant to take charge of the said Brig and Slaves, by forwarding the Letter marked (1); that, thereupon Deponent received from Claimant's Proctor the Letter marked (2) in Answer thereto; that on the same day this Deponent forwarded to the Claimant's Proctor the Letter marked (3), and received in Answer the Letter marked (4) with its Enclosure (5); that during the said 29th and 30th days of April, and 1st day of May last, the said Slaves, growing impatient at not being landed, and having, as this Deponent verily believes, been informed, by what means your Deponent knoweth not, there was no likelihood of their being emancipated, did by force and arms escape from the said Brig *Activo*, and land in this Colony, as may be seen by two Affidavits of the Shipkeepers filed in the Registry of this Court; that on their landing in this Colony they were immediately seized by the Acting Collector of Duties, as may be seen by the Affidavit marked (D); that this Deponent applied personally to his Honour the Acting Governor, for permission to replace the said Slaves on board the said Brig *Activo*, which permission his Honour the Acting Governor refused to grant, on the ground that they could not be dealt with as Slaves, being at large in this Colony: that this Deponent hath used all the diligence in his power to keep the said Slaves in the state they were brought in for Adjudication, and that none of the said Slaves came on Shore with this Deponent's sanction or knowledge, save and except 6 Slaves, who, after being examined by the Court, were safely placed on board again; and further, that this Deponent having given notice to the Claimant's Proctor, that he, on behalf of the Captors, declined proceeding any further in the said Cause, did discontinue on the 29th day of April last to provision the said Slaves.

Sworn before me, this 12th June, 1826,

J. D. LAKE.

WM. SMITH, Registrar.

The Sub-Enclosures 1 to 5 are contained in the "Supplemental Report of the Case."

(C.)—*Affidavit of the Claimant's Proctor.*

PERSONALLY appeared William Henry Savage, who, being duly sworn, maketh Oath, and saith, that he has read the Affidavit of John Dean Lake, Proctor in this Cause (*Brig Activo*), on behalf of the Captors; that the allusions made to this Deponent, as Proctor for Claimants in the said Cause, are true; that the Letter (1) was received by this Deponent, and the Letter (2) is the Answer thereto; that the Letter (3) this Deponent does not recollect receiving, but the purport of the said Letter was communicated to him, the Deponent, verbally, to the best of his knowledge and belief; that the Letter (4) with the Inclosure (5) were sent to the said John Dean Lake, as Proctor aforesaid, by this Deponent.

Sworn before me, this 12th day of June, 1826. W. H. SAVAGE.

WM. SMITH, Registrar.

The Sub-Enclosures 1 to 5, are contained in the "Supplemental Report of the Case."

(D.)—*Affidavit of the Acting Collector of Duties.*

APPEARED personally Thomas Cole, Esquire, Acting Collector of Duties in and for the Colony of Sierra Leone, and Assistant Chief Superintendent of Liberated Africans in and for the same, who being duly sworn, deposeth and saith, that on or about the 29th and following day of the month of April last, he, this Deponent, (whose Office is situated contiguous to the Sea,) saw a number of black persons in a Boat pulling from the said *Brig Activo* towards the Publick Watering-place of this Colony, where they landed, and whilst standing on the Beach, he, this Deponent, sent one of the Clerks employed in the Liberated African Department, to ascertain who and what they were, when he understood they had forcibly made their escape from the said Brig, where they had been confined without a sufficient quantity of food being issued for their subsistence: that shortly afterwards, he, this Deponent, reported the circumstance to Mr. Reffell, the Colonial Secretary and Chief Superintendent of Liberated Africans, in the absence of his Honour the Acting Governor, (who had not reached Town from his Country residence,) who directed this Deponent to take charge of and safely keep the said persons who had so escaped on shore; that on the Deponent afterwards waiting on his Honour the Acting Governor, with the Colonial Secretary, who reported what had been done in this Case, the said Deponent received a verbal order from his Honour the Acting Governor, to treat the said Persons, who had thus escaped and were then on shore, in the same light and manner, as emancipated Negroes, and that in consequence the said persons were so dealt with accordingly.

T. COLE.

Sworn before me, this 13th day of June, 1826.

WM. SMITH, Registrar.

(E.)—*The Acting Collector of Duties to the Registrar.*

SIR,

Sierra Leone, May 2, 1826.

I HAVE the honour to acquaint you, that 163 Slaves, brought into this Harbour in the Portuguese Brig *Activo*, have made their escape from that Vessel, and that I have, as Collector of this Port, taken charge of the said Slaves.

I have, &c.

Wm. Smith, Esq.

T. COLE.

(F.)—*Affidavit of George Springle, Mariner.*

PERSONALLY appeared, George Springle, of Sierra Leone, Mariner, who, being duly sworn, deposeth and saith, that, on the 6th day of March last, by order of Mr. John Dean Lake, (on behalf of the Captors,) he, this Deponent, went on board and took charge of the detained Brig *Activo*, J. P. de Araujo, Master, with a Cargo of Slaves, in the capacity of Ship-keeper, the said Brig laying at anchor in the Harbour of Sierra Leone; that there likewise went on board said Vessel 5 men to assist this Deponent, besides 2 men who were on board, being part of the original Portuguese Crew, making in all 8 men; that on Friday the 28th of April last, the said Slaves became very riotous and disorderly, and expressed, by signs and gestures, to this Deponent, that, if they were not allowed to go on shore, they would jump overboard; that, in consequence of this threat, Deponent armed himself and the Crew, and stationed the Crew in different parts of the said Brig during the whole of Friday night; that, on the following day, no provisions being on board for the said Slaves, Deponent came on shore to apply for some, giving orders to the man left in charge not to allow any Person to quit the Brig; that, as this Deponent was going down to the Beach to return on board, he saw 21 of the said Slaves landing themselves from the Brig; that he immediately proceeded on board, and found the Long-boat, which was made fast astern alongside, with about 70 Slaves in her; that himself and the Crew threatened to fire into the Boat if they did not come out of her; that, on this, a number of the Slaves threatened, as before stated, to throw this Deponent and the Crew overboard; that this Deponent was afraid to make use of his arms, it being his firm belief that, if he had, himself and the Crew would immediately have been overpowered and murdered; and that, in the mean time, the said Slaves who were in the Long-Boat pushed from the Vessel and gained the shore; that about 6 o'clock in the evening of the same day, a quantity of rice and palm-oil came on board for the use of the said Slaves; that, when supper was prepared for them, they refused it, alleging "that they would not eat until allowed to go on shore;" that, on the whole of Sunday the 30th, they still refused their provisions, but appeared to this Deponent more moderate and less riotous; that, to prevent their getting the Long-boat, Deponent anchored her about a cable's length

from the said Vessel, and hoisted the Jolly-boat up to the stern of the said Brig; that at day-light, on the morning of the 1st instant, the said Slaves armed themselves with pieces of iron hoops, billets of wood, and old knives, stolen from the Cabin, headed by 6 of the most powerful, who had heretofore acted in the capacity of Boatswains, and had assisted in checking the former disturbances; that part of them proceeded to lower down the Jolly-boat, whilst the rest, armed as before stated, defended them; that, having got the Jolly-boat in the water, 4 of the said Slaves went and brought the Long-boat alongside, into which they all got, and proceeded for the shore.

Sworn before me, this 4th day of May, 1826. G. SPRINGLE.

WM. SMITH, Registrar.

(G.)—*Affidavit of Bob Leigh, Mariner.*

PERSONALLY appeared, Bob Leigh, a native Mariner, who, being duly sworn, deposeth and saith, that he is employed to assist in taking care of the Brig *Activo* and Slaves; that, on Friday the 28th of April last, the Slaves acted in a most riotous manner; that in consequence he, this Deponent, was under arms for the whole of the night; that on Saturday the 29th of April, about 12 o'clock in the forenoon, the said Slaves armed themselves with bludgeons, pieces of rope, iron hoops, &c. and seized upon a Boat, (belonging to the shore,) which was laying astern of the said Brig, and the Long-boat of the said Brig, 21 Slaves getting into the former, and about 70 in the latter; that on this Deponent going to them to get them out of the Boat, they held up their bludgeons, whilst others drew their knives across their throats, and then pointed to the water; that Deponent verily believes if he had struck one, himself and the Crew would have been instantly murdered; that the said Slaves reached the shore in safety; that, on Saturday evening, the Slaves remaining on board refused to eat their supper, and that they ate nothing on Sunday; that on the morning of the 1st instant, about gun-fire, the remaining Slaves again armed themselves, and proceeded to seize on the Boats, menacing every one who opposed them; that he, this Deponent, was so alarmed, and thinking his life in danger, ran out to the Jib-boom end, and hailed a Government Sloop laying near for assistance, which did not arrive until the said Slaves had got on shore.

BOB LEIGH, his X Mark.

Sworn before me, this 4th day of May, 1826.

WM. SMITH, Registrar.

(H.)—*Affidavit and Petition of Joze Pinto de Araujo, Master.*

PERSONALLY appeared, Joze Pinto de Araujo, who, being duly sworn, maketh oath and saith, that the circumstances stated in the within Petition (1) are in every respect true, to this Deponent's know-

ledge and belief, and that the annexed Paper Writing, marked (2,) this Deponent believes to be of the hand-writing of the Proctor for Captors, and was delivered unto this Deponent by the Proctor of this Deponent as being received by him from the said Proctor.

JOZE PINTO DE ARAUJO.

Sworn this 9th day of May, 1826, before me.

WM. SMITH, Registrar.

(I.)—*Petition of Joze Pinto de Araujo, Master.*

Sheweth,

THAT your Petitioner's Proctor hath put into the hands of your Petitioner the accompanying Letter,* by which your Petitioner is apprized that the Captors of the said Brig forbear any further proceeding in the Cause.

That your Petitioner is informed, and does believe, that no attention is now paid to the ordinary duties of the said Brig *Activo*, in pumping and cleaning her as usual.

That the whole of the Slaves on board have quitted the said Brig, and are now on shore, but that your Petitioner knows not by whose means or by whose orders.

That the ground-tackling of the said Brig, from her long laying in this Harbour, is liable to part, from the severe winds which occasionally blow at this Season in tornadoes.

Wherefore your Petitioner most humbly prays your Honourable Court to appoint such early day, as to your Honours may seem fit, whereon to pronounce Judgment in the said Cause, and thereby enable your Petitioner to know in what manner to proceed with the said Brig for the benefit of those concerned therein. And your Petitioner, as in duty bound, will ever pray.

JOZE PINTO DE ARAUJO.

(J.)—*Affidavit of the Master and Cook, and Petition of Proctor for Claimants.*

PERSONALLY appeared Joze Pinto de Araujo, Master of the said Brig *Activo*, and Furtunado Mina, Cook of the said Vessel, who, being duly sworn, make oath and say, that at the time the said Brig was brought into this Harbour for Adjudication, by His Majesty's Ship-of-War *Atholl*, James Arthur Murray, Commander, the Deponents, one other African, and a lad, were all the Persons of the said Brig's original Crew on board as aforesaid, who were brought up in the said Brig; that the remainder of the Crew, (that is to say,) the Pilot, Boatswain, Clerk, and 15 Sailors, were taken on board the *Atholl*, and Deponents believe, left this Colony in the said Vessel, and that they never did again join the said Brig after being taken out of her on the night of the day the said Vessel was so as aforesaid detained; that he,

* See the "Supplemental Report" (1.)

the said Master, was sick, without necessary provision, and did therefore come on shore as soon as possible after the arrival of the said Vessel in this Harbour, and more especially to be ready at all times to communicate with his Proctor relative to prosecuting the Claim for the said Vessel, and that he, the said Master, never had any command nor controul over the said Vessel, or the Slaves on board, and that he was always obliged to conform to the Orders and Regulations of the Prize-Master, until he came on shore; and the said Furtunado further says, that to his own personal knowledge the Master, nor any one of the Crew of the said Brig, had not any controul over the said Vessel and the Slaves on board after her arrival in this Port, nor since capture; and that this Deponent and another man alone continued always on board, the lad before-mentioned having quitted the Vessel soon after her arrival here, and the other man, an African, when the Slaves got on shore. And Deponents further say, that the means to controul the said Slaves were never in their possession or power, by reason of the Crew aforesaid having been taken away by the capturing Vessel, and retained as part of her Crew.

JOZE PINTO DE ARAUJO.

FURTUNADO MINA, his M. Mark.

Sworn before me, this 10th day of June, 1826.

WM. SMITH, Registrar.

Petition of the Proctor, on behalf of the Claimant of the Brig Activo.
Sheweth,

THAT in proof that the escape of the Slaves from the said Brig *Activo*, and in proof that no means were in the power of him, the said Master, by his Crew, to prevent the same, your Petitioner most humbly prays that the annexed Affidavit may be filed and receive the consideration of your Honourable Court.

And your Petitioner, as in duty bound, will ever pray.

June 10th, 1826.

W. H. SAVAGE.

(K.)—*Decree of the Commissioners.*

THIS day, in pursuance of the directions of the Court of the 8th day of the Month of June last, "that the proof of the circumstance of the escape of the 163 Slaves from the said Brig *Activo* should be more particularly detailed, and brought before it, together with all Correspondence and Communications that had taken place between the Proctors in the Cause, and His Majesty's Colonial Authorities, on the subject of the said Slaves, supported by Affidavits;" the following Documents relative to the same were brought in and filed in the Registry of the said Court, and were this day read,—to wit:—

1st.—The Affidavit of John Dean Lake, the Proctor for the Captor, sworn, June 12, 1826.

2d.—The Affidavit of William Henry Savage, the Proctor for the Claimant, sworn June 12, 1826.

3d.—Letter from John Dean Lake to William Henry Savage, dated April 29, 1826.

4th.—Letter from William Henry Savage to John Dean Lake, dated same day.

5th.—Letter from John Dean Lake to William Henry Savage, dated same day.

6th.—Letter from William Henry Savage to John Dean Lake, dated same day.

7th.—Letter from K. Macaulay, Acting Governor, to William Henry Savage, dated same day.

8th.—Affidavit of Thomas Cole, Acting Collector, sworn June 13, 1826.

The following Documents, relative to the same subject, were also this day read, viz.:—

1st.—The Letter of Mr. Thomas Cole, Acting Collector, to the Registrar of this Court, dated May 2, 1826.

2d.—Affidavit of George Springle, sworn May 4, 1826.

3d.—Affidavit of Robert Lee, sworn May 4, 1826.

4th.—Petition and Affidavit of Jozé Pinto de Araujo, the Master, sworn May 9, 1826, enclosing Duplicate of Letter aforesaid, from John Dean Lake to W. H. Savage, of the 29th of April, 1826.

The Report of the Registrar being also read, the said Commissioners confirmed so much of the same, as the Registrar therein stated his opinion the Claimant was entitled to, for Costs of Suit and Special Damages and Expences occasioned to the said Brig by detention, and in pursuance thereof, the said Commissioners did award and decree that James Arthur Murray, Esquire, the Captor in this Case, do pay to the said Jozé Pinto de Araujo, the Claimant, or to his lawful Attorney or Attornies, for his use, absolutely and unconditionally, the sum of £256. 2s. 8d. Sterling Money of Great Britain, for the said Costs of Suit, and for Special Damages and Expences occasioned to the said Brig by her detention.

And, notwithstanding it appeared to the Commissioners by the Affidavits, and other Documents this day read, that the loss of the Slaves might, in some measure, have been caused by the neglect of the Captor or his Agent, who had the charge and possession of them, and also of the said Brig, in consequence of his not furnishing them with food on the 29th day of April last, yet the Commissioners could not believe or conclude this to have been either the principal or the sole cause of the said Slaves leaving the Vessel and coming on shore; and, although the Commissioners would not attempt to justify the mode in which the Claimant had been deprived of his Slaves, nor the conduct of the Captor or his Agent, in not taking proper precaution to

prevent those Slaves leaving the Vessel, nevertheless, they conceived themselves bound to declare their opinion, that the absolute and unconditional confirming the whole of the Registrar's Report, would be contrary to the principles of equity, and would, in point of fact, be rewarding the Claimant, not only for a breach of the Convention between Great Britain and Portugal for the prevention of the illicit Slave-trade, but for a breach of the Laws of his own Country.

The Commissioners, at the same time that they considered the illegal conduct of the Captor in making this seizure to the South of the Equator, in direct opposition to his Instructions, could not lose sight of conduct much more illegal on the part of the Claimant, in carrying on the Slave-trade to the North of the Equator, contrary to the Licence granted him in his Passport by the Authorities of the Brazilian Government, and in defiance of the Convention aforesaid, and of the Laws of Portugal and Brazil.

The Commissioners, having further considered that, by the Convention aforesaid, there is no Appeal from their Judgment in this Case, and having also considered it to be most desirable that some additional Measures should be adopted by the British and Brazilian Governments, for the prevention of such glaring violations of the Convention as the present, have, therefore, in the hope that this Case may particularly call forth the attention of both Governments, only conditionally confirmed the remaining part of the Registrar's Report; and, therefore, the said Commissioners did further award and decree that the said James Arthur Murray, Esq. the Captor in this Case, do pay to the said Jozé Pinto de Araujo, the Claimant, or his lawful Attorney or Attornies, for his use, the sum of £654. Sterling Money of Great Britain, for the demurrage of the said Brig, provided the British and Brazilian Governments agree and declare that the said sum ought to be so paid, according to the true intent and meaning of the said Convention between Great Britain and Portugal for the prevention of illicit Slave-trade, but not otherwise.

And the said Commissioners did further award and decree, that the said James Arthur Murray, Esq. do pay to the said Jozé Pinto de Araujo, or his lawful Attorney or Attornies, for his use, the further sum of £9,983. 15s. Sterling Money of Great Britain, for the total loss of 163 Slaves, provided, as before, that the British and Brazilian Governments agree and declare, that the said sum ought to be so paid, according to the true intent and meaning of the Convention aforesaid, but not otherwise.

And the said Commissioners did further award and decree, that the said James Arthur Murray, Esq. do pay to the said Jozé Pinto de Araujo, or his lawful Attorney or Attornies, for his use, the further sum of £150. Sterling Money of Great Britain, being for interest on the estimated Capital employed in the purchase and maintenance of

her Cargo, as before provided,, that the British and Brazilian Governments agree and declare that the said sum ought to be so paid, according to the true intent and meaning of the Convention aforesaid, but not otherwise.

J. T. WILLIAMS.

July 1, 1826.

D. M. HAMILTON.

No. 44.—D. M. Hamilton, Esq. to J. Planta, Jun. Esq.—(Rec. Oct. 16.)

SIR,

Sierra Leone, August 15, 1826.

IN pursuance of the 75th Clause of the Act, passed in the 5th Year of the Reign of His present Majesty, intituled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade;" and in obedience to the Instructions received from Mr. Secretary Canning relative to the same, I beg leave to enclose a List or Return of all the Cases of Portuguese Vessels which have been adjudicated in the British and Portuguese Courts of Mixed Commission established at this Place, from the 1st day of January to the 30th day of June, 1826, both days inclusive.

I have, &c.

Joseph Planta, Jun. Esq.

D. M. HAMILTON.

(Enclosure.)—Return of Portuguese Vessels Adjudicated by the British and Portuguese Court of Mixed Commission established at Sierra Leone, from the 1st day of January to the 1st day of July, 1826.

NAME of VESSEL.	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.
Paqueta da Bahia	Nov. 22, 1825	Brig and 386 Slaves	Lieut. J. C. Giles	Jan. 10, 1826	Condemned for illicitly trading in Slaves.	The Brig sold by publick auction, and the proceeds paid into the Military chest.
San Joao Segunda Roalia	Nov. 25, —	Brigantine and 258 Slaves	J. A. Murray	Mar. 21, —	Condemned for illicitly trading in Slaves.	The Brigantine sold by publick auction, and the proceeds paid into the Military chest.
Activo	Feb. 11, 1826	Brig and 166 Slaves	J. A. Murray	May 9, —	Restitution of Brig and Slaves decreed by the Court, the capture having been illegally made to the Southward of the Equator.	
Esperanza	Mar. 4, —	Sloop and 4 Slaves	W. J. Purchas	June 8, —	Condemned for illicitly trading in Slaves.	The Sloop sold by publick auction, but the proceeds remain in the hands of the Commissioners of Appraisement and Sale, the Accounts not having yet been returned into the Registry.
Nova	Mar. 4, —	Brigantine and 92 Slaves	W. J. Purchas	June 8, —	Condemned for illicitly trading in Slaves.	The Brigantine sold by publick auction, but the proceeds remain in the hands of the Commissioners of Appraisement and Sale, the Accounts not having yet been returned into the Registry.

Sierra Leone, July 1, 1826.

D. M. HAMILTON.

No. 45.—*D. M. Hamilton, Esq. to Mr. Sec^y. Canning.*—(Rec. Nov. 14.)
SIR, *Sierra Leone, September 20, 1826.*

I BEG leave to enclose Copy of a Letter to me from Mr. Smith, the Registrar of the Courts of Mixed Commission, pointing out an error, in favour of the British Government, in his Report of Costs and Damages in the Case of the Brig *Activo*, reported to you by His Majesty's late Commissary Judge and myself, under date the 10th of June last, a Supplement to which Report was subsequently transmitted by me, under date of the 25th of July following.

I most respectfully beg to assure you, Sir, that not only the Registrar, but the British Commissioners, labour under the greatest difficulties in procuring data whereon to found their Judgment of the amount of Costs and Damages that ought to be awarded in Cases of the Restitution of Portuguese and Brazilian Vessels.

I should not be doing justice to my feelings, were I not to state to you the steady and unremitting support I have experienced from Mr. Smith, the Registrar, in the performance of the duties of the Mixed Commissions, since the death of my Friend and Colleague, Mr. Williams, and I beg most respectfully to recommend him as a most zealous and active Officer.

The error mentioned in his Letter, so far as it applies to the *Perpetuo Defensor*, can be easily altered, that Case not being yet finally settled.

I have the honour to be, &c.

The Right Hon. George Canning.

D. M. HAMILTON.

(Enclosure.)—*William Smith, Esq. to D. M. Hamilton, Esq.*

SIR, *Sierra Leone, September 13, 1826.*

IN the recent Case of the Brazilian Brig *Activo*, which was restored to the Claimant by Decree of the British and Portuguese Court of Mixed Commission, on the 9th May, 1826, the Court referred the consideration of the Costs, Damages, and Expences occasioned to the said Brig by detention, to the Registrar, and that he should report the amount thereof. On the 26th of the same Month, I made the Report accordingly, after having taken every possible means in my power to ascertain the correctness of the different Charges, before I submitted them to the Court for its Award thereon.

On referring to the said Report, I find that 14,000 reis, or 17½ Spanish dollars, calculating the latter to be worth 800 reis, is the amount I have allowed, as being the sum payable for duties, charges, and commission, collectively, on the importation and sale of each Slave into Brazil.

At the time I made that Report, I conscientiously believed, from the best information I could obtain, that that sum was the full amount paid, and it was not until a few days since, on perusing the Correspondence with Foreign Powers, relating to the Slave-trade, 1825, 1826,

(Class B,) presented to both Houses of Parliament by Command of His Majesty, 1826, and which arrived in His Majesty's Ship *North Star*, from Mr. Canning, on the 4th of August last, that I perceived in Mr. Vice-Consul Follett's Letter to Mr. Canning, dated Bahia, 25th January, 1825, that the duties payable on the importation there of each Slave, are 22,000 reis, a sum considerably above what I, in my Report in the Case of the *Activo*, allowed, without charges or commission: and I consider it my duty to enter into this explanation, in the hope that you, Sir, will make a representation to Mr. Canning on the subject, as there is a discrepancy in the amount of the same charge, in the Accounts of the *Perpetuo Defensor* and *Activo* which appears to me to require it.

I further beg to state that you, Sir, being fully aware of the difficulties in this Colony which the Registrar has to contend with, to ascertain the truth of the charges made, in Cases where Restitution is decreed, will, I am convinced, make every favourable allowance for errors which will unavoidably happen, as in the *Activo's* Case, and that you will acquit me of partiality, either to Captors or Claimants, in the performance of my public duties. I have the honour to be, &c.

D. M. Hamilton, Esq.

W. SMITH.

No. 46.—D. M. Hamilton, Esq. to Mr. Secy. Canning.—(Rec. Dec. 22.)
(Extract.)

Sierra Leone, October 12, 1826.

I HAVE the honour to transmit, herewith, the Report of the Case of the Brazilian Brig *Perpetuo Defensor*, whereof Antonio Mauricio de Mendonça was Master; she was seized by His Majesty's Ship *Maidstone*, Commodore Bullen, on the 18th April last, on her Voyage, as stated by the Master, from Molembo to Rio Janeiro, but, as proved to the Court, from Badagry, in 6. 18. North Latitude, to Rio Janeiro, with a Cargo of 424 Slaves. This seizure was made to the South of the Equator, and in sight of the Island of Anna Bona.

On her arrival at Sierra Leone, on the 23d of May following, the Slaves on board were found to be in a most wretched state of suffering, from being afflicted with diarrhœa, dysentery, and small-pox, and it was deemed requisite, to prevent the introduction of the latter disease into the Colony, to place her under Quarantine; and in consequence of the representations of Commodore Bullen, and of the advice of the Colonial Surgeon, the sick and healthy Slaves were separated from each other, and the latter put on board one of the Government Colonial Vessels, then lying unemployed in the Harbour; this was done by order of the Colonial Council, the Acting Governor being absent at the time in the River Gambia.

The cause of seizure, as alleged by the Captor, viz: *the having a British subject confined on board as a Slave*, was not considered by the Court sufficient to bring the Case within its jurisdiction, and the Captor was requested to proceed in the usual manner for a breach of the Con-

vention, but this he declined doing, and voluntarily restored both the Vessel and Slaves to the Master.

The Master, not being satisfied with only receiving back his Vessel and Slaves, claimed from the Court, Costs, Damages and Expences, caused by the detention, and called on the Captor, by Monition, to proceed to Judgment in the Case; several Witnesses were therefore examined, who clearly proved the Slaves had been taken on board at Badagry in North Latitude, upon which the Commissioners (the Claimant having been deprived of his Slaves through the intervention of the Colonial Government,) thought it would be most eligible in every respect to adjudicate the Cause on the same principles as they had decided that of the *Activo*, and therefore, as in that Case, gave the Claimant only a conditional Decree for the Value of the Slaves, and the greater part of the Demurrage, and awarded him, unconditionally, so much as to enable him to pay the expences he had incurred while the Cause was depending, and to refit and victual his Vessel for a Voyage to Rio de Janeiro.

I have the honour, herewith, to transmit, for your information, the Copies of 3 Decrees made in this Case, one of which is a final one.

The Right Hon. George Canning.

D. M. HAMILTON.

(Enclosure 1.)—*Report of the Case of the Brazilian Brig Perpetuo Defensor, Antonio Mauricio de Mendonça, Master.*

THIS Brig, which was seized by His Majesty's Ship *Maidstone*, on the 18th of April last, to the South of the Equator, arrived in the Harbour of Sierra Leone on the 23d day of May, and was immediately put under Quarantine by the proper Officer, in consequence of her having several cases of small-pox on board. The Acting Governor of the Colony, Mr. Macaulay, being at that time absent on a visit to the Settlement in the River Gambia, the Colonial Council, considering the wretched and diseased state the Slaves were in, ordered, from motives of humanity, the healthy to be separated from the sick, the former to be put on board a Government Colonial Vessel at that time lying unemployed in the Harbour, to be kept there during the time they should remain under Quarantine, and a considerable number were in consequence immediately removed, with the assistance of Commodore Bullen, to that Vessel.

No proceedings, however, were taken in the Case till the 3d of June, when the Ship's Papers, with the Affidavit of Lieutenant Lyall, of the *Maidstone*, were brought into Court, and also the Declaration of Commodore Bullen, the Captor, in which he sets forth, "that, on the 18th day of April, 1826, being off the Island of Anna Bona, he detained the Brig *Perpetuo Defensor*, sailing under Brazilian Colours, commanded by Antonio Mauricio de Mendonça, who declared her to be bound from Molembo to Rio Janeiro, with a Crew consisting of 54 men and boys, and having on board 424 Slaves, who all respectively de-

clared, by the assistance of an interpreter, that they were taken on board at Badagry, in 6. 18. North Latitude, about 12 or 14 days before seizure; that soon after boarding and examining the said Vessel, a person of the name of Cackau, confined as a Slave on board thereof, did claim from the Officer employed, British protection, as being a British Subject then and there held in slavery, and which protection was immediately granted by him the said Charles Bullen, by detaining the said Brig *Perpetuo Defensor*, and sending her up to Sierra Leone, to answer for detaining a British Subject on board as a Slave; that the said Vessel appeared to be perfectly sea-worthy, and was supplied with a sufficient quantity of water and provisions for the support of the said Crew and Slaves on their destined voyage to Rio Janeiro, but that no Log of any description had been found or produced by the Master, with the exception of the false one from Molembo." This Declaration is dated the 18th of April, 1826, on board His Majesty's Ship *Maidstone* off Anna Bona.

Lieutenant Lyall, in his Affidavit, sets forth, "that Commodore Bullen being duly authorized and empowered, according to the Provisions of the Additional Convention to the Treaty between His Britannick Majesty and His Most Faithful Majesty, to make seizure of Vessels under Portuguese Colours engaged in the Slave-trade, on the 18th day of April last, being off the Island of Anna Bona, they seized and detained the Brig or Vessel called *Perpetuo Defensor*, whereof Antonio Mauricio de Mendonça was Master, by reason that the said Brig had on board, confined, as in Slavery, a Person declaring himself to be a British Subject, and claiming British protection."

In the Royal Passport, No. 408, one of the Ship's Papers, dated 29th of December 1825, it is stated "that the *Perpetuo Defensor*, of 212 $\frac{12}{100}$ tons, and carrying 54 men, Antonio Mauricio de Mendonça, Master, and Joao Alvez da Silva Porto, Owner, Subjects of the Empire, is bound to the Port of Bahia, and from thence to Cabinda, on the Western Coast of Africa, from whence she is to return to Rio de Janeiro; that the said Master and Owner are under an obligation to enter solely such Ports of the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire." On the same day (the 3rd of June) an Affidavit of Edward Jeffreys, Surgeon of His Majesty's Ship *Maidstone*, was also brought into Court, wherein he deposed "that he professionally attended a Person of the name of Cacow, who was confined as a Slave on board the *Perpetuo Defensor*; that the said Cacow was removed from the said Brig on board His Majesty's Ship *Maidstone* for better attendance, where he expired on the 27th day of May last." On the consideration of these Documents by the Court, it was intimated to Mr. Lake, the Proctor of Commodore Bullen, that unless he proceeded against the said Vessel and Slaves for illicit Slave-trade, in conformity to the Additional Convention to the Treaty between Great Britain and Portugal, for the prevention of illicit Traffick in

Slaves, the Court could not take cognizance of the Case: upon which intimation he refused to proceed further, and on the 13th of June offered to deliver up the Brig and Slaves to the Claimant's Proctor, Mr. Savage. On the 26th of June, a Petition of the said Mr. Savage, supported by his Affidavit, was brought into Court, alleging that he had received from Mr. Lake, the Proctor of Commodore Bullen, the Seizor, a written Communication, informing him, Mr. Savage, that he, Mr. Lake, on behalf of Commodore Bullen, was ready to deliver to the Master the said Brig and Slaves on board, and requesting him, Mr. Savage, to take immediate steps for taking charge of the said Vessel and Slaves: it was further alleged in the said Petition, that he, Mr. Savage, had endeavoured to obtain permission to communicate with the said Master, then on board the said Vessel, but in consequence of her being under strict Quarantine, he had not been able to do so, since the time of receiving instructions from the said Master to act as Proctor on his behalf, which was prior to his receiving the Communication from Mr. Lake as aforesaid; wherefore he prayed that the Cause of the said Brig might not suffer, by reason that through the said Quarantine he was withheld from communicating with the Master of her.

On the 21st day of June, the Master of the Brig was released from Quarantine, and allowed to come on shore, and, on the 23rd, Mr. Savage brought into Court the Petition of the said Master, praying to be allowed to file his Claim, which was granted, and he, at the same time, brought in the Claim, with an Affidavit in support of it; on the same day he brought in the written Communication before-mentioned, from Mr. Lake to himself, wherein the former offers to give up the Brig and Slaves; also a Petition, praying a Monition against the Captor, calling on him to proceed to Adjudication, which was granted and issued on the same day. The Claim is "of Antonio Mauricio de Mendonça, the Master of the said Brig, a Subject of His Imperial Majesty The Emperor of the Brazils, for the said Ship, her tackle, apparel and furniture, goods, wares, and merchandize, and 424 Africans, or so many as were on board thereof at the time of capture thereof, by His Majesty's Ship *Maidstone*, Commodore Charles Bullen, C. B. Commander, and for the value of such Slaves as may have departed this life since the said capture, as the sole property of Joao Alvez da Silva Porto, an inhabitant of Rio Janeiro, as protected by the Treaty or Convention between His Britannick Majesty and His Most Faithful Majesty The King of Portugal, dated the 28th July, 1817; and for all costs, charges, losses, damages, demurrage, and expences, as have arisen or shall or may arise, by means of the capture and detention of the said Brig, and her Cargo the 424 Africans aforesaid." In the Affidavit in support of the same, the said Antonio Mauricio de Mendonça deposed to the truth of the matters and things contained in the said Claim, and also further deposed, "that the said seizure took place on the 18th day

of April last, in the prosecution of the Voyage of the said Brig from Molembo, on the Coast of Africa, to Rio Janeiro, in the Brazils, and was brought to Sierra Leone; he further deposed, "that ever since his arrival in Sierra Leone he had been detained on board the said Brig, by reason of her having been placed under Quarantine, until the 21st day of June now past, and that he, the Deponent, had not before any opportunity to proceed in his business, and in the Claim for the said Brig and the Cargo and Slaves on board; that at the time the said Brig was detained as aforesaid, the Island of Anna Bona was about 8 miles distant, the said Brig being then to the South of the Equator, and in full view of the said Island."

On the 25th of June, Mr. Macaulay, the Acting Governor, arrived from the River Gambia, and, on the 26th, the Master, Antonio Mauricio de Mendonça, was produced, sworn and examined on the general Interrogatories, but nothing came out in his examination material for the Captors; he swore that 473 Slaves were taken on board at Molembo from the Shore, and that 49 died previous to capture.

On the 27th of June, the Court was informed, by command of the Acting Governor, that the said Brig was released from the Quarantine Regulations, and that the Government of the Colony *would not provide, or ration the Slaves after that day*. On the 29th, the Court received a Letter from the Colonial Secretary, stating, "that by command of the Acting Governor, he enclosed, for the information of the Court, a Letter addressed to him by the Prize Master of the *Perpetuo Defensor*, Mr. Tollervey, (an Officer of His Majesty's Ship *Maidstone*,) and drew the attention of the Court to the 32d Section of the Act of the 5th Geo. 4th Cap. 113, and requested to know whether the Commissioners considered that Claim to be applicable to the Court of British and Portuguese Mixed Commission, and, if so, to express the Acting Governor's *desire* that the Court would be pleased to give the necessary instructions for carrying the same into effect." In the Enclosure, it is stated by Mr. Tollervey, that "he having received directions from Mr. Lake, the Proctor for Commodore Bullen, to give up to the Portuguese Claimant the Slaves in the *Perpetuo Defensor* and the *Susan* Colonial Brig, on their claiming them on to-morrow, (the 29th of June,) that he therefore deemed it his duty to acquaint the Colonial Secretary, that from strong symptoms of discontent and anger manifested by the Slaves to-day, (28th,) on some Person on the part of the Claimants attempting to take their number in his absence, and the clamorous manner in which he was surrounded on his return, that the *Susan* would not be safe on his leaving her and the *Perpetuo Defensor* to-morrow (the 29th.)"

In the course of the day of the 29th of June, the Acting Governor and the Commissioners met, when the former observed, "that he conceived the Slaves on board the *Susan* had obtained their freedom by being on board a British Government Vessel, to which the Commissioners

answered, "that they thought otherwise," and pointed out to him the construction they put on the Act of Parliament in question, and the Treaties and Convention therein recited, and on the day following addressed a Letter to the Colonial Secretary, stating, "that in their opinion the Clause of the Act in question did not apply to the Court of the British and Portuguese Mixed Commission."

On the 30th of June, Mr. Savage, the Claimant's Proctor, addressed a written Communication to the Court, with several Enclosures, in consequence, as he states, of the Communication from the Acting Governor to the Commissioners; he sets forth "that on the 27th of June, the Seizor's Proctor addressed to him a Letter as follows, containing an Enclosure, to wit:

'SIR, *Sierra Leone, June 27, 1826.*

'I beg leave to enclose you a Copy of a Letter I have just received from Mr. Cole, the Collector and Quarantine Master, respecting the support hitherto supplied the Slaves on board the *Perpetuo Defensor* and *Susan*, and I beg leave to remind you, that there are no provisions now on board the Vessels, and to press upon your attention the urgency of your victualling the said Slaves. I have, &c.

'*W. H. Savage, Esq.* 'J. D. LAKE, for Commodore Bullen, C. B.'

"The Enclosure is as follows:

'SIR, *Sierra Leone, June 27, 1826.*

'The Colonial Surgeon having reported to the Government that the contagious disease has totally disappeared from among the Slaves on board the *Perpetuo Defensor* and *Susan*, and that they should, in consequence, be released from Quarantine, I am commanded to give you notice, that the support of these people (hitherto furnished by me) will be discontinued as soon as I receive instructions from his Honour the Acting Governor to carry the recommendation of the Surgeon into effect.

I am, &c.

'THOMAS COLE,

'*John Dean Lake, Esq.* "Colr. and Quarantine Master.'

"And to which he made immediate Reply, declining to provision the Slaves, for the reasons therein alleged.—The Reply was as follows:

'SIR, *Sierra Leone, June 27, 1826.*

'IN Reply to your's of this date, I am requested by the Claimant to say, that the *Perpetuo Defensor* had, when seized, provisions adequate to the full supply of the Africans, the Cargo of the said Vessel, during the voyage; that her having been seized and brought to this Place, has consumed a period far beyond that necessary for the completion of the voyage, and if, therefore, the provisions are expended, it can arise solely from this cause, and not through any omission or fault of the Claimant.

'I must inform you, the Claimant is without the pecuniary means of procuring them food for their subsistence. The Seizors, or their Agent, therefore, are called upon, for the cause of humanity in this

Case, either to petition the Colonial Government to provision them, or do it themselves, leaving the Costs thereof to after consideration.

‘I have the honour to be, &c.

‘*John Dean Lake, Esq.*’

‘W. H. SAVAGE.’

“As in fact, from there being no Mercantile Communication in this Colony with any Portuguese House, it was found impossible to raise money to effect such an object, as subsisting the Slaves (upwards of 300 in number), without a guarantee; the Registrar of the Court having, however, since he, Mr. Savage, wrote the last Letter, distinctly stated to him, that the Judges of the Court did consider the Claimant bound to support the Slaves, and that, if not fed, should any thing arise to cause a deterioration of their number it would fall on the Claimant, he resolved to become guarantee for the supplies, to prevent any unfortunate result during the uncertainty existing, and gave directions that they should be provided for accordingly, and, on the 28th instant, provisions were sent on board both Vessels, which, however, he had some difficulty in getting received. On the same day, he wrote the following Letter to the Proctor of the Seizor, to inform him of his intention :

‘SIR,

‘*Sierra Leone, June 28, 1826.*

‘I BEG leave to acquaint you, that I have received directions from the Claimant, in the Case of the Brig *Perpetuo Defensor*, to supply the Africans on board with provisions, as well as those also on board His Majesty’s Colonial Brig *Susan*, which I shall endeavour to carry into effect immediately; but I have most distinctly to state, that the supply of the latter will only be continued until the sitting of the Court, when the sense of the Court will be taken thereon, as the Claimant considers those People who have been so removed, while Vessel was in charge of Captor, in the light of Persons landed in British Territory, and who will, therefore, claim every privilege the said removal may entitle them to.

‘I am also to inform you, that the Claimant is himself personally unable, from severe indisposition, to look after the Vessel, and that all his Officers have been removed by the Captor; but he will endeavour to engage an Officer this day, who, if engaged, shall proceed on board to-morrow morning.

‘The removal of the European part of the Crew of the *Perpetuo Defensor*, except 2 men and the Master, makes it almost impossible to expect that the Slaves may be prevented from doing as they think fit, and, therefore, I must most particularly press on you, that, for the interest of the Seizor, the Officer and men, put on board by the Seizor, may remain to assist in keeping the Slaves on board until the final Judgment of the Court shall be given.

I have, &c.

‘*John Dean Lake, Esq.*

‘W. H. SAVAGE.’

"In writing the Letter of the 27th, and thereby distinctly stating, the Claimant did not possess the means to supply the Slaves with provisions, he considered that the future support of the Slaves would have been arranged, under the authority of the 32d Section of the Act of the 5th George 4th, Cap. 113, (this is the same Clause referred to by the Acting Governor in his Letter to the Court), that, during the *Perpetuo Defensor's* having been in charge of the Seizors, upwards of 240 Slaves were removed to the Colonial Brig *Susan*, and on his mentioning this to the Acting Governor, he most positively stated to him, that, whatever might be the Decree of the Court, those Persons could not, nor would he as Governor permit, that they should be put back into the *Perpetuo Defensor*, as Slaves, the Acting Governor having also distinctly stated to him, that, provided those Slaves, or any other, were restored by Decree, he would not permit them to be victualled or watered from this Colony, it therefore became a positive fact that the Slaves, from the moment they are brought in here, the Claimant cannot advantage by any Decree of Restitution so as to effect their removal; that their being at once allowed to land, must only facilitate the proceedings, and ought not, he humbly conceived, debar the Claimant from indemnification.

"The circumstance of the Slaves having been taken out of irons and permitted at large in the Vessel, the intercourse held with the liberated Africans who have been employed about them, their seeing others, who had been detained as Slaves, going on shore, has tended to create a feeling of insubordination which, if it is manifested, the present slender Crew of the *Perpetuo Defensor* must be unable to repress:— 10 persons only of the original Crew of 54, having been suffered to remain by the Seizor, present additional reasons imperatively requiring the landing of the Slaves *without injury to the interest of the Claimant.*"

An Affidavit of the Master of the said Brig, in support of many of the Allegations contained in the aforesaid Communication from Mr. Savage to the Court, was brought into Court at the same time.

On the same day, the 30th, was brought in, the Affidavit of John B. Garel, who therein sets forth, "that, on the 28th day of the present month, he was requested by William Henry Savage to proceed on board the Brig *Perpetuo Defensor*, and His Majesty's Colonial Brig *Susan*, and to take with him rice as provisions for the Slaves on board those Vessels, and to see they were generally supplied with every thing necessary;—that he did therefore take 20cwt of rice, and on the same day proceed on board, and has ever since continued to supply the said Slaves with rice, salt, and palm-oil, and, on this day, by the further direction of the said W. H. Savage, is supplying them with fresh beef, and attending to see them furnished with water; that, when he first went on board the *Perpetuo Defensor*, there was only a Quarter-

Master in charge on board: Deponent asked him to be permitted to count the number of Slaves, provided the said Quarter-Master could not tell the number; that the said Quarter-Master said that he could not tell the number, and therefore, he, Deponent, began to count them, and got to about 50, when a black man, who told this Deponent he belonged to the *Maidstone* Frigate, spoke to the Slaves in their own language, as this Deponent believes; the Slaves on being so spoken to began to shew signs of displeasure, and mixed themselves so with the others, that Deponent could not count them; that on taking the said provisions the first time on board, could not induce any Person, either on board the said Brig or the Brig *Susan*, to take charge of the said provisions, but that Deponent had been suffered to leave the rice on board the *Susan*, and issues the same every morning."

On the 1st of July, while the Commissioners were sitting, adjudicating some other Cases, the Chief Justice was called on by Mr. Samo, the Acting King's Advocate, and Doctor Barry, Deputy Inspector of Hospitals, who produced an Affidavit of the before-mentioned John Tollervey, of His Majesty's Ship *Maidstone*, who therein deposed, "that 91 Natives of Africa were then confined on board a Vessel in the Harbour, called the *Perpetuo Defensor*, and, as he, the Deponent, verily believed, were intended to be carried away from the Port of Freetown, for the purpose of being dealt with as Slaves," and, on this evidence, insisted they were entitled to a Writ of Habeas Corpus; this was, however, denied by the Chief Justice, who stated to those Gentlemen the reason why he could not issue any such Process. Notwithstanding this refusal, Mr. Samo sent, on the 3d instant, a written application to the Chief Justice, under date of the 2d, enclosing a Letter to him from Dr. Barry, and the same Affidavit of Mr. Tollervey, and again praying for a writ of Habeas Corpus. On the 4th of July, by appointment, the Chief Justice heard Mr. Samo and Dr. Barry on the part of the Slaves, and examined on oath every Person they thought proper to bring as a Witness in the Case, the principal one of whom was Mr. Ferguson, the Surgeon of the Royal African Colonial Corps. Dr. Barry acknowledged that he himself had never been on board the Vessel. Mr. Savage, the Claimant's Proctor, with the Claimant himself, were also heard, and two Affidavits of their's, sworn before a Justice of the Peace, allowed to be read in evidence, when the Chief Justice again refused to grant the Writ of Habeas Corpus, and gave his reason for such refusal. This matter was heard in the presence of His Majesty's late Commissary Judge, the Clerk of the Crown, and Mr. Tollervey, the Prize-Master, in addition to the Persons before mentioned. The Copies of the Documents in this Case, certified from the Crown Office, are sent with this Report.

On the following day, the 5th of July, the Slaves on board the *Susan* Colonial Brig were, by order of the Acting Governor, taken pos-

session of by Mr. Cole, the Collector of Duties, and landed and disposed of, without either the knowledge or consent of the Court, in the same manner as those have been that have been adjudged to be emancipated by the Courts of Mixed Commission; and on the 6th of July the Slaves on board the *Perpetuo Defensor*, 88 in number, being in a state of insubordination, were landed by the Claimant's Proctor, and, by order of the Acting Governor, received and disposed of by Mr. Cole, as the others had been that were landed the day before from the *Susan*. This was also done without either the knowledge or consent of the Court.

Mr. Lake, the Seizor's Proctor, about this time petitioned the Court to have 4 black Seamen and 4 of the Slaves examined on Special Interrogatories, which Mr. Savage, on the part of the Claimant, objected to, first because there was no Portuguese Commissioner in the said Court; secondly, because the Regulations did not point out any such mode for ascertaining the facts of any Case; and, thirdly, because the People to be examined had not the dread either of temporal punishment, or religious obligations, to speak the truth, and that, being Persons not speaking an European language, it was impossible to make them understand the questions put through an Interpreter, who must also be a liberated African, equally ignorant.

To the first objection of Mr. Savage it was answered, "that it was neither the fault of the British Government or the British Commissioners that there was no Portuguese Commissioner, and that if the Court, in the absence of the Foreign Commissioners, could legally condemn and release Vessels, they could also do any other act for which the Court was constituted, and could therefore order the examination of the Seamen and Slaves of any Vessel before the Court." To the second objection it was answered, "that it had been an undeviating practice of the Courts of Mixed Commission, since their establishment, to examine, not only the Master and two or three of the principal Persons on board the detained Vessel, but also others of the Crew, also the Slaves, and any one else, by whose examination truth was likely to be elicited." To the third objection, it was answered, "that it contained assertions, the truth of which must be ascertained at the time of examination, except that which states the ignorance generally of the liberated Africans, which is not true, as it is notorious that many of them had resided some time in the Colony, and were Persons of some intelligence, and might be procured by Mr. Savage as Interpreters, if he chose." The prayer of Mr. Lake's Petition was therefore granted, and he this day produced Jose da Costa, Manoel Nogera, Antonio Mozambique, and Juan, Seamen of the Brig, who, being duly sworn, deposed, each and severally, "that they shipped on board the *Perpetuo Defensor*, at Rio Janeiro; that Angola is the name of the first land they made, coming out from whence they went to Ambrise;" and Jose Costa, for himself, deposed, "that they there

landed some Cargo ; that they then went to Cabinda for a mast, and from Cabinda to Onim, and from thence to Badagry ; saith there was no trading carried on, the Slaves on board her having been purchased for her by the Brig *Brillante*, and were lying ready for her at Badagry, which is the Place the Slaves were shipped at." And Manoel Nogra, for himself, deposed, " that, from Ambrise they went to Cabinda, and from Cabinda they went to Onim and Badagry ; that there was no trading carried on ; the Slaves were purchased by a Brig called the *Erilliante*, and were lying ready at Badagry, which is the Place the Slaves were shipped at ; knows it to be Badagry from having heard the Officers say so, and from his having made a voyage once before to Onim, and this Place being close to it." And Antonio Mosambique, for himself deposed, " that from Ambrise they went to Cabinda, and from Cabinda to Badagry ; that there was no trading carried on, the Slaves on board the *Perpetuo Defensor* having been purchased for her by another Brig, called the *Brillante*, and were lying for her at Badagry, which is the name of the Place the Slaves were shipped at." And the said Juan, for himself, deposed, " that, from Ambrise they went to Cabinda, and from Cabinda to Badagry ; no trade was made for the Slaves at Badagry ; the Slaves were purchased for the *Perpetuo Defensor* by another Brig, but he does not know her name ; they were lying ready for her at Badagry, where they were taken on board."

On the 8th of July, a Communication was made by Mr. Savage to the Court, setting forth that " under a persuasion that it was his duty to make the Commissioners acquainted with every circumstance as early as possible, which might afterwards come before the Court, he had to state, that the riotous conduct of the Slaves on board the *Perpetuo Defensor*, and the slender Crew of the Vessel, rendered it absolutely necessary, to preserve life, that the Slaves should be put on shore ; and that, in the evening of the 6th, he caused the whole, 88 in number, to be landed, when they were immediately taken charge of by Thomas Cole, Esq. Collector and Acting Superintendent of Liberated Africans, and that he should duly authenticate the said facts."

On the 11th day of July, Ogoopooloo, Adoo, Alaconday, and Agarree, 4 of the Slaves that had belonged to the Cargo of the *Perpetuo Defensor*, were produced, sworn, and examined, on the Special Interrogatories, by permission of the Court, who, each and severally, clearly deposed to the fact of their having been shipped at Badagry.

On the day following, the 12th, Mr. Savage alleged in a Petition brought in by him, together with 2 Affidavits, " that he having been consulted by the Master of the said Brig, on the proceedings towards the Slaves left on board the *Perpetuo Defensor*, who were in a state of riot on the 6th Instant, occasioned as he, Mr. Savage, was informed, by the circumstance of the Slaves finding they were detained when the others on board the *Susan* were landed ; and as the said Master de-

clared through his Messenger to him, Mr. Savage, that his life, and the lives of his men were in danger, he, Mr. Savage, therefore, gave it as his opinion, they should be landed, and the circumstances brought before the Court; that therefore they were on the 6th day of July landed, in number 88, and delivered to the Colonial Government, whereupon he prayed the two before-mentioned Affidavits should be admitted as evidence in the Cause." The two Affidavits were sworn before the Registrar on the same day, (the 12th) the first of which is that of the Acting Master, Bento Francisco de Carvalho, who was hired in consequence of the illness of the Master, who deposed, that on the 29th of June last, he, the Deponent, was engaged to proceed on board, and take charge of the Brig *Perpetuo Defensor*, by reason that Antonio Mauricio de Mendonça, the Master, was ill and unable to do so, which Deponent accordingly did; that the Slaves on board were comparatively peaceable until the day those who had been previously taken from the *Perpetuo Defensor*, and put on board His Majesty's Colonial Brig *Susan*, were removed to the shore: on that day Deponent saw a Canoe, which he believed to be one employed for the purpose of landing the Slaves from the *Susan*, manned with 3 Kroomen, come alongside the *Perpetuo Defensor*, when Deponent asked them, through a hired labourer, for what purpose they were come, and they answered, that a white man had sent them to wait there; that while the Canoe was so alongside, this Deponent saw several persons on board the *Susan*, standing up so as to be in full view of the Slaves on board the *Perpetuo Defensor*, making signs to them, the said Slaves, by violent gestures, passing their fingers across their throats, taking billets of wood and other things, and pretending to strike, all which was seen by the Slaves on board the *Perpetuo Defensor*; Deponent, by threats to the Kroomen in the Canoe, made them shove off; that the Housa-man belonging to the *Maidstone*, by the name of Martin, was repeatedly, during that day, heard hailing, and talking to the Slaves on board the *Perpetuo Defensor* from the *Susan*, which gestures, signs, and speaking, this Deponent believes was for the purpose of inviting the Slaves on board the *Perpetuo Defensor* to acts of violence, for the purpose of their getting on shore; that during the remainder of that day and the night, this Deponent found, with the Crew on board, a great difficulty in keeping the Slaves in order; the next day they at first declared they would not eat, as they wished to go on shore; that they took by force the fresh meat that was brought off afterwards, and commenced cooking the whole; this Deponent remonstrated with them, telling them they should use it at two meals, but they said no, they would finish it at once, as they were determined to get on shore before night; after they had finished their meal, the whole of the Slaves came aft, women, men, and children, and told Deponent they would go on shore; Deponent understands a smattering of their language, his people did the same;

some went and lowered the Boat down that was astern ; this Deponent did all he could to persuade them by signs, and talking to them, to induce them to be quiet, and they would not hear ; the Slaves armed themselves with cannon shot, sticks, and other things they could find on the deck, and threatened violence to Deponent and the two white men on board ; on the lowering of the Boat, 2 Slaves got into her ; this Deponent, however, made his people begin to hoist the Boat, when the 2 Slaves got on board again ; during all this time, Deponent saw Persons on board the *Susan*, by signs, encouraging the acts of the Slaves ; Deponent was alarmed for his life at the resolute behaviour of the Slaves, and made signs to them to spare him and his Crew, while he hoisted the colours as a signal of distress, and fired a gun. The Slaves on having this explained, sat down around the Cabin, and Deponent made the signal for assistance, and sent away a man with the Boat, to go and inform the Master of his perilous situation. This Deponent called out for assistance to the Officer on board the *Susan*, but he got into his Boat and went on shore, and did not come to Deponent's assistance. That Deponent, therefore, finding it was out of his power to controul the Slaves, without resorting to most violent means, after consulting with the Proctor of the said Master, landed the said Slaves."

And Deponent further deposed, " that at the time he took charge of the said Vessel, the Slaves were all at large, that himself and 2 white men, and 6 men of colour, were all the persons on board since Deponent has joined the said Brig, and that himself and the said Crew were not able to keep them in subjection, especially as they, this Deponent believes, were excited to riot by what was said to them by Martin and others."

The other Affidavit is of Bento Jose de Carvalho, who deposed, " that he was one of the Crew of the said Vessel, and was on board when she was captured by His Majesty's Ship *Maidstone*, Commodore Charles Bullen, C. B. Commander, and has continued on board ever since ; that at the time of capture all the men Slaves were in irons, and were then released by the orders of the said Commander, given in the hearing of this Deponent on board the said Vessel ; that, during the time the said Vessel was lying in this Harbour, and while in the possession of the Officer and Men of the *Maidstone*, this Deponent saw an European come alongside in a Boat, who spoke to the British Officer in charge, and soon after the greater part of the said Slaves were taken from the said Brig *Perpetuo Defensor*, and carried on board the Colonial Brig *Susan* ; that this Deponent is certain that neither the Portuguese Master, nor any of his Crew, had any thing to do with the removal of the said Slaves ; that, on the 29th day of June last, the Acting Master, Bento, came on board, and took charge of the "*Perpetuo Defensor* ; that from that time until the Slaves were landed from the *Susan*, and which, by reason of being near, was seen by the Slaves on board the

Perpetuo Defensor, there was no very particular insubordination among the said Slaves. The day the said Slaves were landed from the *Susan*, they then came aft, and demanded to be put on shore in the same manner. A Canoe came alongside the *Perpetuo Defensor*, during the time the Slaves were landing from the *Susan*, this Deponent does not know where it came from, it was manned by 3 Kroomen; while said Canoe was alongside, heard a black Sailor, whom this Deponent knows to belong to the *Maidstone*, talking to the Slaves on board the *Perpetuo Defensor*, from the *Susan*, and by the signs he made, this Deponent believes that he was persuading the Slaves of the *Perpetuo Defensor* to get into that Canoe, and go on shore; this Canoe was, however, forced away by Captain Bento. The Slaves continued during the day dissatisfied, and on the following morning, after the landing of the Slaves from the *Susan*, the Slaves on board the *Perpetuo Defensor*, having had their breakfasts, came aft, and being armed with sticks, billets of wood, cannon shot, and other things, demanded to be put on shore; some of them lowered down the Boat astern, and two of the Slaves got into it, but they were got back. The Acting Master then tried to persuade them to abstain from violence, and promised to see what the Authorities on shore would do for them, and having pacified them a little, the Acting Master made signals of distress by firing a gun, and hoisting the colours; that said Acting Master ordered Deponent to go and inform the Proctor for the Vessel of his dangerous situation, which Deponent did, and soon after the Slaves were landed, and delivered to the Authorities of this Colony. This Deponent saw several Persons on board the *Susan*, on the same day, making signs to the Slaves on board the *Perpetuo Defensor*, and, as this Deponent believes, encouraging them to acts of violence; that Deponent is persuaded, that if the said Slaves were not landed, that they would have effected the same by force, and that he was in fear for his life and the lives of the Acting Master and Crew; that the Crew only consisted of 9 Persons, that the Slaves were at large, and therefore the said Crew were not able to keep them in subjection."

No further proceedings took place in the Cause until the 17th instant, when Mr. Lake, the Proctor for the Captor, brought in an Affidavit made on the 13th instant, by Captain D. C. Clavering, of His Majesty's Ship *Redwing*. Captain Clavering deposed, "that on or about the 8th day of January last, a Brig under Brazilian Colours, called the *Nova Brillante*, was boarded off Elmina by the Boats of His Majesty's Ship *Redwing*; that the same Brig was again boarded by a Boat of the said Ship in the latter end of February, off Badagry; and again in the latter Place, on the 7th of March last." This Affidavit corroborates the testimony of the 4 seamen, to the point of the Brig *Brillante* having been at Badagry, as stated by them on or about the time the *Perpetuo Defensor* was there.

On the 1st of August, Mr. Lake, the Proctor for the Captor, after stating, first, "that the Vessel and Slaves had been given up to the Claimant since the early part of June last;" secondly, "that the said Vessel and Slaves had been received by the Claimants;" and thirdly, "that, since the 7th day of July, no Documents of any kind whatever had been filed by the Claimant in the said Case," prayed the Court would be pleased to dismiss the Captors, and not let them suffer for the neglect of the Claimants or their Agents. This Petition was rejected, on the ground that the delay was unavoidable, in consequence of the severe illness of the Commissary Judge, independent of other circumstances, and also that Mr. Lake had made assertions in his Petition which were not facts; the first of which, that states "the Vessel and Slaves were given up to the Claimants since the early part of June last," is contradicted in Mr. Tollervey's Letter to the Colonial Secretary on the 28th of June, wherein he states, "he had received Instructions from *Mr. Lake*, the Proctor for Commodore Bullen, to give up to the Portuguese Claimants the Slaves in the *Perpetuo Defensor*, and the *Susan*, Colonial Brig, on their claiming them the next day," and Mr. Tollervey dates this Letter on board the said Brig *Perpetuo Defensor*. The third assertion, "that, since the 7th day of July last, no Document of any kind whatever had been filed by the Claimant in the said Case," is contradicted by the Records of the Court, whereby Mr. Lake would have seen, had he applied at the Registry Office, which he ought to have done, that two Documents had been brought in by Mr. Savage since the 7th of July, viz: one on the 8th, and the other on the 12th of that Month.

The Commissioner of Arbitration, however, in the hope of facilitating the Cause, sat on the day following but one, when (both Parties having agreed to consider him alone to constitute a competent Court,) after the claim and proofs in the Case were read, he admitted the said claim for Costs, Damages, and Expences, incurred in consequence of the seizure of the said Brig and Cargo, and referred it to the Registrar to ascertain the amount thereof, and report the same to the Court. On the 23d of August, Mr. Savage brought into Court 2 Affidavits, respecting a charge that had been brought before the Acting King's Advocate, respecting the Slaves on board the *Perpetuo Defensor*. The first of these Affidavits is that of John Garel, who deposed, "that on the 6th day of July last, during the time that this Deponent was executing the office of providing the Slaves on board with provisions, on behalf of the Claimant of the said Brig, that he was desired by William Henry Savage, the Proctor on behalf of the said Claimant, to attend at 3 o'clock of the same day, at the House of the Acting King's Advocate, the said Proctor informing this Deponent that the Acting Governor had desired the said Crown Officer to inquire into a charge made against this Deponent respecting the said Slaves; that the Deponent and Proctor

attended accordingly at the house of the said Acting King's Advocate, when an Officer, belonging, as Deponent was informed, to the *Maidstone* Ship-of-War, made a charge against this Deponent, that he had been the means of preventing the escape of the Slaves on board the *Perpetuo Defensor*; that the said charge was fully gone into before the said Acting King's Advocate, and dismissed as unsupported by evidence; and Deponent further says, that this Deponent was then informed by the said Acting King's Advocate, that his Honour the Acting Governor had requested it should be stated to this Deponent, that if this Deponent at all interfered to prevent the escape of the Slaves, or to keep them on board, that he would be proceeded against according to Law; in the other Affidavit, William Henry Savage, the Claimants' Proctor, deposed, " that on the 6th day of July last, he was informed by his Honour the Acting Governor, the Honourable Kenneth Macaulay, that, in consequence of a complaint made to him, he desired that John Garel should attend the Acting King's Advocate at 3 o'clock, to have the said charge inquired into; that Deponent therefore gave such notice to the said John Garel, and with him attended the Office of the Acting King's Advocate; that a charge was brought against him, the said John Garel, for assisting the Portuguese in charge of the said Brig *Perpetuo Defensor* to prevent the Slaves from escaping from the said Brig, and to keep them in confinement on board the said Brig; that Deponent stated that he had sent orders to the Acting Master to prevent any one from leaving the said Brig who was considered part of the Cargo, and therefore that any message delivered by the said John Garel, to that tenour and meaning, was according to his Instructions; that the said Acting King's Advocate then stated, that he had it in command to state, that if John Garel, or any other person belonging to the Colony, employed about the said Brig or not, to prevent the said Slaves from leaving the said Brig, or to keep them on board, were aiding and assisting, they would be prosecuted. These Affidavits were not answered by the Proctor for the Captor, till after the Registrar had made his Report of the amount of costs, damages and expences, which was on the 29th of August, in consequence, as was stated by Mr. Lake, of his not knowing Mr. Savage had filed the said Affidavits, till he saw it mentioned in the Registrar's Report, he therefore brought in two Affidavits on the 6th day of September, in answer to them,—in the first of which he, the said John Dean Lake, deposed, " that on the 6th day of July last, at or about 4 o'clock in the Afternoon, he, this Deponent, being at Government House, in conversation with his Honour the Acting Governor, did see Mr. William Henry Savage enter the said House and inform his said Honour the Acting Governor that he, Mr. Savage, had come to the decision of landing a number of Slaves that were on board the said Brig, and to abide the decision of the Court of Mixed Commission; that at the time this Deponent clearly

and distinctly heard the said Mr. Savage express to his Honour the Acting Governor, that although he, Mr. Savage, had come to the decision of landing the said Slaves, yet he had means in his power, or on board the said Vessel, to coerce the said Slaves should he deem it expedient, and that he would take the chance of being paid the value of the whole of the said Slaves or no part thereof.

“ That the said Slaves were landed on the same evening by the direction and under the superintendence of the said Mr. William Henry Savage.” In the other of these Affidavits, the Honourable Kenneth Macaulay deposed, “ that he had read the before-mentioned Affidavit of Mr. Lake, the Proctor in the said Cause, and had found the several circumstances therein stated to have taken place, to be truly alleged.”

In reply to these Affidavits, on the 11th of September following, Mr. Savage brought in an Affidavit made by him, in which he deposed, “ that during the period that there existed some uncertainty respecting the feeding of the Slaves on board the *Perpetuo Defensor* and the Colonial Brig *Susan*, this Deponent waited on his Honour the Acting Governor of the Colony (Mr. Macaulay,) and, in conversation respecting the said Slaves, his Honour declared unto this Deponent, ‘ that even if the Court of Mixed Commission were to restore Claimant the Slaves, it would be impossible for Claimant to carry them away in slavery, as, in his capacity of Acting Governor, he would not permit the said Vessel to procure provisions or water in this Colony for the use of the said Slaves;’ that the Person employed in supplying provisions was brought up before the Acting King’s Advocate, to answer for his conduct relative to the using some means to prevent the escape of the Slaves, and charges of cruelty had also been made against the Acting Master, on which was founded a motion for a Writ of Habeas Corpus to remove the said Slaves from on board the *Perpetuo Defensor*, Deponent could not, therefore, venture to advise the adoption of any coercive measures towards the said Slaves, so as to keep them in subordination, for fear of incurring the displeasure of his Honour the Acting Governor, and involving the Acting Master and Crew, and also this Deponent, in a criminal prosecution. And this Deponent having had represented unto him the very outrageous manner the Slaves were acting, after they had seen their fellows landed from the *Susan*, both towards the Acting Master and the slender Crew on board, did, therefore, to prevent any fatal consequence, either to the Crew or Slaves, and which Deponent had every reason to believe would take place if the said Slaves were not permitted to be landed, and also taking into consideration the aforesaid Declaration of his Honour the Acting Governor, and the several circumstances before mentioned, did advise the Claimant to give way to necessity, and consent to the landing the said Slaves, and that the Claimant having consented, this Deponent,

on or about the 8th day of July, did wait on his Honour the Acting Governor, and state to his Honour that Claimant had come to the resolution of letting the said Slaves be landed, and that this Deponent did, therefore, concert measures to carry the same into effect before the close of that day, being pressed thereto by the Acting Master and Crew, who further declared unto this Deponent their fears for their personal safety were so great, that, unless the said Slaves were landed before night, they, the said Acting Master and Crew, would quit the Vessel."

After this, a delay of several days took place before the Court could further consider this Case, in consequence of the intervening of the Quarter Sessions, at which the Commissioners had to attend, and which was of much longer duration than is commonly the case.

On the 26th of September, the Court, having maturely considered the Report of the Registrar, ordered the same to be referred back to that Officer to be amended, by striking out, under the head of Special Damages and Expences, £256, being of opinion that the said sum was claimed for expences which the amount allowed for demurrage would cover. The Court further directed that, in lieu of the sum of £225, allowed by the Registrar for the Interest of the supposed Capital employed, which includes the value of the Brig, that the Interest be allowed on the amount of the purchase and maintenance of the Cargo, which the Court conceived meant the purchase and maintenance of the Slaves only, reckoning the value of the Slaves and their maintenance at the cost-price in The Brazils, of the goods with which the Slaves were purchased, and the means of their maintenance procured, in manner following, viz. : 473 Slaves shipped on board, according to the Master's statement, at £4. each, according to the Leeward price, and 2d. British Sterling per head, per diem, for the maintenance of each Slave, that being about the rate of maintenance of the liberated Africans when first landed in this Colony.

On the 28th of September, the Registrar brought in the amended Report, wherein he stated his opinion that the Claimant was entitled to, first, £79. for special costs, damages, and expences, occasioned to the Brig by detention; secondly, £1,430. for demurrage, from April the 18th to the 26th of August, at £11. a day, the Brig being $212\frac{20}{100}$ tons burthen; thirdly, £122. 10s. for subsisting the Slaves from the 29th of June to the 6th of July, at 1s. per day for each Slave; fourthly, 79,716,000 Reis for the total loss of 364 Slaves, at 219,000 Reis each, (under the fifth head no Claim was made); sixthly, £102. 9s. 8d. for 5 per cent on the amount of the Capital employed in the purchase and maintenance of the Cargo; amounting in the whole to £1,733. 19s. 8d. and 79,716,000 Reis.

After the Report was read, Mr. Lake, the Proctor for the Captor, prayed the Court that the said Report might be further amended, by

allowing for the total loss of 276 Slaves only, instead of 364, by reason of the Claimant's Proctor having taken upon himself to land the 88 Slaves from the *Perpetuo Defensor*, there having been no necessity for his so doing, and insisted that there had been no violence manifested on the part of the Slaves to warrant their having been put on shore, nor were they at that time in a state of revolt; but as the Court were of opinion that the revolt and violence manifested by the Slaves had been clearly proved by the Affidavits filed for that purpose, the allegations in which had not been attempted to be refuted but by the simple assertion of Mr. Lake, which assertion did not accord with what had been said in the Letter to the Colonial Secretary, by Mr. Tollervey, the Prize-Master; and as it had also been distinctly proved by the Affidavits of Messrs. Savage and Garel, that it was the determination of the Colonial Government not to allow any one to controul the said Slaves from leaving the Vessel if they pleased, which although said to be answered by Mr. Macaulay, the Governor, and Mr. Lake the Captor's Proctor, yet not one of the assertions in those Affidavits were even denied by them in their Affidavits, but only fresh matter alleged, stating that Mr. Savage had asserted he had the means in his power, or on board, of coercing the Slaves if he chose it: the Court, therefore, being fully satisfied that the Claimant, Antonio Mauricio de Mendonça, was obliged to submit to circumstances, and being also of opinion that, if the Slaves had not been excited to insubordination by Martin and others, there would have been no revolt, and consequently no necessity to land them, refused the prayer of Mr. Lake. The Court then confirmed, unconditionally, the sum allowed by the Registrar for Costs of Suit, and for Special Damages and Expences occasioned to the said Brig by detention, amounting to £79; the Court also confirmed, unconditionally, the sum allowed by him, for provisioning the Slaves from the 29th of June to the 6th day of July last, amounting to the sum of £122. 10s.; and it having been represented and proved to the satisfaction of the Court, that the said Ship would be unable to proceed to Sea, unless the Master could raise a further sum of £150, by the Court giving a further unconditional award for that sum, the Commissioners, therefore, did also unconditionally confirm so much of the sum allowed by the Registrar in the said Report, for Demurrage, as amounts to £150, making the whole an unconditional award for £351. 10s. for Costs of Suit, Special Damages and Expences, provisioning the Slaves, and for part of the Demurrage.

And the Commissioners being fully convinced that the Claimant in this Case had carried on an illicit Traffick in Slaves during the present voyage, inasmuch as it had been clearly proved that Slaves taken on board this Vessel were shipped from Badagry, in 6. 26. North of the Equator, in direct defiance of the Additional Convention to the Treaty made between Great Britain and Portugal, in the Year of our Lord

1817, for the prevention of illicit Traffick in Slaves ; and the Commissioners, therefore, having deemed it just and equitable that the Case should be adjudicated on the same principles as the Case of the Brig *Activo*, whereof Jozé Pinto de Araujo was Master, which Case was lately before the Court, inasmuch as Commodore Bullen, the Captor, could not be aware of the Decision in that Case at the time he made the present seizure ; and the Commissioners being of opinion, as in that Case, that the absolute and unconditional confirming the whole of the amended Report would be contrary to the principles of equity, and would in point of fact be rewarding the Claimant, not only for a breach of the Convention between Great Britain and Portugal for the prevention of the illicit Traffick in Slaves, but also for a breach of the Laws of his own Country ; and the Commissioners having considered in this Case, as in the former, that, by the Convention aforesaid, there is no Appeal from their Judgment, and also that it was most desirable that some additional measure should be adopted by the British and Brazilian Governments, for the prevention of such glaring violations of the Convention as the present, and that of the *Activo* ; and in the hope that this Case may, in addition to the other, particularly call forth the attention of both Governments, have, therefore, only confirmed the remaining part of the said Report, in the event of the British and Brazilian Governments agreeing and declaring the same ought to be confirmed, according to the true intent and meaning of the Convention aforesaid, but not otherwise.

D. M. HAMILTON.

(*Enclosure 2.*)—*Decree of the Mixed Commission, 3rd August, 1826.*
 Portuguese Brig *Perpetuo Defensor*, Antonio Mauricio de Mendonça,
 Master.

THE Proctors for Captor and Claimant having petitioned the Court to appoint an early day for the hearing of the Parties in the above Cause ; His Britannick Majesty's Commissioner of Arbitration, sat this day for the purpose of furthering the Proceedings in this Case, the Proctors on each side agreeing to consider His Britannick Majesty's Commissioner of Arbitration, sitting by himself, in the unavoidable absence of His Britannick Majesty's Commissary Judge from severe illness, as a full and competent Court.

The said Commissioner of Arbitration, having heard the Claim and Proofs read, and the Proctors on both sides thereon, admitted the Claim for Costs, Damages, and Expences incurred, in consequence of the seizure of the said Brig and Cargo, and referred it to the Registrar to ascertain the amount thereof, and report the same to the Court.

(Enclosure 3.)—*Decree of the Mixed Commission, 26th Sept. 1826.*
Portuguese Brig, *Perpetuo Defensor*, Antonio Mauricio De Mendonça,
Master.

THIS day, the Court, after hearing the Report of the Registrar read, and the Proctors on both sides on the same, ordered the said Report to be referred back to the Registrar, to be amended by striking out, under the head of Special Damages and Expences, the following sums: viz.—

£22	0s.	Amount of Baker's bill for 80 days.
22	0s.	Amount of Butcher's bill for 80 days.
60	0s.	To purchase provisions for Crew of 19 Persons for a Voyage from hence to Rio Janeiro, a supposed Voyage of 60 days.
20	0s.	To purchase Cabin stores.
15	0s.	For wooding and watering.
19	10s.	} For advance to Seamen hired here:
97	10s.	

the Commissioners being of opinion the said sums are expences, which the amount allowed for Demurrage covers. The Commissioners further directed that in lieu of the sum of £225 allowed by the Registrar for the interest of the supposed Capital employed, which includes the value of the Brig, that the interest be allowed on the amount of the purchase and maintenance of the Cargo, which the Commissioners conceive means the purchase and maintenance of the Slaves only, reckoning the value of the Slaves and their maintenance at the cost price in The Brazils of the goods with which the Slaves were purchased, and the means of their maintenance, procured in manner following, viz.:—473 Slaves shipped on board according to the Master's statement, at an average of £4 each, according to the Leeward price, and two-pence, British sterling, per head per diem, for the maintenance of each Slave, that being about the rate of maintenance of the liberated Africans when first landed in this Colony, which appears to the Court to be a fair rate.

(Enclosure 4.)—*Decree of the Mixed Commission, 28th Sept. 1826.*
Portuguese Brig, *Perpetuo Defensor*, Antonio Mauricio de Mendonça,
Master.

THE Registrar's Report amended, as ordered by the Court on the 26th day of this instant month of September, being brought in and read, and Proctors on both sides being heard on the same, the Commissioners confirmed, unconditionally, so much of the said Report as the Registrar therein set forth the Claimant was entitled to for Costs of Suit, and for Special Damages and Expences occasioned to the said Brig by detention, amounting to £79; they also confirmed, unconditionally, so much more of the said Report as the Registrar stated

the Claimant entitled to for provisioning the Slaves from the 29th of June to the 6th day of July last, amounting to the sum of £122 10s. ; and it having been represented and proved to the satisfaction of the Court, that the said Ship would be unable to proceed to Sea, unless the Master could raise a further sum of £150, by the Court giving a further unconditional award for that Sum, the Commissioners therefore did also unconditionally confirm so much of the sum allowed by the Registrar in the said Report for Demurrage, as amounts to £150. Whereupon the Commissioners did award and decree that Charles Bullen, Esq. the Captor in this Case, do pay to the said Antonio Mauricio de Mendonça, or his lawful Attorney or Attornies, for his use, unconditionally, the before-mentioned sums, amounting in the whole to £351 10s., being for Costs of Suit, Special Damages, and Expences, provisioning of the Slaves, and for part of the Demurrage as aforesaid.

And the Commissioners, having stated their conviction that the Claimant in this Case had carried on an illicit Traffick in Slaves during the present Voyage, inasmuch as it had been clearly proved that the Slaves taken on board this Vessel were shipped from Badagry, in 6. 26. North of the Equator, and 2. 52. Longitude East of Greenwich, in direct defiance of the Convention made between Great Britain and Portugal, in the Year of our Lord, 1817, for the prevention of illicit Traffick in Slaves; and the Commissioners, therefore, deeming it just and equitable that this Case should be adjudicated on the same principles as the Case of the Brig *Activo*, whereof Jozé Pinto de Araujo, was Master, which Case was lately before this Court, inasmuch as the said Charles Bullen, Esq. could not be aware of the Decision in that Case, at the time he made the present seizure, and the Commissioners being of opinion, as in that Case, that the absolute and unconditional confirming the whole of the amended Report, would be contrary to the principles of equity, and would, in point of fact, be rewarding the Claimant, not only for a breach of the Convention between Great Britain and Portugal, for the prevention of the illicit Traffick in Slaves, but also for a breach of the Laws of his own Country ; and the Commissioners having considered in this Case, as in the former, that, by the Convention aforesaid, there is no Appeal from their Judgment, and also that it is most desirable that some additional measure should be adopted by the British and Brazilian Governments for the prevention of such glaring violations of the Convention as the present, and that of the *Activo*, and in the hope that this Case may, in addition to the other, particularly call forth the attention of both Governments, have, therefore, only conditionally confirmed the remaining part of the Amended Report ; and therefore the Commissioners did further award and decree that the said Charles Bullen, Esq. the Captor in this Case, do pay to the said Antonio Mauricio de Mendonça, or his lawful Attorney or Attornies, for his use, the sum of £1,280 for the remainder of the

amount of Demurrage of the said Brig, provided the British and Brazilian Governments agree and declare that the said sum ought to be so paid, according to the true intent and meaning of the Convention aforesaid, but not otherwise.

And the said Commissioners did further award and decree that the said Charles Bullen, Esq. do pay to the said Antonio Mauricio de Mendonça, or his lawful Attorney or Attornies, for his use, the further sum of 79,716,000 Reis, for the total loss of 364 Slaves, provided, as before, that the British and Brazilian Governments agree and declare that the same ought to be so paid, according to the true intent and meaning of the Convention aforesaid, but not otherwise.

And the said Commissioners did further award and decree that the said Charles Bullen, Esq. do pay to the said Antonio Mauricio de Mendonça, or his lawful Attorney or Attornies, for his use, the further sum of £102. 9s. 8d. being for the interest on the estimated capital employed in the purchase and maintenance of the Cargo of Slaves, provided, as before, the British and Brazilian Governments agree and declare that the said Sum ought to be so paid, according to the true intent and meaning of the Convention aforesaid, but not otherwise.

No. 47.—*Mr. Secretary Canning to His Majesty's Commissioners.*
GENTLEMEN, *Foreign Office, December 30, 1826.*

YOUR several Despatches up to the 12th of October, marked Portugal, have been duly received.

In reference to the Despatches, containing Reports of the Cases of the Ships *Activo* and *Perpetuo Defensor*, I have to refer you to the Case of the *Sinceridade*, adjudged by you in the Year 1823, and to the Declaration which, in that Case was made to His Most Faithful Majesty by the British Government, through the King's Envoy; that on the one hand, no Compensation can, in equity, be due to Traders for losses sustained by them in Cases of Traffick, carried on under circumstances which constitute illegal Trade; whilst, on the other hand, no Condemnation of a Vessel ought to take place when the Capture is made at a Spot not absolutely within the Boundary prescribed for Capture by the Treaties.

This Declaration was not objected to by the Portuguese Government, and the principle of it, therefore, may be considered to be fully admitted.

As the Cases of Brazilian Vessels charged with illicit Slave Trade must be adjudged under the Compacts and Agreements with Portugal, until some further and special Convention shall be entered into upon the subject, between the Countries of Great Britain and Brazil, there is at present no clear course for you to pursue, in regard to Brazilian Vessels, other than to act upon the spirit of the Compacts and Agreements with Portugal.

In regard to those Slaves who, under circumstances of illegal shipment, but unwarranted capture, shall actually have been brought to Adjudication, I have to acquaint you, that the principle on which the Court acted in the Case of the *Perpetuo Defensor*, in decreeing such Slaves to be restored to the Master, for the use of the Claimant, was correct. But if special Cases should occur, in which the Court should be prevented, by unforeseen circumstances, from making such a Decree, or should be required to make any special disposition of such Slaves, it must use its discretion as to what may be right to be done. The Court cannot, with propriety, condemn them, or make an Order for their Emancipation. The only expedient seems to be, that the Slaves should be placed under the superintendence of the Local Government by some conditional Order. But this again will be subject to the Instructions which you may receive on the objection which has occurred in the Case of the *Activo* and *Perpetuo Defensor*, on which I shall probably have, shortly, to instruct you farther. I am, &c.
His Majesty's Commissioners. GEORGE CANNING.

SIERRA LEONE.—(*Netherlands.*)

No. 48.—*Mr. Secretary Canning to His Majesty's Commissioners.*
 GENTLEMEN, *Foreign Office, March 13, 1826.*

With reference to the Treaty with The Netherlands for the prevention of Slave-trade, I have to acquaint you, that, by a Communication this day received from the Admiralty, it appears that the Instructions referred to in the said Treaty, have been issued to the following Ships and Vessels of His Majesty's Navy:

Names.	Guns.	Commanders.
<i>Hussar</i>	46	G. Harris.
<i>Brazen</i>	26	G. W. Willes.
<i>Primrose</i>	18	Oct. V. Vernon.
<i>Redwing</i>	18	D. C. Clavering,
<i>Dispatch</i>	18	Robt. W. Parsons.
<i>Ferret</i>	10	Wm. Hobson.
<i>Conflict G. V.</i>	12	Lieut. J. Chrystie.

And that the Instructions which had been issued to His Majesty's Ships *Pyramus*, *Ariadne*, *Bann*, *Victor*, *Ringdove*, and *Grecian*, have been recalled, and cancelled. I am, &c.

His Majesty's Commissioners. GEORGE CANNING.

No. 49.—*J. T. Williams, Esq. to Mr. Sec^y. Canning.—(Rec. May 22.)*
 SIR, *Sierra Leone, February 15, 1826.*

I HAVE the honour to transmit, herewith, a Report of the Case of the Dutch Schooner *Hoop*, belonging to St. Eustatius, Jacob Walters,

Master. She was detained off Manna, on the 3rd January, by a Boat of His Majesty's Ship *Maidstone*, Commodore Bullen, and brought into Sierra Leone.

This Case came on for Adjudication in the British and Netherlands Court of Mixed Commission on the 23rd of January, and was proved to come so clearly under almost all the Provisions of the Additional Article to the Treaty between His Majesty and His Majesty The King of The Netherlands, signed at Brussels, the 25th of January 1823, that I do not feel myself justified in trespassing on your time by any detail of particulars, but beg to refer you to the Report.

I have the honour to be, &c.

The Right Hon. George Canning.

J. T. WILLIAMS.

(Enclosure.)—*Report of the Case of the Dutch Schooner Hoop, Jacob Walters, Master.*

THIS Vessel was detained on the 3d of January 1826, off Manna, by a Boat of His Majesty's Ship *Maidstone* (Commodore Bullen, C. B.) under the command of Lieutenant William Gray, of the same Ship.

The Declaration of Commodore Bullen states, that the Boat of His Majesty's Ship *Maidstone*, under the command of Lieutenant Gray, being between the River Gallinas and Manna, and off shore about 20 miles, detained the *Hoop*, sailing under Dutch Colours, belonging to St. Eustatius, not having Slaves on board, but falling under several of the designations of the Additional Articles to the Treaty with The Netherlands of the 4th May 1818, signed at Brussels on the 25th day of January 1823, viz :

Having been found within the limits particularly specified in the aforementioned Treaty, and hovering about the said River Gallinas and Manna.

Having her hatches fitted with open gratings, instead of being fitted with close hatches, as usual in Merchant Vessels.

Having spare plank, numbered, cut and fitted, for readily laying a Slave, or moveable, deck.

Having on board shackles, bolts and hand-cuffs, contained in casks, to appearance, at first sight, part of the Cargo for Trade, being similarly packed to bread, beef, &c.

Having on board a greater number of water casks, and many of them filled, more by far than requisite for the consumption of the Crew, as a Merchant Vessel, and no Certificate produced by the Master from the Custom-House, at which he cleared out, stating that sufficient security had been given by the Owners that such casks should only be used for the reception of palm-oil.

Having on board a quantity of mess kids.

Having on board large boilers, and also a great quantity of rice, the whole far beyond any probable requisite for the use of her Crew as a

Merchant-Vessel, and no Manifest produced by the Master that the rice was part of the Cargo for trade.

The Papers and necessary Affidavits were delivered into the Registry on the 9th of January 1826, and a Monition was prayed for and issued on the 11th, citing the Parties interested in the Cause to appear, in proper time, before the Court; which Monition was returned to the Registry on the 19th.

This Schooner, when taken, had only 4 Papers on board, viz: her Passport, Clearance, Muster-roll, and Log. Her Passport, granted by the Governor of St. Eustatius, "W. A. Von Spengler," on the 23d of November 1825, states her to be the property of John Hill, a Naturalized Subject of The King of Holland, residing in St. Eustatius. There is a Special Clause in the body of the said Passport, that it should hold "good for 12 Months for general Navigation, excepting on the Coast of Guinea." ("Goed voor twaalf Maanden our overal te navigeren uitgezonderd op de Kust van Guinea")

Her Clearance, signed by J. Verscheur, the Collector at St. Eustatius, on the 23d of November 1825, states her to have cleared out with a Cargo for exportation for the Coast of Brazil, and her Log, in positive contradiction, proves her to have come direct to the Coast of Africa which she had made 2 days only previous to capture.

The Master, Mate, and Steward, on their examination, deposed, that the Schooner in question, and Cargo laden on board of her, were the property of the said John Hill, that their object in coming to the Coast of Africa was to trade for palm-oil and ivory, and totally denied all knowledge of the facts stated by the Captors, with the exception of the acknowledgment that the Vessel was fitted with open gratings. The Master further deposed, that Instructions from the Owner for his future guidance had been sent to the Gallinas, to await his arrival there.

Under these conflicting circumstances, the Court decreed a Commission of Inspection and Survey to issue to the Marshal, and two other respectable Persons to proceed on board the said Schooner *Hoop*, and to report thereon.

Their Report confirmed, in every material point, the Declaration of the Captor.

No Claimants appeared for the Vessel, and no doubt existing in the minds of the Commissioners as to the illegality of the Voyage in which the said Schooner *Hoop* was engaged when taken, Sentence of Condemnation was passed against her, and she was accordingly condemned as lawful Prize to the Crowns of Great Britain and Holland.

Sierra Leone, February 15, 1826.

J. T. WILLIAMS.

No. 50.—*J. T. Williams, Esq. to Mr. Sec^y Canning.*—(Rec. May 22.)

SIR,

Sierra Leone, March 20, 1826.

WITH the present Despatch, I have the honour to transmit to you a Report of the Adjudication of the Schooner *Amable Claudina*, Claudio Picaluga, Master, sailing under Dutch Colours. She was detained by His Majesty's Ship *Atholl*, off the Castle of St. George d'Ehmina, on the 12th of November, 1825, and sent here to be tried before the British and Netherlands Mixed Court of Justice, by which Court she was condemned on the 6th of February last, for having been concerned in illegally trafficking in Slaves.

I also forward, herewith, the Report of the Case of the Brig *Charles*, Louis L'Oiseau, Master, sailing under the same Flag, which Vessel arrived in this Harbour on the 21st January, having been captured by His Majesty's Brig of War, *Conflict*, Lieutenant John Chrystie, Commander, off Duke's Town, in Old Calabar River, on the 22d of December last: she is reported to be of 190 tons burthen, and is stated to have had on board, when taken, 265 Slaves: the trial of this Vessel took place on the 15th instant, and she was condemned as lawful Prize.

It is, indeed, matter of great regret to me, to have to report to you, Sir, that this baneful traffick appears to have assumed a novel feature, and which, until it be checked, must of certainty tend most materially to increase the misery inflicted on the wretched population of this ill-fated Country. The Slave-trade is now carried on to a much greater extent than has been hitherto known, under cloak of the Flag of His Majesty the King of The Netherlands.

During the last 8 Months, no less than 7 Vessels have been brought in by His Majesty's Squadron for Adjudication, viz. the *Bey*; *Z*; *La Venus*; *Hoop*; *Amable Claudina*; *Charles*; and *Vogel*; 6 of these Vessels were furnished with Papers from the Colonial Authorities at Saint Eustatius, and one at Curaçao.

The 3 first Cases were decided previous to my arrival; the circumstances which were developed in each of them, elucidated so clearly the object they had in view, as to leave no doubt on the minds of the Judges, as to the illegality of the pursuits in which the Parties connected with these Vessels were concerned.

For the particulars of the *Hoop*, I beg to refer you to my Despatch, and Report of the 15th of February.

There are certain points connected with the *Amable Claudina*, and the *Charles*, more particularly the former, which I deem it my duty to submit to you.

Had it not been for the application which was made to Captain Murray, by the Authorities of His Netherlands Majesty's Government on the Gold Coast, I humbly conceive his power would not have been competent to any interference with any Vessel, bearing that Flag, under

the walls of their principal Settlement. The peculiar circumstances of this transaction, called upon as he was by them to act, would, however, have rendered this observation on my part needless, did I not consider it to be my duty to communicate to you all such matters connected with this branch of the Publick Service, as may come to my knowledge. It would appear that the view which the Governor of Elmina took of this matter was, that the Moiety of the Proceeds of the *Amable Claudina* did, of right, belong to his particular Government on the Gold Coast, and, acting upon this impression, he wrote a Letter on the subject to His Netherlands Majesty's Judge. A translated Copy of this Letter was handed to me by Mr. Bonnouvrié, which I have deemed it best to forward to you, in order to guard against any observations that may, by possibility, be made; not that I anticipate any such, for the Vessel having been sent to this Court for Adjudication, the disposition of the Proceeds is so clearly provided for, as to leave no room for discussion.

I also transmit a Copy of Mr. Breggen Paauw's Letter to Captain Murray, with the Affidavit of the latter, as well as the Affidavit of Lieutenant Caiger, who took possession of the Schooner.

As all these Cases seem to bear a similar stamp, I have further thought it right to send you a Copy of the Licence granted by the Governor of St. Eustatius to the Persons concerned in the *Amable Claudina*.

These Licences are evidently obtained (and that for the purpose of attempting to delude,) by Parties who are not at all connected, as regards the Person or the Property, with the Flag under which they endeavour to cloak their nefarious purposes.

The 2 Vessels, the *Bcy* and the *Hoop* are, doubtless, American Property; the Owners naturalized at St. Eustatius. Two others, the *Z*, and *Venus*, are French; the Owners and Consignees being Messieurs Saubot, Joubert, and Co. of Martinique. Half the Cargo of the *Amable Claudina* was French Property belonging to Persons at Bordeaux; and the connection of the *Charles* with Guadaloupe, renders her property, to say the least of it, doubtful.

I have thought it to be my duty to communicate with my Colleague, Mr. Bonnouvrié, on the nature of these Proceedings, and he has assured me, that he has made strong representations to his Government on the subject; these, I hope, may have a beneficial influence, and that His Netherlands Majesty may be pleased to direct the Governors of his Colonies to exercise greater caution, as to the Parties to whom such Licences are granted.

I cannot conclude my observations on this Case, without expressing my extreme regret, after the sense, you, Sir, had expressed of the Affair of the *Rosalia*, and others, that a similar line of proceeding should have been followed in the present instance: and that such mea-

tures should have been adopted to influence the re-shipment of the Slaves in the *Amable Claudina*, at, or near to, Popoe. I thought it necessary to communicate verbally with Commodore Bullen on this subject, and should have done so officially, had I not felt a delicacy, arising from the fear that I might be considered as overstepping the line of duty that has been marked out for me.

The principal peculiarity in the Case of the *Charles*, is, that she is the only Vessel of the late number under the Dutch Flag that has been taken with Slaves on board. She also sailed under a Licence from the Governor of St. Eustatius, as appeared by the concealed Papers which were found on board. Amongst the French Papers which were first produced, there was one, dated at "Pointe à Pitre, Guadaloupe," 24th April, 1825, only 3 days previous to the date of a similar Document at Saint Eustatius; it states her to be "*Le Brick L'Eugene*, commandé par Le Sieur Louis Guion, appartenant à Monsieur Victor Rancé, allant au Grand Cabotage." For the further circumstances of this Case, I beg your reference to the Report.

I find one Document among the Papers of the *Charles*, a Copy of which I think of importance to send to you; it is a Receipt for the large sum of 600 Dollars, received by "T. G. Groebe," the Government Secretary at St. Eustatius, for renewing the Register and Muster-roll, and for obtaining Security for 2000 Dollars, which Security, it appears, by other Documents, was given that she should not be illicitly employed in the Slave-trade.

The last Vessel in the List, which I have given in the preceding part of this Letter, the *Vogel*, arrived here on the 11th Instant: she was taken off Grand Carrow, by a Boat of His Majesty's Ship *Brazen*, Captain Willes, on the 22d of January last, on the plea of being fitted out for the Slave trade. The Court will have to take this Case into consideration in a few days, when I shall have the honour to make my Report to you upon it.

I fear there may have been the appearance of a neglectful delay in some of my Communications, but this has been caused by circumstances which I regret, but not by myself; they are such as, I trust, may not again occur, and I have, therefore, Sir, to pray your indulgence.

I have the honour to be, &c.

The Right Hon. George Canning.

J. T. WILLIAMS.

(Enclosure 1.)—*Report of the Case of the Amable Claudina, Claudio Picaluga, Master, captured under Netherlands Colours.*

THE *Amable Claudina*, a Schooner of the burthen of 85 tons, of which Claudio Picaluga was Master, was taken possession of in the Roadstead of St. George d'Elmina, by Lieutenant Caiger, acting under orders from Captain James Arthur Murray, of His Majesty's Ship *Atholl*, on the 12th day of November, 1825.

The Declaration of Captain Murray sets forth, that, on the day specified, being off Elmina Castle, he detained the Schooner *Amable Claudina*, sailing under Dutch Colours, commanded by Claudio Picaluga, who declared her to be bound from Bordeaux to the Coast of Africa, on the ground of her having on board a moveable, or Slave-deck, open gratings, and being fitted for the reception of Slaves; that she was supplied with an extraordinary number of water-casks for a Cargo of Slaves, and also on the plea of her having had Slaves on board during the Voyage which she was then prosecuting, being in contradiction to the Explanatory and Additional Articles to the Treaty of the 4th May, 1818, between His Majesty and His Majesty The King of The Netherlands, signed at Brussels, the 25th January, 1823.

His Majesty's Ship *Atholl*, having arrived at Sierra Leone (previous to the *Amable Claudina*,) and representations having been made that His Majesty's service required her early departure to another Station, the Captor's Proctor petitioned the Court to be allowed to file the Papers, which was granted; and the said Papers, together with Captain Murray's Affidavit, were lodged in the Registry on the 3d January, 1826.

On the 11th January, an Affidavit of Captain Murray was filed in Court, having attached to it a Letter delivered to him, the said Captain Murray, and thus addressed, "To the Captain of His Britannick Majesty's Ship of War, just arrived in Cape Coast Roads."

This Letter was from J. C. Vander Breggen Paauw, as Second in Command at Elmina Castle. It was dated "Elmina Castle, 11th November, 1825," and states, that, in consequence of the Governor, Major Last, being very ill, the management of the Publick Service devolved upon the Writer; and informing the Commander of His Britannick Majesty's Ship, that a Schooner, under Dutch Colours, came to anchor in those (Elmina) Roads that morning; that from her Papers, and other circumstances, he had every reason to suspect that she was engaged in the Slave-trade.

Mr. Breggen Paauw further expressed it to be his sincere wish, as well as his duty, to put a stop to this detestable Traffick; and his hope, that the Commander of His said Britannick Majesty's Ship would examine the Vessel.

It was in consequence of this Letter, that Captain Murray proceeded to Elmina, and caused possession to be taken of the Schooner *Amable Claudina*, on the grounds which have been previously stated in his Declaration, and sent her for Adjudication to the British and Netherlands Mixed Court of Justice at this Place.

On the same day (the 11th of January,) a Monition was prayed, and issued accordingly.

Claudio Picaluga, the Master, in his examination on the Interrogatories, states himself to be a Genoese by birth; that his Place of residence is Curaçao; that he is a Naturalized Subject of the King of

Holland ; that he purchased the Schooner *Amable Claudina* at Curaçao, of which he is the sole Owner, and half Owner of the Cargo, the other Moiety being the property of Jose Giovanni Zangroni, and of Chichiola Francischo, of Bordeaux; and that the said Schooner sails under a Licence from Paulus Roeloff Cantz'Laar, Governor of Curaçao, dated the 6th of October, 1824.

That the present voyage of the said Vessel commenced from Bordeaux, whence she was destined to La Guayra. He states " that it was his intention to go to La Guayra ; but, when he got to Sea, he altered his mind, and came to the Coast of Africa." He first touched at Teneriffe, to repair some damage the Vessel's masts had sustained : but it must be here remarked, that one of the Mates (George Buglass) positively swears, that it was for the purpose of obtaining " a greater number of men." Thence he proceeded direct to the Coast, anchored first at Popoe, professing it to be his intention to trade in palm-oil, ivory, &c. This the Mate aforesaid directly contradicts, and states it to be his belief " that the object was to procure Slaves." Not finding the success or facility he expected at this Place, he proceeded to Dutch Accra, where he says he landed Doubloons, to the value of 2000 Dollars, to exchange for Dollars; that having so landed this sum, he was unable to get the Dollars in return, but was forced to take Slaves to the number of 32. He acknowledges himself to be the Owner of the Slaves, but that it was not his intention to take them to the West Indies; and that he landed them at Popoe. The afore-named George Buglass, (and this is corroborated by other evidence,) on the contrary, declares, " that the Slaves were only landed there (at Little Elmina, near to Popoe,) for security, three hostages having been taken on board for them, who were delivered up when the Slaves were demanded, and re-shipped by the Captors." The number they, and then, sent on board was 34, being two more than is stated by the Master.

On the 20th of January, a Claim, through a Proctor of the Court, on the part of Claudio Picaluga, was made for the restoration of the said Schooner, her apparel, tackle, and furniture, her cargo, and for the value of 32 Slaves, as the sole property of himself, a Naturalized Subject of His Majesty the King of The Netherlands, an Inhabitant of Curaçoa, and a Native of Genoa ; and of two Naturalized Frenchmen, Natives of Old Spain, residing at Bordeaux, and as protected by the Treaty or Convention between His Britannick Majesty and His Majesty the King of The Netherlands, dated May 4, 1818; and for all costs, losses, charges, damages, demurrage. and expences, arising from the capture and detention of the said Vessel and her Cargo.

The 6th of February was fixed upon for the decision of the Court upon this Case; and, having deliberated with His Netherlands Majesty's Judge on all its points, and finding that her Licence, which is exactly in the same form as that of the *Hoop*, (granted by W. A. Von

Spengler,) on which Vessel I had lately the honour to report, having the same restricting Clause as to trading on the Coast of Africa; and also finding that her Passport and Custom-House Clearance from Bordeaux, her Muster-Roll, which is given under the Seal and Signature of the Dutch Consul, H. N. Houy, resident there; the Manifest of her Cargo, her Bills of Lading, all declaring her destination to be to La Guayra; and finding, that, instead of proceeding to such her Place of destination, she was found on the Coast of Africa, the only Place which her Licence forbade, with no other reason assigned by the Master of the said Vessel for such deviation than that, on going out to "Sea, he had changed his mind;" and it being further elicited, by the Examinations of the Master and other Persons belonging to the Schooner, that Slaves had actually been on board during this particular voyage;

The Court was unanimously of opinion, that the Vessel had evidently been engaged in a Traffick which was illegal, and therefore condemned the said Schooner *Amable Claudina*, and her Cargo, as lawful Prize to His Majesty's Ship *Atholl*, and the respective Governments.

It appearing that the Slaves, 34 in number, had been *caused to be put on board* at Little Elmina, near Popoe, by the instigation and influence of the Captors, a proceeding contrary to the Provisions of the Treaty, and to the Instructions of his Majesty's Government, the Court could not decree their Emancipation, but they were delivered over to the charge of the Government of this Colony.

Sierra Leone, March 10, 1826.

J. T. WILLIAMS.

(Enclosure 2.)—*The Governor of Elmina to The Netherlands Commissioner.*—(Translation.)

SIR,

St. George de la Mina, November 14, 1825.

I TAKE the opportunity at hand to inform you, that on the 11th of this Month, there came to an anchor here, under The Netherlands Flag, the Schooner *L'Amable Claudina*, Claudio Picaluga Master, and finding, on examination, that her Papers were not in good order, and it appearing, out of several circumstances, that she was engaged in the illicit Traffick in Slaves, I found myself under the necessity of detaining the Vessel, and to declare her a Prize.

A few hours afterwards an English Man-of War arrived off here, and being without sufficient means to secure the Prize, I found myself constrained to give her up to the said English Man-of-War, in order to be brought before the Mixed Commission Court at Sierra Leone for trial.

In the mean time I inform you, that I sent one of my Officers, Mr. Vander Breggen Paauw, on board the *Amable Claudina* as Prize-Master, by whom the said Vessel was given up to the before-mentioned

Man-of-War, together with the sum of 18,000*l.* which were found in the cabin, according to an accepted Receipt.

The just half of this Prize belongs to The Netherlands Government upon the Coast of Guinea; the other half becomes in favour of the English Man-of-War, the *Atholl*. So I trust to your zeal, that care shall be taken of the half of the money which was found on board the *Amable Claudina*, and more will probably be found in the said Vessel; also for the amount which the *Amable Claudina* and Cargo will produce at the Publick Auction.

And I expect the amount by the first convenient opportunity, that will belong to this Government on the Coast.

The Knight of the Order of the Belgic Lion, Major and Commander, A. T. of The Netherlands Possessions on the Coast of Guinea.

F. LAST.

P. S.—All the Papers belonging to the Vessel are given into the hands of the English Captain, Murray.

Mons. E. P. G. Bonnourrié.

F. L.

(*Enclosure 3.*)—*The Commanding Officer at Elmina to Capt. Murray.*
(Translation.)

SIR,

Elmina Castle, November 11, 1825.

IN consequence of The Chevalier Last being very ill, the management of the Publick Service having devolved upon me, I have the honour to inform you that a Schooner, under Dutch Colours, came to anchor in these Roads this Morning, and that from her Papers and other circumstances, I have every reason to suspect she is engaged in the Slave-trade.

As it is no less my sincere wish, than it is my duty, to do all I can to put a stop to this detestable Traffick, I take the liberty to acquaint you herewith, hoping you will examine the Vessel. I have detained the Master and some of the Crew on shore, and shall do my utmost to prevent her escape from here.

I have, &c.

I. C. VANDER BREGGEN PAAUW.

The Capt. of H. B. M. Ship-of-War,
Cape Coast Roads.

Second in Command.

(*Enclosure 4.*)—*Affidavit of Captain Murray.*

PERSONALLY appeared, James Arthur Murray, Esq. Captain of His Majesty's Ship *Atholl*, who, being duly sworn, maketh oath and saith, that the Letter hereunto annexed, dated "Elmina Castle, 11th November, 1825, signed J. C. Vander Breggen Paauw, Second in Command," and addressed to "The Captain of H. B. M. Ship-of-War, just arrived in Cape Coast Roads," was sent to this Deponent as Captain of the Ship-of-War just arrived in Cape Coast Roads, and is, as this Deponent verily believes, in the hand-writing of the said J. C. Vander

Breggen Paauw, Second in Command at Elmina Castle, and is now delivered up by this Deponent without any addition, alteration, or subduction whatever, except the Indorsement of "Letter from Elmina," written on the back.

JAMES A. MURRAY.

Sworn before me, at Free Town, Sierra Leone, this 11th day of Jan. 1826.

WM. SMITH, Registrar.

(Enclosure 5.)—*Affidavit of Lieutenant Caiger.*

APPEARED personally, Herbert Caiger, Esq. First Lieutenant of His Majesty's Ship *Atholl*, Captain James Arthur Murray, who, being duly sworn, deposeth and saith, that, on the 12th day of November last, being off Elmina Castle, on the Western Coast of Africa, by order of the said Captain James Arthur Murray, he, this Deponent, boarded and took possession of The Netherlands Schooner *Amable Claudina*, whereof Claudio Picaluga was Master, by reason that the said Schooner was employed in the illegal Traffick in Slaves, contrary to the Additional Article of the Treaty entered into between His Britannick Majesty and His Majesty the King of The Netherlands. And this Deponent further saith, that, at the time of going on board the said Schooner *Amable Claudina*, the said Claudio Picaluga, the Master, was on shore, at Elmina Castle, with a Boat's Crew of 4 men; that the said Schooner was under the command and charge of the Chief Mate; that no Boat whatsoever from the shore had had any communication with the said Schooner, and that she was not in charge of any Officer or Person sent on board by the Commandant of Elmina Castle.

Sworn before me, this 3d day of January, 1826.

H. CAIGER.

WM. SMITH, Registrar.

(Enclosure 6.)—*Licence of the Amable Claudina.*—(Translation.)

Most Serene, Most Illustrious, Illustrious, High and Well Born, Well Born, Venerable, Estimable, Sapient, Prudent, Emperors, Kings, Republicks, Princes, Dukes, Counts, Barons, Burgo-masters, Aldermen, Councillors, as also Judges, Officers, Justices, and Governors of all good Towns and Fortresses, who shall see these Presents, or shall hear them read, Greeting,

WE, Paulus Roeloff, Cantz'Laar, Knight of the Order of The Netherlands Lion, Rear Admiral in the Service of His Majesty the King of The Netherlands, Governor of Curaçoa, and the Dependent Islands Bonaire and Aruba, and Commander-in-Chief of the Land and Sea Forces there stationed, &c. &c. &c. notify: that Claudio Picaluga, is Master of the Schooner, called *Amable Claudina*, of 50 tons burthen, belonging to himself, a Subject of His Majesty the King of The Netherlands, and Inhabitant of this Island: and, being desirous to give encouragement to the before named Master, we entreat all the above-mentioned, and every one of them, to whom the Master alluded

to shall come with his Vessel and the goods laden in her, to be pleased to give the before-named Master a friendly reception and proper treatment, allowing him in his passage, upon his paying the customary Tolls and Imposts, to navigate, pass, and frequent the Ports and Rivers, with the view of transacting his business, where and when he shall think proper, which favour we are willing to return.

Given under our hand and the Seal of the Government, at Curaçoa, the 6th of October, 1824, the 11th Year of His Majesty's Reign.

To be in force for 12 Months for the purpose of Navigating all Seas, except those on the Coast of Guinea. CANTZ'LAAR.

By order of His Excellency, WM. PRING.

(Indorsed.) Seen at Bordeaux, the 16th of August, 1825,

Consul for The Netherlands, H. N. HOUY.

Seen the 10th September, 1825, Santa Cruz, in the Isle of Teneriffe, by

A. BERUFF.

J. VOSS.

(Enclosure 7.)—*Report of the Case of The Netherlands Brig Charles, Louis L'Oiseau, Master.*

THIS Vessel arrived here on the 21st of January, 1826, having 243 Slaves on board, 265 having been captured in her, and 22 having died during the passage to Sierra Leone.

The Declaration of the Captor, Lieutenant John Chrystie, commanding His Majesty's Gun-Brig *Conflict*, sets forth, that, being up the River of Old Calabar, he seized and detained the Brig *Charles*, sailing under Dutch Colours, whereof Louis L'Oiseau, was Master, on the 19th day of December, 1825, by reason that the said Vessel was employed in the Traffick in Slaves, contrary to the Treaty entered into between His Majesty and His Majesty the King of The Netherlands.

On the 23d day of January, the Papers in this Case were duly filed, together with the Affidavit of Mr. Henry Pryce Deschamps, Admiralty Mate of His Majesty's Brig *Conflict*, and Prize-Master of the *Charles*, which states, that the Papers, Writings and Documents, marked from No. 16 to No. 20, inclusive, (being a set of French Papers for the said Brig under the name of *L'Eugene*,) were delivered up to him by the Master of the said Brig; that he examined a Writing-Desk, which he found concealed in the Cabin of the said Brig, and found secreted in a drawer thereof, the Papers, Writings, and Documents, (No. 1 to No. 15), being the Dutch Papers of the said Brig under the name of the *Charles*, although told by the Master at the time of his delivering up the first Papers that there were no others on board.

A Monition was prayed for and issued on the 28th January, citing the Parties interested in the Cause to appear.

The French Papers found on board this Vessel, call her *L'Eugene*, commanded by Louis Guion, belonging to M. Victor Rancé, of

Pointe à Pitre, and are dated at Pointe à Pitre, Guadeloupe, as follows, viz:—

Register.....	27th October, 1824.
Passport.....	27th October, —
Role d'Equipage.....	24th April, 1825.
Invoice, signed Victor Rancé.....	25th April, —
Custom-House Clearance from Pointe à Pitre...	26th April, —

while the Dutch Papers, found concealed on board, declare her to be the *Charles*, commanded by Louis L'Oiseau; has her Clearance from Saint Thomas, dated 23d April, 1825, her Invoice (corresponding in every particular with the one said to be made at Pointe à Pitre, and in the same hand-writing,) dated also at St. Thomas, on the 24th April, 1825, signed by T. B. Andrize and Co. for the account and risk of Louis L'Oiseau; and the Muster-Roll Clearance for Rio Janeiro, and Passport, are dated at Saint Eustatius, the 27th April, 1825.

It is, therefore, evident that the French Papers must be gross forgeries, it being out of all probability that she could clear out from Pointe à Pitre, on the 26th April, and have her Muster-Roll Clearance for Rio Janeiro and Passport from Saint Eustatius, the next day.

The Second Master, Jean Rouxel, in his examination on the Standing Interrogatories, stated, that she was seized for having Slaves, and Dutch Papers and Colours on board; that her name is the *Charles*, but he believed she had also been called *L'Eugene*, as he saw French Papers with that name in them on board of her; that he saw them, for the first time, when she was lying in Calabar River, where also the French Flag was first hoisted, and that the French Flag was flying when she was examined by the Man-of-war, by which she was taken. He further stated, that the present Voyage commenced at St. Thomas, but did not know where it was to have ended. St. Eustatius he declared to be the last clearing Port the Brig sailed from, previous to capture, and that she went there to procure Netherlands Papers; from which Port she went direct to Calabar to procure her Cargo of Slaves, 267 of whom were on board when the Brig was taken, and he believed the Master (Louis L'Oiseau) to have been the sole Owner of the Brig and Slaves at the time they were seized.

Thomas Ganse, Seaman on board, deposed, on the same Interrogatories, " that the Brig was seized for having Slaves and French Papers and Colours, and Dutch Papers and Colours, on board, but that she sailed under Dutch Colours, and he only knew the Brig by the name of *L'Eugene*; that the present Voyage began at St. Thomas, but he did not know where it was to have ended; St. Eustatius was the last clearing Port she sailed from previous to capture, where the Dutch Papers were procured; and that she went to Calabar River to trade for Slaves, but he could not tell the number that were taken on

board ;” he further declared his belief, “ that the Master was the sole Owner of the Brig and Slaves at the time they were seized.”

It appeared by the evidence of Lindor, a Cabin-boy, “ that this is the second Voyage in which the Brig has been employed in carrying on an illicit Traffick in Slaves, the first Cargo having been safely delivered at Surinam; that the present voyage commenced at St. Thomas, and was to have ended there, after delivering the present Cargo at Surinam.”

The Declarations of Jean Rouxel, Thomas Ganse, and Lindor, the production of the fraudulent, if not felonious, French Papers, the concealment of the Dutch Papers, added to the fact of the Slaves having been found on board; all these circumstances combined, made this Case so very clear that the Court had no difficulty in condemning her as a lawful Prize, taken by His Majesty’s Brig *Conflict*, Lieutenant John Chrystie, Commander, and pronounced 265 Slaves to have been on board at the time of Capture, 22 of whom had died before Adjudication, and the remainder, in number 243, were emancipated.

Sierra Leone, March 20, 1826.

J. T. WILLIAMS.

(*Enclosure 8.*)—*Captain Louis L’Oiseau*, Brig *Charles*.

April 27, 1825.—Renewing Register and Muster Roll,

and amount paid for obtaining Se-

curity for 2,000 Spanish dollars.... 600 Sp. dolls.

Rd. Payment,

T. G. GROEBE.

No. 51.—*G. Rendall, Esq. to Mr. Secy. Canning.*—(*Rec. June 2, 1826.*)

SIR,

Sierra Leone, August 20, 1825.

I HAVE the honour to acquaint you, that E. P. G. Bonnouvrié, Esq. His Netherlands Majesty’s Commissary Judge, arrived in this Colony on the 15th instant, and that this Gentleman has entered upon the duties of his Office in the British and Netherlands Mixed Court of Justice.

I have the honour to be, &c.

The Right Hon. George Canning.

GEO. RENDALL.

No. 52.—*G. Rendall, Esq. to Mr. Secy. Canning.*—(*Rec. June 2, 1826.*)

SIR,

Sierra Leone, November, 21, 1825.

I HAVE the honour to enclose, for your information, a Report of the Case of The Netherlands Schooner *Bey*, William Woodside, Master, brought in here on the 23d of May last for Adjudication, having been detained on the 19th of the same month, off the River Gallinas, by His Majesty’s Ship *Maidstone*, Commodore Bullen, on suspicion of being engaged in the illicit Slave-trade, and falling under the several designations of the Additional Article to the Treaty, signed at Brussels, on the 25th of January, 1823.

The Court were of opinion that sufficient proof of the illegal engagement in the Slave-trade had been afforded, and therefore passed Sentence of Condemnation on the Vessel and Cargo on the 29th day of June.

I cannot allow this Case to pass without noticing to you, Sir, what appeared evident, from the various proofs which were afforded, that The Netherlands Flag and Papers had in this instance been obtained for the purpose of fraudently covering other property. The Vessel was American built, and by the names of the Master and Crew on the Muster-roll, it would appear they were Americans or Englishmen.

The Second Mate, an American, was perfectly ignorant of the Dutch language, and stated that he did not know to what Countries the Crew respectively belonged. He appeared much astonished when he was informed that the Ship's Passport contained a Clause which forbade trading on the Coast of Guinea.

I have, &c.

The Right Hon. George Canning.

GEO. RENDALL.

(*Enclosure.*)—*Report of the Case of The Netherlands Schooner Bey, William Woodside, Master.*

THIS Vessel arrived in the Harbour of Sierra Leone on the 23d of May last, but, owing to the changes in the Commissions at that period, the Proceedings were not regularly commenced until the 13th of June, upon which day the Ship's Papers were brought into the Registry, and duly attested by George A. Nixon, Master's Mate of His Majesty's Ship *Maidstone*.

The usual Monition was issued on the 14th, calling upon all Persons having, or pretending to have, any right, title, or interest, in the Schooner *Bey*, to appear and make claim, which was returned on the 22d of June as duly served.

Commodore Bullen's Declaration states, that this Vessel was detained off the River Gallinas, on the 19th of May, 1825, being under Dutch Colours, armed with 1 gun, 12-pounder, William Woodside, Master, who being absent on shore, William Wolper, the Commanding Officer, declared her to be bound from St. Eustatius to the Gallinas, with a Crew of 11 men, having no Slaves on board, but falling under several designations of the Additional Article, signed at Brussels, on the 25th of January, 1823.

The Papers of the Vessel consist of a Roll of the Crew, a Bill of Sale, a Licence to carry Arms, and another to Navigate the Vessel, for 12 months, to any Port or Place except upon the Coast of Guinea, and are all dated in the month of October, 1824, at St. Eustatius.

The Depositions of all the Witnesses examined, viz.: the Second Mate, one Seaman, and the Steward, shew that this Vessel was fitted

at St. Eustatius, from whence she sailed to the Coast of Africa, direct, where she touched at Garraway, Grand Sestos, Cape Mount, Manna, and Gallinas, to trade; that she was seized at anchor 5 miles off Gallinas, had one Passenger taken on board at Manna, Johannes Dahl, a Danish Mariner; that the Master, who is a Naturalized Dutchman, was the Owner; Vessel's Clearance and Log-book burnt at Manna, by accident; has 30 bags of rice taken on board on the Coast; the Seaman states that part was taken on board at St. Eustatius; has 34 water casks, some filled at St. Eustatius, others on the Coast; plank cut to fit the masts and pumps; Cargo sold to different Persons on the Coast. The return Cargo was to have been palm oil and camwood; it was not to have been Slaves, to their knowledge. The Second Mate and Steward state, that Black Men were carried as passengers from one part of the Coast to another, which the Seaman denies.

The Deposition of Johannes Dahl shews, that he embarked as a Passenger on board this Vessel at Manna, 2 months and a half previous to his Examination; is certain that 60 or 70 bags of rice, each weighing about 150lbs. were landed at Manna and Gallinas; thinks there were more coppers with steamers than would cook for 100 Negroes or Slaves; Vessel has carried Black Passengers, cannot swear they were free or Slaves.

A Commission of Survey was prayed on the part of the Captors, and granted on the 21st of June. The Report of the Commissioners was filed on the 27th, the substance being as follows: that the Schooner *Bey* is 60 tons admeasurement; length on deck 60 feet 2 inches; extreme breadth 18 feet 2 inches; one suit of sails complete; no goods, wares, or merchandize on board; armed with 1 long traversing 12-pounder gun in complete order; 2 brace of pistols, 6 cutlasses, and 2 muskets; 1 quarter barrel powder, 40 cases of cannister shot, 45 round shot and a small quantity of langridge; 30 hogsheads of water stowed in the hold, containing about 2,000 gallons; 3 empty puncheons and 2 barrels on deck, capable of containing about 400 gallons more. The casks in the hold are stowed so as to form nearly a platform of themselves.

In the after part of the hold a platform, 6 feet by 10 feet 2 inches, was laid. Spare beams and planks fitted to the hold, by which they extended the platform 16 feet 5 inches in length, with the whole breadth of the hold; there were not boards enough to form a complete platform, but they found some pieces cut to fit the fore part of the Vessel, and when cut to fit the foremast. The height between the shifting platform and the deck was 3 feet 1 inch; found on board 11 buckets and 4 mess-kids; boilers divided into 4 parts, and with 2 steamers, capable of holding $31\frac{1}{2}$ gallons; an oven for baking, with range in front; found 37 bags of Carolina rice, containing 82 cwt.

From the Evidence, the Ship's Papers, and the Report of the Commissioners of Survey, the Court were of opinion that this Vessel was, at the time of her detention, within the limits specified in the Additional Article to the Treaty, concluded at The Hague, the 4th day of May, 1818, between His Majesty and the King of The Netherlands, signed at Brussels, the 25th of January, 1823, and that, in her outfit and equipment, she fell within the 3d, 5th, 6th, 8th, and 9th designations therein mentioned. In addition to this *prima facie* Evidence of the Vessel's employment in the Slave-trade, the Court duly considered the other suspicious circumstances under which she was found; viz.: being at anchor off one of the most notorious Slave Factories on the Coast of Africa, when the Licence of Navigation expressly forbade any approach to the Coast of Guinea; landing large quantities of rice at Manna and Gallinas, part of which had been brought from St. Eustatius, and part bought on the Coast; filling the casks with water on the Coast, although the Second Mate declared that palm-oil was to have been part of return Cargo; having no Log-Book kept either by the Master or two Mates; and, further, that no satisfactory Evidence was offered on the part of the Owner or Master that this Vessel was otherwise legally employed at the time of detention.

The Court, therefore, passed Sentence of Condemnation of the Vessel and Cargo, on the 29th day of June, 1825.

GEO. RENDALL.

No. 53.—*G. Rendall, Esq. to Mr. Secy. Canning.*—(Rec. June 2, 1826.)
 SIR, *Sierra Leone, November 21, 1825.*

I HAVE the honour to enclose, for your information, the Report of the Case of The Netherlands Brig *Z, Denis K. Derne*, Master, brought in here for Adjudication on the 17th of August last, having been detained on the 31st of July previous, by His Majesty's Ship *Maidstone*, Commodore Bullen, off the River Sombrero, or Andony, not having any Slaves on board, but being fitted and equipped for the Slave-trade.

The proof in this Case being fully established, the British and Netherlands Commissary Judges passed Sentence of Condemnation of the Vessel, on the 9th September 1825.

I beg leave to remark, that I conceive this Case bears great similarity to that of the *Bey*, and is more fully developed by the discovery of Slave Irons and Coppers. The Master was Naturalized at St. Eustatius, in April last, and in the Month of July he arrived on this Coast with a full Cargo, under Dutch Colours. It is evident that French property is covered in this Case, and shews with what facility false Papers can be procured at the Island of Saint Eustatius.

I propose forwarding, with the General Report of the state of the Slave-trade, Translations of the Private Letters and Papers found on

board this Vessel, as I hope they will prove the means of throwing some light on these nefarious transactions. I have, &c.

The Right Hon. George Canning.

GEO. RENDALL.

(Enclosure.)—*Report of the Case of The Netherlands Brig Z. Denis K. Derne, Master.*

THIS Vessel arrived at Sierra Leone the 17th day of August last, and the Ship's Papers duly authenticated, with Commodore Bullen's Declaration, were brought into Court the same day. A Monition was issued on the 20th of August, calling upon all Persons having, or pretending to have, any Claim in the Brig Z. to appear and establish the same; this was returned as duly served on the 29th.

The Declaration of Commodore Bullen states, that on the 31st of July 1825, off the River Sombrero or Andony, he detained the Brig Z, sailing under Dutch Colours, armed with 2 long 6-pounder guns, 4 18-pounder carronades, 2 swivels, 18 muskets, and 12 swords, commanded by Denis Kerne Derne, who declared her to be bound from St. Thomas to the River Andony, belonging to Saint Eustatius, with a Crew of 28 men and boys, not having on board Slaves, but falling under the several designations of the Additional Article, signed at Brussels, the 25th of January 1283.

The Papers of the Vessel consist of a License of Navigation for 12 months, to any Place except upon the Coast of Guinea, and a Passport given by the Governor of the Island of Saint Eustatius, in April 1825. A Muster-roll, List of Cargo, and Clearance, dated at Saint Thomas, the 25th of May 1825. There are also numerous French Letters, Private Papers, &c.

The Master's Deposition states, that he was born at Brest, but Naturalized at Saint Eustatius in April last. Took possession of the Vessel about 18 or 20 months since at Martinique; she was built at Nantes; has a large interest in the Vessel and Cargo; she was seized upon pretence of being engaged in the Slave-trade; sailed under Dutch Colours; had a French Flag on board, it was on board because she sailed under the French Flag formerly; has been called the Z. since April last, was formerly the *Pauline and Amanda*. The Voyage began at Saint Thomas and was to have ended there; was captured in 3. 30. North, and 6. East; bought the Vessel at Martinique from the French Government at Publick Auction; paid 6000 Dollars for her; Vessel and Cargo were both insured for this Voyage in Paris, at a premium of $2\frac{1}{2}$ per Cent.

The Depositions of the Surgeon, Boatswain, and Cabin-cook, are alike in substance with that of the Master.

Three Affidavits, made by Edward Franklin, Lieutenant of His Majesty's Ship *Maidstone*, and Prize Master of the Brig Z, were filed in this Case; the 1st on the 6th of September, 1825, stating, that, on the

26th of August, Deponent found 86 Slave-irons on board the Brig *Z*, which had been concealed below; the second states, that, on the 7th of September, the same Deponent found 76 Slave-irons, in addition to the 86 before mentioned, and that they were concealed under the powder in the hold; the third Affidavit states, that, on the 10th of September, Mr. Franklin discovered, in the after-part of the Brig *Z*, a set of coppers capable of containing from 90 to 100 gallons.

A Commission of Inspection and Survey was prayed and issued on the 6th of September, and returned as duly performed on the 8th. The Commissioners report that the hatches of the Brig *Z* are fitted with open gratings, that she has spare plank more than sufficient to form a second or moveable deck, beams fitted with rabbits and grooves for receiving the same; that they found 80 pair of shackles, as well as a considerable number of iron-bolts; from 10 to 15 tons of water in casks, butts, puncheons, and hogsheads; 51 mess kids, from 2 to 3 gallons each; 16 buckets of 2 gallons each; 6 poopoo tubs; boilers unreasonably large for the tonnage of the Vessel; from 30 to 40 bags of rice, as nearly as they could ascertain, mixed with calavances in bulk; also some casks of calavances; 4 12-pound carronades, 2 long 9-pounders, sundry small arms and cutlasses, with a considerable quantity of powder and shot of all descriptions.

The Court were of opinion that this Vessel was, at the time of capture, within the specified limits, and that, in her equipment and outfit, she fell within 8 of the designations named in the Additional Article to the Treaty, signed at Brussels on the 25th of January 1823, viz:—the 1st, 3d, 4th, 5th, 6th, 7th, 8th, and 9th: and, as no evidence was offered on the part of the Master and Owner that the Vessel was legally employed at the time of her detention, the Court passed Sentence of Condemnation on the Vessel and Cargo on the 9th day of September, 1825.

GEO. RENDALL.

No. 54.—*G. Rendall, Esq. to Mr. Sec^y. Canning.*—(Rec. June 2, 1826.)
SIR, *Sierra Leone, November 25, 1825.*

I HAVE the honour to enclose, herewith, a Report of the Case of The Netherlands Schooner *La Venus*, André Desbarbes, Master, detained on the 1st of September off Cape Formosa, by His Majesty's Ship *Atholl*, Captain James Arthur Murray, having no Slaves on board, but falling under the several designations contained in the Additional Article to the Treaty signed at Brussels the 25th of January, 1823, and sent in here for Adjudication on the 23d of September, 1825.

The proof of this Vessel's engagement in the illegal Traffick of Slaves being clearly established, the British and Netherlands Judges condemned the Vessel and Cargo on the 1st of November, 1825.

I feel it my duty to observe, that this is another Case wherewith I conceive The Netherlands Flag has been made a cover for French

property, a practice which I expect will be found to have been of long and frequent occurrence, although it has escaped the vigilant notice of our Cruizers until lately.

I have, &c.

The Right Hon. George Canning.

GEO. RENDALL.

(Enclosure.)—*Report of the Case of The Netherlands Schooner La Venus, André Desbarbes, Master.*

THIS Vessel was brought into this Port on the 23d of September, 1825, but owing to the absence of the Agent and Proctor for Captors, the Papers were not produced in Court until the 12th of October, upon which day Mr. Hodder, Admiralty Mate, delivered them, duly attested, together with the Declaration of the Captor, into the hands of the Registrar, by whom they were duly filed. A Monition was issued, citing all persons having any right or interest in the Schooner *La Venus* and Cargo, to appear and make claim; this was returned certified as having been duly served.

The Declaration of the Captor, Captain James Arthur Murray, commanding His Majesty's Ship *Atholl*, states, "that, on the 1st day of September last, being in Latitude 4. 12. North, and Longitude 5. 33. East, he detained the Schooner *La Venus*, sailing under Dutch Colours, armed with 4 six-pounder guns, commanded by André Desbarbes, who declared her to be bound from St. Thomas, West Indies, to the Coast, with a Crew consisting of 27 men."

The Third Mate, in answer to the Standing Interrogatories, states, "that the Master's name is Desbarbes, that M. Saubot appointed him to the command at St. Thomas in June last; does not know upon what pretence the Vessel was seized; sailed under Dutch Colours, had a French Flag on board; does not know for what reason Voyage began at St. Thomas, does not know where it was to have ended; touched at no Places during the Voyage; Vessel was seized off Cape Formosa on the 1st of September, was steering for Princes Island, hauled close on a wind, because they were afraid Capturing Ship was a Pirate." In answer to Special Interrogatories put by order of the Court, states, "the hatches of *La Venus* to be close, like common Merchant Vessels, has two bulk-heads, one to part off the cabin and the other the fore-castle from the hold; some plank on board, cannot say what quantity, or for what purpose it was to be applied; does not know if there are any shackles, bolts, hand-cuffs, or shackle-rivets on board; has a tier of water-casks, cannot state the number or quantity; does not know if there is a Custom-House Clearance for the same; there are mess-tubs and kids on board; does not know the number; does not know if any large coppers or boilers are on board, nor if any means of making more than one cooking place; has seen only two or three casks of rice, there may be more; some flour, does not know what quantity; cannot say whether the return Cargo was to have been

Slaves or not ; cannot say for what purpose the articles he has stated to be on board were intended ; does not know what Cargo *La Venus* carried off the last Voyage." Carl F. Schmeidcke, a Mariner, in his Answers to the Standing Interrogatories, gives the exact substance of the Third Mate's Evidence, but differs in some of his Answers to the Special Interrogatories, as " that he has seen 6 or 8 planks marked ; a dozen shackles on board ; that there are a great many water-casks all full ; has seen about 20 mess-kids, and 4 large tubs with covers ; there is a great quantity of rice ; believes from what he saw on board that the return Cargo was to have been Slaves ; believes the articles he has stated to be on board must have been intended for the use of Slaves ; heard from the people that the last Cargo was Slaves ; a Commission of Survey was issued on the 17th of October, and the Report of the Commissioners filed on the 21st ; they state that the main hatch of *La Venus* is open, with loose iron bars to fix on the same ; that there is on board a quantity of plank, numbered, cut, and fitted to form a moveable deck ; that they found 131 pair of shackles or irons, with about 500 forelocks and 19 padlocks, evidently intended for Slave chains ; complete tier of water-casks, fore and aft, all nearly filled ; they found 46 mess-kids, 14 buckets, 2 large mess-tubs, 6 poopoo-tubs, and a large quantity of wooden-spoons ; one large copper-boiler of 120 gallons, in addition to the usual cooking apparatus of the Crew ; also 2 tons of rice and a small quantity of calavances." They state that the Vessel has the appearance of being fitted out for the Slave-trade.

The Court came to the conclusion, that the Schooner *La Venus* was, at the time of her detention by His Majesty's Ship *Atholl*, Captain James Arthur Murray, within the limits specified in the Additional Article to the Treaty, signed at Brussels the 25th of January, 1823, and that in her outfit and equipment she came under the 3d, 4th, 5th, 6th, 7th, 8th, and 9th designations therein contained, and, as no exculpatory evidence was offered on behalf of the Owner or Master, the Court passed Sentence of Condemnation on the said Schooner *La Venus* and her Cargo, upon the 1st day of November, 1825.

GEO. RENDALL.

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

GENTLEMEN,

Foreign Office, July 8, 1826.

I SEND to you, for the information of yourselves, and of the other Gentlemen composing the Board of Commission whereof you are Members, the accompanying Copy of a Note, which I have received from His Netherland Majesty's Chargé d'Affaires at this Court ; by which it appears, that The Netherlands Brig-of-War *Panther*, destined for the West Indies, will be furnished with a Copy of the Treaty of

the 4th May, 1818, and of the Documents annexed thereto, for the suppression of the Traffick in Slaves.

I am, &c.

His Majesty's Commissioners.

GEORGE CANNING.

(*Enclosure.*)—*M. Dedel to Mr. Secretary Canning.*

Bryanston-Square, le 4 Juillet, 1826.

LE Soussigné, Ministre Plénipotentiaire de S. M. Le Roi des Pays Bas, a l'honneur de s'acquitter des Ordres qu'il vient de recevoir de sa Cour, en portant à la connaissance de Son Excellence Mr. Canning, Premier Secrétaire d'Etat pour les Affaires Etrangères, que le Brick des Pays Bas *de Panter*, de 106 hommes d'équipage, et de 18 pièces de canon, commandé par le Capitaine-Lieutenant Buys, et qui avait ordre de partir le 1er Juillet pour les Indes Occidentales, sera pourvu d'un exemplaire du Traité du 4 Mai, 1818, et de tous les autres Documents, qui sont relatifs à la répression du Commerce des Esclaves.

Le Soussigné, &c.

A Son Excellence M. Canning.

W. G. DEDEL.

No. 56.—*J. T. Williams, Esq. to Mr. Secy. Canning.*—(*Rec. July 12.*)

SIR,

Sierra Leone, April 4, 1826.

I HAVE the honour to forward, herewith, a Report of the Case of the Schooner *Vogel*, Jean Blais, Master, tried and condemned in the British and Netherlands Court of Justice, as Prize to His Majesty's Ship *Brazen*, Captain G. W. Willes, on the 31st of last Month.

The fact of the abuse of the Flag of His Majesty the King of Holland, to cover the illicit practices of the Slave Dealers of other Nations, is so notoriously evident in this Case, that I have considered it to be my duty to forward, with the Report on it, a greater number of Documents than I should think it proper to trouble you with in ordinary Cases; it having occurred to me, that they may be useful, should you be pleased to consider it expedient, to communicate with the Government of His Majesty the King of The Netherlands on the subject of the Proceedings of the Colonial Authorities at St. Eustatius; for certainly the manner in which these Licences have been granted, as it would appear to every Applicant, evinces but little care for the respect and dignity of their National Flag.

The facility with which business of this description is effected at St. Eustatius, will appear by the following brief Statement:

Jean Blais was at the Island of St. Thomas on the 22d July, 1825, where he appears to have made his arrangements, and to have proceeded immediately to St. Eustatius; for, in a few days after, we find him a Naturalized Subject of the King of Holland, as appears by his Certificate of Naturalization, dated 28th July, 1825.

On the 4th of August, he purchases the American Schooner *Gallant*, (a matter which, it is to be presumed, had been previously arranged at St. Thomas,) for 2,250 Pieces of Eight, and changes her name to that of the *Vogel*. Under the latter name a Licence is granted to her on the following day, to sail under The Netherlands Flag.

These Documents are all authenticated and signed by the Governor, "W. A. Van Spengler."

On the same day (5th August,) she clears out, in ballast, to return back to St. Thomas.

On the 17th September, she clears out at the Custom-House, at St. Thomas, for Princes Island, on the Coast of Africa.

Among the French Papers is an *Acte de Francisation*, dated Pointe à Pitre, Guadaloupe, 18th October, 1823, for the Schooner *L'Oiseau*, belonging to Monsieur Lafosse of that Place. The *Vogel* has the same signification, but could not be the same Vessel, the former being stated to be upwards of 80 tons, the latter only about 52.

Notwithstanding this, her Role d'Equipage is dated at Pointe à Pitre, as well also as an Invoice of Goods shipped on board *L'Oiseau* (signed J. Lafosse, consigning the same, amounting to 8,567 dollars, to Jean Blais,) on the 17th September, 1825; and her Custom-House Clearance from Guadaloupe to Princes Island, is dated the following day (18th September.)

These Papers, I should conclude, must either be spurious, or they must be improperly obtained. The Role d'Equipage is dated the same day as the Clearance from St. Thomas (the 17th), and it would be indeed out of the scope of possibility, that these two matters should have been transacted, in the two Islands, on the same day; and equally improbable that the Vessel could reach Guadaloupe, so as to clear out from Pointe à Pitre on the 18th.

I have reason to believe, from every thing I can learn, that in the system now followed in this branch of the Slave-trade, there is a combination of the interests of Parties, some of which are resident at Guadaloupe, Martinique, St. Thomas, and St. Eustatius. At the first Place is J. Lafosse, at the second a Monsieur Jean Delluc, and at St. Thomas, Messrs. Ogereau et Dubois; and that there must be some Dutch Subjects concerned, at least in some instances, will I think scarcely admit of doubt; for in one of the Letters found on board the *Vogel*, dated at Tradetown, I find the following expression: "J'irai donc à Surinam; veuillez y preparer vos ordres," [I will go then to Surinam; be so good as to prepare your Orders there.]

There is one Document, Copy of which I send *verbatim*. It is a Note addressed by Jean Blais to Joseph Tricon, the First Mate, and which proves distinctly the pursuit in which he was engaged. The articles which he directs to be sent on shore, as the return to the King of the Place, for *une génisse*, (a heifer,) are goods paid for the price

of a Slave ; what the exact nominal value would be at Cape Mount I have had no means of learning, but I have ascertained that, according to the prices of Merchandize in this Colony, the amount would be from £8 to £10.

I have, &c.

The Right Hon. George Canning.

J. T. WILLIAMS.

(Enclosure 1.)—*Report in the Case of the Vogel, Jean Blais, Master, sailing under Dutch Co'ours.*

THE Schooner *Vogel*, was detained off Grand Currow, on the Windward Coast, on the 22d day of January last, by Lieutenant Baldwin Wake Walker, in command of a Boat belonging to His Majesty's Ship *Brazen*, G. W. Willes, Esq. Commander.

The Declaration of Captain Willes sets forth, that, in addition to the Dutch Papers found on board the *Vogel*, the Master had on his person a set of French Papers calling her *L'Oiseau*: that the said Schooner was fitted for a Slaving Voyage, inasmuch as she had a large number of water casks stowed in her hold, and a greater quantity of rice than necessary for a Trading Vessel's Crew; it appearing that 3600 lbs. had been put on board when she commenced her Voyage.

The Papers in this Case, consisting of French Papers from Guadeloupe, and Dutch Papers from Saint Eustatius, (a Schedule of the most important of which accompanies this,) were duly filed on the 18th of March, together with the requisite Affidavits.

A Monition was prayed for on the 20th, which was regularly served and returned on the 29th.

Joseph Tricon, the First Mate, who was in command of the Vessel when she was detained, deposeth, in his Examination on the Interrogatories, that the Master, Jean Blais, took possession of the Schooner at Saint Eustatius; that she had been called the *Vogel* about 7 months, previous to which she was called the *Gallant*, and sailed under American Colours; that the Crew were all hired and shipped at St. Thomas, by the Master, to come to the Coast of Africa for a Cargo of Slaves; he further deposeth, that the Voyage began at St. Thomas, and was to have ended at Surinam, where the Cargo of Slaves were to have been landed, but he knew not to whom consigned; that the Schooner sailed direct from Saint Thomas to the Coast of Africa, and anchored at Cape Mount to trade for Slaves; at this place the Master, Jean Blais, landed the principal part of the Cargo of Merchandize, and remained on shore, sending him, the Deponent, in command of the Schooner to Grand Currow, to purchase palm-oil and rice, while he, the Master, continued at Cape Mount to purchase Slaves: he also states his belief that the palm-oil and rice he was ordered to purchase, were for the purpose of feeding the Slaves.

This man further deposeth, that there were 2 sets of Papers on board, one Dutch; and the other French; that the Master gave him the

French Papers when at Cape Mount, and instructed him to shew them in the event of his being boarded by an English Man of War, and the Dutch Papers should he meet a French Vessel of War; he also told him to call the Crew aft, and give them directions to support him in this Declaration; that when the Schooner was taken he had the Dutch Papers in his pocket, and the French Papers were in his birth.

The foregoing Evidence was confirmed, in all its material points, by the Deposition of Henry Williams, a Native of Riga, and a Seaman on board the said Schooner, who stated he knew her before she was called the *Vogel*, and that she was, previous to this, named the *Gallant*, of Baltimore.

The Ship's Papers, and other Documents and Letters found on board this Vessel, manifested evidently the clandestine views of the Parties concerned in the Voyage: she was, when detained, within the limits prescribed in the Treaty between His Majesty and His Majesty the King of The Netherlands, signed at Brussels, the 25th January, 1823. The Master, Jean Blais, the better to carry his illegal purpose into effect, had located himself at one of the principal and most notorious Slave Factories on the Windward Coast; at this Place he landed nearly the whole of his Cargo, without shipping a single article of produce in return.

In the Declaration of Joseph Tricon, the First Mate, he hesitated not in acknowledging the object of the Master of the *Vogel*, to have been the Traffick in Slaves, and he also declared his belief, that the palm-oil and rice, which he was employed to purchase, were for the purpose of feeding the Slaves. Amongst the Papers are 2 Invoices; in C. No. 3, the 3d Entry is 3600 lbs. of rice, whilst in No. 4, falsified by the Master, the rice is omitted, together with its value, 180 Dollars, and yet the total amounts are made to correspond; in addition to this quantity, there was also found, amongst the Ship's Papers, a Receipt for 360 Dollars, given for 5 tons of rice, (sold for Cash, and not a transaction in Barter,) to Captain Blais, off Cape Mount, by John Smith, Master of the *James Dunsmure*, supposed to be a Liverpool Trader.

The nature of the private Letters found on board, which, though so written as evidently to attempt to disguise and mislead, is, in several instances, so clear, as to shew the intent of the Parties. In the Letter of Instructions, from Blais to Tricon, he writes, "I have learnt, from good authority, that, if met on the Coast of Africa by the English Cruizers, The Netherlands Flag will not *excuse* us. I therefore direct you to be very careful, when any Ship appears that you may suspect, to run from her if it be possible."

In fine, the manner of her equipment and outfit, the circumstance of her being found on the Coast of Africa, in direct contradiction to the preventive Clause, in the Licence granted to navigate under the

Dutch Flag, from the Colonial Authorities at Saint Eustatius, and every circumstance connected with the Case, leading to the decided conclusion, that the object in view was the illicit Traffick in Slaves:

The British and Netherlands Judges, perfectly coinciding in opinion, (and no claim or explanation being made or offered by any Person on account of the Parties interested,) without hesitation condemned the said Schooner *Vogel*, taken by His Majesty's Ship *Brazen*, Captain G. W. Willes, as lawful Prize to their respective Governments.

Sentence of Condemnation was accordingly passed against her in the British and Netherlands Court of Justice, on the 31st day of March, 1826.

Sierra Leone, April 4, 1826.

J. T. WILLIAMS.

(Enclosure 2.)—Schedule of Papers found on board the Schooner *Vogel*.

DUTCH PAPERS.

- (A 1.)—CERTIFICATE of Naturalization of Jean Blais, dated St. Eustatius, 28th July, 1825, signed by the Governor of that Island, W. A. Van Spengler.
- (A 2.)—A Bill of Sale from Frederick A. Reynolds, Owner of the American Schooner *Gallant*, to Jean Blais, of St. Eustatius, 2,250 Pieces of Eight, dated 4th of August, 1825, signed W. A. Van Spengler.
- (A 3.)—Licence to Jean Blais to navigate the Schooner *Vogel* under The Netherlands Flag, with Petition to carry guns; and Licence granted, stating that security had been given for 5,000 Guilders, that he should not be employed in the Slave-trade, dated 5th August, 1825, signed W. A. Van Spengler.
- (A 4.)—Muster Roll, dated 5th August, 1825, signed W. A. Van Spengler.
- (A 5.)—Custom Clearance for the *Vogel*, in Ballast from St. Eustatius to St. Thomas, same date.

DANISH PAPERS.

- (B.)—Clearance from Custom House at St. Thomas for Princes Island, on the Coast of Africa, dated 17th September, 1825.

FRENCH PAPERS.

- (C 1.)—Acte de Francisation, dated Pointe à Pitre, Guadaloupe, 18th October, 1823, for the Schooner *L'Oiseau*, belonging to Monsieur J. La Fosse, of that Place.
- (C 2.)—Role d'Equipage, dated at Pointe à Pitre, Guadaloupe, 17th September, 1825.
- (C 3.)—Invoice of Cargo shipped on board *L'Oiseau*, consigned to the Master, dated at Pointe à Pitre, 17th September, 1825, and signed J. Lafosse—amount 8,567 Dollars.
- (C 4.)—An Invoice, similar to No. 3, with the exception of the third Entry, viz.—6 tierces of rice, 3600 lbs. 180 Dollars, which

is partially erased, and St. Thomas introduced instead of Pointe à Pitre, and it is signed by J. Blais, instead of J. Lafosse; the date is the same.

(C 5.)—Custom House Clearance from Guadaloupe, dated 18th September, 1825, for the Island of Princes, on the Coast of Africa.

(C 6.)—Copy of a Letter from Jean Blais, at Cape Mount, to Joseph Tricon; no date.

(Enclosure A 1.)—*Certificate of Naturalization of Jean Blais.*

(Translation.)

WE, William Augustus Van Spengler, Colonel and Sea-Captain in the Service of His Majesty the King of The Netherlands, Governor of the Islands of St. Eustatius, St. Martin, and Saba, Commander-in-Chief of the Land and Sea Forces in this Island, &c. &c. &c. authenticate and certify, by these presents, to every one whom it may concern, that Jean Blais, a Native of Bordeaux, in France, has this day taken, in our hands, the proper Oath of Allegiance to His Majesty; wherefore we entreat every one who may be shewn these presents, to consider the before-mentioned Jean Blais, as a Subject of His Majesty, and to let him enjoy the right and the privileges belonging to him on that account. In faith of which, these presents have been signed by us, the Governor and Secretary of this Island, and confirmed by means of the Seal of this Colony.

St. Eustatius, the 28th July, 1825, W. A. V. SPENGLER.
the 12th Year of His Majesty's Reign.

By his Order, T. G. GROEBE, Sec.

(Enclosure A 2.)—*Bill of Sale of the Schooner Gallant.*—(Translation.)

WE, William Augustus Van Spengler, Colonel and Sea Captain in the Service of His Majesty the King of The Netherlands, Governor of the Islands of St. Eustatius, St. Martin, and Saba, Commander-in-Chief of His Majesty's Land and Sea Forces in those Islands, &c. &c.

Notify and acknowledge the personal appearance before us of Mr. Frederick A. Reynolds, Owner of the American Schooner the *Gallant*, now lying in this Roadstead, who declared to have privately sold, and, in virtue of these presents, transfers to, and in favour of, Mr. Jean Blais, Citizen of this Island, the above Schooner *Gallant*, with her masts, sails, rigging, anchors, cables, and other appurtenances, and to have done so in consideration of 2,250 Pieces of Eight, which he, Deponent, acknowledges to have already received without the deduction of a farthing, promising to guaranty the Schooner *Gallant*, with her appurtenances, to the purchaser, the above-mentioned Jean Blais, against all claims and demands, either implied or expressed.

In attestation of which, these presents have been signed by us the Governor and Secretary of this Island, and also by the Deponent, and confirmed with the Seal of this Colony at St. Eustatius, the 4th of August, 1825.

W. A. VAN SPENGLER.

FREDERICK A. REYNOLDS.

T. G. GROEBE, Secretary.

(Enclosure A. 3.)—*Petition of Jean Blais, to carry Guns on board the Vogel, and Licence to Navigate.*—(Translation.)

To His Excellency Mr. W. A. Van Spengler, Governor of the Islands of St. Eustatius, St. Martin, and Saba, Commander-in-Chief of His Majesty's Land and Sea Forces in the same, &c.

Jean Blais, a Citizen of this Island, submits with the highest respect,

THAT Memorialist has this day purchased in this Town, a Schooner called *De Vogel*, (proved by the deed of sale certified by the Colonial Secretary,) which, agreeably to the Right of Citizenship which he has procured, he is desirous to place under the protection of The Netherlands Flag, and to obtain from your Excellency the requisite Sea-papers, in order thereby to advance the interests of his commercial pursuits.

That the Pirates, who are cruising everywhere, make it incumbent on all Commanders of Ships to provide themselves with arms, to be able, in case of an attack, to oppose it. For these reasons, Memorialist addresses to your Excellency the humble Petition, to authorise him to keep on board his Schooner the arms which he found there, consisting of 2 pieces of ordnance, 6-pounders, 12 muskets, and 6 sabres, together with the necessary proportion of ammunition, soliciting from his Excellency a favourable Reply to his Memorial.

St. Eustatius, August 4, 1825.

JN. BLAIS.

The Governor of this and the Dependent Islands, having seen the above Petition of *Jean Blais*, Citizen of this Island, has thought proper and resolved to grant the prayer of Memorialist, and it is hereby granted, in permitting him to carry on board his Schooner *De Vogel*, 2 pieces of cannon, being 6-pounders, also 12 muskets and 6 sabres, together with the necessary proportion of ammunition, upon the express condition of his giving, in addition to what is usual, an extraordinary and sufficient security of 5,000 Guilders, Netherlands currency, not to employ the Vessel above mentioned in carrying on the prohibited Slave-trade, or to make an improper use of her armament.

Given under our hand and the Seal of the Government, at St. Eustatius, August 5th, 1825, being the 12th Year of His Majesty's Reign.

W. A. V. SPENGLER.

Most Serene, Most Illustrious, Serene, High and Well-born, Most Noble, Honorable, Estimable, Wise and Prudent, Emperors, Kings, Republicks, Princes, Dukes, Counts, Barons, Burgo-masters, Aldermen, Councillors, as also Judges, Officers, Justices, and Governors of all good Towns and Fortresses, who shall see these Presents, or shall hear them read, Greeting;

WE, William Augustus Van Spengler, Colonel and Sea Captain, in the service of His Majesty The King of The Netherlands, Governor of the Islands of St. Eustatius, St. Martin, and Saba, &c. &c. make known, That Jean Blais is Master of the Schooner called *De Vogel*, of 51½ tons burthen, the property of Mr. Jean Blais, a Subject of His Majesty The King of The Netherlands, and an Inhabitant of this Island; and, being inclined to encourage the honest industry of the above Ship-Master, we beseech all the before-mentioned Personages, and each of them in particular, in all the Places at which the above Ship Master may arrive with his Vessel and her Cargo, to be pleased to receive the above-named Master in a friendly manner, and to give him good treatment, allowing him, on his paying the usual tolls and imposts, when he shall come into their Harbours, Rivers, or Territory, to pass, navigate, and frequent them, in whatever manner he may have occasion, for the purpose of transacting his business, which favour we will gladly return.

Given under our Hand, and under the Seal of the Government of St. Eustatius, August 5, 1825, the 12th Year of His Majesty's Reign.

To be in force for a twelvemonth, with the view of enabling him to Navigate all Seas excepting those on the Coast of Guinea.

WILLIAM AUGUSTUS VAN SPENGLER.

**Verified by Order,
P. VERSCHUUR, Book-Keeper-General,
*ad interim.***

**By his Order,
T. G. GROEBE, Sec.**

(Enclosure A. 4.)—Muster-Roll of the Schooner *De Vogel*.

(Translation.)

MUSTER-ROLL kept on board the Schooner *De Vogel*, under The Netherlands Flag, lying in this Harbour, ready to sail, the Crew having been engaged by the Master at such Monthly Wages as are set down against the Name of each; and the Laws respecting the obedience to be paid by each of them to the Master, or to the Person placed over them, being herewith confirmed.

		Dollars.
Master.....	Jean Blais.....	
Steersman.....	Josh. Tricon.....	30
Steersman's Mate.....	Francis Boulanger.....	25
Boatswain.....	Anty. Losan.....	20
Timmerman.....	Gabillard.....	20

		Dollars.
Sailor.	Pierre Moquet.....	15
Ditto.	Jn. Tomas.....	15
Ditto.	André Cristofle.....	15
Ditto.	Pierre Bodouin.....	15
Ditto.	Antoine Ferere.....	15
Ditto.	Joseph Ardison.....	15
Ditto.	Nicolas Lament.....	15
Ditto.	Jean François.....	15
Cook.	Jean Babtiste.....	15
Butler.	Augustin.....	15
Boy.	Jean Louis.....	10

Registered at St. Eustatius, August 5, 1825.

W. A. V. SPENGLER.

JEAN BLAIS, Owner.

T. G. GROEBE, Secretary.

(Enclosure A. 5.)—*Custom-House Clearance for the Vogel, from Eustatius.*—(Translation.)

CAPTAIN JEAN BLAIS, of the Dutch Schooner *Vogel*, bound for St. Thomas in ballast.

St. Eustatius, August 5, 1825.

J. VERSCHUUR,

Acting Commissioner for Clearances.

Anchorage Ps. 4.

R. MITCHELL.

(Enclosure B.)—*Custom-House Clearance for the Vogel, from St. Thomas's.*

CAPTAIN J. BLAIS, of St. Eustatius, with the Schooner *Vogel*, of 52 tons burthen, intends to sail to Princes Island and the Coast of Africa, and has laden, dry goods and provisions.

PASSES FREE.

NESNENOUEM.

St. Thomas's Royal Custom-House, Sept. 17, 1825.

(Enclosure C. 1.)—*Act of Francisation of the Schooner L'Oiseau.*

In the name of the KING. (Translation.)

WE, the Intendant of Gaudaloupe and its Dependencies, declare that Mr. J. Lafosse, Ship-owner, domiciliated at Pointe à Pitre, is Proprietor (1) of the Ship *L'Oiseau*, belonging to Pointe à Pitre, and built in America, as has been certified, that Schooner has two masts and one deck, being 61 feet in length from stem to stern, 19 feet 3 inches in the greatest breadth, and 6 feet 7 inches in height between decks; that it is of 80 $\frac{1}{2}$ tons, having been gauged according to the manner prescribed by the Law of the 12th Nivose, of the Year 2, (2) which is (3) a Schooner, that it has (4) no gallery on the forecastle; that the Owner of the said Ship has fulfilled the accustomed forms prescribed

by the Law of the 27th Vendimiaire, Year 2, to prove that it is French property ; that the Declarations, Oaths, Bails, and Securities, prescribed by the said Law, have been observed and executed on the 18th October, 1823, and registered, No. 35, in the Register of the Customs, where the said Proprietor resides, therefore he has a right to sail under the French Flag. We command, in consequence, the Commanders of the Ships of the Kingdom and all Publick Functionaries, to acknowledge the Vessel as French, and to cause it to enjoy all the Privileges belonging to Ships of the Kingdom, the Proprietor being obliged to conform to the Laws, and to take out the Licence and Commission prescribed.

Delivered the 18th October, 1823.	}	The Governor and Administrator of Guadaloupe and Depend- encies, for the King,	JACOB.
Registered and delivered at the Custom-House in the Harbour of Pointe à Pitre, the 18th Oc- tober, 1823.		The Director General of Domains and Customs,	P. DE LA CHEVALERIE.
Received for the duty of the pre- sent Instrument the sum of..... entered in the Register of Re- ceipts, No. 281.—48 Francs, 60 Cents.	}	The Treasurer,	NAVAILLER.
Register of the Greffier, folio 4, No. 27.			
Registered under No. 70, in the Office of Armaments.	}		LE COMM. HERMITER.

(1) To express if he is sole Proprietor, or conjointly with others, whose names and abode must be designated.

(2) This blank is intended to insert the depth of the hold, if the Ship has only one deck, conformably with Article IX. of the Law.

(3) To express here its description, as a Brig, Schooner, &c.

(4) That it has one or none.

(Enclosure C. 2.)—*Role d'Equipage of the Schooner L'Oiseau.*
(Translation.)

YEAR 1825. The 17th of the Month of September.
No. 52. ARMING. No. DISARMING.

GUADALOUPE.
QUARTER OF POINTE A PITRE.

(Armament of the Month.)
THE SCHOONER L'OISEAU.

ROLL of the Crew of the said Schooner, of the burthen of $80\frac{1}{4}$ Tons, armed with 2 Cannons, belonging to Mr. Jean Lafosse, and commanded by Jean Blais, going on the great Coasting Trade.

Movements.	Names and Surnames.	Places of Birth.	Rank.	Description.			Pay per Month
				Age.	Height.	Hair.	
	Blais, Jean.....	Europe	Captain....	27	..	B.	200F.
	Tricon.....	..	Second	27	..	B.	150
	Blanc, Pascal....	..	Lieutenant.	33	..	B.	160
	François.....	St. Maloes ..	Mate	26	..	C.	90
	Rosignol.....	Havre	Carpenter..	35	..	B.	80
	Michael, Jacques	Toulon	Steward ...	23	..	B.	80
	François, Joseph.	Curacoa	Cook	24	..	B.	80
	Marius	Marseilles...	Sailor	24	..	B.	70
	Figarau.....	Porto Rico..	..	30	..	B.	..
	Schmit	St. Thomas..	..	25	..	..	..
	Manuel.....	India .....	..	22	..	..	..
	Oje.....	..	..	..	..	..	..
	William.....	St. Thomas..	..	23	..	..	..
	Andre	Germany....	..	25	..	..	..
	Pitizen	Curacoa ....	..	21	..	..	..
	Jacque	St. Bartho-lemew ....	..	56	..	..	..

WE, the undersigned, Owner and Captain of the Schooner *L'Oiseau*, acknowledge the present Roll to be a true one, containing 16 Persons, whom we have engaged to sail on the great coasting trade, during a Year, we giving security to produce them at the expiration of that period, and to observe towards them, during that voyage, the Laws of the Kingdom.

Done at Pointe à Pitre, Guadaloupe, 17th of the Month of September, 1825.

J. LAFOSSE.

JEAN BLAIS.

The 16 Persons, named in the present Roll, having been seen by me, Under Commissary, charged with the Department of Privateering, and with the detail of the Classes and of Marine, Captain Jean Blais obtained permission to employ them for the great Coasting Trade, on the conditions stated in the security as above, and we enjoin him to transmit his Roll of the Crew to the Officer of the Classes, or any other Overseer in the Service of the Administration of the Marine, in the Har-

bour in which he may arrive ; on the margin of which Roll, or in the corners, he shall be bound to specify the deserters, the persons dead and disembarked, and to insert therein the date ; and if he augments or replaces such Persons in the Harbours to which he may put in, he shall cause them to be added to the end of his Roll, from date to date ; we command him also not to pass or repass any Passengers without presenting them to us, and making mention of them at the bottom of the present Roll, all which being subject to the penalties ordained by the Ordinances of the Marine.

Done at Pointe à Pitre, on the Day, Month, and Year above set forth. A. R. SIRÉ.

Seen on departure, Basse Terre, Pointe à Pitre, 17th September, 1825. CUPONDITH.

Seen on departure for Princes Island, Coast of Africa, Basse Terre, 18th September, 1825. SN. SEGAULT.

(Enclosure C. 3.)—*Invoice of Merchandise put on board the Schooner L'Oiseau, Captain Blais, and consigned to him, to wit ;—*

(Translation.)

			Dols.	Cts.
1158 Gallons of Rum.....	at 36 Cents.		416	88
80 Barrels of Powder of 25lb....2000lbs.	at 25		500	—
6 Tierces of Rice.....3600	at 5		180	—
220 Muskets.....	at 5 Dol.		1100	—
110 Bars of Iron of 15 to 16lb....3600	at 6 Cents.		216	—
220 Kettles.....1320	at 8		105	60
220 Ruffles at 2½ per dozen.....			45	84
220 Cases of Gin, at 2½.....			495	—
220 Pieces Guinea Blue.....	at 4 Dol.		880	—
220 Ditto ditto White.....	at 3		660	—
220 Ditto ditto Limeneas.....	at 3½		770	—
3309 Ells to be divided into 220 pieces Nicanes			377	26
220 Pieces Chacelats.....	at 3¼		715	—
220 Handkerchiefs, Romaes, 15 in the piece	at 2		440	—
220 Ditto - Kermitches 10	do. at 2		440	—
220 Ditto - Blue 10	do. at 2		440	—
220 Ditto - Madrasses, Red and Blue, assorted	at 1½		360	—
45 Pieces of striped Silk of 20 yards, to be divided into small pieces			180	—
10 Dozen Razors	at 4		40	—
9 Ditto ditto	at 3¼		29	25
20 Ditto Padlocks			26	—
1 Barrel of Flints			10	—

2524 Pounds of Tobacco.....	at	6½ Cents.	164	6
220 Mirrors.....	at	8½ R.p.doz.	19	47
60 Bundles of Necklaces and small Neck- laces in form of a pipe.....			16	—
			<hr/> 8626	<hr/> 36

EXPENCES.

Duties.....	100	—
Expences of Negroes for sewing the Bales.....	20	—
	<hr/> 8746	<hr/> 36

Pointe à Pitre, 17th September, 1825.

J. LAFOSSE.

(Enclosure C. 4.)—AN Invoice similar to the above, with the exception of the 3rd Entry, viz: 6 Tierces of Rice, which is partially erased,—of Saint Thomas being introduced instead of Pointe à Pitre,—and of its being signed by J. Blais instead of J. Lafosse.

(Enclosure C 5.)—*Custom-House Clearance from Guadaloupe, of the Schooner L'Oiseau.*—(Translation.)

Extract from the Register of Declarations of the Departures of Ships.

THIS day, the 18th of the Month of September 1825, appeared at this Office Mr. Jean Blais, Captain of the Schooner *L'Oiseau*, of Pointe a Pitre, of the burthen of $80\frac{5}{4}$ tons, armed with 2 cannons, manned by a crew of 16 men, belonging to Mr. Jean Lafosse, who has declared that the Vessel is going to the Isle of Princes, Coast of Africa, and that she is laden with what follows, to wit:—

Ten hogsheads of rum, 80 barrels of powder, 6 tierces of rum, 220 muskets, 110 bars of iron, 220 cases of gin, 2,500lbs. of tobacco, 12 bales, 8 cases of different dry merchandize and hardware, 220 iron kettles, a barrel of flints, besides the private effects of the Crew: nothing more; submitting to the penalties enacted by the Ordinances.

Done in the said Office on the Day and Year above-written.

The Receiver of Declarations,

LACORY.

(Enclosure C 6.)—*Jean Blais to Joseph Tricon.*—(Translation.)

FATHER IN LAW,

LEROI is within a league of the Ship, I have, therefore, been to his house, and after many things said, according to custom, we came to an arrangement: he told me that he was to give me a *heifer*, and that he wishes for the following articles, without being able to make any deduction whatsoever, to wit:—

One gun, 1 padlock, 1 mirror, 8 measures of powder, of the same

form as the one that will be brought to you, 12 heads of tobacco, 1 ruffle, 48 handkerchiefs, as he observed to me, like the handkerchief which you have, 1 pen-knife, 2 gallons of rum, without water, 1 razor, 1 large kettle, 1 bar of iron, vr. 12, a bunch of necklaces.

And when he receives that, he has promised to give me something else, which will be a *Calf*. I salute you,

BLAIS.

I await your answer to obey it. Leroi begs you to make him a present of a bottle of wine. He has only 5 Slaves—those whom he showed me were good ones.

No. 57.—*His Majesty's Comm^r. to Mr. Sec^y. Canning.*—(Rec. Sept. 2.)

SIR,

Sierra Leone, June 4, 1826.

WE have the honour to acknowledge the receipt of your Despatch of the 13th of March last, communicating to us the names of several Ships and Vessels of His Majesty's Navy, to which the Instructions referred to in the Treaty with His Netherlands Majesty for the prevention of Slave-trade, have been issued.

We have, &c.

J. T. WILLIAMS.

The Right Hon. George Canning.

D. M. HAMILTON.

No. 58.—*D. M. Hamilton, Esq. to J. Planta, Jun. Esq.*—(Rec. Oct. 16.)

SIR,

Sierra Leone, August 15, 1826.

IN pursuance of the 75th Clause of the Act, passed in the 5th Year of the Reign of His present Majesty, intituled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade," and in obedience to the Instructions received from Mr. Secretary Canning, relative to the same, I beg leave to enclose, in Duplicate, a List or Return of all the Cases of Netherlands Vessels, which have been Adjudicated in the British and Netherlands Mixed Court of Justice established at this Place, from the 1st of January to the 30th day of June 1826, both days inclusive.

I have the honour to be, &c.

Joseph Planta, Jun. Esq.

D. M. HAMILTON.

(Enclosure.)—Return of Netherlands Vessels Adjudicated by the British and Netherlands Mixed Court of Justice established at Sierra Leone, from the 1st day of January to the 1st day of July, 1826.

NAME of VESSEL.	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.
Boop -	Jan. 3, 1826	Schooner and Cargo of Merchandize	Charles Bullen	Jan. 23, 1826	Condemned for illicitly trading in Slaves. No Slaves were found on board at the time of capture, but the said Schooner fell under the further Additional Article to the Treaty of the 4th May, 1818.	The Schooner and Cargo sold by public auction, and the proceeds paid; one Moiety into the Military Chest, and one Moiety to The Netherlands Judge.
Amble Claufine	Nov. 12, 1825	Schooner and 34 Slaves	J. A. Murray	Feb. 6, —	Condemned for illicitly trading in Slaves, but the Court decreed that no Slaves were on board at the time of the capture of the said Schooner, and therefore the 34 Slaves which were put on board at the instance of the Captors, were not entitled to Emancipation.	The Schooner sold by public Auction, and the proceeds thereof, together with the Money found on board her at the time of capture paid; one Moiety into the Military chest, and one Moiety to The Netherlands Judge.
Charles	Dec. 19, —	Brig and 265 Slaves	John Chrystie	Mar. 15, —	Condemned for illicitly trading in Slaves.	The Brig sold by public auction; one Moiety of the proceeds paid into the Military Chest, and one Moiety to The Netherlands Judge.
Boop -	Jan. 22, 1826	Schooner and Cargo of Merchandize	G. W. Willes	Mar. 31, —	Condemned for illicitly trading in Slaves. No Slaves were found on board at the time of capture; but said Schooner fell under the further Additional Article to the Treaty of the 4th of May, 1818.	The Schooner and Cargo sold by public auction; and one Moiety of the proceeds paid into the Military chest, and one Moiety to The Netherlands Judge.

Sierra Leone, July 1, 1826.

D. M. HAMILTON, Arbitrator.

No. 59.—D. M. Hamilton, Esq. to Mr. Sec^y. Canning.—(Rec. Oct 28.)
SIR,

Sierra Leone, August 26, 1826.

I HAVE the honour to acknowledge the receipt of your Despatch, dated the 8th July last, with its Enclosure, containing, for His Majesty's Commissioners, the information that The Netherlands Brig-of-War *Panther*, destined for the West Indies, will be furnished with a Copy of the Treaty of the 4th of May, 1818, and the Documents annexed thereto, for the suppression of the Traffick in Slaves.

I have the honour to be, &c.

The Right Hon. George Canning.

D. M. HAMILTON.

No. 60.—Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 5, 1826.

I HAVE to acquaint you, for your information, and that of the other Gentlemen composing the Mixed Board of Commission, of which you

are Members, that it appears, by a Communication from the Admiralty, under date of the 25th ult. that the Instructions, referred to in the Treaty between Great Britain and The Netherlands, for the suppression of the Slave-trade, have been issued to the following Ships and Vessels of His Majesty's Navy :

Names.	Guns.	Commanders.
<i>Druid</i>	46.....	Lieut. Chambers.
<i>North Star</i>	28.....	Capt. Arabin.
<i>Scylla</i>	18.....	Wm. Hobson.
<i>Pylades</i>	18.....	G. V. Jackson.

And that those Instructions have been recalled and cancelled, which had been issued to His Majesty's Ships *Hussar*, *Dartmouth*, *Dispatch*, *Ferret*, and *Swinger*.
 His Majesty's Commissioners. I am, &c.
 GEO. CANNING.

HAVANNAH.

No. 61.—*His Majesty's Comm^r. to Mr. Sec^y. Canning.*—(Rec. March 9.)
 SIR, *Havannah, January 1, 1826.*

WE have the honour to enclose the Return required by the 75th Clause of the Act 5th George IV. Cap. 113.

We have, &c. H. T. KILBEE.
The Right Hon. George Canning. W. S. MACLEAY.

(Enclosure.)—*Half-Yearly Report 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, or remains unsold, and in whose hands the Proceeds remain.
Oct. 5, 1825.	Spanish Brigantine "Isabel," with 10 Negroes on board; no other Cargo.	Lieut. Edward Smith, commanding His B. M. Schooner "Lion."	Oct. 17, 1825	Forfeiture.	The Brigantine, Tackle, &c. have been sold, nothing remaining unsold. The British moiety of the net proceeds has been remitted to His Majesty's Secretary of State for Foreign Affairs.

Havannah, January 1, 1826.

H. T. KILBEE.
 W. S. MACLEAY.

No. 62.—*His Majesty's Comm^r. to Mr. Sec^y. Canning.*—(Rec. March 9.)
 SIR, *Havannah, January 18, 1826.*

IN a conversation, lately, with the French Consul-General, upon the subject of the Slave-trade, he informed us, and at our request had

the goodness to furnish us with a Copy of a Communication which he had received from the French Consul at Santiago de Cuba, respecting the re-capture, by a Spanish Slave Ship, of some Prizes which had been taken by His Majesty's Cruizers on the Coast of Africa. A report has reached us, that the British Crews of the Prizes had been murdered by the Spaniards, and, in the hope that it may be of some use in the investigation of this atrocious affair, we have the honour to enclose a Copy of the Communication referred to.

We have, &c.

H. T. KILBEE.

The Right Hon. George Canning.

W. S. MACLEAY.

(Enclosure.)—*The French Consul at Santiago to the French Consul-General.*

Monsieur le Consul-Général, Santiago de Cuba, le 14 Déc. 1825.

La Frégate de S. M. B. *L'Isis*, appartenant à la Station de la Jamaïque, est entrée dans ce Port avant hier.

Je ne doute pas que sa Mission, qui d'ailleurs est restée fort secrète, ne soit relative à un acte de Piraterie, commis récemment sur la Côte d'Afrique par un Négrier Espagnol appartenant à ce Port, et nommé le *Gavilan* ou le *Feliz*, Capitaine Zagarra, armé de 14 canons, lequel a enlevé deux Bâtimens Négriers pris par les Anglais, l'un Espagnol appartenant aussi au Port de Santiago, et l'autre Portugais, et en a attaqué un troisième qui s'est échappé.

Après cette capture, le Capitaine Zagarra s'empara de tous les Nègres du Bâtiment Portugais, et renvoya avec ce même Bâtiment les équipages Anglais, et vint débarquer les Esclaves sur cette Côte, et entra ensuite ici ainsi que sa prise le 28 du Mois dernier, comme venant de St. Thomas; les Armateurs se sont hatés de faire repartir les deux Bâtimens.

Mon principal motif pour vous donner ces détails est, que pendant les Pirateries le *Gavilan* a arboré la flamme et le Pavillon Français, ce qui pourrait avoir donné lieu à des méprises ou à de faux rapports; mais je sais que les équipages renvoyés abord du Bâtiment Portugais n'y ont pas été trompés.

Je ferai le même rapport à son Excellence le Ministre des Affaires Etrangères.

J'ai l'honneur, &c. &c.

S. DANNERY.

P. S. Du 15 Décembre. J'ai tout lieu de croire que les Autorités d'ici se sont bornées à nier d'avoir eu connaissance des Pirateries du *Gavilan*, non plus du débarquement des Esclaves.

Mons. Angeluci, Consul-Général de France à la Havane.

S. D.

No. 63.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. April 3.)
SIR, *Havannah, February 22, 1826.*

THE Spanish Brigantine *Magico*, was brought into this Port on the 26th ult. by His Majesty's Schooner *Union*, Lieut. A. B. Lowe, Com-

mander, having been captured on the 22d with 179 Negroes on board.

The Mixed Commission could not in this Case proceed, as directed by Treaty, to receive the Depositions of the Master and some of the Crew of the Prize, the whole of them having escaped on shore before she was taken possession of by the *Union*; it was, therefore, judged necessary by the Court to summon the Officers of the latter for the purpose of corroborating, and, as far as was practicable, affording legal proof of the Statement made by the Commander, in his Affidavit, and in his Declaration of the state of the Prize at the time of capture; and also that the Commander himself should be requested to appear again, in order that he might be further examined respecting the inhuman conduct stated by him to have been observed by the Crew of the *Magico* towards the unfortunate Negroes.

Lieut. Lowe, and two of his Officers, were accordingly examined, and their Depositions, together with the Ship's Papers, which most fortunately were all found on board, placing beyond the possibility of a doubt both the identity of the Vessel, and the fact that she had been engaged in the illicit Traffick in Slaves, no further delay was considered necessary, and Sentence of Condemnation was pronounced on the 31st ultimo.

By these Depositions and Papers, it appears that the *Magico*, of which Don Joze Inza was Master and ostensible Owner, sailed from hence on the 26th June, 1825, for the Coast of Africa, where she arrived on the 16th August. She remained on the Coast until the 8th December, when she again sailed on her return from Grand Popoe; on the 20th of January, she was fallen in with and chased by His Majesty's Schooner *Union*, and having been brought to action in the course of the 21st, she was finally run ashore by the Crew on the morning of the 22d, near a point on the North side of this Island, called Manati, and shortly after taken possession of by the *Union*. The Crew previously escaped to land with, it is supposed, about 200 of the Negroes, and many of the latter that remained were found severely wounded, some were hanging on at different parts of the Vessel, and from 20 to 30 of their dead bodies were seen in the Sea; all this being evidently the result of the endeavours employed to force them to jump overboard and swim to Shore. The Crew even carried their barbarity so far as to leave a lighted match in the powder magazine.

A Copy of the Declaration made by Lieut. Lowe of the state of the Prize at the time of capture; an Abstract of the Evidence taken; and Translations of the Sentence of Condemnation, and the Correspondence which passed between the Captain-General and the Mixed Commission, in the course of the Proceedings in this Case, are enclosed.

In their Sentence, the Court have, in forcible terms, drawn the attention of the Captain-General to the inhuman conduct of the Crew of

the *Magico*, suggesting the expediency of apprehending and punishing the Delinquents, as well as of collecting the Negroes who had been landed by them, and who are, as well as those found on board, fully entitled to the benefit of Emancipation.

Of the 179 Negroes found on board at the time of capture, 3 died before disembarkation, and 1 immediately after, leaving the number emancipated 175. One of these, after his Certificate of Emancipation had been made out, was stolen while under the charge of the Person who had been named by the Captain-General to receive them from the Captor. The Mixed Commission did not fail to apprise his Excellency of this circumstance, and we understand that the most effectual measures have been adopted for the recovery of the Negro, the whole of the guard of Soldiers that was placed over them, and two other individuals, being now in prison as implicated in the transaction.

The *Magico* is the Vessel respecting which a long Correspondence with the Captain-General was reported last Year, and the result of her present Voyage, similar in every respect to the former one, which was then under discussion, is the best justification of the strong assertions which His Majesty's Commissary Judge ventured to make to you in those Despatches.

I have, &c.

H. T. KILBEE.

The Right Hon. George Canning.

W. S. MACLEAY.

(Enclosure 1.)—*Declaration of Lieutenant Lowe.*

I, A. B. LOWE, Lieutenant and Commander of His Britannick Majesty's Schooner *Union*, hereby declare, that on this 22d day of January, 1826, being then in or about Latitude 21. 20. North, and Longitude 76. 40. West, I detained the Brigantine *Magico*, sailing under Spanish Colours, armed with 3 guns, 9-pounders, commanded by _____ who declared her to be bound from _____ to _____ with a Crew consisting of _____ men, _____ boys, _____ supercargo, _____ passengers whose names, as declared by them respectively, are inserted in a List at foot hereof, and having 179 Slaves, said to be taken on board at _____ on the _____ day of _____ and are enumerated as follows:—

	Healthy.	Sickly.
Men.....	64	2 through Wounds.
Women.....	20	3 Ditto.
Boys.....	40	1 Ditto.
Girls.....	48	1 Ditto.

I do further declare, that the said Brigantine appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the said Negroes and Crew on their Voyage to her supposed destination near Havannah.

I do further declare, that I chased her from the 20th to the 22d of January, 1826, when she ran ashore, somewhere near Manati, on the North side of Cuba, and landed, to the best of my opinion, at least

200 Slaves, before I took possession of her; at which time the whole of the Crew deserted her by going on shore, and were assisted by the Inhabitants, in my opinion, in landing the said Slaves; also, that when on the Bahama Bank, on the 21st of January, I brought her to action, in consequence of firing at His Majesty's Schooner *Union*, which lasted for better than half an hour, when she made all sail away, but still continued firing now and then from her stern chasers. It is with regret that I am in duty bound to mention the barbarity of her Crew towards those unhappy creatures, the said Negroes, having actually cut several of those Slaves, for the intention, I suppose, of making them jump overboard; to the best of my opinion, I saw 20, or 30 Negroes drowned alongside, laying at the bottom, and what is still more horrid to the feelings of a Christian, when she was taken possession of, there was a lighted match found in her Magazine of Powder, and very probably, had it remained there for a few minutes longer, the whole of those unhappy Negroes would have been blown up.

A. B. LOWE, Lieut. and Commander.

Witness, W. W. WHITE, Mate.

A. HENDERSON BROWN, Surgeon.

(Enclosure 2.)—Abstract of the Evidence in the Case of the Spanish Brigantine Magico.

LIEUTENANT ALEXANDER B. LOWE declared, in his Affidavit, that he had captured this Brigantine in Latitude 21. 20. North, Longitude 76. 40. West, with 179 Negroes on board, and that he had found a tin case with the name *Magico* marked upon it, containing the regular Papers issued at this Port of Havannah, in the Month of June 1825, authorizing that Vessel to proceed to the Island of Saint Thomas, on the Coast of Africa, for the purpose of trading in Articles of lawful Commerce, but expressly prohibiting her from engaging in the Slave-trade. A Log-Book, kept by the Mate Sanchez, was likewise found on board, together with his Commission granted by Admiral Gaston, and several other Papers of little importance, all of which were produced. Lieutenant Lowe added, that he had not given to the Master of the Brigantine the Certificate, as directed by Treaty, because there was no such Master on board, nor indeed any White Person whatever, at the time of the capture.

Upon a subsequent examination, Lieutenant Lowe deposed, that the Declaration of the state of the Vessel at the time of capture was drawn up after a form, which had been given to him for that purpose, and that the blanks in it had not been filled up, because no Master or Crew had been found on board; that it was from the freshness of the wounds, the parts of the body in which they were received, and the several dead bodies which he saw in the Sea, that he had inferred what he stated in the said Declaration, namely, that in the precipitate flight

of the Crew they had forced many of the Negroes to throw themselves overboard, in the hope that they would swim ashore, but that he was not in possession of any facts to confirm his opinion; that, from the number of Negroes he saw on shore, he judged that they amounted to about 200, and that they were joined by several White Persons who had been, previously to the landing of the Negroes, near to two Huts apparently of Fishermen: that he did not himself see the lighted match in the Powder Magazine, but that it was shewn to him by one of his Sailors who found it there.

Mr. George William White, Mate of the Union, deposed, that the Brigantine was seen by the Union on the 20th January, and immediately chased; that she was brought to action on the 21st, and at length captured on the 22d, near the Point Manati, after having been run ashore, the Crew and many Negroes having succeeded in reaching the land before the Schooner could come up; that he was ordered by his Commanding Officer to go on board the Brigantine, in which he found no White Person whatever, but a considerable number of Negroes, some of them wounded and several hanging on at different parts of the Vessel, from whence he inferred that they had forcibly been driven over-board: and this conjecture was confirmed by the circumstance of several dead bodies being seen at the bottom where the Brigantine was aground. That the Negroes in danger were immediately taken on board, and those wounded afforded every assistance; that the Ship's Papers were taken possession of and delivered over to the Commanding Officer; that the Negroes were numbered; and the Vessel having been got off, she proceeded to Sea under the command of the Deponent, as Prize Officer, and arrived at the Port of Havannah on the evening of the 26th; that immediately after he boarded the Prize, he ordered the Powder Magazine to be searched, and that a Sailor, named Benjamin Phillips, brought up to him a match still lighted, which was found in the same.

Mr. George Crisp Dowers, Midshipman, serving on board the Union, deposed to the circumstance of the capture of the Magico, in the same terms as the last Witness; that he was not ordered on board the Prize until the evening of the day on which she was captured, from which time he remained in her until she arrived at the Port of Havannah, on the 26th of January.

(Enclosure 3.)—*Sentence of the Mixed Commission in the Case of the Magico.*—(Translation.)

THE Proceedings having been duly considered in this Cause, respecting the detention, effected on the Coasts of this Island, by the English Schooner of War, named the *Union*, Alexander B. Lowe, Lieutenant in the Royal British Navy, Commander, of the Brigantine *Magico*, with a Cargo of 179 African Negroes actually on board at

the time of the capture; in which, although no Depositions have been received from Individuals belonging to the said captured Vessel, because they all fled ashore with a part of the same Cargo, it is proved in a manner which admits not of doubt, by all the principal Documents which were taken, and have been presented to the Commission, that the aforesaid Vessel is the Spanish Brigantine known by the name of *Magico*, D. Joze Inza, Master and Supercargo, dispatched by the Department of the Commandant of *Matricula* of this Port, in the Month of June last Year, for the African Island of St. Thomas, and of which D. Pedro Sanchez was Mate, as appears by the Log-book upon her outward voyage, and upon her return up to the 20th to the 21st of the Month, which is now concluding, when the English Schooner of War began to chase her: proceeding, as is the practice in these Cases, briefly and summarily, the truth being ascertained, and good faith observed, and considering, that, in the above-mentioned Documents, there is sufficient ground for the final determination, it is declared to be well and legally effected, the capture of the aforesaid Vessel, and of the 179 Negroes found on board, and that the former is subject and liable to confiscation, together with her tackle, apparel, and whatever may be contained therein, with the exception of the aforesaid Negroes, who remain free from all slavery and captivity. It is accordingly directed, that, with respect to the said Vessel, and whatever belongs to her, a valuation be made thereof by the principal Masters of the Royal Arsenal, upon their previously swearing faithfully to perform this duty, the proper official application being made for this purpose, and that the same be exposed to publick auction before the Royal Notary, Don Joze Rafael de Meza, and be disposed of to the highest bidder, at the Auction Room of Don Antonio Galea, in order that the proceeds may be applied to the benefit of the two Governments, the said Vessel being for the present placed in deposit with Don Jayme Andreu, who shall likewise take the proper oath, receiving the same by formal inventory. And, with respect to the Negroes, it is directed that their Certificate of Emancipation be given to them, as soon as they shall be landed, by Don Rafael Gonzales Barranca, Deputy Secretary, who is hereby appointed to perform that duty; for which purpose an Official Letter, with a certified Copy of this Sentence, shall be addressed to his Excellency the Governor and Captain General, requesting that he may be pleased to name a Person in whom he has confidence, to receive and take charge of them, until his Excellency shall dispose of them as he may think proper, in conformity to the Treaty.

This Mixed Commission cannot pass over in silence the horrible conduct observed by the Crew of the Brigantine towards the unhappy Negroes, forcing them, by wounds, to throw themselves into the Sea, in order to escape from the English Schooner of War, which was probably the cause of some of them being drowned, whose dead bodies

were seen at the bottom where the former ran ashore: and being persuaded that the well-known zeal and love of justice of his Excellency will induce him to pursue the perpetrators of such an execrable crime, and also to cause the Negroes, dispersed and straggling on shore, to be collected, on the ground that they, too, should be included in the benefit of Emancipation; it is hereby directed, that a certified and entire Copy of the Proceedings be made out for the purpose of being transmitted, separately, to His Excellency, as soon as the whole shall be concluded, in order that he may be pleased to proceed, with regard to those points, conformably to Law.

CLAUDIO M. DE PINILLOS.

H. T. KILBEE.

Havannah, January 31, 1826. RAFAEL GONZALEZ, Secretary.

(*Enclosure 4.*)—*The Mixed Commission to the Captain-General.*

(Translation.)

MOST EXCELLENT SIR,

Havannah, February 1, 1826.

By the accompanying certified Copy, your Excellency will be apprized of the final Sentence pronounced by this Mixed Commission, in the Cause respecting the capture of the Spanish Brigantine *Magico*, with a Cargo of African Negroes, by the English Schooner of War *Union*. In consequence thereof, the said Negroes are to be delivered up to the Person whom your Excellency shall appoint, in order that they may be disposed of as you shall think proper, in conformity to the Treaty; and as the Commission have to assign to each Negro his Certificate of Emancipation, as has been done in the former Cases, they request that your Excellency will be pleased to communicate to them the name of the said Person, as soon as he shall be appointed, in order that they may proceed in the performance of that duty.

At the same time, your Excellency will observe the reservation made by the Commission to transmit to you an entire Copy of the Proceedings for the purposes which are stated, and which shall be done as soon as they are concluded. God preserve, &c. &c.

C. M. DE PINILLOS.

His Excellency the Captain-General.

H. T. KILBEE.

(*Enclosure 5.*)—*The Captain-General to the Mixed Commission.*

(Translation.)

MOST EXCELLENT SIR, AND GENTLEMEN, *Havannah, Feb. 2, 1826.*

I HAVE received, with your Official Letter, the Copy of the final Sentence, pronounced by the Mixed Commission, in the Cause relative to the Capture of the Spanish Brigantine *Magico*, with a Cargo of bozal Negroes, by the English Schooner of War *Union*; I have taken the whole into due consideration, and under this day's date I have named Don Canuto Diez to receive the Negroes and to dispose of

them in the same manner as the others, conformably to the Treaty; authorizing him likewise to proceed to the performance of the other act, relative to the Certificates of Emancipation, which are to be made out by the Mixed Commission, as was done in the two former similar Cases.

As soon as I shall receive the Copy of the Proceedings, I will take the proper steps, in conformity to the Treaty and to justice, against the perpetrators of the outrage committed when the above-mentioned Brigantine *Magico* ran ashore. God preserve, &c. &c.

His Excellency the Intendant and the FRANC^o DION^o VIVES.
other Members of the Mixed Commission.

(Enclosure 6.)—*The Mixed Commission to the Captain-General.*
(Translation.)

MOST EXCELLENT SIR, *Havannah, February 3, 1826.*

IN consequence of what we stated to your Excellency at the conclusion of our Official Letter of the 1st instant, in which was enclosed a certified Copy of the Sentence pronounced in the Cause, respecting the capture of the *Magico*; we now transmit to your Excellency a certified Copy of the Proceedings up to that state of the Case, in order that you may be pleased to adopt the measures which you shall judge advisable. God preserve your Excellency, &c.

His Exc. the Captain-General. C. M. DE PINILLOS.
H. T. KILBEE.

(Enclosure 7.)—*The Mixed Commission to the Captain-General.*
(Translation.)

MOST EXCELLENT SIR, *Havannah, February 6, 1826.*

THE Mixed Commission have concluded, by means of a Person of trust appointed by them, the act of assigning to the "bozal" Negroes belonging to the Brigantine *Magico*, which was captured by the Schooner of War *Union*, their respective Certificates of Emancipation, which were not delivered into their hands for the same reason that they were withheld in former Cases; and we now transmit them to your Excellency for the purposes stated in those Cases.

Although the number of Negroes captured was 179, only 175 Certificates have been assigned, 3 of the Negroes having died on board the Brigantine before the disembarkation, according to the Report made to the Commission by the Commander of the English Schooner, which is preserved amongst the other Proceedings in the Cause; and another having been stated to have died, by Don Canuto Diez, after they had been placed under his charge, of which it is probable, that he will have made a Report to your Excellency.

Upon this occasion it has likewise been endeavoured to ascertain the ties of relationship that might exist amongst any of the said Ne-

groes; and it having been discovered that such ties did exist in some Cases, the same has been noted down in the margin of their respective Certificates, for your Excellency's information.

The Mixed Commission cannot avoid taking this opportunity to inform your Excellency, that their Secretary has communicated to them that Don Canuto Diez had verbally stated to him, at about half-past 2 o'clock yesterday, that, after the List of the Negroes had been made out, and their Certificates assigned to them, he found that the one numbered 11 was missing, and it was inferred, that he had been stolen on the morning of the same day; and this being altogether a most scandalous action, the Commission trust that your Excellency will employ all your zeal in the matter until the perpetrator be discovered, and the Negro restored to the liberty which he had already obtained, and of which it has been attempted to deprive him.

God preserve your Excellency.

His Excellency the Captain-General.

C. M. DE PINILLOS.

H. T. KILBEE.

(Enclosure 8.)—*The Captain-General to the Mixed Commission.*

(Translation.)

MOST EXCELLENT SIR, AND GENTLEMEN, *Havannah, Feb. 9, 1826.*

BY your Official Letter of the 6th instant, I have been duly apprized that the Mixed Commission has concluded the act of assigning to the "bozal" Negroes of the Brigantine *Magico*, which was captured by the Schooner of War *Union*, their respective Certificates of Emancipation, which Certificates were not delivered into their hands for the same reason that they were withheld in former Cases, and you, therefore, transmit them to me. I have been likewise apprized, that, although the number of Negroes captured was 179, Certificates of Emancipation have been assigned to only 175, because 3 died on board the Brigantine before the disembarkation, according to the Report made to the Commission by the Commander of the English Schooner, which is preserved amongst the other Proceedings in the Cause, and, before the List of the rest was made out, Don Canuto Diez reported to me the death of another, all being at the time under his charge.

Your determination appears to me to be very proper, regarding the investigation of the family ties which might exist among the Negroes, which are noted down in the margin of the said Certificates for my information.

With respect to what you state to me relating to the loss of No. 11, who, after his description was taken, was stolen, the Captain of the District of San Lazaro, is proceeding in the necessary summary inves-

tigation for the purpose of discovering the author or authors of this crime, who shall be punished according to Law. God preserve, &c.

His Excellency the Intendant, and the FRAN^o. DION^o. VIVES.
other Members of the Mixed Commission.

No. 64.—*His Majesty's Comm^r. to Mr. Sec^y. Canning.*—(R. c. April 21.)
SIR, *Havannah, February 22, 1826.*

ON the 10th instant, the Portuguese Brig *Aurora de Cabo*, Joachim Francisco Flores, Master, sailed for Angola, on the Coast of Africa, and, on the 19th, the Spanish Brigantine *Xerxes*, and the Schooners *Paulita* and *Hortensia*, Ramon Gonzales, Antonio Ferrer, and Vicente Gomez, Masters, sailed for St. Thomas and Princes Islands on the same Coast.

On the 18th instant, the Spanish Schooner *Proserpina*, Jose Antonio Barrera, Master, arrived here professedly from the Danish Island of St. Thomas, but really from the Coast of Africa, with a Cargo of 85 Negroes, which she landed near Cabanas; this Vessel was fitted out at Cadiz.

It is reported, that the Spanish Schooner *Teagenes* has landed 200 Negroes on the South side of the Island, but she has not yet entered this Port.

We have the honour to be, &c.

H. T. KILBEE.

The Right Hon. George Canning.

W. S. MACLEAY.

No. 65.—*His Majesty's Comm^r. to Mr. Sec^y. Canning.*—(Rec. May 19.)
SIR, *Havannah, March 16, 1826.*

THE enclosed Translation of a Letter from the Captain-General to the Mixed Commission, is the only Communication which has yet been received from His Excellency, respecting the Representation made to him upon the cruel conduct of the Crew of the *Magico*, towards the Negroes belonging to that Vessel.

His Excellency has not yet informed the Commission of the result of the measures which he had adopted for the recovery of the emancipated Slave, reported, in our Despatch of the 22d Ultimo, to have been stolen from the place in which the Cargo of the *Magico* had been deposited by his Order.

We have the honour to be, &c.

H. T. KILBEE.

The Right Hon. George Canning.

W. S. MACLEAY.

(Enclosure.)—*The Captain-General to the Mixed Commission.*
(Translation.)

MOST EXCELLENT SIR, AND GENTLEMEN, *Havannah, Feb. 28, 1826.*

IN conformity with the opinion which the Auditor of War has given me, I have directed the Authorities of this Island to adopt the ne-

cessary steps for the apprehension of the Individuals composing the Crew of the Brigantine *Magico*, which arrived on these Coasts with a Cargo of African Negroes.

I have likewise transmitted to the Commandant of the Naval Forces, on this Station, a Copy of the Documents which you forwarded to me in your Official Letter of the 3d instant, from the consideration, that to the Naval Department belongs the cognizance of the crimes committed on board the aforesaid Brigantine.

And finally, I have transmitted likewise a certified Copy of the Proceedings to his Excellency the Minister of State, that all that has occurred with respect to the said Vessel may reach the knowledge of the King, my Master, in order that His Majesty may be pleased to resolve what may be His royal pleasure. All which I state to you, in reply to your Letter above referred to. God preserve you many Years.
His Excellency the Intendant, and the FRAN^o. DION^o. VIVES.
other Members of the Mixed Commission.

No. 66.—*His Majesty's Comm^{rs}. to Mr. Sec^y. Canning.*—(Rec. May 19.)
 SIR, *Havannah, March 23, 1826.*

ON the 9th instant, His Majesty's Schooner *Speedwell*, Lieutenant James C. Bennett, Commander, arrived here with a Cargo of Negroes belonging to the Spanish Brigantine *Orestes*; which Vessel had run aground near the Grass-cut-Keys, on the Bahama Bank, where she was found by the *Speedwell*, on the 5th instant, the Negroes being still on board in a very wretched state, from want of water and provisions, but the whole of the Crew having landed on one of the Keys. Finding it impossible to get the *Orestes* off, Lieutenant Bennett took the Negroes on board his own Vessel, together with the Master, the Mate and a Passenger, not having room for any more of the Crew. The Master died shortly after he was taken on board the *Speedwell*.

The Mixed Commission, having received the Affidavit of Lieutenant Bennett, and the Depositions of the Mate and Passenger of the *Orestes*, pronounced a Decree, on the 15th instant, emancipating the Slaves and condemning the Vessel, should she, or any part of her, ever be saved.

The Brigantine *Orestes*, Don Joze Ramon Mutio, Master, sailed from this Port on the 20th of July, 1825, for the Coast of Africa, where she arrived in the month of September, and remained till the 10th of January, on which day she received on board 284 or 285 Negroes, and immediately set sail on her return to this Island. In the last days of February, she was chased by 2 British Schooners, from which, however, she escaped, but shortly after ran aground near Grass-cut-Keys. After 2 days, the Crew made a raft, all the Boats, it appears, having been lost, and proceeded to one of the Keys, leaving the

Negroes on board: they had been 3 days in this situation when the *Speedwell* appeared, and took possession of the *Orestes*.

We have the honour to enclose an Abstract of the Evidence, and a Translation of the Decree of the Court.

Of the original number of Negroes received on board on the Coast of Africa, 22, according to one Witness, and 25, according to the other, died on the passage, previously to the day on which the *Orestes* ran aground; but neither of them was able to state how many were alive when she was taken possession of by the *Speedwell*, both agreeing that several had been drowned in consequence of the great quantity of water which had entered the hold after the Vessel had struck.

According to Lieutenant Bennett's statement, many of the unfortunate Negroes must have died for want of proper provisions and of water, without which they had been for some days. He states, that there were 238 on board, besides several dead bodies, when he first visited the *Orestes*, of which number, 4 were drowned in the surf in attempting to get from the wreck into one of the Boats; 2 died on a Key on which they had been landed, previously to their being conveyed on board the *Speedwell*, which lay at a considerable distance; 10 of those who had been alive on the evening of the capture, were found dead on board the *Orestes* on the following morning; 10 died on board the *Speedwell*, and 212 were handed over to the Person appointed by the Captain-General to receive them. Certificates of the deaths were presented to the Mixed Commission by Lieutenant Bennett.

In the 3 last Cases that have been decided by the Court, M. Pinillos has acted as Spanish Commissary Judge, and we have great satisfaction in stating, that, throughout the whole of the proceedings, he has manifested the same conciliatory disposition, and the same desire to act up to the spirit of the Treaty, which had, in all the previous Cases, as has been reported to you, uniformly marked the conduct of the Spanish Members of this Mixed Commission.

By a Memorandum, endorsed on the Papers of the *Orestes*, it appears that she had been visited by one of His Majesty's Cruizers on the Coast of Africa. Similar Memorandums have been found upon the Papers of other Vessels condemned by the Mixed Commission; and we have reason to believe that many, perhaps the greater number, of the Slave Vessels that land their Cargoes on the Coasts of this Island, have been boarded by Boats belonging to British Ships of War on the Coast of Africa, but were not detained, as they had not Negroes actually on board at the time, although there could be no doubt that their sole object in being there was to engage in the Slave-trade. It is the practice of those Vessels to wait till their Cargoes are ready, and then ship them at once, and set sail immediately. The Mate of the *Orestes* stated, that her whole Cargo, amounting to 285, was shipped in 5 hours. It is obvious, therefore, that the greatest benefit would result

from the adoption, by His Catholick Majesty, of an Article similar to the Additional Article of the 25th January, 1823, to the Slave-trade Treaty between His Majesty and the King of The Netherlands: by which the Cruizers are authorized to detain, and the Mixed Commission to condemn, Vessels found under precisely the same circumstances, as the Spanish Vessels here referred to, which have so often been enabled to elude the vigilance of His Majesty's Vessels of War.

We have the honour to be, &c. H. T. KILBEE.

The Right Hon. George Canning.

W. S. MACLEAY.

(Enclosure 1.)—*Abstract of the Evidence in the Case of the Brigantine Orestes.*

LIEUT. BENNETT stated, in his Affidavit, and in his Declaration of the state of the Prize at the time of the capture, that he found the Brigantine *Orestes*, on the 5th of March, aground in Latitude 23. 40. North, and Longitude 77. 20. West, off the Grass-Cut-Keys, on the Great Bahama Bank, with 238 Negroes on board, the Crew having landed on one of the Keys; that the Negroes were in a very exhausted state, having been left several days without water, and that many had died; that the Master, who, with the rest of the Crew, was on one of the Keys, delivered up to him 6 Papers, which were produced, and proved to be the regular Ship's Papers issued at this Port of Havannah in the month of July, 1825; that, finding it impossible to get the *Orestes* off the Reef, he took the Negroes out and put them on board the Schooner under his command, together with the Master of the *Orestes*, Don Joze Ramon Mutio, (who died shortly after), the Mate and a Passenger; and, that the very crowded state of his Schooner precluding the possibility of receiving on board the remainder of the Crew, (30 Individuals,) he left them on the Key on which he found them, supplying them with a sufficient quantity of provisions and water.

Charles Pourrailly deposed, that he was a Native of France, and engaged in Commerce; that he knew the Brigantine *Orestes*, having sailed in her as a Passenger; that the Captain was D. Joze Ramon Mutio, who died lately, but that he is not aware who the Owner was; that, on the 9th of January last, he sailed in her from Ayudo, on the Coast of Africa, without any other extraordinary occurrence happening, except that of having been chased by 2 English Schooners, until the 28th of February, when the *Orestes* grounded near Grass-Keys, being then out of sight of the Schooners; that they remained in this situation 2 days, at the expiration of which they formed a Raft, on which all the white People on board were conveyed to one of the Keys, the Negroes being left in the Vessel; that 3 days after, an English Schooner of War appeared in sight, the Commander of which came

in his Boat to where the Crew was, and, having learnt what had happened, and, having received from the Master, Mutio, certain Papers, transferred the Negroes on board his Schooner, together with the said Master, the Mate, and the Deponent, and brought them into this Port of Havannah, the Master having died the day after the capture; that 284 Negroes were taken on board on the Coast of Africa, of which number, 22 died previous to the Vessel grounding; but that he could not say how many there were at the time of the capture, several having been drowned in the hold, in consequence of the great quantity of water which entered after that misfortune; that the *Orestes* had no other Cargo but the Negroes; that the Papers which were given up by the Master were the regular Ship's Papers, and, upon their being shewn to the Witness, he immediately recognized them.

Salvador Estolt deposed, that he was a Native of Catalonia, that he was Mate of the Brigantine *Orestes*, of which the late D. Joze Ramon Mutio was Master, and D. Ventura Zagonera, Owner, as this Deponent infers from his being the Person who dispatched her in this Port; that he entered on board the said Vessel as Second Mate, on the 16th of July 1825, and that, on the 20th of the same Month, she set sail from this Port of Havannah for the Coast of Africa, where they arrived without accident towards the close of September; that they remained in the Road of Ayudo until the 10th of January last, on which day 285 Slaves were embarked on board the *Orestes*, with which they immediately set sail for this Island; that no accident happened during the Voyage until the 28th of February, when, after having been chased for 2 days by 2 English Schooners, from which they had escaped, the Vessel grounded near Grass Keys, on the Bahama Bank; that they remained there without leaving her for 2 days, at the end of which they made a Raft, on which the whole Crew proceeded to a neighbouring Key, leaving the Cargo of Negroes on board; that, 3 days after, an English Schooner of War appeared in sight, the Commander of which came to the Key on which they were, in his Boat, and, having been informed of what had happened, he transferred the Cargo of Negroes, the Captain of the *Orestes*, D. Joze Ramon Mutio, a passenger, Don Carlos, whose Surname he does not know, and this Deponent, on board his Schooner, and set sail for the Port of Havannah, the said Mutio having died 1 or 2 days after the capture; that during the Voyage, up to the day on which the Vessel ran aground, 25 Negroes had died, and that Deponent heard that several others had been drowned in the hold, the number of which he did not learn, and that consequently he could not say exactly how many there were at the time of the capture; that the *Orestes* had no other Cargo but the Negroes; that she had not been brought into this Port, because it was impossible to get her off from the place where she was aground; that the Ship's Papers were delivered up to the English Commander; and those pre-

sented to the Court by the latter having been shewn to him, he immediately recognized them, and said that they belonged to the *Orestes*.

(Enclosure 2.)—*Sentence of the Mixed Commission in the Case of the Brigantine Orestes.*—(Translation.)

THE merits of this Cause having been taken into consideration, it is declared to be a good and lawful Prize, that made by the English Schooner of War *Speedwell*, commanded by James C. Bennett, Esq. Lieutenant of the Royal Navy of His Britannick Majesty, of the Spanish Brigantine named the *Orestes*, with a Cargo of 238 African Negroes, according to the Certificate of the Captor, relative to the state of the Vessel at the time of the capture; respecting which number the two Individuals belonging to the Crew of the *Orestes*, who have been examined, have not been able to afford any information, as they say that they do not know how many were drowned in the hold, in consequence of the great quantity of water which entered when aground, as she was upon Grass-Cut-Keys, on the Bahama Bank, where the said Vessel was abandoned, it having been found impossible to get her off and set her afloat. The Negroes are consequently declared to be free from all slavery and captivity, to the number of 212, to which the Cargo has been reduced, and which are already disembarked by order of his Excellency the Captain-General, under the charge of Don Felipe Rodriguez, and are placed in one of the Barracones outside the walls of this City, 26 having died subsequently to the capture, as appears by the Report made by the aforesaid Captor to the Mixed Commission, and annexed to the other Documents belonging to this Cause. Let the proper Certificate of Emancipation be given to them by the Deputy Secretary, who is named for that purpose; and with respect to the said Brigantine *Orestes*, which remained aground on the Key where she was found, it is declared from this moment, that if she or any part of her be saved, the same is subject and liable to confiscation, in order that, being sold at publick auction, the proceeds may be applied to the benefit of the two Governments, observing, in that case, the necessary formalities for this purpose; and let a Certified Copy of this Sentence, with a proper Official Letter, be addressed to His Excellency the Captain-General, in order that he may be apprized of the same, which is likewise to be notified to the Captor.

CLAUDIO M. DE PINILLOS.

H. T. KILBEE.

Havannah, March 15, 1826.

R. GONZALES, Deputy Secretary.

No. 67.—*His Majesty's Commrs. to Mr. Secy. Canning.*—(Rec. May 21.)

SIR, Havannah, March 11, 1826.

WE have the honour to inform you, that Captain Hobson, of His Majesty's Sloop *Ferrett*, brought into this Port, on the 15th ultimo,

M

the Spanish Schooner *Fingal*, which he had detained on the 3d, with a Cargo of 58 Negroes.

Sentence of Condemnation was pronounced by the Mixed Commission on the 20th ultimo.

The Schooner *Fingal*, of which Don Dionisio Urquijo was Master and ostensible Owner, sailed from this Port on the 1st of February, 1825, for the Island of St. Thomas, on the Coast of Africa; where, however, she did not touch, but proceeded to Cape Mount on the Continent. She remained there for several months, and, at length, set sail on her return to this Island, on the 1st January of the present Year. The Master and two of the Crew, who were examined, stated, that the Schooner did not take on board any Negroes on the Coast of Africa, but that, 17 days after their departure, they fell in with a French Brig, which obliged them to receive on board 61. In relating this improbable story, the Witnesses differed in some not immaterial points, but it is rendered altogether unworthy of belief by the fact, that in the Log book there is a Note inserted (which, though attempted to be blotted out, is plainly visible,) of the death of a Negro on a day prior to that on which the Brig was said to have fallen in with; and also by the total omission in the Log-book, in which, however, many other Vessels are stated to have been seen, of all mention of any such Brig, the meeting with which it was peculiarly the interest of the Master to have noted down in the most explicit terms, as upon it he pretended to found his justification for the violation of the Laws of his Country in having Negroes on board his Vessel. No other event of importance is said to have happened in the Voyage until she ran aground near Salt Key; two days after which she was taken possession of by the Boats of His Majesty's Sloop *Ferrett*, the Negroes having been previously landed on a small neighbouring Key, but as they were placed under the charge of 3 of the Crew, and were fully admitted by the Master and the other Witnesses to belong to the Vessel, and to have been removed for the purpose of concealment from the English, the Court, without hesitation, came to a Decision that the Vessel should be condemned and the Slaves emancipated.

We have the honour to enclose an Abstract of the Evidence, and a Translation of the Sentence of the Court.

The *Fingal* was not reported to you among the Departures for the Coast of Africa last Year, because, in the daily lists published in the Newspapers, she was stated to have sailed for New Orleans.

We have the honour to be, &c.

H. T. KILBEE.

W. S. MACLEAY.

The Right Hon. George Canning.

(Enclosure 1.)--*Abstract of the Evidence in the Case of the Spanish Schooner Fingal.*

CAPTAIN HOBSON stated, in his Affidavit, and in his Declaration of the state of the Prize at the time of capture, that he had detained this Schooner on the 3d of February, in Latitude 22. 12. North, and Longitude 75. 46. West, with 58 Negroes on board, exclusive of a female infant that was born the day after the capture, and lived only a few days; that he found the Schooner aground, and the Negroes on shore, on a small uninhabited Key, in the charge of 3 of the Crew, the Officer who went on board having been conducted to the place of their concealment by the Master, who fully admitted them to be his Cargo; and that he received from the said Officer, and now produced, 5 Documents which were delivered up by the Master, and which proved to be the regular Ship's Papers, issued at this Port of Havannah in the Month of January 1825, and authorizing the *Relampago* to proceed to the Island of Saint Thomas, on the Coast of Africa, for the purpose of trading in Articles of lawful Commerce, but expressly prohibiting her from engaging in the Slave-trade.

DIONISIO URQUIJO deposed, that he was a Native of Bilbao; that he was Master and Owner of the Schooner *Fingal*, in which he sailed from the Port of Havannah, on the 1st February 1825, for the Island of Saint Thomas, for the purpose of engaging in lawful Commerce, but that he never touched at it, having, when in sight thereof, been informed by a Portuguese Vessel, that he would not find any of the Articles of which he was in want; that, consequently, he proceeded to the Coast of Africa, and, in the vicinity of Cabomonte, he contracted with the Negroes of the Country the exchange of his Cargo for palm-oil, logwood, rice and ivory, which Articles were never delivered to him, although he waited for them for the period of 8 months and a half, with the exception of a small quantity of logwood, with which he determined to return, with the loss of almost the whole of his Cargo, which he had previously handed over to the said Negroes; that he accordingly set sail for this Port on the 1st January of this Year, and, 17 days after his departure, he fell in with a French Brig laden with Slaves, the Captain of which, after asking for some provisions, which could not be afforded to him, sent on board the Schooner 61 Negroes, which the Deponent, from motives of humanity, could not avoid receiving, being told that, if he did not, they would be thrown into the Sea; that the French Brig then departed, having previously thrown overboard a swivel gun and various other arms that were in the Schooner; that the Deponent continued his voyage with the Negroes, and ran aground near Salt Key on the 1st or 2d of February, and that, on the 3d, 3 Boats of an English Brig-of-War, which was in sight, approached, when the Negroes were landed on a small neighbouring Key, for the purpose of concealing them from the English, and also of lightening the Vessel, 3 of the Crew being left in

charge of them ; that upon the arrival of the English Boats they discovered the Negroes, and again brought them on board the Schooner, of which they took possession, and ultimately brought her into the Port of Havannah ; that the Negroes, at the time of the capture, amounted to 58, and that his intention was to bring them to Havannah and relate what had happened with the French Brig ; that there was no other Cargo on board at the time of the capture, and that the Papers which he delivered up were the only ones he had on board.

FLORENCIO SUGASTI, a Native of Biscay, deposed, that Dionisio Urquijo was Master of the Schooner *Fingal*, but that he did not know who was the Owner ; that the Deponent belonged to the Spanish Schooner *Clara*, which was wrecked on the Coast of Africa, when he and 5 others of the Crew requested to be received on board the *Fingal* as passengers, and that during the Voyage he acted as Mate, but without any pay whatever.

That, about the 31st of December last, they set sail from the Coast of Africa, with a small Cargo of palm-oil and logwood, and, 17 or 18 days after, they fell in with a French Brig, laden with Slaves, the Captain of which asked for a little rice, which was refused, and then forcibly put on board 61 Negroes, and went away, after throwing overboard the gun and some small arms that were in the *Fingal* ; that they continued their Voyage, and, on the 1st or 2d of February, ran aground near Salt Key, 2 days after which, 3 English armed Boats, belonging to a Brig-of-War in sight, appeared, when the Negroes were landed upon one of the small Keys, in order to conceal them from the English, and to lighten the Vessel, but were shortly after discovered upon the arrival of the Boats, by which they were again embarked on board the Schooner, of which the English took possession, and ultimately brought her into the Port of Havannah ; that the number of the Negroes at the time of capture was 58, 3 of the 61 having died during the Voyage, and that there was no other Cargo on board the Schooner at the time of the capture, the logwood having been thrown overboard when she grounded.

BENITO VASQUEZ, a Native of Malaga, deposed, that Dionisio Urquijo, was Master of the Schooner *Fingal*, and that he did not know the Owner ; that he was received on board her, on the Coast of Africa, as a passenger, but that the Boatswain having been drowned, he acted during the Voyage in his place ; that, after he had been on board her about 3 Months, they set sail, on the 1st of January of the present Year, with a Cargo of logwood ; that 17 days after, they fell in with a French Brig laden with Slaves, of which 61 were put on board the Schooner, the French Captain saying, that he had not provisions enough for them ; that the latter then left them, first taking on board his Brig a swivel gun and other arms belonging to the *Fingal* ; that the Schooner continued her Voyage, and ran aground on some Keys, near the Coast of the Island of Cuba, 2 days after which 3 English armed Boats came

up, and again put on board the Schooner the Negroes who had been landed on one of the Keys, for the purpose of lightening her; that the English then took possession of the Vessel, and brought her to the Port of Havannah; that at the time of the capture 58 of the Negroes were alive, 3 having died during the Voyage, and that there was no other Cargo on board, the logwood having been thrown into the Sea to lighten the Vessel.

(Enclosure 2.)—*Sentence of the Mixed Commission in the Case of the Schooner Fingal.*—(Translation.)

THE merits of this Cause having been taken into consideration, and it being particularly observed, that it is noted down in the Log-book on the 16th of January, a date prior to that when the Master, and the two other Individuals who have been examined, assert that the 61 Negroes were received from a French Brig, that a full grown Negro had died; this being clearly and distinctly visible, notwithstanding the attempt made to blot out the circumstance, by drawing several strokes of a pen across it, as was also done in the case of 2 other Negroes who died subsequently, and no mention whatever being made, throughout the whole Log-book, of having fallen in with the aforesaid French Brig, as is done with other Vessels that were seen on different days, it is hereby declared to be good and lawful Prize, that made by His Britannick Majesty's Brig *Ferrett*, William Hobson, Esq. Commander, of the Spanish Merchant Schooner named *Fingal*, D. Dionisio Urquijo, Master, with a Cargo of 58 African Negroes, viz: 41 males and 17 females, one of the latter having been delivered of a female infant the day after the capture; and that the said Schooner, her tackle, apparel, and whatever may be contained therein, are subject and liable to confiscation, with the exception of the aforesaid Negroes, who are declared to be free from all slavery and captivity. With respect to the condemned Vessel, and whatever belongs to her, let a valuation be made thereof by the Principal Masters of this Royal Arsenal, who shall swear faithfully to perform this duty, in order that the same may be exposed to publick auction for the term required by Law, and be disposed of to the highest bidder, at the Auction Room of Don Antonio Galea, before the Notary, D. Joze Rafael de Meza, the proceeds being for the benefit of the two Governments, and let the said Vessel be for the present placed in deposit with D. Jayme Andreu, who shall likewise take the proper Oath, receiving the same by formal inventory; and, with respect to the Negroes, let their Certificate of Emancipation be given to them by the Deputy Secretary, who is hereby appointed to perform that duty, for which purpose let an Official Letter be addressed to his Excellency the Captain-General, requesting him to be pleased to name a Person in whom he has confidence, 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 the Negroes up to him, and the Schooner to the Depositary, communicating to him now a certified Copy of this Sentence, of which the Master, D. Dionisio Urquijo, shall also be apprized.

CLAUDIO M. DE PINILLOS.

H. T. KILBEE.

Havannah, Feb. 20, 1826.

R. GONZALES, Deputy Secretary.

No. 68.—*His Majesty's Comm^r. to Mr. Sec^y. Canning.*—(Rec. May 21.)

SIR,

Havannah, March 11, 1826.

ON the 26th ult. the Spanish Brig *Currutaco*, D. Juan Coll, and the Schooner *Escudera*, D. Juan Tornella, Master, sailed from hence, the former for St. Thomas, and the latter for Princes Island, on the Coast of Africa.

We have heard that the French Frigate *Antigone* has captured a Slave-vessel of the same Nation, with upwards of 100 Negroes on board, not far from Santiago de Cuba. We have, &c.

H. T. KILBEE.

The Right Hon. George Canning.

W. S. MACLEAY.

No. 69.—*His Majesty's Comm^r. to Mr. Sec^y. Canning.*—(Rec. June 12.)

SIR,

Havannah April 15, 1826.

WE have the honour to enclose a Translation of a Letter addressed by the Captain-General to the Mixed Commission, and of the Reply of the latter, upon the subject of a Royal Order, issued by His Catholic Majesty, for the more effectual suppression of the illicit Slave-trade, carried on with this Island, which has been published in the Official Journal.

In this Royal Order, it is expressly stated, that The King has adopted Additional Measures, in consequence of the remonstrances of the British Minister at Madrid, although He himself does not consider those already taken to be inadequate to their object. It is directed that every Vessel from the Coast of Africa shall, upon her arrival, deliver up her Log-book to be examined; and should there be any reason to suspect her of having been engaged in the Slave-trade, that the Captain-General, who alone is to take cognizance of such Causes, shall proceed to the investigation of the Case, and the punishment of the Delinquents. Persons of all classes are authorized to denounce Transactions of illicit Slave-trade, but no reward is offered to the Informer, unless he be a Slave, in which case he instantly becomes free; the Purchaser of illegally imported Negroes being subject to a fine of 200 dollars for each. The Clergy are directed to impress upon their Flocks that the carrying on the Slave-trade, since it has been prohi-

bited by The King, is a moral offence. Those Negroes hereafter imported, who shall denounce the Vessel in which they have come, are declared to be entitled to their liberty, but not those illegally introduced, up to the present period. And, finally, it is ordered, that these measures shall not be carried into effect until after the Royal Order shall be published.

The strong incitement held out to Slaves to denounce transactions of illicit Slave-trade has created universal alarm and dissatisfaction here; and should Informers of that class receive encouragement and protection from the Tribunals of the Island, little doubt can be entertained that this measure will afford an effectual check to the traffick.

We have the honour to be, &c.
The Right Hon. George Canning.

H. T. KILBEE.
 W. S. MACLEAY.

(Enclosure 1.)—*The Captain-General to the Mixed Commission.*

(Translation.)

MOST EXCELLENT SIR, AND GENTLEMEN, *Havannah, April 11, 1826.*

UNDER date the 2d of January of this Year, his Excellency the Duke del Infantado, First Secretary of State, writes to me as follows:—

ROYAL ORDER.

MOST EXCELLENT SIR, *Madrid, 2d January, 1826.*

HIS Britannick Majesty's Minister here having remonstrated against the fraudulent importation of Negroes into the Island of Cuba, in manifest violation of the Treaty of 1817, in the exact fulfilment of which the English Nation and Government have always taken so much interest, Our Lord the King could not do less than take this matter into consideration, for the more prudent determination of which he has not only consulted the Council of Indies and the Junta of His Ministers, but he has also acquired information from Persons in whose knowledge upon the subject he has reliance; and, after maturely examining the several arguments and measures which have been proposed to him, he has been pleased to adopt those, which, in his high consideration, he has esteemed best adapted for securing more effectually the suppression of this illicit Traffick, although he does not believe to be insufficient the measures already taken and prescribed in the different Orders issued to the Authorities of that Island during the whole period that has elapsed from the conclusion of the above-mentioned Treaty of 1817 to this date.

Our Lord the King has accordingly resolved, that every Vessel proceeding from the Coast of Africa, shall, immediately upon her arrival at the Ports of the Island of Cuba, deliver up her Log-book to the Naval Commandant, in order that he may examine it, and should there be any reason to suspect that the Vessel has brought and clandestinely landed Negroes, that he may instantly report the same to your

Excellency, to the end that you may proceed to the proper investigation and punishment, in conformity to the Laws in force relating to the subject, it being well understood that, to your Excellency alone, with the advice of your Assessor, belongs the cognizance of such Causes; His Majesty, moreover, declaring, that any Person, of whatever class he may be, may denounce the Negroes who shall be received by smuggling, and, should the Informer be a Slave, that, in the very act he becomes free, the Purchaser being fined 200 dollars for each of the Slaves he shall have acquired. His Majesty has likewise resolved, that the Very Reverend the Archbishop of Cuba, and the Reverend the Bishop of Havannah, shall impress upon the Rectors and those belonging to their respective Dioceses, that from the moment His Majesty was pleased to prohibit the Traffick in Negroes, its continuation in any manner whatever was no longer permitted in conscience, a real robbery being committed by those who should acquire any of them fraudulently; for which purpose, I write, under this day's date, to the Minister of Grace and Justice, in order that he may give the necessary directions for the fulfilment of the same to the said Reverend Prelates.

His Majesty has also determined that those Negroes shall obtain their liberty, who shall denounce the Vessel in which they themselves may have come, subsequently to the Order which your Excellency shall publish to this effect, but not those imported into the Island prior to its publication.

By Royal Order I transmit all this to your Excellency, for your information, and that of the Mixed Commission, and that you may communicate it to those whom it may concern, in order that this Sovereign Resolution may be carried fully into effect, as well by your Excellency as by the other Authorities of the Island, but your Excellency will not permit these measures to be put into execution until after that Resolution shall be published.

EL DUQUE DEL INFANTADO.

I transmit the above to you for your information, apprizing you, at the same time, that I communicate it to those whom it may concern, for the fulfilment of the same. God preserve, &c.

His Excellency the Intendant, and the FRAN^o. DION^o. VIVES.
other Members of the Mixed Commission.

(Enclosure 2.)—*The Mixed Commission to the Captain-General.*
(Translation.)

MOST EXCELLENT SIR,

Havannah, April 13, 1826.

THE Mixed Commission has received your Excellency's Official Letter of the 11th instant, in which is inserted the Royal Order of the 2d of January of this Year, by which His Majesty has been pleased to adopt the measures which he has deemed just and proper for the sup-

pression of the illicit Traffick in African Negroes, in violation of the Treaty relating to this subject, of which Sovereign Resolution this Mixed Commission is duly apprized, observing in it all the interest His Majesty takes in attaining the object of that Treaty.

God preserve, &c.

H. T. KILBEE.

W. S. MACLEAY.

C. M. DE PINILLOS.

R. DE QUESADA.

His Excellency the Captain-General.

No. 70.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. June 12.)

SIR,

Havannah, April 16, 1826.

WE have the honour to inform you, that, on the 2d instant, the Spanish Schooner *Minerva*, Manuel Fernandez, Master, and, on the 14th, the Spanish Schooner *Dolorita*, Joaquin Aureycochea, Master, sailed from this Port for the Coast of Africa.

We have, &c.

H. T. KILBEE.

The Right Hon. George Canning.

W. S. MACLEAY.

No. 71.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. June 24.)

SIR,

Havannah, April 30, 1826.

ON the 24th instant, the Spanish Schooner *Jacinta*, Don Francisco Prieto, Master, sailed from this Port for the Coast of Africa.

Since the date of our Despatch of the 22d of February, we have not heard of the arrival on the Coasts of this Island of any Vessel with Slaves,

We have, &c.

H. T. KILBEE.

The Right Hon. George Canning.

W. S. MACLEAY.

No. 72.—*His Majesty's Commr. to Mr. Sec. Canning.*—(Rec. June 24.)

SIR,

Havannah, May 2, 1826.

WE have the honour to acknowledge the receipt of your Despatch of the 31st January last, in which you have been pleased to transmit to us Copies of a Correspondence with His Majesty's Envoy at Madrid, 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.

In our Despatch of the 15th ultimo, we had the honour of forwarding to you the Communication made by the Captain-General to the Mixed Commission upon the same Subject, together with a Translation of the Royal Order which has been published here.

We have, &c.

H. T. KILBEE.

The Right Hon. George Canning.

W. S. MACLEAY.

No. 73.—His Majesty's Comm^r. to Mr. Sec^y. Canning.—(Rec. June 24)
 SIR, *Havannah, May 2, 1826.*

WE had yesterday the honour of receiving your Despatch of the 23d February last, relative to the reported re-capture, by a Spanish Brig, which had arrived at Cuba, of 2 Slave Vessels, previously detained by a British Cruizer on the Coast of Africa.

No time shall be lost in making the enquiries which you direct, into the truth of this transaction ; but we think it right to apprise you, that some delay will in all probability occur, the Communication between this Place and Cuba being slow and unfrequent.

In our Despatch of the 18th of January last, we had the honour of transmitting to you a Communication, which we had received from the French Consul-General, upon the subject of the above-mentioned re-capture.

We have, &c. H. T. KILBEE.
The Right Hon. George Canning. W. S. MACLEAY.

No. 74.—His Majesty's Comm^r. to Mr. Sec^y. Canning.—(Rec. July 14.)
 SIR, *Havannah, May 31, 1826.*

On the 30th instant, the Spanish Brig *Breves* (formerly the *Conquistador*, an old and notorious Slave-trader,) sailed from this Port for the Coast of Africa.

On the 27th instant, the Spanish Schooner *Teagenes*, arrived here in ballast.

In our Despatch of the 22d of February of this Year, it was stated that a report prevailed, that this Vessel had landed a Cargo of Negroes on the South side of the Island, which report proves to be correct ; and we have learned, that since the disembarkation, she has been employed by the Government in conveying Troops from Batabano, where they had proceeded by land from Havannah, to Trinidad de la Isla.

We have heard that the Spanish Schooner *Iris*, which sailed for the Coast of Africa in November 1825, has lately landed a Cargo of Negroes at Puerto Escondido, to the Westward of Matanzas. The Vessel, however, has not arrived here, and it is even said, that she has been destroyed by her Crew to avoid detection : a report has been prevalent here, that she has had an action with one of His Majesty's Schooners, which she had beaten off.

We have, &c. H. T. KILBEE.
The Right Hon. George Canning. W. S. MACLEAY.

No. 75.—His Majesty's Comm^r. to Mr. Sec^y. Canning.—(Rec. July 14.)
 SIR, *Havannah, June 14, 1826.*

HAVING learned from good authority that the Matanzas Steam Vessel *Neptune*, which arrived here on the evening of the 5th ultimo, had brought upwards of 100 Negroes, whom she had received on board

at a small Port to the Westward of Matanzas, called Puerto Escondido, and who, probably, belonged to the Cargo of the *Iris*, mentioned in our last Despatch; we resolved to lose no time in calling the attention of the Captain-General to this matter, and, accordingly, on the morning of the 6th, we apprized him of the circumstance, and endeavoured to impress upon him, that it was particularly incumbent upon this Government to make an example of the perpetrators of this scandalous violation of our Treaty, committed so shortly after the publication of His Catholick Majesty's Royal Order of January last, as, if they were allowed to escape with impunity, that Royal Order would, like those previously issued on the same Subject, be considered as a mere dead letter.

His Excellency replied, that the Naval Department had not reported to him any such arrival of Negroes, but that he would immediately write to the Commandant of the Naval Forces, and direct him to investigate the Case. In subsequent conversations he stated, that he had not yet received any Answer, but on the 1st instant he transmitted a Letter, of which a Translation is enclosed, to His Majesty's Commissary Judge, communicating the result of the investigation made by the Naval Department; according to which it appears "that there was not the slightest ground for even a remote suspicion that the Steam Vessel had on board the Negroes referred to."

On the 7th instant, another Letter was received from the Captain-General, in which was inserted the Report of the Auditor of War, respecting that Investigation, merely recommending that a Statement of the Case should be laid before His Catholick Majesty, lest intelligence of a different tenour should reach him through another channel.

Notwithstanding the result of the Investigation undertaken by the Naval Department, it is perfectly notorious that the Negroes were brought in the Steam Vessel, as stated in the foregoing part of this Despatch: several highly respectable Foreigners came passengers in her; and though none of them will venture to incur general odium, and perhaps some danger, by coming forward to give information upon the Subject, we have the most undoubted authority for assuring you that the fact is as we have related.

We have, &c.

H. T. KILBEE.

The Right Hon. George Canning.

W. S. MACLEAY.

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

SIR,

Havannah, June 1, 1826.

THE Commandant-General of the Naval Forces on this Station, has transmitted to me, in an Official Letter, dated yesterday, the Proceedings adopted in consequence of the information which you gave me, and which I immediately communicated to him, respecting the

denunciation of the Steam Vessel *Neptune*, having introduced into this Port a number of "bozal" Negroes, brought from the Coast of Africa.

From the Declarations in the said Proceedings no such fact results, as will be seen by the Extract of the Decision upon those Proceedings, which I forward to you; but I transmit the same, notwithstanding, under this day's date, to the Auditor of War for his opinion; and I state this for your information, and will communicate to you the result in due time. God preserve, &c.

H. T. Kilbee, Esq.

FRAN^o. DION^o. VIVES.

(Enclosure 1, A.)—*Result of the Investigation made by the Naval Department.*—(Translation.)

(Extract.)

Havannah, May 13, 1826.

By the Declarations received in this Cause, to the number of 11, from the Master and Sailors of the Steam Vessel *Neptune*, the Passengers who were conveyed in the same, from Matanzas to this Port, and the Custom-House Officers who searched her, it appears that on the 5th instant they sailed from the former for this Port, with a cargo of the produce of the Country, none of the said Declarations affording the slightest ground for even a remote suspicion that the Steam Vessel had on board the Negroes referred to in the Denunciation, arising apparently from an involuntary mistake, which has occasioned these Proceedings.

It has likewise been proved, in the most explicit and direct manner, that the said Steam Vessel did not touch at any of the intermediate Ports on the Coast, neither did she communicate with any other Vessel, whence the disembarkation, or transfer to another Vessel, of the Slaves might be presumed.

Conceiving, therefore, that the mistaken impression under which the aforesaid Denunciation was made, is fully proved, and, consequently, no charge whatever resulting against the Master, Don Angel Bruzon, or any other Person, I am of opinion, that Bruzon may be released from the arrest under which he has been placed, as well as the other Individuals of the Crew, who have likewise been detained, and that they should be free to exercise their respective employments, since nothing has been proved against them that can injure their reputation, in which state of the Case, I transmit the Proceedings to you, that you may adopt the proper measures.

The Commandant of the Naval Forces. BART. MARQ. PACHEO.

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

SIR,

Havannah, June 7, 1826.

THE Auditor of War has, under date the 5th Instant, made to me the following Report:—

" **MOST EXCELLENT SIR,**

" On the 6th of May, Mr. H. Kilbee, British Commissary Judge of the Mixed Commission, informed your Excellency, that he had been assured that upwards of 100 Negroes had arrived the day before in the Steam Vessel from Matanzas; and, on the same day, your Excellency wrote to the Naval Department to proceed to the proper Investigation without delay. This was done; and, by the Declarations of the Crew, and of the Passengers who arrived in the Steam Vessel, it is proved, to conviction, that no such Negroes came in her.

" As the Royal Order of the 2d of January, of this Year, commits to your Excellency alone the cognizance of these Causes, and the proceeding to investigation and punishment, conformably to the Laws in force upon the subject, you being consequently responsible for the observance of the same, and as the Remonstrance of His Britannick Majesty's Minister against the fraudulent importation of Negroes into this Island gave rise to that Royal Order, and as the information upon which that Remonstrance was grounded was probably given by the British Commissary Judge of the Mixed Commission, Mr. H. Kilbee, the same who communicated to your Excellency the fact respecting which this Investigation has taken place, the Auditor is of opinion that it is indispensably necessary that a Report be made to His Majesty upon the subject, lest any intelligence of a contrary tenour should reach him, and for his Sovereign information."

And having adopted this opinion, I transmit it to you, in continuation of what I stated to you upon the same subject, in my Note of the 1st instant. God preserve, &c.

H. T. Kilbee, Esq.

FRAN^o. DION^o. VIVES.

No. 76.—His Majesty's Comm^r. to Mr. Sec^y. Canning.—(Rec. July 14.)
SIR, *Havannah, June 14, 1826.*

ON the 5th instant, the Spanish Brig *Pepe*, Don José Gomez, Master, well armed, and with a Crew, as we have heard, of upwards of 80 men, sailed for the Coast of Africa.

The Spanish Schooner *Carlota*, which sailed for that Coast on 20th July, 1825, arrived here to-day in ballast, and is announced in the Newspapers as coming from Bahia de todos los Santos, in Brazil. There can be little doubt, however, that she is really from Africa, and that she has landed a Cargo of Negroes, but as there is somewhat more mystery observed with regard to these Transactions now than formerly, we have not been able to learn the number of the Cargo, or the Place of disembarkation.

We purpose taking an early opportunity of calling the attention of the Captain-General to this Case. We have the honour, &c.

H. T. KILBEE.

The Right Hon. George Canning.

W. S. MACLEAY.

No. 77.—Mr. Sec^y. Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 31, 1826.

I HAVE received your several Despatches up to the 14th of June last.

I approve of the unceasing watchfulness which you exercise in enquiring into, and reporting upon, the Undertakings in African Slave-trade from and to the Island of Cuba, Undertakings which, I am sorry to observe, from your Despatches, are not only as unremitting as ever, but are becoming still more undisguised, and continue in most instances unpunished, to the disgrace of the Island, and the apparent inefficiency of the Decrees of the Mother Country.

I enclose, for your information, the Copy of a Despatch which I have felt it proper to address, upon this occasion, to His Majesty's Envoy at Madrid*. I am, &c.

His Majesty's Commissioners.

GEORGE CANNING.

* See Class B.

No. 78.—His Majesty's Comm^r. to Mr. Sec^y. Canning.—(Rec. Sept. 6.)

SIR,

Havannah, June 28, 1826.

WE had the honour of receiving, on the 23d instant, your Despatch of the 10th of March last, in which you have been pleased to communicate to us, that the Additional Articles to the Treaty of 1817, which were signed under the Government of the Cortes of Spain, have received the sanction of His Catholick Majesty, and have been transmitted to the Authorities in Cuba.

These Articles, together with the Declarations signed at Madrid, on the 2d of February, 1824, have lately been communicated by the Captain-General to the Mixed Commission. We have, &c.

HENRY T. KILBEE.

The Right Hon. George Canning.

W. S. MACLEAY.

No. 79.—His Majesty's Comm^r to Mr. Sec^y. Canning.—(Rec. Sept. 6.)

SIR,

Havannah, June 30, 1826.

WE have the honour to enclose Copies of the Register† of the Slaves emancipated by Decrees of the Mixed Commission, since the date of Mr. Kilbee's Despatch of the 17th of December. They belonged to the Spanish Vessels *Magico*, *Fingal*, and *Orestes*, and amount in all to 445. We have the honour to be, &c.

H. T. KILBEE.

The Right Hon. George Canning.

W. S. MACLEAY.

† *Magico* 175. *Fingal* 58. *Orestes* 212. Total 445.

No. 80.—*His Majesty's Comm^r. to Mr. Sec^y. Canning.*—(Rec. Sept. 6.)
SIR, *Havannah, July 1, 1826.*

We have the honour to forward to you the Return required by the
75th Section, 5th Geo. 4, Cap. 113. We have, &c.

The Right Hon. George Canning. HENRY T. KILBEE.
W. S. MACLEAY.

(Enclosure.)—*Half-Yearly 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, or remains unsold, and in whose hands the Proceeds remain.
Jan. 22, 1826	Spanish Brigantine "Magico," with 179 Negroes, but no other Cargo.	Lieut. A. B. Lowe, commanding H. B. Majesty's Schooner "Union."	Jan. 31, 1826	Forfeiture - -	The Vessel, tackle, &c. have been sold, nothing remaining unsold. The British moiety of the proceeds has been remitted to His Majesty's Secretary of State for Foreign Affairs.
Feb. 3. —	Spanish Schooner "Fingal," with 58 Negroes, but no other Cargo.	Capt. Hobson, commanding H. B. M.'s Sloop "Feret."	Feb. 20. —	Forfeiture - -	Ditto Ditto Ditto.
Mar. 5. —	Spanish Brigantine "Orestes," with 238 Negroes on board.	Lieut. Bennett, commanding H. B. M.'s Schooner "Speedwell."	Mar. 15. —	Forfeiture - -	The Vessel was found on shore and could not be got off. The Negroes alone were brought to The Havannah in the Speedwell.

Havannah, July 1, 1826.

H. T. KILBEE.
W. S. MACLEAY.

No. 81.—*His Majesty's Comm^r. to Mr. Sec^y. Canning.*—(Rec. Sept. 6.)
SIR, *Havannah, July 3, 1826.*

As we stated in our Despatch of the 14th of June, we took an early opportunity of calling the attention of the Captain-General to the Case of the Spanish Schooner *Carlota*, which sailed for the Coast of Africa in the Month of July 1825, and returned in ballast on the 14th ultimo, being announced to have come from Bahia de todos los Santos, although no doubt existed that she was really from the Coast of Africa direct, and had landed a Cargo of Slaves previously to her entering this Harbour.

We stated to His Excellency, that this was one of those Cases, of which so many had formerly been submitted to his consideration, of Vessels which are well known to have come from the Coast of Africa with Negroes, reporting false Places of departure; we put into his hands the Newspapers in which the departure and arrival of the Vessel were announced, and we expressed our regret at having to report this Case to our Government, so shortly after the publication of the late Royal Order of His Catholick Majesty, issued expressly for the more effectual suppression of the Slave-trade.

The Captain-General replied, that that Royal Order committed the examination of Vessels coming from the Coast of Africa exclusively to the Naval Department, from which he had received no communication whatever respecting the *Carlota*; and he recommended, that we should address a Note to him upon the subject, which he said he would transmit to that Department.

We accordingly forwarded to him the Note, of which a Copy is enclosed, and have received in answer two Letters, of which Translations are also enclosed; in the first of which His Excellency apprizes us, that he had transmitted our Note to the Commandant of the Naval Forces; and in the second he inserts the Reply of the latter, stating that the Case should be investigated.

We have the honour to be, &c.

H. T. KILBEE.

W. S. MACLEAY.

The Right Hon. George Canning.

(Enclosure 1.)—*The British Commissioners to the Captain-General.*

SIR,

Havannah, June 22, 1826.

IN compliance with your Excellency's desire, that we should state in writing what we mentioned to you yesterday verbally, we have the honour to apprise you, that we have observed the arrival of the Spanish Schooner *Carlota*, in ballast from Bahia de todos los Santos, announced in the *Diario de la Havana*, of the 15th instant, which Vessel sailed from this Port for Princes Island, on the Coast of Africa, on the 20th July 1825, and we confidently venture to assert, that no serious doubt can be entertained, indeed that it is a matter of notoriety, that, like the numerous other Vessels which have entered this Port under similar circumstances, she has really come direct from that Coast, and had landed a Cargo of Negroes in some of the Out-Ports of this Island, previously to entering this Harbour.

It will be most painful for us to have to report to our Government this fresh Case of the violation of our Treaty, so soon after the publication of His Catholick Majesty's Royal Order of the 2d of January last, which it was confidently expected, would serve effectually to put a stop to the extensive illicit Slave-trade which has been so long carried on with this Island.

We avail ourselves, &c.

H. T. KILBEE.

W. S. MACLEAY.

His Excellency the Captain-General.

(Enclosure 2.)—*The Captain-General to the British Commissioners.*

(Translation.)

GENTLEMEN,

Havannah, June 23, 1826.

I HAVE written, under this day's date, to the Commandant of the Naval Forces on this Station, as follows:—

"I forward to you the Translation of a Note, which Messrs. H. T. Kilbee and W. S. Macleay have addressed to me, in which they state what they have observed respecting the arrival of the Spanish Schooner *Carlota*, in ballast, proceeding from Bahia de todos los Santos, as announced in the Diario of this City, of the 15th instant, which I likewise enclose; which Vessel sailed from this Port for Princes Island, on the Coast of Africa, the 20th of July last Year; with the other matters to which those Gentlemen refer; enclosing also the Diario of the 21st of July of last Year, in order that, with all these before you, you may be pleased to direct the investigation of the Case, to determine what may be proper in conformity to the Treaty and Sovereign Orders upon the subject."

And I transmit this to you in reply to your aforesaid Note.

God preserve you many Years,

The British Commissioners.

FRAN^{co}. DION^{co}. VIVES.

(Enclosure 3.)—*The Captain-General to the British Commissioners.*
(Translation.)

GENTLEMEN,

Havannah, June 30, 1826.

THE Commandant of the Naval Forces on this Station writes to me, under date the 28th instant, as follows:—

"Most Excellent Sir, An enquiry is now making into the circumstances, that may serve to shew the nature of the voyage of the Spanish Schooner *Carlota*, from the departure of the same from this Port on the 20th of July last Year, up to her return on the 14th instant, for the purpose of ascertaining whether there be any ground for suspecting that she has been engaged in the illicit Traffick in Slaves; and until I shall be enabled to communicate the result to your Excellency, I state this in immediate Reply to your Official Letter of the 23d instant, in which you enclose a Translation of that of Messrs. Kilbee and Macleay."

And I transmit the above to you, in reply to your Letter of the 22d instant, as I shall do whatever else may be communicated to me upon the subject by the said Commandant.

God preserve, &c.

The British Commissioners.

FRANC^{co}. DION^{co}. VIVES.

No. 82.—*Mr. Secretary Canning to His Majesty's Commissioners.*
GENTLEMEN, *Foreign Office, September 11, 1826.*

IN reference to my Despatch to you of the 31st July last, I send to you the accompanying Extract of a Despatch, dated the 18th ult., which I have received from His Majesty's Envoy at Madrid*, on the subject of the Representation made by you, as to the evasion of the Order recently promulgated by His Catholick Majesty, for the more effectual Suppression of the Slave-trade in Cuba.

* See Class B.

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You will lose no opportunity of collecting and transmitting to me accurate information, and supporting it, where you can, by collateral, in the absence of any direct, Evidence, of any facts whereupon His Majesty's Government might feel called upon to found Representations to the Government of Spain, as to the non-execution of the Treaty of 1817, and particularly on those points wherein the new Decree of The King of Spain shall appear to be illusory in its effect.

I am, &c.

His Majesty's Commissioners.

GEORGE CANNING.

No. 83.—*H. T. Kilbee, Esq. to J. Planta, Jun. Esq.—(Rec. Oct. 14.)*

SIR,

Havannah, July 30, 1826.

THE state of my health rendering it necessary, as you will perceive by the enclosed Certificate, that I should try the effects of a more moderate Climate, I beg leave to apprize you of my intention to avail myself of the leave of absence for 2 Months, granted to me in your Letters of the 13th February, 1823, and the 6th February, 1824, to proceed to The United States.

I did not avail myself of this permission at the time it was granted, principally on account of the absence of His Majesty's Commissioner of Arbitration, conceiving that the Publick Service would be likely to suffer from the absence of both the British Commissioners at the same moment. This objection now no longer exists, Mr. Macleay being upon the spot; and I purpose, therefore, leaving The Havannah by the first Vessel which shall sail for New York.

I trust that this short absence from my Post, for the restoration of my health, after a constant residence here of 7 Years, will not be considered as precluding me from availing myself next Year of the permission to return to England, granted by Mr. Secretary Canning, and communicated to me in your Letter of the 10th December, 1825.

I have the honour to be, &c.

Joseph Planta, Jun. Esq.

HENRY T. KILBEE.

(Enclosure.)—Medical Certificate.

I, THE Undersigned, Practitioner of Medicine, do hereby certify, that H. Kilbee, Esq. is labouring under general debility, and obstinate hernia humoralis, occasioned by a long residence in this Climate; and I am of opinion that a change of Climate will alone be likely to effect the restoration of his health.

Havannah, July 28, 1826.

WILLIAM D. CLARK, M. D.

No. 84.—*W. S. Macleay, Esq. to Mr. Secy. Canning.—(Rec. Oct. 14.)*

(Extract.)

Havannah, September 2, 1826.

IT is my painful duty to report to you an event, which I fear must tend to encourage the numerous Persons in this Island, who

are engaged in the Traffick of Slaves, beyond all their former expectation.

On the forenoon of the 16th ultimo, Captain Jackson, of His Majesty's Sloop *Pylades*, being in company with His Majesty's Schooner *Maggie*, under his Orders, chased a Vessel into this Port, which now proves to be the Spanish Schooner *Minerva*, a Vessel that His Majesty's Commissioners had the honour of reporting to you in their Despatch of the 16th of April of this Year, as having sailed for the Coast of Africa, on the 3d of April last.

Being convinced that she was a regular Slave-trader, he sent in after her an Officer, with Orders to visit her, and then to report her arrival to the Captain-General and Commandant of the Naval Forces. Owing to the unfortunate circumstance of the two Lieutenants of the *Pylades* being at that moment on the Sick List, Captain Jackson was under the necessity of employing for this Service Acting Lieutenant Mr. Nott, who, on going on board the Vessel, found her occupied by a Spanish Officer and Guard.

Mr. Nott then reported her to the Flag Ship in Port, as a Slave-trader, and, on requesting permission to search her, was referred to Commodore Laborde, then said to be at his House in Town. On calling at the Admiralty, he was told to seek the Commodore at the Governor's, and, not finding him at the Government-House, he reported the arrival of the *Minerva* to some of the Officers in attendance on the Captain-General, when one of them, apparently of rank, undertook to go immediately on board the suspicious Vessel, for the purpose of making enquiries into the truth of the Statement. He would not, however, allow Mr. Nott to accompany him.

After the Spanish Officer had returned from his visit to the *Minerva*, and had communicated with the Captain-General, he gave Mr. Nott to understand that His Excellency did not feel himself authorised to submit any information respecting her to Captain Jackson, until the Vessel had been officially reported to him by Commodore Laborde; Mr. Nott accordingly called a second time at the Admiralty, and, strange to say, was then told that the Commodore had gone into the Country.

Upon Mr. Nott's return to the *Pylades*, with intelligence so deeply implicating the good faith and publick conduct of the Chief Authorities of the Island, Captain Jackson ordered Lieutenant Smith, in His Majesty's Schooner *Maggie*, to come into Port for the purpose of gaining further intelligence. By this time, it was the general topick of conversation on the Wharfs, that the *Minerva* had actually upwards of 200 Negroes then on board. I have since, however, been given to understand, that, in the interval between Mr. Nott's departure for his Ship, and Lieutenant Smith's arrival in Harbour, two Boatsfull of Negroes were landed from the Schooner at Casa Blanca, a Village on the side of the Port opposite to The Havannah.

However this may be, Lieutenant Smith, on hearing the story current among the Merchants on the Wharfs, placed Mr. Nott in command of a Boat, so as to watch the proceedings of the Schooner, and, between 11 and 12 at Night, this Officer observed no less than 6 Boats leave her, crowded with Negroes, who were finally landed at one of the most publick Wharfs of The Havannah.

Lieutenant Smith, with the most praiseworthy activity, lost no time in acquainting both the Captain-General and Commodore of this disgraceful occurrence; Captain Jackson the following day came into Harbour, in order to report the whole of the circumstances to His Majesty's Commissioners; and, in the mean time, Lieutenant Smith having, by my advice, applied to the Commodore for permission to visit the Vessel, and obtained an Order for that purpose, found every mark of her just having landed a Cargo of Slaves.

Captain Jackson, on his arrival in Harbour, addressed a Letter to me, a Copy of which I have the honour to enclose, detailing the above circumstances, and I immediately transmitted his Letter to the Captain-General, stating, at the same time, that the *Minerva* was reported in The Havannah Journals of April last as having sailed for the Coast of Africa, and calling upon him, in as respectful a manner as I could devise, to put the Spanish Laws, and particularly the Royal Order, in force against such audacious Delinquents. Anxious, however, not personally to displease him, I avoided, as much as possible, dilating on that part of Captain Jackson's Letter which so directly affects the responsibility of the Authorities, and told him, that I was convinced he would take the proper measures to cause the Treaty and Royal Orders to be respected; I thought it right to say, that, although the *Minerva* had not been brought before the Mixed Commission as a Seizure under the Treaty, she was obviously subject to the Spanish Laws; that, in fact, the proofs were complete against her, and that it only remained for His Excellency to put the Laws in execution.

Previously to delivering my Letter, of which a Copy is enclosed, I had called upon his Excellency in order to ascertain his feelings on the subject, and I learned from him, that, although he considered the Mixed Commission as having no concern with the affair, yet he was glad to have an opportunity of informing me, that, in obedience to the late Royal Order, he had submitted the whole affair to the Commodore; and, although he could not believe that the *Minerva* had landed any Negroes, he had, in consequence of what had been stated to him, issued the most positive directions to the Commissarios of the various Barrios or Wards of the City, to arrest any Negroes that might have been landed.

About this time, it appears that Captain Jackson thought proper, of his own accord, to address a Letter to His Excellency, requesting permission to search the suspicious Vessel.

The Captain-General, in reply to my Letter, transmitted Copies, herewith enclosed, of the Answer he gave to Lieut. Smith, on being informed by that Officer of the disembarkation of the Negroes, and also of the answer he made to Captain Jackson, on being asked by him for permission to seize the *Minerva*.

His Excellency then proceeds to state, that the Treaty confines all legal detentions to the High Seas, although he must have recollected that one of the Vessels lately condemned by the Mixed Commission was taken after having been run ashore on the Coast of this Island. He likewise says, that he has acted, throughout the whole affair, according to the Provisions of the late Royal Order; that he considers the assertion of Mr. Nott and the British Seamen, as to their having seen the Negroes landed, to be utterly incredible; that, although the *Minerva* is now reported from Porto Rico, and was formerly reported as having sailed for the Coast of Africa, there is no necessary inconsistency in the two Statements; and, finally, that I may depend on his attention to an affair, the cognizance of which concerns himself alone.

It is worthy of observation, that His Excellency carefully avoids any allusion to the remarkable facts set forth in Captain Jackson's Letter to me, of the *Minerva* having been reported to him by Mr. Nott immediately on her arrival, and of her having been then visited, not only by a Spanish Officer and Guard, but by one of his Excellency's own Staff.

On the receipt of his Excellency's Letter, of which a Translation is enclosed, I saw that the scenes of January, 1825, with respect to the *Magico*, which Mr. Kilbee has set so fully before His Majesty's Government, were about to be repeated, with the important difference, indeed, that the facts here were as notorious as noon-day, and the principal actors Persons in Authority in the Island. I accordingly addressed a Representation to the Governor on the subject.

To this Letter, of which a Copy is herewith enclosed, His Excellency has replied in a tone which has grieved me much; first, as it affords not the slightest hope of this Investigation under the Royal Order tending to any good; and, secondly, inasmuch as he shews great dissatisfaction at my interfering in the matter at all, and particularly at my blaming the conduct of those Officers who visited the *Minerva* on the 16th.

His Excellency, in this Letter, of which a Translation is enclosed, still avoids explaining the very extraordinary circumstances, of no measures being taken with respect to her on the day of her arrival, although reported to him, and visited by Spanish Officers and a Guard. He thinks proper to attribute the whole story of the *Minerva* being a Slave-trader to idle rumour: he denies that the Reports in the "Diario" and "Noticioso" with respect to the arrival and departure of

Vessels, are Official, because they are not headed with the words "De Officio," a title which I may, by the way, observe is only used for the Promulgation of Decrees, &c.

His Excellency further states in his Letter, that, although he continues to consider the assertion of Mr. Nott, and the Seamen of the *Magpie*, to be quite incredible, he has, nevertheless, transmitted to the Office of the Marine the proposition I made him, of examining these Witnesses of the disembarkation, on Oath: he finally denies that he has approved of that permission given by the Commodore to Lieutenant Smith, by which this Officer was able to ascertain that the *Minerva* had just landed a Cargo of Slaves, and objects to this Visit being made a precedent for any similar examination in future.

The style in which this Letter is written betrayed such displeasure at my interference, that I judged it right to assure His Excellency, that I had not exceeded my duty so far as in my Letter directly to blame him, although he must feel that it was my office to make a full statement to him of an event, in which the responsibility and veracity of British Officers were so much concerned; and, lastly, that I trusted the harmony which has hitherto existed between His Excellency and the British Commissioners would not be disturbed by this unpleasant Affair.

I have the honour to enclose a Copy of this Letter, together with Copies of the Letters written to the Captain-General, by Captain Jackson and Lieutenant Smith, which I have requested from those Gentlemen, in order to make the whole Correspondence on the Subject more complete.

It is with the greatest sorrow that I have now to acquaint you, that Lieutenant Smith and all the Crew of His Majesty's Schooner *Magpie*, except 2, perished at Sea, close off The Havannah, on the 27th ultimo, owing to the Vessel being upset in a squall; this melancholy accident has been a general subject of conversation, for some days past, in the City: I was, therefore, not a little surprized to receive a letter to-day from the Captain-General, requesting the attendance of Mr. Nott, and the 2 Seamen of the *Magpie* to give their evidence with respect to the landing of the Negroes; I have answered His Excellency, that Mr. Nott fortunately happens to be now on board the *Pylades*, but that he alone survives of the Boat's Crew, which witnessed the disembarkation.

Captain Jackson, however, has just informed me, that Captain Wade, the Master of the *Mary Braide*, a British Merchant Ship, trading between this Port and Liverpool, also witnessed the landing, and has declared his readiness to prove the fact on Oath before a Magistrate, as soon as he arrives in England.

From the various Letters of the Captain-General, and from the manner in which the Investigation, under the Royal Order been

commenced, and is now carried on, I do not, I confess, anticipate otherwise than the acquittal of the *Minerva*, in which case The Havannah will appear to the Slave-traders to be at once the safest and most profitable Port for their Vessels to enter; the Government having, I fear, already too plainly shewn, that it only considers the Traffick in Slaves to be a crime when the Vessel has allowed herself to be captured at Sea by a British Cruizer.

I am naturally anxious, with respect to the view that you, Sir, may be pleased to take of my own conduct in this affair, but I trust that it will appear to you that I have endeavoured to make the strongest possible representation of the circumstances, without losing sight of that respect which is due to the Local Government. If I had suppressed any fact from the knowledge of the Captain-General, I should be utterly unworthy the Office I have the honour to hold, and yet, unfortunately, I could scarcely hope to state all the facts to him without giving offence.

The Right Hon. George Canning.

W. S. MACLEAY.

(Enclosure 1.)—*Captain Jackson to W. S. Macleay, Esq.*

SIR, *His Majesty's Sloop Pylades, Havannah, Aug. 17, 1826.*

YESTERDAY morning, in company with His Majesty's Schooner *Magpie*, I observed a suspicious Vessel off Cabañas, which was chased by us into this Port.

An Officer was immediately despatched after her, who went on board, and found there a Spanish Officer with a Guard; nevertheless his belief was strengthened that she had Slaves on board; he then went to the Flag Ship in Port, and stated that he believed her to be from the Coast of Africa, and requested permission and assistance to examine her; from thence he was referred to the Commander-in-Chief of the Naval Forces, residing at the Admiralty, where, on calling and stating the suspicions he had, he was directed to seek him at the Governor's; not finding him there, he submitted the particulars already stated, for the information of the Governor, to several Officers, one of whom, apparently of rank, proceeded with him to the Wharf, with a view of making further enquiry; he went on board the suspicious Vessel for that purpose, desiring the Officer to meet him at the Governor's, where he should be furnished with every particular that he was desirous of.

After the Spanish Officer had landed and communicated with the Governor, he gave him to understand, that His Excellency did not feel himself authorised to submit any particulars respecting the Vessel, for the information of the Captain of the *Pylades*, until she had been officially reported to him by the Commander-in-Chief of the Naval Forces, to whose Department the Case, as it at present rested, entirely belonged, and recommended him to acquaint the Commo-

dore of the circumstances, but, on calling at the Admiralty Office, it was reported by the Officers in waiting, that the Commodore was in the Country. It then drawing towards sun-set, the Officer returned to this Ship.

Upon the receipt of this intelligence, I despatched Lieutenant Smith, in His Majesty's Schooner *Magpie*, into Havannah, to get every possible additional information in a circumstance so suspicious. He, on going on shore, found a rumour prevalent in the City, that the Vessel in question had brought into Port between 200 and 300 Negroes.

This Officer, in obedience to my Orders, placed a Boat, in which was an Officer belonging to this Ship, in such a situation as to observe the motions of the Schooner during the Night. Lieutenant Smith informs me, that, between the hours of 11 and 12, the Officer of the Boat observed no less than 6 Boats leave the Vessel, with a number of Negroes crowded in the bottom of each, who were finally landed at the Shipping Wharf, near the Church of San Francisco.

Lieutenant Smith also informs me, that he lost no time in acquainting the Captain-General and Commander-in-Chief of the Naval Forces of the whole particulars, and that he had permission from the Commodore to go on board and examine her, in company with his Aide-de-Camp, when he had indubitable proof of her having had on board, and very recently landed, a Cargo of Slaves.

I have endeavoured to be exact in relating every circumstance relative to this Vessel, and am convinced in my own mind, and perhaps you will agree with me, of the impossibility of a Vessel arriving in this Port, hauling into a regular discharging Wharf, and finally disembarking upwards of 200 Slaves at that hour of the night, without the knowledge of the Police of this City. I, therefore, am of opinion, that the Vessel can be proceeded against by due course of Law, and have to request you will be pleased to adopt such measures as you may see necessary in this Case. And have, &c.

W. S. Macleay, Esq.

G. V. JACKSON, Commander.

(Enclosure 2.)—*The British Commissioner of Arbitration to the Captain-General.*

SIR,

Havannah, August 18, 1826.

I HAVE the honour to transmit to your Excellency the Copy of a Letter, dated yesterday, which I have this moment received from Captain Jackson, Commander of His Britannick Majesty's Sloop *Py-lades*, and from which it appears that, on the 16th instant, when in company with His Majesty's Schooner *Magpie*, under his orders, he chased a Vessel into this Port, which now proves to be the Spanish Schooner *Minerva*.

The circumstances under which she escaped from him were so suspicious, that Captain Jackson thought it his duty to remain off the Harbour, and to despatch an Officer of his Ship to visit the Vessel in Port, and afterwards inform your Excellency, and the Commander-in-Chief of the Naval Forces on the Station, of her arrival, in order that she might be searched by the proper Colonial Authorities, and that she might, if found guilty of a violation of the Treaty for the Abolition of illicit Slave-trade, be forthwith brought to condign justice. This Gentleman, on visiting her, having failed to get any intelligence from the Spanish Officer, who appears to have boarded her previous to his approach, proceeded, according to his Instructions, to state the affair to your Excellency, when one of the Officers, as he believes, of your Staff, most readily undertook to make an immediate Investigation on board, the result of which, however, is not known.

The British Officer, moreover, endeavoured to call the attention of the Commander-in-Chief of the Naval Forces to the suspicious Vessel, but was not fortunate enough to find him either on board his Flag Ship, or at the House of the Admiralty.

The appearance of the Vessel was, however, so decidedly indicative of her having been engaged in the illicit Traffick of Slaves, that Captain Jackson, in the evening, ordered His Majesty's Schooner *Maggie* to proceed into Port, in order to obtain further information. On his arrival in Town, Lieutenant Smith, the Commander of this Schooner, found it a matter of publick conversation, that the *Minerva* had, at that very moment, upwards of 200 Negroes on board. Governed, however, by his respect for the Flag of His Catholick Majesty, and the high authority delegated to your Excellency, and, moreover, considering the Vessel, in consequence of the previous information given to you by Captain Jackson, to have been necessarily examined, nay, knowing her to be even still remaining under the immediate inspection of the Spanish Officers, who had been seen on board, Lieutenant Smith refrained from detaining her while actually in Port, and bringing her as a British Capture before the Mixed Commission. He, therefore, contented himself with strictly observing her proceedings; the consequence of which was, that, at a very late hour of the same night, an Officer, and 2 men under his orders, saw 6 Boats put off from the Vessel, and, on approaching them, these Boats were observed to be crowded with Negroes, who were at length landed at one of the most publick Wharfs of The Havannah: having followed the Boats closely, the Officer and men say, that they are now ready to support this most important fact on oath.

I have further to remark that, according to Captain Jackson's Letter, it appears that Lieutenant Smith, who, by virtue of an Order from the Commandant of the Naval Forces, had authority to visit the *Minerva* yesterday afternoon, found all the peculiar and well-

known marks of her having been fitted out for the Slave-trade. I observe in the "Noticioso," that the Vessel is there reported as having now come from Puerto Rico in ballast; but it appears from the "Noticioso" of the 4th April last, that she sailed from this Port for Princes Island on the 3d of that Month.

In short, I grieve to say, that this Vessel presents a clear and incontestable instance of the solemn Treaty between our respective Governments being notoriously violated under the very eye of the Publick Authorities, and of the late Royal Order of His Catholick Majesty being completely set at defiance.

It has been the invariable usage for the British Commissioners to represent to your Excellency every circumstance appearing to them to be an infraction of the Treaty, previously to performing their painful duty of submitting it to the consideration of His Majesty's Government; this course of proceeding I now follow, but I cannot avoid seizing the opportunity it affords of expressing my conviction, that so audacious a violation of the late Royal Order of His Catholick Majesty, and so open an insult to your Excellency's authority, when thus placed beyond all doubt by the Evidence of British Officers, cannot escape the most minute investigation in the proper Quarter; I am very far indeed from presuming to point out the line of conduct which the Government of this Island ought to pursue in an affair of this importance, but I may observe, that, although Captain Jackson has not brought the *Minerva* before the Mixed Commission, this Vessel, and the Negroes arrived in her, are still subject to the provisions of the Royal Order, as well as to anterior Spanish Laws; and the aversion which your Excellency has so lately and humanely declared yourself to bear towards this detestable Traffick, when connected with the anxiety which His Catholick Majesty has shewn to extinguish it, make me confident that, ere this, you have occasioned every measure to be adopted that the circumstances so imperiously require.

I avail myself, &c.

His Excellency the Captain-General.

W. S. MACLEAY.

(Enclosure 3.)—*The Captain-General to Lieutenant Smith.*
(Translation.)

SIR,

Havannah, August 17, 1826.

I HAVE received your Letter of this date, in which you inform me of the disembarkation of various Negroes from a Schooner which entered this Port yesterday, when chased by His Britannick Majesty's Ship *Pylades*; the circumstances of this affair falling properly within the cognizance of the Commodore on this Station, I have transmitted, this day, your Letter to him, that he may take measures accordingly; and I have, moreover, given the necessary orders to the Petty Justices,

that they may make the most secret and active enquiries on the subject of this said disembarkation. God preserve, &c.

Lieutenant Smith, Commander of His FRAN^o. DION^o. VIVES.
Britannick Majesty's Schooner Magpie.

(Enclosure 4.)—*The Captain-General to Captain Jackson.*
(Translation.)

SIR, *Havannah, August 19, 1826.*

As soon as I received Lieutenant Smith's Letter, dated 17th instant, informing me of the circumstances attending the arrival of the Spanish Schooner, I transmitted it to the Commandant of the Naval Forces, for his information, in order that he might take the necessary measures, in conformity with the Royal Order of my August Sovereign, dated 2d January of the present Year. The Commodore has since replied, that he is now occupied with the affair, and if, from the result of his enquiries, he should find sufficient reason for proceeding against the said Schooner, he will do it by means of the Tribunal of this Captaincy-General, to which the affair exclusively belongs, in conformity to the said Royal Order.

Thus have I answered your Letter of yesterday. God preserve, &c.
Captain Jackson, Commander of His FRAN^o. DION^o. VIVES.
Britannick Majesty's Ship Pylades.

(Enclosure 5.)—*The Captain-General to the British Commissioner of Arbitration.*—(Translation.)

SIR, *Havannah, August 19, 1826.*

I HAVE now before me your Letter of Yesterday, and also the Copy of the Letter which the Commander of His Majesty's Ship *Pylades* addressed to you, wherein he states, that he gave chase to a Vessel, now proved to be the *Minerva*, and which entered into this Port on the 16th instant.

You relate at length the various circumstances which rendered this Schooner suspicious, and as the facts to which you refer were, for the most part communicated to me on the 17th instant, by the Commander of His Majesty's Schooner *Magpie*, I enclose a Copy of my Answer to him, in order that you may be aware of the measure I took; I likewise enclose, for the same reason, a Copy of the Reply I gave yesterday on this affair to the Commander of His Britannick Majesty's Ship *Pylades*.

You inform me that Lieutenant Smith, governed by his respect for His Majesty's Flag, and for the high authority which the King, my Master, has delegated to me, refrained from detaining the *Minerva* while she was in Port, and from bringing her as a British Capture before the Mixed Commission; from this it would appear that Lieutenant Smith might have made himself Master of the Vessel, and that he

only refrained from pure deference to the motives you mention. Neither in the Treaty of 1817, nor in the Royal Order of 10th February last, wherein His Majesty directs the observance of the Additional Articles, nor in the Royal Order of the 2d January last, is there any door open for such an absurdity on the part of Lieutenant Smith; on the contrary, the conditions under which Vessels may be detained by Ships of War, are very clear, that is, the detention must always take place on the High Seas, with every attention that is due between Friendly and Allied Nations.

The *Minerva* being anchored within the Port, under the fire of the Fort and Squadron, and in the view of all the Superior Authorities of the Island, it would have been a violation of the immunity of His Majesty's Territory, on the part of Lieutenant Smith, to have taken possession of her.

My proceedings in the affair have been in exact conformity with the Royal Order of the 2d of January last, and the Office of Marine proceeds, as if the Vessel had come from the Coast of Africa, to the examination of the Log-book, and the verification of the facts stated by the Commanders of His Britannick Majesty's Vessels *Pylades* and *Magpie*. I have, moreover, issued orders to the Petty Justices to investigate the disembarkation of Negroes, asserted to have been seen late at night by 3 Individuals of the *Magpie*, and to have taken place on the Wharf of San Francisco, a thing quite incredible that a contraband of this sort could be introduced into a City so populous, and in which Rounds and Patroles cross each other the whole night.

Every requisite aid has been afforded to facilitate proofs of the Schooner *Minerva* having come from the Coast of Africa, and, among others, leave was given to Lieut. Smith to visit her, accompanied by an Officer of the Commodore on this Station; and you inform me, that he found on board all the peculiar and well-known marks of her being fitted out for the importation of Slaves. I this day transmit these particulars to the Commodore, in order that he may enquire into the facts, and proceed accordingly; although I should suppose that the Spanish Officer above-mentioned must have made a report to him of his observations; I also call the attention of the Commodore to the observation you make, with respect to the destination for which you say the *Minerva* sailed in April last, and her arrival from Puerto Rico, although I do not perceive any inconsistency in the two statements, and the truth must appear from the Log-book.

You may rest persuaded that I shall take my measures conformably to the Treaty, its Additional Articles, and the Royal Order of the 2d of January last, and proceed in the investigation and punishment, if it should be necessary, of this affair, according to the existing Laws; it being well understood that the cognizance of such matters, according to what His Majesty has been pleased to regulate in the

above Royal Order, concerns me alone, as advised by my Assessor. God preserve, &c. &c.

The British Commissioner of Arbitration. FRAN^o. DION^o. VIVES.

(Enclosure 6.)—*The British Commissioner of Arbitration to the Captain-General.*

SIR,

Havannah, August 21, 1826.

I HAVE just had the honour of receiving your Excellency's Letter, dated the 19th instant, with Copies of two Letters addressed by you to the Commanders of His Majesty's Vessels *Pylades* and *Maggie*, on the subject of the *Minerva*.

From the manner in which your Excellency has been pleased to discuss certain of the various motives of Lieutenant Smith, for not attempting to detain the *Minerva*, and to bring her before the Mixed Commission, I am led to imagine that you suppose that I do not believe them to have been perfectly correct, whereas, on the contrary, I am convinced that the union of activity and moderation shown by this Officer, and his Commander, Captain Jackson, throughout the whole affair, and above all, the very high respect which, as was their duty, they have both manifested to the Flag and Fort of His Catholick Majesty, and to your Excellency's Supreme Authority, will meet with the entire approbation of their Government.

They never could have viewed, for a moment, the possibility of detaining the Vessel against the will of your Excellency, much less did they ever indulge a wish so to do; but they certainly reckoned, that when employed in fulfilling the humane object of so many Laws of His Catholick Majesty, they would have met with every assistance from the Spanish Officers who visited the *Minerva*, towards the execution of these Laws, and that if the Vessel was not immediately seized by the Spanish Authorities, they might have been at least allowed to search or detain her themselves.

My sole object, therefore, for stating the various motives for Lieut. Smith's conduct, was to shew that he was not restrained from detaining this Schooner, by the least doubt as to her having been engaged in illicit Slave-trade, and being, therefore, justly condemnable under the Mixed Commission, but by considerations of a wholly different, though paramount nature.

Your Excellency is aware that, by the Treaty of 1817, in the event of a detention being declared illegal by the Mixed Commission, the Captor is bound to pay the damages that may have been incurred; yet Lieutenant Smith, and his Commander, Captain Jackson, were both so convinced of her guilt, as to be ready so far to take all the responsibility on themselves, and only refrained from detaining her on account of the very proper and valid reasons which I have already had the honour of stating to your Excellency.

Considering this violation of the Laws to be so flagrant, they may perhaps have calculated on your Excellency's permission to search her, but the respect due to the Flag and Fort of His Catholick Majesty would not allow them to anticipate it.

The 5th Article of the Treaty expressly states, that "whenever a Ship of War shall meet a Merchantman liable to be searched, it shall be done with every attention which is due between Friendly and Allied Nations."

And it is clear, therefore, that if Captain Jackson, or Lieut. Smith, had your Excellency's permission to detain this Vessel, or even if, after her entry, she had been seized by any of the Spanish Cruizers now in this Harbour, the circumstance of her having been detained in Port would not of itself have withdrawn her from the jurisdiction of the Mixed Commission, or have rendered her less liable to condemnation under it.

I am not aware that the Treaty any where limits the detention of Slave-vessels to the High Seas; and, consequently, if a detention in Port could have taken place with regard to that reciprocal respect and attention which is due between Friendly and Allied Nations, then, in my humble opinion, that detention must have been held so far perfectly legal.

In my last Letter I ventured to express my conviction, that, although the *Minerva* has not fallen within the province of the Mixed Commission, your Excellency would proceed against her under the late Royal Order, and the Royal Cedula of December, 1817, and I experience great pleasure in observing, that your Excellency is now pleased to confirm that opinion, and thereby to prove your anxiety to preserve that excellent understanding which now so happily exists between our respective Nations.

Your Excellency apprizes me that the Office of Marine proceeds, under the Royal Order, against the *Minerva*, as if she had come from the Coast of Africa, by first examining her Log-book, and then verifying the various facts recited by the Commanders of the *Pylades* and *Maggie*.

As to the Vessel having come from the Coast of Africa, it is matter of such publick notoriety in The Havannah, as to be beyond all dispute; but, were it not perfectly notorious, it is proved, by the Vessel having been officially reported in the "Diario" and "Noticioso" as having sailed for Princes Island, by her not subjecting herself to examination by the *Pylades*, by her having been seen by several competent Witnesses to land Negroes, and by the appearance she presented to Lieutenant Smith, of having just landed a cargo of Slaves; supposing even that it should turn out, that, before she reached the African shore, she supplied herself with a cargo of Slaves from another Vessel, she is not the less guilty, nor the less liable to condemnation.

As to the verification of the facts stated by the British Officers, I humbly trust, that your Excellency will see the absolute necessity of preventing the Tribunal to which the *Minerva* is now subjected from coming to any decision contrary to the evidence of competent Witnesses, without giving them an opportunity of supporting their assertions by oath, particularly when these Persons, in interfering now, can have no possible object beyond their anxious desire for the elucidation of truth. I beg leave, therefore, to observe, that, previously to his sailing on his present Cruise, I had prepared Captain Jackson for the possibility of the evidence of the Officer, Mr. Nott, and 2 men, being required under the Royal Order; and that I have authority to state, that his intention is to return into Harbour in a few days, under the expectation of your Excellency deeming their evidence necessary.

Your Excellency expresses great doubt that the Slaves could be landed, without detection, in the centre of a City so populous as The Havannah, exposed all night to the watches and rounds of the Police. To this I have merely to reply, that Mr. Nott and 2 men are ready to prove the fact of the disembarkation, on oath; and, that it is impossible they should be under any mistake, as they followed the Boat so close as not merely to see the Negroes crowded in the bottom, but even to have had a log of wood thrown at them by some Person concerned in this criminal transaction.

Indeed I am quite sure that your Excellency is not prepared to deny the landing of these Slaves; a fact perfectly notorious, and which, I understand, has been even boasted of by those concerned in the disembarkation.

I must, therefore, with regret, express my entire acquiescence in your Excellency's remark,—a remark indeed already made by Captain Jackson—that this event could not have taken place without the knowledge of the City Police; but, if it most clearly appears that a Vessel, with Slaves on board, may be chased by a British Cruiser into the Port of The Havannah, may be immediately reported as such to the proper Authorities, may be visited by Spanish Officers and a guard of Soldiers, and all this in open day, without such circumstances leading to her immediate seizure; it is difficult to believe that an inferior Officer, whether Civil or Military, would think it his duty to prevent the disembarkation of the Negroes, knowing them not to have been arrested by day-light, when the fact of the Vessel's containing Slaves was matter of publick conversation on the Wharf: he would scarcely conceive himself called upon to arrest them under the shade of night, and would, perhaps, even consider, that, in refraining from arresting them, he complied with the intentions of some Superior. It appears to me, therefore, that the circumstance of the disembarkation not being denounced by the City Police, proves nothing but their remissness, which was otherwise probable.

It is indeed lamentable to think that, although the Evidence against this Vessel be complete, in all its parts, and quite incontrovertible, it should rest solely on the Evidence of British Subjects, and that, through their energy and activity, it appears but too clear, that a Slave-vessel may arrive in open day in The Havannah, and discharge her Cargo, without being denounced or prevented by any Subject of His Catholick Majesty.

That remissness of duty, nay, absolute connivance at the detestable objects of this Vessel, is justly imputable to some one or other of the Individuals who visited the *Minerva* in their official capacity, must, I fear, be too manifest to both our Governments, on this Affair being represented to them; and I am certain your Excellency will agree with me, from the triumphant tone which the Friends of illicit Slave-trade assume, in speaking of this event, that if the conduct of those whose duty it was to examine the Vessel, passes without remark, they will deem the safe disembarkation of these Negroes to have been viewed with satisfaction by the Government of the Island, instead of being a crime which the honour of both our Governments requires to be punished.

It is in this view of the matter that I may be permitted to express my satisfaction, that your Excellency has been pleased to approve of the Order given to Lieutenant Smith by the Commandant of the Naval Forces, in virtue of which he was able, in company with a Spanish Officer, to ascertain, for all the purposes of legal proof, according to Captain Jackson's statement, that the *Minerva* had just landed a Cargo of Slaves.

With reference to my remark, on the difference between the Official Reports in the *Noticioso*, of the destination of this Vessel, when she sailed from this Harbour in April last, and of the Place from which she is now said to have arrived, your Excellency is pleased to observe, that there may still be no inconsistency in these different Statements: of this I was perfectly aware, but the practice of officially reporting in the Journals false Places of departure of Vessels known to have come from the Coast of Africa, is so well known, as already to have been the subject of Communications between your Excellency and my Colleague, Mr. Kilbee; and I think that your Excellency will perceive that the discrepancy, which now exists, is more unfortunate evidence for the innocence of this Vessel, than if she had been reported direct from the Coast of Africa, particularly when, in place of arriving in ballast, Negroes were seen to be landed from her: had she been innocent, there would have been no necessity for equivocation on her part.

The whole Case, in short, from beginning to end, is so plain, so supported by direct and indirect evidence, and withal so notorious, that the very attempts of the *Minerva* to prove herself innocent, only tend more to her Condemnation, and, unless the Treaty, and His Ca-

tholick Majesty's Cedula of 1817, together with the Royal Order of the 2d of January last, be all considered as perfectly nugatory, I cannot conceive how this Vessel can possibly avoid Condemnation, or her Crew escape punishment. As for the Negroes, they are legally free already, by the very circumstance of their having been just landed, so that it only remains for the Government to discover them, which, as the landing and dispersion of them could not have taken place without the knowledge of the Police, can, of course, be easily effected.

I regret beyond measure this unfortunate occurrence, but I trust that your Excellency is convinced that I have studiously endeavoured to represent the whole details to you with the utmost deference: indeed, from gratitude for the urbanity which you have always been pleased to evince towards me, in the various Communications I have had the honour of holding with you, I should be wanting in duty to myself had it been otherwise; but, above all, I should fail in that deep respect which I owe your Excellency, as the Representative of His Catholick Majesty, and, moreover, be at the most egregious variance with my Official Instructions, did I venture to interfere with an investigation, that now, as you justly observe, concerns your Excellency alone.

I am, indeed, persuaded that every care will be taken to cause the Treaty and the Royal Order to be respected; and, if I may at any time have appeared to say more than the Case required, I trust you will attribute it, not to any intention to pass presumptuously beyond the strict line of my duty, but to a natural anxiety that the details of this affair may be seen by the Authorities of this Island in their true light, and that both our Governments may be convinced, not only that justice has been done to all Parties, but that those Persons here, whose office it is, on each side, to carry the Treaty into execution, have done all that could be expected of them.

I avail, &c.

His Excellency the Captain-General.

W. S. MACLEAY.

(Enclosure 7.)—*The Captain-General to the British Commissioner of Arbitration.*—(Translation.)

SIR,

Havannah, August 25, 1826.

WHILE I considered your wishes complied with, in the Answer which, on the 19th instant, I returned to your Letter of the previous day, inasmuch as I then conclusively manifested my intention to conform my measures, in the affair of the suspicious Schooner *Minerva*, to the Treaty of 1817, its Additional Articles, and the Royal Order of the 2d of January last, I have received your Letter of the 21st instant, in which the same details are recapitulated, but in a manner that has not a little surprised me, by the mode in which, quitting your functions as a Judge of the Mixed Commission, you endeavour to give them an unrecognized extension, for the purpose of blaming those high

Authorities of the Island, who are responsible for their conduct only to their August Sovereign.

I have constantly endeavoured to preserve the greatest harmony both with you and with Mr. Kilbee, in the fulfilment of my duty, and of the Sovereign Orders of His Majesty; I have paid the greatest deference to the various hints that the Commissioners of His Britannick Majesty, and the Commanders of His Cruizers, have given to me; and when I confided in the candour of my proceedings, I observe, with regret, that my complaisance in receiving their Communications has not been sufficient to prevent our Correspondence in this affair of the *Minerva* from taking a disagreeable character, in consequence of the mode in which you express yourself in the Letter I am now about to answer.

In the second and following paragraphs you repeat the motives of Lieutenant Smith for not detaining the *Minerva*, and say, that his respect for His Catholick Majesty's Flag, and my supreme authority, deserve the approbation of His Britannick Majesty's Government. On this head I have nothing to say, further, than that you may rest persuaded that the Treaty and the Sovereign dispositions of the 10th of February last, by which His Majesty directs the observance of the Additional Articles, bear reference only to Cruizers on the High Seas, while the Royal Order of the 2d of January this Year, refers to the Vessels which arrive from the Coast of Africa, in this Port, as well as in all others of His Majesty's Possessions. The examination of the Log-book belongs to the Office of the Marine; and if there should be found any motive of suspicion that the Vessel has either brought or clandestinely disembarked Negroes, that Office is bound to render account thereof immediately to the Captain-General, who is then to proceed according to the particular nature of the affair, and to the Laws prevailing on this subject. To detain or visit a Vessel within the Port, would be to usurp the province of the Resident Authorities, and to attack the Independence and Sovereignty of the Spanish Nation. In another paragraph of your Letter, you seem to found your belief of the *Minerva* having arrived from the Coast of Africa, on the publicity and notoriety of the affair; and you say, even if it had not been notorious, it is proved by the Vessel being announced officially as having sailed for Princes Island, by the *Diario* and *Noticioso*. The same observation was made in your former Letter, and, as I said in my Answer, I transmitted that Letter to the Commandant of the Marine, in order that it might have its proper effect in the enquiry that has taken place, in conformity to the Royal Order of the 2d of January last.

With respect to the publicity and notoriety of the affair, which you allude to and regard as proof, it is requisite that when similar rumours are circulated, that he who knows this Country well, should recollect, that the People here are accustomed to amuse themselves with all sorts

of talk, fostering their curiosity with the most ridiculous and improbable reports, which spread with such velocity as to make it impossible to discover their origin.

In The Havannah there is no Official Journal, and when the Government makes a communication to the Publick, then the Article necessarily bears the heading "De Officio," in order that it may be distinguished from the others which are the productions either of the Editors, or of Private Individuals. If you had attentively read my Correspondence with Mr. Kilbee, you would have been convinced of this circumstance, at least so far as not to think that the information from the Publick Papers, without this requisite, possesses the character De Officio.

Continuing my deference towards the information you afford me, as likely to elucidate this disagreeable affair, I have transcribed for the Commandant of the Marine, that passage of your Letter wherein you request, that the Declarations may be heard, of the Officer, and 2 other Witnesses, who are ready to prove the fact of the disembarkation of the Negroes; this I have done in order that the said Commandant, in the enquiry which is now going on, may avail himself of these Declarations, and act according as he may judge proper, since to him alone belongs such examination, conformably to the Royal Order of 2d January last. In this particular I can do no more.

You next say, that the fact of the disembarkation of the Negroes is well known in The Havannah, and that some have even been known to boast of having been employed in this transaction. Here, you again depend on the vulgar reports of idle Persons in order to present them as proofs. At a time when the judicial enquiry is going on, prudence dictates that we should wait the conclusion of the competent Judges, in order to form an exact and true judgment of the affair, and not allow our imaginations to advance an opinion, founded on popular conversation.

As little does it give room to just suspicion with respect to the Schooner's guilt, that she should have, as you say, fled from the English Ships of War, when she perceived them following her, because Privateers and Insurgent Ships of War, when they chase our Vessels, frequently make use of the English and American Flag.

In my former Letter of the 19th instant, I informed you that my proceedings in this affair had been in exact conformity with the above mentioned Royal Order of 2d January last, and that the Office of Marine proceeds, as if the Vessel had come from the Coast of Africa, to the examination of the Log-book, and then to the verification of the facts stated by the Commander of His Majesty Ship *Pylades*, and of His Schooner *Magpie*. In addition, I have issued orders to the Petty Justices to inquire into the disembarkation of the Negroes, which it is asserted, was seen late at night by 3 Individuals of the said Schooner,

and which took place near the Wharf of San Francisco: a circumstance which I deem incredible, namely, that a contraband of this kind should be introduced into a populous City, where the Rounds and Patroles cross each other the whole night.

On this last head, you say that Mr. Nott and 2 men are ready to prove on oath the fact of the disembarkation, and I, with the same respect which I have always paid to your Communications, have given notice of this to the Marine, that they, in consequence, may adopt suitable measures.

I am very sorry, however, that you should have been able to deduce from this fact, that it is difficult to believe that an inferior Officer, whether Civil or Military, would think it his duty to prevent the disembarkation of the Negroes, or that, knowing them not to have been arrested by day-light, when the fact of the Vessel's containing Slaves was a matter of publick conversation, he would conceive himself called upon to arrest them under the shades of night, and would not perhaps even consider, that in refraining from arresting them he complied with the intentions of some Superior. From this supposition, which is so very violent, and at the same time unfounded, there results a real inculpation of the Superior Authorities of this Island, who are now proceeding in the matter conformably to the Sovereign Orders, and, as I repeat, who are responsible for their conduct to their August Monarch alone.

When, in your Letter of the 18th instant, you informed me that Lieutenant Smith, in virtue of an order from the Commodore, had, in company with a Spanish Officer, passed aboard the *Minerva*, and had there found all the peculiar marks of her being fitted out for the importation of Slaves, I answered you, that I should transmit this information to the aforesaid Commodore, in order that the affair might be cleared up, and that he might take the proper steps thereupon, although the Officer who accompanied Lieutenant Smith ought to have already reported to his Chief whatever had been observed by the British Officer.

I considered that complaisance on the part of the Marine as a proof of the frankness and respect which we have always observed towards the Commissioners and Officers of His Britannick Majesty; but now that I perceive from your Letter, that you have formed an idea of my having approved of the permission given to Lieutenant Smith, to visit the *Minerva*, I ought to rectify this mistake, that this visit may never be adopted as a precedent; explaining to you clearly, that the Commodore might, in the execution of his functions, through pure urbanity, have complied with the wishes of Lieutenant Smith; that he certainly did not ask my approbation of the measure; and that I do not see, in my Letter, any expression sufficient to lead you to suppose that I approved of it.

This is all I have to say in reply to your last Letter, and with this our Correspondence on the affair ought to cease; and as in the Regulations for the Mixed Commission, your functions are clearly marked out, I hope that hereafter you will confine yourself strictly to them.

God preserve you, &c.

The British Commissioner of Arbitration. FRAN^o. DION^o. VIVES.

(Enclosure 8.)—*The British Commissioner of Arbitration to the Captain-General.*

SIR,

Havannah, August 26, 1826.

I OBSERVE with the greatest regret, from your Excellency's Letter of yesterday, that I am thought to have exceeded the bounds of my Official Duty, in making my last representation to you on the subject of the *Minerva*, and to have encroached, as most assuredly was quite contrary to my intention, on that Authority which belongs to the Government of this Island.

Your Excellency, on a re-perusal of my Letter, will, however, as I hope, perceive that I have not forgotten my duty, so far as in that Letter to attribute blame, on my own part, to the Supreme Government. My Office certainly does not entitle me to take such a liberty. I have read over my Letter carefully, and I find that the passages which have excited your chief displeasure are those wherein I have recorded, as was my duty, the opinions of Captain Jackson, Lieutenant Smith, and others. I lament, therefore, exceedingly, that you should be dissatisfied with my remarks on the Case of the *Minerva*, a subject upon which I perfectly adopt the opinion of your Excellency, that I am not called upon to address you further.

I am confident, however, that, when your Excellency takes into consideration how deeply the responsibility, and even veracity, of British Officers, have been concerned in this most disagreeable affair, you will deem me justified in viewing it as one in which I might have been excused for making a more detailed statement to you than usual.

I cannot conclude without saying, that I well know, and shall ever gratefully recollect, your constant disposition to cultivate the best personal understanding with Mr. Kilbee and myself; and I further beg to assure your Excellency, that nothing would grieve me more, in my private as well as public capacity, than to think that this harmony should for an instant be disturbed. I avail myself, &c.

His Excellency the Captain-General.

W. S. MACLEAY.

(Enclosure 9.)—*Captain Jackson to the Captain-General.*

SIR,

H. B. M.'s Ship Pylades, Havannah, Aug. 18, 1826.

I HAVE the honour to inform your Excellency that, on the 16th instant, I chased a Schooner into this Port, and had very strong suspicion she was engaged in illicit Slave-trade.

I consequently sent a Boat, with an Officer, to ascertain the truth, upon whose report I deemed it necessary to send Lieutenant Smith in His Majesty's Schooner *Magpie*, into this Port, who, together with the Officer and his Boat's-crew, did make themselves masters of facts, incontrovertible, of her having had Slaves on board, and landed them after her arrival in this Port.

The whole of the circumstances I believe your Excellency to be fully acquainted with, first, by the Officer from this Ship, and, secondly, by Lieutenant Smith's Official Communication.

I beg your Excellency to observe with what unfeigned delicacy I have acted throughout this extraordinary transaction, not only in obedience to my Instructions, but from the personal respect I have for the Spanish Flag, particularly in this Port, over which your Excellency so immediately presides.

Nevertheless, I feel it a duty incumbent on me to demand that Vessel, the *Minerva*, at the hands of your Excellency, (she at this moment not being in the possession of any Official Authority,) that she may be proceeded against by due course of Law, according to the Articles of the Treaty now existing between their Britannick and Catholick Majesties. I have the honour to be, &c.

His Exc. the Captain-General. G. V. JACKSON, Commander.

(Enclosure 10.)—*Lieutenant Smith to the Captain-General.*

SIR, *H. B. M.'s Schooner Magpie, Havannah, Aug. 17, 1826.*

AN unpleasant duty falls to my lot, in reporting to your Excellency, that between the hours of 11 and 12 last night, 6 or 7 Boats full of Negroes were landed at the Shipping-Wharf, from the Schooner chased into this Port yesterday, by His Majesty's Ship *Pylades*, of which circumstance your Excellency had due notice by an Officer of that Ship.

To the above fact, I have *the most direct proof*, and I must, therefore, request your Excellency will be pleased to give such directions as you think proper for the immediate detention of the said Schooner and Negroes.

I have the honour to be, &c.

His Excellency General Vives. E. SMITH, Lieut. and Commander.

(Enclosure 11.)—*The Captain-General to the British Commissioner of Arbitration.*—(Translation.)

SIR, *Havannah, September 2, 1826.*

DON BARTHOLOMEW MARQUES PACHECO, *Ayudante de Matriculas*, has addressed a Letter to me, dated this day, and which is as follows:—

“Most Excellent Sir,—In pursuance of the Letter addressed by your Excellency, on the 22d ult. to the Commodore, informing him

that, among other things stated to you by the British Commissioner, Mr. Macleay, he had urged the necessity of examining the English Officer, Mr. Nott, and 2 other British Subjects, on the subject of the Spanish Merchant Schooner *Minerva*, and as this enquiry has been entrusted to me, by order of the said Commodore, I beg that, in the event of those 3 Individuals being in this Harbour, the necessary measures may be taken to cause them to present themselves at this Office on Monday the 4th inst. at 9 in the Morning, for the purpose of giving their respective Declarations."

This I transmit to you, Sir, for the end solicited.

God preserve you many years.

The British Commissioner of Arbitration. FRAN^o. DION^o. VIVES.

(Enclosure 12.)—*The British Commissioner of Arbitration to the Captain-General.*

SIR,

Havannah, September 2, 1826.

I HAVE the honour to acknowledge the receipt of your Excellency's Letter, dated this day, and, in answer, have to acquaint you, that Mr. Nott, who fortunately happens to be now on board the *Pylades*, will be ready at the *Commandancia de Matriculas*, to give his evidence on the subject of the *Minerva*, on Monday the 4th inst. at 9 o'Clock, A. M.

Your Excellency is aware that the 2 Sailors, who, with Mr. Nott, witnessed the disembarkation of the Negroes from the *Minerva*, belonged to His Majesty's Schooner *Magpie*, of which the melancholy fate has been known for several days, and is so much to be deplored.

I avail myself, &c.

His Excellency the Captain-General.

W. S. MACLEAY.

No. 85.—*His Majesty's Comm^r. to Mr. Sec^r. Canning.*—(Rec. Oct. 17.)

SIR,

Havannah, July 12, 1826.

IN reference to your Despatch of the 23d of February last, directing us to make enquiries into the truth of a statement respecting the re-capture, by a Spanish Brig, of 2 Prizes which had been taken by a British Cruizer on the Coast of Africa, we regret to have to inform you, that, notwithstanding our utmost endeavours, we have not been able to obtain any information upon the subject. If the Brig had arrived at this Port, we might probably have succeeded in getting verbal information respecting her proceedings; but as the transaction is connected with the Port of Cuba alone, written Communication would be indispensable; and it is scarcely necessary to state, that there is no Individual in this Island, whatever may be his principles, whom we could induce to commit himself so far as to undertake a written Correspondence for the purpose of investigating a Case of illicit Slave-Trade.

We have not addressed the Captain-General upon the subject, because we do not consider that we are authorized to do so by your Instructions; besides such a step would be attended with no advantage whatever, as His Excellency would, undoubtedly, refer our application for information to the Governor of Cuba, who would, of course, return the same answer which he gave to Sir Lawrence Halsted.

We have, &c. H. T. KILBEE.
The Right Hon. George Canning. W. S. MACLEAY.

No. 86.—*His Majesty's Comm^r. to Mr. Sec^y. Canning.*—(Rec. Oct. 17.)
SIR, *Havannah, August 9, 1826.*

SINCE the date of our Despatch of the 14th of June, 2 Spanish Vessels have arrived here which had previously landed Cargoes of Negroes, viz: the Brigantine *Maria Isabel*, and the Schooner *Santo Cristo de la Salud*, alias *La Dichosa*.

As soon as we had reason to believe that these Vessels had certainly been engaged in the Slave-trade, we addressed a Note to the Captain-General, of which a Copy is enclosed, calling his attention to these Cases, and expressing our intention of reporting them to His Majesty's Government. His Excellency, in his Reply, a Translation of which is also enclosed, merely states, that he had referred our Note to the Naval Department.

Both the above mentioned Vessels, we understand, were fitted out at Cadiz.

The Spanish Schooners *Montanesa* and *Amelia* have lately sailed for Princes Island, on the Coast of Africa.

We have, &c. H. T. KILBEE.
The Right Hon. George Canning. W. S. MACLEAY.

(Enclosure 1.)—*The British Commissioners to the Captain-General.*
SIR, *Havannah, July 22, 1826.*

SINCE we last had the honour of addressing your Excellency, we have observed the arrival of 2 Spanish Vessels, announced in the Newspapers to be in ballast from St. Thomas, which it is well known had previously landed their Cargoes of Negroes on the Coast of this Island. Their Names are the *Maria Isabel*, a Brigantine, and the *Santo Cristo de la Salud*, alias *La Dichosa*, a Schooner. The latter was boarded a few days ago by a British Cruizer, but was not detained, as the Commanding Officer did not consider that he could produce legal proof of her having just landed a Cargo of Slaves, although he was perfectly convinced of the fact.

We feel it to be our duty to report these Cases to our Government, of which we have the honour to apprise your Excellency.

We avail ourselves, &c.
His Excellency the Captain-General.

H. T. KILBEE.
W. S. MACLEAY.

(Enclosure 2.)—*The Captain-General to the British Commissioners.*
(Translation.)

GENTLEMEN,

Havannah, July 24, 1826.

ALTHOUGH the 2 Spanish Vessels that you announce to me in your Letter of the 22d instant, have in fact arrived from the Island of St. Thomas, which does not belong to Africa, the only Case in which they could be subject to the provisions of the Royal Order of the 2d of January last, and although one of these Vessels, when visited by a British Cruizer a few days since, was not detained by the Commanding Officer, for want of the legal proof that she had disembarked a Cargo of Slaves, I have, nevertheless, transmitted your Letter to the Officer commanding the Naval Forces on this Station, in order that he may take such measures as may be necessary; persuaded, as I am, that you are convinced of my aversion to so detestable a Traffick. As soon as it may be in my power I shall take an opportunity of communicating to you the result. God preserve you many years.

The British Commissioners.

F. D. VIVES.

No. 87.—*W. S. Macleay, Esq. to Mr. Secy. Canning.*—(Rec. Oct. 17.)
SIR, *Havannah, September 3, 1826.*

I HAVE the honour to acknowledge, on the part of His Majesty's Commissioners, the receipt of your Despatch of the 6th of May, transmitting 4 Copies of the Papers, marked A. and B., relative to the Slave-trade, which were laid before Parliament in the course of the present Year.

I have, &c.

The Right Hon. George Canning.

W. S. MACLEAY.

No. 88.—*W. S. Macleay, Esq. to Mr. Secy. Canning.*—(Rec. Oct. 17.)
SIR, *Havannah, September 4, 1826.*

I HAVE the honour to acquaint you, that Captain Jackson, of His Majesty's Sloop *Pylades*, having received private intelligence that some of the Negroes landed in The Havannah from the Schooner *Minerva*, on the 16th ult. were to be clandestinely conveyed to Matanzas in the Steam-vessel *Mexicano*, which passes daily between the two Ports, lay in wait for her, and on the 21st ult. brought her back to The Havannah, as a legal detention under the Mixed Commission, for having violated Article VII. of the Instructions annexed to the Treaty of 1817.

As the detention was clearly legal, I gave it as my decided opinion, that the *Mexicano* ought to be condemned, according to the terms of the 3d Article of the Regulations for the Mixed Commission.

My two Spanish Colleagues also came to the conclusion that the detention was legal, but singularly enough decided, that this detention ought to produce no penal consequences, and, therefore, adjudged the Vessel to be liberated, which has accordingly been done.

As this detention of a Passage-vessel for conveying Slaves along the Coast without a Passport, is the first Case of the kind, and involves in it some very important considerations, I regret, that the exceedingly short stay of His Majesty's Ship *Dartmouth* puts it out of my power at present to make a detailed Statement of the Affair, and to send you an Abstract of the Proceedings of the Mixed Commission, with the opinions of the Commissioners. These several Documents I shall not fail to transmit to you by the very first opportunity that may occur.

I have the honour to be, &c.

The Right Hon. George Canning.

W. S. MACLEAY.

No. 89.—*W. S. Macleay, Esq. to Mr. Sec^y. Canning.*—(Rec. Nov. 6.)
(Extract.) *Havannah, September 11, 1826.*

IN my last Despatch, I endeavoured to give you a brief outline of the affair of the *Mexicano* Steam-boat, but the very limited stay of His Majesty's Ship *Dartmouth* in this Harbour, and the state of the health of our Secretary, Don Rafael Gonzalez, did not enable me, by that opportunity, to lay the whole of the details before you.

I had the honour of stating to you, that during the time that Captain Jackson, of His Majesty's Ship *Pylades*, remained in Harbour, for the purpose of investigating the very remarkable Case of the Slave-vessel *Minerva*, he received private intelligence that 20 of her Negroes were to be clandestinely removed from The Havannah to Matanzas, in the *Mexicano* Steam-boat. He accordingly resolved to watch this Vessel, and on the 20th ult., almost as soon as she had put to Sea, he detained her when between the Moro and Coxemar. Having found, on searching her, that she had 20 Negroes on board, without a Government Passport for the purpose, he brought her back into this Harbour the following day, as subject to condemnation under the Mixed Commission, for having violated the 7th Article of the Instructions annexed to the Treaty.

I enclose, herewith, a Copy of Captain Jackson's Letter to the Mixed Commission, dated the 22d ult., from which, as well as from his Affidavit, also enclosed, it will clearly appear, that these 20 Negroes were bozals, and of very recent importation.

On receiving Captain Jackson's Report, I immediately summoned a Court of the Mixed Commission, but unfortunately His Excellency the Intendant being very unwell with a fever, we were obliged to post-

pone the meeting until next day, when, although still exceedingly indisposed, His Excellency, rather than retard the publick business, proposed to have the Court held at his private house. I mention this circumstance, because it is one among many proofs which my Colleagues, the Spanish Commissioners, have given me, of their desire to obviate difficulties, and to expedite the business of this Commission.

In Mr. Kilbee's Despatch of the 31st of July, 1824, he has stated to you that this Mixed Commission, in their construction of the 13th Article of the Regulations annexed to the Treaty, decided, on the 22d July preceding, that in the event of the absence of any of the Foreign Members, whose places could not be supplied *ad interim*, the remaining Individuals of the Commission should sit together as independent Judges. In pursuance of this decision, the Mixed Commission, on the Morning of the 23d ult., consisted of his Excellency the Intendant, Don Rafael de Quesada, and myself.

The Court was at first principally employed in hearing the Evidence, of which I have the honour to transmit, herewith, an Abstract, and in perusing a number of Affidavits and Memorials transmitted to us by the Captain-General, on the part of the Owner of the Steam-boat, the Owner of the Slaves, and the various Passengers or Persons who had goods on board the Vessel at the period of her detention.

Messrs. Acosta and Rollo, Don Bernardo Collozo, Don Juan Galup, and Don Joze Obando, severally transmitted Memorials and Protests, through the Captain-General, to the Mixed Commission, requesting that, as they had been in no way concerned with the cause of her detention, the provisions and other goods they had on board the *Mexicano* might be restored to them.

The Conde de San Fernando de Penalver likewise transmitted, through the Captain-General, a Memorial and series of Affidavits, which he had procured from his Estate in the Country, to shew that the 20 Negroes who were the cause of the *Mexicano's* detention, had been his property ever since the Month of January last, that they had resided from that time on his Estate near Guanabacoa; and, finally, that they were, at the period of their detention, on their way to his other Estate at Matanzas, under the special care of his Attorney, Don Francisco Dias Bustamante.

I grieve, however, to be obliged to state, that, notwithstanding the Evidence and these Affidavits, I entertain little or no doubt as to these 20 Negroes having formed part of the Cargo of the *Minerva*. The nature of the complaints under which they labour, which are well known to be the ordinary results of close confinement during the Voyage from Africa, their total ignorance of the Spanish language, and excessive alarm at the presence of any White Person, render it almost incredible that they should have been in this Island ever since January

last; even if the Person, upon whose private information Captain Jackson made the seizure, did not positively state them to be part of the Cargo of the *Minerva*. Unfortunately, however, such is the system of terror pursued here with respect to the Slave-trade, that this Informant dared not give his testimony in Court, and, consequently, all the Evidence produced went to show, that the Conde de San Fernando had possessed these Negroes ever since January last, a period which I cannot help thinking has only been chosen in order to relieve the Owner from the consequences of the late Royal Order issued in that month.

The Persons examined before the Commission were, the Captor, the Master of the detained Vessel, the Engineer, the Mate, and Don Francisco Dias Bustamante, who was on board in charge of the Negroes, as Steward or Attorney of the Conde de San Fernando.

Throughout the whole of these Examinations I owe it to my Colleagues to say, that they objected to only one question that I put to the Witnesses, namely, as to whether the witness knew that these 20 Slaves had formed part of the Cargo of the *Minerva*. The Spanish Commissioners stated, that if I thought the answer to this question could in any way influence my ultimate decision on the validity of the detention, and its consequences, they would not object to it, but that as no mention had been made of the *Minerva* in the course of the proceedings, except by myself, they must object to questions being put that had reference, as they thought, to matters quite foreign from those before the Court. I stated, in answer, that although I was aware that the above question might not tend to affect my decision in this Case, because this decision, to all appearance, would depend on considerations quite different; yet that I could not consent to the question being overruled, because such a proceeding might, in a Mixed Commission like this, where one of the British Commissioners was likely to be often absent, be a precedent injurious to the ordinary principles of Legal Evidence, which ought to be perfectly free. The question was accordingly put to the Witness, but as I saw, that if even the Evidence could establish the fact of these Slaves having belonged to the *Minerva*, of which there was not the shadow of hope, this circumstance could not affect my decision, as founded on the letter and spirit of the Treaty, I consented to close the Case, and to enter upon the discussion of the final Sentence.

From the opinion which I laid before the Court, and wherein I have endeavoured to answer every argument adduced by my Colleagues for the liberation of the Vessel, you will perceive that the fact upon which the detention was grounded, and by which its legality must be judged, namely, the want of a Government Passport, has never been disputed. In consequence of this, I urged the necessity of her condemnation, according to the 3d Article of the Regulations, but the Spanish Commissioners, although they justified the detention, and

even held it to be legal, so far as Captain Jackson was concerned, conceived that it ought to have no penal consequences, for the following chief reasons: First, because, although there is an ambiguity in the wording of the 7th Article of the Instructions, this Article, in their opinion, can only allude to the transportation of Slaves from one different Government to another, and not from one part of the same Island to another; and, secondly, because the Captain-General, acting upon this interpretation of the Article, has never been in the practice of granting Passports to Vessels carrying Slaves along the Coast.

In order to prove the accuracy of this latter assertion, the Spanish Commissioners proposed, that a letter should be written by the Members of the Mixed Commission, jointly, to the Captain-General, requesting to know from him the usual practice observed with respect to the transport of Slaves, by Sea, from one Port of the Island to another. To this proposition I agreed, making my Colleagues at the same time understand, that His Excellency's answer, so far as I was concerned, could not affect the Sentence of the Court, inasmuch as the fact of a violation of the 7th Article of the Instructions being once proved, condemnation of the Vessel ought to follow as a necessary consequence.

I have the honour to transmit Translations, herewith, of the Letter to the Captain-General, and of His Excellency's Reply.

My answers to the above-mentioned arguments of my Colleagues will be found at length in the Opinion laid by me before the Court, and of which I likewise send a Copy.

It has appeared to me that this Article 7 of the Instructions has little or no connexion with the rest of the Treaty or its Appendages, and, consequently, although by Article 3 of the Regulations for the Mixed Commission, they are directed to condemn the Vessel in all Cases of legal detention, there is no explicit provision in the Treaty for the subsequent disposal of the Coasting Vessels so condemned, for the disposal of the Cargo they may have had on board, or for that of the Slaves who may have been the cause of the detention. The 7th Article of the Regulations, which authorizes the sale of condemned Vessels for the profit of the two Governments, and also the Confiscation of their Cargoes, and the Emancipation of the Slaves who may have been on board as objects of Commerce, seems to me to relate only to regular Slave-vessels coming from the Coast of Africa. I therefore found it necessary, according to my understanding of the Treaty, to decide that the *Mexicano* should be condemned, and await the future disposal of the two Governments, and that the Cargo on board, as well as the Slaves, should be returned to their respective Proprietors. In this view of the subject I signed the Sentence, restoring the Cargo and Slaves to such Proprietors; but dissented from the decision of my

Colleagues as to the liberation of the Steam-Vessel. Of this Sentence I beg to enclose a Translation.

The Right Hon. George Canning.

W. S. MACLEAY.

(*Enclosure 1.*)—*Captain Jackson to the Mixed Commission.*

GENTLEMEN, *H. B. M.'s Ship Pylades, Havannah, Sept. 22, 1826.*

I BEG to acquaint you that, previous to my sailing on the 20th instant, I had information that the Steam-vessel *Mexicano*, from Havannah to Matanzas, had Slaves on board, and, as soon as it was practicable, I boarded her outside of this Harbour.

The Master denied having any on board, and refused to admit the Officer to search; however, I sent a party of Marines to show that opposition would be unavailing, and the result was, 20 Negroes were found secreted below, apparently of very recent importation, they having on new clothes, their heads shaved, and the Surgeon reports some of them to be in a very deplorable condition.

I sent on board, the Treaty concluded between their Britannick and Catholick Majesties, dated 23d September, 1817, and pointed out, that I detained her from a belief of his having acted in direct violation of Article 7 of the said Treaty, and assured him if he could produce any Authority for the transportation of the Slaves, that I would immediately withdraw the Officer and Men from the Vessel.

He failed to do so, and only presented a Licence to sail his Vessel between Havannah and Matanzas, and declared he had no other Papers; I therefore felt I was but performing my duty in bringing her into Havannah for Adjudication before the Honourable the Commissioners of the Mixed Court.

I have, &c.

G. V. JACKSON, Commander.

The Members of the Mixed Commission.

(*Enclosure 2.*)—*Affidavit of the Captor.*

I, GEORGE VERNON JACKSON, Commander of His Britannick Majesty's Ship *Pylades*, hereby declare, that, on this 20th day of August, being near The Havannah, I detained the Steam-vessel, named the *Mexicano*, sailing under Spanish Colours, armed with 2 guns, 9-pounders, commanded by Don Joze Lopez, who declared her to be bound from Havannah to Matanzas, with a Crew, consisting of 22 men, and 53 Passengers, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 20 Slaves, said to have been taken on board at Havannah, on the 19th or 20th of August, and are enumerated as follows:

	Healthy.	Sickly.
Men.....	5	1
Women.....	-	2
Boys	5	3
Girls.....	2	2

I do further declare, that the said Steam-vessel appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the said Negroes and Crew, on their destined voyage to Matanzas.

I do further declare, that the Master denied having any Slaves on board, and that he prevented a search being made for them, which obliged me to send greater force, when the said 20 Negroes were found secreted below, under a quantity of furniture, wood, &c. thereby convincing me that he was not ignorant of the illegality of his proceeding.

The Slaves appeared to be of very recent importation, they having on new clothes, their heads shaved, and many of them being in a deplorable condition.

G. V. JACKSON, Commander.

Witnesses, PH. HOSTE, Senior Lieutenant.

A. D. WILSON, Surgeon.

[Here follows the List of Passengers.]

(Enclosure 3.)—*Abstract of the Evidence in the Case of the Mexicano Steam-Vessel.*

In addition to the Evidence of Captain George Vernon Jackson, as set forth at length in his Affidavit, Don Joze Maria Lopez deposed, that he is a Native of Ferrol, aged 35 Years, and the Master of the Steam-boat *Mexicano*; that in this capacity he left the Port of Havannah, on the 20th instant, in order to proceed to Matanzas, to and from which Place he is in the habit of going and returning weekly with Passengers and goods; that he was detained at the Mouth of the Harbour, about the distance of a musket-shot from the Morro, by 4 Boats of an English Sloop-of-War, for the purpose of examining his Ship, and that the English separated from the different Negroes then on board, about 19 or 20, on account, as the Deponent understood, of their being suspicious, and that in consequence of this he was obliged to return with the said Steam-boat into Port; that there were several Slaves on board besides the above-mentioned 19 or 20, and the 2 who were employed in the navigation of the Steam-boat, but that he, the Deponent, cannot state the exact number, because, having been detained at the Mouth of the Harbour, he had not time to form that list of the Passengers which is usually made out during the Voyage; that the 19 or 20 Slaves set aside by the English had no Passport from the Government; that he, the Deponent, has never required any Government Passport for Slaves, but only a Written Permission from their Owners, when these did not accompany them on board, the presence of the Master having always been deemed a sufficient authority for the transport of his Slaves; that the Person who presented himself with these 19 or 20 Negroes was Don Francisco Dias Bustamante, as Attorney or Agent of the Conde de San Fernando, their Master; that he, the Deponent, never could have denied to the Captors that there were Ne-

groes on board, because many People of Colour were to be seen on deck at the time of the Steam-boat being boarded; that with respect to the 19 or 20 Negroes being concealed, he only knows that this was not done by the Deponent, or by his order, and that he is certain that part of the said Negroes, like the rest of the Passengers, were at times on deck, and part below in the fore-castle; that as some of them were diseased, or Sea-sick, it is not unlikely that such may have remained under cover below; that he knows not whether the above-mentioned 19 or 20 Negroes were *bozales* or not, because he had not time to ascertain the fact, nor thought it necessary to make the enquiry; that, at the period of being boarded, the People of Colour, both above and below, were in perfectly free communication with each other; that, beside the Passengers, the Steam-boat had on board the luggage of the said Passengers, a quantity of *tasajo*, and other provisions for Matanzas, as well as various merchandize; that the Owner of the Steam-boat is Don Antonio Bruzon, an Inhabitant of this City, who has appointed the Deponent to be Master, with a salary; that he, the Deponent, has been 2 or 3 Years in that capacity; that the Vessel was armed at the time of her detention, with 2 guns and some swords, for the purpose of defending herself against Pirates; that he has neither destroyed, concealed, or kept back any Paper; that he gave no other Paper to the British Officer than his Licence for sailing between Havannah and Matanzas; that he, the Deponent, knows not whether the Owner of the Steam-boat knew the circumstance of the 19 or 20 Negroes being on board; that never, since the Deponent has commanded the Steam-boat, has he been accustomed to ask a Passport for Slaves, it being sufficient for him that their Master, or his Agent, accompanied them, or that they had from these Persons a Written Permission.

JOHN GILLESPIE deposed, that he is a Scotchman, and unmarried; that he was the Engineer on board the Steam-boat *Mexicano*, on her last Voyage to Matanzas; that this Vessel left The Havannah on the 20th instant, and was detained by the Boats of an English Sloop about half a league from the Morro, and brought back into Port; that as, at the time of the detention, he was employed at the Steam Engine, the Deponent knew not what occasioned the Vessel being detained, nor what the Captors did on board; that there were Negroes on board, but that he does not know whether they were *bozales*; that all the Deponent's attention was given to the Engine, and that, consequently, he knew nothing beyond what he had stated.

DON JAYME ESCANDELL deposed, that he was Mate of the Steam-boat *Mexicano*, at the period of her last voyage to Matanzas; that she sailed from The Havannah on the 20th instant, at 6 o'Clock in the morning, according to custom; that the said Vessel was boarded and detained by 3 boats of the English Sloop of War *Pylades*, at about the distance of a cannon-shot from the Morro; that the Officer com-

manding these Boats came on board for the purpose, as this Deponent learned from certain of the Passengers who understood English, of examining the said Steam-boat, and of ascertaining whether there were Slaves on board; that, in fact, the said Officer searched the whole Vessel, and separated from the rest about 19 or 20 Negroes; that this Deponent cannot state the exact number, he having at the time been otherwise employed; that he is ignorant whether the English Officer asked for any Passport; that the said Negroes carried no Passport with them; that it is not the custom for Slaves to get Government Passports for the Voyage from Havannah to Matanzas, a written Order from the Owners being sufficient when these do not accompany them; that he, the Deponent, knows not who is the Master of the Negroes in question; that he knows not the names or the number of Passengers on board, because the list of them is made out, not at the time of their going on board, but during the voyage; that he knows no Person that is a Proprietor, or has any interest in this Vessel, except Don Antonio Bruzon; that the Captain of the Steam-vessel did not refuse, either to deliver up his Papers to the English Officer, to allow him to search the Vessel, or to shew him the Negroes on board; that neither at the period of boarding, nor afterwards, did the Deponent see any Person present himself to the English Officer, as the Owner of these 20 Negroes, or as the Person having charge of them: that he did not see these Negroes either conceal themselves, nor any Person conceal them; that these Negroes were in the forecastle like all the other People of Colour; that some of them were on deck and others below; that he, this Deponent, knows not how these Negroes may have been disposed of at the time the Vessel was boarded by the English; that the English Officer experienced neither difficulty nor delay in informing himself as to the Negroes on board; that the Deponent does not believe these Negroes to have been *bozales*, although he cannot be positive on the subject; that the Deponent knows not that any of the Slaves on board the Steam-boat formed part of the cargo of the *Minerva*, respecting which Vessel he knows nothing; that he was appointed Mate by Don Antonio Bruzon, about 10 months ago; that the Master is Don Joze Lopez, whom the Deponent found acting in that capacity when he first entered into the service, and that the Steam-boat is armed with 2 guns, 19 muskets, and some small arms.

DON FRANCISCO DIAS BUSTAMANTE deposed, that he is a Native of Santander, and now an Inhabitant of this City; that he is unmarried and a dependent on the House of the Conde de San Fernando; that, on Sunday the 20th instant, he proceeded in the Steam-boat *Mexicano* for Matanzas, taking with him 20 Slaves of the aforesaid Conde, to place them on an Estate of his in the above vicinity; that the Steam-boat was boarded by the Boats of an English Sloop of War, whose Commander having insisted on examining her, and fallen in with the

above-mentioned Negroes, detained the said Steam-boat, and brought her back into Harbour; that the said Slaves had no Passport from the Government, it not being the custom to require any such Passport for removing Slaves from one Estate to another, even although by Sea; that the Negroes were in the forecastle when the English Officer came on board, and the Deponent was on the poop, by reason of which, he knows not whether all or some of the Slaves may not at that time have been below and under cover; that he knows not from whom the Conde de San Fernando bought the said Negroes, but that he recollects that they were placed by him, so long ago as the month of January last, on the Estate of Jesus Maria, situated in the District of San Geronimo, and Jurisdiction of Guanabacoa; that they were placed there for the purpose of being taken care of until further orders, as is affirmed by various Affidavits in the Statement produced before the Commission, in the name of the said Conde; that he, the Deponent, knows not if they can speak any Spanish, because they were not under his immediate care on the Estate; that he is ignorant whether they are Christians or have been baptized; that he knows not that some of them are at this moment afflicted with an inflammation of the eyes.

(Enclosure 4.)—*Affidavits respecting the Negroes found on board the Mexicano.*—(Translation.)

IN the District of San Jeronimo de Penalver, Jurisdiction of Guanabacoa, on the 23d of August, 1826, before me, Don Justo Lopez, Knight of the Royal and Military Order of San Ermenegilda, Captain of Infantry, attached to the principal Staff of the most faithful City of The Havannah, one of the Petty Judges of the aforesaid District, by Commission from His Excellency the Governor-General, &c. and before my Assessors duly sworn, Don Pedro Dominguez, and Don Sebastian Echabarria, has appeared the Presbyter, Don Manuel de Torres, Chaplain of the Sugar Estate Jesus Maria, belonging to the Conde de San Fernando de Penalver, to whom I administered the Oath according to the formula of his Ministry, upon which he engaged to speak the truth, and having then read the Warrant for this judicial Process, he said, that, in the month of January of this present Year, there came to this Estate 20 Bozal Negroes, of both sexes, for the purpose of being cured of their diseases, and that Don Francisco Dias Bustamante committed them to his care, in order that, if any of them should happen to die, it might not be before they had received the Holy Sacrament of Baptism; and the said Presbyter being asked if he recollects the day that these Slaves were taken from this Estate to be carried in the Steam-boat *Mexicano* to Matanzas, said, that he does not recollect the precise day that they were taken from the Estate, but that it was some day in the course of last week, and then having affirmed, that what he had said is the truth according to the Oath he

had taken, he read this Declaration over, and having stated it to be in exact conformity with his evidence, he signed and ratified it as below, with me and my Assessors.

JUSTO LOPEZ.

MANUEL DE TORRES.

PEDRO DOMINGUEZ.

SEBASTIAN DE ECHABARRIA.

ON the same day of the aforesaid Month and Year, likewise appeared before me and my said Assessors, the Licentiate, Don Francisco Valdes, to whom I administered the Oath in form, which he took by God and the Holy Cross, under which he engaged to speak the truth, and accordingly declared, that his name is Francisco Valdes; that he is a married man, aged 40 Years, by profession a Surgeon, which profession he now exercises on this Estate, to which, in the month of January last, there came 20 Bozal Slaves, 14 males and 6 females; that these Slaves were placed in the Infirmary, under the Deponent's care, for the purpose of being cured of certain diseases that afflicted them, such as diarrhæa and ophthalmia, or inflammation of the eyes; that these Slaves had remained in the said Infirmary until last week, when he, the Deponent, was consulted as to their being in a fit state to remove to the Sugar Estate Alcansia, in the Jurisdiction of Matanzas; and, although 4 or 5 of them were not quite recovered from the complaint of the eyes, the Deponent stated, that he saw no objection to their being removed, which was accordingly done; and then the Deponent having affirmed that what he had said is the truth, according to the Oath he had taken, read this Deposition over, and having stated it to be in exact conformity with what he had said, he signed and ratified it as under, with me and my Assessors.

JUSTO LOPEZ.

FRANCISCO VALDES.

PEDRO DOMINGUEZ.

SEBASTIAN DE ECHABARRIA.

Here follow three similar affidavits, viz.—

1. Of Don Andres Burgotto, the Owner of the Estate, who gave the written order for the said 20 Slaves being taken to Don Francisco Dias Bustamante, in The Havannah.

2. Of Don Juan Casablanca, who conducted them from the Estate to The Havannah.

3. Of Don Manuel Diaz, a neighbour, who deposes that he knows these 20 Negroes, and saw Don Juan Casablanca conducting them to The Havannah.

(Enclosure 5.)—*The Mixed Commission to the Captain-General.*

(Translation.)

SIR,

Havannah, August 29, 1826.

IN consequence of the discussion which has taken place in this Commission, respecting the detention of the Steam-boat *Mexicano*, by the English Sloop of War *Pylades*, and of the application to this Case of Article 7 of the Instructions annexed to the Treaty, we have agreed to request, that your Excellency will direct your Secretary of the Police Department to certify to us, whether, in the cases of Slaves being transported by Sea from The Havannah to the Estates of their Masters, or from one Estate to another, it has been the custom to deliver Passports for the purpose, or whether it was quite sufficient that these Slaves had a written Permission on the part of their Master, on every occasion that this Person or his Agent did not accompany them.

CL^o. M. DE PINILLOS.

RAFAEL DE QUESADA.

His Excellency the Captain-General.

W. S. MACLEAY.

(Enclosure 6.)—*The Captain-General to the Mixed Commission.*

(Translation.)

GENTLEMEN,

Havannah, August 29, 1826.

IN reply to your Letter of this date, requesting to know whether, in the event of Slaves being transported by Sea from The Havannah to the Estates of their Masters, or from one Estate to another, it has been the custom to issue Passports for that purpose, or whether it has been deemed sufficient that such Slaves had the Permission of their Owners, when these Persons or their Attorneys did not accompany them; I have to inform you, that by Article 1st, Part 2d, of the last Regulation of the Consulado respecting runaway Slaves, and by Article 10 of the Instructions for the *Capitanes de Partidos*, the Owners of Slaves, or even their Overseers, are authorised to grant written Licences for travelling, to their Slaves, without which Licences they are considered as runaways.

With reference to the above Regulations, Owners, or their Overseers, grant written Permissions to their Slaves, which authorise them, as well to travel along the high roads as to go from one Estate to another, and those Proprietors whose Estates are situated near the Sea, send their Slaves by Coasting-Vessels, with a permission similar to that which is used for passing them by Land. God preserve you many Years.
The Members of the Mixed Commission. FRAN^o. DION^o. VIVES.

(Enclosure 7.)—*Opinion of His Britannick Majesty's Commissioner of Arbitration.*

THE *Mexicano*, a Passage Steam-boat, sailing under Spanish Colours, was, on the 20th day of this month, while on her voyage from

Havannah to Matanzas, detained between the Morro and Coxemar, by His Britannick Majesty's Sloop *Pylades*, Captain Jackson, on a charge of having violated the 7th Article of the Instructions annexed to the Treaty, and having thus become liable to condemnation under this Mixed Commission.

There are several discrepancies in the Evidence before the Commission, but none that, in my opinion, any way affect the main fact on which this detention has been grounded, and by which alone it must be declared lawful or not. This fact is, that 20 Slaves were in the Steam-vessel at the time of her detention, on their way from Havannah to Matanzas, without the Vessel being provided with a Passport from the Government on the spot, furnished *ad hoc*. This is allowed on all sides to have been proved by the Evidence.

It appears to me also, from the Evidence, that the Slaves were concealed, or at least that delay and difficulty were placed in the way of the British Officers when searching for them, and that, while the other Slaves or Negro Servants on board were claimed by their respective Masters or Mistresses, these 20 were not so claimed. All this would go to shew a consciousness of there being some impropriety connected with them, which may possibly have been the deficiency of a proper Passport. There is no Evidence before the Court, however, to shew otherwise than that they are the property of the Conde de San Fernando, and were, when detained, on the passage from one of his Estates to another; and, therefore, as such property I am bound to consider them.

By Article 1 of the Regulations for the Mixed Commission, they are to judge according to the letter and spirit of the Treaty. Now with respect to the intentions of the High Contracting Parties who signed the Treaty, it is most clear, both from the whole of the tenour of this, and from the tenour of the Laws now existing, whether Spanish or British, relative to the Slave-trade, that it was the most anxious desire of their Britannick and Catholick Majesties, in signing that Treaty, to extinguish, by its means, this inhuman Commerce. Such being the spirit of the Treaty, it appears to me, that when two different passages of it are deemed to be in any degree conflicting as to their signification, we should adopt, as our guide, that passage the signification of which is the most in harmony with this spirit; so that if one passage should distinctly authorize the detention of Coasting Vessels, having Slaves on board, and another seem not so much to justify it, we ought to consider that passage which, by authorising the detention of such Vessels, agrees most with the grand object of the Treaty, that is, the Abolition of the Slave-trade, to be the true rule of our proceedings.

This remark I make when, supposing for a moment that, as has appeared to one of my Colleagues, there is a disagreement between certain passages of the Treaty, as, for instance, on the one hand, Ar-

ticle 10 of the Treaty, which says, "in order to render lawful the detention of any Ship, whether Spanish or British, the Slaves found on board such Vessel must have been brought there for the express purpose of the Traffick;" also paragraph 2 of Article 1 of the Instructions, which says, "Ships on board of which no Slaves shall be found, intended for purposes of traffick, shall not be detained on any account or pretence whatever;" and, on the other hand, Article 7 of the Instructions, which stipulates that "no conveyance of Slaves from one Port in the Spanish Possessions to another shall take place, except in Ships provided with Passports from the Government, on the spot, *ad hoc*."

In paragraph 2 of Art. 1 of the Instructions, as above cited, I may observe, that, owing to the punctuation of the Treaty, as signed in English, there is an ambiguity which does not occur in the same Treaty as signed in Spanish, since the former may leave us in doubt whether it is, "Ships intended for purposes of traffick, on board of which no Slaves shall be found," or whether it is, as the Spanish Copy of the Treaty expressly says, "Ships on board of which shall be found no Slaves intended for the purposes of traffick," that are not to be detained. This ambiguity merits attention, because, if it be said that the meaning of the Article is, as may seem from the English punctuation, that Ships intended for purposes of traffick, that is, Merchant-ships, on board of which shall be found no Slaves, are not to be detained, it is most clear that we have this paragraph, in complete agreement with Art. 7 of the Instructions. If the other meaning be given to the paragraph, which, it must be allowed, is the only one it is susceptible of, according to the Treaty, as signed in Spanish, then we are to understand, that no Ship is to be detained that does not contain Negroes destined for the traffick, a provision which, if taken to relate to all Ships whatever, is indubitably at variance with Art. 7. of the Instructions.

That this provision, however, does not relate to all Ships of whatsoever kind, can be shown, as follows:—

It is most evident, from its first line, that the whole of Art. 10 of the Treaty, relates to regular Slave-ships coming from the Coast of Africa, and, consequently, has not the least reference to Coasting Vessels from Port to Port of the Spanish Possessions, which may, like the *Mexicano*, have Slaves on board, without the proper Passports. The same observation holds good with respect to Art. 1 of the Instructions, namely, that it also has reference only to Ships regularly fitted out for the Slave-trade; and as all the secondary paragraphs of an Article have a reference to the primary one, it follows that, taking the Treaty as signed in Spanish, the meaning of the 2d paragraph, Art. 1, of the Instructions, is, that "Slave-ships, on board of which no Slaves shall be found intended for purposes of traffick, shall not be detained on any account or pretence whatsoever." Indeed, that this is the true inter-

pretation of Art. 10 of the Treaty, and of the paragraph 2 of the Instructions, sufficiently appears from these being the very provisions, which, in the opinion of both Governments, required alteration, and which accordingly gave rise to the Additional Articles signed in 1822, and lately confirmed by His Catholick Majesty.

Consequently, there is no contradiction between the terms of Art. 10 of the Treaty, and paragraph 2, Art. 1, of the Instructions, which relate solely to regular Slave-vessels, and those of Art. 7 of the Instructions, which Article refers to Vessels not in the regular Slave-trade. Indeed, it is impossible to suppose that the High Contracting Parties should not have observed in these short Instructions so obvious an inconsistency as would result from making Article 10 of Treaty, paragraph 2, Art. 1 of Instructions, and Art. 7 of Instructions, all refer to the same kind of Vessels. I, therefore, conceive that Art. 7. of the Instructions remains clear and uncontradicted by any previous or subsequent part of the Treaty and its Appendages.

Thus, the main question before the Commission relates entirely to the legality of the detention of the Steam-boat, under Art. 7 of the Instructions; for, if the Commander of the *Pylades* be justified under this Article, I hold, from what has been already said, that no other passage of the Treaty can be brought forward to invalidate the detention.

But, before I consider the legality of this detention, it is necessary, from observations made in Court, that I should acknowledge that the Detainer seems to me to have erroneously connected the 3d paragraph of Art. 1 of the Instructions with Art. 7, inasmuch as he conceived it to be his duty, under the said paragraph, not to require Passports for 2 Negro Servants, that appear to have attended their Master on board, or at least, to have allowed all the Passengers, whether white or coloured, whom he found on deck, to go on shore, whereas, in my opinion, there cannot be the least doubt that the true interpretation of the Treaty required that he should have only looked to Art. 7 of his Instructions, under which he detained the Vessel, and have insisted on a Government Passport being shewn to him by the Captain of the Vessel for all the Slaves that might have been on board.

I find, however, that the Detainer's application to Vessels of all descriptions, of paragraph 3, Art. 1 of his Instructions, is perfectly analogous to the opinion of one of my Colleagues, who thought that paragraph 2, Art. 1, of the Instructions, relates to Vessels of all descriptions. If one of these paragraphs relates to other Vessels than regular Slave-ships, then the other must also. But it is my firm opinion that neither have the least reference to the Case of a Vessel carrying Negroes from one Spanish Port to another, and, consequently, that by Art. 7, as was said before, any Ship with Slaves on board, passing

from one Spanish Port to another, without Passports from the Government on the spot, is liable most decidedly to detention.

It has been contended, however, by my Colleagues, that this Art. 7 relates only to the transfer of Negroes from one Spanish Possession, such as Puerto Rico, to another, such as Cuba, but the words are clear, "*from one Port of the Spanish Possessions to another,*" that is, for instance, from The Havannah, a Port of Cuba, and consequently a Port of the Spanish Possessions, to another, Matanzas, likewise a Port of the Spanish Possessions. It is true that the Article applies also to the transfer of Slaves from any Spanish Port, such as Puerto Rico, to another, as The Havannah; but I do not see how, from the Spanish or English Copy of the Treaty, it can be contended, that this Steam-vessel was not, when detained, in the act of transporting Negroes from one Port of the Spanish Possessions to another. It might, perhaps, be said, that this detention is even more valid, according to the letter of the Treaty, than the detention of Slaves passing from Puerto Rico to The Havannah would be, for the words in the Spanish Treaty are "*del Gobierno de aquel Territorio,*" and not "*de los Gobiernos de aquellos Territorios,*" words that would, in my humble opinion, have more clearly applied to the transfer of Negroes from one Island to another having different Governors.

In every question of this nature, the spirit of the High Contracting Parties, in signing the Treaty, will be an excellent guide. Now, I conclude that it was the intention of Spain to destroy every opportunity of subterfuge, and consequent escape from just condemnation, on the part of Slave-traders; and that, therefore, His Catholick Majesty determined to permit no Slaves to pass from one of his Ports to another, in Ships unprovided with Passports for that purpose, thereby preventing the facilities which regular Slave-vessels on the Coast would have by their means for landing their Negroes.—By this Article 7, His Catholick Majesty may have intended to prevent such a case as a Slave-vessel, just arrived from Africa, placing Negroes on board the Steam-boats, and so procuring their clandestine entry into The Havannah, a case that has been publickly said to have occurred; whereas, were all Vessels transporting Slaves provided with Passports from the Authorities of the Port from which they sailed, there could be no such collusion between Coasting Vessels and Slavers. From these circumstances, and the ardent desire which, in his late Decrees, His Catholick Majesty has shewn to destroy this Traffick, I infer that it was really his intention, by Article 7 of the Instructions, to prohibit any transportation of Slaves by Sea, without Passports for that purpose.

And that it was in this same spirit that the British Government concluded the Treaty, I infer, not only from the detestation with which

this Government is known to the civilized World to view every thing that aids the Traffick ; but from the whole tenour of the analogous Article of that Treaty, which was concluded in 1817, between His Britannick and Most Faithful Majesty, for the attainment of the same object.

Now it is, on all sides, agreed, that the *Mexicano* had no Passport from the Government of The Havannah for the 20 Slaves belonging to the Conde de San Fernando, and whom this Steam-vessel was transporting from Havannah to Matanzas ; she was therefore legally detained, according to the Instructions in the possession of the Detainer.

But it is said, that the Government of this Island has never been in the practice of giving Passports to Ships transporting Slaves from one Port to another. As, however, it can never be urged that the habitual infraction of a solemn Treaty justifies any particular Case of infraction when detected, it is impossible not to allow that the penalties attendant upon detection, according to the Treaty, have been justly and legally incurred by this Steam-boat.

One of my Colleagues has urged, that this Article 7 of the Instructions is only a precautionary or preventive one, not carrying any penalty along with it beyond the mere detention, and that, consequently, although the Commander of the *Pylades* was authorized, by his Instructions, to detain the Steam-vessel, no further penal consequences ought to ensue. Now true it is, that this Article 7 of the Instructions appears to me to be the only Article, either in the Treaty or its Appendages, which clearly authorizes the detention of other Vessels than regular Slave-traders. But I cannot perceive how this circumstance should in any way destroy all the penal consequences attendant upon detention. It is perfectly understood, that the detention of a Spanish Vessel on the Coast of Cuba, by a British Cruizer, can fall under the cognizance of no other Tribunal than this Mixed Commission. Now, the 3d Article of the Regulations for the Mixed Commission, that is, the *general Regulations* for their proceedings, states as follows, that the Commissioners shall proceed to examine Papers, and receive depositions, in order to be able to judge and to pronounce if the Vessel has been justly detained or not, according to the Stipulations of the Treaty ; “ and, in order that, *according to this judgment*, it may be condemned or liberated ;” I am clearly, therefore, of opinion, that, if the detention of the *Mexicano* be deemed just and legal by the Mixed Commission, Condemnation must follow, as the necessary consequence, according to Article 3 of the Regulations.

It has been said by my Colleagues, that the above interpretation of the Treaty is so severe, that it would subject any Vessel to condemnation which had 2 or 3 Slaves on board, without Passports from the Authorities on the spot. On this head, I would observe, first, that I

know not but such may have been the intention of the High Contracting Parties, in order to destroy the possibility of Coasting Vessels entering into collusion with Slave-vessels just returned from the Coast of Africa; and, secondly, that, in giving my opinion on the legality of a detention, I do not feel myself entitled, in any way, to discuss how far the provisions of the Treaty may be severe, and much less to swerve from what I may judge to be the obvious meaning of the Articles. I am very willing, if my Colleagues desire it, that this matter should be submitted to the consideration of our respective Governments; but, so far as I am concerned, I have not the least authority to make alterations or modifications that, in my opinion, can only be effected by the High Contracting Parties.

I now come to the question of the Slaves and Cargo, that, according to the evidence, have been detained on board the *Mexicano*. Article 7 of the Regulations seems, at first sight, to be applicable to this subject, when it stipulates, that, "in the Case of the condemnation of a Vessel for an unlawful Voyage, she shall be declared lawful Prize, as well as her Cargo, of whatever description it may be, with the exception of the Slaves, who may be on board as objects of Commerce, and who are therefore to be emancipated." My Colleagues have said, that this Voyage of the Steam-boat was not unlawful, inasmuch as she was provided with a Licence to sail from Havannah to Matanzas; but, as all the regular Slave-vessels condemned by this Commission have had Licences to sail for the Coast of Africa, and have rendered their Voyages home unlawful by taking Slaves on board, so the Voyage of the *Mexicano* became unlawful, so far as concerns this Mixed Commission, the moment she took Slaves on board without a proper Passport. If, therefore, this Article 7 of the Regulations be held to apply to all Ships, whether regular Slave-vessels or not, the consequence would be, that the Cargo on board must be condemned, and the Slaves, who may have been on board as objects of Commerce, must be emancipated. Now it appears, from the evidence, that the Cargo of the *Mexicano* belonged, as might be supposed in a Passage-Vessel, to the Passengers and other Persons, in no way connected with the illicit part of this transaction; and it moreover appears, that the Slaves who have been detained were on board, not as objects of Commerce, but merely for the purpose of being transported from one Estate of their Master to another. The result of this is, that, were we to hold Article 7 to apply to the *Mexicano*, the Cargo, consisting of the property of individuals wholly unconcerned with the illicit part of the transaction, must be condemned, and the Slaves, although the very cause of the detention, not being on board as objects of Commerce, must be returned to their Master—a consequence so monstrous, and obviously unjust, that I have no hesitation in stating my opinion, that Article 7 of the Regulations does not apply to all Vessels, but only to regular Slave-traders.

My view of the Regulations for the Mixed Commission is as follows: Article 3 is a general Article, authorizing them to decide on the legality or illegality of all cases of detention whatsoever. Article 4 then begins the particular Specification of the line of duty they are to pursue with respect to the ordinary cases of the infraction of the Treaty, namely, regular Slave-vessels, and the following Articles, down to Article 10, relate to the same department of illicit Slave-trade; that is, not in any way to such a peculiar and difficult Case as this of the *Mexicano*. It may then be asked, what ought to be done, according to the Treaty, with the Cargo and Slaves detained on board? My decided feeling on the subject is, that they ought to be returned to their respective Proprietors, for the Treaty does not, in my humble opinion, seem to have made any provision for this very novel Case of detention, so far as the Cargo and Slaves are concerned. It is my duty to act upon the Treaty as I find it, and according to the interpretation, which I may think its Articles most obviously bear, not to attempt to remedy what may possibly be its defects.

I conclude, therefore, in stating to my Colleagues, that, according to the Treaty, it is my opinion, that the *Mexicano* was justly detained, and therefore must be condemned, and that she ought, as the Article 7 of the Regulations does not apply to such Vessels, to be placed forthwith at the disposition of the two Governments, for them to take such future measures with respect to her, as they may judge proper. With respect to the Cargo and Slaves on board, it is my opinion, that they ought forthwith to be restored to their respective Proprietors.

W. S. MACLEAY.

(Enclosure 8.)—*Sentence of the Mixed Commission in the Case of the Mexicano.*—(Translation.)

HAVING considered the Proceedings of this Court, with respect to the detention of the Steam-boat *Mexicano*, by the English Sloop-of-War *Pylades*, having before us the Evidence furnished by the different Parties, and likewise the Information given by His Excellency the Captain-General in his Letter of yesterday, with reference to the Municipal Regulations, and to the practice, in consequence of such Regulations, observed in cases of Slaves being passed from this City to the Estates of their Masters, or from one Estate to another, such as was the particular Case with respect to this Steam-boat, in which were 20 Negroes belonging to the Conde de San Fernando, who, after having kept them on his Sugar Estate *Jesus Maria*, District of Guanabacoa, was forwarding them, under the care of his Attorney, to his other Sugar Estate, called *La Alcancia*, in the District of Matanzas, and, considering that there is no proof that these Negroes were on board the Steam-boat for the express purpose of the Traffick; we, the Undersigned, unanimously declare, (the English Commissioner refer-

ring, for the reasons of his particular Opinion, to the Document which has been laid by him before the Court), that the said 20 Negroes ought to be restored to their Owner, and that the same rule ought to be adopted with respect to the Cargo, of every description, that might have been on board the detained Vessel at the period of her detention.

Besides which, we, the Spanish Commissioners, have taken moreover into consideration, that Article 7 of the Instructions annexed to the Treaty, appears only applicable to Voyages beyond Sea, from one Port to another of different Provinces, without being capable of an extension to Voyages only Coasting, and which take place by Sea, from one point of the Island to another only for greater convenience, since similar Journeys may also be performed by Land; considering likewise, that, by means of such Coasting Voyages, Proprietors supply their Estates with necessaries, while they also make them serve for the transportation of their crops, without their being liable to examination, or any other formality; considering also, that, as the Steam-boat was proceeding to her destination, under the confidence and good faith resulting from this known practice, we, the said Spanish Commissioners, absolve her forthwith, directing that she be freely delivered up to her Captain; although it must be observed, that on this last head the British Commissioner has dissented from the decision of the majority of the Court, and has stated the reasons for his peculiar Opinion in the above-mentioned Document.

And, finally, we, the Undersigned, unanimously declare, that, according to the Letter addressed to the Mixed Commission by the Captor, there having been considered, on his part, to be cause, at least sufficient, to subject the Vessel to detention, he, the said Captor, is not responsible for the damages that may have resulted from it. Let all those concerned be informed of this Sentence, and let it be communicated Officially, with a Copy, to His Excellency the Captain-General, in order that it may be duly executed.

CLAUDIO MARTINEZ DE PINILLOS.
RAFAEL DE QUESADA.

W. S. MACLEAY.

RAFAEL GONSALEZ, Secretary.

Havannah, August 30, 1826.

No. 90.—*W. S. Macleay, Esq. to Mr. Sec^y. Canning.*—(*Rec. Dec. 8.*)
SIR, *Havannah, September 30, 1826.*

ON the 29th ult. His Majesty's Ship *Aurora*, of 46 guns, commanded by Captain C. J. Austen, when in the immediate vicinity of Santiago de Cuba, detained the Spanish Brigantine *Nuevo Campeador*, alias the *Argus*, Juan Botel, Master, sailing at the time under Dutch Colours, and having 263 Slaves on board. On searching her, Captain Austen found that she was provided not only with the usual Spanish,

but also with a set of Dutch Papers, to serve for her protection, as the Master stated, from South American Privateers. The Vessel, however, clearly belonged to Santiago de Cuba, and was declared by the Master to be bound to that Port from Old Calabar, on the Coast of Africa, where she had taken on board 300 or 306 Negroes. About 40 of these had died on the passage from Africa previous to her being captured, and the health of the 263 survivors was in such a deplorable state, that the Surgeon of the *Aurora* urged the necessity of immediately landing 36 of the most sickly, as well on account of the impossibility of these poor creatures being able to support the Voyage to The Havannah, as in order to preserve the lives of the rest. Captain Austen, after some difficulty and delay, persuaded the Governor of Santiago de Cuba to take charge of these 36 Negroes, and to give a receipt for them. The *Aurora* then left that Port with the Brigantine, and the remaining Negroes, for the purpose of having the Case adjudicated by the Mixed Commission here established.

While in the Harbour of Santiago de Cuba, Captain Austen was induced, by motives of humanity, to permit the Master, who was also the ostensible Owner of this Slave-Vessel, to go on shore, in order to visit his wife, who was reported to be in a dying state, he giving his solemn promise to return; instead of this, however, he took the opportunity of escaping from the City into the interior, as did subsequently also the greatest part of the Crew. Captain Austen, nevertheless, brought the Mate and 5 others, out of a Crew consisting, at the period of capture, of 21 men, into this Port, where he arrived on the 20th instant, after having lost 8 of the Negroes by sickness, on the passage from Cuba; 2 more died in this Harbpor, so as to reduce the whole number of Negroes, delivered here into the care of the Person appointed by the Captain-General to receive them, to 217, of whom 6 have died since the disembarkation. Certificates of the deaths that took place during the time that the Negroes were under the charge of Captain Austen were delivered in by him with the other Papers.

The Mixed Commission, consisting of the two Spanish Commissioners and myself, having received the Affidavit of the Captor, and the Depositions of the Mate, and 3 of the Crew of the Slave-vessel, issued, on the 27th instant, a Decree condemning the Vessel and Cargo, and emancipating the Slaves, as well those landed at Santiago de Cuba, as those at The Havannah. I am truly happy to state, that this Case offered not the slightest difficulty, the Spanish Commissioners manifesting throughout the greatest desire to act up to the spirit of the Treaty.

I have the honour to transmit a Copy of the Letter addressed by Captain Austen to the Mixed Commission, and of his Declaration, with an Abstract of the Evidence, and a Translation of the Decree of the Court. I likewise forward Translations of the Letters addressed

by the Mixed Commission to the Captain-General, on the subject of the 36 Negroes left in Santiago de Cuba, and of the Answer returned by His Excellency, in which he undertakes to secure their freedom as decreed by the Mixed Commission.

It appears, by Memorandums endorsed on the Papers of this Slave-vessel, that she was visited by the Boats of His Majesty's Ship *Maidstone*, at the Mouth of the Calabar, on the 30th of June last.

I have the honour to be, &c.

The Right Hon. George Canning.

W. S. MACLEAY.

(*Enclosure 1.*)—*Receipt of the Governor of Santiago de Cuba, for 36 Negroes.*

RECEIVED by me, Don Isidore Barradas, Governor of Santiago de Cuba, at the earnest request of Charles John Austen, Esq. Captain of His Majesty's Ship *Aurora*, the under-mentioned Slaves, belonging to the Brigantine Schooner *Nuevo Campeador*, captured by that Ship, and brought into the Port of Santiago de Cuba in consequence of the very sickly state of the Slaves on board the said Schooner, which renders it absolutely necessary they should be landed, for the preservation of the health of the remainder of the Slaves on their passage to The Havannah, to which Place she is bound for adjudication, as also that these unfortunate and wretched Beings may receive the benefits of the Rites of the Church.

Men 23, women 6, boys 6, girl 1,—Total 36.

On board His Majesty's Ship Aurora,

September 4, 1826.

ISIDORE BARRADAS.

(*Enclosure 2.*)—*Captain Austen to the Mixed Commission.*

His Britannick Majesty's Ship Aurora,

HONOURABLE GENTLEMEN,

Havannah, September 20, 1826.

I BEG leave to acquaint you with my arrival at this Port in His Majesty's Ship under my command, with the *Nuevo Campeador*, Spanish Brigantine, detained off St. Jago de Cuba, having at that time on board 263 Slaves from the Coast of Africa ; for the further particulars of which I beg leave to refer you to the Documents which I have delivered to the British Commissioner, consisting of my Affidavits and other Papers, all of which are endorsed by me.

I beg leave to add, that Juan Botel, the Master of this Slave-vessel, having represented to me by Letter (whilst we were lying in Santiago de Cuba for the purpose of landing the sick Negroes, which, after a long Correspondence with the Governor of that Place, I was enabled to do), that his Wife was dangerously ill, and earnestly entreated me to allow him to go on Shore to see her, I was induced on the score of

humanity to allow him to do so, and have never seen him since, though I waited some hours in the Port for that purpose.

I have the honour to be, &c.

The Members of the Mixed Commission.

C. J. AUSTEN.

(Enclosure 3.)—*Declarations of the Captor.*

I, CHARLES JOHN AUSTEN, Captain of His Majesty's Ship *Aurora*, hereby declare, that, on the 29th day of August 1826, being in or about Latitude 19. 46. North, Longitude 75. 56. West, I detained the Brigantine Schooner *Nuevo Campeador*, sailing under Spanish Colours, but at the time of capture having Dutch Colours hoisted, armed with 1 8-pounder, 24 muskets, 4 pistols, commanded by Juan Botel, who declared her to be bound from the coast of Africa to St. Jago de Cuba, with a Crew consisting of 21 men, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board 263 Slaves, remaining from 300, said to have been taken on board at Old Calabar, on the coast of Africa, 37 having died on the passage to St. Jago de Cuba: they are enumerated as follows, viz:—

	Healthy.	Sickly.
Men.....	156	2
Women.....	47	6
Boys.....	37	0
Girls.....	14	1
	—	—
Total	254	9

I do further declare, that the said Schooner appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the Negroes and Crew for their destined Voyage to Saint Jago de Cuba, but completely inadequate for their sustenance from this Place to The Havannah.

I do further declare, that the state and condition of the health of the Slaves has been represented by the Surgeon to me to be so generally bad, as, in his opinion, absolutely to require their being landed so soon as it may be practicable to do so.

Witnesses,

CHARLES JOHN AUSTEN.

J. V. D. LARCOM, Senior Lieut. of His Majesty's Ship *Aurora*.

H. STOPFORD NIXON, 2d Lieut. of His Majesty's Ship *Aurora*.

JAMES OSBORNE, Surgeon of His Majesty's Ship *Aurora*.

[Here follows the List of the Crew of the Schooner *El Nuevo Campeador*.]

I, CHARLES JOHN AUSTEN, Captain of His Britannick Majesty's Ship *Aurora*, do further declare, that the Surgeon, finding the state and condition of the health of the Slaves so generally bad, as, in his opinion, absolutely to require their being landed so soon as it may be practicable to do so; and I further considering, that the time which must elapse before they could have reached The Havannah, to which

Place it is my intention to carry the Schooner for adjudication, would in all human probability be attended with very fatal consequences to the lives of a large proportion of the Negroes; I did, therefore, on the 4th day of September, 1826, disembark the following 36 Slaves at Santiago de Cuba, where they now remain.

	Healthy.	Sickly.
Men.....	-	23
Women.....	-	6
Boys.....	-	6
Girls.....	-	1
Total	-	36

Witnesses,

CHARLES JOHN AUSTEN.

J. V. D LARCOM, Senior Lieut. of His Majesty's Ship *Aurora*.

JAMES OSBORNE, Surgeon of His Majesty's Ship *Aurora*.

(Enclosure 4.)—*Abstract of Evidence.*

HENRY SCHOTZ, a Protestant, deposed, that he is a Native of Hamburgh, aged 32 Years, unmarried, and by profession a Seaman; that he served lately as Mate on board the Brigantine Schooner *El Nuevo Campeador*; that he arrived in this Port of The Havannah in the said Brigantine, which has been captured and carried in here by the English Frigate *Aurora*, on account of there having been found on board a Cargo of Bozal Negroes, proceeding from the Coast of Africa, and destined for the Province of Cuba; that this Vessel sailed from Cuba on the 30th May of this Year, the Deponent believing at the time, according to the Declaration of the Master, that she was bound for the Portuguese Island Del Principe; but that instead of this the Vessel proceeded straight to the River of Calabar, on the said Coast, where the said Master commenced a Traffick of Slaves, and obtained about 300, with whom he set sail for the said Province of Santiago de Cuba, near which Port the Schooner was captured; that the Master and Owner of the Schooner was Don Juan Botel, a Spaniard by birth, who was on board at the time the Vessel was captured by the English Frigate; that the Deponent is ignorant where the said Botel now is, because the Crew when taken were separated, the said Captain Botel being taken on board the Frigate, and this Deponent remaining on board the Schooner to take care of the Negroes; that he, this Deponent, can, however, state that, according to what he heard, the said Juan Botel remains on shore at Cuba; that there were 263 Negroes on board at the time of the capture, the others having died on the passage from Africa to Cuba, and that of these 263, there were 36 left at Cuba in the care of the Government.

FRANCISCO FRASQUET, a Catholick, deposed, that he is a Native of Barcelona, aged 23 Years, unmarried, and by profession a Sailor; that he was lately in this capacity serving on board the Brigantine Schooner

Nuevo Campeador, Captain Don Juan Botel; that he has arrived here, in consequence of the capture of the said Schooner, with a Cargo of Bozal Negroes on board, made by His Britannick Majesty's Frigate *Aurora*, close off Santiago de Cuba; that the said Cargo of Negroes was taken on board at Calabar, on the Coast of Africa, where 300 or 306 were embarked; that the Deponent knows not how many of them were in existence at the moment of the capture, because many had died on the passage, and the Deponent was not present when they were numbered; that some of the captured Negroes remained at Cuba, sick, but how many he knows not; that the said Schooner was fitted out and equipped for the voyage to Calabar, in the aforesaid City of Santiago de Cuba, to which Port she was proceeding at the moment of capture; that Captain Don Juan Botel, according to what this Deponent has heard, remained at Cuba, the Captain of the Frigate having given him leave to go on shore to visit his wife, who was sick, and that he knows nothing of him since that time; that the Deponent, on leaving Cuba for the Coast of Africa, was a common Sailor, but that the Boatswain, Pablo George, being taken so ill that it was found necessary to leave him in Africa, the Deponent then succeeded to his place, and was performing the duties of it at the time of the capture; that D. José Chamorro, who is inscribed on the List of the Crew as next in command to the Master and Mate, remains likewise in Cuba, unwell, but that the Deponent knows not how he got on shore.

LORENZO CITTERICH, a Catholick, deposed, that he is a Native of Venice, aged 34 Years, unmarried, and by trade a Sailor; that he came to the Havannah in the English Frigate *Aurora*, which lately arrived in this Port, in consequence of having captured the Brigantine Schooner *El Nuevo Campeador*, in which this Deponent was a Sailor; that the said Schooner was captured close off the Morro of Santiago de Cuba, on account of there having been found on board a Cargo of Bozal Negroes; that the Vessel was then proceeding from Old Calabar, on the Coast of Africa, where she had taken on board 300 or 306 Negroes, of whom 36 or 37 may perhaps have died previously to the capture; that Don Juan Botel was the Owner, Captain, and Master of the said Schooner, and the Mate was Henrique Schotsz, who is now in prison with the Deponent; that the said Vessel was fitted out for the Voyage to Africa, in Santiago de Cuba; that the Master, Don Juan Botel, remained in Cuba, although this Deponent does not positively know the cause of his having been allowed to land, any further than that he heard it was on account of sickness; that D. José Chamorro, who was one of the Crew captured on board the Schooner, remained also at Cuba, but the Deponent knows not how he contrived to get on shore, because the said Chamorro remained on board the Schooner, and the Deponent was taken on board the Frigate; that Estevan Rodriguez, who is inscribed in the List of the Crew as Cook of the Schooner,

was never employed in that capacity, the Deponent being the only Cook, from the moment of leaving the Port of Santiago de Cuba; that the said Rodriquez remains in Cuba, but how or why this Deponent knows not, and that Pablo George, the Boatswain, remained at Calabar sick.

LOUIS ROLLE, a man of Colour, and a Catholick, deposed, that he is a Native of Martinique, aged 26 Years, and by trade a Carpenter; that on Wednesday last he arrived in this Port on board the Brigantine Schooner *El Nuevo Campeador*, captured by the English Frigate *Aurora*, opposite to the Morro of Santiago de Cuba; that the cause of the said capture was a Cargo of Bozal Negroes having been found on board; that the Vessel at the time was proceeding from Calabar on the Coast of Africa, which Place she left with 300 or more Negroes, of whom 260 or more were in existence at the period of her detention, the others having died on the passage; that this Deponent was Carpenter on board the Schooner; that the Master of the Vessel was Juan Botel, and that the Deponent is ignorant of there being any other Owner; that the said Botel and José Chamorro remained at Cuba, the former because his wife was sick, and the other he knows not on what account; and, finally, that Pablo George was left sick at Calabar.

(Enclosure 5.)—Sentence.—(Translation.)

Havannah, September 27, 1826.

HAVING taken into consideration the Judicial Proceedings consequent upon the detention of the Spanish Merchant Schooner *Nuevo Campeador*, Don Juan Botel, Captain, Master, and Owner, with a Cargo of 263 Negroes on board at the time of her detention, which was effected in the immediate vicinity of the Port of Santiago de Cuba, by the English Frigate *Aurora*, commanded by Captain Charles John Austen; and having found, according to these proceedings, that, although the Declaration of the aforesaid Don Juan Botel is wanting, owing to this Person's escape in the City of Santiago, it is nevertheless most completely proved by the Declarations of the several Witnesses examined, and by the Papers of the Vessel, that the said Schooner having sailed from the aforesaid Port, in the Month of April in the present Year, with Papers and Cargo, as if for the Portuguese Island El Principe, proceeded straight to Old Calabar, on the Coast of Africa, where she took on board 300 or 306 Slaves, of whom so many died on her passage to Cuba as to reduce the number to 263, of which last number, according to the Evidence of the Captor and the Receipt of the Governor of the City of Santiago de Cuba, produced by the said Captor, 36 were left in the said City, on account of their extreme sickness, and 10, as appears by the Captor's Certificate, subsequently died: We do now, with due regard to the merits of the Cause, and according to the usual brief and summary mode of proceeding which has been

adopted by the Mixed Commission in all such Cases, when the truth has been made manifest, hereby declare, that the capture of the said Schooner *Nuevo Campeador*, and of the 263 Negroes found on board, is good and legal, and that the said Schooner, her tackle, apparel, and whatever she may contain, are subject and liable to confiscation, with the exception of the aforesaid Negroes, who are declared to be freed from all slavery and captivity. It is accordingly hereby directed that, with respect to the said Vessel, and whatever belongs to her, a Valuation shall be made thereof, under Oath, by the Principal Masters of the Royal Arsenal, who shall give in a proper Voucher to this effect, and that she shall be exposed to publick auction, in the presence of the Royal Notary, Don José Rafael de Meja, in order that, being disposed of to the highest bidder, in the Auction-Room of Don Antonio Galea, the proceeds may be applied to the benefit of the two Governments, the said Vessel being for the present placed in deposit with Don Jayme Andreu, who shall likewise swear faithfully to perform his duty, and shall receive her from the Captor, according to formal Inventory; proceeding, moreover, without loss of time, to deliver to such of the said Negroes as are in this City, their Certificate of Emancipation, by the means, as is customary, of the Deputy Secretary, Don Rafael Gonzales Barranco, who is appointed to perform that duty. An Official Letter, with a certified Copy of the Sentence, shall be forthwith addressed to His Excellency the Captain-General, in order that he may take the proper measures for that purpose; and with respect to those Negroes who are left in Santiago de Cuba, as the liberty to which they are entitled ought not to be delayed, His Excellency shall be further requested to appoint in that City a Person in whom he has confidence, or to direct the Governor of it to appoint such a Person, to deliver to them also their respective Certificates of Liberty, according to the form that has hitherto been adopted. For which purpose there shall be transmitted to Cuba, through the medium of His Excellency, the necessary printed Certificates, duly legalized by the Mixed Commission, having blanks to be filled up with the descriptions and peculiar marks of each Person, so as to secure their identity, and being marked from No. 1 to No. 36 inclusive, care being taken to suspend to the neck of each Negro a small piece of tin-plate, corresponding with the number of the Certificate, and also to make out accurately a separate account of all that is written on each of these Certificates, so that it may be transmitted to this Mixed Commission, and form part of the Book in which all such accounts are inserted, while a Duplicate, or certified Copy, of this Document shall be left in Santiago de Cuba, for the purpose of clearing up any doubt that may in future occur; and, according to the mode of proceeding that has been practised in all such matters, the said Negroes are placed at the disposal of the aforesaid Governor of Cuba, for him to dispose of them during the years of their

apprenticeship, in conformity to the Instructions which His Excellency will communicate to him.

W. S. MACLEAY.

CLAUDIO MARTINEZ DE PINILLOS.

RAFAEL DE QUESADA.

RAFAEL GONZALES, Secretary.

(Enclosure 6.)—*The Mixed Commission to the Captain-General.*
(Translation.)

SIR,

Havannah, September 27, 1826.

By the accompanying certified Copy, your Excellency will be made acquainted with the Definitive Sentence issued by this Mixed Commission, in the Case of the capture of the Brigantine Schooner *Nuevo Campeador*, with a Cargo of Bozal Negroes, by the English Frigate *Aurora*, which Sentence declares the detention of this Vessel to be good and legal, and the said Negroes to be free from all slavery and captivity.

Among the Negroes found on board, there were 36 who, on account of ill health, were left at Santiago de Cuba, in charge of the Governor of that Place, according to the Receipt given by him to the English Captain, of which a Copy is herewith enclosed to your Excellency. In consequence of what has been determined in the said Definitive Sentence, the Mixed Commission now proceeds to deliver the Certificates of Emancipation to those Negroes who have been brought into this City, placing them forthwith at the disposal of your Excellency in the customary form. Not being able to do the same for those Negroes who were left at Santiago de Cuba, where the Commission has no Agent whatever, the Undersigned have deemed it their duty to request your Excellency, in this novel Case, to assist them in carrying the above-mentioned Sentence into effect, so that the Negroes left at Santiago may not have the important benefit of their liberty retarded. For this purpose, the Undersigned herewith transmit and place at the disposal of your Excellency 36 blank Certificates of Liberty, with 4 others, to be used in the event of any error in the former rendering them necessary. God preserve your Excellency many Years.

W. S. MACLEAY.

CLAUDIO M. DE PINILLOS.

His Excellency the Captain-General. RAFAEL DE QUESADA.

(Enclosure 7.)—*The Captain-General to the Mixed Commission.*
(Translation.)

GENTLEMEN,

Havannah, September 29, 1826.

With your Official Letter of the 27th instant, I received a certified Copy of the Definitive Sentence pronounced by you in the Case of the capture lately made of the Spanish Merchant Brigantine Schooner

Nuevo Campeador, with a Cargo of Bozal Negroes, and also 40 Certificates of Emancipation, duly signed by you, and numbered from 1 to 36, with 4 more, which 40 Certificates are destined for 36 Negroes left in Cuba, and belonging to the said Cargo. Entering into the anxiety expressed by you that I should, on my part, co-operate so as to give the aforesaid Sentence its full and proper effect, with respect to the said 36 Negroes, and, in order that the benefit of their liberty may suffer no delay, I have acceded to your request, with the advice of the Auditor of War, and, in consequence, now transmit to the Governor of Santiago de Cuba the Appointment of a Person in whom I have full confidence, and whose duty it will be to deliver the said Certificates, and to carry the other parts of the Sentence into effect. To this Person I transmit the above-mentioned Certificates, with 80 Copies of Forms for registering the descriptions of the said Negroes, and the like number of *Conditions*, all signed by me; so that every necessary precaution and measure may be taken for the dispatch of this affair, and for the disposal of the Negroes, in the usual manner. I have also, at the same time, directed him to send me, with the least possible delay, the particular kind of Register mentioned in the said Sentence, which, as soon as I receive, I shall, according to your request, transmit to you for the object you specify. God preserve you many Years.
The Members of the Mixed Commission. FRAN^o. DION^o. VIVES.

No. 91.—*W. S. Macleay, Esq. to Mr. Sec^y. Canning.*—(Rec. Dec. 8.)
 SIR, *Havannah, October 9, 1826.*

ON the 3d instant, the Spanish Brig *San Pedro*, alias *Currutaco*, Juan Coll, Master, which Vessel, as reported to you in the Despatch of His Majesty's Commissioners of the 11th of March of this Year, sailed from this Port on the 26th of February last, arrived here from the Coast of Africa, in ballast, after having landed a Cargo of Negroes on the Coast, to the Westward of the Island.

I have not been able to learn the number of Negroes she disembarked. I have the honour to be, &c.

The Right Hon. George Canning. W. S. MACLEAY.

No. 92.—*Joseph Planta, Jun. Esq. to His Majesty's Comm^{rs}.*
 GENTLEMEN, *Foreign Office, December 20, 1826.*

IN compliance with the desire which you have expressed, that you should have some assistance for carrying on the details of your Correspondence with this Office, Mr. Secretary Canning has selected Mr. Richard Belgrave Jackson, the bearer of this Letter, to be Clerk to His Majesty's Commissioners at the Havannah.

You will employ Mr. Jackson accordingly, in the business of the British Commissioners, in the manner in which he may be made most useful to the purpose for which he is sent out.

Mr. Canning has allowed to Mr. Jackson a Sum, by way of Outfit, which has been paid to him here; and he has assigned to him a Salary of £300. a Year, to commence from the 10th of October, 1826, and to be augmented every Year, at the rate of £25. a Year, until the Salary shall reach the amount of £500. a Year. And Mr. Canning has been pleased to hold out to Mr. Jackson the prospect, that, provided he shall conduct himself to the satisfaction of his Superiors, a Pension, not exceeding the half of his Salary, may be granted to him after 12 Years' actual service at the Havannah.

I am directed by Mr. Canning to acquaint you with this arrangement, and to request that you will pay to Mr. Jackson the Salary assigned to him, in Quarterly Payments, as it shall become due, including the same in the Contingent Accounts of the Commission, and drawing for it upon the Agent to the Commission, according to the Account and Vouchers which you will send in, with a Letter to me on the occasion.

I am, &c.

His Majesty's Commissioners.

JOSEPH PLANTA, JUN.

No. 93.—Mr. Secretary Canning to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 30, 1826.

YOUR several Despatches, to the 9th of October inclusive, have been duly received.

I transmit to you, for your information, the accompanying Copy of a Despatch*, which I addressed to His Majesty's Envoy at Madrid on the 10th ult. upon the subject of the violations of the Treaty, as stated in your Despatches of the 9th of August, and of the 2d, 4th, and 11th of September last.

You will continue to watch over and report to me the particulars of every transaction which may come under your knowledge, connected with illegal Slave-trade upon the Coast of Cuba. I am, &c.

His Majesty's Commissioners.

GEORGE CANNING.

RIO DE JANEIRO.

No. 94.—His Majesty's Comm^r. to Mr. Sec^y. Canning.—(Received April 10, 1826.)

SIR,

Rio de Janeiro, December 28, 1825.

WE have the honour to acquaint you, for your information, that His Imperial Majesty has been pleased to appoint Senhor João Carneiro de Campos to the Office of Commissary Judge of the Mixed Commission here established, which Office became vacant on the confirmation of Senhor José Silvestre Ribello to the Appointment of

* See Class B.

Brazilian Chargé d'Affaires to The United States of North America ; and that our new Colleague, after taking the prescribed Oath before the Chancellor, was duly installed on the 7th instant.

We have the honour, &c. HENRY HAYNE.

The Right Hon. George Canning.

ALEX. CUNNINGHAM.

No. 95.—*His Majesty's Comm^r. to Mr. Sec^y. Canning.*—(Received April 10, 1826.)

SIR,

Rio de Janeiro, December 30, 1825.

SHORTLY after the signing of the new Slave-trade Treaty with the Brazilian Government, by Sir Charles Stuart, we were enabled fully to satisfy ourselves of the truth of suspicions, which we had entertained for some time, not only of irregularities, but actual malversation, on the part of some of those Persons who had been appointed to superintend the care and well-being of those Negroes who have received their Emancipation from the Mixed Commission here established, under the late Convention with Portugal.

Having ascertained that Sn^r. Manuel Joaq^m. Gliz. de Magelloens, the present Curador of the emancipated Negroes, had been collecting money in the capacity of Curador, under the semblance of authority from the Treasurer, from Persons to whom some of the emancipated Negroes had been apprenticed, under the condition of an annual payment for their labour, which sum was to be placed in deposit, to be divided amongst them, at the expiration of their term of servitude ; that he had made this collection without the authority of the Treasurer, and had applied it to other uses than those prescribed by the Alvará ; we felt it to be our duty, after taking pains to satisfy ourselves of the facts, to call the attention of His Imperial Majesty's Government to a Transaction, in itself fraudulent and disgraceful, as well as prejudicial to the emancipated Negroes, to remain under the superintendence of a Man, who, if he could be guilty of such a crime, might be supposed to be fully equal to committing the more heinous one of selling those into Slavery who had been emancipated and placed under his especial superintendence, which abominable crime is said to have been practised, though we have not been able to obtain proof of a single instance of it.

To call the attention of His Imperial Majesty's Government to this Case, with the greatest chance of success, knowing that Sir Charles Stuart was in daily intercourse with the Ministers of State, we stated, verbally, the circumstances to His Excellency, with a view to his urging His Imperial Majesty's Ministers to an investigation into them, to which Sir Charles listened with readiness, and requested us to write to him a Letter on the subject, a Copy of which we have the honour to enclose for your information.

We earnestly hope, Sir, for the sake of the emancipated Negroes, that the system of superintendence of their welfare, which has hitherto

been pursued, may undergo some reform, at least periodical investigation, or any other checks that can be devised to prevent a recurrence of the evils complained of, which, since a period has at length been happily fixed for the entire and complete abolition of the Traffick, it will, doubtless, tend greatly to enhance the value of those Slaves already imported, and, therefore, hold out greater temptation to the evil-disposed of re-enslaving those who have received their Manumission.

The system prescribed by the Alvarà of 26th January, 1818, would, we conceive, in a great measure, meet its object, provided a reliance could be placed on the probity of those employed under it; and, if we might be allowed the liberty of suggesting an Amendment thereto, it would be, that the Curador should be obliged to keep a regular and accurate Register of all the emancipated Negroes, together with the names and address of all those who have hired them, who should be made responsible for them under a penalty, and answer for their appearance before their Superintendent twice a Year; and to give proof of death, or absconding, if either should have happened since the last Inspection, and the Superintendent himself should be obliged, half-yearly, and always when called upon, to make his Report to the Juiz da Camarca, for the time being, or to some other Authority, in order to insure the fulfilment of his duty, and have a check upon his integrity; which, in our humble opinion, would greatly tend to prevent the abuses now said to be practised. We have the honour to be, &c.

HENRY HAYNE.

The Right Hon. George Canning.

ALEX. CUNNINGHAM.

(Enclosure.)—*The British Commissioners to Sir Charles Stuart.*

SIR,

Rio de Janeiro, November 19, 1825.

FINDING, by the Slave-trade Convention between His Britannick Majesty and His Majesty the Emperor of Brazil, signed by your Excellency on the 18th October last*, that the Stipulations relative to the treatment of emancipated Negroes are similar to those contained in the late Convention with Portugal, under which we have been acting, we feel it to be a duty incumbent upon us to state to your Excellency, that some abuses and malversations in that particular have, of late, come within our observation, to enable your Excellency, if you should think fit, to draw the attention of His Imperial Majesty's Government to the provisions contained in the 5th Article of the Alvarà of the 26th January, 1818, with a view of rectifying the existing perversion of them.

Report says, that many of the emancipated Negroes have been sold as Slaves: of this we have no proof; but, since those who hired them have never been called upon to produce them before any competent Authority, such abuse is practicable.

* Not subsequently ratified.

The majority of the Negroes who have been emancipated by the Mixed Commission were hired out to Individuals, who were to support, clothe, and instruct them, and pay a certain sum annually, which sum was to be deposited in a coffer with three keys, one to be kept by the Juiz da Camarca, another by the Curador, and a third by a Treasurer; and, at the expiration of the fixed term of the Free Negroes' servitude, the balance was to be distributed among them. It is in this department, Sir, that investigation is more especially necessary, as the Treasurer takes no steps to collect annually the amount due for the Negroes' services; and we have certain information that Manoel Joaqm. Gliz. de Magelloens, the Curador, has gone about with a List, as complete as he could make it, of those who are in possession of the Negroes hired out, whose interests and comforts he is especially appointed to watch, and has received the amount due, giving a receipt in his own name; which amount the Treasurer declares he has never received, and that the Curador had no authority from him to collect any money on account of the emancipated Negroes.

This is an abuse which your Excellency will perceive requires to be checked, and investigation on the part of His Imperial Majesty's Government may possibly throw light upon others, which are not within our reach. We have the honour to be, &c.

HENRY HAYNE.

The Rt. Hon. Sir Ch. Stuart, G.C.B.

ALEX. CUNNINGHAM.

No. 96.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. April 10.)
SIR, *Rio de Janeiro, January 10, 1826.*

AGREEABLY to your Instructions, to forward to you Half-Yearly Reports of the Cases which are brought to us for Adjudication, we have the honour to inform you, that no Case has been laid before us since our Report of July last. We have the honour to be, &c.

HENRY HAYNE.

The Right Hon. Georg. Canning.

ALEX. CUNNINGHAM.

No. 97.—*Mr. Secy. Canning to His Majesty's Commissioners.*
GENTLEMEN, *Foreign Office, May 16, 1826.*

I HAVE received your Despatch of the 30th of December last, suggesting some Regulations for the amelioration of the treatment of emancipated Slaves.

I cordially concur in the object of these suggestions. I beg that you will take an early opportunity of conferring upon the point with your Brazilian Colleagues, and of making a joint representation on the subject, through the proper Channel, to the Brazilian Government.

You will press upon the Ministers of Brazil the adoption of Regulations better suited than the present appear to be, to their beneficent purpose; and, whenever such Regulations shall have been adopted,

you will have the goodness to give to the due execution of the new System the benefit of your superintendence, reporting to me, from time to time, the result thereof. I am, &c.

His Majesty's Commissioners.

GEORGE CANNING.

No. 98.—*His Majesty's Comm^{rs}. to Mr. Sec^y. Canning.*—(Rec. Nov. 28.)

SIR,

Rio de Janeiro, July 30, 1826.

WE have the honour to acknowledge the receipt, on the 20th ultimo, of two Copies of Papers, marked A and B, relative to the Slave-trade, which were presented to both Houses of Parliament in the course of the last Session. We have the honour to be, &c.

HENRY HAYNE.

The Right Hon. George Canning.

ALEX. CUNNINGHAM.

No. 99.—*His Majesty's Comm^{rs}. to Mr. Sec^y. Canning.*—(Rec. Nov. 28.)

SIR,

Rio de Janeiro, August 1, 1826.

WE have the honour to inform you, that, during the Half Year, ending on the 1st of July last, no Slave-vessel was brought in here for Adjudication.

We were unable to forward this Report at the usual time, owing to Mr. Hayne's being, at that period, dangerously ill of an inflammatory bilious fever; and Mr. Cunningham laid up, in consequence of a severe fall from his horse; but we are happy to say that we are now both convalescent; and have the honour to be, &c.

HENRY HAYNE.

The Right Hon. George Canning.

ALEX. CUNNINGHAM.

No. 100.—*Henry Hayne, Esq. to Mr. Sec^y. Canning.*—(Rec. Dec. 16.)

SIR,

Rio de Janeiro, October 26, 1826.

IT is with great regret that I feel myself under the necessity of earnestly soliciting your kind interposition, to obtain for me His Majesty's gracious permission to return to England, for the purpose of re-establishing my health, which has of late suffered materially from the effects of the Climate.

I am at this moment in a great state of debility, the effects of a relapse, after only six weeks convalescence from my late serious illness.

I had hoped that I should have been able to have remained at my Post until the final abolition of the Slave-trade in this Country, which I still do not altogether despair of accomplishing, provided the change of air to the neighbouring Mountains answers the desired end; and it is only on its failure, and its being deemed highly expedient by the Faculty for me to remove to another Climate, that I should think of availing myself of the leave of absence I now solicit.

On this plea, Sir, may I entreat that such conditional leave may be forwarded to me, as will warrant my quitting my Post for the recovery of my health. I have the honour to be, &c.

The Right Hon. George Canning.

HENRY HAYNE.

No. 101.—*Joseph Planta, Jun. Esq. to Henry Hayne, Esq.*

SIR,

Foreign Office, December 16, 1826.

MR. SECRETARY CANNING has received your Letter of the 26th of October, 1826, and I am directed by him to state to you, that under the circumstances which you mention, with respect to your health, Mr. Canning consents to your having a conditional leave to return to England for a period of 6 Months, if the state of your health should absolutely require it.

You are aware that your Salary will be diminished by one half during your absence, and that the period of your absence cannot be counted as "actual service at your Post," in consideration of which a Pension may eventually be granted to you. I am, &c.

Henry Hayne, Esq.

JOSEPH PLANTA, JUN.

No. 102.—*Mr. Secy. Canning to His Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, December 30, 1826.

YOUR several Despatches, to the 26th of October last inclusive, have been duly received. I am, &c.

His Majesty's Commissioners.

GEORGE CANNING.

SURINAM.

No. 103.—*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, March 13, 1826.

WITH reference to the Treaty with The Netherlands, for the prevention of the Slave-trade, I have to acquaint you, that, by a Communication received this day from the Admiralty, it appears that the Instructions referred to in the said Treaty have been issued to the following Ships and Vessels of His Majesty's Navy:

Names.	Guns.	Commanders.
<i>Hussar</i>	46.....	G. Harris.
<i>Brazen</i>	26.....	G. W. Willes.
<i>Primrose</i>	18.....	Oct. V. Vernon.
<i>Redwing</i>	18.....	D. C. Clavering.
<i>Dispatch</i>	18.....	Robt. W. Parsons.
<i>Ferret</i>	10.....	Wm. Hobson.
<i>Conflict</i>	12.....	Lieut. J. Chrystie.

And that the Instructions which had been issued to His Majesty's Ships *Pyramus*, *Ariadne*, *Bann*, *Victor*, *Ringdove*, and *Grecian*, have been recalled and cancelled.

I am, &c.

His Majesty's Commissioners.

GEORGE CANNING.

No. 104.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. April 21.)

SIR,

Surinam, January 18, 1826.

IN reference to the Correspondence reported in Class B. of the Papers laid before Parliament for the Year 1825, on the subject of the insufficiency of the Dutch Naval Force on this Station to prevent the fraudulent importation of Slaves, and the promise therein expressed by the Minister of His Netherlands Majesty, that measures should be adopted in order constantly to maintain at Surinam a Cruizer, in aid of one of the Dutch Ships-of-War stationed in the West Indies, we feel it our duty to acquaint you, that there has been no Dutch Vessel-of-War here of any description since the 3d of July last, when the *Mercure* Brig (Captain Muller) left this Port for Curaçoa, and that we still continue without one, notwithstanding the frequent prevalence of reports of Slave-ships being off the Coast, and effecting illicit debarkations, but of which it is almost impossible to obtain any conclusive evidence.

We have, &c.

CHRIS. EDW. LEFROY.

The Right Hon. George Canning.

J. H. LANCE.

! No. 105.—*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, June 28, 1826.

I TRANSMITTED your Despatch of the 18th of January last, on the want of Dutch Cruizers at Surinam, to His Majesty's Ambassador in The Netherlands, with Instructions to represent to The Netherlands Government the circumstances stated in your Communication, and I now send to you the Copy of the Answer from The Netherlands Minister*, by which it appears that, since the month of February last, the Dutch Brig-of-War *De Valk* has been cruising upon that Station; and that measures have been taken to ensure in future the regular performance of this Service.

I am, &c.

His Majesty's Commissioners.

GEORGE CANNING.

No. 106.—*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, July 8, 1826.

I SEND to you, for the information of yourselves, and of the other Gentlemen composing the Board of Commission whereof you are Members, the accompanying Copy of a Note which I have received from His Netherlands Majesty's Chargé d'Affaires at this Court, by which it appears that The Netherlands Brig-of-War *Panther*, destined

* See Class B.

for the West Indies, will be furnished with a Copy of the Treaty of the 4th May, 1818, and the Documents annexed thereto, for the suppression of the Traffick in Slaves. I am, &c.

His Majesty's Commissioners.

GEORGE CANNING.

No. 107.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. July 15.)

SIR,

Surinam, May 15, 1826.

WE have the honour to acknowledge the receipt of your Despatch, dated March 13, 1826, acquainting us, that the Instructions referred to in the Treaty with The Netherlands, for the prevention of the Slave-trade, have been issued to the following Ships and Vessels of His Majesty's Navy :

Names.	Guns.	Commanders.
<i>Hussar</i>	46.....	G. Harris.
<i>Brazen</i>	26.....	G. W. Willes.
<i>Primrose</i>	18.....	Oct. V. Vernon.
<i>Redwing</i>	18.....	D. C. Clavering.
<i>Dispatch</i>	18.....	R. W. Parsons.
<i>Ferret</i>	10.....	W. Hobson.
<i>Conflict</i>	12.....	Lieut. J. Chrystie.

And that the Instructions which had been issued to His Majesty's Ships *Pyramus, Ariadne, Bann, Victor, Ringdove, and Grecian*, have been recalled and cancelled. We have, &c.

CHRIS. EDW. LEFROY.

The Right Hon. George Canning.

J. H. LANCE.

No. 108.—*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, December 5, 1826.

I HAVE to acquaint you, for your information, and that of the other Gentlemen composing the Mixed Board of Commission, of which you are Members, that it appears, by a Communication from the Admiralty, under date of the 25th ult. that the Instructions referred to in the Treaty between Great Britain and The Netherlands, for the suppression of the Slave-trade, have been issued to the following Ships and Vessels of His Majesty's Navy :

Names.	Guns.	Commanders.
<i>Druid</i>	46.....	Lieut. Chambers.
<i>North Star</i>	28.....	Capt. Arabin.
<i>Scylla</i>	18.....	Wm. Hobson.
<i>Pylades</i>	18.....	G. V. Jackson.

And that those Instructions have been recalled and cancelled which had been issued to His Majesty's Ships *Hussar, Dartmouth, Dispatch, Ferret, and Swinger*. I am, &c.

His Majesty's Commissioners.

GEORGE CANNING.

No. 109.—*His Majesty's Comm^r. to Mr. Sec^y. Canning.*—(Rec. Dec. 18.)
(Extract.) *Surinam, September 22, 1826.*

WE have the honour to acknowledge the receipt of your Despatch, dated May 6, 1826, accompanied by the Papers marked A and B, relative to the Slave-trade, which were presented to both Houses of Parliament by His Majesty's Command, in the course of the last Session.

CHRIS. EDW. LEFROY.

The Right Hon. George Canning.

J. H. LANCE.

No. 110.—*His Majesty's Comm^r. to Mr. Sec^y. Canning.*—(Rec. Dec. 18.)
SIR, *Surinam, September 25, 1826.*

WE beg leave to enclose, for your perusal, three Publick Documents, regarding the Registration of Slaves in this Colony, with which we have been favoured by His Excellency the Governor, Numbered 1, 2, and 3, with their respective Translations, of which the following is a summary :

No. 1, is a Publication of His Excellency, dated the 19th April, 1826, for the purpose of putting in force a Decree of His Majesty the King of The Netherlands, dated 4th January, 1826, whereby it is decreed :

Art. I. That the present Registers shall be enlarged by an additional column, in which the increase and decrease of all Slaves is to be noted.

Art. II. Every Proprietor to give in, upon oath, a written Declaration of every increase and decrease of his Slaves.

Art. III. The same to be given in within 3 days in Paramaribo, and within 14 days elsewhere, after they respectively happen.

Art. IV. In default of so doing a Penalty is incurred of from 100 to 500 guilders.

Art. V. In the increase or decrease of the Slaves of any Person, by sale or purchase, the Declaration to contain the names of both Vender and Purchaser.

Art. VI. A Receipt to be given by the Publick Officer on the fulfilling of Articles II. and IX.

Art. VII. The aforesaid Declarations, as soon as given in, to be noted in the additional column of the Yearly Registers, designated in Article I.

Art. VIII. In case of increase or decrease of hired Slaves, the Person hiring must give notice to the Owner, within 24 hours, if both reside in Paramaribo, and within 8 days, if both, or either of them, reside elsewhere, under a Penalty of 25 guilders for each day's neglect.

Art. IX. A written Declaration of all Bonds, or other Instruments affecting Slaves, to be given in at the Capitation Tax Office, under pain of being held void.

Art. X. No name not known at the Capitation Tax Office to be accepted without 2 known Securities, who shall be personally answerable for the contents of the Declaration, on neglect of which regulation the Registrar to be personally answerable.

Art. XI. No Publick Officer to pass or execute any Deed, without ascertaining that the Slaves thereby affected are registered, under pain of dismissal from his Office, and the Act being void.

Art. XII. and XIII. No Slaves to be sold or hired out at Publick Vendue without an extract from the Registers, under pain of the Vendue-Master being dismissed from his Office.

Art. XIV. No Slave to be freed, unless registered.

Art. XV. No Sentence to be passed, or Decision made, by any Publick Authority, without ascertaining that the Slaves thereby affected are registered, under pain of such Decision being held void.

Art. XVI. The Fiscal to have the superintendence of the Registry Office.

Art. XVII. On discovery of any fraud, the offenders to be dealt with according to Article VI. of the Decree of 18th August, 1823.

Art. XVIII. When any thing appears unsatisfactory, the Owner to be summoned.

Art. XIX. If convicted, the Slaves are forfeited to the Government, and the Owner dealt with according to Article IV.

Art. XX. If not able to pay a fine, he is to be imprisoned from 1 to 6 months.

Art. XXI. These alterations not to affect the Publication of the 18th August, 1823, concerning the Capitation Tax.

Art. XXII. All Articles affecting Owners to be applicable to their Attornies.

Art. XXIII. Extracts from the Registers to be furnished to every Person requesting the same, on payment of the Stamp-duty, and f10. if the number of Slaves therein mentioned be under 20, and f20. if above 20; the said fees to be for the benefit of the Registrar.

Art. XXIV. A Registrar to be appointed.

Art. XXV. He can neither own nor administer Estates.

Art. XXVI. He is bound, under pain of dismissal, to give notice to the Fiscal of all frauds or neglects, or even suspicion thereof.

Art. XXVII. He must attend at his Office from 8 to 11 A. M., and from 2 to 4 P. M., every day, Sundays and Holydays excepted, and he must be under the controul of the Book-keeper-General.

Art. XXVIII. When the Registrar is by any cause detained from his Office, the Book-keeper-General, with the Governor's sanction, to appoint a Person to officiate.

Art. XXIX. The Book-keeper-General to examine, verify, sign, and close the Registers at the end of every Year.

Art. XXX. The Inhabitants of Nickerie to give in their Returns

within 3 days to the Landrost, or Drost of that District, who is to forward them by the first opportunity to the Book-keeper-General.

Art. XXXI. One third of all fines to go to the Colony Chest, one third to the Fiscal's Office, and one third to the Registrar.

Art. XXXII. This Decree to be in force from the 1st of this month, and Returns of every increase and decrease of Slaves, from that time to the day the Lists are given in, to be made within 14 days for Paramaribo, and within 1 month for the other parts of the Colony, to be reckoned from the Publication of the Decree.

Here follows a Description of the Forms.

No. 2, is a Publication of His Excellency the Governor, dated the 5th May, 1826, and made for the purpose of extending the Limitations of Articles III. XXX. and XXXII. of the above Decree, by,

1st. Allowing to the end of July to prepare the Registers.

2d. The 14 days and 1 month mentioned in Article XXXII. to be reckoned from the 1st of August, 1826.

3d. The 14 days mentioned in Article III. are extended to 1 month for giving in Returns for elsewhere than in Paramaribo.

4th. The 3 days mentioned in Article XXX. are extended to 14 days, for the Inhabitants of Nickerie to make their Returns.

5th. Certificates from the Capitation Tax Office to serve in place of extracts from the Registers, till the 31st July, 1826.

No. 3, is a Publication of His Excellency the Governor, dated the 19th April, 1826, whereby a Registrar is appointed with a fixed Salary of 12,000 guilders, Surinam Currency, in place of the fees mentioned in Article XXIII. which are to go into the Colonial Chest.

We hope and trust that these measures will at length put an end to that abominable Traffick against which they are directed, and which, notwithstanding all that has been done before, we have strong grounds for believing has been till very lately carried on, though on a limited scale; but the precautions taken by those interested have been so great, that we have not been able to procure evidence sufficient to justify an application on our parts to the Governor on the subject.

We have, &c.

CHRIS. EDW. LEFROY.

The Right Hon. George Canning.

J. H. LANCE.

(Enclosure 1.)—*Publication of the Governor of Surinam, 19th April, 1826.*—(Translation.)

1826.

OFFICIAL PAPER.

No. 1.

Publication.

Whereby is put into execution the King's Decree of the 4th January, 1826, No. 92, containing some further Limitations and Provisions to amplify the Registers of the Slave Population in this Colony, to serve as an efficacious curb to the Slave-trade.

We, Abraham de Veer, Knight of the Order of the Belgic Lion, Major-General in the Service of His Majesty the King of The Netherlands, Governor of the Colony of Surinam, and Commander-in-Chief over the Land and Sea Forces within the same, &c. &c. &c.

To all who shall see or hear read these Presents, greeting, be it known :

WHEREAS it has pleased His Majesty the King, by His Majesty's Decree of the 4th of January of this Year, 1826, No. 92, to make some further Limitations and Provisions to amplify the Registers of the Slave Population in this Colony, to serve as an efficacious curb to the Slave-trade.

And whereas His Excellency the Minister for the Navy and Colonies, entrusted with the execution of the said Decree, has sent us a Copy of the same in his Letter dated 24th January aforesaid, L^a. I. No. 98 | 3, with orders to adopt the most proper measures for the speedy and due execution of the Limitations thereby made :

Having heard the deliberations and advice of our confidential Court ;

We, therefore, insert the aforesaid Royal Decree in these Presents, as follows :

No. 92.—We, William, by the Grace of God, King of The Netherlands, Prince of Orange-Nassau, Grand Duke of Luxembourg, &c. &c. &c.

Considering that the Registers of the Slave Population, that are at present held in the Colony of Surinam, can be properly rendered serviceable to the efficaciously curbing of the Slave-trade, by the ordaining of some further Limitations and Provisions ;

On the Report of our Minister for the Navy and Colonies, of the 16th December last, L^a. J. No. 68.

Having seen the Joint Report of our Minister of Justice, and of the Department of Foreign Affairs of the 28 | 31 of the said month No. 67 | 22.

Having renewed the Report of our Minister for the National Industry and Colonies, of the 4th December, 1824, No. 28 | 491 ; likewise that of our Minister of Justice and of Foreign Affairs of the 29 | 31 thereunto next ensuing, L^a. P. No. 5.

Have decreed and do decree :

ART. I. The Registers that are held at the Office of the Capitation Tax, according to the Lists which, as ordained by the Publication of the Governor and Court of the 18th August, 1823, are rendered in to the said Office, of the Families and Individuals who inhabit the said Colony, and also of their proper Slaves, shall be enlarged by a column of Mutations, in order therein successively to mark the increase or decrease that may take place in the number of the Slaves since the last

Yearly List rendered in, until the date of the rendering in the ensuing List.

II. Every Owner of Slaves shall be bound and held to render in to the Office of the Capitation Tax a written Declaration, undersigned by him, and made under presentation of oath, of all increases and decreases which, after the giving in of his Yearly List to the said Office, may take place in the number of his Slaves, either by birth, death, purchase, sale, donation, exchange, or in whatsoever other manner; in which Declaration the name of the thereby denominated Slave must be distinctly expressed.

III. The declarations of all increases and decreases in the number of the Slaves, such as the same are designated in the foregoing Article, must be given in within the time of 3 days, for as much as relates to the Town of Paramaribo, and within the time of a fortnight for as far as the said changes might happen elsewhere.

IV. Every Owner who purchases, sells, gives away, or obtains by donation, a Slave, or from whose female Slave a child is born; also whose Slave dies, or to whom, in whatever manner, any increase or decrease in the number of his Slaves occurs, after or since the giving in of his last Yearly List, and who should not make Declaration thereof within the period prefixed by the foregoing Article, shall, in similar manner as is limited by Article 6 of the aforesaid Publication of the 18th August, 1823, forfeit a fine of not less than 100 guilders (f100.) and of not more than 500 guilders (f500.) unless he should prove satisfactorily to the Judge that he had no earlier notice of the increases or decreases that have taken place in the number of his Slaves after the giving in of his last Yearly List.

V. When the increase or decrease in the number of the Slaves arises from transfer of Ownership, the Declaration thereof is to contain, as well the name of the Person by whom the Slave is transferred, as that of the Person to whom he is transferred; also the nature or title of the transfer, and by default of any of these requisites, the Declarations are not to be accepted at the Office of the Capitation Tax, and are to be considered as not made.

VI. In testimony of the giving in of the Declarations required by Article 2 and Article 9 of this Decree, a due Receipt shall be given by the Publick Officer, hereafter to be designated, on which Receipt the date of the Month and the number of the Year are to be noted, not in cyphers, but in letters.

VII. As soon as the aforesaid Declarations are given in at the Office of the Capitation Tax, the contents of the same shall be noted in the Registers of the Yearly Lists, in the column of Mutations, designated by Article 1 of this Decree.

VIII. When a child is born of a female Slave during the time that she is either hired by contract, or by any other agreement bound in

the service of any other Person than her Owner, or when a Slave that, in a similar manner, is engaged in another's service, dies during that period, the hirer or holder of the same shall give notice thereof to the Owner within the time of 24 hours, if both are residing at Paramaribo, and within the time of 8 days, if both, or either of them, are residing elsewhere, under penalty of a fine of 25 guilders (f25.) for every day's neglect of so doing.

IX. A written Declaration of all Bonds affecting Slaves, whether the same be bound or mortgaged, separately or jointly, with the immoveable properties whereto they belong, and whether such bond or mortgage be made privately, or before a Notary Publick, shall be given in at the Office of the Capitation Tax, by the Party concerned, in the form prescribed by Article 2, in order that the same may be duly noted in the Registers of the Yearly Lists in the column of Mutations; and in default thereof, the same Mortgage or Bond given in favour of a third Person shall be held null and void.

X. In case in any of the Declarations, designated by the foregoing Articles, the name of any Person should appear, who is unknown in the Registers at the Office of the Capitation Tax, such a Declaration shall not be accepted, unless the same be undersigned by two Sureties, known at the said Office; and to the said signature is hereby attached this effect or consequence, that the same two Sureties are held personally answerable for the contents of the same Declaration, and for the judicial consequences thereof, and this responsibility shall devolve on the Publick Officer appointed to keep the Registers, in case he should, without having taken the above prescribed precaution, have accepted and entered in the Registers, any Declaration in which may appear any name, either of a Purchaser or of a Seller, whichever it may be, who is not known in the Registers held at the Office of the Capitation Tax; and besides the said responsibility, such correction is hereby reserved as his Superiors may judge proper to give to him on this account.

XI. It is hereby most strictly prohibited to every Publick Officer or Authority to pass or execute, or to allow the same to be passed or executed before him, any act regarding the transfer of the Ownership of Slaves under whatsoever title, or of hiring out, mortgaging or binding of Slaves, unless it fully appear that such Slave or Slaves are known in the Registers of the Lists, which must appear by the citing the number and letter of the Books, under the penalty of the same act being void; and that the Publick Officers, who shall have acted contrary to this prohibition, be dismissed from their Offices.

XII. No Slaves shall be sold at publick auction, unless it shall have appeared to the Vendue Master, from a due extract, that the same are known in the Registers of the Lists, under penalty of being deprived of his Office; and the Commissaries for the Vendues, who are

thereto appointed out of the Body of the Court of Policy, are ordered to attend most strictly hereto.

XIII. Neither shall any Slaves be publickly rented out unless it appear, from a due Extract to the Publick Officer before whom this renting out takes place, that the same are known in the Registers, under penalty that the said Publick Officer be immediately dismissed from his Office.

XIV. No regard shall be paid by the Court of Policy to any Petition, requesting to be authorized to act as Curator for a Slave, in order to petition for Letters of Freedom for the same, nor to any Petition to obtain the said Letters, unless the Petition in both cases be accompanied by an Extract to prove that the Slave, thereby concerned, is known in the Registers of the Lists.

XV. It is not allowed to any Publick Authority whatsoever to give any Appointment, Sentence, or Decision, in any case regarding the transfer of Ownership, or the hiring or binding out of Slaves, before having been convinced from a due Extract, that the same Slave or Slaves are known in the Registers of the Lists, under penalty that such decision be annulled.

XVI. It is enjoined to the Councillor Fiscal to take the utmost possible care for the strict performance of all the limitations in general contained in this Decree; in particular, he shall be obliged to look over the Registers of the Lists, in the month of March of every Year, to examine and compare the same with the Quarterly Reports of the Captains of the several Burgher Divisions, likewise with the Registers of former Years, for which purpose the Secretary of the Court shall lay before the Councillor Fiscal, when thereto required, the said Quarterly Reports in the original, upon receiving a Receipt for the same; and the Councillor Fiscal is bound to give in to the Governor a summary Report of the result of his aforesaid Investigations; over and above which is reserved to the Councillor Fiscal the power to proceed to similar overlookings, examinations, and comparisons, as often as he judges necessary.

XVII. When it has appeared to the Councillor Fiscal, either from the like overlooking, examining, or comparing, or in whatever other manner, that a Person has become Owner of 1 or more Slaves, without having ascertained that the same, at the time of the transfer of Ownership, were known in the Registers of the Slaves, unless such Person had become Owner of such Slave or Slaves, directly by way of legal importation, or also when it has therefrom appeared to the Councillor Fiscal that a Person has become Owner of a Slave without having had the Slave or Slaves transferred to his name, within the period limited by this Decree; or likewise, when from the aforesaid examining, it should appear to him that no Declaration has been made within the fixed period of the decrease that any Owner has experienced in the

number of his Slaves, he shall, although the Declaration of the former and the latter case might have been made afterwards, nevertheless always be held and bound to act against the Defaulters, by applying such punishments as are decreed by Article 6 of the aforementioned Publication of the 18th August, 1823, and which is referred to in Article 4 of our present Decree.

XVIII. If it should appear to the Councillor Fiscal, from the overlooking, examining, and comparing of the Registers, that, in the Yearly Lists, Slaves are mentioned who do not appear in the List of the foregoing Year, and of whose acquisition, nevertheless, no annotation be found in the Column of Mutations, he shall be held to make the necessary enquiry thereinto, and summon the Owner to declare in what manner he has acquired the possession of such Slave.

XIX. When, from the proceedings that, according to both the foregoing Articles, are to be instituted by the Councillor Fiscal, it should not be convincingly proved by the Owners, that such Slave or Slaves as have not been entered in the Registers of the Lists, or not been done so within the prefixed period, are born in the Colony of Surinam, or legally imported into the same, such Slave or Slaves shall be declared to be forfeited to the disposal of Government, and shall be dealt with in such manner as will be found right, without doing away with the punishments prescribed by Article 4 against the defaulting Owners.

XX. In case of total inability to pay the fine decreed by the aforementioned Publication of the 18th August, 1823, and by this Decree, the punishment for such Defaulters may be commuted for an imprisonment from 1 to 6 months, the expences of which shall be paid out of the Colony Chest, reserving, however, the right of recovering the same when the said Defaulters do at any time become able to refund the same.

XXI. Notwithstanding the new obligations laid on the Owners of Slaves by our present Decree, the Yearly Lists, prescribed by the Publication of the 18th August, 1823, do still remain as the basis of the Capitation Tax, so that the said Tax shall be due for those Slaves only that were in possession of the Owner on the 1st of January of each Year.

XXII. All the Articles of this Decree, regarding the Owners, are likewise applicable to their Attornies or Representatives, who, accordingly, in case of transgression, shall incur the same punishments as are hereby decreed against the defaulting Owners.

XXIII. To all and every one, Extracts of the Registers shall be given at their request, provided they do pay, besides the Stamp duty, 10 guilders (f10.) for the Extract, when the number of the Slaves therein mentioned be less than 20; and 20 guilders (f20.) when the

number do surpass 20 ; from this payment, however, are exempted the Publick Authorities, to whom such Extracts might be requisite in the exercise of their functions, which shall in such case be given gratis ; and further, the said fees shall be for the profit of the Publick Officer, who is to be nominated by the following Article.

XXIV. To do the work arising from this Decree, a separate Publick Officer shall be appointed and attached to the Office of the Capitation Tax : this Officer shall have to attend to the establishing, continuation, and keeping of the Registers, in the manner limited by this Decree, and shall be personally answerable therefor.

XXV. The said Officer shall not hold any administration of Estates or Grounds, nor be in any manner concerned therein.

XXVI. Though it is enjoined to the Councillor Fiscal to overlook the Registers from time to time, the aforesaid Officer shall, nevertheless, be bound, on penalty of forfeiting his Situation, to give notice to the Fiscal's Office of such fraud, or neglect, regarding this Institution, as may be discovered or even suspected by him.

XXVII. He must officiate daily for the Publick Service, from 8 to 11 in the Forenoon, and from 2 to 4 in the afternoon, Sundays and Holydays excepted, and shall furthermore regulate himself after such further Instructions as shall be given to him by the Councillor Controller of the Finances, under whose superintendence he is placed.

XXVIII. In case of any impediment, whereby he might for a lesser or longer time be detained from his functions, the Councillor Controller of the Finances shall, under the approbation of the Governor, appoint another Functionary attached to the Department of the Finances.

XXIX. The Registers of the Lists shall be quoted on the first and last page, and further be marked with the initials of the Councillor Controller of the Finances in every page, in the month of January of every Year ; the same shall likewise be verified and closed by the Councillor Controller of the Finances at the expiration of every Year.

XXX. In order to accommodate the Inhabitants of the Upper and Lower Districts of Nickerie, the same shall render in, within the time of 3 days, to the Land Drost, or to the Drost of the said Districts, the required written Declarations of all increases or decreases that may occur in the number of their Slaves since the rendering in of their Yearly Lists, which Declarations must be made out as is limited by this Decree ; and the Land Drost and Drost shall be obliged to send in the said Declarations, by the first opportunity, to the Councillor Controller of the Finances, in order to enter them into the Office of the Capitation Tax, and in the Registers.

XXXI. By alteration of what is with regard hereto ordained, by the frequently mentioned Publication of the 18th August, 1823, all

Fines arising, as well from the said Publication, as from our present Decree, shall devolve one third part thereof to the Colony Chest, one third part to the Fiscal's Office, and one third part to the Officer who has charge of the Registers.

XXXII. This Decree shall be considered to be put in force from the 1st of this month, and those concerned shall be obliged to give in Lists of all increases or decreases that have occurred in the number of their Slaves, from the 1st of this month to the day they give in these Lists, which is to be done within a fortnight, for as far as regards the Town of Paramaribo, and within a month for as far as relates to the further Part of the Colony, both to be reckoned from the day of the publication of this Decree.

And our Minister for the Navy and Colonies is charged with the execution of this Decree, and the same shall be made known to our Minister of Justice, and to the Department of Foreign Affairs.

Given at The Hague, this 4th day of January, in the Year 1826, the 13th of Our Reign.

WILLIAM.

By His Majesty's Command, J. G. DE MEY VAN STREEFKERK.

Agrees with its Original, The Greffier at the State Secretary's Office,

A true Copy, L. H. ELIAS SCHOVEL.

The Secretary-General of the Ministry for the Navy and Colonies,

QUARLES VAN UFFORD.

And we, therefore, furthermore, adhering to the limitations of the Publication of the Governor and Court of the 18th August, 1823, Official Paper No. 5, have ordained the Five Forms of Declarations hereafter mentioned, to be observed by all and every one at the giving in of their Declarations, according to the tenour of His Majesty's aforewritten Decree, for which end the said Forms shall be obtainable at the Office of the Capitation Tax, viz :—

1. Form of declaring the Birth of Slaves.
2. Form of declaring the Death of Slaves.
3. Form of declaring the Increase of one's Slaves, arising from purchase or any other title.
4. Form of declaring the Decrease of one's Slaves, arising from sale or any other title.
5. Form of declaring the Pledging of Slaves.

And do Command and Order that these Presents shall be duly published, affixed, inserted in the Official Papers, and in the Newspapers of this Colony, and also sent round through the different Divisions and Districts of this Colony, from Plantation to Plantation, and be made generally known by these means, in order that every one do regulate himself hereafter: And we do, in the Name of His Majesty the King, forbid the transgression of His Majesty's aforewritten Laws within this

Colony, under the penalties therein mentioned, the execution whereof shall be strictly and severely attended to.

Done at Paramaribo, in the Colony of Surinam, the 19th of April, in the Year 1826, the 13th of His Majesty's Reign. DE VEER.

By His Excellency's Command,

The Secretary of Government, J. G. RINGELING.

Published the 21st next ensuing,

The Secretary of Government, J. G. RINGELING.

Translated from the Official Paper issued and published in this Colony, J. G. RINGELING,

Paramaribo, the 31st July, 1826.

Sworn Translator.

No. 129. Seen for legalisation of the Signature of J. G. Ringeling, Esq. sworn Translator in this Colony.

The Major-General, Governor of Surinam,

Paramaribo, the 31st July, 1826.

DE VEER.

By His Excellency's Command,

The Secretary of Government, J. G. RINGELING.

(Enclosure 2.)—*Publication of the Governor of Surinam, 5th May, 1826.*

(Translation.)

1826.

OFFICIAL PAPER.

No. 2.

Publication.

Whereby are extended Article 32, also Articles 3 and 30, of the Decree of His Majesty the King, of the 4th of January, 1826, No. 92, regarding the Registers of the Slave Population in this Colony, put in force by the Publication contained in the Official Paper of this Year, No. 1.

We, Abraham de Veer, Knight of the Order of the Belgic Lion, Major-General in the Service of His Majesty the King of The Netherlands, Governor of the Colony of Surinam, and Commander-in-Chief over the Land and Sea Forces within the same, &c. &c. &c.

To all who shall see or hear read these Presents, greeting, be it known :

WHEREAS experience has taught that a longer period than that which has been hereto prefixed, is required to establish and keep the Registers of the Slave Population amplified with a column of Mutations, and, through those means, duly to execute the limitations of the Decree of His Majesty the King, dated 4th of January of this Year, No. 92, published in this Colony on the 21st of April last, and contained in the Official Paper of this Year, No. 1, and further to continue the same by the booking of the Mutations that have occurred from the 1st of January of this Year, and will occur in future, as is prescribed to be done by the limitations of His Majesty's said Decree; likewise, that longer periods must be granted for the sending in of the Declarations from Plantations, in order not to expose the Planter to the loss of

the labour of his able workmen, through the necessity of sending, at every occasion, Boats to Paramaribo to carry over the said Declarations.

And whereas, by virtue of the Order given to us by His Excellency the Minister, by his Letter of the 24th of January last, No. 98 | 3, to adopt the most proper measures for the due, as well as for the speedy, execution of the Limitations made by the aforesaid Royal Decree, we have, with the advice of our confidential Court, resolved to provide for the aforewritten impediment by means of further limitations, to the best effect.

Therefore, we do amplify and extend the Limitations of Article 32 in particular, and also of Article 3, and of Article 30, of the said Decree, and accordingly do ordain as follows :

Art. I. To establish the Registers of the Slave Population, amplified with a column of Mutations, as prescribed by the King's Decree of the 4th of January, 1826, No. 92, and the writing of the said Registers, time is allowed to the last of the Month of July of this Year to the Officer appointed for the said Registers, to whom two Assistants are added ; and the said Registers must be in readiness at that time.

II. The period of 14 days and of a month, within which, according to Article 32 of the aforesaid Royal Decree, the Declarations are prescribed to be done, of all increases and decreases occurred in the number of the Slaves, from the 1st of January of this Year to the day of the giving in of the Declaration, shall be reckoned to begin with the 1st of the month of August of this Year ; and the said Declarations must be given in to the Registration Office within the first 14 days, as for Paramaribo, and before the last day of that month, as for Plantations ; and all Declarations of each Deponent must be contained in one Document, according to the forms prescribed.

III. A period of a month is, by extension, granted, instead of 14 days, to give in the Declarations ordained by Article 3 of the Decree, from elsewhere than Paramaribo ; it being, however, understood, that such Declarations shall contain all the Mutations that have occurred from the first to the last of each month.

IV. A period of 14 days is granted, instead of that of 3 days, stipulated by Article 30 of the Decree, to the giving in of the Declarations by the Inhabitants of the Upper and Lower Districts of Nickerie, to the Land-Drost, and to the Drost of the said Districts ; this, however, only for as far as the said Inhabitants reside on Plantations.

V. In the Cases stated in Articles 11, 12, 13, 14, and 15, of the said Decree, wherein Extracts of the Registers are required, it will, during the intercourse or interlapse from the publication of the Decree on the 21st of April last to the 31st of the month of July next, inclusive, suffice to produce Certificates of the Office of the Capitation

Tax to prove that the Slave or Slaves thereby concerned is or are known on the Yearly Lists.

And for the rest, all the Limitations of His Majesty's aforesaid Decree remain in full force and effect.

And we do ordain and command that these Presents be duly published, affixed, inserted in the Official Papers, and in the Newspapers of this Colony; also, that Copies of the same be sent to circulate from Plantation to Plantation, through the several Divisions and Districts of this Colony, and be made generally known, through these means, that every Person do conform to the same.

Done at Paramaribo, in the Colony of Surinam, the 5th of May, in the Year 1826, the 13th of His Majesty's reign. DE VEER.

By command of His Excellency the Secretary of Government,

J. G. RINGELING.

Published on the 6th thereunto next ensuing.

The Secretary of Government, J. G. RINGELING.

Translated from the printed Copies issued in this Colony of Surinam.

Paramaribo, the 1st of August, 1826.

J. G. RINGELING,

Sworn Translator.

(*Enclosure 3.*)—*Publication of the Governor of Surinam.*—(Translation.)

Paramaribo, Wednesday, the 19th April, 1826.—No. 80.

N.B. It is hereby requested, that, at the citing of these Presents, the Date and Number of the same be likewise punctually mentioned.

We, Abraham de Veer, Knight of the Order of the Belgic Lion, Major-General in the Service of His Majesty the King of The Netherlands, Governor of the Colony of Surinam, and Commander-in-Chief over the Land and Sea Forces within the same, &c. &c. &c.

HAVING read the Letter, dated 24th January of this Year, Littera J. No. 98 | 3, of His Excellency the Minister for the Navy and Colonies, wherein His Excellency encloses to us a Copy of the Decree of His Majesty the King, dated the 4th of the said month of January, No. 92, by which it has pleased His Majesty to make some further Limitations and Provisions to amplify the Slave Registers in this Colony, in order to serve as an efficacious curb against the Slave-trade, and further, His Excellency, as being entrusted with the execution of the said Decree, empowers us to adopt the most proper measures for the speedy and due execution of the Limitations therein contained, and furthermore, His Excellency, as empowered by His Majesty, authorizes us to fix and appoint a Salary for the Publick Officer, designated in Articles 23, 24, and 25, of His Majesty's Decree, and who is to be nominated by us to do the work arising from the said Decree, a minimum of the fees, which

said Functionary has to demand and receive for his profit, according to the tenour of the said Article 23, on which said minimum accordingly he might reckon and rely as a stated income ; and with regard whereto His Excellency the Minister will expect our Report and Proposal, in order to solicit His Majesty's sanction thereon :

Having heard the deliberations and advice of our confidential Court ; Have found proper and resolved :

In fulfilment of the aforesaid Ministerial Order, and to the putting into effect of the aforesaid Decree of His Majesty, dated 4th January of this Year, No. 92, to issue and execute the following Publication, as its tenour purports ;

(F. J.)

[See the Official Paper of this Year, No. 1.]

Under higher sanction, by alteration of the Clause of Article 23 of the aforesaid Royal Decree ; to order, as we do by these Presents, that the fees designated and alluded to by the said Article shall be held to the profit of, and paid to the Publick Treasury in this Colony, and that instead thereof, a stated Salary shall be appointed and allowed to the Publick Officer, who, according to Article 24 of the Decree, is to be nominated to do the work of the Registers, on which stated Salary the same might reckon and rely as a stated income, over and above which the one third part of all fines to be incurred and arising from His Majesty's said Decree, as well as from the Publication of the Governor and Court of the 18th August, 1823, contained in the official Paper of that Year, No. 5, remains allowed to the said Functionary in pursuance of Article 31 of the said Decree ;

To nominate and appoint, as we do nominate and appoint by these Presents, A. A. Boers, Esq. at present Archivist at the Secretary's Office of the Court of Policy and Criminal Justice of this Colony, as Publick Officer, to do the work of the said Registers, according to the Limitations of the said Decree, on a fixed Salary of 12,000 Guilders, Surinam currency, yearly, to be reckoned from the 21st of this month ; also on the one-third part of the afore-mentioned eventual fines ; and the said A. A. Boers shall accordingly resign the said Office of Archivist, and the Yearly Salary of 4,000 Guilders, Surinam currency, thereunto attached, shall cease with the 20th of this month ;

To cause Copies of these Presents to be sent to all the competent Authorities, with Conductory Letters, where requisite, in order duly to execute the Limitations of these Presents, and of the afore-mentioned Publication ;

To cause a Copy hereof to be sent to the nominated Publick Officer Boers, to serve as his Commission, to whom it is hereby enjoined to be sworn to the Office upon him conferred ; also to fill and send in before the last of this month to the Board of Administration of the Peu-

sion Fund, the List or Statement in triplicate, as required by the Regulation of the said Fund.

DE VEER.

By His Excellency's command. The Secretary of Government,
J. G. RINGELING.

Agrees with the Original. The Secretary of Government,
J. G. RINGELING.

(Addressed) To the Mixed Court for the Abolition of Slave-trade, established in the Colony of Surinam. For a true Copy, the Secretary of the Mixed Court for the Abolition of Slave-trade.

G. DE VEER.

Translated from the aforesaid true Copy, written in the Dutch Language.
J. G. RINGELING, Sworn Translator.
Paramaribo, the 31st July, 1826.

No. 111.—*J. H. Lance, Esq. to Mr. Secy. Canning.—(Rec. Dec. 18.)*
SIR, *Surinam, September 25, 1826.*

HAVING in the last dry season experienced a very severe attack of sickness, from the effects of which I am not yet perfectly recovered, and a change to a colder climate being recommended to me by my Medical advisers, I should feel most sensibly obliged, if you, Sir, would have the goodness to procure His Majesty's permission for me to pass a few months in England in the ensuing Year, for the purpose of re-establishing my health.

I have, &c.

The Right Hon. Georg Canning.

J. H. LANCE.

No. 112.—*His Majesty's Commr. to Mr. Secy. Canning.—(Rec. Dec. 18.)*
SIR, *Surinam, October 14, 1826.*

WE have the honour to acknowledge the receipt of your several Despatches of the present Year, dated June 28th, 1826, and July 8th, 1826, with their respective Enclosures.

We have, &c.

C. E. LEFROY.

The Right Hon. George Canning.

J. H. LANCE.

No. 113.—*Joseph Planta, Jun. Esq. to J. H. Lance, Esq.*
SIR, *Foreign Office, December 29, 1826.*

MR. SECRETARY CANNING has received your Letter of the 25th of September, 1826; and I am directed by him to state to you, that, under the circumstances which you mention, with respect to your health, Mr. Canning consents to grant you permission to return to England, in the ensuing Year, for a period of 6 months, if the state of your health should require it.

You are aware that your Salary will be diminished by one-half during your absence, and that the time during which you are absent cannot be counted in that period of "actual service at your Post," in consideration of which a Pension may eventually be granted to you.

I am, &c.

J. H. Lance, Esq.

JOSEPH PLANTA, JUN.

No. 114.—*Mr. Secretary Canning to His Majesty's Commissioners.*
GENTLEMEN, *Foreign Office, December 30, 1826.*

I HAVE received your Despatches up to the 14th of October, 1826.

His Majesty's Government have learnt with much satisfaction, the Regulations which have been adopted for the Registration of Slaves in Surinam, with a view to the more effectual suppression of any attempts which might be made to carry on an illegal Traffick in Slaves in that Country.

I send to you, for your information, the accompanying Copy of a Despatch which, by His Majesty's Command, I have addressed upon this subject to His Majesty's Ambassador at the Court of The King of The Netherlands*.

I am, &c.

His Majesty's Commissioners.

GEORGE CANNING.

* See Class B.

Class B.

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SPAIN.

No. 1.—The Right Hon. F. Lamb to Mr. Sec^y. Canning.—(Rec. May 1.)
(Extract.) *Madrid, April 22, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatches to the 25th of February, upon the Slave-trade.

All complaints on this subject are at present answered by a reference to the Orders recently transmitted to The Havannah. The Duke of Infantado declares his hope and belief, that these will be fully executed; and asserts the continuation of the determination of His Catholic Majesty to co-operate effectually in putting down this Traffick.

It has lately been represented to me, that Vessels have been fitted out at Cadiz, for the purpose of trading for Slaves on the Coast of Africa; but I have been deterred from speaking upon the subject to the Duke of Infantado, by the knowledge that their equipment was completed at Gibraltar. In confirmation of this, I enclose a Copy of a Letter from His Majesty's Consul at Cadiz to General Don.

The Right Hon. George Canning.

F. LAMB.

(Enclosure.)—J. M. Brackenbury, Esq. to the Lieut.-Governor of Gibraltar.

SIR, *British Consulate, Cadiz, February 23, 1826.*

I HAVE but a moment to save the Post, and must therefore briefly state, that, if your Excellency will be pleased to cause enquiry, whether a Vessel called the *Cantabro* be now in the Port of Gibraltar, you will find that she is completing her Outfit for a Slave Adventure.

She sails under French Colours, and belongs to a wealthy Merchant in this City, named Joaquim de Trueba.

Policies of Insurance are this day underwriting upon that Vessel; the risk from Gibraltar to the Coast of Africa, thence with a Cargo of Slaves to Cuba.

Your Excellency, upon this information, will, I presume, have no difficulty in causing search to be made.

The last Voyage which the *Cantabro* made was very quick, and very profitable to the Owner. So rapidly does she sail, that, having fallen in with one of our Cruizers on the Coast of Africa, with a Cargo of Slaves on board, she sailed her out of sight in a few hours. This fact was stated as an inducement to the Underwriters for the present voyage.

I have, &c.

H. E. General Sir George Don, Bart. J. M. BRACKENBURY.

No. 2.—*The Right Hon. F. Lamb to Mr. Secy. Canning.*—(Rec. May 1.)
(Extract.) *Madrid, April 22, 1826.*

AFTER the receipt of your Despatch upon the subject, I took an early opportunity of proposing to the Duke of Infantado, the removal of the Mixed Commission from Sierra Leone to the Island of Fernando Po. Having succeeded in disposing him favourably to the measure, I wrote to him upon the subject, and have the honour to enclose Copies of my Note, and of his Answer.

This not appearing to me sufficiently explicit, I applied to him on the 17th of April, before which day I had been unable to see him, after the receipt of his Note, to learn from whom he expected the further circumstantial details which he demands; and whether he thought of employing any Persons to procure them. He answered, that he did not; and that he expected them from the British Government: I then enquired to what points these details related, whether to the agreements to be made with the Inhabitants, and to the possibility of erecting habitations; remarking, that the practicability of these arrangements could only be ascertained by their execution. He replied, that these were the points to which his Note adverted, and that whenever I could notify to him that the Commission could be lodged on the Island, His Catholick Majesty would name a Commissioner to proceed there.

I then enquired whether, if my Government should wish it, he would give me these explanations in writing: he professed his readiness to do so.

The Right Hon. George Canning.

F. LAMB.

(Enclosure 1.)—*The Right Hon. F. Lamb to the Duke of Infantado.*
Madrid, February 12, 1826.

THE Undersigned, &c. is directed to state to His Excellency the Duke of Infantado, His Catholick Majesty's Principal Secretary of State,

that his Government has given due attention to the Remonstrances which have been repeatedly made by the Courts of Madrid and Lisbon, against the unhealthiness of Sierra Leone, as the Seat of the Mixed Commissions for the Suppression of the Slave-trade.

The provision of the Treaties is, that one only of each Commission shall sit within the Dominions of Spain and Portugal, the other within those of His Majesty. The British Government has hitherto objected to the Proposals which have been made for the removal of the Commission to some more salutary Residence, only because the Places proposed to be substituted have been always under the dominion, and in the actual occupation, of one or other of the Powers proposing the change.

One Spot has at length been pointed out, which is not liable to this objection: the Island of Fernando Po, in Latitude 3. 30. North, Longitude 8. 0. East, and wholly without any European Occupation. It is situated in the heart of the Slave-trade, its Climate is salubrious, and the Soil sufficiently fertile. There is reason to believe, that, by an amicable arrangement with the Natives (the only Inhabitants now upon the Island), some Situation, fitted for the reception of the Mixed Commission, may be peaceably occupied; and, if the Spanish Government concur in the suggestion, Great Britain will take upon herself the expence of their convenient Establishment. The Undersigned, &c.

His Excellency the Duke of Infantado.

F. LAMB.

(Enclosure 2.)—*The Duke of Infantado to the Right Hon. F. Lamb.*
(Translation.)

HONOURED SIR,

Palace, April 3, 1826.

I HAVE communicated to His Majesty the King, my Master, the contents of the Note which you were pleased to address to me on the 12th of last month, relative to the Plan of transferring the Mixed Commission established at Sierra Leone, for adjudging such Cases as might arise in consequence of the Treaty, concluded in 1817, respecting the Abolition of the Slave-trade, to the Island of Fernando Po, as being a Quarter more salubrious than the above, and situated in a central point of the Traffick. In reference to this Plan, and to others in connection with it, proposed by the English Government, His Majesty is only waiting for detailed Information as to the possibility of realising the plan in question, before he accedes to the Proposal which forms the subject of your Note. In the mean time, I avail myself, &c.

THE DUKE OF INFANTADO.

The Minister of His Britannick Majesty.

No. 3.—*Mr. Secretary Canning to the Right Hon. F. Lamb.*

SIR,

Foreign Office, May 6, 1826.

I HEREWITH transmit to you, for your information, a Copy 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.

The Right Hon. F. Lamb.

I am, &c.

GEORGE CANNING.

No. 4.—Mr. Secretary Canning to the Right Hon. F. Lamb.

SIR,

Foreign Office, May 31, 1826.

I SEND to you the Copies of 3 Despatches which I have received from His Majesty's Commissioners at The Havannah, dated the 22d of February, and the 16th and 23d of March*, reporting the circumstances under which the Spanish Brigantines, *Magico* and *Orestes*, have been found on the Coast of Cuba, laden with Slaves from Africa.

The Spanish Government cannot fail to feel painful regret at the cruel conduct evinced towards these unfortunate Negroes, by Subjects of His Catholick Majesty; and will, I hope, be induced to submit, without further delay, for the Signature of the King of Spain, the Additional Article referred to you in my Despatch of this Series of the 31st of January, the execution of which is calculated, more than any measure hitherto devised, to prevent similar atrocities.

I am, &c.

The Right Hon. F. Lamb.

GEORGE CANNING.

No. 5.—Mr. Secretary Canning to the Right Hon. F. Lamb.

SIR,

Foreign Office, June 30, 1826.

By the enclosed Copy of a Despatch from His Majesty's Commissioners at The Havannah, dated the 15th April last†, it appears that a Royal Order of His Catholick Majesty has been published in the Island of Cuba, couched in the spirit, and to the purport, of the Decree which the Duke del Infantado announced to you as about to be passed, for the more effectual restriction of African Slave-trade Transactions connected with that Island.

You will express to the Duke del Infantado the satisfaction with which His Majesty's Government have seen this fulfilment of the expectation held out to you.]

I am, &c.

The Right Hon. F. Lamb.

GEORGE CANNING.

No. 6.—The Right Hon. F. Lamb to Mr. Secy. Canning.—(Rec. July 17.)

SIR,

Madrid, July 3, 1826.

IN compliance with the Instructions conveyed in your Despatch, dated the 31st May, I have addressed to the Duke of Infantado the Note, of which the enclosed is a Copy. I have, &c.

The Right Hon. George Canning.

F. LAMB.

* See Class A, No. 63, 65, and 66, Pages 147, 156, 157.

† See Class A, No. 69, Page 166.

(*Enclosure.*)—*The Right Hon. F. Lamb to the Duke of Infantado.*

Madrid, July 2, 1826.

THE Undersigned has the honour to transmit to His Excellency the Duke of Infantado, Copies of Despatches, with several Enclosures, which have lately been received from His Majesty's Commissioners at The Havannah, reporting the circumstances under which the Spanish Brigantines, *Magico* and *Orcstes*, have been found on the Coast of Cuba, laden with Slaves from Africa.

Both these Vessels have been condemned by the Mixed Commission; and the facts which have come to light on the Trials completely justify the Statements which have been made, on former occasions, to the Government of His Catholick Majesty, as to the mode in which the Trade in Slaves is carried on. They also tend to show, that even the Measures lately adopted for the prevention of this Traffick will fail of success, unless a greater discretionary power be given to the Cruizers of the two Nations, for the examination and detention of Slave-vessels, in Cases where no direct proof exists of the nature of their pursuits.

It appears from the Evidence given before the Mixed Commission, that it is the practice of Vessels engaged in this Traffick, to clear out for some Port on the Coast of Africa, providing themselves with regular Papers at The Havannah, for the purposes of legitimate Trade; that, on arriving at their destination, they do not embark any part of the cargoes until the whole number of Slaves they require is complete. While these are collecting, they remain upon the Coast, during which time it frequently happens that they are visited by His Majesty's Cruizers (as occurred in the Case of the *Orcstes*,) but having no Slaves on board, cannot be detained. When they are ready, they take advantage of the first favourable opportunity for embarking, at once, their whole cargo (an operation which requires only a few hours,) and immediately run across, disembark them at the first convenient landing-place, and return to Port in ballast.

Unless, therefore, one of these Vessels happens, accidentally, to fall in with a Ship of War on her voyage home, which probably does not happen in above one instance in ten, there is little chance of detection. All the Securities required against the employment of Ships in this Trade, and all the Regulations made with a view of ascertaining the real objects of their voyages, must prove abortive, while these means of evasion remain unprovided against.

It is obvious, therefore, that, under these circumstances, the greatest benefit would result from the Government of His Catholick Majesty consenting to the signature of the Additional Article, which the Undersigned had the honour of proposing to His Excellency the Duke of Infantado, in his Note of the 19th of February ultimo, which

would operate as a greater check to the practices of the Slave-traders than any Measure hitherto devised. A similar Article was signed some years ago by His Majesty The King of The Netherlands, which has fully answered the purpose in view; and when the Government of His Catholick Majesty considers the details of cruelty brought to light in the enclosed Papers, and reflects on the extent of human misery which would, in so many Cases, be prevented by the adoption of the proposed Regulation, the Undersigned feels convinced that it will not hesitate to propose this Measure to His Catholick Majesty, without delay.

He avails himself, &c.

His Excellency the Duke of Infantado.

F. LAMB.

No. 7.—Mr. Secretary Canning to the Right Hon. F. Lamb.

(Extract.)

Foreign Office, July 21, 1826.

I AM concerned to have to send to you, in the accompanying Copy of a Despatch from His Majesty's Commissioners at The Havannah, dated the 14th ultimo *, sufficient proofs of the utter inefficacy of the Royal Decree, recently passed at Madrid, for the more effectual suppression of illegal Slave-trade in the Island of Cuba.

It is almost with despair of any useful result that I direct you to communicate with the Duke del Infantado upon this Subject; but it is necessary that you should do so, and that you should employ, in that Communication, every topick which you may think likely to make an impression on the mind of the Spanish Minister.

The Right Hon. F. Lamb.

GEORGE CANNING.

No. 8.—The Right Hon. F. Lamb to Mr. Sec^y. Canning.—(Rec. Aug. 29.)

(Extract.)

Madrid, August 18, 1826.

HAVING taken an opportunity of speaking with the Duke of Infantado on the subject of your Despatch on the Slave-trade, of the 21st ultimo, I found him warmly concurring in the dangers to be apprehended to Cuba from the importation of fresh Slaves, and convinced that the Orders given from hence would be sufficient to put a stop to it. He seemed unwilling to believe that the indisposition of the Local Authorities, and the difficulty of procuring Evidence, would be sufficient to neutralize the effect of His Catholick Majesty's Decrees.

In the course of this Conversation, I enquired of the Duke what were the objections to signing the Additional Article, to which he answered, that he was not aware of any that need prevent it; making some, however, afterwards, which were chiefly of a metaphysical nature, as to the injustice of inflicting Confiscation where no crime had been actually committed. As I thought that, upon accurate examination,

* See Class A. No. 75, Page 170.

he would find these objections to be unfounded, I requested him to give me an Answer upon the Subject in writing, which he promised to do.

The Right Hon. George Canning.

F. LAMB.

No. 9.—*Mr. Secretary Canning to the Right Hon. F. Lamb.*
(Extract.) *Foreign Office, September 11, 1826.*

I HAVE received your Despatches of this Series to the 18th of August last.

His Majesty's Commissioners at The Havannah have been instructed to send home such accurate information as, at any time, they may be enabled to obtain (and more particularly such as can be supported by evidence,) which may furnish grounds whereon to frame Remonstrances to the Spanish Government upon any infractions or evasions of the Treaty of 1817, and also such information as they can give upon the question, as to the effect of the Decree recently promulgated by His Catholick Majesty, for the more effectual suppression of the Slave-trade in Cuba.

I transmit to you a full Power for concluding and signing with the Ministers of Spain an Additional Article to the Treaty of 1817, upon Slave-trade, similar to that signed with The Netherlands.

The only difference which is desirable to be made between this Article and that which you will have to sign, is, that the power of acting under it should be extended to two degrees Westward of the Coast, instead of being, as at present, confined to within one degree thereof; and you will act accordingly in the Negotiation of this Article.

The Right Hon. F. Lamb.

GEORGE CANNING.

No. 10.—*Mr. Secretary Canning to the Right Hon. F. Lamb.*
SIR, *Foreign Office, October 3, 1826.*

THE enclosed Papers * contain some account of Cases, of which there have recently occurred many instances, in which the Flag of His Catholick Majesty has been abused, for the purpose of committing acts of Piracy.

It appears that it is the custom of the Owners of these Spanish Piratical Vessels, the greater part of which there is reason to suppose are equipped at The Havannah, to send them out, fitted both for Trade and for War; but their Trade is the proscribed Trade in Human Beings, and the War they wage is a War of Piracy.

It is their practice to hover on the Coast of Africa, where, if they can conveniently barter for, and embark a Cargo of Slaves, they proceed with that Cargo, generally, direct to the Island of Cuba. If

* See Class A, Correspondence 1825—1826, No. 16, and Class A. of this Series, Nos. 11 and 41, Pages 23, and 60.

they do not succeed at once in this barter, or if an opportunity for Piracy previously presents itself, they seize the first Vessel they meet with, preferring one that may be laden with Slaves; taking possession of the Vessel, they murder, or put on shore, the white men found on board, and proceed with the Vessel and Cargo to Cuba, where they land the Slaves surreptitiously at the back of the Island, and then enter in ballast at The Havannah.

An instance will be found to have recently occurred, in which an English Prize Crew has disappeared, murdered, as it is suspected, by these Pirates. The name of the Pirate Vessel in question is supposed to have been the *Gabilar*, or *Pelican*, and the Captain and Crew have as yet escaped the conviction and punishment due to their crimes.

Another instance, which forms the particular object of this Despatch, has more recently occurred, in the Case of a Vessel, said to be named the *Carolina*, whose Captain and Crew, meeting the *Netuno*, a Slave-ship, under charge of an Officer of His Majesty's Ship *Esk*, endeavoured to obtain the Ship's Papers, and to force that Officer to repair on board the *Carolina*.

They were happily defeated in their object, as the accompanying Papers will show. But His Majesty's Government have, in consequence of their attempted outrage, deemed it incumbent on them to issue Orders to the Officer commanding His Majesty's Ships and Vessels on the Coast of Africa, to seize the *Carolina* and her Crew, if she shall be found on his Station, and to send them to England for trial, together with Mr. Crawford, and the party with him in the *Netuno*, to give evidence.

The British Admiral commanding in the West Indies has also been directed to give similar Instructions to his Cruizers, to be executed in case the *Carolina* should be found on his Station.

His Majesty doubts not but that His Catholick Majesty will enter fully into the feelings which have prompted these proceedings for summary redress on the Pirates in question, and will give directions to His Authorities, both in the Mother Country and at Cuba, to seize the *Carolina* whenever they may meet with her, and to deliver up her Crew to be tried for Piracy.

You will address a Representation to this effect to the Spanish Government.

I am, &c.

The Right Hon. F. Lamb.

GEORGE CANNING.

No. 11.—Mr. Secretary Canning to the Right Hon. F. Lamb.

SIR, Foreign Office, October 6, 1826.

AN Extract of your Despatch of the 22d April last, of this Series, which adverted to the equipments for Slave-trade, alleged to have taken place at Gibraltar, has been transmitted to the Colonial Department, and I now send to you, for your information, Copies of the

several Communications which have been received at this Office from that Department, showing the measures which have been adopted by the Governor of Gibraltar for the repression and punishment of any transactions at that Place, having for their object the promotion, direct or indirect, of African Slave-trade. I am, &c.

The Right Hon. F. Lamb.

GEORGE CANNING.

(*Enclosure 1.*)—*R. W. Hay, Esq. to Joseph Planta, Jun. Esq.*
SIR, *Downing-Street, May 20, 1826.*

I HAVE laid before Earl Bathurst your two Letters, under date of the 10th and 16th of May, in the latter of which is enclosed an Extract of a Despatch from Mr. Lamb, His Majesty's Ambassador at the Court of Madrid, in which he states, that "he had been deterred from making Representations to the Duke of Infantado, on the fitting out of Vessels at Cadiz, for the purpose of trading for Slaves on the Coast of Africa, by the knowledge that their equipment was completed at Gibraltar," and for this he refers to a Communication made by Mr. Consul Brackenbury to the Lieutenant-Governor of Gibraltar, which is the same Communication as that of which a Copy was transmitted to Earl Bathurst, by Mr. Secretary Canning's direction, in the first Letter, of the 10th instant. Earl Bathurst, therefore, concludes, that Mr. Lamb has no other knowledge of the truth of these allegations, than what is contained in the Communication made by Mr. Consul Brackenbury, above referred to.

The Lieutenant-Governor of Gibraltar had already communicated to Earl Bathurst a Correspondence which had taken place, with reference to the Ships stated by Mr. Consul Brackenbury to have been equipped in the Bay of Gibraltar. A Copy of this Despatch from the Lieutenant-Governor, together with its several Enclosures, and a Copy of Earl Bathurst's Instructions to the Lieutenant-Governor, dated the 13th of October, 1825, referred to in the Lieutenant Governor's Despatch, are herewith transmitted for the information of Mr. Secretary Canning.

With respect to the Draft of the Proclamation proposed by the Lieutenant-Governor to be published at Gibraltar; as any Publick Instrument generally, directing the exercise, in time of Peace, of the Right of Search, not only of British Vessels, but of Vessels belonging to Countries in amity with His Majesty, requires to be carefully examined, (regard being had to the locality of the Bay of Gibraltar, and the sensibility which Foreign Nations have shewn with respect to this Right of Search,) although confined to Vessels suspected of being engaged in the Slave-trade, Earl Bathurst referred the Draft to the Deputy Judge Advocate of Gibraltar, now on leave of absence in England, and has consulted such legal advice as appeared to be called for; and his Lordship will not fail to communicate, before the departure of the

Mediterranean Mail, for Mr. Secretary Canning's information, a Copy of the amended Draft of the Proclamation, which the Lieutenant-Governor will be instructed forthwith to publish. I am, &c.

Joseph Planta, Jun. Esq.

R. W. HAY.

(Enclosure 1, A.)—*The Lieut.-Governor of Gibraltar to Earl Bathurst.*
MY LORD, *Gibraltar, February 12, 1826.*

HAVING received from Mr. Brackenbury, His Majesty's Consul at Cadiz, a Letter, of which the enclosed is a Copy, in which he expresses a belief that the Spanish Brig, called the *Maria Isabel*, sailed from that Port on the 20th ultimo, for this Place, for the purpose of completing her outfit here for the Slave-trade, I directed the Captain of the Port to make diligent enquiries on the subject, and report to me thereon, which he has done, but without having discovered any thing which could lead to a supposition that the Vessel in question is bound on a Slaving-voyage, as your Lordship will perceive by the accompanying Copy of that Officer's Report.

Under the above circumstances, I referred Mr. Brackenbury's Letter and Mr. Sweetland's Report to Mr. Foye, the principal Law Officer here, for his opinion, as to what further steps should be taken respecting the Vessel in question; and by the annexed Copy of Mr. Foye's Report, it appears, with reference to these Papers, that there are no facts before me whereon to ground legal Proceedings touching the said Vessel.

But in pursuance of your Lordship's Instructions, contained in your Letter of the 13th October last, I have used my best endeavours to obtain further information relative to the *Maria Isabel*, as well as the Schooner *Proserpina*, (concerning which I had the honour of writing to your Lordship on the 27th July last,) and this information being more circumstantial than the Statements contained in those Letters, I have considered it my duty, with the advice of Mr. Foye, to prepare a Proclamation, of which the enclosed is a Draft, to empower the Captain of the Port to detain, and diligently to search, all Vessels which may be suspected of being engaged in the Slave-trade, and which I trust your Lordship will approve, as being not only the most likely mode of detecting such illegal proceedings, but also of intimidating such Persons as may be disposed to engage in them.

It is proper that I should acquaint your Lordship, that the *Maria Isabel* was consigned to Mr. Achoval, a Spanish Merchant, now residing in this Garrison. I have, &c.

GEORGE DON,

The Right Hon. Earl Bathurst, K.G. General and Lieut.-Governor.

P. S.—Since writing the above, I have received another Communication from Mr. Brackenbury, in which he states, that Policies of Insurance

have been effected at Cadiz, both upon the *Maria Isabel* and the *Dichosa*, the former at 23, and the latter at 20 per cent ; and that the risk on both was to the Coast of Africa, and thence with Slaves to The Havannah. G. D.

(Enclosure 1, B.)—*Mr. Consul Brackenbury to the Lieut.-Governor of Gibraltar.*

SIR,

British Consulate, Cadiz, January 23, 1826.

I APPREHEND that your Excellency will find, upon enquiry, that the Brig-Schooner *Maria Isabel*, which sailed from this Place on the 20th, for Gibraltar and St. Thomas, is gone to the Fortress of Gibraltar, not to take in a Cargo for St. Thomas, but to complete her outfit for the Coast of Africa, her real object being the illegal and inhuman Traffick in Slaves ; and it is my duty, I conceive, to call your Excellency's attention to the fact, lest any British Subject residing in Gibraltar should be concerned in any part of so disgraceful a proceeding. It might perhaps be advisable to keep a look-out upon a Spanish Schooner, called *La Dichosa*, if she should be at Gibraltar.

She sailed with the *Maria Isabel* from hence on the 16th, nominally for St. Thomas, and it was not until the former Vessel put back for some repairs, on the 17th, that I discovered, in the Maritime Diario of Cadiz, that she had sailed on the preceding day for Gibraltar : that fact was not mentioned in the same Paper of the 16th.

I have, &c.

H. E. Sir George Don, G. C. B.

J. M. BRACKENBURY.

(Enclosure 1, C.)—*Captain Sweetland to the Lieut.-Governor of Gibraltar.*

SIR,

Gibraltar, January 27, 1826.

IN attention to your Excellency's commands, I have made enquiry respecting the destination of the Spanish Vessel *Maria Isabel*, and have failed to procure any information which could lead to a supposition of her being bound on a Slaving-voyage. I have seen the Consignee of this Vessel on the subject, and explained to him the disgrace which must attend detection in being concerned in the fitting or supplying Vessels destined for such purpose. He received my observations with becoming indignation, asking the name of the author of the report. I said I could not tell him who he was, but that your Excellency had received positive information from Cadiz, that the *Maria Isabel* was fitted for a Slaving-voyage, and should the report be true, he, as the Consignee and Shipper of goods on board her, became, by our Laws, a Principal in the delinquency.

It is much to be regretted that no clue is furnished for tracing this transaction ; it is still more so that the Information was not furnished to the Spanish Authorities instead of your Excellency, as by the

Slave Treaty with Spain, a Spanish Vessel cannot be detained on suspicion of being engaged in Trading in Slaves, unless she have actually Slaves on board. The Spanish Government, on the other hand, might, on complaint, have caused the Ship to be searched; and if shackles, or large boilers, or certain other articles used on board Slave-ships, might have been found on board, legal measures would have been taken with the Parties concerned. At all events, these Informations should be laid publicly and officially, and some reasonable ground of suspicion stated. According to the present practice, your Excellency is charged with all the responsibility of an Information, and at the same time deprived of the means of acting on it. I should strongly recommend your Excellency to consult the Crown Lawyers on this Communication, with a view to ascertain what steps the Slave Act, and Slave Treaties with Spain, enable you to take in the premises, bearing in mind always, that the Cadiz Information is unaccompanied by any corroborating proof, or even suspicion; and that the Consignee affirms the destination of the Vessel to be the Danish Island of St. Thomas, from whence, or Cuba, she is to return with a cargo of Indigo and Cochineal.

The *Dichosa* is not here. I have, &c.

H. E. Gen. Sir George Don, G. C. B. WILLIAM SWEETLAND.

(Enclosure 1, D.)—*W. Foye, Esq. to Colonel Chapman.*

SIR, Court House, Gibraltar, February 4, 1826.

WITH reference to your Letter of the 30th of January, transmitting to me the Letters of Mr. Consul Brackenbury and Mr. Sweetland, on the subject of the Spanish Vessel *Maria Isabel*, suspected to be fitting out for the Slave-trade, and requesting, by the desire of His Excellency the Lieutenant-Governor, my opinion for the information of His Excellency, as to any and what steps should be taken respecting the Vessel in question; I have to request you will inform His Excellency, as my opinion, that, with reference to the Letters above stated, His Excellency has not any facts before him whereon to ground legal Proceedings, touching the Spanish Vessel the *Maria Isabel*.

I have, &c.

Colonel Chapman, C. B.

W. FOYE.

(Enclosure 1, E.) (Draft.)—*Proclamation by H. E. Sir G. Don, &c. &c.*

WHEREAS His Excellency the Lieutenant-Governor has received information, that several Vessels have recently come to this Port for the purpose of completing their preparations for the inhuman and detestable Traffick in Slaves; and whereas the acts of all Persons who may be engaged or concerned in the equipment or lading of Vessels, whether British or Foreign, in a British Port, for the Slave-trade, are in direct violation of the late Acts of Parliament, which render such proceedings

highly penal : With a view, therefore, to lead to the detection and prosecution of such Persons as may appear, on sufficient evidence, to be engaged or concerned in such illegal Traffick, His Excellency is hereby pleased to empower and direct the Captain of the Port to detain, and diligently to search, all Vessels touching here, which may be suspected of being engaged, or about to be engaged, in the Slave-trade ; and to report to His Excellency forthwith such grounds of accusation as the result of his search and enquiries may enable him to make ; of which Publick Notice is hereby given, that none hereafter may plead ignorance.

Given at Gibraltar, this day of 1826.

By Command.

(*Enclosure 1, F.*)—*Mr. Consul Brackenbury to the Gov. of Gibraltar.*

SIR,

British Consulate, Cadiz, Feb. 16, 1826.

IN proof of the wisdom of the measures which your Excellency has so recently resolved to adopt, and in corroboration of the accuracy of the information which I transmitted on the 23d ultimo ;

I have now the honour to acquaint your Excellency, that Policies of Insurance have been effected in this City, both upon the *Maria Isabel* and the *Dichosa*, the former at 23, the latter at 20 per cent. The risk on both was to the Coast of Africa, thence with Slaves to The Havannah.

I am, &c.

H. E. Sir George Don, G. C. B.

J. M. BRACKENBURY.

(*Enclosure 1, G.*)—*The Lieut.-Governor of Gibraltar to Earl Bathurst.*

MY LORD,

Gibraltar, March 2, 1826.

I HAVE the honour to transmit to your Lordship, herewith, a Copy of a Letter which I have received from Mr. Brackenbury, His Majesty's Consul at Cadiz, respecting a Spanish Vessel under French Colours, named *Cantabro*, which he suspects has come to this Place for the purpose of completing her preparations for a Slave adventure.

Immediately on the receipt of Mr. Brackenbury's Letter, I caused enquiry to be made on the subject, by which it appears, that a French Brig, under the above-mentioned name, arrived in this Port on the 18th January last, from Antwerp, and cleared from hence, on the 21st of the same month, for St. Thomas. This Vessel was consigned to Messrs. Perez and Calafat, Spanish Merchants in this Garrison, and is, I have little doubt, the same Vessel as that mentioned in Mr. Brackenbury's Letter.

I have, &c.

GEORGE DON,

The Right Hon. Earl Bathurst, K. G.

Gen. and Lieut.-Governor.

(Enclosure 1, H.)—*Mr. Consul Brackenbury to the Gov. of Gibraltar.*

SIR,

British Consulate, Cadiz, February 23, 1826.

I HAVE but a minute to save the Post, and must therefore briefly state, that if your Excellency will be pleased to cause enquiry, whether a Vessel called the *Cantabro* be now in the Port of Gibraltar, you will find that she is completing her outfit for a Slave adventure.

She sails under French Colours, and belongs to a wealthy Merchant in this City, named Joaquim de Trueba.

Policies of Insurance are this day underwriting upon that Vessel; the risk from Gibraltar to the Coast of Africa, thence with a Cargo of Slaves to Cuba.

Your Excellency, upon this information, will, I presume, have no difficulty in causing search to be made.

The last Voyage which the *Cantabro* made was very quick, and very profitable to the Owner. So rapidly does she sail, that having fallen in with one of our Cruizers on the Coast of Africa, when she had a Cargo of Slaves on board, she sailed her out of sight in a few hours: this fact was stated as an inducement to the Underwriters for the present Voyage.

I have, &c.

H. E. Sir George Don, G.C.B.

J. M. BRACKENBURY.

(Enclosure 1, I.)—*Earl Bathurst to the Lieut.-Governor of Gibraltar.*

SIR,

Downing-Street, October 13, 1825.

I HAVE to acknowledge the receipt of your Despatch of the 27th July last, enclosing Copies of a Correspondence which has passed between you and His Majesty's Consul at Cadiz, together with a Report from the Captain of the Port of Gibraltar, relative to the Spanish Schooner *Proserpina*, which is conceived to have been fitted out there for the purpose of being employed in the Slave-trade, and your request to be furnished with Instructions for the guidance of your conduct, in the event of any Spanish Vessel attempting in future to fit out for the Slave-trade.

Upon this subject, I have to acquaint you, in reply, that the acts of all Persons who may be concerned in the equipment or lading of Vessels, whether British or Foreign, in a British Port, for the Slave-trade, are contrary to the Abolition Laws, which are now consolidated in the 5th Geo. 4. Cap. 113. of which I enclose a Copy for your information.

You will observe, that the 2d, 4th, 7th, and 10th Sections of that Statute render such proceedings highly penal, and it is your duty to encourage any information against the offences under that Act, which can be supported on proper evidence.

The 4th Section authorizes the seizure of the Ship; and if sufficient Evidence could be obtained, the Vessels might be seized and

prosecuted. It will be necessary, however, that you should proceed with great caution, and you will take care to collect and transmit accurate descriptions of the Vessels and Persons who may be suspected of being engaged in the Slave-trade, on reasonable grounds, though there may not be sufficient Evidence to warrant proceedings against them.

I have, &c.

H. E. Gen. Sir George Don, G. C. B.

BATHURST.

(Enclosure 2.)—R. W. Hay, Esq. to Joseph Planta, Jun. Esq.

SIR,

Downing-Street, June 15, 1826.

WITH reference to my Communication of the 20th ultimo, I have received the directions of Earl Bathurst to transmit to you, enclosed, a Copy of the Draft of a Proclamation, which His Lordship proposes to instruct the Lieutenant-Governor of Gibraltar to promulgate in that Garrison, for the purpose of making known the penalties which are denounced by Law against all Persons who shall infringe the provisions of the Slave Abolition Acts; and I am to desire, that you will lay this Paper before Mr. Secretary Canning for his information.

I am, &c.

R. W. HAY.

Joseph Planta, Jun. Esq.

(Enclosure 2, A.)—Draft of Proclamation to be issued by the Lieut.-Governor of Gibraltar.

WHEREAS it hath been represented to us, that certain Ships and Vessels owned by the Subjects of Foreign States in amity with His Majesty, are suspected to have entered the Bay of Gibraltar, and the Roadstead and Anchorage Ground of Gibraltar, for the purpose of fitting out, or completing their outfit for Voyages undertaken by them for the purpose of carrying on the Trade in Slaves on the Coast of Africa; now, We, being desirous to the utmost of our power to prevent all such illegal practices, do hereby warn all his Majesty's Subjects within the said Garrison and Territory of Gibraltar, and the Port, Roadstead, and Anchorage Ground thereof, that any Person or Persons who shall be engaged in the fitting out, manning, navigating, equipping, dispatching, use, or employment, letting, or taking to freight, or on hire; or who shall contract for the fitting out, manning, navigating, equipping, dispatching, using, employing, letting, or taking to freight, or on hire, any Ship, Vessel, or Boat, in order to accomplish any of the objects or contracts declared unlawful by the Statute made and enacted by His Majesty, with the advice and consent of the Parliament of the United Kingdom of Great Britain and Ireland, in the 5th Year of His Majesty's Reign, for the Abolition of the Slave-trade; or who shall lend or advance, or become security for the loan or advance, or who shall contract for the lending or advancing, or for the loan or advance of money, goods, or effects, employed, or to be employed, in accomplishing any of the illegal objects or

contracts aforesaid; or who shall become guarantee and security, or contract for the becoming guarantee or security, for Agents employed, or to be employed in accomplishing any such illegal objects or contracts; or who shall in any other manner engage, or contract to engage, directly or indirectly therein; or who shall ship, tranship, lade, receive, or put on board, or contract for the shipping, transhipping, lading, receiving, or putting on board, of any Ship, Vessel, or Boat, money, goods, or effects to be employed in accomplishing any of the said illegal objects or contracts, shall and will incur and become subject and liable to all and singular the pains, penalties, and forfeitures, provided in and by the said Statute, for the punishment of Persons guilty of all or any of the Offences aforesaid; and We do hereby strictly command and enjoin all Judges and Officers, Civil and Military, and all other His Majesty's Subjects within the Town and Garrison of Gibraltar, that they and each of them, in their respective Places, be, to the utmost of their respective ability, assisting in the prevention or detection of all such Offences as aforesaid, as they will answer the contrary at their peril; and We do hereby warn and strictly command and enjoin all His Majesty's Subjects within the said Garrison and Territory, that they do abstain from all such illegal practices, and from aiding, comforting, and abetting any Person or Persons engaged therein, on pain of His Majesty's highest displeasure, and of incurring the several penalties in and by the said Act of Parliament in that behalf provided.

(Enclosure 3.)—*R. W. Hay, Esq. to Joseph Planta, Jun. Esq.*

SIR,

Downing-Street, September 16, 1826.

WITH reference to your Letters of the 10th and 16th of May last, on the subject of certain Vessels which the British Consul at Cadiz was induced to believe had completed their equipments at Gibraltar for the African Slave-trade, I am directed by Earl Bathurst to enclose, for the information of Mr. Secretary Canning, Copies of a Despatch, and its Enclosures, received from Sir George Don, in answer to one which was addressed to him in consequence of those Communications; and I am to request, that you will submit to Mr. Canning, Earl Bathurst's opinion, that, as His Majesty's Minister at Madrid, in his Answer to Sir George Don's enquiries, states, that he had no other information of the Slave-trade being carried on through assistance obtained at Gibraltar, than what he derived from Mr. Consul Brackenbury, it does not appear, according to the Correspondence which had taken place, from time to time, on this subject, between the Consul and Sir George Don, Copies of which were transmitted to you in my Letter of the 20th May last, that it can be justly imputed to the latter, that he had allowed Vessels fitted out at Cadiz for the Slave-trade to be completed at Gibraltar, the report of which prevented His Majesty's Mini-

ster at Madrid from entering into discussions on that subject with the Duke of Infantado.

Joseph Planta, Jun. Esq.

I am, &c.

R. W. HAY.

(*Enclosure 3, A.*)—*The Lieut.-Governor of Gibraltar to Earl Bathurst.*
MY LORD, *Gibraltar, July 20, 1826.*

I HAVE had the honour of receiving your Lordship's Despatch of the 21st May last, enclosing Copies of Two Communications from the Foreign Office, of the 10th and 16th of the same month, on the subject of certain Vessels, which it is alleged had completed their equipment at this Place for the African Slave-trade, and desiring that I would lose no time in transmitting to your Lordship whatever Correspondence may have passed, not hitherto transmitted, between me and Mr. Brackenbury, His Majesty's Consul at Cadiz, in regard to the Vessels in question, or to any others which may be presumed to have come to the Place for a similar purpose; and also instructing me to apply to His Majesty's Minister at Madrid, for the purpose of learning whether he is in possession of any facts or general information upon this subject, beyond the statements which he has received from Mr. Brackenbury.

I have now the honour to acquaint your Lordship, that Copies of the whole of the Correspondence which passed between myself and Mr. Brackenbury, respecting the Vessels alluded to, together with such information as I had obtained on the subject, accompanied my Communications to your Lordship of the 27th July, 1825, 12th February, and 2d March, 1826. I find, however, that two Letters on the same subject, which were addressed to the Earl of Chatham by Mr. Brackenbury in July, 1824, were not transmitted to your Lordship; and I beg, therefore, to enclose Copies of them herewith, and likewise Copies of the Answers which were given to them by his Lordship's directions.

By the annexed Copy of a Letter, which I have received from His Majesty's Minister at Madrid, your Lordship will observe, that he is in possession of no information on the subject of Vessels fitted out for the Slave-trade at this Port, beyond the statements received from Mr. Brackenbury.

I have, &c.

GEORGE DON,

The Right Hon. Earl Bathurst, K.G. General and Lieut.-Governor.

(*Enclosure 3, B.*)—*Mr. Consul Brackenbury to the Governor of Gibraltar.*
MY LORD, *British Consulate, Cadiz, July 12, 1824.*

I THINK it right to acquaint your Excellency, that two Spanish Vessels are fitted out in this Port, in such a manner as to leave no doubt that it is the intention of the Owners to employ them in the Slave-trade.

Facts so notorious as these cannot be unknown to the Spanish Authorities here; and the objects of the Owners of these Vessels have been facilitated by granting them Licences to carry Guns. The particulars of the Vessels, with their reputed destinations, I have the honour to enclose; one of which, the *Alerta*, sailed yesterday for Gibraltar; I understand that four more Vessels are about to be taken up here for the same inhuman Traffick.

I have apprized Mr. Secretary Canning of these occurrences, as well as His Excellency Sir William à Court; and I do myself the honour to submit them likewise to your Excellency, that they may be made known to the Officers of the British Navy touching at Gibraltar, in case any of them should be ordered to the Coast of Africa.

I have no reason to believe that there is any other Capital than that of Spaniards in this odious Enterprize.

I have, &c.

J. M. BRACKENBURY.

Spanish Schooner *Bella Dolores*, Don Antonio Guerrero, Master, burthen 170 tons, James Tinto, Owner, bound to St. Augustin, in the Island of Madagascar.

Brig *Alerta*, Don Antonio Echeverria, Master, burthen 290 tons, Miguel Azopardo, Owner, bound to Gibraltar and Havannah.

J. M. BRACKENBURY.

H. E. General the Earl of Chatham, K.G.

(Enclosure 3, C.)—Colonel Chapman to Mr. Consul Brackenbury.

SIR,

Gibraltar, July 20, 1824.

HIS EXCELLENCY the Governor has desired me to acknowledge the receipt of your Letter of the 12th instant, on the subject of two Spanish Vessels fitting out in the Port of Cadiz, in such a manner as to induce you to believe that it is the intention of the Owners to employ them in the Slave-trade, and that one of them (the *Alerta*) had sailed for this Place. In reply thereto, his Lordship has directed me to express his thanks for the zeal you have manifested, and that, should any British Men-of-War touch at this Place for the Coast of Africa, his Lordship will avail himself of your suggestion, to give them the information contained in your Letter.

I have, &c.

J. M. Brackenbury, Esq.

S. R. CHAPMAN.

(Enclosure 3, D.)—Mr. Consul Brackenbury to the Gov. of Gibraltar.

MY LORD,

British Consulate, Cadiz, July 17, 1824.

I HAD to address your Excellency on the 5th and 12th instant, since which time one of the Spanish Vessels alluded to in my Letter, namely, the *Alerta*, has sailed from the Port, and is now in Gibraltar Bay, taking in such a Cargo as demonstrates too plainly the inhuman Trade in which the Owner means to employ her.

Amongst other things, the Brig has been taking in iron, which has been cut into bars of short lengths, a strong presumptive proof that the investment is for the Coast of Africa. It is my duty, my Lord, to represent to your Excellency such facts connected with this disgraceful Enterprize as have come to my knowledge, facts upon which your Excellency might place every reliance, if they were not susceptible of corroboration at the seat of your own Government: namely, that the Spanish Brig *Alerta*, Antonio Echeverria, Master, is now completing her Cargo, for the Coast of Africa, in the Port of Gibraltar; that she is nominally consigned to an English House there, but is virtually under the direction of the Owner, Miguel Azopardo.

As the nominal Consignees are young men of respectability, it is most earnestly to be hoped that they are ignorant of the enormity of their conduct, in suffering themselves to be instrumental to the detestable project of the Owner, by being purchasers for him, in an English Settlement, of the Articles which he wants for the outfit of a Slave-ship, though cloaked by him under false, and, perhaps, plausible pretences; what is, however, known to me at Cadiz, and to others, ought to be known to the nominal Consignees at Gibraltar; and I conceive, too, that your Excellency should likewise know that Miguel Azopardo, the Owner of the *Alerta*, is himself at Gibraltar, directing every purchase, and superintending every other preparation of his Brig, the *Alerta*, for a Slave-voyage to the Coast of Africa.

I have, &c.

J. M. BRACKENBURY.

H. E. General the Earl of Chatham, K. G.

(Enclosure 3, E.)—Colonel Chapman to Mr. Consul Brackenbury.

SIR,

Gibraltar, July 28, 1824.

YOUR Letter to His Excellency the Governor, of the 17th instant, relative to the Spanish Brig *Alerta*, mentioned also in your former one of the 5th instant, has been received, and his Lordship has directed me to repeat his assurance of giving the necessary information, should any of His Majesty's Vessels, bound for the Coast of Africa, touch at this Place, in their way for that destination. I have, &c.

J. M. Brackenbury, Esq.

S. R. CHAPMAN.

(Enclosure 3, F.)—The Right Hon. F. Lamb to the Licut.-Governor of Gibraltar.

SIR,

Madrid, July 7, 1826.

WITH reference to your Letter of the 28th ultimo, I have to acquaint you, that I am in possession of no information on the subject of Vessels fitting out for the Slave-trade, beyond the Statements received from Mr. Brackenbury. Should any facts come to my knowledge, I shall lose no time in communicating them to you.

I have, &c.

H. E. General Sir George Don, K. C. B.

F. LAMB

No. 12.—*Mr. Sec^y. Canning to the Right Hon. F. Lamb.*

SIR,

Foreign Office, November 10, 1826.

I HAVE to transmit to you the accompanying Copies of Despatches from His Majesty's Commissioner at The Havannah*.

These Despatches prove most clearly that the Royal Order, transmitted from Madrid to The Havannah, for the more effectual execution of the Stipulations on African Slave-trade, is become a mere dead Letter; and that the Colonial Authorities of His Catholick Majesty, to whom the execution of this Order was especially confided, not only connive at the evasion of it, but openly shew that the discretionary power which they possess will be made use of by them to screen from detection and punishment the most clear and undoubted Slave-trade transactions, in the very Port of the Capital of the Province, and before the eyes of the Governor himself.

The *Minerva*, a Spanish Slave-trader, was chased into The Havannah by His Majesty's Sloop *Pylades*; demand was made for her examination by the Mixed Commission, and a refusal was given by the Governor, on the pretext that she was not actually captured; the real fact being, that she escaped into the Port of The Havannah, and that the British Officer (out of respect to His Catholick Majesty's Flag,) instead of taking possession of her, requested the interference of that very Governor to fulfil the Orders of his Sovereign.

Boats full of Slaves were seen to hurry from this Vessel. British Officers, placed in a Boat near the Vessel, solemnly attested the fact. The Governor, on its being represented to him, treated the statement of His Majesty's Officers as utterly unworthy of credit, and still refused to proceed against the Vessel, alleging, that there was no pretence for supposing that she had traded in Slaves; and although the regular Gazette of the Port had, on her commencing her Voyage, declared that she was sailing for Africa, the Governor intimated, that that account also was not to be believed, and that she came, as the Captain now reported her, from Puerto Rico.

A British Officer then went on board of the Vessel, and found every thing indicating that her Cargo had been Slaves. The Governor still declined to act, even so far as to take the Depositions, declaring all the reports against the Vessel to be idle rumours.

It further appears, that, subsequently, some Slaves from this Vessel were, on their passage from The Havannah to a Port at the back of the Island, taken by a British Cruizer, and that the Vessel, on board of which they were, was tried by the Mixed Commission. Such, however, is the intimidation employed in the Island of Cuba against those who denounce Slave-traders, that the very Person, on whose information the capture was made, dared not give in Court his Evidence to the facts of which he was a Witness.

* See Class A.—Nos. 84, 86, 88, and 89.

A question being put, in the course of the Proceedings, whether the Slaves were part of the cargo of the *Minerva*, the Spanish Commissioners objected to it, on the ground that such questions did not involve the immediate merits of the Case before them, and it was not until the Spanish Governor had understood that the British Schooner was swamped, to which the Officer and men belonged, who had witnessed the disembarkation of the Slaves, that he offered to take their Depositions.

The extraordinary conduct of the higher Authorities, in regard to this Case of the *Minerva*, can only be explained by a suspicion, which cannot but be attached to the conduct of these Authorities, namely, that they themselves must be in some degree interested in the success of these illegal transactions.

With these causes, however, His Majesty's Government have nothing to do; but they cannot silently see the solemn Compacts entered into between the two Countries thus flagrantly infringed.

I have to desire, therefore, that you will bring these facts to the knowledge of the Government of His Catholick Majesty, and will acquaint the Spanish Minister, that His Majesty's Government do not presume to judge what steps it is necessary for the Spanish Government to take, in respect to the Authorities who have thus acted in direct opposition to the Instructions, and abused the high power entrusted to them by their Sovereign; but that, unless some step be taken by the Spanish Government to protect and ensure the execution of the Instructions issued by them, in conformity to their Treaty, it is little less than a mockery to allow His Majesty's Commissioners to reside any longer at The Havannah, a Port which the Slave-traders will henceforth consider as the Harbour for their Cargoes, and for which they will openly and directly run their Vessels, laden with Slaves, as the safest mode of ensuring the success of their undertakings. I am, &c.

The Right Hon. F. Lamb.

GEORGE CANNING.

No. 13.—Mr. Secy. Canning to the Right Hon. F. Lamb.

SIR, *Foreign Office, December 14, 1826.*

I HEREWITH send to you the Copy of a Letter from His Majesty's Consul at Cadiz, dated the 26th of October last, enclosing a Publick Advertisement in the Gazette of that City, for the sale of a Negress.

You have been made aware that similar Advertisements have already more than once, during the time which you have held His Majesty's Mission at Madrid, appeared in the publick Newspapers of Cadiz.

These acts of Slave purchase and sale, in Spain itself, are entirely repugnant to the spirit of the Stipulation by which the Catholick King, in the 1st Article of the Treaty of 22d of September, 1817, "engages to His Majesty, that the Slave-trade shall be abolished throughout the entire Dominions of Spain, on the 30th day of May, 1820."

I have received The King's Commands, therefore, to desire, that you will place these facts before the Spanish Government, with the expression of His Majesty's hope, that you will receive, in answer, an intimation that Orders will be given, immediately and publickly, for the discontinuance of a practice which, by its prevalence in the Mother Country, must afford an example, the effect of which cannot but be injurious to the due maintenance of the Faith pledged by His Catholick Majesty, in his Compacts with this Country, for the abolition of the Slave-trade.

I am, &c.

The Right Hon. Frederick Lamb.

GEORGE CANNING.

(*Enclosure 1.*)—*Mr. Consul Brackenbury to John Bidwell, Esq.*

SIR,

Cadiz, October 26, 1826.

I BEG to enclose a Cadiz Diario of yesterday, which contains an Advertisement for the sale of another Negress.

I have made this fact known to His Excellency Mr. Lamb.

I have, &c.

John Bidwell, Esq.

J. M. BRACKENBURY.

(*Enclosure 2.*)—*Extract from the Diario Mercantil of Cadiz, Wednesday, October 25, 1826.—(Translation.)*

A NEGRESS, 20 years of age, is to be sold. She knows how to sew, to wash, to iron, to cook, &c. Further particulars in the Calle de las Escuelas, No. 160.

No. 14.—*Mr. Secy. Canning to the Right Hon. F. Lamb.*

SIR,

Foreign Office, December 15, 1826.

IN reference to my Despatch to you of this Series, dated the 10th ultimo, upon the subject of the flagrant acts of Slave-trade, committed openly and with impunity, in the Case of the Slaves imported into The Havannah, on board of the Spanish Schooner *Minerva*, and afterwards transported into another Part of the Island of Cuba on board of the Spanish Steam-vessel *Mexicano*; I have to transmit to you the Copy of a Communication from the Admiralty to this Department, containing some further details upon the subject of this Case.

You will make such use as may appear to you to be advisable of these Documents, in your Correspondence with the Spanish Government upon the matter in question.

I am, &c.

The Right Hon. Frederick Lamb.

GEORGE CANNING.

(*Enclosure 1.*)—*John Barrow, Esq. to Joseph Planta, Jun. Esq.*

SIR,

Admiralty Office, December 6, 1826.

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 Vice Admiral Sir Lawrence W. Halsted, respecting the Slave-trade carrying on on the Coast of Cuba.

I am, &c.

Joseph Planta, Jun. Esq.

JOHN BARROW.

(Enclosure 2.)—*Vice Admiral Sir L. W. Halsted to J. W. Croker, Esq.*

Magnificent, in Port Royal Harbour,

SIR,

Jamaica, September 29, 1826.

COMMANDER JACKSON, of His Majesty's Sloop *Pylades*, having forwarded to me several Reports relating to the detention of Spanish Vessels engaged in the illicit Traffick in Slaves on the North Coast of Cuba, and also to the impunity with which that Trade is still carried on there, I send herewith Copies of the same, for the information of my Lords Commissioners of the Admiralty.

The Enclosures, numbered from 1 to 8, shew, that the *Pylades* and *Maggie* Schooner, on the 16th ultimo, chased into the Port of Havannah a very suspicious Schooner, which afterwards proved to be *La Minerva*, under Spanish Colours, having on board upwards of 200 Negroes, who, notwithstanding immediate information thereof was given to His Excellency Don Dionisio Vives, the Captain-General, and to Commodore Laborde, 70 of them (women) were landed at a Publick Shipping wharf, in open day-light, on the day she was chased into the said Port; and the remainder the same night, as the enclosed Papers incontestibly prove.

In further elucidation of the circumstances of this extraordinary affair, I beg their Lordships' attention to the detailed Affidavit, No. 9, which I have obtained from Mr. (now Lieutenant) Nott, who came to join the *Harlequin*, by the *Union* Schooner, which brought me Commander Jackson's Despatches; and I purpose obtaining the Oath of Lieutenant Hast also to a duplicate of the said Affidavit, on the return of the *Pylades*. The Case of this Vessel is, I am informed, before the Spanish Admiralty Court, for decision, and not before that of the Mixed Commission.

By the further Enclosures, numbered from 10 to 14, their Lordships will learn, upon Commander Jackson having received good information, that some of the above-mentioned Negroes, who were landed from the Schooner *La Minerva*, were concealed on board the Spanish Steam-vessel *Mexicano*, which plies between Havannah and Matanzas, he, on the 20th August, boarded her when she was out 3 miles from the Morro; and although her Master most positively denied there were any such Negroes on board, and evinced every desire to resist being searched, 20 new Negroes, for whom he had no Passports, were discovered secreted below.

In this Case, I must likewise refer their Lordships to the detailed Affidavit which I have received from Lieutenant Nott, No. 15, and to a Duplicate of which, on the return of the *Pylades*, I shall also obtain

the Oath of Lieutenant Hast. The result of this Trial before the Court of Mixed Commission was, that the *Mexicano* should be restored, the Spaniards interested having produced the greatest number of Affidavits; though, in this restoration, their Lordships will find by the Enclosure No. 14, that W. S. Macleay, Esq. the British Commissioner of Arbitration, has not concurred. With such glaring Cases as these happening in the Port of Havannah, their Lordships will readily believe, that the Schooner *La Dichosa*, mentioned in the last Enclosure, No. 16, found no difficulty whatever in landing her Slaves at an Out-Port, as reported by the late Lieutenant Smith, who is perfectly correct in remarking, that this is not a solitary instance of the Spanish Brig of War *Bellona* affording countenance to Vessels engaged in the Slave-trade; the Brig alluded to in the Enclosure, No. 3, of my Despatch of the 24th August, 1825, being this same *Bellona*.

From the circumstances of the Case of the *Mexicano*, it will be apparent to their Lordships, how easily the Provisions of the Convention for the suppression of the Traffick in Slaves may be evaded, if the people of Cuba can transport their Slaves coastwise, without Passports emanating from the highest local Authorities. A Slave-vessel, in short, need only succeed in landing her Cargo on any point of the Coast, and, at leisure, remove them with impunity to all Parts of the Island.

I have the honour to be, &c.

J. W. Croker, Esq.

L. W. HALSTED, Vice-Admiral.

(Enclosure 2,) 1.—Capt. Jackson to Vice-Admiral Sir L. W. Halsted. (Extract.) H.M.S. Pylades, Havannah, Sept. 11, 1826.

ON the 16th ultimo, in company with the *Magpie*, we observed a very suspicious looking Vessel, which afterwards proved to be the Spanish Slave-schooner *Minerva*, standing in for the Land. Letters, numbered from 2 to 8, and Lieut. Smith's Letter, No. 5, will fully explain the circumstances attending this nefarious transaction, wherein it has since come to my knowledge, that part of the Slaves from the said Schooner were landed during day-light, even in the Port of Havannah, the others, as Lieut. Smith's above-mentioned Letter will shew, were positively landed during the night.

On the morning of the 20th ultimo, I boarded the Steam-vessel *Mexicano*, out 3 miles from the Morro; my Letters, numbered 10 to 14, and the Statement of Lieut. Hast and Mr. Nott, Mate, No. 13, contain an explanation of the cause of her detention; but in writing the Letter, No. 13, I could not possibly foresee, that Oaths would be made, and handed in, as opposite to truth as the North is to the South Pole.

First, the Master of the Vessel swore, that she was within musket-shot of the Morro when boarded; next, that he did not deny having Slaves on board, nor permission to search, and that they were not secreted away.

Count San Fernando (the Owner of the Slaves) swore they had been 9 months in the Island; the Curate, that he had baptized them; and the Overseer of the Estate, that they had been that time on the Property.

The Governor, being applied to by the Commissioners, to know if he had been in the habit of giving Passports, replied, that he had not; though this was a solitary instance of truth on that side of the question, it was, nevertheless, a subterfuge, for he, some months previously, made a Proclamation, forbidding the conveyance of Slaves from one part of the Island to another, consequently no Passports were applied for.

The Boarding Officer, or myself, was not called on to give Evidence, or we would have had no difficulty in proving, by their own statement, the perjury they had committed. Notwithstanding every thing appears to me as plain as the light at noon-day, yet, on the 29th of August, the Court decided that I should give up the Vessel, although they acknowledged the correctness of my Statement. They have decidedly acted contrary to Evidence.

Mr. Macleay, Commissioner of Arbitration, will send home his Opinion the first opportunity, which is, that the Vessel should be condemned, because the act of detention was just; but the Spanish Commissioners say, there is no penalty attached to a breach of that Article, thereby shewing a determination to take advantage of every trifle in favour of the Trade, though contrary to the true meaning of the Acts for the Abolition of Slavery.

However, I am of opinion, that the landing of the Slaves from the *Dichosa*, the *Minerva* Schooner, in the face of all the Authorities in the Harbour of Havannah, the detention of the *Mexicano* Steam-vessel, together with the decision of the Court, will bring the matter to such a crisis, as to cause the adoption of the necessary Measures to ensure the impossibility of a recurrence of the kind.

At this moment, the Trade is so far free, that they may carry Slaves from one part of the Island to another, although it could be proved that they had only been landed the day before.

Mr. Nott has given his Evidence before the Court alluded to by the Governor, and can answer any questions you may think necessary for your information.

G. V. JACKSON, Commander.

Vice-Admiral Sir L. W. Halsted.

(Enclosure 2,) 2.—Captain Jackson to the British Commissioner of Arbitration at the Havannah.

SEE First Enclosure in No. 84, Class A, Page 183.

(Enclosure 2,) 3.—Capt. Jackson to the Captain-General of Cuba.

SEE Ninth Enclosure in No. 84, Class A, Page 197.

(Enclosure 2,) 4.—*The Captain-General of Cuba to Capt. Jackson.*

SEE Fourth Enclosure in No. 84, Class A, Page 187.

(Enclosure 2,) 5.—*Lieutenant Smith to Captain Jackson.*

SIR, *His M.'s S. Magpie, Havannah, Aug. 16, 1826.*

IN obedience to your orders, I anchored here last night, and proceeded on shore, to gain any further particulars relating to the Schooner chased into this Port by His Majesty's Sloop under your command. A rumour was prevalent of her having Slaves on board at that moment.

Agreeably to your directions, I then stationed a Boat to watch her movements during the night, which duty devolved on Mr. Nott, whom you sent with us, and was executed with much vigilance on his part.

Between the hours of 11 and 12, he observed 6 or 7 Boats leave her, full of Negroes, and, from following them closely, bears witness to their landing at the Shipping Wharf near the Church of San Francisco. Information of the above fact was immediately given to the Commodore's Ship, and, conceiving a moment's delay would be of consequence, I communicated with the Captain-General and Commodore Laborde as soon as it was possible, which Communication I have the honour to enclose.

Shortly previous to your anchoring, I examined the Schooner in company with a Spanish Officer, and found her as follows: *La Minerva*, Manuel Fernandez, Master, 3 guns and 35 men, said to be 42 days from Porto Rico, in ballast, but in every respect fitted as a Slaver, and, from her appearance alone, must have landed her Cargo very recently.

I have, &c.

EDW. SMITH,

Commander *Jackson*, *Pylades*.

Lieut. and Commander.

(Enclosure 2,) 6.—*Lieut. Smith to the Capt.-General of Cuba.*

His Majesty's Schooner Magpie, Havannah,

SIR, *August 17, 1826, 11.30. P. M.*

I BEG to report to your Excellency, 6 or 7 Boats full of Negroes are now in the act of landing at the Shipping Wharf from the Schooner chased by His Britannick Majesty's Sloop *Pylades* to this Port.

I have, &c.

EDW. SMITH,

His Excellency General Vives.

Lieut. and Commander.

(Enclosure 2,) 7.—*The Capt.-General of Cuba to Lieut. Smith.*

SEE Third Enclosure in No. 84, Class A, Page 186.

(Enclosure 2,) 8.—*Capt Laborde to Lieut. Smith.*—(Translation.)

On board the Guerrero, in the Port of Havannah,

SIR, *August 17, 1826.*

By the Letter, dated at half-past 11 o'Clock last night, which you delivered to me this morning, I am informed, that at that hour there

were 6 or 7 Boats landing Negroes that have been brought here in a Spanish Merchant Schooner, which was chased into this Port yesterday by the English Sloop of War *Pylades*, concerning which circumstance the necessary enquiries had already been instituted, in consequence of a Communication from His Excellency the Captain-General of the Island, in which he enclosed to me the Letter he had received from you on the same subject.

I have, &c.

Lieutenant Smith.

ANGEL LABORDE.

(Enclosure 2,) 9.—*Affidavit of Lieutenant Nott.*

Statement of Circumstances relative to the Minerva, Spanish Slave Schooner, which came under my immediate notice while serving in His Majesty's Sloop Pylades, on the Havannah Station.

ON the 16th of August, 1826, about 2. 30. P. M., I was ordered by Captain Jackson to proceed into The Havannah, and examine a suspicious Schooner, under Spanish Colours, chased by His Majesty's Sloop *Pylades* into that Port; and, if any opposition should be made to my so doing, to apply to the Spanish Flag-Ship for assistance.

In pursuance of these directions, I proceeded on board the Schooner, then just anchoring, and apparently in charge of a Spanish Naval Officer and guard. On stating my desire to know from whence the Schooner had arrived, and what Cargo she had on board, the Naval Officer commanded that no Person should reply to my questions but himself; and then informed me, through the medium of a man who spoke English, that a British Officer had no right to demand any account of a Spanish Vessel under Spanish Colours, in a Spanish Port.

I replied, that from the Vessel's suspicious appearance, and from her having used every exertion, both by sweeps and sails, to escape from a British Man-of-War, I felt perfectly justified in making such demand, and that, if it was not complied with, I must make application to the Spanish Authorities for the requisite information.

He said the Master had supposed he was chased by a Colombian Cruizer, and further gave me to understand that no more questions should be answered, unless enforced by an order from the Governor.

From the anxiety expressed by the Master of the Vessel, that none of her Crew should communicate with the Men of the *Pylades*; from the dilapidated state of her hull, masts, and rigging, and from the hatchways being carefully closed, and covered with loose spars, &c., my suspicions were not only excited that she had been engaged in the illicit conveyance of Slaves from the Coast of Africa, but that a considerable number were actually on board at the moment of my visiting her. This I stated to the Commanding Officer of *Le Guerrero*, the Commodore's Flag Ship, and from him demanded assistance to make the necessary investigation. He referred me to the Commodore himself at the Admiralty-House, where I was informed by the Secretary

and Flag Lieutenant, in junction with the Officer I had previously seen on board the Schooner, that the Commodore was dining with the Governor.

To the Flag Lieutenant, who spoke English fluently, I related the circumstances attached to the Vessel chased in by the *Pylades*, and also expressed my desire to be furnished with permission to satisfy myself, by ocular demonstration, whether she had Negroes on board or not. This was refused by the Secretary and himself, on the former plea, that I had no right to question a Spanish Vessel in a Spanish Port.

From thence I proceeded to the Governor's, and requested to be admitted to his presence. I was informed by an Officer in waiting, that His Excellency was engaged, and also that the Commodore had not dined there. I recapitulated my suspicions relative to the Schooner to the first Officer, and to two others who had joined him; on which one, apparently of rank, accompanied me to the Wharf; and, having clearly ascertained which was the Vessel, and fully possessed himself of all circumstances relative to her, both from me and others, he embarked in a Government Boat, and went on board her, desiring me to meet him at the Governor's Palace on his return; which I did, and was there informed, after a consultation of considerable length, in which, besides the three Officers already mentioned, two other Gentlemen joined, "that the Governor did not feel authorized either to permit me to examine the Vessel, or to furnish me with any particulars respecting her for the information of the Captain of the *Pylades*, until she had been officially reported to him by the Commandant of Marine, at whose Office I must apply."

On returning to the Admiralty Office, I found that the Spanish Boat's Crew, who had accompanied the Governor's Officer to the Schooner, had communicated to my men that she was the *Minerva*, from Princes Island, with 250 Slaves then on board. To the Secretary I stated this additional circumstance, and again desired to be admitted to the presence of the Commodore, whose absence he did not then mention, but entered an inner Apartment, as I imagined, for the purpose of communicating my desire. After some time had elapsed, he rejoined me, and declared that the Commodore was in the Country, and would not probably arrive till very late.

It was now near sun-set, after which time no Boats are allowed to leave the Harbour without especial permission; I therefore returned to the *Pylades*, informing the Captain of all the particulars here related, also of my opinion, that, if a possibility existed of a Vessel entering the Havannah with Negroes, the *Minerva* had a considerable number stowed beneath her hatches at the time of my boarding her; and, moreover, that I had perceived on my passage out of the Port, that she had removed from her first anchorage to a Wharf situated near

Casa Blanca, the general rendezvous for Vessels engaged in the Slave-trade.

On this, Capt. Jackson ordered the *Magpie*, Lieutenant Smith, to proceed into the Harbour, and anchor as near to the suspected Vessel as possible; providing me with a Boat, that I might have an opportunity of observing the motions of the *Minerva* during the night.

On anchoring, Lieutenant Smith and myself proceeded on shore, and there found it publicly reported that the *Minerva* had arrived that day from the Coast of Africa with between 200 and 300 Negroes on board, though her name was enrolled at the Custom-house as being from Porto Rico, 30 days, in ballast.

For the purpose of watching her, I lay as near to the Vessel as the risk of discovery would admit, being accompanied by 2 Seamen in the *Magpie's* Boat; and, between the hours of 11 and 12, perceived a common Passage-boat, provided with an awning, leave the quarter of the *Minerva* which was next the Wharf, and make for The Havannah, followed by two more; I ran alongside the first, and clearly saw, by the aid of the Moon, which was full and unclouded, at least 20 unclothed Negroes stowed in the bottom of her, with their heads shaved.

The Boatman seized on some missile, and discharged it at my head, which, however, it passed, and striking the side of the Boat, fell into the water. Not wishing to encounter a repetition of this without retort, nor yet to excite alarm, I produced a pistol, and threatened, if he did not pull quietly on his course, to silence him with the contents of it.

I examined the second and third Boats in like manner, and found that they contained a Cargo similar to the first; but guarded each by 2 or 3 People in Spanish habits, and these, I perceived, were followed by 3 or 4 more.

My orders being expressly to observe, and not to attack, I quietly rowed at a small distance, till they, finally, to the number of 6 or 7 large Boats, landed upwards of 100 Negroes on one of the most publick Wharfs in The Havannah, at the back of the Church of St. Francisco, and within 20 yards of a Spanish Guard-house, containing Soldiers. It may be proper also to mention, that the Negroes were all handed from the Boats to the deck of an American Vessel exposed for sale, and thence to the Wharf.

Immediately the landing was effected, several of the Boats gave chase to me; and as, from the cursing of the Boatmen, I had every reason to suppose their intent was hostile, I returned to the *Magpie*, and acquainted Lieutenant Smith with the foregoing circumstances, and by his directions gave immediate intelligence to the Commanding

Officer of the Flag-ship, that the *Minerva* was at that time landing Negroes on the Wharf of St. Francisco.

His reply was, "that he had no authority to interfere in the prevention of it, but that the Commodore should be furnished with my Report in the 'morning.'"

The 2 men who accompanied me in the Boat this night, and declared themselves ready to make oath to all the particulars in this Statement, are, I regret to observe, involved in the unfortunate fate of the *Magpie*.

At day-light, I conveyed a written account of the events of the preceding night to the Governor from Lieutenant Smith, and, on being admitted to the presence of His Excellency, was told by him, that he would instantly communicate with the Admiralty on the subject, and give me an Answer, which he did, and I subsequently delivered it to Lieutenant Smith, who had, in the mean time, waited on the Commodore, and, as he stated to me, been supplied by him with an Order to examine the *Minerva*, in company with the Harbour Master; and that he had found her in that state which Vessels usually are, who have, after a very long voyage, recently landed Negroes; being excessively dirty, with the holds perfectly clear, except of water casks, and the remains of those provisions which are usually supplied to Negroes, such as rice, oil, &c.; also, that she was armed with one long 9-pounder amidships, and an 18-pounder carronade on each broadside. He moreover informed me, that the Commodore had confessed to him that he was at home on the preceding evening, at the time that I had waited on him, but that, being fatigued, he had denied himself.

On Monday, the 4th of September, I was examined, on the honour of a British Officer, before one of the Admiralty Courts, respecting the fact of the *Minerva* having landed Negroes in The Havannah Harbour, and the manner in which it was effected.

On this occasion, my evidence was similar in all points to the above relation, at which the Naval Commandant presiding expressed some surprise, as he had a letter (which he read) from the Harbour Master, who had examined the Vessel with Lieutenant Smith, stating that they both concurred in opinion that she had *not been* engaged in the illicit conveyance of Slaves, for that there was no room or accommodation in her for that Traffick, or provision on board, save such as was customary to provide for a Spanish Crew. I replied, "I regretted much the lamented death of Lieutenant Smith prevented his appearing to falsify what I, however, there publicly declared to be totally void of truth."

On a demand being made for the two Seamen who had accompanied me, and were unfortunately drowned, and some demur occurring as to want of more evidence, I pointed out Mr. Wade, Master of the *Mary Brade*, Liverpool Merchant-ship, who, with his two Apprentices, had,

about sun-set of the Evening of the 16th of August, seen and counted 64 female Negroes handed from the hold of the *Minerva*, and thence to the Wharf alongside which she was moored. This Gentleman's evidence, with that of his two Apprentices, has been, as I subsequently learnt from him, demanded in the same Court, and taken on Oath. To all that is here stated I am ready to swear, should I be called upon so to do :

Signed by me in Port Royal Harbour, } JOHN N. NOTT,
September 27, 1826. } Acting Lieutenant.

P.S.—In the conversations mentioned in the foregoing Statement, I either spoke French, when it was understood, or had the assistance of an Interpreter, who spoke Spanish and English. JOHN N. NOTT.

As far as the Undersigned Deponent has mentioned in the foregoing Statement that he himself was personally concerned, he voluntarily maketh Oath to the truth thereof. JOHN N. NOTT.

Sworn before me, this 30th day of } JOSEPH BARNES,
September, 1826, at Kingston. } Mayor.

(Enclosure 2,) 10.—*Captain Jackson to the Mixed Commission at the Havannah.*

SEE First Enclosure in No. 89, Class A, Page 206.

(Enclosure 2,) 11.—*Capt. Jackson to the Capt.-General of Cuba.*
SIR, *H.M. Sloop Pylades, Havannah, Aug. 22, 1826.*

I HAVE the honour to acquaint your Excellency that, on the 20th instant, I detained the Steam-vessel *Mexicano*, Don Joze Lopez, Master, in consequence of her having on board 20 Slaves, in direct violation of Article 7 of the Treaty concluded between their Britannick and Catholick Majesties, on the 23d of September, 1817.

The more minute particulars your Excellency will be furnished with by the British Commissioner. I have, &c.

His Excellency General Vives. G. V. JACKSON, Commander.

(Enclosure 2,) 12.—*The Capt.-General of Cuba to Capt. Jackson.*
Office of the Capt.-General of the ever Faithful Island of Cuba.
Havannah, August 26, 1826.—(Translation.)

As the subject of the detention of the Steam-boat *Mexicano*, from the circumstance of there being on board of her, as you state, 20 Slaves, relates to the Mixed Commission, I have this day written to the Members of the said Commission, and directed them to institute the necessary enquiries into the subject, conformably to the ends of justice ; and I mention this in reply to your Letter, in which you are pleased to communicate the occurrence to me. God preserve you many Years.
The Commander of the English Frigate Pylades. F. D. VIVES.

(Enclosure 2,) 13.—*Statement of Lieutenant Philip Hast, and Mr. John Nott, Mate of His Majesty's Ship Pylades.*

ON Sunday the 20th day of August, 1826, at 6. 30. A.M., the Ship being then about 4 miles East of the Morro, we, Lieutenant P. Hast, and Mr. Nott, Mate, did, in pursuance of orders, board the Steam-vessel *Mexicano*, to discover if, in accordance with the information received against her, she was in any manner engaged in the illicit Traffick of Negro Slaves: on stating our intent to the Master of the Vessel, he positively refused to allow search of any description to be made, at the same time declaring, that he had no Negroes on board but the Servants attached to the Passengers, who were to be seen on deck. He then loudly desired the helm to be put up, that he might run back to Havannah. This was prevented, and a Boat dispatched to the Ship for further Instructions. In the mean time, we proceeded to the fore part of the deck among the Negro Servants there assembled, and do positively declare that they were not to be identified with, nor did in any manner resemble, the Slaves afterwards found in the hold. On ordering the fore-hatches to be lifted, the Crew jumped on them, and refused to be removed unless by violence. On the return of the Boat with additional force, and orders to search, let what would occur, the Master, by the advice of the Passengers, declined further resistance, and delivered up the charge of the Vessel. Lieutenant Hast then proceeded with a party of hands into the fore-hold, and, though sufficient light was conveyed, both hatches being off, he perceived no Person there. Mr. Nott and more hands then descended, and was likewise convinced that no living creature was openly visible; but on removing some furniture, chairs, tables, &c. 14 Negroes were produced from beneath them, stowed between the bulk-heading that separated the Steam-boilers from the Vessel's side, and 6 more (females) from the fore-peak, secreted by rope, sails, and a hawser being coiled upon them. The Master was then informed, that, if he possessed a Licence from the Government of Havannah, authorizing the conveyance of these Negroes, the detention would be withdrawn; but he produced only a Paper permitting the Vessel to run between Havannah and Matanzas for 30 days; on which she was taken in charge by the Officers and Crew of His Majesty's Ship.

From the miserably emaciated and diseased state of the Slaves, their awkward manner of using the new clothes with which they had evidently been just supplied; their total ignorance of European customs, and of any European language; and also from observing that their heads were close shaved, after the manner of those recently imported, we do not hesitate in declaring our firm belief, that they could not have been landed many days, and the more especially as the Passengers, far from concealing, rather openly spoke of and joked on the subject of their being part of the cargo of the *Minerva* Slave-schooner,

chased in by the *Pylades* a few days previous. And, moreover, our belief in this is strengthened by having heard the Master of the British Brig* *Mary Brade*, of Liverpool, say, that he recognised one of the women (remarkable in her appearance,) as having been landed from the *Minerva*, on her arrival in Havannah.

We have further to observe, that, out of 53 Passengers, 6 alone (and those general Traders between the two Ports) were not supplied with regular Passports from the Government; and that all the Negroes, with the exception of the 20 secreted in the hold, were either separately furnished with such Document, or included in that of their Masters.

Given under our hands, on board His Majesty's Sloop *Pylades*, Havannah, this 24th day of August, 1826.

PHILIP HAST, Senior Lieutenant.

JOHN N. NOTT, Mate.

* Wm. Spade, Owner. Brade and Moore, of Liverpool.

(Enclosure 2,) 14.—*Sentence of the Mixed Commission at The Havannah, in the Case of the Mexicano.*

SEE Eighth Enclosure in No. 89, Class A, Page 219.

(Enclosure 2,) 15.—*Affidavit of Lieutenant Nott.*

Statement of Occurrences relative to the Detention of the Mexicano Steam Packet, off The Havannah, by His Majesty's Sloop Pylades.

ON the 20th of August, 1826, about 6 A. M., the Ship being then at least 4 miles from the Morro Fort, I was ordered by Captain Jackson to proceed, under the command of Lieutenant Hast, and examine the Steam Packet *Mexicano*, apparently on her passage to Matanzas, to discover by diligent search, whether she was in any manner engaged in the illicit conveyance of Slaves from one Port in the Spanish Possessions to another as most expressly forbid by Article 7, which he pointed out to me, in the Treaty between their Majesties the Kings of Spain and Great Britain.

Accordingly, on boarding the *Mexicano*, by direction of Lieut. Hast, I demanded of the Master his Licence from the Government of Havannah to convey the Negroes to Matanzas, whom I knew, from positive information, were then on board. He denied having any Negroes, and, consequently, the necessity of a Passport of this description; calling out, at the same time, in junction with the Passengers, to return to The Havannah, and ordering the helm to be altered for that purpose, which I immediately prevented by taking the tiller from the helmsman, and placing a guard over it. Lieut. Hast then stated his orders to search the Vessel, which the Master intimated he should not do, again denying the presence of any Negroes on board, except the Servants of the Passengers, who were all on the deck. Lieut. Hast then

despatched a Boat to the *Pylades* for additional force and instructions ; and, in the mean time, we both proceeded among those Blacks assembled on the fore-part of the deck ; and I am ready to make Oath, that they were not to be identified with, nor did in any manner, except form and colour, resemble those Negroes afterwards discovered secreted in the hold.

On ordering the fore-hatches to be lifted, several of the Crew jumped on them, and refused to be moved, unless by force. The generality of the Passengers began now to be vehemently clamorous, desiring the Master, if he had any Negroes on board, to produce them, that the Vessel might be liberated, and permitted to return to The Havannah. But amongst the foremost of those who opposed this, and contributed to disturbance, both at this time and during the succeeding passage, was one Henry Stondon, calling himself Merchant of Havannah, and who eventually proved to be so ; another of the Passengers mentioned that the Mate, on perceiving me in one of the Boats, approaching the *Mexicano*, to board her, had exclaimed, " There is the Officer who boarded the *Minerva* ; he is coming to pay us off for that business, I suppose." My conviction now became stronger that Negroes were positively on board, contrary to the existing Laws.

On the arrival of orders from Captain Jackson to search, let what would occur, with a sufficient force to compel compliance, the Master of the *Mexicano* signified his intent to offer no further opposition, and declared that he considered himself, from that moment, no longer in charge of the Vessel. Lieut. Hast and myself then proceeded to the fore-hold, into which we descended, and became satisfied that no Person was openly visible, though sufficient light was conveyed through the hatchway, both the hatches being off ; but on ordering some chairs and other furniture to be removed from between the bulk-heading, which separated the steam-boilers from the Vessel's side, 14 male Negroes were discovered stowed beneath these articles, and exposed to the intense heat produced by the lighted stoves. The general idea which seemed to pervade the minds of these poor wretches was, that their throats would be instantly cut, and they besought us, by the most supplicating signs and gestures, to spare them from the horrid fate they seemed to anticipate. On comprehending, from our assurances, that deliverance, not destruction, was intended, their joy became unbounded, and one, more intelligent than the rest, pointed to the fore-peak, where, after diligent investigation, 6 females were found underneath rope, sails, and a hawser, the whole of which must have been deliberately coiled upon them for the purpose of concealment. The greater part of these unfortunate Beings, both male and female, were afflicted with severe ophthalmia, and, at the time of discovery, nearly deprived of sight, from the quantity and nature of the discharge, encrusted from want of attention of the eyes and upper part of the face.

I further observed that they were all shaved, similar to the Negroes landed from the *Minerva*, and I have no hesitation in affirming, from their total ignorance of any European language or custom; from the newness of their clothes, and the awkward mode in which they used them, evidently considering them as a novelty; and from the disinclination they evinced to European provision, as well as their general manner and appearance, that they had been very recently imported from Africa, though, on the subsequent Trial before the Mixed Commission, the Owner, (a Spanish Marquis) and several other people of respectability, swore to their having been above 9 Months on the Island of Cuba, which assertions afterwards became the publick joke of Havannah, and were decidedly considered, in general opinion, as deliberate falsehoods. Indeed, from the conversations of the Passengers, who, far from concealing, rather openly conversed on the subject of their being part of the Cargo of the *Minerva*, as well as from the circumstance of Mr. Wade, Master of the *Mary Brade*, Liverpool Merchant Brig, having recognised one of the women (very remarkable in her appearance,) as being landed from that Schooner on the evening of the 16th August, I firmly believe that the 20 Negroes secreted in the hold of the *Mexicano* were part of those landed in Havannah from the *Minerva* Spanish Schooner, previously chased in by the *Pylades*.

After a strict investigation in every part of the *Mexicano*, the Master was informed, that if he possessed a Permission from the Government of Havannah, authorizing him to convey Negroes, who were Slaves, from one Port in the Spanish Possessions to another, his Vessel would be immediately liberated, and, on his stating that he was only provided with one Paper, which proved to be a Licence for himself and Crew to run the Steam-packet *Mexicano* between Havannah and Matanzas, for 30 days, she was taken possession of by His Majesty's Officers, and sail made, in company with the *Pylades*, the Engineer having refused, at the instance of the Master, to put the machinery in motion, which resolution was, however, overruled by the Passengers on the following day; and by great exertion the *Pylades* and the *Mexicano* arrived in The Havannah on Monday night, the 21st.

On the Passengers leaving the Vessel, 47, out of 53, produced, and had their Passports registered; the remaining 6, being General Traders between the 2 Ports, had not supposed it necessary to provide such Document; but I am ready to swear, that all the Negroes on board, with the exception of the 20 secreted in the hold, were either furnished with separate Passports, or included in that of the Master.

One of the Owners of the *Mexicano*, after the liberation of the Vessel, unguardedly confessed to me, in conversation, that the Negroes in question had been embarked from the Church of St. Francisco (the

Place where I had previously observed part of the Cargo of the *Minerva* landed) on the morning of the 20th, for conveyance to Matanzas.

Of all the circumstances here related, except this last, Lieut. Hast must be perfectly aware, and I have no doubt, in conjunction with myself, is ready to make Oath to the truth of.

Signed by me, in Port Royal Harbour, on the 27th day of September, 1826.

JOHN NEALE NOTT, Acting Lieutenant.

P. S. In the conversations mentioned in the foregoing Statement, I either spoke in French, when it was understood, or had the assistance of an Interpreter, who spoke Spanish and English.

JOHN NEALE NOTT.

As far as the undersigned Deponent has mentioned in the foregoing Statement, that he himself was personally concerned, he voluntarily maketh Oath to the truth thereof.

JOHN NEALE NOTT, Acting Lieutenant.

Sworn before me, this 30th day of September, 1826, at Kingston.

JOS. BARNES, Mayor.

(Enclosure 2,) 16.—Lieutenant Smith to Captain Jackson.

His Majesty's Schooner Magpie, July 19, 1826.

Port Mariel, S. E. 5 Miles.

SIR,

For the information of the Commander-in-Chief, I have to report, His Majesty's Schooner under my command, on the 18th instant, cruizing off Puerto Cabañas, observed the Spanish Brigantine of War *Bellona*, with Convoy, making for that Port; amongst whom was a Schooner of so very suspicious appearance, I felt it my duty to board.

Our near approach to the entrance of the Harbour would not admit of this until they had anchored. I then communicated with the *Bellona*, whose Commander most distinctly asserted her to be from Cadiz to Bahia Honda, and Havannah, in ballast; considering my Orders, in any Case, would not admit of a Vessel of this description to pass *unnoticed*, I persisted in my former determination, with many objections on his part, and found her as follows:—

La Dichosa, Spanish Schooner, of 3 guns and 23 men, Don Ramon Tores, Master, by Papers, from St. Thomas, in ballast, apparently had landed Slaves very lately: my want of evidence to the latter fact would not warrant her detention. I, therefore, proceeded to Bahia Honda, and gained information of the above Schooner having landed 158 Slaves some distance to leeward of that Port.

I must beg to call the attention of the Commander-in-Chief towards the conduct of this Spanish Vessel of War, being, I believe, not a solitary instance of her attempt to screen a Vessel engaged in the illicit Traffick we are both bound to extirpate.

At Bahia Honda, *La Dichosa*, not in any way making a secret of her voyage, the *Bellona* could not have been ignorant of it. Whilst I regret the escape of this Vessel, I must observe, she came by way of Cape Antonio, and put into Bahia Honda for water, after landing her cargo; the *Magpie* cruising between that Port and Mariel.

I have, &c.

G. V. Jackson, Esq. EDWARD SMITH, Lieut. and Commander.

No. 15.—*The Rt. Hon. F. Lamb to Mr. Secy. Canning.*—(Rec. Dec. 25.)

SIR, Madrid, December 10, 1826.

IN compliance with the Orders conveyed in your Despatch, Slave-trade, of the 3d of October of the present Year, I addressed to the Spanish Minister a Note, of which a Copy is enclosed, complaining of the piratical proceedings on the Coast of Africa of Vessels under the Spanish Flag.

You will perceive, by the Answer of M. Salmon to this Communication, which is likewise enclosed, that Orders have been transmitted to the Spanish Authorities in the West Indies to seize the *Carolina* wherever this Vessel shall make her appearance. I have, &c.

The Right Hon. George Canning. F. LAMB.

(Enclosure 1.)—*The Right Hon. F. Lamb to the Chevalier Salmon.*

Madrid, November 9, 1826.

THE Undersigned, &c., has the honour to transmit to His Excellency M. Salmon, His Catholick Majesty's Principal Secretary of State, Translations of Papers, containing an account of one of those Cases, of which there have recently occurred many instances, in which the Flag of His Catholick Majesty has been abused for the purpose of committing acts of Piracy.

It appears that it is the custom of the Owners of these Spanish piratical Vessels, the greater part of which there is reason to suppose are equipped at The Havannah, to send them out fitted both for Trade and for War; but their trade is the proscribed Trade in Human Beings, and the war they wage is a War of Piracy.

It is their practice to hover on the Coast of Africa, where, if they can conveniently barter for, and embark, a Cargo of Slaves, they proceed with that Cargo, generally, direct to the Island of Cuba; if they do not succeed at once in this barter, or if an opportunity for Piracy previously presents itself, they seize the first Vessel they meet with, preferring one that may be laden with Slaves, and, taking possession of the Vessel, they murder or put on shore the white men found on board, and proceed with the Vessel and Cargo to Cuba, where they land the Slaves surreptitiously at the back of the Island, and then enter in ballast at The Havannah.

An instance has recently occurred in which an English Prize Crew has disappeared, murdered, as it is supposed, by these Pirates. The name of the Pirate Vessel is supposed to have been the *Gabilar*, or *Pelican*, and the Captain and Crew have as yet escaped the conviction and punishment due to their crimes.

Another instance, which forms the particular object of this Note, has more recently occurred in the Case of a Vessel, said to be named the *Carolina*, whose Captain and Crew, meeting the *Netuno*, a Slave-ship, under charge of an Officer of His Majesty's Ship *Esk*, endeavoured to obtain the Ship's Papers, and force that Officer to repair on board the *Carolina*. They were, as the accompanying Papers will shew to your Excellency, happily defeated in their object; but His Majesty's Government have, in consequence of their attempted outrage, deemed it incumbent on them to issue Orders to the Officer commanding His Majesty's Ships and Vessels on the Coast of Africa, to seize the *Carolina* and her Crew, if she shall be found on his Station, and to send them to England for trial, together with Mr. Crawford, and the Party with him, in the *Netuno*, to give evidence.

The British Admiral commanding in the West Indies has also been directed to give similar Instructions to his Cruizers, to be executed in case the *Carolina* should be found on his Station.

His Majesty doubts not but that His Catholick Majesty will enter fully into the feelings which have prompted these proceedings for summary redress on the Pirates in question, and will give directions, both in the Mother Country and at Cuba, to seize the *Carolina* whenever they may meet with her, and to deliver up her Crew to be tried for Piracy.

The Undersigned avails himself, &c.

His Excellency the Chevalier Salmon.

F. LAMB.

(*Enclosure 2.*)—*The Chevalier Salmon to the Right Hon. F. Lamb.*

(Translation.)

SIR,

Palace, Madrid, December 5, 1826.

I HAVE received the Note which your Excellency did me the honour to address to me, dated the 9th ult., complaining, in the name of your Government, of some acts of Piracy, supposed to have been committed on the Coast of Africa by Spanish Vessels from the Island of Cuba; and your Excellency has accompanied that Communication by various Documents, received from London, in support of the suspicions entertained by the British Government as to the nature of those acts.

After perusing these Documents, and the Note of your Excellency, I have laid before The King, my Master, all the particulars of the suspicious conduct observed by the Spanish Ship *Gabilar*, or *Pelican*, and particularly of the more evidently culpable, the Brig *Carolina*, of

The Havannah, which forms the principal object of your Excellency's Note.

His Majesty, convinced by the evidence of these facts, against which the Government of His Britannick Majesty so justly complains, and being himself equally sensible how injurious such Pirates must be, not only to commerce in general, but to the good harmony which happily exists between the Subjects of both Nations, and acceding in consequence to the just wishes of The King of Great Britain, has not hesitated a moment in directing that the necessary Orders should be sent through the Department of Marine to the Commanders of His Ships of War, both in Spain and in the Island of Cuba, to seize the Brig *Carolina* at whatever place or time she may be found, and to deliver up the Captain and Crew to the competent Tribunals, to be tried as Pirates, according to Law, and punished if convicted.

I have, therefore, the honour to communicate to your Excellency, by Order of The King, my Master, this His sovereign determination; and moreover to acquaint you, that I this day forward to the Minister of Marine the necessary Instructions for this purpose, transmitting to him the Documents which your Excellency has sent to me, in which are contained the particulars of the Case, and the exact description and marks of the Brig *Carolina*. I avail myself, &c.

The Right Hon. F. Lamb.

MANUEL GONZALES SALMON.

No. 16.—*Mr. Secretary Canning to the Right Hon. F. Lamb.*

SIR,

Foreign Office, December 30, 1826.

YOUR several Despatches of this Series, to the 10th instant, inclusive, have been received.

I wish it had been in your power to report that you had concluded the Additional Article, for which a Full Power was sent to you, together with my Despatch of the 11th of September last; and that the urgent and repeated Representations of His Majesty's Government to the Government of His Catholick Majesty, upon the subject of the flagrant violations of the Treaty upon Slave-trade, which occur openly, and almost daily, in Cuba, had at length awakened the serious attention of the Catholick King, sufficiently to induce him to despatch to that Island Instructions which shall enforce the execution of the Compacts upon this subject existing between Great Britain and Spain.

I am, &c.

The Right Hon. F. Lamb.

GEORGE CANNING.

PORTUGAL.

No. 17.—*Sir W. à Court to Mr. Sec^y. Canning.*—(*Rec. March 9.*)
 SIR, *Lisbon, February 26, 1826.*

I LOST no time in communicating your Despatch, marked Slave-trade, of the 20th ultimo, with its Enclosure, to the Count de Porto Santo, requesting that Orders might immediately be sent to the Governor of the Cape de Verd Islands to put an end to the practices therein complained of.

I have the honour to enclose a Translation of his Answer. You will observe, Sir, that the Count maintains, that the carrying Slaves to the Cape de Verd Islands (provided they be brought from the Portuguese Possessions to the South of the Line,) is in no ways contrary to the Stipulations of our Treaties. I have, &c.

The Right Hon. George Canning.

WILLIAM à COURT.

(*Enclosure.*)—*The Count de Porto Santo to Sir W. à Court.*
 (Translation.) *Palace of Bemposta, February 23, 1826.*

THE Undersigned has had the honour to receive from Sir William à Court a Note dated the 16th instant, in which His Excellency requires, in conformity with the Instructions of his Government, that Orders should be immediately transmitted to the Portuguese Authorities at the Cape de Verd Islands, to put that check to the Trade in Slaves carried on there, to which Portugal is bound by Treaty; and His Excellency adds to this Note a Despatch from Mr. Canning, of January 20th of this Year, and an Extract of a Letter from Mr. Macleay of the 25th November last.

The Undersigned has duly laid His Excellency's Note before His Majesty The Emperor and King, and is authorized to reply, that His Majesty prides himself upon a faithful observance of the Treaties He has entered into with other Powers, and that He will not hesitate, not only to issue Orders that they shall be faithfully executed, but also to proceed against those Individuals who may violate them.

The Undersigned is, however, commanded to observe to His Excellency, that, in conformity with the 1st Article of the Convention, signed in London on the 28th of July, 1817, the Traffick in Slaves is declared illegal in the 4 following cases only:—1st, by British Ships and under the British Flag, or for the account of British Subjects, by any Vessel or under any Flag whatever; 2dly, by Portuguese Vessels, in any of the Harbours or Roads of the Coast of Africa, which are prohibited by the 1st Article of the Treaty of 22d January, 1815; 3dly, under the Portuguese or British Flag, for the account of the Subjects of any other Government; 4thly, by Portuguese Vessels

bound for any Port not in the Dominions of His Most Faithful Majesty.

All Commerce, therefore, not specified in these 4 Articles, is lawful; and if the Slaves carried to the Cape de Verd Islands are bought in the Harbours and Roads of the Coast of Africa, laid down in Article 2 of the Convention, for the account of Portuguese Subjects, and are conveyed in Portuguese Vessels, this Trade can never be declared illegal, nor has the British Government any right, under existing Treaties, to demand its repression.

The Correspondence with the principal Houses at The Havannah, mentioned in the Extract of the Letter from Mr. Macleay, would seem to prove, that an illicit Traffick in Slaves is carried on between that Port and the Cape de Verds; but this simple assertion is far from meriting belief, the rather as the Individual, in the same Letter, speaks of Slaves being landed on the North Coast of St. Jago, and taken into the interior:—this is surely not the most convenient way of conveying them to The Havannah. If, however, contrary to His Majesty's expectation, and the Reports made to Government, it can be shewn that the Cape de Verd Islands have been engaged with The Havannah in such Commerce, His Majesty will not hesitate to order proceedings to be immediately commenced against those guilty of this practice.

The Undersigned, &c.

Sir William à Court.

CONDE DE PORTO SANTO.

No. 18.—*Sir W. à Court to Mr. S^c. Canning.*—(Rec. June 9.)

SIR,

Lisbon, May 17, 1826.

I HAVE the honour to acknowledge the receipt of your Despatch, marked Slave-trade, of the 6th May, enclosing a Copy of the Papers relative to that Trade, presented to both Houses of Parliament in the course of the present Session.

I have, &c.

The Right Hon. George Canning.

WILLIAM à COURT.

No. 19.—*Mr. Secretary Canning to Sir William à Court.*

SIR,

Foreign Office, July 12, 1826.

I SEND to your Excellency, for your information, the accompanying Copies of a Correspondence, which has recently taken place between the Marquis de Palmella and myself, on the subject of Portuguese Slave-trade.

Your Excellency will embrace any opportunity which may present itself for furthering the views and principles laid down upon this subject in my Note to M. de Palmella of the 30th June, ultimo.

I am, &c.

H. E. Sir W. à Court, G. C. B.

GEORGE CANNING.

(Enclosure 1.)—*The Marquis de Palmella to Mr. Sec^y. Canning.*

Londres, ce 17 Juin, 1826.

LE Soussigné s'est abstenu, pendant l'époque où les occupations Parlementaires de Monsieur Canning absorboient nécessairement une partie de son attention, d'adresser à Son Excellence des Communications qui ne seroient pas d'une nature urgente. Il juge à cette heure de son devoir de représenter à Son Excellence, conformément aux Ordres qu'il a reçus de sa Cour depuis plusieurs mois, combien la conduite des Croiseurs Britanniques, chargés de veiller à la répression du trafic illicite des Nègres, se trouve souvent peu d'accord avec l'esprit et la lettre des Traités.

Le Gouverneur de l'Ile de St. Thomas, dans une Dépêche par lui adressée au Ministre de la Marine, en date du 22 Juin de l'année passée, se plaint de ce que les susdits Croiseurs s'opposent à ce que des Bâtimens Portugais amènent dans cette Ile, ainsi que dans l'Ile du Prince, des Esclaves achetés sur les parages de la Côte d'Afrique, où la Traite n'a pas encore été déclarée illicite par le Gouvernement Portugais.

Or les Engagemens qui existent à cet égard entre les deux Couronnes spécifient clairement les *quatre cas* où la Traite des Nègres, faite dans les Bâtimens de l'une des deux Nations, doit être regardée comme illicite (Art. 1^{er}. de la Convention du 28 Juillet, 1817,) et les Instructions rédigées pour les Croiseurs, et qui forment partie intégrante de la susdite Convention, expliquent avec le plus grand détail et netteté les différents cas où il leur est ordonné ou défendu de détenir les Bâtimens Nègriers.

L'Article 5^{me}. des Instructions sus mentionnées déclare positivement que l'on ne pourra saisir, *même au nord de l'Equateur*, les Bâtimens Portugais, ayant des Nègres à bord, dans le cas, où ils prouveraient par leurs Passeports qu'ils se dirigent à quelqu'un des Ports appartenans à la Couronne de Portugal situés hors du Continent de l'Afrique. Il résulte donc des Stipulations citées que l'on ne peut regarder comme illicite l'introduction d'Esclaves *sur des Bâtimens Portugais, pourvu qu'ils soient amenés des parages de la Côte d'Afrique situés au Sud de l'Equateur*, et il devient nécessaire afin d'éviter tout mal entendu, que le Gouvernement de Sa Majesté Britannique expédie à cet égard des Ordres précis à ses Croiseurs, et leur défende de mettre obstacle à l'introduction licite des Esclaves dans les Iles de St. Thomas, du Prince, et du Cap Vert.

Sir William à Court a adressé, il y a quelque temps, à Monsieur le Comte de Porto Santo, une Note, avec des Extraits de plusieurs Dépêches du Commodore Bullen. Cet Officier se plaint des facilités que l'on accorde, dans les Iles Portugaises de la Côte d'Afrique, aux Bâtimens Etrangers qui font la Traite illicite des Nègres; Sa Majesté Très Fidèle s'est empressée d'envoyer au Gouverneur de ces Iles les

ordres nécessaires pour adhérer scrupuleusement à l'exécution des Traités ; mais le Soussigné doit faire observer à Son Excellence Monsieur Canning, que les Engagemens qui existent entre leurs Majestés Très Fidèle et Britannique, au sujet de la Traite des Nègres, n'autorisent ni ne justifient en aucune manière les Gouverneurs Portugais à refuser les subsistances et les secours d'usage aux Vaisseaux de toute Nation qui abordent dans les Etablissemens Portugais ; et le Gouverneur de l'Ile de St. Thomas n'a pas plus le droit de refuser l'admission, par exemple, à un Bâtiment Français faisant la Traite des Nègres, que les Croiseurs Britanniques n'ont le droit de saisir ce Bâtiment en pleine mer, comme le Commodore Bullen se reconnoit lui même dans l'impossibilité de le faire.

En définitive : tout ce qu'il convient aux deux Gouvernemens d'ordonner à leurs Délégués respectifs, tant que les Stipulations actuellement en vigueur continueront à subsister, c'est d'observer à la lettre la Convention de 1817, et de ne pas s'opposer, soit pas l'avidité du gain, soit par un excès de zèle à enfreindre ou à outrepasser cette Convention.

Le Soussigné remplit l'ordre qu'il a reçu de présenter ces observations au Ministère de Sa Majesté Britannique. Il espère que Son Excellence Monsieur Canning reconnaitra qu'elles sont fondées en justice, et que les ordres les plus positifs seront expédiés aux Commandans des Croiseurs Britanniques, pour l'observation littérale des Instructions qui font partie de la Convention de 1817 ; et pour que le Pavillon Portugais soit traité par les Croiseurs avec le même égard qu'ils témoignent au Pavillon Français, dans tous les cas où la Convention de 1817 n'autorise pas la détention des Bâtimens Nègriers.

Le Soussigné profite aussi de cette occasion, &c.

S. E. Mons^r. Canning.

LE MARQUIS DE PALMELLA.

(Enclosure 2.)—Mr. Secretary Canning to the Marquis de Palmella.

Foreign Office, June 30, 1826.

THE Undersigned, &c. in answer to the Note which he has had the honour to receive from the Marquis de Palmella, His Most Faithful Majesty's Ambassador at this Court, respecting importations of Slaves at Princes and St. Thomas Islands, to the Northward of the Line, on the Western Coast of Africa, has the honour to state to His Excellency, that the connivance of the Local Governments of St. Thomas and Princes Islands, in the prosecution of illicit Slave-trade, has long been notorious, and has, in various instances, been brought to the direct notice of the Government of Portugal.

The Undersigned is glad to hear from the Marquis de Palmella, that some Instructions have at length been sent, ordering the Governors scrupulously to adhere to the execution of the Treaties subsisting be-

tween Great Britain and Portugal on this subject ; but, until some specific Regulations are adopted to prevent the connivance so often detailed and complained of, the Undersigned is compelled to confess, that the experience of the past appears to His Majesty's Government to preclude any hope that these general Orders will prove effectual.

It appears by the Note from the Marquis de Palmella, that the Governor of Saint Thomas complains of the opposition of British Cruizers to the importation, into that Island, of Slaves purchased on those Coasts where the Trade has not yet been declared illegal by the Portuguese Government. Certainly, although there is too much reason to believe that very importation to be intended, in many cases, for a subsequent evasion of the Treaties, still it is not for the British Cruizers to oppose that which the Treaty permits, even in its letter : and His Majesty's Government will be ready, upon the proof of the alleged fact, to prevent the future infraction of its Orders in this respect.

It must be remarked, however, that the Marquis de Palmella, in his review of the Treaty, has stated, "*que l'on ne peut regarder comme illicite l'introduction d'Esclaves sur des Bâtimens Portugais, pourvu qu'ils soient amenés des parages de la Côte d'Afrique situés au sud de l'Equateur ;*" thus claiming the *whole Coast* South of the Equator as lawfully liable to the miseries of this Trade ; whereas the 2d Article of the Convention of 1817 expressly limits the Trade on the Eastern Coast of Africa to the Territory between Cape Delgado and the Bay of Lorenzo Marquez ; and on the West to the Territories of Molembo and Cabinda, from 5. 12. to 8. deg. South, and to those Territories possessed by Portugal, reaching from the 8th deg. to the 18th deg. of the same. Further it is to be observed, in reference to His Excellency's observation, that the Portuguese Governor of the Islands in question cannot refuse admission, and the usual supplies to Slave-ships ; that, in cases of Vessels coming under the Treaty of 1817, the proper Passport forbids that they should enter any other Ports on the Coast of Africa than those where the Slave-trade is permitted by that Convention. Now, neither St. Thomas nor Princes fall within the designation of the 2d Article, as Places where the African Slave-trade is permitted.

The Undersigned cannot conclude this Letter without referring to the expressions made use of by the Marquis de Palmella himself to Sir Edward Thornton, in the early part of 1824, in which His Excellency, when Secretary of State in Portugal, expressed a disposition, on the part of his Sovereign, to consent at once to a *total* abolition of the Slave-trade, in the continuance of which Trade, His Excellency added, Portugal could have no interest, in case of the Independence of the Brazils ; and the cessation of which might enable her to turn her Colonies to some other more legitimate and profitable account.

The Independence of the Brazils having been now acknowledged by Portugal, it would afford to His Majesty's Government the most lively satisfaction to learn, that the Marquis de Palmella is now instructed by his Court to give effect to the just and humane intentions expressed by His Excellency, at a time when His Excellency was understood to convey to Sir Edward Thornton the deliberate feeling of the Portuguese Government upon the general Question of Slave-trade.

The Undersigned avails himself, &c.

H. E. the Marquis de Palmella.

GEORGE CANNING.

(Enclosure 3.)—The Marquis de Palmella to Mr. Sec^y. Canning.

Londres, ce 5 Juillet, 1826.

Le Soussigné ne manquera pas de faire parvenir à la connaissance du Gouvernement de Portugal la Note Officielle que Son Excellence M. Canning lui a fait l'honneur de lui adresser, en date du 30 Juin dernier, au sujet des plaintes proférées par le Gouverneur des Iles de St. Thomas et du Prince, contre les Croiseurs Britanniques, qui s'opposent à l'introduction des Esclaves dans les susdites Iles, et il espère que les Ordres que le Gouvernement de Sa Majesté Britannique se dispose à envoyer à ses Croiseurs feront cesser, de part et d'autre, toutes les plaintes moyennant l'observance littérale des Traités existans.

Le Soussigné ne saurait cependant clore entièrement ce sujet, sans présenter deux ou trois observations sur le contenu de la dernière Note de Son Excellence.

1. Il reconnaît explicitement que par la teneur des Traités, il n'est pas permis aux Sujets Portugais d'acheter des Esclaves sur toute la Côte d'Afrique au Sud de l'Equateur, mais seulement sur les parages des dites Côtes appartenans à la Couronne de Portugal, ou sur lesquels Sa Majesté Très Fidèle a réservé ses droits, comme l'énonce expressement la Convention de 1817; et si le Soussigné, dans sa première Note, a énoncé généralement les Côtes au Sud de l'Equateur, il ne l'a fait que pour abréger la phrase, et en se référant à la clause des Traités.

2. Son Excellence paraît ne pas avoir saisi le sens dans lequel le Soussigné avait observé, que le Gouverneur des Iles de St. Thomas et du Prince ne pouvait refuser l'admission et les secours d'usage aux Vaisseaux Négriers qui se présentaient dans ses Ports. Le Soussigné n'a voulu parler dans ce cas là que des Bâtimens Espagnols, Français, ou de toute autre Nation avec lesquelles le Portugal n'a point de Traité Spécial qui l'autorise à saisir ou à détenir les Bâtimens engagés dans la Traite des Nègres. Cette espèce de Police ne peut s'exercer légalement, par les Autorités Portugaises, que sur des Bâtimens Britanniques ou Portugais qui violeraient le Traité de 1815, ou la Convention de 1817. Quant à ce que M. Canning ajoute sur ce que les Iles de St. Thomas et du Prince ne sont pas comprises dans la désignation du Second Article de la Convention de 1817, parmi les Territoires où le

Traffic des Esclaves est encore licite, le Soussigné priera Son Excellence de remarquer, qu'il n'est question dans l'Article Second, que de fixer les Territoires du Continent de l'Afrique où il continuerait à être permis d'aller acheter des Esclaves; tandis que les Iles appartenantes à la Couronne de Portugal, ainsi que les Provinces du Brésil, soit au Nord, soit au Sud de l'Equateur, demeurent, d'après la teneur des susdits Traités, ouvertes à l'importation des Esclaves, pourvu qu'ils soient amenés des parages de la Côte d'Afrique énoncés dans ces mêmes Traités.

3. Le Soussigné doit prier Son Excellence M. Canning de ne pas donner plus d'importance qu'elle ne mérite à l'expression que peut lui être échappée, de son opinion particulière dans une conversation avec Sir Edward Thornton, et à laquelle ce Ministre aura peut-être, en la répétant, donné un caractère plus positif qu'elle n'avait eue dans la réalité: les circonstances ont tellement changés depuis l'époque où cette conversation a eu lieu, que Son Excellence reconnaitra, sans doute, combien il serait actuellement peu convenable que les intérêts du Brésil fussent mis de côté par le Gouvernement du Portugal, lorsqu'il s'agiroit de discuter la Question de la Traite des Nègres.

Le Soussigné profite de cette occasion, &c.

S. E. *Monsieur Canning.*

LE MARQUIS DE PALMELLA.

No. 20.—*Sir W. à Court to Mr. Secretary Canning.*—(Rec. Aug. 7.)

SIR,

Lisbon, July 27, 1826.

I HAVE the honour to acknowledge the receipt of your Despatch, marked Slave-trade, of the 12th instant.

According to your Instructions, I shall embrace every opportunity which may present itself for furthering the views and principles laid down in your Note to the Marquis de Palmella of the 30th of June last.

I have, &c.

The Right Hon. George Canning.

WILLIAM à COURT.

No. 21.—*Mr. Secretary Canning to Sir W. à Court.*

SIR,

Foreign Office, Sep. 9, 1826.

I ENCLOSE, for your Excellency's information, a Memorandum of the state of the Question relating to the final Abolition of the Slave-trade by Portugal, as it stands after the separation of that Kingdom from Brazil.

There cannot be a doubt, that, from the moment at which Brazil ceased to be a Colony of Portugal, the single condition on which a respite was claimed by Portugal, and conceded to her at the Congress of Vienna, was done away.

We have already said, distinctly, that we never will sign a Treaty with Portugal that does not contain an Article for the final and total Abolition of the Portuguese Slave-trade; but, as the Negotiation of

the Treaty is necessarily suspended for the present, it would be very desirable to obtain, from the new Minister for Foreign Affairs, a written pledge of the future concurrence of his Government in such an Article.

The account which your Excellency gives of the principles and opinions of Don Francisco Almeida promises a willing assent, on his part, to the Note which I have to desire that your Excellency will forthwith present to him, asking such a Pledge on the part of the Portuguese Government.

I am, &c.

H. E. Sir William à Court, G. C. B.

GEORGE CANNING.

(*Enclosure.*)—Memorandum.

By the 10th Article of the Treaty of Alliance of 1810, between Great Britain and Portugal, Portugal declared that the supply of "a factitious population for her South American Dominions" was the only obstacle to the immediate total Abolition of the Slave-trade; and the Sovereign of Portugal, lamenting the present necessity for that supply, still engaged to bring about gradually a total Abolition of the Trade.

In the Conference at the Congress of Vienna, of the 20th of January, 1815, which produced the Declaration of the 8th of February, 1815, Portugal again declared that she would abolish the Trade, but put forward the necessity of supplying "the Brazils" with Negroes, as the obstacle in the way of *the immediate* abolition.

By the Treaty of 1815 with Portugal, Articles 1 and 2, the Contracting Parties, referring to these Engagements, reserved to Themselves to determine the period at which the Trade in Slaves should universally be prohibited throughout the *entire Dominions* of Portugal; restricted in the meantime the *Spot* where it should be allowed to continue to the *actual and claimed Dominions* of Portugal to the *South* of the *Line*; and confined the object of that permitted Trade, by an obligation not to engage in the same, or to permit their Flag to be used, except for the purpose of supplying the *Trans-Atlantick Possessions* belonging to the Crown of Portugal.

By the Treaty of 1817, the Contracting Parties "adhere to the principles" of the Declaration of 1815, and engage to "*fulfil, to their utmost extent,*" the Engagements of the Treaty of 1815.

The Islands of the Cape de Verds are situated between the 15th and 17th degrees of North Latitude, and about 100 leagues from the Coast of Western Africa.

The Islands of St. Thomas and Princes are situated between the 1st and 3d degrees of North Latitude, within about 30 leagues of the Coast of Western Africa.

The latter Islands are favourably situated for illegal Trade; there have been many complaints of the encouragement there given to it, and we have repeatedly remonstrated with Portugal thereupon.

Reports having reached this Country that the Authorities and Inhabitants of the Cape de Verds were also addicted to the Slave-trade; a Consul was sent thither, in 1824, to report upon it. What Mr. Clarke has written tends to confirm the report.

In the latter end of 1825, Mr. Macleay, our Commissioner at The Havannah, having, in his way thither, touched at Saint Jago, in the Cape de Verds, also reported, that he found the Inhabitants of that Island wholly devoted to the Slave-trade, from the Governor down to the Free Black Settlers.

A Copy of this Statement was sent to Sir W. à Court (January 20, 1826), who was desired to urge the Portuguese Government to check this Trade.

The Portuguese Government, in reply, (February 26, 1826), argued, that it was still lawful, according to Treaty, to trade in Slaves for the supply of the Cape de Verds.

Soon afterwards (June 17, 1826), the Marquis de Palmella complained that the British Cruizers had obstructed the importation of Slaves into the Islands of *Princes* and *Saint Thomas*, and claimed for Portugal the right to trade *any where*, excepting on the Continent, to the North of the Line.

An Answer was returned (June 30), in which His Excellency was reminded, that Portugal could only trade on such portions of the Western Coast as were South of the Line, and between the 5th and 18th degrees of South Latitude, and on the Eastern Coast, in those which are situate between Cape Delgado and the Bay of Lorenzo Marquez.

With reference to *Princes* and *Saint Thomas*, it was stated to His Excellency, that those Islands were notorious for aiding illegal Slave-trade; that they were in prohibited Latitudes, and that Slave-ships, trading even from permitted Latitudes, had no right to touch any where in their way to their ultimate destination.

M. de Palmella, in his Answer (July 5, 1826), allowed, that he was wrong in his first Claim; admitted the truth of the observations made to him on the subject, but still claims for Portugal the right to the importation of Slaves into *Princes* Island, so long as it is confined to the supply of that Island.

The intention thus apparent on the part of Portugal to hold to the Slave-trade by means of the Islands on the Atlantick, after the separation of Brazil had been acknowledged by the Mother Country, made it necessary to search more particularly into her existing Compacts with this Country, to see if she had any ground for advancing a further claim upon the point; a reference was therefore made to the Papers hereinbefore named, and particularly to the Treaty of 1815: it there appears, as a distinct Engagement, that the Contracting Parties shall

not permit their Flag to be used for Slave-trade, excepting for supplying the Trans-Atlantick Possessions of Portugal.

It is quite clear that the Cape de Verds, Princes, and St. Thomas Islands are not Trans-Atlantick.

The supply of those Possessions with Slaves is therefore not permitted; and by the Royal Passport, under Treaty, forbidding a Slave-ship to touch at any intermediate Port between the legal spot of the embarkation of her Cargo, and the spot of their ultimate destination, it is equally clear that Slave-ships, touching at these Islands for any purpose whatever, short of imminent distress, are liable to confiscation.

By the tenour of the Arguments of the Portuguese Negotiators, from the date of the Treaty of Alliance of 1810, down to that of 1817, and by the plain inference to be drawn from its words, the terms "*Trans-Atlantick Possessions*" of Portugal must be held to designate the Brazils.

As Portugal has no longer possession of the Brazils, she has no longer any Possessions, for the supply of which, by Treaty, the Slave-trade was permitted, and all Vessels under her Flag, now trading for Slaves, must be trading to Places outside of the Line which she has drawn for herself in this respect, and are obviously acting in direct violation of the existing Engagements between Portugal and Great Britain.

Although our Remonstrances have hitherto failed upon the matter, still, aware as we have been of the necessarily unsettled state of the Counsels of Portugal, we have been unwilling to take the enforcement of the Treaty rigorously into our hands, as if she had declined to fulfil her Engagements. We have been willing to believe, that she required only time for their completion.

Under these Engagements, therefore, Great Britain now calls upon her, only in a friendly spirit, to give a Pledge in writing for that general abolition of the Slave-trade for which the time is come.

Foreign Office, September 9, 1826.

No. 22.—Sir W. à Court to Mr. Sec^y. Canning.—(Rec. October 23.)

SIR,

Lisbon, October 3, 1826.

I BROUGHT forward the Question of the total Abolition of the Slave-trade, in my first interview with Don Francisco d'Almeida, after the receipt of your Despatch of the 9th ultimo.

Nothing could be more satisfactory than the language of His Excellency upon the subject. He declared his readiness to do every thing that depended upon him to put an end to so inhuman and disgraceful a Traffick. He observed, however, that there were certain considerations which could not be lost sight of, and which would render

it necessary for him to submit the Question to the Cabinet before he gave me an Official Answer.

It was agreed that I should present a Note upon the subject, which I did on the following day; a Copy of it I have the honour to enclose.

A week having elapsed without an Answer, I thought it advisable to speak again to His Excellency upon the subject. This second conversation produced the Note, a Translation of which I have the honour to enclose.

It appears to me to leave nothing to be desired; and I cannot but congratulate His Majesty's Government on having at length obtained so positive a Pledge of the determination of this Government to concur in putting an end to this detestable Commerce. I have, &c.

The Right Hon. George Canning.

WILLIAM à COURT.

(Enclosure 1.)—*Sir W. à Court to Don Francisco d'Almeida.*

Lisbon, September 23, 1826.

THE Undersigned, &c. has been directed to call to the attention of His Excellency Don Francisco d'Almeida, His Most Faithful Majesty's Secretary of State and Minister for Foreign Affairs, that the moment is arrived when it will be necessary to come to some clear understanding upon the subject of the Slave-trade, and that Portugal should redeem the Pledge which she gave in 1810, and again at Vienna in 1815, for the total abolition of the Commerce in Slaves throughout her entire Dominions.

England has distinctly and repeatedly declared, that she never will consent to sign any Treaty with Portugal that does not contain an Article for the final and total abolition of this inhuman Traffick, and the Undersigned has now been directed to avail himself of the suspension of the Negotiations which were begun, for a Commercial Treaty, to obtain an assurance from the Portuguese Government of its willingness to concur in such an Article.

There cannot be a doubt that, from the moment at which Brazil ceased to be a Colony of Portugal, the single condition on which a respite was claimed by Portugal, and conceded to her at the Congress of Vienna, was done away.

For the better understanding of the Question, as it now stands, between the two Governments, a Memorandum has been forwarded to the Undersigned, a Copy of which he has the honour to enclose.

The just and liberal opinions which His Excellency Don Francisco d'Almeida is known to entertain upon the subject of the Slave-trade, leave no doubt with the Undersigned of his ready compliance with this Proposal, and of the willingness of the Portuguese Government to concur in an Article, having for object the final abolition of so inhuman and disgraceful a Commerce. The Undersigned avails himself, &c.
His Excellency Don Francisco d'Almeida. WILLIAM à COURT.

(*Enclosure 2.*)—*Don Francisco d'Almeida to Sir William à Court.*
(Translation.) *Palace of Ajuda, October 2, 1826.*

THE Undersigned, &c. has the honour to acknowledge the receipt of the Note and Memorandum addressed to him by His Excellency Sir William à Court, &c. on the 23d ult., pointing out, that the moment is arrived when His Most Faithful Majesty's Government ought to execute the promises given in 1810 and 1815, for the total abolition of the Traffick in Slaves in the Portuguese Dominions; and declaring, at the same time, that England will not consent to sign any Treaty which shall not contain an Article by which His Most Faithful Majesty binds himself to a final and total abolition of this inhuman Commerce.

The Undersigned is authorized to declare to His Excellency Sir William à Court, that the Portuguese Government acknowledges that the moment is come to put an end to the inhuman Trade in Slaves, and that, consequently, it will have no hesitation to insert in the Treaty of Commerce (which the Undersigned hopes will be shortly concluded between Portugal and Great Britain,) an Article by which His Most Faithful Majesty binds himself, not only to the total Abolition of the Slave-trade in the Dominions of Portugal, but also to co-operate with His Britannick Majesty for the total extinction of so barbarous a Traffick, in the Countries where it unfortunately still exists.

The Undersigned avails himself, &c.

His Excellency Sir William à Court. D. FRAN^{co}. D'ALMEIDA.

No. 23.—*Mr. Secretary Canning to Sir William à Court.*

SIR, *Foreign Office, December 30, 1826.*

YOUR Excellency's Despatches of this Series, to the 3d of October last, have been duly received.

His Majesty's Government have learnt, with the most cordial satisfaction, the Declaration of the Portuguese Government, conveyed in your Excellency's Despatch of the 3d of October, that they will have no hesitation to insert, in any future Treaty, an Article, by which The Sovereign of Portugal shall bind himself to the entire and immediate abolition of the Slave-trade in the Dominions of Portugal, and to a co-operation with His Majesty for the total extinction of this barbarous Traffick in other Countries where it still exists. I am, &c.

His Excellency Sir W. à Court, G.C.B. GEORGE CANNING.

No. 24.—*Mr. Consul-General Clarke to Mr. Sec^y. Canning.*—
(Received April 26, 1826.)

SIR, *St. Jago, September 18, 1825.*

I HAVE the honour to acquaint you, for the information of His Majesty's Government, that the French Sloop *Frouiza Packet*, commanded by Carlos Francisco Folite, arrived at this Anchorage, from

Martinique, on the 28th of August, from stress of weather, having received considerable damage in her mast and main-boom. Repairing her defects, she proceeded, on the 10th of September, with her cargo of rum and tobacco, for the Coast of Africa, with the intention of taking on board 100 Slaves for the Place above-mentioned. She being a remarkable dull-sailing Vessel, I trust some of the French Cruizers may fall in with her.

I regret, at this Season of the Year, I have not the power of communicating with the Commodore of His Majesty's Squadron on the Coast, to make him acquainted with the circumstance, but shall take the earliest opportunity of so doing. I am, &c.

The Right Hon. George Canning.

J. P. CLARKE.

No. 25.—*Mr. Consul-General Clarke to Mr. Secy. Canning.*—
(Received April 26, 1826.)

SIR,

St. Jago, September 28, 1825.

I HAVE the honour to acquaint you, that the *Liberale* Portuguese Schooner, belonging to Brandon, arrived here from Bissao on the 27th ult., after having landed to Windward 50 Slaves. She being so fast a Vessel, I am thoroughly convinced that not one of His Majesty's Cruizers on the Coast, with fair sailing, will ever take her.

His Majesty's Government may rely on my exertions in gaining every information, and communicating it immediately. I am, &c.

The Right Hon. George Canning.

J. P. CLARKE.

No. 26.—*Mr. Consul-General Clarke to Mr. Secy. Canning.*—
(Received April 26, 1826.)

SIR,

St. Jago, October 1, 1825.

SINCE I had the honour of addressing you, on the 28th ultimo, respecting the arrival of the *Liberale* with Slaves, I have great pleasure in stating, for the information of His Majesty's Government, that on the morning of the 30th, at 6 A.M., during a heavy gale of wind from the South, the *Liberale* drove from her Anchors, and was totally wrecked on the Rocks in this Harbour, not a vestige of her remaining.

I hope, after the severe loss the Owners have sustained, (this being their fourth Vessel,) that it may be the means, in some degree, of checking their nefarious Traffick. I am, &c.

The Right Hon. George Canning.

J. P. CLARKE.

No. 27.—*Mr. Consul-Gen. Clarke to Mr. Secy. Canning.*—(Rec. May 11.)

SIR,

St. Jago, Cape de Verd, January 5, 1826.

I BEG leave to acquaint you, that, in consequence of the *Liberale* Slave-vessel having been wrecked in this Port on the 29th September last, Antonio Jacinth Pinnelho, the Partner of Brandon, has purchased

an American Schooner at Bonavista, of 50 tons, which went from hence to the Coast of Africa on the 27th December last, and is hourly expected to return with a Cargo of Slaves.

I have also to acquaint you, that a small Oporto Yacht of about 45 tons burthen, called the *Porpoise*, the Owner John Antonio Gimmerains, a Merchant resident here, is also a Trader from these Islands to Bissao and Cacheo in Slaves.

I have further to acquaint you, that a very fine American-built Schooner, under Portuguese Colours, named the *Carolina*, commanded by Victor Nobre de Britto, is at present at Bissao, on a Slaving-voyage; she is owned by a Person at Fogo, and, from the best information I am able to obtain, so far from this Trade decreasing in these Islands, it is rapidly increasing, more particularly now the Brazilian Ports are open for their reception. I have the honour to be, &c.

The Right Hon. George Canning.

J. P. CLARKE.

No. 28.—*Mr. Consul-Gen. Clarke to John Bidwell, Esq.—(Rec. July 10.)*
SIR, *Ville de Praia, St. Jago, April 10, 1826.*

I HAVE the honour to acquaint you, for the information of Mr. Secretary Canning, that, on the 4th instant, arrived at this Port the *Juliana Filles*, Portuguese Schooner, commanded by Joaõ Jacintho de Freitas, from Bissao, late American, (first attempt,) belonging to Brandon and Jacintho Pinnelho, bringing the former Governor of that Settlement, Joachim Antonio Mattas, and 2 Companies of Troops attached to this Island, with 80 Domesticks (Slaves); they represent having been boarded by an Officer of His Majesty's Sloop *Bustard* on the 21st ultimo, between the Coast and these Islands; a strict search could not, I presume, have been made, or she must have been detained, if these Slaves were seen, as, from ocular demonstration, I can assert, that 20 were landed here on the evening of the arrival of the *Surry* Transport, and were sold (not publickly) to various Persons here; the remainder, I have every reason to think, were landed at Brava.

I am, &c.

J. Bidwell, Esq.

J. P. CLARKE.

No. 29.—*Mr. Consul-Gen. Clarke to John Bidwell, Esq.—(Rec. Aug. 17.)*
SIR, *St. Jago, June 20, 1826.*

I BEG leave to acquaint you, for the information of Mr. Secretary Canning, that the *Juliana Fill s*, Portuguese Schooner, (with Brandon) arrived at Brava on or about the 12th instant, with upwards of 50 Slaves; likewise another Schooner, (formerly Spanish,) but whose name at present I have not been able to learn, arrived at the same period, with nearly 100 Slaves; I regret I cannot give the necessary information to the Authorities at Sierra Leone, having little or no communication with that Settlement, or the Gambia.

The Brig that Brandon purchased about 2 Years since is at present laying at Brava, with the intention of proceeding with a large Cargo of Slaves direct to the Brazils.

I would beg to suggest, that, if one of His Majesty's Cruizers were stationed between Bissao, on the Coast of Africa, and the Island of Brava, it would in all probability intercept the Vessels trading in Slaves from the former Place to the latter, as that Island now appears to be the principal depôt. I have, &c.

John Bidwell, Esq.

J. P. CLARKE.

No. 20.—*Mr. Consul-Gen. Clarke to J. Bidwell, Esq.—(Rec. Aug. 17.)*
SIR, *St. Jago, June 28, 1826.*

I BEG leave to acquaint you, for the information of Mr. Secretary Canning, that since the intercourse between the Portuguese and Brazilians has been renewed, a system of Traffick in Slaves, foreign to the intentions of the English Government, is carried on from these Islands to the Southern Ports, (Rio de Janeiro, Maranhão, &c.,) in which it is presumed they (the Portuguese) act strictly with the existing Treaties.

Slaves (termed domesticks) are sent from hence, openly, with a regular Passport; there is now lying in this Harbour a Portuguese Brig with 67 Slaves on board, going direct from hence to Rio de Janeiro; there are also 3 other Vessels, 2 Portuguese and 1 American, with a deputation from the Governor-General of these Provinces to the Court of Brazil, in which every Person composing that Deputation takes a certain number of Slaves, nominally as Attendants, but actually for Traffick.

While Passports can be obtained with such facility as is now the case, and the Trade between these Islands and the Portuguese Settlements on the Coast, is conducted in the manner it has been hitherto a final stop cannot take place to the Traffick in Slaves, they having little or no other returns to make for Merchandize imported there, but these unfortunate Beings.

Mr. Secretary Canning must be perfectly aware that the Americans have great intercourse with the various Settlements on the Coast, and although they may not appear openly in the Trade, they are finally paid by the produce of Slaves shipped to these Islands; one circumstance I am well aware has taken place within a very short period; a Merchant, in Boston, (United States) sent a Cargo of Merchandize to Bissao, which was disposed of to the Governor, and a note of hand passed by the latter for the Amount, which has been compromised by a return of Slaves.

By the arrival of His Majesty's Ship *Leven*, Captain Owen, I am informed, it is the intention of Commodore Bullen to visit this Island

shortly, when I shall make him acquainted with every particular on this and other matters relative to the Slave-trade. I have, &c.

John Bidwell, Esq.

J. P. CLARKE.

No. 31.—*Mr. Consul-Gen. Clarke to J. Bidwell, Esq.—(Rec. Oct. 28.)*
SIR, *British Consulate, St. Jago, Aug. 2, 1826.*

THE Portuguese Brig called the *Don Pedro*, which has been detained at Brava for some months, left that Island on the 18th ult. with a full cargo of Slaves, direct to the Brazils; the exact number I cannot ascertain, but from the best information I am able to procure, and from her dimensions, should suppose at least from 150 to 200.

I have likewise to acquaint you of the arrival at Brava of the *Juliana Filles*, Freitas, Master, with 100 Slaves, on the 28th ult.; after having landed them at that Island, she arrived at this Port on the 31st ult., and having refitted, she proceeded to Bissao on the 10th instant for another cargo. I have, &c.

John Bidwell, Esq.

J. P. CLARKE.

No. 32.—*Mr. Consul-Gen. Clarke to J. Bidwell, Esq.—(Rec. Oct. 28.)*
SIR, *British Consulate, St. Jago, Aug. 16, 1826.*

I BEG leave to acquaint you, for the information of Mr. Secretary Canning, that a Spanish Brig, named the *General Pepe*, commanded by Captain Joze Gomez, mounting 14 guns, with a complement of 80 Men, arrived at this Anchorage on the 14th instant, to refit, previously to her departure for the Gallinas for a Cargo of Slaves for The Havannah. This Vessel was a successful Privateer in the late American War, then named the *Munro*, and a very fast sailer.

Should a conveyance offer for our Settlements on the Coast, I shall transmit a full description of her to Commodore Bullen, of His Majesty's Ship *Maidstone*. I have, &c.

John Bidwell, Esq.

J. P. CLARKE.

No. 33.—*Mr. Consul-Gen. Clarke to J. Bidwell, Esq.—(Rec. Oct. 28.)*
SIR, *British Consulate, St. Jago, Aug. 24, 1826.*

I BEG leave to state, that a Dutch Schooner of 3 masts, name at present unknown, hove in sight of this Harbour on the 17th instant, having overshot her Port, intending to have made Boavista, where she is at present refitting, with the intention of proceeding to the Coast for Slaves, for Surinam; the Master of her, Oulierre, is an old Slaver; but I am in great hopes some of our Cruizers will fall in with her, being rather a dull sailer.

His Majesty's Government may rely, should opportunity offer, of my giving the necessary information to Commodore Bullen.

I have the honour to be, &c.

John Bidwell, Esq.

J. P. CLARKE.

BRAZIL.

No. 34.—*Mr. Consul-General Chamberlain to Mr. Sec^y. Canning.*
(Received April 12.)

SIR, Rio de Janeiro, February 13, 1826.

IN the early part of December last, the *Thetis*, Victualling Transport, under the charge of Lieutenant Hopkins, Royal Navy, arrived here from England.

A few miles outside the Bar she fell in with a small Schooner, under Brazilian Colours, laden with Slaves, of which the Lieutenant took possession, (under an idea, as he stated to me, that the Trade had been abolished) and then brought her into this Port, whither, as well as the *Thetis*, she was bound.

The Schooner is called the *Amizade de Santos*; her Master and Owner's Name is Jozé Lopez de Bastos.

She remained in possession of the Mate and 5 Seamen of the *Thetis*, during about 24 hours, all the while endeavouring to enter the Harbour; and as soon as she came to Anchor, the Men were withdrawn, and her Papers returned by Lieutenant Hopkins's directions, upon his learning that the Slave-trade was still allowed in this Country. No harm was done to the Schooner, nor any violence offered to her Crew or Cargo.

Two days afterwards, I saw M. de St. Amaro, who asked me, rather dryly, whether Lieutenants in charge of Transports were authorized by my Government to capture Brazilian Slave-vessels; I told him "certainly not." He then went through a highly-coloured detail of what had passed between the *Thetis* and the Schooner, and said he should soon make a Representation to me on the subject, requiring full and signal satisfaction for the insult to the Brazilian Flag. I felt no difficulty in assuring him, that my Government would disapprove of the act of the Lieutenant of the Transport, and that they would afford every adequate satisfaction for what had been done by him without authority.

I heard nothing more from M. de St. Amaro on the subject.

A few days ago, M. de Inhambupe sent me a Note, of which the enclosed is a Translation, containing four Documents respecting the Voyage and detention of the Schooner *Amizade de Santos*; all of which I take the liberty to transmit herewith.

M. de Inhambupe's Note contains, as you will see, rather an inflated representation of the circumstances that took place when the Schooner was detained, and afterwards, until her delivery the next day to the Master and Owner in this Port, founded upon, but not carried to the length of, the gross exaggeration of the latter, as set forth in his Petition and Protest; which Protest, it is to be remarked, is not made before a Notary Publick on shore, but is dated the 5th of December, on

board the Schooner at Sea, and unblushingly relates, on that day, as facts, circumstances that are declared to have happened afterwards.

Both Vessels anchored in this Harbour in the afternoon of the 6th December, and when the Schooner was delivered up by Lieutenant Hopkins, he received (in the presence of the Captain of the Port, as he positively assured me,) the thanks of her Owner and Master, for the mild manner his Men had behaved themselves, and the services they had rendered whilst on board.

In reply to M. de Inhambupe, I have repeated the assurances formerly given to M. de St. Amaro, that every adequate reparation should be made for the unauthorized and improper act of one of His Majesty's Officers.

I have thought it right, however, not to stop there, but to point out to His Excellency the great informality of the *Amizade de Santos's* Voyage altogether, and that she, and her Owner and Master, ought to have been visited with the penalties declared by the Law, against Vessels and Persons carrying on the Slave-trade, without being duly authorized thereunto by their own Government.

The Passport she produces, dated 23d March, 1825, is for a voyage to Buenos Ayres, and back: she sailed from hence in that Month. In November she is (according to Document C.) at Benguella, with a Cargo of Slaves on board; but she has not a Royal Pass, as stipulated in the 12th Article of the Additional Convention of London, and offers nothing to legalize her Voyage, but a Certificate from the Dispatcher of Vessels at *that Port (Benguella,)* that she had entered into certain Bonds, and may not carry more than 301 Slaves.

All this is clearly at variance with the before-mentioned Stipulation of the Additional Convention, and so I have told M. de Inhambupe, in order to prepare him for any remarks you may be pleased to direct me to make upon the apathy of the Brazilian Government upon this breach of the Law, and their readiness to afford protection to a Slave-ship carrying on the Trade in direct violation of an existing Treaty; of which violation the proofs were in their hands.

M. de Inhambupe has not sent any Reply to my Letter. The Schooner, according to her own Report of Entry at this Custom-House, embarked 301, her full number of Slaves (of which 39 died during the voyage;) 3 Passengers and a quantity of bees-wax: she appears to be about 75 tons burthen, British. I have, &c.

The Right Hon. George Canning.

H. CHAMBERLAIN.

(Enclosure 1.)—*The V. de Inhambupe to Mr. Consul-Gen. Chamberlain.*
(Translation.) *Rio de Janeiro, February 7, 1826.*

JOSE LOPES DE BASTOS, Owner and Master of the Brazilian Schooner *Amizade de Santos*, arrived in this Port of Rio de Janeiro on the 6th day of December last past, having represented that, proceeding

peaceably on his Voyage from the Port of Benguella for that of this Capital, with a Cargo of Slaves, when he was about to cross the Bar, and between the Islands of Marica and Paios, which are, as is known, within sight of the Fort of Santa Cruz, he was grievously insulted by an English Transport, calling herself the *Thetis*, which fired upon him at $\frac{1}{2}$ past 3 o'Clock in the afternoon of the 5th; following up this unprovoked attack, the Englishmen came on board the said Schooner, armed, and, disrespecting the Brazilian Flag, which was hoisted, as well as the Imperial Passport, which the said Master had the condescension to shew, although the Transport was not competent to judge of its validity, the said Englishmen going to the length of forcibly carrying the said Master and the Crew on board the Transport, and placing in her a Foreign Crew armed, as is all made manifest from the enclosed Representation (A,) Protest (B,) Certificate Bond given in Benguella (C,) and the Passport of the Ship (D); and it being evident that no pretext whatever, however apparent it might be, could authorize a mere English Ship to perform the acts of jurisdiction before-mentioned, in going on board a Brazilian Vessel with an armed force, and committing acts most offensive to the Dignity and Independence of the Empire, and to the Legitimate Rights of the Lord of the Port, within sight of which, and in that of its respective Forts, the said Rights were attacked: The Undersigned, Councillor of State and Minister and Secretary of State for Foreign Affairs, cannot refrain from calling the most serious attention of Mr. Henry Chamberlain, His Britannick Majesty's Consul-General, to these sufficiently notorious facts, and to request, as he does, by order of His Majesty the Emperor, those explanations that are requisite for the ulterior regulation of His Imperial Majesty's Government, which now, protesting against such arbitrary proceedings, and expecting, in consideration of the good harmony happily existing between the Two Governments, that that of His Britannick Majesty will not but formally disapprove of the conduct of that Transport, trusts no less that a satisfaction and reparation will be given, adequate and corresponding to the offensive acts which form the subject of the present Note.

The Undersigned profits, &c.

Henry Chamberlain, Esq.

VISCONDE DE INHAMBUPE.

(Enclosure 1, A.)—*Petition of the Master of the Amizade de Santos.*
(Translation.)

JOSE LOPES DE BASTOS, Master of the Schooner *Amizade de Santos*, who came into this Harbour on the 6th day of the present Month of December, on his Voyage from Oporto to Benguella, with a Cargo of new Slaves, says, that on his entrance to Barra, and in the District and Waters between the Islands of Marica and Paios, he was greatly insulted by an English Ship called the *Thetis*, from which 3 cannonballs were fired at him, at half-past 3 in the evening of the 5th day,

at the time when they knew that all the Slaves were above deck; in consequence of which, the Slaves, terrified, precipitated themselves upon the deck, and some of them were grievously trodden upon: which insult was followed by the entrance of the English into the said Schooner, armed with swords and pistols, and using very indelicate language to its Crew and Passengers. Other insults followed on those, namely, insisting on the Petitioner shewing them his Passport of the Empire, and returning it with contempt to him, saying that they knew no such Passport, tearing it in part, and taking the Petitioner, with the Pilot of the Schooner, on board their Vessel; notwithstanding that the said Petitioner was seriously indisposed, on which account they permitted him to return at night to the aforesaid Schooner, at the same time taking away all his Crew, and manning the Ship with 5 very drunken Englishmen, who passed all the night in a state of intoxication, in firing pistols, and making an uproar with each other, until they quarrelled, the Ship remaining as if on the top of the waters, with the sails flapping, from whence ensued her almost total destruction. And all this happened, notwithstanding that I had the Flag of the Empire hoisted; and this, therefore, is a case which calls for reparation for the injury done by Subjects of a Friendly Nation, which every day receives from our's the most sincere proofs of hospitality. He represents this, and may your Imperial Majesty be pleased to take his case into your consideration, seeing, that the Captain, Charles H. Palivend, of the English Ship aforesaid, has been served with a Protest from the Petitioner on that subject, to which he has not replied.

JOSE LOPES DE BASTOS, Owner and Master.

(Enclosure 1, B.)—*Protest of the Master and Crew of the Amizade de Santos.*—(Translation.)

IN the Year, from the Birth of our Lord Jesus Christ, 1825, the 5th of December, when, with my Schooner the *Amizade de Santos*, laden with Slaves, and proceeding from the Town of St. Philip, in Benguella, I was, at half-past 3 in the afternoon, opposite the Isles of Marica, an English Vessel, the *Thetis*, approached me to the Leeward, having hoisted the American Flag; but soon after she hoisted the English Flag, and I hoisted my Flag of the Empire of Brazil. When quite near me she fired 3 shots at me. I was on deck with all the Slaves, who were so much alarmed, that some of them were on the point of throwing themselves over-board, so that it required great exertion to quiet the disturbance, in which many were trod under foot, who, I am afraid, cannot recover; and the Boat of the English Vessel coming on board the Schooner, the Boat's Crew raised such a tumult, that a mutiny seemed to have broken out, as the English came armed with swords and muskets, and struck great terror into the Slaves, whom they ill-treated and trampled on; and they even beat me. Nay, it is as I

say, they beat me, my Crew, and the Passengers; they then carried me, my Crew, and two Passengers, on board their Ship. I showed them my Papers and the Royal Passport; they told me that they knew of no such Passport, and even tore a piece out of it. By dint of entreaties, I prevailed on them to let me return on board the Schooner, though alone, in order to look after the Slaves. When I came on board, I found 5 Englishmen, who had remained there, much intoxicated, beating and kicking the Negroes, and offering violence to the Negro women; all was in an uproar. It was revolting to see that even the sick were not spared; such was the effect of their intemperance; two were fighting with swords. Being without assistance, I was unable to keep the Negroes in order, or to administer to the sick the proper remedies; in consequence of which, 8 of them died that night, and 20 were taken so ill, that I despair of their being restored to health. During the whole night, my sails were flapping to and fro, and my rigging so ill-used as to be nearly destroyed. The replacing of sails and rigging will occasion an expence of upwards of 200 mil reis. I therefore enter my Protest against the English Ship *Thetis*, or her Commander, or against any one, whosoever he may be, for all losses and damages sustained by the Schooner and her Cargo of Negroes, in consequence of the boarding, at half-past 3 o'Clock, P. M., on Monday, the 5th of December of the said Year; and also, because I was prevented by that occurrence from arriving on the same day in the Harbour of Rio de Janeiro; not to mention the insult offered to me and my Ship's Company. For which purpose, we have made the present Deposition, and signed it on board the Schooner *Amizade de Santos*, on the 5th December, 1825.

JOAO CORREA DE BARROS.

For MANOEL PETA, there was a cross.

For MANOEL MARQUES, ditto.

For JOAO RIBEIRA, ditto.

JOZE LOPES DE BASTOS, Master.

JOZE DE SOUZA ROSA, Steersman.

P. S.—Having examined my Papers on shore, after they were returned me from on board the *Thetis*, whither they had all been carried, I found that there was wanting the Pass for the Negroes, which I received at Benguella. But I can produce the Cocket which was given me there likewise.

JOZE LOPES DE BASTOS, Master.

The Protest contained no more; and, referring to it, I have given above a Copy of the same. And to certify that it is a true one, I have subscribed and signed this in the Publick Exchequer at Rio de Janeiro, on the 3d January, 1826. JOAQUIM JOZE DE CASTRO.

Subscribed and signed in the Publick Exchequer,

EMANUEL DE VERDE.

JOAQUIM JOZE DE CASTRO.

(*Enclosure 1, C.*)—*Certificate of Bond.*—*Schooner Amizade de Santos.*
(Translation.)

MANUEL XAVIER RIBEIRO, Clerk of the Shipping Department for His Majesty, &c., certifies, that in Folio 110 of the 2d Book of Securities, the following Writing appears:—

On the 4th day of the Month of November of 1825, in this City of Benguella, and in my Record Office, appeared Jozé Lopes de Bastos, Master of the Schooner *Amizade de Santos*, which is pursuing her voyage for Rio de Janeiro, with a Cargo of Slaves, and by him it was told to me, that, in order to pursue his voyage, according to the customary forms, he bound himself to what follows:—That he would not take any more Persons in the Crew of the said Schooner than those which it contained, or any Person else whatsoever, without the written Permission of the Most Illustrious the Governor of this City, and doing the contrary, he would incur the penalties of Law, and would be liable to pay 400,000 reis, as should be determined by the Most Illustrious and Most Excellent the Governor and Captain-General of the Kingdom of Angola, in conformity with the 48th Chapter of the Regulations of his Government: that he would not carry more Slaves than 301, according to his Admeasurement; and exceeding that number, he would incur the penalties of the Laws of Admeasurement; for which Slaves he showed that he carried the necessary provisions and water, which was seen by the Documents which he presented: that the said Schooner is going straight to the Port of Rio de Janeiro, and that were he constrained to make any other, he would there set forth before the competent Magistrates the cause of his arrival, and when that was remedied, that he would proceed with the Cargo, which he here received, for the Place of his destination; from which obligation he would be excused by judicially proving that the state of his tackle or Vessel, the situation of the Port, the weather, or the season, did not permit him to undertake such a voyage without the evident risk of losing his cargo of Slaves; and remaining in the Port in which he might arrive without performing the said justification, he should be subject to pay 12,000 cruzados, besides the losses and damages which he might occasion to the Parties interested in the Ship; and that he would also indemnify the Persons who shipped the Slaves, for their value, according to the price in the Port to which he is to carry them, should they not choose to receive the prices of the Port at which he might arrive; and all shall be liquidated with the said Master as the Owner of the said Schooner; or finally, with his Security and principal Agent, as the Parties shall think fit, making use for that purpose of the competent measures: that, in case of his arrival, and not being able to return to the Port of his destination, he would deliver the Letters which he carries from this Place to the Post-Office of the Harbour where he may arrive, requiring their delivery,

and principally those on Royal Service, to the Stations and Persons to whom they are addressed, securing himself with Receipts in form, that he may present them in this City, and if he does the contrary, he would incur the Penalties of Masters who do not deliver the Mails: that being attacked by an enemy superior in force, before surrendering, he would throw into the Sea the said Mails and Letters, under penalty of paying the sum of 400,000 reis. And Justiniano Joze dos Reis, a Merchant, of this Place, being also present, whom the Master presented to be his Security, I was told by him, that of his free will he agreed to become his Security and principal Agent for all pecuniary Penalties, to which the said Master bound himself by this Writing, which, after being read, they signed with me.

MANOEL XAVIER RIBEIRO.

JOZE LOPES DE BASTOS.

JUSTINIANO JOZE DOS REIS.

Nothing else is contained in the said Writing, which I have extracted faithfully from the said Book, to which I have referred.

Benguella, Nov. 4, 1825.

MANOEL X. RIBEIRO.

Muster Roll of the Schooner Amizade de Santos, for Rio de Janeiro.

Nos.	Employments.	Names.	Place of Nativity.	Years.	Face.	Stature.	Wages.
1	Master	Jozé Lopes de Bastos	Oporto	44	Round	Ordin.	
2	Pilot	Jozé de Senza Rosa	Oporto	26	Ditto	Ditto	
3	Mate	André Gomez	Oporto	35	Oval	Tall	
4	Clerk	Jozé Correa de Barros	Villa Real	27	Round	Ordin.	Gratis.
5	Steward	Manoel Pinto	Caminha	23	Ditto	Ditto	40 Dollars.
6	Barber	Jozé, Slave of aforesaid	Angola	—	Ditto	Ditto	Already at Brazil.
7	Seamen	Manoel Lopez	Oporto	30	Ditto	Ditto	
8	Ditto	Romas Jozé	Lisbon	28	Oval	Ditto	
9	Ditto	Manuel Marques	Coimbra	44	Round	Short	40 Dollars.
10	Ditto	Antonio de Souza	Oporto	23	Ditto	Ordin.	
11	Slave	Simplicio, of the Master	Cabinda	—	Oval	Ditto	
12	Ditto	Antonio, Ditto	Cabinda	—	Round	Ditto	
13	Ditto	Francisco, Ditto	Congo	—	Ditto	Ditto	
14	Ditto	João, of Miguel Ant.Ferra	Novo Red	—	Ditto	Ditto	

I, Manoel Xavier Ribeiro, Clerk of the Shipping Department for His Majesty, &c., certify, that I inspected the Persons mentioned in the above List, according to the forms of the Royal Orders. And to prove it, I drew up this present, which I have signed.

Benguella, Nov. 3, 1825.

MANOEL X. RIBEIRO.

MOST ILLUSTRIOUS GOVERNOR,

JOZE LOPES DE BASTOS, Master of the Schooner *Amizade de Santos*, submits that, by the annexed Documents, he is ready to pursue his Voyage to-morrow to the Port of Rio de Janeiro, with a Cargo of Slaves, and, as he cannot do that without permission, he

prays that, for that purpose, your Excellency will be pleased to order the Fortress to place no obstacle in the way of his departure.

LOPES DE BASTOS.

No. 1,024.—It may proceed on the Voyage, }
 this Fortress placing no obstacle in its way. } Let this be fulfilled.
 AURELIO. } FREITAS.
Government-House of Benguella, 8th Nov. 1825.

(*Enclosure 1, D.*)—*Passport of the Schooner Amizade de Santos.*
 (Translation.)

FRANCISCO VILLELA BARBOZA, of the Council of State of His Imperial Majesty, Grand Cross of the Imperial Order of Cruzeiro, Knight of the Order of Christ, Colonel of the Imperial Corps of Engineers, Minister and Secretary of State for the Affairs of Marine, and Inspector-General of Marine, &c. &c. &c.

I make known to all those who shall see this Passport, that the Schooner *Amizade de Santos* is to sail from this Port of Rio de Janeiro to Buenos Ayres, whence it is to return to this Court, and of which Schooner José Lopes de Bastos is Master and Owner, a Subject of this Empire, no Foreign Person being on board the said Schooner. Wherefore, if, in going or returning, it should be met, in any Seas or Ports whatsoever, by the Chiefs and Officers of the Ships and Vessels of this Empire, The Emperor of Brazil commands that they put no obstacle in its way. And he recommends to the Fleets, Squadrons, and Vessels of the Kings, Princes, Republicks, and Potentates, Friends and Allies of this Crown, not to prevent it from pursuing its Voyage, but to aid and favour it in every way necessary, in the certainty that to those who are recommended by their Princes, the same and equal treatment will be shewn. In faith whereof, He commanded this Passport to be given, signed by me, and sealed with the Great Seal of the Imperial Arms.

Given in the Palace of Rio de Janeiro, 23d March, in the Year of the Birth of our Lord Jesus Christ, 1825.

FRANCISCO VILLELA BARBOZA.

By Order of His Excellency,

ANTONIO ABZ. DE BRILLO.

On the back of the Passport: Registered in folio 20 of the 7th Book of Ship Passports.

ANT. DE ARAUJO LEDO.

Secretary of State's Office, 24th March, 1825.

(*Enclosure 2.*)—*Mr. Consul-Gen. Chamberlain to the Vis. de Inhambupe.*
 MONSIEUR LE VICOMTE, *Rio de Janeiro, February 9, 1826.*

ACKNOWLEDGING the receipt of your Excellency's Note of the 7th instant, together with its Enclosures, respecting the firing at and taking

possession of the Brazilian Slave-vessel *Amizade de Santos*, José Lopes de Bastos, Master and Owner, by the British Transport *Thetis*, within sight of this Harbour, on the 6th of December last, I do not hesitate to take upon myself to assure your Excellency, that every adequate reparation will be made for the unauthorized and improper act of which your Excellency complains, which act cannot but be entirely disapproved of by His Majesty's Government, to whom I shall not fail to transmit your Excellency's Note, and its Enclosures, by the first opportunity.

Having so far had the honour to answer the immediate purport of your Excellency's Note, I take the liberty to submit, for your Excellency's consideration, a few remarks, founded upon the Documents it contains; not for the purpose of excusing or covering the improper conduct of the British towards the Brazilian Vessel, but with the view of pointing out the flagrant breach of the Additional Convention of London (July 28, 1817,) committed by the latter, which, as it appears to me, the Brazilian Government is bound to notice.

The 4th Article of that Convention stipulates, "that every Vessel sailing from Rio de Janeiro, to be employed in the licit Slave-trade, must be furnished with a Passport, conformable to the model annexed to the Convention, and forming an integral part thereof; in which Passport is to be specified the number of Slaves the Vessel is permitted to carry."

The *Amizade de Santos* had no such Passport, at least her Master and Owner produces none; but, instead thereof, the common ordinary Passport carried by Merchant Vessels, dated in March, 1825, authorizing her to sail to Buenos Ayres and back again direct. Whether she went to Buenos Ayres does not appear; but, in the Month of November following, she is found in the Port of Benguella, where, without being authorized by her own Government to engage in the Trade at all, she takes on board a Cargo of Slaves, with which Cargo she sails direct for Rio de Janeiro.

It would be difficult to imagine a more open breach than this of the rule laid down in the before-mentioned Additional Convention for regulating the mode of carrying on the licit Slave-trade; and your Excellency will, no doubt, upon reflection, see it in the same light.

Had the *Amizade de Santos* been fallen in with at Sea by any British or Brazilian Ship of War employed in checking the illicit Trade, her want of Papers would have justified her detention, and might have been followed by her condemnation.

Upon her arrival in this Harbour, I must presume she became liable to the Law, for being informally employed in carrying Slaves.

The Papers she produces from the Portuguese *Escrivaõ dos Despachos*, in the Portuguese African Port of Benguella, would be insufficient to authorize a Portuguese Slave-vessel to navigate the Seas:

how much the less, then, can it be a sufficient Authority for a Brazilian Vessel to engage in the Slave-trade, between Portuguese Africa and Brazil, in contradiction to the express Stipulations of an existing Treaty?

Your Excellency will, I hope, pardon my having ventured to offer these remarks. I have been induced to do so, in order to prepare your Excellency for those of my Government, when they learn that the informal, if not illicit, conduct of the Master and Owner of the *Amizade de Santos*, which conduct, to say the least of it, is at variance with the Engagements between the two Countries, has apparently neither attracted the notice, nor called forth the disapprobation of the Brazilian Government; but that, the Law being allowed to sleep, their protection is exerted in his favour to the same extent as if he had done nothing wrong, and had not committed an infraction of a Treaty.

I profit, &c.

H. E. the Viscount de Inhambupe.

H. CHAMBERLAIN.

No. 35.—*Mr. Secy. Canning to Mr. Consul-Gen. Chamberlain.*

SIR,

Foreign Office, June 14, 1826.

THE circumstances relating to the detention of the *Amizade de Santos*, by the British Transport *Thetis*, and to the irregularity of the Voyage of the first-mentioned Vessel, as detailed in your Despatch of the 13th of February, of this Series, have been referred to His Majesty's Advocate-General, who has reported it to be his opinion, that the act of the *Thetis* was unjustifiable, and contrary to the Provisions of the Convention.

The defects that were discovered in the Papers of the Brazilian Vessel were very properly brought, by you, to the notice of the Brazilian Government.

As this Vessel had cleared out for Buenos Ayres, it does not appear certain that the Brazilian Government was privy to these irregularities; and, under the particular circumstances of the case, it would not now be advisable to remonstrate further on the discovery made in consequence of the seizure of the Vessel. I am, &c.

Henry Chamberlain, Esq.

GEORGE CANNING.

No. 36.—*Mr. Cons.-Gen. Chamberlain to Mr. Secy. Canning.—(Rec. July 8.)*

SIR,

Rio de Janeiro, March 21, 1826.

I BEG leave to enclose the Copy of a Letter, and its Enclosure, received from Mr. Consul Pennell, stating the number of African Slaves imported into, and exported from, the Port of *Bahia*, during the Six Months ended the 31st December, 1825. I have, &c.

The Right Hon. George Canning.

H. CHAMBERLAIN.

(Enclosure 1.)—*Mr. Consul Pennell to Mr. Consul-Gen. Chamberlain.*

SIR,

Bahia, February 3, 1826.

I HAVE the honour to enclose two Returns of the number of Slaves imported into, and exported from, the Port of Bahia, from the 1st July, 1825, to the 31st December, 1825. I have, &c.

Henry Chamberlain, Esq.

W. PENNELL.

(Enclosure 2.)—*Return of the Number of Slaves Imported into Bahia, from 1st July, 1825, to 31st December, 1825.*

Date of Arrival.	Name of Vessel.	Whence.	Number of Negroes.			Observations.
			Embarked.	Died.	Landed.	
July 13	Ia. Rosalia - -	Molembo -	—	—	232	
Aug. 27	Emilia - -	Ambris -	—	—	311	
Sept. 11	Ira. Estrella -	Molembo -	—	—	226	
— 22	Carridade - -	Do. -	—	—	303	
Oct. 1	S. Joao Voador -	Do. -	—	—	80	
— 6	S. Joao Espadarte	Ambris -	—	—	243	
— 27	N. Senhora d'Ajuda	Pernambuco -	—	—	25	
Nov. 3	Henriquetta -	Molembo -	—	—	504	
— 19	Agua - -	Do. -	—	—	127	Robbed 317.
— 23	Bom Successo -	Do. -	—	—	204	
Dec. 3	S. José Vencedor	Do. -	—	—	14	Robbed 316.
					2269	

(Enclosure 3.)—*Return of the Number of Slaves Exported from Bahia, from the 1st July, 1825, to 31st December, 1825.*

Date of Sailing.	Name of Vessel.	Where bound.	—	—	Number of Negroes.
Oct. 30	Tiberio.	Rio de Janeiro.	—	—	16

WM. PENNELL.

No. 37.—*Mr. Cons.-Gen. Chamberlain to Mr. Secy. Canning.-(Rec. July 8.)*

SIR,

Rio de Janeiro, March 26, 1826.

I HAVE the honour to transmit, herewith, Copies of a Despatch, and Enclosure, received from Mr. Consul Pennell, communicating the gratifying information that Licenses to touch at the Islands of St. Thomas and Princes, and other Places within the prohibited Districts, will no longer be granted, by the Government at Bahia, to Slave-vessels sailing from thence on the licit Trade to Ports South of the Equator.

It will be observed, that the Portaria describes these Licences as "fraudulent," and contrary to the Stipulations with Great Britain respecting the Slave-trade.

It is some consolation that the Government have at length been brought to consider them in this light. That they should ever have considered them otherwise, or hesitated, as they have done, during several Years, to yield to the repeated Remonstrances of His Majesty's Government against granting such Licences, is the more extraordinary, as there exists in the Statute Book a Carta Patent, dated the 13th April, 1809, relieving the Slave-ships of Bahia from the legal obligation to touch at the Islands of St. Thomas and Princes, because experience had shewn, that the calms and contrary currents of the Seas on their Coasts created great delays, whilst the *infectious pestilence of the air produced great mortality amongst the Negroes embarked*: inconveniencies and calamities which vanished before the profits of the illicit Trade.

I have the honour to be, &c.

The Right Hon. George Canning.

H. CHAMBERLAIN.

(Enclosure 1.)—*Mr. Consul Pennell to Mr. Consul-Gen. Chamberlain.*
SIR, *Bahia, February 15, 1826.*

I HAVE the honour to inform you, that I was in expectation of receiving a Statement of some specifick facts, to bring under the consideration of the President of this Province, in support of a Representation against Vessels being permitted to touch at Places North of the Equator, when the Document, of which I have the honour to enclose a Copy, was made publick; being an Order from the Brazilian Government (dated Rio de Janeiro, 8th January, 1826,) not to grant such Permissions (denominated "Escalas dolosas") in future, as being contrary to Stipulations with the British Government, as regards the Slave-trade.

This circumstance will prevent my making the Representation I had contemplated. I have the honour to be, &c.

Henry Chamberlain, Esq.

W. PENNELL.

(Enclosure 2.)—OFFICIAL ARTICLE.—*Department for Foreign Affairs.*—(Translation.)

IT having come to the knowledge of the Government of His Majesty The Emperor, that some Merchants, to whom is permitted the licit Slave-trade, trying to deceive the Constituted Authorities, to whom it belongs to watch over the execution of the existing Treaties between this Government and that of His Britannick Majesty, avail themselves of fraudulent Licences to touch at Places ("Escalas dolosas") to pursue the illicit Trade; and it being necessary to provide against the possibility of the renewal of such abuses; I am to inform your Excellency, for your information, and its execution, that the Imperial Government

judge proper to order that such Licences shall not be granted; the which is conformable to what is stipulated with the British Government respecting the Slave-trade. God preserve your Excellency.

Palace of Rio de Janeiro, January 8, 1826.

Snr. Visconde de Queluz. VISCONDE DE SANTO AMARO.

No. 38.—Mr. Cons.-Gen. Chamberlain to Mr. Secy. Canning.—(Rec. July 8.)

SIR, *Rio de Janeiro, March 28, 1826.*

IN addition to the Papers I have already had the honour to transmit, respecting the Slave-vessel *Amizade de Santos*, in my Despatch of the 13th February last, I now beg leave to submit for your perusal the Translation of an Official Article, published in this day's *Diario Fluminense*, being the Copy of a Letter from the Minister for Foreign Affairs to the Minister of Marine, explaining the reasons why His Excellency had limited himself, in his Note to me of the 7th February, respecting that Vessel's detention by the *Thetis*, to the mere demand of satisfaction for the insult shewn to the Flag, without demanding any indemnification for damages.

In this Letter M. de Inhambupe shows the voyage of the *Amizade de Santos* to have been wholly illegal and simulated; yet no legal steps have been taken to bring the Owner, Master, or Crew, to justice, and the Vessel has been allowed to sail again upon another voyage to the Coast of Africa.

I have the honour to be, &c.

The Right Hon. George Canning.

H. CHAMBERLAIN.

(Enclosure.)—The Brazilian Minister for Foreign Affairs to the Minister of Marine.—(Translation.)

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

IN reply to your Excellency's Office of the 15th of the present Month, I have to inform you, that, in consequence of the Offices from your Excellency's Department of the 15th and 20th December of last Year, referred to, in which was transmitted the Representation of Jozé Lopes de Bastos, Owner and Master of the Schooner *Amizade de Santos*, complaining of the hostile act committed by the Commander of the English Ship *Thetis*, a Note, of which the Enclosure is a Copy, was addressed to the Consul-General of His Britannick Majesty, to which he replied by the Note which accompanied the former*; this affair having also been transmitted to the Barao de Itabayana, in order to make the necessary Representations, the result of which is not yet known. On perusal of these Notes, your Excellency will see, that this Department has limited itself to requesting satisfaction for the insult that the Commander of the above-mentioned Ship *Thetis* committed against the National Flag, and not an indemnification for Losses; because, it being requisite that the Master of the said Schooner

* See Enclosures in No. 34, Pages 314. 320.

should present the respective Passport, in order to verify the legality of his voyage, it became known, from that exhibited, that it was a simulated (*simulada*) voyage, he having cleared out his Ship from this Port for Buenos Ayres, and not for the Coast of Africa; from whence, however, he came with a Cargo of Slaves, when he was unduly boarded by the said English Ship: all which I communicate to your Excellency for your Government; apprizing you, that so soon as a Decision on this Affair arrives from London, I shall hasten to convey it to the knowledge of your Excellency. God preserve your Excellency.

Palace, March 17, 1826.

Snr. Visconde de Paranagua. VISCONDE DE INHAMBUPE.

No. 39.—*Mr. Consul-General Chamberlain to Mr. Secy. Canning.*—
(*Rec. Aug. 27.*)

SIR, *Rio de Janeiro, June 17, 1826.*

I BEG to acknowledge the receipt of your Despatch of the Slave-trade Series, dated the 6th of May, 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 present Session. I have, &c.

The Right Hon. George Canning. H. CHAMBERLAIN.

No. 40.—*Mr. Consul-General Chamberlain to Mr. Secy. Canning.*—
(*Rec. Aug. 27.*)

SIR, *Rio de Janeiro, June 19, 1826.*

IN the Sitting of the Chamber of Deputies of the 15th instant, a Report from the Committee of Legislation was read, proposing the term of 14 Years for the abolition of the Slave-trade; to which S^r. Clemente Pereira proposed, as an Amendment, to substitute 6 Years instead of 14. The Report and Amendment were ordered to be printed. One Member, S^r. Malaquias, declared, that he was ready to vote for an immediate Abolition; but no Motion of this sort was made.

I have the honour to be, &c.

The Right Hon. George Canning. H. CHAMBERLAIN.

No. 41.—*Mr. Cons.-Gen. Chamberlain to Mr. Secy Canning.*—(*Rec. Oct. 4.*)
SIR, *Rio de Janeiro, July 7, 1826.*

I HAVE lately received from Mr. Consul Hesketh, at Maranham, a Despatch, dated the 21st of March of the present Year, accompanied by very voluminous Documents, respecting a Schooner called the *Carolina*, which had arrived there, and been allowed to land a Cargo of Slaves from Cacheu.

I should have brought this fresh and palpable breach of the existing Treaty for checking the illicit Trade in Slaves, and of the Alvará of the 26th of January, 1818, at once before the Government, but for the expectation that I may perhaps be speedily honoured by the receipt of

some Instructions from you, Sir, upon this subject; which expectation is formed upon Mr. Consul Hesketh's having informed me that he had already transmitted to the Foreign Office the principal details of the circumstances of this Case, and should continue to forward others as they occurred, as well as of the steps he had taken in it.

I cannot foresee any inconvenience arising from my waiting until the next Packet arrives, whilst, whatever I may feel it right to urge with the Government, will come with double force when founded upon your Instructions. I have the honour to be, &c.

The Right Hon. George Canning.

H. CHAMBERLAIN.

No. 42.—Mr. Cons.-Gen. Chamberlain to Mr. Secy. Canning.—(Rec. Oct. 4.)

SIR, *Rio de Janeiro, July 7, 1826.*

I BEG leave to transmit the Copy of a Letter from Mr. Consul Hesketh, with its Enclosure in original, stating the number of Slaves imported into the Port of Maranham during the Year 1825.

I have the honour to be, &c.

The Right Hon. George Canning.

H. CHAMBERLAIN.

(Enclosure 1.)—Mr. Consul Hesketh to Mr. Consul-Gen. Chamberlain.

SIR, *Maranhm, January 17, 1826.*

I TRANSMIT, enclosed, a Statement of the Slaves imported into Maranham during the Year ending the 31st December, 1825.

I have the honour to be, &c.

Henry Chamberlain, Esq.

ROBERT HESKETH.

(Enclosure 2.)—Statement of the Slave Importation into the Port of Maranhm during the Year 1825.

Date of Arrival.	Description of Vessels.	Name of Vessels.	Name of Masters.	Where from.	Number of Slaves Shipped.	Died in the Passage.	Number of Slaves Landed.	REMARKS.
1825.								
Oct. 17	Schooner	Florinda	Joze Antonio de Carvalho	Ceará	23	—	*23	* The Slaves from Ceará and Acaracú (another Port in the Province of Ceará) are for the most part Creole Slaves, who were sent here for sale, owing to the scarcity of Food in that Province.
24	Ship	Sao Nicolao Augusto	Joao Placido da Cruz	Ditto	51	1	50	
Nov. 17	Sumaca	Activa	Manoel Gonçalves da Costa	Acaracú	35	—	35	
25	Brig	Concordia do Brazil	Joze da Costa Santos	Pernambuco	163	—	163	Of these, 161 were African Negroes, landed at Pernambuco, from the Ship "Imperador do Brazil," from Leanda.
Dec. 5	Schooner	Hermelinda	Joao Antonio dos Santos	Acaracú	45	—	*45	
					317	1	316	

No. 43.—*Mr. Cons.-Gen. Chamberlain to Mr. Sec^y. Canning*—(*Rec. Oct. 4.*)
SIR, *Rio de Janeiro, July 12, 1826.*

HAVING received private information that the Portuguese Vessel *Conde dos Arcos*, mentioned in my Despatch of this Series, dated 4th January of the present Year, as having been announced in a Lisbon Gazette to be about to sail from thence, on the 20th November, for Rio de Janeiro (viâ Angola, or Benguella,) had taken in a full Cargo of Slaves at the Port of Ambriz, and might be expected shortly to arrive here, I thought it my duty to acquaint the Minister with these facts, and to request that he would, upon her arrival, cause the Law to be enforced against her as an illicit Slave-Trader.

I have the honour to annex Translations of M. de Inhambupe's first and second Replies to this Application; from the last of which it is satisfactory to gather that, upon the arrival of the Vessel *Conde dos Arcos*, the requisite measures will be adopted towards her, after a due examination into the circumstances of the Case. I have &c.

The Right Hon. George Canning.

H. CHAMBERLAIN.

(*Enclosure 1.*)—*Mr. Consul-General Chamberlain to the Viscount de Inhambupe.*

M. LE VICOMTE,

Rio de Janeiro, June 24, 1826.

I FEEL it to be my duty to acquaint your Excellency that a Portuguese Vessel, called the *Conde dos Arcos*, sailed from Lisbon last November for Rio de Janeiro, viâ Angola and Benguella, and that she is daily expected to arrive at this Port with a Cargo of 300 Slaves, taken on board, I believe, at Ambriz.

As it is impossible that this Vessel can, under such circumstances, be provided with the Imperial Pass requisite to authorize her being engaged in the Traffick in Slaves between Africa and Brazil, I beg to call your Excellency's attention to the fact herein stated, and to denounce this Vessel as one illegally engaged in the Slave-trade; not doubting but that, on her arrival at this Port with her Contraband Cargo, the Imperial Government will cause such steps to be taken in the matter as the flagrant illegality of the proceedings demand.

I profit of the opportunity, &c. &c.

H. E. The Viscount de Inhambupe.

H. CHAMBERLAIN.

(*Enclosure 2.*)—*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*—(Translation.)

Secretary of State's Office for Foreign Affairs,

Rio de Janeiro, June 28, 1826.

THE Viscount de Inhambupe presents his due compliments to Mr. Henry Chamberlain, Chargé d'Affaires of His Britannick Majesty, and not being yet able to reply, suitably, to the Note which he ad-

dressed to him on the 24th of the present month, as Explanations are required about the circumstance of the Ship *Conde dos Arcos*, to which it relates, and which have been requested from the Chargé d'Affaires of His Most Faithful Majesty at this Court, acquaints him, that at an opportune time he will give him the result of this affair.

The Viscount de Inhambuê does not omit this occasion to renew, &c.

Henry Chamberlain, Esq.

(Enclosure 3.)—*The Viscount de Inhambuê to Mr. Consul-General Chamberlain.*—(Translation.)

Rio de Janeiro, July 10, 1826.

THE Chargé d'Affaires of His Most Faithful Majesty, to whom I sent the Note you addressed to me, under date of the 24th of the last month, respecting the Ship *Conde dos Arcos*, which you state to have sailed from Lisbon in November of the last Year, destined for Angola and Benguella, to trade for Slaves, in order to come to the Port of this Capital, has just announced to me, that he is persuaded, considering the fidelity with which his Government fulfils its Agreements, that it would not give such a Clearance to the mentioned Ship, in the case of her being Portuguese property; judging, therefore, that the information which you have received must have been less exact, because he could even assert, that it did not appear that in the said month of November any Vessel of that denomination had sailed from Lisbon.

In communicating to you the above-mentioned, I am to say, that in case of the said Ship actually entering this Port, the requisite measures will be taken after proceeding to the due examinations.

On this occasion I renew, &c.

Henry Chamberlain, Esq.

VISCONDE DE INHAMBUÊ.

No. 44.—*Mr. Consul-General Chamberlain to Mr. Secretary Canning.*
(Received October 4.)

SIR,

Rio de Janeiro, July 19, 1826.

ABOUT a month ago I observed in the List of Sailings from this Port, that a Schooner, called the *Arsenia*, under Brazilian Colours, had left the Harbour on the 11th June, bound to Cabinda, Molembo, *Island of Prince and Island of St. Thomas*, and I concluded, not only from her destination, but from the number of her Crew, (22 Persons) that she must be bound upon a Slave-trading voyage.

After the assurance given by M. de S^o. Amaro, in the commencement of the present Year, that Licences to touch at Places North of the Line should no longer be issued by the President of Bahia, and,

according to the fair construction of his Note, that they should not be granted at all, it seemed probable that the announcement of the *Arsenia's* destination to Princes and St. Thomas was a mistake; nevertheless, to clear up all doubts on the subject, I wrote a few lines to the Minister for Foreign Affairs, requesting to be informed, whether the *Arsenia* was employed in the Slave-trade, and was furnished with a Passport authorizing her to touch and trade at the Places mentioned in the Sailing List.

His Excellency acknowledged the receipt of my Letter, and promised to answer it as soon as he had obtained the requisite information from the Department of Marine.

On the 14th instant, I received the enclosed Answer, signifying, to my utter astonishment, that the *Arsenia* had permission to touch and trade at all the Places mentioned in the List of Sailings, and that moreover, the Government had resolved, in compliance with the "well-founded representations of various Brazilian Slave-Merchants," to issue Licences allowing Slave-vessels to touch at Places North of the Line.

If the clearest and most convincing proofs had not been adduced, that such Licences have been obtained with sinister views, and used fraudulently, it might be pretended that there exists nothing beyond a mere suspicion of their being obtained for fraudulent purposes.

But how M. de Inhambupe can hazard this opinion with those Documents before him, with which this Government has been furnished, proving numerous instances of fraudulent uses of these Licences, is scarcely more extraordinary than his argument, that, because in the Treaty between Portugal and Brazil, of the 29th August, 1825, there is no prohibition against Brazilian Subjects touching at those Islands, Brazilian Ships (and these Slave-ships,) have a right to touch there, notwithstanding the clear and express prohibition contained in the existing Treaty and Convention with Great Britain for the restriction of the Slave-trade.

Under these circumstances, and persuaded that a fresh appeal to the Government at this moment, founded upon any or all of the arguments or reasons formerly brought forward, would be of no avail, I have felt it to be incumbent upon me to send an Answer to M. de Inhambupe's Note, containing a formal Protest, in the Name of His Majesty's Government, against the granting of the Licences in question, as a clear and direct breach of the Treaty of Vienna, and of the Additional Convention of London.

It will not escape you, Sir, that M. de Inhambupe distinctly states, that this Treaty and Convention afford the means for preventing any abuse of these Licences.

I have, &c.

The Right Hon. George Canning.

H. CHAMBERLAIN.

(*Enclosure 1.*)—*Mr. Consul-General Chamberlain to the Viscount de Inhambupe.*

M. LE VICOMTE,

Rio de Janeiro, June 20, 1826.

IN the List of Sailings from this Port, published in all the Diarios of this City, I observe the departure, on the 11th of June, of the Brazilian Schooner *Arsenia*, Francisco Roiz Carneiro, Master, bound to Cabinda, Molembo, Island of Princes and Island of St. Thomas, and from the number of her Crew (22 Persons), I conclude she must be bound on a Slave-trading Voyage.

I shall feel particularly obliged by your Excellency's taking the trouble to let me know, whether this Schooner is employed in the Slave-trade, and has been furnished with a Passport, authorizing her to touch and trade at the several Places mentioned in the Sailing List herein referred to.

I beg to renew, &c.

H. E. the Viscount de Inhambupe.

H. CHAMBERLAIN.

(*Enclosure 2.*)—*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*—(Translation.)

SIR,

Rio de Janeiro, July 13, 1826.

HAVING already acknowledged the receipt of your Note, under date of the 20th of last month, desiring to know if a Passport had been given to the Schooner *Arsenia* to touch at the Islands of St. Thomas and Princes, I am now to acquaint you, that, according to what the Minister and Secretary of State for the Affairs of Marine has communicated, that Passport was actually given.

On this subject I must, however, inform you, that although the Government of His Majesty The Emperor, yielding to your wishes, did order those Licences to be prohibited, under the date of the 4th of January of the present Year, as was that day actually ordered to the President of the Province of Bahia; nevertheless, there having subsequently come up to the Imperial Presence very well-founded Representations from various Brazilian Merchants, requesting the continuation of the said Licences, the Government of His Imperial Majesty has been pleased benignly to grant this Supplication, not only because they have judged that there would not be any inconvenience in this concession, inasmuch, if they should abuse the said Licences, as you apprehend, the remedy in this respect is to be found given in the Treaty made in Vienna on the 22d January, 1815, and in the Additional Convention to the same Treaty of the 28th July, 1817; but also because, those Islands belonging to Portugal, there is not any prohibition in the Treaty made between Brazil and the said Kingdom, on the 29th of August of last Year, for the Subjects of His Imperial Majesty to touch there; and therefore it would be unjust and indecorous that the Imperial Government itself should be the first to make such a prohibition, merely upon suspicion of a contra-

band Trade, which it is not to be supposed they will attempt, from the certainty that they will be punished with the utmost rigour of the Law. Moreover, that His Majesty The Emperor, far from desiring to encourage the Traffick in Slaves, quite on the contrary, desires to repress it as much as possible, and he would certainly have abolished it already, did not the actual circumstances of Brazil render this measure very pernicious to her Agriculture. On this occasion, &c.

Henry Chamberlain, Esq.

VISCONDE DE INHAMBUPE.

(Enclosure 3.)—*Mr. Consul-General Chamberlain to the Viscount de Inhambupe.*

M. LE VICOMTE,

Rio de Janeiro, July 18, 1826.

I SHALL not fail to communicate to my Government, by the earliest opportunity, your Excellency's Office of the 13th instant, in reply to my Letter of the 20th ultimo, requesting to be informed whether the Brazilian Schooner *Arsenia*, which had cleared out from this Port for Molembo and the Islands of St. Thomas and Princes, had really received permission to touch at these Islands.

Your Excellency acquaints me, that the *Arsenia* had this permission, and that Licences, authorizing Slave-vessels to touch at Places North of the Line, will continue to be granted.

It is in my power to assure your Excellency, that the British Government hailed with the sincerest satisfaction the assurance contained in the Office of His Excellency the Viscount de S^o. Amaro, then Secretary of State for Foreign Affairs, dated the 4th of January last, that the Imperial Brazilian Government had directed that no more Licences should be granted, authorizing Slave-vessels to touch at Places North of the Line.

That Resolution was in direct conformity with the clear sense, nay with the very words, of the existing Treaty and Convention for putting down the illicit Slave-trade; but since it has given way (after the short lapse of only 6 Months) before the interested Representations of the Slave Merchants, whose illicit and fraudulent Commerce it shackled and repressed, it is hopeless to expect success from the repetition of an Appeal, founded upon the Stipulations or the faith of Treaty.

I shall, therefore, leave to my Government to express, in the terms they may think fit, the disappointment they will naturally feel when they learn this change of conduct and principle on the part of His Imperial Brazilian Majesty's Government: a change which plainly indicates that the Representations of private Individuals are held by this Government to be paramount to the Engagements of Treaty.

But I cannot hesitate respecting the course it behoves me to take upon the announcement of this determination, nor delay to protest against it in the strongest and most solemn manner, on the part of my

Government, as a clear and direct breach of the Treaty of Vienna of the 22d January, 1815, and the Additional Convention of London of the 28th July, 1817.

The argument which your Excellency employs, founded upon the Treaty between Portugal and Brazil, I humbly consider not to be applicable to an infringement of a Treaty and Convention no wise connected therewith; but I refrain from troubling your Excellency with any further remark on the subject. I have, &c.

H. E. the Viscount de Inhambupe.

H. CHAMBERLAIN.

No. 45.—Mr. Consul-General Chamberlain to Mr. Secretary Canning.
(Received October 4.)

SIR,

Rio de Janeiro, July 21, 1826.

HAVING discovered that a Brig, called the *Primorozo Divino*, which lately arrived in this Port with a Cargo of 472 Slaves from Angola, 18 having died during the Voyage, is the property of a Portuguese Merchant, residing at Angola, to whom also belongs the greater part of the Negroes; I lost no time in laying these circumstances before the Government, with the view of inducing them to take legal measures against her, in the event of her not being duly authorized to carry on the Trade.

I have no doubt of her real character.

It would have been more satisfactory, had the Minister's Answer contained a promise that the *Primorozo Divino* should be legally proceeded against, in the event of its turning out that she is not duly licensed to carry on the Slave-trade. I have, &c.

The Right Hon. George Canning.

H. CHAMBERLAIN.

(Enclosure 1.)—Mr. Cons.-Gen. Chamberlain to the Visct. de Inhambupe.

M. LE VICOMTE,

Rio de Janeiro, July 17, 1826.

HAVING full confidence in the constantly repeated assurances of the Imperial Brazilian Government, that Persons concerned in the contraband Slave-trade shall be punished with all the rigour of the Law, which are again renewed in your Excellency's Office of the 13th instant, with the additional most satisfactory declaration, that His Imperial Majesty desires to repress the Trade as much as possible, I hasten to communicate to your Excellency that a Slave-vessel, lately arrived in this Harbour, has been denounced to me as illegally engaged in this Traffick.

This Vessel is called the *Primorozo Divino*; she arrived from Angola on the 11th instant, with 472 Slaves, 18 having died during the passage, consigned to the Merchant Joaquim Ferreira dos Santos. It is to be remarked that in the List of Maritime Arrivals her Nation is not mentioned.

After a very careful enquiry, I can find no trace of this Vessel having cleared from this Port, although this might be readily ascertained through the Ministry of Marine, where the Registry of her Passport, and her Licence, will of course be found, if she was furnished with them, as she ought to have been, to enable her legally to engage in the Trade.

My information, however, goes to the fact, that this Vessel is owned, and the greater part of the Cargo also owned, by a Portuguese resident in the Portuguese Colony of Angola.

I lay this information before your Excellency, under the conviction, that the necessary enquiries will be made, and steps taken to enforce the Law against the *Primorozo Divino*, her Cargo and Crew, in the event of its appearing that she is not legally authorized to carry on this Trade.

I beg to renew, &c.

H. E. the Viscount de Inhambupe.

H. CHAMBERLAIN.

(Enclosure 2.)—*The Visct. de Inhambupe to Mr. Cons.-Gen. Chamberlain.*
(Translation.)

SIR,

Rio de Janeiro, July 20, 1826.

ACKNOWLEDGING the Office that you addressed to me, under date of the 17th of the present Month, relative to the Ship *Primorozo Divino* that has just arrived from Angola with a Cargo of Slaves, which is said to be illicitly made, I have to acquaint you, that a Copy of your said Office has been transmitted to the Ministry of Marine, in order that I may receive the necessary explanations to be able to reply suitably to you.

And on this occasion, &c.

Henry Chamberlain, Esq.

VISCONDE DE INHAMBUPE.

No. 46.—*Mr. Consul-General Chamberlain to Mr. Secretary Canning.*
(Received October 4.)

SIR,

Rio de Janeiro, August 1, 1826.

I HAVE the honour to acknowledge the receipt of your Despatch of this Series, dated the 14th of June of the present Year, upon the subject of the detention of the Slave Schooner *Amizade de Santos* by the Transport *Thetis*, and instructing me, under the particular circumstances of the Case, not to remonstrate further on the irregularities discovered in consequence of the detention of that Schooner.

I have the honour to be, &c.

The Right Hon. George Canning.

H. CHAMBERLAIN.

No. 47.—*Mr. Consul-General Chamberlain to Mr. Secy. Canning.*
(Received Oct. 4.)

SIR,

Rio de Janeiro, August 2, 1826.

IN consequence of information, transmitted by His Majesty's Consul at Maranham, that fictitious Passports had been granted, autho-

rizing 2 Schooners, the *Donna Maria Felicia* and the *Amizade*, to proceed from thence on Slave-trading Voyages, no such Schooners being in that Port; I shortly stated to M. Inhambupe these facts, in the words they had been stated to me, leaving to him to take such measures, with respect to the Vessels which might sail with these Documents, as the execution of the existing Treaty, and the enforcement of the Law, should authorize.

I also requested that Orders might be issued to the Local Authorities at Maranham, not to grant Passports for Slave-vessels, unless these actually clear out from that Port, and observe all the forms required by Law and Treaty.

I have the honour to enclose a Translation of the Minister's Answer, signifying, that the President of that Province has been written to for his Report upon the circumstances stated in my Representation.

Nine Months will probably elapse before that Report is received, so that the Schooners will have concluded their speculations before any Order respecting them can reach Maranham.

As the Answer mis-states part of the contents of my Letter to M. de Inhambupe, I have pointed out the error into which he had fallen, and which is corrected in His Excellency's Reply. I have, &c.

The Right Hon. George Canning.

H. CHAMBERLAIN.

(Enclosure 1.)—*Mr. Consul-Gen. Chamberlain to the Visct. de Inhambupe.*

M. LE VICOMTE,

Rio de Janeiro, July 15, 1826.

By information received from Maranham, it appears that the Acting President of that Province, His Excellency S^r. Manoel Telles da Silva Lobo, granted, on the 4th of July last Year, a Passport for a Brazilian Schooner, called the *Donna Maria Felicia*, of 120 tons measurement, Jose Dias de Carvalho, Master, and Sebastiao Pinto, Owner, to proceed from Maranham to the Ports of Molembo, Cabinda, Zayre, and Ambar (probably Ambriz,) on the Coast of Africa, and to return to Maranham with 300 Slaves. And that His Excellency S^r. Patricia Joze d'Almeida e Silva, Vice-President of that Province, granted, on the 13th of August, a Passport for another Brazilian Schooner, called the *Amizade*, of 200 tons measurement, Manoel Joaquim dos Santos, Master, and Manoel Francisco da Silva, Owner, to proceed from Maranham to the same Ports on the Coast of Africa, and to return to Maranham with 500 Slaves. Each of these Passports was numbered one.

So far there appears nothing unusual or improper. But what opinion will your Excellency form of both Transactions, as affecting respectively the Governor and Vice-Governor, when your Excellency learns, that neither of the Schooners mentioned in the Passports were at Maranham at the time; that no such Vessels had ever been known

to be there, or even to be in existence; and that the Passports were procured by Sebastiao Pinto, and Manoel Francisco da Silva, (the former a Resident in Lisbon,) notoriously for the purpose of being sent to other Ports, where Vessels answering to the measurement could be purchased and fitted out for the Voyage. Such, M. le Vicomte, is the Statement transmitted to me as a correct relation of the facts. And I send your Excellency an Extract of that part of His Britannick Majesty's Consul's Letter which relates them.

I feel that His Imperial Majesty's Government, whose desire to keep this wretched Traffick strictly within the limits and regulations established by Treaty and by Law, has been so repeatedly expressed, cannot fail to see, in both these cases, manifest infractions of the latter, which makes it requisite for every Brazilian Vessel, bound upon a Slaving-voyage to the Coast of Africa, to go through certain forms before she is allowed to sail; and that her Passport should bear upon its face a Certificate that she has duly complied therewith.

What steps it may be proper to take, with respect to these 2 Vessels, I leave entirely to the decision of your Excellency, after denouncing them as not having conformed to the Stipulation of the existing Treaty, and therefore acting in violation of the Law. But I cannot forbear soliciting, in the most urgent manner, that no time may be lost in prohibiting the President, or other Local Authority at Maranham, competent to grant such Passports, to issue Passports for Slave-trading Voyages, unless the Vessel, her Master, and Crew, actually clear out from that Port, and go through all the Forms required by Law and Treaty.

I beg your Excellency to accept the assurance, &c.

H. E. the Viscount de Inhambupe.

H. CHAMBERLAIN.

(Enclosure 2.)—*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*—(Translation.)

SIR,

Rio de Janeiro, July 27, 1826.

I ACKNOWLEDGE the receipt of the Note that you addressed to me, under date of the 15th instant, in which you complain of there having been given, in the Province of Maranham, two Passports, for Ships not existing there, whose Proprietors are Portuguese residing in Lisbon, to go and engage in the Slave-trade; and I have to acquaint you that, under this day's date, it has been ordered, that the President of that Province do report whatever may be known in this respect, taking upon myself the charge of replying to you, categorically, in due time on this subject.

On this occasion I renew to you, &c.

Henry Chamberlain, Esq.

VISCONDE DE INHAMBUPE.

(Enclosure 3.)—*Mr. Consul-General Chamberlain to the Viscount de Inhambupe.*

M. LE VICOMTE,

Rio de Janeiro, July 28, 1826.

I LOSE not a moment in setting to rights a misconception of a statement in my Letter to your Excellency of the 15th instant, respecting Passports granted by the President and Vice-President of the Province of Maranhão to two Vessels to undertake Slave-voyages.

Your Excellency's Note of yesterday, this moment received, after acknowledging the receipt, and mentioning the date of my Letter, states, "that I complain of there having been given, in the Province of Maranhão, two Passports for Ships not existing there, whose Proprietors are Portuguese, residing in Lisbon, to go and engage in the Slave-trade."

Your Excellency will permit me to explain, that my complaint, instead of this, was, that two Licences had been given to two Schooners not at Maranhão, nor even known to be in existence any where, although 4 Persons described themselves as Owners and Masters, (which your Excellency must at once perceive could not be true,) and that one of the Persons, described as an Owner, was actually a Resident in Lisbon.

I request your Excellency once more to accept, &c.

H. E. the Viscount de Inhambupe.

H. CHAMBERLAIN.

(Enclosure 4.)—*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*—(Translation.)

SIR,

Rio de Janeiro, July 31, 1826.

IN reply to the Note that you addressed to me, on the 28th of the present month, relative to the mistake in the Answer given to your other previous Note, respecting the fact of the two Licences, which you say had been granted at Maranhão to 2 Schooners not existing there, one of the so called Owners of the said Schooners being a Resident in Lisbon, I have to assure you that, in conformity with the first Note, the President of that Province has been ordered to be heard on this subject, to the end that His Imperial Majesty may determine what may be just.

On this occasion I renew, &c.

Henry Chamberlain, Esq.

VISCONDE DE INHAMBUPE.

No. 48.—*Mr. Consul-General Chamberlain to Mr. Secy. Canning.*
(Received Oct. 4.)

SIR,

Rio de Janeiro, August 4, 1826.

I HAVE the honour to transmit a Translation of the Minister's Answer, respecting the Slave-vessel *Primorozo Divino*.

I have written to Mr. Vice-Consul Smith, at Pernambuco, to obtain and send me a Copy of the Passport, stated to have been given to her

at that Port ; or, in default of that, all the particulars of date, ownership, &c. &c.

The information I have received respecting this Vessel is precise, and satisfies me that she and the greater part of her Cargo are the property of a Portuguese Resident at Angola.

Unless some means are found to check the carrying on the Trade from Portuguese Ports South of the Line, with Portuguese Ships, Seamen, and Capital, we shall, I fear, see it sadly increase. For the conduct of this Government shows but too plainly their unwillingness to enforce the Law against Contraband Traders, and that Vessels may, under any circumstances, safely enter and discharge their Slave Cargoes.

I have the honour to be, &c.

The Right Hon. George Canning.

H. CHAMBERLAIN.

(Enclosure.)—*The Visct. de Inhambupe to Mr. Consul-Gen. Chamberlain.*
(Translation.)

SIR,

Rio de Janeiro, August 3, 1826.

IN addition to my Note of the 20th of the last month, acknowledging the receipt of the one which you sent to me, respecting the Ship *Primoroso Divino*, I have to acquaint you, that, from the Examinations ordered to be made by the Minister of Marine, it is known that the said Ship was cleared out at Pernambuco, to proceed to trade for Slaves in the licit Ports of Africa, there being given to her for this purpose the competent Passport, wherein it is declared that the Proprietor and the Master are Subjects of this Empire.

Thus satisfying the enquiry made by you, I profit of the occasion to renew, &c.

Henry Chamberlain, Esq.

VISCONDE DE INHAMBUPE.

No. 49.—*Mr. Consul-General Chamberlain to Mr. Sec^y. Canning.*
(Received Nov. 28.)

SIR,

Rio de Janeiro, September 2, 1826.

I FEEL it to be my duty to report to you, that 2 British Vessels have lately arrived in this Port, bringing Slaves from other Parts of Brazil, viz :—

The Schooner *Emilia*, of Halifax, Peter Edwards, Master, from Bahia, with 27. The Brig, *General Brock*, of Liverpool, Henry Eden, Master, from Pernambuco, with 21.

As the *Emilia* had sailed on her return to Bahia before I was aware that she had brought any Slaves, I cannot say whether these were Domesticicks ; but Mr. Eden, the Master of the *General Brock*, has stated to me, that those which came in his Vessel were so, and waited upon their Masters during the voyage.

The *Emilia* having returned to Bahia, I have directed Mr. Consul

Pennell to enquire into the circumstances of her Case, and to report the result for your information.

Upon the Master of the *General Brock* being called before me, to explain how he came to receive and convey Slaves on board his Ship, he declared his ignorance of its being unlawful, and his regret at having unknowingly erred. And he added, as an extenuation of his conduct, that previously to his agreeing to receive them on board at Pernambuco, he had enquired of Mr. Vice-Consul Smith, whether there was any impediment to his doing so, and was told that there was none; and that he certainly would not have allowed the Slaves to come in his Vessel, had the Vice-Consul warned him against it.

This Statement of Mr. Eden is so much at variance with what it was Mr. Smith's duty to have done, in conformity with the contents of the "Circular" addressed by me to all His Majesty's Consuls in the Brazils, in the Month of August, 1825 (the receipt of which was duly acknowledged by Mr. Consul Parkinson, in the Month of September following,) that I cannot but apprehend there has been some misunderstanding. And I have written to Mr. Vice-Consul Smith accordingly, directing him to forward direct to the Foreign Office, for your information, his Report of what passed when Mr. Eden applied to him for his advice on the subject.

The last Enclosure contains a Statement of the several Owners' names, and number of Slaves belonging to each, respectively, as they have appeared in the Shipping List published in the *Diario Fluminense*.
I have, &c.

The Right Hon. George Canning.

H. CHAMBERLAIN.

(Enclosure 1.)—*Mr. Consul-General Chamberlain to Mr. Consul Pennell.*
SIR,

Rio de Janeiro, August 26, 1826.

THE British Schooner *Emilia*, Peter Edwards, Master, arrived here from Bahia on the 20th instant, having on board 27 Slaves belonging to various Persons, Passengers by her, as is stated in the List of Arrivals published in the enclosed Newspaper, the "*Diario Fluminense*," No. 44, dated 23d August.

It is only since her departure that I have become acquainted with these circumstances, or I should have taken some steps in the matter whilst the Vessel was here. She sailed from hence for Bahia on the 24th instant, and I have to request that you will, in the event of her being still there, apprise her Master, that he has committed an infraction of the Laws for the Abolition of the Slave-trade, and thereby made himself liable to the pains and penalties attendant thereupon. You will be so good as to send a Report of the result of your Enquiries on this subject to His Majesty's Government and to me.

I have, &c.

William Pennell, Esq.

H. CHAMBERLAIN.

(Enclosure 2.)—*Mr. Consul-Gen. Chamberlain to Mr. Vice Consul Smith.*

SIR,

Rio de Janeiro, September 2, 1826.

THE British Brig *General Brock* arrived a few days ago at this Port from Pernambuco, bringing various Brazilian Passengers, and 21 Slaves, declared to belong to them. As soon as these facts came to my knowledge, I called her Master, Henry Eden, before me, and learnt from his own mouth that they were true.

Upon questioning him further, he stated, in extenuation of what he had done, that, previous to his undertaking to receive these Slaves on board, he had enquired of His Majesty's Vice-Consul at Pernambuco, whether there was any impediment to his doing so; and was informed by him, that he knew of none, and supposed he was at full liberty to take the Slaves, as well as their Masters.

This sanction for their being received on board the *General Brock* is so directly at variance with the contents of my Circular Despatch, dated the 8th of August, 1825 (to which I refer you,) the receipt whereof was acknowledged by Mr. Parkinson, in his Despatch, dated the 11th of September following, that I cannot but presume that there must have been some misunderstanding on the part of Mr. Eden.

I shall, however, as is my duty, transmit to His Majesty's Secretary of State an account of the circumstances of this transaction, such as they have been represented to me, and I recommend to you to forward, without delay, to the Foreign Office, whatever explanation you may have to give upon the subject, transmitting a Copy here for my information.

The warning to Masters of British Vessels not to receive Slaves on board, communicated to His Majesty's Consulate at Pernambuco, in the Circular Despatch before-mentioned, has been publicly affixed in the Vice-Consul's Office in this City, ever since the receipt of Mr. Canning's Instruction, desiring that it should be given. Mr. Eden states, that no such notice is affixed in the Consular-Office at Pernambuco.

I have, &c.

Mr. Vice Consul Smith.

H. CHAMBERLAIN.

(Enclosure 3.)—STATEMENT of SLAVES brought from Bahia to Rio de Janeiro, in the British Schooner *Emilia* of Halifax, Peter Edwards, Master, with the Names of their Owners, Passengers in the same Vessel.

18 Slaves belonging to S^r. Man^l. do Nascimento de Castro e Silva.

5 do. do. „ Man. Gomez da Fonseca.

4 do. do. „ Thomas Xavier Garcia d'Almeida.

And in the British Brig *General Brock*, of Liverpool, Henry Eden, Master, from Pernambuco to Rio de Janeiro:—

4	Slaves	belonging to	S ^r . Antonio Maciel Monteiro.
9	do.	do.	„ Caetano Xavier Pereira.
5	do.	do.	„ Francisco Joze de Faria Barboza.
3	do.	do.	„ Joze de Miranda.

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Rio de Janeiro, Sept. 2, 1826.

H. CHAMBERLAIN.

No. 50.—*Mr. Consul-General Chamberlain to Mr. Secy. Canning.*
(Received Nov. 28.)

(Extract.)

Rio de Janeiro, September 9, 1826.

I HAVE lately received from Mr. Consul Hesketh, Copies of the Despatches, and their Enclosures, which he addressed to you, Sir, on the 5th and 15th of July, respecting the arrival, at Maranham, of a Portuguese Slave-vessel, the *Nove de Março*, said to be from Cabinda, but suspected to have come from Cacheu, and the permission granted by the Local Authorities of that Province for landing the Slaves she brought, and their being cleared through the Custom-House, upon payment of the usual Duties.

It is to be remarked, that the Passport under which the *Nove de Março* ventured to bring a Cargo of Slaves to Maranham, as she says, from Cabinda, but no doubt really from Cacheu, does not authorize her to do any such thing. It merely allows her to sail from St. Jago for Cabinda, and thence to Maranham, and back to St. Jago, without saying a syllable on the subject of Cargo, which makes the conduct of the Authorities at Maranham, in allowing her Cargo of Slaves to be landed and sold, the more extraordinary, because they must know that she had no right to import Slaves, and that she was an illicit Trader.

The 3d and 4th Sections of the 1st Article of the Additional Convention of London apply precisely to the Case of the *Nove de Março*, and now entirely prohibit Portuguese Vessels from supplying Brazil with Slaves. But the President of Maranham has probably chosen to consider the 4th Article of that Instrument as still sufficiently authorizing Portuguese Ships and Subjects to import Slaves into Brazil; and has evidently not thought it necessary to enquire, whether the *Nove de Março* was supplied with the Documents which the 5th Article declares to be essentially requisite for carrying on the Trade.

I have, consequently, called the Minister's attention to this Case, and renewed the urgent request lately made, for the issue of positive Orders to the President of Maranham, not to allow, under any pretext whatever, the importation of Slaves into that Port, unless in Vessels

duly qualified by the Brazilian Authorities, and having in all respects conformed to the Stipulations of the existing Treaty.

The Right Hon. George Canning.

H. CHAMBERLAIN.

(*Enclosure.*)—*Mr. Consul-Gen. Chamberlain to the Visct. de Inhambupe.*
M. LE VICOMTE, *Rio de Janeiro, Sept. 9, 1826.*

IT is my duty to make known to your Excellency, that, by Accounts received here from Maranham, it appears that His Excellency the President of that Province has admitted to entry the Portuguese Schooner *Nove de Março*, belonging to the Villa da Praya, in the Island of St. Jago, having a Cargo of 86 Slaves on board, said to have been received at Cabinda: but, as there is great reason to believe, actually taken in at Cacheu; which Cargo was admitted to dispatch in the Custom-House, as if it had been legally imported, and all the forms prescribed by the existing Treaty had been observed.

The Passport presented by the *Nove de Março*, authorizing her to proceed to Cabinda, and thence to Maranham, and back to the Island of St. Jago, (but which it is to be remarked does not say a word about carrying *Slaves*,) is issued by Colonel Chapuzet, the Governor-General of the Portuguese Province of Cabo Verde; and bears date at Villa da Praya on the 24th November, 1825. It wants all the essential formalities required by the existing Treaty and Convention for the suppression of the illicit Slave-trade; and even, if it possessed them, it is not competent to the Governor of a Portuguese Colony to authorize any Vessel under Portuguese Colours to carry on the Trade, or supply Brazil, a Foreign Country, with Slaves.

I have the honour to enclose a Copy of this Passport for your Excellency's inspection, at the same time soliciting your Excellency to be pleased to order an Enquiry to be made into the whole circumstances of the Case; to the end that, if these do not, as it scarcely seems possible they can, bear out the Local Authorities at Maranham in admitting the Vessel and her Cargo to entry and dispatch, due notice may be taken thereof by His Imperial Majesty's Government.

And I beg leave (in consequence of the late arrivals of Portuguese Slave-vessels at that Port, and the occurrences connected therewith, that have happened there,) to renew the urgent request lately made to your Excellency, for issuing positive Orders to the President of Maranham, not to allow, under any pretext whatever, the importation of Slaves into that Port; unless by Vessels, shewing that they are duly qualified to engage in the Traffick, by Brazilian Authorities, and a strict observation of the forms required by the Stipulations of the existing Treaty.

I beg to renew, &c.

H. E. the Viscount de Inhambupe.

H. CHAMBERLAIN.

No. 51.—*Mr. Consul-General Chamberlain to Mr. Secy. Canning.*
(Received Nov. 28.)

SIR,

Rio de Janeiro, September 11, 1826.

I HAVE the honour to forward, herewith, two Returns lately received from Mr. Consul Pennell, at Bahia, shewing the number of Slaves imported into, and exported from, that Port, from the 1st of January to the 30th of June, of the present Year.

Since the date of these Returns, a Vessel called the *Maria da Gloria* arrived at Bahia (on the 29th of July,) from Lisbon, *viâ* Molembo, bringing 532 Slaves. I have the honour to be, &c.

The Right Hon. George Canning.

H. CHAMBERLAIN.

(Enclosure 1.)—*Return of the Number of Slaves imported into Bahia, from January 1 to June 30, 1826.*

Date of Arrival.	Name of Vessel.	Whence.	Number of Slaves.			Nation.
			Embarked.	Died.	Landed.	
1826.						
Jun. 9	San Benedito	Ambris .....	..	..	577	Brazil
.. 15	Carlotta	Molembo .....	..	..	358	Do.
.. 21	Diana	Pernambuco .....	..	..	8	France
Feb. 13	Ira Rosalia	Molembo .....	..	..	406	Brazil
.. 16	Na. Snra. do Monte do Carmo. }	Angola .....	..	..	195	Do.
.. 23	B m Fim	Ambris .....	..	..	416	Do.
Mar. 2	S. Joze Triunfo	Pernambuco ..	..	..	30	Do.
.. 11	Henriquett	Molembo .....	..	..	441	Do.
.. 15	Ira. Estrella	Do. ....	..	..	204	Do.
April 23	S. Joao Voador....	Do. ....	..	..	124	Do.
May 1	Santa Rita.....	Pernambuco ..	..	..	25	Do.
.. 8	Bom Successo	Molembo .....	..	..	197	Do.
June 6	Tentadora	Do. ....	..	..	446	Do.
.. 27	Carlotta	Do. ....	..	..	358	Do.
.. 28	Nova Virgem.....	Do. ....	..	..	305	Do.
Total Number of Slaves.....					4090	

W. PENNELL.

(Enclosure 2.)—*Return of the Number of Slaves exported from Bahia, from January 1 to June 30, 1826.*

When Sailed.	Name of Vessel.	Where Bound.	Number of Slaves.	Nation.
1826.				
May 18	Santa Efigenia	Rio de Janeiro ..	260	Brazil

W. PENNELL.

No. 52.—*Mr. Consul-General Chamberlain to Mr. Sec^y. Canning.*
(Received Dec. 15.)

(Extract.)

Rio de Janeiro, September 24, 1826.

BESIDES the representation which I felt it to be indispensable to make to the Brazilian Government, upon the arrival of the Portuguese Slave-vessel *Orfeo*, which forms the subject of the accompanying Despatch, I also considered it advisable to communicate with the Portuguese Chargé d'Affaires, as to the information he might possess respecting her, and more especially the nature of the Documents under which she had engaged in the Slave-trade with this Country.

With this view I addressed to M. Pereira, on the 12th instant, a Letter, of which the enclosed is a Copy, stating my doubts that the *Orfeo* could be provided with the Documents required by the Stipulations of the Additional Convention of London, as necessary to authorize her to engage in the Slave-trade with Brazil, and expressing, in the frankest manner, my expectation to receive his co-operation in putting down, at once, so illicit a Trade.

His Answer, of which a Translation is annexed, informed me, that not only the Vessel was Portuguese built, owned, and navigated, and her voyage on Portuguese account, but, what I confess very much surprised me, that she had a Passport in due form, issued previous to the Ratification by His Most Faithful Majesty of the Treaty of Independence, at a time when the present Empire of Brazil was a Trans-Atlantick Possession of the Crown of Portugal; and that, consequently, she was engaged in a licit Traffick.

It struck me as very extraordinary that the Portuguese Government should grant, and any Portuguese Merchant risk his Ship and Property under a Passport authorizing a Vessel to trade with the Trans-Atlantick Dominions of Portugal, when it was well known that the Cruizers of the Government of these Dominions then become *de facto* Independent, captured every Vessel under the Portuguese Flag which they met with at Sea; and that the Government itself seized and sequestered all those that ventured into Brazilian Harbours; and the more I considered the matter, the less likely it seemed to me to be a real bonâ-fide transaction.

I therefore addressed M. Pereira a second time, requesting him to have the kindness to furnish me, if he saw no objection, with information respecting the dates of the *Orfeo's* Documents, and of her departure from Lisbon; and I took care to point out to him that the Portuguese Dominion over Brazil, so far as regarded Portugal, ceased, legally, from the date of the Royal Diploma of His Most Faithful Majesty, which had been recognized by both Countries (in the Preamble to the Treaty of the 29th of August), as the epoch of the Separation and Independence of the two States. Wherefore, in my opinion, Por-

tugal had no right to supply Brazil with Slaves after the date of that Diploma; from whence it would follow, as a matter of course, that, unless the *Orfeo's* Documents were dated before that period, her Voyage must be considered illegal.

Unless, indeed, the above interpretation of the effect of that Diploma be the right one, it is difficult to conceive why it ever appeared before the Publick as the basis for negotiating the Treaty of Independence.

This view of the subject called forth the Rejoinder, of which I enclose a Translation, whose contents did not, however, induce me to continue my Correspondence.

M. Pereira states, that the Passport for the *Orfeo* is dated the 14th of November, 1825, the Document from the Board of Trade being dated the 25th of that month; and that both these had been renewed, as is declared by the Secretary of State's Office, although the reason for the renewal is not stated, nor even hinted at.

The Treaty of Separation and Independence, signed at Rio on the 29th of August, 1825, arrived in Lisbon on the 9th of November, and no Inhabitant of that City, certainly none of the Ministers, could well be ignorant that His late Most Faithful Majesty had resolved, before the 14th, to accept and confirm that Treaty.

There is therefore this cogent reason, in addition to that drawn from the date of the Certificate of the Chamber of Commerce, for concluding, that the Minister did not sign the Passport of the *Orfeo* on the 14th of November.

By the Stipulation of the Additional Convention, regulating the form of the Passport, the very form of the Passport itself requires, that the Owners shall have previously taken Oath that no Foreigners have any interest in the Vessel or Cargo.

Now, in this Case, the Oath was taken on the 24th of November, (10 days after the simulated date of the Passport,) and the Certificate is dated the next day, the 25th of November, and is attached under the Official Seal of the Marine to the Passport signed by the Minister.

A Certificate, granted by the Chamber of Commerce on the 25th, attached to a Passport of the Minister of Marine, dated the 14th of the same month, which Passport is declared to have been granted in consequence of that Certificate having been *previously* produced; and then, to justify the lateness of the date, there is a Memorandum, in the hand-writing of the Clerk, that the Papers had been renewed.

The date of the sailing of the *Orfeo* from Lisbon is not known, but it cannot have been earlier than the 26th of November; and I have reason to believe that she sailed in December, at which time Brazil was no longer a Trans-Atlantick Possession of Portugal, (whatever may have been the precise period at which it ceased to be so,) and her

Voyage, therefore, from its very beginning, a violation of the Additional Convention of London of 1817.

The Right Hon. George Canning.

H. CHAMBERLAIN.

(Enclosure 1.)—*Mr. Consul-General Chamberlain to the Portuguese Chargé d'Affaires.*

M. LE COMMANDEUR,

Rio de Janeiro, Sept. 12, 1826.

THERE arrived in this Port yesterday afternoon a large Ship, under Portuguese Colours, bringing a Cargo of Slaves, and, by the Newspapers of this morning, it appears that she is called the *Orfeo*, and comes from the Port of Ambriz, where she loaded 719 Africans, of whom 11 died during the Voyage. She is consigned to the Merchant João Alves da Silva Porto.

In stating these circumstances to you, M. le Commandeur, I frankly confess that the object I have in view is to obtain your powerful co-operation towards nipping in the bud, and at once, the illicit employment of Portuguese Vessels in furnishing Brazil (now a Foreign State *quoad* Portugal) with Slaves; and I found my application to you upon Article 1, Sec. 4, of the Additional Convention of London, which expressly declares illicit any Traffick in Slaves, by Portuguese Vessels bound for any Port not in the Dominions of His Most Faithful Majesty.

In addition to this quite-sufficient reason for considering the Parties interested in this Slave-carrying of the *Orfeo* as illicit Traders, I take the liberty to refer you to the 4th Article of the said Convention, making it imperative for Vessels, authorized to carry on the Slave-trade, to be provided with the particular Passport, the model whereof is annexed to, and forms an integral part of, the said Convention. And I solicit you to be pleased to take the trouble to ascertain whether the *Orfeo* is provided therewith; which appears to me hardly credible, considering the good faith with which the Government of Portugal observes the Stipulations of Treaties.

Should it turn out that this doubt is well founded, I confidently trust to your taking such measures as the case warrants; and as will teach these illicit Adventurers in a Trade that is forbidden, what they may expect when they dare to set at defiance the solemn Engagements of their Sovereign, which they are bound to respect.

I have much pleasure, &c.

M. Carlos Mathias Pereira.

H. CHAMBERLAIN.

(Enclosure 2.)—*The Portuguese Chargé d'Affaires to Mr. Consul-General Chamberlain.*—(Translation.)

Portuguese Legation, in Rio de Janeiro,

MOST ILLUSTRIOUS SIR,

September 14, 1826.

By your Letter, dated the 12th instant, you were pleased to state :

First,—The arrival of the Ship *Orfeo* under the Portuguese Flag, with a Cargo of Slaves from Ambriz.

Second,—Your desire that I would co-operate in putting an end to the illicit employment of Portuguese Vessels in furnishing Brazil (now a State independent of Portugal) with Slaves ; founding your request on Art. 1, Sec. 4, of the Additional Convention of London.

Thirdly,—Your desire to know if the *Orfeo* came provided with the competent Passport, according to the 4th Article of the said Convention ; which you doubt ; confiding in the good faith of the Portuguese Government ; and,

Fourthly,—If this Ship be not competently provided with such Passport, your hope that I will take such measures as may teach these illicit Adventurers in a Traffick that is prohibited, what they are to expect when they dare to act contrary to the Engagements of their Sovereign.

Commencing my Answer upon your last Proposition, I have the honour to state, that you may be certain I shall always take, at any epoch, and also as far as in my power, all possible measures to cause entire obedience to, and observance of, the Orders and Engagements of my August Master.

To your third request, you will permit me to assure you, that, on inspecting the Papers (to-day, in this Legation,) of the said Ship *Orfeo*, of which Luis Antonio de Guimaraes is Master, it is proved that this Vessel is of *Portuguese construction, Portuguese Owners*, navigated by a Portuguese Master and Crew ; with a Passport, according to Art. 4, of the said Convention of the 28th July, 1817, passed by the Minister of Marine in Lisbon, to proceed to the Coast of Africa, and load Slaves for Brazil, in conformity with Article 2, Sec. 2, of the said Convention ; and for Portuguese account, according to the tenour of Article 4 of the Treaty signed at Vienna on the 22d January, 1815 ; and before the Ratification by His Most Faithful Majesty of the Treaty of Independence of the 29th of August, 1825, a time at which the present Empire of Brazil was a *Trans-Atlantick Possession* belonging to the Crown of Portugal : in consequence whereof, this Vessel has made a legal Traffick in Slaves, and in the manner you mention in the first part of your Letter. This legal Traffick renders inadmissible its second part in this particular Case.

Having in every thing replied to your Letter, I have, &c.
Henry Chamberlain, Esq. CARLOS MATHIAS PEREIRA.

(Enclosure 3.)—*Mr. Consul-General Chamberlain to the Portuguese Chargé d'Affaires.*

M. LE COMMANDEUR, *Rio de Janeiro, September 20, 1826.*

I HAVE the honour to acknowledge the receipt of the Letter you had the goodness to address to me on the 14th instant, in answer to mine of the 12th, respecting the Portuguese Ship *Orfeo*, which has arrived in this Port with a Cargo of Slaves from Ambriz; and wherein you assure me, that this Vessel is of Portuguese construction, is Portuguese owned, is navigated by a Portuguese Master and Crew, and has a Passport conformable to the 4th Article of the Additional Convention of London of the 28th of July, 1817, passed by the Minister of Marine in Lisbon, authorizing her to go to the Coast of Africa to lade Slaves for Brazil, in conformity with the 2d Section of the 2d Article of the said Convention; and for Portuguese account, according to the tenour of the 4th Article of the Treaty of Vienna of the 22d January, 1815; and before the Ratification by His Most Faithful Majesty of the Treaty of Independence of the 29th August, 1825, a time when the now Empire of Brazil was a Trans-Atlantick Possession of the Crown of Portugal.

The Ship, Owners, Master, and Crew, Passport and Property, being thus all unquestionably Portuguese, the period when her Documents are dated, and the date of her departure from Lisbon, are the important facts by which it can be ascertained whether her voyage is legal or illegal; and if you see no objection to accede to my request in this respect, I should feel obliged by your taking the trouble to afford me information on that point.

My object, M. le Commandeur, in soliciting this favour, is to make such use of the particulars, should you think fit to furnish them, as my duty may require, and to report the facts of the Case, correctly, to my Government.

The separation of Brazil from Portugal, and its acknowledgment as an Independent Empire, and the acknowledgment of His Imperial Majesty Don Pedro as Emperor, after which Brazil ceased to be a Trans-Atlantick Possession of the Crown of Portugal, were all contained in the Royal Diploma of His late Most Faithful Majesty Don John VI., dated the 13th May, 1825, and recognized in the Preamble of the Treaty of the 29th August of the same Year, after which date the Government of Portugal had no right to supply Brazil with Slaves. And unless the Documents, under which the *Orfeo* left the Tagus in the prosecution of this Slave-trading-voyage, were issued previously to that Royal Diploma, it would seem to follow that she has been improperly authorized to engage in the Traffick, contrary to that stipulation of Treaty which declares, that the Portuguese Flag shall not be employed to supply Foreign Territories with Slaves, and that her Voyage, therefore, is illegal.

I have, &c.

M. Carlos Mathias Pereira.

H. CHAMBERLAIN.

(Enclosure 4.)—*The Portuguese Chargé d'Affaires to Mr. Consul Gen. Chamberlain.*—(Translation.)

Portuguese Legation,

MOST ILLUSTRIOUS SIR,

Rio de Janeiro, Sept. 22, 1826.

THERE are three points which form the object of the Letter you addressed to me the day before yesterday.

First,—To mention, if I had no objection so to do, the date of the Documents of the Ship *Orfeo*, and the date of her departure from Lisbon.

Secondly,—The declaration of your opinion that the Government of Portugal had *not the right* to supply Brazil with Slaves after the 13th day of May, 1825, on which you say, by a Royal Diploma of His Most Faithful Majesty The Lord Don John the Sixth, whom God has in Glory, Brazil ceased to be a Trans-Atlantick Possession of Portugal; the separation of Brazil from Portugal, her recognition as an Independent Empire, and the recognition of His Imperial Majesty the Lord Don Pedro as Emperor, having been by that Act acknowledged.

Thirdly,—That, if the Documents with which the *Orfeo* left the Tagus were not of an anterior date to that Royal Diploma, it appears to follow, that she was unduly authorized to engage in a Traffick contrary to that Stipulation of the Treaty which declares “that the Portuguese Flag shall not be employed in supplying Foreign Countries with Slaves,” and that, therefore, her Voyage is illegal.

To the first Point, I have the honour to reply, that the Passports bear date the 14th November, 1825; and, although the Document from the Board of Trade bears date the 25th of the said month, the same Secretary of State declares, that the motive was because that Document had been renewed. I am ignorant, however, of the day of the departure of the *Orfeo*.

In regard to the second Point, in which it is asserted that the Government of Portugal *had no right* to supply Brazil with Slaves after the 13th May, 1825, because you say there was on that date a Royal Diploma for the Emancipation of Brazil: knowing that the Treaty of Independence was only made on the 29th of August, and ratified on the 15th of November of the said Year, it is not without admiration that I see you, by this assertion, attempt to establish a principle contrary to the opinion and judgment of the Writers on the Law of Nations, which, in policy and diplomacy, serve as a rule; and allow me to have a very different opinion from your's; because, according to Vattel Martens, Herold, of Real, and Meiern, I understand that Treaties are only considered in force after their Ratification; having, at the same time, to put you in mind, besides what is expounded as a general rule, that in Portugal they are only, according to Law, considered so, and are only binding when competently published. There are very recent

motives to persuade me, that in Great Britain the same would happen. The Recognition of the Independence of Brazil was only known in Portugal from the Letter of Law of the 15th of November, 1825, in which The Lord Don John the Sixth, ratifying the Treaty of the 29th of August, made publick the Treaty and the said Recognition in consequence of the "Carta Patente" of the 13th of May. The said "Carta Patente" of the 13th May had not, therefore, up to that time, been published in Portugal; nor could the Government of Portugal have published it without knowing the use made of it by Sir Charles Stuart, according to his Instructions; as its publication and execution depended upon the adjustments he might make with the Court of Rio de Janeiro, adjustments that are manifested in the said Treaty, which depended upon the Ratification, as all do, generally speaking, according to the Law of Nations, and as is seen in Article 11 of the same. I have therefore the honour to reply, that, as regards the Government of Portugal, and the Portuguese, the whole affair of Separation and Recognition of the Independence of Brazil was entirely dependent on the Ratification and publication of the same Treaty, and, therefore, the Petition was legal, the concession of a Passport was legal, and the Cargo was made in good faith, and legally.

Having replied to the second Point of your Letter, which embraces the third, it only remains to me to profit, &c.

Henry Chamberlain, Esq. CARLOS MATHIAS PEREIRA.

No. 53.—*Mr. Consul-Gen. Chamberlain to Mr. Secretary Canning.*

(Received December 15.)

(Extract.)

Rio de Janeiro, September 28, 1826.

I HAVE to report the arrival in this Port, on the 11th instant, of a large Vessel, called the *Orfeo*, under Portuguese Colours from Lisbon, with a Cargo of 708 Slaves on board, shipped at Ambriz; 11 having died during the Voyage.

I wrote to M. de Inhambupe the next day, stating these facts, and the reasons which led me to conclude that the *Orfeo* must be an illicit Trader, and requesting that the necessary enquiries might be gone into, and measures taken to enforce the Law, if it should appear that she really was so.

I was aware that it did not belong to the Government of Brazil to punish Portuguese illicit Slave-traders, wherefore I particularly applied for the enforcement of the Law; meaning thereby the 2d Article of the Alvará of the 26th January, 1818, as I had read it in the Translation contained in Class A. of the Papers presented to Parliament in 1821; which Alvará, as it struck me, ought to be considered as the stipulated complement of the Additional Convention of London of

1817; and, therefore, an Act of Legislation, of which Great Britain has the right to claim the execution.

On the 14th the Minister acknowledged the receipt of my Letter, and on the 25th replied to it, informing me, that the *Orfeo* had sailed from Portugal, to be employed in the Slave-trade, duly provided with a Passport from that Government, dated the 14th November, 1825, when the said Government had not yet acknowledged the Independence of this Empire; and that, under any circumstances, there is no Stipulation between Great Britain and Brazil, whereby the latter is bound not to receive Slaves imported in Portuguese Ships.

The Right Hon. George Canning.

H. CHAMBERLAIN.

(Enclosure 1.)—*Mr. Consul-Gen. Chamberlain to the Visct. de Inhambupe.*

M. LE VICOMTE,

Rio de Janeiro, September 12, 1826.

A Portuguese Ship arrived in this Harbour yesterday, bringing a Cargo of Slaves; and the Diarios of this day state, that she is called the *Orfeo*, from Ambriz, with 708 Negroes on board, 11 having died during the passage, and that she is consigned to the Merchant João Alves da Silva Porto.

I lose not a moment in bringing these circumstances before your Excellency, in the hope that the necessary enquiries will be immediately made, and measures taken to enforce the Law against the Parties concerned, if, as it is apprehended must be the case, the *Orfeo* has infringed the existing Treaty and Convention for the repression of the Slave-trade.

By the establishment and recognition of the Independence of Brazil, Portugal and Brazil are become, to all intents and purposes, *quoad* each other, Foreign States, and Portugal is bound by existing Engagements with Great Britain (see Additional Convention of London of 1817, Art. 1, Sec. 4,) not to allow Portuguese Vessels to carry Slaves to any Port not in the Dominions of His Most Faithful Majesty, which makes it most improbable that the *Orfeo* can be provided with a Passport from the Government of Portugal to load Slaves for Rio de Janeiro.

That she can be provided with a Passport from His Imperial Brazilian Majesty's Government, to carry on the Trade between the African Possessions of Portugal and Rio, is presumed to be still less likely; and we all know that no Governor of any of the Portuguese African Colonies has the power to grant any such Passport.

Wherefore it appears reasonable to conclude, that the *Orfeo* has illegally engaged in this Traffick.

And I take the liberty to request the favour of your Excellency to order the result of the before-mentioned enquiries to be communicated to me, and that I may be permitted to see the original Documents

under which this Vessel sails, and to be furnished with Copies of them, for the information of my Government.

I have much pleasure in renewing to your Excellency, &c.

H. E. the Viscount de Inhambupe.

H. CHAMBERLAIN.

(Enclosure 2.)—*The Visct. de Inhambupe to Mr. Cons. Gen. Chamberlain.*
(Translation.)

Rio de Janeiro, September 14, 1826.

THE Viscount de Inhambupe presents his compliments to Mr. Henry Chamberlain, Chargé d'Affaires of His Britannick Majesty, and, acknowledging the receipt of the Letter that he addressed to him on the 12th of the present month, respecting the Portuguese Ship *Orfeo*, arrived in this Port with a Cargo of Slaves, has to acquaint him, that, under this day's date, he has transmitted Copy thereof to the Minister of Marine, in order to direct the necessary examinations, requested by Mr. Chargé d'Affaires, to be proceeded in.

The Viscount de Inhambupe, taking upon himself the charge of, in competent time, replying at length to Mr. Chargé d'Affaires, profits, &c.
H. Chamberlain, Esq.

(Enclosure 3.)—*The Visct. de Inhambupe to Mr. Consul-Gen. Chamberlain.*
(Translation.)

SIR,

Rio de Janeiro, September 25, 1826.

IN addition to the Note that I addressed, on the 14th instant, to Mr. Henry Chamberlain, Chargé d'Affaires of His Britannick Majesty, I have to communicate, in reply to his Note, relative to the Portuguese Ship *Orfeo*, that the Minister and Secretary of State of Marine has informed me, that, from the examinations ordered to be made, it appears, evidently, that the said Ship sailed from Portugal to be employed in the Slave-trade, furnished with the competent Passport issued by that Government, under date of the 14th of November of last Year, when the Independence of this Empire was not yet acknowledged by the said Government. But, granting the case that such Recognition had already existed, it was not the Brazilian, but rather the Portuguese Government, to whom it belonged to reply for any infraction of the Treaty and Convention for the suppression of the said Traffick, and the more so, that there is not at present any Stipulation between England and Brazil, by which this binds itself not to receive Slaves imported in Portuguese Vessels. On this occasion, &c.

Henry Chamberlain, Esq.

VISCONDE DE INHAMBUPE.

No. 54.—*Mr. Consul-General Chamberlain to Mr. Sec^y. Canning.*

(Received December 15.)

(Extract.)

Rio de Janeiro, September 29, 1826.

WITH reference to my Despatch of this Series, dated the 9th instant, respecting the importation into Maranhão of a Cargo of Slaves

by the *Nove de Março*, a Vessel under Portuguese Colours, said to be from Cabinda, but suspected to be from Cacheu; I have now the honour to forward, for the information of His Majesty's Government, the Answers returned by the Minister for Foreign Affairs to my Representation of the 9th instant on that subject, a Copy of which was transmitted in that Despatch.

It is painful to observe the tone now taken up by this Government respecting the Slave-trade.

The Right Hon. George Canning.

H. CHAMBERLAIN.

(Enclosure 1.)—*The Visct. de Inhambupe to Mr. Consul-Gen. Chamberlain.*
(Translation.)

Rio de Janeiro, September 12, 1826.

THE Viscount de Inhambupe presents his compliments to Mr. Henry Chamberlain, Chargé d'Affaires of His Britannick Majesty, and, acknowledging the receipt of the Letter that he addressed to him on the 9th of the present month, and which treats of the Portuguese Schooner *Nove de Março*, hastens to acquaint him, that he has just transmitted his said Letter to the Marine Department, in order to direct, through that Office, the Examinations which Mr. Chargé d'Affaires requests may be made, and the result of which will be communicated to him.

The Viscount de Inhambupe renews, &c.

Henry Chamberlain, Esq.

(Enclosure 2.)—*The Visc. de Inhambupe to Mr. Consul-Gen. Chamberlain.*
(Translation.)

SIR,

Rio de Janeiro, September 26, 1826.

HAVING written to the Chargé d'Affaires of His Most Faithful Majesty, respecting the Portuguese Ketch *Nove de Março*, which you said in your Letter of the 9th of the present month, had sailed from the Cape de Verds with a Passport for Cabinda, but that it was suspected she had brought Slaves from Cacheu to Maranhão, the said Chargé d'Affaires has just informed me, that all he knows of this subject is, that the said Ketch sailed from Santiago for the said Port of Cabinda; and as this affair is an identical one with the other of the Ship *Orfeo*, respecting which you have also represented, there remains nothing to me but to refer you to the Answer I gave under yesterday's date in that respect. On this occasion I renew, &c. &c.

Henry Chamberlain, Esq.

VISCONDE DE INHAMBUPE.

No. 55.—*Mr. Consul-General Chamberlain to Mr. Secy. Canning.*
(Received December 15.)

(Extract.)

Rio de Janeiro, October 7, 1826.

SINCE writing my Despatch of this Series, dated the 28th ultimo, it occurred to me that you might be desirous to possess precise informa-

tion respecting the interpretation given by this Government to the 2d Section of the Alvará of the 26th January, 1818; upon which point M. de Inhambupe had not, when I wrote, pronounced an opinion.

I therefore again addressed him on the 3d instant; in the first place coinciding with his position, that Portugal is responsible to Great Britain for any infringement, by Vessels under the Portuguese Flag, of the Treaty and Convention for the suppression of the Slave-trade, and then putting forward my own view of the meaning of the 2d Section of the Alvará of the 26th January, 1818, as the only one it can reasonably bear under the change that has taken place in Brazil.

His Excellency's Answer reached me yesterday, and is couched in the following words: "Sec. 2 of the Alvará of the 26th January, 1818, cited by you, does not prohibit Cargoes of Slaves from coming in Vessels, the property of Portuguese."

The question, therefore, is decided, so far as this Government is concerned, and Vessels under the Portuguese Flag will be allowed to introduce as many Cargoes of Slaves as they please into Brazil.

The Right Hon. George Canning.

H. CHAMBE LAIN.

(Enclosure 1.)—*Mr. Consul-Gen. Chamberlain to the Visct. de Inhambupe.*
M. LE VICOMTE, Rio de Janeiro, October 3, 1826.

I HAVE the honour to acknowledge the receipt of your Excellency's additional Note of the 25th ultimo, in reply to my Letter of the 12th, respecting the importation of a Cargo of Slaves from Ambriz by the Portuguese Ship *Orfeo*.

I quite agree with your Excellency, that it is the Government of Portugal which is responsible to Great Britain for having granted a Passport to this Vessel, authorizing her to carry such a Cargo from a Portuguese African Colony to the Empire of Brazil, contrary to the Stipulation of Treaty; and a reference to my above-mentioned Letter will shew, that my application to your Excellency in respect to her inferred no infraction of existing Treaty between Great Britain and Brazil, but pointed at the enforcement of the Law of Brazil against the *Orfeo*, in the event of her turning out to be an illicit Trader.

The arrival yesterday of another Portuguese Slave-vessel, the *Conde dos Arcos*, with a Cargo of Negroes from Ambriz, and the certain intelligence which I have received from Bahia and Maranhão of the arrival of Portuguese Slave-vessels at those Ports, with Cargoes from the Portuguese Colonies in Africa, leave no doubt that the Portuguese Flag is now employed, to a considerable extent, in supplying a Foreign State with Negroes, in defiance of solemn Engagements with Great Britain; and your Excellency's Note of the 25th ultimo signifies, that there is no Stipulation existing between Great Britain and Brazil, binding the latter not to receive Slaves imported in Portuguese Vessels.

In this state of the case, I feel it to be necessary to ascertain the interpretation given by the Brazilian Government to the 2d Article of the Alvará of the 26th January, 1818,—which Alvará, as your Excellency is aware, was published for the purpose of giving full and complete effect to the Additional Convention of London of 1817, and in fulfilment of a Stipulation to that end.

By the separation of Brazil from Portugal, and its having become an Independent Empire, it would seem to be a natural consequence that the Flag of Brazil alone should, under that Article, be allowed to cover the importation of Slaves into Brazil, since it can hardly be contended that none but Ships under the Portuguese Flag can import them.

This is, however, a point of too much interest, and of too great magnitude, to remain undecided; and I trust that your Excellency will have the goodness to favour me with the opinion before requested at as early a moment as may be practicable, for the purpose of being transmitted for the information of His Britannick Majesty's Government.

I beg to renew to your Excellency, &c.

H. E. the Viscount de Inhambupe.

H. CHAMBERLAIN.

(Enclosure 2.)—*Mr. Consul-Gen. Chamberlain to the Visct. de Inhambupe.*

Rio de Janeiro, October 3, 1826.

MR. CHAMBERLAIN presents his compliments to the Viscount de Inhambupe, Councillor, Minister, &c. &c. and begs to acquaint His Excellency that the Portuguese Vessel *Conde dos Arcos*, respecting which he addressed His Excellency officially on the 24th of June last, arrived in this Harbour on the night of the 1st instant, bringing a Cargo of 419 Slaves from Ambriz.

Mr. Chamberlain does not doubt that the promised enquiries respecting the legality of this Vessel's voyage will be gone into, and hopes that his Excellency will favour him with the result.

He begs to renew to His Excellency, &c.

H. E. the Viscount de Inhambupe.

(Enclosure 3.)—*The Visct. de Inhambupe to Mr. Consul-Gen. Chamberlain.*

(Translation.)

SIR,

Rio de Janeiro, October 6, 1826.

I ACKNOWLEDGE the receipt of the Letter and Note which you addressed to me, under date of the 3d of the present Month, relative to the Portuguese Ship *Conde dos Arcos*, which arrived in this Port with a Cargo of Slaves, coming from the Port of Ambriz.

Having already, in my Note of the 25th of last Month, communicated to you, when I replied to your Representation on a similar shipment in the Portuguese Ship *Orfeo*, that it was not the Brazilian, but rather the Portuguese Government, to whom it belonged to answer for

any infraction of the Treaty and Convention for the suppression of the Traffick in Slaves; I have nothing more to add in this respect, but that the 2d Sec. of the Alvará of the 26th January, 1818, cited by you, does not prohibit Cargoes of Slaves from coming in Ships, Portuguese Property.

On this occasion I renew to you, &c.

Henry Chamberlain, Esq. VISCONDE DE INHAMBUPE.

No. 56.—*Mr. Consul-General Chamberlain to Mr. Sec^y. Canning.*

(Received Dec. 15.)

SIR,

Rio de Janeiro, October 14, 1826.

I HAVE the honour to report the arrival in this Port, on the 10th instant, of the Portuguese Schooner *Boa Viagem*, with a Cargo of 279 Slaves, from Angola, 20 having died during the voyage.

I have not thought it expedient, or useful, considering how little has been gained by my Representations respecting the *Orfeo* and *Conde dos Arcos*, Slave-vessels, to take any notice of the arrival of the *Boa Viagem*.

The Vessel and Cargo have been admitted to entry.

I have the honour to be, &c.

The Right Hon. George Canning.

H. CHAMBERLAIN.

No. 57.—*Mr. Sec^y. Canning to Mr. Consul-General Chamberlain.*

SIR,

Foreign Office, December 30, 1826.

YOUR several Despatches of this Series, of the Slave-trade, to the 14th of October, inclusive, have been duly received.

I have witnessed, with much satisfaction, the unwearied vigilance and activity with which you have executed your Instructions upon that subject.

I am, &c.

Henry Chamberlain, Esq.

GEORGE CANNING.

No. 58.—*Mr. Consul Pennell to Mr. Sec^y. Canning.*—(Rec. Feb. 6, 1826.)

(Extract.)

Bahia, November 16, 1825.

I SHALL continue to transmit to you all the particulars that I can collect, connected with the Cases of the Brig *Henriquetta*, and of the Smack *Caridade*; they have accidentally become the subject of my Representation to the President of this Province; their Owners are known to be the principal Slave-merchants in this City, and I believe the facts which would be elicited by a strict scrutiny into these Cases, and their ramifications, would disclose a very correct view of the present state of the Trade in this Country, a view which may suggest such measures as are best calculated to remedy those evils which admit of cure, and to palliate such as are incurable.

The American Schooner *Lafayette* arrived here on the 21st October, from Onim, or Lagos, (in Lat. 6. 23. N.) in ballast, for which

Place she had been chartered by the Owner of the Brig *Henriquetta*. She reported that the *Henriquetta* was at Onim, expecting to receive her Cargo of Slaves. It is probable that the *Lafayette* was chartered by the Owner of the *Henriquetta*, and the English Brig *George and James*, by the Owner of the *Caridade*, for the same objects, namely, to be subservient to their illicit operations in the Slave-trade.

The Master of the *Lafayette* stated, that he left at Onim 3 Spanish and 6 Brazilian Vessels waiting for Slaves.

On the 3d instant, the *Henriquetta* arrived here, and reported from *Molembô* in 18 days, with 504 Slaves. It is reported that she had her Cargo, or part of her Cargo, of Slaves on board, when His Majesty's Ship *Maidstone* appeared off Onim, and she had just time to land them, and thereby to escape capture. On the departure of the *Maidstone*, the Slaves were again embarked, and she proceeded to Sea. Soon afterwards, the *Maidstone* appeared in sight, and gave chase; a calm or light winds enabled the *Henriquetta* to avail herself of her sweeps, and to escape: she is armed, and had prepared her guns for resistance. It is reported, that several deaths have taken place among the Slaves, but with regard to circumstances and number, there has been equivocation and concealment.

I cannot vouch for the accuracy of these facts, yet I am persuaded there will not be found any error that will essentially affect the truth of this Representation.

I have not been able to ascertain all the dates; perhaps the Commander of His Majesty's Ship *Maidstone* may be able to furnish such Evidence on this point as, combined with the facts here stated, will prove that the Slaves could *not* have been shipped at Molembô, or at any Port South of the Line.

I am informed that the *Henriquetta* was insured at Rio de Janeiro, on her late voyage, at a premium which included the risk of capture by British Cruizers; the Owner has lately bought the Schooner *Lafayette*; and the Owner of the Smack *Caridade* expects a Vessel from Philadelphia, that is to be a nonpareil, for the Slave-trade (illicit understood,) and that will be well armed. It is supposed that a fortunate voyage on this Trade, (such as those recently made by the *Henriquetta* and *Caridade*,) leaves a profit to the Speculator of upwards of £30 per head.

The illicit Slave-trade is very differently viewed in this Country from what it is in England; of which I cannot state a greater or more authentick proof, than in the Case of the Portuguese Vessel the *Volcano do Sul*: this Vessel was captured with a Cargo of Slaves on board, in the Year 1819, by His Majesty's Ship *Pheasant*, and was ordered to Sierra Leone; the Crew, however, rose on the English Officer and Seamen, murdered them, and made for this Port: here the Slaves were all smuggled on Shore, and the Vessel then scuttled to escape detec-

tion; the case was pretty generally known, but no one gave any information with a view to bring the Delinquents to justice. At length it was communicated to me, under a promise of secrecy as to the name of my Informant; I immediately made an Official representation to the then Governor, who ordered an investigation; the facts were proved, the property of the Owner was sequestrated, and Sentence of Death pronounced against the Portuguese Crew; but, I believe, no Execution has followed.

The most moderate estimate made of the illicit Importation of Slaves in this Province, makes it average more than $\frac{3}{4}$ of the whole Importation; indeed, the general belief is, that $\frac{5}{6}$ of the total Importation is from the prohibited District: this sufficiently shews how ineffectual the British Naval Force has hitherto been, as regards the illicit Trade with this Province.

It is the general opinion amongst the best informed here on the subject, that when a Vessel, bound to this Port with Slaves, is captured and condemned, another is *generally* equipped for the same voyage, in order to supply the still existing demand, in which case the very success of our Cruizers increases the illicit Exportation of Slaves from the North of Africa. It, however, *sometimes* happens, (and the more successful our Cruizers are, the more frequently it is likely to happen,) that the dread of our Cruizers induces the Slave-merchant to send his Vessel to Moçambique, or its vicinity, where the Trade is legal and the Slaves cheap; but on this voyage, it is estimated, that the mortality is five times greater than on the voyage to the North, and the misery to the unhappy survivors *incalculably* greater.

The crimes committed, to escape *after* capture, are exemplified in the Case of the *Volcano do Sul*. Those which are committed, to escape being captured with Slaves on board, are known to be more frequent and, if possible, of a deeper die.

The Case of the *Volcano do Sul* also shews the facility of smuggling on this Coast, and that the Official Returns of the Importation of Slaves should be regarded as under-rated.

The Right Hon. George Canning.

WM. PENNELL.

No. 59.—*Mr. Consul Pennell to Mr. Sec^y. Canning.*—(Rec. May 23.)
SIR, *Bahia, February 22, 1826.*

I HAVE procured a List of the principal Ports North of the Line, from whence Slaves are shipped for this Place: they are as follows; Cabo Lau, Rio Sueiro, Cabo Polonia, Mina, Cabo Corso, Alará, Aquita, Popo, Ajuda, Badagra, Porto Novo, and Onim, or Lagos.

I believe it to be correct, although it has the following Preamble, "The Ports on the Coast of Mina (Guinea,) where the Trade is carried on in Gold, Ivory, Cloth, and Oil."

In consequence of this Preamble, and because this Commerce is frequently adduced to cloak the illicit Slave-trade, I caused enquiry to be made as to its extent, and I am credibly informed, that the value of all the Articles imported through the Custom-House into this Province, from all Africa, did not exceed £6,000 for the Year 1825.

I have the honour to be, &c.

The Right Hon. George Canning.

WM. PENNELL.

No. 60.—*Mr. Consul Pennell to Mr. Secy. Canning.*—(Rec. May 29.)

SIR,

Bahia, February 3, 1826.

I HAVE the honour to enclose a Copy of my Letter, of the 28th January, to the French Consul, on learning that the French Ship *Diane*, Captain Edon, had brought to this Port from Pernambuco 8 Slaves for sale; and also of his Reply, dated the 31st instant, explaining the circumstances of the case, and the steps which he has taken.

I have the honour to be, &c.

The Right Hon. George Canning.

WM. PENNELL.

(Enclosure 1.)—*Mr. Consul Pennell to the French Consul at Bahia.*

SIR,

Bahia, January 28, 1826.

I HAVE the honour to call your attention to the circumstances of the French Ship *Diane*, Captain Edon, from Pernambuco, having brought to this Port 8 Slaves, which, I am informed, are intended for Sale.

I am persuaded it is sufficient to bring the fact to your knowledge to induce you to take such steps herein as are dictated by the Laws of France, and the well-known sentiments of His Most Christian Majesty on the subject of the Slave-trade.

I have, &c.

Mons. Guinebaud.

WM. PENNELL.

(Enclosure 2.)—*The French Consul at Bahia to Mr. Consul Pennell.*

MONSIEUR,

Bahia, 31 Janvier, 1826.

JE réponds à la Lettre que vous m'avez fait l'honneur de m'écrire le 28 de ce Mois, pour m'annoncer que le Navire Français *La Diane*, Capitaine Victor Edon, a transporté de Pernambouc en ce Port 8 Nègres, Esclaves destinés à y être vendus.

Ayant, vous et moi, examiné le Rôle d'Equipage de *La Diane*, nous avons en effet reconnu qu'il conste, ainsi que l'accuse Monsieur Boilleau, Chancelier gérant le Vice Consulat de France à Pernambouc, que le nommé Antonio Jozé Ribeiro, s'est embarqué à Pernambouc pour Bahia, accompagné de 8 Esclaves, dont un domestique, et les 7 autres allant sous Carta de Guia, ou Passavant de la Douane, pour être vendus à Bahia.

A la réception de votre Lettre je m'empressai de faire appeler devant moi le Capitaine Edon, pour lui communiquer la plainte, et recevoir de lui les éclaircissemens nécessaires. Il résulte de ses déclarations ce qui suit :

Le Capitaine Edon a donné passage de Pernambouc à Bahia, au nommé Antonio Jozé Ribeiro, accompagné comme il est dit ci-dessus.

Cet Individu, dit le Capitaine Edon, était porteur d'un Passeport délivré par l'Autorité de Pernambouc, tant pour lui que pour ses 8 Esclaves. Il n'a pas examiné ce Passeport, écrit en Portugais, qu'il ne comprend pas, et ne s'est point informé si les Nègres étaient neufs ou non.

Il a d'autant moins pensé devoir le faire qu'il sait ou croit savoir que les Lois Brésiliennes défendent à tout Navire Etranger le cabotage des produits du sol ou du Commerce Brésilien, et spécialement des Nègres qui n'ayant pas acquitté les droits d'entrée, peuvent encore être réputé Marchandise de traite.

Que l'Autorité de Pernambouc ayant délivré le Passeport, le Capitaine n'a pas poussé plus loin son investigation et s'est cru en règle.

Que l'on ne peut lui attribuer aucun motif de cupidité ou désir de contrevenir aux Lois de France relatives au Commerce des Noirs, puisqu'il résulte de son livre de bord que le montant du passage du Maître et des 8 Esclaves, n'est que de Rs 50,000, [F 312. 50c.] savoir Rs 30,000 pour le Maître, et Rs 20,000. (F 125.) pour les 8 Esclaves.

Les assertions du Capitaine me paraissant exprimées avec une certaine ingénuité qui écarte, au moins à mes yeux, toute idée de fraude ou de faute volontaire, je ne crois pas pouvoir avec justice lui appliquer les sévères dispositions résultant des diverses Instructions depuis longtems, et récemment encore, émanées du Gouvernement de Sa Majesté Très Chrétienne, sur tout ce qui a rapport à la Traite des Noirs.

La Diane repartant incessamment pour Pernambouc et le Hâvre, je crois devoir prendre le parti de m'en référer à Monsieur Boilleau, en le prévenant de ce qui s'est passé, bien sur que cet Agent prendra toutes les mesures convenables pour parvenir à la connaissance de la vérité, et à donner les éclaircissemens nécessaires sur plusieurs choses que je ne suis point apportée d'expliquer.

Je me propose aussi d'en rendre directement compte à mon Gouvernement.

Je ne puis d'ailleurs, Monsieur, que vous remercier de l'avis que vous avez bien voulu me donner dans cette occasion, et vous assurer de l'intérêt avec lequel j'accueillerai toutes les indications que vous voudrez bien me faire parvenir sur cette matière, que les Instructions pressantes et réitérées du Ministère Français rendent l'objet constant de ma sollicitude.

J'ai l'honneur, &c.

M. Pennell.

GUINEBAUD.

No. 61.—*Mr. Consul Pennell to Mr. Sec^y. Canning.*—(Rec. May 29.)
SIR, *Bahia, February 17, 1826.*

In a conversation with the French Consul of this Province, on the subject of a French Schooner, called the *Bienfaisant*, chartered to carry a Cargo of Tobacco to Ajuda, I stated to him the view which was taken of such a Voyage by the Laws of England, and that an English Vessel now here (the Brig *Freeland*, Captain Thompson,) had just refused an advantageous Charter for that Port, in consequence of your Despatch on the subject. He expressed a wish to obtain all the information on the subject which I could afford, expressing his desire to concur all in his power for the suppression of the Slave-trade, and that he would write to his Government on this particular Case, if it did not already come within his Instructions.

In consequence, I sent him a Copy of your Despatch of the 24th of July last. I have the honour to enclose a Copy of my Letter to him, and of his Reply on the subject. I have, &c.

The Right Hon. George Canning.

WM. PENNELL.

(Enclosure 1.)—*Mr. Consul Pennell to the French Consul at Bahia.*
SIR, *Bahia, February 9, 1826.*

WITH reference to our conversation, respecting the French Schooner *Bienfaisant*, bound to Ajuda, on the Coast of Africa, North of the Line, with a Cargo of Tobacco, I have the honour to enclose a Copy of Mr. Secretary Canning's Despatch of the 24th of July last, by which you will perceive that a similar Voyage (under the same circumstances) in an English Vessel, is forbidden by the English Law; and although several English Merchants and Masters of Ships had before contended for its legality, on the same reasoning which you have adduced, yet they have since uniformly (and one within these few days) refused advantageous freights of this description, in deference to the Law, as expounded in Mr. Canning's Despatch.

It is with great pleasure that I comply with your desire to be furnished with a Copy of this Document, for the object you intimate, being persuaded that a union of sentiment, and a cordial co-operation in measures, by the French and English Nations, as regards the Slave-trade, will have a very powerful and salutary effect towards its final Abolition. I have the honour to be, &c.

M. Guinebaud.

WM. PENNELL.

P. S.—I also enclose Copies of my Despatches of the 1st and 15th April last, to which Mr. Secretary Canning refers. W. P.

(Enclosure 2.)—*The French Consul at Bahia to Mr. Consul Pennell.*
MONSIEUR, *Bahia, 15 Février, 1826.*

J'AI lu avec toute l'attention qu'ils méritent les Documens contenus et détaillés dans la Lettre que vous m'avez fait l'honneur de m'écrire le

9 de ce Mois, par suite de la conversation que nous avons eue, au sujet de la Goëlette Française le *Bienfaisant*, Captne. Luzet, arrivée récemment d'Ajuda, Côte d'Afrique, au Nord de la Ligne, et se préparant à y retourner avec un chargement de tabac. Quelque soit ma confiance dans le mérite des décisions de M. l'Avocat-Général du Roi, dont il est fait mention dans la Dépêche du très honorable Secrétaire d'Etat, je ne puis m'empêcher de remarquer que M. l'Avocat-Général lui-même laisse le point de droit indécis, en se référant à la nécessité d'une nouvelle Mesure Législative.

Ne vous semble-t-il pas aussi, Monsieur, qu'il existe une différence assez remarquable entre votre position et la mienne, à l'égard de nos Capitaines respectifs, résultant de la différence des circonstances du *Bienfaisant*, et de celles des Navires Anglais, qui, d'après vos avis, et sur la présentation de l'un des Documens précités, ont renoncé à se fréter pour la Côte d'Afrique ?

Les Navires Anglais dont il est fait mention, arrivant probablement d'Angleterre, ou de l'une des Possessions Britanniques, se trouvaient tout-à-fait étrangers, au moins dans cette occasion, au commerce légal ordinaire de la Côte d'Afrique. Pour eux un tel voyage eut été accidentel ; l'un d'eux a même déclaré qu'au transport en Afrique de son chargement se joignait dans la Charte-partie proposée la circonstance aggravante du transport de *Noirs Libres* d'un lieu à un autre de la Côte.

Le *Bienfaisant*, au contraire, est parti de France en Décembre 1824, chargé et dûment pourvu d'Expéditions légales et Passeport pour la Côte d'Afrique. On sait qu'il se fait tous les ans, tant en Angleterre qu'en France, un certain nombre d'Expéditions de ce genre, dont le but avoué et véritable est de débiter des Marchandises sur la Côte et de traiter des produits d'Afrique, tels que la gomme, l'ivoire, l'or, l'écaille, des bois précieux, de l'huile de Palmier, du café des Iles du Prince et de San Thomé, &c.

Le *Bienfaisant* a parcouru la Côte et utilisé son navire suivant qu'il a été convenable à ses intérêts et conforme aux Lois de France. Il a vendu sa cargaison, et son produit se trouve représenté par une partie de café que le Capitaine a à son bord avec des Piastres et autres valeurs.

Cette circonstance écarte tout soupçon de commerce et d'introduction d'Esclaves. D'ailleurs ce Bâtiment a été visité à plusieurs reprises par des Batimens de Sa Majesté Britannique, ainsi qu'il conste des *Visas* apposés sur son congé et sur son Acte de Francisation. Le Capitaine déclare même avoir été visité le jour de son départ pour Bahia.

Le Captne. Luzet a pris des arrangemens avec un Marchand d'Ajudá pour venir chercher à Bahia et lui rapporter un chargement de tabac, dont le fret sera payé à Ajudá même.

Arrivé dans ce Port, il m'a fait sa Déclaration et justifié de l'emploi de son tems sur la Côte. J'ai fait visiter son Navire, je me suis convaincu qu'il n'est point préparé pour le Commerce des Noirs, et qu'il avoit à bord en café et autres valeurs la représentation de son chargement de France, et des profits que lui ont valu ses diverses escales sur la Côte. Je n'ai point le droit de pousser mes investigations plus loin. Il n'existe dans mes Instructions, ni dans les Lois de France, à ma connaissance, aucune clause qui me donne le pouvoir d'arrêter et rompre le cours de voyage d'un Navire parti de France avec des Expéditions en règle, et contre lequel il ne s'élève aucun juste soupçon de fraude ou violation des Lois. Le Capitaine aurait le droit de protester chez moi contre moi-même de pertes et dommages pour cette extension arbitraire de l'esprit des Lois contre le Commerce des Esclaves.

Je ne puis d'ailleurs que vous répéter ce que j'ai eu l'honneur de vous dire verbalement, au sujet de la cargaison de tabac que doit prendre le *Bienfaisant*.

Le tabac, l'eau-de-vie, et autres marchandises que l'on charge ici pour la Côte d'Afrique, sont à mes yeux des marchandises *innocentes*, ainsi que celles que l'on y envoie d'Angleterre, d'Allemagne, et de France. C'est l'emploi qui cesse de l'être, lorsqu'on les applique à l'achat d'Esclaves. Elles peuvent en effet avoir ce criminel résultat, parceque l'on peut abuser de tout, mais elles peuvent aussi ne servir qu'à faire le Commerce légal et permis de tous les autres produits de l'Afrique.

S'il est possible que des Spéculateurs d'Europe ne soient pas encore assez pénétrés de l'horreur que doit inspirer l'odieux trafic des Noirs, et frappés de crainte à l'aspect des peines sévères portées contre eux, les Vaisseaux de Guerre Anglais et Français sont suffisamment autorisés à exercer une surveillance rigoureuse sur des Expéditions suspectes, mais cette surveillance ne peut conduire à entraver ou arrêter des Bâtimens faisant un Commerce légal.

S'il pouvait venir à ma connaissance que le *Bienfaisant* se fut livré d'une manière quelconque au Commerce des Noirs, le Capitaine me trouverait armé de toute la sévérité que m'imposent mes Instructions et les Ordres récents reçus à ce sujet.

Mais dans la circonstance actuelle, je ne puis me refuser à lui laisser continuer son voyage et à signer ses Expéditions.

Permettez-moi du reste, Monsieur, de vous répéter, que vous me trouverez toujours cordialement disposé à joindre mes efforts aux vôtres, pour parvenir à faire strictement exécuter les Lois de nos Nations respectives sur le Commerce des Noirs.

J'ai l'honneur d'être, &c.

Monsieur W. Pennell.

GUINEBAUD.

No. 62.—*Mr. Consul Pennell to Mr. Sec^y. Canning.*—(Rec. May 29.)

SIR, *Bahia, February 21, 1826.*

I HAVE the honour to transmit Copy of my Correspondence with the President of this Province, under date of the 15th, 17th, and 20th instant, on the subject of the admeasurement of Slave-vessels, and particularly as regards the Schooner *la. Rosalia*.

It is not my intention to renew this subject with the Authorities here, unless in obedience to Instructions, or that circumstances shall arise to promise greater utility to my interference. I have, &c.

The Right Hon. George Canning.

WM. PENNELL.

(Enclosure 1.)—*Mr. Consul Pennell to the President of the Province of Bahia.*

SIR, *Bahia, February 15, 1826.*

I RECEIVED the Letter which your Excellency did me the honour to address to me, dated the 4th November last, intimating your intention to reply at an early period to my Letters of the 10th and 16th of September, and 6th of October.

It is in the mean time my duty to represent to your Excellency, that the grievances which I had the honour to bring under your observation, in my aforesaid Letters of the 16th September and 6th October, as regards the Slave-trade, remain unabated.

A List of 12 Brazilian Vessels has been exhibited to me, as having sailed from this Port for Africa, since the 6th October last, without having been measured, as directed by His Imperial Majesty's Portaria of 12th August, 1824.

The Schooner *la. Rosalia*, arrived the 13th instant, from Molembo, with 406 Slaves, furnishes a Case (as I am credibly informed) more aggravated than that of the Smack *Caridade*, adverted to in my Letter of the 6th October, inasmuch as she brings 150 Slaves more than her admeasurement warrants, even on the supposition that the admeasurement is correct, and that no deaths have taken place since the commencement of her voyage. I have, &c.

H. E. the Viscount de Queluz.

WM. PENNELL.

(Enclosure 2.)—*The President of the Province of Bahia to Mr. Consul Pennell.*—(Translation.)

SIR, *Bahia, February 17, 1826.*

I HAVE received your Letter of the 15th instant, stating that you had not yet received a satisfactory Answer to your Letters of the 10th and 16th of September, and of the 6th October of last Year.

Having heard the competent Departments of this City on the subject of your Representation, I am persuaded that the admeasurement of Vessels in this Province is different from that of England, and it therefore becomes my duty to carry this affair to the Imperial Presence,

which I shall do, and in due time communicate to you the Resolution of His Majesty The Emperor.

As to the Schooner *Rosalia*, lately arrived from Molembo with 406 Slaves, I have to inform you, that the Passport which she carried authorized her to bring 495 Slaves, according to the admeasurement made at the Intendencia da Marinha, and therefore she might have brought 89 Slaves more than the 406 which are mentioned in your Letter. God preserve you.

William Pennell, Esq.

VISCONDE DE QUELUZ.

(Enclosure 3.)—*Mr. Consul Pennell to the President of the Province of Bahia.*

SIR,

Bahia, February 20, 1826.

I BEG leave to express my thanks to your Excellency for the information contained in your Letter of the 17th instant. I observe that the Schooner *la. Rosalia* is authorized to carry 495 Slaves. My representation was founded on the Register kept at the Arsenal da Marinha, by which it appears, that, both on her outward and homeward voyage, she is rated at 99 tons, which would authorize her to carry only 246 Slaves. Can it be that she is rated at 198 tons for the purpose of carrying Slaves, and only at 99 for other purposes? I have, &c.

H. E. the Viscount de Queluz.

WM. PENNELL.

No. 63.—*Mr. Consul Pennell to Mr. Sec^y. Canning.*—(Rec. June 19.)
(Extract.) *Bahia, February 27, 1826.*

WITH reference to my Despatch of the 21st instant, I have the honour to enclose a Copy of a Letter from the President of this Province, of the 25th instant, which contained a Certificate from the Intendente da Marinha, stating that the Schooner *la. Rosalia* was measured on the 16th September, 1824, in conformity with the Alvará of 26th January, 1818, and was found to be 194½ tons, and capable of carrying 486 Slaves.

The Right Hon. George Canning.

WM. PENNELL.

(Enclosure 1.)—*The President of the Province of Bahia to Mr. Consul Pennell.*—(Translation.)

SIR,

Bahia, February 25, 1826

HAVING received your Letter of the 20th instant, I directed the Chief of the Department, the Intendente da Marinha, to report on the admeasurement of the Schooner *la. Rosalia*. By this Report, which I transmit to you, with a Certificate of the Measurement, made by the Ship-builders of the Arsenal, it appears, with certainty, that the said Vessel has not brought a greater number of Slaves than her measurement permits.

I am persuaded that I have perfectly satisfied the Representation made in your Letter. God preserve you.

William Pennell, Esq.

VISCONDE DE QUELUZ.

No. 64.—*Mr. Consul Pennell to Mr. Sec^y. Canning.*—(Rec. June 19.)
(Extract.) *Bahia, April 17, 1826.*

DURING The Emperor's recent visit to this City, the Brig *Henriquetta* (whose admeasurement forms the subject of my Despatch of the 17th of October of last Year) arrived from the Coast of Guinea, N. She is reported from Molembo, with 441 Slaves; but is authorized to bring 600.

On enquiry into the cause, I learnt that the Slaves had risen on the passage, and that many were killed. I understand the Captain acknowledges 18: other reports make the number greater; but I do not learn that any legal investigation will take place.

The Owner of the *Henriquetta* has lately purchased the English Brig *Fanny*, of 192 tons, built at Halifax. It is supposed he will also be employed in the illegal Traffick.

The Right Hon. George Canning.

WM. PENNELL.

No. 65.—*Mr. Secretary Canning to Mr. Consul Pennell.*
SIR, *Foreign Office, June 22, 1826.*

I HAVE received your Despatch of the 17th of February, of the Slave-trade Series, of this Year, and I commend the zeal which prompted, and the quiet and considerate tone which marked, your Communication with the Consul of France, at Bahia, upon the chartering of French Vessels to Places in Africa, North of the Line.

I send to you, for your information upon this subject, the Copy of a Despatch which I have received from His Majesty's Commissioners at Sierra Leone, dated the 21st of March last,* shewing how just was the view which was taken, as to the object of the Parties who employed the Vessel *George and James*, noticed in your Letter of November 5, 1825.

I am, &c.

William Pennell, Esq.

GEORGE CANNING.

No. 66.—*Mr. Consul Pennell to Mr. Sec^y. Canning.*—(Rec. Oct. 28.)
(Extract.) *Bahia, August 8, 1826.*

I HAVE the honour to enclose the *Diario* Newspaper of the 2d instant, containing a Despatch from the Visconde de Inhambupe, Minister for Foreign Affairs, to the President of this Province, dated Rio de Janeiro, 14th July last, by which it appears that His Imperial Majesty has revoked the Order which was communicated to the President on the 4th of January last, prohibiting Vessels from touching at differ-

* See Class A. No. 38. Page 55.

ent Ports: this prohibition, it appears, was obtained on a Representation from His Majesty's Chargé d'Affaires at Rio de Janeiro, alleging that the permission to touch at the Islands of St. Thomas and Princes gave great facility to the illicit Traffick in Slaves.

I enclose a Translation of the above-mentioned Despatch from the Minister of Foreign Affairs.

The Right Hon. George Canning.

WM. PENNELL.

P. S. The same Diario contains other Documents on the same subject, Translations of which I also transmit enclosed. W. P.

(Enclosure 1.)—*The Viscount de Inhambupe to the President of the Province of Bahia.*

Rio de Janeiro, July 14, 1826.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

HIS Majesty The Emperor, seeing the repeated Representations of the Chargé d'Affaires of His Britannick Majesty against certain Merchants, who, he said, in order to deceive the constituted Authorities, availed themselves of fraudulent pretences of touching at different Ports to carry on the illicit Commerce in Slaves, resolved that such touchings at different Ports, should be prohibited, which was communicated to your Excellency by a Despatch from this Office of the 4th of January of the present Year: well-founded Representations from various Brazilian Merchants having, however, since come before the Imperial Presence, and the same August Lord, being persuaded that there could not arise any inconveniencies from the above-mentioned touching at different Ports, because a remedy is provided in the Treaty of Vienna of 22d of January, 1815, and in the Additional Convention to the same Treaty of 28th of July, 1817, and that the prohibition was, in some degree, indecorous to the National dignity, His Imperial Majesty has thought fit benignly to grant their Prayer, re-establishing what was before practised in this respect. This I communicate to your Excellency for your information and execution.

God preserve your Excellency.

VISCONDE DE INHAMBUPE.

H. E. the Viscount de Queluz.

(Enclosure 2.)—*The Viscount de Paranagua to the Viscount de Queluz.*
(Translation.)

Department of the Affairs of the Marine,

Rio de Janeiro, July 19, 1826.

SIR,

I TRANSMIT to your Excellency, for your information and government, the enclosed Copies, as well of the Notice sent to this Department, by the Minister and Secretary of State for Foreign Affairs, as

of the Official Letter which the same Person addressed to the Chargé d'Affaires of His Britannick Majesty, whereby your Excellency will see re-established, by an Imperial Edict, the practice formerly observed concerning the Sea-ports frequented by Brazilian Ships in the Islands of St. Thomas and Princes.

God preserve your Excellency.

VISCONDE DE PARANAGUA.

H. E. the Viscount de Queluz.

(Enclosure 3.)—*The Viscount de Inhambupe to the Viscount de Paranagua.*

(Translation.)

MOST ILLUSTRIOUS AND EXCELLENT SIR, *Palace, July 14, 1826.*

I SEND enclosed to your Excellency the Copy of the Reply which I made to the Official Letter of His Britannick Majesty's Chargé d'Affaires, dated the 20th June, relative to the affair of the Schooner *Arsenia*, and your Excellency will see thereby the definitive resolution which His Imperial Majesty The Emperor has thought fit to adopt, with regard to the Sea-ports frequented by Brazilian Ships in the Islands of St. Thomas and Princes, thus establishing the practice formerly observed.

God preserve your Excellency.

VISCONDE DE INHAMBUPE.

H. E. the Viscount de Paranagua.

No. 67.—*Mr. Consul Pennell to Mr. Secy. Canning.*—(Rec. Oct. 28.)

SIR, *Bahia, August 26, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch of the 22d June last, relating to the Slave-trade.

I feel very sensibly the value of any commendation from you, and I am highly gratified by the notice you have been pleased to take of my communication with the Consul of France, on the subject of French Vessels trading to Africa North of the Line, and of my Despatch of the 5th of November, 1825, as regards the view which was then taken of the object of the Parties who employed the Vessel *George and James*.

I have the honour to be, &c.

The Right Hon. George Canning.

WM. PENNELL.

No. 68.—*Mr. Consul Pennell to Mr. Secy. Canning.*—(Rec. Dec. 13.)

(Extract.) *Bahia, September 20, 1826.*

THE Vessel alluded to in my Despatch of the 16th November last, as expected from Philadelphia, arrived here on the 29th March last, under American Colours, having first touched on the Coast of Africa: she sailed again for Molembo, under Brazilian Colours, on the 3d

June last: she is called the *Prince of Guinea*, of 261 tons; was built at Philadelphia.

Another Vessel, called the *Blackbird*, of 216 tons, arrived from Philadelphia the 1st May, under American Colours; is now under Brazilian, and is preparing for a Voyage to the Coast of Africa.

The Right Hon. George Canning.

WM. PENNELL.

P.S.—For the purpose of accuracy, I submitted this Despatch to the perusal of the American Consul in this City, who confirms what I have stated with regard to the Vessels named the *Prince of Guinea* and the *Blackbird*, (now the *Imperatriz*,) as far as his knowledge and belief extends; he adds, that James D. Pratt, Merchant of Philadelphia, is the Contractor: the Vessel *Prince of Guinea* has been out so long, that she is supposed to have been captured by our Cruizers. W. P.

No. 69.—*Mr. Consul Pennell to Mr. Secy. Canning.*—(Rec. Dec. 13.)

SIR,

Bahia, Sept. 21, 1826.

WITH reference to my Despatch of 8th August, I have the honour to inform you, that the Vessels which have lately cleared out for Africa from hence have availed themselves of the Imperial Permission to take Licences to touch at the Islands of St. Thomas and Princes.

I have the honour to be, &c.

The Right Hon. George Canning.

WM. PENNELL.

No. 70.—*Mr. Consul Pennell to Mr. Secy. Canning.*—(Rec. Dec. 22.)

SIR,

Bahia, Oct. 24, 1826.

I HAVE the honour to enclose a List of the Vessels which have been measured for Slaves, from the 1st January to the 30th September of the present Year, amounting to 21 Vessels, 3,553 tons, and authorized to carry 8,870 Slaves,

I also enclose a List of the Slave-vessels which have sailed from hence, from 1st January to 30th September, of this Year, amounting to 25 Vessels independent of the former List.

With few exceptions, these Vessels are employed on the illicit Trade; the number is considerably increased this Year, to which the expectation of a total Abolition of the Trade by Treaty with England has probably contributed.

I have, &c.

The Right Hon. George Canning.

WM. PENNELL.

(Enclosure 1.)—List of Brazilian Vessels measured for Slaves in the Year 1826.

Date of Measurement.	Description.	Name.	Owner.	Tons.	Slaves authorized to carry.	Date of Sailing.
January 12	Schooner	Tentadora	Luis Anto de Passo	207½	518	March 1
— 19	Do.	Nova Virgem	Vicente de Paula	103½	258	— 9
February 15	Do.	Marianna	J. A. da C. Rios	100½	251	— 25
— —	Brig	Delfina	A. J. R. Valle	145½	362	June 3
April 28	Do.	Principe de Guiné	Pedrozo	280½	701	— 3
June 9	Schooner	Heroína	M. C. dos Santos	224½	560	July 12
— —	Brig	Tiberio	J. A. da C. Rios	229½	574	— 16
July 14	Schooner	Eclipse	A. de P. da Cunha	120½	301	September 5
— —	Do.	Victoria	J. C. Lima	107½	269	August 5
— 19	Do.	Tonnilla	J. A. C. da Silva	30½	76	July 24
August 8	Smack	S. Joao Vencedor	J. J. de Sampaio	167½	418	September 10
— —	Brig	Victoria	Vicente de Paula	191½	478	August 5
— —	Schooner	Caçador	J. V. Moreira	191	477	— —
— 12	Do.	Independencia	J. C. Lima	201	502	August 27
— 22	Do.	Venus	Pedrozo	133	332	— —
— —	Smack	Desengano	F. J. da Sa Borges	156½	391	— —
— 26	Schooner	Sta Ephigenia	I. I. de Oliveira	171½	428	September 9
September 12	Brig	Imperatriz	Pedrozo	275	687	October 1
— —	Schooner	Zepherina	Franco S. Paraizo	162½	406	September 27
— 26	Smack	Sto Amaro	I. P. C. da Cunha	171½	428	— —
— 30	Brig	Comerciante	I. I. Teixeira	181½	453	— —
21 VESSELS.				Total	3553	8870

(Enclosure 2.)—List of Slave Vessels sailed from Bahia in the Year 1826.

Sailed.	Name of Vessel.	Master.	Where Bound.
Jan. 1	Maria da Gloria	J. D. Sa. Porto	Molembo
.. 8	Providencia Angelica	Joao Mora. de Lima	Ambris
.. 28	Aritoria	Joze Maria Alves	Coast of Africa
Feb. 4	Brinquedo de Meninos	Felis da Sa. Lisboa	Molembo
.. 12	Dois Amigos	Joze Joaquim Ladislao	Do.
.. 19	Carlotta	Joao Franco da Costa	Do.
.. 26	Conceição Telegrafo	Joaquim Gonçalves	Do.
Mar. 1	Sao Benedito	Joao Sabino	Do.
.. 20	la. Rosalia	Joze Machado	Do.
April 12	Emilia	Estevao Nonato Ferra.	Ambris
May 15	Boa hora	Joao Dias de Carvalho	Coast of Africa
.. 20	Bahia	Franco. Gomez de Almida	Do.
.. 29	S. Joao Espadarte	Mastinro Je. Baptiste	Molembo
June 9	Na. Snra. do Monte do Carmo	Mel. Joaq. de Noronha	Ambris
.. 17	S. Joao Voador	Mel. dos Stos. da Costa	Molembo
.. 24	Henriquetta	Joao Cardozo dos Santos	Do.
July 4	Conceição da Maria	Joao Pinto de Soiza	Do.
.. 6	Gracioza	Mel. Simões da Sa.	Coast of Africa
.. 19	Bom Successo	Mathias Bapt. de Caroo.	Molembo
.. 24	Novo Brilhante	Caetano Alberto da França	Coast of Africa
.. 31	Caridade	Joze Roetz Ferreira	Molembo
Aug. 14	Carlotta	Joze Franco. da Costa	Do.
Sept. 9	Maria da Gloria	Joao Diogo	Do.
.. 22	Esperança	Vicente Ferra. do Vale	Do.
.. 24	Bom Fim	Joao Jose da Fonca.	Ambris
25 VESSELS.			

No. 71.—*Mr. Secretary Canning to Mr. Consul Pennell.*

SIR,

Foreign Office, December 30, 1826.

YOUR Despatches of this Series, up to the 24th of October, have been duly received.

You will continue to watch over any transactions having apparently for their object illicit Slave-trade, in whatever shape, or under whatever pretext, they may present themselves.

You will make representations to the Local Authorities on all those transactions of the nature referred to, which may come under your notice, and you will earnestly, but temperately, request the interference of those Authorities to prevent infractions of the Compacts in force between the two Countries upon this subject.

You will furnish His Majesty's Envoy at Rio de Janeiro with the details of these proceedings, requesting him to take such measures as may seem to him expedient with the Brazilian Government; and you will send to me Copies of the Correspondence which shall pass on those occasions.

I am, &c.

William Pennell, Esq.

GEORGE CANNING.

No. 72.—*Mr. Consul Hesketh to Mr. Sec^y. Canning.—(Rec. May 15.)*

SIR,

Consul's Office, Maranham, March 8, 1826.

I HAVE the honour to enclose Copies of two Despatches addressed to His Majesty's Consul-General at Rio de Janeiro, viz. one on the 25th, and the other on the 28th ultimo, respecting the Schooner *Carolina*, which Vessel arrived at this Port last January, with 133 Slaves, from Cacheo.

The above-mentioned Despatches, and their Enclosures, set forth most of the particulars of the *Carolina's* Voyage; and detail the steps which, up to the 28th ultimo, I took, in order that the Treaty for the Abolition of the Slave-trade to the Northward of the Line should not be evaded.

From these Enclosures it will be seen that His Excellency the President of this Province evinced something like reluctance to enforce the Law so palpably applicable to this Case, adopting instead, the measure of merely requiring a Bond before the Slaves should be sold. I have the honour to enclose a Translation of the Order issued by His Excellency on this point; but no Person was found willing to give the Bond, and the President was petitioned to abandon even this precaution.

Since the 28th ultimo, I had prepared a very strong remonstrance to His Excellency, founded on the Evidence in the Documents of the *Carolina*; but I daily refrained from sending it, anxious not to do more in the matter than was consistent with a due discharge of my duty, and a respectful line of conduct towards the Chief Authority; and being also hopeful that His Excellency might ultimately become

alive to the responsibility accruing to him from the clemency displayed towards the Persons guilty of this glaring infraction of the Treaty.

I have now the satisfaction to state, that, without any further representation from me, His Excellency appears to have felt the seriousness of the Case in question; that I have ascertained satisfactorily, that the Case of the *Carolina* was delivered over to the competent judicial Tribunal; and that the Law having been thus allowed to take its course, both that Vessel and the Slaves were seized on the 6th instant.

Legal proceedings are now instituted, in conformity to the Alvarà of the 26th January, 1818, this Alvarà upholding the Stipulations of the Treaty.

I shall be mindful to transmit a full Report of the pending Legal Proceedings, and of their result.

In the mean time I regret to state, that nearly half of the Slaves are said to be in very bad health, and that some deaths have occurred; but on all these particulars I shall obtain exact information, transmitting it by the first opportunity.

I have the honour to be, &c.

The Right Hon. George Canning.

ROBERT HESKETH.

(Enclosure 1.)—*Mr. Consul Hesketh to Mr. Consul-Gen. Chamberlain.*
SIR,

Maranham, February 25, 1826.

I HAVE to make known, that, on the 25th of January last, a small Schooner, under Brazilian Colours, called the *Carolina*, Victor Nobre de Brito, Master, arrived at this Port from Cacheo, with 133 Slaves on board, 2 having died during the passage.

The Master reported that he was bound from Cacheo to one of the Cape de Verd Islands, but having been chased by a Cruizer, which he fancied was a Privateer, he made for this Port.

The information I have collected is, that this Schooner sailed from Pará some time ago, bound to Gibraltar, but whether she arrived at the Port of her destination, and afterwards went to Lisbon, as reported to me privately, I cannot ascertain satisfactorily; however, she ultimately arrived at Cacheo, and thence departed with 135 Slaves for the Island of St. Jago, without a regular Passport.

I have also ascertained that the Slaves belong to the Heirs of the late João Pereira Barreto, of Cacheo; that they were reported to be domestick Slaves, and that their Consignee in this Port, Antonio Francisco de Azevedo, declared that they were for sale.

On the arrival of the *Carolina*, she was put under quarantine, owing to the small-pox amongst the Slaves, who were afterwards landed and put into a Lazaretto.

Nothing further was done towards the sale of the Negroes, but, on the 30th of January, the Schooner was regularly entered at the Custom-House; upon which I addressed a Note, on the same day, to His

Excellency the President, an answer to which was returned on the following day; Copies of both which I have the honour to enclose.

An Investigation, or "Devasa," was then ordered by the President, upon the *Carolina's* voyage; but its only result at present known to me is, an Order His Excellency sent to the Custom-House on the 18th instant, directing that the Slaves should be admitted to entry, on Bond being first given to their value, and that of the Schooner; but no Person has come forward to give the Bond up to this date.

Having been assured by the Consignee, that the Slaves imported by the *Carolina* were destined for sale, I conceived it my duty again to address His Excellency on the 18th instant, stating that I must report the Case, and asking for Copies of the *Carolina's* Passports, or any Documents which could justify those proceedings.

I enclose a Copy of that Application, to which no Answer has been yet returned.

I expect that these Documents will be ultimately sent to me, and I shall transmit them by this conveyance if I receive them in time; but I fear that they may be designedly kept back till the departure of the present opportunity, because I perceive a very general disposition to evade the Law which is applicable to this very glaring infraction of the Treaty.

On the receipt of the Documents, I expect to be again called upon to make another representation to the President, founded on clear proof of the illegality of the *Carolina's* voyage; and I shall do so with the view of inducing His Excellency not to abandon the demand for the Bond, because, though proceedings, founded on the Alvarà of the 26th of January, 1818, are not likely to be commenced, still the required Bond is at least an acknowledgment of irregularity in that Vessel's voyage, and will, I trust, act as an impediment to the sale of the Negroes, until the result of your Representations on this Case at the Court of Rio de Janeiro may be felt here. I have, &c.

Henry Chamberlain, Esq.

ROBERT HESKETH.

(*Enclosure 1, A.*)—*Mr. Consul Hesketh to the President of the Province of Maranham.*

Maranhã, January 30, 1826.

HIS Excellency the Most Illustrious Senhor Pedro José da Costa Barros, President and Military Governor of the Province of Maranhã, &c. is made acquainted by the Undersigned, His Britannick Majesty's Consul at this Port, that a Schooner, called the *Carolina*, Victor Nobre de Brito, Master, has lately arrived from Cacheo with a Cargo of Slaves, under the most suspicious circumstances as to the legality of the voyage, and that, notwithstanding, the Vessel in question was this morning admitted to entry at the Custom-House.

On these facts reaching His Excellency, the Undersigned feels confident that the requisite steps will be ordained by His Excellency,

in conformity with the existing Treaty for the Abolition of the illicit Traffick in Slaves.

H. E. Pedro José da Costa Barros.

ROBERT HESKETH.

(*Enclosure 1, B.*)—*The President of the Province of Maranham to Mr. Consul Hesketh.*—(Translation.)

SIR,

Maranhm, January 31, 1826.

I HAVE received your Despatch, dated yesterday, to which I answer, that I respect as much the Treaty for the Abolition of the illicit Slave-trade, as you desire to fulfil it; and that, as I am a faithful Administrator of the Laws of my Sovereign, I shall cause them to be administered to their fullest extent. You, Sir, may rest assured, that I shall do you all justice, in the event of the Schooner *Carolina*, lately arrived at this Port, being found implicated in the said Treaty.

God preserve you.

Robert Hesketh, Esq.

PEDRO JOSE DA COSTA BARROS.

(*Enclosure 1, C.*)—*Mr. Consul Hesketh to the President of the Province of Maranham.*

SIR,

Maranhm, February 18, 1826.

HAVING been informed that your Excellency has allowed to be passed through the Custom-House (preparatory to their sale) the Slaves brought by the Schooner *Carolina* from Cacheo, on Bond to their value, and that of the Schooner, being first given, it becomes my duty to report this Case to His Britannick Majesty's Government.

For that purpose I have to solicit that your Excellency may be pleased to order that I be furnished with Copies of the Passport or Passports of the Schooner *Carolina*, as well as of any Licence, or "Avizo," or any other Document with which that Vessel may have been provided, with the object of legalizing this importation of Slaves.

I have the honour to be, &c.

H. E. Pedro José da Costa Barros.

ROBERT HESKETH.

(*Enclosure 2.*)—*Mr. Consul Hesketh to Mr. Consul-Gen. Chamberlain.*

SIR,

Maranhm, February 28, 1826.

IN reference to my Despatch, dated the 25th instant, transmitted herewith, I have to make known the Answer His Excellency the President returned to my request for Copies of all the Documents belonging to the Schooner *Carolina*, enclosing for that purpose a Copy of His Excellency's Note, dated yesterday.

I also beg leave to enclose Copies of the Documents transmitted, being 9 in number, having now barely time cursorily to refer to them in their order.

From the Certificate, proving that an Avizo was granted in Rio de Janeiro, on the 4th of April, 1817, to João Pereira Barreto, for a very

clear and specifick purpose, viz.—the removal of his family and domesticks, it appears, that such Licence, or “Avizo,” is now taken to bestow an exclusive right (inherited by Barreto’s descendants) to export, in the face of all Treaties, any quantity of Slaves from Cacheo, for the purpose of Traffick, so long as they are termed domestick Slaves; this Qualification being applied, although the Slaves are openly declared to be sent solely for the object of Trade; indeed, so much so, that a Bond to produce these domesticks, during even a short period, is not obtainable.

The *Carolina* sailed from Pará to Gibraltar, as the Copy of her Passport shows, but there is no proof but that that Vessel proceeded, instead, direct to Cacheo; and from what has been reported to me, it is very doubtful whether the true Owner, instead of “Fernando Josè de Silva,” is not a Person resident in Lisbon.

There is no proof but that the Brig *Apollo* has already performed her voyage from Cacheo to St. Jago, with the 300 Slaves, according to the Passport now shown as an authority for the *Carolina*. But putting aside that doubt, it appears that even the Passports, like the “Avizo,” are attempted to be generalized, and that every regulation in that particular is totally disregarded in the present case.

From the Copy of the Muster Roll, there appear 21 Persons, including the Master, as the Crew of the *Carolina*, a Schooner of about 90 tons burthen; but of this Crew 9 are Blacks, which Negroes are no doubt all destined for sale; such practices having existed here when Vessels arrive from that part of Africa with wax, ivory, &c.; and a reference to their ages, and time of being at Sea, will prove this suspicion reasonable.

The Copy of the Protest, said to be made at Sea, shews, firstly, that the *Carolina* is called a Portuguese Schooner by her Officers, and secondly, that when the Cruizer was seen, the wind was so strong, that the Vessel could not, after a 12 hours’ run to leeward, fetch into the Port of her destination. On the first, I have already recorded my doubts as to the Owners of the Vessel; and on the second point, I have to observe, that one of the Crew declared to me, that when the suspicious sail was seen, it was calm, and that the *Carolina* escaped by sweeping. I never could learn a description of the Cruizer, and therefore think the whole a fabrication.

The Copy of the Manifest merely shews, that these domestick Slaves were reported in the same way as untaught Negroes.

From the Report of the Chief Officer of the Custom-House (Cid,) it will be seen how ignorant and regardless he is of the Stipulations of the Treaty for abolishing the Trade to the Northward of the Line; and what futile arguments he produces to support the interests of those concerned in the *Carolina’s* Voyage, for whose success he moreover evinces some desire.

The Judicial Report is inconclusive, because the Authorities have evaded a proper investigation. I have, &c.

H. Chamberlain, Esq.

ROBERT HESKETH.

(Note.) Since the above Despatch was sent to Rio de Janeiro, I have been informed that the tonnage of the Schooner *Carolina* is from 60 to 70 tons.

R. H.

(Enclosure 2, A.)—*The President of the Province of Maranhão to Mr. Consul Hesketh.*—(Translation.)

SIR,

Maranhão, February 27, 1826.

IN answer to your Despatch of the 18th instant, I transmit Copies of all the Documents relative to the Slaves brought from Cacheu by the Schooner *Carolina*, belonging to the Widow and Sons of Major John Pereira Barreto. God preserve you.

Robert Hesketh, Esq.

PEDRO JOZE DA COSTA BARROS.

(Enclosure 2, B.)—*Certificate of the Secretary of Government of Maranhão.*—(Translation.)

I, JOAQUIM FERREIRA FRANCA, Civil and Military Secretary of the Province of Maranhão, &c. certify, in fulfilment of Orders, that there does not exist, in the Archives of this Secretary, any Royal "Avizo" relative to the defunct Major João Pereira Barreto, but that there is the following Certificate, issued from the Secretary of Government of the General Captainship of Cape de Verd, viz:—I, Jeronimo Martins Salgado, First Lieutenant of the Royal Corps of Engineers, Aide-de-Camp and Secretary, *ad interim*, of the Government of the Captainship of Cape de Verd, &c. certify, that, on examining the Book, No. 22, in which are registered the Avizos sent from the Secretary of State's Office to this Government, there is registered, in page 165, an Avizo relating to the Petitioner, who has prayed for a Copy, and which is of the following tenour: The King our Lord, taking notice of what has been represented by "Sargento Mor," João Pereira Barreto, a Merchant, established in the Port of Cacheu, is pleased to concede unto him permission to go to the City of Maranhão to attend to his health, taking with him his Sons, Manoel Francisco Caldas and Antonio Pereira Barreto, each of them being allowed to take all the Persons belonging to his family, and respective Slaves; all which I communicate to you, in order that, in conformity therewith, you may issue the requisite orders, so that the execution of this my Royal determination must not meet any obstacle from the necessity of proceeding in any new investigation, on events which recently occurred in that Port, and about which the above-mentioned João Pereira Barreto, his Sons, or any other Person of their respective

families, ought still to be questioned, because, if needful, His Majesty will order them to be interrogated in the City of Maranhão. God preserve you.

CONDE DA BARCA.

Palace of Rio de Janeiro, 4th April, 1817.

Senhor Dom Antonio Coutinho de Lencastre.

That Avizo, which I have thus faithfully copied from the proper Register, did not contain any thing further, to which Register I refer, and being thus in conformity with the Order, this is sealed with the Government Seal of this Captainship, for the purpose of greater validity and complete credit.

Secretary of Government, 14th April, 1818.

JERONIMO MARTINS SALGADO.

The above being all the contents of the said Certificate, to which I refer. Maranhão, Secretary of Government, 31st January, 1826.

JOAQUIM FERREIRA FRANCA.

(Enclosure 2, C.)—Passport of the Brazilian Schooner Carolina.
(Translation.)

I, JOZE DE ARAUJO ROZO, President of the Province of Pará, make known unto all who may see this Passport, that there departs from this Port, on a Voyage to that of Gibraltar, and from thence to return to this Port, the Brazilian Schooner *Carolina*, Victor Nobre de Brito, Master, and Fernando Joze da Silva, Owner, in conformity to what was proved in the Secretary of this Government; the said mentioned Persons being Subjects of this Empire, no Foreigners having any share in the said Schooner; and because this Schooner may be met on her outward or homeward Voyage by the Commanders and Officers of Ships of War, or other Vessels belonging to this Empire,—The Emperor of Brazil ordains that they do not put any impediment, and recommends to those of the Navies, Fleets, and other Vessels belonging to Kings, Princes, Republicks, Potentates, Friends and Allies of this Crown, that they do not oppose the said Voyage, but rather promote it, by rendering any needful assistance or favour, in the certainty that recommendations of their Princes will meet the same and equal treatment. In testimony of which this Passport is granted, signed by the President of this Province, and sealed with the Imperial Arms.

Given at the Imperial Palace of Pará, 17th of March, in the Year of our Lord 1825. JOZE DE ARAUJO ROZO, President.

By order of His Excellency,

MANOEL RAMOS DE CARVALHO.

(Enclosure 2, D.)—Passport of Dona Roza de Carvalho Alvarenga.
(Translation.)

JOHN DA MATTA CHAPUZET, Commendador of the Order of Christ, and Knight of the Orders of St. Bento d'Aviz, and of the Tower and

Sword, Colonel in the Chief Staff of the Army, President of the Junta "da Real Fazenda," and Governor and Captain-General of the Province of Cape de Verd, in the Name of His Most Faithful Majesty The King Our Lord, whom God preserve, makes known unto all who may see this Passport, that *Dona Roza de Carvalho Alvarenga* proceeds from the District of Cacheu to the Island of St. Jago, the Capital of the Province of Cape de Verd, there to meet her Husband, the Sargento Mor, Joao Pereira Barreto, who is there so grievously infirm as to be unable to proceed to Cacheu, and intends to establish himself in the said Island of St. Jago. There proceeds also with the said Dona Rosa de Carvalho Alvarenga, her family, consisting of 300 Persons, more or less, the whole on board the Portuguese Brig *Apollo*, of which the Lieutenant in the Royal Navy, Mauricio Joze Alves, is Master. And in order that no impediment may arise, I have granted this present Passport, signed by me, and sealed with the Royal Arms. Given and executed at Head Quarters, in this Island of Praia, 26th January, 1824.

JOAO DA MATTA CHAPUZET,

Colonel and Governor of the Province.

By order of His Excellency,

JOZE NASCENTES PINTO LOARES GOMES DE PAIVA,

Secretary of the Government of the Province.

(Enclosure 2, E.)—*Muster Roll of the Schooner Carolina, on a Voyage to the Port of Cape de Verd, and Ports in the Brazils, viz.*

(Translation.)

Stations.	Names.	Nativity.	State.	Age.	Term of being at Sea.
Master	Victor Nobre de Brito	Lisbon	Single ..	32	20 Years
Mate	Francisco de Paula Brito ..	Do.	Do. ..	20	8 ..
Boatswain ..	Joaquim Joze da Silva	Do.	Do. ..	30	14 ..
Steward	Marcellino Joze	Do.	Married	39	18 ..
Carpenter ..	Gabriel Pereira (a Black)	Bissau	Single .	23	7 ..
Caulker ..	Joze Pereira da Costa (do.)	Do.	Do. ..	25	6 ..
Cook	Joaquim Pedro (do.)	Cabinda	Do. ..	20	8 ..
Seaman	Antonio Carlos	Lisbon	Do. ..	24	6 ..
Do.	Francisco Joze	Do.	Married	39	18 ..
Do.	Joze Pereira da Silva	Alvarenga...	Single .	24	6 ..
Do.	Joze Francisco	Lisbon	Married	43	26 ..
Do.	Joze Dias	Do.	Single ..	30	18 ..
Do.	Jacob Elena	Genoa	Do. ..	18	11 ..
Do.	José Masse	Poland	Do. ..	20	8 ..
Do.	Francisco Piomçon	Do.	Do. ..	24	10 ..
Ordinary ...	Manoel Joze (a Black) ..	Cape de Verd	Do. ..	28	3 ..
Do.	Joao de Can ^o . (do.) ..	Cacheu	Do. ..	14	2 ..
Do.	Domingos da Costa (do.) ..	Cape de Verd	Do. ..	12	2 ..
Do.	Ventura de Brito (do.) ..	Cacheu	Do. ..	10	2 ..
Do.	Joao de Andrade (do.) ..	Tarim	Do. ..	22	3 ..
Do.	Lino Per. Alvarenga (do.) ..	Do.	Do. ..	14	1st Voyage

MANOEL NICOLAO PACHECO,

Head Quarters, Cacheu, January 5, 1826.

Secretary of the Government.

(Enclosure 2, F.)—*Protest of the Master and Crew of the Carolina.*

(Translation.)

Protest against Cruizing Vessels, done on board the Schooner *Carolina*,
Victor Nobre de Brito, Master, as under declared.

WE, the Undersigned, Master, Officers, and Crew of the Portuguese Schooner, called the *Carolina*, did sail from the Port of Cacheu, on board the said Schooner, on the 6th day of January instant, bound to Villa da Praia, in the Islands of Cape de Verd, with 134 Domesticks, belonging to the family of Dona Roza de Carvalho Alvarenga and her Sons, with a Passport granted for this purpose by the Governor-General of the Province of Cape de Verd.

Continuing thus our Voyage, on the 11th instant, about 8 o'Clock in the morning, being in Latitude 9. 7. 47. and Longitude 23. 37. 11., we discovered a Vessel to Windward, which coming down upon us before the wind, became suspicious, and we directly concluding she was chasing, bore away immediately under all sail; and though we were chased until dark, still in the morning of the following day, the 12th instant, we could not see the chasing Vessel. And as by these means we found ourselves much to Leeward, as can be proved by our Maritime Journals, we agreed, solely on account of the risk to our lives, to the Cargo, and to the Property on board, to alter our Voyage to some of the Leeward Ports of the Empire of Brazil; in the mean time protesting at once against Cruizing Vessels, whether friends or enemies, against the winds and seas, and any other thing which may prejudice or deteriorate our first intended Voyage; and in order that there may not be any thing to create doubt at any Port wherein we may enter, we have drawn up the present Protest, which we have all signed on board of the Schooner *Carolina*, on a Voyage from Cacheu to some Port in the Empire of Brazil, this 12th day of January, 1826.

FRANCISCO DE PAULA BRITO, Pilot.

JOAQUIM JOZE DA SILVA, Boatswain.

JOZE FRANCISCO.

GIACOMO ELLENA.

JOZE PEREIRA DA SILVA.

ANTONIO CARROLOS.

MARCELLINO JOZE.

JOZE DIAS.

FRANCISCO JOZE.

F. PONCON.

JOSEFE MASSE THOMAS.

N. B. The Master's Signature does not appear.

(Enclosure 2, G.)—*Manifest of the Cargo brought by the Brazilian Schooner Carolina, Victor Nobre de Brito, Master, put into this Port while on a Voyage from Cacheu to the Island of St. Jago, in the Cape de Verd.*—(Translation.)

133 Domestick Slaves, in the service of Dona Roza de Carvalho de Alvarenga and Sons.

I declare that I sailed from Cacheu with 135 Slaves, and that 2 died on the Voyage.

Maranhao, January 28, 1826. VICTOR NOBRE DE BRITO.

(Enclosure 2, H.)—*Report of the Superintendent of Customs at Maranhao.*—(Translation.)

MOST ILLUSTRIOUS AND EXCELLENT SIR,

IN fulfilment of the Order, dated 30th of the preceding month, I have the honour to acquaint your Excellency with the following, regarding the Petition of Manoel Pereira Barreto. The Master of the Brazilian Schooner *Carolina* made a regular entry at this Custom-House, presenting the Passport No. 16, the Muster Roll of that Schooner's Crew, on departing from Cacheu to the Port of Cape de Verd and Ports in the Brazil; the Act of Protest on said Vessels coming to this Port; the Passport or Licence granted for Dona Roza de Carvalho Alvarenga, Wife of the Major John Pereira Barreto, and for 300 Persons of her Family, dated the 26th January, 1824; and finally, the Manifest of 133 living Slaves, Domesticks of the said Dona Roza de Carvalho; all which Documents, although I believe they have already been presented at the Secretary's Office, I nevertheless now again annex, in order that they may be examined if needful.

It is not in my power to acquaint your Excellency with any thing relative to the Law in the present case, because, upon this matter, there does not exist in this Department either the Treaty of the 22d of January, 1815, which prohibits the Slave-trade to the Northward of the Equator, or the Alvarás of 1813 and 1818, relative to Vessels destined for that Trade. I therefore limit myself simply to the fact. From the Passport of the Schooner in question, it does not appear that she was either fitted or destined for the illicit Trade in Slaves; she is otherwise a Vessel of a small class, and wanting the requisite accommodations and conveniences for a long Voyage, but she appears to be adapted as a Transport for a short Voyage, such as from Cacheu to the Island of St. Jago. The same Passport shews that the Owner is a Subject of this Empire, and finally, the Licence or Passport for the Family removed, although of a very old date, and for another Vessel, nevertheless, when presented and accompanied by the Petitioner, corroborates and proves the identity of the Slaves and their Owners. It has been the constant practice at this Custom-House not to proceed in giving entry, or allowing the landing of any Slaves, without an Order

from their Excellencies the former Governors, and, with regard to the admission of the Domestick Slaves, which have been imported by virtue of Passports and Royal Licences from the Ports of Bissau, Cacheu, and Island of St. Jago, in the Cape de Verd; by the annexed List I acquaint your Excellency with the respective quantities of Slaves which have been admitted, and amongst them with all those belonging to the defunct Father of the Petitioner; such Passports having without doubt been granted, because the Slaves were Domesticks belonging to Persons who were either settled, or in publick employment, at those Ports, and who form conditional exceptions in the said Treaty of 1815. This is all the information I can give, and your Excellency will be pleased to decide.

JOAO JOZE DE MORAES, Cid.

Custom-House at Maranham, February 1, 1826.

(Enclosure 2, I.)—*List of Slaves from the Ports of Bissau, Cacheu, and St. Jago, in the Island of Cape Verd, admitted to entry at the Custom-House of Maranham, by virtue of Orders from their Excellencies the Governors and Captains-General.—(Translation.)*

Date of Entry.	Description of Vessels.	Name of Vessels.	Whence.	Consignees.	Owners of Slaves.	No. of Slaves.	Remarks.
1819.							
Jan. 28	Brig	Sao Joao Venturozo	Cacheu	{Caetano Joze Teixeira}	Joao Pereira Barreto	203	All these Slaves were entered as Domesticks, but the whole were openly sold, like any other Slaves. * These Slaves were called Domesticks; were not entered at the Custom-House; paid no Duty, but were ultimately sold some time after.
March 5	Schooner	Pomba Feliz	St. Jago	The Owner of the Slaves	Luiz Antonio Esteves Freire	43	
June 5	Do.	Donna Anna	Do.	Do.	Dezor. Joze Leandro da Silva	125*	
Aug. 5	Brig	Aurora	Cacheu	Antonio Joze Pinto	Joao Pereira Barreto	204	
— 9	Schooner	Feliz Ventura	Do.	Do.	Do.	162	
1821.							
Oct. 6	Brig	Apollo	Do.	Do.	Do.	231	
Nov. 27	Do.	Maria	St. Jago	—	Joaquim Antonio de Mattos	84	
1822.							
July 26	Do.	General Dom Antonio	Bissau	—	Joze Joaquim Pereira Barreto	224	
Aug. 19	Do.	Maria	Do.	—	{Joaquim Antonio de Mattos 112 Major Jn. Hygino Curvo 18}	130	
1823.							
April 9	Schooner	Liberal	St. Jago	—	Luiz Antonio de Araujo	118	Imported by Joao Pereira Barreto and his Sons.
June 10	Brig	Maria	Bissau	—	Luiz Antonio de Silva	212	
						1736	
						1024	
						712	

Custom-House, Maranham, February 1, 1826.

JOAO JOZE DE MORAES, Cid.

(Enclosure 2, J.)—*Judicial Report.—(Translation.)*

MOST ILLUSTRIOUS AND EXCELLENT SIR,

IN virtue of the most respected Order of your Excellency, dated 3d instant, and annexed to the Petition of Manoel Pereira Barreto, I went

to the Place called " Bomfim," in company with the Scrivener of my Department, Justino Damazo Saldanha, to the end of examining the Slaves landed out of the Brazilian Schooner *Carolina*, from Cacheu. I began by examining the three Witnesses, as stated in the Act of Process annexed, not examining more of the Crew, because they had left this Port in another Vessel (as stated by the Consignee of the said Schooner, Antonio Francisco de Azevedo.) Afterwards proceeding to examine the Slaves, I found that none could speak the Portuguese language, although they were not quite untaught Negroes, but I found that they, for the most part, spoke the Creole language, which is common in the District of Cacheu, a great part being Creoles born there, and who, on being asked in that language by a Negro accidentally present, declared that they belonged to Donna Roza de Carvalho Albuquerque [Alvarenga,] and her Sons, and were going to their Estate in St. Jago, in the Cape de Verd. This is what I can inform your Excellency, who will determine what may be according to justice.

DOMINGOS JOZE RODRIGUES DE SA. VIANNA.

Maranham, February 10, 1826.

The Secretary of Government,

JOAQUIM FERREIRA FRANCA.

Mem.—The Act of Process is not copied or translated, because it is very voluminous, and does not contain any further evidence or fact.

ROBERT HESKETH.

(Enclosure 2, K.)—Order of the President of Maranham regarding the Entry of the Slaves brought by the *Carolina*.

It appearing from the Act of Investigation, which I ordered to be instituted by the Judge of the Custom-House of this City, and which remains in the Secretary's Office of this Government, that the Slaves brought by the Brazilian Schooner *Carolina* belong to the Widow and Sons of Major Joao Pereira Barreto; these Slaves being accompanied by one of those Sons, Manoel Pereira Barreto, and that they were obtained *bonâ fide*, the Administrator of the Custom-House will admit them to entry ("a despacho,") in virtue of the Avizo which will be presented to him by the said Manoel Pereira Barreto, giving, at the same time, satisfactory Bond for the Slaves, Schooner, and any Cargo which may be on board. In this manner let it be executed.

Maranham, Government-House, February 15, 1826.

BARROS,
President.

No. 73.—Mr. Consul Hesketh to Mr. Sec^y. Canning.—(Rec. May 15.)
SIR, Maranham, March 9, 1826.

As it will appear from the Reports of the Trade at Maranham, that there have been more Slaves imported during 1825, than was the case in the preceding Year, I have the honour to state, that these Slaves were

for the chief part sent here, in consequence of the great scarcity of Provisions in the Province of Ceará, and not for the purpose of Traffick, distress having forced their Masters reluctantly to part with them.

I beg leave to enclose a Copy of the Annual Statement transmitted to His Majesty's Consul-General at Rio de Janeiro*, detailing all the particulars of the Importation of Slaves into Maranham during the Year 1825.

I have the honour to be, &c.

The Right Hon. George Canning.

ROBERT HESKETH.

No. 74.—Mr. Consul Hesketh to Mr. Secy. Canning.—(Rec. May 15.) (Extract.)

Maranhm, March 11, 1826.

HAVING on the 8th instant had the honour to report the Case of the *Carolina*, the detention of the Vessel carrying that Despatch enables me to add the following particulars :

When the Slaves were seized, on the 6th instant, by the Legal Authority, only 113 were found, the Owner stating that the 20 Negroes who were missing had died†.

To-day I am informed that, out of the number seized, 3 Negroes have since died, and that, of the 110 now living, 77 are deposited in this Town, and 33 remain sick at the Lazaretto‡.

I suspect that the greatest portion of the 23 Negroes said to be dead, have been sold ; and I am attempting to investigate, satisfactorily, the truth.

The Right Hon. George Canning.

ROBERT HESKETH.

No. 75.—Mr. Consul Hesketh to Mr. Secy. Canning.—(Rec. June 6.) (Extract.)

Maranhm, April 17, 1826.

THE last Communication which I had the honour to make, respecting the Negroes landed from the Schooner *Carolina*, was in the Despatch dated March 11th of the present Year.

On the 13th of March, I succeeded in ascertaining from the Negroes themselves, who were landed from the *Carolina*, that, up to that date, only 11 had died, and that 12 were removed alive, making together 23 Negroes, the number reported to me as dead, when my last Communication was transmitted. On the following day, I addressed to His Excellency the President, a Letter, complaining of those irregularities, a Copy of which I beg leave to enclose.

* See Second Enclosure in No. 42, Page 327.

† 133 landed

113 seized on 6th March

20 reported to have died before seizure.

‡ 77 at Maranhm

36 left sick at Lazaretto

113 alive on 6th March
3 reported dead since

110 living 11th March.

I also enclose a Translation of His Excellency's Reply, and also of the Admonition sent by the President to the Judge.

As I found that His Excellency was doubtful how far the Slave Treaties with His Most Faithful Majesty were now acted upon at the Port of Rio de Janeiro, I sent to His Excellency, with my Despatch, Copies of the Correspondence and Documents, upon the subject, in the Slave-trade Papers, marked (B,) presented to Parliament in the Year 1825: those Copies were transmitted to the Ouvidor, and are alluded to in the Admonition.

On the Night of the 15th of March, I had information where 2 of the Negroes landed from the *Carolina* (and some of those reported as dead) were concealed: by applying to the President they were apprehended, and again sent to the Deposit. Notwithstanding this occurrence, and the allusion I made to the President of the improper conduct of the Ouvidor's subordinate Officer, and of the Person who had charge of the Negroes, both these Individuals continue in their Situations; and when the 2 Negroes were found, it was asserted that they were part of the 9 Slaves included in the Crew of the *Carolina*.

As I humbly conceive that all the Slaves shipped on board the *Carolina* at Cacheo are to be dealt with alike, I addressed a Note to the President on the 20th of March, a Copy of which, and a Translation of the Answer, I also enclose.

I am informed that the Caulker and Carpenter of the *Carolina*, who are both Slaves, were sold; and I have well-founded hopes of discovering the Purchasers of those 2 Negroes, as well as 10 more.

On the 21st March, I made a full Report of all these occurrences to His Majesty's Consul-General at Rio de Janeiro, transmitting Copies of what I had the honour to communicate to the Foreign Office, up to the 11th of that Month. At the time my Despatch was sent to Rio de Janeiro, it was currently reported, that the Case of the *Carolina* would be sent at once for decision to the Mixed Commission in that Port; but it has proved otherwise, the Parties having brought it before the *Relaçam* of this City. Being anxious to report the latest Proceedings in the Case of the *Carolina*, I addressed a Letter on the 14th instant to the President, asking for information as to the decision of the *Relaçam*, and the number of all the Negroes now in the Deposit, including those landed as part of the Cargo, and those in the Muster-Roll of the Crew; but I regret to add, that the Answer which was sent, a Translation of which I enclose, is very unsatisfactory on both points, the decision being still delayed, and a clear and correct statement respecting the Negroes evaded.

In the statement there is no reference to the 133 Negroes originally landed, and it is made to appear that 5 more Negroes have died since my last Report, dated the 11th ultimo; the total number in the De-

posit being on the 14th instant only 105, independent of the 2 Negroes which are still declared to belong to the Crew.

I have acquainted the Consul-General, that the Master and Second Officer of the *Carolina* were put into confinement on the 16th of March; but, from what is occurring with regard to the Negroes, I do not expect that the Law will be put into full force against those 2 Persons, one of whom (the Master,) says, that he is the Owner; but the Supercargo, one of Barreto's Sons, is at large.

I have also made known to His Majesty's Consul-General, that an Establishment at Cacheo, which has been carrying on the Slave-trade, has for Years past been purchasing there Negroes from the Interior; keeping them at Cacheo 2 or 3 Years, and ultimately shipping them to the Cape de Verd Islands, or elsewhere; and when sending them to this Country, appealing to the pretended authority of the "Avizo" of 1817.

I have ascertained that the Schooner *Carolina* is 80 tons British measurement.

The Right Hon. George Canning.

ROBERT HESKETH.

(Enclosure 1.)—*Mr. Consul Hesketh to the President of the Province of Maranham.*

SIR,

Maranham, March 14, 1826.

IT is with great pain that I am obliged, by publick duty, to call your Excellency's attention to the following circumstances, under the conviction that if your Excellency's observation was not necessarily confined more immediately to matters of equal importance, connected with the duties of the highest Authority, I should have been spared this painful task of complaint.

After your Excellency had assigned to the competent Tribunal the full investigation of the Case of the Schooner *Carolina*, and the Negroes landed from her, the "Ouvidor do Crime," on the 6th instant, seized both that Vessel and the Negroes, according to the Alvará of 26th January, 1818, that Alvará having for its object the upholding of the Stipulations in the Treaty for the Abolition of the Slave-trade to the Northward of the Line. It is needless to repeat the penalties which the said Alvará enforces on those found guilty of an infraction of that Treaty; but it is to the point to remark, that the only proceedings which have taken place have been hitherto confined to the Vessel and Negroes.

I have been mindful of all the proceedings with the latter, and I find that 133 Negroes were landed, and that when the "Ouvidor" seized them, 20 were reported as dead.

On the 11th instant I was also informed, that, of the 113 seized, 3 more were dead, leaving, thus, 110 Negroes living on the 11th instant,

of which 77 were in health, and the remainder sick; and this I reported to His Britannick Majesty's Government on the 11th instant.

Since then I have learnt that only 11 Negroes died at Bomfim; that 5 were removed from thence alive before the seizure, and 7 after the seizure, from the Deposit in this Town; these two unlawful removals of the Negroes, with the number really dead, forming the exact number of 23, reported to me as dead on the 11th instant.

I doubt not that in a short time I shall be able to inform your Excellency who were the Purchasers of those 12 Negroes; but, in the mean time, I confine myself to the fact, that they did not die, and that an outrage has been committed against your Excellency's commands; and, I am also inclined to believe, against the confidence reposed by the Ouvidor in his subordinate Officer, and the Person intrusted with the duty of "Depositario."

To-day I was also informed by the "Depositario" himself, that 2 more Negroes were dead, and I suspect that I shall soon have proof that they also were removed alive.

Under these circumstances, I am called upon to protest before your Excellency against the very great negligence of the "Ouvidor do Crime" in this matter. A negligence which not only renders ineffective the Measures of the Alvará, but also renders nugatory the Stipulations of the Treaty; so that the conduct of the "Ouvidor do Crime" becomes indecorous to both the Crowns interested in the Treaty, and it is most evident that your Excellency will not allow such infractions.

Under that persuasion, I have thus applied most urgently to your Excellency, in order that your Excellency may take such steps towards those who are responsible for the appearance of the Negroes, as your Excellency may deem fit; and also may adopt the requisite measures respecting the deposit of the Negroes, and the subordinate Officer of the above-mentioned Ouvidor. I have, &c.

H. E. Pedro Jose da Costa Barros.

ROBERT HESKETH.

(Enclosure 2.)—*The President of the Province of Maranhão to Mr. Consul Hesketh.*—(Translation.)

SIR,

Maranhão, March 15, 1826.

I ACKNOWLEDGE the receipt of your Letter, dated yesterday, in which you make it appear that you are persuaded, that a part of the Slaves arrived from Cacheu by the Schooner *Carolina*, stated as forced into this Port, have been sold to different Persons before there is any decision on their Case, such Slaves at the same time being reported as dead; and also that you are suspicious that the Judge intrusted with this Case has conducted himself with little circumspection respecting it, and that you will even be able in a little time to declare who were the Purchasers of those Slaves; all which may have happened without the knowledge of that Judge, of whose rectitude and disinterestedness

I am convinced: all which it is in truth expedient to inquire into, in order that no infractions of the Treaty may be committed, the rigorous observance of which is so necessary.

I state in answer, that this very day I have transmitted to that Judge a Copy of your Communication, together with the other Documents relating to the subject, which you yesterday delivered to me, in order that he should, with a full knowledge of the Case, proceed according to Law, remaining responsible to His Imperial Majesty for his decisions in this respect, I being prohibited from meddling in judicial forms by the Carta de Ley of the 20th of October, 1823. You may therefore rest assured that I shall be most content to find the Law observed in every respect, and that whatever representations you may have to make to me upon this subject will, according to what is determined by Law, be transmitted by me to that Judge.

God preserve you.

Robert Hesketh, Esq.

PEDRO JOZE DA COSTA BARROS.

(*Enclosure 3.*)—*The President of the Province of Maranham to the Ouvidor-General.*—(Translation.)

Maranhm, March 15, 1826.

I TRANSMIT, under the Signature of the Secretary, Copy of the Translation of a Despatch which was directed to me, under yesterday's date, by His Britannick Majesty's Consul, and also two Documents which were delivered to me, in order that, taking them into consideration, you may use all vigilance respecting the Slaves lately arrived from Cacheu in the Schooner *Carolina*, particularly recommending to you the observance of the Treaties in this respect, as I have given up all interference in such an affair, appertaining, as it does, to the Judicial Authority. You, Sir, remaining from henceforth responsible to His Majesty The Emperor for any infraction of the Law in similar Cases.

God preserve you.

H. E. Snr. Joze Bonifacio d' Araujo Azambuja. BARROS, President.

(*Enclosure 4.*)—*Mr. Consul Hesketh to the President of the Province of Maranhm.*

SIR,

Maranhm, March 20, 1826.

HAVING this day been informed that, of the 9 Negroes reported as part of the Crew of the Schooner *Carolina*, from Cacheo, some have been sold; it is my duty to acquaint your Excellency therewith, that your Excellency may order such measures, in respect of those 9 Negroes, as your Excellency may deem expedient. I have, &c.

H. E. Snr. Pedro Joze da Costa Barros.

ROBERT HESKETH.

(Enclosure 5.)—*The President of the Province of Maranham to Mr. Consul Hesketh.*—(Translation.)

SIR, *Maranhã, March 21, 1826.*

I HAVE received your Despatch, dated the 20th instant, and I caused it to be transmitted to the "Doutor Ouvidor Geral do Crime," with whom that affair is lodged, as I have frequently made known to you. God preserve you.

Robert Hesketh, Esq. PEDRO JOZE DA COSTA BARROS.

(Enclosure 6.)—*Mr. Consul Hesketh to the President of the Province of Maranhã.*

SIR, *Maranhã, April 14, 1826.*

HAVING by the last departure to England made known to His Britannick Majesty's Government the seizure of the *Carolina*, and the Negroes landed from her; and those Proceedings on the part of the competent Authority being intimately connected with the execution of the Treaty for the Abolition of the Slave-trade to the Northward of the Line, and, therefore, of particular interest; I feel called upon to add to that Report, by a Vessel departing 4 days hence. Under these circumstances, I beg leave most respectfully to ask your Excellency, whether the Judicial Authorities have come to any Decision in the Case of the Schooner *Carolina*?

I also flatter myself that your Excellency will agree with me in deeming it expedient, that, after all which has occurred, as to the number of Negroes seized, my Report should be exact on that point: with this view I most respectfully solicit that your Excellency may be pleased to direct, that I should be furnished with an exact Statement of the number of Negroes now deposited, specifying those landed as the Cargo of the Schooner *Carolina*, and those which appear as part of the Crew of that Vessel. I have, &c.

H. E. Sr. Pedro Joze da Costa Barros. ROBERT HESKETH.

(Enclosure 7.)—*The President of the Province of Maranhã to Mr. Consul Hesketh.*—(Translation.)

SIR, *Maranhã, April 17, 1826.*

I TRANSMIT, for your information, the enclosed Documents relating to the Case of the Schooner *Carolina*, and the Slaves brought by her, which Documents were for this purpose sent to me by the competent Judge. God preserve you.

Robert Hesketh, Esq. PEDRO JOZE DA COSTA BARROS.

(Enclosure 8.)—*Report of the Ouvidor-General of the Criminal Court.*
(Translation.)

MOST ILLUSTRIOUS AND EXCELLENT SIR, *Maranhã, April 15, 1826.*

IN Answer to your Excellency's Letter, dated yesterday, enclosing one from Mr. Robert Hesketh, His Britannick Majesty's Consul in

this City, I have the honour to state to your Excellency, that, in the course of 2 or 3 days, the Sentence in the Case of the Schooner *Carolina*, and the Slaves brought by her, will be published.

With this Declaration, and the enclosed Certificate, I have satisfied the request of the said Consul, which your Excellency will have the goodness to communicate to him; and if the step appears strange to your Excellency of transmitting this Communication through your Excellency, instead of making it direct to the said Consul, I will readily explain the reason. God preserve your Excellency.

The Dez^{or}. Ouvidor Geral do Cível e Interino do Crime,
FRANCISCO CARNEIRO PINTO VIEIRA DE MELLO.
H. E. Sn^r. Pedro Joze da Costa Barros.

(Enclosure 9.)—*Certificate of the Number of Negroes in the Deposit.*
(Translation.)

I, MARCELLINO JOZE DE AZEVEDO PERDIGAO, certify, that there were seized and deposited by this Tribunal, 113 Slaves belonging to the Cargo of the Schooner *Carolina*, of whom 8 died in the Deposit, there being in the Deposit this day 105 Slaves, and 2 more who were taken from Urbano Joze Gomes, and who belong to the Crew of the said Schooner.

The above is the truth,—
Maranhao, 14 April, 1826. M^o. JOZE DE A^o. PERDIGAO.

No. 76.—*Mr. Consul Hesketh to Mr. Sec^y. Canning.*—(Rec. June 6.)
SIR, Maranhao, April 20, 1826.

HAVING been only this evening informed, that the voyage of the Schooner *Carolina* from Cacheo was declared to be illegal by the Relação of this City, before which Court the Case was pending, as stated in my Despatch of the 17th instant, I hasten to communicate this satisfactory intelligence.

The Sentence was registered yesterday, but nothing respecting it was known till this Evening. I have not yet received any Official Communication on the subject, but I am told that the freedom of the Negroes by the *Carolina* is decreed.

The Vessel taking this Despatch sails early to-morrow morning, and I regret that my present Report of the Sentence is not fuller; but I shall obtain and transmit a Copy thereof by the first departure.

I have the honour to be, &c.

The Right Hon. George Canning. ROBERT HESKETH.

No. 77.—*Mr. Consul Hesketh to Mr. Sec^y. Canning.*—(Rec. June 19.)
(Extract.) Maranhao, May 6, 1826.

IN reference to my Despatch, dated April 20, I have now the honour to state, that, on applying to His Excellency the President of

the Province, I obtained a Copy of the Sentence in the Case of the Schooner *Carolina*, and consequently transmit, enclosed, Translations of every Document sent by His Excellency relating to such Sentence.

No steps have been yet taken to distribute the Negroes, nor has it yet been formally made known to them that they are now free.

By the Alvará of January 26, 1818, the *Ouvidor*, or Provincial Judge, is the Person authorized to take charge of the Negroes, and to distribute them.

The Right Hon. George Canning.

ROBERT HESKETH.

(Enclosure 1.)—*The President of the Province of Maranhão to Mr. Consul Hesketh.*—(Translation.)

SIR,

Maranhão, May 5, 1826.

I TRANSMIT, by the enclosed Document, a Certificate of the Sentence of the Rellação, passed in the Case of the seizure of the Negroes who arrived from Cacheu on board the Schooner *Carolina*, as requested by you in the Letter of the 29th of April now last past.

God preserve you.

Robert Hesketh, Esq.

PEDRO JOZE DA COSTA BARROS.

(Enclosure 2.)—*The Ouvidor-General to the President of the Province of Maranhão.*—(Translation.)

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Maranhão, May 3, 1826.*

I HAVE the honour to transmit to your Excellency, in the enclosed Document, a Certificate of the Sentence of the Rellação, passed in the Case of the seizure of the Negroes who arrived from Cacheu on board the Schooner *Carolina*, and which was required by His Britannick Majesty's Consul in his Letter to your Excellency, dated the 29th of April last, a Copy of which your Excellency transmitted to me, directing that it should be complied with, in your Excellency's Letter, dated the 30th of the same month. God preserve your Excellency.

The Dez^{or}. Ouvidor Geral do Crime,

JOZE BONIFACIO DE ARAUJO AZAMBUJA.

H. E. Snr. Pedro Joze da Costa Barros.

(Enclosure 3.)—*Sentence in the Case of the Schooner Carolina.*
(Translation.)

LET the Scrivener, Marcellino Jose de Azevedo Perdigão, acting in the Case of the seizure of the Schooner *Carolina*, and of the Slaves brought on board that Vessel from the Port of Cacheu to this City, certify at the foot of the present, the tenour of two Sentences given as a final decision on the said Case.

Maranhão, March 2, 1826.

AZAMBUJA.

I, Marcellino Jose de Azevedo Perdigão, Owner of the Office of *Escrivão* in the "Ouvedoria Geral do Crime," and in the Police Office, by grant of His Imperial Majesty, whom God preserve, &c. &c.

Certify, that the Sentences mentioned in the above Order are of the following tenour :

It is decreed in the *Rellação*, &c. &c. Having considered the Case of the seizure of the Schooner *Carolina*, Victor Nobre de Brito, Master, which put into this Port on the 28th of January of the present Year, in consequence of what is set forth in the Note of Protest, page 17, having on board 133 Slaves, of whom Manoel Pereira Barreto declares himself Owner, and who were transported from the District of Cacheu, a seizure having been made of such Slaves and the said Schooner, because no proper Passport appeared, &c. as declared in pages 29 and 32 ; the said Owner alleging in his own defence the substance of his pleadings in page 48, declaring, that such Slaves belong to him, the said Defendant, and to his Mother and Brothers ; that he departed from Cacheu on board the said Schooner, on the 6th of January of the present Year, destined to the Island of St. Jago, in the Cape de Verds, where he intended to employ them in Establishments which he possesses there ; but that when in Latitude 9. 7. 47. North and Longitude 23. 37. West, a Vessel was discovered which created suspicion, as pointed out in Note of Protest, page 17, and that on this account they put into this Port ; so that, consequently, such Slaves were not purposely brought hither ; but even if they had, it was allowable to do so, by the Additional Article in the Treaty of 22d January, 1815, because said Slaves were *bonâ fide* his Domesticks, more particularly as he, the said Defendant, possesses Lands in this Province, in the cultivation of which the Slaves could be employed : further alleging, that the Avizo of 4th April, 1817, in the 6th page, by which His Most Faithful Majesty granted to the Defendant's Father permission to remove from Cacheu to this City, with two of his Sons, each of whom being likewise allowed to bring their respective Families and Slaves, &c. On examining all which, and other matters relating to the Case, it appears that the Defendant, being obliged to prove clearly and fully that the Slaves seized, as in page 29, were *bonâ fide* his Domesticks, presenting a proper Passport and Certificate, according to the directions and form stipulated in the Additional Convention of 28th July, 1817, (which, although destined for Merchant-Vessels engaged in the illicit Slave-trade, nevertheless contains principles and rules applicable to the present Case,) to the end that the presentation of such regular Documents may exclude the proceedings of the Imperial Treasury, which are founded on right, and in virtue of which the Contraband is judged fully proved, transferring to the Accused, in similar cases, the obligation to prove his innocence of the imputed crime ; it

being required that such proof be always so far clear and current as is necessary to exclude a presumption of right, according to the 17th Chapter, 6th paragraph, of the Statutes of the "Junta do Commercio" of the 12th December, 1756, confirmed by the Alvará of 16th of December of said Year.

And further, that in order to consider the Slaves so removed as *bonâ fide* Domesticks, it appears from the Case, that the Defendant is far from proving, with a legitimate Passport, or with a competent Certificate, the quality of such of the Slaves as are *bonâ fide* his Domesticks:—*Primo*,—Because the Passport in page 14 was granted in *Villa da Praia*, on 26th January, 1824, to Dona Roza de Carvalho e Alvarenga, the Wife of Major João Pereira Barreto, in order that she might remove from the District of Cacheu to the Island of St. Jago, the Capital of the Province of Cape de Verd, with her Family, consisting of 300 Persons, more or less, on board the Portuguese Brig *Apollo*, of which was Master, a Lieutenant in the Royal Marine, Mauricio Joze Alves; and from the Case, it is proved, that the Slaves which are seized, as in page 29, departed from Cacheu on the 6th January of this Year, in the Schooner *Carolina*, Victor Nobre de Brito, Master, it being certain that such a Passport could not be availed of by a different Person, for a different Vessel, for an undetermined space of time, contrary to what is established in the said Forms, and even because it is repugnant that for such a short Voyage a Passport should be provided with an anticipation of two Years. *Secundo*,—Because the Passport in page 15 was granted at Pará, on the 17th March, 1825, allowing the Brazilian Schooner *Carolina* to go to Gibraltar and return to Pará, without specifying any other Port, either in going or returning, and consequently, that with this Passport the said Schooner could not, in conformity to the Maritime Laws, alter her Voyage by going to the Island of St. Jago or Cacheu, without just cause, which should be alleged and proved; and as it is one and the same thing, the want of a Passport as the having one which is irregular and unlawful, it comes to pass, under such circumstances, according to the Maritime Laws of all the civilized Nations of Europe, which in the present Case are made subsidiary, in virtue of the Law of 18th of August, 1769, that the Captain or Master of the said Schooner is rendered suspicious of contraband and fraudulent designs, and the said Schooner made liable to seizure in this Country, and even on the high Seas, where she could be captured and treated as a Pirate; it furthermore accruing, that this defect in the Passport prevents from being corroborated, with proper proof and authenticity, the Note of Protest on putting into this Port, page 17. *Tertio*,—Because that essential and indispensable Certificate required in the aforementioned Additional Convention is not produced. *Quarto*,—Because the Avizo of the 4th April, 1818, in page 6, ought

to be understood as granted for only one Voyage to Major João Pereira Barreto, and his two Sons, Manoel Pereira Caldas and Antonio Pereira Barreto, and not the Defendant, who ought not to be understood as comprehended in the above favour, because all Imperial favours are always restricted to what they express, as is declared by many *Ordenações* of the Empire. Besides all which, the proof by Witnesses, with which it is attempted to remedy the defects in the Passport of the Schooner *Carolina*, from Cacheu to the Island of St. Jago, and to make it appear, that the quality of the Slaves, *bonâ fide* Domesticks, is not so clear and current as, according to the Alvará of 16th December, 1756, is required, in order to exclude a presumption of right established in favour of the Imperial Treasury, and to hinder, in the present case, the freedom of the Slaves, to which they are entitled in virtue of the Alvará of 26th January, 1818:—*Primo*,—Because, in the opinion of said right, the Witnesses who are taken from the Crew of a Vessel, generally, give their testimony either from mere reverential concurrence, or under an interest to conceal their own errors and misdeeds, and are, on that account, always considered suspicious. *Secundo*,—Because it is repugnant to the Maritime Laws and Police Regulations, that a Vessel should go from Cacheu to the Island of St. Jago, without Passport. *Tertio*,—Because, it having been thought necessary to the Defendant to have a Passport for himself and two Servants, in the granting of which there could not be any of the said legal objections, it ought to have been much more necessary for the Vessel and the Slaves she brought, in case they were *bonâ fide* Domesticks, it being very easy to have included them in the Passport granted to the Defendant for himself and two Servants, in page 55. *Quarto*,—Because the said mentioned Slaves do not discover, by their habits, customs, or by their religious or civil education, any symptoms or demonstration of having received domestick treatment in the family of the Defendant. It resulting from all the foregoing, that the fraudulent proceeding of the Defendant, together with the Crew of the said Schooner, is manifest, in order to accomplish the illicit Traffick expressly prohibited by the first Article of the said Treaty of 22d January, 1815; and it not appearing, on the other hand, that the said Slaves are within the meaning of the Additional Article of that Treaty:

Therefore, on that account, and other matters of the Case, notwithstanding the pleadings of the Defendant, which have been rejected, they do judge as good the apprehension and seizure specified in page 29, and do condemn the Defendant in the loss of the Slaves, whom they declare free, to be appropriated to such service as is in conformity to the Alvará of 26th January, 1818, paragraph 5th; and further condemn him in costs, and order that the Owner and respective Officers

of the said Schooner be proceeded against according to right, the same not having yet pleaded.

MELLO.

DUARTE.

Maranham, April 18, 1826.

VIEIRA BELFORD.

Present, BARRADAS.

Published in the Office of the Scrivener,

Maranham, April 19, 1826.

MELLO.

It is decreed in the Rellação, &c. Notwithstanding the pleadings, page 108, which are not received, owing to their subject matter, that on reviewing this Case, the sentence thereon be executed, the Defendant paying Costs.

MELLO.

DUARTE.

Maranham, April 29, 1826.

VIEIRA BELFORD.

Present, BARRADAS.

Published by my Scrivener,

Maranham, April 29, 1826.

MELLO.

And nothing further was contained in the said Sentences, which I have faithfully transcribed from the Originals, to which I refer, and with which I have compared this Certificate, and find it agreeing therewith in all things, excepting the correction of mistakes. The above being the truth. Maranham, 2d May, 1826. I, Marcellino Joze de Azevedo Perdigao, having closed and signed it.

MARCELLINO JOZE DE AZEVEDO PERDIGAO.

No. 78.—Mr. Secretary Canning to Mr. Consul Hesketh.

SIR,

Foreign Office, June 22, 1826.

I HAVE received your Despatches up to the 6th of May, and I approve highly of the proper watchfulness and sound discretion which marked the course which you have taken on the subject of the Schooner *Carolina*, whose Voyage with Slaves from Cacheo has at length, I am happy to find, been pronounced illegal, and her Slaves liberated.

In the event of proper steps not being taken for securing to the Negroes the benefit of their Emancipation, you will acquaint His Majesty's Consul-General at Rio de Janeiro with the Proceedings, and with your opinion as to the Measures which should be adopted for attaining this desirable object; in order that he may make to the Government of Brazil such a representation for that purpose as the case shall appear to him to require; and you will continue to send to me Copies of the Correspondence which may take place upon the occasion.

I am, &c.

Robert Hesketh, Esq.

GEORGE CANNING.

No. 79.—John Bidwell, Esq. to Mr. Consul Hesketh.

SIR,

Foreign Office, July 15, 1826.

IN reference to your request for Instructions as to the disposal of two Negroes, who were purchased out of Monies belonging to the late Contribution Fund, and whose services were applied to the use of the Hospital, I am directed by Mr. Secretary Canning to instruct you to declare to them their immediate and complete Emancipation, and to render it authentick by some formal Document.

His Majesty's Government, however, in making these poor Persons free, does not intend to throw them upon the World, so that they may fall into distress, and thence again probably into Slavery: you will enquire whether their Services can be made useful in any British Hospital which may be established at Maranham, and, should that be the case, you will offer to them employment at a fair and liberal hire for their free labour. If their Services should not be required in this way, you will seek out for them elsewhere some employment, where they will be comfortable and well treated; you will see to the fact of their being so treated, by personal examinations every half Year; and you will, until you can get them settled, make some arrangement for their maintenance, including the expence thereof as an Item in the account of Contingent Expences, for which you will have to draw upon His Majesty's Treasury.

I am, &c.

Robert Hesketh, Esq.

JOHN BIDWELL.

No. 80.—Mr. Consul Hesketh to Mr. Sec^y. Canning.—(Rec. Aug. 21.)
 (Extract.) *Maranhm, June 30, 1826.*

I BEG leave to enclose a Statement, shewing, that up to the 14th of April, the date of the last Official Report made to me regarding the Negroes landed from the *Carolina*, 19 Negroes were falsely reported as dead; and I have the satisfaction to state, that, of these, 5 Negroes are already found.

The distribution of the Negroes took place about the middle of last month, and was effected by the "Ouvidor da Commarca," or Provincial Judge.

When all the Negroes were distributed, one of them, called Nicholas, who had acted as nurse on board the Vessel, and who is a weaver by trade, and quite master of the Portuguese language, declared to the Judge, that his wife was forcibly taken from him while the Negroes were in the Deposit; and that, although she was reported as dead, he knew the Person who had purchased her from the Deposit.

The Negress was sent for by the Distributor and restored to her husband, who then declared that 7 men and 7 women had been at different times taken away from the Deposit of the Negroes; that they, as well as the Caulker and Carpenter of the *Carolina*, were alive, and

not dead, as certified in the Documents produced by those who had charge of the Negroes.

The Distributing Judge caused the Caulker and Carpenter to be produced; but the Caulker, with the Negro Nicholas, were sent to a Plantation, and told that they must work as Slaves for 14 Years before they could be free.

Both these Negroes are perfectly able to get their livelihood in this Town by their respective Trades, instead of which they have been both put to a sort of work that can only benefit their Employers.

During the distribution, there were many applications for Negroes by Persons who exercised handicraft Trades, but they were chiefly refused, and the greatest portion of Negroes has been given to Planters; some of whom, I am told, received 10 and more Negroes each; and all those Negroes will no doubt be sent up the Country to Plantations, where their fate, as Slaves, will probably be sealed.

The Distributor informed me, that all who took Negroes signed a Bond with certain Conditions; and I fully expect that he will furnish me with a Copy of that Bond, and a List of the Persons who have received the Negroes, specifying how many each; but neither Document has been yet sent.

The Right Hon. George Canning.

ROBERT HESKETH.

(*Enclosure.*)—*Statement respecting the Negroes landed from the Carolina.*

Negroes on board the Schooner <i>Carolina</i> , reported, on arrival, }	133
as Cargo	}
Ditto, as part of the Crew	9
	<hr/>
Total.....	142
Negroes reported alive on the 14th April, of the Cargo...	105
of the Crew.....	2
	<hr/>
	107
	<hr/>
	35
The remainder of the Crew, which was never deposited.....	7
	<hr/>
Number of Negroes declared to be dead by Statement of the }	28
14th April	}
	<hr/>

The true Statement regarding the above 28 Negroes reported as dead:

Number of Negroes who died at the Lazaretto	5
Ditto Ditto who died at the Deposit.....	4
Total number of Deaths.....	<hr/> 9

Sent to Pará, for sale	7 Women	
Taken away from the Deposit, by the Person who had charge of the Negroes, Joze Maria Faria de Mattos.....	7 Men	
Sold to Urbano Joze Gomez	2 Boys	} These 5 have been found and taken from the Purchasers.
Sold in Maranhão, to —.....	1 Woman	
Sold to Manoel Antonio, the Negro Joze, Caulker of the Vessel	1 Man	
Sold to Bomfica, the Negro, name unknown, Carpenter of Ditto.....	1 Ditto	
Number of Negroes falsely reported to be dead	—	
		19
		<hr/> 28 <hr/>

Negroes dead on the 14th April.....	9
Ditto fraudulently taken and sold	19
Remainder of the Crew.....	7
Negroes reported alive on 14th April.....	107

Total on board the *Carolina* on her arrival 142

No. 81.—*Mr. Consul Hesketh to Mr. Sec^y. Canning.*—(Rec. Aug. 21.)
SIR, Maranhão, July 5, 1826.

I HAVE the honour to make known that a Schooner, under Portuguese Colours, called *Nove de Março*, Joze Fernandes de Pinho, Master, of about 35 tons, arrived at this Port on the 25th ultimo, having, besides a Crew of 12 Persons, 86 Negroes on board as a Cargo of Slaves.

The Vessel and Slaves were reported at the Custom-House, as direct from Cabinda, and a Passport shewn, dated St. Jago, Cape de Verd Islands, 24th November, 1825, authorizing a Voyage to Cabinda; and the chief part of the Slaves were landed at the Consignee's House, where they were carefully kept.

These circumstances being suspicious, and although the Local Authorities had allowed the landing of the Slaves from the Schooner, I addressed a Letter, on the 29th ultimo, to His Excellency the President, upon the subject, a Copy of which I beg leave to enclose, together with His Excellency's Answer.

On the following day I again addressed His Excellency, having ascertained that the Vessel came direct from the Cape de Verd Islands, and that most of the Slaves on board were Cacheo Negroes; a Copy of which Letter, and of His Excellency's Reply, I also beg leave to enclose.

I am not aware of the steps taken by His Excellency to prove satisfactorily the fraudulent Entry of the *Nove de Março*; but I am

firmly convinced of the illegality of the Voyage, and of the facility with which such illegality can be clearly proved, if proper measures be taken by the competent Authorities.

It may be expedient to state, that a very fast-sailing American-built Schooner, under the Brazilian Flag, called the *Arsenia*, lately belonging to this Port, has been sold at Rio de Janeiro; and that I expect this Vessel will also attempt the importation of Slaves into this Place, from prohibited Ports in Africa. I have the honour to be, &c.

The Right Hon. George Canning.

ROBERT HESKETH.

(Enclosure 1.)—*Mr. Consul Hesketh to the President of the Province of Maranham.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Maranhã, June 29, 1826.*

I BEG leave to acquaint your Excellency, that circumstances have come to my knowledge, since the arrival of the Portuguese Schooner *Nove de Março*, which lead me to suspect that the said Vessel, and the Negroes landed from her, have arrived from an African Port to the Northward of the Line.

Being desirous not to trouble your Excellency on this information alone, and at the same time to satisfy myself as to the correctness of such a Report, I requested the Consignee of the Slaves to allow them to be seen by a Person I sent; but this permission has been refused, although the Person went to the Consignee's House for the purpose both yesterday and to-day.

It is now, therefore, my duty to state these suspicions to your Excellency, requesting that your Excellency may be pleased to order a proper Examination, to ascertain from the Negroes themselves, by the aid of Interpreters, the Nation to which they belonged on the Coast of Africa. I have the honour to be, &c.

H. E. Pedro Joze da Costa Barros.

ROBERT HESKETH.

(Enclosure 2.)—*The President of the Province of Maranhã to Mr. Consul Hesketh.*—(Translation.)

SIR,

Maranhã, June 30, 1826.

I HAVE received your Letter, dated the 29th instant, informing me that, since the arrival of the Portuguese Schooner *Nove de Março*, you have learnt certain occurrences which make you suspect that that Vessel, and the Negroes landed from her, came from some African Port to the Northward of the Line; to which I reply, that the Passport, and other Documents belonging to the said Schooner, were examined in the Secretary's Office of this Government-House, and from them it appears that the Vessel is not one to which the Slave-trade Treaty has reference. However, I have ordered the competent Magistrate to proceed to an extra-judicial Examination, and I shall communicate to you the result. God preserve you.

Robert Hesketh, Esq.

PEDRO JOZE DA COSTA BARROS.

(Enclosure 3.)—*Mr. Consul Hesketh to the President of the Province of Maranham.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Maranhã, June 30, 1826.*

I HAVE had the honour to receive your Excellency's Letter, in answer to the Communication I laid before your Excellency yesterday, respecting the Schooner *Nove de Março*.

Further information regarding that Vessel's Voyage again obliges me, in the discharge of my duty, to acquaint your Excellency, that 2 Negresses and 1 Negro, all Cacheu Blacks, are now on board the Canoe *Graça*, to sail this tide for Itapicurú; and that those Negroes state they arrived in the said Schooner, direct from the Cape de Verd Islands, at this Port.

These facts strengthening my suspicions regarding the Report made at the Custom-House by the Master of the said Schooner, I thus most respectfully submit them for your Excellency's information.

I have the honour to be, &c.

H. E. Pedro Joze da Costa Barros.

ROBERT HESKETH.

(Enclosure 4.)—*The President of Maranhã to Mr. Consul Hesketh.*
SIR, *Maranhã, June 30, 1826.*

I HAVE to acknowledge the receipt of your Letter of this day's date, in answer to the one I addressed to you respecting the Schooner *Nove de Março*; and I shall take such measures as I deem requisite regarding the subject matter thereof. God preserve you.

Robert Hesketh, Esq. PEDRO JOZE DA COSTA BARROS.

No. 82.—*Mr. Consul Hesketh to Mr. Sec^y. Canning.*—(Rec. Sep. 16.)
(Extract.) *Maranhã, July 15, 1826.*

THE last Despatch of this Series, which I had the honour to transmit, was dated the 5th instant, and I then made known the arrival of the Schooner *Nove de Março*; the suspicious circumstances of that Vessel's entry at the Custom-House; and the steps which I had, up to that date, taken to ascertain all the facts of the Case.

On the 6th instant I received from His Excellency the President a Report, stating that a full investigation had taken place, and that the Slave-trade Treaty had not been infringed by the Voyage of the Vessel in question. I have the honour to enclose a Translation of that Report.

I thought it my duty to remonstrate against the unsatisfactory nature of the Report, a Copy of which Remonstrance I also enclose. In it I made, among other solicitations, one for a Copy of the Survey held on the Negroes; and another for a Copy of the Passport of the *Nove de Março*; and I enclose a Translation of His Excellency's Reply to those solicitations.

Early in the Morning of the 9th instant, I was informed that several Cacheo Negroes, who had arrived in the *Nove de Março*, had been shipped on board of a Canoe, being a decked Vessel, for river navigation; and that the Canoe was to sail immediately for the interior of the Province.

My first step was to send on board of the Canoe, my Clerk, accompanied by a Cacheo Negro, as Interpreter, to ascertain the fact; and they found in the hold of the Vessel 35 Cacheo Negroes, the greatest part Women, who declared that they came direct from Cacheo, and were never in Cabinda.

I made immediate communication of this occurrence to His Excellency the President, in a Despatch, a Copy of which I beg leave to enclose; and it was delivered to His Excellency at a quarter before 10 o'Clock, when the Canoe was still inside the Port, although under weigh.

The Canoe was, however, allowed to depart with the Negroes without any attempt being made to detain her for examination, although, owing to calm weather and a head-tide, it was perfectly easy to recall her, even at 11 o'Clock.

Instead of that only effectual step, the President referred the matter to the Provincial Judge, and, at 2 o'Clock in the afternoon, I received from His Excellency's Aid-de-Camp the Letter, a Translation of which I have also enclosed.

I most humbly submit, for your information, a Copy of the Letter, which, in answer thereto, I addressed to His Excellency on the 10th instant.

I regret that I am also obliged to enclose a Translation of the unsatisfactory Answer His Excellency has thought fit to return to my Representations, and to my request that the Negroes, so improperly removed from just examination, should be brought back to this City.

I next addressed a Letter to the Provincial Judge, requesting a Copy of the Passport of the *Nove de Março*, and of the Survey on the Negroes, referring, at the same time, to the President's Orders, mentioned in the Enclosure numbered (3); but neither Document has been yet furnished to me.

I have never been allowed to see the original Passport; but, as it is dated Cape de Verd, there is every reason to suspect that the *Nove de Março* was never at Cabiunda.

As for the irregularity of the Survey on the Negroes, it is not only proved by what I have ascertained, but even by the admission in the President's last Communication.

I enclose a Newspaper of this City, in which is published His Excellency's Report to me, being the Enclosure, numbered (1), and another Newspaper, containing His Excellency's Order, prohibiting the

registering of the Survey, although that is a customary measure. A Translation of the Order (8), is annexed to the Newspaper.

From all the above-mentioned circumstances, I am convinced that the Voyage of the *Nove de Março* is an infraction of the Slave-trade Treaty; but I despair that this illegal act will meet a just investigation.

I anxiously hope that my conduct in this Affair will be deemed conformable with my duty, and worthy of your approbation: were such Proceedings allowed to pass with impunity, and the Importers of the Slaves by the *Nove de Março* permitted to reap, without further molestation, the profits of their illegal acts, no regard would be ultimately paid by the subordinate Authorities to the Slave-trade Treaties; and the importation of Negroes from prohibited Ports would become a channel of more frequent, and of less hazardous Traffick to this Place.

I beg leave to transmit, enclosed, a Description of the *Nove de Março*. It is reported that she is to sail soon for the Cape de Verd Islands, and is ready for Sea.

In order that His Majesty's Consul-General at Rio de Janeiro may have early information of this Case, I shall transmit to him, by the first direct opportunity, a Copy of this Report, and of its Enclosures.

The Right Hon. George Canning.

ROBERT HESKETH.

(Enclosure 1.)—*The President of the Province of Maranhão to Mr. Consul Hesketh.*—(Translation.)

MOST ILLUSTRIOUS SIR,

Maranhão, July 6, 1826.

I TRANSMIT, enclosed, a Copy, under the Secretary's Signature, of a Letter from the Ouvidor da Comarca, relative to the examination which I ordered of the Papers of the Schooner *Nove de Março*, lately arrived at this Port with Slaves, in order that you may be precisely informed, that those Slaves are not comprehended in the Treaty with England regarding that Commerce. God preserve you.

Robert Hesketh, Esq. PEDRO JOZE DA COSTA BARROS.

(Enclosure 1, A.)—*The Ouvidor da Comarca to the President of the Province of Maranhão.*—(Translation.)

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Maranhão, July 5, 1826.*

I TRANSMIT to your Excellency, the Examination I made of the Papers and Passport, with which the Schooner *Nove de Março* was navigated from the Cape de Verd Islands to the Port of Cabinda, and from thence to this City; and, by these Documents, and the Examination of the Negroes which were brought, it is known that they are not comprehended in the Treaty with England relative to such Commerce, as they are from Nations to the Southward of the Equator;

which is affirmed on Oath by the two Merchants I summoned, as being well acquainted with such matters. This is all with which I can acquaint your Excellency, who will better judge by perusing the annexed Act of Survey. God preserve your Excellency.

The Juiz d'Alfandega,

LEOCAD^o. FER^a. DE GOUVEA PIMENTEL BELLEZA.

His Excellency Pedro Joze da Costa Barros.

(Enclosure 2.)—*Mr. Consul Hesketh to the President of the Province of Maranham.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Maranhm, July 7, 1826.*

I HAVE the honour to acknowledge the receipt of your Excellency's Letter, dated the 6th instant, transmitting a Copy of the Report from the Ouvidor da Commarca, relative to the Survey on the Negroes brought by the Schooner *Nove de Março*.

I have to inform your Excellency, that, under all the circumstances connected with the arrival of that Vessel, it is impossible for me to found, on the above-mentioned Report, a satisfactory Statement of that Case, for the information of His Britannick Majesty's Government; the said Report not stating precisely from whence, on the Coast of Africa, the Negroes were originally brought, and nothing shewing that those Negroes were proved at the Custom-House to be such as the Passport allowed the importation of; it being, on the contrary, ascertained, that some Cacheu Negroes arrived in the *Nove de Março*.

The notorious improprieties committed at the Deposit of the Negroes by the *Carolina* will account why, in that Case, I imposed on myself the disagreeable task of representing such conduct to your Excellency, and will also shew that some of the subordinate Authorities have been regardless of their duty, when executing your Excellency's Orders for the due fulfilment of the Slave-trade Treaty with Great Britain.

By such conduct on the part of some of those Authorities, it has been attempted to defeat the common object of your Excellency's sincere wishes, and of my humble exertions.

I, however, trust, that I shall not now be refused your Excellency's ready and most availing assistance to ascertain, satisfactorily, the exact Voyage of the *Nove de Março*; so that the Reports of the Case in question sent to the Court of Rio de Janeiro and of London, where your Excellency and myself are respectively responsible, may afford at both those Courts reciprocal satisfaction.

Feeling, from such reasons, confident of your Excellency's support, I make the following 4 solicitations; the first, for a Copy of the Survey on the Negroes landed from said Schooner: the second, for Copies

of the Passport, and of the Muster-Roll; the third, for permission to see the Negroes myself; and the fourth, for permission to see the Log-book of the *Nove de Março*, and to have that Vessel measured.

I have the honour to be, &c.

H. E. Pedro Joze da Costa Barros.

ROBERT HESKETH.

(Enclosure 3.)—*The President of the Province of Maranham to Mr. Consul Hesketh.*—(Translation.)

MOST ILLUSTRIOUS SIR,

Maranhm, July 8, 1826.

I HAVE to acknowledge the receipt of the Letter you addressed to me on the 7th instant, relative to the Schooner *Nove de Março*; and, in answer to its contents, I state that I have this day given the requisite orders to the "Ouvidor da Commarca," that he may satisfy you with what you require from me in that Letter. God preserve you.

Robert Hesketh, Esq.

PEDRO JOZE DA COSTA BARROS.

(Enclosure 4.)—*Mr. Consul Hesketh to the President of the Province of Maranham.*

MOST ILLUSTRIOUS AND EXCELLENT SIR,

Maranhm, July 9, 1826.

I HAVE the honour to acknowledge the receipt of your Excellency's Letter of yesterday's date, and request your Excellency will be pleased to embargo the Canoe *Vencedora*, on board of which there are several Cacheu Negroes brought by the Schooner *Nove de Março*. I have, &c.

H. E. Pedro Joze da Costa Barros.

ROBERT HESKETH.

(Enclosure 5.)—*Capt. Machado to Mr. Consul Hesketh.*—(Translation.)

MOST ILLUSTRIOUS SIR,

Maranhm, July 9, 1826.

His Excellency the President, Acting Military Governor of this Province, has charged me to transmit to you the Letter of the Acting "Ouvidor da Commarca," to whom was sent the one you addressed to His Excellency, in order that, by investigation, the needful measures might be taken.

God preserve you.

Robert Hesketh, Esq.

JOAO CARLOS MACHADO.

(Enclosure 5, A.)—*The Ouvidor da Commarca to Captain Machado.*
(Translation.)

MOST ILLUSTRIOUS SIR,

Maranhm, July 9, 1826.

I HAVE received your Letter, and with it a Copy of the one transmitted to His Excellency by the English Consul, in order that at the sight of it, or of its contents, I should inform His Excellency thereof.

As soon as I received it, I directed my Orderly to go for the Master of the Canoe *Vencedora*, in order to ascertain from him if there were any Cacheu Negroes on board; the Orderly, however, returning,

told me, that the said Canoe was, at 10 o'Clock, already out of the Port bound to that of Caxias. This is all I am able to acquaint you with. God preserve you.

LEO. FERREIRA DE GOUVEA PIMENTEL BELLEZA.
The Most Illustrious Snr. Joao Carlos Machado,
Captain and Aide-de-Camp.

(Enclosure 6.)—*Mr. Consul Hesketh to the President of the Province of Maranham.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Maranhm, July 10, 1826.*

HAVING yesterday morning, the 9th instant, requested your Excellency to stop the Canoe *Vencedora*, with several Cacheu Negroes on board, brought by the Schooner *Nove de Março*, and the said Canoe being in this Port when your Excellency received my Letter, and continuing an hour after within such distance as to be easily stopt in the manner adopted by your Excellency in many other instances; and your Excellency having refused such my request, adopting instead the proceeding of ordering the "Ouvidor da Commarca" to investigate the matter, whose answer, stating that the Vessel had departed, I received several hours after my application to your Excellency: it follows that, instead of receiving any assistance from your Excellency, in the requisite steps to ascertain the exact voyage of the *Nove de Março*, your Excellency has refused me the means of bringing forward an undeniable proof of the false Entry made at the Custom-House by the Master of the said Vessel.

Although an investigation with that important object was commenced with the knowledge, and under the sanction, of your Excellency, still 30 of the Negroes, by that identical Vessel, were allowed, without any demur, to leave this Port yesterday morning, by a regular Licence from the Commander of the Police; and these 30 Negroes were found by the Person I sent on board the *Vencedora*, concealed in the hold. On the 30th ultimo, I informed your Excellency that 3 others of the Negroes, by the *Nove de Março*, were on board of the *Graça*; but in both instances the Negroes have been allowed to be removed from the reach of proper examination, and it is very possible that many others of the Negroes in question, have, without my knowledge, been also removed with the same view.

If your Excellency be not determined to oppose all fair and effectual investigation of this Case, and if your Excellency does not despise the sacred obligations of a Treaty between the two Crowns, your Excellency will take effectual steps to bring back to this City those Negroes landed from the *Nove de Março*, who have been sent into the interior of the Province, and who, I now most solemnly certify to your Excellency, are all Cacheu Blacks.

But should your Excellency disregard this my last appeal, and continue in a course of measures totally ineffective for the attainment of the just and requisite investigation I have requested, your Excellency will then force me, in the due discharge of my duty, to transmit to the proper quarters, not only the most unpleasant Representations, but also the most serious Protests. I have, &c.

H. E. Pedro Joze da Costa Barros.

ROBERT HESKETH.

(Enclosure 7.)—*The President of the Province of Maranhão to Mr. Consul Hesketh.*—(Translation.)

SIR,

Maranhão, July 12, 1826.

I HAVE before me your Letter, which I received at 1 o'Clock on the 10th instant.

Without bestowing on it much reflection, it shows itself labouring under two defects, which ought to have been kept from it; they are these: a want of correctness in some of your assertions, and the little propriety in the manner of expressing yourself, notwithstanding studied circumlocutions to soften the harshness of some terms, against which the respectful decency due to the Authority with which His Majesty The Emperor has been pleased to invest me appears to oppose itself.

In that Despatch you state, that having asked me to embargo the Canoe *Vencedora*, with a quantity of Cacheu Negroes on board, who had arrived in the Schooner *Nove de Março*, I refused that request, adopting the measure of ordering the "Ouvidor da Comarca" to proceed in an investigation of the Case, and that you only received my Answer, declaring that the Canoe had departed, four hours after you made the communication to me.

Putting aside the novelty of your pretension to prescribe to me the exact time for answering your Letters, which is clearly inferred from the manner of your expressions, it behoves me to state, that it was communicated to me, that the Canoe *Vencedora* had already left the Port, which rendered useless any immediate measure; besides which, the Canoe departing into the interior of the Province, where, in whatever place she may be, my Orders being effective, it follows that they will co-operate for ascertaining the truth of the Case in question.

It moreover behoves me to declare to you, that Presidents of Provinces are not competent Authorities to make Embargoes; those Acts are operations of the Judicial Power; and it was in consequence of the force of the "Carta de Ley" of 20th October, 1823, regulating the Presidencies of the Provinces, and marking out the limits of their powers, that I consigned to the proper Magistrate that duty and the competent Investigations.

It is therefore a very sinister inference when you assert, that, instead of receiving assistance to ascertain the true voyage of the Schooner *Nove de Março*, I have refused the means of producing an

undeniable proof of the false Entry of the said Schooner; that arrogant inference is not deducible from the competent Orders which I issued for an Investigation on that Case; it is entirely opposite to such Orders.

You cannot avoid the confession, that Investigations are commenced under my sanction and by my orders; but, as you wish to blacken every step in this Case, you assert that, notwithstanding, 30 of those Negroes were, without hesitation, allowed to depart in the Canoe *Vencedora*, with Passports from the Commander of Police.

Nothing can be imputed against that Military Commander, who has long since been intrusted with the power of granting Passports of that kind, to facilitate the transport of Slaves to the Interior of the Province, and certainly it was not declared to him that they belonged to the Schooner *Nove de Março*; and I consider in the same light the 3 Slaves you mention, who were not condemned as implicated in the prohibited Traffick.

The Passports of the *Nove de Março* are clear, from Cabinda to this Port, and it is those Passports which regulate the Place from which the Slaves are taken; and it is only to the Places from which it is proved Negroes are taken, or at which such fitting out is effected, that the Treaty and the Prohibitions it contains refers.

I have before me the Treaty of 22d January, 1815, and, in the 1st Article, the exclusive reference to locality is clear, while the Nationality of the Slaves is lost sight of, because it expressly declares, "that it is prohibited to every Subject of the Crown of Portugal to buy Slaves, or traffick in them at any Place on the Coast of Africa to the Northward of the Equator;" so that it is the Place where such Traffick in Slaves is carried on that characterizes the Traffick as licit or illicit.

This disposition is confirmed in the 2d Number of the 2d Article, in the Additional Convention on the said Treaty, dated 28th July, 1817, which, while specifying the Territories in which it is lawful for the Crown of Portugal to carry on the Traffick of Slaves, expressly mentions Cabinda as one of those Places; and it is therefore from Cabinda, according to the Passports granted with the legal formalities, that the Slaves in question were brought: and the 6th Article of that Convention declares, that, in order to legalize the detention of Vessels carrying Slaves, it is indispensable that there be found on board Slaves taken from those Ports on the Coast of Africa, where the Traffick is prohibited by the Treaty dated 22d January, 1815.

The Law, specifying the Penalties for the Infractions of the Treaty and of the Additional Convention, dated 26th January, 1818, is only directed against those Persons who may fit out and prepare Vessels for taking away from, or purchasing Slaves at, any Ports on the Coast of Africa situated to the North of the Equator, and has no reference to

the Place of Nativity of the Slaves, the Concession or the Prohibition referring solely to specified Places.

Conceding, therefore, the possibility, that, amongst the Slaves brought by the Schooner *Nove de Março*, there are some Cacheu Slaves, the Vessel procured her Cargo in Cabinda, which is not a prohibited Port, and on that account the Treaty, which only refers to Places and not to Individuals, is not infringed; nor would I with bold hand meddle in Conventions of the High Contracting Parties, which are entitled to the most religious and sacred respect.

I cannot, however, abstain from one declaration, and it is this, that you seem to attack those very Treaties, daring to amplify their dispositions to objects which the High Contracting Parties either despised, or did not wish to include; that being certainly offensive to those very Treaties, of the strict observance of which you so often remind me.

It now only remains for me to reply to the conclusion of your Letter; and I should wish at this moment to put aside all the just indignation I feel at the disrespectful style in which, in the last sentence, you unfold a haughtiness incompatible with the dignity due in your treatment of a Delegate of His Majesty The Emperor.

You have dared to clothe in threats that conclusion of your Letter. I despise them; and if the due discharge of your duty, as you state, obliges you to make, in competent quarters, disagreeable Representations and serious Protests, I am content that my conduct should not, as I am confident it will not in the present Case, be disapproved of by His Majesty The Emperor, who is sufficiently acquainted with my respectful attachment, and with my constant fidelity to His August and Sacred Person: a fidelity which does not dread the presence of the Protests, not even of the Nations who boast of being faithful to their Sovereigns.

I conclude by declaring to you, that I have made such dispositions, and given such orders, as I judge proper for the object in question.

God preserve you.

Robert Hesketh, Esq.

PEDRO JOZE DA COSTA BARROS.

(Enclosure 8.)—Order of the President of the Province of Maranhão.
(Translation.)

Maranhão, July 1, 1826.

THE Doctor (of Laws,) acting "Ouvidor da Comarca," exercising the functions of Judge of the Custom-House in this City, will, according to the enclosed Translation of a Despatch from His Britannick Majesty's Consul, dated 29th ultimo, proceed to an examination of the Documents of the Portuguese Schooner *Nove de Março*, lately arrived with Slaves, in order to ascertain whether they are such as are referred to in the Treaty regarding the Slave-trade, transmitting the result to this Secretary's Office, *without keeping any Copy* in the Office. So let it be executed.

BARROS.

(Enclosure 9.)—*Description of the Schooner Nove de Março.*

A VESSEL about 35 tons measurement, no head, and the stern gradually rounded in to the stern-post; built like a Lisbon Fishing-boat, or "Saveiro," and to all appearance formerly one of those Vessels. Not coppered; rigged as a Schooner, with jib, fore-stay-sail, square and fore and aft fore-sails and main-sail, but no top-sails. The fore-mast is well forward in the bows, and has much less rake than the main-mast. She has fitted poles at each mast-head.

Maranham, July 15, 1826.

ROBERT HESKETH.

No. 83.—*Mr. Consul Hesketh to Mr. Sec^y. Canning.*—(Rec. Sept. 16.)
(Extract.) Maranham, July 19, 1826.

IN reference to my last Despatch of this Series, dated the 15th instant, I have the honour to acquaint you that, in the evening of that day, I received from the "Ouvidor da Commarca" Copies of the Survey on the Negroes brought by the *Nove de Março*, and of that Vessel's Passport, Muster Roll, and Log Book; and I beg leave to enclose a Translation of the Magistrate's Letter transmitting those Copies.

I also enclose Translations of the Survey, and of the Passport, reserving that of the Muster Roll as containing nothing material, and that of the Log Book as too voluminous.

On the 17th instant, I addressed a Letter to the President, pointing out why I asserted that the above-mentioned Documents did not afford any satisfactory Proof that the *Nove de Março* had been on a legal voyage; and I enclose, for your information, a Copy of my Despatch to His Excellency, containing that assertion.

In the morning of the 18th instant, the Schooner *Nove de Março* left this Port, and some hours after I received from His Excellency the President, a Letter, requesting to have the Documents on which my assertion was founded; and I most humbly refer to the enclosed Translation of that Letter.

I determined to keep the Documents which were sent to me, and to refuse even Copies of them; and I framed accordingly my Answer to His Excellency's request, a Copy of which Answer I have also enclosed.

In the Copy of the Log Book I have been furnished with, it is stated, that the *Nove de Março* left Porto Praia on the 1st of December, 1825, and arrived at Cabinda on the 28th of that Month; and there is no remark whatever until the 28th of May, on which day a Sea-log commences of her voyage from Cabinda to this Port.

The Passport is not a proper one for a Vessel on a voyage for Slaves.

I can prove satisfactorily that the greatest portion of the Negroes by the *Nove de Março* are Cacheo Negroes.

And lastly, there is no Document to prove that this Vessel sailed from Cabinda, having Negroes on board for this Place.

Having thus given all the information which it is in my power to obtain, regarding the voyage of the *Nove de Março*, I have only now to enclose a Copy of a Despatch I addressed to His Majesty's Consul-General at Rio de Janeiro on the 17th instant.

I have not copied the Enclosures relating to that subject, because they are diffuse, and their subject matter is in fact stated in the Despatch.

The Right Hon. George Canning.

ROBERT HESKETH.

(Enclosure 1.)—*The Ouvidor da Commarca to Mr. Consul Hesketh.*
(Translation.)

SIR,

Maranham, July 15, 1826.

I ACKNOWLEDGE the receipt of your Letter, and also of the Copy of that you received from the President, and, in consequence of its contents, I transmit to you Copies of the Examination which, by order of the said President, I made of the Negroes brought to this Port by the Schooner *Nove de Março*, of the Passport of the same, and of the Journal of the Voyages, as well from the Island of Saint Jago to Cabinda, as from that Port to this City; which Copies I should have sooner remitted, were it not for the sickness of the Scrivener of the Custom-House Causes. God preserve you.

LEOC^o. FERREIRA DE GOUVEA PIMENTEL BELLEZA.
Robert Hesketh, Esq.

(Enclosure 1. A.)—*Report of the Ouvidor da Commarca, relative to a Survey of the Negroes landed from the Nove de Março.*—(Translation.)

IN the Year of our Lord 1826, on the 4th day of July of the said Year, in this City of Maranham, in the House of "Commendador" Antonio Joze Meirelles Ferreira and Company, where was present the Doctor of Laws, the Ouvidor and Acting Judge of Custom-House, Leocadio Ferreira de Gouvêa Pimentel Belleza, with myself, the undersigned Scrivener of his Court, there being also present Captain Joze Rodrigues Roxo, and Lieutenant Manoel Domingues Dias, who were by me notified to attend, in virtue of the Order of the Most Illustrious and Excellent President of this Province, Pedro Joze da Costa Barros, numbered 151, dated the 1st of July of the present Year, and for which end the said Magistrate administered to them an Oath, upon the Holy Evangelists, by producing the New Testament, that on examining the Documents of the above-mentioned Schooner, and other Papers produced by the Consignee, Captain Joze Gonçalves Teixeira, they should declare what to them appeared from the said Documents, and from the Slaves which in this act would be presented before them.

They conjointly declared, that, with regard to the Documents they had nothing to observe, as they were annexed to this Act. But that, with regard to the Slaves who were produced to them, they know that they are not from prohibited Ports, and that they have nothing further to declare in this respect. In faith whereof they have signed the present, with the said Magistrate ; there being also present as Witnesses, Manoel Gonçalves Barros, Thomas de Aquino Nogueira do Carmo : all which I, the Scrivener, declare, with all faith, is the truth : and I, Justino Damazo Saldanha, Scrivener, wrote the present.

JOSE RODRIGUES ROXO.

PIMENTEL BELLEZA.

MANOEL DOMINIGUES DIAS.

MANOEL GONÇALVES BARROS.

THOMAS D'AQUINO NOGUEIRA DO CARMO.

JUSTINO DAMAZO SALDANHA.

(Enclosure 1, B.)—*Passport of the Schooner Nove de Março.*

(Translation.)

I, JOAO DA MATTA CHAPUZET, "Commendador" of the Order of Christ, Knight of the Orders of St. Bento e Aviz, and of the Tower and Sword, Colonel in the Chief Staff of the Army, President of the "Real Fazenda," and Governor-General of the Province of the Cape de Verd, by His Most Faithful Majesty The King, our Master, whom God preserve, &c. do make known unto all who may see this Passport : that the Portuguese Schooner *Nove de Março* is bound on a Voyage from this Island of St. Jago, Cape de Verd, to the Port of Cabinda, and from thence to Maranhão, from whence she is to return to this same Island, and of which Schooner is Master and Owner, Joze Fernandez de Pinho, as was certified in this Secretary's Office by the said Master's Oath, taken in the said Office, and by the Documents presented by him ; he taking, as a Crew, the Persons mentioned in the annexed Muster Roll, signed by Joze Quintino, an Officer in the Secretary's Office of this Government, all being Portuguese Subjects and Vassals of His Most Faithful Majesty The King, our Master, no Foreigner having share in the said Schooner. And, because she may be met on the High Seas, or in Port, by Commanders and Officers of Men-of-War and other Vessels of the Crown of Portugal, His Most Faithful Majesty The King, our Master, ordains that she may not suffer any hinderance, and recommends to the Fleets and Squadrons, and other Vessels belonging to Kings, Princes and Potentates, the Friends and Allies of this Crown, that they may not hinder her Voyage, but, on the contrary, lend her every needful favour and assistance to enable her to perform it, in the assurance that the same treatment will be observed towards those recommended by their Princes.

In testimony whereof, I ordered this Passport to be granted. Signed by me, and sealed with the Royal Arms of this Government.

Granted at Head Quarters, in the Villa da Praia, Island of St. Jago, Cape de Verd, this 24th day of November, in the Year of our Lord 1825.

JOAO DA MATTA CHAPUZET,

Colonel and Governor-General of the Province.

By order of His Excellency,

JOZE QUINTINO,

Of the Secretary's Office.

(Enclosure 2.)—*Mr. Consul Hesketh to the President of the Province of Maranham.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Maranhm, July 17, 1826.*

THE "Ouvidor da Commarca" has transmitted to me Copies of the Survey relating to the Negroes landed from the *Nove de Março*, and of that Vessel's Passport, Muster Roll, and Log-book.

The Survey neither specifies the number of Negroes, nor proves that those who were seen by the Surveyors were the whole, or even part of the Cargo. The Passport is not according to the Form prescribed in the Treaty, and besides, does not contain a word respecting Slaves, nor the Measurement of the Vessel. The Copy of the Log-book is not accompanied by any Document proving its authenticity, and even this Copy does not account for a considerable space of time which elapsed while that Vessel was on the Coast of Africa. And lastly, there is no kind of Clearance outwards from any Authority at Cabinda.

I therefore beg leave most respectfully to state to your Excellency that the above-mentioned Documents do not afford satisfactory proofs that the Vessel in question has been on a legal voyage.

I have, &c.

H. E. Pedro Joze da Costa Barros.

ROBERT HESKETH.

(Enclosure 3.)—*The President of the Province of Maranhm to Mr. Consul Hesketh.*

MOST ILLUSTRIOUS SIR,

Maranhm, July 18, 1826.

I HAVE before me your Letter dated yesterday, respecting the Case of the Schooner *Nove de Março*, and as I am moved, as I ought to be, by the most lively interest to act in this affair in such a manner as that the faith of the Treaty in question should not be deceived, I ask you to be pleased to render accessible to me the Documents on which you found your assertions; to promote the perfect management of all which you may deem expedient to be adopted in this respect; you remaining under the fullest conviction that my greatest glory is derived from the fulfilment of my obligations to His Imperial Majesty.

God preserve you.

Robert Hesketh, Esq.

PEDRO JOZE DA COSTA BARROS.

(Enclosure 4.)—*Mr. Consul Hesketh to the President of the Province of Maranham.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Maranhã, July 18, 1826.*

I HAVE the honour to acknowledge the receipt of your Excellency's Letter of to-day's date, requesting that I should transmit to your Excellency the Documents on which, in my Despatch of the 17th instant, I found an assertion respecting the Voyage of the Schooner *Nove de Março*.

I have most respectfully to state to your Excellency, that my Declaration was not founded on original Documents, but only on Copies of Documents, which Copies were furnished to me by the Ouvidor da Commarca, in consequence of your Excellency's orders.

The Documents themselves were never seen by me; and I presume must still remain in the possession of the said "Ouvidor."

I have the honour to be, &c.

H. E. Pedro Joze da Costa Barros.

ROBERT HESKETH.

(Enclosure 5.)—*Mr. Consul Hesketh to Mr. Consul-Gen. Chamberlain.*
SIR, *Maranhã, July 17, 1826.*

I HAVE the honour to enclose two Reports of the Case of the Schooner *Nove de Março*, forwarded to the Right Honourable the Principal Secretary of State for Foreign Affairs, no opportunity of transmitting them to Rio de Janeiro direct having occurred before this date.

In connection with the occurrences respecting the Case of the *Nove de Março*, I have to state that my Clerk, Ignacio Veiga, was sent on board of the Canoe *Vencedora*, to ascertain whether any of the Negroes landed from that Schooner were on board, and who performed that duty faultlessly, has been proceeded against by the Consignee of the *Nove de Março*.

I beg leave to enclose a Copy of the Proceedings, in which it is asserted that he went on board in a military character, and by threats and force had the hatches opened.

The true facts are stated in the Counter Protest; and from the falsehoods of the Protest, will be discovered the enmity produced by the step I took.

On the 11th instant, His Excellency the President sent for Mr. Veiga, threatening him, when there, for having gone on board the Canoe, as particularized in the enclosed Declaration.

My object in thus minutely stating these occurrences, is to put in a clear point of view the feelings which actuate the Parties concerned in the *Nove de Março*.

But I trust that, with these explanations, you will not experience any difficulty in putting in their true light, before the Brazilian Government, such unfounded accusations; and in obtaining from that Government the adoption of some measure to check the an-

noyances thus indirectly commenced against myself, but occasioning immediate inconvenience to Mr. Veiga, who has not, in this instance, infringed any Law, but only performed his duty; and who has for a period of 9 Years been of great utility to me, by his exemplary activity and fidelity.

I have, &c.

Henry Chamberlain, Esq.

ROBERT HESKETH.

No. 84.—*Mr. Secretary Canning to Mr. Consul Hesketh.*

SIR,

Foreign Office, September 23, 1826.

I HAVE received your Despatches of this Series, to the 19th of July last.

I highly approve of the proper zeal which you have shewn in watching over, and endeavouring to prevent the infractions of the Treaties upon Slave-trade, as instanced in the Case of the *Nove de Março*.

His Majesty's Envoy to The Emperor of Brazil has been instructed to support, at Rio de Janeiro, the representations which you have made upon this Case.

I am, &c.

Robert Hesketh, Esq.

GEORGE CANNING.

No. 85.—*Mr. Consul Hesketh to Mr. Secy. Canning.*—(Rec. Oct. 21.)
(Extract.)

Maranham, August 19, 1826.

I HAD the honour to state, in a Despatch of this Series, dated June 30, 1826, several circumstances connected with the distribution of the Negroes brought by the Schooner *Carolina*, whose freedom was decreed by the competent Court; at the same time remarking on their unfortunate situation.

I beg leave to state the following 3 Cases:—

The Negro who had been Caulker of the *Carolina*, and who was, with 9 others, sent by the Distributor's Relation to a Plantation, fled from thence and succeeded in gaining my House, where he stated that all the 10 Negroes had been hard worked in the field, and that their sole sustenance had been 3 pounds of boiled rice, between them all, in a morning; this miserable allowance being even denied to them on the Sundays, as they did not work; and that they were constantly flogged and told they were Slaves for 14 Years; the looks of the Negro proved the truth of his declarations.

The Carpenter of the *Carolina* also came to me to complain that he was suffering, as he evidently was, under a serious complaint in his eyes, and that, although his Master "Antonio Joze Guilhon," lived in the Town, no medical assistance was afforded to him. This Negro I found spoke very intelligible English, and on questioning him, he declared, that a Portuguese, named "Miranda," had taken him twice to London, and once to Barbadoes, but that he

having died on returning to the Cape de Verd Islands, his heirs sent him by the *Carolina* for sale in this Port; although this Negro is able to gain his livelihood, he also is working as a Slave for 14 Years.

About 3 days ago, a young woman, also one of the Negroes belonging to the *Carolina*, was brought by a Person who declared that she had fled from her Master, Joze Faria de Mattos, and threatened to destroy herself if sent back. The appearance of this wretched creature was most pitiable, being a perfect skeleton, with her back savagely cut by flogging, and in such a state of exhaustion that her voice was hardly audible. This poor Being declared that her allowance of food was 3 ears of Indian corn per day, with a set task of carrying a quantity of stones each day, and constant punishment for not being able to complete it by dark.

Not having any authority in these matters, I sent each of the above 3 Negroes to the Distributing Judge, with the most guarded and respectful messages in their behalf.

I have to make known that the Schooner *Carolina*, which was condemned, was lately put up at auction; she was bought for the original Owner at a very low price, and sailed for Para; and I am positively assured that from Para she will again proceed to the prohibited Ports in Africa for Slaves.

The Right Hon. George Canning.

ROBERT HESKETH.

No. 86.—*Mr. Consul Hesketh to Mr. Secy. Canning.*—(Rec. Oct. 21.)
(Extract.) *Maranhão, August 25, 1826.*

I REGRET that I have to complain of a second glaring infraction of the Slave-trade Treaty, in direct opposition also to the existing Laws of this Country.

I have the honour to enclose a Copy of the Despatch which I addressed on this Case to His Majesty's Consul-General at Rio de Janeiro, detailing every transaction which took place respecting it, and reporting every particular of the Brazilian Brig *Pedro Primeiro*, the Vessel implicated in this instance of illegal Traffick in Slaves.

In that Despatch I have ventured to solicit for permission from the Government of Brazil to make any enquiry I may think fit, from the Custom-House, or from the Chief Authority, on the arrival of Slave-vessels, respecting their Passports, and the Negroes on board; at the same time stating why I anticipate that, without such authority, the future obtainment of correct information on those essential points will be found very difficult, if not impracticable.

There has been, and will probably continue to be, an obstinate resolution to procure, under all risks, Negroes from the Northward of the Line, they meeting a readier sale, because found to endure, with less loss of life, greater privations of proper care and food, and harder labour,

than those from the Southward ; so that the chief inducement for committing such illegal acts is a most inhuman determination of profiting to the utmost by the physical construction of those unfortunate Beings.

I also think it right to make known, that the Authorities here are disposed to maintain, that, if a Vessel arrive with a legal Passport, having, notwithstanding, Negroes on board from the prohibited Latitudes, still that the presence of such Negroes is not a sufficient cause to proceed against the Vessel, but that to do so it is requisite to prove the act of taking the Negroes from such prohibited Places. So that in requiring, by this erroneous interpretation of the 6th Article of the Convention of 28th July, 1817, a proof that can never be procured, a channel is opened for illicit importation of Negroes, to be effected by having in a cargo those obtained illicitly covered by a few belonging to the Port specified in the Passport.

The Right Hon. George Canning.

ROBERT HESKETH.

(*Enclosure 1.*)—*Mr. Consul Hesketh to Mr. Consul-General Chamberlain.*
(Extract.) *Maranham, August 21, 1826.*

I MUCH regret that I have to complain of the conduct of the Chief Authority in this Province, in openly countenancing a second most flagrant infraction of the Slave-trade Treaties, by arbitrarily preventing the execution of those Laws which punish such illegal acts.

The Brazilian Brig, *Pedro Primeiro*, Jozé da Silva, Master, belonging to Fernando Jozé da Silva, of Pará, arrived at this Port on the 13th instant; on the following day the Vessel was reported at the Custom-House from Cabinda, with 160 Slaves on board, and an Entry for Franquia, or Permission to continue 8 days in Port, was made and signed.

The Master declared that the Vessel's Passport was left at the Secretary's Office, and that it was dated Pará, March, 1824; he was desired to go for it, but did not return during Custom-House hours.

These occurrences were witnessed by my Clerk, who remained at the Custom-House until it was shut, after which time nothing further could legally be done on that day.

On knowing these transactions, I addressed to the President a Letter, the Copy of which I have the honour to enclose, declaring therein, that the *Pedro Primeiro* was an illegal Slave-trader, and requiring that Judicial Proceedings should be immediately instituted against her.

That Declaration was made so confidently, because I knew that all the Slaves on board were from the Northward of the Line; that the Brig in question had no regular Passport; that she belonged to the same Owners as the *Carolina*; that both these Vessels left Pará in 1824, and were in the West Indies, from whence they proceeded to the Coast of Africa, where, under the direction of Manoel Antonio de Silva Bran-

daõ, a notorious violator of the Law, they continued trying to evade Cruizers, and infringe the Treaties; and I ascertained that this said Brandaõ was on board the *Pedro Primeiro*.

About 6 o'Clock in the afternoon, two hours after my Letter was left at the Government-House, I had convincing proofs of the conduct His Excellency the President was about to adopt, for I perceived that the *Pedro Primeiro* was unmooring, and a Government Boat along-side, with the Officer who boards Vessels before their departure.

The *Pedro Primeiro* was outside this Port before daylight of the 15th instant; His Excellency having, by allowing her to depart, without the least regard to my Representations, or even to the Laws and Regulations of this Port, directly protected a most notorious infraction of the Treaty, and effectually screened these illicit Slave-dealers from the punishment which they deserved.

About 9 o'Clock in the morning of the 15th instant, I received an Answer from His Excellency, a Copy of which I also transmit.

At the same time it is my duty not to omit assuring you, that His Excellency the President has hitherto always received my Letters as soon as they were left with the Aid-de-Camp.

Making, therefore, no further remark on that point, it will appear that, without any application from me, it was His Excellency's natural duty to have made over to competent Judicial Investigation the Case of the Vessel in question, which had anchored in this Port with a Cargo of Negroes, evidently all from prohibited Parts in Africa, without having any legal Passport, or satisfactory Document whatever, to shew, respecting the Voyage.

His Excellency, however, allowed the Vessel to sail, even without any of those Clearances which are required by Law, after a Vessel has once made Entry at the Custom-House.

I have ascertained, most satisfactorily, that no water, provisions, anchor, or any thing whatever, was supplied to the *Pedro Primeiro*, during her short stay in this Port; so that it is evident the Vessel was brought here with the sole object of landing her Cargo; but that, finding the execution of that purpose attended with difficulty, if not risk, the next object was, at all hazards, to protect from the punishment decreed by the Laws of the Country, the Persons guilty of such illegal acts.

Being fully convinced that, by these Proceedings, the Slave-trade Treaty is in this instance rendered nugatory, I addressed, on the 17th instant, a Letter to the President, a Copy of which I have also the honour to enclose.

It being stated that the *Pedro Primeiro* sailed for Parã, I gave every particular respecting her to the Vice-Consul, by a departure this morning.

Henry Chamberlain, Esq.

ROBERT HESKETH.

(Enclosure 2.)—*Mr. Consul Hesketh to the President of the Province of Maranham.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Maranhm, Aug. 14, 1826.*

A BRAZILIAN Brig, called the *Pedro Primeiro*, Jacinto Joze da Silva, Master, having arrived at this Port yesterday with Slaves, and having been this morning reported at the Custom-house as only touching here on her voyage to Pará; I am called upon to acquaint your Excellency, that I am possessed of information which induces me to declare that this Vessel's Voyage is not a legal one. My publick duty having required me to make this communication to your Excellency, also forces me to solicit that your Excellency may be pleased to refer at once this Vessel's Case to the proper Judicial Authorities in this Port, that the Laws applicable to the infractions of the Slave-trade Treaties may be allowed to take their course. I have, &c.

H. E. Pedro Joze da Costa Barros.

ROBERT HESKETH.

(Enclosure 3.)—*The President of the Province of Maranhm to Mr. Consul Hesketh.—(Translation.)*

SIR,

Maranhm, August 15, 1826.

IT may be half an hour since the Aide-de-Camp, Joaõ Carlos Machado, who is on duty this week, delivered to me the Letter you signed under yesterday's date; and, on my asking him the reason why its delivery was delayed, he answered, that he received it from a Non-commissioned Officer, and that, as he knew I was unwell, and did not suppose the Letter of much consequence, he deferred the delivery of it until to-day, which he did about 8 o'clock this morning, as is customary when the Bearer does not require its immediate delivery.

I much regret not to be able to prevent the departure of the Brazilian Brig *Pedro Primeiro*, she having sailed early this morning for Pará, the Port of her destination, according to her Passport from Cabinda, in order that I might satisfy you respecting your suspicions of her Voyage. Nevertheless, it is to be presumed, that His Excellency the President of that Province will not omit doing, on his part, all which behoves him to preserve unimpeached the faith of those Treaties which we so much respect, and are so anxious to attend to.

God preserve you.

Robert Hesketh, Esq.

PEDRO JOZE DA COSTA BARROS.

(Enclosure 4.)—*Mr. Consul Hesketh to the President of the Province of Maranhm.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Maranhm, Aug. 17, 1826.*

ON the 15th instant, I had the honour to receive your Excellency's reply to my Letter, respecting the Brig *Pedro Primeiro*, which Letter was dated the 14th instant, and delivered on that day about 4 o'clock

in the afternoon to a Serjeant, the only Person in the Saloon, where all the Letters which I have had the honour to address to your Excellency have been hitherto left.

It is with the most deep-felt regret that I state to your Excellency, that the Case of the above-mentioned Vessel is a greater infraction of Treaty and of Law than I could have supposed would ever have fallen to my lot to complain of.

It becomes my duty now to report this Case to the proper Departments at the respective Courts of Rio de Janeiro and London, particularizing in that Report all the extraordinary occurrences which took place, and protesting against your Excellency. I have, &c.

H. E. Pedro Joze da Costa Barros.

ROBERT HESKETH.

No. 87.—*Mr. Consul Hesketh to Mr. Sec^y. Canning,—(Rec. Nov. 15.) (Extract.)*

Maranham, September 15, 1826.

IN reference to my last Despatch of this Series, dated the 25th ultimo, respecting the Brig *Pedro Primeiro*, an illegal Slave-trader, I have now to make known that this Vessel, instead of proceeding to Pará, has been taken into the Bay of Tury, on the confines of the neighbouring Province of Pará, where the Slaves have been landed, contrary to all the Revenue Laws of this Country.

The fact of smuggling the Slaves into the District of Tury is an undeniable confirmation of a total violation of the Law and Treaty affecting the Case.

The District of Tury being in the Province of Pará, any application to the President of Maranham, in His Excellency's present determination, would be only attended with the declaration, that the Offenders were beyond His Excellency's Jurisdiction.

I therefore addressed the enclosed Despatches to the President of Para, and the British Vice-Consul at that Port.

I shall communicate these events to His Majesty's Consul-General at Rio de Janeiro by the first opportunity.

I do not expect to receive an answer from Pará before the middle of October.

The Right Hon. George Canning.

ROBERT HESKETH.

(Enclosure 1.)—*Mr. Consul Hesketh to the President of the Province of Para.*

SIR,

Maranham, September 11, 1826.

A BRAZILIAN Brig, called the *Pedro Primeiro*, Jacinto Joze da Silva, Master, having arrived at this Port on the 13th ultimo, from the Coast of Africa, with Slaves on board, and it being known to me that the Voyage of this Vessel was illegal, it became my duty to apply to His Excellency the President of this Province, calling His Excellency's attention to that infraction of the Slave-trade Treaties.

For your Excellency's information, I beg leave to enclose a Copy of the Correspondence which took place on this Case, between His Excellency the Most Illustrious Snr. Pedro Joze da Costa Barros and myself.

From that Correspondence your Excellency will learn, that the Brig *Pedro Primeiro* left this Port bound direct to that of Para, and also that none of the Slaves in question were landed here through the Custom-house, nor any of the customary Duties paid.

I am this morning informed that, instead of proceeding to Para, all the Slaves have been landed at Tury, from the Brig *Pedro Primeiro*. As Tury is within your Excellency's Jurisdiction, I am transmitting to the British Vice-Consul residing at the Seat of your Excellency's Government, every particular of the information I have received respecting the proceedings at that Place, with instructions to communicate the same to your Excellency.

From those Proceedings your Excellency will find that the Parties concerned in them have retreated into the Province of Para, for the purpose of committing there those violations of the Law, which they could not carry into effect in Maranham; but I am confident that this aggravated Case will, on being thus brought under your Excellency's observation, at once feel the full weight of that energy and zeal which have always distinguished the exercise of your Excellency's high functions.

The publick duty of this Consulate extending to the Port of Para, and an Official, and, I may add, serious Report of the Case of the Brig *Pedro Primeiro* having been already transmitted to our respective Courts, I deem it a duty of respect and attention towards your Excellency thus to address myself, independent of my Communications on the subject to the British Vice-Consul at that Port.

I have the honour to be, &c.

H. E. Joze Felix Pereira de Burgos.

ROBERT HESKETH.

(Enclosure 2.)—Mr. Consul Hesketh to Mr. Vice-Consul Hesketh.

SIR,

Maranham, September 11, 1826.

IN reference to the contents of the enclosed Copy of my Despatch, dated 19th ultimo, respecting the Brig *Pedro Primeiro*, I have now to acquaint you, that this illegal Slave-trader has put into the Bay of Tury, instead of proceeding to Pará, and all the Slaves have been landed there in the two following Plantations, viz. in the Fazenda of Captain Joze Gonçalves in Sao Joao, either 20 or 40 Slaves, and in that of Bento Roque da Silva at Ponta Grossa, the remainder of the Slaves.

As the District of Tury is under the Jurisdiction of the President of Pará, I cannot here take any steps; but I have to call your attention to this infraction of the Treaties, and also of the Custom-House Regu-

lations of this Country, and I doubt not that your representations to His Excellency the President will be attended with success. I enclose a Despatch which I addressed to His Excellency on this subject, referring His Excellency to you for every particular of this glaring instance of disregard to all Law, which Despatch you will lose no time in delivering. I also transmit enclosed a Maranham Newspaper, in which is mentioned, in the last page, the report made here of the number of Slaves on board the *Pedro Primeiro*, but I doubt whether even the number reported was correct. I have, &c.

John Hesketh, Esq.

ROBERT HESKETH.

No. 88.—*Mr. Consul Hesketh to Mr. Secy. Canning.*—(Rec. Nov. 15.)

SIR,

Maranhã, September 27, 1826.

I HAD yesterday the gratification to receive the Despatch, of the Slave-trade Series, dated June 22, in which I am honoured with your most flattering commendation for the manner in which I discharged my duty on the arrival of the Schooner *Carolina*.

The treatment experienced by the Negroes landed from that Vessel still continues to be most cruel and shameful, these unfortunate Persons being still Slaves under peculiar hardships.

I have already reported their situation to His Majesty's Consul-General at Rio de Janeiro; and, in obedience to your Orders, shall, in repeating that Report, detail at length the most effectual steps to remedy such abuses, transmitting a Copy thereof according to your Instructions; and only now remarking, that those guilty of the past abuses of the Law ought to be severely punished, and some respectable Person, independent of the Local Authorities, authorized to act as Guardian or Superintendent of the Free Negroes. I have, &c.

The Right Hon. George Canning.

ROBERT HESKETH.

No. 89.—*Mr. Consul Hesketh to Mr. Secy. Canning.*—(Rec. Dec. 22.)

(Extract.)

Maranhã, October 14, 1826.

HAVING, in a Despatch of this Series, dated September 15, made known the illegal manner in which the Slaves were landed on this Coast from the Brig *Pedro Primeiro*, I have now the honour further to state, in reference to the said Despatch, that some of the Slaves in question were brought to this City; and that, although every particular of this occurrence was detailed by me to His Excellency the President, soliciting redress for such transgressions, nothing but an evasive answer was returned.

From the enclosed Copy of my Letter to His Excellency, every particular of this occurrence can be seen; and, by His Excellency's Reply, it appears that every step for the investigation of this affair is evaded,

ROBERT HESKETH.

The Right Hon. George Canning.

(Enclosure 1.)—*Mr. Consul Hesketh to the President of the Province of Maranham.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Maranhã, Oct. 7, 1826.*

THE Brig *Pedro Primeiro*, regarding which I have already had the honour to correspond with your Excellency, was, I much regret to state, taken into the Bay of Tury, on her departure from hence, and the Slaves landed on the Confines of the Province of Pará, in defiance of all Law.

I have represented that Proceeding to His Excellency the President of Pará, declaring it to be one as much at variance with the Laws of this Empire, as with the Stipulations of the Slave-trade Treaties; and I enclose, for your Excellency's information, a Translation of that Representation.

Much as I lament the determined disregard of Law manifested by those concerned in the Brig *Pedro Primeiro*, I equally regret that there should exist any necessity for soliciting your Excellency's attention to Proceedings in this Port, notoriously connected with such illegal acts. The Slaves who were clandestinely landed at Tury from the Brig *Pedro Primeiro*, are now beginning to appear in this City. By the Sumaca *Leopoldina*, Joze da Maia, Master, which arrived from Tury on the 4th instant, 14 of those Slaves were brought, and reported as sick Negroes requiring medical relief: but the fact is, that these 14 Negroes are all Cacheo Blacks, landed at Tury from the said Brig; 5 of them were taken to the House of Antonio Martins da Silva; 1 to that of Manoel da Silva Povoas, and the remainder were concealed by the said Master in some place of which I am ignorant. I also fear that many others have been brought by the different Coasters occasionally arriving from the neighbourhood of Tury.

Your Excellency being now in possession of every particular of my Representation to Pará, of the illegal proceedings at Tury, and of the name of the Person who brought from thence some of the Negroes in question, will, I doubt not, take the needful steps to give due course to the Laws which uphold the Stipulations of the Slave-trade Treaties.

I have the honour to be, &c.

H. E. *Pedro Joze da Costa Barros.*

ROBERT HESKETH.

(Enclosure 2.)—*The President of the Province of Maranhã to Mr. Consul Hesketh.*—(Translation.)

SIR,

Maranhã, October 9, 1826.

I HAVE before me the Letter which you addressed to me on the 7th instant, respecting the affair of the Brig *Pedro Primeiro*, to which I have to answer the following.

After highly praising your zeal in the discharge of your duty in that respect, it behoves me to declare to you that, until the decision of the first question, whether or not those Slaves were obtained to the

Northward of the Line, we cannot proceed legally in their apprehension, because, the Master of that Brig having presented at this Secretary's Office a Passport from the Port of Cabinda, I do not suppose that any transgression has been committed against the Law respecting the Slave-trade Treaties, the express letter of the Law prohibiting the carrying on the Trade only to the Northward of the Line. It is, nevertheless, possible, that that Passport may not be a true one; but, as you have addressed His Excellency the President of the Province of Pará, for which Quarter those Slaves were shipped, according to Documents, perhaps the Government of that Province may, by greater perspicuity and sagacity, detect the imposture, which was not discovered here. Reason, and the due administration of justice, therefore, demand, that we should wait the result of the Investigations at Pará, where the Brig and the Master are at present, in order that, at sight of such Investigations, proceedings may be instituted, without attacking the right of property guaranteed by the Constitution of the Empire.

I have already shewn to you, that I have the greatest respect for the Laws, and that I shall do all in my power that they be respected, without it being for that purpose requisite that you should come forward to remind me. God preserve you.

Robert Hesketh, Esq. PEDRO JOZE DA COSTA BARROS.

No. 90.—*Mr. Consul Hesketh to Mr. Sec^y. Canning.*—(Rec. Dec. 22.)

SIR,

Maranhão, October 28, 1826.

HAVING had the honour to make known, in my Despatch of this Series, dated September 15th, that I had addressed the President of Pará, respecting the illegal proceedings in that Province with the Negroes by the *Pedro Primeiro*, I now enclose a Translation of His Excellency's Answer.

I have also received from the British Vice-Consul at that Port a full Report of what took place there, respecting that Brig, up to the 30th ultimo, a Copy of which Report I have the honour to enclose.

It appears, that, on receipt of my Communications, the Vice-Consul had information that the *Pedro Primeiro* was anchored in an unfrequented Bay, and that he, with the Commander of His Majesty's Ship *Primrose*, obtained, at a Conference with the President, permission to detain, with the Boats of His Majesty's Ship, the said Vessel.

The Officer-like and effectual manner in which that service was performed, notwithstanding the secret plans for the escape of the *Pedro Primeiro*, was not sufficient to suppress the President's dissatisfaction at the non-attendance in the Boats of those Brazilian Officers, who were, in fact, too tardy in obeying His Excellency's Orders; and who, after boarding the Vessel, made a most extraordinary statement respecting the evidence of the landing of the Negroes.

The Case being now, however, in a regular and formal course of Investigation, I do not despair of the ultimate Condemnation of the *Pedro Primo*, and the Emancipation of most of the Slaves brought by her from Africa.

I beg leave to enclose a Copy of the Despatch which I am addressing on this subject to His Majesty's Chargé d'Affaires at Rio de Janeiro.

I have the honour to be, &c.

The Right Hon. George Canning.

ROBERT HESKETH.

(Enclosure 1.)—*The President of the Province of Pará to Mr. Consul Hesketh.*—(Translation.)

SIR,

Pará, September 28, 1826.

BEING NOW, on the departure of the Schooner *Carolina* for that Province, very much engaged in preparing for the Packet *General Lecor*, destined to the Court of Rio de Janeiro, I am barely able to have the pleasure of communicating to you, that I have received your Letter of the 11th instant, respecting the Cargo of Slaves brought by the Brig *Pedro Primo* from the Port of Maranhão to this, and that I, in consequence, took every measure which was in my power, communicating to you more particularly by the Land Post all which has occurred in this respect, and I suppose that the Vice-Consul in this Place will have made known to you the energy of my proceeding in such an affair. God preserve you.

Robert Hesketh, Esq. JOSE FELIX PEREIRA DE BURGOS.

(Enclosure 2.)—*Mr. Vice-Consul Hesketh to Mr. Consul Hesketh.*

SIR,

Pará, September 30, 1826.

I HEREBY enclose you a Copy of my Despatch, dated 12th instant, respecting the Brig *Pedro Primo*.

In reference thereto, I further hand you a Copy of my Correspondence with His Excellency the President, relative to Captain Vernon, of His Majesty's Ship the *Primrose*, and the delay occasioned in his not transmitting earlier to His Excellency the Papers belonging to the *Pedro Primo*.

I also enclose you Copies of the Correspondence between Captain Vernon and His Excellency, in which he amply vindicates all his proceedings.

I have now to acknowledge the receipt of your Despatch, dated 11th instant, with its Enclosures.

The contents of the same have been duly communicated to His Excellency the President of this Province, and I enclose Copies of my Correspondence with him on the subject, by which you will perceive, that the matter has been referred to the Judicial Authority of this Province; and as this Case is evidently an infraction of the first Additional Article of the Convention of 28th July, 1817, signed at Lisbon

the 15th day of March, 1823, it will, no doubt, come ultimately before the Mixed Court at Rio de Janeiro.

To prevent, therefore, any inconvenience arising from garbled Statements going from hence to the Court of Rio de Janeiro, I have forwarded to His Majesty's Consul-General Copies of what has transpired here, and, enclosed, I have the honour of handing you a Copy of my Despatch to him. I have the honour to be, &c.

Robert Hesketh, Esq.

JOHN HESKETH.

(Enclosure 2, A.)—*Mr. Vice-Consul Hesketh to Mr. Consul Hesketh.*
SIR, *Pará, September 12, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch of the 19th ultimo, with its Enclosure, relating to the Case of the Brazilian Brig the *Pedro Primeiro*.

In answer thereto, I have the honour to state, that, upon receipt of the same, I immediately repaired on board His Majesty's Ship *Primrose*, which Vessel arrived here on the 2d instant, in consequence of my Despatch of May 8th, to the Commander-in-Chief of His Majesty's Naval Forces at Barbadoes, of which I have had the honour of transmitting you a Copy, and communicated the contents to the Commander, Octavius Vernon, Esq., adding, at the same time, that I had received through private channels certain information, that the Vessel in question was then at anchor in the Bay of Santo Antonio, half a tide from the City, and that she intended to land, or had landed, the Slaves.

As it did not come under the line of his Instructions to seize a Vessel so circumstanced, it was mutually agreed between us to wait, conjointly, on His Excellency the President, in person, and that Captain Vernon should communicate the suspicious circumstances under which she was met with at the entrance of this River, as corroborating the information I then gave, at the same time politely offering his services in detecting such a scandalous infringement of the Treaty.

These offers were immediately accepted by His Excellency, who, in the most unqualified manner, authorized Captain Vernon to act in the best way that his judgment pointed out for the good of the service, offering a Pilot and every assistance to that end.

The consequence was, that the Boats belonging to His Majesty's Ship *Primrose* took possession of the said Brig *Pedro Primeiro* the same day, the 4th instant; and on the following she was brought up to the Anchorage off this City, and finally delivered up to the Brazilian Government, with her Papers, for Adjudication.

It is proper to observe that, on taking possession of the said Brig, neither the Master nor any Slaves were found on board, nor were any Documents found but her Log-Book and Fort-Pass from Maranham, and some very old-dated Papers. The disembarkation of the Slaves,

by Captain Vernon's Report, appeared to have been effected immediately previous to the capturing of her.

I accordingly addressed a Letter to His Excellency, a Copy of which I have the honour to transmit you herein, and I shall further hand you particulars of what may yet transpire on this affair.

I cannot conclude this, without expressing my thanks for the zeal and activity evinced by Captain Vernon, and the Officers and Men under his command, to whose prompt measures the success of this expedition is solely to be ascribed, and particularly so as information had been brought me, that the Brig intended to weigh anchor that very tide, and quit the River.

I have the honour to be, &c.

Robert Hesketh, Esq.

JOHN HESKETH.

(Enclosure 2, B.)—*Mr. Vice-Consul Hesketh to the President of the Province of Pará.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Pará, September 5, 1826.*

IN compliance with the permission which your Excellency was pleased to give yesterday, to the Commander of His Majesty's Ship *Primrose*, to assist with the Ship's Boats in bringing to this City the Brazilian Brig *Pedro Primeiro*, suspected of being concerned in illicit Slave-trade, I have the honour to acquaint your Excellency that the said Brig is now anchored in this Port.

The information which was received respecting this matter from His Britannick Majesty's Consul at Maranhão, has been in a manner verified, because no Slaves were found on board that Vessel, although 160 were reported at Maranhão.

I therefore solicit that your Excellency may be pleased to investigate this Case, and the fact of the landing of Slaves, since the departure from Maranhão.

I have the honour to be, &c.

H. E. Joze Felix Pereira de Burgos.

JOHN HESKETH.

(Enclosure 2, C.)—*The President of the Province of Pará to Mr. Vice-Consul Hesketh.—(Translation,)*

SIR,

Pará, September 5, 1826.

WHEN you yesterday presented yourself to me, with the Representations made by the British Consul at Maranhão to the President of that Province, and with the Answer from the latter, I was perhaps led by the sincerity of my character, in matters concerning the guarantee of Treaties with Nations, the Allies of this Empire, and elevated by an excess of austerity in the justification of that character, to forget that it was not very befitting to charge others with the duty of detaining the Vessel, which you told me was anchored in the Bay of Saint Antonio, and which you knew was the one declared in the said Representations of the Consul at Maranhão to have on board Slaves obtained from Ports prohibited by the Treaties, it being my right, as

President of this Province, particularly to have ordained steps for that purpose, when it was clear to me the Vessel, the *Pedro Primeiro*, was the property of Brazilian Subjects. However, I could never expect that the British Officers, who were only charged according to my Orders with the service of ascertaining whether Slaves were brought, and preventing their departure, should go the length of seizing Papers, which have not, up to this date, been delivered to me; and which I demand of right, as the first Authority who ought to examine them, and transmit them to the competent Judge, if it be requisite to take judicial cognizance of them.

I cannot also help remarking, that a Vessel leaving this City should be forced to submit to be boarded in sight of the Forts by the Boats returning with the British Officers from the said Brig *Pedro Primeiro*, and this, although there was on board the Vessel an Officer of the Brazilian Navy, who, according to the Order I gave the Intendant, ought to have accompanied the Officers of the British Navy, but who did not, in consequence of the non-execution of my Order.

It is therefore my duty to acquaint you, that I am waiting for the Papers which I have claimed, and that I am about sending a National Guard and Officers on board the Brig, the British Officers who may be there then retiring; and that the Brig ought to be brought to the customary Anchorage: you being at liberty to adopt the steps which are lawful amongst Nations, and in which I shall co-operate as the principal Representative of His Imperial Majesty in this Province, and it being your duty to make this much known to the Commander of the British Sloop of War. God preserve you.

John Hesketh, Esq. JOZE FELIX PEREIRA DE BURGOS.

(Enclosure 2, D.)—*Mr. Vice-Consul Hesketh to the President of the Province of Pará.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Pará, Sept. 5, 1826.*

AFTER closing the Letter which I had this day the honour of addressing to your Excellency, I received one from your Excellency of the same date.

In answer, I have to acquaint your Excellency, that the Commander of His Britannick Majesty's Ship *Primrose* took charge of the Papers belonging to the Brazilian Brig *Pedro Primeiro*, in order to transmit them to your Excellency according to his duty, and that he could not comply with that duty sooner, not having a Person who could write the Portuguese Language.

In the mean time he is ready to acquaint your Excellency, personally, with all your Excellency may wish to know. I have, &c.

H. E. Joze Felix Pereira de Burgos.

JOHN HESKETH.

(Enclosure 2, E.)—*Captain Vernon to the President of the Province of Pará.*

H. B. M.'s S. Primrose, Pará, Sept. 5, 1826.

MOST EXCELLENT AND ILLUSTRIOUS SIR,

I HAVE the honour to inform you, that the Boats of His Majesty's Ship under my command, were dispatched yesterday afternoon (with the sanction and authority of your Excellency,) to the Bay of St. Antonio, to detain and secure the Brazilian Brig *Pedro Primeiro*, upon official information received from His Britannick Majesty's Consul, of the above-named Brig's being then actually engaged in the illicit Traffick in Slaves. The Papers from Maranham, containing the notice of it, and relating the particulars, have been already laid before your Excellency, which, at the same time, is all strongly corroborated by a variety of highly suspicious circumstances, coming within my own knowledge and observation, and of which I apprized your Excellency.

I have now to report that the *Pedro Primeiro* was taken possession of, agreeably to my instructions, and brought up to this Anchorage this morning. I beg leave to transmit herewith the whole of the Papers that were taken from on board of her, for your Excellency's inspection; and to report that no Slaves were found on board, but to all appearance some had been just previously landed; and indeed we have information to that effect, that part were landed previous to her arrival in this River, and the remainder in the Bay of Santo Antonio. The Master of the Vessel has not appeared, and the fact of his absconding is strong presumptive evidence of guilt, had we none more decisive. I have now to request to know what your Excellency's pleasure is with regard to her, considering it my duty to surrender her up to whomsoever you may deem fit to take charge of her, till in due course the Case may be brought to trial, and adjudged by the competent Judicial Authorities: in case of Condemnation, of which it appears to me there can be little or no doubt, reserving in behalf of the Officers and Crew of His Britannick Majesty's Ship, a claim, as Seizors, to a moiety of the Nett Proceeds. I have the honour to be, &c.

H. E. Joze Felix Pereira de Burgos.

OCTAVIUS VERNON.

(Enclosure 2, F.)—*The President of the Province of Pará to Captain Vernon.*—(Translation.)

SIR,

Pará, September 5, 1826.

I HAVE received your Letter of this day's date, together with another from the British Vice-Consul, from whom I required, in my Letter of this day, the Papers belonging to the Brazilian Brig *Pedro Primeiro*, from Maranham, which Papers were seized by your Officers without my authority to do so, or to take possession, and place guards on board of her, she being at anchor within the "Primeiras Vigias," with the Brazilian Colours flying.

All that was permitted in the Conference with you and the Vice-Consul, was only that her departure should be prevented, wishing in this manner to prove the good faith with which the Presidents in this Empire guaranty the Treaties existing between Great Britain and The Brazils, particularly after I saw the second Letter, which the Consul at Maranham addressed to the President there, in which His Excellency is made responsible before His Imperial Majesty, although the President, in the answer to the said Consul's first Letter, alleged that, by unforeseen events, it had been impossible to detain the said Vessel for the purpose of examination; but that being bound to this City, her proper Port of discharge, he doubted not that I, as President of the Province, would make every examination.

Therefore, whether the Vessel be or not judged as coming from a prohibited Port, I can never allow the half of the Proceeds, which you claim for the Officers of His Britannick Majesty's Ship, because I made no agreement when, by a mere excess of frankness, I allowed that her departure should be prevented, supposing that, as you were also zealous in maintaining the said Treaties, you and the Vice-Consul had voluntarily presented yourselves, wishing to witness by your Officers the Cargo of that Vessel, it being impossible that I could conceive a Commander of a Foreign Vessel could have any other object in addressing himself to me upon such an affair. Indeed, so much so, that I ordered, through the Marine Intendant, National Naval Officers to examine the said Vessel, and they were the same to whom, in my above-quoted Despatch to the Vice-Consul, I allude, as improperly overhauled by the British Officers. I had also another object in that step, which was, that at no time either the British Consul at Maranham, the Vice-Consul here, yourself, or any British Subject whatever, should persuade himself that the Presidents of His Imperial Majesty sanction such illicit Traffick. It is also evident that I have no right to permit that Prizes should be made under the National Forts, where even Foreign Vessels cannot be taken by Vessels of other Friendly Nations. How much more does the seizure of a Vessel belonging to a Brazilian Subject, and which had no appearance of being about to depart, being within the "Primeiras Vigias" with a Passport for this City, belong to this Nation; and it is so true that this Vessel was not ready to depart, that the Master was not on board, without that circumstance being a necessary consequence of motives of dread, but because he came for some assistance, for had it been from dread, he would never have anchored in such an exposed place.

There is further to observe, in attention to this conjecture, that from the Document furnished by the Naval Officer I sent for the purpose of examination on board, it appears that there are not any indications of Slaves having been on board, as also appears from the Papers taken by your Officers, which were transmitted by you.

It remains for me to inform you, that the Brig must be given up to the National Guard I am sending for the purpose, and that the Papers will be transmitted to the competent Judge. God preserve you.

JOZE FELIX PEREIRA DE BURGOS.

Captain Vernon, Commander of H. B. M. Sloop of War Primrose.

(Enclosure 2, G.)—*Captain Vernon to the President of the Province of Pará.*

H. B. M's. S. Primrose, Pará, Sept. 6, 1826.

MOST EXCELLENT AND ILLUSTRIOUS SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's Letter of yesterday's date; and, in reply thereto, I feel it quite incumbent upon me to trouble you at some length, far above what I could wish. It is the first part of your Excellency's Letter alone which requires my more immediate notice and observations thereon, and it is with feelings of considerable surprise and regret that I find the tenour of it so widely different from what I had certainly every reason to expect. I had flattered myself that the prompt and successful execution of the service which your Excellency did me the honour to entrust to me, given in the most ready, handsome and most friendly manner; the fullest and strictly unqualified power to perform it in any way I might deem most effectual and advisable, would have been followed by some expression at least of approbation, if not thanks. But, on the contrary, to my utter astonishment, your Excellency, in a very different spirit from what I could have possibly anticipated, rather expresses displeasure, and charges the Officers of His Britannick Majesty's Ship with having exceeded the authority granted: it gives rise to feelings which I shall refrain from expressing; but it becomes necessary that I should examine these charges in detail, and explain and vindicate their conduct, which I beg to say has my fullest approbation, and merits my warmest thanks, for their zeal and activity, and correct discharge of their duty; excepting, however, the Case of the Schooner, which your Excellency justly notices in your Letter to the Vice-Consul, and which I am most anxious to assure you I myself considered in the same light; it accordingly met my displeasure, and I censured the conduct of the Officer on that occasion, who unfortunately was thoughtlessly led away by a mistaken zeal in the service in which he was engaged. I deeply regret this circumstance, anxiously desirous that nothing should occur to interrupt or weaken the cordiality and harmony happily existing so strongly between the two Nations.

I must now call to your Excellency's mind, that, in the Conference that the Vice-Consul and myself had the honour of having with you, I was given to understand, most explicitly and decidedly, that I not only had your Excellency's most perfect and full sanction, permission, and authority, to proceed as I thought best, in the Ship, or by Boats, to

detain and secure the *Pedro Primeiro*, but also any assistance was offered in case of my requiring it. Upon which I thanked your Excellency, and replied, all I wished was a Pilot to bring her up to the City, which you most kindly immediately ordered, asking where he should be sent to. But I most positively declare that it never was intimated to me at all, that any Brazilian Officer was to accompany our Boats, nor even a Pilot, excepting by my wish, and the circumstance of his not going with them arose from his coming on board so late, half an hour after our Boats had left, which I assured him that I lamented exceedingly; that I had unfortunately no other Boat fit to send, but that if one could be procured on shore, I would send men. The reason of my being unwilling to detain the Boats longer, was, that I felt assured the Brig would receive information of our intentions, so as either to prepare for a defence, or avail herself of the latter part of the ebb tide to drop lower down the River, and thereby effect an escape. It will appear I was amply justified in the above conclusion, for the fact was, that a Canoe started express from the City half an hour previous to our Boats, carrying information to her, but was anticipated and overtaken by the activity and exertion of my Officers and their Boats' Crews. I now come to notice the stress your Excellency lays upon the Officer commanding the Boats possessing himself of the Brig's Papers without your authority, and also his placing Sentinels on board her. I must observe, that had he so far forgotten himself as to neglect that duty, which I confidently state is universally considered by all Maritime Nations to be of the first and most paramount importance in every Case of detention, he would have been deserving of the most severe censure.

Moreover, I have to inform you, that my positive Instructions with which I am furnished, as agreed upon by Treaty between the Brazilian and British Governments, strictly require that, on detaining any Vessel, the Captains shall secure and take charge of the Papers, for subsequent delivery to the proper Authorities and Tribunals. At the same time we are instructed, that every care and diligence shall be taken, that nothing on board is to be injured or taken away. For which purpose I submit that it is essential, and the practice in every Case, to insure this, to place Sentinels, which was accordingly done, not supposing it would be construed into disrespect to the Brazilian Flag. With respect to her offering resistance, it is impossible to say whether she would have attempted any or not, had we not been too expeditious to allow her any time for preparation.

I do hope, on consideration, your Excellency will see and admit that it was manifestly for the benefit of the Brazilian Government, as well as being in compliance with my Orders, and the general practice of all Nations, that the strictest care should be taken of all Papers found on board, on the detention of a Vessel, to guard against acci-

dental loss or wilful destruction. On these grounds alone were the Papers of the *Pedro Primeiro* taken and conveyed to me, to enable me to transmit them to your Excellency; in so doing I much regret that there was some unavoidable delay, arising from the difficulty of getting my Letter translated, so that your Letter on the subject had reached the Vice-Consul previous to the forwarding of mine.

Your Excellency, I am sure, cannot but do me the justice to acknowledge, that in no way, nor by any expression, was the power and authority you were kind enough to grant me limited or qualified; that it extended to the positive detention of the Brig. What followed was clearly a matter of course, there having been no deviation from our Laws and Customs in such Cases. It could not be expected that I should possibly know whether or not your Excellency could invest me with the power and authority you did. But having received such, it only remained to me faithfully and quickly to act upon it; which I trust I did, though I regret that, in return, I should experience your dissatisfaction; still less it became me to point out that Brazilian Officers alone should have undertaken the service. I cannot but most sincerely lament that any feelings of jealousy should have been excited on this occasion, on which but one feeling ought to exist between and unite us, dictated by duty and humanity, an anxious desire and zealous co-operation to bring to justice every Violator of the Laws of his Country. With regard to what I said, as to a share of the Proceeds in case of Condemnation, I only fulfilled my bounden duty towards the Officers and Men under my command. It appeared to me to be a Case that, beyond doubt, would have to be brought to trial before the Mixed Commissioners at Rio de Janeiro, in which case a moiety would be adjudged to the British Government, but if your Excellency thinks fit, upon your own responsibility, to have it tried in the Courts of this Province, it alters the case, and no remuneration for their trouble and exertions can be claimed or looked for. I cannot conceal my surprize that your Excellency should have any doubt as to the *Pedro Primeiro's* having had Slaves on board, for it is distinctly stated in her Log, and officially known, that 160 were actually reported at Maranham, and not there landed. Further, from the confession of some of the Crew on board of her, that they have been since landed in part on the Coast, and the remainder in this River.

Under these circumstances she never could have ventured to anchor here, and I feel confident that she would not have remained one hour longer in the Bay of Santo Antonio than she could avoid; and that, having unfortunately succeeded in landing her Slaves, she was solely detained by the want of an anchor and some provisions, which were on their way down to her at the same time our Boats were proceeding to detain her. Moreover, the Pilot, Correia, was engaged to take her out. It cannot, in conclusion, escape your Excellency's notice that the

want alone of a regular Passport renders her Voyage illegal, which, according to the information from His Britannick Majesty's Consul at Maranham, she cannot produce.

In short, considering it altogether so gross an infraction of the Slave Treaty, I do hope and rest assured, that your Excellency will ultimately view it in the same light, and proceed against all the Parties concerned, with the utmost rigour of the law. I have, &c.

H. E. Joze Felix Pereira de Burgos.

OCTAVIUS VERNON.

(Enclosure 2, H.)—*Mr. Vice-Consul Hesketh to the President of the Province of Pará.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Pará, Sept. 16, 1826.*

I HAD the honour to address a Letter to your Excellency on the 5th instant, making known the arrival of the Brig *Pedro Primeiro*, at her Anchorage in this City.

At the same time I acquainted your Excellency that the information received from His Britannick Majesty's Consul at Maranham was in some measure verified by the fact of no Slaves being found on board that Vessel, and I asked your Excellency to be pleased to investigate this matter, and the landing of the Slaves after her departure from Maranham.

I have now to acquaint your Excellency that I have this day intelligence from His Britannick Majesty's Consul at Maranham, that the said Slaves were landed at Tury.

Your Excellency will perceive that, independent of an infraction of the Treaties, there is an outrage on the Custom-House Regulations of this Country, and I feel convinced your Excellency will not allow to pass unnoticed such a direct transgression of the Laws.

I shall have the greatest satisfaction to know the result of your Excellency's determination respecting the important objects which it has been my lot to place before your Excellency. I have, &c.

H. E. Joze Felix Pereira de Burgos.

JOHN HESKETH.

(Enclosure 2, I.)—*The President of the Province of Pará to Mr. Vice-Consul Hesketh.*—(Translation.)

SIR,

Pará, September 17, 1826.

I HAVE received your Despatches, dated the 5th and 16th instant, the latter accompanied with that from His Britannick Majesty's Consul in Maranham, to whom I shall reply by the first opportunity.

In the mean time I assure you, and the same you can communicate to the said Consul, that I have, under this day's date, dispatched from this Secretary to all the Towns on the Coast, decisive Orders addressed to the Civil and Military Authorities, making them responsible for a legal Investigation of every matter relating to the suspicions and indications which you inform me you have of the smuggling of the

Slaves, which you say were destined for this City, on board the Brazilian Brig *Pedro Primeiro*, from Ports where such a Traffick is prohibited by the Treaties; and that in case such Slaves are found or heard of, to remit the proofs to the "Ouvidoria Geral" of this District, in order that the competent Judge to examine into such Contraband may proceed in the manner I have ordained in my Despatches, dated the 4th and 9th instant, Copies of which I transmit, in order that you may be informed of all the steps I have taken in this matter, and that it is to the said Judge, to whom I have, as the competent Authority, directed every Paper and Order respecting this affair, that you ought to address yourself for any judicial acts which you, as a Person interested in such matters, may deem requisite. God preserve you.
John Hesketh, Esq. JOZE FELIX PEREIRA DE BURGOS.

(Enclosure 2, J.)—*The President of the Province of Pará to Dr. Ferreira.*
 (Translation.) *Pará, September 4, 1826.*

THE British Publick Agent in this City, Mr. Hesketh, having informed me, that he had intelligence, that in the Bay of Saint Antonio, there was a Brig at Anchor, which he was told had Slaves on board, obtained from Ports where such a Traffick is prohibited, by Treaty between Portugal and Great Britain, and other Nations, amongst whom Brazil is also included; and the said Vice-Consul having also shewn me the Correspondence which took place between the British Consul and His Excellency the President in the Province of Maranhão, from which it is seen that the Brig *Pedro Primeiro* entered that Port not having a legal Passport to come from such prohibited Places, and ultimately departed unexpectedly for this City, where she was bound according to her Passport, and this before her departure could be prevented by the President of that Province, in virtue of the Declaration and Information of the said Consul; requesting therefore that I should allow the Commander of His Britannick Majesty's Sloop of War *Primrose*, then in this Port, to go in search of her, I not only promised every assistance required for this service, but also assured him that I should on my part do every thing that was requisite, and accordingly procured a Pilot and a Naval Officer, to proceed in the Boats of His Britannick Majesty's Ship to capture the said Brig; ordering you under the heaviest responsibility to take every step in your official duty, not only as Magistrate of the Police, but also as Superintendent of Contraband, in order to prevent as well the breaking and infringement of the said Treaties, as also most particularly to prevent frauds on the Revenue of the Imperial Treasury, even though the Slaves should come from Ports not prohibited, so that the contagion of any disease they may bring should be prevented. God preserve you.

JOZE FELIX PEREIRA DE BURGOS.

Dr. Joaquim Mariano Ferreira, Ouvidor pela Ley.

(Enclosure 2, K.)--*The President of the Province of Pará to Dr. Ferreira.*
(Translation.) *Pará, September 9, 1826.*

I TRANSMIT to you a Nautical Journal, or Diary, also a Pass for the Fort in the Port of Maranhão, signed by His Excellency the President of that Province, and another signed by the Provisional Junta of this City, on the 16th January, 1824; likewise a Letter from the Chief Health Officer, *ad interim*, João Bento Rodrigues Fernandes, dated 28th August, 1825; likewise a Muster-Roll signed by Antonio Marques da Costa Soares, Secretary of the Government at the Cape de Verd, the whole belonging to the Brazilian Brig *Pedro Primeiro*, which was found anchored in the Bay of Saint Antonio, in a Gulf of the River of this Capital, and where she was improperly searched by the Officers of His Britannick Majesty's Sloop-of-War *Primrose*, and seized, by abusing the simple authority I gave the Commander of that Sloop-of-War, which was merely to prevent the departure of the said Brig, while I took every requisite step in my power to investigate exactly, according to the legal forms, the Cargo on board, proceeding according to the Laws of the Empire, in the event of finding on board Slaves from Ports prohibited by Treaties between Brazil and other Nations, or of its being shewn that frauds had been committed. You will, therefore, proceed, in conformity to my first Despatch, dated 4th instant, in all examinations respecting such objects, to the end that the legality or fraud of such Papers may be verified, as well as the truth, whether or not the said Vessel came from the prohibited Ports, and whether she can be ultimately given up to her Owners, or to the Fiscal if the Case and the Laws so determine, it being your duty to facilitate to the Owner or Owners their just right in all such matters, until the final Sentence or Decision, continuing under the conviction, that no Individual of the said Sloop-of-War is entitled, under any principle, or in any case whatever, to any part of the said Vessel, her Cargo, or Proceeds; in so much as I, only wishing to shew the good faith with which I and the President of Maranhão sustain, on the part of His Imperial Majesty, in our respective Provinces, the immunity of the said Treaties, did allow the British Agent and the Commander of the said Sloop-of-War, if they wished themselves to prevent the departure of that Vessel, they having also acquainted me of her appearance and anchoring in the said Bay, after shewing me the Communications of the British Consul in Maranhão to the President, and the Answer of the latter, whom the said Consul attempts to make responsible to His Imperial Majesty for having allowed that the said Brig should proceed from that Port to this, notwithstanding the reason given. You ought to be furthermore informed, that the British Officers having, in an arbitrary manner, placed Guards on board the said Brig *Pedro Primeiro*, in consequence of the reasons before stated, a short time after doing so, the Second Lieutenant of the Imperial and

National Navy, Francisco Joze de Mello, and the Scrivener of the Intendant's Office, Manoel Caetano Prestes, were both present on the spot, and I also transmit an account of what they observed, in conformity with my Orders, and the Despatch addressed to the Intendant of Marine on the 4th instant. And the said Brig with her Crew having been ultimately conducted and brought to this Anchorage by the British Guard, I communicated all this to the Commander of the Sloop-of-War, expressing my surprize at all the acts which surpassed my intention, and directing him to order that the said Brig, the Crew, and every thing on board, should be delivered to the Military National Guard of the First Lieutenant of Artillery, Joze Maria de Campos, a Corporal and 12 Soldiers, the British Guard then retiring; all which was fulfilled.

From that time the said Lieutenant of Artillery had my orders not to allow any Person or thing to leave the said Brig, until you should send through me any orders. It is, therefore, understood, that the said Brig, and all which is in her, is from this time at your disposal, until the final Judicial Decisions upon the said objects.

It behoves me finally to inform you, that, in a Despatch addressed to me by the Commander of the British Sloop-of-War, I am informed that in the Bay of Saint Antonio, in another part of the Coast, Slaves were landed, although it appears that there were no indications of such proceedings, from the Declaration of the Brazilian Naval Officer, or from the enclosed Papers. You will, therefore, address yourself officially to those Quarters, or adopt any other course you may deem best, requesting from me every assistance you may think requisite for the better fulfilment of all that I, in this respect, intrust to you, under the greatest responsibility of the Laws, acquainting me finally with the ultimate result of this affair, in order that, if necessary, I may communicate it to His Imperial Majesty. I also requiring from you forthwith the acknowledgment of this Despatch and its Enclosures. God preserve you. JOZE FELIX PEREIRA DE BURGOS.
Dr. Joaquim Mariano Ferreira, Ouvidor pela Ley.

(Enclosure 2, L.)—*Mr. Vice-Consul Hesketh to Mr. Consul-General Chamberlain.*

SIR, *Pará, September 26, 1826.*

As the Case of the Brazilian Brig, the *Pedro Primeiro*, will no doubt speedily come to the knowledge of His Majesty's and the Brazilian Government, respectively, and as inconvenience may arise from garbled Statements being sent from hence to the Court of Rio de Janeiro on the subject, I have deemed it advisable to transmit to you full particulars of what has transpired here with regard to the same.

I have the honour to transmit you Copy of a Despatch, and its Enclosure, received from His Majesty's Consul at Maranham, communicating the first intelligence of the said Brig *Pedro Primeiro's* being concerned in the illicit Traffick in Slaves, and what had transpired there on the subject.

I forward you also Copy of my Despatch to the Consul at Maranham, and its Enclosure, by which you will perceive that the said Brig was, under the sanction and authority of His Excellency the President of this Province, seized in the Bay of Saint Antonio, in this River, by the Boats of His Majesty's Ship the *Primrose*, under the command of Octavius Vernon, Esq., and brought up to the Anchorage off this City, and finally delivered up to the Brazilian Government, with her Papers, for Adjudication.—

Also the Correspondence between His Excellency the President and myself, relative to Captain Vernon, and the delay occasioned in his not transmitting earlier to His Excellency the Papers belonging to the Brig *Pedro Primeiro*.—

Copies of the Correspondence between Captain Vernon and His Excellency the President, in which he amply vindicates all his proceedings.—

Copy of a Despatch from His Majesty's Consul at Maranham, dated September 11, 1826, giving further particulars of the Brig *Pedro Primeiro*.—

And Copy of my Correspondence with His Excellency the President, by which you will be informed of the matter's being finally referred to the Judicial Authorities of this Province.

It is needless for me at present to enter upon any comment on the subject, as you will better see the bearings of the Case by the perusal of the Documents herein transmitted you. I have, &c.

Henry Chamberlain, Esq.

JOHN HESKETH.

(Enclosure 3.)—Mr. Consul Hesketh to Mr. Consul-General Chamberlain.

(Extract.)

Maranhã, October 28, 1826.

IN reference to my Despatch, dated August 21st, a Duplicate of which I now transmit, with its Enclosures, I have further to state that the Brig *Pedro Primeiro*, on leaving this Port, proceeded to the Bay of Tury, on the confines of the Province of Pará, where the Slaves were landed clandestinely.

This transgression induced me to address, on the 11th ultimo, the President of Pará, as well as the British Vice-Consul at that Port, and I beg leave to enclose Copies of both those Despatches.

Having afterwards information that some of the Negroes had been brought into this City, I again addressed the President of this Province; but His Excellency only returned an evasive answer, and furnished

another proof of that conduct of which I have so frequently complained, in matters connected with the execution of the Slave-trade Treaties.

I beg leave to refer to the enclosed Copy of a Report I made of the occurrence, on the 14th instant, to Mr. Secretary Canning.

So far, every circumstance in this Port, concerning the Brig *Pedro Primeiro*, has proved the illegality of that Vessel's voyage.

Fortunately, however, matters took a different course at Pará, as will be seen from the enclosed Copy of a Despatch from the British Vice-Consul at that Port, dated the 30th of September, 1826, and its Enclosures. The accidental presence of His Majesty's Ship *Primrose*, and the Officer-like and effectual manner in which her Officers executed the service which the President of that Province had allowed, placed the *Pedro Primeiro* in His Excellency's possession, under such clear proofs of a guilty Case, as forced His Excellency either to order a legal investigation, or incur a heavy responsibility. In this situation the President has expressed dissatisfaction at the conduct of the British Officers; and, on perusing the Correspondence between Captain Vernon and the President, that dissatisfaction appears most unreasonable.

From the President's Letter, dated Pará, September 17, 1826, addressed to the Vice-Consul, it will be seen that every efficacious order has been given by His Excellency for the proper investigation of the Case of the *Pedro Primeiro*; and if the different subordinate Authorities, now individually responsible, do their duty, the result must be the condemnation of that Vessel.

I have also to acquaint you, that Manoel Antonio da Silva Brandao returned to this Place from Pará on board the *Carolina*, intending to clear himself from the consequences of the seizure of the *Pedro Primeiro*, and afterwards to proceed again in the *Carolina* to Africa. But this notorious Violator of all Law died on a bed of sickness and misery, on the 23d instant; and, in consequence of his death, the destination of the *Carolina* appears to be, at present, doubtful.

I have thus given you a full report of all which has transpired respecting the *Pedro Primeiro* up to this date, and I shall transmit a Copy of this Despatch to His Majesty's Secretary of State for Foreign Affairs.

Henry Chamberlain, Esq.

ROBERT HESKETH.

No. 91.—Mr. Consul Hesketh to Mr. Sec^y. Canning.—(Rec. Dec. 22.)

SIR,

Maranham, October 30, 1826.

IN obedience to the Instructions contained in the Despatch of the Slave-trade Series, dated June 22, I have now the honour to transmit a Copy of the Despatch which I addressed, on the 29th ultimo, to His Majesty's Chargé d'Affaires at Rio de Janeiro, respecting the impro-

per treatment suffered by the Negroes who arrived in the Schooner *Carolina*.
I have, &c.

The Right Hon. George Canning.

ROBERT HESKETH.

(Enclosure.)—*Mr. Consul Hesketh to Mr. Consul-Gen. Chamberlain.*

(Extract.)

Maranham, September 29, 1826.

IN reference to my former Despatch upon the subject, I have to state, that the abuses committed in respect of the freedom of the Negroes by the *Carolina*, are still proceeding; and, I am informed, that Certificates of the burial of other Negroes have been cautiously procured by those who were entrusted with some of the free Negroes; so that, if ever these shameful proceedings are investigated, many more will be falsely reported as dead. Most of these Negroes are now in the Country, working as Field or Plantation Slaves.

Henry Chamberlain, Esq.

ROBERT HESKETH.

No. 92.—*Mr. Secy. Canning to Mr. Consul Hesketh.*

SIR,

Foreign Office, December 30, 1826.

YOUR Despatches of this Series, up to the 30th of October last, have been duly received.

I perceive, with satisfaction, the continuance, on your part, of great vigilance and discretion in the execution of your Instructions, as to African Slave-trade; and, although your efforts for the prevention and the punishment of these illegal enterprizes have as yet been attended with but little success, I think it right to mark my sense of your conduct.

I am, &c.

Robert Hesketh, Esq.

GEORGE CANNING.

No. 93.—*Mr. Secy. Canning to the Right Hon. Robert Gordon.*

(Extract.)

Foreign Office, August 4, 1826.

I SEND to you a collection of State Papers, containing, among other matters, the various Papers which have been presented to Parliament upon the subject of the Slave-trade, since and including the Year 1815.

The extent of the Correspondence upon Slave-trade is so great, that I have found it necessary to direct that the Despatches which treat upon this subject shall be formed into a separate Series, distinct from the general Series of the Despatches of the Year.

You will distinguish those of your Despatches, which treat directly or indirectly of the Slave-trade, from your Despatches which treat of other subjects, by heading the former with the words "Slave Trade," in the manner practised in the present Despatch, and numbering them, from first to last, as a separate Series.

The Right Hon. Robert Gordon.

GEORGE CANNING.

No. 94.—Mr. Secretary Canning to the Right Hon. Robert Gordon.
 SIR, *Foreign Office, August 31, 1826.*

I SEND to you the Copy of a Despatch from His Majesty's Consul at Maranham, dated the 5th ultimo, reporting that the Schooner, the *Nove de Março*, had arrived there from the Cape de Verds, with a Cargo of 86 Slaves, and that they had been permitted to land under a false entry from Cabinda.

You will lay this matter before the Government of Brazil, in corroboration of the former accounts, tending to prove the disposition of the Authorities at Maranham, to encourage illegal Slave-trade, and you will urge them to take proper measures to prevent this continued and flagrant infraction of the Treaties, in opposition to the declared humane intentions of the Sovereign of Brazil. I am, &c.

The Right Hon. Robert Gordon. GEORGE CANNING.

No. 95.—Mr. Secretary Canning to the Right Hon. Robert Gordon.
 SIR, *Foreign Office, September 7, 1826.*

IN reference to the Correspondence which you will find among the Archives of the Mission, upon the subject of the Schooner *Carolina*, I send you the Copy of a Letter from His Majesty's Consul at Maranham, dated the 30th June last, reporting the scandalous frauds which have been committed by the Trustee, under whose care the Negroes who were found on board of that Vessel were placed; many of them it appears were reported to be dead, in order that, instead of being liberated, they might be conveyed in secret to Slavery, and those who would have been able to have gained their livelihood in the Town by handicraftship, had they been liberated, had been sent to Plantations up the Country, there to work for 14 Years.

Mr. Hesketh reported it as his opinion, that the lot of all will be a return to Slavery.

You will bring this matter to the notice of the Brazilian Government, in order to induce an enquiry into the state of the Case, and endeavour to rescue these unfortunate Negroes from the Slavery which seems to await them, and to procure the punishment of the different Individuals who have thus abused the power, with which they have been vested solely for the purposes of humanity. I am, &c.

The Right Hon. Robert Gordon. GEORGE CANNING.

No. 96.—Mr. Secretary Canning to the Right Hon. Robert Gordon.
 SIR, *Foreign Office, September 22, 1826.*

MR. CONSUL HESKETH has transmitted to me, under date of the 15th and the 19th of July, further details upon the subject of the *Nove de Março*, on which Case you were instructed in my Despatch of this Series, of the 31st ultimo.

These further details prove evidently a desire on the part of the Local Authorities at Maranham to connive at the illegal Slave-trade, in which the Subjects of the Emperor of Brazil at that Place are concerned, and to evade the fulfilment of the Emperor's desire to suppress that Trade.

I have to instruct you to address a strong representation upon the subject to His Imperial Majesty's Ministers, urging them to issue Orders expressive of their serious disapprobation of such proceedings, which Orders may save these unfortunate Negroes from remaining in Slavery, and put down the continuance of Slave-trade at Maranham.

As Mr. Hesketh acquaints me that he has furnished His Majesty's Mission at Brazil with Copies of the Documents, which he sent here upon the Case, I do not transmit them to you. I am, &c.
The Right Hon. Robert Gordon. GEORGE CANNING.

NETHERLANDS.

No. 97.—Mr. Secretary Canning to Sir Charles Bagot.

SIR, *Foreign Office, March 13, 1826.*

WITH reference to the Treaty with The Netherlands for the prevention of the Slave-trade, I have to acquaint your Excellency that, by a Communication this day received from the Admiralty, it appears that the Instructions referred to in the said Treaty have been issued to the following Ships and Vessels of His Majesty's Navy:—

Names.	Guns.	Commanders.
<i>Hussar</i>	46.....	G. Harris.
<i>Brazen</i>	26.....	G. W. Willes.
<i>Primrose</i>	18.....	Oct. V. Vernon.
<i>Redwing</i>	18.....	D. C. Clavering.
<i>Dispatch</i>	18.....	Robt. W. Parsons.
<i>Ferret</i>	10.....	Wm. Hobson.
<i>Conflict</i>	12.....	Lieut. J. Chrystie.

And that the Instructions, which had been issued to His Majesty's Ships *Pyramus*, *Ariadne*, *Bann*, *Victor*, *Ringdove*, and *Grecian*, have been recalled, and cancelled.

I request that you will communicate this Statement to the Government of the King of The Netherlands. I am, &c.
H. E. Sir Charles Bagot, G.C.B. GEORGE CANNING.

No. 98.—Sir Charles Bagot to Mr. Secretary Canning.—(Rec. March 20.)

SIR, *The Hague, March 17, 1826.*

I HAVE had the honour to receive your Despatch (Slave-trade) of the 13th instant, and I have communicated to Monsieur de Verstolk,

the Names and Force of His Majesty's Ships and Vessels, to which the Instructions referred to in the Treaty between His Majesty and The King of The Netherlands, for the prevention of the Slave-trade, have been given.

I have, &c.

The Right Hon. George Canning.

CHARLES BAGOT.

No. 99.—*Mr. Secretary Canning to Sir Charles Bagot.*

SIR,

Foreign Office, May 10, 1826.

I SEND to your Excellency, for communication to The Netherlands Government, the accompanying Copy of a Despatch from His Majesty's Commissioners at Surinam, dated the 18th of January last*, stating that there has been no Dutch Vessel-of-War of any description at Surinam since July 1825, and that reports were prevalent that Slave-ships were frequently off that Coast, and effected upon the Island illicit disembarkations of Negroes.

The Netherlands Government, when duly informed, will, doubtless, take prompt steps to prevent a recurrence of this violation of their Laws.

I am, &c.

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

GEORGE CANNING.

No. 100.—*Sir Charles Bagot to Mr. Secy. Canning.—(Rec. May 15.)*

SIR,

The Hague, May 12, 1826.

I HAD the honour to receive last night your Despatch of the 6th of this month, transmitting to me printed Copies of the Papers presented to both Houses of Parliament, relative to the Slave-trade.

I have, &c.

The Right Hon. George Canning.

CHARLES BAGOT.

No. 101.—*Sir Charles Bagot to Mr. Secy. Canning.—(Rec. May 21.)*

SIR,

The Hague, May 19, 1826.

I HAD the honour to receive on the 15th, your Despatch (Slave-trade) of the 10th instant, transmitting to me the Copy of a Despatch from His Majesty's Commissioners at Surinam, stating that there had been no Dutch Vessel-of-War upon that Station since the month of July last.

I had an opportunity two days ago of acquainting M. de Verstolk with the information contained in that Despatch, and I yesterday addressed to him a Note, of which the enclosed is a Copy, upon the subject of it.

I have, &c.

The Right Hon. George Canning.

CHARLES BAGOT.

* See Class A, No. 104, Page 236.

(*Enolosure.*)—*Sir Charles Bagot to The Baron de Verstolk.*

The Hague, May 17, 1826.

IN obedience to the Instructions which he has received from his Court, the Undersigned, &c. has the honour to transmit to His Excellency the Baron Verstolk de Soelen, Minister of Foreign Affairs, the enclosed Copy of a Despatch which has been addressed to His Majesty's Government, by His Majesty's Commissioners at Surinam, stating that, since the departure from that Coast of His Netherlands Majesty's Brig *Mercure*, in the month of July last, no Dutch Ship of War had appeared off that Station, and that reports were very prevalent, that Slave Ships had frequently appeared in the neighbouring waters, and had effected the illicit debarkation of Negroes upon the Island.

The assurances contained in the Note of His Excellency the Comte de Reede, of the 12th July, 1824, to Viscount Granville, upon the subject of the Naval Force to be maintained upon the Surinam Coast, and the promptitude invariably shewn by The Netherlands Government to adopt every measure in their power for the suppression of the Traffick in Slaves, make it only necessary for the Undersigned to call the attention of M. de Verstolk to the information contained in the enclosed Letter, in order to engage His Excellency to give such directions as he may judge most effectual for the purpose of remedying the inconvenience of which it complains.

The Undersigned, &c.

H. E. The Baron de Verstolk.

CHARLES BAGOT.

No. 102.—*Mr. Secretary Canning to Sir Charles Bagot.*

SIR,

Foreign Office, May 31, 1826.

I SEND to you an Extract of a Despatch which I have received from Mr. J. T. Williams, His Majesty's Commissary Judge at Sierra Leone, dated the 20th March last*, describing the facility with which Vessels, destined in reality for African Slave-trade, obtain in The Netherlands' Colonies, Licences, which enable them to set out upon th nefarious undertaking with the appearance of a legal Traffick.

Your Excellency will lay this matter before the Ministers of The King of The Netherlands, who, I doubt not, will be earnest in transmitting Instructions to His Colonial Authorities, to prevent this virtual infraction of the humane Orders already subsisting against any Traffick whatever in Slaves on the part of Netherlands' Subjects.

I am, &c.

GEORGE CANNING.

His Excellency Sir Charles Bagot, G. C. B.

* See Class A, No. 50, Page 113.

No. 103.—*Sir Charles Bagot to Mr. Secy. Canning.*—(Rec. June 12.)
SIR, *The Hague, June 9, 1826.*

IN my Despatch (Slave-trade) of the 19th of last month, I had the honour to transmit to you the Copy of a Note which I had addressed to Monsieur de Verstolk, upon the subject of the insufficiency of the Dutch Naval Force upon the Coasts of Surinam, to prevent the fraudulent Importation of Slaves.

I herewith enclose the Copy of an Answer to this Note, which I received 2 days ago, and by which it appears, that, since the Month of February last, the Dutch Brig of War *De Valk* has been cruising upon that Station, and that measures have now been taken to insure in future the regular performance of this Service.

I received by the Mail which arrived last Night, your Despatch of the 31st ultimo, enclosing to me the Extract of a Letter from His Majesty's Commissary Judge at Sierra Leone, representing the facility with which Vessels, under a pretext of legal Traffick, but in reality destined for the African Slave-trade, obtain Licences from The Netherlands' Colonial Authorities.

I shall take an immediate opportunity of bringing this matter under the notice of The Netherlands Government.

I have the honour to be, &c.

The Right Hon. George Canning.

CHARLES BAGOT.

(Enclosure.)—*The Baron de Verstolk to Sir Charles Bagot.*

La Haye, le 6 Juin, 1826.

LE Soussigné, Ministre des Affaires Etrangères, a mis sous les yeux du Roi, l'Office qu'il a eu l'honneur de recevoir le 18 Mai dernier, de son Excellence Sir Charles Bagot, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique.

En transmettant la Copie d'une Dépêche des Commissaires de Sa Majesté Britannique à Surinam, son Excellence en avait pris occasion de rappeler la promesse de tenir constamment une Force Navale des Pays Bas en Croisière à la hauteur de Surinam pour la répression du Commerce des Esclaves, et d'observer que, depuis le départ du *Mercure* en Juillet, il n'y avait plus eu de Bâtiment-de-Guerre du Roi dans ces Parages.

Le Soussigné, s'étant appliqué à recueillir sur cet objet les éclaircissements nécessaires, se trouve à même de porter à la connaissance de son Excellence, que des circonstances accidentales et imprévues ont seules causé l'interruption momentanée qui paraît avoir eu lieu, que depuis le commencement du Mois de Février dernier, le Bric *Le Faucon* (De Valk) a établi sa croisière pour 4 Mois sur la Côte de Surinam, et que toutes les mesures ont été prises pour assurer constamment dans la suite la régularité de ce service.

Il aime à se flatter que l'empressement avec lequel les représentations de Monsieur l'Ambassadeur de Sa Majesté Britannique ont été accueillies, repondra à la confiance que son Excellence a bien voulu lui exprimer, qu'il suffirait de mentionner cet objet pour être sur que le Gouvernement des Pays Bas manifesterait de nouveau, son intention constante de surveiller et de réprimer, par tous les moyens en son pouvoir, le commerce odieux des Esclaves.

Le Soussigné a l'honneur, &c.

Son Excellence Sir Charles Bagot. VERSTOLK DE SOELEN.

No. 104.—*Sir Charles Bagot to Mr. Sec^y. Canning.*—(Rec. June 16.)
SIR, *The Hague, June 13, 1826.*

ON the day of the date of my last Despatch (Slave-trade,) I had an opportunity of speaking with M. de Verstolk upon the subject of your Despatch, in which was enclosed to me the Extract of a Letter from His Majesty's Commissary Judge at Sierra Leone, respecting the abuse, as regarded the Slave-trade, of the Licences granted to Vessels by The Netherlands' Colonial Authorities.

At the suggestion of M. de Verstolk, I have since addressed to him a Note, of which I herewith enclose a Copy, transmitting to him a Copy of Mr. Williams's representations to you upon this subject.

I have the honour to be, &c.

The Right Hon. George Canning. CHARLES BAGOT.

(*Enclosure.*)—*Sir Charles Bagot to The Baron de Verstolk.*

The Hague, June 11, 1826.

IN reference to the conversation which he had the honour to hold two days ago with the Baron Verstolk de Soelen, Minister of Foreign Affairs, the Undersigned, His Britannick Majesty's Ambassador Extraordinary and Plenipotentiary, has the honour to transmit to his Excellency herewith, the Extract to which he then alluded, of a Letter which has been recently received by His Majesty's Government from Mr. J. T. Williams, His Majesty's Commissary Judge at Sierra Leone, representing the facility with which Vessels, under the pretext of being engaged in a legal Traffick, but in reality destined for the African Slave-trade, have of late found means of obtaining Licences in some of the Colonies of His Netherlands Majesty.

The Cases of this kind, which are cited in the enclosed Paper, will sufficiently prove to his Excellency M. de Verstolk the extent to which the Flag of His Netherlands Majesty has been lately abused in this respect; and the Undersigned is well assured, that it is only necessary for him to call the attention of his Excellency to the details furnished by Mr. Williams, in order to induce his Excellency to cause such Instructions to be given to the proper Authorities in His Netherlands Majesty's Colonies, as may effectually prevent this virtual infraction of

the humane Orders already subsisting against any Traffick whatever in Slaves, on the part of His Netherlands Majesty's Subjects.

The Undersigned, &c.

H. E. The Baron de Verstolk.

CHARLES BAGOT.

No. 105.—Mr. Secretary Canning to Sir Charles Bagot.

SIR,

Foreign Office, July 21, 1826.

IN reference to my Despatch to your Excellency of the 31st of May, of this Series, I send to you the accompanying Copy of a Despatch, dated the 4th April*, and of its Enclosures, which I have received from His Majesty's Commissary Judge at Sierra Leone, stating facts which confirm the account previously given, of the injurious facility with which Licences are granted by the Dutch Authorities at St. Eustatius, to Vessels whose Owners are thus enabled to carry on their fraudulent undertakings in African Slave-trade.

Your Excellency will be pleased to communicate these Papers to The Netherlands Minister, in corroboration of your former Note to his Excellency upon this subject. I am, &c.

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

GEORGE CANNING.

No. 106.—Sir Charles Bagot to Mr. Secy. Canning.—(Rec. July 27.)

SIR,

The Hague, July 25, 1826.

I HAD yesterday the honour to receive your Despatch (Slave-trade) of the 21st instant, enclosing to me the Copy of a Despatch from His Majesty's Commissary Judge at Sierra Leone, containing further evidence of the facility with which Licences are granted by some of the Dutch Colonial Authorities, to Vessels which are in reality engaged in the African Slave-trade.

I shall take an immediate opportunity of calling the attention of The Netherlands Government to the facts detailed in this Despatch, and in the Papers with which it is accompanied.

I have the honour to be, &c.

The Right Hon. George Canning.

CHARLES BAGOT.

No. 107.—Sir Charles Bagot to Mr. Secy. Canning.—(Rec. July 31.)

SIR,

The Hague, July 28, 1826.

I HAVE the honour to enclose to you the Copy of a Note which I yesterday addressed to The Baron de Verstolk, transmitting to his Excellency Copies of the Letter of His Majesty's Commissary Judge at Sierra Leone, of the 4th of April, upon the subject of the Schooner *Vogel*, Jean Blais, Master, together with Copies of all the other Papers which were contained in your Despatch (Slave-trade) of the 21st instant.

I have the honour to be, &c.

The Right Hon. George Canning.

CHARLES BAGOT.

* See Class A, No. 56, Page 131.

(Enclosure.)—*Sir Charles Bagot to The Baron de Verstolk.*

The Hague, July 27, 1826.

THE Undersigned, His Britannick Majesty's Ambassador Extraordinary and Plenipotentiary, had the honour to transmit, in his Note of the 11th of last Month, to his Excellency The Baron Verstolk de Soelen, Minister of Foreign Affairs, the Extract of a Letter received by His Majesty's Government from His Majesty's Commissary Judge at Sierra Leone, showing the injurious facility with which Licences were granted by some of The Netherlands Colonial Authorities, to Vessels which, under the pretence of Legal Commerce, were, in fact, engaged in the Traffick in Slaves.

In corroboration of the evidence furnished by this Letter, the Undersigned has now the honour to transmit to his Excellency the Copy of a Despatch, with its several Enclosures, which has been since received from Mr. Williams, and which shows, even more clearly than his former Report, the great extent to which the Flag of His Netherlands Majesty is still abused in this respect.

The Undersigned has the honour, &c.

H. E. The Baron de Verstolk.

CHARLES BAGOT.

No. 108.—*Mr. Secretary Canning to Sir Charles Bagot.*

SIR,

Foreign Office, December 5, 1826.

I HAVE to acquaint your Excellency, and to desire that you will apprise The Netherlands Government, that it appears by a Communication, under date of the 25th ultimo, from the Admiralty, that the Instructions referred to in the Treaty between Great Britain and The Netherlands, for the Suppression of Slave-trade, have been issued to the following Ships and Vessels of His Majesty's Navy:—

Names.	Guns.	Commanders.
<i>Druid</i>	46.....	Lieutenant Chambers.
<i>North Star</i>	28.....	Captain Arabin.
<i>Scylla</i>	18.....	Wm. Hobson.
<i>Pylades</i>	18.....	G. V. Jackson.

And that those Instructions have been recalled and cancelled which had been issued to His Majesty's Ships *Hussar*, *Dartmouth*, *Dispatch*, *Ferret*, and *Swinger*.

I am, &c.

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

GEORGE CANNING.

No. 109.—*Sir Charles Bagot to Mr. Sec^y. Canning.*—(Rec. Dec. 18.)

SIR,

Brussels, December 15, 1826.

I HAVE the honour to acknowledge the receipt of your Despatch, marked Slave-trade, of the 5th instant, and I have this morning delivered a Note to Monsieur de Verstolk, acquainting him with the Names and Force of the Ships and Vessels of His Majesty's Navy, to the Commanders of which the Instructions referred to in the Treaty be-

tween the two Countries for the Suppression of the Slave-trade have been given. I have the honour to be, &c.

The Right Hon. George Canning.

CHARLES BAGOT.

No. 110.—*Mr. Secretary Canning to Sir Charles Bagot.*

SIR,

Foreign Office, December 29, 1826.

I HAVE received the several Despatches of your Excellency of this Series, up to the 15th instant.

I send, herewith, to your Excellency, for your information, the Copy of a Despatch, and of its Enclosures, from His Majesty's Commissioners at Surinam, dated the 25th September*, giving an account of the Measures which have recently been adopted in that Island for giving effect to the Decrees of The King of The Netherlands, as to the Registration of Slaves.

Your Excellency will take a proper opportunity of expressing to The Netherlands Minister the desire of The King, our Master, that The King of The Netherlands should be made acquainted with the warm satisfaction which His Majesty has felt in learning these repeated proofs of the cordial co-operation of His Netherlands Majesty, in giving effect to the Compacts between the two Countries for the entire Abolition of the Traffick in Slaves. I am, &c.

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

GEORGE CANNING.

FRANCE.

No. 111.—*Viscount Granville to Mr. Sec^y. Canning.—(Rec. Mar. 13.)*

SIR,

Paris, March 10, 1826.

I HAVE the honour to enclose the Answers that I have received to two Notes which I addressed to His Excellency the Baron de Damas, on the subject of French Vessels, under French Colours, trading in Slaves, and wherein I particularly signalized the Vessels *Clarisse* of Nantes, and the *Deux Clementines*.

His Excellency, in thanking me for the Communication, informs me, that the French Government were already aware of the circumstances relative to the first-named Vessel, and, with regard to the other, that he had lost no time in transmitting my Communication to the Minister of Marine. I have, &c.

The Right Hon. George Canning.

GRANVILLE.

(*Enclosure 1.*)—*The Baron de Damas to Viscount Granville.*

MONSIEUR L'AMBASSADEUR,

Paris, le 6 Mars, 1826.

J'AI reçu avec la Lettre que votre Excellence m'a fait l'honneur de m'écrire le 1^{er} de ce Mois, la Pièce qui l'accompagnait, et qui signale,

See Class A, No. 110, Page 238.

comme ayant été employé à la Traite des Noirs, le Navire *La Clarisse*, de Nantes, Capitaine Camin, et non Gamé. Je ne puis que remercier votre Excellence de cette Communication. Le Gouvernement était déjà instruit des circonstances relatives à ce Batiment. Le Ministre de la Marine s'est empressé de faire prendre à cet égard des informations dont ses Instructions ne peuvent que hâter le résultat.

J'ai, &c.

S. E. Le Vicomte Granville.

LE BARON DE DAMAS.

(Enclosure 2.)—*The Baron de Damas to Viscount Granville.*

MONSIEUR L'AMBASSADEUR,

Paris, le 6 Mars, 1826.

J'AI reçu la Lettre que votre Excellence m'a fait l'honneur de m'écrire le 1^{er} de ce Mois; à laquelle étaient jointes différentes Pièces qui, entr'autres Navires Français prévenus de faire la Traite des Noirs, sur la Côte Orientale d'Afrique, signale particulièrement le Navire *Les Deux Clementines*. Je me suis empressé de transmettre ces renseignements au Ministre de la Marine, avec invitation de leur la suite qu'exigent les circonstances qui y sont retracées, notamment dans la Déposition du Charpentier du Brick, *L'Eleanor*, John Hemston.

J'ai, &c.

S. E. Le Vicomte Granville.

LE BARON DE DAMAS.

No. 112.—*Mr. Secretary Canning to Viscount Granville.*

MY LORD,

Foreign Office, March 14, 1826.

IN reference to my former Communications respecting the Slave-trade carrying on from the Port of Nantz, I now transmit to your Excellency an Extract of a Communication which I have received from the Admiralty, containing accounts of two Vessels, *La Jeune Caroline*, and *L'Eveline*, both belonging to Nantz, which have recently been met with by His Majesty's Cruizers upon the Coast of Africa, laden with Slaves, their Cargoes.

Your Excellency will communicate these facts to the Ministers of His Most Christian Majesty, and urge them to take measures for preventing the success of these disgraceful undertakings.

I am, &c.

H. E. Viscount Granville, G. C. B.

GEORGE CANNING.

(Enclosure.)—*Commodore Bullen to J. W. Croker, Esq.*

(Extract.) *H. M.'s Ship Maidstone, Sierra Leone, Dec. 18, 1825.*

ON the 23d of September, after a chase of 36 hours, I examined *La Jeune Caroline*, of Nantz, with a Cargo of 499 Slaves, bound to Martinique, and, on the 29th, the *Redwing* boarded *L'Evelina*, of the same Place, with 203 Slaves, on her way to Guadaloupe.

J. W. Croker, Esq.

CHARLES BULLEN.

No. 113.—*Viscount Granville to Mr. Secy. Canning.*—(*Rec. Mar. 23.*)
SIR, *Paris, March 20, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch, marked Slave-trade, of the 14th instant, and I lost no time in addressing a Note to His Excellency the Baron de Damas upon the subject of it. The enclosed is a Copy. I have, &c.

The Right Hon. George Canning.

GRANVILLE.

(*Enclosure.*)—*Viscount Granville to The Baron de Damas.*

MONSIEUR LE BARON,

Paris, March 18, 1826.

I HAVE the honour to transmit to your Excellency the Extract of a Communication, which has been received by His Majesty's Government, containing accounts of two Vessels, *La Jeune Caroline* and *L'Éveline*, both belonging to Nantz, which have recently been met with by His Majesty's Cruizers upon the Coast of Africa, laden with Slaves, their Cargoes. I avail myself, &c.

H. E. The Baron de Damas.

GRANVILLE.

No. 114.—*Mr. Secy. Canning to Viscount Granville.*

(*Extract.*)

Foreign Office, March 28, 1826.

BY accounts from Nantz, dated the 21st instant, it appears that the prohibition against the sailing of Vessels from that Port, destined for carrying on the Slave-trade, has been of very short duration.

H. E. Viscount Granville, G. C. B.

GEORGE CANNING.

No. 115.—*Viscount Granville to Mr. Secy. Canning.*—(*Rec. Mar. 30.*)
SIR, *Paris, March 27, 1826.*

THE *Moniteur* of yesterday contains the Report of a Debate in the Chamber of Deputies, which augurs ill for the effectual abolition of the Slave-trade by the French Government.

Two Petitions, most respectably signed, were presented not long since to the Chamber, stating the increased and increasing activity of this Trade from the Ports of France; exposing, in forcible terms, the horrors which resulted from the disgrace which it attached to the French Flag; and representing the inefficiency of the measures at present employed by the Government for its repression.

The Committee, which reported to the Chamber upon the Contents of this Petition, countenanced the object of it, (not, however, without conveying an insinuation against the purity of the motives of those who originally urged the Abolition of the Slave-trade) by proposing that it be referred to the President of the Council of Ministers.

This proposition was strenuously supported by 2 of the Members of the Liberal Party, General Sebastiani, and M. Benjamin Constant, but M. Dudon, (a Ministerialist) after a speech, in which he inveighed against the hypocrisy of the English, and maintained that the Slave-

trade was carried on chiefly by British Vessels, moved the order of the day, and this Motion was adopted by the Chamber.

I observed with regret that the French Minister, at the same time that he declared the sincere intention of his Government to abolish the Trade, and cited various Acts of the French Administration to prove that sincerity, expressed an opinion decidedly hostile to the enactment of any new Legislative Measure, imposing severer penalties on the crime of Slave-trading.

I have, &c.

The Right Hon. George Canning.

GRANVILLE.

No. 116.—*Viscount Granville to Mr. Sec^y. Canning.*—(Rec. May 15.)

SIR,

Paris, May 12, 1826.

I HAVE the honour to acknowledge the receipt of your Despatch, marked Slave-trade, of the 6th instant, enclosing a Copy 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 have, &c.

The Right Hon. George Canning.

GRANVILLE.

No. 117.—*Mr. Secretary Canning to Viscount Granville.*

MY LORD,

Foreign Office, May 16, 1826.

I SEND to your Excellency the Copy of a Communication received by the Admiralty from the Commodore of His Majesty's Squadron on the Western Coast of Africa, representing the prevalence of a practice, on the part of the illegal Slave-traders on that Coast, of providing themselves with a double Set of Papers, one of which is stated to be uniformly French, for the sake of defending themselves against the Cruizers of other Powers.

Commodore Bullen brings forward the particulars of 4 Cases of this nature, which have recently come to his knowledge; and adds, that he can assert with confidence that 2 out of 3, of French Vessels boarded by his Squadron, within the last 6 months, have used this method for avoiding the punishment due to their illegal undertakings.

The French Government will see that misunderstandings must arise between the Subjects of the 2 Nations, when, although under every feeling of respect to the French Flag, His Majesty's Officers meet with Vessels, furnished, under suspicious circumstances, with double Sets of Papers, one of which must necessarily be simulated; and on this account, as well as on the score of humanity and of respect to the Flag of France, His Majesty trusts, that His Most Christian Majesty will not be slow in taking what measures may be practicable, for preventing so flagrant an abuse of the French Flag and National Character.

I am, &c.

H. E. Viscount Granville, G.C.B.

GEORGE CANNING.

(*Enclosure.*)—*Commodore Bullen to J. W. Croker, Esq.*

(Extract.) *H. M. S. Maidstone, Sierra Leone, Jan. 28, 1826.*

THE *Conflict* has also sent in the Dutch Brig *Charles*, with 266 Slaves, captured by her boats in the Old Calabar River, on the 19th ultimo. The circumstances under which this Vessel was detained must evidently tend more to convince their Lordships of the barefaced and open manner in which the Slave-trade is carried on under the Flag of the French Nation, which, it would appear, allows it thus to be insultingly made use of. On Mr. Deschamps, Admiralty-Mate of the *Conflict*, boarding her, she shewed French Colours and Papers, designating her the *Eugène*, of Nantz, and manned with Frenchmen and Americans. After leaving her he proceeded to examine 4 other French Vessels which were lying above her, and having received slight information of her being provided with 2 Sets of Papers, returned again on board, she still shewing French Colours and Papers; but, upon searching the Master's writing-desk, the Dutch Papers were found concealed, wherein she is called the *Charles*, of St. Eustatius.

This must really point out to their Lordships the dupes that His Britannick Majesty's Ships are made of on this Coast, by these inhuman wretches, who escape detection merely by shewing a White Flag, and at the same time the painful restriction and trying circumstances under which a British Officer has to perform his duty, to prevent a misunderstanding arising between the two Governments, by which he might be called to an account; and it is with the utmost confidence I assert, that 2 out of 3, of French Vessels boarded by His Majesty's Squadron under my orders, within the last 6 months, have been invariably supplied with 2 Sets of Papers. As a proof, I have been since credibly informed, that *La Félicité*, boarded, with 200 Slaves, by the *Atholl*, and *l'Eclair* and *Modeste*, by the *Brazen*, the former with 169, and the latter with 269 Slaves, belonging to the same Houses as the *Z* and *Venus*, (both found with double Sets after capture, by myself and Captain Murray) were provided with them in the same manner.

J. W. Croker, Esq.

CHARLES BULLEN.

No. 118.—*Viscount Granville to Mr. Sec^y. Canning.*—(*Rec. May 29.*)

SIR,

Paris, May 26, 1826.

I HAVE to acknowledge the receipt of your Despatch, marked Slave-trade, of the 16th instant, and I have, in consequence, addressed a Note, of which the enclosed is a Copy, to the French Government, representing the nefarious proceedings of the Slave-dealers on the Coast of Africa, who, being provided with 2 Sets of Papers, one of which is stated to be uniformly French, thereby defend themselves

against the Cruizers of other Powers, and thus avoid the punishment due to their illegal undertakings. I have, &c.

The Right Hon. George Canning.

GRANVILLE.

(Enclosure.)—Viscount Granville to The Baron de Damas.

MONSIEUR LE BARON,

Paris, May 24, 1826.

I SEND to your Excellency the Copy of a Communication received by the Admiralty, from the Commodore of His Britannick Majesty's Squadron on the Western Coast of Africa, representing the prevalence of a practice, on the part of the Slave-traders on that Coast, of providing themselves with a double Set of Papers, one of which is stated to be uniformly French, for the sake of defending themselves against the Cruizers of other Powers.

Commodore Bullen brings forward the particulars of 4 Cases of this nature, which have recently come to his knowledge, and adds, that he can assert with confidence, that 2 out of 3 French Vessels, boarded by his Squadron, within the last 6 months, have used this method of avoiding the punishment due to their illegal undertakings.

The French Government will see that there is great danger of misunderstandings arising between the Subjects of the two Nations, when His Majesty's Officers meet with Vessels, furnished, under suspicious circumstances, with double Sets of Papers, one of which must, necessarily, be simulated; and on this account, as well as on the score of humanity, and of respect to the Flag of France, His Majesty trusts, that His Most Christian Majesty will immediately take measures for preventing so flagrant an abuse of the French Flag, and National character.

I avail myself, &c.

H. E. The Baron de Damas.

GRANVILLE.

No. 119.—Mr. Secretary Canning to Viscount Granville.

MY LORD,

Foreign Office, June 22, 1826.

I SEND to your Excellency, for communication to the Government of His Most Christian Majesty, the accompanying Copy of a Despatch, which I have received from His Majesty's Consul at Bahia, dated the 17th February*, enclosing Copies of Letters which had passed between the French Consul at that Place and himself, on the subject of the chartering French Vessels for the Coast of Africa, which Vessels are proceeding thither under circumstances which evidently designate their undertaking as a Voyage for the purposes of illegal Slave-trade.

His Majesty's Government hope that the French Government will enquire into this matter; and give such Orders as are compatible with

* See No. 61, Page 361.

the present state of the French Laws for the prevention of these nefarious undertakings.

I am, &c.

H. E. Viscount Granville, G.C.B.

GEORGE CANNING.

No. 120.—*Viscount Granville to Mr. Secy. Canning.*—(Rec. July 3.)
SIR, Paris, June 30, 1826.

I HAVE the honour to acknowledge the receipt of your Despatch, marked Slave-trade, of the 22d instant; and, in obedience to your directions, I lost no time in addressing a Note upon the subject of it to His Excellency the Baron de Damas, of which the enclosed is a Copy.

I have, &c.

The Right Hon. George Canning.

GRANVILLE.

(Enclosure.)—*Viscount Granville to The Baron de Damas.*

MONSIEUR LE BARON,

Paris, June 26, 1826.

I HAVE the honour to transmit to your Excellency the accompanying Copy of a Despatch I have received from my Government, covering one from His Majesty's Consul at Bahia, which details a communication between the Consul of His Most Christian Majesty at that Place, and himself, on the subject of French Vessels chartered for the Coast of Africa, which Vessels were proceeding thither, under circumstances which evidently designated their undertaking as a Voyage for the purposes of illegal Slave-trade; and I have to express the hope of His Majesty's Government, that the French Government will enquire into this matter, and give such Orders as are compatible with the present state of the French Laws, for the prevention of such nefarious undertakings.

I avail, &c.

H. E. The Baron de Damas.

GRANVILLE.

No. 121.—*Viscount Granville to Mr. Secy. Canning.*—(Rec. Dec. 13.)
SIR, Paris, Dec. 11, 1826.

I HAVE the satisfaction to acquaint you, that it is the intention of the Government of His Most Christian Majesty to propose a new Law this Session, for the more effectual prevention of Slave-trading by the Subjects of France.

I understand that, by this Law, the pain of banishment from France will be inflicted on all Persons convicted of being in any way concerned in the Traffick of Slaves.

I have, &c.

The Right Hon. George Canning.

GRANVILLE.

No. 122.—*Mr. Secy. Canning to Viscount Granville.*

MY LORD,

Foreign Office, Dec. 29, 1826.

I HAVE received your Excellency's Despatches of this Series, up to the 11th instant.

His Majesty's Government receive, with much satisfaction, the information contained in your last Despatch, that a Law will this Session

be proposed in France, for the more effectual prevention of Slave-trading by the Subjects of that Power. I am, &c.

H. E. Viscount Granville, G.C.B.

GEORGE CANNING.

SWEDEN.

No. 123.—*Lord Bloomfield to Mr. Secy. Canning.*—(Rec. June 7.)
SIR, *Stockholm, May 26, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch, marked Slave-trade, enclosing Copies of the Papers, A and B, relative to the Slave-trade, which have been presented to both Houses of Parliament. I have, &c.

The Right Hon. George Canning.

BLOOMFIELD.

CONVENTION between Great Britain and Portugal, for providing for the maintenance of a Corps of British Troops, sent to Portugal.—Signed at Brighthelmstone, January 19, 1827.

In the Name of the Most Holy and Undivided Trinity.

Em Nome da Sanctissima e Indivisivel Trindade.

HER Royal Highness the Infanta Regent of Portugal having, in consequence of aggressions committed against the Portuguese Territory, claimed the fulfilment, by His Majesty the King of the United Kingdom of Great Britain and Ireland, of the antient Treaties of Alliance and Friendship which subsist between the Two Crowns; and His Britannick Majesty having thereupon resolved to send, and having actually sent, a body of Troops to Portugal, the Two High Contracting Parties think it necessary to agree upon certain Arrangements for the maintenance of the said Troops during their stay in Portugal, and have named as their Plenipotentiaries for that purpose, viz:—

HAVENDO Sua Alteza Real a Infanta Regente de Portugal, em consequencia das aggressões commettidas contra o Territorio Portuguez, requerido a Sua Magestade El Rey do Reyno Unido da Gram Bretanha e Irlanda, o cumprimento dos antigos Tractados de Alliança e de Amizade que subsistem entre as duas Corôas; e havendo Sua Magestade Britanica por isso resolvido mandar, como com effeito já mandou, um Corpo de Tropas para Portugal, julgam as Duas Altas Partes Contractantes necessario convir em certos arranjos para a manutenção das dictas Tropas durante a sua estada em Portugal, e nomearam para esse fim, a saber:—

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 Her Royal Highness the Infanta Regent of Portugal, the Most Illustrious and Most Excellent Lord, Don Pedro de Souza e Holstein, Marquis of Palmella, a Peer of the Kingdom of Portugal, Grand Cross of the Order of Christ, Knight of the Order of the Golden Fleece, Grand Cross of several other Orders, and Her Royal Highness's Ambassador Extraordinary and Plenipotentiary to 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:—

ART. I. Her Royal Highness the Infanta Regent of Portugal, anxious that the body of Troops which has been so promptly sent to Her Royal Highness's aid by His Britannick Majesty, should be treated with the hospitality becoming the Relations of the two Allied Nations, engages to provide the necessary Barracks and Quarters, and Buildings for Hospitals, and for Stores and Magazines, and the necessary Rations of Provisions and Forage for the Officers, Non-Commissioned Officers and Soldiers, and for the Horses and Cattle of the British Auxi-

Sua Magestade El Rey do Reyno Unido da Gram Bretanha e Irlanda, ao Muito Honrado George Canning, Membro do Seu Conselho Privado, Membro do Parlamento, e Principal Secretario de Estado de Sua dicta Magestade na Repartição dos Negocios Estrangeiros:—E Sua Alteza Real a Infanta Regente de Portugal, ao Illustrissimo e Excellentissimo Senhor Dom Pedro de Souza e Holstein, Marquez de Palmella, Par do Reyno de Portugal, Gram Cruz da Ordem de Christo, Cavalleiro da Ordem do Tosaõ d'Ouro, Gram Cruz de varias outras Ordens, e Embaixador Extraordinario e Plenipotenciario de Sua Alteza Real junto a Sua Magestade Britannica:—Os quaes, depois de terem communicado um ao outro os seus respectivos Plenos Poderes, que se acharam em bõa e devida forma, ajustaram e concluíram os Artigos seguintes:—

ART. I. Tendo Sua Alteza Real a Infanta Regente de Portugal o maior desejo de que o Corpo de Tropas que lhe foi tam promptamente enviado por Sua Magestade Britannica, seja tratado com aquella hospitalidade que he propria das Relações que existem entre as duas Nações Aliadas, toma a sua conta o mandar-lhe fornecer os Abarracamentos e Quarteis que forem necessarios, edificios para Hospitaes e Armazens, assim como as Rações de mantimentos e de forragens que forem precisas para os Officiaes, Officiaes inferiores, e Soldados, e

liary Army, according to the Regulations of the British Service.

II. The Provisions and Forage above specified are to be delivered to the British Commissariat, at a distance not greater than 6 Portuguese leagues from the Head Quarters of each British Detachment to which they are supplied, unless in cases where a different arrangement shall be made, with the consent of the British Commissariat.

III. In order to obviate the difficulties, which an immediate disbursement of Funds, for the purchase of the aforesaid Provisions and Forage, might occasion, under the present circumstances, to the Government of Portugal, it is agreed that the British Commissary General shall, for the present, provide those Supplies for the British Army, charging the cost thereof to the account of the Portuguese Government.

As, however, cases may arise, in which it may be more convenient to receive such Supplies from Portuguese Magazines, for the purpose of avoiding competition in the Markets, the British Commissary General shall, in the execution of this Agreement, concert his proceedings from time to time with a Person appointed for that end by the Government of Portugal.

IV. The Accounts of the British Commissariat being approved and signed by the Commander of the Auxiliary Army, shall be de-

para os cavallos e gado do Exercito Auxiliar Inglez, conforme os regulamentos do Serviço Britannico.

II. Os mantimentos e forragens assim especificados serão entregues ao Commissariado Britannico, a distancia quando muito de 6 Leguas Portuguezas do Quartel General d'aquelle Destacamento Inglez para que forem destinados, salvo nos casos em que outro arranjo for feito, com consentimento do Commissariado Britannico.

III. Afim de occorrer as difficuldades que, nas circumstancias presentes, poderia occasionar ao Governo de Portugal o immediato desembolso dos fundos para a compra dos sobredictos mantimentos e forragens, fica ajustado que o Commissario Geral Inglez fornecera por agora aquelles provimentos ao Exercito Inglez, lançando em conta ao Governo Portuguez o custo d'elles.

Como porem, possam dar-se casos em que convenha mais receber taes provimentos dos Armazens Portuguezes, afim de evitar a competencia nos Mercados, o Commissario Geral Inglez, em execução d'este arranjo, concertará de tempos a tempos as suas operações com a pessoa que o Governo Portuguez nomear para esse fim.

IV. As Contas do Commissariado Britannico, depois de approvadas e assignadas pelo Commandante do Exercito Auxiliar,

livered every 3 months to the Portuguese Government, which, having verified the same, shall either pay the amount thereof forthwith to the British Commissary General, or carry it over to the credit of the British Government, as shall be judged most convenient by the Two Governments.

V. The cost of Provisions and Forage for the British Troops shall be placed to the account of the Portuguese Government, from the day of the landing of the said Troops in Portugal, and shall cease to be placed to that account from the day of their departure, or of their passing the Frontiers of Portugal.

VI. Her Royal Highness The Infanta Regent of Portugal having consented that on this, as on former occasions, the Forts of St. Julien and Bugio shall be occupied by the British Troops, it is agreed that the said Occupation shall continue so long as the Auxiliary Army shall remain in Portugal. Those Forts shall be, from time to time, duly provisioned by the Portuguese Government, or by the British Commissariat on account of the Portuguese Government, in the same manner as is provided in the foregoing Articles, with respect to the Auxiliary Army.

Arrangements shall be made between the Government of Portugal and the Commander of the British Army, for the carrying on of the Service of the Pratique, of the Police of the Harbour, and of the Customs, by the proper Officers of the Portuguese Govern-

serão entregues todos os tres mezes ao Governo Portuguez, o qual, depois de as haver verificado, pagará logo o importe d'ellas ao Commissario Geral Britannico, ou lançá-lo-ha em conta ao credito do Governo Inglez, segundo for julgado mais conveniente pelos dois Governos.

V. O custo dos mantimentos e das forragens para as Tropas Inglezas, correrá por conta do Governo Portuguez desde o dia do desembarque das dictas Tropas em Portugal, e cessará de correr por conta d'elle desde o dia da sua partida, ou desde aquelle em que sahirem para fóra das Fronteiras de Portugal.

VI. Tendo Sua Alteza Real a Infanta Regente de Portugal consentido em que nesta, como em outras occasiões precedentes, os Fortes de S. Juliaão e do Bugio, sejam occupados pelas Tropas Britannicas, fica ajustado que a dicta occupação continuará por todo o tempo que o Exercito Inglez permanecer em Portugal. Os dictos Fortes serão de tempos a tempos abastecidos de providimentos pelo Governo Portuguez, ou pelo Commissariado Inglez por conta do Governo Portuguez, do mesmo modo que fica determinado nos precedentes Artigos, a respeito do Exercito Auxiliar.

O Governo Portuguez e o Commandante do Exercito Britannico convirão do modo por que ha de continuar a ser feito o serviço da Saude, da Policia do Porto, e das Alfandegas, pelos proprios Officiaes ordinariamente empregados pelo Governo Portuguez naquelles

ment usually employed for those purposes. A List of these Officers shall be given to the British Commanding Officer, and they shall be strictly under his command in all that may relate to Military Service, and to the defence of the Forts.

VII. His Britannick Majesty requiring on the part of His Ally only that which is indispensably necessary for ensuring the proper maintenance of His Troops, and for the good of the common Service, declares that he will not bring forward any pecuniary Claims whatever against the Portuguese Government, on account of the assistance furnished by His Majesty on this occasion to Portugal, beyond what is specified in the preceding Articles.

VIII. The Stipulations of this Convention shall remain in full force, until the Two High Contracting Parties shall mutually agree to make any change therein.

IX. The present Convention shall be ratified, and the Ratifications shall be exchanged in London, in the space of 6 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 Brighthelmstone, the 19th day of January, in the year of our Lord 1827.

(L.S.) GEORGE CANNING.

serviços. Ao Commandante Inglez será entregue uma lista d'esses empregados, e deverão ficar estritamente debaixo do seu Commando, em tudo o que respeita ao Serviço Militar, e à defesa dos Fortes.

VII. Requerendo Sua Magestade Britannica da Sua Alliada somente aquillo que hé indispensavelmente necessario para assegurar a devida manutenção das suas Tropas, e para o bem do Serviço commum, declara que não apresentará reclamação alguma pecuniaria contra o Governo Portuguez, por conta do auxilio prestado por Sua Magestade na presente occasiõ a Portugal, além do que se acha especificado nos Artigos precedentes.

VIII. As estipulações d'esta Convenção permanecerão em toda a força, em quanto as Duas Altas Partes Contractantes mutuamente não convierem em fazer-lhes alteração.

IX. A presente Convenção será ratificada, e as Ratificações serão trocadas em Londres dentro do espaço de seis semanas á contar da data da mesma, ou antes se poder ser.

Em testemunho do que os respectivos Plenipotenciarios assignaram, e lhe apposeram os scellos das suas Armas.

Feita em Brighthelmstone, aos 19 dias de Janeiro, do Anno de Nosso Senhor Jesus Christo 1827.

(L.S.) MARQUEZ DE PALMELLA.

ADDITIONAL ARTICLE to the Convention concluded at Brighthelmstone, January 19, 1827, between Great Britain and Portugal.—Signed at London, March 13, 1827.

ADDITIONAL ARTICLE.

It is understood and agreed that the last paragraph of Article VI. of the Convention between His Britannick Majesty and Her Royal Highness the Infanta Regent of Portugal signed at Brighthelmstone on the 19th of January, 1827, beginning in English with the words "Arrangements shall be made,"—and in the Portuguese with the word "O Governo Portuquez,"—is applicable only to those Officers of the Portuguese Government, who may reside in the Fortresses of St. Julien or Bugio; the British Commander having otherwise no interference whatever with the Custom-House or Police of the Harbour of Lisbon.

The present Additional Article shall have the same force and validity as if it were inserted word for word in the Convention aforesaid. It shall be ratified, and the Ratifications shall be exchanged as soon as possible.

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

Done at London, the 13th day of March, in the Year of our Lord 1827.

(L.S.) **GEORGE CANNING.**

ARTIGO ADDICIONAL.

FICA entendido e ajustado que o ultimo paragrapho do Artigo VI. da Convenção entre Sua Alteza Real a Infanta Regente de Portugal e Sua Magestade Britannica, assignada em Brighthelmstone, aos 19 de Janeiro de 1827, começando no Portuquez com as palavras "O Governo Portuquez"—e no Inglez com as palavras "Arrangements shall be made,"—só se applica aquelles empregados do Governo Portuquez que residirem nos Fortes de S. Juliaõ e do Bugio; não tendo aliás o Commandante Britanico ingerencia alguma no Serviço da Alfandega ou da Policia do Porto de Lisbõa.

O presente Artigo Adicional terá a mesma força e valor como se fosse inserido palavra por palavra, na sobredicta Convenção. Será ratificado, e as Ratificações serão trocadas o mais cedo que poder ser.

Em testemunho do que os respectivos Plenipotenciarios o assignaram, e lhe apposeram os Scellos das suas armas.

Feito em Londres, aos 13 dias do mes de Março, do Anno do Nascimento de Nosso Senhor Jesus Christo 1827.

(L.S.) **MARQUEZ DE PALMELLA.**

CONVENTION between Great Britain and The United States of America, for the Final Settlement of certain Claims of The United States, arising out of the Convention concluded at St. Petersburg, July 12, 1822.—Signed at London, November 13, 1826.

DIFFICULTIES having arisen in the execution of the Convention concluded at St. Petersburg on the 12th day of July, 1822, under the mediation of His Majesty the Emperor of all the Russias, between Great Britain and the United States of America, for the purpose of carrying into effect the Decision of His Imperial Majesty upon the differences which had arisen between Great Britain and the said United States, on the true construction and meaning of the 1st Article of the Treaty of Peace and Amity, concluded at Ghent on the 24th day of December, 1814;—His Britannick Majesty and the said United States, being equally desirous to obviate such difficulties, have respectively named Plenipotentiaries to treat and agree respecting the same, that is to say :—

His Majesty the King of the United Kingdom of Great Britain and Ireland has appointed 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 Henry Unwin Addington, Esquire, late His Majesty's Chargé d'Affaires to the United States of America;—And the President of The United States, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to 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 :—

Art. I. His Majesty the King of the United Kingdom of Great Britain and Ireland agrees to pay, and the United States of America agree to receive, for the use of the Persons entitled to indemnification and compensation, by virtue of the said Decision and Convention, the sum of 1,204,960 dollars, current money of The United States, in lieu of, and in full and complete satisfaction for, all sums claimed or claimable from Great Britain, by any Person or Persons whatsoever, under the said Decision and Convention.

II. The object of the said Convention being thus fulfilled, that Convention is hereby declared to be cancelled and annulled, save and except the 2d Article of the same, which has already been carried into execution by the Commissioners appointed under the said Convention, and save and except so much of the 3d Article of the same, as relates to the definitive List of Claims, and has already likewise been carried into execution by the said Commissioners.

III. The said 1,204,960 dollars shall be paid at Washington to such Person or Persons as shall be duly authorised, on the part of The United States, to receive the same, in two equal payments as follows:—

The payment of the first half to be made 20 days after official notification shall have been made, by the Government of The United States, to His Britannick Majesty's Minister in the said United States, of the ratification of the present Convention by the President of The United States, by and with the advice and consent of the Senate thereof.

And the payment of the 2d half to be made on the 1st day of August, 1827.

IV. The above sums being taken as a full and final liquidation of all Claims whatsoever arising under the said Decision and Convention, both the final adjustment of those Claims, and the distribution of the sums so paid by Great Britain to The United States, shall be made in such manner as The United States alone shall determine: and the Government of Great Britain shall have no further concern or liability therein.

V. It is agreed that, from the date of the exchange of the ratifications of the present Convention, the joint Commission appointed under the said Convention of St. Petersburg, of the 12th of July, 1822, shall be dissolved, and upon the dissolution thereof, all the Documents and Papers, in possession of the said Commission, relating to Claims under that Convention, shall be delivered over to such Person or Persons as shall be duly authorised, on the part of The United States, to receive the same. And the British Commissioner shall make over to such Person or Persons, so authorised, all the Documents and Papers, (or authenticated Copies of the same, where the originals cannot conveniently be made over,) relating to Claims under the said Convention, which he may have received from his Government for the use of the said Commission, conformably to the stipulations contained in the 3d Article of the said Convention.

VI. The present Convention shall be ratified, and the ratifications shall be exchanged in London in 6 months from this date, or sooner if possible.

In witness whereof the Plenipotentiaries aforesaid, by virtue of their respective Full Powers, have signed the same, and have affixed thereunto the Seals of their Arms.

Done at London, this 13th day of November, in the year of our Lord 1826.

(L.S.) W. HUSKISSON.

(L.S.) ALBERT GALLATIN.

(L.S.) H. U. ADDINGTON.



*CORRESPONDENCE relative to Commercial Intercourse
between The United States of America, and the British
West India Colonies.—August 1826 to January 1827.**

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No. 1.—*Albert Gallatin, Esq. to Mr. Secretary Canning.*

62, Upper Seymour Street, 26th August, 1826.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of The United States of America, had not seen the Order in Council of the 27th July last, on the day (the 17th instant) when he had the honour of an interview with Mr. Canning, His Majesty's Principal Secretary of State for Foreign Affairs.

Had he then been aware of the precise import of the Order in question, and of the provisions of the several Acts of Parliament to which it refers, the undersigned would have thought it his duty to make the observations, to which he now begs leave to call Mr. Canning's attention.

It appears that His Majesty's Government was vested with two distinct Authorities, applicable to the intercourse between His Majesty's Colonies and The United States.

By the 4th Section of the Act of Parliament, of the 5th July 1825, it was enacted, that the privileges granted by the law of navigation, to Foreign Ships, to trade with the British Possessions Abroad, should be limited, with respect to Countries not having Colonial Possessions, to the Vessels of such as should place the Commerce and Navigation of Great Britain, and of her possessions abroad, upon the footing of the most favoured Nation, unless His Majesty, by His Order in Council, should, in any case, deem it expedient to grant the whole, or any of such

* Presented to Parliament, February, 1827.

Privileges, to the Ships of any Foreign Country, although the said conditions should not in all respects be fulfilled by such Country.

And by two other Acts of Parliament, passed in the 4th and 5th Years of the Reign of His present Majesty, authority was given to levy additional or countervailing Tonnage duties on Vessels, and additional or countervailing duties of Customs on Goods imported or exported in Vessels belonging to any Foreign Country, in which higher Duties were levied on British Vessels, or on Goods imported or exported in British Vessels, than on Vessels of such Country, or on similar Goods when imported or exported in Vessels of such Country.

Both Authorities have been resorted to in the Order in Council of the 27th of July last.

On the ground that the conditions referred to in the Act of Parliament of the 5th of July 1825, having not in all respects been fulfilled by the Government of The United States, the privileges so granted to Foreign Ships cannot lawfully be enjoyed by Ships of the said States, unless specially granted by His Majesty in Council, the said privileges are again thus granted by the Order in Council, but with the express proviso that the said privileges, or, in other words, the intercourse in American Vessels between The United States and the British Colonies, shall absolutely cease on the 1st of December next, so far as respects South America, the West Indies, the Bahama Islands, Bermuda, and Newfoundland; and on some other subsequent days, so far as respects the British Possessions on the Western Coast of Africa, the Cape of Good Hope, Mauritius, Ceylon, New Holland, and Van Diemen's Land.

And, inasmuch as British Vessels, entering the Ports of The United States from the British Colonies, are charged with an additional duty of 94 cents per ton, and with an addition of 10 per cent. on the import-duty payable on the same goods when imported in American Vessels, a countervailing duty, deemed equivalent in amount, is, by the Order in Council, laid, during the time that the intercourse is permitted to continue, on American Vessels, and on goods imported in American Vessels, entering the Ports of His Majesty's possessions in North and South America, and in the West Indies.

There is not, if the undersigned is rightly informed, a single act of the Government of The United States, which can, in the view taken of the subject by that of His Majesty, be considered as not fulfilling the condition contemplated by the Act of Parliament of the 5th July 1825, as not placing the Commerce and Navigation of Great Britain, and of her possessions abroad, upon the footing of the most favoured Nation, excepting only the continuance of the discriminating tonnage-duty of 94 cents per ton on British Vessels, and of the addition of 10 per cent. on the ordinary duty charged on goods imported in British Vessels entering the Ports of The United States from the British Colo-

nies. Both the measures embraced by the Order in Council, the countervailing duties, and the discontinuance of the intercourse, are founded on one and the same fact—the continuance of The United States' discriminating duties. And the countervailing duty, deemed equivalent thereto, which has, by the Order in Council, been laid on American Vessels and goods imported in American Vessels entering the Ports of the British Colonies, was alone sufficient to place the British and American Vessels, employed in the intercourse between those Colonies and The United States, on the footing of the most perfect equality.

It does not belong to the undersigned to question the policy of the measures which Great Britain may think proper to adopt respecting the Trade with her Colonies. He only infers, from the Acts of Parliament passed on that subject during the last 4 years, that the intercourse between The United States and the British Colonies in the West Indies, South America, and other Places, to the extent authorised by those Acts, is considered by His Majesty's Government as beneficial to those Colonies, and to the British Empire at large.

With this conviction, the only inequality supposed to exist having been removed by the countervailing duty, the undersigned has been unable to discover the motive for interdicting altogether, after a short time, so far as respects the British possessions in the West Indies, South America, and several other Places, an intercourse beneficial to both Parties, and which might, in conformity with the Act of Parliament, have, if deemed expedient, been indefinitely continued with those Colonies, in the same manner as has been done, as respects the British possessions in North America.

Wholly unable, therefore, to assign a cause for the contemplated suspension of the intercourse in question, the undersigned apprehends that, for the very reason that the object in view cannot be understood, it may be misconstrued.

Having no instructions on a contingency which was not foreseen, he can at this time only express his regret, that a measure, which cannot be viewed favourably by his Government, should have been adopted, at the moment when he came authorised to renew the negotiations on that subject, and with a well-founded hope, from the liberal tenour of his instructions, that an arrangement, founded on principles of mutual convenience to both Parties, might be concluded.

It is well known that the delay in that respect was due to causes not under the controul of The United States: principally to the state of health of Mr. King, which has ultimately deprived them of his services.

The reasons of the marked preference given by the Government of The United States to an agreement by Treaty, instead of regulations adopted by both Countries, are sufficiently obvious. It is highly important for all the Parties concerned, and essential for the security of commercial or agricultural operations, that the intercourse should be

placed upon a more permanent and explicit footing that it can be by reciprocal Laws, liable to be modified or revoked at any time, at the will of either Party, and not always easily understood by those on whom they operate. And the obstacles which have prevented The United States from accepting the intercourse contemplated by the Acts of Parliament, which could only be done *in toto*, and by complying with terms on which they had not been consulted, may, it is believed, be easily removed by modifications essential to them, and which will not, it is thought, be found inconsistent with the interest of Great Britain.

The undersigned has taken a view only of the general tenour of the Order in Council, and does not think it necessary to advert to some of its details. He believes the omission of a special mention of the Trade with the British possessions in the East Indies, in that clause which makes a special exception, as respects that with the British possessions in Europe, to be purely accidental. And he takes it for granted, that it is not intended to extend the countervailing duties to the intercourse by land or inland navigation, between The United States and the British possessions in North America, if it shall be found, as the undersigned believes it to be the fact, that the discriminating duties of The United States do not apply to that intercourse.

The undersigned avails himself, &c.

The Right Hon. George Canning.

ALBERT GALLATIN.

No. 2.—*Mr. Secretary Canning to Albert Gallatin, Esq.*

Foreign Office, 11th September, 1826.

The undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, has the honour to acknowledge the Official Note of the 26th ultimo, addressed to him by Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of The United States of America, on the subject of the Order in Council issued by His Majesty on the 27th of July.

The undersigned feels himself greatly indebted to Mr. Gallatin for the full and frank exposition, which that Note contains, of his own opinions, and of those of his Government, upon the whole matter to which the Order in Council relates; and for the opportunity thereby afforded to the undersigned for entering into an explanation, equally unreserved, of the opinions and intentions of His Majesty's Government on that matter.

It will be highly advantageous to dispose at once of a subject which stands apart from all the other important subjects which Mr. Gallatin is authorised to discuss with the British Government—a subject which is to be argued on principles, and to be decided on considerations peculiar to itself.

Mr. Gallatin will allow the undersigned to take the liberty of re-

marking, that this peculiarity of character seems to have been overlooked by Mr. Gallatin in his note of the 26th of August. Throughout that Note there appears to be one pervading error. Mr. Gallatin treats the question as if it turned altogether on this single point—"what are the equal and reciprocal conditions, under which a trade between The United States and the British West India Colonies should be carried on?" assuming, as a sort of axiom, that such Trade is as open to The United States as any other Trade in the World; and never enquiring whether some compensation might not be due from The United States to Great Britain, for the concession of a privilege which it is her undoubted right to give or to withhold.

The undersigned is prepared to shew, that, even if the liberty to trade with the British West India Colonies were gratuitously conceded by England to The United States, still the footing on which the Trade, so permitted, is now carried on by The United States, is unequal and unfair.

But as the objection which the British Government feels to the proposition for such partial equalization of conditions, as Mr. Gallatin's Instructions appear to be intended to establish, lies deeper than Mr. Gallatin's proposition goes, the undersigned thinks it right to explain, in the first instance, the nature and grounds of that fundamental objection.

It is, as the undersigned has already said, the unquestionable right, and it has, till within these few years, been the invariable practice, of Countries having Colonies, to reserve to themselves the trade with those Colonies, and to relax that reservation only under special circumstances, and on particular occasions. When a relaxation of that nature has been dictated and limited by the necessities of the Mother Country, or of the Colonies, the Foreign Countries taking advantage of it, may fairly aver, that they owed nothing to the State which had granted such relaxation. They may even have felt themselves at liberty to decline to accept of a partial admission into the Ports of the Colonies, thus evidently opened from considerations of local or temporary convenience, unless they were allowed a general liberty of trade with those Colonies, independently of such considerations.

The interdiction by the American Government, in 1820, of any Commerce with the British West India Colonies, until American Shipping should be permitted a free entry into the British Colonial Ports, is to be justified upon this ground.

The obvious way of meeting that interdiction by Great Britain, would have been to open to other Commercial and Maritime Powers the trade refused by The United States.

Circumstances, not necessary to be detailed here, rendered that expedient, at that time, unadvisable.

In 1822, the privilege of trading with the British West Indies was conceded to the Shipping of The United States, with certain restric-

tions and limitations, under which they were content to enjoy it; but that privilege Great Britain still withheld from all the Powers of Europe.

The concession to The United States was, in effect, if not in words, exclusive; for the new Countries of America (not then recognized by His Majesty), had no commerce or navigation which could interfere with those of The United States.

It cannot, however, be supposed, it is not affirmed by Mr. Gallatin, that, by granting this privilege, thus, in effect exclusively, to The United States, in the first instance, Great Britain precluded herself from extending it to other Nations, whenever the course of events should create a favourable occasion for doing so. Events which intervened between 1822 and 1825 created such an occasion.

As little can it be supposed that, because Great Britain submitted, at a moment of necessity, to terms which, though not unjust, were inconvenient to her, she bound herself to continue to submit to them when that necessity should have passed away.

Scarcity may justify the demand of a high price, and monopoly may give the power of exacting it; but there is surely no understood compact between the buyer and the seller, that the former shall not endeavour to make himself independent of the latter by opening the market to general competition.

These obvious and simple considerations led to the Act of Parliament of 1825.

Our right either to open the Ports of our Colonies, or to keep them closed, as might suit our own convenience,—our right to grant the indulgence of a trade with those Colonies to Foreign Powers, wholly or partially, unconditionally or conditionally, as we might think proper, and, if conditionally, on what conditions we pleased, was clear. We were not bound by any engagement to continue a monopoly of such indulgence to one Foreign Power against others. We had for three years felt the inconvenience of such monopoly. We naturally sought, therefore, in our new measure, to avoid the recurrence of the like inconvenience, by making our indulgence general to all Nations; and, in order to keep the regulation of that indulgence in our own hands, we granted it by spontaneous legislation, and not by positive Treaty.

The question is now, therefore, no longer, what it was in 1820 or 1822, a question between Great Britain and The United States of America; it is a question between Great Britain and all the Nations of the Old and the New World; to all of whom Great Britain has tendered access to her Colonies, on conditions which many of them have practically accepted, and more, perhaps, are ready to accept.

Having thus placed, as he hopes, in a clear light, the general principles of Colonial Trade, and the principles and considerations upon which Great Britain has acted, in respect to her own West India Colo-

nies, the undersigned now proceeds to consider the details of Mr. Gallatin's Note of the 26th of August.

It has been already said, that, in the Year 1822, we opened, by an Act of Parliament, a Trade with our West India Colonies to American Ships, under certain limitations and conditions.

The United States were at full liberty to accept or to decline those terms.

In accepting them, The United States imposed at the same time onerous charges and restrictions upon all British Vessels which might trade between the British West India Colonies and The United States. One of these charges is an *Alien Duty* both upon the Ship and upon her Cargo.

After ineffectual endeavours, on our part, to obtain the removal of this duty, we were compelled to lay a countervailing duty to the same amount, upon American Ships in the Colonial Ports.

Mr. Gallatin states, that, by the imposition of this countervailing duty, "British and American Vessels, employed in the intercourse between the British Colonies and The United States, are placed on a footing of the most perfect equality." And further, that "there is not, if he is rightly informed, a single act of the Government of The United States which can, in the view taken of the subject by that of His Majesty, be considered as not fulfilling the condition contemplated by the Act of Parliament of the 5th of July 1825, as not placing the Commerce and Navigation of Great Britain, and of her possessions Abroad, upon the footing of the most favoured Nation, excepting only the continuance of the discriminating tonnage duty of 94 cents per ton on British Vessels, and of the addition of 10 per cent. on the ordinary duty charged on goods imported in British Vessels entering the Ports of The United States from the British Colonies."

The arguments drawn by Mr. Gallatin from these statements, are three: first, that the duty on the side of The United States, and the countervailing duty on the side of Great Britain, being equal, British Ships trading between the Colonies and The United States are as much favoured as American Ships in the same trade; secondly, that inasmuch as, with the exception of the discriminating duties in America, Great Britain is, *in all other respects*, treated as "the most favoured Nation," there is no just cause for the exercise, on the part of Great Britain, of the power of interdiction provided by the Act of 1825; and, thirdly, that, having in our hands *two* remedies for *one* and the same grievance, we ought, at all events, to have contented ourselves with applying either, but not both, by the same Order in Council.

To begin with the last of these three points, viz.—the assumption that, "having in our hands *two* remedies for *one* grievance, we ought to have been contented with applying either, but not both, by the same Order in Council."

The only measure which is *new* in the Order in Council is, the interdiction of the Trade between the British West India Colonies and The United States, after a specified period. The Duties on American Shipping, mentioned in that Order, are not *new*: they were imposed by an Order in Council in 1823, and have been constantly levied since that time. They are again mentioned in the present Order in Council, only for the direction of the British Custom House Officers in the West Indies, who, if those duties had not been mentioned as still existing might have imagined them to be superseded.

The history of these Duties is simply this:—On the 1st of March 1823, a Law was passed by The United States, which directs an *Alien* Duty to be levied upon British Ships and Cargoes coming from the British West India Colonies, “until proof shall be given, to the satisfaction of the President of The United States, that no other or higher duties of tonnage or impost, and no other charges of any kind, are exacted in the British Colonial Ports, upon the Vessels of The United States, and upon any Goods, Wares, or Merchandize therein imported from The United States, than upon British Vessels entering the same Ports, and upon the like Goods, Wares, and Merchandize imported in such Vessels FROM ELSEWHERE.”

The British Government at first misapprehended the import of the term “*from elsewhere*,” conceiving it to apply to Foreign Countries alone, and not to the British Possessions in North America; nor was it till after the interchange of several Official Notes between the British Envoy at Washington and the American Secretary of State, that the British Government was made to comprehend (or rather was brought to believe) the full extent of the concession required by the Act of Congress, namely, that the produce of The United States, when imported from The United States into the British West India Colonies, should be placed on an equal footing with the like produce of the Mother Country herself and her other Dependencies.

When such was, at length, ascertained to be the true construction of the American Act of Congress of 1823, those countervailing Duties were imposed on the Trade of The United States by the British Government, which are now merely continued, till the 1st of December next, in the West Indies, and, indefinitely, in the Ports of British North America.

It is to be observed, that, by the Act of Parliament of 1822, (3 Geo. IV. cap. 44,) the British Government was enabled to *interdict all intercourse* between The United States and the British West India Colonies, under any such circumstances as those which had actually arisen in The United States.

The milder measure of a retaliatory Duty was preferred for two reasons; first, we were convinced that a claim so extraordinary as that put forward by the interpretation given to the Act of Congress of 1823,

would not be persevered in after explanation : and secondly, we had an assurance that a full opportunity of that explanation would arise in the course of the Negotiation which was then about to be opened between the Two Governments, on this, among other points, in which their respective interests were concerned.

That Negotiation took place in London, in the Spring of 1824. On the part of the British Government, an offer was made to arrange this matter, upon terms highly favourable to The United States, but the American Plenipotentiary intrenched himself within the letter of the American Law, and declared any proposal inadmissible, which was not accompanied with the concession required by the final interpretation of that Law.

Things remaining in this state, and the British proposition having lain unnoticed for nine months before the American Government, the Act of Parliament of July 1825 was passed.

The American Legislature had cognizance of that Act from the commencement of its last Session. It had also cognizance of the specific proposals offered by the British Government in 1824. Further, there was brought under its consideration, by one of its members, a Resolution for repealing the discriminating Duties. The Session, however, ended, without the enactment of any Law for repealing or relaxing the restrictions of the Act of Congress of 1823, and with the rejection, after debate, of the Resolution for the repeal of the discriminating Duties.

To come next to Mr. Gallatin's allegation—that the discriminating Duties are our *only* cause of complaint ; that, *in other respects*, Great Britain is placed by The United States on the footing of *the most favoured Nation*, in her intercourse between her West India Colonies and The United States.

Mr. Gallatin, in making this averment, appears to overlook another enactment, contained in the same Act of Congress which imposed the discriminating Duties : an enactment hardly less injurious to the Commerce and Navigation of Great Britain. That enactment, in substance, provides, that no British ship entering an American Port *from the United Kingdom*, or from any other British Possession, except directly from the West India Colonies, shall be allowed to clear out from any Port of The United States for any of those Colonies.

If it is intended to be maintained, that, because the British Act of 1822 permits only a direct trade between our Colonies and The United States in American Ships, the prohibition of a trade through The United States, between the Mother Country and her Colonies, is, therefore, fair reciprocity ; that position resolves itself, in effect, into the first of the three arguments into which Mr. Gallatin's statement has been divided, and may be comprehended in the same answer. It furnishes a striking illustration of the general misconception which has already

been noticed as pervading Mr. Gallatin's Note, in respect to the character of Colonial Trade.

To allow a Foreign ship to enter Colonial Ports at all, and upon any terms, is a *boon*; to withhold from the ship of a country having Colonies, trading from the Mother Country to a Foreign State, under a regular Treaty between the two Countries, the right of clearing for another Port belonging to that Mother Country in another part of the world, is an *injury*.

That right has been denied to Great Britain by The United States; not perhaps in contradiction to the letter, but undoubtedly in deviation from the spirit, of the Treaty of 1815. It is a right which existed, and was enjoyed before the Treaty of 1815 was framed; at a period, that is, when no claim to *any* Trade with our Colonies had been even whispered by The United States; and it could not, therefore, be, by any just reasoning, connected with that Trade, or made dependent upon it. It is a right which Friendly Nations, trafficking with one another, are so much in the habit of allowing to each other, that it is exercised as a matter of course, unless specifically withholden. The Colonial Trade, on the contrary, by the practice of all Nations having Colonies, is a Trade interdicted, as a matter of course, unless specifically granted.

It must not be forgotten, that this enactment, founded professedly on the limitations of the British Act of Parliament of 1822, is continued 14 months after the passing of the British Act of 1825, by which the limitations of 1822 were done away. Since the 5th of January 1826, an American ship trading to a British West India Colony may clear out from thence to any part of the world, the United Kingdom and its Dependencies alone excepted. But the British ship in the American Port still remains subject to all the restrictions of the American Law of 1823, prohibiting a trade through The United States between the Mother Country and her West India Colonies.

Mr. Gallatin, in his Note of the 26th of August, states, that "it is well known that the delay" in renewing a negotiation upon the subject of Colonial Intercourse, on principles of mutual accommodation, "was due to causes not under the controul of The United States; *principally to the state of health of Mr. King.*"

Upon this point the Undersigned has only to observe, that no intimation that Mr. King had received instructions, which would enable him to resume this Negotiation, was ever before communicated to the British Government. On the contrary, the only communication at all relating to this matter, which has reached him in any authentick shape, was in a Despatch from Mr. Vaughan, dated the 22d of March last, wherein that Minister states, that "Mr. Clay had informed him that *he should not be able to furnish Mr. King with his Instructions before the end of the month of May, to enable him to recommence the Negotiation.*"

But, whatever may be the date or the tenor of the Instructions under which Mr. Gallatin acts, he will have collected from this Note, that after all that has passed upon the subject of Colonial Intercourse, and especially after the advised omission by the Government and Legislature of The United States, to meet (as other Nations have done) the simple and direct provisions of the Act of 1825, the British Government cannot consent to enter into any renewed Negotiation upon the Intercourse between The United States and the British Colonies, so long as the pretension, recorded in the Act of 1823, and there applied to British Colonies alone, remains part of the Law of The United States.

But the British Government further owes to the spirit of frankness which it wishes to cultivate in all its relations with The United States, to declare, that, after having been compelled to apply to any Country the interdict prescribed by the Act of 1825, the British Government cannot hold itself bound to remove that interdict, as a matter of course, whenever it may happen to suit the convenience of the Foreign Government to reconsider the measures by which the application of that interdict was occasioned.

It is not made matter of complaint by the British Government, that The United States have declined conditions which other Nations have thought worthy of their acceptance.

It is, on the other hand, not the fault of the British Government, if The United States have suffered the time to pass by, at which it might have been an object of greater importance to this Country to induce The United States to come into their proposals.

The United States exercised, upon this point, a free judgment ; and they can, on their part, have no reason to complain that Great Britain, after allowing ample time for maturing that judgment, is contented to abide the result of their decision.

The Undersigned requests Mr. Gallatin will accept, &c.

GEORGE CANNING.

P. S. The Undersigned, on reading over the preceding observations, finds that he has omitted to notice one or two subordinate points, touched upon in Mr. Gallatin's Note of the 26th of August.

The first relates to the Trade between The United States and the British Possessions in the East Indies ; the second, to the intercourse by inland Navigation, between The United States and the British Possessions in North America.

With regard to the former, it is only necessary to state—that the Trade with the East Indies remains upon the footing on which it was established by the Conventions of 1815 and 1818, with which Conventions it is *expressly* stated, in the Order in Council, that the provisions of that Order are not intended in any way to interfere.

In respect to the second point, relative to the intercourse by inland

Navigation between The United States and the British North American Provinces, the Undersigned begs to inform Mr. Gallatin, that that intercourse, so far as relates to the Canadas, is regulated by the Act of Parliament of 1825, by which the same duties are expressly imposed on the Vessels and Boats of The United States, importing any goods into either of those Provinces, as are, or may be, for the time being, payable in The United States of America, on British Vessels or Boats entering the harbours of the State from whence such goods shall have been imported.

The discriminating duties, besides, only apply to Trade by Sea; and if, in any instance, they have been levied upon American goods brought into His Majesty's Possessions by inland Navigation, or on the Boats and Vessels employed in that Navigation, there will be no difficulty in directing the amount so levied to be repaid, unless it should appear that the like Duties had been levied in the American Ports upon the inland Navigation and Trade of the British Provinces.

Albert Gallatin, Esq.

G. C.

No. 3.—*Albert Gallatin, Esq. to Mr. Secretary Canning.*

Upper Seymour-Street, 22nd September, 1826.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of The United States of America, has the honour to acknowledge the receipt of the Note of the 11th instant, addressed to him by Mr. Canning, His Majesty's Principal Secretary of State for Foreign Affairs, in answer to that of the undersigned of the 26th ult., on the subject of the Order in Council of the 27th of July.

The Undersigned apprehends that the object of his Note of the 26th ult. may not have been altogether understood. It was not his intention to make, on that occasion, a full exposition, much less to argue, in support of either his own opinions or those of his Government, upon the whole matter to which the Order in Council relates.

His opinion of the character of the Colonial Trade did not enter into the view he was taking of the subject. He is not aware to have expressed that of his Government, on any other point than that of the preference it gave to an arrangement by Treaty, to Regulations respectively enacted by each Country.

The arguments ascribed to him seem to be rather inferences to which he might not have objected, did he not feel bound to disclaim any intention on his part to have suggested what the British Government *ought* to have done; an expression applicable only to the case of an alleged violation of a positive or implied obligation.

The object of the Note of the Undersigned was simply what it purported to be—to express his regret that, under existing circumstances,

the Order in Council should have been issued ; to avow his inability to discover its motive. This has now been frankly and distinctly explained by Mr. Canning. And the principal error which pervades the Note of the Undersigned, is, that he had supposed that the intercourse between The United States and the Colonies of Great Britain was still considered as beneficial to her ; that he was wholly unaware that the interdict on that intercourse in American Vessels was founded in considerations of a general nature, and connected with an intention not to renew, at least for the present, the Negotiations on this subject.

It is true that the Undersigned had overlooked the fact, that since the 5th of January 1826, the indirect intercourse was allowed in American, and forbidden in British Vessels ; and, to that extent, his assertion of a perfect equality existing between the Vessels of both Nations was erroneous ; though, in reality, the want of equality in that respect may have been compensated by other restrictions and charges imposed on American Vessels.

The Undersigned has not it in his power to assign the reasons why the provisions of the Act of Congress of 1823, relating to that indirect intercourse, have been continued in force, after the corresponding restrictions of Great Britain had been removed, so far as related to Foreign Countries. It is not improbable that, the attention of the Government of The United States having been principally turned to the general question, whether it was most eligible that the Trade should be regulated by Treaty, or by the respective Laws of the Two Countries, the fact that this particular restriction had been thus revoked by the Act of Parliament of 1825 may have escaped its notice.

The communication, made in the latter part of Mr. Canning's Note, of the intentions of the British Government, would not seem, considered alone, to impose any other duty on the Undersigned than to transmit it to his own. But it is accompanied by various observations, one of which, at least, has almost the appearance of a charge against the Government of The United States. And it may not be improper for the Undersigned to avail himself also of the opportunity thus afforded, once more to state the view of the whole subject which is entertained by The United States.

Great Britain asserts, as clear and undoubted, the right to give to The United States, or to withhold from them, the privilege of trading with her West India Colonies, to reserve to herself that trade, and generally to open the Ports of those Colonies to Foreign Powers, or to keep them closed, as may suit her own convenience, wholly or partially, unconditionally or conditionally, and, if conditionally, on what condition she pleases.

As an abstract and general proposition, the right is not denied ; but considered purely as a matter of right, this, which is an attribute of Sovereignty, applies to all other Territories as well as to Colonies.

Every Nation has the abstract right generally, and not in reference to her Colonies alone, to close or to open her ports to Foreign Vessels or Merchandize, and to grant the indulgence, wholly or partially, conditionally or unconditionally. The right has been, and continues to be, exercised occasionally by every Nation, in the shape of navigation, prohibitory and restrictive Laws, often operating unequally on different Nations.

The real distinction between the Trade of Foreigners with Colonies, and that with other Territories, seems to consist not in a greater or less complete right, but in a difference in the usage and practice. It has long since been found, that, if Commerce with Foreign Nations was advantageous, it was necessary, in order to enjoy it, to suffer them to participate in it.

That an exclusive monopoly of the Colonial Trade was not the best mode of preserving Colonies, or of promoting their prosperity, is a recent discovery. But, since the late final separation of the greater part of the Continent of America from the Mother Countries, and now that more enlightened views prevail as respects the remaining Colonies, the former peculiar character of the Colonial Trade is almost lost. The abstract right being the same, and the ancient system of Colonial Policy having been nearly abandoned, it is difficult to perceive any striking difference between the Trade with Colonies and that with the Mother Country.

These are only general observations drawn from the Undersigned, by the repeated references to an abstract right, which is not questioned, and by the effort to consider still the Commerce with Colonies as essentially differing from every other. But the intercourse between The United States and the British West Indies has, in fact, always been considered by both parties as of a peculiar character, which distinguished it from every other species of Colonial Trade; and the reclamations of The United States to participate in that Commerce are of a much earlier date than Mr. Canning seems to have been aware of.

As early as the year 1783, the Government of Great Britain, deviating from that principle of the Colonial System, according to which her Colonies were prohibited from trading directly with any other Country, allowed her West India Colonies to trade directly with The United States of America, in British Vessels. This permission had been continued almost without any interruption till the year 1822, when a more extensive change in the Colonial Policy superseded that partial measure. And during the European War, Great Britain found it convenient occasionally, but repeatedly, to open her West India Ports to American Vessels; at the same time that she was asserting the principle, uniformly denied by The United States, that a Neutral was not authorized by the Law of Nations to carry on in time of War,

a Trade with a Colony, in which he was not permitted to participate in time of Peace.

Had Great Britain, adhering to her Colonial System, interdicted the intercourse altogether, and always, in War as in Peace, in British as well as in American Vessels, no claim would or could have been advanced by The United States. But, that trade having been allowed by Great Britain, it may be said, from the beginning, and at all times, became thereby so far assimilated to that with her European Dominions, that The United States did think that they had the same claim to a participation in both. The serious difficulties in which they were involved, more than once, by the pretension of Great Britain to adhere to what has been called the Rule of the Seven Years' War, rendered it also questionable, whether it might not be better policy to reject in time of War, a trade which was not allowed in time of Peace, or to claim in time of Peace that which was allowed in time of War.

The United States always did believe that the compensation for what Great Britain considers as a concession, as a boon, was found in the advantages resulting to her from the trade itself. And it must not be forgotten, that she, as well as all other Nations, participates gratuitously in the trade of Countries, which, as Colonies, were, till lately, closed to Foreigners, which, had they fallen into her hands, would have still been considered as such, and which, by their incorporation with The United States, have been thrown open to the World. Indeed, had Louisiana belonged to any other Country, and been its only Colony, the admission therein of British Vessels and Commerce, as contemplated by the Act of Parliament of 1825, would alone have been sufficient to extend to such Country the privileges offered on certain conditions by that Act.

Taking all the facts and circumstances which have been stated, into consideration, The United States have been of opinion, that they might, without violating the regard due to the usages and opinions of others, claim to treat on that subject as on that of any other commercial intercourse, and on the basis of equal and reciprocal conditions.

The claim has accordingly been brought forward, and considered by both Parties as a fit subject of Negotiation, from the time when any of a commercial nature first commenced between the two Countries.

An Article on that subject made part of the Treaty of 1794, but was found so inadequate, and was accompanied by such restrictions and conditions, as to induce The United States to reject it, at the risk of losing the whole Treaty.

The sixth Article of the unratified Treaty of 1806, stated, that "The High Contracting Parties, *not having been able to arrange at present, by Treaty*, any commercial intercourse between the Territories of The United States and His Majesty's Islands and Ports in the West

Indies, agree, that, *until that subject shall be regulated in a satisfactory manner*, each of the Parties shall remain in the complete possession of its rights in respect to such an intercourse." A similar reservation of rights makes part of the Convention of 1815, renewed and prolonged in 1818.

In the Negotiation of 1818, and in every subsequent one relating to the Colonial intercourse, the determination of The United States to conclude no arrangement, unless founded on a fair reciprocity, has been distinctly avowed. The Undersigned had always understood, that, however differing as to the extent of the intercourse and other important points, that basis had not been objected to on the part of Great Britain.

Every Article, indeed, proposed then or since by her, has the appearance of that character; and the Preamble of the Counter-Project offered on the 4th of June, 1824, by the British Plenipotentiaries, states, that "His Britannick Majesty and The United States of America, being desirous to regulate, by mutual agreement, and on *principles of just reciprocity*, the trade now open under their respective Laws, between The United States and the British Colonies in North America and the West Indies, have," &c.

The third proposed Article again declares it to be "the desire and intention of the High Contracting Parties to place the trade in question on a *footing of just reciprocity*."

It is believed that the difficulties which have prevented an arrangement satisfactory to both Parties, have been wholly unconnected with the questions of abstract right; that they may, especially at first, have arisen, in part from a reluctance on the part of Great Britain to depart too widely from her Colonial Policy; that, so far from being due to any objection to the principle of reciprocity, they have lately originated principally in a mutual apprehension that the proposals of the other Party were a departure from that principle. The failure of the attempts to make an amicable arrangement, left each Party to pursue its own course; and the natural consequence has been, that the measures adopted by either may not have been always satisfactory to the other; that occasionally they may have been carried beyond what the occasion required. A discussion of all that has been done in that respect, on both sides, would at present be unprofitable.

The Undersigned will confine his observations to those enactments which appear to have been most obnoxious to Great Britain, and are to be found in the Act of Congress of 1823.

The first is the Provision of that Act, whereby discriminating duties on British Vessels and merchandize coming from the British Colonies, were not to cease until it was ascertained that no higher duties were levied in the said Colonies, on American Vessels and Merchandize, than upon British Vessels and like merchandize imported

from elsewhere, that is to say, from other British Territories, as well as from other Countries. That Provision might appear unusual and objectionable, but might have been expected.

The principle was implied in the Article proposed by the American Plenipotentiaries in 1818, at which time the object was explicitly stated and discussed: and it was distinctly expressed in another Article, proposed by The United States, as Supplementary to the Convention of 1818, and delivered on the 13th of June, 1819, to Lord Castlereagh, by Mr. Rush.

Prior to the time when protecting duties were laid on American produce imported into the British West Indies, The United States had made proposals, intended either to prevent that contingency, or to reserve the right of countervailing the protecting by discriminating duties. After the protecting duties had been actually laid by the Act of Parliament of 1822, they did, on the same ground, continue those Alien Duties, which on account of the other Provisions of that Act, would otherwise have been revoked.

That Claim, on their part, was at all times considered as inadmissible by the British Government. It was always said, that every Country had a right to protect its own produce, that Great Britain would protect that of her Colonies, that the demand of America was no more founded in reason or usage, than if the British Government should ask that the Sugar of her Colonies should be placed by The United States, as respected duties, on the same footing as that of Louisiana.

To this it was answered, that the general principle advanced by Great Britain was unquestionable; but that, so long as she regulated the Colonial Trade on Principles different from those which she applied to the Commerce with her European Territories, so long as she did not treat them as integral Parts, but as Dependencies of her Empire, The United States must necessarily consider them, in a Commercial point of view, as distinct Countries.

Mr. Canning has deemed it necessary to say, that it cannot be supposed that Great Britain had precluded herself from extending to other Nations the privilege of trading with the British West Indies, in the first instance granted in effect, exclusively to The United States; a supposition which certainly never was made. And he has added, that the question was now no longer, as in 1820 and 1822, between The United States and Great Britain, but between her and all the Nations of the Old and New World, to all of whom she had tendered access to her Colonies. Whether this last measure should produce any change in the Policy of Great Britain towards The United States, is of course a question for her to decide. As respects them, so far from thinking themselves affected by the opening of the British Colonies to other Foreign Nations, so far from considering this as interfering with their commerce, or in any other way, as a subject of apprehension, they have

hailed that measure as an important step towards that entire freedom of trade which it is their interest and their avowed wish should become universal. And considering that the British Colonies had thus been, in a commercial point of view, nearly assimilated to the Mother Country, and might no longer be viewed as distinct Countries, it became one of the principal motives for authorizing the Undersigned to desist from the ground heretofore assumed, on the subject of the protecting duties laid by Great Britain on the produce of The United States, imported into the Colonies, and thereby to remove the principal obstacle which had, till then, prevented an amicable arrangement on the subject of the Colonial Trade. It is hardly necessary to add, that the Instructions which gave that authority were drawn at a time when there was not the least expectation, on the part of the Government of The United States, that it was intended by that of His Majesty to interdict the intercourse, and to decline the renewal of Negotiations on that point.

The other enactment of the Act of Congress of 1823, on which Mr. Canning has specially animadverted, is that which forbids any British Vessel, unless having come directly from the British West India Colonies, to clear from a Port of The United States to any of those Colonies. It is said that *this right has been denied* to Great Britain by The United States, not, perhaps, in contradiction to the letter, but *undoubtedly in deviation from the spirit of the Treaty of 1815*. Such serious charge the Undersigned is bound to repel.

The argument adduced in support of that assertion rests on the gratuitous supposition, that the privilege which, before the Convention of 1815, British Vessels, coming from other Ports than the British West India Colonies, enjoyed, to clear from a Port of The United States to those Colonies, was a *right*, instead of a permission, which indeed was not granted to them especially, but which they had, in common with all other Vessels, from whatever Port they might have come. The United States had the undoubted right to grant or to withhold that permission, and in that, as in every other case where the right was not restricted by Treaty, to regulate the intercourse in Foreign Vessels between their own and Foreign Territories, of every description, as suited their convenience. And this general right, which existed before the Convention of 1815, was, by that compact, preserved expressly, and without exception, as respected the intercourse between The United States and the British West Indies.

The indirect intercourse alluded to, is so intimately connected with the trade in general, that a reservation, whereby The United States, whilst allowed to forbid the direct intercourse, would have been bound to permit it to be carried on indirectly in British Vessels, would have been useless and nugatory. Since British, having in this respect a decided advantage over American Vessels, on account of the circuitous

voyages which they may make from England to The United States, and thence to the West India Colonies, it was precisely the branch of the trade against which it was most important for The United States to preserve the right.

That right was actually enforced under the American Navigation Act of 1818, without being objected to, or being made a bar to negotiations. When the general restrictions of this Act were repealed by the Act of 1823, this particular provision was in substance retained; and the Undersigned understands that His Majesty's Minister at Washington objected to it, not as being a deviation from the Convention, but because he erroneously believed that it had not its counterpart in the Acts of Parliament then in force. In 1824, that provision appears to have been adverted to by the British Plenipotentiaries, only for the purpose of remarking, that it confined British Vessels to a direct trade, in the same manner as American Vessels were restricted by the Act of Parliament, and even to a greater degree.

It may be here observed, that neither this nor any other provision of the Act of Congress of 1823, would at this time have interposed any obstacle to the favourable issue of a Negotiation upon the intercourse between The United States and the British Colonies. But, as respects the preliminary condition, without which the British Government cannot consent to enter into any renewed Negotiation on that subject, the Undersigned is at a loss how to construe it. It cannot seriously be expected by His Majesty's Government, that The United States, even if it had not been mentioned as a preliminary condition, should repeal their restrictions on British Vessels, when not only the intercourse is altogether prohibited in American Shipping, but when they are with frankness informed, that a removal of that interdict will not as a matter of course, follow such repeal on their part. What renders that allusion to a repeal of the enactments of the Act of 1823 still less intelligible, and perhaps only affords an additional proof, that both Governments may occasionally overlook some of the provisions contained in the Laws of the other, is, that it is provided by the sixth Section of that Act, that it shall cease to operate, if at any time the intercourse in American Vessels should be prohibited by a British Order in Council, or Act of Parliament, and that in such case the Acts of Congress of 1818 and 1820, shall revive and be in full force. That contingency has actually taken place. As a natural consequence of the Order in Council, the Act of 1823 ceases to be the Law of The United States after the 1st of December next, and the Act, which Mr. Canning allows to have been justified, will again revive.

The intercourse, direct or indirect, will then be prohibited by the Laws of both Countries. Where there is no Commerce there can be no discriminating or other duties. The two Countries will again be

placed, as respects that intercourse, in the same situation in which they were before the Act of Parliament of 1822, and that of Congress of 1823.

If there is any difference it will consist in this :—the right of Great Britain both to decline to negotiate, and to continue her interdict of the intercourse, even if The United States should accede to the conditions of the Act of Parliament of 1825, is incontestable. The Undersigned begs leave, however, to suggest, that an Act excluding The United States from a Trade open to the rest of the World, is, *as a permanent measure*, of a different character from a general exclusion of all Foreign Nations.

The Undersigned requests Mr. Canning to accept, &c.

The Right Hon. George Canning.

ALBERT GALLATIN.

No. 4.—Mr. Secretary Canning to Albert Gallatin, Esq.

Foreign Office, 13th November, 1826.

THE Undersigned, &c. would willingly have abstained from offering any observations on the Note addressed to him by Mr. Gallatin, &c. on the 22d of September, in reply to the Answer which had been returned by the Undersigned to Mr. Gallatin's Note of the 26th of August; the facts of the Question agitated between Mr. Gallatin and the Undersigned admitting of no dispute, and their previous Correspondence having exhausted all the arguments on each side of which the matter in discussion is susceptible.

But, upon reperusal of Mr. Gallatin's Note, after an interval of a few weeks, there appear to the Undersigned to be two or three points much relied upon by Mr. Gallatin which it would be improper to leave unnoticed.

The first of these points, and that which affects, more or less, the whole of Mr. Gallatin's reasoning—is the Question of *Right*—the right of a Mother Country to monopolize the Trade of its Colonies. Mr. Gallatin discusses this Question much at length, and attaches himself in that discussion, rather, perhaps, to the terms, than to the substance of the proposition intended to be put forward by the Undersigned.

The Proposition of the Undersigned is simply, that there is a right in a Mother Country, universally admitted among Nations, to interdict to Foreign Nations a trade with her Colonies.

It may be true, (as stated by Mr. Gallatin) that every Country has the same "right" to interdict to Foreign Nations a trade with itself. But, be the abstract "right" what it may, this, at least, can not be denied,—that the exercise of that "right" has been so usual in one case, and so unusual in the other, that the difference of usage (if it be no more) amounts almost to a difference of principle.

Foreign Nations might justly complain of the one interdiction,—that of trade with the Mother Country, as an innovation, but they have no just ground of complaint (and no other Nation than The United States has ever complained) of the interdiction of Trade to the Colonies; because, in all Ages, all Nations, having Colonies, have maintained such an interdiction.

Mr. Gallatin, after having objected, in the beginning of his Note, to the use of the word “right,” as applied by the Undersigned to the Colonial Trade of Great Britain, applies the same word himself, (inadvertently, perhaps) in a subsequent part of his Note, to the interdiction by The United States of a trade in British Ships between The United States and the British West India Colonies.

That trade Mr. Gallatin describes as a trade which had been carried on merely by “permission”—“a permission which, (says Mr. Gallatin,) The United States had a *right* to grant or to withhold.”

Now, as according to Mr. Gallatin’s doctrine, The United States have, in strictness a “*right*” to exclude British Trade altogether from their Ports, the Undersigned cannot presume to contend that they have not the same “*right*” to prohibit a trade between those Ports and the British Colonies.

But the Undersigned ventures to affirm, that the right which they have exercised in the latter prohibition has no peculiar and separate character growing out of long and general usage, to distinguish it in principle from a prohibition of all trade whatever with The United States.

Up to the year 1818, Mr. Gallatin admits that the trade, since prohibited by The United States, was enjoyed by British Vessels in common with those of all other Countries. The interdiction, therefore, is not of antient usage, and so far is it from being *generally* applied by The United States to Foreign Vessels, that it operates against Great Britain alone.

Is it not at least singular, that Mr. Gallatin should reserve for a practice thus novel and thus partial the character of “right” which he denies to an usage as old as the establishment of Colonies, and universal among all Nations to which Colonies have belonged?

Is it not singular also, that while Mr. Gallatin denies any claim on the part of Great Britain to the continued enjoyment of a trade in The United States, which she is admitted, by Mr. Gallatin, to have enjoyed uninterruptedly up to the year 1818, Mr. Gallatin puts forward a claim on the part of The United States to trade with the West India Colonies of Great Britain, on the ground of usage and practice?

The United States, says Mr. Gallatin, found “their reclamation to participate in that Commerce” (the trade with the British West India Colonies) on this ground:

"That trade has been allowed by Great Britain, it may be said from the beginning, and at all times, and has become thereby so far assimilated to that with the European Dominions of Great Britain, that The United States did think that they *had the same claim to a participation in both.*"—"As early as the year 1783, the Government of Great Britain, deviating from that principle of the Colonial System, according to which her Colonies were prohibited from trading directly with any other Country, allowed her West India Colonies to trade directly with The United States of America in *British Vessels.*"

It may be observed as to these facts, as stated by Mr. Gallatin himself, that no two things can be much more different than a permission (on the one hand) given by Great Britain to *British Vessels* to trade directly between a British Colony and another Country (the Vessels of that other Country remaining by Law, and, in fact, excluded from the Ports of the Colony) and that "participation" on the other hand, which implies a trade between The United States and the West India Colonies in *Vessels of The United States.*

The relaxation to which Mr. Gallatin, refers, in fact, did nothing more than permit British Vessels to bring certain Articles into the Colonial Ports *directly* from the place of their production, instead of bringing the like articles *circuitously* through the United Kingdom. The question, whether these articles should be imported circuitously through the United Kingdom, or directly from the place of their growth, was a mere municipal concern, which did not vary the exclusive character of the Colonial System, so long as that importation was confined to *British Ships.*

Undoubtedly, The United States might then, if they thought proper, have interdicted the trade to British Vessels between their Ports and the British West India Colonies, unless American Vessels were allowed to participate in it—but they did not.

The history of the usage, therefore, is, that up to a certain period, a trade between the Ports of The United States, and the British West India Colonies in *British Ships*, went on unquestioned, while, as Mr. Gallatin is aware, no *American Vessel* could enter the Ports of the British West India Colonies, except under occasional and temporary suspensions of the Colonial Law. And yet it is upon *this usage* that Mr. Gallatin founds:

First. A right in The United States to prohibit British Vessels from clearing out from the Ports of The United States to the British West India Colonies;

Secondly. A claim on the part of The United States to participate in the Colonial trade of Great Britain.

The things may be right or wrong in themselves; but *usage* surely points exactly the contrary way to that in which Mr. Gallatin applies it.

Mr. Gallatin has yet another ground on which to rest this claim of The United States to a participation in the Colonial Trade of Great Britain :

"During the European War, Great Britain found it convenient *occasionally*, but repeatedly, to open her West India Ports to American Vessels; at the same time that she was asserting the *principle uniformly denied by The United States*, that a Neutral was not authorized by the Law of Nations to carry on in time of War a trade with a Colony, in which he was not permitted to participate in time of Peace."

First. If the Ports were *occasionally* opened, the very terms of the proposition show that they were *generally* shut. It would be difficult to imagine either a more complete proof of the acknowledged right, to admit or exclude Foreign Trade from the Colonies as the governing Authority might think fit; or a more perfect refutation of the plea of usage, in favour of a permanently open Trade.

Secondly. The Rule of 1756, appears to have little application to the point in dispute. It might to be sure be, in all such cases, a question with the Neutral, whether he would be tempted by the open Ports of one Belligerent, to run the risk of capture by the other. But the point in dispute is, whether, by *occasionally* opening her Colonial Ports, Great Britain virtually abandoned the right of closing them again, when she thought proper: and, on this point, the merits of the Rule of 1756, have not, so far as the Undersigned can make out the most distant bearing.

Thirdly. As it is intended to prove that The United States have a claim to participate in the Colonial Trade for ever, because the Ports of the Colonies were *occasionally* opened during the War, Mr. Gallatin describes the Ports as having been opened to *American Vessels*. True, but not to *American Vessels only* or *specifically*. The Ports were open to the Vessels of *all Friendly Powers*. The argument, therefore, as to the *special* claim of The United States, falls to the ground.

The truth, however, is, that under the words "*right*" and "*claim*," so frequently recurring in this discussion, lies the real and fundamental difference of opinion between Great Britain and The United States, which has frustrated all attempts to settle the disputed question of Colonial Intercourse upon common principles by Conventional Arrangement.

When it is contended that the "*right*" by which Great Britain prohibits Foreign Countries from trading with her Colonies, is the *same "right"* with that by which she might (if she thought fit) prohibit them from trading with herself, this argument (which is employed by The United States alone) implies, that the special prohibition is a grievance to The United States, if not of the same *amount*, of the same *kind* as the general prohibition would be.

This is a doctrine which Great Britain explicitly denies.

It seems to be admitted, indeed, that there was a time when the distinction between Colonial trade and the trade of the Mother Country was tenable. But it has been assumed, in no obscure terms, on the part of The United States, that the Colonial System is now virtually at an end.

Great Britain denies this assumption.

Whatever relaxation Great Britain may think fit to introduce for her own sake, and for that of her Colonies themselves, into her Colonial System, she holds her "right" to maintain that System, as with respect to Foreign Nations, to be unaltered and entire. Great Britain, therefore, cannot consent to any diplomatick Arrangement by which such "right" may appear to be relinquished, or by which her assertion of it can be understood to be in any degree qualified or controuled.

Hence the impracticability (already so repeatedly proved) of any Treaty upon this subject between Great Britain and The United States.

Hence the necessity for Great Britain of doing whatever she means to do in the way of relaxation of her Colonial Monopoly, by Acts of her own Legislation.

This deduction brings the Undersigned to the last point in Mr. Gallatin's Note, and that on which he is most anxious that there should be no misconception between them.

Mr. Gallatin speaks of a "permanent exclusion of The United States by Great Britain, from a trade open to the rest of the World" as a measure different in character from a general exclusion of all Foreign Nations.

But is this a just description of the effect of the Act of 1825?

Considerations (of which Great Britain alone is the judge) have induced her to open her Colonial trade to other Nations. She opened it to them not as a matter of special favour, or of special "claim" to any one, but on specified conditions, common to all Nations who might think fit to subscribe to them, and to The United States among the rest.

If some of the Nations of the World have taken advantage of the opening thus offered to them, by accepting the conditions annexed to it, and others have omitted to do so, and if The United States are (by their own choice) in the latter class, surely it is not a correct description of the consequence of this, their own voluntary omission, to say that The United States are "excluded" by Great Britain, from a trade, which, on the contrary, Great Britain invited them to share.

Exclusion of Foreigners from the Colonial trade is the general principle of Colonial Policy; admission to that trade is the exception—an exception, which, in this instance, Great Britain was willing to grant to all those who were ready to purchase it on terms tendered equally to all.

The United States cannot mean to put forward the pretension, that what is granted to others on terms, should be granted to them unconditionally. If not, it seems difficult to imagine how they can feel it to be unjust or unkind, (it certainly is not so felt, or intended, on the part of this Country) that The United States having, upon a free, and (as is known from the publick proceedings of their Legislature) deliberate consideration, declined to subscribe to the terms on which exception from Colonial prohibition was tendered impartially to all Nations, they should find themselves, in common with such of those Nations as have decided like themselves, liable to that exclusion, which is, and always has been, the general principle of Colonial trade.

The Undersigned avails himself, &c.

Albert Gallatin, Esq.

GEORGE CANNING.

No. 5.—Albert Gallatin, Esq. to Mr. Secretary Canning.

Upper Seymour Street, 28th December, 1826.

THE Undersigned, &c. did not fail to transmit to his Government the Note which Mr. Canning, &c. did him the honour to address to him, on the 13th of November, in reply to the Answer which had been returned by the Undersigned, to Mr. Canning's Note of the 11th of September. But, unwilling to continue a discussion, which did not seem likely to lead to any practical result, he abstained from making any further observations on the subject, until he should have received special Instructions from his Government, in reference to a state of things, which was altogether unexpected at Washington, at the time of his departure.

Having now received a Despatch from the Secretary of State of The United States, the substance of which he is instructed to communicate to Mr. Canning, the Undersigned, in performing that duty, will, on those points, to which he had already alluded in his former Note, have but some explanatory remarks to add.

The Right of Great Britain, which is that of every Nation, to prohibit or allow Foreign Commerce with any part of her Dominions, is unquestionable. That Right, in reference to her Colonies, has never been denied by The United States, any more than with respect to any other part of her Possessions, and it is also admitted, that she may, within her own jurisdiction, prescribe the conditions on which such Commerce shall be tolerated, and, at her will, again interdict altogether the intercourse thus permitted.

On the other hand, The United States, unless restricted by Treaty, which in this case they are not, have precisely the same right to prohibit, to allow, and within their own jurisdiction, to regulate, Foreign Commerce with their Dominions, whether that Commerce be with the Foreign Country itself, or with its Colonies or Possessions Abroad. It

was not inadvertently that the Undersigned used the word "Right" as applied to The United States: he did not object to the *use* of the *word*, as applied to Great Britain. What he attempted to show was—that this Right, which was admitted, and although it might at any time be exercised, had no bearing on the questions, which had been the subject of discussion between the Two Countries.

What has been contended for is, that, since to any Commerce there must always be two Parties, the mutual consent of both is always necessary, in order that such Commerce may at all exist; that whatever its nature may be, whether of ancient or modern date, whether with Colonies or with Possessions of a different description, from the moment it does exist, it becomes a fit subject for negotiation; and that there is no reason why an agreement should not, on that, as on any other species of trade, be founded on terms of just reciprocity, though relating to Colonies, from an intercourse with which, Foreigners had formerly been, and might again be, excluded.

The various relaxations of the Colonial System of Great Britain, as they never were, or could have been intended for the benefit of The United States, and as they were always accompanied with restrictions exclusively favourable to her, could not be viewed as a *boon* to them, and never were accepted as such. The extent to which the Commerce, when not laid under too severe restrictions, was carried on between The United States and the British Colonies, is an irrefragable proof that it was equally advantageous to both Parties. If equally advantageous, there had been no favour conferred on either side, there was no ground for a pretension by either Party, that the Intercourse should be regulated by unequal conditions.

No such pretension had in fact been advanced. The proposals made by both Parties, during the Negotiations of the year 1824, were avowedly founded in a fair reciprocity, and brought the Parties very near together. Unable still to agree on some points, it was concluded to suspend the Negotiation, with a distinct understanding, that it should be again renewed at some convenient day.

Mr. King was, in 1825, empowered to treat on all the subjects of the previous negotiation. He was instructed, in the first instance, as being a subject of more pressing urgency, to call on the British Government to remove the impediments which prevented the execution of the St. Petersburg Convention. If his Instructions, on other subjects, were not forwarded to him, it was because he was engaged in discussions respecting that Convention, and it was believed that the state of his health did not admit of his entering at that time upon the more arduous duty of resuming the suspended negotiation.

Of this His Majesty's Government appears to have been fully aware. On the 22d of March 1826, Mr. Vaughan addressed an Official Note to the Secretary of State of The United States, in which he says:

" I have received Instructions from His Majesty's Government to acquaint you, that it is preparing to proceed in the important negotiations between that Country and The United States, now placed in the hands of the American Minister in London. Mr. Huskisson has been already introduced to Mr. R. King, as His Majesty's Plenipotentiary, and the Minister of State, having the Department of Foreign Affairs, has received His Majesty's Commands, to associate Mr. Addington, late His Majesty's 'Chargé d'Affaires in America, with Mr. Huskisson, as joint Plenipotentiary, on the part of Great Britain. *The negotiations will, therefore, be forthwith resumed*; and it will be for the Government of The United States to judge whether, considering the *state of health of Mr. Rufus King, which Mr. Canning laments to say, has been, since his arrival in England, far from satisfactory*, they will join any other Negotiator in the Commission with him."

The President did deliberate on that friendly suggestion; and the nomination of a Person to be associated with Mr. King was contemplated, when a Letter from him, dated the 21st day of March, desiring permission to return, was received; upon which, the duty of renewing those important negotiations, devolved, to his great regret, on the Undersigned alone.

His Instructions were of a character authorising the hope that their result would be satisfactory: his departure was hastened: on his arrival in England, the Order in Council of July last had already been enacted. Indeed it appears that the determination not to renew the negotiations on the Colonial Intercourse, and to regulate it exclusively by Acts of Parliament, had been taken before July 1825, when the Acts to that effect were passed. Had Mr. King been provided with the same Instructions, which the Undersigned received, they would have been equally unavailing.

Of that determination, the Government of The United States had not the least notice. On the contrary, although Mr. Vaughan's Communication offered the opportunity of making known the intentions of His Majesty's Government, positive assurance was given of its being prepared to proceed in the important *Negotiations*, and that *the Negotiations would be forthwith resumed*, without any suggestion that the Colonial Intercourse would form an exception.

The Acts of Parliament of the Year 1825, in which that intention was to be discovered, never were officially communicated. That of the 27th of June, passed only a few days before that of the 5th of July, and not specially repealed by it, was not calculated to elucidate the object in view; and several causes concurred to induce a belief, that this last Act was not intended to affect the Trade between the British Colonies, and The United States, as carried on under the Act of June 1822.

This belief, and the reasons for it, were distinctly expressed in a Letter from the Department of State to a Member of Congress of the

25th of December 1825, Copy of which is enclosed. That Letter was published in the American Newspapers; a Copy was furnished to Mr. Vaughan; and he is understood to have transmitted it to his Government.

That opinion was corroborated by the construction ultimately put on the Act by the British Authorities. It was thereby provided that certain Privileges granted to Foreign Ships, should be limited to the Ships of those Countries which should comply with the conditions therein stated, unless His Majesty, by his Order in Council, should in any case grant such Privileges, although the conditions had not been performed. And the Act was declared to come in full force and operation, from the 5th of January 1826. It had at first been determined at Halifax, that the Port should accordingly be shut against American Vessels after that day. This decision was afterwards revoked, although the condition had not been performed, and although no Order in Council had granted the Privileges in question.

It now appears that the Act of the 5th of July 1825, (6 Geo. 4, cap. 114) which contains no repealing Clause of former Acts, refers, under the name of the Law of navigation, to another Act of the same date; (6 Geo. 4, cap. 109) that this, although it contains also no repealing Clause, is understood and construed, as having superseded all former Acts on the same subject; and that the actual repeal of the Act of 1822, (3 Geo. 4, cap. 44. § 3. 4.) is to be found in another Act, also of the 5th July 1825, (6 Geo. 4, cap. 105) intituled "An Act to repeal the several Laws relating to the Customs."

The intricacy of those several Acts, and the difficulty of understanding their precise meaning, of ascertaining what parts of former Acts were actually repealed, and what still in force, a difficulty which, in the case of the *Jubilee*, seems to have led into error one of the highest Tribunals of Great Britain; may well account for the construction put upon those Acts in The United States; affording, at the same time, a sufficient reason for having preferred a renewal of the negotiations to a pure acceptance of the conditions, contemplated by the Act of the 5th of July 1825, (6 Geo. 4, cap. 114) had it been only for the purpose of ascertaining the true intent and meaning of the Act.

Even so late as October last, Mr. Vaughan, as appears by his Correspondence with Mr. Clay, was not provided with Instructions that enabled him to give a satisfactory answer to the enquiries, whether, according to the British interpretation, American Vessels might trade between the British Colonies and Foreign Countries, and whether discriminating Duties of every species had been abolished.

The proposition made during the last Session of Congress, and to which Mr. Canning has alluded, affords an additional proof of the imperfect understanding, owing to the complexness of the several Acts of

Parliament, which at that time prevailed, respecting their true object and intention. That proposition was only for a repeal of the discriminating Duties, and, if adopted, would have been unavailing, since, not embracing a repeal of the restrictions on the circuitous Intercourse, it is now understood that it would not have been accepted by the British Government, as a compliance with the condition required by the Act of the 5th of July 1825.

It is not intended, by these facts and observations, to convey any reproaches against His Majesty's Government on account of the unexpected resolution which it has taken. But they satisfactorily shew, that The United States could have entertained no doubt of the continued disposition of Great Britain to settle the Colonial Intercourse by an amicable arrangement, and that there were peremptory reasons for preferring that mode rather than to legislate on the subject.

Supposing even that the determination of the British Government, not to renew the negotiation on that point, had been communicated or known, the specifick condition on which American Vessels might be allowed to participate in the Intercourse between The United States and the British Colonies, was so expressed in the Act of Parliament as to have required explanations before it could be complied with.

The condition required from Countries having Colonies, was both distinct and reciprocal. Nothing more was asked than that they should grant to British Ships, the like Privileges of trading with their Colonial Possessions, which were granted to their Ships, of trading with the British Possessions Abroad. No regard was paid to the importance of such Colonial Possessions. Sweden, by permitting British Vessels to Trade with the Island of St. Bartholomew, was allowed Privileges which were offered to The United States on very different terms. And, with the exception of some of the German States, those terms applied to no other Maritime Power than The United States. All this Great Britain had a right to do; no complaint is preferred on that account: it was the condition which was required from them which they had to consider.

That condition was, that The United States should place the Commerce and Navigation of this Country, (Great Britain,) and of its Possessions Abroad, upon the footing of the most favoured Nation.

Had the condition been limited to the Commerce and Navigation of the British Colonies; had it been so intended and expressed, as that The United States might have satisfied it, by placing the Intercourse between their Dominions and the British Colonies on the same footing in every respect, as the Intercourse between The United States, and the Colonies of the most favoured Nation; the condition, though not altogether free of objection, would at least have been apparently reciprocal. To require besides, that it should be extended to the Commerce and Navigation of Great Britain generally, that it should em-

brace that Intercourse between her and The United States, which is regulated by a Special Convention, that they should grant any privilege in that Intercourse to British Vessels, not stipulated by that Convention, as the price for the permission of trading with the British Colonies, was a total departure from the principles of a just reciprocity.

But it appeared also extremely difficult, if at all possible, to understand what was meant—by placing that Commerce and Navigation on the footing of the most favoured Nation.

If Great Britain only asked to be placed on that footing, on giving the same equivalent which any other Foreign Nation may have given to The United States, in order to have privileges which she does not enjoy, the Navigation Law of The United States has already made provision in that respect. There is no privilege enjoyed in The United States, by the Commerce and Navigation of any Foreign Nation, which Great Britain may not obtain, by allowing to them the same reciprocal advantages which they enjoy in the Ports of such Foreign Nation, and on which such privilege depends. To comply with the condition thus understood, The United States would have had no new act to perform. This could hardly be presumed to have been the intention of the Act of Parliament.

But if, by that Act, it was intended to require, as the condition for allowing to American Vessels the privilege of trading with the British Colonies, that the Commerce and Navigation of Great Britain, and of her Possessions Abroad, should, without any other equivalent, be generally placed on the same footing with the Commerce and Navigation of any other Foreign Nation, which, by reason of reciprocal advantages allowed to American Vessels, may, now or hereafter, be entitled to greater privileges than Great Britain now enjoys, the condition was inadmissible.

British Vessels, and those of several other Nations, may now, by virtue of Treaty Stipulations, or of other Reciprocal Regulations, import into The United States, articles of the produce or manufacture of the Countries to which such Vessels respectively belong, on the same terms, and on the payment of the same duties of Tonnage, and on the cargo, as if imported in American Vessels. In every instance the privilege is reciprocal, and will cease with respect to any of those Countries, whenever Vessels of The United States laden with produce of The United States, may cease to be admitted into the Ports of such Country, on the same terms as its own Vessels.

In conformity with the Navigation Law of The United States, the prohibition to import, in Foreign Vessels, Merchandize not the produce of the Country to which such Vessels respectively belong, extends only to the Vessels of such Nations as have adopted a similar Regulation.

Great Britain is accordingly one of the few Nations to which the prohibition applies.

In pursuance of the Treaty concluded in December 1825, between The United States and Central America, whatever may be imported into or exported from either Country in its own Vessels, to or from any Foreign Place whatever, may, in like manner, and on payment of the same duties, be imported or exported in the Vessels of the other Country.

If, therefore, it was meant by the condition required, that the Commerce and Navigation of Great Britain, and of her Possessions Abroad, should be gratuitously and generally placed on the footing of the most favoured Nations, The United States, in order to comply with it, and, as the price for the permission to trade with the British Colonies, would have been obliged ; 1. To admit the Importation of British merchandize in British Vessels, on the same terms, and on payment of the same duties, as if imported in American Vessels, although the Convention of 1815, should have expired, and the corresponding privilege was no longer allowed to American Vessels in British Ports ; 2. To admit the importation, in British Vessels, of the produce of every Foreign Country, although the importation into British Ports, of the like produce in American Vessels, should still be prohibited ; 3. If the condition was intended to apply to privileges granted subsequent to the date of the Act of Parliament, to admit the importation of such Foreign produce in British Vessels, even without being charged with any discriminating duties, and generally to allow to British Vessels, without reciprocity, all the reciprocal advantages to which the Vessels of Central America are entitled.

If this was not the intention of the Act of Parliament, if the words " Commerce and Navigation of this Country," were meant only to include the circuitous intercourse, the expressions used to convey that meaning must be admitted to have been much too general. This last interpretation has been suggested only by the observations that have occurred in the course of Mr. Canning's Correspondence with the Undersigned. If such, or any other admissible construction was intended, the most obvious way of preventing both an erroneous interpretation of the condition, and any unfounded expectations, in reference to a renewal of the Negotiations, would have been an Official Communication of the Act of Parliament, accompanied with a full and free explanation of the condition required, and of the intentions of His Majesty's Government on the whole subject.

The Government of The United States is animated by the most sincere desire to maintain with that of Great Britain, not merely the forms of courtesy and amity, but to cultivate a cordial and lasting friendship, to settle every controverted question between them upon

principles of justice and reciprocity, and, by an enlarged liberality in their mutual intercourse, to advance the real prosperity of both.

Entertaining this desire, it has learnt, with regret, the resolution of His Majesty's Government, to close the door against those friendly explanations, and that free and mutual exposition of the wishes and views of the Parties, so essential between two Nations, whose interests and happiness are so interwoven as those of Great Britain and The United States, and which can be but partially and imperfectly interchanged, if mutual Legislation is substituted to negotiation and to the ordinary mode of treating.

As the only alternative, which this course has left, it was the President's intention to lay the whole Correspondence which has passed between the two Governments on that subject, including the Instructions given to the several American Ministers near His Britannick Majesty, before Congress, at their present Session. It will remain with that Body to decide, whether the Colonial Intercourse shall be altogether closed, whether that portion of it left open by the Order in Council shall continue so, or, on what conditions compatible with the interests of The United States that trade may be placed.

The Undersigned has been further instructed to give at the same time, to His Majesty's Government, the assurance that, notwithstanding its late decision, that of The United States will be ready, at Washington or at London, to treat of the Colonial Intercourse, whenever it may be the desire or inclination of Great Britain to negotiate on that subject.

The Undersigned, &c.

The Right Hon. George Canning.

ALBERT GALLATIN.

(*Inclosure.*)—*The Hon. H. Clay to the Hon. C. C. Cambreleng, H. R. Sir,*

Department of State, December 25, 1825.

I HAVE perused the Letter which you left with me, and which is herewith returned, respecting the construction put, at Halifax, upon the late British Act of Parliament, opening the Trade and Intercourse between the British American Colonies and Foreign Countries. And I have also examined the Acts of Parliament of the 4th and 5th George the Fourth, referred to in the 5th Section of the above-mentioned Act. The result is a belief, that the Halifax construction is not that which was intended by the British Government, or, if it be, that it was designed by an Order in Council to except the Trade and Intercourse with The United States from the operation of the Act, when so interpreted. I should strongly incline to think, but for the opposite view entertained at Halifax, that the Act to regulate the Trade of the British Possessions Abroad, passed in July last, did not intend to disturb, or affect the trade between the British American Colonies and The United States, but meant to leave that trade on the footing which it was put by the aforesaid Act of the 4th George

the Fourth, and the subsequent Act of Indemnity of the 5th George the Fourth.

That the British Government did not look forward to such an operation of the Act of Parliament as is about to be enforced at Halifax, I think clear, from the following considerations :

First. It would be inconsistent with professions made by that Government to this, and with Negotiations between the two Governments, contemplated, if not yet resumed.

Second. No notification has been given at Washington, or at London, of such a purpose as that which, for the first time, is indicated at Halifax.

Third. The British Minister here is unadvised by his Government of any intention to close the Colonial Ports against our Vessels ; and,

Fourth. No information has been received here from any British Colonial Port, except Halifax, of such intention.

If the Halifax construction be correct, I am persuaded that the British Government must have intended to have created an exception to our trade, by an Order in Council, which had not arrived at the date of the last Advices from Halifax.

If I am right in that conjecture, the Order may yet reach that Place before, or a few days after, the day fixed (the 5th of January next), for the commencement of the Act. I am, &c.

The Hon. C. C. Cambreleng.

H. CLAY.

No. 6.—Mr. Secretary Canning to Albert Gallatin, Esq.

Foreign Office, January 27, 1827.

THE Undersigned, &c. has the honour to acknowledge the Note addressed to him on the 28th ultimo, by Mr. Gallatin, &c. ; in reply to which, the Undersigned will, as far as possible, conform himself to the example of Mr. Gallatin, in putting aside those points of the question in agitation between them, which have been already exhausted in argument, and the further discussion of which would not tend to any practical advantage.

The parts of Mr. Gallatin's last Note, which appear to the Undersigned to require any observation, relate to matters rather of fact than of reasoning.

Mr. Gallatin complains that the Act of Parliament of 1825 was not officially communicated to the Government of The United States.

It is perfectly true that it was not ; nor has it been the habit of the two Governments to communicate reciprocally to each other Acts of their respective Legislatures.

The Act of Congress of 1823, an Act, the provisions of which specially affected Great Britain, was not officially communicated, either to The King's Minister at Washington, or to His Majesty's Government by the American Minister resident at this Court. So far from any

such communication being made, or any voluntary explanation of the bearing of that Act being offered, it was not till after repeated and pressing enquiries, that His Majesty's Minister at Washington succeeded in obtaining from the American Secretary of State, the true construction of the most important clause of that Act, the clause in which The United States claimed that their Trade to the British West India Colonies should be put on the same footing with the Trade to the same Colonies from "elsewhere;" and learnt, to his great astonishment, that under that word, "elsewhere," was intended to be signified, not only the other dependencies of Great Britain, but the "Mother Country itself."

The Undersigned, at the same time, begs that it may not be supposed that the British Government withheld from the Government of The United States communication of the Act of Parliament of 1825, from any notion of retaliation for the omission of the Government of The United States to communicate to that of His Majesty the Act of Congress of 1823.

He refers to that instance of omission on the part of the American Government only in proof:

First, That the ordinary and natural course between States, is not to make Diplomatick Communications of the Acts of their respective Legislatures; and Secondly, that no inference could be drawn from such an omission on the one side than on the other, of (what the Undersigned disclaims for his Government) an intentional want of courtesy or respect.

But the Act of 1825 did not relate specially to The United States. It held out to all Nations of the world certain benefits, (or what were believed by the British Government to be so) on certain conditions.

If a communication of the Act had been made to one Nation, it must have been made alike to all. Such communication would have been liable to different misinterpretations; some Governments might have considered it as a solicitation to which they were bound in courtesy to give some answer, explaining their reason for declining (if they did decline) to avail themselves of the provisions of the Act: others might perhaps have taken umbrage at it, as an authoritative pretension to impose the Legislation of this Country upon other Nations.

The simplest course was to allow the Provisions of the Act to find their way to general knowledge through the usual channels of Commercial information.

The Undersigned has no reason to apprehend that this course has proved less effectual on the present than on former occasions.

The Conditions of the Act of 1825 have been accepted and carried into effect by some Governments: that of The United States has not thought it expedient to take advantage of them. But the Undersigned cannot but be still of opinion, that the Resolution proposed in

the House of Representatives, at Washington, at the beginning of the last Session of Congress, for the express purpose of urging the Executive Government of The United States to come into the Terms of the Act of 1825, the debates which took place upon that Proposition, and the final rejection of it by a majority of only two Votes, show that it was not for want of a sufficient understanding of the intent of the Act of Parliament, that the Conditions of it were not accepted by The United States.

To one piece of evidence, which proves the perfect understanding in America, not only of the purport and provisions of the Act of Parliament of 1825, but of the conditions which it would be requisite for the American Legislature to perform, in order to entitle The United States to the benefit of that Act, the Undersigned might have scrupled to refer, (as not being of the nature of a Diplomatick Document) if Mr. Gallatin had not encouraged him to bring forward any Document tending to throw light on the matter in dispute, by citing, in support of his own view of that matter, a private Letter from Mr. Clay to a Member of Congress.

Early in the Session of Congress of 1825-26, a Petition from Baltimore was presented to both Houses of the American Legislature, in which Petition it was distinctly pointed out, that the British Act of Parliament of July 1825, had not only manifested the readiness of this Country to remove all discriminating Duties, but also to permit American Ships to clear out from British Colonies, not, as theretofore, to the Ports of The United States only, but to all Parts of the World, (The United Kingdom and its Dependencies alone excepted.)

The Petition, with equal distinctness, invited the attention of the American Legislature to the conditions on which these advantages might be secured to The United States, and prayed for the removal of the several restrictions imposed by the American Act of 1823, not of the "discriminating Duties" only, but of the prohibition, of what is called by Mr. Gallatin, "the circuitous Intercourse in British Ships:" the Petitioners expressly submitting to Congress the propriety of admitting British Vessels, *from whatever Ports*, on the same terms as the Vessels of the most favoured Nations.

It appears from the Reports of the Proceedings of Congress, that it was against the prayer of this Petition (but without impeachment of any of its allegations) that the decision of the American Legislature, at the close of the Session, was taken: it cannot be doubted, therefore, that the American Legislature had the whole purport and bearing of the Act of 1825 full before their eyes.

The fact, that some of the British Authorities Abroad took upon themselves to suspend the execution of the Act of 1825, towards The United States, is undenied.

But the only effect of this suspension was—the continuance of the

benefits of the then existing state of things to The United States, for nearly a twelve-month longer than they would otherwise have enjoyed it.

That continuance was permitted by the British Government, mainly in consideration of the then pendency in the Legislature of The United States, of the Resolution herein before mentioned, for conforming to the conditions of the Act of 1825.

Immediately upon the receipt of authentick Intelligence of these proceedings at Washington, an Instruction was sent out to Mr. Vaughan, grounded on the belief of the British Government, that Congress would not separate without adopting the Resolution then under their consideration. In that case, and upon receiving an assurance from the American Government that the Restrictions and Charges on British Shipping, and British Colonial Produce, would be withdrawn by The United States, Mr. Vaughan was authorized to deliver a Note to the American Secretary of State, declaring—that the discriminating Duties imposed upon American Ships and their Cargoes in the West Indies should immediately cease. Mr. Vaughan was actually in possession of this Instruction, when the Resolution, on the assumed adoption of which the Instruction to Mr. Vaughan had been founded, was rejected. It was no part of Mr. Vaughan's duty to make any Communication upon the subject to the American Government before the result of the Discussion was ascertained. After that result, (wholly unexpected in this Country), any such Communication would have been not only useless, but might, perhaps, have been considered as an improper appeal against the formal decision of the American Legislature.

That Mr. Vaughan should not afterwards have been authorized to enter into any discussion of the Provisions of the Act of 1825, “so late as October last,” is not surprising, when it is considered that Mr. Vaughan, immediately after the close of the Session of Congress, was instructed to announce the intention of His Majesty's Government to pass the Order in Council of July (consequent upon the decision of the American Legislature) by which the terms of the Act of 1825 were virtually declined.

Mr. Gallatin accounts for the rejection of the Resolution, proposed to the American Legislature, by the persuasion, which, he says, the Government of The United States entertained, that the Negotiation on the Subject of the Commercial Intercourse between The United States and the British West India Colonies, would be renewed.

The Undersigned is at a loss to understand on what ground it was assumed at Washington, that there would be, at all times, an unabated disposition on the part of the British Government to make the Trade of its West India Colonies the subject of Diplomattick Arrangement.

The circumstances of the case were entirely changed.

Repeated Negotiation had failed to produce any material approximation of opinions upon that subject.

The last attempt at an adjustment had been made, with an evident conviction on both sides, that there existed between them an unconquerable difference of principle, and that it was by that difference, rather than by any decided irreconcilableness of interests, that a satisfactory arrangement was rendered hopeless.

The nature of that difference has been sufficiently discussed; it lies in the determination of The United States to dispute, and in that of Great Britain to maintain, the established distinction between General and Colonial Trade.

Great Britain had, therefore, an obvious motive for doing thenceforward whatever she might think it right to do, in relaxation of her Colonial System, rather by the instrumentality of her own Legislature than by compact with a State, with which she disagreed in opinion, as to the principles of Colonial Trade, so widely, that it would have been impossible to construct a Preamble to a Treaty on that Subject, in the enunciations of which the two Contracting Parties should have concurred.

But there was yet another reason for avoiding further Negotiations upon the subject.

Hitherto, when the Trade with the British West India Colonies had been opened at all, it had been opened chiefly, though not exclusively, to The United States.

To no other Country had it been opened by specifick and positive Convention.

But a time had now arrived, when, from motives of general policy, Great Britain thought it advisable to allow access to her Colonies to all Foreign Powers, without exception, on conditions tendered alike to all.

Such indiscriminate opening could only be effected by some process common to all those who were permitted or invited to take advantage of it; impartiality was thus maintained towards all Parties, and the power of controul over her own Colonies, was at the same time retained in the hands of the Mother Country.

The Undersigned believes that he has now touched on every topick in the last Note addressed to him by Mr. Gallatin, to which he had not had occasion to advert in former stages of their Correspondence. He will not allow himself to be drawn again into a discussion of topicks, already more than sufficiently debated.

The Undersigned trusts that it is unnecessary for him, in concluding this Note, to return to Mr. Gallatin's assurances of the friendly disposition of The United States of America—assurances equally sincere, that there is the most cordial desire, on the part of Great Britain, to cultivate the friendship of The United States.

The ties of common origin, laws, and language, must always form strong bonds of National Alliance between them. Their respective interests, well understood, harmonize together as much as their feelings.

But it has never yet been held a duty of international amity (any more than of friendship in private life) to submit to unequal compacts. Nor has it even been held an offence against such duty that a Nation (any more than an Individual) should decline to make uncompensated sacrifices.

Between two Nations, as between two Individuals, most friendly to each other, there may sometimes happen, unfortunately, to exist some known subject of incurable difference of opinion. In any such case it is perhaps most advisable to keep that subject as much as possible out of sight, and to take care that it shall not interfere with the tenour of their general intercourse and of their habitual relations.

The refusal to regulate the Trade of our Colonies by a Commercial Treaty, which the British Government may think (even if erroneously) disadvantageous to its interests, cannot give just cause of offence to any Power whatever.

In the present instance the Undersigned is most happy to be able to qualify such refusal with the declaration, that it is not in any degree dictated by sentiments, either unfriendly or disrespectful to The United States, or by any indifference to the amicable settlement of all other Questions at present pending between them and Great Britain.

Of these Questions, one has been already happily arranged since Mr. Gallatin's arrival in this Country.

The Undersigned looks forward with confidence, no less than with anxiety, to such an arrangement of the remainder, as, effacing all traces of past Discussions, and satisfying all fair and reasonable pretensions on both sides, may secure for a long period of Years to come, reciprocal good understanding and good will between two kindred Nations.

The Undersigned has the honour, &c.

Albert Gallatin, Esq.

GEORGE CANNING.



**DOCUMENTS accompanying the Message of the President
of The United States to Congress, at the commencement of
the Second Session of the Nineteenth Congress.**

December 5, 1826.

*Documents from the Department of State relative to Colonial Trade.
1822 to 1826.*

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(1.)—*Mr. S. Canning to Mr. Adams.*

SIR,

Washington, October 25, 1822.

A LETTER addressed by the Comptroller of The United States' Treasury to the Collectors and other officers of the Customs, for the purpose, in part, of explaining under what modifications the President's Proclamation, by which the Ports of The United States have been declared open to British Vessels arriving from His Majesty's Colonies in North America and the West Indies, is to be understood as going into operation, has lately been pressed upon my notice by several of His Majesty's Consuls. The Letter in question is dated the 14th of last month, and has since been printed in the public journals. On examining its contents I have found that it describes British Vessels, entering the harbours of The United States, in virtue of the above mentioned Proclamation, as liable to a duty of one dollar per ton, for tonnage and light money, and their cargoes as liable to the discriminating duty of ten per cent., which is levied on goods imported in Foreign Vessels not privileged by Treaty. I have also observed, that according to the tenor of the Comptroller's Letter, the Vessels of either Country, trading between the Ports of The United States and such of His Majesty's Colonies as the President's Proclamation enumerates, are restricted, when coming from the West Indies, to the importation of articles, the growth, produce, or manufacture, of the West Indian Colonies, and to the importation of articles, the growth, produce, and manufacture, of the North American Colonies, in the case of such Vessels having cleared out from any of the specified Ports in that quarter. This restriction, and the extraordinary duties imposed upon British Vessels and their cargoes, in pursuance of the Comptroller's Letter, appear to my understanding so much at variance with the spirit and intention of the Act of Parliament by which the newly opened trade is regulated, and to answer indeed so imperfectly to the leading principle set forth in the Act of Congress, on which the President's Proclamation is grounded, that I esteem it an indispensable duty to anticipate the special instructions of my Government, by soliciting your immediate attention to the subject.

In the Act of Parliament, passed during the late Session, entitled, "An Act to regulate the trade between His Majesty's Possessions in America and the West Indies, and other places in America and the

West Indies," it is expressly declared, as the intention and meaning of the Act, that the privileges thereby granted to Foreign Ships and Vessels shall be confined to the Ships and Vessels of such Countries only as give *the like* privileges to British Ships and Vessels in their Ports in America and the West Indies. It is essential, therefore, as far as this Country is concerned, to ascertain, in the outset, that British Ship owners are able, under the existing regulations, to engage in the new trade, on a footing of fair competition with the American; and I think it will be no less evident to you, Sir, than it is to me, that such can hardly be the case, so long as British Shipping is rendered liable to a tonnage-duty higher, by 94 cents the ton, than that exacted from American Vessels, and while the merchandise imported into the former is subject to a discriminating duty of ten per cent.

Any difference in the charges imposed in the Ports of The United States on the Vessels of the two Countries, navigating, in other respects, under similar circumstances, must necessarily give an undue advantage to the favoured party. The difference, in the present instance, if not counterbalanced by similar discriminating duties in the Colonial Ports, would probably have the effect of excluding British Vessels from all participation in this branch of commerce. If Colonial duties of a similar nature, operating to the disadvantage of American Shipping, be already either in existence, or in immediate contemplation, no such fact, and no such intention can, at least, be inferred from the provisions of the Act of Parliament at present in force. The general tenor of the Act may be regarded, on the contrary, as warranting a very different conclusion; and the 11th and 12th enactments, in particular, appear to have been framed with the view of securing to Foreigners a fair and liberal participation in the British Colonial trade, as far as it has been deemed advisable to open it. Such, indeed, is the care with which this object has, to all appearance, been provided for, that the condition of reciprocity, to which I have already adverted, and the power entrusted to the King in Council, of withdrawing the privileges offered by the Act of Parliament, from Countries not giving the like privileges, in return, to British Vessels, would seem to have become indispensable, as strict matter of justice, for the due protection of British navigation.

It is difficult to suppose that there can be any want of inclination on the part of the American Government to avail itself of the opening afforded by the above-mentioned Act of Parliament. To whatever degree the Regulations specified in the Treasury circular may have the effect of embarrassing or interrupting the intercourse between this Country and His Majesty's Colonies in the West Indies and North America, the terms of the Act of Congress, eventually authorizing the President to open the Ports of The United States to British Vessels coming from those Colonies, bear evidence that the American Legisla-

ture, in passing the Act of last Session, had no restrictions in view but such as should appear to have a *specific* counterpart in the enactments of the British Parliament.

With respect to the other regulation, by which the Vessels of either Country, engaged in trading between the Ports of The United States and His Majesty's Colonies in North America and the West Indies, are restricted to the importation of articles, the growth, produce, or manufacture, of the particular description of Colonies from which, in each Voyage, they have cleared out, the Comptroller represents in his Letter as being meant to correspond to the following provision, contained in the third section of the Act of Parliament, namely, that no articles, enumerated in the Schedule, shall be imported in any Foreign Ship or Vessel, unless shipped and brought directly from the Country or Place of which they are the growth, produce, or manufacture.

Whatever may have been the intention with which this regulation was framed, it is evidently a mistake to describe it as corresponding to the above mentioned clause in the British Act of Parliament. The fact is, that the range of the American restriction is beyond comparison more extensive than that of the British.

A few words will suffice to verify this assertion.

To open a Commercial intercourse between The United States and certain of His Majesty's Colonies in North America and the West Indies, is an object common to the Act of Congress, to the Act of Parliament, and to the President's Proclamation. The Act of Parliament, in providing, with respect to this Country, that the Vessels of The United States should be allowed to import into the said Colonies no articles but what are "brought directly from the Country or Place of which they are the growth, produce, or manufacture," establishes no distinction whatever between one part of The United States and another. A Vessel, for example, belonging to Boston, and clearing out for the Colonies from that harbour, would be permitted, I conceive, under the provisions of the Act, to import the tobacco of Virginia and the cotton of Louisiana, no less than any other of the enumerated articles which happen to be the produce or manufacture of that immediate neighbourhood. The American regulation, on the contrary, will not allow a British Vessel, clearing out from Halifax, for instance, or from St. John's, though otherwise duly qualified, to import into The United States the produce or manufacture of the West Indies, nor will it admit of Canadian and other North American produce being imported in a British Vessel when coming from a Port of the West Indies; creating, thereby, a distinction which affects, exclusively, His Majesty's Colonies, constituting, as they do, in this instance, one of the two Parties reciprocally concerned, and which, as a countervailing measure has no real foundation in any provision of the Act of Parliament.

The view which I have taken of this restriction is wholly independent of the practical inconvenience, if any, with which its operation may be attended. It is sufficient, for the present, to show that, in order to entitle it to the character of a corresponding regulation, the Act of Parliament to which the Comptroller's Letter refers, should be proved to contain a provision establishing between the productions of the Northern and Southern parts of The United States, when imported into His Majesty's Colonies, a similar distinction to that which the regulation contains with reference to the productions of those Colonies.

The preceding remarks are presented to your consideration, Sir, under a persuasion derived from the Public Acts to which they refer, that the American Government will, itself, be anxious to lose no time in relieving the newly opened trade from any charge or restriction originating within its authority, which is found not to answer in strict reciprocity to any existing enactment or regulation on the side of Great Britain. I beg, Sir, that you will accept, &c.

STRATFORD CANNING.

The Hon. John Quincy Adams.

(2.) *Mr. Adams to Mr. S. Canning.*

SIR, *Department of State, Washington, November 11, 1822.*

YOUR Letter of the 25th ult. having been laid before the President of The United States, I am directed to assure you of the disposition of this Government to co-operate with that of Great Britain, in every measure necessary for opening the Commercial Intercourse between The United States and the British Colonies in America, upon principles of liberal reciprocity.

This policy was manifested in the Act of Congress passed at their last Session, authorizing the President, by anticipation, to open the Ports of The United States to British Vessels from the Ports of the British Colonies in the West Indies, which might, in the interval before the next Session of Congress, be opened to the Vessels of The United States.

It was equally manifested by the Executive Government, when, immediately after receiving advice of the Act of Parliament of the 24th of June last, "to regulate the trade between His Majesty's Possessions in America and the West Indies, and other places in America and the West Indies," the Proclamation was issued on the 24th of August, wherein, by a liberal construction of the Act of Congress of the 6th of May, the Ports of The United States were opened to British Vessels, coming from any of the Ports of the British Colonies in America, which, by the Act of Parliament, were opened to the Vessels of The United States.

But the authority of the President was limited by the Act of Congress of the 6th of May last, to the opening of the Ports of The United States to British Vessels, employed in the trade and intercourse between The United States and the British Islands or Colonies, opened by the Act of Parliament to Vessels of The United States, subject to such reciprocal rules and restrictions, as the President might, by his proclamation, make and publish, "any thing in the Laws, entitled an Act concerning navigation, or an Act entitled an Act Supplementary to an Act concerning navigation, to the contrary notwithstanding."

The Act of Congress does not authorize the President to extend to British Vessels, coming from the British Ports in America, the privileges enjoyed by British Vessels from the European British Ports, by virtue of the Convention of 3d July, 1815, nor to remit duties levied upon British and all other Foreign Vessels, not specially privileged by Treaty, or by mutual privilege sanctioned by law: nor to repeal any discrimination prescribed by other Acts of Congress, than the two Navigation Acts, above specified. The tonnage duty of one dollar, and the additional ten per cent. upon the duties levied on importations in Foreign unprivileged Vessels, are prescribed by other Acts of Congress, and are altogether independent of any restrictions, which had been imposed on the Commercial Intercourse between The United States and the British Colonies in America. They can be revoked only by the same authority, by which they were enacted.

The Act of Parliament does not extend to Vessels of The United States, admitted by it into the Colonial Ports, the privileges secured to the same Vessels entering the British Ports in Europe, by virtue of the Convention of 3d July, 1815. It does not admit the Vessels of The United States into the Colonial Ports, on the same terms, as they are admitted into the European Ports. It admits them only on a footing of *exceptions*, to a general system of exclusion, and under circumstances of strong and marked discrimination, to the advantage of British Vessels, with which they must encounter competition in the same intercourse. Their admission is only to certain enumerated Ports. They are permitted to introduce only certain enumerated articles, from which are excluded many of the most essential articles of the produce of The United States, and most needed in the Colonial Ports. They are admitted only to a direct trade, both from The United States to the enumerated Ports, and from the enumerated Ports to The United States. They are subjected to the payment, without credit, and before admission, of duties, in many cases almost equivalent to prohibition; and to a very heavy *export* duty, in addition to the duties prescribed by the Act of Parliament. Nor does it appear that, with regard to the important article of Port charges, they can claim admission upon the same footing of British Vessels. To counteract these disadvantages, under which

they must submit to enter in competition with British Vessels employed in the same Navigation, the regulations prescribed in the Proclamation, and the additional tonnage and other discriminating duties provided by the Laws of The United States, are surely not more than sufficient. Nor can The United States, in imposing discriminations, the *effect* of which will be to restore to their own Vessels *that equal advantage of competition* of which they would be deprived by discriminations operating against them, be confined to the mere *specific* counterparts of restrictions instituted by the other Party to the commerce. Had they been so confined, they might have designated a specifick list of articles to be admitted from all the British Colonies ; and, besides subjecting them to duties nearly prohibitory, might have excluded the article of rum, for instance, from the list.

The Colonies of Great Britain in the West India Islands, are, in respect to every object of Commerce and Navigation, as distinct from those in North America, as any two Nations are from each other. Separated by an ocean, and having scarcely a single article of commercial interchange in common, the productions of neither can, in the natural course of trade, be objects of export from the other. Instead, therefore, of excluding from admission all the articles of the produce of both, with the exception of a small enumerated list, the Proclamation has authorized the general admission of all the articles from either, of its own natural growth or produce, excluding only the admission from either, of those articles, which it never could export but in consequence of their having been before imported to it from abroad.

On the first perusal of the Act of Parliament for opening the Colonial Ports, it was perceived that, to the satisfactory accomplishment of the objects interesting to the commercial intercourse between The United States and the British Colonies in America, which it was believed to be the intention of its enactment to promote, a further free communication and understanding between the two Governments would be necessary. The Proclamation was forthwith issued, commensurate with the authority given to the President by the Act of Congress, understood in the most enlarged import of the words in which it was given ; and, by an immediate instruction to the Minister of The United States at London, he was empowered to make known to your Government, as well the disposition of this Country to meet with fair and equal reciprocity, this and every other overture on the part of Great Britain, for opening the Commercial Intercourse between The United States and the British Colonies in this hemisphere, as the conviction of this Government that further measures on both sides would be indispensable to obtain that result in a manner satisfactory to both. That they may be adopted in concert, either by further Legislation, or by

Convention, is referred to the consideration, and submitted to the option, of your Government. I pray you, Sir, to accept, &c.

The Right Hon. S. Canning.

JOHN QUINCY ADAMS.

(3.)—*Mr. S. Canning to Mr. Adams.*

SIR,

Washington, 16th November, 1822.

IN answer to the disposition which you express in your Letter of the 11th instant, to co-operate on the part of your Government in every measure necessary for opening the Commercial Intercourse between the British Colonies in America and the Ports of The United States, on principles of liberal reciprocity, I can only assure you of my readiness to transmit your Communication to His Majesty's Ministers.

The American Envoy in London, whom you describe as having been empowered some weeks ago to make a declaration of similar purport, has doubtless by this time apprized the British Government of the views entertained by his Cabinet. He will probably be enabled to satisfy you that the British Legislature, in adopting the measures already in force for opening the Colonial Trade, has carried its liberality to an extent which can only be justified by the persuasion that every one of those measures will be met by Foreign Governments with a prompt and complete return. As the representations which I thought it my duty to address to you on the 25th ultimo, were grounded upon the very principle which you acknowledge, I learn with regret that the President has not been invested by Congress with power to remove the discriminating duties by an immediate exercise of his discretion.

You will remember, Sir, that the object of my former letter was to point out the serious and unexpected disparity subsisting between the provisions of the new Act of Parliament, and the regulations enforced by the Treasury Circular of September the 14th. I thought myself warranted in supposing that it was naturally the wish and intention, no less than the interest of The United States, to abstain from originating any discrimination in the charges imposed upon the Vessels of the respective Countries. A desire to extend the principle of reciprocity to all possible cases, can hardly preclude the application of that principle to those which already exist. But what is the situation of the two Parties at this moment? A British Vessel entering a Port of The United States from one of the enumerated Colonies, is subject to a heavy discriminating duty on its tonnage, and to another on its cargo, from both which charges the American Trade is free. No such inequality appears to exist on the other side. There is reason, on the contrary, to believe that, in His Majesty's Colonies, the Vessels of both Nations, trading under the new Act of Parliament, are at present subject only to the same duties. I have already shown that the neces-

sary consequence of this state of things, is to give the American Trader a most undue and preponderating advantage over his British competitor. It might, in fact, be proved to conviction, by a short and obvious calculation, that a continuance of the present system must soon exclude the Shipping of Great Britain from all participation in this Trade.

You will allow me, Sir, to observe, that the question here at issue does, by no means, involve a comparison between the terms on which the Vessels of The United States are received into His Majesty's European Ports, and those on which they are permitted to Trade with enumerated Colonies. The Colonial Commerce stands, as it has always stood, on separate grounds. The very terms of the Commercial Treaty, to which you have adverted, establish this fact. By the late Act of Parliament, a direct Trade has been declared open, on condition of reciprocity, between certain of His Majesty's Colonial Ports, and the neighbouring Islands and Countries, of which The United States are one. Within the limits of the Trade thus opened, it is, that the Privileges, of which a return in like Privileges is the declared condition, must naturally be sought. So long, therefore, as it appears that the Vessels of the two Countries, engaged in this direct Trade, are admitted on payment of equal charges into the Colonial Ports, it is surely not a strange or intemperate pretension to expect that they should also be admitted on the same equal terms into the harbours of The United States. The charges and restrictions of a detailed nature, which you represent as disadvantageous to the American Trade, however inconvenient they may prove in themselves, can never be admitted as proper subjects of complaint, while the other parties, Native as well as Foreign, to the same branch of Commercial Inter-course, are equally subject to their operation.

With respect to the limitation on imported Articles,—the form of which limitation, whether the Articles admitted or the Articles prohibited be mentioned by name, is sufficiently immaterial,—it will be found that the 17th and 18th sections of the Act of Parliament provide with care for a perfect equality of competition. It is expressly enacted in those sections, that British built Vessels are subject, in common with Foreign Vessels, to the restrictions affecting the Articles imported, as well as the number of places at which the importation of them is permitted. As countervailing measures, the efficacy of the discriminating duties may surely be questioned, since the very exaction of them by one party must necessarily imply the right of imposing them by the other.

I cannot dismiss this subject without noticing the reasons which you have given in support of the distinction taken in the Proclamation of August the 24th, between His Majesty's West Indian Colonies and those which are situated in North America. Their separation by sea,

and the different nature of their productions, are stated as circumstances entitling them to be viewed, commercially, as distinct and unconnected Nations. Whatever may be the merits of this doctrine, in its bearing on Commercial Law, it cannot be true with regard to the two discriminated portions of His Majesty's Colonies, without being equally applicable to the Northern and Southern divisions of this extensive Country. The productions of New England are quite as distinct from the staple exports of Louisiana and Georgia, as the productions of Canada can possibly be from those of Jamaica. That the several Territories should, in the one instance, be divided by the ocean, and, in the other, by a vast continental region, is a difference of little weight in the eye of Commerce. You need not be told, Sir, that the sea is, unquestionably, the most rapid conductor of Commercial Intercourse. With the aid of nautical science, it serves to approximate Nations, and bring the most remote into a sort of neighbourhood with each other. Hence it was, that, observing the Act of Parliament to contain no restriction affecting the importation of the enumerated Articles from one part more than from any other of The United States, I thought myself bound to point out the utter inapplicability of the term "corresponding" to the restrictive regulation announced in that character by the American Government. I venture to repeat, that this restriction has no counterpart in the Act of Parliament. The limitation on the number of imports, with which you confront it, is altogether of a different nature, and rests on principles generally acknowledged.

In further confirmation of the view which I have taken of this question, I may appeal to the official and recorded decisions of the Treasury. In a letter dated the 29th of September, 1817, and addressed by the head of that Department to the Collectors of the Customs, it is expressly declared, that the word "Country," as employed in the first section of the Act concerning Navigation, is "to be considered as embracing all the Possessions of a Foreign State, however widely separated, which are subject to the same Supreme Executive and Legislative Authority."

I avail myself, with pleasure, of this opportunity, &c.

The Hon. John Quincy Adams.

STRATFORD CANNING.

(4.)—*Mr. S. Canning to Mr. Adams.*

Washington City, 4th December, 1822.

MR. STRATFORD CANNING presents his compliments to the Secretary of State, and, agreeably to his request, encloses Copies of the two Statements, relative to the charges levied on British and Alien Vessels in British West Indian Ports, which he put into Mr. Adams's hands yesterday. He adds an extract of a Letter from a Commercial House

at Barbadoes, concerning the same subject, which he had the honour of shewing to Mr. Adams some time ago.

The Hon. J. Q. Adams.

STRATFORD CANNING.

(*Inclosure a.*)—*From a respectable House in Barbadoes, dated September 25th. 1822. (Extract.)*

We are in a new era in the Commerce of these Islands, the Act of Parliament to regulate the trade between His Majesty's Possessions in America and the West Indies, and other places in America and the West Indies, reached us on the 11th of August; and we received three days ago, President Monroe's Proclamation founded thereon, of the 24th ultimo. How all this *will work* remains to be seen by-and-by. At present we can only tell you, that, by an order from the Commissioners of the Customs in London to the Customs here, which accompanied the Act, Foreign Vessels are to be subject to the same fees exacted upon British Vessels and no higher. So that we may suppose that British Vessels from these Islands are to pay the same fees as American Vessels in The United States, and that our Vessels are to be no longer subject to the tonnage duty of one dollar per ton, and will pay 6 cents only, the same as American and British Vessels from Europe; and, furthermore, that the produce of these Islands imported into the States in British bottoms, will also be relieved of the additional duties heretofore exacted in Foreign bottoms. We look for information from you on all these points.

Truly extracted,

GILBERT ROBINSON.

(*Inclosure b.*)—*Statement of the Owners of the British Brig Ceres, of 251 tons, in account with Daly and Morton.*

1822		£.	s.	d.
September 10.	To cash paid fees at entry.....	57	15	0
October 5.	Do. at clearing (in ballast).	23	10	0
	Do. Pilotage.....	9	0	0
		Currency...£90 5 0		

The pound currency is equal to 3 dollars. At Baltimore this Brig has had to pay a tonnage duty of 251 dollars, though entering only in ballast.

(*Inclosure c.*)—*Statement of the American Schooner Industry, Captain Stufro, 116 tons register, at Kingston, to Lucius Carey, Dr.*

1822.		£.	s.	d.
September 23.	To cash paid Collector of Custom House, entry.....	4	17	6
	To cash paid Comptroller.....	1	12	6

		£	s.	d.
	To cash paid Surveyor	1	6	8
	Do. Waiter and Searcher	1	6	8
	Do. Naval Officer	3	15	0
	Do. Receiver-General for tonnage duties	11	10	2
	Do. Hospital	5	11	3
	Do. Secretary	1	16	8
	Do. Pilotage in and out	6	0	0
October 3.	Do. Collector of Custom-House, clearance	8	1	8
	Do. Comptroller	2	13	9
	Do. Surveyor	1	6	8
	Do. Waiter and Searcher	1	6	8
	Do. Naval Officer	4	10	7½
	Do. Receiver-General £2. 5s. }	2	18	4
	Do. Hospital 13s. 4d. }			
	Do. Transient Tax Office	1	9	2
	Do. Clerk of the Peace	1	2	6
	Do. Health Office	1	0	0
	Do. Secretary	0	10	0
	Currency	£62	15	9½

The pound currency is equal to 3 dollars.

(5.)—*Mr. S. Canning to Mr. Adams.*

Washington, December 18, 1822.

THE Undersigned presents his compliments to the Secretary of State, and requests his attention to the two accompanying Papers, being Copies, the one of a Letter from His Majesty's Consul at Baltimore, the other of a Letter addressed to that Gentleman by the Collector of the Customs at Kingston, in Jamaica, both confirmatory of the fact, already communicated to the Government of The United States, with respect to the non-existence of any discrimination in the charges levied on British and Alien Vessels, entering the Colonial Ports of His Majesty, under the provisions of the Act of Parliament passed on the 24th of last June.

The Hon. J. Q. Adams.

STRATFORD CANNING.

(Inclosure a.)—*Mr. Consul Crawford to Mr. S. Canning.*

SIR, *British Consulate, Baltimore, 17th December, 1822.*

I HAVE the honour to transmit for your information, a Letter just received from the Collector of the Port of Kingston, Jamaica, by which it will be found that no higher duties or port charges are payable on

American Vessels and their cargoes in that Island, than are levied on those of Great Britain.

The American Schooner *Rising Sun*, has just arrived here from Barbadoes, the Captain of which Vessel states that he was informed by the Collector of the Port, that the same duties, &c. were payable alike on British as American vessels and cargoes.

I have the honour to be, &c.

The Right Hon. Stratford Canning.

JOHN CRAWFORD.

(*Inclosure b.*)—*Collector of Kingston to Mr. Consul Crawford.*

SIR,

Kingston, Jamaica, 21st October, 1822.

I AM honoured in receipt of your esteemed favour of 6th ultimo, and I lose not a moment in answering your several queries, which are of the greatest importance to the mercantile World.

I beg to state for your information, that at present no distinction is made in fees to Officers, duties on tonnage, or other Island dues, (i. e. hospital and gunpowder dues,) between British Vessels and those of The United States, coming from the same Countries: Pilotage and Harbour-master's charges are also the same on Vessels of both Nations.

Goods of the growth and production of the United States of America, which may be legally imported, are liable to, and pay the same duties, whether brought here in Vessels of Great Britain, or those of the States.

For these reasons, I conceive it will only be an act of justice, that any duties charged on British Ships arriving in The United States, and to which their own Vessels are not subject, should be done away with.

I have the honour to be, &c.

J. Crawford, Esq. Baltimore.

H. MACDOWALL.

(6.)—*Mr. S. Canning to Mr. Adams.*

Washington, 13th January, 1823.

THE Undersigned, His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, in communicating to the Secretary of State the enclosed Papers, which he has recently received, in further confirmation of the fact, already, as he conceives, established by sufficient evidence, that no discriminating duties are levied under His Majesty's authority, on American Vessels now trading between The United States and the British Colonies in North America and the West Indies, under the provisions of an Act of Parliament, bearing date the 24th of June, 1822, is unable to conceal the impressions with which he observes so many weeks allowed to pass away without a removal of the like discriminating duties from the Vessels of His Majesty's Subjects, when entering the Ports of The United States from the above-mentioned Colonies.

In the daily hope of receiving a satisfactory Communication from the American Government, the Undersigned has abstained for some time from pressing the Secretary of State, further than by transmitting to him such Documents as he has occasionally received in corroboration of his previous statements. He now feels it his duty to express a distinct conviction, that the Government of The United States will see the propriety of enabling him, without further delay, to inform His Majesty's Ministers, and the Colonial Authorities, definitively, whether the discriminating duties to which he refers, are to be withdrawn from British Vessels trading with this Country, in pursuance of the President's Proclamation of August the 24th, and under an expectation, which can hardly be disappointed, without injustice, of being at once admitted to the fair and full operation of such Acts of Congress, including that of March 3, 1815, as appear to have an immediate application to the case.

The Undersigned has the honour to repeat, &c.

The Hon. J. Q. Adams.

STRATFORD CANNING.

(*Inclosure a.*)—*The Collector and Comptroller of His Majesty's Customs at Halifax, transmitted by His Majesty's Consul at Baltimore.*

SIR,

Custom House, Halifax, 9th December, 1822.

WE have the honour of informing you that we are not aware of any duties or fees authorized by Act of Parliament being received on Foreign Vessels at this Port, other than those directed to be enforced on Vessels belonging to His Majesty's Subjects. We are, &c.

THOS. N. JEFFERY, *Collector.*

J. WALLACE, *Comptroller.*

(*Inclosure b.*)—*The Captain General and Governor of St. Christopher, Nevis, Anguilla, and the Virgin Islands, addressed to His Majesty's Consul General in The United States.* (Extract.)

YOU will perceive, on reference to the accompanying Document, that the American Vessels are received into these Ports, paying the same duties as those to which British Vessels are subject.

(*Inclosure c.*)—*Certificate of Collector at Basseterre.*

St. Christopher.

WE, the acting Collector and Comptroller of His Majesty's Customs at the Port of Basseterre, do hereby certify, that, agreeably to the Act of 3 George IV. chap. 44, the same fees and duties are payable on British Vessels and Cargoes, as those paid on American Vessels and their Cargoes: and that the American Vessels are placed on the same footing, in every respect, with British Vessels, with regard to Custom House expenses.

Given under our hands and seals of office, at the Custom House, Basseterre, this 22d of November, 1822.

W. L. BIGGER, *Act. Col.*

W. H. MALE, *Comptroller.*

(7.)—*Mr. Adams to Mr. S. Canning.*

SIR, *Department of State, Washington, 18th January, 1823.*

I HAVE had the honour of receiving your Note of the 13th instant, with its Enclosures.

It has already been observed, in our preceding Correspondence on this subject, that the repeal of the discriminating duties upon the tonnage of Foreign Vessels, and upon merchandize imported in them, is exclusively within the competency of the Legislative Power.

The Act of Congress of 3d March, 1815, having been enacted exclusively with reference to the modification or mutual abolition of all discriminating or countervailing duties, in the Commerce between The United States and Foreign Nations, has no application to the limited and restricted Intercourse which may, by mutual consent and regulation, be opened between The United States and particular Ports in the Colonies of a Foreign Nation. The Act contemplates a reciprocal abandonment of the discriminating or countervailing duties of the Nation, and not the removal of interdictions to any direct Commercial Intercourse with Colonies. The Act of Parliament of 24th June last, abolishes no discriminating or countervailing duties which existed in the British Colonies to the disadvantage of The United States; it partially opens certain Ports to the admission, in Foreign Vessels, of certain Articles, to which they had been previously closed. The precedent condition, therefore, upon which alone the President of The United States was authorized to act, by virtue of the Act of Congress of 3d March, 1815, does not exist, nor are the provisions of that law applicable to the case.

It may be added, that even the principle of the law is not more applicable than its letter. Discriminating duties, *operating* to the disadvantage of The United States, still exist in the British Colonies now opened to their Navigation. It is a discrimination, that the Vessel of The United States, which has entered a Colonial Port from The United States, is compelled to return directly to them, and to pay a heavy export duty upon any Cargo which she may take on the return voyage; while the British Vessel, entering the same Colonial Port, also from The United States, has the world before her for her subsequent progress, and pays no export duty upon the Cargo which she takes to any other British Colonial Port, or to Great Britain. The American Vessel, therefore, if entering the Colonial Port upon equal terms with the British, goes out of it charged with heavy duties, from which the British Vessel is exempted. The discrimination is not the less effectual for being indirect.

I avail myself of this opportunity of stating, that numerous complaints have been, and continue to be, received at this Department, of the oppressive and ruinous effect of the construction given to the Act of Parliament of 24th June last, in several of the British Colonies, in the cases of Citizens of The United States who have entered their Ports under the provisions of that Act. The concurring reports of most of the persons who have adventured upon shipments to those Ports, confirm the anticipations entertained by this Government, from the first appearance of the Act of Parliament, that this Intercourse can be definitively regulated to the satisfaction of both Parties, only by concert between the two Governments. To the adoption of this concert, the Government of The United States is, as it has been, prepared to contribute, by a disposition of perfect reciprocity, and the most cordial good will.

Your Note, and its Enclosures, have been communicated to the Committee of the Senate, who have under consideration a Bill for regulating the Commercial Intercourse between The United States and the Ports in the British Colonies, opened to the Shipping of Foreign Nations by the Act of Parliament of the 24th of June last.

I pray you, sir, to accept, &c.

The Right Hon. S. Canning.

JOHN QUINCY ADAMS.

(8.)—*Mr. S. Canning to Mr. Adams.*

SIR,

Washington, 25th January, 1823.

FROM your letter, dated the 18th instant, I learn that Congress alone is competent to the removal of those discriminating duties, to which, by several communications, including my note of the 13th, I have lately had the honour to call your attention, inasmuch as the Act of Congress of March 3d, 1815, was intended to apply to the Commercial Intercourse of Nations, and not to that of Colonies. This declaration, little as it may answer to my own impressions, being accompanied with the information that a Bill directly bearing on this subject is now under the consideration of a Committee of the Senate, to which my representations with respect to the discriminating duties have been communicated, I address you, at this moment, for the sole purpose of noticing two or three points, as stated in your letter, which I think capable of being viewed in a different and more satisfactory light.

You observe, for instance, that no discriminating duties, which existed in the British Colonies to the disadvantage of The United States, are abolished by the Act of Parliament, under which the Trade is now open. Correct as this statement may be in point of fact, the inference to which it leads is not the less erroneous, except it can be shewn that enactments authorizing the eventual collection of such duties, were really in force at the time when the Colonial Trade was open to Foreigners. The silence of the new Act is, otherwise, all that can be

required for any practical purpose. The only essential point is the non-existence of the duties in question; and to the recognition of this reality, it was natural to expect that the American Government would be prepared to hold out every facility.

To prove that discriminating duties, operating to the prejudice of The United States, do actually exist in the British Colonies, you state that an American Vessel, when clearing out on her return from a Colonial Port, is subject to a heavy export duty on her cargo, from which the British Vessel is exempt. Of any such export duty I have no knowledge, beyond what I derive from your Letter; but, taking the fact for granted, I am persuaded that the duty, if levied at all, is equally levied on British and on Alien Vessels, employed in the direct Trade, and ought not, therefore, to be classed with duties imposed on a principle of discrimination. With regard to any indirect advantage which the British Trader may possibly derive from the circumstances of his having a wider range for his export voyage, it is one, which, so long as any commercial restrictions whatever are maintained, must obviously belong to the Native, whoever he may be, in the harbours of his own Country. The Foreigner, in his turn, finds a compensation in the enjoyment of the like advantages when at home. This local disparity, unavoidable in the present or in any probable state of the civilized World, is not peculiar to the Colonial Trade. With some variation in the degree, it exists in all Countries where Commerce is an object of legislative care.

On the subject of any arrangement by Negotiation between the two Governments, agreeably to the suggestion contained in your Letter, it would be idle for me to occupy your time, as you will, doubtless, be apprized of the views entertained by His Majesty's Ministers, directly through the American Envoy at London, by whose channel you mention, in a preceding Letter, that an early communication of the same purport was to be made. I feel, at the same time, that I should hardly do justice to the sentiments of amity and good will which His Majesty's Government have ever been disposed to cherish towards this Country, were I not to express my readiness to bring under their notice those cases, to which you refer, as arising out of a harsh construction of the late Acts of Parliament, and pressing with undue rigour on the interests of American Citizens; though it should not be forgotten that much of those complaints may, perhaps, be found, on inquiry, to proceed from individuals too deeply intent on their Commercial gains to submit with willingness, even to the most indispensable regulations. I beg, Sir, that you will accept, &c.

The Hon. J. Q. Adams.

STRATFORD CANNING.

Remarks on a Bill "to regulate the Commercial Intercourse between The United States and certain British Colonial Ports."

IT may be observed, in the first place, that the general tone and character of this Bill are strikingly restrictive, considering how much the important changes recently introduced into the Colonial trade of Great Britain are calculated to meet the declared views of The United States.

Sec. 3. — "*or upon the like goods, wares, and merchandize, imported into the said Colonial Ports from elsewhere.*"—This Clause in the 3d Section appears susceptible of a construction which, if intended, would, surely, put the question of discriminating duties on a footing no less unexpected than irreconcilable with the fair and natural view of the subject. In the Commercial Relations, as regulated between The United States and the British European Territories, the non-existence of Alien charges and discriminating duties on one side, is received as the proper and sufficient return for the non-existence of the like charges and duties on the other. Both Parties remain at liberty to raise revenue, and to protect their Home produce, by levying duties on Foreign imported articles.

Sec. 5. "*Having come directly*"——"*other than in such as shall have come directly from one of the said Ports of The United States.*"—This condition which limits the permission to export, in the case of British Vessels, to such *as have previously come directly* from any of the enumerated Ports, does not appear to have any counterpart in the British Act of Parliament, which only insists upon the exportations being made direct to the Ports of the Country to which the Vessel belongs, the condition of a direct voyage, in cases of *importation*, being applied to the *articles*, if any, so imported, and not to the *vessel*.

With respect to exportations from the enumerated Colonies to The United States, it may be well to observe, that the Act of Parliament does not confine the power of exportation to articles of Colonial produce and manufacture, but freely extends it to all articles whatever, being the growth, produce, or manufacture, of any part of the British Dominions. It is obvious that this branch of intercourse cannot be otherwise than beneficial to the mercantile concerns of both Countries.

In addition to these more prominent points, a verbal alteration or two, might, perhaps, be admitted for the sake of clearness and mutual convenience.

Sec. 2. — "*coming directly.*"—The word *directly* appears superfluous in this place. It can hardly be meant as a condition to the admittance of the *vessel*; and the directness of the voyage, in cases of importation from the enumerated Colonies, is secured by the 4th Section.

Sec. 2. —“ *the importation of the like articles, to which, from elsewhere, is not, or shall not, be prohibited by Law.*”—If it be meant by this Clause that the only articles of Colonial produce, &c. the importation of which is not to be allowed in British Vessels, are such as are forbidden by other Acts to be imported at all from any Country, the present wording will, perhaps, be found to present some obscurity which it might be of use to remove.

Sec. 3. “ *Provided always, &c.*”—If proof of the non-existence of discriminating duties on the British side, be a requisite preliminary to their renewal on the part of The United States, is not this proviso superfluous?

Sec. 5. “ *Elsewhere.*”—The signification of this word, as here employed, seems hardly clear. If it be intended, as may be inferred from the text, to mean “ *to other Countries,*” would not this latter expression be more distinct?

(9.)—*Memorandum communicated by Mr. Stratford Canning to Mr. Adams, 17th February, 1823.*

It may be interesting to the American Government to know, that the equality of duties on tonnage and imports, levied on British and Foreign Vessels trading to the British Colonies under the Act of Parliament, dated the 24th of June, 1822, of which equality information was some time ago officially given to the American Secretary of State, is not at all likely to be disturbed by the British Government, so long as The United States after having adopted, adhere to a similar policy, and that if the Government of The United States should have any preference for giving to that equality, on both sides, the more formal shape of a Treaty, the British Government would not object to enter into any negotiation for that purpose.

By the Act of Parliament, permission is giving to American, in common with British Vessels, to export from the enumerated Colonies all articles whatever, being of the growth, produce, or manufacture, of any part of the British Dominions. Though by far the greater part of the exports of British goods to The United States would naturally go by the direct line of conveyance, cases might occur, in which the operations of commerce would, perhaps, be facilitated by means of the extended permission just specified. The only object of inserting that permission in the Act of Parliament, was to enable the merchant, who might accidentally find the West India market overstocked with British goods, to dispose of them by sending them to the United States, either in an American or a British Ship. This intercourse (whenever, in particular cases, it might happen to be carried on) could hardly prove otherwise than beneficial to the mercantile concerns of both Countries; but it has not escaped the observation of the British Government, that, unless it be permitted on the part of The United States,

as it now is on that of Great Britain, in common to British as well as to American Vessels, a door would manifestly be opened to complaints from British merchants, of a want of due reciprocity from The United States.

STRATFORD CANNING.

(10.)—*Mr. Adams to Mr. Rush, (No. 64.)*

(Extract.)

Department of State, 23d June, 1823.

I HAVE the honour of enclosing, herewith, Copies of the correspondence between the British Minister residing here, Mr. Stratford Canning, and this Department, since the close of the last Session of Congress, relating to the Act of 1st March, 1823, "to regulate the Commercial Intercourse between The United States and certain British Colonial Ports.

This Act was intended as a corresponding measure on the part of The United States to the Act of Parliament of 24th June, 1822, (3 Geo. IV. ch. 44.) On the 24th August, 1822, immediately after this Act of Parliament was received here, the President of The United States issued the Proclamation, a Copy of which was transmitted to you, with my Despatch No. 59, of the 27th of the same month.

That Proclamation was issued in conformity with an Act passed at the preceding Session of Congress, (U. S. Laws, 17 Cong. 1 Sess. p. 49,) which had provided, that, on satisfactory evidence being given to the President of The United States, that *the Ports* in the Islands or Colonies in the *West Indies*, under the dominion of Great Britain, *had been opened* to the Vessels of The United States, the President should be authorized to issue his Proclamation, declaring that *the Ports of The United States* should thereafter *be open* to the Vessels of Great Britain employed in the Trade and Intercourse between The United States and *such Islands or Colonies*, subject to such *reciprocal* Rules and Restrictions as the President might, by such Proclamation, *make* and publish, any thing in the Laws, entitled, "An Act concerning Navigation," or an Act entitled, "An Act supplementary to an Act concerning Navigation," to the contrary notwithstanding.

The Proclamation of the President was necessarily limited by the authority given in the Law; and the Law was enacted in anticipation of measures known to be then depending in Parliament, *one* of the objects of which was the opening of the British Colonial Ports to Foreign Vessels, including those of The United States. When the Act of Congress passed, (6th May, 1822,) it was not known what Colonial Ports would be opened by the expected Act of Parliament, nor under what Rules and Restrictions. It was, therefore, expressed in general and indefinite terms, looking to *the opening of the Ports* in the British West Indies generally, and manifesting the disposition to meet the British Government forthwith in *any* plan for opening the Ports to the Navigation of both Countries, upon terms of *reciprocity*, the Laws of both

Countries having at that time interdicted the Trade between The United States and those Colonies, in the Vessels of either Nation.

This interdiction on the part of The United States had been effected by the two Laws referred to in the Act of 6th of May, 1822 ; the Act concerning Navigation, bearing date the 18th of April, 1818, (U. S. Laws, Vol. 6. p. 296,) and the Supplementary Act, the 15th of May, 1820.

These Laws had been enacted as counteractive of those of a like character, long before existing on the part of Great Britain, interdicting the Trade in Vessels of The United States. They had been resorted to after the failure of repeated attempts to settle, by amicable Negotiation, the manner in which the Trade might be regulated upon principles of reciprocity, attempts which were renewed immediately after the passage of the first of them, and upon the abortive issue of which the second received the sanction of Congress.

This intermediate Negotiation between the 18th of April, 1818, and the 15th of May 1820, must be constantly borne in mind, in all discussion of the measures adopted on the part of The United States, predicated upon the Act of Parliament of 24th June 1822, opening the Colonial Ports. The whole subject of it is familiar to your memory as one of the Negotiators of the Convention of 20th October, 1818, and as the sole subsequent Negotiator concerning the Article referred, by the Plenipotentiaries of The United States who concluded that Convention, to their Government.

By the Convention of 3d July 1815, the Commercial Intercourse between The United States and the British Territories in *Europe* was placed, in relation to Navigation and Revenue, on the following footing :

1. No other or higher duties of *importation* are to be imposed in either Country, on any articles, *the growth, produce, or manufacture of the other*, than are payable on *the like articles*, being the growth, produce, or manufacture of any other *Foreign Country*.

2. No higher or other *duties or charges of exportation* are to be imposed on any articles exported to the two Countries, respectively, than are payable on the exportation of the like articles *to any other Foreign Country*.

3. No *prohibition* of exportation or importation of articles, the growth, produce, or manufacture of either Country, to the other, which shall not equally extend to all other Nations.

4. No higher or other *duties or charges*, to be imposed in the Ports of either party upon the *Vessels* of the other, than upon its own.

5. The *same* duties to be paid on the importation of articles, the growth, produce, or manufacture, of either Country, into the Ports of the other, whether imported in the Vessels of The United States or of Great Britain.

6. The *same duties* to be paid, and the *same bounties* allowed on

exportation of articles, the growth, produce, or manufacture, of either Country to the other, whether exported in British Vessels, or in Vessels of The United States.

7. In cases of *drawbacks* allowed upon re-exportation of any goods, the growth, produce, or manufacture, of either Country, to the other, respectively, the amount of drawback to be the same, whether the goods re-exported were *originally imported* in a British or an American Vessel.

8. But when the re-exportation is to any other Foreign Country, the parties reserve to themselves, respectively, the right of regulating or diminishing the drawback.

9. And lastly, The intercourse between The United States and the British West Indies, and on the Continent of North America, was not to be affected by any of these provisions, but each party was to remain in complete possession of its rights with respect to such an intercourse.

The system of reciprocity, with regard to Navigation established by this article, between The United States and the British Possessions in Europe, was substantially the acceptance of a proposal made to all the Nations with which The United States have Commercial Intercourse, by the Act of Congress of 3d March, 1815,* conditionally repealing our discriminating duties, (U. S. Laws, Vol. 4. p. 824.) But it was expressly limited to the British Possessions in *Europe*; and, while accepting it thus far, the British Government reverted to the system of interdiction to the admission of our Vessels into her American Colonial Ports.

The direct Trade between The United States and Great Britain was so interwoven with, and dependent upon, that between The United States and the Colonies, that this Convention would have been worse than nugatory to The United States, if, while the European part of this intercourse was placed upon a footing of entire reciprocity, that between The United States and the Colonies had been exclusively monopolized by British Navigators. This was practically felt from the moment that the Convention took effect; and, in the Year 1816, several efforts were made to induce the British Government to adjust this collision of interests by amicable Negotiation.

(See Message, P. U. S. 13th Feb. 1823, pp. 37, 39, 49) [also, Documents 15th Con. 1st Sess. [87] Rept. Com'ee. H. R. U. S. 9th Feb. 1818, Document marked F.]

In March, 1817, a draft of 4 Articles was communicated by Lord Castlereagh, through your Predecessor, to the Government of The United States, which was stated to embrace all that could then be assented to by Great Britain, towards admitting The United States to a participation in the Trade between them and the Colonies.

See Commercial Treaties, Vol. 3, page 484.

The 1st of these Articles extended to The United States the provisions of the Free Port Acts of Parliament of 27th June, 1805, and 30th June, 1808, authorizing a certain Trade, in certain enumerated articles, with certain enumerated Ports of the British West India Islands, to the Colonial inhabitants of Foreign *European* Possessions, in Vessels of one deck. The island of Bermuda was included in the provisions of this Act.

The 2d Article made a special and additional provision for the Trade between The United States and the island of Bermuda, allowing a longer list of articles, both of import and export, and without limitation as to the size or form of the Vessels to be employed in the Trade.

The 3d Article proposed to allow access to Vessels of The United States to Turk's Island, for salt, and to import tobacco and cotton-wool, produce of The United States.

The 4th proposed to regulate the intercourse between The United States and the British Territories adjoining them, on the Continent of North America.

After a full and deliberate consideration, these Articles were considered by the Government of The United States, as not acceptable, and the Act of Congress of 18th April, 1818,* concerning Navigation, was passed.

The Negotiation of the Convention of 20th October, 1818, immediately afterwards ensued, with regard to which you are referred—

To the letter from this Department to you, dated 21st May, 1818, [Message 13th February, 1823, p. 59.]

To the Letter from this Department to Mr. Gallatin, 22d May 1818, [p. 62.]

Your Letter to this Department, 25th July, 1818, [68, 69, 70.]

Instructions from this Department to Messrs. Gallatin and Rush, 28th July, 1818, [71, 72.]

Letter from Messrs. Gallatin and Rush to this Department, 20th October, 1818, [p. 107, 108, 109, 110, 111.]

Protocol of 3d Conference, Article C, and another proposed by the American Plenipotentiaries, [115, 118.]

Protocol of 5th Conference, Article D, proposed by the British Plenipotentiaries, [133.]

Protocol of 8th Conference, Article F, proposed by the British Plenipotentiaries, and taken by the American Plenipotentiaries, for reference to their Government, [150.]

And,—subsequently to the conclusion of the Convention,

To Letter from this Department to you, 1st Decem. 1818, [p. 89.]

Do. do. do. 7th May, 1819, and two Articles proposed, [91, 97.]

Your Letter to this Department, 14th June, 1819, [97.]

Do. do. do. 17th September, 1819, [99.]

* See Vol. 1822, 1823, page 776.

Letter from this Department to you, 27th May, 1820, transmitting the Act of Congress of 15th May, 1820,* [101.]

By the Act of Congress of 15th April, 1818, concerning Navigation, the Ports of The United States were, from the 30th of September of that Year, closed against British Vessels, coming from any British Colony, (by *the ordinary Laws of Navigation and Trade*,) closed against Vessels of The United States; and British Vessels, sailing with cargoes from Ports of The United States, were laid under bonds to land their cargoes in some Port or Place other than in a Colony closed against Vessels of The United States.

It was a non-intercourse in *British Vessels*, with Ports closed by British Laws against the Vessels of The United States.

By the Supplementary Act of 15th May, 1820, the Ports of The United States were, from the 30th of September of that Year, closed against British Vessels coming or arriving by sea, from *any* British Colonial Ports in the West Indies, or American British Vessels from Ports of The United States, were laid under bonds to land their cargoes in some place other than any British American Colony; and, articles of British West Indian, or North American produce, were allowed to be imported into The United States only direct from the Province, Colony, Plantation, Island, Possession, or Place, of which they were *wholly* the growth, produce, or manufacture; it was a non-intercourse in *British Vessels* with all the British American Colonies; and a prohibition of all articles, the produce of those Colonies, except the produce of each Colony imported directly from itself.

In the mean time, an Act of Parliament of 8th May, 1818, [58 Geo. 3, ch. 19,] and an Order in Council of 27th May, 1818, founded thereon, opened the Ports of Halifax, in Nova Scotia, and of St. John, in New Brunswick, to the Vessels of all Foreign Nations in amity with Great Britain, for the importation of certain enumerated articles, and for exportation to the Country to which the Foreign Vessel should belong. This Act was limited in its duration to 3 Years, and 6 weeks after the commencement of the then next Session of Parliament: but, the Order in Council, specifying the Ports to which it should be extended, was *revocable at pleasure*.

This Act of Parliament, and Order in Council, were construed, in The United States, not to affect, in any manner, the provisions of the Act of Congress of 15th April, 1818. The Ports of Halifax and St. John remained closed against Vessels of The United States, *by the ordinary Laws of Navigation and Trade*, although opened for a limited time by an Order in Council, revocable at pleasure. Their real condition, therefore, in October, 1818, was that of being open to the Vessels of The United States, while the Ports of The United States were closed against British Vessels coming from them.

* See Vol. 1822, 1823, page 777.

It was on the 6th of October, 1818, that the British Plenipotentiaries, at the negotiation of the Convention of the 20th of that month, proposed the Article D, relating to the intercourse between The United States and the Provinces of Nova Scotia and New Brunswick, which Article they, on the 19th, declared was, together with the one offered in March, 1817, relating to Bermuda, a *sine quâ non* of any article to be signed by them, relating to the direct intercourse between The United States and the British Colonies in the West Indies.

And the Article D, contained precisely the same list of articles importable, and the same limitations with regard to export, in Vessels of The United States, as were already contained in the Act of Parliament of the 8th, and in the Order in Council of the 27th of May, 1818 ; and the Article further proposed an equalization of duties of impost and tonnage on the Vessels and articles employed in the trade, whether British or American. So that the proposition really was, that The United States should open to the British a free and equal participation of the intercourse between The United States and the Provinces of Nova Scotia and New Brunswick ; then, by the counteracting Regulations of the two Countries, exclusively enjoyed by The United States themselves.

The Article relating to the intercourse between The United States and Bermuda, was yet more remarkable. By an Act of Parliament of 1st July, 1812, [52 Geo. 3, ch. 79,] sugar and coffee, the produce of any British Colony or Plantation in the West Indies, imported into the Island of Bermuda in British ships, was allowed to be exported from the Port of St. George to The United States, in any Foreign Ship above 60 tons burthen, belonging to any Country in amity with Great Britain ; and a list of articles enumerated was allowed to be imported from The United States to the said Port, in any Foreign Ship belonging to any Country in amity with Great Britain ; and this list contained, besides every article enumerated in the proposal of the British Plenipotentiaries, horses and cattle, sheep, hogs, poultry, and live stock of any sort, which, in the British proposal, were excluded from the Bermuda list, and transferred to that of Nova Scotia and New Brunswick. To the articles of sugar and coffee, exportable by the Act of Parliament, the proposal added molasses, cocoa nuts, ginger, and pimento.

These 2 articles, therefore, were to be considered as the equivalents asked of The United States for the admission proposed of their Vessels to any British Ports in the West Indies, which should be open to the Vessels of any other Foreign Power or State.

The following parallel lists of articles, proposed to be admitted for importation and exportation, in the intercourse between The United States, on the one part, and Nova Scotia, with New Brunswick, Bermuda, and the West Indies, on the other, by the 3 connected and inseparable Articles proposed by the British Plenipotentiaries, may serve further to elucidate the character of the proposal.

Articles of importation proposed to be admitted in Vessels of The United States.

TO NOVA SCOTIA AND NEW BRUNSWICK.		TO BERMUDA.	TO THE WEST INDIES.
	Tobacco.	Tobacco.	Tobacco.
	Pitch.	Pitch.	Pitch.
	Tar.	Tar.	Tar.
	Turpentine.	Turpentine.	Turpentine.
		Hemp.	
		Flax.	
		Masts.	
		Yards.	
		Bowsprits.	
Scantling.	Staves.	Staves.	Staves.
	Heading boards.	Heading boards.	Headings.
	Plank.	Plank.	
		Timber.	
	Shingles.	Shingles.	Shingles.
Hoops.			
Horses.			
Neat Cattle.		Lumber, any sort.	Horses.
Sheep.	Bread.	Bread.	Mules.
Hogs.	Biscuit.	Biscuit.	Poultry.
Poultry.	Flour.	Flour.	Live stock.
Live stock, of any sort.	Peas.	Peas.	Provisions of all sorts, except salted provisions of any description, whether meat, fish, or butter.
Fruits.	Beans.	Beans.	
Seeds.	Potatoes.	Potatoes.	
	Wheat.	Wheat.	
	Rice.	Rice.	
	Oats.	Oats.	
	Barley.	Barley.	
	Grain, any sort.	Grain, any sort.	

EXPORTS.

FROM NOVA SCOTIA AND NEW BRUNSWICK.	BERMUDA.	WEST INDIES.
Gypsum.	Any goods exportable to any Foreign Country.	Rum.
Grindstones.		Molasses.
Any articles of the growth of the Province, or of British Dominions.	Sugar.	Salt.
	Molasses.	Other articles exportable in Foreign Vessels to any other Foreign Country.
	Coffee.	
	Cocoa nuts.	
	Ginger.	
	Pimento.	
	Any British goods.	

By another Act of Parliament, of 23d May, 1818, the articles of tobacco, rice, grain, peas, beans, and flour, were allowed to be imported in *British Vessels*, into *any* British Colony in the West Indies, or on the Continent of South America, from any Foreign European Colony in America. And peas and beans were allowed to be imported into the enumerated Ports of the British West Indies from Foreign *European*, the Possession in the West Indies, and on the Continent of America, in Foreign single decked Vessels.

In the Letter from this Department to you, of the 7th May, 1819, a comparative view was taken between the articles which had been proposed at the 3d Conference by the American Plenipotentiaries, at the Negotiation of the Convention, and the Articles proposed at the 5th and 8th Conferences, by the British Plenipotentiaries, and then received by the American Plenipotentiaries for reference to their Government. And a Draft of 2 Articles was enclosed with the Letter, forming a compromise between the two *proposals* reviewed, and which you were authorized to offer, as a final proposal on the part of this Government in relation to the subject. These Articles, acceding to a limited and enumerated list of Ports of importation in the British Colonies, and to a limited and enumerated list of articles importable in them, adhered only to two principles.

1. That the list of importable articles should be the same for the West Indies, for Bermuda, and for the North American Provinces; and, 2. That *all* the duties and charges, imposable upon them, should be equalized; and, particularly, that no other, or higher duties, should be charged upon them than upon similar articles, when imported from *any other Country, or Place*, whatsoever. Your Letter, of the 14th of June, 1819, to this Department, announced that a Copy of this Draft had been submitted by you to the consideration of the British Government, and your Letter, of 17th September, 1819, that they had declined accepting it. At the Conference between you and Lord Castlereagh, when he informed you of this determination, he stated the special objections to the project upon which it had been founded, and you repeated to him the views of the Government of The United States on which the offer had been made. The Supplementary Navigation Act of Congress was approved on the 15th of May, 1820.

This, then, was the relative state of the intercourse between The United States and, 1. the Provinces of Nova Scotia and New Brunswick; 2. The Island of Bermuda; and, 3. The British Colonies in the West Indies, from the 30th September, 1820, till the passage of the Act of Parliament, of 24 h June, 1822.

By the Acts of Parliament of 3d Geo. 4, ch. 42 and 43, the Navigation Act of 12 Charles 2, ch. 18, was repealed, so far as related to the *importation* of goods and merchandize into Great Britain. But the American Trade Acts, and the Acts relating to importations from the

British Colonies in America and the West Indies, were left in full force.

The Act of 3d Geo. 4, ch. 44, purports to be an Act to regulate the Trade between His Majesty's Possessions in America and the West Indies, and *other Places* in America and the West Indies.

It leaves the principle of the Navigation Act of Charles 2, untouched; but, by the first section, repeals the whole series of what were called American Trade Acts: that is, Acts regulating the trade between The United States of America and the British American and West India Colonies, since the independence of this Country, beginning with the Act of 28 Geo. 3, ch. 39, and ending with 1 and 2 Geo. 4, ch. 7, (25 statutes,) for which it substitutes the following system:—

1. By the 3d section, it provides that, from and after the passing of the Act, *a certain list of enumerated articles* shall be importable into a certain list of enumerated Ports in the British American Colonies, insular or continental, in British Vessels, or in Foreign Vessels, *bona fide* the built of, and owned by, the inhabitants of the Country of which the said articles are the growth, produce, or manufacture; or British built Vessels, become their property, and navigated with a master, and three-fourths of the mariners, at least, belonging to such Country, or Place, provided that, in the *Foreign* Vessels, the articles shall only be brought directly from the Country, or Place, of which they are the growth, produce, or manufacture.

2. By the 4th section, it allows the exportation from the enumerated Ports, in British Vessels, or in *any Foreign Ship or Vessel, as aforesaid*, of any article of the growth, produce, or manufacture, of any of the British Dominions, or any other article legally imported into the said Ports, (arms and naval stores excepted, unless by license from His Majesty's Secretary of State:) provided, that, in *Foreign* Ships, they shall be exportable only *direct* to the Country or State in America or the West Indies, to which the Vessel belongs; and export bonds are to be given, in a penalty equal to half the value of the articles, that they shall be landed at the Port or Ports for which entered; and certificate of the landing to be produced within twelve months.

By the 7th section, it is provided, that upon a certain portion, enumerated in Schedule C, of the articles enumerated as importable in Schedule B, certain duties shall be levied and collected, when imported from any *Foreign* Islands, State, or Country, under the authority of the Act.

The 11th section enacts, that the same duties upon the *Foreign* article shall also be levied, if imported direct from any Port of Great Britain and Ireland.

The 14th section authorizes the exportation, in *British* Vessels, of the articles enumerated in Schedule B, to any other British Colony or

Plantation in America or the West Indies, or to any Port of Great Britain and Ireland, subject to the provisions of the Navigation Act of 12 Ch. 2, ch. 18; and of 22 and 23 Ch. 2. ch. 26. and 20 George 3 ch. 10.

The 15th section authorizes the King, by Order in Council, to prohibit trade and intercourse with any Country or Island in America or the West Indies, if it shall appear to His Majesty that the privileges *granted by this Act* to Foreign Ships and Vessels, are not allowed to British Ships and Vessels trading to and from any such Country, under the provisions of the Act; and, in case such Order in Council shall be issued, then, during the time of its being in force, none of the provisions of the Act shall apply to any Country or State, the trade with which, under the provisions of the Act, shall be prohibited by the Order in Council.

The 17th section prohibits, on penalty of the forfeiture of Vessel and Cargo, the importation into the enumerated Ports, from any Foreign Country on the Continent of America, or any Island in the West Indies, of any articles, except those enumerated in the Schedule B.

And, the 18th section prohibits, upon like penalty, the importation or exportation of any articles whatever, from, or to any Foreign Country, on the Continent of North or South America, or any Foreign Island in the West Indies, into, or *from any Port* of any British Colony, Plantation, or Island, in America or the West Indies, not enumerated in the Schedule A.

If the object of this Act of Parliament was to open the Ports of the British Colonies in the West Indies and in America, to the Vessels of The United States, upon terms of reciprocity, it was not well adapted to its purpose.

In the 15th section, it is declared to be the intention and meaning of the Act, that the privileges granted by it to Foreign Ships and Vessels, shall be confined to the Ships and Vessels of such Countries only as give *the like privileges* to British Ships and Vessels in their Ports in America and the West Indies. And the King is authorised to issue His Order in Council, *prohibiting trade and intercourse* under the authority of the Act, if it shall appear to him that *the privileges granted by this Act* to Foreign Ships and Vessels, are not *allowed* to British Vessels trading to, and from, any such Country or Island, under the provisions of this Act.

Now, what are the *privileges granted in this Act* to the Vessels of The United States? That they may bring *directly*, and not otherwise, from some Port of The United States to certain Colonial Ports, named in the Act of Parliament, and *none others*, certain articles of merchandize, specifically named, and *none others*. That, upon their arrival, of all the articles which they are permitted to bring, they shall pay enormous duties upon that portion which consists of the productions

of The United States, consumable in the Colonies themselves ; and the only portion which, in the results of the trade, would be to The United States profitable export, and to one part of the Colonies necessary import. And these duties are to be paid, while the British Vessels, enjoying *all the privileges granted by this Act*, possess the additional and exclusive privilege of carrying to the same West India Ports, directly, or indirectly, the same articles : thus heavily charged when coming from The United States, but free from all duty when carried from the Colony in North America to the Colony in the West Indies.

Again : the Vessel of The United States, admitted to the above privileges, has the further privilege, if she can procure a cargo, to return directly, and not *otherwise*, to The United States ; and to give bond, upon penalty, equal to half the value of said cargo, for the landing it at the Port or Ports for which entered ; and for producing a Certificate thereof, within 12 months. But, there is a charge, not indeed imposed *by this Act*, but from which this Act has not relieved them : that of paying a Colonial export duty of 4 or 5 per cent. *ad valorem* upon this return cargo. To this charge, British Vessels may also be liable, if their owners choose to incur it ; but, if they prefer exporting their cargoes without paying any export duty, they are free to go to any part of the British Dominions in Europe or America. They are not required to give the export bond for the landing of the articles at the Port or Ports for which entered, and for producing, within 12 months, a Certificate thereof.

By the Letter of the Act of Parliament, if the privileges, *granted by it* to the Vessels of The United States, should appear to the King not *to be allowed* to British Vessels trading under the provisions of the Act, He may, by an Order in Council, at his discretion, *prohibit trade and intercourse* under the authority of the Act.

The words, “ the *privileges granted by this Act*, ” are explained by the context of the section, to mean *like* privileges, to be allowed by the Laws of The United States to British Vessels employed in the same trade.

If an Act of Congress had passed, admitting British Vessels, coming from Colonial British Ports in America and the West Indies, to enter a certain specified list of Ports in The United States, selected at the pleasure of Congress, *and no others* ; if it had allowed them to bring in those Vessels an enumerated list of articles, (from which rum and molasses, for example, should be excluded,) and no others ; if it had included, for example, sugar and coffee among the admissible articles, but burthened them with duties equivalent to ten per cent. *ad valorem*, *more* than would be paid upon the same articles imported from elsewhere ; if it had compelled the British Vessels, so admitted, if they took a return cargo, to give bonds for landing it at the Port or Ports in the British Colonies, for which the Vessel should clear out ; and if,

not by the Act of Congress, but by some Law of the State, from which this privileged British Vessel should depart, an export duty of 4 or 5 per cent. *ad valorem*, should be levied upon this her return cargo, then British Vessels in the Ports of The United States, would have been allowed *like* privileges with those granted by the Act of Parliament to Vessels of The United States in the Colonial Ports. And so exactly like would they have been, that, under such an Act of Congress, and such a grant of privileges to British Vessels, the conditional authority given by the 15th section of the Act of Parliament to the King, of prohibiting the trade and intercourse, would not have attached, according to the letter of the Act, although it might have appeared to His Majesty, that "the *privileges granted by this Act*" were not allowed to British Vessels trading to, and from, The United States, under its provisions.

The privileges granted by this Act, could of course, be allowed only by the same authority from which it emanated; that is, by the British Parliament. *Like* privileges would have been such as I have now described; that is, privileges subject to like limitations and restrictions, which, as the bare exposition of them here will shew, would have been found to be no privileges at all.

The Act of Parliament opened certain Colonial Ports, upon certain very onerous conditions, to Vessels of The United States. If The United States had opened their Ports to British Vessels from the Colonies, without condition or limitation, the privileges of British Vessels in our Ports would have been in no wise *like* those of the Vessels of The United States in the Colonial Ports. In point of fact, the privilege of the British Vessels would have been *exclusive*, and that of the American Vessels *exclusion*.

Immediately after receiving the Act of Parliament, which opened certain Ports of the British Colonies in the West Indies, and in America, to the Vessels of The United States, the President, exercising the authority given him by anticipation in the Act of Congress of 6th May, 1822, issued his Proclamation, opening the Ports of The United States, generally, to British Vessels, coming from any of the Ports enumerated in the Act of Parliament. And, in this Proclamation, he gave the most liberal construction, for the benefit of British Vessels, to the Act of Congress on which it was founded: for, by the Laws of The United States, when the Act of Congress passed, and until the Proclamation issued, the Ports of The United States were closed against British Vessels from *any* of the British Colonies in the West Indies or in America; while, by the British Laws, the Ports of St. John and Halifax, in New Brunswick and Nova Scotia, those of Port St. George and Hamilton, in the Island of Bermuda, and the Ports of the Bahama Islands, were opened to Vessels of The United States. These Ports, therefore, the Act of Parliament did not open to our Vessels, and the Proclamation, by opening the Ports of The United States to Vessels coming from

them, was much more extensive in its operation than the Act of Parliament itself.

As *reciprocal* to the rules and restrictions under which the trade was permitted, by the British Parliament, the President's Proclamation provided, that no articles should be imported into The United States in British Vessels coming from the West Indies, other than articles of the growth, produce, or manufacture, of the British West India Colonies, and none other than articles of the growth, produce, or manufacture, of the British Colonies in North America or Newfoundland, in British Vessels, coming respectively from that Island or from North American Colonies; and, by the existing Revenue Laws of The United States, all British Vessels and their Cargoes, coming from any of the Colonies, remained subject to the *Foreign* tonnage and impost duties. In my Letter to you of 27th August, 1822, enclosing a Copy of this Proclamation, I suggested to you, the opinion that some further understanding between the two Governments would be necessary, for regulating this trade in a manner advantageous to the interests of both parties, and the readiness of this Government to enter upon arrangements for that purpose with the British Government.

On the 25th of October, 1822, the British Minister residing here, addressed a Note to this Department, containing representations against the rules and restrictions provided in the Proclamation, as not being specific counterparts to those of the Act of Parliament; and, also claiming exemption from the *Foreign* tonnage and impost duties, for British Vessels and their Cargoes, coming from the Colonies, because the Act of Parliament subjected British and Foreign Vessels engaged in this trade, only to the same duties and charges; and if there were in the Colonies any discriminating charges against Foreign Vessels, they *did not* appear in the Act of Parliament.

I have shewn you above, what would have been a *specific counterpart* to the rules and restrictions of the Act of Parliament, and to the Colonial export duty co-existing with it. Had the President possessed the power of prescribing them by his Proclamation, they would have been in effect equivalent to a total prohibition of the intercourse in British Vessels, and appeared little better than a mockery. But the President had no such power. He could neither select an exclusive list of Ports of admission, nor levy an export duty, nor repeal the *Foreign* tonnage and impost. Mr. Canning's Note was answered, and he replied. There was, also, much discussion of the subject between us, at personal interviews, in which, as well as in his Notes, he kept me constantly reminded of the authority given by the Act of Parliament to the King, to prohibit the intercourse by an Order in Council, *if the privileges granted by this Act* should not be allowed to British Vessels, and of the necessity there would be of countervailing discriminations,

if those of the Proclamation, and the Foreign tonnage and impost duty, should remain.

In the course of this Correspondence and of these Conferences, which continued through the whole of the late Session of Congress, Mr. Canning, with great earnestness, pressed the claim of admission for British Vessels, from the Colonies, free from *all* discriminating duties and charges, on the *argument* that there were no discriminating duties or charges operating against Vessels of The United States in the Colonies. On the 13th of January, 1823, he addressed to this Department a Note, claiming, distinctly, the withdrawal of all the discriminating duties, and particularly the application to British Vessels coming from the Colonies, of the fair and full operation of such Acts of Congress, including that of March 3, 1815, as appear to have an immediate application to the case.

In support of his *argument*, that there were no discriminating duties operating against us in the Colonies, he then, and at other times, communicated Copies of Documents from a few of the enumerated Ports, certifying that British and American Vessels paid the same *fees*, or that, *by the Act of Parliament*, they paid the same duties; or that they paid the same *Custom-House expenses*; and he constantly urged, that these were sufficient to establish the fact, that our Vessels and their cargoes paid in the Colonies no other or higher fees, duties, or charges, than British Vessels, and consequently, the claim, that British Vessels from the Colonies should pay no higher or other duties, fees, or charges, than our own. But he invariably declined pledging himself or his Government to any declaration that there were no discriminating duties in the enumerated Ports, and we have now satisfactory information that, in some of them, there were, and still are, discriminations to our disadvantage, besides those of the Act of Parliament.

The Act of Congress of 1st March, 1823, "to regulate the Commercial Intercourse between The United States, and certain British Colonial Ports," was introduced into the Senate by their Committee of Foreign Relations, at an early period of the late Session. In maturing it, they had before them the Act of Parliament of 24th June, 1822, the President's Proclamation, and the Correspondence between Mr. Canning and this Department concerning it. While it was in discussion before the Committee of the Senate, Mr. Canning, to whom a Copy of the Bill had been communicated, made some written remarks upon it, which were immediately submitted to the consideration of the Committee. The full import of the term elsewhere, in the 2d, 3d, and 5th sections of the Act, which formed the principal subject of those remarks, was deliberately examined and settled, as well in Senate, as upon a consultation by the President with the Members of the Administration; and was explicitly made known to Mr. Canning.

The principle assumed by the Act, was not the *repeal*, but the *suspension*, during the continuance of the admission of our Vessels into the Colonial Ports by the Act of Parliament, of our two Navigation Acts.

In return for the opening of the Colonial Ports to our Vessels, by the Act of Parliament, we opened our Ports to British Vessels from the same Colonial Ports. But, as a power was left to the King, by an Order in Council, to prohibit the trade and intercourse, it was necessary to be prepared for that contingency, if it should occur, by making the revival of our Acts of Navigation, also, contingent upon the same event.

As, by the Act of Parliament, the intercourse in our Vessels was limited to *direct* Voyages, both to and from The United States, and the enumerated Ports, the same limitation was prescribed for the intercourse in British Vessels, by the Act of Congress. One of Mr. Canning's remarks was, that the condition in the 5th section of our Act, which limits the permission to export in British Vessels to such *as have previously come directly* from any of the enumerated Ports, did not appear to have any *counterpart* in the British Act of Parliament.—This is true : the counterpart was not in that Act of Parliament, but in the old Navigation Act of 12 Ch. 2. By that Act, no Vessel of The United States could *enter* any of the enumerated Ports, coming from any other part of the World ; and the Act of the 24th June, 1822, admitted them only *direct* from The United States. No Vessel of ours, therefore, other than such as have previously come direct from The United States to the enumerated Ports, can export any thing from them, because no other are admitted into the enumerated Ports at all. Now, we could not exclude British Vessels from coming to The United States from every other part of the World except the enumerated Ports, which would be the full counterpart to the exclusion of the old Navigation Act of Charles II., still in force against us ; but we could, and did, exclude those coming from elsewhere, from bringing with them merchandize from the enumerated Ports, and those coming from the enumerated Ports, from bringing with them merchandize from elsewhere.—The result was strictly reciprocal, though our Act, in granting the like privilege to that of the Act of Parliament of the 24th June, 1822, annexed to it the *like* restriction to that of the old British Navigation Act of Charles the Second.

The principal objection of Mr. Canning, was to the import of the term elsewhere. He was distinctly informed that the construction, of which he observes in his remarks, it appears to be susceptible, was the construction which it was intended to bear, and would receive.

But, that it would put the question of the discriminating duties on a footing irreconcilable with the fair and natural view " of the subject," we can by no means admit.

As little do we admit, that, having reference to the conclusion of the Negotiation in 1819, it ought to have been unexpected. It has been seen that The United States, then explicitly declined acceding to an Article which would have opened the Colonial Ports, *because* it would have reserved to Great Britain the right of laying, in the Colonial Ports, higher duties upon articles of the growth, produce, or manufacture, of The United States, than upon the like articles of the growth, produce, or manufacture, of Great Britain, or her own Colonies. The Act of Parliament, 3 Geo. IV. ch. 44, (of 24th June, 1822,) opened the Colonial Ports, with a threat to close them again, (or rather to prohibit all trade and intercourse with them,) if it should not be acceded to in all its parts of *privilege*, without regard to its conditions of restriction, or to the other restrictions, under which the privileges must be, if at all, accepted. It undertook to do, by British *Laws*, that, the reserved right to do which we had unequivocally refused to accede to, by compact. In the course of the Conference with Mr. Canning, I proved this to him by reading to him the parts of the joint Letter from Messrs. Gallatin and Rush, to this Department, of 20th October, 1818, relating to the subject, and the extracts from your Letters of 14th June, and 17th September, 1819, connected with it. The duties in the Schedule C, of the Act of Parliament, *are all* upon articles of the first necessity to the West India Colonies; articles which *can* be furnished them only from The United States, or from the adjoining North American British Colonies; and articles constituting almost all the valuable exports allowed by the Act of Parliament, and consumable in the Colonies. They are all upon *bread-stuffs, live stock, and lumber*; and the whole of them are equivalent to an average of at least ten per cent. upon the value of the articles. Of these articles, the live stock and the lumber could be exported only from the Northern parts of The United States. Could it possibly be supposed, that, while, from the Ports of the State of Maine, such articles, imported into Jamaica, St. Kitts, or Antigua, should be burthened with a duty of ten per cent. upon their value, the same article from the Province of New Brunswick, being admitted duty free, there could be any competition sustainable between the Vessels of the two Countries, in which they should, on such unequal terms, be introduced? And if we add to this, that, after disposing of her cargo, the Vessel from New Brunswick might take a return cargo, also duty free, or might trade from Colony to Colony without restraint, while the Vessel from Maine must depart in ballast, or return to The United States laden with an export duty upon her cargo, what feature of reciprocity would there be, upon which the very idea of competition could escape the charge of absurdity?

The Act of Congress, therefore, opens the Ports of The United States to British Vessels from the Colonial Ports, enumerated in the Act of Parliament, but not upon the identical terms prescribed in it.

The restrictions of the Act of Congress are counterparts, not only to the restrictions of that particular Act of Parliament, but to the others, to which the American trade to the Colonies is subject, whether by Colonial Laws, or by the Navigation Act of Charles II.; and as some of those British restrictions were of a character which we could not meet by *specifick* counterparts, we met them by analogical restrictions, productive of the same result. This was insisted on by our Plenipotentiaries at the discussion during the Negotiation of the Convention of 1818, and Great Britain could not justly expect the discriminating surcharges, the reserved right of levying which we unequivocally refused to sanction with our consent, as a *bargain*, we should be ready to accept, as a dispensation of British Law. For an enumerated list of Ports, part only of which are opened by the Act of Parliament, we open *all* our Ports in return. For an enumerated and very scanty list of importable articles, we agreed to receive, in return, all the valuable exportable articles of all the opened British Colonies; for a duty of 10 per cent. impost, and of 4 or 5 per cent. on exports, upon the *value of the articles* of the trade, we retain a Foreign tonnage duty of 94 cents per ton on British Vessels employed in the trade, and 10 per cent. additional, (not upon the value of the article, but upon the impost duty otherwise charged upon it,) upon the articles imported in them.

It is doubtful whether these countervailing restrictions, on our part, will prove sufficient to enable our Vessels to pursue the trade in equal competition with the British; still more doubtful, whether, under the double system of restrictions, the trade itself can be pursued in a manner which will relieve the British West India Colonies from the distress, which was rapidly hurrying them to ruin, under the preceding restrictions of the Navigation Act of Charles the II^d. Surely the British Government must be aware, that profit is the *sine quâ non* of trade, and that, if they load with enormous duties the articles indispensable to the existence of their Colonies, those duties must be paid by the Colonies themselves, or they will smother the trade itself.

If the object of the Act of Parliament was merely to balance the advantages of our proximity to the West Indies, their duties of import are at least five-fold too heavy. And as to the export duty, how could it possibly be paid, upon articles to be brought into our market in competition with the like articles, partly of our own produce, and most largely from Cuba, St. Domingo, and other West India Islands, where no export duty exists. The result must be, and has already proved to be, that our Vessels admitted to the British Colonial Ports, can take no return cargoes, and must come away in ballast. So that, if they could sell their outward cargoes at a profit, upon which the trade could *live*, it must be paid in *specie* by the Colonists, leaving

their staple commodities to rot upon their Plantations, or to the old monopoly of the market at *home*.

The request of explanation as to the extent of the meaning of the term *elsewhere*, in the Act of Congress, in Mr. Canning's Correspondence with this Department, since the close of the Session, has not arisen from any doubt which he could entertain in his own mind, of the construction which would be given to it here. This was fully discussed during the passage of the Act, and well understood by him, but the eagerness of the British Merchants in Nova Scotia and New Brunswick, and in some of our Cities, to have the trade entirely to themselves, prompted them to expect that a different construction would be given to the Act; a construction which would have left the word *elsewhere*, without any effect or meaning at all. Mr. Chipman, acting as Governor of New Brunswick, issued a Proclamation, declaring that, in that Province, no other or higher duties of tonnage or impost, and no other charges of any kind, are levied or exacted on Vessels of The United States, than upon British Vessels; or upon the like goods, wares, and merchandize, imported therein from *elsewhere*; but, in this *elsewhere*, the British Territories in Europe and the West Indies were not included. They, according to him, were not *elsewhere*, with reference to the *Ports of The United States*; or in other words, were Ports of The United States. The Lieutenant-Governor of Nova Scotia was more cautious. He transmitted to Mr. Canning, Statements from the Officers of the Customs, shewing that, by the Act of Parliament, no other duties of impost or of tonnage were levied upon Vessels of The United States at Halifax, than upon *British* Vessels; but, even this, according to a Document accompanying these Statements, did not include Vessels of the Province itself. They, by a Colonial Law, are entitled to a deduction of 2 pence per ton from the tonnage duty payable by *British* Vessels, according to which doctrine they are not British Vessels themselves.

I have explicitly assured Mr. Canning that the Proclamation of the President, authorized by the 3d Section of the Act of Congress of 1st March, 1823, cannot be issued without a declaration pledging the faith of the British Government that, upon the Vessels of The United States, admitted into *all and every one* of the enumerated Ports, and upon any goods, wares, or merchandize, imported therein, in the said Vessels, no other or higher duties of tonnage or impost, and no other charges of any kind, are levied or exacted, than upon all British Vessels, (including all Vessels of the Colonies themselves) or upon the like goods, wares, or merchandize, imported into the said Colonial Ports *from anywhere*, including Great Britain and the other British Colonies themselves; and that, until such proof shall be given, *British* Vessels, and their cargoes, coming from the Colonies of The United

States, must continue to pay our Foreign tonnage, and 10 per cent. additional impost duties. Notice of this has been given by Mr. Can-ning to the British Consuls,* in a Letter which has been published, and which you will find in one of the Newspapers herewith sent, (National Intelligencer of 29th May, 1823.) By the respective Regulations of the two Countries, the present condition of the trade is as follows :

The intercourse between the Ports of The United States and the enumerated Colonial Ports, is open to the Vessels of both Parties.

By the British Regulations, American Vessels are admitted into the enumerated Ports only *direct* from The United States. They are allowed to import only certain enumerated articles.

British Vessels are admitted into the enumerated Ports, and others, without restriction.

Upon all the important articles of this list, a duty equivalent to 10 per cent. ad valorem, is imposed.

They may enter direct from The United States, or from any other Port of America, or from the British Possessions in Europe.

If they take return cargoes, they must give export bonds for landing them in the Port or Ports of The United States, for which *only* they can clear out. And, in most, if not all, of the West India Colonies, they pay an export duty of from 4 to 5 per cent. ad valorem.

They are allowed to import not only the enumerated articles, but all others not entirely prohibited ; and among the articles the exclusive carriage of which is reserved to them, are articles of the first necessity to the Colonies and staple exports from The United States ; on the important articles which, in common with the Vessels of The United States, they may import direct from The United States, if they *do so* import them, the 10 per cent. duty, ad valorem, must be paid. But they may import the like articles from Great Britain, or from the North American to the West India Colonies, *duty free* ; they are liable to no export bond ; may trade between Colony and Colony ; may export cargoes for any part of the British Dominions in Europe or America and pay no export duty, nor unless they choose to return to The United States.

By the American Regulations, British Vessels from the enumerated Ports are admitted, if laden, into The United States, only with cargoes of Colonial produce.

American Vessels may bring, from the enumerated Ports, any articles, the exportation of which, from those Ports, is permitted by the British Laws.

They are allowed to take return cargoes only *direct* to the enumerated Ports.

They are in no case compelled to return to the enumerated Ports.

* See Vol. 1822, 1823, Page 1046.

They pay the Foreign tonnage duty of 94 cents per ton, and the Foreign 10 per cent. additional impost on their cargoes.

They are exempt from the Foreign tonnage and additional impost duties.

It is impossible to take this comparative view of the respective exemptions and restrictions, operating on the Vessels of the two Countries employed in the same trade, without perceiving that the balance of advantage is highly in favor of the British, and against the American Navigation; and that The United States could not consent to equalize the tonnage and impost duties, without surrendering the whole trade to the British Shipping, and defeating the object for which both our Navigation Acts of 1818 and 1820 were provided.

Throughout the whole course of these modifications of the old British Navigation Act of Charles II. offered us by the Acts of 24th June and 5th August, 1822, the admission of our Vessels to the British *West India* Colonies, has been presented to us, not only upon conditions excessively burdensome, but under a direct *menace* that, if we should not accept it upon the identical terms offered in those Acts, *all* commercial intercourse between us and *all* the British Colonies in this Hemisphere, would be prohibited by an Order in Council. And we have received frequent intimations that this power, reserved to the King by the Act of the 24th June would be exercised, if we should not immediately exempt British Vessels, employed in the trade, from the foreign tonnage and additional impost duties, and place them, in these respects, on the same footing with our own. We have been, therefore, under the necessity of deciding upon our course of policy, relating to this interest, upon a calculation of probability that the power would be exercised, and that the Order in Council would issue; and from a full and deliberate view of the subject, we have come to the conclusion that, however injurious that measure, if resorted to, would prove to us, it would still be less mischievous than the total abandonment of our defensive system of counteraction, established by our Navigation Acts of 1818 and 1820. We are also perfectly convinced that this would be the effect of our acceptance, unconditional, of the intercourse as prescribed by the Act of Parliament of 24th June, 1822: and particularly of releasing the British Shipping, employed in the trade, from the Foreign tonnage and impost duties. The Act of Congress has provided that, if the British Order, prohibiting the trade and intercourse in our Vessels, with any of the enumerated Ports, under the authority of the Act of Parliament, should be issued, from the day of the date of the Order in Council, or from the time of its commencing to be in operation, our two Navigation Acts should revive and be in full force. This measure, on our part, is merely defensive; but we think we have some reason to complain, if not of harshness, at least of a proceeding somewhat peremptory, in the *mode* of opening to us the *West India*

Colonial Ports. They are opened to us, as I have shewn, upon terms which we had effectively rejected in negotiation, and which we could not possibly accept, without surrendering the whole Navigation interest for which we have so long contended. They are open to us, subject to a total interdiction of the commerce, at the discretion of the King, by an Order in Council, without an hour's notice to those of our Citizens whose interest may be affected by it. There is also some obscurity in the phraseology of the 15th section of the Act of Parliament of the 24th June, 1822, leaving us in doubt what the condition of our intercourse would be with any Colony, concerning which the prohibitory Order in Council might issue. It says that, on the contingency prescribed, it shall be lawful for the King, by Order in Council, *to prohibit trade and intercourse under the authority of this Act*, with any Country, &c. And that, if such Order in Council shall issue, "then, during the time that such Order in Council shall be in force, *none* of the provisions of *this Act*, either as *respects* the Law herein *repealed*, or to any other provisions of this Act, shall apply, or be taken to apply, to any Country or State, the trade with which, under the provisions of this Act, shall be prohibited by any such Order of His Majesty in Council." But the provisions of this Act, as *respects* the laws *repealed* in it, are no other than the *repeal* of them itself, and if, by virtue of the prohibitory Order in Council, *none* of the provisions of this Act, *as respects* the Laws *repealed* in it, shall apply, or be taken to apply, the conclusion would seem to be, that those Laws would not be repealed; that is, that they would again revive and be in force, with regard to the Country, the trade with which, "under the authority of this Act," should be prohibited by the Order in Council. But some of these Laws repealed, are Laws authorizing trade and intercourse in Vessels of The United States, with the Colonies of Nova Scotia, New Brunswick, Bermuda, and the Bahama Islands; and if, by the prohibitory Order in Council, the provisions as respects those Laws, in the Act of 3d Geo. 4, ch. 44, should cease to apply, it would follow that the trade and intercourse under *them* would again be authorized, and its condition would be precisely the same as if that Act of Parliament had not been made. All this would be very clear and unequivocal, but for the remaining part of the paragraph in the same 15th section of the Act which says that, "if any goods, whatever, shall be imported from, or shipped for the purpose of being exported to, any such Country or Island in America or the West Indies, in any Foreign Ship or Vessel, after trade and intercourse therewith shall have been prohibited, by any such Order of His Majesty in Council, issued under the authority of this Act," all such goods, with the Ship or Vessel, &c. shall be forfeited. Thus, the provisions of the section appear to be contradictory to themselves, and leave us in doubt, whether it was meant, that the prohibitory Order in Council would revive and rein-

force the Free Port Acts repealed by the Act of Parliament, or would operate as a total interdiction of trade and intercourse, in our Vessels, with the interdicted Colony.

You are authorized to renew to the British Government the proposal of continuing this intercourse in other respects, on the footing upon which it is placed by the Acts of Parliament and the Act of Congress, but with a removal of the discriminating duties on both sides, and particularly that the duties in the Schedule C, of the Act of Parliament of 3 Geo. 4. ch. 44, and in the Schedule B, of the Act of 3 Geo. 4. ch. 119, on the part of Great Britain, and the Foreign tonnage duty and additional impost upon British Vessels, from the enumerated Ports, on the part of The United States, should be mutually repealed. If this proposal should be accepted, it may be carried into effect by an Act of Parliament, upon the passage of which, the President's Proclamation would immediately be issued; or it may be agreed upon by a Convention, which you are hereby authorized to sign, and to transmit for ratification. A new Full Power is enclosed, to be used if required. The Act of Parliament, or the Convention, should be explicit in the removal of all discriminating duties and charges, whether imposed by Parliament, or by Colonial Laws, and it should apply to all the enumerated Ports. Should the offer be declined, you will receive any proposition which may be made in its stead, for reference to this Government."

R. Rush, Esq.

JOHN QUINCY ADAMS.

(Inclosure a.)—Mr. Stratford Canning to Mr. Adams.

Washington, 27th March, 1823.

THE Undersigned, His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, referring to the 3d Section of an Act of Congress, approved the 1st of March, 1823, and entitled "An Act to regulate the Commercial Intercourse between The United States and certain British Colonial Ports," requests the American Secretary of State will do him the honor to afford him information of the exact *nature* and *scope* of the "proof" which is thereby required to enable the President to issue his Proclamation for the repeal of the discriminating duties still levied on British Vessels, entering from such Ports of His Majesty's Colonies as are enumerated in the 1st Section of the Act.

The Undersigned conceives, that, in his previous Communications on this subject, he has already furnished abundant and satisfactory evidence of the intention of His Majesty's Government, long since carried into effect, to place American Vessels on the same footing with British, in respect to the duties on import and tonnage, under the expectation of a strict reciprocity on the part of The United States; but, learning from the printed Circular, addressed, on the 17th instant, to the Collectors, by the Comptroller of the Treasury, in explanation of the Act approved on the 1st, and but recently brought to his know-

ledge, that no authority has yet been given to dispense with the collection of Alien duties on British Vessels arriving from His Majesty's Colonies, the Undersigned is desirous of knowing whether any, and what, further communication may be expected by the President, under the Act now in force, as necessary to the execution of the 3d Section, to the end that he may either at once remove any obstacle which it depends on him to remove, or have it in his power to apprize his Government of the real state of the case in this particular.

The Undersigned requests the Secretary of State to accept, &c.

Hon. J. Q. Adams.

STRATFORD CANNING.

(*Inclosure b.*)—*Mr. Adams to Mr. Stratford Canning.*

SIR,

Department of State, Washington, 8th April, 1823.

IN answer to your Note of the 27th ultimo, I have the honor of stating, that any authentic declaration from your Government, communicated either through the Minister of The United States residing in England, or through His Britannick Majesty's Minister residing here, "that upon the Vessels of The United States, admitted into the enumerated British Colonial Ports, and upon any goods, wares, or merchandise, imported therein, in the said Vessels, no other or higher duties of tonnage or impost, and no other charges of any kind, are levied or exacted, than upon British Vessels, or upon the like goods, wares, or merchandize, imported into the said Colonial Ports from *elsewhere*," will be received by the President of The United States as the satisfactory proof required by the Act, to authorize him to issue his Proclamation extending the reciprocal privileges offered, in the same 3d Section, to British Vessels and their Cargoes coming from the enumerated Ports to The United States.

In the communications hitherto received from you, on this subject, although "*the intention* of His Majesty's Government to place American Vessels on the same footing with British, in respect to the duties on impost and tonnage," has been sufficiently manifested, they have fallen short of the proof required by the Section of the Act of Congress now referred to, inasmuch as they have not averred, either that no other or higher duties are levied in the enumerated ports, upon the goods, wares, or merchandize, imported therein, in American Vessels, than upon the like articles imported from *elsewhere*, or that no other charges of any kind are levied upon the vessels of The United States and their cargoes, than upon British Vessels and their cargoes; or, finally, that the *intention* of your Government, even in its most limited purport, has been *long since carried into effect*, in all the enumerated Ports.

The Act of Congress requires, that the reciprocity of *burdens* and *exemptions* should extend not only to the Vessels, but to the Articles imported in them. This has not hitherto been affirmed by you to be the intention of your Government. It is not doubted, that their inten-

tion has been to equalize the charges, but, it appears that, in some of the enumerated Ports, discriminating duties have continued to be levied to a very recent date; and express information has, but a few days since, been received at this Department, that a tonnage duty of 2s. 6d. sterling, imposed by Act of Parliament of 28th Geo. 3d, continued to be levied upon all Vessels of The United States at Turk's Island, until the 23d of December last, several months after your communications, claiming, even before the meeting of Congress, a total removal of discriminating duties upon British Vessels from the enumerated Ports, on the ground that American Vessels were admitted upon the same terms with British Vessels into them.

The Act of Parliament of 3d George 4th, chapter 44, appears to have given rise, in several of the enumerated Ports, to questions with regard to its construction, and not to have received, in all, the same solution. As an experiment to open an intercourse before interdicted by the Laws, both of Great Britain and The United States, its *intention* was received by this Government, with a cordial welcome and a sincere disposition to meet it, in the spirit of conciliation and of real reciprocity. But, for the regulation of the intercourse, as the consent of both Parties was indispensable, so it was just and necessary that the interests of both Parties, as understood by themselves, should be consulted. It seemed obvious that this could not be accomplished by mere legislation of either Party.

An arrangement, by mutual understanding and concert, was proposed by this Government, immediately after the Act of Parliament of 24th June was made known here. Whatever is yet known of the operation of that Act, and of the system of which it forms a part, has contributed to fortify this impression. An Act of Parliament of 5th August, 1822, (3d George 4, chapter 119,) in particular, already bears upon the intercourse between an important portion of this Union and the contiguous British Provinces, with a pressure which has excited the attention of Congress, and which a Resolution of the House of Representatives, at their last Session, recommends to the Executive of the Union as a subject for immediate negotiation with Great Britain. I am directed by the President of The United States to make the proposal, and to request that you would make your Government acquainted with it. Should it prove acceptable, I shall be happy to confer with you upon it, with the view to the conclusion of a Convention; or, if your Government should prefer to treat of it in England, the Powers and Instructions necessary for the purpose may be transmitted to the Minister of The United States at London.

I pray you, Sir, to accept the assurance, &c.

The Right Hon. Stratford Canning. JOHN QUINCY ADAMS.

(*Inclosure c.*)—*Mr. Stratford Canning to Mr. Adams.*

SIR,

Washington, 10th April, 1823.

THE Declaration which you describe in your Letter of the 8th inst. as requisite to authorize the President of The United States to issue his Proclamation for the removal of all alien charges at present exacted on British Vessels and their Cargoes arriving from His Majesty's Colonies, I am ready to give, in so far as regards the corresponding condition of the Act of Congress, an extract of the 3d Section of which you have done me the honour to communicate.

British and American Vessels entering the Colonial Ports, under the Act of Parliament passed on the 24th June, are subject to equal charges on every article imported under that Act, whether in American or in British Vessels, the same, if any, and no other charges are levied. With respect to the succeeding clause of the same Section, cited in your Letter, relative to Duties levied "upon the like goods, wares, and merchandise, imported into the said Colonial Ports from *elsewhere*," I must request that you will have the goodness to inform me of the precise meaning attached to the expression which I have underlined, as, in strictness of construction, these words seem capable of bearing a sense completely at variance with a principal provision of the above-mentioned Act of Parliament, and one which it is, therefore, wholly out of my power to include in the proposed Declaration. I might, perhaps, presume, that the term *elsewhere* was only meant to signify other places, not belonging to Great Britain, in America and the West Indies; but the bare possibility of a more comprehensive signification being attached to it, makes me desirous of ascertaining from you, in the first instance, whether I am right in giving it, exclusively, that interpretation, or, if not, in what more ample sense it is to be understood.

In answer to my previous representations on this subject, whether addressed to you before or during the late Session of Congress, you informed me that the President was not at liberty to withdraw the discriminating duties on imports and tonnage, to which alone I adverted, in consequence of his not having received from Congress the authority necessary for that purpose. In proof, however, that the intention of His Majesty's Government, long since communicated to you, has also been long since carried into effect, I have only to mention, that a Circular Instruction, a Copy of which is at this moment before me, was issued as early as the 3d of July, from the Custom-house in London, to the Collectors and Comptrollers of the Customs in His Majesty's Colonial Ports, directing them "not to charge any higher fees whatever, in respect of the trade allowed by the said Act to be carried on in Foreign Vessels, than are now payable thereon in British Vessels."

By what authority the tonnage duty of 2s. 6d. mentioned in your last Letter, can possibly have been collected at Turk's Island, so late as the 23d of December, I am wholly at a loss to conceive, as, besides the operation of the Custom-house Circular, the Act of Parliament, under which you state that duty to have been levied, was expressly repealed during the last Session.

The remaining part of your Letter must necessarily be left to the consideration of His Majesty's Government. It only occurs to me, at this moment, to submit whether some more definite statement of the points on which you have expressed the President's desire to negotiate, might not be attended with the advantage of leading to an earlier and more satisfactory decision respecting that proposal.

I avail myself of this opportunity to repeat, &c.

The Hon. John Quincy Adams.

STRATFORD CANNING.

(Inclosure d.) Mr. Adams to Mr. Stratford Canning.

SIR, *Department of State, Washington, 14th May, 1823.*

I HAVE the honour of informing you, that, by the 3d Section of the Act of Congress of the 1st of March last, "to regulate the Commercial Intercourse between The United States and certain British Colonial Ports," the term *elsewhere* is understood to be of meaning equivalent to *anywhere else*, and, of course, to include all places other than those from which the importation into those Ports may be made in Vessels of The United States.

The views of this Government, with regard to a regulation of this intercourse in future, by a Convention, or by further concert between the two Governments, will, at an early day, be transmitted by instructions, to the Minister of The United States at London.

In the mean time, it is to be observed, that the circular instructions referred to in your Letter of the 10th of last month, as having issued, on the 3d of July last, from the Custom House in London, to the Collectors and Comptrollers of the Customs in His Majesty's Colonial Ports, directing them "not to charge any higher *fees* whatever, in respect of the Trade allowed by the said Act to be carried on in Foreign Vessels, than are now payable thereon in British Vessels," did not, as by the import of the terms it would seem that they could not, remove any existing discriminating duties or charges, other than the mere *fees* of the officers to whom they were addressed.

That other charges, and even duties, discriminating, to the disadvantage of the Vessels of The United States, have continued to be levied in several of the enumerated Ports, until a late period, has been already shewn; and, by the papers which you had the goodness to submit to my inspection only 3 days since, it appears that a discriminating tonnage duty is still levied upon the Vessels of The United

States in the Ports of Nova Scotia, equal to two-thirds of the whole tonnage duty which is paid in our Ports by those British Vessels which are admitted upon the same footing with our own.

I pray you, Sir, to accept, &c.

The Right Hon. S. Canning.

JOHN QUINCY ADAMS.

(*Inclosure e.*)—*Mr. Stratford Canning to Mr. Adams.*

SIR,

Washington, 17th May, 1823.

IN acknowledging your Letter of the 14th instant, which I had the honour to receive the day before yesterday, I must be allowed to express my regret at finding that the declaration, expected by the American Government as a condition of the removal on their part, of alien charges from British Vessels entering the Ports of The United States, from certain of His Majesty's Possessions in North America and the West Indies, is meant to extend beyond the cessation of corresponding charges, as they affect the Vessels of The United States in the open Ports of the British Colonies; the term *elsewhere*, in the third Section of the Act of Congress to which you refer, being intended, as I understand from your Letter, to include even the British Territories.

Such being the intention of the Act, it is vain, for the present, to enter upon any discussion of the question which it involves; and it is altogether unnecessary to dwell upon the other points to which you have adverted, as this alone precludes, and necessarily precludes, my giving in a Declaration such as would prove satisfactory to the President.

Suffice it on this occasion to observe, that the discriminating tonnage duty, which you describe as being still levied on the Vessels of The United States, in the Harbours of Nova Scotia, appears, from Papers which you cite, to be levied on the Vessels of Great Britain also; and further, that the limited acceptance in which you seem to understand the Circular Instruction issued from the Custom House in London, under date of the 3d of July last, is completely at variance with the statement which I had the honour to communicate to you as long ago as the 18th of December, on the authority of a Letter, dated 21st of October, from the Collector of the Customs at Kingston, in Jamaica.

I request, Sir, that you will again accept, &c.

The Hon. J. Q. Adams.

STRATFORD CANNING.

(11.)—*Mr. Adams to Mr. Rush.*

SIR,

Department of State, Washington, 26th June, 1823.

UPON the subject of the admission of Consuls of The United States into the Ports of the British Colonies, which have been opened by the British Acts of Parliament of 24th June, 1822, to a commercial intercourse with The United States, in the Vessels of the latter, it appears

by the Note of Mr. George Canning to you, 29th November last, a Copy of which was transmitted with your Despatch, No. 281, that the British Government have consented to receive Consuls at one Port of the Island of Jamaica, at one of the Leeward Islands, to be designated by the Government of The United States, and at one Port in the North American Colonies; with an assurance that the British Government will re-consider the proposition which had been made by you, that Consuls should be admissible at *all* the Ports opened to the intercourse, if any practical inconvenience should be shewn, on the part of The United States, to the limitation of the number of their Consuls to three for all the Ports opened by the Act of Parliament.

During the last Session of Congress, Consuls were appointed, by and with the advice and consent of the Senate, for the Islands of Jamaica and St. Christopher's, and for the Colony of Demerara. The Commissions for the Consuls at St. Christopher's and at Demerara, are the only ones that have yet been issued. It was perfectly proper that your Note, claiming the admission of Consuls into the enumerated Ports, should extend the claim equally to them all: but, in advancing this claim, it was not the intention, nor is it the desire of this Government, to make appointments for them all: our Consular System, as you are aware, allows no salaries to those Officers, and their only emoluments arise from fees, levied upon actual trade, in the Port where they reside. No appointment will, therefore, be made at any Port where the services of the Officer will not be needed. The Person appointed as Consul at Jamaica has declined accepting the office, and another appointment will shortly be made for that Island. A Certificate of Consular Commercial Agency has been given to John M. Kankey, for the Island of Barbadoes. At the next Session of Congress, the President proposes to nominate the same, or another Person, to the Senate, as Consul for that Island, which is one of those where there will probably be the most occasion for the office.

You will give notice of these circumstances to the British Government, and request that instructions may be sent to the Governor of Barbadoes, to allow the exercise of the ordinary Consular functions to Mr. Kankey, until the regular appointment of a Consul; and that, when a Person so appointed shall present himself with a Commission, the Governor be authorized to recognize him in that capacity.

The suggestion in Mr. Canning's Note, that the admission of Consuls of The United States into the Colonial Ports, is not considered by the British Government as a matter of mere reciprocity, because American Consuls are received in all Ports of Great Britain, and The United States have no Colonies of their own, where a practical reciprocity could be exercised, as you have observed, admits of an easy answer.

The essential object of the Consular office is the protection of the Commerce, Merchants, and Mariners of one Nation, in the Ports of another. Wherever the commercial intercourse exists, the services of the Consular office may be required; and if British Merchants and Mariners, coming from the Colonies in the prosecution of the trade open to both Nations, can avail themselves of the services of the British Consuls in the Ports to which they come, we think it would be an entire denial of reciprocity to say, that our Merchants and Seamen pursuing the same trade, and going to the Ports of the same Colonies, should be refused the benefit of like protection, from Consuls of their own Country there. If a British trader from Jamaica can claim and receive protection from a British Consul at New York, it is needless to say there would be no reciprocity to the American trader to Jamaica, who should there be told that he might claim the protection of the American Consul at Liverpool.

It is presumed there will be no occasion for *discussing* this point with the British Government, and I have made the above remarks only to guard against the inference, that our claim to the admission of Consuls into the opened Colonial Ports rests upon other grounds than *mere reciprocity*. But in the negotiation of a Convention, it may be proper to propose, at least, an Article prescribing the *manner* in which the exequatur shall be furnished to Consuls generally—that they shall be delivered to them *gratis*, we have a right of strict reciprocity to claim, because they are so delivered to all British Consuls in The United States.

With this addition, you are authorized to propose the 16th Article of the Treaty of the 19th November, 1794, as a model, for one to be inserted in the Convention. But, as it reserves to the Parties the right of excepting from the residence of Consuls, such *particular places* as each Party shall judge proper to be so excepted, it may be necessary, if that clause should be retained, to reserve all the reciprocal right of excluding from the protection of the respective Consuls, all Merchants, Mariners, and Vessels, of their Country, coming from Ports from which Consuls of the other Nation are excluded.

We are not, indeed, tenacious of the insertion of *any* Article relating to Consuls into the Convention; but, whether by Convention or otherwise, you will not fail to insist upon the claim of admission for our Consuls into all the opened Ports, whence British Vessels, Merchants, and Mariners, coming to our Ports, may claim the protection of British Consuls here; and where, from the state of the trade, we may deem it useful to our Citizens that a Consul of The United States should reside; and, also, that the exequaturs of all our Consuls in the British dominions should henceforth be delivered without any charge or expense to them whatever.

The British Government may be assured that we shall use the power of appointing Consuls to *any* of the opened Ports for no improper purpose. But the right to Consular protection is one of the ordinary advantages of trade in Foreign Ports which ought not to be denied to our Countrymen in Ports where they are admitted on the principles of reciprocal trade. The want of a Consul of The United States at the Island of Barbadoes, for instance, has been exemplified in a circumstance which has recently come to our knowledge. That Island was one of those from which Mr. S. Canning received, and communicated to me, a declaratory Certificate, that Vessels of The United States were liable to no other, or higher duties and fees, than British Vessels coming from The United States. We are now informed, that a Citizen of The United States who went to Barbadoes with a cargo of flour, was compelled, in December last, to pay a duty of 2 per centum on the proceeds of the sales of his cargo, under the denomination of a transient tax, which no British Subject would have been required to pay. We understand that the American himself would have escaped this tax, if his cargo had been consigned to an established commercial house in the Island. But it is one of the many modes of levying discriminating duties which cannot comport with the principle of real reciprocity. If a tax of 2 per centum is exacted from the Foreign trader for the privilege of transacting his own business, which the Native trader enjoys gratuitously, they are not upon terms of equal competition.

It is presumed, that, had there been at that time a Consul of The United States in the Island, this tax would have been remitted upon his representations. At least, he would have given notice to this Government of its existence. This circumstance, as well as the other fact recently disclosed, and noticed in my Letter of the 23d inst. that in Nova Scotia there is a deduction in favour of *the Vessels of the Province* from the tonnage duty paid by *British Vessels*, proves at once the necessity that we should have Consuls in the opened Colonial Ports, and that of the most vigilant caution, in abandoning, on our own part, all discriminating duties favourable to our own Navigation in this trade. Whether this subject is to be regulated hereafter by Convention, or by corresponding Acts of Parliament and of Congress, we are to understand explicitly, that, according to our view of removing all discriminations, the system must embrace the Colonial, as well as the Parliamentary Legislation; and if, in any one Colony, the Vessels or People of the Colony have advantages or preferences secured to them over other *British Vessels* and Subjects, it cannot be satisfactory to us to be placed on the same footing with the *British* not of the Province. If the Provincial enjoys, at home, a discriminating advantage over the *Briton*, we cannot admit him here *as a Briton*, unless our Vessels are also admitted

into the Colony with the Provincial privileges. All this is essential to real reciprocity, and to the removal of our Foreign tonnage and impost duty upon British Vessels and cargoes coming from the opened Colonial Ports for trade with The United States. I am, &c.

JOHN QUINCY ADAMS.

P.S. The Person appointed Consul for St. Christopher's and Antigua, is Robert M. Harrison, and that for Demerara, Edmund Roberts.

R. Rush, Esq.

(12.)—*Mr. Rush to Mr. Adams. (No. 10)*

(Extract.)

London, 12th August, 1824.

MY Letter of the 2d of this month will have informed you, that the Negotiations in which I had so long been engaged with this Government had come to a close, but without any Treaty, or other arrangement having been concluded, on any of the subjects which had been given in charge to me. This is a result which I should lament the more, did I not endeavour to reconcile myself to it by reflection that I have earnestly, though fruitlessly, striven to render it more auspicious, and by the consideration, far more important, that, as several of the subjects discussed have been both of novelty and magnitude between the two Nations, my Government will have the opportunity of being put in more full possession of the sentiments of this Government, prior to the conclusion, or to the proposal anew, of any definite or final stipulations. The task of reporting to you, for the information of the President, the whole progress of the Negotiation, now devolves upon me. I enter upon it in the anxious hope that, whilst shunning a prolixity that might fatigue, I may nevertheless omit nothing necessary to a full understanding of all that has passed. I console myself with the recollection that the Protocols, and other Papers that will be transmitted to you, will mainly delineate every material occurrence. From these may be learned all the formal proposals that have been made on the one side or on the other; but the grounds of them, the discussions by which they were sustained or opposed, together with various explanations which the written memorials of the Negotiation, wearing for the most part the character of abstracts only, do not indicate, these it becomes my duty to make you also acquainted with, in every essential particular. It must be my purpose to fulfil this duty in the course of the present Despatch.

It was my first intention to have made my Report to you in the shape of separate Communications, allotting a distinct one to each subject, that I might be able to follow, in this respect, the example of your instructions to me. But after the discussions were opened, it was often found impracticable to keep the subjects distinct. More than one subject, or branches of more than one, would sometimes

engage our Conferences on the same day, superinducing the necessity of mixing them up in one and the same Protocol. For this reason, and because, also, the British Plenipotentiaries, in some instances, established a connection between Subjects where, as I thought, none regularly had place, and so treated them in our records in the manner I shall have occasion to describe; it has appeared to me most conducive to good order to present the whole under one view. If this unity in my Report should not appear at first sight to be suggested by a view of the diversity, as well as number of its subjects, it has seemed to me, upon the whole, to adapt itself best to the course which the Negotiation actually took, both in the oral discussions, and in the entries upon the Protocols; and that it will become most intelligible, whether in its incidents or its general spirit, when exhibited as a whole. In the hope that this mode of making up my Report may meet your approbation, I proceed, without more of introduction, to its proper business.

1. After the Slave Trade Question had been disposed of, the subject upon which we next entered, was that of the Commercial Intercourse between The United States and the British Colonial Ports in the West Indies and North America. Copious as this subject was found to be, when examined in all its details, its mere discussion, I mean the strictly commercial parts, was perhaps attended with less difficulty than that of some others. It had been familiar to the past and even recent discussions of the two Governments; so much so, that, upon almost every point connected with it, opinions had been formerly expressed by both. When, at an early stage, the British Plenipotentiaries said that, after the opening of the Trade to the Vessels of The United States, by the Act of Parliament of the 24th of June, 1822, it had not been expected, by Great Britain, that our Foreign tonnage duty and additional impost would have been continued to be levied upon their Vessels, I naturally replied that, to whatever other observations the policy of The United States might be open in this respect, it could scarcely be said to have been unexpected, as, upon at least two occasions since I had been their organ at this Court, they had expressly declined acceding by compact to the very terms in regard to this Trade, that were afterwards moulded into the Act of Parliament. Your instructions being precise and full upon this head, I caused them to be well understood. I recapitulated the history of the Negotiations that led to the Convention of the 20th of October, 1818, in all those parts of it which had relation to the question of Commercial Intercourse. I presented the review of all the Legislative Acts or other measures affecting this Intercourse, as well prior as subsequent to that Convention. On the side of Great Britain, the Act of Parliament of July, 1812, the Draft of the four Articles submitted by Lord Castlereagh, in 1817, the Act of Parliament of May 1818, and the Order in Council

which followed it on the 27th of the same month. On the side of The United States, the Act of Congress of the 3d of March, 1815, (the Legislative basis of their system of reciprocity,) the 2 Acts, original and supplementary, of April the 18th, 1818, and May 15th, 1820, concerning Navigation; the Act of May the 6th, 1822, with the President's Proclamation of the 24th of August, founded upon that Act: to all these I referred, in connection, also, with the second Negotiation of June and September, 1819, when the proposals again made by The United States for regulating this Intercourse by Treaty, were again rejected by Great Britain. The deduction I maintained from the whole was, that The United States, with uniform consistency and steadiness, pursued a course in regard to this Trade, which aimed at putting it upon a footing of entire reciprocity; that they asked nothing more, but, in justice to their Citizens, could be satisfied with nothing less.

To work out this reciprocity seemed, however, not to be an easy task, I remarked, on the side of Great Britain, whatever might be her desire. Her Commercial system was of long standing, and, from its great extent, often, in no slight degree, complicated and intricate. It was marked, not only by a diversity in its operations upon her home and Colonial Empire, but by subdivided diversities in its application to her Colonies. In some of her West India Islands, for example, there were export duties; in others, none. Some had Port charges, and various other local charges, operating upon Vessels or their Cargoes, not recognized in others; but, what was more important than all, her ancient Navigation Acts still remained substantially in force, mingling their fetters with all her modern Legislation upon the same subject. Her commercial and navigating system, whatever other recommendations it might possess in her eyes, had been rendered by time and her past policy deficient in the uniformity and simplicity calculated to place it, in these respects at least, upon a par with the commercial and navigating system of The United States. This broad distinction between the two Countries was always necessary to be kept in mind, I said, in their commercial dealings, and, whatever explanation or excuse it might furnish to Great Britain for continuing the pursuit of a course which still moved, in many points, in subordination to her ancient policy, it afforded to The United States neither motive nor justification for giving up their claim to the principle of an absolute and perfect equality, in all their regulations of Trade with Great Britain.

This brought me to the true nature of the Act of Parliament of the 24th June, 1822. I explained to the British Plenipotentiaries, that this Statute had not, whatever might have been its intention, opened the Ports of the British Colonies in the West Indies and America, to the Vessels of The United States, upon the same terms as were enjoyed

by British Vessels. The privileges granted by it to Vessels of The United States were, that they might carry directly, but in no other way, from some Port of The United States to certain specified Colonial Ports, certain specified articles of merchandize, whilst very high duties were to be paid on all such of those articles, as could alone be the subjects of a profitable Trade. British Vessels, on the other hand, possessed the additional and exclusive privilege of carrying the same articles to the same Colonial Ports, directly or indirectly, and free from all duty whatever, when carried from a British Colony in North America, to a British Colony in the West Indies. Moreover, I observed, the Vessels of The United States, admitted only as above to the Colonial Ports, were obliged, supposing they contained a Cargo, to return directly to The United States, and to give bond, under a heavy Penalty, for landing it at the Port for which it was entered, with the additional burden, not imposed by the Act of Parliament, but existing in fact, of paying a Colonial export duty of 4 or 5 per cent, upon the value of this return Cargo. This burden did not fall equally upon British Vessels, as they might avoid it by going, which they were free to do, to any Port of the British Dominions, either in Europe or America, a range not allowed to the Vessels of The United States. Nor were the British Vessels required to give any export bond for landing the articles at the Port for which entered, and producing within twelve months a Certificate of this fact, a condition which was also attached to American Vessels. It was evident, I insisted, from the foregoing recapitulation, that Vessels of The United States had not the same privilege under this Act of Parliament with British Vessels, and that the former were, also, subject to restrictions, imposed by the Act, or otherwise existing, from which the latter were exempt.

I reminded the British Plenipotentiaries, however, that no sooner had the knowledge of this Act of Parliament reached The United States, than the President, exercising, without the least delay, the authority with which by anticipation he had been invested, issued his Proclamation, of the 24th of August, 1822, opening the Ports of The United States, *generally*, to British Vessels coming from any of the Ports *enumerated* in the British Act, an exercise of authority in a high degree liberal, considering the relative state of the Statutes of the two Countries then in force, for the regulation of this trade. In other respects, the Proclamation of the President had done nothing more, I said, than lay British Vessels, coming from the Colonies to The United States, under the same restrictions in regard to their cargoes, to which Vessels of The United States were subject, when going to the Colonies. This, in necessary justice to The United States, it was obliged to do, and, by the permanent Laws of the Union, British Vessels continued liable to the charge of Foreign tonnage and impost duties. I explained to the British Plenipotentiaries that, if neither the Proclama-

tion nor the permanent Laws of the Union imposed burdens upon British Vessels and their cargoes, which were the specifick counterparts of those imposed by the Act of Parliament, of the 24th June, 1822, upon American Vessels, they were, nevertheless, the necessary counterparts of the burdens which did, in point of fact, exist as against American Vessels. To their owners it mattered not whence these burdens originated, so long as they continued to press unequally in the competition of American with British Vessels. It was to complete the intention of meeting these burdens, upon a basis of reciprocity at all points, that the Act of Congress of the 1st of March, 1823, was finally, and on full deliberation, passed. Its express object I described to be, to countervail all restrictions of whatever kind they might be, in actual operation against Vessels of The United States, whether enacted by the Act of the 24th June, 1822, in force under the old Navigation Act of Charles the Second, or recognized and permitted by Colonial Ordinances or Local Regulations, in any of the British Ports that had been opened. As this Act of Congress could not effectuate its just object, by applying to British Vessels restrictions, which were of the precise and corresponding nature with those operating against the Vessels of The United States, it adopted, I said, such as were analogous to them, without, however, in any instance, going beyond the measure of a necessary retaliation, but rather keeping within, than exceeding this limit. The Act of Parliament had, it was true, proceeded upon the hypothesis of extending like privileges to American as to British Vessels; but, here it had stopped, without imposing upon the latter the same restrictions which had previously existed against the former. The Act of Congress went further, and, in according the like privileges with the British Act, imposed also restrictions equivalent to those that were really and injuriously in force, against the Vessels of The United States.

It was in this manner, that I fully opened to the British Plenipotentiaries the principles and views of my Government, in relation to this interest. If I am not more minute in recounting all that I said, it is merely because I abstain from swelling this Communication, by a repetition of the principles, the facts, and the arguments, contained in your Despatch to me, of the 23d of June, 1823. With the various matter of this Despatch, I had made myself familiar, by frequent perusals of it, and it was alike my duty and my endeavour, to exhibit it all to the British Plenipotentiaries, in the most perspicuous and impressive ways in my power. I went on to remark, that it seemed plain, notwithstanding our countervailing restrictions, that we were still left at a disadvantage in the competition; for that, for an enumerated list of Ports open to our Vessels, only part of which too had been opened by the Act of Parliament of the 24th June, 1822, we had opened all of our Ports, in return, to British Vessels. For an enumerated list of articles,

which we were alone allowed to export to the Colonies, we received, in return, all articles which the Colonies found it most to their interest to send to us; and, for a duty of 10 per cent. on our articles imported into the West Indies, and of 4 or 5 per cent. on those that we brought away, our Laws did nothing more than retain a foreign tonnage duty, of less than 1 dollar per ton on British Vessels, and of 10 per cent. on the duty otherwise chargeable on the articles brought to The United States in them. It was even doubtful, I said, whether, under these circumstances, our Vessels would be able to continue the trade, and it was perhaps quite as much so, whether the double system of restrictions upon which it stood, would not deprive it of all value to both Countries. I used, under this branch of the subject, all the topics of illustration with which your Despatch had supplied me.

The British Order in Council of the 21st of July, 1823, laying a duty of 4 shillings and 3 pence sterling per ton on our vessels going to the Colonial Ports, to countervail, as Mr. Secretary Canning informed me in October last, our Foreign tonnage duty, having been subsequent in date to your Instructions to me, no remarks upon it were, consequently, embraced in them. But I considered the duty imposed by this Order open to the same animadversions as all the other burdens falling upon our Vessels. If we had grounds for complaint before this measure, they were but increased by it. If we were deprived of the opportunity of fair competition in the absence of this new duty, its imposition could not but augment the inequality. If we were carrying on the trade under every prospect of disadvantage without it, a more positive and certain loss to us must be the result if it were continued. Hence, I did not scruple to say to the British Plenipotentiaries, that it must be considered as giving additional force to all our other objections to their regulations. I had not, I admitted, and from the cause stated, received your instructions upon the subject of it; but, as our Foreign tonnage duty and the additional impost had been kept up against British Vessels, in necessary self-defence against all the anterior restrictions upon our Vessels and duties upon their cargoes, I took it for granted that this new British duty, if not abrogated, would, on the same principles and from the same necessity, be met by some measure of counteraction on our side. In offering such comments as these upon it, I trust that they will be thought conformable to the true nature and objects of your Instructions, though not in words pointed out by them.

In the end I offered, for the entire and satisfactory regulation of this trade, a Draft of the 2 Articles (marked A,) annexed to the Protocol of the 3d Conference. The 1st of these Articles, after reciting the restrictions upon the trade that existed on each side, and the desire and intention that prevailed of removing them, goes on to provide, that, upon the Vessels of The United States admitted by Law into the Colonial Ports, and upon the merchandize imported in them,

no other duties, or charges of any kind, should be levied than upon British Vessels, *including all Vessels of the Colonies themselves*, or upon the like merchandize imported into the Colonial Ports from any other Port or Place, *including Great Britain and the Colonial Ports themselves*. And, reciprocally, that upon the Vessels of Great Britain, admitted by Law into the Ports of The United States, and upon the merchandize imported in them, no other duties or charges of any kind should be levied than upon Vessels of The United States, *including Vessels of each and every one of the States*, or upon the like merchandize imported into The United States from any other Port or Place whatever. The words last underscored were inserted only for the greater satisfaction of the British Plenipotentiaries, it being explained by me, and so understood by them, that it could carry no new meaning; there being no such thing under our system with Foreign Nations, as a Vessel of any one of the States distinct from a Vessel of The United States. It followed that the passage would have had the same meaning without these words. The 2d Article provided, in fulfilment of the intentions of the 1st, that the trade should continue upon the footing on which it had been placed by the Laws of the two Countries, with the exception of the removal by Great Britain of the duties specified in Schedule C, of the Act of Parliament of the 24th of June, 1822, and those specified in the Schedule B, of the Act of the 5th of August of the same Year, and of the removal, by The United States, of the Foreign tonnage duty and additional impost, complained of by Great Britain. The Article concluded with a mutual pledge for the removal of all discriminating duties on either side, of whatever kind they might be, from the desire which operated with the Parties, of placing the trade in all respects upon a footing of perfect equality. Such was the nature of my proposals, for the more exact terms of which I beg to refer to the Paper which contains them.

The British Plenipotentiaries made immediate, and the most decided, objections to the part of these proposals which went to the abolition of the duties in the 2 Schedules indicated. They declared that under no circumstances could they accede to such a principle; and they proceeded to assail it under every form. The fundamental error of their reasoning, as always heretofore upon the same point, appeared to me to lie in considering their Colonial Possessions as part of the entire British Dominion at one time, yet treating them as separate Countries at another. For her own purposes, Britain could look upon these Colonies as on one and the same Country with herself. For the purposes of trade with Foreign States, she felt herself at liberty to consider them as detached from herself and forming a new and distinct Country, as moving, in short, within a commercial orbit wholly of their own. It was to this that her rule, resolved into its true principles, came at last. However such a rule might be met, and its application

admitted, as between Foreign States mutually possessing Colonies, and therefore mutually able, in their commercial intercourse with each other, to act upon it, its application was manifestly unequal and incongruous towards The United States. Possessing no Colonies themselves, The United States neither legislated nor acted upon a principle of subdividing their Empire for any purpose of Commercial advantage, or, above all, monopoly, with other Nations, but held out indiscriminately to all, one integral and undivided system. In strict justice, it would, hence, not be unreasonable in them to expect that all Nations, with which they entered into commercial stipulations, should look upon their Colonies, if they had any, only in the light of an extension of the Territories and jurisdiction of the parent State, since this was, in effect, the aspect which The United States presented throughout the whole extent of their Territories and jurisdiction to all Foreign Nations. The productions of Massachusetts, for example, which entered into the articles of international traffick, were, as compared with those of Louisiana, scarcely less different in their nature than were those of Britain from those of Jamaica; yet one commercial code spread itself over the whole of The United States; of which Foreign Nations, and Britain amongst them, had the benefit, whilst different commercial codes, and entangling commercial practices under them, were seen to exist on the part of Britain. This resulted from the mere fact, important it might be to Britain, but indifferent to The United States, of these codes and these practices being applicable to the Government of different portions of the British Empire; some of which fell under the denomination of her Home Dominion, and some of her Colonial Dominion.

It was to no effective purpose, however, that I enlarged upon, and endeavoured to enforce, by placing in other lights the foregoing distinctions. The British Plenipotentiaries continued to combat my positions, and to insist upon their right to lay whatever duties they deemed expedient upon our productions going to their Islands, in protection of the like articles exported to them from any part of their own Dominion. They said that they would never part with this right, for which we offered them no equivalent concession. They likened our request for its surrender by an analogy, the force of which I could never see, to a request on the side of Great Britain, should she prefer such a request, to be admitted into a participation of our coasting trade. They alleged also, that, in laying these duties, they had aimed only at making them a necessary protection to their own subjects in their North American Colonies; and that they were scarcely up to this point, was shown by the fact which they also alleged, of their subjects in those Colonies not having yet been able since the trade was opened, to obtain a proportionate share of it.

I had, more than once, occasion to remark, that it was not *the right*

of either Party to model its own Laws as it thought proper, that we were discussing ; it was the *terms* upon which it would be best to do so, that we ought rather to be desirous of settling. Here were certain Colonies belonging to Great Britain on the Continent of North America. It happened that some of them were in the immediate neighbourhood of The United States. Their course of industry was the same, their productions the same. If the live stock and lumber from one of these Colonies, from that of New Brunswick for example, were allowed to be imported into Antigua or St. Christopher's, duty free, whilst similar articles from the State of Maine, bordering upon New Brunswick, laboured under a duty of 10 per cent. on their importation into the same Islands, was not, I asked, all just competition at an end ? Still more was this the case, I remarked, if, after disposing of their cargoes, the Vessel from New Brunswick could take in a return cargo, absolved from an export duty, and was, moreover, left at liberty to take advantage of circumstances by trading from Colony to Colony, whilst the Vessel from Maine was obliged to depart in ballast, or, if she took in a cargo, do so subject to the export duty. How, too, under the weight of this latter duty, were the articles upon which it was charged to bear up in the markets of The United States against the competition of similar articles found in their markets, partly of their own produce, and partly derived from Islands in the West Indies, other than those belonging to Great Britain. It was thus, that I endeavoured to establish the reasonableness of our complaints, and to recommend our proposals to adoption. I admitted the general right which every Nation had to foster the industry of its own subjects, preferably to that of strangers, but controverted its justice or expediency, as applicable to this trade, a trade that was anomalous in many points, and to be judged of and regulated, not so much on any general theory, as under an impartial view of all the peculiarities that belong to it. As to the expression " from elsewhere," introduced into the Act of Congress of the 1st March, 1823, I insisted upon the propriety of giving it a construction that would include the British Colonies themselves as well as Foreign Countries, the only construction that ever could satisfy The United States, because the only one that could ever be equitable. Without it a reciprocity in words might exist ; but there would be none in fact. There was obviously no Foreign Nation, except The United States, that supplied the British West Indies with the articles in which a traffick had been opened. To say, therefore, that they should be imported into the British Islands, subject to no higher duties than were levied on articles of the same kind coming from any other Foreign Country, would be altogether unmeaning. The field of competition was exclusively in the North American Colonies of Britain. These, by their position and all their local peculiarities, were fairly to be considered as another Country, in the estimate of this trade, though

they were, it was true, in political subjection to Great Britain. Their being Dependencies altered not those physical and geographical characteristics in them, which made them the rivals in this intercourse, and the only rivals of The United States.

The British Plenipotentiaries yielded to none of this reasoning. They admitted that there were many difficulties in the way of a satisfactory adjustment of the shipping question, and of this intercourse generally, between Great Britain and The United States. These difficulties were partly Colonial, partly the result of their old Navigation Laws, and partly springing from the nature of the British North American trade, which bore so close an affinity to some portion of the trade of The United States. But they continued to declare their determination not to admit the productions of The United States into their Islands, upon the same footing with the like productions from other Colonies of their own; and they reiterated their allegations, that even, under the present duties on our productions, the trade was in our favour. They argued hence, that the amount of the duties, instead of being too high, seemed insufficient thus far, taken on a general scale, to balance the advantage of our proximity to the West Indies, and of the greater extent and productiveness of our soil. On this head they gave me details. They said that, by their latest accounts, full two-thirds of the flour and lumber sent to their islands from North America, were ascertained to have been of the produce of The United States, and that perhaps seven-eighths of this quantity were conveyed in Vessels of The United States. On the return trade, also, they declared that our Vessels had a share not much below the same proportion. To these statements, I could only reply, that my impressions were different. That it was true I was in possession of no returns subsequent to June, 1823, but, that up to that period, my information justified me in believing that the trade had not yielded a fair proportion of gain to our merchants. The British Plenipotentiaries dwelt emphatically upon the circumstance of our Vessels taking away specie from their Islands, in place of a return cargo in the produce of the Islands, as indicative of the trade being against the Islands, since it left upon their hands their rum and molasses, articles which they were chiefly anxious should find a market in The United States. If it were the export duty that produced this necessity in our Vessels to take payment in money for their cargoes, rather than in the produce of the Islands, the Plenipotentiaries said that they could not repeal it, because it applied equally to British Vessels. It was a duty of $4\frac{1}{2}$ per cent. existing on the exportation of produce, not in all of the islands, but in some of them, viz: in Antigua, St. Christopher's, Montserrat, Barbadoes, Nevis, and the Virgin Islands. In the latter, it was granted for the benefit of the Crown, in 1774. In most or all of the others it had existed, for the same purpose, as far back as 1668. British Ves-

sels paid it, they said, when going from these Islands, whether their destination was the Mother Country, or any Foreign Country. But I did not understand them to say that it was paid if they went only from Colony to Colony.

To the objection of only a limited number of Ports being open to our Vessels, they said that they admitted them wherever Custom Houses were established; and that the privilege reserved to British Vessels, of going from Colony to Colony, was only the privilege of letting them enjoy their own coasting trade. They seemed to forget that, by whatever name this privilege went, it was still one which operated against the competition of Vessels of The United States. On the non-admission into their Islands of articles that we desired to send, as, for example, salt fish, beef, pork—these, they said, were also excluded from the direct trade between Great Britain and The United States, including all other Foreign Countries. Here, too, they seemed to throw out of mind, that this very exclusion, in whatever principle it originated, still operated against the Commerce of The United States: for, that a system of positive exclusion formed no part of the regular or permanent system of The United States, and was, therefore, one of which, as long as they dealt out a different measure of Commercial benefit to other Nations, they had good grounds to complain.

I am saved the necessity of recapitulating any further, the remarks of the British Plenipotentiaries upon our proposals, from their having furnished me with a Summary of them in writing. This was not in the regular course of our proceedings, and the Paper not being considered as an official one, was not annexed to any Protocol, or referred to in any. It was merely given to me as an informal Memorandum, in which light I was willing and glad to receive it, as it protects me from all risk of not doing justice in my Report to their representations. It will be found among the Enclosures, marked W.

After all that I have said, it may be almost superfluous to state, that this Government will decline abrogating the tonnage duty of 4s. 3d. sterling imposed upon our Vessels, by the Order in Council, of July, 1823. Mr. Huskisson expressly brought this subject before the House of Commons, in the course of the last Session of Parliament, with a view to give full validity to that Order, doubts having arisen how far it was justifiable by the provisions of the Act of Parliament, of the preceding Session, on which it was founded. By this Act, a general power had been given to the King, in Council, to impose countervailing duties on the cargoes of Foreign Vessels, but not upon their tonnage. It was under this Act that the Order of July, 1823, affecting the tonnage of our Vessels, passed; and Mr. Huskisson obtained, at the last Session, a new Act for indemnifying all persons concerned in executing this Order, which, though out of the words, was conceived to be within the objects of the first Act. A Copy of the last Act is en-

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closed. The two Acts taken together now give to the King, in Council, a permanent power to meet other Nations on the ground of reciprocity in duties, both as to Vessels and Cargoes. To this ground *Prussia* has acceded, by a Treaty concluded with this Government, in April last, a printed Copy of which I enclose, that its terms may be seen. *Denmark* has done the same, by a Treaty concluded in June. The latter is not published as yet, but I have reason to know that its terms are the same as those of the Treaty with *Prussia*. It does not include the Colonies of *Denmark*, nor, of course, those of Britain, standing, in this respect, upon the footing of our Commercial Convention with Britain of 1815. *Prussia* having no Colonies, her Treaty, as far as there will be room for its operation at all, necessarily stands upon the same footing. Among the Colonies of Denmark are comprehended *Greenland*, *Iceland* and the *Feroe* Islands, which are enumerated as such in the Treaty. It is understood that *Sweden* has shown a disposition to come into this reciprocity, and that there are pending negotiations between this Government and that of the *Netherlands* to the same effect.

After the British Plenipotentiaries had finished all their remarks upon our proposals, I thought it best, seeing that they had not proved acceptable, to invite others from them, in turn, to be taken for reference to my Government. These they afforded me; and they are annexed, marked L, to the Protocol of the sixteenth Conference. The 1st Article, after reciting the desire of both Parties to abolish, reciprocally, all discriminating duties in this trade, proceeds to effect this purpose, after the British understanding of it. It pledges Great Britain to lay no higher duties on our produce, than upon produce of the same kind, imported not from *elsewhere*, or from any other Country, but from any other *Foreign* Country; using here the very term to which, in both the former negotiations, we had objected at large. The same term has place in the part of the article intended to operate against Great Britain, as she only claims, in sending her Colonial produce to The United States, that it shall be received, subject to the same duties as are paid on articles of the same kind, when imported into The United States, from any other *Foreign* Country. To this correlative provision, the British Plenipotentiaries referred, as illustrative of the true idea of reciprocity. I again insisted upon its manifesting the very reverse. It was palpable, that the term had a real substantive meaning in the one case, but might as well be omitted in the other. Like produce with that sent to the British Islands from The United States, the Islands obtained, as we had seen, from no other Foreign Country, but only from the British Possessions in North America; whereas The United States *did* receive from Cuba, from St. Domingo, and from other Foreign Islands and Countries, the same kind of produce as that yielded in the British Islands. Surely, then,

Great Britain would be benefited by the operation of the term, whilst to The United States it must be nugatory. There was a visible sphere within which it would act in the one case, whilst, in the other, there was no shadow of foundation upon which it could rest. But I was always unsuccessful in obtaining from the British Plenipotentiaries, the admission due to us on this cardinal principle. Their 2d Article provides for the actual abolition, subject, of course, to the foregoing reservation, of all discriminating duties or charges of every kind, whether on the Vessels or cargoes of the two Powers. The 3d contains a stipulation, that, in case the trade should prove on trial, unduly advantageous to one of the Parties, the other will examine in a proper spirit the complaint; and, on its being substantiated, adopt measures in unison with the true principles on which the Parties intended to fix it. The 4th provides, that whatever advantages Great Britain may in future extend to any friendly State in Europe or America, with respect to this trade, shall be common to The United States; and that The United States shall extend to Great Britain whatever advantages they may, at any time, grant to the most favoured State, in any trade carried on between the Possessions of such State, in the West Indies or America, and The United States. The 5th and last Article provides, *in consideration of the foregoing arrangements*, that Consuls shall be admitted from The United States into the open Colonial Ports, and received on the same conditions as are stipulated in the 4th Article of the Convention of July, 1815. Upon this last Article I shall have occasion to remark in another part of my Communications. The others I leave, including the 4th, upon the remarks already made. The 4th, it is evident, still keeps to the British principle of considering their Colonies as equivalent, of themselves, to the whole of The United States, in the arrangements of this trade. During the pendency of the Negotiation, I received a Letter, which seemed, to me, to be of importance, from Mr. Kankey, our Consular Mercantile Agent at the Island of Barbadoes. He informed me that, under directions that had been recently given to the Collector and Comptroller of the Customs of that Island, by the Lords Commissioners of the Treasury, Vessels of The United States were permitted to land there a portion of their cargoes, and to carry the remainder elsewhere, if entered for exportation, paying the import duty only on so much as was landed. This regulation, he added, would be of service to our trade, provided the necessity of paying the tonnage money of 4s. 3d. sterling per ton, at more than one of the Colonial Ports, during the same voyage, could be avoided; and he appealed to me to have this effected. I immediately brought the subject before the British Plenipotentiaries, urging the right of our Vessels to an exemption from all such double payments, on the ground of British Vessels never being subject to double payments of tonnage

duty in The United States, during the same voyage, though they did proceed from Port to Port. I was asked if I had any Instructions from my Government upon this point. I replied that I had not; but that I was confident in my belief, that, under our Laws, the fact could not be otherwise than as I had stated it. Mr. Huskisson then said, that he would obtain the sanction of this Government for placing our Vessels in the West Indies upon the same footing, in this respect, upon which British Vessels were placed in The United States; and would undertake, in his Official Capacity of President of the Board of Trade, to see that the necessary orders were forthwith issued for the accomplishment of this object. Mr. Kankey made another representation to me, which I also brought before the British Plenipotentiaries, as pertinent to the business upon which we were engaged. He stated, that an improper duty was charged, at Barbadoes, on the article of biscuit, when imported in barrels from The United States, a repeal of which he had not been able to effect, by remonstrating with the Collector. This article, when intended for a Foreign market, is packed in barrels, such as are used to hold flour, and seldom contain, it appears, more than 80 pounds weight. But, without any reference to the weight, the Collector was in the habit of demanding, on every such barrel of biscuit, (the cracker) landed at Barbadoes, a duty of 2s. 6d. sterling, when by the true construction of the Act of Parliament of the 24th of June, 1822, under which the duty arose, it was believed that only 1s. 6d. *per hundred weight* ought ever to be charged. Of this heavy overcharge of a single article, which the exporters of the Middle States were constantly sending to the British Islands, I complained in the terms that Mr. Kankey's representation to me warranted. Mr. Huskisson gave me an immediate assurance that my complaint should be attended to. He subsequently informed me, that, in consequence of it, the Officers of the Customs, generally, in the Islands, had been directed in all cases where such biscuit was imported from The United States, in barrels, weighing less than 196 pounds to charge the duty by the weight, and at the rate of not more than 1s. 6d. sterling per hundred weight. I am happy to think, that in at least these two instances, some portion of immediate relief is likely to be extended to our trade in that quarter.

From Mr. Monroe Harrison, the Consul of The United States at Antigua, I also received a Communication, whilst our proceedings were going on, of which I apprized the Plenipotentiaries of this Government. He informed me that our Citizens, trading to that Island, being often compelled to sell their cargoes on credit, payable in produce when the crops came in, found it convenient, if not sometimes necessary, to make another voyage to the West Indies, in order to recover the proceeds of their cargoes so disposed of. The markets in the

French, and other Islands, being often better than in the British Islands, our Citizens, in the predicament stated, would find it, Mr. Harrison remarked, to their advantage, to be able to resort to the former Islands in the first instance; but this object they were precluded from coupling with that of afterwards calling at the British Islands, for the collection of their debts in the produce of them, since, should they only touch at the British Islands, having on board any article other than of the produce of The United States, their Vessels became liable to seizure. I did not receive from the British Plenipotentiaries the same attention to this representation that was shewn in the other cases; nor, under my present lights did I feel altogether warranted in pressing it upon the same grounds. They informed me, in the course of our conversation upon it, that there was no objection under the British Regulations, to a Vessel of The United States, bound from one of our Ports to any Island in the West Indies other than British, afterwards proceeding from such other Island to a British Island, with the whole or part of her cargo, provided it had not been landed at any intermediate Port, and that there had been no change in the property during the voyage. I presume that those of our Citizens who are interested in knowing it, are acquainted with this construction of the British Law; which, however, does not present itself to my mind in the light of any important boon.

Admission of Consuls of The United States into the British Colonial Ports. My Report upon this subject will be shortened by the Communications which I have already had the honour to address to you at former periods, in relation to it. I allude more particularly to my Despatches, numbered 343 and 352 of November and December, 1823, and to my Official Note to Mr. Secretary Canning, of the 17th of November, 1823. In that Note, written after I had received your Despatch of the 26th of June, 1823, I found it necessary to execute, in a great degree, the Instructions which your Despatch contained. This Government, during the negotiation, as well as when the correspondence above alluded to took place, always considered the subject of appointing Consuls, to reside in their Colonies, as connected with that of the commercial intercourse generally; and here I agreed that the connection was a natural one. It was evident that, but for the opening of the Colonial Ports to our trade, we should not have asked for the privilege of appointing Consuls to reside at them: and if, by any circumstances they were again to be closed, it was equally evident that our claim to Consular representation would be at an end.

The Consular appointments made by the President for Jamaica, St. Christopher's and Antigua, Demerara and Barbadoes, had been sufficiently explained and justified to this Government in the course of my Communications above-mentioned, in conjunction also with my No. 349, which covered another Official Note from me to Mr. Canning upon the

same subject. Nevertheless, I did not omit to bring before the British Plenipotentiaries all the circumstances of this Correspondence. They were particularly pertinent to our discussions on the question of commercial intercourse, which had hinged so entirely on the point of reciprocity, and throughout the whole course of which it had been the aim of each party to exonerate itself from any charge of deficiency in this important point, if not to fix that charge upon the other. I remarked upon the fact of our trade to the opened Colonial Ports having now continued for 2 years without a single Consul on the part of The United States having, to this day, been recognized in any one of them, though at least three of those who had gone there and presented themselves for recognition, had been appointed under the previous and express consent of His Majesty's Government: whilst, on the other hand, during the whole of this period, the British trade from those Ports had been receiving full Consular protection from the Consuls of Great Britain in the Ports of The United States. In this, at least, it must be admitted there was no reciprocity. Nor was the absence of it cause of mere nominal complaint on the part of The United States. And here I brought into view, from your Despatch of the 26th June, 1823, the practical inconveniences, especially in the Island of Barbadoes, to which our trade had been subjected, in the opened Ports, on occasions which probably would not have occurred, had Consuls from The United States been residing there. The British Plenipotentiaries met this complaint in the manner their Government had formerly done. They said that when their consent had been given for appointing Consuls at three of the Colonial Ports, it had been given under an expectation by Great Britain, that The United States would carry on the trade, on terms that were reciprocal; but that afterwards, finding the terms to be such as Great Britain did not consider reciprocal, she forebore to perfect the appointments until the issue could be known, apprehending that the effect of new retaliatory measures on either side would soon be to put an end to the trade altogether. I rejoined, that, whatever motive, deemed by herself sufficient, though not so regarded by The United States, Britain might allege for her course of conduct in this particular, it did not destroy the broad fact, or lessen the evils arising from it, of Britain having enjoyed the advantage during the 2 years of this trade, of full Consular representation in the Ports of The United States, whilst The United States enjoyed none in the British Ports.

On the principal question of the claim of The United States, to appoint Consuls for the Colonial Ports, I took the ground which you had laid before me, and heretofore maintained in my Note to Mr. Secretary Canning, of November the 17th, 1823, as well as in the one which I first of all addressed to him on this subject, on the 17th of October, 1822; namely, that our claim extended, not to any specified number of the Colonial Ports, but to all, without exception, that had been

opened by the Act of Parliament of the 24th of June, 1822. This was the ground which I pressed upon the attention of the British Plenipotentiaries. It was the only ground, I said, which, in the true sense of reciprocity, and therefore, in the true sense of justice, could be supposed to be satisfactory to The United States. As they gave all, so it was reasonable that they should ask all. The United States excepted none of their Ports to which the British Colonial Vessels resorted, from the residence of British Consuls, and had a fair right to expect that none of the Colonial Ports to which American Vessels resorted, would be excepted from the residence of American Consuls. Consular protection was an incident of Trade which The United States did not feel at liberty to forego in behalf of their Citizens, so long as they allowed it to be enjoyed in their Ports, without limit or exception, by the Subjects of Britain. It satisfied neither the real, nor even the verbal meaning of the term reciprocity, in this discussion, to say, that the residence of British Consuls in the Ports of The United States, was matched by the residence of American Consuls in the Ports of Great Britain, in Europe. It was palpable that if a British Ship, whether arriving from Liverpool or Barbadoes, received Consular protection at New York, and an American Ship received it at Liverpool, but not at Barbadoes, there was no reciprocity in fact, whatever artificial reasons might justify Britain to herself, in distinguishing, in this respect too, her Colonial from her Home Dominion. - The only true match to the privilege on the one side, would be the extension of it to all the Ports that were open, whether Home or Colonial, on the other.

The United States, I continued, in claiming to appoint Consuls for all the Colonial Ports, meant not to make an unreasonable use of the privilege, and so I was instructed to declare. But the privilege of selecting the Ports must rest, I said, exclusively with The United States. Their Consular system did not recognize any fixed emoluments as the standard of remuneration for their Consuls, but left it to depend upon the Fees produced by Trade. Hence, in the Ports to which Trade flowed, Consuls were necessary, and to those where there was none, it was not to be supposed they would be sent, or so much as consent to go. But as the channels of Trade were liable to shift, there was a manifest convenience and propriety on this, and all other accounts, in leaving the selection of the Ports to the sound discretion of the appointing Power. Such were my remarks upon this subject, in addition to those that I formerly made, orally and in writing, to Mr. Canning. I did not, in conclusion, offer any formal Article in relation to it; first, because I thought it unnecessary, after the aspect which the Negotiation had assumed on the primary question of the Commercial Intercourse itself; and secondly, because I had been informed, in your instructions, that the President was not tenacious of any Article relating to Consuls being inserted in a Commercial

Convention, if one had been formed. But I gave the British Plenipotentiaries fully to understand the true nature of our claim, and that it would not in any wise fall short of the privilege of appointing for all the opened Ports.

They consented, substantially, to this principle, as will be seen by the Protocol of the 24th Conference. Their expression in it, that they saw no objection to the admission of our Consuls into their Colonies, "subject to the usual exceptions and reservations," means that both parties were to be considered as reserving to themselves the privilege of excepting, from the residence of Consuls, such particular places as they might think proper. This they explained to be their meaning. The same reservation had place in the 16th Article of the Treaty of the 19th of November, 1794; which was pointed out to me, by you, as the model of an Article, on the present occasion, had one been framed. It also exists in the 4th Article of the Commercial Convention of the 3rd of July, 1815; which Article is indicated by the British Plenipotentiaries, as the model, in the 5th Article of their own Counter-projet, annexed to the Protocol of the 16th Conference. The 2 Articles on this subject, in the Treaty of 1794, and in that of 1815, are so much alike, that they might be adopted indiscriminately, as models; the latter being a Copy, with only slight variations, from the former. In my Note to Mr. Canning of the 17th of November, 1823, I had reminded him, that, in case Great Britain excluded American Consuls from the Ports of the Colonies, The United States would have to reserve the right of excluding from Consular benefit, in their Ports, all British Vessels and Seamen arriving from the Colonies. So also, I reminded the British Plenipotentiaries, that The United States would have to protect themselves, by a similar reservation, to an extent co-equal with that to which Britain might use her option of excepting from the residence of our Consuls, particular places in her Colonies, there being no other appropriate mode by which we could counter-vail on our side this right of exception on hers, so far as regarded her Colonies.

It will be seen from the 24th Protocol, that Britain continues to decline, for the present, receiving our Consuls in any of her Colonial Ports. She acts, in this respect, under an impression that there is danger of the Intercourse between these Ports and The United States, being soon wholly interrupted. She waits the disappearance of this danger before she recognizes our Consuls, as its reality would, according to her way of reasoning, render their recognition of little value. It was in vain that I urged the justice of recognizing ours at once, so that we might be upon a par with Great Britain, *until* ulterior events were known. If her tonnage-duty of 4s. 3d. sterling per ton, on our Vessels entering her Colonial Ports, and her additional impost of 10 per cent., be met by countervailing duties on our side, as I was forced,

for the reasons given in another part of this Despatch, to intimate my belief, that they would be, her Plenipotentiaries have informed me that it will lead to fresh measures, of the same character, on her side: thus bringing on a state of things that can only terminate in rendering the Trade no longer worth the pursuit of either Country. If, on the other hand, the Trade remains as at present regulated, without any alteration by either party, although Britain, as I have had occasion to remark before, alleges that she is dissatisfied with it; she will let it have a further trial, and, in this event, will receive our Consuls on the terms mentioned in the 24th Protocol. This she will do, as I understand her intentions, notwithstanding the tenor of the 5th Article of her Counter-project above mentioned, which would seem to make her consent to the reception of our Consuls dependent upon our acceptance of her 4 preceding Articles. I believe, moreover, that she would raise no obstacle on the score of expense, but grant to our Consuls Exequaturs free of all charge, as we grant Exequaturs to hers. This point I mentioned to the British Plenipotentiaries, and to its obvious justice they took no exception. There remains nothing further for me to impart to you on this subject. The Protocols that relate to it are the 23rd and the 24th.

The Hon. J. Q. Adams.

RICHARD RUSH.

(Inclosure a.)—Protocol of the 3d Conference of the American and British Plenipotentiaries, held at the Board of Trade, February 5th, 1824.

Present—Mr. Rush, Mr. Huskisson, Mr. Stratford Canning.

THE Protocol of the preceding Conference was read over and signed.

In pursuance of previous agreement, Mr. Rush brought forward the propositions of this Government respecting the Trade between the British Colonies in North America and the West Indies and The United States, including the navigation of the St. Lawrence, by Vessels of The United States. On concluding the statement with which Mr. Rush introduced these proposals, in explanation of the views and antecedent proceedings of his Government, he gave in the three Articles which are hereunto annexed, (marked A.)*

The British Plenipotentiaries, in receiving the Articles thus presented to them for consideration, confined themselves to stating their first impressions as to the scope and extent of the American Proposals, and the extreme difficulty resulting therefrom, observing on such parts of the American Plenipotentiary's statement as appeared to them to call for immediate objection, or to admit of satisfactory explanation.

Adjourned to Monday, the 16th instant, at 2 o'clock.

W. HUSKISSON.

RICHARD RUSH.

STRATFORD CANNING.

* See Page 554.

(*Inclosure b.*)—*Protocol of the 16th Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 8th June, 1824.*

Present—Mr. Rush, Mr. Huskisson, Mr. Stratford Canning.

The Protocol of the preceding Conference was read over and signed.

The British Plenipotentiaries, after further discussion in relation to Commercial Intercourse between The United States and certain of the British Colonies, gave in the annexed Counter-project on that subject, in reference to what had passed at the preceding Conference, observing, at the same time, that the first 2 Articles of the proposal communicated by the American Plenipotentiary, in their 3d Conference with him, had, in their opinion, no necessary connection with the 3d, relating to the Navigation of the river St. Lawrence, and, that they conceived it would be more convenient to treat of them separately.

Adjourned to Tuesday, the 15th instant.

W. HUSKISSON.

RICHARD RUSH.

STRATFORD CANNING.

(*Sub-Inclosure L.*)—*British Counter-project on Commercial Intercourse, (annexed to 16th Protocol.)*

HIS Britannick Majesty and The United States of America, being desirous to regulate, by mutual agreement, and on principles of just reciprocity, the Trade now open under their respective Laws, between The United States and the British Colonies in North America and the West Indies, have appointed Plenipotentiaries to negotiate and conclude a Convention for that purpose; that is to say, on the part of His Britannick Majesty, —; and on the part of The United States of America, —; which Plenipotentiaries, after duly communicating to each other their respective Full Powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

I. The Subjects of His Britannick Majesty, and the Citizens of The United States, shall continue to have liberty to trade between the Ports of those States, and the open Ports of His Majesty's Possessions in North America and the West Indies, under the existing Laws and regulations of the High Contracting Parties. And whereas it is considered mutually advantageous to the Subjects and Citizens of both Parties, that all discriminating duties and charges reciprocally imposed and levied on the Vessels of each Nation and their Cargoes, in the Ports of the other, as aforesaid, should be withdrawn and altogether abolished, it is hereby agreed, that, upon the Vessels of The United States, admitted by Law into all, and every one of His Britannick Majesty's Colonial Ports, as aforesaid, and upon any goods, wares, or merchandize, lawfully imported therein, in the said Vessels, no other or higher duties of tonnage or import, and no other charges of any kind, shall be levied or exacted than upon British Vessels, including all Vessels of the Colonies themselves, or upon the like goods, wares, or

merchandize, imported into the said Colonial Ports from any other Foreign Port or Place whatever ; and likewise, that, upon the Vessels of Great Britain, and of her Colonies, admitted by Law into all and every one of the Ports of The United States, and upon any goods, wares, or merchandize, lawfully imported therein in the said Vessels, no other or higher duties of tonnage or import, and no other charges of any kind, shall be levied or exacted than upon vessels of The United States, including all vessels of each and every one of the said States, or upon the like goods, wares, or merchandize, imported into The United States, from any other Foreign Port or Place whatever.

II. For the more perfect fulfilment of the intentions of the High Contracting Parties, they pledge themselves, hereby, to remove, with as little delay as possible, His Britannick Majesty on his side, and The United States on their side, all additional duties of tonnage in the light of Foreign tonnage duty, and all additional duties of import in the light of duties on goods imported in Foreign Vessels, at present existing, either against the Vessels of The United States and their Cargoes, admitted by Law into any of the British Colonial Ports, as aforesaid, or against British Vessels and their Cargoes, admitted by Law into the Ports of The United States, as well as all other discriminating duties and charges, of whatever kind they may be, intended by this and the foregoing Article, to be removed and altogether abolished.

III. It being the desire and intention of the High Contracting Parties, to place the Trade in question on a footing of just reciprocity, they further agree, that, in case any of the existing enactments on either side, regulating the Navigation in this Trade, shall, contrary to expectation, be found, on further experience, to operate partially, and in such manner as to give to the Subjects or Citizens of the one Party engaged therein, a clear and decided advantage, to the manifest prejudice of the Subjects or Citizens of the other, in opposition to the intention above declared, each of the two Governments shall, in such case, and according as the case may be, receive and examine the representations made to it thereon by the other, and, the complaints being fairly substantiated, shall lose no time in adopting such additional laws and regulations as may correct the grievance complained of, in conformity with the principle herein laid down.

IV. The High Contracting Parties, being further desirous to promote and extend this Trade, in proportion as circumstances may, from time to time, allow, His Britannick Majesty, on his part, engages, that, whatever facility or advantage may hereafter be granted to any friendly State, either in Europe or in America, with respect to any Commerce, direct or circuitous, to be carried on between such State and His Majesty's Colonies in the West Indies or America, shall be, in like manner, granted to the Citizens of The United States ; and The United States on their part, engage that, under this contingency, the

Subjects of His Majesty shall enjoy whatever facilities or advantages may, at any time, be granted by them to the Subjects or Citizens of the most favoured State, in any Trade carried on between the Possessions of that State in the West Indies or America, and The United States.

V. In consideration of the foregoing arrangements, His Britannick Majesty consents, that the Government of The United States shall be at liberty to appoint Consuls in His Majesty's open Colonial Ports in North America and the West Indies, and that Consuls so appointed on their behalf shall be received under the same conditions as those which are stipulated in the 4th Article of the Convention of Commerce, concluded in London, on the 3d July, 1815.

VI. The ratification of this Convention, &c.

(Inclosure c.)—Protocol of the 25th Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 22d of July, 1824. (Extracts.)

Present,—Mr. Rush, Mr. Huskisson, Mr. Stratford Canning.

THE Protocol of the preceding Conference was read over and signed.

It was agreed, in consideration of the numerous and complicated questions on which the Conferences had turned, that the Plenipotentiaries should meet again, and communicate with each other, prior to sending in to their respective Governments their final Reports of the present state of the negotiations, suspended by the necessity of referring to Washington on some of the subjects that had been presented for discussion.

Adjourned.

W. HUSKISSON.

RICHARD RUSH.

STRATFORD CANNING.

(Inclosure d.)—Protocol of the 26th Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 28th of July, 1824.

Present,—Mr. Rush, Mr. Huskisson, Mr. Stratford Canning.

THE Protocol of the preceding Conference was read over and signed.

The Plenipotentiaries, after communicating with each other, in pursuance of the agreement taken at the preceding Conference, and persuaded that they had sufficiently developed the sentiments of their respective Governments, on the various subjects of their Conferences, separated under the circumstances which necessarily prevented for the present, any further progress in the negotiations.

W. HUSKISSON.

RICHARD RUSH.

STRATFORD CANNING.

(Sub-Inclosure W.)—Paper on the Commercial Intercourse Question, from the British Plenipotentiaries.

THE British Plenipotentiaries present the following remarks, on the articles of Colonial Intercourse proposed by the American Plenipoten-

tiary, at his 3d Conference with them. The first 2 articles have no necessary connection with the 3d, which relates to the navigation of the river St. Lawrence; and the British Plenipotentiaries are of opinion that it is more convenient to treat of them separately.

The proposal contained in the 2 articles on Colonial intercourse, is in substance as follows:—The trade between The United States and His Majesty's Colonies in North America and the West Indies, to continue, as at present, regulated by the respective Acts of Parliament and Congress, except that all discriminating charges on alien Vessels and their cargoes, concerned in that trade, should be withdrawn on both sides, and further, that all articles of United States' produce should be admitted into the Colonies, exactly on the same terms as the like productions of the Colonies themselves, or of the Mother Country.

To all but the last clause of this proposal, the British Government are willing to consent. To that condition they decidedly object.

The exceptionable condition amounts to no less than a stipulation that Great Britain shall renounce, in favour of The United States, and without a return on their side, the power of protecting the staples of her own subjects, by levying import duties on the like productions of a Foreign Country. In *principle*, such a proposition is evidently inadmissible. It could not be entertained with credit, by any Power on which it was calculated to operate exclusively. It is directly at variance with the practice of all Commercial, of all civilized States. It has no precedent in the Commercial relations subsisting between the British Dominions in Europe and The United States.

The *specific* grounds alleged in support of it, by the American Plenipotentiary, are, in the opinion of the British Government, wholly insufficient for that purpose.

They are understood to be, in effect, 1st: That American Vessels are subject to an export duty in the British West Indies, to which British Vessels are not equally liable: 2d, That, while all the Ports of The United States are open to British Vessels, only certain enumerated Ports of the British Colonies are open to Vessels of The United States: 3d, That American Vessels are confined to a direct trade between the place of export and the place of import, while British Vessels labour under no such restriction: 4th, That British Vessels, though confined to the same enumerated articles as American, in the direct trade, are not so confined in trading from Colony to Colony, or with the Ports of the Mother Country: 5th, That, while all articles of British Colonial produce are admitted into The United States, many important articles of American produce are excluded from the British West Indies: And, 6th, That, on those articles of American produce which are admitted into the British Colonies, import duties are levied,

or, at least, that higher import duties are levied, than on the like articles produced in His Majesty's Dominions.

These several allegations are met, in detail, by the following specific statement :

1st. The export duty complained of, is a duty of four and a half per cent., levied in some of the Leeward Islands, on the produce of those Islands, whether exported in British or American Vessels, and equally, whether exported to Great Britain or to Foreign Countries.

2d. The Colonial Ports opened, by Act of Parliament, to Foreign Vessels from America, are all those in which Custom Houses are established.

3d. The American Congress has passed an Act confining British Vessels to a direct trade, under bond, in the very same manner as American Vessels are restricted by the British Act of Parliament, and even to a greater degree.

4th. The liberty of trading between Colony and Colony, as well as with the Mother Country, enjoyed exclusively by British Vessels in this trade, is no other than a part of the coasting trade, which every Government secures to its own Subjects. The Americans enjoy a like advantage on their side ; and the British are not allowed, on the same principle, to carry on trade between the several Ports and States of the American Union.

5th. The exclusion of certain articles of American produce, such as salt fish, from the West India market, is no other than what already exists in the trade between Great Britain and The United States, comprising other Foreign Countries. It is by no means peculiar to the Colonial Intercourse. The rum and molasses of the British West Indies, are, *in point of fact*, but barely admitted to the market of The United States.

6th. The protecting duties levied in the British West Indies, on the flour, lumber, &c. of The United States, are absolutely necessary to afford the Inhabitants of His Majesty's North American Provinces a chance of sending their superfluous produce to market, on equal terms with the Citizens of The United States. These latter enjoy great natural advantages over their northern competitors, by reason of the open climate, and comparative vicinity of their Country to the West India Islands. The sugar of the British West Indies, their principal export, has besides, to pay in The United States, an import duty proportionally higher than the duty levied on American flour, in the Ports of the British Colonies.

On the specific grounds, then, alleged by the American Plenipotentiary, the above-mentioned stipulation cannot be accepted by Great Britain, without injustice to her own Subjects, any more than it can be accepted by her on general principles, without prejudice to her

character as an independent Commercial Power. Much as the British Government are disposed to cherish and improve the relations of commerce and good neighbourhood with The United States, such sacrifices cannot, in fairness, be expected, even for the sake of those objects.

Still less are they to be expected, when the statements of the British Government, in answer to those of the American, are fully borne out by the state, as hitherto ascertained, of the trade carried on under the respective Laws of the two Countries.

There is reason to suppose, that about two-thirds of the flour and lumber received from North America by the British West Indies, are produced by The United States; and it is not too much to say, that seven-eighths of that quantity are conveyed to the market in American Vessels, while, even upon the return trade, it appears that American Vessels enjoy a share not greatly inferior to that proportion.

Under these circumstances, the British Plenipotentiaries can only accept the articles on Commercial Intercourse, tendered to them by the American Plenipotentiary, with the omission of the stipulation already specified.

With every disposition to remove unnecessary obstructions from the trade, and to keep the protecting duties within fair and moderate bounds, no difference whatever being made in point of duties and charges between American and British Vessels, whether belonging to the Colonies or to Great Britain, it is impossible for the British Government to admit a condition which would expose their North American Provinces to a total exclusion from the West India market, and that, as they conceive, without any equivalent concession being proposed on the part of The United States.

The British Plenipotentiaries are ready, at the same time, to enter into stipulations, not only for removing all alien charges whatever from the Vessels and their cargoes, as such, of both parties, in The United States on one side, and in the enumerated British Colonies on the other, but also for extending to The United States, eventually and in consideration of a fair return from them, any further advantages in that trade, which in the progress of events, Great Britain may find it safe or desirable to concede to any other Foreign Nation or State, in the trade between her Colonies and its Possessions. In making this contingent agreement, it would be the intention of the British Government to apply, in proportion as circumstances might allow, to the trade between His Majesty's open Colonies and The United States, the same principle already adopted in the Convention of 1815: namely, of placing each Party, with respect to imports and exports, on the footing of the most favoured Nation; and in the same spirit there would be no objection to giving a suitable extension to the 4th Article of the Commercial Convention, respecting Consuls.

(13.)—*Mr. Addington to Mr. Adams.*

SIR,

Washington, 7th September, 1823.

THE Act passed in the last Session of Congress, for regulating the Commercial Intercourse between The United States and certain of His Majesty's Colonies in the West Indies and North America, as well as the Correspondence which took place on the same subject, between yourself and Mr. Stratford Canning, having been laid before His Majesty's Government, and received from them the most attentive consideration, I am commanded by His Majesty's Secretary of State to put you in possession of the result of their deliberations on that subject.

The Act of Parliament, of the 24th of June, 1822, is the first Legislative admission of a direct permanent commerce between His Majesty's Colonies and Plantations in the West Indies and The United States, in the Vessels of The United States.

This departure on the part of Great Britain from her ancient Colonial system, was considered by His Majesty's Government to be mutually advantageous to both Parties.

In furtherance of the liberal views which suggested this Act, and in conformity with the principle by which the direct trade between Great Britain and The United States is regulated, under the Convention of 1815, the British Government, immediately after the passing of that Statute, gave orders that no other or higher duty should be levied upon merchandize imported into the British Colonies in Vessels of The United States, than upon the like merchandize imported in British Vessels; and, also, that the Vessels of The United States should be subject to *no higher tonnage duties, or Custom House fees, or other local or Port charges*, in those Colonies, than were paid by British Vessels in the same Ports.

These orders have long since been carried into general effect; and if in any particular instance, it should be made to appear that they have not been punctually observed in any of His Majesty's Colonies, the British Government would readily take measures for removing that exception, and for redressing any injury to which it might have given rise.

Contrary to the just expectations of His Majesty, no corresponding orders have yet been issued by the Government of The United States, for the remission of the alien duties upon goods imported into The United States, under the pre-cited Act, in British shipping, or upon the Vessels in which such goods are imported.

For some time the Government of The United States declined giving such orders, on the ground that no satisfactory proof had been produced of discriminating duties being no longer levied on American trade in His Majesty's Colonies; yet, surely, the direct affirmation of the British Government, that orders to that effect had been given,

might, and ought to, have been received as sufficient proof of the fact.

As a ground for still suspending the remission of the alien duties, the American Government now allege that by an Act passed in the last Session of Congress, the President of The United States is restrained from taking off those duties, until he shall have received satisfactory proof, that "upon any goods, wares, or merchandize, the growth or produce of The United States, imported into the British Colonies under the Act aforesaid, no other or higher duties are levied than upon the like goods imported into the said Colonies *from elsewhere.*"

The term "*from elsewhere,*" was at first liable to a dubious construction; but in your Letter to Mr. Stratford Canning, dated the 14th of May last, it was finally declared "to be of meaning equivalent to *every where else*, and of course to include all places other than those from which the importations into the specified Ports might be made in Vessels of The United States"—His Majesty's Dominions themselves, therefore, necessarily inclusive.

According to this interpretation, The United States claim the privilege of introducing into His Majesty's Colonial Possessions, their own produce, on precisely the same footing as that of The United Kingdom itself, or of His Majesty's Dominions in whatsoever part of the World.

Such a claim, Sir, I am commanded to inform you, His Majesty's Government consider to be wholly inadmissible.

For the expectation of so unlimited a concession, no part of the Act of Parliament above cited affords the smallest ground. In that Act, mention is made alone and expressly of *Foreign Countries*. The 3d and 6th Sections both specify imports into, and exports from, *Foreign Territories*, as alone in question.

Considering this circumstance, His Majesty's Ministers might, perhaps, have had a right to expect that a more early intimation would have been given by the American Government, that the removal of the discriminating duties in The United States was to be made contingent upon a concession now brought forward for the first time, and of a character totally different from that which Great Britain had voluntarily offered and executed, namely, the equalization of duties in the British Colonies.

It was but reasonable to infer, that as soon as the deficiency of Certificates, so long alleged by the Government of The United States as the only obstacle to that equalization on their part, should have been supplied, the whole matter would have been considered as definitively settled.

Such, however, has not been the case. The declaration required

was given, and then, for the first time, the claim in question was distinctly advanced.

Since it appears therefore that His Majesty's Ministers are now to understand that, unless they accede to a condition considered by them as totally inadmissible, the discriminating duties imposed on British trade will continue to be levied by The United States, it has become necessary for the protection of the trade and navigation of Great Britain, and for placing His Majesty's Subjects upon a footing of equality with those of The United States, in the intercourse established under the British Act of Parliament of 1822, that discriminating duties should be imposed in His Majesty's Colonies upon the goods and Ships of The United States, trading under the said Act, equal to those which are levied upon the goods and Ships of His Majesty's Subjects trading from the Colonies to the Ports of The United States.

The fairness, and indeed the necessity, of this measure, The United States themselves will, it is conceived, hardly be disposed to question. I am directed, however, to declare that, just and necessary as it is, His Majesty's Government will be ready to withdraw it immediately upon the manifestation of a disposition on the part of The United States corresponding with that in which the Act of Parliament of June, 1822, was framed and carried into effect by Great Britain.

It is the earnest wish of His Majesty's Government to afford every facility to a direct commercial intercourse between The United States and the British Colonies in North America and the West Indies, consistently with the principles of that Act—principles in which they had hoped to find a cordial concurrence on the part of the American Government.

Within the limits of those principles His Majesty's Ministry are ready to enter upon Negotiation for promoting and extending that intercourse; but they cannot acquiesce in a system so partial, and bearing so unequally on the trade and interests of Great Britain and her Colonies, as that proposed by The United States, the principle of which has never been admitted by that or any other Country, in its direct commercial intercourse with Foreign Nations.

I have the honour, Sir, to enclose for your information, the Copy of an Act of Parliament, which, in conformity with these views, has been passed for the purpose of enabling His Majesty to resort to the measure above described.* On perusing it you will not fail to observe that, by it, His Majesty is equally empowered to impose, and to remove, discriminating duties on the Vessels and goods of Foreign Powers, according as those Powers shall be disposed, or not, to act with a fair reciprocity towards Great Britain; and I am expressly enjoined to

* See Vol. 1822, 1823, Page 561.

assure you that the power of removal will at all times be exerted by His Majesty with far greater satisfaction than that of the previous but unavoidable imposition of such duties.

I have the honour to be, &c.

The Hon. J. Q. Adams.

H. U. ADDINGTON.

(14.)—*Mr. Adams to Mr. Addington.*

SIR, *Department of State, Washington, 11th November, 1823.*

I HAVE had the honour of receiving your Letter of the 7th September, together with a printed Copy of an Act of Parliament enclosed with it.

In the month of June last, Instructions were forwarded to the Minister of The United States at London, to confer with the Government of His Majesty upon the subject of the Commercial Intercourse between The United States and the British Colonies in America, to show that the terms upon which the Act of Parliament of the 24th June, 1822, (3 Geo. 4. chap. 44.) had opened certain British Ports in America, to the importation of certain articles from The United States, in Vessels of The United States, were, according to the construction which it had received, and under which it was executed in the Colonies, so far from embracing a system of reciprocity, as the foundation of that commercial intercourse, that the Government of The United States could not consent to the admission of British Vessels from those Colonial Ports, on payment of the same and no higher or other duties in the Ports of The United States than were paid by the Vessels of The United States employed in the same commerce; to point out the discriminations to the disadvantage of The United States which operated upon their Vessels under the system introduced by the Act of Parliament, and to propose an amicable arrangement by Negotiation, of the whole subject, in a spirit of mutual accommodation, and more to the satisfaction of both Parties. By the Communications recently received at this Department from Mr. Rush, it appears that he had received these Instructions, and had, already, conferred with His Majesty's Secretary of State for the Department of Foreign Affairs concerning them. A hope that the result of these Conferences will supersede the necessity of any further Correspondence upon the subject here, induces me to suspend a reply to the observations in your Note which might otherwise be required.

In the mean time, I pray you to accept, &c.

H. U. Addington, Esq.

JOHN QUINCY ADAMS.

(15.)—*Mr. King to Mr. Clay.—August, September, 1825.*

(Extract.)—(No. 1.)

Cheltenham, August 9, 1825.

AFTER remaining a week at Liverpool, it was recommended to me to take Cheltenham in my route, in order that I might use the waters

for the benefit of my health. I found advantage by drinking the waters, and as Parliament had adjourned, I concluded to send my Son to London with the Despatches confided to me for Count Lieven and our Minister at Paris, and, with the assistance of Mr. Smith, to make the necessary arrangements respecting a house, and other matters, preparatory to my going myself. I also requested Mr. Smith, who will continue Chargé d'Affaires until my presentation to the King, to ask an interview with Mr. Canning, for the purpose of explaining to him the delay which has detained me a few days at this place. Mr. Canning being himself unwell, referred Mr. Smith to the Under Secretary of State, Mr. Planta, to whom, accompanied by my Son, he stated the occasion of this delay. The next day Mr. Planta informed Mr. Smith, that, owing to ill health, Mr. Canning would not remain in town so long, nor return to it so early as he had before expected, and, by Mr. Canning's direction, Mr. Planta requested Mr. Smith to make this communication to me, expressing Mr. Canning's regret at the occasion of my detention, and adding, that, as Mr. Canning, on account of his own health, would for some time be absent from town, he would himself write to me apprising me thereof, and, in his way to the North, would meet me at Cheltenham or its neighbourhood. Accordingly, upon the 29th of July, I received Mr. Canning's Letter of the former day, and by the return of the Post sent him my answer.

(Extract.)—(No. 3.) *London, 20, Baker-street, 24th Aug. 1825.*

MR. CANNING, as you will observe, is still in the North of England. London, I believe, is without the presence of more than a single Cabinet Minister, his Colleagues being upon the Continent, or dispersed through the interior of the Country.

(Extract.)—(No. 4.) *London, 4th September, 1825.*

THE Government continues in a state of abeyance. Mr. Canning is still in the North of England, and probably will not return till the middle of the month.

(Extract.)—(No. 5.) *London, 13th September, 1825.*

MR. CANNING and Colleagues are all out of town, but are expected on the 17th or 20th.

(Extract.)—(No. 7.) *London, 26th September, 1825.*

Mr. Canning has invited me to meet him at half past 2 o'clock, which will constitute our first meeting in London.

The Hon. Henry Clay.

RUFUS KING.

(16.)—*Mr. Clay to Mr. Gallatin.*—(No. 1.)

EXTRACTS FROM GENERAL INSTRUCTIONS.

19th June, 1826.

YOUR PREDECESSOR, Mr. Rufus King, purposes leaving London in the month of June, and on that account, as well as on account of the important Negotiations with which you are to be solely charged, the President wishes you to lose no time unnecessarily in proceeding to Great Britain. On your arrival there, you will deliver a Copy of your Credential Letter to the Minister of Foreign Affairs, and, on your presentation to the King, you will communicate the original to His Majesty. On that occasion, you will express to him the earnest desire of the President to maintain the amicable relations which happily subsist between the two Countries; that, on the part of this Government, nothing will be omitted to preserve them in full vigor, and, if possible, to add fresh strength to them; and it will give great satisfaction to experience corresponding dispositions on the other side.

You will find among the Papers now put in your possession, the personal Instructions by which you will regulate your conduct. Mr. John A. King, Secretary of the Legation, to whom is allowed the option of retaining that appointment, and who will have been left by Mr. Rufus King in charge of our Affairs, if he shall have taken his departure before your arrival, will deliver over to you the Records and Papers of the Mission.

In communicating the General Instructions, by which you are to be governed, the first subject to which I am to direct your attention is that of Negotiation, opened by Mr. Rush on the 23d day of January, 1824, and which was suspended on the 22d of July, of the same year, with an understanding between the Parties that it was to be renewed at some convenient early period. Owing to circumstances beyond our control, it has not been resumed as soon as the President had wished. Upon Mr. King's arrival last Summer in England, he found the Members of the British Cabinet dispersed over the Kingdom, and on the Continent. His Britannick Majesty was indisposed, as was Mr. Canning also. Mr. King has labored under ill health, during the greater part of the time of his abode in England. It was not until the Autumn that the British Cabinet assembled at London; and the first object which engaged Mr. King's attention was, the state of the Mixed Commission at Washington, under the Tripartite Convention of St. Petersburg. He was for some time occupied by a Correspondence and Conferences with Mr. Canning, on that subject, until it was transferred to this City. Moreover, the British Parliament had recently passed Laws affecting, in a most important extent, the trade of the British Colonies, in our Neighbourhood, the interpretation and practical operation of which, it was desirable to test by some experience. These explanations of the causes of the delay which has arisen in the resump-

tion of Mr. Rush's Negotiation may be made, if you shall find them necessary, to the British Government. That of The United States has not been indifferent to the deep interests, and to the harmony between the two Countries, which are involved in the Negotiation. And it is satisfactory to reflect, that no prejudice to either Party is believed to have accrued from the lapse of time, which, on the contrary, will have afforded to both a more ample opportunity of deliberately reviewing the past, and of entering again upon the Negotiations under better lights, and with a spirit of mutual conciliation and concession, the best pledge for bringing them to a fortunate conclusion.

We have received information that Mr. Huskisson and Mr. Addington, formerly the British Chargé d'Affaires at Washington, have been named to conduct the Negotiation on the part of the British Government, which has intimated an expectation that, on our side, there would also be two Commissioners. In not conforming to that expectation, no disrespect is intended to the British Government. It belongs to every Nation to determine for itself, what shall be the number, and to designate the particular Individuals, to whom it chooses to commit the conduct of its Foreign Negotiations. Nor has the practice been uniform to employ the same number on each side. Great Britain does not, indeed, insist upon the appointment of two, as a matter of usage or of right. In appointing you alone, this Government is influenced by the confidence which it reposes in you, and by considerations of economy and expediency.

4. The trade between The United States and the British American Colonies.

You will recollect that the British Government declined treating on this subject, in the Negotiation which resulted in the Convention of 1815. That Convention left each Party at liberty, by his separate Acts, to regulate the trade according to the view which he might entertain of his own interests and policy. Accordingly, the Government of each has since adopted various measures, which have so restricted and embarrassed the intercourse between The United States and the British Colonies, that it is almost impossible to comprehend them, and the Officers of the British Government have not concurred in the construction of the last Act of the British Parliament in relation to the subject. This Act has been differently interpreted, both in the same British Port, and in different British Ports. A principal object of those measures has been, on the British side, to secure and perpetuate a monopoly of the Navigation concerned in the trade, and, on ours, to obtain a fair and equal participation of it, on terms of just reciprocity. The experience of both has been such, that it ought to inculcate on their respective councils, moderation and liberality.

Mr. Rush submitted, in the progress of his Negotiation, at the 3d Conference, two Articles for the regulation of this trade, which were not

accepted by the British Plenipotentiaries. These Articles embraced 3 leading principles: 1st That there should be a mutual abolition of all discriminating or alien duties, so as to place British and American Vessels employed in the trade, and their cargoes, on a footing of perfect equality; 2d, That the productions of The United States, admitted into a British Colony, should be subjected to no higher duties than similar productions of another British Colony; and 3d, That the trade should remain restricted as it then was by the Acts of Congress and Parliament, according to which it was limited to a *direct* intercourse. The British Plenipotentiaries were willing to accede, in behalf of their Government, to the 1st and 3d, but not to the 2d of those principles; and they brought forward, at the 16th Conference, a Counter-projet, consisting of 6 Articles. On the 27th day of June, and the 5th of July, 1825, the British Government passed two Acts, the first of which is entitled "An Act for further regulating the trade of His Majesty's Possessions in America and the West Indies, and for the warehousing of goods therein," and the 2d, "An Act to regulate the trade of the British Possessions abroad." According to these Acts, the discrimination between Great Britain and her American Colonies, as being subject, in regard to Foreign Nations, to different commercial codes, is in some degree abolished; and they are incorporated, to a considerable extent, together, and their trade thrown open to Foreign Nations. The Legislation of Great Britain for her Colonies has been very complicated, and we may not have a just conception of the provisions of those two Acts. But, if they are correctly understood here, they allow, 1st: That whatever may be lawfully imported into those Colonies, in British Vessels, may be also imported in Foreign Vessels, into a specified number of Ports, called Free Ports, at the same rate of duty for the Vessel and Cargo; 2dly, That the Foreign Vessel is restricted to a direct intercourse between the Country to which it belongs and the British Colony, adhering, in this respect, to the old principle of her Navigation Laws. In some of their provisions, particularly in the imposition of duties on articles of American produce, which was before free, (Indian meal and Indian corn, for example,) these Acts operate more prejudicially to us than the previous state of the British Law. But, notwithstanding, on a full consideration of the whole subject, the President, anxious to give a strong proof to Great Britain of the desire of the Government of The United States to arrange this long contested matter of the Colonial Intercourse, in a manner mutually satisfactory, authorizes you to agree—

1st. That there shall be a reciprocal and entire abolition of all alien or discriminating duties upon the Vessel or Cargo, by whatever authority imposed, so as to place the Vessels of The United States and those of Great Britain, whether Colonial or British, concerned in the trade, upon a footing of perfect equality and reciprocity.

2d. That The United States consent to waive the demand which they have heretofore made, of the admission of their productions into British Colonies at the same, and no higher, rate of duty, as similar productions are chargeable with when imported from one into another British Colony, with the exception of our produce descending the St. Lawrence and the Sorrel. It will not be necessary, however, to insert the general waiver in the Convention, but only to provide for the exception, if that should be agreed to as herein before mentioned; and

3d. That the Government of The United States will not insist upon a participation in the direct trade between The United Kingdom of Great Britain and Ireland and the British American Colonies. But they do expect and require, that their Vessels shall be allowed to trade between those Colonies and any Foreign Country with which the British Vessels are allowed to trade. In agreeing to leave Great Britain in the exclusive possession of the direct trade with her Colonies, the President is sensible that our Navigation may be exposed to some disadvantage in its competition with the British. The latter may make double voyages, charged with mixed cargoes from the Parent Country, or from The United States and the Colony. But the disadvantage would be so great as to render it impracticable that we could maintain any thing like a fair competition, if British Vessels, at the pleasure of their Owners, were, and ours were not, permitted to share in the trade between the British Colonies, Foreign Countries, and The United States. Perhaps Great Britain may ask, if we trade between British Colonies and Foreign Countries, that British Vessels should be allowed to export the produce of The United States to those Countries, or to import Foreign produce from them into these States. There would be some plausibility in such a demand, if it were confined to Colonial Vessels, and if there could be devised any adequate security against fraudulent denominations of British *European* Vessels, bestowed to qualify them to enjoy the privilege of trading between The United States and Foreign Countries, through British Colonies. It is evident that, without such a limitation, efficaciously enforced, (which is believed to be altogether impracticable,) there would be no equivalent, for a privilege to all British Vessels, European and Colonial, of sharing in our trade with all Foreign Countries, in the limited privilege to American Vessels, of sharing the trade between those Countries and British Colonies. Your discussions on this subject may take such a direction as to present a favorable occasion, for testing the extent to which the British Government is disposed to carry the modern liberal Commercial doctrines, which it professes, and has proclaimed to the World. With that view, and for settling at once all difficulties on the question, whether the Vessels of The United States shall be permitted to engage in the trade between The British American Colonies and Foreign Countries, you are hereby authorized to propose, as a general

regulation, applicable to the British Dominions in Europe as well as in this Hemisphere, or wherever situated, that whatever can be lawfully imported into one Country, in its own Vessels, may be also imported into it, in the Vessels of the other Country, the Vessel and the cargo paying, in both instances, the same and no higher or other duties. This will leave the capital and industry of the two Nations concerned in Navigation, to a free competition, upon equal terms; and that is understood to be the policy which the British Government has recently announced. On this broad and extensive principle, a Treaty with the Republic of the Centre of America was concluded on the 6th of December last, and was subsequently ratified by the President, with the advice and consent of the Senate, it is believed given unanimously. We have not heard of its ratification by the other Party, and of course its promulgation at present would be premature, but a Copy of it is now placed in your possession. A Treaty with Denmark, embracing the same principle, under some modifications and limitations, was signed at Washington on the 26th day of April of the present year, to the ratification of which the Senate has also consented and advised with equal unanimity. Sufficient time has not yet elapsed to receive the Danish ratification, but a Copy of this Treaty is also confided to you. If Great Britain will assent to neither principle; if she insist upon engrossing the whole trade, not only between her Colonies and her European Dominions, but also between those Colonies and Foreign Countries, to the exclusion from both of the Navigation of The United States, it will then be necessary to insert a clause in the Convention expressly reserving to each Party the right, by existing or other laws, to restrict the trade between The United States and the British Colonies to the direct intercourse between them.

You will observe that the instructions now given, respecting the Colonial Trade, amount to an authority on the part of this Government to you, to agree in substance to the modification of Mr. Rush's proposal, which was required by the British Plenipotentiaries. You will endeavor to make a lively impression on the British Government of the conciliatory spirit of that of The United States, which has dictated the present liberal offer; and of their expectation to meet, in the progress of your Negotiations, with a corresponding friendly disposition. The object of this part of your instructions may be accomplished, either by inserting the Articles respecting the Colonial Trade in the general Convention for regulating the commerce between the two Countries, which would be their most fit position, or in a separate Convention. Whether the two Articles proposed by Mr. Rush, or the two first, proposed by the British Plenipotentiaries, or others differently constructed, should be inserted in the Convention which you are empowered to conclude, will depend upon the footing on which you may ultimately agree, under your instructions, to place the Colonial trade.

If you should not be likely to bring your Negotiations, on the entire subject of the Commerce between the two Countries and their respective Territories to a conclusion, in time to present the Convention, in which it is expected they will issue, to Congress during its next Session, it will be desirable, and you are accordingly directed to endeavour to make a separate arrangement of the Colonial Question, so as to enable the President at least to present that, before the adjournment. As to the duration of any general or particular Commercial Convention to which you may agree, it may be limited to a period of about 10 years; to which it is advisable to add an Article similar to the 11th Article of our Danish Treaty, stipulating that the Convention shall continue in force beyond the particular period agreed upon, until one Party notifies the other, in writing, of his desire to put an end to it.

Albert Gallatin, Esq.

HENRY CLAY.

(17.)—*Mr. Gallatin to Mr. Secretary Canning.*

62, Upper Seymour Street, 26th August, 1826. [See Page 462.]

(18.)—*Mr. Secretary Canning to Mr. Gallatin.*

Foreign Office, 11th September, 1826. [See Page 465.]

(19.)—*Mr. Gallatin to the Secretary of State. (No. 13,)*

(Extract.)

London, 22nd September, 1826.

I HAVE the honour to inclose the Copy of my Answer to Mr. Canning's Note of the 11th instant, relating to the Order in Council of 27th of July last.

The Hon. J. Q. Adams.

ALBERT GALLATIN.

(Inclosure.)—*Mr. Gallatin to Mr. Canning.*

Upper Seymour Street, 22nd September, 1826. [See Page 473.]

(20.)—*Mr. Vaughan to Mr. Clay.*

SIR,

Washington, 28th September, 1826.

I HAVE the honour to communicate to you the substance of a Despatch which I have this day received from His Majesty's Secretary of State for Foreign Affairs, in which I am directed to announce to you the determination of His Majesty's Government to allow the provisions of the Act of 1825, which regulates the Commerce with British Colonies, to have their course.

In resorting to this determination, the conduct of His Majesty's Government is open to the imputation of tardiness, rather than to that of precipitation.

A hope has been entertained that the late Session of Congress would not have been suffered to pass by, without the adoption of some measure, on the recommendation of the President, for the abolition of

the discriminating duties, which, for three years past, have been levied in the Ports of The United States, on British Vessels trading between The United States and the British Colonies in North America and the West Indies.

A proposition made by His Majesty's Government to The United States, through the British Plenipotentiaries, in the late Negotiations carried on in London—a proposition, having for its object the reciprocal abolition of all discriminating duties levied on Colonial Inter-course, has been, since the Summer of 1824, under the consideration of the American Government.

An Act of Parliament passed in July, 1825, which, while it offered the liberty of trading with the British Colonies to all Nations, limited that liberty “to the Ships of those Countries which, having Colonial Possessions, should grant the like privileges of trading with those Possessions to British Ships, or which, not having Colonial Possessions, should place the Commerce and Navigation of this Country and of its Possessions abroad, upon the footing of the most favoured Nations.”

The United States have no Colonial Possessions, but they might have placed the Trade of His Majesty's Colonies in America, in British Vessels, upon the footing of the most favoured Nation in the Ports of The United States, and they have not done so.

It would have been infinitely more agreeable to His Majesty's Government, that the liberal disposition manifested by England towards The United States, should have produced a corresponding disposition on the part of the American Government.

But, finding themselves disappointed in their long cherished hope that such would be the course of the Government of The United States, it remains for them only to let the provisions of the Act of 1825 take their course.

I seize this opportunity to renew, &c.

The Hon. Henry Clay.

CHAS. R. VAUGHAN.

(21.)—*Mr. Clay to Mr. Vaughan.*

SIR, *Department of State, Washington, 11th October, 1826.*

I HAVE received and submitted to the President of The United States, the Note which you did me the honour, on the 28th ult. to address to me, communicating the substance of a Despatch which you had received from the British Secretary of State for Foreign Affairs, in which you were directed to announce the determination of His Britannick Majesty's Government, to allow the provisions of the Act of Parliament of 1825, regulating the Commerce with British Colonies, to have their course.

The Government of The United States have ever been anxious that the Trade between them and The British Colonies should be placed upon a liberal and equitable basis. There has not been a moment, since

the adoption of the present Constitution, when they were not willing to apply to it the principle of fair reciprocity and equal competition. There has not been a time, during the same period, when they have understood the British Government to be prepared to adopt that principle. When the Convention, in 1815, was concluded, the American Government was desirous of extending its principles to the British Possessions in the West Indies, and on the Continent of North America ; but, at the instance of the British Government, those Possessions were expressly excepted from the operation of the Convention. Upon the Agreement in 1818 between the two Powers, to prolong the operation of that Convention, the British Government had not made up their mind to extend its principles to those Possessions. It would be as painful as unnecessary to enter into a detail of all the countervailing Acts of Legislation which, subsequent to that period, were resorted to by the Parties, in which the struggle on the side of Great Britain was to maintain her monopoly, and on that of The United States, to secure an equal participation in the Trade and Intercourse between them and the British Colonies. In 1824, a Negotiation was again opened between them on this and other subjects, through Mr. Rush, and Messrs. Huskisson and S. Canning, at London, and a gleam of hope broke out of the reconciliation of the two Parties on that long contested matter : but, as there were one or two points in relation to it on which they could not agree, the Negotiation was suspended, with an understanding that it should be again renewed at some early day, after the two Governments had fully deliberated on the question which prevented an agreement. Mr. King was sent to Great Britain by The United States, as their Plenipotentiary, in the Spring of 1825, and, but for the state of his health, which compelled his return, and rendered necessary the appointment of a successor, would have entered upon the Negotiation. In the meantime, in July, 1825, the British Parliament passed the Act referred to in your Note ; but no Copy of that Act has ever, at London or at Washington, been officially communicated to the Government of The United States by the British Government ; nor has there been communicated to this Government any expectation of His Britannick Majesty's Government that the regulation of the Intercourse with the British Colonies should be effected by mutual Acts of Legislation. The Government of The United States, on the contrary, has reposed in full confidence that it was the view and wish of both Parties, that, on the resumption of the suspended Negotiation, that subject should be again taken up and provided for ; and, accordingly, Mr. Gallatin has carried with him instructions, which we had every reason to hope and believe would enable him to concur with the British Government in an adjustment of it on terms which would be entirely satisfactory to both Parties.

Judge then, Sir, of the surprise and regret which the President must have felt on receiving the information conveyed in your Note. If the

British Act of Parliament were intended in the nature of a proposition to the Congress of The United States, it should have been officially communicated for their consideration, accompanied by those explanations which the complexity of the British system, and the terms of the Act, rendered necessary—explanations the more necessary to a Foreign Government, since the Act has been differently interpreted by British Authorities at different places, and, it is believed, at the same place at different times. If the British Government had recollected that the subject of this intercourse was comprehended in the Negotiation which both Parties expected shortly to resume, it is difficult to understand on what foundation it should have placed the hope that Congress, on the recommendation of the President, would have abolished the discriminating duties. Supposing the American Government prepared to consent to their abolition, two modes of accomplishing the object presented themselves: one by Treaty, and the other by Acts of separate Legislation. The two Governments had selected the former as the more eligible, by opening a Negotiation, of which there was only a temporary suspension. The terms of the British Act of Parliament are general, applying to all Foreign Nations; and doubts, at one time, were entertained here, whether it was intended to apply at all to The United States or not. If, during the 3 past years, the Alien duties have been levied on British Vessels entering the Ports of The United States, during the greater part of the same period, duties professed to be equal and countervailing, but really exceeding them, have been levied on Vessels of The United States in the British Colonial Ports. If they have been discontinued, it has been done voluntarily by the British Government. The Government of The United States has not, and would not have complained, during the continuance of their alien duties, of the imposition of equal duties in the British Ports.

It is true, that the proposal by the British Plenipotentiaries to Mr. Rush, was made about 2 years ago, and that it has been under consideration of this Government since it was received. Mr. Gallatin is now in full possession of the decision of the President, and the causes which have prevented an earlier communication of it are well known to the British Government. But if these causes had not existed, the lapse of time would not be extraordinary, especially when compared with that which had passed between the proposal of the American Government in 1815 and 1824. The Act of Parliament was only passed in July of the last Year. The operation commenced in January. It made a very great alteration in the British Colonial System. Its provisions were numerous and complicated, and it referred to other Acts, also containing numerous provisions, all of which it was necessary to understand. Under these circumstances it could not be deemed unreasonable, if the American Government had required some time to ascertain the nature and effect of these changes.

If the President finds in the measure itself which you have announced, just occasion for surprise, the moment which was selected for its promulgation in England, is calculated to augment it. The moment was that of Mr. Gallatin's arrival in England, charged with full powers and instructions to arrange this affair upon the most liberal terms, and such, as was confidently believed, would be satisfactory to Great Britain. And you have, doubtless, long since communicated to the British Government the substance of conversations with me, in which you were informed that he would take with him instructions, framed in a conciliatory spirit, on all the points embraced in the Negotiation which was commenced in 1824.

If the President does not require a revocation of that part of the Order in Council which prohibits the admission of Vessels of The United States, after certain specified days, into certain British Colonial Ports, as a preliminary to all Negotiation on the subject, it is because, faithful to the desire which he anxiously entertains of preserving the harmony and amity between the two Countries, he will not follow the unfriendly example which has been exhibited by the British Government. He still cherishes the hope, that the discussions between Mr. Gallatin and the British Government will terminate in an adjustment of the Colonial Intercourse, which may advance the interests of both Countries.

I request that you will accept, &c.
The Rt. Hon. C. R. Vaughan.

HENRY CLAY.

(22.)—*Mr. Clay to Mr. Vaughan.*

SIR,

Department of State, 19th October, 1826.

IN a conversation which I had the honour of holding with you at the Department of State a few days ago, I inquired of you whether, under the Act of Parliament of July, 1825, American Vessels were allowed to export to Foreign Countries, other than the Dominions of Great Britain, the produce of the British West India Islands, in like manner with British Vessels, and at that time you could not inform me. Perhaps the late arrivals may enable you to supply the information. I have, under that hope, to request that you will inform me, whether, according to the British interpretation of that Act of Parliament, American Vessels may export to, and import from, Foreign Countries, other than the Dominions aforesaid, the produce and manufactures of those Countries and Colonies respectively, in like manner with British Vessels; and also, whether all discriminating duties and charges imposed, either by the Local Authorities of the British Colonies, or by the British Parliament, between Vessels of The United

States and British Vessels, have been abolished. The importance of a solution of these inquiries will readily present itself to you.

I avail myself of this occasion to renew, &c.

The Rt. Hon. C. R. Vaughan.

H. CLAY.

(23.)—*Mr. Vaughan to Mr. Clay.*

SIR,

Washington, 20th October, 1826.

I AM sorry that it is not in my power to answer satisfactorily the inquiry which you make in your Note of yesterday, whether, under the Act of Parliament of July, 1825, American Vessels were allowed to export to Foreign Countries, other than the Dominions of Great Britain, the produce of the British West Indian Islands, in like manner with British Vessels.

I am not in possession of any Documents which can lead me to put a construction upon the meaning of that Act, beyond the import of the words in which its provisions are conveyed.

I can only refer you, therefore, to that Act, from whence you will be able to draw a just conclusion of the rule which it is intended should govern the Commercial Intercourse with British Colonies.

I request that you will accept, &c.

The Hon. H. Clay.

CHARLES R. VAUGHAN.

(24.)—*Mr. Clay to Mr. Gallatin, (No. 14.)**

SIR,

Department of State, Washington, 11th November, 1826.

AGREEABLY to the intimation given in my Letter, under date the 31st ultimo, I proceed to communicate to you the view which has been taken here of the official Note of His Britannick Majesty's Principal Secretary of State for Foreign Affairs, addressed to you on the 11th September last.

If the British Government had contented itself with simply announcing in that Note, its determination no longer to treat with that of The United States, on the intercourse with the British Colonies; however unexpected by us such a determination would have been, we might have felt ourselves bound silently to acquiesce in the declared pleasure of His Britannick Majesty's Government. Two parties, at least, are necessary to the conduct of any negotiation, and if one absolutely declines treating, the other, of necessity, must abide by his decision. But the British Government, not satisfied with merely communicating the fact of its resolution, no longer to negotiate with The United States, for an arrangement of the Colonial trade, which might reconcile the interest and wishes of both Parties, brings forward new principles, to some

* This Despatch was transmitted to Mr. Gallatin prior to the receipt of his Answer of the 22d September, to Mr. Canning's Note of the 11th of the same month.

of which we cannot subscribe, and seeks to cast upon us the *blame* of the want of success which has attended past endeavours to effect that object, which we cannot admit. The frankness which has ever characterized all our correspondence with the British Government, requires that our objections to those principles, and our dissent from such an imputation, should be respectfully stated. In doing this, I will begin with a brief statement of certain general propositions, which are supposed to be incontestible.

It is the undoubted right of every Nation to prohibit or to allow Foreign Commerce with all, or any part, of its Dominions, wherever situated, and whatever may be their denominations, Parental or Colonial, or the modes of Government in the respective parts. It may prescribe for itself the conditions on which the Foreign trade is tolerated; but these conditions are not obligatory upon other Nations, unless they, in some form, assent to them. All such conditions, in respect to Foreign Powers, are in the nature of proposals which they are as free to accept or decline, as the other Party was to tender them. If a Nation has Colonies it may unquestionably reserve to itself, exclusively, the right of trading with them.

But it cannot be admitted, that, in regard to Foreign Powers, there is any thing in the nature and condition of Colonies, or in the relation which subsists between them and the Country to which they belong, which distinguishes the power of regulating their Commerce from that which is exercised over the Parent Country. That Parent Country may have its motives of jealousy or policy for a rigorous exclusion of all intercourse between its Colonies and Foreigners. But the moment it chooses to relax and open its Colonial Ports to a Foreign trade, whether the relaxation is moved by a temporary or permanent interest, or necessity, the right is acquired by Foreign States to examine and judge for themselves the conditions on which they are proposed to be admitted, and to reject or accept them accordingly. This right of Foreign Nations is conceded, in the official Note which I am considering, when the Colonial Power is urged, by the pressure of immediate wants, to throw open for a time, its Colonial Ports, but is denied when it chooses to open them permanently. The right, in both instances, rests upon the same grounds, and that is, that, in all Commercial exchanges, national or individual, the Parties to them are equal, and have the same independent power of judging each for himself; and there is much more reason, on account of the greater duration of the interest, that the right in question should be exercised in a permanent than a temporary trade.

All Commerce is founded upon mutual convenience and advantage. And this principle is equally applicable to a Commerce with Colonial Possessions, and with the Country to which they belong, or to any other Country. In trading with any Colonies, we have no more imagined

that a privilege had been gratuitously conceded to us, than that we had made such a concession to the Colonial Power, in allowing its Colonies to trade with The United States. It cannot, therefore, be admitted, that any other compensation is due from The United States to Great Britain for the permission to trade with her Colonies, than that which springs from the mutual exchanges which are the object of that and of all Commerce. If the prosecution of any given trade be found upon experiment unprofitable to either Party, that Party will no longer pursue it; and we may safely confide in the discernment of individuals to repress or stimulate adventure according to the loss or gain, which may be incident to it. The British Government, fully sensible of this salutary Law, was supposed, in the recent liberal Commercial Policy which it professed to have intended, by the example of her homage, to have inculcated its observance upon all Nations.

The idea, that the admission into Colonial Ports of Foreign Vessels as a boon granted by the Parent Country, that is, a benefaction without equivalent, is as new as it is extraordinary. In that intercourse which has been allowed by the British Government between its Colonies and The United States, never fully opened, sometimes entirely closed, and when reluctantly admitted, fettered by numerous restrictions, we recognize any thing but a boon. The leading motive which appears to have actuated the British Government, in respect to the exchange of American and Colonial produce, has been to sell here, what could be sold, if sold at all, no where else so profitably, and to buy of us exactly so much as she could obtain no where else, at least so profitably.

On our side, whenever the trade has been open, there have been no restrictions, as to the objects of exportation from The United States to the British Colonies. An enumeration here of the numerous prohibitions and restrictions on the British side, upon articles both of Colonial and American produce, would extend this Paper to a most unreasonable length. And with respect to the transportation of the subjects of this limited trade, the aim of the British Government has been, by all its Regulations, to engross a disproportionate share.

This intention was clearly developed in the Treaty of 1794, and has been adhered to, with steady perseverance, during the 32 intervening years. Such an intercourse deserves to be characterized in any other way than that of a British boon to The United States.

It cannot be admitted, that the fact, that The United States have no Colonies, varies the principles applicable to an intercourse with the British Colonies. In the consideration of the conditions on which a Foreign trade shall be tolerated, it is of no consequence what name, or what Government, a State may choose to bestow on the several parts of its Dominions. Some of the territories of The United States are governed by peculiar local forms, altogether different from those of the States of the Confederacy, but we have never contended that this

anomaly ought to affect the regulation of our commercial intercourse with Foreign Powers. A Country, having no Colonies, may be so situated as to afford the same kind of productions, as both another Country and its Colonies. And there may be a greater difference in the nature and value of the productions of two different Countries, neither of which have Colonies, than exists between those of a Country and its Colonies, and another which has no Colonies. It might as well be argued that the fact of 24 States composing this Union, entitles it to demand concessions from all other Powers whose Territory is not divided into an equal number of similar parts, or that The United Kingdom, being constituted by the union of three Kingdoms, would be justified in demanding, upon that ground, from any Power composed only of a single Kingdom, more than it granted. In all commercial intercourse between different Powers, the question resolves itself into one of profit and loss. If it be the interest of the Parties, that the trade should be allowed, it is altogether immaterial how those Territories are governed or divided : both have an equal right to judge of the conditions of the intercourse. It would be most strange if the fact of a Foreign State (Sweden for example) possessing a Colony, no matter how unimportant, entitled such State to treat on different principles with Great Britain, in respect to an intercourse with her Colonies, from The United States.

Neither can it be admitted that the possession of Colonies entitles the Nation holding them, to the exclusive enjoyment of the circuitous Navigation between the Parent Country and a Foreign Country, through any or all of those Colonies, upon the ground of its being the prosecution of a Colonial trade, which is understood to have been taken by Great Britain. If the connexion between the United Kingdom and its numerous Colonies is to be regarded in the light of that of a contiguous Coast, it must be allowed that this Coast has very great extent. It passes around Cape Horn, doubles the Cape of Good Hope, crosses the Atlantick Ocean, penetrates almost every Sea, touches every Continent, and encircles the Globe. A *Colonial coasting trade* of this universal reach presents none of the properties of an ordinary coasting trade, except that of the identity of sovereign power. The foundation on which Nations are supposed to reserve to themselves, exclusively, their own coasting trade, is not merely that of monopoly, but principally because they are thereby better enabled [to check all invasions of their own Laws ; a reason which is inapplicable to the widely dispersed condition of the British Colonial Possessions.

Entertaining such opinions as have been herein stated, in regard to the power of Commercial Regulation, the Government of The United States has always conceived that the trade between them and the British Colonies was open to all considerations, which are applicable to

any other trade, and that it was, consequently, a fit subject of arrangement by Treaty, or in any manner by which any other trade might be regulated. Great Britain may, undoubtedly, if she pleases, deny to herself the advantage of consulting with Foreign Powers, through the accustomed organs of intercourse, as to the conditions on which, with mutual benefit, the trade may be carried on. But if she chooses to restrict herself to the single mode of regulating it by Act of Parliament, it cannot be admitted either that such restriction is a necessary consequence from the nature of Colonies, or, as will be hereafter shewn, that it is in accordance with the practice of the British Government itself.

The British Secretary of State alleges that in 1822, the British Government opened the Colonial Intercourse to us, and withheld it from all other Powers; that, in effect, we thereby acquired a monopoly in the supply of the consumption of the British West Indies; but that Great Britain did not preclude herself from the right to open her Colonial Ports to other Nations whenever it might suit her purposes. We did not ask that Great Britain should shut her Colonial Ports to other Powers. The occlusion was, no doubt, in consequence of the estimate which she made of her own interests, without any intention to confer an exclusive benefit upon us, as the opening of them by the Act of 1825, is according to a similar estimate. We have no right to complain, and never have complained, that Great Britain seeks for the United Kingdom and for its Colonies the best markets for sale and purchase, any more than we anticipate any complaint from her, if, when we are driven from her Colonial Ports, we should exercise the like liberty. If she has reason to felicitate herself, that by the course of events, she is enabled to draw from other sources those supplies which her Colonies had been in the habit of obtaining from The United States, we have, perhaps, occasion for equal congratulation that, by the same or other events, markets have been opened to us, which may be found ample substitutes to those which it is her pleasure to close against us.

As to the monopoly, which it is alleged we have enjoyed, it should be observed that the relative position of the British West India Colonies to The United States, and the nature of their respective climates and productions, are eminently favourable to a mutually beneficial Commerce between them. From their proximity to The United States, they find their convenience in drawing from us those perishable and bulky articles which they want, rather than from more distant Countries. If the West India Islands were situated on the European instead of the American side of the Atlantick Ocean, and Europe could supply as cheaply and abundantly the same description of articles as The United States, the British West India Colonies would prefer obtaining their necessary supplies from Europe. The United States contribute to

other West India Colonies, in as great extent, and share in the Navigation between them as largely, as they do in their intercourse with those of Great Britain. This is the effect of the Law of proximity. If it be a monopoly, it has emanated from no human power, but from a much higher source. Far from repining at the dispensations of Providence, Nations, contented with the portion of His bounty which has been allotted to each, would do well to acquiesce, with cheerful submission, in the arrangements of the Universe, which, in His wisdom, He has thought proper to order.

The United States have never made it a subject of serious complaint that, for the indulgence which their Laws have granted of unrestricted liberty of importation or exportation of whatever is produced or manufactured in The United States, or in the British Colonies, respectively, they have been met, in return, with a long catalogue of prohibitions and restrictions, including some of the staple commodities on both sides. Although they have desired the abolition of those restrictions, they have left it to the sole and undisturbed consideration of the British Government, whether the prosperity of their Colonies themselves would not be best promoted by the application to the intercourse, of those liberal principles which have obtained the sanction of the present enlightened age. The Government of The United States has contented itself with insisting that, circumscribed as the trade has been, according to the pleasure of the British Government, the regulation of the Navigation employed in it should be founded on principles of reciprocity, so as to allow fair competition between the Vessels of the two Countries.

The position now assumed, that Colonial trade with Foreign States is not a fit subject for Negotiation with those States, but belongs exclusively to the regulation of the Parent Country, is entirely new. It is not sustained by the practice of other Powers having Colonies. It is not sustained by the practice of Great Britain herself; and this brings me to the consideration of what has passed between the two Governments in relation to this trade.

They negotiated on that subject, to go no further back, in the year 1794. Their Negotiations resulted in the 12th Article of the Treaty of Amity, Commerce, and Navigation, which was then concluded. The very fact of treating, between two independent States, implies the right in each of considering and determining the mutual propositions which may be offered. The two Powers again negotiated on the same subject in 1796, and, because the Government of The United States did not conceive that the concessions of Great Britain, contained in the 12th Article of the Treaty of 1794, were equivalent to the concessions on their side, it was annulled. They again negotiated in 1815, and actually entered into stipulations which, as you well know, form a part of the Convention of the 3d of July, of that

year, for the regulation of the British East India trade; but, not being able to come to any agreement, in regard to the British West India trade, it was left to the two Countries to regulate this subject by their respective Laws. On that occasion, it was stated by Lord Castlereagh, that the British Government would not regard as unfriendly, any measure which The United States might think it expedient to put into operation for the regulation of that trade. And, to guard against all misconception, it is moreover expressly provided in the Treaty itself, that "the intercourse between The United States and His Britannick Majesty's Possessions in the West Indies, and on the Continent of North America, shall not be affected by any of the provisions of this Article, but each-Party shall remain in the *complete* possession of its rights with respect to such an intercourse." With what propriety, then, can it be affirmed that "to withhold from the Ship of a Country having Colonies, trading from the Mother Country to a Foreign State, under a regular Treaty between the two Countries, the right of clearing for another Port belonging to that Mother Country, in another part of the World, is an injury"—an injury, "*undoubtedly* in deviation from the spirit of the Treaty." The regular Treaty referred to, excludes, by its positive terms, all regulation of the Intercourse between The United States and the British Colonies in the West Indies. And yet it is contended, that Great Britain has the right, according to the spirit of the Treaty, not only to the benefit of the application of its provisions, to a subject which it alone professes to regulate, but to have them applied also to another subject which is expressly declared not to be regulated, and as to which both Parties are left in the "complete possession" of all their rights. And this is insisted upon, in behalf of Great Britain, without any corresponding privilege on the part of The United States. If the Treaty be competent to carry a British Vessel through the British West India Ports to The United States, and vice versa, whilst, under similar circumstances, those Ports are to remain shut, by British Authority, against a Vessel of The United States, it would equally entitle such British Vessel to pass through the Ports of any and every Country upon the globe, to and from The United States. The United States might, without any violation of the Convention of 1815, interdict all Intercourse with the British West Indies, direct or circuitous. And surely the right to adopt the stronger and more comprehensive, includes the choice of the weaker measure, that of prohibiting to be done, by British Vessels, what Great Britain prohibits, under analogous circumstances, American Vessels from doing. It is alleged that that right, from the enjoyment of which we are interdicted by British regulation, nevertheless existed in Great Britain antecedently to any Treaty, and at a period when no claim to any trade with British Colonies had even been whispered by The United States. As a *right* it never

existed one moment, since the Independence of The United States. If the privilege were exercised, it was from their moderation and by their sufferance. Since that epoch we are unaware of any period of time, when The United States did not claim a reciprocal Intercourse with the British Colonies. The two Countries again unsuccessfully negotiated, in relation to the Colonial Trade, in 1817, when Lord Castlereagh submitted a Draft of 4 Articles, which did not prove acceptable, and in 1818, and 1819, and finally in 1824. What was the footing on which the Intercourse had been placed, by the Laws of the two Countries, at the period of opening that last negotiation, you will see by adverting to the Instructions of my Predecessor, under date 23d June, 1823, with a Copy of which you have been furnished. The long and arduous discussions which took place between Mr. Rush and Messrs. Huskisson and S. Canning, in 1824, brought the Parties very near together. Each exchanged with the other the proposal with which he would be satisfied, but, as they could not then agree upon either, it was concluded to suspend the negotiation, with a distinct understanding, on both sides, that it should be again resumed at some convenient day, [see Protocol of the 25th Conference.] From a comparison of the American and British proposals [see the former annexed to Protocol of the 3d Conference,] [and the British Counter-Project, marked L,] [see also the British paper marked W.] it will be seen;

1. That both Parties were willing to abolish all discriminating duties on either side.

2. That the British Government was satisfied, and actually offered that the Intercourse should continue restricted to the direct voyage, as it then was by the respective Laws of the Parties; that is to say, that an American Vessel clearing from the British West Indies, with their produce for an American Port, should be required to land her Cargo in such Port; and, on the other hand, a British Vessel clearing from The United States, with their produce, for a Colonial Port, should be required to land her Cargo in such Port.

But, thirdly, the point on which the Parties could not then agree, was, that The United States insisted that American produce should be admitted into the British Colonial Ports, upon the same terms as similar produce received from any where else; that is, either from a British Possession or any Foreign Country.

Such an equal admission of our produce was contended for, in pursuance of the enactments of the Congress of The United States in the Act of March, 1823.

Thus the two Parties amicably separated, I repeat, with the perfect understanding of each, that the negotiation, in which such encouraging progress had been made, should be resumed and brought to a final conclusion, at some future day. To that renewed negotiation The United States have invariably looked with the confident hope that,

when the Parties again met, they would be able to reconcile the only difference which obstructed an adjustment. They never could have dreamt that, without the smallest previous notice, and at the very moment of the arrival in England of a new American Minister, fully prepared to resume the negotiation, it was to be suddenly arrested, and the new ground for the first time taken, that the subject itself was of a nature to admit of no negotiation. Entire confidence being reposed on the resumption of the negotiation, as the means on which both Parties relied, upon the recall of Mr. Rush in the Spring of 1825, Mr. King was sent to replace him, fully empowered to treat on all the subjects (including the Colonial Trade) of the previous negotiation. He was instructed, in the first instance, as being a subject of more pressing urgency, to invoke the interposition of the British Government, to remove the impediments to the execution of the St. Petersburg Convention, which had been created by the British Commissioner at Washington. And he was informed that his instructions on the objects of the suspended negotiations, should be transmitted to him in time again to open it. They would have been so transmitted but that, upon his arrival in England, in the month of June, 1825, he was indisposed, that he learnt that His Britannick Majesty was ill, and that Mr. Canning was also unwell, and, moreover, that the British Cabinet was dispersed over the Island, or upon the Continent, in the pursuit of health and recreation. Happily His Britannick Majesty and His Principal Secretary of Foreign Affairs were restored to health. The British Cabinet did not re-assemble until the Autumn of 1825, and Mr. King unfortunately remained feeble and unwell up to the period of his return to The United States, in consequence of his indisposition. If his instructions were not forwarded to him, it was because it was known that he was engaged in discussions respecting the St. Petersburg Convention, and it was believed that his languid condition did not admit of his entering upon the discharge of the more arduous duty of resuming the suspended negotiation. It would now seem to have been altogether useless to have transmitted them, the British Government having made up their mind, from the passage of the Act of Parliament of July, 1825, to close the door of negotiation. Such a purpose was never hinted to the Government of The United States. On the contrary, as late as 22d March, 1826, Mr. Vaughan addressed an Official Note to this Department, in which he stated, "I have received instructions from His Majesty's Government to acquaint you, that it is preparing to proceed in the important negotiations between that Country and The United States, now placed in the hands of the American Minister in London; Mr. Huskisson has been already introduced to Mr. R. King, as his Majesty's Plenipotentiary, and the Minister of State, having the department of Foreign Affairs, has received His Majesty's commands to associate Mr. Addington, late His Majesty's Chargé d'Affaires in Ame-

rica, with Mr. Huskisson, as joint Plenipotentiary on the part of Great Britain.

“ The negotiations will therefore be forthwith resumed, and it will be for the Government of The United States to judge whether, considering the state of the health of Mr. Rufus King, which Mr. Canning laments to say has been, since his arrival in England, far from satisfactory, will join any other negotiator in the commission with him.” If the British Government had then intended to bar all negotiation, in respect to the Colonial Trade, no occasion could have been more fit than the transmission of that Note to communicate such intention. So far from any such purpose being declared, it is formally notified to the American Government that the British Government is *preparing* to proceed in the important negotiations, &c. and that the negotiations will be forthwith *resumed* [of course including the Colonial Trade.] It appears from the same Note, that the British Government was perfectly acquainted with the feeble condition of Mr. King, and therefore made the friendly suggestion of associating some other Person with him to conduct the negotiation. Mr. Vaughan was verbally informed that we should prepare, as soon as practicable, to renew the negotiation, and that the state of Mr. King's health would be taken into consideration. The President did deliberate on it, and your willingness to be associated with Mr. King, in that public service, was ascertained.

In the mean time, and before the necessary arrangements could be made for your departure, a Letter from Mr. King, under date the 21st day of March, 1826, was received, desiring permission to return, which was promptly granted, and you were immediately appointed, by and with the advice and consent of the Senate, to succeed him. Without any unnecessary delay you proceeded on your mission, charged with Instructions, framed in the most amicable spirit, to renew the suspended Negotiation on all points.

It is now necessary to turn back to the British Act of Parliament of July, 1825. That Act has never, to this moment, been officially communicated to the American Government by that of Great Britain, and it reached us only through other channels.

We did not suppose, whatever may be the general terms of its enactments, that it was intended to be applied to The United States, until, at least, the experiment of the renewed Negotiation should have been tried, and should have failed. We entertained that supposition because both Parties, by all their Correspondence and Publick Acts, appeared to regard the renewed Negotiation as the means of settling the existing difference. We had other cogent reasons for that supposition. If the British Government intended irrevocably to abide by the conditions which the Act of Parliament prescribed, we believed, not only that it would have been officially communicated, with a Notification to that effect, but that the British Minister would have been in-

structed to give such information as might be necessary to enable us clearly to comprehend its provisions.

This information to a Foreign Government could not be deemed altogether unreasonable, in respect to an Act of Parliament, extremely complicated, spread out into 86 Sections, besides various Tables; and which was accompanied by a contemporaneous Act relating to the same subject, also, containing numerous provisions; and both referring to other Acts of Parliament, the titles of some of which are not even recited. Not only was no such information ever communicated, but you will perceive, from the accompanying Correspondence with Mr. Vaughan in the last month, that, up to that time, he was not provided with Instructions to afford a satisfactory answer to the inquiry, whether, according to the British interpretation of the Act of Parliament, American Vessels may trade between the British Colonies and Foreign Countries, other than The United Kingdom, in like manner with British Vessels; and whether all discriminating duties and charges imposed, either by the Local Authorities or by the British Parliament, between Vessels of The United States and British Vessels, have been abolished.

The importance of the latter inquiry was increased by information which had reached us, that, lately, during the present Year, the Government of Nova Scotia had passed an Act by which American Vessels were subjected to higher duties or charges than British. That we sincerely believed that Negotiation, and not Legislation, was the means by which it was expected an arrangement was to be effected by the Parties, will further appear from a Letter addressed by me, on the 25th day of December, 1825, to a Member of Congress, a Copy of which is herewith transmitted.* In that Letter the opinion is expressed that the British Government could not have intended to apply the Act of Parliament of the 5th July, 1825, to the intercourse between The United States and the British Colonies; because, 1st. "It would be inconsistent with professions made by that Government, to this, and with Negotiations between the two Governments contemplated, if not yet resumed: 2dly. No notice has been given at Washington, or at London, of such a purpose as that which, for the first time, is indicated at Halifax: 3dly. The British Minister here is unadvised by his Government of any intention to close the Colonial Ports against our Vessels: and, 4thly. No information has been received here from any British Colonial Port, except Halifax, of such intention."

This Letter was published in the American Gazettes; a Copy of it was furnished to Mr. Vaughan, which he is understood to have transmitted to his Government. And it is believed to have had some effect in producing the revocation of an Order of the Local Government, by which the Port of Halifax was to have been closed against Vessels of The United States from the 5th of January last. The Order was, in

* See Page 493.

fact, from whatever cause, revoked. And as that Port, and all other British Colonial Ports remained, after that day, open to our Vessels, we were confirmed in the belief that the Act, in the present state of the relations of the two Countries, was not intended to be enforced on the Commerce of The United States. This belief was further strengthened by the terms of the 4th Section of the Act, which are : " And 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, it is expedient that such permission should be subject to certain conditions ; be it therefore 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."

Now His Britannick Majesty was thereby authorized, by his Order in Council, if he should, in any case, deem it expedient, to grant the whole or any of the privileges mentioned in the Section, to the Ships of any Foreign Country, " although the conditions aforesaid shall not, in all respects, be fulfilled by such Foreign Country." This investment of power in the Crown to dispense with a strict compliance with the conditions of the Act, in relation to any Powers like The United States, not having Colonies, seemed necessarily to imply discussion, and consequently Negotiation, with such Powers. It is not the object, in bringing forward the facts and observations which have been stated in vindication of the American Government, to convey any reproaches against that of Great Britain, on account of the late unexpected resolution which it has taken. These facts and observations, however, shew that it ought not to excite any surprise that the Congress of The United States declined legislating on a matter which it appeared to them was both most fitting in itself, and preferred by Great Britain, to be settled by mutual and friendly arrangement. When deliberating on the only proposition which was made during their last Session, that of a simple repeal of all discriminating duties, which it now appears would have been unavailing, and would have fallen far short of British expectations, they were unaware that they were acting under the pains and penalties of a British Act of Parliament suspended over their heads ; a non-compliance with the strict conditions of which subjected

The United States not only to the forfeiture of all intercourse with the British Colonies, but was to be attended with the further consequence of terminating all Negotiation even between the Parties.

I will now proceed to a consideration of the specific conditions, required by the Act of Parliament, the non-fulfilment of which is the professed ground of the late British Order in Council. These conditions are understood to be contained in the 4th Section of the Act, which begins by reciting, "And 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, it is expedient that such permission should be subject to certain conditions," it then proceeds to enact in respect to Countries not having Colonial Possessions, "That the privileges thereby granted to Foreign Ships shall be limited to the ships of those Countries (not having Colonial Possessions) which 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." In considering this Act of Parliament, the first circumstance which commands attention is the marked difference which it makes in the conditions required of Foreign Powers, between those which have Colonies and those which have none. From the Colonial Powers it only demands that they should grant to British Ships privileges of trading with their Colonies, like those which the British Law of Navigation grants to those Powers, of trading with the British Colonies, that is to say: that such Powers should allow to British Vessels the privilege of importing British produce into their Colonies, and of exporting goods therefrom, to be carried to any Country whatever, except the Parent Country. But, from the Powers having no Colonies, the Act demands that they should place the Commerce and Navigation, both of The United Kingdom and its Possessions abroad, upon the footing of the most *favoured* Nation. With the Colonial Powers the Act proposes an exchange of Colonial trade for Colonial trade, exclusive of the trade of the Parent Country. With Powers not having Colonies, it proposes to give the British Colonial trade only in exchange for a trade between those Powers and The United Kingdom, and all its Possessions abroad. From the Colonial Powers it asks nothing but mere reciprocity; which, viewing the vast extent of the British Colonies, in comparison with those of any other Power, is only nominal. The Act, on the contrary, is not satisfied with demanding from the Powers having no Colonies, reciprocity of privileges, but it requires that, in consi-

deration of the permission to import their Produce into the British Colonies, and to export therefrom produce of those Colonies to any Foreign Country, except Great Britain, those Powers should at once extend to the Commerce and Navigation of the United Kingdom, and its Possessions abroad, the full measure of all Commercial privileges which they may have granted to the most favoured Nation. It is impossible not to see that this discrimination, made by the Act of Parliament between different Foreign Powers, operates exclusively upon The United States. All the Maritime States have Colonies, and therefore will be let into the trade with the British Colonies upon the less onerous conditions. The United States are the only Power, not having Colonies, which trades, or is ever likely to trade, in any extent with British Colonies. And, if they alone had been named in the second class of Powers described in the Act, the application of its more burdensome conditions would not, in that case, have been more exclusively confined to them. The trade of The United States will bear an advantageous comparison with the trade of any of the Colonial Powers, either in its amount, or the value or variety of the articles which it comprehends, is greatly superior to that of most of them, and justly entitles us to demand from Great Britain as favourable terms as those which are extended to any of them. It is true that the Act holds out the idea of some mitigation of these conditions in the authority confided to the King. But on what considerations His Britannick Majesty might be induced, by His Order in Council, to exercise the dispensing power vested in him, is not stated in the Act itself, nor have they been disclosed by any Order in Council, or in any other manner which has come to our knowledge. The very investment of such a power, I repeat, implied friendly explanations and discussions, and consequently the means of negotiation which the British Government now rejects as altogether inadmissible. Being, therefore, unable to ascertain the undivulged considerations which might have led to some relaxation or variation of the conditions of the Act of Parliament, we are confined to an examination of those specifick conditions themselves.

They require that The United States, to entitle themselves to the permission of importation and exportation which is granted by the British Law of Navigation, should place the Commerce and Navigation of the United Kingdom, and of its Possessions abroad, upon the footing of the most favoured Nation. The first observation occurring is, that, at the very moment when the British Government is putting forth the new principle that the regulation of the trade of the Parent Country and of its Colonies, depends upon two rules, essentially different, the one admitting, and the other excluding all consultation with Foreign States; this Act confounds them together, and requires not merely that we should place the British Colonies upon the footing of the most favoured Colonies, but that, to entitle us to enjoy the pri-

vileges of an intercourse with those Colonies, we must comply with the requirement of placing the Navigation and Commerce, both of the Parent Country and *all its Possessions abroad*, on the footing of the most favoured Nation.

The first difficulty which is encountered, in ascertaining the precise nature and extent of the conditions prescribed by the Act of Parliament, is, that it furnishes no definition of the terms, "the most favoured Nation," which it employs. According to one interpretation of those terms, they import the *gratuitous* concession of commercial privileges. According to another, they imply the Nation which enjoys the greatest amount of commercial privilege, whether granted *with* or *without* equivalents.

That the first was not the sense in which the British Government intended to use those terms we conjectured; because if it were, nothing remained to be done by the American Government to bring itself within the conditions of the Act of Parliament, and we apprehended that the British Government required some positive act. Great Britain, in that sense of the terms, is, in respect to the Commerce and Navigation both of the Parent Country and its Possessions abroad, on the footing of the most favoured Nation. Whatever commercial privileges are granted by The United States to any Foreign Nation, by Act of Congress, or by Treaties, are founded upon equivalents. Holding out the principle of fair reciprocity to all Nations, we neither ask, nor profess to bestow, commercial boons. Thus in respect to Alien or discriminating duties, we have not abolished them in behalf of any Nation which has not professed to abolish them as to us. If they are now levied upon British Vessels, coming to The United States from British Colonies, countervailing duties are now also levied upon American Vessels entering British Colonies, and have been constantly, as Mr. Canning declares, from 1823. If the amount of American tonnage admitted to entry in British Colonial Ports, and of British tonnage entering American Ports from British Colonies, were exactly equal, the collection of duties on one side would neutralize the collection on the other. But, as there is much more American than British tonnage employed in the Colonial trade, we pay a greater amount of those duties than Great Britain. And, consequently, if there were cause of complaint on either side, on account of their existence, it would be with us. It could not, therefore, have been in the first, but must have been in the second meaning of the terms, that they are employed in the Act of Parliament.

Great Britain is understood, then, to have demanded that The United Kingdom and its Possessions abroad, should be allowed to enjoy, in the Ports of The United States, the greatest extent of commercial privileges which we have granted, no matter upon what ample equivalent, to any Foreign Nation whatever. In order to ascertain the

latitude of concession thus required, it is necessary to glance, and it shall be done as rapidly as possible, at the state of our commercial relations with other Foreign Powers.

By the general Law of Navigation (see 6th Vol. of the Laws of The United States, page 180,) it is enacted, that, after the 30th day of September, 1818, "no goods, wares, or merchandize, shall be imported into The United States from any Foreign Port or Place, except in Vessels of The United States, or in such Foreign Vessels as truly and wholly belong to the Citizens or Subjects of that Country, of which the goods are the growth, production or manufacture, or from which such goods, wares, or merchandize, can only be, or most usually are, first shipped for transportation: *Provided, nevertheless, that this Regulation shall not extend to the Vessels of any Foreign Nation which has not adopted, and which shall not adopt, a similar Regulation.*"

Great Britain had, long prior to the passage of that Act, adopted, and continues to enforce, the restriction on which it is founded; whilst almost all other Nations have abstained from incorporating it in their Navigation Codes. A Vessel, therefore, of The United States on entering a British Port, being limited by British Law to the introduction of goods the produce of The United States, a British Vessel on entering their Ports, is limited to the introduction of goods being of British produce; whilst the Vessels of all other Nations, which have not adopted the restrictive regulation, are allowed, on entering a Port of The United States, to introduce *any* Foreign produce whatever, by paying the Alien and discriminating duties, from which Vessels of The United States are exempted.

By particular arrangements with various Powers, some by Treaty, and others by separate but reciprocal Acts of the Governments of The United States and those Powers, the Alien duties of The United States are abolished as to them, and their Vessels, and those of The United States are allowed the reciprocal liberty of importation and exportation at the same rate of duty upon both Ship and Cargo.

Thus, by the Act of Congress of January, 1824, "so much of the several Acts imposing duties on the tonnage of Vessels in the Ports of The United States, as imposes a discriminating duty between Foreign Vessels and Vessels of The United States, is hereby suspended so far as respects Vessels truly and wholly belonging to Subjects or Citizens of the Kingdom of *The Netherlands*, of *Prussia*, of the Imperial Hanseatick Cities of *Hamburgh*, *Lubeck*, and *Bremen*, of the Dukedom of *Oldenburgh*, of the Kingdom of *Norway*, of the Kingdom of *Sardinia*, and of the Empire of *Russia*." And it enacts a like suspension of the discriminating duties on the cargo of any of the Vessels of those several Countries.

But it further enacts, that the suspension of those duties shall "continue in behalf of each of the above-mentioned Nations, on condi-

tion that, and so long as, the Vessels of The United States, and truly and wholly belonging to the Citizens thereof, and all goods and merchandize of the produce and manufacture thereof, laden therein, and imported into any of the said Nations in Europe, respectively, shall be exempted from all and every discriminating duty of impost or tonnage, direct or indirect, whatsoever, other or higher than is levied upon the Vessels and merchandize therein imported, belonging to the Subjects or Citizens of each of the said Nations respectively."

Thus, therefore, to comply with the condition of the Act of Parliament, we must, 1st. have allowed British Vessels to import into The United States the produce of any Foreign Country whatever, upon the payment of the Alien Duties, although Vessels of The United States are and should have remained prohibited to import into British Ports like produce upon any terms whatever. And 2dly, we must have abolished or suspended our discriminating duties, placing Great Britain upon the footing of the most favoured Nation, in whose behalf we had abolished or suspended them, although it now appears, from the averment of Mr. Canning, that duties of at least an equal amount have been, since the adoption of the Order in Council, in the Year 1823, and now are, levied upon American Vessels and their Cargoes in British Colonial Ports.

So stood our Law, and such must have been our compliance with the conditions of the Act of Parliament at the time of its passage. But we suppose it to have been the understanding of the British Government, that if, subsequent to that period, we should grant to any Foreign Nation still greater privileges than those above described, by Treaty or otherwise, in consideration of equivalents or not, such more extensive privileges must have immediately accrued to The United Kingdom and its Possessions abroad, upon the rule of the most favoured Nation, or we must have subjected ourselves to the forfeiture of the Colonial Trade, denounced by the Act of Parliament.

Now, subsequently to the date of that Act, to wit, on the 6th December last, we concluded a Treaty with the Republick of the Federation of the Centre of America, which, having been afterwards ratified by both Parties, is now in full operation. By this Treaty it is stipulated, that whatever can be exported from, or imported into either Country, in its own Vessels, to or from any Foreign place whatever, may, in like manner, be exported or imported in the Vessels of the other Country, the Vessel and the Cargo paying in both cases the same and no higher duties, and consequently neither paying the Alien Duties. If we had entitled ourselves, by the fulfilment of the required conditions, to an Intercourse with the British Colonies, we would now be obliged, in order to retain the right to that intercourse, to allow British Vessels, both of the Parent Country and its Possessions abroad, a liberty of exportation and importation co-extensive with that of the

Vessels of The United States, although the interdict of the British Law of Navigation should remain in full operation on the Vessels of The United States.

If we are mistaken in the extent of the concessions required by the British Government, to place the United Kingdom and its Possessions abroad, on the footing of the most favoured Nation, the best and most friendly mode of correcting our error would have been, to have accompanied an official communication of the Act of Parliament with a full and frank explanation of those conditions, the performance of which, on our part, would have satisfied that Government. By withholding all explanation, if the Congress of The United States had legislated on that subject at its last Session, it must have acted either ; 1st. upon the exposition of the conditions of the Act of Parliament now given ; or, 2dly. upon the views of the British Government, as disclosed in the Negotiations of 1824. It could not have conformed to the conditions of the Act of Parliament, as we understand them, without a manifest sacrifice of the interests of the People of The United States, and an abandonment of those principles of reciprocity for which they have ever contended in all their Negotiations with Foreign Powers. It now appears that it would have been unavailing if Congress had legislated in compliance with the views of the British Government, as presented in the Negotiations of 1824. According to those views, that Government was then willing that the trade between the Colonies and The United States should continue restricted, as it then was, by the Laws of the two Countries, to the direct intercourse ; that is to say, that a British Vessel clearing from The United States for a Colonial Port, should be bound to land its Cargo in that Port ; and an American Vessel clearing from the Colonies for The United States, should be bound to land its Cargo in them. But without any intimation to us, through the regular diplomatic channels, of an alteration in her views, Great Britain has now changed them, and on the 11th September, 1826, for the first time announces her determination not “ to consent to enter into any renewed Negotiation upon the Intercourse between The United States and the British Colonies, so long as the pretension (the above restriction as to the direct Intercourse) recorded in the Act of 1823, and there applied to British Colonies alone, remains part of the Law of The United States.” And we are also given to understand, “ that the British Government further owes it to the spirit of frankness which it wishes to cultivate in all its relations with The United States, to declare, that, after having been compelled to apply to any Country, the interdict prescribed by the Act of 1825, the British Government cannot hold itself bound to remove that interdict, as a matter of course, whenever it may happen to suit the convenience of the Foreign Government to reconsider the measures by which the application of that interdict was occasioned.” The pretension referred to, is the exact

counterpart of a similar pre-existing pretension contained in the Act of Parliament of 1822. The British Government does not appear to have reflected, that its rejection of all Negotiation on the subject, deprives it of the best of the only two modes of getting rid of the exceptionable restriction.

From what has been now advanced, it has been established, 1st. That the Colonial Trade was a fit subject for the adjustment, by friendly Negotiation between the two Powers, of the conditions on which it should be carried on; 2dly. that it has been long, and often in fact, a subject of Negotiation between them; and, 3dly. that the American Government was bound to conclude, from every thing which passed between the two Governments, that both Parties entertained the expectation that it was to be arranged by Negotiation, and only by Negotiation. It was under this full conviction that your general instructions were prepared.

What may be the nature of the proposals which you were authorized to make, upon the renewal of the Negotiation so confidently anticipated, it is not now proper should be communicated to the British Government. Respect for ourselves, no less than for that Government, forbids that we should obtrude upon their consideration proposals against which they have deemed it proper to shut their ears. It will be, however, no violation of that respect, to say, that they were of a character, on all the disputed points between the two Governments, authorizing us to believe that they would be satisfactory.

The Government of The United States is animated by the sincerest desire to maintain, with that of Great Britain, not merely the forms of courtesy and amity, but to cultivate a cordial and lasting friendship; to settle every controverted question between them upon principles of justice and reciprocity, and, by an enlarged liberality in their mutual intercourse, to advance the real prosperity of both. Entertaining this desire, it has learnt, with the most lively regret, the resolution of the British Government to close the door against those friendly explanations, and that frank and mutual exposition of the wishes and views of the Parties, which are, or should be, the object of all Negotiation. The harmony of Nations requires that every avenue to such explanations should always be kept fully open. But such a free access on all questions, appears to the Government of The United States to be especially desirable between two such Nations as Great Britain and The United States, whose interests and happiness are so intimately interwoven. By rejecting the ordinary mode of treating through the established agency of accredited Ministers, and substituting to it that of mutual legislation, which, after all, is but another, though less advantageous, mode of Negotiation, we deprive ourselves of many facilities. Congress, and the British Parliament, are numerous bodies, acting in different and distant spheres, and it is not derogating

from their undoubted wisdom and superior intelligence, to suppose that their organization is not the best suited to the exercise of diplomatic functions, in all cases.

A single word of explanation, an instantaneous suggestion of the modification of a proposal elicited in conference, may lead to the adjustment of a difference when Ministers are treating face to face, which might not be settled for a long time in a Negotiation conducted between two bodies, each composed of several hundred Members, separated by the Atlantic Ocean. We do not mean to bring forward any formal complaint against Great Britain, on account of her determination to exclude one of the means which experience has evinced to be best adapted to the accommodation of National differences. Our main purpose is, to show that The United States are not justly chargeable with the consequences which may flow from that most unexpected decision.

As the only alternative which the course adopted by that Government has left, the President has determined to give a signal proof of his anxious wish to preserve a good understanding between the two Governments, by laying the whole of the Correspondence which has passed between them on this subject, including the Instructions to our several Ministers at the Court of St. James, before Congress, at its next Session. The wisdom of that body, in the actual state of things, is alone competent to decide whether the Colonial Intercourse shall remain closed, according to the pleasure of the British Government, as manifested in the late Order in Council, and whether that portion of it left open by the Order shall remain open, or on what conditions, compatible with the interests of the People of The United States, Congress is willing the trade should be placed.

You will accompany the communication of the substance of this Despatch, or the substance of such part of it as you may not have anticipated in any answers to Mr. Canning's Note, presented from yourself to the British Government, with the assurance that, notwithstanding their present decision, the Government of The United States, at all times hereafter, will be ready at Washington or at London, to treat of the Colonial Intercourse, whenever it may be their desire or inclination to negotiate on that subject.

I am, with great respect, &c.

Albert Gallatin, Esq.

H. CLAY.

CONVENTION between Great Britain and Brazil, for the Abolition of the African Slave Trade.—Signed at Rio de Janeiro, November 23, 1826.

In the Name of the Most Holy Trinity.

Em Nome da Santissima e Indivisivel Trindade.

WHEREAS, upon the separation of the Empire of Brazil from the Kingdom of Portugal, His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Brazil, respectively acknowledge the obligation which devolves upon them, to renew, confirm, and give full effect to the stipulations of the Treaties subsisting between the Crowns of Great Britain and Portugal, for the regulation and final abolition of the African Slave Trade, in so far as these stipulations are binding upon Brazil :

And whereas, in furtherance of that important object, His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Brazil, are animated with a sincere desire to fix and define the period at which the total abolition of the said Trade, so far as relates to the Dominions and Subjects of the Brazilian Empire, shall take place; their said Majesties have accordingly 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 Robert Gordon, a Member of His Majesty's Most Honourable Privy Council, and His Envoy Extraordinary and Minister Ple-

HAVENDO Sua Magestade o Rei do Reino Unido da Gram Bretanha e Irlanda, e Sua Magestade o Imperador do Brazil, reconhecido respectivamente a obrigação, que, pela separação do Imperio do Brazil do Reino de Portugal, se lhes devolve de renovar, confirmar, e dar pleno effeito às estipulações dos Tratados, para a regulação e abolição do Commercio de Escravatura na costa d'Africa, que subsistem entre as Corôas da Gram Bretanha e Portugal, em quanto estas estipulações são obrigatorias para com o Brazil : e como para se conseguir este tão importante objecto, Sua Magestade o Rei do Reino Unido da Gram Bretanha e Irlanda, e Sua Magestade o Imperador do Brazil, se achão animados do mais sincero desejo de determinar e definir a epoca, em que a total abolição do dito commercio terá lugar, em quanto respeitar aos Dominios e Subditos do Imperio do Brazil ; suas ditas Magestades tem nomeado para seus Plenipotenciarios para concluir huma Convenção à este fim ; a saber ;

Sua Magestade Britannica, ao Muito Honrado Robert Gordon, Seu Enviado Extraordinario, e Ministro Plenipotenciario junto á Corte do Brazil.

E Sua Magestade o Imperador do Brazil, ao illustrissimo e Ex-

nipotentiary at the Court of Brazil :—And His Majesty the Emperor of Brazil, the Most Illustrious and Most Excellent Marquis of Inhambupe, Senator of the Empire, of the Council of State, Minister and Secretary of State for Foreign Affairs, &c. :—and the Most Illustrious and Most Excellent Marquis of Santo Amaro, Senator of the Empire, of the Council of State, Gentleman of the Imperial Chamber, &c.

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 :—

ART. I. At the expiration of 3 years, to be reckoned from the exchange of the Ratifications of the present Treaty,* it shall not be lawful for the Subjects of the Emperor of Brazil to be concerned in the carrying on of the African Slave Trade, under any pretext or in any manner whatever, and the carrying on of such Trade after that period, by any person, Subject of His Imperial Majesty, shall be deemed and treated as Piracy.

II. His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Brazil, deeming it necessary to declare the engagements by which they hold themselves bound to provide for the regulation of the said Trade, till the time of its final abolition, they hereby mutually agree to adopt and renew, as effectually as if the same were

cellentissimo Marquez de Inhambupe, Senador do Imperio, do Conselho de Estado, Ministro e Secretario de Estado dos Negocios Estrangeiros, &c.; e ao Illustrissimo e Excellentissimo Marquez de Santo Amaro, Senador do Imperio, do Conselho de Estado, &c.

Os quaes, depois de terem trocado os respectivos Plenos Poderes que foraõ achados em bõa e devida forma, concordãrãõ e concluireãõ os Artigos seguintes :

ART. I. Acabados 3 annos depois da troca das Ratificações do presente Tratado, naõ será licito aos Subditos do Imperio do Brazil fazer a Commercio de Escravos na costa d'Africa debaixo de qualquer pretexto ou maneira qualquer que seja. E a continuacão deste Commercio feito depois da dita epoca por qualquer pessoa Subdita de Sua Magestade Imperial, será considerado e tratado de Pirataria.

II. Sua Magestade o Rei do Reino Unido da Gram Bretanha e Irlanda, e Sua Magestade o Imperador do Brazil, julgando necessario declararem as obrigações, pelas quaes se achãõ ligados para regular o dito Commercio até o tempo de sua final abolição, concordãõ por isso mutuamente em adoptarem e renovarem taõ efficaçamente, como se fossem inseri-

* The Ratifications were exchanged in London, 13th March, 1827.

inserted, word for word, in this Convention, the several Articles and Provisions of the Treaties concluded between His Britannick Majesty and the King of Portugal on this subject, on the 22nd of January, 1815, and on the 28th of July, 1817, and the several Explanatory Articles which have been added thereto.

III. The High Contracting Parties further agree, that all the matters and things contained in those Treaties, together with the Instructions and Regulations, and forms of Instruments annexed to the Treaty of the 28th of July, 1817,—shall be applied, *mutatis mutandis*, to the said High Contracting Parties and their Subjects, as effectually as if they were recited, word for word, herein; confirming and approving hereby, all matters and things done by their respective Subjects under the said Treaties, and in execution thereof.

IV. For the execution of the purposes of this Convention, the High Contracting Parties further agree to appoint forthwith Mixed Commissions, after the form of those already established on the part of His Britannick Majesty and the King of Portugal, under the Convention of the 28th of July, 1817.

V. The present Convention shall be ratified, and the Ratifications shall be exchanged at London within 4 months from the date hereof, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed

dos, palavra por palavra, nesta Convenção, todos os Artigos e disposições dos Tratados concluidos entre Sua Magestade Britannica, e El Rei de Portugal, sobre este assumpto em 22 de Janeiro de 1815, e 28 de Julho de 1817, e os varios Artigos explicativos, que lhes tem sido addicionados.

III. As Altas Partes Contractantes concordão mais em que todas as materias e cousas nos ditos Tratados contendadas; assim como as Instrucções e Regulações, e formas de Instrumentos annexos ao Tratado de 28 de Julho de 1817, sejaõ applicados, *mutatis mutandis*, ás ditas Altas Partes Contractantes, e seus Subditos taõ efficazmente, como se fossem aqui repetidas palavra por palavra, confirmando e approvando por este acto todo o que foi feito pelos seus respectivos Subditos em conformidade dos ditos Tratados, e em observancia delles.

IV. Para a execuçaõ dos fins desta Convençaõ as Altas Partes Contractantes concordão mais em nomearem desde já Comissões Mixtas na forma d'aquellas já estabelecidas por parte de Sua Magestade Britannica, e El Rei de Portugal, em virtude da Convençaõ de 28 de Julho de 1817.

V. A presente Convençaõ será ratificado, e as Ratificações seraõ trocadas em Londres dentro do espaço de 4 mezes desde esta data, ou mais cedo, se for possível.

Em testemunho do que os respectivos Plenipotenciarios assig-

the same, and have affixed thereto the Seals of their Arms.

Done at Rio de Janeiro, the 23d day of November, in the Year of our Lord, 1826.

(L.S.) ROBERT GORDON.

náraõ a mesmo, e lhe pozeraõ o Sello dos suas Armas.

Feita na Cidade do Rio de Janeiro, aos 23 de Novembro, 1826.

(L.S.) MARQUEZ DE
INHAMBUPE.
(L.S.) MARQUEZ DE SANTO
AMARO.

ACT of the British Parliament, "to carry into execution a Convention between His Majesty and the Emperor of Brazil, for the regulation and final abolition of the African Slave Trade."

[7 and 8 Geo. IV. Cap. 74.]

[2d July, 1827.]

WHEREAS a Convention was concluded between His Majesty and His Majesty the Emperor of Brazil, for the regulation and final abolition of the African Slave Trade, so far as relates to the Dominions and Subjects of the Brazilian Empire, and signed at Rio de Janeiro on the 23d day of November, in the Year of our Lord 1826.

And whereas by the 1st Article of the said Convention it was agreed upon and concluded between the High Contracting Parties, that at the expiration of 3 Years, to be reckoned from the exchange of the Ratifications of the present Treaty, it should not be lawful for the Subjects of the Emperor of Brazil to be concerned in the carrying on of the African Slave Trade, under any pretext or in any manner whatever, and that the carrying on such trade after that by any Person, Subject of His Imperial Majesty, should be deemed and treated as Piracy.

And whereas by the 2d Article of the said Convention, His Majesty and His Majesty the Emperor of Brazil, deeming it necessary to declare the engagements by which they hold themselves bound to provide for the regulation of the said trade till the time of its final abolition, did mutually agree to adopt and renew, as effectually as if the same were inserted word for word in the said Convention, the several Articles and Provisions of the Treaties concluded between His Majesty and the King of Portugal on this subject, on the 22d of January, 1815, and on the 28th of July, 1817, and the several Explanatory Articles which have been added thereto; and by the 3d Article of the said Convention, the High Contracting Parties further agreed that all the matters and things contained in those Treaties, together with the Instructions and Regulations, and forms of Instruments annexed to the Treaty of the 28th July, 1817, should be applied, *mutatis mutandis*, to

the said Contracting Parties and their Subjects, as effectually as if they were recited word for word therein, confirming and approving thereby all matters and things done by their respective Subjects under the said Treaties, and in execution thereof; and by the 4th Article of the said Convention, for the execution of the purposes of the said Convention, the said High Contracting Parties further agreed to appoint forthwith Mixed Commissions, after the form of those already established on the part of His Britannick Majesty and the King of Portugal, under the Convention of the 28th of July, 1817: And whereas by the 5th Article of the said Convention it is agreed, that the said Convention should be ratified, and the Ratifications should be exchanged at London within 4 months from the date thereof, or sooner, if possible; and the same has been done accordingly: And whereas it is expedient and necessary that effectual provision should be made for carrying into execution the provisions of the said Convention:

And whereas the several Articles and provisions of the Treaties, and the several Explanatory Articles which have been added thereto, mentioned in the said 2d Article, and the instructions and regulations and forms of Instruments annexed to the Treaty mentioned in the said 3d Article, are fully set forth in an Act made and passed in the 5th Year of His present Majesty, [Cap. 113.] intituled, "An Act to amend and consolidate the Laws relating to the abolition of the Slave trade," reciting and confirming an Act made and passed in the 58th Year of His late Majesty King George the Third, [Cap. 85.] intituled, "An Act to carry into execution a Convention made between His Majesty and the King of Portugal, for the preventing traffic in Slaves," and an Act made and passed in the 59th Year of His late Majesty King George the Third, [Cap. 17.] intituled, "An act to amend an Act of last Session of Parliament, for carrying into execution a Convention made between His Majesty and the King of Portugal, for the preventing the traffic in Slaves;" be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the several Treaties, Articles, matters and things aforesaid, as the same are set forth in the said Acts, and the several powers, penalties, provisions, enactments, and clauses in the same Acts relating thereto, shall be applied *mutatis mutandis* to His Majesty and the Emperor of Brazil, and their respective Subjects, and that all matters and things done or to be done in pursuance thereof, so far as they are applicable to the said Convention between His Majesty and His Majesty the Emperor of Brazil, shall be deemed lawful and authorised by this Act, in like manner, form, and effect, as if all the said several Treaties, Articles, matters, and things, and all the said powers, penalties, provisions, enactments, and clauses were repeated and set forth *mutatis mutandis* in this Act; and that from and after

the passing of this Act, it shall not be lawful for any person to commence, prosecute or proceed in any claim, action or suit whatever, in the High Court of Admiralty or in any other Court, or before any Judges or Persons whomsoever, other than the several Mixed Courts of Justice, appointed under and by virtue of the said Convention between His Majesty and His Majesty the Emperor of Brazil, and the instructions and regulations therein mentioned or referred to, and this Act, for the condemnation or restitution, of any Ship or Cargo, or Slaves, or for any compensation or indemnification for any loss or damage, or for any injury sustained by such Ship, Cargo or Slaves, or by any person on board any such Ship, in consequence of any capture, seizure or detention under the authority or in pursuance of the provisions of the said last-mentioned Convention, or of the instructions and regulations therein mentioned or referred to, or of this Act; and that the pendency of any claim, suit, or proceeding instituted or which may be instituted before any of the said Mixed Courts, so to be appointed under the authority of the said last mentioned Convention, and the instructions and regulations therein mentioned or referred to, and this Act, for the condemnation or restitution of any Ship or Cargo, or Slaves, taken, seized or detained by virtue of the said last-mentioned Convention, or of the instructions and regulations therein mentioned or referred to, or for any compensation or indemnification for any loss or damage in consequence of the taking, seizing or detaining any such Ship, or the final adjudication, condemnation, judgment or determination of any such Mixed Court, as they case shall require, may be pleaded in bar or given in evidence under the general issue; or in case no such claim, suit or proceeding shall have been instituted before any such Mixed Court, then the said last-mentioned Convention, and the instructions and regulations therein mentioned or referred to in this Act, may in like manner be pleaded in bar, or given in evidence under the general issue; and every such plea in bar or evidence so given under the general issue, shall be deemed and adjudged to be a good and complete bar to any such claim, action, suit or proceeding in the said High Court of Admiralty, or in any Court or place other than such Mixed Courts; any thing in any Act or Acts, or Law or Laws to the contrary in anyway notwithstanding.

*TREATY of Amity, Commerce and Navigation, between
Great Britain and Mexico.—Signed at London, Decem-
ber 26, 1826.*

In the Name of the Most Holy Trinity. En el Nombre de la Santísima Trinidad.
EXTENSIVE Commercial Inter- Habiendose establecido hace
course having been established, algun tiempo un estenso trafico

for some time, between the Dominions of His Britannick Majesty and the United States of Mexico, it seems good for the security, as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between His said Britannick Majesty, and the said States, that the relations now subsisting between them should be regularly acknowledged and confirmed, by the signature of a Treaty of Amity, Commerce, and Navigation.

For this purpose they have named their respective Plenipotentiaries, that is to say :

His Majesty the King of the United Kingdom of Great Britain and Ireland, 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 James Morier, Esq. :—

And His Excellency the President of the United States of Mexico, His Excellency Señor Sebastian Camacho, his First Minister of State, and for the Department of Foreign Affairs :

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

ART. I. There shall be perpetual amity between the Dominions and Subjects of His Majesty the King of the United Kingdom of

comercial entre los Estados Unidos de Mejico y los Dominios de Su Magestad Británica, ha sido conveniente para la seguridad, como tambien para fomento de sus mutuos intereses, y para la conservacion de la buena inteligencia entre los mencionados Estados Unidos Mejicanos y Su Magestad Británica, que las relaciones que ahora existen entre ambos sean reconocidas y confirmadas formalmente, por medio de un Tratado de Amistad, Comercio, y Navegacion.

Con este obgeto, han sido nombrados los respectivos Plenipotenciarios á saber :—

Por Su Excellencia el Presidente de los Estados Unidos de Mejico, á Su Excellencia el Señor Sebastian Camacho, Su Primer Secretario de Estado, y del Despacho de Relaciones :

Y por Su Magestad el Rey del Reyno Unido de la Gran Bretaña é Irlanda, al Muy Honorable William Huskisson, Miembro del Consejo Privado de Su dicha Magestad, Miembro del Parlamento, Presidente de la Comision del Consejo Privado para los Negocios del Comercio y de las Colonias, y Tesorero de la Marina de Su dicha Magestad ;— y á James Morier, Escudero :—

Quienes, despues de haberse comunicado mutuamente sus Plenos Poderes, y hallandolos en debida y regular forma, han acordado y concluido los Articulos siguientes :—

ART. I. Habrá una perpetua amistad entre los Estados Unidos de Mejico, y sus Ciudadanos, y los Dominios y Subditos de Su Ma-

Great Britain and Ireland, and the United States of Mexico, and their Citizens.

II. There shall be, between all the Territories of His Britannick Majesty in Europe and the Territories of Mexico, a reciprocal freedom of Commerce. The Inhabitants of the two Countries, respectively, shall have liberty freely and securely to come, with their Ships and Cargoes, to all Places, Ports, and Rivers in the Territories aforesaid, saving only such particular Ports to which other Foreigners shall not be permitted to come, to enter into the same, and to remain and reside in any part of the said Territories respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the Merchants and Traders of each Nation, respectively, shall enjoy the most complete protection and security for their Commerce.

In like manner, the respective ships of war, and post-office packets of the two Countries, shall have liberty freely and securely to come to all Harbours, Rivers and Places, saving only such particular Ports (if any) to which other Foreign ships of war and packets shall not be permitted to come, to enter into the same, to anchor, and to remain there and refit; subject always to the Laws and Statutes of the two Countries, respectively.

By the right of entering the Places, Ports and Rivers, mentioned in this Article, the privilege of carrying on the coasting trade is not understood, in which National

gestad El Rey del Reyno Unido de la Gran Bretaña é Irlanda.

II. Habrá entre los Estados Unidos Mejicanos, y todos los Dominios de Su Magestad Britanica en Europa, libertad reciproca de comercio. Los habitantes de los dos Paises tendrán la respectiva libertad, franquicia, y seguridad para ir, con sus buques y cargamentos, á todas las plazas, puertos, y rios de los Estados y Dominios respectivos, en los que actualmente se permite ó permittiere entrar á otros estrangeros, y á permanecer y residir en cualquiera parte de los mencionados Estados y Dominios; arrendando y ocupando en ellos casas y almacenes para los fines de su comercio; y, en general, los Comerciantes y Negociantes de cada Nacion, respectivamente, gozarán, en los Territorios de la otra, la mas completa proteccion y seguridad para su comercio.

Del mismo modo, los respectivos buques de guerra, y paquetes de los dos Paises, tendrán libertad para llegar franca y seguramente á todos los puertos, rios, y lugares, ecsepto unicamente aquellos particulares puertos (si hai alguno) en donde tampoco se les permita á los buques de guerra y paquetes de otras naciones entrar, anclar, permanecer, ni repararse; sugetos siempre á las leyes y estatutos de los dos Paises, respectivamente.

Por el derecho de entrar en Parages, Puertos, y Rios de que se hace relacion en este Articulo, no está comprendido el privilegio del comercio de escala y cabotage,

Vessels only are permitted to engage.

III. His Majesty the King of the United Kingdom of Great Britain and Ireland engages further, that the inhabitants of Mexico shall have the like liberty of Commerce and Navigation stipulated for in the preceding Article, in all his Dominions situated out of Europe, to the full extent in which the same is permitted at present, or shall be permitted hereafter, to any other Nation.

IV. No higher or other duties shall be imposed on the importation into the Dominions of His Britannick Majesty, of any article of the growth, produce, or manufacture of Mexico, and no higher or other duties shall be imposed on the importation into the Territories of Mexico, of any articles of the growth, produce, or manufacture of His Britannick Majesty's Dominions, than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other Foreign Country; nor shall any other or higher duties or charges be imposed in the Territories or Dominions of either of the Contracting Parties, on the exportation of any articles to the Territories of the other, 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 upon the exportation of any articles the growth, produce, or manufacture of His Britannick Majesty's Dominions, or of the said Territories of Mexico,

que unicamente será permitido á Buques Nacionales.

III. Su Magestad El Rey del Reyno Unido de la Gran Bretaña é Irlanda se obliga ademas, á que los habitantes de Mejico tengan la misma libertad de Comercio y Navegacion, estipulada en el precedente Articulo, en todos sus Dominios situados fuera de Europa, del mismo modo que se permite, ó mas adelante se permitiere, á cualquiera otra Nacion.

IV. No se impondrán otros ni mas altos derechos á la importacion en los Dominios de Su Magestad Británica, á ningun articulo de producto natural, fruto ó manufacturas de Mejico, ni, en esta Nacion, se impondrán tampoco á las de los Dominios de Su Magestad Británica, sino los que pagan ó pagasen los mismos Articulos de otras Naciones; observandose el mismo principio para la esportacion; ni se impondrá prohibicion alguna sobre la esportacion de algunos Articulos, ni á su importacion, de producciones naturales, frutos, y manufacturas de los Dominios de Su Magestad Británica en los Territorios de Mejico, y ni á las de esta Nacion en los Dominios de Su Magestad Británica, que igualmente no sean extensivas á todas las otras Naciones.

to or from the said Dominions of His Britannick Majesty, or to or from the said Territories of Mexico, which shall not equally extend to all other Nations.

V. No higher or other duties or charges on account of tonnage, light or harbour dues, pilotage, salvage in case of damage or shipwreck, or any other local charges, shall be imposed, in any of the Ports of Mexico, on British Vessels, than those payable, in the same Ports by Mexican Vessels; nor, in the Ports of His Britannick Majesty's Territories, on Mexican Vessels, than shall be payable, in the same Ports on British Vessels.

VI. The same duties shall be paid on the importation into the Territories of Mexico, of any article the growth, produce, or manufacture of His Britannick Majesty's Dominions, whether such importation shall be in Mexican or in British Vessels; and the same duties shall be paid on the importation into the Dominions of His Britannick Majesty, of any article the growth, produce, or manufacture of Mexico, whether such importation shall be in British or in Mexican Vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to Mexico of any articles of the growth, produce, or manufacture of His Britannick Majesty's Dominions, whether such exportation shall be in Mexican or in British Vessels; and the

V. No se impondrán otros ni mas altos derechos ni cargas por razon de toneladas, fanal, emolumentos de puerto, practico, derecho de salvamento en caso de perdida ó naufragio, ni algunas otras cargas locales, en ninguno de los Puertos de Mejico, á los Buques Ingleses, sino los que unicamente pagan en los mismos los Mejicanos; ni en los Puertos de los Territorios de Su Magestad Británica, se impondrán á los Buques Mejicanos otras cargas que las que, en los mismos, pagan los Ingleses.

VI. Sepagarán los mismos derechos de importacion en los Territorios de Mejico, por los articulos de productos naturales, producciones, y manufacturas de los Dominios de Su Magestad Británica, bien sean importados en Buques Ingleses ó Mejicanos; y los mismos derechos se pagarán por la importacion en los Dominios de Su Magestad Británica de las manufacturas, efectos, y producciones de Mejico, aunque su importacion sea en Buque Ingles ó Mejicano. Los mismos derechos pagarán y gozarán las mismas franquicias y descuentos concedidos, á la esportacion de cualesquiera articulos de los productos naturales, producciones, ó manufacturas de los Dominios de Su Magestad Británica, ya sea que la esportacion se haga en Buques

same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles the growth, produce or manufacture of Mexico, to His Britannick Majesty's Dominions, whether such exportation shall be in British or in Mexican Vessels.

VII. In order to avoid any misunderstanding with respect to the regulations which may respectively constitute a British or Mexican Vessel, it is hereby agreed that all Vessels built in the Dominions of His Britannick Majesty, or Vessels which shall have been captured from an enemy by His Britannick Majesty's Ships of War, or by Subjects of His said Majesty furnished with letters of marque by the Lords Commissioners of the Admiralty, and regularly condemned in one of His said Majesty's Prize Courts as a lawful prize, or which shall have been condemned in any competent Court for the breach of the Laws made for the prevention of the Slave Trade, and owned, navigated, and registered according to the Laws of Great Britain, shall be considered as British Vessels: and that all Vessels built in the Territories of Mexico, or captured from the enemy by the Ships of Mexico, and condemned under similar circumstances, and which shall be owned by any Citizen or Citizens thereof, and whereof the Master and three-fourths of the Mariners are Citizens of Mexico,

Mejicanos ó en Ingleses; y pagarán los mismos derechos, y se concederán las mismas franquicias y descuentos á la esportacion de cualesquiera articulos de los productos naturales, producciones, ó manufacturas de Mejico en los Dominios de Su Magestad Británica, sea que esta esportacion se haga en Buques Ingleses ó Mejicanos.

VII. Para evitar cualquiera mala inteligencia con respecto á las cualidades que respectivamente constituyan un Buque Británico ó Mejicano, se estipula por el presente, que todos los Buques contruidos en los Dominios de Su Magestad Británica, ó Buques que hayan sido apresados al enemigo por los Buques de guerra de Su Magestad Británica, ó por subditos de Su referida Magestad, provistos de patentes de corso de los Lores Comisionados del Almirantazgo, y condenados, conforme á las reglas establecidas, en uno de los tribunales de presa de Su Magestad como buena presa, ó que hayan sido condenados en un tribunal competente por infraccion de las leyes sancionadas para impedir el Comercio de Esclavos, y que pertenezca y esté navegado y registrado segun las leyes de la Gran Bretaña, será considerado como Buque Británico; y que todos los Buques contruidos en el Territorio de Mejico, ó apresados al enemigo por los Buques Mejicanos, y condenados en los mismos terminos, y que sean de la pertenencia de algun Ciudadano ó Ciudadanos de dicha Nacion, y cuyo

excepting where the Laws provide for any extreme cases, shall be considered as Mexican Vessels.

And it is further agreed, that every Vessel, qualified to trade as above described, under the provisions of this Treaty, shall be furnished with a Register, Passport, or Sea Letter, under the signature of the proper person authorized to grant the same, according to the Laws of the respective Countries, (the form of which shall be communicated), certifying the name, occupation, and residence of the owner or owners, in the Dominions of His Britannick Majesty, or in the Territories of Mexico, as the case may be; and that he, or they, is, or are, the sole Owner or Owners, in the proportion to be specified; together with the name, burthen, and description of the Vessel, as to built and measurement, and the several particulars constituting the national character of the Vessel, as the case may be.

VIII. All Merchants, Commanders of Ships, and others, the Subjects of His Britannick Majesty, shall have full liberty, in all the Territories of Mexico, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as Broker, Factor, Agent, or Interpreter; nor shall they be obliged to employ any other Persons for those purposes than those

Capitan y tres cuartas partes de la tripulacion sean Ciudadanos Mejicanos, ecsepto en los casos en que las leyes provean otra cosa por circunstancias estremas, serán considerados como Buques Mejicanos.

Y se estipula ademas, que todo Buque habil para traficar segun los requisitos arriba espresados, y las prevenciones que se hacen en este Tratado, se hallará provisto de un registro, pasaporte, ó carta de seguridad, firmada por la persona debidamente autorizada para expedirla, conforme á las leyes de los respectivos Países (cuya forma se comunicará), certificando el nombre, la ocupacion, y residencia del propietario ó propietarios en los Dominios de Su Magestad Británica, ó en los Territorios de Mejico, cada uno en su caso; y que el, ó ellos, es ó son, el solo propietario ó propietarios, en la proporcion que haya de especificarse, junto con el nombre, cargamento, y demas circunstancias del Buque, con respecto al tamaño, medida y otras particularidades que constituyen el caracter nacional del Buque, como puede suceder.

VIII. Todo Comerciante, Comandante de Buque, y otros Subditos de Su Magestad Británica, gozarán de libertad completa, en los Estados Unidos Mejicanos, para manejar por si sus propios negocios, ó para encargar su manejo á quien mejor les parezca, sea Corredor, Factor, Agente, ó interprete; y no se les obligará á emplear para estos obgetos à ninguna otra Persona mas que las

employed by Mexicans, nor to pay them any other salary or remuneration than such as is paid, in like cases, by Mexican Citizens; and absolute freedom shall be allowed, in all cases, to the buyer and seller, to bargain and fix the price of any goods, wares, or merchandize, imported into, or exported from Mexico, as they shall see good, observing the Laws and established customs of the Country. The same privileges shall be enjoyed in the Dominions of His Britannick Majesty, by the Citizens of Mexico, under the same conditions.

The Citizens and Subjects of the Contracting Parties, in the Territories of each other, shall receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the Courts of Justice in the said Countries, respectively, for the prosecution and defence of their just rights; and they shall be at liberty to employ, in all causes, the Advocates, Attornies, or Agents of whatever description, whom they may think proper; and they shall enjoy, in this respect, the same rights and privileges therein, as native Citizens.

IX. In whatever relates to the succession to personal estates, by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, or testament, or in any other manner whatsoever, as also the administration of justice, the Subjects and Citizens of the

que se emplean por los Mejicanos; ni estarán obligados á pagarles mas salario ó remuneracion que la que, en semejantes casos, se paga por los Mejicanos; y se concederá libertad absoluta en todos los casos, al comprador ó vendedor, para ajustar y fijar el precio de cualesquiera efectos, mercaderias, y mercancías importadas ó exportadas de Mejico, como crean conveniente; conformandose con las leyes y costumbres establecidas en el Pais. Los mismos privilegios disfrutarán, en los Dominios de Su Magestad Británica, los Ciudadanos de Mejico, y sugetos á las mismas condiciones.

Los Ciudadanos y Subditos de las Partes Contratantes, en los Territorios de la otra, recibirán y gozarán de completa y perfecta proteccion en sus personas y propiedades; y tendrán libre y facil acceso á los Tribunales de Justicia en los referidos Países, respectivamente, para la prosecucion y defensa de sus justos derechos; y estarán en libertad de emplear, en todos esos casos, los Abogados, Procuradores, ó Agentes de cualquier clase, que juzguen conveniente; y gozarán, en este respecto, los mismos derechos y privilegios que alli disfrutaren los Ciudadanos Nativos.

IX. Por lo que toca á la sucesion de las propiedades personales por testamento ó de otro modo, y al derecho de disponer de la propiedad personal de cualquiera clase ó denominacion, por venta, donacion, permuta, ó testamento, ó de otro modo cualquiera, asi como tambien la administracion

two Contracting Parties shall enjoy, in their respective Dominions and Territories, the same privileges, liberties, and rights, as native Subjects; and shall not be charged, in any of these respects, with any higher imposts or duties, than those which are paid, or may be paid, by the native Subjects or Citizens of the Power in whose Dominions or Territories they may be resident.

X. In all that relates to the police of the Ports, the lading and unlading of Ships, the safety of merchandize, goods, and effects, the Subjects of His Britannick Majesty, and the Citizens of Mexico, respectively, shall be subject to the local Laws and Regulations of the Dominions and Territories in which they may reside. They shall be exempted from all compulsory Military Service, whether by Sea or Land. No forced loans shall be levied upon them; nor shall their property be subject to any other charges, requisitions, or taxes, than such as are paid by the native Subjects or Citizens of the Contracting Parties, in their respective Dominions.

XI. It shall be free for each of the two Contracting Parties to appoint Consuls for the protection of trade, to reside in the Dominions and Territories of the other Party: but, before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the Contracting Parties may ex-

de justicia, los Subditos y Ciudadanos de las dos Partes Contratantes gozarán, en sus respectivos Dominios y Territorios, los mismos privilegios, libertades, y derechos, que si fueran Subditos Nativos; y no se les cargará, en ninguno de estos puntos ó casos, mayores impuestos ó derechos que los que pagan, ó en adelante pagáren, los Subditos ó Ciudadanos Nativos de la Potencia en cuyo Territorio residan.

X. En todo lo relativo á la policia de los puertos, á la carga y descarga de Buques, la seguridad de las mercancías, bienes, y efectos, los Subditos de Su Magestad Británica y los Ciudadanos de Mejico, respectivamente, estarán sugetos á las leyes y estatutos locales de los Dominios y Territorios en que residan. Estarán exentos de todo servicio militar forzoso en el Egercito y Armada: no se les impondrán especialmente á ellos préstamos forzosos; y no estará su propiedad sujeta á otras cargas, requisiciones, ó impuestos, que los que se pagan por los Subditos ó Ciudadanos Nativos de las Partes Contratantes, en sus respectivos Dominios.

XI. Cada una de las Partes Contratantes podrá nombrar Consules para la proteccion del Comercio, que residan en los Dominios y Territorios de la otra Parte; pero antes que ningun Consul funcione como tal, deberá ser aprobado y admitido, en la forma acostumbrada, por el Gobierno á quien se dirige; y cualquiera de las Partes Contratantes

cept from the residence of Consuls such particular places as either of them may judge fit to be excepted. The Mexican Diplomatic Agents and Consuls shall enjoy, in the Dominions of His Britannick Majesty, whatever privileges, exceptions, and immunities are or shall be granted to Agents of the same rank belonging to the most favoured Nation: and, in like manner, the Diplomatic Agents and Consuls of His Britannick Majesty in the Mexican Territories shall enjoy, according to the strictest reciprocity, whatever privileges, exceptions, and immunities are or may be granted to the Mexican Diplomatic Agents and Consuls in the Dominions of His Britannick Majesty.

XII. For the better security of Commerce between the Subjects of His Britannick Majesty and the Citizens of the Mexican States, it is agreed that if, at any time, any interruption of friendly intercourse, or any rupture should unfortunately take place between the two Contracting Parties, the Merchants residing upon the Coasts shall be allowed 6 months, and those of the Interior a whole Year, to wind up their accounts, and dispose of their property; and that a safe conduct shall be given them to embark at the Port which they shall themselves select. All those who are established in the respective Dominions and Territories of the two Contracting Parties, in the exercise of any trade or special employment, shall have the privilege of remaining and con-

puede exceptuar de la residencia de Consules aquellos puntos particulares en que no tengan por conveniente admitirlos. Los Agentes Diplomaticos y los Consules Mejicanos gozarán, en los Dominios de Su Magestad Británica, de todos los privilegios, esenciones, é inmunidades concedidas, ó que se concedieren, á los Agentes de igual rango de la Nacion mas favorecida; y, del mismo modo, los Agentes Diplomaticos y Consules de Su Magestad Británica en los Territorios Mejicanos gozarán, conforme á la mas exacta reciprocidad, todos los privilegios, esenciones, é inmunidades que se conceden ó en adelante se concedieren, á los Agentes Diplomaticos y Consules Mejicanos en los Dominios de Su Magestad Británica.

XII. Para mayor seguridad del Comercio entre los Subditos de Su Magestad Británica y los Ciudadanos de los Estados Unidos Mejicanos, se estipula que si, en algun tiempo, ocurriese desgraciadamente una interrupcion en las relaciones amistosas, y se efectuase un rompimiento entre las Partes Contratantes, se concederán á los Comerciantes que residen en las costas 6 meses, y un año entero á los que esten en el interior, para arreglar sus negocios y disponer de sus propiedades; y que se les dará un salvo conducto para que se embarquen en el puerto que ellos eligieren. Todos los que estan establecidos en los Dominios y Territorios respectivos de las dos Partes Contratantes, en el egercicio de algun trafico ú ocupacion especial, tendrán el pri-

tinuing such trade and employment therein, without any manner of interruption, in full enjoyment of their liberty and property, as long as they behave peaceably, and commit no offence against the Laws; and their goods and effects, of whatever description they may be, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property, belonging to the native Subjects or Citizens of the respective Dominions or Territories in which such Subjects or Citizens may reside. In the same case, debts between Individuals, publick funds, and the shares of companies, shall never be confiscated, sequestered, or detained.

XIII. The Subjects of His Britannick Majesty, residing in the Mexican Territories, shall enjoy, in their houses, persons, and properties, the protection of the Government; and, continuing in possession of what they now enjoy, they shall not be disturbed, molested, or annoyed, in any manner, on account of their religion, provided they respect that of the Nation in which they reside, as well as the Constitution, Laws, and customs of the Country. They shall continue to enjoy, to the full, the privilege already granted to them of burying, in the places already assigned for that purpose, such Subjects of His Britannick Majesty as may die within the Mexican Territories; nor shall the funerals and sepulchres of the

villegio de permanecer y continuar dicho trafico y ocupacion en el referido Pais, sin que se les interrumpa en manera alguna, en el goze absoluto de su libertad y de sus bienes, mientras se conduzcan pacíficamente, y no cometan ofensa alguna contra las leyes; y sus bienes y efectos, de cualquier clase que sean, no estarán sugetos á embargo ó secuestro, ni á ninguna carga ó imposicion que la que se haga con respecto á los efectos ó bienes pertenecientes á los Subditos ó Ciudadanos Nativos de los respectivos Dominios ó Territorios en que dichos Subditos ó Ciudadanos residan. De igual modo, ó en el mismo caso, ni las deudas entre particulares, ni los fondos publicos, ni las acciones de compañías, serán jamas confiscadas, secuestradas, ó detenidas.

XIII. Los Subditos de Su Magestad Británica, residentes en los Estados Unidos Mejicanos, gozarán, en sus casas, personas, y bienes, la proteccion del Gobierno; y continuando en la posesion en que estan, no serán inquietados, molestados, ó incomodados, en manera alguna, á causa de su Religion, con tal que respeten la del Pais en que residan, asi como la Constitucion, Leyes, usos, y costumbres de este. Continuarán gozando en un todo el privilegio que ya les está concedido de enterar, en los lugares destinados al efecto, á los Subditos de Su Magestad Británica que mueran dentro del Territorio de los Estados Unidos Mejicanos; y no se molestarán los funerales ni los sepulchros de los muertos, de ningun

dead be disturbed in any way, or upon any account. The Citizens of Mexico shall enjoy in all the Dominions of His Britannick Majesty, the same protection, and shall be allowed the free exercise of their religion, in publick or private, either within their own houses, or in the chapels and places of worship set apart for that purpose.

XIV. The Subjects of His Britannick Majesty, shall, on no account or pretext whatsoever, be disturbed or molested in the peaceable possession and exercise of whatever rights, privileges, and immunities they have at any time enjoyed within the limits described and laid down in a Convention, signed between His said Majesty and the King of Spain, on the 14th of July, 1786;* whether such rights, privileges, and immunities shall be derived from the stipulations of the said Convention, or from any other concession which may, at any time, have been made by the King of Spain, or his Predecessors, to British Subjects and Settlers residing and following their lawful occupations within the limits aforesaid: the two Contracting Parties reserving, however, for some more fitting opportunity, the further arrangements on this Article.

XV. The Government of Mexico engages to co-operate with His Britannick Majesty for the total abolition of the Slave Trade, and to prohibit all Persons inhabiting within the Territories of Mexico,

modo ni por ningun motivo. Los Ciudadanos de Mejico gozarán, en todos los Dominios de Su Magestad Británica, la misma proteccion, y se les permitirá el libre egercicio de su Religion en publico ó en privado, ya sea dentro de sus casas, ó en los templos y lugares destinados al culto.

XIV. Los Subditos de Su Magestad Británica no podrán, por ningun titulo ni pretesto, cualquiera que sea, ser incomodados ni molestados en la pacifica posesion y egercicio de cualesquiera derechos, privilegios, é inmunidades, que en cualquiera tiempo hayan gozado dentro de los limites descritos y fijados en una Convencion firmada entre el referido Soberano y el Rey de España, en 14 de Julio de 1786, ya sea que estos derechos, privilegios, é inmunidades provengan de las estipulaciones de dicha Convencion, ó de cualquiera otra concesion que en algun tiempo hubiese sido hecha por el Rey de España, ó sus Predecesores, á los Subditos ó Pobladores Británicos, que residen y siguen sus ocupaciones legitimas dentro de los limites espresados; reservandose, no obstante, las dos Partes Contratantes, para ocasion mas oportuna, hacer ulteriores arreglos sobre este punto.

XV. El Gobierno de Mejico se compromete á co-operar con Su Magestad Británica á fin de conseguir la abolicion total del trafico de Esclavos, y á prohibir á todas las Personas que habiten dentro

* See Commercial Treaties, Vol. II. pago 245.

in the most effectual manner, from taking any share in such trade.

XVI. The two Contracting Parties reserve to themselves the right of treating and agreeing hereafter, from time to time, upon such other Articles as may appear to them to contribute still further to the improvement of their mutual intercourse, and the advancement of the general interests of their respective Subjects and Citizens; and such Articles as may be so agreed upon, shall, when duly ratified, be regarded as forming a part of the present Treaty, and shall have the same force as those now contained in it.

XVII. The present Treaty shall be ratified, and the Ratifications shall be exchanged at London, within the space of 6 months, or sooner, if possible.

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

Done at London, the 26th day of December, in the Year of our Lord 1826.

(L.S.) WM. HUSKISSON.

(L.S.) JAMES J. MORIER.

del Territorio de Mejico, del modo mas positivo, que tomen parte alguna en este trafico.

XVI. Las dos Partes Contratantes se reservan el derecho de tratar y ajustar en adelante, de tiempo en tiempo, cualesquiera otros Articulos que, à su entender puedan contribuir aun mas eficazmente à estrechar, las relaciones existentes, y el adelanto o progreso de los intereses generales de sus respectivos Subditos y Ciudadanos; y los Articulos que en este caso se estipularen, deberán, luego que estén competentemente Ratificados, ser tenidos como parte del presente Tratado, y tendrán la misma fuerza que los contenidos en el.

XVII. El presente Tratado será ratificado, y las Ratificaciones serán cambiadas en Londres en el termino de 6 meses, ó antes si posible fuere.

En fé de lo cual, los respectivos Plenipotenciarios han firmado el presente, sellandolo con sus Sellos respectivos.

Fecho en Londres, á los 26 dias del mes de Diciembre, del año del Señor 1826.

(L.S.) SEBAST. CAMACHO.

ADDITIONAL ARTICLES.

I. Whereas in the present state of Mexican shipping, it would not be possible for Mexico to receive the full advantage of the reciprocity established by the Articles V. VI. VII. of the Treaty signed this day, if that part of the VIIth Article which stipulates that, in order to be considered as a Mexican Ship, a Ship shall actually have been built

ARTICULOS ADICIONALES.

I. Por cuanto, en el presente estado de la Marina Mejicana, no seria posible que Mejico gozase todas las ventajas que deberia producir la reciprocidad establecida por los Articulos Vº. VIº. VIIº. del Tratado firmado en este dia, si aquella parte del Articulo VIIº. que estipula que para ser un Buque considerado como Meji-

in Mexico, should be strictly and literally observed, and immediately brought into operation,—it is agreed that, for the space of 10 years, to be reckoned from the date of the exchange of the Ratifications of this Treaty, any Ships, where-soever built, being *bonâ fide* the property of, and wholly owned by, one or more Citizens of Mexico, and whereof the Master and three-fourths of the Mariners, at least, are also natural born Citizens of Mexico, or Persons domiciliated in Mexico, by Act of the Government, as lawful Subjects of Mexico, to be certified according to the Laws of that Country, shall be considered as Mexican Ships; His Majesty the King of the United Kingdom of Great Britain and Ireland, reserving to himself the right, at the end of the said term of 10 years, to claim the principle of reciprocal restriction stipulated for in the Article VII. above referred to, if the interests of British Navigation shall be found to be prejudiced by the present exception to that reciprocity, in favour of Mexican Shipping.

II. It is further agreed that, for the like term of 10 years, the stipulations contained in Articles V. and VI. of the present Treaty shall be suspended; and, in lieu thereof, it is hereby agreed that, until the expiration of the said term of 10 years, British ships entering into the Ports of Mexico, from the United Kingdom of Great Britain and Ireland, or any other of His Britannick Majesty's Dominions,

cano, debe haber sido realmente construido en Mejico, fuese exacta y literalmente observada, é inmediatamente puesta en egecucion, —se conviene en que, por el espacio de 10 años, contados desde el dia en que se verifique el cambio de la Ratificacion de este Tratado, todo Buque de cualquiera construccion, que sea, y que pertenezca *bonâ fide*, y en todas sus partes, á alguno ó algunos de los Ciudadanos de Mejico, y cuyo Capitan y tres cuartas partes de la tripulacion, al menos, sean Ciudadanos Nativos de Mejico, ó Personas domiciliadas en Mejico, segun un Acto del Gobierno que los constituya Subditos legitimos, certificado segun las leyes del Pais, serán considerados Buques Mejicanos; reservandose Su Magestad el Rey del Reyno Unido de la Gran Bretaña é Irlanda el derecho de reclamar, luego que se haya cumplido el referido termino de 10 años, el principio de restriccion reciproca, estipulada en el Artículo VIIº. si los intereses de la Navegacion Inglesa resultasen perjudicados por la presente ecsepcion de aquella reciprocidad, en favor de los Buques Mejicanos.

II. Se estipula ademas, que durante el mismo espacio de 10 años, se suspenderá lo convenido en los Artículos Vº. y VIº. del presente Tratado; y, en su lugar, se estipula que, hasta la conclusion del termino mencionado de 10 años, los Buques Británicos que entren en los puertos de Mejico, procedentes del Reyno Unido de la Gran Bretaña é Irlanda, ó de cualquiera otro de los Dominios

and all articles the growth, produce, or manufacture of the United Kingdom, or of any of the said Dominions, imported in such Ships, shall pay no other or higher duties than are or may hereafter be payable, in the said Ports, by the Ships, and the like goods, the growth, produce or manufacture of the most favoured Nation: and, reciprocally, it is agreed that Mexican Ships, entering into the Ports of the United Kingdom of Great Britain and Ireland, or any other of His Britannick Majesty's Dominions, from any Port of the States of Mexico, and all articles the growth, produce, or manufacture of the said States, imported in such Ships, shall pay no other or higher duties than are or may hereafter be payable, in the said Ports, by the Ships, and the like goods, the growth, produce, or manufacture of the most favoured Nation; and that no higher duties, shall be paid, or bounties or drawbacks allowed, on the exportation of any article the growth, produce, or manufacture, of the Dominions of either Country, in the Ships of the other, than upon the exportation of the like Articles in the Ships of any other Foreign Country.

It being understood that, at the end of the said term of 10 years, the stipulations of the said Vth and VIth Articles shall from thenceforward, be in full force between the two Countries.

de Su Magestad Británica, y todos los artículos de producto, fruto, ó manufactura del Reyno Unido ó de alguno de los dichos Dominios, importados en tales Buques, no pagarán otros ni mayores derechos que los que se pagan, ó en adelante se pagaren, en los referidos puertos, por los Buques é iguales artículos de fruto, producto, ó manufactura de la Nacion mas favorecida; y, reciprocamente, se estipula, que los Buques Mejicanos que entren en los Puertos del Reyno Unido de la Gran Bretaña é Irlanda, ó en cualquiera otro de los Dominios de Su Magestad Británica, procedentes de los Estados Unidos de Mejico, y todos los artículos de fruto, producto, ó manufactura de los dichos estados, importados en tales Buques, no pagarán otros ni mayores derechos que los que se pagan, ó en adelante se pagaren, en los mencionados Puertos, por los Buques y semejantes artículos de producto, fruto, ó manufactura de la Nacion mas favorecida; y que no se pagarán mayores derechos, ni se concederán otras franquicias y descuento, á la esportacion de cualquiera artículo de producto, fruto, ó manufactura de los Dominios de cada uno de los dos Países, en los Buques del otro, mas que á la esportacion de dichos artículos en los Buques de cualquiera otro Pais Estrangero.

Debiendo entenderse, que al fin del termino referido de 10 años, las estipulaciones de los mencionados Artículos Vº. y VIº. regirán en adelante con todo su vigor entre las dos Naciones.

The present Additional Articles shall have the same force and validity as if they were inserted word for word, in the Treaty 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 their respective Seals.

Done at London, the 26th day of December, in the year of our Lord 1826.

(L.S.) WM. HUSKISSON.

(L.S.) JAMES J. MORIER.

Los presentes Artículos Adicionales tendrán la misma fuerza y valor que si se hubieran insertado, palabra por palabra, en el Tratado de este día. Serán ratificados, y las Ratificaciones serán cambiadas al mismo tiempo.

En fé de lo cual, los respectivos Plenipotenciarios los han firmado, y sellado con sus sellos respectivos.

Fecho en Londres, á los 26 dias del mes de Diciembre, del año del Señor 1826.

(L.S.) SEBAST. CAMACHO.

[The Ratifications of the above Treaty were exchanged in London, the 19th of July, 1827.]

PROTOCOL of Conference, between the British and Russian Plenipotentiaries, relative to the Mediation of Great Britain, between the Ottoman Porte and the Greeks.—Signed at St. Petersburg, ^{23 March,}_{4 April,} 1826.

(Translation.)

SA Majesté Britannique ayant été invitée par les Grecs à interposer ses bons offices, afin de les réconcilier avec la Porte Ottomane,—ayant conséquemment offert Sa Médiation à cette Puissance, et désirant se concerter, à cet égard, avec Sa Majesté l'Empereur de toutes les Russies ;—

D'un autre côté, Sa Majesté Impériale étant également animée du désir de faire cesser, par un arrangement conforme aux vœux de la religion, de la justice, et de l'humanité, la lutte dont la Grèce et l'Archipel sont aujourd'hui le théâtre ;

HIS Britannick Majesty having been requested by the Greeks to interpose his good offices, in order to obtain their reconciliation with the Ottoman Porte,—having, in consequence, offered His Mediation to that Power, and being desirous of concerting the measures of his Government, upon this subject, with His Majesty the Emperor of all the Russias; and His Imperial Majesty, on the other hand, being equally animated by the desire of putting an end to the Contest of which Greece and the Archipelago are the theatre, by an arrangement, which shall be consistent with the

Les Soussignés sont convenus :

I. Que l'arrangement à proposer à la Porte, si elle accepte la Médiation qui lui a été offerte, placeroit les Grecs dans les relations suivantes envers l'Empire Ottoman :

Les Grecs relèveroient de cet Empire, et lui payeroient un tribut annuel, dont le montant seroit fixé, une fois pour toutes, d'un commun accord.

Ils seroient gouvernés par des Autorités qu'ils choisiroient et nomméroient eux-mêmes, mais à la nomination desquelles la Porte aurait une certaine part ;—

Dans ce mode d'existence, ils jouiroient d'une entière liberté de conscience et de commerce, et géreroient exclusivement eux-mêmes leur administration intérieure.

Pour opérer une séparation entière entre les individus des deux Nations, et pour prévenir des collisions, suite nécessaire d'une lutte aussi longue, les Grecs feroient l'acquisition des propriétés Turques qui pourroient être situées, ou sur le Continent, ou dans les Iles de la Grèce.

II. Que si le principe d'une Médiation à interposer entre la Turquie et la Grèce avoit été admis, à la suite des démarches déjà faites, dans cette vue, par l'Ambassadeur de Sa Majesté Britannique à Constantinople, la Russie feroient, dans tous les cas,

principles of religion, justice, and humanity ;

The Undersigned have agreed :

I. That the arrangement to be proposed to the Porte, if that Government should accept the proffered Mediation, should have for its object, to place the Greeks towards the Ottoman Porte, in the relation hereafter mentioned :

Greece should be a dependency of that Empire, and the Greeks should pay to the Porte an annual tribute, the amount of which should be permanently fixed by common consent. They should be exclusively governed by Authorities to be chosen and named by themselves, but in the nomination of which Authorities the Porte should have a certain influence.

In this state, the Greeks should enjoy a complete liberty of conscience, entire freedom of commerce, and should, exclusively, conduct their own internal Government.

In order to effect a complete separation between Individuals of the two Nations, and to prevent the collisions which must be the necessary consequences of a contest of such duration, the Greeks should purchase the property of Turks, whether situated on the Continent of Greece, or in the Islands.

II. In case the principle of a Mediation between Turks and Greeks should have been admitted, in consequence of the steps taken, with that view, by His Britannick Majesty's Ambassador at Constantinople, His Imperial Majesty would exert, in every case, His

servir son influence au succès de la dite Médiation. Le mode d'après lequel Elle s'associeroit aux Négociations ultérieures que cette Médiation amèneroit avec la Porte Ottomane, et l'époque où Elle y prendroit part, seroient déterminés ultérieurement, d'un commun accord, entre le Cabinet de Londres et celui de St. Pétersbourg.

III. Que dans le cas où la Médiation offerte par Sa Majesté Britannique à la Porte Ottomane n'auroit pas été acceptée par cette Puissance, et quel que soit d'ailleurs l'état des relations de Sa Majesté Impériale avec le Gouvernement Turc, la Grande Bretagne et la Russie regarderont toujours les termes de l'arrangement mentionné au 1^{er} Article du présent Protocole, comme la base de la réconciliation à effectuer par leur entremise, soit en commun, soit séparément, entre la Porte et les Grecs; et ils saisiront toutes les occasions favorables de faire valoir leur influence, auprès des deux Parties, afin d'opérer cette même réconciliation sur la dite base.

IV. Que la Grande Bretagne et la Russie se réservent d'adopter, par la suite, les mesures nécessaires pour déterminer les détails de l'arrangement en question, ainsi que les limites du Territoire, et les noms des Iles de l'Archipel auxquelles il sera applicable, et qu'il sera proposé à la Porte de comprendre sous la dénomination de Grèce.

influence to forward the object of that Mediation. The mode in which, and the time at which, His Imperial Majesty should take part in the ulterior Negotiations with the Ottoman Porte, which may be the consequence of that Mediation, should be determined hereafter by the common consent of the Governments of His Britannick Majesty and His Imperial Majesty.

III. If the Mediation offered by His Britannick Majesty should not have been accepted by the Porte, and whatever may be the nature of the relations between His Imperial Majesty and the Turkish Government, His Britannick Majesty and His Imperial Majesty will still consider the terms of the arrangement specified in Article I. of this Protocol, as the basis of any reconciliation to be effected by their intervention, whether in concert or separately, between the Porte and the Greeks; and they will avail themselves of every favourable opportunity to exert their influence with both Parties, in order to effect this reconciliation on the above-mentioned basis.

IV. That His Britannick Majesty and His Imperial Majesty should reserve to themselves to adopt, hereafter, the measures necessary for the settlement of the details of the arrangement in question, as well as the limits of the Territory, and the names of the Islands of the Archipelago to which it shall be applicable, and which it shall be proposed to the Porte to comprise under the denomination of Greece.

V. Que de plus, dans ce même arrangement, Sa Majesté Britannique et Sa Majesté Impériale ne chercheront, ni l'une ni l'autre, aucune augmentation de territoire, aucune influence exclusive, aucun avantage de commerce pour leurs Sujets, que ceux de toute autre Nation ne puissent également obtenir.

VI. Que Sa Majesté Britannique, et Sa Majesté Impériale, désirant que leurs Alliés puissent participer aux arrangements définitifs dont le présent Protocole renferme une première esquisse, porteront le dit Protocole, confidentiellement, à la connaissance des Cours de Vienne, de Paris, et de Berlin, et leur proposeront de garantir, de concert avec la Russie, la transaction finale qui réconciliera la Turquie et la Grèce, cette transaction ne pouvant être garantie par Sa Majesté Britannique.

Fait à St. Pétersbourg, le ^{23 Mars,}
4 Avril, 1826.

(L. S.) WELLINGTON.

(L. S.) NESSELRODE.

(L. S.) LIEVEN.

V. That, moreover, His Britannick Majesty and His Imperial Majesty will not seek, in this arrangement, any increase of Territory, nor any exclusive influence, nor advantage in Commerce for their Subjects, which shall not be equally attainable by all other Nations.

VI. That His Britannick Majesty and His Imperial Majesty, being desirous that their Allies should become Parties to the definitive arrangements of which this Protocol contains the outline, will communicate this Instrument, confidentially, to the Courts of Vienna, Paris, and Berlin, and will propose to them that they should, in concert with the Emperor of Russia, guarantee the Treaty by which the reconciliation of Turks and Greeks shall be effected, as His Britannick Majesty cannot guarantee such a Treaty.

Done at St. Petersburg, the
^{23 March,}
4 April, 1826.

(L. S.) WELLINGTON.

(L. S.) NESSELRODE.

(L. S.) LIEVEN.

TREATY between Great Britain, France, and Russia, for the Pacification of Greece.—Signed at London, July 6, 1827.

(Translation.)

Au Nom de la Très Sainte et Indivisible Trinité.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté le Roi de France et de Navarre, et Sa Majesté l'Empereur de toutes les Russies, pénétrés de la nécessité de mettre un terme à la lutte san-

In the Name of the Most Holy and Undivided Trinity.

His Majesty The King of the United Kingdom of Great Britain and Ireland, His Majesty The King of France and Navarre, and His Majesty The Emperor of all the Russias, penetrated with the necessity of putting an end to the

glante, qui, en livrant les Provinces Grecques et les Iles de l'Archipel à tous les désordres de l'anarchie, apporte chaque jour de nouvelles entraves au Commerce des Etats Européens, et donne lieu à des Pirateries, qui non seulement exposent les Sujets des Hautes Parties Contractantes à des pertes considérables, mais exigent, en outre, des mesures onéreuses de surveillance et de répression;—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi de France et de Navarre, ayant d'ailleurs reçu, de la part des Grecs, l'invitation pressante d'interposer leur médiation auprès de la Porte Ottomane, et étant, ainsi que Sa Majesté l'Empereur de toutes les Russies, animées du désir d'arrêter l'effusion du sang, et de prévenir les maux de tout genre que peut entraîner la prolongation d'un tel état de choses;

Ont résolu de combiner leurs efforts, et d'en régler l'action, par un Traité formel, dans le but de rétablir la paix entre les Parties Contendantes, au moyen d'un arrangement réclamé, autant par un sentiment d'humanité, que par l'intérêt du repos de l'Europe.

A ces fins, Elles ont nommé Leurs Plénipotentiaires pour discuter, arrêter, et signer le dit Traité, savoir:—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Sieur Jean Guillaume Vicomte Dudley, Pair du Royaume

sanguinary struggle, which, while it abandons the Greek Provinces and the Islands of the Archipelago to all the disorders of anarchy, daily causes fresh impediments to the Commerce of the States of Europe, and gives opportunity for acts of piracy which not only expose the Subjects of the High Contracting Parties to grievous losses, but, also render necessary measures which are burthensome for their observation and suppression;—

His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of France and Navarre, having moreover received from the Greeks an earnest invitation to interpose their mediation with the Ottoman Porte; and, together with His Majesty The Emperor of all the Russias, being animated with the desire of putting a stop to the effusion of blood, and of preventing the evils of every kind which the continuance of such a state of affairs may produce;

They have resolved to combine their efforts, and to regulate the operation thereof, by a formal Treaty, for the object of re-establishing peace between the Contending Parties, by means of an arrangement called for, no less by sentiments of humanity, than by interests for the tranquillity of Europe.

For these purposes, they have named Their Plenipotentiaries to discuss, conclude, and sign the said Treaty, that is to say:—

His Majesty The King of the United Kingdom of Great Britain and Ireland, The Right Honourable John William Viscount Dud-

Uni de la Grande Bretagne et d'Irlande, Conseiller de Sa Majesté Britannique en Son Conseil Privé, et Son Principal Secrétaire d'Etat ayant le Département des Affaires Etrangères :—

Sa Majesté le Roi de France et de Navarre, le Sieur Prince Jules, Comte de Polignac, Pair de France, Chevalier des Ordres de Sa Majesté Très Chrétienne, Maréchal de Camp de Ses Armées, Grand' Croix de l'Ordre de St. Maurice de Sardaigne, &c. &c. et Son Ambassadeur à Londres :—

Et Sa Majesté l'Empereur de toutes les Russies, le Sieur Christophe Prince de Lieven, Général d'Infanterie des Armées de Sa Majesté Impériale, Son Aide-de-Camp Général, Chevalier des Ordres de Russie, de ceux de l'Aigle Noir et de l'Aigle Rouge de Prusse, de celui des Guelphes de Hanovre, Commandeur Grand' Croix de l'Ordre de l'Epée de Suède, et de celui de St. Jean de Jerusalem, Son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique :—

Lesquels, après s'être communiqués leurs Pleins Pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans :—

ART. I. Les Puissances Contractantes offriront à la Porte Ottomane leur médiation, dans la vue d'amener une réconciliation entre'Elles et les Grecs.

Cette offre de médiation sera faite à cette Puissance immédiatement après la Ratification du Traité, au moyen d'une Déclaration collective, signée par les

ley, a Peer of the United Kingdom of Great Britain and Ireland, a Member of His said Majesty's Most Honourable Privy Council, and His Principal Secretary of State for Foreign Affairs :

His Majesty The King of France and Navarre, The Prince Jules, Count de Polignac, a Peer of France, Knight of the Orders of His Most Christian Majesty, Maréchal-de-Camp of His Forces, Grand Cross of the Order of St. Maurice of Sardinia, &c. &c. and His Ambassador at London :—

And His Majesty The Emperor of all the Russias, the Sieur Christopher Prince de Lieven, General of Infantry of His Imperial Majesty's Forces, His Aide-de-Camp General, Knight of the Orders of Russia, of those of the Black Eagle and of the Red Eagle of Prussia, of that of the Guelphs of Hanover, Commander Grand Cross of the Order of the Sword of Sweden, and of that of St. John of Jerusalem, His Ambassador Extraordinary and Plenipotentiary to His Britannick Majesty :—

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

ART. I. The Contracting Powers shall offer Their Mediation to the Ottoman Porte, with the view of effecting a reconciliation between It and the Greeks.

This offer of Mediation shall be made to that Power immediately after the Ratification of the present Treaty, by means of a joint Declaration, signed by Plenipo-

Plénipotentiaires des Cours Aliées à Constantinople ; et il sera fait, en même temps, aux deux Parties Contendantes, la demande d'un Armistice immédiat entr'Elles, comme condition préliminaire indispensable à l'ouverture de toute Négociation.

II. L'arrangement à proposer à la Porte Ottomane reposera sur les bases suivantes :—

Les Grecs relèveront du Sultan comme d'un Seigneur Suzerain ; et en conséquence de cette Suzeraineté, ils payeront à l'Empire Ottoman une redevance annuelle, dont le montant sera fixé, une fois pour toute, d'un commun accord. — Ils seront gouvernés par des Autorités qu'ils choisiront et nommeront eux-mêmes, mais à la nomination desquelles la Porte aura une part déterminée.

Pour opérer une séparation entière entre les individus des deux Nations, et pour prévenir des collisions, suite inévitable d'une lutte aussi longue, les Grecs entreront en possession des propriétés Turques situées ou sur le Continent, ou dans les Iles de la Grèce, à la charge d'indemniser les anciens propriétaires, soit moyennant une somme annuelle à joindre à la redevance qu'ils payeront à la Porte, soit à l'aide de quelque autre transaction de la même nature.

III. Les détails de cet arrangement, ainsi que les limites du territoire sur le Continent, et la désignation des Iles de l'Archipel auxquelles il sera applicable, seront déterminés dans une Négociation à établir ultérieurement entre les

tentiaries of the Allied Courts at Constantinople ; and, at the same time, a demand for an immediate Armistice shall be made to the Two Contending Parties, as a preliminary and indispensable condition to the opening of any Negotiation.

II. The arrangement to be proposed to the Ottoman Porte shall rest upon the following bases :—

The Greeks shall hold under the Sultan as under a Lord paramount ; and, in consequence thereof, they shall pay to the Ottoman Empire an annual tribute, the amount of which shall be fixed, once for all, by common agreement. They shall be governed by Authorities whom they shall choose and appoint themselves, but in the nomination of whom the Porte shall have a defined right.

In order to effect a complete separation between the individuals of the two Nations, and to prevent the collisions which would be the inevitable consequence of so protracted a struggle, the Greeks shall become possessors of all Turkish Property situated either upon the Continent, or in the Islands of Greece, on condition of indemnifying the former proprietors, either by an annual sum to be added to the tribute which they shall pay to the Porte, or by some other arrangement of the same nature.

III. The details of this arrangement, as well as the limits of the Territory upon the Continent, and the designation of the Islands of the Archipelago to which it shall be applicable, shall be settled by a Negotiation to be hereafter en-

Hautes Puissances et les deux Parties Contendantes.

IV. Les Puissances Contractantes s'engagent à poursuivre l'œuvre salubre de la pacification de la Grèce, sur les bases posées dans les Articles précédens, et à munir, sans le moindre délai, leurs Représentans à Constantinople de toutes les instructions que réclame l'exécution du Traité qu'Elles signent.

V. Les Puissances Contractantes ne chercheront dans ces arrangements aucune augmentation de Territoire, aucune influence exclusive, aucun avantage de Commerce pour leurs Sujets, que ceux de toute autre Nation ne puissent également obtenir.

VI. Les arrangements de réconciliation et de paix qui seront définitivement convenus entre les Parties Contendantes, seront garantis par celles des Puissances Signataires qui jugeront utile ou possible de contracter cette obligation. L'action et les effets de cette garantie deviendront l'objet de stipulations ultérieures entre les Hautes Puissances.

VII. Le présent Traité sera ratifié, et les Ratifications en seront échangées dans le terme de 2 mois, ou plutôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le Cachet de leurs Armes.

Fait à Londres, le 6 Juillet, l'an de Grace 1827.

(L.S.) DUDLEY.

(L.S.) LE PRINCE DE POLIGNAC.

(L.S.) LIEVEN.

tered into between the High Powers and the Two Contending Parties.

IV. The Contracting Powers engage to pursue the salutary work of the pacification of Greece, upon the bases laid down in the preceding Articles, and to furnish, without the least delay, their Representatives at Constantinople with all the Instructions which are required for the execution of the Treaty which they now sign.

V. The Contracting Powers will not seek, in these arrangements, any augmentation of Territory, any exclusive influence, or any Commercial advantage for their Subjects, which those of every other Nation may not equally obtain.

VI. The arrangements for reconciliation and peace which shall be definitively agreed upon between the Contending Parties, shall be guaranteed by those of the Signing Powers who may judge it expedient or possible to contract that obligation. The operation and the effects of such guarantee shall become the subject of future stipulation between the High Powers.

VII. The present Treaty shall be ratified, and the Ratifications shall be exchanged in 2 months, 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 6th day of July, in the Year of our Lord 1827.

(L.S.) DUDLEY.

(L.S.) LE PRINCE DE POLIGNAC.

(L.S.) LIEVEN.

ARTICLE ADDITIONNEL.

DANS le cas où la Porte Ottomane n'accepterait pas, dans le terme d'un mois, la médiation qui lui sera proposée, les Hautes Parties Contractantes conviennent des mesures suivantes :—

I. Il sera déclaré à la Porte, par Leurs Représentans à Constantinople, que les inconvéniens et les maux signalés dans le Traité patent comme inséparables de l'état de choses qui subsiste dans l'Orient depuis six ans, et dont la cessation, par les moyens à la disposition de la Sublime Porte Ottomane, paraît encore éloignée, imposent aux Hautes Parties Contractantes la nécessité de prendre des mesures immédiates pour se rapprocher des Grecs.

Il est entendu que ce rapprochement s'opérera en établissant avec les Grecs de relations commerciales, en leur envoyant, à cet effet, et recevant d'eux, des Agens Consulaires, en tant qu'il existera chez eux des Autorités capables de maintenir de telles relations.

II. Si, dans ce même terme d'un mois, la Porte n'acceptait pas l'Armistice proposé dans l'Article I. du Traité patent, ou si les Grecs se refusaient à son exécution, les Hautes Puissances Contractantes déclareront à celle des deux Parties Contendantes qui voudrait continuer les hostilités, ou à toutes deux, s'il devenait nécessaire, que les dites Hautes Puissances vont s'efforcer, par tous les moyens que les circonstances suggéreront à leur prudence, d'obtenir les effets

(Translation.)

ADDITIONAL ARTICLE.

IN case the Ottoman Porte should not, within the space of one month, accept the mediation which is to be proposed to it, the High Contracting Parties agree upon the following measures:—

I. It shall be declared to the Porte, by Their Representatives at Constantinople, that the inconveniences and evils described in the patent Treaty as inseparable from the state of things which has, for six years, existed in the East, and the termination of which, by the means at the command of the Sublime Ottoman Porte, appears to be still distant, impose upon the High Contracting Parties the necessity of taking immediate measures for forming a connection with the Greeks.

It is understood that this shall be effected by establishing commercial relations with the Greeks, and by sending to and receiving from them, for this purpose, Consular Agents, provided there shall exist in Greece Authorities capable of supporting such relations.

II. If, within the said term of one month, the Porte does not accept the Armistice proposed in the first Article of the patent Treaty, or if the Greeks refuse to carry it into execution, the High Contracting Powers shall declare to either of the Contending Parties which may be disposed to continue hostilities, or to both of them, if necessary, that the said High Powers intend to exert all the means which circumstances may suggest to their prudence, for the purpose of ob-

immédiats de l'Armistice dont elles désirent l'exécution, en prévenant, autant qu'il sera en leur pouvoir, toute collision entre les Parties Contendantes; et, en effet, aussitôt après la susdite déclaration, les Hautes Puissances employeront, conjointement, tous leurs moyens pour en accomplir l'objet, sans toutefois prendre part aux hostilités entre les deux Parties Contendantes.

En conséquence, les Hautes Puissances Contractantes, immédiatement après la signature du présent Article Additionnel, transmettront des instructions éventuelles, conformes aux dispositions énoncées ci-dessus, aux Amiraux commandans leurs Escadres respectives dans les Mers du Levant.

III. Enfin, si, contre toute attente, ces mesures ne suffisent point encore pour faire adopter les propositions des Hautes Parties Contractantes par la Porte Ottomane, ou si, de l'autre côté, les Grecs renoncent aux conditions stipulées en leur faveur dans le Traité de ce jour, les Hautes Puissances Contractantes n'en continueront pas moins à poursuivre l'œuvre de la pacification, sur les bases dont Elles sont convenues entr'Elles; et, en conséquence, Elles autorisent, dès à présent, leurs Représentans à Londres, à discuter et arrêter les moyens ultérieurs dont l'emploi pourrait devenir nécessaire.

Le présent Article Additionnel aura la même force et valeur que s'il était inséré, mot à mot, au Traité de ce jour. Il sera ratifié,

taining the immediate effects of the Armistice of which they desire the execution, by preventing, as far as possible, all collision between the Contending Parties; and in consequence, immediately after the above-mentioned declaration, the High Powers will, jointly, exert all their efforts to accomplish the object of such Armistice, without, however, taking any part in the hostilities between the Two Contending Parties.

Immediately after the signature of the present Additional Article, the High Contracting Powers will, consequently, transmit to the Admirals commanding their respective Squadrons in the Levant, conditional Instructions in conformity to the arrangements above declared.

III. Finally, if, contrary to all expectation, these measures do not prove sufficient to procure the adoption of the propositions of the High Contracting Parties by the Ottoman Porte; or if, on the other hand, the Greeks decline the conditions stipulated in their favour, by the Treaty of this date, the High Contracting Powers will, nevertheless, continue to pursue the work of pacification, on the bases upon which they have agreed; and, in consequence, they authorise, from the present moment, their Representatives at London, to discuss and determine the future measures which it may become necessary to employ.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Treaty of this day.

et les Ratifications en seront échangées en même tems que celles du dit Traité.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le Cachet de leurs Armes.

Fait à Londres, le 6 Juillet, l'an de Grace 1827.

(L.S.) DUDLEY.

(L.S.) LE PRINCE DE POLIGNAC.

(L.S.) LIEVEN.

It shall be ratified, and the Ratifications shall be exchanged at the same time as those of the said Treaty.

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

Done at London, the 6th day of July, in the the year of our Lord 1827.

(L.S.) DUDLEY.

(L.S.) LE PRINCE DE POLIGNAC.

(L.S.) LIEVEN.

DECREE of the Austrian Government, relating to Slavery and the Slave Trade.—7th August, 1826.

Circulaire du Gouvernement de l'Archiduché d'Autriche, touchant le Commerce des Esclaves et les mauvais traitemens qu'on leur aurait fait éprouver.

SA Majesté Impériale et Royale, par décret de la Chancellerie de Cour du 6 de ce mois, dans le but d'empêcher le commerce des Esclaves, principalement de la part de Sujets Autrichiens, ou sur Vaisseaux Autrichiens, et de protéger les Esclaves contre les mauvais traitemens, en conformité avec les Lois Autrichiennes en vigueur (et spécialement le paragraphe 16 de la Loi Civile, qui ordonne que tout homme, par droit de nature, sanctionné par la raison, soit considéré comme une personne, et prohibe dans les Etats Autrichiens l'esclavage, ou l'exercice d'une violence qui tendrait au même but; et le paragraphe 78 de la première partie du Code Pénal, qui déclare crime de violence publique tout empêchement à l'usage de la liberté individuelle), et par suite de la Résolution du 25 Juin, 1826, a daigné décréter et ordonner ce qui suit :

I. Tout Esclave devient libre du moment où il touche le sol, ou même un Vaisseau Autrichien. Un Esclave, même à l'étranger, reçoit également la liberté à l'instant où il est remis, à quelque titre que ce soit, à un Sujet Autrichien.

II. Tout Sujet Autrichien qui apporterait obstacle à l'usage de la liberté individuelle de l'Esclave qui lui aurait été remis, ou l'aurait aliéné de nouveau, soit sur le sol Autrichien ou à l'étranger; tout Capitaine de Vaisseau Autrichien qui se chargerait du transport d'un ou de plusieurs Esclaves, ou mettrait obstacle par lui-même ou par d'au-

tres, à l'usage de la liberté individuelle acquise à celui qui serait venu sur son vaisseau, commettrait le crime de violence publique, et serait puni, aux termes des paragraphes 78 et 79 du livre 1^{er} du Code Pénal, d'un an à cinq ans de *prison dure*. Si un Capitaine de Vaisseau Autrichien, ou tout autre Sujet de Sa Majesté Impériale et Royale, exerçait un commerce continu d'Esclaves ou qui y eût rapport, la peine pourrait être élevée à 10 ans, et même, suivant les circonstances aggravantes, à 20 ans.

III. Comme, aux termes du paragraphe 4 du livre 1^{er} du Code Pénal, le crime existe par la méchanceté du malfaiteur, indépendamment de la condition de celui sur lequel il est exercé, le Sujet Autrichien qui porterait atteinte à la liberté corporelle d'un Esclave d'une manière quelconque réputée délit ou crime par les Lois Autrichiennes, encourrait les peines que le livre 1^{er} du Code Pénal prononce en pareil cas.

IV. Des sévices moindres exercés par un sujet Autrichien envers un Esclave, seraient, conformément au paragraphe 173 du livre 2^d du Code Pénal, punis d'une amende de 5 à 100 florins, ou de trois jours à un mois d'arrêts. En cas de récidive, ou si les sévices exigeaient plus de rigueur, on pourroit ajouter aux arrêts, le jeûne ou une réclusion plus rigoureuse.

V. Les présentes dispositions sont aussi applicables aux prisonniers de guerre, qui sont traités comme Esclaves par la partie belligérante au pouvoir de laquelle ils sont tombés.

VI. Les étrangers qui se rendraient coupables du crime de violence publique, ou des autres délits ci-dessus spécifiés, envers un Esclave, soit sur le territoire des Etats Autrichiens soit sur un Vaisseau Autrichien, seraient, conformément au principe général exprimé au paragraphe 31, livre 1^{er} du Code Pénal, passibles des mêmes peines que les sujets Autrichiens. Les étrangers qui, après s'être rendus coupables de pareils crimes à l'étranger, viendraient à toucher le sol Autrichien, seraient, aux termes des paragraphes 33 et 34 du livre 1^{er} du Code Pénal, arrêtés pour être remis au Gouvernement du Pays où le crime ou délit a été commis.

Si l'on refusait de les recevoir, on procéderait contre ces étrangers, conformément aux dispositions du Code Pénal Autrichien, et l'on ajouterait toujours le bannissement après l'expiration de la peine. Dans le cas où les Lois du Pays où le crime ou délit a été commis, prononceraient une peine moindre que celle portée par les Lois Autrichiennes, on suivra les dispositions de la loi la moins rigoureuse.

Vienne, le 7 Août, 1826.

AUGUSTIN REICHMANN, BARON DE HOCHKIRCHEN,

Président du Gouvernement.

E. COMTE DE HOYOS,

Conseiller de Gouvernement et Directeur de Chancellerie.

***EXPLANATORY ARTICLES to the Treaty of Peace
between Great Britain and Morocco of 14th June, 1801.*
Signed at Fez, 19th January, 1824.***

THE preceding Treaty was produced before the Supreme Lord of the Believers, Emperor of the Muselms, the Honorable Emperor Mulana Abderahman Ben Mulana Hisham, Ben Mulana Mohamed Benabdala, Ben Mulana Ismael, whom may God protect,—on the part of His Majesty the King of Great Britain, King George the Fourth, by James Sholto Douglas, his Ambassador, and his Consul residing at Tangier, for the purpose of renewing and confirming the Treaty of Peace which has so long subsisted between the two Governments, as it appears in the present Treaty, consisting of 41 Articles, produced by the said Consul, sealed by our sanctified Lord Mulana Soliman, whom may God have in his glory.

His Majesty the Emperor of the Faithful has been pleased to order, that the said Treaty should be read in his presence, for His Majesty's information, and after having heard the contents of the different Articles, one by one, he approves of what his Uncle has done for the benefit of the Subjects of both Nations, and confirms the said Treaty, from the 1st Article, wherein it is mentioned, that His Britannick Majesty shall have one or more Consuls in the Empire of Morocco, to Article 41 inclusive, excepting the two Articles seven and eight, which have been altered as follows :

ART. VII. All disputes that may arise between Moorish and British Subjects, shall be decided by the Governor of the Place, the Chief Judge, and the British Consul, and in case either of the Parties disapprove of the decision, he is at liberty to appeal to the Emperor.

VIII. If any dispute arise between Moorish and British Subjects, or those under His Britannick Majesty's protection, and that serious personal injury be experienced by either party, in consequence of such dispute, the Emperor of Morocco alone shall decide the Cause. If the English Subject be guilty, he shall not be punished with more severity than a Moor would be. If the offender make his escape, no other British Subject shall be apprehended in his stead. If the offender escape, before or after condemnation, from fear of punishment, he shall be subject to the same sentence as a Moor would be under similar circumstances. Should any dispute occur in the British Territories, the matter shall be decided according to the laws and customs of England, with liberty to make the customary appeals.

This concludes the two before-mentioned Articles.

Ratified by the Emperor of Morocco, at the Imperial Palace at Fez, the 18th Jumad the First, 1239.—A. D. 19th January, 1824.

JAMES SHOLTO DOUGLAS.

* See Commercial Treaties, Vol. 3, Page 17.

***DECLARATION of the Bey of Tunis to the British Consul,
&c. respecting the Purchase and Sale of Slaves.***

1st January, 1824.

FROM the Adorer of God Almighty, and who hopes for his mercy, Mahmoud Bashaw, Bey of Tunis, to Captain Gowan William Hamilton, commanding the British Squadron, at present at the Goletta, and to the English Consul at Tunis, Alexander Tulin.

We have received your Letter dated the 29th December, 1823, containing a new Article regarding Greek Slaves; that they are not to be bought or sold, and that we are not to allow any one in our Country to make Slaves, during the existing War in Greece, with our master, the Ottoman Sultan: and you also ask of us that, in case of any future War with any Kingdom, we are not to receive any Slave which may arrive in the Ports of our Dominions on any Ship of whatever Nation, although you have seen the Letter which we have received from the Captain Bashaw, and know its contents. However, we shall observe our promises, that if any Slaves, Christians, or Greeks, should arrive here in future, we shall neither sell them, nor allow any one to buy them, but we shall keep them as prisoners of War until Peace shall be made, and then they shall return us those they have, and we shall return them those we have, without any ransom; and this we do contrary to the orders of our master the Sultan; but in consideration of the ancient friendship which subsists between us, we shall fulfil this, even were we to experience any displeasure from our master, the Sultan, as the Greeks are his Subjects; but notwithstanding, out of regard for you, we have hereby agreed to your demands, in consideration of the friendship which has subsisted between us for such a long time.

Done at Bardo, the 21st of the Moon, Rebia-Teni, 1239 of the Hegira; the 1st of January, 1824, of the Christian era.

Accepted, on the part of the British Government.

GOWAN WILLIAM HAMILTON.

ALEXANDER TULIN, *British Pro Consul.*

DECLARATION of the Bey of Tunis, respecting the administration of Justice to British and Sardinian Subjects.

7th January, 1824.

FROM the Adorer of God Almighty, and who hopes for his mercy, Mahmoud Bashaw Bey, Master of Tunisian Africa. We declare to have added a new Article to the Treaty with the British Government, which is, that if any British Subject commits any fault for which he may deserve death, we shall inform the British Consul two days before we give the sentence, in order that he may be present at the trial. And if he must then suffer death, a period of two days will also be allowed him before he is executed. We shall not prevent any one from speaking to him, and after his death his body may be taken by his countrymen,

without any one's insulting it. And the Sardinian Subjects will be treated like the English, as their Treaties are like those of England.

Done in the beginning of the Moon, Jumed Owel, 1239 of the Hegira; the 7th January, 1824 of the Christian Era.

[Seal of the Bey.]

DECLARATION of the Bey of Tunis, to the British Consul, explanatory of his Treaty with The United States.

9th September, 1825.

To our estimable and respected friend, Sir Thomas Reade, Consul-General, resident in our Regency from the English Government.

The Letter you wrote to our Son, Hossein Bash Mameluk, has been received, and has been read before us, wherein you say that the 12th Article concluded with the American Government,* ought not to alter the 2d Article of the Treaty concluded with the English Admiral Freemantle, (in 1812.)† I inform you that the 12th Article concluded with

* Article 12 of the Convention between The United States and Tunis, signed at Bardo, 24th February 1824.—When Citizens of The United States shall come within the Dependencies of Tunis, to carry on Commerce there, the same respect shall be paid to them which the merchants of other Nations enjoy; and if they wish to establish themselves within our Ports, no opposition shall be made thereto, and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other Nations; and if a Tunisian Subject shall go to establish himself within the Dependencies of The United States, he shall be treated in like manner. If any Tunisian Subject shall freight an American Vessel, and load her with merchandise, and shall afterwards want to unload or ship them on board of another Vessel, we shall not permit him until the matter is determined by a reference of merchants, who shall decide upon the case, and after the decision, the determination shall be conformed to.

No Captain shall be detained in Port against his consent, except when our Ports are shut for the Vessels of all other Nations, which may take place with respect to merchant Vessels, but not to those of War.

The Subjects and Citizens of the two Nations, respectively, Tunisians and Americans, shall be protected in the places where they may be, by the Officers of the Government there existing; but, on failure of such protection, and for redress of every injury, the Party may resort to the chief authority in each Country, by whom adequate protection and complete justice shall be rendered. In case the Government of Tunis shall have need of an American Vessel for its service, such Vessel being within the Regency, and not previously engaged, the Government shall have the preference, on its paying the same freight as other merchants usually pay for the same service, or at the like rate, if the service be without a customary precedent.

† Art. 2. The private Ships of War of the Belligerent Powers shall not make sail from any Port, Place, or part of the Coast, belonging to the Regency, until 24 hours after the departure of all Vessels belonging to Powers with which they may be at War, nor shall they depart, even after that period of time, if any Ship should be in sight of a Port, Bay, or Shore of this Regency, detained by calms, contrary wind, or any other inevitable circumstance.

the Americans, is in no respect at variance with the 2d Article arranged with the English. We have granted that Article solely to the end that American Ships and Subjects may, in all cases, be treated and favoured equally with French and English Subjects, and be respected and protected in our Kingdom. Wherefore I write you this Letter, and salute you.

Given the 26th of the Moon Moharem, 1241, corresponding with the 9th September, 1825.

(L.S.) HASSAN PACHA.

(L.S.) HOSSEIN BASH MAMELUK.

DECLARATION of the Bey of Tunis, respecting the treatment of British Subjects and Vessels.—13th April, 1826.

To our most faithful Ally and true Friend the King of Great Britain and Ireland.

Whereas it has been represented to us that a gross insult has been offered to the British Flag, in the instance of the British Vessel the *Mark Anthony*, in violation of the Treaties subsisting between us and His Majesty the King of Great Britain and Ireland, we do hereby deny all knowledge of such outrage, and in testimony of our sincere regret at its occurrence, we desire to offer to His said Majesty the King of Great Britain and Ireland, our formal assurance that we will take measures for preventing a repetition of such proceedings, by strictly charging and enjoining all and every our Officers and other Persons, owing to us duty and obedience, to refrain at their peril from molesting or injuring, by word or deed, any British Subjects, their Vessels, or their property, within our Territories; but, on the contrary, to shew them all due respect, in conformity with the Treaties and with our intentions. Whoever infringes this order shall be most severely punished. All safety is in God!

Written in the month of Ramadan, 1241 of the Hegira. A.D. 13th April, 1826.

(L.S.) HASSAN, *Bashaw Bey.*

T. READE, *H. B. M.'s Agent and Consul-General.*

BRITISH Order in Council, exempting the Vessels and Boats of certain Foreign Nations from Anchorage Dues, in Guernsey, Jersey, Alderney, and Sark.—10th May, 1827.

At the Court at St. James's, the 10th day of May, 1827.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS certain dues and duties are payable to His Majesty within the Islands of Guernsey, Jersey, Alderney, and Sark, upon the

anchorage of Foreign Ships, Vessels, and Boats arriving at and casting anchor within the Ports, Roads, and Havens of the said Islands, commonly called anchorage dues; and which anchorage dues are not payable by or in respect of British Ships, Vessels, or Boats arriving at and casting anchor within the said Ports, Roads, and Havens; and whereas by certain Treaties or Conventions of Commerce made and concluded by His Majesty with His Most Christian Majesty the King of France, bearing date the 26th day of January, 1826; and with His Majesty the King of Denmark, bearing date the 16th day of June, 1824; and with His Majesty the King of Prussia, bearing date the 2d day of April, 1824; and with His Majesty as King of Hanover, bearing date the 12th day of June, 1824; and with His Majesty the King of Sweden and Norway, bearing date the 18th day of March, 1826; and with The United States of America, bearing date the 3d day of July, 1815; and with the Free Hanseatick Republicks, bearing date the 29th day of September, 1825; and with the State of Colombia, bearing date the 18th day of April, 1825; and with the United Provinces of Rio de la Plata, bearing date the 2d day of February, 1825; it is amongst other things agreed, that during the continuance of such Treaties respectively, Vessels of and belonging to the Subjects of the before-mentioned Foreign Sovereigns and States, entering or departing from the Ports of the United Kingdom of Great Britain and Ireland, shall not be subject to any other or higher duties or charges whatever than are or shall be levied on British Vessels entering or departing from such Ports; His Majesty, being desirous to carry the said Treaties into full execution and effect, is pleased, with the advice of His Privy Council, to order, and it is hereby ordered, that during the continuance of the before-mentioned Treaties or Conventions of Commerce respectively, and so long as the same shall respectively remain in force, the before-mentioned anchorage dues heretofore levied or claimed in the said Islands of Jersey, Guernsey, Alderney, and Sark, on Ships, Vessels, and Boats of or belonging to the Subjects of His Most Christian Majesty, or of His Majesty the King of Denmark, or of His Majesty the King of Prussia, or of His Majesty as King of Hanover, or of His Majesty the King of Sweden and Norway, or of The United States of America, or of the Free Hanseatick Republicks, or of the State of Colombia, or of the United Provinces of Rio de la Plata, shall be and the same are hereby repealed, abolished, and remitted, any law, custom, or usage, now or at any time heretofore in force in the said Islands, or any of them, to the contrary notwithstanding; provided always, that nothing in this present Order contained shall extend, or be construed to extend, to any Ships, Vessels, or Boats of or belonging to the Subjects of the United Provinces of Rio de la Plata, not being of the burthen of above 120 tons, such Ships, Vessels, or Boats not being included within the said Treaty with the said United Provinces, of the

2d of February, 1825 ; and it is further ordered, that the said anchorage dues shall in like manner be and the same are hereby repealed, abolished, and remitted in favour of the Ships, Vessels, and Boats of or belonging to the Subjects of any other Foreign State or Power with whom His Majesty shall hereafter enter into and conclude any such Treaty as aforesaid ; and that such repeal, abolition, and remission shall take effect when and so soon as the conclusion of any such future Treaty shall be signified to the Governor or Lieutenant-Governor of the said Islands respectively, by His Majesty, through one of His Majesty's Principal Secretaries of State ; and all Governors, Lieutenant-Governors, and other Officers, Civil and Military, and all other His Majesty's Subjects within the said Islands, are to take notice hereof and to govern themselves accordingly :

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable William Sturges Bourne, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

JAS. BULLER.

LAW of France, relating to the Repression of the Slave Trade.—25th April, 1827.

CHARLES, par la Grace de Dieu, Roi de France et de Navarre ;

A tous ceux qui ces présentes verront, salut :

Nous avons proposé, les Chambres ont adopté, nous avons ordonné et ordonnons ce qui suit :

ART. I. Les Négocians, Armateurs, Subrécargues, et tous ceux qui, par un moyen quelconque, se seront livrés au trafic connu sous le nom de Traite des Noirs ; le Capitaine ou Commandant, et les autres Officiers de l'équipage ; tous ceux qui sciemment auront participé à ce trafic, comme assureurs, actionnaires, fournisseurs, ou à tout autre titre, sauf toutefois l'exception portée en l'Article 3, seront punis de la peine du bannissement, et d'une amende égale à la valeur du Navire et de la cargaison prise dans le Port de l'expédition.

L'amende sera prononcée conjointement et solidairement contre tous les Individus condamnés. Le Navire sera en outre confisqué.

II. Le Capitaine et les Officiers de l'équipage seront déclarés incapables de servir à aucun titre, tant sur les vaisseaux et bâtimens du Roi, que sur ceux du Commerce Français.

III. Les autres Individus faisant partie de l'équipage seront punis de la peine de 3 mois à 5 ans d'emprisonnement.

Sont toutefois exceptés ceux desdits Individus qui, dans les 15 jours de l'arrivée du Navire, auront déclaré au Commissaire de Marine

ou aux Magistrats dans les Ports du Royaume, au Gouverneur, Commandant, ou aux autres Magistrats dans les Iles et Possessions Françaises, aux Consuls, Vice-Consuls et Agens commerciaux du Roi dans les Ports étrangers, les faits relatifs au susdit trafic dont ils auront eu connaissance.

IV. Les arrêts et jugemens de condamnation en matière de traite seront insérés dans la Partie Officielle du Moniteur, par extraits, contenant les noms des Individus condamnés, ceux des Navires et des Ports d'expédition. Cette insertion sera ordonnée par les Cours et Tribunaux, indépendamment des publications prescrites par l'Article 36 du Code Pénal.*

V. Les peines portées par la présente Loi sont indépendantes de celles qui doivent être prononcées conformément au Code Pénal pour les autres crimes ou délits qui auraient été commis à bord du Navire.

VI. La Loi du 15 Avril, 1818, est abrogée.†

La présente Loi, discutée, &c.

Si donnons en mandement à nos Cours et Tribunaux, &c.

Donné en notre Château des Tuileries, le 25^{me} jour du mois d'Avril, l'an de Grâce, 1827, et de notre Règne le 3^{ème}.

Par le Roi :

CHARLES.

Le Pair de France, Ministre, Secrétaire d'Etat de la
Marine et des Colonies,

COMTE DE CHABROL.

*ACT of the British Parliament, "to carry into effect the
Treaty with Sweden relative to the Slave Trade."*

[7 & 8 Geo. 4. Cap. 54.]

[2d July, 1827.]

WHEREAS a Treaty was made between His Majesty and the King of Sweden and Norway, for preventing their Subjects from engaging in any traffick in Slaves, and signed at Stockholm on the 6th day of November 1824 : and whereas by the 1st Article of the said Treaty, wherein it is recited that the Laws of Sweden and Norway, from the remotest time, never have recognized the existence of Slavery under any form whatever ; and that the Laws of the United Kingdom of Great Britain and Ireland prohibit to the Subjects of His Britannick Majesty, under the severest penalties, any participation whatever in a

* *Code Pénal*, Art. 36.—Tous arrêts qui porteront la peine de mort, des travaux forcés à perpétuité ou à temps, la déportation, la réclusion, la peine du carcan, le bannissement et la dégradation civique, seront imprimés par extrait. Ils seront affichés dans la Ville centrale du Département, dans celle où l'arrêt aura été rendu, dans la Commune du lieu où le délit aura été commis, dans celle où se fera l'exécution, et dans celle du domicile du condamné.

† See State Papers, 1822, 1823. Page 769:

commerce degrading to humanity and unworthy of a civilized Age; His Majesty the King of Sweden and Norway engages himself in consequence, to reiterate, within the space of 6 months after the Ratification of the said Treaty, or sooner if possible, to all his Subjects, in the most explicit manner, the prohibition then already existing, that they should take any part in the traffick of Slaves; and by the said 1st Article, in order to render more effective the measures to which His Majesty the King of Sweden and Norway pledges himself by the said Treaty for the suppression of the said traffick, and with a view of assimilating them more nearly to those already adopted by Great Britain, His said Majesty engages to add to them as soon as possible, with the concurrence of the States General of the Kingdom of Sweden, and of the Storthing of the Kingdom of Norway, Penal Laws according to the spirit of the Legislation of each of the said Countries, which Laws shall visit with a punishment proportionate to the magnitude of the crime, any participation whatever by Swedish or Norwegian Subjects in the Slave Trade; and in the mean time and until these subsequent arrangements could be put in force, the tenor of the Royal Ordinance of the 7th day of February, 1823, of which a Copy is annexed to the said Treaty, marked with the letter A, is formally maintained and confirmed by the said 1st Article: and whereas by the 2d Article of the said Treaty, in order more completely to prevent all infringement of the spirit of the said 1st Article, His Majesty, and His Majesty the King of Sweden and Norway do declare, that the Vessels belonging to their respective Subjects, which, contrary to all expectation, may be found employed in the said forbidden traffick, shall by that act lose all right to claim the protection of their Flag; and His Majesty, and His Majesty the King of Sweden and Norway mutually consent, that the Ships of their Royal Navies, which shall be provided with special Instructions for this purpose as therein-after mentioned, shall visit such merchant Vessels of the two Nations as may be suspected, on reasonable grounds of being concerned in the traffick of Slaves contrary to the provisions of the said Treaty, and in case thereof, may detain and bring away such Vessels, in order that they may be brought to trial in the manner stipulated in the 4th Article of the said Treaty: and whereas by the 3d Article of the said Treaty, in order to explain the mode of execution of the preceding Article, it is agreed, 1st that such reciprocal right of visit and detention shall not be exercised within the Mediterranean Sea, nor within the European Seas lying without the Straits of Gibraltar, to the Northward of the 37th degree of North Latitude, and within and to the Eastward of the meridian of Ferro; 2dly, that all Ships of the Royal Navies of the two Nations, which shall be thereafter employed to prevent the traffick in Slaves, shall be furnished by their respective Governments with a Copy in the English, Swedish, and Norwegian languages of the Instructions annexed to the said

Treaty, and which Instructions shall be considered as an integral part thereof, provided that they shall not be altered or modified but with the common consent of His Majesty and of His Majesty the King of Sweden and Norway; 3rdly, that the names of the several Vessels furnished with such Instructions, the force of each, and the names of their several Commanders, shall be from time to time communicated forthwith by the Power issuing the same to the other High Contracting Party; 4thly, that the Ships of each of the Royal Navies authorised to make such visit as aforesaid shall not exceed the number of 12 belonging to either of the High Contracting Parties, without the previous consent of the other High Contracting Party; 5thly, that the right of visit, such as thus reciprocally agreed on by His Majesty and His Majesty the King of Sweden and Norway, shall not be directly exercised upon Merchant Vessels sailing under the Convoy of one or more Ships of War of either His Majesty or His Majesty the King of Sweden and Norway, but that if, contrary to all expectation, the Commander of a Ship of War of either of the two Governments employed in the suppression of the Slave Trade, should have reasonable grounds for suspecting that a Ship under Convoy of the other Government should in fact have on board Slaves destined for sale, or be otherwise engaged in the traffick of Slaves contrary to the provisions of the said Treaty, the Commander of such Ship of War as aforesaid shall address himself to the Commander of the Convoy, in order to communicate his suspicions, and the latter shall then proceed to visit the suspected Ship, accompanied by either the Commander of the Cruizer himself, or any Officer whom the latter may delegate as his representative; and it is agreed that the Commander of the Convoy shall afford all the aid and assistance possible to the visit of the suspected Ships, and to their eventual detention, according to the spirit and true sense of the said Treaty; and whereas it is by the 4th Article of the said Treaty agreed, in order to bring to adjudication, with the least delay and inconvenience, the ships of the two Nations which may be detained for being engaged in the traffick of Slaves, contrary to the provisions of the said Treaty, that Mixed Courts of Justice shall be formed of an equal number of Individuals, to be named for this purpose by their respective Sovereigns, and that one of the said Courts shall be established in one of the Possessions of His Britannick Majesty on the Coast of Africa, which shall be named at the exchange of the Ratification of the said Treaty, and the other in the Island of Saint Bartholomew in the West Indies, belonging to His Majesty the King of Sweden and Norway, each of their said Majesties reserving to himself the right of changing at his pleasure the place of residence of the Court within his Dominions; and it is also thereby provided, that in the event of the absence, on account of illness or any other unavoidable cause of one or more of the Commissioners, Judges, or Arbiters,

under the said Treaty, or in case of their absence on leave from their Government, duly notified to the Board of Commissioners sitting under the said Treaty, their posts shall be supplied in the same manner in which, by the 9th Article of the Regulations for the Mixed Commissioners, those vacancies are to be supplied which may occur by the death of one or more of the Commissioners aforesaid; and it is thereby also agreed, that each Government shall name, to sit in each of these Courts, a Judge and an Arbiter, reserving, however, to itself, according to circumstances, and as it shall think proper, the power either of naming for that purpose permanent salaried Officers, or of eventually appointing duly qualified Individuals on the spot, who shall, when the case occurs, assemble in the quality of Judges and Arbiters; and it is provided nevertheless, that after the term fixed for the meeting of the said Commissioners, their proceedings in examination and adjudication shall not be delayed by reason of the absence of any Judge or Arbiter to be appointed under the provisions of the said Treaty, but that the same shall be had and determined by such Commissioners as shall or may be assembled, observing in all things, as nearly as may be, the several provisions of the said Treaty: And whereas, by the 5th Article of the said Treaty, His Majesty and His Majesty the King of Sweden and Norway each engage to make good to the Subjects of the other any losses which their respective Cruisers may cause them to experience by the illegal or arbitrary detention of their Vessels; and it is thereby declared to be understood, that the visit and detention shall not, under any pretext whatever be effected but by Ships which form a part of the two Royal Navies of their said Majesties, and which shall be provided with the special Instructions annexed to the said Treaty, and in pursuance to the provisions thereof: And whereas by the 6th Article of the said Treaty it is agreed, that in case the Officers commanding Vessels employed for the suppression of the Slave Trade shall deviate, in any respect whatever, from the stipulations of the said Treaty, the Government which shall conceive itself to be wronged by such conduct shall have the right to demand reparation, and in such case the Government to which the said Commanding Officers shall belong, binds itself to cause enquiry to be made into the subject of the complaint, and to inflict, should such complaint be grounded, punishment proportioned to the transgression which may have been committed: And whereas by the 7th Article of the said Treaty it is agreed, that in case of clear and undeniable proof that during the immediate voyage of a Vessel so visited as aforesaid, one or more Slaves shall, for the purpose of traffick, have been embarked on board of such Vessel, then and in such case the Vessel in question shall be detained and brought to trial in the manner therein above-mentioned in the 2d Article of the said Treaty; and it is thereby further mutually agreed, that all Merchant Vessels which shall be found hovering or

sailing near the Coasts of Africa, within one degree to the Westward of the said Coasts, between the 20th degree of North Latitude and the same degree of South Latitude, or at anchor within any of the Rivers, Gulfs, or Creeks of these Coasts within the limits herein above established, or at anchor in any part within the said limits, may be lawfully detained and brought before the established Tribunals, provided that in her equipment there shall be found any of the particulars thereafter mentioned; namely, 1st. that her hatches are fitted with open gratings, instead of close hatches, as usual in Merchant Vessels; 2dly. that there are more divisions or bulk-heads in her hold, or on her deck, than are necessary for trading Vessels; 3dly. that on board of her there is spare plank either actually fitted in that shape, or fit for readily laying a second or moveable deck, or Slave-deck; 4thly. that on board of her there are shackles, bolts, and handcuffs; 5thly. that on board of her there is an unreasonable quantity of water in casks or in tanks, more than sufficient for the consumption of her Crew as a Merchant Vessel; 6thly. that on board of her there is an unreasonable number of water casks, or other vessels for holding water, unless the Master shall produce a Certificate from the Custom House from the Place from which he cleared outwards, stating that a sufficient security had been given by the Owners of such Vessel, that such extra quantity of casks or other vessels should only be used for the reception of palm oil or other lawful commerce; 7thly. that on board of her there is a greater quantity of mess tubs or kids than is requisite for the use of the Crew as a Merchant Vessel; 8thly. that on board of her there are two or more copper boilers, or even that there is one of an unreasonable size, larger than is requisite for the use of her Crew as a Merchant Vessel; 9thly. that on board of her there is an unreasonable quantity of rice or farinha, flour of the manioc of Brazil or cassada, or maize, or Indian corn, beyond any probable requisite provision for the use of the Crew, and such rice, flour, maize, or Indian corn not being entered on the manifest as part of the cargo for trade; and it is further mutually agreed, that the proof of these, or of any one or more of these several indications shall be considered as *prima facie* evidence of her actual employment in the Slave Trade, and unless rebutted by satisfactory evidence upon the part of the Master or Owners, that such Ship or Vessel was otherwise legally employed at the time of her detention and capture, the Ship or Vessel shall thereupon be condemned and declared lawful prize: And whereas it is also in the 8th Article of the said Treaty agreed, that the Acts or Instruments of which mention is made in the said Treaty, and which being annexed thereto form an integral part of it, are the following; the Proclamation of His Majesty the King of Sweden and Norway, which forbids anew to his Subjects the Slave Trade; an Extract of a Royal Norwegian Proclamation, dated the 16th day of March, 1792, paragraphs the 1st and 6th; In-

structions for the Vessels of the Royal Navies of Great Britain and of Sweden and Norway, employed in preventing the Slave Trade; and Regulation for the Mixed Courts of Justice: And whereas the said Proclamation, to which the words "Annex A." are prefixed, is as follows:

Proclamation, dated 7th February, 1823. [See State Papers, 1824, 1825, Page 14.]

And whereas the said extract of a Royal Norwegian Proclamation, to which the words "Annex B." are prefixed, is as follows:

Extract of Royal Proclamation, dated 16th of March, 1792. [See State Papers, 1824, 1825, Page 15.]

And whereas by the 1st Article of the said Instructions before referred to, and made an integral part of the said Treaty, it is provided, 1st. that every Ship of the Royal Navies of the United Kingdom of Great Britain and Ireland, or of Sweden and Norway, which, furnished with the said Instructions, shall, in conformity with the 2d and 7th Articles of the said Treaty, have a right to visit the Merchant Ships of either of the two Powers actually engaged or suspected to be engaged in the Slave Trade, may, except in the Seas exempted by the 3d Article of the said Treaty, proceed to such visit, and should any Slaves be found on board, brought there for the express purpose of the traffick, or that the Ship can in general be included in the cases provided against in the said 2d and 7th Articles, the Commander of the said Ship of the Royal Navy may detain it, and having detained it he is to bring it as soon as possible for judgment to the places stipulated by the 4th Article of the said Treaty; and that Ships on board of which no Slaves shall be found intended for purpose of traffick, shall not be detained on any account or pretence whatever; and that Negro Servants or Sailors that may be found on board the said Vessels cannot in any case be deemed a sufficient cause for detention: And whereas by the 2d Article of the said Instructions it is provided, that whenever a Ship of either of the Royal Navies, so commissioned, shall meet a Merchantman liable to be searched, it shall be done in the mildest manner, and with every attention which is due between Allied and Friendly Nations; and in no case shall the search be made by an Officer holding a rank inferior to that of Lieutenant of the Navy: And whereas by the 3d Article of the said Instructions it is provided, that the Ships of either of the Royal Navies, so commissioned, which may detain any Merchant Ship in pursuance of the tenor of the present Instructions, shall leave on board all the cargo as well as the Master, and a part at least of the Crew of the above-mentioned Ship; and that the Captor shall draw up in writing an authentick declaration, which shall exhibit the state in which he found the detained Ship, and the changes which may have taken place in it, and that he shall deliver to the Master of the detained Ship a signed Certificate of the Papers seized

on board the said Vessel, as well as of the number of Slaves found on board at the moment of detention, and that the Negroes shall not be disembarked till after the Vessels which contain them shall be arrived at the place where the legality of the capture is to be tried ; but that, however, if urgent motives, deduced from the length of the Voyage, the state of health of the Negroes, or other causes, require that they should be disembarked entirely or in part, the Commander of the capturing Ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a Certificate in proper form : and whereas, by the 1st Article of the Regulations for the Mixed Courts of Justice, and which Regulations are annexed to the said Treaty and form an integral part thereof, it is provided, that the said Mixed Courts of Justice to be established by the said Treaty are appointed to decide upon the legality of the detention of such Vessels as the Cruizers of both Nations shall detain in pursuance of the said Treaty ; and that the above-mentioned Courts shall judge definitively and without appeal, according to the said Treaty ; and that the proceeding shall take place as summarily as possible ; and the said Courts are required to decide (as far as they shall find it practicable) within the space of 20 days, to be dated from that in which every detained Vessel shall have been brought into the Port where they shall reside, 1st. upon the legality of the capture ; 2dly. in the cases in which the captured Vessel shall have been liberated, as to the indemnification which the said Vessel is to receive ; and that in no case shall the final sentence be delayed on account of the absence of witnesses, or for want of other proofs, beyond the period of 2 months, except upon the application of any of the parties interested, when upon their giving satisfactory security to charge themselves with the expence and risks of the delay, the Courts may at their discretion grant an additional delay, not exceeding 4 months : and whereas by the 2d Article of the said Regulations it is provided, that each of the said Mixed Courts shall be composed in the following manner ; that is to say, His Majesty and His Majesty the King of Sweden and Norway shall each of them name a Judge and an Arbiter, who shall be authorized to hear and decide, without appeal, all cases of capture of Vessels, which in pursuance of the stipulations of the said Treaty shall be brought before them ; and that all the essential parts of the proceedings carried on before the said Mixed Courts shall be written down either in English or in Swedish or Norwegian ; and that the Judges and the Arbiters shall make oath to judge fairly and faithfully, to have no preference either for the Claimants or the Captors, and to act in all their decisions in pursuance of the stipulations of the said Treaty ; and that there shall be attached to each Court, when assembled, a Secretary or Registrar, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath before the Court to conduct himself with

respect for their authority, and to act with fidelity in all the affairs which may belong to his charge; and that in the case contemplated by the 4th Article of the said Treaty the permanent or temporary salaries of the members of the Mixed Courts shall be paid by their respective Sovereigns; those of the Secretary or Registrar of the Court to be established on the Coast of Africa shall be paid by His Britannick Majesty, and those of the Secretary of the Court to be established in the West Indies by His Majesty the King of Sweden and Norway: And whereas, in regard to the incidental expences of the said Courts, it is by the said 2d Article of the said Regulations provided, that each Government shall defray the half, and that the expences carried to account by the Officer charged with the reception and care of the detained Ships, as well as with the execution of the Sentence (Marshal of the Court), and any other disbursement occasioned by the bringing a Vessel to judgment, shall be defrayed from the funds arising from the sale of the Vessel, in case of condemnation, and by the Captor if the detained Vessel should be released: And whereas by the 3d Article of the said Regulations it is provided, that the form of the process shall be as follows; that is to say, the Judges of the two Nations shall in the first place proceed to the examination of the Papers of the Vessel, and to receive the depositions of the Captain, who, if he should so wish, shall be allowed to employ Counsel to conduct his defence, and of 2 or 3 at least of the principal Individuals on board of the detained Vessel, as well as the declaration on oath of the Captor, should it appear necessary, in order to be enabled to judge and to pronounce whether the said Vessel has been justly detained or not, according to the stipulations of the said Treaty, and in order that according to the said judgment it may be condemned or liberated; and in the event of the two Judges not agreeing in the sentence they ought to pronounce, whether as to the legality of the detention or the indemnification to be allowed, or any other question which might result from the stipulations of the said Treaty, they shall draw by lot the name of one of the two Arbiters, who, after having considered the documents of the process, shall consult with the above-mentioned Judges on the case in question, and the final Sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned Judges and of the above-mentioned Arbitrer: And whereas by the 4th Article of the said Regulations it is provided, that in the authenticated declaration which the Captor shall make before the Court, as well as in the Certificate of the Papers seized, which shall be delivered to the Captain of the captured Vessel at the time of detention, the above-mentioned Captor shall be bound to declare his name and the name of his Vessel, as well as the latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found on board of the Ship at the time of the detention: And whereas by the 5th Article of the said

Regulations it is provided, that as soon as sentence shall have been pronounced which shall be duly founded, the detained Vessel, if liberated, and the cargo in the state in which it shall then be found, shall be restored to the Master or the Person who represents him, who may before the same Court claim a valuation of the damages which they may have a right to demand, and that the Captor himself, and in his default his Government, shall remain responsible for the above-mentioned damages: And whereas by the said 5th Article of the said Regulations, His Majesty and His Majesty the King of Sweden and Norway bind themselves to pay within the term of a Year from the date of the Sentence, the costs and damages which may be granted by the above-named Court, it being understood that such costs and damages shall be at the expence of the Power of which the Captor shall be a Subject: And whereas by the 6th Article of the said Regulations it is provided, that in case of the condemnation of a Vessel she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the Slaves who may be on board as objects of commerce; and that the said Vessel, as well as her cargo, shall be sold by publick sale for the profit of the two Governments; and as to the Slaves, they shall receive from the Mixed Courts a Certificate of Emancipation and shall be delivered over to the Government to which the Captor belongs, to be employed as Servants or Free Labourers; and each of the two Governments binds itself to guarantee the liberty of such portion of these Individuals as shall be respectively consigned to it: And whereas it is thereby also provided, that the expences for supporting the Slaves between the time of their capture and the condemnation shall be levied on the fund arising from the sale of the condemned Vessel, but afterwards those expences shall be charged to the Government of the Country which is to enjoy the advantage of their labour; and that the charges incurred for the support and the return of the Crew of the condemned Vessel shall be defrayed by the Government of which they are the Subjects: And whereas by the 7th Article of the said Regulations it is provided, that the Mixed Courts shall also take cognizance and decide according to the 3d Article of this Regulation, on all claims for compensation on account of losses occasioned to Vessels detained under suspicion of having been engaged in the Slave Trade, but which shall not have been condemned as legal prize by the said Courts: and in all cases wherein restitution shall have been decreed, the Court shall award to the Claimant or Claimants, his or their lawful Attorney or Attornies, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the Claimant or Claimants may have actually sustained by such capture and detention; that is to say,

1stly.—In case of total loss, the Claimant or Claimants shall be indemnified—(a.) For the Ship, her tackle, apparel, and stores. (b.) For

all freight due and payable. (c.) For the value of the cargo of merchandize, if any, deducting for all charges and expences payable upon the sale of such cargoes, including commission of sale. (d.) For all other regular charges, in such cases of total loss. And,

2dly.—In all other cases, not of total loss, the Claimant or Claimants shall be indemnified—(a.) For all special damages and expences occasioned to the Ship by the detention, and for loss of freight, when due or payable. (b.) A demurrage when due, according to the Schedule annexed to the present Article. (c.) For any deterioration of cargo. (d.) An allowance of 5 per cent. on the amount of the capital employed for the purchase of cargo, for the period of delay occasioned by the detention; and, (e.) For all premium of insurance on additional risks. And whereas it is also thereby agreed, that the Claimant or Claimants shall in all cases be entitled to interest at the rate of 5 per cent. per annum on the sum awarded, until paid by the Government to which the capturing Ship belongs, the whole amount of such indemnification being calculated in the money of the Country to which the captured Ship belongs, and to be liquidated at the exchange current at the time of the award: and whereas, in order to avoid as much as possible every species of fraud in the execution of the said Treaty, His Majesty and His Majesty the King of Sweden and Norway have, by the said 7th Article of the said Regulations, also agreed, that if it should be proved in a manner evident to the conviction of the Judges of the two Nations, and without having recourse to the decision of an Arbiter, that the Captor had been led into error by a voluntary and reprehensible fault on the part of the Captain of the detained Ship, in that case only the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the said Article: and whereas to the said 7th Article of the said Regulation is affixed the following, being

A Schedule of Demurrage or daily allowance for a Vessel.

100 tons to	120 inclusive.....	£5 per diem,
121.....	150.....	6 per diem,
151.....	170.....	8 per diem,
171.....	200.....	10 per diem,
201.....	220.....	11 per diem,
221.....	250.....	12 per diem,
251.....	270.....	14 per diem,
271.....	300.....	15 per diem,

and so on in proportion: and whereas it is by the 8th Article of the said Regulations provided, that neither the Judges nor the Arbiters, nor the Secretary of the Mixed Court shall be permitted to demand or receive, from any of the Parties concerned in the sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the

said Regulations; and whereas it is by the 9th Article of the said Regulations agreed by His Majesty and His Majesty the King of Sweden and Norway, that in the event of the death, sickness, absence on leave, or any other legal impeachment of one or more of the Judges or Arbiters composing the Mixed Courts mentioned in the 4th Article of the said Treaty, the remaining individuals shall proceed, without interruption, to the judgment of the Ships that may be brought before them, and to the execution of their Sentence; and whereas by the 9th Article it is agreed, that the said Treaty shall be ratified, and the Ratification thereof exchanged within 6 weeks from the day of signature, or sooner if possible, and the same has been done accordingly: and whereas it is expedient and necessary that effectual provision should be made for carrying into execution the provisions of the said Treaty: 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 it shall be lawful for any Officers commanding any Ship of War of His Majesty, duly authorized in that behalf, and provided with Instructions according to the provisions of the said Treaty, to visit and detain in any Seas, except in the Seas exempted in the 3d Article of the said Treaty, all Ships and Vessels belonging wholly or in part to any Subject or Subjects of His Majesty the King of Sweden and Norway, which shall be suspected, upon reasonable grounds, of being concerned in the traffick of Slaves contrary to the provisions of the said Treaty before recited, and to detain and bring to adjudication all Ships, Vessels, and Cargoes by the said Treaty made subject to detention and condemnation, according to the provisions of the said Treaty, and the Instructions and Regulations aforesaid.

II. And be it further enacted, that all Ships and Vessels, belonging wholly or in part to any Subject or Subjects of His Majesty, which shall be suspected, upon reasonable grounds, of being concerned in the traffick of Slaves contrary to the provisions of the said Treaty, shall be and are hereby declared and made, according to the said Treaty, instructions, and regulations aforesaid, subject to the visitations of British or Swedish Vessels of War, duly authorised for that purpose according to the provisions of the said Treaty before recited; and that all Ships and Vessels belonging wholly or in part to any Subject or Subjects of His Majesty, which shall be found being concerned in the traffick of Slaves, contrary to the provisions of the said Treaty, instructions, and regulations so recited as aforesaid, and all boats, apparel, furniture and stores belonging to such Ships or Vessels, and all Slaves and Cargoes therein, shall be and are hereby declared to be and made subject to the visit and detention of British and Swedish Vessels of War, duly authorised for that purpose according to the stipulations of the said Treaty, and to forfeiture according to the provisions of the

said Treaty, and the Instructions and Regulations thereto annexed, and for that purpose shall be and are hereby made subject to the adjudication of, and to condemnation or other judgment by the Judges and Arbiters to be appointed according to the provisions of the said Treaty, and to the instructions and regulations annexed thereto, and recited as aforesaid.

III. And be it further enacted, that it shall be lawful for His Majesty, by any Warrant under his Royal Sign Manual, countersigned by one of His Majesty's Principal Secretaries of State, to appoint such Judges and Arbiters as are in and by the said Treaty, and the Regulations thereto annexed, mentioned to be appointed by His Majesty, and from time to time to supply any vacancies which may arise in such offices, by appointing other persons thereto; and to grant to such Judges and Arbiters as aforesaid salaries, not exceeding such annual sums as His Majesty shall from time to time direct; and such Judges and Arbiters are hereby authorised and empowered to examine and decide all such cases of detention, captures, and seizures of Vessels and their Cargoes as aforesaid, detained, seized, taken, or captured under the said Treaty, Instructions, and Regulations, as are by the said Treaty, Instructions, and Regulations, and by this Act, made subject to their jurisdiction; and to proceed therein, and give such judgments, and make such orders therein, and to do all other acts, matters, and things appertaining thereto, agreeable to the provisions of the said Treaty, and the instructions, and regulations, annexed thereto, and recited as aforesaid, as fully and effectually to all intents and purposes as if special powers and authorities for that purpose were specifically and particularly inserted and given in relation thereto in this Act.

IV. And be it further enacted, that it shall be lawful for His Majesty, by any Warrant under his Royal Sign Manual, countersigned by one of His Majesty's Principal Secretaries of State for the time being, to nominate and appoint a Secretary or Registrar to the Court which shall be established in His Majesty's Dominions, and from time to time to supply, by other appointments, any vacancy which may thereafter occur in such office, and to grant a salary to such Secretary or Registrar, not exceeding such annual Sum as His Majesty shall from time to time direct; and such Secretary or Registrar is hereby respectively authorized and empowered to do, perform, and execute all the duties of such office as set forth and described in the said Treaty, Instructions, and Regulations respectively herein-before recited as aforesaid, and to do, perform, and execute all such acts, matters, and things as may be necessary for the due discharge of the duties of his office, according to the provisions of the said Treaty and Instructions and Regulations as aforesaid.

V. And be it further enacted, that it shall be lawful for the Governor or Lieutenant-Governor, or Principal Magistrate of the Colony or

Settlement in which such Court shall sit, within the possession of His Britannick Majesty, to fill up every vacancy which shall arise in such Court, either of Judge, Arbiter, or any Officer thereof appointed by His Majesty as aforesaid, according to the Provisions contained in the before recited Regulations annexed to the said Treaty as aforesaid, *ad interim*, until such vacancy or vacancies shall be thereafter filled by some Person or Persons appointed by His Majesty for that purpose.

VI. And be it further enacted, that every Judge and Arbiter appointed by His Majesty, or *ad interim* as aforesaid, shall, before he shall enter upon the execution of any of the duties of such his office, take an oath in the presence of the Principal Magistrate then residing and acting in the Colony, Settlement, or Place in which the Court shall be appointed to reside; which oath every Magistrate in any Colony, Settlement, or Place belonging to His Majesty, in which such Court shall be appointed, is hereby authorized to administer in the form following; (that is to say),

"I, *A. B.* do solemnly swear, that I will, according to the best of my skill and knowledge, act in the execution of my office as

faithfully, impartially, fairly, and without preference or favour, either for Claimants, or Captors, or any other person; and that I will, to the best of my judgment and power, act in pursuance of and according to the Stipulations, Regulations, and Instructions contained in the Treaty between His Majesty and His Majesty the King of Sweden and Norway, signed at Stockholm on the 6th day of November, in the Year of our Lord 1824.

So help me God."

And every Secretary or Registrar appointed by His Majesty, or *ad interim*, as aforesaid, under the provisions of the said Treaty, Instructions, and Regulations, and of this Act, shall, before he enters on the duties of his said office, take an oath before the British Commissary Judge as aforesaid, who is hereby empowered to administer the same, in the form following; (that is to say),

"I, *A. B.* do solemnly swear, that I will, according to the best of my skill and knowledge, act in the execution of my office; and that I will conduct myself with due respect to the authority of the Judges and Arbiters of the Commission to which I am attached, and will act with fidelity in all the affairs which may belong to my charge, and without preference or favour, either for Claimants or Captors, or any other persons.

So help me God."

VII. And be it further enacted, that it shall be lawful for the said Judges, or either of them, or for any such Secretary or Registrar, and they are hereby respectively empowered, to administer oaths, to take the depositions of all Parties, Witnesses, and other Persons who may come or be brought before them to be examined, or for the purpose of deposing in the course of any proceeding before the said Judges, or

before the said Judges and Arbiter, in the cases in which such Arbiter shall act with the said Judges under the said Treaty, Instructions, and Regulations, or this Act; and it shall also be lawful for the said Judges, or for the said Judges and Arbiter, in the cases aforesaid, to summon before them all persons whom they may deem it necessary or proper to examine in relation to any suit, proceeding, or matter or thing under their cognizance, and to send for and issue precepts for the producing of all such Papers as may relate to the matters in question before them, and to enforce all such summonses, orders, and precepts, by such and the like means, powers, and authorities, as any Court of Vice-Admiralty may do.

VIII. And be it further enacted, that every person who shall wilfully and corruptly give false evidence in any examination or deposition, or affidavit had or taken upon or in any proceeding before the said Judges, or Judge and Arbiter, under the said Treaty, Instructions, and Regulations, or this Act, shall be deemed guilty of perjury, and being thereof convicted, shall be subject and liable to all the punishments, pains, and penalties to which persons convicted of wilful and corrupt perjury are liable; and every such person may be tried for any such perjury, either in the place in which the offence was committed, or in any Colony or Settlement of His Majesty near thereto, in which there is a Court of competent jurisdiction to try any such offence, or in His Majesty's Court of King's Bench in England; and that in case of any prosecution for such offence in His Majesty's said Court of King's Bench, the venue may be laid in the County of Middlesex.

IX. And be it further enacted, that from and after the passing of this Act it shall not be lawful for any person to commence, prosecute, or proceed in any Claim, Action, or Suit whatever in the High Court of Admiralty, or in any other Court, or before any Judges or Persons whomsoever, other than the several Mixed Courts of Justice appointed under and by virtue of the said Treaty and this Act, for the condemnation or restitution of any Ship or Cargo or Slaves, or for any compensation or indemnification, or for any loss or damage, or for any injury sustained by such Ship, Cargo, or Slaves, or by any Persons on board any such Ship, in consequence of any capture, seizure, or detention under the authority or in pursuance of the provisions of the said Treaty, or of the Instructions and Regulations thereto annexed, or of this Act; and that the pendency of any claim, suit, or proceeding instituted or which may be instituted before any of the said Mixed Courts so to be appointed under the authority of the said Treaty and this Act, for the condemnation or restitution of any Ship or Cargo or Slaves taken, seized, or detained by virtue of the said Treaty, or of the Instructions and Regulations thereto annexed, or for any compensation or indemnification for any loss or damage in consequence of the taking, seizing, or detaining any such Ship, or the final adjudication, condem-

nation, judgment, or determination of any such Mixed Court, as the case shall require, may be pleaded in bar or given in evidence under the general issue; or in case no such claim, suit, or proceeding shall have been instituted before any such Mixed Court, then the said Treaty, Instructions, and Regulations, and this Act, may in like manner be pleaded in bar, or given in evidence under the general issue: and every such plea in bar, or evidence so given under the general issue, shall be deemed and adjudged to be a good and complete bar to any such claim, action, suit, or proceeding in the said High Court of Admiralty, or in any Court or Place other than such Mixed Courts; any thing in any Act or Acts, or Law or Laws, to the contrary in anywise notwithstanding.

X. And be it further enacted, that nothing in this Act contained shall be deemed or construed in anywise to alter, suspend, affect, relax, or repeal any of the clauses, penalties, forfeitures, or punishments contained and enacted in any Act or Acts made for the suppression or prevention of the Slave Trade; but that all such Acts, and all clauses, regulations, penalties, forfeitures, and punishments therein respectively contained, shall remain in full force and virtue, anything in this Act contained to the contrary notwithstanding.

XI. And be it further enacted, that if any action or suit shall be commenced, either in Great Britain or elsewhere, against any Person or Persons, for anything done in pursuance of the said Treaty, or the Instructions or Regulations thereto annexed, or of this Act, the Defendant or Defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of the said Treaty, Instructions, or Regulations, or of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the Plaintiffs, the Defendant or Defendants shall recover treble costs, and have the like remedy for the same as Defendants have in other cases by Law.

ORDINANCE of the King of Sweden, promulgating the Treaty with Great Britain for the suppression of the Slave Trade.—21st July, 1825. (Translation.)

WE, Charles John, King of Sweden, of Norway, of the Goths and Vandals, make known, that a Treaty for the suppression of the Slave Trade having been concluded, on the 6th of November of last year, between us and His Majesty the King of the United Kingdom of Great

Britain and Ireland; We, according to the engagements which we have contracted by the same Treaty, and conformably to what We have already ordained by our gracious Proclamation of 7th February, 1823, do hereby, in the most express manner, renew to all our Subjects the prohibition already issued, in the above-mentioned Ordinance, to partake in any way whatever in the Slave Trade:

Wherefore, We graciously ordain and command, that those concerned do conform exactly, both to the above-mentioned Ordinance and to the contents of the before-mentioned Treaty, for the suppression of a traffick so disgraceful to humanity.

Let all those concerned obediently conform to these presents, for the further confirmation of which we have signed them with our own hand, and affixed thereto our Royal Seal.

Palace of Stockholm, 21st July, 1825.

(L.S.) C. D. SKOGMAN.

CARL JOHAN.

ACT of Congress "to provide for the adjustment of Claims of Persons entitled to indemnification, under the 1st Article of the Treaty of Ghent, and for the distribution, among such Claimants, of the sum paid, and to be paid, by the Government of Great Britain, under a Convention between The United States and His Britannick Majesty, concluded at London, on the 13th of November, 1826."—Approved, 2d March, 1827.

SECT. I. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the President of The United States shall be, and he is hereby authorized, by and with the advice and consent of the Senate, to appoint three Commissioners, and one Clerk, who shall constitute a Commission, to carry into effect the purposes of this Act.

II. And be it further enacted, that all records, documents, and other papers, which were in possession of the Commissioners, constituting the Mixed Commission under the Treaty of Ghent, so far as the same are under the control of the Government of The United States, shall be delivered to the Commissioners under this Act.

III. And be it further enacted, that the said Commissioners, or a majority of them, with their Clerk, shall convene in the City of Washington, on the 10th day of July next, and shall proceed to execute the duties of their Commission, and the Secretary of State shall be, and he is hereby, authorized and required, forthwith, after the passing of this Act, to give a notice of the said intended meeting, to be published

in one or more Publick Gazettes in the City of Washington, and in the States from which the property of Claimants who have heretofore registered their Claims, shall have been taken.

IV. And be it further enacted, that the said Commissioners shall proceed, immediately after their meeting in the City of Washington, with all convenient despatch, to arrange and docket the several Claims, and to consider the evidence which shall have been or which may be offered by the respective Claimants, allowing such further time for the production of such further evidence as they may require, as they shall think reasonable and just; and they shall thereupon proceed to determine such Claims, and to award distribution of the said fund among the several Claimants, according to their respective rights.

V. And be it further enacted, that the said Commissioners shall be, and they are hereby, authorized and empowered, to make all needful rules and regulations, not contravening the laws of the land, the provisions of this Act, or the provisions of the said Treaty and Convention for carrying their said Commission into full and complete effect.

VI. And be it further enacted, that the said Commissioners shall be entitled to, and allowed, the sum of 3000 dollars per annum, each; and the Clerk of the said Commission shall be entitled to, and allowed the sum of 1500 dollars per annum, during the continuance of the said Commission; and the President of The United States shall be, and he is hereby, authorized to make such provision for the incidental expenses of the said Commission as shall appear to him reasonable and proper; and the said salaries and expences shall be paid out of any money in the Treasury, not otherwise appropriated.

VII. And be it further enacted, that the said Commissioners and Clerk, shall severally take an oath for the faithful performance of the duties of their respective offices.

VIII. And be it further enacted, that the Commission hereby created shall not continue after the end of the next Session of Congress.

IX. And be it further enacted, that the payment of such Claims as may be admitted and adjusted by the said Commissioners, or the major part of them, to an amount not exceeding 1,204,960 dollars, shall be made out of any moneys in the Treasury not otherwise appropriated: that is to say, so soon, and as often, as any of the said Claims shall be adjudged to be valid, and the principal amount shall be ascertained, there shall be paid on such Claims, respectively, a sum equal to 75 per centum of the principal sums thereof, so ascertained; and at the termination of the time hereby fixed for the dissolution of the Board, or such earlier dissolution thereof as may be determined upon by the Board itself, after it shall have examined and decided upon all the Claims aforesaid, the balance of all such sums as shall be adjudged to

the Claimants, shall be paid : Provided, the whole sum adjudged or awarded to them, collectively, shall not exceed the aforesaid sum of 1,204,960 dollars; and if the whole sum adjudged or awarded shall exceed that amount, the Claimants shall, respectively, receive in proportion to the sums awarded to them respectively, a part of the balance thereof remaining for distribution.

X. And be it further enacted, that all moneys already received, and all which shall hereafter be received, under the Convention aforesaid, signed at London on the 13th of November, 1826, shall be paid into the Treasury of The United States.

XI. And be it further enacted, that as soon as the said Commission shall be executed and completed, the records, documents and all other papers in the possession of the Commission, or its officers, shall be deposited in the office of the Secretary of State.

XII. And be it further enacted, that all Claims which were deposited in the Department of State, and by mistake omitted to be placed on the definitive list delivered to the former Commissioners, shall be, and are hereby required to be added thereto; and the said Claimants shall be entitled to the same rights and benefits as if such Claims had been placed on the said definitive list, in terms of the 3rd Article of the Convention concluded at St. Petersburg, on the 12th day of July, 1822.

PROCLAMATION of The President, prohibiting intercourse between The United States and certain British Colonial Ports.—17th March. 1827.

WHEREAS by the 6th Section of an Act of Congress, entitled, "An Act to regulate the Commercial intercourse between The United States and certain British Colonial Ports," which was approved on the 1st day of March, in the year of our Lord, 1823, it is enacted, "that this Act, unless repealed, altered, or amended, by Congress, shall be and continue in force so long as the above enumerated British Colonial Ports shall be open to the admission of the Vessels of The United States, conformably to the provisions of the British Act of Parliament of the 24th of June last, being the 44th Chapter of the Acts of the 3d year of George the Fourth. But if at any time the trade and intercourse between The United States and all or any of the above enumerated British Colonial Ports, authorized by the said Act of Parliament, should be prohibited by a British Order in Council, or by Act of Parliament, then, from the day of the date of such Order in Council, or Act of Parliament, or from the time that the same shall commence to be in force, Proclamation to that effect having been made by the Pre-

sident of The United States, each and every provision of this Act, so far as the same shall apply to the intercourse between The United States, and the above enumerated British Colonial Ports, in British Vessels, shall cease to operate in their favour; and each and every provision of the Act concerning Navigation, approved on the 18th of April, 1818, and of the Act supplementary thereto, approved on the 15th of May, 1820, shall revive and be in full force."

And, whereas, by an Act of the British Parliament, which passed on the 5th day of July, in the year of our Lord, 1825, [Cap. 105.] entitled "An Act to repeal the several laws relating to the Customs," the said Act of Parliament of the 24th June, 1822, was repealed; and by another Act of the British Parliament, passed on the 5th day of July, in the year of our Lord, 1825, in the 6th year of the reign of George the Fourth, [Cap. 114.] entitled "An Act to regulate the trade of the British Possessions abroad," and by an Order of His Britannick Majesty in Council, bearing date the 27th of July, 1826, the trade and intercourse authorized by the aforesaid Act of Parliament, of the 24th of June, 1822, between The United States and the greater part of the said British Colonial Ports therein enumerated, have been prohibited upon and from the 1st day of December last past, and the contingency has thereby arisen on which the President of The United States was authorized by the 6th Section aforesaid of the Act of Congress of the 1st of March, 1823, to issue a Proclamation to the effect therein mentioned:

Now, therefore, I, John Quincy Adams, President of The United States of America, do hereby declare and proclaim, that the trade and intercourse authorized by the said Act of Parliament of the 24th of June, 1822, between The United States and the British Colonial Ports enumerated in the aforesaid Act of Congress of the 1st of March, 1823, have been, and are, upon and from the 1st day of December, 1826, by the aforesaid two several Acts of Parliament, of the 5th of July, 1825, and by the aforesaid British Order in Council of the 27th day of July, 1826, prohibited.

Given under my hand at the City of Washington, this 17th day of March, in the year of our Lord, 1827, and the 51st of the Independence of The United States.

By the President.

JOHN QUINCY ADAMS.

H. CLAY, *Secretary of State.*

BRITISH Order in Council, relative to the Privileges granted to Foreign Countries of trading with the British Possessions Abroad.—16th July, 1827.

At the Court at Windsor, the 16th day of July, 1827,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament passed in the 6th Year of the Reign of His present Majesty, intituled "An Act to regulate the trade of the British Possessions abroad," [Cap. 114.] 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 by an Order of His Majesty in Council, bearing date the 3d day of May, 1826, after reciting, that 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 was 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* were entitled to the privileges so granted as aforesaid by the Law of Navigation, and might 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 might export goods from such British Possessions abroad to be carried to any Foreign Country whatever :

And whereas by an Order of His Majesty in Council, bearing date the 1st day of June, 1826, after reciting, that the conditions mentioned and referred to in and by the said Act of Parliament, had not in all respects been fulfilled by the Government of *France*, but that, nevertheless, His Majesty, by and with the advice of His Privy Council, did deem it expedient to grant certain of the privileges aforesaid to the Ships of *France*; His Majesty did, 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 should and might 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 were mentioned and enumerated in the table subjoined to the said Order, and to export goods from such British Possessions to be carried to any Foreign Country whatever; and the table referred to in the said Order was as follows, that is to say; wheat, flour, biscuit, bread, meal, peas, beans, rye, calavances, oats, barley, Indian corn, rice, shingles, red oak staves or headings, white oak staves or headings, wood, lumber, wood hoops, live stock, hay and straw, coin and bullion, diamonds, salt, fruit and vegetables fresh, cotton wool, and all articles subject on importation to a duty *ad valorem*, on which articles the amount of such duty should not at the time of importation exceed £7. 10s. for every £100. of the value of the same.

And whereas by an Order in Council, bearing date the 16th of December, 1826, after reciting the said last-mentioned Order of the 1st day of June, 1826, His Majesty, by and with the advice aforesaid, and in pursuance and exercise of the Powers and Authority in him vested by the said Act, did declare and grant, that it should be lawful for *French Ships* to import into the Island of Mauritius, 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 the said Order in Council of the 1st day of June, 1826, and for the prevention of any doubts respecting the true meaning and effect of the said Order in Council of the 1st day of June, 1826, and of the said Order of the 16th day of December, 1826, His Majesty was further pleased to order and declare, that neither the said Order in Council of the 1st day of June, 1826, nor the said Order of the 16th day of December, 1826, should extend or be construed to extend, to authorize the importation by *French Ships* into any of the British Possessions in the West Indies and America, or into the Island of Mauritius, from the Dominions of His Most Christian Majesty, of any Wine being the produce of those Dominions.

And whereas by an Order in Council, bearing date the 27th day of July, 1826, after reciting that the conditions mentioned and referred to in the said Act of Parliament had not in all respects been fulfilled by the Government of *The United States* of America, and that, therefore, the privileges so granted as aforesaid by the Law of Navigation to Foreign Ships could not lawfully be exercised or enjoyed by the Ships of *The United States*, aforesaid, unless His Majesty, by His Order in Council, should grant the whole or any of such privileges to the Ships of *The United States* aforesaid, and that His Majesty did deem it expedient to grant to the Ships of the said United States

such of the said privileges as were thereafter mentioned, His Majesty did 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 was and should 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 should 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 did further, with the advice aforesaid, declare, that the privileges so granted as aforesaid to the Ships of the said *United States*, so far as respected the British Possessions in the West Indies, and on the Continent of South America, and so far as respected the Bahama Islands and the Bermuda or Somer Islands, and so far as respected His Majesty's Settlements in the Island of Newfoundland, and the several Islands belonging to and dependent on those Settlements, should absolutely cease and determine upon and from the 1st day of December in the Year 1826; and it was further provided, and His Majesty did further, with the advice aforesaid, declare, that the privileges so granted as aforesaid to the Ships of *The United States*, so far as respected the British Possessions on the Western Coast of Africa, should absolutely cease and determine upon and from the said 1st day of December, 1826; and it was further provided, and His Majesty, with the advice aforesaid, did further declare, that the privileges so granted as aforesaid to the Ships of the said United States, so far as respected the Colony of the Cape of Good Hope and the Islands, Settlements, and Territories belonging thereto and dependent thereupon, and so far as respected the Island of Mauritius and the several Islands and Territories belonging thereto or dependent thereupon, and so far as respected the Island of Ceylon and the several Islands and Territories belonging thereto and dependent thereupon, should absolutely cease and determine upon and from the 1st day of March in the Year 1827; and it was further provided, and His Majesty did, with the advice aforesaid, declare, that the privileges so granted as aforesaid to the Ships of the said *United States*, so far as respected 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 respected the Island of Van Dieman's Land and the several Islands and Territories belonging thereto and dependent thereupon, should absolutely cease and determine upon and from the 1st day of May, 1827; and it was thereby provided, that nothing therein contained should extend, or should 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 late Majesty and the *United States* of America, bearing date the 20th 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 Convention, or either of them, or of the several Acts of Parliament made for carrying such Conventions into effect, could or might be lawfully imported into or exported from such British Possessions.

And whereas by an Act, passed in the 7th and 8th Years of His present Majesty's Reign, intituled "An Act to amend the Laws relating to the Customs," [Cap. 56.] after reciting or taking notice of the said Act so passed aforesaid in the 6th Year of His Majesty's reign, and after reciting that unless some period were limited for the fulfilment by Foreign Countries of the conditions mentioned and referred to in the said recited Act, the Trade and Navigation of the United Kingdom and of the British Possessions abroad, could not be regulated by fixed and certain rules, but would continue subject to changes dependent upon the Laws from time to time made in such Foreign Countries; it is therefore enacted, that no Foreign Country shall hereafter be deemed to have fulfilled the conditions so prescribed as aforesaid in and by the said Act, as to be entitled to the privileges therein mentioned, unless such Foreign Country had in all respects fulfilled those conditions within 12 months next after the passing of the said Act, that is to say, on or before the 5th day of July, 1826; and for the better ascertaining what particular Foreign Countries are permitted by Law to exercise and enjoy the said Privileges, it is further enacted, that no Foreign Country shall hereafter be deemed to have fulfilled the before-mentioned conditions, or to be entitled to the privileges aforesaid, unless and until His Majesty shall, by some Order or Orders to be by Him made, by the advice of His Privy Council, have declared that such Foreign Country hath so fulfilled the said conditions, and is entitled to the said privileges; provided always, and it is thereby declared and enacted, that nothing therein contained, extends, or shall be construed to extend, to make void or annul any Order or Orders in Council theretofore issued, under the authority or in pursuance of the said recited Act, or to take away or abridge the powers, vested in His Majesty in and by the said Act, or any of those powers, any thing therein contained to the contrary in anywise notwithstanding:

And whereas it is expedient that, in pursuance of the Powers vested in His Majesty in and by the said recited Acts of Parliament, His Majesty should declare what Foreign Powers have fulfilled the before-mentioned conditions, and are entitled to the privileges afore-

said, His Majesty therefore, in pursuance and exercise of the powers vested in him in and by the said Acts of Parliament, by and with the advice of His Privy Council, is pleased to order and declare that the several Orders in Council bearing date respectively the 3d day of May, 1826, the 1st day of June, 1826, the 16th day of December, 1826, and the 27th day of July, 1826, hereinbefore respectively recited, shall be, and the same are hereby, confirmed and continued in full force and effect: and His Majesty doth further, in pursuance and exercise of the powers aforesaid, and with the advice aforesaid, declare and grant that it shall be lawful for *French Ships* to import into the British Possessions on the Western Coast of Africa, and into the Colony of the Cape of Good Hope, and into the Island of Ceylon, and into His Majesty's Settlements in the Island of New Holland, and into the Island of Van Dieman's Land, and into the several Islands and Territories dependent upon and belonging to the several Settlements or Colonies aforesaid, from the Dominions of His Most Christian Majesty, such goods being the produce of those Dominions, as are mentioned and enumerated or referred to in the Table subjoined to the said Order in Council of the 1st day of June, 1826. And in further pursuance of the powers vested in His Majesty, in and by the said Acts of Parliament so passed as aforesaid in the 7th and 8th Years of His Majesty's Reign, His Majesty, with the advice aforesaid, is further pleased to declare that the conditions mentioned and prescribed in and by the said Acts so passed as aforesaid in the 6th Year of His Majesty's Reign, have in all respects been fulfilled by the Government of His Majesty as King of *Hanover*, and by the Government of His Majesty the King of *Sweden* and *Norway*, and by the Government of His Serene Highness the Duke of *Oldenburgh*, and by the Free Hanseatick Republicks of *Lubeck*, *Bremen*, and *Hamburgh*, and by the State of *Colombia*, and by the United Provinces of *Rio de la Plata*, and by the United States of *Mexico*: and His Majesty is further pleased to declare that the Ships of and belonging to the Dominions of His Majesty as King of *Hanover*, or of His Majesty the King of *Sweden* and *Norway*, or of His Serene Highness the Duke of *Oldenburgh*, or of the Free Hanseatick Republicks of *Lubeck*, *Bremen*, and *Hamburgh*, or of the State of *Colombia*, or of the United Provinces of *Rio de la Plata*, or of the United States of *Mexico*, are entitled to the privileges so granted as aforesaid by the Law of Navigation, and may respectively import from such the Dominions to which they respectively belong into the British Possessions abroad, goods, the produce of such Dominions respectively, and may export goods from the British Possessions abroad, to be carried into any Foreign Country whatever:

And whereas His Majesty, by and with the advice of His Privy Council, doth deem it expedient to grant the privileges aforesaid to the Ships of the Dominions of His Majesty the Emperor of all the *Russias*; His Majesty doth therefore, by the advice aforesaid, and in pursuance

and exercise of the powers and authority in him vested by the said last recited Act of Parliament, declare and grant that it shall and may be lawful for *Russian* Ships to import into any of the British Possessions abroad, from the Dominions of His Majesty the Emperor of all the *Russias*, goods, the produce of those Dominions, and to export goods from such Possessions, to be carried into any Foreign Country whatever; and His Majesty, by the advice aforesaid, is further pleased to declare and grant that it shall and may be lawful for Ships of or belonging to any Kingdom or State within the limits of the East India Company's Charter, to import from the Dominions to which they respectively belong, goods, the produce of such Dominions, into the Colony of the Cape of Good Hope, and into the Island of Ceylon, and into the Island of Mauritius, and into His Majesty's Settlements in the Island of New Holland, and in the Island of Van Dieman's Land, and into the several Islands and Territories dependent upon and belonging to the several Settlements or Colonies aforesaid, and to export goods from such several Settlements or Colonies, or their respective Dependencies, to be carried into any Foreign Country whatever; provided always that nothing herein contained, shall extend, or be construed to extend, to take away or abridge any power now vested in His Majesty's Subjects in the last mentioned Settlements or Colonies, of trading with any kingdom or State, within the limits of the said Company's Charter, and in further pursuance of the said Act of Parliament, His Majesty, by the advice aforesaid, doth declare that no Foreign Country is entitled to the privileges so granted as aforesaid by the Law of Navigation, other than and except the Foreign Countries hereinbefore particularly mentioned; that no Foreign Ships can or may lawfully import into or export from any of the British Possessions abroad, any goods, except so far as the right of such Foreign Countries to which such Ships may belong is hereinbefore declared; provided always, that nothing herein contained extends, or shall be construed to extend, to infringe or interfere with any Treaty or Convention subsisting between His Majesty and any Foreign State or Power; provided also and it is further ordered and declared, that nothing herein, or in the said former Orders in Council, or any of them contained, extends, or shall be construed to extend, to His Majesty's Garrison and Territory at Gibraltar, or to the Island of Malta, but that goods shall and may be imported into and exported from Gibraltar and Malta, in the same manner in all respects as though this present Order, or the said former Orders, had not been made:

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable Viscount Goderich, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

JAS. BULLER.

DECLARATION entre Sa Majesté le Roi de Sardaigne et Sa Majesté le Roi de Saxe, pour l'abolition, entre les deux Etats, de tout droit d'aubaine, de détraction et autres semblables. Signée à Turin, le 17 Octobre, 1825.

Manifeste du Sénat de Savoie.

UNE Déclaration ayant été arrêtée entre Sa Majesté notre Auguste Souverain et Sa Majesté le Roi de Saxe, pour l'abolition, entre les deux Etats, de tout droit d'aubaine, de détraction et autres semblables, le Roi a daigné Nous faire parvenir une Copie authentique de cette Déclaration, signée à Turin le 17 Octobre 1825, par Son Excellence le Comte de la Tour, Ministre et Premier Secrétaire d'Etat pour les Affaires Etrangères, en échange d'un autre Acte conforme, expédié de la part du Gouvernement de Sa Majesté le Roi de Saxe ; et Il Nous a chargé, par lettre à cachet en date du 21 du courant, de la faire publier dans toutes les villes et terres de notre ressort, et de donner les ordres nécessaires pour son exécution.

C'est pourquoi, en exécution des Ordres Souverains, Nous notifions au public les Articles suivans de la Déclaration susdite.

ART. I. Les droits de détraction et autres semblables, auxquels étaient sujets les héritages, les biens, etc., à exporter d'un Etat à l'autre, pour cause de leur exportation, sont et resteront abolis entre les Etats de Sardaigne et de Saxe, de même que le droit d'aubaine, qui cependant n'a jamais été exercé entre les deux Etats.

II. Les Sujets de l'un des deux Gouvernemens jouiront, à l'avenir, réciproquement dans tous les Etats de l'autre Gouvernement, et de la même manière dont en jouissent les Sujets naturels, de la faculté d'acquérir et de transmettre toute sorte de biens, meubles ou immeubles, créances ou autres quelconques, soit par succession *ab intestat*, soit par testament, soit par tout autre acte entre-vifs, ou à cause de mort, sans que les sujets d'un Etat soient tenus à aucune résidence dans l'autre, ni obligés à obtenir des lettres de naturalisation, ni même à présenter des permissions ou des titres qui ne seraient point nécessaires aux Sujets naturels, auxquels ils seront par conséquent, quant aux effets de cette abolition, entièrement assimilés.

III. Les Sujets d'un Etat pourront exporter librement, et sans payement d'aucun droit, tous les biens qu'ils auront acquis de la manière ci-dessus dans l'autre Etat.

IV. Sont exceptés des dispositions ci-dessus les prélèvements quelconque, soit en faveur du Gouvernement, soit au bénéfice des corporations, fondations ou particuliers, prescrits, ou à introduire sur les héritages, indépendamment du cas d'exportation, et affectant les Sujets du Pays comme les étrangers. Toutefois lorsque ces sortes de prélèvements sur les héritages seront exercés par l'un des deux Gouvernemens, l'autre Gouvernement pourra, par droit de réciprocité, en exercer de semblables de son côté.

V. Les stipulations des Articles précédens seront censées en pleine vigueur à dater du jour de l'échange de leurs ratifications.

Et en notifiant de même que les ratifications de ladite Déclaration ont été échangées le 28 Mars dernier.

Mandons et ordonnons que le présent sera publié et affiché aux lieux et de la manière accoutumés dans tout ce Duché, et ses dispositions ponctuellement observées suivant leur forme et teneur ; voulant qu'aux exemplaires imprimés à l'Imprimerie Royale en Savoie, foi soit ajoutée comme à l'original.

Fait à Chambéry, au Sénat, le 26 Juin, 1826.

GABET.

CONVENTION entre Sa Majesté le Roi de Sardaigne et Sa Majesté l'Empereur d'Autriche, pour l'extradition réciproque des Déserteurs, etc. Signée à Turin, le 11 Juillet, 1823.

Manifeste du Sénat de Savoie.

UNE Convention ayant été conclue à Turin, entre Sa Majesté le Roi de Sardaigne et Sa Majesté l'Empereur d'Autriche, en date du 11 Juillet 1823, par leurs Ministres respectifs à ce autorisés, en renouvellement de celle du 17 Mai, 1817, pour l'arrestation et l'extradition réciproque des Déserteurs, et les ratifications de cette nouvelle Convention qui eurent lieu dans le temps prescrit, ayant été échangées le 6 Juin dernier, Sa Majesté a daigné Nous en faire parvenir une Copie authentique pour être déposée dans nos Archives, en Nous prescrivant de la faire publier dans toutes les Villes et terres de notre ressort, et de donner les ordres nécessaires pour en assurer l'exécution.

C'est pour quoi, conformément à ces Ordres Souverains, nous notifions au public les dispositions suivantes :

ART I. Toutes les Autorités Civiles et Militaires, et surtout les Commandans le long des Frontières des deux Etats, sont tenus de veiller soigneusement à ce qu'aucun Déserteur des Armées respectives ne passe la Frontière, ni qu'il trouve asile et protection dans les Etats de l'autre Puissance Contractante.

Lorsqu'il leur sera donné avis d'une désertion par les Autorités de l'Etat voisin, ils seront tenus de répondre à cet avis dans le plus bref délai, et d'instruire les Autorités qui se sont adressées à eux des mesures qu'ils auront prises pour la découverte des Déserteurs.

II. A cet effet, tout Militaire sans exception, soit de l'infanterie, cavalerie, du train, soit d'une branche quelconque de l'Armée Sarde ou Autrichienne, qui arrive sur le Territoire de l'autre Puissance, sera arrêté sur-le-champ s'il n'est pourvu d'un passeport ou feuille de route en règle, et livré avec tout ce qu'il pourrait avoir emporté avec lui d'armes, habillemens, bagages, chevaux, etc., quand même le Déserteur ne serait pas réclamé.

Il en sera à cet effet donné avis dans les vingt-quatre heures après son arrestation, ou le plutôt que faire se pourra, au Commandant le poste le plus près de la Frontière, en lui faisant connaître la désignation du régiment dont l'individu aura déserté, le jour de son arrestation et les objets qu'il avait sur lui, afin que ce Commandant envoie jusqu'à la Frontière un détachement pour le recevoir, et payer en même temps les frais que sa détention aura occasionnés, soit pour son entretien, soit pour la nourriture des chevaux qu'il pourrait avoir emmenés, ensemble le montant de la récompense fixée à l'Art. 6, et conformément à ce qui est dit à l'Art. 9 ; si l'individu arrêté avait déserté l'Armée d'un autre Souverain avec lequel il existe aussi un Cartel, il sera rendu au corps d'armée qu'il a déserté en dernier lieu.

A l'égard des Officiers des deux Armées respectives, il sera continué d'agir d'après les concerts en vigueur jusqu'à présent.

III. Si cependant, malgré toutes les mesures de précaution, le Déserteur réussissait à tromper la vigilance des postes frontières par déguisement ou faux passeport ou autrement, et qu'il fût parvenu à se glisser dans le Pays ou à s'enrôler dans les Armées, soit dans des régimens nationaux ou étrangers indistinctement, il sera livré au Commandant de l'Armée qu'il aura désertée, du moment qu'il aura été découvert, quand même il serait déjà établi dans le Pays depuis quelque temps.

IV. Sont exceptés de cette restitution les Déserteurs nés Sujets de celle des Puissances Contractantes dans les Pays de laquelle ils se seront réfugiés, puisque par l'évasion du service étranger, ils retournent dans le Domaine de leur Souverain légitime ; la restitution en ce cas n'aura lieu que pour les armes, chevaux, effets d'habillement et autres qu'ils auront emportés.

L'exception précitée ne s'étend toutefois pas aux Déserteurs nés dans les Etats de l'une des Hautes Parties Contractantes, qui, après avoir acquis légalement les droits de Citoyen dans les Etats de l'autre, auraient déserté de l'Armée de cette dernière ; un tel Déserteur, s'il est arrêté dans l'Etat où il est né, sera livré, ce nonobstant, sans difficulté.

V. Il sera alloué à chaque Déserteur, quelle que soit sa qualité, une ration de pain et 25 cent. par jour, et une ration de fourrage par cheval, qui seront payés suivant le prix courant dans la place où le déserteur aura été détenu.

VI. Ceux qui dénoncent ou saisissent un Déserteur recevront une récompense ou *taglia* de 8 florins, ou 20 fr. en argent de cours pour un fantassin, et 12 florins ou 30 fr. pour un homme de cavalerie avec le cheval.

VII. Si un Déserteur a commis, dans le Pays où il s'est réfugié, un délit qui emporte, d'après les lois dudit Pays, une peine moindre que la condamnation aux travaux publics, il sera restitué sans retard, et sa restitution sera accompagnée d'un procès verbal ou acte légal, qui in-

diquera le délit dont il s'est rendu coupable, avec toutes les circonstances aggravantes ou atténuantes, afin qu'il puisse être puni par les Tribunaux de la Puissance à laquelle on le remettra, d'après les Lois du Pays où le délit aura été commis ; à quel effet le susdit procès verbal devra indiquer la peine que ces mêmes Lois prononcent contre ce genre de délit.

Dans le cas où la peine encourue par le Déserteur pour le délit commis dans le Pays où il s'est réfugié, fût celle d'une condamnation aux travaux forcés, ou une peine plus forte, la restitution n'aura lieu qu'après qu'il aura subi cette peine.

VIII. Chaque détachement qui est envoyé à la poursuite d'un Déserteur, doit s'arrêter à la Frontière et n'envoyer, jusqu'au prochain village, qu'un homme muni de passeport, pour y réclamer le Déserteur aux Autorités du premier endroit.

IX. Les Commandans réciproques de la Frontière devront s'entendre sur le lieu, jour et heure où la remise des Déserteurs sera effectuée, et envoyer le détachement nécessaire à cet effet à l'endroit convenu.

Le Commandant qui recevra le détenu devra, au moment même de la remise, payer au Commandant qui le lui remettra, sur quittance de ce dernier, le montant de la *taglia* et des frais que le détenu aura occasionés, conformément à ce qui est stipulé par les Art. 2 et 5 du présent, et il retirera l'état indicatif de ces frais, ainsi que les procès verbaux et autres pièces qui accompagnaient le détenu, en délivrant à son tour un reçu du détenu et de toutes les pièces qui lui auront été consignées.

X. Les mêmes dispositions auront lieu pour les domestiques des Officiers de l'une des Puissances Contractantes, qui seraient trouvés sur le Territoire de l'autre, pour autant toutefois qu'ils seront réclamés ; ils seront alors arrêtés et livrés comme il est dit à l'Art. 2.

XI. Tout Officier d'une Armée qui porterait à la désertion un soldat de l'autre, soit par ruse, soit par force, sera puni de deux mois d'arrêts.

XII. Tout autre individu sera puni, en pareil cas, par un mois de prison, ou par une amende de 50 francs, sauf l'augmentation de la peine à laquelle pourraient donner lieu les circonstances aggravantes du délit.

XIII. Il est défendu à tout Sujet des Puissances Contractantes d'acheter des Déserteurs des Armées de l'autre Etat, soit des habillemens, chevaux, armes, etc., soit toute autre partie de l'équipage du Déserteur.

Partout où l'on trouvera lesdits effets, ils seront regardés comme un bien volé, et restitués au régiment auquel appartient le Déserteur, et les Contrevenans à cet Article seront punis d'une amende de 25 francs, s'il est prouvé qu'ils aient eu connaissance, soit par la nature de l'effet acheté, soit autrement, que cet effet avait été volé.

XIV. Toutes les Stipulations relatives à l'extradition réciproque des Déserteurs sont, par la présent Article, expressément étendues aux Conscrits réfractaires des deux Etats, et seront mises en vigueur en autant qu'elles sont applicables à ces derniers.

A cet effet, seront prises les mesures suivantes :

1°. Les Sujets de l'une des deux Puissances Contractantes qui se présenteraient à la Frontière de l'autre, sans être munis de passeports en règle ou d'autorisation légale, et spécialement ceux qui pourraient être soupçonnés de vouloir se soustraire à la levée Militaire, seront réputés vagabonds et repoussés comme tels de la Frontière, sans toutefois que le commerce habituel entre les habitans des endroits situés sur la frontière, tel qu'il existe conformément aux Ordonnances en vigueur dans les deux Etats, ou tel qu'il pourra être réglé de commun accord à l'avenir, ainsi que le passage annuel des ouvriers de la campagne, puissent être gênés.

2°. Ceux des Sujets de l'une des deux Puissances Contractantes qui se trouvent dans les Etats de l'autre munis de passeports en règle ou d'autorisation légale, et qui seraient appelés au Service Militaire, de quelque arme, branche, ou qualité que ce soit, seront renvoyés dans leur Patrie, dès que la réclamation en aura été faite en due forme.

3°. Les Sujets de l'une des deux Puissances qui ne sauraient prouver d'une manière évidente leur exemption du Service Militaire dans leur Patrie, ne seront enrôlés à aucune espèce de Service Militaire dans les Etats de l'autre.

XV. La présente Convention aura force et exécution huit jours après sa publication, et elle continuera à être en vigueur de 5 en 5 Ans, sans qu'à l'expiration de ce terme un renouvellement exprès soit nécessaire, jusqu'à ce que l'une des deux Puissances Contractantes fasse une déclaration contraire.

Elle sera publiée dans toute l'étendue des deux Etats et les deux Augustes Souverains s'engagent expressément de faire donner les ordres nécessaires aux Autorités compétentes, afin qu'il soit le plutôt possible donné suite aux réclamations qui seront faites en vertu de cette Convention, et de faire punir d'une manière conforme à leur délit, celles de ces Autorités qui se rendraient coupables de négligence, ainsi que ceux de leurs Sujets qui recéleraient chez eux, ou qui protégeraient la fuite des individus de l'autre Nation, qui ne sont pas munis de passeports en règle, ou qui sont déjà réclamés.

Mandons et ordonnons que le présent soit lu, publié et affiché dans tout ce Duché, aux lieux et de la manière accoutumés, pour être observé suivant sa forme et teneur; voulant qu'aux Copies imprimées à l'Imprimerie Royale en Savoie, foi soit ajoutée comme à l'original.

Donné à Chambéry, au Sénat, le 7 Août, 1826.

GABET.

CONVENTION entre Sa Majesté le Roi de Sardaigne et Son Altesse Royale l'Infant d'Espagne, Duc de Luques, etc., pour l'abolition du droit d'aubaine, de traite foraine et de détraction, et assurer des droits reciproques pour leurs Sujets, &c. Signée le 7 Mars, 1826.

Manifeste du Sénat de Savoie.

SA Majesté notre Auguste Souverain, et Son Altesse Royale l'Infant d'Espagne, Dom Charles-Louis de Bourbon, Duc de Luques, etc., en vu de faire ressentir à leurs Sujets respectifs les effets avantageux des liens de Parenté qui naissent des deux Familles Souveraines, et de rendre ainsi plus solides et plus faciles les rapports de Parenté, d'Amitié et de Commerce qui existent déjà entre les Habitans des deux Etats, ont résolu de conclure une Convention qui, en abolissant dans leurs Domaines respectifs tout droit d'aubaine, de traite foraine et de détraction, assurât aux Sujets d'une des Hautes Parties Contractantes la liberté réciproque, pleine et entière de vendre, d'acquérir et de posséder des propriétés quelconques dans les Etats de l'autre, et, en un mot, la jouissance des droits dont ils jouiraient s'ils avaient la qualité de Sujets.

Les Ministres Plénipotentiaires qu'ils ont nommés à cet effet, ayant conclu le 7 Mars dernier cette Convention, qui a été ratifiée par Son Altesse Royale l'Infant, Prince de Luques, le 26 dudit Mars, et par Sa Majesté, le 29 du même mois, le Roi a daigné, par Lettre close du 24 du courant, nous en adresser Copie authentique, pour être déposée dans nos Archives, en nous prescrivant de la faire publier dans ce ressort, et de donner les ordres nécessaires pour en assurer l'exécution.

En conséquence de ces Ordres Souverains, nous notifions au public les dispositions suivantes :

ART. I. Tout droit d'aubaine, de traite foraine et de détraction, et tout autre de semblable nature, est et demeure aboli à jamais entre les deux Etats. Sont en conséquence abrogées toutes les Ordonnances, Lois et coutumes sur cet objet qui seraient en vigueur dans les deux Etats.

II. Les Sujets d'un Etat jouiront dans l'autre de la même faculté d'acquérir et de transmettre toute sorte de biens, de droits et de créances, soit par actes entre vifs soit par actes de dernière volonté et pour cause de mort, de la même manière qu'en jouissent les Sujets, sans que pour cet effet leur soit nécessaire la résidence, ou qu'ils aient besoin de Lettres de Naturalisation ou d'autres permissions ou formalités qu'on n'exigerait pas des Sujets du même Etat.

III. Les contrats, les testamens et tout autre acte ou disposition soit entre vifs, soit de dernière volonté, qui seront revêtus des formalités et conditions requises pour leur validité dans le lieu où ils auront été

faits, auront également leur effet dans l'Etat de l'autre Partie Contractante, quoique dans ce dernier Etat de plus amples formalités fussent nécessaires pour leur validité, ou qu'on y suivit à cet égard des règles différentes.

IV. Les actes publics et jugemens desquels résultera une hypothèque dans l'un des deux Etats, produiront également hypothèque sur les biens immeubles ou réputés tels, appartenans au débiteur dans l'autre Etat, pourvu que lesdits biens en soient susceptibles, d'après les Lois de l'Etat où ils sont situés, sans déroger aux Lois, aux règles et à la jurisprudence reçue pour la conservation et efficacité des hypothèques.

Les actes ou les jugemens exécutoires suivant les principes du droit, quoique passés ou rendus dans l'autre Etat, seront ainsi de la même force et vigueur que s'ils l'eussent été dans celui où les biens sont situés, et cela lors même qu'il s'agira d'actions réelles et possessoires. On remplira toutefois dans chaque Etat les formalités prescrites en matière de juridiction.

V. Pour obtenir plus facilement les bons effets que les deux Hautes Parties Contractantes se promettent de cette Convention, il est convenu :

1°. Que l'exécution des jugemens dont il s'agit dans l'Article IV. devra s'accorder, dans le cas où elle doit avoir lieu et en suivant la marche prescrite, sur la simple présentation de Lettres Rogatoires des Tribunaux Suprêmes respectifs.

2°. Que les Ordonnances de Justice, c'est-à-dire les Actes subsidiaires, se demanderont et se feront réciproquement et directement exécuter au moyen de Lettres Rogatoires des Tribunaux Suprêmes respectifs de l'un et de l'autre Etat.

VI. On regardera comme abolie l'obligation de la caution *judicatum solvi*, et les Sujets de l'un des Etats pourront se présenter et ester en jugement par-devant les Tribunaux de l'autre comme s'ils étaient Sujets de celui-ci, et entièrement soumis à la juridiction du Tribunal où la cause sera pendante.

VII. La présente Convention sera publiée dans les deux Etats. Elle sortira son effet plein et entier, à dater du jour qui suivra immédiatement celui où l'échange des Ratifications aura eu lieu.

En déclarant que l'échange des Ratifications de ladite Convention a eu lieu le 21 Avril dernier, Mandons et Ordonnons que le présent soit publié et affiché aux lieux et de la manière accoutumés, dans toutes les Villes et Communes de ce Duché, pour être observé suivant sa forme et teneur; voulant qu'aux Copies imprimées à l'imprimerie du Gouvernement en Savoie, foi soit ajoutée comme à l'original.

Donné à Chambéry, au Sénat, la Chambre des vacations tenant, le 28 Octobre, 1826.

GABET.

CONVENTION entre Sa Majesté le Roi de Sardaigne et Son Altesse Impériale et Royale le Grand-Duc de Toscane, pour l'arrestation et extradition réciproques des Déserteurs. Signée à Florence, le 7 Décembre, 1825.

Manifeste du Sénat de Savoie.

LE Roi, en nous faisant parvenir par sa Lettre à cachet du 28 Février dernier une Copie authentique de la Convention faite entre Sa Majesté et Son Altesse Impériale et Royale le Grand-Duc de Toscane, etc., pour l'arrestation et l'extradition réciproques des Déserteurs, signée à Florence le 7 Décembre précédent, approuvée et ratifiée par les deux Souverains, et les Ratifications échangées le 13 dudit Février, nous a chargé d'en faire publier les dispositions par un Manifeste, et d'en assurer l'exécution :

A ces causes, en exécution des Ordres du Roi, nous avons Ordonné et Ordonnons que la dite Convention sera publiée et affichée aux lieux et de la manière accoutumés, dans toutes les Villes et Communes de ce Duché ; que son contenu sera gardé et observé ; que tant ladite Convention que le présent Manifeste seront portés aux registres de Céans, et qu'aux Copies imprimées à l'imprimerie du Gouvernement en Savoie, foi soit ajoutée comme à l'original.

Fait à Chambéry, au Sénat, le 20 Mars, 1826.

GABET.

CONVENTION.

SA Majesté Charles-Félix, Roi de Sardaigne, de Chypre et de Jérusalem ; Duc de Savoie et de Gênes, etc. ; Prince de Piémont, etc. etc. ; et Son Altesse Impériale et Royale Léopold II. Prince Impérial d'Autriche, Prince Royale de Hongrie et de Bohême, Archiduc d'Autriche, Grand-Duc de Toscane, etc. etc., voulant prévenir et réprimer le délit de désertion dans les troupes de leurs Etats respectifs, en adoptant d'un commun accord les mesures les plus propres et en même temps les plus conformes aux rapports de bon voisinage et de correspondance amicale qui existent entre les deux Etats, ont résolu de conclure une Convention pour l'arrestation et extradition réciproques des Déserteurs des troupes de l'un des Etats, qui se seraient réfugiés dans l'autre.

Ils ont en conséquence nommé leurs Plénipotentiaires respectifs, lesquels ont convenu ainsi que suit :

ART. I. Tous les Militaires, tant d'Infanterie que de Cavalerie, Artillerie, Train, et de tout autre Corps de Troupes, soit de terre, soit de mer, tant de Sa Majesté Sarde, que de Son Altesse Impériale et Royale le Grand-Duc de Toscane, qui, désertant du service de l'Etat auquel ils appartiennent, viendraient se réfugier dans les Domaines de l'autre, devront être immédiatement arrêtés, même sans réquisition spéciale, et

ensuite rendus avec les armes, chevaux, équipage, et toute autre chose qu'ils auraient exportée dans leur désertion.

II. La remise ne pourra cependant s'effectuer que sur une réquisition diplomatique dans les formes.

Aussitôt qu'un Déserteur sera arrêté, le Gouvernement de l'Etat où l'arrestation aura eu lieu, en donnera sur-le-champ avis à l'autre, ou bien le Commandant de la Station des Carabiniers Royaux la plus proche de la Frontière, en donnera avis à l'Autorité Judiciaire Toscane, et celle-ci *vice versa* au Commandant de la Station des Carabiniers Royaux.

Mais si, à dater du jour où cette communication aura été faite dans l'une ou l'autre des formes sus-énoncées, 40 jours s'écoulaient sans que la demande officielle d'extradition fût parvenue, le Déserteur pourra être traduit à la Frontière et mis en liberté.

L'extradition devra avoir lieu, même dans le cas où le Déserteur aurait pris service dans les troupes de l'autre Etat. Dans le cas cependant où le Déserteur fût un Sujet du Prince dans l'Etat duquel il s'est réfugié, l'extradition de sa personne ne pourra pas avoir lieu, mais seulement la restitution des armes, chevaux et autres effets qu'il aurait exportés.

Toutes les fois que l'individu arrêté serait Déserteur de l'Armée d'un autre Souverain avec lequel il existât un semblable Cartel, il devra être remis à l'Etat qu'il aura quitté le dernier.

III. Les Déserteurs, ainsi consignés auront toujours la vie sauve, pourvu qu'ils ne soient pas condamnés à mort pour quelque autre délit.

IV. Si un Déserteur, soit avant, soit après la désertion, s'est rendu coupable de quelque délit dans l'Etat où il s'est réfugié, celui-ci ne sera tenu à le consigner à l'autre des troupes duquel il a déserté, qu'après qu'il aura subi la peine qu'il a encourue pour ce délit.

V. Toutes les Autorités Civiles et Militaires des deux Etats, en surtout les Commandans le long des Frontières, seront tenus de surveiller attentivement les Déserteurs des troupes de l'autre Etat qui pourraient s'introduire dans les lieux de leur juridiction, et de prendre, avec la plus grande célérité les mesures les plus propres à cet effet, particulièrement afin que les Militaires dépourvus de passeport ou feuille de route en règle, ne parviennent à trouver un asile dans leur Territoire, et soient immédiatement arrêtés.

VI. Tout détachement envoyé à la poursuite d'un Déserteur, devra s'arrêter à la Frontière, et ne pourra envoyer au delà des confins de l'Etat voisin, qu'une seule personne, ou deux tout au plus, munies d'une feuille d'ordre jusqu'au lieu le plus proche, pour y faire la demande d'arrestation de ce même Déserteur aux Autorités Civiles et Militaires. Le cas de l'arrêt arrivant, la disposition de l'Art. 2, § 2 aura lieu.

VII. L'entretien des Déserteurs et des chevaux sera fourni d'après les réglemens en vigueur dans les Etats respectifs pour les troupes du Pays, et le montant, ainsi que le prix fixé par l'Article suivant, seront

payés chaque 6 mois, d'après les états de dépense que l'on présentera à cet effet, et se compenseront entre les deux Gouvernemens.

VIII. Tous ceux qui arrêteront ou dénonceront un Déserteur, recevront un prix de 20 livres (neuves de Piémont, c'est-à-dire italiennes) pour un soldat d'infanterie, et de 30 pour un soldat de cavalerie ayant son cheval avec lui.

IX. Tout individu d'un Gouvernement, qui, d'une manière quelconque, engagerait un soldat de l'autre à désertir, sera passible de deux mois de réclusion et d'une amende de 50 livres susdites en faveur du corps auquel le Déserteur appartiendra, sans préjudice de l'augmentation de peine que les circonstances du délit pourraient comporter.

Tous ceux aussi qui sciemment donneront retraite à un Déserteur, encourront la peine d'un mois de prison, et en temps de guerre toute autre plus grave que les circonstances du délit pourront mériter.

X. Il est défendu aux Sujets respectifs d'acheter, des Déserteurs des troupes de l'autre Puissance, des objets d'habillement, des chevaux, des armes et tout autre effet de leur équipage.

En quelque temps que ces effets se retrouvent, ils seront considérés comme choses volées, et rendus au corps auquel le Déserteur appartiendra. Les transgresseurs de cet Article seront en outre punis par une amende de 100 livres susdites en faveur dudit corps, toute fois que, par la qualité des effets ou autrement, l'on prouverait que la provenance des effets était connue à l'acheteur.

XI. Tous les Articles de la présente Convention sont applicables aux jeunes gens compris dans la levée militaire, lesquels, pour s'y soustraire, iraient se réfugier des Etats de l'une dans ceux de l'autre des Hautes Parties Contractantes ; mais, par un égard réciproque et particulier, il est convenu entre les deux Gouvernemens que lesdits jeunes gens ne seront point assujétis, après leur extradition, à une peine afflictive quelconque.

XII. La présente Convention sera publiée dans chacun des Domaines aussitôt que les ratifications seront échangées, et elle aura son effet 15 jours après cet échange.

Elle aura force pour 5 ans, et on la tiendra sans autre comme renouvelée de 5 ans en 5 ans, jusqu'à déclaration contraire de l'un des deux Gouvernemens.

En foi de quoi les Ministres Plénipotentiaires respectifs ont signé et scellé du Sceau de leurs Armes la présente Convention, à Florence, le 7 Décembre 1825. **LE COMTE DE CASTELL'ALFERO.**

Ministre d'Etat de Sa Majesté le Roi de Sardaigne, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Son Altesse Impériale et Royale le Grand-Duc de Toscane.

LE COMTE FOSSOMBRONI.
Secrétaire d'Etat, Ministre des Affaires Etrangères.

BUDGET du Canton de Genève, pour l'Année 1826. Avec les Amendemens proposés par la Commission du Conseil Représentatif.
BUDGET soit Etat des Dépenses et Recettes présumées du Canton de Genève, pendant l'Année 1826.

DEPENSES.	ORDI- NAIRES.	EXTRAORDI- NAIRES.	TOTAUX.	RECETTES.	BRUTES.	FRAIS.	PRODUIT NET.
Intérêts de l'Emprunt	Fl. -	Fl. 17,000	Fl. 17,000	Excédant des Recettes de 1824	Fl. 247,505	Fl. -	Fl. 247,505
Intérêts à bonifier aux Communes	-	6,000	6,000	Intérêts présumés des Fonds en caisse	10,000	-	10,000
Remboursement du 9 ^e . douzième de la Dette	-	100,000	100,000	Fermes et Loyers	103,353	200	103,153
Somme à appliquer à l'établissement de la Prison pénitente	-	133,612	133,612	Produit de la Chancellerie	3,000	-	3,000
Administration	-	-	-	Vente de la Poudre à Canon	2,500	-	2,500
Ordre judiciaire	112,800	-	112,800	Vente du Sel	179,690	19,690	160,000
Frais de Justice payés par la Direction de l'Enregistrement	88,475	-	88,475	Douanes	128,805	28,805	100,000
Frais divers pour les Corps administratifs et judiciaires	22,000	-	22,000	Enregistrement, transcription, timbre, permis de chasse et de pêche,	533,709	26,700	507,000
Frais de Police	40,000	-	40,000	Contribution foncière	-	-	-
Prisons, (Maison de détention	7,000	-	7,000	A DEDUIRE:	219,834	14,813	205,021
Travaux publics	24,000	-	24,000	5p. 0-0 pr les Communes	-	-	-
Grands routes	41,250	-	41,250	5p. 0-0 pr le Fonds de dégrèvement	-	-	-
Frais du Collège de Carouge	18,000	42,000	60,000	Taxe des Gardes	150,000	-	150,000
Contingent annuel dans les frais fédéraux et Députation à la Diète	60,000	-	60,000	Droit d'Inscription	27,000	1,000	26,000
Milice	77,488	-	77,488	Taxe Personnelle	19,000	750	18,250
Bâtiments Militaires	15,000	-	15,000	Taxe sur les Billards	5,200	200	5,000
Artillerie et Arsenaux	179,480	-	179,480	Taxe sur les Voitures	12,500	500	12,000
Garde Soldée	16,632	7,000	23,632	Taxe sur les Domestiques	33,150	1,150	32,000
Frais des postes extérieurs	6,800	-	6,800	Droit de passage aux Postes	45,000	5,000	40,000
Gardes-champêtres	283,381	41,986	325,367	Produit des Permissions de séjour et de domicile	12,000	-	12,000
Fêtes et Cérémonies	3,000	-	3,000				
Pensions	21,000	-	21,000				
A la Chambre des Tutelles pour frais	5,000	5,000	10,000				
Ecole Cantonale de dessin	5,058	-	5,058				
Frais du Culte Protestant à Carouge	2,000	-	2,000				
Ecoles nouvelles dans le Canton et Instruction	2,400	-	2,400				
Frais militaires fédéraux	6,885	44,000	50,885				
Secours à accorder aux Communes pr. ouvrages extraords.	12,000	-	12,000				
Idem. Pour les aider dans l'achat et la construction de Presbytères ou Chapelles	8,854	15,400	24,254				
A la Classe d'Agriculture	-	-	-				
Pour les Fortifications et l'approvisionnement des Arse- naux (Lois du 19 Juin, 1822, et 14 Mars, 1825.)	5,000	13,000	18,000				
Somme mise à la disposition du Conseil d'Etat pour les besoins de l'Académie	-	52,000	52,000				
Etablissement pour l'Instruction de Sages-femmes	5,000	-	5,000				
Loyer du premier étage du Musée	3,000	-	3,000				
Instruction d'Enfants sourds et muets	4,000	-	4,000				
Solde à appliquer aux Dépenses imprévues	52,093	-	52,093				
TOTAUX	1,004,481	519,068	1,523,549		1,732,285	101,633	1,630,652

La Commission propose les Modifications suivantes au Budget de la Ville de Genève, pour l'Année 1826.

TITRE DES DEPENSES.

(A l'Ordinaire.) La suppression de l'article pour instruction d'enfans sourds et muets, Fl. 3,000; il seroit transporté au Budget du Canton.

(A l'Extraordinaire.) Une allocation de Fl. 6,000, pour un appareil destiné à utiliser les eaux du réservoir de l'Hôtel-de-Ville en cas d'incendie.

Une allocation pour translation des écoles et collections dans le nouveau Musée, Fl. 2,000.

Le solde à appliquer aux dépenses imprévues seroit fixé à Fl. 20,654 8.

TITRE DES RECETTES.

La Commission propose de fixer le produit brut de l'Octroi à Fl. 406,600 et le produit net à Fl. 370,000.

En conséquence les Dépenses ordinaires seront arrêtées à la somme de Fl. 251,815; les Dépenses extraordinaires, à celle de Fl. 187,300; et la somme totale de Fl. 439,115 sera mise à la disposition du Conseil Municipal pour l'Exercice 1826.

*BRITISH Notification of the French Blockade of Algiers.—
2d July, 1827.*

Foreign Office, July 2, 1827.

It has been notified by the French Minister for Foreign Affairs to His Majesty's Ambassador at Paris, "that the French Government has declared an effective Blockade of the Port of Algiers; and that every measure authorized by the Law of Nations will be adopted and enforced against all Neutral Vessels which may attempt to violate the said Blockade."

An Account of the Ordinary Revenues and Extraordinary Resources, constituting the Public

HEADS of REVENUE.	1. BALANCES and BILLS outstanding on 5th Jan. 1826.	2. GROSS RECEIPT.	3. Repayments, al- lowances, dis- counts, drawbacks & bounties in the nature of draw- backs; allowances to the two Univer- sities on account of almanacks, and for paper & parch- ment to stamp on.	4. NET RECEIPT within the Year, after deducting REPAYMENTS, &c.	5. TOTAL INCOME, including BALANCES.
ORDINARY REVENUES.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
CUSTOMS - - - -	520,110 8 11½	20,582,924 11 8½	1,019,951 10 -¼	19,562,973 1 8½	20,083,083 10 8½
EXCISE - - - -	1,164,742 4 2	22,541,969 14 6½	1,915,342 18 2	20,626,626 16 4½	21,791,369 - 6½
STAMPS - - - -	326,921 7 9¼	7,101,503 18 6	261,473 11 7½	6,840,030 6 10¼	7,166,951 14 7½
TAXES, under the Manage- ment of the Commissioners of Taxes - - - -	91,535 9 10¼	5,030,028 18 8	6,519 12 1	5,023,509 6 7	5,115,044 16 5½
POST OFFICE - - - -	214,397 7 3¼	2,392,272 2 7½	95,870 6 9¼	2,296,401 15 10¼	2,510,799 3 2¼
ONE SHILLING in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions -	3,143 18 7	49,587 16 9¼	- - -	49,587 16 9¼	52,731 15 4½
HACKNEY COACHES, and Hawkers and Pedlars -	6 1 4	74,370 7 9	- - -	74,370 7 9	74,376 9 1
CROWN LANDS - - - -	37,857 7 2¼	278,088 0 10½	- - -	278,088 - 10½	315,945 8 1
SMALL Branches of the King's Hereditary Revenue	4,355 17 5¼	9,343 0 0	- - -	9,343 - -	13,686 17 5½
SURPLUS FEES of regulated Public Offices - - - -	- - -	69,160 14 11	- - -	69,160 14 11	69,160 14 11
POUNDAGE FEES, Pells Fees, Casualties, Treasury Fees, and Hospital Fees - -	- - -	9,594 10 8½	- - -	9,594 10 8½	9,594 10 8½
TOTALS OF ORDINARY REVENUES.	2,363,070 2 8½	58,138,843 17 2	3,299,157 18 8½	54,839,685 18 5¼	57,202,756 1 1½
OTHER RESOURCES.					
MONEY received from the East India Company, on account of Retired Pay, Pensions, &c. of His Ma- jesty'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	- - -	117,000 7 2	- - -	117,000 7 2	117,000 7 2
MONEY received from the Trustees of Naval and Mi- litary Pensions - - -	- - -	4,380,000 - -	- - -	4,380,000 - -	4,380,000 - -
FROM several County Treasurers, and others in Ire- land, on account of Ad- vances made by the Treas- ury, for improving Post Roads, for building Gaols, for the Police, for Public Works, employment of the Poor, &c. - - - -	- - -	156,581 8 11½	- - -	156,581 8 11½	156,581 8 11½
IMPREST Monies, repaid by sundry Public Accountants, and other Monies paid to the Public - - - -	- - -	184,974 15 7¼	- - -	184,974 15 7¼	184,974 15 7¼
PAYMENT of the Balance set- tled by Treaty to be due from the King of The Ne- therlands - - - -	- - -	100,000 - -	- - -	100,000 - -	100,000 - -
REPAYMENT on account of Money advanced out of the Consolidated Fund, in the Year 1825, for Silver Coinage	- - -	206,365 14 10	- - -	206,365 14 10	206,365 14 10
FROM the Bank of England, on account of Unclaimed Dividends - - - -	- - -	64,581 12 2	- - -	64,581 12 2	64,581 12 2
TOTALS of the PUBLIC REVENUE of the UNITED Kingdom - - - -	2,363,070 2 8½	63,408,347 15 11	3,299,157 18 8½	60,109,189 17 2½	62,477,359 13 1½

Income of the UNITED KINGDOM of Great Britain and Ireland; for the Year ended 5th Jan. 1827

Payments out of the Income in its progress to the Exchequer.			9.	10.	11.	12.
6.	7.	8.	PAYMENTS	BALANCES	TOTAL	RATE
CHARGES	OTHER	TOTAL	into the	and	DISCHARGE	Per Centum
of	PAYMENTS.	PAYMENTS	EXCHEQUER.	BILLS	of the	for which
COLLECTION.		out of the In-		outstanding	INCOME.	the
		come, in its		on 5th January,		GROSS
		progress to the		1827.		RECEIPT
		Exchequer.				was
						Collected.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1,537,408 7 6	684,577 8 1	2,221,985 15 7	17,280,711 19 3¼	580,385 15 9½	20,083,083 10 8¼	7 9 4¼
1,280,989 15 8½	336,261 7 11¾	1,617,251 3 8½	19,172,019 13 -¾	1,002,098 3 9½	21,791,369 - 6¾	5 13 7¼
186,212 9 9¼	- - -	186,212 9 9¼	6,702,350 11 10½	278,388 12 11¾	7,166,951 14 7½	2 12 5¼
288,800 4 4¼	20,340 15 8	309,141 - -¾	4,702,743 12 6½	103,160 3 10	5,115,044 16 5¼	5 14 9¼
680,546 4 9¼	66,471 16 1½	747,018 - 11¼	1,570,000 - -	193,781 2 8	2,510,799 3 2¼	28 8 11¼
1,186 11 7	- - -	1,186 11 7	48,427 10 6¼	3,117 13 3	52,731 15 4¼	2 7 10
9,848 1 1	- - -	9,848 1 1	64,151 10 -	376 18 -	74,376 9 1	13 4 10
43,962 13 8¾	247,206 - 1½	291,168 13 10¼	- - -	24,776 14 2¾	315,945 8 1	15 16 2
1,382 18 8	2,190 - -	3,572 18 8	6,325 8 7	3,800 10 2¾	13,698 17 5¾	14 15 10
- - -	- - -	- - -	69,160 14 11	- - -	69,160 14 11	-
- - -	- - -	- - -	9,594 10 8¾	- - -	9,594 10 8¾	-
4,030,337 7 2½	1,357,047 7 11¾	5,387,384 15 2½	49,625,485 11 6	2,189,885 14 5	57,202,756 1 1½	6 18 7¼
- - -	- - -	- - -	60,000 - -	- - -	60,000 - -	-
- - -	- - -	- - -	117,000 7 2	- - -	117,000 7 2	-
- - -	- - -	- - -	4,380,000 - -	- - -	4,380,000 - -	-
- - -	- - -	- - -	156,581 8 11¾	- - -	156,581 8 11¼	-
- - -	- - -	- - -	184,974 15 7¼	- - -	184,974 15 7¼	-
- - -	- - -	- - -	100,000 - -	- - -	100,000 - -	-
- - -	- - -	- - -	206,365 14 10	- - -	206,365 14 10	-
- - -	- - -	- - -	64,581 12 2	- - -	64,581 12 2	-
4,030,337 7 2½	1,357,047 7 11¾	5,387,384 15 2½	54,894,989 10 3	2,189,885 14 5	62,472,259 19 10½	-

An Account of the Ordinary Revenues and Extraordinary Resources, constituting

H E A D S of R E V E N U E.	1. BALANCES and BILLS outstanding on 5th Jan. 1826.	2. GROSS RECEIPT.	3. Repayments, al- lowances, dis- counts, drawbacks & bounties of the nature of draw- backs; allowances to the two Univer- sities, on account of Almanacks, and for paper & parch- ment to stamp on.	4. NET RECEIPT within the Year, after deducting REPAYMENTS &c.	5. TOTAL INCOME, including BALANCES.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
ORDINARY REVENUES.					
CUSTOMS - - - -	430,586 1 9½	18,551,702 1 5	953,538 10 11½	17,598,163 10 5¼	18,028,749 12 2½
EXCISE - - - -	1,017,447 6 2	20,784,819 18 1½	1,854,440 2 4	18,930,379 15 9¼	19,947,827 1 11¼
STAMPS - - - -	315,483 11 5½	6,634,891 3 6½	251,781 6 6½	6,383,109 17 -½	6,698,593 8 5½
TAXES, under the manage- ment of the Commissioners of Taxes - - - -	91,535 9 10½	5,030,028 18 8	6,519 12 1	5,023,509 6 7	5,115,044 16 5¼
POST OFFICE - - - -	163,710 13 4	2,184,514 15 8	74,074 17 7	2,110,439 18 1	2,274,150 11 5
ONE SHILLING in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions. - -	3,143 18 7	49,587 16 9½	- - -	49,587 16 9¼	52,731 15 4¼
HACKNEY COACHES, and Hawkers and Pedlars -	6 1 4	74,370 7 9	- - -	74,370 7 9	74,376 9 1
CROWN LANDS - - -	37,857 7 2½	278,088 - 10½	- - -	278,088 - 10½	315,945 8 1
SMALL Branches of the King's Hereditary Revenue	4,355 17 5½	9,343 - -	- - -	9,343 - -	13,686 17 5½
SURPLUS FEES of Regulated Public Offices - - -	- - -	69,160 14 11	- - -	69,160 14 11	69,160 14 11
TOTALS OF ORDINARY REVENUES }	2,064,126 7 1½	53,666,506 17 9	3,140,354 9 6	50,526,152 8 3	50,590,278 15 4½
OTHER RESOURCES.					
MONEY received from the East India Company, on account of Retired Pay, Pensions, &c. of His Ma- jesty'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	- - -	117,000 7 2	- - -	117,000 7 2	117,000 7 2
MONEY received from the Trustees of Naval and Mi- litary Pensions - -	- - -	4,380,000 - -	- - -	4,380,000 - -	4,380,000 - -
IMPREST Monies repaid by sundry Public Accountants, and other Monies paid to the Public - - -	- - -	164,586 18 11	- - -	164,586 18 11	164,586 18 11
PAYMENT of the Balance set- tled by Treaty to be due from the King of The Ne- therlands - - -	- - -	100,000 - -	- - -	100,000 - -	100,000 - -
REPAYMENT on Account of Money advanced out of the Consolidated Fund in the year 1825, for Silver Coinage	- - -	206,365 14 10	- - -	206,365 14 10	206,365 14 10
FROM the Bank of England on Account of unclaimed Dividends - - -	- - -	64,581 12 2	- - -	64,581 12 2	64,581 12 2
TOTALS of the PUBLIC INCOME of GREAT BRI- TAIN }	2,064,126 7 1¼	58,759,041 10 10	3,140,354 9 6	55,618,687 1 4	57,682,813 8 5½

the Public Income of GREAT BRITAIN; for the Year ended 5th January, 1827.

Payments out of the Income, in its progress to the Exchequer.			9.	10.	11.	12.
6.	7.	8.	PAYMENTS	BALANCES	TOTAL	RATE
CHARGES	OTHER	TOTAL	into the	and	DISCHARGE	Per Centum
of	PAYMENTS.	PAYMENTS	EXCHEQUER.	BILLS	of the	for which
COLLECTION.		out of the In-		outstanding	INCOME.	the
		come, in its		on 5th January		GROSS
		progress to the		1827.		RECEIPT
		Exchequer.				was
						Collected.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1,183,354 11 9½	545,916 17 10½	1,729,271 9 8	15,766,763 10 10½	532,714 11 8½	18,028,749 12 2½	6 7 6½
1,046,828 19 6½	245,555 4 1½	1,292,384 3 7½	17,749,273 18 10½	906,168 19 5	19,947,827 1 11½	5 - 8½
154,220 14 10½	- - -	154,220 14 10½	6,277,014 14 8	267,357 18 11½	6,698,593 8 5½	2 6 5½
288,800 4 4½	20,340 15 8	309,141 - -½	4,702,743 12 6½	103,160 3 10	5,115,044 16 5½	5 14 9½
584,776 14 8½	46,993 8 4½	631,770 3 1	1,496,000 - -	146,380 8 4	2,274,150 11 5	26 15 4½
1,186 11 7	- - -	1,186 11 7	48,427 10 6½	3,117 13 3	52,731 15 4½	2 7 10
9,848 1 1	- - -	9,848 1 1	64,151 10 -	376 18 -	74,376 9 1	13 14 10
43,962 13 8½	247,206 - 1½	291,168 13 10½	- - -	24,776 14 2½	315,945 8 1	15 16 2
1,382 18 8	2,190 - -	3,572 18 8	6,325 8 7	3,800 10 2½	13,698 17 5½	14 15 10
- - -	- - -	- - -	69,160 14 11	- - -	69,160 14 11	-
3,314,361 10 4½	1,108,202 6 2	4,422,563 16 6½	46,179,861 - 11½	1,987,853 17 11	52,590,278 15 4½	6 3 6½
- - -	- - -	- - -	60,000 - -	- - -	60,000 - -	-
- - -	- - -	- - -	117,000 7 2	- - -	117,000 7 2	-
- - -	- - -	- - -	4,380,000 - -	- - -	4,380,000 - -	-
- - -	- - -	- - -	164,586 18 11	- - -	164,586 18 11	-
- - -	- - -	- - -	100,000 - -	- - -	100,000 - -	-
- - -	- - -	- - -	206,365 14 10	- - -	206,365 14 10	-
- - -	- - -	- - -	64,581 12 2	- - -	64,581 12 2	-
3,314,361 10 4½	1,108,202 6 2	4,422,563 16 6½	51,272,395 14 -½	1,987,853 17 11	57,682,813 8 5½	-

An Account of the Ordinary Revenues and Extraordinary Resources, constituting

HEADS of REVENUE.	1. BALANCES and BILLS outstanding on 5th Jan. 1826.	2. GROSS RECEIPT.	3. REPAY- MENTS, DRAWBACKS, DISCOUNTS, &c.	4. NET RECEIPT within the Year, after deducting REPAY- MENTS, &c.	5. TOTAL INCOME, including BALANCES.
ORDINARY REVENUES.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
CUSTOMS - - - -	89,524 7 2½	2,031,222 10 3¾	66,412 19 -¾	1,964,809 11 3	2,054,333 18 5½
EXCISE - - - -	147,294 18 -	1,757,149 16 5½	60,902 15 10	1,696,247 - 7½	1,843,541 18 7½
STAMPS - - - -	11,437 16 4	466,612 14 11¼	9,692 5 1½	456,920 9 9¾	468,358 6 1½
POST OFFICE - - -	50,686 13 11¾	207,757 6 11¾	21,795 9 2¾	185,961 17 9½	236,648 11 9¼
POUNDAGE Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees - -	- - -	9,594 10 8¾	- - -	9,594 10 8¾	9,594 10 8¾
TOTALS of ORDINARY REVENUES } £	298,943 15 6¾	4,472,336 19 5	158,803 9 2½	4,313,533 10 2½	4,612,477 5 8¾
OTHER RESOURCES.					
FROM the Provost and Fel- lows of Trinity College, on account of Advances made by the Treasury for com- pleting the North Square of the said College, per Act 54 Geo. 3. c. 167 -	- - -	1,107 13 10	- - -	1,107 13 10	1,107 13 10
ON account of Advances made by the Treasury for improving Post Roads in Ireland, under Act 45 Geo. 3. c. 43 -	- - -	7,632 2 6	- - -	7,632 2 6	7,632 2 6
ON account of Advances made by the Treasury for building Gaols, un- der Act 50 Geo. 3. c. 103	- - -	23,788 13 2¼	- - -	23,788 13 2¼	23,788 13 2¼
ON account of Advances made by the Treasury, for Police in pro- claimed Districts, un- der Acts 54 Geo. 3. c. 131, and 180. and 3 Geo. IV. c. 103. -	- - -	98,513 18 4¼	- - -	98,513 18 4¼	98,513 18 4¼
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	- - -	25,539 1 1¼	- - -	25,539 1 1¼	25,539 1 1¼
IMPREST MONIES repaid by sundry Public Account- ants, and other Monies paid to the Public -	- - -	20,387 16 8¼	- - -	20,387 16 8¼	20,387 16 8¼
TOTALS of the PUBLIC INCOME of IRELAND. } £	298,943 15 6¾	4,649,806 5 1	158,803 9 2½	4,490,502 15 10¾	4,789,446 11 4¾

the Public Income of IRELAND ; for the Year ended 5th January, 1827.

Payments out of the Income, in its progress to the Exchequer.			9.	10.	11.	12.
6.	7.	8.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS outstanding on 5th January, 1827.	TOTAL DISCHARGE of the INCOME.	RATE Per Centum for which the GROSS RECEIPT was Collected.
CHARGES of COLLECTION.	OTHER PAYMENTS.	TOTAL PAYMENTS out of the In- come, in its progress to the Exchequer.				
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
354,053 15 8½	138,660 10 2½	492,714 5 11	1,513,948 8 5	47,671 4 1½	2,054,333 18 5½	17 8 7½
234,160 16 1½	90,706 3 10½	324,867 - -¾	1,422,745 14 2½	95,929 4 4¾	1,843,541 18 7½	13 6 6½
31,991 14 10¾	- -	31,991 14 10¾	425,335 17 2½	11,030 14 -¼	468,358 6 1¾	6 17 - 1½
95,769 10 1½	19,478 7 9	115,247 17 10½	74,000 - -	47,400 13 11	236,648 11 9½	46 1 11
- -	- -	- -	9,594 10 8¾	- -	9,594 10 8¾	- - -
715,975 16 10½	248,845 1 9¾	964,820 18 8¾	3,445,624 10 6½	202,031 16 6	4,612,477 5 8½	16 - 2
- -	- -	- -	1,107 13 10	- -	1,107 13 10	-
- -	- -	- -	7,632 2 6	- -	7,632 2 6	-
- -	- -	- -	23,788 13 2½	- -	23,788 13 2½	-
- -	- -	- -	98,513 18 4½	- -	98,513 18 4½	-
- -	- -	- -	25,539 1 1½	- -	25,539 1 1½	-
- -	- -	- -	20,387 16 8½	- -	20,387 16 8½	-
715,975 16 10½	248,845 1 9¾	964,820 18 8¾	3,622,593 16 2½	202,031 16 6	4,789,446 11 4½	-

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 Expenditure within the same Period.

HEADS OF REVENUE.	NET RECEIPT, as stated in Column 4 of the Account of Public Income.	
ORDINARY REVENUES:	£. s. d.	£. s. d.
Balances and Bills outstanding on 5th January, 1826		2,363,070 2 8 $\frac{1}{2}$
Customs	19,562,973 1 8 $\frac{1}{2}$	
Excise	20,626,626 16 4 $\frac{1}{2}$	
Stamps	6,840,030 6 10 $\frac{1}{2}$	
Taxes	5,023,509 6 7	
Post Office	2,296,401 15 10 $\frac{1}{2}$	
One Shilling and Sixpenny Duty on Pensions and Salaries, and Four Shillings in the Pound on Pensions.....	49,587 16 9 $\frac{1}{2}$	
Hackney Coaches, and Hawkers and Pedlars	74,370 7 9	
Crown Lands	278,088 0 10 $\frac{1}{2}$	
Small Branches of the King's Hereditary Revenue.....	9,343 0 0	
Surplus Fees of Regulated Public Offices.....	69,160 14 11	
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees.....	9,594 10 8 $\frac{1}{2}$	
		54,839,685 18 5 $\frac{1}{2}$
Deduct Balances and Bills outstanding on 5th January, 1827		57,202,756 1 1 $\frac{1}{2}$
		2,189,885 14 5
TOTAL Ordinary Revenues.....	£.	55,012,870 6 8$\frac{5}{8}$
OTHER RESOURCES:		
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	
From the Commissioners for the issue of Exchequer Bills, per Act 57 Geo. III. c. 34. for the Employment of the Poor.....	117,000 7 2	
Money received from the Trustees of Naval and Military Pensions.....	4,380,000 0 0	
Money repaid in Ireland, on account of Advances from the Consolidated Fund, under various Acts, for Public Improvements	156,581 8 11 $\frac{1}{2}$	
Imprest and other Monies paid into the Exchequer.....	184,974 15 7 $\frac{1}{2}$	
Payment of the Balance settled by Treaty to be due from the King of The Netherlands.....	100,000 0 0	
Repayment on account of Money advanced out of the Consolidated Fund in the Year 1825, for Silver Coinage	206,365 14 10	
From the Bank of England, on account of Unclaimed Dividends	64,581 12 2	
		5,269,503 18 9
	£.	60,282,374 5 5$\frac{1}{8}$
Balances in the hands of Receivers, &c. on 5th January, 1826	£.	2,363,070 2 8 $\frac{1}{2}$
Do. do. on 5th January, 1827		2,189,885 14 5
Balances less in 1827 than in 1826		173,184 8 9 $\frac{1}{2}$
Surplus Income paid into the Exchequer over Expenditure thereout.....		1,009,448 8 0 $\frac{1}{2}$
Actual Excess of Income over Expenditure £.		836,263 19 9$\frac{1}{2}$

the Year ended 5th January 1827, after deducting the Repayments, Allowances, Discounts, Draw-
ture of the United Kingdom, exclusive of the Sums applied to the Reduction of the National Debt,

EXPENDITURE.		
PAYMENTS OUT OF THE INCOME in its progress to the Exchequer:	£. s. d.	£. s. d.
Charges of Collection.....	4,030,337 7 2½	
Other Payments.....	1,357,047 7 11½	
TOTAL Payments out of the Income, prior to the } Payments into the Exchequer..... }	.....	5,387,384 15 2½
PAYMENTS OUT OF THE EXCHEQUER;		
Dividends, Interest, and Management of the Public Funded } Debt, four Quarters to 10th October, 1826, exclu- } sive of £5,591,231. 16s. 2d. issued to the Commissioners } for the Reduction of the National Debt	27,245,750 14 0	
Interest on Exchequer Bills.....	831,207 6 3	
Issued to the Trustees of Naval and Military Pensions, } per Act 3 Geo. IV. c. 51..... }	2,214,260 0 0	28,076,958 0 3
Ditto to the Bank of England, per Act 4 Geo. IV. c. 22..	585,740 0 0	
Civil List	1,057,000 0 0	2,800,000 0 0
Pensions charged by Act of Parliament on Consoli- } dated Fund, four Quarters to 10th October, 1826..... }	364,268 6 3½	
Salaries and Allowances.....do.....	69,115 13 5	
Courts of Justice	150,590 15 11½	
Mint	14,750 0 0	
Bounties.....do.....	2,956 13 8	
Miscellaneous.....do.....	204,064 7 9	
Do.... Ireland.....do.....	301,427 10 6½	2,164,173 7 7½
Advance on account of the Wet Docks at Leith.....	240,000 0 0	
For the purchase of the Duke of Athol's Interests in the } Public Revenues of the Isle of Man..... }	150,000 0 0	
Towards rebuilding London Bridge, per Act 7 Geo. IV. } c. 40..... }	120,000 0 0	
Army	8,297,360 15 8½	510,000 0 0
Navy.....	6,540,634 9 2	
Ordnance.....	1,869,606 9 8 ½	
Miscellaneous	2,566,783 11 5½	19,274,385 6 0
Lottery Prizes.....	69,802 5 10	
By the Commissioners for issuing Exchequer Bills, per } Act 3 Geo. IV. c. 86, for the employment of the Poor... }	443,300 0 0	
Advances out of the Consolidated Fund in Ireland, for } Public Works..... }	546,922 2 6½	
		1,060,024 8 4½
TOTAL...£.		59,272,925 17 5½
Surplus of Income paid into the Exchequer, over Expenditure } issued thereout		1,009,448 8 0½
	£.	60,282,374 5 5½

Whitehall, Treasury Chambers, 24th March, 1827.

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	17,270,311 19 3½	10,400 - -	17,280,711 19 3½
EXCISE.....	19,172,019 13 -½	- -	19,172,019 13 -½
STAMPS	6,702,350 11 10½	- -	6,702,350 11 10½
TAXES under the management of the } Commissioners of Taxes, (including } Arrears of Property Tax)..... }	4,702,743 12 6½	- -	4,702,743 12 6½
POST OFFICE.....	1,570,000 - -	- -	1,570,000 - -
One Shilling and Sixpence Duty on } Pensions and Salaries; and Four } Shillings in the Pound on Pensions }	48,427 10 6½	- -	48,427 10 6½
Hackney Coaches, and Hawkers and } Pedlars..... }	64,151 10 -	- -	64,151 10 0
Small Branches of the King's Here- } ditary Revenue	6,325 8 7	- -	6,325 8 7
Surplus Fees, regulated Public Offices.	69,160 14 11	- -	69,160 14 11
Poundage Fees, Pells Fees, Casualties, } Treasury Fees, and Hospital Fees }	9,594 10 8½	- -	9,594 10 8½
TOTAL ORDINARY REVENUE...	- -	- - £.	49,625,485 11 6
Mint Repayments on account of Sil- } ver Coin..... }	206,365 14 10	- -	206,365 14 10
Money paid by the King of The Ne- } therlands..... }	100,000 - -	- -	100,000 0 0
Money repaid in Ireland, on account } of Advances from the Consolidated } Fund, under various Acts of Par- } liament..... }	156,581 8 11½	- -	156,581 8 11½
Imprest and other Monies paid into } the Exchequer	184,839 19 11½	134 15 8	184,974 15 7½
By the East India Company, on ac- } count of retired Pay, Pensions, &c. } of H. M. Forces serving in India, } per Act 4 Geo. IV. c. 71..... }	- -	60,000 - -	60,000 0 0
By the Trustees of Naval and Military } Pensions, &c..... }	- -	4,380,000 - -	4,380,000 0 0
By the Commissioners for issuing Ex- } chequer Bills for Public Works ... }	- -	117,000 7 2	117,000 7 2
Money paid by the Bank of England, } on account of Unclaimed Dividends, } &c..... }	- -	64,581 12 2	64,581 12 2
£	50,262,872 15 3	4,632,116 15 -	54,894,989 10 3

and IRELAND, in the Year ended 5th January 1827, 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, 1826, exclusive of £ 5,591,231. 16. 2. issued to the Commissioners for the Reduction of the National Debt.....	27,245,750 14 0	
Interest on Exchequer Bills.....	831,207 6 3	
Issued to Trustees of Naval and Military Pensions, per Act 3 Geo. IV. c. 51....	2,214,260 0 0	28,076,958 0 3
Do. Bank of England 4 Geo. IV. c. 22....	585,740 0 0	
Civil List, four Quarters to 5th January, 1827.....	1,057,000 0 0	2,800,000 0 0
Pensions charged by Act of Parliament, on Consolidated Fund, four Quarters to 10th October 1826	364,268 6 3½	
Salaries and Allowances .....do .....do.....	69,115 13 5	
Courts of Justice .....do .....do.....	150,590 15 11½	
Mint .....do .....do.....	14,750 0 0	
Bounties .....do .....do.....	2,956 13 8	
Miscellaneous .....do .....do.....	204,264 7 9	
Do. Ireland .....do .....do.....	301,427 10 6½	
Advance on account of the Wet Docks at Leith..... £. 240,000 0 0		
For the Purchase of the Duke of Athol's Interests in the public Revenues of the Isle of Man..... 150,000 0 0		
Advanced towards rebuilding London Bridge, per Act 7 Geo. IV. c. 40..... 120,000 0 0		
	510,000 0 0	
		2,674,173 7 7½
	.....£.	33,551,131 7 10½
Army.....	8,297,360 15 8½	
Navy	6,540,684 9 2	
Ordnance	1,869,606 8 8½	
Miscellaneous.....	2,566,788 11 5½	
		19,274,385 6 0
Lottery Prizes.....	69,802 5 10	
By the Commissioners for issuing Exchequer Bills, per Act 3 Geo. IV. c. 86, for the Employment of the Poor}	443,300 0 0	
Advances out of Consolidated Fund in Ireland, for Public Works.....}	546,922 5 6½	
		1,060,024 8 4½
	TOTAL .£.	53,885,541 2 2½
SURPLUS of INCOME over Expenditure thereof ...		1,009,448 8 0½
	£.	54,894,989 10 3

AN ACCOUNT of the BALANCE of PUBLIC MONEY remaining in the EXCHEQUER on UNFUNDED Debt, in the Year ended 5th January 1827; the Money applied towards period; and the Money remaining in the

	£.	s.	d.
Balances in the Exchequer on 5th January, 1826	5,305,638	11	11
Contributions towards funding £8,000,000 of Exchequer } Bills }	4,500,000	0	0
MONEY RAISED in the Year ended 5th January, 1827, by the creation of Unfunded Debt:			
Exchequer Bills raised per Act... } 6 Geo. IV. c. 70 }	6,743,700	0	0
— 7 Geo. IV. 2	10,000,000	0	0
— 7 Geo. IV. 50	8,866,800	0	0
Poor Bills..... 3 Geo. IV. 86	443,300	0	0
Church Bills.... 58 Geo. III. 45	149,900	0	0
	26,203,700	0	0
	£.	36,009,338	11 11
Surplus of Income over Expenditure thereout.....	1,009,448	8	0½
	£.	37,018,786	19 11½

Whitehall, Treasury Chambers, }
8th February, 1827.

J. C. HERRIES.

the 5th January, 1826; 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, 1827.

APPLIED BY		£.	s.	d.
The Commissioners for the Reduction of the National Debt in the Redemption of Funded Debt.				
Sinking Fund, Unredeemed Funded Debt.	£. s. d.	5,000,000	0	0
Interest on Redeemed .....do.....		591,231	16	2
		5,591,231	16	2
Bank of England, to pay off £.5 per cent Annuities 1797 and 1802.....		30,000	0	0
Applied towards the Redemption of Funded Debt.....£.		5,621,231	16	2
UNFUNDED DEBT.				
Issued to the Paymasters of Exchequer Bills to pay off Unfunded Debt ..		26,278,000	0	0
	£.	31,899,231	16	2
Balances in the Exchequer at 5th January, 1827		5,119,555	3	9½
	£.	37,018,786	19	11½

N. B.—The Sum of £.5,591,231. 16. 2. was applied by the Commissioners for the Reduction of the National Debt, as follows; viz.

	£.	s.	d.
By Purchase of Stock.....	1,712,397	3	10
By cancelling Exchequer Bills to pay off £.4 per cents.....	3,250,000	0	0
By interest on .....Do..... charged on Sinking Fund	62,565	10	4
By Life Annuities	566,269	2	0
	£.	5,591,231	16 2

AN ACCOUNT of the INCOME of the CONSOLIDATED FUND arising in the United
account of the CONSOLIDATED

	£.	s.	d.
The Total Income applicable to the Consolidated Fund	50,262,872	15	3
Whitehall, Treasury Chambers, } 8th February, 1827. }	J. C. HERRIES.		
	£.	50,262,872	15 3

AN ACCOUNT of the MONEY applicable to the Payment of the CONSOLIDATED
CHARGES which have become due thereon, in the same Year, including the Amount
nation of the Year.

	£.	s.	d.
Income arising in Great Britain	46,640,278	19	0½
Income arising in Ireland	3,622,593	16	2½
Add the Sum paid out of the Consolidated Fund in Ireland, towards the Sup- plies, in the Quarter ended 10th October, 1825.	437,321	18	4½
Do..do..5th January, 1826.	218,119	14	5½
	655,441	12	10
	£.	4,278,035	9 0½
Deduct the Sum paid out of the Consolidated Fund, towards the Supplies, in the Quarter ended 5th January, 1827.....	246,417	10	4
	4,031,617	18	8½
Total Sum applicable to the Charge of the Consolidated Fund, } in the Year ended 5th day of January, 1827.....	50,671,896	17	9
Exchequer Bills to be issued, to complete the payment of the Charge, } to the 5th day of January, 1827.....	5,703,718	11	0½
	£.	56,375,615	8 9½
Whitehall, Treasury Chambers, } 8th February, 1827. }	J. C. HERRIES.		

Kingdom, in the Year ended 5th January 1827; and also of the actual Payments on Fund within the same Period.

HEADS OF PAYMENT.		£.	s.	d.
Dividends, Interest, Sinking Fund, and Management of the Public Funded Debt, 4 Quarters to 10th October 1826.	}	32,836,982	10	2
Interest on Exchequer Bills, issued upon the Credit of the Consolidated Fund.....		61,207	6	3
Trustees for Naval and Military Pensions } per Act 3 Geo. IV. c. 51. - £2,214,260	}	0	0	0
Bank of England..... per Act 4 Geo. IV. c. 22. - 585,740		0	0	0
		2,800,000	0	0
Civil List, 4 Quarters to 5th January, 1827.....		1,057,000	0	0
Pensions charged by Act of Parliament } 4 Quarters to 10th Oct. 1826.	}	364,268	6	3½
upon the Consolidated Fund				
Salaries and Allowances	do.....	69,115	13	5
Officers of Courts of Justice	do.....	150,590	15	11½
Expenses of the Mint	do.....	14,750	0	0
Bounties.....	do.....	2,956	13	8
Miscellaneous	do.....	714,064	7	9
Do. Ireland.....	do.....	301,427	10	6½
Advances out of the Consolidated Fund in Ireland, for Public Works		546,922	2	6½
	£.	38,918,285	6	6½
SURPLUS of the CONSOLIDATED FUND.....	£.	11,343,587	8	8½
	£.	50,262,872	15	3

Fund of the United Kingdom, in the Year ended 5th January 1827, 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 1827....	}	32,852,371	14	2½
Interest on Exchequer Bills, issued upon the Credit of the Consolidated Fund		67,212	5	7
Trustees for Naval and Military Pensions } per Act 3 Geo. IV. c. 51. £2,214,260	}	0	0	0
Bank of England..... per Act 4 Geo. IV. c. 22. - 585,740		0	0	0
		2,800,000	0	0
Civil List, 4 Quarters to 5th January 1827		1,057,000	0	0
Pensions charged by Act of Parliament } 4 Quarters to 5th Jan. 1827	}	370,336	17	0
upon the Consolidated Fund				
Salaries and Allowances	do.....	70,006	9	10½
Officers of Courts of Justice ..	do.....	139,696	12	4½
Expenses of the Mint	do.....	14,750	0	0
Bounties	do.....	2,956	13	8
Miscellaneous	do.....	762,271	14	11
Do..... Ireland	do.....	300,181	19	5½
Advances out of the Consolidated Fund in Ireland, for Public Works		546,922	2	6½
	£.	38,983,706	9	7½
Exchequer Bills issued to make good the Charge of the Consolidated Fund to the 5th January 1826	}	5,548,817	9	7
	£.	44,532,523	19	2½
SURPLUS of the CONSOLIDATED FUND.....	£.	11,843,091	9	6½
	£.	56,375,615	8	9½

AN ACCOUNT of the ACTUAL RECEIPT and EXPENDITURE of the Sums placed in the ending the 5th

Drs.

THE SAID COMMISSIONERS

GREAT BRITAIN.		£.	s.	d.	£.	s.	d.
ISSUES FROM THE CONSOLIDATED FUND.	TO CASH, being four Quarterly Issues, per 4 Geo. IV. c. 19...	4,860,000	0	0	5,420,260	19	1
	To Do. - Interest on Capitals standing in the names of the Commissioners, at 3 per Cent	329,312	12	11			
	3½ do.	220,582	9	0			
	4 do.	2,919	13	2			
	Long Annuities	7,446	4	0			
OTHER ISSUES.	To Cash returned from the Account of Life Annuities, the Nominees whereof died previously to its being set apart for payment.....	6,337	0	3	9,898	4	0
	To Bank Life Annuities, unclaimed for three years and upwards, at 5th January 1826	3,561	3	9			
In GREAT BRITAIN.....		£.			5,430,159	3	1
IRELAND.		£.	s.	d.	£.	s.	d.
ISSUES FROM THE CONSOLIDATED FUND.	To CASH, being four Quarterly Issues, per 4 Geo. IV. c. 19 ..	140,000	0	0	170,970	17	1
	To - Do. Interest on Capital Stock, standing in the names of the Commissioners, at 3½ per Cent	30,970	17	1			
In IRELAND		£.			170,970	17	1
UNITED KINGDOM		£.			5,601,130	0	2

RESULT.

	RECEIPT.			CAPITAL STOCK placed in the Names of the Commissioners.
	From the Consolidated FUND.	From other Sources.	TOTAL Sums received.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
In GREAT BRITAIN -	5,420,260 19 1	9,898 4 0	5,430,159 3 1	1,919,956 0 0
In IRELAND - - -	170,970 17 1	- - -	170,970 17 1	197,950 6 11
UNITED KINGDOM £.	5,591,231 16 2	9,898 4 0	5,601,130 0 2	2,117,906 6 11

National Debt Office, 7th February, 1827.

hands of the COMMISSIONERS for the REDUCTION of the NATIONAL DEBT, in the Year of January 1827.

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.
1,700,653 0 0	By CASH, paid for £1,700,653 Capital Stock }	3p'cent.	1,350,905 10 8	79 8 8
219,303 0 0	By - Do. for £219,303 do... }	3½p'cent	190,502 16	1 86 17 6
	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 }	- -	3,312,565 10 4	-
	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 }	- -	576,167 6 0	-
£1,919,956 0 0	- - - - -	-	£5,430,159 3 1	-
197,950 6 11	By Cash paid for £197,950. 6s 11d Capital Stock }	3½p'cent	170,970 17	1 86 7 4
£2,117,906 6 11	- - - - -	-	£5,601,130 0 2	-

RESULT.

EXPENDITURE.

SUMS paid for Capital Stock.	SUMS paid to the Banks of England and Ireland towards the Redemption of Exchequer Bills, per 5 Geo. IV. c. 45.	SUMS set apart for payment of Life Annuities, per 48 Geo. 3. c. 142 and 59 Geo. 3. c. 34.	TOTAL Sums paid.	
£. s. d.	£. s. d.	£. s. d.	£. s. d.	
1,541,426 6 9	3,312,565 10 4	576,167 6 0	5,430,159 3 1	In GREAT BRITAIN.
170,970 17 1	- - -	- - -	170,970 17 1	In IRELAND.
1,712,397 3 10	3,312,565 10 4	576,167 6 0	5,601,130 0 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 1827; of the Debt and Charge thereof Debt and Charge, as it stood

GREAT BRITAIN.			CAPITAL STOCK.			ANNUAL CHARGE thereon.			
			£.	s.	d.				
TO Unredeemed Capital....			747,071,822	9	1½	-	-	24,283,810 18 1½	
— Schedules C. D 1. and D 2. on } account of Land Tax..... }			-	-	-	-	-	8,752 11 3½	
— Long Annuities, expire 1860....			-	-	-	-	-	1,333,257 4 6	
— Life Annuities payable { English. at the Exchequer. { Irish.			-	-	-	-	-	26,173 18 10¾	
— Management			-	-	-	-	-	35,461 7 9	
— Military and Naval Pensions....			-	-	-	-	-	276,053 15 8	
TOTAL DEBT at 5th Jan, 1826...£.			747,071,822	9	1½	£.	28,763,509	16 3	
DEBT created in the Year 1826.	TO Capital transferred from the Funded Debt in Ire- land to the Funded Debt in Great Britain.....		346,880	15	0	3 p. cent	28,336 19 1½		
			353,057	2	3	3½ p. cent			
			139,338	9	10	4 p. cent			
	To Capital transferred from the Commissioners, Re- duction National Debt, the Dividends upon which had remained unclaimed 10 years or upwards, the same having been reclaim- ed by the Proprietors thereof.....		2,340	18	9	3 p. cent	96 4 9		
			542	7	10	3½ p. cent			
			175	14	9	4 p. cent			
	To - D ^o - Long Annuities, transferred from d ^o to d ^o To Capital created by Act 7, Geo. IV. c. 39, for funding £8,000,000. of Exchequer Bills; viz.		-	-	-	-	6 10 0		
			-	-	-	-			
			-	-	-	-			
	Exchequer Bills sub- scribed		£3,354,350 0 0	8,560,000	0	0	4 p. cent	342,400 0 0	
	Do. . . Money (in- cluding £23,228 5s. being 10s. per cent. premium on mo- ney subscribed per Section 6.) . . .		4,668,878 5 0						
			£8,023,228 5 0						
Management		-	-	-	-	-	2,215 10 6½		
Irish Life Annuities payable in England upon convert- ing the same into British Currency to avoid frac- tional parts		-	-	-	-	-	15 10 10		
TOTAL DEBT created in 1826 £.			9,402,335	8	5	-	£.	373,070 15 3½	
GENERAL TOTAL, Great Britain £.			756,474,157	17	6½	£.	29,136,580	11 6½	

the CHARGE thereof, at the 5th January, 1826; 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, 1827.

		CAPITAL STOCK.				ANNUAL CHARGE thereon.			
		£.	s.	d.		£	s.	d.	
DEBT	reduced in the Year 1826.	{	BY Capital purchased with the Sinking Fund	1,700,653	0	0	3 p. cent	58,695	3 10½
				219,303	0	0	3½ p. cent		
		{	By D° transferred for the purchase of Life Annuities ..	610,848	0	0	3 p. cent	19,994	0 3½
				8,325	0	0	3½ p. cent		
				34,430	0	0	4 p. cent		
		{	By D° Long Annuities transferred for d°	-	-	-	-	904	0 0
		{	By Capital transferred to the Commissioners, the Dividends upon which had remained unclaimed 10 years or upwards.	9,732	13	3	3 p. cent	291	19 6½
		{	By D° Long Annuities, unclaimed d°	-	-	-	-	58	14 6
		{	By Capital purchased with unclaimed Dividends	28,000	0	0	3 p. cent	840	0 0
		{	By Capital transferred to the Commissioners for the Redemption of Land Tax, under Schedules A. and B.	68,744	2	3	3 p. cent	2,062	6 5½
{	D° D° C. D 1. and D 2. ..	11,246	1	1	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	288,010	1	0	3 p. cent	58,830	10 2		
		1,039,022	5	5	3½ p. cent				
		345,610	15	3	4 p. cent				
{	By English Life Annuities payable at the Exchequer, decreased	-	-	-	-	346	10 3½		
TOTAL DEBT reduced in 1826...£.		4,363,924	18	3	-	142,023	5	1	
By due to the Public Creditor, 5th January 1827.....		752,110,232	19	3½	-	28,716,288	0	2½	
- Management.....		-	-	-	-	278,269	6	2½	
GENERAL TOTAL.....£		756,474,157	17	6½	-	£. 29,136,580	11		

ACCOUNT—continued.

IRELAND.		CAPITAL STOCK.			ANNUAL CHARGE thereon.		
		£.	s.	d.	£.	s.	d.
To Unredeemed Capital		31,056,445	3	0	1,145,867	19	3½
— Life Annuities		-	-	-	7,035	4	8
— Management (Sinking Fund Office)		-	-	-	774	2	3
TOTAL DEBT at 5th January 1826		£ 31,056,445	3	0	1,153,677	6	2½
DEBT created in the Year 1826.	To Capital transferred from the Funded Debt in Great Britain to the Funded Debt in Ireland	288,010	1	0	3 p'ct.	58,830	10 2
		1,039,022	5	5	3½ p'ct.		
		345,610	15	3	4 p'ct.		
	To Irish Life Annuities increased upon converting the same into British currency to avoid fractional parts...	-	-	-	-	2	16 1
	Management	-	-	-	-	23	7 10½
TOTAL DEBT created in 1826		£ 1,672,643	1	8	58,856	14	1½
GENERAL TOTAL, Ireland		£ 32,729,088	4	8	1,212,534	0	4

SUMMARY:

		DEBT.			CHARGE.		
		£.	s.	d.	£.	s.	d.
TOTAL DEBT on 5th Jan. 1826.	GREAT BRITAIN	747,071,822	9	1½	28,763,509	16	3
	IRELAND	31,056,445	3	0	1,153,677	6	2½
		£ 778,128,267	12	1½	29,917,187	2	5½
DEBT created in the Year 1826.	GREAT BRITAIN	9,402,335	8	5	373,070	15	3½
	IRELAND	1,672,643	1	8	58,856	14	1½
		£ 11,074,978	10	1	431,927	9	4½
TOTAL		£ 789,230,246	2	2½	30,349,114	11	10½

National Debt Office, }
7th February 1827. }

S. HIGHAM,
Comptroller General.

ACCOUNT—continued.

	CAPITAL STOCK.				ANNUAL CHARGE thereon.		
	£.	s.	d.		£	s.	d.
DEBT reduced in the Year 1826.	By Capital purchased with the Sinking Fund ...	197,950	6 11	3½ p'ct.	6,928	5 2½	
	By Capital transferred from the Funded Debt in Ireland to the Funded Debt in Great Britain.....	346,880	15 0	3 p'ct.	28,336	19 1½	
		353,057	2 3	3½ p'ct.			
		139,338	9 10	4 p'ct.			
	By Pence and the fractions of a Penny paid off upon converting the Capitals into British currency, per 6 Geo. IV. c. 79, carried to the Account of the Commissioners for the Reduction of the National Debt.	14	7 10	3 p'ct.	13	7 3½	
		135	4 10	3½ p'ct.			
		205	0 3	4 p'ct.			
		1,037,581	6 11				
	Deduct, Redeemed Capitals standing in the names of the Commissioners for the Reduction of the National Debt, reduced, being pence paid off upon converting the said Capitals into British currency, pursuant to 6 Geo. IV. c. 79, and included in the fractions above stated.	0	0 8	—			
TOTAL DEBT reduced in 1826..		£	1,037,581	6 3	-	35,278	11 7½
Fraction						0 0	0½
By due to the Public Creditor, 5th January 1827			31,691,506	18 5	-	1,176,457	18 6½
- Management			-	-	-	797	10 1½
GENERAL TOTAL.....		£	32,729,088	4 8	-	£	1,212,534 0 4

SUMMARY:

		DEBT.				CHARGE.		
		£.	s.	d.		£.	s.	d.
DEBT reduced in the Year 1826.	GREAT BRITAIN	4,363,924	18 3			142,023	5 1	
	IRELAND	1,037,581	6 3			35,278	11 8	
	£	5,401,506	4 6			177,301	16 9	
TOTAL DEBT on 5th Jan. 1827.	GREAT BRITAIN	752,110,232	19 3½			28,994,557	6 5½	
	IRELAND	31,691,506	18 5			1,177,255	8 8	
	£	783,801,739	17 8½			30,171,812	15 1½	
TOTAL - -		£	789,203,246	2 2½		30,349,114	11 10½	

Note.—Besides the Reduction of the Funded Debt in the year 1826 above stated, there was paid, within the same year, out of the Sinking Fund, to the Banks of England and Ireland, per 5 Geo. IV. c. 45, towards the discharge of Exchequer Bills placed in their hands, for the Sums advanced by them to pay off the Proprietors of £4 per cents. who did not assent to receive £3½ per cents. in lieu thereof:

Principal	£	3,250,000	0 0
Interest		62,565	10 4
	£	3,312,565	10 4

AN ACCOUNT of the state of the PUBLIC FUNDED DEBT of GREAT
DEBT.

	C ^o 1. CAPITALS.			C ^o 2. CAPITALS transferred to the Commissioners			C ^o 3. CAPITALS UNREDEEMED.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
GREAT BRITAIN:									
Due to the South } at £3 Sea Company.... } p' ct.	3,662,784	8	6½	-	-	-	3,662,784	8	6½
Old South Sea Annuities do.	4,574,870	2	7	572,000	0	0	4,002,870	2	7
New South Sea Annuities do.	3,128,330	2	10	282,500	0	0	2,845,830	2	10
South Sea Annuities, } do. 1751..... }	707,600	0	0	52,500	0	0	655,100	0	0
Debt due to the Bank } do. of England..... }	14,686,800	0	0	-	-	-	14,686,800	0	0
Bank Annuities cre- } do. ated in 1726 . . . }	1,000,000	0	0	437	10	9	999,562	9	3
Consolidated Annuities do.	369,103,390	12	6½	8,373,012	10	1	360,730,378	2	5½
Reduced Annuities.... do.	132,776,009	5	6	4,304,079	11	10	128,471,929	13	8
TOTAL at £3 per cent . . £.	529,639,784	11	11½	13,584,529	12	8	516,055,254	19	3½
Annuities at £3½ per cent	15,083,949	13	9	599,641	0	0	14,484,308	13	9
Reduced Annuities at £3½ } per cent..... }	73,406,921	12	9	5,838,417	10	2	67,568,504	2	7
New £4 per cent Annuities	145,550,336	13	6	108,171	9	10	145,442,165	3	8
Annuities created 1826, at } 4 per cent..... }	8,560,000	0	0	-	-	-	8,560,000	0	0
GREAT BRITAIN ... £.	772,240,992	11	11½	20,130,759	12	8	752,110,232	19	3½
IN IRELAND.									
Irish Consolidated £3 per } cent Annuities }	2,279,960	16	7	11	17	10	2,279,948	18	9
Irish reduced £3 per cent } Annuities }	931,123	3	9	2	10	0	931,120	13	9
£3½ per cent Debentures } and Stock }	14,156,204	10	1	672,861	16	6	13,483,342	13	7
Reduced £3½ per cent } Annuities }	2,140,321	13	7	366,957	1	11	1,773,364	11	8
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	10,593,165	16	3	205	0	3	10,592,960	16	0
Debt due to the Bank of } Ireland, at £5 per cent }	1,015,384	12	4	-	-	-	1,015,384	12	4
IRELAND..... £.	32,731,545	4	11	1,040,038	6	6	31,691,506	18	5
TOTAL UNITED KINGDOM £.	804,972,537	16	10½	21,170,797	19	2	783,801,739	17	8½

STOCK.

Note.—The above Columns, 1 and 2, show the Totals of Debt of the United Kingdom, after deducting the Stock directed to be cancelled by various Acts of Parliament, and by redemption of Land Tax, amounting to

£. s. d.
484,526,784 1 7

BRITAIN and IRELAND, and the Charge thereupon, at the 5th of January 1827.
CHARGE.

		In GREAT BRITAIN.	In IRELAND.	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	
	Annual Interest on Stock standing in the names of the Commissioners...	628,104 16 10½	36,402 5 10½	
	Long Annuities do.	8,350 18 8½	—	
£		5,476,455 15 7½	196,402 5 10½	
Due to the Public Creditor	Annual Interest on Unredeemed Debt	24,513,592 14 1	1,169,419 17 9½	
	Long Annuities, expire 1860	1,332,301 0 0	—	
	Life Annuities payable at the Exchequer } English	25,827 8 7½	—	
	Irish...	35,476 18 7	7,038 0 9	
£		25,907,198 1 3½	1,176,457 18 6½	
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 D2. 53 Geo. 3. c. 123.		9,089 18 11½	—	
Management.....		278,269 6 2½	797 10 1½	
Military and Naval Pensions and Civil Superannuations }		2,800,000 0 0	—	
TOTAL CHARGE, including Sinking Fund and Pensions		£ 34,471,013 2 0½	1,373,657 14 6½	35,844,670 16 7

ABSTRACT.

	CAPITALS.	CAPITALS transferred to the Commissioners	CAPITALS UNREDEEMED.
	£. s. d.	£. s. d.	£. s. d.
Great Britain	772,240,992 11 11½	20,130,759 12 8	752,110,232 19 3½
Ireland - -	32,731,545 4 11	1,040,038 6 6	31,691,506 18 5
£.	804,972,537 16 10½	21,170,797 19 2	783,801,739 17 8½

Military and Naval Pensions and }
Civil Superannuations - - }

Non-assented £. 4 per Cents, vested in the Commissioners	}	£. 6,149,245 17 4
as £. 3½ per cents, 5 Geo. IV. c. 45-		
Purchased with the Sinking Fund	- - - - -	11,659,756 7 6
Transferred for Life Annuities	- - - - -	2,308,584 0 0
Stock Unclaimed, 10 years and upwards	- - - - -	209,713 9 0
Purchased with Unclaimed Dividends	- - - - -	540,500 0 0
Transferred for Redemption of Land Tax under Schedules	}	302,998 5 4
C. D. 1. & D. 2.		

Total transferred to Commissioners, as above - £. 21,170,797 19 2

National Debt Office, }
7th February 1827. }

ABSTRACT :

ANNUAL CHARGE.

Due to the Public Creditor.	MANAGEMENT.	SINKING FUND.	TOTAL.
£. s. d.	£. s. d.	£. s. d.	£. s. d.
{ 25,907,198 1 3½ } { 9,089 18 11¼ }	278,269 6 2½	5,476,455 15 7¼	(a)
1,176,457 18 6½	797 10 1½	196,402 5 10½	—
27,092,745 18 9¼	279,066 16 4	5,672,858 1 5¼	—
2,800,000 0 0	—	—	—
£.29,892,745 18 9¼	279,066 16 4	5,672,858 1 5¼	35,844,670 16 7

(a) On 5th January, 1827. { Chargeable with £.589,250. 12. 0, Life Annuities, per 48 Geo. 3. c. 142.—Do. with the sum of £81,400. 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 £.509,245. 17. 4. (by Quarterly Instalments,) being part of £. 6,149,245 17. 4. 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 January 1827;

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 1827, to defray such part of the Unfunded Debt and Demands outstanding, as have been provided for.

	PROVIDED.	UNPROVIDED.	TOTAL.
	£ s. d.	£ s. d.	£ s. d.
EXCHEQUER BILLS, exclusive of £.459,000 issued for paying off £.4 per cents, the payment of which is charged on the Sinking Fund.....	772,650 - -	23,793,200 - -	24,565,850 - -
SUMS remaining unpaid, charged upon Aids granted by Parliament	3,282,828 3 8½	- - -	3,282,828 3 8½
ADVANCES made out of the Consolidated Fund in Ireland, towards the Supplies which are to be repaid to the Consolidated Fund, out of the Ways and Means in Great Britain... ..	246,417 10 4	- - -	246,417 10 4
TOTAL Unfunded Debt, and Demands outstanding ...	£ 4,301,895 14 -½	23,793,200 - -	28,095,095 14 -½
WAYS and MEANS.....	4,383,649 15 -½	-	-
Surplus Ways and Means	£ 81,754 1 -	-	-
EXCHEQUER BILLS to be issued to complete the Charge upon the Consolidated Fund	£ 5,703,718 11 -½	5,703,718 11 -½	

Whitehall, Treasury Chambers, }
8th February, 1827.

J. C. HERRIES.

TRADE OF THE UNITED KINGDOM.

AN ACCOUNT of the VALUE of the IMPORTS into, and of the EXPORTS from, the United Kingdom of GREAT BRITAIN and IRELAND,

During each of the Three Years ending the 5th January 1827, calculated at the official Rates of Valuation, 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 therefrom, according to the Real or 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 or 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.
1825 - -	37,558,176 4 10	48,730,466 4 7	10,204,785 6 4	58,935,251 10 11	38,390,403 14 0
1826 - -	44,208,907 7 0	47,150,689 12 11	9,169,494 8 3	56,320,184 1 2	38,870,945 11 11
1827 - -	37,714,021 15 1	40,965,030 14 0	10,079,627 8 1	51,044,658 2 1	31,536,833 10 11

Inspector General's Office,
Custom-House, London,
24th March, 1827.

WILLIAM IRVING,
Inspector General of Imports and Exports.

AN ACCOUNT of the VALUE of the IMPORTS into, and of the EXPORTS from, GREAT BRITAIN,

During each of the Three Years ending the 5th January 1827; calculated at the Official Rates of Valuation, and stated exclusive of the Trade with Ireland; distinguishing the Amount of the Produce and Manufactures of the United Kingdom exported, from the Value of Foreign and Colonial Merchandize exported:—Also, stating the Amount of the Produce and Manufactures of the United Kingdom exported from Great Britain, according to the Real or Declared Value thereof.

YEARS ending 5th January	VALUE of IMPORTS into Great Britain, calculated at the Official Rates of Valuation.	VALUE OF EXPORTS FROM GREAT BRITAIN, calculated at the Official Rates of Valuation.			VALUE of the Produce and Manufactures of the United Kingdom, exported from Great Britain, ac- cording to the Real or 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.
1825 - -	36,146,448 0 0	48,024,951 13 6	10,188,596 9 2	58,213,548 2 8	37,568,020 16 9
1826 - -	42,661,054 8 11	46,453,021 17 1	9,155,305 5 0	55,608,327 2 1	38,077,330 9 0
1827 - -	36,069,999 12 1	40,332,104 6 0	10,069,188 1 2	50,401,292 7 2	30,847,638 7 4

Note:—The Commercial Intercourse with Ireland, having been placed upon the footing of a Coasting Trade, the Exports to, and Imports from that Country, are necessarily omitted in this Return.

Inspector General's Office,
Custom House, London,
24th March 1827.

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 1825, 1826, and 1827, respectively.

	IN THE YEARS ENDING THE 5TH JANUARY					
	1825.		1826.		1827.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom	799	91,083	975	122,479	1,115	118,963
Isles Guernsey, Jersey, and Man..	38	2,136	28	1,550	24	2,171
British Plantations	342	50,522	536	80,895	383	58,486
Total	1,179	143,741	1,539	204,924	1,522	179,020

Custom House, London, }
22d March, 1827.

T. E. WILLOUGHBY.

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 Year 1824, and on the 31st December 1825 and 1826, respectively.

	On 30th September 1824.			On 31st December 1825.			On 31st December 1826.		
	Ves-sels.	Tons.	Men.	Ves-sels.	Tons.	Men.	Ves-sels.	Tons.	Men.
United Kingdom	20,803	2,321,953	149,742	20,087	2,298,836	146,703	20,469	2,382,069	149,894
Isles Guernsey, } Jersey and } Man	477	26,361	3,806	508	28,505	3,773	499	29,392	3,665
British Planta- } tions	3,496	211,273	15,089	3,579	214,875	15,059	3,657	224,183	14,077
TOTAL....	24,776	2,559,587	168,637	24,174	2,542,216	165,535	24,625	2,635,644	167,636

Note.—The Returns upon which the above Account is founded were formerly made up on 30th September in each year, but are now made up on 31st December, conformably to the Act 4 Geo. IV. c. 41.

Custom House, London, }
22d March, 1827.

T. E. WILLOUGHBY.

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 Foreign Parts, during each of the three Years ending 5th January 1827.

SHIPPING ENTERED INWARDS IN THE UNITED KINGDOM, From Foreign Parts.									
YEARS ending 5th January	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Ves- sels.	Tons.	Men.	Ves- sels.	Tons.	Men.	Ves- sels.	Tons.	Men.
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
1827.....	12,473	1,950,630	113,093	5,729	694,116	39,838	18,202	2,644,746	152,931

SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM, To Foreign Parts.									
YEARS ending 5th January	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Ves- sels.	Tons.	Men.	Ves- sels.	Tons.	Men.	Ves- sels.	Tons.	Men.
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	109,657	6,085	906,066	47,535	16,928	2,699,908	157,192
1827.....	10,844	1,737,425	105,198	5,410	692,440	37,305	16,254	2,429,865	142,503

Custom House, London, }
22d March 1827.

T. E. WILLOUGHBY.

*SPEECH of the Lords Commissioners, on the Closing of the
British Parliament, 2d July, 1827.*

My Lords, and Gentlemen,

WE are commanded by His Majesty to express to you the satisfaction which His Majesty feels in being enabled, by the state of the Publick Business, to release you from further attendance in Parliament.

His Majesty directs us to inform you, that He continues to receive from all Foreign Powers assurances of their earnest desire to cultivate Relations of Friendship with His Majesty; and that His Majesty's best efforts, as well as His Majesty's Communications with His Allies, are unceasingly directed to the termination of existing Hostilities, and to the maintenance of general Peace.

Gentlemen of the House of Commons,

HIS Majesty commands us to thank you for the Supplies which you have granted for the Service of the present Year, and to assure you that His Majesty has given directions for a careful revision of the Financial state of the Country, with a view to every diminution of Expenditure which may be found consistent with the necessary demands of the Publick Service, and with the permanent interests, good faith, and honour of the Nation.

My Lords, and Gentlemen,

HIS Majesty is confident that you participate with His Majesty in the pleasure which His Majesty derives from the indications of a gradual revival of employment in the Manufacturing Districts.

His Majesty trusts that although your deliberations on the Corn Laws have not led, during the present Session, to a permanent settlement of that important Question, the consideration of it will be resumed by you early in the ensuing Session, and that such an arrangement of it may finally be adopted as shall satisfy the reasonable wishes, and reconcile the substantial Interests, of all Classes of His Majesty's Subjects:

TREATY of Peace between France and Tunis.

Signed at Bardo, 21st May, 1824.

(Translation from the Arabic.)

WE, Constantine Guys, Knight of the Legion of Honour, Consul-General and Agent of His Great Majesty, the Victorious Louis the XVIIIth., King of France and Navarre, and Representative of His said Majesty at the Court of His Highness Mahmoud Pashá, Bey of the Regency of Tunis, have been specially appointed and authorized to conclude this present Treaty of Peace, between His Majesty and His said Highness, upon the following terms:

ART. I. That all the Treaties of Peace made between the King of France and His Majesty the Ottoman Sultan, and their Predecessors,

as also any Treaty which may take place between the Ambassador of France at Constantinople and the Sublime Porte, for the purpose of peace and amicable union between the two said Courts, shall be hereby strictly observed and acknowledged, by the Regency of Tunis and the Court of France, without deviation on either side, either privately or publickly.

II. That all former Treaties are hereby renewed and confirmed, with such modifications as are hereinafter expressed.

III. That all the French Subjects, resident in the Kingdom of Tunis, shall continue upon the same footing as they were before, to enjoy those privileges and advantages which have been hitherto granted them, and shall be treated as Subjects of the most favoured Nation, according to the terms of the before-mentioned Treaties; and that whatever other privileges and advantages may be hereafter granted to any other Nation, shall be equally granted to the French, notwithstanding this not being specified in the aforesaid Treaties.

IV. That all goods imported either from France or from any other Country, under any Flag, whether of a Friend or Enemy, and consigned to French Merchants, shall only pay 3 per cent. Customs, according to customary usage, until the establishment of a new Tariff.

V. That if any French Subject should bring to the Corn Market either rice or any other sort of grain, or dry seeds, he shall only pay 1 piastre of Tunis currency duty upon every *Kaffeer** to the Governor of the Market, without paying any duty at the Custom House.

VI. That, upon the demand of the French Consul, it is agreed that there shall be established a Tariff, for valuation of goods paying customs, and as soon as this Tariff shall be reciprocally agreed upon by the Parties, it shall be considered as forming an Article of this Treaty.

VII. That if any of the goods imported into Tunis by the French Merchants should remain unsold, the said Merchants shall be allowed to export them within the period of one Year from the time of their importation, without paying any duty whatever; and if any duty had been paid at the Custom House on the importation of the said goods, it shall be returned to the Merchants at the time the goods are exported.

VIII. That the French Merchants shall likewise be allowed to unload their merchandize from one Ship and load it upon another without paying any duty whatever; provided such goods shall not be landed.

IX. That all goods which have paid the Customs shall be permitted to be sent from one Harbour to the other, in the Dominion of the Regency of Tunis, without paying any further duty, either on their exportation from, or importation to such Harbours.

* About an English Quarter.

X. That the Company of French Bakers, who are attached to the French Establishment at Tunis, shall be permitted to sell, as formerly, to the French Ships, all sorts of bread and biscuit which they may be in want of; but as biscuits have become an article of Excise, they shall pay, as long as the tax continues, 2 piastres of Tunis only, duty upon every quintal of biscuit sold to the French Captains.

XI. That the Brokers, whether Jews or of any other Nation and Country, who are in the service of the French at Tunis, or at any other Town or Harbour of the said Regency, shall be considered as French Subjects, and shall enjoy all privileges and advantages accorded by former Treaties.

XII. That the Consul, Representative of the King of France, is at liberty to choose and change, according to his own will, the Interpreters, Brokers, and Clerks, who are in his service, or establishment, without either hindrance or limitation.

XIII. That in case a War should break out between the Court of France and any other Nation, the French Merchants who may receive goods and send them under another name, according to the circumstances of the times, shall be allowed to continue doing this, and to enjoy the usual privileges and advantages granted them, provided they should assert this by writing, and by taking an oath in presence and with consent of the French Consul.

XIV. That if any dispute, concerning Commercial Affairs, should occur between a French Subject and one of the Subjects of Tunis, there shall be some Persons, either French or of any other Nation, who may be chosen by the Consul of France, specially appointed by him to decide the question; and in the same manner some Persons of Tunis shall be appointed by either the Head Merchant or any other Officer authorized by the Bey for that purpose. If the Plaintiff be a Subject of Tunis, he shall be entitled to demand of the Consul the appointment of such Persons as above stated, for the decision of the dispute; and in case these Arbitrators should differ in opinion, and not come to any conclusion, the matter shall be brought before the Bey, who will finally decide it in unison with the Consul.

XV. That French Vessels shall pay in future the same anchorage and Port dues as those of the most favoured Nation.

XVI. That in case a discussion should arise between the two Contracting Parties, neither of them shall detain the goods belonging to the Merchants, (who have nothing to do in the disputes of their respective Courts,) nor shall the said Merchants be held responsible for any of those goods.

XVII. That all the French who reside at Tunis, shall always continue under the protection and authority of the French Consul.

Dated at the Palace of Bardo, 21st May, 1824.

CONSTANTINE GUYS.

TREATY of Commerce and Navigation between Brazil and Lubeck, Bremen, and Hamburgh.—Signed at Rio de Janeiro, the 17th of November, 1827.

Em Nome da Santissima e Indivisi-
vel Trindade.

SUA Majestade O Imperador do Brazil por huma parte, e o Senado da Cidade Livre e Anseatica de Lubeck, o Senado da Cidade Livre e Anseatica de Bremen, e o Senado da Cidade Livre e Anseatica de Hamburgo, cada hum delles separadamente, por outra parte, dezejando consolidar as relações de Commercio e Navegação entre os respectivos Estados; nomeárao para concluir huma Convenção fundada nos principios de huma justa reciprocidade, por seus Plenipotenciarios: a saber:

Sua Majestade O Imperador do Brazil: aos Ill^{mos} e Excell^{mos} Sn^{res}, Marquez de Queluz, do Seu Conselho de Estado, Senador do Imperio, Grao Cruz da Imperial Ordem do Cruzeiro, Commendador da de Christo, Ministro e Secretario de Estado dos Negocios Estrangeiros; e Conde de Lages, do Seu Conselho de Estado, Official da Imperial Ordem do Cruzeiro, Commendador da de São Bento d'Aviz, Condecorado com a Cruz de Ouro do Exercito Pacificador do Sul, Brigadeiro do Exercito Imperial e Nacional, Ministro e Secretario de Estado dos Negocios da Guerra, Inspector da Imperial Academia Militar:

E o Senado da Cidade Livre e Anseatica de Lubeck, o Senado da Cidade Livre e Anseatica de Bremen, e o Senado da Cidade Livre e Anseatica de Hamburgo:

Au nom de la Très Sainte et Indivisible Trinité.

Le Sénat de la Ville Libre et Anséatique de Lubeck, le Sénat de la Ville Libre et Anséatique de Bremen, et le Sénat de la Ville libre et Anséatique de Hambourg, d'une part, chacune d'elles séparément, et Sa Majesté l'Empereur du Brésil, de l'autre part, désirant consolider les relations de Commerce et de Navigation entre les Etats respectifs; ont nommé, pour conclure une Convention basée sur des principes d'une juste réciprocité, leurs Plénipotentiaires, savoir:

Le Sénat de la Ville Libre et Anséatique de Lubeck, le Sénat de la Ville libre et Anséatique de Bremen, et le Sénat de la Ville Libre et Anséatique de Hambourg: le Sieur Jean Charles Frédéric Gildemeister, Docteur en Droit, Membre du Sénat de Bremen, actuellement Son Envoyé Extraordinaire près Sa Majesté l'Empereur du Brésil, et le Sieur Charles Sieveking, Docteur en Droit, Membre et Syndic du Sénat de Hambourg, actuellement Son Envoyé Extraordinaire près Sa dite Majesté:

Et Sa Majesté l'Empereur du Brésil: Son Excellence le Marquis de Queluz, Conseiller d'Etat, Sénateur de l'Empire, Grand Croix de l'Ordre Impérial du Cruzeiro, Commandeur de l'Ordre Impérial du Christ, Ministre et Secrétaire d'Etat des Affaires

ao Senhor João Carlos Frederico Gildemeister, Doutor em Direito, Membro do Senado de Bremen, actualmente Seu Enviado Extraordinario junto à Sua Majestade O Imperador do Brazil; e ao Senhor Carlos Sieveking, Doutor em Direito, Membro e Syndico do Senado de Hamburgo, actualmente Seu Enviado Extraordinario junto à Sua Dita Majestade.

Os quaes, depois de haverem communicado os seus respectivos Plenos Poderes, que foraõ achados em boa e devida forma, convieraõ nos Artigos seguintes:

ART. I. Todos os Portos e Ancoradouros dos respectivos Estados, que se achaõ abertos às Embarcações de qualquer outra Nação, o seraõ da mesma maneira às do Brazil, e das Republicas Anseaticas respectivamente.

II. Todo o Navio que trazer a Bandeira de huma das Republicas de Lubeck, Bremen e Hamburgo, e que fór reconhecido pertencer exclusivamente a hum Cidadão ou Cidadões de huma ou outra, e cujo Capitão fór tambem Cidadão de huma ou outra das ditas Republicas, sera havido e considerado para todos os objectos desta Convenção, como Navio pertencente a Lubeck, ou Bremen ou Hamburgo. Huma exacta reciprocidade se observará a respeito dos Navios Brasileiros. Os Passaportes expedidos em forma legal estabelecerão entre as Altas Partes Contractantes a prova da Nacionalidade dos Navios Brasileiros e Anseaticos.

Etrangères, et Son Excellence le Comte de Lages, Conseiller d'Etat, Officier de l'Ordre Impérial du Cruzeiro, Commandeur de l'Ordre Impérial de Saint Benoît d'Avis, décoré de la Croix d'Ordre de l'Armée Pacificatrice du Sud, Brigadier de l'Armée Impériale et Nationale, Ministre et Secrétaire d'Etat des Affaires de la Guerre, Inspecteur de l'Académie Impériale Militaire.

Lesquels, après s'être communiqués réciproquement leurs Pleins Pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:

ART. I. Tous les Ports et mouillages des Etats respectifs ouverts aux Bâtimens d'une autre Nation quelconque, le seront de même à ceux du Brésil et des Républiques Anseatiques respectivement.

II. Tout Navire portant le Pavillon d'une des Républiques de Lubeck, Bremen et Hambourg, et reconnu appartenir exclusivement à un Citoyen ou à des Citoyens de l'une d'elles, et dont le Capitaine sera de même Citoyen de l'une de ces Républiques, sera tenu et considéré pour tous les objets de cette Convention comme Navire appartenant à Lubeck, Bremen ou Hambourg. Une réciprocité exacte sera observée par rapport aux Navires Brésiliens. Les Passaports régulièrement expédiés formeront entre les Hautes Parties Contractantes la preuve de la nationalité des Bâtimens Brésiliens et Anseatiques.

III. As Embarcações de Lubeck, de Bremen e de Hamburgo, que entrarem nos Portos do Brazil, ou que d'elles sahirem, e as Embarcações Brazileiras que entrarem nos Portos das ditas Republicas, ou que d'elles sahirem, não são obrigados a satisfazerem, além dos direitos devidos pelos seus carregamentos, a titulo de porto, frete, ancoragem, farol, tonelagem, visita, ou pilotagem, ou debaixo de qualquer outra denominação, nenhuns outros, ou maiores direitos do que aquelles que são actualmente ou forem para o futuro impostos sobre os Navios Nacionaes.

IV. As Altas Partes Contractantes obrigaõ-se mutuamente a não fazerem prohibições de entrada ou de sahida, que sobrecarreguem as importações ou as exportações de hum dos Estados com o fim de favorecer as dos outros Paizes relativamente aos artigos do mesmo genero.

Elles se obrigaõ a não gravarem os ditos Artigos com direitos alguns, ou quaesquer outras despesas, que se não fação extensivos ao mesmo tempo a todas as importações ou exportações da mesma qualidade sem distincção de Paiz.

V. Todas as mercadorias, que pudérem ser importadas nos respectivos Estados das Altas Partes Contractantes, a bordo de Navios Nacionaes, ou que d'elles pudérem ser exportadas da mesma maneira, poderaõ igualmente serem importadas ou exportadas pelos Navios da outra Alta Parte Contractante. E como a Navegação costeira de Porto a Porto empregada no trans-

III. Les Bâtimens de Lubeck, de Bremen et de Hambourg, qui entreront dans les Ports du Brésil ou qui en sortiront, et les Navires Brésiliens, qui entreront dans les Ports des dites Républiques ou qui en sortiront, ne seront sujets à droits perçus sur les Bâtimens, abstraction faite de leur cargaison, à titre de port, frêt, ancrage, phare, tonnage, visite, pilotage ou autre dénomination quelconque, autres ou plus considérables que ceux, qui sont actuellement ou pourraient par la suite être imposés aux Bâtimens Nationaux.

IV. Les Hautes Parties Contractantes s'engagent mutuellement à ne point faire de prohibitions d'entrée ou de sortie, qui frapperaient les importations ou les exportations de l'un des Pays, tout en ménageant celles d'autres Pays par rapport aux articles du même genre.

Elles s'engagent à ne les grèver d'aucuns droits ou autres charges quelconques, qui ne soient étendus en même tems à toutes les importations ou exportations du même genre sans distinction de Pays.

V. Toutes les marchandises qui pourront être importées dans les Etats respectifs des Hautes Parties Contractantes à bord de Bâtimens Nationaux, ou qui pourront en être exportées de la même manière, pourront de même y être importées et en être exportées par les Navires de l'autre Partie Contractante.

Le cabotage de Port à Port,

porte dos generos do Paiz ou Estrangeiros já despachados para consumo hé exceptuada deste principio geral, e fica reservada aos Regulamentos de cada Paiz, as mesmas Altas Partes Contractantes convierão outro sim, que os seus Subditos e Cidadãos gozaráo tanto a este respeito; como relativamente á faculdade de se servirem das Embarcações costeiras para o transporte de suas mercadorias, dos mesmos Direitos, que saõ ou forem para o futuro concedidos aos Subditos da Nação mais favorecida.

VI. Quaesquer mercadorias, sem distincção de origem, transportadas dos Portos do Brazil para os Portos de Lubeck, de Bremen, e de Hamburgo, ou destes Portos para o Brazil em Navios Brasileiros, ou em Navios pertencentes a huma Nação favorecida nos Portos Anseaticos no seu commercio directo, e as mercadorias importadas de qualquer Paiz nos Portos Anseaticos em Navios Brasileiros, somente pagaráo nos ditos Portos os direitos de entrada e sahida e quaesquer impostos na proporção concedida ao commercio directo e nacional da Nação mais favorecida. Da outra Parte, quaesquer mercadorias, sem distincção de origem, transportadas dos Portos de Lubeck, de Bremen, ou de Hamburgo para o Brazil, ou do Brazil para estes Portos, em Navios Anseaticos, ou em Navios pertencentes a huma Nação favorecida nos Portos Brasileiros no seu commercio directo, pagaráo somente no Brazil os Direitos de entrada e sahida e quaesquer impostos na pro-

employé au transport des produits indigènes ou Etrangers déjà dépêchés pour la consommation étant néanmoins excepté de ce principe général et réservé aux réglemens de chaque Pays, on est convenu de part et d'autre, que les Citoyens et Sujets des Hautes Parties Contractantes jouiront à cet égard comme par rapport à la faculté de se servir des bâtimens côtiers pour le transport de leurs marchandises des mêmes droits, qui sont accordés ou qui le seront par la suite aux Sujets de la Nation la plus favorisée.

VI. Les Marchandises quelconques, sans distinction d'origine, transportées des Ports du Brésil aux Ports de Lubeck, de Bremen, et de Hambourg, ou de ces Ports au Brésil en Navires Brésiliens ou en Navires appartenant à une Nation favorisée dans les Ports Anséatiques dans son commerce direct, et les marchandises importées d'un Pays quelconque dans les Ports Anséatiques par des Navires Brésiliens, ou exportées pour un Pays quelconque des Ports Anséatiques par des Navires Brésiliens, ne payeront dans les dits Ports les droits d'entrée et de sortie et les impôts de toute espèce, qu'au taux accordé au commerce direct et National de la Nation la plus favorisée. D'autre côté les marchandises quelconques, sans distinction d'origine, transportées des Ports de Lubeck, de Bremen ou de Hambourg au Brésil ou du Brésil, à ces Ports en Navires Anséatiques ou en Navires appartenant à une Nation favorisée dans les Ports Brésiliens dans son commerce direct, ne payeront au Brésil

porção concedida ao commercio directo e nacional da Nação mais favorecida: proporção que por outros Tratados se acha temporariamente estipulada em 15 por cento em lugar de 24 para todas as mercadorias despachadas para consumo.

Ainda que as Cidades Anseaticas não tenham posto restricções algumas ao commercio indirecto do Brazil, todavia não podendo o Governo Brasileiro, no estado actual de suas relações commerciaes, conceder ao commercio indirecto das ditas Cidades a mesma latitude e huma exacta reciprocidade; convieio-se comtudo que o dito commercio fique por hora restricto, e não tenha lugar, senão a respeito d'aquellas Nações, que são ou vierem a ser favorecidas nos Portos Brasileiros em seu Commercio directo por Tratados particulares, pagando as mercadorias transportadas dos Portos das ditas Nações favorecidas em Navios Anseaticos para os Portos Brasileiros, os mesmos direitos de entrada e de sahida, ou outros quaesquer impostos, que pagão as Cidades Anseaticas no seu commercio directo: ficando as ditas mercadorias sujeitas ás mesmas formalidades por que passão, quando são introduzidas nos portos Brasileiros pelas Nações favorecidas no seu commercio directo.

Os premios, reembolços de direitos, e outras vantagens desta qualidade, concedidas em hum dos Paizes á importação ou á exportação em Navios de qualquer Nação Estrangeira, serão tambem

les droits d'entrée et de sortie et les impôts de toute espèce, qu'au taux accordé au commerce direct et National de la Nation la plus favorisée, taux qui par d'autres Traités se trouve temporairement fixé à 15 pour cent. au lieu de 24 pour toutes les marchandises dépêchées pour la consommation.

Les Villes Anséatiques n'ayant mis aucune restriction au commerce indirect du Brésil, et le Gouvernement Brésilien ne pouvant toutefois dans l'état actuel de ses relations commerciales, accorder au commerce indirect de ces Villes la même latitude et une réciprocité parfaite, on est convenu, que le dit commerce indirect sera pour le moment restreint et n'aura lieu que par rapport aux Nations, dont le commerce direct est ou sera favorisé dans les Ports Brésiliens par des Traités particuliers. Les marchandises transportées en Navires Anséatiques des Ports des dites Nations favorisées au Brésil, y payeront les mêmes droits d'entrée et de sortie ou autres impôts quelconques que payent les Villes Anséatiques dans leur commerce direct, ces marchandises restant toutefois sujettes aux autres formalités requises lorsqu'elles sont importées dans les Ports Brésiliens par les Nations favorisées dans leur commerce direct.

Les primes, remboursements de droits ou autres avantages de ce genre accordés dans l'un des Pays à l'importation ou à l'exportation dans les Navires d'une Nation Etrangère quelconque, seront de

concedidas, se a importação ou exportação se fizer em Navios do outro Paiz.

No Commercio directo entre o Brazil e as Cidades Anseaticas os Manifestos attestados pelos Consulados Brasileiros, ou Anseaticos respectivamente, ou no cazo que os não haja, pelas Authoridades Locaes, bastarão para admittir as importações ou exportações respectivas á posse de todos os favores estipulados neste Artigo.

VII. As mercadorias indicadas no Artigo precedente gozará nas Alfandegas respectivas, relativamente á sua avaliação de todas as vantagens e facilidades que são ou forem concedidas á Nacão mais favorecida. Fica entendido, que, quando as ditas mercadorias não tiverem nenhum valor determinado na Pauta Brasileira, far-se-ha o despacho nas Alfandegas á vista de huma declaração do seu valor assignada pelo importador; porém no cazo em que os Officiaes d'Alfandega encarregados da percepção dos direitos suspeitarem que esta avaliação he leziva, terão a liberdade de tomar os objectos assim avaliados, pagando 10 por cento sobre a dita avaliação dentro do prazo de 15 dias contados do primeiro da detenção, e restituindo os direitos pagos.

VIII. O Commercio e a Navegação entre o Brazil e os Portos Anseaticos gozará, sem se esperar por huma Convenção addicional a esto respeito, em ambos os Paizes, de todos os privilegios e vantagens que são ou forem para o futuro concedidos a qualquer ou-

même accordés lorsque l'importation ou l'exportation se fera par des Navires de l'autre Pays.

Dans la navigation directe entre le Brésil et les Villes Anséatiques les Manifestes visés par les Consuls Brésiliens ou Anséatiques respectivement, ou, lorsqu'il n'y en aurait pas, par les Autorités Locales, suffiront pour admettre les importations ou exportations respectives à la jouissance des faveurs stipulées dans cet Article.

VII. Les marchandises indiquées par l'Article précédent jouiront dant les douanes respectives, par rapport à leur évaluation, de tous les avantages et de toutes les facilités qui sont ou qui seront accordés à la Nation la plus favorisée. Il est entendu que lorsqu'elles 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, soupçonneraient fautive cette évaluation, ils auront la liberté de prendre les objets ainsi évalués en payant 10 pour cent en sus 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.

VIII. Le Commerce et la Navigation entre le Brésil et les Ports Anséatiques jouiront dans l'un ou l'autre Pays, sans attendre une Convention additionnelle à cet égard, de tous les privilèges et avantages qui sont ou qui seront par la suite accordés à quelque autre Nation fa-

tra Nação favorecida, préenchen-
dose todavia as condições de reci-
procidade, que esses privilegios e
vantagens supõem.

Fica entendido que os privilegios
que se tem concedido ou conceder-
em à Nação Portuguesa, não ser-
viraõ de termo de comparação:
outro sim, que os effeitos da pre-
sente Convenção não se extende-
rem ao Portugal, salvo se para
esse fim houver Tratado particular.

IX. Os Consules dos respectivos
Governos seraõ considerados, tan-
to em suas pessõas, como no ex-
ercicio das suas funcções, como os
da Nação mais favorecida. Goza-
raõ particularmente do direito de
fazerem representações assim ge-
raes, como particulares sobre as
Avaliações da Alfandega, para se-
rem tomadas em consideração com
a menor demora possivel, sem que
isto obsté ao Despacho.

X. No cazo em que huma das
Altas Partes Contractantes estiver
em guerra, ficando a outra neu-
tra, conveio-se em que todos os fa-
vores que a Parte Belligerante es-
tipular com outras Potencias, rela-
tivamente á Bandeira Neutra, ser-
viraõ tambem de regra entre o
Brazil e as Republicas Anseaticas.
Afin de prevenir todo o engano
acêrca do que deverá ser consider-
ado como contrabando de guerra,
conveio-se (sem que por isso se
derogue o principio acima mencio-
nado), em restringir a sua defini-
ção aos artigos seguintes: peças,
morteiros, espingardas, pistolas,
granadas, salsixas, carros de pe-
ças, talabertes, polvora, salitre, ca-

vorisée en remplissant toute fois les
conditions de réciprocité qu'il sup-
posent.

Il est entendu que les privilèges
qu'on a accordés ou qu'on accor-
dera à la Nation Portugaise, ne
serviront point de terme de com-
paraison. De même les effets de
la présente Convention ne s'étén-
dront au Portugal à moins qu'il
n'y aurait de Traités particuliers à
cet égard.

IX. Les Consuls des Gouverne-
mens respectifs seront traités, tant
pour leurs personnes, que pour
l'exercice de leurs fonctions sur le
pied de ceux de la Nation la plus
favorisée. Ils jouiront nommément
du droit de faire des repré-
sentations tant générales que par-
ticulières sur les évaluations de la
Douane, qui seront prises en con-
sédération dans le plus court délai
possible, sans arrêter pour cela
l'expédition.

X. Dans le cas où l'une des Par-
ties Contractantes se trouverait en
guerre, tandis que l'autre serait
neutre, on est convenu que tout ce
que la Partie Belligérante aurait
stipulé avec d'autres Puissances
d'avantageux au Pavillon Neutre,
servira encore de règle entre le
Brésil et les Villes Anseatiques.
Afin de prévenir toute méprise ré-
lativement à ce qui devra être con-
sidéré comme contrebande de
guerre, on est convenu (sans né-
anmoins déroger au principe gé-
néral ci-dessus énoncé) d'en re-
streindre la définition aux articles
suivans: canons, mortiers, fusils,
pistolets, grénades, saucisses, af-
fûts, boudriers, poudre, salpêtre,

pacetes, ballas, chuços, espadas, alabardas, sellins, arreios, e quaesquer outros instrumentos fabricados para o uzo da guerra.

XI. Os Subditos e Cidadãos dos respectivos Paizes gozaráo no outro, relativamente ás suas pessoas, bens, exercicio do seu culto, e emprego da sua industria, de todos os direitos e privilegios, que são ou forem para o futuro concedidos aos individuos da Nação mais favorecida. Gozando alguns estrangeiros no Imperio do Brazil do privilegio de serem Assignantes das Alfandegas debaixo das mesmas condições e seguranças, como os Subditos Brasileiros, far-se-ha igualmente extensivo este favor aos Anseaticos, que residirem no dito Imperio.

XII. As Altas Partes Contractantes reserva-se o direito de fazerem todas as estipulações addicionaes, que exigir o interesse reciproco do commercio e todos os artigos em que assim se convier seráo considerados, como fazendo parte da presente Convenção.

XIII. Ainda que a presente Convenção seja considerada commun ás trez Cidades Livres e Anseaticas de Lubeck, Bremen e Hamburgo, conveio-se comtudo em que os seus Governos Soberanos não são por ella responsaveis in solidum, e que as suas estipulações ficaraõ em pleno vigor relativamente ao resto das ditas Republicas, ainda que venhaõ a cessar para huma d'ellas.

XIV. A presente Convenção sera ratificada, e as Ratificações

casques, balles, piques, épées, halbardes, selles, harnais, et autre instrumens quelconques fabriqué à l'usage de la guerre.

XI. Les Citoyens et Sujets des Pays respectifs jouiront dans l'autre Pays par rapport à leurs personnes, à leurs biens, à l'exercice de leur culte, et à l'emploi de leur industrie, de tous les droits et privilèges, qui sont ou qui seront par la suite accordés aux individus de la Nation la plus favorisée. Quelques étrangers jouissant au Brésil du privilège d'être signataires des douanes avec les mêmes conditions et sûretés que les Sujets Brésiliens, cette faveur s'étendra également aux Résidens Anséatiques.

XII. Les Hautes Parties Contractantes se réservent le droit d'entrer dans toutes les stipulations additionnelles, que l'intérêt réciproque du commerce pourrait réclamer, et tous les articles dont on conviendra ainsi, seront considérés comme faisant partie de la présente Convention.

XIII. Quoique la présente Convention soit considérée comme commune aux trois Villes Libres et Anséatiques de Lubeck, de Bremen et de Hambourg, il est convenu néanmoins qu'il n'existe point de solidarité entre leurs Gouvernemens souverains, et que les stipulations de la présente Convention resteront en pleine force par rapport au reste de ces Républiques malgré leur cessation par rapport à l'une d'elles.

XIV. La présente Convention sera ratifiée et les Ratifications

serão trocadas em Londres no prazo de quarto mezes, ou antes se fôr possível. Ella ficará em vigor durante 10 annos, contando-se do dia da troca das Ratificações, e além desse termo até que Sua Majestade O Imperador do Brazil, ou os Senados das Cidades Anseaticas, quer collectivamente, quer separadamente, annunciem a intenção de termina-la como tambem durante as negociações, que se fizerem para a sua renovação ou modificação.

Em testemunho do que Nós abaixo assignados Plenipotenciarios de Sua Majestade O Imperador do Brazil e dos Senados das Cidades Livres e Anseaticas de Lubeck, Bremen e Hamburgo, em virtude dos nossos respectivos Plenos Poderes, assignamos a presente Convenção e lhe fizemos pôr o Sello das nossas Armas.

Feito na Cidade do Rio de Janeiro, aos 17 dias do mez de Novembro, do Anno do Nascimento de Nosso Senhor Jezus Christo 1827.

(L.S.) MARQUEZ de QUELUZ.

(L.S.) CONDE de LAGES.

seront échangées à Londres dans l'espace de quatre mois ou plutôt si faire se peut. Elle sera en vigueur pendant 10 ans à dater du jour de l'échange des Ratifications, et au delà de ce terme jusqu'à ce que les Sénats des Villes Anseatiques, soit collectivement, soit séparément, ou Sa Majesté l'Empereur du Brésil, aurent annoncé l'intention de la terminer, comme aussi pendant la durée des négociations pour son renouvellement ou sa modification.

En foi de quoi les soussignés Plénipotentiaires des Sénats des Républiques Anseatiques de Lubeck, Bremen et Hambourg, et de Sa Majesté l'Empereur du Brésil, en vertu de leurs Pleins-pouvoirs respectifs, l'ont signée et y ont apposé le Sceau de leurs Armes.

Fait à Rio de Janeiro, le 17 du mois de Novembre, de l'an de grâce 1827.

(L.S.) GILDEMEISTER.

(L.S.) K. SIEVEKING.

Mem.—The Ratifications of this Treaty were exchanged on the 18th of March, 1828.

SPEECH of the King of The Netherlands, on the Opening of The States General.—15th October, 1827.

NOBLES ET PUISSANS SEIGNEURS!

JE suis heureux, en ouvrant cette Session, de pouvoir vous assurer de nouveau, que nous entretenons avec toutes les Puissances, les relations les plus satisfaisantes de réciprocité et de bonne amitié.

Mes soins tendent constamment à faire servir ces relations au bien-être et aux intérêts de mes Sujets.

L'espoir que j'exprimais l'année dernière à votre Assemblée, de voir bientôt se conclure un arrangement avec le Saint Siège, au sujet des Affaires du Culte Catholique Romain, s'est réalisé.

Les Négociations entamées à cet effet, ont montré le désir sincère, que l'on avait de part et d'autre, de régler à la satisfaction mutuelle, cet important objet, et elles ont eu pour heureuse issue, une Convention, signée à Rome, et ratifiée maintenant, dont il sera donné communication à Vos Nobles Puissances.

Les réserves sous lesquelles j'ai permis la publication de la Bulle, émanée à cette occasion de Sa Sainteté, sur l'explication de la Convention, renferment les garanties que les Lois de l'Etat rendaient nécessaires.

La conclusion d'un Traité de Navigation et de Commerce, avec les Etats Unis du Mexique, assurera au Pavillon des Pays-Bas, dans les Ports Mexicains, les avantages qui y sont accordés à la Nation la plus favorisée; aussitôt après l'échange des Ratifications cette Convention sera communiquée à Vos Nobles Puissances.

Une disposition du Roi de Suède et de Norvège a levé provisoirement les entraves qui ne permettaient pas à la Navigation des Pays-Bas d'importer dans les Ports de la Suède, d'autres produits que les nôtres.

Par suite, une mesure législative réciproque dont le projet est préparé, sera incessamment proposée à Vos Nobles Puissances.

Notre Commerce prospère en général.

Nos constructions navales se sont considérablement multipliées.

L'agriculture se relève de plus en plus.

L'exploitation des mines est poussée avec activité.

L'industrie manufacturière fait des progrès toujours croissants. Elle lutte courageusement et avec persévérance contre la concurrence général, tant sur les marchés de l'Europe, que sur ceux des autres Parties du monde. Même de nouvelles branches d'industrie jusqu'ici étrangères à Notre Royaume, y ont été introduites.

Les produits de nos fabriques trouveront des débouchés assurés, alors surtout que le manufacturier et le commerçant, suivant une même route, dans leur propre intérêt, réuniront leurs moyens pour coopérer ensemble à la prospérité générale.

Les différentes parties de notre Pêche Nationale sont exercées avec plus ou moins de succès.

Des mesures efficaces ont, grace à la Divine Providence, grandement fait diminuer la maladie qui, à la fin de l'année dernière désolait avec une intensité extraordinaire plusieurs de nos Provinces. Des dispositions sont prises pour faire disparaître les causes qui peuvent avoir contribué à propager ce fléau.

On poursuit partout, avec activité, les travaux pour l'achèvement et l'amélioration des communications par terre et par eau. Ils influent de plus en plus sur les sources et le développement de la prospérité de la Nation.

Les institutions pour l'instruction publique continuent de répondre à ce que l'on attendait. Elles reçoivent insensiblement, l'extension et les modifications que reclament les besoins des sciences.

La prospérité des beaux arts est encouragée par tous les moyens convenables.

Les troubles de Java ont pris un aspect moins fâcheux ; le chef des insurgés a été successivement abandonné par plusieurs de ses partisans. La seule nouvelle des renforts de troupes envoyées d'ici, et dont une grande partie est déjà parvenu à sa destination, a, d'après les derniers rapports, produit chez les Rebelles une influence favorable à notre autorité.

Dans cet état de choses, j'ai l'intention, Nobles et Puissans Seigneurs, de vous proposer encore en faveur de cette Colonie, un secours extraordinaire, qui, pour le moment, n'exigera aucun autre sacrifice, que celui que Vos Nobles Puissances ont déjà assuré par leur garantie.

L'expérience m'a fait voir la nécessité de prendre également quelques mesures particulières en faveur de Nos Possessions des Indes Occidentales, pour accroître leur prospérité, en rapport avec les intérêts de la Mère-patrie.

Un Commissaire-Général se rend sur les lieux muni des Instructions nécessaires, pour introduire dans ces Colonies un système d'administration plus simple et moins dispendieux, et donner à des dispositions prises depuis longtems la direction que reclame le but de leur institution, et dont par diverses circonstances on s'est écarté jusqu'ici.

Les différentes branches des Revenus de l'Etat ont dans leur ensemble, pendant l'exercice courant, répondu pleinement à ce que l'on en attendait.

Le projet d'une répartition plus égale de l'impôt foncier, débattu dans Votre dernière Session, a été, sur la demande de Vos Nobles Puissances, pris en considération ultérieure.

J'ai maintenant l'intention d'attendre que les évaluations cadastrales soient plus complètes, pour vous proposer dans la suite de régler définitivement cette importante matière. Cependant, Nobles et Puissans Seigneurs, l'équité exige que les Provinces qui sont évidemment surtaxées, obtiennent un dégrèvement provisoire.

Je crois pouvoir compter sur votre coopération, pour prendre dans ce but une mesure qui sera soumise à vos délibérations.

L'expérience a prouvé que l'organisation actuelle des loteries donne par fois lieu à des inconvénients, et qu'elle exerce une funeste influence sur la moralité publique ; elle subira, au commencement de l'Année prochaine, des modifications convenables.

J'éprouve une grande satisfaction, Nobles et Puissans Seigneurs, de pouvoir vous donner l'assurance, que, bien que la situation financière de nos Possessions d'outre-mer augmente les charges du Budget des Dépenses pour l'Exercice prochain, et que les modifications que subiront

les loteries, fassent prévoir une diminution dans les recettes, néanmoins des sacrifices extraordinaires ne devront pas être demandés à Mes Sujets bien-aimés.

Les dispositions Législatives adoptées, dans votre Session dernière, sur l'organisation du Pouvoir Judiciaire et l'Administration de la Justice, pourront, dans celle-ci, recevoir leur complément par la fixation des Cantons de Justice, qui partageront le Royaume.

Le Code Pénal déjà communiqué, de ma part, aux Membres des Etats Généraux sera, ainsi que celui de Procédure Civile, soumis dans cette Session aux délibérations de Vos Nobles Puissances.

J'ai même l'espoir que le Code de Procédure Criminelle pourra vous être également présenté; alors, Nobles et Puissans Seigneurs, le système entier de Législation, voulu par la Loi Fondamentale, sera complété.

Les nombreuses et importantes matières, traitées avec soin dans ces lois, pourront être, par la nature même des choses, envisagées sous différents points de vue, et offriront à Vos Nobles Puissances, dans leur présente Session, une série étendue de travaux difficiles.

Je ne doute nullement de leurs résultats utiles et satisfaisans pour la Patrie.

Animés d'un même amour pour elle, nos communs efforts atteindront, avec le secours de la protection Divine, le but vers lequel tendent constamment vos désirs et les Miens, la prospérité de nos Concitoyens.

CONVENTION between Sweden and Turkey, relative to the Navigation of the Black Sea by Swedish and Norwegian Vessels.—Signed at Constantinople the 28th of May, 1827.

COMME preuve des sentimens d'affection amicale de la Sublime Porte pour la Cour de Suède et de Norvège; en considération de l'amitié cordiale et sincère que la Cour de Suède et de Norvège ne cesse de témoigner à la Sublime Porte; conformément au Traité conclu (le 10 Janvier) l'An de Grace 1737,* (l'An de l'Hégire 1149,) entre les deux Cours, et à la suite de la demande, faite par la Cour de Suède et de Norvège, de la concession pour Ses bâtimens Marchands de commercer dans la Mer Noire; le Soussigné, Ministre Résident de Sa Majesté le Roi de Suède et de Norvège près la Sublime Porte, autorisé à conférer sur cet objet et à régler cette affaire, de la part de Sa Majesté le Roi de Suède et de Norvège, conjointement avec Son Excellence Monsieur Mehemed Pertew, Reis Effendi de la Sublime Porte; ayant conféré ensemble, nous avons dressé et conclu les Articles suivans :

* See Wenck, Vol. 1. Page 471.

ART. I. La concession Impériale de naviguer dans la Mer Noire ayant été faite aux Bâtimens Marchands Suédois et Norvégiens, ces Bâtimens, chargés ou vuides, arrivant désormais dans le Port de Constantinople, seront d'abord visités par les Préposés de la Douane et du Port. S'il s'y trouverait des articles prohibés, ou des rayahs, [Sujets Turcs qui ne sont pas Musulmans] on les débarquera ; et lorsque tout soupçon de fraude sera écarté, il sera délivré à ces bâtimens des Fermans de passage à la Mer Noire, (exempts de toutes difficultés indues et sans contrevenir aux réglemens intérieurs de l'Empire) conformément à ce qui se pratique avec les Bâtimens des autres Puissances amies.

De la même manière, les Bâtimens Marchands Ottomans, qui iront en Suède ou en Norvège, jouiront de tous les privilèges et immunités accordés aux Nations les plus favorisées.

II. Les Ministres ou Consuls de Suède et de Norvège, résidans dans l'Empire Ottoman, ne permettront pas que des bâtimens rayahs de la Sublime Porte, ou de toute autre Nation que Suédoise et Norvégienne, se couvrent du Pavillon Suédois et Norvégien, ni leur délivreront des Passeports ; et l'on ne considérera comme vrai Bâtiment Suédois et Norvégien que celui qui arrivera avec de véritables Passeports Suédois et Norvégiens, et dont le Capitaine et la moitié de l'équipage seront Sujets de Sa Majesté le Roi de Suède et de Norvège. Tout bâtiment autrement qualifié ne sera pas considéré comme Suédois et Norvégien, la concession présente étant bornée à eux seuls.

III. Comme cette concession du Commerce de la Mer Noire aux Bâtimens Marchands de Suède et de Norvège leur est toujours profitable, et afin que la Sublime Porte en retire aussi un avantage équivalent, il sera perçu, chaque fois qu'un Bâtiment Suédois ou Norvégien passera de la sorte de la Mer Blanche à la Mer Noire, ou de la Mer Noire à la Mer Blanche, pour chaque Bâtiment chargé, un droit de péage de 500 piastres (en outre des droits de douane et autres ordinaires) et de 250 piastres pour chaque Bâtiment vuide. On ne permettra pas que la moindre excuse ou prétexte ait lieu pour le payement du dit droit de péage, et lorsque la remise en aura été rapportée par *Ilam*, [Certificat, attestation légale] la faculté de passer sera donnée à ces Bâtimens.

IV. Lorsque les dits Bâtimens voudront, par nécessité, (c'est à dire que les Bâtimens faisant eau, les cargaisons de grains deviendroient humides et risqueroient de se gâter) transborder, dans le Port de Constantinople, sur d'autres Bâtimens, leurs cargaisons de grains, apportées des Ports Russes de la Mer Noire, le fait sera préalablement annoncé par la Mission de Suède et de Norvège à la Sublime Porte. L'affaire sera adressée aux Préposés de la Douane et du Port, et lorsqu'il constera que dans le transbordement demandé il n'y aura aucune fraude,

contraire au règlement, la faculté en sera donnée par Ferman à *Toughra*.
[Cachet Impérial.]

V. La protection et l'assistance qui, en vertu du susdit Traité, sont actuellement accordées aux Sujets Suédois et Norvégiens dans les Ports de la Mer Blanche et dans le reste de l'Empire Ottoman, leur seront désormais accordés lorsque, en cas de besoin, ils visiteront quelques uns des Ports de l'Empire Ottoman situés sur la Mer Noire. Dans tous les cas, et de toute manière, ces Bâtimens et Sujets seront protégés et assistés ; et il ne sera pas permis que, sans motif, ils soient molestés ou inquiétés.

CONCLUSION.

Dans l'espace de 3 mois, à dater du jour de l'échange de la présente Convention Officielle, signée et scellée par les deux Parties, et renfermant les Articles établis, comme ci-dessus, entre la Mission de Suède et de Norvège et le Ministère des Affaires Etrangères de l'Empire Ottoman, elle sera corroborée et confirmée par la remise réciproque d'une Note officielle, contenant l'approuvé et l'acceptation des deux Hautes Parties Contractantes.

Fait à Constantinople le jour-d'hui, 28^{me} du mois de Mai, l'an de grâce 1827.

(L.S.) LE COMTE DE LOWENHIELM.

L'Original Turc est daté au commencement du mois de Zilka-dé l'an 1242. Celui qui demande secours à Dieu, le Roi, le Dispensateur,

(L.S.) EL SEIDMEHEMED SAID PERTEW, *Reis Effendi*.

RATIFICATION.

LE Soussigné, Ministre Résident de Sa Majesté le Roi de Suède et de Norvège, près la Sublime Porte, ayant porté à la connaissance de Son Auguste Souverain, la Convention Officielle, qu'en son nom et par suite de son autorisation, le Soussigné a signée et scellée à Constantinople, le 28^{me} jour du mois de Mai, l'an de Grace 1827, avec Son Excellence Monsieur Mehemed Pertew, Reis Effendi de la Sublime Porte, traitant en son nom et par suite de son autorisation ; le Soussigné a eu l'ordre de déclarer, par la présente Note Officielle, qui sera échangée contre une Note réciproque de la part du Ministère des Affaires Etrangères de l'Empire Ottoman, que Sa Majesté le Roi de Suède et de Norvège corrobore et confirme la dite Convention Officielle, en l'approuvant et l'acceptant dans tous ses Articles, points et clauses, promettant, de la manière la plus explicite que faire se peut, d'en remplir les stipulations fidèlement, sincèrement et loyalement.

En foi de quoi le Soussigné, par suite de l'autorisation spéciale à lui donnée, a signé la présente Note et Déclaration Officielle et y a apposé le Cachet de ses Armes. Fait à Constantinople le 25 Août, l'an de Grace 1827.

(L. S.) LE COMTE DE LOWENHIELM.

Traduction de la Ratification Turque.

MR. LE COMTE DE LOWENHIELM, Ministre de Sa Majesté le Roi de Suède et de Norvège près la Sublime Porte Ottomane, ayant demandé de la part de Sa Cour, en faveur des bâtimens marchands Suédois et Norvégiens, la concession de naviguer dans la Mer Noire, la Sublime Porte, eû égard aux sentimens sincères d'amitié, que la Cour de Suède et de Norvège ne cesse de lui témoigner, et pour prouver aussi sa sincère amitié envers la dite Cour, a adhéré à sa susdite demande.

Après que le Ministre en eut conféré avec le Reis Effendi de la Sublime Porte, un Acte de Convention Officielle en 5 Articles et une Conclusion a été dressé, signé, et échangé entre eux au commencement de Zilka-dé 1242. Comme il y était stipulé que, dans l'espace de 3 mois, à dater du jour de la signature du dit Acte la de Convention Officielle, il serait corroboré et confirmé par la remise réciproque de Notes Officielles, annonçant l'acceptation des deux Puissances, le Ministre de Suède et de Norvège expédia le dit Acte à sa Cour, et il a annoncé par une Note Officielle, qu'il était chargé de déclarer, de la part de Sa Majesté le Roi de Suède et de Norvège, qu'Elle acceptait et ratifiait tous les Articles y contenus et qu'elle promettait d'en remplir fidèlement et loyalement toutes les stipulations.

Le dit Acte ayant été également soumis à Sa Hautesse le Grand Seigneur, la présente Note Officielle a été dressée et échangée contre celle de notre Ami le Ministre, pour lui annoncer, que Sa Hautesse acceptait et ratifiait tous les Articles de la dite Convention, et que, tout comme Sa Majesté le Roi de Suède et de Norvège, S'engageait à en remplir fidèlement et à la lettre toutes les stipulations, la Sublime Porte ne cesserait jamais de mettre tous ses soins possibles à observer scrupuleusement et loyalement ces mêmes stipulations. Le 2 Safer 1243.

EL SEID MEHEMMED SAID PERTEW.

Pour traduction exacte :

A. TESTA,

Premier Drogoman de la Mission de Sa Majesté le Roi de Suède et de Norvège.

TREATY of Commerce, Navigation, &c. between Hanover and Bremen.—Signed at Hanover, 11th January, 1827.

(Translation.)

IT being the interest of the Kingdom of Hanover, as well as of the free Hanseatic Town of Bremen, that some plan should be adopted to remove, as far as circumstances may permit, the difficulties with which, for want of a proper harbour on the Lower Weser, Commerce and Navigation have at present to struggle ; a measure also beneficial to His Hanoverian Majesty's Subjects, as it would animate their industry, offer a readier market for their produce, be an object of much

importance, and of national advantage to both Parties; and as this cannot be attained, unless the same be regulated by a reciprocal good understanding, and secured by a proper Convention, the basis of which has been already laid down and agreed upon at Derneberg, the 11th July, 1826, His Majesty the King of Great Britain and Hanover, and the Senate of the free Hanseatic Town of Bremen have, for the conclusion of a final arrangement, appointed the undermentioned Commissioners: viz.

On the part of His Britannick and Hanoverian Majesty, the Minister of State, Frederick Francis von Bremer, Knight Grand Cross of the Guelphic Order, &c.; and, on the part of the free Hanseatic Town of Bremen, their Burgomaster, and Envoy to the German Diet, Mr. John Smidt, who, after having duly exchanged their respective Full Powers, have agreed on the following points:

ART. I. That a Harbour shall be constructed on the Hanoverian banks of the Weser, calculated to admit Ships of at least 120 lasts burthen. (250 tons.)

II. That Bremen, at her own expence, shall undertake the construction of the same, together with such works and buildings as may be deemed necessary to make it a proper place for loading and unloading, and of facility to the Weser Navigation, not only with a view to the interest of Bremen, but to that of Hanover also.

III. For the said purpose, Hanover cedes to Bremen a certain District on the banks of the Geeste and Weser, where the former unites with the latter, including one of the banks of both rivers, to the end that Ships may proceed to and from the said District, and that the repair and construction of the intended works may be carried on, without any hindrance or interruption whatsoever.

It is, however, well understood, that such works as Bremen may find it her interest to erect, shall not in any way injure those banks of the river still remaining in possession of Hanover, nor obstruct the course of the river, nor be an obstacle to any works Hanover herself may hereafter be inclined to erect, on her side of the river.

The same regard shall be paid to the interest of Hanover as to that of Bremen; it is, therefore, agreed upon, that a Commission shall be nominated by the Contracting Parties, for the purpose of superintending the works, and of regulating the measures to be adopted, should, at any future period, the course of the river Geeste be altered, or its junction with the Weser obstructed. If the said Commission shall be of opinion that, either for the safety of the mouth of the river Geeste, or for the facility of entering or of towing Ships into the Harbour, the erection of out-works on the left bank of the river be required, Hanover will not object to allow such out-works to be constructed on her Territory, and Bremen, under similar circumstances, promises to grant the same facility on her part.

In order to establish a communication between the two Banks of the Geeste, the free Hanseatic Town of Bremen engages to provide and maintain, a regular Ferry, capable of transporting carts, waggons, &c. or, should she find it more convenient, to construct a Bridge across the river, opposite to the Hanoverian Custom-house, on the left bank of the Geeste, taking care that the Navigation of the river be not thereby interrupted or molested.

IV. Agreeably to Article III. (a.) Hanover cedes to Bremen, for the sum of 35,000 dollars (about £5,756); a plot of ground on the banks of the Geeste and Weser, of 75 morgen, 13 ruthen, Calenberg measure, (about 25½ acres), with all the rights and privileges now thereunto belonging, together with all the buildings, and harbour and shipping establishments, and materials: the above payment to be made by instalments, as follows: 15,000 rix dollars at Easter 1828; 10,000 ditto 1829; 10,000 ditto 1830.

(b.) Hanover also cedes to Bremen 266 morgen, 63 ruthen, (about 89 acres) acquired from the former by the Contract signed 14th November, 1826, in the Bremerlehe district, for the sum stipulated in the said Contract, so that Bremen shall enter upon the same rights therein as those now belonging to Hanover.

(c.) Should Bremen, moreover, desire a further extension of the Harbour district, Hanover hereby declares her willingness, as far as circumstances may permit, to come to a similar friendly understanding, with respect to an additional 150 morgen (50 acres) of which the details shall hereafter be settled.

V. Bremen engages (independently of the purchase money stipulated by Article IV.) to appropriate towards the construction of the works, agreed upon by Articles I and II. the sum of 200,000 rix dollars, (about £32,895.) within the space of 3 years after the ratification of the present Treaty.

VI. The Sovereignty or other rights attached to the Districts mentioned in Articles III. and IV. whether as belonging to the one or the other of the Contracting Parties, or ceded in virtue of the present Convention, can, on no account, either by Hanover or Bremen, either wholly or in part, be transferred to any other Power or State; and Hanover, in order to give a convincing proof of her sincerity, hereby voluntarily renounces all rights and claims respecting the same, in favour of the new Establishment, and, especially, those derived from the *jus eminens*.

VII. As it may be necessary, in order to negotiate and conclude Commercial Treaties with Foreign Powers, according to which the advantages belonging to the Bremen Flag would only be granted to those Ships really built on Bremen Territory, that, as far as regards the Harbour District, Bremen should be possessed of it in full Sovereignty, it is agreed that a Territory, of 100 morgen (33½ acres) on the Rivers Geeste and Weser, forming an angle between the two Rivers,

shall be exchanged against a District of about 200 morgen (67 acres) situated on the right bank of the Wumme, and further described in Article XV.

It being fully understood that a part only of the said District of 100 morgen ($33\frac{1}{2}$ acres), can be appropriated for the Harbour Basin, the eminence on which the Battery now stands, together with sufficient ground for enlarging the Harbour defence, and a space along the Basin, to be agreed upon and described by the Commission in a Chart, shall remain at the disposal of Hanover.

The boundaries so described in the said Chart, shall, in the present year, be measured, and duly defined and limited: and in order to avoid all misconception, both Parties agree that the regulations laid down hereunder, (Article VIII. 4, 5, 6, and 7,) shall also be applicable to the aforesaid 100 morgen ($33\frac{1}{2}$ acres.)

VIII. With respect to the Harbour and its District, (in as far as the Sovereignty of the same is not transferred) and to its Inhabitants, in their relation towards both Parties, or to each in particular, the following regulations are agreed upon:

1. Bremen shall have the right to give to the Colony she is going to establish, the name of Bremen Harbour, there to hoist her Flag; issue Ships Documents, Patents, Muster Rolls, and other Ships Papers, grant Ships Registers, regulate and receive duties, Harbour dues, &c. stipulate the Harbour conditions, and those for the building of Ships, conclude Treaties with Foreign Powers, and admit their Consuls and Agents.

2. Hanover also grants to Bremen the right of admitting Colonists into the said Harbour District, and of fixing the conditions (if they be not contrary to the present Treaty) under which the same shall be admitted.

3. For the better attainment of the end proposed, and for the interest of both Parties, it is further agreed:

(a.) That the Royal Hanoverian regulations of Customs shall not be applicable to Bremen Harbour, its District, or Inhabitants.

(b.) That Bremen shall be at liberty to fix the duties therein, and to receive the same, on her own account, as in her own Territories.

4. There shall be no distinction in the conditions under which Hanoverian or Bremen Subjects shall be admitted as Colonists in Bremen Harbour; Bremen, however, engages not to receive any Hanoverian Subjects who shall not have complied with the Military duty of their Country.

5. The Privileges, as well as obligations, attached to Bremen Harbour, and the use of its establishments, shall be alike to the Subjects of both Parties, and no distinction shall be made respecting the sale of their produce and manufactured goods, the use of the buildings, and houses, or the payment of duty on merchandize and shipping.

6. In order to facilitate as much as possible the sale of the goods which are the principal produce of Hanover, it is agreed upon, that

such provisions as grain, flour, cattle, and fresh, cured, or salt meat, brought to market by Hanoverian Subjects, either by water or land carriage, whether for home consumption or for the victualling of Ships, shall be imported duty free.

7. As the said District cannot possibly be separated from the Military System established over the whole of the surrounding Country, Hanover reserves to herself, both in time of War or Peace, the military power over the same, and the use of such means as may be necessary for its defence against Foreign Enemies; promising, however, in the exercise of it, to pay all possible attention to the mercantile and shipping interests of the Establishment; for which purpose the following Regulations are resolved upon:—

(a.) Armed Vessels or Military Forces shall not be admitted without the special permission of Hanover; from which Regulation, however, are excepted, the larger kind of Merchant Ships, armed in the usual way, Guard and Quarantine Ships, and Armed Police Vessels belonging to Bremen, and stationed there for the purpose of maintaining order.

(b.) Should Hanover find it necessary to keep a Garrison in Bremen Harbour, or should circumstances require that one be introduced there, such Garrison shall, in every respect, be subject only to the Hanoverian Civil and Military Laws. The same shall not in any way be a burden upon the Inhabitants. Bremen, however, engages, as already provided for, respecting the eminence on which the Battery stands, to leave a proper space, unoccupied, for the building of Barracks or other Military Establishments, on condition that the value thereof be paid to the present owner. Bremen further agrees to pay to Hanover a certain sum yearly, for the military defence of the Harbour and its District, which sum, during the first 25 Years, shall be equal to the ground rent which the same now produces. After the expiration of 25 Years, the said annual payment shall be in proportion to the Population of the Harbour District and that of the Hanoverian Dominions, and shall, every 10 Years, be regulated according to the ordinary contribution levied by Hanover for the maintenance of her Military Establishment.

(c.) Bremen shall also, after the expiration of the first 25 Years, provide, in proportion to each 100 of the Population of the Harbour District, either from amongst its Inhabitants or by Substitutes, her contingent to the Hanoverian Army.

(d.) It is understood, that the several obligations, and, in fact, all the *contra-praestenda* which Bremen, in pursuance of the present Treaty, has engaged to perform, in consideration of the Hanoverian Cession of Territory, shall be performed by the State of Bremen only.

8. Bremen shall have the full right of civil jurisdiction in all cases whatever, but without infringing this Convention.

9. The stipulations of this Article shall also be applicable to the extension of the Harbour District, as reserved by Art. IV. c., and the

same conditions shall be understood as to all other points, with the exception of the 100 morgen mentioned in Art. VII.

IX. The Quarantine Arrangements, should such an Establishment be hereafter erected at Bremen Harbour, shall be defrayed jointly, and directed by the Officers of both Parties. The quarantine duties shall be applied towards the maintenance thereof.

The same shall take place, should it be found convenient to erect such Establishments elsewhere. Both Contracting Parties reserve to themselves the right of coming to a mutual arrangement respecting similar Establishments, with any of the neighbouring Powers.

X. The Post Regulations between Bremen and Bremen Harbour, shall be intrusted to a special Commission.

XI. Goods sent from the Harbour to Bremen, or into the Bremen Territories, or *vice versa*, and passing through Hanover, as also those from the Harbour to Hanover, and passing through Bremen, or the Bremen Territory, and *vice versa*, by land carriage, without being warehoused or reladen, shall pass unmolested, on paying 1 gr. (1½d.) duty, per 100 lbs. Bremen weight; opportunity being afforded to the Subjects of His Hanoverian Majesty, of carrying on intercourse and traffick, by Sea, with distant Countries.

The manner in which the said duty is to be paid, and the controuling of the same, whether on the Banks of the Geeste, at Vegesack, Burgdam, Burg, Bremen, Brinkum, or Arberg, shall be regulated in the course of the present Year, by a Commission of both Parties; on principles which may lead to a frequent intercourse, and also serve as a preventive against the defrauding of the Revenue, for which latter purpose, if no better means be discovered, that of putting the Custom House Seal upon the goods, may be resorted to.

XII. Hanover shall endeavour to direct, as near to Vegesack as possible, the high road already commenced in the vicinity, and to the southward of Bremen, and Geestendorp, in order to bring the same, without interfering with its further course, from the point most convenient for that purpose, into communication with Vegesack, for which Bremen shall contribute a certain sum of money, to be hereafter stipulated.

XIII. Vegesack not being now in direct communication, by land, with the rest of the Territory belonging to Bremen; in order to connect a place of so much advantage to Commerce and Navigation, (both to Bremen and Hanover,) with Bremen Harbour, His Majesty the King of Hanover will give permission, that a direct road of communication, free of toll, &c. shall be made between Vegesack and the left Bank of the Lesum, near the Bremen Territory, and that, in the course of the present Year, the road on the right Bank of the Lesum, and also the passage over the River, shall be regulated, and proper steps be taken to avoid every abuse of a measure tending alone to establish a direct and free communication between Vegesack and the Bremen Territory.

XIV. Similar measures shall also be adopted to form a direct road of communication free of toll, duty, &c. between the Bailiwicks of Lilienthal and Ottersberg, upon the Territory which Bremen agrees to cede to Hanover.

XV. It being the interest of Hanover, in regulating her boundaries between the Bailiwick of Lilienthal and the Dominions of Bremen, and also the course of the River Worpe, and the Navigation of the same, that she be the sole Possessor of both Banks of the Worpe above the Water-mill at Lilienthal; Bremen, in consequence of the exchange of Territory, agreed on by Article VII., of 100 morgen (33½ Acres) on the River Geeste, cedes to Hanover, about 200 morgen on the right Bank of the Wumme, and the left of the Worpe, with all the buildings and Inhabitants, which District in the course of the present Year shall, by a Commission of both Parties, be duly measured, described, and marked.

XVI. Both Parties, equally desirous to promote the commercial interest of Hanover, as well as of Bremen, by improving and facilitating the communications of their respective Countries, and removing as much as possible the obstacles thereto, have agreed to continue their friendly deliberations, and propose to make the following points the principal object of their endeavours :

(a.) To agree upon the most proper means for maintaining the system of duties, principally in the vicinity of the Harbour, and on the roads of communication, in order to prevent the Revenue being defrauded of the duty on salt and distilled liquors.

(b.) To fix upon a proper place for anchoring, loading, and unloading on the Weser, near Nealand or Dreperziel, contiguous to Wuhrdén.

(c.) To improve the Navigation of those streams and water communications, in the manner best calculated to promote the commercial interests of both the Contracting Parties.

(d.) To take into consideration the latest inventions for improving roads, in order that they may be laid before a Commission, and, if approved of, be adopted, in respect of the roads of communication between Bremen and Hanover, at their joint expence.

For the Ratification of the above Treaty (if not signed before), two months are fixed ; after which, the Documents shall be immediately exchanged, by the Commissioners authorized by their respective Governments.

In witness of the present Treaty, two Copies have been signed and sealed by the respective Commissioners.

Hanover, January 11, 1827.

(L.S.) F. FRANCIS D. VON BREMER.

(L.S.) JOHN SMIDT.

CONVENTION of Commerce and Navigation between Prussia and Mecklenburg-Schwerin.—Signed at Berlin, the 19th of December, 1826. (Translation.)

His Majesty the King of Prussia, and His Royal Highness the Grand Duke of Mecklenburg-Schwerin, in the conviction that an equalization of duties, reciprocally, on the Ships and Cargoes of Vessels sailing under the Prussian and Mecklenburg Flags, to and from the Ports of the two Countries, will infuse an increased activity into the Commerce of their respective States, have, by their Plenipotentiaries, Messieurs Michaelis and Meerheimb, signed the following Articles:

ART. I. Prussian Vessels, sailing into or out of the Ports of Mecklenburg-Schwerin, whether coming directly from Prussian Ports, or not, shall not be subject to any duties, now or hereafter, higher than those imposed on Vessels sailing under the Flag of Mecklenburg-Schwerin, or of Rostock; and *vice versa*.

II. Every species of Merchandize, whether of Foreign or of Home produce, which is, or shall hereafter be, allowed to be imported into or exported from Prussian or Mecklenburg-Schwerin Ports, under the National Flag, shall be admitted, or be permitted to be exported, under the Flag of the other Power.

III. No higher or different duty shall be levied, (in conformity with Article 2.) on the above-mentioned merchandize, when imported or exported in a Vessel belonging to the other State, than if on board a Vessel under the National Flag.

IV. This Convention shall take effect from and after April 1st 1827, shall continue in force during 8 Years, and shall then be valid, from Year to Year, until a Year's notice to the contrary be issued by one of the High Contracting Parties.

V. This Convention shall be ratified forthwith, and the Ratifications shall be exchanged within the shortest possible time.

Done at Berlin, the 19th of December, 1826.

WILHELM F. v. MEERHEIMB. ERNST MICHAELIS.

(The Ratifications of this Convention were exchanged on the 9th of January, 1827.)

TREATY of Commerce and Navigation between Sweden and Prussia.—Signed at Stockholm the 14th of March, 1827.

Nous Charles Jean, par la grace de Dieu, Roi de Suède, de Norvège, des Goths et des Vandales, Savoir faisons: que nous et le Sérénissime et très Puissant Prince et Seigneur, Frédéric Guillaume III., Roi de Prusse, ayant jugé à propos, pour l'avantage réciproque de nos Sujets respectifs, d'entrer en Negociation, afin de regler, 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 Prussienne, de l'autre, et ayant nommé, à cet effet, nos Plénipotentiaires respectifs, savoir : nous, de Notre côté, nos aimés et féaux 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 Newsky 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 Léopold d'Autriche, un des 18 de l'Académie Suédoise, et le Sieur Paul Chrétien Holst, Notre Conseiller d'Etat dans le Royaume de Norvège, Commandeur de notre Ordre de l'Etoile Polaire ; et Sa Majesté le Roi de Prusse, de Son côté, le Sieur François Frederic Louis de Tarrach, Son Conseiller intime d'Ambassade, Envoyé Extraordinaire et Ministre Plénipotentiaire près Notre Cour, Commandeur de Notre Ordre de l'Etoile Polaire, Chevalier de l'Ordre de l'Aigle Rouge de Prusse de la Seconde Classe ; lesquels, après avoir échangé leurs Pleinpouvoirs, trouvés en bonne et dûe forme, ont dressé, conclu, signé et scellé à Stockholm, le 14 Mars de l'année courante, un Traité, 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 Prusse, 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 convaincus, que ce but salulaire ne saurait être mieux rempli, que par l'adoption d'un système de parfaite réciprocité, basé sur des principes équitables, sont convenus, 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 Newsky et de St. Anne de la Première Classe, Chevalier de l'Ordre de l'Aigle Rouge de Prusse de la Première Classe, Grand' Croix de l'Ordre de Léopold d'Autriche, un des 18 de l'Académie Suédoise, et le Sieur Paul Chrétien Holst, Son Conseiller d'Etat du Royaume de Norvège, Commandeur de Son Ordre de l'Etoile Polaire ; et Sa Majesté le Roi de Prusse le Sieur François Frédéric Louis de Tarrach, Son Conseiller intime d'Ambassade, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Suède et de Norvège, Chevalier de Son Ordre de l'Aigle Rouge de la Seconde Classe, Commandeur de celui de l'Etoile Polaire de Suède, lesquels, après avoir échangé leurs Pleinpouvoirs respectifs, trouvés en bonne et dûe forme, sont convenus des Articles suivans :

ART. I. Les Bâtimens Suédois et Norvégiens, qui arrivent sur leur lest ou chargés, dans les Ports du Royaume de Prusse, de même que

les Bâtimens Prussiens, qui arrivent dans les Ports des Royaumes de Suède et de Norvège, sur leur lest ou chargés, seront traités, tant à leur entrée qu'à leur sortie, sur le même pied que les Bâtimens Nationaux, par rapport aux droits de port, de tonnage, de fanaux, de pilotage, et de sauvetage, ainsi que tout autre droit ou charge, de quelle espèce ou denomination 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 Prusse est légalement permise dans des Bâtimens Prussiens pourront également y être importées sur des Bâtimens Suédois et Norvégiens, sans être assujetties à des droits plus forts ou autres, de quelle denomination que ce soit, que si les mêmes marchandises ou productions avaient été importées dans des Bâtimens Prussiens; et, réciproquement, toutes les marchandises et objets de Commerce, soit productions du sol ou de l'industrie du Royaume de Prusse, soit de tout autre Pays, dont l'importation dans les Ports des Royaumes de Suède et de Norvège est légalement permise dans des Bâtimens Suédois et Norvégiens, pourront également y être importées sur des Bâtimens Prussiens, sans être assujetties à des droits plus forts ou autres, de quelle denomination que ce soit, que si les mêmes marchandises ou productions avaient été importées dans des Bâtimens Suédois et Norvégiens.

Les stipulations de l'Article précédent et de celui-ci, sont, dans toute leur plénitude, applicables aux Navires Suédois et Norvégiens, qui entreront dans les Ports du Royaume de Prusse, ainsi qu'aux Navires Prussiens, qui entreront dans les Ports des Royaumes de Suède et de Norvège, alors même, que ces Navires respectifs, sans venir directement des Ports des Royaumes de Suède et de Norvège, ou bien de ceux de la Monarchie Prussienne, arriveraient en droiture des Ports d'une domination tierce ou étrangère.

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 bâtimens, est légalement permise, pourront, de même être exportées des dits Ports sur des Bâtimens Prussiens, sans être assujetties à des droits plus forts ou autres, de quelle denomination que ce soit, que si l'exportation avait été faite en des Bâtimens Suédois et Norvégiens. Une exacte réciprocité sera observée dans les Ports du Royaume de Prusse, de sorte, que toutes les marchandises et objets de commerce, soit productions du sol ou de l'industrie du Royaume de Prusse, soit de tout autre Pays, dont l'exportation des Ports du dit Royaume, dans ses propres bâtimens, est légalement permise, pourront, de même, être exportées des dits Ports sur des Bâtimens Suédois et Norvégiens, sans être assujetties à des droits plus forts ou autres, de

quelle dénomination que ce soit, que si l'exportation avait été faite en des Bâtimens Prussiens.

IV. Les stipulations générales des Articles I. II. et III. inclusive-ment, seront, de même, appliquées aux Navires de la Colonie de St. Barthélémy de Sa Majesté le Roi de Suède et de Norvège aux Indes Occidentales, qui entreront dans les Ports de la Monarchie Prussienne, et aux Navires Prussiens, qui entreront dans les Ports de la dite Colonie.

V. Il ne sera donné, ni directement, ni indirectement, ni par l'un des deux Gouvernemens, ni par aucune Compagnie, Corporation, ou Agent, agissant en son nom ou sous son autorité, aucune préférence quelconque pour l'achat d'aucune production du sol ou de l'industrie, soit de l'un des deux Etats, soit de tout autre Pays, importée dans le Territoire de l'autre, à cause ou en considération de la nationalité du Navire, qui aurait transporté cette production légalement permise, l'intention bien positive des deux Hautes Parties Contractantes étant, qu'aucune différence ou distinction quelconque n'ait lieu à cet égard.

VI. Les Bâtimens Suédois et Norvégiens, ainsi que les Bâtimens Prussiens, 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.

Les Hautes Parties Contractantes se réservent d'échanger des Déclarations, pour faire une énumération claire et précise des Papiers et Documens, dont l'un et l'autre Etat exigent, que leurs Navires soient munis. Si, après cet échange, qui aura lieu, au plus tard, 2 mois après la signature du présente Traité, l'une des Hautes Parties Contractantes se trouverait dans le cas de changer ou modifier ses Ordonnances à cet égard, il en sera fait à l'autre une Communication Officielle.

VII. Les stipulations de l'Article XI du Traité conclu à Vienne le 7 Juin, 1815, entre les Deux Hautes Parties Contractantes, sont maintenus dans toute leur intégrité.*

VIII. Le présent Traité sera en vigueur pendant 8 années, à compter du 1er Avril de la présente année, et si, 12 mois avant l'expiration de ce terme, l'une ou l'autre des deux Hautes Parties Con-

* ART. XI. Comme les Habitans du Duché de Poméranie et de la Principauté de Rugen se trouvent, par une longue réunion avec le Royaume de Suède, dans des rapports intimes de commerce et de besoins réciproques, avec les Sujets de Sa Majesté le Roi de Suède et de Norvège, également importans pour le bonheur de l'un et de l'autre Pays, Sa Majesté le Roi de Suède et de Norvège sont convenus de laisser subsister le commerce entre les Etats de Sa Majesté le Roi de Suède et de Norvège d'un côté, et le Duché de Poméranie et la Principauté de Rugen de l'autre, pendant le terme de 25 ans à dater de la signature du présent Traité, dans le même état où il se trouve en ce moment, et de n'y faire ni d'un côté ni de l'autre aucuns changemens tendant à le soumettre à de nouveaux droits, impositions, ou réglemens y contraires.—(Martens.)

tractantes n'aura point annoncé à l'autre son intention d'en faire cesser l'effet, ce Traité restera encore obligatoire une année au de là, et ainsi de suite, jusqu'à l'expiration des 12 mois, qui suivront l'Annonce Officielle, faite par l'une des Deux Hautes Parties Contractantes à l'autre, pour qu'il soit annulé.

IX. Le présent Traité sera ratifié par les Hautes Parties Contractantes, et les Ratifications en seront échangées à Stockholm, dans l'espace de 4 semaines après la signature, ou plutôt si faire se peut.

En foi de quoi, Nous Soussignés, en vertu de nos Pleinpouvoirs, avons signé le présent Traité, et y avons apposé le Cachet de nos Armes. Fait à Stockholm, le 14 Mars, l'an de Grace 1827.

(L.S.) G. COMTE DE WETTERSTEDT.

(L.S.) P. C. HOLST.

(L. S.) F. DE TARRACH.

A ces causes, Nous avons voulu accepter, approuver, confirmer, et ratifier ce Traité, avec tous ses Articles, Points, et Clauses, comme étant en tous points conforme à Notre volonté, tout comme, par la présente, Nous l'acceptons, approuvons, confirmons, et ratifions de la manière la plus efficace que faire se peut ; voulons et promettons de tenir et de remplir sincèrement, fidèlement, et loyalement, ce que contient le dit Traité 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 14 jour du mois d'Avril, l'an de Grace 1827.

(L.S.) CHARLES JEAN.

GUSTAVE DE WETTERSTEDT.

Ratification de Sa Majesté le Roi de Prusse du Traité susmentionné.

Nous Frédéric Guillaume III., par la Grace de Dieu, Roi de Prusse, savoir faisons par les présentes : qu'ayant lu et examiné la Convention, conclue entre Nous et Sa Majesté le Roi de Suède et de Norvège, et signée par Nos Plénipotentiaires respectifs à Stockholm, le 14 Mars, 1827, Convention, dont la teneur suit ici de mot à mot:

(Fiat insertio:)

Nous l'avons trouvée, en tous ses Points et Articles, conforme à Notre volonté ;

En conséquence de quoi, Nous avons accepté, approuvé, confirmé, et ratifié la dite Convention, comme Nous l'acceptons, l'approuvons, la confirmons, et la ratifions par les présentes, pour Nous et Nos Successeurs, promettant, sur Notre Parole Royale, d'en faire exactement et fidèlement exécuter le contenu.

En foi de quoi, Nous avons signé ces présentes de Notre main, et y avons fait apposer Notre Sceau Royal.

Fait à Berlin, le 4 Avril, l'an de Grace 1827, et de Notre Règne, le 30^e.

(L.S.) FREDERIC GUILLAUME.

BERNSTORFF.

PROCLAMATION of the King of Sweden, placing Netherlands Vessels in the Ports of Sweden on the footing of National Vessels.—16th May, 1827. (Translation.)

WE, Charles John, &c. hereby make known:—That whereas His Majesty the King of The Netherlands, in consequence of the Regulations existing in Sweden, by which the Ships of The Netherlands could not import into Sweden other goods than those of the produce or manufacture of their own Country, and at an increased duty; in the Year 1819 caused an Act to be passed, called a *Retortion Act*, against Swedish Trade and Shipping, by which Swedish Ships lost the advantage they formerly enjoyed of being admitted into the Ports of The Netherlands with the produce of Foreign Countries, on the same footing as Ships of The Netherlands: therefore, in order to remove the cause of the said Retortion Act, and to establish reciprocity in the relations of trade between our United Kingdom and the Kingdom of The Netherlands, We have decreed that until further orders, the Navigation Act of the 10th of November, 1724, shall be suspended, as regards Ships of The Netherlands, so that, until otherwise ordained, the Ships of the said Country may import into Sweden, from any Foreign Port whatever, all goods permitted to be imported, whether the said goods are the produce or manufacture of The Netherlands or of her Colonies, or of any other Country whatever; and we further hereby decree that goods so imported in Ships of The Netherlands, as also goods exported in such Ships, shall not be subjected to higher or other duties of whatever description, than such goods would pay on importation or exportation in Swedish Vessels, and also that Ships of The Netherlands, in respect to dues of tonnage, light and beacon money, harbour, diving, or salvage company, and other Ships' expences, of whatever nature or denomination, shall be placed on the footing of the Native Flag, according to which all whom it may concern have to regulate themselves.

In confirmation of which, &c.

Palace of Stockholm, 16th May, 1827.

CHARLES JOHN.

C. D. SKOGMAN.

SPEECH of the Russian Minister of Finance, on the Opening of the Council of Credit.—27th August, 1827.

LE Conseil des Etablissements de Crédit s'étant assemblé, pour la révision des comptes desdits établissemens, ainsi qu'il est ordonné par le Manifeste Impérial du 7 Mai, 1817, M. le Ministre des Finances, Lieutenant-Général de Cancrine, a ouvert la Séance par le Discours suivant :

MESSIEURS,

En vous présentant chaque année les Comptes de nos Etablissements de Crédit, j'ai eu plus d'une fois l'honneur de vous exposer les améliorations et les vues qui, d'après votre assentiment, m'ont guidé dans l'administration de cette branche importante.

Aujourd'hui, en soumettant à votre examen les Comptes pour l'Année, 1826, il ne me reste qu'à mentionner les conséquences qu'ont eues, cette même Année, les mesures antérieurement adoptées pour cette partie.

Les nouvelles dispositions qui ont été prises, à l'égard du Capital d'amortissement et qui tendaient à le réduire à une juste proportion avec la masse de la Dette Publique, par le retrenchement des sommes excédantes affectées à cet objet, ont servi non-seulement à soulager le Trésor et à alléger par conséquent les charges de la Nation, mais elles ont influé également d'une manière favorable sur l'état de notre crédit. Loin d'avoir éprouvé aucune baisse, nos fonds se rangent parmi les effets les mieux accrédités de l'Europe; et c'est par cette raison que, s'étant fixés en très grand partie entre les mains de capitalistes solides, nous les voyons rarement devenir l'objet des jeux de bourse.

D'autre part, malgré la faveur dont ils jouissent, ces Fonds n'ont point reçu l'impulsion d'une hausse artificielle, toujours inévitable quand on augmente à l'excès l'action de l'amortissement, mesure essentiellement contraire au but même que l'on voudrait atteindre, savoir : la prompte extinction de la Dette Publique.

Le véritable Crédit de l'Etat ne doit point être basé en temps de paix, sur un emploi forcé des moyens d'amortissement dans le vue de porter les Fonds au-delà de leur valeur naturelle; car l'autorité irrécusable de l'expérience nous apprend que, malgré de pareils efforts, les Fonds descendent rapidement au taux réel pour peu que les circonstances changent, ne laissant alors que le regret de sacrifices supportés en pure perte. Le vrai Crédit repose sur un système persévérant d'économie Financière, sur le maintien de l'équilibre entre le Revenu et la Dépense, sur le soin d'éviter les emprunts en temps de paix, enfin sur l'exactitude scrupuleuse du Gouvernement à remplir ses obligations envers les créanciers de l'Etat. Lorsque les affaires suivent une pareille direction, tout Gouvernement, en cas de besoins extraordinaires, trouvera à emprunter sans difficulté, à des termes aussi avantageux que les circonstances le permettront.

Une autre résolution importante que nous avons prise, celle de suspendre l'amortissement des Billets de Banque et de renoncer en conséquence à leur conversion en dettes portant intérêts, parcequ'on a reconnu combien cette mesure était nuisible, n'a eu aucun effet préjudiciable sur la circulation de ce Papier-monnaie. De nos jours, il est constaté que l'amélioration du change des assignats ne dépend pas du calcul seul, mais qu'elle est principalement soumise à la force morale de l'opinion

publique et ne se règle pas invariablement d'après les mêmes lois que la chute de ce papier. L'espérance, que le doute accompagne toujours, agit dans le premier cas ; dans le second, c'est la crainte qui s'exagère constamment le danger. Supposé néanmoins que la valeur des Billets de Banque augmentât exactement à raison de leur diminution, qu'arriverait-il ? les fortunes particulières subiraient, quoiqu'en sens inverse, toutes les vicissitudes et toutes les pertes que le temps et les circonstances leur ont déjà fait éprouver par la baisse de ces mêmes Billets. Au contraire d'après le système de stabilité que nous avons adopté et qui consiste à laisser la masse des assignats telle qu'elle est sans augmentation ni diminution quelconques, leur crédit s'est établi sur une base solide. Les oscillations de leur cours relativement à la monnaie métallique, sont si légères qu'elles n'affectent ni l'existence domestique, ni l'industrie intérieure, ni les spéculations du commerce, ni le cours du change à la bourse ; en même temps, les capitaux et les propriétés de tout genre représentent toujours les mêmes valeurs. Pourquoi donc détruire un mode de paiement qui a pour lui la confiance générale et dont une longue habitude a partout répandu et fortifié l'usage ? pourquoi substituer à la circulation d'une monnaie de crédit, celle d'un capital sonnante qui ne pourrait être obtenu qu'au prix de nouveaux sacrifices ? car quelque considérable que soit la masse des espèces d'or et d'argent qui circulent dans l'Empire, elle serait pourtant loin de suffire à la totalité des transactions pécuniaires, si l'on considère surtout que l'usage des papiers de crédit particuliers est encore très-peu répandue chez nous, et que la vaste étendue de nos Provinces exige des moyens de paiement d'un transport facile.

Je passe à l'exposé sommaire des opérations de la Banque de Commerce et de celle d'emprunt. Les principales de ces opérations sont : l'escompte des Lettres de Change dans la Première Banque, les prêts sur hypothèque de biens-immeubles dans la seconde, et le placement des dépôts, portant intérêts, dans l'une et l'autre.

L'escompte des Lettres de Change a pour objet de faciliter les re-viremens pécuniaires, et ce but a principalement motivé l'établissement de la Banque de Commerce. De pareilles affaires exigent de la prudence ; ainsi l'escompte doit se faire autant que possible sur les Lettres de Change qui dérivent d'une véritable transaction mercantile, à l'exclusion de celles qui, n'ayant pas la même base, offrent moins de sûreté. C'est à quoi les Directeurs de la Banque, choisis par les négocians, sont tenus de veiller immédiatement.

La somme des Escomptes opérés dans le courant de 1826, tant à la Banque que dans ses Comptoirs, s'est élevée à 124,000,000 de roubles, secours important pour le Commerce, quand même il n'aurait pas semblé suffisant à tous. Mais n'oublions point que les établissemens de crédit ne peuvent ni ne doivent créer de capitaux, à l'usage de ceux qui en manquent entièrement ; leur but est d'assister les Capitalistes

dans les cas d'un besoin d'argent extraordinaire et momentané. Toute extension de crédit, qui serait accordée à des particuliers, en opposition à ce principe, deviendrait non-seulement nuisible à la Banque, mais à ceux même qui jouiraient de l'escompte, en provoquant des spéculations hors de mesure, peut-être même sans fondement, et dont les suites, au lieu d'enrichir ces Individus, ne serviraient qu'à leur ruine inévitable.

Les prêts sur hypothèque de biens-fonds et principalement sur les propriétés territoriales de la Noblesse, ont été, l'Année 1826, de 25,000,000 de roubles. Depuis la promulgation du nouveau Règlement de la Banque, c'est-à-dire, dans un espace d'environ trois Années, ces prêts se sont élevés jusqu'à 95,000,000. Quoiqu'un pareil résultat mène naturellement à la conclusion, que les conditions des nouveaux emprunts sont plus favorables que celles des emprunts d'autrefois, il ne m'en est pas moins agréable de vous prévenir, Messieurs, qu'en vertu du § 9 du Règlement de la Banque, on projette encore quelque facilités nouvelles en faveur des emprunteurs. J'aurai plus tard l'honneur d'entrer avec vous dans une discussion détaillée à ce sujet.

Le mouvement des dépôts qui se placent à intérêts dans les banques, éprouve une augmentation progressive. Cet objet ne cesse de fixer l'attention spéciale du Ministère des Finances, et il faut espérer que l'affluence des capitaux diminuera, à mesure qu'ils trouveront plus d'emploi dans les entreprises particulières.

J'en viens maintenant à l'examen des Comptes pour l'Année, 1826.

Commission d'Amortissement.—Dans le courant de 1826, il n'a pas été inscrit dans le Grand Livre de nouvelles dettes à terme; on y a porté en Rentes, provenant d'anciens paiemens dus par la Couronne 28,900 rbls. en arg. 148,900 en assign.

En faisant déduction des paiemens et rachats effectués pendant l'Année 1826, la Dette Publique présentait au 1^{er} Janvier, 1827, les quotités suivantes :

La Dette Hollandaise consistait en 90,600,000 fl. dont 46,100,000 fl. pour le compte de la Russie.

Dettes intérieures à terme.—2,463,999 rbls. 99 cop. en arg. 48,388,893 rbls. 23 cop. en assign.

Dettes à rentes perpétuelles de 6 p. ct. d'intérêts, y compris les Dettes non amortissables.—14,220 rbls. en or. 7,512,152 93¼ cop. en arg. 216,107,411 en assign.

Dettes à rentes perpétuelles de 5 p. ct. d'intérêts.—73,167,580 rbls. en arg.

Jusqu'au 1^{er} Janvier, 1827, la Commission avait racheté en rentes perpétuelles à 6 p. ct.—8,700 rbls. en or. 2,280,000 rbls. en arg. 54,930,240 en assign.

A 5 p. Ct.—9,938,420 rbls. en arg.

La Commission d'Amortissement a reçu en 1826, pour faire face à

à ses opérations, la somme effective de 50,059,499 rbls. 3¼ cop. en assignats, laquelle, après avoir été convertie partiellement en monnaie métallique, formait avec les résidus des années précédentes et les sommes, provenant d'autres sources que l'on y avait ajoutées, un total de 1,235,651 rbls. 27¼ cop. en or. 9,348,052 rbls. 35¼ cop. en arg. 37,496,512 rbls. 97¼ cop. en assign.

De ces sommes, il a été employé au paiement de la Dette Hollandaise et des dettes intérieures à terme, capital et intérêts, 259,840 rbls. en arg. 11,813,784 rbls. 70 cop. en assign.

Ont été assignés au fonds d'amortissement, 1,234,333 rbls. 7¼ cop. en or. 1,504,527 rbls. 55¼ cop. en arg. 4,249,566 rbls. 31¼ cop. en assign.

Il a été racheté en rentes 6 p. ct. pour la valeur de 835 rbls. 20 cop. en or. 463,734 rbls. 17¼ en arg. 13,115,506 rbls. 53¼ cop. en assign.

En rentes 5 p. ct. pour 3,656,988 rbls. 50 cop. arg.

Par suite de la noncomparution des créanciers et des atermoiemens à l'année 1827, il restait à payer en 6 p. ct. 483 rbls. en or. 209,679 rbls. 96¼ cop. en arg. 5,642,936 rbls. 92¼ cop. en assign.

En. 5 p. ct.—3,169,655 rbls. 50 cop. en arg. y compris 3,158,670 rbls. chez le Banquier Rothschild à Londres, dont le paiement assigné en fonds n'a pu être encore soumis à un compte définitif.

En acquittement des dettes qui furent inscrites l'année 1826 sur le livre de la commission, sans qu'elle eût délivré de billets, on a payé *comptant* aux anciens créanciers du Département de la Guerre et autres administrations, capital et intérêts, 83,609 rbls. 88¼ cop. en arg. 1,800,344 rbls. 74 cop. en assign.

Sur les sommes qui composaient le fonds d'amortissement de 1826, ont été employés effectivement, 6,784 rbls. en or. 2,524,997 rbls. 71¼ cop. en arg. 4,807,557 rbls. 33 cop. en assign.

Ont été affectés en outre au paiement des dettes militaires, 500,000 rbls. en assign.

Parmi les fonds rachetés, nous en avons acquis hors des frontières en 6 p. ct. pour une valeur de 3,466,200 rbls. en assign. en 5 p. ct. 470,780 rbls. en arg.

Du reste, la Commission vous présentera, Messieurs, les comptes définitifs du deuxième emprunt à 5 p. ct. que nous avons contracté par l'entremise du Banquier Rothschild, avec un exposé de l'emploi des sommes qui en sont provenues.

Les retards que la présentation de ces comptes a éprouvés jusqu'à présent, venaient, comme on sait, de ce qu'une partie des sommes, obtenues par cet emprunt, est restée hors des frontières, pour y servir, selon l'exigence des cas, soit à des paiemens dans l'étranger, pour le compte de la Commission, soit à d'autres dépenses publiques, à la charge

toutefois pour le Trésor de rembourser ici le montant de ces avances au fonds de réserve de la Commission d'Amortissement, ce qui a été scrupuleusement rempli. Ce fonds de réserve se trouve encore disponible, ainsi qu'on peut le voir, par les comptes détaillés de la Commission.

L'emploi desdites sommes dans l'étranger a cessé au commencement de l'année présente, et les comptes qui s'y rapportent, malgré les complications inévitables, résultant de la diversité des usages auxquels ces fonds ont servi, viennent d'être définitivement terminés à la satisfaction mutuelle du Ministère des Finances et du Banquier Rothschild.

Banque des Assignations.

La masse des billets de banque en circulation pendant l'année 1826, n'a subi aucun changement, et elle s'élevait comme par le passé à 595,776,310 rbls. Il a été fabriqué dans le courant de 1826 pour 10 millions de billets de 5 et 10 rbls., qui sont entrés dans le fonds de réserve, où ils servent uniquement à l'échange des assignats usés et de ceux d'une plus haute valeur.

Banque d'Emprunt.

Dans le courant de 1826, la Banque a reçu en dépôts portant intérêts la somme de 48,568,483 rbls. 11½ cop. en assign. dont 9,000,000 rbls. à 5½ p. ct. d'intérêts de la Banque de Commerce.

Le Lombard a fourni 6,000,000 rbls.

Les dépôts remboursés se sont élevés à 31,892,775 rbls. 31½ cop.

Il a été acquitté en intérêts sur ces dépôts et ajouté au capital de ceux qui n'ont pas été redemandés par les propriétaires, à l'échéance du terme annuel, 115 rbls. 84 cop. en or. 2,995 rbls. 26 cop. en arg. 7,210,291 rbls. 90 cop. en assign.

Ont été donnés en prêts à différens termes, y compris d'anciens emprunts que l'on a atermoyés, 500 rbls. en or. 356,600 rbls. en arg. 30,617,594 rbls. 17½ cop. en assign.

Les primes attachées aux prêts du terme de 24 ans, formaient : 5 rbls. en or. 3,566 rbls. en arg. 181,629 rbls. en assign.

Dans le courant de 1826, 73 maisons ont été portées de nouveau à la Banque sur les registres d'assurance contre les incendies, pour la somme de 4,803,000 rbls.

Ont été rayées de la liste, 11 maisons assurées pour 587,300 rbls.

Au 1^{er} Janvier, 1827, il y avait 302 maisons assurées, pour un capital de 21,187,300 rbls.

Le profit net, acquis par la Banque dans l'année 1826, a été 1,018 rbls. 71½ cop. en or. 36,182 rbls. 61½ cop. en arg. 2,053,520 rbls. 97 cop. en assign.

Banque de Commerce.

Le capital appartenant en propre à la Banque, est de 30,000,000 de roubles. Les dépôts, tant à la Banque que dans ses comptoirs, formaient, avec les sommes restantes de l'année 1825, les quantités dont la désignation suit :

Sommes destinées au transferts.—10,300 rbls. en or. 1,246,745 rbls. 20 cop. en arg. 80,849,617 rbls. 76 cop. en assign.

Dépôts portant intérêts.—985,149 rbls. 11 cop. en or. 4,785,447 rbls. 50 cop. en arg. 145,648,737 rbls. 55 cop. en assign.

A l'aide du capital de la Banque et de ses dépôts, dont le montant réuni forme une somme de 256,498,355 rbls. 31 cop. en assign. on a effectué dans le courant de 1826, les opérations suivantes :

Il a été rendu sur les dépôts destinés au transfert, 10,300 rbls. en or. 1,245,444 rbls. 69 cop. en arg. 79,938,131 rbls. 68 cop. en assign.

Les transferts d'une ville à l'autre ont été de 103,557,804 rbls. 74 cop. et en traites de 3,673,343 rbls. 71 cop.

Il a été remboursé sur les dépôts portant intérêts, 124,815 rbls. en or. 1,085,136 rbls. 30 cop. arg. 55,195,671 rbls. 80 cop. en assign.

Ont été employés à l'escompte des lettres de change, y compris celles qui ont été escomptées en 1825, et dont l'échéance était fixé à l'année 1826, 176,278,314 rbls. 7 cop.

Il a été prêté sur dépôt de marchandises, 6,537,284 rbls. 83 cop.

Sur billets de lombard, 500,000 rbls. en arg.

Sur dépôt de monnaie de cuivre au Trésor de l'Empire ; 6,000,000 rbls. en arg.

Toutes ces opérations réunies s'étendent à 343,622,746 rbls. 9 cop.

L'ensemble des reviremens opérés par la Banque et ses comptoirs, embrasse un total de 962,641,729 rbls. 52 cop. en assign. 10,487,077 rbls. 67 cop. en monnaie métallique.

Parmi les lettres de change protestées, il en restait de non payées au 1^{er} Janvier 1827, tant à la Banque que dans ses comptoirs, la valeur de 2,503,775 rbls. 94 cop.

La Banque, déduction faite de toutes les dépenses, a eu un profit net de 2,216,588 rbls. 51 cop.

Ayant eu l'honneur de vous présenter, en traites généraux, les opérations et les comptes de nos établissemens de crédit, je me flatte, Messieurs, que vous employerez d'ici et ferez partager au public, la conviction que le Ministère des Finances n'a rien négligé de ce qui pourroit raffermir le crédit de l'Empire, dont la sollicitude tutélaire de notre Auguste Monarque garantira de plus en plus la prospérité et les futurs développemens.

*SPEECH of the King of Sweden, on the Opening of the
Storthing of the Kingdom of Norway, at Christiania, the
12th of February, 1827.*

MESSIEURS,

EN rendant grâces au Toutpuissant de l'évènement, qui a comble les espérances des deux Peuples unis, J'ai ordonné, que la communication de la naissance de mon Petit-Fils, Son Altesse Royale Charles Louis Eugène, Prince Héréditaire de Suède et de Norvège, Vous fût faite d'après les formes, que prescrit la Constitution.

Les libertés publiques ont acquis, par la marche régulière du Gouvernement, et par le concours des Citoyens, une solidité, que le tems, la gloire des armes, et les succès administratifs, ont souvent tant de peine à introduire.

Le peuple frère a suivi avec intérêt les progrès que la Nation a faits. Issu des mêmes pères, professant la même religion, il a ressenti vivement les avantages résultans de l'organisation de la presqu'île. Scrupuleux observateur des promesses mutuelles, il continue de faire des vœux pour la prospérité de la Norvège.

Cependant, la presqu'île se ressent, comme le reste du monde, de la secousse commerciale, qui a paralysé toutes les confiances financières. Le retour à cette confiance Me donne la presque certitude, que l'activité renaitra, et que l'année courante ouvrira à nos productions et à notre industrie une exportation plus étendue que celle de l'année dernière. J'ai favorisé, autant qu'il était en Mon pouvoir, ces exportations, et J'ai éprouvé un grand bonheur en diminuant les droits de sortie. Ainsi, la confiance qu'une Nation met dans son Gouvernement, réagit toujours sur les gouvernés.

Malgré toutes les difficultés, que nous avons été forcés de surmonter pour la création de la Banque, et la rentrée définitive de 22 millions de Rigsbank-Dalers, mis en circulation dans des tems calamiteux, J'ai la satisfaction de vous annoncer, qu'après avoir fait face à tous les crédits ouverts par la dernière Session, et disposé d'une somme assez forte pour des objets d'utilité publique, l'excédent de nos recettes est encore considérable. Cet excédent nous donne la facilité de pouvoir fournir à différentes dépenses, que le bien public réclame.

Aucune Nation ne peut exiger, que son Gouvernement lui conserve sa liberté intérieure et son indépendance au dehors, si ce Gouvernement n'a pas à sa disposition les moyens de la défendre. Nous avons donc des dépenses urgentes à faire, pour garnir nos arsenaux, réparer, entretenir nos places fortes, créer un vaste dépôt, une flotte, des chantiers, et étendre nos relations dans l'étranger. Mes demandes à ce sujet sont calculées sur nos ressources.

Le bordereau constatant la Dette Publique, sera mis sous vos yeux.

L'intérêt de cette Dette, et les payemens pour son extinction, sont régulièrement acquittés.

L'incendie de Frédrichshald a été funeste. Le Storthing connaîtra en détail les sommes, dont J'ai cru devoir disposer pour en diminuer les effets. Remercions la Providence d'avoir donné au Gouvernement les moyens de venir au secours de ses habitans.

Les constructions de nouvelles routes entre les deux Royaumes se continuent avec activité.

Le relevé de la population de l'année 1825, a donné pour resultat l'augmentation d'un cinquième depuis dix ans.

Afin de répandre les lumières et perfectionner l'éducation, des chaires vacantes à l'Université ont été remplies. Le zèle de ses Membres ne se ralentit pas.

Les propositions, que je Vous ai faites à la dernière Session, au sujet des améliorations qu'exige notre pacte fondamental, M'ont été suggérées par de longues réflexions et par une conviction intime, que ces changemens sont utiles. Je Vous invite à Vous pénétrer de toute leur importance. N'ayant d'autre désir que de donner à Vos droits une garantie, que l'équilibre des pouvoirs peut seul conserver, et les concessions Royales, contenues dans ces propositions, fortifiant encore plus cet équilibre, Je suis persuadé que vous respecterez mes motifs, même si Vous hésitez à croire l'époque arrivée pour opérer ces améliorations.

J'ai ordonné qu'on mît sous Vos yeux un plan pour l'organisation de l'Armement National. Ce projet a été désiré par les Assemblées précédentes. Pour conserver les libertés, les droits et les lois de la presqu'île, ses Habitans n'ont qu'à s'appuyer sur leur Gouvernement, sur la trempe de leurs ames, et sur l'empire de leur courage.

Nous jouissons des bienfaits de la paix. Nos relations avec toutes les Puissances sont de nature à nous en garantir la durée.

Un Traité avec Sa Majesté Britannique a renouvelé l'abolition de la Traite des Noirs. J'appellerai l'attention du Storthing et des Etats Généraux de Suède sur les mesures législatives à adopter à ce sujet.

Une autre Convention fixe les Relations Commerciales entre les deux Royaumes Unis et la Grande Bretagne. J'augure les plus heureux effets de son développement.

Depuis plusieurs siècles, la Norvège avait vainement désiré la fin des contestations attachées au défaut d'une démarcation permanente des Territoires Lapons Norvégiens et Russes. Ce voeu national a été accompli, par la Convention signée entre Moi et Sa Majesté l'Empereur de toutes les Russies. La bonne foi et un désir mutuel de conserver les relations de bon voisinage ont présidé à cette transaction.

Le Traité de Commerce avec cet Empire étant expiré, il a été continué de part et d'autre, jusqu'à ce que les Plénipotentiaires nommés soient convenus des nouveaux principes sur lesquels il doit être maintenu.

Le Traité avec Sa Majesté le Roi de Dannemarc a mis le complément à la liberté du commerce des trois Royaumes du Nord.

Une réciprocité parfaite a aussi été établie entre la Norvège et la Ville libre de Lübeck.

Les Négociations avec Sa Majesté le Roi de Prusse promettent des résultats également satisfaisans, et bientôt, dans aucun Port de la Baltique, l'échange de nos productions n'éprouvera plus d'entraves.

A l'expiration du Traité avec les Etats Unis, J'ai fait connaître au Président Mon désir qu'il fut continué. J'ai appris que le Président est animé des mêmes sentimens.

Quoique nos Ports soient ouverts depuis 1822 aux Pavillons du Sud de l'Amérique, notre commerce n'a pu prendre encore avec ces Contrées un grand accroissement. Je m'occupe d'une Convention Commerciale avec ces Pays, et J'ai tout lieu de croire, que ces relations nouvelles augmenteront le bien-être des deux Royaumes.

Dans toutes les transactions, les Nations demandent des égards et une réciprocité naturelle. J'ai suivi ce principe, et J'en forme la base de nos Négociations. Dans la paix, le respect pour les institutions des Peuples ne doit pas être calculé sur leur puissance, mais bien sur leurs droits reconnus. La guerre, trop commune entre les Etats, présente des périodes, qui rappellent la destruction des prérogatives nationales les plus anciennes et les plus légitimes. Ces chances atteignent le fort comme le faible.

Dans mon Discours au Storthing de 1814, J'ai déclaré, que nous n'ambitionnerons jamais d'autre gloire, que celle d'occuper dans l'histoire le rang d'un Peuple heureux. Je vous renouvelle maintenant les mêmes assurances; Aidez Moi à les réaliser.

En vous déclarant, Messieurs, que la Session du Storthing est commencée, Je prie la Providence de diriger vos sentimens et de vous inspirer toutes les résolutions que vous allez prendre.

TREATY of Commerce between Wirtemberg and Switzerland.—Signed at Lucerne the 16th January, 1826.
(Translations.)

ART. I. L'Ordonnance sur les Douanes du Royaume de Wur-	ART. I. The Tariff of the King- dom of Wirtemberg of 18 July,
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tembourg, en date du 18 Juillet, 1824, qui fixe les droits d'entrée, de sortie, et de transit, des produits naturels, industriels, et artistiques, et détermine les règles du commerce avec l'Etranger, n'est applicable au commerce avec la Suisse qu'en tant qu'il n'y est pas dérogé par le présent Traité concernant quelques objets et rapports particuliers.

II. Le Gouvernement Wurtembergeois, dérogeant en faveur de la Confédération Suisse, à son Ordonnance générale sur la Douane (Art. 1^{er}.) s'engage pendant toute la durée du présent Traité, à ne percevoir sur les objets de provenances Suisses ci-après désignés, et qui pourront être introduits dans le Wurtemberg, aucuns droits plus élevés que ceux fixés par chacun d'eux :

Tissus de soie—*De soie pure*, par quintal, 8fl. 40kr.; *de filoselle*, ou de soie mélangée avec d'autres matières, 6fl. 56kr.; *dentelles*, 8fl. 40kr.; *tissus de coton*, 6fl. 56kr. *Cotons filés*—*teints*, 2fl. 8kr.; *crus*, 1fl. 4kr.; *tissus de fil*, 6fl. 56kr.; *tissus de laine*, 6fl. 56kr. *Cuirs*—*corroyés*, mais sans autre apprêt, *cuirs à semelles*, 1fl. 44kr. Objets fabriqués en cuir—habillement et souliers, autres objets de cuir, 4fl. 40kr. Objets fabriqués en paille—chapeaux fins, autres objets en paille tressés, 4fl. 20kr.; fers étirés en barres, plates, carrées, rondes et de fonte, 2fl. 8kr.; *fils de fer*, 2fl. 8kr.; *aciers bruts ou corroyés*, de toutes espèces, 2fl. 8kr.; *tapisseries*, 6fl. 56kr.; *fromages*, 52kr. *Fruits*—*verts*, par boisseau,

1824, by which duties are imposed upon the import, export, and transit of the productions of nature, of industry, and of art, and by which regulations are set forth for the trade with Foreign Countries, shall only apply to the trade with Switzerland, in cases which are not provided for in the present Convention, containing special regulations for particular articles of trade and relations of commerce.

II. In favour of the Swiss Confederation, the Government of the Kingdom of Wirtemberg, departing from its general Tariff, will henceforth, during the continuance of the present Convention, exact upon the articles hereinafter mentioned, the produce of Switzerland, when imported into Wirtemberg, no higher duties than those which are set opposite to each of them, viz. :

Silk manufactures—*Unmixed silk goods*, per quintal, 8fl. 40kr.; *floss silk goods*, and mixed with other materials, 6fl. 56kr.; lace, 8fl. 40kr. *Cotton manufactured goods*, 6fl. 56kr.; *cotton yarn*, coloured, 2fl. 8kr.; *cotton yarn*, uncoloured, 1fl. 4kr.; *linen*, 6fl. 56kr.; *woollens*, 6fl. 56kr. *Leather*, tanned but not worked up, and sole leather, 1fl. 44kr. *Shoes* and other leather manufactured goods, 4fl. 40kr. *Straw manufactures*, fine straw hats, other straw-plat work, 4fl. 20kr. *Iron*, bar, rod, cast, and wire, 2fl. 8kr. All sorts of raw and untempered steel, 2fl. 8kr. *Paper hangings*, 6fl. 56kr. *Cheese*, 52kr. *Fruit green*, per bushel, (schef-fell) 8kr.; *fruit dried*, per quintal

(scheffel) 8kr.; *secs*, par quintal, 1fl. 4kr. *Boissons* introduites en tonneaux—*vins*, vieux, par eim Wurtembergeois, (350 bouteilles) 3fl.; *vins*, nouveau, depuis le 1^{er} Octobre jusqu'au 30 Novembre, tous deux inclusivement, 2fl. 15kr.; *cidre*, vieux, 3fl.; *cidre*, nouveau, depuis le 1^{er} Octobre jusqu'au 30 Novembre, tous deux inclusivement, 2fl. 15kr.; *eau de vie* et *Kirschwasser*, 6fl.; *vinaigre*, 1fl. 30kr.; *extrait d'absynthe*, par quintal, 3fl. 28kr.

III. Ces exceptions au Tarif général des Douanes ne pourront cependant avoir lieu que sur la production qui devra être faite au Bureau des Douanes Wurtembergoises de Certificats authentiques d'Origine, de la teneur suivante:

Les Certificats d'Origine seront délivrés par l'Autorité Communale du lieu immédiat de la production ou de la fabrication, sous le sceau de l'Autorité à ce préposée, et sur la déclaration, tenant lieu de serment faite par l'expéditeur de la marchandise et qui devra être consignée dans un Protocole tenu à cet effet.

Ces Certificats devront indiquer, l'objet de l'expédition; le nom de l'Expéditeur; le lieu et la Personne à qui la marchandise est adressée; la Déclaration tenant lieu de serment faite par l'expéditeur que la marchandise est réellement un produit du Canton; le jour de la délivrance du Certificat; la durée de sa validité; la signature de l'Autorité Communale; le Visa et le Sceau de l'Autorité à ce préposée.

Tous les collis ou caisses de

1fl. 4kr. Liquors introduced in pipes: Wine, old, per eimer, of Wirtemberg, 350 bottles, 3fl.; Wine, new, from 1 October to 30 November, both days inclusive, 2fl. 15kr. Cider, old, 3fl.; cider, new, from 1 October to 30 November, both days inclusive, 2fl. 15kr. Brandy and Kirschwasser, 6fl.; Vinegar, 1fl. 30kr. Extract of absynthe, (wormwood) per quintal, 3fl. 28kr.

III. These exceptions from the general Tariff shall only take place at the Custom-houses of the Kingdom of Wirtemberg, upon the production of authentick "*Certificates of Origin*," which shall contain the following requisites:

The Certificates of Origin shall be issued by the Local Authorities of the immediate place of produce or manufacture, under their official seal, upon the declaration upon oath, of the Exporter, which shall be entered in a register kept there for that purpose.

These Certificates shall specify, the article to be exported; the name of the Exporter; the Place and Person to which and to whom the goods are forwarded; the Affidavit of the Exporter that the goods are the *bonâ fide* produce of the Canton; the day of the delivery of the Certificate; the length of time for which it is to be valid; the signature of the Local Magistrate; the Visa and Seal of the proper Superior Authority.

All cases and bales of goods to

marchandises expédiés avec Certificats d'Origine pour le Wurtemberg, doivent être chargés dans un intrepôt public, et plombés par le Préposé de cet établissement, après que vérification en aura été faite avec le Certificat.

Revêtus de cette formalité ils peuvent être introduits dans le Wurtemberg par toutes les routes sur lesquelles se trouvent les Bureaux principaux de Douanes.

Pour ce qui concerne la fabrication des cotons et des lins dans les Cantons d'Appenzell, de St. Gall, et de Thurgovie, il est dérogé aux règles précitées, en ce sens seulement que, lorsqu'il s'agira de marchandise provenant de ces Cantons les Certificats d'Origine, au lieu d'être délivrés par l'Autorité du lieu de la fabrication immédiate, le seront par celles du domicile du Marchand, qui reçoit la marchandise des mains des tisserands, et qu'au lieu du Certificat attestant qu'elle est une production du Canton, il suffira qu'il énonce qu'il est de fabrication Suisse.

Quant aux boissons et aux fromages, le Certificat d'Origine peut dans tous les cas être reçu par l'Autorité Communale du lieu de l'expédition, quand même ce ne seroit pas celui de la production, pourvu que cette autorité se soit convaincue auparavant, que la boisson et le fromage sont des produits Suisses, et qu'elle en fasse mention dans le Certificat. Dans ce cas le visa et le sceau de l'Au-

be imported into the Kingdom of Wirtemberg with Certificates of Origin, must be loaded in a publick warehouse and be sealed by the Officers of such establishment, after having been compared with the Certificate.

Provided with this formality, they may be imported into the Kingdom of Wirtemberg by all the roads upon which Custom-houses are established.

As to the linen and cotton manufactures of the Cantons of Appenzell, St. Gall and Thurgau, an exception to the before-mentioned regulation shall be made, in the case alone of the exportation of such goods from those Cantons: that is to say, that instead of the Certificate of Origin being issued by the Authorities of the immediate place of manufacture, it may be issued by those of the place of abode of the Merchant who receives such goods from the manufacturer thereof; and instead of proof being required that the goods are the produce of the Canton, it will be sufficient to prove that they are of Swiss manufacture.

With respect to liquors and cheese, the Certificate of Origin of the Authorities of the place from which such goods are forwarded, shall be admitted even if the goods be not the produce of that place: provided always that such Authorities shall have satisfied themselves that the liquors or cheese are *bona fide* Swiss produce, and shall have entered the same in the register. In such cases the

torité préposée ne sont pas nécessaires.

IV. Pour faciliter les rapports commerciaux entre les marchés des deux frontières, il est encore dérogé aux règles prescrites dans le précédent Article par les exceptions suivantes :

Ce que les Habitans d'un endroit immédiatement Frontière introduisent sans être emballé, et pour leur propre usage, de même que les objets que quelques individus demeurant également sur la Frontière, achètent sur les marchés Suisses pour leur usage, peut aussi être admis par les préposés des Douanes Wurtembergeoises sans Certificats d'Origine, mais jusqu'à la concurrence seulement d'un poids de 10 livres et moyennant le paiement des droits tels qu'ils sont fixés par le présent Traité.

Ce que les Marchands en détail Suisses apportent aux marchés Wurtembergeois pour y être vendu, peut être introduits par les Bureaux de Douanes de ce Pays, sans le Certificat d'Origine prescrit par l'Article précédent, jusqu'à concurrence d'un poids de 25 livres, pourvu que ces objets ne soient pas emballés et moyennant l'acquittement des droits convenus, et que leur origine Suisse soit attestée en général par une Autorité Communale.

V. Le Gouvernement Wurtembergeois garantit à la Confédération Suisse, et permet en sa faveur l'entière et libre sortie des blés; dans le cas de disette seulement, ou la conservation de ses propres Sujets, lui impose le devoir de re-

official seal and visa of the Superior Authority shall be dispensed with.

IV. The following further exceptions to the preceding regulations shall be established, in order to facilitate the market trade of the two frontiers.

Whatever the Inhabitants of places immediately upon the Frontier import for their own use, in an unpacked state, as also whatever Individuals residing upon the Frontier purchase in the markets of Switzerland, for their own use, shall be admitted at the Custom-houses of Wirtemberg, at the reduced duties stipulated by the present Treaty, without a Certificate of Origin being required, but in quantities not exceeding 10 pounds weight.

Whatever the Swiss retail dealers may bring to the markets of Wirtemberg for sale, shall be admitted at the Wirtemberg Custom-houses, without the formal Certificate of Origin, required by the preceding Article, being demanded, in quantities not exceeding 25 pounds weight, at the rate of duties stipulated by the present Convention, provided their quality, as Swiss manufactures, shall have been certified, in general, by a Local Magistrate.

V. The Government of Wirtemberg assures to the Swiss Confederation the free and unrestrained export of grain; only that in cases of scarcity, when the support of the Subjects of the State shall have imposed upon the Govern-

streindre cette exportation, les dispositions suivantes seront observées envers la Confédération :

Dès que le Boisseau Wurtembergeois (Scheffel) aura atteint sur le marché de Frederichshaven le prix de 30 florins, le Gouvernement de ce Pays pourra limiter à moitié la quantité de blés qui dans les circonstances ordinaires se transportent du Wurtemberg dans la Suisse.

Il sera pourvu à cet arrangement immédiatement après la Convention, en prenant pour base le prix moyen des trois dernières Années.

Cette moitié ainsi calculée pourra être enlevée par la Suisse librement et par portions, soit par semaines, soit par mois, mais si outre cette quantité convenue, elle voudrait en tirer davantage du Wurtemberg, alors les mesures que le Gouvernement Wurtembergeois peut être forcé de prendre dans un cas semblable seront purement et simplement appliquées.

Les Gouvernemens Wurtembergeois et Suisse s'entendront en tems opportuns sur la manière et les moyens de mettre ces dispositions à exécution, ainsi que sur les mesures à prendre pour empêcher la contrebande.

VI. Les bestiaux Suisses qui traverseront le Wurtemberg pour

ment of Wirtemberg the necessity of placing the export of grain under restrictions, the following regulations with regard to the Confederation shall take effect :

As soon as the Wurtemberg *scheffel** of corn shall have reached in the market of Frederickshaven the price of 30 florins, the Government of Wirtemberg shall have the power of limiting the export of grain to Switzerland to half the quantity which, under ordinary circumstances, is exported from Wirtemberg to that Country.

Immediately after the conclusion of the present Treaty, this quantity shall be ascertained upon the most certain ground, that of the average of the 3 last years taken together.

This half, thus calculated, shall be permitted to be exported to Switzerland in weekly or monthly proportions : but in the event of that Country withdrawing from Wirtemberg more than the quantity stipulated by the present Convention, the measures which the Government may, under such circumstances, be under the necessity of adopting shall be put in force.

A particular understanding shall be come to, in due time, between the Government of Wirtemberg, and the Directing Canton of the Confederation, in common, upon the manner of executing these regulations, as well as upon the measures to be adopted in order to guard against the evasion of them.

VI. Upon cattle which Switzerland shall cause to pass through

* A measure, the contents of which in corn would weigh, as it is calculated, about 160 pounds English.

être conduits sur les marchés Etrangers, ou qui en reviendront, ne payeront que la moitié du droit de transit.

VII. Les toiles du Wurtemberg transportées en Suisse pour y être blanchies et qui après avoir subi cette opération y seront rapportées, payeront à leur sortie le droit fixé de 12 kreutzers par quintal, et à leur rentrée seulement 24 kreutzers aussi par quintal.

VIII. Il ne sera perçu pour les moutons que les Suisses mènent paître dans les pâturages Wurtembergeois que la moitié du droit d'entrée fixé. Si ces moutons seront reconduits en Suisse pour y être tondus et qu'ils soient ramenés dans les pâturages après la tonte, il ne sera payé aucun droit à cette occasion pourvu qu'il en ait été fait déclaration.

IX. Les maisons de commerce où les fabricants Suisses qui font filer, broder, ou apprêter d'une manière quelconque des étoffes de soie ou de coton dans le Wurtemberg, jouiront tant pour l'entrée de ces matières écruës, que pour leur sortie, lorsqu'elles auront été travaillées, d'une exemption réciproque de droits, en se soumettant toutefois aux mesures de surveillance nécessaires, et cette espèce d'association industrielle sera soutenue et encouragée autant que possible de part et d'autre.

X. La Suisse se réserve quant aux impôts qui concernent les marchandises entrant ou sortant du Wurtemberg, le droit d'une entière réciprocité nonobstant les taxes établis par le présent Traité ;

the Kingdom of Wirtemberg to and from Foreign markets, only half the usual transit duties shall be paid.

VII. Linen sent from Wirtemberg to the Bleaching Grounds of Switzerland, and returned when bleached, shall pay upon its exportation the legal duty of 12 kreutzers per quintal, and upon its return, an import duty of 24 kreutzers per quintal.

VIII. Upon sheep which the Swiss may drive to pasture upon the Territory of Wirtemberg, half the legal toll only shall be exacted. If the sheep be again driven to Switzerland, for the purpose of being shorn, and after shearing be sent back to pasture, no toll shall be taken upon their return.

IX. With regard to mercantile and manufacturing houses which are in the habit of causing silk or cotton goods to be spun, embroidered, or otherwise prepared in Wirtemberg, a reciprocal freedom from import and export duties, as well upon the introduction of the raw material as upon its return in a manufactured state, shall be established, under necessary precautionary regulations ; and on both sides every protection and encouragement shall be afforded to this connection of the industry of the two Countries.

X. Switzerland reserves to herself the right of perfect reciprocity towards Wirtemberg, with regard to the export and import of merchandise, as to the duties stipulated by the present Treaty ; ne-

cependant aussi longtems que le présent Traité subsistera, elle ne fera pas usage de ce droit en ce qui concerne les produits ou objets fabriqués suivans, lorsqu'ils proviendront du Wurtembourg, et elle ne pourra en conséquence augmenter le taux des droits de Douanes ou de Vente actuellement existans.

Ces Articles sont :

Les blés, les fruits, verts et secs, les bêtes à cornes, les chevaux, les moutons :

Les objets fabriqués en soie, filloselle, laine, coton, et lin, ainsi que les fils de ces mêmes étoffes : les fers étirés en barres, plates, carrées, rondes, et de fonte, et le fil de fer, ainsi que tous les objets de fer ou d'acier :

Les cuirs et les objets qui en sont fabriqués ; la colle, le salpêtre, la potasse, le tabac, l'huile, le savon, les chandelles ; les grains de semences ; les plumes pour lits ; la quincaillerie ; la boutellerie : les habits confectionnés, et les souliers de toutes espèces : la droguerie et les couleurs.

Des exceptions particulières aux droits de Douanes actuellement existans auront encore lieu pour l'introduction des Articles Wurtembergeois suivans :

Le Pflastergeld (argent qui se paye pour le pavage) est fixé pour Schaffhouse à 24 kreutzers par voiture de céréales.

Pour les fers étirés en barres, plates, carrées, rondes et de fonte, ainsi que toutes autres marchandises de fonte, le droit d'entrée dans le Canton de Thurgovie est fixé à 4 kreutzers par quintal.

vertheless, she will not, during the continuance of the present Treaty, make use of this right, in order to favour the following articles of produce and manufacture, nor raise the duties upon them already existing, when imported from the Kingdom of Wirtemberg.

These articles are :

Corn, dried and undried fruit, horned cattle, horses, sheep :

Silk, floss silk, wool, cotton, and linen manufactures, including yarn of these materials, bar and rod iron, and wire ; as also iron and steel wares :

Leather, and leather manufactured articles, glue, saltpetre, pot ash, tobacco, oil, soap, candles, sowing seeds, bed feathers, hardware, bottles, ready made clothes, and shoes of all sorts, drugs, and colours.

Moreover, particular exceptions to the present rates of tolls shall be made upon the following articles, when imported from Wirtemberg.

Upon agricultural produce, the road toll in the Canton of Schaffhausen shall be fixed at 24 kreutzers per waggon load.

Upon bar, rod, and cast iron, the import duty in the Canton of Thurgau shall be fixed at 4 kreutzers per quintal.

Les fers payeront à leur entrée à Schaffhouse 2 kreutzers par quintal, et 4 kreutzers à leur sortie, et 20 kreutzers de Pflastergeld par voiture.

Il sera payé pour les bestiaux dans les Cantons de

	Schaff- house. K.	Thur- house. govie. K.
Pour un Bœuf gras	4	6
Un Bœuf de labour, ou une Vache grasse	3	4
Une Vache non engraisée ou un Veau	2	3
Un Mouton ou une Chèvre	1	1

Les droits que la Ville de Zurich perçoit sur les meules qui proviennent du Wurtemberg seront diminués pour être mis plus en rapport avec le prix d'achat.

Le Gouvernement Wurtembergeois se flattant, que, par suite des adoucissements au tarif des Douanes accordés à la Suisse, les salines, ou la modicité du prix, et la bonté de leurs produits, continueront à en fournir abondamment aux Cantons auxquels ils conviennent, la Confédération s'engage de son côté, pour favoriser ce commerce, non seulement à ne pas augmenter les droits établis sur le sel, mais encore si cela n'est pas déjà fait, à diminuer autant que possible dans les Cantons de Zurich et de Schaffhouse, les droits de transit tant par terre que par eau, ainsi que les droits pour frais de Bâteaux.

XI. Dans le cas où quelques Cantons voudraient modifier ou simplifier leur Tarif, ils s'engagent à informer le Gouvernement Wurtembergeois du changement qui

In Schaffhausen the toll upon iron shall be paid at 2 kreutzers for the import, and 4 kreutzers for the export duty; the road toll, however, at 20 kreutzers per waggon.

Upon cattle there shall be paid, in the Cantons of

	Schaff- hausen. K.	Thur- hausen. gau. K.
A fat Ox	4	6
Working do. or a fat Cow..	3	4
A lean Cow, or a Calf	2	3
A Sheep or a Goat	1	1

The toll which the Town of Zurich levies upon mill stones imported from Wirtemberg, shall be modified, and made more in proportion to their original cost price.

As it is hoped by the Government of Wirtemberg, in consequence of the diminution of duties hereby granted to Switzerland, that the salt works of Wirtemberg, owing to the moderation of their prices, and the good quality of their salt, will henceforth enjoy a considerable demand in the Cantons of Switzerland; Switzerland, on her side, in order to encourage this demand, will not only not raise the tolls already imposed upon salt, but also, where such shall not have already taken place, diminish, as much as possible, the land and water tolls, and the rate of water carriage in the Cantons of Zurich and Schaffhausen.

XI. In case any particular States of the Confederation should wish to alter or simplify the state of their tolls, they engage to communicate such change to the Go-

serait effectué, et d'avoir soin que les droits qui seraient fixés par le nouveau Tarif sur les objets dénommés dans l'Article précédent ne dépassent pas en valeur à l'égard de Wurtemberg le taux actuellement déterminé.

XII. Si la Confédération voulait pendant la durée du Traité actuel, modifier son système de Douanes, et en adopter un d'après de nouvelles dispositions qui élèverait les droits affectant les Articles d'exportation du Wurtemberg ici dénommés, il est convenue dans ce cas que le Gouvernement Wurtembergeois serait informé de cette nouvelle organisation de Douanes, et des modifications qui en résulteraient pour le Traité, de manière à maintenir comme auparavant pour bases la plus grande liberté de commerce, et l'assimilation réciproque aux Etats les plus favorisés.

Une nouvelle Négociation dans le même sens aurait lieu de la même manière dans le cas où le Gouvernement Wurtembergeois s'entendrait avec les Etats voisins en Allemagne pour l'établissement d'une ligne de Douanes et d'un Tarif uniformes.

XIII. Quant au transit des produits du sol et de l'industrie de Wurtemberg destinés pour l'Italie, la Suisse déclare son intention de le favoriser et faciliter sur les routes qui y conduisent.

vernment of Wirtemberg, and to take care, that upon the articles mentioned in the preceding Article, the duties in such eventual Tarif, shall not exceed in their amount, with respect to Wirtemberg, the rates stipulated by the present Convention.

XII. If, on the other hand, the Confederation, as one State, should, during the term of the present Convention, reorganize the state of its tolls, and adopt a new uniform system, by which the tolls, as far as they regard the Kingdom of Wirtemberg, should be raised upon the before-mentioned articles of export, the Confederation shall, in such case, communicate to the Government of Wirtemberg such new arrangement of its tolls, and a fresh Negotiation shall take place upon the modifications of the present Convention which in that case might be necessary; the basis of which shall be, as at present, the greatest possible freedom of trade, and the treatment each of the other in the same manner as the most favoured Nations. In like manner, and with a similar view, in the event of Wirtemberg uniting with the neighbouring German States in a common line of customs, and an uniform system of duties, a fresh Negotiation shall take place for suitable modifications of the present Convention.

XIII. With regard to the transit of articles, the produce or manufacture of Wirtemberg towards Italy, Switzerland declares her disposition to favour and facilitate the same, upon the roads leading

Elle promet de ne pas élever quant au transport de ces marchandises les droits perçus aux barrières et ponts.

Quand de nouvelles routes seront faites ou de nouveaux ponts construits, les droits à y percevoir seront fixés pour le commerce Wurtembergeois au même taux que pour le commerce Suisse.

Quant à ce qui concerne la route de commerce particulièrement importante pour le Wurtemberg, qui conduit en Italie par les Cantons de Thurgovie, St. Gall, Grisons et Tésin, à travers les hautes Alpes, ces Cantons déclarent leur intention d'achever cette route dans les parties qui ne le sont pas encore, et de l'entretenir en bon état; par contre la même déclaration est faite par le Gouvernement Wurtembergeois quant à la route qui conduit à Frederichshaven à travers son Territoire.

Les droits de transit sur toutes les marchandises exportées ou importées par Frederichshaven seront réduits à la moitié de leur taux actuel dans les Cantons de Thurgovie et St. Gall.

Dans les Cantons des Grisons et du Tésin on prendra par contre pour base de la fixation de ces droits, celle qui a été adoptée en général à l'égard des marchands Suisses pour les envois de leur marchandises, avec réserve de quelques exceptions subsistantes dans les Grisons en vertu d'anciennes Conventions Spéciales, lesquelles sont garanties par la Constitution même de la Confédération de la Suisse, et sont comprises dans le tableau des droits qui

that way. She promises not to raise the road and bridge tolls already existing. If new roads should be formed, or new bridges built, the tolls to be raised upon them shall be upon the same scale, for the commerce of Wirtemberg as for that of Switzerland.

With regard to the Commercial Road, passing through the Cantons of Thurgau, St. Gall, the Grisons, and Tessin, and leading towards Italy, which is of particular importance to the trade of Wirtemberg, those Cantons declare, that they will complete the same in the places where such is not already the case, and keep it in good repair.

In return for which the Government of Wirtemberg declares, on its side, that it will keep in good order the roads leading through its Territory to Frederichshaven: upon all merchandize passing to and from Frederichshaven, the transit duties in the Cantons of Thurgau, and St. Gall shall be fixed at half their present rate.

In the Cantons of the Grisons and Tessin the same scale of duties shall be applied to such goods, as that to which goods forwarded by Swiss Merchants are liable. With the reserve of some exceptions existing in the Grisons, by virtue of ancient Conventions, in favour of Swiss Proprietors, and upon a few particular descriptions of merchandize which are guaranteed by the Constitution of Switzerland, and which shall be included in the specification to be made by the

d'après l'Article 21, doit être communiqué au Gouvernement Wurtembergeois.

Par contre les droits de transit par Friederichshaven de toutes marchandises destinées soit pour la consommation intérieure de la Suisse, soit pour l'Italie, ou qui en serait exportées en prenant leur direction par le Wurtemberg, seront réduits au moins à la moitié du taux légal.

Comme la Constitution particulière et les rapports intérieurs du Canton des Grisons ne permettent pas à son administration d'accorder le libre transit par Coire et les hautes Alpes vers l'Italie, et qu'il est cependant dans son intention d'employer les moyens les plus propres à faciliter toujours davantage ce transit, elle déclare :

1. Que les marchandises venant de Wurtemberg ou qui y seront expédiées, ne payeront pas des droits plus élevés que ceux qui seront régulièrement fixés par les Autorités du Canton spécialement déléguées à cet effet pour les marchandises des Grisons et de la Suisse.

2. Qu'en général l'expédition des marchandises venant du Wurtemberg ou y allant obtiendront, quant à la célérité, la sûreté, et la facilité du transport, tous les avantages qui sont assurés au commerce de la Suisse ou des Grisons, ou qui lui seraient assurés postérieurement.

Le règlement des rapports de navigation sur le Lac de Constance, autant qu'il concerne la marche du

21st Article of this Treaty, and to be delivered to the Government of Wirtemberg, of the scale of tolls and duties.

On the other hand the transit duty upon all goods intended for those Cantons, either for their own use, or to be forwarded to Italy, and passing through Fredericks-haven, as also upon such as, coming from Switzerland, are directed through Wirtemberg, shall be reduced at least by one half of the present legal rate. As the particular Constitution, and interior Regulations of the Canton of the Grisons do not permit its Government to open altogether the transport of Goods from Coire, over the Alps to Italy, it is nevertheless its intention to employ suitable means to procure greater facilities for this carrying trade, and accordingly it declares :

1. That merchandize coming from Wirtemberg, or going towards that Country, shall pay no higher rate of carriage, than that which shall be periodically fixed by a person authorized so to do, to be paid for Grisons or Swiss merchandize.

2. All merchandize forwarded to and from Wirtemberg shall receive all the advantages with regard to expedition, safety, and facility of conveyance, which are afforded to merchandize of the Grisons or of Switzerland. The regulation of the Navigation of the Lake of Constance, as far as it regards the Trade and Commercial Intercourse of the two Contracting Parties, is reserved for an

commerce et les relations reciproques, est réservé à un arrangement particulier entre le Gouvernement Wurtembergeois, et les Cantons de Thurgovie et de St. Gall.

XIV. L'assurance est donnée du côté de la Confédération que les pierres destinées aux constructions ou autres usages, qui seraient exportées en Wurtembourg par le Lac de Constance, ne seront pas soumises à un droit d'exportation, et surtout que cette exportation ne sera plus entravée qu'elle le serait à la destination d'un Canton. Par contre on permettra la libre exportation du gravier servant à la confection des routes et venant des bords de l'*Argen-fluss*, à la destination de la Suisse.

XV. Les produits du sol qui seraient expédiés d'Hohenwiél en Suisse, ou de Suisse pour la consommation des habitans d'Hohenwiél, seront réciproquement exempts de droits, avec la clause obligatoire que tout abus de cette faveur sera prévenu par les mesures convenables, ou puni dans le cas où il aurait lieu.

XVI. A l'égard des marchandises que les négociants, fabricants, ou ouvriers d'un état auraient apporté sur les marchés de l'autre, et qui ne s'étant pas vendues, seraient ré-exportées au delà des Frontières, il leur sera assuré sous les réserves convenables et réciproquement, une franchise d'impôts ou droits, autant que les droits d'entrée qu'auraient été perçus sur les marchandises non vendues sera restitués à leur sortie.

immediate understanding between the Government of Wirtemberg, and the Cantons of St. Gall and Thurgau.

XIV. On the part of the Confederation it is guaranteed, that building and other stones, which shall be exported to Wirtemberg, by the Lake of Constance, shall neither be liable to any export toll, nor to any hindrance to their exportation, more than is the case with regard to any State of the Confederation.

On the other hand the free exportation of gravel for roads, from the banks of the River *Argen* to Switzerland, shall be permitted.

XV. Agricultural produce coming from Hohenwiél to Switzerland, and all articles for the consumption of the Inhabitants of that Place, going from Switzerland to Hohenwiél, shall be free from toll on either side, with the obligation however that measures shall be taken to prevent abuses of this privilege, and that such persons as may abuse it, shall eventually be punished.

XVI. Upon such merchandize as Merchants, Manufacturers, or Workmen belonging to one State may convey to the markets of the other, and which not having been sold, may repass the Frontier, a mutual exemption from tolls or duties shall be granted, under necessary regulations of precaution; it being understood that the duty which may have been paid upon the import of such goods, shall be refunded upon their being re-exported, unsold.

XVII. Les frais de peser, d'enmagasinement de dépôt, les droits de chargement et de déchargement, ne seront perçus sur les marchés des deux Etats d'après la parité possible à établir dans les Tarifs, qu'autant qu'elles auront été effectivement pesées, enmagasinées, chargées et déchargées.

XVIII. A la vérité les voituriers devront en général se régler quant au poids de leur chargement, pour les transports de denrées comme de marchandises, sur les décisions en vigueur; cependant une différence de 10 quintaux au plus, si elle se trouvait exister, ne serait pas prise en considération envers les voituriers, sur la route de Schaffhouse à Zürich.

XIX. Attendu que les deux Principautés de Hohenzollern Hechingen et Hohenzollern Sigmaringen sont, en vertu d'un Traité conclu par elles avec la Couronne de Wurtemberg, comprises dans le système de Douanes Wurtembergeois, et participant aussi longtemps qu'elles demeureront dans ces rapports aux Conventions de Commerce, conclus par le Wurtemberg, toutes ces dispositions s'appliqueront au commerce avec les Principautés tant que subsistera leur communauté de Douanes avec le Wurtemberg.

XX. Les deux Parties Contractantes se donnent l'assurance de n'entrer avec un autre Etat dans aucun arrangement qui puisse blesser directement ou indirectement les stipulations du Traité actuel.

XXI. Il sera dressé un tableau correspondant au présent Traité

XVII. The charges for weighing, warehousing, loading and unloading in the Commercial Places of either States, shall be fixed at the lowest possible rate; and shall only be levied when such weighing, warehousing, loading or unloading, shall have actually taken place.

XVIII. Waggoners shall conform themselves in general to the regulations in force with regard to the weight which they carry, both in the conveyance of goods and merchandize; but upon the road from Zurich to Schaffhausen, no attention shall be paid to overweight, provided it does not exceed 10 quintals.

XIX. As the Principalities of Hohenzollern Hechingen, and Sigmaringen are, by a Treaty between the Crown of Wirtemberg and those States, included in the system of Tolls and Customs of Wirtemberg, and as long as they continue in that engagement, participate in all Commercial Treaties which may be concluded by the Crown of Wirtemberg, all the stipulations of the present Convention, shall apply to the trade with the Principalities of Hohenzollern, during the continuance of their Commercial Alliance with Wirtemberg.

XX. Both Contracting Parties assure, each the other, that they will not enter into engagements with other States, by which the stipulations of the present Treaty, can be directly or indirectly affected.

XXI. A summary of the Rates of Tolls, which, on the part of

des droits qui du côté de la Suisse s'appliqueraient au Wurtemberg conformément à ses stipulations, et qui sera remis au Gouvernement Wurtembourgeois lors de la Ratification du Traité.

XXII. S'il s'éleverait quelque doute sur sa teneur, les deux Parties Contractantes promettent de s'en tenir à l'interprétation la plus conforme à l'esprit du Traité, c'est à dire, dans le but de protéger et faciliter les relations réciproques d'échanges et de commerce.

XXIII. Le présent Traité est conclu pour 10 ans, et irrévocable dans l'espace de ce temps, à moins d'arrangement spécial. Il sera mis à exécution dès l'échange des Ratifications, qui aura le plutôt possible.

Fait à Lucerne, le 16 Janvier, 1826, au nom de la Confédération Suisse, L'Avoyer en charge du Canton Directoire, Président de la Diète,

VINCENT RUTTIMAN.

Le Chancelier de la Confédération,

MOUSSON.

Donné à Stutgardt, le 4 Février, 1826, et de Notre Règne le 11.

GUILLAUME.

Le Ministre des Affaires Etrangères,

LE COMTE DE BEROLDINGEN.

Par ordre du Roi, Le Secrétaire d'Etat,

BELLNAGEL.

Switzerland, by virtue of the present Treaty, apply to the trade of Wirtemberg, shall be drawn up, in concert with that State, and delivered to the Government of Wirtemberg, upon the conclusion of the present Convention.

XXII. If any doubt should arise as to its contents, the two Contracting Parties promise to come to such an explanation of the same, as shall be most suitable to the spirit of this Treaty, namely, to encourage and facilitate their trade with each other and their Commercial Intercourse.

XXIII. The present Treaty is concluded for 10 years, and during that time it shall be irrevocable, except by special mutual agreement.

Done at Lucerne, 16th January, 1826, in the name of the Confederation of Switzerland. The Avoyer in charge of the Directing Canton, President of the Diet,

VINCENT RUTTIMAN.

The Chancellor of the Confederation,

MOUSSON.

Given at Stutgardt, 4th February, 1826, and of our Reign the 11th.

WILLIAM.

The Minister for Foreign Affairs,

COUNT DE BEROLDINGEN.

By command of the King; The Secretary of State.

BELLNAGEL.

LOI de France, relative à la Fixation du Budget des Dépenses et des Recettes de 1828.

Au Château de Saint Cloud, le 24 Juin, 1827.

CHARLES, par la Grâce de Dieu, Roi de France et de Navarre, à tous présens at à venir, Salut.

Nous avons proposé, les Chambres ont adopté, nous avons ordonné et ordonnons ce qui suit :

TITRE PREMIER.—CREDITS VOTES POUR L'EXERCICE 1828.

I. Budget de la Dette Consolidée.

ART. 1. Les dépenses de la Dette Consolidée et de l'Amortissement sont fixées, pour l'Exercice 1828, à la somme de 241,357,867 francs, conformément à l'Etat A ci-annexé.

II. Fixation des Dépenses Générales du Service.

2. Des Crédits sont ouverts jusqu'à concurrence de 681,353,735 francs, pour les dépenses générales du service de l'Exercice 1828, conformément à l'Etat B, applicables, savoir :

Aux Dépenses Générales, ci.....	543,841,184 f
Aux Frais de Régie, d'Exploitation, de Perception, et non-valeurs des Contributions directes et indirectes et des Revenus de l'Etat, ci.....	126,412,551
Aux Restitutions à faire aux contribuables sur les produits desdites contributions, et aux Remboursemens d'amendes attribuées, ci.....	11,100,000

Total égal.....Francs... 681,353,735

TITRE II.—IMPOTS AUTORISÉS POUR L'EXERCICE 1828.

3. Continuera d'être faite, en 1828, conformément aux Lois existantes, la perception :

Des droits d'enregistrement, de timbre, de greffe, d'hypothèques, de passe-ports, et permis de port d'armes ;

Des droits de Douanes, y compris celui sur les sels ;

Des contributions indirectes, des postes, des loteries, des monnaies, et droits de garantie ;

Des taxes des brevets d'invention ;

Des droits établis sur les journaux ;

Des droits de vérification des poids et mesures, 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 aux dits 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 établissemens d'eaux minérales, pour le traitement des médecins chargés par le Gouvernement de l'inspection de ces établissemens ;

Des redevances sur les mines ;

Des diverses rétributions imposées en faveur de l'université sur les établissemens particuliers d'instruction et sur les élèves qui fréquentent les écoles publiques ;

Des taxes imposées, avec l'autorisation du Gouvernement, pour la conservation et la réparation des digues et autres ouvrages d'art intéressant les communautés de propriétaires ou d'habitans, et des taxes pour les travaux de dessèchement autorisés par la Loi du 16 Septembre, 1807 ;

Des droits de péage qui seraient établis, conformément à la Loi du 4 Mai, 1802, pour concourir à la construction ou à la réparation des ponts, écluses ou ouvrages d'art à la charge de l'Etat, des Départemens et des Communes ;

Des sommes réparties sur les Israélites de chaque circonscription, pour le traitement des rabbins et autres frais de leur culte.

4. La contribution foncière, la contribution personnelle et mobilière, les contributions des portes et fenêtres et des patentes, seront perçues, pour 1828, en principal et centimes additionnels, conformément à l'Etat C ci-annexé.

Le contingent de chaque Département dans les contributions foncière, personnelle, et mobilière, et des portes et fenêtres, est fixé aux sommes portées dans les Etats D, N^{os} 1, 2, et 3, annexés à la présente Loi.

TITRE III.—EVALUATION DES RECETTES de L'EXERCICE 1828.

5. Le Budget des Recettes est évalué, pour l'Exercice 1828, à la somme de 924,410,361 francs, conformément à l'Etat E. ci-annexé.

MOYENS DE SERVICE.

6. Le Ministre des Finances est autorisé à créer, pour le service de la Trésorerie et les Négociations avec la Banque de France, des Bons Royaux portant intérêt et payables à échéance fixe.

Les Bons Royaux en circulation ne pourront excéder 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.

7. Toutes contributions directes ou indirectes, autres que celles autorisées par la présente Loi, à quelque titre et sous quelque dénomination qu'elles se perçoivent, sont formellement interdites, à peine, contre les Autorités qui les ordonneraient, contre les employés qui confectionneraient les Rôles et Tarifs, et ceux qui en feraient le recouvrement, d'être poursuivis comme concussionnaires, sans préjudice de l'action en répétition, pendant 3 années, contre tous receveurs, percepteurs, ou individus qui auraient fait la perception, et sans que, pour exercer cette action devant les Tribunaux, il soit besoin d'une autorisation préalable. Il n'est pas néanmoins dérogé à l'exécution des Articles 20 de la Loi du 31 Juillet, 1821, et 22 de la Loi du 17 Août, 1822, relatifs aux centimes facultatifs que les Conseils Généraux de Département sont autorisés à voter pour les dépenses d'utilité départementale et pour les opérations cadastrales, et des Articles 31, 39, 40, 41, 42, et 43 de la Loi du 15 Mai, 1818, relatifs aux dépenses ordinaires et extraordinaires des Communes.

La présente Loi, discutée, délibérée, et adoptée par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous ce jourd'hui, sera exécutée comme Loi de l'Etat; voulons, en conséquence, qu'elle soit gardée et observée dans tout Notre Royaume, terres et pays de notre obéissance.

Si donnons en mandement à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer, et maintenir, et, pour les rendre plus notoires à tous nos Sujets, ils les fassent publier et enregistrer 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 au Château de Saint Cloud, le 24 jour du mois de Juin, de l'an de Grâce 1827, et de Notre Règne le 3ème.

CHARLES.

Par le Roi;

Le Ministre Secrétaire d'Etat au Département des Finances,

JH. DE VILLELE.

Vu et Scellé du Grand Sceau:

Le Garde des Sceaux de France, Ministre Secrétaire d'Etat au Département de la Justice,

COMTE DE PEYRONNET.

BUDGET GENERAL

DES DEPENSES ET SERVICES POUR L'EXERCICE 1828.

Etat A.—Budget de la Dette Consolidée et de l'Amortissement.

Rentes inscrites au 1 Janvier 1827.....		Francs. 197,607,867
<i>Rentes à inscrire sur le crédit de 30 millions de rentes 3 p. o/o accordé par la Loi du 27 Avril, 1825.</i>		
SAVOIR.		
En 1827, le troisième cinquième, avec jouissance du 22 Juin 1827.....	Francs. 6,000,000	
Ci, pour les arrérages des deux semestres échéant en 1828.....	— —	6,000,000
En 1828, le quatrième cinquième, avec jouissance du 22 Juin, 1828.....	6,000,000	
Ci, pour les arrérages du semestre à l'échéance du 22 Décembre, 1828.....	— —	3,000,000
Montant des Rentes à inscrire en 1827 et 1828.....	12,000,000	
Montant des arrérages à servir sur les rentes inscrites et à inscrire.		206,607,867
Dont à déduire, pour les arrérages des rentes présumées devoir être rachetées par la caisse d'amortissement,		
en 1827.....	3,000,000f.	} 6,000,000f.
en 1828.....	3,000,000	
Rayées du Grand-livre de la Dette Publique, et annulées au profit de l'Etat;		
SAVOIR.		
Deux semestres sur les Rentes rachetées en 1827..	3,000,000	
Deux semestres sur les Rentes rachetées en 1828 jusqu'au 22 Juin.....	1,500,000	} 2,250,000
Un seul semestre, celui à l'échéance du 22 Décembre, 1828, sur les rentes rachetées à partir du 22 Juin précédent	750,000	
Total des arrérages à déduire.....	5,250,000	ci. 5,250,000
Montant des arrérages de Rentes à servir pour l'année 1828.....		201,357,867
Dotation de la caisse d'amortissement.....		40,000,000
Total....Francs....		241,357,867

Etat B.—1. Budget des Dépenses Générales et Services.

						MONTANT des Dépenses présumées.	
Liste Civile	-	-	-	-	-	25,000,000f	Francs.
Famille Royale	-	-	-	-	-	7,000,000	32,000,000
MINISTÈRES.							
Justice.	{	Service ordinaire	-	-	-	16,241,934	19,641,934
	{	Frais de Justice	-	-	-	3,400,000	
Affaires Etrangères	-	-	-	-	-	-	9,000,000
Affaires Ecclésiastiques	{	Affaires Ecclésiastiques	-	-	-	33,175,000	35,000,000
	{	Instruction Publique	-	-	-	1,825,000	
Intérieur.	Services divers (dont 2 millions pour dépenses secrètes de Police Générale)					14,720,661	92,721,400
	{	Travaux Publics				41,614,275	
		{ Secours dans les cas d'incendie, de grêle, inondations et autres accidents (1 centime spécial.)				1,819,323f	
		{ Dépenses fixes ou Communes (6 centimes 1/2 centralisés au Trésor)				11,825,601	
		{ Dépenses variables spéciales (12 cent. 1/2 dont 5 en Fonds commun)				22,741,540	
		{				36,386,464	
Guerre	{	Service actif	-	-	-	190,917,000	196,000,000
	{	Dépenses temporaires	-	-	-	5,083,000	
Marine.—Service Général	-	-	-	-	-	-	57,000,000
Finances.	Dette viagère					7,700,000	58,040,250
	{	Civiles				1,520,000	
		Militaires				47,831,000	
		Ecclésiastiques				6,200,000	
		Donataires dépossédés				1,510,000	
		Supplément aux fonds de retenues de divers Ministères				979,250	
	Intérêts de cautionnements					9,000,000	11,200,000
	{	Frais de service et de Trésorerie				2,800,000	
		Intérêts de la Dette Flottante, escompte et frais de Négociation				4,500,000	
		Bonifications aux Receveurs des Finances sur le recouvrement des Contributions directes				2,500,000	
		Taxations aux Receveurs des Finances sur les versements des Receveurs des Revenus indirects				1,400,000	
		{				102,477,850	
	Chambre des Pairs					2,000,000	543,841,184
	Chambre des Députés					800,000	
	Légion 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.					543,841,184		

Etat B. (Suite.)—2. Frais de Régie, de Perception, d'Exploitation, Non-valeurs, &c. Remboursements et Restitutions aux Contribuables.
(A Ordonnancer par le Ministre des Finances.)

FRAIS DE REGIE, DE PERCEPTION, D'EXPLOITATION DES IMPOTS ET REVENUS, ET NON-VALEURS SUR CONTRIBUTIONS DIRECTES.				MONTANT des Dépenses présumées.
				Francs.
Enregistrement et Domaines	-	-	-	10,628,200f
Forêts	{	Frais Administratifs	3,361,500f	3,699,000
		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
Contributions indirectes.	{	Frais d'Administration et de Perception	20,812,700	47,474,200
		Exploitation des Tabacs	23,655,000	
		Exploitation et Vente des Poudres à feu	2,353,000	
		Avances à charge de Remboursement	643,500	
Postes	-	-	-	16,074,972
Loterie.	{	Frais d'Administration	1,083,895	4,083,895
		Remise de 6 p. o/o aux Receveurs Buralistes	3,000,000	
Contributions directes.	{	Nonvaleurs des quatre Contributions directes	5,158,484	20,501,484
		Dépenses des directions des Contributions directes dans les Départemens	3,300,000	
		Frais de Perception	12,048,000	
Taxation aux Receveurs des Finances sur le produit des bois et les Recettes diverses	-	-	-	100,000
REMBOURSEMENS ET RESTITUTIONS POUR TROP PERCU, PRIMES A L'EXPORTATION, ET PRELEVEMENT SUR LES AMENDES ATTRIBUEES.				
Produits divers et Contributions directes	-	-	-	600,000
Enregistrement, Timbre et Domaines	-	-	-	1,500,000
Forêts	-	-	-	100,000
Douanes.	{	Remboursemens et Restitutions, et primes à l'exportation	6,000,000	7,600,000
		Prélèvement sur le Produit des amendes	1,600,000	
Contributions indirectes.	{	Remboursemens et Restitutions	200,000	1,100,000
		Prélèvement sur le produit des amendes	900,000	
Postes	-	-	-	200,000
Total - Francs				137,512,551

REMBOURSEMENS ET RESTITUTIONS POUR TROP PERCU, PRIMES A L'EXPORTATION, ET PRELEVEMENT SUR LES AMENDES ATTRIBUEES.

Produits divers et Contributions directes	- - - - -	- - - - -	600,000	11,100,000
Enregistrement, Timbre et Domaines	- - - - -	- - - - -	1,500,000	
Forêts	- - - - -	- - - - -	100,000	
Douanes.	{	Remboursemens et Restitutions, et primes à l'exportation	6,000,000	
		Prélèvement sur le Produit des amendes	1,600,000	
Contributions indirectes.	{	Remboursemens et Restitutions	200,000	
		Prélèvement sur le produit des amendes	900,000	
Postes	- - - - -	- - - - -	200,000	
Total - Francs				137,512,551

3. Dépenses Départementales et Communales mentionnées pour Mémoire.

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.
			Pour Dépenses Cadastreales	
		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 extraord. 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		-	-	-

RECAPITULATION DES DEPENSES.

ETAT A. | Dette Consolidée et Amortissement	- - - - -	- - - - -	241,357,867
ETAT B. {	1°. Service Générales	- - - - -	543,841,184
	2°. Frais d'administration, de perception d'exploitation, &c.	- - - - -	137,512,551
	3°. Dépenses Départementales mentionnées pour Mémoire	- - - - -	Mémoire.
Montant des Dépenses propres à l'Exercice, 1828			922,711,602
DEPENSES POUR ORDRE.			
Affaires Ecclésiastiques.—Conseil Royal de l'Instruction Publique	-	2,245,000	6,392,560
Intérieur	- - - - -	Produit de la taxe spéciale des brevets d'invention (Loi du 25 Mai, 1791), par aperçu	150,000
Guerre	- - - - -	Direction générale des Poudres et Salpêtres	3,997,560
Total Général, Francs			929,104,162

Etat C. — Tableau des Contributions directes, à imposer en principal et Centimes Additionnels, pour l'Exercice 1928.

DESIGNATION		MONTANT DE CHAQUE CONTRIBUTION.										OBSERVATIONS.
DES CONTRIBUTIONS EN PRINCIPAL ET CENTIMES ADDITIONNELS.		Foncier.		Personnelle et Mobilière.		Portes et Fenêtres.		Patentes.		Totaux.		
		Nombre de centimes addition.	Francs.	Nombre de centimes addition.	Francs.	Nombre de centimes addition.	Francs.	Nombre de centimes addition.	Francs.	Francs.		
Produits Généraux.												
Principal des Quatre Contributions { Sans affectation spéciale - Pour Dépenses Dépar- tementales fixes, com- munes à plusieurs Dé- partemens } 64		10	154,771,412 11 15,477,141 21	10	27,160,910 51 2,716,091 05	10	12,812,534 38 1,281,253 44	-	(A) 23,183,432 50	217,928,289 50 19,474,483 70	(A) Sur ce produit pré- sumé, il est prélevé 10 centimes pour frais de confection des rôles, sup- plément au fonds de non- valeurs et attributions aux Communes.	
Centimes additionnels, { Pour Dépenses vari- ables des Départemens } 74		19	29,406,568 30	19	5,160,573 00	-	-	-	-	34,567,141 30	On porte néanmoins la somme totale en recette, parce que les 10 centimes figureront en dépenses.	
{ Pour Fonds commu- naux des Départemens } 5		1	1,547,714 12	1	271,609 11	-	-	-	-	1,819,323 23		
{ Pour Secours, Grêle, Incen- dies } 5		-	Mémoire.	-	Mémoire.	-	-	-	-	Mémoire.		
{ Centimes additionnels à voter par les Con- seils Généraux (maximum, 5 centimes) } 5		-	Mémoire.	-	Mémoire.	-	-	-	-	Mémoire.		
{ Centimes additionnels à voter par les Con- seils Généraux pour Dépenses du Cadastre (maximum, 3 centimes) } 3		-	Mémoire.	-	-	-	-	-	-	Mémoire.		
Produits affectés aux Non-valeurs, Dé- penses des Communes, Réimpositions et Frais de Perception.												
{ Pour Non-valeurs et Dé- grèvements, etc. } 1		1	1,547,714 12	1	271,609 10	5	640,626 72	5	1,159,171 62	3,619,121 56		
{ Pour Dépenses Ordinaires des Communes } 1		-	Mémoire.	-	Mémoire.	-	-	-	-	Mémoire.		
{ Pour Dépenses Extraordi- naires des Communes } 1		-	Mémoire.	-	Mémoire.	-	-	-	-	Mémoire.		
{ Pour Réimpositions } 1		-	Mémoire.	-	Mémoire.	-	-	-	-	Mémoire.		
Totaux (non compris les pour mémoire)		31	202,750,549 86	31	35,530,792 77	15	14,734,414 54	5	24,342,604 12	277,408,361 29		
Centimes additionnels { Traitemens et taxations des Receveurs Généraux et par- ticipations (par évaluation) } 1		-	1,740,000 00	-	287,000 00	-	148,000 00	-	79,600 00	2,254,600 00		
{ Remises des percepteurs } 1		-	7,369,200 00	-	1,165,690 00	-	597,400 00	-	661,200 00	9,793,400 00		
{ Frais de premier avertissement } 1		-	Mémoire.	-	Mémoire.	-	Mémoire.	-	Mémoire.	Mémoire.		
Totaux généraux - Francs		-	211,859,749 86	-	37,033,392 77	-	15,479,814 54	-	25,063,404 12	289,456,361 29		

Etat E. Budget Général des Revenus de l'Etat pour l'Exercice 1828.

DESIGNATION DES REVENUS ET IMPOTS.		PRODUITS BRUTS. Présumés.
1. Produits spécialement affectés à la Dette Consolidée.		Francs.
Enregistrement, Timbre et Domaines, et Produits accessoires des Forêts - -		190,326,000
Coupes de bois de l'Ordinaire de 1828. (Principal des Adjudications payables en Traites)		22,690,000
Douanes { Droits de Douanes et sur les Sels - - - - -		146,320,000
et Sels. { Produits présumés des Amendes et Confiscations Attribuées - -		1,600,000
Total -		360,936,000
2. Produits affectés aux Dépenses Générales de l'Etat.		
Excédant éventuel des Produits ci dessus sur le Service de la Dette Consolidée -		Mémoire.
Contributions indirectes { Droits Généraux - - - - -		212,250,000
{ Ventes des Tabacs - - - - -		
{ Ventes des Poudres à feu - - - - -		
{ Recouvrements d'Avances - - - - -		
{ Produit des Amendes et Confiscations (Portion Attribuée.) - -		900,000
Postes - - - - -		31,060,000
Loterie - - - - -		15,508,000
Produits divers. { Produits des Jeux - - - - -	5,500,000	
{ Salines de l'Est - - - - -	2,000,000	
{ Recettes de diverses origines - - - - -	6,000,000	14,300,000
{ Verification des poids et mesures - - - - -	800,000	
Contributions directes - - - - -		289,456,361
Ressources locales extraordinaires pour dépenses Départementales - -		Mémoire.
Total -		563,474,361
Récapitulations des Recettes.		
1. Produits affectés à la Dette Consolidée - - - - -		360,936,000
2. Produits affectés aux Dépenses Générales - - - - -		563,474,361
Montant présumé des Produits propres au Budget de l'Exercice 1828 - -		924,410,361
Recettes pour Ordre.		
Affaires Ecclésiastiques { Conseil Royal de l'Instruction Publique -	2,749,317	
Intérieur - - { Produit de la Taxe spéciale des brevets d'invent. -	150,000	6,892,337
Guerre - - { Direction Générale des Poudres et Salpêtres -	3,993,020	
Total Général -		931,302,698
Résultat.		
Les Recettes Présumées sont de - - - - -	Francs.	924,410,361
Les Dépenses (Etats, A et B.), de - - - - -		922,711,602
Excédant de Recette -		1,698,759

Certifié conforme : le Ministre Secrétaire d'Etat des Finances,
JH. DE VILLELE.

CONVENTION entre la France et la Bavière, pour l'extradition réciproque des Déserteurs.—Signée à Paris le 10 Mars, 1827.

Au Château des Tuileries, le 9 Mai, 1827.

CHARLES, par la grâce de Dieu, Roi de France et de Navarre, à tous ceux qui ces présentes lettres verront, Salut.

Nous avons ordonné et ordonnons que la Convention suivante pour l'extradition réciproque des Déserteurs, conclue et signée à Paris, le 10 Mars de la présente année, entre Nous et Sa Majesté le Roi de Bavière, ratifiée par Nous le 26 du même mois, et dont les Ratifications ont été échangées à Paris le 27 Avril dernier, sera insérée au Bulletin des Lois, pour être exécutée suivant sa forme et teneur :

Sa Majesté le Roi de France et de Navarre et Sa Majesté le Roi de Bavière, étant convenus de conclure une Convention de cartel, ont, à cet effet, muni de leurs pleins pouvoirs, savoir :

Sa Majesté le Roi de France et de Navarre,

Le Sieur Baron de Damas, Pair de France, Lieutenant Général de ses Armées, Grand'Croix de l'Ordre Royal et Militaire de Saint-Louis, Grand Officier de l'Ordre Royal de la Légion d'Honneur, &c., Son Ministre et Secrétaire d'Etat au Département des Affaires Etrangères ;

Et Sa Majesté le Roi de Bavière,

Le Sieur Comte de Bray, Chambellan, Conseiller intime actuel, Membre du Conseil d'Etat, Grand'Croix des Ordres du Mérite Civil, de la Couronne de Bavière, de l'Aigle Rouge de Prusse, de Sainte-Anne de Russie et de l'Etoile Polaire de Suède, Chevalier de l'Ordre de Saint-Jean de Jerusalem, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Très-Chrétienne ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, sont convenus des Articles suivans :

ART. I. A dater de l'échange des Ratifications de la présente Convention, tous les individus qui désertent le Service Militaire des Hautes Puissances Contractantes, seront restitués de part et d'autre.

II. Seront réputés Déserteurs, non-seulement les Militaires de toute arme et de tout grade qui quitteront leurs drapeaux, mais encore tous les individus qui, appelés au Service de toute branche Militaire quelconque, ne se rendraient point à l'appel, et chercheraient à se réfugier sur le Territoire de l'une des Hautes Parties Contractantes, enfin les condamnés aux travaux dans les forteresses et ateliers qui seraient susceptibles de rentrer au Service Militaire.

III. Sont exceptés de la restitution ou de l'extradition qui pourra être demandée en vertu de la présente Convention,

1. Les individus nés sur le Territoire de l'Etat dans lequel ils auraient cherché un asile, et qui, moyennant la désertion, ne feraient que rentrer dans leur Pays natal ;

2. Les individus qui, soit avant soit après leur désertion, se seraient rendus coupables d'un crime ou délit quelconque à raison duquel il y aurait lieu de les traduire en justice devant les Tribunaux du Pays où ils se seront retirés. Néanmoins, en ce dernier cas, l'extradition sera effectuée après que le Déserteur aura été acquitté ou aura subi sa peine ; et il n'y aura lieu à aucun remboursement de frais pour le temps pendant lequel il aura été détenu à raison du délit ou du crime dont il aura été accusé. Dans tous les cas, on communiquera réciproquement les actes de l'instruction qui concernent les Délinquans, pour en prendre connaissance, soit en copies authentiques, soit par extraits légalisés, afin que l'on puisse juger si le coupable est encore digne de rentrer, ou non, au service :

IV. Lorsqu'un Déserteur aura atteint le Territoire de celle des deux Puissances à laquelle il n'appartiendra pas, il ne pourra, sous aucun prétexte, y être poursuivi par les Officiers de son Gouvernement : ces Officiers se borneront à prévenir de son passage les Autorités Locales, afin qu'elles aient à le faire arrêter. Toutefois, pour accélérer l'arrestation de ce Déserteur, une ou deux personnes chargées de la poursuite pourront, au moyen d'un Passe-port ou d'une autorisation en règle qu'elles devront obtenir de leur Chef immédiat, se rendre au plus prochain Bourg ou Village situé en dehors de la Frontière, à l'effet de réclamer des Autorités Locales l'exécution de la présente Convention.

V. Les Autorités qui voudront réclamer un Déserteur adresseront leurs réclamations à l'administration, soit Civile, soit Militaire, qui, dans les deux Pays, se trouvera le mieux à portée d'y satisfaire.

Lesdites Autorités réclamantes accompagneront leur réquisitoire du signalement du Déserteur ; et, dans le cas où l'on serait parvenu à l'arrêter, l'Autorité requérante en sera prévenue par un avis accompagné d'un extrait du registre du geolier ou concierge de la prison où le Déserteur aura été écroué.

VI. Dans le cas où les Déserteurs seraient encore porteurs de leurs armes, ou revêtus de leurs équipement, habillement, ou marques distinctives, sans être munis d'un Passe-port, et de même dans tous les cas où il serait constant, soit par l'aveu du Déserteur, soit d'une manière quelconque, qu'un Déserteur de l'une des Hautes Parties Contractantes se trouve sur le Territoire de l'autre, il sera arrêté sur-le-champ, sans réquisition préalable, pour être immédiatement livré entre les mains des Autorités compétentes établies sur les Frontières de l'autre Souverain.

VII. Si, par suite de la dénégation de l'individu arrêté ou autrement, il s'élevait quelque doute sur l'identité d'un Déserteur, la partie réclamante ou intéressée devra constater, au préalable, les faits non suffisamment éclaircis, pour que l'individu arrêté puisse être mis en liberté, ou restitué à l'autre Partie.

VIII. Dans tous les cas, les Déserteurs arrêtés seront remis aux

Autorités compétentes, qui feront effectuer l'extradition selon les règles déterminées par la présente Convention. L'extradition se fera avec les armes, chevaux, selles, habillemens et tous autres objets quelconques dont les Déserteurs étaient nantis, ou qui auraient été trouvés sur eux lors de l'arrestation. Elle sera accompagnée du procès-verbal de l'arrestation de l'individu, des interrogatoires qu'il aurait subis, et de toutes autres pièces nécessaires pour constater la désertion. Pareille restitution aura lieu des chevaux, effets d'armement, d'habillement, d'équipement, et tous autres objets et effets quelconques, emportés par les individus désignés dans l'Article 3 de la présente Convention comme exceptés de l'extradition.

La remise des Déserteurs Bava-rois se fera à Bergzabern, et celle des Déserteurs Français à Weissembourg.

IX. Les frais auxquels aura donné lieu l'arrestation des Déserteurs, seront remboursés de part et d'autre, à compter du jour de l'arrestation, qui sera constatée par l'extra-it dont il est fait mention à l'Article 5, jusqu'au jour de l'extradition inclusivement. Ces frais comprendront la nourriture et l'entretien des Déserteurs et de leurs chevaux, et sont fixés à 75 centimes, argent de France, ou 20 kreutzers 6 deniers de monnaie Bavaroise, par jour, pour chaque homme ; et à 1 fr. 6 cent. argent de France, ou 29½ kreutzers, monnaie Bavaroise, par jour, pour chaque cheval. Les frais de voitures nécessaires pour le transport des Déserteurs extradés ne seront remboursés que sur la déclaration des Médecins, qu'elles étaient absolument nécessaires.

En cas de maladie, il sera remboursé pour chaque journée d'hôpital 1 fr. ou 29 kreutzers, d'après les états dûment certifiés qui seront fournis.

Il ne sera accordé de remboursement pour fourniture d'objets d'habillement que dans les cas de la plus urgente nécessité.

Il sera payé en outre par la Partie requérante ou intéressée une gratification de 25 francs, argent de France, ou 11 florins 29 kreutzers de Bavière, pour chaque homme, et de 120 francs ou 55 florins pour chaque cheval et son équipage, au profit de quiconque sera parvenu à découvrir et à faire arrêter un Déserteur, ou qui aura contribué à la restitution d'un cheval et de son équipage. Si on rendait le cheval sans l'équipage, ou l'équipage sans le cheval, la gratification serait, dans le premier cas, de 100 francs ou 46 florins ; et, dans le second cas, de 18 francs 73 centimes, ou 8 florins 41 kreutzers.

X. Les frais et gratifications dont il est fait mention dans l'Article précédent, seront acquittés immédiatement après l'extradition dans le lieu même où la remise du Déserteur aura été faite, et par les soins de l'Autorité qui le recevra.

Les réclamations qui pourraient être faites à cet égard, ne seront examinées qu'après que le paiement aura été provisoirement effectué.

XI. Les Hautes Parties Contractantes s'engagent mutuellement à

prendre les mesures les plus convenables pour la répression de la désertion et pour la recherche des Déserteurs. Elles feront usage, à cet effet, de tous les moyens que leur offrent les Lois du Pays, et elles sont convenues particulièrement,

1. De faire porter une attention scrupuleuse sur les individus inconnus qui franchiraient les Frontières des deux Pays, sans être munis de Passe-ports en règle;

2. De défendre sévèrement à toute Autorité quelconque d'enrôler ou de recevoir dans le Service Militaire un Sujet de l'autre des Hautes Parties Contractantes qui n'aura pas justifié par des certificats ou attestations en due forme, qu'il est dispensé du Service Militaire dans son Pays.

XII. La présente Convention est conclue pour 2 ans, à l'expiration desquels elle continuera à être en vigueur pour 2 autres années, et ainsi de suite, sauf déclaration contraire de la part de l'un des deux Gouvernemens.

XIII. La présente Convention sera ratifiée et les Ratifications en seront échangées dans le terme de 6 semaines, ou plus tôt, si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée et y ont apposé le cachet de leurs armes.

Fait à Paris, le 10 Mars, 1827.

(L.S.) LE BARON DE DAMAS. (L.S.) LE COMTE DE BRAY.

Mandons et ordonnons que les présentes, revêtues du Sceau de l'Etat, insérées au Bulletin des Lois, soient adressées aux Cours et Tribunaux et aux Autorités Administratives, pour qu'ils les inscrivent dans leurs registres, et notre Garde des Sceaux, Ministre et Secrétaire d'Etat au Département de la Justice, est chargé d'en surveiller la publication.

Donné en notre Château des Tuileries, le 9^e. jour du mois de Mai, l'an de grâce 1827, et de notre règne le 3^{ème}.

CHARLES.

Par le Roi :

Le Ministre et Secrétaire d'Etat au Département des Affaires Etrangères,

BARON DE DAMAS.

Vu et Scellé du Grand Sceau :

Le Garde des Sceaux de France, Ministre et Secrétaire d'Etat au Département de la Justice,

COMTE DE PEYRONNET.

BRITISH Order in Council, for the Temporary Regulation of the Trade of the Cape of Good Hope, the Mauritius, Ceylon, New South Wales, and Van Dieman's Land, within the limits of the East India Company's Charter.—30th April, 1827.

At the Court at St. James's, the 30th day of April, 1827,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS by an Act of Parliament, passed in the 6th Year of His Majesty's Reign, [cap. 114.] intituled, "An Act to regulate the trade of the British Possessions abroad," it is, amongst other things, enacted, that it shall be lawful for His Majesty, by and with the advice of His Privy Council, by any Order or Orders in Council, to be issued from time to time, to give such directions, and make such regulations, touching the trade and commerce to and from any British Possessions on or near the Continent of Europe, or within the Mediterranean Sea, or in Africa, or within the limits of the East India Company's Charter, excepting the Possessions of the said Company, as to His Majesty in Council shall appear most expedient or salutary; and it is further enacted, that if any goods shall be imported or exported in any manner contrary to such Order of His Majesty in Council, the same shall be forfeited, together with the Ship importing or exporting the same: And whereas it is expedient, in pursuance of the powers vested in His Majesty by the said Act of Parliament, to make some temporary regulations touching the trade and commerce to and from the British Possessions aforesaid, within the limits of the East India Company's Charter, until permanent regulations in that behalf can be finally made and established; His Majesty is therefore pleased, by and with the advice of His Privy Council, and in pursuance and exercise of the authority in Him vested, in and by the said Act of Parliament, to order and direct, and it is hereby ordered, that the trade and commerce of His Majesty's Settlements and Territories at the Cape of Good Hope, and of His Majesty's Island of Mauritius, and of His Majesty's Island of Ceylon, and of His Majesty's Settlements and Territories in New South Wales, and of His Majesty's Island of Van Dieman's Land, with the respective Dependencies thereof, shall, from and after the arrival of this present Order, within any of the said several Settlements, Territories, and Islands, be regulated in the manner following, that is to say, all such Laws, Rules, Orders, and Regulations as were in force within the Settlements, Territories, and Islands aforesaid, or any of them, for the regulation of the trade and commerce thereof, upon the 1st day of July, in the Year 1825, shall, until further Order be made by His Majesty in this behalf, revive and continue, and be of full

force, virtue, and effect, within the several Settlements, Territories, and Islands aforesaid respectively; and if any goods shall be imported or exported in any manner contrary hereto, such goods, together with the Ship importing or exporting the same, shall incur and become liable to such forfeiture as in the said Act of Parliament is mentioned in that behalf: Provided always, that nothing herein contained shall extend, or be construed to extend, to contravene, vary, alter, or in any wise affect the said Act of Parliament, so far as the same hath made express provision respecting the trade to and from the said Island of Mauritius, or respecting the exportation of sugar or wine from any British Possession within the limits of the East India Company's Charter, nor so far as the said Act of Parliament hath expressly mentioned or referred to the Trade of any of His Majesty's Possessions within the limits aforesaid: Provided also, that nothing in this present Order contained shall extend, or be construed to extend, to contravene, vary, alter, or in any wise affect 2 other Acts of Parliament, passed in the 6th Year of His Majesty's Reign, [Cap. 109.] intituled respectively, "An Act for the encouragement of British Shipping and Navigation," and [Cap. 110], "An Act for the registering of British Vessels," or any other Acts or Act passed in amendment of any of the Acts here, inbefore mentioned: Provided also, that nothing in this present Order contained shall be construed to revoke, abrogate, or any wise alter certain Orders of His Majesty in Council respecting the trade of *France*, and of *The United States of America* respectively, bearing date the 1st of June, 1826, and the 27th of July, 1826, and the 16th of December, or to infringe or interfere with any Treaties of Commerce or Navigation entered into by His Majesty with any Foreign State or Power.

And the Right Honourable Viscount Goderich, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

JAS. BULLER.

BRITISH Order in Council, prohibiting the Exportation of Arms, Gunpowder, &c. to certain Parts of Africa.

23d May, 1827.

At the Court at St. James's, the 23d day of May, 1827,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the time limited by His Majesty's Order in Council, of the 20th November last, for prohibiting the exportation of Gunpowder or Saltpetre, or any sort of Arms or Ammunition, to any Port or Place on the Coast of Africa (except to any Ports or Places within the Straights of Gibraltar), has expired; and whereas it is judged ex-

pedient 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, and command, that no person or persons whatsoever, (except the Master-General of the Ordnance for His Majesty's Service), do, at any time during the space of 6 months, (to commence from the date of this Order), presume to transport any Gunpowder or Saltpetre, or any sort of Arms or Ammunition, to any Port or Place on the Coast of Africa (except to any Ports or Places within the Streights of Gibraltar) or ship or lade any Gunpowder or Saltpetre, or any sort of Arms or Ammunition, on board any Ship or Vessel, for the transporting of 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 imposed in that behalf by an Act passed in the 6th Year of His present Majesty's Reign, [Cap. 107.] intituled, "An Act for the General Regulation of the Customs."

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, the Lord High Admiral, 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 of War, are to give the necessary directions herein as to them may respectively appertain.

JAS. BULLER.

BRITISH Order in Council, prohibiting the Exportation of Arms, Gunpowder, &c. to certain Parts of Africa.
18th October, 1827.

At the Court at Windsor, the 18th day of October, 1827,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the time limited by His Majesty's Order in Council, of the 23d of May last, for prohibiting the exportation of gunpowder, saltpetre, or any sort of arms or ammunition, to any Port or Place on the Coast of Africa (except to any Ports or Places within the Streights of Gibraltar), will expire on the 23d day of November next; and whereas it is judged expedient that the said prohibition should be continued for some time longer; His Majesty, by and with the advice of His Privy Council, doth therefore hereby order, require, and command, that no Person or Persons whatever (except the Master-General of the Ordnance for His Majesty's Service), do, at any time during the space of 6 months (to commence from the 23d of November next), presume to transport

any gunpowder or saltpetre, or any sort of arms or ammunition, to any Port or Place on the Coast of Africa (except to any Ports or Places within the Streights of Gibraltar), or ship or lade any gunpowder or saltpetre, or any sort of arms or ammunition, on board any Ship or Vessel, for the transporting of 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 imposed in that behalf by an Act, passed in the 6th Year of His present Majesty's Reign, [Cap. 107.] intituled "An Act for the general regulation of the Customs."

And the Right Honourable the Lords Commissioners of Majesty's Treasury, His Royal Highness the Lord High Admiral, 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, regulating the Duties payable on the Vessels and Cargoes of Buenos Ayres, Colombia, and Mexico, in British Ports.—3d September, 1827.

At the Court at Windsor, the 3d day of September, 1827,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act, passed in the 4th Year of His present Majesty's Reign, [Cap. 77.] intituled "An Act to 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." His Majesty is authorized, by and with the advice of His Privy Council, or by His Majesty's Order or Orders in Council, to be published from time to time in the London Gazette, to authorize the importation into, or exportation from the United Kingdom, or from any other of His Majesty's Dominions, of any goods, wares, or merchandize which may be legally imported or exported in Foreign Vessels, upon payment of such and the like duties only, and with the like drawbacks, bounties, and allowances, as are charged or granted upon similar goods, wares, or merchandize when imported or exported in British Vessels; provided always, that before any such Order or Orders shall be issued, satisfactory proof shall have been laid before His Majesty and His Privy Council, that goods, wares, and merchandize imported into, or exported from, the Foreign Country

in whose favour such remission of duties, or such drawbacks, bounties or allowances shall be granted, are charged with the same duties, and are allowed the same drawbacks, bounties, or allowances when imported into, or exported from, such Foreign Country in British Vessels, as are levied or allowed on similar goods, wares, and merchandize when imported or exported in Vessels of such Country :

And whereas by an Act, passed in the 5th Year of His present Majesty's Reign, [Cap. I.] intituled "An Act to indemnify all Persons concerned in advising, issuing, or acting under a certain Order in Council for regulating the tonnage duties on certain Foreign Vessels, and to amend an Act of the last Session of Parliament for authorizing His Majesty, under certain circumstances, to regulate the duties and drawbacks on goods imported or exported in any Foreign Vessels," His Majesty is authorized (in certain cases) by and with the advice of His Privy Council, or by His Majesty's Order or Orders in Council, to be published from time to time in the London Gazette, to permit and authorize the entry into any Port or Ports of the United Kingdom of Great Britain and Ireland, or of any other of His Majesty's Dominions, of any Foreign Vessels, upon payment of such and the like duties of tonnage only as are or may be charged or granted upon or in respect of similar British Vessels :

And whereas satisfactory proof has been laid before His Majesty and His Privy Council, that goods, wares, and merchandize imported into or exported from the Ports of the United Provinces of *Rio de la Plata*, the State of *Colombia*, and the United States of *Mexico* respectively, are charged with the same duties and are allowed the same drawbacks, bounties, or allowances when imported or exported in British Vessels as are levied or allowed on similar goods, wares, and merchandize, when imported into or exported from the said Ports in Vessels of the said United Provinces of *Rio de la Plata*, and of the said State of *Colombia*, and of the said United States of *Mexico* respectively ; and that British Vessels are charged with no other or higher tonnage duties on their entrance into the Ports of *Rio de la Plata*, *Colombia*, and *Mexico* respectively, than are levied on Vessels of the said United Provinces of *Rio de la Plata*, the said State of *Colombia*, and the said United States of *Mexico* respectively :

His Majesty, by virtue of the powers vested in him by the Acts above recited, and by and with the advice of His Privy Council, is, therefore, pleased to order, and it is hereby ordered, that from and after the date of this Order, Vessels of the United Provinces of *Rio de la Plata*, of the State of *Colombia*, and of the United States of *Mexico* respectively, entering the Ports of the United Kingdom of Great Britain and Ireland in ballast, or laden direct from any of the Ports of *Rio de la Plata*, *Colombia*, and *Mexico* respectively, or departing from the Ports of the said United Kingdom, together with the cargoes on

board the same, such cargoes consisting of articles which may be legally imported or exported, shall not be subject to any other or higher duties or charges whatever than are or shall be levied on British Vessels entering or departing from such Ports, or on similar articles when imported into, or exported from, such Ports in British Vessels; and also that such articles, when exported from the said Ports in Vessels of the United Provinces of *Rio de la Plata*, of the State of *Colombia*, and of the United States of *Mexico* respectively, shall be entitled to the same bounties, drawbacks, and allowances that are granted on similar articles when exported in British Vessels:

Provided nevertheless, that nothing herein contained shall extend or be construed to extend, to any duties or charges on account of tonnage, light or harbour dues, pilotage, salvage in case of damage or shipwreck, or any other local charges to which any Vessels of the United Provinces of *Rio de la Plata*, of the burthen of 120 tons, or of any less burthen, are now by Law liable in the Ports of any of His Majesty's Dominions; it appearing to His Majesty and His Privy Council, that British Vessels, of the burthen of 120 tons, or of any less burthen, are subject in the Ports of the said United Provinces to higher duties and charges than are levied in those Ports on Vessels of the said United Provinces of the burthen of 120 tons or of any less burthen:

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

C. C. GREVILLE.

BRITISH Order in Council, permitting the exportation of Salt and Fruit from the Bahama Islands, in Vessels of the United States of America.—18th October, 1827.

At the Court at Windsor, the 18th day of October, 1827,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament, 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," 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 Vessels, 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 by an Act, passed in the 7th and 8th Years of His present Majesty's Reign, [Cap. 56.] intituled “ An Act to amend the Laws relating to the Customs,” after reciting or taking notice of the said Act so passed as aforesaid in the 6th Year of His Majesty's Reign, and after reciting that unless some period were limited for the fulfilment by Foreign Countries of the conditions mentioned and referred to in the said recited Act, the Trade and Navigation of the United Kingdom and of the British Possessions abroad, could not be regulated by fixed and certain rules, but would continue subject to changes dependent upon the Laws from time to time made in such Foreign Countries ; it is therefore enacted, that no Foreign Country shall hereafter be deemed to have fulfilled the conditions so prescribed as aforesaid in and by the said Act, as to be entitled to the privileges therein mentioned, unless such Foreign Country had in all respects fulfilled those conditions within 12 months next after the passing of the said Act, that is to say, on or before the 5th day of July, 1826 ; and for the better ascertaining what particular Foreign Countries are permitted by Law to exercise and enjoy the said privileges, it is further enacted, that no Foreign Country shall hereafter be deemed to have fulfilled the before-mentioned conditions, or to be entitled to the privileges aforesaid, unless and until His Majesty shall by some Order or Orders to be by him made, by the advice of His Privy Council, have declared that such Foreign Country hath so fulfilled the said conditions, and is entitled to the said privileges ; provided always, and it is thereby declared and enacted, that nothing therein contained, extends, or shall be construed to extend, to make void or annul any Order or Orders in Council theretofore issued, under the authority or in pursuance of the said recited Act, and to take away or abridge the powers vested in His Majesty in and by the said Act, or any of those powers, any thing therein contained to the contrary in any wise notwithstanding :

And whereas the conditions mentioned and referred to in the said Acts 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 permit the exportation of salt and fruit, in certain Vessels of the said United States of America, from certain of the Bahama Islands; His Majesty doth, therefore, in pursuance and exercise of the powers vested in him in and by the said Acts of Parliament, by and with the advice of His Privy Council, declare and grant, that it shall be lawful for Ships of The United States of America, arriving in ballast at any Port or Place in the Bahama Islands in which a Custom-house is or shall be established, to export salt and fruit, or either of them, from such Port or Place, to be carried to any Foreign Country whatever; subject, nevertheless, to the payment of all such duties as by any Law in force within the said Islands are or shall be payable upon such Ships, or upon the exportation of any such salt or fruit :

And His Majesty is further pleased, with the advice aforesaid, to order, that this present Order shall take effect and be in force in the said Islands, so soon as the Governor or Officer administering the Government thereof for the time being shall have made known the same to the Inhabitants of the said Islands, by a Proclamation to be by him for that purpose issued, and not before :

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable William Huskisson, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

JAS. BULLER.

BRITISH Order in Council, relative to the prevention of certain Armed Vessels under the Greek Flag, from committing depredations on British Commerce.—16th November, 1827.

At the Court at St. James's, the 16th day of November, 1827,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the depredations which have for some time been committed upon the Commerce of His Majesty's Subjects in the Mediterranean Seas by armed Vessels, piratically cruising under the Greek Flag, have of late greatly increased, and have been accompanied with acts of cruelty and barbarity which have rendered the Navigation of those Seas highly perilous; and His Majesty has in vain applied for the prevention of these outrages to the Persons exercising the powers of Government in Greece, who, however willing, are unable effectually to repress such

excesses, owing to the disturbed state of the Country, and the disorder prevailing in the several Islands of the Greek Archipelago, and His Majesty is thereby laid under the necessity of providing for the same :

To that end, it has appeared to His Majesty that the most efficacious means by which the Persons and lawful Commerce of His Majesty's Subjects in the Mediterranean Seas can be adequately protected, until some Government shall be established in Greece competent to put a stop to all irregularities of the nature complained of, will be to prevent, so far as possible, any armed Vessels, bearing the Greek Flag, from putting to Sea, such Ships of War only excepted as are belonging to or acting under the orders of the Persons exercising the Powers of Government in Greece.

For this purpose His Majesty is pleased to order and declare, by and with the advice of His Privy Council, and it is hereby ordered and declared, that Instructions be issued forthwith to His Majesty's Naval Forces in the Mediterranean, authorizing and directing them to seize and send into some Port belonging to (or being under the power and protection of) His Majesty, every Armed Vessel which they shall meet with at Sea under the Greek Flag, or fitted out and armed at any Greek Port, such Ships of War only excepted as are belonging to, or acting under the Orders of, the Persons exercising the Powers of Government in Greece ; and that they shall duly provide, that all such Vessels with their Crews shall be safely detained in the Ports to which they may be sent until His Majesty's further pleasure respecting them shall be made known.

And with a view to prevent, as much as possible, any hardships or inconveniences that may arise in the execution of this Order, as it may affect any Greek Cruizer which, being at Sea at the time when this Order will take effect in the Mediterranean, may not receive immediate notification thereof, it is further ordered that the Commanders of His Majesty's Ships, who may be charged with the execution of this Order, shall, in the event of their meeting with any Armed Vessels at Sea, bearing the Greek Flag, that may be liable to the operation of this Order, between the day upon which the Order shall be notified to the Persons exercising the Authorities of Government in Greece, and 15 days from the date thereof, furnish them with certified Copies of this Order, and warn them to proceed forthwith to their respective Ports ; and that such armed Vessels shall not be detained until the expiration of the said 15 days, unless it shall appear that after such notification of the Order and warning, they shall not have complied therewith, or shall have been guilty of plundering or searching any trading Vessel under the British Flag :

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, His Majesty's Principal Secretaries of State, and His

Royal Highness the Lord High Admiral are to give the necessary directions herein as to them may respectively appertain.

C. C. GREVILLE.

BRITISH Order in Council, extending the privileges of a Free Port, to Charlotte Town in Prince Edward's Island. —16th November, 1827.

At the Court at St. James's, the 16th day of November, 1827,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the 6th Year of His Majesty's Reign, [Cap. 114.] intituled, "An Act to regulate the Trade of the British Possessions abroad," it is amongst other things enacted, that no goods shall be imported into, nor shall any goods, except the produce of the Fisheries in British Ships, be exported from any of the British Possessions in America by Sea, or from or to any Place other than the United Kingdom, or some other of such Possessions, except into or from the several Ports in such Possessions called Free Ports, enumerated or described in the Table in the said Act of Parliament contained:

And it is thereby provided, that if His Majesty shall deem it expedient to extend the provisions of the said Act to any Port or Ports not enumerated in the said Table, it shall be lawful for His Majesty, by Order in Council, to extend the provisions of the said Act to such Port or Ports, and it is enacted, that from and after the day mentioned in such Order in Council, all the privileges and advantages of the said Act, and all the provisions, penalties, and forfeitures therein contained, shall extend, and be deemed and construed to extend, to any such Port or Ports respectively, as fully as if the same had been inserted and enumerated in the said Table at the time of passing the said Act.

And whereas His Majesty doth deem it expedient to extend the Provisions of the said Act to the Port of *Charlotte Town, in Prince Edward's Island*; His Majesty doth therefore, in pursuance and exercise of the Powers vested in him by the said Act of Parliament, and with the advice of His Privy Council, order, and it is hereby ordered, that, from and after the date of this Order, the provisions of the said Act of Parliament respecting Free Ports shall be, and the same are hereby extended to the said Port of *Charlotte Town, in Prince Edward's Island*.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable William Huskisson, one

of His Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

C. C. GREVILLE.

BRITISH Order in Council, appointing certain Ports in America and the West Indies, to be Free Warehousing Ports.—16th November, 1827.

At the Court at St. James's, the 16th day of November, 1827,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the 6th Year of His present Majesty's Reign, [Cap. 114.] intituled, "An Act to regulate the Trade of the British Possessions abroad," it is, amongst other things, enacted, that certain Ports, therein particularly mentioned, in the Island of Jamaica, and in the Provinces of Nova Scotia, Canada, and New Brunswick, and in the Island of Barbadoes, shall be free warehousing Ports for the purposes of the said Act, and it is further enacted, that it shall be lawful for His Majesty in Council, from time to time to appoint any Port in His Majesty's Possessions in America to be a free warehousing Port for the purposes of the said Act; and that every such Port, so appointed by His Majesty, shall be a free warehousing Port under the said Act, as if appointed by the same, in as full and ample a manner in all respects as any of the Ports thereinbefore mentioned and are free warehousing Ports appointed by the said Act:

And whereas, His Majesty doth deem it expedient that certain other Ports in His Majesty's Possessions in America, should be appointed free warehousing Ports for the purposes of the said Act, His Majesty doth therefore, by and with the advice of His Privy Council, and in pursuance and exercise of the Powers in Him vested in and by the said Act of Parliament, order and appoint that the following Ports in His Majesty's Possessions in America shall be respectively free warehousing Ports for the purposes of the said Act, that is to say, port of *Spain*, in the Island of *Trinidad*; *Nassau*, in the Island of *New Providence*; *Montego Bay*, in the Island of *Jamaica*; *Roseau*, in the Island of *Dominica*; and *Saint Andrews*, in the Province of *New Brunswick*.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable William Huskisson, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

C. C. GREVILLE.

CONVENTION entre les Pays-Bas et la Ville de Brême, à l'égard d'une abolition réciproque du Droit de Détraction et de l'Impôt d'Emigration.—Signée à Bruxelles, le 18 Novembre, 1826.

SA Majesté le Roi des Pays-Bas et le Sénat de la Ville de Brême, ayant trouvé convenable d'étendre les principes déjà fixés par la Diète Germanique, et de les adopter pour la généralité des Etats respectifs, quant à l'exportation des biens de leurs Sujets et Citoyens d'un Etat à l'autre, sont convenus à cet égard des Articles suivans :

ART. I. Les droits connus sous le nom de *Jus detractus*, *Gabella hereditaria* et *Census emigrationis*, ne seront plus exigés ni perçus à l'avenir, lorsqu'en cas de succession, donation, vente, émigration ou autres, il y a lieu à une translation de biens des Etats du Royaume des Pays-Bas, dans ceux de la Ville de Brême, ou de ceux-ci dans les Etats du Royaume des Pays-Bas, respectivement pour toute leur étendue tant actuelle que future, toutes les impositions de cette nature étant abolies entre les deux Etats.

II. Cette disposition s'étend non-seulement aux droits et autres impositions de ce genre, qui font partie des Revenus Publics, mais encore à ceux qui jusqu'ici pourraient avoir été levés par quelques Provinces, Villes, Juridictions, Corporations, Arrondissemens ou Communes, de manière que les Sujets respectifs, qui exporteront des biens, ou auxquels il en échoirait à titre quelconque dans l'un ou l'autre Etat, ne seront assujettis sous ces rapports à d'autres impositions ou taxes, qu'à celles qui, à raison de droit de succession, de vente ou de mutations de propriété quelconques, seraient également acquittées par les Habitans du Royaume des Pays-Bas, ou par ceux de la Ville de Brême, d'après les Réglemens et Ordonnances qui existent ou qui émaneront par la suite dans les deux Pays.

III. La présente Convention commencera à être mise en vigueur le 1^{er} Janvier, 1827, et n'aura pas d'effet rétroactif.

IV. Cette Convention, expédiée en double et de la même teneur, signée par le Ministre des Affaires Etrangères de Sa Majesté le Roi des Pays-Bas, et par le Syndic de Brême à ce délégué par le Sénat, sera échangée mutuellement.

Fait et signé à Bruxelles, le 18 Novembre, 1826.

Le Ministre des Affaires Etrangères de Sa Majesté le Roi des Pays-Bas.

(L.S.) VERSTOLK DE SOELEN.

Le Ministre des Affaires Etrangères déclare qu'une pareille Déclaration a été délivrée par le Sénat de la Ville de Brême, en date du 18 Décembre, 1826, que les Ratifications respectives ont eu lieu en date des 5 et 14 Janvier, 1827, et que les Actes de Ratification ont été échangés le 12 Mars 1827.

VERSTOLK DE SOELEN.

**CONVENTION entre les Pays-Bas, et la Suède et Norvège,
à l'égard d'une abolition réciproque du Droit de Détraction.
Signée à Bruxelles, le 26 Octobre, 1826.**

SA Majesté le Roi des Pays-Bas et Sa Majesté le Roi de Suède et de Norvège, étant réciproquement disposés d'abolir les droits sur l'exportation des héritages d'un Royaume à l'autre sont convenus à cet égard des Articles suivans :

ART. I. Les droits connus sous le nom de *Jus detractus*, ne seront plus exigés ni perçus à l'avenir entre le Royaume des Pays-Bas d'une part, et les Royaumes de Suède et de Norvège de l'autre.

II. Cette disposition s'étend non-seulement aux droits et autres impositions de ce genre, qui font partie des Revenus Publics, mais encore à ceux, qui jusqu'ici pourraient avoir été levés par quelques Provinces, Villes, Jurisdictions, Corporations, Arrondissemens ou Communes, de manière que les Sujets respectifs, qui exporteront des biens, ou auxquels il en échoirait à titre quelconque dans l'un ou l'autre Etat, ne seront assujettis sous ces rapports à d'autres impositions ou taxes, qu'à celles, qui, à raison de droit de succession, de vente ou de mutations de propriété quelconques, seraient également acquittés par les habitans du Royaume des Pays-Bas, ou par ceux des Royaumes de Suède et de Norvège, d'après les Réglemens et Ordonnances qui existent ou qui émaneront par la suite dans les deux Pays.

III. La présente Convention est applicable non-seulement à toutes les successions à échoir à l'avenir, et à celles déjà dévolues, mais à toutes les translations de biens en général dont l'exportation n'a point encore été effectuée.

IV. Cette Convention, expédiée en double et de même teneur, signée par les Ministres respectifs de Sa Majesté le Roi des Pays-Bas et de Sa Majesté le Roi de Suède et de Norvège, sera échangée mutuellement et aura force et valeur du jour où les échanges auront eu lieu.

Fait et signé à Bruxelles le 26 Octobre, 1826.

*Le Ministre des Affaires Etrangères de Sa Majesté le Roi
des Pays-Bas.*

(L.S.) VERSTOLK DE SOELEN.

Le Ministre des Affaires Etrangères déclare qu'une pareille Déclaration a été délivrée par le Ministère des Royaumes de Suède et de Norvège en date du 20 Novembre, 1826, que les Ratifications des Souverains respectifs ont eu lieu en date du 11 Décembre, 1826, et 14 Mars 1827, et que les Actes de Ratification ont été échangés le 7 Mai, 1827.

VERSTOLK DE SOELEN.

**DECLARATION entre les Pays-Bas et la Suède et Norvège,
pour l'Extradition de Matelots Déserteurs.—Signée à
Stockholm, le 29 Mai, 1827.**

SA Majesté le Roi des Pays-Bas et Sa Majesté le Roi de Suède et de Norvège, soigneux d'écarter, autant que faire se peut, les désagréments et les entraves, qui résultent de la Désertion de Matelots ou autres individus, appartenant à des vaisseaux de l'un des deux Etats dans les Ports de l'autre, et voulant établir d'un commun accord, des règles fixes et invariables, tant pour la réclamation que pour l'extradition des déserteurs, sont convenus pour cet effet des principes suivans :

ART. I. Tout Matelot ou individu quelconque, appartenant à l'équipage d'un Vaisseau de Guerre ou d'un Bâtiment marchand de l'un des deux Etats, qui déserterait dans un Port situé dans les Domaines de l'autre, pourra être réclamé, quels que soient les engagements qu'il aura contractés ailleurs, et il sera restitué, sans qu'il soit fait de distinction, sous ce rapport, entre des Matelots Natifs du Pays, auquel appartient le Bâtiment, et ceux qui seraient nés dans un troisième Pays quelconque, pourvu qu'il soit prouvé par les rôles qu'ils auraient fait partie de l'équipage, au moment de l'arrivée du navire, dans le Port où la Désertion aurait eu lieu.

II. Sont exceptés de cette stipulation les Matelots, qui seraient Sujets de l'Etat, dans le Port duquel ils auraient déserté, après avoir pris service à bord d'un Bâtiment de l'autre Nation. Des Matelots de cette catégorie seront cependant tenus à indemniser le capitaine ou l'armateur du Bâtiment de toute perte constatée, que ceux-ci auraient éprouvée, par suite de la Désertion.

III. Pour éviter la perte de temps qu'entraînerait une correspondance diplomatique, il est convenu que les réclamations de la nature en question pourront être adressées directement, par les capitaines ou maîtres de navires, à l'Autorité Supérieure du lieu où la Désertion aurait eu lieu. Cette réclamation devra être accompagnée du signalement de l'individu qui en serait l'objet, ainsi que de preuves suffisantes qu'il se trouvait inscrit sur les rôles de l'équipage.

IV. L'Autorité Locale, à laquelle une pareille réclamation viendrait à être adressée, sera obligée de prendre toutes les mesures conformes aux Lois existantes du Pays, pour découvrir et arrêter les Déserteurs, et leur extradition s'effectuera, moyennant le remboursement, à la charge du requérant, des frais qu'elle aura occasionnés.

Si le Déserteur se trouvait avoir commis quelque crime ou délit, postérieur à la désertion, il pourra être sursis à son extradition, jusqu'à ce que le Tribunal nanti de l'affaire, aura rendu sa Sentence, et que celle-ci ait reçu son exécution.

V. La présente Déclaration aura force et valeur à dater du 1 Juin, de l'Année courante, 1827.

En foi de quoi Nous soussignés, au nom de Nos Augustes Souverains, et par suite des autorisations à nous données, avons signé la présente Déclaration dressée en deux exemplaires conformes, et y avons apposé de Cachet de nos Armes.

Fait à Stockholm, le 29 du mois de Mai, 1827.

P. DE CROMBRUGGHE,

Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi des Pays-Bas, près Sa Majesté le Roi de Suède et de Norvège, etc. etc. etc.

G. COMTE DE WETTERSTEDT,

Ministre d'Etat et des Affaires Etrangères de Sa Majesté le Roi de Suède et de Norvège.

CONVENTION entre les Pays-Bas et le Dannemarc, à l'égard d'une abolition réciproque du Droit de Détraction et de l'Impôt d'Emigration.—Signée le 11 Avril, 1825.

SA Majesté le Roi des Pays-Bas et Sa Majesté le Roi de Dannemarc, ayant trouvé convenable d'étendre les Principes déjà fixés par la Diète Germanique à la généralité de leurs Etats, relativement à l'exportation des biens de leurs Sujets respectifs d'un Royaume à l'autre, sont convenues à cet égard des Articles suivans.

ART. I. Les droits connus sous le nom de *Jus detractus*, *Gabella hereditaria* et *Census emigrationis*, ne seront plus exigés ni perçus à l'avenir, lorsqu'en cas de succession, donation, rente, émigration ou autres, il y a lieu à une translation de biens du Royaume des Pays-Bas dans les Etats de Sa Majesté le Roi de Dannemarc, ou de ceux-ci dans les Etats de Sa Majesté le Roi des Pays-Bas, pour toute leur étendue, tant actuelle que future, toutes les impositions de cette nature étant abolies entre les deux Pays.

II. Cette disposition s'étend non seulement aux droits et autres impositions de ce genre, qui font partie des Revenus Publics, mais encore à ceux qui, jusqu'ici, pourraient avoir été levés par quelques Provinces, Villes, Juridictions, Corporations, Arrondissemens ou Communes, de manière que les Sujets respectifs, qui exporteront des biens ou auxquels ils en échoirait à titre quelconque, dans l'un ou l'autre Etat, ne seront assujettis sous ces rapports à d'autres impositions ou taxes qu'à celles qui, soit à raison de droit de succession, de vente ou de mutations de propriété quelconque, seraient également acquittées par les habitans du Royaume des Pays-Bas ou celui de Dannemarc, d'après les Réglemens et Ordonnances, qui existent ou qui émaneront par la suite dans les deux Pays.

III. La présente Convention est applicable, non seulement à toutes les successions à échoir à l'avenir et à celles déjà dévaluées, mais, à toutes les translations de biens en général dont l'exportation n'a point encore été effectuée.

IV. Comme cette Convention ne regarde que les propriétés, et leur libre exportation, toutes les Lois relatives au Service Militaire, restent en pleine vigueur dans les deux Pays, et les Gouvernemens Contractans ne sont nullement restreints par la présente Convention dans leur future législation sur cet objet.

V. Cette Convention, expédiée en double et de même teneur, signée par les Ministres respectifs de Sa Majesté le Roi des Pays-Bas, et Sa Majesté le Roi de Danemarck, sera échangée mutuellement et aura fait et valeur du jour où les échanges auront eu lieu.

Fait et signé à La Haye, ce 11 Avril, 1825.

(L.S.) W. F. DE REEDE.

Le Ministre des Affaires Etrangères déclare qu'une pareille Déclaration a été délivrée par le Ministre Danois, en date du 30 Avril, 1825, que les Ratifications des Souverains respectifs ont eu lieu en date du 14 Juin, 1825, et 3 Mars, 1826, et que les Actes de Ratification ont été échangés le 13 Mars, 1826.

VERSTOLK DE SOELEN.

DECLARATION entre Les Pays Bas et la Hesse-Grand-Ducale, concernant le droit accordé aux Sujets indigènes des deux Etats, de procéder gratis devant les Tribunaux. Signée à La Haye, le 9 Mars, 1826.

LES Gouvernemens des Pays-Bas et de la Hesse-Grand-Ducale s'étant montrés réciproquement disposés à admettre les Sujets indigènes respectifs à jouir du droit de procéder *pro Deo*, devant les Tribunaux, le Soussigné Ministre de Sa Majesté le Roi des Pays-Bas, chargé par *intérim* de la Direction du Département des Affaires Etrangères, à ce dûment autorisé, déclare, que Sa dite Majesté consent à ce que les Sujets indigènes de la Hesse-Grand-Ducale jouissent du droit de procéder *gratis* devant les Tribunaux des Pays-Bas, moyennant la promesse d'une parfaite réciprocité pour les Sujets indigènes des Pays-Bas, devant les Tribunaux du Grand-Duché susdit; bien entendu que les Etrangers qui solliciteront la faveur du *pro Deo*, seront astreints aux mêmes formalités que les indigènes, et sous la stipulation expresse que par cet arrangement il ne sera point porté atteinte ni préjudice en rien, au droit que la Loi pourrait accorder en certains cas aux habitants des Etats respectifs, de pouvoir exiger caution des Etrangers.

Le Soussigné déclare en outre, au nom de son Gouvernement, que moyennant l'échange de la Déclaration ci-dessus contre celle du Grand-Duché de Hesse, et leur Publication dans les deux Etats, l'arrangement conclu aura sa pleine sanction.

Fait et signé à l'Hôtel du Département des Affaires Etrangères, à La Haye, ce 9 Mars, 1826.

Le Ministre de Sa Majesté le Roi des Pays-Bas, Chargé par *intérim* de la Direction du Département des Affaires Etrangères,
(L.S.) VERSTOLK DE SOELEN.

Les Gouvernemens de la Hesse-Grand-Ducal et des Pays-Bas, s'étant montrés réciproquement disposés à admettre les Sujets indigènes respectifs à jouir du droit de procéder *pro Deo* devant les Tribunaux, le Soussigné, Ministre des Affaires Etrangères de Son Altesse Royale le Grand-Duc de Hesse, à ce dûment autorisé, déclare, que Sa dite Altesse Royale consent à ce que les Sujets indigènes du Royaume des Pays-Bas jouissent du droit de procéder *gratis* devant les Tribunaux du Grand-Duché de Hesse, moyennant la promesse d'une parfaite réciprocité pour les Sujets indigènes de la Hesse-Grand-Ducal, devant les Tribunaux du susdit Royaume, bien entendu que les Etrangers qui solliciteront la faveur du *pro Deo*, seront astreints aux mêmes formalités que les indigènes, et, sous la stipulation expresse, que, par cet arrangement, il ne sera point porté atteinte, ni préjudice en rien au droit que la Loi pourrait accorder en certains cas aux habitans des états respectifs de pouvoir exiger caution des Etrangers.

Le Soussigné déclare en outre, au nom de Son Gouvernement, que, moyennant l'échange de la Déclaration ci-dessus contre celle du Royaume des Pays-Bas, et leur publication dans les deux Etats, l'arrangement conclu aura sa pleine sanction.

Fait et signé à Darmstadt, ce 3 Mars, 1826.

Le Ministre des Affaires Etrangères de Son Altesse Royale le Grand-Duc de Hesse.

(L.S.) LE BARON DU BOS DU THIL.

CONVENTION entre le Roi des Pays-Bas et le Souverain Pontife, pour régler les Affaires Ecclésiastiques.—Signée à Rome, le 18 Juin, 1827.

NOUS GUILLAUME, par la Grâce de Dieu, Roi des Pays-Bas, Prince d'Orange-Nassau, Grand-Duc de Luxembourg, etc. etc. etc.

Ayant vu et examiné la Convention conclue et signée à Rome, le 18 Juin de l'an 1827, par les Sieurs Antoine-Philippe-Fiacre-Ghislain, Comte de Celles, Chevalier du Lion-Belgique, Membre de la Seconde

Chambre des Etats-Généraux du Royaume des Pays-Bas, Notre Ambassadeur Extraordinaire et Plénipotentiaire près le Saint-Siège, et par son Eminence Maure Cappellari, Prêtre-Cardinal de la Sainte-Eglise Romaine, Préfet de la Sacrée Congrégation de la Propagande; assistés, le Premier, du Référéndaire de Première Classe à Notre Conseil-d'Etat, Jean-Pierre-Ignace Germain, Conseiller d'Ambassade, et le Second, du Substitut de la Secrétairerie des Brefs, François Capaccini, respectivement nommés et désignés à cet effet; de laquelle Convention la teneur suit ici mot à mot:

Au Nom de la Très Sainte et Indivisible Trinité.

Convention entre Sa Majesté Guillaume I., Roi des Pays-Bas, et Sa Sainteté Léon XII. Souverain Pontife.

Sa Majesté Guillaume 1^{er}, Roi des Pays-Bas, Prince d'Orange Nassau, Grand-Duc de Luxembourg, etc. etc., et Sa Sainteté le Souverain Pontife Léon XII. désirant s'entendre sur les affaires de l'Eglise Catholique Apostolique Romaine dans tout le Royaume des Pays-Bas, ont nommé pour leurs Plénipotentiaires respectifs, savoir:

Sa Majesté le Roi des Pays-Bas, Son Excellence M. Antoine-Philippe-Fiacre-Ghislain, Comte de Celles, Chevalier de l'Ordre Royal du Lion-Belgique, Membre de la 2^e Chambre des Etats-Généraux du Royaume, etc. etc., Son Ambassadeur Extraordinaire et Plénipotentiaire près le Saint-Siège.

Et Sa Sainteté le Souverain Pontife, S. Em. Mgr. Maure Cappellari, Prêtre Cardinal de la Sainte Eglise Romaine, et Préfet de la Sacrée Congrégation de la Propagande.

Lesdits Plénipotentiaires assistés, le Premier, du Référéndaire de Première Classe au Conseil d'Etat, Jean-Pierre-Ignace Germain, Conseiller d'Ambassade, et le Second, de Mgr. François Capaccini, Substitut de la Secrétairerie des Brefs:

Après avoir fait l'échange de leurs pleins pouvoirs, qui ont été trouvés en bonne et due forme, sont convenus des Articles suivans:

ART. I. Le Concordat de 1801 * entre le Souverain Pontife Pie

* *Convention entre le Gouvernement François et Sa Sainteté Pie VII.—Signée à Paris le 26 Messidor An 9, (15 Juillet 1801.)* Le Premier Consul de la République Française et Sa Sainteté le Souverain Pontife Pie VII. ont nommé pour leurs Plénipotentiaires respectifs: le Premier Consul, les Citoyens Joseph Bonaparte, Conseiller d'Etat, Crotet, Conseiller d'Etat, et Bernier, Docteur en Théologie, Curé de Sainthaud d'Angers, Munis de Pleins-pouvoirs; Sa Sainteté, S. E. Mgr. Hercule Consalvi, Cardinal de la Sainte Eglise Romaine, Diacre de St. Agathe ad Suburram, son Secrétaire d'Etat, Joseph Spina, Archevêque de Corinthe, Prêlat Domestique de Sa Sainteté, Assistant du Thrône Pontifical, et le Père Caselli, Théologien Consultant de Sa Sainteté; pareillement munis de Pleins-pouvoirs, en bonne et due forme; lesquels après avoir fait l'échange des Pleins-pouvoirs respectifs ont arrêté la Convention suivante;

VII. et le Gouvernement Français, en vigueur dans les Provinces Méridionales du Royaume des Pays-Bas sera appliqué aux Provinces Septentrionales.

Le Gouvernement de la République reconnoît que la Religion Catholique, Apostolique et Romaine, est la Religion de la majorité des Citoyens Français.

Sa Sainteté reconnoît également que cette même Religion a retiré et attend encore en ce moment le plus grand bien et le plus grand éclat de l'établissement du culte Catholique en France, et de la profession particulière qu'en font les Consuls de la République.

En conséquence, d'après cette reconnaissance mutuelle, tant pour le bien de la Religion que pour le maintien de la tranquillité intérieure, ils sont convenus de ce qui suit :

ART. I. La Religion Catholique, Apostolique et Romaine, sera librement exercée en France. Son culte sera public, en se conformant aux réglemens de Police que le Gouvernement jugera nécessaires pour la tranquillité publique.

II. Il sera fait par le Saint-Siège, de concert avec le Gouvernement, une nouvelle circonscription des Diocèses Français.

III. Sa Sainteté déclarera aux Titulaires des Evêchés Français, qu'elle attend d'eux, avec une ferme confiance, pour le bien de la paix et de l'unité, toute espèce de sacrifice, même celui de leurs sièges. D'après cette exhortation, s'ils se refusoient à ce sacrifice commandé pour le bien de l'Eglise (refus néanmoins auquel Sa Sainteté ne s'attend pas) il sera pourvu, par de nouveaux Titulaires, au Gouvernement des Evêchés de la circonscription nouvelle, de la manière suivante:

IV. Le Premier Consul de la République nommera, dans les trois mois qui suivront la publication de la Bulle de Sa Sainteté, aux Archevêchés et Evêchés de la circonscription nouvelle. Sa Sainteté conférera l'institution Canonique suivant les formes établies par rapport à la France, avant le changement du Gouvernement.

V. Les nominations aux Evêchés qui vaqueront dans la suite, seront également faites par le Premier Consul, et l'institution Canonique sera donnée par le Saint-Siège, en conformité de l'Article précédent.

VI. Les Evêques avant d'entrer en fonctions, prêteront directement, entre les mains du Premier Consul, le serment de fidélité qui étoit en usage avant le changement du Gouvernement, exprimé dans les termes suivans :

" Je jure et promets à Dieu, sur les Saints Evangiles, de garder obéissance et fidélité au Gouvernement établi par la Constitution de la République Française. Je promets aussi de n'avoir aucune intelligence, de n'assister à aucun conseil, de n'entretenir aucune ligue, soit au-dedans, soit au-dehors, qui soit contraire à la tranquillité publique, et si, dans mon Diocèse, ou ailleurs, j'apprends qu'il se trame quelque chose au préjudice de l'Etat, je le ferois connoître au Gouvernement."

VII. Les Ecclésiastiques du Second Ordre prêteront le même serment entre les mains des Autorités Civiles designées par le Gouvernement.

VIII. La formule de prière suivante sera récitée à la fin de l'Office Divin, dans toutes les Eglises Catholiques de France :

Domine, salvam fac Rempublicam.

Domine, salvos fac Consules.

IX. Les Evêques feront une nouvelle circonscription des Paroisses de leurs Diocèses, qui n'aura d'effet que d'après le consentement du Gouvernement.

II. Chaque Diocèse aura son Chapitre et son Séminaire.

III. Pour le cas prévu par l'Art. 17 de la Convention de 1801, il est statué :

Toutes les fois qu'un Siège Archiépiscope ou Episcopale viendra à vaquer, les Chapitres des Eglises vacantes auront soin dans le premier mois, à compter du jour de la vacance, de porter à la connaissance de Sa Majesté les noms des Candidats appartenant au Clergé du Royaume des Pays-Bas, qu'ils auront jugés dignes et capables de gouverner l'Eglise Archiépiscope ou Episcopale, et en qui ils auront reconnu la piété, la doctrine et la prudence exigées dans les Evêques par les lois de l'Eglise.

Si par hasard parmi les Candidats il y en avait qui ne fussent pas également agréables au Roi, les Chapitres effaceront les noms de ceux-ci de la liste qui pourtant devra rester composée d'un nombre de Candidats suffisant pour que le choix du nouvel Archevêque, ou Evêque, puisse avoir lieu. Alors les Chapitres procéderont à l'élection Canonique de l'Archevêque, ou de l'Evêque qu'ils choisiront selon les formes Canoniques d'usage parmi les Candidats dont les noms auront été maintenus sur la liste, et ils adresseront dans le mois au Saint-Père l'acte authentique de cette élection.

X. Les Evêques nommeront aux Cures. Leur choix ne pourra tomber que sur des Personnes agréées par le Gouvernement.

XI. Les Evêques pourront avoir un chapitre dans leur Cathédrale, et un Séminaire pour leur Diocèse, sans que le Gouvernement s'oblige à les doter.

XII. Toutes les Eglises Métropolitaines, Cathédrales, Paroissiales et autres non Aliénées, nécessaires au culte, seront mises à la disposition des Evêques.

XIII. Sa Sainteté, pour le bien de la paix et l'heureux rétablissement de la Religion Catholique, déclare que ni elle, ni ses Successeurs, ne troubleront en aucune manière les acquéreurs de biens Ecclésiastiques Aliénés, et qu'en conséquence la propriété de ces mêmes biens, les droits et revenus y attachés, demeureront incommutables entre leurs mains ou celles de leurs ayant cause.

XIV. Le Gouvernement assurera un traitement convenable aux Evêques et aux Curés dont les Diocèses et les Cures seront compris dans la circonscription nouvelle.

XV. Le Gouvernement prendra également des mesures pour que les Catholiques François puissent, s'ils le veulent, faire, en faveur des Eglises, des fondations.

XVI. Sa Sainteté reconnoît dans le Premier Consul de la République Française, les mêmes droits et prérogatives dont jouissoit près d'elle l'ancien Gouvernement.

XVII. Il est convenu entre les Parties Contractantes, que, dans le cas où quelqu'un des Successeurs du Premier Consul actuel ne seroit pas Catholique, les droits et prérogatives mentionnés dans l'Article ci-dessus, et la nomination aux Evêchés, seront réglés par rapport à lui, par une nouvelle Convention.

Les Ratifications seront échangées à Paris dans l'espace de 40 jours.

Fait à Paris le 26 Messidor, l'an 9 de la République Française.

[Les Ratifications de cette Convention ont été échangées le 23 Fructidor, An 9 (10 Septembre 1801.)]

Le Souverain Pontife d'après l'instruction émanée par ordre du Pape Urbain VIII. d'heureuse mémoire, donnera la commission de dresser le procès d'information sur l'état de l'Eglise et sur les qualités de la Personne destinée à être promue à l'Eglise Archiépiscope, ou Episcopale, et après avoir reçu le résultat de ces informations, si le Saint-Père juge que les qualités exigées dans un Evêque par les Canons se trouvent réunies dans la Personne élue, il lui donnera l'institution Canonique par Lettres Apostoliques d'après les formes établies, et dans le plus bref délai possible.

Si au contraire l'élection n'avait pas été canoniquement conduite, ou si le Candidat n'avait pas été reconnu par le Saint-Père doué des qualités susdites, le Souverain Pontife par faveur spéciale concédera au Chapitre le pouvoir de procéder à une nouvelle élection, comme ci-dessus, dans les formes Canoniques.

Les Ratifications de la présente Convention seront échangées à Rome dans le délai de 60 jours, ou plus tôt, si faire se peut.

Fait à Rome, le 18 Juin, 1827.

COMTE DE CELLES, (L.S.)

GERMAIN, (L.S.)

(L.S.) D. MAURUS CARD. CAPPELLARI.

(L.S.) FRANCISCUS CAPACCINI.

Approuvons la Convention ci-dessus et chacun des Articles qui y sont contenu, déclarons qu'ils sont acceptés, ratifiés et confirmés; et promettons qu'ils seront exécutés et observés selon leur forme et teneur.

En foi de quoi Nous avons donné les présentes signées de Notre Main, contresignées et signées de Notre Sceau Royal, à Bruxelles, le 25 Juillet de l'An de Grace 1827, et de Notre Règne le XIV.

GUILLAUME.

Par le Roi,

J. G. DE MEY DE STREEFKERK.

Le Ministre des Affaires Etrangères, VERSTOLK DE SOELEN.

BULLE, contenant la Ratification de la Convention entre le Roi des Pays-Bas, et le Sainte-Siège.—Rome le 16 Septembre, 1827.

LEON, EVEQUE, Serviteur des serviteurs de Dieu, pour en conserver le perpétuel souvenir.

Depuis longtemps nous avons le plus vif désir de régler les Affaires Ecclésiastiques convenablement dans le Royaume des Pays-Bas, et nous nous félicitons aujourd'hui qu'à l'aide de Dieu, qui est le Père des Miséricordes, et le Dieu de toute consolation, cet arrangement soit heureusement terminé. Rien certainement ne pouvait nous arriver de

plus agréable, puisqu'en effet, élevé comme nous le sommes, malgré l'insuffisance de nos mérites, à l'autorité suprême de l'Apostolat, les soins, que nous vouons jour et nuit à toutes les églises, à cause des maux très graves que les immenses calamités des temps passés avaient fait rejaillir sur les Catholiques d'une Nation célèbre, et d'ailleurs si extrêmement recommandable par sa foi constante, et par son attachement au Siège Apostolique. Au reste cette œuvre si salubre commencée par notre Prédécesseur Pie VII. d'heureuse mémoire, et qu'en marchant sur ses traces nous venons enfin d'accomplir, a été entamée et terminée par la coopération et la munificence du Sérénissime Prince Guillaume, Roi des Pays-Bas, dont les dispositions très favorables envers les Catholiques, qui lui sont soumis en très grand nombre, seront toujours pour nous un sujet de reconnaissance.

Ainsi donc à la gloire de Dieu tout Puissant, et à l'honneur de la Vierge Marie, Mère de Dieu; que les Belges révèrent plus particulièrement comme leur Patrone, et pour le bonheur spirituel de ces mêmes Belges, une Convention a été dûment faite, entre nous et le Saint-siège Apostolique d'un côté, et le Sérénissime Roi Guillaume de l'autre, Convention qui se compose des 3 Articles suivans, et que nous avons jugé à propos de confirmer par les présentes Lettres, et en vertu de l'autorité Apostolique dont nous sommes revêtus, savoir;

[Suit la Convention.]

De notre propre mouvement, et de notre science certaine, après avoir entendu une Congrégation choisie de nos vénérables Frères les Cardinaux de la sainte église Romaine, et par la plénitude du pouvoir Apostolique, nous approuvons de nouveau par la teneur des présentes Lettres, et ratifions cette Convention, que nous avons faite avec le Sérénissime Roi des Pays-Bas, et qui se compose des Articles ci-dessus transcrits, et nous lui donnons toute la force et l'efficacité de la confirmation Apostolique.

C'est pourquoi nous déclarons et statuons en premier lieu, que la Convention entre le Saint-siège et le Gouvernement Français, conclue le 15 Juillet, 1801, et confirmée par Lettres Apostoliques de notre Prédécesseur le Pape Pie VII. le 14 Août de la même Année, auxquelles l'on doit se rapporter, Convention qui est en vigueur dans les Provinces méridionales du Royaume des Pays-Bas, soit appliquée aux Provinces septentrionales pour que dans un seul et même Etat les affaires Ecclésiastiques soient réglées et traitées d'une seule et même manière.

Eu égard ensuite, que pour la pleine exécution de la Convention nouvelle il est nécessaire, comme il l'a été à l'époque de la Convention de 1801, de déterminer le nombre des Diocèses, et de fixer leurs limites, nous avons jugé à propos, d'accord avec le Sérénissime Roi Guillaume, de rétablir pour le moment, ou ériger de nouveau pour l'avantage de la Religion Catholique et pour le salut des âmes, outre les cinq Sièges actuellement existants, encore en sus trois Sièges Epis-

copaux, et de partager ainsi tout le Royaume des Pays-Bas en huit Diocèses, et d'y établir autant d'Eglises Cathédrales dont l'une sera Métropole, et les sept autres seront pour le moment ses suffragantes. Nous n'indiquons ici les limites de chaque Diocèse que par Province, et d'une manière générale. Ainsi donc l'Eglise de *Malines* sera la Métropole, dont le Diocèse sera formé de la totalité de la Province du Brabant méridional, et de la Province d'*Anvers*. Les sept Eglises suffragantes seront celles de *Liège*, de *Namur*, de *Tournay*, de *Gand*; ces quatre Eglises existent déjà et nous y ajoutons les trois autres suivantes, savoir: celles de *Bruges*, d'*Amsterdam*, et de *Bois-le-Duc*. Le Diocèse de *Liège* sera composé des Provinces entières de *Liège* et de *Limbourg*. Celle de *Namur* de la Province de *Namur* et du *Grand-Duché de Luxembourg*; celle de *Tournay* de la Province du *Hainaut*; l'Eglise de *Gand* de la Province de la *Flandre Orientale*; l'Eglise d'*Amsterdam* des Provinces de *Hollande septentrionale et méridionale*, d'*Utrecht*, d'*Overijssel*, de *Frise*, de *Groningue*, et de *Drenthe*; l'Eglise de *Bruges* de la *Flandre Occidentale*; et finalement l'Eglise de *Bois-le-Duc* sera composée des Provinces du *Brabant septentrional*, de la *Gueldre*, et de la *Zélande*. Chaque Eglise Cathédrale aura son Chapitre. Une dotation convenable et perpétuelle sera affectée à chaque Chapitre et chaque Siège Episcopal sera de même doté d'une manière perpétuelle et convenable.

Nous avons la confiance la plus ferme dans la munificence du Sérénissime Roi, que l'état de ces Sièges deviendra de jour en jour meilleur et plus heureux. Tout ce qui regarde soit la circonscription détaillée des Diocèses, soit l'organisation complète des Sièges Episcopaux, et des Chapitres dans le Royaume des Pays-Bas, sera distinctement prescrit par d'autres Lettres Apostoliques, que nous ferons expédier dans peu de temps.

Après que les Chapitres de toutes les Eglises, dont nous venons de faire mention, auront été constitués, nous leur attribuons, aussi longtemps que dureront les circonstances prévues antérieurement par l'Article XVII. de la Convention de 1801, la faculté, chaque fois qu'un Siège Archiépisopal ou Episcopal viendra à vaquier, de pouvoir convoquer les Chanoines de l'Eglise vacante, c'est-à-dire chaque Chapitre pour son Eglise de s'assembler capitulairement, et de choisir, en suivant les règles Canoniques, les nouveaux Evêques parmi les Ecclesiastiques du Royaume des Pays-Bas qui en seront dignes, qui auront les qualités voulues par les Lois de l'Eglise, et dans la forme prescrite par l'Article III. de la dernière Convention.

Cependant nous nous réservons pour cette première fois de pourvoir aux Sièges du Royaume des Pays-Bas de la même manière qu'il a été procédé pour l'Eglise de *Malines* par le Pape Pie VII. notre Prédécesseur d'heureuse mémoire. De la même manière si à cause de la trop grande étendue d'un Diocèse, il arrivait que les Evêques Titulaires

eussent besoin du recours d'une Personne, même dans les choses qui demandent le caractère Episcopal, nous nous réservons à nous et à nos Successeurs d'accorder aux Evêques Diocésains pour autant que nous l'aurons jugé nécessaire, des Evêques auxiliaires qui les aident comme Suffragants pour accomplir les fonctions Pontificales. Le Sérénissime Roi, le cas échéant, assignera à ces Evêques auxiliaires une dotation convenable à leur état.

Nous consentons aussi que chaque Archevêque ou Evêque des Eglises du Royaume des Pays-Bas précitées, après qu'il aura reçu l'Institution Canonique du Saint-siège Apostolique, et avant d'entrer en exercice de ses fonctions, fasse au Sérénissime Roi des Pays-Bas, le serment de fidélité ainsi qu'il avait été établi par l'Article VI. de la Convention de l'Année 1801, et conçu dans les termes suivants :

“ Je jure et promets sur les Saints Evangiles, obéissance et fidélité à Sa Majesté le Roi des Pays-Bas, mon Souverain Légitime. Je promets aussi de n'avoir aucune intelligence, de n'assister à aucun conseil, de n'entretenir aucune ligue suspecte ni dedans ni hors du Royaume, qui soit contraire à la tranquillité publique, et si j'apprenois que, soit dans mon Diocèse, soit ailleurs, il se tramât quelque chose au préjudice de l'Etat, je le ferais connaître au Roi mon maître.”

Nous consentons également, que le même serment soit prêté par les Ecclésiastiques du second ordre devant les Autorités Civiles qui seront désignées par le Roi ainsi que cela a été stipulé par l'Article VII. de la susdite Convention.

Pour ôter également toute ambiguïté sur la manière dont la formule de prière établie par l'Article VIII. de la Convention de 1801, peut être appliquée à l'état des choses actuel, nous déclarons que cette prière doit être modifiée comme suit :

Domine salvum fac Regem nostrum Guilielmum.

Les Evêques auront la libre nomination, et élection de leurs Vicaires Généraux.

Les Archevêques aussi bien que les Evêques porteront principalement leurs soins sur les séminaires. C'est là où les jeunes gens, qui sont appelés à l'Etat Ecclésiastique doivent, comme de plantes nouvelles dès leur tendre jeunesse, être formés dans le temps le plus opportun à la piété, à la pureté des mœurs, et à l'éducation, et instruction Ecclésiastique : car les bons ouvriers de la vigne du Seigneur, les ouvriers vaillants ne le sont pas en naissant, mais le deviennent, et c'est au soin des Evêques à les former. Ainsi donc en exécution de l'Article II. de la nouvelle Convention conclue avec le Sérénissime Roi Guillaume, le séminaire de chaque Diocèse sera établi, administré, et régi d'après les principes suivans : d'abord tel nombre de jeunes gens y sera admis, nourri, logé et élevé qui soit suffisant et dans une juste proportion avec les besoins du Diocèse, et la bonne assistance spiri-

tuelle due au Peuple ; et ce nombre sera convenablement déterminé par l'Evêque.

Il est encore de la plus grande importance, que ceux qui se dévouent au Sacré Ministère ne soient pas seulement instruits dans les Sciences Ecclésiastiques, mais encore dans les Sciences Philosophiques, et dans d'autres connaissances propres à préparer aux Premières, pour qu'ils deviennent un modèle dans la Société, et qu'ils soient toujours prêts à répondre à toute demande.

Les Evêques, d'après ces motifs, établiront dans leur séminaire toutes les chaires, qu'ils jugeront nécessaires à l'instruction complète de leurs Clercs. Et finalement la doctrine, la discipline, l'instruction, l'éducation, et l'administration des Séminaires seront soumises d'après les Règles Canoniques, à l'Autorité des Evêques.

D'après cela il sera libre aux Evêques d'admettre les Clercs dans leur Séminaire ou de les en renvoyer, comme ils seront libres dans le choix du Recteur, et des professeurs, qu'ils pourront congédier quand ils le jugeront nécessaire ou utile.

Il sera fourni librement par le Roi aux besoins tant des Séminaires existants que de ceux qui seront établis. La volonté connue de ce Prince magnanime est de pourvoir convenablement à tout ce qui est nécessaire pour l'Instruction Ecclésiastique et d'une manière qui nous soit agréable. Nous en avons reçu l'assurance par son Ambassadeur Extraordinaire accrédité près de nous.

Finalement lorsque les Diocèses auront été formés selon qu'il est prescrit plus haut, et qu'il le sera avec plus de détail par nous par d'autres Lettres Apostoliques que nous ferons expédier bientôt, les Evêques, conformément à la teneur des Articles IX et X de la Convention de 1801, procéderont, où besoin sera, à une nouvelle circonscription des paroisses, et éliront pour Curés des Ecclésiastiques dignes, et capables. Quant au Roi Sérénissime, en exécution de ce qui est statué par l'Article XIV de la susdite Convention, il pourvoira dans sa munificence Royale à ce que tous les Curés, qui d'après la nouvelle circonscription des paroisses devront être ajoutés aux anciens, aient les mêmes moyens d'existence pour soutenir la dignité de leur état, et soient traités sur le même pied que les Curés des Provinces méridionales du Royaume des Pays-Bas.

Nous avons l'espoir que parmi les Catholiques de ce Royaume, d'après la faculté qui leur est donnée par l'Article XV de la Convention de 1801, de faire des fondations en faveur des Eglises, il s'en trouvera qui voudront faire généreusement usage de cette faculté. La volonté bienveillante du Roi ne peut certainement pas nous laisser de doute, que Sa Majesté protégera les fondations ou les largesses qui pourraient être faites en faveur des Eglises et les acquisitions qu'elles pourront être dans le cas de faire elles-mêmes.

Il nous reste maintenant à rendre d'abondantes actions de grâce à Dieu Notre Seigneur, de ce qui a été fait jusqu'ici pour l'arrangement des Affaires Ecclésiastiques dans la totalité du Royaume des Pays-Bas, et nous le conjurons par les prières les plus ferventes de vouloir donner de la force et la solidité à cet ouvrage ; car tous les vrais biens et toute perfection viennent d'en haut : ce n'est pas celui qui plante, ni celui qui arrose, qui est quelque chose, mais Dieu qui donne l'accroissement.

Nous défendons à qui que ce soit d'attaquer dans aucun temps nos présentes Lettres Apostoliques comme subreption, obreption, ou entachées du vice de nullité d'intention ou de quelque autre défaut.

Nous voulons au contraire qu'elles demeurent à jamais fermes, valides et durables, qu'elles ressortissent leur plein et entier effet, et qu'elles soient religieusement observées. Nonobstant toutes Lettres Apostoliques ou dispositions générales des Synodes, Conciles Provinciaux ou généraux, ou des réglemens spéciaux, ou généraux, des statuts de quelque Eglise ou fondation de piété, ou tout autre privilège, contraires aux présentes.

Auxquels statuts, réglemens, disposition ou lettres, nous dérogeons expressément, quoique ces Lettres, dispositions, réglemens ou statuts n'aient pas été insérées ou spécifiées expressément dans les présentes, quelque dignes qu'on les suppose d'une mention spéciale ou d'une forme particulière.

Et nous déclarons nul tout ce qui pourrait être fait en préjudice des présentes, soit sciemment, soit par ignorance, par qui que ce soit et quelle que soit son autorité. Nous voulons que l'on regarde comme authentiques et que l'on ajoute à tous les exemplaires des présentes même imprimés, signés d'un Officier Public et munis du Sceau d'un Ecclésiastique constitué en dignité, la même foi qu'on ajouterait aux présentes, si elles étaient représentées en original.

Qu'il ne soit donc permis à aucun homme d'enfreindre ou de contrarier par une entreprise téméraire la présente Bulle. Si quelqu'un entreprend de le faire, qu'il sache qu'il encourra l'indignation du Dieu tout-puissant et des bienheureux Apôtres St. Pierre et St. Paul.

Donné à Rome, à St. Pierre, le 16 des kalendes de Septembre, l'an de l'incarnation 1827, le 4^e de notre Pontificat.

B. CARDINALIS PACCA, PRO DATARIUS.
PRO DOMINO CARDINALI ALBANO.

F. CAPACCINI, *Substitutus*.

Visa de curia, D. TESTA.

Lieu † du Plomb. V. CUGNONIUS.



CONVENTION of Commerce between Bavaria and Wirtemberg.—Signed at Munich the 12th of April, 1827.

(Traduction.)

Sa Majesté le Roi de Bavière, et Sa Majesté le Roi de Wurtemberg, animés d'un égal désir d'assurer au trafic, et au commerce de leurs Sujets toutes les facilités possibles, et de fortifier davantage par ce moyen les relations d'amitié et de bon voisinage si heureusement subsistant entre les deux Etats ont, dans cette vue, fait entamer des Négotiations et nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi de Bavière, Charles Frédéric, Comte de Thürrheim, Son Ministre d'Etat, de la Maison, et des Affaires Etrangères, &c. &c.

Et Sa Majesté le Roi de Wurtemberg, Philippe Maurice, Baron de Schmitz-Grollenburg, Son Envoyé Extraordinaire et Ministre Plénipotentiaire à la Cour de Bavière, &c. &c. et Monsieur Christophe Louis de Herzog, &c. &c.

Lesquels, après s'être présenté réciproquement leurs Pleins pouvoirs, sont convenus, sous la réserve de la Ratification de leurs Cours, des Articles ci-après :

ART. I. Réunion d l'effet d'établir un système commun de Commerce et de Douane.

Les deux Gouvernemens se réuniront à l'effet d'établir un système commun de Commerce et de Douane, qui ne comprendra d'abord que la circonscription des Territoires composant les Royaumes de Bavière et de Wurtemberg, dans laquelle réunion néanmoins, d'autres Etats Allemands, limitrophes de ces Royaumes, pourront être admis avec l'assentiment de la Bavière et de Wurtemberg.

En conséquence de cette réunion les bureaux de douane existant le long des Frontières Bavaoises et Wurtembergeoises seront supprimés, et les droits d'entrée, de transit et de sortie, seront perçus aux Frontières extérieures des Etats réunis à cet effet et pour leur compte commun.

Les deux Gouvernemens renoncent pour toute la durée de cette réunion à la faculté de conclure séparément toute Convention de Commerce avec des Gouvernemens Etrangers.

II. Base de cette Réunion.

La Legislation de Douane du Royaume de Bavière, et les stipulations sur lesquelles les deux Hautes Parties Contractantes se sont déjà accordées antérieurement, dans les Négotiations entamées à ce sujet à Stûtgardt, formeront la base de cette réunion, sauf les modifications ci-après reconnues nécessaires.

Immédiatement après l'échange des Ratifications de la présente Convention, des Négotiations ultérieures seront ouvertes à Munich, tant sur les modifications ci-dessus mentionnées que pour compléter l'acte de réunion, et en assurer l'exécution, et elles seront, autant que

possible, terminées au 1^{er} Octobre de la présente année, afin que le nouvel arrangement puisse être mis en activité sans délai.

III. *Relations avec les Cantons Suisses.*

Attendu que dans l'Article XII du Traité de Commerce conclu le 30 Septembre, 1826, entre le Royaume de Wurtemberg et les Cantons Suisses, il a été réservé que dans le cas où le Royaume de Wurtemberg s'entendrait avec un ou plusieurs Etats Allemands pour l'établissement d'une ligne commune de douane, une nouvelle Négotiation aurait lieu sur les modifications convenables à faire au dit Traité, les mesures nécessaires seront prises à cet effet par les deux Cours, qui agiront constamment d'accord.

IV. *Dispositions transitoires.*

A l'effet de procurer aux Sujets des deux Parties Contractantes, du moins en partie et même avant l'introduction du système commun de douane, les avantages d'un trafic plus facile, les deux Gouvernemens conviennent des dispositions suivantes, tant pour le trafic qui se fait aux Frontières, que pour la réduction des droits d'entrée et de sortie, lesquelles dispositions entreront en vigueur immédiatement après l'acceptation réciproque du présent Acte, et seront valables jusqu'à l'établissement de la ligne commune de douane.

V. *Trafic des Frontières.*

Il est prescrit pour le trafic des Frontières ce qui suit :

1. Les productions naturelles que les Sujets des Frontières retirent de leurs propriétés foncières situées sur le Territoire de l'autre Etat, provenans de jardins, vignobles, champs, prairies et forêts, qu'ils transportent immédiatement au delà des Frontières seront réciproquement affranchies de droits d'entrée et de sortie.

2. De même les redevances en nature (Naturalgölten) et les dîmes de toutes sortes, que les Sujets, fondations communes et caisses publiques de l'un des deux Etats, ont à percevoir dans l'autre, seront réciproquement affranchies de tous droits d'entrée ou de sortie, si ces produits sont accompagnés des actes nécessaires pour constater leur origine.

3. Au moyen de la déclaration faite au Bureau des Douanes et du paiement d'un droit de timbre d'un kreützer pour le certificat à délivrer par le dit bureau, sont réciproquement affranchis des droits d'entrée et de sortie, savoir :

a. Sans restriction relativement aux quantités :

Rognons, comme Tessons, Co-	Poissons ordinaires, grenouilles,
peaux, &c.	et écrevisses.
Arbres à planter.	Fourrage.
Ardoises pour toiture.	Volailles privées.
Engrais.	Légumes frais.
Terres, argile, marne, tourbe,	Herbage.
terre à poterie et à briques.	Plâtre.
Mineral, brut non emballé	Regain.

Rognures de Corne.
Chaux et pierres calcaires.
Gravier.
Son.
Meules.
Sarments.
Sable.

Fougère
Joues de marais.
Menne paille.
Pierres de taille ou à paver.
Paille.
Produits ordinaires des tuileries
ou briqueries.

b. Limités à une charge de Charette à bras ou traineau.

Ruches d'abeilles.
Bucheln.
Beurre non empaqueté.
Glands.
Oeufs.
Vases de terre communs.
Graines de jardins.
Sabots.
Ouvrages communs en bois.
Fromages Ordinaires.
Pommes de terres.
Klanen.
Os.
Ouvrages de tonnelleres.
Cumiu.
Lait.
Noix.

Brisoirs.
Fruits frais.
Rateaux en bois.
Meules de grès non empaquetés.
Sarnidoux. } non empaqueté.
Paume. }
Ouvrages communs de menuiserie.
Cochons de lait.
Lard.
Fuseaux et bobines.
Quenouilles.
Ouvrages de charonerie.
Pierres à aiguiser non empaquetés
Vénaison.
Racines fraîches.
Chèvres jeunes.

c. Limités à une pièce.

d. Limités à 10 livres poids de Bavière et non empaquetés.

Marchandises ordinaires de Boulangerie.
Lin, chanvre, laine.
Fils de lin, de chanvre, et de laine.

e. Limités à $\frac{1}{2}$ Schäffel mesure de Bavière.

Fruits des champs, bruts, &c.
Légumes.
Farine.

4. Dans tous les cas, où le droit ne s'élèverait pas à 4 Kreützers la marchandise introduite en sera affranchie, sans cependant que l'on puisse se dispenser d'en faire la déclaration.

5. Les gerbes ou blés, le bois, le tan, et les graines oléagineuses que les Sujets d'un des deux Etats transportent dans l'autre pour les faire battre, moudre, couper, piler, &c. qu'ils rapportent transformés en grains ou en farine, en morceaux coupés, en tan pilé, ou en huile, seront réciproquement affranchis de droits de sortie et d'entrée.

6. Le bétail que les Sujets de l'un des deux Etats conduisent et reconduisent à l'époque des pâturages sur les Alpes, et sur les pâturages de l'autre Etat, sera seulement noté aux bureaux des douanes, et affranchi de tout droit. Mais en cas de déficit au retour, le droit sera

prélevé s'il ne peut être démontré que ce déficit est le résultat d'un malheur survenu sur les Alpes ou dans les pâturages.

Les produits obtenus pendant le temps du pâturage, comme lait, beurre, fromage, laine, &c. ne seront soumis qu'à la moitié du droit de sortie, mais ils seront affranchis du droit d'entrée au moment de leur introduction dans les lieux auxquels le bétail appartient.

7. Les objets que les habitans des Frontières se procurent réciproquement pour mettre en œuvre, pour améliorer, pour apprêter, seront jusqu'à concurrence d'un quintal ou pour une pièce entière, affranchis des droits d'entrée et de sortie dans les deux Etats, moyennant le prélèvement d'un Kreützer de droit de timbre pour le *passé avant* à délivrer par la Douane, sous la condition néanmoins que les dits objets seront réintroduits par les mêmes bureaux de perception dans un délai déterminé.

8. Le bétail conduit d'un des deux Etats aux marchés de l'autre Etat n'est soumis aux droits de sortie et d'entrée qu'autant qu'il aura été vendu.

Moyennant le paiement d'un Kreützer de droit de timbre pour le *passé avant*, le bétail non vendu, et qui repassera la Frontière, sera affranchi de tout droit d'entrée et de sortie, si pour la facilité du contrôle, il passe et repasse par le même bureau de perception accompagné du *passé avant* ci-dessus indiqué.

9. Les gens de métier domiciliés aux Frontières qui fréquentent les marchés Frontières de l'autre Etat avec des articles confectionnés par eux, devront à la vérité déposer au bureau de perception la totalité des droits d'entrée imposés aux dits articles, mais ils en obtiendront la restitution pour les parties non vendues qu'ils feront rentrer, savoir;

- a. Si le lieu du domicile des gens de métier, ainsi que le lieu où se tient le marché, ne sont pas éloignés de plus de trois lieues de la Frontière.
- b. Si les gens de métier ont prouvé aux bureaux de perception par des attestations authentiques que les articles industriels qu'ils transportent au marché sont confectionnés par eux.
- c. Si l'entrée et la sortie des marchandises ont lieu par le même bureau.
- d. Si les propriétaires transportent eux mêmes leurs marchandises, ou du moins s'ils les accompagnent, et assistent eux-mêmes aux vérifications de la douane, lorsque ces marchandises sont conduites par des voituriers.
- e. Enfin si les marchandises non vendues reviennent au plus tard le troisième jour après la clôture du marché.

VI. Droits d'entrée.

1. Il sera prélevé sur les grains introduits d'un Etat dans l'autre les droits d'entrée suivans :

	En Bavière pour 1 Schäffel mesure Bavaroise.	En Wurtemberg pour 1 Schäffel mesure Wurtembergeoise.
a. Froment et grainas moulus	12K	10K
b. Seigle.....	9	7
c. Orge et grains non moulus	6	5
d. Avoine et vesce.....	3	2

2. Il sera prélevé sur le Bétail introduit d'un Etat dans l'autre les droits d'entrée suivans :

	Par tête.		Par tête.
Chevaux	Fl. 1	Veaux.....	4 K
Poulains	40K	Cochons	8
Mulets	24	Marcassins.....	8
Anes.....	3	Cochons de lait.....	2
Bœufs	20	Moutons.....	4
Taureaux.....	20	Agneaux.....	1
Vaches.....	12	Chèvres.....	4
Bêtes à cornes.....	12	Litzen.....	1

3. Les fers en barre, en bande, en lingot, les marchandises en fonte, le fer blanc non ouvré, et l'acier non ouvré, provenant du Wurtemberg, ne payeront en Bavière qu'un droit d'entrée de 1fl. 40 kr. par quintal Bavarois ; par contre les mêmes articles provenant de la Bavière, (le Cercle du Rhin y compris), ne payeront en Wurtemberg, qu'un droit d'entrée de 1fl. 20kr. par quintal Wurtembergeois.

4. Les vins et le moût de vin provenant du Wurtemberg, (y compris le vin et le moût *du Lac*, Seeweine und Seewinmoste,) ne payeront en Bavière qu'un droit d'entrée de 1fl. par quintal Bavarois ; par contre les vins et le moût provenant de la Bavière (y compris ceux de la Bavière Rhénane) ne payeront en Bavière qu'un droit d'entrée de 48kr. par quintal Wurtembergeois, ou 6fl. par *Eimer* mesure de Wurtemberg.

5. Les marchandises ou produits ci-après, provenant, soit de Bavière, soit de Wurtemberg, savoir :

- a. Articles en or, non mélangé, d'ouvrage en bijouterie.
- b. Articles en fer blanc, ou en étain.
- c. Articles en fer blanc vernissé.
- d. Articles en cuivre.
- e. Articles en laiton.

Ne seront soumis en Bavière qu'à un droit de 10fl. par quintal Bavarois, et en Wurtemberg à un droit d'entrée de 8fl. par quintal Wurtembergeois.

6. Les huiles de lin, de chanvre, de colza, provenant du Wurtemberg seront soumis en Bavière à un droit d'entrée de 2fl. 30kr. par quintal Bavarois ; et les mêmes produits provenant de la Bavière payeront en Wurtemberg un droit d'entrée de 1fl. 44kr. par quintal Wurtembergeois.

7. Le papier à écrire, et le papier d'impression provenant, de l'un ou de l'autre Pays, seront réciproquement soumis au droit spécifié dans l'Article précédent.

8. Les ouvrages d'argenterie fabriqués en Wurtemberg seront soumis en Bavière, au droit d'entrée de 20fl. par quintal Bava-rois, et ceux qui seront fabriqués en Bavière payeront en Wurtemberg 15fl. 36 kr. de droit d'entrée par quintal Wurtembergeois.

L'application des arrangemens ci-dessus concernant les marchandises en fer, et les vins, présuppose que leur origine comme produits Bava-rois ou Wurtembergeois doit se prouver, en suivant les dispositions prescrites à cet égard dans la Bavière Rhénane, pour les cas où ces articles doivent être transportés de cette localité dans les autres cercles du Royaume de Bavière. Ces dispositions seront annoncées dans les deux Etats par des Ordonnances spéciales.

Les concessions réciproques désignées depuis le § 5 jusqu'au § 8, inclusivement, n'auront lieu que lorsque les fabricans ou producteurs expédieront ou conduiront immédiatement les objets manufacturés ou produits sans l'intervention d'un marchand, et en les faisant accompagner des certificats d'origine prescrits.

Le Gouvernement Wurtembergeois s'engage à établir sur les articles favorisés par les stipulations ci-dessus et provenant d'autres Etats, un droit d'entrée égal à celui que paye la Bavière, si ces mêmes objets sont actuellement soumis à un droit inférieur.

VII.—*Droits de Transit.*

Le droit de transit à payer en Bavière pour les articles ci-après, venant du Wurtemberg, *a.* Bétail, *b.* Vins, ne seront prélevés qu'à concurrence de la moitié ; pareillement le droit de transit en Wurtemberg sur *a.* le bétail et *b.* les vins provenant de la Bavière, y compris le Cercle du Rhin, seront réduits de moitié.

c. Les grains Bava-rois, sauf les mesures de suretés nécessaires, seront francs de droit de transit en Wurtemberg, et réciproquement ceux de Wurtemberg en Bavière.

VIII.—*Suretés Réciproques relativement aux Droits de Douane et autres Impôts.*

Pour sureté des droits de Douane et autres Impôts, les deux Gouvernemens sont convenus des points ci-après.

1. Ils s'entendront sur un procédé uniforme relativement aux certificats d'origine, et obligeront les Autorités des deux Pays, à l'exercice consciencieux des fonctions qui leur seront confiées à cet égard.

2. Ils s'obligent de faire leur possible pour que les Lois de la Douane, et autres analogues d'un des deux Etats, ne soient point violées par les Sujets de l'autre Etat, et pour que les Autorités s'appuyent réciproquement à l'effet de protéger ces Lois.

3. Ils soumettront leurs bureaux frontières à un contrôle réciproque à l'effet de prévenir la contrebande, et de mettre particulièrement des entraves à la fraude résultant du prétendu transit des marchandises.

4. Ils puniront ceux de leurs employés qui seront convaincus d'avoir fraudés les droits de Douane, ou autres Impôts analogues.

IX.—*Commerce avec les Principautés de Hohenzollern.*

Comme les Principautés de Hohenzollern-Hechingen, et Sigmaringen sont réunis par Convention, à un système commun de Douane avec le Wurtemberg, les dispositions transitoires des Articles V. VI. VII. et VIII. seront également applicable au commerce avec ces deux Pays.

X.—*Conclusion.*

Les Ratifications de la présente Convention auront lieu de la part des deux Cours dans l'espace de 14 jours, ou plutôt si faire si peut, et seront échangées à Munich.

Munich, le 12 Avril, 1827.

FREDERIC, COMTE DE THURHEIM.

PHILIPPE MAURICE BARON DE SCHMITZ-

GROLLENBURG.

CHRISTOPHE LOUIS DE HERZOG.

[Ratifié par la Bavière, le 16 Avril, 1827.]

BRITISH Order in Council, granting to French Vessels certain Privileges of Trading with the Island of Mauritius.—
16th December, 1826.

At the Court at St. James's, the 16th of December, 1826,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Order in Council, bearing date the 1st day of June, 1826, His Majesty was pleased, in pursuance and exercise of the powers and authority in him vested, by an Act 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," to declare and grant that it was and should 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 the produce of those Dominions, as are mentioned and enumerated in the Table subjoined to the said Order, and to export goods from such British Possessions, to be carried to any Foreign Country whatever: And whereas His Majesty, by and with the advice of His Privy Council, has deemed it expedient that the said Order in Council should be extended to the

Island of Mauritius, His Majesty, by and with the advice aforesaid, and in pursuance and exercise of the powers and authority in him vested by the said Act, doth hereby declare and grant, that it shall be lawful for French Ships to import into the said Island of Mauritius 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 the said Order in Council of the 1st day of June, 1826.

And for the prevention of any doubts respecting the true meaning and effect of the said Order in Council of the 1st day of June, 1826, and of this present Order, His Majesty is further pleased to order and declare, that neither the said Order in Council of the 1st day of June, 1826, nor this present Order, shall extend or be construed to extend to authorize the importation in French Ships into any of the British Possessions in the West Indies and America or into the Island of Mauritius from the Dominions of His Most Christian Majesty, of any Wine, being the produce of those Dominions.

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.

C. C. GREVILLE.

LOI de France, portant Règlement définitif du Budget de l'Exercice 1825.

Au Château de Saint Cloud, le 6 Juin, 1827.

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 :

I^{er}.—Des Annulations de Crédits.

ART. 1^{er}. Les Crédits ouverts par les Lois des 4 Août, 1824, et 21 Juin, 1826, aux Ministères ci-après, pour les Services de l'Exercice, 1825, sont réduits d'une Somme totale de 4,330,283 Francs, restée disponible et sans emploi sur ces Crédits ; savoir :

Intérêts de la Dette perpétuelle.....	190,845f.
Liste Civile et Famille Royale.....	2,000,000
Justice—Service ordinaire.....	46,920
Affaires Ecclésiastiques et Instruction Publique.....	82,278
Intérieur { Administration centrale et dépenses secrètes de Police Générale.....	211,212f. }
Dépenses départementales fixes.....	125,706 }
Guerre.....	304,195

A reporter,.....Francs.. 2,961,156

			Report.....	2,961,156	
			Dette viagère.....	8,207	
			Intérêts de Cautionnemens.....	424,063	
			Frais de Service et de Trésorerie.....	40,641	
			Administration des Monnaies.....	24,765	601,398
			Service administratif du Ministère.....	103,720	
			Frais de liquidation de l'indemnité accordée aux anciens Propriétaires dépossédés.....	2	
Finances.	Adminis- trations et Régies Finan- cières.	Forêts	Frais adminis- tratifs.....	20,689f.	
			Avances à charge de rem- boursement....	11,243	31,932
		Loterie.—Frais d'administration ..			22,657
	Contri- butions directes.	Non-valeurs des quatre Contribu- tions directes et Attributions sur Patentes.....		694,824	
					697,327
		Frais d'assiette et de recou- vrement.	Directions des Contributions directes.....	291f.	
			Centimes de perception....	2,212	2,503
	Fonds de dépenses communales et de réimpositions...				15,813
			Somme égale....	Francs..	4,330,283

2. Les Crédits affectés au Service des Départemens pour les Dépenses variables, les secours distribués en cas de Grêle, Incendie, Epizootie, &c., et les Dépenses Cadastreles, sont réduits d'une Somme de 3,316,235 Francs, restée disponible au 31 Décembre, 1826; savoir :—

Dépenses Départe- mentales	Dépenses variables spéciales.....	1,226,113f.	
	Fonds de secours pour grêle, incendies, &c..	303,443	
	Dépenses sur centimes facultatifs votés par les Conseils Généraux.....	1,363,940	3,119,293
	Dépenses sur ressources extraordinaires lo- cales.....	225,797	
Dépenses Cadas- trales.	Sur le Fonds commun compris au Budget..	67,084	
	Sur centimes facultatifs votés par les Conseils Généraux.....	129,858	196,942
	Total égale....	Francs..	3,316,235

Cette Somme est affectée et transportée au Budget de 1827, pour y recevoir la destination qui lui a été donnée par la Loi de Finances du 4 Août, 1824.

II.—Des Supplémens de Crédits.

3. Il est accordé, sur le Budget de 1825, au-delà des Crédits fixés par les Lois des 4 Août, 1824, et 21 Juin, 1826, les supplémens ci-après :

1 ^o .	Au Ministère de la Justice (complément de frais de Justice Criminelle).....	1,043,852f.
2 ^o .	Au Ministère des Affaires Etrangères.....	477,031
3 ^o . Au Minis- tère de l'In- térieur.....	Cultes non Catholiques.....	251f.
	Service divers d'utilité Publique.....	1,194,667
	Travaux publics.....	326,777
	Fonds de secours pour grêle, incen- dies, &c.....	1,200,732
	A reporter.....	Francs.. 4,243,310

			Report.....	4,243,310
4°. Au Ministère de la Marine.....				434,148
5°. Au Ministère des Finances :				
Dépenses Générales.	Pensions.	Civiles.....	12,800f.	231,106
		Militaires.....	148,692	
		Ecclésiastiques.....	37,594	
		Donataires dépossédés.....	32,020	
	Frais de service et de Négociations.	Frais de Négociations et intérêts de la Dette Flottante.....	3,944,014	4,155,307
		Taxation aux Receveurs des Finances sur les versements sur Produits indirectes.....	211,293	
		Intérêts, lots et primes des Annuités.....	1,425,000	7,627,610
		Intérêts des reconnaissances de liquidation....	1,599,755	
		Légion d'Honneur.....	175,892	
		Frais d'inventaire des biens mobiliers et immobiliers de la Couronne.....	40,550	
Frais de régie et d'exploitation des impôts, et remboursements et restitutions de Droits.	Enregistrement et Domaines.	Frais d'Administration et de Perception.....	142,185f.	1,096,719f.
		Remboursements et Restitutions.....	954,534	
	Douanes.	Frais d'Administration.....	121,805	8,183,427
		Prélèvement sur le produit des amendes et Confiscations.....	317,611	
		Escompte bonifié sur le droit des sels, et remboursements et Restitutions.....	560,761	
		Primes à l'Importation et à l'Exportation.....	7,183,250	
	Contributions Indirectes.	Frais d'Administration et de Perception.....	1,107,032	3,084,357
		Exploitation des Tabacs....	499,765	
		Exploitation et vente des Poudres à feu.....	577,492	
		Avances à charge de remboursement.....	34,551	
		Prélèvements sur le Produit des Amendes.....	62,956	
		Remboursements et Restitutions.....	802,561	
	Postes.	Service Ordinaire.....	142,879	227,330
		Remboursement et Restitutions.....	84,351	
	Fi. Lote-nance rie.	Remise de 6 p. 0/0 aux Receveurs bu-ralistes.....		375,408
		Remboursements et restitutions sur produits divers et contributions directes	414,119	13,381,260
Total des Suppléments accordés... Francs				25,686,328

III.—Fixation du Budget de l'Exercice 1825.

4. Au moyen des dispositions précédentes, les Crédits du Budget de l'Exercice 1825, sont définitivement fixés à la Somme de 981,972,609f.

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, 1826, à la Somme totale de 985,673,751f. conformément à l'Etat B, aussi annexé à la présente Loi.

6. La Somme de 3,701,142f. formant la différence entre les recettes de 1825, arrêtées par l'Article précédent à..... 985,673,751f. et les Crédits du même Exercice, définitivement réglés par l'Article 4 à..... 981,972,609

Différence.....Francs...	3,701,142
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Est affectée et transportée, savoir :

Au Budget de l'Exercice 1827, conformément à l'Article 2 de la présente Loi, pour une Somme de.....	3,316,235f.
A celui de 1826, pour la différence, montant à.....	384,907

Total égal.....Francs...	3,701,142
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IV.—*Disposition Générale.*

7. Les Sommes qui pourraient provenir encore des ressources affectées à l'Exercice 1825, seront portées en recette au compte de l'Exercice courant, au moment où les recouvrements seront effectués.

La présente Loi, discutée, délibérée et adoptée par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous ce jourd'hui, sera exécutée comme Loi de l'Etat; voulons, en conséquence, qu'elle soit gardée et observée dans tout notre Royaume, terres et pays de notre obéissance.

Si donnons en mandement à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et, pour les rendre plus notoires à tous nos Sujets, ils les fassent publier et enregistrer 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 Juin de l'An de Grâce 1827, et de notre Règne le 3.

CHARLES.

Par le Roi :

Le Ministre Secrétaire d'Etat au Département des Finances,

JH. DE VILLELE.

Vu et scellé du Grand Sceau :

Le Garde des Sceaux de France, Ministre Secrétaire d'Etat au Département de la Justice,

C^{te}. DE PEYRONNET.

DEPENSES.

MINISTERES ET SERVICES.		Crédits législatifs accordés par les Lois des 4 Août 1824, 21 Mai, 1825, et 21 Juin 1826.	Crédits non consommés au 31 Dec. 1826.		Crédits Supplé- mentaires accordés sur l'Exercice 1825.	Crédits définitifs de l'Exercice 1825.
			Retranchés et annulés.	Affectés au Service des Dépenses Départementales et transportés au Budget de 1827.		
1 ^o .—DETTE CONSOLIDÉE AMORTISSEMENT ET DEPENSES GÉNÉRALES.		Francs.	Francs.	Francs.	Francs.	Francs.
Services des Intérêts de la dette perpétuelle	- - -	197,085,785	190,845	—	—	196,894,940
Dotation de la Caisse d'Amortissement	- - -	40,000,000	—	—	—	40,000,000
Liste Civile et Famille Royale	- - - -	34,000,000	2,000,000	—	—	32,000,000
Obsèques du feu Roi et Sacre du Roi régnant. (Loi du 15 Janvier, 1825.)	- - - -	6,000,000	—	—	—	6,000,000
Justice - { Service Ordinaire	- - - -	15,925,092	46,920	—	—	15,878,172
- { Frais de Justice	- - - -	2,520,000	—	—	1,043,852	3,563,852
Affaires Etrangères	- - - -	9,315,000	—	—	477,031	9,792,031
Affaires Ecclésiastiques et Instruct. Publique.	{ Affaires Ecclésiastiques Instruction Publique	{ 28,278,000 1,825,000	{ 82,278	—	—	{ 28,289,551 1,751,171
Administration Centrale et Dépenses se- crètes de Police Générale	- - - -	3,591,000	211,212	—	—	3,379,788
Cultes non Catholiques	- - - -	575,000	—	—	251	575,251
Services divers d'utilité Publique	- - - -	9,949,000	—	—	1,194,667	11,143,667
Travaux Publics	- - - -	38,062,278	—	—	326,777	38,389,055
Intérieur. { Fixes	- - - -	11,552,727	125,706	—	—	11,427,021
- { Variables	- - - -	22,012,752f.	—	—	—	—
Dépenses Départementales. { Restes desdites dé- - { penses sur l'exer- - { cice 1823, trans- - { portés à 1825, par - { l'Art. 2. de la Loi - { du 21 Mai, 1825.	- - - -	1,426,595	—	1,226,113	—	22,213,234
Fonds de secours pour grêle, incendies, &c.	- - - -	1,819,233	—	303,443	1,200,732	2,716,522
Guerre	- - - -	204,116,000	304,195	—	—	203,811,805
Marine	- - - -	61,500,000	—	—	434,148	61,934,148
Dettes viagères	- - - -	8,900,000	8,207	—	—	8,791,793
Pensions. { Civiles	- - - -	1,750,000	—	—	12,800	1,762,800
- { Militaires	- - - -	49,800,000	—	—	148,692	49,948,692
- { Ecclésiastiques	- - - -	7,600,000	—	—	37,594	7,637,594
- { Donataires dépossédés	- - - -	1,550,000	—	—	32,020	1,582,020
- { Supplém. aux Fonds de rete- - { nues	- - - -	1,273,025	—	—	—	1,273,025
Finances. { Intérêts de cautionnements	- - - -	10,000,000	424,063	—	—	9,575,937
- { Frais de Service et Trésorerie	- - - -	2,800,000	40,641	—	—	2,759,359
- { Frais de Négociations et inté- - { rêts de la Dette Flottante	- - - -	—	—	—	3,944,014	3,944,014
- { Remises extraordinaires aux - { Receveurs des Finances sur - { le Recouvrement des Con- - { tributions directes	- - - -	2,600,000	—	—	—	2,600,000
- { Taxations aux Receveurs des - { Finances sur les versements - { sur produits indirects	- - - -	1,101,050	—	—	211,293	1,312,343
A Reporter. Francs		776,827,537	3,434,067	1,529,556	9,063,671	780,922,785

de l'Exercice, 1825.

RECETTES.

DESIGNATION DES PRODUITS.		Elevation des Produits par les Lois des 4 Août, 1824, 21 Mai, 1825, et 21 Juin, 1826.	Produits recouvrés en excédant des Evalua- tions.	Diminu- tions. et non- valeurs.	Fixation définitive des Produits de l'Exercice 1825.
		Francs.	Francs.	Francs.	Francs.
Enregistrement, Timbre et Domaines, et produits accessoires des Forêts - - - - -		171,000,000	13,326,652	—	184,326,652
Coupes de bois. (Principal des adjudications payables en traites.) - - - - -		20,000,000	2,690,481	—	22,690,481
Douanes et Sels.	Droits de douanes et de navigation, et recettes acci- dentelles - - - - -	84,000,000	8,363,722	—	92,363,722
	Droits de consommation sur les sels - - - - -	53,000,000	950,433	—	53,950,433
	Amendes et confiscations attribuées - - - - -	1,600,000	317,611	—	1,917,611
Contribu- tions indirectes	Droits généraux - - - - -	133,200,000	9,867,695	—	143,067,695
	Tabacs - - - - -	65,000,000	2,329,419	—	67,329,419
	Poudres à feu - - - - -	3,800,000	118,954	—	3,918,954
	Recouvrement d'avances - - - - -	900,000	79,729	—	979,729
	Amendes et confiscations (portion attribuée) - - - - -	900,000	62,956	—	962,956
Postes - - - - -		25,350,000	2,202,641	—	27,552,641
Loterie - - - - -		17,300,000	—	1,792,551	15,507,449
Versement au Trésor sur le produit des jeux (Loi du 9 Juillet, 1820.) - - - - -		5,500,000	—	—	5,500,000
Contribu- tions directes.	Principal et centimes additionnels - - - - -	298,740,383	2,654,829	—	301,395,212
	Centimes de perception - - - - -	12,886,439	—	—	12,886,439
	Centimes facultatifs { Pour Dépenses Départe- mentales - - - - -	9,154,112f.	33,012,683	—	33,012,683
	Centimes facultatifs { Pour Dépenses Cadas- trales - - - - -	3,372,635			
	Centimes facultatifs { Pour Dépenses ordinaires et extraordinaires des Communes - - - - -	18,849,714			
	Frais de premier avertisse- ment - - - - -	635,916			
	Fonds de réimpositions - - - - -	796,712			
	Fonds de non-valeurs extra- ordinaires - - - - -	203,594			
	Ressources locales extraordinaires pour Dépenses Départementales - - - - -	1,026,767	1,026,767	—	1,026,767
	Total des Recettes articulées pour mémoire au Budget - - - - -	34,039,450			
Produits divers.	Salines et mines de Sel de l'Est - - - - -	2,400,000	—	360,571	2,049,429
	Recettes de diverses origines - - - - -	3,400,000	2,915,049	—	6,315,049
	Produits de l'Inde - - - - -	1,000,000	—	1,000,000	—
A reporter - Francs		934,016,272	45,880,171	3,143,122	976,753,321

Etat A.—Suite du Budget définitif
DEPENSES.

MINISTERES ET SERVICES.		Crédits législatifs accordés par les Lois (des 4 Août, 1824, 21 Mai, 1825, et 21 Juin, 1826.	Crédits non consommés au 31 Dec. 1826.		Crédits Supplé- mentaires accordés sur l'Exercice 1825.	Crédits définitifs de l'Exercice 1825.
			Retranchés et annulés.	Affectés au Service des Dépenses Départementales et transportés au Budget de 1827.		
		Francs.	Francs.	Francs.	Francs.	Francs.
Report -		776,827,537	3,434,067	1,529,556	9,063,871	780,827,537
Intérêts, lots et primes des Annuités -		—	—	—	1,425,000	1,425,000
Intérêts des reconnaissances de liquidation -		—	—	—	1,599,755	1,599,755
Chambre des Pairs -		2,000,000	—	—	—	2,000,000
Chambre des Députés -		800,000	—	—	—	800,000
Légion d'honneur -		3,400,000	—	—	175,892	3,475,892
Cours des comptes -		1,256,300	—	—	—	1,256,300
Administration des monnaies -		974,300	24,765	—	—	949,535
Suite des Finances.	Fonds communs. 1,000,000f.	—	—	—	—	—
	Cadastre. { Transport à 1825 de la portion de Crédit non em- ployée sur le fonds commun de 1823. (Loi du 21 Mai, 1825) -	1,393,612	—	67,084	—	1,326,528
		393,612				
Bureau de Commerce et des Colonies -		125,000	—	—	—	125,000
Service administratif du Ministère -		7,206,652	103,720	—	—	7,102,932
Frais de liquidation de l'indemnité accordée aux anciens propriétaires déposés -		565,750	2	—	—	565,752
Frais d'inventaire des biens mobiliers et immobiliers de la Couronne -		—	—	—	40,550	40,550
Totaux de la première partie -		794,549,151	3,562,554	1,596,640	12,305,068	801,655,022

2° Frais d'Administration, de perception et d'exploitation.

		Francs.	Francs.	Francs.	Francs.
Enregistrement et Domaines -		10,966,530	—	142,185	11,108,715
Forêts.	Frais administratifs -	2,950,500	20,689	—	2,971,189
	Avances à charge de remboursement (Frais de poursuites et d'arpentage.) -	337,500	11,243	—	326,257
Douanes et Sels.	Frais d'Administration et de perception -	23,694,800	—	121,805	23,816,605
	Prélèvements sur le produit des Amendes et Confiscations attribuées -	1,600,000	—	317,611	1,917,611
A reporter Francs -		39,549,330	31,932	581,601	40,085,002

de l'Exercice 1825.

RECETTES.

DÉSIGNATION DES PRODUITS.		Evaluations des Produits par les Lois des 4 Août 1824, 21 Mai, 1825, et 21 Juin, 1826	Produits recouvrés en excédant des Evalua- tions.	Diminu- tions et non- valeurs.	Fixation définitive des Produits de l'Exercice 1825.
Report - Francs -		934,016,272	45,880,171	3,143,122	976,753,321
Transport à l'Exercice 1825.	Des Fonds non employés au 31 Décembre, 1824, sur les Crédits affectés aux Dépenses départementales de l'Exercice 1823. — (Exé- cution de l'Article 2 de la Loi du 21 Mai, 1825.) - - - - -	5,375,261	- - -	- - -	5,375,261
	De l'excédant de Recette sur l'Exercice 1824. — (Execution de l'Article 6 de la Loi du 21 Juin, 1826.) - - - - -	3,545,169	- - -	- - -	3,545,169
			45,880,171	3,143,122	
Francs -		942,936,702	42,737,049		985,673,751
Prélèvement affecté et transporté {					
		Au Budget de 1827, avec affectation aux Dépenses Départementales non acquit- tées au 31 Décembre, 1826, ci - - - - -			3,316,235f.
		Au Budget de 1826, en accroissement de Ressources - - - - -			384,907
					3,701,142
Reste, somme égal aux Crédits fixés pour l'Exercice 1825		-	-	Francs -	981,972,609
RECETTES POUR ORDRE.					
Conseil Royal de l'Instruction publique - - - - -					2,904,803f.
Direction Générale des Poudres et Salpêtres - - - - -					4,724,025
					7,628,828f.

Suite de l'Etat A. Budget Définitif de l'Exercice, 1825.

DEPENSES.

MINISTERES ET SERVICES.		Crédits législatifs accordés par les Lois des 4 Août, 1824, 21 Mai, 1825, et 21 Juin, 1826.	Crédits non consommés au 31 Déc. 1826.		Crédits Supplé- mentaires accordés sur l'Exercice 1825.	Crédits définitifs de l'Exercice 1825.
			Retranchés et annulés.	Affectés au Service des Dépenses Départe- mentales et transportés au Budget de 1827.		
		Francs.	Francs.	Francs.	Francs.	Francs.
	Report -	89,549,330	31,932	—	581,601	40,088,939
Contribu- tions indirectes	Frais d'Administration et de Perception	19,780,700	—	—	1,107,032	20,887,732
	Exploitation des Tabacs - -	23,700,000	—	—	499,765	24,199,765
	Exploitation et vente des Poudres à feu	2,133,000	—	—	577,492	2,710,492
	Avances à charge de remboursement	663,500	—	—	34,551	698,051
	Prélèvements sur le produit des Amendes	900,000	—	—	62,956	962,956
Postes	Service ordinaire - - -	12,825,713	—	—	142,879	12,968,592
	Dépenses extraordinaires des relais à l'oc- casión du sacre - - -	407,518	—	—	—	407,518
Loterie	Frais d'Administration. (Personnel et Ma- tériel) - - -	1,227,105	22,657	—	—	1,249,762
	Remise de 6 p. o/o aux receveurs bura- listes - - -	3,060,000	—	—	375,408	3,435,408
Contribu- tions directes.	Non-valeurs des quatre Contributions directes et attributions aux Communes sur Patentes - - -	5,652,818	694,824	—	—	4,957,994
	Frais d'assiette et de recouvrem. } Directions des Contributions directes - - -	3,300,000	291	—	—	3,299,709
	Centimes de perception -	12,886,439	2,212	—	—	12,884,227
Taxations aux Receveurs des Finances sur Recettes diverses et produits de coupes de bois - -		98,950	—	—	—	98,950
REMBOURSEMENS, RESTITUTIONS, ET PRIMES.		125,685,073	751,916	—	3,381,684	128,314,847
Produits divers et Contributions directes - -		200,000	—	—	414,119	614,119
Enregistrement, timbre et Domaines - -		1,325,000	—	—	954,534	2,279,534
Forêts - - -		—	—	—	—	—
Douanes	Escompte bonifié sur le droit des sels, et remboursemens et restitutions - -	1,550,000	—	—	560,761	2,110,761
	Primes payées à l'Importation et à l'Ex- portation - - -	2,500,000	—	—	7,183,250	9,683,250
Contributions indirectes - - -		174,000	—	—	802,561	976,561
Postes - - -		340,000	—	—	84,851	424,851
			751,916	—		
Total de la deuxième partie. Francs -		131,774,073	751,916	—	13,381,369	144,408,417

Suite de l'Etat A. Budget Définitif pour l'Exercice 1825.

DEPENSES.

MINISTERES ET SERVICES.	Crédits Législatifs accordés par les Lois des 4 Août 1824, 21 Mai 1825, et 21 Juin 1826.	Crédits non consommés au 31 Décembre, 1826.		Crédits Supplé- mentaires accordés sur l'Exercice 1825.	Crédits définitifs de l'Exercice. 1825.
		Retranchés et annulés.	Affectés au Service des Dépenses Départementales et transportés au Budget de 1827.		
3°. DEPENSES DEPARTEMENTALES ET COMMUNALES, ARTICULEES POUR MEMOIRE DANS LA LOI DE FINANCES.	Francs.	Francs.	Francs.	Francs.	Francs.
Centimes facultatifs votés par les Conseils Généraux. { Pour Dépenses d'utilité Départementale (y compris 1,238,680 fr. non employés sur l'Exercice 1823 et transportés à 1825, en exécution de l'Article 2, de la Loi du 21 Mai, 1825. - - - - -	10,392,792	—	1,363,940	—	9,028,852
{ Pour Dépenses cadastrales (y compris 2,262,495 francs, non employés sur l'Exercice, 1823, et transportés à 1825, en exécution du même Article de la même Loi - - - - -	5,635,130	—	129,858	—	5,505,272
Dépenses ordinaires et extraordinaires des Communes - - - - -	18,849,714	2,702	—	—	18,847,012
Frais de premier avertissement pour les Contributions directes - - - - -	635,916	305	—	—	635,611
Fonds de réimpositions pour décharges et réductions - - - - -	796,712	3,516	—	—	793,196
Non-valeurs extraordinaires sur Patentes pour cessation de Commerce - - - - -	203,594	2,963	—	—	200,631
Redevances des Mines.—Frais de confection de rôles; non-valeurs et frais de perception - - - - -	15,071	6,327	—	—	8,744
Ressources spéciales et produits divers appartenant aux Départemens (y compris 53,879 fr. non employés sur l'Exercice 1823 et transportés à 1825, en exécution de l'Art. 2. de la Loi du 21 Mai, 1825.) - -	1,080,646	—	225,797	—	854,849
		15,813	1,719,595		
Totaux de la troisième partie - Francs	37,609,575	1,735,408	—	—	35,874,167
RECAPITULATION.					
1°. Dette Consolidée et Dépenses Générales - - -	794,549,151	3,562,554	1,596,640	12,305,068	801,695,025
2°. Frais d'Admin., de perception et d'exploitation - - -	131,774,073	751,916	—	13,881,260	144,408,417
3°. Dépenses Départementales et Communales sur centimes additionnels et ressources locales - - -	37,609,575	15,813	1,719,595	—	35,874,167
		4,330,283	3,316,235		
Totaux Généraux - Francs	963,932,799	7,646,518	25,686,328	—	981,972,609
DEPENSES POUR ORDRE.					
Conseil Royal de l'Instruction Publique - - - - -	—	—	—	2,002,897	6,337,730
Direction générale des Poudres et Salpêtres - - - - -	—	—	—	4,334,833	

Certifie conforme : le Ministre Secrétaire d'Etat des Finances,

JH. DE VILLELE.

ORDONNANCE du Roi de France, qui prescrit la Publication de la Convention, et de l'Article Additionnel, concernant l'Etablissement réciproque des Français en Suisse, et des Suisses en France; conclus entre Sa Majesté Très-Chrétienne et les Cantons et Etats du Corps Helvétique y dénommés, à Berne, le 30 Mai, 1827.

Au Château de Saint-Cloud, le 23 Septembre, 1827.

CHARLES, par la grace de Dieu, Roi de France et de Navarre, à tous ceux qui ces présentes Lettres verront, Salut.

Nous avons ordonné et ordonnons que la Convention et l'Article Additionnel suivans concernant l'établissement réciproque des Français en Suisse et des Suisses en France, conclus et signés à Berne, le 30 Mai de la présente année, entre Nous et les Cantons et Etats du Corps Helvétique dont les noms suivent, savoir: Zurich, Berne, Lucerne, Fribourg, Soleure, Bâle, Schaffhouse, Saint-Gall, Grisons, Argovie, Thurgovie, Tessin, Vaud, Valais, Neuchâtel, et Genève; laquelle Convention et l'Article Additionnel qui y est joint, ont été ratifiés par Nous le 18 Juillet dernier, et par la Diète Fédérale Suisse, au nom et pour les Cantons susnommés, le 14 Août suivant, et dont les Ratifications ont été échangées à Berne, le 22 du même mois, seront insérés au Bulletin des Lois, pour être exécutés suivant leur forme et teneur.

Sa Majesté le Roi de France et de Navarre, et la Confédération Helvétique, ayant jugé nécessaire d'arrêter d'un commun accord, relativement à l'établissement des Français en Suisse, et des Suisses en France, des règles fixes, stables et propres à faciliter les rapports des deux Pays, les Plénipotentiaires soussignés, savoir:

Au nom de Sa Majesté Très-Chrétienne, le sieur François Joseph Maximilien Gérard de Rayneval, Grand Officier de l'Ordre Royal de la Légion d'Honneur, Chevalier de l'Ordre de Charles III, Conseiller d'Etat, son Ambassadeur près la Confédération Helvétique:

Et au nom des Cantons Suisses, les Sieurs Emmanuel Frédéric Fischer, Avoyer de la Ville et République de Berne; Jean Herzog d'Effingen, Bourgmestre du Canton d'Argovie; et Auguste Charles François de Perrot, Conseiller d'Etat de Neuchâtel, nommés à cet effet par le Directoire Fédéral:

Après s'être communiqué leurs pleins pouvoirs respectifs, sont convenus des Articles suivans:

ART. 1. Les Français seront reçus et traités dans chaque Canton de la Confédération, relativement à leurs personnes et à leurs propriétés, sur le même pied et de la même manière que le sont, ou pourront l'être à l'avenir, les ressortissans des autres Cantons. Ils pour-

ront en conséquence aller, venir, et séjourner temporairement en Suisse, munis de Passe-ports réguliers, en se conformant aux Lois et Réglemens de Police. Tout genre d'industrie et de commerce permis aux ressortissans des divers Cantons le sera également aux Français, et sans qu'on puisse exiger d'eux aucune condition pécuniaire ou autre plus onéreuse. Lorsqu'ils prendront domicile ou formeront un établissement dans les Cantons qui admettent celui des ressortissans de leurs co-états, ils ne seront également astreints à aucune autre condition que ces derniers.

II. Pour prendre domicile ou former un établissement en Suisse, ils devront être munis d'un acte d'immatriculation constatant leur qualité de Français, qui leur sera délivré par l'Ambassade de France, après qu'ils auront produit des Certificats de bonne conduite et de bonnes mœurs, ainsi que les autres attestations requises.

III. Les Suisses jouiront en France des mêmes droits et avantages que l'Article I. ci-dessus assure aux Français en Suisse, de telle sorte qu'à l'égard des Cantons qui, sous les rapports spécifiés audit Article I, traiteront les Français comme leurs propres ressortissans, ceux-ci seront, sous les mêmes rapports, traités en France comme les nationaux. Sa Majesté Très-Chrétienne garantit aux autres Cantons les mêmes droits et avantages, dont ils feront jouir ses sujets.

IV. Les sujets ou ressortissans de l'un des deux Etats établis dans l'autre ne seront pas atteints par les Lois Militaires du Pays qu'ils habiteront, mais resteront soumis à celle de leur Patrie.

V. Les sujets ou ressortissans de l'un des deux Etats établis dans l'autre, et qui seraient dans le cas d'en être renvoyés par sentence légale, ou d'après les Lois et Réglemens sur la Police des mœurs et la mendicité, seront reçus en tout temps, eux et leurs familles, dans le Pays dont ils sont originaires et où ils auront conservé leurs droits, conformément aux Lois.

VI. Les Français établis en Suisse, de même que les Suisses établis en France, en vertu du Traité de 1803, continueront à jouir des droits qui leur étaient acquis. Toutes les dispositions de la présente Convention leur sont d'ailleurs applicables.

VII. La présente Convention sera ratifiée, et les Ratifications en seront échangées dans l'espace de 3 mois, ou plus tôt, si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée, et y ont apposé le Cachet de leurs Armes.

Faite à Berne, le 30 Mai, 1827,

(L. S.) RAYNEVAL.

(L. S.) FISCHER.

(L. S.) HERZOG D'EFFINGUEN.

(L. S.) PERROT.

ARTICLE ADDITIONNEL.

Il est expressément entendu que les Cantons qui n'adhéreraient point présentement à la Convention de ce jour, relativement aux établissemens respectifs des Français et des Suisses, en conserveront en tout temps la faculté, nonobstant le terme fixé pour la Ratification.

Le présent Article Additionnel aura la même force et valeur que s'il était inséré mot à mot dans la dite Convention, et sera ratifié en même temps.

Fait à Berne, le 30 Mai, 1827.

(L. S.) RAYNEVAL.

(L. S.) FISCHER,

(L. S.) HERZOG D'EFFINGUEN.

(L. S.) PERROT.

Mandons et ordonnons que les présentes, revêtues du Sceau de l'Etat, insérées au Bulletin des Lois, soient adressées aux Cours et Tribunaux et aux Autorités administratives, pour qu'ils les inscrivent dans leurs Registres : et Notre Garde des Sceaux, Ministre et Secrétaire d'Etat au Département de la Justice, est chargé d'en surveiller la publication.

Donné en Notre Château de Saint-Cloud, le 23 jour du mois de Septembre, l'an de Grâce 1827, et de Notre Règne le 4ème.

CHARLES.

Par le Roi :

Le Ministre et Secrétaire d'Etat au Département des Affaires Etrangères,
BARON DE DAMAS.

Vu et Scellé du Grand Sceau :

Le Garde des Sceaux de France, Ministre et Secrétaire d'Etat au Département de la Justice,

COMTE DE PEYRONNET.

LOI des Pays-Bas, du 27 Décembre 1826, contenant des dispositions provisoires, relativement au Budget de 1827.

NOUS GUILLAUME, par la grace de Dieu, Roi des Pays-Bas, Prince d'Orange-Nassau, Grand-Duc de Luxembourg, &c. &c.

A tous ceux qui les présentes verront, salut ! savoir faisons :

Ayant pris en considération, la nécessité de prévenir que le service public n'éprouve une stagnation, en attendant que la Loi qui règle la seconde partie du Budget des Dépenses pour l'année, 1827, et celle qui détermine les moyens d'y faire face, soient arrêtées conformément à l'Article 126 de la Loi Fondamentale.

A ces causes, Notre Conseil d'Etat entendu, et de commun accord avec les Etats Généraux, avons statué, comme nous statuons par les présentes :

ART. I. Le recouvrement des droits et moyens arrêtés, par la Loi du 23 Décembre 1825, continuera provisoirement sur le pied de 1826, pendant le premier Semestre de 1827.

II. Les dépenses comprises jusqu'à présent dans la seconde Partie du Budget, pourront sur l'autorisation du Roi avoir lieu, pendant le premier Semestre de 1827, proportionnellement au montant de la somme à laquelle elles ont été arrêtées par la Loi du 23 Décembre 1825, pour la première subdivision ainsi que pour le 5 et 9 Chapitre de la seconde subdivision de ce Budget pour 1826.

III. Les dispositions des deux Articles précédents, cesseront d'avoir effet, même avant l'expiration du premier Semestre de 1827, si des dispositions Législatives concernant la seconde partie du Budget de 1827, et les moyens de faire face aux dépenses qui en font l'objet, sont arrêtées avant cette époque.

IV. La présente Loi sera obligatoire du jour auquel elle sera insérée au Journal Officiel.

Mandons et ordonnons, que la présente Loi soit insérée au Journal Officiel, et que Nos Ministres et autres Autorités qu'elle concerne tiennent strictement la main à son exécution.

Donné à Bruxelles, le 27 Décembre de l'an 1826, de Notre Règne le 14ème.

GUILLAUME.

Par le Roi.

J. G. DE MEY DE STREEFKERK.

Publié le 28 Décembre 1826.

Le Secrétaire d'Etat, J. G. DE MEY DE STREEFKERK.

LOI des Pays-Bas, du 11 Avril 1827, qui règle la Seconde Partie du Budget des Dépenses du Royaume pour l'Année 1827.

NOUS GUILLAUME, par la grace de Dieu, Roi des Pays-Bas, Prince d'Orange Nassau, Grand-Duc de Luxembourg, &c. &c.

A tous ceux qui les présentes verront, salut ! savoir faisons :

Ayant pris en considération, que d'après l'Article 126 de la Loi Fondamentale, les dépenses, qui appartiennent à la seconde Partie du Budget, ne sont arrêtées que pour un An, et que par conséquent, il convient de les régler pour 1827.

Que, d'après les dispositions arrêtées par la Loi du 27 Décembre 1822, pour l'institution d'un Syndicat d'Amortissement, et pour régler différents intérêts Financiers du Royaume, ainsi que d'après la Loi du 5 Juin 1824, qui détermine le mode de paiement de nouvelles Pensions extraordinaires et d'autres dépenses qui s'éteignent et qui règle différens objets financiers du Royaume et du Syndicat d'Amortissement, une partie de ces dépenses devant être couverte par fournissement au Trésor

sans qu'il en résulte des charges pour les contribuables, il convient par conséquent, d'établir deux subdivisions dans cette partie du Budget.

Considérant en outre qu'il a été statué par la Loi du 27 Décembre 1826, que les dépenses comprises dans le second partie du Budget, pourront avoir lieu sur Notre autorisation, pendant le premier Semestre de 1827, proportionnellement au montant de la somme à laquelle elles ont été arrêtées par la Loi du 23 Décembre 1825, pour la première subdivision ainsi que le 5^e et 9^e Chapitre de la seconde subdivision de ce Budget pour 1826, et que cette disposition cessera d'avoir effet, même avant l'expiration du premier Semestre de 1827, si des dispositions législatives concernant la seconde partie du Budget de 1827, sont arrêtées avant cette époque.

A ces causes notre Conseil d'Etat entendu, et de commun accord avec les Etats Généraux, avons statué, comme nous statuons par les présentes.

ART. I. La seconde partie du Budget des dépenses du Royaume pour l'année 1827, comprendra deux subdivisions, arrêtées ainsi qu'il suit :

Première Subdivision.

Chap. I. Liste Civile.....	<i>Nihil.</i>
II. La Secrétairerie d'Etat, les Grands Corps de l'Etat, et les Fonctionnaires qui ne font partie d'aucun Département d'Administration.....	<i>Nihil.</i>
III. Département des Affaires Etrangères.....	66,000f.
IV. Département de la Justice.....	2,034,863 11
V. Département de l'Intérieur.....	2,981,351 14 f
VI. Département du culte réformé et autres, excepté le culte Catholique	<i>Nihil.</i>
VII. Département de la Guerre.....	1,682,217 32
VIII. Département de la Marine et des Colonies.....	1,900,000
IX. Département des Finances.....	7,902,645 61

Seconde Subdivision.

Chap. I. Liste Civile.....	<i>Nihil.</i>
II. La Secrétairerie d'Etat, les Grands Corps de l'Etat, et les Fonctionnaires qui ne font partie d'aucun Département d'Administration	<i>Nihil.</i>
III. Département des Affaires Etrangères.....	<i>Nihil.</i>
IV. Département de la Justice.....	<i>Nihil.</i>
V. Département de l'Intérieur.....	1,069,495
VI. Département du culte réformé et autres, excepté le culte Catholique	<i>Nihil.</i>
VII. Département de la Guerre.....	<i>Nihil.</i>
VIII. Département de la Marine et des Colonies.....	1,400,000
IX. Département des Finances.....	4,687,441 10

Total f. 7,156,936 10

portations of 1823, will not exceed 15,000,000 dollars. Under the most unfavourable circumstances, it is believed that the receipts of that Year will be sufficient to discharge all demands upon the Treasury which may be authorized by Law.

If the current appropriations for the Year 1825 shall be equal to those required by the Estimates of the ensuing year, the expenditure of that Year may be estimated at.....Doll. 28,253,597 22

Viz.: Current Appropriations..... 8,578,722 22

Permanent Appropriation for arming the Militia, and Indian Annuities..... 378,875 00

Gradual increase of the Navy.... 500,000 00

Publick Debt, including balances unapplied in 1823 and 1824, amounting to 8,796,000..... 18,796,000 00

The means of the Treasury to meet this extraordinary expenditure consist,

1st. Of the Balance which may be in the Treasury on the 1st of January of that Year, estimated at 8,000,000 00

And, 2d, of the Receipts of that

Year, estimated at..... 19,000,000 00

Viz.: Customs..... 17,000,000

Publick Lands..... 1,600,000

Bank Dividends..... 350,000

Incidental Receipts... 50,000

Making together an aggregate of..... 27,000,000 00

And leaving a deficit of aboutDollars 1,250,000 00

In this Estimate, the Receipts and Expenditures of the Year 1824 are estimated to be nearly equal. It is probable, however, that the Receipts may exceed, to a small extent, the Expenditures; but there is at least an equal probability that the Receipts for the Year 1825 are estimated too high. In the Year 1826, the Expenditure, assuming the current appropriations to be the same as in the Year 1823, may be estimated at 19,457,000 dollars, and the Receipts at 19,000,000 dollars. As the appropriation of 500,000 dollars for the gradual increase of the Navy expires in that Year, the Annual Expenditure may, for subsequent Years, be estimated at 19,000,000 dollars; unless it shall be considered expedient to make further provision for the increase of that essential means of national defence.

It is probable that the Annual Revenue will be equal to that Sum. To provide for the estimated deficit of the Years 1825 and 1826, as well as to meet any extraordinary demands upon the Treasury, which unforeseen exigencies may require, it is believed to be expedient that the Revenue should be increased. This may be conveniently effected by a judicious revision of the tariff; which, while it will not prove

onerous to the Consumer, will simplify the labours of the Officers of the Revenue. At present, articles composed of wool, cotton, flax, and hemp, pay different rates of Duty. Difficulties frequently occur in determining the Duties to which such articles are subject. The provision in the Tariff, that the Duty upon articles composed of various materials shall be regulated by the material of chief value of which they are composed, is productive of frequent embarrassment and much inconvenience. It is, therefore, respectfully submitted, that all articles composed of wool, cotton, flax, hemp, or silk, or of which any one of these materials is a component part, be subject to a Duty of 25 per cent. ad valorem. The Duties upon glass and paper, upon iron and lead, and upon all articles composed of the two latter materials, may also be increased, with a view to the augmentation of the Revenue. In all these cases, except articles composed of silk, it is probable, that the effect of the proposed augmentation of Duties will gradually lead to an ample supply of those articles from our Domestick Manufactories. It is, however, presumed, that the Revenue will continue to be augmented by the proposed alterations in the Tariff, until the Publick Debt shall have been redeemed; after which the Publick Expenditure in time of peace will be diminished to the extent of the Sinking Fund, which is at present 10,000,000 dollars. But if, contrary to present anticipations, the present augmentation of Duties should, before the Publick Debt be redeemed, produce a diminution of the Revenue arising from the importation of those articles, a corresponding, if not a greater, augmentation may be confidently expected upon other articles imported into The United States. This supposition rests upon the two-fold conviction, that Foreign Articles, nearly equal to the value of the Domestick Exports, will be imported and consumed; and that the substitution of particular classes of Domestick Articles for those of Foreign Nations, not only does not necessarily diminish the value of Domestick Exports, but usually tends to increase that value.

The Duties upon various other articles, not in any degree connected with our domestick industry, may, likewise, be increased with a view to the augmentation of the Publick Revenue. If the existing Tariff shall, during the present Session of Congress, be judiciously revised, for the purpose of augmenting the Revenue, it is confidently believed, that it will not only be amply sufficient to defray all the demands upon the Treasury, at present authorized by Law, but that there will remain an Annual Surplus, subject to such disposition for the promotion of the Publick welfare, as the wisdom of Congress may direct.

Under the Act of the 20th of April last, authorizing the exchange of certain portions of the Publick Debt for 5 per cent. Stock, 56,704 77 dollars only have been exchanged. The increased demand for Capital for the prosecution of commercial enterprizes during the present Year, and the rise in the rate of interest consequent upon that demand, which

were not anticipated at the time that the measure was proposed, have prevented its execution. Existing circumstances do not authorize the conclusion, that a measure of this nature will be more successful during the next Year. If the price of the Publick Debt in 1825 should be as high as it is at present, any portion of it, redeemable at the pleasure of the Government, which should be unredeemed in that and subsequent Years, after the application of the Sinking Fund to that object, may be advantageously exchanged for Stock, redeemable at such periods as to give full operation to the Sinking Fund. This may be effected, either directly, by an exchange of Stock, or indirectly, by authorizing a Loan to the amount of the Stock annually redeemable beyond the amount of the Sinking Fund applicable to that object.

All which is respectfully submitted.

Treasury Department, Dec. 23, 1822.

WM. H. CRAWFORD.

(A.) — *STATEMENT exhibiting the Amount of Duties which accrued on Merchandize, Tonnage, Passports, and Clearances; of Debentures issued on the Exportation of Foreign Merchandize; of Payments for Bounties and Allowances; of Expenses of Collection; and of Payments made into the Treasury, from the same sources, during the Year ending 31st December, 1821.*

	Dollars.
Duties on Merchandize.....	18,848,622 87
Do. on Tonnage, &c.....	98,177 60
Do. Passports, &c.....	9,858 00
	<hr/>
	18,956,658 47
Debentures issued	2,183,896 21
Bounties and Allowances.	181,160 71
	<hr/>
	2,365,056 92
Gross Revenue.....	16,591,601 55
Expenses of Collection.....	693,167 13
	<hr/>
Nett Revenue.....	15,898,434,42
	<hr/>
Payments made into the Treasury	Dollars 13,004,447 15
	<hr/>

(D and G.) — *Abstract STATEMENT of Lands sold, and of Monies received on account of Publick Lands. 1821, 1822.*

	Acres.
Lands sold in 1821	780,572

	Dollars.
Gross Amount received for Lands sold in 1821.....	1,169,224
Gross Amount received in 1821, for Lands sold prior to 1st July, 1820.....	330,115
	<hr/>
Total.....Dollars	1,499,340
Incidental Expenses, including Salaries and Commis- sion.....	86,824
Repayments made to Individuals for Lands erro- neously sold.....	2,587
	<hr/>
	89,411
Nett Proceeds, 1821.....Dollars	1,409,929
	<hr/>
Nett Proceeds, First Half Year 1822.....	644,199
Payments made into the Treasury do.....	705,532
Do. Quarter Year to 30th September.....	592,952
	<hr/>
Total, 1st January to 30th September, 1822.....Dollars	1,298,484
	<hr/>

(E.)—*STATEMENT of Moneys received into the Treasury from all sources other than Customs and Publick Lands, during the Year 1821.*

	Dollars.
From arrears of Old Internal Revenue, Direct Tax of 1798.....	3,661 25
New Internal Revenue.....	69,027 63
New Direct Tax.....	25,687 80
Dividend on Stock in the Bank of The U. States..	105,000 00
Fees on Letters Patent.....	4,770 00
Postage of Letters.....	516 91
Cents coined at the Mint.....	14,440 00
Prizes captured by Publick Armed Vessels	634 20
Sales of Publick Lots in the City of Washington..	9,372 75
Return Passage Money of an American Seaman...	10 00
Damages recovered in an Action of Ejectment in the District Court of Vermont	233 33
Vessels, &c. condemned under the Acts pro- hibiting the Slave Trade.....	8,923 28
Interest on Balances due by Banks to The United States.....	310 35

From Moneys previously advanced on	
Account of the 3d Census	231 18
Do. Building Custom Houses.....	716 62
Do. Balances of advances made to the	
War Department.....	112,430 81
	<hr/>
	113,378 61
From small Treasury Notes, for which Certificates of	
7 per Cent. Stock have been issued.....	324 00
Loan authorized by Act of 3d	
March, 1821	4,735,296 30
Premium on the same.....	264,703 70
	<hr/>
	5,000,000 00
	<hr/>
Dollars.....	5,356,290 11
	<hr/>

Treasury Department, Register's Office, December 12, 1822.

JOSEPH NOURSE, Register.

(F.)—*STATEMENT of the Expenditures of The United States, for the Year 1821.*

Civil, Miscellaneous, and Diplomatic, viz.

Legislature	359,900 04
Executive Departments	506,024 19
Officers of the Mint.....	9,600 00
Surveying Department	16,837 32
Commissioner Public Buildings	1,000 00
Governments in the Territories of The United	
States	14,101 68
Judiciary	204,829 41
	<hr/>
	1,112,292 64
Annuities and Grants	1,300 00
Mint Establishment.....	45,850 00
Unclaimed Merchandize.....	3,736 92
Light House Establishment.....	146,584 84
Surveys of Public Lands	173,941 95
Privateer Pension Fund	1,961 54
Trading Houses with the Indians	18,750 00
Roads within the State of Ohio	9,802 85
Roads within the State of Alabama.....	950 00
Road from Cumberland to Ohio	65,320 11
Road from Wheeling, Va. to the Mississippi River	5,000 00
Marine Hospital Establishment.....	66,845 48
Public Buildings in Washington	110,136 00
Florida Claims	413 60
Payment of Claims for Property lost, &c.	134 50
Payment of Balances to Collectors of New Inter-	
nal Revenue.....	2,567 05

Payment of Balances to certain Collectors of Old Internal Revenue	266 98	
Payment of Outstanding Debentures for Internal Duties	7,074 16	
Prohibition of the Slave Trade.....	7,502 67	
Prisoners of War.....	2,684 57	
Fourth Census.....	212,000 00	
Refunding surplus proceeds of Property sold for Payment of Direct Tax.....	134 58	
Votes for President and Vice President of The United States.....	3,195 50	
Miscellaneous Claims	33,314 85	
Surveying certain parts of Coast North Carolina	3,000 00	
		922,468 15
Diplomatick Department	45,524 91	
Contingent Expenses of Foreign Intercourse...	21,662 77	
Relief and Protection of American Seamen	33,504 26	
Treaty of Ghent.....	29,522 66	
Treaties with Mediterranean Powers	13,896 15	
Treaty with Spain.....	63,000 00	
		207,110 75
<i>Military Department, viz.</i>		
Pay of the Army	1,154,555 86	
Subsistence.....	354,654 67	
Forage	31,540 00	
Clothing	276,565 25	
Medical and Hospital Department.....	12,505 00	
Contingent Expenses	40,000 00	
Ordnance	805,250 00	
Fortifications	602,000 00	
Quartermaster's Department	456,380 50	
Military Academy at West Point.....	59,286 79	
Arrearages of Outstanding Claims	30,000 00	
Survey of the Water Courses West of the Mississippi	4,500 00	
Survey of the Ohio and Mississippi Rivers, &c...	5,000 00	
Pay of Disbanded Officers and Soldiers.....	60,000 00	
Balances due to certain States.....	350,000 00	
Boundary Line of Indian Cessions.....	15,000 00	
Indian Department	330,205 44	
Civilization of Indian Tribes	10,000 00	
Road through the Creek Nation, between Georgia and Alabama	3,300 00	
Relief of John Harding and others.....	180 00	
Joseph Bruce	65 00	
Thomas C. Withers.....	370 00	
Daniel Converse and George Miller ...	35 00	
Military Pensions.....	212,817 25	
Half Pay Pensions to Widows and Orphans.....	30,000 00	
Arming and equipping the Militia	200,000 00	

Treaties with Indian Tribes.....	118,050 00	
Survey of the Coast of The United States.....	103 71	
	<hr/>	5,162,364 47

Naval Department, viz.

Pay and Subsistence of Officers, and Pay of Seamen	983,325 25	
Provisions.....	337,831 00	
Medicines	32,000 00	
Repairs of Vessels.....	475,000 00	
Ordnance	25,000 00	
Contingent Expenses.....	200,000 00	
Pay and Subsistence of the Marine Corps	169,393 00	
Clothing ditto.....	30,686 31	
Fuel ditto.....	6,857 50	
Quartermasters and Contingencies, Marine Corps.....	14,000 00	
Gradual Increase of the Navy	950,000 00	
Navy Yards	85,000 00	
Building small Vessels of War	10,000 00	
Removing Obstructions in the River Thames....	150 00	
	<hr/>	3,319,243 06

Publick Debt, viz.

Interest and Reimbursement of Domestick Debt	5,623,321 38	
Interest on Louisiana Stock	36,560 88	
Redemption of Louisiana Stock	2,071,360 00	
Payment of certain parts of Domestick Debt..	54 45	
Reimbursement of Mississippi Stock	634,022 53	
Principal and Interest of Treasury Notes	1,774 38	
	<hr/>	8,367,093 62
		<hr/>
	Dollars	19,090,572 69
		<hr/>

Treasury Department, Register's Office, December 14, 1822.

JOSEPH NOURSE, Register.

(H.)—STATEMENT of Moneys received into the Treasury, from all sources other than Customs and Publick Lands, from 1st January to 30th September, 1822.

From arrears of Old Internal Revenue	121 11	
Direct Tax of 1798	863 22	
New Internal Revenue	55,863 97	
New Direct Tax.....	15,265 92	
Dividends on Stock in the Bank of The United States	297,500 00	
Fees on Letters Patent	4,950 00	
Postage of Letters	602 04	
Cents coined at the Mint.....	9,594 00	
Vessels, &c. condemned under the Acts prohibiting the Slave Trade	1,507 86	

From Interest on Balances due by Banks to the United States	543 73
Nett proceeds of Gun Boats, sold by Act of 27th February, 1817.....	2,381 58
Money previously advanced on account of the 3d Census.....	12 84
Do. Military Pensions.....	2,087 29
Do. Roads under the Treaty of Brownstown	578 21
Do. Balances of advances made to War Department under 3d Sec.....	54,667 82
Do. Balances of appropriations for the War Department, returned to the Treasury, and carried to the Surplus Fund under the Act of 1st of May, 1820	84,282 16
Do. Balances of appropriations for the Navy Department, returned to the Treasury, and carried to the Surplus Fund, under the Act of May, 1820.....	267,169 30
	<hr/> 408,797 62
	<hr/> Dollars 797,991 04

Treasury Department, Register's Office, December 12, 1822.

JOSEPH NOURSE, Register.

(I).—*STATEMENT of the Expenditures of The United States, from the 1st January to the 30th September, 1822.*

Civil, Miscellaneous, and Diplomattick, viz.

Legislature.....	369,790 51
Executive Departments.....	346,390 94
Officers of the Mint.....	7,200 00
Commissioner of the Publick Buildings	1,178 08
Surveying Department.....	6,882 50
Governments in the Territories of The United States.....	9,200 00
Judiciary	160,143 69
	<hr/> 900,785 72
Annuities and Grants	1,657 13
Mint Establishment.....	8,000 00
Unclaimed Merchandize.....	598 49
Light House Establishment.....	128,197 27
Surveys of Publick Lands.....	66,735 00
Privateer Pension Fund	1,221 62
Appropriation of Prize Money.....	634 20
Trading Houses with the Indians	9,570 60
Roads within the State of Ohio.....	3,257 54
Roads within the State of Alabama	800 00
Roads within the State of Indiana	32,629 46
Marine Hospital Establishment.....	33,959 21
Publick Buildings in Washington.....	97,751 53

Building Custom Houses	1,319 26	
Florida Claims.....	141 17	
Payment of Balances to Collectors of New Internal Revenue.....	517 93	
Payment of Balances to Officers of Old Internal Revenue and Direct Tax.....	3,234 82	
Prohibition of the Slave Trade	22,820 42	
Prisoners of War	2,089 87	
Payment of certain Certificates	2,029 43	
Printing the Journal of the Convention	542 56	
Payment of Claims for Property lost	55 00	
Survey of the Coast of Florida.....	150 00	
Refunding Duties on Distilled Spirits	95 62	
Miscellaneous Expenses.....	87,210 60	
		505,218 73
Diplomatick Department.....	86,023 30	
Contingent Expenses of Foreign Intercourse ...	7,250 00	
Relief and Protection of American Seamen.....	7,543 39	
Treaty of Ghent.....	13,492 24	
Treaty with Spain.....	14,277 86	
Treaties with Mediterranean Powers	1,843 00	
		130,429 79

Military Department, viz.

Pay of the Army	865,050 68
Subsistence.....	183,275 61
Forage.....	12,633 96
Clothing	131,435 33
Medical and Hospital Department.....	13,409 83
Contingent Expenses War Department.....	4,017 33
Ordnance Department	263,539 28
Fortifications	111,108 87
Quartermaster's Department	318,201 98
Military Academy at West Point.....	2,492 43
Brigade of Militia	10,693 28
Surveys of Ports and Harbours	3 50
Medals for Officers of the Army	4,080 00
New Roofs for the Barracks at Carlisle.....	3,500 00
Arrearages of Outstanding Claims.....	108,652 10
Maps, Plans, &c. War Office	140 22
Completing the Road through Georgia	321 01
Relief of General James Wilkinson	2,926 59
Joshua Newsom and others.....	647 80
Elias Parks	2,284 00
John Anderson	1,300 00
William Gwynn	47 50
William E. Meek..	1,279 87
Cornelius Huson	250 00
William Henderson.....	2,765 00

Relief of James Peirce	430 00
Greenberry H. Murphey	1,490 30
Militia Courts Martial, Colonel Wood, President	762 84
Do. Thomas C. Miller .....do.....	1,494 65
Do. T. More and D. Fore .....do.....	606 59
Do. General Steddiford .....do.....	17,839 24
Repairs and Contingencies of Fortifications	3,192 32
Fort Delaware	8,400 00
Monroe	27,592 32
Washington	12,585 56
Calhoun	17,400 00
The Rigolets	48,006 84
Barracks at Baton Rouge	8,108 16
Mobile Point	1,993 16
Survey of the Ohio and Mississippi Rivers	276 00
Arsenal at Baton Rouge	3,000 00
Materials for a Fort opposite Fort St. Philip ...	800 00
Balance due to the State of Maryland	527 00
Relief of William Dooley	350 80
Relief of the Planter's Bank New Orleans	8,495 70
Bounties and Premiums	3,718 90
Preservation of Arms	2,200 00
Army Supplies	820 00
Expenses of Arsenals	585 50
Repairing Arms	2,841 05
Repairs of Arsenals	89 81
Preservation of Ammunition	1,550 00
Arming and equipping the Militia ..	332,466 44
Gratuities, &c.	392 28
Armories	94,000 00
Cannon, Shot, &c.	1,000 00
Expenses of Recruiting	21 33
Revolutionary Pensions	1,642,590 94
Military and Half-Pay Pensions	3,00935 90
Indian Department	152,984 67
Civilization of the Indians	1,373 80
Annuities to Indians, per Act 6 May, 1796	14,505 54
Do. 25 Feb. 1799	15,322 19
Do. 3 March, 1805	1,000 00
Do. 21 April, 1806	31,167 17
Do. 3 March, 1807	661 11
Do. 19 Feb. 1808	100,000 00
Do. 1 May, 1810	4,200 00
Do. 3 March, 1811	2,235 07
Do. 26 April, 1816	50 00
Do. 3 March, 1817	38,716 44
Do. 3 March, 1821	29,454 01
Do. 3 March, 1819	117,050 00
Do. 8 Jan. 1821	60,760 47

UNITED STATES.

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Annuities to Indians, per Act 15 May, 1820	6,000 00
Do. 7 May, 1822	15,100 00
Do. 7 May, 1822	18,107 10
Treaties with the Creeks and Cherokees.....	25,010 43
Do. with the Creeks.....	8,331 27
Pay of Indian Agents	7,000 00
Do. Sub-Agents	3,750 00
Presents to Indians	4,935 59

Dollars 5,158,289 66

From which deduct the following Repayments, viz.

Expenses of Recruiting	12,246 69
Balances due to certain States	120,433 26
Bounties and Premiums.....	29,006 58
Mobile Point	12,550 00
Gratuities	15,469 15
Cannon, Shells, &c.	8,478 95
Arsenal at Baton Rouge	4,690 29
Powder Magazine at Frankfort, Pennsylvania.....	17 50
Survey of the Ohio and Mississippi Rivers	1,251 60
Survey of Water Courses, Missis- sippi.....	184 46
Relief of T. C. Withers	187 00
Do. J. Harding	180 00
Boundary Line between The United States and the Creeks	865 38
Do. of several cessions	15,000 00
Claims against the Osages	3,582 50
Arsenal at Watervliet	324 69
Treaty with the Indians in Missis- sippi	3,610 93
	<hr/> 228,078 98
	<hr/> 4,930,210 68

Naval Department. viz.

Pay of the Navy.....	533,071 56
Provisions.....	113,649 99
Medicines	10,476 42
Repairs of Vessels	217,279 59
Ordnance	822 81
Freight and Contingent Expenses	141,062 54
Navy Yards	34,663 75
Superintendents, &c.	19,225 71
Labourers, &c.....	9,703 01
Gradual Increase.....	425,483 09
Pay and subsistence of the Marine Corps	48,192 43

Clothing of the Marine Corps.....	26,277 50
Fuel do. do.	724 95
Quartermaster's Stores and Contingencies, do.	15,990 13
	<hr/>
	1,596,623 48 6,466,644 92

From which deduct the following Repayments, viz.

Heads to which they apply :	
Purchase of Timber	11,584 67
Repairs of Vessels damaged in action.....	984 00
Shot, Shells, and Military Stores..	25,910 70
Repairs of the " Constellation" ..	450 00
Seventy-fours and Frigates	4 00
Survey Coast of North Carolina ..	430 38
Widows and Orphans of Persons on board Epervier.....	7,481 70
Military Stores, M. Corps.....	10,825 15
	<hr/>
	57,670 60
	<hr/>
	1,538,952 88

Publick Debt, viz.

Interest, &c. Domestick Debt	4,163,656 47
Redemption of Louisiana Stock.....	5,294 12
Reimbursement of Mississippi Stock	23,388 94
Certain Parts Domestick Debt	438 99
Redemption of 6 per Cent. Stock of 1796	80,000 00
Principal and Interest of Treasury Notes	277 00
	<hr/>
	4,273,035 52

Dollars 12,278,653 32

Treasury Department, Register's Office, December 14, 1822.

JOSEPH NOURSE, Register.

(1.)—*STATEMENT of the Funded Debt of the United States, on the 1st October, 1821.*

Deferred Stock, (unredeemed amount)	1,783,257 66
Three per Cent. Stock.....	13,295,956 04
Six per Cent. of 1796	80,000 00
Exchanged six per Cent. of 1812.....	2,668,974 99
Louisiana six per Cent. Stock, (amount unapplied for).....	5,558 15
	<hr/>
	17,833,746 84
Six per Cent. Stock of 1812.....	6,187,006 84
Six per Cent. Stock of 1813.....	
(16 millions)	15,521,136 45
Six per Cent. Stock of 1813	
(7½ Millions)	6,836,232 39
Six per Cent. Stock of 1814	13,011,437 63
Six per Cent. Stock of 1815	9,490,099 10
Treasury Note six per Cent. Stock	1,464,895 07

Treasury Note seven per Cent. Stock	8,606,355 27	
Five per Cent. Stock, (Subscription to Bank United States)	7,000,000 00	
Six per Cent. Stock of 1820	2,000,000 00	
Five per Cent. Stock of 1820.....	999,999 13	
Five per Cent. Stock of 1821.....	4,735,296 30	
	<hr/>	75,852,458 18
	Dollars	93,686,205 02

Note.—The estimated Amount per No. 1, of the Secretary's Report of last Year, was	93,686,095 74
To which add this sum, then over estimated as reimburse- ment of deferred Stock.....	109 28
Making as above....Dollars	93,686,205 02

Treasury Department, Register's Office, December 2d, 1822.

JOSEPH NOURSE, Register.

(2.)—*STATEMENT of the Debt of the United States on the
1st January, 1822.*

Deferred Stock, (unredeemed amount).....	1,526,077 06	
Three per Cent. Stock	13,295,956 04	
Six per Cent. Stock of 1796	80,000 00	
Exchanged six per Cent. Stock of 1812.....	2,668,974 99	
	<hr/>	17,571,008 09
Six per Cent. Stock of 1812.....	6,187,006 84	
Six per Cent. Stock of 1813, (16 millions)..	15,521,136 45	
Six per Cent. Stock of 1813, (7½ millions)...	6,836,232 39	
Six per Cent. Stock of 1814	13,011,437 63	
Six per Cent. Stock of 1815.....	9,490,099 10	
Treasury Note six per Cent. Stock.....	1,465,285 47	
Treasury Note Seven per Cent. Stock.....	8,606,355 27	
Five per Cent. Stock, (Subscription to Bank United States)	7,000,000 00	
Six per Cent. Stock of 1820	2,000,000 00	
Five per Cent. Stock of 1820	999,999 13	
Five per Cent. Stock of 1821.....	4,735,296 30	
	<hr/>	75,852,848 58
	Dollars	93,423,856 67

Amount of the Debt, (per Statement 1) on the 1st October, 1821	93,686,205 02
Add Treasury Note six per Cent. Stock, issued in the fourth Quarter, 1821.....	390 40
	<hr/>
	93,686,595 42

Deduct reimbursement of the Deferred Stock, on the 31st December, 1821.....	257,180 60	
And Payment of Louisiana Stock, which, on the 1st October, 1821, had not been applied for	5,558 15	
		262,738 75

Amount, as above, on 1st January, 1822.....Dollars 93,423,856 67

Treasury Department, Register's Office, December 2d, 1822.

JOSEPH NOURSE, Register.

(3.)—*ESTIMATE of the Funded Debt of The United States,
1st October, 1822, and 1st January, 1823.*

On the 1st October, 1822.

Deferred Stock, (unredeemed amount).....	1,225,097 04	
Three per cent. Stock	13,296,099 06	
Exchanged six per cent. Stock.....	2,668,974 99	
		17,190,171 09
Six per cent. Stock of 1812.....	6,187,006 84	
Do..... 1813, (16 millions)....	15,521,136 45	
Do..... Do. (7½ millions)....	6,836,232 39	
Do..... 1814.	13,011,437 63	
Do..... 1815.....	9,490,099 10	
Treasury note six per cent. Stock	1,465,285 47	
Do.....seven.....Do.....	8,606,355 27	
Five per cent. Stock, (subscription to Bank United States).....	7,000,000 00	
Six per cent. Stock of 1820.....	2,000,000 00	
Five per cent. Stock of 1820.....	999,999 13	
Do.....1821.....	4,735,296 30	
		75,852,848 58

Amount.....Dollars 93,043,019 67

Amount, as stated 1st January, 1822..... 93,423,856 67
Add three per cent. Stock, issued since..... 143 02

		93,423,999 69
Deduct reimbursement of deferred Stock	300,980 02	
Payment of the six per cent. Stock of 1796	80,000 00	
		380,980 02

As above, 1st October, 1822.....Dollars 93,043,019 67

Estimated amount of Payments in the Fourth Quarter, 1822.

Reimbursement of the deferred Stock

265,588 07

Payment of the six per cent. Stock of 1820. . . 2,000,000	
	2,265,588 07

Estimated amount of the Debt, 1st January, 1823. . . .	90,777,431 60
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Note.—The following Sums, included in the above Statement, were surrendered on the 1st October, and exchanged five per cent. Stock issued in lieu thereof, under the Act of the 20th April. 1822, viz.

Six per cent. Stock of 1813.	46,704 77
Six per cent. Stock of 1814.	10,000 00

Treasury Department,	Dollars 56,704 77
Register's Office, December 2, 1822.	

JOSEPH NOURSE, Register.

(4.)—*ESTIMATE of the Amount of Treasury Notes outstanding 1st October, 1822.*

Total Amount issued (as per No. 4, of last Report)	36,680,794
Cancelled, and reported on by the first Auditor	36,653,357

Outstanding	Dollars 27,437
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Of which there appears to be in small Notes	2,917
Notes bearing Interest.	24,520

	Dollars 27,437
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Treasury Department, Register's Office, December 2, 1822.

JOSEPH NOURSE, Register.

(5.)—*STATEMENT of the Stock issued under the Act of Congress, entitled "An Act supplementary to the Act for the Indemnification of certain Claimants of Publick Lands in the Mississippi Territory," passed on the 3d March, 1815.*

Amount of Claims awarded per Statement (5) of last Report	4,282,151 12½
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Whereof there was paid in for Lands per Do.	2,442,535 39
Paid in since.	5,000 00

	2,447,535 39
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Payments at the Treasury to the 30th September,

1821, per said Statement.	1,734,490 85
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Do. from the 1st of October, 1821, to the 30th

September, 1822	73,388 94
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	1,807,879 70
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Balance, 1st October, 1822, consisting of Certificates outstanding.....	23,949 00	
Awards not applied for.....	2,786 94½	
		26,735 94½

Treasury Department,

Register's Office, December 2, 1822.

Dollars 4,282,151 12½

JOSEPH NOURSE, Register.

CIRCULAR to the Collectors of Customs in The United States, relative to the treatment of Belligerent Armed Vessels, and their Cargoes, belonging to France and Spain, and to Spanish America, in the Ports of The United States.

SIR,

Treasury Department, 30th July, 1823.

As it is probable that, in the progress of the War which now exists between France and Spain, the publick and private armed Vessels of one, and perhaps of both Belligerents may, by stress of weather, pursuit of enemies, or some other urgent necessity, be forced to enter the Ports and Harbours of The United States, it becomes the duty of the Government to prescribe the manner in which they shall be treated whilst they remain within its jurisdiction.

As there exists, upon this subject, no legislative enactment, the question must be decided by the Conventional Engagements which The United States have contracted with the Belligerent Parties.

By the 8th Article of the Treaty between The United States and Spain,* it is provided that the publick and private Vessels of Spain, when forced by stress of weather, pursuit of Enemies, or any other urgent necessity, to seek shelter or harbour, may enter into any of the Rivers, Bays, Roads, or Ports, belonging to The United States, and shall be received with all humanity, and enjoy all favour, protection, and help, and be permitted to refresh and provide themselves, at reasonable rates, with provisions and all things needful for the subsistence of their persons, or reparation of their ships, and prosecution

* Art. VIII. Treaty between The United States and Spain: San Lorenzo el Real, 27th October, 1795.

In case the Subjects and Inhabitants of either Party, with their Shipping, whether Publick and of War, or Private and of Merchants, be forced, through stress of weather, pursuit of Pirates or Enemies, or any other urgent necessity for seeking shelter and harbour, to retreat and enter into any of the Rivers, Bays, Roads, or Ports, belonging to the other Party, they shall be received and treated with all humanity, and enjoy all favour, protection, and help; and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals, and all things needful for the subsistence of their persons, or reparation of their Ships, and prosecution of their Voyage, and they shall no ways be hindered from returning out of the said Ports or Roads, but may remove and depart when and whither they please, without any let or hindrance.

laid before the Senate for the exercise of their constitutional authority concerning them.

In the execution of the Treaties of Peace of November 1782 and September 1783, between The United States and *Great Britain*, and which terminated the War of our Independence, a line of Boundary was drawn as the demarcation of Territory between the two Countries, extending over near 20 degrees of latitude, and ranging over seas, lakes, and mountains, then very imperfectly explored, and scarcely opened to the geographical knowledge of the Age. In the progress of discovery and settlement by both Parties since that time, several questions of Boundary between their respective Territories, have arisen, which have been found of exceedingly difficult adjustment. At the close of the last War with Great Britain, four of these questions pressed themselves upon the consideration of the Negotiators of the Treaty of Ghent, but without the means of concluding a definitive arrangement concerning them. They were referred to three separate Commissions, consisting of two Commissioners, one appointed by each Party, to examine and decide upon their respective Claims. In the event of disagreement between the Commissioners, it was provided that they should make Reports to their several Governments; and that the Reports should finally be referred to the decision of a Sovereign the common Friend of both. Of these Commissions, two have already terminated their sessions and investigations, one by entire, and the other by partial agreement. The Commissioners of the fifth Article of the Treaty of Ghent have finally disagreed, and made their conflicting Reports to their own Governments. But from these Reports a great difficulty has occurred in making up a question to be decided by the Arbitrator. This purpose has, however, been effected by a fourth Convention, concluded at London by the Plenipotentiaries of the two Governments on the 29th of September last. It will be submitted, together with the others, to the consideration of the Senate.

While these questions have been pending, incidents have occurred of conflicting pretensions, and of dangerous character upon the Territory itself in dispute between the two Nations. By a common understanding between the Governments it was agreed that no exercise of exclusive jurisdiction by either Party, while the Negotiation was pending, should change the state of the question of right to be definitively settled. Such collision has nevertheless recently taken place, by occurrences the precise character of which has not yet been ascertained. A communication from the Governor of the State of Maine, with accompanying Documents, and a Correspondence between the Secretary of State and the Minister of Great Britain, on this subject, are now communicated. Measures have been taken to ascertain the state of the facts more correctly by the employment of a special Agent to visit the

spot where the alleged outrages have occurred, the result of whose enquiries, when received, will be transmitted to Congress.

While so many of the subjects of high interest to the friendly relations between the two Countries have been so far adjusted, it is matter of regret that their views respecting the Commercial Intercourse between The United States and the British Colonial Possessions have not equally approximated to a friendly agreement.

At the commencement of the last Session of Congress, they were informed of the sudden and unexpected exclusion by the British Government, of access, in Vessels of The United States, to all their Colonial Ports, except those immediately bordering upon our own Territories. In the amicable discussions which have succeeded the adoption of this measure, which, as it affected harshly the interests of The United States, became a subject of expostulation on our part, the principles upon which its justification has been placed have been of a diversified character. It has been at once ascribed to a mere recurrence to the old long established principle of Colonial monopoly, and at the same time to a feeling of resentment because the offers of an Act of Parliament, opening the Colonial Ports upon certain conditions, had not been grasped at with sufficient eagerness by an instantaneous conformity to them. At a subsequent period it has been intimated that the new exclusion was in resentment because a prior Act of Parliament of 1822, opening certain Colonial Ports under heavy and burdensome restrictions to Vessels of The United States, had not been reciprocated by an admission of British Vessels from the Colonies, and their Cargoes, without any restriction or discrimination whatever. But, be the motive for the interdiction what it may, the British Government have manifested no disposition, either by Negotiation or by corresponding legislative enactments, to recede from it, and we have been given distinctly to understand that neither of the Bills which were under the consideration of Congress at their last Session would have been deemed sufficient in their concessions, to have been rewarded by any relaxation from the British interdict. It is one of the inconveniences inseparably connected with the attempt to adjust by reciprocal legislation interests of this nature, that neither Party can know what would be satisfactory to the other; and that after enacting a Statute for the avowed and sincere purpose of conciliation, it will generally be found utterly inadequate to the expectations of the other Party, and will terminate in mutual disappointment.

The Session of Congress having terminated without any Act upon the subject, a Proclamation was issued on the 17th March last, conformably to the provisions of the 6th Section of the Act of 1st March, 1823, declaring the fact that the Trade and Intercourse authorized by the British Act of Parliament of 24th June, 1822, between The United

States and the British enumerated Colonial Ports, had been by the subsequent Acts of Parliament of 5th July, 1825, and the Order of Council of 27th July, 1826, prohibited. The effect of this Proclamation, by the terms of the Act under which it was issued, has been, that each and every provision of the Act concerning Navigation, of 18th April, 1818, and of the Act supplementary thereto of 15th May, 1820, revived, and is in full force. Such, then, is the present condition of the Trade, that, useful as it is to both Parties, it can, with a single momentary exception, be carried on directly by the Vessels of neither. That exception itself is found in a Proclamation of the Governor of the Island of St. Christopher, and of the Virgin Islands, inviting, for 3 months from the 28th of August last, the importation of the Articles of the produce of The United States, which constitute their export portion of this Trade, in the Vessels of all Nations. That period having already expired, the state of mutual interdiction has again taken place. The British Government have not only declined Negotiation upon this subject, but, by the principle they have assumed with reference to it, have precluded even the means of Negotiation. It becomes not the self-respect of The United States, either to solicit gratuitous favours, or to accept as the grant of a favour that for which an ample equivalent is exacted. It remains to be determined by the respective Governments, whether the Trade shall be opened by Acts of reciprocal Legislation. It is in the mean time satisfactory to know, that apart from the inconveniences resulting from a disturbance of the usual channels of Trade, no loss has been sustained by the Commerce, the Navigation or the Revenue of The United States, and none of magnitude is to be apprehended from this existing state of mutual interdict.

With the other maritime and commercial Nations of Europe, our Intercourse continues with little variation. Since the cessation, by the Convention of 24th June, 1822, of all discriminating duties upon the Vessels of The United States and of *France*, in either Country, our Trade with that Nation has increased and is increasing. A disposition on the part of France has been manifested to renew that Negotiation; and, in acceding to the proposal, we have expressed the wish that it might be extended to other objects, upon which a good understanding between the Parties would be beneficial to the interests of both. The origin of the political relations between The United States and France, is coeval with the first years of our Independence. The memory of it is interwoven with that of our arduous struggle for national existence. Weakened as it has occasionally been since that time, it can by us never be forgotten; and we should hail with exultation the moment which should indicate a recollection equally friendly in spirit, on the part of France. A fresh effort has been recently made by the Minister of The United States residing at Paris, to obtain a consideration of the just claims of Citizens of The United States, to the reparation of wrongs

long since committed, many of them frankly acknowledged, and all of them entitled, upon every principle of justice, to a candid examination. The proposal last made to the French Government has been to refer the subject, which has formed an obstacle to this consideration, to the determination of a Sovereign, the common friend of both. To this offer no definitive answer has yet been received; but the gallant and honourable spirit which has at all times been the pride and glory of France, will not ultimately permit the demands of innocent sufferers to be extinguished in the mere consciousness of the power to reject them.

A new Treaty of Amity, Navigation, and Commerce, has been concluded with the Kingdom of *Sweden*, which will be submitted to the Senate for their advice with regard to its ratification. At a more recent date, a Minister Plenipotentiary from the Hanseatic Republics of *Hamburg*, *Lubeck*, and *Bremen*, has been received, charged with a special Mission for the Negotiation of a Treaty of Amity and Commerce between that ancient and renowned League and The United States. This Negotiation has accordingly been commenced, and is now in progress, the result of which will, if successful, be also submitted to the Senate, for their consideration.

Since the accession of the Emperor Nicholas to the Imperial Throne of all the *Russias*, the friendly dispositions towards The United States, so constantly manifested by his Predecessor, have continued unabated; and have been recently testified by the appointment of a Minister Plenipotentiary to reside at this place. From the interest taken by this Sovereign in behalf of the suffering *Greeks*, and from the spirit with which others of the Great European Powers are co-operating with him, the friends of freedom and of humanity may indulge the hope, that they will obtain relief from that most unequal of conflicts, which they have so long and so gallantly sustained: that they will enjoy the blessing of self-government, which by their sufferings in the cause of liberty they have richly earned; and that their independence will be secured by those liberal Institutions, of which their Country furnished the earliest examples in the history of mankind, and which have consecrated to immortal remembrance the very soil for which they are now again profusely pouring forth their blood. The sympathies which the People and Government of The United States have so warmly indulged with their cause, have been acknowledged by their Government, in a letter of thanks, which I have received from their illustrious President, a translation of which is now communicated to Congress, the Representatives of that Nation to whom this tribute of gratitude was intended to be paid, and to whom it was justly due.

In the American hemisphere the cause of freedom and Independence has continued to prevail; and if signalized by none of those splendid triumphs which had crowned with glory some of the preceding years, it has only been from the banishment of all external force

against which the struggle had been maintained. The shout of victory has been superseded by the expulsion of the enemy over whom it could have been achieved. Our friendly wishes and cordial good will, which have constantly followed the Southern Nations of America in all the vicissitudes of their War of Independence, are succeeded by a solicitude, equally ardent and cordial, that, by the wisdom and purity of their Institutions, they may secure to themselves the choicest blessings of social order, and the best rewards of virtuous liberty. Disclaiming alike all right and all intention of interfering in those concerns which it is the prerogative of their independence to regulate as to them shall see fit, we hail with joy every indication of their prosperity, of their harmony, of their persevering and inflexible homage to those principles of freedom and of equal rights, which are alone suited to the genius and temper of the American Nations. It has been therefore with some concern that we have observed indications of intestine divisions in some of the Republics of the South, and appearances of less union with one another, than we believe to be the interest of all. Among the results of this state of things has been that the Treaties concluded at *Panama* do not appear to have been ratified by the Contracting Parties, and that the Meeting of the Congress at Tacubaya has been indefinitely postponed. In accepting the invitations to be represented at this Congress, while a manifestation was intended on the part of The United States, of the most friendly disposition towards the Southern Republics by whom it had been proposed, it was hoped that it would furnish an opportunity for bringing all the Nations of this hemisphere to the common acknowledgment and adoption of the principles, in the regulation of their international relations, which would have secured a lasting peace and harmony between them, and have promoted the cause of mutual benevolence throughout the globe. But as obstacles appear to have arisen to the re-assembling of the Congress, one of the two Ministers commissioned on the part of The United States has returned to the bosom of his Country, while the Minister charged with the ordinary Mission to *Mexico* remains authorized to attend at the Conferences of the Congress whenever they may be resumed.

A hope was for a short time entertained, that a Treaty of Peace, actually signed between the Governments of *Buenos Ayres* and *Brazil*, would supersede all further occasion for those collisions between belligerent pretensions and neutral rights, which are so commonly the result of Maritime War, and which have, unfortunately, disturbed the harmony of the relations between The United States and the Brazilian Government. At their last Session, Congress were informed that some of the Naval Officers of that Empire had advanced and practised upon principles in relation to Blockades and to Neutral Navigation, which we could not sanction, and which our Commanders found it necessary to resist. It appears that they have not been sus-

tained by the Government of Brazil itself. Some of the Vessels captured under the assumed authority of these erroneous principles, have been restored ; and we trust that our just expectations will be realized, that adequate indemnity will be made to all the Citizens of The United States who have suffered by the unwarranted captures which the Brazilian Tribunals themselves have pronounced unlawful.

In the Diplomatic Discussion at Rio de Janeiro, of these wrongs sustained by Citizens of The United States, and of others which seemed as if emanating immediately from that Government itself, the Chargé d'Affaires of The United States, under an impression that his representations in behalf of the rights and interests of his Countrymen were totally disregarded and useless, deemed it his duty, without waiting for instructions, to terminate his official functions, to demand his Passports, and return to The United States. This movement, dictated by an honest zeal for the honor and interests of his Country ; motives which operated exclusively upon the mind of the Officer who resorted to it, has not been disapproved by me. The Brazilian Government, however, complained of it as a measure for which no adequate intentional cause had been given by them ; and upon an explicit assurance, through their Chargé d' Affaires, residing here, that a Successor to the late Representative of The United States near that Government, the appointment of whom they desired, should be received and treated with the respect due to his character, and that indemnity should be promptly made for all injuries inflicted on Citizens of The United States or their property, contrary to the Laws of Nations, a temporary Commission as Chargé d' Affaires to that Country has been issued, which it is hoped will entirely restore the ordinary Diplomatic Intercourse between the two Governments, and the friendly relations between their respective Nations.

Turning from the momentous concerns of our Union in its intercourse with Foreign Nations, to those of the deepest interest in the administration of our internal affairs, we find the Revenues of the present Year corresponding as nearly as might be expected with the anticipations of the last, and presenting an aspect still more favourable in the promise of the next. The Balance in the Treasury on the first of January last was 6,358,686 dollars 18 cents. The receipts from that day to the 30th of September last, as near as the returns of them yet received can show, amount to 16,886,581 dollars 32 cents. The receipts of the present quarter, estimated at 4,515,000 dollars added to the above, form an aggregate of 21,400,000 dollars of receipts. The Expenditures of the Year may perhaps amount to 22,300,000 dollars, presenting a small excess over the receipts. But of these 22,000,000, upwards of 6 have been applied to the discharge of the principal of the public debt ; the whole amount of which, approaching 74,000,000 on the 1st of January last, will on the first day of next

Year fall short of 67,500,000. The Balance in the Treasury on the 1st of January next, it is expected, will exceed 5,450,000 dollars; a sum exceeding that of the 1st of January, 1825, though falling short of that exhibited on the 1st of January last.

It was foreseen that the Revenue of the present Year would not equal that of the last, which had itself been less than that of the next preceding Year. But the hope has been realized which was entertained, that these deficiencies would in nowise interrupt the steady operation of the discharge of the public debt by the annual 10,000,000 devoted to that object by the Act of 3d March, 1817.

The amount of duties secured on merchandise imported from the commencement of the Year until the 30th of September last, is 21,226,000, and the probable amount of that which will be secured during the remainder of the Year, is 5,774,000 dollars; forming a sum total of 27,000,000. With the allowances for drawbacks and contingent deficiencies which may occur, though not specifically foreseen, we may safely estimate the receipts of the ensuing year at 22,300,000 dollars; a Revenue for the next equal to the Expenditure of the present Year.

The deep solicitude felt by our Citizens of all classes throughout the Union for the total discharge of the public debt, will apologize for the earnestness with which I deem it my duty to urge this topic upon the consideration of Congress—of recommending to them again the observance of the strictest economy in the application of the public Funds. The depression upon the receipts of the Revenue which had commenced with the year 1826, continued with increased severity during the two first quarters of the present Year. The returning tide began to flow with the third quarter, and so far as we can judge from experience, may be expected to continue through the course of the ensuing Year. In the meantime, an alleviation from the burden of the public debt will in the 3 years, have been effected to the amount of nearly 16,000,000, and the charge of annual interest will have been reduced upwards of 1,000,000. But among the maxims of political economy which the Stewards of the public moneys should never suffer without urgent necessity to be transcended, is that of keeping the Expenditures of the Year within the limits of its Receipts. The appropriations of the 2 last years, including the yearly 10,000,000 of the Sinking Fund, have each equalled the promised Revenue of the ensuing Year. While we foresee with confidence that the public coffers will be replenished from the Receipts, as fast as they will be drained by the Expenditures, equal in amount to those of the current Year, it should not be forgotten that they could ill suffer the exhaustion of larger disbursements.

The condition of the Army, and of all the branches of the publick service under the superintendence of the Secretary of War, will be

seen by the Report from that Officer, and the Documents with which it is accompanied.

During the course of the last summer, a detachment of the Army has been usefully and successfully called to perform their appropriate duties. At the moment when the Commissioners appointed for carrying into execution certain provisions of the Treaty of August 19th, 1825, with various tribes of the Northwestern Indians, were about to arrive at the appointed place of meeting, the unprovoked murder of several Citizens, and other acts of unequivocal hostility committed by a party of the Winnebago tribe, one of those associated in the Treaty, followed by indications of a menacing character, among other tribes of the same region, rendered necessary an immediate display of the defensive and protective force of the Union in that quarter. It was accordingly exhibited by the immediate and concerted movements of the Governors of the State of Illinois and of the Territory of Michigan, and competent levies of militia under their authority; with a corps of 700 men of United States troops under the command of General Atkinson, who, at the call of Governor Cass, immediately repaired to the scene of danger, from their station at St. Louis. Their presence dispelled the alarms of our Fellow-citizens on those borders, and overawed the hostile purposes of the Indians. The perpetrators of the murders were surrendered to the authority and operation of our laws; and every appearance of purposed hostility from those Indian tribes has subsided.

Although the present organization of the Army, and the administration of its various branches of service, are, upon the whole, satisfactory, they are yet susceptible of much improvement in particulars, some of which have been heretofore submitted to the consideration of Congress, and others are now first presented in the Report of the Secretary of War.

The expediency of providing for additional numbers of Officers in the two Corps of Engineers will, in some degree, depend upon the number and extent of the objects of National importance upon which Congress may think it proper that surveys should be made, conformably to the Act of the 30th of April, 1824. Of the surveys which, before the last Session of Congress, had been made under the authority of that Act, reports were made:

1. Of the Board of Internal Improvement, on the Chesapeake and Ohio Canal.
2. On the continuation of the National Road from Cumberland to the tide waters within the District of Columbia.
3. On the continuation of the National Road from Canton to Zanesville.
4. On the location of the National Road from Zanesville to Columbus.

5. On the continuation of the same Road to the Seat of Government in Missouri.

6. On a Post Road from Baltimore to Philadelphia.

7. Of a survey of Kennebec River (in part).

8. On a National Road from Washington to Buffalo.

9. On the survey of Sangatuck Harbor and River.

10. On a Canal from Lake Pontchartrain to the Mississippi River.

11. On surveys at Edgartown, Newburyport, and Hyannis Harbor.

12. On survey of La Plaisance Bay, in the Territory of Michigan.

And Reports are now prepared, and will be submitted to Congress :—

On surveys of the Peninsula of Florida, to ascertain the practicability of a Canal to connect the waters of the Atlantic with the Gulf of Mexico, across that Peninsula ; and also of the Country between the Bays of Mobile and of Pensacola, with the view of connecting them together by a Canal ;

On surveys of a route for a Canal to connect the waters of James and Great Kenhawa Rivers ;

On the survey of the Swash in Pamlico Sound, and that of Cape Fear below the town of Wilmington, in North Carolina ;

On the survey of the Muscle Shoals in the Tennessee River, and for a route for a contemplated communication between the Hiwassee and Coosa Rivers, in the State of Alabama.

Other Reports of surveys upon objects pointed out by the several Acts of Congress of the last and preceding Sessions, are in the progress of preparation, and most of them may be completed before the close of this Session. All the Officers of both Corps of Engineers, with several other persons duly qualified, have been constantly employed upon these services, from the passage of the Act of 30th April, 1824, to this time. Were no other advantage to accrue to the Country from their labors, than the fund of topographical knowledge which they have collected and communicated, that alone would have been a profit to the Union more than adequate to all the expenditures which have been devoted to the object ; but the Appropriations for the repair and continuation of the Cumberland Road ; for the construction of various other Roads ; for the removal of obstructions from the Rivers and Harbour ; for the erection of Light-Houses, Beacons, Piers, and Buoys ; and for the completion of Canals undertaken by individual associations, but needing the assistance of means and resources more comprehensive than individual enterprise can command ; may be considered rather as treasures laid up from the contributions of the present Age, for the benefit of posterity, than as unrequited applications of the accruing Revenues of the Nation. To such objects of permanent improvement to the condition of the Country, of real addition to the wealth as well as to the comfort of the people by whose authority

and resources they have been effected, from three to four millions of the annual income of the Nation have, by Laws enacted at the three most recent Sessions of Congress, been applied, without intrenching upon the necessities of the Treasury; without adding a dollar to the taxes or debts of the community; without suspending even the steady and regular discharge of the debts contracted in former days, which, within the same 3 years, have been diminished by the amount of nearly 16,000,000 of dollars.

The same observations are, in a great degree, applicable to the Appropriations made for Fortifications upon the Coasts and Harbours of The United States; for the maintenance of the Military Academy at West Point; and for the various objects under the superintendence of the Department of the Navy. The Report of the Secretary of the Navy, and those from the subordinate branches of both the Military Departments, exhibit to Congress, in minute detail, the present condition of the public establishments dependent upon them; the execution of the Acts of Congress relating to them, and the views of the Officers engaged in the several branches of the service concerning the improvements which may tend to their perfection. The fortification of the Coasts, and the gradual increase and improvement of the Navy, are parts of a great system of National defence, which has been upwards of ten years in progress, and which, for a series of years to come, will continue to claim the constant and perservering protection and superintendence of the Legislative Authority. Among the measures which have emanated from these principles, the Act of the last Session of Congress for the gradual improvement of the Navy holds a conspicuous place. The collection of timber for the future construction of Vessels of War; the preservation and reproduction of the species of timber peculiarly adapted to that purpose; the construction of Dry Docks for the use of the Navy; the erection of a Marine Railway for the repair of the publick Ships; and the improvement of the Navy Yards for the preservation of the publick property deposited in them; have all received from the Executive the attention required by that Act; and will continue to receive it, steadily proceeding towards the execution of all its purposes. The establishment of a Naval Academy, furnishing the means of theoretic instruction to the youths who devote their lives to the service of their Country upon the Ocean, still solicits the sanction of the Legislature. Practical seamanship and the art of Navigation, may be acquired upon the cruises of the Squadrons, which, from time to time, are dispatched to distant Seas; but a competent knowledge even of the art of Ship building; the higher Mathematics and Astronomy; the literature which can place our Officers on a level of polished education with the Officers of other Maritime Nations; the knowledge of the Laws, Municipal and National, which, in their Intercourse with Foreign States and their Governments, are continually called into op-

eration; and above all, that acquaintance with the principles of honor and justice, with the higher obligations of morals, and of general laws, human and divine, which constitute the great distinction between the warrior patriot, and the licensed robber and pirate; these can be systematically taught and eminently acquired, only in a permanent School, stationed upon the shore, and provided with the Teachers, the Instruments, and the Books, conversant with and adapted to the communication of the principles of these respective sciences to the youthful and enquiring mind.

The Report from the Post Master General exhibits the condition of that Department, as highly satisfactory for the present, and still more promising for the future. Its Receipts for the Year ending the 1st of July last amounted to 1,473,551 dollars, and exceeded its Expenditures by upwards of 100,000 dollars. It cannot be an over-sanguine estimate to predict that in less than 10 years, of which one half have elapsed, the receipts will have been more than doubled. In the mean time, a reduced expenditure upon established Routes has kept pace with increased facilities of public accommodation, and additional services have been obtained at reduced rates of compensation. Within the last year the transportation of the Mail in stages has been greatly augmented. The number of Post Offices has been increased to 7,000; and it may be anticipated that while the facilities of intercourse between Fellow-citizens in person or by correspondence, will soon be carried to the door of every villager in the Union, a yearly surplus of Revenue will accrue, which may be applied as the wisdom of Congress, under the exercise of their Constitutional Powers, may devise, for the further establishment and improvement of the public Roads, or by adding still further to the facilities in the transportation of the Mails. Of the indications of the prosperous condition of our Country, none can be more pleasing than those presented by the multiplying relations of personal and intimate intercourse between the Citizens of the Union dwelling at the remotest distances from each other.

Among the subjects which have heretofore occupied the earnest solicitude and attention of Congress, is the management and disposal of that portion of the property of the Nation which consists of the Publick Lands. The acquisition of them, made at the expense of the whole Union, not only in treasure but in blood, marks a right of property in them equally extensive. By the Report and Statements from the General Land Office now communicated, it appears that under the present Government of The United States a sum little short of 33,000,000 of dollars has been paid from the common Treasury, for that portion of this property which has been purchased from France and Spain, and for the extinction of the aboriginal titles. The amount of lands acquired is near 260,000,000 of acres, of which, on the 1st of January, 1826, about 139,000,000 of acres had been surveyed, and little more

than 19,000,000 of acres had been sold. The amount paid into the Treasury by the purchasers of the lands sold is not yet equal to the sums paid for the whole, but leaves a small balance to be refunded; the proceeds of the sales of the lands have long been pledged to the creditors of the Nation; a pledge from which we have reason to hope that they will in a very few years be redeemed. The system upon which this great National interest has been managed, was the result of long, anxious, and persevering deliberation; matured and modified by the progress of our population, and the lessons of experience: it has been hitherto eminently successful; more than nine-tenths of the lands still remain the common property of the Union, the appropriation and disposal of which are sacred trusts in the hands of Congress. Of the lands sold, a considerable part were conveyed under extended credits, which, in the vicissitudes and fluctuations in the value of lands, and of their produce, became oppressively burdensome to the purchasers. It can never be the interest or the policy of the Nation to wring from its own Citizens the reasonable profits of their industry and enterprise, by holding them to the rigorous import of disastrous engagements. In March, 1821, a debt of 22,000,000 of dollars, due by purchasers of public lands, had accumulated, which they were unable to pay. An Act of Congress, of the 2d of March, 1821, came to their relief, and has been succeeded by others, the latest being the Act of the 4th May, 1826, the indulgent provisions of which expired on the 4th of July last. The effect of these laws has been to reduce the debt from the purchasers, to a remaining balance of about 4,300,000 dollars due; more than three-fifths of which are for lands within the State of Alabama. I recommend to Congress the revival and continuance for a further term, of the beneficent accommodations to the public debtors, of that statute; and submit to their consideration, in the same spirit of equity, the remission, under proper discriminations, of the forfeitures of partial payments on account of purchases of the public lands, so far as to allow of their application to other payments.

There are various other subjects of deep interest to the whole Union, which have heretofore been recommended to the consideration of Congress, as well by my Predecessors as, under the impression of the duties devolving upon me, by myself. Among these are the debt rather of justice than gratitude to the surviving warriors of the Revolutionary War; the extension of the Judicial Administration of the Federal Government, to those extensive and important members of the Union, which, having risen into existence since the organization of the present Judiciary Establishment, now constitute at least one-third of its territory, power, and population; the formation of a more effective and uniform system for the Government of the Militia, and the amelioration, in some form or modification, of the diversified and often oppressive Codes relating to Insolvency. Amidst the multiplicity of

topics of great National concernment which may recommend themselves to the calm and patriotic deliberations of the Legislature, it may suffice to say, that on these and all other measures which may receive their sanction, my hearty co-operation will be given, conformably to the duties enjoined upon me, and under the sense of all the obligations prescribed by the Constitution.

JOHN QUINCY ADAMS.

Washington, December 4, 1827.

SPEECH of the King of Bavaria, on the Opening of the Session of the States.—17th November, 1827.

Mes chers et fidèles Etats du Royaume,

GRACES inexprimables soient rendues à celui auquel nous devons tant d'excellentes Institutions, à celui qui nous a donné la Constitution, et qui étoit pour nous tous le plus tendre des Pères ! Jamais peut-être le Trône ne ressentira les battemens d'un cœur si noble et si plein d'amour.

Il seroit superflu sans doute de vous dire quelles sont mes dispositions, de protester de mon attachement aux libertés légales, aux droits du Trône, à cette Constitution protectrice de tous ; de vous répéter que je regarde la Religion comme la base la plus essentielle, et que je saurai la maintenir dans tout ce qui lui appartient.

Notre Constitution, malgré tous ses avantages, n'est pas exempte de défauts ; l'expérience peut seule démontrer ce que les théories ne peuvent enseigner. Mais notre Constitution elle-même l'a prévu ; elle nous ouvre avec sagesse la route des améliorations.

Les Sessions précédentes ont déjà fait beaucoup de bien ; mais il nous reste beaucoup à faire.

Le défaut de Conseils Provinciaux est très préjudiciable.

Pour rendre l'Administration Publique et celle de la justice moins coûteuse, plus expéditive et moins surchargée d'écritures, des changemens sont indispensables.

Le prompt établissement d'un bon système définitif des contributions est vivement désiré ; la justice le réclame, elle veut une Loi qui assure d'une manière plus exacte l'assiette et la répartition de l'impôt ; ce besoin est celui des contribuables, mais non des caisses de l'Etat, car non seulement le déficit du service courant est comblé, mais encore la construction d'une grande Place Forte Nationale est entreprise. La Bavière en possédoit une jusqu'au commencement de ce siècle.

L'institut d'Amortissement de la Dette Publique et des Pensions suit la marche régulière ; les Finances sont en bon ordre.

Le nouveau Tarif des Douanes et la Loi sur la culture des terres

ont pour but de soulager le commerce et l'agriculture, et d'ouvrir de nouvelles sources à l'industrie.

J'ai l'espoir qu'un Traité avec la Couronne de Wurtemberg va bientôt reporter la vie et le mouvement vers cette Frontière.

Grâce aux généreuses dispositions de la dernière Assemblée Législative, des améliorations importantes ont eu lieu dans plusieurs branches de l'agriculture et de l'industrie manufacturière.

Sur ces objets et sur d'autres non moins importants, mes Ministres sont chargés de soumettre à vos délibérations et à votre approbation divers Projets de Loi, de même que pour une nouvelle forme de Procédure Judiciaire, basée sur la publicité des débats et sur la plaidoirie orale, et enfin pour un Code Pénal, commun à tous mes Sujets.

Je mets toute ma confiance dans les lumières de mes chers et fidèles Etats du Royaume; je me repose sur leur bonne volonté. Loin de nous tout intérêt personnel; notre seul but est la Bavière, le bien de cette Bavière, objet de mon amour le plus profond.

N'oublions pas cependant que toute bénédiction vient de Dieu.

REPORT of the Minister of Finance to the President of Mexico.—10th January, 1827.

(Abstract.)

(Translation.)

YOUR Excellency, always desirous to promote the best interests of the Republic, your own honour, and that of your Ministers, was pleased to require from me, on the 1st of the present month, a detailed account of the improvements effected in the different branches of the publick Revenue during my Administration.

I undertake this task with pleasure, both because it is one which your Excellency has been pleased to assign to me, and because it has always been my opinion that, upon so important a subject, the Nation should judge only by the knowledge of facts.

Nor will this even be sufficient, unless due attention be paid to the extraordinary circumstances under which your Excellency assumed the reins of Government, at a moment when the entire political existence of Anahuac was renewed, and the system, both of Government and of Finance, entirely changed: publick opinion pronounced itself against the abuses of the preceding Ages: the Congress decreed a complete regeneration: it gave a new form to old practices, and introduced others, till then unknown.

In August 1824, the great metamorphoses commenced. Fate placed me at the head of the Ministry, at the moment when the change was about to be made; when the adoption of the Federal System, and the extinction of the National Chests, the Intendencies, the Di-

rectories, and Audit Offices, left ample room for the introduction of the desired Reforms.

The Decrees of the Congress, Nos. 70 and 80, and the Law, No. 106, confirm these facts: all that had previously existed, was swept away: the Minister found himself invested with the charge of Director General; a charge which required both mental and bodily activity, and assiduity. The Ministry was a perfect chaos: order was to be substituted for confusion,—method for irregularity; inferior Agents of every kind were wanting; the Secretary's Office was ignorant of almost all that it ought to have known, and, even in the Capital, efficient Persons were not to be procured;—the whole weight of the undertaking fell upon the Minister alone, upon whose plans, well or ill formed, and upon whose activity, the organization of the new System depended.

Such was the condition of the Department when first confided to my care. I have thought it my duty to state it without disguise, in the hope that the changes which have been effected, will be received, at least, as a proof of the earnestness with which I have devoted myself to the task of accomplishing them.

In order to convey a just idea of what has been done, it is absolutely necessary to institute a comparison between the present state of the Publick Revenue, and that of the Years 1822, 1823, and the beginning of 1824, as developed by my Predecessors in the Finance Department, who were taught by experience the difficulties of their situation, and of whose zeal, and abilities, the Country must always retain a grateful recollection.

“On the 28th of October, 1822, not only was the pay of the Troops in arrear, in the Capital, but on the point of being suspended altogether; and in the States, (then Provinces) it was about to be reduced, from the total want of resources.” Such were the expressions used by Don Antonio Medina, then Minister, in his Introduction to his Plan for a new System of Contributions, for the year 1823.

The confusion was, at that time, so great, that, in order to form an estimate of the Receipt and Expenditure of the Provinces, the Minister was forced to make all his calculations upon the basis of those of the Capital alone, as he himself admits in his Report to Congress, of the 3d September, 1823. He therein stated, “that his orders for the collection of the necessary data had not been complied with, and that he found it very difficult to enforce obedience to them, as their execution depended upon Men, some of whom were too ignorant to give the information required, whilst others were interested in suppressing it, in order to perpetuate abuses; the whole of them being influenced by the langour, to which they had been accustomed under the old system.”

This confession, on the part of so distinguished a Publick Functionary, proves that, in the year 1822, at least, disorder was at its

height throughout the Department, the Receipts trifling, and the want of resources great.

In 1823, Don Francisco Arrillaga was placed at the head of the Finance Department. He characterized as *frightful*, the abuses which prevailed in the Administration of the Revenue, and declared that plunder and corruption prevailed in all its branches. In April, he was only able, with the help of a Loan from the Consulado, to pay *half* what was due for the month, upon the Civil List. On the 31st of May, the Receipts were not sufficient to pay the Troops alone. He described their clamours, and those of the Pensioners, and Government Officers; the impossibility of satisfying them; the absence of all assistance from the States; the want of the necessary elements to enable him to form an idea of the resources of the Country. In short, the picture which he laid before the Congress was truly lamentable, and warranted the most serious apprehensions. On the 12th of November, 1823 (by which time some little improvement might have been hoped for,) Senor Arrillaga stated, in his Report, "that no ordinary measures, or threats, were sufficient to awaken the Government Employés from their culpable indolence; that others of a more serious nature must be resorted to; that the Directors and Accountants, as expensive as useless, had dared to present him with Returns of the produce of the Country, founded upon those only of two Towns and of three Provinces." He then described the state of the Customs at the end of March, 1823, and drew a wretched picture indeed, of the state of the Finances:—"the administration, in complete disorder; the Revenues themselves exhausted; deposits, both ordinary and judicial, embargoed; Forced Loans, carried to their utmost extent; the produce of the Tithes, Media anata, &c. pledged for many Hundred Thousands of Dollars; Credit destroyed, by the fatal seizure of the Conducta, and by the issue of Paper Money which only obtained a partial currency at a loss of three-fourths of its nominal value: the removal of Capitalists, with their Capitals, which had followed this destruction of confidence, and tranquillity, and left us without resources, and even without hope of a remedy."

No malversation in the application of the Publick Revenues, is to be inferred from the above description, beyond the effect of an irresistible necessity; but it presents a true picture of the state of affairs at the time when I took possession of the Ministry. During the short interval of 9 months, which elapsed, between the last Report and the period of my entering Office, little improvement had taken place; although the sale of the stock of Tobacco on hand, the Loan of Richards, and that contracted for with the house of Goldschmidt, the strictest economy, the partial receipts of the Customs, and some minor branches of the Revenue, enabled my Predecessor to meet the most

urgent demands of the moment, and held out some hope of improvement.

I found, however, both the Army and the Civil Employés clamorous for the arrears due to them: those who had advanced money demanded the interest; the Tobacco Planters the settlement of their accounts; the Merchants, the restitution of the Conducta; the Contractors for Saltpetre, the value of the quantities delivered upon account; the garrison of Vera Cruz their well earned allowances: in short, the anti-chambers of the President and of the Ministry were crowded with Claimants, whilst, with the exception of the small remains of the first Loan, there was nothing in the Treasury to meet their just demands.

The Law, which, by a new classification of the Revenue, and by confiding to the Minister, in person, the direction of all its branches, prepared the way for the establishment of the present system, first opened to me the field, upon which it was my duty to enter.

With regard to what it may have been in my power to effect, the statement, which your Excellency has directed me to draw up, will contain an epitome of all that has been done; I shall pass in review, succinctly, all the different branches of the Revenue, adverting to what has been said of each previously, and comparing its present produce, with that of former epochs, and I shall conclude, with a concise statement of the present state of the Finances.

Throughout the different Offices connected with the Finance Department, viz. the Audit Office; the Commissariat General for War, and Marine; the Treasury of the Federation; the General Storekeeper's Department; the Lottery Office; and others which have been created during my administration, great activity has prevailed, and many improvements have been effected.

The Mint.

One must be filled with absolute indifference, not to lament the contrast between the once flourishing state of this Establishment and the situation of that which existed under the same name, when I took possession of the Ministry. Its riches, and its funds for the purchase of Silver, had always been a resource to the Government, during its greatest embarrassments. In 1821, the Treasury received from it, besides the share of the profits which lawfully belonged to it, 663,650 dollars, and, between the 27th September of the same year and the 31st March, 1823, the Government obtained the enormous sum of 1,099,392 dollars.

The Mint was ruined by these advances, for the exhausted state of its funds no longer enabled it to purchase, at once, the bars brought in, and the Miners carried their Silver elsewhere, in order to convert

it, more readily, into dollars. An establishment once the most opulent in the World, thus fell rapidly into discredit, and distress. In the first 6 months of 1823, it was in arrear to the amount of 21,835 dollars, and in the first half Year of 1824, the deficiency was 38,215 dollars, besides 30,080 dollars due, for salaries, to the Employés of the establishment. Such was the shadow of the former Mint of Mexico, which was made over to me, upon my appointment to Office.

The following comparative Statement will shew what 2 Years have enabled me to effect.

Deficit to 31st of December, 1823.....	37,233 dols.
..... to 31st of July, 1824.....	38,215
Total, Dollars...	<u>75,448</u>
Profits of the Establishment, from August, 1824, to	
August, 1825.....	84,492
..... from 1st September, 1825, to 30th June, 1826...	15,607
Total, Dollars...	<u>100,099</u>

Thus, fortune favouring my wishes, I have the satisfaction of being able to prove, that the Mint has not only covered the arrears of the Years 1823 and 1824, but has remained with a surplus of 24,651 dollars, during the 2 Years of my Administration. It has, besides, funds for the purchase of Silver, amounting to 59,210 dollars, which, as they will enable the Director to give ready money for the silver in a brute state, will, I trust, have the effect of increasing materially the works of the Establishment.

Post Office.—Powder Mills.—Department for Examination of Accounts of old monopoly of Tobacco.

The latter Department has been recently established; and improvements have been effected in the two other Establishments.

Manufactories established by Government, for Clothing the Army, and for furnishing ever kind of Military Stores.

Your Excellency, being convinced that the activity of the Members of the Government might supply advantageously the place of Contractors, a Provisional Establishment was formed, for providing the Troops with the articles which had been previously contracted for by Colonel Barrera.

This undertaking was placed under my superintendence, assisted by an Officer of distinction, appointed as Inspector, by the Minister of War; and has been confided to the special direction of the Commissary General for this State: The necessary materials were contracted for publicly, and the accompanying Statement will give your Excellency

some idea of the result of our labours. By this it will appear that clothing has been delivered to the Troops to the amount of 469,201 dols. Which, by the Contract, would have cost..... 545,481

Difference in favour of the Treasury.....Dollars 76,279

In the value of the clothing, I include the materials, salaries, expences of the tools, freight, and other charges of the Establishment.

The other Supplies, prepared under my inspection for the Infantry and Cavalry Regiments, amount to.... 92,447 dols.

The value of which by the Contract with Barrera would have been..... 125,265

Saving to the Country.....Dollars 32,818

Salt.

Five new Salt Lakes, or Deposits, (Chamela, Ixtlan, Zeta, Chametla, and Higuera) have been discovered during the last 2 years.

The produce of the whole branch of this Revenue is, however, small; but, on the 9th August, 1824, when my duties as Minister commenced, it was nothing: the Inhabitants of the Neighbourhood considered the Salt Lakes as their property; the estates around used to send Mules to the nearest point to load salt, without any further expence than that of removing it. At present the Commissaries General are ordered to let the Salt Lakes for the Year to the highest Bidder; and, although many are still undisposed of, some are producing from 4 to 500 dollars annually, and Peñon Blanco alone 14,000.

Tithes.

The portion of the Tenth which formerly belonged to the Royal Treasury is now assigned to the States, (by the Decree of Congress, No. 70,) which are accountable only to the Federation for the sums due at the time of the Establishment of the present system. The Ministry has no controul over the Offices in which these Accounts are kept, nor has it interfered with them, except in order to effect a liquidation of the balance due to the Federation. It has succeeded in ascertaining that the debt of the Bishoprick of

Valladolid, for the Years 1821 to 1824, is....	524,223 dols.
Mexico.....	110,000
Monterrey.....	137,147
Oajaca.....	22,000

Total, Dollars 793,370

without including other Bishopricks, whose Accounts, from the confusion of past times, it has not yet been possible to balance.

Territories of the Federation.

In the several Districts, which, without being Members of the Union as Independent States, are placed at their own desire under the Supreme Government, viz. *Californias, Tlascala, Colima, and New Mexico*, Commissaries General have been appointed, and the new system has been introduced. Californias had been supplied with arms and clothing for the Troops, tobacco and other necessities, of which it had been deprived since the Revolution; 14 Years pay were due to the Troops there on the 21st April, 1824.

Commissaries General.

In conformity to the Decree of the 21st September, 1824, 15 Commissaries General have been appointed (in lieu of the old Intendencies) in Mexico, Guadalajara, Puebla, Oajaca, Guanajuato, Valladolid, Yucatan, Zacatecas, San Luis Potosi, Vera Cruz, Queretaro, Durango, Occidente, Chihuahua, and Chiapas, and two other Dependencies on the Commissaries of Vera Cruz and Occidente, in Tobasco and Californias.

To receive and distribute the Revenues of the Federation; to superintend, themselves, the monopolies of powder, salt, and tobacco; to take charge of the National Property; to receive the contingents of the States, and the duties of salvage, and turnpike dues; to execute the Laws and Regulations respecting smuggling; to inspect all the Roads, Bridges, and Canals; to visit the Publick Stores and Manufactories; and to inquire into the state of the Troops, with a view to furnish the necessary supplies of clothing and rations, and to arrange for Quarters, &c.,—such are the duties of the Commissaries General, as recently established.

A new system of making up the Accounts has been adopted, which are now received by the Treasury within 3 months after the expiration of the Year: a regularity hitherto unknown, either before or after the Independence of the Nation.

My endeavours have not been as successful as I could have desired, in consequence of the want of an adequate number of efficient Employés, which has been owing, in a great measure, to my having been restricted by Congress to the service of the *Cesantes*, who were already entitled to Pensions from the Publick Purse.

Under these disadvantages, nothing but the greatest exertions, on the part of the Commissaries, could have enabled them to establish that activity and regularity which have been already acquired in almost every branch of the Department, in consequence of the repeated Orders issued by the Ministry, and the scrupulous attention which has been paid to the execution of them. By exercising a constant superintendence, I have been enabled to regulate the Receipts and Expenditure of each Commissary's Department, and to make the surplus of the one

supply the deficit of the other. Thus, the Commissary of Puebla has received from the Treasury and the Custom Houses upon the Coast, up to November of this Year, 571,061 dollars, with which, and the Revenue of the Federation in that State, he has liquidated all the demands upon the Government, as well as the immense arrears due both to the Army and to the Civil Employés in that State.

During the same time,

Queretaro has received.....	160,671 dols.
Yucatan.....	299,130
Chiapas.....	130,000
Tabasco.....	71,760
Isla del Carmen.....	18,000

And in like manner, by your Excellency's Orders, Chihuahua and Coahuila receive a monthly remittance from Zacatecas; Bejar, and the Presidial Companies upon the Frontiers, from the Port of Tampico; and Saltillo, from that of Refugio.

Federal District.

The City of Mexico, and the District for 2 leagues around, were declared to belong to the Federation on the 13th of last April, when I received possession of the Custom House and other Publick Establishments; for the proper regulation of which I immediately formed the necessary plans.

The result of the new Regulations has been that, in 6 months, the Custom House alone has produced an increase of 85,231 dollars, as compared with the Receipts of the 6 same months in the preceding Year; and that too at a time when, owing to the intended changes in the Tarif, scarcely any importations of Foreign goods, upon which a duty of 3 per cent. is payable, took place.

The increase in the duties on *Pulque* amounted, during the same period, to 14,663 dollars, and I do not hesitate to assure your Excellency that, at the close of the Year, the total increase of the Revenue in Mexico will exceed 200,000 dollars, while, if the plans be sanctioned by Congress, there will be a reduction in the expense of its collection of 22,729 dollars, as compared with that under the system at present established.

Tobacco.

It is difficult to conceive the state of distress to which this branch of the Revenue was reduced during the years 1822, 1823, and 1824. It might almost be said not to exist; yet, in consequence of the measures taken by your Excellency's Orders, in the first 8 months of 1825, it produced 634,416 dollars, which makes the annual produce appear to be 951,624 dollars. At the present moment, I have not the necessary data to estimate the whole produce of the Year 1826, but your Excellency will find the most flattering hopes warranted by the

fact, that, without including the consumption of the State of Vera Cruz, and of the City of Mexico, from the 1st of January to the 1st of November, 7,293 tercios of tobacco in leaf and 6,614 boxes of segars, have been remitted to the different States of the Federation. In Vera Cruz alone the sales amount to between 120 and 130,000 dollars annually.

Maritime Custom Houses.

Fifteen Custom Houses were open to Foreign Trade upon the Coast on the 9th August, 1824; and five more have since been opened to it. I commenced my Report for the Year 1826, with an account of them, and stated the measures which had been taken for introducing a proper organization, and suppressing abuses: if those measures have not been productive of all the effect which I could have desired, it must be attributed in part to the want of efficient Employés, from my being forced to confine myself, in selecting them, to the class of *Cesantes*, (old Government Officers unemployed, but entitled to Pensions,) and from the difficulty of inducing those Persons to brave the climate upon the Coast, by accepting employment there. If these obstacles have been, in part, surmounted, it is owing entirely to the increasing exertions of the Ministry: hopes of reward have been held out; delays foreseen, and prevented; Orders circulated upon every point; commissions of enquiry instituted, and visits unexpectedly made; daily, weekly, and monthly accounts of Receipts and Expenditure required. In a word, nothing has been omitted, on my part, nor on that of the Officers employed in the Finance Department here, of whose labours the number of Orders issued, and Cases decided, afford ample proof.

Where doubts have occurred, a reference to the Congress has been made, and I believe that the strictest enquiry will prove, that I have not neglected any thing which can be said to belong to the duties of a Minister of Finance.

Various other financial and economical arrangements have been recently made; and I shall now pass in review the different Custom Houses, and point out, succinctly, the difference between their present situation and that in which I found them in 1824.

Vera Cruz.

Your Excellency had an opportunity of observing personally the state of this Establishment in 1824. One Officer, and one confidential Clerk managed the whole business of the Custom House; and such was the scarcity of Specie, that, even including the assistance received from Alvarado, money could not be obtained to pay the Garrison during the siege of the Castle.

The net produce of the Customs of Vera Cruz amounted :

In the Year 1821 to	697,244 dols.
1822 —	1,639,188
1823 —	1,193,869
During the Hostilities } 1824 —	497,971
with the Castle..... } 1825 — ..(8 months)....	355,177
to June 1826 — ..(10 months)...	1,769,384

The Existencias (sums to be received before the close of the Year 1826,) were on the 25th of last November,

Duties (positively due).....	278,978 dols.
Internation (do.)	105,666
Cargoes of 5 Vessels in August, 5 in September, 4 in October, and 9 in November, without including 2 Brigs not yet entered.....	400,000
In the Fund of Amortization for payment of Interest on Foreign Loans.....	300,000

Total, Dollars...1,084,644

Alvarado.

The momentary importance which this Custom House acquired during the Siege of the Castle, has ceased : no Vessels now enter the River, and the Establishment is reduced to a few Officers for the prevention of Smuggling.

In 1822 the produce of the Customs was.....	7,052 dols.
1823.....	231,600
1824.....	1,648,494
1825....(8 months to August).....	2,594,580
1826....(10 months to June).....	2,590,543

Goazacoalcos.

This Establishment has been formed, but no Vessels have yet entered the Port.

Campeche.

In 1822 the produce of the Customs was.....	23,483 dols.
1823..... (about the same).....	
1824.....	145,033
1825.....	130,668
1826.....(10 months).....	157,464

Sisal.

Neither here, nor in Campeche, did any sort of order exist upon my taking possession of the Ministry ; the greatest abuses prevailed, and, up to the Year 1823, I have been unable to obtain any account

of the Receipts. In 1824, Sisal and Bacalar together produced 71,348 dollars. In April, 1825, the new Commissary took possession, and a new system was established, in consequence of which the produce of the first 8 months of that Year amounted to 36,459 dollars; and of 1826 to 79,577 dollars.

Isla del Carmen.

In 1825 the produce was....(8 months).....	13,990 dols.
1826.....(10 months to June),....	19,280

Tabasco.

Confusion and disorder also existed in this Establishment.

In 1822 the total produce was.....	2,569 dols.
1823.....	2,237
1824.....	7,446
1825.....(first 8 months).....	38,639
1826.....	36,682

Huatulco.

The produce of the Customs for the Year ending in June 1826 was	2,003 dols.
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Acapulco.

I have not yet found it possible to put an end to the scandalous contraband trade, which is carried on through this Port. Much has, however, been done, as your Excellency will perceive, by the following scale of produce :

In 1821, it amounted to.....	9,478 dols.
1822.....	20,362
1823.....	35,040
1824.....	100,308
1825.....(8 first months).....	78,956
1826.....(10 months to June).....	422,343

San Blas.

In my Report, for the Year 1826, I mentioned the disadvantage arising from the Establishment of the Custom House at Tepic, so far distant from the Coast. The inconvenience resulting from it is increasing daily, and the necessity of a change becomes more urgent, as will be perceived by the falling off in the produce of the Customs; which yielded :

In 1821.....	89,190 dols.
1822.....	225,496
1823.....	292,265
1824.....	313,416
1825.....(8 first months).....	436,461
1826.....	94,139

Official information of the misconduct of some of the Employés there has been received, and a strict inquiry instituted.

Manzanillo and Natividad.

No returns have been received of these Establishments.

Mazatlan.

At the end of the Year 1824, there was one Custom House Officer at this Port, and he was blind. In January, 1825, the Port was composed of 2 huts of mud, and 4 of straw: now a Commissary's Office has been established here, and the number of houses exceeds 200.

The produce of the years 1821 and 1822 is unknown.

In 1823 its amount was.....	215 dols.
1824.....	30,392
1825.....(8 first months).....	44,976
1826.....	125,298

Guaymas.

The amount of the Customs in 1821 is unknown.

In 1822 it was.....	19,323 dols.
1823.....	10,863
1824.....	26,736
1825.....(8 first months).....	5,779
1826.....	28,691

with nearly 16,000 dollars due upon the Cargo of the English Brig *Hellespont*, which are not included. The progress would have been greater had it not been impeded by the disastrous War.

Galveston.

An Establishment was formed at Galveston in October, 1825; nothing has as yet been received, but steps have been taken to prevent Smuggling.

Refugio.

No Establishment was known to exist at Refugio in August 1824, or, if known, it was regarded only as the patrimony of those who were fortunate enough to obtain a situation there. Its returns were then included in those of Soto la Marina; and the produce amounted together,

In 1822 to.....	10,904 dols.
1823.....	14,538
1824.....	113,119
1825.....(8 first months).....	265,640
1826.....(Refugio alone).....	152,032

The sum in specie, reserved for the payment of the interest of our Foreign Debt, in Refugio, is at present, 68,000 dollars.

Soto la Marina.

This Port is much resorted to by Smugglers; its Customs, however, yielded for the Year, ending in June 1826, 226,702 dollars.

Tampico de Tamaulipas.

This Establishment which was unknown till the end of 1824, is now inferior only to Vera Cruz in the number of Vessels which resort to it. The produce of the Customs was,

In 1825.....(8 first months).....	147,625 dols.
1826.....(10 months to June).....	} 326,640
besides considerable sums still due....	

Pueblo Viejo de Tampico.

In 1821 the Customs amounted to.....	11,917 dols.
1822	130,659
1823.....	212,900
1824	367,680
1825.....(8 first months).....	444,445
1826.....	480,195

It is, however, to be expected that there will be a falling off at Pueblo Viejo, in proportion to the increase of Tampico de Tamaulipas.

Territories of the Federation.

These are considered as Inland Custom Houses, in which the Alcabala, on effects of the Country, and the duty of 3 per cent. on Foreign productions, are alone paid; which from the scantiness of the Population amount but to little.

Colima, however, produced in the

first 8 months of....1825... 4,504.....in 1826... 8,614 dols.

New Mexico..... in 1825... 3,141.....in 1826...13,525

Tlaxcala.....1825... 7,357.....in 1826...14,377

These data are sufficient to prove what has been done: your Excellency will recollect that, before my Administration commenced, the estimate of the total produce of the Custom Houses did not exceed 1,000,000 of dollars; I ventured to calculate their produce in my Memorial for 1825, at 2,732,995 dollars. Your Excellency since then has taken the necessary steps for placing this important branch of the Revenue upon a proper footing, and the Country has gathered the fruit of these measures, by receiving for the 10 first months of the Year 1826, from the Custom Houses on the Coast, those of the Territories (not including Californias) and that of the Federal District, the enormous sum of 6,739,767 dollars, which is equivalent to 8,387,720 dollars, for the produce of the whole Year.

Your Excellency will perceive, therefore, that the estimate contained in my Memorial of last Year, by which I calculated the Receipts at 8,040,000 dollars, was not erroneous.

Turnpikes.

The net produce of the Turnpikes in Mexico was, after deducting the expenses,.....in 1823,4...15,166.....in 1824,6...20,927 dols.
 Vera Cruz do,.....in 1823,4...42,803.....in 1824,6...82,620.

Powder.

Produce, in the Year.....1825...144,881..... in 1826...159,027 dols.

Post Office.

Produce, in the Year.....1825...408,106..... in 1826...368,238 dols.

Salt.

In this branch alone the want of proper information led me into an error of calculation: I estimated the produce of this Revenue for the Year 1825, at 68,382 dollars: it has only yielded, for the 12 months, 53,905 dollars, and consequently leaves a deficit of 14,477 dollars.

Sums due from Publick Creditors.

The sum of 1,208,516 dollars has been recovered from these Creditors during the Year 1825, alone, and this fact affords the best answer to the accusations against me which have been circulated. I have likewise to inform your Excellency, that I have an exact account of the sums due to the Nation, and of the Suits instituted to recover them, in the States of Puebla, Guadalaxara, Guanajuato, Oajaca, Zacatecas, Queretaro, and Potosi; and that they amount in these States alone to 805,409 dollars. I have not yet received similar Statements, from Valladolid, Yucatan, Durango, Chihuahua, and Chiapas, but they were again ordered on the 25th of last October.

Foreign Loans.

The Loans contracted for in England by the several New American States, have all suffered extraordinary depreciation: but I will proceed at once to the two Mexican Loans:

In the Year 1823, Mexico contracted a Loan with the House of Goldschmidt at 5 per cent. interest, for the sum of £3,200,000, which was brought out at 58.

In the Year 1824, a second Loan for a similar amount (3,200,000) at 6 per cent. interest, was taken by the house of Barelay, Herring, and Co., which was brought out, in the beginning of 1825, at 89½.

The actions of the first Loan were at 76½ in the beginning of the Year 1824. They rose to 84½ in January, 1825, and after various fluctuations, fell, in June, 1826, to 41, and in September, 1826, to 40.

The Bonds of the second Loan, at 6 per cent., after selling at 93½ in February, 1825, fell gradually to 56, in June, 1826, and were as low as 42 in September.

The failure of Goldschmidts' House, the consequent embarrassment of the firm of Barclay, and the return of bills protested, which had been drawn by the Government on account of the Loan, gave a blow to the credit of the Republick, which nothing but the extraordinary activity of Sr. Rocafuerte, and the timely remittances of large sums in specie, could have prevented from proving fatal.

It is principally through these remittances that Sr. Rocafuerte has been enabled to induce the House of Baring to undertake the agency of the Republick. The Government, on its part, has done all that honor required; since, on this day, January the 10th, there are in the Port of Vera Cruz 5,000 dollars, which will be conveyed to England by His Majesty's Frigate *Tweed*, for the payment of the interest on both Loans, due in January, 1827; and it is to this exactness in fulfilling its engagements that we must attribute the fact, that, notwithstanding the return of Government Bills protested, Mexican Credit has been so far from suffering, that, by the last accounts, of 18th September, the Mexican Funds have risen from 40 to 63½, and that there was every probability that they would rise still higher upon the arrival of the *Hussar* Frigate, with the money on board for the payment of the Dividends then due.

The First Mexican Loan produced, at 50, (at which price it was contracted for) £1,600,000, or 8,000,000 of dollars, of which the Firm interested reserved, according to the contract, for commission, payment of interest, &c. &c. £419,936, which reduced the net produce of the Loan to £1,180,064, or 5,900,323 dollars.

Of this Sum, before the 9th August, 1824, (the day on which I took possession of my Office) a part had been disposed of by my Predecessor; so that little more than 3,500,000 of dollars were left to me, viz. (3,629,160 dollars.)

The Second Loan, which was contracted for at 86½, produced
£2,776,000

from which must be deducted:

Commission,.....	£166,560
Interest on first 18 Months reserved.....	288,000
Sinking Fund,.....	48,000
Do. for first Loan,.....	694,000
Money advanced,.....	200,000
Contingent Expenses,.....	8,942

£1,405,502

Net produce,..£1,370,497

Dollars,..£6,862,487

The 3,692,160 dollars which remained of the First Loan, were disposed of by the Government, in 336 Bills of Exchange, negotiated upon London, the value of which, in English money, was £621,614 19s. 6d. Of these Bills, the House of Goldschmidt alone paid 160, the amount of which was £360,124 11s. 8d., the House having previously made remittances in gold, (coined and uncoined) to the amount of £327,208 15s. 7d., and paid the interest due in January, which, with commission, amounted to £36,540; other charges appear on the books of the Firm to the amount of £4,868 7s. 5d., which leave, nevertheless, a final Balance in favour of the Government of £15,234 7s. 9d.

The produce of the Bills drawn upon the First Loan, was applied to the objects mentioned in the annexed Statement, by which it will appear that only 1,074,868 dollars entered the Treasury for the ordinary expenses of the State; the remainder was sunk in the payment of Tobacco Credits, (due since the years 1820 and 1821) without which this branch of the Revenue could never have been re-established; in the part payment of other National obligations; and the purchase of arms and other Naval Stores in The United States of North America.

I come now to the Second Loan, and annex an Account of the manner in which its net produce (6,852,487 dollars) has been applied; by which it will appear that a Balance of £291,699 5s. 8d. still exists in favour of the Government, to which must be added the value of remittances by the *Pyramus*, the amount of bills not paid, (£22,646 12s. 4d.) two sums of £31,000 and £47,000, now in the hands of Sr. Rocafuerte and the House of Barclay, which, altogether, make the Balance which ought to exist in favour of the Government, £449,033 6s. 0d.

The whole of the second Loan was applied, (as was the first) to extraordinary expences, (as is demonstrated by the accompanying Statement,) with the exception of 1,409,180 dollars, which entered the Treasury of the Federation. Thus it appears, that the only parts of the two Loans which have been applied to the ordinary expences of the States, have been:

First Loan,.....	1,074,868 dols.
Second Loan,.....	1,409,180
Remittances in Gold,.....	1,481,578
	<hr/>
Total,..Dollars..	3,965,627

The credit of the Nation has been pledged, in all, for 32,000,000 of dollars.

This debt might be redeemed, at the present price of the Mexican

Funds (68) for 17,799,000 dollars; and if from this I deduct 2,321,335 dollars, which, according to the Accounts, is still due from the Firms which took the Loans, to the Government, it will be evident that with something less than 15,500,000 of dollars, (15,477,665) Mexico might close her whole account for Foreign Loans.

Your Excellency will permit me to close this Exposé of the improvement which has taken place, during the last 2 Years, in the Revenue, with a few observations upon the increased expenditure of the Republick, and a short account of the present state of its resources. It is with unfeigned satisfaction that I am enabled to state to your Excellency, that, up to the end of the present Year 1826, and speaking of the whole period of my Administration, the Army and Civil Employés of the Federation have been paid every thing that was due to them; the Troops of the Chiapas alone have been in arrear; the Debt of the Commissary General for that Department amounted, at one time, to 60,000 dollars, but 10,000 dollars have been already remitted to him from Oajaca, and 30,000 from Vera Cruz, and the Commissaries of those States have received orders to continue a monthly remittance of 10,000 dollars, in order to provide for the Establishment on the frontier.

The purchases made by the Ministry of Finance, on the Publick account, have been almost all paid for, and for those which have not yet been settled, Bills have been given at fixed dates, upon the Custom Houses on the Coast.

Half a million of dollars has been already paid on account of the Crop of Tobacco which is now delivering; I cannot determine at present, what may remain due to the Planters, because, in some parts of the District, the quantity of Tobacco likely to be produced is not yet ascertained.

The War with the Yaguis, and Mayos, in Upper Sonora, has been sustained with honour to the Nation, and without any extraordinary expenses to the inhabitants of that unfortunate State.

The Army has been most abundantly provided, with Clothing, Arms, and every necessary. It has also been augmented by new Corps placed upon the War Establishment.

To our Navy have been added, the line of Battle Ship *Congreso* (late the *Ana*), of 64 guns, the *Libertad* of 63 Carronades; the Corvette *Morelos*, 14; the Brigs of War *Guerrero* 22, *Victoria* 20, and *Constante* 12, two smaller Vessels, &c.

A number of Publick Edifices, Barracks, &c. have been placed in a state of repair, as have the Powder Mills at Santa Fé.

For Dividends, Interest on Foreign Loans, &c. including half a million of dollars which are about to be embarked in His Britannick Majesty's Ship *Tweed*, I have now remitted 1,288,000 dollars, which will fulfil our engagements up to the middle of 1827.

All the Laws, and Decrees relative to the Finance Department, have been carried into execution, with the exception of those upon which a reference to the Chambers has been made; and of the 16th Article of the Decree No. 70, of 4th August, 1824, which directs "that the States shall pay their contingents, by monthly instalments, to the Commissaries of the Federation;" a provision with which they have been unable to comply, being all occupied with the arrangement of their respective Financial Systems.

If your Excellency will bring to your recollection the first week of August, 1824, you will find that the Treasury of the Federation then contained 1,000 dollars in specie, and that the whole Amount of the Sums in hand, in all the Government Offices throughout the Republick, was 88,220 dollars. Six months pay were due upon the Civil List; the Army was in arrear, and without clothing; the Tobacco Planters had received nothing since the Year 1820; and Claims upon the Government were being daily brought forward.

Such was the state of disorganization to which the Revolution had brought the Country, that 9,000,000 of dollars (taken up by my Predecessors on Account of the first Loan) had not enabled them to establish any sort of System: of this Loan only 3,629,160 dollars remained at my disposal, and 500,000 had been already taken up on account of the Second.

My Administration has lasted as long as that of my 3 Predecessors together; in it I have only made use of 5,225,949 dollars (the Amount of Bills drawn by me) and 1,481,578 dollars which I received in gold; the 2 Sums make together..... 6,707,527 dols.
Deduct, remitted to England in Specie..... 1,283,800

And there will remainDollars... 5,423,727

Take into account the sums due by the States for Contingents, and Tobacco, which amount to full 3,000,000, and it will be seen whether Mexico is not able to maintain her situation in the World, without Foreign assistance.

The Year 1826 is now terminated, but I have not yet received the Accounts from the distant parts of the Republick; I can therefore only lay before your Excellency an imperfect sketch of our Finances, at the commencement of 1827, which are as follows:—

Sums due by the States for Contingents, and Tobacco, at the lowest calculation.....	3,000,000 dols.
Tobacco in leaf, and worked up, now in the Factories of Orizaba and Cordova, taken at.....	4,204,711
In the Government Magazines of Tobacco, stock on hand.....	1,262,760
In the Segar Manufactory here.....	129,792

In the Government Magazines for the Army ; Clothing and Cloth	282,038
In the same, Woollen Stuffs and other trifles.....	25,790
In the same, 51,675 Muskets, 852 Rifles, 5,000 Carbines, 8,755 Sabres, 950 Pairs of Pistols, which compose the stock on hand after arming the whole Army; taken at the Price at which they were bought.....	670,839
40,000 Reams of Paper, in the different States....	200,000
Do. in the Federal District.....	46,564
Gunpowder in Santa Fé.....	51,220
Do. in Zacatecas.....	18,000
Uniforms made up.....	96,020
Tobacco Manufactory of Guadelupe.....	61,951
Mint, for Bars now in hand.....	55,000
Bars in the Office of the Commissary of Jalisco, sent from the Commissary of the West.....	49,955
In the Treasury of the Customs.....	52,631
In that of the Inquisition, &c.....	69
At Vera Cruz ; duties upon Vessels now in Port....	1,116,273
At Tampico de Tamaulipas ; duties of Importation and Internation, for which security has been given.	229,306
At Pueblo Viejo de Tampico ; duties.....	44,937
Money in hand in the other Government Offices throughout the Federation, not in this List.....	416,340
On the road for the Capital, from Refugio 73,000 dollars, and from Potosi, and Soto la Marina 30,000 : in all	103,000
Total, Dollars...	<u>12,117,203</u>

Besides the sums here enumerated, others are due, in the Ports of San Blas, Acapulco, Mazatlan and Guaymas, which certainly do not amount to less than 300,000 dollars.

At Campeche, on the 28th December, 53,516 dollars were due, at Refugio 40,552, and, both at Sisal and Alvarado, there is still some small balance in favour of the Government, although Alvarado, as a Port, may be said no longer to exist.

In this Exposé I do not mean to strike a general Balance for the whole period of my Administration. I stated at the commencement, that I had not the necessary data for that purpose, from the more distant parts of the Republic, nor a sufficiently accurate account of the Remittances in Specie, Tobacco, and other effects, which are now on their way from some parts of the Federation.

I can, however, assure your Excellency that every thing is calcu-

lated at the lowest possible computation, particularly the Sums due in the Custom Houses on the Coast, as has been proved very recently, at Vera Cruz, where a Vessel, the duty on which I had estimated at 20,000 dollars, has produced 35,000; besides I have not included in my calculation, in any of the Ports, the international duty, which alone amounts to $17\frac{1}{2}$ per cent.

With regard to the correctness of my statements, were they not calculated to stand the test of enquiry, I should become the sport of my Adversaries, to whose attacks I have been so long exposed; I trust, however, that this plain statement of my conduct as Minister will convince both your Excellency and the Republick, that I have not been unworthy of the confidence, which your Excellency has reposed in me.

The preceding pages have been drawn up in the midst of increasing occupations, a circumstance which will, I trust, entitle them to that indulgence, of which your Excellency has given me so many proofs, amongst the greatest of which I esteem the admission of my resignation, which your Excellency, wearied by my entreaties, has, at last consented to accept.

I have the honour to be, &c.

JOSE IGNACIO ESTEVA.

Mexico, 10th January, 1827.

LETTER of the Secretary of the Navy, relative to the Expenditure for the Naval Service of The United States, in 1826.—9th February, 1827.

SIR,

Navy Department, 9th February, 1827.

IN conformity to the Provisions of the Act of Congress of the 1st of May, 1820, I have the honour to transmit a Statement, showing the Appropriations for the Naval Service, for the Year 1826, the amount of expenditure under each specific head, and the balance remaining unexpended under each head, on the 31st day of December, 1826.

The balances under the several heads will be required for the objects for which the respective Appropriations were made.

I am very respectfully, &c.

SAMUEL L. SOUTHARD.

The Hon. the Speaker of the House of Representatives.

Statement of the Appropriations for the Service of the Navy Department, for the Year 1826, made pursuant to the provisions of the second Section of the Act of the 1st May, 1820, entitled, "An Act in addition to the several Acts for the establishment and regulation of the Treasury, War, and Navy Departments."

	Balances of appropriations on the 1st of January, 1826.	Appropriated in 1826.	Repayments in 1826.	Amount applicable to the service of the Year 1826.	Amount drawn by Requisitions from the Treasury, during the Year 1826.	Balances of appropriations on the 31st of December 1826.
Pay, &c. of the Navy afloat - Dollars	111,163	975,492	118,886	1,205,542	1,144,476	61,066
Do. Shore Stations - - - - -	1,117	141,613	54,041	196,772	185,865	10,907
Provisions - - - - -	42,912	421,739	115,190	579,843	414,751	165,091
Contingent expenses prior to the Year 1824 - - - - -	-	2,458	-	2,458	1,905	553
Do. for 1824 - - - - -	769	-	8,780	9,540	7,349	2,190*
Do. for 1824, not enumerated - - - - -	2,966	-	195	3,162	500	2,662*
Do. for 1825 - - - - -	22	-	2,609	2,631	2,535	96
Do. for 1825, not enumerated - - - - -	805	-	217	1,022	891	131
Do. for 1826 - - - - -	-	240,000	3,348	243,348	242,203	1,144
Do. for 1826, not enumerated - - - - -	-	5,000	-	5,000	1,217	3,782
Ordnance - - - - -	39,251	-	8,989	48,241	45,302	2,938
Medicines and Hospital Stores - - - - -	386	49,000	52	49,439	32,885	16,553
Repairs of Vessels - - - - -	72,124	440,000	20,249	532,373	506,220	26,153
Gradual increase of the Navy - - - - -	1,089,024	500,000	21,711	1,610,735	815,769	794,966
Pay of Naval Constructors, Superintendents, &c. - - - - -	-	82,115	-	82,115	56,589	25,525
Pay of Labourers, &c. - - - - -	-	17,693	-	17,693	15,122	2,571
Ship Houses - - - - -	-	44,296	-	44,296	-	-
Inclined plane - - - - -	-	10,017	-	10,017	10,017	-
Agency on the Coast of Africa—Slave Trade - - - - -	-	32,000	-	32,000	22,220	9,779
Suppression of Piracy - - - - -	-	3,722	-	3,722	2,559	1,162
Navy Yards (Old) - - - - -	1,369	-	3,295	4,665	452	4,213*
Navy Yard at Portsmouth - - - - -	1,216	10,000	-	11,216	11,216	-
Do. at Charlestown, Mass. - - - - -	-	40,000	29,196	69,196	69,196	-
Do. at New York - - - - -	18,098	35,000	-	53,098	53,098	-
Do. at Philadelphia - - - - -	490	30,000	-	30,490	30,490	-
Do. at Washington - - - - -	17,502	15,000	-	32,502	32,480	22
Do. at Norfolk - - - - -	14,063	40,000	-	54,063	54,063	-
Do. at Pensacola - - - - -	98,000	-	-	98,000	40,200	57,800
Building 10 Sloops of War - - - - -	350,383	350,000	923	701,306	516,464	184,842
Repairs, &c. Sloops of War, Act 3d of March, 1825 - - - - -	10,814	-	9,377	20,191	-	20,191
Surveying the Harbour of Charleston, South Carolina, of St. Mary's, Georgia, &c. Act 26th May, 1824 - - - - -	138	-	-	138	-	138
Survey of the Harbours of Savannah and Brunswick, in Georgia; Beaufort, in South Carolina; and Baltimore, in Maryland, Act of 14th March, 1826 - - - - -	-	10,000	-	10,000	1,299	8,700
Rewarding Captors of Algerine Vessels, Acts 27th April, 1816, and 18th May, 1826 - - - - -	-	14,731	-	14,731	-	14,731
Contingent expenses prior to the Year 1824, (old account) refunded in 1826 - - - - -	-	-	10,470	10,470	45	10,425*
Pay of Superintendents, &c. (old account), refunded in 1826 - - - - -	-	-	2,759	2,759	-	2,759*
Pay of Labourers, &c. (old account) refunded in 1826 - - - - -	-	-	1,660	1,660	-	1,660*
Relief of Edward Lee, Act 29th December, 1826 - - - - -	-	2,812	-	2,812	2,812	-
Pay, &c. of the Marine Corps - - - - -	85,191	176,158	10,627	271,977	231,406	40,571
Clothing - do. - - - - -	478	28,765	8	29,252	25,968	3,283
Fuel - do. - - - - -	3,321	6,000	-	9,321	9,321	-
Medicines - do. - - - - -	-	2,369	-	2,369	2,283	86
Contingent expenses do. - - - - -	675	14,000	-	14,675	14,096	578
Averages of do. - do. - - - - -	-	-	4,838	4,838	2,609	2,228
Military Stores do. - - - - -	2,616	-	-	2,615	1,559	1,056*
Barracks - do. - - - - -	-	9,000	-	9,000	5,838	3,161
Amount - Dollars	1,964,905	3,748,985	427,431	6,141,322	4,657,384	1,483,938

RECAPITULATION.

1st Column, "Balances of Appropriations on the 1st day of January, 1826."	- 1,964,905 32 Dols.
2d Column, "Appropriations in 1826"	- 3,748,985 23
3d Column, "Repayments in 1826"	- 427,431 67
4th Column, will make the Column of "Amount applicable to the service of the Year 1826"	6,141,322 22
5th Column, from which deduct this Column of "Amount drawn by requisitions from the Treasury, during the Year 1826"	4,657,384 14
6th Column, will leave this Column of "Balances of Appropriations on the 31st December, 1826,"	1,483,938 06
<i>Recapitulation of the Expenditures of the Navy Department, for the Year 1826.</i>	
5th Column "Amount drawn by requisitions from the Treasury, during the Year 1826"	4,657,384 14
3d Column, from which deduct this Column of "Repayments in 1826"	427,431 67
Will leave this amount expended by the Navy Department, in 1826	Dollars 4,229,952 47

Treasury Department, Second Comptroller's Office, February 7, 1827.

RICHARD CUTTS.

* To Surplus Fund.

LETTER from the Secretary of the Treasury, transmitting Statements of the Commerce and Navigation of The United States, during the Year ending on the 30th day of September, 1826.

SIR, *Treasury Department, February 24, 1827.*

I HAVE the honour to transmit a Statement, prepared in obedience to the provisions of the Act of the 10th of February, 1820, entitled "An Act to provide for obtaining accurate Statements of the Foreign Commerce of The United States;" together with a Letter from the Register of the Treasury, explanatory of the same.

I have the honour to remain, &c.

RICHARD RUSH.

The Honourable the Speaker of the House of Representatives.

SIR, *Treasury Department, Register's Office, February 24, 1827.*

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, 1826, viz :

1. A General Statement of the quantity and value of Merchandize imported into The United States from the 1st of October, 1825, to the 30th of September, 1826;.....Page 877
2. A Summary Statement of the same;..... 878
3. A General Statement of the quantity and value of Domestic articles exported; 880
4. A General Statement of the quantity and value of Foreign articles exported; 881
5. Summary Statement of Domestic articles exported; 882
6. Summary Statement of Foreign articles exported 883
7. A General Statement of the Amount of American and Foreign tonnage employed in the Foreign Trade of The United States; 884
8. A Statistical view of the Commerce and Navigation of The United States; 886
9. A Statement of the Commerce and Navigation of each State and Territory;..... 888
10. A Statement of the Tonnage which entered into and departed from the principal Ports of The United States, and the Lake Ports. 889

From these Statements it appears that the Imports, during the Year ending on the 30th September, 1826, have amounted to 84,974,477 dollars, of which amount 80,778,120 dollars were imported in American Vessels, and 4,196,357 dollars in Foreign Vessels.

That the Exports have, during the same period, amounted to 77,595,322 dollars, of which 53,055,710 dollars were of domestick, and 24,539,612 of Foreign articles. That of the domestick articles, 46,199,528 dollars were exported in American Vessels, and 6,856,182 dollars in Foreign Vessels; and of the Foreign articles, 23,353,988 dollars were exported in American Vessels, and 1,185,624 dollars in Foreign Vessels. That 942,206 tons of American Shipping entered, and 953,012 cleared from, the Ports of The United States, and that 105,654 tons of Foreign Shipping entered, and 99,417 cleared, during the same period.

I have the honour also to state, that the amount of registered tonnage employed in the Foreign Trade, on the 31st of December, 1825, amounted to..... 700,788

That the enrolled and licensed tonnage amounted to.... 657,899

That the tonnage of Fishing Vessels amounted to..... 64,424

Making together.....Tons 1,423,111

As appears, by the Annual Statement of the District Tonnage of The United States transmitted from this Office on the 10th instant.

Permit me further to state, that, in conformity to the 10th Section of the Act above referred to, the articles exported have been valued at their actual cost, or the value which they bore at the time of exportation in the several Ports from which they were exported; and that the articles imported were valued at their actual cost, or the value which they bore in the Foreign Port from which they were exported for importation into The United States, at the time of such exportation, free of any subsequent charges whatever.

I have the honour to be, &c.

JOSEPH NOURSE, *Register.*

The Hon. Richard Rush, Secretary of the Treasury.

(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 of October, 1825, and ending on the 30th of September, 1826.

FROM WHENCE IMPORTED.		VALUE OF MERCHANDISE, IMPORTED FROM EACH COUNTRY.					
		Free of Duty.	Paying Duties ad valorem.	Paying specific Duties.	Total.	In American Vessels.	In Foreign Vessels.
1	Russia - Dollars	102,668	1,397,853	1,116,648	2,617,161	2,617,169	-
2	Prussia - - -	13	92,685	14,917	107,619	43,344	64,271
3	Sweden and Norway -	30,928	12,867	1,084,441	1,128,236	1,092,957	35,279
4	Swedish West Indies -	48,878	6,425	108,643	163,946	163,946	-
5	Denmark - - -	6,469	22,483	20,312	49,264	49,264	-
6	Danish West Indies -	271,630	93,096	1,703,274	2,067,900	2,055,418	12,482
7	Netherlands - - -	193,831	588,719	323,858	1,106,408	1,106,408	-
8	Dutch East Indies -	33,762	7,633	472,161	513,556	513,556	-
9	Dutch West Indies and American Colonies -	212,247	14,816	327,154	554,217	543,222	10,995
10	England, Man, and Berwick - - -	628,544	21,116,395	2,617,264	24,362,203	22,405,955	1,956,248
11	Scotland - - -	1,694	732,592	362,486	1,096,772	534,108	562,664
12	Ireland - - -	729	615,223	57,042	672,994	589,134	83,860
13	Gibraltar - - -	125,634	136,215	415,959	677,808	677,808	-
14	British East Indies -	94,864	1,264,320	1,151,422	2,510,606	2,510,606	-
15	Mauritius - - -	4,227	41	5,536	9,804	9,804	-
16	British West Indies -	702,255	88,475	1,413,682	2,204,412	2,075,815	128,597
17	Newfoundland - - -	3,066	327	242	3,635	3,635	-
18	British Amer. Colonies -	497,741	61,001	91,573	650,316	620,200	30,115
19	Other British Colonies -	3,875	960	18,972	23,807	23,807	-
20	Hanse Towns and Ports of Germany - -	216,195	2,450,842	149,508	2,816,545	2,212,142	604,403
21	French European Ports on the Atlantick -	240,515	6,592,904	853,949	7,687,368	7,437,539	249,829
22	French European Ports on the Mediterranean -	50,786	285,426	555,940	892,152	892,152	-
23	French West Indies and American Colonies -	178,234	17,360	777,676	973,270	949,067	24,203
24	Bourbon - - -	206	71	31,778	32,055	32,055	-
25	Other French Afri. Ports -	4,000	51	-	4,051	-	4,051
26	Hayti - - -	364,462	146,012	1,001,362	1,511,836	1,466,408	45,428
27	Spanish European Ports on the Atlantick -	2,395	247,407	82,917	332,719	332,719	-
28	Spanish European Ports on the Mediterranean -	7,375	14,494	310,529	332,398	332,398	-
29	Teneriffe and other Canaries - - -	22,044	421	150,934	173,399	173,399	-
30	Manilla and the Philippine Islands - -	17,702	92,871	237,802	348,375	348,375	-
31	Cuba - - -	517,255	783,188	6,358,316	7,658,759	7,605,917	52,842
32	Other Spanish W. Indies -	71,067	3,651	703,062	777,770	777,770	-
33	Portugal - - -	45,664	125,878	178,447	349,989	344,035	5,954
34	Madeira - - -	5,614	2,758	216,461	224,833	224,833	-
35	Fayal, and other Azores -	15,574	29,745	40,942	86,261	86,261	-
36	Cape de Verd Islands -	94,644	275	9,201	104,120	103,648	472
37	Italy and Malta - -	216,807	653,047	250,895	1,120,749	1,120,749	-
38	Trieste and other Austrian Ports on the Adriatic - - -	30,729	40,873	121,550	193,152	193,152	-
39	Turkey, Levant, & Egypt -	41,523	300,894	79,515	421,932	421,932	-
40	Morocco and Barbary States - - -	9,030	-	-	9,030	9,030	-
41	Cape of Good Hope - -	39,742	1,632	5,185	46,559	46,559	-
42	China - - -	31,963	3,365,224	4,024,999	7,422,186	7,422,186	-
43	Mexico - - -	2,937,461	873,161	105,576	3,916,198	3,689,101	227,097
44	Central Republic of South America -	96,375	39,360	68,535	204,270	204,270	-
45	Honduras, Campeachy -	46,742	6,157	35,234	88,133	88,133	-
46	Colombia - - -	786,887	114,867	1,177,970	2,079,724	2,024,074	55,650
47	Coast of Brazil - - -	1,471,136	102,825	582,717	2,156,678	2,126,118	30,560
48	Buenos Ayres - - -	487,871	34,880	18	522,769	522,769	-
49	Chili - - -	617,438	9,412	3,099	629,949	629,949	-
50	Peru - - -	759,529	33,903	1,762	795,194	795,194	-
51	South America (generally) -	17,797	1,213	23,244	42,254	42,254	-
52	Asia - do. - - -	88,219	27,213	212,507	327,939	327,939	-
53	West Indies, do. - -	-	-	120	120	-	120
54	Europe, do. - - -	-	-	1,124	1,124	-	1,124
55	Africa, do. - - -	33,366	59,075	12,808	105,249	102,613	2,636
56	South Seas - - -	37,723	-	135	37,858	37,858	-
57	Sandwich Islands - -	10	38	31	79	79	-
58	Uncertain Ports - -	734	4,076	21,954	26,764	18,163	8,601
Total - Dollars		12,567,769	42,713,330	29,693,378	84,974,477	80,778,120	4,196,357

Treasury Department, Register's Office, February 21, 1827.

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, 1825, and ending on the 30th day of September, 1826.

SPECIES OF MERCHANDISE.		In Ameri- can Ves- sels.	In Foreign Vessels.	Total.		In Ameri- can Ves- sels.	In Foreign Vessels.	Total.
VALUE OF MERCHANDISE FREE OF DUTY.								
Articles imported for the use of the United States		468	—	468		137,017	9,275	146,292
Philosophical Apparatus, Instruments, &c.		4,280	—	4,280		3,239,867	—	3,239,867
Books		21,652	333	22,005		4,898,877	56,093	4,864,970
Cabinets of Coins and Gems, Medals, &c.		160	—	160		243,857	7,054	250,911
Anatomical Preparations		748	—	748		2,315,159	441,921	2,757,080
Antimony		6,575	—	6,575		203,433	26,513	229,946
Lapis Calaminaris, Tuteneque, Spelter, and Zinc		52,140	—	52,140		1,433,188	305,708	1,738,846
Burr Stones, unwrought		17,647	7,477	25,124		42,053	6,856	48,909
Brimstone and Sulphur		46,077	—	46,077		2,648,559	182,684	2,831,243
Cork Tree, bark of		7,688	—	7,688		25,577	1,167	26,744
Clay, unwrought		6,739	—	6,739		319,350	13,211	332,561
Rags, of any kind of cloth		120,206	—	120,206		7,804	928	8,732
Furs of all kinds		337,494	1,461	338,955		24,776	65	24,841
Felt, patent, to 30th June, 1826		1,444	—	1,444		121,236	4,514	125,750
Hides and Skins, raw		2,797,361	28,165	2,825,526		400,736	10,069	410,745
Plaster of Paris		126,800	6,842	133,642		212,018	78,201	290,219
Specimens of Botany, Natural History, and Mineralogy		14,635	464	15,159		1,417,380	217,191	1,634,571
Models of Invention and Machinery		595	—	595		389,100	22,553	411,653
Wood		658,512	55,214	713,726		645,701	14,203	659,904
Animals for breed		84,578	40,352	125,930		36,520	226	36,746
Pewter, old		2,721	—	2,721		6,837	—	6,837
Tin, in pigs and bars		103,552	161	103,713		20,524	209	20,733
Brass		8,349	30	8,379		45,825	13,382	59,207
Copper, { in pigs and bars { in plates, suited to the sheathing of Ships		686,321	619	686,940		21,274	1,831	23,105
Bullion		311,472	16,562	328,034		92,581	1,323	93,904
Specie		69,452	3,474	72,926		10,620	892	11,512
All other Articles		575,767	2,514	578,281		182,910	—	182,910
		5,949,746	352,939	6,302,685		11,570	18	11,588
		34,990	938	35,928		30,576	—	30,576
		12,047,329	520,440	12,567,769		33,062	18,739	51,801
						355,458	4,280	359,738
Total Dollars								
VALUE OF MERCHANDISE PAYING DUTIES ad Valorem:								
Manufactures of Wool.		4,342,864	203,550	4,546,414		24,885	9,212	33,997
Flannels and Cassimeres		668,453	18,370	686,823		16,733	209	16,942
Blankets		469,344	58,440	527,784		194,747	81,951	276,698
Hosiery, Gloves, and Mitts, &c.		185,224	4,769	189,993		192,496	—	192,496
Worsted Stuff Goods		1,126,915	16,251	1,143,166		433,702	15,968	449,670
All other Manufactures of Wool, paying a Duty of 30 per Cent.		877,418	14,028	891,446		985,989	4,557	990,546
Printed and coloured		4,635,688	371,137	5,006,825		2,483,642	147,037	2,630,679
White		2,130,595	129,439	2,260,034		98,346	3,950	102,296
Hosiery, Gloves, and Mitts, &c.		351,897	62,973	414,870		805,224	19,914	825,138
Twist, Yarn, and Thread		165,437	18,700	184,137		612,049	52,722	664,771
Nankens		904,090	884	904,974				
Total Dollars						40,947,110	2,666,226	42,713,336

SUMMARY 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	635,682	512,027	42,541	33,121	678,223
Cotton bagging	do.	592,248	73,626	1,612,574	201,347	2,204,822
Wines	gallons	3,327,946	1,744,728	108,114	36,460	3,436,460
Spirits, from grain	do.	527,709	219,361	7,517	3,593	535,226
other materials	do.	3,098,305	1,323,818	84,621	40,940	3,182,926
Molasses	do.	13,755,886	2,815,051	87,059	23,677	13,843,045
Beer, ale, and porter	do.	64,065	58,028	4,919	4,185	68,984
Dils	do.	187,624	89,165	800	550	188,424
Feas	pounds	10,098,900	3,752,281	—	—	10,098,900
Coffee	do.	36,509,695	4,076,098	809,802	83,460	37,319,497
Cocoa	do.	3,597,417	459,863	105,998	21,789	3,703,415
Chocolate	do.	2,062	691	97	42	2,159
Sugar, brown and white	do.	84,380,701	5,276,882	522,254	34,749	84,902,955
candy and loaf	do.	1,334	222	—	—	1,334
other refined	do.	670	101	—	—	670
Fruits	do.	5,201,207	373,641	18,487	1,349	5,219,694
Vegetables	gallons	21,452	5,390	8,360	1,544	29,812
Candles, cheese, soap, and tallow	pounds	584,301	40,715	14,806	1,866	599,107
Beef and Pork	do.	737,956	23,972	200	10	738,156
Lacon	do.	38,869	3,302	4,656	377	43,525
Butter	do.	2,122	277	1,857	168	3,479
Altpetre	do.	8,285	376	—	—	8,285
Bitriol	do.	1,655	53	—	—	1,655
Lamphor	do.	84,221	26,155	—	—	84,221
Salts, Epsom, &c.	do.	21,583	934	3,899	73	25,482
Spices	do.	6,596,193	592,506	17,407	2,062	6,613,600
Tobacco, manufactured, and Snuff	do.	36,327	3,328	787	109	37,114
Indigo	do.	1,144,957	1,970,179	6,743	9,340	1,151,700
Cotton	do.	238,269	47,385	6,442	381	244,711
Gunpowder	do.	63,284	15,510	—	—	63,299
Bristles and Glue	do.	161,067	54,050	50	164	161,117
Paints	do.	2,377,041	107,431	834,541	40,445	3,211,092
Lead, Pig, Bar, and Shot	do.	5,505,695	244,054	437,340	21,355	5,943,035
Ordage, twine, packthread, seine, &c.	do.	1,856,633	137,573	93,282	9,853	1,949,915
orks	do.	137,324	38,095	3,561	1,208	140,885
Copper rods and bolts, nails, and spikes	do.	29,989	6,647	5,508	1,589	35,497
Fire arms, muskets, and rifles	No. of	17,346	63,530	1,000	4,000	18,346
Iron and Steel wire	pounds	699,984	82,895	65,676	7,506	765,664
Nails, brads, sprigs, nails, spikes, cables, and chains	do.	521,223	44,039	195,128	14,303	716,351
mill irons and mill saws	No. of	1,712	5,426	141	711	1,853
anchors, anvils, hammers, sledges, castings, and pigs	pounds	1,625,148	117,868	318,097	33,407	1,943,245
Braziers' rods, nails, rods, sheet and hoop, scrawl, and slit, &c.	do.	1,925,557	79,389	983,322	36,612	2,808,879
in bars and bolts, rolled and hammered	cwt.	529,697	1,736,379	26,559	77,230	556,256
Steel	do.	34,330	366,737	1,593	17,498	36,523
Temp	do.	88,116	551,757	—	—	88,116
Flum	do.	2	20	—	—	2
Copperas	do.	574	721	3,787	6,161	4,361
Wheat flour	do.	16	48	17	34	33
Alt	bushels	4,040,899	572,455	523,821	104,603	4,564,720
Meal	do.	796,016	127,124	174,005	18,138	970,021
Wheat	do.	1,377	1,320	2,071	3,680	3,448
Potatoes	do.	9,119	3,198	3,389	703	12,508
Beans	do.	47,003	20,005	25,415	9,406	72,418
Peas	pounds	1,216,379	245,920	30,732	4,844	247,111
Books	do.	59,720	—	3,884	—	63,604
Hitto	volumes	120,656	152,853	12,939	14,338	133,595
Glass, cut and not specified	pounds	31,738	—	4,348	—	—
all other articles	do.	566,527	—	310,331	—	—
Apothecaries' phials	groce	3,051	78,538	720	45,781	3,771
bottles	do.	15,075	—	7,841	—	22,916
window	100 sq. ft.	5,287	47,488	1,916	23,860	7,203
demijohns	No. of	52,307	21,772	11,246	3,775	63,553
Fish, dried and smoked	quintals	474	14,308	283	4,583	757
pickled	barrels	1,035	—	307	—	1,342
Shoes, boots, and booties, &c.	pairs	6,446	5,652	375	277	6,821
Cigars	M.	22,327	250,551	622	2,991	22,949
Playing cards	packs	708	173	—	—	708
Total value of Merchandise paying specific duty	—	28,683,681	—	1,009,697	—	29,693,378
Do. do. ad valorem duty	—	12,047,329	—	520,440	—	12,567,769
Do. do. free of duty	—	40,047,110	—	2,666,220	—	42,713,330
Total Value - Dollars	—	80,778,120	—	4,196,357	—	84,974,477

Treasury Department, Register's Office, February 22, 1827.

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, 1825, and ending on the 30th day of September, 1826.

WHITHER EXPORTED.		TOTAL VALUE.			
		In American Vessels.	In Foreign Vessels.	To each Country.	To the Dominions of each Power.
1	Russia	11,044	-	11,044	11,044
2	Prussia	15,129	-	15,129	15,129
3	Sweden and Norway	107,716	18,318	126,034	246,607
4	Swedish West Indies	120,573	-	120,573	
5	Denmark	100,582	-	100,582	1,491,586
6	Danish West Indies	1,969,116	21,888	1,991,004	
7	Netherlands	1,876,574	93,625	1,970,199	2,461,830
8	Dutch East Indies	57,506	-	57,506	
9	Dutch West Indies	430,348	3,777	434,125	19,065,185
10	England, Man, and Berwick	15,043,075	4,022,110	19,065,185	
11	Scotland	219,635	353,259	572,894	775,137
12	Ireland	708,313	66,824	775,137	
13	Gibraltar	679,548	12,848	692,396	25,842,299
14	Cape of Good Hope	21,154	-	21,154	
15	British East Indies	24,226	-	24,226	13,893
16	Mauritius	13,893	-	13,893	
17	British West Indies	1,910,823	168,048	2,078,871	2,564,165
18	British American Colonies and Newfoundland	2,257,653	306,512	2,564,165	
19	Other British Colonies	34,378	-	34,378	979,313
20	Hanse Towns and ports of Germany	750,317	228,996	979,313	
21	French European ports—Atlantic	7,882,897	1,192,357	9,075,254	10,253,556
22	French European ports—Mediterranean	273,675	-	273,675	
23	French African ports	-	512	512	1,252,910
24	French West Indies	833,040	71,075	904,115	
25	Haiti	1,194,922	57,988	1,252,910	80,964
26	Spanish European ports—Atlantic	69,543	1,770	71,313	
27	Spanish European ports—Mediterranean	80,964	-	80,964	42,761
28	Teneriffe and other Canaries	42,761	-	42,761	
29	Manilla and Philippine Islands	14,133	-	14,133	3,749,658
30	Cuba	3,700,684	48,974	3,749,658	
31	Other Spanish West Indies	207,038	3,820	210,858	119,058
32	Portugal	96,156	3,789	99,945	
33	Madeira	119,058	-	119,058	16,976
34	Fayal and other Azores	16,976	-	16,976	
35	Cape de Verd Islands	37,386	2,307	39,693	81,622
36	Italy and Malta	81,622	-	81,622	
37	Trieste and other Austrian ports	13,387	-	13,387	46,897
38	Turkey, Levant, and Egypt	46,897	-	46,897	
39	China	242,451	-	242,451	1,024,275
40	Mexico	957,089	67,186	1,024,275	
41	Central Republic of South America	79,294	-	79,294	56,507
42	Colombia	889,507	56,507	946,014	
43	Brazil	1,558,582	38,762	1,597,344	211,532
44	Buenos Ayres	211,532	11,900	222,832	
45	Chili	512,650	-	512,650	278,724
46	Peru	278,724	-	278,724	
47	South America, generally	56,725	-	56,725	17,565
48	Asia, do.	17,565	-	17,565	
49	West Indies do.	600,953	2,854	603,807	166,875
50	Europe, do.	166,875	-	166,875	
51	Africa, do.	107,450	776	108,226	27,468
52	South Seas	27,468	-	27,468	
53	Northwest Coast	29,921	-	29,921	
Total Dollars		46,199,528	6,856,182	53,055,710	53,055,710

Treasury Department, Register's Office, February 22, 1827.

JOSEPH NOURSE, Register.

4.)—General Statement of Goods, Wares, and Merchandize, of the Growth, Produce, and Manufacture of Foreign Countries, Exported from The United States; commencing on the 1st of October, 1825, and ending on the 30th of Septemb.r, 1826.

To what Country.		VALUE OF MERCHANDIZE EXPORTED TO EACH COUNTRY.					
		Free of Duty.	Paying Duties ad Valorem.	Paying specific Duties.	Total.	In American Vessels.	In Foreign Vessels.
1	Russia - - - Dollars	9,785	12,110	141,709	163,604	163,604	—
2	Prussia - - -	240	—	3,181	3,421	3,421	—
3	Sweden and Norway - - -	13,251	—	75,238	88,489	85,716	2,773
4	Swedish West Indies - - -	—	6,131	17,153	23,284	23,284	—
5	Denmark - - -	18,913	21,162	205,213	245,288	245,288	—
6	Danish West Indies - - -	9,694	514,297	152,010	676,001	675,774	227
7	Holland - - -	248,239	112,765	1,538,853	1,899,857	1,869,655	30,202
8	Dutch West Indies - - -	—	37,032	20,394	57,426	57,426	—
9	Dutch East Indies - - -	273,069	54,943	46,945	374,957	374,957	—
0	England, Man, and Berwick - - -	785,580	541,733	241,710	1,569,023	955,871	613,152
1	Scotland - - -	—	2,952	—	2,952	2,952	—
2	Ireland - - -	—	6,684	—	6,684	6,275	409
3	Gibraltar - - -	106,418	289,321	659,786	1,055,525	1,055,525	—
4	British East Indies - - -	407,485	3,028	7,529	418,042	418,042	—
5	British West Indies - - -	3,739	13,312	14,880	31,931	11,015	20,916
6	Mauritius - - -	22,000	—	—	22,000	22,000	—
7	British American Colonies - - -	4,221	7,748	12,415	24,384	678	23,706
8	Newfoundland - - -	—	58	188	246	106	140
9	Other British Colonies - - -	—	500	—	500	—	—
0	Hanse Towns and Ports of Germany - - -	77,664	106,507	953,213	1,137,384	885,556	251,828
1	France on the Atlantick - - -	244,765	346,473	724,940	1,316,178	1,272,468	43,710
2	France on the Mediterranean - - -	87,871	75,280	320,526	483,677	483,677	—
3	French West Indies - - -	951	18,771	32,337	52,059	51,478	581
4	French African Ports - - -	—	—	959	959	959	—
5	Hayti - - -	694	135,139	25,751	161,584	146,291	15,293
6	Spanish Ports on the Atlantick - - -	940	2,297	18,990	22,227	22,227	—
7	Spanish Ports on the Mediterranean - - -	232	12,133	7,681	20,046	20,046	—
8	Teneriffe and other Canaries - - -	4,691	5,373	11,678	21,742	21,742	—
9	Manilla and Philippine Islands - - -	30,000	18,865	9,342	58,207	58,207	—
0	Cuba - - -	446,920	1,631,896	303,958	2,382,774	2,381,678	1,096
1	Other Spanish West Indies - - -	—	9,657	3,011	12,668	12,668	—
2	Portugal - - -	538	—	—	538	538	—
3	Madeira - - -	12,380	1,006	12,163	25,549	25,549	—
4	Fayal and other Azores - - -	—	595	1,900	2,495	2,495	—
5	Cape de Verd Islands - - -	—	7,614	1,685	9,299	9,299	—
6	Italy and Malta - - -	13,295	75,832	359,472	448,599	448,599	—
7	Trieste and other Ports on the Adriatick - - -	13,432	36,800	223,701	273,933	273,933	—
8	Turkey, Levant, and Egypt - - -	933	45,616	224,889	271,438	271,438	—
9	Cape of Good Hope - - -	4,000	614	1,819	6,433	6,433	—
0	China - - -	1,729,364	463,752	131,077	2,324,193	2,324,193	—
1	Mexican Ports on the Atlantick - - -	2,735	4,397,046	856,994	5,256,775	5,124,149	132,626
2	Central Republic of South America - - -	241	28,844	11,395	40,480	40,480	—
3	Colombian Ports on the Atlantick - - -	11,857	827,289	167,512	1,006,658	992,129	14,529
4	Brazil - - -	114,833	257,122	231,050	603,005	568,659	34,346
5	Buenos Ayres - - -	307	108,730	47,471	156,508	156,508	—
6	Chili - - -	59,100	701,933	173,815	934,848	934,848	—
7	Peru - - -	290	186,227	44,658	231,175	231,175	—
8	South America (generally) - - -	—	2,007	5,996	8,003	8,003	—
9	Asia (do.) - - -	366,422	9,223	11,845	387,490	387,490	—
0	West Indies (do.) - - -	5,387	6,191	2,484	14,062	14,062	—
1	Europe (do.) - - -	442	—	12,001	12,443	12,443	—
2	Africa (do.) - - -	—	26,623	28,217	54,840	54,750	90
3	South Seas - - -	1,230	47,348	14,281	62,859	62,859	—
4	Northwest Coast - - -	960	59,957	13,953	74,870	74,870	—
Total -		5,135,108	11,276,536	8,127,968	24,539,612	23,353,988	1,185,624
Entitled to drawback - - -		—	10,215,818	8,020,186	18,236,004	17,321,186	914,818
Not entitled to drawback - - -		5,135,108	1,060,718	107,782	6,303,608	6,032,802	270,806

Treasury Department, Register's Office, February 22, 1827.

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 of September, 1826.

VALUE OF MERCHANDISE, FREE OF DUTY.		Articles not specially enumerated, at 12½ per cent.	
Antimony, Regulus of	80	-	699,938
Lapis Calaminaris, Teuteneque, Spelter, or Zinc	30,527	15 do.	1,183,276
Brimstone and Sulphur	696	20 do.	79,300
Furs of all kinds	40,903	25 do.	70,302
Hides and Skins, raw	364,672	30 do.	195,742
Specimens of Botany	735		Dollars 11,276,536
Models of Inventions and Machinery	21		
Wood, (Dye and Barilla, unmanufactured Mahogany, &c.)	459,600		
Copper, in Pigs and Bars	89,373		
Plates, suited to the Sheathing of Ships	39,684		
for the use of the Mint	3,983		
Old Copper	110		
Tin in Pigs and Bars	6,046		
Bullion	40,738		
Specie	4,057,940		
	Dollars 5,135,108		
VALUE OF MERCHANDISE PAYING DUTIES AD VALOREM.		VALUE OF MERCHANDISE, PAYING SPECIFIC RATES OF DUTY.	
Manufactures of Wool:		Carpeting	11,898
Cloths and Cassimeres	260,766	Cotton Bagging	2,248
Flannels and Baizes	42,392	Wines	366,485
Blankets	31,166	Spirits from grain	42,897
Worsted and Stuff	49,478	other materials	253,626
Hosiery, Gloves, Mitts, &c.	9,956	Molasses	16,419
All other Manufactures paying a Duty of 30 per cent.	47,624	Beer, Ale, and Porter	1,766
Cotton:		Oils	40,916
Printed and Coloured	1,032,381	Teas	1,308,694
White	682,407	Coffee	1,449,022
Nankeens	336,295	Cocoa	419,577
Hosiery, Gloves, Mitts	74,462	Sugar, brown and white	1,742,034
Twist and Yarn	34,862	Fruits	29,522
All other Manufactures paying Duties of 25 per cent.	65,683	Vinegar	814
Silk, from India	1,651,492	Candles, Tallow, Cheese, and Soap	37,625
other places	1,583,228	Lard	1,163
Vestings and Plaids	23,769	Beef and Pork	43,970
Flax	1,453,721	Saltpetre	11
Hemp	472,334	Vitriol	917
Iron and Steel	267,812	Salts	65
Copper	3,197	Spices	578,729
Brass	18,545	Tobacco, manufactured, and Snuff	2,308
Tin	1,081	Indigo	712,080
Pewter	507	Cotton	28,852
Wood, including cabinetwares	26,711	Gunpowder	1,644
Leather, including Saddles, Bridles, and Harness	10,055	Glue	77
Glass	48,727	Paints	13,025
Wares, China, &c. earthen, stone, &c.	159,881	Lead, pig, bar, and shot	154,487
Gold and Silver, &c.	88,284	Cordage	122,237
Lace	207,379	Twine, packthread, and seine	6,896
Marble and manufactures of marble	1,078	Corks	1,966
Slates and Tiles for building	128	Copper rods and bolts, nails and spikes	581
Prepared Quills	3,313	Fire arms, muskets and rifles	54,250
Black lead pencils	1,441	Iron and steel, wire and nails	4,497
Paper hangings	1,524	Rods, braziers or round, nails or spikes, slit or rolled	279
Brushes	536	Cables and chains, and anchors	1,440
Quicksilver	159,329	Anvils, hammers and sledges, for blacksmiths, castings	654
Hair cloth and hair seating	185	Sheet or hoop	6,137
Oil cloth	911	Bars and bolts	77,727
Hats, Caps, and Bonnets	22,144	Steel	69,430
Unmanufactured, Copper bottoms, and Copper in plates or sheets	1,411	Hemp	438
Tin	36,531	Alum and Copperas	149
Silk	132,295	Salt	8,603
Wool	2,957	Coal	300
		Potatoes	550
		Paper	432,126
		Books	16,598
		Glass	17,926
		Fish	590
		Shoes and slippers	2,029
		Cigars	41,466
		Playing Cards	230
			Dollars 8,127,968
		Value of merchandise paying specific rates of Duty	8,127,968
		Do. do. ad valorem do.	11,276,536
		Do. do. free of duty	5,135,108
		Total value of Foreign produce	24,539,612

(7).—A General Statement, exhibiting the quantity of American and Foreign
1st day of October, 1825, and ending

		TONNAGE ENTERED INTO THE UNITED STATES.														
		FROM	Ameri- can Vessels.	FOREIGN VESSELS.										Total.		
				British.	French.	Spanish.	Dutch.	Hanse Towns.	Swedish.	Danish.	Prussian.	Haytien.	Mexican.		Colombian.	Uncertain.
1	Russia	Tons	17,342	-	-	-	-	-	-	-	-	-	-	-	-	-
2	Prussia	-	294	-	-	-	-	-	-	-	207	-	-	-	-	-
3	Sweden and Norway	-	13,945	-	-	-	-	-	1,974	-	-	-	-	-	-	1,974
4	Swedish West Indies	-	4,284	-	-	-	-	-	-	-	-	-	-	-	-	-
5	Denmark	-	836	-	-	-	-	-	-	-	-	-	-	-	-	-
6	Danish West Indies	-	37,347	220	-	-	-	-	358	367	-	-	-	-	-	1,045
7	Netherlands	-	26,902	-	-	-	-	-	-	-	-	-	-	490	-	1,045
8	Dutch West Indies and Ame- rican Colonies	-	13,591	-	-	-	1,137	-	-	-	-	-	-	140	-	1,377
9	Dutch East Indies	-	4,336	-	-	-	-	-	-	-	-	-	-	-	-	-
10	England	-	172,588	39,124	-	-	251	-	-	-	-	-	-	-	-	20,370
11	Scotland	-	5,857	6,261	-	-	-	-	-	-	-	-	-	-	-	6,370
12	Ireland	-	13,937	4,370	-	-	-	-	-	-	-	-	-	-	-	4,370
13	Gibraltar	-	9,398	-	-	-	-	-	-	-	-	-	-	-	-	-
14	Mauritius	-	216	-	-	-	-	-	-	-	-	-	-	-	-	-
15	British East Indies	-	5,981	-	-	-	-	-	-	-	-	-	-	-	-	-
16	British West Indies	-	97,231	7,738	-	-	-	-	-	-	-	-	-	-	189	7,927
17	Newfoundland and British Fisheries	-	488	286	-	-	-	-	-	-	-	-	-	-	-	286
18	British American Colonies	-	74,396	8,420	-	-	-	-	-	-	-	-	-	-	-	8,420
19	Other British Colonies	-	151	53	-	-	-	-	-	-	-	-	-	-	-	53
20	Cape of Good Hope	-	249	-	-	-	-	-	-	-	-	-	-	-	-	-
21	The Hanse Towns	-	14,537	-	-	-	-	4,859	-	-	-	-	-	-	-	4,859
22	France on the Atlantick	-	51,451	-	7,514	-	-	-	-	-	-	-	-	-	-	7,514
23	France on the Mediterranean	-	9,426	-	-	-	-	-	-	-	-	-	-	-	-	-
24	French West Indies and Ame- rican Colonies	-	37,724	-	6,442	-	-	-	-	-	-	-	-	-	-	6,442
25	Bourbon	-	254	-	-	-	-	-	-	-	-	-	-	-	-	-
26	Other French African Ports	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
27	Spain on the Atlantick	-	5,483	-	-	-	-	-	-	-	-	-	-	-	-	-
28	Spain on the Mediterranean	-	5,066	-	-	-	-	-	-	-	-	-	-	-	-	-
29	Teneriffe and other Canaries	-	1,931	-	-	-	-	-	-	-	-	-	-	-	-	-
30	Manilla & Philippine Islands	-	1,416	-	-	-	-	-	-	-	-	-	-	-	-	-
31	Cuba	-	122,600	314	679	1,815	-	-	-	-	-	-	-	-	-	2,808
32	Other Spanish West Indies	-	12,719	-	-	-	-	-	-	-	-	-	-	-	-	-
33	Portugal	-	21,045	-	-	-	82	260	-	-	-	-	-	-	-	342
34	Madeira	-	2,546	-	-	-	-	-	-	-	-	-	-	-	-	-
35	Fayal and other Azores	-	1,721	-	-	-	-	-	-	-	-	-	-	-	-	-
36	Cape de Verd Islands	-	2,006	-	-	-	-	209	-	-	-	-	-	-	-	209
37	Italy	-	9,095	-	-	-	-	-	-	-	-	-	-	-	-	-
38	Trieste and other Austrian Ports on the Adriatick	-	2,515	-	-	-	-	-	-	-	-	-	-	-	-	-
39	Ionian Islands	-	374	-	-	-	-	-	-	-	-	-	-	-	-	-
40	Turkey, Levant, and Egypt	-	2,706	-	-	-	-	-	-	-	-	-	-	-	-	-
41	Morocco and Barbary States	-	86	-	-	-	-	-	-	-	-	-	-	-	-	-
42	China	-	10,432	-	-	-	-	-	-	-	-	-	-	-	-	-
43	Mexico on the Atlantick	-	24,861	1,377	977	-	402	-	235	-	-	-	2,532	154	376	6,000
44	Mexico on the Pacifick	-	663	-	-	-	-	-	-	-	-	-	-	-	-	-
45	Central Republic of South America	-	2,940	-	-	-	-	-	-	-	-	-	-	-	-	-
46	Colombia on the Atlantick	-	16,807	-	-	-	-	-	1,097	-	-	-	195	2,512	-	3,804
47	Colombia on the Pacifick	-	707	-	-	-	-	-	-	-	-	-	-	-	-	-
48	Brazil	-	24,590	969	-	-	-	527	-	-	-	-	-	-	-	1,025
49	Buenos Ayres	-	3,054	-	-	-	-	-	-	-	-	-	-	-	-	-
50	Chili	-	4,446	-	-	-	-	-	-	-	-	-	-	-	-	-
51	Peru	-	5,192	-	-	-	-	-	-	-	-	-	-	-	-	-
52	South America, (generally)	-	1,283	163	-	-	-	-	-	-	-	-	-	-	-	163
53	Hayti	-	26,192	-	116	-	114	-	-	-	-	781	-	126	-	1,137
54	Asia, do.	-	4,439	-	-	-	-	-	-	-	-	-	-	-	-	-
55	West Indies do.	-	180	-	-	-	-	-	-	-	-	-	-	-	-	-
56	Europe do.	-	499	-	-	-	-	-	-	-	-	-	-	-	-	-
57	Africa do.	-	2,485	-	242	-	-	-	-	-	-	-	-	-	-	242
58	South Seas	-	9,866	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Tons			942,206	69,295	14,970	1,815	1,986	5,855	3,664	367	207	781	2,727	3,422	563	188,560

nage employed in the Foreign Trade of The United States, commencing on the 30th day of September, 1826.

		TONNAGE DEPARTING FROM THE UNITED STATES.														
TO		Ameri- can Vessels.	FOREIGN VESSELS.											Total.		
			British.	French.	Spanish.	Dutch.	Hanse Towns.	Swedish.	Danish.	Prussian.	Haytian.	Mexican.	Colombian.		Brazilian.	Uncertain.
Asia	Tons	1,386	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Asia		313	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sweden and Norway		2,658	-	-	-	-	-	518	-	-	-	-	-	-	-	518
Swedish West Indies		4,437	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Denmark		2,861	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dutch West Indies		43,584	-	-	-	206	-	-	804	-	-	-	-	-	-	-
Netherlands		32,946	298	-	-	573	267	-	-	-	-	-	-	-	60	1,070
French West Indies		12,733	-	-	-	611	-	-	-	-	-	-	-	-	-	1,138
French East Indies		3,282	-	-	-	-	-	-	-	-	-	-	-	-	-	611
Ireland		147,455	41,801	-	-	-	-	-	-	-	-	-	-	-	-	-
Ireland		2,850	2,792	-	-	-	-	-	-	-	-	-	-	-	-	41,801
Ireland		14,436	1,359	-	-	-	-	-	-	-	-	-	-	-	-	2,792
Malta		24,148	395	120	-	-	336	-	-	-	-	-	70	-	-	1,359
Brittany		352	-	-	-	-	-	-	-	-	-	-	-	-	-	921
French East Indies		2,030	-	-	-	-	-	-	-	-	-	-	-	-	-	-
French West Indies		99,732	8,120	-	-	-	-	-	-	-	-	-	-	-	-	-
Newfoundland and British fisheries		319	356	-	-	-	-	-	-	-	-	-	-	-	-	8,120
French American Colonies		76,191	10,108	-	-	-	-	-	-	-	-	-	-	-	-	356
French British Colonies		526	-	-	-	-	-	-	-	-	-	-	-	-	-	10,108
Isle of Good Hope		432	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hanse Towns		13,510	-	-	-	-	4,702	235	-	-	-	-	-	-	-	4,937
France on the Atlantick		76,478	-	11,270	-	-	-	-	-	-	-	-	-	-	-	11,270
France on the Mediterranean		10,960	-	-	-	-	-	-	-	-	-	-	-	-	-	-
French West Indies and Ame- rican Colonies		43,947	-	4,148	-	-	-	-	-	-	-	-	-	-	-	4,148
French African Ports		127	-	117	-	-	-	-	-	-	-	-	-	-	-	117
France on the Atlantick		3,620	-	-	-	-	-	198	-	-	-	-	237	-	-	435
France on the Mediterranean		1,462	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cape Verde and other Canaries		1,901	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Philippine Islands		724	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Spain		121,754	-	-	1,824	-	-	-	-	-	-	-	-	-	310	2,134
Spanish West Indies		6,879	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Portugal		6,436	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Madeira		4,220	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Madeira and other Azores		753	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Isle de Verd Islands		754	134	-	-	-	-	-	-	-	-	-	-	-	-	134
Italy		5,208	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Austria and other Austrian ports on the Adriatic		1,879	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Greek Islands		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Greece, Levant, and Egypt		1,323	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Spain		4,956	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mexico on the Atlantick		23,413	-	85	-	-	-	-	-	-	-	2,367	-	-	-	2,452
Mexico on the Pacific		113	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Central Republic of South America		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Colombia on the Atlantick		2,598	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Colombia on the Pacific		19,534	-	-	-	-	400	-	-	-	-	197	1,442	-	-	1,639
San Pedro de Macoris		242	-	-	-	-	-	-	-	-	-	-	-	-	-	400
San Pedro de Macoris		84,372	-	-	-	-	-	281	213	-	-	-	-	-	-	1,034
San Pedro de Macoris		5,119	238	-	-	-	-	-	-	-	-	85	264	191	-	238
San Pedro de Macoris		6,798	-	-	-	-	-	-	-	-	-	-	-	-	-	-
San Pedro de Macoris		3,171	-	-	-	-	-	-	-	-	-	-	-	-	-	-
South America, (generally)		3,497	-	-	-	-	-	-	-	-	-	-	-	-	-	-
South America, (generally)		32,209	-	113	-	80	-	-	207	718	-	-	211	-	139	1,468
South America, (generally)		3,653	-	-	-	-	-	-	-	-	-	-	-	-	-	-
South America, (generally)		18,064	92	-	-	-	-	-	-	-	-	-	-	-	-	92
South America, (generally)		2,603	-	-	-	-	-	-	-	-	-	-	-	-	-	-
South America, (generally)		2,283	-	125	-	-	-	-	-	-	-	-	-	-	-	125
South America, (generally)		14,932	-	-	-	-	-	-	-	-	-	-	-	-	-	-
South America, (generally)		849	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Tons		953,012	65,693	15,978	1,824	1,870	5,586	1,164	804	207	718	2,564	2,045	264	700	99,417

Treasury Department, Register's Office, February 22, 1827.

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 Imports to, each Foreign Country, and the Tonnage belonging to each Foreign Country, ending on the 30th day of September, 1826.*

		COMMERCE.					
	COUNTRIES.	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	2,617,169	—	11,044	—	163,604	—
2	Prussia	43,344	64,271	15,129	—	3,421	—
3	Sweden and Norway	1,092,957	35,279	107,716	18,318	85,716	2,771
4	Swedish West Indies	163,946	—	120,573	—	23,284	—
5	Denmark	49,264	—	100,582	—	245,288	—
6	Danish West Indies	2,055,418	12,482	1,369,116	21,888	673,774	—
7	Danish East Indies	—	—	—	—	—	—
8	Netherlands	1,106,408	—	1,876,574	93,625	1,869,655	30,311
9	Dutch West Indies	543,222	10,995	430,348	3,777	57,426	—
10	Dutch East Indies	513,556	—	57,506	—	374,967	—
11	England, Man, and Berwick	22,405,955	1,956,248	15,043,075	4,022,110	955,871	613,111
12	Scotland	534,108	562,664	219,635	353,259	2,962	—
13	Ireland	589,134	83,860	708,313	66,824	6,273	—
14	Gibraltar	677,808	—	679,548	12,848	1,055,325	—
15	British East Indies	2,510,606	—	24,226	—	418,042	—
16	Mauritius	9,804	—	13,893	—	22,000	—
17	Cape of Good Hope	46,559	—	21,154	—	6,433	—
18	British West Indies	2,075,815	128,597	1,910,823	168,048	11,015	30,311
19	Newfoundland and British Fisheries	3,635	—	—	—	106	—
20	British North American Colonies	620,200	30,115	2,257,653	306,512	678	22,771
21	Other British Colonies	23,807	—	34,378	—	500	—
22	The Hanse Towns and Ports of Germany	2,212,142	604,403	750,317	228,996	885,536	251,521
23	French European Ports on the Atlantick	7,437,539	249,829	7,882,837	1,192,357	1,272,468	43,771
24	French European Ports on the Mediterranean	892,152	—	273,675	—	483,677	—
25	French West Indies	949,067	24,203	833,040	71,075	51,478	—
26	Bourbon	32,055	—	—	—	—	—
27	French African Ports	—	4,051	—	512	969	—
28	Hayti	1,466,408	45,428	1,194,922	57,988	146,291	15,201
29	Spanish European Ports on the Atlantic	332,719	—	69,543	1,770	22,227	—
30	Spanish European Ports on the Mediterranean	332,398	—	80,964	—	20,046	—
31	Teneriffe and other Canaries	173,399	—	42,761	—	21,742	—
32	Manilla and Philippine Islands	348,375	—	14,133	—	58,207	—
33	Cuba	7,605,917	52,842	3,700,684	48,974	2,381,678	1,201
34	Other Spanish West Indies	777,770	—	207,038	3,820	12,608	—
35	Portugal	344,035	5,954	96,156	3,789	538	—
36	Madeira	224,833	—	119,058	—	25,549	—
37	Fayal and other Azores	86,261	—	16,976	—	2,436	—
38	Cape de Verd Islands	103,648	472	87,386	2,307	9,299	—
39	Other Portuguese African Ports	—	—	—	—	—	—
40	Italy and Malta	1,120,749	—	81,622	—	448,599	—
41	Trieste and other Austrian Ports on the Adriatick	193,152	—	13,387	—	273,933	—
42	Turkey, Levant, and Egypt	421,932	—	46,897	—	271,438	—
43	Morocco and Barbary States	9,030	—	—	—	—	—
44	China	7,422,186	—	242,451	—	2,324,193	—
45	Honduras	88,133	—	—	—	—	—
46	Mexico	3,689,101	227,097	957,089	67,186	5,124,149	132,521
47	Colombia	2,024,074	55,650	889,507	56,507	992,129	14,311
48	Central Republick of South America	204,270	—	79,294	—	40,480	—
49	Brazil	2,126,118	30,560	1,558,582	38,762	568,659	24,311
50	Buenos Ayres	522,769	—	211,532	11,300	156,508	—
51	Chili	629,949	—	512,650	—	334,848	—
52	Peru	795,194	—	278,724	—	201,173	—
53	South America, generally	42,254	—	56,725	—	8,003	—
54	Asia, generally	327,939	—	17,565	—	387,490	—
55	West Indies, generally	—	120	600,953	2,854	14,062	—
56	Europe, generally	1,124	—	166,875	—	12,443	—
57	Africa, generally	102,613	2,636	107,450	776	54,730	—
58	South Seas	37,858	—	27,468	—	62,859	—
59	Northwest Coast of America	—	—	29,921	—	74,870	—
60	Sandwich Islands	79	—	—	—	—	—
61	Uncertain Ports	18,163	8,601	—	—	—	—
Total - Dollars		80,778,120	4,196,357	46,199,528	6,856,182	23,353,988	1,185,521
Foreign		4,196,357	Foreign	6,856,182	Foreign	1,185,521	
Grand Totals		84,974,477		53,055,710		24,539,512	

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.					
Total Value of Domestic and Foreign Produce exported.	AMERICAN TONNAGE.		FOREIGN TONNAGE.		Foreign Tonnage entered into The United States, belonging to each Foreign Power.	Foreign Tonnage departing from The United States, belonging to each Foreign Power.
	Entered into The United States.	Departing from The United States.	Entered into The United States.	Departing from The United States.		
174,648	17,342	1,386	—	—	—	—
18,550	294	313	207	—	Prussian, 207	207
214,523	13,945	2,658	1,974	518	Swedish, 3,664	1,164
143,857	4,284	4,437	—	—	—	—
345,870	836	2,681	—	—	Danish, 367	804
2,067,005	37,347	43,584	1,435	1,070	—	—
—	—	—	—	—	—	—
3,870,056	26,902	32,946	—	1,138	Dutch, 1,986	Dutch, 1,867
491,551	13,591	12,733	1,277	611	—	—
432,463	4,336	3,282	—	—	—	—
20,634,208	172,588	147,455	39,375	41,801	British, 69,295	British, 65,693
575,846	5,857	2,850	6,261	2,792	—	—
781,821	13,937	14,436	4,370	1,359	—	—
1,747,921	9,398	24,143	—	921	—	—
442,268	5,981	2,030	—	—	—	—
35,898	216	352	—	—	—	—
27,587	249	432	—	—	—	—
2,110,802	97,231	99,732	7,927	8,120	—	—
246	488	319	286	356	—	—
2,588,549	74,396	76,191	8,420	10,108	—	—
34,878	151	526	53	—	—	—
2,116,697	14,537	13,510	4,859	4,937	Hanseatic, 5,855	5,586
10,391,432	51,451	76,478	7,514	11,270	French, 14,970	French, 15,978
757,352	9,426	10,960	—	—	—	—
956,174	37,724	43,947	5,442	4,148	—	—
—	254	—	—	—	—	—
1,471	—	127	—	117	—	—
1,414,494	26,192	32,209	1,137	1,468	Haytien, 781	Haytien 718
93,540	5,483	3,620	—	435	Spanish, 1,815	Spanish 1,824
101,010	5,066	1,462	—	—	—	—
64,503	1,931	1,901	—	—	—	—
72,340	1,416	724	—	—	—	—
6,132,432	122,600	121,754	2,808	2,134	—	—
223,526	12,719	6,879	—	—	—	—
100,483	21,045	6,436	342	—	—	—
144,607	2,546	4,220	—	—	—	—
19,471	1,721	753	—	—	—	—
48,992	2,006	754	209	134	—	—
—	—	—	—	—	—	—
530,221	9,095	5,208	—	—	—	—
287,320	2,515	1,879	—	—	—	—
318,335	3,080	1,323	—	—	—	—
—	86	—	—	—	—	—
2,566,644	10,432	4,956	—	—	—	—
—	—	—	—	—	—	—
6,281,050	25,524	23,526	6,053	2,452	Mexican, 2,727	Mexican 2,564
1,952,672	17,014	19,776	3,804	2,039	Colombn. 3,422	Colombian 2,045
119,774	2,940	2,598	—	—	—	—
2,200,349	24,590	34,372	1,496	1,034	—	Brazilian, 264
379,340	3,054	5,119	—	238	—	—
1,447,498	4,446	6,798	—	—	—	—
509,899	5,192	3,171	—	—	—	—
64,728	1,283	3,497	163	—	—	—
405,055	4,439	3,653	—	—	—	—
617,869	180	18,064	—	92	—	—
179,318	499	2,603	—	—	—	—
163,066	2,485	2,283	242	125	—	—
90,327	9,866	14,932	—	—	—	—
104,791	—	849	—	—	—	—
—	—	—	—	—	—	—
—	—	—	—	—	Uncertain, 565	700
77,595,322	942,206	953,012	105,654	99,417	105,654	99,417

Treasury Department, Register's Office, February 22, 1827.

JOSEPH NOURSE, Register.

(9.)—Statement of the Commerce of each State and Territory, commencing on the 1st day of October, 1825, and ending on the 30th day of September, 1826.

UNITED STATES.

STATES, &c.	VALUE OF MERCHANDISE IMPORTED.		VALUE OF MERCHANDISE EXPORTED.				QUANTITY OF AMERICAN TONNAGE.		QUANTITY OF FOREIGN TONNAGE.		TOTAL AMERICAN AND FOREIGN TONNAGE.	
	In Ameri- can Vessels.	In Foreign Vessels.	Domestic Produce.		Foreign Produce.		Entered.	Departing.	Entered.	Departing.	Entered.	Departing.
			In Ameri- can Vessels.	In Foreign Vessels.	In Ameri- can Vessels.	In Foreign Vessels.						
1 Maine	1,239,144	6,091	925,807	76,068	44,142	6,558	81,231	155,060	2,274	2,240	83,505	117,300
2 New Hampshire	348,429	180	150,682	—	16,393	—	14,565	7,177	—	—	14,565	7,177
3 Massachusetts	16,960,632	102,860	3,791,146	96,992	6,165,568	45,156	195,917	139,746	4,755	4,579	200,672	114,325
4 Vermont	228,650	—	884,202	—	—	—	—	—	—	—	—	—
5 Rhode Island	1,185,934	—	565,370	—	216,170	—	26,250	23,045	—	—	26,250	23,045
6 Connecticut	736,194	—	695,454	—	13,439	—	23,008	21,634	—	—	23,008	21,634
7 New York	36,589,362	1,526,268	10,819,040	677,679	9,551,748	889,324	254,213	214,664	27,975	21,365	282,188	236,029
8 New Jersey	48,004	—	30,859	—	7,106	—	880	1,658	171	—	1,021	1,658
9 Pennsylvania	13,207,048	344,731	3,059,668	99,043	5,132,008	41,003	81,538	69,444	5,496	4,445	87,034	73,889
10 Delaware	10,009	—	33,318	—	1,877	—	726	1,136	—	—	726	1,136
11 Maryland	4,776,169	152,400	2,809,572	137,780	1,036,081	27,315	69,555	62,212	4,130	2,931	73,785	65,142
12 Virginia	534,019	101,419	4,277,357	318,720	—	387	30,668	50,734	7,944	8,069	38,612	58,803
13 North Carolina	356,577	10,968	496,302	85,438	—	—	36,862	48,688	2,169	3,568	39,031	52,256
14 South Carolina	1,145,252	389,231	5,480,640	1,988,326	63,100	21,970	38,463	63,820	18,261	18,848	56,724	82,668
15 Georgia	220,689	110,304	3,669,921	696,709	1,874	—	15,769	37,905	7,202	8,563	22,971	46,468
16 Ohio	—	—	1,810	—	—	—	369	—	—	—	369	—
17 Louisiana	2,785,893	1,380,628	6,572,553	2,475,953	1,091,963	143,911	48,698	68,144	23,622	22,943	72,320	91,087
18 Alabama	115,512	64,042	1,317,066	201,648	8,411	—	13,366	16,086	1,596	1,807	14,962	17,893
19 Michigan Territory	10,603	25	—	—	—	—	—	—	—	—	—	—
20 Florida Territory	9,380	7,210	209	—	—	—	692	195	—	—	692	195
21 District of Columbia	269,620	10	618,565	1,826	3,840	—	9,366	11,664	59	59	9,425	11,723
Total Dollars	89,778,120	4,190,257	46,199,628	6,856,182	23,353,968	1,186,024	942,206	963,012	106,654	99,417	1,047,860	1,052,429

Treasury Department, Register's Office, February 22, 1827.
JOSEPH NOURSE, Register.

(10.)—Statement exhibiting the quantity of American and Foreign Tonnage, entered into and departing from the principal Ports of The United States, and the Ports on Lakes Ontario, Erie, and Champlain, from the 1st day of October, 1825, to the 30th day of September, 1826.

DISTRICTS.	AMERICAN.		FOREIGN.	
	Entered.	Departing.	Entered.	Departing.
Boston.....Tons..	134,854	89,703	4,755	4,579
New York.....	248,176	208,202	26,285	19,655
Philadelphia.....	81,538	69,444	5,496	4,445
Baltimore.....	68,860	61,095	4,130	2,931
Charleston.....	38,463	63,820	18,261	18,848
Savannah.....	14,833	36,626	6,898	7,984
Mississippi.....	48,691	68,144	23,622	22,943
Ports on Lake Ontario.....	2,711	3,247	1,625	1,644
Ditto Erie.....	369			
Ditto Champlain.....	2,850	3,215	65	65
TOTAL..Tons...	641,345	603,496	91,137	83,094

Treasury Department, Register's Office, February, 22d 1827.

JOSEPH NOURSE, Register.

A Comparative view of the Registered, Enrolled and Licensed Tonnage of The United States, from 1815 to 1825, inclusive.

Year.	Registered Tonnage.	Enrolled and Licensed Tonnage.	Total Tonnage of each District.
	Tons and 95ths.		
1815	854,294 74	513,833 04	1,368,127 78
1816	800,759 63	571,458 85	1,372,218 53
1817	809,724 70	590,186 66	1,399,911 41
1818	606,088 64	609,095 51	1,225,184 20
1819	612,930 44	647,821 17	1,260,751 61
1820	619,047 53	661,118 66	1,280,166 24
1821	619,896 40	679,062 30	1,298,958 70
1822	628,150 41	696,548 71	1,324,699 17
1823	639,920 76	696,644 87	1,336,565 68
1824	669,972 60	719,190 37	1,389,163 02
1825	700,787 08	722,323 69	1,423,111 77

Treasury Department, Register's Office, February 24th, 1827.

JOSEPH NOURSE, Register.

DECREE of the Council of Government, relative to the publication of the Constitution, and the election of Simon Bolivar as President, of Peru.—30th November, 1826.

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(Translation.)

THE COUNCIL OF GOVERNMENT OF THE PERUVIAN REPUBLIC.

CONSIDERING the Petition addressed to the Government, on the 21st of the month of April of the present Year, by 52 Deputies to the National Congress;

Considering the Communication of His Excellency the Liberator, Simon Bolivar, made to the Council of Government on the 27th of the same month and Year, with reference to the above-mentioned Petition which was transmitted to him;

Considering the Decree issued, under date of the 1st of May last, by the Council of Government, in consequence of the wishes expressed in the said Petition, and of the opinion delivered by the Liberator;

Considering the Circular Note addressed, pursuant to the Order of the Council of Government, by the Ministry of the Interior to the Prefects of Departments, submitting to popular examination and sanction, by means of the Electoral Colleges of the Republic, the Project of the Political Constitution presented by the Liberator of the *Bolivian* Republic, and certain modifications thereof adapted to the character and interests of the Peruvian Nation;

Considering the 59 Original Acts, which contain the decisions pronounced by the Electoral Colleges, approving and sanctioning the said Project of a Constitution for Peru; and proclaiming the Liberator, *Simon Bolivar*, as the only Person who could and ought to hold the high functions of President for life of the Republic, as regulated by the said Constitution;

Considering the Note sent by the Ministry of the Interior to the Illustrious Municipality of this Capital, by order of the Government, and the Reply of the said Public Body, by which it appears that the said Municipality had examined the original Acts of the Electoral Colleges, and found them conformable with those printed in furtherance of the Constitution; that all of them have sanctioned the Project of Constitution submitted to their judgment, to the end that it might become a Fundamental Law of the Republic, and have prescribed, as an indispensable condition, that the Liberator, and no other Person, should be President of the Republic;

And considering,—1st. That the said decisions of the Electoral Colleges have also been supported, by the unanimous and spontaneous Acclamations of the People, and by the free and energetic voice of an infinite number of Municipalities, and also of Civil, Ecclesiastick, and

Military Bodies, all impelled by a lively desire to see the wishes of the Electoral Colleges accomplished, as the only means of insuring the repose and prosperity of the Country ;

2d. That to the Council of Government appertains the sacred duty, of proclaiming the National Will, and of seeing that it be entirely fulfilled, inasmuch as it is the first Authority of the Nation, and is bound to provide for its security no less than for its felicity and glory ;

3d. That the Will of a Nation has never been manifested with so much legitimacy, order, decorum, and liberty, as on the present occasion, upon which Citizens, spread over an immense Territory, and without the possibility of Foreign power or influence being employed, have concurred in expressing a wish, which proves the urgent necessity which exists for a reform in our Institutions, and the admirable wisdom and prudence of this generous Nation, worthy of the independence and liberty which it has conquered ;

By reason of these powerful motives, it has resolved to decree, and decrees :

ART. I. That, in conformity with the National Will, urgently expressed, the Project of the Constitution, submitted to popular sanction on the 1st of July last, is the *Fundamental Law of the State*, and that His Excellency the Liberator, *Simon Bolivar*, is the President for life of the Republick, under the beatified title of *Father and Saviour of Peru*, which the gratitude of Congress has conferred upon him.

II. That after this Fundamental Law shall have been proclaimed with every possible solemnity in all the Towns of the Republick, on the 9th day of December next, the anniversary of the glorious day of Ayacucho, which established the Independence of Peru, the Oath, to guard, fulfil, and observe the new Constitution of the State, shall be taken by all the Publick Functionaries of the Capital.

III. That the manner, time, and form, of taking that Oath, by the Authorities and Citizens, as well in the Capital as in the Departments, shall be fixed by a special Decree.

IV. That this grand Event shall be announced to the Liberator by means of a formal Message, and to the Governments with which Peru has entered into relations, by means of Official Communications.

V. That when the Constitution shall have been proclaimed and sworn to, the necessary measures shall be taken for preparing Lists of the Citizens, who, in conformity therewith, shall compose the Electoral Colleges, to the end that, on the 20th day of September of the ensuing Year, the Legislative Body may be assembled.

VI. That the Ministry of Foreign Affairs and of the Interior be specially charged with the execution of this Decree, and do circulate it amongst those who should receive the same, and give it every possible publicity.

Given in the Palace of the Supreme Government, in the Capital of Lima, on the 30th of November, 1826. 7 and 5.

ANDRES SANTA CRUZ, *President.*

JOSE DE LARREA Y LOREDO, *Councillor.*

THOMAS HERES, *Councillor.*

JOSE MARIA DE PANDO, *Councillor,*
Minister of the Interior.

***CONSTITUTION for the Republic of Peru. Promulgated
in Lima, 8th December, 1826. (Translation.)***

IN THE NAME OF GOD.

TITLE I.

OF THE NATION.

CHAPTER I.—*Of the Peruvian Nation.*

ART. I. The Nation of Peru is the union of all Peruvians.

II. Peru 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 Peruvian Republic, comprehends the Departments of La Libertad, Junin, Lima, Arequipa, Cuzco, Ayacucho, and Puno.

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 RELIGION.

VI. The Religion of Peru is the Catholick, Apostolick, Roman.

TITLE III.

OF THE GOVERNMENT.

CHAPTER I.—*Form of the Government.*

VII. The Government of Peru is Popular Representative.

VIII. The Sovereignty emanates from the People, and its exercise resides in the Powers which this Constitution establishes.

IX. The Supreme Power is divided for its exercise into Four Sections:—The Electoral, Legislative, Executive, and Judicial.

X. Each Power shall exercise the Attributes assigned to it by the Constitution, without exceeding its respective limits.

CHAPTER II.—Of Peruvians.

XI. Are Peruvians :

1. All who are born in the Territory of the Republic.
2. The Children of a Peruvian Father or Mother, born out of the Territory, so soon as they legally manifest their wishes to domicile in Peru.
3. The Liberators of the Republic, declared as such by the Law of the 12th of February, 1825.
4. Foreigners, who obtain Letters of Naturalization, or who have resided 3 years in the Territory of the Republic.

XII. It is the duty of every Peruvian :

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, should the safety of the Republic demand it.
5. To watch over the preservation of Publick Liberty.

XIII. Peruvians who are deprived of the exercise of the Electoral Power, may enjoy all the civil rights conceded to Citizens.

XIV. In order to be a Citizen it is necessary :

1. To be a Peruvian.
2. To be married, or more than 25 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 Person in the capacity of Domestick Servant.

XV. Are Citizens :

1. The Liberators of the Republic. (Art. XI. 3.)
2. Foreigners who have obtained Letters of Citizenship.
3. Foreigners, married to Peruvians, subject to the conditions, 3d and 4th, of Article XIV.

XVI. Citizens of the Nations of America, formerly Spanish, shall enjoy the rights of Citizenship in Peru, according to the Treaties which may be made with those Nations.

XVII. Those only who are in the exercise of Citizenship, can obtain Publick Offices and Employments.

XVIII. 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 mendicant.

5. By purchasing or selling suffrages in the Elections, or by disturbing the order of Election.

XIX. 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, in consequence of a Judicial condemnation.

TITLE IV.

OF THE ELECTORAL POWER.

CHAPTER I.—*Of the Elections.*

XX. The Electoral Power shall be directly exercised by those who are actually Citizens, one Elector being chosen for every 100.

XXI. The exercise of the Electoral Power can never be suspended ; and the Civil Magistrates, without waiting any order, shall convoke the People precisely at the period prescribed by the Law.

XXII. A special Law shall detail the regulations for Elections.

CHAPTER II.—*Of the Electoral Body.*

XXIII. The Electoral Body is composed of the Electors named by the Suffrages of the Citizens.

XXIV. The Electors, being assembled in the Capital of the Province, shall name, by a plurality of votes, a President, 2 Scrutineers, and a Secretary, from their own Body ; these shall exercise their functions during the continuance of the Electoral Body.

XXV. Each Electoral Body shall continue 4 Years ; at the termination of which it shall cease, after the installation of that which is to succeed it.

XXVI. 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 XVIII. and XIX.

2. To name the Members of the Chambers of the first Assembly.

3. To propose a List of Candidates:—1st. To the respective Chambers, of the Members who are to supply the vacancies.—2d. To the Executive Power, of meritorious Individuals to be the Prefect of the Department, the Governor of the Province, and the Corregidores of the Cantons and Towns.—3d. To the Prefect of the Department, the Alcaldes and Justices of the Peace, who ought 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.

4. To receive the Returns of the popular Elections; to examine the identity of the Persons newly elected, and to declare them Constitutionally appointed.

5. To ask from the Chambers whatever they may deem conducive to the welfare of the Citizens: and to complain of any grievance or injustice which they may have experienced from the Constituted Authorities.

TITLE V.

OF THE LEGISLATIVE POWER.

CHAPTER I.—*Of the Division, Attributes, and Restrictions, of this Power.*

XXVII. The Legislative Power emanates directly from the Electoral Bodies appointed by the People. Its exercise resides in the 3 Chambers; 1st of Tribunes, 2d of Senators, 3d of Censors.

XXVIII. Each Chamber shall consist of 24 Members during the first 20 Years.

XXIX. On the 20th day of the month of September of each year, the Legislative Body shall assemble of its own accord, without waiting for convocation.

XXX. 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 3 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 Chambers, 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 amongst the 3 Candidates whom the Electoral Bodies may present, the Members for the vacancies in each Chamber.

7. To make Regulations for their interior government, and to punish the Members who infringe them.

XXXI. 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.

XXXII. 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.

XXXIII. 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.

XXXIV. Each Legislature shall continue 4 Years, and each Annual Session 2 months. The opening and closing of the 3 Chambers shall take place at the same time.

XXXV. The opening of the Session shall take place annually, in the presence of the President of the Republic, the Vice-President, and the Secretaries of State.

XXXVI. The Sittings shall be publick, and those Questions of State only, which require secrecy, shall be discussed with closed doors.

XXXVII. The Questions in each Chamber shall be determined by an absolute majority of the Votes of the Members present.

XXXVIII. 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.

XXXIX. 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. Neither of the Chambers 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 for himself, during the period of his Office, any other promotion than that in the regular course of preferment.

XL. The Chambers shall be united :

1. At the opening and closing of the Session.

2. For the purpose of enquiring 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 XXX, Attribute 3d.

5. In order to confirm the Vice-President in the exercise of the Office of President.

XLI. When the Chambers are united, one of their Presidents shall preside in rotation.

CHAPTER II.—Of the Chamber of Tribunes.

XLII. 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.

XLIII. 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 negotiate 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.

XLIV. The Chamber of Tribunes shall be renewed by halves, every 2 Years, and shall have 4 Years duration. In the first Legislature, the half which is to retire at the expiration of 2 Years, shall be determined by lot.

XLV. Tribunes may be re-elected.

CHAPTER III.—Of the Chamber of Senators.

XLVI. 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.

XLVII. The Attributes of the Senate are ;

1. To form the Civil and Criminal Codes, those of Procedure and Commerce, and the Ecclesiastical regulations.
2. To originate all Laws relative to judicial 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 Ecclesiasticks.

5. To exact responsibility from the superior Tribunals of Justice, the Prefects, Magistrates, and Inferior Judges.

6. To propose, to the Executive Power, a List of Candidates, for the Supreme Tribunal of Justice, the Archbishops, Bishops, Dignitaries, Canons, and Prebends of Cathedrals.

7. To approve or reject the Prefects, Governors, and Corregidores, which the Government may select from the List presented by the Electoral Bodies.

8. To select, from the List, 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 matters which have relation to the Government.

10. To examine Councilary Decisions, Bulls, Rescripts, and Pontifical Briefs, in order to their approval or non-approval.

XLVIII. The duration of Members of the Senate shall be 8 Years, and they shall be renewed by one half every 4 Years; the half of the first Legislature which is to retire, being determined by lot.

XLIX. Members of the Senate may be re-elected.

CHAPTER IV.—*Of the Chamber of Censors.*

L. 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.

LI. The Attributes of the Chamber of Censors are :

1. To see that the Government fulfils, and causes to be fulfilled, the Constitution, Laws, and Publick Treaties.

2. To accuse the Executive, before the Senate, of infringements of 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 Republic urgently demand it.

LII. 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 State.

LIII. If the Senate shall deem the accusation by the Chamber of Censors to be well founded, resort shall be had to a National Judge-

ment; but if the Senate decide in the negative, the accusation shall pass to the Chamber of Tribunes.

LIV. If 2 Chambers agree, recourse shall be had to the National Judgment.

LV. The 3 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.

LVI. When the National Judgment shall have decreed that there is ground for the 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.

LVII. When the Chambers have declared that there exist grounds for the impeachment of the Vice-President and Secretaries of State, the President of the Republic shall present to the united Chambers a Candidate for the Vice-Presidency, ad interim, and shall nominate, ad interim, the 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 Chamber shall elect, by an absolute majority of votes, within the period of 24 hours, one of the 3 Candidates proposed by the President.

LVIII. The Vice-President, ad interim, shall exercise his functions from the time of his appointment, until the result of the Proceedings against the Accused.

LIX. 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.

LX. It belongs, moreover, to the Chamber of Censors :

1. To choose from the 3 Persons presented by the Executive Power, 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 Recompenses 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.

LXI. The Censors shall be appointed for life.

CHAPTER V.—*Of the Formation and Promulgation of Laws.*

LXII. The Government may present to the Chambers such Projects of Law as it may deem expedient.

LXIII. The Vice-President and the Secretaries of State may attend the Sittings, and bear a part in the discussion of Laws and other subjects; but have no right to vote.

LXIV. When the Chamber of Tribunes adopts a Project of Law, it shall be transmitted to the Senate, 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.”

LXV. 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 promulgation.”

LXVI. Each of the Chambers, in similar cases, shall observe the same form.

LXVII. If one Chamber do not approve the Amendments or additions of another, and the proposing Chamber be, nevertheless, of opinion that the Project, as originally proposed, is most advantageous, it shall invite, by a Deputation of 3 Members, 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.

LXVIII. 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.”

LXIX. 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.

LXX. If the President of the Republic 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.”

LXXI. 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.

LXXII. 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.

LXXIII. 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.”

LXXIV. The Laws shall be promulgated in the following form :

“ N. of N. President of the Peruvian Republic. We make known to all Peruvians, 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 Republic to fulfil it, and to cause it to be fulfilled.

“ The Vice-President shall cause this to be printed and published, and circulated to all whom it may concern.”

And it shall be signed by the President, the Vice-President, and the respective Secretary of State.

LXXV. 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.

LXXVI. 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 VI.

OF THE EXECUTIVE POWER.

LXXVII. The exercise of the Executive Power resides in a President for life, a Vice-President, and 4 Secretaries of State.

CHAPTER I.—*Of the President.*

LXXVIII. The President of the Republic shall be chosen, for the first time, by an absolute majority of the Legislative Body.

LXXIX. In order to be eligible as President of the Republic, it is necessary :

1. To be an actual Citizen and a Native of Peru.
2. To be upwards of 30 years of age.
3. To have rendered important services to the Republic.
4. To possess known talents for the Administration of the State.
5. To have never been condemned by the Tribunals, even for slight Offences.

LXXX. The President of the Republic is the Chief of the Administration of the State, without responsibility for the acts of the said Administration.

LXXXI. In the event of the resignation, death, infirmity, or absence, of the President of the Republic, the Vice-President succeeds to his Station.

LXXXII. In default of the President and Vice-President of the Republic, the Secretaries of State shall be charged with the Administration, ad interim, the eldest in Office presiding, until the assembling of the Legislative Body.

LXXXIII. The Attributes of the President of the Republic, are:

1. To open the Sessions of the Chambers, and to lay before them a Message respecting the state of the Republic.
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 fulfilled.
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 Session, 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 Republic.
10. To command in Person, the Armies of the Republic, in Peace and War. When the President is absent from the Capital, the Vice-President shall be charged with the Government of the Republic.
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 the same, 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 diplomattick Negotiations, and to conclude Treaties of Peace, Friendship, Confederation, Alliance, Armistice, Armed Neutrality, Commerce, and any others; with the previous approbation, however, 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 propose to the Chamber of Censors, three Individuals, for the Supreme Tribunal of Justice; and for Archbishopricks, Bishops, Canons, and Prebendaries.

26. To present to the Senate, for its approbation, one of the 3 Candidates, proposed by the Electoral Body, for Prefects, Governors, and Corregidors.

27. To select one of the three Candidates, proposed for the Ecclesiastical Government, as Curates and Vicars of Provinces.

28. To suspend Functionaries for the period of three months, whenever there may be cause for such suspension.

29. To commute Capital Punishments, decreed by the Tribunals against Criminals.

30. To expedite, in the name of the Republick, the Commissions and Appointments of all Functionaries.

LXXXIV. The restrictions on the President of the Republick are:

1. He cannot deprive any Peruvian 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 Tribunal or Judge.

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.*

LXXXV. The Vice-President is nominated by the President of the Republick, and approved by the Legislative Body, in the mode prescribed in Article LVII.

LXXXVI. The mode of succession shall be determined by a Special Law, comprehending all cases which can occur.

LXXXVII. To be Vice-President, the same qualifications are requisite as for President.

LXXXVIII. The Vice-President of the Republick is the Chief of the Ministry.

LXXXIX. He shall be responsible, together with the Secretary of State of the respective Department, for the administration of the State.

XC. 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.

XCI. 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.*

XCII. There shall be Four Secretaries of State, who shall act under the immediate Orders of the Vice-President.

XCIII. No Tribunal nor Publick Authority shall fulfil the 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 responsible, with the Vice-President, for all Orders which they may authorize, 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 VII.

OF THE JUDICIAL POWER.

CHAPTER I.—*Of the Attributes of this Power.*

XCVII. The Tribunals and Courts of Justice shall 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 Chambers of Senators; and, as respects the latter, to the District Courts, with the previous cognizance of the 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, 6 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.

CV. The Attributes of the Supreme Tribunal of Justice are:

1. To take cognizance of Criminal Accusations against the Vice-President of the Republick, the Secretaries of State, and the Members of the Chambers, whenever the Legislative Body shall decree that there is ground for a prosecution.

2. To take cognizance of all contentious Causes relating to National Church Preferment.

3. To examine Bulls, Briefs, and Rescripts, when they relate to Civil matters.

4. To take cognizance of contentious Causes respecting Ambassadors, Resident Ministers, Consuls, and Diplomattick Agents.

5. To take cognizance of Cases of the removal of Magistrates from the Judicial 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 hear the doubts of other Tribunals respecting the meaning of any Law; and to consult with the Executive as to the proceedings to be had, in relation thereto, in the Chambers.

9. To take cognizance of Appeals 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 5 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 Ecclesiastical Tribunals and Authorities within its Territory.

CHAPTER IV.—*Of Judicial County Courts.*

CVIII. Judicial County Courts shall be established in the Provinces, in equal proportions; 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 Republic.

4. To have exercised the Profession for 4 Years, with credit.

CXI. The Law Judges are personally responsible for their conduct to the Judicial District Courts, as are the Members of the latter to the Supreme Tribunal of Justice.

CHAPTER V.—*Of the Administration of Justice.*

CXII. There shall be Justices of the Peace in each Town, who shall act as Conciliators; and no Civil or Criminal Cause shall be commenced, which shall not have been previously 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 3 instances only are recognized.

CXVI. Recourse to notorious injustice is abolished.

CXVII. No Peruvian shall be arrested, without previous information, for Crimes meriting corporeal punishment, nor without a written Order from the Judge before whom he is to appear: excepting in the Cases mentioned in Articles LXXXIV. (Restriction 2d,) CXXIII. and CXXXIII.

CXVIII. At this stage of the Proceedings, if possible, the information shall be taken even without oath, but this formality 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 Law applied 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 Republic 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 VIII.

OF THE INTERIOR GOVERNMENT OF THE REPUBLIC.

Only Chapter.

CXXIV. The superior Political Government of each Department shall reside in a Prefect.

CXXV. That of each Province in a Sub-Prefect.

CXXVI. That of the Cantons in a Governor.

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 Alcalde; and where the number of Souls exceeds 1000, there shall also be a Justice of the Peace for every 500, and an Alcalde for every 2000.

CXXIX. The duties of Alcaldes and Justices of the Peace consist in giving counsel; and no Citizen, without just cause, shall be exempted from fulfilling them.

CXXX. The Prefects, Sub-Prefects, and Governors, shall continue in the exercise of their Functions for the period of 4 Years; but may be re-elected.

CXXXI. The Alcaldes and Justices of the Peace shall be renewed every 2 Years; but may be re-elected.

CXXXII. The Attributes of the Prefects, Sub-Prefects, Governors, and Alcaldes, shall be limited by Law, to the maintenance of publick order and security, with 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 apprise 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, will render them liable to popular accusation.

TITLE IX.

OF THE ARMED FORCE.

Only Chapter.

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.

TITLE X.

OF THE REFORM OF THE CONSTITUTION.

Only Chapter.

CXXXVIII. If, at the expiration of 4 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, 8 Members of the Chamber of Tribunes, and supported by two-thirds of the Members present in the Chamber.

CXXXIX. The Proposition shall be read 3 times, with an interval of 6 days between each reading; and, after the 3d 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 having decided upon the necessity of reforming the Constitution, a Law shall be passed, desiring the Electoral Bodies to invest the Deputies of the 3 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 Motion to alter or reform the Constitution shall have been made, 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 XI.

OF GUARANTEES.

Only Chapter.

CXLII. Civil liberty, individual security, property, and legal equality, are guaranteed to the Citizens by the Constitution.

CXLIII. Every Person may communicate his thoughts, verbally or in writing, and publish them through the medium of the Press, without previous censorship; but under the responsibility which the Law may determine.

CXLIV. Every Peruvian 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.

CXLV. The House of every Peruvian 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.

CXLVI. Contributions shall be proportionably levied, without exception or privilege.

CXLVII. All hereditary Offices, Privileges, and Entails, are abolished; and property of every description is alienable, notwithstanding that it belong to pious or religious Institutions, or other objects.

CXLVIII. No article of workmanship, industry, or commerce, shall be prohibited, if it be not incompatible with publick habits, or the safety and health of Peruvians.

CXLIX. 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 publick.

CL. The Constitutional Powers cannot suspend the Constitution, nor the rights belonging to Peruvians, 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.

[Promulgated, the 8th December, and sworn to by the Civil, Military, and Ecclesiastical Authorities, in Lima, the 9th December, 1826.]

LETTER from the Secretary of the Treasury, transmitting the Annual Report on the state of the Finances of The United States.—12th December, 1826.

SIR,

Treasury Department, 12th December, 1826.

I HAVE the honour to transmit a Report, prepared in obedience to the directions of the Act supplementary to the Act, entitled an "Act to establish the Treasury Department," passed on the 10th May, 1800.

I have the honour to be, &c.

RICHARD RUSH.

The Hon. the Speaker of the House of Representatives.

REPORT.

IN submitting to Congress the Annual Report required by Law, on the Finances, the Secretary of the Treasury is happy in being able to represent them, for the present Year, as in a satisfactory condition. Whilst other Countries, and some with which The United States maintain extensive dealings, have beheld great branches of their industry, if not altogether prostrated, interrupted to an extent productive of a high degree of suffering, The United States have experienced within themselves no such calamitous occurrences, and have been freed from all other than a slight recoil of the pecuniary evils which have been

seen to press so heavily in other Regions. When adverting to the complicated connections that bind together the pecuniary interests of Commercial States, having large exchanges with each other, the reaction from Abroad has been less felt than might have been expected, and has brought with it no results afflictive to the Community, or inauspicious to the regular operations of the Government. The public obligations have all been punctually fulfilled, without any increase of the Public burdens; and the National Revenue, which derives no aid from the existence of direct Taxes or internal Duties of any kind, but rests upon the Customs almost exclusively, has been unusually abundant in the sums realized for the Year drawing to a close, and promises to be fully adequate to meet every stated head of the Public Expenditure, including the sums annually devoted to the extinguishment of the Debt, for the Year that is to come. This substantial prosperity, the result of the general industry fostered by good Laws, and a just economy in the Public Administration—Laws, which by enlarging the Home demand for the productions of the Soil, have aided in supplying deficiencies in the Foreign demand, and which, by super-adding to exports the results of manufacturing to those of agricultural labour, have tended to open new avenues to external traffick,—this state of the Country, in its Financial resources and concerns for the Year will be seen in the Recapitulations that follow. They will consist, first, of the amount of Monies paid into the Treasury in 1826, and in the Year preceding; and the Expenditures for those 2 Years: Next, of the state of the Public Debt, and the portions of it that have been paid off; which will be seen to exceed the sums regularly appropriated by Law for that purpose within the Year. And, lastly, of the Estimates of the Public Revenue and Expenditure for the Year 1827.

1.—Of the Public Revenue and Expenditure of the Years 1825 and 1826.

The Nett Revenue which accrued from duties on Imports and Tonnage during the Year 1825, amounted to..... 24,358,202 57

The actual Receipts into the Treasury from all sources during the Year 1825, amounted to..... 26,840,858 02

Viz.:

Customs	20,098,713 45
Public Lands.....	1,216,090 56
Dividends on Stock in the Bank of The United States, arrears of Internal Duties and direct Taxes, and incidental Receipts.....	482,134 69
Repayments of advances made in the War Department for Services or Supplies, prior to the 1st of July, 1815:.....	43,919 32

Loan of 5,000,000, under the Act of Congress of the
 26th May, 1824..... 5,000,000 00
 Making, with the Balance in the Treasury on the 1st of
 January, 1825, of..... 1,946,597 13

An aggregate of.....Dollars...28,787,455 15
 The actual Expenditures of The United States, on all
 accounts, during the Year 1825, amounted to..... 23,585,804 72
 Viz.

Civil, Diplomack, and Miscellaneous 2,748,544 89
 Military Service, including Fortifications, Ordnance,
 Indian Department, Revolutionary and Military
 Pensions, arming the Militia, and Arrearages prior
 to the 1st January, 1827..... 5,692,831 19
 Naval Service, including the gradual increase of the
 Navy..... 3,049,083 86
 Publick Debt..... 12,095,344 78

Leaving a Balance in the Treasury, on the 1st of Ja-
 nuary, 1826, of.....Dollars... 5,201,650 43

The difference, amounting to 82,411 dollars 35, between this
 Balance and that stated in the last Annual Report from the Treasury,
 which was 5,284,061 dollars 78, is owing to the Balance last Year
 having been given as an Estimate only. Actual settlement has fixed it
 at the sum now stated.

The actual Receipts into the Treasury, during the 3 first Quarters of
 the Year 1826, are estimated to have amounted to...19,585,932 50

Viz. :

Customs 18,031,426 86
 Publick Lands..... 1,053,961 29
 Dividends on Stock in the Bank of The
 United States..... 402,500 00
 Arrears of internal Duties and direct Taxes, and inci-
 dental Receipts..... 80,492 72
 Repayments of advances made in the War Department,
 for Services or Supplies, prior to the 1st of July,
 1815..... 17,551 63
 And the actual Receipts into the Treasury, during the
 4th Quarter of the Year, are estimated at..... 6,300,000 00

Making the total estimated Receipts into the Treasury
 during the Year 1826Dollars... 25,885,932 50
 And with the Balance in the Treasury on the 31st of
 December, 1825, of..... 5,201,650 43

An aggregate of.....Dollars...31,087,582 93

The Expenditures of the 3 first Quarters of the Year 1826

are estimated to have amounted to...18,714,226 66, viz.:

Civil, Diplomatick, and Miscellaneous

2,029,331 55

Military Service, including Fortifications, Ordnance, Indian Department, Revolutionary and Military Pensions, arming the Militia, and Arrearages prior to the 1st of January, 1817,

5,266,980 93

Naval Service, including the gradual increase of the Navy.....

3,321,332 79

Publick Debt.....

8,096,581 39

And the Expenditures of the 4th Quarter are estimated at.....5,947,817 30**Viz.:****Civil, Diplomatick, and Miscellaneous**

840,000 00

Military Service, including Fortifications, Ordnance, Indian Department, Revolutionary and Military Pensions, arming the Militia, and Arrearages prior to the 1st of January, 1817,

1,293,000 00

Naval Service, including the gradual increase of the Navy.....

900,000 00

Publick Debt, viz.**Reimbursement of principal**

2,002,306 71

Payment of Interest

912,510 59

2,914,817 30**Making the total estimated expenditure of the Year 1826..**24,662,043 96**And leaving in the Treasury, on the 1st of January,****1827, an estimated Balance of.....Dollars...**6,425,538 97

Should the estimate of Receipts for the fourth Quarter prove to be correct, the total amount of Receipts for the Year 1826, will have exceeded the total Estimates presented to Congress last Year by a sum approaching 400,000 dollars.

Of the balance of 6,425,538 dollars 97, stated by Estimate as that which will be in the Treasury on the 1st of January, 1827, it is proper to remark, that it will be subject to the following charges: 1. The balances of unapplied Appropriations which will remain to be satisfied

after the 1st of January, 1827, amounting, by estimate to 3,425,000 dollars. 2. About 1,000,000 of dollars in funds not at present effective, as particularly explained in the last Annual Report. 3. The reservation of 2,000,000, under the 4th section of the Act of Congress of the 3d of March, 1817, entitled, "An Act to provide for the redemption of the Public Debt."

The directions issued last Year to the Receivers and Collectors of the Public Revenue in all parts of The United States, not to receive, in any payments made to them, Bank Notes of any of the State Banks of a less denomination than 5 dollars, continue in full force, and are lending their aid in discountenancing the circulation of small Notes, and substituting in their stead a greater proportion of the metallic medium.

II. *Of the Public Debt.*

That the precise nature and Amount of the Funded Debt of The United States, as it exists at the present time, may be seen, the several descriptions of Debt of which it is composed, with the periods at which they were contracted, and are redeemable, will be stated.

The aggregate amount of the Debt on the 1st of October last, was 75,923,151 dollars, 47 cents. This sum includes the remnant of the Debt of the Revolution, amounting to 13,296,247 dollars 70, at an interest of 3 per cent. ; and the sum of 7,000,000 dollars subscribed to the Bank of The United States : The United States owning an equal amount in the shares of the Bank. These sums, making together 20,296,247 dollars 70, are both redeemable at the pleasure of the Government.

The remainder of the Debt has been contracted since the first of January, 1812, and consists of the sums that follow, redeemable at the dates that follow.

1. The sum of 11,254,197 dollars 46, at 6 per cent. being the residue unpaid of the Loan under the Act of the 8th of February, 1813, and redeemable in 1826.

2. The sum of 13, 096,542 dollars 90, at 6 per cent. being the residue unpaid of Loans made in 1814, and redeemable in 1827.

3. The sum of 9,490,099 dollars 10, at 6 per cent. being the residue unpaid of Loans made in 1815, and redeemable in 1828.

4. The sum of 769,668 dollars 08, at an interest of $4\frac{1}{2}$ per cent. being one half of the 6 per cent. stock of 1813, exchanged under the Act of Congress of the 3d of March, 1825, and redeemable in 1829.

5. The sum of 769,668 dollars 08, at an interest of $4\frac{1}{2}$ per cent. being the other half of the 6 per cent. stock exchanged as above, and redeemable in 1830. These two last enumerated sums were set down last Year by estimate at 792,569 dollars 44, respectively. The Accounts of the Commissioners of Loans having since been adjusted, the true amounts are ascertained to be as now exhibited.

6. The sum of 18,901 dollars 59, at 5 per cent. being the one third part of the sum of 56,704 dollars 77, issued in exchange for the 6 per

cent. stocks of 1813, 1814, and 1815, under the Act of the 20th of April, 1822, and redeemable in 1831.

7. The sum of 18,901 dollars 59, at 5 per cent. being one other third part of the sum subscribed as above stated, and redeemable in 1832.

8. The sum of 10,000,000 dollars, at $4\frac{1}{2}$ per cent. being stock borrowed under the Acts of the 24th and 26th of May, 1824, of the Bank of The United States, one half, to pay the Florida claims, the other half to pay off the 6 per cent. stock of 1812, and redeemable in 1832.

9. The sum of 999,999 dollars 13, at 5 per cent. being the stock created by the Act of Congress of May the 15th, 1820, and redeemable in 1832.

10. The sum of 18,901 dollars 59, at five per cent. being the remaining third, subscribed under the Act of April the 20th, 1822, and redeemable in 1833.

11. The sum of 2,227,363 dollars 97, at $4\frac{1}{2}$ per cent. being one half of the amount subscribed in exchange for 6 per cent. stock of 1813, under the Act of May the 26th, 1824, and redeemable in 1833.

12. The sum of 2,227,363 dollars 98, at $4\frac{1}{2}$ per cent. being the other half subscribed under the Act last above stated, and redeemable in 1834.

13. The sum of 4,735,296 dollars 30, at 5 per cent. being the amount of stock issued under the Act of March the 3d, 1821, and redeemable in 1835.

By the foregoing enumeration, it appears that the amount of Debt redeemable at the periods specified is.....55,626,903 77

That the amount redeemable at the pleasure of the Government is

20,296,247 70

Making the total amount of the Funded Debt on the 1st of October, 1826.....75,923,151 47

This amount will be reduced by a payment to be made on the 1st of January, 1827, so as to stand on that day at.....73,920,844 76

The amount of Treasury Notes outstanding on the 1st of October, 1826, is estimated at 15,040 ; and the amount of Mississippi stock unredeemed on that day, including Awards not applied for, at 7,400 dollars 17.

It will next be proper to state the operations that have been had in relation to the Debt since the last Annual Report from this Department. In that Report it was stated that the unpaid Loans of 1813, bearing an interest of 6 per cent. amounted to the sum of 16,270,797, 24 dollars ; the whole of which was redeemable in 1826. It was thought to be incumbent upon the Department to recommend to the consideration of Congress such provision for paying off this sum during the Year 1826,

as, in the judgment of the Department, gave promise of being most advantageous. The exhibition, in detail, of the entire publick Debt, as contained above, serves to show that considerable savings in interest had heretofore accrued to the Nation by exchanges effected under the authority of Congress, of Stock bearing an interest of 6 per cent. for stock, bearing a lower interest, or by Loans under the same authority, for the purpose of paying off portions of the Debt contracted at 6 per cent. when the time for redemption had arrived, by the creation of new Debt to the same amount, subject to an interest of less than 6 per cent. Under the sanction of past legislative approbation of this economical process in relation to the Debt, it was recommended that a Loan should be authorized for 1826, to the amount of 9,000,000 of dollars, redeemable in 1829 and 1830, at a rate of interest not exceeding 5 per cent. to extinguish this Debt of 16,000,000 and upwards, bearing an interest of 6 per cent. which the Government was thus at liberty to extinguish in 1826, provided it had the means. 9,000,000 it was believed, would have formed a sum adequate to this operation, in conjunction with the other means which it was supposed the Treasury would probably have had at command for the service of the Debt in 1826. There is reason to think, from the prices which the publick stocks bore in the course of the last Winter, and subsequently to the Winter, that, had Congress sanctioned a Loan to that amount, the efforts to obtain it would not have proved unsuccessful, and the whole of the stock in question have consequently been paid off. But, as no Loan was authorised, it became the duty of the Department to proceed otherwise in its measures for extinguishing as large a portion of this 6 per cent. stock, redeemable within the year, as the means of the Treasury, without the aid of the Loan, rendered practicable. This was accordingly done in the manner following: The stock consisted of the residue unpaid, amounting to 5,064,732 dollars 65 of the Loan of 7,500,000 dollars, under the Act of the 2d of August, 1813; and of the residue unpaid, amounting to 11,254,197 dollars 46, of the Loan of 16,000,000, under the Act of February the 8th, 1813. The former of these balances was wholly paid off with the moneys which the Treasury had at its disposal on the 1st of last July. As regards the latter, the Commissioners of the Sinking Fund, at a Meeting held on the 27th of September, resolved that 2,000,000 of dollars should be applied towards its reduction at the end of the present Year. The holders of this stock, to an amount representing 2,000,000 of dollars, have, accordingly, had notice that, on the 1st of January, 1827, they will receive payment of the whole of the principal sum specified in their Certificates. By the terms under which this Loan, of the 8th of February, 1813, was contracted, it became redeemable at the pleasure of The United States after the 31st of December, 1825, by the reimbursement of the whole sum which stood credited to any Proprietor of the

stock at the time when the reimbursement took place. It followed, that, in paying off any portion of this Loan, no partial payments could be made to the holder of a certificate, but that he was entitled to receive its full and absolute amount without deduction; and, also the full amount of all other Certificates of this particular stock, of which he was at the same time owner. It, therefore, became necessary, as no preference could be shown to one publick creditor over another, to determine, by lot, the numbers of the certificates to be redeemed, until their aggregate amount should represent the sum intended to be paid off; and such was the plan pursued. The precise mode in which it was carried into effect will be seen by an explanatory Paper (L) among the Documents transmitted. This resort to chance terminated in giving a small excess over the sum wanted; so that the sum to be paid off on the 1st of January amounts, in exact figures, to 2,002,306 dollars, 71 cents.

It may be proper to mention, that the unpaid 6 per cents of 1813, were stated last Year at 16,270,797 dollars 24, when the true amount was 16,316,599 dollars 96. The difference was included in the $4\frac{1}{2}$ per cent. stock, under the Act of March the 3d, 1825, since ascertained to have belonged to the stock of 1813. It should be further mentioned, that the 3 per cents. were stated last Year at 13,296,231 dollars 45; to which have been added this Year, 16 dollars 25, since issued for interest to the old registered Debt, under the Act of the 12th June, 1798.

After the proposed payment of 2,002,306 dollars 71, shall have been made, on the 1st of January, the Funded Debt will have been reduced from 80,985,537 dollars 72, its amount last Year, to 73,920,844 76 dollars, the amount at which it will stand on the 1st January, 1827. It hence appears, that the means which the Treasury was found to possess for the reduction of the principal of the Debt within the Year 1826, using those means as largely as could be justified, and as the Commissioners of the Sinking Fund thought proper to sanction, amounted to 7,067,039 dollars 36; and, that this sum has served to extinguish by so much the unpaid 6 per cent loans of 1813, amounting, as by statement in the Annual Report of December last, to 16,270,797 dollars 24. The payment of interest upon the Debt within the Year, will have amounted, by the close of the last quarter, to 3,944,359 dollars 33, making in the whole, principal and interest, applied to the Debt in 1826, 11,011,398 dollars 69.

Of the foregoing sum of 73,920,844 dollars 76, of which the Debt will consist on the 1st January, 1827, 31,838,532 dollars 75, will be at an interest of 6 per cent; 12,792,000 dollars 20, at an interest of 5 per cent; 15,994,064 dollars 11, at an interest of $4\frac{1}{2}$ per cent; and 13,296,247 dollars 70, the remnant of the Revolutionary Debt, at an interest of 3 per cent.

It remains to offer such suggestions, connected with the Debt for the Year ensuing, as a provident regard to the Publick resources is

thought to point out. It is seen from the recitals that have preceded, that much the largest part of the Debt exists at present in stock of 6 per cent. This is the highest rate of interest which is paid by the Government. It is conceived to be higher than it is proper should be paid, unless where demanded by the Publick faith. The time and concomitant circumstances which characterized the creation of this part of the Debt, necessarily burdened it with so heavy a rate of interest; but that, with the ample resources, the unquestioned security, and the exalted credit of the Government, it should continue to pay it, where the option concurs with the presumed ability to shake it off, seems no longer warrantable. Of the whole Sum, approaching 32,000,000 dollars, which stands at this interest, 9,000,000 have been redeemable within the present Year. 13,000,000 will become redeemable on the 1st of January, 1827; and 9,000,000 on the 1st of January, 1828. Fractions are dropped in the Recapitulation. The advantage to the Nation of converting by loans, or by exchanges, as large a portion as possible of this part of the Debt, into Debt that shall be charged with a lower interest, appears to be so obvious, that the expediency of recommending to Congress the proper measures to effect it, again suggests itself as an incumbent obligation upon the Department. It is not overlooked, that the probability of obtaining a loan for this purpose, diminishes, other things remaining equal, as we are brought nearer to the time proposed for its redemption. But the prospect of obtaining it is still believed to be sufficient to justify the endeavour. It is, therefore, respectfully recommended, that authority be given by Law, and at an early period of the Session, to borrow the sum of 16,000,000 of dollars, at a rate of interest not to exceed 5 per cent., to be redeemable at the pleasure of The United States, in equal portions, in 1829 and 1830. These Years are fixed as the periods of redemption, for the reason that operated last Year; namely, that, under the present arrangement of the entire Debt, only a very small portion of it (less than 1,000,000 of dollars) becomes redeemable in either of those Years. Should such a loan succeed, it would pay off at once more than one half of all the stock at 6 per cent., thereby producing a clear saving to the Nation of at least 1 per cent. on a capital of 16,000,000 of dollars for 2 Years; and for a longer period on a part of that capital. The residue of the 6 per cent. stock, amounting to 15,838,532 dollars 75, would await the application of the disposable means of the Treasury during the Years 1827 and 1828. Whether those means would prove sufficient for its complete reduction within those Years, depends upon events that cannot be accurately foreknown. All that can be remarked is, that, to the full extent of the ability of the Treasury, the means would be applied; and at periods of the time best adapted to the exigencies of the Publick service, under the directions of the Sinking Fund Act, and the lights of past experience at the Treasury. If, nevertheless, a

part of this residue of the 6 per cent. stock should be found unextinguished on the arrival of the Year 1829, as probably would be the case, the obligation of paying it off then, would constitute neither objection nor inconvenience to the measure of a loan upon the terms proposed. It is consequently believed, that, under all views of the subject, the measure would give promise of Publick advantage. Such a Law as is recommended being passed, and its execution confided to the discretion of the Executive, that discretion would be exerted to ensure the accomplishment of its object, regarding both the time of obtaining the loan and its conditions, in a manner the most satisfactory.

III. *Estimate of the Publick Revenue and Expenditure, for 1827.*

The importation of Foreign articles into The United States, in 1825, was larger than common, having amounted, as by the Statements transmitted to Congress on the 30th of last March, to more than 96,000,000 of dollars in value. This exceeded, by about 16,000,000 of dollars, the average value of importations for the 3 Years preceding. The excess was larger than could be justified by the mere gradually increasing demand of the Country, through its increasing populousness, for Foreign Supplies, and could only have proceeded from the influence of those accidental and temporary causes, which, in Commercial Countries, are always affecting the operations of trade. A supply so redundant for 1 Year, might have been expected, by the natural reflux of these operations, to be followed by supplies more limited for the Year succeeding. On this account, as well as through other causes that were adverted to in the Annual Report of last December, the probability of there being a falling off in the value of the importations of 1826, as compared with those of 1825, was intimated, and has been the fact. The whole importations, for 1826, have amounted, from the Returns and Estimates at present before the Treasury, to about 85,000,000 of dollars in value. The whole of the exports, for the same time, to about 78,000,000 dollars. Of the imports, about 80,000,000 dollars have been carried in American Vessels; and of the exports, about 70,000,000 dollars. Of the latter, about 53,000,000 dollars consisted of the productions of The United States, and the remainder of Foreign productions. The diminished value of importations, for 1826, has obviously arisen, in some degree, from the fall of prices in those Countries of Europe, from which the largest quantity of manufactured articles are sent to The United States; and gives countenance to the opinion, that the decrease in quantity has not been in proportion to the decrease in value. If, indeed, the comparative amount and value of exports be assumed, as the measure of a correct judgment upon this point, it would even lead to the inference that, as regards some of the principal articles of importation into The United States, for 1826, there has been no decrease in quantity, as

compared with the importations of 1825. The value of exports from The United States, for 1825, exhibits a greater excess over those of 1826, than is seen in the imports; yet in some of the chief articles of export, the Records of the Treasury attest that the quantity, as far as yet known, was greater in 1826. In 1825, the export of cotton was 176,000,000 of pounds. In 1826, it was 192,000,000 of pounds. The value of the latter, or larger quantity, was 24,000,000 of dollars. The value of the former, or smaller quantity, was 36,000,000 dollars. In like manner, the quantity of flour exported in 1826 was greater than in 1825, whilst the value was less, though not in the same proportion as with cotton. The same is true of rice. The export of flour in 1826, was, in quantity, 858,360 barrels, in value 4,139,063 dollars. In 1825 it was 813,906 barrels; and, in value, 4,212,127 dollars. The exports of rice, in 1826, was 110,635 tierces, in quantity, and 1,909,227 dollars in value. In 1825 it was 97,015 tierces, in quantity, and 1,925,243 dollars in value. It may be proper to subjoin, that of the export of cotton in 1825, between 9 and 10,000,000 of pounds were of the Sea Island Cotton, and of the export of 1826, between 6 and 7,000,000 pounds. Of tobacco, the quantity exported, as well as its value, rose higher in 1825, than in 1826. But in 1826 the export of tobacco, though considerably less than that of 1824, in quantity, was greater in value. The comparative amounts, in quantity and value, for the 3 Years, stands thus: for 1825, 75,984 hogsheads, and 6,115,623 dollars; for 1826, 59,780 hogsheads, and 5,322,964 dollars; for 1824, 77,883 hogsheads, and 4,885,566 dollars. Taking the 3 Years, therefore, it appears that the quantity exported was greatest in 1824, and the value least.

It would be desirable, with a view to judge accurately of the effects of the Tariff upon the importations of Foreign merchandize, to ascertain the fluctuations from Year to Year in the quantity of such importations. This cannot be done at present, so far as any official or satisfactory standard at the Treasury is concerned. The Returns of the Collectors of the Customs in relation to goods which pay duty ad valorem, have, hitherto, fixed nothing but their value; and it is known, that goods subject to duty under this form, comprehend much the largest class of Foreign importations. Measures have been put in train, for ascertaining, henceforth, as far as practicable, the entire quantity of goods subject to this description of duty, as well as the value. But even when time shall have matured these measures and exhibited their results, they will furnish no standard of comparison as to the quantity of importations prior to their adoption. The information will, however, become useful after the lapse of a few Years, in its bearing upon the course and developements of our home industry and Foreign trade, showing how each, under wise principles adapted to each, may advance co-equally; how the channels and the objects of

the latter may shift under the advance of the former, without any loss, but with gain, in effective National results—results operating upon the most extensive interests, and enriching to the greatest mass of numbers; or how, under the growth of the one, the other is at all destined to become disadvantageously and lastingly abridged. The beneficial parts of these consequences are looked to with confidence and hope, from the Tariff, as well from our own experience thus far, as from that of other Nations of the World distinguished by high degrees of opulence and civilization, and where both have rested upon durable, rather than transitory foundations—foundations that have been carefully laid, in applying the home industry to the multiplied operations of manufacturing art, no less than to the tillage of the soil, and in making the accumulated productions of both the basis of a great Foreign trade. But facts that may shed a distinct light upon the whole subject, should be sedulously collected, to serve, if need be, as the groundwork to us of a more perfect system of Legislation, in relation to a course of policy so closely interwoven with the interests and character of the social state, and with the National prosperity and power. The Foreign trade of The United States, to its inherent causes for progressive extension, superadds another and distinctive one in the constant desire of the Government, as manifested in their permanent Laws, and emphatically in their recent Treaties, to carry it on, freed from all restrictions upon Navigation, as well as upon the most enlarged principles and the most entire reciprocity, in all other respects. If these principles, of which The United States have largely set the example, were practised upon, more universally by Nations, and to the extent uniformly proposed by this Government to their acceptance, the fact might be more important in its influence upon general trade, and upon that of each Nation in particular, than abstract declarations illustrative or commendatory of them.

The value of Cotton Goods subject to ad valorem duty imported into The United States in 1826, was, as far as at present ascertained, 8,905,316 dollars. The value of the same description of goods imported in 1825, was 12,509,516 dollars. The value of woollen goods subject to ad valorem duty imported in 1826, was 7,445,493 dollars. The value of the same description of goods imported in 1825, was 11,392,264 dollars. But, as already intimated, this difference in value cannot be relied upon as a safe test of the difference in quantity. There are seasons when it would be peculiarly misleading, and the present is believed to be one of them. The duties on each description of these manufactures were calculated on the prices which each respectively bore at the places of exportation, during the respective Years; and, the great fall in prices in 1826, will undoubtedly serve to account, in part, for the difference in the aggregate value of the two importations. Further elucidation will be afforded to the point, when it is

added, that, although the value of Cotton Manufactures imported in 1826, stands below those imported in 1825, in the proportion stated, it exceeds the value of the same kind of manufactures imported during either of the 2 Years preceding, viz: 1824 and 1823. The same is not true of the Woollen Manufactures. The value of the latter paying duty ad valorem imported in 1826, is found, from the Returns as yet before the Treasury, to be below the value of the same kind of importations for 1824 and 1823, though the difference is far less considerable than between their value in 1826 and 1825; nor is it known at this Department, what may have been the comparative value of Woollen Goods at the places of exportation, during the 4 consecutive Years indicated. The valuation of merchandize constituting the total aggregate of our Foreign trade, is always made at the Port or Place of shipment, and the rule applies, consequently, both ways; that is, to all articles of export as well as import, thereby freeing it from objections, to which it might otherwise be open. The mode of valuing is, in effect, as follows: the party making the shipment annexes the value to the manifest or list of articles; superadding his oath, that it is the true value according to their actual cost, or according to the value which they truly bear, at the port, and time, of shipment. This oath is taken under the supervision of the Collectors as regards exports, and under that of our Consuls, or other commercial or substituted agency Abroad, as regards imports. Some other formalities are observed under our Laws, particularly in relation to imports; but, they are all in aid of the chief provision here stated.

The articles of American Manufacture exported from The United States in 1826, will, it is believed, be found to exceed 6,000,000 of dollars in value. The particular kinds of manufacture which have made up this profitable and growing branch of the export trade, will be presented in detail, and their total value ascertained with more precision, in the general statistical Tables now in course of preparation, under the Act of the 10th of February, 1820; which will be transmitted to Congress at as early a day as their voluminous nature will allow. Of the amount of American Manufactures produced for consumption within The United States during the Year, it is impossible to speak with exactness; but, from indications that cannot deceive, it is evident, that it is large; so large, that the amount exported would sink to a level below all comparison with it. The surest guide to our belief, under this head, is, that, in those branches which have at length been enabled, through a provident Legislation, to stand up against that overwhelming competition of pre-established excellence and capital from abroad, which must otherwise have kept down, for ever, their first attempts; the article can now be had cheaper in price, as well as better in quality, than the same article from Abroad, as it was seen in our markets, prior to the efficient protection afforded to our own.

Hence, the apprehensions of monopoly pass away. Hence the certainty that competition at home will bring down prices, eventually, if not immediately, whilst it creates and diffuses new wealth at home; labour being the foundation of wealth, and producing and disseminating it more universally, and in higher degrees, in proportion as it exists under diversified forms, and in full activity. It is then that the Farmer, the Artisan, and the Merchant, give support to each other, each enlarging the occupations and the gains of each; the State, meanwhile, reaping the fruits in fiscal prosperity and political power. As regards the Cotton Manufactories of the Country, there are grounds for supposing that they now make a call for full one-fourth part of all the raw cotton grown in The United States. Authentic information, as to the exact quantity, is not, indeed, possessed at the Treasury; but, as an approximation, it is believed that the above proportion may be taken, without the hazard of essential error. It is gratifying to add, that those parts of The United States, where manufacturing establishments, of all kinds, flourish most, exhibit an animated industry, an orderly aspect, and an increasing population. Towns and Villages are seen rapidly to rise up in such Districts, in resorting to which, the rural population of the Vicinity find ready and profitable sales for the various productions of farming enterprise and labour. It is believed, that, as these establishments shall rear themselves up, under adequate encouragement, in augmented numbers and importance, a corresponding activity in Foreign Trade will become their concomitant, in the same portions of Country; since, besides the trade in exports, to which, after supplying to their full share the home demand, they open the way, and which will not fail to bring its proper returns on the broad scale of exchanges, the very existence of manufactures, as they assume great variety and reach perfection, superinduces the necessity of constantly bringing into the Country new varieties of ingredients, as subsidiary to them. So wide, so full of dependence upon all other kinds of labour, not only of our own, but of other Regions, is this great department of National industry. So certainly do its multifarious and beneficial operations, in large, refined, and busy Communities, perpetually re-act upon all the other Departments; so quick are the alternations of consumption and supply, and over so great a surface of things do both spread themselves, in such Communities. It cannot escape attention, that the portions of our Country, for the most part, answering to these remarks, or to some of them, are not favoured, or favoured in but a slight degree, with the capacity of producing those immense and exhaustless treasures of the soil spoken of in this Paper. For the absence of them, their Inhabitants, in part, seek compensation, in pursuing artificial modes and combinations of industry, which take these treasures as a substratum; by which the great scheme of national advancement is to be seen in its true component parts in our Union;

parts naturally destined to make up one systematick whole, where the Plough, the Loom, and the Ship, will each have its appropriate sphere; in raising to a proper elevation the entire fabrick of our social and publick prosperity; in carrying to the highest attainable pitch, our riches, our happiness, our power. A policy short of this, belongs not to a free and intelligent People, surrounded, by the bounty of Providence, with varieties of Climate and Territory, fostering inclinations and aptitudes for variety in human employments, by an exuberance of mineral and fossil, no less than of agricultural wealth; by vast waters flowing through this Territory, that serve as natural highways, and supply the fund for artificial ones, affording pre-eminently, in connexion with that mighty agent in navigation as in mechanics, the steam power, the means and inducements for an universal and rapid transfer of the products of labour from hand to hand, whether they consist of commodities of useful and ingenious workmanship from the repositories of art, or of harvests from the fields of Nature; by all the elements and attributes, in fine, geographical, political, and moral, of a great Empire. The foundations of such a policy, once securely laid; in that legislative assistance to our Manufactures, without which they must struggle in vain against those of other Countries long and thoroughly established, an advantage not inherent, but adventitious, yet an overpowering advantage, and as already proved in some articles of national importance to which we have afforded efficient protection; we shall have nothing to fear for the future. Then, and only then, shall we be raised up to a level in this respect with other Countries; then, and only then, shall we stand in a position of equality to listen to doctrines, right enough it may be in themselves, but of which others have never accorded us the benefit, or thought of holding up as doctrines for reciprocal practice, even with numerous safeguards and reservations; until their own manufactures, in all branches that conduced to national resources and power, had acquired, through ages of experience, of capital, and of skill, a stability not to be shaken.

A Resolution passed the House of Representatives in May, directing the Secretary of the Treasury to cause to be prepared a well digested Manual, containing the best practical information that could be collected, on the growth and manufacture of Silk, adapted to the different parts of the Union, containing, also, such facts and observations, in relation to the growth and manufacture of silk in other Countries, as might be useful; and that the same should be laid before Congress at the commencement of their present Session. Steps were taken, without loss of time, to obtain the information contemplated by the Resolution, as well from all parts of this Country as from Europe. But, from the scope which the subject was found to assume, all the information expected under inquiries that have been instituted, has not yet got to hand; nor will it now be practicable to have it digested

and arranged, even should it all be received, by the time designated. The Resolution will continue to command every attention, and be finally acted upon as soon as may be compatible with the accomplishment of its interesting objects. A branch of industry that may be turned to so many purposes useful and ornamental, and which ministers to the wealth of Nations, with so little cost in the material on which it is originally founded, as well as in the species of labour that is applied to it, naturally merited, as it has received, all the attention which the terms and spirit of the above Resolution bespeak.

The value of Importations for the Year, giving the basis of the Impost Revenue rather than their quantity, it follows, that, as the value of those for 1826 has fallen below the value of those for 1825, so will also the Revenue from this source be less. The amount of duties secured by bonds on merchandise imported during the 3 first Quarters of the present Year is estimated at 21,250,000 dollars. The amount that will probably accrue during the last quarter is estimated at about 4,250,000 dollars, making for the whole Year 25,500,000 dollars. The languid state of the Tea trade for 1826, a trade always so productive in Revenue, when it flourishes, has lent its aid, in conjunction with the fall of prices abroad, in diminishing the accruing amount from the Customs during the Year. Some revival of this valuable trade, valuable under fiscal and commercial views, and from its tendency to encourage more largely the taste for an innocent and wholesome drink, in place of those that are neither, valuable even under moral views, may perhaps be anticipated in 1827. It may also be presumed, that the extensive depression of prices witnessed in Europe in 1826, will not have place upon a similar scale in 1827. Nevertheless, with the causes, little likely, in their combination at least, to be marked by speedy repetition, that have operated to lower the accruing Revenue from the Customs for the current Year, below that of the Year preceding, there is every reason for supposing that it will exceed the Revenue arising from this source during any one of the 4 Years that immediately preceded 1825, and even go beyond the amount received in that Year; though not the amount that accrued in that Year. This fact will be entitled to its proper weight in determining to what extent the regulations of the present Tariff are likely to bring injurious inroads upon the Commercial Revenue of the Nation.

The Debenture Bonds issued for drawbacks during the 3 first Quarters of the present Year, amounted to 3,840,869 dollars 10. This is less by 648,841 dollars 19, than those issued during the corresponding period of 1825. The amount of those outstanding on the 30th of September last, and chargeable upon the Revenue for the next Year, was 1,294,310 dollars 94, which is less, by 564,004 dollars 70, than was chargeable on the same day in 1825, upon the Revenue

of 1826. The deduction in the shape of drawbacks from the accruing Revenue of 1826 will, therefore, perhaps exceed 5,000,000 of dollars.

The amount of Duty Bonds in suit on the 30th September was 4,007,882 dollars 76. This is a large sum, exceeding by 1,020,535 dollars 54, the sum that was in suit on the same day in the year preceding. The excess is in a great degree to be accounted for by the fraudulent transactions in one or two of the principal Cities of The United States in relation to imported Teas.

Whilst the Impost Revenue receivable next Year will be less than that which accrued in 1825, and has been received, or is still to be received, in 1826, the Publick Lands promise to yield next Year more than they have this. The probability of increased productiveness in this branch of Revenue, rests on the following grounds. 1. The Act of the last Session, making "provision for the extinguishment of the Debt to The United States by the Purchasers of Publick Lands," has arrested almost entirely for the present Year the payments for Lands sold on credit. That Law will, however, expire next July, and the payments under it will be thrown upon the Year 1827. 2. A considerable quantity of the Lands relinquished to The United States will, it is expected, be brought into market in the course of the next Year; amongst others, those at Huntsville, which are valuable, being dispersed through a fertile Country, occupied by a thriving Population. It is believed that they will sell promptly and at good prices. 3. A large portion of the best of the Publick Lands in Florida will be offered for sale in 1827. It is understood that these Lands are in demand, and anticipated that they will sell well. On these and other grounds it is thought, at present, that the Revenue from the sale of the Publick Lands in 1827, will not be over estimated when it is set down at 2,000,000 of dollars. The state of the Land Office generally, will be seen by a Report from the Officer at the head of that Establishment, which accompanied the President's Message to Congress at the opening of the Session, and will, it is hoped, be found satisfactory.

From the foregoing facts and considerations affecting the Customs and Publick Lands, it is believed that the whole Revenue of The United States for 1827, from these and other less important sources, may be estimated at upwards of 23,000,000 of dollars, and that it will arise thus :

From Customs.....	20,400,000 00
From Publick Lands.....	2,000,000 00
From Bank Dividends	420,000 00
From miscellaneous and incidental receipts.....	330,000 00

Dollars, 23,150,000 00

The Expenditures for 1827 are estimated as follow, viz. :

Civil, Miscellaneous, and Diplomatick.....	1,826,549 54
Military Service, including Fortifications, Ordnance, Indian Department, Revolutionary and Military Pensions, arming the Militia, and arrearages prior to the 1st of January, 1817.....	5,646,144 36
Naval Service.....	3,230,260 23
Publick Debt.....	10,000,000 00
	<hr/>
Dollars...	20,702,954 13

Which will leave in the Treasury, on the 31st of December, 1827, after satisfying all the demands of that Year, on the basis of the foregoing Calculations, a surplus estimated at 2,447,045 dollars 87. This surplus will be a disposable surplus, over and above the sum before stated, as not in effective Funds, and of the 2,000,000 of dollars to be reserved in the Treasury, under the Sinking Fund Act of March the 3d, 1817.

In the estimate of Expenditures for 1827, the Annual Appropriation of 500,000 dollars for the gradual increase of the Navy, under the Act of the 3d of March 1821, has not been inserted, that Appropriation expiring with the present Year. Whatever renewed sum the wisdom of Congress may set apart for this effective arm of the publick defence, will add another item to the list of expenditures for the Year, and lessen by so much the estimated balance at its expiration.

All which is respectfully submitted.

RICHARD RUSH.

Treasury Department, December 12, 1826.

(A.)—*STATEMENT exhibiting the Duties which accrued on Merchandize, Tonnage, and Clearances ; of Debentures issued on the Exportation of Foreign Merchandize ; of payments for Drawback on Domestick Distilled Spirits and Domestic Refined Sugar exported ; of Bounty 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, 1825.*

Duties on Merchandize.....	Dollars..	31,673,687 67
Tonnage and Light Money.....		138,847 83
Passports and Clearances.....		12,638 00
		<hr/>
Debentures issued.....		6,391,778 69
Drawback on Domestick Distilled Spirits and Domestick Refined Sugar exported		3,565 00
Bounties and Allowances.....		209,285 57
		<hr/>
		6,604,629 26

Gross Revenue.....	25,220,544 24
Expenses of Collection.....	862,341 67
Net Revenue.....	24,358,202 57
Payments made into the Treasury	Dollars.. 20,098,713 45

Treasury Department, Register's Office, December 12, 1826.

JOSEPH NOURSE, *Register.*

(D.)—LANDS SOLD, and Monies received for Lands, from 1st January to 31st December, 1825.

<i>Amount Received:</i>	Dollars.
Lands sold from 1st January to 31st December, 1825.....	893,461 69
Amount received for lands sold in 1825.....	1,205,068 37
Amount received for lands sold prior to 1st July, 1820.....	330,896 03
Total amount received in 1825.....	1,535,964 40
<i>Expenses:</i>	
Incidental expenses, including salary and commission.....	72,892 72
Repayments to Individuals for lands erroneously sold.....	2,690 68
Payments made into the Treasury.....	1,216,090 56

Treasury Department, General Land Office, October 30, 1826.

GEORGE GRAHAM.

(E.)—STATEMENT of Monies received into the Treasury from all sources other than Customs and Public Lands, during the year 1825.

From Arrears of new internal Revenue.....	Dollars.... 25,771 35
Arrears of new direct Tax.....	2,330 85
Fees on Letters Patent.....	8,940 00
Cents coined at the Mint.....	19,496 25
Postage of letters.....	469 56
Fines, penalties, and forfeitures.....	3,411 06
Sales of public lots in the city of Washington.....	1,572 38
Surplus emoluments of Officers of the Customs.....	26,960 06
Consular receipts under the second section of the Act of of 14th April, 1792.. ..	2,292 10
Trading establishments with the Indians.....	10,020 80
Nett proceeds of Vessels and Cargoes condemned under the Acts prohibiting the Slave Trade.....	4,473 57
Nett proceeds of Vessels captured from the Pirates.....	325 13
Rent of the Naval Hospital Farm, Chelsea.....	267 45
Interest on balances due by Banks to The United States	5,792 42
Bank of Tennessee, for premiums on drafts for money belonging to The United States, and deposited with said Bank.....	190 38
Interest on notes, given for the purchase of the North- umberland House Estate.....	274 62
Annuities to Christian Indians on the River Thames...	1,474 98

Monies previously advanced on account of second Census	71 48
Do. do. ascertaining land title in Louisiana..	500 00
Dividends on Stock in the Bank of The United States, ..	367,500 00
Balances of Advances made in the War Department, re- paid under the third section of the Act of the 1st May, 1820.....	43,919 32
Loan of 5,000,000 at 4½ per cent. per Act of 26th May, 1826.....	5,000,000 00
	<hr/>
Dollars.....	5,526,054 01

Treasury Department, Register's Office, November 30, 1826.

JOSEPH NOURSE, *Register.*

(F.)—*STATEMENT of the Expenditures of The United States, for the year 1825.*

CIVIL, MISCELLANEOUS, AND DIPLOMATIC, VIZ:

Legislature.....	Dollars.....	563,100 48
Executive Department.....		478,330 58
Officers of the Mint.....		9,600 00
Surveying Department.....		20,795 34
Commissioner of the Publick Buildings.....		1,500 00
Governments in the Territories of The United States.....		33,421 71
Judiciary.....		223,999 13
		<hr/>
		1,330,747 24
Annuities and Grants.....		2,100 00
Grant to General Lafayette.....		200,000 00
Mint Establishment.....		19,651 64
Unclaimed Merchandize.....		369 05
Light House Establishment.....		183,864 64
Surveys of Publick Lands.....		133,928 83
Registers and Receivers of Land Offices.....		1,375 00
Western boundary line of the Arkansaw Territory		2,000 00
Boundary lines between Missouri and Arkansaw		1,500 00
Preservation of the Publick Archives in Florida		750 00
Land Claims in Florida Territory.....		8,149 35
Land Claims in St. Helena Land District		3,562 50
Roads within the State of Ohio.....		9,197 27
Do Indiana.....		10,798 09
Roads, Canals, &c. Alabama.....		10,753 66
Do. Missouri.....		4,990 55
Do. Mississippi.....		15,780 26
Encouragement of Learning within the State of Illinois.....		5,702 06
Repayment for Lands erroneously sold by The United States.....		1,635 93
Purchase of Lands reserved to certain Creek Indians.....		800 00
Marine Hospital Establishment.....		54,938 51

Public Buildings in Washington.....	82,000 00	
Accommodation of the President's Household...	14,000 00	
Bringing the votes for President and Vice President of The United States.....	6,169 50	
Consular Receipts, under the Act of 14th April, 1792	2,292 10	
Payment of certain Certificates	83 01	
Payment of balances due to Officers of the Old Internal Revenue and Direct Tax.....	2,184 64	
Payment of balances to Collectors of New Internal Duties.....	1,746 99	
Payment of Claims for property lost	143 00	
Stock in the Chesapeake and Delaware Canal Company	192,500 00	
Miscellaneous Expenses.....	73,164 82	
		1,046,131 40
Diplomatic Department.....	159,603 82	
Contingent Expenses of Foreign Intercourse...	25,474 95	
Relief and protection of American Seamen.....	33,536 17	
Treaty with Spain.....	1,125 00	
Treaty of Ghent (6th and 7th Articles).....	12,583 13	
Do. (1st Article).....	12,000 00	
Prize Causes.....	8,000 00	
Payment of Claims under the 9th Article of the Treaty with Spain.....	19,358 37	
Claims on Spain.....	73,876 14	
Treaties with Mediterranean Powers.....	26,108 67	
		371,666 25
		Dollars.....2,748,544 89

Military Establishment, viz.

Pay of the Army.....	946,043 34	
Subsistence	283,700 25	
Quartermaster's Department	268,709 34	
Purchasing Department	205,400 13	
Bounties and Premiums.....	21,278 60	
Forage.....	36,827 62	
Expenses of Recruiting.....	8,254 18	
Medical Department.....	22,549 41	
Purchase of Woollens for 1826.	20,000 00	
Medals for Officers.....	805 00	
Relief of Officers, &c. Seminole Campaign.....	2,818 19	
Ransom of American Captives.....	540 00	
Balances due to certain States, on account of Militia.....	6,610 56	
Payment of interest due the State of Virginia..	178,480 11	
Payment for property lost, &c.....	40 00	
Armories.....	359,134 52	
National Armory, Western Waters.....	2,479 88	

Arsenals	22,399 92
Arsenal on the Schuylkill	8,000 00
Ordnance	47,241 29
Powder, Cannon, Shot, and Shells, &c.	209 32
Arming and Equipping Militia	167,338 77
Military Academy, West Point	12,763 56
Fortifications	4,886 70
Repairs and Contingencies of Fortifications	20,727 91
Armament of New Fortifications	4,800 00
Fort Monroe	99,848 48
Calhoun	71,901 67
Washington	1,992 95
Delaware	53,180 47
Jackson	136,543 11
Mobile Point	141,262 22
New Utrecht Point	56,799 32
Brenton's Point	44,477 28
Rigolets and Chef Menteur	105,472 18
At Beaufort, North Carolina	1,000 00
At Cape Fear	17,000 00
Materials for a Fort opposite Fort St. Philip	307 37
Deepening the Harbour of Presqu' Isle	11,420 19
Preservation of Islands in Boston Harbour	10,907 29
Repairs of Plymouth Beach	5,712 00
Survey of Marblehead and Holmes's Hole	400 00
Improving the Ohio and Mississippi Rivers	11,244 23
Surveys, &c. of Roads and Canals	37,243 57
Continuation of the Cumberland Road	35,850 00
Road from Ohio to Detroit	5,255 00
Do. Detroit to Chicago	3,000 00
Do. Memphis to Little Rock	3,325 82
Do. Cape Sable to Suwanee River	2,072 15
Do. Pensacola to St. Augustine	10,931 00
Do. Colerain to Tampa Bay	6,000 00
Do. Missouri to New Mexico	15,000 00
Revolutionary Pensions	1,308,810 57
Relief of Sundry Individuals	140,000 30
Contingencies	17,816 76
Arrearages	29,877 35
Civilization of Indians	13,545 41
Pay of Indian Agents	37,690 16
Pay of Sub Agents	17,077 73
Presents to Indians	16,761 19
Contingencies of Indian Department	76,058 42
Military Escort, per Act of May 25th, 1824	500 00
Compensation to Citizens of Georgia	23,000 00
Creek Treaty, per Act of 3d March, 1825	229,036 60
Treaties with Indians beyond the Mississippi ...	6,900 43
Treaty with the Florida Indians	36,425 57
Treaties with Sioux, Chippewas, &c.	10,400 00

Choctaw Treaty.....	8,748 72
Expenses of Choctaw Treaty.....	9,723 44
Choctaw Claims.....	16,972 50
Claims against the Osages.....	2,748 00
Annuities to Indians.....	218,744 36
	<hr/>
	5,761,022 41

From which deduct the following repayments:

Invalids and half-pay Pensions....	67,879 76
Gratuities.....	85 37
Purchase of Quapaw Lands.....	226 09
	<hr/>
	68,191 22
	<hr/>
	5,692,831 19

Naval Establishment, viz.

Pay of the Navy afloat.....	836,052 48
Do. Shore Stations.....	285,671 26
Provisions.....	391,531 97
Medicines and Hospital Stores.....	36,511 51
Repairs of Vessels.....	388,164 78
Navy Yards, Docks, and Wharves.....	19,789 58
Navy Yard, Portsmouth.....	1,783 84
Do. Charlestown.....	20,000 00
Do. New York.....	41,901 42
Do. Philadelphia.....	11,509 74
Do. Washington.....	22,497 09
Do. Norfolk, ..	15,936 12
Do. Pensacola.....	2,000 00
Gradual increase of the Navy.....	338,445 55
Building ten Sloops of War.....	138,802 29
Houses for Ships in ordinary.....	15,674 74
Inclined plane, Dock, &c.....	3,716 50
Prohibition of the Slave Trade.....	14,637 21
Suppression of Piracy.....	8,474 90
Survey of the Coast of Florida.....	73 61
Survey of Charleston and St. Mary's.....	1,898 78
Captors of Algerine Vessels.....	182 38
Relief of sundry individuals.....	12,917 00
Contingent expenses prior to 1824.....	709 81
Do. for 1824.....	44,273 48
Do. not enumerated for 1824.....	1,767 21
Do. for 1825.....	199,765 43
Do. not enumerated for 1825.....	3,780 50
Pay and subsistence of the Marine Corps.....	149,295 84
Clothing.....do.....	28,286 26
Medicines for.....do.....	2,369 71
Military Stores.....do.....	1,363 78
Fuel.....do.....	7,506 93
Repairing Barracks.....do.....	368 49
Contingent expenses.....do.....	13,856 41
Do. arrearages.....do.....	5,000 00
	<hr/>
	3,066,016 32

From which deduct the following repayments :

Ordnance and Ordnance Stores....	27 64	
Labourers, and fuel for engine....	3,005 66	
Superintendents, Artificers, &c....	13,868 10	
Tools burnt at the Navy-yard Wash- ington	31 06	
	<hr/>	16,932 46
		<hr/> 3,049,083 86

Publick Debt.

Interest on the Funded Debt.....	4,366,757 40	
Redemption of 6 per cent. Stock of 1812.....	6,187,006 84	
Do. Treasury Note 6 per cent. Stock	1,479,374 82	
Do. exchanged 6 per cent. Stock of 1812.....	56,539 30	
Reimbursement of Mississippi Stock.....	1,524 02	
Principal and interest of Treasury Notes....	2,001 49	
Paying certain parts of Domestick Debt	15 31	
Redemption of 7 per cent. stock of 1815.....	2,125 60	
	<hr/>	12,095,344 78
	Dollars	<hr/> 23,585,804 72

Treasury Department, Register's Office, November 30, 1826.

JOSEPH NOURSE, *Register.*

(L.)—EXPLANATORY PAPER.

Treasury Department, 12th October, 1826.

THE Commissioners of the Sinking Fund, having, on the 27th of September, 1826, resolved that 2,000,000 of dollars of the 6 per Cent. Stock created by the Act of Congress of the 8th of February, 1813, should be redeemed on the 1st of January 1827, the following was the course adopted at the Treasury to carry the Resolution into effect.

1. All the Loan Offices were instructed to transmit to the Treasury the numbers of the Certificates of this Stock, and the names of the Holders as they stood upon the Books of the Offices, respectively, on the 16th of September, 1826; the Books being always closed against transfers 14 days before the end of a Quarter.

2. The amount of the whole being 11,248,389 dollars 26, composed of different and unequal sums on the Books of the several Offices, the 2,000,000 were made up among all the Offices, by taking a proportional sum for each. For example: the entire sum standing upon the Books of the New York Office being 2,225,533 dollars, 49, the sum of 395,600 bore the same proportion to 2,000,000 that 2,225,533 49 did to 11,248,389 26. The entire sum upon the Books of the Offices in South Carolina being 555,149 39 the sum of 98,684

bore the same proportion to 2,000,000 that 555,149 39 did to 11,248,389 26; and in this manner the proportional sum was fixed for all the Offices.

3. All the Certificates or the numbers representing them, returned by each Office, were then formed into as many parcels as there were Offices, and successively put into as many boxes. As many of them were then drawn out from each box, by lot, as made up the proportional amount ascertained as above to belong to each Office. The Holder of any one number or certificate thus drawn out was, by the terms of the notice under which the Contract for the Loan was entered into, to be paid off, not only to the full amount of that particular Certificate, but of all other Certificates of this same Stock of which he was the Owner.

The doctrine of chances rendering it nearly impossible to draw out in exact figures the sum wanted in the case of each Office, the last drawn Certificate or number in each case, was found to give an excess; in some instances greater, in others less.

4. This excess, the aggregate of which amounted to 162,599 63, was disposed of thus: The whole of the Numbers or Certificates already successively drawn out, on account of all the Offices, were put back again into one box, and a new drawing was had from amongst them all, for exemption, to the amount of the foregoing aggregate excess, so as to bring back the result to the 2,000,000 wanted. As the last drawn Certificate or number, in performing this operation, proved to be a large one, it led to the opposite result of lowering the amount below the level aimed at, by as much as 57,293 58.

To absorb this deficit, a further drawing was resorted to, from the entire mass of the undrawn numbers, which were put into another box; and this operation terminated in reaching the sum required, with only a fractional excess of 2,306 71. This was deemed too small to make it necessary to renew the drawing for exemption, and the whole operation was accordingly closed.

The principle of apportionment among the different Offices was believed to be the most proper mode of paying off the sum in question. It was alike equal to the Stockholders, and tended to produce payments more equal throughout the different States, than if the drawing had taken place from all the Certificates representing the whole sum of 11,248,389 26, thrown into a common mass.

The drawing of the lottery commenced on the 29th of September, and was completed this day. The delay was owing to the Banks of The United States at Philadelphia and Boston, (acting as Loan Offices,) not having made return of the Certificates standing on their books in due time; those from the former not having been received until the 3d instant, and those from the latter not until yesterday. It had otherwise been intended to complete the drawing of the lottery on the 29th of

September, and issue the notice to the Publick Creditors to be paid off by its decision, on the last day of the Quarter.

(1.)—*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 16,000,000).....	12,403,051	66
Do.....do....(7½ do.)..	5,452,884	46
Do.....of 1814.....	13,096,542	90
Do.....of 1815.....	9,490,009	10
Five per Cent. Stock, Subscription to the Bank of The United States.....	7,000,000	00
Do.....of 1820.....	999,999	13
Do.....of 1821.....	4,735,296	30
Exchanged 5 per Cent. of 1822.....	56,704	77
Funded 4½ per Cent. Stock, per Act of the 24th May, 1824, (Florida Loan)..	5,000,000	00
Do.....per Act 26th May....	5,000,000	00
Exchanged 4½ per Cent. Stock of 1824	4,454,727	95
	<hr/>	67,689,306 27
	Dollars...	<hr/> <hr/> 80,985,537 72

(2.)—*Statement of the Debt of The United States, on the 1st Jan. 1826.*

Three per Cent. Stock.....	13,296,231	45
Six per Cent. Stock of 1813, (Loan of 16,000,000).....	11,254,197	46
Do. ....do....(Loan of 7,500,000).....	5,062,402	50
Do.....of 1814.....	13,096,542	90
Do.....of 1815.....	9,490,099	10
Five per Cent. Stock, (Subscription to the Bank of The United States).....	7,000,000	00
Do.....of 1820.....	999,999	13
Do.....of 1821.....	4,735,296	30
Exchanged 5 per Cent. Stock of 1822	56,704	77
Funded 4½ per Cent. Stock, per Act of 24th May, 1824, (Florida Loan).....	5,000,000	00
Do.....per do. of 26th May	5,000,000	00
Exchanged 4½ per Cent. Stock of 1824	4,454,727	95
Do.....of 1825	1,539,336	16
	<hr/>	67,689,306 27
	Dollars...	<hr/> <hr/> 80,985,537 72

(3.)—Statement of the Debt of The United States on the 1st October, 1826, and on the 1st January, 1827.

Three per Cent. Stock.....	13,296,247 70
Six per Cent. Stock of 1813, (Loan of 16,000,000)	11,254,197 46
Do.....of 1814.....	13,096,542 90
Do.....of 1815.....	9,490,099 10
Five per Cent. Stock, Subscription to the Bank of The United States.....	7,000,000 00
Do.. ..of 1820.....	999,999 13
Do.....of 1821.....	4,735,296 30
Exchanged 5 per Cent. Stock of 1822..	56,704 77
Funded 4½ per Cent. Stock, per Act of 24th May, 1824, (Florida Loan).....	5,000,000 00
Funded 4½ per Cent. Stock, per Act of 26th May, 1824.....	5,000,000 00
Exchanged 4½ per Cent. Stock of 1824	4,454,727 95
Do.....do..... of 1825	1,539,336 16
	<hr/> 62,626,903 77
	<hr/> Dollars...75,923,151 47

Amount of the Debt of The United States, per the foregoing Statement No. 1, and per Statement No. 3, which accompanied the Report of the Secretary of the Treasury, of the 22d December 1825

80,985,537 73

Add Stock issued in the 1st Quarter of 1826, viz.:

Three per Cent. Stock.....	16 25
Exchanged 4½ per Cent. Stock of the 3d March, 1825, in lieu of 6 per Cent. Stocks of 1813.....(a.)	1,539,336 16
	<hr/> 1,539,352 41
	<hr/> 82,524,890 13

Deduct Stocks surrendered, and payments on account of the Principal of the Debt, viz.:

Six per Cent. Stocks surrendered, and for which exchanged 4½ per Cent. Stock was issued in lieu, under the Act of the 3d March, 1825, of the 16,000,000 Loan.....	1,148,854 20
7,500,000 do.....	390,481 96
Payment of the residue of the 7,500,000 Loan on the 1st July, 1826.....	5,062,402 50
	<hr/> 6,601,738 66

UNITED STATES.

937

Amount of the Debt as above on the 1st October, 1826 75,923,151 47

From which deduct the amount proposed to be paid off
on the 1st January, 1827..... 2,002,306 71

Leaving the amount of the Debt on the 1st January,
1827.....Dollars...73,920,844 76

(a.) The amount of the 6 per Cent. Stocks of 1813, exchanged under the Act of 3d March, 1825, was stated last Year, by estimate at 1,585,138 dollars 88; the Accounts of the Commissioners of Loans have since been adjusted, and the true amount ascertained to be 1,539,336 dollars 16, one moiety whereof, or 769,668 dollars 18 is redeemable in 1829, the other in 1830.

(4.)—*Estimated amount of Treasury Notes outstanding on the 1st October, 1826.*

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... 15,040

Consisting of small Treasury Notes 2,240

Notes bearing interest..... 12,800

15,040

(5.)—*Statement of the Stock issued under the Act of Congress entitled "An Act Supplementary to the Act for the Indemnification of certain Claimants of Publick Lands in the Mississippi Territory, passed 3d March, 1815.*

Amount of Claims awarded per Statement No. 5, of
the last Report..... 4,282,151 12½

Whereof, there was paid in for Lands, per said Report 2,447,539 39

Payments at the Treasury, to the 30th
September, 1825, per said Statement 1,826,765 56

Do. from 1st October, 1825, to 30th
September, 1826..... 450 00

1,827,215 56

Balance outstanding on the 1st October,
1826, consisting of Certificates
outstanding.....

7,355 57

Awards not applied for.....

44 60½

7,400 17½

Dollars...4,282,151 12½

Treasury Department, Register's Office, 30th November, 1826.

JOSEPH NOURSE, Register.

MANIFESTO of the General Constituent Congress, on submitting the Constitution for the acceptance of the Provinces composing the Argentine Republic.—24th December, 1826.

(Translation.)

PROVINCES OF THE ARGENTINE REPUBLIC; GLORIOUS PEOPLE DESERVING OF THE BEST FATE!

LISTEN for the first time to the ingenuous and affectionate voice of your Representatives; they address themselves to you to inform you of the conclusion of their Mission, and to deposit in your hands the sacred charge entrusted by you to their zeal and patriotism.

The General Constituent Congress cannot give you a greater proof of the fidelity with which it has performed its duty, than by presenting you with the Code which should ensure the existence, honor, and felicity of the Nation.

It can assure you of its being the expression of its conviction: receive it:—consider it, and decide. But first, divest yourselves of all passion, forget partial interests, and place yourselves in that position in which you ought to stand, to decide upon the fate of our beloved Country.

Expect not that the Congress, in presenting you with the Constitution which it has sanctioned, should recommend it to you with philosophical arguments, historical examples, or seductive theories. When, faithful to its duty, justifying your confidence, and the hopes of our Country, it presents to you the august Code, in which our duties, and our rights are prescribed; when it assures you that it contains every publick and every individual guarantee, it need only refer itself to those practical and manifest evidences, which your impartial judgment will find if you examine its contents.

Upon the invariable principle, that every Individual or People, desiring to enter into a state of Society, must necessarily sacrifice a portion of liberty in order to preserve the rest, it is always difficult to draw the exact line between those rights which ought to be relinquished and those which should be preserved.

Congress knows, and the People must know, that under our present circumstances, this difficulty is the greater from the differences which exist in the situation, extent, habits, and the particular local interests, of our different Provinces.

Nevertheless it has always had in view the object of securing to the Republic the greatest possible share, both of common advantage, and individual happiness.

Observe how, after having ratified the Sovereign Independence of the Country, the Constitution proceeds to sanction, among the first laws of the State, the sacred religion of the true God, paying the purest homage to the sanctity of the Gospel by the general voice of the Nation!

Observe how it establishes the high powers to which the Republic delegates the exercise of the Sovereignty ! How nicely it defines and balances the duties of each, leaving no fear of difference, confusion or conflict, between them ! How, if either should trespass upon the attributes of the other, a constitutional re-action must immediately force it back within its own sphere ! See with what care it opens all publick Employments to merit, and offers the highest rewards to virtue and talent !

With respect to the internal administration of the Provinces, examine attentively the whole of the seventh Section, which establishes its bases, and provides for its regulation ; and you will there find every advantage which could have been the object of your wishes. They may perhaps go beyond the expectation, even of those persons who looked for the guarantee of their local interests exclusively in the federation.

The Constitution, by leaving to the Provinces the choice of their own Authorities, places within their power every means of promoting their own prosperity. They remain constitutionally in full possession of their own capabilities of improving themselves ; of availing themselves of their own climate, of the advantage of their products, of the fruits of their industry, of the conveniences of their harbours, and of every advantage which a fruitful soil, worked by man's industry, can hold out to a free People !

Provinces, People, Citizens of the Argentine Republic ! See therein the simple solution of the form of Government, which has disturbed the hopes of some, and excited the fears of others. Your Representatives, attached as much as yourselves to the fate of their Country, by the same ties, and by the same interests, have resolved to preserve all the advantages of a Federal Government ; laying aside only its inconveniences ; whilst at the same time they have secured all the benefits of a Central Government, and have excluded every thing prejudicial in it, to individual and publick rights. Like the industrious bees, which from the extracted perfume of various flowers form their delicious honey, so your Representatives, selecting the good, and rejecting the bad, of the various elements of a simple form of Government, have constituted one of a mixed character, conformable to the circumstances of the Country, but withal essentially free, and the protector of social rights.

A simple and strict Federation would have been the form of all others least adapted to our Provinces, in the state and circumstances of the Country, and the Congress, whilst it constantly kept its attention fixed upon the weighty reasons, opposed to such a form, has never lost sight of that object, which every Argentine Patriot ought to consider the greatest and dearest interest of the Republic :—the consolidation of our union ; with which our prosperity, our happiness, our security, and our national existence, are so intimately connected : yes, Citizens, our existence ! It is impossible to provide for this object,

otherwise than by determining upon a central Power; but a Power, however, beneficent in its nature, capable of upholding, incapable of counteracting, the elements of prosperity in each respective Province. It is natural that we should seek to establish liberty and felicity, for which we have made so many sacrifices: but let us not pursue empty and useless names: let us secure substantial advantages.

The blessings of liberty and happiness to which we aspire are not wholly to be found in a federal form of Government: look back on former times and Nations, and they will present you with the sad examples of many people, who, governed under federal forms, have been greater slaves than even those under the terrible dominion of the Despots of Asia. Such also would be our condition under an ill organized Confederation. Weigh Citizens, in your minds, this most profound truth:—that that Government is alone free and happy, which derives its powers from the will of the People, which maintains them properly balanced, and which inviolably respects the rights of Man: and then consider, whether the Government which is offered to you in the present Constitution, possesses these qualities.

The rights of Man;—those essential rights which he cannot renounce without degrading his nature, and for the preservation of which he has sacrificed his natural independence, associating himself with his Fellow Creatures,—how have they been respected by your Representatives? Read the 8th Section of the Constitution, and there you will find them consecrated: personal security; lawful equality; inviolability of property; freedom of opinion; domestick tranquillity; right of Petition; and the entire enjoyment of every privilege not prohibited by Law. In this respect, it is impossible to desire or to secure more. A single line separates virtue from vice; and that line once passed, liberty degenerates into licentiousness.

But, if Congress has kept in view that, in the opinion of the Legislators of Political Societies, a Fundamental Code should bear the character of perpetuity, in order to ensure its efficacy and power; it has not forgotten that a Nation, which does not adopt a permanent system of Government, is exposed to continual disturbances calculated to destroy its tranquillity: in like manner it has not concealed from itself the weakness of human nature. It is aware that the work of Man is ever exposed to error, and that no Constitution of Government can be so organized, as not to contain within it some germ of dissolution. With this impression you will find that, should the Constitution which is this day presented to you, hereafter require amendment, or modification, it contains within itself a judicious and legal Provision for effecting that object. If, in the course of time, the light of experience should expose defects in the Fundamental Law, the legitimate power, that is to say the Legislature, which you will have to elect, will examine them with caution and provide a remedy for them.

Argentine Provinces! with what impatience has the National Congress looked forward to the happy moment when it might present to you the Constitution which you have entrusted to its charge; and give you a practical proof of the loyalty with which your confidence has been repaid. But, unhappily, now that that moment has arrived, it has the misfortune to present it to you under untoward circumstances, and when cruel discord has again returned to disturb you.

Whilst the Congress is solely occupied with the safety of the Republick, there are Quarters in which the great blessing of organization is obstructed: whilst the Congress is labouring to strengthen and fortify those bonds of perpetual fraternity, which should unite all the Provinces, there are some in which arms have been taken up, in order to break those family ties, and to shed the innocent blood of their Brethren.

Listen, Argentines, to the dolorous and urgent voice of your afflicted Country, through the faithful organ of your Representatives. They conjure you, one and all, to lay down your arms, and to take up the olive branch of peace, that you may put an end to the dangers which menace you on all sides. This is not the time for dissimulation; the existence of your Country is in danger, unless you promptly assist it.

See, on the one hand, a powerful and bloodthirsty enemy, who, taking advantage of our divisions, persists in the most unjust War, in order scandalously to rob us of one of our most beautiful Provinces; and on the other, a great and precious portion of our Territory, availing itself of our condition, has separated itself from us; behold, in short, how many there are who await the ship's destruction in the storm, in order that they may seize upon some portion of the wreck. But all will be immediately remedied by our Union alone; and our Country, provided with Laws for its government, will possess the power to defend itself. Should there, however, be any People or Citizens (which it is difficult to suppose) who, although not indisposed to yield to the truth of these weighty reasons, should, nevertheless, refuse to accept the Constitutional Code; it will not be necessary for them to resist by force, or to enter even into an explanation of the causes of their refusal. The last Section of Article 188 leaves them at full liberty, a liberty which they are bound equally to leave to the majority of the Provinces, who may desire spontaneously to accept it. If their opinion be not disregarded, it would be unjust not to respect the opinion of the rest. It is no subject for War; neither Peace nor Fraternity will be violated; example will persuade, and the love of Country will prevail. Citizens, who possess an influence in your respective Provinces! If some of you think that the present Constitution cannot ensure your happiness, permit others at least to try it, until they are undeceived in their expectations of happiness from it; throw off the immense responsibility, and the cruel remorse which you will carry to the grave,

should you in this instance frustrate the hopes of your Fellow Countrymen, and add further distress to your afflicted Country, which may compromise its safety, glory, and even existence.

Congress has, in the mean time, given the best proof of its solicitude for the social union. By the publication of the present Constitution, it has thrown a veil over all the irregularities which have been occasioned by any differences of opinion.

An Act of oblivion shall conceal all the errors or transgressions committed previously to the period when the Argentine Republic, regenerated, shall commence a social existence under its Laws and Customs. By this conduct, you will be convinced, Citizens, of the public feeling which animates the Representatives of the Nation. Our most ardent hope, our only desire, at this moment is, that the Plan of Government, which we offer to you, will ensure the happiness, of this much beloved Country, and fix for ever its destiny.

May the Constitution be the token of tranquillity between Sister Provinces which Nature has destined to be united, and not to destroy each other! May it be an eternal monument of our justice, and of those honourable intentions which alone have animated us in the great cause of our revolution, to procure our own good, and that of our children. May it be the terror of our enemies, and the confusion of our rivals! These are the wishes of the General Constituent Congress, whose Members desire only to give Laws and a Government to their Country, in order that they may retire into the bosom of their families, and to their particular avocations, covered with glory, and truly happy in their hope of witnessing the progress of the arts, the sciences, and virtue.

Hall of Session of the General Constituent Congress in Buenos Ayres, the 24th December, 1826.

Signed by JOSE MARIA ROJAS, *President*,
and by 71 other *Deputies*.

***CONSTITUTION of the Argentine Republic, sanctioned by
the General Constituent Congress—24th December, 1826.***

(Translation.)

SECTION I.

OF THE NATION AND ITS RELIGION.

Art. I. The Argentine Nation is for ever free, and independent of all Foreign Domination.

II. It shall never be the patrimony of any Person or Family.

III. Its Religion is the Roman Catholick Apostolick, to which it will always afford the most effectual and decided protection, and to which its Inhabitants shall shew the greatest respect, whatever be their religious opinions.

SECTION II.

OF CITIZENSHIP.

IV. The Citizens of the Argentine Nation, are : first, all freemen born within its territory, and their children, wherever they may be born ; secondly, those Foreigners who have fought, or shall fight, in the Army or Navy of the Republic ; thirdly, those Foreigners settled in the Country previously to 1816, the Year in which its Independence was solemnly declared, and who are inscribed in the Civic Register ; fourthly, other Foreigners established, or who may establish themselves, in the Country, subsequently to that period, and who shall obtain Letters of Citizenship.

V. The rights of Citizenship are forfeited : first, by accepting employments, distinctions, or titles from any other Nation, without the authority of the Congress ; secondly, by any sentence inflicting infamous punishment, until the Party be again qualified according to Law.

VI. The rights of Citizenship are suspended : first, whilst the Party is under 20 years of age, and unmarried ; secondly, by not knowing how to read and write (which condition shall not be carried into effect until 15 years after the date of the acceptance of this Constitution) ; thirdly, by Naturalization in another Country ; fourthly, by being declared bankrupt ; fifthly, by being a debtor to the Publick Treasury, and refusing, when legally called upon, to pay the debt ; sixthly, by mental derangement ; seventhly, by being servants receiving wages, daily labourers, private soldiers of the line, notorious vagabonds, and individuals under trial for crimes deserving corporeal or infamous punishment.

SECTION III.

OF THE FORM OF GOVERNMENT.

VII. The Argentine Nation adopts for its Government the Representative Republican Form, consolidated in unity of system.

VIII. To this end, it delegates the exercise of its Sovereignty to the three high Powers : the Legislative, the Executive, and the Judicial, under the restrictions set forth in this Constitution.

SECTION IV.

OF THE LEGISLATIVE POWER.

IX. The Legislative Power shall be exercised by a Congress composed of 2 Chambers, one of Representatives, the other of Senators.

CHAPTER I.—*Of the Chamber of Representatives.*

X. The Chamber of Representatives shall be composed of Deputies, elected by the direct nomination of the People, and by a simple majority of votes, in the proportion of one for every 15,000 Inhabitants, or for a fractional number amounting to 8,000.

XI. The Deputies for the first Legislature shall be named in the following proportion :—5 for the Capital, 4 for the Territory dismembered from the Capital, 6 for the Province of Cordova, 3 for Catamarca, 3 for Corrientes, 2 for Entre Rios, 4 for Monte Video, 2

for Mendoza, 1 for Misiones, 2 for Rioja, 3 for Salta and Jujuy, 4 for Santiago del Estero, 2 for San Juan, 2 for San Luis, 1 for Santa Fé, 3 for Tucuman, and 2 for Tarija.

XII. For the second Legislature, a general Census shall be taken, according to which the number of Deputies shall be regulated. The Census shall be renewed once only in 8 Years.

XIII. Every Citizen in the exercise of his rights, agreeably to Articles IV. V. and VI. may vote in the Election of Representatives.

XIV. For the first time, each Provincial Junta shall regulate the means of carrying into effect the direct Election of its Representatives, in conformity to the above Articles. For future occasions, the Congress shall issue a general Law.

XV. No Person can become a Representative, unless qualified : by having been a Citizen 7 Years before his nomination ; by being 25 Years of age ; by having a capital of 4,000 dollars; by being in the exercise of some useful profession, art, or business, or dependent on the Executive Power by holding any paid office. (This condition, for the term of 10 Years, shall only apply to Offices not removeable at pleasure.)

XVI. The Deputies shall continue in Office during 4 Years ; but one half of the Chamber shall be renewed every 2 Years.

XVII. The Deputies who may be named for the first Legislature, immediately on their assembling, shall cast lots, for the purpose of deciding who shall go out of Office at the termination of the first 2 Years.

XVIII. The Chamber of Representatives shall exclusively originate matters relating to the imposition of Contributions ; the Senate possessing the power to admit, refuse, object to, or amend them.

XIX. The Chamber of Representatives has the exclusive right to accuse, before the Senate : the President of the Republic and his Ministers, the Members of both Chambers, and those of the Supreme Court of Justice, for crimes of treason, sedition, misapplication of the Publick Funds, violation of the Constitution, especially in matters concerning the primary rights of Citizens, or for other crimes, meriting infamous punishment or death.

XX. The Representatives, at the time of their incorporation, shall swear to fulfil their duty faithfully, and to act in all things conformably to what is prescribed in this Constitution.

XXI. No Member, after his admission, shall receive any Employment from the Executive Power, without the consent of the Chamber, nor without vacating his Seat by the act of appointment, unless it be in the regular order of preferment.

XXII. The Deputies shall receive a Salary for their services, the amount of which shall be fixed by a Law.

CHAPTER II.—*Of the Senate.*

XXIII. The Senate shall be composed of Members, elected for the Capital and Provinces, in the following number and manner :—

Each shall form, by the direct votes of the People, in conformity with Articles XIII. and XIV. a Junta of 11 Individuals, who shall exercise the functions of Electors, and who must each possess the qualities required for a Representative by Article XV. These Electors, or two-thirds at least of them, being assembled in the Capital of the Province, and having elected from their number a President and Secretary, shall vote for the Senators, by signed ballots for 2 Individuals, 1 of whom at least must either be a Native or Resident of the Province. The vote being concluded, and the Act signed by all the Voters, it shall be transmitted, enclosed and sealed, through the Executive, to the President of the Senate (the first time to the President of the Congress.) The President shall open it before the Senate, (the first time before the Congress,) and cause the Acts of the Electoral Juntas to be read, and afterwards passed to a Commission, to report on the validity of the forms, and to ascertain the number of suffrages for each Candidate. Those who shall have obtained an absolute majority of votes of the respective Electoral Juntas, having strictly observed the requisite forms, shall be declared Senators, by a resolution of the Senate (or of the Congress the first time) two-thirds of the Members being assembled. If the necessary forms should not have been complied with, the Election shall be repeated by the same Electoral Juntas. If there should not result a majority of suffrages, the Senate (or the Congress, as the case may be) shall choose 3 Persons of those who may have obtained the greatest number of votes, and shall elect from amongst them. If, however, there should not result an absolute majority of votes in favour of one Individual, the number of Candidates shall be reduced to the two who may have obtained the greatest number of votes, the vote of the President deciding who shall be excluded, in order to reduce them to that number, in the event of an equality. A new Election shall then take place between the 2 Individuals who remain, and he who shall have obtained an absolute majority shall be proclaimed Senator, the vote of the President again deciding in the event of an equality of numbers. If only one of the Senators shall have obtained an absolute majority in the Electoral Junta, the proceedings of the Senate (or of the Congress) in order to determine the Election of both Senators, shall be performed by separate Acts, and with the same formality for each.

XXIV. No one can be elected a Senator, who is not 36 Years of age, who shall not have been 9 Years a Citizen, and has not a capital of 10,000 dollars, an income equivalent thereto, or is not engaged in a scientifick profession of that value.

XXV. The Senators, on entering upon their Office, shall take the Oath prescribed in Article XX.

XXVI. They shall continue in Office for the term of 9 Years, a third part being renewed every 3 Years; and it shall be decided, by lot,

immediately after all shall have assembled, which of their Members shall go out of Office at the end of the first and second periods of 3 Years.

XXVII. It belongs to the Senate to judge publicly the Persons accused by the Chamber of Representatives.

XXVIII. The concurrence of two-thirds of the Members is sufficient to establish the criminality of the Accused ; but shall have effect, only to the extent of removing the Accused from his Office.

XXIX. The Party accused and convicted, shall remain, notwithstanding, subject to prosecution, judgment, and punishment, according to Law.

XXX. The Senators shall be compensated for their services, by a salary, which the Law shall assign to them.

CHAPTER III.—*Of the Attributes common to both Chambers.*

XXXI. Both Chambers shall assemble in the Capital, and shall hold their Sittings daily, in the months of May, June, July, August, and September, the Members being bound to reside there during the remaining months of the Year.

XXXII. Each Chamber shall be the sole judge in examining and approving the Election of its Members.

XXXIII. It shall name its President, Vice-President, and Officers ; shall fix the period of their duration in Office ; shall prescribe the Regulations for the Debates ; and for facilitating the execution of their Resolutions.

XXXIV. Neither of the Chambers shall commence its functions, until two-thirds of the Members of each shall have assembled at the Hall of Session ; but a less number may compel the rest to assemble, in the terms, and under the penalties, which each Chamber may prescribe.

XXXV. Senators and Representatives shall never be responsible for their opinions, speeches, or debates.

XXXVI. Neither shall Senators or Representatives be arrested by any other Authority, during their attendance in the Legislature, or while they are going to or returning from its Sittings ; except in the event of their being taken in the commission of any crime that may deserve death, or infamous, or corporeal punishment ; of which an account shall be given to the corresponding Chamber, with the judicial Report of the Case.

XXXVII. When a complaint shall be presented in writing before the ordinary Justices, against any Senator or Representative, for any offence not enumerated in Article XIX, after having examined the Case, the respective Chamber, by a majority of two-thirds of its votes, may suspend the Accused from the exercise of his functions, and place him at the disposal of the competent Tribunal for judgment.

XXXVIII. Each Chamber may also punish any of its Members for misconduct in the exercise of their duties, (with a similar majority of

votes,) or remove him, for physical or moral incapacity during his Office; but a majority of 1 above the half of the Members present shall decide upon the resignations, which any of them shall voluntarily propose, of their Office.

XXXIX. Each of the Chambers may cause the Ministers of the Executive Power to appear before it, to communicate information which it may consider requisite.

CHAPTER IV.—*Of the Attributes of the Congress.*

XL. To the Congress it belongs: to declare War, after having heard the grounds thereof explained by the Executive Power.

XLI. To recommend to the same, when it may judge it expedient, the Negotiation of Peace.

XLII. To fix the regular Land and Sea Forces, in time of Peace and War.

XLIII. To order the construction and equipment of National Squadrons.

XLIV. To fix, annually, the general Expenditure, with reference to the Estimates presented by the Government.

XLV. To receive, annually, the account of the application of Public Funds, and to examine and approve the same.

XLVI. To establish the duties of importation and exportation; and, for a term not exceeding 2 Years, to impose, according to the exigencies of the State, Contributions proportionably equal throughout the Territory.

XLVII. To decide upon the Loans, which it may be necessary to negotiate on the security of the State.

XLVIII. To fix the Law, value, weight, and type of the National Coin.

XLIX. To establish Tribunals subordinate to the High Court of Justice, and to regulate the form of the judgments.

L. To grant Amnesties, when powerful motives of publick interest render them expedient.

LI. To create or abolish Offices of every description.

LII. To regulate internal and external commerce.

LIII. To define the Territory of the State, and to fix the boundaries of the Provinces, without prejudice to the permanency of the Provinces enumerated in Article XI.

LIV. To establish Ports on the Coasts of the Territory, where it may be judged convenient; and to raise Villages to the rank of Towns, Cities, and Provinces, in such cases, and with such qualifications, as may be conformable to Law.

LV. To form general Plans for Publick Education.

LVI. To award premiums to those who may have performed, or shall hereafter perform, eminent services to the Nation.

LVII. To grant to Authors, or the Inventors of useful Establishments, exclusive privileges for a certain period.

LVIII. To enact all Laws and Ordinances, of whatever nature, which the good of the State may require; and to modify, explain, and abrogate those already in force.

CHAPTER V.—Of the Formation and Sanction of the Laws.

LIX. The Laws may be originated, in either of the Chambers which compose the Legislative Body, by Projects presented by its Members, or by the Executive Power through its Ministers.

LX. The Laws which relate to the objects, treated of in Article XVIII, are excepted from this rule.

LXI. When a Project of Law shall be approved in the Chamber in which it may have originated, it shall be passed to the other Chamber, in order to its being discussed, approved, or rejected.

LXII. No Project of Law, after rejection by one of the Chambers, can be again brought forward in the Session of the same Year.

LXIII. The Projects of Law approved by both Chambers, shall be passed to the Executive Power.

LXIV. If the Executive Power approve of them, or, in the term of 10 days, do not return them as objectionable, they shall have the force of Laws.

LXV. If the Executive Power should disapprove of the Projects, it shall return them, with the proposed amendments, to the Chamber in which they originated.

LXVI. They shall be reconsidered in both Chambers, and a majority of two-thirds of the votes of each Chamber shall finally sanction them.

LXVII. The votings of both Chambers shall, in such cases, be either in the affirmative or negative, and the names and decisions of the Members, as also the amendments of the Executive Power, shall be immediately printed and published.

SECTION V.

OF THE EXECUTIVE POWER.

CHAPTER I.—Nature and Qualities of this Power.

LXVIII. The Executive Power of the Nation is confided and entrusted to one Person alone, under the title of President of the Argentine Republic.

LXIX. No one can be elected President, who is not a Citizen of the Republic by birth, and who does not possess the other qualifications required by this Constitution for a Senator.

LXX. Before entering on the discharge of his functions, the President elect shall take, before the President of the Senate, and the 2 Chambers assembled, the following Oath:

" I. N.—swear by God our Lord, and by these our Holy Evangelists, that I will duly discharge the Office of President, which is confided to me; that I will protect the Catholick Religion, preserve the integrity and independence of the Republick, and faithfully observe the Constitution."

LXXI. The President shall continue in office 5 Years, and cannot be immediately re-elected.

LXXII. In case of the infirmity or absence of the President, or while a new Election is in progress, in consequence of his death, resignation, or removal, the President of the Senate shall supply his place, and shall exercise the functions belonging to the Executive Power; being in the mean while suspended from the Office of Senator.

CHAPTER II.—*Of the form and time of the Election of the President.*

LXXIII. The President of the Republick shall be elected in the following manner: In the Capital, and in each Province, a Junta of 15 Electors shall be named, with the same qualifications, and under the same forms, as for the Election of Senators.

LXXIV. The Electors of each Province being assembled in the Provincial Capital, 4 months before the expiration of the term of the Presidency, on a day which the Legislature shall fix, the Electors shall vote for a Citizen to be President of the Republick, by signed ballots.

LXXV. The voting being concluded, and the Act signed by all the Electors, it shall be transmitted by the President of the Electoral Junta, enclosed and sealed, to the President of the Senate.

LXXVI. The President of the Senate having collected all the Acts, shall open them, in presence of both Chambers.

LXXVII. Four Members of Congress, elected by ballot, being associated with the Secretaries, shall proceed immediately to a scrutiny, and shall announce the number of suffrages in favour of each Candidate.

LXXVIII. He who shall have two-thirds of all the votes, shall be immediately proclaimed President of the Republick.

LXXIX. If none of the Candidates should possess two-thirds of the suffrages of the Electors, the Congress shall proceed to conclude the Elections in the manner provided by Article XXIII, concerning the Election of Senators.

LXXX. The Election of the President of the Republick must be concluded in one Sitting, the Acts of the Electoral Juntas being afterwards printed and published.

CHAPTER III.—*Of the Attributes of the Executive Power.*

LXXXI. The President is the Chief of the general Administration of the Republick.

LXXXII. He publishes, and causes to be executed, the Laws and Decrees of Congress, and provides for their execution by special Regulations.

LXXXIII. He convokes the Congress, at the time appointed by the Constitution, or extraordinarily, when important circumstances demand it.

LXXXIV. He opens the Sessions, annually, both Chambers being assembled for the purpose in the Hall of the Senate, and informs them on this occasion, of the political state of the Nation, and of the improvements and reforms which he may deem worthy of their attention.

LXXXV. He issues the necessary orders, for the Elections of the Senators and Representatives at the proper time, and conformably to Law, and gives an account to Congress of any abuses which he may observe in them.

LXXXVI. He is the Supreme Chief of the Land and Sea Forces, and is exclusively charged with the direction of them in Peace or in War, but he cannot command the Army in person without the special permission of Congress, given by a majority of two-thirds of each Chamber.

LXXXVII. He provides for the internal and external security of the State.

LXXXVIII. He declares War and Peace, and takes upon himself the necessary measures preparatory thereto.

LXXXIX. He concludes Treaties of Peace, Friendship, Alliance, Commerce, or any others, but he cannot ratify them without the approbation and consent of the Senate. In the case of any stipulation for the cession of any part of the Territory, or for any pecuniary burthens upon the Nation, it must be with the consent of both Chambers, and with a majority of two-thirds of the votes.

XC. He appoints and removes the Ministers, Secretaries of State, and of general Despatch.

XCI. He also appoints Ambassadors, Ministers Plenipotentiary, Envoys, Consuls General, and other Agents, with the approbation of the Senate.

XCII. In cases of urgency, if the Senate be not sitting, he may make the necessary appointments of the Officers mentioned in the preceding Article, obtaining its sanction immediately on its assembling again.

XCIII. He receives, according to the established forms, the Ministers and Agents of Foreign Nations.

XCIV. He issues Letters of Citizenship, in conformity with the forms and qualifications required by Law.

XCV. He exercises the general patronage with respect to Churches, and Benefices, and Ecclesiastical Persons, conformably to the Laws. He nominates the Archbishops and Bishops from 3 Candidates proposed by the Senate.

XCVI. All objects and branches of Finance and Police, and scientific, and every other description of Publick, and National Establishments, shall be formed and supported by the funds of the State; the

Mints, National Banks, Post Offices, Posts, and Roads, are under the supreme inspection of the President of the Republic, subject to the Laws and Ordinances which regulate them, or which may be hereafter passed by the Legislature.

XCVII. He appoints to all Offices which are not reserved by this Constitution.

XCVIII. He can require of the heads of every branch and Department of the Administration, and through them of every other Officer, such information as he may want, and which they are bound to provide.

XCIX. He may commute capital punishments to Criminals, on the previous report of the Tribunal, or Judge of the Cause, upon grave and powerful considerations; but not in the case of crimes excepted by the Law.

C. He decides in conformity with the Statutes, in the Councils held in the Cases provided for, upon the sentences pronounced by Military Tribunals.

CI. He shall receive for his services, the salary established by Law, which shall neither be diminished nor augmented during his continuance in office.

CHAPTER IV.—*Of the Ministers-Secretaries.*

CII. Five Ministers-Secretaries, viz: of the Department of Government, of Foreign Affairs, of War, of Marine, and of Finance, shall have charge of the despatch of the affairs of the Republic, and shall authorize the Resolutions of the President, without which requisite they shall not have effect.

CIII. The President may, in case of emergency, entrust one Minister with the charge of two Departments.

CIV. The 5 Ministers-Secretaries form the Council of Government, who shall assist the President with their advice, respecting grave and important matters.

CV. The President shall hear the opinions of the Council, without being obliged to conform thereto in the Resolutions which he may think fit to take.

CVI. In cases of responsibility, the Ministers are not exempt therefrom, even with the consent or signature of the President of the Republic.

CVII. The Ministers cannot in any case take any measures, without the previous order or consent of the President of the Republic, except in matters immediately belonging to their own respective Department.

CVIII. They cannot become Deputies or Senators without resigning their Office of Minister.

CIX. They shall have a salary assigned them by Law, which shall neither be augmented nor diminished during their continuance in Office.

SECTION VI.

OF THE JUDICIAL POWER.

CHAPTER I.—*Of the Supreme Court of Justice.*

CX. The Judicial Power of the Republic shall be exercised by the High Court of Justice, by superior Tribunals, and other Courts established by Law.

CXI. A Court of Justice, composed of 9 Judges, and 2 Fiscals, shall exercise the Supreme Judicial Power.

CXII. No one can be a Member of this Court, who is not an Advocate of 8 Years' practice, 40 Years of age, and does not possess the qualifications prescribed in this Constitution for a Senator.

CXIII. The President, and the other Members of the High Court of Justice, shall be named by the President of the Republic, with the knowledge and consent of the Senate.

CXIV. On the first installation of this Court, the Members appointed shall take an Oath before the President of the Republic, to fulfil their duties, and well and legally, to administer justice. Hereafter the Oath shall be taken before the President of the same Court.

CXV. The President of the High Court of Justice shall hold his Office for 5 Years, but all its Members shall continue in their employment, during good behaviour, and cannot be removed but by judicial proceedings, and a legal sentence.

CXVI. The Members of the High Court of Justice cannot be Senators, or Representatives, without resigning their Offices, neither can they be employed in any other capacity by the President of the Republic, without the knowledge and approbation of the Court.

CXVII. The High Court of Justice shall name its Officers, in the number and form which the Law may determine.

CXVIII. It shall take cognizance, originally and exclusively, of all matters in which a Province may be one Party, or which may arise between two Provinces, or Towns, of the same Province, concerning limits, and other doubtful rights, brought forward in such manner as that a formal decision may be pronounced.

CXIX. Of questions which may arise concerning Contracts, or transactions of the Executive Power, or of the Agents under its immediate direction.

CXX. Of the Causes of all Public Functionaries, of which Articles XIX. XXVII. XXVIII. and XXIX. treat, and in the Cases therein mentioned.

CXXI. Of those which relate to Ambassadors, Ministers Plenipotentiary, Envoys, Consuls, and Diplomattick Agents, from Foreign Courts.

CXXII. In order to take cognizance of the matters which, in the preceding Articles, belong in the first instance to the High Court of

Justice, it shall be divided into 2 Chambers: the first, composed of 3 of its Members, shall take cognizance thereof in the first instance; and the other, composed of the 6 remaining Members, in the second and last instance.

CXXIII. It shall have the ultimate cognizance of all Appeals referred to it by the Inferior Courts, in the cases and forms which the Law designates, in Admiralty Causes, in all disputed matters of Finance, and in crimes committed against the publick Law of Nations.

CXXIV. It shall decide upon all differences which may arise between the other Supreme Tribunals of the Nation.

CXXV. It shall examine the Pontifical Briefs, and Bulls, and shall present its opinion, with respect to their admission or retention, to the Executive Power.

CXXVI. It shall take cognizance of Appeals of violence from the superior Ecclesiastical Tribunals of the Capital.

CXXVII. It shall inform the Legislative Body, from time to time, of every thing which it may judge conducive to the improvement of the administration of justice, and shall represent to the same, the doubts which the inferior Tribunals may submit, as to the right understanding of the Laws.

CXXVIII. The Judgments of the High Court of Justice, and its definitive Acts, shall be publick.

CXXIX. Its Members shall receive a salary, which shall not be diminished while they continue in Office.

SECTION VII.

OF THE PROVINCIAL GOVERNMENT.

CHAPTER I.—*Of the Governors.*

CXXX. There shall be a Governor in each Province, who shall act under the immediate direction of the President of the Republick.

CXXXI. He must be 30 Years of age, and possess the qualifications required for a Senator.

CXXXII. The President shall select the Governors of the Provinces from 3 Persons proposed by the respective Councils of Administration.

CXXXIII. They are charged with the execution of the general Laws enacted by the National Legislature, of the Decrees of the President of the Republick, and of the particular Regulations of the Councils of Administration.

CXXXIV. It is their duty to fill up, in such form as the Councils of Administration establish, all Offices paid by the funds of the respective Provinces.

CXXXV. The Governors shall continue in the exercise of their functions for 3 Years, and cannot be immediately re-elected in the same Province.

CXXXVI. They shall have a salary, which shall be fixed by Law.

CHAPTER II.—*Of the Supreme Tribunals of Justice.*

CXXXVII. Superior Tribunals of Justice shall be established in the Capitals of the Provinces, as the Legislature may judge convenient, according to the advantages of their geographical position, population, and other circumstances.

CXXXVIII. They shall take cognizance of Appeals from the Tribunals of First Instance, and of other matters which belong to them by Law, not only of the Territory of the Province where they are established, but of others which the Law may declare within their jurisdiction.

CXXXIX. The Superior Tribunals shall be composed of Advocates, named by the President of the Republic, and selected from 3 Candidates to be proposed by the High Court of Justice. Their number shall be fixed by Law.

CHAPTER III.—*Of the Councils of Administration.*

CXL. In each Capital of a Province, there shall be formed a Council of Administration, which, watching over its prosperity, may promote its particular interests.

CXLI. The number of Persons who shall compose the said Councils cannot be less than 7, nor more than 15. The Legislature shall fix the number in each Capital, taking into consideration the Population and other political circumstances of the Province.

CXLII. The Members of the Councils of Internal Administration shall be popularly elected by direct nomination, in the same manner and under the same forms, as the National Representatives.

CXLIII. All that relates to the promotion of the prosperity and improvement of the Provinces, and their interior Police, to Primary Education, Publick Works, or any other Establishments, formed and supported by their own resources, shall be regulated by the Councils of Administration.

CXLIV. They shall create the Offices which may be necessary for the good government of each Province, and shall regulate the forms to be observed in the maintenance of them.

CXLV. The Councils of Administration shall fix, annually, the estimate of the expences, which the internal service of the Provinces require.

CXLVI. The estimate, of which the last Article treats, shall be forwarded to the President of the Republic, in order that it may, with the general estimate of the expences which the Service of the State demands, be presented for the approbation of the National Legislature.

CXLVII. The Councils of Administration shall raise and regulate the collection of the necessary Revenues, to meet the expenses of the internal service of the Provinces.

CXLVIII. The Revenues, of which the last Article treats, shall consist solely of direct Taxes; all indirect Contributions belonging to the general Treasury of the Nation.

CXLIX. The particular Revenues which may be settled in each Province by the Councils of Administration, shall not be imposed until the approbation of the National Legislature thereto shall have been obtained, and the Regulations for collecting the same be laid before the President of the Republick, for his approbation.

CL. Until such time as the Revenues of the Provinces, in their actual state, shall not be sufficient to meet their ordinary expenses, the deficit shall be supplied from the National Treasury, keeping with each Province a particular account of such assistance, which shall be repaid as their Revenues improve.

CLI. If, after defraying the expences of a Province, there should remain any surplus, it shall be expended within the Province, and in such works or establishments as the Council of Administration shall propose, with the previous approbation of the National Legislature.

CLII. In the Provinces, no service shall be required from the Citizens, nor fines, nor any other exaction imposed on them, except those established by the general Laws, unless by the special authority of the Councils of Administration.

CLIII. The accounts of the collection and appropriation of the Revenues of each Province shall be presented to its respective Council of Administration; which, after having examined the same, shall lay them before the President, with its Report upon them, in order that it may, with the accounts of the general Administration, be submitted to the approbation of the National Legislature.

CLIV. The Councils of Administration shall have the right of direct Petition to the National Legislature, and to the President of the Republick; either to require what may be expedient for their own particular prosperity; or to demand the reform of such abuses as may be found in their government or administration.

CLV. The Individuals composing the Councils of Administration shall not, in any case, be responsible for their opinions, or be subject, in consequence of them, to any other judgment than that of the Publick voice.

CLVI. They shall continue in the exercise of their functions for 2 Years, half of their number being renewed every Year.

CLVII. They shall receive no compensation whatever for this Service.

CLVIII. In order that the Councils of Administration may proceed with uniformity, in the exercise of their important functions, the President of the Republick shall immediately draw up a Regulation, establishing the internal organization of these Bodies, the periods of their meeting, and the order to be observed in their debates and reso-

lutions. This Regulation shall be amended as experience, and the representations of the said Councils themselves, may shew to be necessary.

SECTION VIII.

GENERAL REGULATIONS.

CLIX. All the Inhabitants of the State shall be protected in the enjoyment of life, reputation, liberty, security, and property. No one shall be deprived of them except in conformity to the Laws.

CLX. The People are equal in the eye of the Law, so that whether it be penal, instructive, or protective, it must be the same for all, and favour equally the rich and the poor in the preservation of their rights.

CLXI. The liberty of publishing his ideas through the medium of the Press, which is a right as valuable to Man, as it is essential to the preservation of civil liberty, shall be fully guaranteed by the Laws.

CLXII. The private actions of Men, which do not in any manner offend public order, nor injure a third Person, belong alone to God, and are exempt from the authority of the Magistracy.

CLXIII. No Inhabitant of the State shall be obliged to do what the Law does not enjoin, nor prevented from doing what the Law does not prohibit.

CLXIV. It is the interest and right of all Members of the Community to be judged by the most independent and impartial Judges, which the condition of human affairs permits. The Legislative Body shall take care to prepare and carry into effect the establishment of judgment by juries, so far as circumstances will allow.

CLXV. All judgments by commission are absolutely prohibited.

CLXVI. Every Citizen shall be secure against arbitrary requisitions, and the unjust seizure of his papers and correspondence. The Law shall determine in what cases, and under what circumstances, possession may be taken of the latter.

CLXVII. No Individual shall be arrested, without a previous deposition against him, by a competent witness, or without strong indication of a crime deserving corporeal punishment, the grounds of which shall be shown, in a formal process, within three days. In case of any impediment, the Judge shall continue the proceeding, he being responsible for all omission on his part.

CLXVIII. Every individual detected in the act of crime, may be arrested by any Person, and taken before a Magistrate agreeably to the preceding Article.

CLXIX. To arrest an individual not detected in the act, a Warrant must first be issued, signed by a Magistrate, (to whom the Law may grant the power) expressing the cause of the arrest, which must be communicated, at the time of imprisonment, to the arrested Party, and a Copy of it given, if demanded.

CLXX. The Prisons shall be for the safe custody only, and not for the punishment, of the guilty ; every measure which shall be taken under the pretence of precaution, and which may tend to afflict the Prisoner, more than is necessary for the above object, shall be punished by the Laws.

CLXXI. No Inhabitant of the State can be punished or confined, without a previous judgment, and a legal Sentence.

CLXXII. The house of every Inhabitant of the State is sacred ; it cannot be violated without committing a crime, and can only be forcibly entered in case of resistance to a legitimate authority.

CLXXIII. This act shall be effected with due moderation, and by the Judge himself, in person. If any urgent motive should prevent it, he shall give to his Delegate a written order, with the necessary instructions ; a Copy of which shall be given to the Individual who is to be apprehended, and to the owner of the house, if he should demand it.

CLXXIV. The preceding Regulations relative to personal security, cannot be suspended, except in the event of imminent danger to Public tranquillity, or to the security of the Country, in the judgment, or by the special decision of the Congress.

CLXXV. The possession of property being a sacred and inviolable right, the Inhabitants of the State cannot be deprived of it, nor taxed in consequence of it, excepting in the cases established by Law.

CLXXVI. When the interest of the State requires that the property of any private individual should be destined to the public use, according to Law, the Proprietor shall receive a just compensation for the same.

CLXXVII. The confiscation of property is prohibited.

CLXXVIII. No person shall be obliged to lend aid to the Armies, nor to afford lodging for any Military Body or Individual, without an order from a Civil Magistrate, according to Law. The loss which may be caused in this case to the Proprietor, shall be fully indemnified by the State.

CLXXIX. All the Inhabitants of the State have a right to present their complaints, and to be heard, before the first Authorities of the Country.

CLXXX. No advantages, distinctions, or exclusive privileges, shall be conceded to any Individual or Corporation, excepting those which may be granted to virtue or talent ; and, as they are not transmissible to descendants, they cannot confer any title of Nobility.

CLXXXI. The Law of freedom of the Children of Slaves from the birth, [libertad de vientres] and those by which the trade in Slaves is abolished, and their introduction into the Country under any pretext prohibited, are hereby ratified.

SECTION IX.

OF THE REFORM OF THE CONSTITUTION.

CLXXXII. No Motion for the reform of one or more Articles of the present Constitution shall be admitted, in either of the Chambers of the Legislative Power, unless supported by a fourth part of the Members.

CLXXXIII. When a Motion shall have obtained such support, after discussion in the ordinary form, two-thirds of the votes in each Chamber shall be requisite to sanction the necessity of the reform of the Article or Articles in question.

CLXXXIV. This resolution shall be communicated to the Executive Power, for its opinion, which shall return the resolution to the Chamber, whence it first originated, with its Report.

CLXXXV. If the Executive Power do not concur, the subject being re-considered in both Chambers, the concurrence of three-fourths at least of each of their Members shall sanction the necessity of the Reform, and in this case, as well as in that of the consent of the Executive Power, it shall be immediately verified by the number of suffrages prescribed in Article CLXXXIII.

CLXXXVI. The reform being verified, it shall pass to the Executive Power for publication, or for the suggestion of amendments. Should it be returned with amendments, three-fourths of the votes of each Chamber shall ultimately sanction it.

LAST SECTION.

OF THE ACCEPTANCE AND OBSERVANCE OF THIS CONSTITUTION.

CLXXXVII. This Constitution shall be presented for the examination and free acceptance of the Capital and the Provinces, through the medium of the Juntas which exist at present, or which may be formed for that purpose.

CLXXXVIII. The acceptance of it by two-thirds of the Provinces, including the Capital, shall be sufficient to carry it into effect, in those Provinces, and relations and good intelligence shall be maintained with those which may delay giving their assent to it.

CLXXXIX. If the Provinces should determine to abide by the judgment of the Constituent Congress, it shall proceed to accept their determination by a special declaration.

CXC. In the latter case, or in that of the preceding Article, orders shall be immediately issued for the formation of both Chambers, and for the installation of the first Legislature, in order that this Constitution may be solemnly sworn to throughout the Territory of the State.

CXCI. Every one conspiring, or lending any aid towards conspiring, against the present Constitution, after it shall have been accepted,

shall be punished, even unto death, according to the magnitude of the crime.

Given in the Hall of Session of the General Constituent Congress, in Buenos Ayres, the 24th day of December, 1826.

Signed by JOSE MARIA ROXAS, President, and by 9 other Deputies for the *Capital*; by 8 Deputies for the Territory dismembered from the *Capital*; 6 for the Province of *Cordova*; 5 for *Corrientes*; 4 for *Catamarca*; 4 for *Entre Rios*; 4 for *Mendoza*; 2 for *Misiones*; 4 for *Montevideo*; 2 for *Rioja*; 6 for *Salta* and *Jujuy*; 6 for *Santiago del Estero*; 2 for *Santa Fé*; 1 for *San Juan*; 3 for *San Luis*; 4 for *Tucuman*; and 1 for *Tarija*.

ALEJO VILLEGAS, Secretary.
JUAN C. VARELA, Secretary.

TREATY of Federation between Peru and Bolivia.—Signed at Chuquisaca, the 15th of November, 1826.

(Translation.)

DESEANDO los Gobiernos de las Repúblicas Peruana y Boliviana asegurar de un modo firme su independencia, y libertad, y queriendo ademas estrechar las relaciones que las unen, han acordado un Pacto de Federacion.

Con este fin han nombrado sus respectivos Plenipotenciarios: á saber:

El Consejo de Gobierno de la República del Perú, al Señor Don Ignacio Ortiz de Zeballos, Ministro de la Corte Suprema de Justicia de aquel Estado: y el Presidente de la República Boliviana á su Ministro en el Departamento de Relaciones Exteriores, Coronel Facundo Infante, y al Señor Don Manuel Urcullu, Diputado en el Congreso Constituyente, y Ministro de la Corte Suprema de Justicia.

Quienes habiendo cangeado sus respectivos Plenos Poderes, y hallándose estos extendidos en debida forma, han concluido y convenido en los Artículos siguientes:

THE Governments of Peru and Bolivia, being desirous to insure in a firm manner their Independence and liberty, and wishing moreover to draw closer the ties which unite them, have agreed to a Treaty of Federation.

For this purpose they have named their respective Plenipotentiaries, that is to say:

The Council of Government of the Republic of Peru, Senor Don Ignacio Ortiz Zeballos, Minister of the Supreme Court of Justice of that State: and the President of the Republic of Bolivia, his Minister in the Department of Foreign Affairs, Colonel Facundo Infante, and Senor Don Manuel Urcullu, Deputy in the Constituent Congress, and Minister of the Supreme Court of Justice.

Who having exchanged their respective Full Powers, and these having been found in proper form, have concluded and agreed upon the following Articles:

ART. I. Las Repúblicas del Perú y Bolivia se reúnen para formar una Liga, que se denominará *Federacion Boliviana*.

II. Esta Federacion tendrá un Gefe Supremo vitalicio, que lo será el Libertador, Simon Bolivar.

III. Habrá un Congreso Federal de la Federacion, compuesto de 9 Diputados por cada uno de los Estados Federados.

IV. Luego que se hayan ratificado estos Pactos, se procederá al nombramiento de los diputados para el Congreso Federal, por los Cuerpos Legislativos de los Estados Federados, si se hallaren reunidos; en este caso el nombramiento deberá recaer en Individuos del seno de los mismos Cuerpos Legislativos.

V. A falta de Cuerpos Legislativos, ó en su receso, se hará el nombramiento de Diputados al Congreso General, por los Pueblos, en la forma y términos que lo determine el reglamento que ha de dar cada uno de los Gobiernos de los Estados.

VI. En todo evento, los Diputados para el Congreso General deberán reunir, además de las calidades comunes, las de probidad, y patriotismo notorio, y conocida ilustracion en las materias que han de ser de la atribucion de este Congreso.

VII. El Libertador queda autorizado para designar el lugar donde se ha de reunir el primer Congreso, procurando sea un punto el mas proporcionado por su centralidad, comodidades, y salubridad.

ART. I. The Republics of Peru, and Bolivia unite, in order to form a League which shall be denominated the *Bolivian Federation*.

II. This Federation shall have a Supreme Chief for life, who shall be the Liberator, Simon Bolivar.

III. There shall be a Federal Congress of the Federation, composed of 9 Deputies from each of the Federal States.

IV. Immediately after the Ratification of this Treaty, the nomination of Deputies for the Federal Congress shall be proceeded upon by the Legislative Bodies of the Federal States, if they should be then assembled; in which case the nomination shall fall upon Individuals belonging to the said Legislative Bodies.

V. In default of Legislative Bodies, or during their recess, Deputies for the General Congress shall be nominated by the People, in such form and manner, as may be determined upon by the regulations, which each of the Governments of the said States may fix.

VI. In any case, the Deputies for the General Congress must, besides the usual qualifications, possess probity, well known patriotism, and a perfect knowledge of the matters which are to come under the cognizance of this Congress.

VII. The Liberator is authorized to designate the place where the first Congress shall assemble, choosing such point as may be best adapted to that object, from its central situation, convenience, and salubrity.

VIII. La reunion del Congreso durará, para sus Sesiones ordinarias, á lo mas el tiempo de dos meses en cada año, los que empezarán á correr desde el primer dia de la instalacion.

IX. Son atribuciones del Congreso Federal,

1. Elegir el lugar en que deba residir el Congreso y Gefe Supremo de la Federacion, y decretar su traslacion á otra parte, cuando lo exijan graves circunstancias, y lo decidan á lo menos las dos terceras partes de los Diputados presentes.

2. Designar la parte del Ejército, y Marina militar, que proporcionalmente cada uno de los Estados debe poner á las inmediatas órdenes del Gefe Supremo de la Federacion.

3. Señalar la parte proporcional de las cantidades con que los Estados deben concurrir todos los años para los gastos de la Federacion.

4. Investir al Gefe de la Federacion de la Autoridad Suprema, recibiéndole el correspondiente juramento.

5. Autorizar al Gefe Supremo para negociar los empréstitos que sean necesarios para sostener los intereses de la Federacion: en cuyo caso deberá preceder la aprobacion de los Cuerpos legislativos de los Estados, previa la manifestacion de la parte que á cada uno toque amortizar, y los intereses que le correspondan.

6. Decretar la Guerra, á propuesta del Gefe Supremo, é invitarle á hacer la paz.

VIII. The sittings of the Congress shall last, in its ordinary Session, for the period of two months at most in every year, which Session shall count from the first day of its installation.

IX. The Attributes of the Federal Congress are,

1. To choose the spot at which the Congress and Supreme Chief of the Federation shall reside, and to determine their removal to any other place, whenever weighty circumstances may require, and two thirds of the Deputies present shall decide for, the same.

2. To designate what proportion of the Army and Navy of each of the States is to be placed under the immediate orders of the Supreme Chief of the Federation.

3. To determine the proportional amount which each State is to furnish every Year towards the expenses of the Federation.

4. To invest the Chief of the Federation with the Supreme Authority, receiving from him the corresponding oath.

5. To authorize the Supreme Chief to negotiate the Loans which may be necessary to support the interests of the Federation; on which occasions the approbation of the Legislative Bodies of the States shall be previously obtained, with respect to the proportion which each has to contribute, and of the interest which will accrue on the same.

6. To declare War, on the proposal of the Supreme Chief, and to invite him to make peace.

7. Aprobar ó rechazar los Tratados que hiciere el Supremo Gefe de la Federacion.

8. Arreglar y componer pacíficamente, las diferencias que puedan ocurrir entre los Estados Federados, y cuando esto no baste, indicar al Supremo Gefe los medios que debe adoptar para restablecer su paz, y buena armonia.

9. Conocer de las diferencias que se susciten entre los Estados Federados, y cualquiera otra Nacion, para componerlas pacíficamente; y siendo ineficaces estos medios, declarar el negocio comun, y propio de la Federacion.

10. Examinar la inversion de las rentas que se pongan á disposicion del Gefe Supremo para los gastos de la Federacion.

11. Investir en tiempo de Guerra, ó de peligro extraordinario, al Gefe Supremo con las facultades que se juzguen indispensables para la salvacion de los Estados Federados.

12. Aprobar el nombramiento que haga el Gefe Supremo de la Persona que debe sucederle.

13. Aprobar el señalamiento de sueldos que haga el Gefe Supremo á todos los Empleados y Funcionarios de la Federacion.

14. Establecer las reglas, y dictar las providencias consiguientes á la observancia y cumplimiento de estos Tratados, y al mejor régimen de los negocios de la Federacion; sin poder alterar, ni variar en lo substancial ninguno de sus Artículos.

15. Ordenar su régimen interior por reglamentos, y corregir á sus

7. To approve or reject the Treaties made by the Supreme Chief of the Federation.

8. To arrange and compose pacifically, the differences which may arise between the Federal States; and, should the same not succeed, to point out to the Supreme Chief the measures which should be adopted to re-establish peace and harmony.

9. To take cognizance of the differences which may arise between the Federal States and any other Nation, in order to compose them pacifically; and, such measures being ineffectual, to declare the affair common, and appertain to the Federation.

10. To examine into the application of the Revenue, placed at the disposal of the Supreme Chief, for the expenses of the Federation.

11. To invest the Supreme Chief, in time of War, or of any extraordinary peril, with such powers as may be judged indispensable for the safety of the Federal States.

12. To approve the nomination made by the Supreme Chief, of the Person who is to succeed him.

13. To approve of the Salaries appointed by the Supreme Chief for the Officers and Functionaries of the Federation.

14. To establish the rules, and dictate the provisions, necessary for the observance and fulfilment of this Treaty, and for the better regulation of the affairs of the Federation; without the power of altering or varying the substance of any of its Articles.

15. To regulate its own internal management, and to punish its

miemoros por su infraccion.

16. Prevenir el modo y caso en que han de ser juzgados los individuos de su seno, y Ministros del despacho del Gefe Supremo.

X. Las atribuciones del Gefe Supremo son:

1. El mando Supremo Militar de los Ejércitos de mar y tierra de los Estados, que el Congreso Federal haya decretado y puesto á sus inmediatas órdenes.

2. Pedir á los Cuerpos Legislativos de los Estados, y en su receso, á los Gobiernos respectivos, el aumento de las fuerzas que crea necesarias para objetos del bien comun.

3. Dirigir y mantener relaciones con las Potencias, y Estados que convenga: y nombrar los Ministros públicos, Agentes, Cónsules, y demas subalternos de la lista Diplomática, y removerlos segun lo estime conveniente.

4. Recibir Ministros Extranjeros, y hacer Tratados de Paz, Alianza, Treguas, Neutralidad armada, Comercio, y demas que interesen al bien general: debiendo preceder á su Ratificacion la aprobacion del Congreso.

5. Conceder patentes de corso, en los casos de conocida utilidad.

6. Declarar la Guerra, previo el decreto del Congreso Federal; y en su receso, podrá hacerlo por sí en casos urgentes, con el cargo de dar cuenta al Congreso luego que se reuna.

Members for any infraction of the same.

16. To arrange the mode and form in which its own Members, and the Ministers of the Government of the Supreme Chief, are to be tried.

X. The attributes of the Supreme Chief, are:

1. To have the Supreme Military Command of the Forces of the States, both by sea and land, which the Federal Congress may have placed under his immediate orders.

2. To request from the Legislative Bodies of the States, and, during their recess, from the respective Governments, such augmentation of those Forces as he may consider necessary for their common benefit.

3. To direct and maintain such relations with other Powers and States as may be expedient; and to name public Ministers, Agents, Consuls, and others in the Diplomatic Service, and to remove them when he may think proper.

4. To receive Foreign Ministers, and to make Treaties of Peace, Alliance, Truce, Armed Neutrality, Commerce, and others, for the general good; the approbation of the Congress preceding the Ratification thereof.

5. To grant Letters of Marque, in cases of admitted publick expediency.

6. To declare War, after a previous resolution of the Federal Congress, and, during its recess, of his own accord, in urgent cases, under an obligation to render an account of the same to Congress as soon as it re-assembles.

7. Dirigir todas las operaciones de la Guerra, y mandar los Ejércitos por sí, ó por los Generales que nombre.

8. Mantener y velar por la seguridad exterior é interior de los Estados, y para estos objetos disponer de la fuerza armada de su mando.

9. Convocar al Congreso Federal para Sesiones extraordinarias, cuando haya urgencia, y pedir la prorrogacion de las ordinarias.

10. Nombrar la Persona que le deba suceder en la Presidencia de la Federacion, y pasar el nombramiento al Congreso para su aprobacion, en los términos de la Atribucion 12. Artículo IX.

11. Nombrar los Ministros del Despacho, y sus Oficiales Subalternos, y removerlos discrecionalmente.

12. Señalar los sueldos que deben gozar los Empleados, y Funcionarios de la Federacion, y dar cuenta al Congreso para su aprobacion.

13. Mandar ejecutar y publicar las resoluciones del Congreso Federal, en las materias de su atribucion.

XI. Ni el Congreso Federal, ni el Gefe Supremo de la Federacion, pueden intervenir en la Constitucion, y Leyes particulares de cada Estado, ni en ninguno de los actos de su organizacion, economia, y administracion interior.

XII. Ninguno de los Estados

7. To direct all the operations of the War, and to command the Armies himself, or entrust it to such Generals as he may appoint.

8. To maintain and watch over the external and internal safety of the States, and to dispose of the armed force under his command for this purpose.

9. To convoke the Federal Congress for extraordinary Sessions, whenever the business may be urgent, and to request the prorogation of the ordinary Sessions.

10. To nominate the Person who is to succeed him as President of the Federation, and to pass the nomination to the Congress for its approval, agreeably to Atribucion 12. of Article IX.

11. To nominate the Ministers of Government, and their Subaltern Officers, and to remove them at pleasure.

12. To appoint the Salaries which the Officers and Functionaries of the Federation are to receive, and to render an account of the same to Congress for its approval.

13. To order the resolutions, within the Attributes of the Federal Congress, to be carried into execution, and published.

XI. Neither the Federal Congress, nor the Supreme Chief of the Federation, can interfere in the Constitution and particular Laws of each State, nor with any Acts concerning its organization, economy, and internal administration.

XII. Neither of the Federal

Federados podrá dictar ley, reglamento, ú ordenanza, ni conceder exencion, ó privilegios que directa, ó indirectamente, perjudiquen al otro. En el caso que esto ocurra, la materia será decidida, segun lo establecido en el párrafo 8. del Artículo IX.

XIII. Los Naturales, y Vecinos de los Estados Federados, gozarán de los mismos derechos civiles, y políticos, exenciones y privilegios, y no podrán sufrir otros gravámenes y cargas, que los Naturales y Vecinos de los Países respectivos.

XIV. La Denda Interior y Exterior contraída por los Estados, hasta el día de la instalacion del Congreso Federal, será pagada por los mismos, sin que grave su responsabilidad sobre la Federación.

XV. Ratificados que sean estos Tratados por los Gobiernos del Perú y Bolivia, nombrarán estos Ministros Plenipotenciarios cerca del Gobierno de Colombia, para negociar la accesion de aquella República al presente Pacto de Federación: y en caso que, por parte de dicha República se propongan algunas alteraciones, ó modificaciones, que no varien la esencia de este Tratado, se procederá sin embargo á la Instalacion del Congreso Federal: de cuya atribucion será arreglar definitivamente estas bases, con tal que el número de Diputados sea numericamente igual, y que el Libertador sea el Primer Gefe Supremo de la Federación, y desempeñe por sí las atribuciones que le son concedidas.

States shall have the power of dictating any Law, Regulation or Ordinance, nor of conceding any exemption or privilege, which may directly or indirectly be injurious to the other. In any case where this may occur, the matter shall be decided agreeably to paragraph 8 of Article IX.

XIII. The Natives and Inhabitants of the Federal States shall enjoy the same civil and political rights, exemptions and privileges, and shall not be liable to other impositions, and charges, than those paid by the Natives and Inhabitants of the respective Countries.

XIV. The Debt, both Foreign and Domestic, contracted by the States, up to the day of the installation of the Federal Congress, shall be paid by them respectively, the Federation not being responsible for the same.

XV. After the Ratification of this Treaty, by the Governments of Peru and Bolivia, they shall nominate Ministers Plenipotentiary to the Government of Colombia, to negotiate the accession of that Republic to the present Act of Federation; and in case any alterations or modifications should be proposed on the part of that Republic, which may not alter the essence of this Treaty, the installation of the Federal Congress shall, nevertheless, be proceeded upon, the attributes of which will be to regulate definitively these bases: that the number of Deputies from each be exactly equal, that the Liberator be the First Supreme Chief of the Federation, and that

XVI. Se inviste al Libertador con las facultades necesarias para que señale el tiempo en que se debe instalar el Primer Congreso General, y para que remueva todos los obstáculos que puedan oponerse á su reunion.

El presente Tratado será ratificado, y las Ratificaciones canjeadas dentro de 90 dias; mas quedará en suspenso por ahora, é interin se verifica lo dispuesto en el Artículo XV. del mismo Tratado.

Fecho en la Capital de Chuquisaca, el dia 15 del mes de Noviembre, año 1826.

IGN. ORTIZ DE ZEBALLOS.
FACUNDO INFANTE.

MAN. MARIA DE URCULLU.

he discharge, himself, the attributes which are granted to him.

XVI. The Liberator is invested with the necessary power to declare the time at which the first General Congress ought to be installed, and to remove every obstacle which may be opposed to its assembling.

The present Treaty shall be ratified, and the Ratifications exchanged within 90 days; but it shall be suspended for the present, and until what is mentioned in Article XV. of the Treaty is carried into effect.

Done in the Capital of Chuquisaca, the 15th day of the month of November, in the Year 1826.

IGN. ORTIZ DE ZEBALLOS.
FACUNDO INFANTE.

MAN. MARIA DE URCULLU.

BOLIVIAN CONGRESS.

DICTAMEN DE LA COMISION.

La Comision de Negocios Extranjeros ha visto y discutido con prolijidad el Tratado de Federacion entre las Repúblicas Peruana y Boliviana, celebrado por los respectivos Señores Ministros Plenipotenciarios nombrados al efecto, y juzga que el Soberano Congreso podrá ratificarlo, salvas las siguientes observaciones que somete á su consideracion:—

1. Que el Artículo XV. se limite á decir: Ratificados que sean estos Tratados por los Gobiernos del Perú y Bolivia, nombrarán estos, Ministros Plenipotenciarios cerca del Gobierno de Colombia, para negociar la accesion de aquella Re-

REPORT OF THE COMMITTEE.

The Committee for Foreign Affairs has examined minutely, and discussed, the Treaty of Federation between the Republics of Peru and Bolivia, signed by the respective Ministers Plenipotentiary nominated for that purpose, and are of opinion that the Sovereign Congress may ratify it, saving the following observations which it submits to its consideration.

1. That Article XV. be limited thus: After the Ratification of this Treaty by the Governments of Peru and Bolivia, they shall nominate Ministers Plenipotentiary to the Government of Colombia, to negotiate the accession of that

pública al presente Tratado de Federación.

2. Que despues de dicho Artículo XV. se añadan los dos siguientes:

XVI. En caso que por parte de dicha República se propongan algunas alteraciones, ó modificaciones, se someterán á la deliberacion de los Cuerpos Legislativos de cada Estado.

XVII. Muerto el Libertador, los Cuerpos Legislativos de las Repúblicas Federadas, quedarán en la libertad de continuar en la Federación ó disolverla, como creyeren mas conveniente á sus intereses.

3. Que puesto á continuacion el Artículo XVI. que deberá numerarse XVIII, la cláusula final del Tratado corra en los términos siguientes: "El presente Tratado será ratificado, y las Ratificaciones cangeadas dentro de 90 dias; mas quedará sin efecto alguno, si la República de Colombia no entrase en la Federación; conservando los Estados del Perú y Bolivia la libertad de celebrar cualesquiera otros Tratados."

En cuyo concepto opina la Comision, podrá el Soberano Congreso expedirse en la materia, por medio de la siguiente minuta de comunicacion al Ejecutivo.

MINUTA.

El Congreso ha examinado detenidamente el Tratado de Federación entre nuestro Gobierno y el Peruano. Las modificaciones que se han hecho son indispensables al bien del País, y bajo ellas

Republick to the present Treaty of Federation.

2. That, after the said Article XV. there shall be added the two following:

XVI. In case any alterations or modifications be proposed on the part of the said Republick, they shall be submitted to the deliberation of the Legislative Bodies of each State.

XVII. After the death of the Liberator, the Legislative Bodies of the Federal Republicks shall be at liberty to continue the Federation, or to dissolve it, as they may think most suitable to their interests.

3. That, at the conclusion of Art. XVI, which shall be numbered XVIII, the final clause of the Treaty shall be drawn up in the following terms: "The present Treaty shall be ratified and the Ratifications exchanged within 90 days; but it shall be of no effect if the Republick of Colombia do not enter into the Federation, the States of Peru and Bolivia reserving to themselves the right of concluding any other Treaties whatsoever."

With this understanding, the Committee is of opinion that the Sovereign Congress will be enabled to expedite this matter by the following Minute of communication to the Executive:

MINUTE.

The Congress has carefully examined the Treaty of Federation between our Government and that of Peru. The modifications which have been made are indispensable to the good of the Country; and with

presta su Ratificacion al indicado Tratado.

Tengo la honra, &c.

Chuquisaca, Noviembre 27 de 1826.

C. OLANETA.

J. I. DE SAN JINES.

P. ROMERO.

M. DEL CALLEJO.

A. V. SEOANE.

M. MOLINA.

M. GUZMAN.

these modifications it offers its Ratification to the said Treaty.

They have the honour to be, &c.

Chuquisaca, November 27th, 1826.

C. OLANETA.

J. I. DE SAN JINES.

P. ROMERO.

M. DEL CALLEJO.

A. V. SEOANE.

M. MOLINA.

M. GUZMAN.

TREATY of Friendship, Alliance, Commerce, and Navigation, between The United Provinces of the Rio de La Plata and Chili.—Signed at Santiago, the 20th of November, 1826.

(Translation.)

SIENDO conveniente á los intereses de las Repúblicas de las Provincias Unidas del Rio de la Plata, y Chile, solemnizar y reglar, por medio de un Tratado, las Relaciones de Amistad, Alianza, Comercio, y Navegacion, que naturalmente han existido entre ambas Repúblicas desde su gloriosa emancipacion; y habiendo á este efecto nombrado los respectivos Plenipotenciarios, á saber:

El Excelentísimo Señor Presidente de las Provincias Unidas del Rio de la Plata, al Señor General Don Ignacio Alvarez y Tomas, su actual Ministro Plenipotenciario cerca del Gobierno de Chile; y el Excelentísimo Señor Vice Presidente de esta República, á Don Manuel Jose Gandarillas, Ministro de Estado en los Departamentos de Interior y Relaciones Exteriores:

Quienes, habiendo cangeado sus

It being conducive to the interests of the Republics of the United Provinces of the Rio de la Plata and Chili, to solemnize and regulate, by means of a Treaty, the relations of Friendship, Alliance, Commerce, and Navigation, which have naturally subsisted between the two Republics, since their glorious Emancipation; they have for this purpose named their respective Plenipotentiaries, viz.:

The Most Excellent the President of the United Provinces of the Rio de la Plata, General Don Ignacio Alvarez y Tomas, his present Minister Plenipotentiary to the Government of Chili; and the Most Excellent the Vice-President of that Republic, Don Manuel Jose Gandarillas, Minister of State of the Departments of Interior and Foreign Affairs:

Who having exchanged their

respectivos Plenos Poderes, y hallándose estos extendidos en debida forma, han concluido y convenido en los Artículos siguientes:

ART. I. Las Repúblicas de las Provincias Unidas del Rio de la Plata, y Chile, ratifican de un modo solemne, y á perpetuidad, la amistad y buena inteligencia que naturalmente han existido entre ambas Repúblicas por la identidad de sus principios, y comunidad de sus intereses.

II. Las Repúblicas de las Provincias Unidas del Rio de la Plata, y Chile, contraen Alianza perpetua en sosten de su Independencia contra cualquiera Dominacion Extranjera.

III. Las Repúblicas Contratantes se obligan á garantir la integridad de sus Territorios, y á obrar contra todo Poder Extranjero, que intente mudar por violencia los límites de dichas Repúblicas, reconocidos antes de su Emancipacion, ó posteriormente, en virtud de Tratados especiales.

IV. Las Repúblicas Contratantes se comprometen á no celebrar Tratados de Paz, Neutralidad, ni Comercio, con el Gobierno Español, sino precede el reconocimiento, por parte de dicho Gobierno, de la Independencia de todos los Estados de la América antes Española.

V. En el caso de la alianza se regulará la co-operacion conforme á las circunstancias y recursos de cada una de las Partes Contratantes.

VI. Las Relaciones de Amistad, Comercio, y Navegacion entre

respective Full Powers, found to be in due form, have concluded and agreed upon the following Articles:

ART. I. The Republics of the United Provinces of the Rio de la Plata and Chili, ratify solemnly, and for ever, the friendship and good understanding which have naturally subsisted between the two Republics, from the identity of their principles, and their common interests.

II. The Republics of the United Provinces of the Rio de la Plata and Chili, contract a perpetual Alliance, for the maintenance of their Independence, against all Foreign Dominion whatever.

III. The contracting Republics bind themselves to guarantee the integrity of their Territories, and to co-operate against whatever Foreign Powers should attempt to alter, by force, their respective boundaries, as recognized before their Emancipation, or, subsequently, in virtue of special Treaties.

IV. The Contracting Republics engage, not to conclude Treaties of Peace, Neutrality, or Commerce, with the Spanish Government, unless preceded by the recognition, on the part of that Government, of the Independence of all the States of America formerly Spanish.

V. In respect of the alliance, their co-operation shall be regulated, conformably to the respective circumstances and resources of the Contracting Parties.

VI. The Relations of Amity, Commerce, and Navigation, be-

ambas Repúblicas, reconocen por base una reciprocidad perfecta, y la libre concurrencia de la industria de los Ciudadanos de dichas Repúblicas, en ambos, y cada uno de los mencionados Territorios.

VII. Consiguientemente los Ciudadanos de las dos Repúblicas Contratantes gozarán, en cualquiera de los dos Territorios, de los mismos derechos y privilegios, que conceden las Leyes, ó en adelante concedieren, á los Naturales del Pais en que residan, y no se les impondrá ni exigirá mas contribuciones y derechos, que los que se impongan y exijan á los mismos Naturales.

VIII. Las propiedades existentes en el Territorio de las dos Repúblicas Contratantes, que pertenezcan á Ciudadanos de ellas, serán inviolables en Paz y en Guerra, y gozarán de las inmunidades y privilegios que conceden las Leyes á los Naturales del Pais donde existan.

IX. Los Ciudadanos de cada una de las Repúblicas Contratantes estarán exentos, en el Territorio de la otra, de todo Servicio Militar obligatorio en los cuerpos de línea ó armada, de todo Empréstito, forzoso ó Requisiciones Militares.

X. Los artículos de produccion, cultivo ó fabricacion, de cada una de las Repúblicas Contratantes, que se introduzcan ó extraigan por los Puertos de mar del Territorio de la otra, no pagarán mas derechos que los que se paguen, ó

tween the two Republics, shall be founded on a perfect reciprocity, and on the free admission of the produce of the industry of the Citizens of the said Republics, into each of their respective Territories.

VII. Consequently, the Citizens of the two Contracting Republics shall enjoy, in either of the two Territories, the same rights and privileges, which the Laws concede, or may in future concede, to the Natives of the Country in which they reside, and no greater contributions or duties shall be imposed upon, or exacted from them, than those which are imposed upon, and exacted from, the said Natives.

VIII. The property existing in the Territory of either of the Contracting Republics belonging to the Citizens of the other, shall be inviolable, in Peace, and in War, and shall enjoy the immunities and privileges which the Laws concede to that of the Natives of the Country in which it exists.

IX. The Citizens of each of the Contracting Republics shall be exempt, in the Territory of the other, from all forced Military Service in the Army or Navy, and from all forced Loans or Military Requisitions.

X. Articles of the produce, cultivation or manufacture, of either of the Contracting Republics, which may be imported into, or exported from, the Sea Ports of the other, shall not pay greater duties than those which are paid,

en adelante se pagaren, por los mismos artículos, siendo de producción, cultivo ó fabricación de la Nación mas favorecida.

XI. Todos los artículos de producción, cultivo ó fabricación de las Repúblicas Contratantes, que se introduzcan por tierra, del Territorio de la una al Territorio de la otra, serán libres de todo derecho, y tanto en su tránsito, como en su exportación á otro País, serán considerados para la imposición de derechos, como si fuesen de producción, cultivo ó fabricación del Territorio en que se hallan.

XII. Los artículos que no sean de producción, cultivo ó fabricación de alguna de las dos Repúblicas Contratantes, que se introduzcan por tierra del Territorio de la una al Territorio de la otra, pagarán 10 por ciento sobre el avalúo de la Aduana del País adonde sean introducidos.

XIII. La ejecución de los Artículos XI. y XII. no altera las restricciones que tienen los efectos, actualmente estancados en alguna de las dos Repúblicas Contratantes.

XIV. No se impondrá prohibición alguna á la introducción ó extracción de los artículos de producción, cultivo, fabricación, ó procedencia de cualquiera de las dos Repúblicas Contratantes, que no comprenda igualmente á las demas Naciones.

XV. Los Buques pertenecientes á Ciudadanos de cualquiera de las Repúblicas Contratantes, go-

or may hereafter be paid, on the same articles, being the produce, cultivation or manufacture of the most favoured Nation.

XI. Every article of the produce, cultivation or manufacture of the Contracting Republics, which may be introduced, by land, from the Territory of the one into the Territory of the other, shall be free from all duty, and, as well in its transit, as on its exportation to another Country, shall be considered, in point of duties, as if it were the produce, cultivation or manufacture of the Territory in which it may be.

XII. Articles, which are not of the produce, cultivation or manufacture of either of the Contracting Republics, and which may be introduced by land from the Territory of the one into the Territory of the other, shall pay 10 per cent. upon the valuation of the Custom House of the Country into which they may be introduced.

XIII. The execution of Articles XI. and XII. shall not alter the restrictions imposed upon those effects, the duties of which are at present farmed, in either of the two Contracting Republics.

XIV. No prohibition shall be imposed on the importation or exportation of any articles, of the produce, cultivation or manufacture of, or proceeding from, either of the two Contracting Republics, which shall not be equally imposed upon those of other Nations.

XV. The Vessels belonging to the Citizens of either of the Contracting Republics, shall have liberty

zarán la franqueza de llegar segura y libremente á todos aquellos Parages, Puertos y Rios de los dichos Territorios, adonde sea permitido llegar á los Ciudadanos ó Subditos de la Nacion mas favorecida.

XVI. Los artículos de produccion, cultivo ó fabricacion de las Repúblicas Contratantes, que se introduzcan ó extraigan por los puertos de cada una de ellas, pagarán los mismos derechos, y gozarán de unas mismas concesiones y privilegios, siempre que se introduzcan ó extraigan en Buques Nacionales de cualquiera de las dos Repúblicas Contratantes.

XVII. Los Buques de las dos Repúblicas Contratantes, y los Car-gamentos que en ellos se introduzcan, ó extraigan, no pagarán mas derechos por razon de tonelada, fanal, puerto, pilotaje, salvamento, en caso de averia ó naufragio, ni otro alguno derecho local, que los que pagan, ó en adelante pagaren, los Buques de la República, en cuyo Territorio se haga la mencionada introduccion ó extraccion.

XVIII. Cada una de las Partes Contratantes estará facultada, para nombrar Cónsules, en proteccion de su Comercio, en el Territorio de la otra; pero antes que ningun Cónsul pueda ejercer sus funciones, deberá, en la forma acostumbrada, ser aprobado y admitido por el Gobierno de la República cerca del cual sea enviado, y cada una de las Partes Contratantes podrá exceptuar de la residencia

to come securely and freely to all those Places, Ports, and Rivers of the said Territories, to which the Citizens or Subjects of the most favoured Nation are permitted to come.

XVI. Articles of the produce, cultivation or manufacture of the Contracting Republics, which may be imported into, or exported from, the Ports of either of them, shall pay the same duties, and shall enjoy the same concessions and privileges, whenever they are imported or exported in the National Vessels of either of the two Contracting Republics.

XVII. The Vessels of the two Contracting Republics, and the Cargoes which may be imported or exported in them, shall pay no higher duties on account of tonnage, light, harbour, pilotage, salvage, in case of damage or shipwreck, or any other local duty, than those which may be paid now, or hereafter, by the Vessels of the Republic, in whose Territory the said importation or exportation shall take place.

XVIII. Each of the Contracting Parties shall be free to name Consuls for the protection of their Commerce in the Territory of the other; but before any Consul can exercise his functions, he must be in due form approved and admitted by the Government of the Republic to which he is sent, and each of the Contracting Parties may except from the residence of Consuls, such parts of its Territory as it

de Cónsules, aquellos puntos de su Territorio que juzgue oportuno.

XIX. Siempre que en el Territorio de alguna de las Repúblicas Contratantes, muera un Ciudadano de la otra, sin haber hecho su última disposición testamentaria, el Cónsul General respectivo, ó en su ausencia el que lo representare, tendrá derecho á nombrar por sí solo curadores, que se encarguen de los bienes del expresado Ciudadano, á beneficio de sus legítimos herederos y acreedores, dando cuenta á las Autoridades respectivas de una y otra República.

XX. El presente Tratado será ratificado en el modo y forma que establecen las Leyes de las respectivas Repúblicas, cangéandose las Ratificaciones en esta Ciudad, dentro de 4 meses, ó antes si fuere posible.

En testimonio de lo cual, los respectivos Plenipotenciarios, lo han firmado y sellado con los Sellos correspondientes.

En Santiago de Chile, el 20 de Noviembre del año de 1826, y 17 de la libertad de ambos Estados.

IGNACIO ALVAREZ.

MANUEL J. GANDARILLAS.

may think fit.

XIX. Whenever, in the Territory of either of the Contracting Republics, a Citizen of the other shall die, without having made his last testamentary arrangements, the respective Consul General, or, in his absence, his Representative, shall have the right to name guardians, for the custody of the Property of the deceased, for the benefit of his legitimate Heirs and Creditors, giving account thereof to the proper Authorities of the respective Republic.

XX. The present Treaty shall be ratified, in the manner and form established by Law, in the respective Republics, and the Ratifications exchanged in this City, within 4 months, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have sealed it with their respective Seals.

In Santiago de Chili, the 20th of November, of the Year 1826, the 17th of the liberty of both States.

IGNACIO ALVAREZ.

MANUEL J. GANDARILLAS.

CONVENTION of Commerce between Great Britain and the United States of America.—Signed at London, August 6th, 1827.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and the United States of America, being desirous of continuing in force the existing Commercial Regulations between the two Countries, which are contained in the Convention concluded between

them on the 3d of July, 1815,* and further renewed by the IVth Article of the Convention of the 20th of October, 1818*, have, for that purpose, named their respective Plenipotentiaries, that is to say :

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Charles Grant, a Member of His said Majesty's Most Honourable Privy Council, a Member of Parliament, and Vice-President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations ; and Henry Unwin Addington, Esquire ;

And the President of the United States of America, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to 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 :—

ART. I. All the provisions of the Convention concluded between His Majesty the King of the United Kingdom of Great Britain and Ireland, and The United States of America, on the 3d of July, 1815, and further continued for the term of 10 Years by the IVth Article of the Convention of the 20th of October, 1818, with the exception therein contained as to St. Helena, are hereby further indefinitely, and without the said exception, extended and continued in force, from the date of the expiration of the said 10 Years, in the same manner as if all the provisions of the said Convention of the 3d of July, 1815, were herein specifically recited.

II. It shall be competent, however, to either of the Contracting Parties, in case either should think fit, at any time after the expiration of the said 10 Years,—that is, after the 20th of October, 1828,—on giving due notice of 12 months to the other Contracting Party, to annul and abrogate this Convention ; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

III. The present Convention shall be ratified, and the Ratifications shall be exchanged in 9 months, 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 6th day of August, in the Year of our Lord, 1827.

(L.S.) CHA. GRANT.

(L.S.) ALBERT GALLATIN.

(L.S.) HENRY UNWIN ADDINGTON.

[The Ratifications of this Convention were exchanged in London, on the 2d of April, 1828.]

* See Commercial Treaties, Vol. 2.

CONVENTION between Great Britain and the United States of America, relative to the Territory on the North-West Coast of America.—Signed at London, August 6, 1827.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and the United States of America, being equally desirous to prevent, as far as possible, all hazard of misunderstanding between the two Nations, with respect to the Territory on the North-West Coast of America, West of the Stoney or Rocky Mountains, after the expiration of the III^d Article of the Convention concluded between them on 20th of October, 1818; and also with a view to give further time for maturing measures which shall have for their object a more definite settlement of the Claims of each Party to the said Territory, have respectively named their Plenipotentiaries to treat and agree concerning a temporary renewal of the said Article, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Charles Grant, a Member of His said Majesty's Most Honourable Privy Council, a Member of Parliament, and Vice-President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations; and Henry Unwin Addington, Esquire:

And the President of the United States of America, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to 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:

ART. I. All the Provisions of the III^d Article of the Convention concluded between His Majesty the King of the United Kingdom of Great Britain and Ireland, and the United States of America, on the 20th of October 1818, shall be, and they are hereby further indefinitely extended and continued in force, in the same manner as if all the provisions of the said Article were herein specifically recited.

II. It shall be competent, however, to either of the Contracting Parties, in case either should think fit, at any time after the 20th of October, 1828, on giving due notice of 12 months to the other Contracting Party, to annul and abrogate this Convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

III. Nothing contained in this Convention, or in the III^d Article of the Convention of the 20th of October, 1818, hereby continued in force, shall be construed to impair or in any manner affect, the Claims which either of the Contracting Parties may have to any part of the Country westward of the Stoney or Rocky Mountains.

IV. The present Convention shall be ratified, and the Ratifications shall be exchanged in 9 months, 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 6th day of August, in the Year of our Lord 1827.

(L.S.) CHA. GRANT. (L.S.) ALBERT GALLATIN.

(L.S.) HENRY UNWIN ADDINGTON.

[The Ratifications of this Convention were exchanged in London, 2d April, 1828.]

CORRESPONDENCE between Great Britain and The United States, relative to Commercial Intercourse between America and the British West India Colonies.

June to October, 1827.

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No. 1.—Albert Gallatin, Esq. to Viscount Dudley.

Upper Seymour-street, 4th June, 1827.

THE Undersigned, Minister of The United States of America, has the honour, in compliance with Instructions from his Government, to present to the consideration of Lord Viscount Dudley, His Majesty's Principal Secretary of State for Foreign Affairs, some further explanatory observations on the subject of the Colonial Intercourse, which have been suggested by the Note of Lord Dudley's Predecessor in Office, of the 27th of January last.*

It is not intended thereby to renew the discussion of Abstract Questions, already sufficiently debated, but to remove such misapprehensions as may still be entertained of the views and proceedings of the Government of The United States on that subject.

The Undersigned is instructed explicitly to state: 1st, that during the whole time which elapsed between the Negotiations of the Year 1824 and the Order in Council of July, 1826, the Government of The United States had entertained no doubt of the disposition of His Majesty's Government to renew the Negotiations on that point, and to settle it

by a Conventional Arrangement: 2dly, that the conditions, on which it was intended by the Act of Parliament of July, 1825, to open the trade to American Vessels, have never been explained or distinctly understood, that they had not, therefore, been deliberately considered by the American Congress, and that that Body had not pronounced any decision on those Conditions prior to the Order in Council of July, 1826.

The reasons which had induced the belief, that His Majesty's Government was still disposed to negotiate on that subject, have already been stated.

Whatever might be the abstract rights of Great Britain, and her opinion of those rights, in respect to the regulations of an intercourse between her Colonies and The United States, she had, in fact, consented to negotiate on that subject. She had, as late as March, 1826, 8 months after the date of the Act of Parliament of July, 1825, announced to the Government of The United States her disposition to renew the Negotiations generally, and without making an exception as to that point, which had been one of the subjects of the Negotiations intended to be renewed. The Act of Parliament had not been officially communicated, nor any intimation given that it was meant as a substitute to Negotiations.

It has not been unusual, at least on the part of The United States, to communicate such Acts as may affect, or are connected with Negotiations. The Convention of 1815 was made in pursuance of an Act of Congress, which was officially communicated to the Government of Great Britain.

With respect to that of March, 1823, the Bill was, during its progress in Congress, communicated by the Secretary of State to His Majesty's Minister at Washington, and it became a topick of Official Conference between them while on its passage, and of Official Correspondence in less than a month after its enactment.

But it was because the Act of Parliament of July, 1825, was intended by the British Government to supersede all Negotiation, that the communication of such a change of its resolution, as to the manner of regulating the Colonial trade, was necessary to the only Power with whom Great Britain was Negotiating on that subject. It is not alleged that the omission was an intentional discourtesy towards the American Government. But it is, nevertheless, true that, combined with the invitation of Mr. Vaughan, to renew the Negotiations generally, it had the effect of misleading The United States, in regard to the views of the British Government.

It was to this end only that reference was made to the Letter addressed from the Department of State to a Member of Congress. That Letter, which was of a publick nature, and had acquired, by a Copy of it being furnished to Mr. Vaughan, an official character, might, with great propriety, be appealed to, as a conclusive evidence of the views

taken at that time, by the Government of The United States, of the Act of Parliament.

The opinion expressed in that Letter was corroborated by the subsequent forbearance of the Government of Great Britain, to enforce that Act towards The United States. This suspension, which has since been declared to have been in consideration of the pendency before Congress of propositions arising out of the Act, had, for want of any explanation, the effect of confirming The United States in their belief, that Negotiation, and not Legislation, was the Instrument still in the contemplation of both Governments for regulating the Colonial Intercourse.

It is much to be regretted that the Instructions transmitted to Mr. Vaughan, and referred to in the Note of Lord Dudley's Predecessor in Office, of the 27th January last, did not authorize him to make any communication on the subject during the Session of Congress. Had any explanation been given at that time, of the true meaning of the Conditions offered by the Act of Parliament, and of the ultimate views of His Majesty's Government, Congress would have been enabled and induced to deliberate and decide on those Conditions.

It has, however, been inferred from the publick proceedings of the Legislature of The United States, that they had, on a free and deliberate consideration, declined to subscribe to the terms on which exemption from Colonial prohibition was impartially tendered to all Nations.

It may often happen, when referring to the proceedings of the Legislature of another Nation, which have terminated in no affirmative Act, that the Votes and Resolutions, on measures which have not been thus matured, may not be fully comprehended; that the motives and bearings of those Votes and Resolutions may be misconceived. Some notice will be taken of the proceedings alluded to, for the purpose of correcting the erroneous impression which they seem to have made.

A Petition from Baltimore, such as has been described by His Majesty's Secretary of State for Foreign Affairs, was presented to Congress. The Petitioners were uninformed of the Negotiations of 1824, and of the subsequent Correspondence between the two Governments. The Petition was referred in both Houses to the regular Committees. A separate Motion for the repeal of the discriminating duties had been previously made in the House of Representatives, and had been referred in the same manner.

The Committee of the House of Representatives, whether knowing that the subject had been taken up in the Senate, or from any other cause, made no Report. There was no Resolution discussed in that House, and consequently no deliberation or decision upon it.

The Committee of the Senate understood a compliance with the request of the Petitioners to be tantamount to an admission "of British

Vessels, indiscriminately, into the Ports of The United States, with their cargoes, from whencesoever arriving, or of whatsoever composed, on the same terms as American Vessels, or those of the most favoured Nations, which is the same thing:" and they reported, in substance, that there was a strong ground of preference for an arrangement being effected, if practicable, by a Convention between the two Governments, rather than to rely on independent Acts of Legislation, sometimes ambiguous, and at all times subject to revocation; that a corresponding desire to arrange that intercourse appeared to exist on the part of the British Government; that the Negotiations respecting it were expected to come to a definitive issue before the next Session of Congress; and that it was not, therefore, expedient at that time to legislate on the subject.

This Report was made to the Senate on the 31st of March, 1826, 9 days after Mr. Vaughan's Communication on the renewal of the Negotiations.

It was re-committed, with an understanding that a Bill should be brought in, repealing the discriminating Duties. Such a Bill was accordingly reported, a Copy of which the Undersigned has the honour to enclose, containing a repeal, and nothing but a simple repeal, of these Duties.

The Bill was, on motion, ordered to lie on the Table, by a majority of two votes. This vote, the only one taken upon it, had no other effect but to prevent the Bill being acted upon on that day. It might have been called up on any other day, but it had been brought in near the close of the Session; and, whether from want of time, or, what is more probable, from reliance on the successful issue of Negotiations, it was not again taken into consideration. Had it been taken up and passed into a Law, it would not have been such a compliance with the terms of the Act of Parliament of July 1825, as was contemplated by Great Britain, since it did not repeal the restrictions laid by a former Act of Congress on the circuitous or indirect intercourse.

It appears from the course of the proceedings, and from the result, that the subject was not taken up in one of the Houses; and that, in the other, the precise purport of the terms offered by the Act of Parliament, was not, at that time, more distinctly understood than by the Executive, whilst the same reliance seems to have been placed in the result of the expected Negotiations. It is certain that the Conditions of the Act of Parliament, such as they are therein expressed, were not taken into deliberate consideration by the American Congress, and that that Body has never rejected nor pronounced any decision on those Conditions.

Up to this day, it is still uncertain whether the real meaning of those terms is distinctly understood by The United States. The doubts entertained in that respect were stated at large in the Note of the Un-

dersigned of the 28th of December last; and no explanation has since, any more than at any former time, been given by His Majesty's Government.

The preceding review has been taken, not for the purpose of complaining of the conduct of Great Britain, but with the hope of satisfying the Government of His Britannick Majesty, by this exposition of the acts of the Government of The United States, and of the impressions under which it acted, that it has not, in regard to the Colonial Trade, deviated from its uniform course, and relaxed its constant endeavours to preserve and strengthen the amicable relations between the two Countries.

No doubt is entertained, on the other hand, of the dispositions of His Majesty's Government at the time when the Act of Parliament was enacted, that, considering the Intercourse between The United States and the British West Indies as beneficial, it was their intention that it should continue open, on certain terms, and that, although these differed from those offered to most other Commercial Nations, and may also have been misunderstood, they would not have been found, when properly explained, to be altogether inadmissible. Had it been otherwise, the Interdict, laid on the American Navigation by the Order of Council of July, 1826, would at once have been embodied in the Act of Parliament of July, 1825.

Both Governments, actuated by a sincere wish to effect a satisfactory arrangement, have failed to attain that object, from a misconception of each other's views as to the mode of accomplishing it. Whilst the British Government expected the passage of an Act of Congress, acceding to the conditions of the Act of Parliament, the Government of The United States confided in the belief, that it was still the intention of Great Britain to arrange the subject by a Convention.

It is now unavailing to dwell upon the past, and to enquire whether either or both Governments had sufficient reasons for their expectations. The fact is, that they entertained such expectations, and have both been disappointed; and it will be more profitable and consistent with the friendly understanding between the two Countries to attend only to the relative situation in which they are now placed.

The United States, though preferring a Conventional arrangement, as more permanent, and, perhaps, more easily effected, than one founded on mutual Legislation, are not exclusively attached to any particular mode.

There is, indeed, this advantage in Legislative Regulation over Conventional Arrangement, in respect to subjects not fully tested by experience, that what may be deemed concession by either Party may, at any time, be modified, if found actually injurious.

Thus, for instance, the President of The United States would not, without reluctance, have consented to a Treaty Stipulation, allowing

that circuitous trade between the United Kingdom and the British Colonies, through The United States, which, if permitted, must be enjoyed exclusively by the British Navigation; whilst he is willing that the experiment should be made by virtue of reciprocal Laws, revocable at the pleasure of either Government.

The Undersigned is accordingly authorized to say that, under the influence of these considerations, the Government of The United States acquiesces in the decision, which has been taken by the Government of Great Britain, that the Intercourse between The United States and the British Colonies shall be regulated by the Laws of the two Countries; and that the President is disposed to promote a restoration of that Intercourse, founded on such respective Laws.

The Undersigned prays Lord Dudley to accept, &c.

Lord Viscount Dudley.

ALBERT GALLATIN.

(Enclosure)—A Bill supplementary to an Act, entitled "An Act to regulate the Commercial Intercourse between The United States and certain British Colonial Ports."

BE it enacted by the Senate and House of Representatives of The United States of America, in Congress assembled, that no other or higher duties of import or tonnage, and no other or higher duty or charge of any kind, upon any goods, wares, or merchandize, imported from the free Ports of the British Colonies, viz, *Kingston, Savannah Le Mar, Montego Bay, Saint Lucia, Antonio, Saint Ann, Falmouth, Maria, Morant Bay and Anotto Bay*, in Jamaica; *Saint George*, in Grenada; *Roseau*, in Dominica; *Saint John's*, in Antigua; *San Josef*, in Trinidad; *Scarborough*, in Tobago; *Road Harbour*, in Tortola; *Nassau*, in New Providence; *Pittstown*, in Crooked Island; *Kingston*, in Saint Vincent; *Port Saint George* and *Port Hamilton*, in Bermuda; *Any Port* where there is a Custom-House, in *Bahamas; Bridgetown*, in Barbadoes; *Saint John's* and *Saint Andrew's*, in New Brunswick; *Halifax*, in Nova Scotia; *Quebec*, in Canada; *Saint John's* in Newfoundland; *Georgetown*, in Demerara; *New Amsterdam*, in Berbice; *Castries*, in Saint Lucia; *Basseterre*, in Saint Kitt's; *Charlestown*, in Nevis; *Plymouth*, in Montserrat; in British Vessels, shall be levied or exacted in any of the Ports of The United States, (excepting the Ports in Florida,) than upon the Vessels of The United States, and upon the like goods, wares, or merchandize, imported into the Ports of The United States, in the same; any thing in the 3d Section of the Act to which this is supplementary, dated the 1st of March, 1823, to the contrary notwithstanding.

Section 2. And be it further enacted, that this Act shall be in force from and after the 30th day of June next, Provided nevertheless, that upon satisfactory evidence being given to the President of The United States, that any discriminating duties of tonnage or import, are im-

posed or levied, in either of the Ports aforesaid upon Vessels wholly belonging to Citizens of The United States, or upon merchandize the produce or manufacture thereof imported in the same, the President is hereby authorized to issue his Proclamation declaring the fact, whereupon this Act shall thereafter be suspended and discontinued so far as it respects the Ports or Places in which such discriminating duties are imposed or levied.

(No. 2.)—*Albert Gallatin, Esq. to Viscount Dudley.*

Upper Seymour Street, August 17, 1827.

THE Undersigned, Minister of The United States of America, had the honour to address, on the 4th of June last, a Note on the subject of the Colonial Intercourse, to Lord Viscount Dudley, His Majesty's Principal Secretary of State for Foreign Affairs.

The principal object of that Note was to remove such misapprehensions as might still be entertained of the views and proceedings of the Government of The United States on that subject, and, at the same time, to express the disposition of the President, to promote a restoration of that Intercourse, founded on the respective Laws of the Two Countries.

This overture has been founded on the belief, that the present state of things has not arisen from any intentional act of either Government, but from misconceptions of each other's views, which must now be removed. It was the avowed intention of that of Great Britain, at the time when the Act of Parliament of July, 1825 was enacted, that the Intercourse should continue open on certain terms. For this there could be no motive but a conviction, that the Commerce, which had, almost without interruption, been carried on, from their first Settlement, between the British West Indies and The United States, was mutually beneficial. It is, therefore, presumed to be the wish of both Parties, that an interdict, which has been the result of fortuitous circumstances, may, if practicable, be removed.

Under that impression, the President of The United States is willing to recommend to Congress at its next Session, 1st, To open again the Ports of The United States to British Vessels coming from the British Colonies; allowing the entry, into the said Ports, of British Vessels, laden with such British produce, or produce of the British Colonies, as American Vessels can lawfully import, without paying any alien or discriminating Duties, and on payment only of the same and no higher Duties or charges of any kind, on either Vessels or Cargoes, than are under the same circumstances payable by American Vessels or Cargoes; 2dly, To abolish the restriction contained in the Act of Congress of March, 1823, which confines the Trade to a direct Intercourse between the British Colonies and the United States.

The effect of this measure will be to leave Great Britain in the ex-

clusive possession of the circuitous Trade between The United Kingdom and The United States, through the British Colonies. All the provisions in former Acts of the American Government, which had been deemed objectionable by that of His Majesty, will thereby be repealed. The condition contemplated by the Act of Parliament, as it is now understood, will be fulfilled. Every obstacle which had heretofore prevented an arrangement, would, if this was still a subject of Negotiation, be removed.

The Government of The United States would have had no doubt that, upon the passage of an Act of Congress of that tenour, the Interdict laid on American Shipping under the Act of Parliament of 1825, would be removed as a matter of course, had it not been for the declaration contained in the Note of His Majesty's Principal Secretary of State for Foreign Affairs to the Undersigned, dated the 11th of September, 1826.

It was there announced, that "after having been compelled to apply to any Country the Interdict prescribed by the Act of 1825, the British Government cannot hold itself bound to remove that Interdict, as a matter of course, whenever it may happen to suit the convenience of the Foreign Government to reconsider the Measures by which the application of that Interdict was occasioned."

A subsequent Act of Parliament contains provisions of a general nature, corresponding with that declaration; but continues in force the discretionary Powers vested in His Majesty on the subject.

Under those circumstances, the President cannot, it would indeed be useless for him to make the intended recommendation to Congress, and to agitate the question anew, without having previously ascertained the intentions of His Majesty's Government. Though not bound to remove the Interdict as a matter of course, the question is, whether they are disposed, under certain contingencies, to do it at this time.

The Undersigned has therefore been instructed to enquire, whether if Congress should, during its next Session, pass a Law to the effect above stated, the Order in Council of the 27th of July, 1826, will be revoked, the discriminating Duties on American Vessels in the British Colonies be abolished, and those Vessels be allowed to enjoy the privileges of Trade and Intercourse with those Colonies, according to the Act of Parliament of the 5th of July, 1825.

He prays Lord Dudley to favour him with an answer to that enquiry, the object of which is only to ascertain the intentions of His Majesty's Government, in reference to an Act of the tenour aforesaid, that should be passed by Congress at its next Session.

It would be distinctly understood, that those mutual Acts would not have the character of a Compact, and that their only effect would be to open the Trade for the time, without at all binding the Parties; each remaining in the complete possession of its rights with respect to

that Intercourse, in conformity with the terms of the Commercial Convention between the Two Countries.

The Undersigned prays Lord Dudley to accept, &c.
Lord Viscount Dudley. ALBERT GALLATIN.

(No. 3.)—*The Earl of Dudley to Albert Gallatin, Esq.*

Foreign Office, October 1, 1827.

THE Undersigned, &c. has the honour of acknowledging the two Official Notes of the 4th of last June, and the 17th of last August, addressed to him by Mr. Gallatin, &c. on the subject of the Intercourse between The United States and the Colonial Possessions of Great Britain.

The Note of the 4th of June, although it closed with a profession of the acquiescence of the American Government in the decision of Great Britain, that the Intercourse in question should be regulated by mutual Laws rather than by Treaty, was yet directed chiefly to an explanation of certain circumstances in the conduct of The United States, and did not appear to the Undersigned to call for any Reply on his part.

In the succeeding Note, however, of the 17th of August, the statements and reasonings of the former are followed out by Mr. Gallatin into a definite Proposition, undoubtedly requiring from the British Government a direct answer. In this Note it is stated that the President of The United States is willing to recommend to Congress the adoption of certain measures, tending to relax the restrictions imposed by the American Legislature in the Intercourse of The United States with the British Colonies through the medium of British Ships; which Measures Mr. Gallatin shortly specifies; and it is asked whether, if Congress should, during its next Session, pass a Law to that effect, "the Order in Council of the 27th of July, 1826, will be revoked, the discriminating Duties on American Vessels in the British Colonies be abolished, and these Vessels be allowed to enjoy the privileges of Trade and Intercourse with those Colonies according to the Act of Parliament of the 5th July, 1825."

It is at the same time observed by Mr. Gallatin, that the Government of The United States would have had no doubt that, on the enactment of such a Law by Congress, the Interdict laid on American Shipping, under the Act of Parliament of 1825, would be removed as a matter of course, had not Mr. Canning, in his Letter to Mr. Gallatin of the 11th September, 1826, declared, that after having been compelled to apply the Interdict to any Country, the British Government cannot hold itself bound to remove that Interdict, as a matter of course, whenever it may happen to suit the convenience of the Foreign Government to reconsider the Measures by which the application of that Interdict was occasioned.

Mr. Gallatin truly adds, that an Act of Parliament was afterwards passed, containing provisions corresponding with the declaration so made by Mr. Canning.

The Undersigned takes pleasure in recognizing, in both these Letters of Mr. Gallatin, and especially in the enquiry which closes the second of them, the same spirit of good will and conciliation, which, in the midst of discussions involving no small difference of opinion, has characterized Mr. Gallatin's Correspondence with the British Government. The Undersigned hopes it is unnecessary to observe, that His Majesty's Government is influenced by the same sentiments, and that, although he thinks himself bound to offer some observations on topicks of debate and conflicting interest, he presents them with no feelings but such as ought to pervade discussions between two Nations, allied in origin, and he trusts he may add, allied also in desire to improve and strengthen the relations of ancient kindred by mutual offices of kindness and amity.

Connecting together the two Notes of Mr. Gallatin, the topicks which they suggest for present consideration, seem to be three.

First. It may be expedient to observe on the declaration which Mr. Gallatin has quoted from Mr. Canning, and which appears to be regarded by the Government of The United States as a deviation from what might have been anticipated as the natural course of proceeding.

Secondly. Some comment may be offered on the explanation into which Mr. Gallatin has entered, of the conduct of the Government and the Legislature of The United States, in relation to the Intercourse with the British Colonies, under the operation of the Act of Parliament of July, 1825.

And this course of observation will naturally introduce into view, in the third place, the Proposition which forms the more immediate subject of the Note of the 17th of August.

1. With regard to the declaration of Mr. Canning, the Undersigned thinks it not unimportant to remark that the sentiment, which in that declaration Mr. Canning so pointedly expresses, is in fact exactly consistent with the general principles always professed by the British Government on the subject of Colonial Intercourse, which principles are expounded in the argument of Mr. Canning.

The leading position contended for by Mr. Canning is this, that the exclusion of Foreigners from a direct Intercourse with the British Colonies, is altogether agreeable to the received and ordinary doctrines of the Colonial Policy of modern times.

The established usage of Nations possessing Colonies, interdicts that Intercourse to all but their own subjects. If such Interdict be in any case relaxed, the case is one of exception, and if, having once been relaxed, it is re-enforced, this is but a restoration of the received rule. The necessary consequence is, that in any instance, not governed

by special regulation, it would be the continuance, and not the suspension, of the Interdict, that would alone be contemplated as a matter of course.

In re-asserting these principles, and in immediately connecting them with the declaration cited from Mr. Canning, it is by no means the object of the Undersigned to revive a discussion which is already exhausted. He is desirous only of shewing, that the reservation which Mr. Canning for his Government makes, of a discretionary continuance of the Interdict in question, in every case in which it has been once imposed, is in entire harmony with the general maxims of Colonial Policy, and, consequently, that the application of the rule, in any given instance, ought not to be regarded as a proceeding of a singular, and still less of an unfriendly, character.

2. In this connexion, however, the question may seem to arise, whether the proceedings of The United States were such as fairly to incur the application of the Interdict in the first instance. The question is, in fact, involved in the explanations, into which Mr. Gallatin has at some length entered, respecting the conduct of The United States, during the time that elapsed between the passing of the Act of Parliament of July, 1825, and the issuing of the Order in Council of July, 1826. To those explanations The Undersigned will next briefly advert.

The effect of Mr. Gallatin's argument may perhaps be thus exhibited.

Admitting that, after the British Statute of July, 1825 was passed, The United States ought to have done certain acts to bring themselves within the benefit of that Statute, yet the omission by The United States to do those acts was not, (as the British Government supposed, when it issued the Order in Council of 1826), an advised and deliberate proceeding, but was the result of an erroneous impression respecting the views and intentions of the British Government; and hence there may appear some ground for a revision of the British Order in Council, that Measure having, in truth, been resorted to, under the influence of a reciprocal mistake.

In commenting on this argument, it is not necessary to enquire whether, on the supposition that the error or inadvertence of The United States had been occasioned by some default on the part of the British Government, that Government would have been under an equitable obligation to reconsider the steps it had taken, in ignorance of such error or inadvertence.—There is, in fact, no room for any such supposition.

Deeply as Great Britain must regret the misapprehensions, whatever they might be, under which The United States acted, she cannot in justice charge herself with having occasioned them. She cannot but think that a fair opportunity was afforded to the American Go-

vernment and People to avail themselves, if they thought fit, of the Provisions of the Act of July, 1825, and the term of that option having expired, she cannot conceive herself called upon to retract, as a matter of course, the Measures which, under the actual circumstances in which she found herself placed, she was led to adopt, on a matter so peculiarly within her exclusive controul as the Trade of her own Colonies.

It may be proper, however, to examine this subject a little more particularly. From the statement of Mr. Gallatin, it appears that the omission of The United States to comply with the Conditions prescribed by the Act of July, 1825, is resolvable into two Causes:—First, neither the Government nor the Congress rightly understood those Conditions, the interpretation of which, indeed, is represented to be a matter of much difficulty:—Secondly, the Government, and probably the Congress also, entertained an opinion, that Great Britain did not mean to affect The United States by the Act of July 1825, but intended to arrange the Intercourse of that Country with the British Colonies by Negotiation.

Mr. Gallatin is also at pains, on this part of the subject, to explain the proceedings in the American House of Representatives, respecting the Bill for the repeal of the discriminating Duties on goods imported in British Vessels from the British Colonies. The Bill, he observes, was not, as Mr. Canning had supposed, *rejected*; it was, by a majority of two votes, ordered to lie on the Table, which would not have the effect of preventing the House from proceeding with it on any future day; though, either on account of the lateness of the Session, or, what is more probable, from reliance on the successful issue of Negotiations, the consideration of it was not, in fact, resumed.

To begin with the point last mentioned. Mr. Gallatin, on the nature and effect of the proceedings in the House of Representatives, is, of course, an authority beyond exception. Even on that authority, however, it appears that the Bill in question was dropped deliberately; for it was disposed of after a keen contest, and was never revived; a mode of treating it, which, judging from analogous proceedings in the Legislative Assemblies of this Country, can hardly be regarded otherwise than as an effectual, though an indirect, rejection.

But whatever construction may be put on the fate of that abortive Measure, this, at least, may be asserted, that the Congress, having during a whole Session had the subject under consideration, designedly omitted to legislate in reference to the British Act of July, 1825. The reasons assigned for that omission are next to be considered.

Mr. Gallatin very clearly states, that the Conditions on which it was intended, by the Act of July, 1825, to open the Colonial Trade to American Vessels, were not distinctly understood in The United States; but what was the precise nature of the difficulty experienced in con-

struing those Conditions, the Undersigned has not been able to collect. For, with regard to the specifick doubts which Mr. Gallatin mentions as attaching to the meaning of the Act, these he seems to state, rather as suggesting themselves to his own mind, on a view of the Provisions of the Act, than as the recorded grounds of the perplexity felt by the American Government or Legislature.

A full exposition of those doubts was, in fact, given by Mr. Gallatin in his Note to Mr. Canning of the 28th December, 1826, and that exposition is, by reference, embodied in the Note now under consideration, of the 4th of June, in which last Note Mr. Gallatin observes, that no explanation, in respect to those doubts, has ever been given by His Majesty's Government.

The portion of the Act to which the remarks of Mr. Gallatin apply, is the condition on which the Intercourse with the British Colonies is opened to other Countries possessing Colonies of their own; namely, that they shall place the Commerce and Navigation of this Country, and of its Possessions abroad, upon the footing of the most favoured Nation.

Without meaning to admit or to deny the justice of Mr. Gallatin's criticism on that Clause, the Undersigned bears a willing tribute to its force and ability; but the question, after all, is, whether the Clause referred to, threw such a practical difficulty in the way of American Legislation on the subject, as to account for the total inaction of the Congress of The United States. And to this question the last Note of Mr. Gallatin, (that is the Note of the 17th August,) presents a conclusive answer.

It there appears that, notwithstanding those unexplained doubts, the American Government has found no difficulty in tendering to the British Government the passing of certain specifick Enactments by Congress, as the Condition contemplated by the Act of July, 1825; that is, as the very Condition which appeared so inexplicable.

Not only so, but it is observed in that Note, (as has already been mentioned,) that, had it not been for Mr. Canning's declaration to the contrary effect, "the Government of The United States would have had no doubt that, upon the passage of an Act of Congress of that tenour, the Interdict laid on American Shipping under the Act of Parliament of 1825, would be removed as a matter of course." It is unnecessary to remark, that the conditions on which, under that Act of Parliament, the Interdict on American Shipping would be revocable, are the very conditions on which the Act makes Foreign Shipping admissible to the British Colonies; the passage, consequently, just cited from Mr. Gallatin, shews, that whatever doubts might attach to those conditions, on the principles of severe construction, they seemed to the Government of The United States so perfectly clear for all practical purposes as to be susceptible only of one interpretation.

Even admitting, however, up to any required extent, the difficulty of construing the Act, still it seems not so easy to account for the inaction of the American Legislature, and still less for that of the American Government. The Legislature might be unable to determine what was precisely meant by the condition of placing the Shipping of Great Britain and her Possessions abroad on the footing of the most favoured Nation: but there could be no doubt that the Condition, in any construction of it, could never be fulfilled, so long as the discriminating Duties remained unrepealed; that the abolition of those Duties was, therefore, an essential term in the Condition; and that this term could be supplied only by an Act of Congress. If however the Legislature could not thus proceed, at least the Government, which must have felt with it, had an effectual remedy for every difficulty—that of reference to Great Britain for explanation; and the Undersigned is really at a loss to conceive why the whole Session of 1825-26 was suffered to pass away, without any resort to an expedient so obvious and decisive.

Besides, however, the alleged ambiguity of the British Enactment, there was a concurrent cause which prevented the Government and Legislature of The United States from taking any steps relating to it. They were satisfied that the British Government either considered The United States as exempt, or meant to take special means of exempting them, from the operation of the Enactment; and that the Commercial relations between The United States, and the British Colonies, were, after all, to be arranged by Treaty, and not by reciprocal Laws.

The grounds on which this persuasion was entertained, are very fully set forth and discussed in the Correspondence between Mr. Gallatin and Mr. Canning, and the subject appears so nearly exhausted, that the Undersigned sees no occasion for entering into it at large.

It is indeed self-evident, that the Government of The United States set out with a very mistaken opinion of the views of Great Britain, respecting her Colonies, and, more especially, respecting the importance to those Colonies of a direct Intercourse with the Ports of The United States. This at least seems the only principle which would account for what is otherwise difficult of explanation, namely, that from the very few, and, at the best, doubtful indications alluded to in the Correspondence, the Government of The United States should not only have inferred intentions on the part of the British Ministry, which, *primâ facie* at least, were in direct contrariety to an elaborate Act of Parliament recently introduced by that very Ministry; but should have deduced such inference so confidently, as to act upon it for months together implicitly, although during all that period it received no support or confirmation of any kind from the British Government, and although it was more than once, in official communication with the American Government, strongly discountenanced by the British Minister at Washington.

The supposition entertained by The United States consisted of two alternative members, the first of which was, that the British Government did not mean so to construe the Act of July, 1825, as to comprehend The United States within it at all. That is, in an Enactment professedly regulating the Intercourse of the British Colonies with all Foreign Countries, the description "Countries not having Colonial Possessions," did not include The United States, although it is admitted that no other expression in the Act can possibly apply to the United States; although this very Negotiation proves the pre-eminent interest of The United States in the subject of the Enactment; and, although Mr. Gallatin himself observes, that, "with the exception of some of the German States, the terms (of the Enactment) apply to no other Maritime Power."

But if the Act could not be so construed, then it was believed that the British Government must be intending to exclude The United States from the sphere of it, by a special Order in Council. This supposition is indeed less violent than the former: the Enactment being expressly subject to the exception, "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."

Yet surely, it was a little premature to assume, that Great Britain would gratuitously step forward to nullify the important rule which she had just enacted, in the very case to which (on this supposition) it pre-eminently applied. Still more, that she should, without reason shewn or asked, deviate from those principles of reciprocity for which she had been so strenuously contending, and deviate from them in the case of that very Nation to which she had, in regard to those very principles, been making frequent and unsuccessful remonstrances. And, most of all, does it seem remarkable that this persuasion, adopted by Mr. Clay in December, 1825, when he felt satisfied that the expected Order in Council was already on its way to America, should have been left wholly unshaken by the lapse of six months, during which no such Order arrived, nor the remotest intimation of its being passed or intended.

It will not for a moment be imagined that, by these observations, the Undersigned intends to cast any doubt on the explanation which has been given of the proceedings of The United States on the occasion alluded to, or to question the motives which dictated those proceedings. But he deems it due to his own Country, due indeed to both the Countries involved in these discussions, that each Party should state its opinions and impressions with perfect frankness,—a frankness, indeed, of which Mr. Gallatin himself has very honourably furnished an example, and which the Undersigned deems not only con-

sistent with friendly feelings, but even essential to a mutual good understanding and confidence. It is then, in the judgment of the Undersigned, important to shew, and with all proper deference he conceives himself to have in fact shewn, that the misapprehensions with regard to the views and intentions of Great Britain, by which the Government and the Legislature of The United States appear, in the present instance, to have been misled, were not warranted by any part of the conduct or the language of the British Government; and that this Country, therefore, is not responsible for those misapprehensions, nor obliged, as of course, to reconsider any Measures on her own part, or to repair any ill consequences on the part of others, to which they may have given rise.

And hence the Undersigned is naturally led to the 3d, and only remaining topick of the present Note.

Mr. Gallatin asks, whether, in the event of such a Law as he describes being past by Congress, the British Government would revoke the Order in Council of the 27th of July, 1826, and adopt the other Measures which he concurrently mentions.

The Undersigned does full justice to the frank and friendly tone in which this enquiry is made, and he feels that the answer of the British Government ought in the same proportion to be explicit.

Without commenting on the particular Provisions of the Law which, according to the supposition of Mr. Gallatin, is to be enacted by Congress, it is proper to say, that the British Government cannot prospectively commit itself to the adoption of any specifick line of conduct in the event of such Law being enacted.

With whatever conformity to the suggestions of Mr. Gallatin, the proposed Law may, as to its general principles, be framed, still those general principles are liable to be accompanied by details, which no anticipation can embrace.

Much also may turn, on the position and circumstances, both of this Country, of The United States, and of the Commercial Commonwealth in general, at the time when such Law shall come into effect. This last consideration is indeed conclusive, for it has relation to the very essence of the principles which the British Government entertains on the present subject. Strictly asserting her right to prohibit or to regulate the Intercourse of Foreigners with her Colonies, according to her conception of her own Interests, and without explanation or apology to other States, it would be impossible for Great Britain, without a compromise of her principles, to pledge Herself by advance, and with reference to circumstances yet unknown or partially foreseen, to the establishment of any particular System of policy in relation to such Intercourse.

On another and distinct ground, the mode of proceeding suggested by Mr. Gallatin seems liable to exception. In adjusting her Colonial

Relations with Foreigners, this Country has preferred the method of Municipal Legislation to that of Treaty, and The United States have at length acquiesced in that preference, though not themselves approving it. The process recommended by Mr. Gallatin, (and which, if adopted, must become a precedent), would seem to combine the disadvantages of both methods, without proportionably securing the benefits of either.

If the terms of Colonial Intercourse are to be adjusted by mutual Laws, but those Laws themselves are to be founded on informal Agreements, previously entered into between the Governments, it is manifest that a course of proceeding is pursued, which fully ensures neither the certainty and notoriety of International Convention, nor the facility and independence of Domestick Legislation.

On the whole, His Majesty's Ministers feel themselves under the necessity of declining to give the pledge invited by Mr. Gallatin, and this with no special or exclusive reference to the peculiar Measure in question. Their resolution is the result of considerations, general in their nature, and conclusive against a prospective pledge of any description respecting the Colonial Policy of Great Britain, whether of relaxation or restriction.

In the formation of this Decision, the Undersigned is persuaded that it is unnecessary to disclaim the influence of any unfriendly feelings towards The United States. He can only repeat, that the English Government cherishes for The United States sentiments only of sincere amity.

The Undersigned, &c. &c.

Albert Gallatin, Esq.

DUDLEY.

No. 4.—Albert Gallatin, Esq. to the Earl of Dudley.

Upper Seymour-street, 3d October, 1827.

THE Undersigned, Minister of The United States, has the honour to acknowledge the receipt of the Note addressed to him on the 1st of this month, by Lord Dudley, His Majesty's Principal Secretary of State for Foreign Affairs, in answer to the Notes of the Undersigned, of the 4th of June and 17th of August last, on the subject of the Colonial Intercourse.

It is believed that Lord Dudley would, on a close examination of the measures which the President of The United States was willing to recommend to Congress, have been satisfied that those measures would not only have tended to relax, but would have altogether have abrogated all the restrictions imposed by the American Legislature on the Colonial Intercourse through the medium of British Vessels.

The objection drawn from an anticipation of the details, which might have accompanied the general principles of the proposed Law, would have been easily removed. And those that are suggested against

the process recommended by the American Government, seem less conclusive against it than supporting the preference which The United States had given to an arrangement by Treaty.

But since His Majesty's Ministers are of opinion that much may turn on the position and circumstances of Great Britain, of The United States, and of the Commercial World in general, when such Law should come into effect, and since, in declining to give the pledge invited by the overture of America, they have explicitly declared that their resolution was the result of considerations, general in their nature and conclusive against a prospective pledge of any description respecting the Colonial Policy of Great Britain, the Undersigned, whose efforts to obtain a more favourable answer to the enquiry he had been directed to make have been unavailing, has no other duty to perform in that respect than to transmit to his Government the determination of that of Great Britain.

It is with regret that the Undersigned finds that Lord Dudley, who had at first considered the Note of the 4th of June as not calling for any reply, has now deemed it necessary to offer some comment, on the explanations contained in that Note, of the conduct of the Government of The United States, in relation to the Colonial Intercourse subsequent to the Act of Parliament of July, 1825. He had designedly separated the explanations from the enquiry, and suffered more than 2 months to elapse between his 2 Notes, in order to afford sufficient time for any reply which that of the 4th of June might require, and in order that, the discussion on the topicks embraced by it being finally concluded, the proposal he had to make might be taken into consideration, without any retrospect of antecedent circumstances, and solely as a question of policy and mutual convenience. It is with unfeigned reluctance that he finds himself compelled again to revert to points already so much debated, and to take some notice of Lord Dudley's observations, on explanations which, it had been hoped, would have been deemed satisfactory.

It is correctly stated that the reasons alleged by The United States, for not having complied with the condition prescribed by the Act of Parliament of July, 1825, were, 1st, because the opinion was entertained that it was still the intention of Great Britain that the Intercourse should be arranged by Negotiation; 2dly, because it was not known whether the condition was rightly understood.

On the last point Lord Dudley seems to think that the doubts, which the Undersigned had mentioned as attaching to the meaning of the Act, were rather the suggestions of his own mind, than the recorded grounds of the perplexity felt by the American Government or Legislature. And he infers, from the specifick proposal contained in the Note of the Undersigned of the 17th of August, and from an allusion to a declaration of Mr. Canning, that the condition in question had

seemed to the Government of the United States so perfectly clear for all practical purposes, as to be susceptible only of one interpretation.

The Note of the Undersigned, in which he tried to explain in what consisted the difficulty of understanding what was meant by the condition of the Act of Parliament, is that of December 28, 1826; and that Note was explicitly stated to be founded on a "Despatch from the Secretary of State of The United States, the substance of which he was instructed to communicate to Mr. Canning." The statement of the doubts attaching to the meaning of the Act, though varied in the expression, was in substance taken from that Despatch, which, although it has not attracted the notice of Lord Dudley, was communicated to Congress, and republished in December or January last in several of the London Newspapers.

But as, notwithstanding this, doubts may still be entertained respecting the recorded grounds of the perplexity felt on that subject by the American Government and Legislature, during the Session of 1825, 1826, the Undersigned has the honour to enclose a Copy of the Report of the Committee of the Senate of March 31, 1826, to which he had already alluded in his Note of the 4th of June.

This Document will satisfy Lord Dudley, that the Committee had under consideration the Baltimore Memorial, requesting that British Vessels, from whatever Ports, might be admitted (in the Ports of The United States) on the same terms as the Vessels of the most favoured Nations; and that the Committee's Report against the prayer of the Petitioners was founded on two reasons:—First, that to admit British Vessels indiscriminately with their cargoes, from whencesoever arriving, or of whatsoever composed, on the same terms as Vessels of the most favoured Nations, or, in other words, to comply with the condition of the Act of Parliament, as understood by the Committee, would operate as a surrender of the principle of equality, &c.;—Secondly, that a (corresponding) desire to arrange the Colonial Intercourse on a satisfactory footing, appeared to exist on the part of the British Government; and that the Negotiations respecting it were expected to come to a definitive issue before the next Session of Congress.

To this day, the Government of The United States are not sure that they understand precisely what was intended by the Condition. Desirous as they were that their proposal should be accepted, they wished to present it in the most unexceptionable form; and if, instead of offering to comply with the Act of Parliament, which certainly was the most simple proposition, and the most likely to be favourably received, a specific Proposal has been made, it is in fact, because it was thought unsafe to agree to terms not sufficiently understood, and which have not been explained.

It has been justly observed by Lord Dudley, that the abolition of the discriminating duties must, under any construction of the Act, have been an essential term in the Condition. The Undersigned, in his Note of December 28, 1826, when observing that the words "Commerce and Navigation of this Country," might have been intended to include only the circuitous Intercourse, expressly stated what was true, that "this last interpretation had been suggested only by the observations that had occurred in the course of Mr. Canning's Correspondence with him." Mr. Canning had limited his animadversions on the Acts of The United States to two Enactments only,—the discriminating duties, and the restrictions on British Vessels employed in what has been called the circuitous or indirect Intercourse. The specifick Proposal made by The United States embraces those two objects. Having no other light but what was derived from the Correspondence, they presumed, without being certain that they were not mistaken, that it might be accepted as a fulfilment of the Condition. The intimation that they would have considered the removal of the Interdict as a matter of course, had it not been for Mr. Canning's declaration, is clearly to be understood as founded on the supposition, that they were not mistaken in the interpretation, which, for the reasons that have been stated, they had ventured to give to the Act of Parliament. But it cannot certainly be inferred that, because, in framing a Proposal and reasoning upon it, they have been induced to adopt, or rather to assume, a certain construction, they no longer have, much less that they never had, well-founded doubts on the meaning of the Act.

It is rather remarkable that, after those doubts had been so explicitly stated, in the Note of December 28, 1826, to Mr. Canning, he did not even advert to that branch of the discussion in his Reply of January 27, 1827, and still more so, that Lord Dudley whilst commenting upon it, should have carefully avoided giving any explanation, and, on the contrary, should have distinctly said, that he neither admitted nor denied that construction which the Undersigned had suggested as being the literal, and which, Lord Dudley designates as the severer, interpretation of the Act. The Undersigned is at a loss how to account for the reluctance, which seems to have been evinced of saying at once what was truly intended by the Condition so often alluded to.

The final disposition of the Bill, which had been introduced for the repeal of the discriminating Duties, even if considered as an absolute rejection, proves only that, either it appeared to be unnecessary, as not fulfilling all the conditions required by the Act of Parliament, or that the American Legislature relied on the issue of the expected Negotiations.

If the Government of The United States did not apply to that of Great Britain for an explanation of the Condition, it was partly because

the distance between the two Countries would have rendered such explanation unavailable, in relation to any proceedings of Congress during the pending Session, principally because entire reliance was placed on the issue of the Negotiations, since the Cabinet of Washington had concluded to withdraw all the propositions which had heretofore prevented an arrangement.

The reasons, why not the slightest apprehension was entertained of the determination of the British Government to consider this as no longer a fit subject for Negotiation, have been repeatedly stated.

At the conclusion of the Conferences of the Year 1824, between the Plenipotentiaries of the two Countries, the Negotiations were expressly stated to be *suspended*, by the necessity of referring to Washington on some of the subjects which had been discussed; and the Plenipotentiaries parted under circumstances which prevented, *for the present*, any further progress in the Negotiations.

Indeed those which have been carried on between His Majesty's Plenipotentiaries and the Undersigned, have been so clearly considered as being generally the continuation of the Negotiations of 1824, that, at their first Conference, and in relation to the subject first taken up, the British Plenipotentiaries observed "that a proposal of settlement on that subject having been offered on the part of Great Britain during the course of the Negotiations of 1824, which proposal had been taken by the American Plenipotentiary for reference to his Government, they presumed that Mr. Gallatin was prepared to give an answer to that, or to offer some new proposal." And the American Plenipotentiary did according *substitute* another proposal for that which had been made by Mr. Rush in 1824.

There was, therefore, a perfect understanding between the two Governments in that respect. His Majesty's Minister at Washington, in conformity with it, announced, in March 1826, to the Government of The United States, that his own was preparing to proceed in the important Negotiations between the two Countries, that a new Plenipotentiary had been appointed on the part of Great Britain, and that the Negotiations would, therefore, be forthwith resumed.

No exception had been made, none was at that time suggested to be intended on the part of Great Britain, with respect to the Colonial Intercourse.

Lord Dudley has taken no notice of the circumstances which so naturally induced the American Government to rely on the ensuing Negotiation, as the means of regulating the intercourse in a manner satisfactory and beneficial to both Countries. But, referring to a Letter of December 1825, from Mr. Clay to a Member of Congress, he has expressed his astonishment, that it could have been supposed, that the British Government did not mean so to construe the Act of July 1825, as to comprehend The United States within it; and that, if it had been

at first presumed that they would be excepted by a special Order in Council, that expectation should have been unshaken, when, after 6 months, no such Order had been issued, nor any intimation given to that effect.

It has not been believed by the Government of The United States, that, in case an arrangement was not made by Treaty, they would, nevertheless, by special favour, be permanently exempted from the general operation of the Act. But it was presumed that Great Britain, under the expectation of a favourable issue of the Negotiations that were to be forthwith resumed, would suspend the operation of the Act, in regard to The United States, until the result of those Negotiations was ascertained. In what manner that suspension would be effected was not known.

Mr. Clay's Letter is written entirely in that spirit. He did not believe that it was intended by the British Government that the Act of July 1825 should disturb the trade between the British Colonies and The United States, first and principally, because it would be inconsistent with Negotiations between the two Governments, contemplated, if not yet resumed. Had it not been that it had been announced by the Authorities at Halifax, that it was intended to close that Port against American Vessels, he would have been strongly inclined to think that the Intercourse was intended to continue to be regulated by the former Acts of Parliament. If the Halifax construction should prove to be correct, he was persuaded that an exception in favour of the American trade would be made by a special Order in Council.

It is true that no such Order was issued, and equally true that, after the lapse of a few weeks, neither Mr. Clay, nor any other Person in America, expected that it would be issued. For the Halifax construction having been abandoned, and that, as well as all the other British Colonial Ports, remaining open to American Vessels after the day when the Act of Parliament was to take effect, it was concluded without further investigation, that that Act was not intended, at least for a time, to operate on The United States. It has since been made known that the suspension, which in fact took place, was intended by Great Britain, not in reference to Negotiation, but in order to ascertain the result of the proceedings of Congress.

Lord Dudley intimates that the Government of The United States set out with a very mistaken opinion of the views of Great Britain respecting her Colonies, and more especially respecting the importance to those Colonies of a direct intercourse with the Ports of The United States; and he seems to think that this is the only principle which would account for some of the proceedings of that Government.

Coinciding entirely in Lord Dudley's opinion, that perfect frankness is not only consistent with friendly feelings, but even essential to a mu-

tual good understanding and confidence, the Undersigned will be as explicit on this as on any other subject.

The United States do not suppose the direct intercourse between their Ports and the British Colonies to be necessary to those Colonies. They know that the British West Indies have been supplied by other means, and have not materially suffered during those periods when that intercourse was interrupted by war, or has been interdicted by the Laws of the two Countries.

But though not necessary to either Party, that Commerce is known to be beneficial to both. The proof is found in the fact that it has always been carried on to a considerable extent whenever it has been permitted; that absolute prohibitions can alone stop it. That Great Britain thinks so herself cannot be denied. It is believed that, except when the two Nations have unfortunately been at war, there has not to this day been any time, at which the intercourse has not, with certain limitations, been allowed by her in British Vessels.

There are not, perhaps, two Countries, within the same distance from one another, and with such easy and prompt communications, which have products so essentially different as the West Indies and The United States. There are, therefore, not any between which Commerce is more natural and the exchange of their respective commodities more mutually beneficial. The Laws which interdict such an intercourse are an obvious and practical departure from those principles of free trade which are, in other respects, so ably upheld and vindicated.

It is not at all asserted that the injury arising from a suspension of that Commerce is more heavily felt by one Party than by the other. The American Government neither over-rates the importance to the West Indies of the direct intercourse, nor denies its great utility to The United States. In both Countries the Planter or Farmer is, by the suspension, deprived of one of the markets for his produce, and compelled to pay dearer for his supplies; and a positive evil is inflicted on both Parties without any visible advantage to either.

The right of Great Britain to regulate the intercourse with her Colonies is not questioned; and it is not usual for Nations to make any great sacrifice for the sake of asserting abstract principles which are not contested. She is undoubtedly the only proper judge of what should be her commercial policy. The Undersigned has not been fortunate enough to be able to discover what actual advantages she derives from the measures in which she perseveres in regard to the Colonial Intercourse. He has apprehended that considerations foreign to the question might continue to oppose obstacles to a proper understanding. Nothing has been omitted to remove those which might have arisen from misconceptions of the views and proceedings of the American Government. It is gratifying to have received assurances

that the decision of Great Britain was not influenced by any unfriendly feelings towards The United States. Their sentiments for Great Britain are those of amity and good will; and their Government is animated by a sincere desire to improve and strengthen the friendly relations of the two Countries.

The Undersigned has the honour to renew, &c.

The Earl of Dudley.

ALBERT GALLATIN.

(*Enclosure in No. 4.*)—*Nineteenth Congress, 1st Session. In Senate of The United States.*

March 31, 1826.

Mr. Lloyd, from the Committee on Commerce, to whom was referred the Memorial of the Merchants, Ship-Owners and Manufacturers, of the City of Baltimore, made the following Report:

THE Memorialists state, "that Great Britain having lately opened the trade of her North American and West India Colonies, insomuch that not only are almost all articles admitted, but the trade of those Colonies is accessible to all Parts of the World, on far more favourable terms than those now enjoyed by Merchants of The United States;" "They, therefore submit the propriety of abolishing the discriminating duties of 96 cents per ton, on British Colonial Vessels, and of 10 per cent. additional on the duties on their cargoes, and of admitting British Vessels, from whatever Ports, on the same terms as the Vessels of the most favoured Nations."

In reference to which, the Committee remark: that, by the existing Laws of The United States, a duty of 50 cents per ton, as a tonnage duty, and 50 cents per ton, as light money, is imposed on all Foreign Vessels entering the Ports of The United States, with an addition of 10 per centum on the amount of duties on the cargoes of all such Vessels as belong to Foreign Powers, who do not admit the Vessels of The United States into their Ports on the same terms as their own Vessels; that a Convention is now in operation between The United States and Great Britain, whereby the duties on the Vessels and Cargoes of the respective Parties, so far as regards the Commerce between The United States and the Territories of Great Britain, in Europe, are equalized: but that the provisions of this Convention do not extend to the British Colonial Possessions in America; in consequence of which, British Vessels, arriving in The United States from those Colonies pay the discriminating duties before mentioned, amounting on the Vessel, to 1 dollar per ton of its admeasurement; while Vessels belonging to The United States, pay only 6 cents per ton, on entering our own Ports; but that these Vessels entering British Colonial Ports, are subject to a countervailing duty of 4s. 3d. sterling per ton, equal to 94 cents, being the difference in favour of American over

British Vessels, from the Colonies, entering the Ports of The United States.

This distinction it has long been the earnest desire of the Government of The United States to annul, on the principle of a just reciprocity; but although much discussion has been had on the subject, and many Laws have been enacted in reference to it, by both Parties, the desired result has not yet been accomplished.

By an Act of Congress, of March 3d, 1815, the discriminating duties on Vessels and merchandize, were proffered to be repealed in favour of any Foreign Nation which should, on its part, reciprocate the same provisions of Law towards The United States.

By the Conventions of 1815 and 1818, this was done, between The United States and the Territories of Great Britain in Europe: and a reciprocal liberty of Commerce was established between them, for the period of 10 Years from the last mentioned date. This, however, produced no adequate relaxation of the British system in relation to her Colonies, from which Vessels of The United States continued to be excluded; in consequence, a due degree of self-respect, on the part of The United States, gave rise to the passing of an Act, in April, 1818, by which the Ports of The United States were closed to British Vessels, arriving from a Port or Place in any British Territory, to which Vessels owned by Citizens of The United States, were not admitted.

In May, 1820, the Act of April, 1818, was extended so as to embrace and exclude from the Ports of The United States, British Vessels arriving from Ports in Lower Canada, Nova Scotia, New Brunswick, Newfoundland, and all Ports under the dominion of Great Britain, in the West Indies, and on the Continent of America, which, from having been occasionally opened, were not considered as included in the Act of April, 1818.

But, to enable the Government of The United States, consistent in its principles, and always ready to verify its professions, to meet the overtures of any Foreign Nations on equal terms, in May, 1822, an Act was passed, authorizing the President, on satisfactory evidence being given to him that the British Colonial Ports were opened to the Vessels of The United States, to issue his Proclamation, declaring the Ports of The United States opened to British Vessels employed in that trade.

And, in consequence of an Act of Parliament of June 24th, 1822, admitting Vessels of The United States into certain enumerated Ports in the British Colonies, still another Law of Congress was passed, March 1, 1823, by which the Ports of The United States were opened for Vessels arriving therein from the said enumerated British Ports, and from all others which were, or might be opened thereafter, to the Vessels of The United States; and the President was authorized to

equalize the duties on such British Vessels and their cargoes, on proof being given to him that no other or higher rate of tonnage or impost, and no other charges of any kind, were levied or exacted in the said British Ports, on United States' Vessels, than were paid by British Vessels and merchandize, imported into the said Colonial Ports, from elsewhere than The United States.

Since which time, several Acts of Parliament have been passed, having especial or incidental reference to the trade with the British-American Colonies; and under which, and the Laws of The United States, before recited, a Commercial Intercourse was opened, and has been prosecuted, between The United States and certain British Colonial Ports; but to an extent not equal to the expectations that had been formed respecting it, nor, as it is contended, on terms of equality; the want of which having given rise to discussions, if not to a dissatisfaction, between the Parties engaged in it, it may be useful briefly to advert to :

On the part of the American Government, it is alleged, that a just reciprocity does not exist, inasmuch as the duties on American Vessels and their cargoes, arriving at British Colonial Ports, are required to be discharged by an immediate prompt payment, and frequently at a great sacrifice to acquire the means of doing it, while a credit is given for the duties payable on British Vessels and their cargoes, arriving in The United States from the Colonies, of 6 and 9 months: that bonds, with sureties, are required for the landing of the return cargo in a specified Port in The United States, which are occasionally obtained with great difficulty, by the Owners or Masters of the smaller American Vessels engaged in the trade: that an export duty of 2 per cent. is imposed on the return cargo which cannot be countervailed in The United States: that Vessels arriving at a bad market, have at times, not been allowed to seek a better, unless by a double payment of duties, while British Vessels from the West Indies, seeking a favourable sale for their cargoes, may run along the whole Coast of The United States, from New Orleans to Eastport: that onerous and heavy duties, and Colonial fees, are exacted, amounting, as is stated, in some instances, on small lumber-loaded Vessels, to the value of the cargo; the latter of which is corroborated, in a degree, by Mr. Huskisson, in his Speech in Parliament, in March of the last Year, in which he mentions the liability to abuse, and vexation, of the practices in this particular; and states that, in many instances, the fees alone which are exacted upon a ship and cargo, amount to much more than all the publick duties: and that an important discriminating duty is imposed, in the West India markets, on the flour, the bread stuffs, and the lumber, of The United States, over that which is paid on the same articles, when received from Canada, Nova Scotia, and New Brunswick, and which, amounting in many instances to a full freight, gives a decisive advantage to importations from the latter.

And although it is to be admitted, that some of these regulations are of a character so municipal, as not to be legitimate objects of complaint, in reference to an international intercourse; yet they, nevertheless, do, in fact, contravene that just reciprocity, on which it was to be presumed it would be the desire of both Parties to place the trade between them.

While the British Government, on its part, contends, as is understood, that it is justified in requiring an abrogation of the discriminating duties, in consequence of its having partially opened its Colonial Ports, for the importation of a limited number of articles from The United States; and that it has a right to make any municipal or local regulations it pleases; and among others, that of admitting, free of duty, the produce of its Colonies, however remotely situated, while it imposes an impost on articles of the same description from other Countries; but allowing some plausibility to this reasoning, it is to be recollected, that the question at issue between the two Countries, is not so much one of abstract right, as of equality and reciprocity in entering into a Commercial arrangement intended to promote the mutual advantage of both parties.

The foregoing presents a brief synopsis of the measures which have been adopted since the Year 1815, by The United States and Great Britain, relative to the trade with the British Colonies, and of the present state of it.

The recommendation of the Memorialists now is, that the discriminating duties still imposed on British Vessels and merchandise from those Colonies, should be immediately abolished; and that British Vessels, coming from whencesoever they may, and with whatsoever loaded, should be admitted into the Ports of The United States, on the same terms as the Vessels and cargoes of the most favoured Nations.

The effect of which, the Committee believe, would be, summarily, to yield to Great Britain all she could ask, without any equivalent accommodation being granted on her part: for to admit British Vessels, indiscriminately, into the Ports of The United States, with their cargoes, from whencesoever arriving, or of whatsoever composed, on the same terms as our own Vessels, or those of the most favoured Nations, which would be the same thing, while she allows the admission of American Vessels into her Ports only partially, for certain prescribed articles, and those limited to the growth, produce, or manufacture of The United States, and to a manifest disadvantage when compared with the like and the principal articles which she wants, when from elsewhere imported into the Colonial Ports, would operate as a surrender of the principle of equality, and a withdrawal, from the controul of the Government of The United States, of the means it possesses of leading to a better, and more desirable, because more equal, state of intercourse between the two Countries.

From this view of the subject, and a cursory reference to the numerous Acts which have been passed in relation to it, during the last 10 Years, both by The United States and by Great Britain, evidence will at once be furnished of the complexity of the interests connected with it, of the difficulty satisfactorily to arrange them, and especially of the inefficacy of isolated Legislation for the attainment of this International Object; and also affording, as the Committee cannot but believe, a strong ground of preference, for an Arrangement being effected, if practicable, by a Convention between the Two Governments, on a just and liberal basis, which, when agreed to, would be permanent and unalterable for the term of its duration; rather than to rely on detached, independent, substantive Acts of Legislation, which, however well intended, are sometimes ambiguous, and liable to misconstruction by those who are called to administer them; and, at all times, subject to revocation by the Parties enacting them.

Of the inconvenience and inexpediency of substituting which, the Memorialists themselves furnish a strong proof in point, by the statement they make in their Memorial, of the British Ports of Halifax, in Nova Scotia, and St. John's, in New Brunswick, which were opened for the admission of Vessels of The United States by an Act of Parliament of June 24, 1822, having in January last, suddenly, and without notice, been closed against Vessels of The United States in mid-winter, and on an extremely hazardous and inclement Coast; under a construction of an Act of Parliament of July, 1825, and which construction is now admitted, even by the British Authorities themselves, to have been erroneous.

From all these views, which might be extended, and from the Committee having reason to believe, that an adjustment of the Commercial Intercourse between The United States and the British Colonial Possessions, forms one of the special and prominent objects which have been committed to the Minister of The United States at the Court of London; that a corresponding desire to arrange it on a satisfactory footing appears to exist on the part of the British Government, and that the Negotiations respecting it are expected to come to a definitive issue, before the next Session of Congress; the Committee, although fully agreeing with the Memorialists in the wish to cultivate and extend the Trade in question, which they trust may be done to the mutual advantage of the Parties concerned in it, are still unanimously of opinion, that it is not expedient, at this time, to legislate on the subject; and, therefore, ask to be discharged from the further consideration of the Memorial.

Which is respectfully submitted.

CONVENTION *between Great Britain and The United States of America, relative to the reference to Arbitration of the disputed Points respecting the Boundary Line, under the 5th Article of the Treaty of Ghent. Signed at London, September 29, 1827.*

WHEREAS it is provided by the 5th Article of the Treaty of Ghent* that in case the Commissioners appointed under that Article, for the

* *Extract of the Treaty of Peace between Great Britain and The United States.—Signed at Ghent, 14th December, 1814.—ART. V.* Whereas neither that point of the Highlands lying due North from the source of the River St. Croix, and designated in the former Treaty of Peace between the two Powers, as the North-west angle of Nova Scotia, nor the North-westernmost head of Connecticut River have yet been ascertained; and whereas that part of the Boundary Line between the Dominions of the two Powers, which extends from the source of the River St. Croix, directly North, to the above-mentioned North-west angle of Nova Scotia, thence along the said Highlands which divide those Rivers, that empty themselves into the River St. Lawrence, from those which fall into the Atlantick Ocean to the North-westernmost head of Connecticut River, thence down along the middle of that River to the 45th degree of North latitude, thence by a line due West on said latitude until it strikes the River Iroquois or Cataraguy, has not yet been surveyed; it is agreed that, for these several purposes, two Commissioners shall be appointed, sworn and authorized, to act exactly in the manner directed with respect to those mentioned in the next preceding Article, unless otherwise specified in the present Article: The said Commissioners shall meet at St. Andrews, in the Province of New Brunswick, and shall have power to adjourn to such other Place or Places as they shall think fit. The said Commissioners shall have power to ascertain and determine the points above-mentioned, in conformity with the provisions of the said Treaty of Peace of 1783, and shall cause the Boundary aforesaid, from the source of the River St. Croix to the River Iroquois or Cataraguy to be surveyed and marked according to the said provisions; the said Commissioner shall make a Map of the said Boundary, and annex to it a Declaration under their Hands and Seals, certifying it to be the true Map of the said Boundary, and particularizing the latitude and longitude of the North-west angle of Nova Scotia, of the North-westernmost head of Connecticut River, and of such other points of the said Boundary as they may deem proper. And both Parties agree to consider such Map and Declaration as finally and conclusively fixing the said Boundary. And in the event of the said two Commissioners differing, or both, or either of them, refusing, declining, or wilfully omitting to act, such Reports, Declarations, or Statements, shall be made by them or either of them, and such reference to a friendly Sovereign or State, shall be made in all respects, as in the latter part of the 4th Article* is contained, and in as full a manner as if the same was herein repeated.

* Art. IV. (Extract.)—It is further agreed, that, in the event of the two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing or declining, or wilfully omitting to act as such, they shall make, jointly or separately, Report or Reports, as well to the Government of His Britannick Majesty, as to that of The United States, stating in detail the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And His Britannick Majesty and the Government of The United States hereby agree to refer the Report or Reports of the said Commissioners to some friendly Sovereign or State, to be then named for that purpose, and who shall be requested to decide

settlement of the Boundary Line therein described, should not be able to agree upon such Boundary Line, the Report or Reports of those Commissioners, stating the points on which they had differed, should be submitted to some friendly Sovereign or State; and that the decision given by such Sovereign or State on such points of difference, should be considered by the Contracting Parties as final and conclusive: That case having now arisen, and it having therefore become expedient to proceed to and regulate the reference as above described, His Majesty the King of the United Kingdom of Great Britain and Ireland, and The United States of America, have, for that purpose, named their Plenipotentiaries, that is to say:

His Majesty, on His part, has appointed the Right Honourable Charles Grant, a Member of Parliament, a Member of His said Majesty's Most Honourable Privy Council, and President of the Committee of the Privy Council for Affairs of Trade and Foreign Plantations, and Henry Unwin Addington, Esquire:—

And the President of The United States has appointed Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary at the Court of His Britannick Majesty:—

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

ART. I. It is agreed that the points of difference which have arisen in the settlement of the Boundary between the British and American Dominions, as described in the Vth Article of the Treaty of Ghent, shall be referred, as therein provided, to some friendly Sovereign or State, who shall be invited to investigate, and make a decision upon, such points of difference.

The two Contracting Powers engage to proceed in concert to the choice of such friendly Sovereign or State, as soon as the Ratifications of this Convention shall have been exchanged, and to use their best endeavours to obtain a decision, if practicable, within 2 Years after the Arbiter shall have signified his consent to act as such.

II. The Reports and Documents thereunto annexed, of the Commissioners appointed to carry into execution the Vth Article of the Treaty of Ghent, being so voluminous and complicated, as to render it improbable that any Sovereign or State should be willing or able to undertake the Office of investigating and arbitrating upon them, it is hereby agreed to substitute for those Reports, new and separate State-

on the differences which may be stated in the said Report or Reports, or upon the Report of one Commissioner, together with the grounds upon which the other Commissioner shall have refused, declined, or omitted to act, as the case may be. And if the Commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said Statement may be referred to such friendly Sovereign or State, together with the Report of such other Commissioner, then such Sovereign or State shall decide, *ex parte*, upon the said Report alone, and His Britannick Majesty and the Government of The United States engage to consider the decision of such friendly Sovereign or State, to be final and conclusive on all the matters so referred.

ments of the respective Cases, severally drawn up by each of the Contracting Parties, in such form and terms as each may think fit.

The said Statements when prepared, shall be mutually communicated to each other by the Contracting Parties; that is to say, by Great Britain to the Minister, or Chargé d'Affaires, of The United States at London; and by The United States to His Britannick Majesty's Minister, or Chargé d'Affaires, at Washington, within 15 months after the exchange of the Ratifications of the present Convention.

After such communication shall have taken place, each Party shall have the power of drawing up a second and definitive Statement, if it thinks fit so to do, in reply to the Statement of the other Party so communicated, which definitive Statements shall also be mutually communicated, in the same manner as aforesaid, to each other, by the Contracting Parties, within 21 months after the exchange of the Ratifications of the present Convention.

III. Each of the Contracting Parties shall, within 9 months after the exchange of Ratifications of this Convention, communicate to the other, in the same manner as aforesaid, all the evidence intended to be brought in support of its Claim, beyond that which is contained in the Reports of the Commissioners, or Papers thereunto annexed, and other written Documents laid before the Commission under the Vth Article of the Treaty of Ghent.

Each of the Contracting Parties shall be bound, on the application of the other Party, made within 6 months after the exchange of the Ratifications of this Convention, to give authentick Copies of such individually specified Acts of a publick nature, relating to the Territory in question, intended to be laid as evidence before the Arbiter, as have been issued under the authority, or are in the exclusive possession, of each Party.

No Maps, Surveys, or topographical evidence of any description, shall be adduced by either Party beyond that which is hereinafter stipulated; nor shall any fresh evidence, of any description, be adduced or adverted to, by either Party, other than that mutually communicated or applied for, as aforesaid.

Each Party shall have full power to incorporate in, or annex to, either its first or second Statement, any portion of the Reports of the Commissioners, or Papers thereunto annexed, and other written Documents laid before the Commission under the Vth Article of the Treaty of Ghent, or of the other evidence mutually communicated or applied for, as above-provided, which it may think fit.

IV. The Map, called Mitchell's Map, by which the Framers of the Treaty of 1783 are acknowledged to have regulated their joint and official proceedings, and the Map, A, which has been agreed on by the Contracting Parties, as a delineation of the Water Courses, and of the Boundary Lines in reference to the said Water Courses, as contended

for by each Party respectively, and which has accordingly been signed by the above named Plenipotentiaries at the same time with this Convention, shall be annexed to the Statements of the Contracting Parties, and be the only Maps that shall be considered as evidence, mutually acknowledged by the Contracting Parties, of the topography of the Country.

It shall, however, be lawful for either Party to annex to its respective first Statement, for the purposes of general illustration, any of the Maps, Surveys, or topographical delineations, which were filed with the Commissioners under the Vth Article of the Treaty of Ghent, any engraved Map heretofore published, and also a transcript of the above-mentioned Map, A, or of a section thereof, in which transcript each Party may lay down the Highlands or other features of the Country, as it shall think fit, the Water Courses, and the Boundary Lines, as claimed by each Party, remaining as laid down in the said Map, A.

But this transcript, as well as all the other Maps, Surveys, or topographical delineations, other than the Map, A. and Mitchell's Map, intended to be thus annexed by either Party to the respective Statements, shall be communicated to the other Party, in the same manner as aforesaid, within 9 months after the exchange of the Ratifications of this Convention, and shall be subject to such objections and observations as the other Contracting Party may deem it expedient to make thereto, and shall annex to his first Statement, either in the margin of such transcript, Map or Maps, or otherwise.

V. All the Statements, Papers, Maps, and Documents above-mentioned, and which shall have been mutually communicated as aforesaid, shall, without any addition, subtraction, or alteration whatsoever, be jointly and simultaneously delivered in to the arbitrating Sovereign or State, within 2 Years after the exchange of Ratifications of this Convention, unless the Arbiter should not, within that time, have consented to act as such; in which case all the said Statements, Papers, Maps, and Documents shall be laid before him within 6 months after the time when he shall have consented so to act. No other Statements, Papers, Maps, or Documents, shall ever be laid before the Arbiter, except as hereinafter provided.

VI. In order to facilitate the attainment of a just and sound decision on the part of the Arbiter, it is agreed that, in case the said Arbiter should desire further elucidation or evidence, in regard to any specifick point contained in any of the said Statements submitted to him, the requisition for such elucidation or evidence, shall be simultaneously made to both Parties, who shall thereupon be permitted to bring further evidence, if required, and to make each a written reply to the specifick questions submitted by the said Arbiter, but no further; and such evidence and replies shall be immediately communicated by each Party to the other.

And in case the Arbiter should find the topographical evidence laid, as aforesaid, before him, insufficient for the purposes of a sound and just decision, he shall have the power of ordering additional Surveys to be made of any portions of the disputed Boundary Line or Territory, as he may think fit; which Surveys shall be made at the joint expense of the Contracting Parties, and be considered as conclusive by them.

VII. The decision of the Arbiter, when given, shall be taken as final and conclusive; and it shall be carried, without reserve, into immediate effect, by Commissioners appointed, for that purpose, by the Contracting Parties.

VIII. This Convention shall be ratified, and the Ratifications shall be exchanged in 9 months from the date hereof, or sooner, if possible.

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

Done at London, the 29th day of September, in the Year of our Lord, 1827.

(L.S.) CHA. GRANT.

(L.S.) ALBERT GALLATIN.

(L.S.) H. UNWIN ADDINGTON.

[The Ratifications of this Convention were exchanged in London, on the 2nd of April, 1828.]

TREATY of Amity and Commerce between Great Britain and Brazil.—Signed at Rio Janeiro, August 17th, 1827.

In the Name of the Most Holy and Undivided Trinity.

Em Nome da Santissima e Indivisivel Trindade.

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Brazil, being mutually animated with the desire to promote and extend the commercial intercourse which has long subsisted between their respective Countries and Subjects, have deemed it expedient, under the new circumstances which have arisen from the separation of the Empire of Brazil from the Crown of Portugal, through the mediation of His

SUA Magestade o Imperador do Brazil, e Sua Magestade o Rei do Reino Unido da Gram Bretanha e Irlanda, mutuamente animados do desejo de promover e estender as relaçoens commerciaes, que tem de longo tempo subsistido entre os respectivos Paizes e Subditos, julgáão conveniente, vistas as novas circunstancias que nascerão da separação do Imperio do Brazil, e sua Independencia do Reino de Portugal pela mediação de Sua Magestade Britannica, regular as

Britannick Majesty, to regulate that commercial intercourse by a new Treaty.

With this view, His Britannick Majesty has named, as His Plenipotentiary, the Right Honourable Robert Gordon, a Member of His Majesty's Most Honourable Privy Council, and His Envoy Extraordinary and Minister Plenipotentiary at the Court of Brazil:—

And His Imperial Majesty, as His Plenipotentiaries, the Most Illustrious and Most Excellent, Marquis of Queluz, Member of His Council of State, Senator of the Empire, Grand Cross of the Imperial Order of the Cross, Commander of the Order of Christ, Minister and Secretary of State for Foreign Affairs; the Viscount of St. Leopoldo, Member of His Council of State, Grandee and Senator of the Empire, Officer of the Imperial Order of the Cross, Knight of the Order of Christ, Minister and Secretary of State for the Affairs of the Empire; and the Marquis of Maceyo, Member of His Council, Gentleman of His Imperial Chamber, Officer of the Imperial Order of the Cross, Commander of the Order of Christ, Knight of the Orders of the Tower and Sword, and of St. John of Jerusalem, Lieutenant-Colonel in the Staff of the Army, Minister and Secretary of State for Marine Affairs:—

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

ditas relações commerciaes por hum novo Tratado especial.

Para este fim nomearão por seus Plenipotenciarios, a saber: Sua Magestade o Imperador do Brazil, aos Illustrissimos e Excellentissimos, Marquez de Queluz, do Seu Conselho de Estado, Senador do Imperio, Grão Cruz da Ordem Imperial do Cruzeiro, Commendador da de Christo, Ministro, e Secretario de Estado dos Negocios Estrangeiros; Visconde de São Leopoldo, do Seu Conselho de Estado, Grande, e Senador do Imperio, Official da Ordem Imperial do Cruzeiro, Cavalleiro da de Christo, Ministro e Secretario de Estado dos Negocios do Imperio; e Marquez de Maceyó, do Seu Conselho, Gentil-homem da Imperial Camara, Official da Ordem Imperial do Cruzeiro, Commendador da de Christo, Cavalleiro da Torre e Espada, e de São João de Jerusalem, Tenente Coronel do Estado Maior do Exercito, Ministro e Secretario de Estado dos Negocios da Marinha.

E Sua Magestade o Rei do Reino Unido da Gram Bretanha e Irlanda, ao Muito Honrado Roberto Gordon, do Seu Conselho Privado, e Seu Enviado Extraordinario e Ministro Plenipotenciario junto á Côrte do Imperio do Brasil.

Os quaes, depois de terem trocado os seus respectivos Plenos Poderes, achados em bôa e devida forma, concordarão e concluirão os Artigos seguintes:—

ART. I. There shall be constant peace and perpetual friendship between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Brazil, their Heirs, and Successors, and between their Subjects, States, and Territories, without exception of Person or Place.

II. His Britannick Majesty and His Imperial Majesty agree, that each of the High Contracting Parties shall have the right of appointing and naming Consuls-General, Consuls, and Vice-Consuls, in all the Ports of the Dominions of the other, where they are or may be necessary for the promotion of trade, and of the commercial interests of their respective Subjects.

Consuls, of whatever class they may be, shall not enter upon the exercise of their functions, without being duly named by their respective Sovereigns, and approved by the Sovereign in whose Dominions they may be employed. There shall be, reciprocally, for Consuls of all classes, within the Dominions of either of the High Contracting Parties, a perfect equality. Consuls shall enjoy the privileges which belong to their Office, as usually recognised and admitted. In all Causes, both civil and criminal, however, they shall be amenable to the same Laws of the Country in which they reside, as their Fellow-subjects, and they shall alike enjoy the full and entire protection of the Laws, so long as they obey them.

ART. I. Haverá constante paz e perpetua amizade entre Sua Magestade o Imperador do Brazil, e Sua Magestade o Rei do Reino Unido da Gram Bretanha e Irlanda, Seus Herdeiros e Successores, e entre os seus Subditos, Estados, e Territorios, sem excepção de Pessoa ou Lugar.

II. Sua Magestade Imperial, e Sua Magestade Britannica, conuem que cada huma das Altas Partes Contractantes terá o direito de designar e nomear Consules-Geraes, Consules, e Vice-Consules, em todos os Portos dos Dominios da outra, onde elles são ou forem precisos para o adiantamento do commercio e interesses commerciaes dos seus respectivos Subditos.

Os Consules, de qualquer classe que elles sejam, não entrarão no exercicio das suas funcçoens, sem serem devidamente nomeados por seus respectivos Soberanos, e approvados pelo Soberano, em cujos Dominios, forem empregados.

Haverá reciprocamente para com os Consules de todas as classes, dentro dos Dominios de qualquer das Altas Partes Contractantes, huma perfeita igualdade. Os Consules gozarão dos privilegios que pertencem ao seu Lugar, como são usualmente reconhecidos e admitidos.

Em todas as causas, assim civis como criminaes, elles serão sujeitos ás mesmas leis do Paiz, em que residem, como os seus Compatriotas; e gozarão tambem da plena e inteira protecção das

III. Consuls and Vice-Consuls of both Nations shall exercise, each in his respective Office, the authority of Arbitrators in the differences which may arise between the Subjects, or the Masters and Crews of the Ships of their respective Nations, without the interference of the local Authorities; unless when the publick tranquillity may require such interference, or unless the Parties should call for it, by bringing their Actions in the Courts of the Country in which such differences arise.

In like manner they shall exercise the right of administering to the property of Subjects of their Nation, dying intestate, for the benefit of the legitimate Heirs to such property, and of the Creditors upon the Estate, so far as the Laws of the respective Countries shall admit.

IV. The Subjects of each of the High Contracting Parties shall enjoy in all the Territories of the other, the most perfect liberty of conscience in all matters of Religion, conformably to the system of toleration established and practised in their respective States.

V. The Subjects of each of the High Contracting Parties may freely dispose of their properties, by sale, exchange, gift, testament, or in any other manner whatsoever, without any obstacle or impediment being thereunto opposed. Their houses, properties and effects, shall be protected and respected, and shall not be taken from them against their will, by

Leis, em quanto á ellas obedecerem.

III. Os Consules e Vice-Consules de ambas as Nações exercitarão cada hum no seu respectivo lugar, a authoridade de Arbitros nas duvidas que nascerem entre os Subditos, Mestres, e Tripulaçoens dos Navios das suas respectivas Nações, sem a intervenção das Authoridades Territoriaes, senão quando a tranquillidade publica exigir esta intervenção ou as Partes a requererem, intentando as suas Causas perante os Tribunaes do Paiz, em que estas duvidas nascerem.

Da mesma sorte exercitarão o direito de administrarem a propriedade dos Subditos da sua Nação, que fallecerem ab intestato, á beneficio dos legitimos Herdeiros da dita propriedade, e dos Credores á herança, tanto quanto o admitirem as Leis dos Paizes respectivos.

IV. Os Subditos de cada huma das Altas Partes Contractantes gozarão em todos os Territorios da outra, da mais perfeita liberdade de consciencia em materias de Religião, conforme ao systema de tolerancia estabelecido e praticado nos seus respectivos Estados.

V. Os Subditos de qualquer das Altas Partes Contractantes poderão dispôr livremente das suas propriedades, por venda, troca, doação, testament, 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 von-

any Authority whatsoever. They shall be exempt from all forced military service of every kind, whether by Land or by Sea, from all forced loans, and from military impositions and requisitions; nor shall they be obliged to pay any ordinary contributions, whatsoever may be their denomination, greater than those which are or may be paid by the Subjects of the Sovereign in whose Territories they reside.

Neither shall they be liable to arbitrary visits or searches; nor shall any examination or investigation of their books and papers be made, under any pretext whatsoever.

It is understood withal, that, in cases of treason, contraband, or other crimes, specified in the Laws of each Country, searches, visits, examinations, or investigations cannot be made, nor shall they take place, unless in the presence of the competent Magistrate.

And, generally, it is agreed, that the Subjects of the High Contracting Parties, respectively, shall enjoy in all the Territories of the other, with respect to their Persons, any rights, privileges, favours, or exemptions, which are, or which may be, at any time hereafter, granted to the Subjects of the most favoured Nation.

VI. The Constitution of the Empire of Brazil having abolished all special jurisdictions, it is agreed that the Office of Judge Conservator for the British Nation shall subsist only until some satisfactory substitute for that jurisdiction shall be established, capable

tade por autoridade alguma. Serão isentos de todo serviço militar forçado, de qualquer genero que seja, Terrestre ou Marítimo, e de todos os empréstimos forçados, ou de Impostos, e requisições militares; nem serão obrigados á pagar contribuições algumas ordinarias de qualquer denominação que seja, maiores do que aquellas que pagão, ou houverem de pagar, os Subditos do Soberano, em cujos Territorios residirem.

Igualmente não serão sujeitos á visitas ou buscas arbitrarías, nem se poderá fazer exame ou investigação nos seus livros e papeis debaixo de qualquer pretexto que seja.

Fica comtudo entendido, que, em casos de traição, contrabando, ou outros crimes, de que as Leis do respectivo Paiz fazem menção, as buscas, visitas, exames ou investigações, só se poderão fazer, e terão lugar, sendo presente o Magistrado competente.

E geralmente fica assentado, que os Subditos das Altas Partes Contractantes gozarão respectivamente em todos os Territorios da outra, quanto ás suas Pessoas, dos mesmos direitos, privilegios, favores, e isenções, que são, ou forem em qualquer tempo futuro, concedidas aos Subditos da Nação mais favorecida.

VI. Tendo a Constituição do Imperio abolido todas as jurisdições particulares, convem se em que o lugar de Juiz Conservador da Nação Inglesa subsistirá só até que se estabeleça algum substituto satisfactorio em lugar d'aquella jurisdição, que possa assegurar igual-

of providing, in an equal degree, for the protection of the Persons and property of His Majesty's Subjects. It being always understood that the Subjects of His Britannick Majesty shall be placed in Brazil on the same footing as Brazilian Subjects, in their Causes, whether civil or criminal; that they shall not be liable to imprisonment without formal commitment, (*culpa formada*,) and a warrant signed by the legal Authority, except in cases *flagrantis delicti*; and that their Persons shall be free from personal restraint, in all cases where the Law admits of bail.

VII. If there should arise any misunderstanding, breach of friendship, or rupture between the two Crowns, (which God forbid!) the rupture shall not be deemed to exist until after the recall or departure of their respective Diplomatic Agents. The Subjects of each of the High Contracting Parties, resident within the Territories of the other shall be allowed to remain for the settlement of their affairs, or to trade, without any kind of interruption, so long as they continue to behave themselves peaceably, and commit no offence against the Laws. In case, however, that their conduct should give rise to suspicion, they shall be ordered to leave the Country, being allowed the power of retiring with their property and effects, and sufficient time to do so, not exceeding 6 months.

VIII. It is agreed and covenanted, that neither of the High Contracting Parties shall knowingly

mente protecção ás pessoas e á propriedade dos Subditos de Sua Magestade Britannica.

Fica comtudo entendido, que os Subditos de Sua Magestade Britannica gozarão no Brasil dos mesmos direitos e vantagens, de que gozão os Subditos Brasileiros nas suas Causas, tanto civeis, como criminaes; que elles não poderão ser presos sem culpa formada, e sem ordem assignada por authoridade legitima, excepto em casos de *flagrante delicto*, e que as suas Pessoas serão livres de prisão em todos os casos, em que a Lei admitte fianças.

VII. Se houver alguma desintelligencia, quebra de amisade, ou rompimento entre as duas Coroas (o que Deos não permita) este rompimento nunca se reputará existir senão depois do chamamento ou partida dos seus respectivos Agentes Diplomaticos. Será permitido aos Subditos de cada huma das Altas Partes Contractantes, residentes dentro dos Territorios da outra, ficar para arranjo de seus negocios, ou para commerciar no interior sem interrupção alguma, em quanto continuarem a comportar-se pacificamente, e não commetterem offensa contra as Leis. No caso porem que o seu comportamento dê causa de suspeita, serão mandados sahir do Paiz, concedendo-se-lhes com tudo a faculdade de se retirarem com a sua propriedade e seus effeitos, e tempo sufficiente para esse fim, que não exceda seis mezes.

VIII. Fica mais ajustado e concordado, que nenhuma das Altas Partes Contractantes sciente e vo-

and wilfully receive into and entertain in their service, Persons, Subjects of the other Power, deserting from the Military Service thereof, whether by Sea or Land; but that, on the contrary, they shall each respectively, discharge any such Person from their service, upon being required. But it is agreed and declared, that neither of the High Contracting Parties shall grant to any other State any favour, on the subject of Persons deserting from the service of that State, which shall not be considered as granted also to the other High Contracting Party, in the same manner as if the said favour had been expressly stipulated by the present Treaty. And it is further agreed, that in cases of Apprentices or Sailors deserting from Vessels belonging to the Subjects of either of the High Contracting Parties, while within the Ports of the other Party, the Magistrates shall be bound to give every assistance in their power for the apprehension of such Deserters, on due application to that effect being made by the Consul-General or Consul, or by his Deputy or Representative; and that no Publick Body, civil or religious, shall protect or harbour such Deserters.

IX. The complements of salutes to the Ports and Flags of either of the two Nations, shall be conformable to the regulations hitherto observed among Maritime States.

X. There shall be mutual liberty of commerce and navigation between the respective Subjects of the High Contracting Parties, in the

luntariamente receberá e conservará no seu serviço Pessoas Subditas da outra Potencia, que desertarem do seu serviço militar Maritimo ou Terrestre; mas antes pelo contrario Ellas demittirão respectivamente do seu serviço as ditas Pessoas, assim que for requerido.

Fica mais ajustado e declarado, que nenhuma das Altas Partes Contractantes poderá conceder á qualquer outro Estado favor algum, a respeito das Pessoas que desertarem do serviço d'aquelle Estado, que não seja considerado, como concedido á outra Alta Parte Contractante, da mesma maneira, como se o dito favor fosse expressamente estipulado pelo presente Tratado.

E fica mais resolvido que, quando os Praticantes ou Marinheiros desertarem dos Navios pertencentes aos Subditos de huma das Altas Partes Contractantes, durante a sua Estada nos Portos da outra; os Magistrados serão obrigados a dar todo o auxilio possivel para a apprehensão dos mesmos Desertores, assim que a devida requisição para este effeito for feita pelo Consul-General, ou Consul, ou pelo seu Deputado ou Representante; e outro sim nenhuma Corporação Publica, civil ou religiosa, protegerá ou recolherá os mesmos Desertores.

IX. Os cumprimentos de salvas aos Portos e Bandeiras de ambas as Naçoens serão conformes aos regulamentos, que até aqui se tem observado entre Estados Maritimos.

X. Haverá reciproca liberdade de commercio e Navegação entre os Subditos respectivos das Altas Partes Contractantes em Navios

Ships of either Country, and in all and singular the Ports, Cities, and Territories belonging to the said High Contracting Parties; except such Ports as may be prohibited to every Foreign Nation; it being withal understood, that whenever any such prohibited Port is opened to the commerce of any other Nation, the said Port shall be forthwith opened to the Subjects of the High Contracting Parties, on the like conditions. The Subjects of the two High Contracting Parties may enter, with their respective Ships, into all the Ports, Bays, Roads, and Havens, of the Territories belonging to each of the High Contracting Parties, therein to discharge the whole or part of their cargoes, to lade, or to re-export merchandize. They may reside, hire houses and warehouses, travel, trade, open shops, transport goods, metals, and money, and manage their own concerns, without employing brokers for that purpose, by themselves or by their Agents and Clerks, as they may think proper.

It is nevertheless agreed to except the Coasting trade from Port to Port, consisting in goods of the Country, or Foreign goods already cleared for consumption, which commerce cannot be carried on except in Vessels of the Country; it being, however, open alike to the Subjects of both the Contracting Parties, to lade their effects, merchandize, metals, and money, on board the said Vessels, each paying the same duties.

de ambas as Nações, e em todos e quaesquer Portos, Cidades, e Territorios pertencentes ás mesmas Altas Partes Contractantes, excepto n'aquelles que são positivamente vedados á toda a Nação Estrangeira. Fica com tudo entendido que, huma vez que quaesquer destes Portos vedados forem abertos ao commercio de qualquer outra Nação, ficará desde logo o dito Porto franqueado aos Subditos das Altas Partes Contractantes debaixo das mesmas condicções.

Os Subditos das Altas Partes Contractantes poderão entrar com os seus respectivos Navios em todos os Portos, Bahias, Enseadas, e Surgidouros, dos Territorios pertencentes a cada huma das Altas Partes Contractantes, nelles descarregar toda ou parte de sua carga, carregar ou re-exportar mercadorias. Poderão residir, e alugar cazas, e armazens, viajar, commerciar, abrir lojas, transportar generos, metaes, e moeda, e manejar os seus interesses sem empregar correctores para esse fim, podendo faze-lo por si, ou por seus Agentes e Caixeiros, como melhor entenderem.

Conveio-se porem em exceptuar o commercio Costeiro de Porto a Porto de generos do Paiz ou Estrangeiros já despachados para consummo, cujo commercio não se poderá fazer senão em Navios do Paiz; ficando com tudo livre aos Subditos de ambas as Altas Partes Contractantes carregar seus effeitos, mercadorias, metaes, e moeda, nas ditas embarcações, pagando cada hum os mesmos direitos.

XI. The Ships and Vessels of the Subjects of each of the High Contracting Parties shall not pay, in the Ports and anchorages of the other, under the heads of lights, tonnage, anchorage, or any other denomination whatsoever, other or higher duties than those which are, or may hereafter be paid by National Ships.

XII. In order to obviate all doubt respecting the nationality of British and Brazilian Ships, the High Contracting Parties agree, that Vessels owned, registered, and navigated according to the Laws of Great Britain, shall be considered as British; and that Vessels built in the Territories of Brazil, and owned by Brazilian Subjects, and of which the Master and three-fourths of the crew may be Subjects of Brazil; and also all the Vessels which shall have been captured from an enemy, by the Ships of War of His Majesty the Emperor of Brazil, or by Subjects of His said Majesty, furnished with Letters of Marque, and regularly condemned in the Prize Court of Brazil, as lawful prize, or which shall have been condemned in any competent Court, for the breach of the Laws made for the prevention of the Slave-trade, and which shall be so owned and manned as aforesaid, shall be considered as Brazilian.

XIII. The Subjects of either Sovereign within the Dominions of the other, shall have the liberty of trading with other Nations, in all

XI. Os Navios e Embarcações dos Subditos de cada huma das Altas Partes Contractantes não pagarão nos Portos e ancoradouros da outra, á titulo de farol, tonelada, ou por qualquer modo designado, outros ou maiores direitos do que aquelles que são ou vierem a ser pagos pelos Navios Nacionaes.

XII. Em ordem a obviar qualquer duvida relativamente á Nacionalidade de Navios Brasileiros e Britannicos, as Altas Partes Contractantes convem em que sejam considerados Navios Britannicos aquelles que forem possuidos, registrados, e navegados segundo as Leis da Gram Bretanha; e em serem consideradas Brasileiras as Embarcações construidas nos Territorios do Brasil, e possuidas por Subditos Brasileiros, e cujo Mestre e tres-quartas partes da tripulação forem Subditos do Brasil: e tambem serão consideradas Brasileiras todas as Embarcações, que tiverem sido tomadas ao inimigo pelos Navios de guerra de Sua Magestade o Imperador do Brazil, ou por seus Subditos munidos de Cartas de Marca, as quaes Embarcações tenham sido em regra condemnadas no Tribunal de Presas do Brasil, como boas Presas, assim como as que tiverem sido condemnadas em qualquer Tribunal competente por infracção das Leis feitas para impedir o trafico de Escravos, e que forem possuidas por Subditos Brasileiros, e cuja tripulação for como acima se estabeleceo.

XIII. Os Subditos de cada hum dos Soberanos dentro dos Dominios do outro terão liberdade de commerciar com outras Nações em

and every kind of goods and merchandize.

XIV. Are exempted from the foregoing Article, such goods and merchandize of which the Crown of Brazil has reserved to itself the exclusive monopoly.

Should, however, any of those articles become hereafter articles of free commerce, the Subjects of His Britannick Majesty shall be permitted to traffick in them, as freely as the Subjects of His Majesty the Emperor of Brazil. And the duties of importation, or of exportation, upon such goods and merchandize, shall, in all cases, be the same, whether they be consigned to, or exported by, or be the property of, British or Brazilian Subjects.

XV. In order to regulate what is in future to be deemed contraband of war, it is agreed, that under the said denomination, shall be comprised all arms and implements serving for the purposes of War, by land or by sea, such as cannon, muskets, pistols, mortars, petards, bombs, grenadoes, carcasses, saucisses, carriages for cannon, musket-rests, bandoliers, gunpowder, match, salt-petre, ball, pikes, swords, head-pieces, cuirasses, halberts, lances, javelins, horse-furniture, holsters, belts, and, generally, all other implements of war; as also timber for ship-building, tar, or resin, copper in sheets, sails, hemp, and cordage, and generally, whatsoever may serve directly to the equipment of Vessels of War, unwrought iron and fir planks excepted; and all the

toda e qualquer qualidade de generos e mercadorias.

XIV. São isentos do Artigo precedente todos os generos e mercadorias de que a Corõa do Bresil se reservou o monopolio exclusivo.

Porem se algum desses Artigos vier a ser artigo de commercio livre, será permittido aos Subditos de sua Magestade Britannica fazer trafico delles tão livremente como os Subditos de Sua Magestade o Imperador do Brazil. E os direitos sobre a importação ou exportação destes generos e mercadorias, serão em todos os casos os mesmos, quer elles sejam consignados a Subditos Brasileiros, e Britannicos, ou por elles exportados, quer sejam propriedade de alguns delles.

XV. A fim de determinar o que para o futuro se reputará contrabando de guerra, conveio-se em que, debaixo da dita denominação, se comprehenderão todas as armas e instrumentos que servem para os fins da Guerra por terra ou por mar, como peças, espingardas, pistolas, morteiros, petardos, bombas, granadas, carcassas, salsichas, carretas de peças, coronhas de espingardas, bandoleiras, polvora, mechas, salitre, ballas, piques, espadas, capacetes, couraças, talabartes, lancas, dardos, arreios de cavallos, coldres, cintos, e geralmente todos os instrumentos de guerra, assim como madeira para constuir Navios, alcatrão, ou resina, cobre em folha, velas, lonas, e cordualha, e geralmente tudo quanto serve directamente para o armamento de Navios de Guerra,

above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy.

XVI. Packets shall continue to be employed for the purpose of facilitating the Publick Service of the two Courts, and the commercial intercourse of their respective Subjects.

They shall be considered as King's Ships, it being understood that they are to be commanded by Officers of the Royal Navy.

This Article shall continue in force, until a Special Convention shall be concluded between the Powers for regulating specially the Packet Service.

XVII. In order more effectually to protect the commerce and navigation of their respective Subjects, the two High Contracting Parties agree not to receive Pirates nor Sea-rovers into any of the Ports, Bays, or Havens of their Dominions, and to inflict the full rigour of the Law upon Persons proved to be Pirates, and upon all Individuals residing within their Territories, who may be convicted of holding correspondence, or being accomplices, with them. All Vessels and cargoes belonging to the Subjects of each of the Contracting Parties which Pirates may take or may bring into the Ports of the other, shall be given up to their Owners, or to their Attorneys duly authorized, previously proving the identity of the property. And the restitution shall take place, even when the article claimed

excepto ferro bruto, e taboas de pinho. E todos os acima mencionados artigos são por este, declarados sujeitos á confisco, todas as vezes que se tentar levalllos ao inimigo.

XVI. Continua-se ha a empregar Paquetes para o fim de facilitar o Serviço Publico de ambas as Cortes, e as relações commerciaes dos seus respectivos Subditos.

Elles serão considerados, como Navios do Rei, ficando entendido que serão commandados por Officiaes da Marinha Real.

Este Artigo continuará a ter vigor até se concluir huma Convenção particular entre as Potencias parao regulamento especial do estabelecimento dos Paquetes.

XVII. A fim de mais effectivamente protegerem o commercio e navegação de seus Subditos respectivos, as duas Altas Partes Contractantes convem em não receber Piratas, nem Rubadores do Mar em algum dos Portos, Bahias, ou Surgidouros dos seus Dominios, e em impôr o pleno rigor das Leis sobre as Pessoas, que se provar serem Piratas, e sobre todos os 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 de cada huma das Altas Partes Contractantes, que os Piratas tomarem ou trouxerem para os Portos da outra, serão entregues aos seus Donos, ou aos seus Procuradores devidamente authorisados, provando-se a identidade da propriedade; e a resti-

may have been sold, provided it be shewn that the Purchaser knew, or could have known, that the said article had been obtained by piracy.

XVIII. Whenever it happens that any Ships of War, or Merchantmen, belonging to either State, are wrecked in the Ports, or on the Coasts of their respective Territories, the Authorities and Officers of the Customs of the place shall lend every possible assistance towards saving the Persons and effects which are wrecked, and shall also provide for the security and care of the articles saved, or of their proceeds, in order that they may be restored to their respective Governments, if the Vessel wrecked be a Ship of War; or if she be a Merchant Vessel to the Owner, or his Attorney duly authorized, whenever the delivery may be claimed, or so soon as the salvage and expences incurred in the custody of goods claimed shall be paid. And no higher charge of salvage shall be allowed, in either Country, upon the Ships of the other than upon National Ships.

Goods saved from shipwreck shall not be liable to pay duties, unless cleared for consumption.

XIX. All goods, wares, and merchandizes whatsoever, the produce or manufacture of the Territories of His Britannick Majesty, whether from His Ports in Europe, or from such of His Colonies as are opened to Foreign commerce, may be freely imported for consumption into all and singular the

tuição será feita ainda quando o artigo reclamado tiver sido vendido, com tanto que o comprador subesse ou pudesse ter sabido que o dito artigo tinha sido obtido por pirataria.

XVIII. Quando succeder que alguns Navios de Guerra ou Mercantes, pertencentes a qualquer dos dous Estados naufragarem nos Portos, ou sobre as Costas dos seus respectivos Territorios, as Authoridades e os Officiaes das Alfandegas do Lugar, prestarão todo o soccorro possível para salvarem as Pessôas e effeitos que naufragarem; assim como para proverem á segurança e cuidado dos artigos salvados, ou do seu producto, a fim de que sejam restituidos aos seus Governos respectivos, ser Navio naufragado for Embarcação de Guerra, ou se for Mercante, ao Dono, ou ao seu Procurador devidamente autorisado, quando se reclamar a entrega, ou logo que forem pagas as despesas feitas com a salvação e com a guarda dos generos reclamados. E nenhum maior pagamento da salvação sera permittido em hum dos dous Paizes, sobre os Navios do outro, do que aquelle que fazem os Navios Nacionaes. Os generos salvados do naufragio não serão sujeitos a pagar direitos excepto sendo despachados para consumo.

XIX. Todos os generos, mercadorias, e artigos quaesquer que sejaõ de producção ou manufactura dos Territorios de Sua Magestade Britannica, assim dos seus Portos da Europa, como das suas Colonias, que se achão abertos ao Commercio Estrangeiro, podem ser livremente importados para

Ports of the Emperor of Brazil, to whomsoever consigned, on paying, generally and solely, duties not exceeding 15 per cent., according to the value set upon them by a *pauta* of valuations in the Custom-house, which *pauta* shall be promulgated in the Ports of Brazil, where there are, or may be, Custom-houses.

It is likewise agreed that, in the formation of future *pautas*, the current market price of the goods shall be taken as the principal basis; and that it shall be permitted to the Consul of His Britannick Majesty, whenever it may be shewn that any article is over-valued in the existing *pauta*, to make a representation, to be taken into consideration with the least possible delay; the clearance, however, of the said goods not being, on this account, suspended. It is further agreed, that whenever any British goods, imported into the Custom-houses of the Emperor of Brazil, shall have no fixed value in the *pauta*, and it shall be wished to clear them for consumption, the importer of such articles shall sign a declaration of their value, in order that they may be cleared; but in case the Officers of the Customs, charged with the superintendence of the duties, shall consider the valuation to be inadequate to the real value of the goods, they shall be at liberty to take the goods at that valuation, on paying to the importer 10 per cent. above the said valuation, within the term of 15 days, com-

consumo em todos e cada hum dos Portos do Imperio do Brazil, sendo consignados á quem quer que for, pagando geral e unicamente direitos, que não excedaõ a 15 por cento, conforme o valor que lhes he dado na pauta das avaliações das Alfandegas, sendo esta pauta promulgada em todos os Portos do Imperio, onde ha ou houver Alfandegas.

Conveio-se tambem em que na formação das futuras pautas, se tome por base principal o preço corrente dos generos no mercado; e que seja permittido ao Consul de Sua Magestade Britannica, toda vez que se mostrar que se acha excessivamente avaliado qualquer Artigo comprehendido na pauta existente, o fazer representações, para se tomarem em consideração o mais breve que for possivel, não ficando com isto suspenço o despacho dos mesmos generos. E igualmente se ajustou que, quando algum dos generos Britannicos, importados nas Alfandegas do Imperio do Brasil, não tiver na pauta valor determinado, e se quizer despachar para consumo, o importador de taes artigos assignará huma declaração do seu valor, para por ella serem despachados; mas no caso que os Officiaes d'Alfandega, encarregados da fiscalisação dos direitos entendão que a tal avaliação não he igual ao valor dos generos; terão elles a liberdade de tomar os generos assim avaliados, pagando ao importador 10 por cento sobre a dita avaliação, dentro do prazo de 15 dias, contados do primeiro da deten-

puted from the day of the detention, and on returning the duty paid, after the manner observed in the Custom-houses of Great Britain.

XX. The Emperor of Brazil engages that no articles whatever, the growth, production, or manufacture of any Foreign Country, shall be admitted into any part of the Dominions of Brazil, upon the payment of duties lower than those stipulated in the foregoing Article, unless a like diminution of duties be made upon similar articles, the growth, production, and manufacture of Great Britain; excepting only any goods, wares, or merchandize, the produce or manufacture of Portugal, which may be brought direct from Portugal to Brazil, in Ships belonging to the one or the other of those Countries; His Britannick Majesty specially consenting to this exception, in favour of Portugal, in consideration of the share which His Majesty has taken, as Mediator, in the negotiation which happily terminated in the Treaty of Reconciliation and Independence of 29th August, 1825; and of the intimate relations of amity, which it is His Majesty's anxious desire to see permanently subsisting between Portugal and Brazil.

XXI. All goods, wares, and merchandize, the produce or manufacture of Brazil, imported direct for consumption into the Territories and Possessions of His Britannick Majesty, in Europe, or into any British Possession or Colony in Asia, Africa, or America,

ção, e restituindo os direitos pagos, seguindo-se para este effeito a pratica observada nas Alfandegas da Gram Bretanha.

XX. Sua Magestade O Imperador do Brasil se obriga a não permittir que qualquer artigo de origem, producção ou manufactura de qualquer Paiz Estrangeiro seja admittido em parte alguma dos seus Dominios, pagando direitos menores do que os estabelecidos no Artigo precedente, sem que hum tal diminuição de direitos seja concedida aos generos da mesma natureza de origem, producção, ou manufactura dos Territorios Britannicos; exceptuando-se só os generos, artigos ou mercadorias quaesquer de producção ou manufactura de Portugal, que vierem em direitura de Portugal ao Brasil em Navios pertencentes á huma ou outra dessas Nações; consentindo Sua Magestade Britannica especialmente nesta excepção em favor de Portugal, em consideração da parte que tomou como Mediator na Negociação, que felizmente terminou com o Tratado de Reconciliação e Independencia de 29 de Agosto de 1825, e das intimas relações de amisade que Sua Magestade Britannica tanto dezeja ver subsistir com permanencia entre o Brasil e Portugal.

XXI. Todos os generos, artigos, e mercadorias da producção, industria, ou manufactura do Brasil, importados directamente para consumo nos Territorios e Dominios de Sua Magestade Britannica, tanto na Europa, como em qualquer de suas Colonias n'Azia,

which may be open to Foreign Trade, shall pay no other or higher duties, than are payable upon the entry of similar articles, imported in like manner from any other Foreign Country.

XXII. There being certain articles, the production of Brazil, which are subject to higher duties, when admitted for consumption into the United Kingdom, than are paid upon similar articles of British Colonial produce, His Britannick Majesty agrees that such articles shall be allowed to be warehoused, without payment of the home consumption duty, for re-exportation according to Law; and shall not be subject to any other or higher duties, upon such warehousing and re-exportation, than are, or may hereafter be imposed on similar articles of British Colonial produce, when so warehoused and re-exported.

By the same rule, articles, the production of the British Colonies, which correspond to articles of Brazilian produce, subject to the higher duties above-mentioned, shall be admitted into the Ports of Brazil, for re-exportation only, with the same advantages granted to like articles in the Custom-houses of Great Britain.

XXIII. All goods, wares, and merchandize, imported from the British Dominions into any of the Ports of His Imperial Majesty, shall be accompanied with the ori-

America, e Africa, que estejam abertos ao commercio Estrangeiro, não pagarão outros ou maiores direitos, do que aquelles que são pagos na entrada de artigos semelhantes importados de igual maneira de qualquer outro Paiz Estrangeiro.

XXII. Havendo certos artigos da producção do Brasil, os quaes são sujeitos á maiores direitos, quando são admittidos para consumo no Reino Unido, do que se pagão por semelhantes artigos da producção das Colonias Britannicas, Sua Magestade Britannica convem em que esses artigos possam ser guardados em armazens sem pagarem os direitos de consumo, para serem re-exportados segundo a Lei; e não serão sujeitos á outros quaesquer ou maiores direitos sobre a dita arrecadação e re-exportação, do que aquelles que são, ou vierem a ser, impostos sobre semelhantes artigos da producção das Colonias Britannicas assim arrecadados e re-exportados.

Pela mesma regra os artigos da producção das Colonias Britannicas, que corresponderem aos artigos da producção do Brasil, sujeitos aos maiores direitos acima mencionados, serão admittidos nos Portos do Brasil, para re-exportação somente, com as mesmas vantagens concedidas á semelhantes artigos nas Alfandegas da Gram Bretanha.

XXIII. Todos os generos, artigos, e mercadorias importados dos Dominios Britannicos para qualquer dos Portos de Sua Magestade Imperial, serão accompan-

ginal Cockets, signed by the proper Officers of the Customs at the Port of shipment; the Cockets of each Ship being numbered progressively, and attached, with the official seal of the British Custom-house, to the manifest which is to be sworn to before the Brazilian Consul, and the whole to be produced at the Custom-house of the Port of entry.

The origin of goods imported into Brazil from British Possessions, where there may be no Custom-house, shall be authenticated by the formalities observed, when imported from such Possessions into Great Britain.

XXIV. His Britannick Majesty engages, in His own Name, and in that of His Successors, to permit the Subjects of His Imperial Majesty to trade in His Ports and Seas of Asia, to the extent which is, or may hereafter be allowed to the most favoured Nation.

XXV. In all cases where bounties or drawbacks are granted upon goods exported from any of the Ports of the two High Contracting Parties, the bounty and drawback shall be, in every respect, the same, whether the exportation take place in British or in Brazilian Vessels.

XXVI. His Imperial Majesty engages, in His own Name, and in that of His Successors, that the commerce of British Subjects within His Dominions shall not be restrained, nor in any way af-

hados dos Cockets originaes, assignados pelos competentes Officiaes d'Alfandega no Porto do embarque, sendo os Cockets de cada Navio numerados progressivamente, e unidos com o sello d'officio d'Alfandega Britannica ao Manifesto, que deve ser jurado perante o Consul do Brasil, para tudo ser apresentado n'Alfandega do Porto da entrada. A origem dos generos importados no Brasil, dos Dominios Britannicos em que não houver Alfandega, será authenticada com as formalidades observadas, quando são importados de taes Dominios na Gram Bretanha.

XXIV. Sua Magestade Britannica obriga-se, em Seu Nome, e no de Seus Successores, á permittir aos Subditos de Sua Magestade Imperial o commerciar nos Seus Portos e Mares d'Asia, na extensão que he ou puder ser concedida á Nação mais favorecida.

XXV. Em todos os casos, em que se concederem gratificações (bounties) ou restituição de direitos (drawbacks) aos generos exportados de qualquer dos Portos das duas Altas Partes Contractantes, as gratificações e restituição dos direitos serão em tudo iguaes, ou a re-exportação seja feita em embarcações Brasileiras, ou em Inglezas.

XXVI. Sua Magestade Imperial se obriga no Seu Nome e no dos Seus Successores, á que o commercio dos Subditos Britannicos dentro dos Seus Dominios não será restringido nem de qual-

fect, by the operation of any monopoly, or exclusive privilege of sale or purchase whatever, nor by favours granted to any commercial Company; but that the Subjects of His Britannick Majesty shall have free and unrestricted permission to buy and sell from and to whomsoever, and in whatsoever form they please, without being obliged to give any preference to such commercial Companies, or to Individuals who possess, or may possess, exclusive privileges. And His Britannick Majesty engages, on His part, reciprocally and faithfully to act upon the same principle towards the Subjects of His Imperial Majesty. This rule is not intended to comprehend those articles in Brazil, of which the exclusive purchase and sale is at present reserved to the Crown, so long as that reservation shall continue in force.

XXVII. His Imperial Majesty is pleased to concede to the Subjects of His Britannick Majesty the privilege of being "*Assignantes*" in the Custom-houses of Brazil, on the same terms and securities as Brazilian Subjects. On the other hand, it is agreed and stipulated, that Brazilian Merchants shall enjoy, in the British custom-houses, the same favour, as far as the Laws permit, and is granted to the Subjects of His Britannick Majesty.

XXVIII. The High Contracting Parties agree, that the stipulations contained in the present Treaty shall continue in force for

qual modo affectado pela operação de algum monopolio ou privilegio exclusivo de venda ou compra qualquer, nem por favores concedidos á alguma Companhia commercial; mas antes que os Subditos de Sua Magestade Britannica terão permissão livre, e sem restricção, de comprar e vender de e á quem quer que for, e em qualquer forma e maneira que quizerem, sem serem obrigados á dar preferencia alguma ás ditas Companhias commerciaes, ou a Individuos que possuem ou podem vir á possuir privilegios exclusivos. E Sua Magestade Britannica se obriga da Sua parte, a observar reciproca e fielmente o mesmo principio para com os Subditos de Sua Magestade Imperial. Não se comprehendem nesta regra os artigos no Brasil, cuja exclusiva compra e venda estão presentemente reservadas á Corôa, em quanto esta reserva continuar a ter vigor.

XXVII. Sua Magestade Imperial ha por bem conceder aos Subditos de Sua Magestade Britannica o privilegio de serem *Assignantes* nas Alfandegas do Brasil, com as mesmas condições e seguranças dos Subditos Brasileiros. E por outra parte, fica concordado e estipulado, que os Negociantes Brasileiros gozárão nas Alfandegas Britannicas do mesmo favor, tanto quanto as Leis o permitterem, e se concede aos Subditos de Sua Magestade Britannica.

XXVIII. As Altas Partes Contractantes convem em que as estipulações conteudas no presente Tratado, continuem em vigor pelo

the term of 15 Years, to be reckoned from the date of the exchange of the Ratifications of the Treaty; and further, until one or other of the High Contracting Parties shall give notice of its termination. In which case, this Treaty shall terminate at the end of 2 Years from the date of such notice.

XXIX. The present Treaty shall be ratified by the High Contracting Parties, and the Ratifications thereof shall be exchanged within the space of 4 months, or sooner if possible.

In witness whereof, we the Undersigned, Plenipotentiaries of His Britannick Majesty, and of His Imperial Majesty, in virtue of our respective Full Powers, have signed the present Treaty with our hands, and have caused the Seal of our Arms to be affixed thereunto.

Done in the City of Rio de Janeiro, the 17th day of August, in the Year of our Lord, 1827.

(L.S.) R. GORDON.

espaço de 15 Annos, que principiarão á decorrer desde a data da troca das Ratificações deste Tratado, e por mais tempo até que huma ou outra das Altas Partes Contractantes dê parte da sua terminação. No qual caso este Tratado se acabará no fim de 2 Annos depois da data da dita parte.

XXIX. O presente Tratado será Ratificado pelas Altas Partes Contractantes, e as Ratificações serão trocadas dentro do espaço de 4 mezes, ou mais cedo se for possível.

Em testemunho do que, nos os abaixo assignados Plenipotenciarios de Sua Magestade o Imperador do Brasil, e de Sua Magestade Britannica, em virtude dos nossos Plenos Poderes, temos assignado o presente Tratado com os nossos punhos, e lhe fizemos pôr o Sello das nossas Armas.

Feito na Cidade do Rio de Janeiro, nos 17 dias do mez de Agosto, do Anno do Nascimento de Nosso Senhor Jesus Christo de 1827.

(L.S.) MARQ. DE QUELUZ.
(L.S.) VISCONDE DE SAO LEOPOLDO.
(L.S.) MARQ. DE MACEYO.

[The Ratifications of this Treaty were exchanged in London, on the 10th of November, 1827.]



PAPERS relative to the Negotiations for Peace, and the Preliminary Convention (not ratified) between Brazil and the United Provinces of the Rio de La Plata.

April to July, 1827.

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(1.)—*Instructions which are to govern Don Manuel Jose Garcia, in the discharge of the Commission with which he has been entrusted to the Court of Rio Janeiro.*

(Translation.)

Buenos Ayres, 19th April, 1827.

THE principal object which the Government proposes to obtain by means of the Mission of Don Manuel Jose Garcia to the Court of Rio Janeiro, is to accelerate the termination of the War, and the re-establishment of Peace between the Republick and the Empire of Brazil, which the interests of the Nation imperiously demand. The Government leaves to the ability, prudence, and zeal of Señor Garcia, the adoption of the means which may be employed for the execution of this important object; for this reason it confines itself to making the following remarks:

1st. As soon as Señor Garcia shall arrive at the Port of Rio Janeiro, in the character which he bears, of Envoy Extraordinary and Minister Plenipotentiary of the Republick to His Britannick Majesty, he shall enter into communication with Mr. Gordon, Minister Plenipotentiary of Great Britain at the Court of Brazil, and the moment he shall obtain, by his intervention, an assurance of being properly received by His Imperial Majesty to treat concerning Peace, and, in consequence, the necessary passport, he shall proceed to his disembarkation, and take the other steps which belong to the fulfilment of his Mission. If, unfortunately, this cannot be obtained, he shall return to this Capital in a Ship of War belonging to His Britannick Majesty, for which purpose he shall solicit the necessary assistance from the said Mr. Gordon.

2d. In case the Government of Brazil shall consent to treat concerning Peace, Señor Garcia is fully authorized to adjust and conclude any Preliminary Convention or Treaty, which may tend to the cessation of War, and the re-establishment of Peace between the Republick and the Empire of Brazil, on honourable terms, and with the reciprocal guarantees of both Countries; and which shall have for basis the restitution of the Oriental Province, or the erection and acknowledgment of the said Territory as a separate State, free and independent, under the forms and rules which its own Inhabitants shall choose and sanction.

In this latter case, no compensation to be demanded by the Belligerent Parties.

3d. Señor Garcia may assure the Government of Brazil, that, this step being effected, he will enter into a Treaty concerning the regulation of limits between the Republic and Brazil, and to establish and regulate the Relations of Amity, Commerce, and Navigation, in such manner as shall conduce to the prosperity and reciprocal aggrandizement of both Countries.

4th. The Preliminary Convention, or Treaty of Peace, as described in the Second Article, being made, Señor Garcia shall remit it to the Government by the Secretary of Legation, informing it as may be proper, and he will await its Ratification and Orders.

5th. If, unfortunately, the Government of Brazil, without lending an ear to reason, should absolutely refuse an honourable and worthy Convention, Señor Garcia shall demand his Passport, and return to this Capital to inform his Government.

RIVADAVIA.

Don Manuel José Garcia.

FRANCISCO DE LA CRUZ.

(2.) *Preliminary Convention between Brazil and the United Provinces of the Rio de La Plata. Signed at Rio Janeiro, 24th May, 1827.*

(Translation.)

En Nombre de la Santísima é Indivisible Trinidad.

LA República de las Provincias Unidas del Rio de la Plata, y Su Magestad el Emperador del Brasil, deseando sinceramente poner término á las desavenencias suscitadas entre ambos Estados; hacer cesar cuanto antes las calamidades de la Guerra; y restablecer la armonia, amistad y buena inteligencia que deben existir entre Naciones vecinas, especialmente cuando la riqueza y prosperidad de ellas estan tan íntimamente ligadas; resolvieron ajustar una Convencion Preliminar, que sirva de base al Tratado definitivo de Paz, que debe celebrarse entre ambas las Altas Partes Contratantes; y para este efecto nombraron por sus Plenipotenciarios, á saber:

In the Name of the most Holy and Undivided Trinity.

THE Republick of the United Provinces of the Rio de la Plata and His Majesty the Emperor of Brazil, sincerely desiring to put an end to the differences that exist between both States; to cause a speedy termination of the calamities of War; and to re-establish the harmony, friendship, and good understanding which ought to subsist between neighbouring Nations, especially when their riches and prosperity are so intimately connected: have resolved to draw up a Preliminary Convention, which shall serve as a basis for a definitive Treaty of Peace, which is to be concluded between the High Contracting Parties; and for this purpose they have appointed their respective Plenipotentiaries, to wit:

La República de las Provincias Unidas del Rio de la Plata, al Ciudadano Don Manuel J. García.

Su Magestad el Emperador del Brasil al Illmo. y Exmo. Marques de Queluz, de su Consejo de Estado, Senador del Imperio, Gran Cruz de la Orden Imperial del Crucero, Comendador de la de Cristo, Ministro y Secretario de Estado de los Negocios Estrangeros; al Vizconde de San Leopoldo, de su Consejo de Estado, Grande y Senador del Imperio, Oficial de la Orden Imperial del Crucero, Caballero de la de Cristo, Ministro y Secretario de Estado de los Negocios del Imperio; y al Marquez de Maçao, de su Consejo, Gentil-hombre de su Imperial Cámara, Oficial de la Orden Imperial del Crucero, Comendador de la de Cristo, Caballero de las de Torre y Espada y San Juan de Jerusalem, Teniente Coronel del Estado Mayor del Ejército, Ministro y Secretario de Estado de los Negocios de Marina.

Los cuales, despues de haber cangeado sus respectivos Plenos Poderes, que fueron hallados en buena y debida forma, acordaron y convinieron en los Artículos siguientes :

ART. I. La República de las Provincias Unidas del Rio de la Plata reconoce la Independencia é integridad del Imperio del Brasil, y renuncia á todos los derechos que podria pretender al Territorio de la Provincia de Montevideo, llamada hoi Cisplatina. Su Magestad el Emperador del Brasil reconoce igualmente la Independencia é integridad de la Repúb-

The Republick of the United Provinces of the Rio de la Plata, the Citizen Don Manuel J. Garcia.

His Majesty the Emperor of Brazil, the Most Illustrious and Most Excellent, Marquis of Queluz, of his Council of State, Senator of the Empire, Grand Cross of the Imperial Order of the Cross, Commander of the Order of Christ, and Minister Secretary of State for Foreign Affairs; Viscount St. Leopoldo, of his Council of State, Grandee and Senator of the Empire, Officer of the Imperial Order of the Cross, Knight of the Order of Christ, Minister Secretary of State of the Empire; and the Marquis of Maçao, of his Council, Gentleman of his Imperial Chamber, Officer of the Imperial Order of the Cross, Commander of the Order of Christ, Knight of the Orders of the Tower and the Sword, and St. John of Jerusalem, Lieutenant-Colonel of the Staff of the Army, Minister Secretary of State of the Department of Marine.

Who, after having exchanged their respective Full Powers, which were found to be in good and due form, resolved and agreed upon the following Articles :

ART. I. The Republick of the United Provinces of the Rio de la Plata acknowledges the Independence and integrity of the Empire of Brazil, and renounces all rights to which it might pretend to the Territory of the Province of Monte Video, now called Cisplatine. His Majesty the Emperor of Brazil, equally acknowledges the Independence and in-

lica de las Provincias Unidas del Rio de la Plata.

II. Su Magestad el Emperador del Brazil promete del modo mas solemne, que, de acuerdo con la Asamblea Legislativa del Imperio, cuidará de arreglar consumo esmero la Provincia Cisplatina, del mismo modo, ó mejor aun, que las otras Provincias del Imperio, atendiendo à que sus Habitantes hicieron el sacrificio de su Independencia por la incorporacion al mismo Imperio; dándoles un regimen apropiado á sus costumbres y necesidades, que no solo asegure la tranquilidad del Imperio, sino tambien la de sus vecinos.

III. La República de las Provincias Unidas retirará sus Tropas del Territorio Cisplatino, despues de la Ratification de esta Convencion; las cuales principiaron su marcha 24 horas despues que fueran notificadas. La misma República pondra las dichas Tropas en pié de Paz, conservando solamente el número necesario para mantener el orden y tranquilidad interior del Pais. Su Magestad Imperial, por su parte, hará otro tanto en la misma Provincia.

IV. La Isla de Martin Garcia se pondrá en el *statu quo ante bellum*, retirandose de elle las Baterías y pertrechos.

V. En atencion à que la República de las Provincias Unidas ha empleado Corsarios en la Guerra contra el Imperio del Brasil, halla justo y honorable pagar el valor de las presas que se probare haber

integrity of the Republick of the United Provinces of the Rio de la Plata.

II. His Majesty the Emperor of Brazil promises in the most solemn manner, that, in accordance with the Legislative Assembly of the Empire, he will regulate with the utmost attention the Cisplatine Province, in the same or even a better manner than the other Provinces of the Empire, in consideration of the Inhabitants having sacrificed their Independence to be incorporated with the said Empire; and will give them a form of Government suited to their customs and necessities, which may not only secure the tranquillity of the Empire, but also that of its Neighbours.

III. The Republick of the United Provinces shall withdraw its Troops from the Cisplatine Territory after the Ratification of this Convention; the said Troops shall commence their march 24 hours after receiving notification thereof. The said Republick shall place the said Troops on a peace establishment, keeping only the necessary number to maintain the internal order and tranquillity of the Country. His Imperial Majesty, on his part, will do the same in the said Province.

IV. The Island of Martin Garcia shall be placed *in statu quo ante bellum*, the Batteries and warlike stores being withdrawn from it.

V. Considering that the Republick of the United Provinces has employed Privateers in the War against the Empire of Brazil, it finds it just and honourable to pay the value of the Prizes which shall

hecho los dichos Corsarios à los Súbditos Brasileros, cometiendo actos de Piratería.

VI. Se nombrará una Comision mixta de Súbditos de uno y otro Estado, para el establecimiento y liquidacion de las acciones que resultaren del Artículo anterior. Se acordará entre ambos Gobiernos el término y modo que se juzgue mas conveniente y equitativo para los pagos.

VII. Los Prisioneros tomados por una y otra Parte en mar y tierra, desde el principio de las hostilidades, serán puestos en libertad inmediatamente despues de la Ratificacion de esta Convencion:

VIII. Con el fin de asegurar mas los beneficios de la Paz, y evitar por lo pronto todo recelo, hasta que consoliden las relaciones que deben existir naturalmente entre ambos dos Estados Contratantes, sus Gobiernos se comprometen à solicitar juntos ó separadamente de su grande y poderoso amigo el Rei de la Gran Bretaña (Soberano mediador para el restablecimiento de la Paz) el que se digne garantizarles por el espacio de 15 años la libre navegacion del Rio de la Plata.

IX. Cesarán las hostilidades por mar y por tierra, desde la data de la Ratificacion de la presente Convencion. Las de Mar, en 2 dias, hasta Sta. Maria; 8 à Sta. Catalina; 15 à Cabo Frio; 22 à Pernambuco; 40 hasta la Linea; 60 à la Costa del Leste; y 80 en los Mares de Europa. Y quedará restablecida la comunica-

be proved to have been taken from Brazilian Subjects by acts of Piracy committed by the said Privateers.

VI. A mixed Commission shall be named, to be composed of Subjects of both States, for establishing and liquidating the claims which may result from the preceding Article. The term and manner which shall be judged most convenient and equitable for the payments, shall be agreed upon between the two Governments.

VII. The Prisoners taken by both Parties, by sea or land, since the commencement of Hostilities, shall be set at liberty immediately after the Ratification of this Convention.

VIII. For the purpose of securing in the best manner the benefits of Peace, and to avoid temporarily all distrust, until the relations which ought naturally to subsist between the two Contracting States be established, their Governments agree to solicit, jointly or separately, their great and powerful friend the King of Great Britain, (Sovereign Mediator for the re-establishment of this Peace,) that he will please to guarantee to them, for the space of 15 years, the free navigation of the River Plate.

IX. Hostilities shall cease by Sea and Land, from the date of the Ratification of the present Convention. On the Sea, as far as Santa Maria, in 2 days; Santa Catalina, in 8; Cape Frio, in 15; Pernambuco, in 22; the Equator, in 40; the Eastern Coast, in 60; and the seas of Europe, in 80 days. The commerce and communication be-

cion y comercio entre los Súbditos y Territorios de ambos Estados, en el pié en que se hallaban antes de la Guerra. Conviniendo desde ahora las Altas Partes Contratantes, en celebrar con la brevedad posible un Tratado de Comercio y Navegacion, con el fin de dar á estas relaciones toda la estencion y arreglo que exige su mútuo interes y prosperidad.

X. La presente Convencion Preliminar será ratificada por ambas Partes, y las Ratificaciones serán cangeadas en la Ciudad de Montevideo, en el espacio de 50 dias desde su data, ó antes, si fuere posible. Verificado que sea el cange, las Altas Partes Contratantes nombrarán inmediatamente sus respectivos Plenipotenciarios, para ajustar y concluir el Tratado Definitivo de Paz.

En testimonio de lo que, nos, los abajo firmados, Plenipotenciarios de la República de las Provincias Unidas del Rio de la Plata, y de Su Magestad el Emperador del Brasil, en virtud de nuestros respectivos Plenos Poderes, firmamos la presente Convencion con nuestra Mano, y le hicimos poner el sello de neustras Armas.

Hecha en la Ciudad del Rio Janeiro, á los 24 dias del mes de Mayo, del Año de nuestro Sr. Jesucristo, 1827.

(L.S.) MANUEL J. GARCIA.

(L.S.) MARQ. DE QUELUZ.

(L.S.) V. DE S. LEOPOLDO.

(L.S.) MARQ. DE MACAIO.

tween the Subjects and Territories of both States shall be re-established, on the same footing as previous to the War. The High Contracting Parties agree to conclude, with the least possible delay, a Treaty of Commerce and Navigation, for the purpose of giving to these relations all the extension and regulation which their mutual interests and prosperity demand.

X. The present Preliminary Convention shall be ratified by both Parties, and the Ratifications shall be exchanged in the City of Monte Video, within 50 days from the date thereof, or sooner, if possible. On the verification of the exchange, the High Contracting Parties shall immediately name their respective Plenipotentiaries, to adjust and conclude the Definitive Treaty of Peace.

In testimony of which, We, the Undersigned, Plenipotentiaries of the Republic of the United Provinces of the Rio de la Plata, and of His Majesty the Emperor of Brazil, in virtue of our respective Full Powers, have signed the present Convention with our Hand, and affixed thereto the Seal of our Arms.

Done in the City of Rio Janeiro, on the 24th day of the month of May, of the Year of our Lord Jesus Christ 1827.

(L.S.) MANUEL J. GARCIA.

(L.S.) MARQ. DE QUELUZ.

(L.S.) V. DE S. LEOPOLDO.

(L.S.) MARQ. DE MACAIO.

(3.)—Resolution of the Government of Buenos Ayres.—25th June, 1827.

THE foregoing Preliminary Convention, concluded by the Envoy of this Republic to the Court of Brazil, having been submitted to a Council of Ministers; and, considering that the said Envoy has not only violated his Instructions, but also contravened both the letter and spirit of them; and that the stipulations contained in the said Convention destroy the National honour, and attack the Independence and all the essential interests of the Republic, the Government has determined and resolved to reject it, as they do hereby reject it.

Let this Resolution be communicated to the Sovereign Constituent Congress in the accustomed form.

RIVADAVIA.

JULIAN S. DE AGUERO.

FRANCISCO DE LA CRUZ.

SALVADOR M. DEL CARRIL.

(4.)—Exposition of Don Manuel José Garcia, in defence of his conduct.
Buenos Ayres, 6th July, 1827. (Translation.)

BRIEF Exposition of the conduct of Señor Don Manuel José Garcia, as Minister Plenipotentiary from the United Provinces of La Plata, for the Negotiation of a Peace between the Republic and His Imperial Majesty the Emperor of Brazil.

Extraordinary, at least, and difficult must be the situation of a Plenipotentiary who finds himself obliged to defend his official conduct in publick, and to expose to the world those matters which ought only to be discussed in the Cabinet. Yet such is that in which I now find myself placed. I must reason with calmness, at a moment of enthusiasm, and I must not use in my own defence the resources of reason, because, in this extreme case, I owe to my Countrymen a silence which is necessary on points of importance. I resign myself, however, with pleasure, to this sacrifice, in the confident hope that my Countrymen will bear in mind the maxim of one of the most illustrious Orators of our Congress: viz.—“that in order to deliberate and resolve upon Political subjects the heart should be carried in the head.”

The Charges which are alleged against me are two:—first, the having acted contrary to the tenor of my Instructions: secondly, the having signed a Convention not only ignominious but injurious to the essential Rights of the Nation. To these two points alone I shall confine my defence.

It is assumed, as undoubted, that a Minister Plenipotentiary must never, in any case, nor under any circumstances, deviate from the letter of his Instructions, whatever may be the evils he may avoid, or the benefits he may hope to obtain, by so doing. It is added, that such a conduct is without example in the annals of Diplomacy. This is assumed as a principle by my Accusers, and as a dogma by the multitude

Nevertheless it is an error. There are Cases, in which a Negotiator may refuse what, by his Instructions, he is ordered to grant; may consent to what he is positively ordered to refuse; and modify what he is not expressly authorized to modify. These Cases are not new in History. Among many that I could cite, I shall choose two examples:—The first happened to Martiny, Bishop of Elne, sent by Louis XI, King of France, to negotiate a truce with Edward IV. King of England. Martiny concluded the Truce, but departed from the express articles of his Instructions. Louis XI, highly displeased, had Martiny tried by the Parliament: he defended himself by declaring, that what the King had recommended to him, verbally, as the principal object of his Mission, was to obtain peace with England; that, without deviating from the two points laid down in his Instructions, it was impossible to obtain it; and that he chose to expose himself to the disgrace of being reproved for his conduct, in order to give the King the time he required to recover himself, and not to fail entirely in the object of his Mission. The Parliament acquitted Martiny.*

The other Case, is that of the Spanish Plenipotentiary, the Count d'Aranda, who, seeing that the Peace which was negotiating in the Year 1782, between Spain, France, and England, depended solely on Gibraltar, the restitution of which had been prescribed as a condition, *sine quâ non*, by His Catholick Majesty, took upon himself to declare, in the name of his Sovereign, that He gave up Gibraltar, and accepted the Floridas instead; in spite of the most express and positive Instructions to the contrary. The Count d'Aranda thereby exposed himself to be disgraced by his Court, but he deserved, by this act, to be placed amongst the Men who have most distinguished themselves in the career of Diplomacy.†

* Martiny, Bishop of Elne, in 1468 was entrusted with the Negotiation of a third Truce with Edward IV. King of England. He was instructed, not to include in the Treaty the Dukes of Burgundy and Brittany, nor to consent that the King should be subject to Ecclesiastical Censure, in the event of his not continuing to pay to the King of England a Pension of 50,000 dollars, unless Edward would submit to the same penalty, in the event of a violation of the Truce. Martiny departed from his Instructions on these two points. Louis XI. displeased, had him recalled and impeached before Parliament. Martiny defended himself. The Parliament did not consider him culpable, and Louis XI. continued to pay the Pension of 50,000 dollars.

It is requisite to observe, that, in that instance, the King was bound to the Treaty, by the mere signature of it by his Minister; whereas, in the present, my Government is not bound, except by the Ratification, which may, or may not, be granted, within the time stipulated in the Convention.

† When Peace was negotiated between France, Spain, and England, in 1782, His Catholick Majesty demanded as a condition *sine quâ non*, the restitution of Gibraltar for an equivalent. This proposition was eventually received, and, consequently, a Negotiation for the cession of Gibraltar took place in London. The British Ministry agreed as to the basis; the equivalent was the only subject of

Other similar Cases may be found in Wicquefort, Book 2. Section 5.

It is, however, to be observed, that such Cases are extraordinary ones; and that a Minister Plenipotentiary should never so compromise himself, without being thoroughly acquainted with the sentiments of his Government, its political system, and the situation and interests of the State which he represents. A Plenipotentiary, moreover, should never depart from the letter of his Instructions, to do that which might compromise the essential Rights of his Nation: it is only, indeed, to save them, that he should depart from the letter of his Instructions; for in such a case, the letter must be considered to be contrary to the spirit of them, and to the essential object of the Negotiation: for, it must ever be borne in mind, that the first obligation of a Government is, to sacrifice every thing for the existence of the Nation, and never to allow that existence to be sacrificed for any consideration whatever, however great, or noble, or glorious the consideration may appear.

Let us now apply this doctrine:

discussion. France proposed two, leaving the alternative to the British Ministry. It was, however, apprehended in France, that the two equivalents proposed would produce a bad effect, and cause discontent. The English Ministry, on the other hand, fearing the displeasure of the Nation, at the cession of a Fortress which, notwithstanding its comparative unimportance, the National opinion prized very highly. The English and French Governments were desirous of retracing their steps, but found an invincible obstacle thereto in the resolute determination of His Catholick Majesty. In this doubly embarrassing situation, and the hopes entertained of Peace having nearly subsided, the French Ministry proposed to offer the Floridas to His Catholick Majesty, to induce Him to relinquish his purpose; and by transmitting these propositions to Madrid, it sought to prevent a denial, or, at least, a prejudicial delay. The propositions were afterwards communicated to the Count d'Aranda, and that Ambassador, notwithstanding the most positive and absolute Instructions to the contrary, took upon himself to declare, in the name of the King, that he would waive the question of Gibraltar, and accept the Floridas. This declaration removed all obstacles, and Peace was concluded, notwithstanding the manifest dissatisfaction of the Court of Madrid. Senor Aranda foresaw this dissatisfaction, as well as his own disgrace; these considerations, however, had no influence upon him. He knew that the alternative of Peace or War, depended upon a mere object of convenience. He foresaw the fall of two Ministries, who, notwithstanding the base intrigues carried on to prolong them, wished, themselves, for the termination of a ruinous War, which had no object, but the recognition of the Independence of The United States.

History presents but few instances of such conduct, and at such a sacrifice, &c. Vide Rayneval and Hassant.

In this case the Spanish Plenipotentiary thought proper to proceed in opposition to his Instructions, in order to obtain the great good of Peace, the prospect of which was about to vanish: although, at that time, the circumstances of Spain were far from being such, as that a prolongation of the War would threaten its existence, or reduce it to such a state of dissolution as to leave it without the power of deciding either for Peace or War.

The essential object of the Mission of the Plenipotentiary to the Court of Brazil was Peace, or the immediate cessation of Hostilities. The pen refuses to describe the condition of the Republic at that period. Suffice it to say, that it was such, that the Government thought it threatened with a speedy dissolution unless Peace were immediately concluded.

I was sent to treat upon a basis which had just been refused by the Emperor of Brazil: but it was necessary that Peace should be made promptly. I will not stop to explain the causes which rendered this measure so urgent; they may be considered as comprehended in the declarations of the President of the Republic, and of his Ministers, made to me at the moment of my departure. "Peace is the sole point, on which every thing depends. If War continues, anarchy is inevitable. If Peace cannot be obtained, we must give ourselves up to slavery. When the Republic has once agreed that the Banda Oriental shall be separated from it, and form an Independent State, the War is without an object."

I was perfectly aware of the immense confidence placed in me, by entrusting me with the negotiation of Peace, under such circumstances; nor was I unmindful of the tremendous personal difficulties to which I was exposing myself. Nevertheless I yielded to my destiny, and I departed, impressed with the conviction that Peace was essentially necessary to repair the losses, and to secure the existence, of the Republic.

On my arrival at the Court of Brazil, I found that the difficulties, which were previously great, had enormously encreased. Three days before my arrival, the Emperor of Brazil had solemnly declared, before the assembled Chambers, his resolution not to lay down his Arms until the Republic should absolutely acknowledge the Province of Monte Video as an integral part of the Empire. The probabilities which had been held out by my Government, that a Negotiation might, perhaps, be opened, on the basis of the Independence of the Banda Oriental, were, therefore, completely at an end. Whatever might be the intentions of the Emperor, respecting the fate of that Province, he had resolved to execute them of his own free will: but to appear to be compelled thereto by the Republic, was what he had determined to resist to the last extremity; a resolution in which he was the more positive, in consequence of the recent reverses of his Arms, the honour of which he desired to re-establish at all costs. To be listened to at all, it was necessary to take a different course. Neither were there any means of temporizing; considering, on the one hand, the dangers of delay in the situation of the Republic, and on the other, that the Emperor, being determined to press the War with vigour, would not permit uncertainties to paralyze the measures he was about to carry into execution.

Under such circumstances, it only remained for the Plenipotentiary, either to return or to negotiate. If he did the first, he failed in the

principal object of his Mission, and might compromise the National existence. If he negotiated, it was necessary to depart from the letter of his Instructions, thereby exposing to risk his peace of mind and personal reputation. Such a consideration could have no weight when a great National interest was at stake. The only thing to be considered was, whether the condition laid down by the Government, in its instructions, was of such a nature that, if altered, the great National interest in question might become compromised. For if it only led to a lesser good, it is clear that it might be yielded in order to secure the greater benefit, the essential right of the State, which is, its existence. The question then was reduced to the common and ordinary case, in which Governments give up their pretensions, in exchange, not to say for the salvation of their endangered existence, but to enjoy the natural advantages of Peace.

Let us now enter into an examination of this important question.

The Emperor of Brazil would not submit to be obliged to cede any one of the rights of Sovereignty which he pretended to have acquired, and to possess by a just title, in consequence of, what he calls, the voluntary incorporation of the Inhabitants of the Province of Monte Video, and of the sacrifices made in consequence thereof by the Empire, in order to fulfil the engagements it had entered into with those Inhabitants. The Government of the Republick, on the other hand, denying the legitimacy of that title, on account of the nullity of the so called voluntary incorporation, and resting its own claim to the Province, on the ground of ancient possession, constantly maintained at the expence of the blood and fortunes of the Citizens of the Republick, and on the free and spontaneous will of the Inhabitants, without any real or apparent coercion; agreed to give up its rights; but on condition that the Province should be established into an Independent State, separate both from Brazil, and from the Republick. Consequently, the Province of Monte Video might cease to form an integral part of the Territory of the Nation, without its essential rights suffering, or, what is the same thing, the Republick might renounce its right of Sovereignty over the Banda Oriental, without compromising its existence by such a renunciation.

It might, however, be said, that though the Republick could easily exist, without the Oriental Province, yet its existence would be imminently endangered by its being held by any other Power different from its present Inhabitants; in which case, the condition laid down in the Instructions would imply an essential right. But such is not the fact, neither did the Government of the Republick so consider it. This is evident: First, because the Government had resolved to make, not a partial renunciation, but a complete and absolute cession of its Sovereignty, without reserving to itself any eventual right; without imposing conditions of any kind upon the new State to be erected in the

Oriental Province: the State in question was at full and absolute liberty to dispose of itself, and to make such stipulations as it chose, with the neighbouring States, or with others: it might adopt whatever Political system would most conduce to its own interests, avail itself, without any impediment, of the advantages of its position, and Territory, and without any obligation of paying any attention to the prejudices and disadvantages, which might accrue therefrom, to the prosperity or security of the Republick. The Government in thus giving up its rights, neither had, nor could have had, any other object in view than that of escaping from the difficulties of a ruinous War, by the honourable alternative of ceding to a third Party the point of disputed Sovereignty. Secondly, because the Government was to make this cession, notwithstanding its full conviction of the almost insurmountable difficulties opposed to the formation of an Independent State in the Oriental Province, of the disquietude which it might occasion, of the pretensions to which it might probably give rise in other Provinces, and of the consequences which it might produce hereafter. The reasons which the Government had for so deciding, are the same as those which have been published by them, to demonstrate the impossibility and danger of the Provinces governing themselves federally, besides others of great weight, which it is not necessary here to explain.

It results, therefore, from what has been said, that the renunciation of its Rights of Sovereignty by the Republick, over the Banda Oriental, even without the condition contained in the text of the Instructions, would not compromise the essential rights of the Nation; and that it might be made, if the National existence, which was at that period in danger, were to be saved thereby.

Having carefully weighed all these reasons, the Plenipotentiary deemed it right to negotiate, modifying, upon his own responsibility, the only article in his Instructions, which invincibly obstructed the main object of his Mission; and he resolved so to do, considering that he might possibly thus secure to the Republick an advantage urgently necessary to it, without the fear of compromising it by any positive obligation, and since, according to the established Rights of Nations, the obligation by Treaty can alone be derived from the Act of Ratification.

It remains now to examine the Preliminary Convention, which, in consequence of this resolution, the Plenipotentiary was enabled to enter into, with the Court of Brazil; to enquire whether it differs much from his Instructions; whether positive advantages are acquired; whether essential rights are sacrificed; and whether the National honour is injured by the conclusion of it.

Upon a careful perusal of the 1st and 2d Articles of the Convention, it is manifest, in the first place, that, although from the tenour of the Instructions given to the Plenipotentiary, the Republick might unconditionally have renounced all its rights to the Province of Monte

Video, without any reservation, it now renounces by the Convention, *only conditionally, the rights to which it might pretend.*

This renunciation or relinquishment, which the Republic makes of the rights to which it might pretend, neither does injure, nor can injure, the natural and political rights which the Oriental Province now possesses and defends. The Emperor of Brazil has essentially modified his pretensions: they were; that the rights of which he was in possession, of a perfect Sovereignty over the Province of Monte Video, should be solemnly acknowledged:—a right supposed to be acquired by the spontaneous incorporation of the Inhabitants of that Province with the Empire; and in virtue of which the Republic could neither meddle nor interfere in their affairs, without a manifest aggression. That right, of which the Emperor of Brazil supposed himself in perfect possession, now binds him to conditions particularly onerous to the Empire, and favourable to the natural and political rights of the Inhabitants of the Province of Monte Video; and establishes at the same time, in behalf of the Republic, a new right, grounded on that of self preservation, to interfere and to be heard, as to the future political existence of the Oriental Province. If, conformably to the tenor of the Instructions, the Banda Oriental had been formed into a separate and Independent State, it might have stipulated to annex itself to the Empire, under such conditions as appeared to it convenient; or, if the Empire had again taken military possession of the Province, for causes similar to those which gave rise to the former occupation, the Republic would have had no right to interfere, or to be heard; for, having unconditionally renounced all its rights, the new State formed in the Banda Oriental, might dispose of itself as freely as the Republic could. By the Preliminary Convention, the Republic does not obtain all that it proposed in appealing to Arms, but it does not lay them down without securing to the Province of Monte Video all the advantages which were in its power, and if for this, the Republic has risked even its own existence, no one can deny, that it has fulfilled its engagements with honour: for its exertions have been carried to that point, beyond which no Government is permitted to pass without incurring the charge of temerity. By the 3d Article, the Republic engages to withdraw its Army from the Banda Oriental, and reduce it to a Peace Establishment. The Judge who is to decide upon the Peace Establishment is not the Emperor of Brazil, but the Government of the Republic; nor does this Article take away the right of arming if War is threatened by any other Power: it is a stipulation of form amongst Nations which has never been thought ignominious; and whatever explanations might yet be considered necessary could easily be inserted in the Definitive Treaty. By the 4th Article, the Republic engages to place the Island of Martin Garcia *in statu quo*, that is, as it has always been, reducing the temporary Fortifications made there in consequence of the War. This operation the Government would carry

into effect of its own accord in case of Peace : and its engaging to do it now infers no injury. Stipulations of the same nature, and others infinitely more weighty, are frequently found in Treaties and Conventions, without being called dishonourable. By the 5th Article, the Republick engages to pay the value of prizes which shall be proved to have been made, by the commission of acts of Piracy : this Article is honourable to the Government, and is consistent with the principles which it has proclaimed relative to hostilities by Privateers. This obligation is almost a nullity, as we have reason to hope that the crime of Piracy will be found of extremely rare occurrence amongst our Privateers ; and, where it does happen, the Securities given by the Owners to the Government, ought justly to be made available, according to their intent and purpose. The 6th Article has for object to determine the Tribunal, and to render more equitable the execution of the 5th. The 7th Article does not require any particular remark. The 8th, without containing any thing offensive to the National dignity, offers very considerable advantages : by it is guaranteed the free Navigation of the River, without the Republick being at the expense, which it must otherwise necessarily incur, immediately after any Peace, to secure this object, and which would be extremely burthensome for the first Years. In the event of Wars, and especially of such as are most likely to arise in the next 15 Years, the Republick would be enabled to escape from the most direct and effective hostilities which an enemy is capable of carrying on against it. By the 9th Article, the Blockade is to be raised in 24 hours after the Ratification, whilst Hostilities may be continued by Sea against the Subjects of the Empire for 80 days longer. The Republick would thus immediately cease to suffer the greatest injury the Enemy can inflict upon it, whilst the Enemy would continue to experience the effects of the War, and the Republick would not be obliged to restore the Prizes which may be taken, during the whole of the long period in question.

In the 10th Article, the term is stipulated within which the Convention is to be ratified, and the place where the Ratifications are to be exchanged ; both are calculated to ensure to the Republick, as soon as possible, the effects of a Peace supposed to be necessary to it.

It results then from this analysis :

1st. That the Preliminary Convention contains no Article by which the essential Rights of the Nation are compromised.

2dly. That it presents important advantages.

3dly. That if the Republick does not obtain every object of the War, neither does the Empire preserve all the rights which it laid claim to, and exercised, before the War.

Conventions and Treaties much more onerous have been concluded between Nations most jealous of their honour, when they have been considered convenient, either to avoid endangering their National existence, to obtain great benefits, or to gain a more advantageous

position. The doctrine is received amongst all Statesmen, and supported by plain natural reason, that a Treaty is either beneficial or injurious, only as considered with reference to the circumstances in which it is concluded, and the respective situations of the Contracting Parties.

To do the best which is possible, is the essential duty of a Minister, and he is responsible to that extent. The Preliminary Convention has been judged by itself; all eyes have been fixed on the points which excite the National feeling; all have accused the Minister for having signed it: but few have chosen to ask, under what circumstances the Minister was sent to negotiate; which circumstances should especially form the ground of any judgment upon the matter.

In order to render this more clear, permit me to suppose a Case. If our calamities were such, that we had arrived at a point when only one or two Provinces of the Republick sustained the weight of the war; that the rest either could not, or would not, help them, and that for some great motive, be it what it might, instead of helping them, they opposed them. If the Treasury and the National resources were found to be exhausted; credit at its lowest ebb; the National Authorities disobeyed, accused and insulted; and the Army participating in these disorders, and wasting itself, even by its own victories, without any hope of improvement: if, for these reasons, a Peace or a Truce were indispensably and urgently necessary, to save the Country from the utmost ignominy; and if, in such an extremity, a Citizen, sufficiently devoted to his Country to undertake the dangerous charge of negotiating a Peace which could not be a glorious one, should lay before them the Preliminary Convention; ought it, in justice, to be rejected, as inadmissible, disgraceful, and destructive of the essential interests of the Nation? Ought the Negotiator to be considered criminal, who, fully acquainted with the vital interests of his Country, in such times, had signed it, risking thereby only his personal reputation, without compromising the Government? I think that his Countrymen might have availed themselves of the personal sacrifice he had made, if it suited their convenience, but without insulting him on the occasion. But suppose that, during the absence of the Plenipotentiary, there had been obtained decisive Victories, powerful Allies, and abundant resources; that the most cordial union subsisted between the Provinces of the Republick; the most exalted enthusiasm amongst its Inhabitants; an unlimited confidence in the National Authorities, and in the Chiefs of the Army; and that these had entirely changed the condition of the Republick. In such a case would the Preliminary Convention have been accepted? Perhaps not. The Government would examine well, if the Convention, which might have been advantageous at the time of the distressed state of the Nation, was not injurious in its better position. It might reject it, not as being odious, degrading, and destructive of the National honour and existence, but as disadvantageous, considering the circumstances of the Republick. His Fellow-Citizens, forgetting their past misfortunes,

and occupied only with their present prosperity, might censure the Plenipotentiary and not listen to his explanations, but they would scarcely carry their injustice so far as to impute to him the greatest of crimes.

The Plenipotentiary charged with negotiating Peace with Brazil, under circumstances the most critical perhaps that ever presented themselves to the Republick, thought he should ill meet the confidence reposed in him by the Government, and fulfil the expectations of his Country, if he did not risk even his own personal reputation, in order to obtain a cessation of hostilities, by signing a Convention which might be most important to the welfare of the Nation, and which did not impose any obligation upon the Government until after its ratification. Yes—no obligation whatever—I repeat it.

A Treaty of Peace, a Preliminary Convention, signed by Plenipotentiaries, does not bind their respective Governments until they have carefully examined it, and, in due form, agreed to ratify it. The engagements which Negotiators enter into may be considered as simple promises until after the Act of Ratification. Moreover, a Preliminary Convention, although afterwards solemnly ratified, is only a Provisional Treaty. Its principal object is to put a stop to Hostilities, and to fix a basis for a Definitive Treaty. If this should not be realized, the Convention or Preliminary Treaty falls to the ground. Unfortunately, in the case of the present Preliminary Convention, all examination of the fundamental question has been carefully avoided, without which it is impossible to judge properly of transactions of this nature; for it is impossible to know whether, under the particular condition of the Republick, a Treaty would be suitable, without first thoroughly ascertaining that condition. There is only one case in which the Republick should take no counsel but of its courage, and in which no Convention, no Treaty is admissible; and that is, when the essential rights of the Nation are attacked, without which essential rights it cannot exist. As for example—if a powerful Neighbour, should attempt to subdue and subject the Republick to his Dominion. With the exception of such a case, it is the prudence of Governments only that should decide. They are bound to sacrifice every thing to the existence of the Nation. To preserve the Republick, and to avoid greater evils, by knowing, opportunely, when to make Peace or War, is the first duty of those who govern it. On their judgment depends the yielding something, at the proper moment, in order to re-establish its affairs, and to save the Republick from a state of confusion and disorder, which even victories might only serve to increase, and to afford ultimately, to an intriguing Enemy, greater probabilities of completing the ruin of the Republick, and of dividing its spoils.

I might here add some important reflections, both with respect to the true military and political position in which the Oriental Province

would have been placed, had the Preliminary Convention been acceded to, and to the manner in which this transaction has been conducted, even supposing that it has been properly rejected : but, whatever advantage might result to my case by entering upon this matter, I at present defer it from my profound respect for the judgment of the National Authorities. The time will come when impartial Judges, with a thorough knowledge of the case, may decide on my conduct, and characterize it justly.

In the mean time it is sufficient for me to have proved : First, that I am not criminal for the act of having negotiated the Preliminary Convention, under a departure from the letter of my Instructions ; for similar cases have obtained eulogy instead of abuse. Secondly, that the Convention which I signed contains nothing which compromises the essential Rights of the Nation.

The Republick seems now relieved from the weighty evils that afflicted it at the time of my departure for the Court of Brazil ; and among the benefits it is beginning to enjoy, the most important, without doubt, is, the being able to examine, with precision, the full depth of the abyss over which it was suspended. When the Publick shall be well acquainted therewith, it will be enabled to judge, with fairness, who most deserves its esteem and indulgence ; whether it be that Citizen who, in such a crisis, sacrifices his reputation, and perhaps his existence, to his Country, or he who, at all risks, desires to make that Country subservient to his own personal fame.

MANUEL J. GARCIA.

Buenos Ayres, July 6, 1827.

MANIFESTO of the Sublime Porte, declining the Pacification with the Greeks, proposed by the Mediating Powers.—
9th June, 1827. (Traduit du Turc.)

IL est évident à tout homme éclairé, que par la sagesse infinie de Dieu, le maintien du monde est l'effet de la réunion du genre humain, et que cette réunion s'obtient, vû la différence des caractères, par le Gouvernement des diverses classes d'hommes, et que c'est pour cela que le Maître de l'Univers, (Gloire lui soit rendue !) a donné la terre en partage aux Padischahs et aux Souverains, en donnant à chacun une portion de cette terre, et en lui remettant la pleine autorité de gouverner les Nations et les Peuples qui se trouvent sous sa domination. Voilà de quelle manière sage il a établi l'ordre du Monde !

Le maintien et la conservation de cet état de choses dépendent du principe qu'un Padischah ou un Souverain ne doit pas s'immiscer

dans les affaires du Gouvernement et les affaires particulières de l'autre ; et le principal objet en vue dans les Traités qui se font entre les Puissances, est de préserver cet admirable ordre de toute atteinte, afin d'assurer ainsi la sûreté des Pays et des Habitans.

C'est encore évidemment pour la même raison, que chaque Gouvernement indépendant, outre ses Traités et ses rapports avec l'étranger, a aussi des réglemens particuliers à lui, des Institutions Civiles et des Lois qui regardent ses propres Sujets, et lui seul doit savoir ce que chacune de leurs affaires exige ; lui seul doit le mettre en pratique.

Or il est de notoriété publique que toutes les Affaires de la Sublime Porte sont basées sur les Saintes Lois, et que tous ses réglemens et ses Institutions, sont entièrement conformes aux préceptes de sa Sainte Religion.

Maintenant, les Grecs, un des Peuples qui se trouvent dans l'Empire Ottoman, Empire qui est la propriété absolue de la Sublime Porte, pour l'avoir, depuis un très ancien tems, conquis avec son épée, ont tous été, de génération en génération, ses Sujets tributaires. Depuis l'apparition de l'Astre des Musulmans, ceux qui, de tems à autre sont devenus Rayas, et se sont constamment maintenus dans les bornes de l'obéissance et de la droiture, ont toujours joui, sous la protection des Saintes Lois, d'une pleine sûreté. Il conste même que dans leur vie, leur honneur, et leurs biens, ils ont été traités tout-a-fait sur le même pied que les Musulmans. Mais cela n'est pas tout. Les Grecs qui vivent sous le règne du Padischah actuel, jouissent à l'ombre de sa justice, de la plus parfaite sûreté, et de la plus grande tranquillité : ils jouissent de toute espèce de bienfaits, plus que leurs ayeux, et au delà même de ce qui est permis à des Rayas.

Cependant quelques hommes pervers, incapables de se contenter de tant de bienfaits et de faveurs, de tant de repos et de tranquillité, ont suscité une rébellion ; et se livrent à des chimères dont la réalisation est impossible ; ils ont commis des horreurs et des actes de révolte contre la Sublime Porte, leur bienfaitrice ; ils sont allés jusqu'à mettre à mort nombre de femmes et d'enfans faibles et sans défense, par des moyens dont on ne trouve point d'exemples dans les fastes du monde, et ils se sont montrés rebelles à toute la Nation Musulmane, et ses Ennemis.

Les Lois Pénales, les Réglemens pour l'Administration intérieure de chaque Gouvernement, sont basés sur des Statuts ; et il est parfaitement le maître de les appliquer comme il l'entend. La Sublime Porte s'attache fortement dans chaque affaire aux Ordonnances de la Loi Sainte, et c'est également à elle à savoir comment elle y doit procéder.

Se mettant donc en devoir de réduire les Rebelles, en leur faisant subir les peines qu'ils ont encourues d'après les Saintes Lois, la Sublime Porte a puni ceux parmi eux qui ont persisté dans leur révolte ; et en donnant quartier à ceux qui ont pris le parti de soumettre, elle leur a rendu leur sûreté, et continue à les protéger comme auparavant.

Enfin, elle a jusqu'ici mis en pratique, et elle met encore en pratique, à l'égard de ses Sujets, tout ce que la Sainte Loi ordonne et prescrit.

Sans que les occupations de la Sublime Porte avec ses Affaires Intérieures lui aient fait négliger, en la moindre chose, de remplir tout ce que ses Traités avec les Puissances amies exigent, elle met tous ses soins à les observer, et à conserver l'amitié qui l'unit à Elles.

La Sublime Porte s'occupe, avec l'assistance Divine, à reconquérir ses Etats Héréditaires, de la même manière qu'elle les a conquis la première fois; à purger la classe des Rayas honnêtes et soumis des Rayas Rebelles; et à parvenir au but salulaire qu'elle se propose, savoir, le retour de la tranquillité générale qu'elle a à cœur plus que tous les autres, en apaisant totalement la révolte. Elle s'occupe de cette affaire qui est son affaire particulière. Il n'y a donc absolument aucune raison pour les Puissances amies de lui faire des questions à ce sujet. Les efforts de la Sublime Porte peuvent avoir pour résultat le rétablissement de cette tranquillité générale que les Puissances prétendent avoir vue; tandis qu'il est évident qu'une intervention étrangère ne peut et ne pourra produire d'autre effet que la prolongation de la révolte.

L'entière liberté de la Sublime Porte d'agir dans cette affaire comme elle veut, liberté qu'elle est en devoir de maintenir, mérite considération et approbation. Et sans doute, non-seulement il ne faut pas que l'on s'en mêle, mais il faut aussi désapprouver et blâmer ceux qui le font: si on les en avoit blâmés, cette rebellion auroit été apaisée depuis fort longtems; mais tout le contraire, on parle mal-à-propos d'identité de Religion; tantôt on dit que l'exemple de cette rebellion peut passer en Europe, et tantôt que l'état actuel des choses cause du préjudice au commerce maritime; et l'on met ainsi en avant des prétensions denuées de fondement. De l'autre côté, on tient des procédés inconvenans, en faisant concevoir des espérances à des rebelles, espèce de gens que l'on doit, d'après les droits des Gouvernemens, avoir en général, en horreur, en leur donnant des secours de paroles et de fait.

Mais avant tout, les Traités et les relations qui existent entre la Sublime Porte et les Puissances Amies, ont été établies avec les formalités usitées entre Gouvernemens, c'est-à-dire, par les Souverains et leurs Ministres. Chaque Gouvernement doit d'ailleurs, tenir ses propres Sujets dans le devoir. Cependant toutes les fois que l'on adresse de justes plaintes à une certaine Puissance Amie, au sujet des secours donnés aux rebelles, on répond en parlant de la liberté de ces gens à des intentions perfides que se mettent en avant et font des actions qui équivalent à des violations des Traités; et lorsqu'on entre en discussion sur leurs procédés visiblement contraires aux Traités, on parle de neutralité dans un sens ambigu, et de l'impossibilité de retenir sa propre Nation; et de cette manière la sûreté des Sujets respectifs a cessé. Le fait est que, comme la Sublime Porte ne pourra jamais passer ces choses-

là sous silence, elle a déjà, à plusieurs reprises, exposé à tous par des Communications Officielles, d'une manière détaillée, amicale et sincère, et les justes réponses qu'elle a données de manière à être acceptées par tous ceux qui veulent les entendre avec modération et justice, sur les prétensions dont il a été parlé plus haut, et les raisonnemens clairs qui accompagnent ses plaintes, si fondées, pour les secours données aux brigands.

Malgré cela, dernièrement encore, on a parlé de propositions de médiation. Mais lorsque dans une affaire il n'y a qu'une juste réponse à donner, cette réponse ne peut varier, ni parcequ'il y a eu un laps de tems, ni parcequ'on est revenu sur la même question. La réponse que la Sublime Porte a donnée dans cette affaire à la fin, est la même que celle qu'elle a donnée au commencement; elle a repeté de nouveau de vive voix les réponses Officielles catégoriques et convaincantes qu'elle avoit données précédemment. Afin, cependant, que la vérité parvienne à la connoissance de tous, à celle de tout le monde même, et cela d'une manière égale et uniforme, on répète ici, pour que cela serve comme une dernière réponse, ce qui suit:

Tout homme instruit de ce qui se passe sait que, lorsque la rebellion a éclaté, le Représentant d'une certaine Puissance amie à Constantinople a demandé à la Sublime Porte, grâce par rapport à la punition des Rebelles. La Sublime Porte a dit qu'il s'agissoit d'une affaire interne de son Empire, dans laquelle elle étoit la maîtresse d'agir comme bon lui sembloit; qu'alors, comme par la suite, c'étoit à elle seule et de sa propre autorité à faire ce que les circonstances exigeoient, et qu'elle ne pourroit pas admettre une intervention étrangère, ne fût-elle qu'une demande en grâce.

Subséquentement, lorsque le Représentant d'une autre Puissance amie résidant à Constantinople alloit partir pour le Congrès de Vérone, il a ouvert le discours d'une médiation dans une Conférence qu'il a eu avec les Ministres de la Sublime Porte; mais celle-ci a répondu catégoriquement, que loin d'accepter une médiation, elle ne pouvoit pas même en entendre parler.

Toutes les fois qu'on a fait des propositions de médiation, la Sublime Porte a constamment déclaré qu'elle ne peut pas les accepter, et qu'elle étoit excusable en cela, et d'après ses Lois, et pour des raisons d'Etat et Nationales. On a effectivement avoué plusieurs fois que la Porte Ottomane avoit raison. Et même lorsque l'Ambassadeur dont il a été parlé est retourné de Vérone à Constantinople, il a avoué, et officiellement et expressément déclaré dans des Conférences, où il a parlé, tant au nom de son propre Gouvernement, que par commission de la part des autres Gouvernemens, que l'affaire Grecque est une affaire interne de la Sublime Porte, et que c'est à elle seule à s'en occuper; que désormais aucune Puissance ne doit plus se mêler de cette affaire, et que dans le cas où quelqu'une le

feroit on lui en demanderoit raison, et cela dans l'intérêt de la conservation des droits des Gouvernemens, et des Loix des Nations.

Dernièrement, les Représentans de l'Illustre Puissance qui vient de consolider les Traités et l'Amitié avec la Sublime Porte, ont officiellement et expressément dit aux Plénipotentiaires Ottomans, comme une chose préalable aux Négociations, qu'il ne sera nullement question d'intervention dans nos affaires; et ce principe a servi jusqu'à la fin de base aux Négociations. Tout ce que l'on a dit touchant cette affaire, tant précédemment que subséquemment, soit peu, soit beaucoup, tout est fini; et il n'y a plus aucun lieu d'y revenir.

Cependant, il a été jugé à propos de coucher par écrit dans ce Papier, les choses comme elles sont, et de confirmer, tout ce que la Sublime Porte a dit; et à cet effet, elle expose ce qui suit:

Le système que la Sublime Porte a précédemment suivi, et qu'elle suit encore, vis-à-vis des Rebelles Grecs, n'a pour fondement ni la croyance, ni la religion, et il n'affecte pas tous les individus de cette Nation. Il se borne uniquement à punir ceux parmi eux qui ôsent être en rébellion, et commettre des excès, qui persistent dans leur révolte, et qui sont dans la catégorie des voleurs et des Brigands. Quant à ceux qui se soumettent, et acceptent la qualité de Rayas, ils obtiennent pardon et sûreté d'après la Sainte Loi; on ouvre à leur égard les portes du pardon et de la clémence; et tant que désormais ils restent fermes dans les bornes de la sujétion et de l'obéissance, ils sont défendus et protégés; les faits viennent à l'appui de ce que l'on avance.

Les véritables causes de la continuation de la rébellion sont uniquement les choses déjà dites; et le préjudice qui en résulte tombe uniquement sur la Sublime Porte; car, comme tout le monde sait, les Négocians Européens qui arrivent sans cesse dans ses mers, loin de souffrir par l'état actuel des choses, ils en retirent même, peut-être, plus de profits et d'avantages qu'ils ne retiroient dans d'autres tems.

Au reste, la révolte n'affecte qu'une seule partie de l'Empire Ottoman; elle n'existe que dans quelques hommes pervers. Grâce à Dieu, la tranquillité, soit dans les autres parties de l'Empire, soit parmi les autres Sujets de la Sublime Porte, n'a pas été troublée. Cela étant, on ne comprend pas ce que l'on entend dire par l'effet que cette révolte peut produire en Europe. Supposé qu'une pareille pensée pût venir à l'esprit: chaque Gouvernement étant une Puissance indépendante, il appartient à lui seul, d'après ses droits de Souveraineté, à prendre des mesures vis-à-vis de ses Sujets révoltés dans ses Etats, et à les punir. Si, par exemple, une pareille chose arrivoit, il est superflu de dire que la Sublime Porte n'auroit rien à y voir.

Or, tandis qu'en voyant les choses avec les yeux de la modération, et tandis qu'en toute justice, il n'y avoit lieu pour aucune Puissance de dire la moindre chose à la Sublime Porte touchant ses affaires, et qu'il

est, par conséquent, devenu nécessaire de ne pas la molester par rapport aux mêmes; on a faite dernièrement des propositions de médiation.

Mais d'abord le mot médiation s'emploie, dans le langage de la Diplomatie lorsque quelque hostilité ou une rupture survient entre deux Illustres Gouvernemens, et que ces deux Gouvernemens indépendans et bien établis, ayant besoin de la médiation d'une autre Puissance amie des deux Parties, pour les accorder ensemble et les pacifier, cette Puissance offre sa médiation qui est accepté de part et d'autre. Il en est de même des expressions *Armistice* et *Pacification* qui ne sont guères usitées que vis-à-vis des Gouvernemens; car comme la Sublime Porte est dans le cas de punir, suivant la Sainte Loi, des Sujets Tributaires et révoltés dans ses propres Etats, il s'en faut bien que ces expressions-là, employées dans le langage de la diplomatie, soient en la moindre manière applicables à la circonstance actuelle.

De plus, donner de la consistance à une poignée de Brigands en employant à dessein à leur égard les expressions ci-dessus; dire que si on ne se conforme point aux propositions faites, on regardera cette bande de Rebelles comme une Puissance; et parler de Convention faite entre des Puissances amies d'une autre Puissance, contre celle-ci à son insçu, et en faveur de ses Sujets révoltés; voila, certes, des choses dont, à aucune époque, on n'a rien vu de semblable, et un état étrange, aussi opposé sous tous les rapports, aux systèmes des Gouvernemens, que contraire aux droits de la Souveraineté.

La Sublime Porte ne peut pas prêter l'oreille à de pareils propos, et puisque les Pays où se trouvent les Grecs sont la propriété héréditaire de l'Empire Ottoman; qu'eux-mêmes sont ses Sujets tributaires; et que jamais elle n'y renoncera; elle est en devoir de les gouverner encore par la grâce de Dieu, comme par le passé, tant à présent comme à l'avenir, et d'observer à leur égard tout ce qui est prescrit par la Sainte Loi. Quant aux prescriptions de cette Loi, elles ont été expliquées plus haut.

La Sublime Porte, d'éternelle durée, est donc excusable à ne pouvoir consulter sur cette affaire que la Religion orthodoxe, et les préceptes du Livre Sacré. Et il est connu que par rapport aux Loix, à la Religion, aux droits de l'Empire, et à la Nation, il lui est de toute impossibilité d'accepter jamais un mot des propositions qui ont été faites jusqu'ici ou qui seront faites.

En conséquence de quoi, la Sublime Porte est obligée tout en observant et conservant l'amitié sincère qui subsiste entre Elle et toutes les Puissances amies, de donner toujours sur cette affaire cette même réponse catégorique, comme étant la dernière Résolution et le sentiment unanime de Sa Majesté Impériale, de tous les Ministres de la Sublime Porte, et de toute la Nation Musulmane.

En publiant cette fois-ci encore, et de cette manière-ci, la vérité des faits, comme en dernière conclusion, la Sublime Porte saisit cette occasion pour renouveler les assurances des égards et de la considéra-

tion qu'elle professe envers ses amis, donés de modération et de bienveillance.

Salut à celui qui suit la droite voie.

PROCLAMATION of the Provisional Government of Greece, accepting the Armistice with the Ottoman Porte, proposed by the Mediating Powers, Great Britain, France, and Russia.—21st August, 1827.

UNE circonstance essentielle et critique se présente aujourd'hui devant tous les Grecs, et le Gouvernement de la Grèce croit son devoir sacré et indispensable de la communiquer au public.

Le Traité du ^{24 Juin,} ~~6 Juillet~~, signé à Londres par les Plénipotentiaires des trois grandes Puissances, l'Angleterre, la France, et la Russie, et publié déjà de tout côté, ne nous permet plus de douter que ces grandes Puissances ont pris la décision de mettre un terme à notre guerre par leur intervention forte et efficace. La Nation Grecque a déjà demandé la médiation par ses Députés réunis en Assemblée Nationale, d'abord à Epidaure, et dernièrement à Trazène, et la décision des grandes Puissances de la Chrétienté prouve que les Grecs n'ont pas vainement espéré à leur compassion. Mais quelle que soit la compassion des Puissances Médiatrices, et quels que soient leurs efforts pour terminer la guerre, les Grecs ne doivent jamais oublier que leur sort futur dépend en grande partie d'eux-mêmes, c'est à dire, de leurs propres actions, que dans ces circonstances critiques surtout ne doivent être dictées que par la prudence, et constamment accompagnées d'une activité zélée; c'est dans cette circonstance surtout que les Grecs ont plus que jamais besoin d'une union sincère pour montrer devant tout le monde qu'ils sont injustement accusés d'être portés aux troubles et à l'anarchie en se montrant constamment soumis aux lois établies, unis pour un, et seul but, celui du bonheur de la Patrie, et par cette union même forte devant leurs ennemis, les Grecs se montreront dignes de la bienveillance et de la compassion de toutes les Puissances Chrétiennes, et contribueront efficacement au succès de leur médiation formidable.

Par le premier Article du Traité de 6 Juillet, les Puissances s'engagent d'insister sur la conclusion préalable d'une armistice. Les Grecs, sans doute, ne peuvent guères s'opposer à une chose qu'ils ont eux-mêmes demandée pendant l'Assemblée d'Epidaure, mais qu'ils considèrent en même temps que ce n'est que d'eux-mêmes qu'il dépend d'obtenir un armistice honorable et avantageux. Qu'ils redoublent donc leur activité, qu'ils se montrent plus que jamais sincères et prompts à exécuter les ordres, afin que l'ennemie ne profite de cet intervalle à leur détriment. C'est par cette même considération que le Gouverne-

ment de son côté ne negligera rien pour soutenir et appuyer l'activité, et la promptitude qu'il espère de trouver dans les Grecs.

Grecs ! la lecture du Traité vous persuadera qu'il s'agit aujourd'hui des plus grands intérêts de la Nation, et qu'il devient, par-là même, absolument nécessaire que le Gouvernement se trouve en état de consacrer tranquillement la plus grande partie de son attention au règlement de ces mêmes intérêts.

La Ville de Nauplie malgré la tranquillisation des troubles qui y ont malheureusement régnés pendant les dernières semaines, n'est pas la place la plus convenable à ce but. Un reste d'inquiétude d'après des troubles si grands, et la possibilité de nouveaux heurtemens attireraient toute l'attention du Gouvernement dans l'enceinte de la Ville. C'est pourquoi que, du consentement du Corps Législatif, il a décidé de se transférer à Egine, où tous les précédens et l'état actuel des choses lui garantissent de pouvoir s'occuper en tranquillité des grands intérêts de la Nation, pendant qu'il se trouvera en même temps dans une situation très convenable pour regarder de près et soutenir efficacement toutes les opérations militaires aussi longtemps qu'elles dureront.

En se transférant à Egine le Gouvernement n'oubliera point la nécessité de la conservation de l'ordre et de la tranquillité dans Nauplie, et il ne negligera d'aucune manière les droits et les intérêts des habitans de cette Capitale, en donnant, avant son départ, les ordres nécessaires pour tout ce qui regarde cette affaire.

Grecs ! Plus votre Gouvernement comprend la crise qui se présente, le plus il redouble de zèle, de vigilance, et d'attention pour se montrer digne de votre confiance, mais aussi plus il connaît le besoin de vous trouver prompts à le soutenir : il vous invite à une union vraie et sincère, à une obéissance parfaite, à des actions dignes d'hommes qui sentent les biens de la liberté et qui doivent l'avoir. Que tous les Représentans qui ne se trouvent pas près du Corps Législatif se rappellent que c'est dans cette circonstance que le Sénat a besoin de leur présence et du concours de leurs talents, et qu'ils s'empressent à l'accomplissement des devoirs sacrés que le Peuple Grec leur a imposés, que tout Grec qui peut, ou par parole, ou par des faits, contribuer au soutien des Loix et à la conservation de l'ordre, co-opère avec le Gouvernement de sa Patrie à cette grande œuvre ; mais si des personnes turbulentes par système, et n'ayant d'autre satisfaction que le renversement de l'ordre public, persistent à tromper et égarer des Citoyens, et à préparer la destruction certaine de la Patrie, que ces Individus sachent qu'ils ne pourront pas échapper à la peine convenable à leur malice impardonnable, et qu'ils connaissent que le Gouvernement prendra contre eux des mesures efficaces, analogues aux circonstances et dictées par les Loix. Le Gouvernement, en attendant, non seulement espère mais il est plutôt persuadé que les Puissances contribueront à renforcer les mesures qu'il

prendra en faveur de l'ordre intérieur, contre ces Ennemis de la tranquillité de leur Patrie, et ne doute pas dès à présent qu'il pourra conduire à une fin certaine, l'œuvre salutaire qu'il a résolu d'entreprendre irrévocablement.

Nauplie, dans la Forteresse Maritime, le 9 (21) Août, 1827.

La Commission du Gouvernement,

GEORGES MAVROMICHALI.

JEAN M. MILAITI.

J. NAKO.

Le Secrétaire d'Etat pour l'Intérieur et la Police, ANASTASIO LONDO.

Le Secrétaire d'Etat pour les Affaires Etrangères, G. GLABAKI.

PROTOCOL of the Admirals commanding the British, Russian, and French Squadrons, off Navarin, the 18th of October, 1827. (Translation.)

THE Admirals commanding the Squadrons of the three Powers which signed the Treaty of London, having met before Navarin for the purpose of concerting the means of effecting the object specified in the said Treaty, viz. an Armistice, de facto, between the Turks and the Greeks, have set forth in the present Protocol the result of their Conference.

Considering that, after the provisional suspension of hostilities, to which Ibrahim Pacha consented in his Conference of the 25th of September last, with the English and French Admirals, acting likewise in the name of the Russian Admiral, the said Pacha did the very next day violate his engagement by causing his Fleet to come out, with a view to its proceeding to another point in the Morea;

Considering that, since the return of that Fleet to Navarin, in consequence of a second requisition addressed to Ibrahim by Admiral Codrington, who had met him near Patras, the Troops of this Pacha had not ceased carrying on a species of warfare more destructive and exterminating than before, putting Women and Children to the sword, burning the habitations, and tearing up trees by the roots, in order to complete the devastation of the Country;

Considering that, with a view of putting a stop to atrocities, which exceed all that has hitherto taken place, the means of persuasion and conciliation, the representations made to the Turkish Chiefs, and the advice given to Mehemet-Ali and his Son, have been treated as mockeries, whilst they might, with one word, have suspended the course of so many barbarities;

Considering, that there only remains to the Commanders of the Allied Squadrons the choice between three modes of fulfilling the intentions of their respective Courts, namely :

1st. The continuing, throughout the whole of the Winter, a blockade, difficult, expensive, and perhaps, useless, since a storm may disperse the Squadrons, and afford to Ibrahim the facility of conveying his destroying Army to different points of the Morea and the Islands.

2dly. The uniting the Allied Squadrons in Navarin itself, and securing, by this permanent presence, the inaction of the Ottoman Fleets ; but which mode alone leads to no termination, since the Porte persists in not changing its system.

3dly. The proceeding to take a position with the Squadrons in Navarin, in order to renew to Ibrahim propositions which, entering into the spirit of the Treaty, were evidently to the advantage of the Porte itself.

After having taken these three modes into consideration, We have unanimously agreed, that this third mode may, without effusion of blood and without hostilities, but simply by the imposing presence of the Squadrons, produce a determination leading to the desired object.

We have in consequence adopted it, and set it forth in the present Protocol.—October 18, 1827.

EDWARD CODRINGTON,
*Vice-Admiral and Commander-in-Chief of His Britannick Majesty's
Ships and Vessels in the Mediterranean.*

LOUIS COUNT DE HEIDEN,
Rear-Admiral of His Imperial Majesty the Emperor of all the Russias.

H. DE RIGNY,
*Rear-Admiral, Commanding the Squadron of His Most Christian
Majesty.*

Memorandum.—The Action between the combined Squadrons and the Turkish Fleet, in the Port of Navarin, took place on the 20th of October. (See the London Gazette Extraordinary, of 10th November, 1827.)

DECLARATION of the Admirals commanding the combined Squadrons, to the Turkish Chiefs, after the Action in the Port of Navarin. (Translation.)

As the Squadrons of the Allied Powers did not enter Navarin with an hostile intention, but only to renew to the Commanders of the Turkish Fleet propositions which were to the advantage of the Grand Signior himself, it is not our intention to destroy what Ships of the Ottoman Navy may yet remain, now that so signal a vengeance has

been taken, for the first cannon-shot which has been ventured to be fired on the Allied Flags.

We send therefore one of the Turkish Captains, fallen into our hands, as a prisoner, to make known to Ibrahim Pacha, Mouhareem Bey, Tahir Pacha, and Capitana Bey, as well as to all the other Turkish Chiefs, that if one single *musket* or *cannon* shot be again fired on a Ship or Boat of the Allied Powers, we shall immediately destroy all the remaining Vessels, as well as the Forts of Navarin, and that we shall consider such new act of hostility as a *formal declaration of the Porte against the three Allied Powers, and of which the Grand Signior and his Pachas must suffer the terrible consequences.*

But if the Turkish Chiefs, acknowledging the aggression they have committed by commencing the firing, abstain from any act of hostility, we shall resume those terms of good understanding which they have themselves interrupted. In this case they will have the White Flag hoisted on all the Forts before the end of this day. We demand a categorical answer, without evasions, before sun-set.

EDWARD CODRINGTON.

LOUIS COUNT DE HEIDEN.

H. DE RIGNY.

PROCLAMATION of the Ottoman Porte, declining the Mediation of the Allied Powers, and the Proposed Armistice with the Greeks. 20th December, 1827. (Traduction.)

PROCLAMATION émanée par Hatti-Chérif, le 1^{er} de Djemaziulakhir, 1243, (20 Décembre, 1827,) expédiée à tous les Pachas et Gouverneurs des Provinces de l'Empire, et remise à tous les Aïans (Primats) convoqués dans la Capitale.

Il est notoire à toutes les Personnes judicieuses, que tout comme chaque Musulman est naturellement l'Ennemi capital des Infidèles, les Infidèles le sont également des Musulmans, et que principalement la Cour de Russie est l'Ennemi juré du Peuple Musulman et de l'Empire Ottoman. Cette Puissance, dans l'idée absurde de mettre à exécution les mauvaises intentions et les projets méprisables qu'elle nourrit de longue main contre le Peuple Musulman et l'Empire Mahometan, saisissant depuis 50 à 60 Ans chaque occasion, et dernièrement se faisant forte de l'indiscipline des maudits Brigands de Janissaires, déclaroit la guerre sous le moindre prétexte. Le malheur a fait, que plusieurs fois elle s'est emparée de Provinces Musulmanes. D'un autre côté, son orgueil et sa présomption s'accroissant de jour en jour, et étant dans l'intention perfide de réussir avec facilité dans le projet absurde tramé contre la Sublime Porte, elle suscita les Grecs depuis longtemps ses Corréligionnaires; ceux-ci se réunissant en Nation et se

soulevant à plusieurs reprises sur divers points, usèrent envers le Peuple Musulman de toute la perfidie dont ils étoient capables, et persuadés que si la Russie envahissoit de son côté les Etats Ottomans, ils écraseroient (ce dont Dieu nous préserve) tout le Peuple fidèle, et feroient avec facilité entièrement disparaître l'Empire Ottoman, ils en avoient aussi fait l'accord. Mais Dieu en soit loué, par son aide et par l'assistance du Prophète, cette révolte des Infidèles ayant été prévue peu avant qu'elle éclata, on n'a pas été pris au dépourvu ; on prit aussitôt des mesures nécessaires à Constantinople ; on obvia à ce que ces gens projetoient de faire avec facilité contre l'Empire Ottoman, et passant au fil de l'épée une bonne partie des Insurgés de Morée, de Negrepont, de Carli-ili, de Missolonghi, d'Athènes et d'autres endroits de la terre ferme, on est venu à bout de la plupart d'entre eux. Malgré cela les Insurgés de la Morée, foyer de la révolte, et des Isles, ont au commencement de la révolution fait mourir martyrs, une foule de Musulmans, et fait Esclaves leurs femmes et leurs enfans, et déclarant une guerre ouverte à la Nation Mahométane, ils se sont permis des mensonges et des excès inouis pour rétablir le Gouvernement Grec. Depuis combien d'années on a expédié contre eux par terre et par mer, de fortes armées et des flottes ; mais nos armées de terre ne pensant malheureusement qu'à demander leur pays, ne s'occupèrent pas de coeur et d'âme de l'affaire, et notre flotte n'a pu être utile à cause de l'ancien désordre qui régnoit dans notre Amirauté, c'est ce qui a tant fait traîner cette affaire.

Outre les Russes, d'autres Francs poussés par l'avidité, ont sous main prêté toute sorte de secours effectifs aux insurgés, et ont ainsi été eux-mêmes l'unique cause de la prolongation de la révolte. Finalement, par les artifices de la Russie, la France et l'Angleterre se sont mis d'accord avec Elle, et prétextant le tort que la prolongation de la révolte cause pendant tant d'années à leur commerce, ils ont essayés par mille ruses, de tirer les Grecs de la dépendance de la Sublime Porte ; de les ériger en Gouvernement indépendant ; d'empêcher que la Sublime Porte ne s'ingère en aucune manière dans leurs affaires ; de les séparer tout-à-fait des Musulmans ; de leur faire donner des Chefs pris parmi eux, comme à la Valachie et à la Moldavie ; de ne leur faire payer qu'une rétribution annuelle à la Sublime Porte ; et mettant en avant une foule d'autres conditions insupportables, ils ont proposé à la Sublime Porte de leur accorder leur indépendance.

Or il est clair comme le jour, que par suite de cette indépendance, les Infidèles s'empareront de toutes les Provinces d'Europe et d'Asie habitées par les Grecs, et que peu à peu, ils placeront les Rayas dans la catégorie des Musulmans et *vice-versa*, que peut être ils convertiront nos Mosquées et nos Oratoires en Eglises, y feront sonner les cloches ; et que finalement en peu de temps ils feront disparaître entièrement les Musulmans de dessus la terre. Cela étant, et des considérations

religieuses, politiques, administratives et nationales, rendant ces propositions tout-à-fait inadmissibles, la Sublime Porte y a plus d'une fois répondu par écrit et de vive voix, ministériellement et en s'appuyant sur les Traités. Ayant dès le principe compris l'intention des Français, et sachant bien que la réponse à ces propositions devrait finalement être donnée le sabre à la main, la Sublime Porte, pour ne pas troubler d'un côté le repos des Musulmans, et pour faire de l'autre les préparatifs de guerre nécessaires, chercha à gagner du temps, et employa tous les moyens de défense, par des réponses satisfaisantes et des Conférences Officielles, malgré tout ce que ces propositions avaient de honteux et de nuisible pour l'Empire Ottoman et pour la Nation Musulmane.

L'année passée même, quoique les propositions absurdes faites par la Russie à Akerman sur les indemnités, et notamment à l'égard des Serviens, ne fussent pas de nature à être acceptées, la Sublime Porte y adhéra, malgré Elle, pour se conformer à l'urgence du moment et pour sauver la Nation Musulmane, en attendant une meilleure occasion. Jusqu'à présent la majeure partie des Articles a été mise à exécution, et l'on avait en dernier lieu, entrainé les Conférences relatives aux indemnités et aux affaires Serviennes, et bien que ces deux points ne fussent pas de nature à obtenir un heureux résultat, malgré cela on s'y résigna comme à un malheur. Mais la Russie non contente de cela, et les réglemens militaires que l'Empire Ottoman a heureusement adoptés aujourd'hui, lui donnant de l'ombrage, parceque ses progrès feraient retomber sur Elle-même les maux qu'Elle préparait à la Nation Musulmane, prit le parti de ne pas en laisser le temps aux Musulmans.

Cette fois-ci donc la Russie, l'Angleterre et la France, faisant entre Elles une Alliance, pour obtenir par la force cette indépendance, ces Puissances ont depuis un an, par l'organe de leurs Ministres respectifs, demandé officiellement et ouvertement la dite indépendance, et la Sublime Porte a de son côté beaucoup travaillé, et beaucoup parlé pour les porter à se désister de cette prétention, en leur mettant en avant, que des considérations religieuses, politiques, administratives, et nationales, rendaient cette proposition inadmissible, et que toute la Nation Musulmane se soulevant, il serait impossible de la lui faire jamais accepter. Ils furent sourds à tout ce qu'on put leur dire, et fiers de leur force, ils s'opiniâtèrent d'autant plus à faire accepter par la violence leur proposition. Cette année enfin ils envoyèrent des Escadres dans l'Archipel, qui s'opposant ouvertement à ce que la flotte Ottomane et les Vaisseaux Egyptiens, destinés à réprimer les Brigands, se portassent sur les îles, cette flotte et les dits vaisseaux furent forcés d'entrer dans le Port de Navarin et d'y attendre les ordres de la Sublime Porte. Dans cet intervalle les Escadres Russe, Anglaise et Française, entrèrent soudain dans le dit Port, sous le nom d'amis livrèrent combat les trois

à la fois, et personne n'ignore la trahison et le dommage dont la flotte Impériale a eû à souffrir de leur part. Les susdites trois Puissances ayant ainsi publiquement violé les Traités et déclaré la guerre, la Sublime Porte, au lieu d'user de représailles, comme Elle en avait le droit, et d'en agir tout différemment qu'Elle ne l'a fait envers leurs Ministres, leurs Sujets, et leurs Navires Marchands, qui se trouvaient ici; la Sublime Porte, dis-je, se pliant aux circonstances, garda le silence, et prit le parti de procéder en ami, en feignant de croire à ce que lui dirent ici les Ministres de ces trois Puissances, que les Commandans Ottomans étaient la cause de cette bataille, à condition cependant qu'ils ne s'ingéreraient plus dans l'affaire Grecque; mais ces Infidèles oubliant toute modération, et loin de se relacher un instant de leur prétention, de faire reconnaître leur proposition d'Indépendance des Grecs, n'en devenant que plus pressans, ils mirent dans tout leur jour, les intentions perfides des Francs à l'égard du Peuple Musulman.

Or, il est évident, que ne fut-ce que pour gagner du temps jusqu'au printemps, la Sublime Porte a procédé amicalement tant dans les messages, que dans les Conférences tenues depuis quelques semaines; qu'elle a plus d'une fois fait savoir aux Ministres, que chaque fois que les Grecs voudraient se soumettre, ils obtiendraient armistice pleine et entière, que tous leurs biens et possessions leur seraient rendus; qu'ils jouiroient de toute tranquillité et repos; qu'on leur remettrait tous les impôts arriérés, de tout le temps de leur révolte: qu'en outre de tout cela, la Sublime Porte, uniquement dans la vue de complaire aux trois Puissances, leur ferait encore grâce d'une année de rétribution; qu'enfin on leur accorderait tous les privilèges et immunités compatibles avec l'état de Sujets tributaires (Rayas:) mais qu'on ne pourrait leur rien accorder qui put leur faire excéder les bornes de cette catégorie, et quoique la Sublime Porte ait engagé ces Ministres, le jour de leur entrevue, d'informer leurs Cours respectives de ses communications amicales et de ses excuses légitimes, comme aussi de leur annoncer, que l'Armistice demandé serait observé jusqu'à l'arrivée de leurs réponses, cela n'a servi qu'à augmenter leur orgueil et leur présomption, ils se sont entêtés à déclarer, qu'ils n'accepteraient rien, à moins que l'on n'accorda aux Grecs de la Morée et des environs d'Athènes, qu'ils appellent *la terre des Hellènes*, et à ceux des îles de la Grèce, les privilèges demandés; et finalement ont déclaré, que dans le cas contraire, ils partiraient tous les trois.

Voici donc où en est l'affaire. Si, maintenant, nous autres, réfléchissant à leur présente démarche, et à leur Alliance, nous évitions la guerre (ce dont Dieu nous préserve :) et nous crussions nécessaire d'adhérer à cette indépendance des Grecs (Dieu nous en garde :) ne pouvant plus arrêter la contagion, elle gagneroit tous les Grecs d'Europe et d'Asie qui, en fort peu de temps, se déclarant indépendants, sortiraient de la Classe de Sujets tributaires, et subjuguant en un ou

deux Ans, la Nation généreuse des Musulmans, nous sauteraient un jour à la gorge; et il est clair que le résultat en serait, hélas! l'anéantissement de notre religion et de notre Empire. Le fait est que tandis que, (Dieu en soit loué,) les seules Provinces Turques d'Europe et d'Asie sont remplies d'une quantité innombrable de Musulmans, nous agissons contre notre religion et notre Législation, si craignant la guerre, nous étions cause de l'avilissement de notre religion; et ce serait remettre de nos propres mains aux vils Infidèles, nos Provinces, nos femmes, nos enfans, et nos biens; outre cela, il est à réfléchir, que lorsque autrefois les Infidèles régnaient par tout le monde, graces en soient rendues à Dieu, par l'apparition de notre religion, et avec l'aide du Tout Puissant, à dater des jours heureux de notre Prophète jusqu'à nos jours, nos frères les Musulmans, qui nous ont précédés, animés du sentiment de leur religion et de leur force, n'ont jamais, dans aucun combat, fait attention au nombre des Infidèles, et tous travaillant avec unité d'âme, ils ont plusieurs centaines de mille fois, passé au fil de l'épée des centaines de mille Infidèles, et conquis par leur sabre plusieurs Provinces et Contrées. Il en sera de même aujourd'hui, lorsque réunissant nos cœurs, nous marcherons au combat dans la voie du Seigneur. Car avec l'aide du Tout-Puissant et de son Prophète, et en suivant les traces des autres saints Personnages de notre religion, il n'y a nul doute que nous ne remportions des victoires éclatantes.

Ainsi donc, tenons toujours ferme dans notre refus à adhérer aux propositions absurdes des susdites trois Puissances, et si, reconnaissant la justice de notre refus, elles renoncent à s'ingérer dans l'affaire Grecque, ce n'en sera que mieux; mais si au contraire elles insistent encore à faire accepter à la Sublime Porte cette proposition, "rappelons-nous que tous les Infidèles ne font qu'une seule et même Nation," et que dans le cas même, où ils s'uniraient tous ensemble, nous de notre côté, pleins de confiance en Dieu, et en son Prophète, nous avons résolu de nous lever en masse au combat en faveur de notre religion et de notre Empire, et que tous les Pachas, les Ulemas, les Grands de l'Empire, et s'il le falloit même tous les Musulmans, ne feroient plus qu'un seul corps.

En conséquence de cela, cette guerre ne ressemble nullement à toutes celles qui l'ont précédée, ce n'est plus une guerre d'état à état pour une extension de confins; non comme cela a été exposé plus haut, le dessein des Infidèles, (ce dont Dieu nous délivre,) étant tout simplement d'anéantir de dessus la terre la Nation Musulmane, et de fouler aux pieds la religion de Mahomet, cette guerre est une guerre religieuse et Nationale. Que les pauvres et les riches, les grands et les petits, que tout Musulman enfin se fasse un devoir de combattre; qu'il se gardent bien de penser à élever des prétentions de Pays; au contraire n'épargnant ni son bien, ni son sang, que Personne de nous ne néglige rien de ce qu'il est de la dignité d'un Musulman de faire;

que réunissant nos coeurs, nous employons toutes nos forces jusqu'à mourir pour notre religion. Cela est indispensable, et il est évident que sans cela il n'y a plus de salut pour les Musulmans, ni dans ce Monde, ni dans l'autre.

Espérons donc en Dieu, que nous détruirons par tout les vils Infidèles, ennemis de notre foi et de notre Empire; que partout les Musulmans seront couronnés par la victoire.

Tel est l'état des choses : que ceux à qui il ne resteroit même qu'un tant soit peu de religion dans le coeur, en prenant connaissance, et rentrent en eux mêmes, nous sommes intimement persuadés, qu'ils se réuniront de coeur et d'ame pour travailler au maintien de notre foi et de notre Empire, et au salut de nos ames, et qu'ils mettront tout leur zèle à combattre pour la cause de la religion. Que Dieu nous soit un aide.

*REPORT of the Minister for Foreign Affairs of Portugal
to the Chamber of Deputies.—2d December, 1826.*

GENTLEMEN, DEPUTIES OF THE NATION,

(Translation.)

I HAVE twice already had the honour to give to this Chamber a slight view of the state in which our relations stand with the principal Powers of Europe. This day, in publick Session, I will not only repeat what I said on those two occasions, but also afford every elucidation in my power, upon this most important and delicate subject.

Gentlemen. If the affairs with which I am entrusted, generally demand, for a certain time, a profound secresy, for the publick good, a period must arrive, in all cases, when mystery becomes not only unnecessary, but even criminal. All that I have desired has been to preserve secresy, so long as it seemed to me to be necessary; but I never wished to preserve it beyond that moment at which, in my opinion, we are now arrived, when the disclosures may be opportunely made.

When, on the 3d of August, the Lady Infanta Regent deigned to call me to her Councils, and to entrust me with the direction of Foreign Affairs, I found Portugal placed in very embarrassing circumstances. The Constitutional Charter had just been sworn to; but that monument of wisdom and source of felicity, which we lately received from our immortal Sovereign, the Lord Don Pedro IV. was detested by a neighbouring Nation, and but imperfectly understood by almost all the others: I speak not of England which, for many Ages, has encouraged our good fortune, and amidst every misfortune has always been our steadiest support.

But, Gentlemen, if the Great Powers were for a while undecided with regard to us, that indecision was not of long duration. The French Government speedily recognised the legitimacy and wisdom

of our Institutions, and, through the worthy Representative of His Most Christian Majesty at this Court, we have received repeated assurances of the friendly intentions of that Government. The Emperor of Russia, whose virtues and wisdom are so well known throughout Europe, was pleased, in an audience which he granted to the Minister of Portugal, to state to him, that He had always acknowledged the legitimacy of our Institutions, and that he felt the greatest interest in the prosperity of Portugal. The instructions given by the Russian Government to its Chargé d'Affaires at this Court (and which he has most scrupulously observed) leave nothing to be desired.

From Austria, what more can we desire, after the counsel which the Emperor has just given to that Prince, whose hand is destined, by the Founder of our Charter, for his Daughter our August Queen?

Prussia has regulated her conduct towards us, by that of the Powers her Allies.

Before describing the state of our relations with Spain, it appeared to me essential to give the above brief sketch of our position with regard to the great Powers of Europe. If I have not spoken more particularly of Great Britain, it is because that great and generous Power is so intimately connected with us, that I should have been compelled, at every step, to cite the efforts which it has made, and proposes to make, in our favour. Were we to possess this Ally alone we could have nothing to fear.

In the month of July, when preparations were making to take the requisite Oath to the Constitutional Charter, Spain increased her intrigues, and the desertions from Portugal began. The Portuguese Deserters having not only been well received, but welcomed in Spain, invited their Comrades to commit the same crime. Some Portuguese, who had been raised to honours and eminent posts, acted as Emissaries of Spain, inviting the Soldiers to desert, attacking the legitimacy of the Lord Don Pedro IV. and endeavouring to prove to the ignorant Population that the Constitution was inimical to the Throne and the Altar. To such a pitch of degeneracy did these Portuguese proceed!

It was, therefore, my first duty, on my taking office, to instruct our Chargé d'Affaires at the Court of Madrid, in the most positive manner, to demand, on the part of His Catholick Majesty, the fulfilment of the Treaties existing between Portugal and Spain. When these orders, however, reached Madrid, our Chargé d'Affaires had already declared that he would not take the Oath to the Constitution, and his Instructions, consequently, were not, as they ought to have been, effectually fulfilled. And I cannot help here remarking, that the criminal conduct of that Functionary aided, in a great measure, the bad position of our relations with Spain. Under those circumstances, the Infanta Regent determined to send the Count Villa Real to Madrid, in the capacity of Envoy Extraordinary and Minister Plenipotentiary, in

order to execute the orders which had been declined by the Ex-chargé d'Affaires.

What, however, was the surprise of the Government, when it understood that the Count Villa Real had not been received at the Court of Madrid! That fact alone was sufficient to produce a rupture with that Power; but Government, aware that the Court of Madrid was governed by a faction, and wishing besides to give a proof of moderation in its principles, and of its desire to proceed in harmony with its Allies, by which it was advised, employed the greatest circumspection, giving Instructions to the Minister to employ himself solely to obtain the fulfilment of the Treaties, or, at least, the restoration of the effects plundered and carried into Spain by the Portuguese Deserters, and the removal of those Persons from the Frontier, as well as for their dispersion; inasmuch as we were authorized by the Treaties, to demand not only that, but the surrender of the Persons guilty of desertion and high treason.

It is evident that the Spanish Government ought not, for an instant, to have delayed doing justice to our reclamations: but it acted otherwise; notwithstanding the active co-operation of the English Government, which occupied itself with our interests as if they had been its own. And I may be permitted on this occasion, as a Portuguese, to express my gratitude to the powerful Monarch who presides over the destinies of Great Britain; to his enlightened Ministry; to the British Minister at the Court of Madrid; and, most particularly, to my noble and respected friend, Sir William A'Court, to whom the interests of Portugal are as dear as if they were identified with his own.

A long time elapsed, and nothing could be obtained from the Spanish Government, notwithstanding the promises repeatedly made, as well to the Count Villa Real, who, without any acknowledged character, continued to reside in Madrid, as to the English Minister, and to the other Representatives of the great Powers, who never ceased to give counsels of prudence to the Portuguese Government: counsels, which it has followed up to the present moment, because it was evidently the most judicious mode of proceeding.

His Catholick Majesty's Minister for Foreign Affairs was at length induced to declare, that the necessary Orders would be issued for the restoration of the Articles plundered by the Deserters; that these Persons should be dispersed, that the infamous Viscount de Canellas should be commanded to depart from Spain, &c. But were these Orders issued? I know not. Were they acted upon? Certainly not. The Captains-General, who ought to have executed those Orders, never received them. Is it possible that the perfidy and immorality of a Government could arrive at such a point?

Let us see what the Portuguese Rebels did, during this time, with the consent of the Spanish Authorities. Some, on the Frontiers, attempted, by all possible means, to disturb and excite the neighbouring

Towns; others formed plans to attack Portugal; others assembled in large numbers, and took an oath against their legitimate Sovereign, and against the fundamental Laws of the Portuguese Monarchy, going so far as to proclaim Foreign Princes as having a right to the Crown of Portugal. Such was the degeneracy of these Monsters! And all this, Gentlemen, was allowed by the Authorities! All was in fact done at the instigation of the Spanish Government!

At last the moment arrived when the mask was to be thrown off. Whilst the Spanish Government were promising the restoration of the arms to the Portuguese Government, those arms, and many more, were given to the Portuguese Rebels, who attacked Portugal on different sides. Gentlemen! I cannot think on these horrible transactions, without being overwhelmed with grief and filled with indignation. May this be the only example of Portuguese disloyalty; and may history conceal the shameful fact from our posterity!

The Most Serene Infanta Regent, on receiving intelligence of the entry of the Rebels, immediately gave me orders to send a Note to the Spanish Ambassador, informing him that he was suspended from his functions, until the Cabinet of Madrid gave a clear and satisfactory explanation of the insult committed. Two Couriers were instantly dispatched to Madrid, with orders to the Chargé of Correspondence, who was there, to demand not only satisfaction, but a recognition of the present Government within 48 hours.

Should the Spanish Government attempt to satisfy us with words instead of deeds, there can be no doubt that its intentions are to continue to make war against us: I say to continue, because what it has already done is in fact war. But should that occur, and should we want assistance, we possess our faithful and powerful Ally, who, with the greatest celerity, will fly to our aid. England will not delay an instant to assist us; and, as the Government is already authorized by the two Chambers to admit Foreign Troops into the Portuguese Territory, it will make use of that authority with circumspection; but it will not hesitate a single instant, should it find that measure to be necessary for the salvation of the State. I have, therefore, to announce to the Chamber that, should Portugal be attacked, with increased numbers, I have already applied to the English Government, in order that, in conformity with Treaties, it may dispatch to us a force sufficient to enable us to resist our Enemies. I again repeat to you, Gentlemen, that we can, and ought, implicitly to rely on our faithful and ancient Ally.

I fear I have already too much encroached on the attention of the Chamber, but I cannot conclude without first explaining, what I imagine, principally, to have given rise to the proceedings of the Spanish Government.

1st. The conduct of the Portuguese Rebels, and, above all that of the Viscount Canellas, the Marquis de Chaves, the Viscount de Monte Alegre, Magessi, &c. &c.

2d. The conduct of the Apostolick Junta, which holds great sway over the Spanish Government. That Junta, whose ramifications extend to Portugal, is composed of Men, who, covering themselves with the mask of Religion and of Royalism, conceal the most horrid crimes—that infamous Institution is undoubtedly the most baneful pest of modern Society, and ought to be accounted the most formidable enemy of the throne, the altar, and civilization.

3d. The embarrassed state of the negotiations, owing to the Marquis de Moustier, Ambassador of France, in Madrid. This Ambassador must not be confounded with the Government which he represents: from the latter, as I have already observed, we have received the strongest assurances of friendship, and I have, as I ought to have, the fullest confidence in its sincerity; but, I repeat it, the Marquis de Moustier, by not chusing to comply with the Instructions he received from his Government, acted very inimically to the cause of Portugal, and rendered the kind offices which His Most Christian Majesty was pleased to offer to us nugatory.

I think it right, no longer to take up the attention of the Chamber; but should it think proper to take a more enlarged view of the state of our relations with Spain, I shall be enabled to lay before it all the Correspondence which I have had with the Mission at Madrid, and all other Documents which can in any way tend to elucidate the merits of the question.

That my efforts may be useful to my Country, and that I may always deserve the name of a Portuguese, is the only glory to which I aspire.

FRANCISCO D'ALMEIDA.

MESSAGE of the President of The United States to Congress, transmitting Correspondence with The Netherlands, relating to Discriminating Duties.—18th January, 1827.

To the House of Representatives of The United States.

Washington, 18th January, 1827.

IN compliance with a Resolution of the House of Representatives, of the 6th instant, I transmit, herewith, a Report from the Secretary of State, together with Copies of the Correspondence with the Government of The Netherlands, relating to discriminating duties.

JOHN QUINCY ADAMS.

Department of State, 17th January, 1827.

THE Secretary of State, to whom has been referred the Resolution of the House of Representatives, of the 6th instant, requesting the President to communicate to the House, if compatible with the publick

interest, the Correspondence with the Government of The Netherlands, referred to in his Message, and relating to discriminating duties, has the honour now to report, that, in conformity to a Resolution of the House of Representatives, of the 21st January, 1825, a Report, on the 10th February, 1825, was made from this Department, submitting Copies of the Correspondence which had taken place up to the latter period, upon the subject-matter of the present Resolution, to which Report a reference is respectfully requested. Copies of the Correspondence, in relation to the same subject, which has since taken place, are now herewith reported. All which is respectfully submitted.

H. CLAY.

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(1.)—*Mr. Clay to the Chevalier Huygens.*

SIR, *Department of State, Washington, 10th Dec. 1825.*

ACCORDING to the respective Regulations of The United States and the Kingdom of The Netherlands, each professes to act towards the other, in regard to Navigation, upon the basis of perfect reciprocity and equality. The United States have not deviated from their professions. The Vessels of The Netherlands and their Cargoes, consisting of the produce and manufactures of that Kingdom, or of such produce and manufactures as are most usually first shipped from its Ports, pay no higher duties, in the Ports of The United States, than their own Vessels and their Cargoes of similar produce. On the 7th of March, 1823, at Brussels, Mr. Everett, then representing the Government of The United States in The Netherlands, addressed an Official Note to the Baron de Nagell, stating that several articles of the Dutch Tariff established a difference of duties in favour of goods imported in Dutch Vessels; and, in particular, that the Law of the 26th August, 1822, creates, in the form of a drawback, a general discrimination to the same effect, according to which one-tenth of the duties paid upon the importation or exportation of all goods in Dutch Vessels, is to be returned, with the exception of those articles, the importation or exportation of which, in Dutch Vessels, is otherwise favoured, specifically, by the Tariff. On the 27th of May, 1823, the Baron de Nagell returned an answer to the Note of Mr. Everett;

in which he does not contest the existence of the above provisions of the Laws of The Netherlands. The Baron laboured under a misconception of the views of the American Government, in supposing that it contemplated an abolition of the principle of equality which it had adopted in the Ports of The United States between American and Dutch Vessels, as Mr. Everett shewed in his Reply of the 31st of the same month of May. The limitation of the duration of the Acts of Congress, by which that equality had been established, to the 1st of January, 1824, having been prescribed for the purpose of bringing the whole subject under the review of our Legislature, it was accordingly again taken up, and on the 7th January, 1824, a new Act was passed, (which took effect on the 1st of that month,) according to which the principle of equality is applied to all Foreign Powers who may be disposed to adopt it; and the continuance of this new Act as to time is indefinite. The Congress of The United States supposed that the Kingdom of The Netherlands had done away all discriminations unfavourable to the Vessels of The United States, in a fair competition with Dutch Vessels in the Ports of The Netherlands; and accordingly, in enumerating the Foreign Powers, to which the Act is to be extended, first designates that Kingdom. By the 3d Section of the Act it is declared, in effect, that its operation is to cease as to any of the Nations enumerated, which shall not continue to apply to Vessels of The United States the principle of equality between them and its own, of which the Act is predicated. A copy of this new Act of Congress was communicated to the Chevalier de Reinhold, by Mr. Everett, on the 22d March, 1824.

It is not my intention to discuss the question presented by Mr. Everett to the Government of The Netherlands. Whatever may be the form of the Law, it is manifest, that, if in the Ports of that Kingdom Vessels of The United States pay, in export or import duties, 10 per cent. more than Dutch Vessels, or Dutch Vessels pay 10 per cent. less than those of The United States, there does not exist an equality between them. This proposition is too clear to be considered as open to argument. If the Government of The Netherlands think proper to originate such a difference, or, having created it, think proper to continue it, we shall not controvert its right to do so. But we are entitled to know its dispositions in this respect. I am directed, therefore, by the President, to inquire of you, if you are authorized to state that the Vessels of The United States, and all goods and merchandise of the produce and manufacture of The United States, laden therein, and imported into any of the Ports of The Netherlands, are now exempted from all and every discriminating duty of impost and tonnage, direct or indirect, whatsoever, other or higher than is levied upon the Vessels, and similar goods and merchandise therein imported, belonging to the Subjects of The Netherlands; and, especially, if the

Laws referred to in Mr. Everett's Note herein before-mentioned, of the 7th March, 1823, so far as they have an unequal operation upon the Vessels of The United States, in comparison with Dutch Vessels, have been modified or repealed. It will afford the President much satisfaction to find, in your answer, that the contingency provided for in the third section of the Act of the 7th January, 1824, has not arisen, and, consequently, that it is not his duty immediately to withdraw from Dutch Vessels the privileges which they now enjoy in the Ports of The United States, equal with their own Vessels.

I pray you, Sir, to accept, &c.

The Chevalier Huygens.

H. CLAY.

(2.)—*The Chevalier Huygens to the Secretary of State.*

(Translation.)

Washington, 12th December, 1825.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of The Netherlands, near The United States of America, has had the honour to receive the Note which Mr. Clay, Secretary of State, addressed to him, dated the 10th of this month, relative to representations made in 1823 and 1824, by the Chargé d'Affaires of The United States, near the Government of The Netherlands, against a deviation from the admission, at duties equal with the National Ships, of American Vessels in the Ports of The Netherlands, caused by certain fixations of duties in the Tariff of The Netherlands.

The Undersigned, not being furnished with Instructions in regard to this question, regrets, exceedingly, his inability to answer, in a positive manner, the demand, contained in the aforesaid Note: "If the Laws which gave rise to the representations of Mr. Everett, in 1823, so far as they operate unequally upon American Vessels, in comparison with the Vessels of The Netherlands, have been modified or repealed?"

The Undersigned thought that the differences, in this regard, had been discussed or explained between Mr. Everett and Mr. Reinhold, charged at that time with the Port Folio of Foreign Affairs, and that the result of this discussion was not of a nature to suppose than an uniformity of measures between the two Governments was far distant. It may be that the change of Persons in the mutual Missions, and the interruption of diplomattick relations, have been the cause that the state of the question is such as is represented, without being removed or decided.

The Undersigned, however, believes to a certainty, that his Government, having adopted a system of reciprocity, in its commercial Relations with friendly Powers, is always disposed to apply this system in regard to The United States.

The Undersigned ought to confine himself to the preceding answer to the above mentioned Note of the Secretary of State, but he hastened to inform his Government, whose instructions upon the subject he has demanded.

He prays Mr. Clay to accept, &c.
The Hon. H. Clay, THE CHEVALIER HUYGENS:

(3.)—*Mr. Clay to the Chevalier Huygens.*
Sir, Department of State, Washington, 24th Dec. 1825.

I HAVE the honour to acknowledge the receipt of your Note of the 12th instant, which has been laid before the President. Some surprise is felt that you have no Instructions on the subject of the inequality of duties, against which Mr. Everett remonstrated both to Mr. Reinhold and his Predecessor. Considering the nature of that inequality, and the time which has elapsed since its injustice was clearly demonstrated by Mr. Everett, to the Government of His Majesty the King of The Netherlands, it was expected that you would have been fully authorized to give the requisite assurances of its being done away. Since you have no such authority, and have referred home for Instructions, the President, willing to give a new proof of his desire to cultivate the most amicable relations with the Government of The Netherlands, will refrain, until he receive an answer, from exercising the power with which he is invested by the Act of Congress referred to in my former Note. That Act leaving him no alternative, in the event of the persistence of your Government in maintaining the inequality alluded to, it is expected, after all that has occurred, that you will lose no time in obtaining, and communicating to this Department, information whether it be intended so to persist or not.

I pray you to accept, &c.

The Chevalier Huygens. **H. CLAY.**

(4.)—*The Chevalier Huygens to the Secretary of State.*
 (Translation.) **Washington, 27th December, 1825.**

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of The Netherlands, has the honour to acknowledge the receipt of the Note which Mr. Clay, Secretary of State, addressed to him, on the 24th of this month, to communicate to him the friendly intentions of the President, with regard to the expectation of an answer or decision of his Government, on the representations made by Mr. Everett, respecting an inequality of the duties of tonnage borne by American ships, in comparison of those borne by Vessels of The Netherlands. The Undersigned returns his thanks for this communication, and for the desire which it expresses, of cultivating the most friendly relations with the Government of The Netherlands, and will hasten to transmit it, as he has not failed to do, with the pre-

ceding Note of the Secretary of State, of the 10th of this month, upon the same subject; and sure of the reciprocal sentiments entertained by His Majesty the King of The Netherlands, for The United States, the Undersigned flatters himself that he will receive, with the least possible delay, the Instructions required.

The Hon. H. Clay.

C. D. E. J. BANGEMAN HUYGENS.

(5.)—*Mr. Clay to Mr. Hughes.*

(Extract.) *Department of State, Washington, 27th April, 1826.*

I HAVE received no assurance from Mr. Huygens that the inequality in the Ports of The Netherlands, between American and Dutch Vessels, which forms the topic of my Letter to him, under date of the 10th of December last, has been removed. You will again bring that subject before the Government of The Netherlands, and express the just expectation of the President, that it should be, forthwith, done away, if it yet continues in operation.

Mr. Hughes, Chargé d'Affaires U. S.

H. CLAY.

(6.)—*The Chevalier Huygens to the Secretary of State.*—(Translation.)
Sir, *Washington, 15th September, 1826.*

FURNISHED with Instructions relative to the demands which you did me the honour to address to me, on the 10th and 24th of December, 1825, in regard to an article in the Tariff of The Netherlands, of the 22d August, 1822, which grants a restitution of 10 per cent. on the duties of merchandise imported and exported under the National Flag, I am now authorized to explain to the Government of The United States, the system which governed that of The Netherlands in this matter.

When, in 1817, negotiations were commenced between the two Governments, to relieve the languishing and interrupted commerce between the two Nations, and to favour their relations, it was intended to obtain, by mutual concessions, reciprocal advantages. At this period, the Flag of The United States already enjoyed in The Netherlands all the advantages which flowed from the liberal system which was then predominant. This system preceded what The United States wished to obtain; for, by the legislation of The Netherlands, the Americans were permitted to import and export any productions, without exception of origin, upon paying the same duties as National Vessels, with the exception of only a few articles. The Americans were, besides, permitted to navigate to the Colonies of The Netherlands.

The Government of The Netherlands does not think new concessions necessary, to strengthen the existing grievances against the *discriminating duties* which press upon its commerce in America. It is also authorized to think, that the Report of the American Commissioners, upon the fruitless issue of the above-mentioned Conferences,

directed Congress in its deliberations, on the passage of the Act of 20th April, 1818.

This Act was considered in The Netherlands as a commencement of a system of reciprocity; and they flattered themselves, it is true, that the advantages granted by this Act to the National Flag, over the Flags of other Nations, would have a salutary effect upon the Navigation, and produced the hope that it would pave the way to the establishment of the ancient commercial relations between the two Countries.

But experience has proved, that the direct relations continue languishing, and that the American flag alone possessed the advantages which the liberal system in The Netherlands presented to it. It was observed that, during six years, no amelioration took place in the direct navigation of The Netherlands in The United States, and that, during this time, the Flag of The Netherlands had scarcely participated in it.

From Rotterdam, where, formerly, the commerce with America had been very active, not a single Vessel under the National Flag had been despatched; from Amsterdam and Antwerp, the number was confined to a few. On the contrary, these Ports had been visited by a number of American Ships.

These, therefore, have alone derived the advantages of the equality of duties, whilst the Ships of The Netherlands have obtained, if I may so speak, no benefit from the Act of 20th April, 1818; and if this Act was not sufficient to encourage new speculations, and to excite emulation in the Flag of The Netherlands, it ought to be still less expected from that of the 7th January, 1824. This Act, instead of fulfilling the concession which might, in justice, be expected, diminishes the advantages stipulated by the former. This general measure, granting to almost all the commercial Nations of Europe, rights which had been granted, lately, to The Netherlands alone, by generalizing them, dispelled the illusion, if I may so speak, of the advantages which the Act of the 20th April, 1818, had produced.

In this state of affairs, the Government of The Netherlands did not expect a renewal of the representations against the 10th Article of the Law of 26th August, 1822. It flattered itself that the Government of The United States had admitted the explanation, "that, by the Tariff of The Netherlands, the duties of entry and clearance are, in general, the same for all Foreign, and the National, Flags, and that the reimbursement of the 10 per cent. only aimed at the encouragement of maritime building, and can only be considered as a premium, or gratification."

In effect, this 10 per cent. is not a diminution of the duties of navigation, properly speaking, because it is not calculated by the capaciousness of the Ships, but is granted upon the duties of entry for merchandize loaded on National Ships, and is, consequently, entirely

conformable with the duties of the Tariff; the amount of reimbursement depending upon the nature of the objects of which the cargo is composed; so that it may be more considerable for a small Vessel than for a large Ship, according as the merchandize loaded thereon is liable to pay more or less duties. It is not, then, in reality, from the duty of tonnage, on which, in the first instance, the reciprocity is applicable, that the representations of The United States can draw the question. Upon consideration, the Government of The Netherlands cannot help thinking, that they have demonstrated, that the representations of the Chargé d'Affaires of The United States, in 1823 and 1824, were not based upon a system of reciprocity; and it is probable that, if Mr. Everett had not gone away during the deliberations on a new Report, which was about to be made upon this matter, he would have understood that there were no reasons for granting the reimbursement of 10 per cent. of the duties of entry and clearance to American Ships, which he claimed.

These were the circumstances, Sir, when the Notes, which you did me the honour to address me on the 10th and 24th December last, arrived in Holland, and they caused the matter to be taken into consideration anew.

In order to understand, with certainty, if the state of the navigation between the Kingdom and The United States, could actually admit of a more favourable reception of the above-mentioned representations than in 1823 and 1824, the state of the Ships and their cargoes, which sailed between The Netherlands and The United States in the 3 last years, was taken.

It is evident, from this Table, that there were entered, in the Ports of The Netherlands, under the American Flag,

In 1823	136 Ships.
1824	98 Do.
And, during the first 6 months of 1825	55 Do.
Under the Flag of The Netherlands,	
In 1823	2 Do.
1824	5 Do.
And, during the first 6 months of 1825.....	5 Do.
And cleared under the American Flag,	
In 1823	65 Do.
1824	97 Do.
And, during the first 6 months of 1825	66 Do.
Under the Flag of The Netherlands,	
In 1823	6 Do.
1824	11 Do.
During the first 6 months of 1825.....	7 Do.

This disproportion, in the number of American and National Ships engaged in the commerce between the two Countries, is too striking

not to recognize in it the inequality of advantages which exist in the reciprocal relations, and ought to convince the Government of The Netherlands that the legislative provisions of The United States in favour of its Flag, had produced no benefit to it.

The cause of this difference in the navigation of the two Nations, ought to be principally attributed to the tendency of the Tariffs of duties in the two Countries, by which, although the Ships of The Netherlands, and their cargoes, are treated in the American Ports on the same footing as the National Vessels, they are still in a worse condition than the American Ships, and their cargoes, in the Ports of The Netherlands, even if they were considered only as Foreign Vessels.

And how could the Ships of The Netherlands transport their merchandize to The United States, when they find there the principal productions of the Kingdom, as, for example, geneva, sail cloth, cheese, and many other articles, charged so high, as to pay, calculated from the original price, from 50 to 100 per cent. of the value. These articles, justly including a part of the provisions and necessaries of the Crews, with which it may be useful, sometimes, for the Captains to part with, or which they are often obliged to sell, the impost upon them presses essentially upon the navigation, as, also, the dues of pilotage, upon the footing of Foreign Ships, as they have been demanded and paid, even recently, at Norfolk, by the Brig *Mary*, Captain James Almeida. But another disadvantage to the Ships of The Netherlands, in the Ports of The United States, is found in the facility of desertion, and the power which the Tribunals claim in the differences between the Crews, without admitting the claims of the Consuls on this subject, or acknowledging their right of decision. In fine, in the limitation of the cargoes which the Ships of The Netherlands are permitted to bring to America, to duties equal with the Americans.

It is easy to conclude, from hence, on one side, that the reciprocity of duties of navigation for the Ships of The Netherlands, to an equality with those of The United States in American Ports, is of little or no utility to the former, because the Merchants of the Kingdom can find no profit to charge upon the merchandize entering into their commerce, and more especially the products of the National industry, on account of the excessive duties imposed upon them ; and that the Owners or Captains cannot be tempted to offer facilities in the freight. On the other hand, it is evident that, in consequence of the liberal stipulations of the Tariff of The Netherlands, especially in regard to the products of The United States, and the equality of the duties of tonnage, the American Ships may bring, continually, their merchandize, with advantage to The Netherlands, although some articles, as coffee, sugar, &c. are subjected to a heavier duty than National Vessels pay, and although they do not receive a restitution of 10 per cent. To this it

may be added, that, by a Law of 24th March last, which was put in force on the 1st of April following, and which I take the liberty of enclosing, the duties of entry upon cotton, tobacco, and sugar, all prime articles of importation for Americans, have been fixed so low, that they amount scarcely to 1 per cent. of the value. Besides, it is to be observed that the Ships of The United States do not pay in the Ports of The Netherlands higher Pilotage dues than National Ships. Moreover, the Consuls of The United States are in full possession of the rights and prerogatives which the Consuls of the most favoured Nations enjoy in The Netherlands. Their decisions, in point of differences between American Crews, are respected; and the Authorities comply, without difficulty, to their claims for the restoration of Deserters.

All these advantages to the American Flag ought not be forgotten, and it must be acknowledged, that the navigation and commerce under this Flag, any thing appearing to prove a different treatment, are much more favoured in the Kingdom, than the navigation and commerce under the Flag of The Netherlands are, in The United States, although it be treated on the footing of the National Flag.

From this explanation, one must justly be convinced, that the Government of The United States has no subject of real complaint, in regard to the treatment which its Flag experiences in The Netherlands; but, it may see, on the contrary, in the new dispositions of the Tariff, the liberality of the Custom House system of The Netherlands. It will be observed, at the same time, that an equal treatment of American Ships with the National, with regard to the premium of 10 per cent. could be based only upon a reciprocal advantage for the commerce of The Netherlands, relative to the duties of importation in America.

In consequence of this system, I am authorized to express to the Government of The United States, the desire and good will of his Majesty the King of The Netherlands, to have, ulteriorly, a fellow feeling with the President, in case of a similar disposition, and a wish to consent to a reciprocal diminution of the duties of entry upon the original merchandize of The Netherlands, or brought with Ships under its Flag, so that, in consenting to new advantages to American Ships in The Netherlands, its Flag may also reciprocally receive a more advantageous treatment than at present, in the Ports of The United States, and that, on this hypothesis, agreements may be adopted, in regard to merchandize, as well as to the subject of navigation, all which, by favouring the prosperity of the two Nations, may, at the same time, draw closer the bonds of amity which exist between the two Governments.

Be pleased to accept, upon this occasion, &c.

The Hon. H. Clay.

C. D. E. J. BANGEMAN HUYGENS.

(7.)—*Mr. Clay to the Chevalier Huygens.*SIR, *Department of State, Washington, 25th October, 1826.*

I HAVE the honour to acknowledge the receipt of your Note of the 15th ultimo, communicating, according to instructions received by you from the Government of The Netherlands, the explanation which it has to offer, of the inequality existing in the Ports of that Kingdom, between the duties to which Vessels of The United States and National Vessels are subjected. The President, to whom I have submitted your Note, has been anxious to find, but has been unable to perceive in it, a satisfactory explanation of that inequality.

The Negotiations in 1817, to which you refer, had in view, among other objects, that of placing the Vessels of the two Countries, in their respective Ports, upon a footing of perfect equality, in regard to impost and tonnage duties, so as to leave a fair competition between them, in the transportation of the subjects of commerce. The Act of Congress of the 20th April, 1818, was founded upon express assurances from the Government of The Netherlands, that no inequality existed, in the Ports of The Netherlands, between the Vessels of the two Countries in the above particular; and it accordingly repeals the discriminating duties of The United States, in regard to Dutch Vessels, the repeal to take effect from the time the Government of The Netherlands abolished the discriminating duties on its part. All that had passed between the Governments of the two Countries on this subject, prior to the Article in the Tariff of The Netherlands of the 22d August, 1822, entitled us to conclude, that there was a perfect understanding between them, that no discriminating duties should exist in the Ports of the one, operating to the disadvantage of the Vessels of the other. This mutual understanding ought to have all the effect of a solemn Contract; and The United States have accordingly so treated it, from the passage of their Act of Congress in 1818, to the present time. For more than 4 years have their Vessels been subjected to a charge, in the Ports of The Netherlands, of 10 per cent. on their cargoes, greater than is paid by Dutch Vessels. We have, again and again, remonstrated against this inequality: and now, we are informed, in your Note, as a reason for not fulfilling the engagement, that the navigation of The Netherlands has not derived all the benefit which its Government anticipated, from the equalization of duties. If that even were the result of experience, it certainly could afford no justification for the non-execution of an arrangement which ought to be regarded as guaranteed by National faith.

The Government of The United States demands no new concessions from that of The Netherlands. It requires only, that the equality which had been stipulated by their mutual Laws, and which had existed prior to the Tariff of August, 1822, shall be fairly enforced. It can perceive no reason for not giving effect to that stipulation, in the

state of the trade between The United States and the Ports of Rotterdam, Amsterdam, and Antwerp, which is described by you. The President would be happy to see the greatest commercial activity prevailing between those, and all other Ports of The Netherlands, and The United States ; but that is a matter beyond the controul of either Government, and must be left to the wants of consumption and to individual enterprize. Nor can it be admitted, that the Government of The Netherlands is justified in making the discrimination which exists in its Ports, by the fact of the Act of Congress of January, 1824, having extended to other Powers the same liberality which our Laws dispensed to The Netherlands. We came under no restriction in that respect, to your Government ; and it is the desire of The United States, to place their navigation with all Countries on the equal and liberal footing of perfect reciprocity.

We can comprehend very clearly, that the aim, as you state, of the restitution of 10 per cent. of the duties levied in the Ports of The Netherlands in behalf of Dutch Vessels, is to encourage them. The object of our discriminating Laws was to encourage our navigation. Relinquishing that object, and depending on equal competition, we abolished them in regard to The Netherlands, and placed the Vessels of the two Countries, in that respect, in our Ports, in a condition of entire equality. And it is precisely because the tendency of the 10th Article of your Tariff is that of encouragement to Dutch Vessels, and discouragement to all Foreign Vessels, including American, that it disturbs the equality which ought to exist between Dutch Vessels and those of The United States, that we are authorized to expect its repeal. The fact of the existence of the inequality cannot be affected by the form of the privilege which is enjoyed. Whether it be that of a direct bounty to the Native Vessel, or compels the Foreign Vessel to pay more, and allows the Native to pay less duty, or be laid upon the cargo, or upon the tonnage, the effect is the same. The object of a mutual abolition of discriminating duties, in the Ports of the two Countries, was to leave to their Vessels a fair and equal competition in the transportation of commodities between them. But can such an equality of competition exist, if, in the Ports of one Country its Vessels pay 10 per cent. less than those of the other, or, what is in effect the same thing, after paying a like amount of duty, receive back 10 per cent. of that amount ?

You remark, that the 10 per cent. is not a diminution of the duties of navigation, because it is calculated, not upon the capacity of the Vessel, but on the amount of duties on the cargo with which she may be laden. But its effect is the same ; that is, to favour the Dutch tonnage employed in the trade between The Netherlands and The United States.

Protesting against the principle, that a Nation is absolved from the

duty of fulfilling its engagements, because it has been disappointed in the degree of benefit which it expected to derive from them; the Table which you exhibit, of the relative amount of tonnage employed in the trade between The United States and The Netherlands, admits of several observations. Assuming the facts which it presents to be correct, it shews a gradual increase of the Dutch, and a diminution of the American tonnage, during the two years and a half which it comprises. The Marine of The Netherlands was almost destroyed during the long wars which originated out of the French Revolution. The 10 years which had intervened since their conclusion, were not sufficient to restore it to its ancient flourishing condition. The first object of the Government, and of the enterprise of the Dutch Merchants, was probably to revive the intercourse with their distant Colonies, and in that their Marine was principally employed. Time is necessary to establish the habits, and to create the Mercantile Marine, necessary to a Foreign trade; and, accordingly, the Table shews that time is working, slowly, but certainly, its usual effects.

It cannot be admitted that the state of our Tariff operates more to the disadvantage of the tonnage of The Netherlands, than to that of The United States. If it prevents some exchanges which might take place on a lower scale of duties, that affects alike the tonnage of both Countries. Whatever may be the amount of transportation between them, if the Vessels and their cargoes, of both, are liable only to the same duties the equality of the competition between them, so far as it depends upon legislation, will be preserved; and those of each will have a fair opportunity of sharing in the transportation, whether it be chiefly from the Ports of the one Country, or of the other. As to the application of the American Tariff to the produce of The Netherlands, it must be remarked, that it is received upon the footing of that of the most favoured Nation. It unfortunately happens that the articles of geneva, sail cloth, and cheese, which you particularize, are similar to those which our own Country produces; and our Tariff was not arranged with any reference to its particular operation on Dutch produce, but with the general purpose of protecting American industry. The articles, on the contrary, of cotton, sugar, and tobacco, not being products of The Netherlands, may be admitted at a low rate of duty, not only without injury, but, as it respects the first, especially, with great encouragement to the industry of The Netherlands.

The understanding which existed between the two Governments, in relation to the abolition of discriminating duties, did not embrace the subjects of pilotage, and the jurisdiction which ought to be exercised by the Consuls of the two Countries over Seamen deserting from their respective Flags. Pilotage is regulated, under the authority of an Act of Congress, by the Laws of the several States. It is not known that those Laws generally make any discrimination between a Foreign and

the Native Flag; and if such difference were made in the case of the Brig *Mary*, we have no other information of it but that which is contained in your Note. If no higher duties are paid by American Vessels than those of The Netherlands, in the waters of the latter, the Government of The United States would readily apply the principle of equality, adopted in reference to discriminating duties, to the demand for pilotage. As to the control of the Consuls of The Netherlands over deserting Seamen, the Government of The United States would be willing to enter into any agreement, founded on mutual convenience and reciprocity.

With respect to the desire of the Government of The Netherlands, which you are authorized to express, to treat with The United States for a mutual reduction of duties of impost, I have the honour to state, that the policy which this Government has hitherto adopted, has been to reserve to itself, exclusively, the judgment of the proper rate of those duties. In fixing it, equality has been alike dispensed to all Nations. The circumstances of no two given Countries are of such exact resemblance as to admit of the same rate of duty for both. The United States are not, therefore, prepared to change their established policy. There is a manifest distinction, however, between the standard of duties which is applied to the articles of a commerce between two Countries, and the principle of equality in the transportation of those articles by the Vessels of the same Countries. Leaving each free to impose such duties as the state of its Revenue, of its Institutions, and of its Domestic Industry, may seem to require, there is nothing to prevent the operation of a rule of fair competition between the Vessels of the two Countries, by each being allowed to export, or import, at the same rates of duty for Vessel and cargo. The Laws of The United States and of The Netherlands professed to establish such a rule. The Dutch Tariff of 1822 violates it; and I am, therefore, directed anew to express the expectation of the President, that the equality will be restored, and the hope that your Instructions will spare him the necessity of performing the duty which is enjoined by the Act of Congress of January, 1824.

I avail myself of this occasion, &c.

The Chevalier Huygens.

H. CLAY.

(8.)—*The Chevalier Huygens to the Secretary of State.*—(Translation.)
SIR, Washington, 11th November, 1826.

I HAVE had the honour to receive, on the 1st of this month, the Note which you addressed to me, under date of the 25th ult. in answer to the explanation which I was charged to make to you, on the 15th of September last, in respect to the system which directs my Government in the claim of the Government of The United States, in favour of their Flag, touching the restitution or premium

which the 10th Article of the Tariff of 1822, of The Netherlands, grants to National Vessels, on the duties of importation and exportation of merchandize.

The President not being satisfied with the explanations given, and not admitting the reasons alleged for considering this Article as not applicable to the duties of tonnage equalized between the two Countries, I think, for the interest of the reciprocal relations, that I ought to add to the above cited explanation the following observations:

From the commencement of the relations between the United Provinces of The Netherlands, and The United States of America, founded and stipulated by the Treaty of 1782, and faithfully maintained until the War of Europe, and, in fine, the invasion of the United Provinces of The Netherlands by a Foreign Power, suspended these happy relations, the American Flag was there treated on an equality with the National Flag, which enjoyed a perfect reciprocity in The United States. At that time, however, the Tariff of the United Provinces of The Netherlands granted advantages to certain branches of the National Navigation. For example, the National Vessels, destined to the whale fishery, at that time very numerous, paid $8\frac{1}{2}$ to 12 per cent. less than Foreign Vessels on their cargo. The Vessels of the India Companies were equally, but otherwise, favoured. This circumstance proves that, at all times, and when a formal Treaty between the two Countries, based upon a system of liberality and reciprocity, was in force, such advantages were admitted without appearing to derogate from that system. The present Government of The Netherlands, in making the Tariff of 1822, only acted on the same principle, without thinking that it was restrained in the formation of the Law, by that which admits the equality of the duties of tonnage, in favour of the American Flag.

The United States find themselves, in this regard, in the same predicament with all the Powers which have equalized the duties of tonnage with The Netherlands, by the consideration that the Tariff in question does not derogate from their rights, and there would, therefore, occur a particular concession to The United States, in applying the 10th Article of the Tariff of 1822, to the merchandise loaded on American bottoms. In this acceptance, the Government of The United States do not pretend to it; yet that of The Netherlands cannot grant it but by considering it thus, and against some conventional equivalent.

The desire of His Majesty the King of The Netherlands, to favour and extend the Navigation and Commerce between His Kingdom and The United States, is well known, and of the sincerity of his dispositions the President cannot be in doubt. His Majesty has given unequivocal proofs of it, from his coming to the Throne. To the time

when Belgium was united to the Kingdom of The Netherlands, His Majesty, without knowing the reciprocal dispositions of the Government of The United States, admitted, without hesitation, the bases of the Treaty of 1782, and caused them to be applied to the Navigation and Commerce of The United States. The Americans were immediately placed in the position of the most favoured Nation. This was in the confidence, and hope, of finding their intentions reciprocal; but still encountering, in the system of Legislation of The United States, difficulties in this respect, His Majesty only obtained, at first, from their Government, promises, and, especially on the subject of the existence or renewal of the Treaty of 1782, evasive answers. Nevertheless, His Majesty did not relax in his system of concessions, and the constant instructions to his Legation, prove the value which he set upon the re-establishment of the ancient relations between the two Countries. I can cite, on this subject, the Notes sent by his Chargé d'Affaires, on the 4th April and 16th of September, 1816. But the hesitation of the Government of The United States, on its side, to adopt a system of liberality and reciprocity towards the Navigation and Commerce of The Netherlands, continued. In the month of August, 1817, when the Conferences commenced for the making of the Treaty of Commerce, no change was effected, and the Flag of The Netherlands was always treated, in The United States, as a Foreign Flag. The American Plenipotentiaries, however, were convinced that the navigation and commerce of their Country were in the full enjoyment, not only of all the rights which the 2d Article of the Treaty of 1782 granted them, but, over and above, of new advantages. Among these advantages may be ranked, as one of high importance, the navigation to the King's Possessions in the Great Indies, against which a direct equivalent could not be given by The United States, they not having Colonies.

His Majesty might have expected to learn, by the agency of Plenipotentiaries, that their Government had, or would, apply the Act of Congress, of 3d March, 1815, to the Flag of The Netherlands; but instead of this weak act of reciprocity, the Plenipotentiaries commenced by demands to which His Majesty was not authorized to subscribe. In fine, it was only on the 20th of April, 1818, that Congress especially abrogated the "*discriminating duties*, imposed upon the Flag of The Netherlands, in regard to the duties of tonnage, as well as in relation to the produce or manufactures of the Territories of the King in Europe, or such produce and manufactures as can, or ought to be considered as habitually loaded, originally, in the Ports of the Kingdom."

The Government of The Netherlands considered that Law as an Act of reciprocity, as to the duties of tonnage, and as a partial and limited concession in regard to the duties of importation on merchan-

dize loaded under its Flag. It was satisfied to see in the Act of Congress, that disposition to favour the Navigation and Commerce between the two Countries, even beyond what the President thought he was able, or ought, to propose. The news of it was received in The Netherlands with that feeling which so voluntarily appears in a Nation, which had the recollection of ancient relations advantageous to the Two Countries, and which saw in the Act of Congress a disposition favourable to their entire renewal. It was agreeable to recognize in it the commencement of the application of the basis of the Treaty of 1782, and it was hoped that The United States would continue to remove the restrictions which were contrary to them. This Treaty did not limit the merchandize which might be imported into America, to equal duties, by the Ships of The United Provinces of The Netherlands, nor restrain them to a direct Navigation. And if the Treaty were no more in force, it was expected, from the principle of reciprocity proclaimed by different Acts of The United States, since it had been formally communicated, that no limitation restricted the American Flag in The Netherlands. But this expectation was deceptive. After having, for a long time, given to the American Flag the enjoyment of the advantages which they had in the Ports of The Netherlands, and, above all, to the Great Indies, from which it was formerly excluded, and where there was no obligation to admit it, the Flag of The Netherlands continued, during 4 years, to navigate, with a disadvantage too evident to admit of an illusion, upon the unequal position of the privileges of the two Flags. That of America being able to import and export all merchandize whatever, in The Netherlands, from all parts of the World, and to all its Ports, and that of The Netherlands being limited in the cargo, and to a direct Navigation to the American Ports, conjoined with other inconveniences existing for it in these Ports, could no more enter into competition with the former, in the commercial movement between the Two Countries.

If, then, in 1822, the Government of The Netherlands adopted a general measure in its Tariff, by a restitution, at the expense of the Treasury, and which was not imposed upon Commerce, to countervail the inequality of the position between the National and Foreign Navigation, in its own Ports as in Foreign Ports, this was only a consequence of that inequality.

After the enumeration of the disadvantages to the Flag of The Netherlands, which, antecedently, I have taken the liberty to submit to your consideration, and to discuss in the Conference which you granted me, it appears to me conciliatory, on the part of my Government, to have taken the measure in question, instead of recriminating means, which it might have adopted, to remedy the false position of the National Flag. If it has preferred the measure, the expenses of which it alone bears, it is not for Foreign Powers which have been the

cause of it, to complain. It is The Netherlands that have suffered, and still suffer, by not receiving elsewhere, for the National Flag and its Commerce, the advantages which the other Flags reap in her Ports.

The patience and perseverance which the King has employed in waiting for the display of the liberal system which ought to extend the Navigation and the Commerce of the World, of which The Netherlands have given the first example, will be surely appreciated, one day, by all the Commercial Nations, which, long fearing, from different motives, to pursue this system, appear, now, disposed to give it fulfilment. The Conventions recently concluded between The United States and Denmark, as well as with Guatemala, leave no doubt that the Government of The United States wishes to put the said system into execution; and the King, my Master, will see with pleasure, I think, laid down in these Acts, the same principles which form the basis of the Treaty of 1782, and of his Commercial Legislation.

In this state of things, can it be that the Commercial Relations between the Two Countries present differences to be discussed? Yet, as long as the application of a system of perfect reciprocity is retarded, or refused, in The United States, in regard to the Navigation and Commerce of The Netherlands, it appears to me that there is no room for insisting on the application of the 10th Article of the Tariff of 1822, in favour of American Ships.

It is unquestionable that the Commercial Relations between the Two Countries, before being settled, render voluntary every act of concession on either side; and it is for each Government to judge if that which it receives is analogous to that which it grants. In the present position, I know of no other engagements between the two Governments. There are between them, for the moment, only Acts of reciprocity which are characteristic of justice, equity, and friendship.

The Government of The United States is not supposed bound to maintain the Act of Congress of 20th April, 1818, which granted a particular concession to the Navigation and Commerce of The Netherlands, above other Nations; and the Government of The Netherlands has not objected to the Act of the month of January, 1824. Yet it was no less true that this latter Act lessened the advantages which accrued to the Flag of The Netherlands from the former. On the other hand, there is no obligation on the Government of The Netherlands not to lessen the advantages which the Flag of The United States enjoys in her Ports. It would, certainly, be more advantageous to the two Nations to leave that precarious Legislation, and to be bound by liberal and reciprocal Conventions, and it must be hoped that the increasing and generally-felt interest to favour, by all reasonable concessions, the relations between the Nations, will soon bring about this state of things between two Nations whose prosperity can only be a mutual benefit.

Besides, Sir, I have transmitted the above mentioned Note with which you honoured me, to my Government, and have submitted to it the considerations which it demands.

I pray you, on this occasion, to accept, &c.

The Hon. H. Clay.

C. D. E. J. BANGEMAN HUYGENS.

(9.)—*Mr. Clay to Mr. Hughes.*

(Extract.)

Department of State, Washington, 12th Dec. 1826.

THE departure of Mr. Huygens, the Son of the Dutch Minister, affords an opportunity of acknowledging the receipt at this Department, of your Despatches, numbered and unnumbered, to the 18th October last, inclusive; and of transmitting the President's Message, with the Documents from the Department of State, communicated to Congress at the commencement of the present Session. I add Copies of such Correspondence, not previously put in your possession, as has passed between the Dutch Minister and me, since your departure from The United States.

From the Message and that Correspondence, you will observe that the two Governments have not been able to come to any agreement, on the subject of the discrimination made in the Ports of The Netherlands, in behalf of Dutch Vessels, to the disadvantage of those of the United States; and that the President has referred the whole affair to Congress. It is probable that Congress will, during the present Session, provide by Law for the inequality. What may be the nature of the enactment which they may think proper to make, it would be premature now to intimate. We regret very much the perseverance of the Government of The Netherlands, in a system which is manifestly at variance with their professions, and with that fair reciprocity which had been promised on both sides, but which has been enforced by us only. We might be more disposed to acquiesce in the present state of the Dutch Law, if the example would not have an injurious effect upon our relations with other maritime Powers, with all of which it is our anxious desire to adopt the liberal principle of equal competition and perfect reciprocity.

Mr. Hughes.

H. CLAY.

REPORT of the Secretary of War to the President of the United States.—28th November, 1826.

SIR,

Department of War, 28th November, 1826.

I SUBMIT a Report on the administration of this Department for the current year. The Documents, marked from A, communicate information so fully, and in detail, upon the measures which have been pursued in the various branches of the publick service, that I shall

content myself with a very cursory view of the most important objects. The Document marked A is a Report of Major General Brown on the state of the Army. The dispersed situation of the Infantry of the Army in various garrisons, and frequently so reduced as rarely to exceed a Captain's Command at any one place, was attended with great inconvenience and injury to the service, and their utility had in many instances been superseded by our rapidly extending settlements. It was desirable to alter this state of things: to effect it, a concentration of the Army, as far as practicable, was ordered on the right bank of the Mississippi, a few miles below St. Louis, at the cantonment Jefferson. The advantages of this position are obvious. The Troops can be easily transported to the eastern or western Frontier, whenever the publick exigencies may require their presence.

In a salubrious and fertile region, their health will be preserved, and their supplies may be cheaply obtained, and delivered with facility. But the leading consideration remains to be noticed—the effect of the movement on the discipline and good character of the Army. It is admitted by the most intelligent, that both these desirable qualities are more generally found in large masses of Troops than in small detached commands. Profiting by the presence of Officers of a superior grade, and greater professional skill, emulation is excited by the presence and rivalry of so many Aspirants for reputation, and subjected to the wholesome control of the opinion of an increased number of brother Officers, to whose eye the conduct of each is exposed, their discipline and morality must be greatly improved.

Reports of the Quarter-Master-General, Commissary-General of subsistence, Pay-Master-General, Surgeon-General, Commissary-General of Purchases, and Ordnance Department, marked B, C, D, E, F, and G, disclose all the information needful to be communicated on the administration of these branches of the publick service. I add with pleasure my testimony to the fidelity of all the Officers, superior and inferior, connected with these branches, among whom not a single delinquency has occurred.

From the Report of the visiters at West Point, that Establishment continues to equal the publick expectation, by annually presenting to its Country a large number of youths prepared to defend it in War, or to adorn it in Peace. Legislative aid is still necessary to the improvement of this Establishment. Its wants are presented, and an estimate for the necessary Appropriation, furnished by the Chief Engineer is submitted in the Annual Estimates of this Department.

The Document H is the Report of the Engineer Department. The duties performed by both Corps will at once ascertain, that great efforts have been made to perform, as far as practicable, the services expected of them. From the present number, more could not be accomplished; and yet, from the various calls made upon the Department for recon-

noissances, it has been utterly impracticable to comply with the wishes of many of our Citizens; and such must continue to be the case without an increase of the Corps. I beg leave to refer you to this Report, and to that of the Quarter Master General as showing the measures which have been pursued in execution of the special Acts of Congress at their last and former Sessions, in relation to Roads, Harbours, and Canals.

In executing the resolution of Congress assigning to this Department the duty of having prepared a system of Cavalry Tactics, and a system of instructions for Artillery, for the use of the Cavalry and Artillery of the Militia, I thought I could not fulfil the wishes of Congress more effectually than by convening a Board, composed of Officers of the Militia and of the Army, whose various experience united could enable it to digest the best and most practical system. The occasion was too favourable to be lost, and was, therefore, eagerly seized, of profiting by this collection of talent and experience, to review our present defective Militia system, and if possible, by an entirely new organization, to place it on a footing which would realize the expectations and wishes of every Patriot, in relation to this great arm of national defence. If there be any one maxim in our political creed which challenges universal approbation, it is that a well organized Militia is the natural depository of our protection against Foreign invasion, or intestine violence. This maxim has been consecrated by the Bill of Rights of all the States; and yet the opinion is as universal, that the present organization is both defective and onerous. Important changes in the present system are indispensable to make the Militia any way equal to the standard assigned it by the wishes of the Patriot. To the end that every source from which information might be collected should be approached, I addressed a Circular Letter to the Governor of every State and Territory, and to many Citizens, distinguished alike by their intelligence and experience, asking for information on this interesting subject. By so doing, I hoped to become possessed of the information which might lead to a result that would reconcile, as far as practicable, the various circumstances, moral and physical, belonging to so extensive a field, and thereby conciliate the public sentiment to such changes as the wisdom of Congress might think proper to adopt. Communications in reply to this Letter have been received, some of which shed much light on this difficult, delicate, and highly national object. These Communications were laid before the Board, who, uniting their own experience and intelligence with the information thus imparted, it was hoped might find itself in a condition to point out the defects of the existing system, and the probable remedies. They were directed to report to me the result of their reflections, which they accordingly did; and their Report, marked I, with the answers to my Letters, is herewith submitted. The systems of

tactics for Cavalry, and of instruction for Artillery, have been digested, and are in the hands of a copyist, and will be communicated in a few days.

I intentionally forbear making any remarks on the various alterations recommended by the Board of Officers. The wisdom of those to whom they are submitted, should Congress determine to legislate on the subject, will correct any errors into which they may have been betrayed, and supply any defect which may have escaped their observation. I cannot, however, abstain from calling your attention to the highly interesting fact, that we have, according to the last census, 2,000,000 of male Citizens between the ages of 18 and 45. The difference indicated between that number, and those embodied in the Returns of the Militia from the States, results from the exemptions from Militia service, which, in some of the States, are equal to one half of their whole number, which, from their ages, should be enrolled. From our happy position in regard to Europe, and from the no less fortunate relations maintained with our neighbours, and their actual condition, it would appear that, keeping up a system of the Militia so extensive as the present, and burthensome, without any advantage, to a large class of our Citizens, was altogether unnecessary. A different organization, therefore, by which at least 1,500,000 of our most useful Citizens would be relieved from the unprofitable pageantry of Military parade, for 5 or 6 days in the Year, constituting so injurious a draft on their industry, must be one which cannot fail to be well received by the American People; and when, too, it is believed, that, notwithstanding this relief, a superior efficiency will be imparted to this natural arm of the national defence.

The Document K is the Report of the Officer particularly charged with Indian Affairs, by which it will be seen that several Treaties have been negotiated with various tribes, and which are herewith submitted. By two of which, large tracts of land within the limits of Indiana have been relieved from the incumbrance of the Indian title. Although the proper measures were adopted to effect a similar result in other quarters, they, unfortunately, have not been successful.

During the recess, information was continually communicated to the Department, that a bloody, and most probably an exterminating War, was about to break out between the Osages and Delawares, and their numerous Allies, which it was urged, nothing could avert, but the employment of a respectable portion of the Army of The United States. The power of the Executive, without Legislative provision to that effect, was deemed too questionable to justify the measure; all that could be done, was immediately performed to prevent the threatened mischief. A part of our military force was ordered to make a demonstration in the direction of the probable scene of hostility, whose object, not being known, might have the effect of overawing the

Indians, and the Chiefs of the various Tribes were assembled to impress on their minds the calamities which would ensue from a perseverance in their hostile purposes. Contrary to expectation, we succeeded in pacifying them for the present. The duration of this state of things, is, however, most uncertain, and the subject is brought particularly to view for the consideration of Congress. The mischief likely to result from placing in the same neighbourhood, without a controlling power on the part of the Executive of The United States, different and hostile Tribes, have already been submitted in a Report from this Department to Congress at their last Session. The events just referred to have tended to confirm the views formerly taken, and I feel myself impelled by an irresistible sense of duty to state, that, unless a preventive is speedily furnished by Law, I fear that, at no distant period, those unfortunate and unhappy people will be exterminated by intestine Wars, and thereby, that a subject fruitful of unavailing regret will become a portion of the inheritance of the American People.

I have the honour to be, &c.

The President of The United States.

JAMES BARBOUR.

(A.)—*Letter of General Brown to the Secretary of War.*

Head Quarters of the Army.

Sir,

Washington, November 30, 1826.

IN compliance with your instructions of the 3d ultimo, I have the honour to lay before you the following Returns and Statements, viz :

A Statement of the organization of the Army, conformable to the Acts of Congress.

A Return of the actual strength of the Army, from the last regimental and other returns.

A Return shewing the distribution of the troops in the Eastern Department.

A Return shewing the distribution of the Troops in the Western Department.

A Statement shewing 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 the 1st of October, 1825, to the 30th September, 1826.

An Estimate of the amount which will be required for the current expenses of the recruiting service for the year 1827.

By Statement E, it will be seen, that the sum of 10,850 dollars 63, remains unexpended in the hands of the Recruiting Officers. This amount is in a regular course of application to the Recruiting Service, and will doubtless, in due season, be properly accounted for.

In the early part of the year, Brevet Major General Scott commenced a tour of inspection and review of the Military Posts in the Eastern Department, which tour was extended southwardly as far as

St. Augustine, but, on account of serious indisposition, he was prevented from prosecuting his tour to the north and east.

Brevet Major General Gaines has commenced a tour of inspection of all the Posts in the Western Department.

Colonel Wool has inspected during the last year the Posts of Fortress Monroe, Charleston, Pensacola, New Orleans, St. Philip, Petite, Coquille, cantonment Jesup, cantonment Towson, cantonment Gibson, Fort Mackinac, Green Bay, Sackett's Harbour, West Point, Eastport, Portland, Portsmouth, Boston, Newport, New London, New York, Detroit, Niagara, Plattsburgh, Castine, Salem, and Marblehead. The six posts last named are unoccupied by Troops, but contain ordnance and ordnance stores requiring inspection. To these are to be added, the arsenal of Baton Rouge, Augusta, Richmond, Watervliet, Rome, and Watertown, and The United States armory at Springfield.

Colonel Croghan has completed an inspection of the remote posts of the Northwestern Frontier, including the cantonments at St. Peter's and Council Bluffs, but his Reports have not yet been received.

The Companies of the Artillery Regiments have been generally inspected by the Field Officers thereof, but their detailed Reports are not yet received at General Head Quarters.

By information gathered from inspection Reports, as well as from personal observation, it is found that the general condition of the Army continues to be as favourable as circumstances will allow. In discipline and instruction, a decided improvement is perceptible, and, in the Departments of Administration, there is no want of due regularity and promptitude.

The necessary evils resulting from a wide dispersion of our Forces, and the number of small commands which are consequent to the system, have been, in some degree, corrected in the Artillery Regiments, by the operation of the school of practice. Although destitute of the aid which has been sought at the head of Legislation, and still struggling with exceedingly limited resources, this establishment has already afforded the most decided evidences of its usefulness, and an earnest of the salutary effects, on the efficiency and welfare of the Artillery, which must result from its preservation and prosperity.

It is a truth which cannot be disguised that the virtues of an Army, employed during a long period of Peace and inaction in little else than the ordinary course of Garrison Service, are in danger of deterioration. In order to preserve the energies and the active vigor of our ranks, and to guard against the approaches of sloth and imbecility, it seemed necessary to adopt some measure which might operate, at least partially, if not effectually, in favour of these desirable objects. The influence of concentration, as a system, independently of the various branches of theoretical and practical instruction which might be embraced in it, would, of itself, prove sufficiently beneficial to justify the

adoption of it, as a measure of sound policy. The present location of the school of practice is, perhaps, as favourable, in every sense, as could be chosen for the Artillery, under existing circumstances, and the plan of periodical details, with which it is connected, comprises many of the advantages which result from occasional changes in the stations of the Troops.

The benefits which are believed naturally to spring from the system in question, are important and manifold. Among them may be noted, in general terms, habits of uniformity and accuracy in the practical routine of service; fresh incitement to the cultivation of Military knowledge; emulation and esprit de corps among the Troops; and mutual conformity and general elevation of Individual character among the Officers. But, by the enervating influences of a passive Garrison life (influences which, without the adoption of this or a similar system, it is impossible to resist) these high qualities, so invaluable to an Army, must, in a measure, be forfeited.

With this view of the subject, it has been thought desirable to extend the principle as far as possible for the benefit of the Infantry also. Duties of an active nature are perhaps more frequently enjoined on this arm of service than on the Artillery, but it stands in no less need of the advantages to be derived from a school of practice. The numerical strength of our Infantry Regiments is indeed small, considering the wide extent of Frontier which they are commissioned to defend, and detachments could not, perhaps, be permanently drawn from them, without prejudice to the ulterior object of their maintenance; but, while this objection would be effectually obviated by the increased efficiency which such an Institution is calculated to produce, the salutary operation of it, in other respects, it is hoped, will, in time, be generally felt and fairly appreciated.

The number of desertions from the Army, during the last year, has been somewhat less than in the several years preceding, but it is still such as to call for the vigorous interposition of Legislative Enactment, to arrest the progress of the evil. The measures relating to this subject, recommended to you in my communication of the 17th of November, 1825, and presented by you for the consideration of Congress, at their last Session, will, it is hoped, be finally acted on by that Body, during the ensuing Session. The design of offering additional pay to the approved Soldier, as a condition of his re-enlistment; that of withholding a portion of the same, as a restraint and security for faithful service; and the plan for the improvement of the non-commissioned grades of the Army, by a judicious increase of their emoluments; are measures which I still consider as promising the happiest effects, as well promotive of the general welfare of the Army, as restrictive of the evil which so greatly impairs its organization and efficiency.

While we rest in the pleasing assurance that our small Military Establishment suffices, in most of its branches, for the immediate purposes of peace, we can never be unmindful of its high importance as the repository of the Military science of the Country, and as the nucleus of future organization, when the exigencies of the Nation shall demand its enlargement.

That it may always be found equally worthy, and well prepared for that degree of expansion which is commensurate with this object, no effort should be unappreciated or suffered to be unavailing, which tends to its moral elevation, and to the maintenance of those Military virtues on which its future efficiency must mainly depend.

I have the honour to be, &c.

JAC. BROWN.

Hon. James Barbour, Secretary of War.

SPEECH of the Emperor of Brazil, on the Opening of the National Assembly.—3rd May, 1827. (Traduction.)

AUGUSTES REPRESENTANS DE LA NATION BRÉSILIENNE,

JE viens, ainsi que le détermine la Loi, ouvrir cette Assemblée avec le même enthousiasme que m'a toujours inspiré cet Acte solennel, mais non avec la même joie ; elle est en ce moment remplacée dans mon cœur par la tristesse et par la douleur poignante dont m'a pénétré la mort de ma bien-aimée, chérie, et à jamais regrettée Epouse, l'Impératrice, qui, le 11 Décembre passé, à dix heures et quart du matin, a quitté ce monde pour la demeure des justes, qu'elle occupe sans aucun doute, puisque tous nous avons la foi qu'elle est réservée aux êtres qui marchent comme elle dans la voie de la vertu et de la piété. Cet événement, qui nous pénètre tous d'une douleur si vive, et qui, encore en ce moment, se représente à mon âme comme s'il venait d'arriver, me surprend pendant mon séjour dans la Province de Rio Grande, où je rassemblais tous les moyens que l'amour de la Patrie pouvait me suggérer pour terminer la guerre entre le Brésil et Buenos-Ayres, par l'enthousiasme que j'espérais faire naître dans les cœurs valeureux des habitans de cette Province. Cette guerre, dont l'année dernière, dans ce même lieu, je vous ai annoncé l'existence, continue encore, et ne cessera de continuer, tant que la Province Cisplatine, qui nous appartient, ne sera point délivrée de ses envahisseurs, et que Buenos-Ayres refusera de reconnaître l'indépendance de la Nation Brésilienne, l'intégrité de l'Empire, et l'incorporation de la Province Cisplatine, qui, librement et spontanément, a voulu faire partie de cet Empire. Je parle d'une manière aussi claire, parce que je me confie dans les secours de l'Assemblée à cet égard ; elle fera tous les efforts qu'elle m'a solennellement promis l'année dernière par l'organe de la

Députation, qu'elle a envoyée en ma présence Impériale, pour m'exprimer des sentimens entièrement conformes au Discours d'Ouverture de cette même Session.

Vous devrez particulièrement employer les travaux de la présente Session à l'organisation d'un système de finances. Le système actuel (ainsi que vous le verrez par le Rapport du Ministre du Trésor National) non-seulement est mauvais, mais même est le pire de tous, et ouvre la porte à tous les genres de dilapidation; un système de finances enfin, je le répète, qui mette un terme, je ne dis pas à tous, mais à la plus grande partie des abus qui existent, dont les Lois favorisent l'existence, et que le Gouvernement ne peut éviter, tels que soient ses efforts pour y parvenir.

Une des branches principales, et qui doit concourir puissamment à l'exécution du système de finances, que je compte voir établir, est la réforme du pouvoir judiciaire. Il n'existe pas de Code, nous n'avons pas de formes de procédure en harmonie avec les lumières du siècle; les Lois se contredisent entr'elles, les Juges ne savent sur quoi baser leurs sentences, les parties souffrent, les méchants ne sont point punis; les émolumens des Juges sont insuffisans pour les mettre à l'abri des tentations que leur présente un vil et sordide intérêt. Il est donc nécessaire que cette Assemblée s'occupe de régler, avec tout le soin et toute la diligence possible, une branche aussi importante de la félicité et du repos public. Sans finances et sans justice une Nation ne saurait exister. Je reconnais que cette Assemblée a beaucoup à faire; que tout ne peut être terminé dans une seule Session; que chaque Session lègue à la suivante des travaux déjà entrepris; mais il faut commencer, et commencer avec ensemble par l'un de ces deux objets. Bien qu'il puisse exister d'autres motifs de discussion (ce qui ne peut manquer d'avoir lieu sur des points qui, de leur nature, sont délicats dans tout Etat), j'exige de cette Assemblée qu'elle mette à profit tout le tems possible pour confectionner ces Lois, dont la Constitution à chaque pas nous démontre l'urgence et l'indispensabilité, afin que ses principes puissent être mis en exécution à la lettre. Obligé de soutenir une guerre sans que tout soit organisé, le Gouvernement a besoin que cette Assemblée l'autorise, comme elle le jugera convenable, à arrêter dans leur marche les dilapidateurs du Trésor Public, et à punir ceux qui ne rempliraient pas bien leur emploi, ou qui troubleraient l'ordre que nous avons tous juré de maintenir, soit par la démission, soit par tout autre châtimement. Personne plus que moi ne veut s'entourer de la Loi, mais lorsque, contre ceux qui s'en écartent il n'en existe aucune repressive, il faut bien que le Gouvernement jouisse d'une autorité qui la remplace, en tant que le système général n'est pas totalement organisé, et jusqu'à ce que tout marche avec perfection, régularité, et conformément à la Constitution.

Les relations amicales de cet Empire avec toutes les Nations qui nous ont envoyé leurs Ministres, demeurent inébranlables; le départ du Ministre des Etats-Unis d'Amérique, si soudain et si peu fondé en raison, ne peut même nous causer la plus légère inquiétude. Je compte sur la prudence du Président de ces Etats, et sur la sagesse, la justice et l'impartialité, des Américains du Nord.

Les fiançailles de la Reine de Portugal, ma fille, ont été célébrées à Vienne en Autriche, et je me flatte de voir bientôt dans cette Capitale mon Frère son Epoux. La Cause Constitutionnelle triomphe en Portugal, malgré la multitude de partis qui cherchent à l'étouffer; et il serait impossible qu'il en fût autrement, puisque cette même Charte a été octroyée d'une manière aussi légitime.

Revenant aux affaires de l'intérieur, je suis intimement persuadé que tous ceux qui ne partagent pas les idées exprimées dans mon Discours, ne sont ni de véritables amis de l'Empire, ni des Imperiaux-Constitutionnels, mais bien des monstres déguisés, qui n'attendent que l'occasion de s'abreuver du sang des défenseurs du trône, de la patrie, et de la religion.

Je ne puis me persuader qu'il existe au sein de cette Assemblée un seul Représentant national qui ne pense ainsi que moi, quelque soit le moyen par lequel il prétende atteindre le but que je me propose, *Paffer-missement de l'Empire, et le contentement du Peuple.*

Maintenant, Augustes et Très-Dignes Représentans de la Nation Brésilienne; maintenant, que je vous ai recommandé tout ce qui m'a paru convenable aux intérêts nationaux, je me retire, plein de confiance en Vous, et rempli de l'espoir de pouvoir vous dire dans mon Discours de Clôture: " Je n'attendais pas moins de Vous, Je suis satisfait, la Nation l'est aussi, Nous Sommes tous heureux. Bénie soit l'Assemblée, dont les travaux législatifs font preuve de tant de sagesse."

L'EMPEREUR CONSTITUTIONNEL, ET DEFENSEUR
PERPETUEL, DU BRESIL.

*SPEECH of the Emperor of Brazil, on Closing the National
Assembly, 16th November, 1827.* (Translation.)

AUGUST AND MOST DIGNIFIED REPRESENTATIVES OF THE BRAZILIAN
NATION,

FILLED with pleasure and satisfaction, at the wise labours of the Assembly in the course of the present Session, and at the advantages it has obtained by the two prolongations of its sittings, which I thought fit to decree; I cannot refrain from congratulating myself upon the happy results of those labours, and of the Laws which have been enacted during the said Session and prolongations.

The affection which I entertain for Brazil, the present Political circumstances, and the National interest, compel me to remind you that the continuance in this Capital of a Majority of the Members of both Chambers, might prove of the highest utility; for, being still engaged in War, and in hope of the conclusion of Peace, the Treaty might happen to contain an Article relative to the settlement of Boundaries, which might call for Legislative measures, without which such a Treaty could not be concluded.

I leave it to the judgment of every Member composing this Assembly, to reflect upon what I have just suggested, and the reasons which I submit appear to me to be quite sufficient for expecting a result, which may shew to Brazil how great is the interest which all of us take in its happiness.

The Constitutional Emperor, and perpetual Defender, of Brazil.

*MESSAGE of the Government to the Chamber of Deputies,
relating to the Finances of the Province of Buenos Ayres.
—7th September, 1827. (Translation.)*

GENTLEMEN DEPUTIES,

ALTHOUGH a few days only have passed since the Province of Buenos Ayres has been a second time called into a separate existence, its Government, urged by the most imperious necessity, and bound to fulfil the high duties incumbent upon it from its very position, has the honour of submitting to the Legislature, the general plan of Finance which it proposes to adopt, the exigencies of our present condition, and the resources and hopes which yet remain to us. Do not, however, think, that it is about to propose new establishments or new imposts,—the state of things which exists is the point from which it sets out, and the improvement of which is its only desire.

The Government is impressed with the conviction that, without a simultaneous operation, calculated to call into action all its elements, it is impossible to preserve publick credit, to re-establish the real value of the circulating medium, to provide for existing wants, and to prepare channels by which the revenue of the interior may flow with regularity and abundance into our Treasury, whilst the precarious produce of the customs retains us in the difficult position in which we stand at present.

It is quite evident that no long and expensive War can be maintained by the ordinary resources of a State, and that it is absolutely necessary to have recourse to credit. But in order to obtain that credit, it is not only necessary to have the reputation of being solvent, but to have that character for good faith which never permits a doubt of repayment. The Province is, therefore, in the situation of realizing this

truth, by declaring that it recognizes, in all their vigour and force, the Laws by which the exterior and interior Debt of the Nation has been consolidated, and the obligations contracted by the creation of the Publick Funds. In acting thus, the Province does nothing more than announce to its friends and creditors that, in spite of the agitations which it has undergone, it has not for a moment forgotten its duties. At the same time, it must be manifest that, as its Debt increases, its means of extinguishing it increase in proportion. This is pointed out by one of the Projects (No. I.) which follow.

It is evident that there is no pretext for escaping from the payment of the Debts for which we have become guarantee ; it always depends upon the honour, as well as the convenience, of a People, to guarantee, and to pay when it can, the debts contracted by its association. The Chamber will recollect that, at the commencement of this War, in a moment of enthusiasm which conferred upon it eternal honour, it offered to the General Congress, by acclamation, all that it possessed, and all that was in its power to vindicate the honour of the Nation. It will likewise recollect that, when the struggle began, this was the principal guarantee on which the Bank and individuals reckoned, in lending their capitals, and that on this basis alone confidence was established in the circulating medium. The Province ought therefore nobly to proclaim, that it guarantees the Notes of the Bank at present in circulation, and that it undertakes also the obligation of paying the Debt contracted by the National Government for the purpose of supporting the War against the Emperor of Brazil. This is the only means capable of saving its honour, of obtaining future assistance, and of preventing its name from being registered in the history of crimes. At the same time prudence requires us to take other means with respect to the circulating medium ; and, as its principal value now depends upon the necessity which exists for its continuance, it is necessary to withdraw it gradually, till publick opinion approximates its nominal to its real value. The means of reducing it are detailed in the Project, (No. 2.) and the Chamber will see that, not only will the Notes in circulation be converted into the precious metals, or, in other words, their nominal be brought to their real value, but that, in a short time, nearly a fifth part of the Debt of the Government to the Bank will be liquidated, and means provided for extinguishing the whole at no distant period.

But the two preceding Projects would be useless, if they were not supported upon the solid basis of Contributions, proportioned to our wants, well assessed, and punctually levied. The Chamber and all the Citizens must be convinced, that, owing to the Bank paper, as it now circulates, they have paid and do pay most enormous Contributions ; that, in the same proportion in which the real value of their property has fallen, their enjoyments have diminished ; and that a deep gulf has

been opened, by which, if they do not exert themselves, all their fortunes will speedily be swallowed up. This being admitted, it remains only to determine upon the species of contributions which should be imposed, and, happily, experience has already solved that question. The duty of Customs is now the medium through which the Enemy expects to reduce us to a complete state of exhaustion, and this is the natural cause of our misunderstandings with the Provinces of the Interior. It is not possible, however, to suppress the duty all at once; but it is necessary, at least, that by increasing the direct taxes now existing, we should prepare and accelerate so great a blessing. The indirect taxes of the Customs fall with injustice and inequality on the population. The People in the Interior, owing to their habits and mode of living, consume few of the products of Foreign industry, and consequently the expenses of their defence, of their police, and of their general administration, are paid by the consumers in the Towns; more especially since no other contribution has been substituted for the tithes which were abolished. The Government, however, does not propose any new imposts; it confines itself solely to the augmentation of the produce of the taxes already established, the existing Laws upon the subject being inefficient, and offering a vast field for fraud.

The Revenue arising from the Publick Lands which have been leased, has first attracted its attention, because as this Province possesses a rich and vast extent of Territory, which is peopling with incredible rapidity, this Revenue will be the most certain, as well as the most productive. The Government has thought proper to assimilate the rents, with that part of the direct contribution which falls upon the value of lands held as private property, by a small increase, the justice of which cannot be disputed. Let us imitate nature, and, in order that our Revenue may resist the violence of political tempests, let us fix its roots in our soil. Let us secure for it a simplicity corresponding with the youthful age of our State. Let us reduce every expense which is not consistent therewith, and our Country will be the classic land of the freedom of industry of every description. The regulations which have been adopted for the creation of, and receipt of the Sums for, Leases have been such, that their effect has scarcely been perceptible. In the Project (No. 3,) the Chamber will observe that their collection is so simple, and the duties so moderate, that it can be realized in the form of patents. They will see that the Government has endeavoured to approximate these alienations almost to the condition of independent property, that the interest of 2 per cent., which, perhaps for a century, will be the third part of the interest of money in our Country, facilitates and stimulates every industrious enterprise on these Plains.

The Government, guided by the principles which it has explained in this brief statement, submits to the consideration of the Chamber

another Project, (No. 4.) having for its object the effectual collection of the direct taxes. The inefficacy of all the arrangements previously adopted have been demonstrated by experience. It is to be hoped that the means which are now proposed will correct so great an evil. A directing Junta, as respectable by the class of its Members, as it is impartial and independent by the manner of its election, will naturally exhibit justice in its decisions. Men of honour will be ashamed to appear degraded before their equals. The Egotists, who, incapable of generous sentiments, desire to enjoy, at one and the same time, the advantages of Society and the independence of the desert, will be placed under the restraint which they will feel the most—they will be obliged to pay in proportion to their property.

It only remains to point out to the Chamber, in an evident and certain manner, that, on the supposition that the Emperor of Brazil can support for a Year longer his present absurd system of warfare, the obligations hitherto contracted, and those which, in such a case, we shall contract, will fall below the vital force of our State. The Government will exhibit this fact by a numerical calculation, which for greater clearness, is presented in round numbers, assuming our resources to be less than they probably will be.

<i>Debt at the Peace.</i>	Dollars.
London Loan.....	5,000,000
Debt to the Bank, exclusive of the 2,000,000 payable to it under Project No. 2.....	9,500,000
Circulating Funds, at 4 and 6 per cent.....	5,800,000
Other Debts.....	1,700,000
Funds to support the War for a Year, according to offers made to the Government.....	12,000,000
Total Debt at the Peace...Dollars.....	34,000,000

Amount of the Expenses of the Province in a Year of Peace.

Interest of the said Debt, at 4 and 6 per Cent., with Sinking Fund.....	2,200,000
Ordinary Service.....	2,300,000
	4,500,000

Ways and Means to meet this Expenditure.

Customs, Stamps, &c.....	2,500,000
Lands and Direct Contributions.....at least	1,000,000
	3,500,000
Deficit...Dollars...	1,000,000

Laying aside the resources and combinations of Credit, and the consideration that a Year of Peace will be sufficient to increase our Revenue so as to cover this deficit, the Province possesses within the line of the Frontier, from Bahia Blanca to Melinque, 5,000 square leagues

of the best land, the value of which, at the time of Peace, cannot be calculated at less than 10,000,000 of hard dollars, it being known that the value of lands has risen within the last 3 Years more than in a geometrical ratio. With these data, the Chamber should not hesitate to adopt the Project which the Government submits, (No. 5.) Experience will demonstrate that credit is the art of adding to our real fortune an artificial fortune, which in time becomes real.

The duties imposed by the Law of the General Congress, of 27th July last, on the export and import of products and commodities to and from the Provinces of the Interior being inconvenient, in as much as they shackled industry, and tended only to corrupt the honesty of trade, are suppressed in the Project (No. 6.)

The Government has the satisfaction of announcing to the Province, that the good Argentines and the Loyal Foreign Friends, have offered resources to accelerate the day of Peace by the triumph of reason; and, on taking leave of their Honourable Representatives, the Government seizes the occasion of fulfilling a duty which is very grateful to it, by offering its thanks to all the Citizens who have contributed to establish a system of Revenue, which the Legislature will consolidate and perfect, since without it there is nothing but error and danger.

MANUEL DORREGO. JOSE MARIA ROXAS.

Then follow the Projects of Law alluded to in the Message.

No. 1, recognizes the liability of the Province for all the Debts of the State, &c.

No. 2, guarantees the value of 10,215,639 dollars, composing the circulation of the Bank on the 31st of August preceding, 2,000,000 of which, now in the hands of the Government, is to be applied to the liquidation thereof; and places the Bank under the immediate inspection of Government. By one of the Articles of this Project, the Bank is prohibited from issuing more Paper than it has at present in circulation. By another Article, the Government engages to pay the whole of the money which it owes to the Bank, in the course of 4 Years after the Peace.

No. 3, contains regulations for alienating or leasing Publick Lands for 10 Years, from the 1st January, 1828, on payment of 2 per cent. on the value of the lands, with a right of renewing the contract.

No. 4, continues the Law for direct contributions until the next Year.

No. 5, has for its object to procure for the Government, authority to negotiate a Loan of 6,000,000 of dollars. The minimum of the terms is fixed at 50 per cent.

No. 6, suppresses the Law of 27th July, imposing duties on exports and imports for the Interior.

MESSAGE of General Freire to the Congress of Chili, on resigning the Supreme Power of the Republick.

2d May, 1827.

MESSIEURS,

(Traduction.)

LE Président de la République a l'honneur de s'adresser pour la seconde fois au Congrès National, afin de le supplier de lui permettre de renoncer à la direction des affaires, et de confier les devoirs difficiles dont il est chargé à un autre Citoyen plus capable de les remplir. Après plusieurs années d'expérience dans l'Administration Publique, le Président Soussigné renonça au Pouvoir Suprême, parce qu'il avait reconnu qu'il lui était impossible d'organiser le Pays dans les circonstances compliquées où il se trouvait. Il aurait pu compromettre les intérêts les plus chers de la Patrie en conservant des fonctions qu'il ne pouvait pas entièrement remplir, et guidé par une aussi importante considération, il se démit de la direction suprême en Juillet dernier.

Au mois de Janvier suivant, les dissensions tumultueuses qui avaient éclaté dans la Capitale engagèrent le Congrès à l'appeler de nouveau à la tête des affaires; fidèle aux devoirs d'un soldat lorsque le repos de la Patrie est menacé, il se rendit avec empressement aux désirs du Congrès, mais avec la résolution de rentrer dans la vie privée quand les troubles seraient apaisés. En conséquence, aussitôt que la tranquillité fut rétablie, il envoya sa démission au Congrès, qui, au lieu de l'accepter, le confirma solennellement dans sa dignité; mais si cette mesure pénétra le Soussigné de la plus sincère reconnaissance pour l'honneur qui lui était fait, d'un autre côté il ne put que se rappeler douloureusement combien il était peu en état de supporter un pareil fardeau. Il se décida toutefois à faire de nouveaux efforts pour répondre à la confiance du Congrès; mais s'étant convaincu encore une fois qu'il ne possède pas le talent de commander sans Lois, ni de mettre de l'ordre dans le chaos qui afflige le Chili, son devoir est de demander que le Congrès le dispense de l'emploi le plus pénible dont on ait pu le charger.

La vie privée devient nécessaire à la santé chancelante du Soussigné, la lassitude, le dégoût de tant d'années de Gouvernement, la lui font désirer, et la conviction où il est qu'il ne peut faire aucun bien, lui ordonne impérieusement de se retirer. Il y est irrévocablement résolu, et il espère que cette franche manifestation décidera le Congrès à agréer sa démission, bien entendu que le Soussigné se soumettra toujours à la puissance auguste du Congrès, quand il s'agira de l'envoyer au champ de bataille: il se dévoue à tout, sauf à être employé dans le Gouvernement politique du Pays.

Il attend avec impatience une prompte résolution du Congrès sur

l'objet de cette demande, et il a l'honneur de le saluer avec respect et reconnaissance.

Palais du Gouvernement de Santiago, le 2 Mai, 1827.

RAMON FREIRE.

M. J. GAUDARILLAS.

[Le Général Ramon Freire a été remplacé par le Général Pinto, Vice-Président de la République.]

PROCLAMATION of General Bolivar to the People of Colombia, on his return from Peru.—23d November, 1826.

COLOMBIANS,

(Translation.)

FIVE years have elapsed since I departed from this Capital, to march at the head of the Liberating Army from the Banks of the Cauca to the silvery summits of Potosi. A million of Colombians, two Sister Republics, have obtained their Independence under the shadow of your standards—and the World of Columbus has ceased to belong to Spain. Such have been the fruits of our absence.

Your misfortunes have called me to Colombia: I come full of zeal to devote myself to the National Will: that shall be my code, because being the Sovereign Power it is infallible.

The National wish compels me to assume the supreme command; I hold it in mortal abhorrence, because through it I am accused of ambition, and of aiming at monarchy. What! am I deemed so senseless as to aspire to my own debasement?—Who does not know that the station of Liberator is more elevated than that of the Throne?

Colombians—Once more I submit myself to the overwhelming weight of the magistracy; for, in the hour of danger, my retirement would be deemed cowardice; not moderation nor disinterestedness; but reckon not on me, when the Laws and the People shall have recovered their Sovereign sway. Permit me to serve you then, simply as a Soldier and a true Republican; as a Citizen armed in defence of the beautiful trophies of our victories—YOUR RIGHTS.

BOLIVAR.

Palace of Government in Bogota, November 23, 1826—16.

MESSAGE of the Vice-President, on the Opening of the Congress of Colombia, 2d January, (12th May) 1827.

(Translation.)

FELLOW-CITIZENS OF THE SENATE, AND CHAMBER OF REPRESENTATIVES,

I WAS far from thinking, when I addressed my last Message to you, that I should now have the painful duty of referring to wounds which

the internal events of the Republick opened in our hearts. The order and progress with which Colombia was advancing in her political career, when the last ordinary Session of the Congress commenced, announced days of consolation and tranquillity to the People, and impressed me with the agreeable idea of terminating the period of my administration, by leaving the Republick completely tranquil under the guarantee of its Institutions ; its external Relations established ; the sources of National prosperity opened ; the Revenues and the Administration of Justice improved ; Education increasing ; Publick Credit consolidated ; the Magazines of War supplied ; a competent Maritime Force equipped ; and, what is more, the Spanish Government disposed to concede to us Peace ; but Providence, which mocks the projects of Man, to teach us to know our weakness, has permitted that the most melancholy and calamitous events should serve as a trial of our constancy and love of liberty. I proceed to exhibit to you a picture of them, with the correctness and impartiality which my character and representative duties demand ; not to afflict you and to dishearten you by affliction, but in order that, knowing the evil, you may be enabled to apply a remedy thereto. What ought to inspire you with confidence in attempting this, is, on the one hand, the firmness and efficacious co-operation of the Executive Power, and, on the other, the progress which various branches of the Publick Administration have made, in spite of those agitations which were calculated to impede it.

Endeavours to bring about Peace between Spain and the American States were continuing to be made with the Cabinet of Madrid, by those Powers who, consulting their own interests, had recognized our right to independence, when the events of Valencia, of the 30th of April, took place. The Executive had succeeded in inducing the most respectable Governments to interest themselves in this object, and the principal argument on which they founded their desire of Peace was the internal order and stability of our Institutions. Unfortunately, this basis has lost all its force, and the Negotiations have been suspended. The Government of His Catholick Majesty, re-inspired with the hopes of conquest, or at least of invasion, which had long appeared at rest, conceived the idea, as soon as the commotion of Venezuela resounded in its ears, of involving us in a Civil War : but the Executive, without withholding from the restoration of Constitutional order all the attention which its duty imposed, took care to prepare the means of external defence as far as circumstances would permit, and relied tranquilly on the National sentiment, and the well-known valour of the Army. The carrying into effect the hostile views of the Enemy's Government, is now less probable, since its domestic affairs absorb all its attention—since it has lost the Fortified Posts of Ulloa, Callao, and Chiloe—and since the Forces which it assembled in the Island of Cuba are reduced. In any event, however, the Colombians well know how to defend and

preserve their Independence, with the same glory with which they acquired it.

Our relations of friendship with all the States of America, far from having sustained any diminution, are acquiring that extension on which our mutual welfare and felicity depends. The great American Assembly contributed efficaciously to perfect the alliance of the Republick with some, and to define clearly our political and commercial connexion with others. This Assembly met at Panama on the 22d of June, and was attended by the Representatives of Central America, Peru, the United Mexican States, and Colombia, when it laid open the great Volume of the destiny of America. The American Congress occupied but a few days in its first Sittings, but its labours were of immense importance. The Secretary of State for Foreign Affairs will soon present to you:—the Treaty of perpetual Union, League, and Confederation, between the States that assembled, to which the rest of South America may accede; the Convention which fixes the Contingent which each Confederated State is to furnish for the common defence; and the Agreement with respect to the mode of employing and directing the Contingents thus furnished; the Convention which regulates the Annual Meeting of the Assembly in time of War; and several Declarations founded on the Treaties which Colombia has entered into, and concluded, with the Governments of the States represented in the Congress at Panama. The Assembly transferred its Sittings to Tacubaya, in the United Mexican States, to which the Executive readily gave its consent, desirous to respond to the proofs of confidence and friendship, and to the sentiments of harmony and fraternity, which the Federal Government of that Republick had exhibited towards us. At Tacubaya there were also assembled, the Representatives of the Rio de la Plata, of the new Republick of Bolivia, and of the Emperor of Brazil, as well as the Ministers of the United States of North America, whose philanthropick Government, having accepted the invitation which we made to it, took a corresponding interest in this important object. Great Britain and The Netherlands will, probably, on a future occasion, send their Commissioners, invested with the same powers as the Ministers that went to Panama.

The Provisional Government of Peru has passed an Act, recognizing the Republick of Bolivia, but the Provinces of the Rio de la Plata appear to have refused to pass a similar one. The Executive of Colombia has been pained at the latter circumstance, and it trusts in the prudence and wisdom of the Magistrates, in whose charge are the destinies of those States, that they will attend solely to the common interest, the National wish, and the necessity of Peace.

The Government of the United Provinces of Central America has received the Plenipotentiary of the Republick, with the usual formalities; and as, among other things, he was charged with the duty of exchanging the Ratifications of the Treaty of perpetual Union, League, and

Confederation, concluded in that Capital on the 15th of March, 1825, he has performed that duty; but the alterations made by the Government of Central America, in one of the Articles, will impede the exact observance of the Treaty.

The President of the United Provinces of the Rio de la Plata, has also received the Chargé d'Affaires of the Republick, with the forms which practice and custom require. The Executive has taken no official notice of the nature and state of the question which has arisen between that Government and the Emperor of Brazil. The Government of Colombia is extremely afflicted at the circumstance of the Argentine soil being again stained with blood, in consequence of the War declared by the Cabinet of Janeiro, and it has taken the most lively interest in the affairs of the Republick, with a view to the cessation of hostilities, and the peaceable settlement of the existing differences. The mission of Colonel Palacios to His Majesty the Emperor of Brazil, in quality of Minister Extraordinary, is one of the steps which the Executive has taken with a view to Peace, and it affords a proof, at the same time, of our desire to maintain the best harmony and friendship with Brazil.

The Treaty of Friendship, Commerce, and Navigation, with Great Britain, was ratified in London on the 7th of November, 1825, without alteration; and care has been since taken that the conditions of it should be fulfilled with the greatest fidelity; such conduct being the source of confidence between Governments and Nations. In fulfilment of the Treaty concluded with the United States of North America, I have issued a Decree, giving to the Citizens of the said States equal commercial privileges and exemptions with those granted by the Republick to the Subjects of His Britannick Majesty. I fear that the state of agitation which the events of Venezuela have produced, may have given rise to the violation of some Articles of these and of other existing Treaties. The Executive is not, however, as yet informed of the facts; but I can assert, that, impressed with the purest good faith, and the most lively desire for the welfare of Allied, Friendly, and Neutral Nations, no effort will be neglected for repairing any such violation.

The Government of His Most Christian Majesty has appointed, through the medium of a Subaltern Authority, a superior commercial Agent to superintend the interests of France in the Republick. The Executive has observed that the form of making this Appointment is not such as is recognized by the Law of Nations; and had it not been for that circumstance, the Government of Colombia would have granted its *exequatur*, and have been happy to enter into communication with a Person of such distinguished qualities as M. Martigny. Nevertheless, the Government, being desirous of proving to France and to His Most Christian Majesty, its anxiety to establish and maintain relations of Peace and Friendship, has permitted the Agent to super-

intend French Commerce, upon the terms, and according to the manner, in which, under similar circumstances, permission had been previously given to the English and Dutch commercial Agents. The Executive, therefore, confidently hopes that the French Government, far from delaying the recognition of the Independence of Colombia, will avail itself of the present favourable opportunity of encouraging the industry of its People, by entering into relations with the Republick. The Colombian Flag now waves in the Ports of France, in consequence of the Regulations adopted by the Government of that Country.

I must allude particularly to the Negociation, by virtue of which we have seen independence secured to a neighbouring Island, for which it had combated with glory and perseverance. Hayti has obtained Peace from Charles X., and has received it with joy, because it was the commencement of renewed friendship with its Mother Country. The Government of Colombia has participated in the happiness that has fallen to its lot, and, independently of its being gratified at the sight of a People enjoying rational liberty, it feels peculiar gratification in what Hayti has accomplished.

The endeavours, which we have made with so much anxiety, to establish relations with the Apostolick See, have not succeeded. The Minister of the Republick has returned from Florence to Rome, but his prospects do not appear to have improved. By this time, his Letters of Leave have been delivered, conformably to the last Regulations decreed by the Liberator President.

I have already observed to the Congress, that the political convulsions in Valencia, in the Department of Venezuela, have checked the progress of the Constitutional system, under the shade of which the Republick enjoyed tranquillity until that ominous day. You are aware that the Chamber of Representatives received with attention the complaints of the Local Authorities of Caraccas, against certain irregularities which the General Commandant, Jose Antonio Paez, had committed, in execution of the Decree for enlisting the Militia ; and that the Executive had, a year before, warned him to execute that Decree with discretion and prudence, and to avoid giving any ground for offence, or for any commotion, which might render it necessary to resort to arms, or to inflict severe punishments. Whether the Chamber shall see fit to justify the acts of which the Municipality of Caraccas complains, or whether an exalted zeal for the preservation of the guarantees of Citizens, may induce it to take such steps as are calculated to prevent irregularities of a similar kind ; one thing is certain, that it was resolved to accuse the General-Commandant before the Senate, and that the accusation having, in fact, been passed, the Senate found it expedient to receive it. This accusation, however much it might offend the self-love of the accused, inspired some of the People with the strongest hopes of stability and harmony, although it produced, in certain Towns, disorder and division.

The Decree of the Senate, and of the Executive Power, published in fulfilment of Article 100, of the Constitution, was disobeyed. General Paez was not only retained in his command by a resolution of the Municipality of Valencia, but that of Caraccas invested him with a superior authority unknown to our Political System. This proceeding gave origin to many others, all hostile, to the union proclaimed by the Fundamental Law, to the Constitution, and to the Government; and, on the 7th November, a popular Assembly in Caraccas decreed the Independence of that Country. The Department of Venezuela, the Province of Apure, one of the Districts of Barinas, and, recently, Margarita, adhered to the Decrees of Valencia, through the medium of their Municipalities; and, in fact, separated themselves from the sway of the National Government. The Executive had sufficient reason for believing, that neither the wishes of the Venezuelan People, nor those of the whole Army, had concurred in spontaneously approving the abovementioned acts, and this was declared in the Decree of the 8th of July, and in the Manifesto published by my orders. This opinion has been confirmed by the conduct of the Battalion of Apure, and all its Officers, and that of Puerto-Cabello, both of which renounced obedience to General Paez. The conviction that the People of Venezuela were not guilty, the horror with which they contemplated a War between Colombians, the approaching arrival of the Liberator, and the hope that the force of opinion would restore order, joined to other considerations of not less weight, induced me to think it advisable to labour to produce the happy effect, which you will find set forth in the Documents which will be laid before you; taking for my guide the Constitution, and for my support the National opinion. They alone would, doubtless, have been sufficient to smother discord, and to re-establish the empire of the Law, if the Enemies of peace, timid, weak, or ambitious, had not introduced popular Juntas, and if the Authorities had displayed that firmness which was due to the honour and welfare of the Country. In Maracaibo a popular Meeting, which is permitted by no Law, demanded the convocation of the Grand Convention, before the period appointed by Article 191 of our Code; and other Municipalities of the Province adhered to that demand. In Guayaquil, Quito, and Cuenca, the Juntas deliberated with the same feelings, but, a few days after, those same popular Juntas proclaimed the Dictatorship, and the Bolivian Code, trampling, by such measures, on our own Constitution. Carthagena, Panama, and Maracaibo again assembled their popular Meetings, and declared the necessity of investing the Liberator with unlimited power. Cumana and Barcelona, in like manner, solicited, by similar Meetings, the convocation of the National Convention, and thereby completed the picture, of the commotions, errors, and infractions, of the Law, which had been begun in Valencia. These proceedings were taking place at a moment, when the Spaniards were hovering off our Coasts on the side of the At-

lantick, with a considerable squadron—when the friendly Powers in Madrid were endeavouring to prevail on the Spanish Government to grant Peace to America—when Publick Credit was threatened with the most utter ruin—when the very Earth was shaking, and afflicting the Inhabitants of the interior. I leave it to you to consider, what must, in such a state of things, have been the anxiety of the Executive, at finding itself involved in such serious difficulties, and surrounded by so many obstacles, in its endeavours to preserve the internal order of the Republick under the ægis of the Constitution. Fortunately, the cause of Liberty and of Law, was not abandoned in the dissident Provinces, nor even in the very Cities which had issued illegal Proclamations; and the Executive Authority found support wherever there was a judicious Colombian and true Patriot. What words are capable of sufficiently applauding the fidelity, firmness, and attachment to the Political Laws, of the People and Authorities of the Provinces of Bogota, Antioquia, Neyva, Marquita, Tunja, Socorro, Pamplona, Casanare, Guayana, Mompos, Merida, Popayan, Buenaventura, Pasto, Choco, and Barinas—or the exemplary conduct of General Bermudez, and the prudence of Generals Urdaneta and Guerrero, and of other illustrious Chiefs, who do honour to the Liberating Army of Colombia? The Executive Power cannot sufficiently describe what is due to those Provinces, and to their Civil and Military Authorities, by the Country. History and posterity will do them justice. In the mean time I recommend them to the Representatives of the Nation in the most earnest manner.

In the midst of this deluge of calamities, in which the fidelity of the before-mentioned Provinces saved the ark of our rights, the Iris of salvation, the Liberator, President of the Republick, appeared,—whose presence all desired—the innocent and guilty, the just and the unjust. The Liberator closed the wounds of Guayaquil on the 12th of September, and, in his passage to this Capital, ordered the re-establishment of the legal Government, which had been subverted in the Departments of the South, rejecting, in a manner worthy of the first Citizen of Colombia, the Dictatorship, which, without power or right, certain popular Juntas had conferred upon him. On the 14th of November, he arrived in this City, and departed for Venezuela on the 25th, having established, in the course of the two days, during which only he would exercise the Government, various economical regulations, and issued the Decree of the 23d of November, which I venture to call immortal, because, having therein declared that he took upon himself the exercise of Extraordinary Powers, which, in cases like the present, is permitted by Article 128 of the Constitution;—that he was desirous of preserving our Political Code, until the Nation should, by legitimate means, reform itself;—and that the Laws were to remain in their former vigour, in every thing in which the exercise of those extraordinary powers were not requisite;—I think that the National honour and glory of General Bolivar are for ever established.

You will excuse me, if I decline entering into an examination of the causes of the commotion in Venezuela, and the other Political disturbances which have afflicted us. Their Authors mention several, and have not hesitated to attribute many of them to me. You, who join to a correct and sound judgment, a knowledge of the good and evil experienced by our Constituents, can enter into an examination of them, and apply some remedy, capable not only of assuaging the anguish at present suffered by the Body Politic, but of guarding against any return of similar misfortunes. I, joining in the views of the Liberator President, take the liberty to request three things of the Representatives of Colombia, for the publick good: first, that Congress do not deceive itself, by imagining that the wishes expressed by some few Men, actuated by discontent or fear, are the sentiments really entertained by the People at large; secondly, that Congress look with an eye of pardon and indulgence upon those who have gone astray: and, lastly, that it frame clear, decisive, and just Laws, to prevent, in future, the recurrence of events so fatal as the past. With respect to myself, I entreat—and I do it as earnestly as I should beg for life—that the Congress will be pleased to take into consideration the accusations which the discontented have brought against the Executive Power; to examine them with impartiality, and to let all the rigour of the Law fall upon me. For any wilful faults, in which malice and perversity can have had part, I neither ask nor seek indulgence. Should the Congress overlook political crimes, committed by the first Authorities of the Nation, it would be as culpable as those who trample under foot the social compact.

In opposition to this mournful picture, I will place the progress which has been made in the education of Youth, the means for which are to be still further extended, according to the organic Law, and the plan of publick instruction, which are confided, by a special Decree, to the Executive Power. The primary Schools, on the Lancasterian system, have been increased—the Colleges and Schools have been improved—and the central University of Bogota, together with the National Academy, have lately come into operation. The administration of Justice may have been improved, by the extension of the authority of the greater District Judges to the Courts of the Departments; as, by the suits being more expeditiously concluded, the costs are diminished, and a great check is established, over the Tribunals charged with the administration of the Laws, in different Districts; but the internal disquiet of the Republick, which extended its malignant influence over every thing, has occasioned the suppression of the Courts of Guayaquil and Zulia. The same cause has produced fear and distrust in those who contracted to colonise the uncultivated Lands; the consequence of which is that, although the 1,000,000 fanegadas of land appointed by Congress had been distributed, I have been under the necessity of resuming them, in conformity with the contracts. The reduction and civilization of the Aborigines have been retarded, as they are objects which would lead to

a great expenditure of time and money; the latter of which the National Finances cannot at present spare; and, with respect to the former, one Year is not sufficient to gather the fruits of many Years perseverance. The Province of Pasto is completely tranquillized, and its Inhabitants, after promptly and willingly seconding the active efforts of its Governor, now dedicate themselves to repair, by industry, the calamities of war.

The penury of the National Treasury has continued to harass the Government in an unspeakable degree. The moral force of the Laws, and of the Government, being relaxed, and the Laws relating to Taxes being evaded, the Treasury receives no money, whilst daily demands are made upon the Executive, from the Army, from Creditors, and from the whole Administration. The hopes that were formed that the new system of Finance, adopted at the last Congress, would have augmented the produce of the Revenue, at least till it equalled the publick expenses, have been disappointed, owing to the political agitation to which I have referred. The moment a City conceives itself justified, in rising and declaring that the Constitution, the Laws, or the Administration, are prejudicial to the common good, every Tax-payer seizes the opportunity of strengthening any inclination he may have, to infringe the Laws which regulate the Publick Revenue. You will see and examine the Provisional Regulations upon this subject, which have been made, in virtue of the powers granted by the 128th Article of the Code; the Documents relating to which will be presented to you. To urge upon Congress the attention and preference which ought to be given to the National Finance, is to repeat a truth, sufficiently notorious, and of which experience has already taught us much. Money, as you will have heard from another Authority, is, to the body politick, what blood is to the natural body; without it the State cannot exist, and, in order to form a National Treasury, it is necessary that the Citizens should contribute a part of their means. The direction of Publick Credit has been opportunely settled, but whilst the Law which establishes the Foreign and Domestick Debt, and the continued zeal of the Committee in the discharge of their duties, have imparted a buoyancy to the National spirit, and created hopes in our Creditors, the changes which the political system has undergone, have impeded the operation of the Law; and it has not met with that exact observance which it would have had in peaceful times, under the sway of the Constitution. Thus it is, that, not having been enabled to discharge the interest of the Foreign Debt, due in July and December of the last Year, the Publick Credit has been prejudiced to a very great extent. The Revenue from the Post-office and the Mint, has increased, and promises considerable further improvement, owing to the intelligence, zeal, and activity, of the Directors of those Establishments.

I have ordered all the Documents and Papers to be collected, relative to the Loan of 1824, which will shew the manifest advantage

of that transaction—the amount remitted to the Republick—its distribution—and the application of the funds reserved in London, according to the Contract—in order that the general Account may be made out in the clearest and most intelligible manner, and that it may be presented to you for the information of the Nation. Notwithstanding the Declarations and Decrees published by the last Congress, ignorance and perversity have combined to reproach the Government, on account of this transaction. The ignorant think, that after having, for more than 2 Years, employed the funds derived from the Loan, in various heavy expenses, of which the Congress is aware, and which have been made publick, the Treasury is still supplied with money, which may be continually employed to defray the National expenditure, and thus avoid the imposition of taxes. The perverse, turning their attention from the Accounts presented to the Publick, and from the Laws, which have appropriated to different services the proceeds of that Loan, invent charges and suggest doubts, which they continually repeat, always casting blame upon the Government. It is necessary that the Congress should take this into its serious consideration, in order that, by its deliberations, it may, in some measure, restrain the disposition to calumniate the Government, which more than ever prevails, in consequence of the late commotions in Venezuela.

Peru has not been able to repay any part of the debt it has contracted with us ; but, if its conduct is to correspond with the promises made by the Government of that Country respecting this matter, I trust that the payments to be made will cover the interest of the Foreign Debt for 2 Years, and that the Colombian People will receive further relief, from the money which remains due, on account of the Loan for 20,000,000 dollars, which the failure of the House of Goldschmidt has hitherto prevented us from receiving.

The state of peace in the interior, and military operations against the common Enemy having been unnecessary, the Army has had no other occupation than that of guarding the Frontier Departments, and completing the pacification of Pasto. Prepared still to defend the Independence of the Country, with the heroism which 15 Years of War have exhibited, the Government and the Republick have remained in security, amidst the hostile preparations with which the Enemy's Government has menaced them. During the internal disturbances, a great part of the Army obeyed the Law, which prohibits it from being a deliberative Body : it has shewn itself a worthy defender of the National Liberties and the Constitution ; it has supported the measures of Government, and re-animated the hopes and confidence of the Citizens. This conduct has preserved the honour and glory of the Liberating Army of Colombia, without a stain. A body of Colombian Troops remains in Peru ; the rest of the Army has passed into Bolivia, in consequence of a Decree of the last Congress. Both bodies act with the honour and discipline becoming a Republican Army. I request, for the fourth

time, that the Congress will pass a Law, settling the mode in which invalid Soldiers may be allowed to retire from the service, the pensions they are to enjoy, and the other privileges to which, in strict justice, they are entitled. In like manner, I request them to pass a Law, extending some relief to the Families of those who may have died, or who may die, fighting, or in any manner losing their lives, in the service of the Country.

The Naval force will receive such an increase as the state of our Publick Finances will allow, in order to enable it to put to Sea, to join the Mexican Squadron, and to act in conjunction with it, agreeably to the Convention concluded between this Government and the Mexican Republick. Our efforts were tardy in equipping the Squadron assembled at Carthagena, for it was not possible, either quickly to collect the Crews, or to provide the pecuniary means necessary for that purpose; but we shall, at length, enjoy the interesting object proposed by the Convention to which I have alluded. The interruption which those preparations suffered, by the above-mentioned causes, as well as by a failure in the fulfilment of a contract made for Transport Vessels, gave rise to the Resolution adopted by the Liberator President, in his Decree of the 24th November, which will likewise be laid before you for your consideration. The education of Youth in the Nautical Schools continues to receive every possible attention; the Directors and Masters have fulfilled their duty, and have not disappointed the confidence of the Government and the Publick.

This, Senores, is the state of the Administration in the calamitous Year of 1826. The Secretaries of State will unfold, in their respective Memorials, the situation of the affairs committed to their charge, and will afford to Congress that information which is to be acquired only by experience in the practice of Government.

This would be the place to present you with a comparison between the Republick of Colombia, as it existed in 1821, when I took charge of the Administration, and in 1826, when my functions terminate: and this would seem the more necessary, because you are about to commence your duties, in the midst of profound affliction, at the state of agitation in which we are involved, and are, perhaps, influenced by the accusations brought against me by the discontented. But I leave to a sound and impartial publick opinion, the strict examination of the good or evil which I may, personally, have caused the Nation, during the 5 Years and 3 months that I have occupied the Post I am now about to quit. It is publicly known, that I was called to the Government without any wish on my part, and that my inexperience was well understood. My constant attention to the difficult duties of my Office have been seen. It is equally well known, that, instead of assuming a direction and command, my sole study was, to execute the Fundamental Law, and the Constitution and Laws—that I have not only filled the office of Executor of the Law, but, frequently, that of Legislator, by the delegation of Congress—that I have been constantly obedient to the recorded

will of the People—have never deviated from the Republican system—and have used, with prudence, the extraordinary powers confided to me : in one word, Colombia, must acknowledge that no Citizen has feared the power placed in my hands; for I have deprived no one, either of his liberty or property, and the Republick has enjoyed its entire freedom. I cannot express all the bitter feelings of my heart, at seeing Colombia divided, and falling from the eminent station which it occupied in the moral and political World. My blood would be too small a sacrifice, in order to see it again in the same flourishing state at which it had arrived before the 30th of April. You, who have the power of Legislating, and enjoy the confidence of your Constituents, are called upon to wipe away the tears of your Country, to heal its wounds, to re-establish National concord, and to preserve the honour, glory, and reputation of the Republick. But for this, and the assurance that you will efficaciously co-operate with the Liberator President, in objects so interesting, our grief would have no end, and the name of Colombia, which has been our best title to the esteem and admiration of the civilized World, would become a memorial of our shame and degradation. With respect to myself, I have nothing to regret, except that I did not separate myself from the Administration during the last Session of Congress, as I had intended to do, and that I concurred with the Legislative Body in burthening the Nation with the debt of 20,000,000 of dollars, incurred by the last Loan, to which we were driven by circumstances, so imperious and urgent, that it was impossible to be avoided. I believe however, that I have done nothing which can dishonour me in the eyes of an impartial World. If I had found the Republick, in 1821, free from the common Enemy, and had now to leave it, in part or entirely occupied by him—if I had found it, under the happy influence of the Constitution, of harmony, and of obedience to the Laws, and had to leave it in anarchy, with no other Law than the caprice of the Magistrates—if I had found it in possession of Schools and Colleges, and enlightened, and had to leave it plunged in ignorance, with every Establishment of learning destroyed—if I had found it regenerated, and free from vulgar prejudices, and had to leave it in the most debased state of blindness and torpor—if I had found it fully peopled, and traversed by excellent roads, and with steam-boats, and containing charitable Establishments, and had to leave it depopulated, without roads, and in a state of nature—if I had found it recognized by all other Nations, or by some of them, and had to leave it without Foreign relations, and treated as a rebel Country—if I had found it allied with the other American States, and had to leave it at War with them—if all those States had been independent from the Year 1821, so as to render it unnecessary to extend a friendly and generous hand to them, and I had to leave some of them sighing in slavery, by the fault of my government—if the Publick Revenue had been perfectly organized, and had produced sufficient to defray the Publick Expenses, and I had to leave it ruined under my

superintendence—if, instead of the Foreign and Domestick Debt, created by 11 Years of War, which I received instead of a Treasury, I had found the Republic without obligations of any sort, and had to leave it compromised and overwhelmed with the weight of an immense debt, wasting in decay under injurious engagements—then, and then only, I should have to seek an asylum, wherein to hide my shame, and my heart would fail me in imploring the pardon of my Fellow-Citizens. But, thanks to the Providence which has watched over the destinies of Colombia, the Republic in 1826 differs widely from what it was in 1821, and, without attributing to myself the merit of that difference, I may console myself with the reflection that, in filling the first Post in Colombia, I have not been an obstacle to the accomplishment of so much good. The gratification of having avoided a Civil War in the present disturbed state of the Country, and the honour of having been the first to whom the Representatives of the Colombian People confided the difficult task of establishing the Constitution—twice associating me with Bolivar in the Supreme Magistracy—would, under any circumstances, have entitled me to publick esteem, had I even performed no services to my Countrymen, during the 16 Years of our glorious regeneration.

FRANCISCO DE PAULA SANTANDER.

Bogota, 2d January, 1827.

MESSAGE of the Vice-President, on the opening of the Congress of Colombia. 12th May, 1827. (Translation.)

FELLOW CITIZENS OF THE SENATE AND CHAMBER OF REPRESENTATIVES,

THE 5th Session of the Congress of the Republic was to have been opened on the 2nd of January, of the present year, and on the same day my functions as Vice-President of Colombia were to have ceased:—the Law had regulated both the one and the other. For that reason I had prepared and printed the ordinary Message of the Executive Power, previous to the 2nd of January. Very peculiar circumstances, which did not come within the sphere of my controul, have interfered to prevent the assembling of the Legislative Body by the presence of all good Patriots, until now, when, fortunately, the Nation is worthily and constitutionally represented in Congress. Great and important are the objects which you have to investigate; great and well-founded are the hopes of our Constituents and those of the Government.

In the Message of the 2d January, I communicated information respecting the state of the Republic in all its branches—I have now to inform you of the events which have occurred since that period.

My continuance in the exercise of the Government has been owing chiefly to two circumstances—first, because the Liberator, President, thought it expedient, in the agitated state of the Republic, to suspend the Law which fixed the cessation of the functions of the President and

Vice-President at 12 o'Clock of the 2nd of January, in the last year of the Constitutional period; and my heart counselled me not to oppose, under circumstances of so much difficulty, the arrangements of the Liberator; and, secondly, because my continuance in Office was the least illegal act that I could commit during the late crisis, after the doubts which had been admitted by the President of the Senate, respecting the duration of his authority. The documents respecting this transaction will be submitted to Congress. My first care has been, to watch over the public tranquillity, to support the power of the Laws, to assist in the Measures adopted by the Liberator for the re-establishment of order, which has been disturbed in some of the Towns of the North, and to provide for the assembling of the present Congress. The extraordinary Powers with which I was invested have been exercised so mildly, that, I am well assured, the tremendous authority I have held has been scarcely felt in Colombia.

Our relations with Foreign Powers have continued to extend. A Consul-General and a Vice-Consul to reside in this Capital, and a Consul for the City of La Guayra, have been duly nominated by the King of The Netherlands. The Executive has expedited the corresponding *Exequaturs*, and will profit of this occasion, to establish, on a footing of the most perfect friendship, the relations between Colombia and the Kingdom of The Netherlands.

The Person appointed by order of the Government of France, to act as a superior Agent for French Commerce, has lately received the title of Inspector of Commerce in Bogota and its Dependencies, which has been given to him by the Minister for Foreign Affairs; but the Executive, finding new difficulties in granting him its *Exequatur*, has suspended it, until the relations between the Government of Colombia and that of His Most Christian Majesty shall have been defined with clearness, and according to Publick Law.

The Kings of Denmark, Prussia, and Bavaria, have evinced a disposition to open relations with the Republick, and to establish them permanently, for the advantage of the respective Countries. The Executive have met this disposition in the most favourable manner, without, however, compromising the national dignity, or departing from the rules which have been adopted, with respect to the Nations with which we have entered into Publick Treaties.

The Liberator President proclaimed in a Decree, promulgated at Maracaibo, that his duty enjoined him to employ the armed force, to bring under the obedience of the National Government the Towns which had separated themselves from it, and all his measures were calculated speedily to bring about so laudable a result. From Boyaca, Maracaibo, and Carthagena, auxiliaries of every description were sent. General Urdaneta directed his course to the westward of Venezuela, and the Liberator President to the Town of Puerto Cabello, which was already separated from the refractory Party. The Towns hastened to proclaim

their obedience to the Liberator President ; and the dissentient Authorities of Venezuela laid down their arms, and submitted with the rest. These successes will be made more particularly known to Congress, by the Documents which will be laid before it, as soon as they are prepared. In them will be seen the loyalty of the Districts of Mantecal, Guadalupe, and other Towns of the Province of Apure, at the head of which the faithful and brave Colonel Inchazu placed himself ; it will also be seen, that the influence of the Liberator President, with the mildness and indulgence with which he accompanied all his Acts, quenched the flames of Civil War, re-established the divine sway of the Laws, and brought tranquillity to Colombia. The Congress will not fail to appreciate the immense blessings of domestic Peace ; under the protection of which it can discuss the interests of the Nation, and listen to its complaints. Instead of the disasters, lamentations, and tears, which the Civil War had caused, nothing will now be seen but anxious endeavours to heal the wounds of our Country, and to attend to its true happiness. Destruction appeared inevitable : in Cumana, the precious blood of Colombians had already flowed ; the fratricidal cannon had thundered in Puerto Cabello ; and a disastrous conflict was preparing in Apure, between the very Soldiers who had overcome the Spanish Army ; hatred, revenge, and division, threatened to involve the Republic in ruin and desolation. But, owing to the experience which the People had already had of the evils they suffered, to the voice of the Liberator, the presence of his Troops, and to his assurances, order has succeeded to confusion, hope to despair, confidence to fear, reason to passion, and Peace to War. Such is the state of the Northern Departments, according to the most recent communications, received from the Secretary-General of the Liberator.

I have to urge upon Congress the necessity of revising the organic Law relating to Schools. The reproaches which have been cast upon them are notorious, and the Executive recommends that you should examine the subject, in the counsels of your wisdom, in order that public education may be spread throughout the vast extent of Colombia, and that there may not be a Colombian who cannot enjoy its benefits. The plan of public instruction decreed by the Government, being merely provisional, its reform and amelioration depend upon the amendments which may be made in the Law, and upon the lights which experience may furnish.

It is satisfactory to me to acquaint the Congress, that the produce of the Publick Revenue during the last Year, from the 1st of July, 1825, to the 30th June, 1826, was greater than that of the preceding Year ; and that the estimate of the expenses for the present, is so much below that of the past Year, that it will not equal the Revenue. It is easy to conceive all the malignant influence that the disturbed political state of the Country, which we so much lament, must have had on the National resources. Had we been free from that evil, considering the above-

mentioned state of the Revenue, it is evident that the increase of our income, and the reduction of our expenditure, would have been such, that we should, at length, not only have balanced our expences and receipts, but should have maintained Publick Credit, and have consolidated the floating Debt, without burthening the People with the Taxes, which, in former Years, had pressed so heavily upon them. I recommend this matter to your careful consideration, premising, however, that there exists at present such disorder and confusion in the National Finances, that it is impossible to provide, both for the expense of the Administration, and the obligations of the Republick. The Finance Minister will lay before you the last measure adopted by the Executive to pay the interest of the Foreign Debt, which it was not possible to do during the last Year, and which caused great pain and anxiety to the Government.

Nothing has occurred with respect to the Army, except the movement in the auxiliary Division of Peru, which took place in Lima, the 26th of January. The Division on that day deprived the Officers, whom the Liberator had appointed with the full authority of the Government, of their command. The acting Authorities of that Division have solemnly renewed their former oaths of submission and obedience to our Constitutional Laws; a renewal which gives assurance of the fidelity of those Authorities, and which the Division could not have given, had it not previously separated itself from its Chiefs. The Congress will see, in the Documents which will be laid before it by the Secretary of War, the prudence with which the Executive has acted in this delicate affair, and the critical situation of those Authorities. The subject will be separately considered on another occasion.

The co-operation of the Government in execution of the resolutions of Congress, so far as they conduce to the publick good, is an obligation on its part, the fulfilment of which you may expect under any circumstances. The Nation has placed its confidence in you, and you have deserved it, and in that confidence it has appointed you to legislate for its dearest interests. Make yourselves worthy of it under the blessings of the liberal World; and consecrate yourselves, with zeal and firmness, to the radical cure of our political wounds. Your honour and that of Colombia—your fortunes and those of the people you represent—your fate and that of your Country, a Country worthy of all our sacrifices,—depend upon your labours. Your determination is the life or death of Colombia. Europe and America contemplate you, and posterity waits with justice to bless or execrate your memory. For myself, being the First Representative of the Republick of Colombia, its First Magistrate in the actual exercise of Government, an old Soldier of liberty and a faithful subject of the Laws, I cannot, nor will I, barter the glory of my Country and its Institutions for ruin and anarchy.

F. DE PAULO SANTANDER.

Bogota, May 12th, 1827.

PROCLAMATION of the Lieutenant-Governor of Gibraltar, respecting the Neutrality of Great Britain towards the Belligerent Subjects and Vessels of Europe and America, in British Ports.—12th October, 1826.

BY HIS EXCELLENCY SIR GEORGE DON, &c. &c.

HIS Majesty being determined, in consonance with the state of Peace happily subsisting between Great Britain and the Powers of Europe and America, to observe and cause to be observed, the strictest neutrality towards all Belligerents whose Subjects or Vessels may frequent the Ports of His Majesty's Dominions; the Lieutenant-Governor has been instructed by His Majesty's Secretary of State for the Colonies, to make known these His Majesty's sentiments within this Dependency. All Subjects of any of the said Belligerents are, therefore, hereby prohibited making the Port of Gibraltar a place of rendezvous for any warlike purpose, or with a view of obtaining facilities of equipment; and further, are prohibited bringing in (except in case of distress) any prize, or any part of the cargo of prizes, which they may make on the commerce of their Opponents; and all Persons residing in Gibraltar are hereby forbid, under pain of His Majesty's high displeasure, aiding or abetting the armed Ships of any of the Belligerents, in carrying on hostile operations against the opposing Party, should such armed Ships attempt to rendezvous in this Port.

Given at Gibraltar, this 12th day of October, 1826.

G. DON, General and Lieutenant-Governor.

By command,

R. MARTIN, Acting Civil Secretary.

NOTIFICATION of the French Government, respecting the Blockade of Algiers.—27th June, 1827.

Circular to the Ministers of Foreign Powers.

MONSIEUR L'AMBASSADEUR,

Paris, le 27 Juin, 1827.

J'AI eu l'honneur d'annoncer, le 7 de ce mois, à Votre Excellence, le départ d'une division navale que le Roi avait jugé nécessaire d'envoyer devant Alger, pour demander satisfaction des torts dont le Dey s'était rendu coupable envers la France. Cette réparation n'ayant point été accordée, le Commandant de l'Escadre de Sa Majesté s'est conformé à ses ordres en effectuant le blocus d'Alger, qui a dû commencer le 13 de ce mois. J'ai l'honneur de prévenir Votre Excellence de cette disposition, en conséquence de laquelle toutes les mesures autorisées par le droit des gens seront prises et exécutées à l'égard des vaisseaux neutres qui tenteraient de violer le blocus. Je prie Votre

Excellence de vouloir bien porter cette communication à la connaissance de votre Gouvernement.

J'ai l'honneur, &c.

LE BARON DE DAMAS.

Son Excellence Lord Granville.

*MESSAGE of the President, on the Opening of the Second Constitutional Congress of the United Mexican States.—
1st January, 1827. (Translation.)*

FELLOW-CITIZENS, REPRESENTATIVES AND SENATORS,

THE Year 1826 has ended, after a long and uninterrupted series of prosperity to the Republic. You, who have come from various distances to record the publick wishes, are witnesses that, if the recollection of the past is agreeable and flattering, the more sweet and delightful is the future, which developes itself in an extraordinary manner to the eyes of the observer.

With the arrival of that period, which the Fundamental Code has fixed for the renewal of the Chambers, the motives of National delight are multiplied, since the luxuriance and vigour of the Republic, in concert with its Institutions, occasion the felicity of the social Body, and have identified it with the enjoyment and happiness of every Individual. Such admirable harmony, and events having corresponded with the hopes which we had conceived during the past Year, encourages us to prognosticate the permanent continuance of the favours of Providence.

Gentlemen, the second Constitutional Congress of the Union is installed. The Law which commands me to be present at this truly august and imposing ceremony, is the same that has confided to you the inestimable power of raising the name and glory of Mexico to the height of its destinies.

Our exterior relations are daily advancing and strengthening.

In the Treaty, which had been approved and concluded with Great Britain, such explanations have been given, as the Additional Articles, inserted by the Cabinet of St. James required; and an extraordinary Envoy has proceeded to London, duly accredited to present himself there as a Minister Plenipotentiary, in order to conclude this interesting Negotiation. He has been favourably received, and it is to be hoped that the Congress will take into consideration, during its first Session, that subject, which will consolidate the frank and amicable relations which exist between the Government and People of England and the Mexican People and Government. A Consul has been, with the approbation of the Senate, appointed for Gibraltar, with a view, to protect the commerce carried on at that point.

A Consul General of His Majesty the King of The Netherlands, a Vice Consul, and a Consul for Vera Cruz, have presented themselves duly accredited; *Exequaturs* have accordingly been granted to them, and they are in the full exercise of their functions. The Government has appointed a Chargé d'Affaires to that Court, and trusts that this Appointment will be fully appreciated, notwithstanding the embarrassments felt by that Country, in consequence of its position with regard to the great Continental Powers of Europe.

A Person has presented himself in the character of Commercial Agent of France: he has been appointed by Vice-Admiral Duperré, Commander of the Squadron of the Antilles, on which account the *Exequatur* has been withheld, until he shall receive the direct authority of his Government in due form; he has, however, been admitted as a Confidential Agent, a rank similar to that which a Mexican Citizen now holds in Paris. With this understanding, both his Correspondence with the Department of State, and the Appointments which he has announced of Subaltern Agents in Vera Cruz, Tampico, and San Louis Potosi, have been permitted. The French Government has adopted this measure, after having in vain employed its friendly counsels, to induce Spain to recognize the Independence of the New Republick. This conduct on the part of France is consistent with the general desire which the Nations of Europe have always entertained, in favour of the emancipation of the Americas. It results from the political and commercial interests of the French People, and is the effect of that similarity of sentiment, which fortunately exists, and increases, between the Cabinets of France and England. In contrasting the steps taken by England, up to the point at which our relations have arrived, with those which the French Cabinet takes, in the manifestation of its benevolent intentions towards the cause of liberty in America, an accidental difference only is observed. I rejoice in the favourable progress of our relations with France, which the appointment of a French Agent has effected; and the determination taken to receive him will not impair the dignity of the Republick.

His Majesty the King of France has ordered that the Mexican Flag shall be received in all his Ports, on the same terms as those upon which the French Flag has been received and admitted in the Ports of this Nation. This establishes the relations of amity and commerce with France, which will go on until they reach the same footing on which they have for some time existed with England, in consequence of the earlier manifestation of its liberal principles. It remains, however, for these relations to be regulated in a more distinct manner, so as to inspire the subjects of both Nations with absolute confidence, in order to settle definitively the reciprocal interests of the French and Mexican People.

The Hanseatic Cities have appointed a Commissary General of Commerce to this Republick, who has been admitted to the exercise of his functions. And a Mexican Commercial Agent has been sent by the Executive to reside at Hamburgh.

The Government of His Majesty the King of Prussia has not accredited its Commercial Agent in due form; until that be done, however, his intervention will be permitted in favour of the interests and Subjects of that Country, in order that the National decorum may correspond with my lively desire, to induce the Cabinets of Foreign Nations to use that frankness which characterizes the Mexican Government in all its proceedings.

The Commercial Agent, *ad interim*, whom His Majesty the King of Bavaria is known to have appointed, has not yet presented his credentials.

The King of Wirtemberg has determined to establish Commercial relations with us, and has authorized an Individual, who is in this Capital, to act as his Agent; but he has not yet delivered his Commission.

The friendly relations between our States and those of North America continue unaltered. The Treaty of Amity, Navigation, and Commerce, recently concluded with their Minister Plenipotentiary in this Republick, has been presented to the Chambers. The Congress, giving preference to this important business, will hasten the final consolidation of our relations with a Nation, upon our borders, and which is, moreover, united to us by the strong sympathies necessarily created by the identity of our system and form of Government. The Commission, appointed for the scientific determination of our Boundaries, is detained, for want of authority to incur the expenditure, which must attend its operations.

The American Congress which attracted the attention of the civilized World, took place in the City of Panama; and its labours advanced so happily, that the Plenipotentiaries of Mexico returned in September, bearing the Treaties; to which the Chambers will give that peculiar attention, which the Federal Compact of the great American Family claims under so many titles. It was there resolved to transfer the Congress to the Territory of the Republick, where a frank and friendly reception will be given to it, such as is due to the Plenipotentiaries of the Republicks, to which we are united by intimate relations and fraternal bonds. The Ministers from Guatemala and Colombia have already arrived, and one from The United States of the North, and others may shortly be expected, to continue the Sitzings of the great Congress in the Town of Tacubaya.

A Minister Plenipotentiary and Envoy Extraordinary of The United States of Central America, has arrived in this Capital, with Powers to propose, negotiate, and conclude with this Government,

Stipulations and Conventions, which may be conformable to justice and to the interests of both Nations, and to settle the Boundaries of our respective Territories.

A Consul General from the Republick of Chili has presented himself, to reside in Tepic, and the corresponding Exequatur has been granted to him.

Every thing appears to indicate an early change in the Constitution of Colombia. The Mexican Government, pursuant to its principles, will not interfere, directly or indirectly, with this occurrence, but will confine itself to maintain and preserve uninjured its amicable relations with our Ally, the Republick of Colombia. Whatever be the causes which have produced so unexpected a movement, it can have no influence, even the most remote, upon the Republick of Mexico, whose free Institutions are regarded with the most ardent enthusiasm; because, in their essence, they are not susceptible of improvement of any kind, even though they be compared with the various modifications which the Compacts that regulate the rights and obligations of the People have received at different periods.

The more abject and miserable the situation of Spain, the greater the exertion it makes to obtain some advantage, however ephemeral, in the parts of America, which it has lost for ever. During the past year, it has largely re-inforced its Naval force, and has augmented its Garrison, in the Island of Cuba. Its threats are however well understood. The Squadron of Laborde presented itself about the middle of the Year off the Coasts of Colombia; and two Frigates were seen shortly afterwards near Tampico. This Squadron was dispersed in a hurricane, which it experienced in the Bahama Channel and Seas of the Antilles, and it is probable, as it sustained great injury, that much time will be required to refit it.

The moment seems approaching, which may definitively terminate the unfortunate differences which arose, respecting the possession of the Banda Oriental of the Rio de la Plata, between the Argentine Republick and the Government of His Majesty the Emperor of Brazil. This interesting portion of the New World, in giving to Portugal a Constitution, has presented to the wonder of the Universe the very singular phenomenon, in the politics of Nations, of a Colony, in the days of its regeneration, destroying the chains of its ancient Metropolis, and transferring to it those which it received from her Ages before. The New World is the cradle of great events; and in it has appeared the happy combination of the stability of Governments, with the enjoyment and possession of the social guarantees. In the meanwhile the continued alarms of Spain have been increased, by the dread of the contagion of those principles which are taking root in Portugal. The Cabinet of Madrid trembles in the uncertainty of its own fate, and its resources, not being sufficient to sustain even the

existing order of things, it will never be in its power to attempt, with any prospect of success, the fancied re-conquest of the Americas.

The relations which Mexico will henceforward establish with the Governments of Europe, including that of obstinate Spain, must depend essentially upon the course and movements of their policy, with regard to the existence of the New States. The General American Assembly will render uniform the magnanimous principles of conduct which are to govern the Nations of the New World, in their intercourse with the people who have preceded them in the career of civilization, in order that, under the protection of moderate Governments and philanthropic Institutions, we may secure to ourselves the friendship of all men.

An amicable adjustment between the Governments of Brazil and Buenos Ayres is anxiously desired by the whole of America, in order to banish the apprehensions which may be entertained as to the final result of a War, in which two American Nations are involved.

The disturbances and agitations in Guatemala will cease, so soon as its Inhabitants listen to the imperious voice of their Country and of the New World, which demands the sacrifice of private interests and passions, at the shrine of universal Peace.

Fortunately the New States make such rapid progress towards order and stability, as to frustrate the consequences of any momentary shocks; whilst the Cabinets of Europe are occupied with their peculiar situation.

Be assured Gentlemen, that the support of our credit abroad, is connected with the continuance of the judicious and circumspect policy which we have hitherto followed, with the respect with which we have regarded the rights of all Nations, and with the salutary principles which govern our proceedings.

It is now time to take a view of the prosperity of the Republick, which improves astonishingly, as it displays its immense resources. I enjoy an inexpressible pleasure in assuring the Chambers, that the Revenue of the Republick now more than doubles that of the Year 1823. During the last Year we have entirely covered our expenses, without incurring new debts, having had recourse to Loans exclusively for extraordinary expenses.

The expenses will be greatly diminished during the present Year; for, as the Republick is provided with a Navy, its Army clothed and armed, and its Stores filled with the necessary articles of every kind, the general Estimates, which will be presented in a few days to the Chambers, must necessarily be much reduced.

The general Receipts of the Customs, at the beginning of this Year, had prodigiously augmented. The Ports of Vera Cruz, Tampico de Tamaulipas, and Refugio in the North, are much resorted to; those of Acapulco, San Blas, and Mazatlan, on the Pacific, receive valuable

Cargoes from India and Guayaquil, and now require a market for their productions.

The regulations for the Maritime Custom-houses, the System of Commissaries, the General Treasury, the Custom-house Officers, and for other interesting matters connected with the collection of the Customs, all await the approbation of the Chambers. I earnestly recommend to them the conclusion of the Tariff of Maritime Duties; the Merchant requires a fixed basis to govern him, and the Treasury needs the Revenue which it ought to produce.

The Debts due to the Nation merit the particular attention of that branch of the Government; a considerable number of Accounts in arrear, the liquidation of which seemed impossible, have been settled, to the benefit of the National coffers, and a great mass of Documents, in which the Publick Treasury is also interested, has been sent to the respective Tribunals for legal decision.

The Debts due by the Republick to Foreigners have been scrupulously paid, and, with respect to our Officers and Soldiers, not only have they received their entire pay, but arrears, which had been left from former Years, have been disbursed to various classes of the State. To the Farmers of Tobacco a respectable sum has been advanced, on account of the produce of the present crop; and the Government has already devised means to pay the whole in a short time.

The Chambers have been recently informed of the state of our Funds in London, up to the 19th of October last; and of the transfer of the Agency of this Republick to the opulent House of Messrs. Baring, Brothers, and Co.

The Executive observed with the greatest regret the general distress which Foreign Commerce suffered during the middle of the last Year, in the markets of Europe, and more particularly in that of London; the wealthiest Houses became bankrupts, and, owing to this unexpected calamity, the House in which were deposited our Government Funds and Securities stopped payment; the necessary consequence was, the return of some bills, which had been drawn upon it by the Department of the Treasury: as to those which were protested, a satisfactory arrangement has already been made with their Holders, and the same will be effected with regard to those which had not been accepted, as soon as intelligence is received that they were not paid when they became due. The Chambers will appreciate the energetic activity with which the Executive proceeded, in an event as unfortunate as unexpected. The National Credit could not have received a greater shock; but it has risen superior to it, and stands higher in the markets of Europe than that of any of the New Republicks. The Government, in order to raise it as high as can be wished, has not only made remittances of money, sufficient for the payment of the dividends of liquidation and interest, but has also taken especial care that, in the present

Year, all our obligations shall be fulfilled with due anticipation. I do not discover, Gentlemen, a single branch of the Treasury without an astonishing increase. The Department will shortly present unquestionable proof of this gratifying truth.

The friends of the Republic observe with the most lively satisfaction, that the majority of the mining undertakings, after having prepared the works which must precede the extraction of the metals, begin to obtain the fruits of their toils.

The Executive, persuaded that the honour of the Republic required the establishment of a Museum of Mexican Antiquities, which should merit at once the attention and regard of the Philosopher, the Naturalist, and of the general Observer, has arranged a collection of interesting objects, which will be completed when the Legislative Power shall have decreed that extension of it which is highly desirable.

Vaccination, which protects youth from the desolating small-pox, has been encouraged and spread throughout the Republic, especially since the disease appeared in Yucatan, in which its progress was happily arrested.

The beneficial Law for the construction of Roads is in operation; and the Government entertains a well founded hope that it will produce effects peculiarly favourable to manufacturing industry, commerce, and agriculture.

To add to the inexhaustible treasures which we possess, the riches of genius, which develop themselves in the great crisis of Nations, the Law of Publick Instruction is most necessary and urgent; in order that the elementary Schools may ameliorate the condition of the rising generation, and diffuse, with the maxims of virtue, the principles of liberty among our docile and happy People. The torch of civilization will shine with more splendour in the new World, and our efforts will be exerted to destroy the errors and prejudices which are always opposed to salutary reforms. Mutual instruction, so allied to morality and politicks, is becoming general in all the States. The Mexicans, with the blessing only of their happy dispositions, have overleaped the barriers of obscurity which surrounded their former system of Government: now, all is light, and Congress will draw down upon itself the benedictions of the Nation, by protecting and encouraging the study of the sciences, and especially economy, morality, and politicks.

The Depôt of Archives, which the Executive caused to be formed, contains innumerable Documents, which will serve to illustrate the Annals of Mexico.

Experience, Gentlemen, the instructress and guide of Nations, has taught us that Congress, by profoundly meditating upon the Law of the liberty of the Press, will be enabled thereby to check licentiousness, without detriment to that inestimable guarantee of fundamental institutions: *that liberty should be maintained by order.*

The administration of justice is daily improving. By the Law of the 14th of February, which establishes the method and order in which the Supreme Court of Justice shall take cognizance of the matters, which the Constitution has entrusted to it, and by the provisional Regulations of the 13th of May, that Tribunal has been completely organized, and has entered upon the discharge of its functions.

In pursuance of the Law of the 20th of May, which makes a provisional division of Circuits and Districts, and regulates various Tribunals, the places have been designated, which are at present regarded as most fit for their residence, with liberty to change them as experience may suggest. Candidates have been invited for the Appointments, and for those of the Officers of Circuits; and they have been to a certain extent filled up, but, owing to the want of a sufficient number of Candidates, some are still vacant. In order to supply these vacancies, a new invitation has been given, and the most fit measures have been taken, for the early installation of the Courts, which will it is hoped produce the effect proposed. In the mean time, care has been taken to urge the Judges, who, under the former system, had cognizance of Revenue matters, to the early despatch of those which affect the general interest of the Federation.

It yet remains to complete the Administration of Justice in the Courts of First Instance, in respect of matters in which the District Judges have no jurisdiction: the want of this must produce great inconvenience, and this is therefore viewed by the Government as a subject worthy of preference.

By the Decree of the 23d of May, the Supreme Court was charged *ad interim*, with the duties of the Three Halls, belonging properly to the District and Territories of the Federation. This important Decree relieved the embarrassments which were felt in the Territories, from the want of the requisite superior Tribunals.

By the Decree of the 15th of April, the Courts which were before under the inspection of the States of Mexico, were made subordinate to the general Government. Justice is administered by them with regularity; nevertheless the wise improvements, conformably to the new system, which occupies the attention of the Chambers, are especially desirable for the Territories.

In consequence of the activity with which Robbers have been prosecuted and punished, violences of this kind have ceased, and the security of Persons and Property is provided for; and, if crimes of an atrocious character have been committed, which occur even in the best regulated Countries, publick vengeance has been satisfied by the most prompt and exemplary punishment.

The exercise of the patronage of the Church daily appears more necessary, in order to remedy the serious evils which all the Dioceses

suffer, especially those which have been the longest vacant, as well as to bestow a suitable recompense to the many meritorious Ecclesiastics who, to achieve the liberty of their Country, contributed their blood, their learning, and their glorious example ; and to others, who, in the midst of great privations, have never lost the Apostolick character of Fathers and Pastors of the People.

The Army, a family of heroes, continues to improve in its subordination and superior discipline.

The Tribes who inhabit the banks of the Rivers Yaqui and Mayo, which traverse the extreme parts of the State of Sonora, have continued their hostilities. The Government has adopted measures to put a stop to these excesses, and the reinforcement which has been opportunely sent, will contribute to ensure the peace of the Inhabitants of that Country.

The Government awaits the determination of the Chambers, upon various subjects which have been referred to them: amongst others, the organization of the Corps of Engineers; the transfer to another place of the Military School of Perote; the approbation of the Estimates for Fortifications; the privileges and emoluments of the First Adjutants of Cavalry; the rewards to the Garrison of Vera Cruz; the organization of the active Militia; the privileges of the auxiliary Troops of the Bajio; the reform of the Army Contingent; the Assessors for the Commandancies General; the regulations respecting Deserters; and other matters; the decision upon which is very important, for the complete organization of the different branches of the Army.

The Navy performs its duty satisfactorily, by cruizing along the Coasts of the Gulf, to guard them, and to prevent contraband trade, which it has, to a certain degree, effected. This measure has prevented, during the last Summer, the appearance of Pirates, who at all periods had infested our Seas, to the great injury of our commerce. The Squadron of Vera Cruz has proceeded to sea with secret Instructions of the Government.

Schools, under the direction of Naval Officers, without burthening the Treasury with any further expense than the pay of those Officers, furnish to the Nation well-instructed Naval Officers.

Order and tranquillity are preserved throughout all the vast extent of the Republick. If some warmth was observed during the period of the Elections, it was what always appears amongst a Free People, when in the exercise of the sacred rights of their Fundamental Law.

Fellow.Citizens! may God protect you; may the prosperity of our Country be ever the principal object of our common wishes, and efforts.

GUADALUPE VICTORIA.

*MESSAGE of the President to the General Congress of
Mexico, on the Closing of the Ordinary Session.*

21st May, 1827.

(Translation.)

FELLOW CITIZENS OF THE SENATE AND OF THE CHAMBER OF
REPRESENTATIVES.

THE august ceremony, at which, at the commencement of the Year, we were assembled in this sanctuary of the Laws, afforded me an opportunity of witnessing the intense joy, and the satisfaction depicted in the countenances of the people, arising from their conviction that your anxious and lively zeal in the cause of the Republic, would secure to them, both an increase of their happiness, and the continued preservation of the numerous benefits, which have been purchased by such great sacrifices. The same People and every individual of the Nation, bearing testimony to the wisdom, the prudence, and energy, which you have displayed, amidst circumstances of some difficulty, join with me this day, in expressing the gratitude of the Nation, because in your hands the sacred deposit of our liberties has been inviolably preserved.

The best harmony has reigned amongst the Authorities, who are invested by the Constitution with the Sovereign Power of providing for the Publick exigencies, by just and salutary laws. The Enemies to the aggrandisement of this magnanimous Nation have seen the fresh proofs which it has given, in the course of the Year, of its power and of its lenity, of the force of publick opinion, and of the common union of all its Citizens, towards sustaining the awful vows which they pronounced at the Altar of their Country. I promised, Gentlemen, to cement its Independence and Liberty with my blood, if necessary, and this vow, which my heart has constantly repeated, has directed my operations, during the period that I have had the glory of governing Mexicans. You will perceive, Gentlemen, that other Nations are just towards us; you will see that Heaven protects us.

The relations which have now for some time existed between His Britannick Majesty's Government, and that of the Republic, have been strengthened during the present Year. Our Chargé d'Affaires in that Kingdom brought with him the Treaty of Friendship, Navigation, and Commerce, which was happily concluded by the Envoy Extraordinary and Minister Plenipotentiary of the Republic, and signed in London on the 26th of December last; it has been approved of by the Chambers, and, after having been ratified by the Government, it has been returned to that Court to be exchanged. The People, Gentlemen, bless you for having consummated this interesting negotiation, which will influence in so great a degree the extent of our credit in the civilized world. We have been promised, that a Minister

Plenipotentiary will be sent to this Republick, when the Treaty shall have been returned; and that of the Mexican Nation who will be duly appointed, will enjoy the same honourable rank, in the Capital of that Nation which so powerfully operates upon the destinies of Europe. In the meanwhile, the Secretary of Legation of Great Britain has continued accredited as *Chargé d'Affaires*, and the Mexican Government has given the same character to its Agent in London.

An Agent General of Commerce from the Republick has been admitted by the Government of His Most Christian Majesty to the exercise of his functions in Paris; but the mode and form of his reception, as well as the final arrangement of other important points, has been delayed until the arrival in France of the before-mentioned Envoy Extraordinary; to whom the necessary Passports have been forwarded by the French Government, and who left London for that Court on the 19th of March. The Mexican Agents of Commerce continue to enjoy the same consideration in the Ports of that Kingdom.

The free City of Lubeck has admitted a Mexican Commercial Agent, who discharges the duties of his Office, independently of the Individual, who formerly resided in the same character in Hamburgh.

The Governor-General of the Danish Antilles has nominated a Consul from Denmark to this Republick, in consequence of the express orders of his Court, but, as his Commission has not received the indispensable formality of the King's immediate sanction, the granting of the *Exequatur* has been deferred, until the same shall have been procured. It is to be hoped that the Danish Government will not find any difficulty in making the Appointment conformably to generally received usages; and that of Mexico, when this shall have been done, will hasten to demonstrate the sincerity of its sentiments towards all Nations.

His Majesty the King of Hanover has invested an Individual with the character of Consular Agent, to reside in the Republick. His Commission, which, it is understood, is drawn up in the usual form, will be attended to as soon as it is presented.

The Treaty of Amity, Navigation, and Commerce, with The United States of North America, has been approved by the Senate of that Republick, but with certain amendments and modifications, which will lead to a renewal of the Negotiations, in which will be kept in view the wishes of the Chamber of Representatives, which has dedicated to this matter as much time as other weighty and urgent business permitted. The greatest harmony continues to exist between the two Governments, and they have agreed to arrange, as soon as possible, the Treaty of Boundaries, which is so necessary for the preservation of a good understanding between two neighbouring and friendly Nations.

The declaration of the Colombian Army which saved Peru, in favour of the Constitution of its own Country, left the Peruvian People at liberty to demand, that fundamental Laws should be decreed by their legitimate Representatives. A change has taken place in the latter Government; and the latest advices affirm, that this change is in conformity with the interests and wishes of the Peruvians.

The War between the Argentine Republic and the Emperor of Brazil still continues, although it is very probable that their differences will soon be terminated, the more especially as the Cabinet of Rio Janeiro, by the nomination of Ministers Plenipotentiary to the Congress of Tacubaya, has manifested the fraternal intentions which animate it towards the new American States.

Nothing is known to have disturbed the prosperous course of affairs in the Republic of Chili.

The Peace of the Republic of Colombia was upon the point of being disturbed, when its President, Simon Bolivar, returned thither; but it appears, from every data and the official communications, that the fears of a retrogradation in that Republic are vanishing; a retrogradation which might have proved fatal, in its results, to the cause of its liberty.

The events which have taken place in The United States of Central America are much to be regretted; but I do not contemplate, as very distant, the epoch of the re-establishment of tranquillity in that Country; which has been disturbed by an inexperience, productive of fatal errors: these will, however, disappear, so soon as the Parties agitated shall have listened to the counsels of prudence, and to those of the sincere friends of that precious part of the new World.

Mexico, and all the other Nations of America, continue happily united by their vows, and by the conformity of their interests and obligations.

Spain, having involved itself with Portugal, by its false and perfidious conduct, has been obliged to make the greatest efforts for its own defence; since its ancient Allies have abandoned it to the consequences of its own capricious measures. The present situation of Spain leaves no probability of her being able to renew her hopeless attempt upon America.

Our Credit with Foreign Nations maintains its superiority over that of the other modern Republics. Up to the month of March, our securities were at a high price in London.

The soil we possess is, throughout its extent, the most highly gifted by nature. The intelligence, zeal, and activity, which have been displayed by the Representatives of the Nation, during the Session which closes this day; in the organization of the system of Finance, and, in the further improvements, which are expected from their continued exer-

tions, induce us to believe that our political existence will be irrevocably consolidated, to the admiration of all other Nations.

The Statement of the Publick Revenue was laid before the Chambers at the Opening of the Session, in the Memorial of the Minister of that Department, including the last Financial Year, which ended in June, 1826. It was therein shewn, that the natural Revenue of the Country was sufficient to bear our ordinary expences; and, in order to continue to us so great a felicity, the Executive has decreed the necessary measures, for the better regulation of that part of the administration, which is within the sphere of its authority. For the completion, so urgently required, of this system, the Government has proposed various plans to the Chambers. It is very much to be regretted that the Law, which appoints this day for the Closing of the Session, should not have left you a few days more to finish the new commercial Tariff, in which you have manifested such profound knowledge, and have proved that you have listened to the salutary lessons of experience. Unfortunately time has vanished away, without your having been able to provide for the Regulation of the Maritime Custom-houses and Commissariats General, for which the plans were formed and presented to you; in order to put a stop to provisional Appointments, which are ever prejudicial and ruinous, and to fix proper Salaries for such Officers as are absolutely requisite, so that they may dedicate themselves with every interest to the discharge of their duties. These important affairs will ere long again employ your attention.

The administration of Justice has been improved as much as circumstances have permitted. The establishment of the Federal Tribunals, being entirely new, has experienced those difficulties which are natural to all new Systems. These have been partly overcome, and will be entirely removed, by such efficacious measures as have been suggested, by observation, and by a perfect knowledge of the difficulties to which the first trials have given rise. Before the close of last Year, important information was obtained upon this subject; and the Minister of that Department, in his Memorial of this Year, sets forth the state of the administration of Justice, and suggests the measures which should be adopted to give it due impulse. The time which has elapsed has been advantageously employed, in an extensive inquiry into all its defects, according as practice has discovered them; thus deriving from them, as from the most certain source, the indications for remedy.

Grounded upon the preceding data, the Executive has, in repeated communications, laid before Congress the special cases, doubts, and difficulties, as they have occurred, and has also brought under one general view the questions most important and worthy of its consideration; and, latterly, as the result of its experience, it has presented a Project of the Law, which in its opinion, it would be proper to adopt,

and in which it believes all the hitherto doubtful points are comprehended and explained. This branch of the Government is consequently in the most advanced state of which it is at present susceptible: it is of incalculable advantage to be fully acquainted with the action and resistance of the machinery, and to have at hand the correctives ready to apply to it; and this, I have no doubt, will be undertaken, in the first Sittings of the Legislative Body.

Although, up to the present time, it has not been possible to arrange our Ecclesiastical affairs, they do not present any obstacles capable of disturbing or impeding, in any manner, the course of the Public Administration. Our Envoy to Rome remains in Brussels, awaiting the Instructions which Congress may judge proper to send to him, in order to open a communication and settle our relations with the Apostolick See.

The necessary orders have been issued by the Executive, for the purpose of giving effect to the Laws; respecting the conveyance of military baggage; the Militia on service; the Adjutant Inspectors of the Interior States; the Company of Halberdiers; and the supreme Tribunal of War and Marine.

A part of the Navy has been employed on actual service, in sight of the Enemy, since December last; and, although with an inferior force, our renowned Commander sustains the honour of our Flag with advantage, causes great damage to the trade of Cuba, and has taken various Prizes, without any unfortunate event having, hitherto, happened to our Vessels.

The War with the Yaqui Indians, in the Western Interior State, has been brought to a close.

The disturbances which have been caused by some Northern Adventurers in Nacogdoches have been happily terminated by their dispersion, and the death of their Leaders. The Government, in order to prevent the repetition of similar attempts, will put that Frontier in a respectable state of defence.

The military riot at Durango was quelled, by the salutary Law dictated by the Chambers, and by the activity of the measures of Government. Order and tranquillity have been restored, to the satisfaction of the Inhabitants of that State.

The Army continues well organized, and maintains its brilliant discipline.

In the States of Chiapas, Tabasco, and Yucatan, the epidemic small-pox made its appearance but without causing much havoc; owing to the precautionary measures adopted by their respective Governments, to arrest the progress of the distemper, and to those of the State of Vera Cruz, for preventing the contagion.

The new establishment of the Mines is usefully engaged in the labours, with which it was charged by the Law for its formation;

and the Commission for Drains at Huchuatoca proceeds with its operations.

Being convinced of the urgent necessity of setting on foot the most desirable plan for Publick Education, in the Federal District and Territories, I have nominated a Junta of known literary talents, who have begun to fulfil the object in view.

During the course of the present Year, a discovery has been made of the few Enemies who still strove to destroy the liberties of more than 6,000,000 of Mexicans. The punishment of the Delinquents shall satisfy the Publick vengeance.

The Mexican Nation, which so highly distinguishes itself by its love of liberty, is no less an admirer of publick order. "Love of liberty, explains every thing; love of order, and respect for the Laws and Customs: with liberty, property is inviolable; the life of the innocent is sacred; no one is declared guilty but by the Law; every thing is guarantied; every thing prospers. Liberty, severe in its principles, dreads licentiousness as much as tyranny; and the acquirement of it, and, above all, its preservation, is less the reward of valour than the triumph of virtue." These maxims happily guide the conduct of the great Mexican People; and your example, Citizens, Representatives of the Nation, has contributed to maintain this glory without a stain.

GUADALUPE VICTORIA.

SPEECH of the Commissioners, on the Opening of the Chambers of Portugal.—2d January, 1827. (Translation.)

NOBLE PEERS OF THE KINGDOM, AND SENHORES DEPUTIES
OF THE PORTUGUESE NATION,

AFTER a short interruption, your cares and labours for the service of the Country are about to be resumed. The Country calls upon you, through the medium of the Law, and it never appeals in vain to Portuguese who are proud of bearing that honourable name.

You shewed in the short space of the last Session, which closed on the 23d of December last, that you knew the evils which required to be remedied, and that you wished to apply the remedies promptly. You have commenced this work, no less difficult than important, in the manner which circumstances permitted; and the zeal and prudence of which you have given proofs, leave no doubt that it will be considerably advanced in the course of the present Session.

The necessity for the regulatory Laws, contemplated by the Constitutional Charter, is urgent, and the execution of the latter would be imperfect without them. On the perfect execution of the Charter depend the political advantages which it promises, and on those advan-

tages the respect and love which the Citizens ought to bear towards the Charter; and the surest means of obtaining that respect and love is to enact the requisite Laws. The Most Serene Senhora Infanta Regent knows, that such is your intention, and Her Highness hopes that you will fulfil it, with that steadiness and consideration which so important a business requires, and with the perfect concord of the two Chambers with each other and with the Throne,—a concord in which the perfection of Government, where the Powers are divided, consists.

From the most remote periods, and especially from the origin of our Monarchy, the Portuguese have shewn that they are endowed with penetrating and judicious heads, and noble and courageous hearts. From these qualities have flowed an exalted love of Country, and an intimate union of greatness in plans, prudence in council, and courage in execution.

The 15th century, and the middle of the 17th, are, for the Portuguese, glorious and memorable epochs, which the Nations, that have now the most right to boast of their progress, cannot fail to admire with astonishment; and we may say, to them, that these epochs have not their equals in history.

The Portuguese Nation, however small in number, has nevertheless performed great things, by its courage, the wisdom of its councils, and its union; and if it be still as inconsiderable in number as heretofore, it will by that courage, those councils, and that union, renew its ancient high deeds.

It would be useless to attempt to re-animate Portuguese courage. History presents no epoch in which it was lost or decayed. After a long Peace, and from the bosom of tranquil security,—even of apathy—we have seen arise amongst us, Soldiers, who required only to be disciplined, to stand immediately on a level with those of the most warlike Nations.

It is not, however, useless to speak of the want of union. Without the union of Citizens, Political Society ceases to exist; without the harmony of powers, the good government of a State is impossible.

A truth, so essential and so evident, cannot be unknown to the Chambers, who, in the pure love of their Country, will not lose a moment to put it in practice. The zeal and prudence which you have already shewn, leave no doubt, but afford a complete assurance, that you will proceed with unanimity, in the difficult path of establishing a wise and durable Legislation, calculated to meet the hopes of the Nation.

The disunion which has prevailed amongst us, had its origin in the perversity of some seditious Men, and in the errors of inconsiderate Persons; but it is approaching its end. Her Highness, the Senhora Infanta Regent, hopes, that the moment is not far distant, when there

will be but one opinion amongst true Portuguese, and that the false Brethren of this Family will not be again enabled to disturb the tranquillity of the Country.

Great Britain, with the good faith and punctuality which distinguishes it, has declared its resolution to aid us, in case of Foreign aggression, and it hastens with generous promptitude to support us in our present difficulty. The other Nations of Europe recognize the Institutions which have emanated from Legitimate Authority, and applaud our efforts; and if one of them has shewn indecision or doubt, wiser counsels have at length removed it, and it has seen that it was fitting for it to embrace and follow the common opinion.

Noble Peers of the Kingdom,—Continue with emulation the honourable work of your Ancestors. In the council, and in the field, they were faithful Ministers, and excellent instruments in the hands of our wise and great Kings. Embrace the favourable opportunity of imitating such noble examples.

Senhores Deputies of the Portuguese Nation,—Your Ancestors, in their love of Country, and in their ambition for glory, answered to the magnanimous wisdom of our Monarchs, and to the generosity of our Nobility. Follow, then, the path traced out to you by your Ancestors.

Continue all in the path of virtue and honour; it may appear to be arduous, but it is glorious and adventurous. Enter once more upon the exercise of the important functions of your Office, with a spirit of moderation, without timidity; with a zeal for liberty without excess. Be circumspect in your propositions—be wise and judicious in your deliberations—free yourselves from the passions, and from private considerations; for it is only by thus acting that you will secure the great work of our august King the Senhor Don Pedro IV. as well as the liberties and happiness of the Kingdom. You owe to our great King, to the Kingdom, to yourselves, and to your posterity, the happy fulfilment of this great undertaking. Her Highness the Senhora Infanta Regent is confident that you will omit nothing to accomplish this honourable work.

You will, besides, shew to this Kingdom, to Europe, and to the World at large, which observes us; by your respect for the religion which we profess, by your veneration for the fundamental Laws, and for the rights which the Charter assigns to the King and to the Chambers; that the Roman Catholick Religion is, and always will be, ours; and that, far from wishing to destroy, you only endeavour to revive, to ameliorate, and to consolidate, the ancient Institutions of our Country. In fine, you will prove that the Portuguese Nation is still, as in the best days of its glory, as brave in undertaking high deeds, as it is judicious and steady in accomplishing what it has undertaken.

SPEECH of the Commissioners, on the Closing of the Chambers of Portugal. 31st March, 1827. (Translation.)

NOBLE PEERS OF THE KINGDOM, AND SENHORES, DEPUTIES OF THE PORTUGUESE NATION,

THE LAW has put an end to the Second Session of the Cortes. Your labours are concluded; return to your Provinces and homes; to continue with more leisure, and with greater freedom of thought, your meditations upon what may complete the publick happiness; and to observe more closely the wants of the People and their resources.

Her Royal Highness the Senhora Infanta Regent, in the name of the King, will, in the mean time, study to establish, with more firmness and security, the noble fabrick of the present Political Institutions of the Monarchy: precious Institutions, the memorable gift of a magnanimous King, the smallest deviation from which Her Highness will never permit.

The vigilance of Her Highness has defeated intrigues, and has disarmed Parties; the Rebels have retired in confusion, and with precipitation; the disturbances in the Provinces have by degrees been calmed; and Her Highness, employing for the future a just severity, with suitable clemency, will finally incline all minds to that concord, of which we stand in need, and which all, with some few exceptions perhaps, anxiously desire.

We continue to preserve the same relations of Peace and Friendship with Foreign Powers; which will be faithfully maintained, on our part, by just pretensions and conduct, by discreet vigour, and even by prudent condescension, when such can take place without the sacrifice of proper dignity. Our most intimate Allies have co-operated and continue to co-operate with us, as might be expected from their good faith in the fulfilment of Treaties, and from their generosity as Friends.

The serious difficulties of the undertaking, the shortness of the time, and the necessity of attending to business, not more important, but without doubt more urgent, have impeded the so much desired progress in the great work of framing the regulatory Laws; a work of the highest moment, and which the circumstances of our internal, and, it may be also said, of our external policy, particularly requires. The constancy of your zeal will be crowned in future Sessions with the most signal success.

Her Highness trusts, from your acknowledged talents, and from your no less acknowledged patriotism, that you will continue to employ yourselves with equal discretion and unabated zeal, in founding upon wise Laws the beautiful edifice of rational liberty.

DECREE of the Emperor of Brazil, appointing the Infant, Don Miguel, Lieutenant of the Kingdom of Portugal.—3d July, 1827. (Translation.)

INFLUENCED by circumstances worthy of my Royal consideration; and reflecting that the safety and security of the State ought to be the Supreme Law for every Sovereign who has at heart the prosperity and happiness of his Subjects; and bearing also in mind the qualities, activity, and firmness of character, which distinguish the Infant Don Miguel, my much-beloved and esteemed Brother; I think fit to appoint him my Lieutenant; granting to him all the powers which belong to me, as King of Portugal and the Algarves, and which are laid down in the Constitutional Charter, in order that he may govern and rule those Kingdoms conformably with the dispositions of the said Charter.

The Infant Don Miguel, my beloved and esteemed Brother, will see to the execution of this Decree.

Signed by His Majesty THE KING.

Palace of Rio Janeiro, July 3, 1827.

SPEECH of the President, on the Opening of the Legislature of Hayti.—12th February, 1827.

CITOYENS REPRESENTANS,

CONVOQUES ici avant l'époque fixée ordinairement, vous avez dû penser que le bien public nécessitait des Mesures Législatives dont l'adoption est urgente. En effet les circonstances prescrivent des dispositions qui seront immédiatement soumises à vos délibérations, et qu'il importe de mettre en exécution le plus tôt possible.

J'aurai d'abord à appeler l'attention de la Chambre sur la nécessité de diminuer l'imposition dernièrement établie, et de fixer le taux annuel des Contribuables d'une manière proportionnelle aux facultés de chacun. Cette disposition qui soulagera le Peuple, est commandée par l'état de gêne générale qui résulte de la crise financière qui existe partout depuis plus d'une année, et de la diminution du commerce qui en est la suite.

C'était pour remédier à cette gêne, et soutenir la marche du service public, que le Gouvernement avait ordonné la création d'un Papier-monnaie, qui a été accueilli par la Nation avec un empressement qui est un signe certain de sa confiance.

Il est satisfaisant de pouvoir dire que le système nouvellement adopté pour la Police Rurale, assure déjà une augmentation progressive, dans les produits du sol. Les mesures que j'ai à vous proposer, contribueront encore à donner un plus grand développement à l'agriculture.

Il ne dépendra pas de moi que le commerce ne reprenne aussi une nouvelle vie, sous l'heureuse influence de nos rapports politiques avec les Gouvernemens étrangers. Je ne négligerai rien pour atteindre ce but.

Lorsque l'année dernière, à l'ouverture de la Session, j'exprimai mes sentimens sur la reconnaissance de l'Indépendance d'Haïti, il était naturel de penser que les doutes entretenus à l'étranger sur la légalité de notre existence Nationale devaient cesser, et que la déclaration du Roi de France était, en quelque sorte, dans l'opinion des autres Puissances, une consécration de la légitimité de nos droits. Cette pensée, résultant d'abord de la situation honorable où le courage des Haïtiens les avait placés depuis plus de 22 années, se fortifiait nécessairement encore, par l'obligation consentie volontairement, en faveur de la France, d'une indemnité pécuniaire. C'était donc dans cet esprit que j'énonçai alors l'espèce de compensation que devait trouver la République.

Cependant, il était essentiel d'obtenir des éclaircissemens sur des points importans, et nous avons successivement demandé au Gouvernement Français des explications devenues indispensables. Le résultat de nos réclamations n'est pas tel que nous avons droit de l'espérer; mais l'empire de la raison finira sans doute par écarter des difficultés qui ne peuvent se soutenir devant le principe qui régit tout Etat véritablement indépendant. De notre côté, quelles que soient les circonstances, nous ferons notre devoir, et serons toujours fidèles à ce que prescrivent l'honneur et la loyauté.

Citoyens Représentans, persuadé du patriotisme des mandataires de l'Etat, j'ai la plus grande confiance dans le résultat de leur coopération dans toutes les mesures commandées pour la prospérité publique.

Quant à moi, tous mes efforts auront toujours pour but le maintien de la vraie liberté, et la gloire de l'Indépendance Nationale.

Au nom de la République, en vertu de la Constitution, je déclare que la première Session de la troisième Législature est ouverte.

BOYER.

ROYAL ORDER of the King of Spain, containing temporary Regulations for the Trade between Spain and its American Colonies, in Spanish and Foreign Vessels.

9th February, 1827.

(Translation.)

Royal Order addressed to the General Direction of the Revenue, for permitting, for a time, the Commerce to America, under Foreign Flags.

The King, our Lord, finding it necessary to protect and extend the reciprocal commerce of America with the Mother Country, by means

of measures conformable to the present situation of mercantile relations, and of Navigation, by giving to the latter due uniformity and generality; with the view of consulting the interests of the Royal Treasury, as well as of commerce and industry, has been pleased, after hearing the opinion of his Council of Ministers, to order that, until this subject can be regulated after a more mature deliberation, the following Regulations shall be observed:

1. Spaniards having occasion to trade to the Dominions of America from the Ports of the Peninsula and the adjacent Islands, in Foreign Vessels of friendly and allied Powers, shall be allowed so to do, without the necessity of previously obtaining the Royal permission.

2. Foreign Vessels, of the above description, when sailing from the Spanish Ports of the Peninsula and the adjacent Islands for the Spanish Dominions of America, with a Cargo of commodities, the products and effects wholly of the Kingdom, with the intention of bringing back those of the Colonies, shall pay the export duties to the Indies for articles so laden, and 4 per cent. for the permit given to the Flag. Flour shall continue to be excepted in return Cargoes.

3. On the entrance, directly into Spanish Ports, of Vessels returning with the Cargoes specified in the preceding Article, they shall pay for the goods composing them, the duties of the Tariff of free commerce, (with the modifications which they shall have received, and the alteration directed by the Royal order of February 1, 1825, in respect to coffee and sugar) and 8 per cent. for the permission granted to the Flag. But if they touch at any Foreign Port, they shall pay 12 per cent. for such permission, unless it can be satisfactorily established, that they were forced to put into a Foreign Port, and that the Cargo was neither unloaded nor transhipped.

4. Foreign Vessels of the above description, sailing from Spanish Ports for the Spanish Dominions of America, with half, or a third part of a cargo of commodities, the products and effects of the Kingdom, and the remainder of Foreign goods, shall pay, 1st, the duties levied on National goods exported to the Indies; 2dly, the 2 per cent. transit duty for Foreign goods, without any other duty on account of their being Foreign; 3dly, 8 per cent. for permission in favour of the Flag.

5. On the entrance direct into the Spanish Ports, of Vessels returning with the Cargo specified in the preceding Article, they shall pay for the goods composing those Cargoes, the duties of the Tariff for free commerce, and 10 per cent. for the permission of the Flag. But if they touch at a Foreign Port, they shall pay 16 per cent. additional for the permission of the Flag, unless it be fully proved that the arrival was forced, and that the Cargo was neither unloaded nor transhipped.

6. Should His Majesty think proper to rescind or alter the present provisions, the Merchants will be duly informed thereof.

7. The regulation for free Commerce, the general Instruction of the Revenue issued in 1816, and the other Resolutions relative to the Commerce of America, are suspended, in whatever shall be at variance with the contents of the preceding Articles.

By the Royal Order, &c.—Palace, 9th February, 1827.

LUIS LOPEZ BALLESTEROS.

*REPORT of the Minister of Finance to the Congress of
Colombia —1st January, 1827.*

(Extract.)

(Translation.)

STATEMENT of the Income and Expenditure of the National Treasury of the Republic of Colombia, 1826, 1827.

INCOME.—(3D FINANCIAL YEAR, TO JUNE 1826.)

	Dollars.	Total.
Imports	3,178,197	
Exports	582,100	
Excise	424,854	
Tonnage	75,638	
Fines.....	1,126	
Warehouse	456	
Licences	1,434	
Exportation of Gold Coin	722	
Anchorage Duties	55,973	
Wharfage.. do.....	5,578	
Bonding....do.....	8,152	
Sundry dues	41,658	
Duty on Salt	134	
Fees (Improvements)	2,656	
Arrears of last Year	101,188	
Idem approximative.....	1,208,146	
		5,688,019

MINTS.

Balance in hand	82,522	
Receipts in 1826	59,629	
		142,151
Value of Gold melted	2,473,557	
Do. of Silver....do.....	40,952	

TOBACCO.

Profits on Leaf Tobacco.....	800,380	
.....Snuff	137	
		800,518

POST OFFICE.

Carriage of Letters and Parcels, &c.....	111,659
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TREASURIES.

Balance in hand from last Year	231,171
Salt works	213,261
Quintos on Gold and Silver.....	34,737

	Dollars.	Total.
Stamps	52,776	
Spirits	28,116	
Auctions	2,246	
Ninths of Tithes	97,933	
Fees (Improvements).....	20,726	
Rents of Houses, Lands, and Warehouses	2,094	
Duties on Smelting Gold and Silver.....	2,000	
Sweepings of the Mints.....	539	
Ecclesiastical vacancies	93,488	
Waste lands	3,182	
Printing	83	
Ninth of Consolidation of Tithes.....	37,665	
"Núevo espolio"	500	
Quicksilver	53	
Gunpowder	8,391	
Urao (Barilla).....	7,814	
Fund denominated "Semanario de Madrid"	1,280	
Tax on Cock-pits.....	860	
Direct Contributions .	131,363	
Foreign Loan.....	1,895,701	
Extraordinary Contributions.....	31,748	
Domestic Loan	254,216	
Donations	3,904	
Arrears of Accounts	1,466	
Sequestrations and Confiscations	20,528	
Seizures	2,505	
"Tiendas de Composicion" ...	1,531	
Unclaimed Property taken by the State	81	
Fines and Condemnations to the State... ..	1,586	
Repayment of Advances	62,483	
Sale of Effects of the State	13,731	
Monthly and Yearly Contributions	3,480	
Deposits, general and particular	74,792	
Money recoined.....	28,577	
Received from the Republic of Peru	18,816	
Mass of Finance	12,750	
Tributes (Indian).....	138,067	
"Medias anatas Ecclesiasticas".....	7,700	
Do. Secular	200	
Alcabala	75,733	
Fund for Museum.....	744	
"Cruzada"	316	
Other Branches.....	174,531	
	<hr/>	3,795,488
TREASURIES OF THE MAGDALENA.		
Mass of Receipts.....	968,078	
Ninths of Tithes	7,939	
Stamps	9,517	
Seizures	797	

COLOMBIA.

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	Dollars.	Total.
Direct Contributions.....	12,804	
Foreign Loan	541,493	
Ecclesiastical Vacancies	6,379	
Auctions	67	
Hospital Funds	10,110	
Spirits	1,312	
Other Branches	60,033	
	<hr/>	1,618,534

Total Income, 1826.....Dollars.. 12,156,372

Expenditure, (Estimate, Financial Year, to June, 1827.)

CUSTOMS.

Expenses of Custom-Houses	72,331	
Salaries to Officers	93,756	
Other Expenses.....	94,079	
	<hr/>	260,168

TOBACCO.

Purchase of Tobacco for the Depôts.....	190,370	
Fixed and Eventual Salaries	240,907	
Other Expenses.....	182,070	
	<hr/>	613,349

TREASURIES.

Political and Financial Expenses	474,555	
Diplomatic List.....	84,746	
Military do.....	4,246,212	
Naval do.....	141,205	
Expenses of Re-coining old Silver.....	32,000	
Expense of Fortifications.....	22,115	
Opening of Roads.....	38,042	
Other Expenses.....	1,557,883	
	<hr/>	6,596,760

TREASURIES OF THE MAGDALENA.

Remittances to other Treasuries	629,963	
Other Expenses.....	825,827	
	<hr/>	1,455,790

Total Expenditure, 1826.....Dollars.. 8,926,068

Total Income, 1826..... 12,156,372
Expenditure, 1827..... 8,926,068

Surplus Income.....Dollars.. 3,230,303

OBSERVATIONS.

1st. The expenses of the Mint are not inserted above, because the sums stated in the Income under those heads, are the nett proceeds,

and the enumeration of those expenses would therefore have made it appear that they were double their real amount.

2nd. Even calculating the sum of 2,862,911 dollars for the Department of Venezuela, which is the highest amount, compared with what is assigned to those which are subject to the heaviest expenses in Colombia, there is still an excess of 1,230,297 dollars.

Bogota, 1st January, 1827. JOSE M. DEL CASTILLO.

N. B. The foregoing Statement is given, of the Expenditure for the Financial Year, ending 30th June, 1827, because no Return has been made of the Expenditure of the Year preceding.

*REPORT of the Minister of War to the Congress of
Colombia.—30th January, 1827.*

(Extract.)

(Translation.)

General Estimate of the Expenditure of the War Department, for
the Year 1827.

	Dollars.
<i>Staffs.</i> —Salaries of the Persons employed in the War Office, and Office Expenses.....	12,870
Pay of Generals and Chiefs.....	221,440
Salaries of Inferior Employés of the Staff, and Office Expenses <i>Veteran Force.</i> —Pay and Clothing of the Infantry, Cavalry, and Artillery, in the 4 Northern Departments.....	46,872
Pay and Clothing of the Infantry, Cavalry, and Artillery, in the 3 Maritime Departments of the Centre and South....	1,183,830
Pay and Clothing of the Infantry, Cavalry, and Artillery, in the Departments of the Interior.....	676,060
<i>Militia.</i> —Pay and Clothing of the Organised Auxiliary Militia Retired Pensions granted up to the 15th instant.....	326,568
<i>Administration.</i> —Salaries of Employés in the Administration of the Army, and Office Expenses.....	24,408
<i>Invalids.</i> —Allowances to Invalids, granted up to the 2nd inst. <i>Hospitals.</i> —Expenses of all Classes in the Hospitals of the Departments, wherein extra pay is received.....	115,753
Expenses of all Classes in the Hospitals of the Departments, wherein extra pay is not received.....	7,300
<i>Artificers.</i> —Expenses of the Manufactory of Gunpowder in Bogota.....	87,403
<i>Engineers.</i> —Personal Expenses, supposed to be about.....	261,333
<i>Fortifications.</i> —For the more urgent expenses of this branch, about	35,966
<i>Rations.</i> —Rations of Forage, there not being many Cavalry mounted.....	25,061
<i>Parks of Artillery.</i> —To supply these with the articles of con- stant consumption	60,000
	50,000
	20,000
	100,000

COLOMBIA.

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Dollars.

<i>Remounts</i> .—For remounting the Cavalry, and for Mules for the Army on the march.....	50,000
<i>Extraordinaries</i> .—For extraordinary and unforeseen Expenses.....	1,000,000
Total Dollars....	4,307,797

Bogota, 30th January, 1827.

CARLOS SOUBLETTE.

**REPORT of the Minister of Marine, to the Congress of
Colombia.—7th February, 1827.**

(Extract.)

(Translation.)

Estimate of the Amount required for the maintenance of all the
branches of the Navy.

For payment of the Salaries of the Chief and other Clerks of the Office of the Minister of Marine.....	4,300
For payment of the Military and Civil Employés of the Naval Departments and Stations.....	44,880
To keep on the War Establishment the Corvette <i>Ceres</i>	123,006
Idem the Corvette <i>Urica</i> and Brig <i>Pichincha</i>	151,956
Idem the Brig <i>Congreso</i> in Guayaquil	46,830
Idem the Schooners <i>Manrique</i> , <i>Padilla</i> , and <i>Independencia</i> ..	75,573
Idem two Schooners and two Cutters, as Packets	57,784
Preservation and care of the Frigate <i>Colombia</i>	6,226
Preservation and care of the Frigate <i>Cundinamarca</i>	5,566
For maintenance of the three Arsenal of the 2nd Naval Department, and of the Cumanà and Guayaquil Stations...	26,937
Idem the Arsenal of Carthagena	10,626
Idem the Naval School of Carthagena	4,600
Idem the Naval Schools of Guayaquil, Puerto Cabello, and Maracaibo	7,440
For the Careening, Refitting, and Manning, and the conducting of the Corvette <i>Bolívar</i> to the Ports of Colombia....	34,917
For the Careening of the Corvette <i>Ceres</i>	8,550
For Repairs and Careening, on an extensive Scale, of the Vessels on the War Establishment.....	113,420
To maintain the Small Craft, indispensable in the Naval Departments and Stations	178,889
For Dock-yard repairs for the preceding Small Craft.....	11,220

Dollars....912,721

Additional Estimates, in the event of its being found necessary to keep on the War Establishment the other larger Vessels of War.

To place the said Vessels on the War Establishment 858,163

	Dollars.
For Repairs and Careening to be performed in the Dock-yards, on the Vessels in the preceding Estimate.....	160,484
For an increase of one third of the estimated Small Craft, should it be necessary to maintain it for 6 months, and for Repairs and Careening, and the purchase of the smaller Vessels which may be requisite	95,054
	<hr/> Dollars....1,113,701
Estimate for present War Establishment.....	912,721
Additional Estimate.....	1,113,701
	<hr/> Total Dollars....2,026,422

Bogota, February 7, 1827.

CARLOS SOUBLETTE.

*REPORT of the Secretary of State for Foreign Affairs, to
the Congress of Colombia.—21st March, 1827.*

(Translation.)

GENTLEMEN OF THE SENATE AND OF THE CHAMBER OF REPRESENTATIVES,

I AM about to fulfil the duty which devolves upon me, of making known to Congress the present state of the various branches of the Department for Foreign Affairs. I shall afterwards take a view of the situation in which they stood when the existing Constitution was published, so that the progress which the exterior relations of Colombia have made, the prejudice which they may have suffered, as well as the manner in which the Laws have been executed, may be made known.

I shall not touch upon those points which the Vice-President of the Republic has so ably described in his Message to Congress, but shall limit myself to those which have not been noticed by Government, and will point out some for amendment.

Notwithstanding the good intelligence, perfect friendship, and harmony, which exist between Colombia and the other American States, there are matters still pending with some of them which it has not been possible to settle. With the Republic of Peru it is requisite to settle definitively, by Treaty, the limits of the two Territories. Although the most earnest desire actuates both Parties to conclude the discussion respecting the Provinces of Jaen de Bracamoros and Maimas, so that those States may be governed respectively, according to the *uti possidetis* of 1810; nevertheless the causes still exist which have protracted the negotiation. The Government of Peru assumes a right over Jaen and Maimas, and, in consequence of the difficulty of deciding the question at present, that of Colombia has limited itself to the making suitable remonstrances, through the medium of its Chargé d'Affaires at Lima.

The Envoy of Colombia to the Republic of Central America was to have negotiated the settlement of the Limits between the two States: but the Executive, having been informed of the difficulties which presented themselves, and that it would be no easy matter at this time to overcome them, thought proper to defer the Negotiation to a more convenient moment, and forwarded an instruction to their Plenipotentiary directing him to return. The Ratifications of the Treaty of Union, League, and Confederation, between Colombia and Central America had been already exchanged, our Minister entrusted with this Negotiation having verified the same. But that Government having altered, in the Act of Ratification, the meaning of the 5th Article, which treats of the settlement of the limits, by describing them as the *natural* limits; as well as the 17th Article, which elected the American Assembly as the Judge, Arbitrator and Conciliator, of the Disputes and differences between the Confederate States, which general stipulation was restricted by the Republic of Central America; these alterations will prevent the exact observance of the Treaty. I shall present to Congress a Copy of the said Ratification, for its consideration.

The Ratifications of the Treaty of Union, League, and Confederation, which Colombia concluded with Chili in 1822, and which was ratified with the previous approval of Congress, have not yet been exchanged. It appears that that Republic has been peculiarly and difficultly circumstanced, which may have prevented the Ratification of the said Treaty. It is to be hoped, however, that its Ministers will be present at the American Assembly, which is to continue its Sitzings at Tacubaya in Mexico, where the difficulties may be removed which exist in Chili with respect to that Treaty.

Colombia has no particular interest to discuss, nor any matter pending, with the Republic of The United Provinces of the Rio de la Plata, nor with Bolivia. The former has appointed a Plenipotentiary to the American Assembly, and the latter it is expected will do the same. The Auxiliary Division of Colombian Troops, which Congress allowed to reside for some time in Bolivia, is still stationed there. According to the Gazettes, it has now formed for itself a Constitution, and has elected a Native of Colombia for its President, which will tend to strengthen the relations subsisting between that State and this Republic. A Constitution has been likewise sanctioned by the Congress of the United Provinces of the Rio de la Plata, and it is to be hoped that its Fundamental Laws will put an end to the divisions which have existed between some of its Provinces, which would undoubtedly contribute to promote the interests, as well as the general cause, of America.

The Republic continues to receive from the Government of the United Mexican States, sincere proofs of a cordial friendship. The Executive, on its part, endeavours to cultivate this feeling, and to preserve the closest union with those States, fully persuaded that it must

conduce to their mutual felicity, and promote that of all Spanish America.

But nothing can so powerfully contribute to this great object as the American Assembly, which has held its first Sittings at Panama. Two Plenipotentiaries from each of the Republics of Colombia, Central America, Peru, and the United Mexican States, assembled in that City. The Assembly was installed on the 22d of June last; and the Conferences, which were carried on with the greatest frankness and cordiality, were terminated, on the 15th July following, by the signature of several Treaties: viz. a Treaty of perpetual Union, League, and Confederation, between the concurring States, to which the remaining States of South America may adhere; a Convention which regulates the contingent which each of the Confederates must contribute for their common defence; an Agreement as to the mode of employing and directing the contingents; A Convention which appoints an Annual Meeting of the Assembly in time of War; and various Declarations, comprehending the Treaties which Colombia had previously concluded with the Governments of the Republics represented at the Congress of Panamá. I shall have the honour of presenting these Treaties to Congress, which cannot fail to have a very beneficial influence on the future destinies of the New States of America. A duly authorized Commissioner on the part of His Britannick Majesty was present at Panama, but did not take any part in the Conferences of the Assembly. A Confidential Agent from His Majesty the King of The Netherlands, was likewise resident in the same City, during the period of the Sittings. The Minister destined for the Assembly from The United States of the North, died unfortunately at Carthagena, on his way to Panamá.

The Assembly resolved to remove to the town of Tacubaya, near the City of Mexico; in virtue of the power with which it was invested to change its residence, and for reasons which the Executive has approved of, under the explanations given by our Plenipotentiaries. One of the Plenipotentiaries from Colombia, One from Central America, One from Peru, and the two from Mexico; and also, it is supposed, the Chevalier Van Veir, Commissioner from His Majesty the King of The Netherlands repaired to Tacubaya. Señor Dawkins, the Commissioner from His Britannick Majesty, returned to England, and it is not known whether he will visit Mexico.

Hopes are entertained that, at the second Meeting of the Assembly, the Ministers of the Northern United States, of the Rio de la Plata, Bolivia, and Brazil, will attend, as has been announced by their Governments. Such a numerous Assembly from the American States will be a truly grand event; and the Confederation of the New Republics formed in America, formerly Spanish, will thereby acquire greater stability; establishing upon a durable basis their general interests, and more especially their independence.

The Communications maintained between Colombia and The United

States of North America, are sincere and friendly; their Ships are at present excluded from a direct Commerce with the Ports of Jamaica, and of other English Colonies. This is a favourable opportunity to extend the Commercial Relations, with reciprocal advantage, between the Citizens of Colombia and those of The United States, should Congress encourage the Commerce in the products of the said States with Jamaica, through the medium of the Colombian Ports of the Atlantic. Some of the latter being advantageously situated, this might be easily effected, were the Legislative Body, by a Decree, to remove the obstacles which stand in the way of such an intercourse.

The Envoy Extraordinary and Minister Plenipotentiary appointed by the Executive for Brazil, has followed that of The United States to Rio de Janeiro. Besides the other important objects of his Mission, he is, by every possible means, to employ his good offices, to promote a cessation of hostilities between His Majesty the Emperor of Brazil and the Republic of The United Provinces of the Rio de la Plata. The Government of Colombia takes the most lively interest in the re-establishment of Peace, and it will spare no effort to accomplish so important an object. It is officially known that His Majesty the Emperor has named an Envoy Extraordinary and Minister Plenipotentiary to the Government of Colombia: this will not fail to contribute to the establishment of friendly relations between the Republic and the Empire, which, being neighbouring States, it is of the utmost importance to them that they should preserve the most perfect harmony with each other.

Our relations with His Britannick Majesty's Government continue to improve on both sides. The English Government has sent Troops to Portugal to maintain the Constitution of that Kingdom; which has been attacked by Portuguese Emigrants, to whom it is said the Spanish Authorities have given protection.

Should His Catholick Majesty continue to assist those who have taken arms against the Portuguese Constitution, either openly or secretly, it would appear that War is inevitable. There are hopes that, if it be eventually declared, it will not extend to other Powers than those of Portugal and Spain, England being only an Auxiliary of the former. The War may then contribute to the consolidation of the Independence of Colombia, by augmenting the difficulties of Spain, and thereby preventing her from invading us.

The Executive has not neglected to promote a friendly intercourse with the Government of His Most Christian Majesty, by all the means in its power. It hopes that its efforts have not proved ineffectual, and that they will eventually be crowned with success. About the middle of last year, Señor Buchet de Martigny was appointed Superior Agent for French Commerce at Bogota, by the Admiral of Martinique, in virtue of Orders from his Government, which empowered him also to

appoint Inferior Agents in the Ports of Colombia. Although his Commission has emanated from a Subaltern Authority, and that it could not receive the usual *Exequatur*, Señor de Martigny has been allowed to superintend and promote French Commerce, by addressing his reclamations to the Government of Colombia, and by other means compatible with his mission, as, under similar circumstances, was permitted to the English and Dutch Commercial Agents. Señor Martigny has, more recently, been appointed Inspector of French Commerce at Bogota and its Dependencies, by Letters Patent, emanating from the Ministry for Foreign Affairs of His Most Christian Majesty. This proceeding of the French Government, after having admitted the Colombian Flag in its Ports, manifests that it seeks and is preparing for an intercourse with that of Colombia. There are still, however, some informalities in the Appointment of Señor Martigny, and his character is not sufficiently defined, conformably to the usual custom of Nations. He will, nevertheless, receive from the Colombian Government all the requisite assistance, in cases which may require it, in order to superintend and promote French Commerce. The Executive considers that this first step of His Most Christian Majesty, although informal, must lead to others more decisive, which have probably been delayed, owing to the political circumstances of the moment. Meanwhile it is to be hoped, that experience will demonstrate how much it will benefit both Nations, to establish a mutual intercourse, and to promote the commerce and industry of their Inhabitants.

The Government of His Majesty the King of The Netherlands, who had before evinced a disposition to encourage an intercourse between Colombia and the different Possessions subject to him, has just sent a Consul-General and a Vice-Consul, to reside in the Capital of the Republick, and has appointed a Consul for La Guayra. They have obtained the corresponding *Exequaturs*, and their residence in Colombia will not fail to contribute to extend to the friendly and commercial relations of the two Countries. These will be further extended by the circumstance of Curaçoa having been declared a free Port.

The King of Spain obstinately persists in refusing Peace to the New States. Deaf to the Representations of the friendly Powers of Spain and America, he refuses to attend to any propositions which have not for their basis the submission of his former Colonies. The Executive Power has not omitted any exertion compatible with its dignity, to bring the Government of His Catholick Majesty to incline to a more friendly arrangement, and to the recognition of our independence of Spain, so as to put an end to the War. It appears that no efforts nor interest which can be exerted in favour of Peace, will have any influence, at present, with the Cabinet of Madrid. Under such circumstances it only remains to Colombia, and the other confederated American Republicks, to put an end to the War, as soon as possible, by resisting Spain with

every hostile means in their power. True it is that the Commerce of Nations is interrupted thereby, and humanity is afflicted ; but the consequences will be imputable only to Spain, which, deaf to the voice of reason, and unwilling to yield to necessity, refuses to recognize the Independence of the New States which it even purposes again to subjugate. Colombia for its part is prepared to make known how vain such an attempt would prove, in which the last remains of the power of Spain would be fruitlessly exhausted.

In the course of the last year, Spain assembled, in the Island of Cuba, considerable Land and Maritime Forces, with which she threatened to act on the offensive, by invading some of the new Republics. It seems that Colombia was to have received the first blow, had not a storm occasioned much destruction in the Spanish Fleet. The chief object of the greater part of the Troops now in Cuba and Puerto Rico, is probably to garrison those Islands and to defend them against any invasion.

The cessation of the disturbances in Venezuela, and the re-establishment of order in the Republic, must have made a great impression upon the Spanish Councils. As they will have dissipated the hopes which the interior discord of Colombia excited, Spain will, perhaps, become more reasonable, and will not object to Peace as it has hitherto done. The restoration of tranquillity in the Interior will likewise contribute towards improving and extending our relations with friendly and neutral Powers.

Little has been effected in the relations between Colombia and the Pope, as Head of the Roman Church. Our Envoy Extraordinary was obliged, in 1824, to quit Rome, owing perhaps to the influence of the Spanish Minister: he remained some time at Florence, and, although he returned to the former City, we have no other than the general information that his situation begins to improve. It would seem that the Vicar of Jesus Christ feared to injure the interest of Spain by treating with the Governments of its former Colonies, and that the spiritual wants of more than 13,000,000 Catholics, have been neglected for political views perfectly mundane. Government has on its part employed all possible means to define clearly the relations between the Christian Inhabitants of Colombia and the Roman See ; and if the result has not been successful, that result must be imputed to the latter. A year ago, the Department under my direction, being persuaded that the result of the Mission to Rome would leave us in the same state of anomaly and indecision as before, forwarded, by order of the Vice-President, (who was invested with the Executive of the Republic,) a Communication to the Secretary for the Interior: it had for its object, to consult the Colombian Clergy upon the best steps which the Government could take, conformably to the Canons and Discipline of the Catholic Church, during the absence of communication with the Roman See, as to the reservations necessary, in respect of the confirmation of

the Bishops and Archbishops, the better division of the Dioceses, and other similar objects. The project was transmitted to the Colombian Legations in the various American Republics, in order that they might communicate the same to the several Governments, for the purpose of inducing them to join in establishing relations with the Apostolic See. Such a union would be of the highest importance, by inducing the Supreme Pontiff to interest himself, without further delay, in the arrangements required by the Churches of America, and by preventing unlawful concessions on the part of any of the New States. At the proper time, I shall communicate to Congress the information which may be necessary in respect of this matter, should it require further proceedings on the part of the Legislative Body.

All that the Pope has conceded to the Colombians has been the granting of a few Briefs of secularization to religious Establishments, and some other concessions of a spiritual kind. He has also appointed an Auxiliary Bishop to the Diocese of Merida, in consequence of a proposal from the Executive Power prior to the sanctioning of the Law respecting Church Patronage. The Supreme Pontiff offered to appoint another Auxiliary Bishop for Popayan, but the question would not be treated of by the Government, except with that Prelate. He likewise forwarded a Brief to the Metropolitan Chapter at Bogota, authorizing it to fill up the Vacancies within its jurisdiction. As the two last measures were not consistent with the Laws of the Republic, the Executive did not allow the Briefs to be expedited; but it will submit the same to the consideration of Congress.

The venerable Senate of Hamburgh declared, in July last, in consequence of the arrival of a Ship at that Port bearing the Colombian Flag, that cargoes belonging to the Citizens of Colombia should pay no other duties than those to which the Subjects of the most favoured Nations are liable, and to which the Citizens of Hamburgh are subject for National Vessels and cargoes. This declaration having been communicated to the Agent of that Senate in London, he has solicited that, in the Ports of the Republic, the same concessions should be made in favour of the Ships and cargoes from Hamburgh. I shall have the honour to submit the matter to the consideration of Congress for a corresponding resolution.

The President Liberator, being desirous to accelerate the happy epoch of the re-establishment of Publick Credit, has adopted a rigid economy in all the branches of Government, and, with regard to that under my charge, he has issued the Decree of the 23d November, which fixes the bounds within which it will be requisite, at present, to limit the expense of our exterior relations. I shall have the honour to present the same to Congress.

In the exposition which the Secretary for Foreign Affairs made to the Legislative Body, on the 2d January last year, the reforms were suggested which it was deemed suitable to make in the Provisional Ordi-

nance for Privateers, in order to avoid causes of discord with friendly and neutral Powers. Not only are there grounds for adopting those reforms, but additional reclamations have since been made by Neutrals, as well on account of the seizure of Enemy's property on board their Ships, as for the excesses which have been attributed to some Privateers bearing the Colombian Flag. The Executive, with great zeal, has endeavoured to correct every abuse which has been proved, and has done justice to those reclamations which have been well grounded. These causes of dispute with the friendly and neutral Powers, produce, however, obstacles to the exterior relations, which it would be advantageous to put an end to, by Congress taking into consideration the Regulations of the Provisional Ordinance respecting Privateers, the reform of which has been so strongly recommended by the Government.

The actual state of the exterior relations of Colombia, is very different from that in which they existed at the time of the publication of the Constitution. It may, indeed, be said, that at that time none existed. The Honourable Francisco Antonio Zea did, certainly, at that period reside in England, with power to assume the character of Envoy Extraordinary and Minister Plenipotentiary for the Republic, near His Britannick Majesty, and other European Powers; but he was not recognised in a public capacity by any one of them; Colombia not having then been recognized by any Nation as an Independent State.

There existed only a Treaty for the Regulation of the War, which the glory, constancy, and valour of the President Liberator, and his worthy Companions in Arms, had wrung from the Spanish Chiefs at Costa Firma, and which was confirmed at Truxillo, on the 26th November, 1820. This Treaty which, in some degree, dried the tears which humanity had shed, during the barbarous and sanguinary War which, for 10 Years, the Spaniards had carried on in the Territory of the Republic, gave hopes that that Government would be milder in the sequel. Inspired with these hopes, the Liberator concluded, at the time of the Regulation of the War, an Armistice for 6 months, and sent the Signors Revenga and Echeverria to Spain, with Full Powers to act, if there were a possibility of procuring Peace, and the acknowledgment of our Independence by His Catholick Majesty. But it was very soon ascertained that the Spanish Government, notwithstanding the new Constitutional System, the liberal principles which had been proclaimed, and the assurances of the Chiefs in Costa Firma, was very far from granting Independence and Peace to any part of its former Colonies. The Armistice was consequently broken, before the expiration of the time agreed upon. The Colombian Envoys had merely one unimportant Conference with the Minister Bardaxi. Their residence at Madrid was considered by the Spaniards to be dangerous to

the public tranquillity, and, at the end of 3 months, they received their passports;—the Ministry having intimated to them, that they should lose no time in proceeding on their return, as their residence at Madrid was both useless, and, in certain respects, dangerous. Our Plenipotentiaries immediately left that Court and the Peninsula, all Negotiation being broken off. From that time, the Government of Colombia fixed its hopes of procuring Peace, and the acknowledgment of the Independence of the Republic, in the wisdom of its Institutions, its stability, the organization of the interior, the patriotism of its People, the good faith of its Government, and the valour and military talents of its illustrious Warriors. If these have been ineffectual with regard to Spain, they have not been so with respect to other Nations.

All that was done by the other Powers, during the Contest between Spain and her former Colonies, until 1821, was to observe a neutrality, more or less perfect, according to the interest of each. At times the Enemy was more favoured than the Colombians, for which many pretexts were alleged. Our Ports were, notwithstanding, open to Foreign commerce, even to that of the Nations of which we had cause to complain, which did not admit of a just reciprocity, and excluded our Flag; which was, moreover, not admitted in any of the Neutral Ports. This prudent conduct, of acting with strict impartiality towards every Nation, and of respecting the rights of Nations, prescribed for the mutual intercourse of one State with another, had, in 1821, the happy effect of causing several Governments to turn their attention to the advantages which the commerce of Colombia might offer to their Subjects.

In 1821, Colombia had no relation with the American States of Mexico, Peru, Chili, and Buenos Ayres. There resided in the United States of the North a Chargé d'Affaires, but he did not assume a public character; and, notwithstanding the anxious desire manifested by the Citizens of that Republic for the success of their Brothers of the South, and the acquirement of their Independence, little or nothing had been advanced in our relations with the Government of North America, when the Constitution of Colombia was published. The infant state of our Republic, undoubtedly, prevented its being recognized by those who it is evident ought to be its best friends.

Such was the situation of the exterior relations of Colombia at the end of 1821. Let us now observe the progress which they have made since that epoch, and in the first Constitutional period.

The Constitution having been published, the care of the Government was first directed to the organization of the Ministry for Foreign Affairs, and to the formation of a system upon which the latter should proceed to regulate its important operations. It was, in effect, placed under the direction of the Honourable Secretary then employed in the Ministry, Señor Pedro Gual. It has since, only been requisite to follow the system then adopted, and the affairs have been carried on

with precision and regularity, and, for the most part, with a favourable result.

From the commencement of the Constitutional System, the Executive has observed, as an invariable rule for its conduct, a general good faith, and has conceded to no Nation that which could not be conceded to all; as was observed to the Congress by the Secretary of my Department in 1823. Adhering to these principles, the exterior relations of Colombia have been formed and augmented, as well with the American as with the European States.

One of the first objects of the Executive Power, at the time of entering upon its functions in 1821, was to extend and bind more closely the relations with those New States of America, with which Colombia had a community of interests and principles. Various Missions were immediately sent to Mexico, Peru, Chili, and Buenos Ayres, for the purpose of realizing the splendid project conceived by the President Liberator, of an American Confederation, and a Congress at Panama. It was proposed as the basis of the new Federal System: 1st. That the American States should be allied and confederated perpetually, in Peace, and in War, guaranteeing to each other the integrity of their Territories. 2dly. That, in order to carry this guarantee into effect, they should conform to the *uti possidetis* of 1810, according to the demarkation of Territory of each Captaincy General, or Vice-regency, erected into a separate State. 3dly. That, with regard to personal rights, and the commerce, and navigation of each State, the Citizens or Subjects should indiscriminately enjoy, in respect of their Persons, property, and exterior or interior traffick, the same rights and privileges as the Natives, whether they resided temporarily or permanently in the Country. 4thly. That, to render perfect this Compact of Perpetual Alliance and Confederation, an Assembly should meet in Panamá, consisting of two Plenipotentiaries for each of the Contracting Parties, which should serve as a point of Union, in time of common danger, as a faithful Interpreter of their Publick Treaties, when difficulties might occur, and as a Judge Arbitrator and Conciliator in their disputes and differences. 5thly. That this Compact of Perpetual Alliance and Confederation, should not, in any manner, interrupt the exercise of the Sovereignty of each of the Contracting Parties, in its exterior relations with the other independent Nations of the Earth.

Upon these principles, the Ministers Plenipotentiary of Colombia negotiated Treaties of Union, League, and Confederation, with the Governments of Peru, Chili, Mexico, and Guatemala, which, with the previous approbation of Congress, were ratified by the Executive. They also concluded a Convention of Friendship and Alliance with the Government of the United Provinces of the Rio de la Plata. In consequence of the said Treaties, the First Session of the American Assembly took place last Year, in the City of Panamá, as has been before stated.

The zeal of the other Co-belligerent States, has undoubtedly contributed to the realization of the present system; the constant efforts of the Government of Colombia, however, to obtain it, are well known; and the new Republics derive from the Federation all the benefits which can be expected from independence and liberty.

An important part of South America experienced, a short time ago, the great advantages which result from a Confederation. Peru beheld two-thirds of her Territory occupied by the Spaniards, with an Army commanded by skilful Chiefs, who threatened the extinction of the sacred flame of liberty and independence in that Country. Its Government entreated for the Auxiliaries of Colombia, which were conceded to them with the greatest liberality, and in sufficient numbers to enable it to triumph over the Enemy. Not content with this, the President Liberator, being invited to Peru, went to that Republic, and, notwithstanding difficulties which appeared insurmountable, overcame them, by his genius, constancy, and good fortune. The victories of Junin and Ayacucho, crowned his success, and, by destroying the Spanish power insured the Independence of South America. A new State soon appeared, formed of the Provinces of Upper Peru, so soon as they had been freed from the Spanish yoke, by means of the Conquering Army at Ayacucho: they assumed the name of Bolivia, in honour of the Liberator, and have augmented the great mass, with which the efforts which Spain may chuse to make, must come in collision.

The Constitutional Government of Colombia has thus contributed to the glorious success of the enterprize of liberating Peru from the Spanish Dominion, and by which its relations with this Republic, as well as with that of Bolivia, have been strengthened. A frank and honourable friendship has been the result of the efforts of the Republic for the Independence of Upper and Lower Peru; and it is to be hoped that it will be as lasting, as it is requisite for the common interests and mutual benefits which should be derived therefrom.

Our relations with The United States of North America have been formed and consolidated, on the basis of the Constitutional system. That Government in 1822, first offered the noble example of recognizing our Independence, and has promoted that recognition by other Nations. The Chargé d'Affaires from Colombia, at Washington, was then replaced by an Envoy Extraordinary and Minister Plenipotentiary. A Commissioner from the President of The United States brought to Bogota the different Acts by which our Independence had been recognized; and, subsequently, a Minister arrived, invested with the same character as that of the Representative of Colombia at Washington. A general Convention of Peace, Friendship, Navigation, and Commerce, with The United States, and another declaring the Slave-trade to be Piracy, were afterwards negotiated, and concluded in this Capital on the 3d October, 1824. The first was ratified by both Governments, agreeably

to the requisite formalities prescribed by their Fundamental Laws, and the Ratifications were exchanged; but the Ratification of the latter met with difficulties in The United States, which have not yet been overcome in favour of humanity.

Our relations with The United States have been established upon the faith of Treaties, by a commerce which offers mutual advantages, and by the sympathy which should exist between the Colombians and North Americans, in consequence of their liberal Institutions, and have daily increased and strengthened. The good Offices of the Governments of The United States, to promote the cause of American Independence, have been both generous and constant, and it has omitted no occasion to interpose its influence with other Neutral Powers, so as to anticipate as much as possible the happy epoch of Peace, and the recognition by Spain. Although the desired result has not yet been produced, it is to be hoped that the obstinate resistance of the Court of Madrid will not be of much longer duration.

A remarkable event has recently occurred on the American Continent:—the erection of an Empire in Brazil, at a time when the rest of America was being constituted into Republics. This Empire has been recognized by all the Powers, including Portugal, and its present Emperor, Don Pedro I. has granted liberal Constitutions, both to Brazil and to its European Mother-Country. The Government of Colombia has endeavoured to establish friendly relations with that neighbouring Southern Empire; and, confident of meeting with a corresponding friendship, it appointed, during the last Year, an Envoy Extraordinary and Minister Plenipotentiary to the Court of Rio de Janeiro. It is known that His Imperial Majesty has appointed a Minister with the same character for Colombia; and hopes are entertained that these Missions will promote the interests of both States, connect more closely their mutual relations, and contribute to the establishment and duration of Peace in South America.

Although greater difficulties have been encountered by the Executive Power of the Republic, in establishing relations with the European Governments, it has not relaxed in its endeavours to overcome them, and its efforts have, in a great measure, been attended with success. On the publication of the Constitution, it took care to forward immediately to England a Minister, in whom it placed confidence, in order to replace the deceased Señor Zea. It was of the greatest importance to Colombia, and to the other American States, to be recognized by the Government of His Majesty the King of Great Britain, who has so much power and influence in Europe, and whose Subjects had always manifested the greatest desire for the triumph of the cause of American Independence. But, notwithstanding such a favourable disposition in the English Nation, and the steps successively and regularly taken by the Governments of Colombia, Buenos Ayres, Mexico, and Peru, the

efforts of our Agent, in the Capital of the British Empire, continued for some time, ineffectual. The great event of the recognition of the Independence of Colombia, Mexico, and the United Provinces of the Rio de la Plata, by England, was not realized till the commencement of 1825. In the preceding Year, Commissioners from His Britannick Majesty resided in this Capital; Consuls were likewise appointed in our Ports, but to their Letters Patent the Government could not concede the Exequatur, in consequence of the form in which they were drawn up. The recognition of our Independence being resolved upon, the same Commissioners, competently authorized, negotiated a Treaty of Perpetual Friendship, Commerce, and Navigation, between Colombia and Great Britain. This Treaty, being founded on the basis of reciprocal equality, obtained the Ratification of the respective Governments; and, from that period, our relations with Great Britain have been sincere and cordial. Great and mutual interests, principally commercial, unite the two Nations, so that it behoves them to cultivate the intercourse and friendship of their respective People.

The Executive of Colombia receives frequent proofs of the lively interest that the British Cabinet takes, in promoting the American Cause, with those Governments which have most influence in the Spanish Councils, to incline them to recognize our Independence, and thereby to give Peace to America. Such good offices, and the just and liberal principles upon which the English Government has acted, cause us daily still more to appreciate its friendship for the New States. It may hasten that epoch, which is not perhaps very remote, when the happy moment shall have arrived, in which the obstinacy of His Catholick Majesty shall be overcome, and general Peace benefit our Hemisphere. The open wounds of this protracted War will then be healed, and a vast field for prosperity and affluence will be opened by a free Commerce with all Nations.

Other Governments of Europe, besides England, have manifested a wish to form Relations with the Republick. That of Portugal, since 1821, has taken direct steps towards the recognition of the New States of America, which however have had no definite result, owing probably to the difficult circumstances in which that Kingdom has, subsequently, been placed. His Majesty the King of Sweden and Norway sent his Consul-General in The United States, to this Capital, for the purpose of concluding a Provisional Arrangement for Commerce, but which was not carried into effect from the absence of certain preliminary formalities. Nothing has been advanced in the matter, perhaps on account of the delay in appointing the Mission, which the Executive Power has for some time had it in contemplation to send, to the Northern Courts of Europe.

The Government of His Majesty the King of The Netherlands had likewise manifested, since 1824, a wish to form Relations with Colombia.

The Chevalier de Quartell, in consequence, arrived at the Capital, and he was received with all the consideration due to the Government by which he had been appointed. The Government of The Netherlands has recently appointed Consuls to Colombia, agreeably to the forms established by Nations, which, as I have before stated, include the recognition of our Independence.

The Executive Power, from the commencement of its Administration, was aware of the importance it was to Colombia, that it should be recognized by France. No opportunity, or means compatible with its dignity, has, therefore, been spared, to induce the Cabinet of His Most Christian Majesty to accede to this measure. Although this has not hitherto been accomplished, steps have been taken towards an understanding between the two Governments, which, combined with the Commercial Interests of France in Colombia and in the other American States, give well founded reasons for believing, that the time is not distant, when the Government of His Most Christian Majesty will recognize us as an independent Nation. This event will influence in a great measure the other Courts of Europe in favour of American Independence, especially the Cabinet of His Catholick Majesty which is so closely united to that of France.

Since the Legation which was sent in 1820, by the Government of Colombia to Madrid, no communication has been made, nor have any direct steps been taken, by Spain, towards the recognition of the independence of the Republic. The Executive Power has nevertheless omitted nothing to promote an affair of such importance, by every means in its power. There is a well founded hope that ere long this desired result will be obtained.

The Government has likewise endeavoured to establish Relations with the Apostolick See, to which it determined to send an Envoy Extraordinary and Minister Plenipotentiary, soon after the publication of the Constitution. It was however delayed, in consequence of certain difficulties which occurred, and the Mission at Rome has not yet produced the good effect which was expected, from the motives which I have had the honour to state to Congress.

Notwithstanding that some of the European Powers have not recognized the Independence of Colombia, but have even given cause of complaint to the Republic, they have all observed a Neutrality, and the Colombian Flag has been admitted into their Ports, as well as into those of some of the States of Barbary. And the enterprise and speculations of our Citizens, have displayed themselves in the greater part of the Commercial World.

The Government has taken the greatest care to promote the principles of friendship and reciprocal communication, observing on its part an equality towards all Nations whose Ships arrive in the Ports of Colombia, as well as the most rigorous justice with respect to the Re-

clamations on the part of Neutral Powers. Notwithstanding the extended War which has been carried on between Colombia and its ancient Mother Country, the complicated interests of other Nations, and the necessity of employing Privateers against Spanish Commerce, the Executive enjoys the satisfaction of knowing that, hitherto, it has not only been enabled to maintain a good intelligence with the Neutrals, but likewise to improve its relations with some of them. This has been effected, by adhering to strict justice, and by a timely observance of the recognized principles of the rights and customs of all Nations.

The Government has scrupulously fulfilled the Decrees of Congress, by which they have approved of the different Conventions and Treaties concluded between Colombia and other Nations, as well as the Laws established on various points relative to the Department of exterior relations. Should the Executive Power judge it requisite to make any reforms they will in due time be proposed to Congress.

The brief sketch which I have now given of the actual state of the Foreign Affairs of Colombia, compared with that in which it was at the time of the publication of the Constitution, as well as of the progress which has been made during the Constitutional period of the present Administration, is gratifying to the Government. The order, regularity, and principles of justice and equality, which were proposed, and which have been strictly and constantly observed by the Executive, have improved the exterior relations of the Republic, and have established them upon a solid basis. There are well founded hopes of further important improvements; and, when these shall have been accomplished, the propitious day will probably be at hand, when Peace will be proclaimed throughout the New American States.

JOSE MANUEL RESTREPO.

Bogota, 21st March, 1827. 17°.

***REPORT of the Minister of Finance to the Chamber of
Deputies of Portugal.—15th February, 1827.***

(Extract.)

(Translation.)

**Estimate of the Receipt and Expenditure of the Publick Treasury for
the Year 1827.**

DIRECT CONTRIBUTIONS, VIZ :

<i>General.</i>	<i>Milreis.</i>
Last Year	14,850
Tithe of the whole Kingdom.....	981,940
New Duties.....do.....	103,661
Sealing Grants and Legal Papers	105,329
Excise Duties	386,079

PORTUGAL.

1153

Literary Subsidy	110,535	Milreis.
Fortification Dues	50,017	
	<hr/>	1,752,414

Local.

Chancery, from the House of Appeal, age registers, condemnations, commutations of banishments, &c.		15,198
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INDIRECT CONTRIBUTIONS, VIZ :

General.

Custom House in general.....	2,920,279	
General contract of tobacco and soap	1,467,370	
Water Tax.....	68,431	
	<hr/>	4,456,081

Local.

Imposts on exportation, collected in the Custom Houses.....	288,464	
Do.....importation .....do.....	400,596	
Do.....exportation, not collected in the Custom Houses	5,012	
Do.....importationdo.....	12,092	
	<hr/>	706,166

Entries proceeding from Crown property and orders, &c.....	268,743	
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Do. not belonging to the Treasury, viz :

Patriarchal	171,702	
House of the Reigning Queens	60,939	
Do. of Bragança	63,789	
	<hr/>	296,431

565,175

Total...Milreis 7,495,036

EXPENDITURE.

Royal House :

Allowance for general expences	468,159	
Do. for the Ladies Infantas	21,600	
Do. for the Lady Princess, D. Maria Francisca Benedicta.....	40,000	
Do. for Her Majesty the Empress Queen.....	36,000	
Do. for the Infant Don Miguel £ 800. a month. Computed annually at	40,000	
	<hr/>	605,759
Chamber of the Peers of the Kingdom.....	7,000	
Do. of Deputies	60,000	
Estimate of the Ministry of the Affairs of the Kingdom	484,998	
Estimate of the Ministry of the Affairs of Justice	322,099	
Do. of War (calculated for time of Peace)	4,204,789	

		Milreis.
Estimate of Marine.....	1,380,647	
Do. of Foreign Affairs	353,836	
Do. of Finance, viz :		
Extra expences, pay and salaries in advance	11,600	
Salaries in general	424,056	
Expenses incurred by the Collectors of Revenue, paid at the Stations where they were collected	274,629	
Barrier Guards of Lisbon	4,771	
Patriarchal	171,702	
Royal Interests	270,254	
Pensions	300,000	
Pensions and ordinary allowances...	243,785	
Cattle of Riba-Téjo.....	2,280	
Delivery of deposits	291,109	
Bank of Lisbon	486,750	
Tobacco for Goa	31,749	
Theatre of San Carlos, residue of the first year of the undertaking....	10,000	
	<u>2,522,688</u>	
		<u>9,336,068</u>
	Total Milreis	<u>9,941,818</u>

N. B. A deficit appears of 2,446,782 milreis, in addition to 24,000 for the continuation of the second year of the undertaking of the Theatre of San Carlos: an expence which, notwithstanding it is not contemplated in the partial Estimate, ought to be mentioned, in order that the Chamber may take it into consideration if it thinks proper.

HERMANO.

**REPORT of the Minister of Finance of Brazil, to the
Chamber of Deputies.—18th May, 1827.**

(Extract.)

(Translation.)

STATEMENT of the Finances of the Empire of Brazil.—1826, 1828.

		Milreis.
Ordinary Receipts of the Year 1826	4,643,196	
Extraordinary do.....do.....	2,935,276	
	<u>7,578,473</u>	
Ordinary Expenses of the Year 1826.....	5,609,363	
Extraordinary do.....do.....	1,817,849	
	<u>7,427,213</u>	
Surplus Income 1826.....	Milreis	<u>151,259</u>

	Milreis.
Estimate of Expenses of the Year 1828.....	11,219,088
Do.....of the Ordinary and Extraordinary Receipts of 1828	6,300,000
Estimated Deficit 1828.....Milreis...	4,919,088
Passive Debt of 1826.....	33,228,183
Active do. exclusive of balance in the Treasury at the end of the Year.....	2,005,590
Total.....Milreis...	31,222,593

*REPORT of the Secretary of the Navy to the President of
The United States.—2d December, 1826.*

THE following Report is respectfully submitted to the President of The United States by the Secretary of the Navy :

On the 2d January, 1813, the Law, entitled " An Act to increase the Navy of The United States," authorized the building of 4 Ships, to rate not less than 74 guns each, and 6 Ships to rate 44 guns each.

On the 29th April, 1816, the Law entitled " An Act for the gradual increase of the Navy of The United States," was passed, and authorized the building of 9 Ships, to rate not less than 74 guns each, and 12 Ships, to rate not less than 44 guns each, including within these numbers *one* 74 and *three* 44 gun Ships, authorized by the preceding Act. By these two Laws, therefore, 12 Ships of not less than 74 guns, and 15 Ships of not less than 44 guns, were directed to be built.

Of the twelve 74's, 7 have been launched, and 5 are in various stages of forwardness; of the fifteen 44's, 1 was burnt on the stocks in the Navy-Yard at Washington, in the Year 1814, and may be considered as replaced by the 1 lately purchased; 4 have been launched, 7 are on the stocks; and the frames of the remaining 3 have been contracted for. See Paper I. (accompanying the Report of the Navy Commissioners.)

By the Law of 2d January, 1813, 2,500,000 dollars were appropriated; by that of 29th April, 1816, and a subsequent Law of 3d March, 1821, 8,000,000 dollars were appropriated, to carry the objects of those Laws into execution, amounting in all to 10,500,000 dollars. The Appropriation of 8,000,000 dollars included a previous sum of 600,000 dollars, for the purchase " and supply of a stock of every description of timber, required for Ship-building and other Naval purposes." This Appropriation expires with the present Year. It was not founded on any specifick estimate of the cost of building and

equipping the number of Vessels authorized, and is not sufficient to accomplish the object. What addition may be necessary, there are not competent means within the reach of the Department, at this time, to ascertain with accuracy. Nothing more, however, will be required, during the next year, as there remain, of the former Appropriations, about 800,000 dollars, which is more than can be usefully expended.

At the time of the passage of the Law of 1816, there were 3 Ships of the line, the *Independence*, *Washington*, and *Franklin*; 4 Frigates of the 1st class—the *Constitution*, *United States*, *Guerriere*, and *Java*; and 3 of the 2d class—the *Congress*, *Constellation*, and *Macedonian*. These, added to the number authorized by the Law before mentioned, and the Frigate purchased in August last, under the authority of the Law of 17th May, 1826, will give, when they are all completed, 12 Ships of the line, 17 Frigates of the 1st class, and 3 Frigates of the 2d class; to which may be added the *Fulton*, which is at present used as a receiving Ship at New York.

There are also in our Navy 2 Ships of 24 guns each: the *Cyane*, captured in 1815, and the *John Adams*; and 4 Sloops of 18 guns; to these were added, by the Law of 3d March, 1825, 10 Sloops of War, to carry not less than 20 guns; making, when complete, 16 Vessels of nearly the same class, and which may be ranked under the denomination of Sloops of War. There are also 4 Schooners of 12 guns, and 3 other Vessels used as Receiving Ships.

In the Report from this Department, of 2d December, 1825, it was stated that 3 of the Sloops of War, authorized by the Act of 3d March, 1825, would be completed within the Year. Since that time those 3 have been finished, and are now at Sea. One has been recently launched, and will be immediately put in commission; the others are far advanced, and the whole would have been entirely completed, if the Contractors for certain portions of the materials had not produced disappointment by failing to comply with their Contracts within the time specified. They will all be launched, during the next Year, and may be ready for Sea in 6 weeks after launching, if no difficulty should be experienced in procuring Seamen. See Paper I.

From this Statement it will appear that the whole Naval Force, authorized by Law, consists of—

12 Ships of the line, (exclusive of 2 on Lake Ontario.)

17 Frigates of the 1st class.

3 Frigates of the 2d class.

16 Sloops of War.

4 Schooners of 12 guns, and 3 other Vessels.

The whole of these, with the exception of 3 of the Frigates, could be prepared for active service at Sea, in a few months, should the situation and interests of the Nation demand their employment. For

their names and other particulars, I refer to Paper I. and Naval Register of 1827.

By the Law of the 9th March, 1814, the sum of 500,000 dollars was appropriated " for the purpose of building, equipping, and putting into service, one or more Floating Batteries, adapted to attack, repel, or destroy, Ships of the Enemy, which might approach the shores or enter the waters of The United States.

This Law was executed in part, by the purchase of 1 Steam Engine and the building of 1 Vessel, the *Fulton*; in other respects, it has been unexecuted, in consequence, it is presumed, of the Peace which soon succeeded its enactment. By the 3d Section of the Law for the gradual increase of the Navy, passed in April, 1816, the President was authorized to cause to be procured, the Steam Engines, and all the imperishable materials necessary for building and equipping 3 Steam Batteries, on the most approved plan, and best calculated for the defence of the Ports and Harbours of The United States. The frames of the 3 Vessels have been procured; 2 of the Engines, with all their appurtenances, and part of the third engine, purchased. The Steam Engines and Vessels procured, were of the best construction known at the time; it is probable that others of more approved form, both for economy and power, might now be obtained. This is a subject to which it is presumed Legislative attention will, before long, be directed. By the Law just referred to, it is manifest that Congress, at the time of its passage, looked to this species of Vessels as an efficient means of protection for our Ports and Harbours, and subsequent experience and improvements have justified the opinion.

The powerful agency of steam has been constantly yielding, both in point of economy and skill, to the improvements of the age, and there can now be little hazard in anticipating, that, at no very distant period, it will be employed in propelling a large number of the Vessels used for the protection of the Maritime Frontiers of all Countries. And in none can they be used with more advantage than in this. The peculiar formation of our Coast, Harbours, and Estuaries, renders them an indispensable addition to the line of fortifications and defences which the Nation is constructing with such prudent forecast.

A minute detail of the employments and services of our armed Vessels at Sea does not seem to be required. The Year has presented few incidents which are uncommon, of deep interest, or requiring Legislative action. It may be truly said of all our Squadrons, that they have enjoyed good health, have faithfully performed the duties entrusted to them, doing credit to the skill and patriotism of our Officers, and justifying the expense to which the Nation is subjected in supporting them.

The paper M. furnishes a list of the Vessels in Commission, with their Stations. It will be perceived that few changes have been made

in the Vessels employed in active service. The frigate *Brandywine* and Sloop of War *Erie* have returned from the Mediterranean: the former to relieve the frigate *United States*; the latter is in ordinary, and her place will in a few days be supplied by the new sloop of War *Warren*, Master Commandant L. Kearney.

The West India Squadron has been diminished: 1st, By the sale of the Brig *Spark*, she being so far decayed, that it "was not for the interest of The United States to repair her." 2d. By placing the Schooner *Fox* at Baltimore, as a receiving Vessel. She was in such a state that she could not any longer be profitably employed as a cruising Vessel. And 3dly. The Store Ship *Decoy* has been sold, such arrangements having been made as rendered her no longer useful.

The Brazilian Squadron remains the same as at the close of the last Session of Congress, consisting of the *Macedonian*, *Cyane* and *Boston*.

The Pacifick Squadron has not in any respect been changed, but the *Brandywine* and *Vincennes* are on their passage to relieve the Frigate *United States* and Sloop of War *Peacock*. It was the purpose of the Department to add, to the relief Squadron, the Sloop of War *Lexington*, but other employment became necessary for her, under the Resolutions of Congress. That Vessel has been employed in a Cruise among the fisheries, and in the melancholy, yet grateful duty, of removing the remains of Commodore Perry, and will now be sent for a time to the West Indies.

In obedience to the Resolution of the House of Representatives of the 18th of May last, directing "that the Secretary of the Navy be instructed to cause the remains of Commodore O. H. Perry to be removed from the Island of Trinidad, in a publick Vessel of The United States, and to have the same conveyed to Newport, State of Rhode Island," the Secretary of the Navy, as soon as a Vessel could be commissioned for that purpose, and at as early a day as the safety of those employed would permit, despatched the Sloop of War *Lexington*, under the command of Master Commandant William B. Shubrick, with such instructions as were supposed proper on an occasion so interesting to the national feeling, and with a Letter from Mr. Vaughan, the British Minister in this Country, to the Governor of Trinidad, to both of whom the thanks of the Department are due for the facilities afforded in accomplishing the object. Master Commandant Turner, who was with Commodore Perry at the moment of his death, and attended his funeral, was directed to accompany Master Commandant Shubrick. Information was also given to the relatives and friends of Commodore Perry, in Rhode Island, that they might be enabled to make suitable preparations for receiving and paying funeral honours to his remains. The *Lexington* sailed from New York on the 12th October, and I am this moment apprised that she reached Newport on the 27th November.

The Instructions and Correspondence of the Department on this subject, with the Report of M. C. Shubrick, are annexed, marked N.

The Squadron in the Mediterranean has remained under the command of Commodore Rodgers, and been actively and usefully employed in cultivating the friendship of the powers bordering on that Sea, and in affording protection to our Commerce and Interests. Some extracts from his Correspondence, marked O, will explain the nature of the Services of the Squadron, and the manner in which they have been performed.

The presence of a respectable Naval Force in that quarter is demanded by our growing Commerce, and by the continued and perhaps increasing dangers to which it is subjected by the present state of the contest between Greece and Turkey. Several of the Vessels will return home in the course of the Year, but their places will be supplied by others. Private Letters, just received, prove that Piracies of the worst kind are daily increasing, and that our Force cannot safely be diminished.

The Squadron in the Pacific has continued to be useful to the interests of the Nation. The termination of active War between Spain and the South American Governments bordering on that Ocean, has relieved our Commerce from some of the evils under which it suffered; but the unsettled state of the Governments and People, with the mass of Individuals who have been thrown out of employment on the land and the water, exposes it to others which require the presence and active exertions of a competent Naval Force on the whole Coast, from California to Cape Horn.

Commodore Jones, one of our most experienced and prudent Officers, has been ordered to succeed Commodore Hull in the command of the Squadron, and should the force already sent not be sufficient to protect our interests, an addition to it will be made if practicable.

Our extensive interests in every part of the Pacific, and the difficulties which not unfrequently occur in the neighbourhood of many of the Islands, render the occasional presence of a publick force among them very important. It was the intention of the Department that Commodore Hull should, previous to his return, visit the Society and Sandwich Islands; look to the interests of our Commerce there, acquire a better knowledge than is now possessed both of its extent and necessities, and of the best means and mode of defending and promoting it. But his duties on the Coast have forbidden him to be absent; he has, however, under the orders of the Department despatched, at different times, the *Dolphin* and *Peacock*, to accomplish those objects as far as practicable. The Report of their Cruizes has not yet reached the Department. See Paper marked P.

Information was received of the War between Brazil and Buenos Ayres soon after the *Cyane* sailed in December last, which rendered an additional number of Vessels there necessary. These were provided

under the Act of appropriation of 5th April, 1826 ; and the new Sloop of War *Boston*, Master Commandant B. V. Hoffman, sailed on the 11th April ; the Frigate *Macedonia*, Commodore Biddle, on the 13th June. The presence of this Force in that quarter has been essentially useful, by the relief which it has afforded to our Vessels and fellow Citizens, in many cases, and by the impression which it has produced, that, if assailed, protection was at hand.

The Emperor of Brazil established a Blockade of an extensive Coast, resting solely upon principles which have been uniformly resisted by our Government ; its operation has, to a great degree, been counteracted by the interposition of our Officers, as will be seen by the accompanying Correspondence, marked Q and R.

The view of our interests in the West Indies, so far as they are connected with the services of the Navy, is more gratifying than at any time during the last 4 Years. The zeal, enterprise and skill of our Officers which received commendation in the last Annual Report, have continued to merit it ; and it is satisfactory to add, that not one case of Piracy, within the range of the Cruising ground of our Squadron, has been brought to the knowledge of the Department. The health of the Officers and Men has also received strict attention, and has been preserved to as great an extent as on any other Station. See Paper S. Commodore Warrington has been invited to the Navy Board, and Captain Ridgely appointed to succeed him.

The benefits resulting from the Cruise of the Schooner *Porpoise* over the fishing grounds at the northward, during the last Year, confirmed the propriety of sending a Vessel, during the late fishing season, to perform a like service. Master Commandant Shubrick sailed in the *Lexington*, for that purpose, from New York, on the 12th June, and returned on the 4th September, having, in the mean time, examined the greater part of the Coasts and Shores frequented by our Fishermen. His Reports, a Copy of some of which accompany this communication, show that much good has resulted from the attention of Government to this important interest of the Nation, and that it will be well not to relax on this subject. More diversified and extensive benefits are not produced by the employment of any one of our Publick Vessels. See Paper T.

A Law of 3d March, 1825, appropriated 100,000 dollars for the establishment of a Navy Yard and Depôt on the Coast of Florida. By the Report from this Department of the 2d December, 1825, Congress was informed of the measures which had been taken to execute the Law, and of the selection which had been made. Since that time the Yard has been laid out, the Wharves, Buildings, &c. located, and the whole are satisfactorily progressing under the superintendence of the Commissioners of the Navy. There still remain unexpended about 60,000 dollars, which will be insufficient to complete the whole

as the erection of works in that portion of the Union is very expensive.

On the 10th of May last, a Letter was directed by the Chairman of the Naval Committee of the House of Representatives, to the Secretary of the Navy, inquiring, "whether the arrangements made by the Department for executing the Act of the 29th April, 1816, for the gradual increase of the Navy, would be injuriously interfered with, if the building of one of the Frigates authorised by that Act should be suspended for the present, and the timber for her frame secured, and the Government be authorised to purchase, in lieu of such Frigate, for the Naval Service, a Ship of equal, or rather superior force, if the same can be procured for the United States on advantageous terms." This Letter was received and answered on the 12th of that month. On the 17th May, a Law was passed, authorizing the President "to cause the building of one of the Ships to be suspended, and to cause to be purchased a Ship of not less than the smallest class authorized to be built."

In the execution of this Law, the Secretary of the Navy, on the 29th May, appointed Commodores Bainbridge, Chauncey, and Jones, to examine two Vessels then lying at New York, with as little delay as practicable, and furnish a full Report of their state and qualities, with an estimate of their value. On the 21st June they reported, that they had examined the two Ships, and thought the one called the *Liberator*, the best adapted for the publick service of The United States; that from her form and dimensions, they should judge favourably of her qualities, and estimating her value at 230,570 97 dollars.

Controversies having arisen between the Persons interested in the Vessel, which were submitted to arbitration, some delay took place in making the purchase: but instructions were eventually given to the Navy Agent at New York, to lay the Papers before the District Attorney, and obtain from him an opinion, as to the right and power of the Arbitrators to transfer the title to The United States. In obedience to instructions, and with the approbation of all Persons concerned and interested in it, he made the purchase for the sum estimated as the value, and the Vessel is now at the Navy Yard in Brooklyn, New York. She is a valuable Ship, calculated to perform much service, and will be fitted for sea in a short time.

The Papers relating to the execution of this Law, will be found annexed, and marked U.

In compliance with the joint Resolution of the 22d of May, requesting the President to cause an Examination and accurate Survey to be made by a skilful Engineer, of a site for a dry dock at the Navy Yard at Portsmouth, New Hampshire, Charlestown, Mass. Brooklyn, New York, and Gosport, Va. Loami Baldwin, Esq. was employed to make the necessary Surveys and Examinations.

He has been diligently engaged in the work, and it is hoped that he will be able to make his Report in a few days. As soon as it is received, it will be communicated, together with the Instructions under which he acted, and the views of the Department on the subject.

In the Act making appropriations for the support of the Navy for the Year 1826, there is an item of 10,000 dollars for a Survey of the Harbours of Savannah and Brunswick, in Georgia; Beaufort, in South Carolina; and Baltimore, in Maryland; "with a view to ascertain the practical facilities of those places for naval purposes." In the execution of this Law, a Survey was commenced under the Superintendence of Captain R. T. Spence, and, after his unexpected and lamented death, was committed to Master Commandant Claxton, then upon the Baltimore Station, with the aid of Lieutenant Sherburne and other Officers. A Report upon the subject, accompanied by a chart, has been made to the Department, but is not now communicated, because the Surveys of the other places mentioned in the Law have not been completed; and it is believed to be more correct to present the whole at one view. The remaining Surveys are progressing under the Superintendence of Lieutenant R. F. Stockton, and will be finished with the least practicable delay, when they will be presented, with that of Baltimore.

The Correspondence marked W. will show the situation of the African Agency and Slave Trade. It was anticipated at the commencement of the Year, that a large number of Africans would be sent to the Agency, but which a delay in the decision of the claim to a part of them has hitherto prevented. This delay has occasioned great expense to The United States; but no remedy is perceived. Brought to this Country by no act of their own, there is no principle of justice on which they can either be made Slaves by the Government, or turned loose among our fellow-citizens to suffer. They must be carried somewhere out of the limits of The United States, and a more economical mode does not seem practicable.

On the 1st of January, 1826, a balance of 32,401 63 dollars remained of the appropriation of 100,000 dollars made in 1823, which was carried to the Surplus Fund; but a re-appropriation of 32,000 dollars was made during the last Session; of this sum, 22,220 81 dollars have been expended, leaving a balance at this time, of only 9,779 19 dollars, which it is believed will not be sufficient to meet the existing and necessary claims upon the Fund during the ensuing Year. Another appropriation will therefore be required. It is probable that in a few weeks the question respecting the Africans in Georgia will be determined, in which event, there will be from 100 to 160 in that State, and about 15 from Louisiana, to be sent to the Agency, for whose reception provision has been made.

No Vessel has been despatched to the Coast of Africa for several

months, until within a few days. It was the purpose of the Department to order the brig *Spark* on that service, but upon her arrival from the West Indies, she was found too much out of repair, and consequently sold. The Schooner *Shark*, Lieutenant Otho Norris, left Norfolk about a week since, with orders to remain one or two months, as occasion may require, and afford such protection to the Agency as its situation shall demand. After performing this duty, the *Shark* will cruise a short time in the neighbourhood of La Guayra, and then resume her Station in the West India Squadron.

In the Report to the President at the commencement of the last Session of Congress, and in other communications from the Department, several evils under which the Marine Corps and the Naval Service laboured, and which could only be relieved by legislative interference, were exhibited in the hope that a remedy would be provided. It would be unnecessary, and perhaps improper, to renew the representations respecting them. Reference is made to the views and opinions heretofore expressed, and it is respectfully added, that the Marine Corps and the Service still continue to feel, sensibly, the necessity for a remedy for some of the inconveniences there suggested.

A few subjects of importance are not mentioned in this Report, because they must be, hereafter, presented to Congress, in Answers to Resolutions passed, and calls made during the last Session.

Paper X contains a list of the Officers of the Navy and Marine Corps, who have died since the 2nd of December, 1825.

Paper Y contains a list of resignations during the same period.

Paper Z. contains Estimates for the service of the Navy and Marine Corps for the Year 1827.

Respectfully submitted.

S. L. SOUTHARD.

Navy Department, December 2, 1826.

(1.) *Exhibit, shewing the Disposition and Force of the Vessels of The United States' Navy, and of the Vessels Building under the Laws for the Gradual Increase of the Navy, and for Building 10 Sloops of War.*

<i>Independence</i> ...	74	Boston.....	In ordinary.
<i>Franklin</i>	74	New York.....	do.
<i>Washington</i>	74	Ditto	do.
<i>Columbus</i>	74	Boston	do.
<i>Delaware</i>	74	Norfolk	do.
<i>North Carolina</i>	74	Mediterranean	In service.
<i>Ohio</i>	74	New York	In ordinary.
<i>Chippewa</i>	74	Sackett's Harbour }	Under cover.
<i>New Orleans</i>	74	Ditto	
<i>United States</i> ...	44	Pacific.....	In service.

<i>Constitution</i>	44	Mediterranean.....	In service.
<i>Guerrière</i>	44	Norfolk	Repairing.
<i>Java</i>	44	Boston.....	do.
<i>Potomac</i>	44	Washington.....	In ordinary.
<i>Brandywine</i>	44	Pacifick	In service.
<i>Congress</i>	36	Washington.....	Repairing.
<i>Constellation</i> ...	36	West Indies and Gulf of Mexico.	In service.
<i>Macedonian</i> ...	36	Coast of Brazil	do.
<i>Cyane</i>	24	Do	do.
<i>John Adams</i>	24	West Indies, &c.....	do.
<i>Boston</i>	18	Coast of Brazil	do.
<i>Vincennes</i>	18	Pacifick	do.
<i>Lexington</i>	18	West Indies, &c.....	do.
<i>Ontario</i>	18	Mediterranean	do.
<i>Erie</i>	18	Do.	do.
<i>Peacock</i>	18	Pacifick	do.
<i>Hornet</i>	18	West Indies.....	do.
<i>Porpoise</i>	12	Mediterranean.....	do.
<i>Dolphin</i>	12	Pacifick	do.
<i>Frigate of the 1st class, lately purchased, and in Ordinary at New York.</i>			
<i>Grampus</i>	12	West Indies and Gulf of Mexico	In service.
<i>Shark</i>	12	Do.	do.
<i>Fox</i>	3	Baltimore	Receiving Vessel.
<i>Alert</i>		Norfolk	do.
<i>Sea Gull</i>		Philadelphia	do.
<i>Fulton, Steam Frig</i> :		New York	do.

BUILDING.

<i>Alabama</i>	at Portsmouth	}	Ships of the Line.
<i>Virginia</i> }	.....at Boston	
<i>Vermont</i> }			
<i>Pennsylvania</i>	at Philadelphia		
<i>New York</i>	at Norfolk		
<i>Santee</i>	at Portsmouth	}	Frigates First
<i>Savannah</i>	at New York		
<i>Sabine</i>	Do.		
<i>Rariton</i>	at Philadelphia		
<i>Cumberland</i>	at Boston		
<i>Columbia</i>	at Washington	}	Sloops First
<i>St. Lawrence</i>	at Norfolk		
<i>Concord</i>	at Portsmouth		
<i>Warren</i>	at Boston		
<i>Falmouth</i>	Do.		
<i>Fairfield</i>	at New York		

<i>Vandalia</i>	at Philadelphia	} Sloops First Class.
<i>St. Louis</i>	at Washington	
<i>Natchez</i>	at Norfolk	

Frames for 3 Frigates of the first Class, contracted for.

(M.)—*List of Vessels of The United States' Navy in Commission, their Commanders, and Stations.*

IN THE MEDITERRANEAN.

<i>North Carolina</i>	74 guns	Commodore John Rodgers.
<i>Constitution</i>	44 do.	Captain D. T. Patterson.
<i>Ontario</i>	18 do.	Master-Commandant J. R. Nicholson.
<i>Warren</i>	18 do.	.....Do..... L. Kearney.
<i>Porpoise</i>	12 do.	Lieutenant Commanding Benj. Cooper.

IN THE WEST INDIES.

<i>Constellation</i> ...	36 guns	Commodore C. J. Ridgely.
<i>John Adams</i>	24 do.	Master-Commandant J. Wilkinson.
<i>Hornet</i>	18 do.	.....Do..... A. Claxton.
<i>Grampus</i>	12 do.	Lieutenant Commanding W. K. Latimer.

IN THE BRAZILS.

<i>Macedonian</i>	36 guns	Commodore J. Biddle.
<i>Cyane</i>	24 do.	Captain J. D. Elliott.
<i>Boston</i>	18 do.	Master-Commandant B. V. Hoffmann.

IN THE PACIFICK.

<i>United States</i> ...	44 guns	Commodore Isaac Hull.
<i>Peacock</i>	18 do.	Master-Commandant T. A. C. Jones.
<i>Dolphin</i>	12 do.	Lieutenant-Commanding J. Percival.
<i>Brandywine</i>	44 do.	{ Commodore J. Jones, to relieve the Frigate <i>United States</i> .
<i>Vincennes</i>	18 do.	{ Master-Commandant W. B. Finch, to re- lieve the <i>Peacock</i> .

ON SPECIAL SERVICE.

<i>Lexington</i>	18 guns	Master-Commandant W. B. Shubrick.
<i>Shark</i>	12 do.	Lieutenant Commanding Otho Norris.

(Q.) *Correspondence between The United States and Brazil, respecting the Brazilian Blockade of Buenos Ayres and the Banda Oriental. 1825—1827.*

(1.) *Capt. J. D. Elliott to the Secretary of the Navy.*

United States' Ship Cyane,

(Extract.) *Rio Janeiro, March 18, 1826.*

ON the 15th instant I had the honour to address you, and have now to say that I am supplied with provisions and water; that in the morning I shall depart hence for the La Plata.

By the same Vessel which conveys this Letter, the State Department will be apprized of the Protest entered by both of our Representatives at the Courts of Buenos Ayres and of Brazil, against the legality of the Blockade, proclaimed of the whole extent of the Coast of Buenos Ayres, and of that of the Banda Oriental, by Admiral Lobo, of the Navy of His Imperial Majesty the Emperor of Brazil.

Here I am called upon to adopt a course, in relation to this Proclamation, entirely new and novel, but which, I hope, in the end, will prove satisfactory to the Government and the Nation. The present Force employed in the Blockade is extended to nearly 30 Vessels, and an additional one of 3 Frigates is now preparing to relieve and to reinforce that already at the La Plata. A Schooner has just entered this Port from Monte Video, and brings the information, that, in order to enforce more fully the Blockade, all Vessels warned off are obliged to enter into Bonds at Monte Video, to an amount equal to the value of both Vessel and cargo, that they will not repeat the attempt to re-enter the River. It is here said, the English Vessels of War resist this measure, and that the English Consul at Monte Video has protested *in toto* against the Blockade; but how far this is correct, I am not prepared to say. I have had a full and a free intercourse with Mr. Raguet, as you will perceive by the Correspondence enclosed. With the Laws of Nations before me, and with the constant and steady grounds taken and maintained by the various Administrations of our Government in relation to this subject, I shall deport towards the Squadron as becomes both the interests of the Navy of the Nation, and of its Commerce.

The Hon. J. L. Southard.

J. D. ELLIOTT.

(2.) *Capt. Elliott to Condé Raguet, Esq.*

SIR, *United States' Ship Cyane, Rio de Janeiro, March 14, 1826.*

THE Government of The United States has assigned to me a cruize on the Coast of Brazil, for the double purpose of giving protection to our commerce, as also to have intercourse with our Publick Agents on shore. Destined farther South, the stay I shall make in Port will be only sufficiently long to enable me to replenish my stock of provisions. Should you have any communications to make touching the two first points, I shall be glad to receive them. At the period of my departure from The United States, our Government was not then possessed of the information as to the Blockade of the Rio de la Plata, and perhaps it is important I should have information from you on four points; 1st, as to the legality of the Blockade; 2d, as to the Force, both Naval and Military, employed in carrying it into effect; 3d, whether designed to exclude from the River both the Civil and Military Marine of each of the various Nations; 4th, whether each point

is presented with such force, by *both* sea and land, as will enforce its declaration.

With great respect, I have the honour to be. &c.

Condy Raguet, Esq.

J. D. ELLIOTT.

(3.) *Condy Raguet, Esq. to Captain Elliott.*

Legation of The United States of America,

SIR,

Rio de Janeiro, March 18, 1826.

I HAD the honour to receive, on the day subsequent to its date, your Communication of the 14th instant, and, in reply to it, submit the following observations.

The presence of one or more of the Publick Ships of The United States on this Coast, during the continuance of the War now existing between the Empire of Brazil and the Republick of the United Provinces of the River Plate, cannot fail, for reasons well known to you, to be highly beneficial to the commerce of our Citizens. Even long before the existence of hostilities, the want of such protection as could only be afforded by a Naval force, was in some degree felt; but our Government, aware of the existence, in some parts of this Country, of a disposition to oppose the present order of things, and desirous to avoid all imputations of intermeddling in the concerns of another State, very wisely and discreetly abstained from the employment of any portion of its Marine in this quarter. I need hardly state to you, that had our Government resolved to station on this Coast even a single Ship, during the time when an attempt was making to establish a Republick in the Northern Provinces, it would have been difficult to persuade a suspicious People that we were not instrumental in promoting revolutionary schemes. The President, no doubt, foresaw this, and it was the determination of our Government to act, in regard to the Brazilian Question, with the same fairness and neutrality which have invariably marked our political conduct in regard to the other States. A course has been pursued which cannot fail to entitle us to the character of a just and consistent Nation. The independence and tranquillity of Brazil having, however, placed her on a footing with other established Nations, all occasion for extreme delicacy, on our part, is at an end; and I cannot but hope that our Government will see the advantage of maintaining in this Sea, a respectable Force upon a permanent establishment. The very presence of a Publick Ship always commands respect for the Nation to which it belongs, and that respect acts as a check upon aggressions which might otherwise be attempted. This I have no doubt, will be fully proved by your visit to the River Plate; and should it happen that your active interference be not required for the protection of American Citizens and property, I am well persuaded that this will be the result of that passive influence which silently operates, and prevents the commission of outrages.

In relation to your inquiries respecting the Blockade of the River Plate, I answer as follows :

On the 6th and 7th days of December last, notice was given by this Government to the Diplomatic and Consular Agents here residing, that the Ports of the United Provinces of the River of Plate would be blockaded. In consequence of this notice, I thought it proper to address a Note to the Minister of Foreign Affairs, explanatory of the views entertained by the Government of The United States, as far as I was acquainted with them, in relation to the Laws of Blockade, with the object of avoiding, at the commencement, all misunderstanding to which a different construction might give rise. Of this Note, which was dated on the 13th December, I take the liberty of handing you a Copy ; and I also enclose to you a Copy of the Answer received from the Minister, under date of the 22d of the same month.

As to the legality of the Blockade, in regard to its enforcement, we have, at this distance, no means of judging. You will, however, have observed, by the Protest made on the 13th February, by Mr. Forbes, our Minister at Buenos Ayres, a Copy of which I furnished you yesterday, against the Blockade, as being altogether inefficient, that, in his opinion, it was clearly illegal *at that period*. Whether or no it has since been renewed by an adequate force, you can best ascertain on your arrival in the River. But I would respectfully call your attention to one point, which you will find asserted in my Note to the Minister, and which I consider to be a very important one in the actual state of affairs—that “ if any withdrawal of the blockading force should at any time take place, owing to the power of the besieged or his Allies, or to the necessity of refitting or procuring supplies, or for the purpose of cruising or blockading other Places, or from any other cause, (except storms, which drive it temporally from its position, *but which it immediately resumes,*) the Blockade was considered at an end ; and a repetition of it could only be considered as a new Blockade, and not as an uninterrupted continuation of the original one, which could affect the interests of Neutrals who had entered the Port in the mean while, when no Blockading Force was present to warn them off, or obstruct their entry.” From late advices, it does appear that the Blockading Force has been, once or twice, entirely withdrawn ; and it is, therefore, very clear, that all seizures or detentions, on their leaving Port, of Neutral Vessels which had entered, when there was no Blockade in existence, must be illegal. We have no positive information, but it is supposed that the Brazilian Squadron in the River, at the time of the declaration of the Blockade, consisted of about 45 sail, including gun boats. As Buenos Ayres is not besieged by land, no Military force is employed against it.

As to the question, whether the Blockade is designed to exclude publick Ships, as well as Merchant Vessels, of neutral Nations, I reply,

that no communication has been made to me upon that subject, by this Government, and although I have heard it said, that the Minister of Foreign Affairs, in December last, stated in conversation with some of my Colleagues, in publick employment, that it was the intention of this Government to prohibit the entry into Buenos Ayres of Foreign Ships of War, yet the recent fact of the British Corvette *Chasseur* having visited that Port in the latter end of February, is conclusive as to the non-existence, at this day, of any such design. Had any serious intention existed at any time on the part of the Brazilian Ministry, to attempt a measure so clearly at variance with the established Laws of Nations, official notice would undoubtedly have been given, and, in that case, I should not have failed to resist the doctrine as wholly inadmissible by The United States, and at the same time to have given notice, that any attempt to impede the entry into a blockaded Port, of an American Ship of War, would be resisted by force.

The foregoing remarks appear to me to be such as are called for by your Letter, and are respectfully submitted to your better judgment. I will merely add, that the Proclamation of Admiral Lobo, announcing the Blockade, was dated on the 20th (21st) December, but it did not reach Buenos Ayres until the 31st. The Declaration of War issued here, was dated on the 10th of the same month, but not made publick until the 16th. No advices either of the Blockade or War, left this for The United States until the 26th December.

Wishing you a pleasant and expeditious passage, and begging you to write to me whenever convenience and opportunity combine, I remain, with much esteem and respect, &c.

J. D. Elliott, Esq.

CONDY RAGUET.

(4.) *Condy Raguet, Esq. to the Brazilian Minister of Foreign Affairs.*
Rio de Janeiro, 13th December, 1825.

THE Undersigned, Chargé d'Affaires of the United States of America, presents his compliments to the Viscount of St. Amaro, Counsellor, Minister, and Secretary of State for Foreign Affairs, and acknowledges the receipt, on the days of their respective dates, of His Excellency's Communications of the 6th and 7th instant, the first announcing that "His Majesty, the Emperor, had ordered to be fitted out a Naval Force, with the object of placing in effective Blockade all the Ports belonging to the Government of the United Provinces of the River of Plate," and the second, giving notice "that the said Ports were to be blockaded by order of His Majesty the Emperor, by the Forces already there stationed, reinforced by those which have just departed."

As this measure of War cannot fail deeply to affect the interests of neutral Nations, the Merchants of which, with their own Ships and Capitals, carry on almost exclusively the Foreign Trade with Buenos

Ayres, and the other Ports intended to be blockaded; and as the general terms of the notification involve a question of infinite importance to the interests of The United States, and all the other Powers of America, as well as the secondary States of Europe, the Undersigned, as representing one of the Nations most interested, conceives it to be his duty to bring to the view of His Majesty's Government, some observations upon the principles of Blockade, as maintained by The United States, in their construction of National Law, in the hopes that they may be found to be in accordance with those professed by his Majesty's Government, and that thus all liability to any misunderstanding which might possibly arise from the misapplication of those principles, may be removed at the outset. The necessity of making this representation is rendered the more imperious on the Undersigned, by the occurrence of a case, wherein a valuable American Ship, seized by one of the Commanders of His Majesty's Naval Service, for an alleged breach of the Blockade of Pernambuco, in September, 1824, remains to this day, *after a lapse of near 15 months*, not only without a decision in the first instance, but even without an early prospect of one. As this matter, however, will form the subject of a separate Communication, no further remarks in relation to it will here be made.

It cannot but be known to his Excellency, that the doctrine of Blockades, as maintained in the *practice* of modern times, by some of the European Powers, has been entirely subversive of the principles respected by the majority of Nations, and which have been held to be settled by the most distinguished Writers on publick Law, and even by those very Powers themselves in theory. The right of a Belligerent to distress his enemy by the institution of Sieges and Blockades, cannot be questioned; but the extent to which he may lawfully prejudice the interests of Neutrals, is a matter which it is not competent for the Belligerent alone to decide. Neutrals, as well as Belligerents, have their rights, and if the former have acceded to the rule, that Trade in articles contraband of War may not be carried on with the Country of a Belligerent, this acquiescence is to be viewed as the result of that respect for the Laws of humanity, which desires to see a speedy termination to the disasters of War, wherever they have unhappily been displayed. To this same respect for the Laws of humanity, is to be ascribed that further concession in favour of Belligerents, by which neutral Nations agree not to convey provisions or other supplies, to Ports or Places actually besieged or blockaded, and upon no other principle can the abandonment, by neutral Nations, of their innocent commerce with States with which they are in amity, be contended for.

Neutral Nations, however, in thus giving up for the common good, a portion of their natural rights, by no means intended, that an as-

sailing Belligerent should be invested with an *artificial* power to distress his antagonist, or with any advantages not due to the positive force of his arms. It was for this reason, that the maxim was settled, that no Port could be considered as in a state of Blockade, unless so guarded, as that "no Vessel could enter without evident danger, on account of Vessels of War, so stationed there, as to form an effectual Blockade." From this principle it followed, that, if any withdrawal of the Blockading Force should at any time take place, owing to the power of the Besieged or his Allies, or to the necessity of refitting, or procuring supplies, or for the purpose of Cruising, or Blockading other places, or from any other cause, (except storms, which drive it temporarily from its position, *but which it immediately resumes*,) the Blockade was considered at an end, and a repetition of it could only be considered as a new Blockade, and not as an interrupted continuation of the original one, which could affect the interests of Neutrals who had entered the Port in the meanwhile, when no Blockading Force was present to warn them off, or obstruct their entry. In accordance with this equitable construction of the Laws of Blockade, as defined above, by the Armed Neutrality of 1780, the Government of Great Britain, the most powerful Maritime Nation of the World, in a Convention with the Empire of Russia, formed, in the Year 1801, stipulated "that, in order to determine what characterizes a Blockaded Port, that denomination is only given to a Port where there is, by the disposition of the Power that 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, at that time the only independent American Power, never having disputed the principle, it could not be otherwise regarded, than as the established Law of Nations at the commencement of the present Century; and it is equally clear, that it must be so considered at this day, notwithstanding the violations that have been practised by States which acknowledged its correctness.

The principle then being indisputable that the existence on the spot, of the means adequate to the end, was necessary for the institution of a Blockade, the next question that presented itself was, how were Neutrals to be notified of the fact. That all aggressions upon an innocent and friendly stranger, were contrary to the Laws of humanity and justice, was too palpable to be denied, and the very proper practice was soon introduced of warning Neutrals about to enter a Blockaded Port of the existence of a Blockade; and, without this warning by the Blockading Force, they could not be considered as liable to Capture and Confiscation. This just and equitable rule, not at all shaken by the refinements of modern sophistry, or the outrages of modern injustice, was grounded upon a fair demarcation of the limits between the rights of Neutrals and the rights of Belligerents, and is supported by the following reasoning:

The right to prevent the entry of Neutrals into the Blockaded Port of a Power, with which they are in amity, is, as above declared, the result of a concession in favour of the Belligerent; but a concession only made for such length of time as the Blockading Party actually maintains the Blockade. To prevent the entry of a Neutral, even for a moment after the raising of the Blockade, would be a manifest infringement of his rights; and, if the doctrine were admitted, that a notice published in a distant Country of a Blockade, which might by possibility be raised long before any Vessel could reach the designated Port, was the only one requisite, the consequences would be highly injurious to the interests of a distant Nation, whose Merchants would be deprived of the advantages, enjoyed by those near at hand, of furnishing supplies to the Party which had been, by the recurrence of peace or other causes, relieved from the distresses of a Siege. In Countries which are proximate to each other, as Great Britain, France, Holland, &c. where the intercourse requires but the lapse of a few hours or days, the institution or withdrawal of a Blockade may be known in so short a period of time, as to render the importance of the principle here advocated less manifest than it is to Nations which are relatively more distant, such as those that are separated by the Atlantic Ocean, and especially those that are located in different hemispheres. To meet this argument by contending that a Vessel is bound to call for information at a neighbouring Port, would be only substituting one measure of injustice for another. Leaving out of the question the impracticability in many cases, especially those wherein whole Coasts are blockaded, of complying with such a demand, no Belligerent has a right to compel a Neutral Vessel to perform a circuitous route to the Port of her destination; nor has he the right to impose upon her the necessity of incurring the expense of Port and other charges, in his own Ports or those of any other Nation. 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 to particular Ports, which may be actually invested, and then not to capture Vessels bound to such Ports, *unless they shall previously have been warned not to enter there.*"

The United States, maintaining these same principles, have always denied the doctrine of general and diplomatic notifications of Blockades as binding upon their Citizens. Whenever they are made, however, they regard them as friendly offices on the part of the Government from which they proceed, because it gives their Merchants an opportunity of taking into the calculations of their Voyages the contingency of a *continued effective* Blockade of the Ports designated, and

affords them occasion for advancing their own particular views upon that branch of the publick code, which has been so frequently violated by some of the principal Powers of Europe. In the Year 1816, the Government of The United States having been notified, by the Spanish Minister at Washington, of a Declaration of the Blockade of the "Ports of the Vice Royalty of Santa Fé," lost no time in protesting against the general terms of the same, and its Representative at Madrid was instructed to advise the Government of Spain, that "a Blockade, to be acknowledged by The United States as valid, must be confined to particular Ports, each having a Force *stationed* before it, sufficient to intercept the entry of Vessels, and no Vessel shall be seized even in attempting to enter a Port so blockaded, till she has been previously warned away from that Port." It was also notified that indemnity would be claimed for all Captures of American Vessels not made in accordance with this rule.

It is manifestly not the interest of the new Independent American States, to adopt in their practice the broadest possible construction of the Laws of Blockade: for the time may come, when, being at War with the powerful Maritime Nations of Europe, they may find it all important to be able to shew, that, like The United States, they have always adhered to these maxims, which have been received and acknowledged as settled principles of National Law, and have always been ready to observe those rules, which, consistently with self-protection, have operated least injuriously to neutral and friendly Nations.

It is for this reason that the Undersigned begs leave to invite the attention of His Excellency to the following considerations connected with the important question referred to.

The submission of Neutrals to the Laws of Blockade, as above established, is a concession granted to the Besieger, and can only be construed to extend so far as shall promote his benefit. Any act, therefore, which can be shewn to inflict a positive injury upon a Neutral, without conferring a benefit on the Besieger in the furtherance of his plans, must be inadmissible upon the common principles of National justice. Thus, if a Neutral's Vessels and property are within a Port at the time of the institution of a Blockade, it would be manifestly unjust to prohibit their departure, in as much as by so doing extensive evils would be brought upon the Citizens of friendly Nations in their pursuit of a lawful commerce. It is, indeed, difficult to imagine what justifiable motive could influence a Besieger to prevent a Neutral from withdrawing from the besieged place his Ship and property; for, by such act, the means of escape and of defence, as well as the means of prolonging the contest, would be at the same time withdrawn from the Enemy.

With respect to the right of Neutral Ships to depart, there seems to be no difference of opinion among Nations, but the same does not hap-

pen in regard to their *cargoes*. In the Year 1813, while Great Britain was at War with The United States, some of the European Powers remonstrated against the unjustifiable pretensions of her system of Blockade, which embraced a chief part of the Coast of The United States; and, in an answer given to the Minister of Sweden, it was contended that although Neutral *Vessels*, which had entered the American Ports, without a knowledge of the Blockade, might, in conformity with the established rule, be allowed to depart; yet that this permission could not be extended to their *cargoes*. Special motives in this particular case, on the part of Great Britain, might amply account for a measure which she might not perhaps willingly have approved, if adopted by any other Power; and it is not to be wondered at, that a Nation, which already monopolized so great a share of the commerce of the World, should have pursued a system calculated to exclude from competition the capitals of other States.

If, therefore, it can be made to appear, to the satisfaction of His Majesty's Government, that the Citizens of Nations, with which His Majesty is in amity, are the Proprietors of a large amount of property already in the Ports of the United Provinces of the River Plate, or which may enter them before the institution of the Blockades, the Undersigned would, respectfully, submit to the consideration of His Majesty's Government, whether it would not be advisable to furnish the Officers who are to direct the same, (in case the measure has not been already adopted,) with explicit instructions on the subject, in order that by no misconception of powers may Neutrals be exposed to the privation of their property, either by detention in Port, or by seizure after leaving it.

The Undersigned trusts that in this Communication His Excellency will perceive an additional evidence of the desire by which he is actuated, of endeavouring to perpetuate the harmony and good understanding which so happily subsists between their respective Nations; and which will be more and more strengthened in proportion as they mutually embrace the same principles of justice, and of respect for each other's rights.

The Undersigned, on this occasion, renews to His Excellency, &c.
H. E. the Viscount of St. Amaro. CONDY RAGUET.

(5.) *The Viscount of St. Amaro to Condy Raguet, Esq.*
 (Translation.) *Palace of Rio Janeiro, 23d December, 1825.*

THE Undersigned, Counsellor, Minister and Secretary of State for Foreign Affairs, acknowledges the receipt of the Note directed to him by Mr. Condy Raguet, Chargé des Affaires of the United States of America, and has to inform him, that the Government of His Imperial Majesty, penetrated with the sentiments of justice and impartiality expressed in his Note, which accords with the liberal policy practised

by this Government, who never desire to adopt measures, by which the Subjects of other Nations should suffer inconveniences, which they would be unwilling their own should suffer in similar cases; has ordered the Undersigned, in answer to your said Note, to assure you, that, in the Orders despatched to the Commandant of the Squadron blockading the Ports of the United Provinces of the River of Plate, are expressly considered the Vessels of neutral and friendly Powers which might have been there prior to the Blockade, and determined that the said Commandant should declare, by Proclamation, [Manifesto] that all the above-mentioned Vessels might freely depart with their cargoes within the term of 14 days; and that the departure of Vessels without cargoes, (in ballast) should not be impeded at any time.

By those orders, the Government have endeavoured to prevent the occurrence of just motives of dispute or controversy, between the said Government and that of Neutral Nations, in consequence of the actual War, and of the said Blockade; and the Undersigned flatters himself, that Mr. Condé Raguet will perceive in this Answer, the justice and frankness of the proceedings of this Government.

The Undersigned has by these motives another occasion, &c.

Condé Raguet, Esq.

VISCONDE DE S. AMARO.

(6.) *John M. Forbes, Esq. to the Government of Buenos Ayres, and to the Brazilian Admiral Lobo, 13th February, 1826.*

[See State Papers, 1825, 1826, Page 621.]

(7.) *Captain Elliott to Condé Raguet Esq.*

SIR, *United States' Ship Cyane, Rio de Janeiro, 21st April, 1826.*

HEREWITH I have the honour to enclose you Copies of Letters, *et cætera*, which I have felt myself called upon to conduct with His Excellency Don Rodrigo Jose Ferreira Lobo, commanding His Imperial Majesty the Emperor of Brazil's Naval Forces employed in enforcing a Blockade of the Ports in and about the Rio de la Plata; this has eventuated in the withdrawal, on the part of his Excellency, of the previously proclaimed Blockade of all that section of Coast without the immediate confines of the La Plata: this, in the absence of force, and with a threat of the use of the little I had, was the best I could obtain. You will perceive I have not admitted the legality of the Blockade to the extent it at present exists. Other particulars, in connection with abuses committed on our trading Vessels previous to my arrival at the La Plata, are also submitted to your inspection and use.

With great respect, I have the honour to be, &c.

Condé Raguet, Esq.

J. D. ELLIOTT.

(8.) *Captain Elliott to the Secretary of the Navy.*

SIR, *United States' Ship Cyane, off Monte Video, 5th May, 1826.*

ON the 18th March I had the honour to apprise you of my departure from Rio Janeiro, and I have now to say, that, on the 1st April, I arrived near Monte Video; after a detention there of 2 days by head winds, on the evening of the second I got under weigh for Buenos Ayres; and, on the following morning, I discovered a Squadron of nearly 30 Vessels at anchor off Cape Antonio, a part of which soon got under weigh and stood for the *Cyane*; I immediately altered my course for the purpose of nearing them, when, at the moment stated in the Log-book, (an extract of which is herewith enclosed, marked A.) I was spoken by a Frigate, having a Corvette and 3 Brigs in company, was ordered to send my Boat on board, which demand was *peremptorily refused*, but at the same time remarked that a Boat would be received, and which was soon after sent alongside; on ascertaining the name of the Ship, I was informed that the Port of Buenos Ayres was in Blockade, and that I could not be permitted to proceed: to which I replied, that, even if I were to admit their right to proclaim a Blockade of an extent of Coast against a Civil Marine, that both English and French Vessels of War were in the habit of proceeding, since the Proclamation of it, almost daily to and from Monte Video and Buenos Ayres, as instanced both in the British and French Corvettes *Chasseur* and *Fawn*; that I would allow him 30 minutes to deliberate on his future action, and, at the expiration of that time, I should proceed, prepared to resist all consequences; that the Flag I wore carried under it the Sovereignty of the soil it represented; that violated, the soil became invaded, and I should defend the Ship to the last moment; that I had a Communication for Admiral Lobo, which he asked for, and which I declined presenting, until he should have returned from the Frigate and discovered to me his true character. At the expiration of the time named, I hailed, and asked if he desired any further intercourse: to which he replied that he would be glad to receive the Letter for Admiral Lobo; when I remarked that it would be received, by sending his Boat alongside, which he soon did, with a polite message, in the offer of any thing he had on board for myself or the Ship, and wished me a pleasant passage. On presenting the enclosed, marked B. I replied that I should return in a few days, and desired him to say so to the Admiral; that, individually, as well as the Ship, we were abundantly supplied, and wished nothing hereafter but a free, a liberal, and polite intercourse. I immediately made sail, passed round his bow, and down the line, under all the canvas of the Ship. On the 5th April, I reached the outer roads of Buenos Ayres, despatched an Officer on shore with the accompanying Communication marked C, together with a Message to Admiral Brown of their Navy, exchanged salutes with the Military Authority, as also with the Admiral, and, on

the morning following, paid my respects to the President of Buenos Ayres, and to the other Government Authorities, which were kindly received and returned.

Here I discovered many Americans in distress, received such of them on board as wished to come *guests* to myself and Officers; and, on the 18th, I got under weigh, and proceeded for the Squadron of Admiral Lobo, whom I met on the 20th, exchanged honours with him, and received the accompanying Communication marked D. On the following evening I arrived at Monte Video, and exchanged salutes with the Authority on shore. After obtaining a true translation of Admiral Lobo's Letter of the 6th (a Copy of which is enclosed, marked E.) I replied to it by Communication marked F.

Observing, previous to my departure from Buenos Ayres, in a New York Paper brought by a Brig which had eluded the Blockading Force, that Lieut. Cooper, in the *Porpoise*, had departed that Port for the Coast of Brazil, presuming he had instructions for me, *definitely*, on the subject of the Blockade, I deferred acting, as previously intended, until I could receive them; I therefore left the subject open, taking with me to Rio de Janeiro, in the absence of force, the best *conditions* and *terms* I could obtain, produced by a friendly call I made Admiral Lobo, (who had just arrived from his anchorage with his Squadron, several of them dismasted in a gale, which was severe, and lasted 48 hours,) stating to him that the object of my visit was entirely intended to exchange our ideas on the subject of the Blockade, and the effects to be produced on our Commerce. He remarked it was not a measure of his, but of His Imperial Majesty the Emperor of Brazil; that he agreed with me as to the illegality of the measure, and at my suggestion would so far alter his previous Proclamation as to confine it to the Rio de la Plata, leaving open all outside; and that no Vessel should be captured, on first presenting, in the River. When warned off, she had a right to enter any Port outside. This condition was preceded by a remark from me, that I should take all the American Vessels at Monte Video in Convoy, and protect them to any Port where the conditions we required (to constitute a regular Blockade) were not complied with. On the 25th and 27th April, I addressed him two Notes, enclosed, and Marked G and H. On the night of the 27th, Admiral Brown appeared, and with his Squadron attacked that of Admiral Lobo, leaving me, as you may readily suppose, a little inconvenienced. I appeared one of them, and when his shot began to affect us, I got under weigh and separated about two miles from the combatants. After a most severe and desperate attack on the weathermost Ship, a Frigate of 60 guns, called the *Emperatrice*, the remainder of the Squadron got under weigh, stood off, leaving the Squadron of Brown in close combat, who soon after withdrew, steering

after the Fleet of Admiral Lobo. We therefore have no information of him. The odds as to Ships and guns are several hundred per cent. in favour of the Brazilians; yet the undaunted spirit of Brown and his followers, seem to make up the deficit. Under the impression that Admiral Lobo would be absent some time, I concluded to await, a few days, his return, in order to receive his written Note. On the morning of the 4th instant he arrived, and I was presented with the enclosed, marked I. I replied by the enclosed, marked K, and received for answer the enclosed, marked L. This opens to us an extent of Coast 900 miles, which has been heretofore considered in rigorous Blockade.

The accompanying Communication, marked M. is a Copy of my Note to The United States' Consul at Monte Video, and his reply.

The English and French Forces restlessly acquiesce in the Blockade with evidently disturbed feelings; they have millions at stake where we have only pounds. The Brazilians have a Force of 250 pieces of cannon, which is quite enough to carry into complete effect the Blockade, but its energies are so badly directed that it is evaded almost daily by merchant Vessels of all the various Nations; and in order to extend the same terms that were, in the first instance, offered to Vessels found at Buenos Ayres, on the Proclamation of the Blockade; by Captain Christyvalier, of the French National Brig *Alacrity*, (who arrived at Buenos Ayres on the 9th April, in a passage of two days from Monte Video,) we are informed that Admiral Lobo would permit the French Ship *Olindo*, which had passed unseen by his Squadron, to take in a cargo, with free permission to depart the Port. I presume he will extend the same to all Nations, thereby directly encouraging a violation of his own Blockade. Whilst Admiral Lobo remains in one position off the Ortis, Admiral Brown, with a temporarily fitted force, occupies the whole river of La Plata, and, under the guns of Monte Video and Colonia, captures and runs on shore, burns and drives out and into Port, both the Naval and Merchant Vessels of his enemy. Whilst he is moving with great energy, his Government seem to remain most completely inactive, waiting, as I am informed, the mediation of England, to close the difference with the Emperor of Brazil. There are many diplomatick points in connection with both Nations, on which I could enlarge, but I refrain, as I presume our accredited Agents keep the Government constantly advised of them.

It may perhaps be proper to explain to you my motive in attempting the passage of the Rio de la Plata. I will briefly remark that, as I had visited the Capital of His Imperial Majesty the Emperor of Brazil, in justice to his enemy, I felt myself most imperiously called upon, under our strict neutral character, to shew the

Cyane before Buenos Ayres, which, with some risk to her, I was enabled to do.

This evening I shall depart hence for Rio de Janeiro.

With great respect, I have the honour to be, &c.

Hon. Samuel L. Southard.

J. D. ELLIOTT.

P.S.—N and O are Communications to Joshua Bond and John M. Forbes, Esqrs.

(A.)—*Extract from the Log Book of The United States' Ship Cyane, April 3, 1826.*

[See State Papers, 1825, 1826, Page 826.]

(B.)—*Captain Elliott to Admiral Lobo, 3d April, 1826.*

[See State Papers, 1825, 1826, Page 824.]

(C.) [Not Published.]

(D. E.)—*Admiral Lobo to Captain Elliott, 6th April, 1826.*

[See State Papers, 1825, 1826, Page 827.]

(F.)—*Captain Elliott to Admiral Lobo, 4th May, 1826.*

[See State Papers, 1825, 1826, Page 829.]

(G.)—*Captain Elliott to Admiral Lobo.*

SIR, *United States' Ship Cyane, Monte Video, April 25th, 1826.*

THE very frank and free conversation I had with your Excellency this morning, has greatly relieved my mind on the subject of the further bearing you intend your Blockade to have on the Commerce of The United States; and I will be frank to say that my Government cannot nor will not object to the proclamation of Buenos Ayres and Ensenada in close Blockade, and made so by the force you at present have in the La Plata; leaving the outer Coast, and that of Patagonia, and the Northern Coast of the Banda Oriental, not designated.

With high consideration, I have &c.

H. E. Don Rodrigo Jose Fer. Lobo.

J. D. ELLIOTT.

(H.)—*Captain Elliott to Admiral Lobo.*

United States' Ship Cyane, Monte Video, April 27th, 1826.

THE Undersigned would suggest to his Excellency Vice Admiral Lobo, the propriety of our settling, previous to separating at this time, the grounds on which the Blockade in the River La Plata should be conducted, in relation to the Commerce of The United States. This, the Undersigned feels well assured, will be productive of a continuance of those harmonious feelings which at present exist in our respective Governments.

With high consideration and respect, &c.

H. E. Don Rodrigo Jose Fer. Lobo.

J. D. ELLIOTT.

(I.)—*Admiral Lobo to Captain Elliott, 27th April, 1826.*
[See State Papers, 1825, 1826, Page 828.]

(K.)—*Captain Elliott to Admiral Lobo, May 4th, 1826.*
[See State Papers, 1825, 1826, Page 832.]

(L.)—*Admiral Lobo to Captain Elliott, 4th May, 1826.*
[See State Papers, 1825, 1826, Page 831.]

(M. 1.)—*Captain Elliott to Mr. Vice-Consul Bond.*

SIR, *United States' Ship Cyane, Monte Video, 1st April, 1826.*

THE Government of The United States has assigned to me a cruise on the Coast of Brazil, for the double purpose of having communication with our Publick Agents on shore, as also, to give protection to our trade. If you have any communication to make on the subject of either, I will be glad to receive it at an early moment, and will be most happy to see you on board The United States' Ship *Cyane*.

This will be handed to you by Mr. Auchmuty, one of my Officers.

With great respect, &c.

James Bond, Esq.

J. D. ELLIOTT.

(M. 2.) *Mr. Consul Bond to Capt. Elliott.*

Consulate of The United States,

SIR,

Monte Video, 26th April, 1826.

IN compliance with the request made in your Note of the 1st inst. I have the honour to enclose a report of the circumstances which have had an injurious tendency upon the American commerce at this place, since the commencement of the War between the Emperor of Brazil and the United Provinces of the Rio de la Plata. This report has been drawn up by my Brother, then Acting Vice-Consul, during my temporary absence from this place. I have the honour, &c.

J. D. Elliott, Esq.

JOSHUA BOND.

(M. 3.) *Mr. Vice-Consul Bond to Mr. Consul Bond.*

Consulate of The United States,

Monte Video, 25th April, 1826.

ON the 16th of December, information was received by an arrival from Rio Janeiro, that the Emperor of Brazil had determined to commence hostilities against the Republic of The United Provinces of the Rio de la Plata, and, on the 22d of the same month, an Official Notice was received at this Consulate from Vice-Admiral Lobo, Commander of the Brazilian Naval forces in this River, dated 20th of the same month, of his intention to blockade the Ports of Buenos Ayres, to commence from the date of his communication; and, on the evening of

the next day, several Vessels sailed from the Port to enforce the Blockade. The effect of this measure was soon felt by the commerce of The United States; several Vessels which had touched here bound to Buenos Ayres, either entered or sought other markets, and several others arrived which had been warned off by the Squadron.

On the 31st of December, I was informed that the Schooner *Grace Anne*, of Baltimore, had been brought into the Port under charge of a Prize Crew, and that the Master and Crew were confined on board, and denied permission to come on shore. I immediately waited on Admiral Lobo to make enquiries into the cause of her seizure, and was informed by him that she was detained on suspicion, either of having attempted to pass the Squadron after being warned off, or of having more goods on board than were contained in the Manifest. He assured me that he would go on board without delay, make enquiry into the charges alleged against the Vessel, and inform me of the result. On the following day I addressed a Note to Admiral Lobo, requesting that the Master, who was reported to be severely indisposed, might be permitted to land, which was granted; but not receiving any communication from the Admiral, I addressed a second Note to him on the 3d, demanding a release of the Officers and Crew. No attention, however, being paid to this demand, I made a representation of the affair, on the 4th, to the Viscount da Laguna, the Captain-General of the Province, and, late in the evening of the same day, a Note from Admiral Lobo was received, enclosing the Vessel's Papers, in which he stated that the charges alleged against the Schooner were without foundation, and that he would immediately despatch a Vessel for that part of the Crew who were detained on board the Squadron, which was accordingly done, and the men restored to the Vessel. The matter thus ended without any explanation or apology being made.

By a letter dated the 19th of January, the Viscount da Laguna made known to me that, in consequence of Neutral Vessels having cleared out from this Port for the Pacific, and subsequently eluding the Blockading Squadron, no Vessels would be suffered to depart with Cargoes, other than the produce of this Province, unless the Master or Consignees should previously give bonds to the amount of the Vessel and Cargo, that they would not enter the Ports of Buenos Ayres, and, upon enforcing this order, the bonds were required to be secured by a lien on real estate. One American Vessel, the Ship *Superior*, of New York, complied with this order, but it has not been enforced in any other case, and has been virtually abandoned.

On the 1st of March, the Brig *Joseph*, of Boston, sailed from this Port, and was the next day lost upon the English Bank. The Master stated in his Protest, that the same evening he was fired at and brought to by a Brazilian Brig of War, which was in sight at the time of his sailing, and ordered to send his boat on board, which he refused. He was

afterwards repeatedly fired at, and was detained until the next day afternoon, and attributed the loss of his Vessel to his having been carried out of his course by the Brazilian Vessel.

These comprise the only instances in which our Commerce has suffered any detriment in this quarter, since the commencement of the War; and, in order to make you more correctly acquainted with the facts, I enclose Copies of the Correspondence with Admiral Lobo, and also the Letter of the Viscount da Laguna referred to above.

Yours, &c.

JAMES BOND.

Joshua Bond, Esq.

(M. 4.) *Mr. Vice-Consul Bond to Admiral Lobo.*

Consulate of The United States,

SIR,

Monte Video, 2d January, 1826.

FREQUENT representations having been made to me respecting the dangerous and increasing illness of the Captain of the American Schooner *Grace Anne*, of Baltimore, now under seizure in this Port, and fearing lest the state of the weather may prevent your Excellency from visiting the Vessel to-day, I request that permission be given for him to come on shore.

As it appears to be absolutely necessary that assistance should be rendered him without delay, which cannot be properly done on board, and as the permission cannot affect the truth of the reports alleged against him, I hope your Excellency will be pleased to grant the order as promptly as the urgency of his situation demands.

I have the honour to be, &c.

H. E. Rodrigo José Ferrá. Lobo.

JAMES BOND.

(M. 5.) *Mr. Vice-Consul Bond to Admiral Lobo.*

Consulate of the United States of America,

Monte Video, 3d January, 1826.

THE Undersigned has the honour of informing his Excellency Admiral Lobo, that he has received a Letter from Captain John Boddily, Master of the American Schooner *Grace-Anne*, of Baltimore, now in this Port, stating the circumstances of his seizure and detention by a Brazilian Squadron in the River Plate, and demanding his interference in his behalf.

According to Captain Boddily's statement, it appears that, on the 28th December last, while proceeding on his voyage from Santos in Brazil to Buenos Ayres, he was boarded in the River Plate, off Point Indio, by an Officer from a Brig bearing the Flag of His Imperial Majesty the Emperor of Brazil, and himself and the Papers of the Vessel taken on board the said Brig, where he was detained until the next morning, when he was sent on board the Brig in company, called the

Masseo, and after some hours further detention, was returned to his own Vessel, accompanied by an Officer and Prize-crew, who, having sent his Second-Mate and 4 Seamen on board the *Masseo*, brought the Vessel to this Port, where she arrived on the evening of the 30th; and since arrival Captain Boddily and his Crew have not been allowed to leave the Vessel nor communicate with the shore, in consequence of which he has been unable to make known his situation to the Consul of The United States.

In the interview which the Undersigned had with his Excellency Admiral Lobo, on the morning of the 1st, but before he was in possession of any positive information on this subject, his Excellency informed him that the Vessel was detained on suspicion of having more cargo than her Manifest could account for, and, also, that he had either attempted to pass the Squadron after having been notified of the Blockade, or that she had endeavoured to escape pursuit when first discovered by the Squadron, and, if the Undersigned comprehended his Excellency, these suspicions originated since her arrival in this Port. If the Undersigned misunderstood the charges, he requests to be more explicitly informed respecting them.

As far then as the Undersigned can ascertain, no positive charges are alleged against Captain Boddily, but himself and his Crew have been confined, on reports which the Undersigned is assured are without foundation, and the truth and falsehood of which could have been ascertained on the slightest examination, and yet no attempt has been made to investigate them.

It is now the duty of the Undersigned to ask his Excellency Admiral Lobo, that Captain Boddily, and such of his Crew as remain on board the Vessel, be immediately released, and that orders be sent with all possible despatch to liberate the Men confined on board the *Masseo*, and restore them to the Vessel from which they were taken, unless evidence can be produced to justify these proceedings.

The Undersigned has the honour to be, &c.

H. E. Vice Admiral Lobo.

JAMES BOND.

(M. 6.) *Mr. Vice-Consul Bond to General Laguna.*

Consulate of the United States of America,

Monte Video, 4th January, 1826.

THE Undersigned, Vice-Consul of the United States of America, has the honour to represent to his Excellency the Viscount da Laguna, that the American Schooner *Grace Anne*, of Baltimore, John Boddily, Master, while proceeding on her Voyage from Santos, in Brazil, to Buenos Ayres, on the 28th December last, then being in the River Plate, off Point Indio, was fired at and brought to, by a Brig bearing the Flag of His Imperial Majesty the Emperor of Brazil, and, afterwards, boarded by an Officer from said Brig, and Captain Boddily

and the Papers of the Vessel taken on board, where he was detained all night, exposed to the weather on the deck of the Vessel, although, at that time, he was suffering under an excruciating disease, and had been confined to his bed for some days. The next morning he was sent on board a Ship in company, called the *Masseo*, and, after some hours further detention, he was returned to his Vessel, accompanied by an Officer and Prize Crew, who, having removed the Second Mate and 4 Seamen to the *Masseo*, proceeded with the Vessel to Monte Video. They arrived in this Port on the evening of the 30th December, since which time Captain Boddily and his remaining Crew have not been permitted to leave the Vessel, nor communicate with shore, by the orders, as he was informed, of his Excellency Admiral Lobo ; in consequence of which he was unable to make known his situation to the Consul of The United States, until the night of the 2d inst. when permission was obtained for him to land.

In an interview which the Undersigned had with Vice-Admiral Lobo on this subject, but before he had received any authentic information respecting it, he was informed by his Excellency that he did not consider her as a prize, but that she was detained on suspicion of having more cargo than was included in the Manifest, and, also, that she had either attempted to pass the Squadron after having been informed of the blockade, or (for his Excellency did not seem to know the exact nature of the charge,) she had endeavoured to escape when first descried by the Squadron; and, if the Undersigned comprehended his Excellency, these suspicions had originated since the arrival of the Vessel in this Port, and were not suggested by the Officer who seized her, and who does not appear to have assigned any cause for his conduct. If these charges were misunderstood by the Undersigned, he requests that he may be more correctly informed of their nature. His Excellency Vice Admiral Lobo, at the same time, assured the Undersigned, that he would examine into those reports that afternoon, or, without fail, the next morning, and acquaint him with the result of his investigation, but no communication has yet been received from his Excellency on that subject.

From all the Undersigned can learn, it appears, then, that this Vessel has been seized without any known pretext, the Captain and Crew rigorously confined, and debarred from all communication, at a time when the situation of the former required assistance ; on reports which the Undersigned is assured are without foundation, and the truth or falsehood of which could have been ascertained on the slightest examination, yet no disposition to investigate them has been shown.

The Undersigned not having received any answer to his application on this subject in another quarter, it now becomes his duty, in order that speedy justice be rendered to the sufferers in this case, to request, in the name of his Government, that his Excellency the Viscount da Laguna

will cause immediate inquiries to be made into the charges alleged against the Captain and Crew, and, unless evidence can be produced sufficient to authorize their further detention, that Captain Boddily, and such of his Crew as remain on board the Vessel, be set at liberty; that those of the Crew who are confined on board the Brig *Massco*, be restored to the Vessel from which they were unjustly taken, as speedily as circumstances will allow, and that immediate restitution be made of the Vessel and cargo; and further claims, in behalf of Captain Boddily, Officers, Crew, and all others concerned, compensation for all damages they may have incurred, by the illegal seizure and detention of themselves and Vessel.

The Undersigned cannot close this Communication, without protesting against the conduct of the Officers who sent the Vessel into Port, and requesting an explanation, of the causes which led him to adopt this measure, and of the maltreatment of Captain Boddily, and detention of his Crew; nor without expressing his sincere wish, that, in representing this affair to his Government, he may be able to give assurance that no outrages of this kind will occur in future.

The Undersigned takes this occasion to tender to his Excellency, &c.
H. E. the Viscount da Laguna. JAMES BOND.

(M. 7.) *Admiral Lobo to Mr. Vice-Consul Bond.*

Head-Quarters of the Marine,

(Translation.)

Monte Video, 3d January, 1826.

I HAVE received the Note which you addressed to me under date of the 2d instant, and, with regard to the request contained in it, that I will permit the Captain of the American Schooner, who is ill on board of her, to be removed on shore, I have to inform you that I yesterday told the said Captain, as likewise the Supercargo, that they might go on shore, which liberation, I am pleased to find, coincides with your request.

I profit by the occasion, &c.

RODRIGO JOSE FERR. LOBO.

The Vice-Consul of The United States.

(M. 8.) *Admiral Lobo to Mr. Vice Consul Bond.*

Head Quarters of the Marine,

(Translation.)

Monte Video, 4th January, 1826.

I HAVE the honour to acknowledge the receipt of your Letter, dated the 3d instant; and in reply to its contents, I have to inform you, that, having proceeded to examine the cargo on board the Schooner *Grace Anne*, I found it to be the same as that stated in the Manifest, which I remit to you, together with the Passport and other Documents. You may therefore take charge of the Ship; and I intend to-morrow to withdraw my Men, and to send aboard the Corvette *Massco* to look for the Men belonging to the said Schooner, and, when they are found, I will replace them on board of her.

I profit by this opportunity to salute you with all consideration and respect. God preserve you many years.

RODRIGO JOSE FERR. LOBO.

The Vice-Consul of The United States.

(M. 9.) *General Laguna to Mr. Vice-Consul Bond.*

(Translation.)

Monte Video, 5th January, 1826.

THE Captain-General, Viscount da Laguna, having been informed that the affair of the detention of the American Schooner *Grace Anne*, which was the subject of the Official Note addressed to him under date of yesterday, by the illustrious Signor James Bond, Vice-Consul of The United States, has been settled; it only remains to him to acknowledge the receipt of the said Note, and to profit by this opportunity of making his compliments to the Signor, and assuring him of his consideration and esteem.

VISCOUNT DA LAGUNA.

The Vice-Consul of The United States.

(M. 10.) *General Laguna to Mr. Vice-Consul Bond.* (Translation.)

ILLUSTRIOUS SIR,

Monte Video, 19th January, 1826.

HAVING understood that several Merchant Vessels belonging to Neutral and Friendly Nations, abusing the Passports which they obtained from this Government for Ports in the Pacifick, and taking advantage of accidents which it was not in the power of the Blockading Squadron to guard against, have entered the Ports of the Republic of Buenos Ayres; and that Merchants, animated with the hope of like success, are preparing expeditions with a similar destination; I have determined that no Vessels of Neutral Nations, unless their cargo consists of the produce of this Province, shall be permitted to clear out, until their Captains or Consignees have first deposited in the Treasury of the place, a legal bond, equivalent to the integral value of the goods which they may export, according to the prices current of the Market; in order that they may not abuse the Passports of this Government, nor enter into the Ports of the Republic of Buenos Ayres; which resolution I communicate to you, in order that you may impart it to the Captains or Masters of Merchant Vessels of your Nation.

God preserve you.

VISCOUNT DA LAGUNA.

The Vice-Consul of The United States.

(N. 1.) *Captain Elliott to Mr. Consul Bond.*

SIR, *United States' Ship Cyane, Monte Video, 27th April, 1826.*

HEREWITH I have to acknowledge the receipt of your Communication of the 26th, together with its several Enclosures.

I am prepared to receive the Seaman whom John Thomas, Master of the Brig *Lincoln*, of Boston, complains of; he had, therefore, better

be sent off to day. I am also prepared to receive the Seaman you have demanded from the Brazilian Navy.

With great respect, &c.

Joshua Bond, Esq.

J. D. ELLIOTT.

(N. 2.) *Captain Elliott to Mr. Consul Bond.*

SIR, *United States' Ship Cyane, Monte Video, 28th April, 1826.*

HEREWITH I have to apprise you, that my Negotiation with his Excellency Vice-Admiral Lobo, commanding the Naval Forces of His Imperial Majesty the Emperor of Brazil, blockading the Rio de la Plata, have eventuated thus: that, henceforth, the Blockade proclaimed in December last, of the Ports of the United Provinces of the La Plata, and those of the Banda Oriental, shall be confined to those of the La Plata, *only*, and that all outside are considered no longer blockaded; that American Merchant Vessels shall, on presenting before his Squadron, be warned not to enter Ports in the River, with the fact endorsed on their Register, which will not deny them, as heretofore, the privilege of entering any one of the Ports along the Northern or Southern Coast. This fact you will cause to be communicated to our Countrymen interested in the subject.

I have the honour to subscribe, &c.

The Consul of The United States.

J. D. ELLIOTT.

(N. 3.) *Captain Elliott to Mr. Consul Bond.*

SIR, *United States' Ship Cyane, off Monte Video, 5th May, 1826.*

You will receive enclosed, a Copy of the Official Communication of his Excellency Rodrigo Jose Ferreira Lobo, commanding His Imperial Majesty the Emperor of Brazil's Forces, employed in blockading at the La Plata; this you will be pleased to apprise our Countrymen of in such way as may be deemed most proper for the occasion.

With great respect, &c.

The Consul of The United States.

J. D. ELLIOTT.

(O.) *Captain Elliott to J. M. Forbes, Esq.*

SIR, *United States' Ship Cyane, off Monte Video, 5th May, 1826.*

I HAVE the honour to acknowledge the receipt of your Letter of the 25th ult. In answer I have to reply, that I have had intercourse with his Excellency Vice Admiral Lobo, on the subject of a privilege previously granted the French Ship *Olinda*; the Vice Admiral denies positively that he gave permission to that Ship to depart the Port of Buenos Ayres with a Cargo, and, of course, he could not extend it to the Vessels of other Nations. After some considerable close and warm correspondence with his Excellency, he agreed to withdraw his Blockade of all the Ports and Coasts without the Rio de la Plata. A

Copy of his Letter is herewith enclosed for your inspection, and for the use of all our Countrymen at Buenos Ayres.

With great respect, &c.

John M. Forbes, Esq.

J. D. ELLIOTT.

(P. and Q.) [Not Published.]

(R. 1.) *Commodore Biddle to the Secretary of the Navy.*

United States' Frigate Macedonian,

(Extract.)

Rio Janeiro, 16th August, 1826.

I ARRIVED here on the 11th instant, and, upon my arrival, I saluted the Flag of Brazil, and my salute, as had been previously arranged, was returned, gun for gun. I found the *Cyane* here, waiting my arrival. The *Boston* is cruizing, by order of Captain Elliott, off La Plata River, between Capes St. Mary and St. Antonio, for the purpose of giving information of the Blockade of the River to American Vessels. By two different opportunities, I have written to Captain Hoffman, directing him to join me here. It is not my intention however to remain here until Captain Hoffman does join me; nor to permit him, in case he arrives soon after I sail, to remain here until I return. I shall probably go to Sea in about a fortnight; and, should I not previously see him, I shall leave orders for Captain Hoffman to cruize at Sea, and to meet me here about the middle of November next.

No American Vessels have been sent in here by the Blockading Squadron, except the Brig *Leonidas*, belonging to Boston, and bound, when she was seized, from Canton to Buenos Ayres. She is detained, I understand, more from a suspicion that her Cargo is enemy's property, than for any intention to violate the Blockade, with which, in fact, it is impossible she could have been acquainted.

The Hon. S. L. Southard.

JAMES BIDDLE.

(R. 2.) *Commodore Biddle to the Secretary of the Navy.*

United States Frigate Macedonian,

(Extract.)

Rio Janeiro, 10th September, 1826.

THE *Boston* Sloop of War arrived here on the 8th instant, from Monte Video, and I enclose Captain Hoffman's Report to me. The presence of a publick Vessel of The United States in the River has a tendency, you perceive from Captain Hoffman's Report, to prevent American Vessels from being sent to this Port for adjudication. This is of itself important service; as the delay of obtaining the acquittal here, of the most innocent Vessel, is injurious and vexatious. I have, therefore, directed the *Boston* to sail, as soon as she is ready to sail, and return to the anchorage off Monte Video. I enclose a Copy of my Orders to Captain Hoffman; he is to meet me here in November, when he will require provisions, and which cannot be procured in the River.

I shall sail to-morrow, and go to the North as far as Bahia. It was my intention to have sailed earlier; but when the crew of the Brig *Ruth* were sent on board this Ship, Mr. Raguet became responsible to this Government for their forthcoming; and, had I sailed before the taking of their depositions, it would have been necessary to send them to the Prison Ship for safe keeping. There was no publick object to induce me to go to sea under such circumstances. I feel the utmost repugnance to American Seamen being on board the Prison Ship; as well because they are there in the power of the Brazilian Officers, as because the Prison Ship is exceedingly crowded, filthy, and unhealthy. These Seamen are now on board the *Boston*, and, in a day or two, will certainly be examined. After their examination, it is no longer necessary that we should take care of them, and they will then be returned to the Vessel to which they belong.

The Honourable S. L. Southard.

JAMES BIDDLE.

(Enclosure 1.) *Captain Hoffman to Commodore Biddle.*

(Extract.) *United States' Ship Boston, Monte Video, 26th Aug. 1826.*

I HAVE just had the honour to receive your Letter of the 13th inst. by the English Packet, and lost no time in proceeding agreeable to your instructions. During my anchorage off Monte Video, there were three American Vessels captured by the Brazilian Squadron, all of which were released upon my interceding in their behalf, whose names are inserted below.

There were several applications made to me by American Seamen, in the Brazilian Naval Service, requesting I would intercede in procuring their release, as they had been impressed. I made application for them through the American Consul, and obtained the release of three, with the assurance from the Admiral that he would not suffer an American Seaman to be detained in his Squadron, unless regularly entered for the service.

Commodore Biddle.

BEEKMAN V. HOFFMAN.

(Enclosure 2.) *Commodore Biddle to Captain Hoffman.*

United States Frigate Macedonian,

(Extract.) *Rio Janeiro, 10th September, 1826.*

As soon as the Seamen belonging to the American Brig *Ruth* are examined, and your Ship is ready to sail, be pleased to get under weigh, and proceed to sea. The presence of the *Boston* at Monte Video having already been advantageous, I wish you to return thither without delay. Do not go higher up the River than Monte Video; and in case there is any fighting there, you must be careful to move your Ship out of the way of it, in time to avoid injury.

Should any American Vessel be seized, or any American Citizens impressed or abused, use all your endeavours to obtain redress. I re-

commend your cultivating acquaintance and good will with the Brazil Admiral ; so far, at least, as his conduct towards our Countrymen will permit. Much may be effected in this way towards protecting American Citizens and American Property.

Our Laws wisely and humanely consider Seamen as a peculiar class of Citizens, and requiring the particular care of the Government. I understand there are many American Seamen in the Brazil Squadron, some of whom have been impressed. If any case of impressment of American Seamen comes to your knowledge, use your influence to obtain their release, and provision them on board until you return to Rio Janeiro. If our Consul at Monte Video has any American Seamen whom he is supporting at the publick expense, receive them also on board as supernumeraries, and bring them out of the River. Receive on board, also, all American Seamen who may request you to do so. The scarcity of Seamen is sensibly felt within The United States, both in the publick and private service ; and it is important that we should aid such as have been left abroad to return home.

I wish you to leave the anchorage of Monte Video about the 1st day of November next, in order to meet me here, as I shall then want the *Boston* to accompany me to the River. The *Cyane* is to meet me here early in November, and it is my wish that all three go in company to the River.

Captain B. V. Hoffman.

JAMES BIDDLE.

Captain Elliott to the Secretary of the Navy, respecting the proposed search of American Vessels for Deserters, by a French Naval Commander at Rio de Janeiro.

United States' Ship Cyane, Rio de Janeiro, June 11th, 1826.

UNTIL I could learn the ultimate decision on an affair which presented, on the 5th Instant, I have refrained from bringing to your notice an attempt which was on the eve of being made, in the examination of some of our merchant Vessels, by Commodore Frederic du Plantys, commanding His Most Christian Majesty the King of France's Frigate *La Seine*. Some part of his Crew had deserted previous to that date ; and, on the 5th instant, whilst some of our merchant Vessels were about departing the Port, he sent one of his Lieutenants on board, with instructions to obtain my permission, to board and examine those Vessels, with others, for his men. I directed his Officer to reply that, under no circumstances whatever, could that permission be given, and trusted he possessed too great a sense of propriety, for one moment, to urge the measure ; and, in the event of his doing so, I should resist every inch by force. I accordingly made the necessary preparation, and he abandoned the point.

The Hon. S. L. Southard.

J. D. ELLIOTT.

REPORT of the Minister of Finance, on the Opening of the General Congress of Mexico.—3d January, 1827.

(Extract.)

(Translation.)

THE state of our publick Revenue, with the augmentations it has received, will have shewn the fallacy of the predictions of various theoretical Financiers. I speak with proofs in my hand,—the language which every publick Functionary should make use of when rendering an account to the Nation, represented in the general Congress. I shall pass in review the Revenues of the last 4 Years, since the months that immediately followed our glorious Emancipation do not deserve to be noticed, on account of the confusion and disorder which reigned in the Finance Department, the reform of which evils presented those serious difficulties, which were exposed by the first Minister of Finance, Don Rafael Perez Maldonado, on the opening of the Provisional Congress, and which his successor, D. Antonio Medina, undertook to remove so judiciously, in his Report of the Year 1823.

On the 12th November, 1823, M. Arillage estimated the Receipts of 6 months of the Year at 3,525,410 dollars, which would give 7,050,821 dollars for 12 months.

My Report, presented on the 4th January, 1825, proved, that the Revenue of 1824 amounted to 9,770,372 dollars.

That which I presented on the 13th January, 1826, shewed, that in the first 8 months of 1825 the Receipts were 9,720 071 dollars, and for the Year, 14,581,157 dollars.

In the General Statement, which I now annex, the Receipts of 10 months ending 30th June 1826, are shewn to have been 13,848,257 dollars, and, adding one fifth, the total for 12 months would be 16,617,909 dollars.

Deducting from these Receipts, such sums as do not arise from branches of the Revenue,—for instance, temporary supplies to be reimbursed, and the monies drawn on account of the Foreign Loans,—and the following is the result:

Revenue of the Year 1823	5,409,722 dollars.
Do. 1824	8,452,828
Do. 1825	13,164,644
Do. 1826	14,159,349

It will be immediately perceived that the produce of the Year 1825 was more than double that of 1823, and that in 1826 there was a further augmentation of nearly 1,000,000 dollars. It will always be a source of the highest satisfaction to me, to reflect, that during the period of my Administration and Direction of the Publick Revenue, so great and rapid an improvement should have been effected, as to banish all our former wants and penury, and to enable us to provide with ease for all our burthens, at the same time that we have dried up the tears of many unfortunate Individuals, to whom above 1,000,000 of dollars

have been paid, for arrears of Salary due to them from the time of my Predecessors. I have also redeemed debts that formed items of receipt during former Years.

In my former Reports for the Years 1825 and 1826, there will be found a history of the transactions of our Foreign Loans, and, for the due information of the Chambers, I have now the honour to present to them a General Statement, in which are distinctly pointed out the amount and employment of the two Loans; one of £3,200,000, or 16,000,000 dollars, contracted with the House of B. A. Goldschmidt, and the other of the same amount with that of Barclay, Herring, Richardson, and Co., of which there remains disposable, £15,234 7s. 9d. of the first, and £291,699 5s. 8d. of the second, forming together £306,933 13s. 5d., to which £157,334 4d. being added, for sundry items with which these Accounts ought properly to be charged, gives a total Balance from both Loans of £464,267 13s. 9d. and, at the exchange of 48 pence, is equal to 2,321,338 dollars.

Statement of the Receipt and Expenditure from the 1st of September, 1825, to the 30th of June, 1826.

Net Receipt :

Maritime Custom Houses	6,414,383	Dollars.
Tobacco	1,356,127	} 13,848,257
Contingents of the States	1,368,452	
Averia	529,850	

Expenditure:

General Congress	338,886	} 12,189,725
Exterior and Interior Relations.....	198,755	
Justice and Ecclesiastical Affairs.....	83,729	
War	6,995,078	
Marine.....	900,253	
Finance Department.....	3,673,042	

Surplus, 30th June, 1826..Dollars..1,658,532

An Account of the Increase and Decrease of the Mexican Revenue, for the Year ending the 30th of June, 1826.

	Increase.	Decrease.
Maritime Custom-Houses	824,296	
Territory do.	179,439	
Interior do.		42,645
Tobacco	559,695	
Contingents of the States.....		24,816
Alcabala on Tobacco.....	3,457	
Gunpowder	33,866	

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	Increase.	Decrease.
Post Office	103,016	
Lottery	9,504	
Salt... ..	7,896	
Pulques.....	27,158	
Tithes and Church Revenues.....	110,625	
Stamped Paper		10,361
Tolls	2,272	
Averia.....	55,643	
Coinage.....		62,502
	<u>Dollars 1,916,872</u>	<u>140,326</u>
Increase	1,916,872	
Decrease.....		140,326

Total Increase, to 30th June 1826. 1,776,546 Dollars.

Revenue.	Dollars.
Net Receipt for 10 Months, ending the 30th June, 1826	13,848,257
<i>Deduct.</i> —Drawn against the Foreign Loans, not being branches of the Revenue.....	2,458,559
	<u>11,389,698</u>
<i>Add.</i> —One fifth to complete 12 Months	2,277,939
	<u>Total Revenue, 1826....Dollars.....13,667,637</u>
Estimated Expenditure, 1828	13,363,098
	<u>Surplus Revenue..... Dollars..... 304,538</u>

Estimate of Expenditure for the Year ending the 30th June 1828.

Departments :

Interior and Foreign Relations	264,082
War and Marine.....	7,787,233
Justice and Ecclesiastical Affairs	226,098
Finance	5,085,685

Grand Total.....Dollars.....13,363,098

Mexico, 1st January, 1827.

JOSE IGNACIO ESTEVA.

TABLEAUX *présentant la Progression des Revenus Publics de la France, depuis le 1er Janvier, 1816, jusqu'au 31 Décembre, 1826.*

TABLEAU No. 1.

Contributions Directes.

MONTANT brut des Rôles recouvrés en principal et Centimes additionnels, pour les Dépenses Générales, les Dépenses Départementales, les Dépenses Ordinaires et Extraordinaires des Communes, les non-valeurs et les réimpositions; et les frais de perception.						OBSERVATIONS.
Exercices.	Contribution Foncière.	Contribution Personnelle et Mobilière.	Portes et Fenêtres.	Patentes.	Total.	
1816	291,161,415	(A) 49,140,291	21,433,494	(B) 40,453,618	402,188,818	(A) Y compris 10c extraordinaires. Loi du 28 Avril, 1816.
1817	294,168,898	(C) 61,198,481	(D) 26,912,075	20,677,871	402,957,325	(B) Y compris 10c extraordinaires. (Même Loi.)
1818	295,351,554	46,420,776	(E) 27,105,675	21,541,837	390,419,842	(C) Y compris 50c extraordinaires. Loi du 25 Mars, 1817.
1819	279,303,916	46,027,905	21,589,928	21,565,052	368,486,801	(D) Y compris 40c extraordinaires. (Même Loi.)
1820	279,980,281	45,805,166	21,519,350	21,509,027	368,813,824	(E) Y compris 40c extraordinaires. (Loi du 15 Mai, 1818.)
1821	265,374,967	46,050,917	21,457,612	21,671,069	354,654,565	
1822	254,402,833	45,805,934	21,451,067	22,366,273	344,026,107	
1823	252,783,754	45,520,394	21,444,103	23,539,880	343,288,131	
1824	253,174,300	45,948,824	21,297,355	23,880,335	344,300,814	
1825	254,435,826	46,012,471	21,320,127	24,889,995	346,658,419	
1826	249,912,803	45,105,846	20,540,365	25,628,701	341,187,715	

En 1817, il a été perçu, suivant le Tableau ci-dessus, sur les Quatre Contributions Directes	-	-	-	-	-	402,957,325
Les dégrèvements successivement accordés de 1818 à 1827 ont été (en voir le détail par nature de contributions page 129 du Budget de 1827) de	-	-	-	-	-	91,865,347
Somme dans laquelle le dégrèvement de 1827 entre pour celle de	-	-	-	-	-	19,245,418
Reste pour les dégrèvements accordés de 1818 à 1826 inclusivement	-	-	-	-	-	72,619,929 ci - 72,619,929
Ce dégrèvement déduit, les perceptions de 1826 sembleraient devoir s'être arrêtées dans la limite de	-	-	-	-	-	330,337,336
Elles se sont élevées, suivant le Tableau ci-dessus, à	-	-	-	-	-	341,187,715
Différence à expliquer	-	-	-	-	-	Francs 10,850,379

Cette différence a pour cause :

1o. L'augmentation survenue dans le produit des Patentes qui, pour 1817, n'a été que de	-	-	-	-	-	20,677,871
Et pour 1826 s'est élevé à	-	-	-	-	-	25,628,701
Augmentation pour 1826	-	-	-	-	-	4,950,830 ci - 4,950,830
2o. La différence existante dans le montant des impositions d'utilité départementale et communale, pour les deux années 1817 et 1826.	-	-	-	-	-	
Pour 1817, ces impositions n'ont été que de	-	-	-	-	-	25,507,178
Pour 1826 (en y comprenant 3,612,969 fr. de centimes additionnels affectés aux dépenses du cadastre et imposés en exécution de la Loi de Finances de 1821), elles ont été de	-	-	-	-	-	31,179,341
Augmentation pour 1826	-	-	-	-	-	5,672,163 ci - 5,672,163
3o. Depuis 1817, la contribution foncière s'est accrue en principal et centimes additionnels, par le résultat de nouvelles cotisations sur les biens restitués ou vendus, et sur les bois aliénés, compensation faite des pertes de matière imposable, de	-	-	-	-	-	227,835
Total égal	-	-	-	-	-	Francs 10,850,379

TABLEAU No. 2.

Enregistrement, Timbre et Domaines.

Exercices.	Enregistrement. (Décime compris.)	Timbre. (Décime compris.)	Greffes. (Décime compris.)	Hypothèques (Décime compris.)	Amendes de toute nature. (Décime compris.)	Passeports et Permis de Port d'Armes.	Droit spécial sur les Journaux.	Portion des Salaires des Conservateurs des Hypothèques attribuée au Trésor.	Frais de Justice Crimi- nelle re- couverte au couverts.	Frais de pour- suites re- couverts.	Domaines.	Produits acciden- tels.	Total par Exercice.
1816	105,594,080	24,932,086	4,182,336	3,248,833	1,848,472	1,732,688	—	127,424	599,093	18,619	29,325,330	216,862	171,825,872
1817	128,273,842	27,387,113	4,514,721	4,605,054	3,124,040	1,390,056	37,703	271,490	683,696	16,767	12,536,385	796,867	180,698,190
1818	128,387,110	27,496,563	4,648,060	1,581,657	3,427,190	1,315,642	188,073	265,361	678,834	14,868	6,263,120	350,490	174,622,963
1819	117,074,607	26,063,547	4,587,386	1,557,234	3,272,527	1,267,269	332,686	230,691	576,511	(2) —	4,882,905	237,846	160,083,195
1820	116,692,123	25,742,149	(1) 3,690,050	1,272,782	2,816,726	1,330,518	387,421	222,185	550,966	—	5,124,846	341,878	158,081,651
1821	123,955,719	26,302,843	3,675,709	1,278,540	2,960,887	1,425,688	374,943	237,700	586,820	20,151	3,886,749	206,851	164,862,606
1822	122,209,920	26,793,732	3,688,663	1,278,043	3,442,497	1,639,072	373,096	230,044	603,837	24,898	5,983,831	224,390	166,492,008
1823	122,859,423	26,909,050	3,707,684	1,272,676	3,737,791	1,620,673	404,713	220,967	618,861	32,475	3,964,938	269,993	165,649,508
1824	134,744,504	26,977,941	3,718,081	1,355,859	3,363,568	1,634,990	356,649	235,682	694,606	33,730	3,320,678	198,633	176,634,926
1825	135,398,081	27,558,516	3,750,969	1,378,398	4,112,109	1,780,483	347,167	235,152	802,105	30,740	3,301,988	105,758	178,801,472
1826	136,394,547	27,875,605	3,842,144	1,450,064	4,942,724	1,866,026	351,154	230,168	767,861	32,212	2,491,803	70,922	180,315,253

(1) Déduction faite, à compter de 1820, des attributions des greffiers, qu'ils reçoivent directement des parties.

(2) Pour 1819 et 1820, ces frais sont confondus avec ceux de même nature relatifs aux forêts.

Les produits de l'Enregistrement, du timbre et domaines se sont élevés pour 1816, à
Ces mêmes produits, pour 1826, ont été de

Considérés dans leur ensemble, il ne ressort pour 1826 qu'une augmentation de
Mais il est à remarquer qu'en 1816 les seuls produits de domaines, comprenant pour 24,300,000 fr. de recouvrements sur le prix des ventes de biens de communes et de
bois aliénés en vertu des Lois des 20 Mars, 1813, et 23 Septembre, 1814, ont été de
Tandis que cette même nature des produits n'a donné au Budget de 1826, que

Il y a donc eu sur cette partie des recettes, de 1816 à 1826, une diminution de

L'augmentation survenue de 1816 à 1826 dans les produits de l'enregistrement, du timbre, des droits de greffe, etc., a conséquemment été de

Et cette augmentation a été obtenue nonobstant les réductions et modérations de droits accordées par les deux Lois des 15 Mai, 1818, et 16 Juin, 1824, lesquelles ont apporté dans
les recouvrements, à partir de ces deux époques, une diminution annuelle relative de plusieurs millions.

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TABLEAU NO. 3. *Produits des Forêts, (Principal et Accessoires.)*

Exer- cices.	Quantités Vendues.				Nombre d'arbres réservés.	Principal des Adjudications.	Produits Accessoires perçus par l'Administra- tion de l'enre- gistrement.				Total par Exercice.	
	Hectares.		Arbres.									
	H.	A. C.										
1816	27,855	66 43	359,864	865,342	13,057,002	22	4,792,954	65	17,849,956	87		
1817	29,541	76 23	364,192	794,836	17,742,688	93	3,895,073	11	21,637,762	04		
1818	26,291	49 79	363,966	853,974	16 150,312	15	4,031,027	66	20,181,339	81		
1819	26,835	91 57	370,014	861,027	15,929,926	24	2,374,884	54	18,304,810	78		
1820	23,966	83 93	483,358	902,354	13,700,546	81	2,156,615	86	15,857,162	67		
1821	25,054	61 75	369,583	976,423	17,626,265	31	2,535,874	91	20,162,140	22		
1822	26,315	51 47	471,715	1,030,864	20,176,472	48	4,485,030	69	24,661,503	17		
1823	21,304	87 79	443,637	1,258,792	18,934,104	40	4,263,536	76	23,197,641	16		
1824	24,312	48 31	611,652	1,657,192	18,659,033	21	4,506,269	20	23,165,302	41		
1825	25,904	57 26	474,288	1,874,743	22,690,481	30	5,525,065	93	28,215,547	23		
1826	26,528	42 12	354,186	1,919,355	25,965,623	06	5,628,710	68	31,594,333	74		

Le produit des Forêts (principal et produits accessoires) a donné en recouvrements :

Pour 1816	-	-	-	-	-	-	-	-	17,849,956
Pour 1826	-	-	-	-	-	-	-	-	31,594,333

Augmentation en faveur de cette dernière Année - Francs - 13,744,376

Cette augmentation appartient exclusivement à l'élévation du prix d'adjudication des coupes. Il est en effet à remarquer que celles mises en vente en 1816 ont porté sur une quantité de 27,855 hectares.

Tandis qu'en 1826 elles n'ont porté que sur une quantité de 26,528 hectares.

Il a donc été vendu en moins en 1826 - 1,327 hectares.

TABLEAU NO. 4. *Douanes et Sels.*

Années.	DOUANES.					SELS. Droits de consommation perçus sur les côtes.
	Droits d'Importation.	Droits d'Exportation.	Droits de Navigation.	Recettes Accidentelles.	Total.	
1816	44,461,438	3,962,391	2,481,232	550,529	51,458,590	42,748,123
1817	56,928,395	3,226,911	2,081,424	556,363	62,793,093	46,840,569
1818	60,023,271	4,254,280	2,305,795	473,185	67,055,531	48,961,633
1819	56,294,644	4,214,618	2,001,414	814,504	63,325,180	47,938,499
1820	70,342,564	3,772,050	2,206,274	1,082,938	77,403,826	52,847,370
1821	69,913,833	2,671,201	2,292,713	1,212,681	76,090,428	52,536,535
1822	78,343,099	2,114,762	2,339,694	1,191,311	83,988,866	52,280,155
1823	70,291,349	1,759,080	2,410,319	1,327,025	75,790,773	53,467,273
1824	92,357,670	1,668,944	2,407,950	1,587,947	98,022,511	52,762,758
1825	86,993,594	1,683,521	2,335,455	1,351,152	92,363,722	53,950,432
1826	99,674,164	1,420,107	3,072,890	955,219	105,122,389	53,692,953

Les droits de Douanes ont donné en recouvrements :

Pour 1816	-	-	-	-	-	-	-	-	51,458,590
Pour 1826	-	-	-	-	-	-	-	-	105,122,389

Il ressort une augmentation de - Francs - 53,663,799

Laquelle se répartit comme suit, savoir ;

Droits à l'Importation	-	-	-	-	-	55,212,726
Droits de Navigation	-	-	-	-	-	588,637
Recettes accidentelles	-	-	-	-	-	404,690

Total - 56,206,053

Cette augmentation a été compensée jusques à concurrence de 2,542,284 fr. par une réduction de semblable somme qu'ont éprouvée les droits perçus à l'exportation, ci à déduire - 2,542,284

Reste en augmentation, somme égale - 53,663,799

Le droit de consommation des Sels a donné en recouvrements ;

Pour 1816	-	-	-	-	-	-	-	-	42,748,123
Pour 1826	-	-	-	-	-	-	-	-	53,692,953

Sur cette partie des droits perçus aux marais salans par les Douanes, ils ressort une augmentation de - 10,944,830

En y réunissant l'augmentation de 2,570,991 fr. qui ressort sur le montant des mêmes droits perçus par les Contributions Indirectes sur les sels extraits des salines l'Est et des sources salées, ci - 2,570,991

On obtient pour l'augmentation totale des droits des Sels en 1826, relativement à 1816 13,515,821

Boissons, Droits Divers, Tabacs et Poudres.

Exercice.	Boissons.	Bières. Droit de fabrication.	Licences.	Huiles.	Voitures Publiques.	Cartes.	Sels.	Garantie des matières d'or et d'argent.	Navigation et péages sur les ponts.	Dixième des Produits des Octrois.	Recettes diverses. (Timbres compris.)	Tabacs.	Poudres.	Total.
1816	58,690,039	5,474,582	2,563,552	—	2,379,479	402,241	4,130,990	688,988	3,963,093	3,511,959	2,571,535	55,451,861	—	139,837,269
1817	62,569,926	5,207,143	2,704,285	2,051,570	2,403,661	356,894	5,661,279	629,310	4,515,834	2,775,260	2,967,269	63,008,136	—	154,790,667
1818	74,049,552	8,072,680	2,978,917	2,874,636	2,836,108	422,824	5,635,370	785,168	4,867,974	3,379,051	3,867,739	65,830,550	2,146,582	177,797,101
1819	82,373,861	7,313,883	3,167,286	3,035,376	3,013,358	433,697	5,409,282	816,573	4,812,433	4,059,886	4,483,865	64,153,534	3,274,334	186,347,237
1820	85,948,838	7,684,041	3,144,491	2,956,819	3,067,180	435,813	5,919,528	931,726	5,147,625	4,393,385	4,678,318	64,044,504	3,518,419	191,870,687
1821	86,269,774	9,019,696	3,074,558	3,083,782	3,399,815	454,094	6,049,894	1,178,306	5,386,457	4,333,464	4,526,833	65,072,858	3,199,374	194,048,815
1822	91,469,890	10,407,338	3,137,035	2,917,001	3,651,247	459,585	6,179,444	1,300,457	5,550,483	4,461,830	4,619,163	65,021,569	3,653,385	202,728,417
1823	90,958,496	8,366,848	3,101,793	55,589	3,976,222	453,592	6,255,292	1,230,907	5,628,665	4,424,362	4,503,947	63,902,831	3,502,516	196,361,070
1824	94,115,735	9,248,439	3,175,599	—	4,409,273	520,635	6,934,772	1,494,520	6,034,100	4,899,929	4,634,849	66,045,545	3,453,740	204,877,145
1825	97,112,249	10,259,275	3,208,563	—	5,105,122	574,260	6,918,495	1,680,458	6,245,284	4,945,300	4,944,137	67,329,419	3,918,954	212,241,507
1826	98,865,782	10,258,083	3,213,389	—	5,370,140	553,560	6,710,951	1,501,268	6,202,748	4,963,633	4,921,002	67,035,337	4,044,054	213,640,547

Les produits des Contributions Indirectes ont donné en recouvrements pour 1816
Ces mêmes produits pour 1826 ont été de

Les produits des Contributions Indirectes

Augmentation

Nonobstant les modifications introduites, à partir de 1925 dans la Législation des Contributions, le résultat a été de réduire de plusieurs millions les droits indirects, notamment ceux de circulation.

Nonobstant les modifications introduites, à partir de 1925 dans la Législation des Contributions Directes, le résultat a été de réduire de plusieurs millions les droits indirects, notamment ceux de circulation. Cette augmentation de 73,803,978 fr. se répartit entre les droits de la manière suivante :

Boissons	-	-	-	-	-	-	40,175,743	-
Bières.	-	-	-	-	-	-	4,788,521	-
Licences	-	-	-	-	-	-	649,837	-
Voitures publiques	-	-	-	-	-	-	2,900,661	-
Cartes	-	-	-	-	-	-	151,319	-
Sels	-	-	-	-	-	-	2,576,991	-
Garantie des matières d'or et d'argent	-	-	-	-	-	-	812,280	-
Navigation et péages sur les ponts	-	-	-	-	-	-	2,239,655	-
Dixième du produit des octrois	-	-	-	-	-	-	1,431,674	-
Recettes diverses	-	-	-	-	-	-	2,350,067	-
Tabacs	-	-	-	-	-	-	11,583,476	-
Foudres à feu	-	-	-	-	-	-	4,044,054	-
Total égal	-	-	-	-	-	-	73,803,278	-

Total égal Francs - 73,803,278

Ainsi, de 1816 à 1826, c'est-à-dire, à 11 années d'intervalle, les contributions directes ont éprouvé une réduction de 72,000,000, et les produits indirects un accroissement de 166,000,000. Cette somme devrait encore régulièrement être accrue d'environ 27,000,000, provenant de recouvrements extraordinaires des produits de domaines faits en 1816. La différence serait donc environ 193,000,000 au lieu de 166.

Quoique les motifs de cette heureuse situation ne soient un mystère pour personne, rappelons brièvement les faits principaux sur lesquels elle repose. Le chiffre des années intermédiaires en indiquera d'une manière exacte la progression, qui a été à-peu-près constante.

En 1816, la Population du Royaume n'atteignait pas à 30,000,000 ; en 1826, elle dépassait 32.

En 1816, notre agriculture était aux abois, privée de bras et de capitaux de toute espèce ; en 1826 (grâces, il est vrai, à des dégrèvements successifs, et à des tarifs protecteurs dont l'action combinée agissait sur elle depuis trois ans), elle nourrissait une population plus forte d'un dixième, et, malgré cela, elle regorgeait de produits, tierçait sa récolte en vins, et comptait de plus qu'en 1816, 400,000 chevaux, 350,000 animaux de race bovine, 5,000,000 de bêtes à laine.

En 1816, nos mines de houille fournissaient 1,000,000,000 de kilogrammes ; en 1826, 1,500,000,000.

En 1816, nous fabriquions moins de 100,000,000 de kilogrammes de fontes de fer ; en 1826, plus de 160,000,000.

En 1816, notre industrie mit en œuvre 12,000,000 de kilogrammes de coton ; la consommation de 1826 s'est élevée à 32,000,000.

En 1816, nous tirâmes de l'étranger 400,000 kilogrammes de soie ; nous en avons tiré le double en 1826.

En 1816, la mise en œuvre des laines, soit françaises soit étrangères, fut estimée à 40,000,000 de kilogrammes ; elle a été, pour 1826, de 48,000,000.

En 1816, nos raffineries épurèrent 24,000,000 de kilogrammes de sucre ; en 1826, 72,000,000, &c. &c.

En 1816, notre commerce, tant au-dedans qu'au-dehors, était faible et restreint comme nos ressources ; en 1826, tous les marchés étrangers recevaient de nos marchandises, et le marché intérieur s'était agrandi en raison du développement des industries agricole et manufacturière.

En 1816, nous succombions sous d'effroyables engagements ; en 1826, tous les frais d'occupation, tous les arriérés étaient soldés depuis trois ans ; les trois premiers cinquièmes de 30,000,000 de rentes créées pour indemniser les propriétaires dépossédés par la révolution, étaient émis sans avoir affecté le cours de nos rentes : nous avions les plus belles Finances de l'Europe.

De 1816 à 1826, la puissance de notre crédit a doublé. A la première époque, la rente 5 p. 0/0 était à peine à 60 fr., et, en ce moment, le fonds dans lequel a été transporté le crédit de l'Etat, repré-

sente ce même 5 p. 0/0 au cours de 120 fr. ; en sorte que si nous ne pouvions emprunter, en 1816, qu'en payant 9 p. 0/0 d'intérêt, nous le pourrions aujourd'hui en payant 4½.

En arrêtant son attention sur ces rapides progrès, bienfait réuni de la paix et de la restauration, quel homme, vraiment digne d'appartenir à notre beau pays, voudrait désormais courir le risque de compromettre une situation si prospère dans des querelles ou imprudentes ou frivoles, et ne sentirait le besoin de la protéger de tous ses efforts contre des intrigues ou des passions dont le triomphe aurait infailliblement pour effet de la détruire !

(*Moniteur.*)

*MESSAGE of the President of the Council of Government,
on the Opening of the Sovereign Constituent Congress of
Peru.—4th June, 1827.*

(Extract.)

(Translation.)

PERMIT me to present you with a succinct idea of our Foreign relations, and of the different branches of our Administration. The European Nations shew a disposition to recognize us. It would appear that the want of information as to our real situation, and absolute independence, has retarded the moment of making a recognition, as congenial with their interests as with our own. Spain is the only Power which refuses an act of justice, if not of necessity, and which would better conduce to her interests than to ours. But Spain, reduced to a state of impotency and nullity, gives us no uneasiness by her irrational obstinacy. The efforts she has lately made to reinforce Cuba, are more directed towards defending the Island, and protecting her Possessions in the Antilles from invasion, and from the influence of our principles, than to undertake anything against our liberties. The Squadron which she had formed, by draining her Treasury and Maritime resources, and which, under the command of Laborde, inspired slight fears, when it appeared on the Northern Coasts of Colombia, was dispersed by a violent tempest, in September of last Year.

Since the President of The United States declared, that he would consider as an hostile act, the interference of any Power in the struggle between Spain and the States which were formerly her Colonies ; and since the Minister for Foreign Affairs of His Britannick Majesty communicated to the Diplomatic Body, the intention of his Government to enter into friendly relations with the New American States, France and other Countries have adopted a similar line of conduct, by announcing that they will abstain from interfering with force in our question with Spain. The Government of His Britannick Majesty, in conformity with its principles, has, subsequently, continued to invite the Government of Ferdinand to renounce his chimerical projects, and to establish peace with us.

In May of last Year, the Government sent two Ministers to the Court

of London, charged with soliciting the recognition of our Independence, and with negotiating a Loan of 10,000,000 of dollars. The English Government did not think fit to admit them, and the stay of these Envoys at that Court not appearing proper, inasmuch as the character with which they were invested was not acknowledged, they were directed to return, leaving an Agent to keep us regularly informed of the disposition of His Britannick Majesty with regard to us. A Consul from Great Britain resides in the Republick.

France, bound by family ties to the reigning house of Spain, observed for a long time a policy obscure and injurious to her interests. But experience and the progress of events have at length induced her to establish communications with the New States of America, by sending to distant points Diplomattick Agents, who, agreeably to the accounts just received, will come duly accredited. Under this expectation, and with a view to manifest our good dispositions towards that Power, I have determined to receive Monsieur Chaumette des Fosses in a private manner, until he presents his Credentials in the accustomed form, although, having presented himself with the new title of *Inspector*, and his Papers being deficient in the requisite essentials, the Government has refused to admit him, considering the irregularity as a proof of the want of consideration towards our independence. In so doing we have acted as favourably as a Neutral Nation can require, to which we are not bound by any Treaty.

His Majesty, The King of the Netherlands, has sent a Consul to the Republick, who resides in this Capital.

The United States of the North have sent a Consul General, and a Chargé d'Affaires from those States has recently arrived.

The United Mexican States, and the Central Republick, display, in all their communications, the most frank and cordial friendship for Peru.

Our Ally, the Republick of Colombia, whose efforts were so valuable to us in the last Campaign, has constantly had a Chargé d'Affaires here. Our relations are founded on the most perfect harmony, and cordial reciprocity, and we promise ourselves that they will continue so to be. We have endeavoured to shew all the consideration we feel, towards the Flag which accompanied us, in establishing our independence, and that of that Republick, in the plains of Pichincha, Junin, and Ayacucho. It is to be hoped that the unanimous and general impulse which combined to render us truly free and independent, will be daily more and more consolidated.

We have cemented our relations with the Republick of Chili, by means of a Minister Plenipotentiary, whom we have sent to that Government, and who has been directed to return after he shall have fulfilled the object of his mission; we have received one from thence, of a like character, who resides in this Capital. Both Republicks are called upon by Nature to promote the advantages of Commerce, which will bind our alliance and friendship more firmly.

The Argentine Republic maintains a Consul in this Capital. We have sent a Chargé d'Affaires thither, in order to preserve our friendly relations with it. That Republic, which has sustained the spirit of the age, and encreased the glory of its name, by the splendid victory which it obtained over the Army of Brazil, in the plains of Ituzaingo, as well as by various Naval triumphs, has proved to the Old World, that the principles of liberty are not to be destroyed in the New, and has shewn what they are capable of effecting who fight to support them. It is painful nevertheless, to find that, among the new Nations of the Continent, who ought to act as Brothers, arms should have been resorted to in order to decide a question which might have been decided by prudence. It is to be hoped that ere long reason will be listened to by the Empire, and that a durable peace will be signed between the two Powers, on the indispensable basis of the restitution of the Banda Oriental.

The Provinces of Upper Peru have declared themselves independent, and have been constituted into a Nation, called the Republic of Bolivia, under the auspices of the Liberating Army, as a consequence of the Law of the 23d February, in which the Congress of the Year 1825, acknowledged that they had the right to express their will.

This Government recognized that new State by its Decree of the 18th May, 1826, in which it engaged to submit that Provisional Act for your consideration. In the meanwhile the relations consistent with that step have been preserved. A Minister from that Republic has been accredited to our Government. The one which we sent to it in the same character, charged with cementing our interests more closely, has returned; propositions, somewhat unfavourable and burdensome to us, having been proposed in the Negotiation, principally with respect to the demarkation of limits, which we declined: considering it proper to reserve such questions for your definitive decision, inasmuch as the Government did not conceive that it possessed the power to alienate any portion of the Territory, and to decide upon affairs of such vital importance.

We have hastened to send a Chargé d'Affaires to Brazil in order to prove to its Government the pacifick sentiments which animate Peru. He has been directed to return, when that object shall have been accomplished.

The grand American Assembly at which two of our Ministers attended, has met at Panama. It concluded Four Treaties relative to the Independence of this Continent, which will be laid before you by the Minister for that Department. Its sittings having being suspended, it resolved to transfer itself to the City of Tacubaya in the United Mexican States. An unforeseen accident retarded the journey of one of our Ministers to the new point of assembling, and he was necessitated to return. The other came home, bringing the Treaties for the consideration of the Assembly. They contain transactions of great importance,

as concerns the situation of the new Republics; for which reason we have suspended their Ratification, which is reserved for your Sovereign Power.

Lima, 4th June, 1827.

ANDRES SANTACRUZ.

DECREE of the General Constituent Congress of Peru, revoking the Constitution of 1826, and reviving that of 1823.

11th June, 1827.

(Translation.)

THE General Constituent Congress of Peru, considering:

1st. That the Constitution sworn to on the 9th December of the past Year, was sanctioned illegally, and in a manner inconsistent with the National Sovereignty, which can alone enter into the social compact through the medium of its Representatives, legitimately deputed for the purpose;

2dly. That, until the Constitution of the Republic be sanctioned, it is necessary that some Institutions should be formed, in order to designate the limits of the powers of the Nation, and to fix their rights and duties;

3dly, That the Constitution, sanctioned by the first Congress in the Year 1823, cannot be adopted in all its parts, from the want of certain Bodies which have an essential influence in the system of its organization; and that, as it is not expedient to instal those Bodies provisionally, and solely until the Constitution shall be promulgated, the subsistence of the articles which particularize their attributes would paralyze the existing authorities:

Has resolved to decree, and decrees,

1st, That the Constitution sanctioned by the Electoral Colleges of the Republic, and sworn to in this Capital, on the 9th December of the past Year, is declared null, and of no force and effect.

2dly, That the Peruvian Constitution, sanctioned in the Year 1823, by the first Congress, shall be observed provisionally, and shall be in force throughout the Republic, until the promulgation of that which may be expedient; with the suppression, however, of all the Articles of the Fourth Chapter, second Section, on the formation and promulgation of the Laws; of those of the Fifth of the same Section, on the Executive Power, which shall be superseded by a corresponding Regulation, to be established by the Congress; of those of the Seventh Chapter of the same Section, on the Conservative Senate; and of those of the Ninth of the same Section, from Article 132 of the Departmental Juntas to 137 of the same.

3dly, That the Third Chapter of the second Section, which speaks of the Legislative Power, shall be adopted only in so far as it may be compatible with the existence of the Constituent Congress.

4thly, That all Laws and Decrees are rescinded, which may be at variance with what is adopted in that Constitution.

You will take cognizance of this, and direct what is necessary for its fulfilment, commanding it to be printed, published, and circulated.

Given in the Hall of Congress in Lima, the 11th June, 1827.

JAVIER DE LUNA PIZARRO, *President.*

NICOLAS DE PIEROLA, *Deputy Secretary.*

MANUEL TELLERIA, *Deputy Secretary.*

LETTER from the Secretary of the Treasury of The United States, transmitting the information required by a Resolution of the House of Representatives of the 12th ultimo, being a Statement of the Annual Receipts from the Customs, from 30th December, 1815, to 30th September, 1826; and the Annual Amount of Drawbacks, from the same period.

SIR, *Treasury Department, February 20, 1827.*

IN obedience to a Resolution of the House of Representatives of the 12th ultimo, directing "the Secretary of the Treasury to lay before the House a Statement of the Annual Receipts from the Customs, from the Fiscal Year ending on the 30th of December, 1815, to the 30th of September last, noting the amount received under each separate head of Revenue from this source, specific or ad valorem, and the Annual amount of drawbacks for the same period, and under the same heads;" I have the honour to transmit a Statement which contains the information required by the Resolution, so far as it is afforded by the Returns made to the Department, together with a Letter from the Register of the Treasury, explanatory of the same.

I have the honour, &c.

RICHARD RUSH.

The Hon. the Speaker of the House of Representatives.

Treasury Department, Register's Office,

SIR, *20th February, 1827.*

I HAVE the honour to transmit a Statement, exhibiting the value of Merchandize imported, paying duty ad valorem, and the quantities of articles paying a specific duty, during the Years 1815 to 1825, inclusive, prepared in obedience to a Resolution of the House of Representatives of the 12th January, 1827, and beg leave to state that, as the Records of the Department do not, at this time, permit a compliance with the Resolution, as respects the specific sources of Revenue from imports during the Year 1826, the aggregate receipts into the Treasury, from customs, in that Year, is exhibited, (23,325,475 dollars.)

I have the honour to be, &c.

JOSEPH NOURSE.

The Hon. Richard Rush, Secretary of the Treasury.

	1816	1817	1818	1819	1820	1821	1822	1823	1824	1825
Duty on Merchandize, } paying Duty, ad va- } lorem.	16,540,865	8,593,459	11,991,950	8,076,162	4,420,959	7,545,966	10,024,043	7,744,622	9,146,092	14,021,945
Ditto on Merchandize } paying as specific Duty.	10,732,736	9,008,371	10,094,912	9,631,738	8,517,551	8,712,706	10,921,898	9,764,792	11,701,586	11,259,963
Extra Duty on Mer- } chandize, imported } in Foreign Vessels, } 3½ per Cent. retained } on Drawback, and in- } terest and Storage, } after deducting there- } from Duties on Mer- } chandize refunded.	554,335	242,141	213,102	51,870	98,911	224,893	128,241	127,027	154,155	192,715
Nett Amount of Duties } on Merchandize.	27,827,937	17,933,972	22,299,964	17,759,770	13,037,422	16,488,565	21,074,182	17,636,441	21,001,833	25,474,624
Drawback on Merchan- } dize, paying Duty ad } valorem.	1,384,173	1,288,896	910,359	1,238,882	1,044,775	602,147	802,046	1,431,350	1,551,916	2,238,241
Ditto on Merchandize } paying as specific Duty.	3,446,140	2,648,425	2,433,579	2,062,930	2,242,190	1,581,749	2,049,150	3,121,315	2,825,953	4,153,637
Dollars -	4,830,312	3,937,323	3,343,938	3,301,812	3,286,965	2,183,896	2,851,196	4,552,665	4,377,869	6,391,778

STATEMENT of the Amount actually paid into the Treasury, arising from Imports and Tonnage, during the Years 1815 to 1826 inclusive, viz.

In	1815	-	-	7,282,942 dollars.	In	1821	-	-	13,004,447 dollars.
1816	-	-	-	26,306,874	1822	-	-	-	17,589,761
1817	-	-	-	26,283,348	1823	-	-	-	19,088,433
1818	-	-	-	17,176,385	1824	-	-	-	17,878,325
1819	-	-	-	20,283,608	1825	-	-	-	20,098,713
1820	-	-	-	16,005,612	1826	-	-	-	23,325,473

*PROCLAMATION of The President of The United States,
abolishing the Foreign Discriminating Duties of Tonnage
and Impost, in favour of Roman Vessels. 7th June, 1827.*

By the President of The United States.

A PROCLAMATION.

WHEREAS, by an Act of Congress of The United States, of the 7th of January, 1824, entitled "an Act concerning discriminating duties of tonnage and impost," it is provided, 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 merchandize, the produce or manufacture thereof, imported in the same, the President is thereby 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 Vessels of the said Nation, and the merchandize 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 merchandize, as aforesaid, thereon laden, shall be continued, and no longer:

And whereas satisfactory evidence was given to the President of The United States, on the 30th day of May last, by Count Lucchesi, Consul General of His Holiness the Pope, that all Foreign and discriminating duties of tonnage and impost, within the Dominions of His Holiness, so far as respected the Vessels of The United States, and the merchandize of their produce or manufacture, imported in the same, were suspended and discontinued:

Now, therefore, I, John Quincy Adams, President of The United States, conformably to the 4th Section of the Act of Congress aforesaid, do hereby *proclaim* and *declare*, 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 Vessels of the subjects of His Holiness the Pope, and the merchandize of the produce or manufacture of his Dominions, imported into The United States in the same: the said suspension to take effect from the 30th of May aforesaid, and to continue so long as the reciprocal exemption of Vessels, belonging to Citizens of The United States, and merchandize, as aforesaid, therein laden, shall be continued, and no longer:

Given under my hand, at the City of Washington, this 7th day of June, in the Year of our Lord 1827, and of the Independence of The United States the 51st.

JOHN QUINCY ADAMS.

By the President:

H. CLAY, *Secretary of State.*

LETTERS of the Secretary of the Treasury of The United States, explanatory of the Proclamation of the President, prohibiting intercourse with certain British Colonial Ports. March and April, 1827.

(1.)—*Circular to the Collectors of Customs.*

SIR,

Treasury Department, March 17th, 1827.

I SEND, herewith, a Copy of the President's Proclamation, dated this day, by the effect of which you will perceive that the trade between The United States and certain Colonial Ports of Great Britain as opened by the Act of Congress of the 1st of March, 1823, entitled, "An Act to regulate the Commercial Intercourse between The United States and certain British Colonial Ports," is closed; and that the provisions of the Act of April the 18th, 1818, entitled "An Act concerning Navigation," and those of the Act of May the 15th, 1820, entitled "An Act supplementary to an Act entitled An Act concerning Navigation," are in force. These several Acts have heretofore been transmitted to you, at periods when their provisions were in operation: but Copies of them are again enclosed for your information and government.*

As British Vessels from some of the Ports specified in the 1st Section of the Act of the 1st of March, 1823, may now be within The United States, and consequently must have arrived anterior to the date of the Proclamation, the President directs that all such British Vessels be allowed to depart from our Ports, with their cargoes. As others may arrive between the date of the Proclamation and the time of its reaching you, he also directs that, as to these, the forfeitures and penalties of the aforesaid Acts of April the 18th, 1818, and May the 15th, 1820, be not enforced; but that they too be permitted to depart. And if, after you shall have received the Proclamation, British Vessels should arrive within the Ports of The United States from some one or more of the said British Colonial Ports, in ignorance of the existing prohibition which the Laws impose to their entry, the President further directs, that, in the case of all British Vessels so arriving, prior to the first day of July next, you cause notice to be given to them, as soon as possible, of the prohibition, accompanied by orders

* See Commercial Treaties, Vol. 3.

for their departure within 24 hours, without unlading; upon their failure to comply with which orders, you will proceed to enforce against them the provisions of the Acts last recited.

In case of all British Vessels arriving within our Ports, from any of the aforesaid British Colonial Ports, after the 1st of July, you will forthwith enforce against them the provisions of those Acts.

I have the honour to remain, &c.

The Collectors of Customs.

RICHARD RUSH.

(2.)—*The Secretary of the Treasury to the Hon. J. Barney.*

SIR, *Treasury Department, March 26th, 1827.*

YOUR Letter of the 19th instant was laid before the President, and has received from him every consideration.

You are altogether right in supposing that there exists in the Executive branch of the Government every disposition to mitigate the operation of restrictive measures on innocent and unintentional transgressions of the Law. The Proclamation of the 17th of this month was issued, in necessary compliance with the Act of Congress which directed it to be issued; and the Circular Instructions from this Department which followed the Proclamation, went as far in softening its operation in the first instance, as it was thought the Law would warrant. It follows hence, that your suggestion that the instructions may be modified, in such a manner as to admit into our Ports American property in British Vessels, coming from the interdicted Ports, cannot be acceded to, whatever wishes might exist upon the occasion; the prohibitions of the Act of the 18th of April, 1818, being too broad and unequivocal to justify it. How far American property, so arriving, may or may not become the subject of the remitting power, vested in the proper branch of the Government, after the Penalties of the Law shall have duly attached to it, is a point that can in no case be determined beforehand.

I have the honour to remain, &c.

The Hon. John Barney, Baltimore, Md.

RICHARD RUSH.

(3.)—*Circular to the Collectors of Customs.*

SIR, *Treasury Department, 28th April, 1827.*

By direction of the President, I have to inform you, that the prohibitions of the Act of the 18th of April, 1818, are not considered as extending to Passengers who may arrive on board of British Vessels. Those, therefore, who are *bona fide* such, may be allowed to land with their baggage, care being taken that this construction of the Act be not abused by a violation of any of its provisions. I am, &c.

The Collector of Customs.

RICHARD RUSH.

SUMMARY STATEMENT of the Tonnage of The United States, 1789 to 1825.

(Annexed to the Report of the Committee on Commerce, of the House of Representatives of The United States, of 22d January, 1827.)

Years.	Registered Tonnage employed in Foreign Trade.	Enrolled Tonnage employed in the Coasting Trade.	Enrolled Tonnage employed in the Fisheries.		Licensed Vessels under 20 Tons.		Total Tonnage of every description.
	Tons. 95ths.	Tons. 95ths.	Tons.	95ths.	Employed in the Coasting Trade.	Employed in the Cod Fishery.	Tons. 95ths.
1789	123,893 00	68,607 00	9,062	00	—	—	201,562 00
1790	346,254 00	103,775 00	28,348	00	—	—	478,377 00
1791	363,110 00	106,494 00	32,542	00	—	—	502,146 00
1792	411,438 00	120,957 00	32,060	00	—	—	564,437 00
			Whale Fishery.	Cod Fishery.			
			Tons. 95ths.	Tons. 95ths.			
1793	367,744 23	114,853 10	—	38,177 00	7,217 53	11,985 64	491,780 50
1794	438,862 71	167,227 42	4,139 00	23,121 00	16,977 36	5,549 50	628,816 99
1795	529,470 63	164,795 91	3,162 63	24,887 06	19,601 59	6,046 05	747,963 92
1796	576,733 25	195,423 64	2,363 51	28,509 39	22,416 56	6,453 41	831,900 86
1797	597,777 43	214,077 05	1,108 70	33,406 67	20,325 64	7,222 31	876,912 80
1798	608,376 37	227,343 79	763 09	35,476 81	24,099 43	7,269 37	898,328 26
1799	669,197 19	220,904 46	592 29	23,932 26	25,736 08	6,046 17	946,408 45
1800	669,921 35	245,295 04	651 74	32,306 94	27,196 91	7,120 06	972,492 04
1801	718,549 60	246,255 34	736 35	31,279 57	28,296 19	8,101 85	1,033,218 90
1802	560,380 63	260,543 16	580 08	32,987 42	29,079 58	8,533 56	892,101 43
1803	597,157 05	268,676 12	1,142 49	43,416 20	30,384 34	8,396 24	949,147 44
1804	672,530 18	286,840 01	323 40	43,088 08	30,696 56	8,925 73	1,042,403 96
1805	749,341 22	301,366 38	898 13	48,479 30	31,296 73	8,986 37	1,140,368 93
1806	808,284 68	309,977 05	728 50	50,353 20	30,562 54	8,829 57	1,208,735 50
1807	848,306 85	318,189 93	907 17	60,689 88	30,838 39	8,616 20	1,268,548 42
1808	769,053 54	387,684 43	724 20	43,597 40	33,135 33	8,400 22	1,242,595 12
1809	910,059 23	371,500 56	573 12	26,109 67	33,661 75	8,376 93	1,350,281 26
1810	984,269 05	371,114 12	339 24	26,250 91	34,232 57	8,577 28	1,424,783 27
1811	768,852 21	386,258 70	54 17	34,360 85	34,103 55	8,872 76	1,232,502 39
1812	760,624 40	443,180 75	941 94	21,822 64	34,790 78	8,636 65	1,269,997 36
1813	674,853 44	433,404 87	788 74	12,255 30	37,703 87	8,622 13	1,166,628 56
1814	674,632 63	425,713 59	561 55	8,863 35	40,443 44	8,992 23	1,159,208 89
1815	854,294 74	435,066 87	1,229 92	26,510 33	40,598 51	10,427 26	1,368,127 78
1816	800,759 63	479,979 14	1,168 00	37,879 30	42,185 70	10,246 66	1,372,218 53
1817	809,724 70	481,457 92	349 92	53,990 26	43,571 62	10,816 79	*1,399,911 41
1818	606,088 64	503,140 37	614 63	58,551 72	46,233 60	10,555 09	*1,225,184 20
1819	612,930 44	523,556 20	686 35	65,044 92	47,502 26	11,031 34	1,266,751 61
1820	619,047 53	539,080 46	1,053 66	60,842 55	48,944 53	11,197 36	1,280,166 24
1821	619,896 40	559,435 57	1,924 10	51,351 49	55,408 80	10,941 89	1,298,958 70
1822	628,150 41	573,080 02	3,133 50	58,405 35	51,108 92	10,820 82	1,324,699 17
1823	639,920 76	566,408 88	585 37	67,040 72	51,396 17	11,213 63	1,336,565 68
1824	689,972 60	589,223 01	180 08	68,238 87	52,340 03	9,208 33	1,389,163 02
1825	700,788 09	587,273 07	—	70,626 02	53,588 43	10,836 17	1,423,111 77

Treasury Department, Register's Office, January 22d, 1827,

JOSEPH NOURSE, Register.

* Note.—The variation in the Tonnage between the Years 1817 and 1818, was caused by corrections made in the Registered Tonnage in this Office.

STATEMENTS relative to the Trade between The United States and the West Indies. (Enclosed in a Letter from the Secretary of the Treasury to the Speaker of the House of Representatives of the 22d February, 1827).

Statement of the Annual Value of Goods, Wares, and Merchandise, exported from The United States to the West Indies. (Abstract.)

1816 to 1826.

	1816	1817	1818	1819	1820	1821	1822	1823	1824	1825	1826
DOMESTIC EXPORTS TO											
Swedish West Indies	Dollars. 261,678	Dollars. 314,659	Dollars. 278,846	Dollars. 345,793	Dollars. 450,015	Dollars. 507,077	Dollars. 569,566	Dollars. 241,701	Dollars. 204,983	Dollars. 193,761	Dollars. 120,573
Danish West Indies	-	-	-	-	-	-	-	-	-	-	-
Dutch West Indies	-	-	-	-	-	-	-	-	-	-	-
British West Indies	-	-	-	-	-	-	-	-	-	-	-
British American Colonies	-	-	-	-	-	-	-	-	-	-	-
French West Indies, &c.	-	-	-	-	-	-	-	-	-	-	-
Hayti	-	-	-	-	-	-	-	-	-	-	-
Spanish West Indies, &c.	-	-	-	-	-	-	-	-	-	-	-
Do. Cuba	-	-	-	-	-	-	-	-	-	-	-
Do. other than Cuba	-	-	-	-	-	-	-	-	-	-	-
West Indies, generally	-	-	-	-	-	-	-	-	-	-	-
FOREIGN EXPORTS TO											
Swedish West Indies	-	-	-	-	-	-	-	-	-	-	-
Danish West Indies	-	-	-	-	-	-	-	-	-	-	-
Dutch West Indies	-	-	-	-	-	-	-	-	-	-	-
British West Indies	-	-	-	-	-	-	-	-	-	-	-
British American Colonies	-	-	-	-	-	-	-	-	-	-	-
French West Indies, &c.	-	-	-	-	-	-	-	-	-	-	-
Hayti	-	-	-	-	-	-	-	-	-	-	-
Spanish West Indies	-	-	-	-	-	-	-	-	-	-	-
Do. Cuba	-	-	-	-	-	-	-	-	-	-	-
Do. other than Cuba	-	-	-	-	-	-	-	-	-	-	-
West Indies, generally	-	-	-	-	-	-	-	-	-	-	-
Total	Dollars. 4,797,816	Dollars. 6,222,576	Dollars. 4,166,064	Dollars. 4,706,861	Dollars. 4,262,673	Dollars. 5,947,065	Dollars. 2,415,550	Dollars. 3,815,947	Dollars. 3,840,000	Dollars. 3,073,933	Dollars. 3,436,419

Statement exhibiting the Value of the Imports from the West Indies into The United States, in American and Foreign Vessels, 1821 to 1826.

FROM	1821.		1822.		1823.		1824.		1825.		1826.	
	In American Vessels.	In Foreign Vessels.	In American Vessels.	In Foreign Vessels.	In American Vessels.	In Foreign Vessels.	In American Vessels.	In Foreign Vessels.	In American Vessels.	In Foreign Vessels.	In American Vessels.	In Foreign Vessels.
Swedish West Indies	601,706	8,410	377,065	16,054	183,556	2,252	102,885	35,410	81,702	1,406	163,946	12,482
Danish West Indies	1,358,738	24,896	2,489,654	24,520	1,300,504	—	2,075,256	48,113	1,491,359	82,679	2,055,418	10,965
Dutch West Indies	883,757	27,193	1,473,840	17,163	918,980	32,027	949,687	387,113	740,928	289,465	2,075,815	128,597
British American Colonies	646,393	280,951	302,292	33,245	1,592,168	292,763	2,370,225	15,894	2,097,657	23,410	647,642	30,115
French West Indies, &c.	439,703	32,138	519,330	114,080	521,160	27,616	734,411	60,965	637,729	18,391	949,067	24,203
Hayti	900,619	—	969,509	—	976,534	13,079	823,059	46,622	830,577	50,555	1,406,408	46,428
Cuba	2,207,559	38,693	2,292,172	49,645	2,331,049	21,684	2,200,613	278,895	2,008,474	100,269	7,605,917	52,842
Other Spanish West Indies	5,661,979	922,570	6,367,054	332,268	6,637,902	264,479	7,620,431	6,605	7,896,063	1,586	777,770	—
West Indies, generally	620,898	5,716	935,667	—	786,641	26,435	850,091	—	788,063	—	—	—
Dollars -	13,895,081	1,340,812	16,928,173	586,995	15,295,567	629,335	17,726,826	880,316	16,080,625	689,625	16,285,205	804,782
Total Dollars -	15,235,893	16,915,168	18,607,142	18,607,142	15,894,902	18,607,142	18,607,142	18,607,142	16,770,250	16,770,250	16,589,987	16,589,987

Statement exhibiting the quantity of American and Foreign Tonnage entered into, and departing from The United States to the West India Islands, commencing on the 1st day of October, 1820, and ending on the 30th day of September, 1826.

COUNTRIES.	1821.		1822.		1823.		1824.		1825.		1826.	
	American.	Foreign.	American.	Foreign.	American.	Foreign.	American.	Foreign.	American.	Foreign.	American.	Foreign.
Swedish West Indies. Tons	13,083	20,774	10,123	16,282	8,174	162	8,263	236	2,911	7,150	4,284	518
Danish West Indies	39,407	46,299	36,924	43,288	32,932	217	36,458	938	30,597	37,720	37,347	1,070
Dutch West Indies	16,468	18,238	28,146	25,642	15,998	866	19,071	1,440	17,296	14,809	13,591	1,277
British American Colonies	32,631	22,083	33,719	28,720	71,346	9,520	91,637	6,597	101,604	96,967	97,231	611
French West Indies	112,063	113,598	93,823	92,802	53,562	5,072	54,386	8,989	60,731	61,906	75,035	8,120
Hayti	41,729	43,356	37,753	45,229	30,112	928	36,882	6,152	38,345	48,989	37,724	5,442
Cuba	49,139	46,171	42,975	43,167	32,973	1,011	46,207	562	34,618	39,866	32,209	4,148
Other Spanish West Indies	106,826	103,822	118,405	99,888	109,058	4,761	124,338	4,857	115,481	111,203	122,600	1,137
West Indies, generally	14,320	11,134	16,136	10,650	11,944	875	5,068	1,158	12,593	5,969	12,719	2,806
Total Tons -	425,884	443,098	418,996	422,861	342,161	23,408	443,366	25,519	415,331	438,233	426,903	28,626

Treasury Department, Register's Office, February 20, 1827, JOSEPH NOURSE, Register.

TREATY between The United States and the Assinaboin Indians.—Signed at the Mandan Village, 29th September, 1825.

For the purpose of holding a Treaty, and in order that a friendly understanding may hereafter exist between The United States and the Assinaboin Tribe of Indians, the President of The United States, in pursuance of an Act of Congress, passed the 25th day of May, A. D. 1824, entitled "An Act to enable the President of The United States to hold Treaties with certain Indian Tribes, and for other purposes," has by virtue thereof, appointed two Sub Agents for the purposes expressed in the said Act, with all the powers and privileges thereunto legally appertaining: therefore, I, Peter Wilson, duly appointed one of the said Sub Agents, on the part of The United States, have made and entered into the following Articles, and conditions, with the Undersigned Chiefs and Warriors of the Assinaboin Tribe of Indians, on the part of said Tribe, which, when ratified by the President of The United States, by and with the advice and consent of the Senate thereof, shall be binding on both Parties.

ART. I. Henceforth there shall be a firm and lasting peace between The United States and the Assinaboin Tribe of Indians, and a friendly intercourse shall immediately take place between the Parties.

II. It is admitted by the Assinaboin Tribe of Indians, that they reside within the territorial limits of The United States, acknowledge their supremacy, and claim their protection: the said Tribe also admit the right of The United States to regulate all trade and intercourse with them.

III. The United States agree to receive the Assinaboin Tribe of Indians into their friendship, and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of The United States.

IV. All trade and intercourse with the Assinaboin Tribe shall be transacted at such place, or places, as may be designated and pointed out by the President of The United States through his Agents. And none but American Citizens, duly authorized by The United States, shall be admitted to trade or hold intercourse with said Tribe of Indians.

V. That the Assinaboin Tribe may be accommodated with such articles of merchandize, &c. &c. as their necessities may demand, the United States agree to admit and license Traders to hold intercourse with said Tribe, under mild and equitable regulations. In consideration of which, the Assinaboin Tribe bind themselves to extend protection to the Persons and the property of the Traders, and the Persons legally employed under them, whilst they remain within the limits of their district of Country. And the said Assinaboin Tribe further agree, from this time, to relinquish all trade and intercourse with the British,

their Factories, and their Agents; and should any Foreigner, or other Person, not legally authorized by The United States, come into their district of Country for the purposes of trade, or other views, they will apprehend such Person or Persons, and deliver him or them to some United States' Superintendent, or Agent of Indian Affairs, or to the Commandant of the nearest Military Post, to be dealt with according to Law. And they further agree to give safe conduct to all Persons who may be legally authorized by The United States to pass through their Country; and to protect, in their persons and property, all Agents, or other Persons, sent by The United States to reside temporarily among them.

VI. That the friendship which is now established between The United States and the Assinaboin Tribe, shall not be interrupted by the misconduct of Individuals, it is hereby agreed, that, for injuries done by Individuals, no private revenge, or retaliation, shall take place, but instead thereof complaints shall be made by the Party injured, to the Superintendent, or Agent, of Indian Affairs, or other Person appointed by the President; and it shall be the duty of the said Chiefs, upon complaint being made as aforesaid, to deliver up the Person, or Persons, against whom the complaint is made; to the end that he or they may be punished agreeably to the Laws of The United States. And in like manner, if any robbery, violence, or murder, shall be committed on any Indian, or Indians, belonging to said Tribe, the Person or Persons so offending, shall be tried, and, if found guilty, shall be punished in like manner as if the injury had been done to a White Man. And it is agreed that the Chiefs of the said Assinaboin Tribe, shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen from any Citizen, or Citizens of The United States, by any individual, or individuals of said Tribe, and the property so recovered shall be forthwith delivered to the Agents, or other Person authorized to receive it, that it may be restored to the proper Owner. And The United States hereby guaranty to any Indian, or Indians, of said Tribe, a full indemnification for any horses, or other property, which may be stolen from them, by any of their Citizens; *Provided*, that the property so stolen cannot be recovered, and sufficient proof is produced, that it was actually stolen by a Citizen of The United States. And the said Assinaboin Tribe engage, on the requisition or demand of the President of The United States, or of the Agents, to deliver up any White Man resident among them.

VII. And the Chiefs and Warriors as aforesaid, promise and engage that their Tribe will never, by sale, exchange, or as presents, supply any Nation, Tribe, or Band of Indians, not in amity with The United States, with guns, ammunition, or other implements of war.

Done at the Mandan Village, this 29th day of September, A. D. 1825, and of the Independence of The United States the 50th.

In testimony whereof, said Peter Wilson, United States' Agent, and the Chiefs and Warriors of the Assinaboin Tribe of Indians, have hereunto set their hands, and affixed their Seals.

Signed by P. WILSON, and by 15 Indian Chiefs and Warriors.

TREATY of Peace and Friendship, between the Osage Nation, and the Delawares, Shawnees, Kickapoos, Weas, Piankeshaws, and Peorias, under the mediation of The United States. Signed at St. Louis, the 7th of October, 1826.

A TREATY of Peace, Amity, and Friendship, made and concluded at the City of St. Louis, in the State of Missouri, this 7th day of October, 1826, in the presence of General William Clark, Superintendent of Indian Affairs, and General Henry Atkinson, Commanding The United States' Troops within the right wing, Western Department, between the Delaware Nation and their Allies the Shawnees, Kickapoos, Piankeshaws, Weas, Peorias, and Senecas, residing in the State of Missouri and Territory of Arkansas, of the one part, and the several Bands of the Big and Little Osage Nation of Indians, of the other part.

Whereas, the Parties above named are anxious that the unhappy differences which have existed between them, within the last 15 months, should cease and terminate, and that the most perfect peace, harmony, and friendship, should exist, and do agree to the following Articles; that is to say:

ART. I. There shall be perpetual peace and friendship between the Delaware Nation, their Allies, the Shawnees, Kickapoos, Piankeshaws, Weas, Peorias, and Senecas, residing within the State of Missouri and Territory of Arkansas, and the several Bands of the Big and Little Osages Nation.

II. The Delawares on their part, and for their Allies, do agree to pay to the Chiefs of the Great Osage Nation, the sum of 1,000 dollars, the receipt whereof the said Osages do hereby acknowledge, in full of all demands the said Great Osages may have against them, for any depredations or murders they may have committed; and, if the Delawares should discover, within 12 months from this date, that the Osages have committed the murders alleged against them by the Delawares, in the present Council, and denied by the Osages, the said Osages do hereby authorize the Superintendent of Indian Affairs at St. Louis, to deduct the same amount from their annuity, and repay to the Delaware Nation the same.

III. It is further understood that the Delawares and their Allies shall not hunt on the land reserved to the Osages, under the penalty of

any injury they may receive on said reservation ; nor shall the Osages hunt on the land reserved to the Delawares or their Allies, under the same penalty. But each Party may or can hunt in any other direction or Country in which either of the Parties is authorized to hunt ; and if any person or persons of either of the Contracting Parties, shall be convicted, to the satisfaction of the President of The United States, for having killed any person or persons of the other Party, the Nation to whom the murderer or murderers belong, shall deliver him or them to the Government of The United States, or pay to the offended Party 1,000 dollars for each person so proven to have been killed ; and, if a Principal Chief, an additional sum shall be paid, at the discretion of the Superintendent.

IV. It is agreed by the Parties aforesaid, that no private revenge shall be taken for any property stolen or destroyed, or murders thought to have been committed, by either of the Contracting Parties, but that complaint shall be made in future by the aggrieved Party, (or by their Agent,) to the offending Party, or their Agent, for redress ; and the Agent of the offending Party is hereby authorized to compel the Offenders to make a full and fair compensation to the injured Party, as stipulated in the 3d Article.

V. It is further understood by the Contracting Parties, that, when either Party may receive an injury from the other, and have made due complaint thereof, as provided by the 4th Article of this Treaty, The United States will interfere, and cause justice to be rendered, as far as practicable, should justice be delayed beyond 6 months.

VI. It is agreed by all the Tribes, parties to this Treaty, that Messengers shall be sent by them to their Bands, residing or hunting in different parts of the Country, to notify them of this Treaty.

In testimony of our good will and friendship towards each other, We, the Representatives of our Nations, specially deputed, and the Chiefs, Braves, and Considerate Men, have hereunto affixed our hands and Seals, this 7th day of October, 1826, as before written.

Signed by 72 Indians,

In presence of

Wm. Clark, *Superintendent of Indian Affairs* ; H. Atkinson, *Brigadier General, United States Army* ; R. Graham, *United States' Indian Agent* ; I. F. Hamtramck, *United States' Indian Agent for Osages* ; Pierre Menard, *Sub Agent* ; P. L. Chauteau, *Sub Agent for Osages* ; John Campbell, *Sub Agent for Delawares* ; Jno. Ruland, *Sub Agent, French Interpreter, and Translator* ; Cerré, *Interpreter* ; James Conner, *Interpreter* ; Paul Lois, his x mark, *Interpreter for Osages* ; Jacques Metté, *Kickapoo Interpreter* ; Louis Laploute, his x mark, *Interpreter for Shawnees*.

SPEECH of the Lord High Commissioner of The United States of the Ionian Islands, on the Opening of the Legislative Assembly. 8th March, 1827.

MR. PRESIDENT AND GENTLEMEN,

I CONGRATULATE you on being assembled in this Third Session, in which I have no doubt the same zeal for the publick good, and the same prudence in promoting it, which has already so eminently distinguished your former labours, will be fully displayed. Knowing from long experience the principles of moderation and patriotism which guide you, I may with full confidence anticipate, that the result of your exertions in your present Session will advance the prosperity of your Country, and augment the happiness of your Constituents.

The perfect tranquillity which has so long pervaded every portion of these States, and which has been uninterrupted since I had last the good fortune to meet you, continues to exist: and if I now advert to it, I do so, not so much as a subject of congratulation, as that it affords evidence how admirably the provisions of the Constitutional Charter are adapted to all the circumstances of these Islands.

Your political situation remains the same as at the close of your last Session.

The Neutrality, which, from the beginning of the sanguinary Contest still carrying on in the neighbouring Countries, was so wisely adopted by your Executive Government, and approved of by His Majesty, my Gracious Sovereign and Master, has been most rigidly and faithfully adhered to: and the same line of policy will be strictly persevered in, as (under existing circumstances) it is the only one which can in wisdom regulate the conduct of these States;—nor must it be permitted, that any attempt should be tolerated, which can for a moment bring that Neutrality into doubt, and compromise the honour, the integrity, or the good faith of this Government.

During the recess of Parliament, your Executive Government has been unremittingly engaged in giving full effect to those Laws which were enacted during the last Session, and in providing for new exigencies as they have arisen.

All the Acts of a Legislative nature, which have been passed since your last Meeting, are already laid upon your Table; and, if confirmed by you, will become permanently the Law of the Land. There are amongst these several very important; and all of them demonstrate that your Executive Government is animated, not only with the greatest zeal for the advancement of the publick welfare, but that all its measures are governed by a wise spirit of moderation and circumspection, which, joined to a thorough knowledge of the real state and condition of the people and their wants, cannot fail to attain the object in view.

In the mean time your Finance Accounts stand thus :

ANCE, 31st January, 1825.			£	s.	d.
Cash.....Doll.	664,409 42	£143,955 7 5½	169,955	7	5½
Credits.....	120,000	26,000			
Deduct.					

On account of the Repairs of Fortifications, in pursuance of the Act of Parliament No. xxiv, dated 19th March, 1825, and other urgent Publick Works.....	£86,608 13 04
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For Amount granted by Act of Parliament No. xxvii, dated 22nd April, 1825, for rebuilding the Town and Villages of Santa Maura, destroyed by Earthquake.....	£32,500 0 0
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Balance.. £ 50,846 14 5½

	Years.
REVENUE.....	1825—£144,114 19 4½
	1826—£157,649 3 7

Civil List Military			
Services, including	1825—£130,032 1 2½		
Flotilla and Engi-			
neerDisbursements,	1826—£129,612 9 5		
Publick Quarters &	<u> </u>	£259,644 10 7½	
all Contingencies of			42,119 12 4
the General & Local			<u> </u>
Governments			

Total Balance 31st January, 1827, £92,966 6 9½

A considerable augmentation of permanent Expenditure has been incurred, in consequence of the new Judicial Arrangements (which I will explain hereafter,) and the fixing the Stipends of the Ecclesiastical Dignitaries, who have been heretofore inadequately or unequally provided for. Notwithstanding these augmentations of Expenditure and the outlay upon Fortifications, fixed by your Bill, No. 24 of the last Session, I have the satisfaction of stating that your Revenues are fully sufficient to meet the permanent Charges against them, leaving still no inconsiderable Surplus applicable to carrying on those useful Publick Works, which have already been commenced in the several Islands, or such as may hereafter be considered most conducive to publick advantage.

When the detail of the Publick Accounts is laid before you, you will not fail to observe the great falling off which has taken place in the Duties on the exportation of Oil in the 2 Years last past. This decrease, I regret to say, has in a great measure arisen from the de-

iciency of the Crops, particularly in this Island ; but it has also in part arisen from that necessary diminution of the rate of Duty on the Exportation of Oil, voted in your last Session. Had the old Duty been maintained, it would have given, notwithstanding the diminished quantity exported, a result beyond what has actually been levied, of very nearly £18,000 sterling, or 83,076 dollars.

In every other branch of Publick Revenue, it may be confidently stated, that there is a progressive improvement.

The Year of highest Revenue since the establishment of your present Government, was 1824 ; abstracting the amount collected for the Oil Duty of that Year (which was also far greater than that of any other Year) from the total Revenue of the said Year, and subtracting the proceeds of the Oil Duty from the Revenue of this Year, it will be found that the Produce of the Year 1826, exceeds that of 1824, by £5,000 sterling, or about 23,000 dollars : and it must be kept in mind, that the rate of various other Duties was lowered during your last Session, whilst the Tythes in all the Islands have been abolished, and no Tax to replace them has yet been imposed. The only rate of Duty augmented, was the increase of 1 per cent. on the importation of Foreign goods : but this impost has been fully counterbalanced, if not more than counterbalanced, by the reduction of Duty between Island and Island, which this additional per centage was meant to replace.

Thus then, though the Duties have been materially reduced, your Revenue goes on increasing : this increase, though it is partly to be attributed to an augmentation of trade, arises chiefly from a more perfect collection of Revenue, a point to which I alluded, in opening the last Session, and on which subject various very interesting Returns will be submitted to your consideration.

The failure of the Oil crop in two successive Years is certainly to be regretted, as it affects the Revenue of the State ; but it is much more deeply to be lamented, that so severe a visitation should have occurred, in another point of view, I mean as affecting the immediate welfare of so large and interesting a portion of the population, and more especially that of the Island of Corfu, where nearly the whole dependence of both Proprietors and Peasantry rests on the produce of Oil ; and this reiterated misfortune is the more severally felt, owing to the continuation, for a long series of Years, of very inadequate crops and (with a partial and short temporary exception) of very low prices of this staple commodity. Both these are circumstances which urgently demand the anxious deliberation of the Legislature, as they have already occupied that of the Government.

I shall reserve, in concert with your Executive Government, to enter upon a more ample detail with the Legislative Body on this most interesting subject ; and shall only now add, that I believe there is not one reflecting Man in the community, at all capable of forming a sound

opinion upon the subject, who is not agreed, that, in order to redeem this most beautiful Island, endowed by nature with the amplest sources of wealth, from the misapplication of its natural resources, and to render possible any solid and permanent improvement in its agriculture, the whole system, of the tenure of land, and economical arrangement between Landlord and Tenant, must be remodelled and reformed. A like system, fortunately for the other Islands of these States, does not obtain in any of them. Whether the existing system was or was not suited to this Island, in other times and under other circumstances, it certainly is inapplicable at present; it most materially checks, if it does not entirely render nugatory, every attempt at improvement, and encourages, by its very nature, sloth and indolence, instead of exciting industry and exertion.

But, Mr. President and Gentlemen, though I thus declare my persuasion of the necessity of a reform in this most important branch of economy, I most distinctly wish to be understood that a reform, so important in itself, and affecting so extensively the interests of such numerous Classes, should only be carried into effect gradually, and after the most mature consideration, that the utmost circumspection and judgment will be required to guard the interests of all Parties, particularly where those interests appear to be in collision, though they are not so in reality. But, as I have said, a more precise and detailed communication will be made to the Assembly on this subject.

The Act passed during the last Session for the establishment of the Ionian University has been carried into effect; and your Executive Government has given every assistance to this Institution, authorized by the judicious provisions of the Bill.

The fervid anxiety of the Noble Lord at the head of the University to see it established, the splendid generosity displayed by him during a series of Years, in preparing for its institution, his liberal benefactions to all those who evince a love of study, his ardour for the advancement of learning and science, are features so eminently distinguishing the character of this philanthropic Nobleman—they are so generally appreciated, and so deeply felt by all, that however great my estimation of them may be, it is unnecessary for me to dwell on them; and indeed nothing from me could add to those sentiments of regard and affection which are so universally felt towards him.—The zeal displayed by the Chancellor, in endeavouring to forward the progress of the University since the establishment, has not fallen short of the anxiety shewn by him to see it commenced upon; it has been unremitting; and it may be permitted to indulge in the hope that, if the Institution be kept within those limits which are suitable to the circumstances, to the means, and to the wants of these Islands, for whose benefit it was principally instituted, and for the advantage of which it may now be considered almost exclusively intended, it may in the progress of time

produce usefulness, as extensive as even the Noble Chancellor himself anticipates.

Sanguine, however, as I may be, that this hope will be realized, I still consider that experience is the only guide to which we can securely trust; and that a further trial of the practical benefits of the Institution is necessary, before the full extent of its real utility can be decidedly pronounced.

At the Opening of the last Session, I adverted to the necessity of establishing a Seminary for the education of young men, designed for the Dominant Church. Although it has been commenced upon, circumstances have prevented the Institution taking that form which the Government contemplates for its permanent establishment, and which will place it under the more immediate superintendence and direction of the Government.

The due administration of Justice, the securing of which is of such vital importance, has occupied the most serious attention of the Executive Government; and it has considered that no administrative measure would be more conducive to ensure this important object, than the nomination to each Island, of Judges unconnected with any local interests or any family ties; and in consequence, during the recess of Parliament, this principle was acted upon, so far as the Judges of the Superior Courts are concerned.

This principle is not novel in these Islands, and it is one which is acted upon in many other Countries, of even greater extent than any one of the divisions of the Ionian States.

It was not however to be expected that competent Persons would be found willing to make so great a sacrifice, as withdrawing themselves for a length of time from their native Islands, and thus forego all the economical advantages derived from a domicile in them, unless some equivalent was offered: the Senate therefore thought, it was not only just in itself, but expedient under every point of view, to augment the Salaries of the translocated Judges, and further to offer the additional advantage of provision in old age, after a period of long and honourable service.

With this view the Act of Government, No. XVI, now upon your table, has been framed; and I entertain no doubt that the Legislative Body will confirm its provisions.

So far as our experience has gone, the success of the measure above alluded to, has justified its adoption; and I confess it appears to me a reasonable expectation, that the measure will prove permanently beneficial.

I do not think it necessary to occupy your time by now entering into a detail of the various measures, which it is in the contemplation of the Executive Government to submit to your consideration. Many of them will be important; and, as I have already said, I know in what

spirit they will be received and discussed. I am perfectly satisfied that the general good will be the only principle which will guide your deliberations, and that your decisions will be uninfluenced by any undue local or personal considerations ; and I anticipate confidently, that our most gracious Sovereign will have equal cause to approve the conduct of the Second Parliament, as he has already graciously been pleased to declare himself satisfied with that of the First ; and that his beneficent views, as Sole Protector of these States, will not be disappointed.

By Command,

J. RUPSDELL.

Secretary to the Lord High Commissioner.

*CONVENTION of Commerce between France and Mexico.
Signed at Paris, the 9th May, 1827.*

DECLARATIONS.

ART. I. Il y aura entre la France et les Etats Unis Mexicains, amitié, bonne intelligence, et liberté réciproque de Commerce. Leurs habitans pourront respectivement aller avec leurs navires et leurs cargaisons dans tous les ports, toutes les rivières, et tous les lieux où les étrangers sont ou seraient admis, y séjourner ou rester sur quelque point que ce soit, y louer et occuper des maisons et magasins pour les besoins de leur négoce ; et, en général, les Commerçans de chaque Etat jouiront, sur le Territoire de l'autre, d'une protection, d'une liberté et d'une sûreté complètes.

Le droit réciproque qu'établit cet Article d'aller dans les ports, rivières et autres lieux des deux Pays, ne comprend pas le privilège du commerce d'échelle et de cabotage qui, dans chacun d'eux, pourra être soumis à des règles spéciales.

II. Les habitans du Mexique jouiront dans les différentes Possessions de France hors d'Europe, tant sous le rapport du Commerce que sous celui de la Navigation, de tous les avantages accordés aux autres étrangers, et réciproquement les Commerçans ou Navigateurs Français, venant de ces Possessions, jouiront au Mexique, sous les deux mêmes rapports, de tous les avantages accordés aux Commerçans ou Navigateurs venant de toute autre Pays.

III. Il ne sera point imposé, à l'entrée dans les Ports de France des produits du sol ou de l'industrie du Mexique, et il ne sera point imposé, à l'entrée dans les Ports des Etats-unis Mexicains des produits du sol ou de l'industrie de la France, de droits plus élevés ou autres que ceux qui sont ou seraient payés par les produits analogues de la Nation étrangère la plus favorisée. Le même principe sera observé pour la sortie ; aucune prohibition ne sera établie à la sortie ni à l'entrée des produits du sol ou de l'industrie des deux Pays dans leur com-

merce respectif, qui ne s'étende également aux produits analogues des autres Contrées.

Il est entendu que la première disposition de cet Article ne saurait s'appliquer aux adoucissements de son Tarif d'Importation dont la France croirait convenable de faire jouir les produits d'Haïti, en retour des privilèges qui lui sont réservés à elle-même en Haïti par l'Ordonnance du 17 Avril, 1825.

Tous les produits exportés de l'un des deux Pays pour l'autre, devront être accompagnés de certificats d'origine, délivrés et signés par les Officiers compétens des Douanes dans le port d'embarquement. Les certificats de chaque navire seront numérotés progressivement et joints avec le Scea de la Douane au Manifeste ; cette dernière Pèce sera visée par les Consuls respectifs, et le tout devra être présenté à la Douane du port d'entrée. Dans les ports d'embarquement où il n'y a point de Consuls, les Certificats de la Douane, toujours numérotés progressivement et joints au Manifeste, suffiront pour constater l'origine, et dans ceux où il n'y aurait ni Douanes, ni Consuls, les Certificats d'Origine seront délivrés et signés, toujours dans les mêmes formes, par les Autorités Locales.

IV. Les droits de tonnage, de phare, de port, de pilotage, de sauvetage et autres charges locales, seront, dans les Ports du Mexique, pour les navires Français, les mêmes absolument que ceux payés dans les mêmes Ports par les navires de la Nation la plus favorisée. Ils seront d'ailleurs, dans tous les Ports de France, pour les bâtimens Mexicains, exactement les mêmes que ceux acquittés dans les mêmes Ports par les bâtimens de la Nation la plus favorisée.

Il est évident que le traitement de la Nation la plus favorisée, qui est assuré à la Navigation Mexicaine en France par cet Article, ne saurait signifier, dans aucun cas, le traitement des Nationaux dont jouissent certains Peuples, mais seulement en vertu du principe de la réciprocité ; étant d'ailleurs entendu que le jour où le Mexique voudrait accorder à la Navigation Française dans ses Ports le traitement des Nationaux, la sienne jouirait immédiatement en France du même privilège.

V. Les produits du sol ou de l'industrie de la France paieront les mêmes droits à l'entrée en Mexique, soit que l'importation se fasse par navires Français, soit qu'elle ait lieu par navires Mexicains. Les produits du sol ou de l'industrie du Mexique paieront les mêmes droits à l'entrée en France, que l'importation s'effectue par bâtimens Mexicains ou par bâtimens Français. Les produits du sol ou de l'industrie de la France paieront à leur sortie les mêmes droits, jouiront des mêmes franchises et allocations, soit que l'exportation se fasse par navires Mexicains, soit par navires Français. Les produits du sol ou de l'industrie du Mexique, exportés pour la France, paieront les mêmes droits, jouiront

des mêmes franchises et allocations, que cette exportation soit effectuée par bâtimens Français ou Mexicains.

Il est convenu toutefois que, par dérogation momentanée au principe posé dans cet Article, et d'après lequel les Pavillons respectifs devraient jouir du traitement des Nationaux dans les deux Pays, pour les différentes opérations indiquées, ces Pavillons ne jouiront provisoirement, pour les mêmes opérations, que du traitement de la Nation étrangère la plus favorisée. Il est d'ailleurs entendu, comme à l'Article précédent, que le traitement de la Nation la plus favorisée, qui est accordé aux Mexicains en France par cette disposition provisoire, ne saurait signifier le traitement des Nationaux dont jouissent certains Peuples, mais seulement en vertu du principe de la réciprocité.

VI. Pour éviter tout malentendu, quant aux conditions qui doivent constituer respectivement un navire Français et un navire Mexicain, il est convenu que tous les bâtimens construits en France, ou tous ceux qui, capturés sur l'ennemi, soit par la Marine Militaire de l'Etat, soit par des Sujets Français munis de Lettres de Marque du Gouvernement, seront déclarés de bonne prise par l'Autorité compétente, ou enfin tous ceux qui seront condamnés par les Tribunaux pour infraction aux Lois sur la Traite des Noirs, devront être considérés comme Français, pourvu que d'ailleurs leur Propriétaire ou leurs Propriétaires, leur Capitaine et les trois-quarts de leur équipage soient Français ; de même tous les bâtimens construits dans le Territoire du Mexique, ou capturés sur l'ennemi par les armemens Mexicains, puis condamnés légalement, et dont en outre le Propriétaire ou les Propriétaires, le Capitaine et les trois-quarts de l'équipage seront Mexicains (sauf seulement les exceptions contraires résultant de cas extrêmes et prévus par les Lois,) devront être considérés comme bâtimens Mexicains. Il est convenu de plus que tout navire, pour trafiquer aux conditions ci-dessus, devra être muni d'un registre, passeport ou papier de sûreté, dont la forme sera réciproquement communiquée, et qui, certifié par une Personne légalement autorisée à le délivrer, constatera d'abord le nom, l'occupation et la résidence en France ou au Mexique du Propriétaire, en exprimant qu'il est unique, ou des Propriétaires, en indiquant qu'ils sont seuls et dans quel proportion chacun d'eux possède ; puis ensuite le nom, le chargement, la dimension, la capacité, et enfin toutes les particularités du navire qui peuvent le faire reconnaître, aussi bien qu'établir sa Nationalité.

Vu cependant que dans l'état actuel de la Marine du Mexique, il ne serait pas possible à ce Pays de profiter de tous les avantages de la réciprocité établie par les Articles IV et V, si l'on tenait à l'observation littérale et à l'exécution immédiate de la partie du présent Article VI, portant que, pour être considéré comme Mexicain, un navire devra être construit au Mexique, il est convenu que provisoirement tout

navire, de quelque construction qu'il soit, qui appartiendra de *bonne foi* à un ou plusieurs Mexicains, et dont le Capitaine et les trois quarts de l'équipage au moins, seront originaires du Mexique ou légalement naturalisés dans ce Pays, sera réputé navire Mexicain ; la France se réservant le droit de réclamer le principe de restriction réciproque relatif à la construction dans les Pays respectifs, si les intérêts de sa Navigation venaient à souffrir de l'exception faite à ce principe en faveur du Mexique.

VII. Tout négociant, tout commandant de navire, ainsi que tous les autres Français, seront dans les Etats-unis Mexicains entièrement libres de faire eux-mêmes leurs affaires, ou d'en confier la gestion à qui bon leur semblera, Facteur, Agent ou Interprète. Ils ne seront nullement tenus d'employer à cet effet d'autres Personnes que celles employées par les Mexicains, ni de leur payer aucun salaire ou aucune rétribution plus élevée que ne feraient ces derniers en pareille circonstance. Ils seront également libres, dans tous leurs achats, comme dans toutes leurs ventes, d'établir et de fixer le prix des effets, marchandises et objets quelconques, tant importés que destinés à l'exportation, comme ils le jugeront convenable, et en se conformant d'ailleurs aux Lois et coutumes du Pays. Les Mexicains jouiront en France des mêmes privilèges sous les mêmes conditions.

Les habitans de chacun des deux Pays trouveront respectivement sur le Territoire de l'autre, une constante et complète protection pour leurs personnes et leurs propriétés ; ils y auront un libre et facile accès auprès des Tribunaux de Justice pour la poursuite et la défense de leurs droits ; ils seront libres d'employer, dans toutes les circonstances, les Avocats, Procureurs ou Agens de toute classe, qu'ils jugeront à propos ; enfin ils jouiront, sous ce rapport, des mêmes droits et privilèges accordés aux Nationaux.

VIII. Pour ce qui est du droit d'hériter des propriétés personnelles par testament ou autrement, et de celui de disposer de propriétés personnelles de toute espèce ou dénomination, par vente, donation, échange, testament, ou de quelque autre manière que ce soit, en tout ce qui se rattache enfin à l'administration de la justice, les habitans de chacun des deux Pays jouiront respectivement dans l'autre des mêmes privilèges, libertés et droits que les Nationaux, et ils ne supporteront pas de droits ou impôts plus élevés que ceux-ci.

IX. En tout ce qui concerne la police des Ports, le chargement et le déchargement des navires, la sûreté des marchandises, biens et effets, les habitans des deux Pays seront respectivement soumis aux Lois et Statuts du Territoire où ils résideront. Il seront cependant exempts de tout service militaire forcé, soit sur terre, soit sur mer, et ne seront soumis à aucun emprunt forcé. Leurs propriétés ne seront pas d'ailleurs assujetties à d'autres charges, réquisitions ou impôts, que ceux payés par les Nationaux.

X. Il pourra être établi des Consuls de chacun des deux Pays dans l'autre, pour la protection du Commerce ; mais ces Agens n'entreront en fonctions qu'après en avoir obtenu l'autorisation du Gouvernement Territorial. Celui-ci conservera d'ailleurs le droit de déterminer la résidence où il lui conviendra de les admettre, bien entendu que, sous ce rapport, les deux Gouvernemens ne s'opposeront respectivement aucune restriction qui ne soit commune dans leur Pays à toutes les Nations.

XI. Les Consuls respectifs jouiront dans les deux Pays des privilèges généralement attribués à leur charge, tels que l'exemption des logemens militaires, et celle de toutes les contributions directes, tant personnelles que mobilières ou somptuaires, à moins toutefois qu'ils ne soient Sujets du Pays, ou qu'ils ne deviennent soit Propriétaires, soit Possesseurs de biens meubles ou immeubles, ou enfin qu'ils ne fassent le commerce, dans lesquels cas ils seront soumis aux mêmes taxes, charges et impositions que les autres particuliers.

Ces Agens jouiront, en outre, de tous les autres privilèges, exemptions et immunités qui pourraient être accordés dans leur résidence aux Agens du même rang de la Nation la plus favorisée.

XII. Les Consuls respectifs pourront, au décès de chacun de leurs Nationaux :

1. Croiser de leurs scellés ceux apposés, soit d'office, soit à la réquisition des Parties intéressées, par l'Autorité Locale compétente, sur les effets mobiliers et papiers du défunt, et dès-lors ces doubles scellés ne seront levés que de concert ;

2. Assister à l'inventaire qui sera fait de la succession lors de la levée des scellés ;

3. Enfin réclamer la remise de la succession, qui ne pourra leur être refusée que dans le cas d'opposition subsistante de quelque Créancier, National ou Etranger ; puis administrer et liquider personnellement, ou nommer, sous leur responsabilité, un Agent pour administrer et liquider ladite succession, sans aucune intervention de l'Autorité Territoriale.

XIII. A moins de stipulations contraires entre les armateurs, les chargeurs et les assureurs, les avaries que les Navires des deux Pays auraient éprouvées en mer, en se rendant dans les Ports respectifs, seront réglées par les Consuls de leur Nation, à moins toutefois que des habitans du Pays où résideront les Consuls ne se trouvent intéressés dans ces avaries, car elles devraient être réglés dans ce cas, du moins en ce qui concernerait ces habitans, par l'Autorité Locale.

XIV. Toutes les opérations relatives au sauvetage des Navires Français échoués sur les côtes du Mexique, seront réglées par les Consuls de France, et réciproquement les Consuls Mexicains dirigeront les opérations relatives au sauvetage des Navires de leur Nation sur les côtes de France.

L'intervention des Autorités Locales aura cependant lieu dans les deux Pays pour maintenir l'ordre, garantir les intérêts des sauveteurs, s'ils sont étrangers, aux équipages naufragés, et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées.

XV. Les Consuls respectifs seront exclusivement chargés de la police interne des Navires de leur Nation, et les Autorités Locales ne pourront y intervenir en vertu de l'Article IX, qui leur réserve la police des Ports, qu'autant que les désordres survenus seraient de nature à troubler la tranquillité publique, soit à terre, soit à bord d'autres bâtimens.

XVI. Les Consuls respectifs pourront faire arrêter et renvoyer, soit à bord, soit dans leur Pays, les Matelots qui auraient déserté des bâtimens de leur Nation. A cet effet, ils s'adresseront, par écrit, aux Autorités Locales compétentes, et justifieront, par l'exhibition des registres du bâtiment ou rôle d'équipage, que les hommes qu'ils réclament faisaient partie dudit équipage : sur cette demande, ainsi justifiée, l'extradition ne pourra leur être refusée. Il leur sera de plus donné toute aide et assistance pour la recherche, saisie et arrestation desdits Déserteurs, qui seront même détenus et gardés dans les prisons du Pays, à la réquisition et aux frais des Consuls, jusqu'à ce que ces Agens aient trouvé une occasion de les faire partir. Si pourtant cette occasion ne se présentait pas dans un terme de trois mois, à compter du jour de l'arrestation, les Déserteurs seraient mis en liberté et ne pourraient plus être arrêtés pour la même cause.

XVII. Les archives, et en général tous les papiers des Chancelleries des Consulats respectifs, seront inviolables, et, sous aucun prétexte, ils ne pourront être saisis ni visités par l'Autorité Locale.

Il est entendu que les Articles qui précèdent sont regardés, des deux côtés, comme provisoirement obligatoires pour les deux Pays, à compter du jour de leur date jusqu'au 1^{er} Janvier 1829, et qu'ils ne pourront être successivement maintenus, d'année en année, qu'autant qu'une des deux Parties Contractantes, ainsi que chacune d'elles s'en est réservé le droit, n'aurait pas signifiée à l'autre, 6 mois avant l'expiration de chaque Année successive, qu'elle entend renoncer à la susdite Convention.

Faite à Paris, le 9 de Mai, 1827.

LE BARON DE DAMAS.

SEBASTIAN CAMACHO.

DECLARATION of the Admirals commanding the British, French, and Russian Squadrons, to the Legislative Body of Greece, respecting the Greek Blockade of Turkish Ports, Piracy, &c.—24th October, 1827.

MESSIEURS,

Dans le Port de Navarin, le 24 Octobre, 1827.

Nous apprenons avec une vive indignation, que pendant que les Vaisseaux des Puissances Alliées ont détruit la Flotte Turque qui

avait fait résistance pour se soumettre à un Armistice de fait, les Corsaires Grecs ne cessent d'infester les Mers, et que le Tribunal des Prises, le seul connu dans le Code Grec, ne cesse de chercher à justifier ces excès sous des formes légales.

Votre Gouvernement Provisoire paraît croire que les Chefs des Escadres Alliés ne sont pas d'accord sur les mesures à prendre pour faire cesser ce brigandage. Il se trompe. Nous vous déclarons ici unanimement, que nous ne souffrirons pas que, sous de vains prétextes, vous cherchiez à aggrandir le théâtre de la Guerre, c'est à dire, le cercle des Pirateries.

Nous ne souffrirons pas que les Grecs fassent aucune expédition, aucune course, aucun blocus, hors des limites de Volo à Lépante, en y comprenant Salamine, Egine, Hydra, et Spécie.

Nous ne souffrirons pas que les Grecs portent l'insurrection ni à Chio, ni en Albanie, pour y exposer les populations à être massacrées en représailles par les Turcs.

Nous regarderons comme nulles toutes Patentes délivrées à des Corsaires, qui seront trouvés hors des limites prescrites, et les Bâtimens de Guerre des Puissances Alliées auront partout l'ordre de les arrêter.

Il ne vous reste aucun prétexte ; l'Armistice de mer existe de fait du côté des Turcs ; leur Flotte n'existe plus. Prenez garde à la vôtre, car nous la détruirons de même s'il le faut, pour arrêter un brigandage maritime qui finirait par vous faire mettre hors la Loi des Nations.

Comme le Gouvernement Provisoire actuel est sans force, comme sans moralité, c'est au Corps Législatif que nous adressons ces dernières et irrévocables résolutions.

Quant au Tribunal de Prises qu'il a institué, nous le déclarons incompétent pour juger aucun de nos Bâtimens sans notre concours.

Nous avons l'honneur d'être, etc.

EDWARD CODRINGTON,
*Vice-Admiral and Commander in Chief of His Britannick
Majesty's Ships in the Mediterranean.*

H. DE RIGNY,
*Contre Amiral, Commandant l'Escadre de Sa Majesté Très
Chrétienne.*

LE COMTE L. DE HEIDEN,
*Contre Amiral, et Commandant en Chef les Forces Navales
de Sa Majesté Impériale l'Empereur de toutes les
Russies, dans la Méditerranée.*

*Messieurs les Membres de la Commission Permanente
du Corps Législatif de La Grèce.*

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