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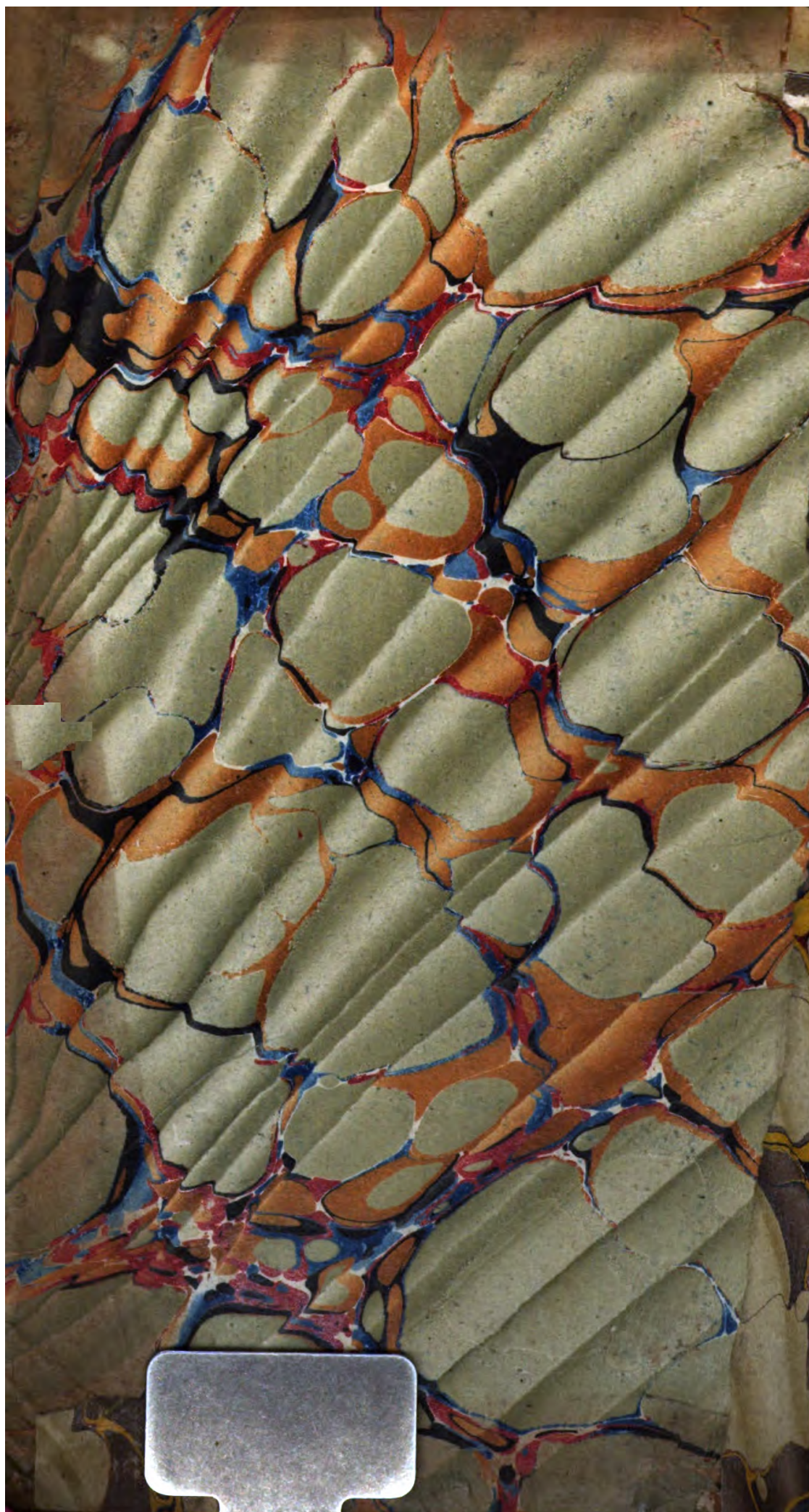
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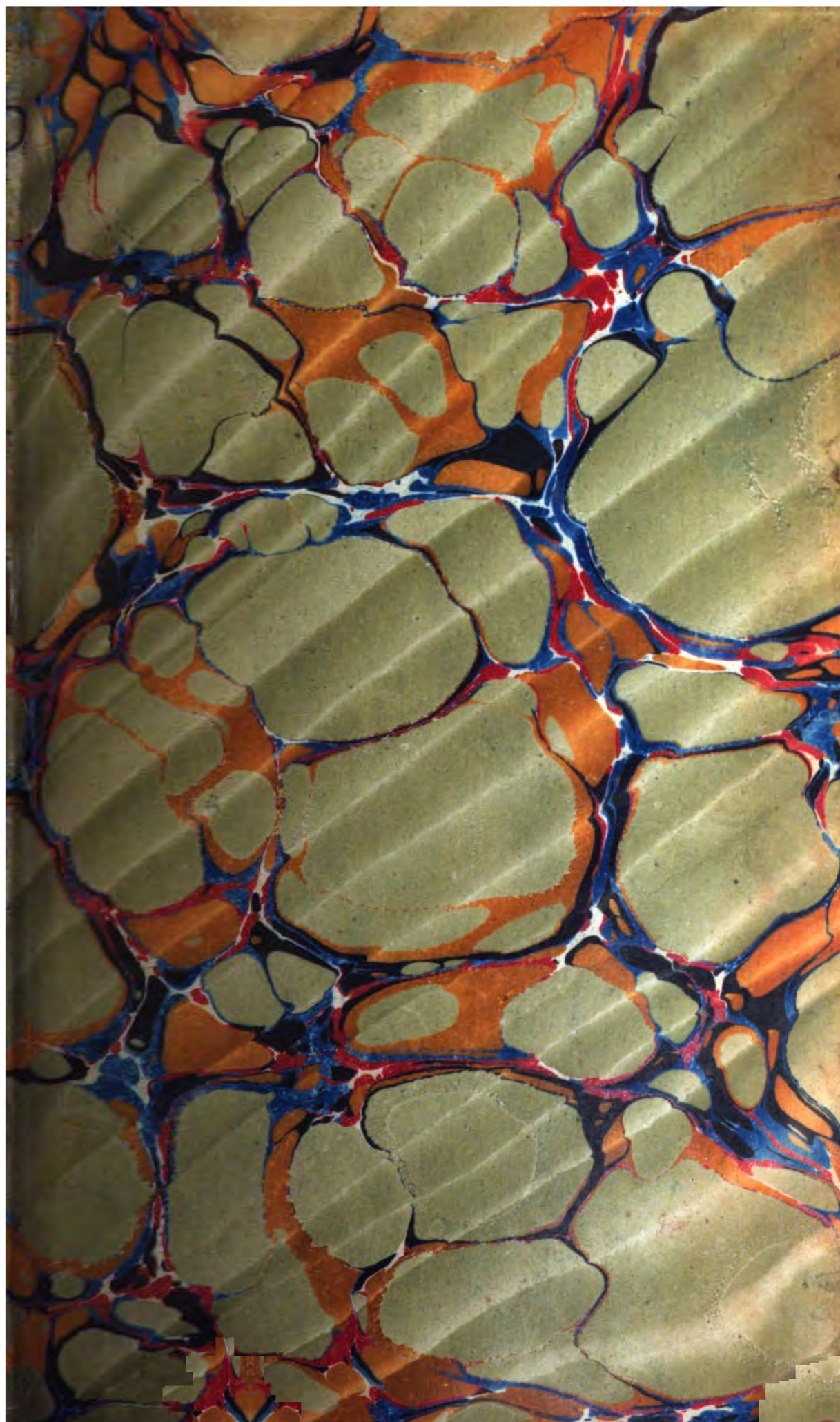












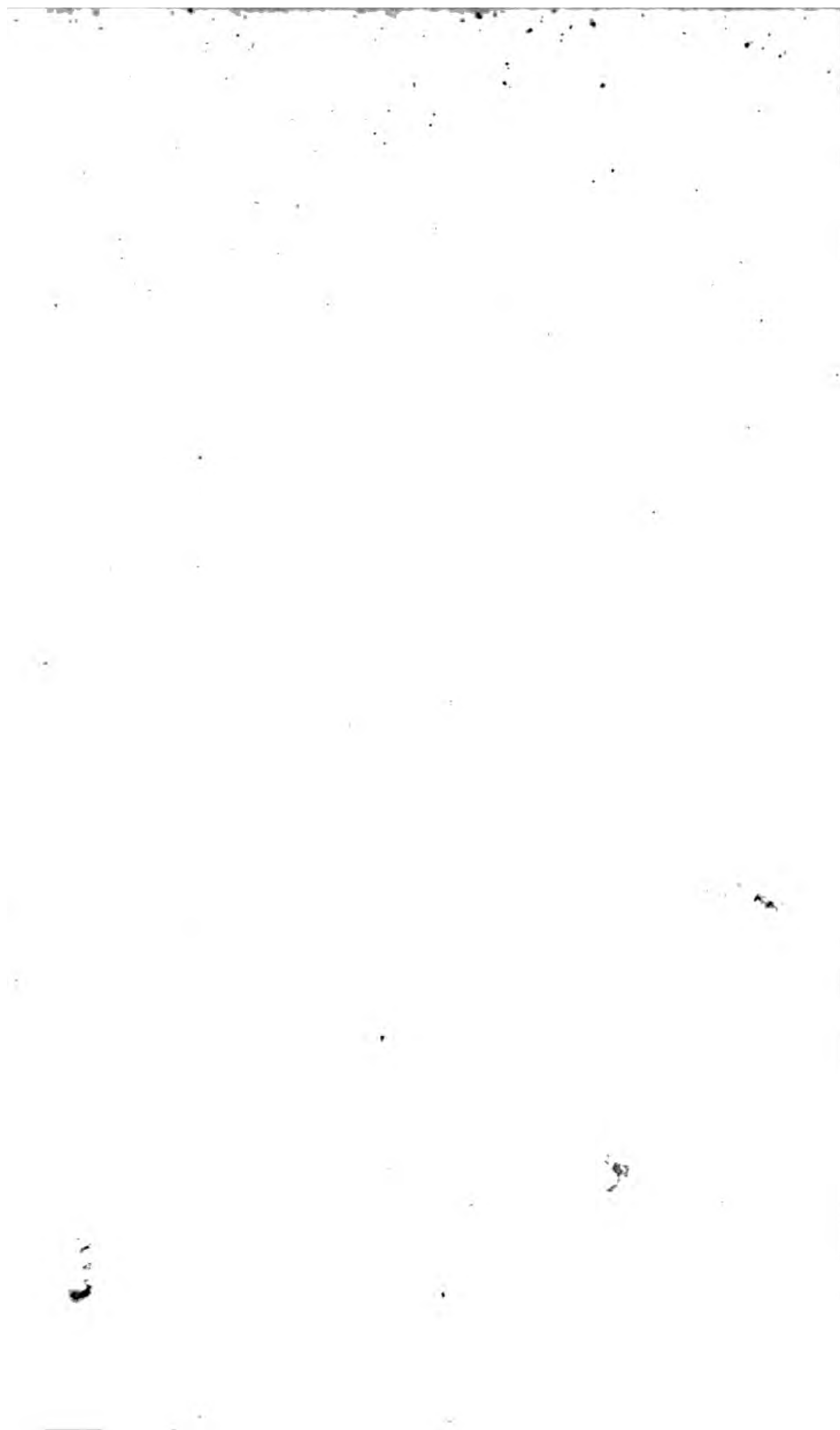
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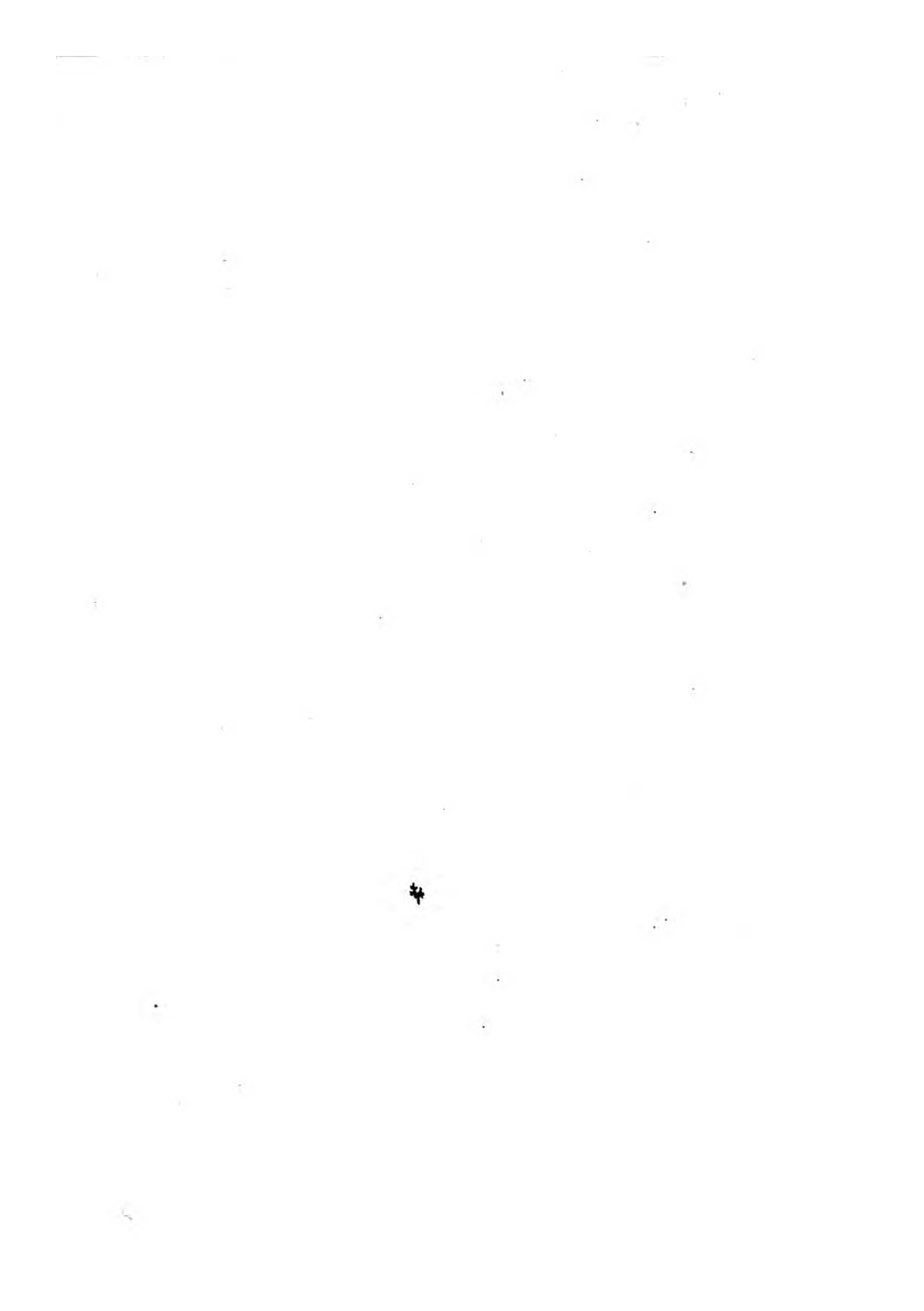
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*The Right Honble C. W. W. Wynne  
Esq. Esq. Esq.*

**BRITISH AND FOREIGN**

**S T A T E P A P E R S.**

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**1827.—1828.**

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# BRITISH AND FOREIGN

## State Papers.



*SPEECH of the Lords Commissioners, to both Houses of Parliament, on Tuesday, 29th January, 1828.*

*My Lords and Gentlemen,*

WE are commanded by His Majesty to acquaint you, that His Majesty continues to receive, from all Foreign Princes and States, assurances of their desire to maintain the relations of amity with this Country; and that the Great Powers of Europe participate in the earnest wish of His Majesty to cultivate a good understanding upon all points which may conduce to the preservation of Peace.

His Majesty has viewed for some time past, with great concern, the state of affairs in the East of Europe.

For several Years a Contest has been carried on between the Ottoman Porte, and the Inhabitants of the Greek Provinces and Islands, which has been marked on each side by excesses revolting to humanity.

In the progress of that Contest, the rights of Neutral States, and the Laws which regulate the intercourse of Civilized Nations, have been repeatedly violated, and the peaceful commerce of His Majesty's Subjects has been exposed to frequent interruption, and to depredations, too often aggravated by acts of violence and atrocity.

His Majesty has felt the deepest anxiety to terminate the calamities, and avert the dangers, inseparable from hostilities, which constitute the only exception to the general tranquillity of Europe.

Having been earnestly entreated by the Greeks to interpose His good offices, with a view to effect a reconciliation between them and the Ottoman Porte, His Majesty concerted measures for that purpose, in the first instance with the Emperor of Russia, and subsequently with His Imperial Majesty and the King of France.

His Majesty has given directions that there should be laid before you Copies of a Protocol signed at Saint Petersburg by the Pleni-



potentiaries of His Majesty and of His Imperial Majesty the Emperor of Russia, on the 4th of April, 1826, and of the Treaty entered into between His Majesty and the Courts of the Tuileries and of Saint Petersburg, on the 6th of July, 1827.

In the course of the Measures adopted with a view to carry into effect the object of the Treaty, a collision, wholly unexpected by His Majesty, took place in the Port of Navarin, between the Fleets of the Contracting Powers and that of the Ottoman Porte.

Notwithstanding the valour displayed by the Combined Fleet, His Majesty deeply laments that this conflict should have occurred with the Naval Force of an ancient Ally; but he still entertains a confident hope that this untoward event will not be followed by further hostilities, and will not impede that amicable adjustment of the existing Differences between the Porte and the Greeks, to which it is so manifestly their common interest to accede.

In maintaining the National faith by adhering to the Engagements into which His Majesty has entered, His Majesty will never lose sight of the great objects to which all His efforts have been directed—the termination of the Contest between the hostile Parties—the permanent settlement of their future relations to each other—and the maintenance of the repose of Europe upon the basis on which it has rested since the last general Treaty of Peace.

His Majesty has the greatest satisfaction in informing you, that the purposes for which His Majesty, upon the requisition of the Court of Lisbon, detached a Military Force to Portugal, have been accomplished. The obligations of good faith having been fulfilled, and the safety and independence of Portugal secured, His Majesty has given Orders that the Forces now in that Country should be immediately withdrawn.

We are commanded by His Majesty to acquaint you, that His Majesty has concluded Treaties of Amity and Commerce with the Emperor of Brazil, and with The United States of Mexico; Copies of which will, by His Majesty's Commands, be laid before you.

*Gentlemen of the House of Commons,*

His Majesty has ordered the Estimates for the current Year to be laid before you. They have been prepared with every regard to economy, consistent with the exigency of the Publick Service.

We are commanded by His Majesty to recommend to your early attention an enquiry into the state of the Revenue and Expenditure of the Country.

His Majesty is assured that it will be satisfactory to you to learn, that notwithstanding the diminution which has taken place in some branches of the Revenue, the total amount of receipt during the last Year has not disappointed the expectations which were entertained at the commencement of it.

*My Lords, and Gentlemen,*

His Majesty has commanded us to inform you, that a considerable increase has taken place in the export of the principal articles of British manufacture. This improvement of our Foreign trade has led to a more general employment of the Population, and affords a satisfactory indication of the continued abatement of those commercial difficulties which recently affected so severely the National industry.

His Majesty commands us to assure you, that He places the firmest reliance upon your continued endeavours to improve the condition of all classes of His Subjects, and to advance the great object of His Majesty's solicitude, the prosperity and happiness of His People.

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CORRESPONDENCE OF THE FOREIGN OFFICE,  
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SIERRA LEONE. (*General.*)

No. 1.—*Joseph Reffell, Esq. to Mr. Sec<sup>y</sup>. Canning.—(Rec. Jan 27, 1827.)*

SIR,

*Sierra Leone, 20th November, 1826.*

HAVING on the departure of His Excellency Sir Neil Campbell for the Gold Coast, by virtue of my Office of Colonial Secretary in this Colony, been sworn into the Office of His Majesty's Acting Arbitrator in the Courts of Mixed Commission established here, I have now the painful duty of acquainting you, Sir, of the serious and alarming illness of Mr. Hamilton, His Majesty's Commissary Judge in the said Courts, who has now been, for upwards of a fortnight, unable to attend to any business whatever. In this period I have used every exertion to forward the business of the Commissions, and devoted the whole time I could spare from the other various and important duties, which His Excellency's absence imposes upon me.

The Brigantine *De Snelheid*, which was before the Court prior to Mr. Hamilton's illness, was condemned by Mr. Bonnouvrié and myself on the 16th instant, the particulars of which I shall have the honour of forwarding to you, Sir, by a Vessel which leaves this in a few days, together with the Reports of two or three other Cases lately decided by the Courts, and which have been delayed by the illness of Mr. Hamilton, who presided at their adjudication.

The only Case now before the Court is the Brazilian Brigantine *Hiroina*, seized by His Majesty's Ship *Maidstone*, Commodore Bullen,

off Lagos, on the 17th October, having no Slaves on board, and which Vessel only reached this on the 11th instant.

I have the honour to be, &c.

*The Right Hon. George Canning.*

J. REFFELL.

No. 2.—*Joseph Reffell, Esq. to Mr. Secy. Canning.*—(Rec. Jan. 27, 1827.)

SIR,

*Sierra Leone, 28th November, 1826.*

I HAVE the satisfaction to inform you, that the illness of His Majesty's Commissary Judge has taken a favourable turn; he is, however, still incapable of transacting any manner of business, which will account to you, Sir, I trust satisfactorily, for the accompanying Despatches and Reports being signed by me only.

I have the honour to be, &c.

*The Right Hon. George Canning.*

J. REFFELL.

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

GENTLEMEN,

*Foreign Office, 31st January, 1827.*

I HEREWITH forward to you three Instruments, bearing date the 30th of December 1826, by which His Majesty was graciously pleased to appoint Mr. Daniel Molloy Hamilton to be His Majesty's Commissary Judge, and Mr. William Smith to be His Majesty's Commissioner of Arbitration, and Mr. Joseph Reffell to be Secretary or Registrar, to the Mixed Commissions at present established at Sierra Leone, under the Treaties between Great Britain and The Netherlands, Great Britain and Spain, and Great Britain and Portugal, for the prevention of illegal Slave-trade, and pursuant to the several Acts of Parliament, which have been passed for carrying those Treaties into effect.

You will, at an early opportunity after the receipt of this Despatch, take in due form the Oath prescribed to you by the enclosed Instruments; and you will administer to Mr. William Smith the Oath prescribed to be taken by him, prior to the entering upon your further respective duties in the character assigned to you in His Majesty's Commission of Appointment.

You will announce these Appointments to the Foreign Members of the Mixed Commission destined to act with you under the Treaties above-mentioned.

You will strictly follow the line of conduct pointed out in the Instructions which have heretofore been given by His Majesty's Secretary of State to His Majesty's Commissioners at Sierra Leone.

Further Instructions will, by His Majesty's Command, be transmitted to you, according as it shall appear that such Instructions shall be necessary for your guidance.

I am, &c.

*His Majesty's Commissioners.*

GEORGE CANNING.



No. 4.—*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 26th February, 1827.*

IN reference to your Despatches on the subject of the *Activo* and *Perpetuo Defensor*; and, in particular, to the point of the landing of Slaves during adjudication; I send to you, for your information and guidance, the Copies of a Correspondence which has passed upon this subject between the Colonial Department and this Office.

From this Correspondence you will perceive, 1st, that Slaves brought into Sierra Leone for adjudication, under the Commission of which you are Members, do not, pending such adjudication, become free, in virtue of their landing on a British Possession, or of being put on board of a Government Vessel, inasmuch as their temporary character of Slaves is recognized by the Acts of Parliament providing for their adjudication under that character.

2dly. You will perceive that such Slaves may, on account of sickness or other sufficient cause, be lawfully disembarked and put on shore, pending adjudication, but that being so landed, the Slaves must be kept and detained *in their character of Slaves*, until Sentence be pronounced whether they shall be restored or not.

3dly. You will perceive that the Governor of Sierra Leone has been instructed to lend any assistance which you may require, in order to abridge the injurious confinement of the Slaves, on board of the Vessels in which they are brought to Sierra Leone.

I am, &c.

*His Majesty's Commissioners.*

GEORGE CANNING.

(*Enclosure 1. A.*)—*R. W. Hay, Esq. to Joseph Planta, Jun. Esq.*

SIR,

*Downing Street, 14th February, 1827.*

I HAVE received the Earl Bathurst's directions to transmit to you, enclosed, for the consideration of Mr. Secretary Canning, a Copy of a Despatch, with its Enclosures, from the late Acting Governor of Sierra Leone, representing the propriety of adopting measures for averting the injurious consequences which arise to the Slaves who are carried to Sierra Leone for adjudication, from their confinement on board of the Vessels in which they are taken, pending the proceedings before the Courts of Mixed Commission.

I am further directed to enclose, for Mr. Secretary Canning's consideration, a Copy of a Report, which Earl Bathurst has considered it necessary to require from His Majesty's Law Officers, on the question as to the legality of disembarking Slaves who may be under process of adjudication; and as it is the opinion of His Majesty's Law Officers that Slaves so circumstanced may, under the Convention of the 28th of July 1817, with Portugal, be lawfully disembarked at Sierra Leone, if sickness or other sufficient cause should so require, his Lordship proposes to instruct the Governor of Sierra Leone to communicate the

opinion of His Majesty's Law Officers to the Commissioners of the Courts of Mixed Commission established there, and to intimate to them, that, upon their requisition, he is instructed to lend any assistance which the Commissioners may require, with a view of abridging the injurious confinement of the Slaves on board of the Vessels in which they are brought to Sierra Leone.

I am, &c.

*Joseph Planta, Jun. Esq.*

R. W. HAY.

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(*Enclosure 1. B.*)—*Acting Governor Macauley to Earl Bathurst.*

MY LORD,

*Sierra Leone, 9th July, 1826.*

HAVING been informed that disease and death were making dreadful ravages amongst the Slaves confined on board some Vessels in this Harbour, waiting adjudication in the Courts of Mixed Commission, and exposed to all the inclemency of this season of the Year, I thought it my duty to draw the attention of the British Commissioners to the 52d Sec. of the 5th Geo. 4. cap. 113, by which it is enacted, "that when any Slaves, or persons treated, dealt with, carried, kept or detained as Slaves, shall be captured or seized as Prize of War, or as forfeited or liable to forfeiture to His Majesty, or otherwise proceeded against in and by virtue of any Law, and brought to adjudication in the High Court of Admiralty, or in any Court of Vice-Admiralty, or in any Court of His Majesty's Colonies or Plantations, or elsewhere within His Majesty's Dominions, which is or may be authorized to hold jurisdiction; in such cases it shall be lawful for the Person or Persons claiming any right or property in, or the possession of such Slaves, and he is hereby required to put such Slaves on shore."

I accordingly addressed a Letter to them, requesting to know whether they considered this Section to apply to their Courts, and having in the interim had a personal interview with the Commissioners, I received from them an answer, stating, that they did not consider Slaves under adjudication in their Courts, subject to these Regulations. The delay in one case, as your Lordship will perceive, has been attended with loss of life to 73 out of 199 human beings, and the wretched survivors are in a state which leaves little hope that they will escape the same fate, 7 of them having died the night they were landed.

I therefore take the liberty of bringing this subject under your Lordship's consideration, that your Lordship may be enabled, if you see fit, to ascertain whether the construction put by the British Commissioners on this Section of the Act is correct; and if it is, I would humbly submit to your Lordship the necessity of some more efficient Regulations by which this horrible waste of human life may be prevented for the future.

I have, &c.

K. MACAULAY,  
Acting Governor.

*The Right Hon. Earl Bathurst, K. G.*

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(Enclosure 1. C.)—*J. Reffell, Esq. to His Majesty's Commissioners.*  
GENTLEMEN, *Secretary's Office, Sierra Leone, June 29, 1826.*

By command of his Honour, the Acting Governor, I have the honour to enclose, for your information, Copy of a Letter addressed to me by the Prize-Master of the Slave Brig *Perpetuo Defensor*, and to draw your attention to the following Extract from the 5th Geo. 4. cap. 113, Section 32, eleven lines, commencing, "and be it further enacted," and ending, "such Slaves on shore," and to request to know whether you consider the said recited Extract to be applicable to the Court of British and Portuguese Mixed Commission; and if so, to express his Honour's desire that you will be pleased to give the necessary instructions for carrying the same into effect.

*J. T. Williams, Esq.*

I have, &c.

*D. M. Hamilton, Esq.*

J. REFFELL, Col. Sec.

(Enclosure 1. D.)—*The Prize-Master of the Perpetuo Defensor to J. Reffell, Esq.*

SIR, *Slave Brig Perpetuo Defensor, Sierra Leone, June 28, 1826.*

I HAVE received directions from Mr. Lake, the Proctor for Commodore Bullen, to give up to the Portuguese Claimants the Slaves in this Vessel, and the *Susan*, Colonial Brig, on their claiming them, to-morrow.

I therefore deem it my duty to acquaint you, that, from strong symptoms of discontent and anger manifested by them to-day, on some Person, on part of the Claimants, attempting to take their number in my absence, and the clamorous manner in which I was surrounded on my return, that the *Susan* will not be safe on my leaving her and this Vessel to-morrow.

I have, &c.

*J. Reffell, Esq.*

JOHN TOLLERVEY, Prize-Master.

(Enclosure 1. E.)—*Affidavit of T. H. G. Honyman, Midshipman, in the Case of the La Fortunée.*

BRITISH AND NETHERLAND MIXED COURT OF JUSTICE,  
SIERRA LEONE.

*In the Case of the La Fortunée, Jean J. Gimbert, calling himself Master.*

PERSONALLY appeared Mr. T. H. G. Honyman, Midshipman of His Majesty's Ship *Brazen*, Captain George Wickens Willes, who, being duly sworn on the Holy Evangelists, maketh oath and saith, that he was put on board the said Schooner *La Fortunée*, which had been captured by the *Brazen*, with a cargo of Slaves, on the 17th day of May, 1826, and proceeded with all dispatch towards Sierra Leone, where she arrived on the 7th day of June following. That the Vessel being a sharp Schooner, of only 99 tons, had on board when captured, 245 Slaves, who were in a very crowded and sickly state. That every attention and care was paid to the said Slaves during their passage up, they were allowed sufficient access to the air, and were supplied with

all the comforts to be found on board ; but that, notwithstanding this, 46 Slaves, viz. 34 Men, 6 Women, 1 Boy, and 5 Girls died, as is more particularly specified in the annexed Schedule. That on the arrival of the said Schooner in this Harbour, she was visited by the Medical Officer belonging to the Mixed Court of Commission, and the Slaves continued under his medical care till landed. That, from the said 7th day of June until the 17th day of July, the said Slaves remained on board the said Schooner, waiting for Adjudication, in a crowded and sickly state, much exposed to the inclemency of the present Season, during which period 73 more of the said Slaves, viz. 20 Men, 15 Women, 7 Boys, and 31 Girls died, as per annexed Schedule, making in the whole a loss of 119 by death ; and that, on the said 17th day of July, the Survivors, 126 in number, were landed in a very sickly debilitated state. And Deponent further maketh oath and saith, that every possible care and attention was paid to the comfort and health of the said Slaves by the Officers and Men of the *Brazen*, and every exertion made to save their lives.

**T. H. G. HONYMAN, Midshipman.**

Sworn before me this 22d day of July, 1826.

W. SMITH, Registrar.

(Enclosure 1. F.)—Schedule. Slaves on board the La Fortunée.

SLAVES WHO DIED AT SEA.					SLAVES WHO DIED IN HARBOUR.				
	Men.	Women.	Boys.	Girls.		Men.	Women.	Boys.	Girls.
May 17 -	7	-	-	-	June 9 -	-	-	-	1
" 18 -	1	-	-	-	" 11 -	-	-	-	1
" 19 -	1	-	-	-	" 12 -	1	-	-	-
" 20 -	1	-	-	-	" 15 -	1	-	-	-
" 21 -	1	2	-	-	" 16 -	-	-	-	2
" 22 -	1	-	-	-	" 18 -	-	-	1	-
" 23 -	3	-	-	-	" 19 -	1	1	-	-
" 24 -	2	-	-	-	" 20 -	1	1	-	1
" 25 -	3	1	-	-	" 21 -	1	-	-	-
" 26 -	2	1	-	-	" 23 -	-	-	1	-
" 27 -	4	-	1	1	" 25 -	1	-	-	-
" 29 -	1	1	-	-	" 26 -	1	-	1	-
" 30 -	1	-	-	-	" 27 -	-	1	-	-
June 2 -	-	-	-	2	" 29 -	-	-	-	2
" 4 -	1	-	-	1	" 30 -	1	-	-	1
" 5 -	2	1	-	-	July 1 -	1	1	-	-
" 7 -	3	-	-	1	" 2 -	1	1	-	-
Totals -	34	6	1	5	" 3 -	-	-	-	5
					" 4 -	1	-	2	5
					" 5 -	-	-	-	1
					" 6 -	-	1	-	2
					" 8 -	2	2	-	-
					" 9 -	1	1	-	1
					" 10 -	2	1	-	-
					" 11 -	2	1	-	-
					" 12 -	-	-	-	1
					" 13 -	-	1	-	1
					" 14 -	1	-	-	-
					" 15 -	-	2	-	1
					" 16 -	-	1	1	3
					" 17 -	1	-	1	3
Died { In Harbour						20	15	7	31
At Sea - -						34	6	1	5
Totals -						54	21	8	36



(Enclosure 1. G.)—*His Majesty's Law Officers to Earl Bathurst.*

MY LORD,

*Doctors' Commons, 26th January, 1827.*

WE are honoured with your Lordship's commands, signified in your Lordship's Letter of the 18th November last, communicating the substance of a Despatch received from the Officer Administering the Government of Sierra Leone, reporting that two Ships, the *Perpetuo Defensor* and *La Fortunée*, were brought into that Settlement for Adjudication, under the Convention with Portugal of the 28th of July, 1817, before the Mixed Commission established under that Convention; and your Lordship is pleased to request that we would report, for His Majesty's information, our opinion, whether Slaves brought into Sierra Leone for Adjudication under the Convention with Portugal, of the 28th July, 1817, can be lawfully disembarked and put on Shore, under the 32d Clause of the Statute 5th Geo. IV. cap. 113, or whether they can be so disembarked and put on Shore, under the Instructions annexed to that Convention, and 52d Section of the Statute, or whether there is any other provision of the Convention or the Statute, under which their disembarkation can be lawfully effected.

In obedience to your Lordship's commands, we have the honour to report, that Slaves brought into Sierra Leone for Adjudication, under the Convention with Portugal, of the 28th July, 1817, can be lawfully disembarked and put on Shore, if sickness, or other sufficient cause, should so require, under the authority, which we think must necessarily be implied from the Treaty, and the annexed Instructions, which are adopted by the 5th Geo. IV. cap. 113, and also from the 52d Clause of the Act, and other Clauses therein, the general purview of which is to carry into effect the purposes of the Treaty and Instructions. The practical result of the whole of these provisions is, that the Slaves must be kept and detained in their character of Slaves, until sentence be pronounced, whether they shall be restored or not. We would further observe, that Article 8 of the Instructions appears to us to afford the direct inference, that Slaves under such circumstances as above adverted to, may be legally disembarked and put on Shore at Sierra Leone.

We have, &c.

CHRIST. ROBINSON.

CHS. WETHERELL.

N. C. TINDAL.

*The Right Hon. Earl Bathurst, K.G.*

(Enclosure 2. A.)—*Joseph Planta, Jun. Esq. to R. W. Hay, Esq.*

SIR,

*Foreign Office, 26th February, 1827.*

I HAVE received and laid before Mr. Secretary Canning your Letter of the 14th instant, upon the subject of the landing of Slaves brought to Sierra Leone for Adjudication under the Mixed Commission which is established there, pursuant to the Treaties and Acts of Parliament for the suppression of illegal Slave Trade.

I am directed by Mr. Secretary Canning to acquaint you, for the information of Earl Bathurst, that a Copy of your Communication will be transmitted to His Majesty's Commissioners at Sierra Leone, for their guidance upon the points in question.

In reference to your Letter of the 24th of September, 1826, I am, at the same time, directed to transmit to you the accompanying Copy of two Reports from His Majesty's Law Officers, upon the subject of the Ships *Activo* and *Perpetuo Defensor*, in which Cases it appears, that Slaves were, during Adjudication, declared by the Authorities at Sierra Leone, to have become free,—in one instance, in virtue of their landing upon a British Possession, in the other instance, in virtue of their being on board of a Government Vessel.

And I am to request, that you will be pleased to lay these Papers before Earl Bathurst, for his Lordship's information and consideration, as to any Instructions which he may judge proper to issue upon the subject, for the guidance of His Majesty's Colonial Authorities at Sierra Leone.

I am, &c.

R. W. Hay, Esq.

JOSEPH PLANTA, Jun.

(Enclosure 2. B.)—*His Majesty's Law Officers to Mr. Sec<sup>y</sup>. Canning.*  
SIR, *Doctors' Commons, 26th January, 1827.*

WE are honoured with your commands, signified in Mr. Planta's Letter of the 11th of November last, transmitting two Despatches from His Majesty's Commissioners at Sierra Leone, detailing the circumstances which attended the Capture and Adjudication of the Portuguese Brig *Activo*, and also a Communication which has been received from the Colonial Department upon the same subject; and you are pleased to request, that we would take this Case into consideration, and report our opinion as to the Decision pronounced by the Authorities at Sierra Leone, in respect to the Slaves who escaped ashore, during the investigation of their Case, without awaiting the Decision of the Commissioners.

In obedience to your commands, we have the honour to report, that with respect to the Slaves belonging to the Ship *Activo*, inasmuch as a Sentence was duly pronounced by the Court of Mixed Commission, by which it was decreed that the Vessel and Slaves should be restored to the Claimant for the use of the Brazilian Owner, we are of opinion that the Authorities at Sierra Leone were bound to have taken measures to procure that Sentence to be carried into effect.

It appears that a few days before Adjudication was made, the Slaves revolted against the Persons who had charge of them on board, and came on Shore, and were taken possession of by an Officer of the Customs, within the Colonial Jurisdiction, and that an application was made to the Deputy Governor by the Agent of the Captors, desiring

him to give directions to deliver them up. This application was refused on the alleged ground, that no Slaves could be given up after being once landed in the Colony.

The principle thus assumed, and which we think has been mistakenly borrowed from the Decision of the Court of King's Bench, in the well known Case of "Somerset," the Negro, namely, that a Slave acquires his freedom, from the mere circumstance of his landing upon the soil of Great Britain, is, in our opinion, wholly inapplicable to the case of Slaves landing upon the Territory of the Colony of Sierra Leone, under the circumstances which give rise to the present question. We conceive that we need only remark, that the Convention between this Country and Portugal, and its annexed Instructions, have been recognized and adopted by the 5th Geo. 4. ch. 113, and that the Court of Mixed Commission, which has been established in the Colony of Sierra Leone, in pursuance of that Statute, is a Court of competent judicature, constituted for the very purpose of deciding on the legality of the capture or detention of Vessels with Slaves on board, brought in there for Adjudication, and whose express duty it is to decree restitution of those Vessels and Slaves which shall be found to have been captured and detained, contrary to, or not within, the provisions of the Treaty and the annexed Instructions. To apply the doctrine laid down in Somerset's Case, as an abstract or universal principle, to the case of the Slaves who landed at Sierra Leone, under the above circumstances, would involve the contradiction on the part of this Country, and in the Law itself, of establishing a regular Tribunal at Sierra Leone, bound by the faith of a Treaty, and by the positive directions of an Act of Parliament, to decree the restitution of them to the Claimant as Slaves, and as having been illegally captured or detained by a British Vessel, as the facts turned out, and at the same time of refusing to permit the Sentence itself, which gave the Claimant a judicial title to the Slaves, to be carried into effect.

We have, &c.

CHRIST. ROBINSON.

CHS. WETHERELL.

*The Right Hon. Mr. Secretary Canning.*

N. C. TINDAL.

(Enclosure 2. C.)—*His Majesty's Law Officers to Mr. Sec<sup>y</sup>. Canning.*

SIR,

*Doctors' Commons, 26th January, 1827.*

WE are honoured with your commands, signified in Mr. Planta's Letter of December 29th last, transmitting 3 Despatches, with their Enclosures, containing a Report of the Vessel *Perpetuo Defensor*, and the course taken by the Colonial Authorities in respect to the Slaves which were brought on board of that Vessel; and you are pleased to request that we would take this Case into consideration, and report our opinion thereupon.



In obedience to your commands, we have the honour to report, that the Slaves put on board the *Susan*, before the adjudication of the Mixed Commission Court, in the Case of the *Perpetuo Defensor*, ought to have been delivered to the Claimant as a necessary consequence of that Sentence which decreed restitution of them. The only ground upon which the Local Authorities at Sierra Leone refused to permit delivery of the Slaves to be made, notwithstanding the Sentence, was, that they had obtained their freedom from the circumstance of being on board a Government Vessel, but this ground is, in our opinion, untenable.

We beg to observe that, in a Report, bearing the same date as the present, which we have had the honour of transmitting to you, respecting the delivery to the Claimant of Slaves belonging to another Vessel, called the *Activo*, after Sentence of Restitution, we have had occasion to state the grounds of our opinion, on a question involving the same principle as the present, more at large.

We have, &c.

CHRIST. ROBINSON.

CHS. WETHERELL.

*The Right Hon. Mr. Secretary Canning.*

N. C. TINDAL.

No. 5.—*Mr. Secretary Canning to His Majesty's Commissioners.*  
GENTLEMEN, *Foreign Office, 26th February, 1827.*

I SEND to you, for your information, the accompanying Copy of a Letter, dated the 22d ultimo, addressed to one of the Under Secretaries of State of this Office, by one of the Under Secretaries of State for the Colonial Department.

From this Communication you will perceive, that it is the intention of His Majesty's Government, that the Mixed Commissions established at present at Sierra Leone, should be removed from thence to the Island of Fernando Po, so soon as the proper arrangements can be made for carrying this measure conveniently into effect.

You will be made acquainted in due time with the progress of the arrangement. In the mean time I have thought it right to inform you, that the measure is in contemplation.

I am, &c.

*His Majesty's Commissioners.*

GEORGE CANNING.

(*Enclosure.*)—*R. W. Hay, Esq. to Joseph Planta, jun. Esq.*  
SIR, *Downing Street, 22d January, 1827.*

WITH reference to the Correspondence which has passed, upon the subject of removing to the Island of Fernando Po the Courts of Mixed Commission, which are now established at Sierra Leone, under the provisions of the Treaties with Portugal, Spain, and the Netherlands, I am directed by Earl Bathurst to acquaint you, for the information of Mr. Secretary Canning, that, in his Lordship's opinion, it is expedient that measures should now be adopted, for preparing for the arrangement

in question: for which purpose his Lordship proposes to despatch a small Vessel of War to Fernando Po, in order to prepare a suitable residence in that Island for the reception of the several Members of the Courts of Mixed Commission, and of the Slaves who shall be brought there for Adjudication, as well as Barracks for the accommodation of such Troops as may be necessary to protect the Establishment from the incursion of the Natives; and I am further desired to enclose, for Mr. Secretary Canning's information, a Copy of the Instructions, which, by command of His Majesty, his Lordship proposes to address to the Lords Commissioners of the Admiralty upon this subject.

I am, &c.

*Joseph Planta, jun. Esq.*

R. W. HAY.

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*(Sub-Enclosure.)—Earl Bathurst to the Lords Commissioners of the Admiralty.*

MY LORDS,

*Downing Street, 19th January, 1827.*

I AM to signify to your Lordships the King's pleasure that you select a Naval Officer of experience and discretion to proceed in a Vessel of War to Fernando Po, in order to take measures for preparing a suitable residence in that Island for the reception of the Courts of Mixed Commission, which are now established at Sierra Leone, under the provisions of the Treaties with Portugal, Spain, and the Netherlands.

As the formation of this Establishment will be placed under the authority of the Governor of Sierra Leone, your Lordships will direct the Naval Officer, whom you may select for this service, to proceed in the first instance to that Colony, for the purpose of conferring with him upon the subject of the arrangements to be adopted for the execution of his Mission, in furtherance of which the Governor will be instructed to detach a Black Company of the Royal African Corps, together with an adequate number of artificers and labourers, as well as to lend every assistance which he may have it in his power to grant in building-materials and stores of every description, for the reception of which it will be necessary that a Transport should accompany the Vessel of War.

Upon arriving at Fernando Po, the Naval Officer will proceed to select the situation which he shall find best adapted for the proposed Establishment, taking care to fix upon the place which shall appear to unite the greatest advantages in point of salubrity, and where the Vessels brought for Adjudication, and His Majesty's Cruizers employed in this Service, may most conveniently and safely resort. And if the ground, which shall be finally selected for the purpose, should be in the occupation of any of the Native Inhabitants of the Island, their convenience must, as far as possible, be consulted in obtaining it, as it is His Majesty's special Command, that the Natives be treated with

the utmost forbearance and kindness upon all occasions in which their interests, as Owners of the soil, shall appear to be involved, in the arrangements to be made for this Establishment. But you will strictly enjoin the Naval Officer not to enter into any Treaty or political Engagement whatever with those who may be in the exercise of any Official Authority in the Island.

Your Lordships will further direct the Naval Officer to take the earliest opportunity which shall offer, after his arrival at Fernando Po, for transmitting home a Report of the assistance which he may have received on the Western Coast of Africa, for laying the foundation of the Establishment, and of what further means will be required by him for completing the service entrusted to him. He must also be directed to report to the Governor of Sierra Leone, whenever an opportunity may be afforded, the progress which he is making in the proposed undertaking, and he will be appointed Superintendent of this Establishment.

I am, &c.

*The Lords Commissioners of the Admiralty.*

BATHURST.

No. 6.—*Joseph Reffell, Esq. to Mr. Secy. Canning.*—(Rec. March 9.)  
SIR, *Sierra Leone, 1st January, 1827.*

HAVING this day been sworn into the Office of Acting Chief Justice, and in right of which I have succeeded to the Situation of Commissioner of Arbitration, *ad interim*, in the Courts of Mixed Commission established here, vacant by the much-lamented Death of Mr. Hamilton; and His Excellency Sir Neil Campbell being too ill to attend to any business, I deem it my duty to inform you, that the melancholy event alluded to occurred on the night of the 28th ultimo, after many weeks suffering from the consequences of long residence in this Climate.

Mr. Hamilton's loss to the Service, which he had, up to the period of his illness, been actively engaged in, is generally felt throughout the Colony, and particularly so by the remaining Members of the Mixed Commission.

I have the honour to be, &c.

*The Right Hon. George Canning.*

J. REFFELL.

No. 7.—*His Majesty's Commissioners to Mr. Secy. Canning.*—(Rec. Mar. 9.)  
SIR, *Sierra Leone, 15th January, 1827.*

WE have the honour to forward Abstracts of the Proceedings of the past Year, under the Mixed Commissions established in this Colony.

The number of Cases adjudicated under the British and *Portuguese* Commission was 8; 3 of which were Cases of Restitution, and the remaining 5 were Cases of Condemnation; and the number of Slaves emancipated was 1238.

The number of Cases adjudicated under the British and *Spanish* Commission was 6, which were all deemed to be Cases for Condemnation. The number of Slaves emancipated was 961.

The number of Cases adjudicated under the British and *Netherland* Mixed Court of Justice was 6; all Cases of Condemnation; and the number of Slaves emancipated was 368.

We beg leave to enclose a List of Cases adjudicated under the Mixed Commissions to this date. You will perceive, Sir, that the number of Cases adjudged during the past Year was 20; the number of Slaves emancipated was 2,567; that the total number of Cases adjudged since the establishment of the Mixed Commission is 82; and the total number of Slaves emancipated, up to the close of the Year 1826, is 9,326.

We have the honour to be, &c.

N. CAMPBELL.

JOSEPH REFFELL.

*The Right Hon. George Canning.*

(*Enclosure 1.*)—*Abstract of Proceedings under the British and Portuguese Mixed Commission at Sierra Leone, from the 1st of January, 1826 to the 1st of January, 1827.*

(No. 1.)—THE Brazilian Brig *Paqueta de Bahia*, Bento Francisco de Carvalho, Master, arrived at Sierra Leone on the 23d of December, 1825, with 385 Slaves on board, captured in Latitude 5. 15. North, and Longitude 0. 30. East, by His Majesty's Brig *Swinger*, acting Lieutenant J. C. Giles, Commander.

The illicit Traffick in Slaves having been clearly proved, and no Claim made, this Vessel was condemned, and her Slaves decreed to be emancipated on the 10th of January 1826.

(No. 2.)—The Brazilian Brigantine *Sam Joao Segunda Rosalia*, Amara Joze da Silva, Master, was captured by His Majesty's Ship, *Atholl*, Captain J. A. Murray, in Latitude 3. 31. North, and Longitude, 0. 54. East, sailing under Brazilian Colours, with 258 Slaves on board.

This Vessel arrived at Sierra Leone after an unusually protracted passage of 65 days; 72 of the Slaves having died on the passage, principally from starvation; the remaining number, 186, were landed the same day by permission of the Commissioners, and afterwards, on the Condemnation of the Vessel, emancipated by their Decree.

It appears that this Vessel cleared from Bahia for Molembo, on a Trading-voyage for Slaves; and the Mate, Super-Cargo, and Boatswain, in their examinations before the Court, attempt to prove that the Slaves were all taken on board at Molembo, in Latitude 5. 30. South. This statement is fully contradicted by 6 of the Slaves, who depose very clearly, that they were shipped at Lagos, situate between Badagry and Benin. The Court, therefore, condemned the Brigantine on the 21st of March, as lawful prize to His Majesty's Ship *Atholl*.

(No. 3.)—The Brazilian Brig *Activo* was captured on the 1st of February, 1826, by His Majesty's Ship *Atholl*, Captain James Arthur Murray, in Latitude 4. 24. South, and Longitude 9. 37. West, with 166



Slaves on board, and arrived here on the 17th of the same month with 164 living Slaves.

By her Royal Passport, a Voyage from Pernambuco to Molembó, calling at Bahia, on her return to the Port of her clearance, was authorized.

From the evidence adduced before the Court, it was clearly proved that the Slaves had been shipped at Badagry to the North of the Line, in defiance of the Convention between Great Britain and Portugal of the 28th of July, 1817. And it would have been the duty of the Commissioners to have passed Sentence of Condemnation upon the Vessel and Slaves, did not the 4th Article of the Instructions for the Ships of War, interpose itself to prevent their coming to that decision, which Article states that "no Portuguese Merchantman shall, on any pretence whatever, be detained to the South of the Equator, unless chase shall have commenced to the Northward."

The Court, therefore, decreed the restoration to the Claimant of the Vessel and Slaves, with costs, damages, and expences, the amount whereof to be referred to the Registrar.

On the 26th of May, the Registrar reported it to be his opinion, that the Claimant was entitled to £55 for costs of suit, £256. 2s. 8d. for special damages and expences, £9,983 15s. for the total loss of 166 Slaves, £654 for demurrage, and £150 for 5 per Cent. on the total amount of capital employed, making together the sum of £11,098 17s. 8d. Whereupon the Commissioners absolutely and unconditionally confirmed those sums allowed by the Registrar in his Report for costs of suit and special damages and expences, occasioned to the Brig by detention, and confirmed the remainder conditionally, that is, only 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 between Great Britain and Portugal.

(No. 4.)—The Brazilian Sloop *Esperanza*, Joao Baptiste Lopes, Master, was detained by His Majesty's Ship *Esk*, William Jardine Purchas, Esq. Commander, in the River Benin, in Latitude 5. 43. North, and Longitude 5. 25. East, and arrived in this Harbour on the 3d of May 1826.

The fact having been clearly proved that the Sloop had taken Slaves on board, whilst lying in the River Benin, and part of them having been intercepted in the attempt to land them, when the Boats of His Majesty's Ship hove in sight; the Court pronounced Sentence of Condemnation against her, and decreed the emancipation of 4 Slaves so intercepted, on the 8th of June, 1826.

(No. 5.)—The Brazilian Brigantine *Netuno*, Joze Claudio Gomes, Master, arrived in the River Sierra Leone on the 5th of May, having been detained by His Majesty's Ship *Esk*, Captain W. J. Purchas, at anchor, under Brazilian Colours, in the River Benin. The Master



declared her to be bound from Benin to Pernamouco. On the appearance of the Boats of the capturing Ship, several Canoes and Boats put off from the Brigantine with the intention of landing the Slaves, one of which was intercepted, containing 20 Slaves, making, with those on board, 92; it appears that they succeeded in landing 58. On the Case being tried before the Court, no doubts could possibly be entertained of her having been illegally engaged in Slave-trade. Sentence of Condemnation was, therefore, pronounced against her, and her remaining Slaves, 84 in number, decreed to be emancipated on the 8th of June 1826.

(No. 6.)—The Brazilian Brig *Perpetuo Defensor* was seized by His Majesty's Ship *Maidstone*, Commodore Bullen, on the 18th of April, off the Island of Anna Bona, and arrived here on the 23d of May, when she was put under quarantine, in consequence of having several cases of small pox on board; the Colonial Government ordered, from humane motives, that the healthy Slaves should be separated from the sick, the former to be put on board a Government Vessel, then lying unemployed in the Harbour. On the return of the Acting Governor (Mr. Macaulay) from the Gambia, these Slaves were ordered by him to be landed, and given over to the Colonial Authorities. The remaining Slaves on board the *Perpetuo Defensor*, becoming discontented at being detained on board, whilst their companions in slavery had been suffered at large on shore, manifested such strong symptoms of insubordination, as to induce the Proctor for the Claimant to land them, having no means of controul over them, coercion having been strictly forbidden by the Acting Governor. They were received by the Colonial Authorities.

The Royal Passport states her to have cleared from Rio de Janeiro to Bahia, and from thence to Cabinda, on the Western Coast of Africa, under an obligation to enter solely such Ports where the Slave-trade is permitted to the Subjects of the Empire. In defiance of which, proof is adduced that her Slaves were taken on board at Badagry in 6, 18, North Latitude. But as Claimant proved that the *Perpetuo Defensor* was taken to the South of the Equator, without the chase having commenced to the Northward, the Court admitted the Claim of the Master for costs, damages, and expenses, and referred it to the Registrar to ascertain the amount thereof.

The Registrar's amended Report was brought in on the 28th of September, when the Court confirmed unconditionally, the sum of £79 for special costs, damages, and expences; £122 10s. for provisioning the Slaves from the 29th of June to the 6th of July; and, on its being proved that the *Perpetuo Defensor* would be unable to proceed to sea, unless the Master could raise a further sum of £150, by the Court giving a further additional award, the Commissioners did, therefore, award, unconditionally, a further sum of £150 in part of the demurrage

allowed in the Registrar's Report; making together an unconditional award of £351 10s.

And as the Commissioners were fully convinced that the Claimant in this Case had carried on an illicit Traffick during the present Voyage, they deemed it just that it should be adjudicated on the same principles as the Case of the Brig *Activo*, confirming conditionally the remaining part of the Registrar's Report, if the British and Brazilian Governments should agree that it should be so confirmed.

(No. 7.)—The Brazilian Ship *Sam Benedicto*, Joao Sabino, Master, was detained by His Majesty's Ship *Brazen*, George W. Willes, Esq. Commander, on the 11th of June, 1826, in Latitude 6. 12. North, and Longitude 1. 38. East, having 25 Negroes on board. She arrived at Sierra Leone on the 10th of July following, when the Case was brought before the British and Portuguese Mixed Court. By her Imperial Passport it appears she cleared from Bahia for Molembo to carry Slaves, yet in violation thereof she sailed, according to the Master's own declaration, direct to Lagos, in 6. 12. North Latitude, to land her Cargo. It was, therefore, evident that she was destined there for a Cargo of Slaves, yet there being no Slaves on board at the time of detention, and none having been proved to have been taken on board during the Voyage in which the Ship was taken; the Captors having failed to prove that the Natives of Africa on board were Slaves, and who subsequently admitted them to be free Natives, and not detained in slavery; the Commissioners considered this a Case of Restitution, and admitted the Claim of the Master, Joao Sabino, for the Ship and Cargo, and such costs, damages, and expences, as she might have sustained by the detention, and referred it to the Registrar to ascertain the amount thereof; and finally decreed, that the sums of £22 10s. for costs of suit, and £10 for part of a cable lost by the Captors, be unconditionally paid to the Claimant by G. W. Willes, Esq., Commander of His Majesty's Ship *Brazen*. The Court did not allow any demurrage, as they considered that the Captor had been led into error by the *Sam Benedicto* having been detained to the Northward of the Line, in direct violation of her Passport.

(No. 8.)—The Brazilian Brig *Principe de Guiné*, Manoel Joachim de Almeida, Master, was captured by Lieutenant Tucker, in command of a Tender belonging to His Majesty's Ship *Maidstone*, after a smart engagement, in Latitude 3. 22. North, and Longitude 4. 11. East, and sent here for Adjudication, where she arrived on the 2d of September.

Her Passport authorized a Voyage to Molembo, to return with a Cargo of Slaves, the violation of which, in being found to the North of the Equator, and the circumstance of her having taken her Slaves on board at Whydah, in 6. 12. North Latitude, being clearly proved, left no doubt as to the illegality of her Voyage. The only question was as to the validity of the capture by the Tender of the *Maidstone*,

without being accompanied by Commodore Bullen's declaration. But the Commissioners bearing in mind the Case of the *Fabiana*, wherein His Majesty's Advocate gave it as his opinion, "that the capture should not be invalidated by every departure from the Instructions," condemned the *Principe de Guiné* as lawful prize, and decreed the emancipation of her Slaves, on the 26th of September, 1826.

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(*Enclosure 2.*)—*Abstract of Proceedings under the British and Spanish Mixed Commission at Sierra Leone, from the 1st of January, 1826 to the 1st of January, 1827.*

(No. 1.)—THE Spanish Schooner *Teresa*, Francisco Granell, Master, was captured by His Majesty's Ship *Redwing*, Captain Clavering, on the 8th of October, 1825, with 248 Slaves on board, but in consequence of their crowded state, 50 were removed into the Spanish Schooner *Ana*, (a Prize also taken by the *Redwing*,) and sent to Sierra Leone.

The *Teresa* was upset in a Tornado on her passage up, when only 6 of the Slaves, with 8 of the Prize Crew, and 4 Spaniards, were saved, leaving 186 Slaves, 4 of the Prize Crew, and 1 Spaniard, drowned: 6 of the Slaves had died previous to this event.

This Case was brought into Court on the 17th December, when it being clearly proved that she was taken in Latitude 4. 35. North, Sentence of Condemnation was passed upon her on the 3d of January, 1826, and the surviving Slaves decreed to be emancipated.

(No. 2.)—The Schooner *Ana*, Manoel Sierra, Master, under Spanish Colours, arrived at Sierra Leone, on the 25th November, 1825, in a wretched condition, with 130 Slaves on board, 68 having died on the Passage since capture,—50 had been taken on board from the Spanish Schooner *Teresa*, and 45 from the Spanish Brigantine *Isabella*, both Prizes to the *Redwing*, and the latter supposed to have been recaptured and carried into The Havannah.

The *Ana* was taken off the River Camaroons, by His Majesty's Ship *Redwing*, in Latitude 3. 50. North, Longitude 9. 2. East, and therefore condemned in the British and Spanish Courts of Mixed Commission, and her Slaves decreed to be emancipated, on the 3d of January, 1826.

(No. 3.)—The Spanish Brigantine *Ninfa Habanera*, Jozé Puiz y Miro, Master, was sent into this Harbour by His Majesty's Ship *Brazen*, Captain G. W. Willes, with 231 Slaves on board, where she arrived on the 21st of December, 1825. Proof having been adduced that this Vessel had, during the Voyage, been engaged in carrying 50 Slaves from Accra to Popo, the Court condemned the Vessel, but as it appeared that the 231 Slaves were put on board at the instigation of the Captors, after the detention of the Vessel, the Court did not decree

their emancipation, although it was of opinion that they did compose the Cargo intended to have been taken on board that Vessel.

(No. 4.)—The Spanish Schooner *Iberia*, Andres Insua, Master, was captured by His Majesty's Ship *Brazen*, Captain G. W. Willes, on the 27th of December, 1825, with 422 Slaves on board, in Latitude 4. 25. North, and Longitude 3. 43. West; she arrived at Sierra Leone on the 23d of January, 1826. Her Papers declare her to have cleared from The Havannah for the Island of Princes, on the Coast of Africa, for legitimate Commerce, and not to trade for Slaves. And the Treaty with Spain being so plain and explicit, as to the total prohibition of the Slave-trade, the Court had no hesitation in condemning the Schooner, and decreeing the emancipation of her remaining Slaves, 5 having died previous to Adjudication: this Sentence was passed on the 21st of March, 1826.

(No. 5.)—The Spanish Schooner *Nicanor*, Joze Le Grand, Master, arrived in this Harbour on the 12th of June, with 173 Slaves, having been captured by a Schooner called the *Hope*, commanded by Lieutenant Tucker, Tender to His Majesty's Ship *Maidstone*, Commodore Bullen, and at that time detached to cruize. On the 20th of May, 1826, being off Whydah, he detained the said Schooner for being engaged in the illicit Traffick in Slaves, contrary to the existing Treaties between His Britannick Majesty and His Catholick Majesty. By her Royal Passport it appeared that she cleared for the Islands of Princes and St. Thomas, on the Coast of Africa, for legitimate Traffick only.

The evidence in this Case having established the fact of illicit Traffick, the Court pronounced, on the 1st of July, 1826, Sentence of Condemnation against the Vessel and Slaves, and decreed the emancipation of the latter, 173 in number; declaring, at the same time, that this seizure was made by a Tender belonging to His Majesty's Ship *Maidstone*, and detached from that Ship to cruize after Slave-vessels.

(No. 6.)—The Spanish Schooner *Intrepida*, whereof Jozé Antonio Herrera was Master, was seized by His Majesty's Ship *Esk*, Captain William Jardine Purchas, on the 10th of August last, in Latitude 2. 8. North, and Longitude 6. 20. East, on her Voyage from the River Bonny to The Havannah, with 290 Slaves on board. Her Spanish Pass authorizes a Voyage to Princes Island, on the Coast of Africa, to return with Articles of lawful Commerce. Her Cargo of Slaves having been found on board, after being shipped in the River Bonny, made this distinctly to be a Case for Condemnation; that Sentence was, therefore, pronounced against her, on the 26th of September, 1826, and her remaining Slaves, 235 in number, decreed to be emancipated.

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(Enclosure 3.)—*Abstract of Proceedings under the British and Netherland Mixed Court of Justice at Sierra Leone, from the 1st of January, 1826, to the 1st of January, 1827.*

(No. 1.)—THE Dutch Schooner *Hoop*, Jacob Walters, Master, was detained on the 3d of January, 1826, off Manna, by His Majesty's Ship *Maidstone*, Commodore Bullen, C. B. as falling under the several designations of the Additional Articles to the Treaty with The Netherlands, of the 4th May, 1818, signed at Brussels, on the 25th January, 1823, and, on the Case being brought before the Court, no doubts existing on the minds of the Judges, after going into the Evidence, of her being completely equipped for a Slave-trading voyage, she was condemned as lawful Prize to the Crowns of Great Britain and The Netherlands, on the 23d January, 1826.

(No. 2.)—The *Amable Claudina*, Claudio Picaluga, Master, captured under Netherland Colours, was taken possession of in the Road-sted of St. George d'Elmina, by His Majesty's Ship *Atholl*, Captain James Arthur Murray, on the 12th of November, 1825, at the request of the Lieutenant-Governor of Elmina, Mr. J. C. Vander Breggen-Paauw, for being fitted for the Slave-trade in contradiction to the Additional Articles to the Treaty of the 4th May, 1818, between their Britannick and Netherland Majesties, signed at Brussels, the 25th of January, 1823. On the arrival of the *Amable Claudina*, at Sierra Leone, 36 Slaves were on board, but it appearing to the Court that these had been caused to be put on board at the instigation of the Captors, the Court did not decree their emancipation, on the condemnation of the Vessel and cargo as lawful Prize, on the 6th February, 1826.

(No. 3.)—The Brig *Charles*, Louis l'Oiseau, Master, with 265 Slaves on board, was taken by His Majesty's Gun-Brig *Conflict*, Lieutenant Chrystie, Commander, having Dutch Colours and Papers on board. She arrived at Sierra Leone on the 21st of January. On the Case of this Vessel being brought before the Court, it having been clearly proved that she was Dutch property, as well as engaged in the illicit Traffick in Slaves, the Court felt no hesitation in pronouncing Sentence of Condemnation against her, and decreeing the emancipation of her remaining Slaves, 22 of them having died previous to Adjudication.

(No. 4.)—The Dutch Schooner *Vogel*, Jean Blais, Master, was captured by Lieutenant Baldwin Wake Walker, in command of a Boat belonging to His Majesty's Ship *Brazen*, Captain G. W. Willes, on the 22d of January, 1826, off Grand Carrow. She was seized for having 2 sets of Papers on board, Dutch and French, and for being fitted for a Slaving-voyage, having a greater number of water-casks, and more rice, than was necessary for the purposes of her Voyage.

The Mate deposed, on his examination, that the greater part of her cargo was landed at Cape Mount, where the Master was left to pur-



chase Slaves, whilst he went in the Vessel to purchase palm-oil and rice, which he believes was intended for feeding the Slaves; thus clearly manifesting the illegality of the Voyage. The Judges, therefore, pronounced Sentence of Condemnation against the Schooner and cargo, on the 31st day of March, 1826.

(No. 5.)—The Schooner *La Fortunée*, Jean Jacques Gimbert, Master, was captured by His Majesty's Ship *Brazen*, George Wickens Willes, Esq. Commander, in Latitude 1. 42. North, and Longitude 6. 22. East, whilst sailing under The Netherland Flag, with 245 Slaves on board, bound, as stated by the Master, to Surinam. She arrived in this Harbour on the 8th of June, 1826, with her Slaves in a very crowded and sickly state. She was sailing under Dutch Colours, until the Boat of the *Brazen* was in the act of boarding her, when they were changed to French, and a few Papers *incomplete*, said to be her French Papers, delivered to the Officer boarding her. By the evidence of several of the Witnesses examined in this Case, it was proved that the Dutch Papers were thrown overboard during the chase, as soon as they ascertained the *Brazen* to be a British Ship-of-War. Still His Netherland Majesty's Judge considered her to be French property, because none of the Witnesses could read or write, and, therefore, could not be positive as to the Papers that were thrown overboard being Dutch Papers. His Britannick Majesty's Arbitrator was, therefore, called upon for his opinion, and, in conjunction with His Britannick Majesty's Judge, passed Sentence of condemnation upon the *La Fortunée*, as Dutch property, and decreed the Emancipation of her Slaves, on the 17th of July, 1826.

(No. 6.)—The Netherland Brigantine *De Snelheid*, whereof Paul Lieutaud was Master, was seized by His Majesty's Ship *Brazen*, in Latitude 0. 2. South, and Longitude 7. 10. East, on the 28th of September, 1826, with 23 Slaves on board. She arrived at Sierra Leone on the 20th of October. This Vessel had been taken from the former Master, Lieutaud, by a Spanish Ship, (supposed to be a Pirate) and her Crew changed for the Spaniards that were on board at the time of capture by the *Brazen*: by them the 23 Slaves on board were shipped, and subsequently many acts of piracy committed. However, it having been clearly demonstrated, to the satisfaction of the Court, that the outfit of the *Snelheid* was originally that of a Slave-trader, and that her object in coming to the Coast of Africa, when her destination was said to be for the Cape of Good Hope, was to carry away a cargo of Slaves, the Court unhesitatingly pronounced Sentence of Condemnation upon her, but would not take cognizance of the Slaves and gold found on board at the time of capture, as these were shipped after she had been taken by the Spanish Ship from the Master, Lieutaud, and were purchased with the plunder from an American Vessel. This Decision was made by the Court on the 16th November, 1826.

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(Enclosure 4.)—List of Cases Adjudged in the Courts of Mixed Commission at Sierra Leone, between the 1st January, 1826, and 1st January, 1827.

GREAT BRITAIN.

Number of Cases adjudged between June, 1819, and 1st January, 1827.	Number of Vessels liberated between June, 1819, and 1st January, 1827.	Number of Cases adjudged between June, 1826, and 1st January, 1827.	NATIONS.	NAMES of VESSELS.	CLASS.	Condemned.	Liberated.	Number of Slaves on board at the time of Capture.	Number of Slaves emancipated.	Total number of Slaves emancipated between June, 1819, and January, 1826.
63	8	1	Portuguese.	Paquete da Bahia	Brig	Condemned.	—	386	385	6759
64	—	2	1	San Joao Segunda Rosalia	Brig	Ditto.	—	258	186	
65	—	3	2	Activo	Brig	—	—	166	—	
66	—	4	3	—	—	—	—	4	4	
67	—	5	4	Esperanza	Sloop	Ditto.	Liberated.	92	84	
68	—	6	5	Netuno	Brigantine	Ditto.	—	424	—	
69	—	7	6	Perpetuo Defensor	Brig	—	—	none.	—	
70	—	8	7	Sam Benedicto	Ship	—	—	608	579	
			8	Principe de Guiné	Brig	Ditto.	—	—	—	
71	—	9	Spanish.	Teresa	Schooner	Ditto.	—	197	6	2567
72	—	10	1	Ana	Ditto	Ditto.	—	198	130	
73	—	11	2	Ninfa Habanera	Brigantine	Ditto.	—	231	417	
74	—	12	3	Iberia	Schooner	Ditto.	—	422	173	
75	—	13	4	Nicanor	Ditto	Ditto.	—	174	235	
76	—	14	5	Intrepida	Brigantine	Ditto.	—	230	—	
			6	—	—	—	—	—	—	
				—	—	—	—	—	—	
77	—	15	Netherlands.	Hoop	Schooner	Ditto.	—	none.	—	9326
78	—	16	1	Amable Claudina	Ditto	Ditto.	—	34	243	
79	—	17	2	Charles	Brig	Ditto.	—	265	125	
80	—	18	3	Vogel	Schooner	Ditto.	—	none.	—	
81	—	19	4	La Fortunée	Ditto	Ditto.	—	245	—	
82	—	20	5	Snelheid	Brigantine	Ditto.	—	23	—	
			6	—	—	—	—	—	—	
				—	—	—	—	—	—	
				—	—	—	—	4017	2567	

WM. SMITH, Registrar.

No. 8.—*His Majesty's Commissioners to Joseph Planta, Jun, Esq.*  
(Received 9th March.)

SIR, Sierra Leone, 15th January, 1827.

IN compliance with the Instructions contained in your Despatch, under date of the 31st of October, 1826, we have communicated to Messrs. Magnus and Bidwell, that Mr. Canning has been pleased to direct us to promote them, the former to the situation of First Clerk to the British Commissioners, with a Salary of £ 500 a Year, and the latter to that of Second Clerk, with a Salary of £ 350. We have also acquainted them with Mr. Canning's intentions, in regard to a retired Pension, after 12 Years' actual service at their Post.

We shall pay strict attention to Mr. Canning's wishes, conveyed in the other part of your Despatch, relative to Vacancies by death, or absence, of either, or both, of the Clerks to His Majesty's Commissioners.

We have the honour to be, &c.

N. CAMPBELL.

JOS. REFFELL.

Joseph Planta, Jun. Esq.

No. 9.—*His Majesty's Commissioners to Mr. Secretary Canning.*  
(Received 9th March.)

SIR, Sierra Leone, 17th January, 1827.

WE have the honour to transmit herewith a Copy of the Registry of 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 day of July, 1826, to the 5th day of January, 1827.

You will observe, Sir, by this Document, that 939 Slaves have been emancipated in that period, that 934 were registered, and that 5 died between the time of emancipation and that of registration.

We have the honour to be, &c.

N. CAMPBELL.

JOS. REFFELL.

The Right Hon. George Canning.

(Enclosure.)—*Register of Slaves emancipated. 5th July, 1826, to 5th January, 1827. (Abstract.)*

	Number Registered.	Number died before Registration.	Number Emancipated.
La Fortunée - - -	120	5	125
Principe de Guiné - -	579	—	579
Intrepida - - -	235	—	235
Total -	934	5	939

No. 10.—*His Majesty's Commissioners to Joseph Planta, Jun. Esq.*  
(Received 9th March.)

SIR,

Sierra Leone, 17th January, 1827.

ON reference to the Correspondence of the past Year, we find that the List of Cases adjudged in the Courts of Mixed Commission, from the 1st January, 1825, to the 1st January, 1826, was not forwarded with the Abstracts of that Year's proceedings. We take the liberty of correcting that omission, by transmitting the same herewith.

We have the honour to be, &c.

N. CAMPBELL.

JOS. REFFELL.

Joseph Planta, Jun. Esq.

(Enclosure.)—List of Cases adjudged in the Courts of Mixed Commission at Sierra Leone, between the 1st January, 1825, and 1st January, 1826.

Number of Cases adjudged between June 1819, and 1st January, 1826.	Number of Vessels liberated between June 1819, and 1st January, 1826.	Number of Cases Adjudged between 1st January, 1825, and 1st January, 1826.	NATION.	NAMES OF VESSELS.	CLASS.	Condemned.	Liberated.	Number of Slaves on board at the time of Capture.	Number of Slaves Emancipated.	Total number of Slaves emancipated between June, 1819, and January, 1825.
53	5	1	Portuguese.	Bella Eliza	Schooner	Condemned	-	371	359	5160
54	-	2	2	Bom Fin	Ditto	Ditto	-	149	146	
55	-	3	3	Bom Jesus dos Navegantes	Brigantine	Ditto	-	280	266	
56	-	4	4	Uniao	Schooner	Ditto	-	361	249	
57	-	5	Spanish.	Espanola	Ditto	Ditto	-	270	270	1599
58	-	6	2	Segunda Gallega	Ditto	Ditto	-	285	273	
59	-	7	3	Clara	Ditto	Ditto	-	36	36	
60	-	8	Netherlands.	Bey	Ditto	Ditto	-	-	-	
61	-	9	1	Z	Brig	Ditto	-	-	-	6759
62	-	10	2	Venus	Schooner	Ditto	-	-	-	
			3					1752	1599	



No. 11.—*J. Reffell, Esq. to Jos. Planta, Jun. Esq.—(Rec. 4th April.)*  
(Extract.) *Sierra Leone, 27th January, 1827.*

I HAD the satisfaction of receiving, on the 22d instant, your Despatch of the 25th November, 1826, in which you acquaint me that Mr. Secretary Canning has received my Letter of the 12th August, and that he will recommend me for the Situation of Registrar to the Mixed Commission Courts established here, which Situation is become vacant by the Appointment of Mr. William Smith to be His Majesty's Commissioner of Arbitration in that Court.

Availing myself, Sir, of the first opportunity which has since offered for the transmission of Letters to England, may I now most respectfully request that you will be pleased to represent to Mr. Canning, the deep sense of gratitude I feel for the kind consideration he has been graciously pleased to honour me with, and which, as it will ever be indelibly engraven on my mind, will, I hope, so govern me in the performance of my duties in the Commission, as best to shew the sincerity of these professions.

In reference to the mention of Salary attached to this Situation, I beg leave to state, that it is my intention to request permission to resign the Offices I am, at present, holding in the Civil Service of this Colony, from the conviction that they will greatly interfere to prevent the due discharge of my duties as Registrar to the Commissions, and that I therefore trust Mr. Canning will be disposed to allow me the enjoyment of the full Salary of that Appointment, which will then be the only one of emolument I shall hold under His Majesty's Government.

I beg that you will permit me, Sir, to add, that I feel most grateful to you for the kind manner in which you have been pleased to convey Mr. Canning's directions.

*Joseph Planta, Jun. Esq.*

JOS. REFFELL.

No. 12.—*His Majesty's Commissioners to Mr. Secretary Canning.*  
(Received 14th April.)

SIR, *Sierra Leone, 19th February, 1827.*

WE have the honour to acknowledge the receipt of your Despatch of the 25th November, 1826, acquainting us that Mr. Hamilton's Despatch, (marked General) of the 28th of August, had been referred for the opinion of His Majesty's Law Officer, who had reported that the Treaties, the Commission, and the Provisions of the Act of Parliament for carrying the same into effect, furnish the only safe guide for the exercise of jurisdiction by the Members of the Mixed Commissions.

We have the honour to be, &c.

N. CAMPBELL.

*The Right Hon. George Canning.*

JOS. REFFELL.



No. 13.—*His Majesty's Commissioners to Mr. Secretary Canning.*  
(Received 14th April.)

SIR, *Sierra Leone, 19th February, 1827.*

WE have had the honour to receive your Despatch of the 29th of November, 1826, approving of the Decision of His Majesty's Commissioners in the Case of the Spanish Schooner *Nicanor*, and acquainting us, that, by a Communication from the Admiralty, it appears, that it would be contrary to 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 that the Lords of the Admiralty have given Orders that the respective Officers commanding the Tenders should each be furnished with the signed Instructions required by the Treaties for the repression of the Slave-trade.

We have, &c.

N. CAMPBELL.

JOS. REFFELL.

*The Right Hon. George Canning.*

No. 14.—*His Majesty's Commissioners to J. Planta, Jun. Esq.*  
(Received 14th April.)

SIR, *Sierra Leone, 19th February, 1827.*

WE have received your Letter of the 25th November, 1826, addressed to the late Mr. Hamilton, acquainting him that Mr. Canning would have pleasure in recommending him for the Appointment of His Majesty's Commissary Judge in the Mixed Court at Sierra Leone, and establishing general Rules as a principle upon which Pensions may be granted for Services rendered in the Situations of Commissary Judge, Commissioner of Arbitration, and of Registrar, under the Mixed Commission, the Duplicate of which Letter has, in compliance with Mr. Secretary Canning's desire, been lodged in the Archives of the Court.

We have the honour to be, &c.

N. CAMPBELL.

JOS. REFFELL.

*Joseph Planta, Jun. Esq.*

No. 15.—*His Majesty's Commissioners to Mr. Secretary Canning.*  
(Received 14th April.)

SIR, *Sierra Leone, 21st February, 1827*

WE have the honour to enclose herewith, Copy of a Letter which has been addressed to us by Mr. Magnus, First Clerk to His Majesty's Commissioners in this Colony.

In most respectfully requesting your favourable consideration to Mr. Magnus's application, we deem it a duty we owe to that Gentleman to state, that the zeal, attention, and abilities, he has displayed in the execution of his duties, during the period we have had the honour of officiating as His Majesty's Commissioners, have been as important to the Service, as creditable to himself, and that we feel satisfied, from the application of this Gentleman to publick business, that the duties of

the Situation he is desirous of obtaining your gracious consideration to fill, will not be allowed by him to interfere or prevent that due attention to the Service of the Commissioners, which has hitherto rendered him deserving of every consideration they had it in their power to shew him.

We have, &c.

N. CAMPBELL.

*The Right Hon. George Canning.*

JOS. REFFELL.

(Enclosure.)—*S. M. Magnus, Esq. to His Majesty's Commissioners.*  
GENTLEMEN, *Freetown, 19th February, 1827.*

HIS Excellency Sir Neil Campbell having done me the honour to appoint me Clerk of the Crown and Court of Recorder, in this Colony, I have respectfully to solicit, that you will be pleased to communicate the same to Mr. Canning, and that you will at the same time represent my conduct, in the discharge of the duties of the Situation I hold as your Clerk, as you may deem me entitled to, and which I trust, may induce Mr. Canning's sanction to my continuing to fill a Colonial Appointment, in addition to the one I hold immediately from him, and that he will not consider it as in any way incompatible with the due discharge of my duties under the Mixed Commission, which it shall be my constant endeavour to prevent from falling into arrear by any increased occupation, which may be imposed on me by the assumption of those Offices.

The Salary of this Situation is £ 50 per annum, and the fees attached thereto, may, probably, amount to £ 150 more. And should Mr. Canning be pleased to permit me to retain the Appointment, it will afford much relief to me in a pecuniary way, from the circumstance of my being under the necessity of keeping up two Establishments, in consequence of Mrs. Magnus's health having suffered so severely from her repeated attacks of fever, when in this Country, as to prevent her return with me.

I have, &c.

*His Majesty's Commissioners.*

S. M. MAGNUS.

No. 16.—*J. Planta, Jun. Esq. to His Majesty's Commissioners.*  
GENTLEMEN, *Foreign Office, 14th April, 1827.*

I AM directed by the Secretary of State to acknowledge the receipt of your Despatch, (marked Separate) of the 21st February, 1827, in which you forward and support the application of Mr. Magnus to retain the Situation of First Clerk to His Majesty's Commissioners at Sierra Leone, together with an Appointment to which he has recently been nominated, under the Government of that Colony.

I am directed to state to you, that, as you state yourselves to be confident, that the duties of the latter-mentioned Situation will not prevent a due attention being paid by Mr. Magnus to the Service of the Com-

missioners, you may signify to Mr. Magnus the permission of the Secretary of State, that he may hold, together with his present Situation under the Commission, the Appointment to which he has been nominated, of Clerk of the Crown and Court of Recorder at Sierra Leone.

I am, &c.

*His Majesty's Commissioners.*

JOSEPH PLANTA, JUN.

*No. 17.—Viscount Dudley to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 22nd May, 1827.*

I HEREWITH transmit to you, for your information, 6 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.*

DUDLEY.

*No. 18—His Majesty's Commr. to Mr. Secy. Canning.—(Rec. June 7.)*

SIR,

*Sierra Leone, 5th April, 1827.*

OUR attention having been attracted to a Paragraph in the Gazette of this Settlement, under date the 10th of March, 1827, relative to the fate of the unfortunate Officers and Men of His Majesty's Ship *Redwing*, placed on board the detained Brazilian Schooner *Disuniao*; Copy of which we have the honour herewith to enclose, and in which an allusion is made, "that the Master and Owner of the *Invincival*, was also the Owner of the *Disuniao*," and related the circumstances to a British Naval Officer, we considered it to be a duty we owed to humanity and justice, (and particularly in reference to your Letter to His Majesty's Commissioners, under date of the 23d February, 1826,\* enclosing a Communication from the Admiralty, containing a Statement of the arrival at Cuba of a Spanish Brig, reported to have recaptured, on the coast of Africa, two Vessels concerned in the Slave-trade, which Vessels had been detained by a British Cruizer,) to cause the Master of the *Invincival*, which Vessel was then for adjudication before the Court of British and Portuguese Mixed Commission, to be sought for and examined, as to his knowledge of the lamentable circumstance of the murder of these brave Men.

In forwarding to you, Sir, the Copy of this Examination on Oath, we deem it necessary to point out, that the discrepancy between the Statement published in the Gazette, and the Report of the same by the Master of the *Invincival*, appears to have arisen from the Naval Officer alluded to, (supposed to have been the Prize-Master of the

\* Class A. (No. 16.) 1825-1826.—(Spain.)

*Invincial*, on her passage here,) understanding but very little Portuguese, and the Master no English.

We have the honour to be, &c.

N. CAMPBELL.

*The Right Hon. George Canning.*

JOS. REFFELL.

(*Enclosure 1.*)—*Extract from the Sierra Leone Gazette of 10th March, 1827.*

A SPANISH Schooner, detained by the *Redwing*, having on board a Cargo of Slaves, when on her passage to Sierra Leone from the Bight of Biafra, some days after parting company with the *Redwing*, fell in with the Brazilian Schooner *Disunion*, belonging to Rio Janeiro, from the River Cameroons, having on board a Cargo of 275 Slaves, which she detained. Mr. Jackson, the Officer in charge, sent an Officer and half his crew on board her. The Spanish Schooner proceeding to Sierra Leone, accompanied by the *Disunion*, (being South of the Equator,) fell in with a large piratical Brigantine under Spanish Colours, mounting 13 guns, and having a numerous Crew. From the circumstance of the original Prize-Crew being distributed into two Vessels, both fell a prey to the Pirate, who took the Slaves out of the *Disunion*, and placed his prisoners, English and Brazilian, on board her. After parting company with the Pirate, a dispute arose between the Officers of the *Redwing*, and the Brazilians, as to the Port they should proceed to; the *Redwing's* Officers wishing to proceed to Sierra Leone, and the Brazilians to Rio Janeiro. The Brazilians apparently agreed to the wishes of the *Redwing's* Officers. On the succeeding day, taking advantage of the *Redwing's* people being off their guard, the Brazilians armed themselves with trade knives, a cask full being on the deck, and commenced an attack on the British Officers, all of whom they succeeded in killing after a severe struggle. Part of the *Redwing's* crew, on seeing their Officers killed, took to the rigging. The Brazilians opened a fire of musketry on them, and killed all. The Master and Owner of the *Invincial* was also the Owner of the *Disunion*, and related the preceding circumstances to a British Naval Officer. The name of the Spanish Pirate could not be ascertained. She placed part of her Crew on board the other Spanish Vessel, and steered for the West Indies.

(*Enclosure 2.*)—*Affidavit of the Master of the Invincial.*

JOZE ANTONIO DE CASTRO GUIMARAES, being examined on oath concerning certain transactions respecting a Spanish Schooner, Prize to His Britannick Majesty's Ship *Redwing*, with a Prize Crew from that Ship on board, deposeth and saith, that he, Deponent, learnt from Antonio dos Santos, a sailor on board the Ship *Invincial*, of which



Deponent was Master and Owner, during the present Voyage, in which she was taken by His Britannick Majesty's Ship *Esk*; that after the said Schooner, Prize to His Majesty's Ship *Redwing*, had parted from the *Redwing*, she fell in, some days afterwards, with the Brazilian Schooner *Disuniao*, which, about 5 Years ago, was owned by Deponent, and was then owned by Antonio Jozé Vierra, and commanded by Fernando da Costa Piera, which Vessel the British Officer in charge of the Spanish Prize Schooner captured, putting on board an Officer and part of his Crew, with the intention of taking her also to Sierra Leone. On their way thither, they fell in with a large Spanish Piratical Brigantine, armed with 13 guns, and having a considerable Crew on board. The name of the Brigantine was the *Gabiao*, belonging to The Havannah, owned by the same Persons as the Spanish Prize Schooner alluded to in the first part of this Deposition; the 2 Prizes were attacked by the *Gabiao*, and, after a sharp engagement, captured, during which she displayed French Colours. Many of the English and Brazilians were killed and wounded during the action, and, after the 2 Vessels were boarded and carried, the Spaniards used their knives most mercilessly, and mutilated all those that remained alive at the close of the engagement. After taking all the Slaves out of the *Disuniao*, and plundering her of almost every article of food, and her tackle and sails, as well as all the seamen's clothes, she was permitted to proceed to Rio Janeiro, where she arrived in safety about 12 months ago, with only 5 persons on board, including the Captain, who were in a wretchedly mutilated state, some having their noses, ears, and hands off, and covered with a number of knife-wounds, and as they were all Brazilians who arrived in her, Deponent has reason to suppose the whole of the English Crew must have been killed.

Deponent further saith, that the Sailor, from whom he learnt the preceding particulars, had a number of wounds about his body, (and one hand off,) which he received during the engagement, and after the capture of the said *Disuniao*, by the said Brigantine *Gabiao*, and that he was put on Shore with the rest of the Crew of the *Invincibal*, after she was taken by His Britannick Majesty's Ship *Esk*.

Deponent further states, that a slight notice was inserted in the Rio de Janeiro Gazette, of the arrival of the *Disuniao*, and of the circumstances which had taken place on board her about 12 Months past, at which time, he, Deponent, was at Rio de Janeiro, and saw it.

JOZE ANTONIO DE CASTRO GUIMARAES.

Sworn before me, at Freetown, in the Colony of Sierra Leone, this 28th March, 1827.

WM. SMITH, Registrar.

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No. 19.—*J. Reffell, Esq. to Mr. Secretary Canning.—(Rec. June 30.)*  
 SIR, *Sierra Leone, 19th April, 1827.*

I HAVE the honour to acquaint you, that, in consequence of His Excellency Sir Neil Campbell having left the Colony on Publick Service, for the Gambia, Lieutenant-Colonel Lumley, the Lieutenant-Governor, this day took the Oaths of Commissary Judge in the several Courts of Mixed Commission, established in this Colony, before me as the Principal Magistrate.

I have the honour to be, &c.

*The Right Hon. George Canning.*

JOS. REFFELL.

No. 20.—*His Majesty's Commr. to Mr. Secy. Canning.—(Rec. July 27.)*  
 SIR, *Sierra Leone, 8th May, 1827.*

WE had the honour to receive your Despatch of the 31st of January 1827, enclosing His Majesty's Commissions, appointing Mr. Daniel Molloy Hamilton to be His Majesty's Commissary Judge, Mr. William Smith to be His Majesty's Commissioner of Arbitration, and Mr. Joseph Reffell to be Secretary or Registrar, to the Mixed Commissions at present established here. Mr. William Smith, and Mr. Joseph Reffell have, in consequence, this day taken the Oaths prescribed to their respective Appointments under the several Commissions, and entered accordingly upon the Duties of the Situations, to which His Majesty has been graciously pleased to appoint them.

We have the honour to be, &c.

H. LUMLEY.

*The Right Hon. George Canning.*

WM. SMITH.

No. 21.—*J. Reffell, Esq. to Joseph Planta, Jun. Esq.—(Rec. July 27.)*  
 SIR, *Sierra Leone, 14th May, 1827.*

I BEG leave most respectfully to inform you, for the information of The Right Honourable Mr. Secretary Canning, that in virtue of His Most Gracious Majesty's Commission, by which I am appointed Registrar of the Courts of Mixed Commission established in this Colony, I, on the 8th Instant, took the prescribed Oath as such, before His Majesty's Acting Commissary Judge, and entered upon the Duties of my said Office.

I further beg permission to add, that, in consequence of the absence of His Excellency Sir Neil Campbell, the Governor, on a visit to the Gambia, I am precluded from retiring from the Offices I at present hold in the Colonial Department of this Government, but which it is my intention to do, when His Excellency returns.

I have the honour to be, &c.

*Joseph Planta, Jun. Esq.*

JOS. REFFELL.

No. 22.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. July 27.  
SIR, *Sierra Leone, 15th May, 1827*

WE have the honour to acknowledge the receipt of your Despatch of the 26th of February last, with its Enclosures, communicating, for our information, the intention of His Majesty's Government to remove the Mixed Commissions, at present established here, to the Island of *Fernando Po*, and the measures in contemplation for carrying that arrangement into effect.

We beg to return you, Sir, our thanks for this early communication, and have the honour to remain, &c.

H. LUMLEY.

*The Right Hon. George Canning.*

WM. SMITH.

No. 23.—*W. Smith, Esq. to Joseph Planta, Jun. Esq.*—(Rec. July 27.)  
SIR, *Sierra Leone, 19th May, 1827.*

I HAVE the honour herewith to enclose to you, for the information of Mr. Secretary Canning, the Copy of a Letter, which has been addressed to me by Doctor *Fergusson*, Surgeon of the Royal African Colonial Corps, soliciting to be appointed Surgeon to the Courts of Mixed Commission at the intended Settlement at *Fernando Po*.

I beg most respectfully to state my humble opinion, that the Appointment of a Medical Officer exclusively attached to the Mixed Commissions, would be a measure attended with beneficial results, both to the whole of the Establishment of those Commissions, and to the unfortunate people who may be brought before the Courts for emancipation.

The Situation Doctor *Fergusson* solicits has hitherto been held at a trifling Salary, by Gentlemen whose various professional duties, in the Army and Colony, rendered their attention to the Slaves, with very few exceptions, a mere matter of form, and during the illness of any of the Officers of the Commissions, they were necessitated to apply for assistance to the Colonial Surgeon, and which, it is but justice to that Gentleman to say, he has ever cheerfully complied with.

The intimate acquaintance the Gentlemen composing the Mixed Commissions have of Doctor *Fergusson*, their implicit confidence in his abilities, his thorough knowledge of the diseases of Africa, his successful practice, and his being inured to the Climate, render him most eligible for the Appointment he solicits, and a valuable acquisition to an infant Colony; and I have pleasure in adding my personal tribute to his merits, from having experienced from him, during the severe attacks I have had here, the most unremitting attention; and it is, therefore, that I can most strongly recommend him to the favourable consideration of Mr. Canning, should such an Appointment be deemed proper.

I have the honour to be, &c.

*Joseph Planta, Jun. Esq.*

WM. SMITH.

(*Enclosure.*)—*Doctor Fergusson to William Smith, Esq.*

SIR,

*Sierra Leone, 18th May, 1827.*

HAVING understood that it is the intention of His Majesty's Government to remove the Courts of Mixed Commission from this Station to *Fernando Po*, I have the honour to offer my services as Surgeon on your Establishment, in the event of such an Appointment being deemed necessary.

I have served upwards of 6 Years in the Medical Department of the Army at Sierra Leone. I have also held a Medical Situation on the Civil Establishment of the Colony during the whole of that period, and am now Surgeon of the Royal African Colonial Corps, to which Situation I was promoted through the unsolicited recommendation of the late Major-General Turner. For personal character and professional qualifications, allow me to refer to yourself, and the other Officers of your Court here, with whom I have been on terms of intimacy for some Years.

I am uncertain whether the Appointment of a Medical Officer to the Courts of Mixed Commission is contemplated, but should such be the case, and my offer of Service accepted, I trust that, in nominating a Salary to the Situation, with such retired allowance after having served a period of Years, as may, in the wisdom of His Majesty's Government, be deemed suitable, it may be considered that the formation of a new Settlement on the Western Coast of Africa, holds out a certain prospect of much mental anxiety and bodily trouble to the Medical Officer. Should my offer meet with a favourable consideration, I shall immediately apply to the proper Authorities to be placed on the half-pay list of the Army.

I have the honour to be, &c.

*William Smith, Esq.*

W. FERGUSSON.

No. 24.—*His Majesty's Commr. to Viscount Dudley.*—(Rec. Sept. 18.)

MY LORD,

*Sierra Leone, 5th July, 1827.*

WE have the honour to transmit, herewith, a Copy of the Registry of Slaves emancipated by the Courts of Mixed Commission, established in this Colony for the prevention of the illicit Traffick in Slaves, during the period from the 5th day of January to the 5th day of July 1827.

You will observe, my Lord, by this Document, that 2178 Slaves have been emancipated in that period, that 2177 were registered, and that 1 died between the time of Emancipation and that of Registration.

We have the honour to be, &c.

H. LUMLEY.

*The Right Hon. Viscount Dudley.*

WM. SMITH.



(Enclosure.)—(Abstract.)—Register of Slaves emancipated. 5th January to 5th July 1827.

	Numbered Registered.	Number Died before Registration.	Number Emancipated.
La Paulita.....	189	—	189
Lynx .....	251	—	251
Invincival .....	250	—	250
Emilia .....	175	—	175
Fama .....	95	—	95
De Snelheid .....	23	—	23
Venus .....	188	—	188
Dos Amigos .....	308	—	308
Conceição de Marie.....	198	—	198
Tres Amigos....	3	—	3
Creola.....	288	1	289
Silveirinha .....	209	—	209
Total..	2177	1	2178

No. 25.—William Smith, Esq. to Viscount Dudley.—(Rec. Sept. 18.)  
MY LORD, Sierra Leone, 6th July, 1827.

I HAVE the honour to acquaint Your Lordship, that His Excellency Sir Neil Campbell returned here, from the Gambia, on the 5th Instant, and has resumed the duties of His Majesty's Commissary Judge, *ad interim*, to which Office Lieutenant-Colonel Lumley, Lieutenant-Governor, succeeded, on Sir Neil Campbell's departure from this, on the 17th of April last. I am, &c.

The Right Hon. Viscount Dudley.

WM. SMITH.

No. 26.—The Earl of Dudley to His Majesty's Commissioners.  
GENTLEMEN, Foreign Office, 26th September, 1827.

I HEREWITH transmit to you, the Copy of a Letter, and of its Enclosure, which I have received from Dr. Stewart, soliciting Remuneration for his Services as Acting Surgeon, attendant on the Slaves arriving at Sierra Leone, from the 6th of September 1826, to the 24th of February 1827.

I shall be glad if you will address to me, such observations as occur to you, in regard to this Application of Dr. Stewart, to enable me to form a judgment as to the Answer which it may be proper to give him.

I am, &c.

His Majesty's Commissioners.

DUDLEY.

(*Enclosure.*)—*Dr. Stewart to Viscount Dudley.*

MY LORD,

London, 11th September, 1827.

I BEG leave to represent to Your Lordship, that, on the 6th September 1826, I had the honour to be appointed by the Court of Mixed Commission at Sierra Leone, their Surgeon, and performed that duty to the 24th of February, 1827, as vouched for by the Certificate herewith enclosed, at which period my state of health obliged me to return to this Country. As in most of the Slave-vessels that arrived at Free Town, during the abovementioned period, generally sickness prevailed to a very great extent amongst them, requiring both a careful and lengthened attendance, I would, therefore, most respectfully submit to Your Lordship's favourable consideration, the propriety of granting such Remuneration as my Services may appear to Your Lordship worthy of.

I have the honour to be, &c.

ALEX. STEWART, Surgeon to the Forces.

*The Right Hon. Viscount Dudley.*

(*Sub-Enclosure.*)—*Certificate of Dr. Stewart's Appointment.*

COLONY OF SIERRA LEONE.

THESE are to Certify, that Alexander Stewart, M. D. was appointed, on the 6th day of September, 1826, Surgeon to the Courts of Mixed Commission, established in this Colony for the prevention of illicit Traffick in Slaves, as appears by the following Extract from the Minutes of the said Courts :

" Alexander Stewart, M.D. was sworn in as Surgeon to these Courts, *pro tempore*, vacant by the departure of Dr. Cartan, who had been appointed thereto, *pro tem.* during Mr. Shower's absence in England—Doctor Cartan having been obliged to quit this Colony, on account of severe illness." And further, that the said Alex. Stewart, M. D. has actually done the duty of Surgeon to the aforesaid Courts, from the 6th day of September, 1826, to the 24th day of February, 1827.

In faith and testimony whereof, I have hereunto set my hand, and affixed the Seal of the said Courts, at Free Town, in the Colony of Sierra Leone, this 12th day of March, 1827.

(L.S.)

WM. SMITH, *Registrar.*

(No. 27.)—*William Smith, Esq. to the Earl of Dudley.*—(Rec. Nov. 17.)

MY LORD,

Sierra Leone, 16th August, 1827.

IT is with feelings of deep regret and sorrow, that I have the painful task of acquainting your Lordship with the death of His Excellency Sir Neil Campbell, the Governor of this Colony, who was also acting as His Majesty's Commissary Judge in the Courts of Mixed Commission. This melancholy event took place on the 14th Instant, after a short, but severe illness.

The Administration of this Government having devolved on Lieutenant-Colonel Lumley, he has accordingly assumed the Duties of His Majesty's Commissary Judge, *ad interim*. I have, &c.  
*The Right Hon. Viscount Dudley.* WM. SMITH.

(No. 28.)—*His Majesty's Comm<sup>r</sup> to the Earl of Dudley.*—(Rec. Nov. 17.)  
 MY LORD, *Sierra Leone, 18th August, 1827.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 22d of May, 1827, transmitting, for our information, 6 Copies of Papers, marked A. and B., relative to the Slave-trade, which had been presented to both Houses of Parliament.

We have the honour to be, &c.

H. LUMLEY.

*The Right Hon. Viscount Dudley.*

WM. SMITH.

No. 29.—*His Majesty's Comm<sup>r</sup>. to the Earl of Dudley.*—(Rec. Nov. 17.)  
 MY LORD, *Sierra Leone, 22d August, 1827.*

It is extremely gratifying to us to have it in our power to report to your Lordship, that there is not at present any Case for Adjudication before the Mixed Commissions; nor has there been any since the Portuguese Schooner *Toninha* was condemned on the 21st of July last. We have also heard, from private sources, that there were no Slaves on the Coast when the last intelligence from the Squadron to the Leeward was received. Whether this may have resulted from the activity of the Squadron employed to prevent this nefarious Traffick, together with the late Decisions in the Courts of Mixed Commission, which have apparently paralyzed the audacious conduct of the Traders in human flesh, or whether it may be attributable to the determination of the Persons engaged in that Trade, owing to the immense losses they must lately have sustained, to confine that Traffick to the limits prescribed by the Treaty, it certainly is matter of congratulation to all interested in the welfare of Africa; as it will tend, we hope, to meliorate the condition of the unfortunate Natives of this Continent, who, while they are excited by the lawless Traders in their Fellow-Countrymen, cannot be prevailed on to turn their attention to innocent Commerce, which the rich products of their Country would abundantly furnish.

We have noticed, particularly this Year, as compared with former ones, that an evident diminution of the illicit Traffick has taken place under the Flags of Spain and The Netherlands, there having been adjudicated in the Mixed Courts only three of the former and one of the latter, since the 1st of January last up to the present date, although it is much to be feared, that a great portion of the Traffick of those Nations in Slaves is covered under the Flag of France, which, however, must have been greatly impeded by the activity of the French Squadron,

which ran down the Coast a few months since, and is reported to have made many seizures.

Since the establishment of the Mixed Commissions up to the present date, there have been no less than 59 Vessels adjudicated in the British and Portuguese Court here; and as it may be satisfactory to your Lordship to see at one view the glaring infractions of the Treaty by the whole of them, we have extracted, from the Archives of that Court, the enclosed List, shewing the Ports from whence they sailed for the licit Traffick in Slaves, and whether regularly or irregularly licenced. This Document affords a convincing proof of the illicit intention of the Parties who procure Passports for their Vessels engaged in the Slave-trade to come to the Northward of the Equator, and, under that assumed protection, await a favourable opportunity to carry off a Cargo of unhappy creatures, which, notwithstanding the praiseworthy zeal and activity of the Officers of the Squadron in suppressing that Trade by all means in their power, we regret they have too often succeeded in accomplishing, from the impossibility of the Squadron guarding every point on the immense extent of this Coast where it is carried on, and the great facilities afforded them by Agents on shore.'

The number that has been captured and condemned in the present Year is unprecedented in the like period, and shews the increased extent to which this horrible Traffick was extending itself, but for the salutary check it has sustained by the late Decisions, in conformity, we hope, to the spirit of the Treaty with Portugal of 1815, and Additional Convention thereto of 1817.

We have, &c.

H LUMLEY.

WM. SMITH.

*The Right Hon. Viscount Dudley.*

(Enclosure.)—*List of 59 Vessels adjudicated in the British and Portuguese Court of Mixed Commission, from its Establishment up to the 22d of August, 1827, shewing the Ports from whence they sailed, and whether provided with Regular or Irregular Passports for carrying on the licit Traffick in Slaves.*

- 6 Had Colonial Licences from Cape de Verds, and the Islands of St. Thomas and Princes.
- 2 Had no Ship's Papers whatever.
- 5 Were not furnished with Passports for the Slave-trade according to Treaty.
- 6 Were furnished with Passports from Pernambuco, viz. 3 to Molembo, 2 to Cabinda, and 1 to Molembo, with permission to touch on her way there at St. Thomas and Princes.
- 2 Were furnished with Passports from Rio de Janeiro to Molembo.
- 1 Ditto.....Ditto... from Rio de Janeiro to Molembo, to call on her way there at St. Thomas.
- 19 Were furnished with Passports from Bahia to Molembo.



- 11 Were furnished with Passports from Bahia to Molembo, to call at St. Thomas and Princes.
- 3 Were furnished with Passports from Bahia to the Coast of Elmina, and St. Thomas and Princes.
- 1 Ditto.....Ditto... from Bahia to Molembo, to call on the Coast of Elmina, and St. Thomas and Princes.
- 1 Ditto.....Ditto... from Bahia to Molembo, to touch at Sierra Leone, the Coast of Guinea, and the Islands of St. Thomas and Princes.
- 1 Ditto.....ditto from Bahia to Molembo, to touch at the Coast of Guinea.
- 1 Ditto.....ditto... from Bahia to Molembo, to touch at St. Thomas.
- 
- 59 Total
- 

## ABSTRACT.

- 6 Colonial Licences.
- 2 No Ship's Papers.
- 5 No Passports according to Treaty.
- 6 With Passports from Pernambuco.—5 regular, 1 irregular
- 3 With Passports from Rio Janeiro.—2 regular, 1 irregular.
- 37 With Passports from Bahia.—19 regular, 18 irregular.
- 
- 59 Total
- 

No. 30.—*Wm. Smith, Esq. to the Earl of Dudley.*—(Rec. Nov. 17.)  
 MY LORD, *Sierra Leone, 28th August, 1827.*

HAVING had in each of the last 2 Years an attack of the bilious remittent fever of this Country, in the rainy Season, by which my health is much impaired, and it being the opinion of the Medical Gentlemen, whose Certificate I beg to enclose, that a temporary residence in England is necessary for the re-establishment of my health, I have, most respectfully, to solicit your Lordship's favourable representation to His Majesty, to grant me permission to return to England in the ensuing Year for that purpose, at which period I shall have been 3 Years at my Post.

I have, &c.

*The Right Hon. Viscount Dudley.*

WM. SMITH.

(Enclosure.)—*Medical Certificates.*

I HEREBY certify, that Mr. William Smith has had a severe attack of the bilious remittent fever of the Country, in each of the 2 last Years; and that by these and several minor febrile complaints, his constitution is so much impaired that I consider a temporary residence in England necessary for the complete re-establishment of his health.

W. FERGUSSON, *Surg. Rl. Af. C. C.*

*Sierra Leone, August 25, 1827.*

I HEREBY certify, that the opinion above given by Mr. Fergusson, late Acting-Surgeon to the Mixed Commission Courts, appears to me to be perfectly correct, and I consider that a return to Europe for a short period is absolutely necessary for the re-establishment of Mr. Smith's health.

WM. BARRY, M. D. *Deputy Inspector of Hospitals.*  
*Sierra Leone, August 27, 1827.*

No. 31.—*The Earl of Dudley to William Smith, Esq.*

SIR, *Foreign Office, 22d November, 1827.*

I HAVE received, and laid before the King, your Despatch (marked Separate) of the 28th of August; and I have to convey to you His Majesty's gracious permission to return to this Country in the ensuing Spring for the sake of your health, for a period not exceeding 6 months residence in England.

I am, &c.

*William Smith, Esq.*

DUDLEY.

No. 32.—*His Majesty's Commissioners to the Earl of Dudley.*

(*Received Dec. 10.*)

MY LORD, *Sierra Leone, 28th September, 1827.*

SUBSEQUENT to our Despatch, dated the 22d ult., His Majesty's Brig *Conflict*, arrived here from the Leeward Station, where she had been cruising some months.

From her Commander, Lieutenant Wakefield, we have learnt that the Squadron, up to the period of his quitting it, about the 14th of August, for this Colony, had not made any seizures under the Treaties for abolishing the Slave-trade, and only two suspicious Vessels had been seen, one of which was chased by Commodore Collier in the *Sybil*, and the other by the *Conflict*, but both succeeded in escaping during the night. We have further learnt from Lieutenant Wakefield, that *Brazilian* Vessels begin to come on this Coast, furnished with Mercantile Passports, to trade on the Costa de Mina, otherwise the Coast of Elmina, which extends from Cape Three Points to the River Lagos, and he gave us a List of 4 Vessels so circumstanced, which he had boarded at that notorious Slave Port Lagos, where they were lying at anchor, trading, as they pretended, for palm-oil and other legitimate African produce; a Copy of which List we beg to enclose herewith for your Lordship's information.

Lieutenant Wakefield expressed his conviction, that they were furnished with two Passports, one of which was for a Slaving-voyage, and that their object was to await a favourable opportunity for taking off a cargo of Slaves, but the interest and connection amongst the Crews of *Brazilian* Vessels, from the Master to the Cabin-boy, renders it extremely difficult to detect them in these nefarious practices.

Should either of these Vessels succeed in escaping with a cargo of Slaves, we much fear, that very evil consequences will result from it,

in as much as the illicit Traders in Slaves, finding themselves unmolested under the protection of their Mercantile Passport, will, we apprehend, come in numbers, and the good which we flattered ourselves would result from the late Captures and Condemnations will, consequently, be but of short duration.

Under the present Treaty with *Portugal* for the suppression of the Slave-trade, we do not find that any penalty is attached to her Vessels, or to Brazilians, which are found to the Northward of the Equator, trading under a Mercantile Passport, although they may be fitted, in every respect, for carrying on that Traffick, and which would afford strong presumptive proof that they were illicitly engaged. *Brazilian* Vessels so situated will, we doubt not, like the *Spaniards*, continue under this new form, to carry on the Slave-trade to the Northward of the Equator, unless some strong measures are devised to check it, and nothing, in our humble opinion, and we state it with confidence, would more effectually tend to this desirable end, than an Additional Article to the Treaty with Portugal and Brazil, similar in all respects to the further Additional Article to the Treaty with The Netherlands, the putting which in force has had the good effect of suppressing the Trade under that Flag.

Notwithstanding our fears on this point, it is with pleasure we report to your Lordship, the confirmation of the decrease of the illicit Traffick in Slaves under the *Spanish* and *Netherland* Flags. Not a Vessel of either of those Nations was in the Bights of Benin, or Biafra, when the *Conflict* left them. The only Spanish Vessel so employed there, was some time previous condemned at Princes Island as unseaworthy. There were, however, many *French* Vessels engaged in that Trade, several of which had been captured by a French Brig of War, which was cruising in the Bights, and which we most sincerely hope may tend to diminish that nefarious Traffick under His Most Christian Majesty's Flag, which has but too long been subverted to such vile purposes.

We have, &c.

H. LUMLEY.

WM. SMITH.

*The Right Hon. Viscount Dudley.*

(Enclosure.)—List of *Brazilian Vessels boarded by His Majesty's Brig Conflict, Lieut. Wakefield, Commander, trading on the Costa de Mina under Mercantile Passports.*

Name of Vessel.	Name of Master.	Name of Owner.	Ton- nage.	Where belonging to.	Where boarded.
General Almeida -	Joao Sabino - - -	Cerqueira de Lima -	180	Bahia - -	Lagos.
Comprador - - -	M J. Florie - - -	Antonio de Arreiro -	200	Bahia - -	Lagos.
Agoa da Bahia - -	Joaquim J. de Mello	J. J. Ferreira - - -	112	Bahia - -	Lagos.
Vittoria - - - -	F. Maria - - - -	Joze de Sacara - - -	56	Bahia - -	Lagos.

No. 33.—*W. Smith, Esq. to the Earl of Dudley.*—(Received Dec. 10.)  
 MY LORD, *Sierra Leone, 6th October, 1827.*

I HAVE the honour to inform your Lordship that, in consequence of the departure of Lieutenant-Colonel Lumley, the Lieutenant-Governor, to the Gold Coast on Publick Service, Mr. Reffell, the Registrar of the Courts of Mixed Commission, has assumed, by virtue of his Office of Acting Chief Justice, the Duties of Commissary Judge, *ad interim*, in those Courts. Mr. Magnus has been appointed, under Commission from the Lieutenant-Governor, Acting Registrar, during such time as Mr. Reffell may fill the superior situation; but continues also to do the duty of First Clerk to His Majesty's Commissioners. The usual Oaths have this day been administered to both these Gentlemen.

I have the honour to be, &c.

*The Right Hon. Viscount Dudley.*

WM. SMITH.

No. 34.—*J. Reffell, Esq. to John Backhouse, Esq.*—(Received Dec. 11.)  
 SIR, *Sierra Leone, 9th October, 1827.*

DEEMING it my duty to explain the circumstances, under which I have taken upon me the Office of Commissary Judge, in the Courts of Mixed Commission established here, I beg leave most respectfully to enclose herewith, the Correspondence which took place between the Lieutenant-Governor and myself upon this subject.

Enclosure 1, is Copy of a Communication from the Lieutenant-Governor, requesting of me, in the event of its being required, to take upon myself the Office in question, and which induced me to address the Letter marked 2, pointing out the circumstances I was thus placed in, by the impossibility of reconciling the situation I hold in the Commissions, with that he was desirous of my assuming; in reply to this, I received Enclosure 3, urging the necessity of the arrangement, and mentioning the concurrence of Mr. Smith, His Majesty's Commissioner of Arbitration, in the change which would consequently occur in the Courts. Upon the receipt of this Letter, I considered it obligatory upon me as a Servant of the Government, to accede to a measure considered so necessary for the Publick Service of the Colony.

In requesting, Sir, that you will be graciously pleased to submit this Statement to the Right Honourable Viscount Dudley, may I be permitted to hope, that my conduct in assuming this important Office, and temporarily vacating the situation of Registrar, will be approved, and that it will be looked upon as an arrangement, rather forced upon me, in consequence of holding the temporary Appointment of Chief Justice, (which it has been my desire to resign, from the first moment I received my nomination from the Foreign Office) than to the most remote desire to be engaged in any other Service than that of fulfilling my duty in the Commission?



It is expected that a Chief Justice, or King's Advocate, will shortly arrive from England, when I shall retire from this Colonial Appointment, the remuneration for which is only £500 a Year, or equal to the moiety I am precluded drawing as Registrar, in consequence of holding it, and therefore no pecuniary advantage to me. I have, &c.

*John Backhouse, Esq.*

JOS. REFFELL.

(*Enclosure 1.*)—*Lieutenant-Governor Lumley to Joseph Reffell, Esq.*  
SIR, *Sierra Leone, Hill Barrack, 27th Sept. 1827.*

ACCORDING to the tenour of the 14th Article of the Regulations for the Mixed Commissions, the vacancies as Judge of the Commission Court should be filled up, *ad interim*, successively, by the Governor, or Lieutenant-Governor, by the Principal Magistrate, and by the Secretary.

The vacancy which my temporary absence at the Gold Coast will occasion, (as I am necessitated almost immediately to proceed there,) must be filled up by you as Acting Chief Justice, the next in succession to me.

I therefore, in virtue of the said Regulations, request you will be sworn in as Judge of the Mixed Commission Court established here, when circumstances may require it.

With the highest regard and esteem, I have, &c.

H. LUMLEY, *Lt-Colonel and Lt.-Governor.*  
*Joseph Reffell, Esq. Acting Chief Justice.*

(*Enclosure 2.*)—*J. Reffell, Esq. to Lieut.-Governor Lumley.*  
SIR, *Sierra Leone, 29th September, 1827.*

I HAD the honour of receiving last evening your Letter, relative to the Office of Judge in the Mixed Commission Court, becoming vacant on your intended departure to the Gold Coast, and requesting of me, as Acting Chief Justice, in virtue of the 14th Article of the Regulations for the same, to be sworn in as Judge thereof when circumstances might require it.

With reference thereto, I beg leave most respectfully to point out to your Honour the peculiar situation I am consequently placed in; that of either resigning the Office of Acting Chief Justice, or of obtaining the leave of His Majesty's Commissioners to be permitted *ad interim*, to vacate that of Registrar to the Courts, and which latter Office, as I have the honour of being appointed to it by His Most Gracious Majesty, is my most legitimate employment under His Majesty's Government.

Your Honour is fully aware, that, from the moment of the Commission constituting me Registrar arriving here, it has been my desire to resign into the hands of His Majesty's Representative, the Appointment I had the honour of receiving from His late Excellency, of

Acting Chief Justice, but that the circumstances in which the Colony was, and is still placed, for want of more experienced Officers than myself, has hitherto induced me, on this consideration being pointed out, to continue in that Situation, which, however, until the present moment, has never interfered with the duty I owe to the Commissions.

It is very far from my wish, at this peculiar period, when your Honour is about to leave for a time the seat of Government, to withdraw myself from any Office in the Colonial Service; but your Honour will see the impossibility of reconciling that I hold temporarily, under the circumstances it will place me in, with the performance of my duty as Registrar in the Commissions, and I therefore, most respectfully request that your Honour will be pleased to decide on what you consider best, and most likely to meet the approbation of His Majesty's Government at home, and it will be my duty cheerfully to comply with the commands I may in consequence receive.

A Brazilian Vessel, with upwards of 500 Slaves, having arrived last evening, will give employment for some time to the Courts of the Commission, and, therefore, the necessity of the duties of Commissary Judge being immediately entered upon when your Honour leaves the Colony.

I have, &c.

*His Honour Lieut.-Col. Lumley.*

JOS. REFFELL.

(Enclosure 3.)—Lieutenant-Governor Lumley to J. Reffell, Esq.

SIR,

*Sierra Leone, 30th September, 1827.*

IN reply to your Letter of the 29th instant, I have the honour to state to you, that under the peculiar circumstances of this Colony at present, without a Chief Justice or King's Advocate, it would be highly prejudicial to His Majesty's Service your resigning your Acting Situation as Chief Justice; as there is no Person whom I could appoint to succeed you, that would be eligible to the Situation you have filled so long (without any pecuniary recompense) with so much credit to yourself; and the valuable services you have rendered to this Colony, by a zealous and conscientious discharge of your duties.

I have seen the Commissioner of the Mixed Commission Court, Mr. Smith, who fully agrees with me in the propriety, nay necessity, of carrying into effect the arrangements I had the honour of proposing to you, viz. your acting as Commissary Judge during my absence at the Gold Coast, and Mr. Magnus, already of the Court, to act, *ad interim*, as Registrar.

I have, &c.

*His Honour J. Reffell.*

H. LUMLEY.

No. 35.—The Earl of Dudley to His Majesty's Commissioners.

GENTLEMEN,

*Foreign Office, 13th December, 1827.*

I HEREWITH transmit to you the Copy of a Letter, which has been addressed to one of the Under Secretaries of State for this Depart-

ment, by one of the Secretaries to His Majesty's Treasury, upon the subject of the expences attendant upon the subsistence of captured Negroes, between the time of their Capture and that of their Condemnation.

I have to acquaint you, that the principle which has been laid down upon this head, is, first, that these expences should be borne out of the Proceeds of the Vessel on board of which the Slaves were found ; and, secondly, if there should be no Proceeds, or Proceeds which are not sufficient, the expences, or the residue of them, should be paid by that Government which will eventually have the advantage of the labour of the Slaves.

I am accordingly to direct, that you will, in accordance with the suggestion in the enclosed Communication from His Majesty's Treasury, pay to the Superintendent of captured Negroes, out of the Proceeds of each respective Vessel and Cargo condemned under the Mixed Commission Court at Sierra Leone, so far as the amount of those Proceeds will reach the amount of the Bills which shall have been duly notified to you by the Superintendent, as having been drawn upon him for the subsistence of the Negroes between the period of their Capture and that of their Condemnation, strictly limiting the application of the Proceeds of each Vessel to the expences of the Negroes specially belonging to it.

I am, &c.

*His Majesty's Commissioners.*

DUDLEY.

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(*Enclosure.*)—*T. Frankland Lewis, Esq. to John Backhouse, Esq.*  
*SIR, Treasury Chambers, 28th November, 1827.*

THE Lords Commissioners of His Majesty's Treasury having had under their consideration a Letter from Mr. Wilmot Horton, relative to the refusal of the Governor of Sierra Leone to allow the Superintendent of liberated Africans in that Colony to accept Bills drawn by Naval Officers for the support of captured Negroes, I have it in command to transmit to you Copy of their Lordships' Minute on this subject, dated the 20th instant, and to request that you will lay the same before Earl Dudley, and move him to convey Instructions to the Commissioners of the Mixed Commission Court at Sierra Leone, to pay over, out of the proceeds of the Vessels and Cargoes condemned there, to the Superintendent of captured Negroes, the amount of the Bills which may have been drawn upon him for the subsistence of the Negroes previously to their condemnation, who may have been found on board such Vessels respectively, and which Instructions will be in conformity to the Instructions conveyed by Mr. Secretary Canning to Consul-General Chamberlain, at the Brazils, on the 25th of August, 1823.

I am, &c.

*John Backhouse, Esq.*

T. FRANKLAND LEWIS.

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(*Sub-Enclosure.*)—*Treasury Minute, 20th November, 1827.*

READ Letter from Mr. Wilmot Horton, dated 30th ult. on two Letters from the Admiralty, relative to the refusal of the Governor of Sierra Leone to allow the Superintendent of liberated Africans in that Colony any longer to accept Bills drawn upon him by Naval Officers for provisions, &c. purchased for support of captured Negroes, between the time of their detention and that of pronouncing the Sentence of Condemnation. Mr. W. Horton states, that there are two points of view in which it strikes Mr. Huskisson that it may be proper to consider this Question: First, whether the Superintendent, whose duties are confined to the controul and maintenance of the Africans who have been judicially liberated from the condition of Slavery, can strictly have any concern with those captured Africans, prior to their Condemnation; and, secondly, whether it is expedient that an Officer at Sierra Leone should continue to charge in his Accounts an Expenditure, which neither the Governor nor the Secretary of State have any means of controuling, or, indeed, of deciding from what source it should properly be defrayed, except in the case of Brazilian Vessels, respecting which it has been agreed that these expences should be paid, as costs, out of the proceeds of the sale of condemned Ships and Cargoes.

Read also a Letter from Mr. Wilmot Horton, dated 27th ult., transmitting, by direction of Mr. Secretary Huskisson, Copy of a Letter, and its Enclosures, which have been received from the Governor of Sierra Leone, conveying the expression of his hope that the Secretary of State would approve of his conduct in having relieved the Department of liberated Africans from the expence of providing for captured Negroes, which should, in his opinion, be paid from the proceeds of the Prizes.

My Lords resume the consideration of the Letters of the Secretary to the Admiralty of 28th September and 6th October last.

Upon a consideration of this subject, it appears to my Lords that the expence of maintaining captured Negroes, from the day they are taken by any of His Majesty's Ships, to the day of their condemnation in the Court of Mixed Commission at Sierra Leone, and when they will be delivered over to the care of the Superintendent of captured Negroes, should be defrayed out of the Proceeds of the Vessels and the Cargoes of the Vessels in which they may be taken; but it is in that case necessary to make provision for the payment of any Bills which may be necessarily drawn for the purchase of any provision for their subsistence; and my Lords are of opinion, that the Governor of Sierra Leone should be directed to instruct the Superintendent of captured Negroes to accept and pay such Bills, as heretofore, notifying to the Mixed Commission Court, the Amount of the Bills which may be drawn and paid in each particular case; and my Lords will request His Majesty's Secretary of State for Foreign Affairs to instruct those



Commissioners to pay over to the Superintendent of captured Negroes, out of the Proceeds of the particular Vessels in which the People may be taken, the precise Amount of Bills which may have been drawn for their subsistence before condemnation, and to pay the surplus only of the Proceeds of such Vessels and Cargoes into the Military Chest; but if there are no Proceeds of the Vessels, &c.; or if the Amount of the Bills drawn for the subsistence of the Negroes should exceed those Proceeds, the Expence of their subsistence before condemnation, or the surplus of such Expence beyond the actual Proceeds, must, in their Lordships' view, be borne by His Majesty, and cannot be more properly defrayed than by the Superintendent of captured Negroes.

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*No. 36.—The Earl of Dudley to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 13th December, 1827.*

I HAVE received the Letter of Mr. Smith, (marked Separate,) of the 19th of May last, enclosing, and recommending for my favourable consideration, the Application of Dr. *Fergusson*, to be appointed Surgeon to the Mixed Commissions, on the arrangement taking effect for the proposed Settlement of the Commissions at the Island of Fernando Po.

Taking into consideration the nature of the Climate, and other circumstances connected with the Service, I cannot doubt of the propriety of attaching a Surgeon to the Mixed Commissions, as well for the sake of the Members of the Establishment itself, as for that of the Slaves who may be brought before the Court for adjudication.

The Salary which I think proper to allot to the Situation is £300 a Year; with a distinct understanding, that no further allowance, or provision, either at present, or in the shape of superannuation on retirement, will be granted to the Person holding the Appointment.

If, for this Salary, it shall suit Dr. *Fergusson* to undertake the Medical care of the Establishment of the Mixed Commissions, and of the captured Negroes, both previous and subsequent to liberation, you are hereby authorized to notify to him his Appointment to that Situation, and to include his allowance in your Quarterly Account of the contingent Expences of the Commission paid by Great Britain.

The Salary to Dr. *Fergusson* will, in such case, commence from the date of your arrival at Fernando Po. I am, &c.

*His Majesty's Commissioners.*

DUDLEY.

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*No. 37.—John Backhouse, Esq. to Joseph Reffell, Esq.*

SIR,

*Foreign Office, 22nd December, 1827.*

I HAVE received, and laid before the Earl of Dudley, your Letter to me of the 9th of October last, explanatory of the circumstances under which, after the death of Sir Neil Campbell, Governor of Sierra

Leone, you took upon yourself the Office of Acting Commissary Judge, in the Courts of Mixed Commission established at that Place; and I have received the directions of his Lordship to express to you, his approbation of the conduct which you pursued upon that occasion.

I am, &c.

*Joseph Reffell, Esq.*

J. BACKHOUSE.

### SIERRA LEONE. (*Spain.*)

No. 38.—*J. Reffell, Esq. to Mr. Secy. Canning.*—(*Rec. Jan. 27, 1827.*)  
SIR, *Sierra Leone, 18th November, 1826.*

I HAVE the honour to inform you, that His Majesty's Ship *Esk*, William Jardine Purchas, Esq. Captain, detained the Spanish Schooner *Intrepida*, on the 10th of October last, in Latitude 2. 8. North, and Longitude 6. 20. East, with a cargo of 290 Slaves on board, and sent her into this Port for adjudication.

From the extremely crowded state of the Slaves on board this Vessel, (she not being more than 100 tons burthen,) 10 had died previous to Capture, and 55 between the period of her Capture and Condemnation.

The fact of the illicit Traffick in Slaves having been clearly proved by the Evidence adduced before the Court, Sentence of Condemnation was passed upon her, and the Slaves decreed to be emancipated.

The Report of the Case is herewith transmitted.

I have the honour to remain, &c.

*The Right Hon. George Canning.*

JOS. REFFELL.

(*Enclosure.*)—*Report of the Case of the Spanish Schooner Intrepida, whereof José Antonio Herrera was Master.*

THIS Vessel was seized by His Majesty's Ship *Esk*, commanded by William Jardine Purchas, Esq. on the 10th of August last, in Latitude 2. 8. North, and Longitude 6. 20. East, on her Voyage from the River Bonny to The Havannah, with 290 Slaves on board; she was sailing under Spanish Colours, armed with 5 guns, (18 pounders) besides small arms, and was commanded by Francisco Reynaldo, who states that he shipped as Second Pilot on board of her, and took the command in consequence of the death of José Antonio Herrera, the Master, and of Pablo Puig, the Chief Pilot.

A Monition was issued in this Case, on the 11th of September, and returned duly certified on the 26th.

Francisco Reynaldo deposed, on the Standing Interrogatories, that the *Intrepida* was fitted out at The Havannah, from whence she sailed on the 10th of September, 1825, to return with a cargo of Slaves; she

had 25 Officers and Mariners on board (exclusive of himself) who were all Spaniards, and were all hired and shipped at The Havannah, except 1 Man and his Wife, Natives of Africa, who were Passengers going to The Havannah; that the Schooner anchored and touched at the River Bonny, on the Coast of Africa, during the Voyage, at which Place the whole of her Slaves were purchased and shipped; that the former Master, José Antonio Herrera, and himself, were the sole Owners of the said Schooner; that he was the Lader, and the former Master and himself the Owners and Consignees of the Lading of Slaves, and they were to have been delivered along the Coast of The Havannah. 310 Slaves were taken on board, 20 died previous to capture, but does not know how many have died since.

The Examination of Juan Curasco, Cook, on the Standing Interrogatories, corroborates the testimony of the Acting Master, Francisco Reynaldo.

The Affidavit of the Prize-Master, Thomas Burnett, states, that owing to the extremely crowded state of the Slaves on board (the Schooner being only 100 tons burthen) 55 had died since Capture, although every possible care and attention had been shown to them.

The Spanish Pass from The Havannah, authorizes a Voyage to the Island of Princes, to return with articles of lawful commerce.

The Evidence in this Case having clearly established the fact of the illicit Traffick in Slaves, the Court proceeded to Judgment, and pronounced Sentence of Condemnation against this Vessel, on the 26th day of September, 1826, and decreed the emancipation of the Slaves.

JOS. REFFELL.

The sum of 200 Spanish dollars, stated, in the Captor's Declaration, to have been taken out of the *Intrepida*, and put on board His Majesty's Ship *Esk* for safety, was claimed by Francisco, the Passenger, and on proof being shewn to the Court that the said sum was rightly claimed, and that the said Passenger had no right, title, or interest in the *Intrepida* or her cargo, the Court ordered the Registrar to pay to him the sum of 200 Spanish dollars.

JOS. REFFELL.

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No. 39.—*His Majesty's Commissioners to Joseph Planta, Jun. Esq.*  
(Received March 9.)

SIR,

*Sierra Leone, 15th January, 1827.*

IN pursuance of the 75th Clause of the Act passed in the fifth 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 conformity with the Instructions received from Mr. Secretary Canning, we beg leave to enclose, in Duplicate, a Return of all the Cases of Spanish Vessels which have been adjudicated in the British

and Spanish Court of Mixed Commission established here, from the 1st day of July, 1826, to the 1st day of January, 1827.

We have the honour to be, &c.

N. CAMPBELL.

Joseph Planta, Jun. Esq.

JOS. REFFELL.

(Enclosure.)—Return of Spanish Vessels Adjudicated by the British and Spanish Court of Mixed Commission established at Sierra Leone, from the 1st day of July, 1826, to the 1st day of January, 1827.

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.
Nicanor.	May 10, 1826	{ Schooner and 174 Slaves. }	{ Charles Bullen, } { H. M. S. Maid- } { stone - - - - }	July 1, 1826	{ Condemned for illicitly trading in Slaves. }	{ The Schooner sold by Publick Auction, and the proceeds paid into the Military Chest. }
Intrepida.	Aug. 10, 1826	{ Schooner and 290 Slaves. }	{ W. J. Purchas, } { H. M. S. Esk - }	Sept. 26, 1826	{ Condemned for illicitly trading in Slaves. }	{ The Schooner sold by Publick Auction, and the proceeds paid into the Military Chest }

WM. SMITH, Registrar.

No. 40.—His Majesty's Commr. to Mr. Secy. Canning.—(Rec. Apr. 4.)

SIR,

Sierra Leone, 2d February, 1827.

WE have the honour to enclose the Case of the Spanish Schooner *Paulita*, condemned on the 25th January, 1827, in the British and Spanish Court of Mixed Commission established here.

The circumstances respecting this Vessel, as brought before the Court, making her clearly liable to Condemnation, we had no hesitation in pronouncing Sentence accordingly, and decreeing the Emancipation of the surviving Slaves.

We have, &c.

N. CAMPBELL.

The Right Hon. George Canning.

JOS. REFFELL.

(Enclosure.)—Report of the Case of the Spanish Schooner *Paulita*, Antonio Ferrera, Master.

THIS Vessel, commanded by Antonio Ferrera, cleared from The Havannah on the 13th of February, 1826, furnished with the usual Papers for a licit Voyage to the Islands of St. Thomas and Princes, and was detained, on the 6th December, 1826, off Lagos, and in Latitude 5. 4. North, Longitude 4. 42. East, by the Boat of His Majesty's Ship *Maidstone*, in charge of Lieutenant William Tucker, and for having at the time on board 221 Slaves, said to have been shipped in the River Benin.



On the 7th of January, the Vessel arrived in this Harbour, having lost 30 of the Slaves by disease on the way up, and the Survivors being in a very sickly and emaciated state.

On the 9th January, the Papers were brought into Court, duly authenticated by an Affidavit of Lieutenant William Tucker, and the usual Monition prayed for and granted, returnable on the 17th of the same month.

From the Master's Answers to the Standing Interrogatories, it appeared that he was also the sole Owner of the *Paulita* and her Cargo, and that he took possession of her at The Havannah; that the present Voyage commenced and was to have ended there, or at any other Port where he could have got a good market for the Slaves, 221 of whom were taken on board altogether in the River Benin, and none of whom had died previous to Capture.

This Evidence was confirmed by Juan Moro, Cook of the said Schooner, in his Answers to the Standing Interrogatories.

No Claim having been made by the Master and Owner, the Court met on the 25th of January, 1827, and, having heard the Evidence in support of the Captor's Declaration, without hesitation pronounced Sentence of Condemnation against her as lawful Prize to His Majesty's Ship *Maidstone*, Commodore Bullen, C. B. Commander, declaring 221 Slaves to have been on board at the time of Capture, 30 of whom had died on the passage up, and 2 in the Harbour since the arrival of the Vessel, leaving 189 to be delivered over to the Colonial Government, which number the Court decreed to be emancipated.

N. CAMPBELL.

JOS. REFFELL.

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No. 41.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. June 7.)  
SIR, *Sierra Leone, 31st March, 1827.*

WE have the honour to transmit, herewith, the Case of 23 Slaves seized in The Netherland Brigantine *De Snelheid*, by His Majesty's Ship *Brazen*, George Wickens Willes, Esq. Commander, and emancipated in the British and Spanish Court of Mixed Commission on the 16th of March, 1827.

This Case, which was only brought before the Court on the 13th of February, 1827, by Petition on behalf of Captain George Wickens Willes, and the Officers and Men of His Majesty's Ship *Brazen*, has been decided on the Evidence of Sebastian Munoz, late a Cabin Boy on board the Spanish armed Ship *Atalanta*, filed with other proof in support of the Petition. This Evidence clearly defined the said Slaves to have been dealt for, purchased, and shipped by Spanish Subjects, forming the Prize Crew put on board the *Snelheid*, by the Captain of the said Spanish armed Ship (which circumstance was referred to in the Despatch of Mr. Reffell, marked Netherlands, and dated 22d

November, 1826.) This Case being, therefore, brought under the 3d Specification of the 5th Article to the Treaty between Great Britain and Spain, signed at Madrid on the 23d of September, 1817; the Court had no hesitation in pronouncing the Emancipation of the said 23 Slaves, so seized and prosecuted by the said Captain George Wickens Willes, and the Officers and Men of His Majesty's Ship *Brazen*.

We have, &c.

N. CAMPBELL.

*The Right Hon. George Canning.*

JOS. REFFELL.

(Enclosure A.)—*Report of the Case of certain Slaves seized and taken by His Majesty's Ship Brazen, on board The Netherland Brigantine De Snelheid.*

ON the 13th of February, 1827, a Petition was presented to the British and Spanish Court of Mixed Commission, on behalf of Captain George Wickens Willes, and the Officers and Men of His Majesty's Ship *Brazen*, setting forth "that on the 28th day of September, 1826, His Majesty's Ship *Brazen*, under the Command of the said George Wickens Willes, being off the Island of St. Thomas, in Latitude 0. 2. South, Longitude 7. 10. East, fell in with and detained The Netherland Brigantine *De Snelheid*, then in charge of a Prize Master and Crew belonging to the Spanish armed Ship *Atalanta*, having on board 23 Slaves, Natives of Africa, that had been shipped in the River Nazareth by the Spanish Crew, who bartered and traded for the same."—And further, "that the *De Snelheid* was adjudicated and condemned in the British and Netherland Mixed Court of Justice, but that the said 23 Slaves, not having been put on board by the original Master and Crew, were not included in the Sentence of Condemnation, and, consequently, were not emancipated by Decree of that Court." And praying that, as clear and satisfactory proof could be produced, that the said Slaves were shipped in the River Nazareth, on account of, and by certain Spanish Subjects, that such Papers and Documents in evidence of the same, might be filed in the Registry of the said Court, that the usual Monition might issue, and that the Court would be further pleased to decree the emancipation of the said 23 Slaves, as seized and prosecuted by the said Captain George Wickens Willes, and the Officers and Men of His Majesty's Ship *Brazen*.

This Petition being filed by permission of the Court, the 7th of March, the Monition went forth, returnable on the 15th of that Month.

The Evidence filed in this Case was :—First, a duly certified Copy of the Declaration of Captain Willes, of His Majesty's Ship *Brazen*, in the Case of The Netherland Brigantine *De Snelheid*, which sets forth, that when he detained the said Vessel, "she had 23 living Slaves on board."—Second, the Marshal's Return, of the said 23 Slaves being landed here on the 23d of October, 1826, and delivered over to the

Colonial Government:—Third, the Translation of a Paper filed in the Case of The Netherland Brigantine *De Snelheid*, being the Declaration of the Captain of the Spanish Frigate of War *Atalanta*, assigning his reasons for detaining the *De Snelheid* on behalf of his Government, (Copy of which we have the honour herewith to enclose, No. 1.):—Fourth, the Translation of another Paper, being a List of the Prize Crew put on board the said Brigantine by the *Atalanta*, (Copy of which we have also the honour herewith to enclose, No. 2.);—Fifth, an Affidavit of Sebastian Munoz, a Subject of His Catholick Majesty The King of Spain, who states, “that he was late a Cabin Boy on board the Spanish armed ship *Atalanta*, whereof Don Joze Ferran, was Master, and afterwards one of the Prize Crew of the Brigantine *De Snelheid* or *Enterprize*, taken by the said Ship *Atalanta* off Grand Bassa, on this Coast; that the said Brigantine continued in company with the *Atalanta* for several days, but happened to lose sight of her one night; the Prize Master, Don Geronimo Guardino, directed the course of the said Brigantine to the River Nazareth, where they bartered for, traded, and shipped 24 Slaves, one of whom shortly afterwards died. During the stay of the Prize Master on shore, the Boatswain, Don Gregorio Cabrera, took charge of the Vessel, and sailed out of the River. Two days after they were at sea, they were captured by His Majesty’s Ship *Brazen*, Captain George Wickens Willes, and at that time there were 23 living Slaves on board, all of whom were brought to this Colony and landed.”—And further, “that the whole of the Persons, who composed the Prize Crew on board the said Brigantine, were Subjects of His Catholick Majesty The King of Spain.”

The Court met for Adjudication in the Case of these Slaves, on the 16th of March, 1827, and delivered the following Decree:

The Slaves now prayed to be emancipated, are proved to have been taken on board The Netherland Brigantine *Snelheid*, which said Brigantine was, at the time of Capture by His Majesty’s Ship *Brazen*, in the possession of a Crew of Spaniards, which had been placed on board her by force, by the Spanish Ship called the *Atalanta*, and that the said Spanish Crew had purchased and put on board the Slaves so taken in the *Snelheid*, in the River Nazareth. The opinion of the Court, therefore is, that this Case comes under the Third Specification of the Fifth Article to the Treaty between Great Britain and Spain, signed at Madrid, the 23d September, 1817, and that as the Slaves were purchased and put on board by Spanish Subjects, they are, under that particular Article of the Treaty, entitled to their Emancipation, and this Court accordingly emancipates the number so taken, being 23, and as having been seized by Captain George Wickens Willes, of His Majesty’s Ship *Brazen*.

N. CAMPBELL.  
JOS. REFFELL.

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(Sub-Enclosure 1.)—*Declaration of the Captain of the Spanish Frigate Atalanta.* (Translation.)

As Captain, Master, and Chief Pilot, commanding the Spanish Frigate of War *Atalanta*, which Vessel sailed from the Port of Vigo on the 26th of June;—having, in the fulfilment of my duty, arrived, on the 23d of July, 1826, in the neighbourhood of Grand Bassa, on the Coast of Africa, I discovered, on the Morning of that day, a Brigantine Schooner at anchor in the Roadsted of Grand Bassa, of whose intentions I was desirous to obtain information, as she hoisted no Colours. At half-past six o'clock, I perceived the said Vessel get under weigh, and making all possible sail to the South-West, endeavouring to escape from my Vessel, for which reason I crowded all sail in chase of her, in order to obtain the desired information. At half-past ten in the Morning, I saw the said Vessel tack, and stand towards the land after having reconnoitred me; I then made sail to endeavour to speak to her. At Mid-day, she was standing on a South-West course, under all sail, at which time we were in full chase for the purpose of examining her, which we had full powers to do, and in which object we finally succeeded. Being about five o'clock in the afternoon within a short distance of her, and seeing she hoisted no Colours, we fired eight guns with 14 and 18-pound shots, to oblige her to do it. At half-past five we came to anchor close to each other in the Roadsted of Grand Bassa, when she hoisted French Colours, and sent a Boat on board of us with French Papers, shewing her to be the *Enterprise*, Lieutaud Master, but as we knew, and it afterwards appeared, that she had both French and Dutch Papers on board, I detained her on behalf of my Government, and made her accompany me to Trade-Town.

Given on board the said Frigate, the 24th of July, 1826, and witnessed by the Second and Third Officers of the said Brigantine.

JOSE FERRAN.

HUREL.

BEAUFORD.

I certify the preceding to be a correct Translation of the Original Document filed in the British and Netherland Mixed Court of Justice, in the case of the Brigantine *De Snelheid*, and endorsed as No. 11, among that Vessel's Papers.

Sierra Leone, 9th February, 1827.

S. M. MAGNUS.

(Sub-Enclosure 2.)—*List of the Crew of the Brigantine Schooner Enterprise.* (Translation.)

LIST of the Crew of the Brigantine Schooner called the *Enterprise*, Prize-Master Don Geronimo Guardino, who remains in charge with the Crew put on board by the Spanish armed Frigate, called the *Atalanta*, belonging to the Department of Ferrol, and commanded by Don Joze Ferran. She was seized in the Roadsted of Grand Bassa,



for having had false French Papers on board, besides Dutch ones, which latter were produced (after having repeatedly denied that there were any other Papers on board) from under the cloak of the main-mast, where they had been concealed, and also, in consequence of the attested Declaration, that the Master, called Monsr. *Leton*,\* was residing in Trade-Town, with a part of the Crew, trading for Slaves, that he had already procured 180 Negroes, Slaves, and had merchandize to procure as many more; we landed the second and third Pilots, and the rest of the Crew on our arrival at Trade-Town, where the Captain was residing, after he had refused to come on board, detaining three of them as evidence to condemn the Vessel at a convenient opportunity.

Captain of the Prize, Don Geronimo Guardino.

2d do.....Don Manuel Ferran.

3d do.....Don Gregorio Cabrera.

4th do.....Don Francisco Saria.

#### SAILORS.

Andres Abelina Garcia, Joze Martinez, Pedro Duran, Joze Ma. Montenegro, Domingo Gonzales, Franco. Atclay, Manuel Solomon, Baltazen Percy, Juan Antonio Penego, Franco. Golordo, Manoel Gonzalos, Andres Romero, Inacio Societa, Pedro Mera, Ramon Arrunaga, Francisco de los Santos, Juan Bisente Estopa, Sebastian Munoz, Martin Collaro.

On board the afore-mentioned Frigate, this 25th of July, 1826.  
(Signed and Sealed.)

JOZE FERRAN.

MANUEL DE ZALDUONDO.

I certify the preceding to be a correct Translation of the original Document filed in the British and Netherland Mixed Court of Justice, in the Case of the Brigantine *De Snelheid*, and endorsed as "No. 10," among the Vessel's Papers.

*Sierra Leone*, 9th February, 1827.

S. M. MAGNUS.

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No. 42.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. June 7.)

SIR,

*Sierra Leone*, 31st March, 1827.

WE have the honour to enclose the Report of the Spanish Schooner *Emelia*, Manoel Prendez, Master, condemned under the Mixed Commission for illicit Traffick in Slaves, on the 16th of this month. She was seized in the River Bonny by the Boats of His Majesty's Ship *North Star*, Captain Septimius Arabin, with 282 Slaves on board. She arrived here on the 6th of March, with only 177 Slaves, two of which number died before their landing. The smallness of the Vessel may be considered as the principal cause of this shocking mortality, as the Survivors were generally in a healthy condition.

\* Lieutaud is evidently meant here.

We consider it our duty to report to you, that the Master, in his Examination, states, that bulk was broken during the passage up by the Commander of His Majesty's Ship *North Star*, and 4 casks of rum, and some other trifling articles taken out of her, no notice of which is made in the Captor's Declaration. We reserve to ourselves to report further on this subject, when we may have an opportunity of enquiring further concerning it from Captain Arabin, who will, we feel assured, satisfactorily explain his motive for this deviation from the usual practice towards Vessels detained under the Treaties with Foreign Powers.

We have the honour to be, &c.

N. CAMPBELL.

*The Right Hon. George Canning.*

JOS. REFFELL.

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(*Enclosure.*)—*Report of the Case of the Spanish Schooner Emelia, Manoel Prendez, Master.*

ON the 31st of January, 1827, the Boats of His Majesty's Ship *North Star*, Septimius Arabin, Esq. Commander, detained, in the River Bonny, the Spanish Schooner *Emelia*, Manoel Prendez, Master, with 282 Slaves, said to have been taken on board in that River. This Vessel arrived here on the 6th of March, and on the following day the Papers were lodged in the Registry Office. On the Petition of the Captor's Proctor, same day, accompanied by an Affidavit of the Prize Master, Cordall Edwin, of the crowded state of the Slaves on board the *Emelia*, in consequence of which no less than 105 had died on the passage up, the Court allowed the immediate landing of them; 2 more had, however, died in the short space of time between her arrival and the landing of her Slaves, as appears by an Affidavit filed by the Prize Master in the Registry of the Court. The cause of this dreadful mortality seems mainly attributable to the very crowded state of the Slaves on board, the Vessel being only 90½ tons, as per Spanish Register.

On the 8th of March, the Monition went forth, and was returned on the 15th of the same month.

From the Master's Examination, it appears that he is a Spanish Subject, and lives in The Havannah; that the Owner, Don Jozé Tato, who appointed him to the command, is also a Subject of The King of Spain, and lives at the same Place; and that the present Voyage began at The Havannah, and was to have ended there.

The Court sat to adjudicate this Case on the 16th of March, and, as the Traffick in Slaves has been totally abolished by His Catholick Majesty, and no Claim having been made, a Decree of Condemnation was passed upon her, and the surviving Slaves, 175 in number, emancipated.

N. CAMPBELL.

JOS. REFFELL.

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No. 43.—*His Majesty's Comm<sup>r</sup>. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. June 7.)  
 Sir, *Sierra Leone, 31st March, 1827.*

WE have the honour to enclose herewith, the Report of the Case of the Spanish Schooner *Fama*, Jozé Miguel, Master, seized on the 6th of February, 1827, in the Old Calabar, with 100 Slaves on board, and condemned in the British and Spanish Court of Mixed Commission, on the 16th of March, 1827, as Prize to His Majesty's Ship *North Star*, Septimius Arabin, Esq. Commander, and the surviving Slaves, 95 in number, emancipated.

We beg leave to observe, Sir, that we have detailed very fully the Substance of an Affidavit made by the Prize Master, put on board this Vessel by Captain Arabin, of His Majesty's Ship *North Star*, accounting for the absence of the Master and Crew, and that we have also quoted Captain Arabin's own words as his reason for not sending them up.

In this Case, the Papers of the Vessel, and the Declaration of the Captor, being sufficiently clear to enable the Court to proceed to Condemnation, the absence of the Master was not of consequence, although the Court felt it necessary to remark on the departure of the Captors from the 6th Article of the Instructions to the Two Navies, and which, under other circumstances, might have caused some difficulty and embarrassment in the proceedings to adjudication.

We have the honour to be, &c.

N. CAMPBELL.

*The Right Hon. George Canning.*

JOS. REFFELL.

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(Enclosure.)—*Report of the Case of the Spanish Schooner Fama, Jozé Miguel, Master.*

THIS Vessel, of the burthen of 31 Spanish Tons, was detained in the Old Calabar on the 6th of February, 1827, by the Boats of His Majesty's Ship *North Star*, Septimius Arabin, Esq. Commander, having on board at the time of such Seizure, 100 Slaves, 5 of whom died on the way to this Port, where the Vessel arrived on the 10th March, 1827.

Captain Arabin adds to his Declaration, "that for the better accommodation of the Slaves, and the security of the Vessel, he considered it expedient to remove the Crew and the Master, at their own particular desire and request, to be put on board the first Spanish Vessel met by the *North Star*."

On the 12th of March the Papers were brought into Court, and the usual Monition prayed for and granted, and on the 13th, on Petition of the Captor's Proctor, the Court ordered the surviving 95 Slaves to be landed.

On the same day an Affidavit was filed by Henry King Bush, Admiralty Mate of His Majesty's Ship *North Star*, and Prize Master on

board the *Fama*, (accounting for the Master's and Crew's absence) to the effect that he was present in the cabin of His Majesty's Ship *North Star*, when Captain Arabin informed the said Master Joze Miguel, that he must proceed in the said Schooner *Fama*, to the Port of Sierra Leone, there to be examined in the said Case, when the said Master did entreat and supplicate the said Captain Arabin, not to send him, or any part of the said Schooner's Crew, to Sierra Leone, alleging, that from severe illness and debility, they were incapable of undertaking so long a Voyage, and that as an opportunity would shortly offer by a Vessel in the River Old Calabar, bound to The Havannah, the means offered for himself and Crew more easily getting to their place of destination. And further, that the said Master did also offer to grant unto the said Captain Arabin, a full and sufficient release, and indemnification, giving up all Claims he might have on the said Schooner, as Master and Owner, as the said Schooner was legally seized, being employed in the illegal Traffick in Slaves, and contrary to the Treaty with Spain; but which indemnification the said Captain Arabin declined receiving, imagining that no voluntary Declaration would be received in this Court as Evidence, and after repeated and urgent entreaties on the part of the said Master and Crew, not to be sent up to this Port, Captain Arabin did agree to allow them to remain for the purpose above specified. This Deponent further declared, that the said Captain Arabin could not have been aware of that part of the Regulations, which renders it imperious to send up the Master and part of the Crew for the purpose of being examined, and that in allowing the said Master and Crew to remain behind, the said Captain Arabin was actuated by feelings of the purest humanity, the said Master and Crew being in a very emaciated weak state.

From the Papers of this Vessel, it appears that she cleared from Cuba on the 25th of November, 1826, with a cargo, for the Island of Fernando Po, and, from a Bill of Sale found among them, that the Master, Joze Miguel, was also Owner of the said Vessel, which was furnished with a Passport to the aforesaid Island.

The Commissioners having met and formed a Court, on the 16th of March, 1827, to adjudicate another Spanish Vessel, and being informed that no further Evidence could be had in this Case, owing to neither the Master, nor any of the Crew, having been brought up, on the same day proceeded to the consideration of the Evidence in this Case then before the Court, which clearly proved the Vessel to be Spanish property engaged in the Traffick in Slaves, contrary to the Treaty between Great Britain and Spain, and as such, duly, and rightfully seized, and liable to Condemnation, which Sentence was accordingly pronounced, and the surviving 95 Slaves decreed to be emancipated. The Court further declared it to be proved, that 100 Slaves



were on board at the time of such Capture, by His Majesty's said Ship *North Star*, Septimius Arabin, Esq. Commander.

N. CAMPBELL.  
JOS. REFFELL.

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No. 44.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. Aug. 15.)  
SIR, *Sierra Leone, 11th June, 1827.*

IN our Despatch of the 31st of March, of this Series, enclosing Report of the Case of the Schooner *Emelia*, captured by His Majesty's Ship *North Star*, we had the honour to inform you that we should, when opportunity offered, enquire of Captain Arabin the necessity of breaking bulk in that Schooner, as deposed to by the Master of her. Since the date of that Despatch, the *North Star* arrived here, and the Registrar was directed to communicate with Captain Arabin on the subject. Copy of his Letter, together with Captain Arabin's Reply, and Lieutenant Cory's Affidavit, accompany this.

The explanation of this matter afforded by Captain Arabin was considered perfectly satisfactory. The rum was landed, and sold by publick Auction, and the proceeds will be duly paid into the Military Chest, on account of the Schooner *Emelia*.

We have the honour to be, &c.

HUGH LUMLEY.  
WM. SMITH.

*The Right Hon. George Canning.*

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(Enclosure 1.)—*W. Smith, Esq. to Captain Arabin.*

SIR, *Freetown, 2d May, 1827.*

IN the Case of the Spanish Schooner *Emelia*, lately captured by His Majesty's Ship under your Command, and condemned in the British and Spanish Court of Mixed Commission, for illicitly trading in Slaves, the Master of the said Schooner, on being examined on the Standing Interrogatories, deposed on oath, "that bulk had been broken since capture, and that 4 pipes of rum, 1 sail, and 1 telescope, had been taken out of her by the Commander of the Capturing Ship;" such circumstance rendered it necessary for His Majesty's Commissioners to mention the fact to His Majesty's Principal Secretary of State for Foreign Affairs, in reporting the Case of that Vessel, but, they added, they waited your arrival here to obtain from you an explanation of the matter, which would, no doubt, be satisfactory; and I am directed by them to request you will be pleased to state the necessity of that measure, that they may report the same for the information of Mr. Canning.

I have the honour to be, &c.

WM. SMITH.

*Captain Septimius Arabin.*

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(*Enclosure 2. A.*)—*Captain Arabin to William Smith, Esq.*

SIR, *H. M. S. North Star, at Sierra Leone, 3d May, 1827.*

IN reply to your Letter of this day's date, requesting that I would explain, for the information of the British and Spanish Court of Mixed Commission, the circumstances and necessity which led to the removal of certain articles from the *Emelia* Schooner, Prize to His Majesty's Ship *North Star* under my Command, as represented by the Master of the said Vessel, in his examination before the Commissioners, I beg to state that the evidence given by the said Master, of bulk having been broken is totally incorrect. Upon the Capture of the *Emelia*, crowded with Slaves, to a most disgraceful, cruel, and shameful extent, so bad indeed that 19 of the unfortunate victims of the Master's barbarity were taken out of the Vessel's hold actually suffocated, from the limited space into which the Slaves were packed, there were found to be upon the upper deck, some casks of spirits, for which it was impossible to provide the smallest degree of security, against either the Crew of the Vessel, or of the Men from this Ship, who had charge of her for the intended passage to Sierra Leone: many of them were in such a state of deadly intoxication that I considered it to be imperiously my duty to remove those spirits into His Majesty's Ship *North Star*, not only for the better security of the spirit itself, but also as absolutely essential to the safety of the Vessel on her passage to Sierra Leone; this necessity I communicated myself to the Master of the *Emelia*, and also my intention to remove a sufficient number of his Crew, to leave the detachment of Men, in charge of her from this Ship, nothing to apprehend on the passage, which would further occasion the necessity of taking a spare sail from the Vessel for the Prisoners to sleep on; there not being any other means of accommodating them on board this Ship, and his Men being in a very sickly state, made it necessary to keep them separate as much as could be, from my Ship's Company. The Master of the *Emelia* made no objection whatever to these arrangements, but, on the contrary, appeared to approve of them, and was consulted as to the sail which could be best spared for the purpose; an entry was made in the Log-book of His Majesty's Ship under my Command of these circumstances, from which it appears that *three* casks of spirits were accordingly removed for better security; and further the whole of the circumstances are mentioned by me in the Certificate, given to the Master at the time of Capture, a Copy of which Certificate I beg to enclose for your further information, supposing that the Master did not think proper to produce that Document at the time of his examination.

With respect to the telescope, stated by the Master of the *Emelia*, to have been taken out of the Vessel, I find, upon enquiry, that Lieutenant Cory, the Senior Lieutenant of His Majesty's Ship *North Star*, has it in his possession, and he declared, that the Master of the *Emelia*

himself gave it to him, saying, at the same time, that he had no further use for it; and I have to add, that Lieutenant Cory will wait at the Registry of the Court to make affidavit to the circumstance.

Upon the arrival of His Majesty's Ship *North Star* at this Place, I gave directions for measures to be taken to have the spirits in question landed, in order to their being sold as Prize property, of which circumstance you will have been made acquainted yesterday, and the spirits have been ready for delivery ever since, and only wait for a notification from the Court of Mixed Commission, of when, and in what manner, they are to be landed.

The *Emelia* having been purchased for me at publick auction as Tender to His Majesty's Ship *North Star*, and the sail in question being to all intents and purposes part of her tackle, apparel, and furniture, I consider it to belong essentially to the Vessel; but should the Commissioners, however, have any doubt or scruple upon the subject, it shall be immediately disposed of in such manner as they may think proper to direct. I have the honour to be, &c.

SEPTIMIUS ARABIN.

W. Smith, Esq.

Captain of His Majesty's Ship *North Star*.

(Enclosure 2. B.)—Affidavit of Captain Arabin.

I, SEPTIMIUS ARABIN, Captain of His Britannick Majesty's Ship *North Star*, hereby certify, that the Boats of His Majesty's Ship under my Command, on the 31st of January, 1827, detained in the River Bonny, the Schooner named the *Emelia*, sailing under Spanish Colours, armed with 16 muskets and 1 8-pounder, commanded by D. Manuel Prendez, who declared her to be bound from Havannah to Havannah, with a Crew of 18 Men, no Boys, no Supercargo, no Passengers, and having on board 282 Slaves, said to have been taken on board in the River Bonny, on the 31st day of January, and were enumerated as follows:

	Healthy.	Sick.
Men.....	223	—
Women.....	2	—
Boys.....	57	—
Girls.....	—	—
Total	282	—

And that the Papers and Documents seized by me on board the *Emelia*, being marked from No. 1. to No. 5, are enumerated in the following List :—

No. 1. Muster Roll. 2. Passport. 3. Manifest of Custom-house.  
4. Mediterranean Pass. 5. A sealed Letter.

And I do further certify, that I found it to be absolutely necessary, for the better safety of the said Schooner, on her passage to Sierra Leone, to take out of her, and secure in the *North Star*, 3 casks of spirits, which were upon the upper deck, and where there was no possible way of securing them; I also found it necessary to remove 18 of the Crew of the said Schooner, and to take one spare sail from her for their sleeping accommodation, as Prisoners, on board the *North Star*.

Given under my hand, on board His Majesty's Ship *North Star*, off the Bonny, 1st February, 1827.

SEPTIMIUS ARABIN, *Captain*.

(Enclosure 3.)—*Affidavit of Lieutenant Cory.*

*In the Case of the Schooner Emelia, Manuel Prendez, Master:*

APPEARED personally Nicholas Cory, Esq. Senior Lieutenant of His Majesty's Ship *North Star*, Septimius Arabin, Esq. Captain, who being duly sworn, deposeth and saith, that he was, at the time of the Capture of the said Vessel, with a Cargo of Slaves, on the 31st of January last, in the River Bonny; that after capture, Deponent being on board the said Vessel, the said Master, in the presence of Mr. John Nott, Admiralty Mate of His Majesty's said Ship (who is now absent on duty in a Prize) did, of his own free will, tender to Deponent a spy-glass, stating that he begged Deponent's acceptance of the same, he, the said Master, having no further use for it, as his Vessel was a lawful Prize; that Deponent, supposing the said spy-glass to be the property of the said Master, did accept the same, and which is now in Deponent's possession; and Deponent further saith, that the said glass having been tendered in the presence of the aforesaid Mr. John Nott, that Officer, on arrival, will be able to substantiate the present Affidavit.

NICHOLAS CORY.

Sworn before me, this 4th day of May, 1827.

WM. SMITH, *Registrar*.

No. 45.—*His Majesty's Comm<sup>r</sup>. to J. Backhouse, Esq.—(Rec. Sept. 18.)*  
SIR,

*Sierra Leone, 5th July, 1827.*

IN pursuance of the 75th Clause of the Act passed in the 5th Year of the Reign of His present Majesty, entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade;" we beg leave to enclose, in Duplicate, a Return of all the Cases of Spanish Vessels, adjudicated in the British and Spanish Court of Mixed Commission, established here, from the 1st day of January to the 1st day of July, 1827.

We have the honour to be, &c.

*John Backhouse, Esq.*

H. LUMLEY.

WM. SMITH.



(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, 1827, to the 1st day of July, 1827.

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.
La Paulita	Dec. 6, 1826.	{ Schooner and 221 Slaves. }	{ Charles Bullen } { H. M. S. Maidstone }	Jan. 25, 1827	{ Condemned for illicitly trading in Slaves }	The Schooner sold by publick auction, and the proceeds paid into the Military Chest.
Emelia	Dec. 31, —	{ Schooner and 282 Slaves. }	{ Septimius Arabin, H. M. S. North Star }	Mar. 16, —	{ Condemned for illicitly trading in Slaves }	The Schooner sold by publick auction, and the proceeds paid into the Military Chest.
Fama	Feb. 6, 1827.	{ Schooner and 100 Slaves. }	Septimius Arabin, H. M. S. North Star	Mar. 16, —	{ Condemned for illicitly trading in Slaves }	The Schooner sold by publick auction, and the proceeds paid into the Military Chest.

H. LUMLEY.  
W. SMITH.

MEMO.—On the 16th day of March, 1827, 23 Slaves, which were laden on board The Netherlands Brigantine *De Snelheid*, but not emancipated at the time of the Condemnation of that Vessel, as the Court was of opinion that they were laden and owned by the Spanish Subjects, found in possession of her at the time of Capture, were brought before the Commission and emancipated.

No. 46.—His Majesty's Commr. to the Earl of Dudley.—(Rec. Dec. 10.)

MY LORD,

Sierra Leone, 28th September, 1827.

IN the month of October, 1825, the Boats of His Majesty's Ship *Redwing*, were despatched by Captain Clavering, to examine the River of Old Calabar, in search of Vessels engaged in the illicit Traffick in Slaves. On proceeding up that River, two Vessels having Spanish Colours flying were observed coming down, each with a cargo of Slaves on board. Chase was given to the nearest Vessel, which, when the Boats got within range, opened her fire upon them,—she was, notwithstanding, boarded and captured, and proved to be the Spanish Schooner *Teresa*, which was unfortunately upset in a violent Tornado some days after her capture, and, out of 199 Slaves on board, only 6 were saved. Her consort (a Brigantine) observing her fate, made no attempt at resistance, and the whole of her Crew, panick struck, abandoned her and escaped in her Boats to the shore, taking with them all her Ship's Papers.

Lieutenant Card, the then First Lieutenant of the *Redwing*, and in Command of the Boats, on taking possession of her, found on board 273 Slaves, and only 5 Papers, written in the Spanish language, dated so far back as 1816, but not in the least connected with the Vessel to identify her as Spanish property, or even her name. The Master and Crew of the *Teresa* informed Captain Clavering, that she was a Spanish

Vessel, called the *Isabella*. She was despatched here for adjudication, but unfortunately never arrived, and is strongly suspected to be the same Brigantine, which was captured by some Piratical Vessel of the same Nation, and carried to Cuba, which Admiral Halsted demanded to be restored by the Governor of that Island; which supposition is strengthened by the subsequent Deposition of the Master of the Brazilian Ship *Invincible*, which was forwarded to Mr. Canning.

In consequence of the uncertainty of the fate of this Vessel, no proceedings were had in the Case before the British and Spanish Court of Mixed Commission, other than the filing of the 5 Papers, which had been taken from on board her by Captain Clavering, with the customary Affidavit of Lieutenant Card, on the *Redwing's* arrival here from that cruise.

The *Redwing* having been despatched to England in October 1826, with Major Rowan, Commissioner of West African Inquiry, as well as to repair some damage she had sustained on this coast, arrived back on this station in the month of June last, having none of her original Officers on board, excepting Captain Clavering, who, during his stay here, petitioned the Court, through the medium of his Proctor, to allow his Affidavit of the Seizure of the *Isabella* to be filed in Evidence, and the usual Monition to issue, calling upon all Parties to appear and defend the Cause, preparatory to her Adjudication. A Copy of his Affidavit we beg to enclose herewith.

In a conference with us, his Proctor was informed that, under the very peculiar circumstances of this Case, we declined entering into the matter (and cited as a precedent the Case of the Spanish Schooner *Conchita*, which was captured without any Crew on board, and not condemned), but would report them to your Lordship, as the Court could not be wrong in delaying the question, which could, without injury to the Parties concerned, be gone into at a future period, when the opinion of higher authority should be received; whereas, if, in the present stage, the Court were to entertain the matter and pronounce a Sentence, that Sentence could not be reversed. This, however, he declined, stating to the Commissioners that he thought he could produce further proof, upon which the Court would be better able to pronounce Judgment; but having failed in so doing, he has subsequently petitioned us to report the Case as we originally proposed.

In the several Cases of total loss brought before the Mixed Commissions, as in those of the Spanish Schooners *Ycanum* and *Tercsa*, and the Portuguese Schooner *Toninha*, the Ship's Papers, proving the Nationality of the Vessel, were filed in Court, and evidence of part of the Crew produced to substantiate the fact of the illicit Traffick in which they were taken. Neither of these important points are produced in this Case.

In the Case of the *Conchita*, reported to Mr. Canning, February

23, 1824, which Vessel had been abandoned by her Crew, prior to Capture by His Majesty's Ship *Owen Glendower*, the then Commissary Judge (Mr. Edward Gregory) had serious doubts "whether it would be consistent with justice that the Captors should be Prosecutors and Witnesses in the same Case, and could not think that in such a Case he was imperatively bound to give a Decision. Certainly he could not conscientiously pronounce one for the Condemnation of the Vessel. He, therefore, thought that the Decision of the Case had better be postponed until proper and sufficient evidence should be produced."

In the latter part of this opinion the then Commissioner of Arbitration (Mr. Hamilton) agreed, and the Court accordingly determined that the Case should be postponed. The *Conchita*, then lying in the harbour, was, however, ordered to be sold, since which no further proceedings have been had in that Case, from the inability, as we presume, of the Captors to produce the proof required. The analogy of the two Cases, on this particular point being so exceedingly strong, together with the want of Evidence and Ship's Papers, we conceive we should have acted very precipitately, had we allowed this very novel Case to go to trial on the Affidavit of the Captor, without first representing the facts to your Lordship.

We, therefore, most respectfully submit to your Lordship's consideration, whether we can receive the Prosecutor's Affidavit as Evidence in this Case, and if the *Isabella's* having Spanish Colours flying at the time of her Capture, and the 5 Papers, written in the Spanish language, found on board of her, are sufficient to warrant our considering her Spanish Property, and whether, under those circumstances, we should be justified in decreeing that she was, at the period of Capture, subject and liable to confiscation, for being engaged in the illicit Traffick in Slaves.

We have the honour to be, &c.

H. LUMLEY.

WM. SMITH.

*The Right Hon. Viscount Dudley.*

(Enclosure.)—Affidavit of Captain Clavering.

*In the Case of the Schooner Isabella.*

PERSONALLY appeared Douglas C. Clavering, Esq. Captain of His Majesty's Sloop of War *Redwing*, who, being duly sworn, maketh oath and saith, that being in command of His Majesty's said Sloop, and being a Person duly and legally authorised to make Seizures of Vessels, illegally engaged in the Slave-trade, under the Treaty between His Britannick Majesty and His Catholick Majesty for the Abolition of the Slave-trade, did, on the 6th of October 1825, in the River Old Calabar, on the Coast of Africa, seize and detain the Brigantine Schooner called the *Isabella*, sailing under Spanish Colours, and having on board 273 Slaves; and this Deponent further saith, that the said Schooner, called the *Isabella*, was on the day of seizure aforesaid, sailing down the

River Old Calabar, in company with the Schooner *Teresa*, also under Spanish Colours, and already before this Court; and that, on the Boats of His Majesty's said Ship of War *Redwing* taking possession of the said Schooner *Teresa* after considerable firing and resistance, the Crew of the said Brigantine Schooner *Isabella* deserted her and ran away in their Boats, taking with them, as this Deponent has reason to believe, the Papers of the said Vessel *Isabella*, none having been found on board thereof, but the Letters already sworn to by Lieutenant Card, of His Majesty's said Ship of War *Redwing*, and filed in this Honourable Court; and this Deponent further saith, that having taken 45 Slaves from the said Vessel *Isabella*, in order to afford more room and accommodation to the remainder left on board thereof, this Deponent put into her as a Prize Crew, 3 Officers and 12 Men, the same being a full and efficient Crew, and sent her to this Colony, with the usual Declaration of Seizure, in order to be adjudicated in this Honourable Court; and this Deponent further saith, that the said Vessel, and the Slaves on board thereof, have not since arrived, and that it is not through any fault or neglect of the Captors thereof, that the said Brigantine Schooner hath not arrived in this Port; and this Deponent further saith, that he verily believes the said Schooner *Isabella*, and the Slaves on board the same, have been lost or seized by some of the Piratical Vessels frequenting this Coast, and that the said Prize Crew, and Slaves on board, have been murdered or lost, as none of them have ever yet been seen, nor their arrival at any Country heard of; and this Deponent further saith, that, at the seizure of the said Vessel *Isabella*, the Slaves on board were carefully counted in the presence of the proper Officers, and that the number was 273; and this Deponent lastly saith, that His Majesty's said Ship *Redwing* having been in England since the seizure of the said Brigantine Schooner *Isabella* and Slaves, none of the said Officers are now on board the said Ship, who were present at the numbering and counting of the said 273 Slaves, and, therefore, cannot be produced as Witnesses in this Case.

D. C. CLAVERING, Commander.

On the 16th day of June 1827, the said Douglas C. Clavering was duly sworn to the truth of this Affidavit. Before me,

JOS. REFFELL, Registrar.

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No. 47.—*The Earl of Dudley to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 31st December, 1827.*

I HAVE received your Despatches up to the 6th of October inclusive.

Your Despatch of the 28th September, on the Case of the Brigantine *Isabella*, which had been captured by His Majesty's Ship *Redwing*, and was supposed to have been carried into Cuba by a Piratical Vessel, has been referred for the consideration of His Majesty's Advocate General; and in concurrence with the Report of that Officer upon the



subject, I have to instruct you, that it would not be proper that the Mixed Commission should do any act with reference to the Ship, and to the Slaves which were not brought within their Jurisdiction, and with regard to which no regular Evidence was presented to them. But with respect to the 45 Slaves taken on board the Captor's Ship, and brought, it is presumed, to Sierra Leone, The King's Advocate is of opinion, that, as there will be a necessity that the condition of such Persons should be decided, the Court may admit proceedings as to them, on the Papers brought in, and the Affidavit of the Captors, and condemn them to His Majesty, to be dealt with agreeably to the Act of Parliament, in default of any Claim, and on due notice by publick Proclamation according to the practice of the Court. I am, &c.  
*His Majesty's Commissioners.* DUDLEY.

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

No. 48.—*J. Reffell, Esq. to Mr. Secy. Canning.*—(*Rec. Jan<sup>y</sup>. 27, 1827.*)  
 SIR, *Sierra Leone, 18th November, 1826.*

I HAVE the honour to forward herewith, the Report of the Case of the Brazilian Ship *Sam Benedicto*, Joao Sabino, Master, captured on the 11th of June 1826, in Latitude 6. 12. North, and Longitude 1. 38. East, by His Majesty's Ship *Brazen*, George Wickens Willes, Esq. Captain, and sent in here for adjudication, where she arrived on the 10th of July last.

From the proofs and evidence adduced in this Case, it appears that Captain Willes detained the *Sam Benedicto*, under the impression that the violation of her Passport was a sufficient ground for seizure and confiscation, and, upon that reading of the Treaty between His Britannick Majesty and His Most Faithful Majesty, for the suppression of the illicit Traffick in Slaves, urged the Condemnation of the Ship and Cargo. The Commissioners, taking for their guidance the 5th, 6th, and 8th Articles of the Additional Convention to the said Treaty of the 22d of January 1815, as well as the 1st Article of the Instructions intended for the British and Portuguese Ships of War employed to prevent the illicit Traffick in Slaves, annexed to the said Additional Convention, did decree the restoration of the said Ship and Cargo, together with such costs, damages, and expenses, as had been incurred in consequence of the aforesaid seizure. But it appearing to the Commissioners that the *Sam Benedicto* having been taken to the Northward of the Line, in direct violation of her Passport, had led the Captor into error, the Court, therefore, further decreed that she was not entitled to demurrage for the period of her detention, and that the sums only of £22 10s. for costs of suit, and £10 for part of a cable lost by Captors,

being a special damage, should be absolutely and unconditionally paid to the Claimant, Joao Sabino, by George Wickens Willes, Esq. Commander of His Majesty's Ship *Brazen*.

I regret that some delay was occasioned in this Cause by the severe indisposition of the two Judges and the Registrar; the *Sam Benedicto* having arrived here at that time of the Year when sickness generally prevails from the effect of the continued and heavy periodical rains.

I have the honour to be, &c.

*The Right Hon. George Canning.*

JOS. REFFELL.

The *Sam Benedicto* and *Perpetuo Defensor* sailed from this Port for Rio Janeiro on the 11th of October last.

JOS. REFFELL.

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(Enclosure)—*Report of the Case of the Brazilian Ship Sam Benedicto, Joao Sabino, Master.*

THE Ship *Sam Benedicto*, Joao Sabino, Master, sailing under Brazilian Colours, was detained by His Majesty's Ship *Brazen*, George Wickens Willes, Esq. Commander, on the 11th day of June 1826, who, in his Declaration, states "that he detained and sent to Sierra Leone for adjudication, the Brazilian Ship *Sam Benedicto*, for slaving to the North of the Equator, in Latitude 6. 12. North, Longitude 1. 38. East, having 25 Negroes on board, contrary to the Laws of her own Government, and in violation of the several Treaties entered into by the Governments of Portugal and England, for the prevention of the illicit Traffick in Slaves." She arrived in this Harbour on the 10th of July following, and on the same day the Ship's Papers were brought into Court, duly attested by the Affidavit of the Prize-Master, Mr. Charles Davies, Admiralty Mate of His Majesty's Ship *Brazen*.

On the following day, a Monition was prayed to be issued by the Proctor for Captor, which was granted and returned on the 19th into Court, certified to have been duly served.

On the 17th of July, a Claim was filed by the Master, Joao Sabino, supported by his Affidavit, "on behalf of Joaquim Jozé de Oliveira, an Inhabitant and Native of Bahia, for the said Ship, her Tackle, Apparel and Furniture, Goods, Wares, and Merchandize, as were on board the said Ship, at the time of Capture thereof by His Britannick Majesty's Ship *Brazen*, George Wickens Willes, Esq. Commander, and brought to Sierra Leone—and for all costs, charges, losses, damages, demurrage, and expences, as should or might arise by reason of the Capture and Detention of the said Ship and her Cargo.

The Affidavit, in support of the Claim, principally states, "that the said Ship was captured, on the 11th day of June last, in the prosecution of her voyage from Bahia in the Brazils, along the Coast of Africa to Molembo, with a Cargo of Merchandize, the produce of the Brazils; that the Negroes on board at the time of seizure were free Natives of

Africa, and belonging to Accra, and were labourers, commonly called Canoemen, and came on board of their own free will and accord, and that they were met with by the Deponent at Onie, (Lagos) they having there left some other Vessel, and at the time the said Ship was as aforesaid captured, she was beating up to Accra to purchase provisions through the assistance of the said Canoemen, and to wood and water as necessary."

In consequence of the serious indisposition of the Judges and Registrar, no proceedings were had in this Case until the 26th of July, when the Master, Joao Sabino, was examined on the General Interrogatories, who deposed "that he is a subject of The Emperor of the Brazils, and that Joaquim Joze d'Oliveira is the owner of the Ship and Cargo, and appointed him to the command of her in March 1825; that the present Voyage commenced at Bahia, and was to have ended there; that the Ship sailed to, and anchored and touched at, Lagos, in Latitude 6. 12. North, Longitude 4. 20. East, on the Coast of Africa, during the Voyage in which she was taken; she anchored there to land her Cargo, which she had on freight to Luez Pacheco da Silva, and it was landed in Canoes." He further deposed "that the Ship was beating up the Coast for Accra, to purchase provisions there, at the time of her being taken; that no Slaves whatever had been taken on board during this Voyage, and all her Passports and other Papers which were found on board, were entirely true and fair, none false or colourable; that the said Ship was provided with an Imperial Passport to carry Slaves from Molembo, and that no Papers, Bills of Lading, Letters, or other Writings, had been destroyed, from the time of her departure from Bahia to the period of Capture, nor delivered out of the Ship, or carried away in any manner whatsoever, and that bulk was first broken at Lagos, where the outward bound Cargo was landed." Agustin Joze, a Seaman, and Agustino, a Cabin Boy, being examined on oath on the same Interrogatories, fully corroborated the Master's Evidence in all the material points.

On the examination of this Ship's Papers, it appeared that she had cleared out from Bahia for Molembo, from which Port she had an Imperial Passport to carry Slaves, which her Custom House and other Official Documents fully confirmed, yet in violation thereof, she sailed, by the Master's own Declaration, direct to Lagos, in 6. 12. North Latitude, 4. 30. East Longitude, to land her Cargo to Luez Pacheco da Silva, which he states he had on freight to him, but produced no corroborative proof that such was the fact, either by Bills of Lading, Invoices, Clearances, or any other method than his own unsupported Declaration, which contradicts that part of his Affidavit in support of the Claim, which states "that he was in the prosecution of his Voyage along the Coast of Africa, to Molembo, with a Cargo of Merchandize."

It was, therefore, evident to the fullest conviction of the Court, that this Ship was originally destined to Lagos for a cargo of Slaves, and that Luez Pacheco da Silva was an Agent to procure them, while the Ship beat to Windward to purchase provisions, wood, and water, for their support during the intended Voyage, yet there being no Slaves on board at the time of detention, and none having been proved to have been put on board during the Voyage in which the Ship was taken; referring also to the 5th and 6th Articles of the Additional Convention to the Treaty of the 22d of January, 1815, which state "that the Ships of War of their Royal Navies, which shall be provided with Special Instructions for this purpose, as hereinafter is provided, may visit such Merchant Vessels of the two Nations, as may be suspected, upon reasonable grounds, of having Slaves on board, acquired by an illicit Traffick, and, in the event only of their actually finding Slaves on board, may detain and bring away such Vessels, in order that they may be brought to trial before the Tribunals established for this purpose, as shall hereinafter be specified. Provided always that the Commanders of the Ships of War of the two Royal Navies, who shall be employed on this Service, shall adhere strictly to the exact tenour of the Instructions, which they shall have received for this purpose. No British or Portuguese Cruizer shall detain any Slave-ship, not having Slaves actually on board;" and to the 8th Article of the same Convention, which says, "that these Commissions shall judge the Cases submitted to them, without Appeal, and according to the Regulations and Instructions annexed to the present Convention, of which they shall be considered an integral part." And again, in the 1st Article of the Instructions above alluded to, it says, "Ships on board of which no Slaves should be found intended for the purposes of Traffick, shall not be detained on any account or pretence whatever."

And the Captors, failing to prove that the Natives of Africa on board of her were Slaves, and who subsequently admitted them to be free Natives, and not detained in slavery, the Commissioners considered this a Case for Restitution, in consequence of which the Proctors endeavoured to settle the question out of Court; some communication, therefore, took place between the Parties interested, which occasioned some delay, but not having come to any satisfactory arrangement, the Case was brought before the Court on the 4th of September, by Kenneth Macaulay, Proctor, on behalf of the Captors, who prayed that the Claim made might be rejected, and the Ship and Cargo condemned as good and lawful Prize to His Majesty's Ship *Brazen*, for a violation of the Treaties between His Britannick Majesty and His Most Faithful Majesty the King of Portugal, for the prevention of the illicit Traffick in Slaves, in direct contradiction to the Laws of Portugal, and of the Passport granted to the said Ship by the Government of the Brazils; which said Passport stipulates, that "she was under an obliga-



tion to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the United Kingdom of Portugal, Brazil, and Algarves." The said Vessel having been detained in Latitude 6. 12. North, and Longitude 1. 38. East, having landed her outward Cargo at Lagos, no doubt for the purpose of procuring a return cargo of Slaves. He further prayed, that, should the Court reject the prayer of his Petition, it would be pleased to dismiss the Captors without awarding any costs, damages, and expenses against them; Captors having been led into error by a voluntary and reprehensible fault on the part of the Master of the detained Ship, he having violated the Passport by being to the Northward of the Equator, the proofs of which were before the Court.

William Henry Savage, Proctor, on behalf of the Claimant, prayed "the Claim by him given, to be admitted; and that, according to the Treaties entered into between His Britannick Majesty and His Most Faithful Majesty, Captor had no right to detain said Ship on any pretence whatever, there being no Slaves on board, none having been put on board during this Voyage for the purpose of Traffick, wherefore he prayed that the Court would be pleased to award such costs, damages, and expenses, as the Claimant had sustained from his illegal detention. He further submitted to the consideration of the Court, that, constituted as it was at present, in the absence of the Portuguese Judge, it was not competent to it to decree that the said Ship was not entitled to demurrage, it being stipulated in the 8th Article for the Regulation of the Mixed Commissions, which forms an integral part of the Additional Convention to the Treaty of the 22d of January, 1815, signed at London, 28th July, 1817, that "if it should be proved in a manner evident to the conviction of the Judges of the two Nations, without having recourse to the decision of a Commissioner of Arbitration, that the Captor had been led into error by a voluntary and reprehensible fault on the part of the Captain of the detained Ship, in that case only the detained Ship, shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article." He, therefore, prayed that demurrage might be awarded Claimant for the period of the said Ship's detention."

The Court having heard the Claim and proofs read, directed the Cause to stand over until the 6th for further hearing.

The Court met on the 6th, pursuant to adjournment, and, having taken the Claim and Proofs into consideration, admitted the said Claim, and pronounced the Ship and Cargo to belong as claimed, and, conformably to the Provisions of the Treaty, decreed the same to be restored to the Claimant, for the use of the Owner and Proprietor thereof, together with such costs, damages, and expenses, as had been incurred in consequence of the aforesaid seizure, and referred it to the Registrar to ascertain the amount thereof, and report the same to the Commissioners.

It was also further decreed that the said Ship *Sam Benedicto*, having been detained to the Northward of the Equator, in direct violation of her Passport, which led the Captor into error, that she was not entitled to demurrage for the period of her detention.

On the 18th of September, an account of the costs, damages, and expenses, was submitted to the Registrar by the Claimant; on the 22d he made his Report thereon, and on the 26th it was read in open Court, and the Proctors on both sides having been heard in support of and against the Claim made by the Claimant, the Court referred the said Report back to the Registrar to be amended by striking out of the Schedule of costs, damages, and expenses, the following sums, to which he, in his opinion, considered the Claimant entitled, viz.:

£.	s.	d.	
8	7	0	Allowed for Butcher's and Baker's Bills.
54	0	0	{ To furnish provisions to 18 Persons, for a Voyage from hence to the Brazils, supposed to be 60 days.
20	0	0	
15	0	0	To replace Cabin stores.
15	0	0	For wooding and watering.
<hr/>			
£ 97	7	0	
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The Court disallowed the whole of those charges, as they would have been included in demurrage, but the Court having decreed no demurrage in this Case, cannot admit charges, which would have the same effect as if demurrage had been awarded. The Court further decreed, that the remaining sums of £ 22 10s. for Costs of Suit, and £ 10 for part of cable lost by Captors, being a special damage amounting to the sum of £ 32 10s. be absolutely and unconditionally paid by George Wickens Willes, Esq. Commander of His Majesty's Ship *Lrazen*, unto the Claimant, Joao Sabino, or unto his lawful Attorney or Attornies, for the Costs of Suit and special damages and expenses, occasioned to the said Ship *Sam Benedicto* by her detention.

JOS. REFFELL.

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No. 49.—*D. M. Hamilton, Esq. to Mr. Secretary Canning.*

(Received Feb. 12, 1827.)

SIR,

*Sierra Leone, 26th October, 1826.*

I HAVE the honour to lay before you the Report of the Case of the Brazilian Brig *Principe de Guiné*, whereof Manoel Joachim de Almeida was Master.

This very fine Vessel was, on the 2d of August last, while lying at Whydah Roads, boarded by Lieutenant Tucker, the Captor, and on the next day, at the same Place, by His Majesty's Ship *Redwing*, but no Slaves were found on board of her at either of those visits.

On the 4th of August she embarked her Slaves, 608 in number, and also 25 Passengers, who were all Seamen, and, on the same day, sailed from Whydah, and was out of sight of land before evening. On the following morning she was seen from the *Maidstone's* Tender, commanded by Lieutenant Tucker, which had been lying off waiting for her coming out. A chase commenced, which lasted till nearly noon of the next day, when the Tender having come up with her, an action began between the two Vessels, by her firing a broadside into the Tender, which it was afterwards stated she did under the impression that the Tender was a Pirate. The action lasted upwards of  $2\frac{1}{2}$  hours, when she was carried by the Tender running her bowsprit over her quarter, and boarding her. I am happy to say no lives were lost on the part of the Tender in this affair. The gallant Commander, Lieutenant Tucker, and 1 Seaman were severely wounded, and Mr. Pengelly, Admiralty Mate, slightly. On board the Brig there were 11 Seamen killed, 1 drowned, and 15 wounded, besides 2 Slaves killed, 13 drowned and 12 wounded.

On her arrival at Sierra Leone on the 2d of September following, her Papers were immediately brought into Court, and the Case proceeded with. The proof being quite clear of her having taken on board her Slaves, and also of her having been seized to the North of the Equator, the Commissioners passed Sentence of Condemnation on the Vessel, and decreed the emancipation of the Slaves, on the 26th of the same month. This Sentence was protested against by the Claimant, on the ground that the seizure had been made by a Vessel that was not a part of the British Navy, or furnished with the requisite Instructions to authorize the seizure and detention of Slave-vessels, as directed by the 5th Article of the Convention. The Court referred him to the Provisions of that Article, for making good any losses he might be able to prove he had unjustly sustained in the present Case, by any irregularity on the part of the Captor in making the seizure.

I have the honour to be, &c.

*The Right Hon. George Canning.*

D. M. HAMILTON.

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(Enclosure.)—*Report of the Case of the Brazilian Brig Principe de Guiné, whereof Manoel Joachim de Almeida was Master.*

THIS Vessel was captured on the 6th day of August last, in Latitude 3. 22. North, and Longitude 4. 11. East, and despatched to this Place for Adjudication, where she arrived on Saturday the 2d of September following.

On the 4th of the same month, the Declaration of Lieutenant William Tucker, of His Majesty's Ship *Maidstone*, and his Affidavit, with the Ship's Papers annexed, were brought into Court, and Manoel Joachim de Almeida, the Master, Manoel Feliciano, the Surgeon, and

Beato Martino da Costa, the Cook, produced as Witnesses to be examined on the General Interrogatories.

Lieutenant Tucker, in his Declaration, states, "that he is a Lieutenant of His Britannick Majesty's Ship *Maidstone*, and being in command of a Boat belonging to the said Ship, did, on the 6th day of August last, being then in or about Latitude 3. 22. North, and Longitude 4. 11. East, capture the Brig named *Principe de Guiné*, sailing under Brazilian Colours, armed with 9 guns, viz.: 4 nine-pounders, 4 six-pounders, and 1 twenty-four pounder, and 2 swivels, commanded by Manoel Joachim de Almeida, who declared her to be bound from Whydah to Bahia, with a Crew consisting of 47 Men, and 25 Seamen, Passengers; and having on board 578 Slaves, said to have been taken on board at Whydah, on the 4th of August, 1826." This Declaration is stated to be given on board the Boat belonging to His Majesty's Ship *Maidstone*, on the 6th of August, 1826.

In his Affidavit he deposeth, "that, on the 6th day of the month of August last, being off Whydah, in Latitude 3. 22. North, Longitude 4. 11. East, they seized and detained the Brig or Vessel, called the *Principe de Guiné*, whereof Manoel Joachim de Almeida was Master, by reason that the said Brig was employed in the Traffick in Slaves, contrary to the existing Treaties entered into with His Britannick Majesty and His Most Faithful Majesty the King of Portugal."

Among the Ship's Papers is a Royal Passport, dated at Bahia, the 3d of June, 1826, in which it is set forth, "that the Vessel, called the *Principe de Guiné*, of 280½ tons burthen, and carrying 47 Men, and no Passengers, whereof Manoel Joachim de Almeida is Master, and Antonio Pedroso de Albuquerque Owner, both Subjects of the Brazilian Empire, is bound to the Ports of Molembo, on the Western Coast of Africa, from whence she is to return to the Port of Bahia—the said Master and Owner being under an obligation to enter solely such Ports, on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire." This Passport is numbered 12, and authorizes any number of Slaves, not exceeding 701, to be on board the said Vessel at one time, exclusive of such as shall be employed as Sailors or Domesticks, and Children born during the Voyage.

On the same day a Monition was prayed for, and granted, citing all Persons who had, or pretended to have, any right, title, and interest in the said Vessel and Slaves, to appear and make lawful Claim for the same, which was afterwards returned, certified as duly served.

On the day following (the 5th of September,) the Master, Manoel Joachim de Almeida was examined on the General Interrogatories, who deposed, "that he was born in Pernambuco, lives at Bahia, is a Subject of the Emperor of Brazil; that Antonio Pedroso de Albuquerque, who lives at Bahia, and is a Subject of the Emperor of Brazil, appointed him to the Command of the Brig taken; that he



took possession of her about 4 months since, has known the said Brig about 6 months, first saw her at Whydah, on the Coast of Africa; she was built at Philadelphia, in America, she was seized for having a cargo of Slaves on board, she sailed under Brazilian Colours, had also two American Flags on board for Signals, her name is the *Principe de Guiné*, was, previous to that called the *Prince of Guinea*; there were 45 Mariners on board, some were Portuguese and some Brazilians, they were all shipped and hired by the aforesaid Antonio Pedroso de Albuquerque at Bahia; neither himself nor any of the Officers had any interest in the Brig herself; himself, the Mate, Surgeon, and Boatswain, had each an interest in the cargo of Slaves taken; he himself, was to have 25 Slaves, and the Boatswain 2 Slaves on completing the Voyage, but he does not know the number the Mate and Surgeon were to have; there were some Passengers on board at the time of Capture, but he does not recollect the number or their names; they were taken on board at Whydah about two days before the Brig was taken; they were destined to Bahia, where they resided, having been left on shore at Whydah by the English Cruizers, who had taken them out of captured Vessels; the present Voyage commenced at Bahia, and was to have ended there; the Brig anchored and touched at Whydah, in 6. 20. North Latitude, only, during the present Voyage. She anchored and touched there to take in her cargo of Slaves; communication took place between the Brig and the shore by means of the native Canoes; the Capturing Vessel was first observed in 5. North, on the morning of the 5th of August, 1826, the Place of Capture was 3. 20. North. The chase of the Brig commenced on the morning of the 5th of August, and she was taken on the 6th, there were 9 guns mounted on board, and there were 14 muskets, 2 pistols, and 12 cutlasses, with ammunition belonging to, and on board of her, at the time of capture; she was so armed for protection against Pirates, as Deponent had on a former voyage, been robbed by one on the Coast, of every thing he had; resistance was made at the time of capture, by engaging the Vessel by which she was taken, three hours, as he did not know she was a British Vessel, and the Vessel by which he was formerly plundered, did so under English Colours, but proved to be the Spanish Schooner *Matilda*; had no Instructions for resisting, but did so of his own accord for the aforementioned reason; Antonio Pedroso de Albuquerque was the sole Owner of the Brig, about which he is examined, at the time she was seized; knows him to be such because he purchased her in the Brazils; a Bill of Sale was made by one Magee, an American, to the aforesaid Owner, in the month of April last in Bahia, and in presence of a Notary Publick there; last saw such Bill of Sale at Bahia, but does not know what price or consideration was made for the said Ship, but such price hath been satisfied. That himself and Francisco Felix de Souza, commonly called Chachah, at Whydah,

are the Laders, and the aforesaid Antonio Alberquerque was the Owner and Consignee of the Slaves on board the Brig taken, who are all Brazilians; this is the first Voyage the Brig has been engaged in the Slave-trade; the present cargo consists of 578 Slaves; they were taken on board altogether, and were embarked in one day at Whydah, from the shore."

On the 8th of September, Manoel Feliciano, Surgeon on board the Brig taken, was examined on the General Interrogatories, who deposed, "that the Brig, concerning which he was examined, was seized for having a Cargo of Slaves on board; she sailed under Brazilian Colours, and had also some Signal Flags on board; that she is 280 tons burthen; there were 45 Officers and Mariners on board, exclusive of the Master; that neither himself, nor any of the Officers and Mariners on board, had any part, share, or interest in the Brig taken; he himself had an interest in the Cargo of Slaves, having been promised by the Owner, if the Voyage was successful, that he was to have two per cent. of them at the rate they were purchased at on the Coast of Africa; heard that the Master had an interest in them similar to his own; he was Surgeon on board the Brig; there were some Passengers on board at the time of Capture, they were Brazilian and Portuguese Seamen taken on board at Whydah, on the 4th of August last, and were destined to Bahia; the Brig anchored and touched at Whydah, in 6. 12. North Latitude, only, during the Voyage on which she was taken; she anchored there to take on board the Cargo of Slaves; communication took place between the Brig and the shore by means of the Native Canoes; the chase of the Brig commenced on the 5th of August, and she was taken on the 6th; 9 guns are mounted on board her; there were also 16 muskets, 12 cutlasses, and 2 pistols, with ammunition, belonging to and on board of her at the time of Capture; she was so armed for protection against Pirates; resistance was made at the time of Capture, by engaging the Vessel by which Brig was taken, 3 hours; this is the first Voyage the Brig has made in the Slave-trade from the Brazils; the present Cargo consists of Slaves; 578 Men, Women, Boys and Girls, and 30 Infants at the breast, were taken on board altogether from the shore at Whydah in 6. 12. North Latitude."

On the 11th of September following, the Claim of the Master, Manoel Joachim de Almeida, with an Affidavit in support of the same, was brought in by Mr. Savage, his Proctor. This Claim is "for the said Brig or Vessel, her tackle, apparel, and furniture, goods, wares, and merchandize, and 608 Africans, or so many thereof as were on board the said Brig or Vessel at the time of the Capture thereof by the Schooner *Hope*, commanded by William Tucker, Esq. Lieutenant of His Majesty's Ship *Maidstone*, and brought to Sierra Leone, and for the value of such of the Slaves as may have departed this life, since the said Capture; for the said Brig, her tackle, apparel, and furniture,

and her Cargo, as the sole property of Antonio Pedroso de Albuquerque, an Inhabitant and Native of the Brazils; and as protected by the Treaty or Convention between His Britannick Majesty and His Majesty The King of Portugal, dated the 28th of July, 1817; and for his, the Claimant's, private adventure of 24 Africans, included in the number before mentioned; 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 or Vessel, and her Cargo as aforesaid." In the Affidavit, the said Master deposeth, "that he is a Subject of His Majesty The Emperor of the Brazils, and was Master of the said Brig, at the time of the Capture thereof by the Schooner *Hope*, William Tucker, Esq. Lieutenant of His Majesty's Ship *Maidstone*, Commander, and that the said Brig was so captured on the 6th of August last, in the prosecution of her Voyage from the Coast of Africa to Bahia, in the Brazils, with a Cargo consisting of 608 Africans, and brought to Sierra Leone; and he further maketh Oath, that Antonio Pedroso de Albuquerque, of Bahia, a Subject of His Majesty The Emperor of the Brazils, was, at the time of the said Capture, and now is, the lawful and sole Owner and Proprietor of the said Brig *Principe de Guiné*, her tackle, apparel, and furniture, and 584 of the Cargo of Slaves on board the same; the Deponent is the true, lawful, and sole Owner and Proprietor of the 24 Africans, all of whom were purchased by Deponent from merchandize belonging solely to himself; and Deponent maketh oath, that he verily believes the said Brig, Cargo, and Slaves are protected by the Treaty or Convention between His Britannick Majesty and His Most Faithful Majesty; that this Deponent has been informed, that the said Capture was made on behalf of Commodore Bullen, C. B. Commander of His Majesty's Ship *Maidstone*, but that, from the time of the said Capture, nor before the same took place, nor since, this Deponent never has seen the said Ship of War *Maidstone*, and that he verily believes the Vessel which was commanded by the said Lieutenant William Tucker, was not a Vessel belonging to the Royal Navy of Great Britain, and, therefore, not authorized to seize, detain, and bring in for Adjudication any Portuguese Vessel under the said Treaty or Convention; and he further maketh oath, that no Person or Persons, other than the Persons before-mentioned, have any right, title, or interest in the said Brig, her tackle, apparel, and furniture, goods, wares, merchandize, or Slaves, on board the same at the time of capture and seizure thereof, and that he is duly authorized to make the Claim aforesaid, and the same is a true and just Claim, and that he shall be able to make due proof and specification thereof."

On the 12th of September, a Petition of Mr. Lake, the Seizor's Proctor, was brought in, in which he sets forth, "that an error had crept into the Declaration of the Captor, in consequence of their not having at sea the means of counting the Slaves, and prayed that the



same might be amended by inserting the true number of Slaves, according to the number proved to have been on board by the Affidavits filed with the said Petition ;” which was granted.

On the 19th of September, Mr. Savage, Claimant’s Proctor, prayed that certain Persons might be examined as Witnesses on Special Interrogatories, on behalf of the Claimant in support of his Claim, which was granted by the Court, and, on the 20th of September, Lieutenant William Tucker was accordingly examined, who deposed, “ that he was in command of the Schooner *Hope* at the time of the Capture of the *Principe de Guiné*, Manoel Jozé de Almeida, Master ; that he had to chase before capture, and carried on the chase in the Schooner *Hope*, on board of which was the Boat of His Majesty’s Ship *Maidstone* ; that an engagement did take place between the *Hope* and the captured Vessel, in consequence of the latter (when the *Hope* was nearing her, but not sufficiently close to be within hail,) tacking, standing across the *Hope*’s bows, and opening a broadside upon her, without shewing any Colours, nor were any shewn during the whole time of the action, of 2 hours and 40 minutes ; that British Colours were shewn before, during, and after the engagement ; that he is acquainted with the Owner of the *Hope* : she was condemned by the Mixed Commission in this Colony, and was purchased after Condemnation by Commodore Bullen ; that the said Commodore Bullen has, to the best of his belief, authority to sell the *Hope*, and dispose of her in any way, without waiting for Orders from Government ; that he believes the *Hope* is not rated as a British Vessel of War ; that himself and People under his Command are borne on the Books of His Majesty’s Ship *Maidstone* for provisions and pay ; that he has received from Commodore Bullen, the Representative of the British Government on the High Seas on the Coast of Africa, Instructions under the British and Portuguese Treaty of the 28th of July 1817, addressed to him as Commander of the *Hope*.”

On the day following (the 21st of September), the Master and two Seamen of the said Brig were examined on the same side. The Master, Manoel J. de Almeida, deposed, “ that it was 48 hours after losing sight of land that the Brig was captured ; that the capturing Vessel was 29 hours chasing the Brig before she got up to her ; that when she was chased by the Schooner, Deponent took the Schooner to be a Pirate. His reason for such opinion was, that there were plenty of Pirates about those Parts, and they made use of the Colours of any Nation ; that he saw, by the aid of a telescope, the capturing Vessel loading her guns before she got close up to the Brig ; that he fired first at the capturing Vessel, because he took her to be a Pirate ; after which the Schooner returned it immediately, and ran her bowsprit over the Brig’s quarter, from which the men on board the capturing Vessel boarded and carried her ; that no other Vessel was in sight but the one by which the Brig was captured, which is the *Hope*, commanded by William Tucker ;



that 8 persons were killed on the spot, one died of his wounds afterwards, and upwards of 20 were wounded; that since Capture he has not fallen in with nor seen His Britannick Majesty's Ship of War *Maidstone*."

Jozé da Silva, Seaman of said Brig, deposed, "that it was about 48 hours after losing sight of the land that the Brig was captured. The capturing Vessel was in chase 27 hours before she got up to the Brig; he took the capturing Vessel, during the chase, to be a Pirate; his reason for so doing was, because she was a small Schooner; that he saw the capturing Vessel loading her guns before she got close up to the Brig: she did not hail the Brig; the Brig fired first, because the Schooner was taken to be a Pirate. The action had continued about three hours, when the Schooner ran her bowsprit over the Brig's quarter, and carried her by boarding from it. No other Vessel was in sight than the one that captured the Brig; he does not know the name of the capturing Vessel, nor the name of the Officer who commands her. Eight Persons were killed on the spot; 1 died of his wounds afterwards, and 20 were wounded, on board the Brig; that he has not seen or fallen in with His Majesty's Ship *Maidstone* since capture."

Jozé Santos Leal, another Seaman of said Brig, deposed exactly the same as had been sworn to by Jozé da Silva, with the exception that instead of his stating his opinion, that he took the Schooner for a Pirate, *because she was a small Schooner*, it was *because he heard that there were many Pirates in those Parts, and they used the Colours of all Nations*.

On the 22d of September following, Mr. Lake prayed the Court to be allowed to examine the Mate of the said Brig on certain Special Interrogatories, in answer to the Evidence of the Claimant, which was allowed; and, on the 25th of the same month, Manoel Jozé Pinheiro, Mate of the said Brig, was examined, who deposed, "that the Brig was boarded at Whydah on the 2d of August last, by a Schooner under a British Ensign and Pendant, and that an Officer, in English uniform, did go on board and endorse the Brig's Papers; he did not know that the Schooner, which was chasing the Brig, was the same one that boarded her in Whydah Roads on the 2d of August; that he does not know who is the Commander of the capturing Vessel; he is the same Person who boarded and endorsed the Brig's Papers on the 2d of August in Whydah Roads; the Papers of the Brig were delivered up to the Commander of the capturing Vessel. After the action had ceased, the Commander of the capturing Vessel boarded the *Principe de Guiné* in a Boat; he did not get on board from the bowsprit."

On the 26th of September following, the Case was heard before the Commissioners, when it was strongly contended, on the part of the Claimant, that the Vessel and Slaves ought to be restored; that, according to the 5th Article of the Convention, the visit and detention

of Slave-vessels could only legally be effected by those British or Portuguese Vessels which formed part of the two Royal Navies, and by those only of such Vessels which were provided with the Special Instructions annexed to the said Convention; that it had been clearly proved that the Schooner *Hope* was not a Vessel of the Royal Navy of Great Britain; and even was it possible she could be so considered, yet it was as clearly proved that she had not the Special Instructions authorizing the visit and detention of Slave-vessels. On the part of the Captor, the Spanish Cases of the *Fabiana*\* and *Nicanor* were cited and relied on as precedents.

The Court observed, that the stipulations, as to the observance of the Instructions in the 5th Article of the Convention, seemed to imply, that, though the Government might be answerable for losses occasioned by deviation, it was not intended that the capture should be invalidated by every departure from the Instructions; and as the breaches of the Convention, by Brazilian Vessels carrying on the Slave-trade to the North of the Equator, was now a common and notorious occurrence, even in view of the British Cruizers, who could not molest them while no Slaves were found on board, or could be proved to have been on board; and as the proof of the Slaves having been taken on board to the North of the Equator in this Case, was extremely clear; as well as the proof of the Vessel having been seized in North Latitude, the Court would, therefore, leave the Claimant to apply to the British Government, if he chose, to make good any losses he could prove he had unjustly incurred by any irregularity on the part of the Captor in making the present Seizure.

The Commissioners consequently condemned the Vessel as lawful Prize, and decreed the surviving Slaves to be emancipated.

D. M. HAMILTON.

No. 50.—*His Majesty's Commr. to J. Planta, Jun. Esq.*—(Rec. Mar. 9.)  
SIR,

Sierra Leone, 15th January, 1827.

IN pursuance of the 75th Clause of the Act passed in the 5th Year of the Reign of His present Majesty, entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade;" and in conformity with the Instructions received from Mr. Secretary Canning, we beg leave to enclose, in Duplicate, a Return of all the Cases of Portuguese Vessels which have been adjudicated in the British and Portuguese Court of Mixed Commission established here, from the 1st day of July, 1826, to the 1st day of January, 1827.

We have, &c.

N. CAMPBELL.

Joseph Planta, Jun. Esq.

JOS. REFFELL.

\* For the Case of the *Fabiana*, see Papers presented to Parliament in 1824, 1825. See also Report of His Majesty's Advocate General in this Case. The Report of the Case of the *Nicanor* was transmitted to England in August, 1826.

(Enclosure.)—Return of Portuguese Vessels Adjudicated by the British and Portuguese Court of Mixed Commission established at Sierra Leone, from the 1st day of July, 1826, to the 1st day of January, 1827.

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 a part remains unsold, and in whose hands the Proceeds remain.
Perpetuo Defensor	Apr. 18, 1826.	{ Brig and 424 Slaves }	{ Charles Bullen, H. M. S. Maidstone. }	—	{ Restored to Claimant by Captors. }	{ Brig delivered to the Master. }
Sam Benedicto	June 11, —	{ Ship and cargo, }	{ G. W. Willes, H. M. S. Brazen }	Sept. 6, 1826	Restitution —	{ Ship and cargo delivered up to Master. }
Principe de Guiné	Aug. 6, —	{ Brig and 608 Slaves }	{ Charles Bullen, by a Tender and a Boat of H. M. S. Maidstone. }	Sept. 26, —	{ Condemned for illicitly trading in Slaves. }	{ The Brig sold publick auction and the Proceeds paid into the Military Chest. }

WM. SMITH, Registrar

N. B. The Proceeds of the Sale of the Sloop *Esperanza* and Brigantine *Netuno*, reported the last Return as being in the hands of the Commissioners of Appraisement and Sale, have since been paid into the Military Chest.

No. 51.—His Majesty's Commr. to Mr. Secy. Canning.—(Rec. Apr. 4.)

SIR,

Sierra Leone, 2nd February, 1827.

WE have the honour to enclose herewith, the Report of the Case of the Brazilian Brigantine *Hiroina*, condemned in the British and Portuguese Court of Mixed Commission on the 24th of the last month, with our decision thereon.

This Vessel being the first condemned in the Court under the circumstances under which this Case was brought before us, being detained to the North of the Equator without having a Slave or Slaves on board, or having had any during the Voyage, induced us, in the performance of our duty, to state very fully, the reasons for taking the view we did of the Case, and which led to the condemnation of the Vessel: in adopting this course we were greatly influenced by the spirit of the Treaty and Convention, as referred to and treated on in the Correspondence which has passed between the Brazilian Government and Mr. Consul-General Chamberlain, on the subject of Licences to Slave-vessels, and which was transmitted to the Commissioners for their information and guidance.

We feel it to be our duty to explain the delay which took place in the Case of this Vessel; owing, in the first instance, to the illness of the late Commissioner, Hamilton, which prevented the proceedings going on beyond the duties of the Registrar; and, subsequently, from the Claimant's Proctor having been away from the Colony, and the Court not wishing to allow the proceedings to go on in his absence, as the Case was altogether a new one, and it might, therefore, prove in-

junious to the Claimant, to whom they were desirous to give every opportunity of clearing his Vessel; and lastly, from Sir Neil Campbell's illness, which prevented the Case being brought before the Court so early as, even under the circumstances stated, it otherwise might have been.

Trusting, Sir, that our proceedings in this Case, and Decision thereon, will meet with your approbation; We have, &c.

N. CAMPBELL.

*The Right Hon. George Canning.*

JOS. REFFELL.

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(Enclosure.)—*Report of the Case of the Brazilian Brigantine Hiroina, whereof Michael Antonio Netto was Master.*

THIS Vessel, commanded by Michael Antonio Netto, (who was stated to be on shore, sick) and furnished with an Imperial Passport, No. 17, "obligating her to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire," was detained off Lagos, in the Bight of Benin, by His Majesty's Ship *Maidstone*, Commodore Charles Bullen, C. B. Commander, who, in his Declaration, states, "that he so detained her for being at anchor in a Roadsted in the Bight of Benin, trafficking for Slaves, with part of her Cargo landed for that purpose, in direct opposition to the true intent and meaning of the 2d Article of the Additional Convention signed at London, on the 28th of July 1817, as also of her said Imperial Passport No. 17, and by virtue of the late Correspondence on this particular subject with the Brazilian Government, a Copy of which has been transmitted him from the Lords Commissioners of the Admiralty; and further, that he therefore deemed it his duty to send her to the Mixed Commission Court at Sierra Leone, for Adjudication." The Vessel arrived here Nov. 11, 1826, and on the 16th of the same month the Papers were filed in Court, and the usual Monition prayed for, which being granted, went forth on that day, returnable on the 25th of the same month.

From the Evidence of Joze Machado Lopez, the Mate, and two of the Seamen, it appeared that, owing to the prevalence of foul winds, the Vessel made Cape Palmas, but did not anchor there; from thence she touched and anchored at St. George D'Elmina, where she stopped two days to take in water, and where she also purchased with Aquadente, a Canoe, from whence she went to Judo, a place between Badagry and Lagos, where she anchored and touched, to trade for country cloths, palm-oil, and provisions for the Slaves to be purchased at Molembo, some of which articles were put on board, and that she remained there 68 days, during which the Master was on shore with a part of the Cargo landed, consisting of tobacco, rum and cloth, and for the last 30 days of which only he was sick.

On the 21st of November, the Petition of the Mate, or 1st Pilot, J.



M. Lopez, was granted (and filed with the Claim and Affidavit annexed), praying to be permitted to claim the said Vessel as the sole property of Manoel Cardoza dos Santos, an Inhabitant of Bahia, but no proof brought forward to support it, until December 12, when the Claimant's Proctor petitioned the Court for leave to put Special Interrogatories to the Witnesses, which was granted on the 18th, but nothing was elicited very material to the Case, beyond what had been previously obtained by the Standing Interrogatories, nor was afterwards brought to light, by other Special Interrogatories on the part of the Proctor for the Captors, put, by permission of the Court, on the 2d January 1827. The Case remained thus until the 18th, when a Petition of the Captor's Proctor for a speedy Trial, was granted for the 24th January, at which time the Court met, and having heard the Evidence read over, and the Proctors on both sides, delivered the following decision :—

It appears that this Vessel cleared out from Bahia on the 11th day of July 1826, taking her departure on the 12th, furnished with the usual Papers, and an Imperial Passport, authorizing her to take a Cargo of Slaves from Molembo, on the Occidental Coast of Africa ; “the Master, M. A. Netto, and M. C. dos Santos, the Owner of her, being under an obligation to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire,” and on the 17th October 1826, she was detained off Lagos in 6.10. North Latitude, having landed a part of her Cargo, (as appears by the Evidence of the Mate and two Seamen,) at a Place called Judo, situated between Whydah, or Ajuda, and Lagos, by His Majesty's Ship *Maidstone*, Commodore Bullen, in (as that Officer says in his Declaration) direct opposition to the true intent and meaning of the 2d Article of the Additional Convention signed at London, 28th July 1817, and of her said Imperial Passport, No. 17. In the Treaty with Portugal, dated 22d January 1815, the Preamble states its object to be a gradual abolition of the Slave-trade, and the immediate abolition of the said Traffick upon the parts of the Coast of Africa which are situated to the Northward of the Line ; and in the 1st Article of the said Treaty, it expressly declares, that after the Publication thereof, it shall not be lawful for any of the Subjects of the Crown of Portugal to purchase Slaves, or carry on the Slave-trade on any part of the Coast of Africa to the Northward of the Equator, upon any pretext or in any manner whatever, and which 1st Article is again referred to and confirmed by the 4th Article of the said Treaty.

In this Treaty no authority is given to British Cruizers to detain for adjudication Vessels belonging to Portugal or Brazil infringing the Provisions thereof, although the Two High Contracting Parties, in the 2d Article of the said Treaty, agree to adopt such measures as may best conduce to the effectual execution of the preceding Engagement, according to its true intent and meaning : and which was fulfilled by

the Additional Convention signed at London July 28, 1817, (which, in the Preamble, alludes to the said 2d Article of the Treaty) the 1st Article of which, after repeating the object to be the prevention of illicit Slave-trade, states, the Two High Contracting Parties declare, that they consider as illicit any Traffick in Slaves carried on under the following circumstances:—

By Portuguese Vessels in any of the Harbours or Roads of the Coast of Africa which are prohibited by the 1st Article in the said Treaty of January 22, 1815, which recited Article expressly states it to be illegal to trade in Slaves to the Northward of the Equator; and then, in order to define the limits in which the carrying on of the Slave-trade is allowed to be lawful, the 2d Article of the said Convention proceeds to point out those limits, viz. from 5. 12. to 8. 0. South, and from 8. to 18. degrees of South Latitude: and to enforce obedience to these Laws the 4th Article stipulates, that every Portuguese Vessel destined for the Slave-trade on any part of the Coast where this Traffick still continues to be lawful, must be provided with a Royal Passport conformable to the model annexed to the present Convention, and which model forms an integral part of the same. It is therefore evident, in the opinion of the Court, that the Negotiators had in view the entire suppression of this Traffick under any circumstances, not only to the North of the Equator, but to the most Northern part of the Portuguese Possessions on the Western Coast, viz. 5. 12. South, and that any attempt to violate this understanding was provided for by the words of the said Passport, making it penal (should the Parties contravene any of those Conditions) to the extent denounced by the Alvarà of 26th January 1818, against those who shall carry on the Slave-trade in an illegal manner (and which Law His Most Faithful Majesty engages himself to promulgate in the 3d Article of the before-recited Convention.) The 3d Article of which Alvarà gives the power to the Mixed Commissions to confiscate the Vessel and Cargo according to the 7th Article of the Regulations, by which those Courts are to be guided in giving their decision.

In this Case, therefore, the Court has to decide how far this Vessel is liable to Condemnation under the before-quoted Treaties and Instructions attached to them, and particularly those for the guidance of the Mixed Commissions, which latter direct “that they shall judge according to the letter and spirit of them.”

At the very first view of the matter, it is plainly evident that this Vessel has broken faith with her Government, and acted in defiance of the Provisions of the Treaty and Convention (which are the only protection for the Slave-traffick in which this Vessel is acknowledged to have been engaged) in being to the Northward of the Line, against the express condition of her Passport, and which, being an integral part of the Convention, brings her within the jurisdiction of the Mixed Commis-

sions (a conclusion which is clearly admitted by the President of the Government of Bahia and the Minister of His Imperial Majesty, in their Correspondence with Mr. Consul Chamberlain) we must, therefore, look to the evidence adduced for good and sufficient reasons for her being to the Northward of the Line, and thus judge of the legality or illegality of the detention, which, by the 5th Article of the Instructions to the two Navies, the Claimant in this Case is bound to furnish. The Evidence of J. M. Lopez, the Mate, in which the 2 Seamen, Joze Vierra and Antonio Ferrara join, goes to prove the prevalence of contrary winds, from the time of this Vessel leaving Bahia, till she made Cape Palmas, the Vessel being kept upon a wind the whole way to endeavour to get to the Southward, yet, in direct opposition thereto, her Log (which J. M. Lopez, the Mate, swears was kept by himself, and is the true Log) proves this proceeding to have been premeditated, as it shews her course to have been N.E., N.N.E., N.E. by N., and E.N.E. for 12 days, the winds being S.S.E., E.S.E., and S.E.; and in 6 days more, being only 18 days altogether from the time of her leaving Bahia, she makes Cape Palmas in 4. 22. North, where the Log ends; he also swears that the studding-sails were first set when Cape Palmas was made; and it must be evident to a person only partially acquainted with nautical affairs, that to do so she must be running before the wind Easterly: therefore had she been brought upon a wind from that point, she would have made a S.S.E. course off the Coast, and consulting the Chart it is plain that such a course would have taken her to Molembo, which Port she originally fitted out for. Another circumstance, to which the greatest suspicion must attach, is the discontinuing of the Log from the day Cape Palmas was made; no Evidence is given why such an unusual practice was resorted to; clandestine motives may indeed be rationally attributed to such a proceeding. The same Evidence goes on to state, that from Cape Palmas she went to, and anchored at, St. George d'Elmina in 5. 5. North Latitude, where she remained 2 days, procured some water, and purchased a Canoe, for which Aquadente was bartered.

Still going to the Northward from this Place (when it is notorious that the prevailing winds on the Coast would have allowed her to lay off to the Southward and Eastward on the starboard-tack, and fetch St. Thomas on the Equator, as British Vessels usually do,) she proceeds direct to Judo, in the immediate vicinity of the greatest Slave Market to the Northward of the Line, where she anchors without any reason or pretext for doing so, but for the purchase of provisions to feed the Slaves to be got at Molembo, and certainly this is an excuse which cannot be safely relied on. Supposing it to be true that the original destination has been altered in consequence, it is impossible to consider the fact as sufficiently established by the mere averment of the Persons on board, who, if there be any fraud in the case, are Par-



ties to that fraud ; and altogether it is a circumstance as improbable as it is un contemplated by the Convention, and prohibited by her Passport, expressly framed to prevent such Trade, under the pretence of which the custom of going to the Northward of the Line, had become so general as to induce a Representation from the British Government to that of His Imperial Majesty, through Mr. Consul Chamberlain ; and referring to the Correspondence which passed between him and the Brazilian Government, it will be seen, from the Reply of M. Villela Barbosa, that it contemplates the Treaty to be sufficient to prevent the abuse of the Passports, which has been carried on to an unparalleled extent, there being, he says, "a Treaty by which means are afforded for preventing the illicit Trade in Slaves ; every measure therein established might be applied to the said purpose." And if it states its conviction to be such, and in defiance thereof, the Subjects of His Imperial Majesty still continue the same unlawful proceedings, they must bear the consequences that their own conduct entails upon them. It is not to be supposed that this Court can be deceived by an excuse so frail, as to believe that this Vessel ran down into the very centre of the Bight of Benin, and thus protracted her Voyage for months, only for the purpose of getting provisions for the Slaves. The object of the Voyage was too important to the Parties concerned to allow any reasonable unprejudiced man to think, for one moment, that time would be trifled away as it is attempted to be shewn by the Evidence. It will not admit of serious consideration, being contrary to every principle of Commerce.

It is further in Evidence, that the Vessel was at Juda 68 days, and, by the Mate's own declaration, the Master was only ill 30, the question then arises what could he be doing on shore, with a considerable part of the cargo also landed, during the 38 previous days. It is not even satisfactorily shewn that he was purchasing provisions, palm-oil, and country cloths ; some calavances, two small casks of oil, and some country cloths, being all that was sent on board during this very long period ; but, even admitting he was intending to procure such articles, in order to fill up his Vessel, would he, for so trifling a consideration, have gone so far out of his proper course, or run the risk to which he thus made himself amenable, of having his Vessel seized, unless he had some clandestine object of a more lucrative description in view. The Court think not ; looking at the Case throughout, and taking the Correspondence between Mr. Chamberlain and the Brazilian Government as a guide by which the illicit Traffick in Slaves to the Northward of the Line is to be prevented.

The Court is of opinion that the *Hiroina* falls under the penalties denounced against Vessels employed in the illicit Slave-trade. It may indeed be objected, that by the Instructions to Ships of War, the Regulations for the Mixed Commission, and the 5th and 6th Articles of



the Convention, that this Vessel has been illegally seized; but the Court is of opinion that those parts have reference only to the protection of Parties legally carrying on the Slave-traffick, but who may be found either sailing or at anchor to the Northward of the Equator, and for which deviation they give, at least, some satisfactory explanation. It never could have been contemplated, when the Treaty and Convention were entered into, to afford protection to the lawless Trader, or to a Vessel acting, as in this Case, which, although fitted for carrying on the Traffick legally, has placed herself out of protection by acting so illegally, in not only being to the Northward of the Line, where she is expressly forbidden to be, and that, too, by purposely steering out of her course, but with a great part of her cargo landed at a Port where she had been lying for so long a period, and which the Imperial Passport positively prohibits her entering.

The Court, therefore, consider the Seizure, even on these grounds, justly and legally made, and, under all these considerations, duly and carefully weighed, do most conscientiously believe this to be a Case for confiscation under the Treaty, and Additional Convention thereto, dated July 28, 1817, between Great Britain and Portugal, for the Suppression of the Slave-trade, and do, therefore, condemn the *Hiroina*, her tackle, apparel, and furniture, as good and lawful Prize, and as taken in such illicit Traffick in Slaves by His Majesty's Ship *Maidstone*.

N. CAMPBELL.  
JOS. REFFELL.

No. 52.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. June 7.)  
SIR,

Sierra Leone, 31st March, 1827.

WE have the honour to report to you the Adjudication of the Brazilian Schooner *Eclipse*, Joao Antonio de Favia, Master, which we transmit herewith, detained by His Majesty's Ship *North Star*, Septimius Arabin Commander, off Whydah, in or about Latitude 6. 20. North, and Longitude 2. 5. West, with no Slaves on board. She arrived in this Harbour on the 19th February, 1827.

The Case of this Vessel was heard before the Court on the 16th of this instant month, and it bearing so close a resemblance to that of the Brazilian Brigantine *Hiroina*, the Court, under the same impression of the intent and meaning of the Treaty between His Britannick Majesty and His Most Faithful Majesty, for the suppression of the illicit Traffick in Slaves, and the Additional Article thereto, which induced it to decree that Vessel to be a lawful Prize, pronounced Sentence of Condemnation against the Schooner *Eclipse*, and Cargo, for the violation of her Passport, in being found trading at certain Ports to the Northward of the Equator.

We have, &c.

N. CAMPBELL.  
JOS. REFFELL.

*The Right Hon. George Canning.*

(Enclosure.)—*Report of the Case of the Brazilian Schooner Eclipse, Joao Antonio de Favia, Master.*

THE *Eclipse* was detained on the 6th of January, 1827, by His Majesty's Ship *North Star*, Septimius Arabin, Commander, in or about Latitude 6. 20. North, and Longitude 2. 5. West, off Whydah, sailing under Brazilian Colours, with a Crew consisting of 25 Men and Boys, and no Slaves on board. She arrived in this Harbour on the 19th of February following, on which day the Papers were lodged in the Registry Office, with an Affidavit of the Prize-Master, Mr. Charles Godby, Admiralty-Mate; and a Monition, as prayed for by the Captor's Proctor, issued on the 20th, returnable on the 28th of February.

Claim was made by the Master, Joao Antonio de Favia, for the Vessel and Cargo, as the sole property of Antonio de Padua da Cunha Pimentel, and leave granted by the Court for the said Claim to be filed on the 28th of February.

The Case of the *Eclipse* is so analogous to that of the Brazilian Brigantine *Hiroina*, lately condemned as lawful Prize in the Mixed Commission Court, that we do not consider it necessary to enter so fully into a detail of the Case as was done when we had the honour to report on that Vessel; it may not, however, be irrelevant to mention, that it is in evidence by the Master, that this Vessel had the orders of her Owner to proceed direct to the Northward of the Line, and trade on the Coast of Elmina for cloths, and this, in itself, is a strong reason for suspecting they must have been given wilfully, to take advantage of her Passport to carry on a contraband Trade, which Passport, dated so recently as the month of September last, is irregular, in as much as it authorizes her to touch at St. Thomas and Princes on her Voyage to Molembo, to neither of which Ports has she during this Voyage been, and which but too fully proves the collusion of the Authorities in Brazil, in furthering the illicit Traffick in Slaves with Owners of Vessels so employed; apparently in open defiance of the solemn engagement of their Government to Great Britain, upon the representation of Mr. Consul Chamberlain, to discontinue the practice of issuing such objectionable Licences, to Vessels fitted for the taking of Slaves from Ports and Places, South of the Equator, belonging to the Crown of Portugal.

It is also in evidence that this Vessel landed her cargo to the Northward of the Line, at Whydah and Popo, so notorious for being Slave-marts on the Western Coast of Africa, where she was full 3 months, having been frequently boarded during that period, as appears by the endorsements on her Passport by several of His Majesty's Cruizers.

It is stated by the Master, that she was there for the purpose of purchasing country cloths, but during this very long period, there is no proof that even one had been received on board, in exchange for the

Cargo landed, and it appeared to the Court to be only for the purpose of misleading its judgment to make so frail an excuse. As usual, no Log is produced, which, in every point of view, is liable to the greatest suspicion that an illegal object was the cause of its non-existence.

Referring again to the declaration of the Brazilian Government, and to that part of the Treaty between Great Britain and Portugal for the Suppression of the Slave-trade, which makes the Passport an integral part thereof, and it having been proved to the fullest conviction of the Court that the Passport of the *Eclipse* had been violated, as well as being in itself irregular, and not conformable to the model annexed to the Treaty, which she was bound to be furnished with, and also being out of the limits prescribed to legal Slave-traders; the Court having met on the 16th of March, to adjudicate this Case, unhesitatingly pronounced Sentence of Condemnation upon the Schooner *Eclipse*, her tackle, apparel, and furniture, and the goods, wares, and merchandize on board the same, as good and lawful Prize, taken by His Majesty's Ship *North Star*, Septimius Arabin, Commander.

N. CAMPBELL.

JOS. REFFELL.

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No. 53.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. June 7.)  
 SIR, *Sierra Leone, 31st March, 1827.*

WE have the honour to enclose the Report of the Case of the Ship *Invincible*, seized under Brazilian Colours, on the 21st of December, 1826, in the River Cameroons by His Majesty's Ship *Esk*, with 440 Slaves on board, which Vessel was condemned in the British and Portuguese Court of Mixed Commission, on the 16th of March, 1827, and the surviving Slaves, 250 in number, emancipated.

The mortality on board being so much greater than the usual ratio of deaths, even in crowded Slave-ships, we deem it our duty to submit the circumstances which appear to have led to this melancholy loss of human life; before entering on this, however, it may not be inapplicable to state, that this Vessel was twice struck by lightning on the way up; first, on the 1st of January, by which the mizen-top-mast was shivered to pieces, and other damage done, with the loss also of 1 Marine, and two Slaves killed by the electric fluid; and secondly, on 30th of January, which carried away the main-mast close to the deck, and killed 2 more of the Slaves.

The first of these damages to the Vessel was repaired by their fortunately falling in with His Majesty's Ship *Esk*, a few days afterwards, but the latter, which could not be effectually replaced, extended the Voyage to the uncommon length of 61 days, 5 of which were, however, spent in getting out of the River Cameroons; during this period was also experienced 27 successive days of heavy rain with thunder and lightning.

The promoting cause of sickness on board seems fairly attributable to the very unprepared and dirty state of this Vessel, when the Slaves were shipped, arising from the Master and Crew being all sick, and the hurry in taking the Slaves on board, in consequence of a disagreement of the Master with the Natives, who, he alleged, had cheated him out of 63 of the victims bargained for. Further, from the nature of the general provisions (farinha and jerked beef,) which, although of the best quality, and in abundance, the Slaves could not be brought to live on, accustomed as they had been to yams and rice; this antipathy became so strong on the 23d day, that Lieutenant Tollervey, the Officer in charge, was under the painful necessity of giving into their prejudice of eating their farinha dry, instead of cooked as before, in which state they continued to live during the rest of the passage up, and which no doubt created much of the disease on board.

The misfortunes of the Voyage and the length of time it occupied, with the crowded state of the Vessel, which almost prevented the possibility of separating the sick from the healthy, and further rendered it necessary in the early part of the Voyage (until death thinned their numbers) to keep 200 of the Slaves on deck, only sheltered by some spare sails from the inclemency of the weather, there is every reason to believe tended greatly to increase and extend the ravages of the ills, the unfortunate People in this Vessel laboured under; the whole of the Crew put on board her by the *Esk* also suffered much, and one of them died on the passage.

The want of a medical man, or medical comforts, prevented any effectual relief being afforded to the afflicted Slaves, who were dying hour after hour, of the various diseases they laboured under, the principal of which were dysentery, ophthalmia, and scurvy.

The water on board the Vessel was in abundance, and of the best quality, taken in at the Brazils; or even this extended death-list would most probably have been greater.

We have, &c.

N. CAMPBELL.

JOS. REFFELL.

*The Right Hon. George Canning.*

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(Enclosure.)—*Report of the Case of the Brazilian Ship, Invincival, Joze Antonio de Castro Guimaraes, Master.*

THIS Vessel, armed with a Crew of 28 Men and Boys, was detained on the 21st of December, 1826, at anchor in the River Cameroons, by the Boats of His Majesty's Ship *Esk*, W. J. Purchas, Esq. Commander, having on board at the time of the said Seizure, 440 Slaves, taken from the shore, on the day of capture, and preceding one, 178 of whom died on the passage here, (where the Vessel only arrived on the evening of the 20th of February, 1827), and 8 more before the landing took place, (which, on Petition, was granted by the Court on the day following) besides 4 missing, supposed to have jumped over-



board during the confusion and fright occasioned by the Vessel being struck with lightning in the middle of the night of the 1st of January, 1827.

The Declaration of the Captor and the Ship's Papers duly authenticated were brought into Court on the 21st February, and the Motion prayed for, which went forth returnable on the 28th of that month.

On the 24th of February, an Affidavit of Lieutenant Tollervey, the Prize-Master, was filed, respecting the death of the Slaves, accounting for the great mortality from the crowded state of the Vessel, and the heavy tornadoes and frequent rains on the passage to this Harbour.

From the Answers of the Master of the *Invincible* to the Standing Interrogatories, it appeared that he was also the sole Owner of the said Vessel, and himself and Manuel Jozé Douart, of Rio Janeiro, the Owners and Consignees of the Slaves on board her; that the present Voyage commenced at Rio Janeiro, and was prosecuted to the River Cameroons (as the winds would not allow the Vessel either to fetch Molembo or Princes Island) where, he says, 444 Slaves were shipped, (none of whom had died previous to Capture) for the purpose of being taken to Rio Janeiro.

Neither of the other two Witnesses in this Case would take upon themselves to swear to the number of Slaves taken on board.

On the 16th of March, the Court met for adjudication, and the Case being clearly in violation of the Treaty between Great Britain and Portugal, condemned the *Invincible*, her tackle, apparel, and furniture, together with the goods, wares, and merchandize on board, and emancipated the surviving Slaves, 250 in number, declaring 440 to have been on board at the time of Capture, and as taken and seized by His Majesty's Ship *Esk*, W. J. Purchas, Esq. Commander.

N. CAMPBELL.

JOS. REFFELL.

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No. 54.—*Joseph Reffell, Esq. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. June 30.)  
SIR, *Sierra Leone, 18th April, 1827.*

HIS Excellency Sir Neil Campbell having left this on Service for the Gambia, I deem it my duty to transmit herewith the Case of the Brazilian Schooner *Venus* condemned on the 9th of April, 1827, by His Excellency and myself, in the British and Portuguese Court of Mixed Commission established here, and the surviving 188 Slaves on board of her emancipated.

The Passport furnished to this Vessel states her "to be bound to the Port of Molembo, with intention to call at the Islands of St. Thomas and Princes, on the Occidental Coast of Africa," in contravention of the Treaty; but which Ports, however, it appeared from the evi-

dence of the Master she had never touched at, but that, so far as can be judged from the time of her leaving Bahia (the 4th of November last), she must have steered direct for Judo, in Latitude 6. 20. North, where she landed her Cargo and took on board 191 Slaves, with which she was captured on the 6th of February, in Latitude 2. 20. North, by His Majesty's Ship *Esk*, W. J. Purchas, Esq. Commander, who states in his Declaration, that she had not any Log on board. She was sent to this Place for Adjudication, where she arrived on the 15th of March, having lost but 3 Slaves on the way up.

The discrepancy in the number of Slaves (178) stated by the Master to have been shipped, and the number found on board (191) at the time of Seizure, may be accounted for by 13 of those landed being Infants at the breast, which the Masters of Slave-vessels never reckon, considering the Mother and Infant as one. I have, &c.

*The Right Hon. George Canning.*

JOS. REFFELL.

(Enclosure.)—*Report of the Case of the Brazilian Schooner Venus, Jacinto Presa, Master.*

THIS Vessel, of the burthen of 133 tons, on the 6th day of February last, was detained in or about Latitude 2. 20. North, and Longitude 4. 20. East, by His Majesty's Ship *Esk*, William Jardine Purchas, Esq. Commander, and having on board at the time 191 Slaves said to have been taken on board at Ajudo (Whydah), on the 29th of January preceding.

The Vessel arrived here on the 15th of March, with the loss of only 3 Slaves on the way up, the rest being in a tolerably healthy state, and on the following day the Papers were brought into Court by the Proctor for the Captors, with the usual Affidavit of the Prize-Master, and a Petition received that the same might be filed as evidence, and the usual Monition issue.

From the Evidence filed, it appeared that the Vessel was owned by Don Antonio Pedroso Alberquerque, a Subject of the Emperor of Brazil, residing in Bahia, from which Port she cleared on the 4th of November last, furnished with an Imperial Passport, No. 39, authorizing her to carry 332 Slaves from Molembo in South Latitude, from whence she was to return to Rio Janeiro, with leave to touch on her way at Bahia; instead of which, however, she at once steered for Judo, in Latitude, 6. 24. North, where she anchored and touched, to trade for a Cargo of Slaves; 178 (as appears by the Master's Evidence) being there taken on board from the shore, none of whom had died previous to Capture.

To confute this Statement of the number of Slaves taken on board, the Court had before it an Affidavit of the Prize-Master, that 191 Slaves were on board at the time of the Seizure, 3 of whom had died

on the passage up, leaving 188 to be landed, which number was received by the Marshal.

No Claim having been made in this Case, the Court met for Adjudication, on the 9th April, 1827, and the Evidence clearly establishing the illegality of the Voyage, condemned the Vessel, her tackle, apparel, and furniture, as good and lawful Prize, and as seized and prosecuted by Captain Purchas, and the Officers and Crew of His Majesty's Ship *Esk*. The Court further decided, that 191 Slaves were on board at the time of Capture, and declared the emancipation of the Survivors, 188 in number, who, with the permission of the Court, had been previously landed.

JOS. REFFELL.

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No. 55.—*Joseph Reffell, Esq. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. June 30.)  
 SIR, *Sierra Leone, 18th April, 1827.*

IN the absence of His Excellency Sir Neil Campbell to visit the Settlement of Saint Mary's in the Gambia, I have deemed it my duty to detail, for your information, the Case of the Brazilian Schooner *Dos Amigos*, detained by His Majesty's Ship *Esk*, W. J. Purchas, Esq. Commander, on the 8th of February last, in Latitude 1. 12. North, and condemned by His Excellency and myself in the British and Portuguese Court of Mixed Gommission, on the 9th of April, and the surviving Slaves on board of her, in number 308, decreed to be emancipated; the Report of which I have the honour to enclose.

This Vessel cleared from Bahia on the 11th of February, 1826, furnished with a regular Passport, confining her to "enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire;" yet in positive violation of this, the Master declares that he steered from Bahia direct to Whydah and Badagry, on the Coast of Elmina, in about 6. 20. North Latitude, to the former to purchase provisions, and to the latter to buy Slaves, where, he states, he obtained 308, but, as appears by the other Evidence filed in the Case, 320; 3 of whom had died previous to Capture, and 9 more on her passage to this Port for adjudication, where she arrived on the 19th of March.

The difference of the 12 Slaves, in the Statement of the Master, and the Declaration of the Captor, may be accounted for as in the Case of the *Venus*, condemned on the same day, by that number, being Infants at the breast, not being taken into calculation by the Master.

The *Dos Amigos* formerly sailed under American Colours, and was called the *Zephyr*, she had been upon the Coast previous to Capture for nearly 12 months, and the greater part of that time lying at Whydah, the anchorage where she shipped her Slaves, during which period she was boarded no less than 10 times by the Squadron; first, on the 25th of May, when she was discharging her Cargo, and subsequently in June, July, and August, when she was found ready to

receive her Slaves, which, however, were not put on board until the 1st of February last, up to which time she appears to have been pretty generally visited, and even so recently as the 24th of January, thus affording a proof, that considerable delay is experienced in procuring Slaves, at even the most noted Slave-haunts to the Northward of the Line, a circumstance, however, I fear, more to be attributed to the increasing number of Vessels arriving for Cargoes, than to any diminution of the number of victims offered for sale. I have, &c.

*The Right Hon. George Canning.*

JOS. REFFELL.

(*Enclosure.*)—*Report of the Case of the Brazilian Schooner, Dos Amigos, José Joaquim Ladislao, Master.*

THIS Vessel, of 136½ tons burthen, was detained, on the 8th day of February last, in or about Latitude 1. 12. North, Longitude 8. 20. East, by His Majesty's Ship *Esk*, W. J. Purchas, Esq. Commander, and having on board at the time 317 Slaves, said to have been taken on board at Badagry, in Latitude 6. 20. North, on the 1st day of that month.

The Vessel arrived here on the 19th of March, with the loss only of 9 Slaves on the passage up, and the majority of the Survivors in perfect health, on which day the Proctor for the Captors brought the Papers, found on board her, into Court, with the usual Affidavit of the Prize-Master, and prayed that the Papers might be filed and the usual Monition issue, which went forth on the 20th, returnable on the 28th of the same month.

From the Evidence filed in this Case, it appeared that Vincente de Paulo Silva was the Owner of the Vessel, and that he is a Subject of the Emperor of Brazil, residing in Bahia, from which Port this Vessel cleared so long back as the 11th of February, 1826, furnished with an Imperial Passport, numbered 2, confining her to "enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire," and to return from thence to Bahia with 341 Slaves.

From the Answers of the Master to the Standing Interrogatories, it appears that, in violation of his Passport, he steered direct from Bahia to Whydah and Badagry, on the Coast of Elmina, to the former to purchase provisions, and to the latter to buy Slaves, 308 being there taken on board from the shore, 3 of whom had died previous to Capture.

In contradiction of the statement of the Master, as to the number of Slaves taken on board, the Court had before it the Declaration of the Captor, and also an Affidavit of the Prize-Master, which affirm 317 Slaves to have been on board at the time of Seizure, and prove 9 to have died on the passage up, leaving 308 brought into this Harbour, which number was received by the Marshal.



The Court met for Adjudication in this Case on the 9th of April, 1827, and the circumstance of the Vessel having violated the Convention between Great Britain and Portugal being clearly established, condemned her, together with her tackle, apparel, and furniture, as good and lawful Prize, and emancipated the surviving Slaves (who had been previously landed with the sanction of the Court) 308 in number, at the same time declaring 317 to have been on board the Vessel at the time of Capture by His Majesty's Ship *Esk*, W. J. Purchas, Esq. Commander.

JOS. REFFELL.

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No. 56.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. June 30.)  
SIR,

Sierra Leone, 25th April, 1827.

WE have the honour to report, that there are now 6 Vessels, viz.: the *Independencia*, Passport No. 1, dated 19th January, 1827; *Tra-jano*, Passport No. 2, dated 24th January, 1827; *Tenterdora*, Passport No. 41, dated 11th November, 1826; *Carlota*, Passport No. 50, dated 18th December, 1826; *Venturosa*, Passport No. 38, dated 4th November, 1826; and *Providencia*, Passport No. 47, dated 15th December, 1826, under Brazilian Colours, in progress for Adjudication before the British and Portuguese Court of Mixed Commission established here, which Vessels have been detained, with no Slaves on board, and sent to this Port within the last month, by His Majesty's Ships employed on this Station, for being found at anchor to the Northward of the Line, against the Provisions of the Treaty between Great Britain and Portugal.

These Vessels are all from Bahia, and furnished with Imperial Passports (numbered and dated as in the margin) to take Slaves from Molembó; the *Independencia*, *Tra-jano*, and *Carlota's* Passports being regular in conformity to the Treaty; the *Venturosa*, *Tenterdora*, and *Providencia's* irregular; the 1st. authorizing to touch at the Islands of St. Thomas and Princes, the 2d, at those Islands and the Coast of Guinea, and the latter at Sierra Leone, the Coast of Guinea, and the said Islands, the whole of them being obligated to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire. The Passport of the *Providencia*, so particularly remarkable as giving her leave to touch at Sierra Leone, is the only Document found on board her.

The defence set up by the Claimants in all these Cases, except that of the *Independencia*, is, that they came to the Northward of the Line to procure provisions and water, although, in none of them, had the Voyage from Bahia occupied above a month, and, in most of them, a shorter period: they had all more or less Cargo on board, and, except the *Venturosa*, had not been long upon the Coast.

The defence of the Claimant in the Case of the *Independencia*, taken in the Roadsted of Accra by His Majesty's Brig *Conflict*, is,

that the Vessel having sprung a-leak, 4 days after leaving Bahia, he was obliged, 16 days after it was discovered, being then in Latitude 2. 15. North, Longitude 10. 13. West, to bear up for the nearest Port, which he would lead the Court to believe was Accra. From a Letter found on board this Vessel from one Luis de Franca to Luis Antonio de Andrade, dated Bahia, the 19th January, 1827, it appears, that a Ship called the *Maria de Gloria*, had arrived there in safety with a Cargo of Slaves, and that they were at that time so abundant that they sold for less than 200 milreas each.

The preparatory Evidence in all these Cases will in a few days be finished, when the Court will be called upon to decide on the legality of their detention, and, in doing so, we shall govern ourselves by the principles laid down by the Commissioners in the Case of the *Hiroina*, which, in its principal features, was very similar to the present ones.

In addition to these Vessels, there are two others before the Court; the first a Vessel named the *Conceição de Marie*, from Bahia, detained to the Northward of the Line, with Slaves on board, whose Passport obligated her to enter solely such Ports and Places where the Slave-trade is permitted to the South of the Line; in defiance of which she was boarded no less than 8 different times by the Squadron in about Latitude 6. 10. North, where (at Whydah) she at last succeeded in shipping her miserable Cargo of human Beings, with which she was captured a few hours afterwards; thus clearly shewing the illegal object the Brazilian Vessels have in coming to the Northward of the Line; the 2d, the *Tres Amigos*, brought in 3 days ago by the Tender of His Majesty's Ship *North Star*, having on board 3 female Slaves. The circumstances attending this latter Vessel are somewhat singular: she is furnished with a Commercial Passport from Rio de Janeiro to go to Angola, and from thence to the Cape de Verds, on her Passage to which she entered this Harbour, about 3 weeks since in ballast, and under the pretence of requiring water and provisions; having obtained which, she sailed on the 17th instant: shortly after, information was received that she had on board 3 if not more Slaves, in consequence of which Lieutenant Crofton, commanding the Tender of His Majesty's Ship *North Star*, then at anchor in this Harbour, proceeded to sea, and succeeded in detaining her on the 19th instant, when the 3 female Slaves were found concealed in a place under the caboose, 1 foot high and 4 feet square, where, in all human probability, they would shortly have been suffocated, had not Lieutenant Crofton fortunately got on board, unless their Owner had thrown them overboard, as is asserted by the Boatswain he threatened to do, when he found himself chased by the Tender. It appears that the Master had procured these Slaves on the Coast, and that he had kept them concealed on board during the whole time he lay in this Harbour; his cold-blooded cruelty, in thus confining 3 living Beings, could only be equalled by his impudence

in offering to Lieutenant Crofton his gold watch and £ 50 not to detain him.

We beg to add, Sir, that the particulars of all these Cases will be transmitted for your information, as speedily as possible after they are adjudicated; the number of Vessels, however, now brought before the Court, being so much greater than ever was known since the establishment of the Commissions, the preparatory Evidence cannot be taken in the time it has usually been before the Court; indeed the duties of the Registrar for some time past have been most arduous, and the attention of the Commissioners much occupied with the Cases of detention, so very different from those formerly made, most of the Vessels now sent in being without any Slaves on board.

We have, &c.

H. LUMLEY.

*The Right Hon. George Canning.*

JOS. REFFELL.

No. 57.—*His Majesty's Commr. to Mr. Secy. Canning.* (—*Rec. July 27.*)  
SIR, *Sierra Leone, 5th May, 1827.*

WE have the honour to enclose herewith, the Report of the Case of the Brazilian Brigantine *Trajano*, Jozé da Silva Rios, Master, condemned in the British and Portuguese Court of Mixed Commission established here, on the 30th April, 1827.

This Vessel, which left Bahia on the 28th of January, 1827, furnished with an Imperial Passport, in conformity to the Treaty, obligatory on her "to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire," was detained, on the 13th March, 1827, at anchor off Whydah, in Latitude 6. 14. North of the Equator, but with no Slaves on board, by His Majesty's Ship *Maidstone*, Commodore Bullen, C. B. Commander, and arrived here on the 4th of April, 1827.

From the Log of this Vessel, it was clearly evident, that her intention was to come to the Northward of the Line from the moment she left Bahia; and from the Evidence, not disproved by the Claimant, on whom the burthen of proof in such Cases lies, that her being at Whydah was to procure Slaves: the particulars we have detailed very fully in the Report, which we most respectfully beg to refer to in this Case, and in which we hope our proceedings will be approved of.

We have, &c.

H. LUMLEY.

*The Right Hon. George Canning.*

JOS. REFFELL.

(*Enclosure.*)—*Report of the Case of the Brazilian Brigantine Trajano, Jozé da Silva Rios, Master.*

THIS Vessel, of the burthen of 218 tons, sailed from Bahia, on the 28th of January, 1827, furnished with the usual Papers, and an Imperial Passport, No. 2, dated the 24th of January, 1827, authorizing her to take 545 Slaves from Molembo, and obligatory on her "to enter

solely such Ports on the Coast of Africa where the Slave-trade is permitted to the Subjects of the Empire," and, on the 13th of March, 1827, was detained at anchor off Whydah, in Latitude 6. 14. North, with no Slaves on board (after having been previously boarded, as appears by Indorsement on her Passport, by His Majesty's Ship *North Star*, to Leeward of that anchorage, that is to say, between there and Badagry, on the 2d March, 1827,) by His Majesty's Ship *Maidstone*, Commodore Bullen, C. B. Commander; who states, in his Declaration of the 13th of March, 1827, "that finding her at anchor in the Bight of Benin, off Whydah, a noted Slave-haunt, in Latitude 6. 14. North, trafficking for Slaves; being boarded to Leeward of the said anchorage on the 2d instant, by His Majesty's Ship *North Star*, in direct opposition to the true intent and meaning of the 2d Article of the Additional Convention, signed at London on the 28th July, 1817, as also of the one to which it refers, No. 1, of the Treaty signed at Vienna on the 22d of January, 1815, and also of her said Imperial Passport, No. 2, and by virtue of the late Correspondence on this particular subject with the Brazilian Government, a Copy of which has been transmitted me by my Lords Commissioners of the Admiralty, I have deemed it my duty to detain her for the before-mentioned direct breaches of such Treaties, and send her to Sierra Leone Mixed Commission Court for Adjudication."

This Vessel arrived here on the 4th of April, 1827, and on the following day the Papers were brought into Court, duly authenticated by the Officer in charge of her, (an Admiralty Mate of His Majesty's Ship *Maidstone*) and the usual Monition prayed for and granted with leave to file Evidence. The Monition was returned on the 14th of the same month.

From the Evidence of the Master, Jozé da Silva Rios, on the Standing Interrogatories, it appeared, that "the sole Owner of the Vessel and her Cargo was Jozé Alvez da Crus Rios, who resides in Bahia, at which Place he, the Master, took possession of the Vessel about 6 months since, but neither himself, nor either of the Officers or Mariners on board, had any part, share, or interest in the Vessel or her lading; that the present Voyage began at Bahia, and was to have ended there; Bahia was the last clearing Port the Vessel sailed from previous to Capture; she anchored at Ajuda (Whydah) in 6. 20. North Latitude during the Voyage, she anchored there being *obliged* to put into that Port (where there is a Portuguese Fort) to take in water, where she was captured. The merchandize on board her was to have been delivered at Molembo, in 5. 20. South Latitude, for the real account, risk, and benefit of the aforesaid Owner. The Cargo consists of cloth, tobacco, and rum, and it is now all on board, as when first shipped at Bahia; he, the Master, is the Consignee of the same; no Slaves whatever have been taken on board during the Voyage."



This Evidence was confirmed by the Cook and a Seaman of the Vessel, in their Answers to the Standing Interrogatories.

From the Log of the Vessel it appeared that, on leaving Bahia, in Latitude 13. 9. South, Longitude 38. 28. West, she was steered to make a Southward and Eastward course until the 9th day, when, being in Latitude 22. 34. South, and Longitude 28. 27. West, she is going from that day to the Northward and Eastward until the 25th day of the Voyage, when, being in Latitude 4. 23. North, Longitude 6. 26. West, land is seen in the Longitude of the River Sestos, and soundings had in 50 fathoms, from this she steers a South-East course, apparently to round Cape Palmas, for the next day she is running with all sail set to the Northward and Eastward, which course is continued for 6 days more being the 31st of the Voyage, when, being in Latitude 5. 37. North, and Longitude 10 minutes West, and according to this reckoning off Accra, the Log ends. Two or 3 tornadoes appear to have been experienced on the Vessel's making the Coast, but no entry is made of any damage being sustained from them, or the loss of any fresh water in consequence.

The Master, in his Claim for the Vessel, her tackle, apparel, and furniture, and her Cargo, as the sole property of the before-mentioned Jozé Alvez da Crus Rios, maketh oath, (after stating that he verily believes that the said Vessel and Cargo are protected by the Treaty or Convention between His Britannick Majesty and His Most Faithful Majesty,) "that the said Vessel *Trajano*" was *made to reach Ajuda* (and was brought to an anchor under the Fort, which, he believes, is called Fort St. Juan,) on the Coast of Africa, in order to procure a supply of fresh water, the said Fort being in the possession of the Crown of Portugal; that by reason of the water of Bahia not being found to keep sweet under hatches, the said Vessel *Trajano* carried all her water on deck, but by the length of the Voyage, upwards of 34 days, and several violent tornadoes that were experienced by the said Vessel during the passage, the Crew were reduced to 1 bottle each man for every 24 hours before their arrival at Ajuda aforesaid; that the casks below were filled with salt water, which, on arrival at Ajuda aforesaid, were emptied and refilled with fresh, and that bulk was not broken or any traffick made with the Cargo of the said Vessel for any purpose whatsoever during the Voyage.

No Evidence was filed in support of the aforesaid Claim.

The first point for consideration in this Case is, the fact of this Vessel being found at anchor in a Port to the Northward of the Line, in direct violation of the provisions of her Imperial Passport which made it "obligatory on her to enter solely such Ports on the Coast of Africa where the Slave-trade is permitted to the Subjects of the Brazilian Empire by Treaty."

From the Log of the Vessel, it appears, that from the 9th day after leaving Bahia, being then in Latitude 22. 34. South, and Longitude 28.

27. West, to the termination of the Log, she is making a North-East course, to the exception of one day, when it was changed to the Southward, apparently, from the Latitude and Longitude, for the purpose of rounding Cape Palmas. The winds in the Log, judging from the rate of the Vessel's sailing, are evidently laid down incorrectly; still on the face of it, there is sufficient proof that the object of the Master was to get to the Northward; at times it shews him to have been steering with the wind from N. E., and making a N.N.W. course on the starboard tack, when, by laying on the larboard, he would have made a due East course (which was required) allowing for variation; at other times he is running free 7 or 8 knots in an hour, and thus making Northing, when, by keeping close to the wind, he would have made nearly his due course to the Eastward; indeed, from his own admission, in his Affidavit in support of his Claim, that "the Vessel was made to reach Ajuda" (Whydah) there can be no doubt, but that this was the intention at the outset of the Voyage, and that the Vessel was steered accordingly.

The next point to be considered was the reasons assigned for this violation of the Imperial Passport, and the object of selecting Whydah, a Port frequented for no other purpose than the Slave-trade.

In the Answers of the Master to the Standing Interrogatories, he says, that "he was obliged to put into that Port to take in water," and, in his Affidavit in support of his Claim, that "this was rendered necessary by reason of the water of Bahia not being found to keep sweet under hatches, in consequence of which the Vessel carried all her water on deck, but by the length of the Voyage, upwards of 34 days, and several violent tornadoes, that were experienced during the passage, the Crew were reduced to 1 bottle each man for every 24 hours." From the Log it appears that the Vessel was in the Latitude and Longitude of Accra on the 31st day of the Voyage, and that, therefore, if the procuring of water had been the object of the Master, he would not have passed Elmina, Cape Coast Castle, and Accra, where there exists no difficulty in procuring water, and have proceeded further to Leeward in search of it, to a Port where the greatest difficulty is experienced in communicating with the shore from the heavy surf. The reasons assigned, however, for the want of this necessary article, are too improbable to gain belief, and, in the absence of any proof being furnished to support this Statement of the Master, and the silence of the Log respecting the loss of any water, must be disbelieved; the setting forth that the water of Bahia will not keep below hatches, is the most shallow excuse ever offered for the serious consideration of a Court, and only calculated to shew to what duplicity the illicit Traffickers have recourse to cover their barefaced violation of a solemn Treaty, and the Laws of their own Government; great stress is laid in the Evidence of no Slave or Slaves having been taken on board, and

that bulk had not been broken. The 1st Article of the Treaty expressly declares, that "it shall not be lawful for any of the Subjects of the Crown of Portugal to purchase Slaves, or to carry on the Slave-trade on any part of the Coast of Africa to the Northward of the Equator, upon any pretence or in any manner whatsoever." There can be no possible doubt that the going to Whydah in this Case, under the plea of requiring water, was a mere pretext to carry on the Slave-trade to the Northward of the Line, either at that Port, or at some other of the neighbouring haunts, and that the demand for Slaves, which has latterly been so great, was the only cause of delay in the landing of the Cargo, in the disposing of which, therefore, some difficulty no doubt was found. The circumstance of the Vessel lying there, as is shewn by the Indorsement on her Passport, at least 10 days, is also pretty conclusive of the object of her touching at that Port; as to the mention of a Portuguese Fort being there, it can have no weight in the Case, it has long been abandoned and left to the occupation of one Chatcha, otherwise De Sousa, whose name, as connected with Slaving transactions from that Port, is constantly before the Courts.

The Court met for Adjudication in this Case on the 30th of April, 1827, when, having duly considered the Evidence filed, and in the absence of any negative proof on the part of the Claimant, on whom, by the 5th Article of the Instructions to the two Navies, the *onus probandi* lies, and bearing in mind the principles laid down by the Commissioners in the Case of the *Hiroina*, declares the Vessel, first to have violated the Conditions of her Imperial Passport, under which alone she could carry on the Slave-trade; and second, under the pretext of requiring water, she went to Whydah, where she was engaged in the Slave-trade against the 1st Article of the Treaty, and also of the 2d Article of the Additional Convention thereto; and the Court, therefore, adjudged the said Vessel condemned, together with her Cargo, tackle, apparel, and furniture, as good and lawful Prize, and as seized and prosecuted by Commodore Bullen, C. B. Commander of His Majesty's Ship *Maidstone*.

H. LUMLEY.

JOS. REFFELL.

No. 58.—*His Majesty's Commrs. to Mr. Secy. Canning.*—(Rec. July 27.)  
SIR,

*Sierra Leone, 5th May, 1827.*

WE have the honour to enclose herewith, the Report of the Case of the Brazilian Schooner *Tenterdora*, Innocencio dos Santos Lopes, Master, condemned in the British and Portuguese Court of Mixed Commission established here, on the 30th April 1827.

This Vessel, which sailed from Bahia on the 12th of November 1826, was detained, on the 14th of March 1827, at anchor off Judo, in Latitude 5. 19. North of the Equator, with part of her Cargo landed, but with no Slaves on board, by His Majesty's Ship *Maidstone*, Com-



Comodore Bullen, C. B. Commander, and arrived here on the 9th of April 1827.

The Passport granted to this Vessel was irregular, as giving her leave to touch at the Coast of Guinea, St. Thomas and Princes Islands, and, together with the Evidence confirmatory of her being engaged in the Slave-trade to the Northward of the Line, rendered her, in the opinion of the Court, liable to confiscation under the Treaty and Convention between Great Britain and Portugal.

For the minute particulars of this Case, we most respectfully beg leave to refer you, Sir, to the Report we have enclosed, and which we have very attentively drawn up.

We have the honour to be, &c.

H. LUMLEY.

*The Right Hon. George Canning.*

JOS. REFFELL.

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(*Enclosure.*)—*Report of the Case of the Brazilian Schooner Tenterdora, Innocencio dos Santos Lopes, Master.*

THIS Vessel, of the burthen of 207½ tons, left Bahia, on the 12th of November, 1826, furnished with the usual Papers, and Imperial Passport, No. 41, dated the day preceding, authorizing her to take 518 Slaves from Molembó, and irregularly allowing her to touch at the Coast of Guinea, St. Thomas and Princes Islands, with the usual and regular prohibition, making it obligatory upon her "to enter solely such Ports on the Coast of Africa where the Slave-trade is permitted to the Subjects of the Empire," and, on the 14th of March, was detained at anchor off Judo, in Latitude 5. 19. North, with part of her Cargo landed, but with no Slaves on board (and having been twice boarded off Badagry, within a few miles of Judo, that is to say, on the 13th of January, and 25th of February preceding, as appears by Indorsements on her Passport, by His Majesty's Ship, *North Star*) by His Majesty's Ship *Maidstone*, Commodore Bullen, C. B. Commander, who states in his Declaration, as the reasons for detaining her, his "finding her at anchor off Ajuda, a noted Slave-haunt, in Latitude 5. 19. North, with part of her Cargo landed, in traffick for Slaves, as also having been repeatedly boarded by the British Squadron employed on this Coast for the Suppression of the Slave-trade, constantly from the 13th of January 1827, at this Anchorage and to Windward, in direct opposition to the true intent and meaning of the 2d Article of the Additional Convention signed at London on the 28th of July 1817, as also of the one to which it refers, No. 1. of the Treaty signed at Vienna on the 22d of January 1815, as also in direct contradiction of the said Imperial Passport, No. 41, and by virtue of the late Correspondence on this particular subject with the Brazilian Government."

On the 9th of April 1827, the Vessel arrived in this Harbour, and, on the following day, the Papers found on board her were brought into Court, with the usual Affidavit of the Officer in charge of the Vessel,



and the Monition prayed for and granted, returnable on the 18th of the same Month; permission was further given to the Captor's Proctor to file his Evidence.

The Evidence of the Master on the Standing Interrogatories went to prove, "that Louis Antonio de Passo, was the sole Owner of the Vessel and her Cargo, and that he resided at Bahia, where he, the Master, took the Command of the Vessel in November last, but that neither himself, nor either of the Officers and Mariners on board, had any share or interest in her or the Cargo. The present Voyage commenced at Bahia, and was to have ended there; Bahia was the last clearing Port the Schooner sailed from previous to Capture; she anchored and touched at Judo, on the Coast of Elmina, in 6.23. North of the Equator, and 2.55. East Longitude, during the Voyage; anchored and touched there to purchase provisions; purchased there some calavances, corn, and palm-oil, the communication taking place between the Schooner and shore by means of the Native Canoes. The Place of Capture was in the Roads of Judo, where the Vessel had been lying about 50 Days; the Merchandize on board, of which he (the Master) is Consignee, was to have been delivered at Molembo in 5.12. Latitude, South of the Equator, for the real account, risk, and benefit of the aforesaid Owner; it consisted of nearly 600 rolls of tobacco, about 4 boxes of cloth, and one pipe of aquadente. No Slaves had been taken on board during the Voyage, bulk was broken at Judo to purchase provisions."

This Evidence is confirmed by a Seaman of the Vessel, examined in the Case, in his Answers to the Standing Interrogatories.

The Answers of the Cook of the Vessel (the other Witness in this Case) to the 8th, 14th and 21st Standing Interrogatories, were "that the Vessel was obliged to put into Judo to purchase provisions and water for the use of the Schooner's Crew, and the Slaves to be purchased at Molembo, but that the Cargo is all now on board, as when first shipped at Bahia, no bulk having been broken."

From the Log it appeared, that this Vessel first made the Coast at Cape Palmas on the 10th of December, and that, after anchoring at different Places between there and Judo, which latter Port she made on the 20th of December, from which last date to the time of Capture, the 14th of March, a period of 84 days, she was constantly hovering, sometimes at anchor at Judo, and sometimes under weigh, passing between there and Badagry, (Places in sight of each other.)

On the 19th of April, a Petition of the Master was received, stating that, having unsuccessfully applied to the several Proctors of the Court to defend his Case, he was now obliged to come forward in person to do so, and praying that his Claim, on behalf of the aforesaid Owner of the Vessel and her Cargo, might be received, which was granted.

The Affidavit in support of it, after stating that the Vessel was cap-

tured in the prosecution of her Voyage from Brazil to the Coast of Africa, sets forth, "that no Slave or Slaves had been shipped or put on board during the Voyage, and that the said Schooner was specially permitted to be North of the Equator, where she was found when taken."

The principal points of the Evidence which occupied the consideration of the Court in this Case were, first: the irregularity of the Imperial Passport in allowing the Vessel to touch at the Coast of Guinea, St. Thomas, and Princes Islands. The form of Passport, which Document is an integral part of the Additional Convention of the 28th of July 1817, is therein prescribed, and the Court was of opinion, in order for it to be a security for Vessels engaged in the Slave-trade, that form must be adhered to; there is no authority given, either by the Treaty or subsequent Convention, to the Authorities in the Brazils, to insert permission for the Vessels, to whom these Passports are granted, to touch at any Place to the Northward of the Line; the Passport, on the contrary, is expressly obligatory on the Vessel "to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire."—This prohibition in the body of the Vessel's Passport, is also in direct contradiction to the leave irregularly given her to touch at the Coast of Guinea, and the Islands of St. Thomas and Princes, a permission which, in reference to the Additional Convention itself, and also the Correspondence which has passed on this particular subject, of irregularly licensing Vessels in the Slave-trade, by giving them permission to touch at Ports to the Northward of the Line, the Court considered to be illegal, and subjecting the Vessel to the consequences of Condemnation, under the Additional Convention to the Treaty of 1815.

The second consideration in this Case was, the reasons assigned for this Vessel's making Judo, and the object of her remaining there, for the length of time, it appeared from the Evidence, she did.

The Evidence on the Standing Interrogatories, goes to prove "that this Vessel anchored and touched at Judo, on the Coast of Elmina, to purchase provisions and water, and that some calavances, corn, and palm-oil were purchased there, and that bulk was broken to pay for the same." The necessity, therefore, for procuring provisions and water, is the only reason assigned in this Case for the Vessel's anchoring and touching at that Port: this excuse, so invariably set up on the part of the Masters of Slave-vessels, as their reason for making this noted Slave-haunt, and others in its immediate neighbourhood, is too palpably false to admit of any serious consideration; the fact of this Vessel leaving the Brazils on the 12th of November, and making the Coast after a fine passage, as she did, on the 10th of December, as appears by her Log, thus only making a Voyage of 29 days, renders it impossible that she could have either required provisions or water, unless she left the Brazils in an unfit state for the passage, in order to give

the Master an opportunity of going to some Slave-Port to the Northward of the Line, under the pretext of obtaining those supplies : supplies which, however, if actually required, the Master would have had no difficulty in procuring at any of the different Places he anchored at on the Coast, during the 10 days the Vessel was passing between Cape Palmas and Judo : if a doubt, however, could exist as to the object of this Vessel's going to the noted Slave Port of Judo, under the pretext she did, the circumstance of her remaining there, and in the immediate neighbourhood, 84 days, would be conclusive as to her object. The further fact, of a part of the Cargo being landed, is sufficient proof that trade of some kind was being made there, which trade the Court cannot believe to be other than the purchase of Slaves ; the few provisions said to be received on board would never have led to the Vessel's detention for nearly 3 Months, at one of the worst anchorages on the Coast, and where communication with the shore was both dangerous and expensive.

The Court met to pronounce Judgment on this Case on the 30th of April, when a written defence was handed in by the Master, the Claimant in the Cause, to exactly the same purport as in the Cases of the *Trajano* and *Carlota*, condemned on the same day, with the addition that his Passport, which was legal, authorized him to come to the Northward of the Line. The Court considered this defence in the same light as in the aforesaid previous Cases of the *Trajano* and *Carlota*, with the addition, that this permission in the Passport being illegal, no advantage could be taken of it in the way of excuse for being found at anchor to the Northward of the Line.

With these views of the Case, the Court condemned the Vessel, her Cargo, tackle, apparel, and furniture, as good and lawful Prize to the Two Governments : first, for being irregularly licensed, and thus furnished with a pretext to come to the Northward of the Line, and secondly, for the Vessel having been engaged in the Slave-trade at Judo, in Latitude 5. 13. North of the Equator, against the Provisions of the Treaty, and Additional Convention thereto, between Great Britain and Portugal, and as seized and prosecuted by Commodore Bullen, C. B. Commander of His Majesty's Ship *Maidstone*.

H. LUMLEY.  
JOS. REFFELL.

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No. 59.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. July 27.)  
SIR, *Sierra Leone, 5th May, 1827.*

WE have the honour to enclose herewith, the Report of the Case of the Brazilian Schooner *Carlota*, Joze Francisco de Costa, Master, condemned in the British and Portuguese Court of Mixed Commission established here, on the 30th of April, 1827.

The Passport granted to this Vessel, which left Bahia on the 22nd

of December, 1826, was in conformity to the Treaty, giving her no permission to enter any Port to the Northward of the Line; in defiance of which she was found at anchor, on the 14th of March, 1827, off Badagry, in Latitude 6. 12. North of the Equator, with a part of her cargo landed, but with no Slaves on board, by His Majesty's Ship *Maidstone*, Commodore Bullen, C. B. Commander, by whom she was detained and sent here, where she arrived on the 11th of April, 1827.

The Evidence in this Case clearly established the fact of this Vessel having been engaged in the Slave-trade to the Northward of the Line, for the particulars of which we would most respectfully refer you, Sir, to the Report we have enclosed, and which we trust will be considered satisfactory.

We have the honour to be, &c.

H. LUMLEY.

*The Right Hon. George Canning.*

JOS. REFFELL.

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(Enclosure.)—*Report of the Case of the Brazilian Schooner, Carlota, Joze Francisco de Costa, Master.*

THIS Vessel, of the burthen of 176 tons, sailed from Bahia on the 22d of December, 1826, furnished with the usual Papers, and an Imperial Passport, No. 50, dated the 18th of December, 1826, permitting her to take from Molembo 440 Slaves, and obligatory on her to "enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire," and, on the 14th of March, 1827, was detained at anchor off Badagry, in Latitude 6. 12. North, with a part of her cargo landed, but with no Slaves on board, (and having been previously boarded by a Boat of His Majesty's Ship *North Star*, off the said anchorage, on the 25th of February preceding, as appears by an indorsement on her Passport) by His Majesty's Ship *Maidstone*, Commodore Bullen, C. B. Commander, who states in his Declaration, that he detains this Vessel, "finding her at anchor off Badagry, a noted Slave-haunt, in Latitude 6. 12. North, with part of her Cargo landed in traffick for Slaves, as also before boarded by the British Squadron employed on this Coast for the suppression of the Slave-trade, at this anchorage, in direct opposition to the true intent and meaning of the 2d Article of the Additional Convention, signed at London, on the 28th of July, 1817, as also of the one to which it refers, (No. 1.) of the Treaty signed at Vienna, on the 22d of January, 1815, and also of her said Imperial Passport (No. 50,) and by virtue of the late Correspondence on this particular subject with the Brazilian Government."

On the 11th of April the Vessel arrived here, and on the following day the Ship's Papers, numbered from 1 to 4, were brought into Court, duly authenticated by the Affidavit of the Officer in charge of her, and a Petition of the Captor's Proctor received and granted, praying for leave to file Evidence, and that the usual Monition might



issue, which accordingly went forth on the 14th of April, returnable on the 23d of the same month.

On the 20th of April (the day of taking the Examinations on the Standing Interrogatories) a Petition was received from the Proctor for the Captor, praying that the Log of the Vessel, which had not been filed with the original Papers in the Cause, might be admitted and filed among the Papers, which Petition was granted on the annexed Affidavit, being also filed, of Mr. Samuel Richardson, Mate in His Majesty's Naval Service, and serving on board His Majesty's Ship of War *Maidstone*, to this effect, "that on the Vessel being detained, he was directed to board her, and demand her Papers, which he did, and that among the Papers received by him there was no Ship's Log or Journal, that he was further ordered to take charge of the said Vessel *Carlota*, and bring her to this Colony, which has been done, and the Papers which he had received lodged in Court; that he, this Deponent, on consulting with the Proctor for Captor, having been informed, that it was usual to bring the Ship's Log into Court with the other Papers, did, therefore, demand from the Master of the said Vessel *Carlota*, the Log-Book, which is numbered 5, and that this Deponent did receive the same voluntarily from the said Master, and, since receiving the same, that he has not in any manner altered, added to, or made any subduction from the same."

From the Evidence of the Master on the Standing Interrogatories, it appeared that, "the Owner of the Vessel and the Lader of the Cargo on board, was Jozé Cerqueira Lima, and that Juan Antonio, of Molembo, was the Consignee of the same; the said Owner of the Vessel and Cargo resides at Bahia, where the Master took possession of the Vessel, on the 22d of December, 1826, and that neither he himself, nor any of the Officers and Mariners on board, had any part, share, or interest in the Vessel or her Lading. The present Voyage began at Bahia, and was to have ended there. Bahia was the last clearing Port the Vessel sailed from previous to Capture. The first land made on the Coast of Africa was Cape Lahon, but the Vessel did not anchor or touch there; she then went to Accra, and anchored there one night, and from Accra she went to and anchored at Badagry. The reason she anchored at Accra was because it was night, he himself went on shore there in a Canoe, and returned directly; she went to and anchored at Badagry, where she was captured, to procure fresh water and provisions; does not know how many days she was at anchor there, because, after the Vessel made Cape Lahon, the Log was discontinued. The Cargo consists of roll tobacco, a little cloth, some aquadente and powder; the same was to have been delivered at Molembo for the real account, risk, and benefit of the aforesaid Owner, but that bulk was broken at Badagry to purchase provisions."

This Evidence is borne out by the other Witness in the Case (the

Steward of the Vessel), in his Answers to the Standing Interrogatories; he further says, that "the Cargo landed consisted of a small quantity of tobacco and powder, but he does not know what quantity, nor for what purpose."

From the Log of this Vessel, it appears that, for the first seven days after leaving Bahia, in Latitude 13. 10. South, Longitude 38. 21. West, she is making a South-East course, when, being in Latitude 17. 41. South, Longitude 31. 0. West, the course is changed to North East, which she continues for the following 24 days, when, being 31 days from Bahia, the Log ends, the Vessel at the time being in Latitude 5. 13. North, Longitude 4. 5. West, and the Land of Cape Lahon in sight. There is also an entry of the Master's on the 23d day of the Voyage, when in Latitude 1. 8. South, Longitude 14. 54. West, of his being obliged to bear up for a Port, on account of the water below having become spoilt, from being stowed with the tobacco, which obliged them to mix it with wine to drink.

The Claim of the Master on behalf of the Owner, and his Affidavit in support of the same, merely set forth, as relates to the cause of the Vessel's detention, "that the Schooner was captured in the prosecution of her Voyage from the Brazils to the Coast of Africa, and that, during the present Voyage of the Schooner, no Slave or Slaves have been shipped or put on board her."

No other Evidence was filed in this Case by the Claimant.

The points for consideration in this Case were similar to those of the *Trajano*, but, from the evidence filed, the proofs of this Vessel being engaged in the Slave-trade to the Northward of the Line, were much stronger against her, with the same evident intention, from the appearance of the Log, of getting to the Northward, instead of making an East course; there is an entry of the Master, on the 23d day of the Voyage, when in Latitude 1. 8. South, Longitude 14. 54. West, "of his being obliged to bear up for a Port, on account of the water below having become spoilt, from being stowed with the tobacco, which obliged them to mix it with wine to drink." Eight days after which the land is made in the Longitude of Cape Lahon, where the Log ends, notwithstanding the Vessel must have run 500 miles to Leeward afterwards in order to reach Badagry, where the Master says he went to procure fresh water and provisions, thus attempting to make it to be believed, that if he had actually required water he would have run that distance, and passed by Ports, where it could have been procured with much less trouble than at Badagry, where the surf renders all communication with the shore uncertain and difficult. It is also in evidence that he anchored one night at Accra, where this necessary article could have been obtained, had that been the object of coming to the Northward. The circumstance, however, of this Vessel being at anchor, as she must have been (judging from the time

of her making the Coast on the 21st of January) at least 6 weeks at the noted Slave-haunt of Badagry, and in constant communication with the shore, with part of her Cargo landed, is evidence sufficiently conclusive of the intention of the Voyage; it would be ridiculous to conceive she would remain such a length of time at that Place for any other purpose than to Slave-trade; indeed, the breaking of bulk, when the Master swears that the Cargo was consigned to Juan Antonio, at Molembó, cannot be otherwise accounted for.

The Court met for adjudication in this Case on the same day as in the *Trajano's*, (the 30th of April, 1827,) when the Claimant handed in a written defence, to the effect (after complaining that he could not get a Proctor to conduct his defence, and was, therefore, obliged to do it in person) that, by the 1st Article of the Instructions for the British and Portuguese Cruizers, it is provided, "that Ships on board of which no Slaves shall be found intended for the purposes of traffick shall not be detained on any account or pretence whatever," and that in his Case, as none were found on board, nor had any been shipped or taken on board during the Voyage, that he was unjustly seized, and further, that he was only amenable to this Treaty, and not to the mere Correspondence of certain Ministers.

The Court having attentively considered the Evidence filed in this Case, together with the Defence brought before it by the Claimant, and in absence of any proof in favour of the Claim, was of opinion, that this Vessel, at the time of Seizure, was engaged in the Slave-trade to the Northward of the Line, in direct violation of the 1st Article of the Treaty, and the 2d Article of the Additional Convention thereto; and that this precluded the Claimant from taking advantage of the passage of the Additional Convention he referred to, which could only be contemplated to apply to such Vessels as were legally carrying on the Slave-traffick, and not, as in this Case, to parties setting at defiance the Treaty and Convention by the abuse of their Passports, in purposely coming to the Northward of the Line for that purpose. The Court, therefore, as in the Case of the *Trajano*, decreed this Seizure to have been justly and legally made, and accordingly passed Sentence of Condemnation upon the Vessel, her Cargo, tackle, apparel, and furniture, and as seized and prosecuted by Commodore Charles Bullen, C. B. Commander of His Majesty's Ship *Maidstone*.

H. LUMLEY.

JOS. REFFELL.

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No. 60.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. July 27.)  
SIR, *Sierra Leone, 5th May, 1827.*

WE have the honour to enclose, herewith, the Report of the Case of the Brazilian Brig *Venturosa*, Joaquim Pinto de Souza, Master, condemned, in the British and Portuguese Court of Mixed Commission established here, on the 30th of April, 1827.

This Vessel left Bahia on the 6th of November, 1826, and was detained, on the 14th of March, 1827, at anchor off Badagry, in the Bight of Benin, in 6. 12. North Latitude, with part of her Cargo landed, but with no Slaves on board, by His Majesty's Ship *Maidstone*, Commodore Bullen, C. B. Commander, and arrived here on the 13th of April, 1827.

The Passport granted to this Vessel was irregular, as authorizing her to call at the Islands of St. Thomas and Princes, and the Evidence sufficiently conclusive, to shew that the Vessel was engaged in the Slave-traffic to the Northward of the Line.

We have very fully detailed the Report of this Case, and would, therefore, beg leave most respectfully to refer to it for those particulars which led us to pronounce Sentence of Condemnation against this Vessel, and which, we hope, Sir, will meet with your approbation.

We have, &c.

H. LUMLEY.

*The Right Hon. George Canning.*

JOS. REFFELL.

(*Enclosure.*)—*Report of the Case of the Brazilian Brig, Venturosa, Joaquim Pinto de Souza, Master.*

THIS Vessel, of the burthen of 203½ tons, sailed from Bahia on the 6th of November, furnished with the usual Papers, and an Imperial Passport, No. 38, dated the 4th of that month, authorizing her to take from Molembo, 508 Slaves, and irregularly allowing her to call at the Islands of St. Thomas and Princes, with the usual and regular prohibition of its being obligatory upon her "to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire;" and, on the 14th of March, 1827, was detained at anchor off Badagry, in the Bight of Benin, in 6. 12. North Latitude, with part of her Cargo landed, but with no Slaves on board, (having been twice boarded off that Anchorage, by His Majesty's Ship *North Star*, that is to say, on the 24th of January, and 25th of February preceding, as appears by Indorsements on the Passport,) by His Majesty's Ship *Maidstone*, Commodore Bullen, C. B. Commander, on the grounds, as that Officer states in his Declaration, of his "finding her at anchor in the Bight of Benin, off Badagry, a noted Slave-haunt, in Latitude 6. 12. North, with part of her Cargo landed in traffick for Slaves, as also being repeatedly boarded by the British Squadron employed on this Coast for the suppression of the Slave-trade, as late as the 24th of January, 1827, at this Anchorage, in direct opposition to the true intent and meaning of the 2d Article of the Additional Convention, signed at London, on the 28th of July, 1817, as also of the one to which it refers, No. 1, of the Treaty signed at Vienna on the 22d of January, 1815, and also of her said Imperial Passport, No. 38, and by virtue of the late Correspondence on this particular subject with the Brazilian Government."



On the 13th of April, 1827, the Vessel reached this Harbour, and on the following day the Papers were brought into Court in the usual manner, and a Petition received from the Captor's Proctor, for leave to proceed in the Cause, and that the usual Monition might issue, which was granted. The Monition, which went forth on the 16th, was returned on the 24th.

The Evidence of the Master on the Standing Interrogatories, went to prove that "the sole Owner of the Vessel and her Cargo, was Antonio Pedrosa Albuquerque, who lives in Bahia, where he, the Master, took possession of the Vessel, about seven months ago, and that neither himself, nor either of the Officers and Mariners on board, had any part, share, or interest in her or the Lading. The present Voyage began at Bahia, and was to have ended there; Bahia was the last clearing Port previous to Capture; the Brig anchored and touched at Badagry only, in 6. 20. North Latitude, during the Voyage; the reason of her anchoring there was, that after leaving Bahia she encountered a heavy gale of wind to the Southward of the Line, which carried away all her water, which was lashed on deck, and split her sails, and she was obliged to put into that Port to procure water, purchase provisions, and repair her sails, before she proceeded to St. Thomas or Princes, to which Ports her Imperial Passport allowed her to proceed; she was at anchor at Badagry for two months, during which frequent communication took place with the shore by means of the native canoes: The Consignee of the Lading of Merchandize on board, was Francisco Barbosa d'Oliveira, the Supercargo of the Vessel, left behind at Badagry, where he went on shore when the Vessel first anchored, to purchase the provisions and water required; the said Cargo of Merchandize was to have been delivered at Molembo, for the real account, risk, and benefit of the aforesaid Owner; it consisted of tobacco, aquadente, cloth, salt and powder; the powder consisted of 69 casks, and was taken on board at Badagry in exchange for 700 rolls of tobacco, which were sent on shore there to pay for the same, as well as to purchase water and provisions; no Slaves had been taken on board during the Voyage. Bulk was only broken at Badagry."

This Evidence is confirmed by the other two Witnesses in this Case, to the exception of their stating that the *Master* is the *Consignee* of the Lading on board.

From the Log (which terminates on the 17th of December, 1826, and the 42d day of the Voyage off Cape Three Points, in Latitude 4. 46. North) it appears that on the 26th of November, the 21st day of the Voyage, the Master protests against the wind and sea as contrary, and avows his intention of bearing up for the first Port on the Coast of Elmina for the purpose of procuring water and provisions; on the following day he again protests against the wind and sea as contrary, and repeats his being, therefore, obliged to go to the first Port

on the Coast of Elmina, to get water and provisions, before calling at St. Thomas and Princes on his way to Molembo, to the truth of which latter he swears.

A Petition was received on the 19th of April from the Master, stating, as in the Case of the *Tenterdora*, his being unable to get a Proctor to conduct his Case, and praying for leave to file his Claim on behalf of the aforesaid Owner, which was granted.

The Affidavit in support of it was precisely the same as in the *Tenterdora's* Case, the Claimant merely confining himself to saying, that the Vessel was seized in the prosecution of her Voyage from the Brazils to Molembo, that she was specially authorized to come to the Northward of the Line by her Imperial Passport, and that no Slave or Slaves had been taken or put on board during the Voyage.

The attention of the Court, in this Case, was directed to the like points, as in the Case of the *Tenterdora*, brought before it under the same circumstances; both Vessels being irregularly licenced, and both seized on the same principles, and in the same neighbourhood. The Evidence in this Case, is, if possible, even stronger, however, against the Vessel than in that of the *Tenterdora*.

The Evidence of the Master goes to prove, that, "having encountered a heavy gale of wind to the Southward of the Line, which carried away all her water, which was lashed on deck, and split her sails, he was obliged to put into Badagry, to procure water, purchase provisions, and repair his sails, before proceeding to St. Thomas and Princes Islands, where the Vessel's Imperial Passport allowed her to proceed." From the entries of the 26th and 27th of November, quoted from the Log, some confirmation is given to this Evidence: but, on the most cursory inspection, it was clearly evident that these Entries were made in a totally different coloured ink, and evidently at a different period from the rest of the day's remarks, apparently after the Log had terminated. The difference consisted in the ink used throughout the Log being a deep black, and the Entries alluded to being made in a pale ink, between a black and red. It was also remarkable, that in these Notes no mention whatever is made of the gale of wind alluded to in the Answers of the Master on the Standing Interrogatories; and, judging from the rate of the Vessel's sailing at the time, she must have had a favourable wind, as she was going, as appeared by the day's work, during the 2 days on which the Entries were made, from 4 to 5 knots an hour, with nearly all sail set. The Entries were, therefore, clearly entitled to no consideration, and made, of course, with no other view than as a pretext to go to Badagry, and mislead in the event of the Vessel's being detained. But, admitting even the necessity for bearing up as protested in the Log, why was the Vessel not taken to the nearest Port, which was St. George d'Elmina, only 60 miles to leeward of Cape Three Points, which was the first land made upon

the Coast, instead of the Master's passing Elmina, Accra, Cape Coast and other Places, in order to get to the noted Slave-haunt of Badagry? The objects, however, of this Vessel's going to that Port were clearly obvious, from other parts of the Evidence, and the want of provisions and water a mere pretext for doing so. The Master states, in his Answers to the Standing Interrogatories, that the Consignee of the merchandize on board the Vessel was the Supercargo, and that he went on shore at Badagry on the Vessel's first reaching that anchorage. Here, then, according to the Master's own account, and allowing full time for the Vessel running from Cape Three Points (the land first made on the 17th of December) to Badagry, the Supercargo must have been on shore 80 days, with a great part of the Cargo with him, and, during which time, constant communication took place, by means of the Native Canoes, with the shore; the only trade the Supercargo could be making for so long a time at this Slave-haunt, the Court was of opinion, must be the purchase of Slaves; it would be absurd to think, that so much time, under any other pretence, would have been spent. As to the receiving the 69 kegs of powder on board, it might have been to apply in a like barter at one of the other Slave-haunts in the Neighbourhood, where that article was in demand; no doubt existing that the Cargoes of Slaves are procured from the different Places in the Bight of Benin, between Whydah and Lagos. The falsifying the Log is also in itself conclusive proof that the Master in this Case was clearly aware of the illegality of his proceedings.

The Court met for Adjudication in this Case on the 30th of April, 1827, when the Master and Claimant handed in a written defence, word for word similar to that presented in the Case of the *Tenterdora*, condemned the same day, and which, of course, could only be considered by the Court in the same light.

The Evidence, in the opinion of the Commissioners, being conclusive as to the violation of the Treaty, and Additional Convention thereto, on the part of this Vessel, (as in the Case of the *Tenterdora*), the Court decreed the Condemnation of the *Venturosa*, her Cargo, tackle, apparel, and furniture, as good and lawful Prize to the Governments of Great Britain and Portugal, and as seized and prosecuted by Commodore Bullen, C. B. Commander of His Majesty's Ship *Maidstone*.

H. LUMLEY.

JOS. REFFELL.

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No. 61.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. July 27.)  
SIR, *Sierra Leone, 5th May, 1827.*

WE have the honour to enclose herewith, the Report of the Case of the Brazilian Brigantine *Providencia*, Joao Pedro de Souza, Master, condemned in the British and Portuguese Court of Mixed Commission established here, on the 30th of April, 1827.

This Vessel left Bahia in December, 1826, and was detained on the 16th of March, 1827, at anchor off Lagos, in 6. 23. North Latitude, with part of her Cargo landed, but with no Slaves on board, by His Majesty's Ship *Maidstone*, Commodore Bullen, C.B. Commander, and arrived here on the 19th of April, 1827.

The Passport granted to this Vessel was irregular; giving her permission to touch at this Colony, the Coast of Guinea, St. Thomas and Princes Islands, and the Evidence such as to leave no doubt on the mind of the Court, that she was carrying on the Slave-trade to the Northward of the Line.

We beg leave most respectfully to refer to the Case, which was undefended, for those particulars which led to this Vessel's Condemnation, and to express a hope that our Decision will be approved of.

We have, &c.

H. LUMLEY.

*The Right Hon George Canning.*

JOS. REFFELL.

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(*Enclosure.*)—*Report of the Case of the Brazilian Brigantine Providencia, Joao Pedro de Souza, Master.*

THIS Vessel, of the burthen of 147½ tons, furnished with an Imperial Passport from Bahia, No. 47, dated the 15th of December, 1826, authorizing her to take 368 Slaves from Molembo, and irregularly giving her permission to touch at Sierra Leone, Coast of Guinea, and St. Thomas and Princes Islands, with the usual and regular obligatory Clause "to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire," was detained on the 16th of March, 1827, off Lagos, in 6. 23. North Latitude, with part of her Cargo landed, but with no Slaves on board, (having been boarded at the same anchorage on the 26th February preceding, by a Boat of His Majesty's Ship *North Star*, as appears by Indorsement on the Passport,) by His Majesty's Ship *Maidstone*, Commodore Bullen, C.B. Commander, who states in his Declaration, dated the 16th March, as the reasons for detaining her, "that he found her at anchor in the Bight of Benin, off Lagos, a noted Slave-haunt, in Latitude 6. 23. North, with part of her Cargo landed, in traffick for Slaves, as also being repeatedly boarded by the British Squadron employed on the Coast for the suppression of the Slave-trade, at this Anchorage, collecting her Cargo constantly from the 26th of last month, in direct opposition to the true intent and meaning of the 2d Article of the Additional Convention signed at London on the 28th of July, 1817, and of the one to which it refers, No. 1. of the Treaty, signed at Vienna on the 22d of January, 1815; and also in direct contradiction of her said Imperial Passport, No. 47, dated the 15th of December, 1826, irregularly licensing her to touch at the Places before enumerated, and by virtue of the Correspondence of Mr. Chamberlain, formally calling upon the Brazilian Authorities to forbid the practice of issuing those



Licences, and by reason of which His Majesty's Naval Forces were authorized to deal with those Vessels according to the strict tenour of the existing Treaties with Portugal, contained in a Letter to me from the Right Honourable the Lords Commissioners of the Admiralty." The Declaration then goes on to state, "that he (the Mate) produced no Log-Book or Papers of any description, Clearance, &c. reporting that the Master has them on shore with him, and I have every reason to believe her Passport is intended for another Vessel, and that she has been bought from the Americans off this Coast, as can be clearly seen on her stern, that she has been at one time designated the ———, of Providence, and that very recently."

On the 19th of April, the Vessel arrived at this Harbour, and on the following day the Passport, being the only Ship's Paper found on board her, was brought into Court, and a Petition received and granted from the Captor's Proctor, praying for leave to proceed with the Cause, that the said Passport might be filed and the usual Monition issue, which latter went forth on the 21st, returnable on the 29th of the same month.

From the Evidence of Antonio Jozé da Costa, the Pilot of the Vessel, it appeared "that the sole Owner of the Vessel and her Cargo, was Joaquim Jose d'Oliveira, and that he resides in Bahia, at which Place the Master, Joao Pedro de Souza, received the Command of the Vessel from him, and where he, the Pilot, and the rest of the Crew were shipped; her name is the *Providencia*, believes she has always been so called, as it is still marked on her stern, in the same manner as when she belonged to the Americans; neither himself, nor either of the Officers and Mariners, had any part, share, or interest in the Vessel or her lading, the same was consigned to the aforesaid Master, and was to have been delivered at Molembo, in South Latitude, for the real account, risk, and benefit of the aforesaid Owner. The present Voyage began at Bahia, and was to have ended there. Bahia was the last clearing Port previous to Capture; the Vessel sailed to, and anchored and touched at, Commenda, Away, and Lagos, in North Latitude, during the present Voyage; she anchored and touched at Commenda and Away to trade for gold, and at Lagos to repair the mainmast, which was rotten, and to purchase provisions and get water, besides which the Master was taken ill at Away, and he, therefore, went on shore at Lagos, to a Factory there, to get medical assistance; the Vessel was at anchor there about 21 days, during which frequent communication took place with the shore by means of the Vessel's Launch, and 2 Canoes from the Factory. The Vessel was captured in the Roads of Lagos, being there at anchor with her topmast struck to repair the head of the mainmast. The Cargo consisted of tobacco, aquadente, iron bars, cloth, and muskets, but he does not know the quantity of each. Some of the Cargo was landed at Commenda,

Away, and Lagos, but he, only being the Pilot, and not having any thing to do with the Cargo, cannot say what quantity was landed. No Slaves had been taken on board during the Voyage; the Master took on shore with him at Lagos, the Custom House Clearances, Manifest, and List of Crew, and all other Papers belonging to the Vessel, except the Passport, which was delivered up to the Captor by himself."

From the further Evidence of the Cook, and a Seaman, of the Vessel in this Case, it appeared "that the gold purchased was taken on shore by the Master at Lagos, and that tobacco, aquadente, and cloth were sent on shore at Commenda, and some muskets and fowls received on board; some of the same articles were also landed at Away and Lagos; at Away some fowls and hogs were received on board, but that nothing was received at Lagos."

There was no Claim in this Case. This, which was the 5th Case before the Court on the same day, was evidently not the least conclusive as to the object of the Voyage, and different from any other Case ever before the Commissioners, from her Imperial Passport, which was the only Paper found on board of her, giving her, a Vessel engaged in the Slave-traffic, the extraordinary Licence to touch at this Colony; a permission as unwarranted as it is contemptuous towards the British Government on this Coast. The Court considered this Case in every other part so exactly similar to the *Tenterdora's* and *Venturosa's*, that it only became necessary to point out some particular parts of the Evidence in order to shew that she was amenable to the same consequences as those Vessels.

From the Evidence of the Pilot, and two others of the Crew, it appeared that this Vessel *sailed to*, and anchored and touched at, Commenda, Away, and Lagos, in North Latitude, and that at each of these Places she carried on a trade with the Cargo of the Vessel, which, however, they say, in another part of their Evidence, was to have been delivered at Molembo, in South Latitude. The Evidence further proves, that the Master went on shore to the Factory at Lagos, taking with him the Custom-House Clearances, Manifest, and List of Crew, and all other Papers belonging to the Vessel, except the Passport. From the date of this Passport, (the 15th of December,) it appears clear that the Vessel must have left Bahia soon after the middle of December, when, allowing her 35 days to make the Coast, (which is ample time), she must have been upwards of 50 days trading upon the Northward Coast, 21 of which, according to the Pilot's own shewing, had been spent at Lagos, the Place of Seizure. It is clear, from the Evidence of the landing of Cargo at 2 other Ports, that the Master's intention was to avail himself most fully of the permission given by his Passport to make trade to the North-

ward of the Line, and at the same time, no doubt, make his arrangements for collecting a Cargo of Slaves. The kind of trade he must have been making at Lagos cannot for one moment be doubtful. The fact of his being on shore there, at the noted Slave Factory, (notwithstanding the Evidence of the Pilot, as to his having gone there for medical advice), with a great part of the Vessel's Cargo, landed by means of the Vessel's Launch and Canoes from that Factory, speaks for itself, the only object which could induce the unlading the Cargo, which had been put *on board for Slaves*, and was to have been, if the Evidence is believed, delivered at Molembo, must have been that the Slaves were being procured at that Port by the Master. The taking on shore the Papers of the Vessel is also the most suspicious circumstance, as unexplained as the necessity which led the Master to go to Lagos. Some mention is certainly made of the repairing the Vessel's mast, but which, with the usual excuse for procuring provisions and water, uncorroborated as it was, could only be looked upon as a pretext for being there. The taking on shore the Papers of the Vessel, combined with the extraordinary and singular privilege given her of touching at this Colony, would almost lead to the belief that they were fictitious Documents.

The Court met for Adjudication on the 30th April, and, as in the similar Cases of the *Venturosa* and *Tenterdora*, declared the Vessel irregularly licensed, and as having been found at anchor trading for Slaves to the Northward of the Line, viz. at Lagos, in 6. 23. North Latitude, in violation of the Treaty and Additional Convention between Great Britain and Portugal, and accordingly condemned her, together with the Cargo, tackle, apparel, and furniture, and as seized and prosecuted by Commodore Bullen, C.B. Commander of His Majesty's Ship *Maidstone*.

H. LUMLEY.

JOS. REFFELL.

No. 62.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. July 27.)  
SIR,

Sierra Leone, 15th May, 1827.

WE have received your Despatch of the 30th of December 1826, referring us, in regard to the Decrees in the Cases of the *Activo* and *Perpetuo Defensor*, to the Case of the *Sinceridade*, in which it is clearly pointed out, that 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, and approving of the principle upon which the Commissioners acted in the Case of the *Perpetuo Defensor*, in decreeing the Slaves to be restored to the Master for the use of the Claimant.

We have the honour to be, &c.

H. LUMLEY.

WM. SMITH.

*The Right Hon. George Canning.*

No. 63.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. July 27.)  
SIR, Sierra Leone, 15th May, 1827.

WE have the honour herewith to acknowledge the receipt of your Despatch, of the 26th of February 1827,\* enclosing for our information and guidance the Copies of a Correspondence which has passed between the Department over which you preside, and that for Colonial Affairs, on the subject of the *Activo* and *Perpetuo Defensor*, with the Law Officer's opinion on the proceedings in those two Cases. And we learn with considerable satisfaction that Instructions have been issued to the Authorities of this Place, to lend any assistance required, in order to abridge the injurious confinement of the Slaves on board Prize-vessels under Adjudication in the Courts of Mixed Commission.

We have, &c.

H. LUMLEY.

*The Right Hon. George Canning.*

WM. SMITH,

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No. 64.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. July 27.)  
SIR, Sierra Leone, 17th May, 1827.

WE have the honour, herewith, to transmit the Report of the Case of the Brazilian Schooner *Independencia*, captured by His Majesty's Brig *Conflict*, Lieutenant Arthur Wakefield, Commander, in the Roads of Accra on the 28th of February 1827, for a breach of the Treaty and Convention between Great Britain and Portugal for the Suppression of the illicit Traffick in Slaves, as also of her Imperial Passport, marked No. 1, dated Bahia, the 19th of January 1827, which made it obligatory upon her "to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire of Brazil."

We have deemed it our duty to report minutely the circumstances of this Case, in consequence of the Master having made a Claim for the Vessel, on the ground that she sprung a leak after leaving Bahia, which obliged her to bear up for the nearest Port on the Coast of Africa to the Northward of the Equator, to obtain assistance to stop it; and in addition to which the Proctor for the Claimant, at the hearing of the Case, contended, that by the 2d Article of the Instructions to British and Portuguese Ships-of-War, employed to prevent the illicit Traffick in Slaves—the Vessel was not liable to be detained, she being at the time of Capture at anchor in the Roadsted of Accra, and within gun-shot of the British Fort,—but the positive fact, that a Vessel lying at anchor in those Roads is equally within gun-shot of both the British and Dutch Forts, they being situated only 500 yards from each other, and the anchorage being equidistant from each Fort, it could not be satisfactorily maintained, that she was only in the Roadsted of the one, when she must have been equally in the Roadsted of the other, which allowed the one best suited for the purpose of obtaining her restitution to be stated,—this, together with there being no lawful Authorities at British

\* Sierra Leone. (General.) No. 4.



Accra, to whom proper representations might be addressed, were circumstances of sufficient weight to induce the Court to overrule that question.

As it is possible that a representation of this Case may be made to you, Sir, grounded on the aforesaid 2d Article, we have thought it proper to mention the matter, and our reasons for rejecting the exception taken.

We most respectfully beg your reference to the Report, for the particulars which led to the Condemnation of this Vessel, on the 15th of May 1827.

We have, &c.

H. LUMLEY.

WM. SMITH.

*The Right Hon. George Canning.*

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(*Enclosure.*)—*Report of the Case of the Brazilian Schooner, Independencia, Jacinto Antonio Pereiro Carneiro, Master.*

THIS Vessel, of the burthen of 201 tons, left Bahia on the 21st of January 1827, furnished with the usual Papers and an Imperial Passport, numbered 1, dated on the 19th of that month, authorizing her to take 502 Slaves from Molembo, and obligatory on her "to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire," and, on the 28th February 1827, was detained at anchor in the Roadsted of Accra, with no Slaves on board, by His Majesty's Brig *Conflict*, Lieutenant Arthur Wakefield, Commander, who states in his Declaration, that he detained her "for the infraction of the Treaties existing between His Majesty's Government, and the Imperial Government of Brazil and Portugal:—Firstly, for a breach of what is stated in the Preamble of the said Treaty, and secondly, for the Infraction of the Passport, which is declared an integral part of the same Treaty." He further declares that "he has had the most positive assurance that this Vessel was trading for Slaves at Dutch Accra, from the Authorities at British Accra, and that it moreover appeared that this Vessel had been lying in the Roads since the 15th Instant, which evidently shewed that her object must have been that traffick, and the fact of Dutch Accra having become, lately, a notorious Slaving Place is an additional corroboration; the fact of her having landed a part of her Cargo, and her having a large quantity of Slave provisions on board, in farinha and jerked beef, being also a proof that she was slaving, as she could not have landed it for provisions."

The Vessel arrived in this Harbour on the 30th of March 1827, and on the 2d of April, the Ship's Papers, taken on board her, were brought into Court in the usual manner, by the Officer in charge of the Vessel, and a Petition from the Captor's Proctor received, and granted, for the same to be filed, and the Evidence received, and that the usual Monition might issue, which accordingly went forth, returnable on the 9th of the same Month.

The Answers of the Master on the Standing Interrogatories, taken on the 3d of April, went to prove as follows, that "Joze Cerqueira Lima was the sole Owner of the Vessel and her Cargo, and that he resides in Bahia, at which Place he (the Master) took possession of her in the Month of December 1826, but that neither himself nor either of the Officers, or Mariners on board, had any right, share, or interest, in the Vessel, or her Lading, which was to have been delivered at Molembo, and of which he (the Master) was the Consignee. The present Voyage commenced at Bahia, and it was to have ended there and Rio Janeiro; Bahia was the last clearing Port previous to Capture; the Schooner anchored and touched at Accra, on the Coast of Elmina, during the Voyage in which she was taken; she anchored and touched there, because she was leaky, to repair, and because the prevailing winds would not allow her to get to the Southward; she was at anchor there 8 or 9 days, during which period the leak, which was in her bows, was repaired; the Place of Capture was in the Roadsted of Accra, he (the Master) being at the time on shore; the Schooner brought out a general Cargo of tobacco, cloth, aquadente, powder, and other articles, to Molembo last Voyage, and it was shipped in Bahia; the present Cargo consists of tobacco, and aquadente; nothing was landed at Accra, except a small quantity of aquadente to pay a Blacksmith for some work done, and to purchase a few fowls; no Slaves had been taken on board during this Voyage, nor has bulk been broken," He further declares "that all the Passports and other Papers, which were found on board the Schooner, are entirely true and fair, none are false or colourable."

The Boatswain, (another Witness in this Case) in his Answers to the Standing Interrogatories, says "that the Schooner anchored on the Coast one day and one night, because it was calm, but that he does not know the name of the Place, and that she then went and anchored at English Accra, on the Coast of Elmina, where nothing was landed except a small keg of aquadente to pay a Blacksmith for some work done, and for the hire of a house 8 or 9 days, which the Master stopt at on shore, and also to purchase a few fowls."

The Evidence of a Seaman, (the third Witness in this Case) on the Standing Interrogatories, confirms the testimony of the Boatswain, as "to the Vessel's having anchored on some part of the Coast one night, and of her having afterwards gone to Accra, where she anchored and touched, being obliged to put into a Port to repair a leak, and that they were pumping her every minute."

These two Witnesses, in the rest of their Evidence on the Standing Interrogatories, confirm that of the Master.

From the Examination of the Master on the Special Interrogatories, put to him by permission of the Court, on behalf of the Captors, the following Evidence was obtained, "no Papers, Letters, or Books,

have been delivered out of the said Schooner, or carried away in any manner whatever; the Cargo consisted of 409 rolls of tobacco, 12 pipes of aquadente, 8 casks, containing 25 pounds each of powder, and some iron bars; there were also some cotton and beads on board, belonging to himself, the Pilot, and Boatswain, but he does not recollect the quantity of each; the Cargo on board would not be sufficient to purchase the number of Slaves intended to be taken; but last Voyage the Schooner left a considerable portion of her Cargo with a Person at Molembo, to purchase Slaves preparatory to her shipping them this Voyage, and the Cargo now on board was to make up the deficiency." In another part of this Evidence he says, "he left his Clerk there last Voyage, with some merchandize, for the purpose of purchasing Slaves during his absence; and *that* was the method the deficiency was to be made up; the winds would not allow the Schooner to be at all times directed to the Port for which she appears to have been destined by her Passport, Molembo being nearly opposite to Bahia, and the wind blowing from the former Port, the Schooner was obliged to tack and tack, until she reached 2. 15. North, when the leak she had sprung obliged her to run direct to Accra from that Latitude; the reason of the Schooner's course being altered was in consequence of the leak; the first land seen was Cape Appolonia; the Vessel anchored one night on the Coast, it being calm; she then went direct to Accra: it was on the 5th or 6th day after leaving Bahia that he first discovered the Vessel to be leaky; the leak was in the bow of the Vessel, and he did enter a remark of her leaking in his Log-Book; she made from 12 to 24 inches per hour, according as the winds were more or less fresh; and she made the latter quantity on the day she bore up for Accra; the leak was along the cutwater, and on each side of the bow, which was repaired by caulking at Accra; it would have taken the Schooner 20 days to have gone to either St. Thomas or Princes Island, from the Latitude she was in when obliged to bear up, as she would have had to beat there; and, as the leak was increasing, she was obliged to put before the wind to reach the nearest Port."

The following Evidence was obtained from the Boatswain in answer to the like Interrogatories: "the merchandize now on board the Schooner could not purchase such a Cargo of Slaves as it was intended should be taken from Molembo, the deficiency would have been supplied by means of the Owner having a mercantile house there; a Protest was made by the Master relative to the leak after they got in sight of land, and it was signed by the Master, himself, the Mate, and all the white men belonging to the Schooner; 12 inches was the quantity of water the Schooner made per hour at the time the leak was first discovered, and 24 inches the day she made land; the leak was found, on her arrival at Accra, forward in the forechains below the edge of the water, by the copper."

The Affidavit of the Master, in support of his Claim, sets forth, that, "on the 25th day of January last, while the said Schooner was on her said Voyage from the Brazils to Molembo, she was discovered to have sprung a leak, and did make 12 inches of water every hour, which Deponent believes to have arisen from some defect in the Vessel, which was not discovered before her leaving the Brazils; that, by reason of the winds and currents, the said Schooner or Vessel was, on the 9th day of February, found to be in North Latitude 2. 15. 30., and the leak to increase or decrease according to the strength of the wind: that therefore it was deemed necessary by this Deponent, and he accordingly ordered the said Schooner to be put free to the wind, for the purpose of making some Place on the Coast of Africa, where assistance might be obtained to stop the leak of the said Schooner; that the said Schooner was, therefore, brought to anchor in Accra Roads, but within shot of the British Fort, and the Cargo removed from the fore part of the Vessel, where the leak was found, to the after part of the said Vessel, by which means her bow was raised, and this Deponent enabled to set men to work to stop the said leak, in which work, and in unstowing and re-stowing the Cargo, they were employed 9 days; that no trade was made, nor any part of the Cargo sent on shore, save and except a cask of spirits, which had been in Ship's use, which was paid to the Blacksmith on shore for work done to the said Vessel, and for a few necessaries supplied for the use of the Crew of the said Vessel, while she was so, as aforesaid, detained off Accra, and that he shall be able to make due proof and specification thereof."

Special Interrogatories were put to the Master and Boatswain, to support the facts alleged in his Affidavit to his Claim. On the 27th of April the Proctor for the Captors prayed to be allowed to file the Affidavit of Messrs. Wilson and Davis, the Officers in charge, which was granted. In this Document, Mr. Wilson, the Senior Officer, states, that "he was present at the seizing and detaining of the Schooner *Independencia*, and that he did then and there inspect the said Schooner, and that no appearance of the said Vessel having been recently caulked could be discovered, or of repairs of any kind whatsoever, and that at the time of the Seizure aforesaid, the bottom and sides of the said Schooner were thickly covered with barnacles, and that at the time of the said Seizure, no leak or appearance could be perceived. And that, during the time of the said Vessel being at anchor at Accra, and subsequent to the seizure thereof, several bags containing cowries, were received on board the said Schooner, from some Person or Persons on shore; and that the same are now on board the said Schooner;" and Mr. Davis states, that "during the Passage from Accra to Sierra Leone, he perceived the sides and bottom of the said Schooner thickly covered with barnacles; and that during the time of the said Vessel being at anchor at Accra, and subsequent to the seizure thereof, he



saw one bag, containing cowries, received on board the said Schooner, from some Person or Persons on shore, and that the same is now on board the said Schooner." And they both depose, that "during the Passage from Accra to this Colony, the said Vessel was perfectly sound, and in the same state and condition as she is now in this Harbour of Freetown." And in answer to that part of the Deposition relative to the cowries, the Proctor for the Claimant, on the 4th of May, filed an Affidavit of the Boatswain, in which he states, "that while the Vessel lay in Accra Roads, he having some coral belonging to himself, did purchase therewith from a Coloured Man, who resided in the English Fort of Accra, a quantity of cowries, which he brought on board the said Schooner, and that neither the Master, nor any other Person save himself, has any right, title, or interest in the same."

The Proctors for the Parties having no further proof to offer on either side, the Court proceeded to consider how far the necessity of her coming to the Northward of the Line, under the alleged excuse of her having sprung a leak was borne out in the Evidence, and Papers filed, upon the truth of which, the Court would be bound to decide upon the legality or illegality of the Capture.

The Master, in his Log, stated, that, on the 5th day of his departure, being then in Latitude 10. 29. South, Longitude 32. 53. West, having made, as appeared by the said Log, a North-East course from Bahia, and run a distance therefrom of 400 miles, and being then about 200 miles only from the Rio Algoa, near Cape St. Augustin, on the Coast of Brazil, between Bahia and Pernambuco, he "calculates the Vessel to make 12 inches per hour," the wind, at this time being E.S.E., which would, had he been so disposed, have allowed him to lay his course back to Bahia, with the wind free, and which he could have reached in 3 days, according to the rate of the Vessel's sailing, as she was, the day that entry was made, going 6 and 7 knots per hour upon a wind, and she could, of course, have fetched into Rio Algoa in half the time; but, notwithstanding the perilous state of the Vessel at that time, he still kept on the same course, going to the North-East, until the 12th day of the Voyage, when, being in Latitude 1. 34. South, Longitude 25. West, he entered a remark, "that she is making 20 inches of water in *some* hours," thus shewing clearly, that the leak, if there was any, was diminishing: on the 20th day of his departure from Bahia, having crossed the Line between the 14th and 15th days, still going to the North-East, and being then in Latitude 3. 2. North, and Longitude 8. 9. West, which is opposite to Cape Palmas, and only 90 miles due South from it, he entered a Protest, in which he says, all combine with him, "being obliged to bear up for the nearest Port to stop the leak," which Protest the Boatswain swore was entered after the Land was made, and both him and the Master agree, that that Land was Cape Appolonia, and, as appeared by the Log, it was on the 24th

day of the Voyage, and not on the 20th, it must be evident that the entry is fraudulent; from this Point, however, he steered more Easterly, thereby running down the Coast until the 25th day of the Voyage, when, being in Latitude 5. 46. North, and 0. 10. 14. East Longitude, the Log ends, having run down a Line of Coast of upwards of 400 miles, and passed the principal Ports on the Gold Coast of St. George d'Elmina, and Cape Coast Castle, without attempting to go into either of them to repair the leak he mentions, thereby clearly defeating the object he had in view when he entered his Protest, or he would assuredly have gone into one of those Ports, rather than run 100 miles past them down the Coast, in the dangerous state he would wish the Court to believe his Vessel was in, and most plainly invalidated that part of his Examination, in which he also stated, he bore up for the nearest Port, and produced this Log as a corroborative proof of his Deposition. It was also noticed, that 5. 46. North, would place his Vessel 20 miles inland, in the Longitude he says he was in; and that the greatest suspicion was attached to the Log, as the aforesaid remarks, regarding the leak, and his being obliged to bear up, are all written in a totally different coloured ink from the other entries in the same day's work, and there could be no doubt but the entries were made, after it was discontinued, and that they are fictitious, and for the purpose of endeavouring to cloak the clandestine purpose in view; and this appeared the more striking as, between the intervals of the aforesaid entries in the Log, no mention whatever was made of the leak, and certainly such an important matter, had it really been the fact, would it must be supposed, have been noticed daily; added to which, the Log of the Pilot which was filed with the other Papers, when the Case was first brought into Court, and which, according to the Master's own shewing, must be true, as he swore that "all the Papers, Bills of Lading, and other Writings, which were found on board, are entirely true and fair," made no mention whatever of any such circumstance, but proved, beyond all doubt, the Voyage, up to the day the Log ceased, to have been most successful; and proved also, from the course steered being constantly North-East, and afterwards, when the Coast was nearly made, to East-North-East, and East, that the intention of coming to the Northward of the Equator was premeditated from the moment of her leaving Bahia. But with the view to elicit the important point of the alleged leak more clearly, and considering that the Affidavit filed by the Officers in charge of her, (Messrs. Wilson and Davis) ought to be supported by further proof of the matter, and which proof could only be obtained by issuing a Commission of Survey upon her, the Court ordered such Commission to be issued to William Cole, the Surveyor of the Court, Nathaniel Thompson, Harbour-Master, and James Fulbister, Master of the Schooner *Thomas*, all experienced Seamen, dated the 28th of April, directing them to

"survey, inspect, and view the said Schooner *Independencia*, to reduce the same into a true, perfect, and particular Report in writing, and transmit a Certificate by them subscribed, how far the said Schooner had been repaired, or otherwise." And on the 30th of the same month, they returned the Commission into Court, together with their Report; and they therein stated "that in pursuance of a Commission of Survey to them directed, dated the 28th of this instant month of April, they went on board and alongside the Schooner *Independencia*," lying at anchor in the Harbour of Freetown in this Colony, and carefully and minutely surveyed and examined the same, and do report as follows;—"she is a Schooner of 130 tons or thereabouts, appears to be 12 months old, the seams between the plank, outside the fore part of the Vessel, and up and down the stem, above the copper, are hard and firm, and the copper has no appearance of being removed since it was first put on her bottom; we could not observe any new caulking round the bows, or in the seams up and down the stem, or the least appearance of any recent repairs whatever to any part of the Vessel: and we do declare that we have taken this survey so minutely, impartially, and correctly, that we are ready to make oath to the same, if so required."

Here then was a clear corroborative proof of the truth and correctness of the Log of the Pilot, and that the entries of the alleged Leak in the Log of the Master, were totally false and fraudulent, as was also his Evidence and that of the Boatswain on this point; the latter of whom stated "the leak was found in the forechains below the edge of the water by the copper; their further Evidence, that the Schooner was only 8 or 9 days at Accra, was also contradicted by the Log of the Pilot, and the Declaration of the Captor, she having anchored at Accra on the 15th, and was captured on the 28th of February, making a period of 14 days. Why this fact was suppressed could have only been for the purpose of endeavouring to mislead the judgment of the Court, because they could not satisfactorily explain why she remained there so long.

Another very suspicious circumstance was the Deposition of both the Master and Boatswain, that no bag or bags of merchandize had been received on board at Accra, and yet, in answer to the Affidavit of Messrs. Wilson and Davis, "that bags of cowries had been received there, and were now on board," the Boatswain came forward with an Affidavit, and swore "that he had bartered for the said cowries, with a Person belonging to the English Fort at Accra, for coral;" here was a contradiction openly avowed, which fact alone was sufficient to induce the Court, were there no other, to look very suspiciously upon the whole of the Evidence adduced by him, and although it had not the means of ascertaining whether cowries were an article of trade at Molembó, yet it had great doubts upon the subject, and was inclined, from the knowledge it possessed, that they form a very considerable article in



trading for Slaves at Popo, Whydah, Badagry, and Lagos, to believe that they were exchanged for the purpose of purchasing Slaves at some of those Places, and remarked, that whenever the Boatswain had an opportunity, the transactions which took place at Accra, were stated by him to have taken place with Persons connected with the English Fort, which was, doubtless, to give a fair colouring to the legality of the Voyage, in which, it was endeavoured to be proved, she was engaged; but admitting that it had been so, that circumstance would not have diminished the illegality of it, and it was also impossible to maintain satisfactorily, that the Vessel was only within gun-shot of the British Fort, which the Master in his Affidavit swore to, as it was a fact that a Vessel lying in the Roads of Accra was equally within gun-shot of the Dutch and British Forts, they being situated only 500 yards from each other, and the anchorage being equidistant from each Fort, therefore impossible to say to a certainty in which she was, and which had in this Case been made a pretext for claiming her restitution.

It is provided for by the Treaties that, "with regard to all Slave-ships detained to the North of the Equator, the proof of the legality of the Voyage is to be furnished by the Vessel so detained;" and in this Case, as had been clearly shewn, the Master had failed in every endeavour to establish the fact, and as it was fully proved to the satisfaction of the Court, that no necessity ever existed for his coming to the Northward of the Line, it could only presume that he came there fraudulently, and with an intention of carrying on an illegal Traffick in Slaves, contrary to the provisions of the Treaty and Convention, as also of her Imperial Passport, marked No. 1, dated Bahia the 19th of January, 1827, which made it obligatory on him "solely to enter such Ports on the Coast of Africa where the Slave-trade is permitted to the Subjects of the Empire of Brazil," and, therefore, the Court condemned the said Schooner *Independencia*, her tackle, apparel, and furniture, and the goods, wares, and merchandize, laden therein, as good and lawful Prize, and as taken in such illicit Traffick by His Majesty's Brig of War *Conflict*, Lieutenant Arthur Wakefield, Commander.

H. LUMLEY.

WM. SMITH.

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No. 65.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. July 27.)  
SIR,

*Sierre Leone, 17th May, 1827.*

WE have the honour to enclose for your information, the Report of the Case of the Brazilian Brigantine *Conceição de Marie*, which Vessel was captured off Whydah, in Latitude 6. 10. North, Longitude 2. 5. East, by His Majesty's Ship *North Star*, Septimius Arabin, Esq. Commander, having on board 232 Slaves which had only been shipped from that Place 2 hours previous to Capture.

There being no Claimant in this Case, and the illicit Traffick in



Slaves being fully proved, Sentence of Condemnation of the Vessel, and Emancipation of the surviving Slaves, 198 in number, was passed on the 15th May, 1827.

We cannot omit this opportunity of again bringing before your notice, Sir, the important fact, that this Vessel, although authorized by her Imperial Passport, No. 16, dated Bahia, the 1st of July, 1826, to enter solely such Ports, on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire of Brazil, sailed direct from Bahia to the Northward of the Equator, touching at Commenda to procure a Canoe to carry on her nefarious traffick, on her way to Ajuda (Whydah) where she procured her Cargo of Slaves from the notorious Chachah (otherwise De Souza, whose name has been so often before the Courts of Mixed Commission, as the most active Trader in Human Beings on this Coast) and at which Place she was boarded no less than 8 successive times during the period she was collecting her unfortunate cargo of victims, and at each time in a more forward state to receive them; but which, as the late Orders from His Majesty's Government respecting Vessels so circumstanced, had not been at the time received by the Squadron, they were compelled to allow her to continue unmolested, although there was every moral certainty that she was illicitly engaged; thus clearly establishing the clandestine objects, Vessels, licenced for the Traffick in Slaves, where it is still permitted, have in view in coming to the Northward of the Equator, but which, we have the satisfaction of knowing by a private Communication from that indefatigable Officer, Commodore Bullen, will be most effectually suppressed by the late decisions on this point; and which will, at last, we hope yield to North-Western Africa some of the blessings attendant upon the suppression of Slavery, with which it has been too long and lamentably afflicted.

We have, &c.

H. LUMLEY.

WM. SMITH.

*The Right Hon. George Canning.*

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(Enclosure.)—*Report of the Case of the Brazilian Brigantine Conceição de Marie, Joao Pinto de Souza, Master.*

THIS Vessel, commanded by Joao Pinto de Souza, and owned by Vincente Ferrara Milles, both Subjects of the Empire of Brazil, was fitted out at Bahia and sailed therefrom in the beginning of July, 1826, furnished with an Imperial Passport, No. 16, dated 1st of July 1826, authorising her to take any number of Slaves, not exceeding 279, from the Port of Molembo, and being under an obligation to enter solely such Ports on the coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire; and on the 4th day of March, 1827, she was captured off Whydah Roads, in Latitude 6. 10. North, Longitude 2. 5. East, of Greenwich, by His Majesty's Ship *North Star*, Septimius Arabin, Esq. Commander, having on board 232 Slaves,

which had been taken on board at Whydah the same day. She arrived in this Harbour on the 15th of April following, having lost 35 of the said Slaves by death on the passage up, notwithstanding every care and attention was paid to them by the Prize-Master, Lieutenant Thomas Crofton, who, in his Affidavit accounting for their deaths, states, that it was in consequence of the crowded and leaky state of the Vessel, and that 1 Child was born on board during the same period.

On the 16th, the Papers were brought into Court duly attested, and a Monition prayed for and granted, which went forth the same day, and was returned, certified to have been served on the 24th following. On the same day a Petition was also made to the Court to allow the surviving Slaves to be landed, which was unhesitatingly allowed, and they were consequently delivered in charge to the Colonial Government.

Only 2 black Men having been sent up as Witnesses in the Cause, on the 21st Lieutenant Crofton accounted for the absence of the Master in an Affidavit, stating, that after the Capture of the said Vessel, he heard the Master beg and entreat Captain Arabin not to send him to Sierra Leone, but to allow him to be landed at Whydah; that in consequence of the very ill state of health of the said Master, Captain Arabin, from motives of humanity, landed him at Whydah on the 5th of March. Little general information respecting the Voyage could be obtained, from the ignorance of the 2 Witnesses, but on their examination on the Standing Interrogatories, the following facts were elicited; "that the Voyage had commenced at Bahia, at which Place it was to have ended; that the Brigantine sailed direct to, and anchored and touched at, Commenda and Ajuda (Whydah) during the Voyage in which she was taken; she anchored and touched at Commenda to purchase a Canoe, and at Ajuda to purchase the Cargo of Slaves; that she left Ajuda at 6 P. M., and was captured at 8 o'Clock P. M., of the same day. Chachah was the Lader, and Vincente Milles the Owner and Consignee of the Cargo of Slaves on board the Brigantine taken, and that they were all taken from the shore at Ajuda."

The fact of the illicit Traffick in Slaves being thus incontestably proved, the Court passed Sentence of Condemnation on her on the 15th of May, 1827, and emancipated the surviving Slaves, to the number of 198, and decreed that 232 had been captured on board of her; that 1 had been born on the passage up to this Place, and that 35 had died between the time of Capture and Condemnation of the said Brigantine *Conceição de Marie*.

H. LUMLEY.

WM. SMITH.

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No. 66.—*His Majesty's Comm<sup>r</sup>. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. July 27.)  
SIR,

*Sierra Leone, 17th May, 1827.*

WE have now the honour to enclose for your information, the Report of the Case of the Brazilian Schooner *Tres Amigos*, Manoel Francisco

dos Santos Pires, Master, which Vessel was captured by a Tender of His Majesty's Ship *North Star*, commanded by Lieutenant Crofton, on the 19th of April last, having on board 3 Slaves.

This Vessel originally sailed from Rio Janeiro on the 2d of September, with a Cargo of merchandize for Angola; after delivering it, she cleared out from thence for the Cape de Verd Islands, intending to take a Cargo of salt from thence back to Rio Janeiro. On her passage to St. Jago, she became distressed and put into this Port to procure provisions and water, which having been supplied with, she sailed very early on the morning of the 17th of April for her destination. She had not got far out of the Harbour when, positive information having been received by the Governor, Sir Neil Campbell, that she had on board some Natives of Africa as Slaves, who had been concealed the whole of the time the Vessel lay in this Harbour, his Excellency instantly communicated the same to Lieutenant Crofton, who immediately pursued her, and succeeded in coming up with her on the night of the 19th of April, and after a diligent search, found 3 young females concealed under the fire-place of the caboose, and where, had they not been so very providentially released, they must have been suffocated in 10 minutes.

Among the Papers of the Vessel filed in Court, Certificates, signed by the Judge and Secretary of the Custom-House at Loando, were found, authorizing her to have on board 3 domestick Men Slaves, as Sailors, but no Certificate or Passport whatever for the 3 Girls, who were stated to have been shipped at Loando; and it being satisfactorily proved that they were on board as Slaves, without the Vessel having any authority to carry them, as prescribed by the Additional Article to the Treaty signed at Vienna the 22d of January, 1815, and of the 9th Article to the Instructions for British and Portuguese Ships of War employed to prevent the illicit Traffick in Slaves, she was condemned as lawful Prize on the 15th of May, 1827, and the 3 Slaves emancipated.

We respectfully beg your reference to the Report, for the particulars of this Case, and have the honour to remain, &c.

*The Right Hon. George Canning.*

H. LUMLEY.

WM. SMITH.

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(*Enclosure.*)—*Report of the Case of the Brazilian Schooner Tres Amigos, Manoel Francisco dos Santos Pires, Master.*

THIS Vessel, commanded by Manoel Francisco dos Santos Pires, and owned by Bernadino Antonio de Barros, both Subjects of the Empire of Brazil, and furnished with a Commercial Passport, (signed by the Visconde de Paranagua, dated Rio Janeiro, the 1st of September, 1826,) wherein it appears she was bound to Angola, with liberty to call at the Islands of Cape de Verd, during the Voyage, sailed from Rio Janeiro, on the 2d of September, with a Cargo of merchandize to

Angola, where, having discharged it, she cleared out from that Port on the 30th of January, 1827, for the Island of St. Jago, with a Crew of 8 Persons, including the Master, and 3 domestick Slaves, who were duly entered on his Muster Roll as such, and for whom he took regular Certificates from the Judge of the Custom House, countersigned by his Secretary, as his authority under the Treaty and Convention between Great Britain and Portugal for the Suppression of the Slave-trade, for having them on board. Distress on his way to St. Jago, compelled him to put into Sierra Leone to procure provisions and water, which having been supplied with, he cleared out at the Custom House on the 14th of April, and attested before the Collector to seven persons, what he swore to be a true list of men belonging to the Vessel, and took his departure for his destined Port at three o'clock on the morning of the 17th, but had not got far out of the Harbour, when positive information was received by His Excellency Sir Neil Campbell, that he had carried off some Natives of Africa as Slaves, and he immediately addressed a Letter to Lieutenant Thomas Crofton, commanding a Tender of His Majesty's Ship *North Star*, then lying in the Harbour, of which the following is a Copy, which was filed in the Cause:—

“ *On board the Steam Vessel, African, Sierra Leone  
Harbour, 17th April, 1827, 12 A. M.*

“ SIR,

“ It having been just reported to me by the Collector of Customs, that he had certain information that a Portuguese Vessel, which left the Harbour this morning, had carried off some Natives of Africa as Slaves, I request to draw your attention to the circumstance, and, as the Vessel in question cannot be far distant, to suggest to you the propriety of your proceeding in immediate search of her in the Vessel under your command, if in your power, consistently with the Commodore's Orders.

“ I have the honour to be, &c.

“ N. CAMPBELL, Governor of Sierra Leone

“ *Lieutenant T. Crofton,* and Dependencies.”

“ *Commanding the Tender of H.M.S. North Star.*”

“ P. S. The Collector has left the Harbour in pursuit of this Vessel, but there is little probability of his succeeding in an open Boat.”

Lieut. Crofton, with the energy and activity characteristick of a British Officer, immediately attended to the suggestion of the Governor, and went in pursuit of her, and at 10 o'clock on the night of the 19th, being in 8. 20. North, Longitude 14. West, succeeded in overtaking her, and, after a strict search, found 3 young females concealed on board. This Officer in his Declaration, stated that she had on board a Crew of 13 men, and 3 Slaves, said to have been taken on board at Loando, and that at the time of boarding the said Schooner, the said Slaves were concealed in a false bottom of the caboose, or fire-place, scarcely 1 foot high by 4 feet square, and had they remained in that situation for the space of ten minutes more, they must have been



suffocated ; and he further declared, that after capture of the said Vessel, the said Master, Manoel Francisco dos Santos Pires, made him an offer of £50. Sterling, to allow him to proceed on his Voyage to Cape de Verd Islands, without further molestation.

She arrived back in this Harbour on the 21st of April, and on the 23d her Papers were brought into Court, duly attested by Lieutenant Crofton, and a Monition prayed for and granted, which went forth on the 24th, and was returned the 1st of May, certified to have been duly served.

On the 4th of May, the Proctor for the Master prayed for leave to file Claim, and Affidavit in support thereof, which was granted. In this Affidavit the Master swore " that the said Schooner was captured on the 17th day of April, in the prosecution of her Voyage from Sierra Leone, on the Coast of Africa, to Cape de Verd, with no Cargo, but having on board 6 African Domesticks belonging to him; that Bernardino Joze de Barros, of Rio Janeiro, a Subject of His Majesty The Emperor of the Brazils, was, at the time of Capture, and now is, the true, lawful, and sole Owner and Proprietor of the said Schooner *Tres Amigos*, her tackle, apparel, and furniture on board the same; that the 6 African Domesticks on board the said Schooner are the property of this Deponent, and consist of 3 Men and 3 Girls, and that he verily believes the said Schooner and Africans are protected by the Treaty or Convention between His Britannick Majesty and His Most Faithful Majesty; that the said Africans, namely, 3 men, were Domesticks, who have been brought up as Mariners, and that the 3 girls were purchased for domestick use, at St. Paul de Loando, a City to the South of the Line, appertaining to the Crown of Portugal, by this Deponent, from Portuguese Subjects and residents in the said City, and that the said 6 Africans were on board the said Schooner as domestick Servants only, and not for any purpose of Traffick or Sale. That the said Schooner *Tres Amigos* was a regular Brazilian Merchant Vessel, pursuing at the time of capture, her legal Voyage to a Portuguese Port, and was not engaged in, or permitted to trade in Slaves, and therefore not liable to be searched or detained upon any pretence whatever " and that the said Schooner *Emilia* was not a Vessel belonging to the Royal Navy of Great Britain, and thereby on no pretence authorized to search or detain the said Vessel." In his Examination on the Standing Interrogatories he deposed, " that he had 4 Passengers on board at the time of Capture, 1 was a Seaman taken on board at Sierra Leone for a Passage to the Cape de Verd Islands, he was a black man, named Refino, the other 3 were small Girls, taken on board at Angola. They were concealed under the fire-place at the time of Capture, as he thought the Capturing Ship was a Spanish armed Vessel that would plunder him; the 3 Girls were Natives of Africa, and were going to Rio Janeiro as his Servants." In this he was supported by the testimony of

Diego Baptista, the Boatswain, and Dionizio Francisco, a Seaman belonging to the Schooner, almost word for word, in addition to which the former deposed the names of the Girls to be Marie, Rosa, and Johanna, and that they were Servants the Captain was taking for his wife.

At the hearing of the Case, on the 15th of May, the Proctor for the Claimant contended, that this Vessel was entitled to be restored from the circumstance of her being a regular Brazilian Merchantman, not engaged in, or permitted to trade in Slaves, and there was no authority in the Treaty or Convention, allowing the right of search to Portuguese or Brazilian Vessels so situated; that the British were allowed, under certain regulations, to transport Slaves from one Possession to another, and that the same liberty was allowed to the Portuguese or Brazilians, by Treaty and Convention, according to a form to be agreed upon between the two Governments, which form had not yet been agreed to, and it was therefore impossible the *Tres Amigos* could be furnished with it: and her not having it, did not shew any proof of an illegal Traffick if found with Slaves on board, shipped from a Port where it still continues lawful, for another Possession belonging to the Crown of Portugal or Brazil. He further contended that the object of the Master in offering £50. to the Commanding Officer of the Capturing Vessel to allow him to proceed on his Voyage to Cape de Verd, without further molestation, was, because he was satisfied that the detention of his Vessel, if restored, which he had no doubt of, would cause such delay in his getting back to his original Port (Rio Janeiro), as would cause him great loss, and, therefore, he hoped the Court would not put an unfavourable construction on that point. And should it, from what he had said, and the Evidence adduced, be of opinion this was a Case for restitution, he had directions from the Claimant to say, he would deliver up the 3 Girls to the Government of the Colony.

The Court, in proceeding to give its Judgment on this Case, remarked, that there existed not the slightest doubt of the *Tres Amigos* having been illicitly engaged, in having on board 3 Girls as Slaves, without having any Passport or Certificate for them, contrary to the Treaty and Convention between Great Britain and Portugal, for the Suppression of the illegal Traffick in Slaves. The discrepancy in the Claim of the Master, where he states they are domestick Slaves, compared with his Examination, that they were Passengers taken on board at Angola, the concealment of them under the fire-place of the caboose, his proposal to deliver them up to the Government of the Colony, and his offer of £50. to the Capturing Officer to let him go unmolested,—all tended most strongly to shew the culpability of the Master, and his knowledge of the illegality of the transaction. The 5th Article of the Convention most positively brought her within its provisions, as certain information was received that she had Slaves on

board, and it was perfectly evident that the Master knew that he was not safe from seizure, under the said Treaty and Convention thereto, had he not taken Certificates, as provided for by the Additional Article to the Treaty, signed at Vienna, 22d January 1815, from the Portuguese Authorities at Angola for the 3 domestick Men Slaves he had on board as Sailors; and from that circumstance alone, he must have known it was equally incumbent upon him to have Certificates from the same Authorities for the Girls, as domestick Slaves, according to the Additional Article to the Treaty before quoted, and although it was proved that they had been shipped within the limits prescribed by the 2d Article to the Convention, yet the acknowledgment of the Master that she was not permitted to trade in Slaves, her being without the requisite Certificate from the Authorities at Angola, to prove that they were domestick Slaves, and the proof that they were actually on board as Slaves, with no Passport authorizing the Vessel to carry them, all combined to bring her within the penalties of the Treaty and Convention, and made her liable to confiscation. The Court, therefore, condemned the said Schooner *Tres Amigos*, her tackle, apparel and furniture, and the goods, wares and merchandize laden therein, as good and lawful Prize, and as taken in such illicit Traffick by a Tender of His Majesty's Ship *North Star*, Septimius Arabin, Esq. Commander, and emancipated the 3 Slaves.

H. LUMLEY.

WM. SMITH.

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No. 67.—*His Majesty's Comm<sup>r</sup>. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. July 27.)  
SIR, *Sierra Leone, May 17, 1827.*

WE have the honour to enclose, with the present Despatch, the Report of the Case of the Brazilian Sloop *Conceição Paquete do Rio*, of Pernambuco, commanded by Manoel Francisco de Silva Araujo, which was captured off the River Benin, in Latitude 5. 44. North, on the 22d of March, 1827, by His Majesty's Ship *Maidstone*, Commodore Charles Bullen, C. B. Commander, for a breach of the Treaty and Convention between Great Britain and Portugal, for the suppression of the illicit Traffick in Slaves, and of her Imperial Passport, No. 20, dated Pernambuco, the 24th of January, 1827.

The Master made a Claim for this Vessel, together with costs, damages, and expenses, on the ground that she was specially permitted by her Passport to come to the Northward of the Equator, and in his Evidence deposed, in addition thereto, that foul winds, want of water, and his Vessel leaking, obliged him to come to the Northward of the Equator, in which he was supported by Pauline Jozé, a Witness in the Cause, all of which Evidence was most fully and most satisfactorily disproved. This, together with her being irregularly licensed to touch at the Islands of St. Thomas and Princes in her Passport, in which she was under an obligation solely to enter such Ports on the Coast of



Africa, where the Slave-trade is permitted to the Subjects of the Empire of Brazil, led to her Condemnation on the 15th of May, 1827.

We have, &c.

H. LUMLEY.

*The Right Hon. George Canning.*

WM. SMITH.

(*Enclosure.*)—*Report of the Case of the Brazilian Sloop Conceição Paquete do Rio, Manoel Francisco de Silva Araujo, Master.*

THIS Vessel, of the burthen of 77 tons, commanded by Manoel Francisco de Silva Araujo, and owned by Francisco Mamede d'Almeida, both Brazilians and Subjects of that Empire, sailed from Pernambuco for Molembo, on the 28th of January last, furnished with an Imperial Passport, No. 20, dated Pernambuco, 24th day of January, 1827, authorizing her to take any number of Slaves not exceeding 192, with leave to call at the Islands of St. Thomas and Princes, on the Coast of Africa, but being under an obligation "to enter solely such Ports on the Coast of Africa where the Slave-trade is permitted to the Subjects of the Empire of Brazil," and was captured off the mouth of the River Benin, otherwise Formoso, on the morning of the 22d of March, 1827, by His Majesty's Ship *Maidstone*, Commodore Charles Bullen, C.B. Commander, who in his Declaration states "that, on the 22d day of March, 1827, being cruising off the entrance of the River Benin, in Latitude 5. 44. North, he detained the Cutter or Sloop *Conceição Paquete do Rio*, sailing under Brazilian Colours, commanded by Manoel Francisco de Silva Araujo, hovering off the entrance of the River Benin, in Latitude 5. 44. North, in the Bight of Benin, a noted Slave-haunt, and by his own confession awaiting the rising of the tide to allow him to proceed in, as he states, to repair leaks, whereas the Carpenter of His Majesty's Ship under my command, by my direction, has thoroughly examined the said Vessel, and reports that no such leaks exist; that on the contrary, the bilge water is actually stinking in her hold, with no pumps rigged for the purpose of freeing her, did such reported leaks exist, and which the said Carpenter is ready to make oath to the truth of such his statement. All this being effected in direct opposition to the true intent and meaning of the 2d Article of the Additional Convention, signed at London on the 28th of July, 1817, as well as of the one to which it refers, No. 1, of the Treaty, signed at Vienna on the 22d of January, 1815, and also in direct contradiction of her Imperial Passport, No. 20, dated the 24th of January, 1827, irregularly licensing her to touch at the Islands of St. Thomas and Princes, and by virtue of the Correspondence of Mr. Chamberlain, formally calling on the Brazilian Authorities to forbid the practice of issuing these Licences, and by reason of which His Majesty's Naval Forces were authorized to deal with those Vessels according to the existing Treaties with Portugal, contained in a Letter to me from the



Right Honourable the Lords Commissioners of the Admiralty, I have detained her for being so irregularly licensed, and sent her to the Sierra Leone Mixed Commission Court for Adjudication. And I do further declare, that on my first seeing him, he made sail from the said River, the better, in my opinion, and for no other purpose than, to enable him the time to draw up the Document No. 6, forwarded with the Vessel's Papers, the ink of which was scarcely coloured at the time of its being given to the boarding Officer, and which was not done until he found I intended to detain his Vessel."

She arrived in this Harbour on the 27th of April, and the same day the Sloop's Papers were brought into Court, duly attested by the Affidavit of Morris Hughes, Gunner of His Majesty's Ship *Maidstone*, Prize-Master, and the usual Monition prayed for, with leave to file Evidence; which being granted, the Monition went forth the same day, and was returned on the 5th of May, certified to have been duly served.

The Master, in his Examination on the Standing Interrogatories, deposed, "that he did not know upon what pretence or for what reason the Sloop was seized; that the present Voyage commenced at Pernambuco, and was to have ended there; Pernambuco was the last clearing Port the Sloop sailed from previous to Capture; the Sloop did not anchor or touch at any Ports or Places during the Voyage in which she was taken; after she was taken by the Capturing Ship, she was brought to an anchor by order of her Commander, and it was in 5. 44. Latitude, North of the Equator; the reason of her being in that Latitude was, because she could not reach St. Thomas or Princes Islands, where she had permission to touch at, in her Imperial Passport; and when the wind blew strong, she leaked much, and she was, at the period of Capture, endeavouring to get into the Rio Formoso to repair the leak, as also to procure fresh water; the night before she was taken, at 8 o'clock, the land was seen, and she was then in 3 fathoms water; the next morning the River was seen, and at 8 o'clock the capturing Ship was first observed, and at 12 o'clock the Sloop was captured; the capturing Ship, on closing, hoisted French Colours and Pendant, and fired a gun, and seized the Sloop under those Colours; English Colours were not shewn, either before or after capture; had no communication with the shore at all; the exact Place of capture was at the mouth of the Rio Formoso, in Latitude 5. 44. North of the Equator; the Sloop was tacking occasionally at the mouth of the said Rio Formoso, waiting for the flood-tide to go in; her course was not altered during the Voyage in which she was taken, excepting on first leaving Pernambuco; when she had run into 14. South, she met contrary winds, which drove her to the North, and, although she constantly kept upon the wind, she ultimately could only fetch Rio Formoso." He further deposed, "that Francisco Mamede d'Almeida, of Pernambuco, a Subject of the Empire of Brazil, was the sole Owner of the

Sloop, and of the Cargo of merchandize on board her, and that the said merchandize was to have been delivered at Molembo, for his real account, risk, and benefit; no Slaves had been taken on board during the present Voyage; that all the Passports and other Papers which were found on board are entirely true and fair, none false or colourable; the Sloop was provided with an Imperial Passport to take Slaves from Molembo, in 5. 12. Latitude South of the Equator, with permission therein to touch at the Islands of St. Thomas and Princes, and he intended to exchange aquadente and tobacco there for tortoiseshell for the Owner, and to take in provisions also; bulk had not been broken during any part of the Voyage, nor had bulk been broken since Capture, that he was aware of."

Pauline Joze, a Sailor on board of the said Sloop, deposed, that he does not know upon what pretence or for what reason she was seized; the present Voyage commenced at Pernambuco and was to have ended there; Pernambuco was the last clearing Port previous to Capture; the Sloop did not anchor or touch at any Ports or Places during the Voyage in which she was taken; after leaving Pernambuco, she encountered foul winds, and could not get to the Southward, when the Master called the People aft, and protested that he was obliged, in consequence of the foul winds and the Sloop leaking much when the wind was fresh, to bear up to a Port to the Northward, to caulk the Vessel and to get fresh water; does not recollect the date the Protest was made; the land was made at 8 o'clock the night before the Sloop was taken, she being then in 3 fathoms water; no communication took place between the Sloop and the shore; he does not know the Place, Latitude, or time the capturing Ship was first observed; the Place of Capture was at the mouth of a River, but he does not know its Name or Latitude; she was tacking occasionally, waiting for the tide to get into the River, when she was captured; he does not know who was the Owner of the Sloop, nor the Owners, Laders, or Consignees of the Cargo of merchandize laden on board her; knows it was to have been delivered at Molembo, because his name was entered in the List of the Crew to go there to deliver it; no Slaves had been taken on board during this Voyage; bulk had not been broken this Voyage; bulk had not been broken since Capture."

On the 4th of May, the Master petitioned the Court to be allowed to file a Claim for the Sloop, together with an Affidavit in support of the same, which was granted. In this Affidavit he swears, "that he is a Subject of His Majesty The Emperor of Brazil, and was Master of the said Sloop at the time of the Capture thereof, by His Majesty's Ship *Maidstone*, Commodore Charles Bullen, C. B. Commander; and that the said Sloop was so captured on the 22d day of March last, in the prosecution of her Voyage from Pernambuco to Molembo, and brought to Sierra Leone; that Francisco Mamede d'Almeida, of Per-

nambuco, a Subject of his said Majesty The Emperor of Brazil, was at the time of the said Capture, and now is, the true, lawful, and sole Proprietor and Owner of the said Sloop *Conceição Paquete do Rio*, her tackle, apparel, and furniture, and of the Cargo on board the same; that he verily believes the said Sloop and Cargo are protected by the Treaty or Convention between His Britannick Majesty and His Most Faithful Majesty the late King of Portugal, and that he was specially permitted by his Passport to come to the Northward of the Equator; that no Person or Persons other than the Person before named, have any right, title, or interest in the said Sloop, her tackle, apparel, and furniture, goods, wares, and merchandize on board the same, at the time of Capture and Seizure thereof, and that he is duly authorized to make the Claim annexed, and that the same is a just and true Claim."

On the 12th of May, the Proctor for Captors filed an Affidavit of Morris Hughes, the Prize-Master, and Henry Lacon, Midshipman, on board the said Sloop with him, setting forth, "that on their going on board the said Vessel, the Deponents found the bilge-water of the said Vessel very offensive and stinking, and the Deponents did find two feet of water in the said Vessel's hold, and the said Deponents do solemnly declare and make oath, that they verily believe that the said Vessel had not been pumped for a very considerable time before Capture, that they caused the said Vessel to be immediately pumped out, and after 12 hours she was found to have made at the rate of 3 inches in that time; that a day or two after Capture, the said Sloop was taken in tow by His Majesty's Ship *Maidstone*; that while the said Vessel was thus towed, a tornado came on, and the said Vessel's bows were at times under water, and she did at that time ship a quantity of water, which entered by the fore-peak of the Vessel; that by reason thereof, on being examined, at the end of the following 24 hours, she was found to have made 12 inches in that period; that, since being cast off from the said Frigate *Maidstone*, and during the whole of the passage to this Harbour of Sierra Leone, the said Sloop has never been found to make other than from 5 to 7 inches of water every 24 hours; that during the Passage, and since parting from the Frigate *Maidstone*, which took place on the 7th day after Capture, and until the said Sloop arrived at Sierra Leone, the Deponents caused the said Sloop to be pumped each night and morning, and that no more was necessary, and that one person each time, making two spells at the pump each time, was able to pump the said Vessel clear of water; and that, at this present time, the said Sloop does not exceed 5 inches of water in 24 hours."

But the Court considering that proof of the fact set forth in that Affidavit might be further substantiated, decreed on the same day, a Commission of Survey to issue to Mr. Cole, Surveyor to the Courts of Mixed Commission, Nathaniel Thomson, Harbour Master, and



James Creighton, Master of the Ship *Thomas Gelston*, of Belfast, then lying in the Harbour, all of them experienced Seamen, in which they were strictly charged and commanded to survey, inspect, and view the said Sloop *Conceição Paquete do Rio*, and that they reduce the same into a true, perfect, and particular Report in writing, and that they transmit a Certificate by them subscribed, of all the particulars, and how far a leak existed in the said Sloop, and the quantity of water she made per hour; and on the morning of the 15th, they returned the Commission, together with their Report, in which they state, "in pursuance of a Commission of Survey to us directed, we proceeded on board the Sloop *Conceição Paquete do Rio*, of the burthen of 80 tons, or thereabouts, lying at anchor in the Harbour of Freetown, and do report as follows: That the Vessel is fully laden with Cargo; at 12. 30. P.M. we sounded the pumps of the Sloop, and found 11 inches water in the hold; we had the pumps tried, and they sucked;\* we carefully sealed them up, until 2. 30. P.M. and sounded them, and did not perceive that she had made any water in two hours; we left the Vessel until 6. 30. P.M. when we sounded again, and found no difference had taken place in six hours, and at 8 A.M. of the following day we sounded again, and found she had made half an inch in 19½ hours. We further state, that the said Vessel is tight, and has no material leak, and we do declare, that we have so carefully taken this survey that we are ready to make oath thereto, if so required."

This closed the Case, and the Court proceeded to the examination of the particulars of it, by which it fully appeared that the Master in his Deposition carefully abstained from any allusion to the Protest, marked No. 6, which he delivered to Commodore Bullen, when he found he intended to detain him, probably under the impression that that Document was not before the Court, and which, in this Case, was most important to shew the artifice practised to elude the penalties of the Treaty and Convention, under which he was seized. That Document is dated on the 21st of March, 1827, and on referring to his Log, it is on the very day he made the River Formoso. And he, and the whole Crew of the Sloop "protest in consequence of his being obliged to take on board fresh water, and being actually making considerable water by the stem and other places which could not be discovered;" this was in some measure substantiated by the Evidence of Pauline Joze, who deposed, "that the Master called the people aft, and protested that he was obliged, in consequence of the foul winds, and the Sloop leaking much when the wind was fresh, to bear up for a Port to the Northward, to caulk the Vessel and get fresh water, but he does not recollect the date," thereby proving to the satisfaction of the Court, that in this instance he was wilfully ignorant, as it could never be supposed, for one instant, that he did not know it was written the

\* A nautical Term when the Pumps can no longer draw up the water.



very day the River was made, or as is more probable, that it was written, as Commodore Bullen says, during the chase of the Sloop on the morning of her Capture. Both he and the Master also swore, that the Sloop did not anchor or touch at any Ports or Places during the Voyage in which she was taken, and the latter says, she was only brought to anchor by order of the Commander of the Capturing Ship, after she was captured, which could only have been for a short period, for the purpose of making arrangements to send her to this Place for Adjudication, consequently the leak could never have been repaired; and if there had been any, it must have remained in the same state as it then was; this was a plain fact that could not be controverted in any possible way, and referring to the Depositions of Mr. Morris Hughes, the Prize-Master, and Mr. Lacon, Midshipman, on board with him, as also to the Report of the Survey, it was most positively and incontestably proved, that that Protest, and the Statements contained therein, were totally false and fraudulent; and it was worthy of remark that no mention whatever of a leak is made in the Log, which was a further proof that it never existed. The Master further swore, that after getting into 14. South, she met contrary winds which drove her to the North, and although she constantly kept upon a wind, she ultimately could only fetch Rio Formoso, in 5. 44. North Latitude; referring to his Log, that part of his Evidence which relates to his getting into 14. South, was fully borne out by it, but it also fully appeared by it, that he only went there to get a favourable wind for coming to the Northward, as it is shewn therein that the moment the wind would allow him he altered his course, which, from the day the aforesaid Latitude was made, was constantly to the N. E. until he reached 1. 30. North, Longitude 15. West of Cadiz, or 9. West of London; that, being within 180 miles of the Coast, and nearly opposite Cape Palmas, from which point he again altered his course and ran E. S. E., which, allowing for variation and current, is a due East course, and gradually as he got down the Coast, steering more northerly, until the day he was taken, and yet he would have the Court believe he kept upon the wind the whole way, when it is notorious that the prevailing winds in that Latitude and Longitude are from W. S. W. to S. W. and would have allowed him, had he been so disposed, to run directly before the wind for the Islands of St. Thomas and Princes, which Islands he pretends he could not fetch. The Court entered thus far into the merits of the Case, to prove the falsity of the whole Evidence adduced, as reasons for being at the particular point where she was captured, and having thus shewn the total discredibility of it, the presumption follows that clandestine objects were in view, which the tissue of perjury was intended to cloak.

The Master made his Claim, grounded only upon his Imperial Passport, specially permitting him to come to the Northward of the Equator, and consequently protected by the Treaty and Convention

between His Majesty and His Most Faithful Majesty the late King of Portugal; and says nothing therein of his being necessitated to come to the Northward, apparently relying on the permission given him to touch at the Islands of St. Thomas and Princes, as being fully sufficient for the restoration of his Vessel, thereby confirming the opinion of the Court, that the intention of coming to the North of the Equator was premeditated, and not accidental, and that there never existed any necessity for his doing so. But the said Treaty and Convention does not authorize the Government of Brazil to permit their Vessels fitted for the Slave-trade to come to the Northward. The Passport, which is an integral part of the Convention, must be conformable to the model annexed to it, and in this Case shewed, upon the face of the one granted to the *Conceição Paquete do Rio*, that it was not conformable to the said model: which, together with her being, by the very said Document, under an obligation to enter solely such Ports on the Coast of Africa where the Slave-trade is permitted to the Subjects of the Empire of Brazil, clearly brought her within the penalties denounced against those who are taken in an illicit Traffick in Slaves; as such the Court condemned the said Sloop *Conceição Paquete do Rio*, her tackle, apparel, and furniture, and the goods, wares, and merchandize laden on board the same, as good and lawful Prize, and as taken in such illicit Traffick by His Majesty's Ship *Maidstone*, Commodore Charles Bullen, C. B. Commander.

H. LUMLEY.

WM. SMITH.

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No. 68.—*His Majest.'s Commr. to Mr. Secy. Canning.*—(Rec. Aug. 15.)

SIR,

*Sierra Leone, 18th June, 1827.*

WE have the honour to enclose, herewith, the Report of the Case of the Brazilian Brigantine *Creola*, of Bahia, Manoel Jozé de Souza Guimaraes, Master, captured by His Majesty's Ship *Maidstone*, Commodore Charles Bullen, C. B. Commander, on the 11th day of April last, off the Island of Fernando Po, having on board 308 Slaves, who had been shipped 3 days previous in the River Calabar. Owing to the praiseworthy care and attention shewn to the unfortunate Creatures by the Commodore, only 19 died on their Passage here.

We beg to bring to your notice, Sir, that this Vessel came from Bahia direct to Calabar, under the alleged excuse to repair a leak, which, had that been the case, could have been more easily repaired at St. Thomas or Princes, where there are Native Shipwrights, and which Island she could have fetched with equal facility as the River Calabar, where, it is well known, there are none. From the fact of her having shipped a Cargo of Slaves in that River, no doubt can be entertained that her original intention in going there, was to obtain that Cargo, and which, in our opinion, affords a striking proof of the

illegal objects, Vessels, so circumstanced, have, in coming to the Northward of the Line.

The *Creola* was only 85 $\frac{3}{4}$  tons burthen, and authorized by her Imperial Passport, No. 37, dated Bahia, the 26th day of October, 1826, to proceed to Cabinda and Molembo, and, as usual, under an obligation, to enter solely such Ports on the Coast of Africa, where the Slave-trade still continues to be legal to the Subjects of Brazil. Although she was limited to carry only 214 Slaves, the rapacity of the inhuman Master induced him to cram nearly 100 more into her, making upwards of 7 for every 2 tons, aggravating in a most cruel degree the horrid misery of his victims by such studied barbarity; putting the Laws of his own Government at defiance, as well as the Treaty and Convention, under which he procured a Passport to carry on a licit Trade in Slaves.

On her arrival here she presented the shocking spectacle of a living mass, and but for the *Maidstone* having towed her up, which shortened the passage to 14 days, her craziness and bad sailing, would, doubtless, have prolonged it to a much greater length of time: dreadful must have been the consequences that would otherwise, at this particular season of the Year, have ensued to the poor wretches, pent up in such a floating charnel, exposed on deck to the inclemency of tornadoes and heavy rains. Colds, consumptions, dysentery, and other complaints, would have been engendered, from which many, without doubt, would have been relieved by death, and the Survivors subjected to painful and lingering diseases, or else liable to suffocation, if forced below, in a confined space of 3 feet high, all that was allowed on board her for such a number of unfortunate creatures to crowd into;—evils attendant upon the present inhuman mode of carrying on the illegal and nefarious traffick, which call loudly for redress. To such circumstances as these must be attributed the excessive number of deaths, which have happened to so many of the Vessels lately captured with Slaves on board, and which it has been our painful duty so frequently to report.

We have, &c.

H. LUMLEY.

*The Right Hon. George Canning.*

WM. SMITH.

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(Enclosure.)—*Report of the Case of the Brazilian Brigantine Creola, Manoel Jozé de Souza Guimaraes, Master.*

THIS Vessel, of the burthen of 85 $\frac{3}{4}$  tons, commanded by Manoel Jozé de Souza Guimaraes, and owned by Antonio Pedroso de Albuquerque, both Subjects of the Empire of Brazil, was furnished with the usual Documents from the Authorities at Bahia, together with an Imperial Passport, No. 37, dated Bahia, the 26th of October, 1826, authorising her to proceed to the Ports of Cabinda and Molembo, on the West Coast of Africa, being under an obligation to enter solely such Ports on the Coast of Africa where the Slave-trade is permitted

to the Subjects of the Empire, and limiting the number of Slaves to be shipped on board her to 214, and was captured by His Majesty's Ship *Maidstone*, Commodore Charles Bullen, C. B. Commander, on the 11th day of April, 1827, between the Camaroons and the Island of Fernando Po, having on board, according to the Declaration of the Commodore, 309 Slaves, who had been shipped in the River Calabar 3 days previous.

She arrived here on the 23d of May following, having, after Capture, been sent by the Commodore to await his arrival at Princes Island, from which Port he took her in tow, and performed the Voyage here in 14 days, and was immediately visited by the Medical Officer to the Court, who reported, that, from her crowded state, and 25 among them being sick, he submitted the necessity of immediately landing them; and the Proctor for the Captor having thereupon petitioned that they might be landed and delivered to the proper Authorities pending Adjudication, an Order was accordingly issued to that effect, and 289 Persons were landed (20 having, as was said, died on the Passage up), and delivered over to the Liberated African Department.

The Monition, as usual, went forth, and was returned on the 2d of June, certified to have been duly served.

Both the Master and the Boatswain, on their Examinations on the Standing Interrogatories, confessed, that "the Voyage began at Bahia, where it was to have ended; that Bahia was the last clearing Port the Vessel sailed from previous to Capture. The Vessel anchored and touched in the River Calabar during the present Voyage, anchored and touched there to repair a leak, but afterwards took in a Cargo of Slaves; that 308 Slaves were taken on board altogether in the River Calabar from the shore, and that none had died previous to Capture. The Place of Capture was near Fernando Po, in Latitude 4. 6. North of the Equator."

The Court met for the Adjudication of this Vessel on the 9th of June, and the proof of the illicit Traffick in Slaves having been clearly and undeniably substantiated, unhesitatingly condemned the said Brigantine *Crcola*, her tackle, apparel, and furniture, and the goods, wares, and merchandize laden therein, as good and lawful Prize, and as taken in such illicit Traffick in Slaves, by His Majesty's Ship *Maidstone*, Commodore Charles Bullen, C. B. Commander, and emancipated the surviving Slaves, to the number of 289, and pronounced that there were on board, at the time of Capture, 308, 19 having died previous to Adjudication; there being no proof before the Court that 20 had died, and both the Master and Boatswain of her, swearing 308 only were taken on board, and that none had died previous to Capture.

H. LUMLEY.  
WM. SMITH.



No. 69.—*His Majesty's Comm<sup>r</sup>. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. Aug. 15.)  
SIR, *Sierra Leone, 20th June, 1827.*

WE have the honour to enclose herewith, for your information, the Report of the Case of the Brazilian Brig *Silveirinha*, of Pernambuco, Bernadino Jozé Ferreira, Master, which Vessel was captured, on the 12th of March last, in the River of Old Calabar, in Latitude 4. 30. North, Longitude 8. 20. East, of Greenwich, by His Majesty's Ship *North Star*, Captain Septimius Arabin, Commander, having on board 266 Slaves, who had been shipped only the preceding day in the same River.

This Vessel came direct from Pernambuco to Calabar, and, as in the Case of the *Creola*, affords another proof of the audacity with which the illicit Trafficker in Slaves comes to the Northward of the Equator, to purchase a Cargo of wretched human Beings, under the assumption that he cannot be interfered with, unless actually having Slaves on board; fitting out his Vessel, and taking a Passport authorizing him to take a Cargo of Slaves, at Places where it still continues to be legal to the Subjects of the Empire of Brazil, to avoid the penalties attached to him by his own Government, for fitting out for a Slaving-voyage to the Northward of the Equator, with the intention, not only most grossly to violate its Laws, the moment he gets out of Harbour, but also the Treaty and Convention framed expressly to prohibit such illicit traffick.

It is also worthy of remark, that the *Silveirinha* is the same Vessel which Commodore Bullen fell in with at anchor at the Island of Anna Bona, in October, 1824,\* having then on board a Cargo of Slaves in the most deplorable condition, and, from her being out of the limits in which he was authorized to detain Vessels illegally trading in Slaves, he was reluctantly compelled to allow her to prosecute her Voyage to Pernambuco, although there existed every moral certainty that the Slaves then on board her, had been shipped to the Northward of the Equator.

We have again to report to you, Sir, the inveterate evils attendant on the present mode in which the inhuman Dealers in Slaves carry on the illicit and abominable traffick; this Vessel, of 82 tons burthen, and limited to carry only 205 Slaves, had on board, at the time of Capture, 266, being an excess of 61 Slaves in so small a Vessel.

In consequence of her bad sailing, her Voyage here was protracted to upwards of 11 weeks, during which period no less than 57 of the unfortunate wretches of the Master's avarice and cupidity, fell victims to diseases brought on by his inhumanity, in crowding into the very limited space allowed by his own Government, so many more than he was legally authorized to ship. This circumstance necessitated a number to be continually exposed upon deck to the inclemency of the

\* See Class B.—1825, 1826. No. 26.

weather, which brought on that terrible scourge dysentery, and which, we regret to report, terminated fatally to so many.

We have, &c.

*The Right Hon. George Canning.*

H. LUMLEY.

WM. SMITH.

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(Enclosure.)—*Report of the Case of the Brazilian Brig Silveirinha, Bernadino Jozé Ferreira, Master.*

THIS Vessel, of the burthen of 82 tons, commanded by Bernadino Jozé Ferreira, and owned by Bento Jozé da Costa, Junior, both Subjects of the Empire of Brazil, was furnished with the usual Documents from the Authorities at Pernambuco, and an Imperial Passport, No. 302, dated Pernambuco, 20th of September, 1826, authorizing her to take a Cargo of Slaves from Molembo, and restricting the number to be taken on board to 205.

On her Voyage out she was boarded by His Majesty's Ship *Maidstone*, on the 14th of November, 1826, in Latitude 4. 20. North, Longitude 3. 30. East, and again on the 11th of December, 1826, by His Majesty's Ship *Esk*, at anchor in the River Calabar, awaiting the procuration of her Cargo of Slaves, which was subsequently taken on board there, and she was captured by His Majesty's Ship *North Star*, Captain Septimius Arabin, in the same River, on the 12th day of March, 1827, having on board, as Captain Arabin says in his Declaration, 266 Slaves, said to have been taken on board the day previous. He further states in his Declaration, that the Master of the *Silveirinha* died on the day following to that on which she was detained.

She arrived here on the 31st of May, after a most tedious passage of upwards of 11 weeks, during which period, 57 of the unfortunate Slaves died from dysentery, brought on by exposure to the inclemency of the weather; and, in consequence of the suffering state of the surviving Slaves, a Petition was presented to the Court to allow them to be landed, which was immediately granted, and they were delivered into the charge of the Liberated African Department.

The same day the Ship's Papers were brought into Court, duly attested by the Affidavit of Mr. Nott, Admiralty Mate of His Majesty's Ship *North Star*, and the Monition, citing all Parties interested in the said Brig to appear, was sent forth, and returned on the 14th of June, certified to have been duly served.

In consequence of the death of the Master, 2 Seamen of the said Brig, of the names of Jozé Francisco Correiro, and Jozé da Silva, were the Persons examined on the Standing Interrogatories, and they both deposed "that the present Voyage commenced at Pernambuco, where it was to have ended; Pernambuco was the last clearing Port the Brig sailed from, previous to Capture; she anchored and touched at the River of Old Calabar, during the Voyage in which she was taken, she anchored and touched there for the purpose of purchasing Slaves; the

present Cargo consists of Slaves ; do not know the number that were taken on board altogether ; they were all taken from the shore in the River Calabar, and 2 had died previous to Capture.

The Court met to adjudicate this Case on the 19th of June, and the fact of the illicit traffick having been incontestably proved, Condemnation was accordingly passed upon the said Brig, her tackle, apparel, and furniture, and the goods, wares, and merchandize on board the same, and as taken in such illicit traffick by His Majesty's Ship *North Star*, Captain Septimius Arabin, Commander, and emancipated the surviving Slaves, to the number of 209, and pronounced 266 to have been on board at the time of Capture, and that 57 had died between the period of the detention and condemnation of the said Brig.

H. LUMLEY.

WM. SMITH.

*No. 70.—Viscount Dudley to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 31st August, 1827.*

YOUR Despatches of this Series, to the 20th of June, inclusive, have been received at this Office.

His Majesty's Government have duly considered your Reports on the Cases of certain Brazilian Vessels, viz. the *Trajano*, *Tenterdora*, *Carlota*, *Venturoso*, *Providencia*, *Independencia*, and *Conceição de Marie*, which, under a charge of being concerned in illegal Slave-trade, have been condemned in the Mixed British and Portuguese Court of Commission established at Sierra Leone:—your Reports upon these Cases have also been referred for the opinion of the proper Law Officer of the Crown.

I have now to acquaint you, that His Majesty's Government entirely concur in the Judgment which you have passed on the facts of each of these Cases, declaring them to be grossly and systematically fraudulent. They consider the construction which you have put on the Compacts between Great Britain and Brazil, bearing upon the facts set forth, to be perfectly correct : and to justify the decision which you have pronounced in the condemnation of these Vessels.

You will continue, therefore, to apply, with due caution, to similar Cases, the rule by which you were guided in the Cases in question ; having constant reference to the Stipulations of the Compacts between the two Countries, and forming your Judgments in strict accordance with the spirit of those Stipulations.

I send to you, for your information, the accompanying Copy of an Instruction\*, which, by His Majesty Command, I have this day addressed upon this point, to His Majesty's Envoy in Brazil.

I am, &c.

*His Majesty's Commissioners.*

DUDLEY.

\* See Class B.

No. 71.—*His Majesty's Comm<sup>r</sup>. to Viscount Dudley.*—(Rec. Sept. 18.)  
 MY LORD, *Sierra Leone, 4th July, 1827.*

WITH the present Despatch, we have the honour to enclose the Report of the Case of the Brazilian Brig, *Bahia*, of Bahia, commanded by Matthias Baptista de Carvalho, and owned by José Cerqueira Lima, both Subjects of the Empire of Brazil, and Inhabitants of Bahia.

The *Bahia* was fitted out for a Slaving-voyage to the Port of Molembo, and was furnished with the usual Documents, and an Imperial Passport, No. 4, dated Bahia, the 3d of February, 1827, authorizing her to take on board 542 Slaves, and being under an obligation solely to enter such Ports on the Coast of Africa where the Slave-trade is still permitted to the Subjects of the Empire of Brazil.

She left Bahia on the 7th of February, and steered as direct a course as the winds would permit her, to the Northward of the Line, having made Cape Three Points, in Latitude 4. 40. North, Longitude 2. 35. West, on the 11th day of March, and the 33d of the Voyage. After calling at the Dutch Possession of St. George d'Elmina, and at Accra, she proceeded to Away, a Place about 10 miles to the Eastward of Cape St. Paul's, and now becoming a well known Place for procuring Slaves, where she arrived on the 1st of April, and she was captured there at anchor, on the 3d day of that month, by His Majesty's Brig *Conflict*, Lieutenant Wakefield, Commander, having her purchase up ready for the delivery of her Cargo, part of which had been previously landed, with a large Canoe astern, which was, doubtless, intended for shipping a Cargo of Slaves, to be procured, either there or at Places to leeward of it.

The defence set up for being to the Northward of the Equator was, the usual one—of the want of provisions and water, but the gross prevarication of the Mate, Pedro Joel Netto, so totally contradicting the Defence, and the unsubstantiated testimony of the Boatswain and Cook, left no doubt on the mind of the Court of the illicit object of this Vessel, and it accordingly pronounced Sentence of Condemnation on her, on the 19th of June, 1827.

We beg, my Lord, your reference to the Report for the particulars of this Case, which, as well as those condemned lately on the same point of the Treaty, we have thought it best to report minutely, rather than such an Abstract, as has hitherto been the accustomed mode, that the circumstances attending each may be fully developed, and that you may be enabled to judge of the particular merits of each Case, how far we have acted according to the spirit and letter of that point of the Treaty and Convention, under which we conscientiously deemed it our duty to condemn them.

We cannot refrain from bringing before your notice, my Lord, the



defence set up by each of the Claimants in the Cases of the *Hiroina*, *Eclipse*, *Trajano*, *Tenterdora*, *Carlota*, *Venturoso*, *Providencia*, *Independencia*, and *Conceição Paquete do Rio*, which have lately been condemned upon the same principles as the *Bahia*. Each Claimant, on being examined on the Standing Interrogatories, invariably founded his principal defence upon requiring provisions and water, after Passages from the Brazils to Africa, the longest of which were not more than 35 days, except in the Case of the *Conceição de Marie*, and which, upon strict examination, was totally disproved. They also swore that the Cargoes on board their Vessels were to have been delivered at Molembo, yet they all broke bulk and landed more or less of their Cargoes, at Ports and Places to the Northward of the Equator, according as circumstances, or the length of their stay at the several Places, permitted their doing so, previous to Capture.

The extraordinary combination of the same circumstances happening to so many different Vessels, carried with it the conviction of its improbability, nor could it be for one moment credited, that Vessels whose actual destination was to Molembo, in 5. 12. South Latitude, could, after such short Passages, be in the distress the Claimants represented for provisions and water, or would come to the Northward of the Equator to procure them for the Slaves intended to be embarked at that Place. Such an object would protract the Voyage for months, as the direct distance from Molembo to the Bight of Benin, where they were all captured, is full 11 degrees of Latitude, and 8 degrees of Longitude, and the winds and currents are directly adverse to her gaining that Port, otherwise than by a most tedious Passage of beating nearly the whole way there.

Common sense, as Mr. Chamberlain justly observes in his representation to the Brazilian Government, revolts against such a belief. There can be but one motive for taking so circuitous and unnecessary a course, and that motive, undoubtedly the fraudulent one of obtaining illegally a Cargo of Slaves at, or near to, the very Places where they were captured.

We beg leave to enclose an Affidavit of the Commissioners of Appraisement and Sale, and of the Gentlemen they selected to appraise the several Vessels condemned, by which you will perceive, that the untenable defence of requiring provisions was made to evade the penalties of the Treaty and Convention which they had violated. The Affidavit is in itself so strong as to require no comment of ours, other than that it satisfactorily supports our opinion, that the Evidence adduced in each Case, on that particular point, was false and fraudulent, and confirms the illegal object of the Vessels in question.

The Cases of the *Creole* and *Silveirinha*, lately reported to Mr. Secretary Canning, afford a strong analogous confirmation of the object,

Brazilian Vessels, fitted for the licit Slave-trade, have, in coming to the Northward of the Equator.

We have, &c.

H. LUMLEY.

*The Right Hon. Viscount Dudley.*

WM. SMITH.

(Enclosure 1.)—*Report of the Case of the Brazilian Brig Bahia, Matthias Baptista de Carvalho, Master.*

THIS Vessel of the burthen of 217 tons, commanded by Matthias Baptista de Carvalho, and owned by Jozé Cerqueira Lima, both Subjects of the Empire of Brazil, was fitted out at Bahia for the Slave-trade, furnished with an Imperial Passport, No. 4, dated Bahia, the 3d of February, 1827, bound to the Port of Molembo, on the Occidental Coast of Africa, authorizing her to carry 542 Slaves, and under an obligation to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire of Brazil; and she was captured, on the 3d day of April, 1827, lying at anchor in the Roads of Away, situate in 6. 20. North Latitude, and about 1. 40. East Longitude, by His Majesty's Brig *Conflict*, Lieutenant Arthur Wakefield, Commander, who, in his Declaration states, "at the time she was boarded, she had her purchase up, ready for delivering her Cargo; that she had a large Canoe astern, such as is generally used for shipping Slaves on that part of the Coast, and that the Mate informed him that she had been purchased at St. George d'Elmina, for the use of the Vessel, and that they had landed part of their Cargo in exchange for stock, water, &c., and for the above-mentioned Canoe; and from the information of the Mate and Crew, she had been lying several days at St. George d'Elmina, Accra, and the Port of Away." He further declared, that "the Master, Clerk, and 2 Servants remained on shore at Away, although sufficient notice had been given for their embarkation, and several Canoes had been off to the Brig.

She arrived at Sierra Leone on the 11th of May following, and, on the same day, the Papers were brought into Court duly attested by the Affidavit of Mr. William Harriott, Master of His Majesty's Brig, *Conflict*, and Prize-Master of the *Bahia*, and a Monition, citing all Parties interested, to appear, was prayed for and granted, which went forth on the 12th, and was returned certified to have been duly served, on the 19th of the same month.

On the 12th the Affidavit of Mr. Harriott was filed, accounting for the loss of the Canoe the Brig had astern when captured, by reason of the rope or painter, by which the said Canoe was secured to the stern of the Brig, parting, during his voyage up, in consequence of which she went adrift and was lost."

The Mate, Pedro Joel Netto, on his Examination, deposed, that "the present Voyage began at Bahia, and was to have ended there;

that Bahia was the last clearing Port the Vessel sailed from previous to Capture; she anchored and touched at Elmina, Accra, and Away, during the Voyage in which she was taken; she anchored and touched at Elmina 2 days to repair the fore topmast, to caulk the Vessel, and to get fresh water at Accra, to procure provisions and water, and at Away for the same purpose, the water of Accra being bad, and a sufficiency of provisions not to be had; that the exact Place of Capture was in the Roads of Away, the Vessel being at anchor there; that the Vessel could not be directed for the Place to which she was bound on account of foul winds; her course was sometimes altered during the Voyage, in order to try for a fair wind; that no Slaves had been taken on board during the Voyage; that Jozé Cerqueira Lima was the Owner and Lader of the merchandize on board her; it was consigned to the Master, and was to have been delivered at Molembo; and bulk was broken during the present Voyage at Elmina to pay for water, and at Away to pay for provisions."

The like Evidence was also given by Domingos da Costa, the Boatswain, and Miguel the Cook, as to requiring provisions and water; but neither of them say any thing about the necessity of the Brig's putting into Elmina to repair the mast; and the former mentions the accident merely to account for the deviation of her course; and neither of them say a word about caulking; nor does Pedro Joel Netto, in either of his further Examinations, allege that as an excuse.

On the 19th, the aforesaid Mate, in the absence of the Master, filed a Claim for the Vessel, together with costs, damages, and expences, as the property of Jozé Cerqueira Lima, an Inhabitant and Native of Bahia, and protected by the Treaty or Convention between His Britannick Majesty and His Most Faithful Majesty, dated the 28th of July, 1817; and in his Affidavit in support of his Claim, he swore that "the said Brig was captured, on the 3d day of April last, in the prosecution of her Voyage from Bahia, in the Brazils, to Molembo, on the Coast of Africa, and brought to Sierra Leone; that Jozé Cerqueira Lima was, at the time of the said Capture, and now is, the true, lawful, and sole Owner and Proprietor of the Brig *Bahia*, her tackle, apparel and furniture, and of the Cargo on board the same; that he is the true, lawful, and sole Owner of 315 pieces of white and striped cottons, which are, and have always been, in the birth or sleeping place of him, the Depo-  
nent, and not in the hold of the Vessel, where alone is the property of the Owner; and he is the true, lawful, and sole Owner of the small cask of port wine, which is marked with his name; that no Slave or Slaves had been, during the said Voyage, shipped on board the said Brig; that the said Brig's fore-topmast was carried away in a tornado during the night of the 21st or 22d of October, to the best of his recollection; and that, being in want of water, and to procure the

same, and get the repairs completed, the said Brig was taken into St. George d'Elmina, from whence, not being able to get water, she proceeded to Away, and that in the Master's absence he was duly authorized to make the said Claim, which was a true and just Claim, and he would be able to make due proof and specification thereof."

On the 26th following, the Proctor for Captor prayed that Special Interrogatories might be put to the Witnesses, and the following further Evidence was obtained from Pedro Joel Netto, who deposed, "that the Master was on shore at Away at the time of Capture; he quitted the Vessel the same day she was captured; he did so for the purpose of trafficking for provisions and fresh water; he has not come to Sierra Leone, being at the time of the Seizure of the Vessel on shore; that tobacco, aquadente, and iron bars, were paid for the Canoe, but he does not know the quantity; the Canoe did not belong to the Vessel; it was hired to bring off provisions and water; and the tobacco, aquadente, and iron bars paid for such hire; the Canoe belonged to Away; tobacco, aquadente, and iron bars were landed at Elmina and Away, but he does not know the quantity; four small casks of water were received on board at Elmina, none at Accra, and a number of casks at Away, but he does not know the quantity; Elmina, Accra, and Away, were the only Places the Brig touched at since leaving Bahia, and before Capture."

This was confirmed in almost every point by Domingos da Costa, who further deposed, "that a signal was made for the Master to come on board, but he had not; and that tobacco, aquadente, and cloth, were landed at Elmina and Away, and some of each was also paid for the hire of the Canoe and People at the last Place;" but nothing is mentioned by him respecting the landing of iron bars.

On the 8th of June, the Court put special questions to the Witness, Pedro Joel Netto, to elicit further confirmation of his foregoing Evidence; and he that day deposed, on oath, "that he did not know the date of the Brig's arrival at Elmina, she was there 3 or 4 days; he did not know the date of her arrival at Accra; she reached Away on the afternoon of the 1st of April; at Accra, he believed, she remained 2 days; water was the only article received on board at Elmina, but he does not know the quantity; water and provisions were received on board at Away, and also 7 casks of shells, on account of the Captain; he does not know the quantity of water; the provisions consisted of 376 fowls, besides ducks, sheep, goats, turkies, and pigs, but he does not know the number of each; the water was brought off to the Vessel at Elmina and Away by a Canoe from each of those Places; he does not know how many trips they made; has forgotten when the Log ended; the first land made upon the Coast was Cape Three Points, at which time it was discontinued, because land was made."



On the 17th of June, an Affidavit of Mr. Harriott, the Prize Master, was filed in Evidence, in which he swore "that at the time of the seizing and detaining the Brig called *Bahia*, whereof Matthias Baptista de Carvalho was Master, to wit, on the 3d day of April, 1827, the said Brig was well and sufficiently supplied with beef, pork, flour and other sea stores, for the consumption of the Crew of the said Vessel, to complete her intended Voyage to Molembo." And this Deponent further saith, that the "said Vessel had on board at the time aforesaid, 3 pipes and 8 casks, filled with fresh water, and 1 pipe in Ship's use, that the Slave coppers were also filled." And this Deponent further saith, that there was also on board thereof a considerable quantity of farinha, and jerk beef, and that the said Vessel was in every respect in a fit and proper state to proceed on her said intended Voyage."

This closed the Evidence, and on the 19th of June the Court met for the purpose of adjudicating the Case, and in pronouncing its Judgment, remarked, that on referring to the Log of the *Bahia*, which was kept by the principal Witness and Claimant in this Case, Pedro Joel Netto, the Mate, it appeared that she left Bahia on the 7th of February, 1827, and, from the moment of her departure from that Port, it proved the intention of coming to the Northward of the Line to have been premeditated, and not accidental owing to adverse winds; as it shewed, that whenever the wind would allow, she was steered to the Northward and Eastward, until she reached 1. 25. Latitude South, Longitude 9. 42. West, being then nearly in the Longitude of Cape Palmas, and distant from it about 360 miles South; her course is altered to East South East, which, allowing for variation and current, is about an East and by North course, and, consulting the Chart, it is evident she must have been running down the Coast, at the same time she was gradually drawing in for it, and this position is fully proved by referring to her Latitude and Longitude from that day, for she crossed the Line to the Northward on the 26th day of the Voyage, and, for 6 days afterwards, her course is continued the same, when, being in 3. 9. North Latitude, Longitude 3. 30. East, her course is altered to North North East for 24 hours, apparently with the intention of making the land, when, being in Latitude 5. 7. North, Longitude 3. 58. East, and the 33d day of the Voyage, the Log ends.

If the Longitude entered in the Log was, therefore, really correct, it would place the Vessel off that notorious Slave-haunt, Badagry, but, presuming that the Longitude was incorrect, it is evident, that her running North North East, which, corrected for variation, is nearly a due North course, was to make the Land as soon as possible, after rounding Cape St. Paul's, and as she was taken at anchor in Away Roads, about 10 miles to the Eastward of it, it would appear that that must have been the first place made on the Coast, as the Latitude and Longitude, on the

32d day of the Voyage, makes the Vessel 120 miles from it South, and her having run 120 miles North, the day after, would appear to place the question beyond all doubt.

It is therefore totally impossible to reconcile the Evidence of the Witnesses with that afforded by the Log, a circumstance which most assuredly throws a strong suspicion of criminality upon them, and more particularly upon the Witness Pedro Joel Netto, the Mate, who was the very Person that kept the Log, but who, notwithstanding, in the most direct contradiction to that important record, swears, "that the Vessel had been at Elmina and Accra," Places which, on referring to it, she could never have visited, as on the day she was in the Longitude of Elmina, she was in Latitude 0. 47. North, or a distance from it of 260 miles South; and the day she was in the Longitude of Accra, she was in Latitude 1. 42. North, or a direct distance South of that Place, of 218 miles. He further swears "the Log was discontinued the day that land was made, and which Land was Cape Three Points," also "to the Vessel's being only 9 days on the Coast altogether, previous to Capture;" referring again to the Log, it will be seen to end on the 11th day of March, and that the Vessel was taken on the 3d of April, thus making her 23 days upon the Coast under the pretence of procuring provisions and water, when, by his own Evidence, he was only so employed 9. Where was the necessity of concealing that fact, if it were not to endeavour to cloak the clandestine object of the Voyage?

The receiving on board at Elmina only 4 small casks of water, and the Vessel having landed there tobacco, aquadente and iron bars, is a very suspicious circumstance, as it is in the knowledge of the Court, that roll tobacco, such as is brought upon the Coast, is of the value of from £2. to £4. per roll, generally the latter; aquadente, 7s. 6d. per gallon, and iron bars the same high price; and indeed affords strong grounds for concluding, that those articles of the Cargo were landed in payment of something more than the small quantity of water, and the probability is that it was in disbursement of the Canoe, which, the Captor states in his Declaration, the Mate told him was bought there, although the latter denies it in his Evidence, and that it was intended for the purpose of being employed in the shipment of the Slaves to be procured on the Northward Coast, this being the only way of getting them on board, and for the purchase of which most of the Slavers touch at Elmina, and other Places to windward of it. Another circumstance to which suspicion must also be attached, is the receiving on board at Away, along with the stock and water, 7 casks of shells, which shells are cowries, and which are notoriously known to be an article much in demand for the purchase of Slaves at all Places situated between that point and the River Formoso; and the Court must presume that those shells were in part payment of the tobacco,

aquadente, and iron bars landed there, and, although it is not disproved that the stock and water were taken in there, the receiving them on board is no proof that she was really and *bonâ fide* in that distress as to oblige her to go there for them.

The Affidavit of Mr. Harriott, the Prize-Master, as to the sea provisions on board her at the time of Capture, renders it quite conclusive that she could not have been in distress for want of them, as is attempted to be shewn; they must have been shipped in Bahia, and on board during the whole Voyage, as nothing but water was taken in at Elmina, and only fresh stock at Away; and this is the more strengthened, as farinha and jerk beef cannot be procured on the Coast, of which there is a considerable quantity on board.

Pedro Joel Netto, the Mate, in his Affidavit in support of the Claim, swears "that, on the 21st of October, the fore-topmast of the Brig was carried away, and that being in want of water, and to procure the same, and get the repairs completed, the said Brig was taken into St. George d'Elmina, from whence, not being able to get water, she went to Away."

The first of these allegations is, upon the face of it, totally false, as she did not leave Bahia until the 7th of February; but the Court will make all due allowance, and consider it to be a clerical error in the name of the month, and presume it to be meant for February; examining the Log in support of this circumstance, it certainly does appear that on the 17th of February, and on the 11th day of the Voyage, being in Latitude 13. 11. South, Longitude 26 25. West, carrying all sail, at 40 minutes past one, A. M. she carried away the foretop and top-gallant masts, in consequence of which the jib was stowed, and she lay to in order to save the bowsprit and all the fore-rigging, and to erect another mast in its stead, and on the following day the mast was rigged, and at 5 o'clock P. M. all sail was set, and she steered the same course she had been steering the night of the accident, which was a direct course for the Western Coast; here then is a positive contradiction to her having been compelled to put into Elmina to repair the mast, which he (the Mate) in his own hand writing, admits was performed at sea, and within 500 miles of the Coast of Brazil, yet he would have the Court believe, that necessity drove him into Elmina, and that he had preferred running across the Atlantic Ocean, upwards of 3000 miles, to repair the Mast, rather than bear up for his own Coast to procure assistance, if it had been necessary to put into Port to do so. The very assertion of such an incredible tale carries with it its own refutation, even if there was not a stronger one afforded by his Log.

Neither the Boatswain or Cook make any mention whatever of the Brig's having been obliged to put into Elmina to repair the mast, or to caulk her, and only the Boatswain says any thing about the matter at

all, and that merely to account for the alteration of her course, so that the Mate's Evidence, on those very particular points, rests entirely on his own unsupported Declaration, one point of which he appears to have thought untenable, as, except in his Examination on the Standing Interrogatories, he carefully abstains from saying any thing further respecting her caulking. She was only 33 days on her Passage to the Coast, and therefore, if the proper quantity of water had been put on board her, and she really had been in distress for it at the end of that time, the same must have been purposely made away with to allow of a pretext for coming to the Northward of the Equator; if the necessary quantity of water was not put on board for the Voyage, it would plainly shew, at the very commencement of it, its illegal object.

It has been clearly demonstrated, that the Evidence as to the want of provisions has totally failed in establishing the fact; the Court must, therefore, look with more than suspicion upon the Evidence as to the want of water. The Mate contradicts himself on this point no less than three times: he swears, in his Affidavit in support of his Claim, "that he could get no water at Saint George d'Elmina." On his Examination on Special Interrogatories, he swears, "four small casks were taken on board there;" and, to a Special Question of the Court, he says, "water was the only article received on board there, but he does not know what quantity;" he further says, "none was taken on board at Accra," and, having a convenient memory to recollect or forget when his interest seems to require it, and it being a question of importance to ascertain what quantity was taken on board at Away, he says, "he forgets what quantity," although he was there only 3 days. Is it likely he should recollect so precisely the number of casks taken on board at Elmina, about which he has prevaricated so grossly, which happened some days previous to his going to Away, and not recollect the quantity taken on board there? The fact could not be maintained, and he knew it; and this appears the more apparent, as he could recollect, to a single fowl, the exact number taken on board there, and yet the more important matter he forgets, and, referring to the Affidavit of Mr. Harriott, 3 pipes, 8 casks, and the Slave-coppers, were filled when she was captured; and although the Boatswain and Cook swear water was taken on board at both Places, yet it is remarkable that neither "know the quantity."

The proof of her being in distress, rests upon the Claimant to justify her being to the Northward of the Line, where she is, by her Passport, expressly prohibited from coming, and the Court have no hesitation in saying, that not one single point brought forward has been proved; and if she really did call at the Places the Witnesses have stated, the Log must be false and fictitious; and if she did not, the whole of the Evidence must be gross perjury, and in either Case affords strong proof of the illegality of the Voyage.



This Court would not go so far as to say, that every Vessel found to the Northward of the Line, and in the Boundaries within which His Majesty's Ships are authorised to make Captures, must come within the operation of the Treaty upon that particular point, and therefore liable to confiscation. Many untoward accidents and circumstances, to which all Vessels are subject navigating the High Seas, might compel her to bear up for the nearest Port she could reach for assistance, and that Port might possibly be situated to the Northward of the Equator; in that Case there would be a fair, reasonable, and just cause for such deviation, and it would, indeed, be hard to visit such deviations with confiscation, where a reasonable and unavoidable cause can be substantiated for it; but it would rest entirely with the Parties captured to prove such necessity, and the innocence of their intentions.

Looking collectively at all the facts of this Case, the Court must pronounce the Evidence of the Witnesses, particularly Pedro Joel Netto, to be totally unworthy of belief; his wilfully suppressing the number of days the Brig was on the Coast, his prevarication about the water, the falsehood about repairing the Mast, his deposing the whole of the Cargo belonged to Jozé Cerqueira Lima, and afterwards swearing a considerable part belonged to himself, together with the falsity of the Log, all tend fully to confirm that conclusion; and, therefore, the Court is most decidedly of opinion, that the Brig *Bahia* came wilfully and fraudulently to the Northward of the Equator, and the Claimant having failed in establishing the absolute necessity of that measure, it must be presumed, that she came there for the purpose of carrying on an illicit Traffick in Slaves, contrary to the Treaty between Great Britain and Portugal, for the suppression of the Slave-trade to the Northward of the Equator, signed at Vienna the 22d of January 1815, and of the 2d Article of the Additional Convention to the Treaty, signed at London, the 28th of July 1817, and of her Imperial Passport, which forms an integral part of the aforesaid Convention, which made it obligatory upon her to enter solely such Ports where the Slave-trade is still permitted to the Subjects of the Empire of Brazil, which extend from 5. 12. to 18. of Latitude, South of the Equator.

The Court, therefore, *do condemn* the said Brig *Bahia*, her tackle, apparel, and furniture, and the goods, wares, and merchandize laden on board the same, as good and lawful Prize, and as taken in such illicit Traffick by His Majesty's Brig of War *Conflict*, Lieutenant Wakefield, Commander.

H. LUMLEY.

WM. SMITH.

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(Enclosure 2.)—*Affidavit of the Commissioners of Appraisement and Sale.*

PERSONALLY appeared William Cole, and Thomas Harrison Parker, Commissioners of Appraisement and Sale to the Courts of Mixed Com-

mission, established in this Colony, for the prevention of the illicit Traffick in Slaves, and Samuel Matthew Magnus and Joseph Emerson, Sworn Appraisers, who, being duly sworn on the Holy Evangelists, depose and say, that they individually and collectively, under the Commission of Appraisement and Sale, issued by the Courts of Mixed Commission, against the Vessels, viz. *Hiroina, Eclipse, Trajano, Tenterdora, Carlota, Venturoso, Providencia, Independencia, Conceição Paquete do Rio*, and *Bahia*, condemned in that Court, proceeded on board them, in the discharge of the duties thereby imposed upon them, and in the delivery of their several Cargoes, they invariably found very considerable quantities of farinha and jerk beef on board of every one of them; that considerable quantities were landed and sold, but the supply was ultimately so great, that no purchasers could be obtained for it, and in consequence, tons of each were obliged to be thrown over-board into the Sea.

They further depose and say, that on breaking up the hold of the *Bahia*, to discharge her Cargo, they found, stowed away among the aquadente, one pipe of water.

Sworn before me this 3d day of July, 1827.  
JOS. REFFELL, Registrar.

WM. COLE.  
THOS. H. PARKER.  
S. M. MAGNUS.  
J. EMERSON.

No. 72.—*His Majesty's Commr. to John Backhouse, Esq. (Rec. Sept. 18.)*  
SIR, *Sierra Leone, 5th July, 1827.*

IN pursuance of the 75th Clause of the Act, passed in the 5th Year of the Reign of His present Majesty, entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade;" we beg leave to enclose, in duplicate, a Return of all the Cases of Portuguese Vessels adjudicated in the British and Portuguese Court of Mixed Commission, established here, from the 1st day of January to the 1st day of July 1827.

We have, &c.

*John Backhouse, Esq.*

H. LUMLEY.  
WM. SMITH.

(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, 1827, to the 1st day of July, 1827.

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.
Hiroina -	Oct. 17, 1826.	Brigantine and Cargo of Merchandise.	Charles Bullen, H. M. S. Maidstone.	Jan. 24, 1827.	Condemned for a breach of her Imperial Passport, marked No. 17, which made it obligatory upon her to enter solely such Ports and Places South of the Equator, where the Slave-trade is permitted to the Subjects of Portugal, Algarves, and Brazil, and against the true intent and meaning of the 2d Article of the Additional Convention to the Treaty with Portugal of the 22d of January, 1815, signed at London the 28th of July, 1817.	The Brigantine and Cargo sold by public auction, and the Proceeds paid into the Military Chest.
Eclipse -	Jan. 6, 1827.	Schooner and Cargo of Merchandise.	Septimius Aarabin, H. M. S. North Star.	Mar. 16, -	Condemned for being irregularly Licenced to touch at St. Thomas and the Island of Princes, on the West Coast of Africa, in her Imperial Passport, marked No. 25, dated Bahia, 2d September, 1826, in direct contradiction to that part of the said Passport which made it obligatory upon her to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of Portugal, Algarves, and Brazil, and against the true intent and meaning of the 2d Article of the Additional Convention to the Treaty with Portugal of the 22d of January, 1815, signed at London on the 28th July, 1817.	The Schooner and Cargo sold by public auction, and the Proceeds paid into the Military Chest.
Invincival	Dec. 21, 1826.	Ship and 440 Slaves	W. J. Purchas, H. M. S. Esk.	Mar. 16, -	Condemned for illicitly trading in Slaves.	The Ship sold by public auction, and the Proceeds paid into the Military Chest.
Venus -	Feb. 6, 1827.	Schooner and 191 Slaves.	W. J. Purchas, H. M. S. Esk.	April 9, -	Condemned for illicitly trading in Slaves.	The Schooner sold by public auction, and the Proceeds paid into the Military Chest.
Dos Amigos.	Feb. 8, -	Brigantine and 317 Slaves.	W. J. Purchas, H. M. S. Esk.	April 9, -	Condemned for illicitly trading in Slaves.	The Brigantine sold by public auction, and the Proceeds paid into the Military Chest.

(Enclosure continued.)

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.
Independencia - - -	Feb. 28, 1827.	Schooner and Cargo of Merchandize.	A. Wakefield, H. M. B. Confict.	May 15, 1827.	Condemned for a breach of her Imperial Passport, marked No. 1, dated Bahia, the 19th day of January, 1827, which said Imperial Passport made it obligatory upon her to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire of Brazil, which, by the 2d Article of the Convention to the Treaty between Great Britain and Portugal, signed at London on the 28th of July, 1817, is confined to the Territories of His Most Faithful Majesty The King of Portugal to the South of the Equator, and against the true intent and meaning of the said 2d Article, and of the 1st Article to the Treaty signed at Vienna the 22d of January, 1815.	The Schooner and Cargo sold by publick auction, but the Proceeds remain in the hands of the Commissioners of Appraisement and Safe, the Accounts not having yet been returned into the Registry.
Carlota - - -	Mar. 14, -	Schooner and Cargo of Merchandize.	Charles Bullen, H. M. S. Maidstone.	April 30, -	Condemned for a breach of her Imperial Passport, marked No. 50, dated Bahia, 18th of December, 1826, which said Imperial Passport made it obligatory upon her to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire of Brazil, which, by the 2d Article of the Convention to the Treaty between Great Britain and Portugal, signed at London on the 28th of July, 1817, is confined to the Territories of His Most Faithful Majesty The King of Portugal, to the South of the Equator, and against the true intent and meaning of the said 2d Article, and of the 1st Article to the Treaty signed at Vienna, the 22d January, 1815.	The Schooner and Cargo sold by publick auction, and the Proceeds paid into the Military Chest.
Venturoso - - -	Mar. 14, -	Brig and Cargo of Merchandize.	Charles Bullen, H. M. S. Maidstone.	April 30, -	Condemned for being irregularly Licenced to touch at the Islands of St. Thomas and Princes, on the West Coast of Africa, in her Imperial Passport, marked No. 38, dated Bahia, 4th November, 1826, which said Imperial Passport made it obligatory upon her to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire of Brazil, which, by the 2d Article of the Convention to the Treaty between Great Britain and Portugal, signed at London, on the 28th of July, 1817, is confined to the Territories of His Most Faithful Majesty The King of Portugal, to the South of the Equator, and against the true intent and meaning of the said 2d Article, and of the 1st Article to the Treaty signed at Vienna, the 22d January, 1815.	The Brig and Cargo sold by publick auction, and the Proceeds paid into the Military Chest.



(Enclosure continued.)

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.
Trajano	Mar. 13, 1827	Brig and Cargo of Merchandize.	Charles Bullen, H. M. S. Maidstone.	Apr. 30, 1827	Condemned for a breach of her Imperial Passport, marked No. 2, dated Bahia, 24th of January, 1827, which said Imperial Passport made it obligatory upon her to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire of Brazil, which, by the 2d Article of the Convention to the Treaty between Great Britain and Portugal, signed at London, on the 28th of July, 1817, is confined to the Territories of His Most Faithful Majesty The King of Portugal, to the South of the Equator, and against the true intent and meaning of the said 2d Article, and of the 1st Article to the Treaty, signed at Vienna, the 22d January, 1815.	The Brig and Cargo sold by publick auction, and the Proceeds paid into the Military Chest.
Tentadora	Mar. 14, —	Schooner and Cargo of Merchandize.	Charles Bullen, H. M. S. Maidstone.	April 30, —	Condemned for being irregularly licensed to touch on the Coast of Guinea, St. Thomas and Princes Islands, on the West Coast of Africa, in her Imperial Passport, marked No. 41, dated Bahia, 11th November, 1826, which said Imperial Passport made it obligatory upon her to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire of Brazil, which, by the 2d Article of the Convention to the Treaty between Great Britain and Portugal, signed at London, on the 28th of July, 1817, is confined to the Territories of His Most Faithful Majesty the King of Portugal, to the South of the Equator, and against the true intent and meaning of the said 2d Article, and of the 1st Article to the Treaty signed at Vienna, 22d January, 1815.	The Schooner and Cargo sold by publick auction, and the Proceeds paid into the Military Chest.
Conceição de Marie	Mar. 4, —	Brigantine and 232 Slaves.	Septimius Arabin, H. M. S. North Star.	May 15, —	Condemned for illicitly trading in Slaves - - - - -	The Brigantine sold by publick auction, but the Proceeds remain in the hands of the Commissioners of Appraisal and Sale, the Accounts not having yet been returned into the Registry.

(Enclosure continued.)

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.
Providencia	Mar. 16, 1827.	Schooner and Cargo of Merchandize.	Charles Bullen, H. M. S. Maidstone.	April 30, 1827.	Condemned for being irregularly licensed to touch at Sierra Leone, Coast of Guinea, and the Islands of St. Thomas and Princes, on the West Coast of Africa, in her Imperial Passport, marked No. 47, dated Bahia, 18th December, 1826, which said Imperial Passport made it obligatory upon her to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire of Brazil, which, by the 2d Article of the Convention to the Treaty between Great Britain and Portugal, signed at London, on the 28th of July, 1817, is confined to the Territories of His Most Faithful Majesty the King of Portugal, to the South of the Equator, and against the true intent and meaning of the said 2d Article, and of the 1st Article to the Treaty signed at Vienna, the 22d day of January, 1815.	The Schooner and Cargo sold by public auction, and the Proceeds paid into the Military Chest.
Trez Amigos	April 19, —	Schooner and 3 Slaves.	Septimius Arabin, by a Tender of H. M. S. North Star.	May 15, —	Condemned for illicitly trading in Slaves - - - - -	The Schooner sold by public 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.
Conceicao Paquete do Rio.	Mar. 22, —	Sloop and Cargo of Merchandize.	Charles Bullen, H. M. S. Maidstone.	May 15, —	Condemned for being irregularly licensed to touch at the Islands of St. Thomas and Princes, on the Coast of Africa, in her Imperial Passport, marked No. 20, dated Pernambuco, the 24th of January, 1827, which said Imperial Passport made it obligatory upon her to enter solely such Ports or Places on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire of Brazil, which, by the 2d Article of the Convention to the Treaty between Great Britain and Portugal, signed at London on the 28th of July, 1817, is confined to the Territories of His Most Faithful Majesty the King of Portugal, to the South of the Equator, and against the true intent and meaning of the said 2d Article, and of the 1st Article to the Treaty signed at Vienna the 22d of January, 1815.	The Sloop and Cargo sold by public 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.

(Enclosure continued.)

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.
Creola - -	April 11, 1827.	Brigantine and 308 Slaves.	Charles Bullen, H. M. S. Maidstone.	June 9, 1827.	Condemned for illicitly trading in Slaves - - - - -	The Brigantine sold by public auction, but the Proceeds remain in the hands of the Commissioners of Appraisalment and Sale, the Accounts not having yet been returned into the Registry.
Bahia - -	April 3, - -	Brig and Cargo of Merchandise.	A. Wakefield, H. M. B. Conflict.	June 19, - -	Condemned for a breach of her Imperial Passport, marked No. 4, dated Bahia, the 3d of February, 1827, which said Imperial Passport, made it obligatory upon her to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire of Brazil, which, by the 2d Article of the Convention to the Treaty between Great Britain and Portugal, signed at London on the 28th of July, 1817, is confined to the Territories of His Most Faithful Majesty the King of Portugal, to the South of the Equator, and against the true intent and meaning of the said 2d Article, and of the 1st Article to the Treaty signed at Vienna the 22d of January, 1815.	The Brig and Cargo sold by public auction, but the Proceeds remain in the hands of the Commissioners of Appraisalment and Sale, the Accounts not having yet been returned into the Registry.
Silveirinha	Mar. 12, - -	Brig and 266 Slaves	Septimius Arabin, H. M. S. North Star.	June 19, - -	Condemned for illicitly trading in Slaves - - - - -	The Brig sold by public auction, but the Proceeds remain in the hands of the Commissioners of Appraisalment and Sale, the Accounts not having yet been returned into the Registry.

H. LUMLEY.  
WM. SMITH.

No. 73.—*His Majesty's Commr. to the Earl of Dudley.*—(Rec. Oct. 15.)

MY LORD,

*Sierra Leone, 23d July, 1827.*

WE beg to enclose herewith, for the information of your Lordship, the Report of the Case of the Brazilian Brigantine *Copioba*, of Bahia, commanded by Joaquim de Araujo Braga, and owned by Francisco Pinto Lima.

The *Copioba* left Bahia on the 10th day of February last, from which Port she was furnished with an Imperial Passport, No. 6, dated Bahia, the 8th of February, 1827, authorizing her to proceed to Molembo, and take on board any number of Slaves, not exceeding 420, and giving her permission therein to touch at the Coast of Guinea, although the same Document made it obligatory upon her to enter solely such Ports where the Slave-trade is permitted to the Subjects of the Empire. She was captured by His Majesty's Brig *Clinker*, Lieutenant Matson, Commander, on the 15th day of May, at anchor at a Place called Otoco, about 9 miles to the Eastward of Cape St. Paul, in Latitude 5. 47. North, Longitude 1. 50. East.

This Vessel came direct from Bahia to the Northward of the Equator, having made Cape Palmas on the 24th day of March, on which day the Log was discontinued, as is usual with all Vessels engaged in the illicit Traffick in Slaves.

At the time of Capture the greater part of her Cargo was landed at Otoco, with her derrick rigged to deliver the remainder; having been there and at Accra, together, upwards of 6 weeks, the Master on shore for the purpose, as was stated, of purchasing provisions, although considerable quantities of farinha and beef were on board her, which must have been taken in at Bahia, her water filled, and nearly ready for the reception of a Cargo of Slaves; which, together with the prevarication and false statements of the Witnesses, and her being irregularly licenced to touch at the Coast of Elmina, were circumstances which induced the Court to pass Sentence of Condemnation upon her, on the 20th of July, 1827.

The Passport of the *Copioba* was not only violated by her deviating from its provisions, but was, in itself, irregular.

The Portuguese part of it allowed her to call at the Costa de Mina, (meaning Elmina, where Canoes are frequently obtained for the furtherance of the Slave-trade,) and the English translation annexed, the more undefined limits of the Guinea Coast.

The Costa de Mina, as it is termed by the Portuguese, comprehends, in its extent, part of the Gold Coast, and nearly the whole of the Slave Coast, extending from Cape Three Points to the River Lagos, including within those Boundaries all the notorious Slave Ports to the Northward of the Equator.

We have, &c.

N. CAMPBELL.

WM. SMITH.

*The Right Hon. Viscount Dudley.*



(Enclosure.)—*Report of the Case of the Brazilian Brigantine Copioba, Joaquim de Araujo Braga, Master.*

THE Brigantine *Copioba*, of 169 tons burthen, cleared out from Bahia in the beginning of February last, for a Slaving-voyage to Molembo, furnished with the usual Documents for such a Voyage from the Authorities there. Her Imperial Passport, No. 6, which was dated at Bahia, on the 8th of February, 1827, states her to be "bound to the Port of Molembo, to call at the Guinea Coast, on the Occidental Coast of Africa," being "under an obligation to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire of Brazil," and was authorized by the same Passport to take on board any number of Slaves, not exceeding 420. She was commanded by Joaquim de Araujo Braga, and owned by Francisco Pinto Lima, both Inhabitants of Bahia, and Subjects of the Empire of Brazil.

The *Copioba* sailed, on the 10th day of February last, from Bahia, and was captured by the Boats of His Majesty's Brig *Clinker*, Lieutenant George William Matson, Commander, on the 15th of May, following, at anchor in the Roads of Otoco, about 9 miles to the Eastward of Cape St. Paul's.

She arrived here for Adjudication on the 12th day of June, and on the 13th, the Papers were lodged in the Registry, accompanied by the Affidavit of Mr. Frederick Saumarez Fraser, Master's Assistant of His Majesty's said Brig, and Prize Master of the *Copioba*.

A Monition was also prayed for and granted, which accordingly went forth; and was returned on the 25th of June, certified to have been duly served.

On the 21st of the same month, the Proctor for the Captor filed an Affidavit of Mr. Frederick Saumarez Fraser, Master's Assistant, and Henry Burton Weston, Midshipman of His Majesty's Brig *Clinker*, in which they deposed, that "2 days subsequent to the Seizure of the said Sumaca *Copioba*, to wit, on the 17th day of May, 1827, they discovered and found the Log-book of the said Sumaca *Copioba*, marked No. 2, deposited in a corner of the Cabin, concealed under several bags of farinha, and the Log-book, marked No. 3, concealed in a case of sugar; both these Logs were brought in, and deposited in the Registry on the 13th, with the other Papers belonging to her.

Lieutenant Matson, the Captor, stated in his Declaration "that being off Cape St. Paul's, the Boats of His Majesty's Brig *Clinker*, on the 15th of May, 1827, found at anchor in Otoco, a Roadstead about 9 miles Eastward of the Cape, the Sumaca *Copioba* with her derrick tackle up, part of her Cargo discharged, and Long-boat out, under Brazilian Colours, having on board 2 guns, 20 Men, and Joze Thomas Gonsalves commanding, who called himself the Mate, and stated, that the Captain was on shore. A signal was made, which he stated had

been previously arranged, to the Captain to come off, and the Officer waited 24 hours ; none coming, he weighed, and joined His Majesty's Brig in the offing on the 16th, about 30 miles South of the Cape ;" he further declared, " that he detained the said Sumaca, for breaking her Passport, by landing part of her Cargo to the North of the Equator, and filling up his water, and being in a Roadsted, and near a well-known Place for the resort of Vessels engaged in the illicit Traffick for Slaves. Jozé Thomas Gonsalves, the Commander, at the time of detention, stated the Sumaca to be bound from Bahia to Molembo, and the excuse he gave for being in the above Roadsted and discharging, was, that he came in there for stock," and he further declared " that the said Sumaca appeared seaworthy, that she has farinha, beef, irons, and all the preparations for receiving Slaves on board, and that he has taken part of her Crew, and sent her to Sierra Leone for Adjudication."

Jozé Thomas Gonçalves, Mate of the aforesaid Vessel, being examined on the Standing Interrogatories, deposed, that " the present Voyage began at Bahia, and was to have ended there ; Bahia was the last clearing Port the Vessel sailed from previous to Capture ; she anchored and touched at Accra and Otoco during the present Voyage ; she anchored and touched at Accra to buy a Canoe and some cowries, and at Otoco to purchase provisions, get water, and to repair the mast of the Vessel and the sails ; at Accra communication took place between the Vessel and the shore by means of a Native Canoe, and at Otoco by means of the Vessel's Boat, and the Canoe purchased at Accra ; first saw the Capturing Ship's Boats at 9 o'clock in the morning of the 15th of May, the Vessel being then at anchor in the Roadsted of Otoco, at which time and Place she was captured ; had no instructions or directions for destroying, concealing, or refusing to deliver up, any of the Ship's Documents or Papers on board ; that Francisco Pinto Lima, the Owner, is also the Lader and Owner of the Cargo of merchandize now on board the Vessel, and the Master is the Consignee of the same ; it was to have been delivered at Molembo in South Latitude, for the real account, risk, and benefit of the aforesaid Owner ; no Slaves have been taken on board during the present Voyage. All the Passports and other Papers found on board were entirely true and fair ; he does not know if the Vessel was provided with an Imperial Passport to carry Slaves : that no Papers were concealed, or attempted to be concealed ; bulk was broken during the present Voyage at Accra and Otoco ; at the former, cloth, aquadente, and tobacco were landed to buy the Canoe and cowries ; and at the latter, cloth, aquadente, and tobacco to purchase provisions."

The same Evidence was also deposed to, nearly word for word, by Joaquim Luis, a Seaman of the said Vessel.

On the 6th of July, the Proctor for Captor prayed Special Interrogatories might be put to the Witnesses, and the following further information was elicited from Jozé Thomas Gonçalves, the Mate, who deposed "that Accra and Otoco were the only Ports or Places the *Copioba* touched at after her departure from Bahia, and previous to Capture; the Master of the *Copioba*, at the time of Capture was on shore at Otoco; he had quitted the Vessel 1 month previous to such Capture; his object in doing so was to purchase provisions; he has not come to Sierra Leone, because he was on shore at the time of Capture; he can swear that the Vessel was furnished with an Imperial Passport to carry Slaves from Molembo, and that it forbid her to trade for Slaves to the Northward of the Line, although the Vessel might touch for provisions; the true cause why the Vessel deviated so much from her prescribed course was on account of contrary winds; she was 6 or 7 days at Accra, and about 1 month at Otoco; the first land made on the Coast of Africa was Manna, to the Southward of Cape Mesurado; can take upon himself to swear that no Slaves have been bought, bartered or agreed for, by the Master or any other Person belonging to the Vessel during the present Voyage; the real object of the *Copioba* remaining so long at Otoco, was to repair the mast and put the Vessel in order; the Log-book, marked No. 2, was kept by the Master, that marked No. 3, by himself. On the Master going on shore he put his Log, with other Papers, into a cask for safety, his own Log-book was kept in his Birth; he cannot specify the quantity and quality of the goods, wares, and merchandize landed; and the object in purchasing cowries at Accra was to purchase provisions at Otoco."

No Claim having been made for this Vessel, the Commissioners proceeded to the Examination of the Papers submitted to them in this Case.

Both the Logs produced proved that, on leaving Bahia, in Latitude 13. 8. South, Longitude 38. 48. West, on the 10th of February, she steered South East, having the winds from North East for 7 days, when, being in Latitude 20. 38. South, Longitude 32. 39. West, her course was altered to N. N. E. and N. E. by North, having the wind fresh from East, E. S. E. and S. S. E. and she continued this course, varying a little more to the Eastward occasionally, as she approached the Coast of Africa, until the 24th of March, and the 42d day of the Voyage, when having, as appears by the Master's Log, No. 2, made Cape Palmas, and had communication by a Canoe from Manna, the Log ends; shewing most fully that he could have kept his Vessel to the Southward, which he was, by his Passport, under an obligation to do, had he chosen to have done so; but having run into the South-East Trade winds, he no sooner had an opportunity afforded him, than he instantly tacked his Vessel, and for 34 days following ran to

the North East, with the full intention of coming to the North of the Equator, and this is corroborated by the heading of his Log: for the first 15 days of the Voyage he says, she is bound from Bahia to Molembo: but on the 16th he alters it, and says she is bound from Bahia to the Coast of Africa; the Mate's Log in every respect corroborates that of the Master, with the exception that he makes the land, first discovered on the Coast of Africa, to be Cape Lahon. Both Logs constantly mention having fair winds, fine weather, calm sea, and returning thanks to their Patron Saint for a good Voyage; affording a complete refutation of the Mate's deposition, that "the true cause why the Vessel deviated from her prescribed course was on account of contrary winds, nor could his Evidence on the most material points be in the least credited, as it is full of contradictions; in his first Examination he says nothing of the winds, but states that the reason for her coming to the Northward, was "to buy a Canoe and cowries at Accra, and provisions, water, and to repair the mast and sails of the Vessel at Otoco, and the Master's object in quitting the Vessel at that Place, and remaining so long on shore, was to purchase provisions;" yet he afterwards swears the real object of the Vessel going there, was "to repair the masts and sails," and certainly had that been the real object, it could have been better effected at Accra, where there are three European Settlements, and where assistance could be more readily procured, than at the small Native Village of Otoco, situated upwards of 100 miles from any other Place, and in the immediate vicinity of Away, which latter Place has lately become notorious for being a Slave Port; nor could it be believed that the Master could be engaged on shore there a month, for the purpose of procuring provisions only; his literally abandoning his Vessel, when opportunity was afforded him by the Captor to have gone on board if he had chosen, and prosecuted his Claim before the Court, shews strong culpability; this, together with the *Copioba* having been 52 days on the Coast; the purchasing a Canoe and cowries at Accra, without which it is well known to the Court that the illicit traffick cannot be carried on; the greater part of the Cargo having been landed, which the Witnesses swore was to have been delivered at Molembo; the prevarication about the real object of going to Otoco; the fact of the concealment of the Logs; the unblushing falsehood about the Imperial Passport; having on board farinha, beef, and irons; the two former completely falsifying the necessity of coming to the Northward of the Equator to purchase provisions, or her requiring any at all; together with her water being filled, her being nearly ready for the reception of a Cargo of Slaves at the time of Capture; and her being irregularly licensed to touch at the Coast of Guinea, in violation of that part of her Passport, which made it obligatory on her, to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire; and



against the true intent and meaning of the Treaty and Convention ; all combined to leave no doubt upon the mind of the Court as to the illicit traffick the *Copioba* was engaged in. Sentence of Condemnation was accordingly passed upon her, on the 20th of July, 1827, her tackle, apparel, and furniture, and the goods, wares, and merchandize on board the same, as good and lawful Prize, and as taken in the illicit Traffick in Slaves, by His Majesty's Brig *Clinker*, Lieutenant George William Matson, Commander.

N. CAMPBELL.  
WM. SMITH.

No. 74.—*His Majesty's Commr. to the Earl of Dudley.*—(Rec. Oct. 15.)  
MY LORD, *Sierra Leone, 24th July, 1827.*

WE have the honour, herewith, to enclose the Report of the Case of the Portuguese Schooner *Toninha*, Clementi Jozé Alvez Martinez, Master, and owned by Manoel Antonio Martinez, of Bonavista, one of the Cape de Verd Islands.

The *Toninha* left Port Praya, in the Island of St. Jago, for Bissao, on the main land of Africa, in the latter end of May last, with the newly appointed Governor of the Portuguese Settlement of Bissao on board, furnished with a Passport from Caetano Procopio Godinha de Vasconcelles, the Governor-General of the Cape de Verds, dated the 25th of May, 1827. She arrived there in the beginning of June, and sailed again on her return to the Cape de Verds, on the 15th of that month, having taken on board a quantity of rice, some wax, calabashes (dried gourds), with 61 Slaves, and an infant at the breast, the latter of which was not included in the Passport, as the Mother and Child are reckoned as one by the Portuguese ; said to be domesticks belonging to Caetano Jozé Nozolini, a Captain of Infantry in the Portuguese Service, and resident at Bissao, and 3 Slaves, also said to be domesticks, belonging to a Frenchman of the name of Duccros, the whole of whom were to have been landed at St. Jago.

Early in the morning of the 18th of June, the *Toninha* was discovered in the Bijuga Passage by His Majesty's Ship *North Star*, Captain Septimius Arabin, in company with the Government Steam-vessel *African*, having on board his Excellency Sir Neil Campbell, on his way down from visiting the Gambia. Chase was immediately given by the *African*, who had taken on board an Officer and Boat's Crew from the *North Star*, which, after a short time, came up with and boarded her.

To account for having on board so many Negroes, Caetano Jozé Nozolini, and Duccros, both of whom were also on board accompanying them to Saint Jago, produced Passports, signed by the Acting Governor of Bissao, Luis Antonio Basto, dated the 25th of May, 1827, calling them domestick Slaves, and permitting them to be transported in the

*Toninha* to St. Jago; but, after a minute investigation, they were all found to be newly-purchased Negroes; Captain Arabin consequently detained her for Adjudication before the Court of British and Portuguese Mixed Commission.

We beg to refer your Lordship to the Declaration of Captain Arabin, Copy of which accompanies the Report, for all the circumstances attending the Capture of the *Toninha*, and her unfortunate loss, which was subsequently borne out in evidence.

The fact of the *Toninha* having on board 3 Passports, all dated the 25th May, 1827, one from the Governor-General of the Cape de Verd Islands, at Port Praya, and the other 2 from Luis Antonio Basto, Acting Governor of Bissao, made it fully evident that those granted by him must have been surreptitiously obtained, and consequently fictitious, as the Master acknowledged that the one Caetano Jozé Nozolini produced, had been procured by him previous to the *Toninha's* going to Bissao, in the expectation of her arrival there, and at which time she was actually at Port Praya.

The whole of this Case affords a clear demonstration of the illicit traffick that has so long been carried on between the Portuguese Settlements of Bissao and Cacheo, and the Cape de Verd Islands, and of the deceptions and artifices practised upon the Authorities of those Settlements, to obtain, or their connivance in granting, Passports for Domesticks, when the Persons so called were truly and *bonâ fide* Slaves, only to tranship them at the latter Islands to Brazilian Vessels of a larger size, which transport them across the Atlantic.

The *North Star* and *African* being at the time of this Capture, in the immediate vicinity of Bissao, it was deemed expedient to take the *Toninha* into that Port with them, for the purpose of remonstrating with the Authorities of that Settlement upon such illegal practices, and of obtaining the fullest information thereon.

Copy of Captain Arabin's Representation to the Governor of Bissao, together with the Reply, and the Translation thereof, accompany this.

You will perceive, my Lord, by the Governor of Bissao's Letter, that he does not attempt to justify his Predecessor, Luis Antonio Basto, nor the illicit Traffick in which the *Toninha* was captured, but that he establishes the fact.

Had they really been domestick Slaves, Caetano Jozé Nozolini would, without doubt, have brought forward proof thereof at Bissao, in the very Place where, had that been the fact, he could most readily have substantiated it; but, on the contrary, although the *North Star*, *African*, and *Toninha*, remained there part of 2 days, no attempt at such proof was made, nor was any Claim whatever preferred, before the Court for them, either by him or on his behalf, and none on behalf of those said to be the Domesticks of Duccros.

After a full and minute investigation of this Case, the Court met on the 21st of July, and passed Sentence of Confiscation upon the *Toninha*, her tackle, apparel, and furniture, and the goods, wares, and merchandize on board her, as good and lawful Prize, and emancipated the surviving Slaves, to the number of 58, 7 having died previous to Adjudication.

There was also in this Case a new feature upon which this Vessel would have been, in our opinion, liable to Confiscation, and that was, having Slaves on board belonging to a Frenchman, contrary to the 3d Stipulation of the 1st Article to the Additional Convention, which makes it illegal for the Portuguese Flag to be employed in that traffick for the account of the Subjects of any other Government; and this Frenchman has been for 2 Years resident at Bissao, openly engaged in bringing Slaves to that Place from the Rivers Nunez and Pongas.

We cannot refrain from noticing to your Lordship, that, if the Passport granted to Caetano Jozé Nozolini was surreptitiously obtained by him from Acting Governor Basto, under the impression that the Persons for whom the Passport was applied for, were really domestick Slaves, some allowance might possibly be made for his having been deceived, but in the case of Duccros, no such excuse can be maintained, as he must have known the Party to whom he granted it was a Frenchman, and that in so doing he was acting in direct contravention of the Treaty on that point. Such conduct must entail upon him the reprehension it deserves, for conniving at, and allowing the Flag of His Most Faithful Majesty to be prostituted to such vile abuses.

We think it proper to mention, that among the Ship's Papers of the *Toninha*, filed in the Case, was a Document, being a Petition from Clementi Jozé Alvez Martinez to the Governor-General of Cape de Verd, for a License for a Vessel called the *Andorinha*, to depart from Villa de Praya, which was granted on the 20th of April.

Considering it probable that the *Andorinha* and *Toninha* were the self-same Vessel, assuming either one name or the other as best suited the object of the Owners, and that the elucidation of this matter might lead to the detection of further abuses in the traffick in Slaves, the Master was questioned concerning it, and he swore that that "Paper related to another Vessel, which he had formerly commanded, and which belonged to the same Owner as the *Toninha*; she was a Prize, sold by the late Commodore to Martinez; he had taken it aboard the *Toninha* with other Papers of his own." He further stated to the Court, on the day the *Toninha* was adjudicated, that the *Andorinha*, as well as another Vessel called the *Prince of Guinea*, also sold by Commodore Bullen to the same Person, Manoel Antonio Martinez, had, since then, both sailed to the Brazils.

We have, &c.

N. CAMPBELL.

WM. SMITH.

*The Right Hon. Viscount Dudley.*

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(Enclosure 1. A.)—*Report of the Case of the Portuguese Schooner Toninha, Clemente Jozé Alves Martinez, Master.*

THE Schooner *Toninha*, commanded by Clemente Jozé Alves Martinez, and owned by Manoel Antonio Martinez, of Bonavista, one of the Cape de Verds, originally left that Island at the commencement of the present Voyage, and proceeded to Port Praya, in St. Jago, where, after obtaining a Passport from the Governor-General of Cape de Verds, Caetano Procopio Godinha de Vasconcelles, dated the 25th of May, 1827, allowing her to proceed to the Portuguese Settlement of Bissao, on the main land, and taking on board the newly appointed Governor of that Settlement, she departed, in the end of that month, for the Place of destination. Having landed the Governor of Bissao there, and taken on board a Cargo of rice, wax, and calabashes, together with 61 Slaves, and an Infant at the breast, belonging to a Portuguese resident at Bissao, named Caetano Jozé Nozolini, an Officer of Infantry, in the Portuguese Service, and 3 Slaves belonging to a Frenchman of the name of Duccros, she left that Port on the 15th day of June following, on her return to the Cape de Verds, and was to have delivered the Slaves at St. Jago.

Early in the morning of the 18th day of June, the *Toninha* was discovered in the Bijuga Channel by the *North Star*, Septimius Arabin, Esq. Captain, His Majesty's Ship being then in company with the Government Steam Vessel *African*. Chase was given, and the *Toninha*, on being boarded, was found to have 65 Slaves on board, who, after a strict examination, not answering the Passports produced for them as Domestick Slaves; her having 3 Passports on board, all dated the 25th of May 1827, one from the Governor-General of the Cape de Verds, dated at Villa de Praia, allowing her to go from thence to Bissao, and the other 2 from the Acting Governor of Bissao, for the Slaves on board to be delivered at St. Jago; and other circumstances connected therewith, determined Captain Arabin to detain her for Adjudication. After her detention, she was taken by Captain Arabin to Bissao, which Port she had left but 3 days previous to Capture, in order to remonstrate with the Authorities there upon the illegality of her Voyage. After a stay there of nearly 2 days, Caetano Jozé Nozolini, and Pedro Benjamin Duccros, who were going with the Slaves to St. Jago, at their own special request, having been landed, the *North Star*, *African*, and *Toninha*, left for Sierra Leone, and the day following, owing to the *Toninha*, in attempting to be taken in tow, having got foul of the *African*, the protecting-iron of whose paddle-box entered her deck, from which it was impossible to be extricated, and a heavy swell endangering the safety of both Vessels, the *Toninha* was obliged to be scuttled. The Slaves and Crew were, however, saved, and sent on board His Majesty's Ship *North Star*.

On Saturday the 30th of June, His Majesty's Ship arrived here,



and Captain Arabin made immediate communication to the Court to allow the Slaves to be landed, which was granted, under the condition that they were kept in their character of Slaves, until Sentence of Emancipation or Restitution was decreed.

On Monday the 2d of July following, Captain Arabin's Declaration was brought in, and the Ship's Papers were filed in the Court, with the Affidavit of Mr. Frederick Moore Boulton, Lieutenant of the *North Star*.

A Copy of Captain Arabin's Declaration, containing a full and minute account of the circumstances attending the Capture, and subsequent unfortunate loss of the *Toninha*, is annexed to this Report.

The Ship's Papers filed were as follows, viz. :—

No. 1. Passport No. 109, for the *Toninha*, from St. Jago, bound to Bissao, from Caetano Procopio Godinha de Vasconcelles, Governor-General of the Cape de Verdes, dated at Villa de Praia, Island of St. Jago, 25th May 1827.

No. 2. Passport for the *Toninha* from Bissao to St. Jago, from Luis Antonio Basto, Acting Governor of Bissao, dated the 25th May 1827, authorizing her to take on board Caetano Jozé Nozolini and 61 of his domestick Slaves.

No. 3. Passport for the *Toninha* from Bissao to St. Jago, from Luis Antonio Basto, Acting Governor of Bissao, dated the 25th May 1827, authorizing her to take on board Pedro Benjamin Duccros and 3 of his domestick Slaves.

No. 4. Muster-Roll of *Toninha*, dated Villa da Praia, St. Jago, 27th May 1827, signed by Antonio Marques de Costa Soares, Secretary to the Governor.

No. 5. Petition from Caetano Jozé Nozolini to Luis Antonio Basto, Acting Governor of Bissao, to embark 61 domestick Slaves for the Island of St. Jago, to cultivate, dated the 24th May, 1827.

No. 6. Petition from Clemente Jozé Alves Martinez, Master of the Brig Schooner *Andorinha*, to the Governor-General of Cape de Verd, for a Licence to depart, dated the 26th April 1827.

No. 7. Invoice of goods shipped on board the *Toninha*, at Bissao, dated the 4th June 1827.

On the same day a Monition was prayed for, and granted, which went forth, and was returned certified to have been duly served.

An Affidavit of Lieutenant Boulton was also filed, accounting for the death of 7 Slaves, 4 of whom had jumped overboard, and 3 died after Capture.

On the 6th of the same Month, a certified Copy of Captain Arabin's Representation to the Governor of Bissao was filed, together with the original Reply thereto.

In answer to the Standing Interrogatories, the Master swore, "that the *Toninha* was seized for having 65 Blacks, domesticks of a

Portuguese Officer belonging to Bissao; he had 2 Passengers on board, they were not concealed at the time of Capture; their names were Caetano Jozé Nozolini and Duccros; the first is a Portuguese by birth, and a Captain in the Service of that Nation; the latter is a Frenchman, but he does not know his profession or occupation; they both came on board at Bissao on the 13th of June, and were destined to St. Jago, one of the Cape de Verd Islands; the Portuguese for the purpose of seeing his family, and the Frenchman to look after debts; 62 of the Blacks on board belonged to Caetano Jozé Nozolini, and the remaining 3 to Duccros; that the aforesaid Passengers were the only Persons concerned or interested in the Blacks on board the Vessel taken; the said Blacks were to have been unshipped at St. Jago for the real account, risk, and benefit of the aforesaid Possessors; no Slaves had been taken on board; the 65 Blacks found on board were Domesticks of the aforesaid Nozolini and Duccros, for whose transport they had Passports from the late Governor of Bissao; that all the Passports and other Papers found on board the Vessel are entirely true and fair; none are false or colourable."

Jozé Luitao, a Sailor belonging to the *Toninha*, also deposed on oath to the principal facts of the Master's Evidence, and distinctly swore "that only 2 Passengers were on board, 1 called Caetano, and 1 Duccros; the former a Portuguese and a King's Officer, the latter a Frenchman: that Caetano had his family with him which consisted of somewhere about 62 Blacks," but he appears to know nothing further about Duccros, or whether he had any Domesticks on board or not, as he subsequently swears, "no Slaves were on board, and the Blacks were the family or Servants of the Portuguese Government Officer."

The Proctor for the Captor, on the 11th day of July, prayed the Court to allow Special Interrogatories to be put to the aforesaid 2 Witnesses, which was granted, and they both swore "that the Slaves were shipped on board the *Toninha*, on the 15th of June, at 8 o'clock in the morning; that they came in 2 Canoes with their Masters; they were not confined in irons, but came of their own free will; they only went below to sleep, they were not confined; they both can and do take upon themselves to swear by the Holy Cross, that the Slaves were not in irons, when they first saw the Capturing Ship, nor at any other time on board the Vessel, and that no irons were taken off their legs and thrown over-board, or concealed previous to being boarded by Capturing Ship." The Master swore, that "one-half came on board his Vessel with white men's clothes on—the remainder were furnished on Sunday (the day before seeing the Capturing Ship), with shirts and trowsers by their Master, Caetano Joze Nozolini," and the Sailor, Jozé Luitao, swore, that "neither himself nor any one else issued shirts or trowsers to the Slaves on the Capturing Ship being made out."

The Court directed the Master to be questioned respecting his having Passports dated from St. Jago, and from Bissao, on the 25th of May, those Places being several days' sail apart, and why the Paper, marked No. 6, called the Vessel the *Andorinha*; and he swore that the reason of the Passports being dated "one at Bissao and the other at St. Jago on the same day, arises from the one from Bissao being obtained from the Governor there by Caetano before he (Examinant) arrived there, and in expectation of it. The other being his own Passport was obtained on leaving St. Jago,"—he further swore, "that the Paper writing marked No. 6, related to another Vessel which he formerly commanded, and which belonged to the same Owner as the *Toninha*; she was a Prize sold by the late Commodore to Martinez; he had taken it on board the *Toninha* with other Papers of his own."

On the 12th of July, the Master filed a Claim for the Schooner *Toninha*, her tackle, apparel, and furniture, goods, wares and merchandize, and freight for 65 domesticks, Natives of Africa, on board of the said Schooner at the time of the Capture and Detention thereof by His Majesty's Ship *North Star*, Septimius Arabin, Esq. Commander, as the sole property of Manoel Antonio Martinez, of Bonavista.

In his Affidavit in support of this Claim, he urges restitution, on account that "the said domesticks, Natives of Africa, were not purchased by this Deponent, or by any Person for his account, or the account of the Owner of the said Schooner or Vessel; that they were lawfully shipped according to the Laws and Usages of the Port of Bissao, and were not removed by this Deponent, or taken on board for any purposes of Traffick."

On the same day, the Proctor for the Captor petitioned to be allowed to file an Affidavit of Mahomedoo Jan, one of the Africans captured on board the *Toninha*, and to put Special Interrogatories to three others, two of whom were Foulahs and one a Sombia Soosoo, and from their testimony the following facts were elicited "one of the Foulahs had known Bissao for 1 month and a half, the other for 2 months, and the Soosoo for 3 months; the 2 Foulahs were both taken to Bissao as Slaves, were confined in irons there, and were not allowed to go where they pleased; that there were about 40 Men, 12 Women and 2 Infants; the Men and Women were confined in irons with themselves; they were shipped on board of a Vessel at Bissao in a big Canoe, in the middle of the night, one in a Canoe containing 30 men and 12 women, the other in a Canoe containing 9 Slaves besides himself, which went for more, and immediately they came the Vessel weighed anchor; neither of them, nor the other Slaves on board, were allowed to walk about the deck, they were all confined in the Vessel's hold in irons; that the morning the Capturing Ship was seen, a Black Man on board (a Grumetta) took all the Slaves out of the hold, and knocked off their

irons on deck, and Caetano, a white man, gave them clothes to put on, and allowed them to remain on deck, and that the same man who knocked off their irons threw them into the sea by order of Caetano." The Soosoo had been carried from Kakindy to Bissao as a Slave, by a white Man named Duccros, that he was not confined in irons at Bissao, but was not allowed to go where he pleased; he was shipped in the night with the other Slaves, who were all confined in the Vessel's hold in irons, except himself; he also confirmed the Foulah's testimony respecting the irons being knocked off the Slaves and thrown into the sea, and clothes having been given them to put on, on the appearance of the Capturing Ship.

The Affidavit of Mahomadoo Jan, after stating himself to be a Foulah, and giving an account of his captivity into slavery, says "that he was taken from Kakindy to Bissao with 12 other Slaves, in irons, by a white Man named Duccros; that they were taken to a house by the said Duccros, where they found 59 others Slaves confined in irons; that after remaining at Bissao three Moons, during which period they were kept constantly in irons, they were all, one midnight, shipped on board a large Vessel with two masts; that the Vessel sailed directly they were all got on board; that at day-light of the 3d day after leaving Bissao, he saw a large Ship and Smoke-boat, (Steam Vessel,) that they were both trying to catch the Vessel he was in; that when the white Men on board the Schooner saw the Ship and Smoke-boat, they told a black Sailor to take off all the irons from the Slaves and throw them into the sea, which was done, and that the white men gave him and all the other Slaves clothes to put on."

The Master of the *Toninha* and the Sailor, Jozé Luitao, having both sworn to there being only 2 Passengers on board at the time of Capture, both of whom they knew had been landed at Bissao, and whose Evidence in this Case could not be obtained, appeared to have done so under the impression, that the testimony of the Slaves (if questioned regarding the matter) could not be confirmed, but it having come to the knowledge of the Court that there were actually 3 Passengers on board the *Toninha* when she was captured, and that the 3d Passenger, an American, by name of Ephraim Marchant, said to be connected with Martinez, the Owner of the *Toninha*, who the Witnesses had carefully abstained from mentioning, had been brought down here by the *North Star*, and was then in Town; the Court ordered him to be brought forward and questioned on Special Interrogatories, and on the 19th of July, he deposed "that he does not recollect the day of the month the Slaves were shipped on board the *Toninha*, was confident it was between a Friday night and Saturday morning; he first saw them on board on Saturday morning; he could not take upon himself to swear that the Slaves were not in irons, when they first saw Capturing Ship, nor that the irons were taken off the Slaves when the said Ship was



first seen ; he did not know but what shirts and trowsers might have been issued to the Slaves on first seeing the Capturing Ship, and that they might have been forced to put them on ; he could not say whether or not the irons off the Slaves were concealed or thrown overboard, before the Boat of the Capturing Ship boarded ; he did not see them."

No Claim was made either by Caetano Jozé Nozolini, or Pedro Benjamin Duccros, for the Slaves, nor was any brought forward on their behalf ; both those Persons appear to have considered it impossible to prove they actually were their Domesticks, and, therefore, gave up the Case as hopeless, or assuredly they would not have abandoned proceedings for their recovery, which, considered as property, was of very considerable amount. Neither did they or the Master, or any other Person, attempt to prove that the Slaves were domesticks, during the time the *North Star*, *African*, and *Toninha*, were at Bissao, the very Place the Slaves were shipped at, and where it was to be presumed they could most readily have obtained Witnesses to establish the truth thereof.

The circumstance of abandoning their Claim, afforded strong grounds for believing they could not substantiate it, had they had the temerity to endeavour to persuade the Court to restore them, under the assumed protection of the Passports granted by the Acting Governor of Bissao, which Clemente Jozé Alves Martinez proved must have been surreptitiously obtained from him, before the *Toninha* had even left Port Praya, and that circumstance alone stamped them with a fictitious and fraudulent character.

Both Clemente Jozé Alves Martinez and Jozé Luitao swore, that the Blacks on board were not Slaves, and were never confined, treated, or dealt with as such. Their Evidence, however, did not prove them to be Domesticks, and, contrasted with that of Ephraim Marchant, (who, from being connected with Martinez, the Owner of the *Toninha*, might be supposed not an uninterested Witness) made it appear to be throughout, as regarded the Slaves, false ; for, although he gave his testimony with the greatest restraint, and evaded direct answers to the questions put to him, yet his deposing, that he could not take upon himself to swear that the Slaves were not in irons, was in reality an admission that they actually were, and his Evidence bore out the testimony of the Slaves themselves, in every particular which they swore had taken place on board, from the time of their shipment until Capture ; this, together with the clear and distinct account they gave of their captivity, their treatment and confinement at Bissao, and ultimate embarkation there in the dead of the night, ironed and confined below, and which suspicious time of shipment therefrom, Ephraim Marchant, confirmed boldly, for he said it took place between a Friday night and Saturday morning, was fully convincing of their being *bonâ fide* Slaves, and not Domesticks.

The ground taken by the Claimant for the restitution of the Vessel and Cargo, because the Natives of Africa were not purchased by him, or by any Person for his account, or the account of the Owner of the *Toninha*, that they were lawfully shipped, according to the usages of the Port of Bissao, and were not removed by him for the purposes of Traffick, was certainly one of the most novel ever brought before the Court, and which, if acceded to, would allow fraud in the illicit Traffick to be practised to the greatest extent. Every Vessel hereafter engaged therein might only be employed as Carriers of Slaves for another Party, who had no interest in the Vessel herself, and when captured, her restitution might be claimed upon the same principle,—a principle which the Court instantly rejected.

That the Slaves were not lawfully shipped was fully proved, it took place in the middle of the night, which would not have been requisite had it been legal; in addition to which, it ought to have been done under the sanction of the Governor, who the *Toninha* had carried there; for, when it took place under the Passport granted by the Acting Governor Basto, he was no longer in authority, and his act could not, at the time of the shipment, be a protection to the Vessel.

The Governor of Bissao, in reply to Captain Arabin's Representation, did not attempt to justify the conduct of the Acting Governor Basto, or the transaction in which the *Toninha* was engaged, but his Letter was a confirmation of the illicit nature of her Voyage.

The proofs having been thus clearly established, that the *Toninha* was engaged in the illicit Traffick in Slaves, the Court, on the 21st day of July, 1827, pronounced that she was, at the time of Capture, subject and liable to confiscation as good and lawful Prize, and as taken in such illicit Traffick by His Majesty's Ship *North Star*, Septimius Arabin, Esq. Commander, and emancipated the surviving Slaves found on board of her, to the number of 58, and further pronounced that 65 were on board at the time of Capture, and that 7 had died between the time of the detention and adjudication of the said Schooner *Toninha*.

N. CAMPBELL.  
WM. SMITH.

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(Enclosure 1. B.)—Declaration of Captain Arabin.

I, SEPTIMIUS ARABIN, Captain of His Britannick Majesty's Ship *North Star*, hereby declare, that, on the 18th day of June, 1827, being in or about Latitude 12. 0. North, Longitude 16. 50. West, of Greenwich, I detained the Ship or Vessel named the *Toninha*, sailing under Portuguese Colours, armed with no guns, no pounders, commanded by Clemente Jozé Alvez Martinez, who declared her to be bound from Bissao to St. Jago, with a Crew consisting of 7 Men, no Boys, no Supercargo, 3 Passengers, whose names, as declared by them respectively, are inserted in a List at foot hereof, and having on

board 65 Slaves, said to have been taken on board at Bissao on the 15th day of June, and are enumerated as follows :

	Healthy.	Sickly.
Men.....	44	—
Women.....	15	—
Boys.....	5	—
Girls.....	1	—
	—	—
Total...	65	—

I do further declare, that the said Ship or 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 Cape Verd Islands.

I do further declare, that the said Schooner *Toninha*, being observed, on the Morning of the 18th Instant, near the Shoals of the Bijuga Channel, where His Majesty's Ship *North Star* could not with safety follow, the Colonial Steam-vessel the *African*, on board of which was embarked His Excellency Sir Neil Campbell, being in company, very kindly went in chase of her, with an Officer and Boat from the *North Star*, The Schooner, upon being boarded, was found to have the Slaves as before enumerated ; there was also embarked on board of her, a Signor Caetano Jozé Nozolini, a Captain in the Portuguese Service, who resides habitually at Bissao, and is also a principal Merchant there ; he being seated upon deck, and dressed in full military uniform, stated 61 of the said Slaves to be his domesticks, with whom he was proceeding to the Cape Verd Islands, and for whom a Passport was produced, containing the names of 61 Nozolinis, signed by the former Governor of Bissao ; that Passport bears date the 25th of May, at Bissao, and the Vessel's Passport, signed by the Governor-General of the Cape Verd Islands, proves the *Toninha* to have been at Porto Praya, Island of St. Jago, where it bears date, on that very day ; there are, however, other circumstances connected with this business, which distinctly go to prove either the connivance or privity of the Authorities of Bissao, or the gross imposition which has been practised upon them, by obtaining a Passport for Domesticks, and embarking therewith Slaves, not answering in any respect the description or character of those for whom the Passport is solicited ; the Slaves on board the *Toninha*, so far from receiving the treatment of Domesticks, were actually in irons on board until the time of His Majesty's Ship *North Star* being perceived on the Morning of the 18th Instant ; the irons were then knocked off and thrown overboard, and clothes given to cover the nakedness of the Slaves, in order to their being the more readily passed as Domesticks ; they were collected at Bissao, and kept in irons on Shore until the Night preceding that on which the *Toninha* sailed from Bissao, when they were embarked on

board, ironed together, two and two. The concurrent testimony of the Slaves, goes to establish these facts beyond the possibility of refutation; and if further proof were required, the marks of the irons, still fresh upon the legs of these unfortunate victims, many in an ulcerated state from the effects of them, would satisfy the most sceptical; these poor wretches hailed the Officer from this Ship, who first visited the Schooner, as their deliverer, and, with one accord, pointed out the situation from which they had been just liberated; and I further caused them to pass in rotation before His Excellency Sir Neil Campbell and myself, when they did the same thing, and gave every particular respecting their recent condition: there was also on board the *Toninha* a Frenchman, named Duccros, who states 3 of the Slaves to be his domesticks; but it is necessary to observe, that none of the Slaves answer to, or appear to have any knowledge whatever of, the names inserted in the Passport of either Signor Nozolini or of Duccros.

Upon the arrival of the Colonial Steam-vessel and His Majesty's Ship *North Star* at Bissao, on the 20th of June, an official Representation of these circumstances was made by His Excellency Sir Neil Campbell, and myself, to the present Governor of Bissao, who did not justify the conduct of the Schooner *Toninha*, or the imposition which had been practised upon his Predecessor, but gave every assurance that no similar abuse should take place during his Administration of that Government. I do further declare, that, in the Afternoon of the 21st Instant, leaving Bissao to proceed through the Eastern Bijuga Channel, the *North Star* having proceeded under sail, the Colonial Steam-vessel, in endeavouring to take the Schooner *Toninha* in tow, unfortunately got foul of her, and the guard-iron of the paddle-box penetrating the deck, and otherwise doing material damage, there being a heavy swell at the time, it was found necessary to save the Slaves, by removing them to the Steam-vessel, which, with a small proportion of provisions, was just effected before the *Toninha* sunk, having been previously scuttled, a measure which had become essential to ensure the safety of the Steam-vessel.

## CREW OF THE SCHOONER TONINHA.

Luis Jozé.	Miguel Archaizo.
Joas Cata.	Luis Jozé.
Joas Francisco.	Agostinho dos Cantos.
Manoel Gonsalves.	

PASSENGERS.—Caetano Jozé Nozolini, Pedro Benjamin Duccros, and Ephraim Marchant.

Given under my hand, on board His Majesty's Ship *North Star*, this 28th day of June 1827. SEPTIMIUS ARABIN, Capt.

Witnessed by JAMES M'CONNELL, Surgeon.  
FREDK. W. E. BOULTBEE, Lieut.



(Enclosure 2.)—*Captain Arabin to the Governor of Bissao.*

SIR, *H. B. M. S. North Star, at Bissao, June 20, 1827.*

I HAVE the honour to acquaint you, that in approaching the Bijuga Channel, on the Morning of the 18th Instant, in company with the Colonial Steam Vessel the *African*, on board of which is embarked His Excellency Major-General Sir Neil Campbell, Governor-in-Chief of His Britannick Majesty's Settlements on the Western Coast of Africa, I met with the Schooner named the *Toninha*, under the Portuguese Flag, having on board 64 or 65 Negro Slaves, who had sailed from the Port of Bissao on the Morning of Saturday the 16th, and bound to the Cape Verd Islands.

I have considered it my duty, acting under the existing Treaties between Great Britain and Portugal for the suppression of the Slave-trade, and the Instructions from my Government, to detain and send this Vessel to Sierra Leone, for adjudication before the Mixed Commission at that Place; and the object of my making this Communication to you is, to point out, and to call your attention to, the extraordinary circumstances attending the whole transactions of the Schooner in question. There is embarked on board of her a Portuguese Officer (Signor Caetano Jozé Nozolini) who resides habitually at Bissao, and, as must be known to your Excellency, is also a principal Merchant there; he states 61 of the said Slaves to be his Domesticks, with whom he was proceeding to Cape Verd Islands, and for whom he produces a Passport signed by your Predecessor in the Government of Bissao; that Passport bears date the 25th of May, and pretends to permit the removal of that Officer's Domesticks in the Schooner named the *Toninha*, when it so happens that she was then actually at St. Jago. No further fact could be required to satisfy your Excellency of that Instrument being altogether a surreptitious Document, but there are other circumstances connected with this business, which will mark to you also the gross imposition which has been practised upon the Authorities at Bissao. The Slaves on board the *Toninha*, so far from receiving the treatment of Domesticks, were actually in irons on board until the time of His Britannick Majesty's Ship under my command being perceived, on the Morning of the 18th Instant; the irons were then knocked off and thrown overboard, and clothes given to cover the nakedness of the Slaves in order to their being more readily passed as Domesticks. They were collected at Bissao, and in irons on shore until the Night preceding that on which the *Toninha* sailed from Bissao, when they were embarked on board, ironed together two and two. The concurrent testimony of the Slaves goes to establish these facts beyond the possibility of refutation, and if further proof was required, the marks of the irons, still fresh upon the legs of these unfortunate victims, many in an ulcerated state from the effects of them, would satisfy the most sceptical. These poor wretches hailed the Officer from this Ship, who first visited

the Schooner as their deliverer, and with one accord pointed out the situation from which they had been just liberated; and I further caused them to pass in rotation before His Excellency Sir Neil Campbell and myself, when they did the same thing, and gave every particular respecting their recent condition:

There was also on board the *Toninha* a Frenchman, named Duccros, who states 3 of the Slaves to be his Domesticks; but it is necessary to observe, that none of the Slaves answer to, or appear to have any knowledge whatever of, the names inserted in the surreptitious Passport, of either Signor Nozolini or of Duccros.

I have have been thus particular in calling the attention of your Excellency to this Case, not doubting for one moment the anxious wish you must have to give effect to the Treaties existing between our respective Governments for the suppression of the Slave-trade, and as the instances have been notorious of Slaves exported from the Settlement of Bissao, over which you have so recently assumed the Command, to the Cape Verd Islands, upon the pretext of their being Domesticks, and thence sold and shipped on board Brazil Slave-vessels, I feel confident, that you will not view with indifference this instance of a most flagrant breach of those Treaties, and the open attempt to impose upon, and take advantage of, the Predecessor of your Excellency, in obtaining (surreptitiously, I have no doubt) a Passport for Domesticks, and embarking therewith Slaves, not answering in any respect the description or character of those for which the Passport was solicited.

I trust your Excellency will perceive, on the occasion which affords me the honour of making this Communication, every disposition on my part to forward the views of your Government, and to give you such information of facts and circumstances as will enable you to trace, and, I trust, to suppress, a system which has long been practised, of evading the Treaties, and rendering ineffectual the measures of our respective Governments, for promoting the civilization of the Natives of Africa; and, in the particular instance in question, I trust that your Excellency will be enabled to exonerate the Authorities of Bissao (previous to your arrival) of all participation in so flagrantly counteracting the views and measures of their Government.

In conclusion, I may be permitted to express with how much real regret I have now observed the honourable uniform of His Most Faithful Majesty employed to cover such a transaction, which circumstance, together with the name of the Officer, I shall make it my duty to report to my Commander-in-Chief. I have, &c.

SEPTIMIUS ARABIN,

Captain of H. B. M. Ship *North Star*.

*His Excellency the Governor of Bissao.*

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(Enclosure 3.)—*The Governor of Bissao to Capt. Arabin.*—(Translation.)  
*Government House, of St. Joseph*

ILLUSTRIOUS SIR, *of Bissao, 21st June, 1827.*

I HAVE the honour to reply to your Official Note of Yesterday's date, informing me of the reasons which led you to detain the Schooner *Toninha*, for having been found with Slaves on board, and on account of the contradiction of her Papers.

I beg to assure you that I have in no instance permitted a like embarkation of an illicit Cargo, contrary to the Treaty between Their Majesties The King of Great Britain and The King of Portugal, and to inform you, that as soon as I was appointed to this Government, Orders were issued to me for the strict observance of the Treaties for the abolition of the Slave-trade, and not to permit the like Commerce to be carried on from this Place, nor from any other Port to the Northward of the Equator. The Authorities will not permit any Person to elude the punishment due to such abuses.

This circumstance will convince you, that I have used every possible diligence to observe and maintain strictly every Article in that Treaty, to obtain the end proposed by the Two High Powers, for civilizing this People.

I trust that you will be satisfied, from the before-mentioned Official Communication to me, of the Governor-General of the Cape de Verds, that he could never have consented to the sale and embarkation of Slaves on board a Brazilian Vessel, but under the impression that they were Domesticks, when he knew it to be contrary to his Instructions, as well as his duty; and that you will be pleased to believe in the uprightness of his intentions, which he so justly merits, and to accept the renewed expressions of the respect and consideration with which I have the honour to be, &c.

FRANCISCO JOZE MUACHO.

*The Illustrious Senhor Septimius Arabin,*  
*Commander of H. B. M. Frigate North Star.*

No. 75.—*His Majesty's Comm<sup>r</sup> to the Earl of Dudley.*—(Rec. Oct. 15.)

MY LORD, *Sierra Leone, 25th July, 1827.*

SUBSEQUENT to the date of our Despatch, dated the 24th instant, enclosing the Report of the Case of the Portuguese Schooner *Toninha*, Mr. Smith received from His Excellency Sir Neil Campbell, Governor of this Colony, a Letter, enclosing an authenticated Copy of the Paper, marked No. 6, referred to in that Despatch, with a Translation of the same, and an Affidavit of the Master of the said Vessel, which was taken before the Acting King's Advocate, relative to it, after the proceedings before the British and Portuguese Court of Mixed Commission had terminated.

The only further elucidation obtained of this matter, which the Master of the *Toninha* did not state before the Court, is, that the Cargoes of both Vessels consisted of salt.

Copies of the original Documents, and the Letter of Sir Neil Campbell, we beg to enclose herewith, for your information.

We most respectfully beg to submit to your Lordship's considerations, the adoption of such measures as may seem to you best calculated for the prevention of the sale of Vessels (purchased here and employed by His Majesty's Ships on this Station as Tenders) to Portuguese or other Nations, whose Subjects are well known to be engaged in the illicit Traffick in Slaves; as there exists a possibility, from their being fine fast sailing Vessels, of their being again employed in the illicit Traffick, they were originally captured and condemned for.

We have, &c.

N. CAMPBELL.

*The Right Hon. Viscount Dudley.*

WM. SMITH.

(*Enclosure 1.*)—*Sir Neil Campbell to William Smith, Esq.*

SIR,

*Freetown, 24th July, 1827.*

I HAVE the honour to enclose the Copy of a Document which came before the Mixed Commission Court some days ago, and which appeared to me to require some enquiry, as Governor of this Colony, and now to be proper to forward to you, hoping that you will agree with me in the necessity of stating the facts, with this Document, in our Report, for if the Officers of His Majesty's Squadron sell their Prizes (after being condemned, bought in at this Place, and used for some time as Tenders) at the Cape de Verds, it evidently furnishes the immediate means for the Slave-trade in the vicinity of this Colony. All His Majesty's Ships employed in this Squadron have power to employ any number of Tenders, but this is the first instance of their being sold to *Foreigners*, which has come to my knowledge. When captured Vessels are purchased at this Place, after Condemnation, by any of the Inhabitants, they are provided with British Licenses, and a consequent security against injurious employment, but there is no such security if they are purchased by *Officers of the Squadron* and *sold without any Papers*. Perhaps you can, in your Report, submit to His Majesty's Secretary of State for the Foreign Department some mode of providing, for the future, against this, by an obligation or Order from the Lords of the Admiralty, to oblige every Vessel so condemned and purchased at this Place, to be registered, and sold again at no other Place in Africa or in America.

I request that this Letter, and Enclosure, may be forwarded with our Report, or separately, as you may think best. I have, &c.

*William Smith, Esq.*

N. CAMPBELL.



(Enclosure 2.)—*Petition of the Captain of the Andorinha.* (No. 6.)  
(Translation.)

I, CLEMENTE JOZE ALVES MARTINEZ, Captain of the Portuguese Brig-Schooner *Andorinha*, beg to shew you, that I have cleared out for my Voyage, but cannot depart before I obtain the necessary Licence from your Excellency.

I beg your Excellency, therefore, to allow me the above-mentioned Licence; and I shall feel much obliged.

CLEMENTE JOZE ALVES MARTINEZ.  
*His Excellency the Governor-General, Cape de Verds.*

I permit you to go on your Voyage. VAS<sup>ca</sup>.  
*Government House, Villa de Praya, 26th April, 1827.*

(Enclosure 3.)—*Affidavit of the late Captain of the Toninha.*

PERSONALLY appeared Clemente Jozé Alves Martinez, late Captain of the Portuguese Vessel *Toninha*, condemned by the Mixed Commission Court established in this Colony, who being duly sworn, through the interpretation of Manoel Dozario Costa (Portuguese Interpreter to the said Court of Mixed Commission) also duly sworn upon the Holy Evangelists of Almighty God, depose as follows; that he (Deponent) is a Christian, and a Native and Subject of Portugal, that he was formerly Master of the Brig-Schooner called the *Andorinha*, belonging to Manoel Antonio Martinez, of Bonavista, one of the Cape de Verd Islands, and Owner of the Vessel *Toninha* before mentioned; that the paper writing now exhibited to him (Deponent), and hereunto prefixed, (and of which a Translation in English is subjoined), is a true Copy of of his (Deponent's) Petition to the Governor-General of the Island of St. Jago, (one of the Cape de Verd Islands), and Clearance of that Vessel, to wit the *Andorinha*, aforesaid, from Porto Praya in the said Island of St. Jago, to the Island of Bonavista aforesaid; and further this Deponent saith, that he has heard that the said Vessel *Andorinha*, together with the Brig *Principe de Guinea*, now called *Volante*, was sold to the said Manoel Antonio Martinez, by the English Commodore (Bullen) at Porto Praya aforesaid; and further this Deponent saith, that he left the said Vessel *Andorinha*, at Bonavista aforesaid, and that afterwards he saw her, the said *Andorinha*, and also the said Brig *Principe de Guinea*, or *Volante*, as aforesaid, depart from the Harbour in Bonavista aforesaid, bound for the Port of Bahia, in the Brazils; and that, as nearly as he can recollect, the date of the departure of the said *Principe de Guinea* or *Volante* as aforesaid, on her said Voyage to Bahia, was the 15th day of April, or thereabouts, and that of the departure of the said Vessel *Andorinha* as aforesaid, the 22d day of May, both in the present Year, 1826; and Deponent further saith, that the Cargoes of both the said Vessels, to wit, the said *Andorinha*, and

the said *Principe de Guinca* or *Volante*, consisted of salt; and further, at present, this Deponent saith not.

CLEMENTE J. ALVES MARTINEZ.

Sworn before me, at Freetown, in the said Colony, this 23d day of July, in the Year of Our Lord 1827, and of His Majesty's Reign the Eighth.

MANOEL DOZARIO COSTA.

MICHAEL LINNING MELVILLE,

*Acting King's Advocate, and Justice of Peace.*

No. 76.—*The Earl of Dudley to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 4th November, 1827.*

WITH reference to your Despatch of the 25th of July last, on the subject of the purchase and sale, by His Majesty's Naval Officers, of Vessels which had been previously condemned as Slave-traders; I transmit to you, for your information, the accompanying Copy of a Letter from the Secretary to the Admiralty, stating that His Majesty's Naval Officers on the African Station will be recommended not to purchase Vessels of the description alluded to, as Tenders: but if they do so, it is to be under a clear understanding, that they are not to sell them again, unless it be into the King's Service, and not to Individuals in Africa or America.

I am, &c.

*His Majesty's Commissioners.*

DUDLEY.

(*Enclosure.*)—*J. W. Croker, Esq. to John Backhouse, Esq.*

SIR,

*Admiralty Office, 3d November, 1827.*

HAVING laid before His Royal Highness the Lord High Admiral, your Letter of the 30th of last Month, transmitting Copies of a Despatch, and its Enclosures, from His Majesty's Commissioners at Sierra Leone, respecting the expediency of imposing some restriction upon the eventual sale, by British Naval Officers, of condemned Slave-vessels, employed as Tenders by His Majesty's Ships on the African Station; I am commanded by His Royal Highness to acquaint you, for the information of the Earl of Dudley, that directions have been given to the Commodore commanding on the African Station, to recommend to the Officers under his Orders not to purchase Vessels of the description alluded to as Tenders; but if they do so, it is to be under a clear understanding, that they are not to sell them again, unless it be into the King's Service, and not to Individuals in Africa or America.

I am, &c.

*John Backhouse, Esq.*

J. W. CROKER.

No. 77.—*The Earl of Dudley to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 13th December, 1827.*

I HAVE received from Messrs. Mello, Robertson, and Co. a Letter, of which the enclosed is a Copy, stating that obstructions have occurred,

in regard to the obtaining of Copies of the Proceedings had under the Mixed Commission Court at Sierra Leone, in the Cases of the Brazilian Vessels, the *Commerciante*, and *Conceição*, and requesting, that directions may be given, that the Copies required may be prepared for them.

The reason assigned for the non-compliance of the Officer at Sierra Leone with the Application made in this Case, appears to have been the want of means to furnish the Copies, at the time the request was made, in consequence of the mortality which had unhappily prevailed in that Settlement.

If this should have been the sole cause for non-compliance with the Application, the Papers will probably, before now, have been furnished by the proper Officer.

In any Case, it would perhaps have been more regular, that the Parties, if they had felt a grievance, even of a temporary nature, should have applied for redress through their own Government. With a view, however, of preventing delay, and of providing for the possible case of your having felt delicacy in this matter, whether owing to the ostensible cause for which the Copies were demanded, that of Appeal, or for any other reasons, I think it right to authorize you give the Registrar a general Instruction, to furnish Copies of the Proceedings had before the Court, to Parties offering to pay for them.

Due caution should, however, be used, that no opinion of the Court, on the object for which the Documents may be required, should be implied by the permission to obtain them.

I enclose to you, for your information, a Copy of the Answer which has been returned to Messrs. Mello, Robertson, and Co. upon this subject.

I am &c.

*His Majesty's Commissioners.*

DUDLEY.

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(Enclosure 1.)—*Messrs. Mello, Robertson, & Co. to the Earl of Dudley.*  
Great Winchester Street, 29th October, 1827.

MAY IT PLEASE YOUR LORDSHIP,

ABOUT 4 Years ago, there were carried to Sierra Leone, as Prizes to British Ships of War, 2 Brazilian Vessels, the *Commerciante*, a Brig, of which Domingo Ribeiro Folha was Master, and the *Conceição*, a Sumaca, of which Manoel Jozé Lourenço was Master; both owned by Mr. Francisco Ignacio de Sequeira Nobre, of the City of Bahia.

These 2 Vessels having been condemned at Sierra Leone, the Owner directed us to obtain Copies of all the Proceedings in both Cases, to be certified by the proper Officer of Court: stating his intention of appealing against the Sentences of Condemnation; and that by means of such certified Copies of Proceedings, which ought to include the date of the arrivals of the Vessels at Sierra Leone, and those of their Condemnations, and also the Examinations at length of the Witnesses there, he could make it appear to the Court of Appeal at

Brazil, that there were just and proper grounds for reversing the Condemnations.

We applied accordingly to Merchants in this City, who have Correspondents at Sierra Leone, to obtain Copies in full of all the Proceedings in the 2 Cases, to include the dates and the Evidences as required, and to be duly certified, so as to be of full credence in the Court of Appeal. Our Friends assure us, they have repeatedly written to Sierra Leone for the purpose; and that they have received for answer, once and again, there were no Persons there, owing to a great mortality in the Colony, who could furnish the Documents we ask for.

Under these circumstances, we have no remedy but to trouble your Lordship with the present Application, requesting that your Lordship will be pleased to direct that some one be appointed to prepare the Copies above mentioned.

We are ready to pay such expenses as are reasonable for the Copies required, and we cannot imagine but that every facility will be given, which can enable our Correspondent to bring his Appeals before the Court.

We have, &c.

MELLO, ROBERTSON, & Co.

*The Right Hon. the Earl of Dudley.*

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(Enclosure 2.)—*J. Backhouse, Esq. to Messrs. Mello, Robertson, & Co.*  
GENTLEMEN, *Foreign Office, 26th November, 1827.*

I AM directed by the Earl of Dudley to acknowledge the receipt of the Letter which you addressed to his Lordship on the 29th of October last, applying, on behalf of the Owners of the Brazilian Vessels *Commerciant*e and *Conceição*, for Copies of the Proceedings had in the Cases of these Vessels, before the Mixed Commission Court at Sierra Leone.

The reason assigned for the non-compliance of the Officer at Sierra Leone, with the application which you state to have been made to him, on the part of the Brazilian Owners, appears to have been the want of means to furnish the Copies, at the time the request was made; in consequence of the mortality which had unhappily prevailed in that Settlement.

The papers requested, will, therefore, probably, before now, have been furnished. Lord Dudley, however, with a view to prevent, in any case, misunderstanding and consequent inconvenience to Parties, has caused an intimation to be made to the Registrar of the Mixed Commission Court at Sierra Leone, that a Copy of the Proceedings should be furnished, whenever possible, to Parties offering to pay for the same.

I am directed at the same time to remind you, that the Party for whom you apply, is not held to be, in strictness, entitled to require, of himself, the interposition of the authority of His Majesty's Secretary



of State, to obtain Copies of the Proceedings in the Cases referred to. If there were any cause of complaint, it should most properly be addressed to the Government of which the Complainant is a Subject.

It becomes necessary, therefore, to caution you, for the information of the Parties concerned, that the notice which his Lordship has now taken of the matter, is purely *ex gratiâ*, and as a general intimation calculated to obviate unnecessary delay in this Case; and further, that as his Lordship cannot enter at all into the question of the object, for which the Papers are required, so neither can he consider himself bound to entertain any further particular application on the subject.

I am, &c.

Messrs. Mello, Robertson, and Co.

J. BACKHOUSE.

### SIERRA LEONE. (*Netherlands.*)

No. 78.—*Joseph Reffell, Esq. to Mr. Secretary Canning.*  
(Received January 27, 1827.)

SIR,

Sierra Leone, 17th November, 1826.

THE Netherland Schooner *La Fortunée*, Jean Jacques Gimbert, Master, was captured by His Majesty's Ship *Brazen*, George Wickens Willes, Esq. Commander, on the 15th May, 1826, with 245 Slaves on board, and sent to this Port for Adjudication. She arrived on the 8th day of June last, when the Case of this Vessel was brought by the Captor before the British and Netherland Mixed Court of Justice, and, after a strict and impartial investigation, the British Judge considered the Vessel liable to Confiscation, as Dutch property, for being engaged in the illicit traffick in Slaves, contrary to the existing Treaties between Their Britannick and Netherland Majesties. In this opinion, however, His Netherland Majesty's Judge refused his concurrence, as he regarded *La Fortunée* as French property, and owned by French Subjects. The Proceedings were, therefore, submitted to His Britannick Majesty's Arbitrator; and at a Court, held for the Adjudication of this Case, on the 17th of July, he confirmed the opinion of His Britannick Majesty's Judge, and pronounced, jointly with him, Sentence of Condemnation against the Schooner *La Fortunée*, and decreed the Emancipation of her Slaves.

The reasons which led His Netherland Majesty's Judge to consider this Vessel to be French property, are given at length in the Report which I have the honour herewith to transmit.

I cannot close this Despatch without submitting to your attention the Evidence of Gimbert, the Master of the Schooner, which is throughout a tissue of false swearing, and is another of those numerous instances of Persons concerned in Slave-trade transactions being guilty

of the grossest perjury on their examination before the Mixed Commission Courts.

I have, &c.

*The Right Hon. George Canning.*

JOS. REFFELL.

(*Enclosure.*)—*Report of the Case of The Netherland Schooner La Fortunée, Jean Jacques Gimbert, Master.*

THIS Schooner, sailing under The Netherland Flag, was captured by His Majesty's Ship *Brazen*, George Wickens Willes, Esq. Captain, on the 15th of May, in Latitude 1. 42. North, and Longitude 6. 22. East, and sent to this Port for Adjudication, with a Cargo of 245 Slaves on board, bound, as stated by the Master at the time of Capture, to Surinam. *La Fortunée* arrived in this Harbour on the 8th day of June last, with her Cargo of Slaves, in a very wretchedly crowded and sickly state, 46 having died between the period of Capture and arrival. On the same day, the Papers were lodged in the Registry Office, duly attested by the Affidavit of the Prize-Master, Mr. Joseph Batt, Admiralty Mate of His Majesty's Ship *Brazen*.

The Captor states, in his Declaration, "that, on the 15th day of May, 1826, after a chase of 10 hours, he came up with and captured, or detained, the Schooner *Fortunée*, in Latitude 1. 42. North, Longitude 6. 22. East, Jean Jacques Gimbert, calling himself Captain; having, during the chase, shewn Dutch Colours (2 of the same kind were found on board); that, when the *Brazen's* Boat was in the act of boarding the said Schooner, Dutch Colours were changed to French; that, on demanding the Dutch Papers, it was stated none were on board; but a few, called her French Papers, *incomplete* almost in every respect, compared with the Papers French Vessels have been found to be furnished with on this Coast; moreover, the Person before mentioned, calling himself Captain, but who does not appear in any of the Vessel's Papers shewn, stated, that, with his Cargo of 245 Slaves (in the most wretched condition,) the Vessel (being only 90 tons), was bound to Surinam; the Crew are composed of various Nations."

On the 9th day of June, a Monition was prayed by the Captor's Proctor, which was granted, and returned on the 20th, certified to have been duly served.

A Petition from the Proctor for the Captor, accompanied by an Affidavit of the Prize-Master, Mr. Joseph Batt, was presented to the Judges on the 10th, praying that a Medical Officer might be sent on board *La Fortunée* to report on the state of the Slaves, which were represented, in the Affidavit, to be in a very crowded and sickly state; that 47 had died since Capture; and that a great number were then labouring under dysentery. The Prayer of this Petition was granted, and, on the same day, Dr. Cartau was directed to go on board. He states, in his Report to the Judges, "that there were then on board 198 Slaves; of this number there were 18 cases of ophthalmia, 11 Men, 2 Women,

and 5 Girls; and 46 cases of dysentery, 12 Men, 5 Boys, 11 Women, and 18 Girls; making the total number of sick on board 64; many of the dysenterick Patients were extremely emaciated; the disease seemed formidable, and the Vessel is much crowded; under these circumstances he recommends, that the 64 Patients alluded to, be landed with as little delay as possible, as the surest means of speedily removing the ophthalmia, and the only means of giving the dysenterick cases a chance of eventual recovery." The Judges, bearing in view the Declaration of the Acting Governor, Mr. Macaulay, in the Case of the *Perpetuo Defensor*, that no Slaves, once landed, should be allowed to be carried away as Slaves, on any pretence whatever, did not think it advisable, as the Case then stood, to order any part of them to be landed; they, however, directed the Medical Officer, attached to the Courts of Mixed Commission, to pay every attention to the unfortunate Beings so unhappily situated; and he was unremitting in his exertions to afford them such relief as his medical skill, and the confined nature of the Vessel, afforded; and he was further directed to report the quantity and quality of food necessary for their recovery, which he having done, the Registrar was ordered to communicate with Mr. Lake, the Proctor for Captor, on the subject, and they were daily supplied with fresh beef and vegetables, which was made into nutritious soup, and, doubtless, tended to save the lives of many of the sufferers; the Judges thus doing all that was in their power, under the peculiar nature of the circumstances in which they were placed, by the Declaration of the Acting Governor.

On the 12th of June, the Master, Jean Jacques Gimbert, was examined on the Standing Interrogatories, and deposed, "that he was born at St. Troper, in the Department of the Var, in France; he lives at St. Troper, and has lived there since he was born; is the Subject of the King of France, has never been the Subject of any other Prince or State; he appointed himself to the command of the Vessel taken; the former Master, Jacques Laborde, having died at Sea, in the Latitude of Cape Verd, during the Voyage out to Africa; he took possession of the Schooner on the day the Master died, which was in the month of June, 1825, but he forgets the date; has known the said Schooner since the month of May, 1825; first saw her on the 2d of that month at St. Thomas, in the West Indies; believes she was built at St. Malo, in France; that he was present at the taking and seizing the Schooner and her Lading, concerning which he is examined; she was seized for having hoisted Dutch Colours; the Brigantine Man of War chased the Schooner, and fired a gun at her to bring her to, when Deponent, who was lying sick in his bed, ordered a Seaman (a Passenger on board) to hoist French Colours, but he hoisted Dutch; directly that he saw the man had made a mistake, he had the Dutch Colours hauled down, and the French one hoisted; the Man of War's

Boat was at that time about half way between the two Vessels; the Dutch Colours were flying about 5 or 6 minutes; the Schooner sailed under French Colours; there were also 2 Dutch Flags on board; did not know they were on board until the Schooner's arrival in Bonny, and they were afterwards made use of as signals between different Vessels lying there; the name of the Schooner taken is *La Fortunée*; has been called by that name since he knew her; does not know if she went by any other name or names; believes she is about 75 tons burthen, and that there were about 15 Officers and Mariners on board at the time of Capture, exclusive of himself; does not know to what Country each of the said Officers and Mariners belong; they consisted of Frenchmen, Spaniards, and Dutchmen; they did not all come on board at the same Port; in the first instance the Crew were all shipped at Gaudaloupe, but when the Schooner went to St. Thomas, many of them ran away, because she staid in that Port so long, and others were shipped in their stead; they were all hired and shipped in those Ports by the late Master, Jacques Laborde; he himself was shipped at St. Thomas by Messrs. Gay and Company; neither himself nor either of the Officers and Mariners had any part, share, or interest in the Schooner taken; he himself has an interest of 2,000 dollars in the Cargo of Slaves; he first shipped as Supercargo, but is now Master of the said Schooner, 3 Passengers were on board at the time of Capture; Boyer was the name of one, Vincent the name of another, but he forgets the name of the third; they were all Black Creoles of the French Colonies in the West Indies, and were Seamen by profession; they were taken on board in the River Bonny; 2 were destined to St. Thomas, and the other to Guadaloupe, those Places being their homes; they had no property, authority, or concern, directly or indirectly, regarding the Schooner and Cargo, or any part thereof; the present Voyage commenced at Guadaloupe, and was to have ended there; St. Thomas was the last clearing Port the Schooner sailed from previous to Capture; the Schooner anchored and touched at St. Thomas and the River Bonny, during the Voyage in which she was taken; she went to St. Thomas to take in part of her outward Cargo, and to Bonny, to trade for Slaves; communication took place between the Schooner and the shore by means of the native Canoes; he was lying ill in bed when the Capturing Ship was first observed, but he does not know the Latitude or Place; it was on the 15th of May last; the Place of Capture was about 1. 30. North Latitude, and 7. 0. East Longitude; the chase commenced at 6 o'clock in the morning, and she was taken at 4 o'clock the same afternoon; she was steering to the Southward, making the best of her way to Guadaloupe, when first pursued; her course was altered about 4 points, and her foresail set, upon the appearance of the Capturing Ship, as Deponent was fearful she was a French Man of War, as she had French Colours and Pendant flying;



no resistance was made at the time of Capture; had no instructions or directions for endeavouring to avoid or escape from Capture, or for destroying, concealing, or refusing to deliver up any of the Schooner's Documents or Papers on board; one of the part-Owners lives in Guadaloupe, whose name he does not know, and one lives at St. Thomas, and their names are Gay and Company; knows the latter to be part-Owners from having appointed him to be Supercargo, and they informed him of the other Owner living in Guadaloupe, but he does not know him; they are all Frenchmen, living in the Islands above stated, and are Subjects of the King of France; Gay has lived about 5 Years at St. Thomas, but before he lived at Guadaloupe; knows nothing about the other Partners; knows nothing about a Bill of Sale having been made to the aforesaid Owners; Lalonde, the Mate, under Deponent's direction, he being ill at the time, is the Lader, and Gay and Company, of whom he himself is one, are the Owners and Consignees of the Cargo of Slaves on board the Schooner taken; and they were to have been delivered at Guadaloupe, for the real account, risk, and benefit of the aforesaid Owners; can take upon himself to swear that he believes, that at the time of Lading, and at the present time also, if the said Schooner and Slaves shall be restored and unladen at the destined Port, the same did, do, and will belong to the same Persons he has stated to be the Owners, and to none others; his ground for such his knowledge and belief is, that Gay and Company put on board the outward bound Cargo to purchase the Slaves; the present Cargo consists of Slaves; 252 were taken on board, all at one time; but he cannot distinguish the number of each sex; they were all taken on board from the shore at the River Bonny, except one from the French Schooner *Theoniz*, belonging to Nantes, by the Mate of that Vessel, named Monsieur Goree, he had been bought at Bonny also; 6 had died previous to Capture; 50 had died since, up to this day; all the Passports and other Papers, which were found on board the Schooner taken, are entirely true and fair, none are false or colourable; there were no other Papers but French on board; no Papers, Bills of Lading, Letters, or other Writings, which were on board the Schooner at the time she took her departure from the last clearing Port and before Capture, were burnt, torn, thrown overboard, destroyed, cancelled, concealed, or attempted to be concealed; bulk was first broken in the River Bonny; no Slaves have been disembarked since Capture."

Christopher Westcott, Steward of the Schooner, being examined on the same Interrogatories, contradicts the Master's Deposition on several points; in his Answers to the 3d and 4th Interrogatories, he deposes, "that the Master's name is Jacques Gimbert, and that he has known him about 13 months; that he does not know who appointed the Master to the command of the Schooner taken, the Master took possession of her at St. Thomas, but he does not know at what time,

as he was in possession of her when he, (Deponent,) joined the said Schooner; has known the said Schooner only since he (Deponent) joined her, which is about 13 months since; first saw her at that time at St. Thomas." To the 5th he deposed "that the Schooner had two Dutch Ensigns on board, besides the French Colours, had them on board to hoist when the Dutch Papers were used; saw the Dutch Ensign hoisted only once, on a Sunday, while lying in the River Bonny, but he does not know for what reason they were so hoisted." To the 6th he deposes, "that the Crew consisted of Frenchmen, Spaniards, Italians, and one Dutchman, they all came on board at the same Port, and were all hired and shipped by the Master at St. Thomas." To the 8th he deposed, "that the present Voyage commenced at St. Thomas, and was to have ended at Surinam, to which Place he heard the Master say the Schooner was bound, with the Cargo of Slaves now on board; St. Thomas was the last clearing Port the Schooner sailed from previous to Capture, from which Place she went direct to Bonny to purchase Slaves." To the 11th he deposed "that two or three Brothers, of the name of Pardo, were the Owners of the Schooner at the time she was seized; knows them to be the Owners from hearing the Master repeatedly say so, and from their supplying the Schooner with her outfit and Cargo. They are Dutchmen from Curaçoa, living in St. Thomas, believes them to be Subjects of the King of Holland; does not know how long they have lived at St. Thomas; heard they had lived in Curaçoa before." To the 13th, he deposed, "that the Master of the said Schooner is the Lader of the Slaves on board, believes the aforesaid Persons, of the name of Pardo, to be the Owners of them, but he did not know the Consignees; the Slaves now on board were to have been delivered at Surinam, but he does not know for whose real account, risk and benefit, nor if the Lader has any interest in the said Slaves: can take upon himself to swear that he believes that at the time of the lading, and at the present time also, if the said Slaves shall be restored and unladen at the destined Port, the same did, do, and will belong to those he has stated to be the Owners, and none others, his ground for such his knowledge and belief is, that they put the outward bound Cargo on board to purchase the said Slaves." To the 15th, he deposed, "that there were two sets of Papers on board, one Dutch, and one French, but he does not know which set were the false ones." And to the 17th Interrogatory, he deposed "that during the chase of the Schooner by the Capturing Ship, he heard the Master tell the Mate, Lalonde, to throw the said Schooner's Dutch Papers overboard, just as the boat was about to board her, and Deponent saw the said Mate throw them overboard, out of the quarter-deck port; they were in a tin box; knew there were a set of Dutch Papers on board, when the Schooner sailed from St. Thomas; heard they were got at St. Eustatius, but never saw them made use of."

The examination of John Vincent, Passenger, and acting as Cook on board *La Fortunée*, throws no additional light on these contradictory statements, except that, in his Answers to the 8th and 13th Interrogatories, he corroborates Westcott's Deposition from the hearsay Evidence of the Seamen on board the Schooner, as to the destination to Surinam. And in his Answer to the 17th Interrogatory, he says, "he was standing near the cabouse as the Boats of the Capturing Ship boarded the Schooner, and he saw the Sailors take from their bags and pockets many Letters and other Papers, and throw them overboard; but he saw nothing thrown over-board from the quarter-deck." After these Examinations had been taken, the Proctor for the Captor petitioned the Court, on the 20th of June, for leave to put certain Special Interrogatories to the Witness Westcott, as also to a Slave named Victor, who acted as Cabin-boy on board the Schooner, which Petition was granted; and Westcott deposed, "that he first knew Gimbert the Master of the Schooner *La Fortunée*, at St. Thomas, when the Deponent joined the said Schooner; never knew him by the name of Laborde, nor by any other name than that of Gimbert; has only known Gimbert as Master of the said Schooner; never knew him in any other capacity on board the said Vessel; no Officer or any other Person on board the said Schooner was lost by death off the Cape de Verd Islands, nor during the Voyage out; when the Man-of-War's boat, by which the Schooner was detained, was coming alongside, himself, the Master, (Gimbert,) and the Mate (Lalonde,) were standing close together on the deck, and he, Deponent, heard the Master tell the Mate to go below and get the 2 sets of Papers, that Deponent then pointed out that the keys of the Master's trunks were in the Master's hat, which was hanging up in the cabin (a Person standing near the cabin door of the Schooner can see every thing which passed in the cabin), and he saw the Mate open the trunks, and take out therefrom, 2 sets of Papers, which he brought up and delivered to the Master; the Master then put them in his lap, and kept them there till the Man-of-War's Boat was almost alongside, when some of the People forward called out "it is an English Vessel," he then handed a tin box, containing the Dutch Papers, to a black Man (one of the Passengers) and he handed it to the Mate, who threw the box over-board by the Master's orders. He was walking with Gimbert, the Master, along the streets of Freetown, about 2 days after he had answered the Standing Interrogatories, and he the said Master, offered to sell his watch, and give him half the amount he got for it, if he would hold his tongue and say nothing about the Papers that were thrown over-board, nor tell who was the Owner of the Schooner, to which Deponent made no answer; saw the Mate take the Dutch Flags, and the tin box with the Dutch Papers in, on shore once, whilst lying in the River Bonny, and they were on shore about 4 days; they were taken on shore upon the appearance of some Boats belong-



ing to an English Man-of-War going up the River, but he does not know the name of the Man-of-War; he is sure the tin box containing the Dutch Papers, taken on shore in the River Bonny, was the same that was thrown over-board when the Man-of-War chased the Schooner."

The Examination of Victor, is corroborative of Westcott's Deposition on the point of the Dutch Flag having been hoisted during the Chase; and that a tin box had been thrown over-board through a side port.

On a retrospective view of the Examinations in this Cause, the Judges had much difficulty in forming any conclusion, from the doubts which existed in their minds, as to the real character of this Vessel. The Evidence of the Master, Gimbert, together with the principal Papers found on board, tended, in the early part of the Proceedings, to prove her being French property, yet the appearance of those Papers were far from being satisfactory, and there were circumstances of such discrepancy in the Evidence of Gimbert, as compared with his own Documents and the Evidence of others, which tended to create a disbelief as to his veracity. He states that he succeeded to the command of *La Fortunée*, on the death of the former Master, Jacques Laborde, in the month of June, 1825; he is, however, named as Captain in Papers dated at St. Thomas, on the 4th of the preceding month of April. He swears also that Laborde died at Sea, in the Latitude of the Cape de Verd Islands in the month of June; he has noted this in the Muster-roll, as having occurred on the 14th of July; and in his Log-book, the day previous to anchoring off Bonny, it is inserted that the Captain died at 10 o'clock that day, the 11th of July. He says that he first saw the *La Fortunée* at St. Thomas, on the 2d of May, and that Persons of the name of Gay and Company, French Subjects, at St. Thomas, are the Owners. In one of his Letters he addresses Messrs. Pardo as such. This Letter is without signature, but headed as coming from Jean Jacques Gimbert, commanding the Schooner *La Fortunée*, to Messrs. Pardo and Brothers, and relates to a misunderstanding between himself and the King of Bonny, respecting a greater lapse of time having transpired in the shipping of Slaves than was agreed upon between them.

Messrs. Pardo and Brothers are also acknowledged in the Letter, as having entrusted this adventure to his (Gimbert's) care.

Westcott's Evidence, corroborated, in some degree, by the other Witnesses, tends to prove the falsity of the Master's depositions on oath, as will be seen by a reference to his (Westcott's) Answers to the 3d, 4th, 5th, 6th, 8th, 11th, 13th, 15th, and 17th Articles of the Standing Interrogatories, as well as by his Answers to the Special Interrogatories put to him, and thus accounts for those gross contradictions between Gimbert's Statements and the Document before alluded to.



Still this was but the Evidence of one Individual against another, for the other Examinations have been of trivial assistance in clearing this Case from its obscurities, and the Judges could not but regret that greater attention had not been paid by the Captor in the selection of the Witnesses.

We will now proceed to point out the contradictions given to the Master's Statements, by the Papers found on board the *Fortunée*. In her French Congé, registered at Point à Pèdre, the 5th of October, 1824, *La Fortunée* is said to belong to Jean Pierre Savant, and Jacques Laborde to be the Master. By an endorsement on the French naturalization Deed, dated at Point à Pèdre, it appears that the Vessel had been sold on the 26th of November, 1823, and transferred to one Laurent; on the 25th of the following month, and by a Custom-House Document, called the "Extrait du Régistre des Déclarations de départ des Bâtimens," dated the 5th of April, 1825, Jacques Laborde is again named as Captain of *La Fortunée*, and Monsieur Laurent the Owner, and clearing for St. Thomas, Africa, with certain merchandize. In the Invoices of the Cargo shipped at St. Thomas, and dated the 4th of April, 1825, Gimbert is named as the Master. And in a rough Muster-roll, without signatures, dated in March, 1825, Gimbert is stated to be Master; in the Muster-roll, duly signed, and dated the 4th of April, 1825, Laborde is named as the Master, and no such name as Gimbert is inserted in it.

This documentary Evidence tends forcibly to establish the utter falsity of Gimbert's Deposition, as to the Owners of the Vessel having been Messrs. Gay and Co., and also to prove that Laborde and Gimbert are one and the same Person; his object in making use of two names could only have been to cloak his illegal transactions.

A Letter of Introduction for Gimbert, dated at Bonny, the 6th of February, 1826, addressed to Monsieur Garoute by P. A. Marée, commanding a Vessel then in the River Bonny, is an additional corroborative proof of *La Fortunée's* intended destination to Surinam, and not to Guadaloupe, as affirmed by Gimbert in his Examination. He writes, that Captain Gimbert, having communicated to me that there is a probability that he will proceed to Surinam, I availed myself of the opportunity to "offer him a Letter of Introduction to you, and to give him a Copy of the Instructions that you addressed to Delandre and Brothers;" which Copy of Instructions is annexed to the Letter of Introduction, and relates principally to the disembarkation of the Slaves.

In the hope of eliciting further information, the Judges had determined on examining the Master Gimbert, on certain Special Interrogatories, in which intention they were frustrated, from day to day, by his continued illness.

On the 22d of June, a Claim, with Affidavit thereto, was filed by Jean Jacques Gimbert, "of St. Troper, Département de la Var, in

France, a Subject of His Most Christian Majesty the King of France, and Master of the said Schooner *La Fortunée*, on behalf of Jean Baptiste Gay and Co., of the Island of Guadaloupe, Subjects of His said Most Christian Majesty, the sole, true, and lawful Owners and Proprietors of the said Schooner or Vessel, her tackle, apparel, and furniture, and the Cargo, consisting of 245 Slaves, laden therein at the time of Capture and Detention, by His Majesty's Ship *Brazen*, George Wickens Willes, Esq. Commander, and brought to Sierra Leone; for the said Schooner, her tackle, apparel, and furniture, and the Cargo laden on board, as the sole property of the said Jean Baptiste Gay and Company, at the time of Capture and Detention as aforesaid; and as such not being a Vessel liable to adjudication before the said Mixed Court of Justice, claims, upon the said protestation, that the said Cause be dismissed accordingly." The Affidavit in support of the said Claim, after briefly stating himself to be the Master, and Jean Baptiste Gay and Company, sole Owners and Proprietors of the said Schooner, and the Cargo laden therein, says, "the said Schooner was seized and detained, on the 15th day of May last past, in the prosecution of her Voyage to Guadaloupe, that she is truly and absolutely the property of French Subjects, and of none other, and navigated by Frenchmen according to the Law of France, and that he believes the said Schooner called *La Fortunée*, whereof he is Master, is not a Vessel amenable to the Court of Mixed Commission, before which she is now brought for adjudication.

Whether from the illness of the said Master (Gimbert), or from any other Cause with which the Judges were unacquainted, no proof was filed, in support of the Claim of the Schooner being a French Vessel, and the property of French Subjects, navigated by Frenchmen, according to the Law of France; and in this state the proceedings remained some days, the Judge of His Netherland Majesty not coinciding in opinion with His Britannick Majesty's Judge, that there was sufficient Evidence before the Court to proceed to adjudication upon the Capture, as a Dutch Vessel, from the circumstance of no Dutch Papers having been found on board, and that the Witnesses (Westcott, Vincent, and Victor) not being able to read and write, were not competent to know whether the Papers, said to be thrown overboard, were Dutch or not; the Proceedings were, therefore, submitted to the British Arbitrator, the duty devolving upon him, there being no Dutch Arbitrator here to draw lots according to the Treaty, to whom the said Proceedings were to be referred; and, pending his forming his Judgment thereon, a circumstance highly satisfactory took place, as it appears that Captain Willes, after he had dispatched the Schooner to this Port for adjudication, reflected on the insufficient nature of the Evidence he had sent up with her, and that no Dutch Papers having been found on board of her at the period of Capture, the Case would require strong

corroborative proof that they had been made away with ; he therefore endeavoured to elicit further information from the remainder of the Crew of the Schooner, who were then on board the *Brazen* ; in the course thereof, further additional light was thrown on the subject, and Captain Willes having detained another Vessel, thought it prudent to send up two more Witnesses in her.

They arrived here on the 10th of July, together with the voluntary Declarations, taken by himself and witnessed by several of his Officers, of nearly the whole Crew ; and on the day following (the 11th) the Proctor for the Captor prayed “ that the Carpenter and a Seaman of the said Schooner, having arrived in this Colony, for the purpose of giving their Evidence in the said Case, might be examined on the Standing Interrogatories, and that the voluntary Declarations of the Mate and part of the Crew might be filed as Evidence in the Cause. The prayer of which Petition was granted by the Judges, so far as related to the Examination of the Witnesses on the Standing Interrogatories, but refused to allow the Declarations of the Mate and Crew to be filed in Evidence, being against the practice of the Court ; and, on the 12th of July, Thomas Ferdinand, Carpenter, was examined on the Standing Interrogatories, who deposed, “ that the name of the Master of the Schooner taken, is Jean Jacques Gimbert ; has known him since the 10th of May, 1825, that being the day Deponent shipped on board the Schooner ; a Mr. Pardo appointed the Master to the command of the Schooner taken, and he lives at St. Thomas ; the Master took possession of her at St. Thomas, but he does not recollect the date ; the aforesaid Mr. Pardo was the person who delivered such possession to him ; has known the said Schooner about 2 Years, at which time he was employed to repair her by Mr. Saubot, of St. Thomas, who is a Shipwright there ; she then belonged to Mr. Pardo, but does not know where she was built ; he was present at the taking and seizing of the Schooner and Cargo ; she was seized for having hoisted the Dutch Flag ; she sailed under the Dutch Flag ; had a French Flag also on board, she had it on board to hoist when French Papers, which she had on board, were used ; the name of the Schooner taken is *La Fortunée* ; has been so called since the Month of April 1825 ; she was before that period called *l'Amour de la Patrie* ; knew her by that name when he was working upon her ; there were 18 Officers and Mariners on board, and they were all hired and shipped by the Master at St. Thomas ; the present Voyage began at St. Thomas ; and it was to have ended either at Surinam or Porto Rico, but he does not know which ; St. Thomas was the last clearing Port the Schooner sailed from previous to Capture ; the Schooner sailed direct to the River Bonny, and never touched at any other Ports or Places during the Voyage in which she was taken ; she went to Bonny to trade for Slaves ; a Mr. Pardo was the Owner of the Schooner at the time she was seized : knows him to



be the Owner from giving directions regarding the repairs of the Schooner, and from Gimbert, the Master, drawing money from him for paying the Schooner's expenses; he is a Dutchman by birth, and lives at St. Thomas; Gimbert, the Master, is the Lader, and the aforesaid Mr. Pardo is the Owner of the Slaves on board of the Schooner taken, but he does not know the Consignees of them; Gimbert is a Frenchman, Pardo is a Dutchman, lives at St. Thomas, and carries on his business there, but does not know how long he has lived there, nor where he resided before; believes the Slaves now on board were to have been delivered at Surinam or Porto Rico, and for the account, risk, and benefit of Mr. Pardo; the present Cargo consists of Slaves, 255 were taken on board from the time the trading for them commenced to the completing of the Cargo; they were all taken on board in the River Bonny from the shore; he does not know if the Passports and other Papers, which were found on board the Schooner taken, are entirely true and fair, or if any are false or colourable; knew at the time of her leaving the River Bonny that she had 2 Sets of Papers on board, one Dutch, and one French, and believes the Dutch to be the true Papers; knew also that she went to St. Eustatius in April 1825, to procure Dutch Papers, and returned back in a Week to St. Thomas with them, but did not know when she left St. Thomas that she had French Papers on board; she left that Port with Dutch Colours flying, and, after leaving, a strange sail kept company with her 2 days, which made the Captain suspicious, when he called all hands aft, and gave them fictitious names to answer to the Dutch Muster-roll; that during the chase of the Schooner, he saw Gimbert, sitting upon his bed-place on the quarter-deck, examining some Papers, which he took out of a tin box; he returned them into the tin box, and placed it on one side of him; on the other side of him was also another tin box, and when the Man-of-War's Boat was about to board, he (Gimbert) gave the tin box, the Papers of which he had examined, and which Deponent swears he believes were the Dutch Papers, to Boyer, one of the Passengers, who was at the helm, to throw overboard, and Deponent saw Boyer throw them into the Sea through the quarter-deck port."

On the 13th July, John Boyer, the other Witness was produced and examined on the Standing Interrogatories, who being but a Passenger going from the River Bonny (where he shipped on board) to the West Indies, knew nothing concerning the proceedings of the Schooner previous to his joining her; but his Evidence of her proceedings after that period is important, from its corroboration of all the material points given in Evidence by the other Witnesses. He deposed, "the name of the Master of the Schooner taken, is Gimbert; has only known him since the 1st of January last; does not know who appointed him to the command of the Schooner, where he took possession of her, nor who delivered the possession to him; he was present at the taking and



seizing of the Schooner and her Lading, she was seized for having hoisted the Dutch Flag, and for having Slaves on board; does not know under what Colours she sailed; when she left the Bonny, she had French Colours flying, and when chased by the Man-of-War by which she was taken, she hoisted the Dutch Flag, but when it was ascertained that the chasing Ship was British, the Dutch Flag was hauled down, and the French one hoisted, which took place about 1 minute before the Man-of-War's Boat boarded her; the name of the Schooner taken is *La Fortunée*; does not know how long she has been so called; knew her at St. Thomas about 20 Months ago, she was then called *l'Amour de la Patrie*; does not know where the present Voyage began; heard the Master (Gimbert) say the Schooner was going to Surinam with Slaves on board, and if they did not sell well there, she would go to The Havannah with them, and from thence to St. Thomas; had instructions from Gimbert, the Master, to throw overboard a tin box covered with canvas, and which Gimbert told him contained Dutch Papers belonging to the Schooner; he believes a Mr. Pardo to be the Owner of the Schooner at the time she was seized; believes him to be the Owner from hearing the Schooner's Company say so; he does not know of what Nation he is by birth; he lives in St. Thomas, but does not know how long he has resided there, nor where he resided before; Gimbert, the Master, is the Lader of the Slaves on board the said Schooner, but he does not know who are the Owners and Consignees of them; Gimbert is a Frenchman; the said Master told him that the Slaves, now on board, were to have been delivered at Surinam, and if they did not fetch a good price there, he would take them to The Havannah, but he does not know for whose account, risk, or benefit; the present Cargo consists of Slaves, but he does not know how many were taken on board, they were all taken on board in the River Bonny from the shore; he does not know if the Passports and other Papers, which were found on board the Schooner taken, are entirely true and fair, or if any are false or colourable; when the Schooner was chased, he saw the Master (Gimbert) have 2 sets of Papers in his hands, and then, for the first time, he knew she had one French and one Dutch set, but he does not know which is the true set; during the chase of the Schooner, he (Deponent) was at the helm, and could see into the cabin, that the Master sat down on the top of his birth and called the Second Captain (Talon or Lalonde) who was forward, aft on the quarter-deck, and told him to go down, open his trunk, and bring the 2 sets of Papers to him; Deponent saw the Second Captain go down, open the trunk, and take out 2 tin boxes, which he delivered to the Master; that he then opened one of them that was covered with canvas, which Deponent saw contained Papers, shut and covered it up again and gave it to him, telling him at the same time to throw it overboard; Deponent asked him what it was, and the Master replied, "the Dutch Papers, throw it over-

board ;” the Master then took the helm from him, and Deponent went to the lee-side and threw the box into the Sea about 1 minute before the Man-of-War’s Boat boarded the Schooner.”

Notwithstanding the additional strong proof adduced in Evidence by the two last Witnesses, agreeing almost verbatim with that afforded by the Evidence of the three Witnesses who were previously examined, and which now left no doubt upon the minds of His Britannick Majesty’s Judge and Arbitrator, of the fact of the Schooner being a Dutch Vessel, owned by a Dutchman residing at St. Thomas, and of her Master having destroyed her Dutch Papers to avoid Capture, endeavouring, under the cloak of the very incorrect French Papers produced, to screen the Vessel and Cargo from confiscation.—Yet His Netherland Majesty’s Judge could not agree in the same opinion with them, giving as his reasons for such, the slight discrepancy in the Evidence of Westcott and the other Witnesses; the former having deposed, that the Mate threw the Papers overboard, and the others deposing, that Boyer, the Passenger, was the person who did so; although the Evidence of the latter Witness, which was so strongly substantiated by Thomas Ferdinand, the Carpenter, goes to establish the truth of the transaction, and that he was the person who actually threw the Papers overboard; the fact that neither he nor Thomas Ferdinand were able to read or write, made it impossible they could know whether they were Dutch Papers or not, and his further opinion was, that, although the French Papers were incorrect, she was a French Vessel, which, together with her Cargo of Slaves, were the property of French subjects; and therefore not subject or liable to confiscation, in the British and Netherland Mixed Court of Justice; the duty, therefore, of adjudicating this Case fell upon the British Judge and Arbitrator, and, on the 17th of July, a Court was held for this purpose, at which his Netherland Majesty’s Judge, after hearing the Proctors on both sides, delivered his opinion as above-stated, and at which the British Judge and Arbitrator also gave theirs; and after due, strict, and impartial investigation of this Case, the Court condemned the said Schooner *La Fortunée*, her tackle, apparel and furniture, and the goods, wares, and merchandize laden therein, as good and lawful Prize, and as taken in the illicit Traffick in Slaves, by His Majesty’s Ship *Brazen*, George Wickens Willes, Esq. Commander, and decreed the Emancipation of the Slaves.

JOS. REFFELL.

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No. 79.—*Joseph Reffell, Esq. to Mr. Secy. Canning.*—(Rec. Jan. 27, 1827.)

SIR,

*Sierra Leone, 22d November, 1826.*

I BEG leave most respectfully to acquaint you, that the Netherland Brigantine *De Snelheid*, whereof Paul Lieutaud had been Master, arrived in this Harbour on the 21st ultimo, having being seized off St. Thomas, on the 28th of September past, by His Majesty’s Ship *Brazen*,

George Wickens Willes, Esq. Commander, for being engaged in the Traffick in Slaves, contrary to the Treaties between Great Britain and The Netherlands, and having on board at the time 23 Slaves.

On the same day the Papers of the Vessel were lodged in the Registry of the British and Netherland Court, and the usual Monition went forth, returnable on the 28th.

Claim for the Vessel, her tackle, apparel, and furniture, with the merchandize laden on board at the time of Seizure, as the property of Messrs. Pardo and Pardo, of the Island of St. Thomas, was made on the 30th of October, by Etienne Adolphe Hurel, the Mate, in the unavoidable absence of the Master.

Owing to the continued illness of Mr. Hamilton, His Majesty's Commissary Judge, I deemed it my duty to accede to the request of Mr. Bonnouvrié, the Judge of His Majesty The King of The Netherlands, to sit with him to hear the Case of this Vessel, and we accordingly met for this purpose, on the 16th Instant, when, after hearing the Proctors on both sides, and referring to the Papers, which clearly established the employment of the Vessel in the Slave-traffick, we declared the said Brigantine *De Snelheid* to have been so engaged during the present Voyage, in violation of the Additional Articles to the Treaty of the 4th of May 1818, between Great Britain and The Netherlands, and therefore, liable to Condemnation; which Sentence was accordingly pronounced, so far as related to the Vessel, her tackle, apparel, and furniture, but without including in it the 23 Slaves, found on board at the time of Capture, and which by the Depositions appeared to have been subsequently shipped by the Piratical Crew, in whose custody the Vessel was sailing, when seized by His Majesty's Ship *Brazen*, and also excepting the gold and dollars mentioned in the Declaration of Captain Willes, and which, it is supposed, were plundered from an American Vessel, and put on board *De Snelheid* by the Pirate. The Report of the Case of this Vessel I have the honour herewith to enclose.

The following particulars relating to the Capture of *De Snelheid*, by the Piratical Ship *Atalanta*, as alluded to in the Depositions, and the subsequent transactions of the Crew put on board by that Vessel, to the time of Seizure by the *Brazen*, are from Evidence given against the Pirates before the Authorities here, on which they stand committed to take their trial for Piracy and Murder;—Gregorio Cabrera being charged with having ordered one of the Slaves to be flogged to death;—and, as in some measure connected with this Case, I trust, Sir, you will approve of my detailing.

The Spanish armed Ship *Atalanta*, of 14 guns and 84 Officers and Men, left the Port of St. Andero some months since, but with what object does not exactly appear, although there is reason to believe on a Slaving-voyage: being, however, on this Coast, off Grand Bassa, on



the 28th of July last, and having French Colours hoisted, which were afterwards changed for Spanish, she fell in with *De Snelheid*, at anchor, then commanded by the Mate, Hurel, the Master being on shore at Trade-Town, and having forcibly seized and plundered her, made the Crew prisoners, landing them the following day on the Coast, and in their place sent 23 Men from the Ship, to take the Vessel to The Havannah; furnishing them with a Document, being a Declaration of the Captain and First Mate, to the effect, that "having arrived in the Neighbourhood of Grand Bassa, on the Coast of Africa, for the purpose of cruizing, discovered a Brigantine Schooner at anchor, which we had been informed carried 2 sets of Papers, and sailed under different Flags. She got under weigh, and we gave chase to her, and were obliged to fire 8 guns, to make her show her Colours; at length she showed French Colours, and sent her Boat on board us with French Papers, showing her to be *l'Entreprise*, Lieutaud, Master; but knowing that she had Dutch Papers also, we detained her to answer to our Government;" (This Document is witnessed by Hurel, and the Second Mate of the Brigantine) and also with Instructions to sail in company. About 15 days after this, having lost sight of the Ship, it was proposed on board *De Snelheid*, "to rob and make their fortunes;" and 2 days afterwards, falling in with an American Schooner, called the *Cassandra*, they plundered her of the whole of her Cargo, which was taken on board *De Snelheid*, with which they then proceeded to the River Nazareth, where the whole was landed for the purchase of Slaves, 24 of whom were sent off to the Vessel, when, in consequence of a Report that the King of the Country was about to seize the Brigantine, from having been told she was piratically engaged, the Boatswain got her under weigh, and put to sea, leaving the Master and 1 Man on shore. About 48 hours after leaving the River, and being off Princes Island, chase was given to a Sail they supposed to be a Portuguese Slaver, and which Vessel the Boatswain proposed plundering of her Slaves. On it proving, however, to be a Man-of-War, they endeavoured to escape, but were captured the same night, as before stated, off St. Thomas, by His Majesty's Ship.

In conclusion, permit me, Sir, to observe, that this Case was begun and carried on, under the sanction of both the Judges, and that I only acted in the latter part of the Proceedings, in consequence of the illness of Mr. Hamilton, and which, Sir, I hope, will meet with your approbation.

I have, &c.

*The Right Hon. George Canning.*

JOS. REFFELL.

(Enclosure.)—*Report of the Case of The Netherland Brigantine De Snelheid, whereof Paul Lieutaud was Master.*

THIS Vessel was seized on the 28th of September, 1826, in Latitude 0. 2. South, and Longitude 7. 10. East, by His Majesty's Ship



*Brazen*, G. W. Willes, Esq. Captain, who states in his Declaration, "that he found her with 3 sets of Papers, and having 23 living Slaves on board, which, with all her Papers, he sends to Sierra Leone for Adjudication in charge of Lieutenant Henry Edward Wingrove, together with a small quantity of gold and dollars, which he has reason to suppose were plundered from an American Schooner, called the *Cassandra*, on the Windward Coast."

On the 21st of October, the Vessel *De Snelheid* arrived in this Harbour, and a Petition was received from the Captor's Proctor, praying for permission to file the Papers, and that the usual Monition might issue, and naming Etienne Adolphe Hurel, who was Mate of *De Snelheid*, to be examined on the Standing Interrogatories, which prayer being granted, the Monition went forth returnable on the 28th, and the Papers were brought into Court by Lieutenant Baldwin Wake Walker, of His Majesty's said Ship *Brazen*, who, in his Affidavit, states, "that the Brigantine was seized, as before stated, by reason that she was employed in the Traffick in Slaves, contrary to the existing Treaties entered into between His Britannick Majesty and His Netherland Majesty, and that the said Papers were taken by him (the Deponent) from Manuel Ferran, under whose command the said Vessel was sailing at the time of Capture."

On the same day the Examination of the Mate on the Standing Interrogatories was taken: he deposed, "that the name of the Master was Lieutaud; that he was born in France, and that he believed him to be a naturalized Subject of the King of The Netherlands, and that he generally resided at St. Thomas; that he did not know who appointed him to the command of the Brigantine; he took possession of her at St. Thomas about the 10th or 12th of January, 1826; does not know who delivered her to the charge of the Master, nor where he lives; he was not present at the taking and seizing of the Brigantine, but was First Mate on board her, when she was taken by an armed Vessel under Patriot Colours, on the 28th of July last past; the name of the Brigantine is *De Snelheid*, she sailed under Dutch Colours; has not been called by any other name since he knew her: does not know if she went by any other name or names, nor how many Officers and Mariners were on board at the time of Capture, as he was put on shore at Trade Town, about 10 leagues from Grand Bassa, after the Capture by the Vessel under Patriot Colours; the present Voyage began at St. Thomas, and, he believes, it was to have ended there; St. Eustatius was the last clearing Port the Brigantine sailed from previous to Capture by the Piratical Vessel; the Brigantine anchored and touched at Trade Town and Grand Bassa, on this Coast, during the said Voyage; at Trade Town to purchase provisions, and at Grand Bassa, to take in water; 5 guns were mounted on board, besides 18 carbines, 12 pistols, 18 sabres, and bullets and ammunition; was so armed for protection

against Pirates; does not know the names of the Owners of the Brigantine; does not know to what Nation or Country the Owners belong; they reside, either at St. Thomas or St. Eustatius; does not know which of the two Places; the Cargo consisted of merchandize, was put on board by the Owners and consigned to the Master, it was to have been discharged at the Cape of Good Hope, for the account and benefit of the Owners; he believes that the Brigantine was laden the last Voyage with mules; her present Cargo consisted of cotton, and woollen goods, powder, guns, and rum; no Slaves were taken on board prior to the time of her being captured by the Vessel under Patriot Colours; does not know what Ports or Places the Brigantine has been carried to, since said Capture, as the whole of the Officers and Crew (to the exception of 3 Spaniards) were put on shore 24 hours after Capture; has no knowledge of any but the Dutch Passport and Papers found on board."

On the 30th of October, a Petition was received from the Captor's Proctor, for leave to put certain Special Interrogatories to the Mate (Hurel) which being granted, was done on the 1st of November, when he deposed " that on the 28th of July, when at anchor off Grand Bassa, the Brigantine had 31 Men, and 1 Mulatto Boy on board, and that her outfit and equipment was that of a Merchant Vessel; that she was fitted with close hatches; that there were no materials on board for fitting her with open gratings; that there was only the cabin, steerage and forecastle bulk heads; that there were no bulk heads on deck; that there was not a second deck, nor any spare plank to make one, there were a few planks on board, but they were for the occasional repairs of the Vessel; that there were no shackles, bolts, handcuffs, nor irons of any kind, on board; that there were about 28 puncheons, of 110 gallons each, on board, 16 of which were filled with fresh water at the time of the Vessel's departure from St. Eustatius, and the remainder with salt, because fresh was not to be procured; he does not know whether there was a Certificate from the Custom-house of the Clearing Port (St. Eustatius), that sufficient security had been given by the Owners that such casks should be used for the reception of palm-oil; there were only 2 or 3 mess tubs or kits on board, there were only 2 boilers or coppers on board, the former fitted in the cabouse with a tin one for the cabin use, the boilers contained about 8 gallons; there were 12 tierces of rice on board, but no farinha or Indian corn; they were shipped on board as Cargo, but does not know if they were entered in the Manifest; the Brig arrived on the Coast on the 20th of July, the object of the Master in calling at Trade Town and Grand Bassa was to procure water; no water could be procured at Trade Town, but the Master was left on shore there to purchase fresh stock and provisions, while Deponent, in charge of the Vessel, was sent to Grand Bassa for water; the Vessel was 3 days at Trade Town, where

about 12 teeth of ivory were bought, and 3 days at Grand Bassa, when she was taken by the Spanish Pirate; the Master never joined her afterwards; there was no Cargo landed at any place, to the exception of a small chest of articles to the Master at Trade Town, to pay for the water and provisions."

On the 2d of November, a Petition was received, and granted, from the Mate (Hurel) praying to be permitted "to claim the said Vessel on behalf of the Owners thereof, in the absence of the Master," accompanied by the Claim and annexed Affidavit of the truth and circumstances in support of it. The Petition states "that he was Second Officer of the Brig on her present Voyage from St. Thomas along the Coast of Africa, and that on the 28th of July last, while the said Vessel was at anchor off Grand Bassa, she was captured by a Piratical Vessel, at which time the Master was on shore, and Petitioner had the Command, and that he, together with the Crew, were landed near Trade Town; that the said Piratical Vessel was sometimes under French Colours, but was manned with Spaniards, and that the Petitioner, after being so landed, made the best of his way to this Place, where he has been for a considerable time; that on the 19th or 20th of October, the said Brigantine was brought into this Harbour, having been captured or recaptured by His Majesty's Ship of War *Brazen*, and is now libelled in the British and Netherland Mixed Court of Justice; that the Captain or Master is unavoidably absent as aforesaid, and the Petitioner was the Person in command, when she was piratically seized, and is now the only Person in any manner authorized to act on behalf of the Owners thereof." The Claim states him to be a Subject of the King of France, and is made for the Vessel, her tackle, apparel and furniture, and the goods, wares and merchandize, on board at the time of Capture by His Majesty's Ship *Brazen*, as the sole property of Messrs. Pardo and Pardo, Inhabitants of the Island of St. Thomas, and who, in his Affidavit in support of the Claim, swears are not only such, but also Subjects of His Majesty the King of The Netherlands, and "the true, lawful, and sole Owners and Proprietors of the said Vessel *De Snelheid*, her tackle, apparel and furniture." He further swears, that "he believes the name of the Piratical Vessel to be the *Atalanta*, and that during the time the Brigantine was under the controul of the Master, Lieutaud, that the Vessel was never engaged in the Traffick for Slaves."

On the 3d of November, a Petition was received from the Proctor for the Captor, praying that a Commission of Inspection and Survey might go forth to examine the Brigantine, and which Petitioner had reason to believe would tend materially to further the ends of justice; which being granted, the same was issued on the 4th, directed to Messrs. S. M. Magnus and Nathaniel Thompson; this was returned on the 6th, with the Report of the Commissioners, who state as follows,



"that her hatches, besides two air skuttles, such as are common in Vessels engaged in the Slave-trade, were fitted for open gratings, but that no gratings were found on board; that she had spare plank on board, completely fitted and laid as a false deck, being marked and numbered from Number 1, upwards; that there was on board 1 pair of shackles, and a considerable number of long iron bolts; that there were 21 puncheons, 23 leaguers, and 2 pipes on board, capable of containing from 30 to 40 tons of water, also 1 mess kit, and 4 buckets of 2 gallons each; that there was a large iron cabouse, but no coppers fitted, that there were also 61 bags of farinha and rice, computed at about 3 tons, besides from 700 to 800 weight of biscuit; and that she was armed with 1 long 9-pounder, and 2 6-pounders, besides 10 muskets and 14 cutlasses, with several kegs of powder, some cartridges, and shot of different descriptions."

Permission having been granted by the Court, on the prayer of the Proctor for the Captor, to put Special Interrogatories to Sebastian Munof, one of the Crew of the Brigantine, when seized by the *Brazen*, the answers to the same were filed on the 6th. This Deponent states, "that it was about 4 to 6 days after the *Snelheid* was taken by the *Atalanta* that he was sent on board; at that time the nature of the equipment and outfit of the said Brigantine was that of a Slave-trader; there was a second deck laid fore and aft the Vessel, and also 3 divisions, or apartments, in the hold; he cannot tell the number of water and other casks on board, they ran from fore to aft, and the second deck was formed upon them; there was a considerable quantity of rice on board, in barrels and casks; the Spaniards, who had possession after Capture, purchased some farinha at the River Nazareth; and put on board her 15 pipes of rum, and 15 barrels of biscuit and rice; and water was left on board after the Brigantine was seized by the *Atalanta*; of which, 9 pipes of rum, and some other articles, that were stolen out of the *Cassandra*, American Brig, were bartered away for the Slaves on board, in the River Nazareth; 24 Slaves were put on board after the landing of the part of the Cargo before-mentioned; but 1 Slave was killed by being flogged to death by order of Gregorio Cabrera, the Boatswain, on board; there was no spare plank, water-casks, Slave-irons, mess tubs or kits, Slave boilers or coppers, rice or Indian corn, put on board the Brigantine, after seizure by the *Atalanta*, nor from any other Vessel, nor by any person, excepting the "farinha," bought at the River Nazareth."

On the 7th of November, the Surgeon of the Courts reported, that, having visited the Brigantine, he found the general appearance of the Slaves healthy, to the exception of one, who, he was of opinion, should be landed and sent to the Hospital, and in consequence of which, the Proctor for the Captor petitioned the Court for permission to land, not only the diseased Slave, but also the others, the prayer of which



being granted, provided the Colonial Government would receive them, they were accordingly landed on that date.

Two sets of Papers were found on board this Vessel, besides some Spanish Documents, viz. French and Dutch; from the former (the French), it appears that she cleared from Guadaloupe, as a French Vessel, navigated and owned according to the French Law, on the 24th of March last, at which time she was called *l'Entreprise*, and the Captain's name *François* Lieutaud, with a Crew of 30 persons, including the Claimant (Hurel), as Second Officer, and a Surgeon, for the Islands of Princes and St. Thomas, on this Coast, with a Cargo, consisting of 52 bales or packages of dry goods, 11 cases of muskets, 7000 pounds of powder, 6500 pounds of iron bars, 15 bales of leaf-tobacco, 20 puncheons of rum, and 12 tierces of rice, the Vessel and Cargo appearing to be owned by one Paul Lieutaud. From the latter (the Dutch Papers), it appears, that she cleared from St. Eustatius, on the 10th of April following, having her name changed to *De Snelheid*, and the same Master assuming that of *Paul* Lieutaud; and also being called the Owner, and a Subject of His Majesty the King of The Netherlands; Hurel (the Mate), and the Crew appear to have continued on board, the names being the same in both sets of Papers, making some trifling allowance for the difference between the Dutch and French languages in the spelling of them; the Register or Licence is of the usual description granted there (St. Eustatius), and authorises the Vessel's trading for one Year to any part of the World, except the Coast of Guinea; Bond also being given by the Master and apparent Owner (Lieutaud), to the amount of 5000 guilders, that the Vessel should only be legally employed; there is no Manifest of the Cargo among these Papers; it is merely stated that the Vessel clears with a Cargo of merchandize for the Cape of Good Hope, from St. Eustatius; it would seem that she proceeded to the Danish Island of St. Thomas, from which she clears, as appears by the Documents from that Port, on the 11th of May, and as from St. Eustatius, for a Voyage to the Cape of Good Hope. Among the Papers there is also a French Letter, without either signature, date, or address, and of which the following is a Translation:—

“As the Vessel and Cargo are consigned to you, we have only to recommend you to act in every affair for our best interest; our friends, Messrs. Santiago and Company, at the Cape of Good Hope, the place of your destination, will do the same for us, to enable you to dispose of your Cargo, and will not fail to procure a return Cargo for you, with which you will proceed to St. Jago de Cuba, where you will consign yourself to M. Louis Dutocq, who will be informed of your arrival.

“At 6 leagues to windward of the *Mooro* of St. Jago, there is a Bay, which is called *Suragua Grande*, where you will effect your dis-

embarkation; arrived before this Place, you will hoist your Flag of Provence at your mizen for a signal, and wait until the Pilot comes on board, who will bring you a Letter from Monsieur Dutocq, by which you will be instructed how to conduct yourself.

“Having disembarked, you will be pleased to remain near your Cargo, and send back the Vessel to us with the Mate, with enough funds, if possible, to pay off the Vessel; you will find our Letters at Cuba; we therefore wish you a fortunate Voyage. We remain, &c.”

In consequence of the illness of His Majesty's Commissary Judge, the Case did not come before the Court for adjudication until the 16th of November, when, from his continued and serious indisposition, His Majesty's Acting Arbitrator sat, with the Judge of His Majesty the King of The Netherlands, to hear and decide on the Case as it stood before the Court. The Proctor for the Captor, after pointing out the contradictions between the Answers of the Mate (Hurel) to the Standing and Special Interrogatories, and the statement set forth in his Claim, and accompanying Affidavit, and more particularly with respect to his knowledge of the Owners of the Vessel, whom, in the former, he swears he does not know; but, in the latter, deposes to be Messrs. Pardo and Pardo, of St. Thomas, and this even in contradiction of the Dutch Papers under which she sailed, and which shew the Master, Lieutaud, to be also the Owner; and again, that he never knew the Vessel by any other name than *De Snelheid*, nor that she was furnished by any other than Dutch Papers, although by the French Papers with which she sailed from Guadaloupe, and in which this man's name is entered as Second Officer or Mate, it appears that she was, during the present Voyage, called *l'Entreprise*; then moved the Court to pronounce Sentence of Condemnation of the Vessel and Cargo, which, from the Papers found on board her, and the proofs filed in the Case, there could be no doubt, had been engaged in the Slave-traffick, contrary to the existing Treaties between Great Britain and The Netherlands. He further urged, that, although the Slaves on board her had been shipped since the Seizure by the *Atalanta*, and without any agency on the part of the original Crew; still, that, as it appeared they were partly purchased by the rum belonging to the Cargo of *De Snelheid*, that they should be included in the Sentence of Condemnation. The Proctor for the Claimant made some observations; but, as he had filed nothing in support of the Claim, this was not material to the Case, and the Judges, therefore, proceeded, after severely animadverting on the perjury of the Mate (Hurel), to give Judgment to the following effect:—

That, from the evident illegal object of the whole transaction, exemplified in the two sets of Papers found on board, and distinctly shewn in the French Letter found among them, and which, although evidently

written to deceive the vigilance of any legal Examination, and consequently without name, date or address, they could only consider as Instructions to the Master, Lieutaud, in the disposal of the Slaves this Vessel was intended for; the circumstance, also, of the Vessel being on these shores at the greatest Slave Marts on the Windward Coast, and the improbability of the story set up by the Claimant, that it was only to procure fresh provisions and water; together with the absence of the Master on shore, further pointed out the true object of the Voyage, and which, but for the Capture by the *Atalanta*, would, no doubt, have been realized; the equipment of the Vessel, moreover, at the time of Seizure, as sworn to by Sebastian Munof, and corroborated by the Report of the Commissioners of Inspection and Survey, set aside any doubt which might exist on the minds of the Judges; and they, therefore, condemned the Vessel, her tackle, apparel, and furniture, under the further Additional Article to the Treaty of the 4th of May, 1818, between Great Britain and The Netherlands, as good and lawful Prize to His Majesty's Ship-of-War *Brazen*, G. W. Willes, Esq. Commander. With respect to the Slaves on board, shipped since the Seizure by the *Atalanta* in the River Nazareth; and also the gold and dollars mentioned in the Declaration of the Captor, "which he has reason to suppose were plundered from an American Schooner, called the *Cassandra*, on the Windward Coast," being also a subsequent transaction; they are, however, of a different opinion; and, as the Case of this Vessel is considered prior to her Seizure by the *Atalanta*, cognizance being only taken of the Voyage while she sailed under the command of the Master, Lieutaud, and the original Crew, the Judges cannot include them in this Sentence, which would otherwise have the effect of an interference in the acts of the Spaniards, who forcibly seized, and since piratically employed, this Vessel, and with which this Court can have nothing whatever to do.

JOS. REFFELL.

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No. 80.—*His Majesty's Commissioners to Joseph Planta, Jun. Esq.*  
(Received 9th March.)

SIR, *Sierra Leone, 15th January, 1827.*

IN pursuance of the 75th Clause of the Act, passed in the 5th Year of the Reign of His present Majesty, entitled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade," and in conformity with the Instructions received from Mr. Secretary Canning, we beg leave to enclose, in Duplicate, a Return of all the Cases of Netherland Vessels which have been adjudicated in the British and Netherland Mixed Court of Justice established here, from the 1st day of July, 1826, to the 1st day of January, 1827.

We have, &c.

N. CAMPBELL.

JOS. REFFELL.

*Joseph Planta, Jun. Esq.*

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(Enclosure.)—Return of Netherland Vessels, adjudicated by the British and Netherland Mixed Court of Justice established at Sierra Leone, from the 1st day of July, 1826, to the 1st day of January, 1827.

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.
La Fortunée.	May 15, 1826	Schooner and 245 Slaves.	G. W. Willes, H. M. S. Brazen.	July 17, 1826	Condemned for illicitly trading in Slaves.	The Schooner sold by Publick Auction, and one moiety of the Proceeds thereof paid into the Military Chest; one moiety paid to The Netherland Judge.
De Snelheid.	Sept. 28, 1826	Brigantine and 23 Slaves	G. W. Willes, H. M. S. Brazen.	Nov. 16, 1826	Condemned for illicitly trading in Slaves; the Slaves found on board were proved to have been put on board De Snelheid by the Crew of a Piratical Vessel after they had taken her, and therefore the Court decreed the 23 Slaves were not entitled to Emancipation, but that said Brigantine fell under the further Additional Articles to the Treaty of the 4th of May, 1818.	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.

WM. SMITH, Registrar.

No. 81.—His Majesty's Commr. to Mr. Secy. Canning.—(Rec. Apr. 14.)  
SIR,

Sierra Leone, 19th February, 1827.

WE had the honour to receive your Despatch of the 5th of December, 1826, acquainting us, for our information, and that of the other Gentlemen composing the Mixed Board of Commission, 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 certain of His Majesty's Ships, and that those Instructions which had been issued to His Majesty's Ships *Hussar*, *Dartmouth*, *Dispatch*, *Ferret*, and *Swinger*, have been recalled and cancelled.

We have, &c.

N. CAMPBELL.

The Right Hon. George Canning.

JOS. REFFELL.

No. 82.—Sir Neil Campbell to Mr. Secretary Canning.—(Rec. June 7.)  
SIR,

Sierra Leone, 31st March, 1827.

I HAVE the honour to forward herewith, the Report of the Case of the Brig *Lynx*, Peter Eugene Terrasse, Master, which Vessel was detained, on the 9th of January, 1827, in Latitude 2. 20. North, and Longitude 6. East, sailing under Netherland Colours, with 265 Slaves on board, 14 of whom died on the Passage to this Harbour, where the



Vessel arrived on the 8th of February, 1827, and was condemned in the British and Netherland Mixed Court of Justice, as Prize to His Majesty's Ship *Esk*, W. J. Purchas, Esq. Commander, on the 21st of February, 1827, and the surviving Slaves, 251 in number, emancipated.

The circumstances under which this Vessel, evidently French property, obtained Netherland Papers, and the Master a Certificate of Naturalization, are similar to the Case of the *Vogel*, to which your attention was drawn by the late Mr. Williams, in his Despatch, marked Netherlands, dated 4th April, 1826, with the exception that, in this instance, the Master swears, that he has never been at St. Eustatius since he was a Boy, but that himself and the Vessel remained at St. Thomas, to which Port the Papers, and Certificate of Naturalization, were sent from St. Eustatius, and which he further declares upon oath, is a common practice of obtaining them. I have, &c.

*The Right Hon. George Canning.*

N. CAMPBELL.

(*Enclosure.*)—*Report of the Case of The Netherland Brig Lynx, Peter Eugene Terrasse, Master.*

THIS Vessel was detained, on the 9th of January, 1827, in or about Latitude 2. 20. North, and Longitude 6. East, by His Majesty's Ship *Esk*, W. J. Purchas, Esq. Commander, who states in his Declaration, "that she was sailing under Netherland Colours, and commanded by P. Eugene Terrasse, who declared her to be bound to Martinique from the First River, (from Cape Formoso) with 265 Slaves, said to have been taken on board between the 3d and 4th of January, 1827," 14 of whom died on the Passage here, where the Vessel arrived on the 6th of February.

On the following day, the Papers of the Vessel were brought into Court by Lieutenant Arthur Kellet, and a Petition received from the Captor's Proctor for leave to file them, and that the usual Monition might issue; this being granted, the same went forth, on the 8th of February, returnable on the 17th of the same month.

From the Evidence before the Court, it appeared that the Vessel, which was owned by Mr. Baronette, at Martinique, was taken possession of by the Master in August, 1826, from which Colony she must have gone to the Danish Island of St. Thomas, as, on the 4th of September, she takes her departure from that Port, furnished with Dutch Papers from St. Eustatius, dated in August, and sailed direct for the River Bras, near Cape Formoso, where 270 Slaves were taken on board, 5 of whom died previous to Capture.

No Claim was made in this Case.

The Court met for Adjudication on the 21st of February, and it being clearly a Case of Condemnation under the Treaty between

Great Britain and The Netherlands, decreed accordingly, and the Emancipation of the surviving 251 Slaves, who had already been landed by permission of the Court. The Court further declared 265 Slaves to have been on board at the time of Capture by His Majesty's said Ship *Esk*, W. J. Purchas, Esq. Commander.

N. CAMPBELL.

No. 83.-*His Majesty's Commr. to John Backhouse, Esq.*-(*Rec. Sept. 18.*)  
SIR, *Sierra Leone, 5th July, 1827.*

IN pursuance of the 75th Clause of the Act, passed in the 5th Year of the Reign of His present Majesty, entitled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade;" we beg leave to enclose, in Duplicate, a Return of all the Cases of Netherland Vessels adjudicated in the British and Netherland Mixed Court of Justice, established here, from the 1st day of January to the 1st day of July, 1827.

We have, &c.

H. LUMLEY.

WM. SMITH.

*John Backhouse, Esq.*

(*Enclosure.*)—*Return of Netherland Vessels adjudicated by the British and Netherland Mixed Court of Justice, established at Sierra Leone, from the 1st day of January, 1827, to the 1st day of July, 1827.*

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
<i>Lytt - -</i>	Jan. 9, 1827.	Brig and 265 Slaves.	W. J. Purchas, H. M. S. Esk.	Feb. 21, 1827.	Condemned for illicitly trading in Slaves.	The Brig sold by publick auction, and one moiety of the Proceeds thereof paid into the Military Chest, and the other moiety to the Judge of His Netherland Majesty.

H. LUMLEY.  
WM. SMITH.

N. B. The Proceeds of the Sale of the Brigantine *De Snelheid* reported in the last Return as being in the hands of the Commissioners of Appraisement and Sale, have since been received, and one moiety of the Proceeds thereof paid into the Military Chest, and the other moiety to the Judge of His Netherland Majesty.

JOS. REFFELL, Registrar.

## HAVANNAH.

No. 84.—*His Majesty's Commissioners to Mr. Secretary Canning.*  
(Received February 24, 1827.)

SIR, Havannah, 8th December, 1826.

ON the 26th ultimo, the Spanish Schooner, *Hermosa Dolores*, D. Joachim Auricochea, Master, arrived here in ballast, and is announced in the Newspapers as coming from the Danish Island of St. Thomas, in 17 days. There can be no doubt, however, that she landed a Cargo of Negroes, although we have not been able to learn the number of her Cargo, or the Place of the disembarkation.

This Vessel sailed for the Coast of Africa, under the name of *Dolorita*, on the 16th April last. We have, &c.

H. T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

No. 85.—*His Majesty's Commissioners to Mr. Secretary Canning.*  
(Received February 24, 1827.)

SIR, Havannah, 8th December, 1826.

WE have the honour to acknowledge the receipt of your Despatch of September 11th, enclosing an Extract of a Despatch from His Majesty's Envoy at Madrid, and directing us to transmit to you accurate information, supported, where we can, by collateral, in the absence of direct, Evidence, of any facts connected with the non-execution of the Treaty of 1817.

We shall continue to employ all the means in our power to obtain such information, but you are already aware of the peculiar difficulties in the way of His Majesty's Commissioners acquiring what may be termed legal Evidence, regarding transactions connected with illicit Slave-trade.

Fortunately, however, in the recent Case of the *Minerva*, which is now before you, such Evidence was produced as we scarcely ever expect to be enabled again to submit to you. We have, &c.

H. T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

No. 86.—*Mr. Secy. Canning to His Majesty's Commissioners.*  
GENTLEMEN, Foreign Office, 26th February, 1827.

I SEND to you, for your information, the accompanying Copy of a Communication which has been received at this Office from the Admiralty, on the question of the alleged necessity, that the Commander of a Capturing Vessel should, if required, be present at the adjudication of each Vessel which he may have detained for illegal Slave-trade.

It appears that the opinion given by Mr. Macleay upon this subject was, in principle, correct. I think it right, at the same time, to point out to you, for your guidance, the last Paragraph in the opinion given upon this subject, by His Majesty's Advocate-General and the Advocate to the Admiralty.

You will there perceive, that the Declaration on Oath of the Captain of the captured Vessel is not made necessary, in all cases, to the adjudication of Vessels captured under the Treaties on Slave-trade; and that the want of that Declaration, therefore, will not invalidate the Capture, nor obstruct the Proceedings, unless the Declaration should, in the particular Case, be specially required. I am, &c.

*His Majesty's Commissioners.*

GEORGE CANNING.

(*Enclosure.*)—*J. Barrow, Esq. to Joseph Planta, Jun. Esq.*

SIR,

*Admiralty-Office, 6th February, 1827.*

MY Lords Commissioners of the Admiralty having referred for the opinion of the King's and Admiralty Advocates, a Letter, dated the 4th of November last, with its Enclosure, from Vice-Admiral Sir L. W. Halsted at Jamaica, relative to the interpretation of Article 3, page 1172, of the Act 5 Geo. 4, Cap. 113, entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade," I have it in command to send you herewith Copies of the said Letter, and its Enclosure from Vice-Admiral Sir L. W. Halsted, together with a Copy of the Opinion of the abovementioned Law Officers on this Case, and to desire that you will lay the same before Mr. Secretary Canning, and request his attention to the difficulty complained of. I am, &c.

*Joseph Planta, Jun. Esq.*

J. BARROW.

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

SIR,

*Magnificent, Port-Royal Harbour, Jamaica, 4th Nov. 1826.*

I BEG you will be pleased to lay before my Lords Commissioners of the Admiralty, the enclosed Letter from Captain Austen, of the *Aurora*, on the subject of an alleged necessity for His Majesty's Ships proceeding to the Port of Havannah with any Spanish Slave-vessels they may capture, in order to prosecute their condemnation. If, as therein stated, Art. 3, page 1172, of the 5th Geo. 4, Cap. 113, entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade," really bear the interpretation which Mr. Macleay points out, and which, undoubtedly, the Spanish Commissioners will give it, in order to take the Cruizers off their Stations, that they may not have the chance to fall in with other Slave-vessels; it is unnecessary for me to observe to their Lordships, how prejudicial it must be, and how much such a proceeding must tend to prevent the Squadron under my command, from cruising for the suppression of the illicit traffick in Slaves with proper effect. I therefore have to request their Lordships will be



pleased to take such steps, as may to them seem fit, for securing a just reading of the before-mentioned Article, and as appears to me to be intended, that on the Capture of a Slave-vessel, and a compliance with Article 6 of the "Instructions for the British and Spanish Ships of War employed to prevent the illicit traffick in Slaves," contained in Page 1169 of the Consolidated Act, already cited, she may be proceeded against before the Mixed Commission Court, on the Evidence of the Officer, and others sent into Port in charge of her.

I have, &c.

*John Wilson Croker, Esq.*

L. W. HALSTED.

(*Sub-Enclosure B.*)—*Captain Austen to Vice-Admiral Halsted.*

SIR,

*H. M. Ship Aurora, Port Royal, 3d Nov. 1826.*

REFERRING to my proceedings in accompanying the Spanish Slave-vessel *Nuevo Campeador*, captured by His Majesty's Ship under my command to The Havannah, which I was induced to, from the weakly state of many of the Slaves, as well as the condition of her sails and rigging, I think it proper to acquaint you, that whilst there, Mr. Macleay, the British Commissioner, assured me, though not officially, in a conversation I had with him upon the subject, that unless a Slave-vessel was accompanied to The Havannah by the Man-of-War who captured her, it would be impossible for him to proceed in her condemnation; in proof of which he pointed out to me, in the 5th of Geo. 4, Cap. 113, the 3d Article of the Regulations for the Mixed Commissions, which at the 6th line states:—"as well as the Declaration on Oath of the Captor, should it appear necessary." And certainly it is to be feared, that the Spanish Commissioners would declare that it was necessary.

I have, &c.

*Vice-Admiral Sir L. W. Halsted, K.C.B.*

C. J. AUSTEN

(*Sub-Enclosure C.*)—*Opinion of the King's and Admiralty Advocates*  
CASE.

THE accompanying Letter, dated the 4th November, 1826, with its Enclosure, from Vice-Admiral Sir L. W. Halsted, as to the interpretation of Article the 3d, of the Act 5th Geo. 4. Cap. 113, being "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-Trade," with reference to an alleged necessity for a detained Spanish Slave-vessel to be accompanied to The Havannah by the Man-of-War who captured her, in order to the Declaration on Oath of the Captor being given before the Commissioners in the proceedings to be had against her, has been transmitted to the Proctor for the Admiralty with the directions of the Lords Commissioners of the Admiralty, to lay the same before the King's Advocate and the Advocate of the Admiralty, for their opinion thereupon.

The Opinion of His Majesty's Advocate and the Advocate of the Admiralty is accordingly requested thereon.

On general construction of Rules prescribed for Captures of War, the word Taker, or Captor, would not, in all cases, be restricted absolutely to the Commander of the capturing Ship. The 1st Article of the Instructions to Cruizers directs, that the Commanders, &c. shall bring all Vessels to a convenient Port. But a subsequent Article directs, that the Taker or one of his Chief Officers, or some other Person present at the Capture, shall bring in Papers, &c. &c.

The Cases in which this question arises, are not of an ordinary description; the Instructions and Regulations concerning them are settled by Treaty with a Foreign Power, by which it is provided, that the detention of Vessels as agreed upon shall be effected only by Vessels provided with the Special Instructions annexed to the Treaty, and that the Commanders of the Ships of War, who shall be employed on this Service, *shall adhere strictly to the exact tenour of the Instructions which they shall receive.*

It is to be observed also, that in these Cases, the discretion of the Commander in the direction of the Voyage, and the incidents attending it, are specially referred to, and may be of the utmost consequence, as affecting the responsibility of his Government, and the lives of the Negroes on board the Vessels detained.

In the Instructions, Article 1, it is directed, that the Commander of a capturing Ship is to bring Ships detained, before that of the two Mixed Commissions, which shall be nearest, or which the Commander shall upon his own responsibility, think *he* can soonest *reach*. And in Article 6, that, on urgent motives for the disembarkation of the Negroes, the Commander of the capturing Ship may take upon himself the responsibility of disembarkation.

Both these Articles appear to imply the presence of the Commander.

In the Regulations for Adjudication (besides the 3d Article which is particularly referred to) the 5th Article provides, that in the authenticated Declaration, which the Captor shall make before the Commission, the Captor shall be bound to declare *his name*, and the name of his Vessel, &c.

In the 6th Article, providing that, in the Cases there stated, the Captor himself shall remain responsible, and in the 8th, providing for the Case of the Captor being led into error by the Captain of the detained Ship, and in the 12th, providing for the Case of improper detention, and the Captor not being able to justify himself, in which the Government to which the Captor belongs is bound to make enquiry, and to inflict upon the Captor if he be found to deserve it, a proportionate punishment: in all these Articles the word "Captor" clearly appears to mean exclusively the Commander of the capturing Ship.

Upon consideration of the several matters, it appears to us, that in the 3d Article of the Regulations, in which the Judges are directed to take Depositions of the Persons on board the detained Vessel, as well as the declaration on Oath of the *Captor*, should it appear necessary; the word *Captor* is to be interpreted, the Commander of the capturing Ship.

We observe, however, that this Declaration on Oath is not made necessary, in all Cases, to the Adjudication, but the Commissioners may proceed without it. The want of this Declaration, therefore, will not invalidate the Capture, neither will it obstruct the Proceedings, unless it should be specially required.

*Doctors' Commons, 2d Feb. 1827.*

CHRIS. ROBINSON.

J. H. ARNOLD.

No. 87.—*W. S. Macleay, Esq. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. Mar. 2, 1827.)

SIR,

*Havannah, 18th November, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch of the 31st of July, enclosing a Copy of your Despatch to His Majesty's Envoy at Madrid, on the subject of the African Slave-trade, to and from the Island of Cuba.

I have, &c.

*The Right Hon. George Canning.*

W. S. MACLEAY.

No. 88.—*W. S. Macleay, Esq. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. Mar. 2, 1827.)

SIR,

*Havannah, 18th November, 1826.*

ON the 16th instant, the Spanish Brig *San Jozé*, Don Joze Gomez, Master, arrived here in ballast, as from the Cape de Verd Islands; and, on the same day, also arrived here, the Spanish Schooner *Vigilancia Habanera*, D. Domingo Antonio de Castro, Master, likewise in ballast, and reported in the Newspapers as coming from the Island of St. Thomas, on the African Coast.

The Brig *San Jozé* sailed for the Coast of Africa on the 5th of June last, under the name of *Pepe*, as His Majesty's Commissioners had the honour to state to you in their Despatch dated 14th of June last; and the Schooner *Vigilancia Habanera* sailed from this Port for the same Coast on the 24th of April, under the name of *Jacinta*, as was reported to you by His Majesty's Commissioners in their Despatch dated 30th April last. Both these Vessels are said to have landed their Slaves at Puerto Escondido, in this Island; the Brig no less than 570 Negroes, and the Schooner 350.

Yesterday, also sailed for the Coast of Africa, the Spanish Schooner *Temeridad*, D. Antonio Echevarria, Master.

I have &c.

*The Right Hon. George Canning.*

W. S. MACLEAY.

No. 89.—*His Majesty's Commissioners to Mr. Secretary Canning.*  
(Received March 9, 1827.)

SIR,

Havannah, 18th December, 1826.

IN reference to your Despatch of the 23d of February of this Year, we have the honour to inform you, that Mr. Dannery, who is at present Acting French Consul here, and was French Consul at Cuba, at the time of the arrival at that Port of the Brig *Gavilan*, mentioned in that Despatch, lately stated to us, in conversation, the circumstances which had reached his knowledge respecting the transaction in which that Brig had been engaged.

Mr. Dannery received his information from a French Subject named Pautrier, who had been a Petty Officer on board the *Gavilan*. The statement made by this Individual fully confirms that made by Vice-Admiral Sir Lawrence Halsted to the Governor of Cuba, namely, that the *Gavilan* had recaptured, on the Coast of Africa, two Slave-vessels, a Spanish Brigantine, and a Portuguese Schooner, which had been previously taken by a British Cruizer, and were proceeding to Sierra Leone for Adjudication; that a number of the Slaves were transferred on board the *Gavilan*, which Vessel then sailed in company with the Brigantine and landed the Slaves on the Coast, not far from Cuba, into which Port the *Gavilan* afterwards entered, and that the Schooner was sent to Sierra Leone with the British Crews of the Prizes.

Pautrier, always persisted in this story regarding the British Crews, but it was generally believed at Cuba that they had been barbarously murdered by the Spaniards.

We asked Mr. Dannery whether it would be possible to obtain the testimony of Pautrier, or any other Individual belonging to the *Gavilan*. He replied, that he did not know where any of them were to be found, but that he believed that Pautrier had returned to France.

We have, &c.

HENRY T. KILBEE.

The Right Hon. George Canning.

W. S. MACLEAY.

No. 90.—*His Majesty's Commissioners to Mr. Secretary Canning.*  
(Received March 9, 1827.)

SIR,

Havannah, 31st December, 1826.

SINCE our Despatch of the 8th Instant, 1 Spanish Vessel, the *Hermosa Dolorita*, Pedro Blanco, Master, has sailed for the Coast of Africa.

This Vessel sailed for the same destination April 14th last, and returned to this Port in ballast November 26th, as reported in our Despatches of the 16th of April, and 8th instant. We have, &c.

HENRY T. KILBEE.

The Right Hon. George Canning.

W. S. MACLEAY.



No. 91.—*His Majesty's Commissioners to Mr. Secretary Canning.*—  
(Received March 9, 1827.)

SIR,

Havannah, 31st December, 1826.

WE have the honour to enclose a Copy of the Register of the Slaves emancipated by Decree of this Mixed Commission, since the date of our Despatch of the 30th of June, of this Year.

They belonged to the Spanish Brigantine *Nuevo Campeador*, and amount to 211. There were besides 36 Negroes belonging to the same Vessel deposited with the Governor of Cuba, for which Negroes, Certificates of Emancipation were forwarded to the Captain-General, as reported in Mr. Macleay's Despatch of the 30th of September last.

We have, &c.

HENRY T. KILBEE.

The Right Hon. George Canning.

W. S. MACLEAY.

(Enclosure.)—(Abstract.)—*Register of Emancipated Negroes from the Spanish Brigantine Nuevo Campeador.*

No.	Sex.	
211 .....	Males.....	153
	Females.....	58
		<u>211</u>

No. 92.—*His Majesty's Comm<sup>r</sup>. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. Mar. 9.)

SIR,

Havannah, 1st January, 1827.

WE have the honour to enclose, in Duplicate, the Return required by the 75th Clause of the Act, 5 Geo. IV. cap. 113.

We have the honour to be, &c,

HENRY T. KILBEE.

The Right Hon. George Canning.

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.
Aug. 20, 1826.	Spanish Steam Vessel Mexicano, with 20 Negroes, and Property belonging to various Individuals.	Captain G. V. Jackson, commanding H. B. M. Sloop Py-lades.	Aug. 30, 1826	Restitution -	
Aug. 29, —	Spanish Brigantine Nuevo Campeador, with 263 Slaves, but no other Cargo.	Captain C. J. Austen, commanding H. B. M. Frigate Aurora.	Sept. 27, —	Forfeiture -	The Vessel, tackle, &c. have been sold, nothing remaining unsold, the British moiety of the net proceeds has been remitted to H. M. Secretary of State for Foreign Affairs.

Havannah, January 1, 1827.

HENRY T. KILBEE.  
W. S. MACLEAY.

*No. 93.—His Majesty's Commr. to Mr. Secy. Canning.—(Rec. Mar. 9.)*  
 (Extract.) *Havannah, 1st January, 1827.*

THE Adventurers in illicit Slave-trade from this Port, during the Year 1825, were still more unsuccessful than during the preceding one, as will be seen by the enclosed List. Of the 32 Vessels, which sailed for the Coast of Africa, only 14, to our knowledge, have reached this Island in safety. Three were captured and condemned by the Mixed Commission established here. Six are said to have been carried into Sierra Leone, or lost on the Coast of Africa, and of the fate of the remaining 9 we are ignorant; some of the latter, however, have, in all probability, succeeded in landing Cargoes of Negroes without our knowledge.

We also have the honour to enclose Lists of the Departures and Arrivals of Slave-vessels during the Year 1826.

In consequence of the ill success of the Adventurers in the preceding Year, and of the success of His Majesty's Cruizers in the early part of 1826, (3 Prizes having been brought into this Port within 6 Weeks,) the number of departures has considerably decreased. It amounts to only 15, of which one was Portuguese; of these, 5 have already returned in safety, after landing Cargoes of Slaves, and 1 has been captured by a Colombian Cruiser.

The number of arrivals in 1826 has been 11, which have succeeded in landing about 3000 Slaves. In that number the Vessels condemned by the Mixed Commission are not included. These had on board, at the time of their respective Captures, 738 Negroes.

This diminution of the Traffick, we regret to say, is to be attributed entirely to the ill success of the Adventurers, and to other temporary causes mentioned in our last General Report, but by no means to the more effectual execution of the Spanish Laws relating to this subject. The trade is carried on with the same publicity as hitherto, and Vessels continue to sail openly for the Coast of Africa, and return to this Port, as usual, in ballast, after landing their Cargoes of Negroes.

The Royal Order of His Catholick Majesty, issued in January, and published here in April last, has not been productive of any good effect, and indeed has not as yet been acted upon, in any one instance, by the Authorities of the Island, but at the express instigation of His Majesty's Commissioners, and then without any satisfactory result, although in the most notorious Cases.

Even the Vessels which publicly sail for the Coast of Africa, do not, upon their return, excite suspicion; and no notice whatever is taken of them, until His Majesty's Commissioners call the attention of the Captain-General to them. His Excellency then addresses himself to the Chief Naval Authority, stating that certain suspicious Cases had been denounced to him by us, and requesting information respect-

ing them; as to the Naval Department it exclusively belongs to examine Vessels in the first instance. The answer returned is, that the Case shall be investigated, and then the matter is allowed to drop, or we are finally informed, that there is no ground whatever for suspecting that the Vessel in question has been engaged in the Slave-trade.

The Royal Order, by committing the examination of the Vessel, in the first instance, to the Commandant of the Naval Forces, who is to report to the Captain-General any grounds of suspicion that may appear, almost entirely relieves the latter from the responsibility which he would necessarily incur from the infraction of the same, were the whole of the Proceedings to be carried on under his immediate directions. That Commandant, too, is desired to examine the Log-book alone; and, as all Laws upon this subject will certainly be interpreted in the strictest manner, when there is question of detecting violations of our Treaty, he will confine himself to that step; and thus by merely omitting to mention any circumstances connected with their traffick in the Log-book, which, since the abolition, has always been their custom, the Masters of Slave-vessels are free from all danger of discovery. The not granting a pecuniary reward to Free Persons denouncing illicit Slave-trade, has been a most unfortunate omission, and the reward of their liberty offered to Slaves giving such information, is a measure so universally odious, and considered to be such a pernicious example here, that it is much to be feared, that the Tribunals will do all in their power to thwart, rather than afford them countenance and protection, should they venture to present themselves for that purpose: the more so, too, as the provision certainly involves a manifest injustice, for a Slave is entitled to his liberty for denouncing an illicit transaction, in which any Person whatever may be engaged, although he be not his Master, and no provision is made for remunerating the latter for the loss he thereby sustains, however innocent he may be. That our apprehensions in this respect are well founded, is, we conceive, sufficiently proved by the fact, that, as yet, no Slave has come forward to denounce any infraction of the Law. The exhortations of the Clergy upon this subject, are, we suspect, neither zealously given, nor seriously attended to. The benefit of their liberty, promised to Slaves denouncing the Vessels in which they shall be imported, is merely nominal, for it is obvious, that their ignorance on their first arrival, will prevent them from taking advantage of it; and such a considerable period must elapse before they can be apprized of it, that it will be next to impossible for them to prove the Vessel in which they came. In short very soon after the first alarm excited by this Royal Order had subsided, it was very generally looked upon rather as a boon, than an injury, by the illicit Slave-traders, for, by directing that none of its provisions should be acted upon until after its publication, it served to legalize all importations of Slaves up to that period, at the same time that it was found in

practice to be as much a dead letter as the Laws previously in force relating to the same matter.

We are justified by past experience in believing, that the Legal Authorities will exert all their ingenuity to evade the fulfilment of whatever Orders may be received from Spain, the object of which is the suppression of the Slave-trade. We would, therefore, recommend, if the Spanish Government have really that object in view, that they should, instead of transmitting Orders from Madrid, empower the Captain-General to adopt a more efficient system, and from time to time to make such changes as circumstances shall shew to be necessary, for the effectual fulfilment of our Treaty, making him alone responsible for all infractions of it. His Majesty's Commissioners will be enabled to report, whether he performs his duty or not.

This we conceive to be the most effectual remedy for the present abuses that could be adopted, excepting the declaring illicit Slave-trade to be Piracy.

The Spanish Government not long since gave a precedent for the measure which we recommend. Shortly after the fall of the Constitutional System, when this Island was surrounded with dangers, and believed to be in a very critical situation, they confided to the Captain-General the most extensive powers for securing its tranquillity and preservation. They were then unquestionably sincere, and if they are so in their desire to suppress illicit Slave-trade, they cannot object to the measure now proposed.

The representations made to this Government by His Majesty's Commissioners continue, as will be seen by our Report, to be unproductive of any benefit. Unfortunately the information which we are enabled to communicate, reaches us too late to be of much avail for the detection of the Delinquents, for it is not till the suspected Vessel actually enters this Port, after landing her Cargo of Slaves, that we are in possession of any ostensible fact upon which to found a Representation.

We have, on more than one occasion, alluded to the great difficulty in the way of our obtaining direct proof of acts, however notorious, of illicit Slave-trading. It is only by offering pecuniary reward that any individual could possibly be induced to give Evidence; and we are convinced that a Cargo of Slaves might be landed on the Publick Wharf, and marched through this City, at the most publick hours, without any one person consenting, from disinterested motives, to bear the odium, and incur the personal danger to which he would certainly be liable, by coming forward as a Witness to the transaction.

Even collateral Evidence we are precluded from obtaining, by our peculiarly isolated situation, by our being totally destitute of connection with any other part of the Island, particularly those parts where the Slave-trade is principally carried on, and by the suspicion with



which, in transactions connected with this trade, we are looked upon by all.

We venture to state, that our Reports to you are correct, because it is morally impossible that we should be mistaken. *Within the last 5 Years, 111 Vessels have publickly sailed from this Port for the Coast of Africa, and not one has ever yet returned with a Cargo of Merchandize.* Can the shadow of a doubt exist, as to the Traffick in which they have been engaged?

We are, moreover, borne out by the notoriety of these transactions, which is most complete, no concealment whatever being found necessary; and we most solemnly assure you, that we have ever most studiously abstained from all exaggeration, and that, where the slightest doubt existed, we have always given the Local Government the full benefit of it.

In two instances, fortunately, we were enabled to obtain, in the one circumstantial, and in the other direct, Evidence of the most unexceptionable description, namely, that of Officers of His Majesty's Navy; and the result of the investigations undertaken by this Government, in consequence of the representations made by His Majesty's Commissioners on those occasions, will serve to shew more clearly than any observation we can make, the real state of this question.

The first of these Cases, is that of the *Magico*, which Vessel sailed for the Coast of Africa in the month of July, 1824, and upon her return, towards the close of that Year, was chased by British Cruizers into the Port of Cabanas, where she took refuge close to a Spanish Fort and Vessel-of-War, and on the following morning, when visited, she was found to have all the well known appearances of having just landed a Cargo of Slaves. An investigation was ordered by the Captain-General into this Case, in consequence of the representations made to him, and it was finally declared, that the Vessel had not been engaged in illicit Slave-trade. Some time after, however, she again sailed for the Coast of Africa, under the same Master, and dispatched by the same House, as on her previous Voyage, and upon her return was again chased by a British Cruizer, but fortunately did not succeed in reaching a Port, and, when captured, was found to have a Cargo of Slaves on board.

The other Case is that of the *Minerva*, which, being chased by a British Cruizer, actually entered this Harbour with a Cargo of Slaves, and there is the direct Evidence of a British Officer to the fact, that the Slaves were landed during the night, at one of the most publick Wharfs of this City. The peculiar circumstances respecting the investigation of this Case have been submitted to you too recently to require a repetition here; we shall, therefore, only observe, that the extraordinary conduct of the Local Government in that most scandalous infraction of our Treaty, and the manner in which the certainly temperate representations made upon the occasion were received, have, by the impression

which they have made, been productive of more injurious effects than any event connected with this subject that has yet happened.

HENRY T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

(Enclosure 1.)—Result of the Voyages of 32 Vessels which sailed from the Port of Havannah for the Coast of Africa, during the Year 1825, as far as can be ascertained.

Class.	Name.	Result of Voyage.
Schooner..	Fingal.....	Captured by H. M. S. <i>Ferret</i> , and condemned at Havannah.
Brig.....	San Joze Aquila..	Returned Nov. 9, 1825, after landing Negroes.
Schooner..	Iris.....	Returned Sept. 16, — ditto ditto.
Ditto..	Joaquina.....	Returned Dec. 29, — ditto ditto.
Ditto....	Ninfa.....	Returned July 29, — ditto ditto.
Ditto....	Jacinta.....	Returned Dec. 2, — ditto ditto.
Brig.....	Conquistador.....	Returned Dec. 15, — ditto ditto.
Ditto....	Annibal.....	Returned Dec. 27, — ditto ditto.
Schooner..	Segunda Gallega.	Said to be captured, and carried to Sierra Leone.
Ditto....	Clarita.....	Said to have been lost on the Coast of Africa after Capture.
Ditto....	Buenaventura....	Returned Dec. 29, 1825, after landing Negroes.
Ditto....	Paulita .....	Returned Dec. 10, — ditto ditto.
Ditto....	Amazona.....	
Ditto....	Barbarita .....	
Brig.....	Magico.....	Captured by H. M. S. <i>Union</i> , and condemned at Havannah.
Schooner..	Ninfa Habanera ..	Said to be captured and carried to Sierra Leone.
Ditto....	Matilde .....	Returned Dec. 10, 1825, after landing Negroes.
Brig.....	Asdroval .....	
Schooner..	Anfitrite.....	Returned Dec. 6, — after landing Negroes.
Ditto....	Teagenes.....	Returned May 27, 1826. ditto ditto.
Ditto....	Iberia.....	Said to be captured, and carried to Sierra Leone.
Ditto....	Carlota.....	Returned June 14, 1826, after landing Negroes.
Brig.....	Orestes.....	Lost on the Bahama Bank, the Negroes taken on board H. M. Schooner <i>Speedwell</i> , and emancipated at Havannah.
Ditto....	Sirius.....	Said to be lost on the Coast of Africa.
Schooner..	Intrepida.....	
Ditto....	Minerva .....	
Ditto....	Ismenia .....	
Brigantine	Teresa.....	Said to be captured, and carried to Sierra Leone.
Schooner..	Iris.. ..	Destroyed by her Crew, after landing Negroes at Escondido.
Ditto....	Nicanor.....	
Ditto....	Flecha.....	
Ditto....	Micaela .....	

(Enclosure 2.)—List of Arrivals from, and Departures for, the Coast of Africa, during the Year 1826.

## ARRIVALS.

Date.	Nation.	Class.	Name.	Master.	Remarks.
Feb. 18, 1826.	Spanish	Schooner	Proserpina . . .	J. A. Barrera . .	Fitted out at Cadiz.
May 27, —	Ditto	Ditto	Teagenes . . .	Carlos Ferrer.	
— —	Ditto	Ditto	Iris . . . . .	F. Prieto . . . .	Destroyed by her Crew after landing Negroes.
June 14, —	Ditto	Ditto	Carlota . . . .	Lorenzo Jose Villo	
July 3, —	Ditto	Brigantine	Ma. Isabel . . .	Baltazar Cardell .	Fitted out at Cadiz.
— 21, —	Ditto	Schooner	St. Cristo de la Salud (alias la Dichosa)	Ramon de Torres y Conde.	Ditto.
Aug. 16, —	Ditto	Ditto	Minerva . . . .	Manuel Fernandez	
Oct. 3, —	Ditto	Brigantine	St. Pedro alias Currutaco	D. Juan Coll.	
Nov. 16, —	Ditto	Ditto	St. Jose (alias Pepé, Vigilancia Habanera (alias Jacinta)	D. Jose Gomez. Domingo Antonio de Castro.	
— 16, —	Ditto	Schooner	Hermosa Dolores (alias Dolorita)	D. Joachim Aurey-cochea.	Sailed again in December.
— 26, —	Ditto	Ditto			

## DEPARTURES.

Date.	Nation.	Class.	Name.	Master.	Remarks.
Feb. 10, 1826.	Portuguese	Brig.	Aurora de Cabo .	Jn. Franco. Flores.	
— 19, —	Spanish	Brigantine	Xerxes . . . .	Ramon Gonzalez.	
— 19, —	Ditto	Schooner	Hortensia . . .	Vicente Gomez.	Captured by Colombians.
— 19, —	Ditto	Ditto	Paulita . . . .	Anto. Ferrer.	
— 26, —	Ditto	Ditto	Escudera . . .	Juan Tornella.	
— 26, —	Ditto	Brigantine	Currutaco . . .	Juan Coll . . . .	Returned 3d Oct.
April 2, —	Ditto	Schooner	Minerva . . . .	Manuel Fernandez	Ditto 16th Aug.
— 14, —	Ditto	Ditto	Dolorita (alias Hermosa Dolores)	Joaquin Aureycochea.	Ditto 26th Nov.
— 24, —	Ditto	Ditto	Jacinta . . . .	Francisco Anto. Castro.	Ditto 16th Nov.
May 30, —	Ditto	Brig	Breves (Conquist)	Agustin Capera.	
June 5, —	Ditto	Brigantine	Pepé (San José) .	Joze Gomez.	Ditto 16th Nov.
July 30, —	Ditto	Schooner	Monteneza . .	Juan Ramon Cortina.	
Aug. 6, —	Ditto	Ditto	Amelia . . . .	Manuel Preados.	
Nov. 17, —	Ditto	Ditto	Temeridad . .	Antonio Echavarria.	
Dec. 23, —	Ditto	Ditto	Hermosa Dolores	Pedro Blanco.	

No. 94.—His Majesty's Comm<sup>r</sup>. to Mr. Sec<sup>y</sup>. Canning.—(Rec. Mar. 9.)

SIR, Havannah, 18th January, 1827.

THE Captain-General has lately informed the Mixed Commission, that the Governor of Cuba had reported to him, under date the 20th December, 1826, that, of the 36 Negroes left under his charge in a very sickly state, by Captain Austen, of His Majesty's Ship *Aurora*, as reported in Mr. Macleay's Despatch of the 30th September, 1826, 25 had died, and that the remaining 11 had received their Certificates of Emancipation, and had been placed under the charge of certain Individuals, upon the same conditions as the emancipated Slaves who have been distributed here, by order of the Captain-General.

We have, &c.

The Right Hon. George Canning.

HENRY T. KILBEE.

W. S. MACLEAY.

No. 95.—*His Majesty's Comm<sup>r</sup>. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. Mar. 9.)  
SIR, *Havannah, 31st January, 1827.*

ON the 3d instant the Spanish Schooner *Vigilancia Havanera*, D. A. de Castro, Master, and, on the 10th Instant, the French Brig *Paul*, F. G. Forcain, Master, sailed for the Coast of Africa.

The Spanish Schooner *Montañesa*, which sailed for the same destination, on the 30th July last, as was reported in our Despatch of the 9th of August, 1826, lately returned, and, according to common report, landed a Cargo of Slaves on the Coast near Bahiahonda; but, on her passage round to this Port, she was captured by the Mexican Squadron under Commodore Porter.

We have, &c.

HENRY T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

No. 96.—*His Majesty's Comm<sup>r</sup>. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. Mar. 31.)  
SIR, *Havannah, 10th February, 1827.*

SINCE the date of our Despatch of the 31st January last, the Spanish Schooner *Monica*, Don J. B. Sustacha, Master, has sailed for the Coast of Africa.

We have, &c.

HENRY T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

No. 97.—*His Majesty's Comm<sup>r</sup>. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. Apr. 11.)  
SIR, *Havannah, 28th February, 1827.*

ON the 21st Instant, the Spanish Brig *Breves*, which sailed for the Coast of Africa on the 30th of May, 1826, arrived here in ballast, it being matter of notoriety that she had previously landed upwards of 400 Slaves not far from Jaruco.

We have the honour to enclose a Copy of the Note which we have addressed to the Captain-General upon this Case.

Without venturing to employ the language of remonstrance, we have alluded to the manifest failure in their duty of the Authorities here, in neglecting to enter upon the proper Investigation immediately after the arrival of the Vessel, in the present and similar Cases, to which the strongest suspicions attach; thus disregarding the Royal Order of January, 1826, until they receive a Representation from His Majesty's Commissioners, by which means such a delay necessarily occurs, as enables the Parties concerned to screen themselves from discovery.

In the Reply of the Captain-General, of which a Translation is also enclosed, you will find fully exemplified the defect in that Royal Order, which we pointed out in our Despatch of the 1st of January last, of committing the Examination of the Vessel, in the first instance, to the Naval Commandant, whose Report is to form the ground-work of the



proceedings of the Captain-General, the latter being thus released from almost all responsibility.

His Excellency instantly adverts to the Royal Order, of which he quotes the words, alleging that we cannot but agree with him, that to the Naval Department alone it belongs to examine the Log-Books of suspected Vessels, which duty he presumes they will have performed in the present Case, but respecting which he, nevertheless, has written to them; and adding, that so long as the Royal Order shall remain unaltered by His Catholick Majesty, he cannot depart from the literal observance of it.

We have heard it reported that the Brig *Xerxes*, which sailed in February 1826, for the Coast of Africa, has lately returned, and landed a Cargo of Slaves on the South side of the Island; but she has not as yet entered this Port. It was added, that the Slaves had been taken possession of, after they had landed, by a body of pirates, and were afterwards ransomed by the Owners.

This report has reached us in so loose and vague a manner as not to warrant our making any representation upon the subject to the Captain-General.

We have, &c.  
*The Right Hon. George Canning.*

H. T. KILBEE.  
W. S. MACLEAY.

(Enclosure 1.)—*The British Commissioners to the Captain-General.*  
SIR, *Havannah, 23d February, 1827.*

It is with much regret that we are under the necessity of calling your Excellency's attention to a fresh Case of violation of the Treaty between Great Britain and Spain for the prevention of illicit Slave-trade, namely, that of the Spanish Brig *Breves*, which sailed from this Port for the Island of St. Thomas, on the Coast of Africa, on the 30th of May, 1826, and is announced in the *Diario* of this Morning, as having arrived from the same in ballast, it being matter of notoriety that, previously to her entering this Port, she had landed a Cargo of upwards of 400 Slaves some leagues to the Eastward.

Although we ground our assertion upon the notoriety of the Case, which, in the present and similar transactions, is so complete as to preclude all doubt; yet, even were that notoriety wanting, we conceive that no question can be entertained on the subject, when it is recollected that, during the last 4 Years since your Excellency has assumed the Government of the Island of Cuba, upwards of 100 Vessels have publicly sailed from the Port of Havannah alone for the Coast of Africa, and that not one of them has ever yet returned with a lawful Cargo,—all entering the Port in ballast. Can it for a moment be supposed that such a ruinous commerce should be persisted in, as the carrying of valuable Cargoes to the Coast of Africa without obtaining

any return whatever? or can a shadow of doubt exist, that the sole object of the Adventurers was to engage in illicit traffick, of their success in which, their continuing to carry it on is an unanswerable proof? Experience, as well as common sense, forbids the contrary supposition, for every one of those Vessels thus sailing for the Coast of Africa, that has on its return been fallen in with by British Cruizers, has been found with a Cargo of Slaves on board.

It is scarcely necessary to repeat here, what we have so frequently stated to your Excellency, that, in bringing the present and similar Cases under your consideration, our principal object is to apprise your Excellency that we feel it to be our duty to report them to His Majesty's Government.

It would ever be most gratifying to us to be enabled, at the same time, to afford you any information that might facilitate the detection of the delinquents, as we have done, whenever the corroborating and unquestionable testimony of British Officers could be produced. But, in the present Case, we apprehend that our information can be of no avail, from the time that has elapsed since the arrival of the Vessel, it being obvious, that, if the Investigation does not take place the moment she enters the Port, the Parties concerned will speedily be enabled to take such steps as will effectually screen them from discovery.

We make this observation, because we are led to imagine, from former Correspondence with your Excellency, that, on some occasions, our representations have been made the ground-work of the Investigations subsequently instituted, the ill success of which is, perhaps, partly to be attributed to the delay which has thus necessarily occurred, between the arrival of the Vessel and the commencement of the Proceedings.

We confidently trust, however, that the observation is not applicable upon the present occasion, and that the proper investigation took place immediately upon the arrival of the *Breves*; for, (and in this we are convinced that your Excellency will fully agree with us,) if any Case can occur peculiarly calculated to excite the vigilant attention of the proper Authorities, and in which the Royal Order of January 1826 ought instantaneously to be acted upon; it is that of a Vessel which publicly cleared out for the Coast of Africa, which being, like the others that sail for that Coast, naturally considered liable to the strongest suspicion, was, previous to her departure, especially enjoined not to engage in illicit commerce, and which, after an absence of between 8 and 9 Months, enters this Port in ballast, avowedly from the same Coast.

The most speedy and strict investigation, we repeat, appears to have been peculiarly and indispensably necessary in the present Case, even supposing the notoriety to be wanting, which we again aver to be most

complete, that the Vessel in question has succeeded in landing a Cargo of Slaves on the Coast of this Island.

We avail, &c.  
*His Excellency The Captain-General.*

H. T. KILBEE.  
 W. S. MACLEAY.

(*Enclosure 2.*)—*The Capt.-Gen. to the British Comm<sup>rs</sup>.*—(Translation.)  
 GENTLEMEN, *Havannah, 24th February, 1827.*

I HAVE just received your Letter of this date, in which you are pleased to call my attention to the Brig *Breves*, which, as you state to me, sailed from this Port for the Island of St. Thomas, on the Coast of Africa, on the 30th of May last Year, and is now announced in the *Diario* of this Morning, as coming from the same Island in ballast. I am duly apprised of all, and in reply for the present, until I communicate to you the result, I cannot avoid reminding you of the resolution of The King, my august Sovereign, of the 2d January last Year, in which he has deigned to direct as follows, “accordingly, our Lord The King has resolved, that every Vessel proceeding from the Coast of Africa, shall, immediately upon her arrival in the Ports of that Island, deliver up her Log-book to the Commandant of the Naval Forces, in order that he may examine it, and should he find any ground for suspicion, that the Vessel has brought, and clandestinely landed, Negroes, that he may report the same to your Excellency, for the purpose of your proceeding to the proper investigation and punishment, in conformity to the Laws in force on this subject, it being well understood that, to your Excellency alone, with the opinion of your Assessor, belongs the cognizance of such Causes,” &c.

You will agree with me that, according to the sense of that Royal Order, to the Department of Commandant of Naval Forces belongs the examination of the Log-book of Vessels coming from that Coast; and I believe that this will have been done in the present Case; nevertheless I have written officially what is proper on the subject, and I will apprise you of the result; at the same time I must observe, for your information, that until His Majesty shall alter the aforesaid Sovereign Resolution, I cannot depart from the literal observance of it; as likewise that I have always reported to my august Sovereign the proceedings that have taken place, whenever you have stated to me your suspicions that the Treaty respecting the Abolition of the Slave-trade has been violated.

God preserve you, &c.

*The British Commissioners.*

F. D. VIVES

No. 98.—*His Majesty's Comm<sup>rs</sup>. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. Apr. 27.)  
 SIR, *Havannah, 19th March, 1827.*

WE have the honour to enclose a Translation of another Note

which we have received from the Captain-General, upon the subject of the Brig *Breves*, mentioned in our Despatch of the 28th February.

From this, and His Excellency's former Note, respecting the same Vessel, you will perceive, that the Royal Order of January, 1826, is reduced to a mere dead letter, by the manner in which it is acted upon by the Authorities of the Island.

The *Breves* returned here from the Coast of Africa on the 21st of February.

On the 23d her arrival was announced in the Newspapers, and on the same day we drew the attention of the Captain-General to the Case. On the 24th, His Excellency, declaring that he was resolved to confine himself to the strict letter of the Law, which does not direct him to interfere, unless a Vessel be previously denounced to him as suspicious by the Naval Department, referred the Case to the latter. Then, and not till then, although the Vessel had publickly sailed for the Coast of Africa, and had publickly returned from thence, that Department ordered an investigation, which, with the same observance of the strict letter, rather than the spirit of the Law, was confined to the examination of the Log-book; from which it appeared that the Vessel had arrived at Princes Island, on the Coast of Africa, in July, 1826, and had remained there and at St. Thomas, apparently without any occupation, until the beginning of this Year, when she sailed on her return to this Port; and, consequently, no ground whatever was afforded for suspecting that the Vessel had ever touched at any part of the Coast of Africa, much less that she had landed Slaves at any of the Ports of this Island.

No search was made for any other Papers but the Log-book, nor was any attempt made to elicit the truth by examining the Crew; it thus being evident, that unless the Master of a Slave-vessel shall be so absurd as to insert his own guilt in the Log-book, he is quite free from the possibility of detection.

The results of this and similar investigations are very soon and very generally known; and they are regarded by the publick as marks of the ingenuity displayed by this Government, in thwarting the attempts made by His Majesty's Commissioners to check illicit Slave-trade, and as proofs of their decided disposition to connive at the continuance of the traffick.

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

HENRY T. KILBEE.  
W. S. MACLEAY.

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(Enclosure.)—The Capt.-General to the British Comm<sup>r</sup>.—(Translation.)

GENTLEMEN,

Havannah, 12th March, 1827.

UNDER date the 9th Instant, the Second in Command of the Naval Forces on this Station, writes to me as follows:—



"MOST EXCELLENT SIR,

"HAVING transmitted, with the proper Instructions, to the Commandant of Matriculas, your Excellency's Official Letter of the 24th Ultimo, and the accompanying Translation, in which Letter you are pleased to insert the Reply which, under the same date, you addressed to the British Commissioners, upon the subject of the Spanish Merchant Brig *Breves*, that Officer has made to me the following Statement:—

"SIR,

"HAVING examined the Log-book of the Spanish Brig *Breves*, the only Document that has been presented relating to the last Voyage of that Vessel, it appears that, having sailed from this Port on the 29th of May, last Year, for the Island of St. Thomas and Princes, she touched at the latter on the 30th (31st) of July following, where they remained repairing damages until the 1st (2d) of October, when they again sailed for St. Thomas, and anchored there on the 2d (3d) of the same; from this last point they sailed for this Port on the 5th (6th) of January of the present Year, where they arrived on the 21st of February: and from the examination of the Log-book, it cannot be suspected that the said Vessel had touched at any point of the Coast of Africa, much less that she had conveyed or introduced Slaves into any of the Ports of this Island.

"And I transmit this to your Excellency in reply, and for the necessary purposes."

I make this communication to you in consequence of what I stated in my former reply of the 24th ultimo. God preserve you, &c.

*The British Commissioners.*

FRANCISCO DION. VIVES.

No. 99.—*His Majesty's Comm<sup>r</sup>. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. Apr. 27.)

SIR,

*Havannah, 19th March, 1827.*

WE have the honour to inform you, that on the 1st instant, the Spanish Brig *Nuevo Orestes*, Don Santiago Manzana, Master, sailed from this Port for the Coast of Africa.

We have, &c.

HENRY T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

No. 100.—*Viscount Dudley to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 8th May, 1827.*

I SEND herewith to you the Copies of a Correspondence with the Conde de la Alcudia,\* on the subject of a complaint which the Spanish Ministry have brought forward, that you have exceeded the powers delegated to you by Treaty, and that you have used an im-

\* See Class B.

proper tone in your Communications with the Local Authorities of Cuba, more particularly in those Communications which took place on the occasion of the arrival at The Havannah, of the Spanish Vessel *Minerva*, suspected of trading illegally in Slaves.

On carefully investigating that Correspondence, I have satisfaction in observing to you, that you do not appear to me to have exceeded the bounds of that duty of constant watchfulness and enquiry, as to the due execution of the Treaty with Spain, which is delegated to you as His Majesty's Commissioners under that Treaty, and which, under the instructions given to you, it was your duty to exercise.

This duty should, of course, be always executed with the strictest respect towards the Local Authorities of Spain, nor does it appear to me that you have been wanting in your duty in this respect.

You will continue to exercise due vigilance, in enquiring into the faithful execution of the Treaty; you will continue that enquiry with every possible deference, consideration, and respect, towards the Local Authorities, using, if possible, still greater caution and reserve in your conduct and language towards them: and you will, as heretofore, report to me continually the result of your enquiries, for the information of His Majesty's Government.

I am, &c.

*His Majesty's Commissioners.*

DUDLEY.

No. 101.--*His Majesty's Commrs. to Mr. Secy. Canning.*—(Rec. May 18.)  
SIR, *Havannah, 27th March, 1827.*

IT is with the deepest regret that we have the honour to inform you, that the Secretary to this Mixed Commission, Dr. Don Rafael Gonzalez, whose health has long been declining, died on the 20th instant.

As on former occasions, we had repeatedly taken on ourselves to express to His Majesty's Government our high sense of his uprightness and zeal in the discharge of the duties of his Office, it is unnecessary for us to dilate upon the great, and, we fear, irretrievable loss, which must unavoidably result by his death, to the Mixed Commission; but we may be permitted to say, from our personal experience, that it will be difficult to find such talent and sound legal knowledge, united with so much temper and moderation.

At the suggestion of the Mixed Commission, the Captain-General has appointed Don Rafael Gonzalez Barranco, Son of the late Secretary, and his substitute, whenever he was prevented by illness from performing his duties, to continue to act as Secretary until the pleasure of His Catholick Majesty shall be known.

We have, &c.

HENRY T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

No. 102.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. May 18.)

SIR,

*Havannah, 31st March, 1827.*

WE have the honour to report to you, that, on the 22d Instant, the Spanish Schooner *Las Tres Manuelas*, Don Joze Gardullo, Master, sailed from this Port for the Coast of Africa. We have, &c.

HENRY T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

No. 103.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. May 18.)

SIR,

*Havannah, 2d April, 1827.*

WE had the honour to receive this day your Despatch of the 30th of December, last Year, in which you have been pleased to transmit a Copy of a Despatch to His Majesty's Envoy at Madrid, upon the subject of the Violations of our Slave-trade Treaty with Spain, which were reported in our Despatches therein referred to.

In obedience to your Instructions, we shall continue to apprise you of the particulars of any transaction that reaches our knowledge, connected with illegal Slave-trade upon the Coasts of this Island.

We have, &c.

HENRY T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

No. 104.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. July 9.)

SIR,

*Havannah, 23d April, 1827.*

IN reference to our former Despatches, relating to the obtaining for the Brig *Magico*, a British Certificate of Registry, and permission to clear out from this Port under British Colours, which Vessel, after Condemnation by Decree of this Mixed Commission, had been purchased by a British Subject; we have the honour to enclose the Translation of a Letter received from the Intendant, stating that His Catholick Majesty has been pleased to approve of the determination taken by His Excellency, to allow the *Magico* to clear out under British Colours, and to order, that in all similar Cases that may occur hereafter, the same forms may be observed as were adopted by His Excellency upon that occasion.

We have, &c.

HENRY T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

(Enclosure.)—*The Intendant of Cuba to H. T. Kilbee, Esq.*

(Translation.)

SIR,

*Havannah, 20th April, 1827.*

HIS Excellency Don Luis Lopez Ballesteros, Secretary of State for the Finance Department, has communicated to me, under date the 15th of January of the present Year, the following Royal Order :—

"MOST EXCELLENT SIR,

"IN your Letter of 1st July of last Year, your Excellency reported the difficulties that had occurred in the clearing out at the Custom-house of the Brig *Magico*, which had been captured with a Cargo of Negroes from Africa, and had been bought at publick auction by one His Britannick Majesty's Subjects, and the determination taken by you, in consequence of the intervention of the British Commissioners at The Havannah. His Majesty, having been apprised of all this, and in conformity with the opinion given by the Supreme Council of Indies on the 6th December last, has been pleased to approve of your Excellency's determination, respecting the clearing out of the said Brig as the property of Mr. Robert Roxby, a Subject of His Britannick Majesty, ordering, that in all similar Cases that may occur in future, the same forms shall be observed as in the present; since, in the absence of an English Consul, there can be no objection to granting the Certificates and Proofs that may be required, relating to the acquisition and Ownership of the Vessel, it being the business of the Purchaser to ascertain whether the same be sufficient for navigating under the English Flag, conformably with the Laws of his Country; and I communicate this to your Excellency for your information, and in order that it may be carried into effect."

And I transmit the same to you for your information, and for the necessary purposes.

God preserve you, &c.

H. T. Kilbee.

CLAUDIO MARTINEZ DE PINILLOS.

No. 105.—*His Majesty's Comm<sup>r</sup>. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. July 9.)  
SIR, Havannah, 30th, April 1827.

ON the 5th Instant, the Spanish Schooner *Micaela*, Don Juan Oleaga, Master, arrived here in ballast, and was announced to be from Princes Island, on the Coast of Africa.

This Vessel cleared out for Teneriffe in the month of November, 1825, but there was reason at the time to suspect, as was reported in Mr. Kilbee's Despatch of the 30th of that month, that she was really destined for the Slave-trade upon the Coast of Africa, and there is now little doubt, that, previously to her entering this Port, she had succeeded in landing a Cargo of Slaves upon some part of the Coast of this Island, but we have not been able to ascertain the Place of disembarkation, or the number of Negroes.

We have, &c.

HENRY T. KILBEE.

The Right Hon. George Canning.

W. S. MACLEAY.

No. 106.—*His Majesty's Comm<sup>r</sup>. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. July 30.)  
SIR, Havannah, 12th June, 1827.

WE have the honour to acknowledge the receipt of your Despatch, of the 26th February last, containing Instructions respecting the Question of the necessity that the Commander of a capturing Vessel should,



if required, be present at the Adjudication of each Vessel detained for illegal Slave-trade; which Instructions shall be strictly carried into effect, as far as depends on us, in any Case that may occur for their application.

We have, &c.

HENRY T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

No. 107.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. Aug. 13.)  
SIR, *Havannah, 30th June, 1827.*

Two of the Vessels which sailed for the Coast of Africa, in the early part of the present Year, viz. the *Nuevo Orestes* and the *Vigilancia Habanera*, have lately returned to this Port, having previously landed their Cargoes of Slaves, amounting, as we are informed, to upwards of 700, in some of the small Ports to the Eastward.

We have the honour to enclose a Copy of the Note which we addressed to the Captain-General respecting these Vessels, together with a Translation of his Reply, merely stating that he had transmitted our Note to the Commandant of the Naval Forces.

We have, &c.

HENRY T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

(Enclosure 1.)—*The British Commissioners to the Captain-General.*

*Havannah, 26th June, 1827.*

THE Undersigned, His Britannick Majesty Commissioners, in conformity with their usual practice, have the honour to apprise His Excellency the Captain-General, that it will be their painful duty to report to His Majesty's Government the arrival here, within these few days, of 2 Spanish Vessels, which, no reasonable doubt can be entertained, have been engaged in the Slave-trade.

They are called the *Nuevo Orestes* and the *Vigilancia Havanera*, alias *La Jacinta*, and both sailed from this Port in the early part of the present Year, for the Coast of Africa; and they are now announced to have returned from the same in ballast.

The last mentioned of these 2 Vessels has completed 3 Voyages to and from the Coast of Africa, (as reported in the publick Papers) within little more than 2 Years; and in each of the 3 she is stated to have returned in ballast: it will require more than common credulity to believe that such unprofitable commerce should be persisted in.

According to common report, which, from the little mystery observed in transactions of this description may well be relied on, the number of Slaves landed on the Coast of this Island by the *Nuevo Orestes* and *Vigilancia Havanera*, previously to their entering this Port (as announced in the *Diarios* of 21st and 25th instant) exceeds 700.

The Undersigned, &c.

HENRY T. KILBEE.

*His Excellency the Captain-General.*

W. S. MACLEAY.

(Enclosure 2.)—*The Captain-General to the British Commissioners.*  
(Translation.)

GENTLEMEN,

*Havannah, 27th June, 1827.*

IN conformity with the Royal Order of January 2, 1826, I have this day addressed a Despatch to the Naval Officer, Second in Command on this Station, enclosing a Copy of the Letter you addressed to me, dated yesterday, relative to the entrance into this Port, from the Coast of Africa, of the Vessels *El Nuevo Orestes* and *La Vigilancia Habanera*, in order that, agreeably to the aforesaid Royal Order, the said Officer may, on his part, take such measures as lie within his province; which I state to you in reply. God preserve you, &c.

*H. B. M.'s Commissioners.*

FRANCISCO DION. VIVES.

No. 108.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. Aug. 13.)

SIR,

*Havannah, 1st July, 1827.*

IN reference to the Instructions, directing us to transmit Half-yearly Returns of the Cases adjudicated in the Court of the Mixed Commission established here, we have the honour to inform you, that no Vessel has, within the last 6 months, been brought in here for Adjudication.

We have, &c.

HENRY T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

No. 109.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. Aug. 15.)

SIR,

*Havannah, 12th July, 1827.*

IN reference to our Despatch of the 30th ultimo, we have the honour to enclose a Translation of a Note which we have received from the Captain-General, communicating to us the result of the investigation respecting the 2 Slave-vessels, the *Nuevo Orestes*, and the *Vigilancia Habanera*, whose arrival was reported in that Despatch.

The investigation was, as usual, confined to the examination of the Log-books, and it is declared, as might be expected, that they did not afford the slightest ground for suspicion, that the Vessels had been engaged in the Slave-trade.

We have here again fully exemplified the utter inefficacy of the Royal Order of His Catholick Majesty, dated January, 1826. It is scarcely possible for more notorious Cases to occur, than those here mentioned; and we have no hesitation in asserting, that the Authorities under whom the investigation took place, could entertain no reasonable doubt that the Vessels had been engaged in the Slave-trade; and nevertheless they are satisfied with perusing the Log-books, without making any other attempt to elicit the truth.

We have, &c.

HENRY T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

(Enclosure.)—*The Captain-General to the British Commissioners.*  
(Translation.)

GENTLEMEN,

*Havannah, 11th July, 1827.*

UNDER date the 9th instant, the Second in Command of the Naval Forces on this Station, writes to me as follows:—

“ MOST EXCELLENT SIR,

“ HAVING transmitted to the Commandant of Matriculas, for his report thereon, your Excellency's Official Letter of the 27th ultimo, and the Translation enclosed in it, of that addressed to you by the British Commissioners, relative to the arrival at this Port from Africa, of the Spanish Merchant Brigantine *Nuevo Orestes*, and the Schooner *Jacinta*, alias *Vigilancia Habanera*, he has made it, in the following terms:”—

“ SIR,

“ As soon as the Spanish Merchant Brigantine *Nuevo Orestes*, and the Schooner *Jacinta*, alias *Vigilancia Habanera*, which sailed from hence, the former on the 1st of March, and the latter on the 3d of January last, bound for the Island of St. Thomas and Princes Island, had anchored in this Port, I devoted myself exclusively to the examination of their Log-books, from which there does not appear the slightest ground for suspicion, that these mercantile expeditions have been engaged in the prohibited Traffick in Slaves: this is all I have to report to you, in conformity to your preceding Decree, and to your former directions on this subject.”

“ And I forward the above to your Excellency in reply, and for the proper purposes.”

All which I transmit to you, in consequence of the Note which you addressed to me on this subject.

God preserve you, &c.

*The British Commissioners.*

FRANCISCO DIO. VIVES.

No. 110.—*His Majesty's Comm<sup>rs</sup>. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. Aug. 15.)

SIR,

*Havannah, 13th July, 1827.*

ON the 10th instant, the Schooner *Dolorita*, which sailed for the Coast of Africa on the 23d of December last, returned to this Port in ballast, after landing her Cargo of Negroes, we have heard, a little to the Eastward.

We have the honour to enclose a Copy of the Note which we have addressed to the Captain-General, apprizing his Excellency, that we have thought it our duty to report this arrival to His Majesty's Government.

We have lately learned that the Brigantine *Xerxes*, which, it was reported, as was stated in our Despatch of the 28th February of this Year, had landed a Cargo of Slaves on the South side of the Island, in the month of February last, had been subsequently captured and

carried into Baltimore by a Colombian Cruizer. The American Papers state that she had succeeded in landing upwards of 400 Slaves.

We have, &c.

HENRY T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

P. S. We have just received a Note from the Captain-General, of which a Translation is enclosed, informing us that he has referred the Case of the *Dolorita* to the Naval Department.

H. T. K.

W. S. M.

(*Enclosure 1.*)—*The British Commissioners to the Captain-General.*

SIR,

*Havannah, 11th July, 1827.*

IN obedience to our Instructions, we have the honour to apprise your Excellency, that we shall have to report to His Majesty's Government, the arrival of another of the notorious Slave-vessels which are fitted out at this Port, viz. the Schooner *Dolorita*, which sailed for the Coast of Africa on the 23d December, 1826, and returned from the same on the 10th instant.

This Vessel is an Old African Trader, and upon the present, as on her former Voyages, she is announced to have returned in ballast. We have already repeatedly stated to your Excellency, that this is the universal practice of the numerous Slave-vessels which land their Cargoes at the different Out-Ports of this Island.

We avail ourselves, &c.

HENRY T. KILBEE.

*His Excellency the Captain-General.*

W. S. MACLEAY.

(*Enclosure 2.*)—*The Captain-General to the British Commissioners.*  
(Translation.)

GENTLEMEN,

*Havannah, 13th July, 1827.*

IN obedience to what is directed in the Royal Order of the 2d of January of last Year, I write, under this day's date, to the Second in Command of the Naval Forces, enclosing to him a Copy of your Note, dated Yesterday, relative to the arrival at this Port, from the Coast of Africa, of the Schooner *Dolorita*, in order that he may take the proper steps, in conformity to that Sovereign Order.

God preserve you, &c.

*The British Commissioners.*

FRANCO. D. VIVES.

No. 111.—*Viscount Dudley to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 3d September, 1827.*

I HAVE received your Despatches to the 13th July inclusive.

I transmit to you, for your information, the accompanying Copy of a Despatch, which I have received from His Majesty's Envoy at Madrid, dated the 29th of June,\* containing the Copy of a Note which he had addressed to the Spanish Minister, conveying to him the sub-

\* See Class B.



stance of your Reports, on the inefficacy of the proceedings for the suppression of the Slave-trade in the Island of Cuba, and calling for a more authoritative interference on the part of the Spanish Government.

It is to be hoped, that this Representation may induce the Government of His Catholick Majesty, to take some efficacious steps for putting an end to the gross violations of the Compacts between His Majesty and His Catholick Majesty, which continue to be committed in that Island.

In the mean time it will be your duty to continue, as heretofore, to keep a watchful eye upon these illegal undertakings; to communicate to the Spanish Local Authorities whatever you may learn respecting them; and to transmit to me for the information of His Majesty's Government, the result of those Communications. I have, &c.

*His Majesty's Commissioners.*

DUDLEY.

*No. 112.—The Earl of Dudley to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 28th September, 1827.*

WITH reference to your Despatches, on the subject of the *Dichosa*, and *Maria Isabel*, Spanish Vessels, suspected of being concerned in the illegal traffick in Slaves, I herewith send to you, for any observations which you may have to offer thereupon, the Copy of a Note, dated the 31st of August, and of its Enclosures,\* which I have received from His Catholick Majesty's Envoy at this Court, containing Copies of the Proceedings which were instituted at The Havannah in these Cases, in order to ascertain the fact in question. I am, &c.

*His Majesty's Commissioners.*

DUDLEY.

*No. 113.—His Majesty's Commr. to Mr. Secy. Canning.—(Rec. Oct. 7.)*

SIR,

*Havannah, 31st July, 1827.*

THE illicit Slave-trade from this Port, which has been for some time on the decline, appears to be about to resume its former activity, no less than 4 Spanish Vessels having, during the present month, sailed for the Coast of Africa, and others being, we understand, in a state of preparation. The Vessels which have sailed are the Brigs *Guerrero* and *Gallo*, and the Schooners *Lambery* and *Indagadora*, of which Joze Gomez, Ramon Gonzalez, Pedro Antonio Salduondo, and Santiago Manzana, are respectively the Masters.

The *Guerrero* is an old Slave-trader, and was formerly called the *San Joze*. She is well armed, and has a Crew of 90 Men; and there can be little doubt that her purpose is to plunder of their Cargoes of Slaves, any weaker Vessels that she may fall in with on the Coast of Africa. This, we have heard, is a very general practice of the

\* See Class B.

Spanish Slave-vessels fitted out at this Port, which are almost all well armed and manned. We have, &c.

*The Right Hon. George Canning.*

HENRY T. KILBEE.

W. S. MACLEAY.

No. 114.—*His Majesty's Comm<sup>r</sup>. to Mr. Sec<sup>y</sup>. Canning.*—(Rec. Oct. 7.)

SIR,

*Havannah, 6th August, 1827.*

THE Spanish Schooner *Tres Manueles*, which sailed for the Coast of Africa on the 22d of March last, entered this Port in ballast on the 1st instant, reporting herself to be from the Island of San Thomé, on that Coast.

It is, however, well known that she had previously landed a Cargo of Slaves in one of the small Ports to the Westward of Havannah.

We have the honour to enclose a Copy of the Note which we addressed to the Captain-General upon this occasion, together with a Translation of His Excellency's Reply, merely informing us (as usual) that he had transmitted our Note to the Naval Department.

We have, &c.

HENRY T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

(Enclosure 1.)—*The British Commissioners to the Captain-General.*

*Havannah, 3d August, 1827.*

THE Undersigned, His Britannick Majesty's Commissioners, in obedience to their Instructions, have the honour to apprise His Excellency the Captain-General, that they will have to report to His Majesty's Government, the arrival here from the Coast of Africa, (as announced in the Diario of to-day) of another Spanish Vessel, viz. the Schooner *Tres Manueles*, under precisely similar circumstances, as those to which they have so frequently had occasion to call His Excellency's attention.

The Undersigned think it right also to apprise His Excellency the Captain-General, that they have felt it to be their duty to state to His Majesty's Government, that this traffick with the Coast of Africa, which had somewhat declined during the last Year, appears to be again about to be carried on in all its former extent; no less than 4 Spanish Vessels having publickly sailed from the Port of Havannah alone, for that Coast, during the month of July.

The Undersigned avail themselves, &c. HENRY T. KILBEE.  
His Excellency the Captain-General. W. S. MACLEAY.

(Enclosure 2.)—*The Captain-General to the British Commissioners.*

(Translation.)

GENTLEMEN,

*Havannah, 6th August, 1827.*

IN conformity with the Royal Order of the 2d of January, last Year, I write, under this day's date, to the Second in Command of the

Naval Forces on this Station, enclosing to him a Copy of your Note of the 4th instant, relative to the Spanish Schooner *Tres Manuelas* having arrived at this Port from the Coast of Africa, in order that he may take the necessary steps in conformity to the said Sovereign Order, which I state to you for your information.

God preserve you many Years,

*The British Commissioners.*

FRANCO. DIONO. VIVES.

No. 115.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. Oct. 7.)  
SIR, *Havannah, 13th August, 1827.*

HAVING accidentally heard a report that some British Sailors were in this City, who had come from the Coast of Africa in a Spanish Slave-vessel, we took every step in our power to investigate the matter, in order that we might be enabled to transmit immediate information upon the subject to His Majesty's Government, in obedience to the Instructions contained in Lord Castlereagh's Despatch of the 28th of November, 1820.

After some days, and not without considerable difficulty, we at length succeeded in finding out, and obtaining the attendance of some of those Sailors, whose Depositions on oath were taken, from which it appeared, that they belonged to the British Brigantine *Salisbury*, Thomas Bryant, Master, which, on her Voyage from Liverpool to Bonny, on the Coast of Africa, was wrecked off Cape Mount, on the 1st of June last, and abandoned on the following day by the Master and Crew, who were received on board the Spanish Schooner *Tres Manuelas*, then lying at anchor near the same Cape. As soon as the latter Vessel had taken in wood and water, she proceeded to the Gal-linas, where Bryant quitted her in his Boat with the intention of making for Sierra Leone, taking with him 14 of his Crew, and leaving the remaining 7, whom he had not the means of removing, under the protection of the Spanish Captain, to be carried to The Havannah: for the satisfaction and security of these he gave a Certificate, setting forth the necessity which had compelled him thus to leave them. Some days after the departure of Bryant, between 180 and 190 Slaves were embarked on board the *Tres Manuelas*, when she immediately sailed, and, on the 30th of July, arrived at Vanes, a small Port about 6 Leagues to the Westward of Havannah, where the Slaves were landed. The Sailors of the *Salisbury* were landed on the following day, and remained on shore till the 3d instant, when they were embarked in a small Coasting Vessel, in which they arrived at The Havannah, the Schooner having previously sailed from Vanes for the same Port.

All the Persons examined, declared solemnly, upon oath, that they had received no wages, or emolument whatever, for their services during the time they were on board the Spanish Schooner, and that

they remained in her because they had no other means of saving their lives.

The names of the 7 Sailors are stated in the margin: [Edward Homan, James Smith, George Mitchell, George Fowler, William Thomson, George Gibbs, and Henry Martin.] The first 4 are British Subjects, and their Depositions have been taken. The 5th, Thomson, said that he was born in Hanover, and, from his accent, is evidently a Foreigner, notwithstanding his name. The other 2 sailed from Marseilles in the American Brig, *Amelia*, Renegon, Master, on the 5th Instant, without our being able to see them. We have been informed, however, that one of them (Gibbs) is an American Citizen, and that the other is a black man, whose wife and family reside in London.

Of the 4 British Subjects whose Depositions were taken, 2, viz. Homan and Smith, are at present on board the *William Salthouse*, British Brig, lying in this Harbour; the other 2, viz. Mitchell and Fowler, have sailed in the American Ship, *Fabius*, Forbes, Master, bound to New York.

As these Individuals entered into the Slave-vessel under very peculiar circumstances, we do not consider that this is a Case to be communicated to His Majesty's Envoy at Madrid, as directed in Lord Castlereagh's Despatch, before referred to, without first submitting it to your consideration.

We have the honour to enclose Copies of the Depositions taken, and of the Certificate left by the Master of the *Salisbury*, for the security of the Sailors, whom he was under the necessity of leaving on board the Spanish Schooner.

As it is proved, in the clearest manner, by these Depositions, that the Spanish Schooner *Tres Manuelas*, the arrival of which at this Port was reported to you in our Despatch of the 6th Instant, had been engaged in the Slave-trade, and had succeeded in landing a Cargo of Negroes in one of the Out-ports of this Island, we addressed a Note to the Captain-General, apprising him that it would be our duty to report this fact to His Majesty's Government; and in order to afford all the assistance in our power, with a view to facilitate the Investigation into this Case, we, at the same time, transmitted to His Excellency Copies of the Depositions of the British Sailors, and of the Certificate of the Captain, and we informed him where the Sailors were to be found, in the event of its being judged necessary that they should be examined before a Special Tribunal.

We have the honour to enclose a Copy of the Note which we addressed to the Captain-General upon this occasion, together with a Translation of the only Reply which we have as yet received, merely acknowledging the receipt of our Note, and stating that the proper course should be given to the Documents enclosed in it.

It is to be lamented that, in this Case of illicit Slave-trade, which



has been brought so completely home to the Parties concerned, we should be indebted for the unquestionable testimony, which we have been enabled to bring forward, to the humanity of the Master of the Slave-vessel, in receiving the shipwrecked British Crew on board his Vessel, and in allowing those to remain there who could not be taken away by their Captain, although necessarily aware of the risk he ran in so doing. But, however just a matter of regret this consideration may be to us, we did not think that it could justify us in departing from the line of conduct prescribed by our Instructions.

We have, &c.

HENRY T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

(Enclosure 1.)—*Deposition of Edward Homan.*

APPEARED personally before me (Henry T. Kilbee, His Majesty's Commissary Judge of the Mixed Commission, established at Havannah, under the Treaty between His Majesty and The King of Spain, for the prevention of the illicit Traffick in Slaves) Edward Homan, a Native of North Yarmouth, in the County of Norfolk, and lately a Seaman on board of the British Hermaphrodite Brig *Salisbury*, who, being duly sworn, maketh oath and saith, that he sailed from Liverpool on the 26th of April last, in the aforesaid Brig, for Bonny, on the Coast of Africa; and that, on the Morning of the 1st of June, the Vessel was wrecked near Cape Mount, and abandoned on the following day by the Captain and the whole of the Crew and Passengers, consisting of 21 Persons, who were received on board of a Spanish Schooner lying at anchor near to the place where they were wrecked; that, after remaining on board the said Schooner for some days, the Captain proceeded in the only Boat he had for Sierra Leone, taking with him as many of the Passengers and Crew as he could, and leaving on board the aforesaid Schooner, this Deponent and 6 other men; and this Deponent further saith, that the said Captain of the Brig *Salisbury*, whose name is Thomas Bryant, left with the Mate of the Spanish Schooner, the Master of that Vessel being then on shore, a written Paper, in which he certified that he had left this Deponent and the other 6 Men on board the said Schooner from necessity, not having himself any means for conveying them away.

This Deponent further saith, that, a few days after Captain Bryant had departed, a number of Negroes, according to the best of his belief amounting to about 180, were embarked on board the aforesaid Spanish Schooner at Gallinas, to which part of the Coast she had sailed, after taking on board wood and water, near Cape Mount; and that, on the 20th of June, they sailed from Gallinas for Havannah, and, without any material accident, arrived, on the 30th of July, at a small Port about 18 miles to the westward of Havannah, which Port he believes is called Banis; that the Slaves were landed there immediately after the arrival of

the Vessel, but where they were conveyed afterwards this Deponent is ignorant; that this Deponent, and the other 6 Sailors belonging to the aforesaid British Brig *Salisbury*, were landed on the 31st of July, and remained on shore until the 3d day of this present Month of August, when they were put on board a small Coasting-vessel, in which they arrived at this Port of Havannah on the following day; that the aforesaid Schooner sailed from the said small Port, which this Deponent believes is called Banis, on the 1st of the present Month, but that he does not know what was her destination. This Deponent further saith, that he believes the name of the said Spanish Schooner was the *Grand Manuel*, and that he does not know the name of her Master. The Deponent likewise saith, that the written Paper above referred to, which was delivered by Captain Bryant, of the *Salisbury*, to the Mate of the Spanish Schooner, was brought to this Port by the Master of the aforesaid Coasting-vessel, and delivered into the hands of a person whom this Deponent believes to be a Custom-house Officer, and who conducted this Deponent, with the other 6 Sailors of the aforesaid Brig *Salisbury*, to the Governor, by whom they were sent to the Commercial House of Messrs. Drake, Mitchell, and Co.

EDWARD HOMAN.

In the City of Havannah, on the 6th day of August, 1827, the said Edward Homan was duly sworn to the truth of this Affidavit.

Before me, H. T. KILBEE.

In addition to his preceding Deposition, the said Edward Homan solemnly declares, on oath, that he did not receive any wages or emolument whatever during the period he was on board the aforesaid Spanish Schooner, and that he took his passage on board that Vessel because he had no other alternative. This Deponent further saith, that the names of the 6 Men who came with him in the said Spanish Schooner, who originally belonged to the aforesaid British Brig *Salisbury*, are, James Smith, Joseph Fowler, George Mitchell, and William Thomson, which four he believes to be British Subjects; George Gibbs, who he believes is a Citizen of The United States of America; and Henry Martin, a black man, married in England, but of what Country this Deponent is ignorant. EDWARD HOMAN.

This additional Deposition sworn before me, Havannah, 7th August, 1827. H. T. KILBEE.

(Enclosure 2.)—Deposition of James Smith.

APPEARED personally before me (Henry T. Kilbee, His Majesty's Commissary Judge of the Mixed Commission established at Havannah, under the Treaty between His Majesty and The King of Spain, for the prevention of the illicit Traffick in Slaves,) James Smith, a Native of Belfast, in the County of Antrim, in Ireland, and lately a Cooper on board of the British Hermaphrodite Brig *Salisbury*, who, being duly

sworn, maketh oath and saith, that he sailed from Liverpool on the 26th of April, of the present Year, in the aforesaid Brig, of which Thomas Bryant was Master, for Bonny on the Coast of Africa, and that on the Morning of the 1st of June, at about half-past 3 o'clock, the said Brig was wrecked at Cape Mount, and abandoned on the following day by the Captain and the whole of the Crew, amounting altogether to 22 Persons, who went on board of a Spanish Schooner which was lying off Cape Mount; that the said Schooner, after taking on board wood and water, proceeded to Gallinas, where she again anchored, and that a few days afterwards Captain Bryant proceeded in the only Boat he had for Sierra Leone, taking with him as many of his Crew as the Boat could carry, and leaving on board the aforesaid Schooner this Deponent and 6 other Men, giving at the same time to the Mate of the said Schooner (the Master not being then on board) a written Paper, in which he certified, that he had been compelled by necessity to leave this Deponent and the other 6 Men in the said Spanish Schooner, being destitute of means to convey them away; this Deponent further saith, that 10 days after the departure of the said Captain Bryant, that is, on the 20th day of June, a number of Negroes, amounting, to the best of his belief, to between 180 and 190, were embarked on board of the aforesaid Spanish Schooner, and that on the same day they sailed from Gallinas for the Port of Havannah, and arrived, on the 30th day of July, at a small Port, the name of which this Deponent does not know, about 6 leagues to the Westward of Havannah, where the Slaves were immediately landed on the same Evening; this Deponent, with the other 6 Men belonging to the aforesaid British Brig *Salisbury*, remaining on board until the following day, when they were landed and lodged in a house on shore until the 3d day of this present Month of August, when they were embarked on board a small Coasting-vessel, laden with charcoal, in which Vessel they arrived at this Port of Havannah on the 4th day of August: this Deponent further saith, that the aforesaid Spanish Schooner in which he came from the Coast of Africa, and which he understands is called the *Three Manuels*, or the *Grand Manuel*, remained in the small Port at which they arrived on the 30th day of July, until the 1st day of this present Month of August, when she sailed, but he cannot say to what Port she was bound: this Deponent further saith, that he does not know the name of the Master or Mate of the aforesaid Spanish Schooner which he believes to be called the *Three Manuels*, or the *Grand Manuel*; that he heard from one of the Spanish Sailors on board, who understood the English language a little, that she was called the *Three Manuels*, but that he has some recollection that she was called the *Grand Manuel* by the aforesaid Captain Bryant; this Deponent likewise saith, that the written Paper above-referred to, which was delivered by the said Captain Bryant to the Mate of the Spanish Schooner, was brought to this Port by the



Master of the aforesaid Coasting-vessel, and upon the landing of this Deponent and the other 6 Men of the *Salisbury*, in this City of Havannah, was delivered into the hands of a Person, whom he believes to be a Custom-house Officer, by whom they were conducted to the House of the Governor.

This Deponent has since learnt that the said Paper was subsequently returned to 1 of the 6 Men of the *Salisbury*, who arrived here with him, which Man was commonly called George Mitchell, and is now residing in this City; this Deponent further saith, that the names of the 6 Men, to the best of his belief, who came with him from the Coast of Africa, in the said Spanish Schooner, were Edward Homan, Joseph Fowler, George Mitchell, William Thomson, George Gibbs, and Henry Martin; that the 4 first he believes to be British Subjects; the 5th, George Gibbs, to be a Citizen of The United States; and that Henry Martin is a black man, of what Country this Deponent is ignorant; this Deponent moreover solemnly declares upon oath, that he received no wages or emolument whatever while he was on board of the Spanish Schooner, and that he remained on board that Vessel because he had no other alternative.

JAMES SMITH.

In the City of Havannah, the 7th day of August 1827, the said James Smith was duly sworn to the truth of this Affidavit,

Before me,

HENRY T. KILBEE.

(Enclosure 3.)—*Deposition of George Mitchell.*

APPEARED personally before me, (Henry T. Kilbee, His Majesty's Commissary Judge of the Mixed Commission established at Havannah, under the Treaty between His Majesty and the King of Spain, for the prevention of the illicit Traffick in Slaves), George Mitchell, a Native of the City of London, in the County of Middlesex, and lately a Seaman on board the British Brigantine *Salisbury*, who, being duly sworn, maketh oath, and saith, that he sailed from Liverpool, on the 26th April last, in the said Brigantine, Thomas Bryant, Master, for Bonny, on the Coast of Africa, and that, on the morning of the 1st of June, she was cast away near Cape Mount, and abandoned on the 2d or 3d day by the Captain and Crew, in all 22 Persons, who went on board a Spanish Schooner at anchor off Cape Mount; that the said Schooner, after taking in wood and water, proceeded to another part of the Coast called Gallinas, and, after a few days, the said Captain Bryant proceeded, in the only Boat he had, for Sierra Leone, taking with him 14 of the Crew, and leaving this Deponent with 6 other Men in the aforesaid Schooner, to the Mate of which he, the said Bryant, gave a Certificate, shewing that this Deponent and the other 6 Men had been left on board the said Schooner, because the Boat was not able to hold them; this Deponent further saith, that 9 or 10 days after the said Captain Bryant had left the said Schooner, about 180 Negroes were



received on board, immediately after which she set sail; her destination being, as this Deponent understood, the Port of Havannah, and that on the 30th July last, she entered and anchored in a small Port about 18 or 20 miles to the Westward of Havannah, which Port, the Depouent heard, was called Banes; and that there the Negroes were immediately landed; this Deponent, and the other 6 Men belonging to the aforesaid Brigantine *Salisbury*, remaining on board until the following day, when they were landed, and lodged in a house on shore until the 3d of this present month of August, on which day they were sent on board a small Coasting Vessel, which conveyed them to this Port of Havannah, where they arrived on the 4th of the same month.

This Deponent further saith, that the aforesaid Spanish Schooner, in which he came from the Coast of Africa, remained in the aforesaid small Port, where the Negroes had been landed, until the 1st of this present month of August, when she sailed for the Port of Havannah.

This Deponent further saith, that he does not know the name of the Master or Mate of the aforesaid Schooner, which he heard was called *Tres Manuelas*.

This Deponent likewise saith, that the Certificate beforementioned, which was delivered by Captain Bryant to the Mate of the Spanish Schooner, was brought to this Port by the Master of the aforesaid Coasting Vessel, and upon the landing of this Deponent, and the other 6 Men of the *Salisbury*, was delivered to a Person in the Office of the Captain of the Port, at which Office this Deponent, on the same day, claimed and received the said Certificate, which is the same he now presents.

This Deponent moreover solemnly declares upon oath, that he has received no pay or emolument whatever, during the time he was on board the aforesaid Spanish Schooner, and that he remained on board that Vessel, because he believed that he had no other means of saving his life.

GEORGE MITCHELL.

In the City of Havannah, the 8th day of August, 1827, the said George Mitchell was duly sworn to the truth of this Affidavit.


Before me,

HENRY T. KILBEE.

(Enclosure 4.)—*Deposition of George Fowler.*

APPEARED personally before me (Henry T. Kilbee, &c.) George Fowler, of Harwich, in the County of Essex, and lately a Seaman on board of the British Brigantine *Salisbury*, who, being duly sworn, maketh oath and saith, that he sailed from Liverpool in the month of April, of the present Year, in the said Brig, of which Bryant was Master, for Bonny, on the Coast of Africa; and that about the 1st or 2d of June, the said Brigantine was wrecked off Cape Mount, and abandoned by the Captain and Crew, amounting in all to 22 Persons, who proceeded on board a Spanish Schooner, which was lying at

anchor near the same Cape; that after taking in wood and water, the said Schooner went to Gallinas, where Captain Bryant with 14 of the Crew quitted her, in the only Boat he had, with the intention of going to Sierra Leone, leaving this Deponent with 6 other Men on board of the aforesaid Schooner, because the Boat was not large enough to hold them; he, Captain Bryant, previously giving to the Mate of the said Schooner a Certificate, shewing the necessity which compelled him thus to leave them; that some days after the departure of the Captain, on or about the 20th of June last, a number of Negroes, amounting to about 190, were embarked on board the aforesaid Schooner, which, on the same day, sailed for Havannah, and arrived about 10 days ago at a small Port, the name of which this Deponent believes to be Banes, about 18 miles to the Westward of Havannah, where the Slaves were immediately landed; this Deponent and the other 6 Men remaining on board until the following day, when they were landed and lodged in a house on shore, until the 3d of this present month of August. on which day they were sent on board a small Coasting Vessel, and arrived at this Port of Havannah on the 4th of the same month: this Deponent further saith, that the aforesaid Spanish Schooner remained in the small Port where the Negroes had been landed until the 1st of this present month, when she sailed for Havannah; that the name of the said Schooner this Deponent believes to be the *Three Manuels*, but is ignorant of the name of the Captain or Mate; this Deponent likewise saith, that the Certificate before mentioned was shewn to the proper Officer upon the arrival of this Deponent, and of the other 6 Men of the *Salisbury* in this City, and that it is now in the hands of George Mitchell one of the said Men; this Deponent moreover solemnly declares upon oath, that he has received no pay or emolument whatever for his services while on board of the aforesaid Spanish Schooner, and that he remained in that Vessel because he had no other means of saving his life.

His  
GEORGE  FOWLER.  
Mark.

In the City of Havannah, the 8th day of August, 1827, the said George Fowler was duly sworn to the truth of this Affidavit.

Before me,

HENRY T. KILBEE.

(Enclosure 5.)—Certificate of T. Bryant, Master of the Brigantine Salisbury.

THIS is to certify, that the Brigantine *Salisbury*, wrecked on Cape Mount the 1st of June, our Boat not being sufficient to take us to Sierra Leone, the Captain of the *Trus Manwalla* (*Tres Manuelas*) humanely proffered 7 Seamen a passage to Havannah, and likewise furnished the remainder with every necessary required for our Passage to

Sierra Leone. To which every praise is due. The People left on board the Schooner, names as follows:—

George Mitchell.	Edward Homan.
George Gibbs.	Henry Martin.
William Thomson.	James Smith.
Joseph Fowler.	

As witness my hand, the 10th day of June, 1827,

T. BRYANT, *Master.*

*To the firm of Horsfall and Tobin, Esqrs. Liverpool.*

(Enclosure 6.)—*The British Commissioners to the Captain-General.*

*Havannah, 9th August, 1827.*

THE Undersigned, His Britannick Majesty's Commissioners, among other duties assigned to them, are directed to transmit immediate information to His Majesty's Government, of all Cases that may occur within their knowledge of British Subjects being employed on board of Slave-vessels, in any capacity whatever.

In pursuance of these Instructions, the Undersigned, having accidentally heard that some British Sailors had arrived at this Port, who had been brought from the Coast of Africa in a Spanish Slave-vessel, considered it to be their duty to adopt all the means in their power to investigate the matter, and have succeeded in finding out and examining several of those Sailors.

From the Depositions taken upon Oath of those Individuals, the following Statement is collected.

In the month of April last, the British Brig *Salisbury* sailed from Liverpool for Bonny on the Coast of Africa, and on the 1st of June was wrecked off Cape Mount, and abandoned on the following day by the Master and Crew, who were received on board a Spanish Schooner which was lying at anchor near that Cape. After remaining there a few days for the purpose of taking in wood and water, the Schooner proceeded to another part of the Coast, called Gallinas, where the Master of the *Salisbury* quitted her in his Boat, intending to make for Sierra Leone, and taking with him all of the Crew but 7, whom he was under the necessity of leaving behind, and for whose satisfaction and security, he gave to the Person then in command of that Vessel, a Certificate, setting forth the circumstances that had compelled him thus to leave them. On the 20th of June, some days after the departure of the English Captain, the Schooner having received on board about 180 Negroes, set sail for this Island, and on the 30th July arrived at a small Port 6 leagues to the Westward of Havannah, where the Slaves were immediately landed, and on the 1st instant she left the same for this Port. The British Sailors had been landed on the day previous, and placed in a house on shore, where they remained till the

3d instant, when they were embarked in a Coasting Vessel, in which they arrived here on the 4th, and the Certificate given by their Captain having been presented to a Person, whom they imagined to be an Officer belonging to the Custom-house Department, or to that of the Captain of the Port, they were by him carried to the Captain-General's House.

It is not surprising that Persons of the class of common Sailors, utterly ignorant of the Spanish Language, should not have been able to ascertain the names of the Captain and Mate of the Vessel in which they came, but it is sufficiently evident, from the Depositions taken, that the Port at which the Negroes were landed, is Vanes, and that the Spanish Schooner is the *Tres Manueles*, which Vessel, it will be in his Excellency the Captain-General's recollection, arrived here on the 1st instant, the very day she is stated to have left the small Port where she landed her Cargo of Negroes.

The nature of the testimony is unexceptionable, as the Individuals examined had an obvious interest in concealing the whole transaction, being well aware, that, in confessing that they had been on board a Slave-vessel, they acknowledged that they had violated the Laws of their Country, and were consequently liable to punishment. Throughout the whole of their examinations too, they shewed a manifest reluctance to say any thing that could criminate the Master of the Slave-vessel, to whose humanity, in allowing them to remain on board, they consider that they owe their lives, and from whom they acknowledge that they uniformly received good treatment.

This act of Slave-trading by a Spanish Vessel, proved upon evidence so clear and unquestionable, it will be the painful duty of the Undersigned to report to His Majesty's Government; and in conformity with their Instructions, and their usual practice, they have the honour to apprise his Excellency the Captain-General, that such is their intention.

Ever desirous, moreover, to do all that lies in their power to assist the Government of the Island in their investigations into Cases of illicit Slave trade, the Undersigned have the honour to transmit to his Excellency, Copies of the Depositions already taken, and of the Certificate before referred to.

They also think it right to apprise the Captain-General, in the event of its being judged expedient to examine the British Sailors, by a Spanish Tribunal, that two of the four, whose Depositions are enclosed, viz. Edward Homan and James Smith, are on board the British Brig, *William Salthouse*, now lying in this Harbour, and that the other two, viz. George Mitchell and George Fowler, are in one of the Boarding-houses in this City frequented by Foreign Sailors. At the same time they would venture to suggest to his Excellency, that it cannot be



expected from the nature of the occupation of those Individuals, that they should remain much longer in this Port.

The Undersigned avail themselves, &c.

*His Excellency the Captain-General.*

HENRY T. KILBEE.

W. S. MACLEAY.

(*Enclosure 7.*)—*The Capt.-Gen. to the British Commr.*—(Translation.)

GENTLEMEN,

*Havannah, 10th August, 1827.*

I HAVE received your Note, dated yesterday, enclosing several Depositions, to which the proper course shall be given.

God preserve you, &c.

*The British Commissioners.*

F. D. VIVES.

No. 116.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. Oct. 7.)

SIR,

*Havannah, 14th August, 1827.*

SINCE the date of our Despatch of the 31st ultimo, 2 more Spanish Vessels have sailed for the Coast of Africa; viz. the Brigantine *Emprardedor*, Martin Vilar, Master, and the Schooner *Gertrudes*, Jose Pruna, Master.

The Brig *Volador*, has cleared out at the Custom-house for the same destination, but has not yet sailed.

We have, &c.

HENRY T. KILBEE.

*The Right Hon. George Canning.*

W. S. MACLEAY.

No. 117.—*His Majesty's Commr. to the Earl of Dudley.*—(Rec. Oct. 7.)

MY LORD,

*Havannah, 18th August, 1827.*

WE had this day the honour of receiving your Lordship's Despatch of the 8th of May last, enclosing the Copies of a Correspondence with the Conde de la Alcadia, on the subject of a complaint brought forward by the Spanish Government that we had exceeded our Powers, and had used an improper tone in our Communications with the Local Authorities here, more particularly in the Case of the *Minerva*.

It is most peculiarly gratifying to us to learn, that your Lordship does not consider that the bounds of our duty were exceeded upon that occasion, or that there was any failure in that respect which, we are well aware, is due, and which we have been ever most studiously careful, both in our conduct and language to shew, to the Authorities of His Catholick Majesty.

We shall, however, in obedience to your Lordship's Instructions, endeavour to observe, in our future proceedings, still greater caution and reserve than heretofore towards those Authorities.

We have, &c.

HENRY T. KILBEE.

*The Right Hon. Viscount Dudley.*

W. S. MACLEAY.

No. 118.—*His Majesty's Commr. to the Earl of Dudley.*—(Rec. Oct. 11.)

MY LORD,

*Havannah, 31st August, 1827.*

WE have the honour to report to your Lordship, that the Spanish Brig *Volador*, Don Francisco Amigo, Master, which was stated in our Despatch of the 14th August last, to have cleared out at the Custom-house for the Coast of Africa, sailed on the 15th instant for her destination.

We have, &c.

HENRY T. KILBEE.

W. S. MACLEAY.

*The Right Hon. Viscount Dudley.*

No. 119.—*His Majesty's Commr. to the Earl of Dudley.*—(Rec. Oct. 11.)

MY LORD,

*Havannah, 4th September, 1827.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch, dated the 22d of May last, transmitting to us Copies of the Papers, relative to the Slave-trade, which have been presented to Parliament by His Majesty's Command.

We have, &c.

HENRY T. KILBEE.

W. S. MACLEAY.

*The Right Hon. Viscount Dudley.*

No. 120.—*His Majesty's Commr. to the Earl of Dudley.*—(Rec. Nov. 24.)

(Extract.)

*Havannah, 30th September, 1827.*

DURING the present month no less than 7 Vessels, of which a List is enclosed, have sailed from this Port for the Coast of Africa.

One of them was the *Tres Manueles*, which Vessel was proved in the clearest manner, upon the evidence of 4 British Sailors, to have landed a Cargo of Slaves in the Port of Vanes, to the Westward of Havannah, as has been reported in our Despatch of the 13th of August.

As that Vessel has been allowed to sail again, it is to be presumed that the investigation respecting her has been as unsuccessful as those undertaken in all other Cases of illicit Slave-trade. We have not received from the Captain-General any other answer to our representation upon the subject than that enclosed in the above-mentioned Despatch; but we have heard that His Excellency had referred the Case to one of his Legal Assessors, who gave his opinion, that it was not within the Powers of the British Commissioners to take Depositions, unless when acting in conjunction with their Spanish Colleagues, and that, consequently, those which accompanied that Representation were entitled to no consideration whatever; more particularly as they were at variance with the Depositions of the Spanish Master and Crew, taken in a legal manner before the competent Tribunal.

We cannot positively assert that this Opinion has been given; but if it has, the Captain-General would probably have communicated it to us, had he not been convinced that we could easily have shewn that it was not justified by the circumstances of the Case. It is clear, from

our representation, that the taking the Depositions of the Sailors was entirely a British act, performed by His Majesty's Commissary Judge in his capacity as a British Agent, the Persons examined being British Subjects, and the matter under examination, whether, and under what circumstances, they had violated the Laws of their own Country; for the performance of which act he was responsible to His Majesty's Government alone. It was expressly stated that the Depositions were forwarded to his Excellency for the purpose of affording him information (which he had repeatedly invited us to give him) and of assisting him in the investigation of the Case: and to shew that we did not consider that those Depositions were sufficient legal Evidence in proceedings under the Spanish Laws, it was pointed out where the Individuals who had deposed were to be found, in order to their being examined, if necessary, before a Spanish Tribunal.

So far were we from considering those Depositions to be legal Evidence for a Spanish Court of Justice, that we take this opportunity of stating, we entertained some doubts of our being at all authorized by the Act for the consolidation of the Laws relating to the Slave-trade, to administer Oaths and take Depositions in our separate capacity of British Agents in the present and similar Cases. The 57th Clause of that Act, which treats of this subject, empowers the Commissary Judges, and perhaps, by implication, in certain Cases, the Commissioners of Arbitration, to administer Oaths and take Depositions "in the course of any proceeding before them, under the said Treaties, Conventions, Instructions, or Regulations, or this Act," that is, it would appear, in the regular proceedings of the Mixed Commission, in all which the Commissioners of the Two Nations are supposed to act conjointly; the only Case of any separate proceeding to be found in the Act of Parliament being that mentioned in the 56th Clause, whereby the British Commissary Judge is specially authorized to administer the proper Oath to the Secretary or Registrar appointed by His Majesty. We thought, however, that sufficient authority was afforded for taking the Depositions in the present Case, by the precedents to be found in the Papers presented to Parliament in the Year 1823, Class B, Nos. 79 and 89, which do not appear to have been disapproved by His Majesty's Government. We judged too, that the Depositions upon Oath of the Sailors, would carry greater weight than their simple statements; this being a consideration of peculiar importance in the event of the Local Government suffering the Witnesses to depart unexamined before a Spanish Tribunal. And finally, we were influenced by the persuasion, that the Depositions, far from being injurious to the Parties deposing, might be of material advantage to them hereafter, inasmuch as their solemn and concurrent testimony would be thereby recorded to the facts which tended to exculpate them for making a Voyage on board a Slave-vessel, and might be produced in case of a

prosecution being commenced against any of those Individuals in their own Country.

We venture to request your Lordship's particular attention to this Case, which appears to us to bring the question, so long at issue, fairly to the test, as to whether the Government of this Island is, or is not, disposed to check illicit Slave-trade. Whether we have reported correctly or not the legal opinion given to the Captain-General, there can be no doubt that the line of conduct which he has thought proper to adopt has been sanctioned by his Legal Assessors. We were enabled, by a combination of circumstances not likely to occur again, to furnish the Captain-General with the Depositions upon Oath of 4 Individuals who had actually come from the Coast of Africa, in a Spanish Slave-vessel, and had witnessed the disembarkation of her Cargo of Slaves in a Port of this Island; and we apprised his Excellency where those Individuals were to be found, should it be judged necessary that they should undergo an Examination before a Spanish Tribunal. No attention was paid to the Depositions; no such Examination has taken place; the Parties concerned in the transaction remain unmolested; the Vessel itself has been allowed to sail again under the same Master, beyond the possibility of a doubt, for the purpose of again engaging in the same Traffick; and no Reply has been given to the Representation which we made upon the occasion, but that of merely acknowledging its receipt.

HENRY T. KILBEE.

W. S. MACLEAY.

*The Right Hon. Viscount Dudley.*

(Enclosure.)—List of Spanish Vessels that sailed from the Port of Havannah for the Coast of Africa, in September, 1827.

Sept. 9,	Schooner	Tres Manueles,	José Gandullo,	Master.
— 9,	Ditto.	Hermosa Dolorita,	Pedro Blanco,	ditto.
— 9,	Ditto.	{ Vigilancia Havanera, }	Franco. Cerro,	ditto.
		{ (alias Jacinta,) }		
— 12,	Ditto.	Primera,	Anto. Negrete,	ditto.
— 19,	Ditto.	Araucana,	Claudio Pitaluga,	ditto.
— 23,	Ditto.	Medea,	Joaquin Blanco,	ditto.
— 23,	Ditto.	Segunda Teresa,	Mariano Carbo,	ditto.

No. 121.—His Majesty's Comm<sup>r</sup>. to the Earl of Dudley.—(Rec. Nov. 24.)

MY LORD,

Havannah, 4th October, 1827.

WE have the honour to enclose the Translation of a Note addressed by the Captain-General to the Mixed Commission, announcing that His Catholick Majesty has been pleased, at the recommendation of His Excellency, to appoint Don Juan Francisco Cascales, to be Secretary to the Commission, in the room of Don Rafael Gonzalez, deceased.

We have, &c.

HENRY T. KILBEE.

*The Right Hon. Viscount Dudley.*

W. S. MACLEAY.



(*Enclosure.*)—*The Captain-General to the Mixed Commission.*  
(Translation.)

GENTLEMEN,

*Havannah, 3d October, 1827.*

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

“ MOST EXCELLENT SIR,

“ I have laid before our Lord the King, your Excellency’s two Despatches of the 4th of April, the one acquainting me, that you had named Don Rafael Gonzalez Barranco to be Secretary, *ad interim*, of the Mixed Commission established at Havannah, for the fulfilment of the Treaty relative to the Abolition of the Slave-trade, which Office had become vacant by the death of the Secretary, Don Rafael Gonzalez : and the other, transmitting and recommending a Statement, accompanied by Documents, of Don Juan Francisco Cascales, in which he solicited that Office :—and His Majesty being duly apprised of all this, has been pleased to appoint the said Don Juan Francisco Cascales to be Secretary, as your Excellency proposes.

“ By Royal Order I communicate this to your Excellency, for your information and guidance.”

And I transmit the above to you for the same effects.

God preserve you, &c.

*The Mixed Commission.*

FRANCISCO DIONISIO VIVES.

*No. 122.—His Majesty’s Comm<sup>r</sup>. to the Earl of Dudley.—(Rec. Dec. 28.)*

MY LORD,

*Havannah, 2d November, 1827.*

WE have the honour to inform your Lordship, that since the date of our Despatch of the 30th of September last, 2 Spanish Schooners, viz. the *Feliz Victoria*, and the *Manuelita*, have sailed from this Port for the Coast of Africa.

We have, &c.

HENRY T. KILBEE.

*The Right Hon. Viscount Dudley.*

W. S. MACLEAY.

## RIO DE JANEIRO.

*No. 123.—His Majesty’s Comm<sup>r</sup>. to Mr. Sec<sup>y</sup>. Canning.—(Rec. Mar. 2, 1827.)*

SIR,

*Rio de Janeiro, 20th November, 1826.*

IN obedience to your Instructions, contained in your Despatch of the 16th of May last, we availed ourselves of the first opportunity of conferring with our Brazilian Colleagues, on the subject of the Abuses which existed in the Administration of the Regulations for the treatment of the emancipated Slaves, with a view to making a joint Representation on the subject to the Brazilian Government.

Our Brazilian Colleagues, in reply to our Invitation, declined joining us in any Representation to their Government, on the plea that they were unauthorised to do so, since the Convention, Article 7, expressly took the emancipated Slaves altogether out of the jurisdiction of the Mixed Commission, from the moment they were delivered over into the hands of the Juez da Comarca, but suggested that any Representation we might think fit to make should be transmitted through our resident Minister.

Immediately upon the arrival of Mr. Gordon, we drew up a Statement of the existing Abuses, and the evils attendant upon them, and transmitted it to him, with a request that he would be pleased to draw the attention of the Brazilian Government to the abuses therein alluded to, and invite His Imperial Majesty's Ministers, at least, to an investigation of them, and to urge their intervention where it might be found necessary.

We also presumed, with deference, to suggest, for Mr. Gordon's consideration, to propose or not, as he might think proper, to the Brazilian Government, some simple Measures, which, in our belief, were neither incompatible with the existing Convention, or the Alvará, with a view to the correcting the abuses complained of, and bringing to light others that might be concealed :

1st. That the Brazilian Government should issue a Decree, calling upon all those who had hired Slaves emancipated by the Mixed Commission, or should possess them with or without authority, to render an account of them to ———, or whomsoever they might appoint to receive the same, within a stated period, and, on failure of compliance, be subject to penalties, to be defined.—Also, any one knowing of the concealment or ill-treatment of any of the said Libertos to be called upon to declare the same before the said Authority.

2dly. To name Persons to investigate the conduct of the Parties accused of neglect and malversation, and, if culpable, to replace them by Persons of character and probity.

3dly. To order a general investigation into the actual state and condition of the emancipated Slaves, with a view to correct all abuses.

4thly. To establish for the future a muster of the whole of the Libertos at fixed periods, before proper Authorities, to prevent a recurrence of abuses.

We also observed to Mr. Gordon, that, by the 7th Article of the Convention, the Brazilian Government had guaranteed the liberty of all those individuals consigned to it by the Mixed Commission, and that this guarantee could not possibly be fulfilled so long as such abuses existed as those to which we have adverted.

We have the honour to enclose Copy of our Letter to Mr. Gordon, and of his Reply, which states that Mr. Gordon had transmitted a Copy of our Letter to the Minister for Foreign Affairs, accompanied

by such remarks of his own as he trusted would induce the Government to correct the abuses complained of.

We have, &c.

HENRY HAYNE.

*The Right Hon. George Canning.*

ALEX. CUNNINGHAM.

(Enclosure 1.)-*His Majesty's Commr. to the Right Hon. Robert Gordon.*  
SIR,

*Rio de Janeiro, 31st October, 1826.*

HAVING received Mr. Secretary Canning's commands, in consequence of our having apprised him of the existence of malversation in the execution of the Regulations laid down in the Alvarà of January 26, 1818, founded on the Convention of July 28, 1817, relating to the welfare of the Slaves emancipated by the Mixed Commission; to confer with our Brazilian Colleagues on the subject, with a view to our making a joint Representation to the Government of His Imperial Majesty, pointing out therein the existence of great abuses in the Administration of the Regulations contained in the above-mentioned Alvarà; urgently inviting them to an investigation of the abuses which might exist, in order to their being corrected; and suggesting, with due deference, some few additional Regulations, the sole object of which would be to prevent a recurrence of abuses, or the rendering the existing Law altogether nugatory, as it has become under its actual Administration:

We availed ourselves of the earliest opportunity to confer upon this subject with our Colleagues, who declined taking part with us in any Representation to their Government of that nature, not being authorised so to do, since the Convention, Article 7, so expressly took the emancipated Slaves altogether out of the jurisdiction of the Mixed Commission, from the moment they were delivered over into the hands of the Juez de Comarca; but they suggested, that if we thought proper to make any representation, it should be transmitted through our resident Minister at this Court, which coinciding with our own views and intentions, on failure of our Brazilian Colleagues taking part with us, we now beg to submit to you a Statement of the Malversations which exist in the Administration of the Laws relating to the Slaves emancipated by the Mixed Commission.

Report says that a vast number of the emancipated Slaves have been sold, and thereby redoomed to perpetual slavery: of this we have not any positive proof, but the total want of caution to prevent such an abuse, is alone sufficient to arouse suspicion, and to warrant investigation.

In the first place, the Register of the emancipated Slaves, or Livro dos Termos, kept by the Escrivao of the Judge of Comarca, which should be so correctly kept as to enable the Corador or Judge, to put their hands upon any one of the said Slaves (Libertos) or upon the Person who hired him or her, or their security (Fiador) is, we know, in such a state of confusion and neglect, as to have many of the Li-

bertos' names, not only destitute of any Termo (Bond) as required by the conditions of hire, but even without the name of the Person who first hired them; and others who are known to have been transferred without any Termo being signed by the actual holders of them, or their names even entered in the said Livro dos Termos, by which shameful neglect those whose freedom is guaranteed by the Government are lost sight of, and consequently the suspicions entertained of malversation, on the part of those whose duty it became to watch the interests of these helpless individuals, thereby becomes corroborated.

Secondly, the Curador, by the Alvarà, Art. 5, should be a Person of known probity, and good conduct, named and approved by the Board of Judicial Council, and Governor of the Province, to serve three Years, and watch over the welfare of the Libertos. An investigation into the conduct of the Curador now serving, will prove that he has shewn himself not gifted with the above qualifications, but unworthy to hold the Office, in as much as he has been guilty of collecting money (as Curador dos Pretos Libertos) for their hire, from Persons holding them, without authority either from the Treasurer, or Juez da Comarca, and never rendered any account of the same, as the Treasurer has since verbally declared to Mr. Hayne; in proof of the receipt of which money, we beg to enclose the Copy of a Document given by him, the original of which is in our possession.

By this act alone he is assuredly unfitted for the Office, and, we should presume, amenable to the Laws of his Country; added to which we have just learnt, that he is under accusation, before the competent Tribunal, of the actual murder of one of the Libertos.

Thirdly, the hire of the Libertos has never been regularly collected by the Treasurer, nor have they, we have reason to believe, ever been inspected, generally or collectively; and although the latter is not positively stipulated for, yet it would appear to be indispensable to their well being.

If we might be allowed to suggest any measures that might tend to correct the abuses complained of, and bring to light others that may be concealed, we would propose with that view, for your consideration, (to make use of as you may think proper,) the following steps being taken by the Government, or others equivalent to them, which, we conceive, are not incompatible either with the existing Law or Convention:

**First.** That a Decree should be issued, calling upon all those who hired Slaves emancipated by the Mixed Commission (Libertos), from the Juez da Comarca, on or subsequent to the 30th of August, 1821, or should at present possess them, with or without authority, to render an account of them to the Juez da Comarca, or whomsoever might be appointed to receive the same, and on failure of compliance with this



Decree within days, the defaulters will subject themselves to all the penalties of the Law. Any one knowing of the concealment or maltreatment of any of the said Libertos, to be thereby called upon to declare the same before the abovenamed Authority.

2dly. To name Persons to investigate the conduct of the Parties accused of neglect and malversation, and if culpable, to replace them by Persons of character and probity.

3d. To order a general investigation into the actual state and condition of the emancipated Slaves, with a view to correct all abuses.

4th. To establish, for the future, a muster of the whole of the Libertos, at fixed periods, before proper Authorities, to prevent a recurrence of abuses.

You will observe, Sir, that the Convention, Art. 7, declares, that "each of the Two Governments binds itself to guarantee the liberty of such portion of the individuals as shall be respectively consigned to it." Now we conceive that it will be impossible to fulfil this guarantee while such abuses exist, and those we have enumerated are within our own knowledge; what others may be concealed from our means of investigation it is impossible to say; but if they are allowed to remain uncorrected, and unpunished, what evils to these helpless individuals may not arise out of them?

We earnestly hope and trust, Sir, that, upon these facts being represented by you to the Ministers of His Imperial Majesty, and on your urging them to an immediate investigation of the abuses which so unhappily exist, your appeal will meet with that prompt attention and consideration, due to the Case, to the objects of the Convention, and the cause of humanity.

We have, &c. HENRY HAYNE.

*The Right Hon. Robert Gordon.* ALEXANDER CUNNINGHAM.

(Enclosure 2.)—*The Rt. Hon. Robert Gordon to His Majesty's Comm<sup>rs</sup>.*  
GENTLEMEN, *Rio de Janeiro, 6th November, 1826.*

AFTER perusing with due attention the Letter which you addressed to me, on the 31st of October, upon the subject of certain Abuses, in the execution of the Law, founded on the Convention of July 28, 1817, relating to emancipated Slaves; I have judged that I should best meet your wishes by forwarding a Copy of that Letter to the Minister of Foreign Affairs, the Marquess of Inhambupe; and I have taken care to accompany it with remarks of my own, which I trust may induce this Government, not only to give their immediate attention to the subject, but effectually to correct the abuses of which you complain.

I have, &c.

*Messrs. Hayne and Cunningham.*

R. GORDON.

No. 124.—*H. Hayne, Esq. to Mr. Secretary Canning.*—(Rec. March 2.)

SIR, *Rio de Janeiro, 4th January, 1827.*

I HAD the honour of addressing you on the 26th October last, for the purpose of urgently soliciting leave of absence, on condition that the illness under which I then laboured did not yield to the treatment I was pursuing.

It is with infinite disappointment and regret, Sir, that I have now to inform you, that the Climate at this Season has been so prejudicial to my complaint, as to induce my Physician at length to give it as his decided opinion, that a Sea Voyage, and immediate and thorough change of Climate, for a short time, is indispensable to the re-establishment of my health.

When you take into your consideration, Sir, this decided opinion, and the utter impossibility of my receiving your Reply to my Letter of October 26th, under 3 months, and that His Majesty's Service will in no wise be prejudiced by my absence, I trust you will be pleased to pardon the irregularity of which I am about to be guilty, in anticipating your acquiescence to my urgent request for leave of absence, which I feel can only be justified by the urgency of the case.

As soon as I shall have gone through the customary forms of quitting my Post on leave of absence, and see my Place filled in the manner prescribed by the Convention, I have come to the determination of embarking in the first Packet, and throwing myself upon your mercy, persuaded that you will do justice to the merits of my distressing case.

I have made Mr. Aston, in the absence of Mr. Gordon, acquainted with my intentions, both of whom can speak from personal knowledge of my sufferings.

I have, &c.

*The Right Hon. George Canning.*

HENRY HAYNE.

No. 125.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. Mar. 31.)

SIR, *Rio de Janeiro, 6th January, 1827.*

IN conformity to your Instructions, we beg leave to inform you, that no Slave-vessel has been brought in here for Adjudication since our last Half-Yearly Report of the 5th of July last.

We have, &c.

HENRY HAYNE.

*The Right Hon. George Canning.*

ALEX. CUNNINGHAM.

No. 126.—*His Majesty's Commr. to Viscount Dudley.*—(Rec. Aug. 30.)

MY LORD, *Rio de Janeiro, 5th July, 1827.*

IN conformity to our Instructions, we beg leave to inform your Lordship that no Slave-vessel has been brought into this Port for Adjudication since our last Report of January 6, 1827.

We have, &c.

A. J. HEATHERLY.

*The Right Hon. Viscount Dudley.*

ALEX. CUNNINGHAM.

No.127.—*His Majesty's Comm<sup>r</sup>. to the Earlof Dudley.*—(Rec. Oct. 23.)

MY LORD,

*Rio de Janeiro, 15th August, 1827.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch, dated 22d May last, accompanied by 6 Copies of Papers, marked A. and B. relative to the Slave-trade, which have been presented to both Houses of Parliament.

We have, &c.

A. J. HEATHERLY.

*The Right Hon. Viscount Dudley.*

ALEX. CUNNINGHAM.

## S U R I N A M.

No. 128.—*His Majesty's Commissioners to Mr. Secretary Canning.*

(Received January 27, 1827.)

(Extract.)

*Surinam, 6th December, 1826.*

WE have the honour to enclose you a Copy and Translation of an *Ordinance*, just published by the Colonial Government, containing 6 Articles, of which the following is a Summary:—

Art. 1, dispenses with the necessity of stating the name, age, calling or trade, and religion, in any of the future Annual Returns of the Slaves of this Colony.

Art. 2, directs the proper printed Lists to be made use of.

Art. 3 and 4, require the verification of the above Lists by the Registrar of the Slaves.

Art. 5, in case of discrepancy, between the Lists and Registrations, provides that verification should only be given *pro tanto*.

Art. 6, charges the Comptroller of the Finances with the execution of this Ordinance.

On referring to the Decree of His Netherland Majesty, which we had the honour to transmit to you by our Despatch, dated September 25, 1826, we are apprehensive the Colonial Ordinance, which we now enclose, will (by making the identification of Slaves more difficult, and thereby holding out to the Planters and Administrators a temptation to the surreptitious replenishment of their numbers, by the substitution of new Africans for the Slaves they lose by death, or other casualties,) materially facilitate the evasion, if it does not defeat the intention, of His Netherland Majesty's Decree. It does not, indeed, absolutely repeal that Decree; but it repeals a previous regulation of the Court of Policy here, (a Copy of which was submitted to you by Mr. Lance, in his Despatch dated March 30, 1824), of which His Netherland Majesty's Decree purports to be an amendment, and by the repeal of which, the Decree itself, as we fear, is considerably crippled, and rendered more indecisive in its operations.

CHRIS. EDWD. LEFROY.

*The Right Hon. George Canning.*

J. H. LANCE.

(*Enclosure.*)—(Translation.)

ORDINANCE OF THE GOVERNOR OF SURINAM.

*Publication.*

For the purpose of modifying, and rendering more simple, the Yearly Lists of Families and Slaves, that are to be given in at the Office of the Capitation Tax :

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 Naval Forces in the same, &c. &c. together with the Members of the Court of Policy and Criminal Justice ;

*To all those who shall see or hear these Presents read, greeting :*

CONSIDERING that by the introduction of Slave Registers, such as those which, in consequence of His Majesty's Decree of the 4th of January, 1826, No. 92, are established by Publication of the 19th April, 1826, the Government, once for all, is become acquainted with the name, age, calling or trade, and the religion of the Slaves present in the Colony ;

Considering that, from this cause, there exists no necessity of repeating these distinguishing particulars every Year, in such manner as was required to be done, before and since the Publication of the 18th August, 1823, by the rendering in of the Yearly Lists of Families and Slaves at the Office of the Capitation Tax ;

Considering that, therefore, there are, with regard to the Administration, as well as for the convenience of the good Inhabitants, sufficient terms efficiently to render more simple the form of these Yearly Lists ;

Have decreed and decree ;

ART. 1. Commencing with the 1st of January, 1827, the Yearly Lists of Families and Slaves that are to be given in at the Office of the Capitation Tax, for as much as regards the Slaves, shall only contain their sex and number, without its being henceforward longer necessary therein to state their name, age, calling or trade, and religion.

ART. 2. In order to proceed herein with the necessary uniformity, no other than the Printed Lists, which will be obtainable at the Office of the Capitation Tax, by paying the trifling costs of paper and printing, shall be made use of.

ART. 3. The Receiver of the Capitation Tax shall not henceforward accept the Yearly Lists of Families and Slaves, unless the same be first verified by the Registrar of the Slaves.

ART. 4. To that end every Inhabitant whose List may contain Slaves, shall be obliged to present said List to the Officer of the Slave Regis-



try, to be verified before giving in the same to the Receiver of the Capitation Tax, and the first named Officer is ordered to compare such List with the Slave Registers, and to verify the same as correct; in case it appear by the said comparison, that the number of Slaves stated in the List agrees with the number, which, according to the Registers, the Person rendering such List possessed on the 1st of January.

Art. 5. In case it should appear to the Officer of the Registry, by the said comparison, that the number of Slaves stated in the Yearly Lists, do not agree with the number known in the Slave Registers, he shall only verify the same *in quantum pro*, and immediately give information of this difference to the Counsellor Fiscal, in order that the necessary enquiry be made by the same.

Art. 6. The Counsellor Comptroller of Finances is charged with the execution of these presents.

We order and command that these Presents be published, affixed, and inserted in the Government Official Paper, and in the Newspapers of this Colony, and be furthermore caused to circulate in the different Divisions and Districts.

Done, Resolved, and Decreed, in our Assembly, held at Paramaribo, the 6th day of November, in the Year 1826.

DE VEER.

By Command of the Court.      The Acting Secretary,

J. G. RINGELING.

No. 129.—*C. E. Lefroy, Esq. to Mr. Secy. Canning.*—(Rec. Apr. 14.)  
(Extract.)      Surinam, 1st February, 1827.

IN reference to your Despatches, dated the 28th of June, and the 8th of July, of the last Year, I beg to inform you, that we have neither seen nor heard any thing in this Colony of the *Panther* Brig-of-War, Captain Brujs, and have indeed been wholly without any Naval assistance here since June last, when the *Falcon* Brig-of-War (Captain Van Ess) left this Port (as we understood) for Curaçoa.

I feel it the more incumbent upon me, Sir, to call your attention to this circumstance, as, only so late as December last, I received information of several Slave-vessels being off the Saramacca, and procured the arrest of 2 Frenchmen belonging to one of them, who had been bold enough to venture into the neighbourhood of the Town of Paramaribo, trusting to their Employers for their concealment.

These Frenchmen are now in confinement, awaiting such proceedings as His Honour the Fiscal may think the Evidence he can procure will warrant his instituting against them; but for want of any small War-craft to send instantly in pursuit of them, the Slave-vessels escaped, but not (there is reason to fear) without one of them having effected her purpose of landing, and dispersing amongst the Plantations

contiguous to the point of debarkation, a considerable number of new Africans.

*The Right Hon. George Canning.*

CHRIS. EDWD. LEFROY.

No. 130.—*J. H. Lance, Esq. to Mr. Secy. Canning.*—(Rec. May 8, 1827.)

SIR,

*Surinam, 8th December, 1826.*

HAVING lately experienced another severe attack of fever, and the Physician who attended me having given it as his opinion (as appears by the enclosed Certificate) that an immediate change of air is absolutely necessary to the re-establishment of my health, I have been induced to avail myself of the conditional leave granted to the Commissioners here, by the late Marquess of Londonderry, by a Despatch, dated 21st March, 1821, and am about to make a short excursion to the neighbouring Islands.

I have on this occasion communicated my intention to His Excellency the Governor, who has most kindly undertaken to send me immediate information, in case any thing should occur in which my presence is required; in the mean time I beg to assure you, Sir, that nothing but an absolute necessity should have induced me to quit my Post at all, and that I shall return the moment my health will allow me.

I have, &c.

*The Right Hon. George Canning.*

J. H. LANCE.

(Enclosure.)—*Medical Certificate.*

*Paramaribo, 6th December, 1826.*

HAVING, in my capacity as Physician practising in this Colony, attended Mr. Lance in his late sickness, I hereby certify that Mr. Lance is in such a state of health, that I consider an immediate change of Climate as absolutely necessary for his recovery.

F. W. HORTMANN.

*Medic. and Chir. Doctor.*

No. 131.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. June 7.)

SIR,

*Surinam, 15th March, 1827.*

WE have the honour to acknowledge the receipt of your Despatch, dated December 5th, 1826, informing us 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.....	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*.

We have, &c.

CHRIS. EDWD. LEFROY.

*The Right Hon. George Canning.*

J. H. LANCE.

No. 132.—*His Majesty's Commr. to Mr. Secy. Canning—(Rec. June 7.)*  
SIR, *Surinam, 20th March, 1827.*

WE have the honour to acknowledge the receipt of your Despatch, dated the 30th of December, 1826, informing us of the satisfaction felt by His Majesty's Government, at the Regulations adopted here for the Registration of Slaves, with a view to the more effectual suppression of any attempts which might be made to carry on an illegal Traffick in Slaves in this Colony; and enclosing, for our information, a Copy of a Despatch which, by His Majesty's Commands, you had addressed upon that Subject to His Majesty's Ambassador at the Court of The King of The Netherlands.

We have, &c.

CHRIS. EDWD. LEFROY.

*The Right Hon. George Canning.*

J. H. LANCE.

No. 133.—*Viscount Dudley to His Majesty's Commissioners.*  
GENTLEMEN, *Foreign Office, 28th June, 1827.*

I HAVE received your Despatches, up to the 20th of March.

A Representation having been made to The Netherland Government, upon the subject of the want of Cruizers, which you state in your Despatch of the 1st February to be felt on the Coast of Surinam, His Majesty's Government have had the satisfaction to receive, through the British Ambassador, the Answer, of which I herewith enclose you a Copy.\*

You will perceive therefrom, that The Netherland Government have declared it to be the intention of His Netherland Majesty to send, in the course of the Year, a reinforcement of two Vessels of War to that Station.

I am, &c.

*His Majesty's Commissioners.*

DUDLEY.

No. 134.—*J. H. Lance, Esq. to Jos. Planta, Jun. Esq.—(Rec. June 29.)*  
SIR, *Surinam, 20th March, 1827.*

I HAVE the honour to acknowledge the receipt of your Letter, of the 29th December, 1826, conveying to me Mr. Canning's permission for my return to England, during this Year, for a period of 6 months, if the state of my health should require it. I beg to return my most sincere thanks for the early attention which my request has met with, and the readiness with which it has been granted; and unless events should occur, rendering my presence necessary here for the Service of

\* See Class B.

the Commission, I propose to avail myself of my leave in the month of July ensuing, being just previous to the setting in of our dry Season, the most unhealthy period of the Year; and I hope after passing a few months in England, my health will be so far re-established as to enable me to go through the remaining period of my Service, without experiencing any more of those violent attacks of fever, from which I have suffered so much during my residence in this Colony.

I am, &c.

*Joseph Planta, Jun. Esq.*

J. H. LANCE.

No. 135.—*His Majesty's Commr. to Mr. Secy. Canning.*—(Rec. Aug. 16.)  
SIR, *Surinam, 2d July, 1827.*

MR. BRUNINGS, the late Arbitrator of the Mixed Court established in this Colony for the Repression of the Slave-trade, on the part of His Netherland Majesty, having obtained His Majesty's permission to return home upon his Pension, we have the honour to inform you, that Mr. Herman Rudolph Haijunga, Member of the Court of Civil Justice in this Colony, has been appointed his Successor, and that he was this morning duly sworn into such Office.

We have, &c.

CHRIS. EDW. LEFROY.

*The Right Hon. George Canning.*

J. H. LANCE.

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## SPAIN.

No. 1.—*The Right Hon. F. Lamb to Mr. Secretary Canning.*—  
(Received Jan. 31.)

SIR, *Madrid, 20th January, 1827.*

I HAVE the honour to enclose Copies of a Note which I addressed to M. Salmon, in obedience to the Orders conveyed in your Despatch of December 14, 1826, and of His Excellency's Answer.

It is perfectly true, that I have been made aware that similar Advertisements have already, more than once, during the time which I have held His Majesty's Mission at Madrid, appeared in the publick Newspapers of Cadiz. I have the honour to be, &c.

*The Right Hon. George Canning.*

F. LAMB.

(Enclosure 1.)—*The Right Hon. F. Lamb to the Chevalier de Salmon.*  
*Madrid, 29th December, 1826.*

THE Undersigned, &c. has the honour to transmit to His Excellency the Chevalier de Salmon, &c. the Copy of a Letter from His Majesty's Consul at Cadiz, inclosing a publick Advertisement in the Gazette of that City, for the sale of a Negress.

Similar Advertisements have more than once appeared in the publick Newspapers of Cadiz, during the time the Undersigned has held His Majesty's Mission at this Court.

These acts of Slave purchase and sale in the heart of Spain herself, are entirely repugnant to the spirit of the Stipulation by which His Catholick Majesty, in the 1st Article of the Treaty of the 22d of September, 1817, engages to His Britannick Majesty, "that the Slave-

trade shall be abolished throughout the entire Dominions of Spain, on the 30th May, 1820."

The Undersigned has, therefore, received the commands of his Government to place these facts before the Government of His Catholick Majesty, with the expression of the hope, that Orders will immediately and publickly be given 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 Compact with Great Britain for the Abolition of the Slave-trade.

The Undersigned avails himself, &c.

*His Excellency the Chevalier de Salmon.*

F. LAMB.

(Enclosure 2.—) *The Chevalier de Salmon to the Right Hon. F. Lamb.*  
(Translation.)

SIR,

*Palace, 17th January, 1827.*

I RECEIVED the Note which you did me the honour to address to me, dated 29th of last December, complaining that in the *Diario de Cadiz*, of the 25th of the previous October, the Sale of a Negress was announced; and demanding, by reason thereof, the observance of the Treaty of 1817, for the Abolition of the Slave-trade, of which you believed that the above Sale was an infraction; adding also, that that was not the first instance of similar Advertisements in the said *Diario*.

Permit me, Sir, to observe to you, that the Treaty of 1817 cannot possess that latitude, which, in the present question, is wished to be given to it. If now, and at other times, similar Advertisements have found their way into the said *Diario*, the acts to which they refer cannot be considered as being comprehended in the traffick which was abolished; but merely as the disposal of a Property, which it is lawful for the Owner to alienate, and which he can make over to another Possessor, in virtue of a Sale, or in any other manner; the more so as, by Enactment of the said Treaty, the slavery of Negroes, already introduced before its conclusion, was not abolished; and it is further therein stipulated, that a period shall be allowed in which more Slaves may be introduced.

Moreover, The King, my august Lord, who has with such good faith coincided with the philanthropick ideas of His Britannick Majesty, in this matter, has never desisted, and never will desist, from forwarding all the Measures which the English Government has adopted, and may still adopt, to prevent, in the Spanish Dominions, the nefarious Traffick in Human Beings, and to ensure more and more the accomplishment of what is stipulated;—a fact well known to your Excellency.

This is what I have the honour to state to you, in reply to your Note aforesaid, availing myself of this opportunity to assure you of my high consideration. God preserve you many years.

*The Minister of England.*

M. G. SALMON.

*No. 2.—Mr. Secretary Canning to the Right Hon. F. Lamb.*

SIR,

*Foreign Office, 26th February, 1827.*

IN reference to my former Despatches, on the subject of the Slave-vessel *Minerva*, chased into The Havannah by His Majesty's Ship *Pylades*, and the detention of the Steam-vessel, *Mexicano*, for the conveyance of Slaves from on board of the *Minerva*; I send to you the accompanying Copy of a Communication from the Admiralty, containing some further Information upon these Cases.

Of this Information you will make what use shall appear to you to be advisable, in your Communications with the Spanish Government, upon the subject.

I am, &c.

*The Right Hon. Frederick Lamb.*

GEORGE CANNING.

*(Enclosure A.)—John Barrow, Esq. to Joseph Planta, Jun. Esq.*

SIR,

*Admiralty Office, February 3, 1827.*

WITH reference to my Letter to you of the 6th of December last, enclosing Copies of a Despatch from Vice Admiral Sir L. Halsted, respecting the Slave-trade carried on upon the Coast of Cuba, I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Mr. Secretary Canning, Copies of another Letter, and its Enclosures, from Sir Lawrence Halsted, respecting the Case of the *Minerva* Slave-vessel, chased into The Havannah by His Majesty's Sloop, *Pylades*, and the detention of the *Mexicano* Steam-boat, for having Slaves on board.

I am, &c.

*Joseph Planta, Jun. Esq.*

JOHN BARROW.

*(Enclosure B.)—Vice Admiral Halsted to J. W. Croker, Esq.*

*Isis, in Port Royal Harbour, Jamaica,*

SIR,

*30th November, 1826.*

By the return of His Majesty's Sloop, *Pylades*, I am enabled to transmit, for the information of the Lords Commissioners of the Admiralty, the Duplicate Affidavits of Lieutenants Hast and Nott, alluded to in my Letter of the 29th September last, on the subject of the *Minerva* Slave-schooner, chased into the Port of Havannah by the *Pylades*, and of her subsequent detention of the *Mexicano* Steam-boat, for having Slaves on board.

Before Commander Jackson left The Havannah, he addressed a Letter, of which the enclosed is a Copy, to the Captain-General, respecting the Case of the *Minerva*, and received the accompanying ambiguous Reply, to which he adds, that he could not learn, either from Mr. Macleay, or any other Person at Havannah, what Judgment had been passed on the said Schooner, or whether, in short, any at all had taken place, although the Governor's Reply seems to warrant the belief that a Sentence of some nature has been recorded.

I have, &c.

J. W. Croker, Esq.

L. W. HALSTED.

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(Enclosure C.)—*Affidavit of Lieutenant Nott.*

See Class B. 1826. Page 284.

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(Enclosure D.)—*Affidavit of Lieutenant Nott.*

See Class B. 1826. Page 290.

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(Enclosure E.)—*Commander Jackson to the Captain-General of Cuba.*

H. B. M. Sloop Pylades, Havannah,

SIR,

12th November, 1826.

IN reply to my Letter of the 18th of August, you were pleased to inform me, that the Case of the Schooner *Minerva*, chased into this Port by His Britannick Majesty's Ship under my command, would be tried at the Court of the Captain-General; and as considerable time has elapsed since an Officer from this Ship, and the Master of a Merchant-vessel, gave Evidence before the said Court, I conclude, ere this, Judgment may have been passed; if so, I shall feel obliged if you will cause me to be furnished with a Copy thereof, that I may lay the same before my Commander-in-Chief.

I have, &c.

His Excellency General Vives.

G. V. JACKSON.

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(Enclosure F.)—*The Captain-General of Cuba to Commander Jackson.*

(Translation.)

Office of the Captain-General of the ever Faithful Island of Cuba.

Havannah, 13th November, 1826.

IN reply to your Letter of the 12th Instant, requesting to be furnished with a Copy of the Sentence pronounced in the Cause instituted in consequence of the arrival at this Port of the Schooner *Minerva*, chased by the Vessel under your command; I have to acquaint you, that, agreeably to the Royal Order of the 2d of January last, the Log-book of the said Schooner was presented to His Excellency the Commandant-General for the necessary examination, and that the determi-



nation of this Captaincy-General was formed in conformity to justice and to the tenour of the before-mentioned Royal Order.

God preserve you, &c.

*The Commander of the British Corvette Pylades.* J. D. VIVES.

*No. 3.—The Conde de la Alcudia to Mr. Secretary Canning.*

(Translation.)

*Portland-Place, 27th February, 1827.*

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Catholick Majesty, has the honour to inform His Excellency the Right Hon. George Canning, Principal Secretary of State for Foreign Affairs, that he has received from his Court a Despatch, from which it appears, that, on the 16th of August last, the *Minerva*, Spanish Schooner, proceeding from Porto Rico, put into Havannah; that it was afterwards ascertained that she had been chased at sea by the *Pylades* and *Magpie*, English Frigate and Schooner; that the Commander of the latter sent an Officer to give information of the suspicions entertained in regard to that Vessel, in order that the Captain-General might cause the necessary steps to be taken; that the latter did not lose a moment in directing to be adopted those enjoined by the Royal Order in a similar case, all which he proves by Documents; and, finally, that such was the diligence of the English Agents on that occasion, that they obtained from the Spanish Commandant of the Marine, to permit an English Officer, accompanied by a Spanish one, to go on board the *Minerva*, for the purpose of making the examination which he should think proper.

The English Commissioners at Havannah insist, that the Schooner not only entered with Slaves on board, but that she landed, at 11 o'clock at night, on one of the principal Quays of the City, no fewer than from 2 to 300 Negroes; as if they had been a contraband article of little bulk, and could have traversed that populous City through the midst of Watchmen and Patroles, without fearing that any one would obstruct the Authors of such a crime. But, be that as it may, the Commandant-General of the Island, without loss of time, did all that his duty required to discover the fact, by pursuing the means prescribed by Law; and the consequence is, that the summary process, and the enquiries instituted by the petty Justices and the Police, do not prove any such disembarkation on the Quay.

The circumstance most to be regretted by the Government of His Catholick Majesty in this transaction, is the Correspondence which has taken place between the Captain-General of the Isle of Cuba, and the British Commissioner, Mr. Macleay, and the demand made by the latter, no less than by his Colleague, that English Ships should examine the Spanish in the Harbours of the Island, and thus violate the immunity of the Spanish Territory.

Another subject of regret, as natural, is, that the English Commissioners shew a disposition, unjustly to impute to the Authorities of the King of Spain in that Island, a connivance at the Persons engaged in the contraband Traffick in Negroes, which, in the same manner as every other, though it may be tolerated, in spite of the rigour of the Laws, by inferior Agents, cannot easily be countenanced by the First Authorities, as Mr. Macleay supposes in the Case of the *Minerva*.

The Undersigned does not imagine, that, in consideration of what he has just stated, it can escape the good faith of the British Cabinet, that the Government of His Catholick Majesty has well founded reasons for calling its impartial attention to the conduct of the English Agents in this transaction.

The probity of General Vives is notorious, no less than his invariable prudence and moderation; and His Catholick Majesty has not any motive for suspecting that the Information of that General can be either inaccurate, or coloured by passion. On the other hand, his Excellency the Right Hon. the Principal Secretary of State knows, likewise, how desirous the Spanish Cabinet is to draw more and more close the ties of good harmony, and the friendly relations, with the Government of His Britannick Majesty, and to remove whatever obstacles might arise contrary to that resolution; and, not venturing to doubt that the sentiments which animate the English Government are the same, and conformable to that resolution, he has no reason to apprehend that the latter would not concur in this purpose by all regular and necessary means.

The Undersigned leaves it to the well known penetration of his Excellency to judge, from what has occurred, with regard to the English Commissioners at The Havannah, whether it be possible, that between them and the Commandant General of the Isle of Cuba, there can, for the future, subsist the good understanding, and proper correspondence, indispensable for preventing a recurrence of incidents so unpleasant. How, in the sequel, can faith be reposed in the First Authorities of the Island, and how can the consideration due to them be paid, by those who, doubtless prompted by over zeal, were capable of suspecting the former of connivance at a supposed crime, and of refusing credit to their assurances, supported as they were by the most scrupulous investigations? Or how shall those Authorities be able to correspond or have intercourse with Agents, who have wounded the delicacy of the former, and who do not place in them the just and necessary confidence?

This delicate consideration cannot fail to occur to his Excellency, among several others, such as that of the improper demand of the Commissioners respecting the examination of Spanish Ships in general, in the Harbours of the Island, by the English. It would be an insult to the enlightened judgment of his Excellency the Right Hon. George

Canning, to suppose he would not perceive how indispensable it is to adopt a measure capable of preventing further differences between the Authorities of the Isle of Cuba, and the British Agents, whether it be that of removing the latter, as the most efficacious means of obviating fresh dissensions, or at least that of reprimanding them becomingly, in order that they may in future keep within the bounds of their competency, and may refrain from unfounded accusation, and unjust demands.

The Undersigned, in thus complying with the Orders of the King, his august Master, is confident that his Excellency the Right Hon. George Canning, will give due weight to the powerful reasons which induce the Spanish Government to prefer the present amicable representation, and that in conveying the whole exposition to the knowledge of His Britannick Majesty, his Excellency, influenced by his well-known upright intentions, will be pleased to evince them, as on other occasions, by procuring an adequate result.

In the mean time he requests his Excellency to receive, &c.

*The Rt. Hon. Geo. Canning.*      **THE CONDE DE LA ALCUDIA.**

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*No. 4—The Conde de la Alcudia to Mr. Secretary Canning.*

(Translation.)

*Portland-Place, 8th March, 1827.*

FROM an attentive perusal of the Documents relative to what occurred at Havannah, respecting the Spanish Schooner *Minerva*, the Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Catholick Majesty, in enclosing a Copy of those Documents to his Excellency the Right Hon. George Canning, Principal Secretary of State for Foreign Affairs, deems it his duty, with the view of corroborating what he had the honour to state to his Excellency, in his Note of the 27th of February ultimo, to recur to, and to enlarge upon, some points, which will procure for the justice of the complaint preferred by the Spanish Government, a more favourable reception from the enlightened judgment of his Excellency.

It appears to the Undersigned, that by confining himself to the Examination of the last 3 Documents, H. I. and J. he will have sufficient matter for discussing the subject under consideration.

The Letter of the Captain-General of the Isle of Cuba to the British Commissioner, Mr. Macleay, dated the 19th of August, ought, it would seem, not to have occasioned at that time any further answers; when, to satisfy the apprehensions of the English Commissioners and Commanders, he declared that the matter was consigned to the impartiality of the Laws, as laid down in the Treaty of 1817, in the Additional Articles, and in the Royal Order of the 2d of January of last Year. And it seems that the guarantee of the First Authority of the Island, ought to have deserved some confidence, at least in so far as to induce them to await the result of the Judicial Investigations. Never-

theless, Mr. Macleay thinking differently, exceeded his powers, and brought unfounded prejudices to bear, in a more or less direct manner, upon the measures taken by Authority.

With respect to the presumed deference of Lieutenant Smith, in not venturing to detain the *Minerva*, in the Port of Havannah itself, with the view of surrendering her to the Mixed Commission; this presumed deference of Lieutenant Smith, Mr. Macleay is inclined to explain, by his having acted on a real sense of obligation, and though, in appearance, he admits the propriety of the denial of the Captain-General, yet immediately afterwards he manifests an inconceivable doubt, as to whether the Treaty limits the detention of Negro-vessels, to their being at Sea, a doubt which General Vives removes in his Answer, by referring to the Treaty in question, and to the King's Ordinance of the 10th of February of last Year, respecting the Additional Articles.

But supposing, even gratuitously, that this were not conclusive, the very silence of the Treaty upon a point so delicate and important, would argue in favour of the real Rights of His Catholick Majesty. The Undersigned is very far from pretending to clear up such a topick in transacting with a Statesman so conversant with the Law of Nations, as the Right Hon. Secretary of State, to whom he has the honour to address himself; but this very persuasion induces him to convince himself, that he shall not be at variance with his Excellency's opinion, when he maintains that His Catholick Majesty could not, either explicitly or tacitly, desire to renounce his essential Rights, and much less to consent to the violation of his Territory, in prejudice of the high consideration and respect which Nations owe to each other, and that a Spanish Vessel should be captured in a Harbour of his Dominions, and in sight of the Authorities constituted by him, whatever motives might be alleged for such a practice. Besides, if, in virtue of the 1st Article of the Instructions for the Ships of War of both Nations, directed to prevent the Slave-trade, those Ships are authorized according to Article 9 of the Treaty, *to conduct the detained Vessels*, to be adjudged by one of the Mixed Commissions, to which they may happen to be nearest; it appears natural, that it is for the said Mixed Commission alone to decide upon the legality of the detention of the suspected Vessel, conformably with Article 1 of the Regulations for the Commission, whenever the Prize shall have been taken by the Cruizer without the Port, as must be concluded from the circumstance of its being necessary to carry her to the Port where the Commission may chance to reside; otherwise, if the Prize have not been captured by a Cruizer, it is understood that the Vessel must continue solely under the power of the Supreme Authority of the Island, to which the previous examination of the business belongs. Hence it was by no means competent to Lieutenant Smith, as an Officer of the British Navy, to



assume the power which he imagined he might possess, with regard to the detention of the *Minerva*, in the Port of The Havannah. Another assertion, no less unfounded, and injurious to those whom it concerns, is that brought forward by Mr. Macleay, with an intention totally alien to the amicable relations which have subsisted, till the occurrence of the present Case, between the British Commissioners and the Authorities of the Isle of Cuba. The good faith and impartial judgment of his Excellency the Principal Secretary of State, will do adequate justice to the odious inculpation with which Mr. Macleay has attempted to sully the good name, and unexceptionable reputation of the First Authorities of the Island, by insinuating, though merely as a supposition, that they might participate in the transgression of the Laws, and by wishing thereby to account for the circumstance of the Police of the City having forborne to denounce the supposed disembarkation of Slaves. It is really inconceivable how Mr. Macleay, laying aside every consideration of delicacy, and the good opinion which the past conduct, and well known disposition of these Authorities ought to have deserved at his hands, could go out of his way to seek, in the idle talk of the Populace, in which malice, or concealed interests, frequently will have a large share, materials for establishing suspicions which he imagined to be founded in fact. The British Government, in its enlightened wisdom, cannot but take into consideration all the inconveniences and ill consequences which might result from the adoption of such a system of investigation, and of a method, as rash as it is erroneous and prejudicial, of forming opinions on matters alike delicate, and extremely important. The good harmony and pacifick relations of Powers to each other, would be very transient, if inferior Agents could, on data of such a singular nature, pronounce judgment upon the proceedings and conduct of the Principal Authorities of their respective Governments. Waiving the other points, which, in the estimation of the Undersigned, are sufficiently discussed in the enclosed Correspondence of the Captain-General of the Isle of Cuba, he has only to call the attention of his Excellency the Right Hon. George Canning, to the mistaken inference drawn by Mr. Macleay, from what the Captain-General Vives says in his Letter of the 19th of August, namely,—

Every facility which was desired has been afforded to put to the test the suspicions concerning the Place from whence the Schooner *Minerva* proceeded, and, among the rest, *Lieutenant Smith was empowered by an Order*, and accompanied by an Adjutant of the Commandant-General of this Naval Station, *to repair*, as he did, *on board the Minerva*.

In the whole passage referred to by Mr. Macleay, there is not the least expression to show that the Captain-General of the Isle of Cuba had approved of the permission given to Lieutenant Smith, and it was

manifestly the effect of mere politeness in the Commandant of the Naval Station, without any approbation on the part of the Superior Authority; because such an approbation, as is very well observed by the Captain-General, might appear to some to legitimate in an indirect manner, the examination of a Spanish Vessel in the Ports of the Possessions of His Catholick Majesty, by a British Ship of War, and perhaps be considered, under a certain point of view, as a precedent to which appeal might justifiably be made in other Cases of a similar description, which the declaration of General Vives completely disavows. It is, on the other hand, so evident, that the Commissioner Macleay is himself apprehensive of having exceeded his powers, that, towards the end of his Letter of the 21st of August, he takes pains to obliterate the unfavourable impression which his conduct may have produced, by clearly and explicitly acknowledging, that the investigation of the Case in question, exclusively belongs to the Captain-General of the Island, and he at the same time ingenuously manifests his fear of having said more than was competent to him, and than was necessary.

To resume the grievances: it is apparent that four principal points may serve as a basis to the just complaint of the Government of His Majesty the King of Spain against the Individuals of the British Commission, in Havannah;

1st. That Mr. Macleay has exceeded his powers, by manifestations and proceedings beyond his competency.

2d. That he has in a certain manner appeared to subscribe to the strange pretension of Lieutenant Smith, respecting the right of detention in a Spanish Port by an English Ship.

3d. That he has cast an offensive imputation upon the principal Authorities of His Catholick Majesty, in the Isle of Cuba, in regard to the supposed landing of Slaves, without any regard for those Authorities, and without any respect for the Sovereign who has constituted and reposed in them the most just confidence.

4th. That he has attempted, in an underhand manner, which is contrary to all good faith, to establish a precedent prejudicial to the Rights of Spain, with respect to the examination of the Vessels of that Power, by English Cruizers, in Ports belonging to the Territory of His Catholick Majesty.

The Undersigned, prompted by motives so legitimate, ventures, in the name of His Catholick Majesty, to request of the good disposition of the British Cabinet, the removal of Commissioners who have transgressed their duties in so manifest a manner. This is authorized by Article 11 of the Regulations for the Mixed Commissions, annexed to the Treaty of 1817; but it is yet more powerfully required by the anxious and constant desire of His Catholick Majesty to remove whatever might serve as an obstacle to the preservation of the amicable

relations subsisting between Great Britain and Spain, and with which His Majesty is persuaded that His Britannick Majesty is equally animated. And the Undersigned, who again refers to the observations submitted to the impartial and mature judgment of His Excellency the Right Hon. George Canning, in his preceding Note of 27th February, relative to the same subject, is of opinion, that the British Agents in question, cannot continue in Situations, which, from their nature, may oblige them to enter into immediate Correspondence with the Supreme Authorities, of whom they have manifested the most unjust distrust, and which, on their part, indignant at behaviour so little merited, must find it very difficult to have any intercourse satisfactory to themselves, with Agents prejudiced against them. His Excellency will assuredly not be able to conceal from himself this truth, which rests on the knowledge of the human passions.

The British Cabinet will find no difficulty in persuading itself, that it is not in the least, or in the most remote sense possible, the intention of the Spanish Government to demand from it an act of condescension which might shock its dignity, or be in opposition to the powers given by it; but the Spanish Government only desires that a measure may be adopted which is imperiously called for by the respective situation of the British Commissioners, and of the Authorities of the Isle of Cuba, lest the difference between the two Parties, should render irksome the punctual observance of the Treaty of 1817, in opposition to the sentiments of humanity that dictated it; and, as has already been observed, lest fresh misunderstandings should arise, consequent upon such a state of things.

But if, notwithstanding what has been above stated, the English Cabinet believes, in opposition to the opinion submitted by the Undersigned, that it would be a sufficient and efficacious measure, strongly to reprimand the Commissioners, in order that, for the future, they may not deviate from the Powers with which they are invested, and that they may be more circumspect in the judgment which they may form, and more courteous in their communications; the Undersigned leaves it to the well-intentioned consideration of his Excellency the Right Hon. George Canning, to put in practice what may be sufficient for the object in view.

In the mean time, having endeavoured to comply, as in duty bound, with the Instructions from his Court, the Undersigned avails himself, &c.

THE CONDE DE LA ALCUDIA.

*The Right Hon. George Canning.*

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(Enclosure A.)—*Lieutenant Smith to the Captain-General of Cuba.*  
See Class B. 1826. Page 198.

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(Enclosure B.)—*The Captain-General of Cuba to Lieutenant Smith.*

(Translation.)

See Class A. 1826. Page 186.

(Enclosure C.)—*The Captain-General of Cuba to Vice-Admiral Halsted.*

(Translation.)

Havannah, 17th August, 1826.

UNDER date of this day the Commander of His Britannick Majesty's Schooner *Magpie*, says to me, what (translated) is as follows:

"Here follows the Letter of Lieutenant Smith," (Enclosure A.)

Which I transmit to you for your information, and for the purposes resulting from the Treaty as to the affair: for which object I enclose you a Copy of the Reply sent by me to the Commander of the said Schooner.

God preserve you, &c.

*The Commandant-General of the  
Naval Forces on this Station.*

F. D. VIVES.

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(Enclosure D.)—*Commander Jackson to the Captain-General of Cuba.*

See Class A. 1826. Page 197.

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(Enclosure E.)—*The Captain-General of Cuba to Commander Jackson.*

See Class A. 1826. Page 187.

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(Enclosure F.)—*The British Commissioner of Arbitration to the  
Captain-General of Cuba.*

See Class A. 1826. Page 184.

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(Enclosure G.)—*Commander Jackson to W. S. Macleay, Esq.*

See Class A. 1826. Page 183.

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(Enclosure H.)—*The Captain-General of Cuba to the British Commissioner of Arbitration.*

See Class A. 1826. Page 187.

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(Enclosure I.)—*The British Commissioner of Arbitration to the  
Captain-General of Cuba.*

See Class A. 1826. Page 189.

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(Enclosure J.)—*The Captain-General of Cuba to the British Commissioner of Arbitration.*

See Class A. 1826. Page 193.

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No. 5.—*The Rt. Hon. F. Lamb to Mr. Sec<sup>y</sup>. Canning.*—(Rec. March 9.)  
SIR, *Madrid, 21st February, 1827.*

I HAVE the honour to enclose Copies of a Correspondence which has passed between me and the Spanish Minister, upon the subject of the Cases of the *Minerva*, and *Magico*, Slave-vessels, detailed in your Despatches of the 10th November and 15th December, of last Year.

The Government of His Catholick Majesty appear to think, that His Majesty's Commissioners at The Havannah assumed, upon this occasion, an authority inadmissible by the Captain-General, and which did not properly belong to their Office, which is limited, in their opinion, to the Examination and Decision of such Cases of illegal Slave-trading, as may be brought before the Mixed Court for Adjudication.

That a good understanding should exist between the Commissioners and the Local Authorities, appears essential to the cause of the Abolition. I have not, therefore, deemed it expedient to return any Reply to the Note of M. Salmon, leaving it to His Majesty's Government to adopt such steps in the matter as they deem expedient.

From M. Salmon's conversation, it would appear not to be improbable, that an application may be made to His Majesty's Government for the removal of the Mixed Commission from The Havannah to some other Situation, so onerous is the accumulation of Free Negroes, from the condemnation of Slave-vessels in that Port, felt to be. A proposition was hinted at to me, for transporting them back to Africa, at the joint expense of the two Governments; but I gave no encouragement to the idea, representing that the best mode of preventing the increase of their numbers, would be in the diminution of slaving enterprizes, by the signature of the Additional Article. I have, &c.

*The Right Hon. George Canning.*

F. LAMB.

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(Enclosure 1.)—*The Right Hon. F. Lamb to the Chevalier de Salmon.*  
*Madrid, 24th January, 1827.*

THE Undersigned, &c. has received the Instructions of his Government to acquaint his Excellency the Chevalier de Salmon, &c. that Despatches have been received from His Majesty's Commissioners at The Havannah, and from the Commander of His Majesty's Naval Forces in the West Indies, which prove most clearly that the Royal Order transmitted from Madrid to The Havannah, for the effectual execution of the stipulations on African Slave-trade, is become a mere dead letter, and the Colonial Authorities of His Catholick Majesty, even the very highest, 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) 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 Porto 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 Case of 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 evidence the Capture was made, dared not to give in Court his evidence to the facts of which he was a Witness.

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 one of the Officers and the men belonged, who had witnessed the disembarkation of the Slaves, that he offered to take their depositions.

The particulars of these two Cases are fully detailed in the enclosed Papers, which will be found to contain such incontrovertible evidence of the shameless and notorious manner in which the Slave-trade is now carried on at Cuba, as will, no doubt, excite the astonishment of the Government of His Catholick Majesty.

After the countenance which has been thus openly given to the Perpetrators of an act of Slave-trading, so publicly committed as to be matter of joke and general conversation among the Inhabitants, the

condemnation of the *Minerva*, by the Court of Admiralty, is hardly to be expected, and even such condemnation would, after what has passed, be of little effect in preventing a recurrence of such proceedings.

The same protection which is afforded to the Slave-traders by the Authorities of The Havannah, appears likewise to be extended to them by the Commanders of His Catholick Majesty's Cruizers, as his Excellency the Chevalier de Salmon will perceive, by the enclosed Despatch from the Commander of one of His Majesty's Ships of War, detailing the particulars of the examination of the *Dichosa*, when under convoy of the Spanish Brigantine of War, the *Bellona*.\*

The extraordinary conduct of these Authorities can only be explained by a suspicion, which cannot but be attached to it, 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.

In bringing these facts to the knowledge of the Government of His Catholick Majesty, the Undersigned is instructed to acquaint the Chevalier de Salmon, that His Majesty's Government do not presume to judge what steps it will be necessary for the Government of His Catholick Majesty to take, in respect to the Authorities, who have thus acted in direct opposition to their Instructions, and abused the high power intrusted to them by their Sovereign; but that, unless some steps be taken by the Government of His Catholick Majesty, 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 as the safest mode of ensuring the success of their undertaking.

The Undersigned avails himself, &c.

*His Excellency the Chevalier Salmon.*

F. LAMB.

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(Enclosure 2.)---*The Chevalier de Salmon to the Rt. Hon. F. Lamb.*  
(Translation.)

HONOURED SIR,

*Palace, 18th February, 1827.*

ON the 24th January last, you had the goodness, by order of your Government, to address to me a Note, enclosing a variety of Documents, and complaining of the conduct of the principal Authorities of Havannah, on account of the participation, of which they are suspected, in the clandestine Slave-trade; to prove which, the English Government refers to several Cases specified in that Note, and particularly to that of the Spanish Schooner *Minerva*, which is affirmed by the Officers

\* See State Papers, 1826—1827. Page 281.

of the English Navy to have imported into Havannah a complete Cargo of Negroes.

When your above-mentioned Note came to hand, The King, my Master, was already informed of the Case of the *Minerva*, for, on the 29th August, of last Year, the Commandant-General of the Isle of Cuba, had sent over a circumstantial Account of the whole transaction, accompanying his Narrative with all the Documents which might substantiate it. Some of them are the same of which you, Sir, have transmitted Copies to me, and they as well as the others, tend not only to justify his conduct in the case in question, but the well founded complaints, which that Captain-General prefers, of the immoderate latitude which the English Commissioners of that Mixed Commission attempt to give to their powers, inasmuch as, exceeding the limits of those powers, they insist on the English Officers being allowed to search the Spanish Vessels within the Harbour, and they criminate the principal Authorities, and the Captain-General himself, for tolerating the practice of which you, Sir, complain, though no such toleration exists.

This unfounded inculcation has given rise to the just indignation of General Vives, who is invested with the Supreme Command of the Island, and who, under the idea of his honour being wounded, has solicited of the King, my Master, either his own removal from a Command which he cannot hold with the honour indispensably necessary, or that application might be made to the English Government to recall the Commissioner, Mr. Macleay, of whom he has the most motives to complain, or, at least, to intimate to him and to his Colleague, Mr. Kilbee, in a peremptory and positive manner, not to exceed in future the powers assigned them by the Treaty, and by the Instructions emanating from it.

His Catholick Majesty being convinced, by the exposition of General Vives, and by the Documents on which it is founded of the justice of his Complaints, had already directed his Minister in London to address to the Right Hon. George Canning a Note on the subject, and to request either the removal of Mr. Macleay, or the making out of the orders just mentioned, to him and his Colleague, Mr. Kilbee, to refrain in future from the immoderate pretensions alluded to.

I had no sooner given the necessary Instructions to the Minister of the King, my Master, in London, than I received your Note, Sir, and having laid its contents before His Majesty, he has commanded me to transmit, as I shall do this very day, to His Majesty's Minister, all the Documents which have been sent over from Havannah, with a view to the ulterior support and elucidation of the complaint which he will already have presented.

Though what I have just had the honour to observe to you, Sir, may be considered as a Reply to your Note, in regard to the Case of the *Minerva*, yet I must beg leave to add, that the delicacy and warmth



of General Vives cannot fail to be considered as just, particularly since he has shewn that, on his part, he had fulfilled every duty required by the Treaty, by the Regulations annexed to it, and by the Orders subsequently issued.

The excessive ardour always displayed by the English Government, and by the English Nation in general, on the subject of the abolition of the Slave-trade, appears even with more vehemence in the English Agents and Functionaries, when called upon to interfere ; and thus it has happened in respect to the activity of the English Officers of the *Pylades* and *Maggie*, the Ships that gave chase to the *Minerva*, which activity afforded occasion for the, perhaps indiscreet, zeal of the Commissioner Macleay, and to the complaint of his Government. The connivance, however, of General Vives, and of the other principal Authorities of the Isle of Cuba, which it is attempted to charge on them, is not proved by the representations which they have themselves addressed to the King, my Master, on the inconveniences and dangers which they apprehend will result to the preservation of the Island, from the prodigious number of free Negroes, emancipated in consequence of the Sentences passed upon Prizes adjudged by the Mixed Commission, and who continue in that Island in the enjoyment of their liberty ; dangers and inconveniences which may become horrible and disastrous to the whole Population, as you, Sir, may easily imagine, and the more so, if you call to your recollection what occurred, not many Years ago, in an Island adjacent to Cuba. This multitude of Negroes, freed on occasion of the condemnation of Vessels, proves, doubtless, the wickedness and cupidity of those who dare to continue the traffick ; it proves that, in fact, the scandalous Contraband Trade under consideration, is carried on, but at the same time it gives not the least countenance to any idea of connivance at those interested in it, by General Vives, by the Spanish Commissioners, or by the other Authorities of The Havannah ; for if they connived at it, the number of beings as unfortunate as they are injurious, when considered in the character of Free Inhabitants of that Country, would be undoubtedly smaller.

I do myself the honour to communicate to you, Sir, the above, by way of Reply to your Note of January 24th, in case you should wish to transmit my Observations to your Government, in compliance with the Orders which you received to make this complaint.

I am happy in availing myself, &c.

MANUEL GONZALEZ SALMON.

*The Minister of His Britannick Majesty.*

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No. 6.—*The Rt. Hon. F. Lamb to Mr. Sec<sup>y</sup>. Canning.*—(Rec. March 9.)  
(Extract.)

*Madrid, 21st February, 1827.*

MR. SALMON informs me that his opinion has been given in favour of the Signature of the Additional Article ; that it has passed the Com-

mittee of Five, and is now before the Council of State, where there is little doubt of its being adopted.

*The Right Hon. George Canning.*

F. LAMB.

*No. 7.—Mr. Secretary Canning to the Right Hon. F. Lamb.*

SIR,

*Foreign Office, 26th March, 1827.*

I SEND to you the accompanying Copy of a Despatch which I have received from His Majesty's Commissioners at The Havannah, dated the 1st of January last, containing a general Report upon the subject of the illicit Slave-trade, carried on with the Island of Cuba.

You will make of the contents of this Paper what use you shall see to be expedient, for strengthening your Representations with the Government of His Catholick Majesty, against the prevalence of the Slave-trade in that Island.

I am, &c.

*The Right Hon. F. Lamb.*

GEORGE CANNING.

*No. 8.—Mr. Secretary Canning to the Right Hon. F. Lamb.*

SIR,

*Foreign Office, 26th March, 1827.*

IN reference to former Correspondence on the subject of the proposed removal of the Mixed Commission, now resident at Sierra Leone, to the Island of Fernando Po, I have now to instruct you to notify to the Government of His Catholick Majesty, that His Majesty has directed the necessary measures to be taken, to form an Establishment on the Island capable of receiving the Commission; and that when it is in a fit state for that purpose, his Majesty will direct that a further Communication shall be made to His Catholick Majesty, in conformity with the wish expressed in the Note addressed to you by the Duke del Infantado, of the 3d April, 1824.

I send to you, for your information, the Copy of the Communication which has been received at this Office, from the Colonial Department,\* shewing the steps in progress towards forming the arrangements in question.

I am, &c.

*The Right Hon. F. Lamb.*

GEORGE CANNING.

*No. 9.—The Rt. Hon. F. Lamb to Mr. Sec<sup>y</sup>. Canning.—(Rec. April 18.)*

SIR,

*Madrid, 5th April, 1827.*

I HAVE the honour to acknowledge the receipt of your Despatch of the 26th February of the present Year, forwarding some additional Documents on the subject of the Proceedings at The Havannah, in the Cases of the *Minerva* and *Mexicano*.

The Spanish Government having already replied to the Note addressed by me to M. Salmon, respecting the conduct of the Spanish Authorities in the Island of Cuba, and being fully acquainted with all

\* See Enclosure in No. 5. Class A.

the particulars of the above Cases, there does not appear any necessity for renewing the discussion at present.

I have, &c.

*The Right Hon. George Canning.*

F. LAMB.

*No. 10.—Viscount Dudley to the Conde de la Alcudia.*

*Foreign Office, 30th April, 1827.*

THE Undersigned, &c. has the honour to acknowledge the receipt of the Notes which were addressed to His Majesty's Secretary of State for Foreign Affairs, on the 27th of February, and on the 8th of March, 1827, by the Conde de la Alcudia, &c.

In these Notes, the Conde de la Alcudia, requires in the name of his Government, that either the Commission now at The Havannah, may be removed to some other Place; or that the Commissioners themselves may be removed; or that Mr. Macleay, one of the Commissioners, may receive a severe reprimand.

The ground on which these demands are made, is, that in the Case of the *Minerva*, a Vessel charged with trading in Slaves, His Majesty's Commissioners have, in the mode of conducting their enquiries, exceeded the power delegated to them, under the Treaty of 1817, and that they have, in an improper tone, expressed very unjust suspicions in their Communications with the Local Authorities of His Catholick Majesty in Cuba, upon the subject of the *Minerva*.

This Case has been considered by His Majesty's Government, with an anxious desire to afford to that of Spain, every explanation which the importance of the subject demanded; and the observations and the determination which follow, are the result of that consideration.

The Undersigned must, in the first place, observe to the Conde de la Alcudia, that it appears to have been proved, in a manner which admits of no doubt whatever, that the Vessel, the *Minerva*, did import a Cargo of Slaves from Africa, in contravention of the Treaty by which Spain and Great Britain are bound to each other to abolish effectually the traffick in Slaves.

If the Conde de la Alcudia will look at the decided and explicit declarations of the Treaty, and if he will only bear in mind, that in a Colony of His Catholick Majesty, is established one of the Mixed Commissions, for the existence and functions of which that Treaty provides, he will perceive and acknowledge the existence of virtual Engagements between the two Countries, for the co-operation of the Spanish Local Authorities, in preventing, by the exercise of the strictest vigilance, all violation of the stipulations of that Compact.

Not only a right, therefore, but a real and conscientious obligation, exists on the part of His Majesty to enquire, through the medium of a Mixed Commission Court, established at The Havannah, how far the stipulations of the Treaty are, in this respect, fulfilled.

And here the British Government must, in justice to the Captain-General of The Havannah, observe, that his Excellency appears not to have discouraged Communications on this subject from the British Commissioners; but to have been desirous of receiving from them any information that might be important to the attainment of the common object in view.

If the acts and letters of Lieutenant Smith, Captain Jackson, and of Mr. Macleay, are considered with reference to such a state of things, the Undersigned feels confident, that they will be found to evince, on their part, only a strong disposition to avoid interference with the Local Authorities, so far as was consistent with the duty of exercising on this subject, that vigilance which the whole tenour of the proceedings under the Treaty prescribes to them as a positive duty.

The Undersigned regrets to perceive, that certain expressions and particular topics in the Letters of the British Commissioners, which could not have been designed to give offence, are brought forward in the Note of the Conde de la Alcudia as just matter for complaint, and are, moreover, greatly exaggerated.

The suggestions of the Commissioners do not necessarily implicate the Government of Spain, or the Captain-General, in a wilful encouragement of the abuses admitted to exist; and the recommendation which the Commissioners express, that the Government of Spain should be requested to entrust the Captain-General with fuller powers to adopt a more effectual system on his own responsibility, according to circumstances, implies a contrary supposition, and a reliance on the honour and probity of the Captain-General.

In regard to the general question raised on these Proceedings, the Conde de la Alcudia cannot but be sensible, that the wish expressed on the part of Spain to remove the Mixed Commission Court from The Havannah, would almost amount to a renunciation of the Treaty. His Catholick Majesty's Government will, upon further consideration, no doubt feel that such a demand cannot be complied with.

The removal of either of the Commissioners on the grounds stated, would be also very prejudicial to the maintenance of a proper vigilance on the part of the British Commissioners in future Cases.

No complaint of *injustice*, the only cause of removal contemplated in the Treaty, exists against either of His Majesty's Commissioners, nor does there appear, even on the shewing of the Spanish Governor, to have been any thing in the conduct of Mr. Macleay, which entitles Spain to demand that the censure required should be passed upon him by his Government.

It is, undoubtedly, the duty of that Officer to act with the greatest respect towards the Captain-General; and the Undersigned with pleasure remarks, that this sentiment of respect appears to have been sincerely and deservedly entertained by Mr. Macleay.



It may be within the range of possibility, perhaps, for the Commissioners to act with greater caution and reserve than may have been the case on this occasion.

An admonition to this effect will be given to them, in compliance with the request of the Spanish Government.

On the other hand, it is clearly shewn, that Abuses do still prevail in the continuance of the Slave-trade, on the part of Individuals in Cuba, and if the Governor-General has not been enabled as yet to enforce, with proper strictness, the obligations of the Treaty, or the Local Ordinances that have been issued, on the subject of the clandestine Trading in Slaves, the representations of His Majesty's Commissioners to that effect, are to be considered as plain statements of a fact to be regretted, and are not to be taken as a subject of complaint against an Officer, who may have found it, as yet, impossible to prevent the practices which continue, in so many different shapes, in defiance of the Law.

In this view, the general conduct and the language of His Majesty's Commissioners will, the Undersigned believes, appear to have been restricted to those limits, within which, as before observed, it is right and proper that they should confine themselves.

The Undersigned, however, cannot conclude this Note without reminding the Conde de la Alcudia, and, through him, the Government of His Catholick Majesty, that this very Case gives but too much reason for the renewal of the request so often made, and which the Undersigned accordingly does now renew, that some more decisive Measures may be adopted, on the part of Spain, to secure from the Local Authorities of the Spanish Colonies, that effectual vigilance in the execution of their functions under the Treaty with Great Britain, which shall prevent the recurrence of such Abuses as were practised in the Case of the *Minerva*.

The Undersigned, &c.

*The Conde de la Alcudia.*

DUDLEY.

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No. 11.—*The Conde de la Alcudia to Viscount Dudley.*

(Translation.)

*Portland Place, 3d May, 1827.*

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Catholick Majesty, has the honour to acknowledge the receipt of the Note which his Excellency Lord Viscount Dudley, His Britannick Majesty's Principal Secretary of State for Foreign Affairs, addressed to him, under date of the 30th April last, in reply to the Notes of the Undersigned of the 27th February and 8th March, relative to what occurred at The Havannah, in respect to the *Minerva* Spanish Schooner.

It being his intention to transmit the contents of this Reply to his Government by the first Mail, the Undersigned is of opinion that he need not, for the present, make any observations on certain essential

points; but it ought not to be passed over in silence, that the dictates of his own conscience and those of truth, impose upon him the immediate obligation of clearing up a most important passage in his above-mentioned Notes, which has not been understood as it could have been wished; and it is to this subject only that he intends to confine himself in the present brief and partial Answer.

His Excellency the Right Hon. Lord Dudley observes, that the Undersigned had requested, in the name of his Government, *that the Commission now established at Havannah might be transferred to some other Point.* The Undersigned is unable to conceal, how much he was surprised at reading the assertion of his having been capable to mistake, in so egregious a manner, the Instructions of his Court, and of preferring a demand which could not have exempted him from a heavy responsibility, as it is not founded either on any convenient authorization, or on the letter of the Treaty of 1817; and in order more positively to ascertain the ground of his confidence, he instantly examined, with the greatest attention, the contents of his Notes of the 27th February and 8th of March, and is sorry to be obliged to manifest an opinion at variance with that of the Right Hon. Principal Secretary of State, inasmuch as he has not found, in what he had the honour to communicate in them, the most remote or most indirect idea, which might have afforded occasion for believing, or assuming in any way, that he had ventured to request, or had actually requested, the removal of the Mixed Commission established at The Havannah, to any other Quarter.

The Undersigned begs leave earnestly to entreat his Excellency to be pleased once more to inspect the Originals of his just-mentioned Notes, and he makes bold to flatter himself, that his Excellency will do him the justice, finally, to coincide with him in the opinion which he has stated above.

It was indispensable, as his Excellency will be aware, for the satisfaction of the Undersigned, and for that of his Government, to give without delay the present explanation, and not to allow the continuance of an incorrect construction, as easy to be proved and rectified, as it would be inconvenient to countenance even by the shortest silence.

Thus much he thinks it right to state, for the present, to his Excellency the Right Hon. Secretary of State, and he avails himself, &c.

THE CONDE DE LA ALCUDIA.

*His Excellency Lord Viscount Dudley.*

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No. 12.—*Viscount Dudley to the Conde de la Alcudia.*

*Foreign Office, 8th May, 1827.*

THE Undersigned, &c. has had the honour to receive the Note which was addressed to him, under date of the 3d of May, by the Conde de la Alcudia, &c.

The Undersigned perceives with great satisfaction that an ambiguous

expression, respecting the removal of His Majesty's Commissioners at The Havannah, in the Note of the Conde de la Alcudia of the 27th February, and in that of the 8th of March last, was not used by the Conde de la Alcudia in the particular sense which it appeared to the Undersigned to convey.

The Undersigned takes this opportunity of explaining to the Conde de la Alcudia in what manner he was led, to put upon the expression in question, the construction which the Conde de la Alcudia has now disclaimed.

The particular complaint, which it was the object of the Conde de la Alcudia's Note to prefer, was against *one* Individual by name, but the remedy suggested, not having been limited to the removal of that Individual alone, but to the removal of "the Commissioners, as the most efficacious means of obviating fresh dissensions," and this suggestion having been further explained in the Conde de la Alcudia's Note of the 8th March, by the proposition that the above-mentioned British Agents should not continue "in Situations which, *from their nature*, may oblige them to enter into immediate Correspondence with the Supreme Authorities of The Havannah;"—the Undersigned trusts that the Conde de la Alcudia will perceive, that the Undersigned might naturally infer, that the Conde de la Alcudia's suggestion was levelled, not merely against the two British Commissioners (against one of whom there was no complaint), but against the arrangement which placed the Commission itself in contact with the Local Authorities at The Havannah, and which was, consequently, liable to produce the collision which the Conde de la Alcudia was so anxious to avoid. But, whatever interpretation the expression in question may be capable of receiving, the Undersigned is happy to be assured, by the explanation of the Conde de la Alcudia, that it was not used by the Conde de la Alcudia in the sense in which the Undersigned understood it.

The Undersigned, &c.

*The Conde de la Alcudia.*

DUDLEY.

*No. 13.—Viscount Dudley to the Right Hon. F. Lamb.*

SIR,

*Foreign Office, 8th May, 1827.*

IN reference to your Despatch of the 21st of February last, I send to you, for your information, and for your guidance in your Communications with the Spanish Ministry, the accompanying Copies of a Correspondence with the Conde de la Alcudia, on the subject of the Charge brought forward by the Spanish Ministry against His Majesty's Commissioners resident at The Havannah, that they had acted improperly, and used unfitting language in prosecuting their enquiries with the Local Authorities of Cuba, as to the due execution of the Treaty with Spain.

I send to you, also, for your information, the accompanying Copy of a Despatch, which I have addressed upon the subject to His Majesty's Commissioners at The Havannah. I am, &c.  
*The Rt. Hon. Frederick Lamb.* DUDLEY.

*No. 14.—Viscount Dudley to the Right Hon. F. Lamb.*

SIR, *Foreign Office, 8th May, 1827.*

IN reference to former Despatches, addressed to you by His Majesty's Secretary of State, on the subject of the inefficacy of the Royal Order of Madrid, of January, 1826, as it is at present administered in the Island of Cuba, for the prevention and punishment of illicit Slave-trade in that Island, I send to you the accompanying Copies of two Despatches, which I have received upon this subject, from His Majesty's Commissioners at The Havannah, dated the 28th of February, and 19th of March, last.

You will, when occasion allows, strengthen, by the facts and reasonings contained in the enclosed Communications, those representations which you have already been directed to make to the Spanish Government, upon the subject of the inefficacy of the Order in question.

I am, &c.

*The Right Hon. F. Lamb.*

DUDLEY.

*No. 15.—Viscount Dudley to the Right Hon. F. Lamb.*

SIR, *Foreign Office, 22d May, 1827.*

I HEREWITH transmit to you, for your information, two 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.

*The Right Hon. F. Lamb.*

DUDLEY.

*No. 16.—The Rt. Hon. F. Lamb to Viscount Dudley.—(Rec. June 10.)*

MY LORD, *Aranjeuz, 1st June, 1827.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches of the 8th May of the present Year, with their several Enclosures, and shall take the earliest opportunity of bringing the contents of these Papers to the knowledge of the Spanish Government.

*The Right Hon. Viscount Dudley.* I have, &c. F. LAMB.

*No. 17.—Viscount Dudley to the Conde de la Alcadia.*

*Foreign Office, 28th June, 1827.*

THE Undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, has the honour to acquaint the Conde de la Alcadia, &c. that His Majesty's Government, having taken into its serious consideration the repeated representations which have been made upon the subject of the unhealthiness of the Climate of Sierra Leone, where the



Commissions are now established, under the Treaties between His Majesty and Foreign Powers, for the suppression of illegal Slave-trade, have caused Enquiries and Surveys to be made, with a view of finding some Spot, where those Commissions might be stationed, with less danger to the health of the Individuals composing them, and with equal benefit to the Cause for which the Commissions were established.

Such a Situation having presented itself in *Fernando Po*, a small and fruitful Island in the Bay of Biafra, and due communication having been made to the several Governments interested, Captain Owen, of His Majesty's Ship *Eden*, has been selected to proceed thither for the purpose of superintending the formation of a suitable Establishment for the reception of the Court.

Captain Owen having completed the preparations necessary in this Country, for providing for the formation of this Establishment, is now about to take his departure for Fernando Po.

The Undersigned has, accordingly, to request that the Conde de la Alcudia will communicate this information to his Court, and will suggest to it the expediency of giving directions, that the Commissioners, whom it may have appointed to reside at Sierra Leone, under the Treaties in question, hold themselves in readiness to proceed to Fernando Po, as soon as it shall be notified to them that Captain Owen has completed his arrangements for their reception.

Due care will be taken by His Majesty's Government to provide the Commissioners with every practicable facility towards the removal of themselves, their Families, and effects, to the new Residence in contemplation for them. The Undersigned avails himself, &c.

*The Conde de la Alcudia.*

DUDLEY.

*Mem.*—A similar Communication was addressed to the Netherland and Portuguese Ambassadors in London.

No. 18.—*The Rt. Hon. F. Lamb to Viscount Dudley.*—(Rec. July 3.)  
MY LORD, *Madrid, 18th June, 1827.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 22d Ultimo, enclosing Copies of Papers relating to the Slave-trade, which have been presented by His Majesty's Command, to both Houses of Parliament, during the present Session.

I have the honour to be, &c.

*The Right Hon. Viscount Dudley.*

F. LAMB.

No. 19.—*The Rt. Hon. F. Lamb to Viscount Dudley.*—(Rec. Aug. 17.)  
MY LORD, *Madrid, 29th June, 1827.*

HAVING conferred with M. Salmon, upon the subject of the Slave-trade at Cuba, as represented in the late Despatches from Mr. Secretary Canning and your Lordship; it has appeared to me necessary to bring the whole subject before the Spanish Government. The most

satisfactory mode of doing this would have been the transmission to M. Salmon, of the Report of the Commissioners, enclosed in Mr. Canning's Despatch of the 26th of March; but my conversation with that Minister, convinced me, that it would neither be fair to those Gentlemen, nor conducive to the object in view, to subject them to the additional odium from the Partisans of the Slave-trade at The Havannah, which might ensue from such a communication.

From this consideration, I have embodied that Report in the Note, of which I have the honour to enclose a Copy.

M. Salmon persists in his assurances of the disposition of the Spanish Government to put down the traffick, and represents the respectable Proprietors in the Island of Cuba, as adverse to its continuance: but after the assurances which have failed, to what others can I give credit? I have the honour to be, &c,

*The Right Hon. Viscount Dudley.*

F. LAMB.

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*(Enclosure.)—The Right Hon. F. Lamb to the Chevalier de Salmon.*

*Aranjeuz, 12th June, 1827.*

THE Undersigned, &c. having transmitted to his Government the Note of his Excellency the Chevalier de Salmon, &c. of the 18th of February last, in answer to a former Communication of the Undersigned, upon the subject of illicit Slave-trading at The Havannah, has received Instructions to make the following observations to his Excellency upon the general subject of that traffick, as carried on at present under the Flag, and in the Dominions, of His Catholick Majesty.

By the Reports received from His Majesty's Commissioners at The Havannah, as well as from other Quarters, it appears, that within the last 5 Years, 111 Vessels have publickly sailed from that Port to the Coast of Africa, and that not one of these has ever returned with a Cargo of Merchandize, but that, on the contrary, whenever such Vessels have been accidentally fallen in with by any of His Majesty's Cruizers, they have invariably been found to have Slaves on board.

In 1825, 32 Vessels sailed from The Havannah, of which 14 returned in safety; 3 were captured and condemned by the Mixed Commission; and 5 are supposed to have been carried into Sierra Leone. Of the fate of the remaining 10, no account has been received; but some of them have, in all probability, succeeded in landing Cargoes of Negroes.

In the following Year, 1826, the departures amounted to 15, of which 5 are known to have returned in safety, and 1 was captured by a Colombian Cruizer. The whole number of arrivals, in 1826, was 11, which succeeded in landing about 3000 Slaves; and several others, not included in that number, were condemned by the Commission, having on board, at the time of Capture, about 738 Slaves; so that

the number of Slaves proved to have been imported into the Island of Cuba, during the Year 1826, was 3,738.

It must not, however, be supposed, that the diminution in the number of Vessels which sailed in 1826, as compared with the departures in the preceding Year, arose from the more effectual execution of the Spanish Laws, relating to this subject; that diminution proceeded entirely from the ill success of the Adventurers in the former Year, owing to the number of Captures made by His Majesty's Cruizers, and to other temporary causes.

The enclosed Lists afford sufficient evidence of the above statement. The trade is carried on with the same publicity now, as heretofore, and Vessels continue to sail openly for the Coast of Africa, and return to The Havannah, as usual, in ballast, after landing their Cargoes of Slaves.

The Royal Order of His Catholick Majesty, issued in January, and published in April, 1826, has not been productive of any good effect, nor, indeed, has it yet been acted upon in any one instance, by the Authorities of the Island of Cuba, except at the express instigation of His Majesty's Commissioners, and then without any satisfactory result, although in the most notorious Cases.

Even the Vessels which publicly sail for the Coast of Africa, do not, upon their return, excite suspicion, and no notice whatever is taken of them, until His Majesty's Commissioners call the attention of the Captain-General to them, and as the investigation of all such Cases belongs, in the first instance, to the chief Naval Authority, the Captain-General depends entirely upon the reports he receives from that Officer, in order to determine whether any further proceedings shall be instituted against the Parties or no.

The Commandant of the Naval Forces is directed by the Royal Order to examine the Log-book of all Vessels arriving from Africa, and to ascertain, from the inspection of that Document, whether there is any ground for suspicion or no. This provision, if executed fairly, and according to its true spirit and meaning, would, no doubt, lead in many cases to detection; and were an active vigilance to be exercised by the Naval Department in this particular, it would act as a great impediment to the proceedings of the Traders. Unfortunately, however, this is not the case; and the mere literal execution which is given to this provision, operates rather as a protection to the Slave-trade than otherwise, since by making, as it does, the Master of the Vessel evidence in his own cause, it renders it very easy for him to escape detection; by merely omitting any circumstances, connected with the traffick, which have happened during the course of the Voyage.

Experience has shewn that it is useless to expect any beneficial result from this regulation, unless it be acted upon with a very different

spirit from that in which it has hitherto been executed; and unless some means are taken to verify the correctness of the Log-book, either by the examination of Persons forming the Crew, or by comparing the assertions of the Captain with other evidence which may be adduced, of the employment of the Vessel during the Voyage.

The reward of their liberty offered to Slaves denouncing illicit Slave-trading, has not been so effectual as might have been expected; the strongest prejudice exists in the Island against receiving denunciations of this sort; and it does not appear that as yet any Slave has come forward to denounce an infraction of the Law. The same benefit promised to Slaves, denouncing Vessels in which they shall be imported, is merely nominal, since their ignorance on their first arrival prevents them from taking advantage of it, and such a considerable period must elapse before they can be apprised of it, that it would be next to impossible for them to prove the Vessel in which they came. The offer of a pecuniary reward to Free Persons informing, would, probably, be more efficacious than either of these inducements.

In short, it appears that the provisions of the above Royal Order have, contrary to expectation, turned out completely nugatory, and that, very soon after the alarm excited by its first publication had subsided, it was generally considered by the illicit Slave-traders at The Havannah, rather as a boon than as an injury; for the direction, that none of its Provisions should be acted upon till after its publication, served to legalize all importations of Slaves up to that period, while it was found, in practice, to be as much a dead letter, as the Laws previously in force relating to the same matter.

In order to prove to his Excellency M. Salmon the correctness of the above observations, and to point out, both the radical defects existing in the Royal Order of January, 1826, and the spirit in which the beneficent intentions of His Catholick Majesty are carried into effect; the Undersigned begs to call his Excellency's attention to the enclosed Copies of 2 Despatches from His Majesty's Commissioners at The Havannah, (dated the 28th of February, and the 19th of March,) with the annexed Correspondence between those Gentlemen and the Captain-General, upon the subject of a Vessel, the *Breves*, which entered The Havannah, after having landed a Cargo of Slaves.

The tendency of the reasoning put forward on that occasion it is not necessary to point out, and the conduct of the Spanish Authorities certainly evinces a very decided intention on their part, to employ their utmost endeavours to screen all illicit Traders from detection.

It would be in vain to expect any beneficial effects from the very best Laws, while so executed.

Having thus complied with the Orders of his Government, in pointing out to the Government of His Catholick Majesty, the vast extent to which Slave-trading is carried on at Cuba; the inefficacy of the



Spanish Laws at present in force for the repression of that traffick ; the abuses which prevail in the execution of those Laws ; and the total disregard by the Spanish Authorities of the Orders they receive from the Government at home ; the Undersigned is instructed to express the confident hope, as these facts have been, both on the present and various other occasions, brought before the Spanish Government, in so unquestionable a shape as to admit of no manner of doubt, that some measures will be adopted by Spain for the effectual execution of the provisions of the Treaty of 1817. His Excellency M. Salmon cannot forget that that Treaty was a voluntary Engagement contracted by His Catholick Majesty, and that His Britannick Majesty, being one of the Parties to that Engagement, has a clear and indisputable right to watch over the execution of it, and to point out, from time to time, any infractions which may arise, either from the insufficiency of the Laws, or from the negligence of the Spanish Authorities ; that such infractions must frequently occur, and that such will occur for a considerable period to come, is very probable, but it is only by great vigilance and constant perseverance, that the completion of the great work, of the abolition of the Slave-trade, can, at length, be effected ; for the accomplishment of which the British Government will never cease to labour.

With respect to the measures which might be taken by the Spanish Government for the attainment of the object in view, the Undersigned will offer no further observations than that,—of those which have hitherto been adopted by the Governments, the most zealous in the cause of the abolition,—two have been found more particularly effective : 1st, the assimilating the Crime of Slave-trading, with that of Piracy ; and, 2dly, the giving to the Captains of Cruizers a large reciprocal power of examining and detaining suspected Vessels. As the Law at present stands, if a Cruizer fall in with a Vessel under the Spanish Flag, on her Voyage out, although her equipment and appearance may be such, that, coupled with the Latitude in which she is found, there can exist no doubt of the object of the Voyage, she cannot be detained. Thus an opportunity is missed of checking an adventure in the outset, which afterwards may prove successful, since the chance of meeting a Vessel with a Cargo on board, is much smaller than when the same Vessel is hovering about the Coast to find one.

Should, however, the Spanish Government continue to think that the traffick in question can be better checked by regulations operating within the Island of Cuba, it is probable that a large discretionary power vested in the hands of the Captain-General, enabling him from time to time to make such changes as circumstances should shew to be necessary for the effectual fulfilment of the Treaty, at the same time that he alone should be responsible for the infractions of it, might be an improvement upon the plan which has been hitherto followed.

In throwing out this suggestion, the Undersigned disclaims any the most distant intention of interfering in the choice of the means which the Government of His Catholick Majesty may be disposed to prefer; but full time having been given to judge of the Royal Order of January, 1826, and the present representation of its inefficacy being founded upon indisputable facts; the time is come when the necessity is apparent, of either resorting to other and stronger measures, or of abandoning even the appearance of an intention of executing the Treaty.

Such being the state of the case, the Undersigned submits it to the Spanish Government, in the full confidence, that these remarks will draw its early attention, and that no time will be lost in the application of a sufficient remedy.

He avails himself, &c.

*The Chevalier de Salmon.*

F. LAMB.

*No. 20.---The Conde de la Alcudia to Viscount Dudley.*

(Translation.)

*Portland Place, 17th August, 1827.*

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Catholick Majesty, having received the Depositions in the Verbal Process, instituted to investigate whether, according to the accusation of the English Commissioners at The Havannah, the Schooner *Minerva* had disembarked Negroes in that Island; by Order of his Government he has the honour to transmit a Copy thereof to Lord Dudley, Principal Secretary of State to His Britannick Majesty for Foreign Affairs, not to pursue a complaint now finished, but only to afford a new proof to the English Cabinet of the motives which guided that of Spain in this matter.

The Undersigned, &c.

*The Lord Dudley.*

EL CONDE DE LA ALCUDIA.

(Enclosure 1.)—*Depositions in the Verbal Process, instituted in consequence of the Complaint made by the Gentlemen of the British Mixed Commission at The Havannah, accusing Don Manuel Fernandez, Captain and Pilot of the Spanish Merchant Schooner Minerva, of having introduced, and publickly disembarked, in this Port, a quantity of African Negroes, through the illicit Slave-trade prohibited on the Coast of Africa, carried on in the said Ship under his command.—(Translation.)*

(1.) *The Captain-General to the Commandant-General of Marine, at Cuba.*

*Habana, 17th August, 1826.*

UNDER this date the Commander of the English Brig of War, *Maggie*, communicates to me what, translated, is as follows:

"SIR,

"THE painful duty has fallen to my lot to inform you that, yesterday, between 11 and 12 o'clock at night, 6 or 7 Boats full of Negroes

were disembarked, in the Anchorage, from on board the Schooner, which was chased yesterday to this Port, by His Britannick Majesty's Ship *Pylades*, of which circumstance you were informed by an Officer of the said Ship. I have *the most direct proof* of that fact, and, therefore, I request you to be pleased to issue proper Orders for the speedy detention of the Schooner and Negroes."

The above I transmit to you, Sir, for the purposes corresponding, as to the treatment of the affair, for which object, I enclose to you a Copy of the Reply which I gave to the Commander of the said Schooner.

God preserve you many Years.

*The Commandant-General of Marine.* FRAN. DION. VIVES.

(2.) *Decree of the Commander-in-Chief of Cuba.*

*Habana, 17th August, 1826.*

To the Commandant of the Registers, that he may proceed immediately to the investigation of the particulars contained in this Official Letter; the Spanish Schooner the *Minerva*, of the Merchant Service, which was the only one which entered Yesterday, and appears to be the one alluded to, remaining in the mean time interdicted.

LABORDE.

(3.) *Decree of the Commandant-General of the Registers.*

*Habana, 17th August, 1826.*

LET the Adjutant of these Registers, the Lieutenant of the Navy, Don Bartolome Marques Pacheco, proceed to the summary investigation of the deeds and facts referred to in this Official Letter, and the accompanying Document, giving an account thereof by extracts and judgment.

ALCALA.

(4.) *The Captain-General of Cuba to Lieutenant Smith.*

*Habana, 17th August, 1826.*

I HAVE received the Letter of your Excellency of this date, wherein you communicate to me, that several Negroes were disembarked from a Schooner, which entered this Port yesterday, chased by His Britannick Majesty's Ship *Pylades*. The circumstances relative to the Schooner being in the cognizance of the Commandant-General of this Station, I have transmitted, under this same date, the Letter of your Excellency, for the necessary purposes, and have also issued the proper Orders to the Petty Magistrates, to set on foot the most secret and active investigations concerning the said disembarkation.

God preserve you many Years.

FRANCISCO DIONISIO VIVES.

*The Commandant of the English Brig of War Magpie.*

(5.) *Lieutenant Smith to the Commander-in-Chief of Cuba.**On board H. B. M. Schooner Magpie,*

SIR,

*16th August, 30 min. past 11 at night.*

IT is my duty to inform you, that 6 or 7 Boats full of Negroes are now disembarking on the Quay, along side of which lies the Schooner to which I gave chase yesterday, as far as this Port, in His Britannick Majesty's Ship *Pylades*. I have, &c.

*The Most Excellent Commodore Laborde.*

EDWARD SMITH.

(6.) *Appointment of the Notary, Mosquera.**Habana, 17th August, 1826.*

DON BARTOLOME MARQUES PACHECO, Lieutenant in the Navy, and Adjutant of the Registers, in virtue of the preceding Documents, proceeded to institute the Verbal Process, and investigation of the facts to which they refer, and being obliged to name a Notary, he selected the Artilleryman, Francisco Mosquera, in preference, who, being informed of the obligation which he contracts, accepts, and swears, and promises to observe secrecy and fidelity, in whatever he does judicially, and, to prove this, he signed it with me.

BARTOLOME MARQUES PACHECO.

FRANCISCO MOSQUERA.

(7.) *The Commandant-General of the Registers to the Captain of the Port of The Havannah.**Habana, 18th August, 1826.*

HAVING been informed by the Commandant-General, according to a Decree of the 17th instant, of the interdiction of the Spanish Merchant Schooner the *Minerva*, which, coming from Puerto Rico, came in here on the 16th preceding, and compliance having been given to that order, by the Commandant, as far as concerns him, it only remains that, for the greater security of the aforesaid Order, you take measures that the said Schooner, in reference to the Ordinance, be so placed as to avoid any secret departure, which, by chance, it might otherwise effect or attempt. God preserve you many Years.

JOZE DE ALCALA.

(8.) *The Captain of the Port of Havannah to the Commandant-General of the Registers.**Habana, 19th August, 1826.*

IMMEDIATELY on the receipt of your Letter, dated yesterday, I took the measures within my power, to prevent the departure of the Spanish Schooner *Minerva*, which, coming from Puerto Rico, anchored in this Harbour, on the 16th day of the present month, as dated, and for greater security I took away the sails and rudder from the said



Schooner, depositing the said articles in the hands of the Guardian of the Bay, Don Juan Perez, with orders not to deliver them up without my direction so to do, in writing and signed, which I communicate to you in reply to your said Official Letter.

God preserve you many Years.

LORENZO JOZE DE NORIEGA.

*The Commandant-General of the Registers.*

(9.) *The Captain General of Cuba to the Commandant-General of the Naval Forces.*

*Habana, 19th August, 1826.*

UNDER date of yesterday, the British Commissioner, Don W. S. Macleay, among other things, informs me, as follows :—

Captain Jackson moreover declares, that Lieutenant Smith, who, by virtue of an Order from the Commandant of the Naval Forces, was empowered to visit it yesterday evening, found all the peculiar and well-known appearances of its having been fitted up to transport Black Slaves. “ I have seen in the List, that the *Minerva* is announced as arrived from Puerto Rico, in ballast, but it appears from the List of the 4th of April last, that it left this Port for Princes Island. In one word, I am sorry to say, that this Ship affords a clear and incontestable instance of the Treaty, between our two Governments, having been notoriously violated, and of the last Royal Order of His Catholick Majesty, having been treated with the utmost contempt.”

Which I transmit to you, that this Letter may be added to the proceedings of the business, and may be used as is proper.

God preserve you many Years.

FRANCISCO DIONISIO VIVES.

*The Commandant-General of the Naval Forces.*

(10.) *Deposition of the Captain of the Schooner Minerva.*

*Habana, 26th August, 1826.*

ON the 25th day of the said month and Year, I went to the dwelling-house where the present Deponent is lying sick, and having been sworn according to Law, he said, that he was named Don Manuel Fernandez, Captain and First Pilot of the Spanish Merchant Schooner *Minerva* : being asked, in what Place he was fitted to receive Cargo, what was his destination, and with what Cargo he proceeded thereto ? he said, that the Expedition was fitted out in this Harbour, destined for Princes Island, according to his Despatches ; but, having subsequently deemed it to be more advantageous for the interests of the Owners and Freighters, to direct his course to the island named St. Thomas, where he expected to meet with higher prices for the sale of the productions of the Country, which he had exported from this Port, he did so, in effect accomplishing his purpose of selling to greater advantage ; but

as it was not so with the goods of lawful traffick which he could take, inasmuch as they were at very high prices, he took Bills of Exchange in the currency of that Place, for the value of the whole of his Cargo, and proceeded to this said Port in ballast, having previously touched at the watering-place of Puerto Rico, with intent to procure fresh supplies and water, which he did, but could not take on board a Pilot, because a strong hurricane, causing him to slip his cable, obliged him to depart precipitately :---being asked, if he carried on the Ship's Log-book, as is usual for the Captain and First Pilot of the Ship, in which situation he acted? he said, that it is the same which he exhibits, and delivers in this Act :---asked, if, on his way to this Port, he was chased by an English Man of War, if it came up with him, and if it committed any act of hostility against him? he said, that in fact, he was chased closely by an English Brig and Schooner, from which, having made use of several unknown Colours, he was under the necessity of flying, in reality thinking they were Colombians; and, although at last they hoisted the English Flag with a cannon-shot, he was neither bound nor inclined to trust that assurance, as it is a matter of notoriety that the Enemy make use of any acknowledged Flag in order to allure into their power the incautious; under that Flag he was pursued to the entrance of this Port, notwithstanding that he displayed the Spanish Flag, but without having any act of hostility committed against him in any way, because the Ships were never near enough to him to commit it :---asked, in what part of this Port he anchored with the Schooner under his command; if he knows the names of any Ships which were in his vicinity; if he was visited by the Officer of Surveys, and in such case that he should tell his name if he knows it? he said, that he anchored in the narrow part of the Wharf, *De Caballeria*, more alongside of the hut, than the said Wharf; and although many Vessels were anchored in that Vicinity, he knows not the name of any of them, but that he merely supposes they were all Americans, as he did not know any of the persons who composed the Crews of them, and that the Officer of Surveys who visited him, was the Ensign of the Navy, Don Antonio Maria Robion: asked, if it is certain that during that evening and night, some hundreds of African Negroes, belonging to the illicit trade, were disembarked, the same, as is said, which were transported in the Ship under his command, from the Coast of Africa? he said, that the imputation placed upon him in this matter is wholly false, inasmuch as the Deponent, with the Ship under his command, has not been on the Coast of Africa, and has not introduced or disembarked in any Spanish Port, here or elsewhere, African Negroes, as he was bound to the different places of his route, with the Cargo which he imported and exported, which was in goods, as already declared in the beginning of this Deposition; and that, therefore, having no more to say on the points of interrogation which have been asked, he affirms

and ratifies the whole of what he has set forth, takes on himself the oath administered, and signed it with the Fiscal and present Notary.

MANUEL FERNANDEZ.

BARTOLOME MARQUEZ PACHECO.

Before me,

FRANCISCO MOSQUERA.

(11.) *Deposition of the Pilot of the Schooner Minerva.*

*Habana, 26th August, 1826.*

SUBSEQUENTLY, and on the same day, I proceeded to the house, the residence of the present Deponent, who is also sick, who, being sworn according to law, said, that he was called Don Joze de San Juan, Second Pilot of the Spanish Merchant Schooner *Minerva*: asked in which Port the Expedition was fitted out, what Cargo they carried, and whither they were bound? he said, that the Expedition was fitted out in this Port, to export produce of the Country, and other goods saleable at the Island of St. Thomas; at which place, a few days after his arrival, he was attacked by a severe illness, which deprived him of reason, so that he could not give his attention to the subsequent business of the Schooner at its destination:—asked, if it be certain that, on touching at this Port, they were chased by an English Cruizer, and also whether they disembarked a portion of African Negroes of the forbidden traffick, the same which were conducted from the Coast of Africa in the said Schooner? he said, that being in bed, by reason of the illness with which he is still afflicted, he merely heard that they were chased by some Ships, which were not known to belong to any particular Nation; but that in the Ship in which he sailed, no Negroes were brought, as in the interrogation. This being the whole which could be elicited from his interrogatory, inasmuch as he was, shortly after the Ship had anchored, brought in a cot to the habitation where he now is, in order to facilitate the means for his recovery, he affirms and ratifies that the above is the truth, on the strength of his oath, signing it with the Fiscal, and present Notary.

JOZE DE SAN JUAN.

BARTOLOME MARQUEZ PACHECO.

Before me,

FRANCISCO MOSQUERA.

(12.)—*Report of the Adjutant of Orders.*

*Habana, 17th August, 1826.*

THE Adjutant of Orders of the Division, in compliance with the verbal Order of His Excellency the Commandant-General of the Station, having informed himself, by means of the Captain of this Port, what Spanish Vessels entered Yesterday, inasmuch as the Commander of the English Brig of War, *Maggie*, which, in company with the Ship, *Pylades*, of the same Nation, gave chase to a Spanish Schooner, which appeared to them to be a Negro-ship, close to the Mouth of the Har-

hour: it appears that, on that day, entered the Spanish Merchant Schooner, *Minerva*, coming from Porto Rico, in ballast, Captain Don Manuel Fernandez, Crew 35 men, and 34 days at Sea, consigned to Don Francisco Aguirre; in consequence of that information, and according to Orders of His Excellency, he went on board the said *Minerva*, accompanied by the Commander of the *Magpie*, in order to search and examine if it had Black Slaves from Africa. The said *Minerva* was moored, and alongside the most Eastern part of the Quay of Casa Blanca, its hold was searched, and nothing discovered which warranted the suspicion, as it was fitted up in the usual manner, and full of water, with some sacks of pulse, about three or four of which were placed against the bulk-head of the poop, and the English Commander losing his doubts and suspicions which he previously had, remained satisfied. The same examination was effected in the births of the fore-castle and poop; under the deck was a small hole, for ventilation, on both sides of the hold, and although the said holes gave cause of suspicion to the English Commander, as to the purpose for which they were placed there, it is to be remarked, that the hold only had a hole or hatchway of communication, and that of very small size and depth, according to the height of the water stowage.

JOSE SOLER.

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(13.)—*The Captain-General to the Commandant-General of the Naval Forces of Cuba.*

*Habana, 22d August, 1826.*

UNDER date of Yesterday, the English Commissioner, Don W. S. Macleay, among other things, informs me of what follows: "in the second place, as to justifying the facts spoken of 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 subject, from giving any decision, contrary to the Evidence of competent Witnesses, without giving them an opportunity of supporting their Evidence under oath; particularly as those Individuals can now have no object in mixing themselves up in the affair, except it be an anxious desire for the dissemination of the truth. I request you to allow me to observe, that, previous to his departure on his present cruize, I warned Captain Jackson, that there might be a probability that Evidence might be required from his Officer, (Mr. Nott) and two men, in conformity with the Royal Order; and I have reason for saying that it is his intention to return to the Port, within a few days, under the impression that, perhaps, you may require his presence, in order to condemn the Vessel. You express, Sir, great doubts as to the possibility of disembarking the Slaves, without their being discovered, in the very centre of so populous a City as the Habana, and while exposed, the whole night, to the Patroles and Night Guards of the Police. On this point I will merely



observe, that Mr. Nott, and two men are ready to prove the fact of the disembarkation, on their oath, and that it is impossible that they could have been mistaken, as the Boats were followed so closely, that they not only saw the Negroes closely packed in the bottom of them, but that also a block of wood was cast at them, by one of the persons interested in that criminal proceeding." Which I transmit to you, Sir, for your government in the matter, hoping that you will acknowledge the receipt of, and reply to, my former Letter of the 19th Current, on the business. God preserve you many Years.

FRANCISCO DIONISIO VIVES.

*The Commandant-General of the Naval Forces.*

(14.)-*Deposition of the Quarter-Master, or Mate, of the Schooner Minerva.*  
*Habana, 29th August, 1826.*

ON the 29th of the said Month and Year, the Deponent appeared, and, under the oath, as usual in law, said, that he was named Joze Martinez, Mate of the Spanish Merchant Schooner *Minerva*:—asked, in what Port he was enrolled in the said Ship, with what Cargo he sailed, and what was his destination? he said, that he was enrolled in this Port in the said post, whence they departed, carrying the produce of the Country, bound to the Island of St. Thomas, where they remained about a Month, more or less, setting sail at the expiration of that time for this Port of the Habana—that, on arriving at the Island of Puerto Rico, finding themselves somewhat short of water and supplies, they resolved to enter that Watering Place, with the intention of providing themselves with both of these articles, which they could not wholly effect, by reason of a violent storm, which made them lose their only cable, when they set sail in the direction of this Port, aforesaid, where they anchored in ballast, in which manner they had proceeded from the aforesaid Island of St. Thomas:—asked, if, at the entrance of this Port, they were chased by any Cruizer, and if so, if he knew to what Nation the Ships which chased him belonged? he said, that in effect they were obstinately chased by a Brig and Schooner, apparently of war, which they presently suspected to be Colombian Pirates, for which cause they made all haste to reach this Port, which they effected, and although the Ships chasing, in sight of the Forts, hoisted British Colours, they were not bound nor able to trust to that appearance, for well grounded reasons, which must be evident to every person:—asked, at what hour they anchored in this Harbour, and in what part of it; if he had intercourse with any Ships, or with the Crews belonging to them, which were anchored in their vicinity, as well as if he knew the Officer who visited them, as is done in war? he said, that it was half-past 3 in the Evening when they entered into the said Port, where they could not anchor for want of cables, and, as that was the case, they made for the Quay known as that of Don Juan Dujan, in the vicinity of which there were

no ships, except the Schooner *Minerva*, in which he was; and that he knows only by sight the Officer of Surveys, who paid them the visit of War:—asked, if it is certain that in the Schooner *Minerva*, wherein he was, a quantity of African Negroes were brought, and disembarked, in forbidden Slave-trade, on that Evening or Night, from Boats hired for that purpose? he said, that neither in that way, nor in any other, were African Negroes brought or disembarked, because, as he said before, they brought the Ship in ballast from St. Thomas, and the Watering-Place, and entered this Port in ballast: that the aforesaid is the truth, which he affirms and ratifies on his oath, and, as he does not know how to sign, he made the sign of the Cross, the Fiscal and present Notary signing it also.

(His mark ✕)

JOZE MARTINEZ.

BARTOLOME MARQUEZ PACHECO.

Before me,

FRANCISCO MOSQUERA.

(15)—*Deposition of the Boatswain's Mate of the Schooner Minerva.*

*Habana, 29th August, 1826.*

SUBSEQUENTLY, and on the same day, appeared the Deponent, and being sworn, as the foregoing, he said, that he was named Joze Serrano, Boatswain's Mate of the Spanish Merchant Schooner *Minerva*:—asked, in what Port he was enrolled in the said Ship, whither they sailed, and with what Cargo? he said, that he was enrolled in this Port, in the said post, exporting the produce of the Country, bound to the Island of St. Thomas, where having remained, in his opinion, 35 or 40 days, they set sail in the direction of this Port, touching only at the Port of the Watering-Place of Puerto Rico, with the intention of laying in water and supplies, of which they were in want, and which they could not wholly effect, by reason of a violent storm, and that, having lost their only cable, they were forced to set sail and to pursue their course to this Port, which they did in ballast, exactly as they departed from Saint Thomas:—asked, if at the entrance to this Port, they were chased by any Cruizer, and if so, if he knew to what Nation the Ships which chased him belonged? he said, that in effect they were obstinately chased by a Brig and Schooner to the Mouth of this Port, which Vessels hoisted an unknown Flag, and, although in sight of the Forts, they substituted British Colours, they were not bound nor able to trust to that, for reasons very well known:—asked, at what hour they anchored in this Harbour, and in what part of it, if he had intercourse with any Ships, or with the Crews belonging to them, which were anchored in their vicinity, as well as if he knew the Officer who paid the Schooner the visit of War? he said, that they effected their entrance from 1 to 2 of the Evening, as far as he recollects, and not having been able to anchor, for the reasons given, they steered for Moorings off the Wharf

which, as he has heard, is called, "of Francisco," in the vicinity of which there was no other Ship, except the *Minerva*, and that he does not know the Officer who paid them the visit of War:—asked, if it is certain that in the Schooner *Minerva*, wherein he was, a quantity of African Negroes were brought, in forbidden traffick, and clandestinely disembarked, on that Evening or Night, from Boats hired for that purpose? he said, that he neither saw nor heard that in the Schooner in which he was, any African Negroes were brought, nor were they disembarked here, in that or any other manner: that the aforesaid is the truth, which he affirms and ratifies on his oath, and not knowing how to sign, he made the mark of the Cross, the Fiscal and present Notary signing it likewise.

(His Mark ✕) JOZE SERRANO.  
BARTOLOME MARQUEZ PACHECO.

Before me, FRANCISCO MOSQUERA.

(16.) *Deposition of the Serjeant of Marine Artillery of the Schooner Minerva.*

*Habana, 29th August, 1826.*

IMMEDIATELY appeared the Deponent, and being sworn as the foregoing, he said, that he was named Francisco Torribio, Serjeant of Marine Artillery on board the Spanish Merchant Schooner *Minerva*:—asked, in what Port he was enrolled in the said Ship, with what Cargo he sailed, and what was his destination? he said, that he was enrolled in this Port, in the said post, whence they departed, carrying a Cargo of produce of the Country, bound to St. Thomas's Island, at which Place he does not recollect how long they stayed, but that they left in ballast destined for this Port, and, on arriving at the Watering-place of the Island of Puerto Rico, they entered with the intention of taking in supplies and water which they wanted, but a storm attacking them, which caused them to lose their cable, they were forced to set sail for this Port, which they did, in the very manner mentioned, without having touched at any other point of passage:—asked, if, on arriving at this Port, they were pursued by any ships, and, if so, if he knew to what Nation they belonged? he said that a Brig gave them chase, but that he is ignorant as to what Nation it belonged:—asked, at what hour they entered this Harbour, and in what part of it they anchored, what Ships were in their vicinity, and if he met the Officer of Surveys who paid them the visit of War? he said, that he is totally ignorant as to the question:—asked, if it is certain, that in the Schooner *Minerva*, wherein he was, a quantity of African Negroes were brought in illicit trade and disembarked, on that evening and night, from several Boats hired for that purpose? he said, that it is false, and the interrogatory in its full extent untrue, inasmuch as he again repeats that they

came in ballast: and that the same is the truth, which he affirms and ratifies on his Oath, and not knowing how to read or write, he made the mark of the Cross, the Fiscal and present Notary signing it also.

(His Mark ✕) FRANCISCO TORRIBIO.  
BARTOLOME MARQUEZ PACHECO.

Before me, FRANCISCO MOSQUERA.

(17.) *Deposition of a Seaman of the Schooner Minerva.*

*Habana, 29th August, 1826.*

DIRECTLY afterwards appeared the Deponent, and being sworn as the others, he said, that he is called Joze Garcia, a Seaman of the Spanish Merchant Schooner *Minerva*:—asked, where he was enrolled in the said Ship, with what Cargo he sailed, and what was his destination? he said, that he was enrolled in this Port, whence he set sail, laden with the produce of the Country, bound to the Island of St. Thomas, where they remained, in his opinion, about a month or more, leaving, with destination for this Port, in ballast; and, on arriving at the Watering-place in the Island of Puerto Rico, they entered therein, intending to lay in supplies and water, of which they stood in need; and having laid them in, a storm compelled them to set sail for this Port, after the loss of the only cable they possessed, and that they did accordingly reach this Port:—asked, at what hour they entered here, and what Ship or Ships were near them, and if he conversed with the Officer of Survey who paid them the visit of War? he said, that they effected their entry between 2 and 3 of the evening as far he recollects; that they could not anchor for want of cables; but that they went to one of the Quays, in front, and on the other side of what is called *De Caballeria*, where there were no other Ships in the vicinity, except the Ship in which he was, and that he only saw the Officer of Surveys, who paid the Visit of War: asked, if it be certain, that in the Schooner where he was, a portion of African Negroes of the illicit traffick were conveyed, and disembarked publickly in that Port, from various Boats hired for the purpose? he said that he did not see any Negroes brought in his Ship, as he is interrogated, because they could not be disembarked in any form in this Port, inasmuch as the Ship entered in ballast, as he before said in his Deposition: that the same is the truth which he affirms and ratifies on his Oath; being 29 Years of Age, and not knowing how to write, he made the mark of the Cross, the Fiscal and present Notary signing it also.

(His Mark ✕) JOZE GARCIA.  
BARTOLOME MARQUEZ PACHECO.

Before me, FRANCISCO MOSQUERA.



(18.) *Deposition of the Surgeon of the Schooner Minerva.**Habana, 29th August, 1826.*

IMMEDIATELY appeared the present Deponent, and having been sworn as the others, he said that he was named Don Antonio de la Pena, Surgeon of the Spanish Merchant Schooner *Minerva*:—asked, in what Port he embarked in that post in the said Schooner, whither they were bound, and with what Cargo? he said, that he embarked in this Port, whence he sailed, with a Cargo of produce of the Island, bound to St. Thomas's Island, where they remained 35 days, as he believes, after the expiration of which they set off, in ballast, destined for this Port, touching at the Watering-place of Puerto Rico, to take in water, whence they set sail, continuing their route till they reached this Place:—asked at what hour they arrived in this said Harbour, in what Place they anchored, what Ship or Ships were in their vicinity, and if he knows the Officer of Surveys who paid him the visit of War? he said, that about 3 in the afternoon, they steered to the Quay of Don Juan Dujan, on account of wanting cables wherewith to anchor, in which vicinity there were no Ships; and that he does not know the Officer of Surveys who paid them the visit:—asked if any African Negroes were brought in his Ship, and disembarked in this said Port, from Boats hired for the purpose? he said, that he never heard or knew any of the circumstances set forth in the question: which is the truth on his oath; which he signed with the Fiscal and present Notary.

ANTONIO DE LA PENA.

BARTOLOME MARQUEZ PACHECO.

Before me,

FRANCISCO MOSQUERA.

(19.) *Deposition of a Cabin Boy of the Schooner Minerva.**Habana, 30th August, 1826.*

ON the 30th of the said month and Year, appeared the Deponent, and being sworn, as the others, he said, that he was named Manuel Nunez, holding the place of Cabin-boy on board the Spanish Merchant Schooner *Minerva*:—asked, where he was enrolled, with what Cargo he sailed, and what was his destination? he said, that he was enrolled in this Port, whence he set sail, laden with the produce of the Country, bound to the Island of St. Thomas, where they remained, in his opinion, about 40 days, at the expiration of which they set sail, in ballast, for this said Port, intending to touch at the Watering-place for supplies and water, whence they departed, by reason of a storm, in a most hurried manner, losing their cable, most assuredly bound for this Port, as he asserts in the most confident manner:—asked, at what hour they entered this Harbour, and in what part they anchored, what Ship or Ships were near them, and if he knew the Officer of Surveys who paid them the visit of War, in his Schooner? he said, that about 4 o'clock of the evening, for want of a cable, they moored off the Quay

of Dujan, as it is called, that he could not perceive if there were any Ships in his vicinity, as he was sick, and that he does not know the Officer about whom he is asked:—asked, if it be true that Negroes were brought in his Vessel, and disembarked from 6 or 7 Boats, hired for the purpose? he said, that it is wholly false, entirely as concerns the whole question:—asked, if, on their entrance to this Port, they were chased by any Ships, in which case he is to name the Class and Nation to which they belonged? he said, that in fact, they were chased by a Ship and a Schooner of the British Nation, to the entrance of the said Port: that the same is the truth, on his oath, he being 25 Years of Age, which he signed with the mark of the Cross, the Fiscal and present Notary signing the same.

(His Mark ✕)

MANUEL NUNEZ.

BARTOLOME MARQUEZ PACHECO.

Before me,

FRANCISCO MOSQUERA.

(20.) *Deposition of the Carpenter of the Schooner Minerva.*

*Habana, 30th August, 1826.*

IMMEDIATELY afterwards appeared the present Deponent, and being sworn, as the foregoing, he said, that he was named Joze Pastrana, Carpenter of the Spanish Merchant Ship *Minerva*:—asked, where he was enrolled, with what Cargo he set off from the Port, and what Place they were bound for? he said, that he was enrolled in this Port, whence they set sail, exporting the produce of the Country, destined to the Island of St. Thomas, where they remained 35 or 40 days, quitting it with destination for this Port, in ballast, touching at the Watering-place to lay in water and supplies; leaving that same Port compulsorily, by reason of their only cable having given way in a storm, whence they came straight to this Port, without having touched any where else:—asked at what hour they entered here, where they went to moor or to anchor, what Ships were in their vicinity when that was effected, and if he knew the Officer of Surveys who paid them the visit of War? he said, that it was somewhat more than 3 in the afternoon when they went to moor off the Quay, known as that of Dujan, in the vicinity of which he saw no Vessels, and that he only knows the Officer of Surveys by sight, about whom he is now interrogated:—asked, if Slaves had been brought in his Ship from Africa, and furtively disembarked in Boats hired for the said purpose in this Port? he said, that he neither saw them, nor heard that Negroes had been brought in his Vessel to this Port, and so landed, as he is interrogated; and all this is the truth, which he affirms and ratifies on his oath; being 39 Years old, and not knowing how to write, he made the sign of the Cross, the Fiscal and present Notary signing it.

(His Mark ✕)

JOZE PASTRANA.

BARTOLOME MARQUEZ PACHECO.

Before me,

FRANCISCO MOSQUERA.

(21.) *Deposition of a Seaman of the Schooner Minerva.**Habana, 30th August, 1826.*

SUBSEQUENTLY on the same day, appeared the Deponent, who declares, under oath legally administered, that his name is Manuel Tavares, Seaman in the Spanish Merchant Schooner *Minerva*:—asked, where he was enrolled, what Cargo they carried, and to what Place they were bound? he said, that he was enrolled in this Harbour, whence they sailed with a Cargo of produce of the Country, destined for the Island of St. Thomas, where they remained above a month, and left in ballast, touching at the Watering-place of Puerto Rico, to lay in water and stores, of which they stood in need; whence they were forced to sail unexpectedly, having lost, in a violent storm, the only cable they possessed, and sailed straight to this Port:—asked, at what hour they entered this Port, where they went to anchor, and what Ships were in their vicinity, and if he knew the Officer of Surveys who visited them? he said it was more than 1 o'clock when the Ship for want of cables, was moored off a Quay of those of the Casa Blanca, the number of which he does not know, no more than he knows the Officer who visited them, about whom he is questioned:—asked, if Black Slaves from Africa were brought in his Ship and landed at this Port from 5 or 6 Boats hired for the purpose? he said, that he neither saw such Negroes, nor heard that they had been brought in his Ship: all which is the truth, which he affirms on his oath; being 29 Years old, and not knowing how to write, he made the sign of the Cross, the Fiscal and present Notary signing it also.

(His Mark ✕)

MANUEL TAVARES.  
BARTOLOME MARQUEZ PACHECO.

Before me,

FRANCISCO MOSQUERA.

(22.) *Deposition of a Cabin-boy of the Schooner Minerva.**Habana, 30th August, 1826.*

IMMEDIATELY afterwards appeared the present Deponent, and being sworn, like the foregoing, he said, that his name was Manuel de Lima, Cabin-boy on board the Spanish Merchant Schooner *Minerva*:—asked where he was enrolled, what Cargo they carried, and to what Place they were bound? he said, that he was enrolled in this Harbour, whence they sailed with a Cargo of produce of the Country, bound to the Island of St. Thomas, where they remained somewhat more than a month, at the expiration of which they sailed, in ballast, for the Watering-place, and from that latter Place they came here, in the manner set forth:—asked, at what hour they entered this Port, where they went to anchor, and what Ships were in their vicinity? he said, that it was 3 o'clock when the Ship, for want of cables to anchor with, was moored off a Quay of those of the White-house, the number of which he does not know, and that by reason of being sick, he saw no

Ships of any Class in the vicinity of their Mooring:—asked, if Black Slaves were brought in his Ship, and landed at this Port, from 5 or 6 Boats, hired for the purpose? he said that the Ship he was in neither brought nor landed Black Slaves; all which is the truth, on his oath.

MANUEL DE LIMA.

BARTOLOME MARQUEZ PACHECO.

Before me,

FRANCISCO MOSQUERA.

(23.) *Deposition of one of the Partners of the Schooner Minerva.*

*Habana, 30th August, 1826.*

IMMEDIATELY after appeared the Deponent, who, being sworn as the rest, declares, that his name is Joze de Cuba, Partner of the Spanish Merchant Schooner *Minerva*:—being asked, where he was enrolled, what Cargo they carried, and to what Place there were bound? he said he was enrolled in this Harbour, whence they sailed with a Cargo of produce of the Country, destined for the Island of Saint Thomas, where they remained above a month, and left for this Port, touching, on their way, at the Watering-place of Puerto Rico, to take in water and supplies, which they were in want of; setting sail again by reason of a violent storm, which made them lose their only cable, and continuing their course to this Port, in the manner set forth:—asked, at what hour they entered this Port, where they went to anchor, and what Ships were in their vicinity? he said, that 3 o'clock was the hour that they entered, when they went to moor off one of the Quays of the White-house, what number he knows not, in the vicinity of which Mooring he saw no Ship anchored:—asked, if Black Slaves were brought in his Ship, and landed in this said Port, from 5 or 6 Boats hired for the purpose? he said that it is entirely false, in every particular, inasmuch as he neither saw such Negroes, nor knew they were brought in or landed from his Ship; all which is the truth, on his oath.

JOZE DE CUBA.

BARTOLOME MARQUEZ PACHECO.

Before me,

FRANCISCO MOSQUERA.

(24.) *Deposition of a Seaman of the Schooner Minerva.*

*Habana, 30th August, 1826.*

SWORN, and asked, where he was enrolled, what Cargo they carried, and to what Place they were bound? he said, that he was enrolled in this Harbour, whence they sailed for St. Thomas, with a Cargo of the Produce of the Country, remaining there 35 days, and then sailing in ballast for the Habana; touching previously at the Watering-place of Puerto Rico for water and supplies, of which they were in need, whence they departed unexpectedly, having lost in a storm their only cable, after which they sailed straight to this Port:—asked, at what hour they entered this Port, where they went to anchor, and what Ships were in their vicinity? he said, that it was 3 in the afternoon



when they moored off a Wharf, on the other side, the name of which he does not know, and that if any Ships were in their vicinity, he paid no attention to their Class or Nation:—asked, if Black Slaves were brought in his Vessel, and landed in this Port, from 5 or 6 Boats hired for the purpose? he said, that he neither saw nor heard of any of the circumstances alluded to in his interrogatory, all which is the truth, on his oath.

JUAN JUSTO RUIZ.

BARTOLOME MARQUEZ PACHECO.

Before me,

FRANCISCO MOSQUERA.

(25.) *Deposition of the Cook of the Schooner Minerva.*

*Habana, 30th August, 1826.*

SWORN, and asked, where he was enrolled, what Cargo they carried, and to what Port they were bound? he said, that he was enrolled in this Harbour, whence they sailed with a Cargo of the Produce of the Country, for the Island of St. Thomas, where they remained more than a month, and then left in ballast for this Port, touching on the way at the Watering-place of Puerto Rico, to lay in water and supplies, of which they stood in need; sailing again by reason of a storm, which made them lose their only cable:—asked, if he recollects the hour they entered this Port, where they moored, and if any Ships lay in their vicinity? he said, that they entered at 3 o'clock, and moored off one of the Quays of the White-house, the number of which he does not know, in the vicinity of which he saw no Ships at anchor:—asked, if his Ship brought Black Slaves of the illicit Traffick, who were publicly disembarked in this Port from 5 or 6 Boats hired for the purpose? he said, that he neither saw such Slaves, nor heard that such were brought in his Ship; all which is the truth, on his oath.

JOZE ANTONIO DONQUE.

BARTOLOME MARQUEZ PACHECO.

Before me,

FRANCISCO MOSQUERA.

(26.) *Deposition of a Part-Owner of the Quay Dujan.*

*Habana, 30th August, 1826.*

SWORN, as the others, and asked, if he, or any of his Partners, was on the spot at the moment of the Spanish Merchant Schooner coming to moorings, which entered this Port, on the 16th of this Month, from Puerto Rico, in ballast; in which case he is to set forth, if he saw or heard that the said Schooner had disembarked on that point, or at any other part of the Harbour, a portion of African Negroes, of the illicit trade? he said, that in fact, on the Evening of the day mentioned, he was on the aforesaid Quay at which the said Schooner moored, and that the Deponent saw no such Negroes disembarked, and did not hear that such were landed; that among the many Persons on the Quay at the time, although he knows many by sight, he is only acquainted with the names of Don Juan Perez, and the Chief of the Registers, Don Joze

Fernandez ; which is all that he knows or can say on the points of the interrogatory ; which is the truth, on his oath. JUAN DUJAN.

(27.) *Deposition of Juan Araujo, Caulker, of the Port of Havannah, domiciled in the Casa Blanca.*

SWORN, as the others, and asked, if, on the Evening of the 16th. Instant, he was on the Quay, known as Dujan, when the Spanish Merchant Schooner *Minerva* moored there ; in which case, he is to tell whether he saw or heard that the said Schooner had Negroes on board, which it disembarked at that or any other Point? he said, that it is true that he was for some time on the Quay where it went to moor, and that in the said Schooner he saw no Negroes of whom he is questioned, and as little did he hear that any such had been disembarked at any point of the Harbour : asked, whether other Persons were there who could testify as to this fact, and if so, to tell their Names and Class, if he knew them? he said, that, although at the time several Persons were on the Quay, he did not know any of them ; all which is the truth, on his oath. JUAN ARAUJO.

(28.) *Deposition of Vicente Mendez, Chief of the Registers, and Partner of Don Juan Dujan, in the Quay so called.*

SWORN, as the others, and asked, if he was on that Quay, or in its Neighbourhood, on the evening of the 16th Instant, when the Spanish Merchant Schooner *Minerva* moored there, in which case he is to declare if the said Ship had Negroes on board, which it disembarked there or elsewhere in the Port? he said, that he knows nothing of the particulars of the interrogatory, inasmuch as he was not exactly on the said Quay, but in its vicinity, in front of the said Quay, no further than which can he extend his deposition ; which is the truth, on his oath.

VICENTE MENDEZ.

(29.) *Deposition of Dionisio Albarracin, Serjeant of the 1st Grenadiers of the Royal Battalions of Marine Infantry.*

SWORN, as the others, and asked, if he was on board the Spanish Merchant Schooner *Minerva*, on the evening of the 16th Instant, for what object, and how long he remained on board, and if he saw, while there, that the said Ship had Negroes on board, which it disembarked in this Port? he said that, in fact, he was on board the *Minerva*, with a party of the Marines, of which he is Commandant, in order to take out the Seamen for the service of the War Boats, in the number corresponding according to his orders, and that while there, fulfilling his instructions, he saw no Negroes, nor heard that any had been brought or disembarked ; all which is the truth on his oath.

DIONISIO ALBARRACIN.

(30.) *Deposition of Manuel Corrales Gazador, of the 1st Regiment of Royal Infantry of Marine.*

SWORN, as the others, and asked, if he was on board the Spanish Merchant Schooner *Minerva*, on the evening of the 16th Instant, when it anchored in this Port; in which case he is to declare if he saw on board that Ship any Negroes, which he afterwards heard were disembarked at any Point or Place of this Port or Quay? he said, that it is true that he went on board the said Ship with his party, under the orders of the Serjeant Dionisio Albarracin, Commandant thereof, in order to take therefrom the number of Seamen required for the service of the Boats of War, but that he did not see or hear that any Negroes were brought in or disembarked from the said Ship, on any Point or Quay of this Port: all which is true on his oath.

MANUEL CORRALES GAZADOR.

(31.) *Deposition of Ramon Poderoso, First Corporal of the 2d Regiment of Marine Infantry.*

SWORN, as the others, and asked, if he went with the party on board the Spanish Merchant Schooner *Minerva*, on the evening of the 16th Instant; in which case he is to declare if the said Ship had any African Negroes on board, of the illicit Trade, and if it appears that they were disembarked at any Point or Quay of this Port? he said, that it is true that he went with his party on board the said Ship, in order to take out of it the number of Seamen required for the service of the Boats of War, but that he did not see or hear that any Negroes were brought in or disembarked from the said Ship, on any point of the Port; which is all he knows of the question: all which is the truth on his oath.

RAMON PODEROSO.

(32.) *Deposition of Lisendo Linares, Corporal of the 1st Battalion of Marine Infantry.*

SWORN, as the others, and asked, if he went with the party on board the Spanish Merchant Ship *Minerva*, on the evening of the 16th Instant; in which case he is to declare if the said Ship had any African Negroes on board, of the illicit Trade, and if it appears that they were disembarked at any Point or Quay of this Port? he said, that it was true that he went on board the said Ship, on the business allotted to him, but that during his stay there he did not see or hear that any Negroes were brought in or disembarked from the said Ship, on any Point or Quay of this Port: which is the truth on his oath.

LISENDO LINARES.

(33.) *Deposition of Joze Fernandez, Chief of the Registers, resident in the Casa Blanca. 1st September, 1826.*

SWORN, as the others, and asked, if, on the evening of the 16th of

last month, he was on the Quay of Dujan, when the Spanish Merchant Schooner *Minerva* anchored there; in which case he is to declare if that Vessel had any Negroes on board, which were disembarked there or elsewhere in this Port; he said that, in fact, he reached the said Wharf after the said Schooner had moored there, but that he saw no Negroes, nor heard that any such were disembarked :--asked, if he could name any one who could give any account of this affair? he said, that he only knew Don Juan Perez: which is the truth on his oath.

JOZE FERNANDEZ.

(34.) *Declaration of the Naval Ensign, Don Antonio Maria Robion.*

WHO, on his word of honour, offers to tell the truth: asked, if he paid the visit of War on the evening of the 16th last month to the Spanish Merchant Schooner *Minerva*, which entered this Port on the said day in ballast, coming from Puerto Rico; in which case he is to declare the events which occurred during the time of his visit, as well as if he observed whether the said Ship had Negroes on board, or if it appeared to him that such had been disembarked from it in this Port? he said, that in fact, being on the week's duty, he went to visit and search the Schooner about which he is asked, and that being there, a Boat came alongside belonging to the English Ship of War *Pylades*, which had chased the *Minerva*, having an Officer of that Nation on board, who ascended the Schooner, declaring, on the part of his Commander, that he came to inform himself of the circumstances of the *Minerva*; but answered by the Deponent, that neither was he in the situation to exact this, nor he, the Deponent, to grant it, by reason of which he ought to withdraw, which he did, to appearance, and, as he said, in order to give an account of the transaction to the Commandant-General of the Station, the Deponent having informed the Major of the Station thereof, not having immediately met with the said Commandant-General; and that while he remained in the said Schooner, he saw no Negroes about whom he is asked, or heard that any such had been disembarked in this Port :---asked, if on the said visit he was accompanied by any Officer of the Army, in the Class of Adjutant of Surveys, on the part of the Most Excellent the Captain-General? he said, that no Officer of the Army accompanied him on this business, and that no Sailor of the Boat jumped on board the *Minerva*, as they were busy in assisting her to moor at the Wharf, when she came alongside of it: all which is true on his word of honour.

ANTONIO MARIA ROBION.

(35.) *Deposition of Don Juan Perez.*

SWORN solemnly, and asked, if on the evening of the 16th last month, he was on the Quay, known as that of Dujan, when the Spanish Merchant Schooner *Minerva* came alongside and moored in the said



spot ; in which case he is to declare if he knows whether it brought any Negroes on board, and if it appears that it disembarked them in this Port, in 6 or 7 Boats provided for the purpose ? he said, that it is certain that, out of curiosity to see the said Schooner's entry, he did go to the Wharf aforementioned, but that he is ignorant whether the said Ship had any Negroes on board, about whom he is asked, and of course he knows nothing of their disembarkation :—asked, if among the persons who were there, he knows any who could give information as to that fact, in which case he is to set forth their names and ranks ? he said, that he only knew Don Juan Dujan, and the Chief of the Registers, Joze Fernandez : all which is the truth, on his oath.

JUAN PEREZ.

(36.) *The Adjutant of the Registers to the Captain-General of Cuba.*  
 EXCELLENT SIR, *Havannah, 1st Sept. 1826.*

IN consequence of what your Excellency was pleased to communicate, under date of the 22d of last month, to the Commandant-General of the Station, to inform him of what, among other things, the British Commissioner, Mr. Macleay, set forth, as to the necessity which (in his opinion) existed of interrogating Mr. Nott, the English Officer, and two other Individuals of that Nation, in the matter of the Spanish Merchant Schooner *Minerva*, into which an enquiry was instituted, by the express order of the Commandant-General ; I request of your Excellency, that, in case the three said Individuals be in this Place, your Excellency may be pleased to adopt measures, to the end, that on the 4th instant, at 9 in the morning, they may present themselves at this Office of Registers, under my care, that their respective Declarations may be received in the said affair. God preserve you, &c.

BARTOLOME MARQUES PACHECO.

*The Most Excellent Don F. D. Vives.*

(37.) *The Captain-General of Cuba to the Adjutant of the Registers.*  
 EXCELLENT SIR, *Habana, 2d September, 1826.*

I HAVE acquainted the British Commissioner, Don W. S. Macleay, that on Monday the 4th Instant, at 9 in the morning, the English Officer, Mr. Nott, and two other Individuals of the same Nation, are to present themselves at the Office of Registers, to declare what they know in the affair of the Schooner *Minerva*, and I send you this information in reply to your Letter of yesterday. God preserve you, &c,

*Don Bartolome Marques Pacheco.*

FRAN. DIONISIO VIVES

(38.) *The Captain of the Port of Havannah to the Adjutant of the Registers.*

EXCELLENT SIR,

*Habana, 6th September, 1826*

It has been notified to Mr. Wade, the Captain of the English Mer

chant Brig *Mary Brade*, that he do present himself at the Office of this Commandancy of Registers, to-morrow, Thursday, 7th of the present month, for the object which your Excellency points out to me in your Letter of Yesterday. God preserve you many Years.

LORENZO JOZE DE NORIEGA.

*Don Bartolome Marques Pacheco.*

(39.) *The Adjutant of the Registers to the Captain of the Port of Havannah.*

EXCELLENT SIR,

*Habana, 6th September, 1826.*

On the 2d of this month, the Commissioner of His Britannick Majesty writes me, what, translated, is as follows :—

“ EXCELLENT SIR,

“ I have the honour to acknowledge the receipt of your Letter of this Day, and in reply I have to inform you, that Mr. Nott, who is at present on board the *Pylades*, will be ready to give his Deposition on the affair of the *Minerva*, on Monday the 4th of this month, in the Office of the Registers. Your Excellency will probably know, that the two Seamen, who were present with Mr. Nott at the disembarkation of the Negroes, belonged to the Schooner of His Britannick Majesty, *Magpie*, the unfortunate fate of whom is deserving of compassion.”

God preserve you many Years.

BARTOLOME MARQUES PACHECO.

*Don Lorenzo Joze de Noriega.*

(40.) *Declaration of Lieutenant Nott, of the British Navy.*

ON the 4th of the month and Year aforesaid, appeared Don Angel Ceronio, Interpreter of this Court of Marine, for His Majesty, who, accepting the same office, under form of oath, undertook to interpret well and faithfully the Declaration following, and the Deponent having come forward, his word of honour was taken to speak the truth in whatever he should be questioned upon; and this being done, through the medium of the said Interpreter, he said, as follows: that his name was John Neale Nott, Lieutenant of the Royal English Navy :—asked, through the medium of the Interpreter, how it appears that, on the evening or night of the 16th August preceding, 6 or 7 Boats loaded with Negroes were disembarked, as is said, from the Spanish Schooner *Minerva*; if he obtained this intelligence of himself, or by a third Person, and if it is also certain that from the said Boats, a block of wood was thrown, and if so, in what direction it went? he said that, in fact, about a quarter past 11 at night, on the day specified, he, the Deponent, being in the Boat of his Ship, the *Magpie*, belonging to England, saw 6 or 7 Boats laden with Negroes, which had been disembarked from the said Schooner *Minerva*, which, passing close to his Boat, one of them threw a piece or block of wood, or other substance of weight,

in the direction of the Boat in which the Deponent was, and that the said Boats went, to appearance, from the said place where the *Minerva* was, at the Quay of San Francisco, and that the piece of substance thrown dropped short of his Boat, and fell into the Water, without touching anybody:—asked, through the medium of the Interpreter, if he knew the Boats to which he alludes in his last reply, or any of the individuals who managed them? he said that, although he is persuaded that they were Workmen of the Traffick of the Wharfs, inasmuch as they had badges on, he could not recognize any of them who were in the Boats:—asked, how he is sure that the said Negroes were landed from the *Minerva*, it appearing from the Letter sent by the Major of Orders of the Division of Operations, folio 12 of the Book of Causes, that the said Major, having gone on board the *Minerva*, accompanied by the Commandant of the Ship named *Magpie*, by order of the Admiral, the said Commander of the *Magpie* was satisfied that there was no proof or suspicion to induce a belief that the *Minerva* had brought Slaves on board, as was imagined, after a most minute survey of the said Ship, by both Officers, Spanish and English? he said that, without invalidating the survey made by the Commander of the *Magpie*, he repeats what he had stated, adding, in confirmation of what he before explained, that when he observed the first Boat push off with Negroes, from the side of the Ship *Minerva*, he went near with his Boat to ascertain distinctly the fact; and that as the aforesaid survey took place on the following morning, the 17th, the disembarkation of the Negroes could have been perfectly well effected on the night of the 16th, as he has said:—being asked, if the said Commander of the Schooner *Magpie* is in this Port? he said, that he was drowned with the rest of the Crew of the *Magpie*, when it foundered to leeward of this Port:—asked, through the Interpreter, where the other 2 Persons of his Nation were, to whom the Official Letter of his Excellency the Captain-General alludes? he said, that they were also drowned in the *Magpie*, with their Commander:—asked, through the Interpreter, if he had any thing to add to, or to take from, this Deposition, to corroborate what he had said, and if, on his word of honour, he affirms and ratifies the whole of it? he said, that, after having heard it read over to him in his own Language, by the Interpreter aforesaid, he wished to add, that the late Captain of the *Magpie* had said, on board the *Py-lades*, that notwithstanding the survey which, in company with the said Major, he had taken on board the *Minerva*, he had no doubt that the said Ship had brought Negroes on board, and that Captain Wade, of the English Merchant Brig *Mary Brade*, saw from his Ship more than 60 Negroes on the deck of the *Minerva*; that in every thing else he affirms and ratifies his evidence, on his word of honour. The Interpreter being asked, if he had translated well and faithfully from the English into Spanish, all the Questions and Answers which were put

to and received from the English Officer who subscribes? he said, that he has so done, well and faithfully, according to his best knowledge and understanding, which he affirms and ratifies on the responsibility of his oath, signing it as Interpreter and Witness with the Fiscal and present Notary.

JOHN NEALE NOTT.

(41.) *The Adjutant of the Registers to the Captain of the Port of Havannah.*

EXCELLENT SIR,

Havannah, 5th September, 1826.

IN the matter which, by order of the Commandant-General, I am now proceeding with, as to what occurred in the Merchant Schooner *Minerva*, on its arrival in this Port on the 16th of last month, it is necessary to examine Captain Wade, commanding the English Brig *Mary Brade*, anchored in this Port as is said. If this should be the case, I hope you will be pleased to give notice to the said Captain to appear in this said Office of Registers, under my controul, at 9 in the morning of Thursday the 7th Instant, for the purpose before stated. The original Reply of which is inserted and placed with the other Papers.

BARTOLOME MARQUES PACHECO.

Don Lorenzo Jوزه Noriega.

(42.) *Deposition of William Wade, Captain of the British Brig Mary Brade.*

ON the 9th day of the said month and Year, appeared Don Angel Ceronio, Interpreter of this Court of Marine for His Majesty, offering, under oath as usual, to interpret well and faithfully the following Declaration, and the Deponent having come, and been sworn on the Holy Evangelists to speak the truth, said: that he was called William Wade, Captain of the English Merchant Brig *Mary Brade*:—asked, by means of the Interpreter, if since his arrival in this Port, he has been always anchored in the Place where he now is, or if he has made any change? he said, that he has remained in the same Place, where he now is removing his Cargo, without having changed situation, which Place is in front of the Port Captain's Office:—asked, through the Interpreter, if it is certain that he said, that he saw on the deck of the Spanish Merchant Ship *Minerva*, on the 16th of August last, as she entered this Port, a portion of Negroes, to the number of more than 60? he said, that it might be about 3 weeks, as far as he recollects, when he thought he perceived, in a Spanish Schooner, several Negroes, without being able to distinguish any number of Negroes, or whether they were Africans, or to ascertain the name of the Ship:—asked, by means of the Interpreter, if the Schooner, to which allusion is made, is the same which entered this Port on the said evening, in which case he is to declare if it anchored in the vicinity of the Ship under his



command? he said, that he is ignorant as to this:—asked, through the Interpreter, from whence he saw the Negroes, if it was from his Ship, from any other in the Bay, from land, or from any height, if with a telescope, or merely with the naked eye? he said, that he saw them with the naked eye, while sailing about in the Bay, from his Boat:—asked, by means of the Interpreter, if the Seamen who were in the Boat with him could have made same observation with himself, in which case he should bring them forward this same day? he said, that he does not know that they made the same observation, inasmuch as he, the Deponent, conversed with none of them on that point, and he believes that they could have seen nothing, because the 2 Boys, who were the only Persons with him in the Boat, rowed with their backs turned that way, and could not, therefore, perceive the occurrence, but that, nevertheless, he will comply with the Summons, and cause them to come forward on this same day: that this is the truth on his oath now taken. The Interpreter being asked if he had translated well and faithfully from the English into Spanish, all the Questions and Answers which were put to and received from the Witness? he said, that he had done so well and faithfully, according to his best knowledge and understanding, which he affirms and ratifies on his oath.

WILLIAM WADE.

(43.) *Deposition of Thomas Gudgeon, British Scaman, on board the Mary Brade.*

THROUGH the said Interpreter he said, that his name was Thomas Gudgeon, a Native of Liverpool, in England:—asked, if it be 2 or 3 Weeks since, sailing in the Bay, in the Boat with Captain Wade, who commands his Ship, he saw on the deck of the Spanish Schooner *Minerva* some Negroes; in which case he is to declare, if he can, the amount of their number, and if he understood that they belonged to the Class of Africans newly imported in illicit Slave-trade? he said, that on the day, and under the circumstances mentioned, he saw in a Spanish Schooner, from 14 to 16 Negroes, but without being able to ascertain the name of the Ship wherein they were, and far less, whether they were of the Class of Africans newly imported in illicit Slave-trade, or if they were on board the Ship in any other way:—asked, in what part of the Port he saw the Schooner at anchor? he said, that it appeared to him to be in the vicinity of a Quay which he does not know, nor can he ascertain the same, under the circumstances; which is all he knows and can say on the points he has been interrogated upon; which he affirms on his oath, being 18 Years old; and signing it with the Interpreter and Fiscal and present Notary.

THOMAS GUDGEON.

(44.) *Deposition of Peter Thomas, British Seaman, on board the Mary Brade.*

SWORN, through the Interpreter, and asked, if it be true that 3 or 4 Weeks ago, while sailing in the Bay, in the Boat with Captain Wade who commands his Ship, he saw on the deck of the Spanish Schooner *Minerva* some Negroes; in which case he is to declare, if he can, the amount of their number, and if he understood that they belonged to the Class of Africans newly imported in illicit Slave-trade? he said, that it is true, that on the day mentioned, he was in the Boat with Captain Wade, who belongs to the Ship of his Nation alluded to, and to whose Crew he belongs, from which Boat he saw some Negroes in a Spanish Schooner, but without being able to ascertain their number, or if they belonged to the Class of Africans newly imported, and without knowing the name of the Ship, or being able to affirm the true Place of its anchorage, as he only recollects its being near one of the Quays, the name of which he does not know: all which is the truth on his oath, he being 18 Years old. The Interpreter being asked, if he had faithfully and correctly translated these 2 last Declarations, said, that he had so done on the responsibility of his oath.

PETER THOMAS.

(45.) *Opinion of the Adjutant of the Registers upon the Case.*

*Habana, 12th September, 1826.*

THE Proceedings adopted in this business being apparently concluded, the summonses issued having been obeyed, and no new enquiries being instituted, in order to throw greater light on a transaction, which was represented, in the accusation brought forward, in the character of a real crime, and a most scandalous one; it is no less certain that it has been proved by 24 Depositions of as many Witnesses, that the crime denounced did not exist, was not committed, and consequently was not notorious and scandalous. The praiseworthy zeal of the Gentlemen of the Commission, who strengthened their notification on the Information or Letters of the Commanders of the Schooner *Magpie*, and the Corvette *Pylades*, which Ships obstinately chased the *Minerva*, led them to perform all the duties of their functions, demanding the Condemnation of the Ship, when, although had it been proved to be guilty, it would have been our Prize, and not that of the English; the Ship was detained in consequence, and every opportunity afforded of knowing the facts, without invitation or the intervention of any person. At the same time it is evident how little favour was shewn to this Tribunal by the Commissioners, as appears from their ideas, expressed in folio 13, in the Letter which the Excellent Captain-General was pleased to translate, as it was sufficient to have noted the Witnesses, who ought to appear on their behalf, to prove the fact which

they denounced, inasmuch as in such a case this Tribunal would in no way have omitted to examine them. Turning attention now to the state of the Evidence on this matter, it will be seen that the Summons served by Mr. Nott on Captain Wade, of the Brig *Mary Brade*, has turned out unproductive in the material points, inasmuch as Wade, as well as the Seaman Thomas, says nothing which proves the number of Negroes to have been 60, the amount at which Mr. Nott says that Wade computed them, nor do they prove that the Negroes they saw were Africans newly imported or not; and the Seaman Thomas Gudgeon, makes the number to consist of 14 or 16, very far from 60, but still uncertain as to their being Africans newly imported. If the Declaration of Mr. Nott, the English Officer, from his privilege and the character annexed to his station, requires more than 2 Witnesses to invalidate its testimony, let it be remembered that 24 Examinations in this business have against them the solitary exposition of Mr. Nott; and if the legal presumption in favour of his word of honour be put in comparison with the less privileged classes, even then he is contradicted by the Evidence of 2 Spanish Officers, who are engaged in this same matter, viz. the Naval Ensigns, Don A. M. Robion and Don Joze Soler, of whom, most assuredly, the most remote mistrust ought not to be entertained as to their Depositions, it being well worthy of notice that the said Soler, in his Letter, under date of the 17th of August, assures us, that the Commander of the *Magpie* was so much satisfied with his search, that, with evident emphasis, the said Officer expressed himself in a very different manner to what he is said afterwards to have done in another Letter. Had not that Officer been drowned in the *Magpie*, perhaps the visit he made with Soler might have been satisfactorily explained as to this unheard of contradiction; I will suppose for a moment the existence of the 14 or 16 Negroes on board of the Spanish Schooner, and that they were seen by all who say they saw them—in that case, to what can that circumstance lead us? to nothing substantial:—first, because the remarkable discrepancy exists as to numbers:—secondly, because as it is not proved that they were in the *Minerva*, they might have been in any other Ship of its class: thirdly, because, as well in Ships of long Voyage, as in those of Coasting Trade, Negroes forming the Crew are met with in greater or less numbers, or are hired to load or unload on the Quays or other Places, and also such Blacks are sent from the numberless Country Farms in this vicinity by Sea, for the convenience and economy of their Masters, to perform any service required, in which case they need not crouch or hide themselves, which would have been the case with the *Minerva*, had she carried such a Cargo on board, imported under the circumstances equivocally alleged; inasmuch as in such case it is not probable that, glorying in their crime, they would have

presented them in the evening to the face of the Publick: but when, at the same hour, the Officer of Surveys, and other individuals, as well as a Party of Marines, were on board the *Minerva*, and on the Quay where she was moored, and none of them mention in their Evidence the existence of such Negroes; in whatever way we view this event, the proof will always be at variance with the accusation. I do not believe, nor can it be imagined in any way, that my ideas in the foregoing summary can, directly or indirectly, affect the delicacy of feeling of Mr. Nott, the British Officer, who, no doubt, gave his information from a laudable zeal for the punctual fulfilment of the Treaties, and of the Royal Orders subsequently issued, but, as in all cases, we do not possess the caution necessary to restrain the immoderate zeal of fulfilling a duty in the orbit of the duty itself, his Declaration from that cause may have proceeded too far; what is certain is, that Mr. Nott has not given the slightest information whereby to come to any knowledge of the Persons who conducted the Negroes in 6 or 7 Boats, or of the Person who threw at him the block of wood, since in that case both these Persons would have been examined, whose expositions would have produced all the clearness and explanations necessary to banish the suspicion, or to prove the fact. As little was it possible to examine the 2 Sailors who, as Mr. Nott says, accompanied him in his Boat when he observed the Boats loaded with Negroes, and if this difficulty be insurmountable, and not to be counterbalanced, let Mr. Nott ascribe it to the unfortunate fate of the *Magpie*, wherein they were drowned. In consequence of all this, and taking into account the value and merit of the vast proof which is afforded by these Documents, it is my opinion that the accusation laid against Don Manuel Fernandez, Captain and First Pilot of the Spanish Merchant Schooner *Minerva*, is totally unfounded, inefficacious, and without the power of incurring the responsibility which, by supposition, was attached to the said Captain Fernandez. This is my opinion, always excepting the more enlightened one, which, with these Documents on this matter, I send to you, Sir, for the corresponding effects. B. M. PACHECO.

(46.) *The Commandant-General of the Registers to the Commandant-General of Marine.*

EXCELLENT SIR,

*Habana, 13th September, 1826.*

THE measures instituted according to the superior Decree of Don Angel Laborde, of the 17th Ultimo, by the Lieutenant of the Navy Don B. M. Pacheco, Adjutant of this Commandancy under my charge, being finished as regarded the Merchant Schooner *Minerva*, I send them to the superior cognizance of your Excellency, that you may act as you think best.

God preserve you, &c.

*The Commandant-General of Marine.*

JOSE DE ALCALA.



(47.) *The Judge Auditor of War and Marine to the Commandant-General.*

EXCELLENT SIR,

*Habana, 15th September, 1826.*

I IMMEDIATELY sent the Parcel of Documents, by order of the Judge Auditor, for the information of the Navy Captains of the Royal Fleet, of the Commandant-in-Chief of the Registers of Seamen in this always most faithful City, and of the Honorary Oidor Fiscal of this Station, to the end that these Gentlemen may declare in continuation what they have to offer, and what appears to them on all the points which the matter comprehends; doing this without delay, and when done, to give an account thereof, that an opinion may be formed thereon, as is fitting.

TOPETE.

*The Commandant-General.*(48.) *The Commandant-General of the Registers to the Judge Auditor of War and Marine.*

EXCELLENT SIR,

*Habana, 18th September, 1826.*

IMMEDIATELY on receiving your superior Decree, I occupied myself exclusively with the examination of the Papers, with all the attention they deserve; and from my observations I deduce, that the Officer charged with the formation of the Summary, has omitted no step necessary for the better elucidation of an act, which was represented, at first, as perpetrated, and that the Opinion of the said Officer, the Adjutant of Registers, who formed the Cause, are strictly confined to what the matter solely warrants. Nevertheless, in order to have some more data whereon to found my Judgment with the precision it requires, I have, in like manner, recalled to my memory, by inspection, the former Diary of Navigation, Roll, and Royal Patent of the *Minerva*, from which it appears that the expedition of this Ship was formed in this Port, with a view to export the produce of the Country, bound to the Island of Princes; but by the Declaration of the Captain, Don Manuel Fernandez, it is proved that, for reasons of convenience and mercantile interest, he went to the Island of St. Thomas, returning in ballast to this Port aforesaid; all which the aforesaid Declaration most amply proves, and the Diary confirms; and although the contents of the said Documents do not in any way establish the crime, which was said, by presumption, to have been committed in this Place, without any previous preparations for that purpose; nevertheless, in order to found my Opinion more strongly, complying at the same time with the Royal Order of the 2d of January last, I have devoted my time to the inspection of the said Documents, from all of which, in the whole Summary, no charge is proved against Captain Fernandez, in the denunciation preferred against him.

Always deferring to your superior judgment, I am, &c.

*The Judge Auditor.*

JOZE DE ALCALA.

(49.) *Certificate of the Notary, Mosquera.*

ON the 20th day of the said month and Year, I, the undersigned Notary, certify, that the Honorary Oidor Fiscal of Marine, Don Manuel Coimbra, returned the bundle of Documents, in consequence of the painful illness with which he is at present afflicted, to the end that the Commandant-General may be pleased to select and nominate the Lawyer he confides in, in order to entrust to him the pending Opinion, in virtue whereof the Fiscal of the Cause took measures to deliver the said Papers to the Commandant-General of these Registers, for the effects set forth, and for that purpose notice thereof is made.

MOSQUERA.

(50.) *The Commandant-General of the Registers to the Commandant-General of Marine.*

EXCELLENT SIR,

Habana, 21st September, 1826.

I ENCLOSE you the Verbal Process commanded to be instituted to investigate the conduct of Don Manuel Fernandez, Captain and First Pilot of the Spanish Merchant Schooner *Minerva*, in consequence of the Oidor Honorary Fiscal of this Station, not being able to take the matter into his consideration, in consequence of the sickness under which he now suffers, as is proved by the Certificate of the Fiscal and Notary of the Cause, to the end that you may be pleased to select a Lawyer to fulfil the duties of Fiscal, by reason of the incapacity of the Possessor of that Office in this Port. God preserve you, &c.

*The Commandant-General of Marine.*

JOZE DE ALCALA.

(51.) *Don Juan Baptiste Topete to the Commandant-General of Marine.*

EXCELLENT SIR,

Habana, 22d September, 1826.

LET Don Francisco de Calvo, who belongs to the Tribunal of Revision, be substituted in room of the Oidor Honorary Fiscal of this Station.

JUAN BAPTISTE TOPETE.

*The Commandant-General of Marine.*

(52.) *Opinion of the Fiscal.*

Habana, 25th September, 1826.

THE Fiscal states, that having examined the bundle of Documents, with all the due attention and meditation which the affair deserves, it being a business of moment, which brought on the proceeding, he finds the Opinion of the Officer charged with the formation of the Process, to be most correct, which Judgment is registered in folio 37, inasmuch as, if it be evident, that the scandalous and criminal deed imputed to the Spanish Schooner *Minerva*, was deserving of the most severe and exemplary punishment, it is also certain, that the most remote suspicion of the fact having been committed being removed, the Captain and Ship ought to be freed from all responsibility. It never was the

intention of His Majesty the King our Lord, and of His Britannick Majesty, in their Treaty of 1817, for the prohibition of the Slave-trade on the Coast of Africa, to leave deficient the security of certain judgment and proof in investigating the crime, and the delinquent's conduct; on the contrary, it is the will of both these Sovereigns, expressed in many of the Articles, that the proof be expressly required, as to the Place whence the Ship sailed from the Coast of Africa, and of the existence of Negroes on board. Without proving these two most material points there would be a defect in the order and legal foundation of these proceedings, and a criminal would be judged without his fault having been proved. With what is also conformable to the last Royal Order of the 2d of January of the current Year, which exacts the fixing of the Place whence the Ship sailed from the African Coast, and from the examination of the Diary of its Voyage by the Commandant of Marine, there is no suspicion or motive for the idea, that the Ship conducted Negroes on board, or disembarked them clandestinely. From the Verbal Process which has been instituted, it does not appear that the Schooner *Minerva*, comes from the Coast of Africa; far from it, as the information of the Captain-Commandant-General of the Registers in this Port, after seeing and examining the Ship's Diary, Roll, and Patent, affirms the contrary, and 24 Witnesses assert, that it did not conduct Negroes on board of illicit traffick. If to this be added, the probability of the fact, as to their having been publicly introduced and disembarked in this Port, by that Ship, whereof it is accused, it must necessarily follow that there are no grounds to proceed to any other investigation in conformity with what is enacted in the said Treaty, and last Royal Order quoted. The only Witness who declares that he saw the Negroes which had been disembarked from the *Minerva* Schooner, sailing in Boats about a quarter past 11 at night, the Officer in His Britannick Majesty's Service, Mr. Nott, has against him the whole evidence of that great number of Witnesses (among whom are two Officers of our Royal Navy, for which cause they deserve a similar exception;) and 2 other Witnesses, whom he calls to strengthen his Evidence, are opposed to him in the main point of the matter in reference, and do not determine which was the Ship, or if the Negroes seen were newly imported Africans. Grounding his judgment on all these facts, the Fiscal is of opinion that it should be declared, that there is no room for further investigation, in conformity with what is enacted in the Royal Order of the 2d of January in this Year, taking off the embargo and interdict from the Schooner; that the bundle of Papers on the business be transmitted to the Most Excellent the Captain-General, in an Official Letter communicating to him this determination for the purposes corresponding; and that having 3 Copies of the same certified, one may be placed in the Archives, one in the Secretaria, and one be sent to the King our

Lord, for the measures necessary, to the end that the affair being laid before the high consideration of His Majesty, he may deign to command whatever may be His Royal Pleasure; nevertheless you, Sir, may determine, if you have other views, whatever you may think most advisable.

FRANCISCO DE CALVO.

*The Judge Auditor of War and Marine.*

(53.) *Opinion of the Judge Auditor of War and Marine.*

*Habana, 27th September, 1826.*

I HAVE seen this Process for the second time, and have particularly attended to it; and the result is conformable to what I communicated to his Excellency the Governor and Captain-General of this faithful Island in my Official Letter of the 17th of August of the present Year, which is placed in the first page, to which further measures to forward the necessary business shall not be wanting, all which have been enjoined by the Commandant-General of Registers, in this always most faithful Capital, viz. the Captain of the Royal Navy, Don Joze Alcala, the Officer charged with the formation of the said Cause, Don B. M. Pacheco, Lieutenant of the Navy, and Adjutant of this Office of Registers, and the Fiscal of the Royal Junta of Revision of Marine, Don F. Calvo; and it is my opinion that the Case should be submitted to the said Most Excellent Captain-General, and reply be made to his Letter of the 17th August last, and also the original bundle of Papers on the business be sent to him, after 3 Copies have been made, one for the Archives, another for the Secretaria, and the third for the King our Lord, for His Sovereign determination; and I find no impediment to decreeing, that the embargo now on the Spanish Schooner *Minerva*, may be taken off from the Proprietor of her, provided that he gives security to the amount of his Bail, to answer the results of this Process.

ANTONIO PONCE DE LEON Y MORATO.

(54.) *Don Juan Baptiste Topete to the Captain-General of Cuba.*

MOST EXCELLENT SIR,

*Habana, 17th November, 1826.*

IN reference to the further Opinion of the Judge Auditor of War and Marine, whereby he confirms to me his former Opinion, I direct to your Excellency the original Verbal Process, formed in consequence of the Accusation brought by the Commissioners of the Mixed British Commission against the Captain and First Pilot of the Merchant Spanish Schooner *Minerva*, accusing them of having introduced, and furtively disembarked in this Port, a portion of Negroes from Africa, of the illicit Trade, to the end that your Excellency may inform yourself as to the result, and in reply to the Official Letter of your Excellency of the 17th August last.

God preserve your Excellency, &c.

JUAN BAPTISTE TOPETE.

*The Most Excellent the Captain-General of Cuba.*



*(55.) Decree of the Captain-General of Cuba.**Habana, 18th November, 1826.*

LET this Official Letter, with the Verbal Process accompanying it, and all the foregoing Papers on the business, be referred to the Oidor, the Auditor-General of War.

VIVES.

*(56.) Opinion of the Auditor-General of War.*

EXCELLENT SIR,

*Habana, 22d November, 1826.*

THE Auditor has examined the Verbal Process sent to him by the Commandant-General, wherein the nicest investigation is developed, as to the Spanish Merchant Schooner *Minerva*, having brought on board and disembarked in this Port, African Negroes, and from which it results, and is clearly proved, that no such introduction of Negroes took place, or embarkation of them was effected, according to the opinion of the Commandant-General of the Registers of Seamen, the Captain of the Royal Navy, Don Jose de Alcala, of the Officer commissioned with its formation, the Adjutant of the said Registers, Don B. M. Pacheco, of the Fiscal of the Royal Junta of revision of Marine, Don F. de Calvo, and of the Commandant-General, with the opinion of the Auditor-General of Marine; and not having found cause of suspicion, the said Commandant-General finds no impediment to your Excellency acting in conformity with the Royal Order of the 2d of January of this Year. At the same time, the Auditor has had under his inspection the foregoing Papers on this business, and the Official Communications between your Excellency, the British Commissioners, and the Commanders of the Ships of War of that Nation. Every thing which your Excellency explained to His Majesty, in your Representation of the 29th of last August, has been corroborated by the result of the present Information and Process, of which the King our Lord should be made acquainted in your Excellency's first Communication, that He may be pleased to resolve whatever may most meet His Royal Pleasure. Your Excellency, however, will act as you think best.

FELIPE MARTINEZ.

*(57.) Decree of the Captain-General of Cuba.**Habana, 24th November, 1826.*

LET what is expressed in the foregoing Opinion be carried into effect, as I conform myself thereto.

VIVES.

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THIS is conformable to the original bundle of Papers which was delivered to me from the Office of the Captain-General, whither I again carried the same, and to which I refer; and in compliance with what is

ordered, I have drawn up the present, in the most faithful City of the Habana, on the 5th of December, 1826.

MANUEL DE LA TORRE.

A true Copy.

EL CONDE DE LA ALCUDIA.

London, 14th August, 1827.

No. 21.—*The Conde de la Alcudia to Viscount Dudley.*

(Translation.)

Portland Place, 31st August, 1827.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Catholick Majesty, has the honour, by Order of his Government, to transmit to his Excellency Viscount Dudley, His Britannick Majesty's Principal Secretary of State for Foreign Affairs, Copies of the Examinations, or Verbal Processes, instituted to ascertain whether, as was asserted by the English Commissioners at The Havannah, the *Dichosa*, and *Maria Isabel*, Spanish Merchant Vessels, proceeding from the Coast of Africa, had landed Slaves in the Island of Cuba. From these Documents the English Government will be able to discover that not the least trace of any such fact has been found, but that the contrary has been legally proved.

It is not the object of the present Communication to found a formal complaint upon the subject, but to afford a fresh proof that the Spanish Government is in the right, on this occasion.

The Undersigned repeats, &c.

H. E. Viscount Dudley.

CONDE DE LA ALCUDIA.

(Enclosure 1.)—*Verbal Process commanded to be instituted to investigate the conduct of Don Baltazar Cardell, Captain of the Spanish Merchant Brig Maria Isabel, whom the British Gentlemen of the Mixed Commission have accused, as suspected of having improperly introduced, on his last Voyage, African Negroes of the illicit Trade, into the Ports of this Island.*—(Translation.)

(1.) *The Captain-General of Cuba to the Commandant-General of Marine.*

MOST EXCELLENT SIR,

Habana, 24th July, 1826.

I ADDRESS to your Excellency the Translation of the Official Letter of Messrs. H. T. Kilbee, and W. S. Macleay, Judges of the Mixed Commission, in order that, after due consideration of what they set forth, you may be pleased to direct what you may deem proper in the affair of the Brig *Maria Isabel*, and the Schooner *Santo Christo de la Salud*, alias *La Dichosa*, in ballast, coming from St. Thomas, accused of having disembarked Negroes which it had on board, on the Coasts of this Island.

God preserve you, &c.

The Commandant-General of Marine.

VIVES.

(2.) *The British Commissioners to the Captain-General of Cuba.*

SIR,

*Havannah, 22d July, 1826.*

SINCE we had last the honour of addressing your Excellency, we have observed the arrival of 2 Spanish Ships, announced in the publick Papers as having arrived in ballast, coming from St. Thomas, which, it is well known, had previously disembarked Cargoes of Negroes on the Coasts of this Island. The names of these Ships are, the Brig *Maria Isabel*, and the Schooner *Santo Christo de la Salud*, alias *La Dichosa*. This last was boarded, a few days ago by a British Cruizer, but was not detained, because the Commanding Officer saw that he could not produce legal proof that it had disembarked a Cargo of Slaves, although he was well convinced of the fact. We believe it to be our duty to represent these Cases to our Government, of which we now have the honour to apprise your Excellency.

We avail ourselves, &amp;c.

H. T. KILBEE.

*His Excellency the Captain-General.*

W. S. MACLEAY.

(3.) *Nomination of Don Francisco Mosquera as Notary.**Habana, 1st August, 1826.*

IN virtue of the preceding Documents, I proceed to institute a Verbal Process, to investigate the facts to which these Papers refer, and it being my duty to nominate a Notary, I select the Artilleryman, Francisco Mosquera, in preference, who, admonished of the duty which he contracts, accepts, swears, and promises, under the legal oath, to preserve faithfully and secretly all that he transacts in his Office; that all of which may appear he has signed this Paper with me.

F. MOSQUERA.

B. M. PACHECO.

(4.) *The Adjutant of the Registers to the Commandant-General of Registers.*

EXCELLENT SIR,

*Habana, 3d August, 1826.*

IN consequence of the Decree of your Excellency, directing proceedings to be adopted, in order to try the Captain of the Merchant Spanish Brig *Maria Isabel*, Don Baltasar Cardell, for the reasons expressed in the Documents to which the aforesaid Decree refers; I have ascertained, extrajudicially, that the said Ship was sold some time ago in this Port, its Crew discharged, and its Captain retired to some distance, and, while I continue my Official researches, in order to find out the said Individuals, it appears necessary to suspend the Bail of the Patent of the aforesaid *Maria Isabel*, until the said Captain Cardell acquits himself from the accusation made against him by the Gentlemen of the Mixed Commission, as to having on board African Slaves of the illicit trade; and I inform you of this, that you may be pleased to notify, officially, to the Commandant of Registers in Cadiz what is necessary, so that the Bail of the Patent of the said Ship may

be suspended, until he hears that the matter is concluded, and this, because the Ship was fitted up for its expedition in that Port.

God preserve you, &c.

*Don Joze Alcala.*

B. M. PACHECO.

(5.) *The Commandant-General of the Registers to the Adjutant of the Registers.*

EXCELLENT SIR,

*Habana, 3d August, 1826.*

IMMEDIATELY on receiving the Order, which, in the Letter of his Excellency the Captain-General and Governor, was transmitted by the Brigadier of the Royal Navy, Commandant-General of Marine on this Station, Don Angel Laborde, dated 1st instant, I proceeded to examine the state of the Brig *Maria Isabel*, since its arrival in this Port, and having found that its Bail of Patent, and other Documents, had been inspected, in consequence of the Ship having been sold, a Certificate being given to suspend the Bail in Cadiz, whence it sailed, I wrote officially to the Commandant of Registers at Cadiz, that he might not take off the suspension of the Bail of Patent, till further orders from me, as you requested me to do in your Letter of this date, to which I reply.

God preserve you, &c.

*Don B. M. Pacheco.*

JOZE DE ALCALA.

(6.) *The Adjutant of the Registers to Messrs. Reynolds, Garcia & Co.*  
GENTLEMEN,

*Habana, 7th August, 1826.*

As I am informed that Don Baltazar Cardell was concerned with you, Gentlemen, in partnership, I hope you will be pleased to inform me, not only of the abode of Captain Cardell, aforesaid, but also of the Pilots, Mariners, and other Persons composing the Crew of that Ship, prior to its having been sold, in order that the business entrusted to me may be expedited by means of the said Individuals; which I have not as yet been able to effect, in consequence of not having succeeded in discovering the residence of the said Persons, subsequently to their dispersion.

God preserve you, &c.

*Messrs. Reynolds, Garcia, and Co.*

B. M. PACHECO.

(7.) *Messrs. Reynolds and Co. to the Adjutant of the Registers.*

EXCELLENT SIR,

*Habana, 8th August, 1826.*

DON B. CARDELL, and the Mate of the Brig *Maria Isabel*, which entered this Port in ballast, coming from Cadiz and St. Thomas, embarked, as we have heard, on their return to the former Place, in the American Ship *Orize*, dispatched by Messrs. Lopez, Brothers, of this Commerce, leaving the account opened with us entirely concluded, that being solely reduced to the sale which, by publick notice, was made of the Ship; but we cannot declare the abode of his Crew, who were all



paid and discharged by the said Captain Cardell; which is all that we can say in the matter, in reply to your Letter of the 7th instant.

God preserve you, &c.

*Don B. M. Pacheco.*

REYNOLDS & CO.

(8.) *First Citation of the Captain and Crew of the Brig Maria Isabel, published in the "Diario de la Habana," Sunday, 13th August, 1826.*

*Habana, 12th August, 1826.*

DON B. M. PACHECO, Lieutenant of the Royal Navy and Adjutant of the Registers. By this present, I cite and call upon the Captain of the Spanish Merchant Brig *Maria Isabel*, Don Baltasar Cardell, which, coming from St. Thomas, entered this Port on the 3d day of July last, the Pilots, Mates, Mariners, and other Classes, composing the Crew of the said Ship, from Captain to Cabin-boy, as they appear on its Roll, that within 8 days, reckoning from the date of the last Notice, they may appear in the Office of the Commandant of Registers, to give their respective Declarations in the Trial now forming, by order of the Commandant-General of Marine of this Station, to investigate the conduct of the said Captain Cardell, whom the Gentlemen of the Mixed Commission suspect of impropriety during his Voyage in that Ship, by introducing Negroes from Africa into this Island, in illicit trade, which is more clearly set forth in the Documents which head this Cause; and that this may come to the knowledge of the said Individuals, and that they may appear as cited, it is published in this manner, in consequence of the researches put into practice, to obtain their appearance, having proved ineffectual. B. M. PACHECO.

(9.) *Second Citation of the Captain and Crew of the Brig Maria Isabel, published in the "Diario de la Habana," Tuesday, 15th August, 1826.*

*Habana, 12th August, 1826.*

DON B. M. PACHECO, &c. By this present, I cite and call upon the Captain of the Spanish Merchant Brig *Maria Isabel*, Don Baltasar Cardell, &c.

[In the same words as the First Citation.]

B. M. PACHECO.

(10.) *Third Citation of the Captain and Crew of the Brig Maria Isabel, published in the "Diario de la Habana," Wednesday, 16th August, 1826.*

DON B. M. PACHECO, &c. By this present I cite and call upon the Captain of the Spanish Merchant Brig *Maria Isabel*, &c.

[In the same words as the First Citation.]

B. M. PACHECO

(11.) *The Adjutant of the Registers to the Commandant-General of Registers.*

EXCELLENT SIR,

*Habana, 16th August, 1826.*

I SEND to you the Proceedings taken for the purpose of forming the proper Verbal Process against the Captain of the Brig *Maria Isabel*, to which your Decree of the 1st instant refers, in order that, if it belongs to your Station immediately to examine the 12 Sailors who are named in the annexed Note, and who belonged to the Crew of the *Maria Isabel*, and now are probably preparing to sail in the division of Ships of War, to which, in all probability, they are now attached, you may take steps for that effect before the expiration of 8 days.

God preserve you, &amp;c.

*The Commandant-General of Registers.*

B. M. PACHECO.

(12.) *List of the Crew of the Brig Maria Isabel.*

Francisco Ramos.

Antonio Fernandez.

Manuel Garcia.

Antonio Marques.

Teodoro Dominguez.

Manuel Rodriguez.

Pedro Plaza.

Antonio Ranca.

Aniceto Segura.

Joze Falsero.

Tomas Perez.

Antonio Manuel.

MARQUES PACHECO.

*Habana, August 16, 1826.*(13.) *The Commandant-General of Registers to the Commandant-General of Marine.*

EXCELLENT SIR,

*Habana, 16th August, 1826.*

I ANNEX the Proceedings which, in compliance with the Decree of your Excellency, contained in the Official Letter of the Governor and Captain-General of this Island, have been commenced by the Navy Lieutenant, Don B. M. Pacheco, Adjutant of the Office under my charge, in the matter of the Brig *Maria Isabel*, for the arrangements of your superior pleasure thereon.

God preserve you, &amp;c.

*Don Angel Laborde.*

JOZE DE ALCALA.

(14.) *The Judge Auditor of War and Marine to the Commandant-General of Marine.*

EXCELLENT SIR,

*Habana, 19th August, 1826.*

BY the exposition of the Officer charged with the formation of these Proceedings, in his Official Letter, which accompanies this, replying to the one which you, Sir, addressed to the Navy Captain, Commandant of the Registers of Seamen, in this ever most faithful City, dated 16th of the present month, stating that the 12 Individuals comprehended in the list enclosed, are employed in the Royal Service of the Ships of the Division anchored in this Bay, which are ready to set sail; in conse-

quence it is my opinion that you can command, through the Major-General, that the residence of each of these Individuals may be found out, in order that they may present themselves before the said Officer, to be privately examined on the business alluded to, transmitting, for that purpose, the Proceedings. A. P. DE LEON Y MORATO.

*The Commandant-General of Marine.*

(15.) *Deposition of Manuel Estremadura, Gunner of the Brig Maria Isabel.*

HAVING come, in consequence of the Advertisement in the *Diario*, and being sworn, on the 22d day of the month of August of the present Year, he set forth his name, and being asked where he was enrolled in the said Ship, in what Situation, what Cargo they took, and whither they were bound? he said, that he was enrolled in the City of Cadiz, as a Gunner, from which Port they exported produce of the Country, bound to St. Thomas, where they remained more than a Month, as he conceives, at the expiration of which time, they set sail, destined for this Port, in ballast, without having touched at any of the intermediate ones in their passage:—asked, if he had obtained any intelligence of the abode of the Captain, Pilots, and other Individuals of the Crew of the said Ship, and if it be certain, that in the said Ship were brought Negroes of the illicit trade, who were introduced at this or other Ports of the Island? he said, that he knows that the Captain, Pilots, and other Individuals of the Brig, went to Cadiz, a few days after their arrival in this Port, in consequence of having sold their Ship, wherein no Negroes were ever brought, as he is interrogated, nor was any other Cargo imported or exported, except that mentioned at the beginning; that all this is the truth, which he affirms and ratifies on his oath, signing it (with the mark of the Cross,) and the Fiscal and present Notary doing the same.

His  
X  
Mark.

MANUEL ESTREMADURA.

(16.) *Deposition of Franco Godos, Constable of Artillery, of the Brig Maria Isabel.*

SWORN as the rest, on the same day, and asked, where he was enrolled in the said Ship, in what Situation, what Cargo they took, and whither they were bound? he said, that he was enrolled in the City of Cadiz, as the Constable of Artillery, from which Port they exported produce of the Country, bound for St. Thomas, where they arrived, and remained about 40 days, as he thinks, after which time they set sail for The Havannah, in ballast, without having touched at any of the intermediate Ports in their aforesaid Voyage:—asked, if he had obtained any intelligence of the abode of the Captain, Pilots, and other Individuals of the Crew of the said Ship, and if it be certain that Negroes were brought in the said Ship in illicit traffick, and introduced at

this or other Ports of the Island? he said, that he knows that the Captain, Pilots, and other Individuals of the Brig, went to Cadiz a few days after their arrival in this Port, in consequence of having sold their Ship, wherein no Negroes were ever brought, as he is interrogated; nor was any other Cargo imported or exported, except that of goods and ballast, set forth in the beginning, either in the first or second Voyage: all which is the truth on his oath.

FRANCO GODOS.

(17.) *Deposition of Fernando Japon, Carpenter of the Brig Maria Isabel.*

SWORN as the rest, on the same day, and asked, where he was enrolled in the said Ship, in what Situation, what Cargo they took, and whither they were bound? he said, that he was enrolled in the City of Cadiz as a Carpenter, from which Port they exported goods, the produce of the Country, bound to St. Thomas, on their arrival at which Place they remained a considerable time, and having departed, after taking in ballast, they steered to this Port, without having touched at any of the intermediate ones in their route:—asked, if he had obtained any intelligence of the abode of the Captain, Pilots, and other Individuals of the Crew of the said Ship, and if it be certain that in the said Ship Negroes of the illicit trade were brought, who were introduced by this or other Ports of the Island? he said, that he knows that the Captain and other Individuals of the Brig went to Cadiz shortly after reaching this Port, in consequence of having sold their Ship, wherein no Negroes were ever brought, as he is interrogated, still less landed in this or in any other Port of the Island, inasmuch as the Ship went her first Voyage with goods of the Peninsula, and performed her second in ballast, as above stated: all of which is the truth upon his oath.

FERNANDO JAPON.

(18.) *Deposition of Antonio Fernandez, a Seaman of the Brig Maria Isabel.*

SWORN as the rest, on the same day, and asked, where he was enrolled in the said Ship, in what Situation, what Cargo they took, and whither they were bound? he said, that he was enrolled in the City of Cadiz as a Seaman, from which Port they exported produce of the Country, bound to St. Thomas, where they remained in his opinion 40 or 50 days, at the expiration of which time they set sail, destined for this Port, in ballast, without having touched at any of the intermediate Places on their passage:—asked, if he had obtained any intelligence of the abode of the Captain, Pilots, and other Individuals of the Crew of the said Ship, and if it be certain that in the said Ship Negroes were brought in illicit traffick, and introduced at this or other Ports of the Island? he said, that he knows that the Captain, Pilots, and other Individuals of the Brig went to Cadiz a few days after their arrival in



this Port, in consequence of having sold their Ship, wherein he never saw Negroes, nor heard that they were introduced in illicit traffick at this or any other Port of the Island, inasmuch as both the first and second Voyages were performed in the manner set forth in the beginning of this Deposition : all which is the truth on his oath.

ANTONIO FERNANDEZ.

(19.) *Deposition of Francisco Ramos, a Seaman of the Brig Maria Isabel.*

SWORN on the 23d said month and Year as the rest, and asked, where he was enrolled in the said Ship, in what Situation, what Cargo they took, and whither they were bound ? he said that he was enrolled in the City of Cadiz, as a Seaman, from which Port they sailed with Peninsular produce, bound for St. Thomas, where they remained, as he conceives, 2 Months, more or less, whence they sailed, in ballast, for this Port, without having touched at any of the intermediate Places on the Voyage:—asked, if he had obtained any intelligence of the abode of the Captain, Pilots, and other Individuals of the Crew of the said Ship, and if it be certain that in the said Ship Negroes were brought in 'illicit traffick, and introduced by this or other Ports of the Island ; he said, that he knows nothing of the abode of the said Captain and Individuals of the Crew of the said Ship, and that he never saw any Negroes in the said Ship, nor heard that any such were introduced from it at any of the Ports of this Island : that all this is the truth, on his oath.

FRANCISCO RAMOS.

(20.) *Deposition of Aniceto Segura, a Seaman of the Brig Maria Isabel.*

SWORN on the same day as the rest, and asked, where he was enrolled in the said Ship, in what Situation, what Cargo they took, and whither they were bound ? he said, that he was enrolled in the City of Cadiz, as a Seaman, from which Port they exported Peninsular produce, bound to St. Thomas, where they remained 2 months, at the expiration of which time they set sail, in ballast, for the Habana, without having touched at any of the intermediate Ports on their passage : —asked, if he had obtained any intelligence of the abode of the Captain and Crew of the said Ship, and if it be certain that in the said Ship Negroes were brought in illicit commerce, and introduced by this or other Ports of the Island ? he said, that he knows nothing of the said Captain or Crew, and that no Slaves were brought or landed by the said Ship, as he repeats they left St. Thomas in ballast, entering this Harbour in that same manner : all which is the truth, on his oath.

ANICETO SEGURA.

(21.) *Deposition of Pedro Plaza, a Seaman of the Brig Maria Isabel.*

SWORN on the same day as the rest, and asked, where he was enrolled in the said Ship, in what Situation, what Cargo they took, and whither they were bound? he said, that he was enrolled in Cadiz, as a Seaman, whence they exported goods of the Country, bound to St. Thomas, where they remained 2 Months, at the expiration of which time they set sail, in ballast, for this Port, without having touched at any intermediate one on their Voyage:—asked, if it be certain that Negroes were brought in the Ship, aforesaid, and landed in this or any other Port of the Island? he said, that he neither saw Negroes in the Ship aforesaid, nor heard that any such had been landed in this or in any other Port: all which is the truth, on his oath.

PEDRO PLAZA.

(22.) *Deposition of Tomas Perez, a Seaman of the Brig Maria Isabel.*

SWORN as the rest, on the same day, and asked, where he was enrolled in the said Ship, in what Situation, what Cargo they took, and whither they were bound? he said, that he was enrolled in the City of Cadiz, as a Seaman, from which Port they exported produce of the Country, bound to St. Thomas, where they remained, in his opinion, 2 months, or thereabouts, at the expiration of which time they sailed, bound to this Port, in ballast, without having touched at any of the intermediate ones in their Voyage:—asked, if it be certain that Negroes were brought in the Ship aforesaid, and landed in this, or any other Port of this Island? he said, that he neither saw Negroes therein, nor heard that they were landed therefrom in this or any other Port, inasmuch as the Voyage to this Place, as before stated, was performed in ballast, without touching at any intermediate Port: all which is the truth, on his oath.

TOMAS PEREZ.

(23.) *Deposition of Antonio Marques, a Seaman of the Brig Maria Isabel.*

SWORN as the rest, on the same day, and asked, where he was enrolled in the said Ship, in what Situation, what Cargo they took, and whither they were bound? he said, that he was enrolled in the City of Cadiz, as a Seaman, from which Port they exported produce of the Peninsula, bound to St. Thomas, where they remained, in his opinion, 2 months, at the expiration of which period they sailed for this Port, in ballast, without having touched at any of the intermediate Harbours on their passage:—asked, if he had obtained any intelligence of the abode of the Captain, Pilots, and other Individuals of the Crew of the *Isabel*, and if it be certain that in the said Ship Negroes were brought in illicit Traffick, and introduced at this, or

other Ports of this Island? he said, that he knows not the abode of the Individuals about whom he is asked, and that he never saw Negroes in the Ship, or heard that they were introduced in illicit Traffick at this, or any other Port : all which is the truth, on his oath.

ANTONIO MARQUES.

(24.) *Deposition of Jose Falsero, a Seaman of the Brig Maria Isabel.*  
(The Deposition of this Person is *verbatim* the same as the last.)

(25.) *Deposition of Antonio Fernandez, of the Brig Maria Isabel.*  
(*Verbatim* the same as the last.)

(26.) *Deposition of Manuel Garcia, a Seaman of the Brig Maria Isabel.*  
(*Verbatim* the same as the last.)

(27.) *Deposition of Antonio Manuel, a Seaman of the Brig Maria Isabel.*  
(*Verbatim* the same as the last.)

(28.) *Deposition of Teodoro Dominguez, a Seaman of the Brig Maria Isabel.*  
(*Verbatim* the same as the last.)

(29.) *Deposition of Antonio Ranca, a Seaman of the Brig Maria Isabel.*  
(*Verbatim* the same as the last.)

(30.) *Report of the Adjutant of the Registers, in the Case of the Brig Maria Isabel.*

*Habana, 26th August, 1826.*

FIFTEEN Depositions, from as many Individuals of the Crew of the Spanish Brig *Maria Isabel*, form the proof in this proceeding ; proving that the expedition of that Ship was formed in the Port of Cadiz, whence it sailed, exported Peninsular produce, destined to St. Thomas ; that, in effect, having arrived at that Place, they remained there 2 months, bargaining for their merchandize, and left for this Port in ballast, in which manner they arrived here ; and after a few days, having sold the Ship according to order, and Captain Cardell, not having been accused of any irregularity in respect of his Voyage, returned to the Port of his departure, without obstacle or inconvenience, undoubtedly to give an account of his Commission to the Capitalists, Masters and Freighters of the Vessel. It does not appear in any way that the said Brig *Maria Isabel*, was on the Coast of Africa, nor that the Slaves spoken of were brought in her to, or landed by her in, any of the Ports of this Island, inasmuch as the last Port she touched at was St. Thomas, and this of the Habana was her Port of arrival, without its being proved that she touched at any of the intermediate Ports, where it might be suspected that she had taken in Negroes, and, even, had she so touched, it could never amount to more than a supposition.

Certain it is, that the Captain, Don Baltasar Cardell, charged as culpable in this affair, has not appeared in judgment, inasmuch as he could not do so; but if we recur to the uncertainty of the testimony, looking at the proofs already given, he must be pronounced to be innocent: a fact declared by all the Witnesses present, who give account of all his actions, and no other testimony is against him but the accusation of the British Commissioners. For the same reasons just mentioned, it has been impossible to examine the Diary of Navigation of Cardell, and although the inspection of it is, in my opinion, out of the construction of the Royal Order of the 2d of January of the present Year, if its literal meaning be attended to, because the Ship never appears to have come from the *Coast of Africa*, nevertheless, that Diary would have been inspected from an anxiety to fulfil the sovereign commands, and to see if any indication could be found to warrant the accusation of the British Commissioners, made assuredly for the cause of humanity. The Royal Patent of Navigation, and Roll of the *Isabel*, which I now have before me, contain nothing to invalidate the testimony of the Witnesses, but, on the contrary, go to prove all their declarations. In consequence of all which, in my judgment, I conceive that, for the present, Don Baltasar Cardell, late Captain of the Spanish Merchant Brig *Maria Isabel*, is free from the charge which has given rise to these proceedings. But, nevertheless, as it is impossible to accomplish legally the two circumstances indicated in Paragraphs 3d and 4th of this Report, either in original or by testimony, this bundle of Documents ought to be sent to the Captain-General of the Department of San Fernando, and also a Copy of the said Royal Order, in case it should not have been communicated to him, that he may be pleased to complete the Proceedings, which cannot be done here, and send them, when finished, to our Lord the King, for the resolution of His Sovereign Pleasure, for although this way of proceeding is, in some degree, opposed to the spirit of the Royal Order aforesaid, lest it should be held to be an extraordinary Case, and one unexplained in the Royal Order, it appears to me that there will be no difficulty in adopting this measure, in as much as it has been impossible to give the corresponding illustration to the business, since the supposed culprit is in the same place where the last cognizance was taken of the fact: in this state I place it in your hands, Sir, for the corresponding effects.

B. M. PACHECO.

(31.) *The Commandant-General of the Registers to the Commandant-General of Marine.*

EXCELLENT SIR,

Habana, 29th August, 1826.

I SEND to you the Proceedings instituted by the Navy Lieutenant, Don B. M. Pacheco, Adjutant of this Commandancy under my charge,



that you may be pleased thereupon to order whatever may be your supreme pleasure. God preserve, &c.

*The Commandant-General of Marine.* JOZE DE ALCALA.

(32.) *Decree of the Auditor of War and Marine.*

*Habana, 30th August, 1826.*

LET this bundle of Papers be sent for the information of the Commandant-General of Marine Registers, in this always most faithful City of the Habana, that he may declare what he may deem necessary on its merits and statements, and that done, let it be sent to the Oidor Honorary Fiscal of this Station, to be considered by him.

*The Commandant-General of the Registers.* PONCE DE LEON.

(33.) *The Commandant-General of the Registers to the Auditor-General of Marine.*

EXCELLENT SIR,

*Habana, 31st August, 1826:*

THE present Proceedings to investigate the conduct of Don Baltasar Cardell, late of the Spanish Merchant Vessel *Maria Isabel*, having been examined, as to his last Voyage, from his leaving this Port, till his return to it, on the 3d of July preceding, and in the same manner, the Patent and Roll of the said Ship, having been most scrupulously examined, which are both deposited in the Office of these Registers under my charge, I find the whole conformable to, and agreeing with, the scrupulous Report produced by the Officer charged with the formation of the Verbal Process, and also with the Opinion of the said Officer, placed at the end of the said Report; and nothing appearing to me necessary to add, I return it to the hands of your Excellency for the measures necessary to be definitively taken.

*The Auditor-General of Marine.*

JOZE DE ALCALA.

(34.) *Certificate of the Notary.*

ON the 20th day of the month of September, said Year, I the Undersigned Notary, attest that the Oidor Fiscal of Marine, Don Manuel Coimbra, has returned this bundle of Papers, in consequence of the sickness under which he labours, to the end that the Commandant-General may be pleased to appoint and select a Lawyer of his confidence, to whom the pending opinion being submitted he may pass Sentence; for which reason the Fiscal of the Cause delivered the Papers to the Commandant-General, which has actually taken place.

FRANCISCO MOSQUERA.

(35.) *The Commandant-General of Registers to the Commandant-General of Marine.*

EXCELLENT SIR,

*Habana, 21st September, 1826.*

I ENCLOSE to you the Verbal Process, ordered to be instituted to investigate the conduct of Don Baltasar Cardell, Captain and First

Pilot of the Spanish Merchant Brig *Maria Isabel*, in consequence of the Oidor Fiscal of this Station not having been able to fulfil his duty, by reason of sickness, under which he now suffers, as is shewn by the Certificate of the Notary of the Cause, that you may be pleased to select a Lawyer, who may fulfil the functions of Fiscal, in consequence of the inability of the Person holding that Office. God preserve, &c.

*The Commandant-General of Marine.*

JOSE DE ALCALA.

(36.) *Opinion of the Fiscal.*

*Habana, 25th September, 1826.*

THE Fiscal states, that some time after the Spanish Merchant Brig *Maria Isabel*, proceeding from Cadiz and St. Thomas, had arrived here, and her Captain, Don Baltasar Cardell, had returned, and his People dispersed, information was received, by a Communication from the Captain-General, that the Gentlemen of the Mixed Commission, H. T. Kilbee and W. S. Macleay, Judges thereof, had accused him of having brought his Vessel to this Port, after having disembarked a Cargo of Negroes on the Coast of this Island. On this information solely, deprived of every other proof, or appearance of it, the Verbal Process was proceeded with, as is manifested in this Proceeding, merely in consideration of the high respect and strict observance due to the Treaty between His Majesty the King our Lord, and the King of Great Britain, although the Case is not included in its Articles, nor even in the Royal Order of the 2d of January last, inasmuch as the Brig *Maria Isabel*, neither came from the Coast of Africa, nor were data afforded to cause it to be strongly suspected of having brought Negroes, or introduced them, in illicit traffick. Nevertheless, every step has been taken to enquire into the truth of the fact of criminality alleged, by examining that part of the Crew which could be got at, and also the Royal Patent and Roll, which were placed in this Commandancy of Registers; but, far from the slightest proof of criminality being adduced, it appears evident that the Ship proceeded from the Port of Cadiz, exporting Peninsular produce which was sold in St. Thomas, and that, from that last Port it sailed to that of the Habana, without touching at any of the intermediate Places, where at least its traffick in the Slave-trade might be presumed. There is no doubt that the Captain was not present, and that no examination of the Diary of his Navigation took place, on account of his having returned to Cadiz, by reason of the sale of his Vessel; and, although further enquiry in this Case appears unnecessary, as not being comprehended in the Royal Order aforesaid, notwithstanding the measure may be adopted, which is proposed by the Officer charged with the Process, for the final result thereof. In this conviction, the Fiscal is of opinion, that, 3 certified Copies of these Papers being taken, 1 for the Archives, another for the Secretaria, and the third in Duplicate, information may

be given to the Captain-General of the Department of San Fernando, also accompanied by a Copy of the Royal Order of last January, to the end that the Examination of Captain Cardell having been gone through, and his Diary inspected, his Excellency may inform the King our Lord of all the Case, for His Sovereign determination; and that also, by the Original thereof, information may be sent to the Captain-General of this always most faithful Island, as to the result of the business, for the corresponding purposes. However, you will determine what you may judge to be best.

DE CALVO.

(37.) *Opinion of the Auditor of War and Marine.*

*Habana, 27th September, 1826.*

THE Auditor has again examined these Papers with the attention they deserve, and is persuaded that the object is fulfilled which was proposed by the Captain-General in his Letter, dated 24th July last, placed in the first page of these Papers, to which other proceedings are not wanting to increase the necessary substantiation, which is agreed in by the Principal Commandant of the Registers of Seamen in this most faithful Capital, the Navy Captain, Don Joze Alcala, in his information; by the Officer charged with the investigation, the Navy Lieutenant and Adjutant of the said Commandancy of Registers, Don B. M. Pacheco, in his Report and Judgment; and by the Fiscal of the Royal Junta of Revision of this Marine, Don F. de Calvo, in his antecedent Representation; except it be by the declaration on oath of Don Baltasar Cardell, late Captain of the private Spanish Brig *Maria Isabel*, absent, as is said, in the City of Cadiz. It is my opinion that you may order the said Captain-General's Letter of 24th July of this Year to be answered, enclosing to him this Original Process, after having taken 3 Copies, one for the Archives, one for the Secretaria of the Commandancy-General, and the other to be transmitted in duplicate to our Lord the King, through the proper medium, that he may command thereupon, according to His Sovereign determination.

ANTONIO PONCE DE LEON Y MORATO.

(38.) *Don J. B. Topete to the Captain-General of Cuba.*

MOST EXCELLENT SIR,

*Habana, 23d November, 1826.*

IN conformity with the opinion of the Auditor of War and Marine, I address to your Excellency the original Verbal Process, instituted to investigate the conduct of the Captain and First Pilot of the Spanish Merchant Brig *Maria Isabel*, in consequence of the complaints made by the Gentlemen of the British Mixed Commission, accusing him of improper use of his last Voyage, by introducing into Ports of this Island, Negroes of the illicit Slave-trade, in reply to your Official Letter of the 24th of July last, to the end that you may inform yourself of the result.

God preserve you, &c.

*The Most Excellent the Capt.-General.* JUAN BAPT. TOPETE.

(39.) *The Auditor-General of War to the Captain-General.*

MOST EXCELLENT SIR,

*Habana, 27th November, 1826.*

THE accusation made by the Gentlemen of the British Mixed Commission to your Excellency, namely, by H. T. Kilbee and W. S. Macleay, as to the Spanish Brig *Maria Isabel* having entered this Port in ballast, from St. Thomas, after having disembarked the Negroes it carried on board on the Coasts of this Island, was transmitted by your Excellency to the Commandant-General of this Station. The investigation having been entered upon by the Authority charged with that business, and commenced, notwithstanding that the Ship had no appearance of having come from the Coast of Africa, the most complete proof has resulted from the Proceedings in the Tribunal of Marine, that not the slightest evidence exists to substantiate the crime alleged. In this idea, and for the reasons stated by the Auditor in the similar Proceedings of the Schooner *Dichosa*, and the Schooner *Minerva*, it is advisable that, the evidence on this Case being collected, it may be sent, together with that on the two aforesaid Schooners, to give information to His Majesty, for His Sovereign determination. Your Excellency, nevertheless, will do what you judge to be best.

*His Excellency the Captain-General.*

FELIPE MARTINEZ.

(Enclosure 2.)—*Verbal Process commanded to be instituted to investigate the conduct of the Captain and First Pilot of the Spanish Merchant Schooner, named La Dichosa, Don Ramon Torres y Conde, during its Voyage from Cadiz to this Port, touching at St. Thomas, whom the Gentlemen of the British Mixed Commission have accused as suspected of having introduced, through the Ports of the Coast of this Island, a portion of African Negroes of the illicit Slave-trade.—(Translation.)*

(1.) *The Captain-General to the Commandant-General of Marine.*

MOST EXCELLENT SIR,

*Habana, 24th July, 1826.*

I ADDRESS to your Excellency the Translation of the Official Letter of Messrs. H. T. Kilbee and W. S. Macleay, Judges of the Mixed Commission, in order that, after due consideration on what they set forth, you may be pleased to direct what you may deem proper in the affair of the Brig *Maria Isabel*, and the Schooner *Santo Christo de la Salud*, alias *La Dichosa*, in ballast, coming from St. Thomas, accused of having disembarked the Negroes which it had on board on the Coasts of this Island.

God preserve, &c.

FRANCISCO DIONISIO VIVES.

*The Commandant-General of Marine.*

(2.) *Decree of the Commandant-General of the Registers.*

LET the Adjutant of these Registers, the Navy Lieutenant, Don Bartolome Marques Pacheco, proceed to the Verbal Process to in-



investigate the facts alluded to in this Letter and Document enclosed, giving an account thereof by extract and judgment.

ALCALA.

(3.) *The British Commissioners to the Captain-General of Cuba.*

SIR,

*Habana, 22d July, 1826.*

SINCE we had last the honour of addressing your Excellency, we have observed the arrival of 2 Spanish Ships, announced in the public Papers as having arrived in ballast, coming from St. Thomas, which it is well known had previously disembarked Cargoes of Negroes on the Coasts of this Island. The names of these Ships are the Brig *Maria Isabel*, and the Schooner *Santo Christo de la Salud*, alias *La Dichosa*. This last was boarded a few days ago by a British Cruizer, but was not detained, because the Commanding Officer saw that he could not produce legal proof that it had disembarked a Cargo of Slaves, although he was well convinced of the fact. We believe it to be our duty to represent these Cases to our Government, of which we now have the honour to apprise your Excellency.

We avail, &c.

H. T. KILBEE.

*His Excellency the Captain-General.*

W. S. MACLEAY.

(4.) *Appointment of Francisco Mosquera as Notary.*

*Habana, 3d August, 1826.*

IN virtue of the preceding Documents, I proceed to institute the following Verbal Process to investigate the facts to which these Papers refer, and it being my duty to nominate a Notary, I select the Artilleryman, Fran<sup>co</sup>. Mosquera, in preference, who, admonished of the duty which he contracts, accepts, swears, and promises, under the legal oath, to preserve faithfully and secretly all that he transacts in his Office; that all which may appear he has signed this Paper with me.

B. M. PACHECO.

F. MOSQUERA.

(5.) *Deposition of Joze Morales, a Seaman of the Schooner La Dichosa.*

*Habana, 20th August, 1826.*

ON the 20th day of the said Month appeared the Deponent, now present, and, under his legal oath, said, that his name was Jozé Morales, a Seaman, and that he belonged to the Spanish Merchant Schooner *La Dichosa*:—asked in what Port he was enrolled, and to what points they sailed? he said, that he was enrolled in the Port of Cadiz, bound for St. Thomas, in ballast, and from that last Place to The Havannah, in the aforesaid manner:—asked, if in that last Passage they touched at any of the Ports of this Island, and for what cause they did so, and if it was to introduce a portion of African Negroes of the illicit Slave-trade? he said, that they only entered into Bahia-honda because the

Captain of the Ship was very sick, as well as 2 Sailors, who remained to take care of him; that they afterwards came to this Port under convoy of the *Mars* and *Bellona*, without the Deponent having the slightest knowledge that Negroes were on board his Vessel, as he is interrogated: that the aforesaid is the truth which he affirms and ratifies under his oath; being 26 Years of Age, and not knowing how to write, he made the mark of the Cross, and signed it with the Fiscal and present Notary. his  $\times$  mark JOZE MORALES.

(6.) *Deposition of Bartolome Villarino, a Seaman of the Schooner La Dichosa.*

*Habana, 20th August, 1826.*

SUBSEQUENTLY, and on the same day, appeared the present Deponent, and, under oath, said, that his name was Bartolome Villarino, a Seaman, belonging to the Spanish Merchant Schooner named *La Dichosa*:—asked in what Port he was enrolled, whither they went, and with what Cargo, and if they went straight, or touched at any of the intermediate Ports? he said, that he was enrolled in the Port of Cadiz, going straight to St. Thomas, in ballast, where they remained 3 months, in his opinion, departing from the said Port for that of Habana in the same manner in which they had sailed from Cadiz:—asked, if in that last Passage they arrived at any of the Ports of this Island, what cause induced them so to do, and, if so, if they introduced there any portion of African Negroes of the illicit Slave-trade? he said, that they only touched in the Port of Bahia-honda in consequence of the serious illness of their Captain, who remained in the said Port with 2 Mariners of the Crew of the Ship; returning to the Habana in company with the Brig *Mars* and Schooner *Bellona*, without his having seen or known any thing about the African Negroes concerning whom he is interrogated: all which is true on his oath.

BARTOLOME VILLARINO.

(7.) *Deposition of Joze Antonio del Villar, Pilot of the Schooner La Dichosa.*

*Habana, 7th August, 1826.*

ON the 7th day of the said month, appeared the present Deponent, who being sworn, said that his name is Antonio del Villar, Second Pilot of the Spanish Merchant Schooner *La Dichosa*:—asked, in what Port the expedition of the said Ship was formed, whither they were bound, and with what Cargo? he said, that the expedition was formed in the Port of Cadiz, whence they departed, in ballast, bound for St. Thomas, to which they sailed straight, without touching elsewhere:—asked how long they stayed in St. Thomas, what Cargo they carried, and to what Port they steered, and if they touched at any of the intermediate Ports of this Island, on their way hither? he said, that they

remained at St. Thomas about 4 months; setting off for this Port in the same manner in which they left Cadiz, and that they only touched at Bahia-honda, on the North Coast of this Island, in consequence of the sickness of the Captain, whom they left in that Port; going afterwards to that of the Habana, in company with the Brigs *Mars* and *Bellona*:—asked, if it be true that, in his Ship, Slaves from Africa, of the illicit trade, were introduced into the said Bahia-honda, or into any other Port of the Island; he said, that neither in Bahia-honda, nor elsewhere, were any Slaves introduced by his Ship, inasmuch as the said Ship left all the Ports it sailed from in ballast, as he has before said, and entered in like manner:—asked, if he knows the Place where the Captain now resides, if at his departure from the Ship he gave up his Diary, and where it is, as he who deposes now ought to have it? he said, that he does not know the abode of the Captain, knowing merely in an extrajudicial manner that he is getting better of his sickness, in a Farm-house near this City, that he did not leave him his Diary, which he supposes he took with his baggage, and that the one which belongs to him, for which he is asked, is the one now exhibited in this Act: all which is the truth on his oath.

JOZE ANTONIO DEL VILLAR.

(8.) *Deposition of Alberto Sanchez, Mate of the Schooner La Dichosa.*

SWORN, and asked in what Port he was enrolled, whither he was bound, and with what Cargo? he said that he was enrolled in the Harbour of Cadiz, bound to St. Thomas, in ballast, and from the said Port, where they remained, in his idea, 3 months, they returned to the Habana, in the same manner in which they left Cadiz:—asked if, from the said Port of St. Thomas, or from any other, they brought on board their Ship any Slaves of the illicit trade, introducing them into this or any other Port of the Coasts of this Island? he said, that neither from St. Thomas nor from any other Port were Black Slaves brought by his Ship, or introduced into this Island at any of its Ports, inasmuch as, although they touched at Bahia-honda, it was with the double reason of avoiding the chase of a Privateer, and of leaving the Captain on shore, in consequence of the heavy illness under which he laboured, 2 Seamen of the Crew also remaining to attend him, when the Ship subsequently departed for this Port in company with the Ships of War *Mars* and *Bellona*: all which is the truth on his oath.

ALBERTO SANCHEZ.

(9.) *Deposition of Antonio Cutrin, Steward of the Schooner La Dichosa.*

SWORN, and asked in what Port the expedition of the said Ship was formed, whither bound, and with what Cargo? he said, that he was enrolled in the Port of Cadiz, where the expedition was formed, bound to St. Thomas, in ballast, where they remained, in his opinion, 2 months more or less, returning to this Port of the Habana in the

same manner:—asked if, at St. Thomas, or at any other Port, previously or subsequently, they took on board Black Negroes of the illicit Trade, introducing them into this Port, or into any other of this Island? he said that they took on board no Negroes, neither at St. Thomas, nor elsewhere, as they only touched at Bahia-honda, to avoid a suspicious sail, and to leave there the Captain, who was sick, which they did, 2 Seamen being left with him to attend him, after which the Ship returned to this aforesaid Port, under escort of the Brigs of War *Bellona* and *Mars*: all which is the truth on his oath.

ANTONIO CUTRIN.

(10.) *Deposition of Joze Rubio, Carpenter of the Schooner La Dichosa. Habana, 12th August, 1826.*

SWORN, and asked, on the 12th of the said month, same Year, in what Port the expedition of the said Ship was formed, whither bound, and with what Cargo? he said, that the expedition was formed in Cadiz, whence they steered to St. Thomas in ballast, where they remained from 3 to 4 months, at the expiration of which they departed in the same manner, bound to this Port, and having run alongside of Bahia-honda, by reason of a strange Sail, and the Captain's sickness, they entered the said Port, where they disembarked the said Captain, coming afterwards to this Port under convoy of the Brigs of War *Mars* and *Bellona*:—asked, if in his Ship any Black Slaves had been brought and introduced, illicitly, in Bahia-honda, or in any other Port of this Island? he said, that he neither saw nor heard that any Slaves were brought or disembarked, as he is interrogated, inasmuch as all the Voyage from Cadiz to this Port was performed in ballast, as before said, without having touched at any other Port of this Island, excepting Bahia-honda, with the object above expressed: all which is the truth on his oath.

JOZE RUBIO.

(11.) *Deposition of Ramon Torres y Conde, Captain and Pilot of the Schooner La Dichosa.*

*Habana, 14th August, 1826.*

SWORN, on the 14th day of said month, said Year, and asked in what Port the expedition of the said Ship was formed, whither they were bound, and with what Cargo? he said, that the expedition of the said Ship was formed in Cadiz, whence they sailed in ballast, bound to St. Thomas, intending to take in a Cargo of cocoa to export to this Port, and having remained at St. Thomas about 4 months, and seen that the purchase of the said article of cocoa would not be productive, and no other line of licit traffick being open, he determined to steer to this Port of The Havannah, doing so in ballast, as he had left Cadiz:—asked if, in the passage from St. Thomas to this Port, they touched at any of the intermediate Ports of this Island, and, if so, if they disembarked



barked therein a portion of African Negroes of the illicit Slave-trade? he said, that being on the North Coast of this Island, near Bahia-honda, and perceiving a strange Sail, which gave them chase, and being also very sick in health, he told the Pilot to make for the said Port, with the double intent of escaping the said Cruizer, and getting on shore himself to find medicines, which on board he could not find; but that neither by that Port, nor by any other, were Black Slaves, about whom he is asked, introduced by the Ship he commanded, inasmuch as he sailed constantly in ballast, for the reasons before set forth:—asked, if he kept in his possession the Diary of Navigation, which he ought to have kept conformably to Law, in which case he is to exhibit it? he said, that on landing in Bahia-honda, he left it on board of the Schooner with his baggage, and on reaching this City, he could not meet with it, as it was mislaid, with other things which he missed, among his personal effects, but it is probable that the Book of Entries is in the hands of his Second Pilot: all which is the truth on his oath.

RAYMON TORRES Y CONDE.

(12.) *Deposition of Franco Moya, Cook of the Schooner La Dichosa.*

*Habana, 14th August, 1826.*

SWORN on the same day, and asked in what Port he was enrolled in said Ship, whither bound, and with what Cargo? he said, that he was enrolled in the Port of Cadiz, whence they sailed in ballast for St. Thomas, where they remained about 4 months, after which time they again returned in ballast for the Habana, and being near Bahia-honda, by reason of a strange Sail in sight, and of the illness of the Captain, they resolved to enter the said Port, to avoid being overtaken by the Corsair, and to land the sick Captain, which they did, 2 Sailors being left with him to attend him; after which, in convoy of the Brigs of War *Mars* and *Bellona*, they set sail for this Port, as soon as the opportunity offered:—asked, if in the said Bahia-honda, or in any other Port they introduced African Negroes of the illicit Trade? he said that they touched at no other Port than Bahia-honda, and that there they introduced no African Negroes, inasmuch as their Voyages were all performed in ballast, without any Cargo: all which is the truth on his oath.

FRANCO MOYA.

(13.) *Opinion of the Adjutant of the Registers.*

*Habana, 15th August, 1826.*

THE mercantile expedition of the Spanish Schooner *Dichosa* was formed in the Port of Cadiz, destined to that of The Habana, bound to that of St. Thomas, wherein having remained about 4 months, arranging matters of interest and business, of speculations in licit articles of trade, and not having found any to export with advantage, it set sail

in ballast to this Port aforesaid, in the same manner that it had left Cadiz. On arriving at Bahia-honda, on the Northern Coast of this Island, they were obliged to anchor, with the double object of escaping from a Ship, which, at a distance, appeared, by its manœuvres, to be suspicious, and of landing Captain Conde, who, at that time, was very sick, which they did, coming finally to this Port, under Convoy of the Brigs of War *Mars* and *Bellona*, as soon as the opportunity offered of putting themselves under their protection. Thus it appears from the Book of Entries of the Pilot of the said Schooner, which I have seen, and by the Testimonies of 8 Witnesses, which have been taken in this Verbal Process, all of whom are belonging to the *Dichosa*, as her Crew, from which not the slightest proof is deduced to awaken suspicion as to that Ship having conducted African Negroes on board, or introduced them into this Island, since it does not appear that they touched at any Places but those mentioned; and, therefore, in my opinion, no Charge is made out against the Captain of the *Dichosa*, Don Ramon Torres y Conde, as to making a bad use of his Voyage, whereof he is accused by the English Commissioners, in their Letter of the 22d of July, foregoing, wherein also they allow that they had found no positive proof of the crime imputed to him. I pass every thing in proper state to the hands of your Excellency, for your information and corresponding purposes.

B. M. PACHECO.

(14.) *Notice of the Adjutant of the Registers.*

Habana, 15th August, 1826.

TAKE notice, that I am preparing a separate Process, as is my duty, in the affair of the Brig *Maria Isabel*.

B. M. PACHECO.

(15.) *The Commandant-General of the Registers to the Commandant-General of Marine.*

EXCELLENT SIR,

Habana, 16th August, 1826.

IN compliance with what you direct me to do, by your Decree of the 1st instant, in the Official Letter of the Governor and Captain-General of this Island, as set forth at the beginning of the measures instituted by the Naval Adjutant of these Registers, Don B. M. Pacheco, I enclose them to you for your guidance in the affair of the Spanish Schooner *Dichosa*.

God preserve, &c.

Senor Don Angel Laborde.

JOZE DE ALCALA.

(16.) *The Auditor-General of Marine to the Commandant-General of Registers.*

EXCELLENT SIR,

Habana, 19th August, 1826.

AFTER having examined attentively the present Documents, it is of consequence that you should cause the Diary of the Pilot of the Spanish

Schooner named *Dichosa*, to be given to the Navy Captain, Commandant of the Seamen's Registers in this ever faithful Capital, Don Joze Alcala, and to the Oidor Honorary Fiscal of this Station, to the end that these Gentlemen may inform themselves, and state what to them appears advisable.

ANTONIO PONCE DE LEON,  
*The Commandant-General of Registers.*

(17.) *The Commandant-General of Registers to the Auditor-General of Marine.*

EXCELLENT SIR,

*Habana, 22d August, 1826.*

IN consequence of the Letter of your Excellency, which precedes, I have examined the Diary enclosed, since no other belonging to the Pilot of the Schooner *Dichosa* has been presented, and I find every thing therein conformable with the scrupulous examination which the Adjutant of these Registers, the Naval Lieutenant, Don B. M. Pacheco, has carried on, to clear up this matter; and it is my duty to tell you that, whether from abuse, want of formality, or other causes impossible to prevent in Merchant-vessels, especially in those of small burden, the Pilots preserve only the Book of Entries, and provided they have no opportunity of noting their Extracts in the Diary, it is their practice, only to note the course, embarkations, and other remarkable events, on a slate, whence they enter it in the Diary; and that is all I have to say to you at present, returning you the said Documents.

*The Auditor-General of Marine.*

JOZE DE ALCALA.

(18.) *Opinion of the Oidor Fiscal of Marine.*

*Habana, 1st September, 1826.*

THE Fiscal reports that, having recovered from his late illness, he has busied himself with this bundle of Papers, and, according to his opinion, Depositions ought further to be taken, in addition, from the Commanders of the Brigs *Mars* and *Bellona*, entrusted with the protection of the Coasting Trade to Leeward of this Port, in order to avoid all kind of abuse, as a duty of these Gentlemen, and in compliance with the Treaties on the Commerce of the Coast of Africa, and that the same ought punctually to be exacted from Don Ramon Torres y Conde, in consequence of the examination of these Papers, as to his being required to give up his Diary of Navigation supposed to be mislaid, should it be again found, and also his Royal Patent and Roll of the Ship, all which should be sent for the information of the Principal Commandant of these Registers, the Captain of the Navy, Don Joze Alcala, that on the merits of the aforesaid Papers, he may direct what he may deem best, in order to comply with the Decree wherein this is communicated.

COIMBRA.

(19.)—*Declaration of Don Juan del Rio, Commander of the Brig Mars.*

BEING called, in conformity with the above Opinion, on his word of honour to speak truth in all points that should be asked him, he said, that on the 17th or 18th of last July, he saw the Brig *Bellona*, which was leaving Bahia-honda, escorting the Convoy of the Leeward, which Ship he joined, and they entered Cabanas together, into which Port, came also a Spanish Schooner, coming from Cadiz, and subsequently an English Schooner of War, which was attempting to reconnoitre her; but, as she was convoyed by the *Bellona*, the Commander of that Ship would not suffer it to be done, notwithstanding that the English Boat had run alongside to put it into effect, on which account there were sharp disputes between the English and Spanish Ships. The former, insisting that the Schooner had Negroes on board, would not desist, whereupon, for harmony's sake, the Commander of the *Bellona* went, with the Englishman and the Deponent, on board the Spanish Schooner, in order to be convinced that no such Negroes were on board. This done, he set sail for the outside of the Port, the said Convoy, the *Mars* and *Bellona*, afterwards conducting to this Port the Spanish Schooner, along with all the rest of the Coasting Vessels, and that the said Schooner, as appears, was called *La Dichosa*: all which is the truth, on his word of honour.

JUAN DEL RIO.

(20.)—*Declaration of Ramon Torres y Conde, Captain of the Schooner Dichosa.*

*Habana, 6th September, 1826.*

ON the 6th day of the said Month and Year, appeared the Captain of the said Schooner, and being warned of the responsibility he was placed under, by the preceding Opinion of the Oidor Honorary Fiscal of Marine, Don Manuel Coimbra, informed thereof, he said, that he had nothing to add to what he had said before in his Deposition, in this Process, inasmuch as, having remained sick in Bahia-honda, and much of his Baggage and Papers having been lost when he came to this Place again, and, amongst other things, the Diary of his Navigation, for which he is asked anew, he has done every thing in his power to recover it, but in vain, as the said Document is not forthcoming, and having nothing else on this business to say, he signs this.

RAMON TORRES Y CONDE.

(21.)—*Declaration of Don Dionisio Guiral, Commander of the Schooner Bellona.*

SUBSEQUENTLY went to the House inhabited by the Navy Lieutenant, Don D. Guiral, where he lies sick, and having appeared, he offered, on his word of honour, to speak the truth, in whatever he should be asked as to this matter; which being done, he said, that when



he entered Bahia-honda, on the 12th or 13th of July last, as was agreed with the Vessels under his convoy, he found the Spanish Merchant Schooner *Dichosa* anchored in that Port, having come from Cadiz, and arrived at that Port, with the double intention of avoiding a Brig, which gave her chase, and of landing the Captain, who was sick, as also some Mariners, in a like situation; being told of all these circumstances by the relation given to him by the second of the said Schooner, which was subsequently confirmed by the Certificate of the Sub-Delegate of Marine of that District, and the said Vessel having demanded convoy, it was granted to her, and sail was set 5 or 6 days afterwards, and, on reaching Cabanas, he observed an English Schooner of War reconnoitring the said Vessel on sail, the English Captain having previously demanded if the Ship was under my convoy, to which I replied in the affirmative, and proceeded to Cabanas, where I joined the Brig of War *Mars*; here the English Schooner attempted to search the *Dichosa*, but the Captain being informed by the Deponent that such a thing must not be done, he did desist, and came up under sail to the *Bellona*, which I commanded, saying that it was necessary to search that Schooner by reason of well-founded suspicions that she had Negroes on board, and being replied to by the Deponent, by being asked to come on board his Ship to speak of the matter, the English Captain excused himself by saying, that he could not do so because his Ship was under sail; the Deponent, in effect, as he was at anchor, then went on board the English Vessel, telling the Commander that on no account could he permit the attempted search, as he was without orders for so doing from his Government, that the *Dichosa* was protected in a Spanish Port, under the National Flag, by the Battery and by Ships of War, on which account his persistence was extraordinary, as well as his having some days before fired shots and searched Ships of his Convoy, which Deponent did not prevent by opposing force to force, on account of the distance at which he was, and of the slow sailing of the Ship under his command; but that, nevertheless, to avoid further damage, and not to augment suspicions by obstinate refusal, he was willing to go with him on board the said Ship *Dichosa* to search her, and be convinced that she had no Negroes concealed; taking notice that if it should be so, she should be the Prize of the Deponent, in fulfilment of the Treaties on this kind of Commerce, in which case he would have nothing to do with her; and that, in effect, having gone to her together, also attended by the Commander of the *Mars*, the Lieutenant of the Navy, Don Juan del Rio, and having put into force the search wished for, they were satisfied, each returning to his respective Ship, and sail being set with the Convoy in the direction of this Port, which was effected, and which is all he knows or can say on this business: which is the truth, on his word of honour.

DIONISIO GUIRAL.

(22.)—*The Adjutant of the Registers to the Commandant-General of Registers.*

EXCELLENT SIR,

*Habana, 6th September, 1826.*

THE final proceedings being gone through, which were deemed conducive to the better elucidation of the facts, of which this matter is made up, and which are referred to in the Decree of the 2d Instant, I pass the whole into the hands of your Excellency, for the ultimate corresponding proceedings.

*The Commandant-General.*

B. M. PACHECO.

(23.)—*The Commandant-General of Registers to the Adjutant of the Registers.*

EXCELLENT SIR,

*Habana, 7th September, 1826.*

I HAVE seen and examined, myself, for the second time, the Proceedings, Roll, and Royal Patent, according to the desire of your Excellency, without being able to elicit any thing new from their contents, or differing from what I explained to you in my Letter of the 22d of August. But, inasmuch as, from the proceedings subsequently adopted by the Officer charged therewith, it is proved, beyond a doubt, that the Vessels of His Britannick Majesty frequently behave in a most unpeaceable manner towards our Merchant Traders, and also towards the Coasting Ships, in sight and protection of our Ports, Forts, and Ships of War, such conduct cannot but appear strange to me, nor can I persuade myself that it is countenanced by a Government so enlightened as that of the English Nation; in which state, and having nothing to add to what was stated, in extract, by the Adjutant of these Registers, who illustrated all this business, I pass it all into the hands of your Excellency, for the usual purposes.

*The Adjutant of the Registers.*

JOZE DE ALCALA.

(24.)—*Notice of the Notary.*

*Habana, 20th September, 1826.*

ON the 20th day of this Month and Year, I, the undersigned Notary, attest, that the Oidor Fiscal of Marine, Don Manuel Coimbra, has returned this bundle of Papers, in consequence of the sickness under which he labours, to the end that the Commandant-General may be pleased to appoint and select a Lawyer of his confidence, to whom the pending Opinion being submitted, he may pass Sentence; for which reason the Fiscal of the Cause delivered the Papers to the Commandant-General, which has actually taken place.

MOSQUERA.

(25.)—*The Commandant-General of Registers to the Commandant-General of Marine.*

EXCELLENT SIR,

*Habana, 21st September, 1826.*

I ENCLOSE to you, Sir, the Verbal Process ordered to be formed to investigate the conduct of the Captain and First Pilot of the

Spanish Schooner *La Dichosa*, Don Ramon Torres y Conde, in consequence of the Oidor Fiscal of this Station not having been able to fulfil his duty, by reason of sickness, under which he now suffers, as is shewn by the Notice of the Notary of the Cause, that you may be pleased to elect a Lawyer, who may fulfil the functions of Fiscal, in consequence of the inability of the Person in that Office.

God preserve you, &c.

*The Commandant-General of Marine.*

JOZE DE ALCALA.

(26.)—*Opinion of the Fiscal.*

*Habana, 25th September, 1826.*

THE Fiscal reports, that the Treaty for the abolition of the Slave-trade would be violated, and manifest injustice would be shewn, unless in these proceedings every step was taken to discover reasonable data, whereby to judge whether the Ships did introduce and disembark on the Coasts, Slaves of the illicit traffick, and liability would be incurred of the Authorities being subject to complaint, which, according to the said Treaty, is equally to be guarded against. The Gentlemen of the Commission could do no less than bring about this enquiry, in exact compliance with their duty, in consequence of the Official Letter or Accusation of the Officers of the British Cruizer, to which they refer in their Letter of the 22d July, notwithstanding that they confess that they can bring no legal proof, as set forth by the Commander of the said Cruizer, as regards the Schooner *Dichosa*, to which this business is confined. Nevertheless, this Ministry cannot but remark that, although in the before-mentioned Paper it is stated as a notorious fact, that that Ship had disembarked on the Coast of the Island its Cargo of Negroes, the manner of its being effected is not represented, either by Witnesses or by other data, which might even plausibly establish the fact, inasmuch as, in that Accusation without proof, no certainty of the crime alleged can be deduced. However, the Captain-General sent the complaint to the Office of the Commandant of Marine, and, although the Case was not included in the Treaty, or in the Royal Order of the 2d of January of this Year, because the Ship did not come from the Coast of Africa, and has not been detained or seized with Negroes of that traffick, still the matter was entered into without delay, by examining the Papers, and Crew, and the 2 Commanders of the Ships *Mars* and *Bellona*, who were present at, and assisted in, the scrupulous and tedious search made in the Port of Cabanas, by the Commander of the said British Cruizer. From that Verbal Process there does not result or appear any charge against the Schooner *Dichosa*, or her Captain, Don Ramon Torres y Conde, inasmuch as, although he has not presented his Diary of Navigation, he has a most legitimate excuse for not doing so, namely, his illness and residence in Bahia-honda, which defect is amply compensated by the Pilot's Entry Book and Diary, from

which, as is asserted by the Commandant-General of these Registers, no suspicion is induced that the Ship brought, or clandestinely disembarked, Negroes. From all which considerations, the Fiscal is of opinion, that the proceedings are more than sufficient, and that there is no cause to proceed to any other investigation, as is regulated by the Royal Order, already quoted, of the 2d of January; therefore, that, in the usual form, the Original of these Papers be transmitted to the Captain-General, particularly stating this determination, for the corresponding purposes, and that 2 or 3 Copies certified, be reserved in this business, 1 for the Archives, another for the Secretaria, and that by the third, information may be given, in duplicate, to our Lord the King, to the end that, taking the subject into His high consideration, He may deign to command what He thinks best in the Case. But for all this you will determine for the best.

DE CALVO.

(27.) *Opinion of the Auditor of War and Marine.*

*Habana, 27th September, 1826.*

THE Auditor has again examined these Papers with the attention they deserve, and is persuaded that the object is fulfilled which was proposed by the Captain-General in his Letter, dated 24th of July last, placed in the first Page of these Papers, to which other proceedings are not wanting, to increase the necessary substantiation, which is agreed in by the Principal Commandant of the Registers of Seamen in this most faithful Capital, the Navy Captain, Don Joze Alcala, in his several informations; by the Officer charged with the Investigation, the Navy Lieutenant and Adjutant of the said Commandancy of Registers, Don B. M. Pacheco, in his Extract and Judgment; and by the Fiscal of the Royal Junta of Revision of this Marine, Don F. de Calvo, in his antecedent Representation; and it is my opinion, that you may order the said Captain-General's Letter of 24th July of this Year, to be answered; enclosing to him this Original Process, after having taken 3 Copies, 1 for the Archives, 1 for the Secretaria of the Commandancy-General, and the other to be transmitted, in duplicate, to our Lord the King, through the proper medium, that he may command thereupon, according to His Sovereign determination.

PONCE DE LEON.

(28.) *Don J. B. Topete to the Captain-General of Cuba.*

MOST EXCELLENT SIR,

*Habana, 27th September, 1826.*

IN conformity with the opinion of the Auditor of War and Marine, placed at the end hereof, I address to your Excellency the Original Process, instituted to investigate the conduct of the Captain and First Pilot of the Spanish Merchant Schooner *La Dichosa*, which the British Gentlemen of the Mixed Commission suspected of having introduced into



Ports of this Island, Negroes of the illicit trade ; to the end that you may inform yourself of the result ; and in reply to your Official Letter of the 24th of last July, at the beginning of these Papers.

God preserve, &c.

*The Captain-General.*

JUAN B. TOPETE.

(29.) *Opinion of the Auditor-General of War.*

EXCELLENT SIR,

*Habana, 21st November, 1826.*

THIS Verbal Process has been received, to investigate whether the Spanish Merchant Ship *La Dichosa* had disembarked a Cargo of Negroes on the Coasts of this Island, and therefrom it has resulted that no such disembarkation took place. The Letter sent to your Excellency by the British Commissioners, Mr. Kilbee and Mr. Macleay, gave rise to these proceedings, and, although therein it is stated that the Vessel was boarded by an English Cruizer, and not detained, because the Officer commanding saw that he could not present legal proofs of the disembarkation of a Cargo of Negroes, still he is said to have a thorough conviction of the fact, and, therefore, the said Commissioners conceive it to be their duty to bring the Case before their Government. It is not necessary to be very quick-sighted to see what is aimed at in these 2 matters ; and it is a most convincing proof of what your Excellency explained to His Majesty, in your Representation of the accusation made against the Schooner *The Minerva* ; and, as under this date, the Auditor returns the Papers on that matter, it would be highly proper that, at the same time, and jointly, these Documents about the Schooner *Dichosa*, may be transmitted to our Lord The King, that He may deign to command whatever may be His Pleasure. Your Excellency, however, will arrange as you judge best.

FELIPE MARTINEZ.

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Conformable to their Originals, which I returned to the Office of the Captain-General, to which I refer, and in compliance with what is ordered, I have caused the present to be drawn up.

*Habana, December 22, 1826.*

MANUEL DE LA TORRE.

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No. 22.—*Viscount Dudley to the Right Hon. F. Lamb.*

SIR,

*Foreign Office, 10th September, 1827.*

YOUR Despatches of the Slave-trade Series, up to the 29th of June, have been duly received.

I approve of the course which you have taken to bring the whole subject of the Slave trade in Cuba, in one point of view, before the Government of His Catholick Majesty ; and I shall be glad if the plain representation of facts, contained in your judicious Note to M. Salmon on this subject, produces any decisive and satisfactory result. But

this is a consummation which, I own, past experience leads me rather to desire than to expect. I am, &c

*The Right Hon. Frederick Lamb.*

DUDLEY.

*No. 23.—The Earl of Dudley to G. Bosanquet, Esq.*

SIR,

*Foreign Office, 16th November, 1827.*

WITH reference to the Correspondence, which you will find in the Archives of His Majesty's Mission at Madrid, relative to illegal Slave-trade carried on in the Island of Cuba, I send to you the accompanying Copies of 2 Despatches, and of their Enclosures, from His Majesty's Commissioners at The Havannah,\* on the subject of the arrival of certain British Sailors at that Port, on board of the Spanish Slave-trading Vessel, the *Tres Manueles*.

His Majesty's Government, under the circumstances above-mentioned in these Papers, desire to be considered as not bringing forward this Case with a view to the punishment of the Spanish Captain of the *Tres Manueles*, for an offence, the knowledge of which would not have been obtained, but for his humanity to those Individuals, through whom the Evidence against him has come to light.

His Majesty's Government, on the contrary, take this opportunity of expressing, through the Spanish Government, to the Captain of the Vessel in question, the grateful sense which they entertain of his humanity and kindness to His Majesty's Subjects; but the incontestable proof which the facts afford, in confirmation of the mass of Evidence which has previously been furnished to you, of illegal undertakings in Slaves carried on in Cuba, compel me to desire that you will take this opportunity of urging the Spanish Government to attempt some more efficient Measures than have hitherto been adopted in their Colonies, for putting a stop to this exceeding evil. I am, &c.

*George Bosanquet, Esq.*

DUDLEY.

*No. 24.—The Earl of Dudley to G. Bosanquet, Esq.*

SIR,

*Foreign Office, 13th December, 1827.*

WITH reference to my Despatch to you of the 16th ultimo, on the subject of the Spanish Slave-trading Vessel, the *Tres Manueles*, I transmit to you, for your information and guidance, the accompanying Copy of a Despatch, which I have recently received from His Majesty's Commissioners at The Havannah,† containing further particulars upon the same subject; in which I have particularly to refer you to the fact, that His Majesty's Commissioners have been enabled, by a combination of circumstances not likely to occur again, to furnish the Captain-General of Cuba with the Depositions, on oath, of 4 Individuals, who had actually come from the Coast of Africa, in a

\* See Class A. Nos. 114 and 115.

† See Class A. No. 120.

Spanish Slave-vessel, and had witnessed the disembarkation of a Cargo of Slaves in a Port of that Island; and having apprized his Excellency where those Individuals were to be found, no attention was paid to their representations, no examination of the Individuals was taken, and the Owners of the Vessel were allowed to send her to Sea again under the same Master, for the purpose (beyond all reasonable doubt) of again engaging in the same traffick. I am, &c.

*George Bosanquet, Esq.*

DUDLEY.

No. 25.—*G. Bosanquet, Esq. to The Earl of Dudley.*—(Rec. Dec. 21.)

MY LORD,

*Madrid, 6th December, 1827.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 16th November last, and I enclose Copy of a Note which I have in consequence addressed to the Government of his Catholick Majesty. I have, &c.

*The Right Hon. Viscount Dudley.*

GEORGE BOSANQUET.

(Enclosure.)—*George Bosanquet, Esq. to the Chevalier de Salmon.*

*Madrid, 5th December, 1827.*

THE Undersigned, His Britannick Majesty's Chargé d'Affaires, with reference to the Representations which have repeatedly been addressed to the Government of His Catholick Majesty, upon the subject of the illegal Slave-trade, carried on in Cuba, has the honour to transmit to his Excellency the Chevalier de Salmon, Copies of 2 Despatches, and of their Enclosures, received from His Britannick Majesty's Commissioners at The Havannah, on the subject of the arrival of certain British Sailors, in that Port, on board the Spanish Slave-trading Vessel *Tres Manueles*.

Under the circumstances mentioned in these Papers, the Undersigned is directed to state, that His Majesty's Government desire to be considered, as not bringing forward this Case with a view to the punishment of the Spanish Captain of the *Tres Manueles*, for an offence, the knowledge of which would not have been obtained, but for his humanity to those Individuals through whom the evidence against him has come to light.

On the contrary, His Majesty's Government take this opportunity of expressing, through that of His Catholick Majesty, to the Captain of the Vessel in question, the grateful sense which they entertain of his humanity and kindness to His Majesty's Subjects; but they cannot avoid observing, at the same time, that these facts afford incontestable proof, in confirmation of the mass of Evidence which has already been furnished to the Government of His Catholick Majesty, of illegal undertakings in Slaves carried on in Cuba; and the Undersigned is therefore instructed to express the confident hope of his Government,

that some more efficient measures will be attempted, than have hitherto been adopted in the Spanish Colonies, for putting a stop to this exceeding evil.

The Undersigned avails himself, &c.

*H. E. the Chevalier de Salmon.*

GEORGE BOSANQUET.

## PORTUGAL.

*No. 26.—Sir Wm. à Court to Mr. Secy. Canning.—(Rec. 4th Jan. 1827.)*

(Extract.)

*Lisbon, 22d December, 1826.*

THE Extraordinary Session of the Two Chambers closes to-day.

They will open again for the regular Session of 3 Months on the 2d of January, according to the Charter.

You will observe, Sir, by the enclosed Gazette, that two important Projects for Laws to be hereafter enacted, have been submitted to the Deputies for their consideration during the Recess. The first, proposed by the Finance Committee, fixing the Income of the Queen Donna Maria II., and the allowance to the rest of the Royal Family. The second, by Mr. Sarmiento, for the total abolition of the Slave-trade.

With these two wise and creditable Projects, the labours of the Chambers have terminated, and a Session has closed, which, whatever be the result of the present struggle, will be a proof to the World that there are Men in Portugal, capable of appreciating, and of carrying into execution, with moderation and wisdom, the Institutions granted to the Country.

*The Right Hon. George Canning.*

WM. à COURT.

*(Enclosure.)—Project for the total Abolition of the Slave-trade.—*

*(Translation.)*

M. SARMENTO read a Proposition as follows :—

Gentlemen,—I propose the abolition of the infamous Slave-trade ; that traffick which has carried terror and desolation to Africa, inciting War, rendering barbarity permanent, checking the course of civilization, and which has already doomed millions of human victims to miseries and torments. For this object I propose the following Project of a Law :—

ART. 1. It is prohibited to every subject of the Crown of Portugal to purchase Slaves for exportation, or to traffick with them in any part of the Coast of Africa, extending in this manner the resolution established in the Treaty of the 22d of January, 1815, whereby such traffick was positively prohibited in any part of the Coast of Africa, North of the Equator.

ART. 2. The Ships of the Royal Navy will detain all Portuguese Vessels carrying Slaves, and take them to the nearest Port belonging



to the Dominions of this Crown ; all Slaves being to be delivered to the Governors of these Places, in order to be set at liberty.

ART. 3. For each of the *Africans* found as Slaves in the Ships detained, a fine of 60 Milreas shall be imposed, and the embargo shall not be taken off the Ship till the total payment of the fine be made. After a Year has elapsed, without any one appearing to release the Ship, by paying the fine, the Ship shall be judicially sold, in order to fulfil, by means of its proceeds, what is enacted in this Article.

ART. 4. It belongs to the Judicial Authority of the Place to which the Ship may be carried, to take cognizance of this crime, by the examination of Witnesses, as well as to decide upon all the questions which may be occasioned by such Prizes, taking the necessary means to inform the Tribunal of the District.

ART. 5. The division of the amount of the whole of the Confiscations shall be made by the same Authority, among the Commanders, Officers, and Crew of the Ship of the Royal Navy, observing therein the distributive proportions of the value of Prizes, as determined by Law.

ART. 6. The Governors, and all the Authorities, of whatever description they may be, shall be responsible, if they allow such a traffick to be carried on in the African Establishments belonging to the Crown of Portugal ; they being made liable to action by any Person belonging to the Nation ; and should it be proved that any Civil, Municipal, Military, or Financial Authority, aided or consented thereto, or was Partner in such a Trade, or in any negociation to export African Slaves, he shall incur the loss of his Employment, and be rendered incapable of holding any publick Situation ; being, moreover, condemned to the pain of banishment for 5 or 10 Years, according to the degree of criminalty.

ART. 7. All Laws, contradictory to the tenour of the preceding Articles, are revoked.

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No. 27.—*Mr. Secretary Canning to Sir William à Court.*

SIR,

*Foreign Office, 26th February, 1827.*

CASES have recently repeatedly occurred, in which Vessels under the Flag of His Most Faithful Majesty have arrived at the Ports of Brazil, laden with Slaves from Africa.

The accompanying Copies of Despatches from His Majesty's Chargé d'Affaires at Rio de Janeiro\*, give details of 3 of these Cases, the *Orfeo*, the *Nove de Março*, and the *Bom Viagem*.

By the 1st Article of the Convention of the 28th of July, 1817, "the Two High Contracting Parties declare, that they consider as illicit any Traffick in Slaves, carried on by Portuguese Vessels, bound for any Port, *not in the Dominions of His Most Faithful Majesty.*"

\* See Class B.—1826.

Whatever pretence Brazil might, prior to the conclusion by her, of any positive Compact with Great Britain, have had for resisting the enforcement of a prohibition to Portuguese Vessels to enter her Ports, there can be no doubt that Portugal, from the moment she acknowledged the Independence of Brazil, was bound, under the abovementioned Article, to repress all Slave-trade to Brazil in Portuguese Vessels.

I have, therefore, to desire, that your Excellency will make a Representation upon this subject to the Government of Portugal, demanding that due punishment may be inflicted upon those concerned in the illegal undertakings, of which you have the account in the enclosed Papers, and that such Orders may be promulgated by the Portuguese Government, as shall appear most likely to prevent the recurrence of similar infractions of the Compacts subsisting between this Country and Portugal.

I am, &c.

H. E. Sir W. à Court, G.C.B.

GEORGE CANNING.

No. 28.—*Mr. Secretary Canning to Sir William à Court.*

SIR,

*Foreign Office, 26th March, 1827.*

I SEND to your Excellency the Copies of various Communications, which have recently reached His Majesty's Government, shewing that the Islands of the Cape de Verd still continue to afford shelter and encouragement for undertakings in the illegal Trade in Slaves.

You will transmit to the Portuguese Government, Copies of the Papers herewith sent to you; and you will add that, relying on the recent professions of the Minister of the Infanta Regent in favour of the abolition of this disgraceful Traffick, His Majesty's Government trust that the Portuguese Ministry will give an earnest of their sincerity on this question, by the immediate issue of such Orders as may be best calculated to do away with every facility afforded thereto in the Cape de Verd Islands.

I am, &c.

H. E. Sir William à Court, G. C. B.

GEORGE CANNING.

(*Enclosure 1.*)—*Mr. Consul-General Clarke to John Bidwell, Esq.*

SIR,

*British Consulate, St. Jago, Cape de Verds, 9th Oct. 1826.*

I BEG leave to acquaint you, for the information of Mr. Secretary Canning, that the Portuguese Yacht, named *The Ninth of March*, arrived at this Port on the 7th instant, after a successful Voyage from Bissao to Bahia, with 107 Slaves, making a freight of nearly 7,000 Dollars. The Captain and Owner of her, named Jozé Fernandez de Pinho, has proceeded to Boston (United States) in the American Schooner *Romp*, commanded by a Person of the name of Prince, for the purpose of procuring a Baltimore Clipper, to carry on with better effect this cruel Traffick.

His Majesty's Government may rely on my giving every informa-

tion on his return to these Islands, to the proper Quarter, whenever a conveyance for that purpose will permit. I have, &c.

*John Bidwell, Esq.*

J. P. CLARKE.

(*Enclosure 2.*)—*Mr. Consul-General Clarke to John Bidwell, Esq.*

SIR, *British Consulate, St. Jago, 16th October, 1826.*

I HAVE the honour to acquaint you, for the information of Mr. Secretary Canning, that the Portuguese Schooner, named the *Eugenia*, Antonio Joze Pereira, Master, arrived at this Anchorage on the 13th, having landed her Slaves, to the number of 115, at a little Bay to the Windward of this Port, called St. Francis. It will be necessary to state, that at this Port, as well as at St. Martin's, there are people regularly stationed to receive and feed them until they are disposed of to their different Masters. The system of slaving from the Coast to these Islands is certainly on the increase, and as I have, in a former Letter addressed to you on the 21st of June last, given my reasons for such supposition, I have had no reason since to alter that opinion; and I still think that, within a very short period from this date, Vessels will have no occasion to run the risk of being intercepted on the Coast by His Majesty's Cruizers, when a Cargo of these unfortunate beings may be purchased and put on board (to the number of 300 or 400) in 48 hours, at 100 milreas per head barter, and, with cash, less.

The many successful trips the Slavers have made within these last 18 months, and not having lost a Vessel employed in the Traffick since my residence here (except the *Liberale*, wrecked in this Harbour) has possessed the Owners with an idea that none of His Majesty's Cruizers can touch them. The prices, I understand, paid for Slaves on the Coast, is from 40 to 50 milreas, principally barter, but if a Cargo can be procured amongst these Islands, and regularly protected by the Government to their given Post, no Slaver will ever regret paying the difference of price.

His Majesty's Government may rely on my giving them every information in my power. I am, &c.

*John Bidwell, Esq.*

J. P. CLARKE.

(*Enclosure 3. A.*)—*John Barrow, Esq. to Joseph Planta, Jun. Esq.*

SIR, *Admiralty Office, 3d March, 1827.*

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 Enclosure, from Commodore Bullen, respecting the Slave-trade carried on at the Cape de Verd Islands, and the facilities afforded to it by the Passports granted by the Portuguese Governor for Domesticks. I am, &c.

*Joseph Planta, Jun. Esq.*

JOHN BARROW.

(Enclosure 3. B.)—Commodore Bullen to J. W. Croker, Esq.

H. M. S. Maidstone, Porto Praya,  
Island of St. Jago, 29th January, 1827.

SIR,

I HAVE the honour to transmit, for the information of my Lords Commissioners of the Admiralty, the Reply of Mr. Clarke, Consul-General at this Place, to my Letter desiring him to report upon the state of the Slave-trade in this Quarter; and I can but observe, that I perfectly agree with the latter part of Mr. Clarke's Letter, that all the while such facility is afforded by the Passports for Domesticks, which are granted by the Portuguese Governor, all attempts on my part to prevent it, even should I fall in with them on their passage to the Brazils, would prove abortive.

I have, &c.

J. W. Croker, Esq.

CHARLES BULLEN.

(Enclosure 3. C.)—Mr. Consul-General Clarke to Commodore Bullen.

British Consulate, St. Jago, 13th January, 1827.

SIR,

I HAVE to acknowledge the receipt of your Letter of the 31st December, 1826, requesting information relative to the Slave-trade.

I have to acquaint you that I transmitted, on the 9th of October, 1826, to Mr. Secretary Canning, an account of the arrival of the Portuguese Yacht, named *The Ninth of March*, having landed at Bahia 107 Slaves, the Master of which, Joze Fernandez de Pinho, has proceeded to The United States to purchase a larger Vessel for the same Trade.

The Portuguese Schooner *Eugenia*, Antonio Joze Pereira, arrived at this anchorage on the 13th October, having landed 115 Slaves in the Bay of St. Francis, in this Island.

The Portuguese Brig *Secours*, Freitas, Master, sailed from this Port for Bissao, on the 12th December, for a Cargo of Slaves, it is said with the intention of proceeding to Maranham.

The Portuguese Schooner *Tonante*, Carbalha, Master, arrived at Bonavista the 5th instant, from Cacheo, and landed upwards of 100 Slaves there, the property of the late Governor Cabral, which Vessel arrived at this Port the 13th instant, and is at present in this Harbour. It is beyond all doubt, that the Slave-trade is increasing among these Islands, from the different Portuguese Settlements on the Coast, and must continue so, while such protection is afforded by Passports for Domesticks.

I have, &c.

Commodore Bullen, C.B.

J. P. CLARKE.

(Enclosure 4. A.)—R. W. Hay, Esq. to Joseph Planta, Jun. Esq.

SIR,

Downing-Street, 8th March, 1827.

I HAVE received the directions of Earl Bathurst to transmit to you, herewith enclosed, for Mr. Secretary Canning's information, a Copy of a Despatch, which has been received from Governor Sir Neil Campbell,



covering an Extract of a Letter from Mr. Proctor, a British Merchant residing in the Isles de Loss, who states that Slaves are carried from the Portuguese Settlements in the Rio Grande to the Cape de Verd Islands, for the purpose of being trans-shipped. I am, &c.

*Joseph Planta, Jun. Esq.*

R. W. HAY.

(*Enclosure 4. B.*)—*Governor Sir Neil Campbell to Earl Bathurst.*

MY LORD,

*Sierra Leone, 18th December, 1826.*

I HAVE the honour to transmit an Enclosure from Mr. Proctor, the only British Merchant at the Isles de Loss, a man of great respectability, who is engaged in the Coasting-trade with the Natives near that, in corroboration of my Despatch of the 29th ultimo. I have, &c.

*Earl Bathurst, K.G.*

N. CAMPBELL.

(*Enclosure 4. C.*)—*Mr. Proctor to Sir Neil Campbell.*

(Extract.)

*5th December, 1826.*

WITH reference to your enquiries, as to the present state of Trade in the Rivers Pongos and Nunez, I beg leave to say, that for several Years the Trade in the different kinds of African produce has continued to increase; and the attention of the Natives to improve their connection with this Colony, and with the Isles de Loss, has increased with the improvement of Commerce, in spite of all extensive inland Slave-trade carried from about those Rivers with the Portuguese Settlements on the Rio Grande, from whence Slaves are conveyed in great numbers to the Cape de Verd Islands, for the purpose of being trans-shipped.

The good intentions of the poorer class of the Natives of those Countries near the Coast, among whom the Agents of our Merchants reside, are frequently frustrated by attempts, through other Foreign Vessels, to extend the Slave-trade among them, the effects of which, through the consequent confusion and quarrelling, create an indifference to the prosecuting of any less lucrative trade for the time being.

*No. 29.—Mr. Secretary Canning to Sir William d Court.*

SIR,

*Foreign Office, 26th March, 1827.*

I SEND to your Excellency, together with this Despatch, the Copies of Papers which have been received from the Admiralty, containing an allegation of Captain Owen, (and information in support thereof) that at Ibo, on the Mozambique Coast, an Agent is resident, whose object it is to procure Slaves for the French Traders, in direct and open breach of the Treaty subsisting between this Country and Portugal.

It is to be inferred from one of these Papers, that the Writer, and other French Subjects, reside at Ibo, for the purpose of exporting Slaves.

The details of some of the transactions of these Agents are also given in the enclosed Papers.

From one Document it appears, that a Passport was granted by the Governor of Mozambique, in March, 1825, to a Vessel described as the *Tigre*, belonging to a Portuguese Merchant at Cape Delgado, to carry 250 Slaves to Brazil, while from another Paper it appears, that the Vessel in question was actually destined to the Isle of Bourbon, and was in reality the French Ship *Soleil*, which was furnished with Papers by the Portuguese Authorities, who connived at the trade.

It is incredible that the Governor of Mozambique should have been ignorant of the real character and destination of this Vessel, the sale of which is likewise proved, from one of the Documents, to have been evidently fictitious.

Your Excellency will communicate these Papers to the Minister of the Infanta Regent; and you will urge that peremptory Orders may be issued to the Portuguese Authorities in Mozambique, prohibiting practices so repugnant as these are, to the letter and the spirit of the Compacts subsisting between this Country and Portugal, for the suppression of illegal Slave-trade. I am, &c.

H. E. Sir William à Court, G.C.B.

GEORGE CANNING.

(Enclosure 1. A.)—John Barrow, Esq. to Joseph Planta, Jun. Esq.  
SIR, Admiralty Office, 7th November, 1825.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Mr. Secretary Canning, Extracts of 2 Letters from Captain Owen, of His Majesty's Ship *Leven*, relative to the Traffick in Slaves, carried on by French Traders on the East Coast of Africa, and to a Passport given by the Governor of Mozambique, to French Persons and Property engaged in that Traffick.

I am, &c.

Joseph Planta, Jun. Esq.

JOHN BARROW.

(Enclosure 1. B.)—Captain Owen to J. W. Croker, Esq.  
(Extract.) H. M. S. *Leven*, Mauritius, 23d July, 1825.

THE result of the *Soleil's* seizure will probably lay me under the necessity of calling their Lordships' attention to the circumstance of the Governor of Mozambique having given a Passport to what he knew was French Property, and to Persons whom he knew to be engaged in a Traffick, which his Nation is engaged by Treaty, not to permit. Of these facts we have full and sufficient proofs.

J. W. Croker, Esq.

W. F. W. OWEN.

(Enclosure 1. C.)—Captain Owen to J. W. Croker, Esq.  
(Extract.) H. M. S. *Leven*, Port Louis, 26th July, 1825.

CAPTAIN WRAY brings information from Mombass, that there are 7 Vessels under French Colours, taking Slaves on board on the Coast of Africa, 3 at Ibo, 2 at Lindy, and 2 at Kishooarra, which I have com-

municated to his Excellency the Governor, with a request that he would inform the Governor of Bourbon thereof.

On this subject I beg to inform you, that I have lodged in the Vice-Admiralty Court a Correspondence (among the Papers of the *Soleil*,) which proves that there is an Agent, a Native of this Island, resident at Ibo, for the express purpose of procuring Slaves for the French Traders, in direct and open breach of our Treaty with Portugal, and that Lindy and Kishooarra, are the next 2 Bays southward of Quiloo, or Keelwa, formerly a part of that Kingdom, but now said to be independent of the Imaum, or any other Authority.

*J. W. Croker, Esq.*

W. F. W. OWEN.

(*Enclosure 2. A.*)—*John Barrow, Esq. to Joseph Planta, Jun. Esq.*  
SIR, *Admiralty Office, 29th April, 1826.*

WITH reference to your Letter of the 14th November last, respecting some Papers alluded to in a Letter from Captain Owen, of His Majesty's Ship *Leven*, as containing proofs that an Agent was resident at Ibo, on the East Coast of Africa, for the purpose of procuring Slaves for the French Traders, in breach of the Treaty between this Country and Portugal; I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Mr. Secretary Canning, a Copy of a Letter from Captain Owen, stating that the Papers in question are lodged in the Vice-Admiralty Court at the Mauritius; and I am to acquaint you that I have written to the Registrar of that Court for Copies of those Papers. I am, &c.

*Joseph Planta, Jun. Esq.*

JOHN BARROW.

(*Enclosure 2. B.*)—*Captain Owen to J. W. Croker, Esq.*

SIR, *His Majesty's Ship Leven,*  
*Sierra Leone, 28th January, 1826.*

I HAVE the honour to acknowledge the receipt of your Letter of the 18th November last, desiring me to transmit Duplicates of certain Papers to you. I request you will inform their Lordships, that all the Papers taken in the *Soleil* were lodged in the Court of Vice-Admiralty; and no Copies whatever kept by me; but they may be had in the regular way through the Registrar's Office.

The Man alluded to is named Bataille, who had been a Servant of our Government at Mauritius, whence he escaped from Prison, and is the same who was carried to Muscat, and liberated by recommendation of Mr. Elphinstone, and whom I claimed as a Felon, from the Governor of Mozambique, but who refused me, on the plea that it was not understood that the Portuguese were bound to give up any other Malefactors than Deserters from the King's Forces.

This Man was, when I wrote my Letter to you of the 26th July, 1825, married at Ibo, and there are many Letters from him, among

the Papers alluded to, which prove the fact I have stated in the said Letter.

I have, &c.

*John Wilson Croker, Esq.*

W. F. W. OWEN.

(*Enclosure 3. A.*)—*John Barrow, Esq. to Joseph Planta, Jun. Esq.*

SIR,

*Admiralty Office, 7th February, 1827.*

WITH reference to my Letter of the 29th April last, in reply to your Letter of the 14th of November, 1825, on the subject of some Papers, in which Captain Owen, of His Majesty's Ship *Leven*, had stated, that there were proofs that an Agent was resident at Ibo, on the East Coast of Africa, for the purpose of procuring Slaves for the French Traders, in direct and open breach of the Treaty between this Country and Portugal; I am commanded by my Lords Commissioners of the Admiralty, to transmit to you, for the information of Mr. Secretary Canning, a Copy of a Letter from the Registrar of the Vice-Admiralty Court at the Mauritius, with Copies of its Enclosures, containing the Papers alluded to by Captain Owen, and Translations of those in the Portuguese Language.

I am, &c.

*Joseph Planta, Jun. Esq.*

JOHN BARROW.

(*Enclosure 3. B.*)—*The Registrar of the Vice-Admiralty Court at the Mauritius to John Barrow, Esq.*

*Registry of Vice-Admiralty, Port Louis,*

SIR,

*Mauritius, 21st September, 1826.*

IN obedience to the Orders of the Lords Commissioners of the Admiralty, contained in your Letter of the 29th of April last, I lost no time in examining the mass of Papers which was found on board the *Soleil*, and lodged in this Office by Captain Owen, of His Majesty's Ship *Leven*, and having also called upon the Sworn Translator of the Portuguese and French Languages, to make the necessary researches among the Documents and Correspondence in those Languages, I have now the honour to transmit to you subjoined, Official Copies of all the Papers in the said Correspondence, which relate to the subject of an Agent resident at Ibo, for the purpose of procuring Slaves for the French Traders.

I have the honour to subjoin the Account of the Office Expences for this Affair, and request that you may be pleased to move their Lordships to order the amount to be paid to my Agent, Charles Cookney, Esq. No. 9, Castle Street, Holborn.

I have, &c.

*John Barrow, Esq.*

C. TELFAIR, *Registrar.*



(Enclosure 3. C.)—*The Registrar of the Vice-Admiralty Court at the Mauritius to A. Grupen, Esq.*

*Registry of Vice-Admiralty, Port Louis,  
Mauritius, 4th September, 1826.*

SIR,

HAVING received Orders from the Lords Commissioners of the Admiralty, under date the 29th April last, directing me to transmit forthwith Copies of the Papers lodged in the Office by Captain Owen, of His Majesty's Ship *Leven*, (among the Papers of the *Soleil*) which prove that there is an Agent resident at Ibo, for the express purpose of procuring Slaves for the French Traders, I request that you will, as sworn Translator, attend without delay at this Office, and extract all such parts of the Correspondence lodged here by Captain Owen as may relate to that object.

I have, &c.

*A. Grupen, Esq.*

C. TELFAIR, Registrar.

(Enclosure 3. D.)—*A. Grupen, Esq. to the Registrar of the Vice-Admiralty Court at the Mauritius.*

*Port Louis, Mauritius, 22d September, 1826.*

SIR,

IN consequence of your request, dated the 4th instant, I have the honour to annex to this Letter 3 Copies of Letters, written in French, and 3 Copies of Portuguese Documents, which, as it appears to me, will answer entirely the demands of the Lords of the Admiralty.

These 6 Documents are the only ones connected with this subject, as I have convinced myself by the most careful perusal and investigation of all the Papers found on board the *Soleil*.

I have, &c.

*Charles Telfair, Esq.*

A. GRUPEN, Sworn Translator.

(Enclosure 3. E.)—*Affidavit of A. Grupen, Esq. Sworn Translator.*

*Port Louis, 21st September, 1826.*

I, AUGUSTUS GRUPEN, do swear and make oath, that the here annexed 6 Papers, are true and faithful Copies of their Originals.

A. GRUPEN.

Sworn before me this 21st day of September, 1826, at Port Louis, of Mauritius.

EDWARD B. BLACKBURN, *Commy. Judge in Vice-Admiralty.*

(Enclosure 3. F.)—*M. Lagarosse to M. A. Setan.*

*Oibé, le 1 Avril, 1825.*

[NE donne rien à mon Frère; dis lui s'il se trouve là que ce n'est pas à moi. Tu n'as que 50 Piastres à payer de fret.]

MON CHER ANTOINE,

DANS le moment que je t'écris j'ai une fièvre qui ne me laisse pas un instant de repos, aussi mon ami je dois m'attendre à tout sur les

Côtes d'Afrique, presque sans ressources, en fait de provisions. J'aurais voulu embarquer 4 ou 8 Noirs à bord du *Soleil*, mais je ne l'ai pu, vu le prompt départ de ce Navire. J'en ai embarqué un qui est un fort Noir de l'âge de 28 à 30 Ans, mais sans barbe. Envoie moi une barrique de bon vin, j'aime mieux la payer 20fr. de plus qu'il soit bon, 2 barils de farine, et le reste tu m'acheteras 2 pièces de coujon, dont une belle et l'autre inférieure, s'il reste quelque chose envoie moi 2 pièces de pariacats, s'il se peut fond rouge : voilà tout mon cher ami, mais que le vin et la farine soient les premières choses. Il est possible que je t'enverrai quelques autres, sur un Navire qui se trouve dans le Nord, et qui doit arriver tous les jours.

Tu ne pourras j'aurais t'imaginer comme *Le Soleil* aujourd'hui a ses pouvoirs dans les Comptoirs Portugais, depuis qu'il a pris Pavillon de cette Nation, il va partout et principalement à Mozambique où tous les Ans il sort de ce Port plus de 10,000 Noirs. Moncouet et Brocard sont très estimés du Général, et ils ne feront jamais que de très bonnes Voyages ; étant dans le Port ils ne peuvent jamais être pris par les Anglais, parcequ'il faut passer sous une Forteresse de 120 pièces de canons ; de manière qu'ils sont dans la plus grande sureté et n'ont de risque que de 15 jours de Mer, et qui n'est pas un risque puisqu'il faudrait la meilleure Frégate pour pouvoir faire tête à la marche du Navire qui est aujourd'hui *Le Tigre*. Monsieur Moncouet te remettra le Noir, c'est lui qui doit le marquer.

Le premier Navire qui sera expédié, ou qui paroitra suspect à faire la contrebande, tu pourras lui remettre mes objets, et l'engager à venir ici où il sera parfaitement reçu, et même il n'y a pas d'autre endroit à pouvoir traiter, il sera protégé en même tems par le Gouverneur, avec lequel je suis parfaitement lié. Si au cas Brocard débarque, et que tu le rencontrais, comme il n'y a pas de doute, tu le consulterais avant, parceque je pense qu'il viendra avec un autre Navire, de manière que tu pourrais lui remettre mes objets ; au cas contraire expédié les le plutôt possible.

Je suis Père d'un gros garçon, qui a déjà 4 mois et demi, dont le Gouverneur et sa femme le batiseront, mais en ton nom ; ce sont mes arrangemens, et il portera ton nom et jamais d'autre.

Dis à M. Lafon que j'attends une meilleure occasion, pour lui envoyer ses coquilles. C'est la fièvre qui m'empêche de lui écrire.

Mes respects à ta femme et à toute ta famille, embrasse ton enfant pour moi.

Ne m'oublie pas auprès de Caillon à qui j'ai écrit par Brocard, ainsi qu'à Dachery, et autres amis.

Ton meilleur ami.

Monsieur A. Setan, à La Mare.

JAQ. LAGAROSSE.

(*Enclosure 3. G.*)—*Certificate of Sale of the Sollé.*—(Translation.)

Between Us, Joao da Silva Delgado Rezende, and Adolfo Moncouet, is agreed, as follows :—

*To Wit,*

I, JOAO DA SILVA DELGADO REZENDE, Lieutenant of the Troops of Ibo, declare, that I have sold, in publick sale, before the Authorities, on the 12th January, 1824, the Brig *Sollé*, which arrived in this Island on the 20th December, 1823.

And I, Joao da Silva Delgado Rezende, declare, that I make over the said Brig, with its fittings, and every thing specified in the Inventory, to Monsieur Adolfo Moncouet, now at Ibo, for the price of 2,000 Pitadas.

In faith whereof, I, Joao, and 2 Witnesses, have signed, hereunder, to certify it a good and true sale. JOAO DA SA. DELG. REZ.

FRANCISCO BAPT.

GIRALDO BAUP. DE MOROES. } Witnesses.

*Ibo, January 12, 1824.*

(*Enclosure 3. H.*)—*Affidavit of the Master of the Brig Tigre.*—  
(Translation.)

AGREEABLY to His Excellency's direction, referring to the proper Volume, in Page 257, is found as follows :—

“ On the 2d of March, 1825, appeared in this Secretariat of Government, at Mozambique, Luis Antonio, Master of the Brig *Tigre*, and the Oath being administered to him on the Holy Evangelists, whereon he placed his right hand, he declared that the said Brig was Portuguese property ; that no Foreigner had any share in her ; and that she was proceeding as such on a Voyage with a Cargo of Slaves from the Islands of Cape Delgado to the Ports of Brazil. And he signed the said Declaration with me, Secretary to the Government.

JOSE FAUSTINO DA COSTA.

LUIS ANTONIO.

Extracted from the said Register to which I refer.

J. FAUST. DA COSTA.

*Secretariat of Government, Mozambique, March 3, 1825.*

(*Enclosure 3. I.*)—*Passport of the Brig Tigre.*—(Translation.)

I, SEBASTIAN XAVIER BOTELHO, of His Most Faithful Majesty's Council, Fidalgo of His Royal Household, Commander of the Order of Christ, Governor and Captain-General of the Captaincy of Mozambique, Rios Senne and Sofala, President of the Council of Administration, and Receiver of the Royal Revenue, &c.

Make known to all who may see the present Passport, that the Brig called the *Tigre*, of 208 Tons, carrying a Crew of 30 Men, and 16 Passengers, Luis Antonio, Master, and Joao de Silva Rezende,

Owner, Portuguese Subjects, residing in the Islands of Cape Delgado, Dependencies of Mozambique, is bound on a Voyage to the Ports of Brazil: the said Master and Owner having made the necessary oath in the Secretariat of this Government, serving as a Maritime Court, and legally proved that no Foreigner has any share in the said Brig or Cargo, as shown by the Certificate annexed to this Passport: the said Master being bound only to enter those Ports on the Coast of Brazil where the Traffick in Slaves is permitted to the Subjects of this Kingdom, and where only he will be allowed to land the Slaves he may carry, after complying with all the forms required, to prove that he has conformed, in all respects, to the provisions of the Alvarà of the 24th November, 1813, in which His Most Faithful Majesty was pleased to regulate the conveyance of Slaves from the Coast of Africa to the Ports of Brazil: and in failure of complying with any of those conditions, being liable to the penalties prescribed in the Alvarà of January, 1818, against those who should carry on the Slave-trade in an unlawful manner. And as, in the course of his Voyage, he may, at Sea, or in some Port, meet with Commanders or Officers of Ships or other Vessels of this Kingdom, it is ordered by His Majesty, that no hindrance be offered to him: recommending to the Fleets, Squadrons, and Vessels, of Kings, Princes, Republicks, States, and Allies, of this Crown, not to interrupt him in the prosecution of his Voyage, but on the contrary to render him any help or assistance of which he may stand in need, being assured that the same will be done on our parts towards those bearing the recommendations of their Princes. In faith whereof, His Majesty has commanded that he should be furnished with this Passport, signed by me, and sealed with the Royal Arms, which Passport shall be valid only for the performance of one Voyage.

Given in the Palace of St. Paul, Mozambique, the 5th day of March, 1825.

(L. S.)

SEBASTIAN X. BOTELHO.

By Command of His Excellency, JOZE JOAQUIM DE FARO.

This Passport, No. 2. authorises the Vessel therein mentioned, to have on board, at one time, any number of Slaves not exceeding 520, being 5 for every 2 Tons, conformably to the permission in the Alvarà of the 24th November, 1813; not including Slaves employed as Mariners, or Servants, or Children born on board during the Voyage.

JOZE JOAQUIM DE FARO.

Payable, 1 § 60 Reas, for Stamp.

Mozambique, March 5, 1825.

CARULHO PASSOS.

(Enclosure 3. J.)—*M. Duroy to M. Lagarosse.*

MON CHER LAGAROSSE.

[*Sans Date.*]

APRES trois jours de traversée bord sur bord avec les vents de S. E. nous mimes en panne devant la Passe Nord de Mozambique pour



attendre le Pilote ; calme plat, les courants portant sud sans pouvoir mouiller pas de fond. Le Lendemain matin nous étions à 12 lieues dans le sud de Mozambique, d'où nous mimes encore 3 jours de traversée.

Arrivé à Mozambique la vente du Navire se trouva mauvaise, le Commodore Anglois fit tous ses efforts pour saisir le Navire, il ne tenait qu'à moi de ravoir l'interêt que j'avais perdu par la vente simulée fait au Sr. Jouan ; le Juge de Fore s'en serait chargé, mais j'ai réfléchi qu'en le faisant j'obligerai le *Soleil* à reprendre Pavillon Français, la vente étoit de suite annullée, et je portais un préjudice aussi considérable et même plus à Brocard et Moncouet qu'à celui cy en m'a causé ce dernier, en agissant comme il l'a fait à mon égard.

J'ai aujourd'hui quitté le *Soleil*, et me suis embarqué Passager à bord du *Piveteau*, nous mettrons sous voile dans une 15 de jours pour Bourbon, et je pense qu'avant peu je serai à Oibé. Adieu, &c.

M. Joseph Lagarosse, à Oibé.

S. E. DUROY.

A true Copy,

C. TELFAIR, Registrar.

(Enclosure 3. K.)—M. Duroy to M. Brocard, Captain of the *Soleil*.

Lindy, Février 11, 1824.

D'APRES une Lettre que j'ai reçue de Sidney le mois d'Août 1823, j'ai appris que c'est vous, mon cher Brocard, qui commande notre joli Navire, mais j'apprends avec peine à mon arrivée à Lindy, que vous éprouvez beaucoup de difficultés pour votre opération, ce qui ne m'étonne pas, sù la saison et les parages surtout que vous fréquentez qui, d'après et moi et quelques années d'expérience, sont les moins sûres.

Après mille et mille positions plus affreuses les unes que les autres, je suis enfin arrivé à Lindy, après une traversée de deux Mois, fatigué, harassé ; et j'ai pris la résolution de rester à Lindy, jusqu'à ce que quelques âmes charitables viennent m'en tirer, et c'est sur vous principalement que je compte le plus, ne doutant pas que, à la reception de la présente, rien ne pourra vous empêcher de venir me tirer d'un Pays où je puis être victime du Climat comme de mille autres accidents. Je ne m'étendrai pas sur les détails de mes aventures ; il est inutile de s'appesantir sur un sujet qui ne peut pas se concevoir. Mes amitiés à tout le monde, et à mes amis. Embrassez Moncouet pour moi.

Votre sincère ami,

E. DUROY.

P.S. Le Gouverneur de Lindy vous engage à venir ici sans balancer, il attend 400 du haut, et en a déjà reçu 100. Bataille vous fait ses amitiés ainsi qu' à tout le monde. Christophe est parti pour Bourbon à bord du *Prevurrevor* que nous avons trouvé à Muscat. L'Arabe nommé Assalum est porteur d'un fusil Anglais à 2 coups, que j'avais pris en place de celui de Moncouet qui me l'a arrêté de ce scélérat Marhouni ; mais ce gueux d'Arabe que vous trouverez dans

la présente *Chelique* me l'a arraché de force ; foulez lui une bonne pile et dites à Moncouet de reprendre ce fusil en remplacement du sien. Si ce n'avait pas été considération pour le Gouverneur de Lindy, Hassore, Bataille et moi le sabre à la main, nous eussions arrêté le *Chelique*, et confisqué les Marchandises. E. D.

*Adressé à Monsieur A. Brocard, Capitaine du  
Brick Français le Soleil : en son absence à  
M. Moncouet de Sidney, à Oibé.*

A true Copy,

C. TELFAIR, Registrar.

No. 30.—*Sir W. à Court to Mr. Secretary Canning.*—(Rec. April 25.)  
SIR, *Lisbon, 12th April, 1827.*

UPON the receipt of your Despatch, marked Slave-trade, of the 26th of March, I immediately addressed to the Portuguese Government the Note, a Copy of which I have the honour to enclose.

I have as yet received no Answer.

I have, &c.

*The Right Hon. George Canning.*

WILLIAM à COURT.

(Enclosure.)—*Sir W. à Court to Don Francisco d' Almeida.*

*Lisbon, 9th April, 1827.*

THE Undersigned, &c. has the honour to transmit to His Excellency, Don Francisco d' Almeida, &c. by order of his Court, Copies of various Communications which have lately reached His Britannick Majesty's Government, shewing that the Cape de Verd Islands still continue to afford shelter and protection to those engaged in the illegal traffick in Slaves.

Relying on the recent professions of His Excellency Don Francisco d' Almeida, with respect to this disgraceful traffick, His Britannick Majesty's Government trusts that the Portuguese Ministers will give an earnest of their sincerity on this question, by immediately issuing such Orders, as may be best calculated to do away with the facilities afforded thereto in the Cape de Verd Islands.

The Undersigned, &c.

*H. E. Don Francisco d' Almeida.*

WILLIAM à COURT.

No. 31.—*Sir William à Court to Mr. Sec<sup>y</sup>. Canning.*—(Rec. May 4.)  
SIR, *Lisbon, 20th April, 1827.*

I HAVE the honour to enclose a Translation of the very satisfactory Answer I have received from this Government, to the Note which I addressed to it, upon the subject of the Traffick in Slaves carried on in the Cape de Verd Islands, a Copy of which was enclosed in my Despatch of the 12th instant, marked Slave-trade. I have, &c.

*The Right Hon. George Canning.*

WILLIAM à COURT.

(*Enclosure.*)—*Don Francisco d'Almeida to Sir William à Court.*  
(Translation.) *Palace of Ajuda, 20th April, 1827.*

THE Undersigned, &c. in acknowledging the receipt of the Note, which his Excellency Sir William à Court, &c. addressed to him on the 9th instant, transmitting various Documents, which show that protection is still afforded to the Slave-trade in the Cape de Verd Islands, has the honour to assure his Excellency, in the name of Her Highness the Most Serene Infanta Regent, that the necessary measures will be immediately taken to punish those concerned in, and to put a stop for the future to, the practices of which his Excellency complains in the above-mentioned Note.

The Undersigned, &c.

H. E. Sir W. à Court.

D. FRANCISCO D'ALMEIDA.

No. 32.—*Sir William à Court to Mr. Sec<sup>y</sup>. Canning.*—(*Rec. May 5.*)  
SIR, *Lisbon, 24th April, 1827.*

I HAVE the honour to enclose Copies of 2 Notes which I have addressed to the Portuguese Government, in consequence of the Instructions conveyed to me in your Despatches of the 26th of February, and 26th of March.

I shall have the honour of forwarding to you the Answers of this Government whenever they reach me.

I have, &c.

*The Right Hon. George Canning.*

WILLIAM à COURT.

(*Enclosure 1.*)—*Sir William à Court to Don Francisco d'Almeida.*

*Lisbon, 23d April, 1827.*

CASES have recently repeatedly occurred in which Vessels under the Flag of Portugal have arrived at the Ports of Brazil, laden with Slaves from Africa.

The accompanying Copies of Despatches from the British Chargé d'Affaires at Rio to his Government give details of 3 of these Cases, viz. the *Orfeo*, the *Nove de Março* and the *Bom Viagem*.

By the 1st Article of the Convention of the 28th July, 1817, "the two High Contracting Parties declare, that they consider as illicit any traffick in Slaves carried on by Portuguese Vessels, bound for any Port not in the Dominions of His Most Faithful Majesty."

Whatever pretence Brazil might (prior to the conclusion by Her of any positive Compact with Great Britain) have had for resisting the enforcement of a prohibition to Portuguese Vessels to enter her Ports, there can be no doubt that Portugal from the moment she acknowledged the Independence of Brazil, was bound by the above-mentioned Article, to repress all Slave-trade to Brazil in Portuguese Vessels.

The Undersigned, therefore, has received Instructions to make a Representation upon this subject to His Excellency Don Francisco d'Almeida, &c. and to demand that due punishment may be inflicted upon those concerned in these illegal undertakings, and that such

Orders shall be promulgated by the Portuguese Government, as shall appear most likely to prevent the recurrence of similar infractions of the Compacts subsisting between England and Portugal.

The Undersigned avails himself, &c.

*H. E. Don Francisco d'Almeida.*

WILLIAM à COURT.

(*Enclosure 2.*)—*Sir William à Court to Don Francisco d'Almeida.*

*Lisbon, 23d April, 1827.*

THE Undersigned, &c. has the honour to transmit to His Excellency Don Francisco d'Almeida, &c. a series of Official Documents, proving that at Ibo, on the Mozambique Coast, an Agent is resident, whose object it is to procure Slaves for the French Traders, in direct and open breach of the Treaty subsisting between England and Portugal.

One of these Papers shows that the Writer, and other French Subjects, reside at Ibo, for the purpose of exporting Slaves.

From another of the Documents it appears, that a Passport was granted by the Governor of Mozambique in March, 1825, to a Vessel described as the *Tigre*, belonging to a Portuguese Merchant at Cape Delgado, to carry 250 Slaves to Brazil; while, from another Paper, it appears, that the Vessel in question was actually destined to the Isle of Bourbon, and was in reality the French Ship *Soleil*, which was furnished with Papers by the Portuguese Authorities, who connived at the Trade.

It is impossible that the Governor of Mozambique should have been ignorant of the real character and destination of this Vessel, the sale of which is likewise proved, from one of the Documents, to have been evidently fictitious.

The Undersigned has received Orders to communicate all these Papers to the Government of Her Royal Highness the Infanta Regent, and to urge that peremptory Orders may be issued to the Portuguese Authorities in Mozambique, prohibiting practices so repugnant as these are, to the letter and spirit of the Compacts subsisting between England and Portugal for the suppression of illegal Slave-trade.

The Undersigned, &c.

*H. E. Don Francisco d'Almeida.*

WILLIAM à COURT.

*No. 33.—Sir W. à Court to Mr. Sec<sup>y</sup>. Canning.—(Rec. May 10.)*  
SIR, *Lisbon, 25th April, 1827.*

IN continuation of what I had the honour to communicate to you in my Despatch of the 20th instant, I now enclose the Translation of a second Note I have received from Don Francisco d'Almeida, upon the subject of the trade in Slaves carried on in the Cape de Verd Islands.

I have the honour, &c.

*The Right Hon. George Canning.*

WILLIAM à COURT.



(*Enclosure.*)—*Don Francisco d'Almeida to Sir William à Court.*  
(Translation.) *Palace of Ajuda, 24th April, 1827.*

IN addition to what the Undersigned had the honour to communicate to His Excellency Sir William à Court, in his Note of the 20th instant, in reply to that which his Excellency addressed to him on the 9th inst. he has now to inform him that, notwithstanding that the assertions of the British Consul-General at the Cape de Verd Islands, and of Mr. Proctor, respecting the protection afforded there to the traffick in Slaves, are somewhat vague, Her Serene Highness the Infanta Regent has issued Her Commands, through the Marine Department, that the Brig *Constancia* should immediately be fitted out to cruize, with the Schooner *Conceição*, on that Station, in order to prevent the possibility of the continuation of the Slave-trade. It would be desirable that such complaints should, for the future, be accompanied by Documents in proof thereof, not only for the purpose of punishing with the utmost rigour of the Laws, those guilty of so scandalous a transgression of them, and of the dictates of morality and of humanity, but in order to secure the Portuguese Authorities from calumny, should the accusation be unfounded.

The Undersigned renews, &c.

H. E. Sir W. à Court.

DON FRANCISCO D'ALMEIDA.

No. 34.—*Viscount Dudley to Sir William à Court.*

SIR,

*Foreign Office, 18th May, 1827.*

I HAVE received your Excellency's Despatches of the Slave-trade Series up to the 25th ultimo.

I have to desire that your Excellency will express to the Government of Her Serene Highness the Infanta Regent, the satisfaction which His Majesty's Government derives, from the communication contained in the Notes which were addressed to you by Don Francisco d'Almeida on the 20th and 24th of April, upon the subject of the protection alleged to be afforded at the Cape de Verd Islands, to the traffick in Slaves, and from the assurance of the determination of the Portuguese Government to take further steps for the prevention of that evil.

I am, &c.

H. E. Sir William à Court, G.C.B.

DUDLEY.

No. 35.—*Sir William à Court to Viscount Dudley.*—(*Rec. June 23.*)  
MY LORD, *Lisbon, May 30, 1827.*

I HAVE the honour to enclose the Translation of a Note, and of its Enclosure, which has been addressed to me by the Portuguese Secretary of State, in answer to the Notes addressed by me to His Excellency, Copies of which were transmitted to Mr. Secretary Canning in my Despatch of the 24th of April.

I have, &c.

*The Right Hon. Visct. Dudley.*

WILLIAM à COURT.

(*Enclosure.*)—*Don Francisco d'Almeida to Sir William à Court.*  
(Translation.) *Alfarrobeira, 29th May, 1827.*

THE Undersigned, &c. in reply to the Note which he received, on the 23d of April last, from His Excellency Sir William à Court, &c. has the honour to forward to His Excellency a Copy of the Orders which Her Serene Highness the Infanta Regent has caused to be issued, through the Colonial Department, to the Governor and Captain-General of Mozambique, until other measures, now in contemplation, shall be taken, to put a stop to the abuses and illegality which may exist in the Slave-trade on that Coast. The Undersigned renews, &c.

H. E. *Sir W. à Court.*

D. FRANCISCO D'ALMEIDA.

(*Sub-Enclosure.*)—*Order of the Infanta Regent to the Governor of Mozambique.*—(Translation.)

*Bemfica, 26th May, 1827.*

A NOTE, and its accompanying Documents, from His Britannick Majesty's Ambassador at this Court, demanding the exact observance of the Treaties existing between Portugal and Great Britain upon the Slave-trade, which, in the above-mentioned Documents, is stated to be carried on in an illegal, and consequently criminal, manner, in the Ports of Mozambique, and more particularly at Ibo, by the granting of Passports, in due form, for the Brazils, to Ships which are destined to the Ports of other Countries, and which being Foreign property, go under different names, and are said to be Portuguese, having been laid before the Infanta Regent; in the name of the King, it is Her Highness's Command, that the Governor and Captain-General of Mozambique, immediately take adequate and strong measures for the prevention of such offences, in the certainty that the slightest omission in this important object will subject any Authority, in whom so shameful a dereliction of duty shall be observed, to the most severe proceedings, and that the utmost rigour of the Laws will be exercised upon those against whom it shall be proved, that they have taken part, however indirectly, in such scandalous practices, of which the mere statement requires measures to be adopted by Her Highness.

ANTONIO MANOEL DE NORONHA.

*No. 36.—Viscount Dudley to Sir William à Court.*

SIR,

*Foreign Office, 28th June, 1827.*

I HAVE received the Despatches of your Excellency, marked Slave-trade, up to the 30th May last.

Your Excellency will express to the Government of the Infanta Regent, the satisfaction which this Government derives from the prompt and decisive Orders issued by Her Royal Highness's Government to

the Governor of Mozambique, to put a stop to the abuses and illegality alleged to exist in the Slave-trade upon that Coast. I am, &c.

H. E. Sir W. d Court, G. C. B.

DUDLEY.

No. 37.—*Viscount Dudley to Sir William d Court.*

SIR,

*Foreign Office, 3d July, 1827.*

IN reference to the former Correspondence on the subject of the prevalence of the illegal Slave-trade at the Cape de Verd Islands, I transmit to your Excellency the accompanying Copy of a Letter, which has been recently received upon this subject from Mr. Clarke, His Majesty's Consul-General for those Islands; and I have to desire that you will bring before the Portuguese Government, the fresh instance contained in Mr. Clarke's Letter, of the misconduct of Persons employed by them in their Settlements abroad. I am, &c.

H. E. Sir W. d Court, G.C.B.

DUDLEY.

(*Enclosure.*)—*Mr. Consul-General Clarke to John Bidwell, Esq.*

SIR,

*British Consulate, St. Jago, 19th April, 1827.*

IN reference to my Letter of the 5th February last, in which I had the honour of acquainting you, for the information of Mr. Secretary Canning, of the arrival of the *Secours*, Captain Freitas, in the Bay of St. Francis, with Slaves, I have now to inform you that, since that period, she has been in this Harbour, refitting, and sailed from this Port, on the night of the 18th instant, with upwards of 150 Slaves on board, at a freight of 62 dollars per head, for The Havannah. It was the intention of sending these poor Creatures to the Brazils, but I am happy in having it in my power to say, that the Owner of them applied to the Governor-General for a Passport to Maranhham, for these Slaves, but he has very properly refused it. I trust that as she will have to pass His Majesty's Cruizers in the West Indies, some of them will capture her before she reaches her destination.

I have likewise to acquaint you, for the information of the Right Hon. Secretary of State, that the Portuguese National Schooner, the *Conception*, commanded by Lieutenant Lima, arrived in this Harbour on the Evening of the 16th, with the late Governor of Bissao, Joachim Antonio Mattas, a noted Slave-dealer, and on the morning of the 17th landed his Domesticks, as they are termed, to the number of 32, with impunity; on my remonstrating with his Excellency the Governor-General on the impropriety of their being landed, contrary to Treaty, he replied, he had no power to seize them, not having Instructions from his Government to that effect: thus it appears, that the Slave-trade is allowed to be carried on amongst the Cape de Verds, with every protection requisite, and supported by the Naval Officers of the Crown; I trust such prompt steps will be taken to suppress these measures, as will finally bring the resident Persons amongst these Islands, who are

all more or less concerned in it, to a proper sense of feeling, and convince them that they are not justified in acting contrary to Treaties existing between the two Governments. I have, &c.

*John Bidwell, Esq.*

J. P. CLARKE.

P. S. I have every reason to suppose that a much greater number than those specified, have been landed during the night, but I cannot ascertain it to a certainty. J. P. C.

No. 38.—*Sir William à Court to Viscount Dudley.*—(Rec. Aug. 5.)

MY LORD,

*Lisbon, 14th July, 1827.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, marked Slave-trade, of the 28th June and 3d July.

I shall immediately convey to the Portuguese Government the expressions of satisfaction contained in the first, and, at the same time, lay before it a Copy of the Letter enclosed in the second, with a request, that measures may be taken to put an end to the abuses pointed out by Mr. Clarke.

I have, &c.

*The Right Hon. Viscount Dudley.*

WILLIAM à COURT.

No. 39.—*Viscount Dudley to Sir William à Court.*

SIR,

*Foreign Office, 31st August, 1827.*

IN reference to former Correspondence with your Excellency, on the subject of the illegal Slave-trade carried on by the Inhabitants of the Cape de Verd Islands; I transmit for your further information, the accompanying Copies of Despatches, which have been received upon that subject at this Office, from His Majesty's Consul-General for those Islands.

Your Excellency will take an early opportunity of communicating to the Government of Her Royal Highness the Infanta Regent, the intelligence contained in these Papers.

I am, &c.

*H. E. Sir William à Court, G.C.B.*

DUDLEY.

(Enclosure 1.)—*Mr. Consul-General Clarke to John Bidwell, Esq.*

SIR,

*British Consulate, St. Jago, 8th June, 1827.*

I DID myself the honour of addressing you, in Duplicate, on the 19th of April last, to which I beg reference. I therein stated that the *Conception* had landed 32 Slaves; I have since ascertained that the Commander, Lieutenant Lima, brought over 11 belonging to himself, and which were landed and sold in these Islands.

The Governor-General of these Provinces acknowledges to have received Official Instructions from his Government relative to the Slave-trade, on the 20th ultimo, per Portuguese National Brig *Gloria*, notwithstanding which, on the evening of the 6th instant, while His Majesty's Ship *North Star*, Captain Septimius Arabin, was lying in this Port, there were landed from a Boat, in the presence of one of the



Crew of the Captain's Gig, 10 Slaves, brought over in the Portuguese National Brig *Boa Ventura*, Manoel da Cunha Maldonado, Commander. It appears to me, that the Slave-trade, so far from meeting with opposition from the constituted Authorities of this Place, every facility is afforded, and all enquiries made by me, relative to the arrival of Vessels, is placing me hourly in a most precarious state, as I have been publickly told to shut my eyes to this traffick; threats will never prevent my doing what I consider a publick duty, and wherever the interests of my Country are concerned, His Majesty's Government will find I shall never swerve; but still I solicit the protection of my Government against a confirmed race of Slave-dealers, and who would not hesitate to put me out of the way by unfair means, were they not apprehensive of meeting with their deserts.

I have hitherto, from motives of delicacy, refrained from making any remarks on the nature of the People I have to contend with, in these Islands, apprehensive my Government might consider I was dissatisfied with my present situation.

On the arrival of the *Bustard*, in October, 1825, from the circumstances which at that time took place, I was induced to shew the Draft of a Letter to Mr. Secretary Canning, dated the 24th of June, 1824, (6 months after my arrival here) to Messrs. Schenley and Macleay, and for the reasons above stated, I was induced to omit a paragraph of it. I now beg to forward you a Copy of the latter. "I am apprehensive that the inhabitants are fully aware that I am not sent out merely for the protection of the British Trade, but for the suppression of the Slave-trade; and as I doubt not it will greatly militate against my interests as a Merchant, I trust His Majesty's Government will see the necessity of protecting me, as I am desirous to act fully up to my instructions."

My motive for transmitting you the above Paragraph, is merely to shew how perfectly aware I was, at that early period, of the villainy of these People.

I am, &c.

John Bidwell, Esq.

J. P. CLARKE.

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(Enclosure 2.)—Mr. Consul-General Clarke to John Bidwell, Esq.  
SIR, *British Consulate, St. Jago, 12th June, 1827.*

I BEG leave to acquaint you, for the information of the Right Hon. Secretary of State for Foreign Affairs, that the Portuguese Brigantine Schooner *Four Friends*, Castello, Master, arrived at Bonavista, on or about the 4th instant, with 80 Slaves, from Cacheo, belonging to a person styled Donna Rosa, and whose husband recently died on the Coast; those mentioned in my former Despatch of the 8th instant, brought over by the *Boa Ventura*, belong to the same Owner, and I should not be surprised to learn, that so great a number have been passed over by the Governor of Cacheo, as Domesticks, although I am

of opinion, had such been the case, and one of His Majesty's Cruizers had fallen in with her, they would not have overlooked so flagrant an infringement of the Treaty existing between the Two Governments.

The Slave-trade is carried on most certainly with great success, and to a great extent amongst these Islands, and unless measures are taken to prevent it, I am certain these Islands will become, very shortly, the grand Mart for the Slave-dealers.

John Bidwell, Esq.

I have, &c.

J. P. CLARKE.

(Enclosure 3.)—*Mr. Consul-General Clarke to John Bidwell, Esq.*

SIR,

*British Consulate, St. Jago, 18th June, 1827.*

I BEG leave to acquaint you, for the information of the Right Hon. Secretary of State for Foreign Affairs, that His Most Faithful Majesty's Corvette *Princess Real*, commanded by Captain Francisco Pedro Limpo, arrived at this Anchorage on the 16th instant, for the purpose of suppressing the Slave-trade from the Coast to these Islands.

I have, &c.

John Bidwell, Esq.

J. P. CLARKE.

*Enclosure 4.—Mr. Consul-General Clarke to John Bidwell, Esq.*

SIR,

*British Consulate, St. Jago, 21st June, 1827.*

IN my Despatch of the 18th instant, I did myself the honour of acquainting you of the arrival of a Portuguese Corvette, *Princess Real*, for the purpose of cruizing against the Slave-trade; on the evening of the 20th, the Judge of this Province made me acquainted, that he had received Instructions to investigate, as to who the Parties are, concerned in this traffick; which has so completely annoyed the Inhabitants, that it is now the common observation, that "it entirely arises from the representations of the English Consul to the British Government." You cannot for a moment imagine the very unpleasant situation I am placed in, from these circumstances; no man, placed in a publick situation can avoid having enemies, whilst it is incumbent on him to inform his Government of every transaction that militates against existing Treaties.

I have no doubt, at this present moment, fresh intrigues are forming against me, and they will not hesitate to assert any falsehood, to endeavour to carry their purpose; feeling fully confident, that should they make any false representations, that my Government will do me justice, I make myself perfectly easy on that head.

I am sensible that it is incompatible with the duty of a Consul in this Place to trade, and if my income was barely sufficient to keep my Family, and the expenses I am unavoidably put to by the arrival of His Majesty's Cruizers, as well as Officers in the Army, I should, with the greatest pleasure, decline it; for not one of the Merchants in the Place will purchase an individual article of me, if it is procurable

from any one else in Villa de Praia; thus I am beset on every side, and labouring under every disadvantage, and not one Englishman amongst the whole of the Islands, to whom I might, in some measure, impart my feelings; God knows, any person envying my situation, with such a set of villains to contend with, and a wretched Climate also, would be termed in England a perfect Madman.

I beg to apologize for thus transgressing on your time, but I cannot, in sufficiently strong terms, state what are my feelings at the present moment.

I am, &c.

John Bidwell, Esq.

J. P. CLARKE.

(Enclosure 5.)—*Mr. Consul-General Clarke to John Bidwell, Esq.*  
SIR, *British Consulate, St. Jago, 2d July, 1827.*

I BEG leave to acquaint you, for the information of the Right Hon. Secretary of State for Foreign Affairs, that a complete combination exists with the Inhabitants of Villa de Praia, as to the continuance of the Portuguese Corvette, sent here for the suppression of the Slave-trade.

The Commander has orders to get supplies from the Governor-General of this Province, or of Parties resident in the Place; no funds for the purpose are placed at the command of his Excellency, consequently he cannot procure them what they require, and the Inhabitants have determined, within themselves, not to contribute to their wants in any shape, or to accept Bills on their Government; necessity, in 2 months, will oblige them to return to Lisbon for provisions, and the Persons concerned in the Slave-trade, will carry their point, by getting the Cruiser out of the way: this Vessel is not at all adapted for the Service, mostly all our Merchant-vessels outsail her.

An English Schooner sailing direct to England from this Port, allows me an opportunity of conveying this intelligence, and I trust in sufficient time to counteract their machinations, before necessity obliges the *Princess Real* to depart from these Islands.

I have, &c.

John Bidwell, Esq.

J. P. CLARKE.

## BRAZIL.

No. 40.—*The Right Hon. R. Gordon to Mr. Secretary Canning.*—  
(Received January 30th, 1827.)

(Extract.)

*Rio de Janeiro, 27th November, 1826.*

I HAVE this day the honour to forward by Captain Ferguson, of His Majesty's Ship *Mersey*, who proceeds direct to England, the Convention, which I signed on the 23d of this month, for the total abolition of the Slave-trade, after the expiration of a term of 3 Years.

The Emperor Don Pedro's Ratification having been affixed to the Convention, the same will be forwarded, under charge of a Secretary in the Foreign Office of the Brazilian Government, by the *Camden* Packet, which sails for England on the 5th of December.

*The Right Hon. George Canning.*

R. GORDON.

No. 41.—*The Right Hon. R. Gordon to Mr. Secretary Canning.*—  
(Received January 30th, 1827.)

(Extract.)

*Rio de Janeiro, 27th November, 1826.*

I HAVE been under the necessity of receiving from the Brazilian Plenipotentiaries, the 2 enclosed Notes, expressing at once their fears and their requests upon the British Government, with reference to what they seem to consider will be the fatal results of our Convention for the abolition of the Slave-trade in this Country; and I have the honour to enclose, at the same time, the Answer which I have made to them upon this subject.

The very same Notes were presented to Sir Charles Stuart, and, like him, I have declined to give any encouragement to the demands of the Brazilian Government, as will appear on perusal of my Note Reversal.

*The Right Hon. George Canning.*

R. GORDON.

(Enclosure 1.)—*The Brazilian Plenipotentiaries to the Rt. Hon. R. Gordon.*  
(Translation.)

*Rio de Janeiro, 23d November, 1826.*

THE Undersigned, Plenipotentiaries of His Imperial Majesty, having reflected most maturely and deliberately upon the Treaty which they are about to sign for the abolition of the Slave-trade, feel themselves obliged, for the good of Brazil, and the dignity of His Imperial Majesty, to submit to his Excellency the Right Hon. Robert Gordon, the British Plenipotentiary, two observations upon the consequences of that Treaty, which appear to them of the highest importance; and on this account they venture to hope that his Excellency will give them the necessary attention.

The Undersigned have to remark, first, that the stipulations of the Treaty which relates to the lawful Traffick in Slaves, for the space of 3 Years, will become null and of no effect, either if Portugal shall prohibit this trade in her Ports on the Coast of Africa, or if the Cruizers of other Nations shall be disposed to interrupt the Traffick, in virtue of the Treaties concluded for that purpose with Great Britain.

No less important is their second observation, respecting the well-founded apprehension, that the Subjects of Brazil, finding themselves deprived of the facilities which they now enjoy, for procuring hands to keep up their existing Establishments, to promote the improvement thereof, and to attempt others, will be dissatisfied at this loss, and,



instigated by those who are discontented with the actual form of Government in Brazil, will break out in complaints, which it will be impossible to remove, or into excesses which may not only alarm His Imperial Majesty, but also endanger even the continuance of tranquillity and good order.

It is of the utmost urgency to anticipate results so weighty and so important, and the Undersigned have no doubt that the Government of His Britannick Majesty, interested as it is, and as it has shewn itself so, efficaciously, in the stability of the Brazilian Throne, will still be willing to concur, by every effort in its preservation.

Animated by this hope, and calling upon your Excellency's practical knowledge of the actual state of the Empire of Brazil, the Undersigned have received the Commands of His Imperial Majesty to ask, at the hands of the Government of His Britannick Majesty, through the channel of your Excellency, for a Guarantee, as far as regards the non-interruption of the execution of the Treaty which authorizes the lawful Traffick in Slaves during 3 Years; and secondly, for a Declaration, stating the readiness of the Government of His Britannick Majesty to enter into and conclude some Arrangement, against the contingency to which are directed the just fears of His Imperial Majesty's Government, as the result of the abolition of the said Traffick.

The Undersigned, &c.

MARQUEZ DE INHAMBUPE.

*The Right Hon. R. Gordon.*

MARQUEZ DE SANTO AMARO.

(*Enclosure 2.*)—*The Brazilian Plenipotentiaries to the Rt. Hon. R. Gordon.*  
(Translation.)

*Rio de Janeiro, 23d November, 1826.*

THE Undersigned, Plenipotentiaries of His Imperial Majesty, having negotiated and signed, under date this day, the Treaty for the Abolition of the Slave-trade, after the lapse of 3 Years, to be counted from the date of the Ratification of the said Treaty, cannot omit to call the attention of His Excellency the Right Hon. Robert Gordon, to the important and weighty observations which they made upon this subject in the late Conferences; and they add that, as it may happen that, at the expiration of that term, many Commercial Speculations, undertaken in proper time, may still be pending, it is but just and fair to take into consideration, and to protect, such transactions as may have commenced in good faith, and to which the Subjects of His Imperial Majesty attach the greatest importance, in as much as it is proposed to destroy the means, which they look upon as indispensable for the advancement of Agriculture, the principal branch of industry which is rendered available in this Country.

Upon these grounds, and upon those which the practical knowledge of Brazil must suggest to your Excellency, the Undersigned flatter

themselves that your Answer to this Note will be so satisfactory, as to give them hopes that the Government of His Britannick Majesty will readily consent to come to some Arrangement in London, posterior to this Treaty, granting a fair prolongation of the stipulated term, for the sole purpose of facilitating the final termination of speculations connected with the Traffick in Slaves, which may at that time still be pending.

The Undersigned, &c.

MARQUEZ DE INHAMBUPE.

*The Right Hon. R. Gordon.*

MARQUEZ DE SANTO AMARO.

(Enclosure 3.)—*The Rt. Hon. R. Gordon to the Brazilian Plenipotentiaries.*  
(Translation.) *Rio de Janeiro, 26th November, 1826.*

THE Undersigned, His Britannick Majesty's Plenipotentiary, has received and given due attention to the 2 Notes, which their Excellencies the Plenipotentiaries of Brazil have addressed to him, upon the signing of the Convention for the abolition of the Slave-trade. In one of these their Excellencies express their apprehension, that, in the first place, the stipulations of this Convention may become null and of no effect, either if Portugal should prohibit the Traffick in her Ports on the Coast of Africa, or if the Spanish and American Cruizers should be disposed to interrupt it, in virtue of their Treaties with Great Britain; and, secondly, that the Subjects of Brazil, much dissatisfied with a measure which is likely to deprive them of great advantages, may be instigated to give such effect to their complaints as may endanger the peace of the Empire.

The Brazilian Plenipotentiaries further require the Undersigned to ask for a guarantee, on the part of the British Government, against these results.

In replying to the above, the Undersigned flatters himself the Brazilian Plenipotentiaries can expect little more at his hands, than an assurance, that he will not fail to transmit the same to his Government.

There seem to be no grounds for an increased apprehension on the part of Brazil, with respect to the interference of Foreign Powers, with her Traffick in Slaves, consequent upon the signature of the present Convention with Great Britain; and the Undersigned need not assure the Brazilian Plenipotentiaries that perfect good faith will be observed by his Government, in the execution of its stipulations.

From a strict exercise of this good faith, it might rather be inferred, that the danger of Foreign interference would be diminished; but under no circumstances can the Undersigned encourage the Plenipotentiaries of Brazil to expect, that Great Britain will interfere with the acts, or determinations, of other Powers, having reference to their own interests or internal arrangements.

In like manner, the Undersigned sees no cause for dreading the consequences which, it is said, may arise out of the discontent of the people of this Country, when the final Abolition of the Slave-trade is effected; a measure which must be productive of ultimate advantage to the Country, and which, accompanied by the due provisions of a beneficent Sovereign and an enlightened Government, can hardly afford a just cause for alarm.

The interest which The King of England takes in the prosperity of this Empire, would make it doubly painful to him to believe in the dangerous consequence foreseen by the Brazilian Plenipotentiaries, and, doubtless, His Britannick Majesty could not view with indifference, His Ally brought into distress, on account of a measure which is calculated rather to reflect happiness and honour upon His Government.

The second Note of the Brazilian Plenipotentiaries, alludes to the inconvenience and loss which will arise to many of the Merchants of this Country, if the stipulations of the Convention signed on the 23d instant, be carried into rigorous effect, immediately upon the expiration of the term fixed for the Abolition.

Trusting that the Government of Brazil is animated by the same good faith as the British Government, in wishing totally to abolish the Trade, the Undersigned cannot for a moment believe, that it is not in the power of the former to enact such regulations in the course of the next 3 Years, as may justly force the Brazilians to restrain their Commerce, and, by opportunely submitting to the Laws of their Country, not expose themselves to the risk above-mentioned.

An agreement to prolong the term stipulated by the Convention, appears to the Undersigned, in the light of an encouragement to bad faith.

Having thus replied to the 2 Notes which he has received from the Brazilian Plenipotentiaries, arising out of the Convention which he had the honour to sign with their Excellencies on the 23d instant, and having engaged to transmit the said Notes for the consideration of his Government, the Undersigned takes this opportunity, &c.

*Their Excellencies*

R. GORDON.

*The Marquises of Inhambupe and Santo Amaro.*

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No. 42.—*Mr. Secretary Canning to the Right Hon. R. Gordon.*

SIR,

*Foreign Office, 26th February, 1827.*

I HAVE received the Despatches of Mr. Chamberlain of the Slave-trade Series to the 14th of October.

By a reference to his Despatches, you will perceive that the Portuguese Vessels *Orfeo*, *Nove de Março*, and *Bom Viagem*, had arrived in Brazil with Cargoes of Slaves from Africa; that His Majesty's Chargé d'Affaires had remonstrated against the grant to land these Slaves, and that the Brazilian Government had declined to take any

cognizance of these Cases, alleging "that there is not, at present, any Stipulation between England and Brazil, by which Brazil binds herself not to receive Slaves imported in Portuguese Vessels."

I hope that such a Case of the admission of Portuguese Slave-vessels into the Ports of Brazil will not recur; but it will be right to provide for its recurrence, however little to be expected, and for the repetition of the allegation brought forward by the Brazilian Government, however unfounded in principle, and evasive as to fact.

It will first be necessary to shew what Compacts Brazil is willing to acknowledge as subsisting between that Country and Great Britain.

She has expressed, upon more than one occasion, a wish that the Stipulations which subsisted between this Country and Portugal, when Brazil was a Province of Portugal, should still be considered as subsisting between this Country and Brazil.

That principle has been acknowledged by this Country; it is acted upon provisionally in respect to the Commercial Treaty. It must equally be considered to have been binding, as regards the Treaty on Slave-trade.

In respect to the Slave-trade Treaty, that Treaty has moreover been already acted upon by Brazil, in respect to matters coming under the Brazilian Alvara of 1818, subsequent to the period when Brazil had declared herself to be Independent.

The Treaty of 1817 has indeed now been formally renewed, and His Majesty's Ratification of that Treaty concluded by you, in which its renewal is recognized, will reach Brazil, probably shortly after the receipt by you of this Despatch. It now, therefore, only remains for me to remind you of the spirit of those stipulations of the Treaty of 1817, which bear upon the particular Question, so that you may be furnished with an answer to the Government of Brazil, in the event of their now repeating the allegation, that there is no Stipulation subsisting between this Country and Brazil, by which Brazil binds itself not to receive Slaves imported in Portuguese Vessels.

In the 1st Section of the 1st Article of the Convention of 1817, the object on the part of the Two Governments is declared to be "mutually to prevent their respective Subjects from carrying on an illicit Slave-trade."

The admission indiscriminately of Slaves imported in Portuguese Vessels from Africa into the Ports of Brazil, is utterly inconsistent with that declaration.

In the 4th Section of the same Article, that Slave-trade is declared to be illegal which is carried on by Portuguese Vessels, bound for any Port not in the Dominions of His Most Faithful Majesty.

Brazil is no longer in the Dominions of His Most Faithful Majesty, and the Slave-trade admitted in Portuguese Vessels to Brazil, is therefore decidedly illegal. By the 3d Article of the same Treaty, a further



engagement is made to Great Britain, by the other Contracting Party to the Treaty, that the prohibition shall be renewed against the importation of Slaves into Brazil under any other Flag than the Native Flag of the Vessels belonging to that other Contracting Party.

As Brazil has adopted this Treaty as her own, and has thus put herself in the light of the Contracting Party in it, towards Great Britain, she cannot but allow that, under the spirit also of this Stipulation, the Trade to Brazil in Portuguese Vessels is now decidedly illegal.

If therefore any Case should again occur, of the admission of Portuguese Slave-vessels into the Ports of Brazil, you will not omit strongly to remonstrate against such transaction, grounding your remonstrances upon what I have above-stated, of the letter and spirit of those Compacts in this respect, which Brazil has now voluntarily acknowledged to be binding upon herself, and the express fulfilment of which Great Britain is entitled to require of Her. I am, &c,

*The Right Hon. Robert Gordon.*

GEORGE CANNING..

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No. 43.—*The Right Hon. Robert Gordon to Mr. Secretary Canning.*—  
(Received March 1, 1827.)

SIR,

*Rio de Janeiro, 8th December, 1826.*

IN obedience to the directions contained in your Despatches of August and September last, I have the honour to acquaint you, that, on the 4th instant, I addressed the enclosed Note to the Marquis of Inhambupe.

Besides the 2 Cases mentioned in your Despatches, of the *Carolina*, and the Schooner *Nove de Março*, I have thought proper to include in my Representations to the Minister for Foreign Affairs, another most aggravated Case of infraction of the Slave-trade Treaties, which appears to have been countenanced by the Authorities at Maranham, and of which ample details have been furnished to this Mission by His Majesty's Consul at that Port. I have, &c.

*The Right Hon. George Canning.*

R. GORDON.

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(Enclosure.)—*The Rt. Hon. R. Gordon to The Marquis of Inhambupe.*  
MONSIEUR LE MARQUIS, *Rio de Janeiro, 4th Dec. 1826.*

IT has become my duty to call your Excellency's attention to several Cases, in which a most flagrant infraction of the Slave-trade Treaties appears to have been countenanced by the Authorities of Maranham; and I am induced the more earnestly to desire that the Brazilian Government will interfere to prevent these abuses, owing to their very frequent occurrence in that Province.

On the 9th of September last, Mr. Chamberlain represented to your Excellency, the fact of the Schooner *Nove de Março*, which had arrived from the Island of St. Jago with a Cargo of 86 Slaves, having been permitted to land them at Maranham, under a false entry from

Cabinda ; but no answer has yet been received from your Excellency to this representation.

Since it was made, fresh information has been received from His Britannick Majesty's Consul, proving the illegality of the Voyage of the Schooner *Nove de Março*, and her fraudulent entry into that Port.

Another case, in which the execution of the Law has been strangely departed from at Maranham, regards the fate and distribution of the Negroes found on board the Schooner *Carolina* ; the freedom of these Negroes having been decreed by a Sentence of the competent Tribunals, in virtue of the Alvará of the 26th of January, 1818, His Britannick Majesty's Government has learnt with sorrow, that, in evasion of that Sentence, many of them have been falsely reported as dead, and surreptitiously sent into slavery, whilst the greater part of them have been given to Planters, by whom they will be, doubtless, sent to work in Plantations, instead of being suffered to gain their livelihood in the Town, by exercising handicraft trades;—the lot of all being thus a return to slavery.

I am sorry to have to add, that another most glaring infraction of the Treaties has been permitted by the Authorities of Maranham in the Month of August last.

On the 13th of that Month, the Brazilian Brig *Pedro Primeiro*, belonging to Para, entered the Port of Maranham with 160 Slaves on board, and when, on the following day, a declaration was made to the President by His Britannick Majesty's Consul, respecting the illegality of her Voyage, he having certain information, that all the Slaves on board were from the Northward of the Line, and that the Brig in question had no regular Passport, she was nevertheless allowed to unmoor, and sail out of the Harbour the day after, without the slightest attention being given to the Representations of the British Consul, and even without regard being had to the proper Port Regulations ; His Excellency the President, thereby screening these illicit Slave-dealers from the punishment which they otherwise would have met with, and countenancing, in a most unwarrantable manner, a direct infraction of the Treaties which he is bound to observe. The *Pedro Primeiro* has sailed for Para, where, it is to be feared, she will be admitted, and her Cargo sold, upon the plea of her coming from a Brazilian Port, although she can produce no clearance, in conformity to the 9th Article of the Custom-House Regulations.

Having called your Excellency's attention to these Cases, it is my duty to urge the institution of proper measures, for the purpose of preventing this continued infraction of the Slave-trade Treaties, and especially in order to induce an enquiry to be made into the Case of the *Carolina*.

The British Government expect that the unfortunate Negroes who were found on board of that Vessel will be rescued from the Slavery

which seems to await them, and that the Individuals who have so unjustifiably abused the powers vested in them by the Sovereign of Brazil, for the purposes of humanity, will be speedily brought to condign punishment. The Undersigned avails himself, &c.

R. GORDON.

*His Excellency the Marquis of Inhambupe.*

No. 44.—*The Right Hon. R. Gordon to Mr. Secretary Canning.*

(Received March 1, 1827.)

SIR,

*Rio de Janeiro, 8th December, 1826.*

I HAVE the honour to transmit to you the enclosed Memorandum, which I have received from Mr. Chamberlain, respecting the admeasurement of Vessels destined for carrying on the Slave-trade.

I have, &c.

*The Right Hon. George Canning.*

R. GORDON.

(Enclosure.)—*Memorandum relative to Brazilian Slave-trade.*

THE Slave Merchants of Rio de Janeiro are so impressed with the dangers attending an attempt to smuggle Negroes ashore upon the Coast, that none of them would venture to incur such a risk.

But they assert that the profits of the Trade are, even now (under the present mode of estimating Vessels for carrying Slaves), very small; and that if they were prevented from carrying at the present ratio, a great part of the Trade must cease.\*

They do not, however, consider it likely, that the Government will consent to make the desired change in the mode of admeasurement: and if the Government did, they count upon being able, notwithstanding such Orders, to continue, by influence or bribery, to procure Certificates that will suit their purpose.

They moreover count upon the Government shutting its eyes to the practice, if it were to become known; and that even if legal measures were instituted against them, it would be done with great leniency; in other words, that no punishment would follow.

It is generally believed that, notwithstanding the present over estimate of Slave-tonnage, more Individuals are shipped in Africa than the Passport authorizes, with the object of filling up the vacancies caused by deaths during the Voyage, the duties being levied on the number shipped, and not on the number landed.

This species of smuggling is imagined to be common. It certainly happens in some cases that 1 or 2 more are found on board when the Ship arrives at Rio, than there ought to be. And in others, that the number of deaths reported is very small.

\* This fact I beg leave to doubt. H. C.

The Revenue derived from the Trade is very considerable; the duty levied being, as I am informed, at the rate of something more than 36 dollars for each Individual shipped.

On the score of humanity, whatever may be said by this Government, I look for very little being done; as respects demurrage upon Ships improperly detained, we have the remedy in our own hands.

H. CHAMBERLAIN.

Rio, 17th November, 1826.

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No. 45.—*The Right Hon. R. Gordon to Mr. Secretary Canning.*

(Received March 1, 1827.)

SIR,

Rio de Janeiro, 13th December, 1826.

I HAVE the honour to enclose the Copy of a Note which I have received from the Brazilian Minister, in answer to my Representation to him, respecting the repeated infraction of the Slave-trade Treaties at Maranhão, a Copy of which I forwarded in my Despatch of the 8th instant.

I have, &c.

*The Right Hon. George Canning.*

R. GORDON.

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(Enclosure.)—*The Marquis de Inhambupe to the Right Hon. R. Gordon.*

(Translation.)

Palace of Rio de Janeiro, 10th December, 1826.

THE Undersigned, Counsellor, Minister, and Secretary of State for Foreign Affairs, acknowledging the receipt of the Note which the Right Hon. Robert Gordon, &c. addressed to him on the 4th of this month, has to answer him, upon the Case of the Vessels *Carolina* and *Pedro Primeiro*, of which the said Note makes mention, that the President of the Province of Maranhão has just been commanded forthwith to make known all the particulars relating to those 2 Vessels, in order that the necessary measures may be taken, with full knowledge of the Case: and as to the Portuguese Schooner *Nove de Março*, on the subject of which Mr. Chamberlain had made a representation, Mr. Gordon will see, from a Copy of a Note addressed to that ex-Chargé d'Affaires, that he was answered in due time.

The Undersigned, &c.

*The Rt. Hon. Robert Gordon.* MARQUEZ DE INHAMBUPE.

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(Sub-Enclosure.)—*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*—(Translation.)

Palace of Rio de Janeiro, 26th September, 1826.

HAVING written to His Most Faithful Majesty's Chargé d'Affaires, upon the subject of the Portuguese Schooner *Nove de Março*, which you stated in your Note of the 9th instant, to have left Cape de Verd with a Passport for Cabinda, but which you supposed had brought Slaves from Cacheo to Maranhão, the same Chargé d'Affaires has



just informed me, that all his information upon the matter was, that the said Schooner had left Santiago for Cabinda.

And as this affair is exactly similar to that of the Ship *Orfeo*, respecting which you also made a Representation, there remains nothing for me to do but to refer you to the Answer which I gave you, under the date of yesterday, upon a like subject.

*Mr. Consul-General Chamberlain.* VISCT. DE INHAMBUPE.

No. 46.—*The Right Hon. R. Gordon to Mr. Secretary Canning.*

(Received March 1, 1827.)

SIR,

*Rio de Janeiro, 21st December, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch, marked Slave-trade, of the 22d of September last.

You will see by my Despatch of the 8th of December, that I have already made the Representations to this Government which you have required of me, upon the subject of the unfortunate Negroes, landed at Maranham from the Vessel *Nove de Março*.

Although the Answer from this Government, which I had the honour to forward on the 13th instant, is, in itself, unsatisfactory, yet I entertain confident hopes that Orders have been dispatched to Maranham, for the purpose of enforcing a more strict obedience to the Treaties, on the part of the Brazilian Authorities in that Province.

I have, &c.

*The Right Hon. George Canning.*

R. GORDON.

No. 47.—*Arthur Aston, Esq. to Mr. Secy. Canning.—(Rec. March 30.)*

SIR,

*Rio de Janeiro, 10th January, 1827.*

I HAVE the honour to enclose a Copy and Translation of a Note, which I have received from His Excellency the Marquis of Inhambupe, dated 4th instant, in reply to the Representation addressed to the Brazilian Government by Mr. Chamberlain (a Copy of which was forwarded in his Despatch of the 2d August last), respecting the illegal Slave-trade Licences, granted by the Authorities at Maranham, in the Cases of the Vessels *Donna Maria Felicia*, and the *Amizade*.

In explanation of the circumstances complained of in Mr. Chamberlain's Note, the Brazilian Minister states, that the Proprietors of these Vessels are Brazilian Citizens, established in business at Maranham, and that the Licences granted were strictly legal, being according to the Articles of the Constitution of the Empire, and without involving any infraction of existing Treaties.

I have, &c.

*The Right Hon. George Canning.*

ARTHUR ASTON.

(*Enclosure.*)—*The Marquis de Inhambupe to Arthur Aston, Esq.*  
(Translation.) *Palace of Rio de Janeiro, 4th January, 1827.*

FINDING myself enabled to reply to the Note of the 15th July last, (that the Chargé d'Affaires of His Britannick Majesty, then residing at this Court addressed to me), in consequence of the information requested from the President at Maranham having now reached me, I have to acquaint you, that it is true, that Sebastião Pinto, a Merchant of that City, and established there in a large trade, was at that time in Lisbon upon leave, from whence he was shortly to return, and that he requested, on the 2d of July, 1825, that, having large funds unemployed in Gibraltar, and not having means to remit them to Maranham without great loss, in consequence of the Exchange, besides the risk of taking Bills, which did not hold out safe security for their payment, he might be allowed to purchase with those funds, by means of his Correspondent at the Port of Gibraltar, or in any other Port of Europe, a Schooner, of which he described the name and measurement, in order that, by trading for Slaves in the Ports not prohibited, which he also designated, he might thus transfer his large funds to that City (Maranhão), where his Commercial Establishment still exists, this speculation in Slaves having formed part of his business for many Years; and that Merchant was still there, when the Passport referred to was obtained.

Upon similar grounds, Manoel Francisco da Silva, also a Merchant of extensive trade in that City, requested, on the 12th of August, of the same Year, the Passport, which, for the same reasons was granted.

The conclusion, therefore, from what is herein set forth, is, that the two transactions in question were entered into by Brazilians (and with their own funds), because the 2 Merchants who undertook them are Brazilian Citizens, according to what is laid down in Tit. 2. Art. 6. Sec. 4. of the Constitution of the Empire, and that there could be no reason to refuse them a request which did not involve any infraction of the Law, or of Treaty, as it rested upon the points agreed upon for the regulation of this Slave-trade. I avail myself, &c.

*Arthur Aston, Esq.*

MARQUEZ DE INHAMBUPE.

No. 48.—*Viscount Dudley to the Right Hon. R. Gordon.*

SIR,

*Foreign Office, 30th April, 1827.*

I SEND herewith to you the Copies of Despatches which have been received at this Office from His Majesty's Commissioners at Sierra Leone, giving detailed Reports of the Cases of the Brazilian Vessels, *Activo* and *Perpetuo Defensor*, which were detained upon a charge of illegal Slave-trade, and were adjudged by the Mixed Commission, sitting at the time at Sierra Leone, under the Treaties and Conven-

tions between Great Britain and Portugal for the repression of illegal Slave-trade.

It appeared that these Vessels had been concerned in the Trade in Slaves declared to be illegal by the Convention of the 28th of July, 1817, but it appeared at the same time, that, agreeably to the terms of the Convention, the Vessels were detained in spots where the Captors were not justified in detaining them.

Under these circumstances, His Majesty's Commissioners decided on the release of the Vessels, thus negating the Claim of the Captors to any benefit arising from the Capture, but they left open for decision between the two Governments, the Question of Compensation to the Slave-traders for the loss sustained by them in the matter of the detention in their illegal Voyage.

I beg to refer you for the Opinion of His Majesty's Government on this Question, to the Communication which was made in 1823,\* to the Portuguese Government in the Case of the *Sinceridade*, "that His Majesty's Government do not hesitate to declare their Opinion, that in point of equity, no compensation whatever can be due to Traders, in case of traffick carried on under circumstances which constitute illegal Trade; and doubtless, on the other hand, no condemnation of a Vessel ought to take place, when the Capture was made at a spot not absolutely within the Boundaries prescribed for capture by the Treaty."

And further, that "His Majesty's Government believe that the Portuguese Government will agree with them, that such is the spirit of the Treaty, particularly of the 9th Article of the Instructions for the Mixed Commission."

The Government of His Most Faithful Majesty did not combat the proposition contained in that declaration, and I feel little doubt but that the Emperor of Brazil will equally acquiesce in the rectitude of the principle therein contained.

In this view, I have to desire that you will communicate to the Brazilian Government the facts of these Cases, and propose to them a joint Declaration by the British and Brazilian Governments, which shall embrace the proposition here stated, and shall set at rest the Cases in question, and future Cases of the same nature.

I have at the same time to desire, that you will suggest to the Brazilian Government, the propriety of adding in the Declaration, a statement, in explanation of the Treaty, in which statement it shall be explicitly declared, that all Captures are held to be legal which shall take place by Vessels properly authorized, and in Places where the Slave-trade is not permitted.

Such a statement becomes necessary, in consequence of the doubtful terms of the Treaty; signifying, in one sense, that although Slave-trade is not permitted on the Western Coast of Africa, excepting in

\* See Class A. 1823—1824, No. 17.

the Places between the 5th and 18th Degrees of South Latitude, still the Captures made 1 Minute South of the Equator are to be deemed unwarranted, and Vessels there trading to be suffered to pursue their illegal Voyage.

This is an anomaly which surely requires correction.

I am, &c.

*The Right Hon. Robert Gordon.*

DUDLEY.

(No. 49.)—*Viscount Dudley to the Right Hon. Robert Gordon.*

SIR,

*Foreign Office, 3d May, 1827.*

I HAVE myself considered, and I have consulted His Majesty's Advocate-General upon the subject of the Despatch of Mr. Aston, of this Series, dated the 10th of January of this Year.

The transactions therein referred to, in respect to the Licenses granted by the Authorities at Maranham, for the Vessels *Donna Maria Felicia*, and *Amizade*, are represented by Mr. Chamberlain in his Despatch of the 2d of August, 1826, to have originated so far back as in July and August, 1825, and they may be supposed to have been long since carried into effect, if carried into effect at all.

It is with reference therefore to future proceedings of a similar nature, that the observations in the present Despatch are now made on the Case in question.

The statement in this Case shews, that Licenses to trade in Slaves were granted to certain Persons, for Vessels not then in existence, as the Property of those Persons.

The Persons obtaining the Passports are said to have been both Merchants of Maranham, though one was absent from that Place on a Voyage to Lisbon.

It does not, even now, appear to what Vessels the Passports were applied, or whether any Vessels ultimately sailed under them.

The explanation offered upon the whole transaction is, that the Passports were granted in contemplation of Vessels to be purchased; and it is perhaps possible, that it might be the intention of the Parties to bring the Vessels, when purchased, to Maranham, that they might there undergo the regular form of Clearance.

Had such been the case, there might eventually have been no actual infraction of the spirit of the Treaty, but still there was evidently in the transaction a departure from the form of granting Passports, prescribed in the Convention, which refers to acts to be done by the Master before the Passport is granted; and Mr. Chamberlain particularly observes upon this point, that it was in violation of the Ordinance and Alvarà of Brazil upon this subject.

Such an irregularity excites reasonable suspicion of fraudulent intentions somewhere; and with a view to guard against the evils which may thence result, you will, in reference to this Case, signify to the



Government of Brazil, that the explanation offered in the Marquis of Inhambupe's Note of the 4th January, 1827, is not of that satisfactory purport which the unusual nature of the transaction appeared to require; and you will enter, mildly, but plainly, the Protest of His Majesty's Government against the recurrence of similar practices, as evidently calculated to afford an opening for transactions inconsistent with the Stipulations of the Treaty for the Suppression of illicit Slave-trade.

I am, &c.

*The Right Hon. Robert Gordon.*

DUDLEY.

*No. 50.—Viscount Dudley to the Right Hon. R. Gordon.*

SIR,

*Foreign Office, 12th May, 1827.*

I HAVE received from His Majesty's Consul at Maranhão, a Communication containing a Copy of his Despatch to you, upon the subject of the abuses which have been committed, in the distribution of the Negroes who were emancipated by a Sentence, in the Case of the Schooner *Carolina*.

Although, under the Instructions conveyed to you, by Mr. Secretary Canning's Despatch of the 7th of September, 1826, it will have been incumbent upon you to have already brought this matter to the attention of the Brazilian Government, still the facts stated in Mr. Hesketh's Communication, are of a nature which appear to me to call for the direct notice of His Majesty's Government.

It appears, from the Statement of Mr. Hesketh, that the distributing Magistrate, in the name of his Brother, and the Guardian of the Negroes, and also the President of the Province, have all thought proper to take possession of some of the Negroes in question.

The impropriety of the step is evident. All check over ill conduct towards the Negroes is evaded, since the power of treating them as Slaves, and the advantages to be derived from so treating them, are both centered in the same persons; viz.—1st, in the Magistrate whose duty it was so to distribute these Negroes, as that some superior check might be at hand to prevent their ill-treatment: 2dly, in the Officer who was specially appointed to protect them from the injury which they might suffer from others; and 3dly, in that presiding Power of the Province, whose duty it immediately was to watch over the emancipation decreed to them by the Laws.

Already have these steps been followed by the result which was naturally to be expected. Some Negroes have been kept back by the Magistrate, and reported as dead, so that, in fact, he has now acquired, by the most flagitious means, an uncontrollable power for life over these unhappy individuals, and when application has been made to the Guardian, for protection against the ill treatment suffered by others, the unfortunate Persons complaining have, without enquiry, been all severely punished, and returned back to a state of increased and hopeless misery under their old Masters.

Nor is the fate of others again more to be envied. The President of the Province of Maranhão, about to retire to Rio de Janeiro, proposes taking, as Domesticated, the emancipated Negroes delivered to him: he will thus give a painful example for the removal of other Slaves from the chance of being succoured from injury; he will directly infringe the conditions under which these Negroes were granted for the limited service of Individuals, and he will render utterly futile the humane intentions of the Contracting Parties to the Treaty.

I must desire you to lay before the Brazil Government a statement of this Case, to call for a strict enquiry into the circumstances, to demand immediate remedy for the flagrant abuses which have been committed on this occasion, and to urge that effectual measures may be taken, for security against a similar departure from the stipulations and spirit of the Compact between this Country and Brazil, for the suppression of illegal Slave-trade.

I am, &c.

*The Right Hon. Robert Gordon.*

DUDLEY.

No. 51.—*The Right Hon. R. Gordon to Visct. Dudley.*—(Rec. Aug 30.)

MY LORD,

*Rio de Janeiro, 5th July, 1827.*

I HAVE the honour to forward herewith the Copy of my Note to the Marquis of Queluz, upon the Cases of the Brazilian Vessels *Activo* and *Perpetuo Defensor*, in which, agreeably to the Instructions of your Lordship's Despatch of the 30th of April, I have called upon the Government of Brazil to issue, conjointly with His Majesty's Government, a Declaration explaining the Convention of 28th July, 1817.

I have the honour to be, &c.

*The Right Hon. Viscount Dudley.*

R. GORDON.

(Enclosure.)—*The Right Hon. R. Gordon to the Marquis of Queluz.*

*Rio de Janeiro, 4th July, 1827.*

THE Undersigned, His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, in pursuance of Instructions received from his Government, has the honour to communicate to his Excellency the Marquis of Queluz, Counsellor, Minister and Secretary of State for Foreign Affairs, that two Brazilian Vessels, having been detained on the Coast of Africa upon a charge of illegal Slave-trade, have subsequently been released by the Mixed Commission at Sierra Leone, under certain conditions, which leave an important Question to be decided by the British and Brazilian Governments; and the object of the present Note is to propose a joint Declaration, which shall set at rest the above, and all future Cases of the same nature.

Early in the course of last Year, the Brigs *Activo* and *Perpetuo Defensor*, under Brazilian Colours, were seized by His Majesty's Ships *Athol* and *Maidstone*, and carried into Sierra Leone for Adjudi-

cation. It appeared that these Brazilian Vessels had been concerned in the Trade of Slaves, declared to be illegal by the Convention of 28th of July, 1817: but it appeared at the same time, that they were detained in Spots not absolutely within the Boundaries prescribed by that Convention.

Under these circumstances, His Majesty's Commissioners decided, that the Vessels should be restored to the Claimants, but they reserved the Question of Compensation to be decided by the Two Governments, on the ground of the illegality of the Traffick.

The Commissioners at Sierra Leone, in coming to the above Decision, have been guided by a similar Case which occurred in 1823, when, in like manner, the *Sinceridade* was restored to the Claimants. On that occasion, His Britannick Majesty's Government did not hesitate to declare their opinion to the Portuguese Government, "that, in point of equity, no compensation whatever can be due to traders, in cases of Traffick, carried on under circumstances which constitute illegal trade;" and further, His Majesty's Government believed, that the Portuguese Government would agree with them, that such is the spirit of the Treaty, particularly of the 9th Article of the Instructions for the Mixed Commission.

The Government of His Most Faithful Majesty did not combat the proposition contained in that declaration, and the Undersigned is persuaded, that His Majesty the Emperor of Brazil will acquiesce in the justice of it. In truth, if compensation should be allowed, it would be giving encouragement to the violation of the special object of the Convention, which is to prevent illegal Slave-trade.

The Undersigned has, therefore, to propose to his Excellency the Marquis of Queluz, that a joint Declaration should be made by the British and Brazilian Governments, setting forth, in explanation of the Treaty,—

1st. That all Captures are held to be legal, which shall take place by Vessels properly authorized, and in Places where the Slave-trade is not permitted: and,—

2dly. The embarkation of Slaves, in Places where the Slave-trade is not permitted, shall be held to deprive the Claimants of all right to compensation, in Cases where their Vessels shall be restored to them on the ground of illegal detention.

The Undersigned relies with confidence upon the equity of the Brazilian Government, in adopting the above Declaration, which has for its object to remove a seeming ambiguity, without in the least departing from the spirit of the existing Conventions between the Two Governments.

The Undersigned, &c.

*His Excellency the Marquis of Queluz.*

R. GORDON.

No. 52.—*Viscount Dudley to the Right Hon. R. Gordon.*

SIR,

*Foreign Office, 31st August, 1827.*

FROM the Reports contained in the accompanying Copies of Despatches from His Majesty's Commissioners at Sierra Leone, you will perceive that, within the period of 4 or 5 months, from November, 1826 to April 1827, attempts have been made, under the form of Passports granted by Royal Authority in Brazil, to import 3,178 Slaves, from those parts of the Coast of Africa on which the Slave-trade has, under Treaty, been renounced by the Brazilian Government, and been interdicted to its Subjects.

All the Licences granted in these Cases profess, indeed, to require, that the Slaves should be taken from Molembo, within the limits permitted by the Treaty; and to prohibit the sailing of the Vessels to any Port without those Limits.

Nevertheless, in the Cases of the *Tenterdora*, *Venturosa*, *Conceição*, and *Providencia*, there is a permission to touch at Ports North of the Line, and in that of the *Providencia*, such permission is extended even to Sierra Leone.

It is unnecessary, on this occasion, to enter into any argument upon the abstract right of the Brazilian Government to issue Passports, in particular Cases, permitting Vessels to touch at St. Thomas, or other Ports to the North of the Line, for innocent purposes; for it is clear that the purposes of the Vessels in question were not of that innocent character; and this numerous class of Cases of Ships destined exclusively for the Slave-trade on the prohibited Coasts, and each marked with decided characters of the same common falsehood and fraud, can present to the Brazilian Government no other alternative than that, either of being considered privy to the illegal design, or of being deceived in a most shameful manner, by the misrepresentations of its Subjects.

In either case, His Majesty's Government must, with equal anxiety, look for an effectual prevention of such abuses, in the strictest interpretation of the Treaty; and in further measures, if such shall be necessary, to vindicate the good faith of the Contracting Parties.

A Communication has already taken place on Cases connected with the present, in the remonstrances made against the granting of Passes "to touch at St. Thomas and Princes Islands," to Vessels ostensibly destined to Molembo, and Places within the limits prescribed by Treaty.

The Answer of the Brazilian Government to these Representations, contained in Senhor Barbosa's Letter of 5th October, 1825,\* refers the English Government to the Treaty, as affording adequate powers to prevent the illicit practices complained of; His Majesty's Government has considered that Answer to imply an admission, on the part of the Brazilian Government, that Judicial Powers might be exercised by the Commissioners to put a stop to this abuse; and that interpretation was signified to the Commissioners in Mr. Canning's Letter of the 12th

\* See Enclosure in No. 52, Class B. 1825—1826.



January, 1826.\* His Majesty's Commissioners have acted on these Instructions, in the Cases immediately under consideration; and have thus prevented the particular mischief which would have ensued, had these enterprizes, undertaken in express contradiction to the spirit and intention of the existing Compacts between the Two Governments, been permitted to terminate successfully.

But, as these criminal undertakings themselves, evince the hope of violating the Treaty, and, at the same time, of evading the penalties, it therefore becomes necessary that some further express and publick definition should be agreed to, of what shall be held to constitute an illegal prosecution of Slave-trade, subject to penalty under the Treaty.

The Additional Article of the 25th of January, 1823, to the Convention with The Netherlands, and the Treaty with Sweden of the 6th November, 1824, adopt the principle of establishing the illicit employment of the Vessels, *by their fitting up*, and by other general circumstances therein specified, in lieu of the Clause, requiring proof "*of Slaves having been actually embarked.*" A proposition to the same effect was made at the same time to Portugal.

The Answer of the Brazilian Government, contained in Senhor Barbosa's Letter, above referred to, might perhaps fairly be considered as connected with that Communication, if not equivalent to the admission of the required principle.

But after the experience, which has been so clearly obtained, of the artifices of evasion which this trade has assumed, it has become essential to the maintenance of the spirit and object of the Treaty, that the rule established in the Treaties with The Netherlands and Sweden should be unequivocally recognized.

On these grounds, I have to instruct you to communicate to the Brazilian Government, the view which His Majesty's Government takes of this Question, and to propose to them that an Article, to the effect of that contained in the Treaties with The Netherlands and Sweden, should be concluded between Great Britain and Brazil.

You will, at the same time, communicate to them the accompanying Copy of an Instruction, which I have this day addressed to His Majesty's Commissioners at Sierra Leone, for their guidance upon this point; approving their conduct in the condemnation of the Vessels therein specified, and desiring them to act on the same principle in similar Cases. And you will express the perfect confidence of His Majesty, that His Imperial Majesty will readily embrace this opportunity of carrying into full and perfect effect the principles which have been declared by His Majesty and His Imperial Majesty, in the late Treaty concluded between them for the abolition of illegal Slave-trade.

I am, &c.

*The Right Hon. Robert Gordon.*

DUDLEY.

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\* See No. 25, Class A. 1825—1826.

No. 53.—*The Earl of Dudley to the Right Hon. Robert Gordon.*

SIR,

*Foreign Office, 3d October, 1827.*

WITH reference to that part of the Slave-trade Correspondence submitted to Parliament in the Years 1826 and 1827, described in the margin of this Despatch,\* relating to the supposed Capture of a Vessel, Prize to an English Ship of War, and to the murder of the English Crew of the captured Vessel, by the Crew of a Spanish Ship named *Gabilar*, or *Pelican*, I herewith transmit to you the Copy of a Despatch, and of its Enclosure, from His Majesty's Commissioners at Sierra Leone, (General. No. 18.) containing a Copy of a Deposition of a Person named J. A. De Castro Guimaraes, touching the truth of the above-mentioned Capture.

I have to signify to you His Majesty's Commands, that you use your utmost endeavours to discover some of the Brazilian Sailors, who are stated in that Deposition to have landed at Rio de Janeiro, about 18 months ago, from the *Disuniao*, a Brazilian Vessel, by which the English Prize is said to have been captured, prior to her Capture by the *Gabilar*.

If you shall be successful in meeting with any of the Crew of the *Disuniao*, you will take measures for causing them to be strictly examined, with respect to their knowledge of the alleged atrocious deed, in order that, if there be sufficient grounds for supposing it to have really been perpetrated, evidence may be procured of the suspected guilt of Segarro, the Captain of the *Gabilar*, and proceedings against him be required in the proper Quarter, for the due punishment of his crime.

I am, &c.

*The Right Hon. Robert Gordon.*

DUDLEY.

No. 54.—*The Earl of Dudley to the British Consul at Rio de Janeiro.*

SIR,

*Foreign Office, 26th December, 1827.*

I SEND to you an Extract of a Despatch, dated the 28th September last,† and a Copy of its Enclosure, which I have received from His Majesty's Commissioners at Sierra Leone, containing a List of 4 Brazilian Vessels, which were boarded, in the course of last Summer, by His Majesty's Brig *Conflict*, at Lagos Bay, under suspicious circumstances, but which were found, on examination, to be furnished with Mercantile Passports; and I have to desire, that you will transmit to me such particulars as you can obtain, of the circumstances under which these Vessels return to the Ports of Brazil; so that if it shall unfortunately turn out, that, contrary to the avowed purpose of their Voyage, they have been trading illegally in Slaves, the information which you supply may be made use of to strengthen any Representa-

\* Nos. 16 and 76, Class A. 1825-6.—Nos. 11, 62, 73, 85. Class A. 1826-7.

† See Class A. No. 32.

tions which it may eventually be thought proper to make to the Brazilian Government upon the subject. I am, &c.

*His Majesty's Consul at Rio de Janeiro.*

DUDLEY.

*Mem.*—A similar Despatch was addressed to His Majesty's Consuls at Bahia, Maranhão, and Pernambuco.

*No. 55.—Mr. Vice-Consul Heatherly to J. Bidwell, Esq.—(Rec. Dec. 29.)*

SIR,

*Rio de Janeiro, 10th November, 1827.*

I HAVE the honour to enclose to you a Return of the number of Slaves imported into this City, from the 1st of January to the 1st of July last.

I have, &c.

*John Bidwell, Esq.*

A. J. HEATHERLY.

*(Enclosure.)—Return of Slaves imported into Rio Janeiro from the 1st of January to the 1st of July 1827.*

Date.	Names of Vessels.	From what Ports.	Number of Days Passage.	Slaves Imported.	Died on the Voyage.
1827.					
January 12	Amazona.....	Ambriz.....	35	491	None.
— 13	Golfinho.....	Do.....	34	376	None.
— 21	Aurora de Cabo....	Angola.....	34	493	35
— 23	Orestes.....	Do.....	29	507	44
— 24	Ceres.....	Ambriz.....	30	461	10
— 27	Bella Americana....	Cabinda.....	29	456	17
— 28	Amizade Felix....	Angola.....	35	350	24
February 7	Anibal.....	Mosambique.....	53	859	140
— 9	28 de Março.....	Quilamane.....	68	446	2
— 13	Amizade de Santos..	Cabinda.....	32	383	None.
March 1	Seis de Fevereiro...	Quilamane.....	48	419	21
— 5	Bahia.....	Galiana.....	7	220	None.
— 10	Ulysses.....	Cabinda.....	31	616	5
— 10	Estrella do Mar...	Molembo.....	28	309	None.
— 15	Paula.....	Benguella.....	26	426	40
— 19	Maria.....	Do.....	33	394	57
— 24	Traiano.....	Do.....	35	410	21
— 27	Miterva.....	Quilamane.....	57	489	18
April 3	Amelia.....	Mosambique.....	60	694	86
— 7	Uniao.....	Rio Zaira.....	23	426	1
— 17	Delfina.....	Angola.....	41	485	32
— 24	Adamastor.....	Cabinda.....	37	454	15
— 30	Nove de Janeiro....	Mozambique.....	72	592	80
May 3	Economia.....	Benguella.....	38	390	45
— 4	Arsinia.....	Molembo.....	31	375	2
— 7	Uniao Feliz.....	Ambriz and Bahia..	62	237	51
— 8	Lucrecia.....	Ambriz.....	23	318	3
— 15	Esperança.....	Benguella.....	30	382	38
— 26	Activo.....	Angola.....	32	558	28
June 2	Commerciante.....	Cabinda.....	42	309	18
— 8	Jupiter.....	Cabinda.....	40	407	2
Total Number....				13,732	835

A. J. HEATHERLY, *Vice-Consul.*

*Rio de Janeiro, 10th November, 1827.*

No. 56.—*Mr. Consul Pennell to Mr. Sec<sup>y</sup>. Canning.*—(Rec. May 10.)  
 Bahia, 20th March, 1827.

SIR,  
 YOUR Despatch, dated the 30th December last, I had the honour to receive yesterday, and I shall pay great attention to the Instructions it contains.

The Slave Merchants of this City are pursuing their trade to the Coast of Guinea with increased activity, and are purchasing such Vessels as arrive that are best calculated for dispatch. This market appears likely to be soon overstocked with Slaves. I have, &c.

*The Right Hon. George Canning.*

WM. PENNELL.

No. 57.—*Mr. Consul Pennell to Mr. Sec<sup>y</sup>. Canning.*—(Rec. June 23.)  
 (Extract.) Bahia, 18th April, 1827.

THE Brazilian Schooner *Zeferina* arrived here on the 13th instant, with 246 Slaves—she reports from Molembo, with 30 days passage, but it is generally supposed that she sailed from the North of the Line.

*The Right Hon. George Canning.*

WM. PENNELL.

No. 58.—*Mr. Consul Pennell to Mr. Sec<sup>y</sup>. Canning.*—(Rec. June 23.)  
 Bahia, 24th April, 1827.

SIR,  
 WITH reference to your Instructions of the 30th December last, I have the honour to enclose Copy of my Despatch of the 21st instant, to the President of this Province, stating, on the evidence of Antonio Custodio Pombo, that the Brazilian Schooner *Zeferina*, had made an illicit importation of a Cargo of Slaves from Acará (or Acra), North of the Line.

I also enclose Copy of my Despatch, of the same date, to the President, stating that the said Pombo had called, on the following day, to retract all the principal facts which he had stated on the preceding one, as regards the illegal Voyage of the *Zeferina*.

I credit his first statement in preference to his second, or rather the impression on my mind is, that the first was given without any intention to deceive, but that to deceive was the sole object of the second; in the latter, however, he has asserted a very essential fact, which admits of unquestionable proof, namely, that he sailed in His Majesty's Brig *Conflict* from Acra on the 2d March, and was put on board the *Zeferina* at sea on the 4th. I recommend that the Affidavits of some of the Officers of the *Conflict* be procured, as I anticipate their evidence will negative this assertion, should it be deemed advisable to prosecute the enquiry.

As 7 of the Crew of the *Independencia* arrived here in the *Zeferina*, it follows from Pombo's second Statement, that they must have been all on board the *Conflict*, and transferred to the *Zeferina* at sea. I have a list of their names, but I do not intend to interrogate any of



them, as I suspect that they have been, or would be, tutored as to their replies, which would also probably have been the case with Pombo, at our first interview, had it been surmised that my enquiries would have extended beyond the Case of the *Independencia*.

I shall furnish His Majesty's Envoy at Rio de Janeiro with the details of these Proceedings. I have the honour to be, &c.

*The Right Hon. George Canning.*

WM. PENNELL.

(Enclosure 1.)—*Mr. Consul Pennell to The President of Bahia.*

SIR,

*Bahia, 21st April, 1827.*

IN consequence of having been officially informed, that a claim for considerable damages was made on the British Government for the illegal Capture of the Brazilian Schooner *Independencia*, founded on a Protest made by Antonio Custodio Pombo, Mate of the said Schooner, I procured an interview with him for the purpose of ascertaining some facts connected with this Capture. It appeared from his statement, in reply to my enquiries, that the said Schooner was captured at the Port of Acará, on the 28th February last, and he soon afterwards made his Protest, and embarked (on the 7th Ultimo) at Acará, on board the Brazilian Schooner *Zeferina*, bound to this Place, and arrived here, after 30 days Passage, *without touching at any intermediate Port*.

Now it appears, by publick Documents, that the said Schooner *Zeferina* did arrive here on the 13th instant, having on board the said Antonio Custodio Pombo, as Passenger, and also 246 Slaves; it also appears that she is reported *from Molembo*, with 30 days Passage, and that she has been admitted to entry at the Custom-house.

It follows that the importation of these 246 Slaves is an illicit importation, and the evidence of Dates and Places appears to put the fact beyond controversy.

I do not find Acará on the Map, but the said Antonio Custodio Pombo stated, that it was on the Coast of Mina, in more than 5 degrees North Latitude.

From the tenour of my Instructions, when any Case similar to the present comes to my knowledge, it becomes my duty to communicate it to the highest Local Authority, and to request that such proceedings may be taken, as shall be required for the purpose of enforcing the due observance of those Treaties, touching the Slave-trade, which the Brazilian and English Governments are bound to maintain.

I therefore, in pursuance of my Instructions, submit, with great respect, these facts to your Excellency's consideration.

I have the honour to be, &c.

*H. E. the President of Bahia.*

WM. PENNELL.

(Enclosure 2.)—*Mr. Consul Pennell to the President of Bahia.*

SIR,

*Bahia, 21st April, 1827.*

SOON after I had written my Letter to your Excellency of this date, Antonio Custodio Pombo came to this Office, for the purpose of contradicting the principal facts detailed therein, (and which he had stated to me yesterday,) and to declare that, instead of having embarked at Acará, in the Schooner *Zeferina*, on the 7th of March, and of having come *direct* here, he had, on the contrary, sailed from Acará on the 2d March, in an English Brig of War (the *Conflict*), and was put on board the Schooner *Zeferina*, at Sea, on the 4th March, and proceeded to Molembo in her, where she took in Slaves.

I shall not animadvert on what Mr. Pombo calls his mistakes, but they appear to me to afford an additional motive for investigation.

I have the honour to be, &c.

*H. E. the President of Bahia.*

WM. PENNELL.

*No. 59.—Viscount Dudley to Mr. Consul Pennell.*

SIR,

*Foreign Office, 28th June, 1827.*

I HAVE received your Despatches of this Series up to the 24th of April last.

As the Place of your Consular Residence is at so great a distance from this Country, and as a reference upon all occasions to and from this Country to Bahia, and to Rio de Janeiro, must unavoidably create delay, and might, in some cases, be productive of much inconvenience; I have to state to you my desire, as the general rule of your Correspondence upon this subject, that you will keep His Majesty's Envoy at Rio, regularly informed of every occurrence which may come to your knowledge respecting illegal Slave-trade, and that you will apply directly to him upon all occasions on which you may deem a representation in this respect to the Supreme Authorities at Rio de Janeiro, to be useful or proper; transmitting, at the same time, to this Department, for the information of His Majesty's Government, the Copies of all your Communications upon this subject with His Majesty's Mission at Rio de Janeiro.

I am, &c.

*Mr. Consul Pennell.*

DUDLEY.

*No. 60.—Mr. Consul Pennell to Mr. Sec<sup>y</sup>. Canning.—(Rec. June 30.)*

SIR,

*Bahia, 5th May, 1827.*

WITH reference to my Despatch of the 24th ultimo, I have the honour to enclose a Copy and a Translation of the Vice President's Reply, dated the 26th ultimo, to my Letters of the 21st ultimo, respecting the illegal importation of Slaves in the Schooner *Zeferina*, in which he apprizes me that an Investigation shall take place.

I also enclose a Copy of my Despatch of the 4th instant, to His

Majesty's Envoy at Rio de Janeiro, apprizing him that the result of the Investigation was in support of Pombo's *second* Statement.

I have the honour to be, &c.

*The Right Hon. George Canning.*

WM. PENNELL.

(*Enclosure 1.*)—*The Vice-President of Bahia to Mr. Consul Pennell.*  
(Translation.)

SIR, *Palace of the Government of Bahia, 26th April, 1827.*

I ACKNOWLEDGE the receipt of the Letters which you directed to me, dated the 21st instant, in the first of which you inform me of the result of the interview which you had with the Mate, Antonio Custodio Pombo, and in the second, of a contradiction, declared by the same Person; and being in possession of all the circumstances which you mention, I immediately gave the necessary orders to the Judge of the Custom-House, in order that he, proceeding with the legal examinations, might learn from the result, whether the importation of 246 Slaves, brought in the Schooner *Zeferina*, was, or was not licit; and you may be certain that, on my part, I will use every care, in order that the existing Treaties between Great Britain and this Empire, be not in any manner infringed.

I avail myself of this opportunity, &c.

*Mr. Consul Pennell.*

MANOEL IGN. DA C. MENESES.

(*Enclosure 2.*)—*Mr. Consul Pennell to the Right Hon. R. Gordon.*

SIR, *Bahia, 4th May, 1827.*

WITH reference to my Despatch of the 30th ultimo, I have the honour to inform you, that I attended, at the House of the Judge of the Custom-house, the examination of 5 Witnesses, who arrived here in the Schooner *Zeferina*; they all swore (Antonio Custodio Pombo was amongst the number) that Pombo, and several others belonging to the Schooner *Independencia*, were put on board the *Zeferina* at sea, on the 4th of March, from an English Brig of War (the *Conflict*.)

I also enclose Copies of my Despatches to Mr. Secretary Canning of the 18th and 24th of April. I have, &c.

*The Right Hon. R. Gordon.*

WM. PENNELL.

*No. 61.—Mr. Consul Pennell to Mr. Sec<sup>y</sup>. Canning.—(Rec. July 25.)*

SIR, *Bahia, 23d May, 1827.*

WITH reference to my Despatch of the 5th instant, on the Evidence respecting the legality of the importation of a Cargo of Slaves by the Schooner *Zeferina*, I have the honour to enclose a Copy of my Correspondence with the Vice-President of this Province, in order to obtain

the most accurate statement of that Evidence, as well as of any other which might have been since elicited, for the purpose of putting you more fully in possession of the Case; and you will find by the enclosed Abstract of the Depositions, that Joze da Rosa, Junior, Master of the *Zeferina*; Joze Joaquim Procopio, Mate; Joze Manoel de Lima, Pilot; Antonio Custodio Pombo, Passenger; and Joze Gustavo de Albuquerque, Apprentice; all agree in support of Antonio Custodio Pombo's second Statement, that he (and others) were transferred at Sea on the 4th March last from His Majesty's Brig *Conflict* to the *Zeferina*.

The names of those who, by this Evidence, must have been transferred at the same time, and who arrived here as Passengers in the *Zeferina*, are Antonio Esteves, Antonio Joze Gonsalves, Francisco Maria de Santa Anna, Bento Gomes de Souza, Pedro Correia, and Firmino Alves Guimaraens.

It is but justice to the Vice-President to remark that, in ordering an immediate investigation (and to take place in my presence if so desired by me) he gave an unequivocal proof of his intention that the whole truth should be made manifest, and with regard to which all reasonable doubt may now be removed, by the additional Evidence obtainable from the Officers of His Majesty's Brig *Conflict*. It may, however, be proper to observe, should their testimony be found to support Pombo's first, and to disprove his second, Statement, that the more numerous the signatures to any Affidavit to this purport, the more importance will be attached to it in any legal proceedings, or official representations, which, in this Country, may be founded thereon.

I have the honour to be, &c.

*The Right Hon. George Canning.*

WM. PENNELL.

(Enclosure 1.)—*Mr. Consul Pennell to the Vice-President of Bahia.*

SIR,

*Bahia, 16th May, 1827.*

YOUR Excellency communicated to me, in your Letter of the 26th ultimo, that an investigation respecting the Voyage of the Schooner *Zeferina*, should be made by the Judge of the Custom-house, and I afterwards received an intimation from the Judge that he would proceed in the investigation on the 2d instant at which I might attend. I availed myself of that permission, when 5 Witnesses were examined (including Antonio Custodio Pombo) who all swore that Pombo and others were taken on board the *Zeferina* out of an English Brig of War, on the 4th of March at Sea, and from thence proceeded to Molembo, where she (the *Zeferina*) loaded her Slaves.

As I am desirous of transmitting to my Government a more accurate Statement than my memory supplies of the Evidence adduced (and more particularly as regards the English Brig of War the *Con-*



*fict.*) I have to request that your Excellency will be pleased to direct, that a Copy of the Depositions of the 2d instant may be furnished me, as also of any other proceedings that may have subsequently taken place.

I have to express my acknowledgments to your Excellency for the attention you were pleased to give to my Letters of the 21st ultimo on this subject, and for the measures your Excellency so promptly adopted, with a view to support the Compacts in existence between the Empire of Brazil and Great Britain. I have, &c.

H. E. the Vice-President of Bahia.

WM. PENNELL.

(Enclosure 2.)—*The Vice-President of Bahia to Mr. Consul Pennell.*  
(Translation.)

SIR, *Palace of the Government of Bahia, 22d May, 1827.*

SATISFYING the requisition which you made to me, in your Letter of the 16th Instant, of a Copy of the Depositions which were made by the Witnesses, in the audience of the Custom-House of this City, in your presence, respecting the Schooner *Zeferina*, which arrived here from Molembo with Slaves; enclosed I transmit to you the said Copy, and I can assure you that no other proceedings have since taken place on the subject.

God preserve you,

MANOEL IGN. DA C. MENESES.

*The English Consul in this Province.*

(Enclosure 3.)—*Abstract of the Depositions of Witnesses taken before the Judge of the Custom-House at Bahia, on the 2d May 1827, respecting the Schooner Zeferina.*—(Translation.)

JOZE DA ROZA, Junior, aged 27, Master and Pilot, being duly sworn on the Holy Evangelists, says, that he is Master and Husband of the Schooner *Zeferina*, that he sailed from this Port for Molembo, on the Slave-trade, and that he returned to this Port with 246 Slaves, and arrived on Saturday of Alleluia (14th April) after 30 days' Passage; that on the high Sea he received on board the said Schooner, on the 4th March, from on board an English Brig of War, a Passenger, called Pombo, who said he was Pilot of a Vessel called the *Independencia*.

Joze Joaquim Procopio, a White Man, aged 54, being duly sworn on the Holy Evangelists, says, that he is Mate of the Schooner *Zeferina*; says, the *Zeferina* sailed from this Port for Molembo, with liberty to touch at the Islands of St. Thomas and Princes, on the Slave-trade, and brought to this Port about 246 head, having arrived on Saturday of Alleluia; also says, that on their Passage to Molembo, on the high

Sea, 8 Persons were brought on board the said Schooner, who said they were the Crew of the Schooner *Independencia*; he does not know their names, except one, who was called Pombo; the said Persons were brought to this City in the said Schooner.

Joze Manoel de Lima, a White Man, married, aged 33, says, he is Pilot of the Schooner *Zeferina*, sailed from this Port for Molembo, with liberty to touch at the Islands of St. Thomas and Princes, and sailed from thence, after finishing their negociation for Slaves, for which the Schooner was destined, and on board of which were brought some Passengers, who said they were some of the Crew of the Schooner *Independencia*, amongst whom was a Pilot called Antonio Custodio Pombo; this was on their Passage to Molembo, by an English Brig of War, on the high Sea, and, on the 4th of March, brought the same Passengers on their return to this City, where they arrived on the Morning of Saturday of Alleluia, with 30 days' Passage.

Antonio Custodio Pombo, a White Man, Batchelor, aged 30, being sworn on the Holy Evangelists, says, he is the same Antonio Custodio Pombo, Pilot of the Schooner *Independencia*, who, with other Persons of her Crew, were, by an English Brig of War, called the *Conflict*, put on board the Schooner *Zeferina* on the high Sea.

Joze Gustavo de Albuquerque, a White Man, Batchelor, aged 21, being duly sworn on the Holy Evangelists, says, that he is an Apprentice of the Schooner *Zeferina*, and that she sailed from this Port for Molembo, with liberty to touch at the Islands, on the Slave-trade, and that on her return to this City, where she arrived on the Morning of Saturday of Alleluia, with 30 days' Passage, bringing on board 7 or 8 Passengers, who said they were of the Crew of the Schooner *Independencia*; the same were put on board the said Schooner *Zeferina* by an English Brig of War, on her Passage to Molembo, amongst which Passengers was a Pilot called Pombo.

No. 62.—*Mr. Consul Pennell to Mr. Sec<sup>y</sup>. Canning.*—(Rec. July 25.)  
SIR, Bahia, 31st May, 1827.

I HAVE the honour to enclose a Copy of my Letter, of the 28th Instant, to the Vice-President of this Province, on the subject of 2 Vessels (the *Tiberio* and the *Nova Virgem*) which brought here a greater number of Slaves than their admeasurement allowed, and which, in the instance of the *Tiberio*, may have been the cause of 134 deaths, and stating some grounds why an enquiry should be made whether the Voyages of these Vessels were legal.

I also enclose Copies of my Letters of the 30th and 31st Instant, to the Vice-President, adducing additional motives for investigation; and I find directions have been given by His Excellency to the Judge of the Custom-House, to investigate the transactions, and to

enforce the Law against any Persons who shall appear to have committed infractions thereof, as regards the number of Slaves embarked.

I have, &c.

*The Right Hon. George Canning.*

WM. PENNELL.

(*Enclosure 1.*)—*Mr. Consul Pennell to the Vice President of Bahia.*

SIR,

*Bahia, 28th May, 1827.*

I HAVE the honour to inform your Excellency that, from a Copy of an Entry taken from the Register Office, it appears that the Brig *Tiberio* arrived here from Molembo the 25th Instant, after a Passage of 23 days, with 520 Slaves on board, 15 Passengers, and a Crew of 32 Persons, and that 134 Slaves died on the Passage.

The number of Slaves embarked in the *Tiberio* being 654, exceeds considerably the number she is authorized to embark, even by the present mode of admeasurement, and forms one of those abuses which His Excellency Don Nuno Eugenio de Lossio e Sulbiz, in his Letter addressed to me on the 10th April last, promises to redress by every means in his power.

Besides this Representation, founded on Documents, this Vessel and the Slaves, according to general report, came, not from Molembo, but from the North of the Line, and the deaths arose, either from the violence exercised on the Passage, for the purpose of keeping the Slaves in subjection, or from suffocation :—this Report is countenanced by the unusual number of deaths in so short a passage.

This is the first instance in which I have allowed myself to make any Official Representation to your Excellency, respecting the Slave-trade, founded on common report; if I had not thus restricted myself, I should have had to have denounced a *great majority* of the Importations of Slaves into this City, as Importations from the North of the Line; but in this instance, as the Parties implicated have, by the Entry in the Register, admitted of one infraction of the Law, and which may have led to the calamitous results on the Passage, the common feelings of humanity will, I am persuaded, justify me in this deviation from my usual path, even if it shall appear, on investigation, that the Report in question is ill founded.

I beg to remark, that the great number of Passengers on board the *Tiberio* appears to afford a more than usual facility for obtaining a knowledge of the truth.

I have, &c.

*H. E. the Vice President of Bahia.*

WM. PENNELL.

P.S. I regret to add to this Letter, that the Schooner *Nova Virgem* is lately arrived with 350 Slaves, and this number exceeds by 92 what her admeasurement allows; this information is founded on Written Documents.

W. P.

(Enclosure 2.)—*Mr. Consul Pennell to the Vice President of Bahia.*

SIR,

*Bahia, 30th May, 1827.*

WITH reference to my Letter of the 28th Instant, respecting the Brig *Tiberio*, and the Schooner *Nova Virgem*, I have the honour to inform your Excellency, that I have since been officially informed that the English Brig of War the *Conflict*, captured, on the 3d April last, the Brazilian Brig *Bahia*, in the Port of Ané, (North of the Line) without Slaves, and for which capture the Owner of the Brig seeks redress from the British Government.

It is stated by the Claimant, that the *Conflict* put the Crew of the *Bahia* on board the Schooner *Tentadora*, who were afterwards transferred to the *Nova Virgem*. The latter arrived here the 25th Instant, and reported from Molembo, in 21 days, and she has brought 5 Passengers, lately belonging to the captured Brig *Bahia*; namely Joao Guilhomo, (3d Pilot,) and 4 Seamen.

As there is in these circumstances much ground for suspicion, particularly as only 5 of the Crew arrived in the *Nova Virgem*, I submit to your Excellency's consideration, whether the said 5 Seamen should be examined, or any other steps be taken for the purpose of ascertaining, whether the Voyage of the *Nova Virgem* be a bonâ fide Voyage from Molembo, or whether it be an illicit Voyage from Ané, or some other Port North of the Line.

I need not remark to your Excellency the improbable circumstances which are alleged to have taken place, by which the Crews of the Vessels captured to the North of the Line, so regularly arrive here in Vessels from the South. (Molembo.) I have, &c.

H. E. the Vice President of Bahia.

WM. PENNELL.

(Enclosure 3.)—*Mr. Consul Pennell to the Vice President of Bahia.*

SIR,

*Bahia, 31st May, 1827.*

IT is with deep regret that I state to your Excellency that, in my Letter of the 6th October 1825, to the President of this Province, I pointed out the Sumaca *Caridade*, as having brought a larger number of Slaves to this City than her admeasurement allowed, and that, although (as I understand) the Case was undeniable, yet no penalty ensued. This impunity may have encouraged the transgressions adverted to in my Letter of the 28th Instant to your Excellency, and which, in the Case of the Brig *Tiberio*, appears to have led to that melancholy sacrifice of human victims which I have noticed.

I have, &c.

H. E. the Vice President of Bahia.

WM. PENNELL.

P. S. Since writing this Letter, I have had the honour to receive your Excellency's, of Yesterday's date.



No. 63.—*Mr. Consul Pennell to Mr. Sec<sup>y</sup>. Canning.*—(Rec. July 25.)  
(Extract.) *Bahia, 1st June, 1827.*

WITH reference to my Despatch of Yesterday, I have the honour to enclose a Copy and a Translation of the Vice President's Letter of the 30th Ultimo, by which you will perceive that he has directed some Process, as regards the excessive number of Slaves imported in the Brig *Tiberio*, with a view to the punishment of the Offenders, but that he declines instituting any enquiry respecting the deaths of 134 Slaves on board the same Brig, and respecting her illicit Voyage.

Your Instructions direct me to make a temperate Representation to the Local Authorities, of such Cases as the present, but, as I am persuaded that it is not your intention that I should enter into any controversy with them, but rather that I should confine myself to that Representation, I shall not make any argumentative Reply to the Vice President's Letter.

*The Right Hon. George Canning.*

WM. PENNELL.

(Enclosure.)—*The Vice President of Bahia to Mr. Consul Pennell.*  
(Translation.)

SIR, *Government of Bahia, 30th May, 1827.*

WHEN I received your Letter, dated the 28th Instant, in which you informed me that it appeared, from a part of the Port Register, that the Brig *Tiberio* had entered, on the 25th, from Molembo, after 23 days Passage, bringing on board 520 Captives, (15 Passengers, and 32 Crew,) 134 Slaves having died on the Voyage, which, joined to 520, forms a total of 654, a number considerably greater than was permitted to her to convey, seeing the admeasurement made by the Intendancy of the Marine, this Government had already expedited Orders to the Judge of the Custom-House, to take legal cognizance, and to impose the penalties of the Law on those who should be proved Accomplices of such a transgression, and that the same should be practised with respect to the Schooner *Zeferina*, it having equally appeared, by a part of the Register, that she had brought 92 Slaves more than she was permitted by her admeasurement; by which step I am convinced that I have not only fulfilled my duty, but also satisfied your late Representation.

With regard, however, to the report being general as you say, that the greater number of the importations of Slaves into this City come from Ports to the North of the Equator; and that perhaps this infraction of the Treaty led to the calamitous results which took place during the short Voyage of the *Tiberio*; which has induced you, moved by sentiments of humanity, to represent this object, officially, for the first time; I am inspired with equal sentiments by such a calamity, and would proceed with the greatest rigour of the Law against those who should be proved to be violators thereof, if proofs, rather than

simple rumours, would permit me to use my authority: these rumours, however, have against them the certainty, that there is an armed force in the Seas on the Coast of Africa, North of the Line, which, by its activity, does not permit that, in the adjacent Ports, the illicit Traffick in Slaves should be carried on. It appears to me, moreover, that no Speculator would propose to himself so great a risk as is that of fortune and credit, in order to obtain such uncertain profits, as have been just shown by the recent capture of Vessels, which, as their Owners affirm, had resorted there for the purpose of carrying on a licit commerce in gold and ivory.

However, immediately on sufficient proofs being presented to me, with which I can proceed against the transgressors of the Articles of the Treaty, concluded between His Majesty The Emperor of Brazil and His Britannick Majesty, you may be assured that I will not wait for the least representation on your part, in order to fulfil what is incumbent on me.

God preserve you,

*W. Pennell, Esq*

MANOEL IGN. DA C. MENESES.

*No. 64.—Mr. Consul Pennell to Mr. Sec<sup>y</sup>. Canning.—(Rec. August 30.)*  
(Extract.) *Bahia, 9th June, 1827:*

I HAVE the honour to enclose a List of the Vessels which have arrived from, and sailed for, Africa, from this Port, from the 1st of April to this date. Of the last 4 Vessels arrived here with Slaves, 3 are from the North, (with 1306 Slaves) and 1 from the South, of the Line, (with 128 Slaves.)

I found this assertion on common report, accredited and uncontradicted.

I observe the departure of 2 Vessels unusually small, 1 of 13 (the accuracy of which is doubtful) and the other of 14 tons, for the Coast of Guinea; these, I am told, are not to bring Slaves, but to facilitate the operations of other Slave-vessels, for the purpose of better eluding the increased vigilance which has lately been exercised by our Squadron.

*The Right Hon. George Canning.*

WM. PENNELL.

(Enclosure 1.)—*List of Vessels arrived at Bahia, from Africa, from 1st of April to 9th June, 1827; taken from the Register kept at the Arsenal.*

Date of Arrival.	Vessel's Name.	Master's Name.	Whence.	Days of Passage.	Ton-nage.	Slaves.	
						Alive.	Dead.
1827.							
April 2	2a Rosalia -	Ant. Viera dos Santos -	Onim - - -	43	76	—	—
— 11	Uniao Felis -	Joze dos Santos Pacheco -	Ambris - -	43	—	189	—
— 13	Zeferina - -	Joze da Rosa, Junior - -	Molembo - -	30	126	246	—
— 15	Caçadora - -	Joze Barboza - - -	Do. - - -	29	191	303	—
— 20	Velos - - -	Fran. de Souza Pereira -	Coast of Mina	23	184	—	—
— 21	Sao Benedito						
—	Felis - - -	Ign. dos Santos Moreira -	Molembo - -	32	135	105	—
— 23	Esperança -	Dom. Joze de Brito - -	Do. - - -	26	175	111	—
May 1	Ceylon - - -	Josiah West - - -	Coast of Mina	38	—	—	American.
—	D. Anna - -	Joze da Rosa Ferreira -	Angola - -	23	137	302	14
— 12	Eclipse - -	Joao Ant. de Faria - -	Sierra Leone	33	80	—	—
— 15	Santo Amaro -	Joao Borges - - -	Angola - -	23	171½	251	—
— 25	Tiberio - -	Fran. Pinto de Aro Vianna	Molembo - -	23	299½	520	134
—	Nova Virgem	Joze Caetano Silveira -	Do. - - -	21	103½	350	—
June 8	la Rosalia -	Joao Machado - - -	Do. - - -	29	194½	436	—
— 9	Sao Vicente						
—	Ferreira - -	Joao Dias de Carvalho -	Cabinda - -	38	73½	128	—
						2,941	148

WILLIAM PENNELL.

(Enclosure 2.)—*List of Vessels sailed from Bahia for Africa, from 1st April to 9th June, 1827; taken from the Register kept at the Arsenal.*

Date of Sailing.	Vessel's Name.	Master's Name.	Where Bound.	Ton-nage.	
1827.					
April 5	Caridade - - -	Joze Ramos Gomez - - -	Coast of Mina	106	American.
— 11	Pinha da Franca - -	Boaventura Gomez da Silva -	Do. - - -	13	
— 14	Emilia - - -	Estevao Nonato Ferreira -	Cabinda - -	106	
— 27	Cysheus - - -	Robert Bau - - -	Coast of Mina	—	
May 12	Diligente - - -	Fran. Gomez do Almeida -	Cagongo - -	182	
—	Henriquetta - - -	Joao Cardozo dos Santos -	Cabinda - -	256	
— 19	Sao Joze Especulador -	Sebastiao Ferreira Cavalleiro	Angola - -	166½	
— 21	Aguia da Bahia - -	Joze Gomez de Mello - -	Cabo Lopo -	112	
—	Despique - - -	Ant. de Lacerda Pechoto -	Molembo - -	71½	
— 30	Constituição - - -	Thomas Luis - - -	Coast of Mina	102	
—	Petu - - -	Pedro Valentin - - -	Do. - - -	14	
— 31	Caçadora - - -	Joze Barboza - - -	Ambriz - -	191	

WILLIAM PENNELL.

No. 65.—*Mr. Consul Pennell to Mr. Secretary Canning.*  
(Received August 30.)

(Extract.)

*Bahia, 16th June, 1827.*

I HAVE the honour to inform you, that the Brazilian Brig *Felicidade* arrived here on the 9th ultimo, from Lisbon, where it appears she was measured 144 tons.

She has cleared out, and is now ready for sea, for Cabinda, with liberty to touch at Lisbon. She has been re-measured here, and has

obtained a Passport (No. 18, dated June 9, 1827) to import 505 Slaves, making her admeasurement for the Slave-trade 202 tons.

I am informed that she was built for the Slave-trade in France, by orders from hence, and that this is her first Voyage.

*The Right Hon. George Canning.*

WM. PENNELL.

No. 66.—*Mr. Consul Pennell to Mr. Secretary Canning.*

(Received August 30.)

(Extract.)

*Bahia, 4th July, 1827.*

THE Brig *Henriquetta* sailed hence for Africa on the 12th May last, after information had been received here that our Cruizers had captured, on the Coast of Guinea, all Brazilian Slave-vessels with or without Slaves on board, founded on "new Orders" recently received from the English Government; in consequence, this Vessel sailed with Instructions not to anchor, and with other precautions, to elude the dangers created by these "new Orders," and she arrived here on the 30th ultimo, (being an absence of only 49 days) with a Cargo of 544 Slaves, having been only a few days in what is called *by the Trade*, dangerous Latitudes.

I enclose a Memorandum of the unproved, but undoubted illicit Voyages of this Vessel since March, 1825. It is estimated that the profit on these 6 Voyages amounts to about £80,000; and that her last Voyage alone *more* than compensates for the loss of 3 Vessels, which have been recently captured, belonging to the same Owner.

*The Right Hon. George Canning.*

WM. PENNELL.

(Enclosure.)—*Memorandum of the Voyages of the Brig Henriquetta from the Coast of Africa, taken from a Register kept at the Arsenal at Bahia.*

Date of Arrival.	Master's Name.	Whence.	Days of Passage.	Number of Negroes.	Remarks.
1825.					
March 13	Joao Cardozo dos Santos	Molembo	19	504	
November 3	Do.	Do.	18	504	
1826.					
March 11	Do.	Do.	23	441	
October 1	Do.	Do.	21	524	
1827.					
March 26	Do.	Do.	25	523	
June 30	Do.	Cabinda	17	544	
				3040	

*Bahia, July 4, 1827.*

WILLIAM PENNELL.



No. 67.—*Mr. Consul Pennell to the Earl of Dudley.*

(Received Dec. 20.)

(Extract.)

*Bahia, 4th October, 1827.*

I HAVE had the honour to receive your Lordship's Despatch of 28th of June last, with Instructions to communicate to His Majesty's Envoy at Rio de Janeiro, direct, every occurrence respecting illegal Slave-trade, transmitting Copies of such Communications to your Lordship, for the information of His Majesty's Government.

I shall not fail to observe this Instruction.

*The Right Hon. Viscount Dudley.*

WM. PENNELL.

No. 68.—*Mr. Consul Hesketh to Mr. Secretary Canning.*

(Received March 11.)

(Extract.)

*Maranham, 10th January, 1827.*

IN reference to my Despatch of this Series, dated October 28, 1826, I regret to state, that the reasonable expectations I then formed of the ultimate Condemnation of the Brazilian Slave-vessel at Para, the *Pedro Primeiro*, have not been realized.

By the last Advices from that Port, dated the 21st ultimo, it appears that, notwithstanding the undeniable illegality of the said Vessel's Voyage from Africa, and the subsequent lawless Proceedings on the Brazilian Coast, the Authorities at Para have accepted a Bond for the Vessel, and allowed her to sail on the 17th ultimo from Para, bound ostensibly to Ceara, but, in all probability, again to the Northern Coast of Africa. Part of the Negroes who were landed from her at Jury are still there, and the others have been by degrees smuggled into this Port on board of Coasters.

The Schooner *Carolina* sailed from hence for the Cape de Verd Islands on the 15th ultimo, and will be, no doubt, again employed in the illicit Slave-trade.

This Schooner, when put up at auction, after Condemnation, was, by the most irregular proceedings, secured to the original Owners for the small sum of 575,000 Milreas, that is, about a sixth of her value, or of the price she would have fetched if fairly sold.

The Communication between this Port and Rio de Janeiro being now more dilatory and uncertain than ever, I beg leave to transmit a Statement of the Importation of Slaves into Maranham during the Year ending 31st of December, 1826; by it is shewn, that only 3 Vessels arrived from Africa, and that the Negroes landed from them would all have been emancipated, if the operation of the Laws had not been impeded, because they were all from prohibited Ports. The Negroes by these 3 Vessels amounted to 481, and therefore there is only left a lawful Import, coastways, of 130 Slaves during the Year.

*The Right Hon. George Canning.*

ROBERT HESKETH.

(Enclosure.)—Account of Slaves imported into the Port of Maranhão during the Year 1826.

Date of Arrival.	Description of Vessel.	Name of Vessels.	Name of Masters.	Where from.	Number of Slaves embarked.	Died in the Passage.	Number of Slaves landed.	REMARKS.
Jan. 2, 1826.	Schooner Sumaca	Adelaide (Coaster)	Joze Teixeira Pinto	Acaracú	33	—	33	* * * * *
— 10, —	—	Avizo (ditto)	Manoel Affonso	Ditto	18	—	18	* * * * *
— 10, —	Ditto	Espadarte (ditto)	Antonio Joze de Carvalho	Parahiba	7	—	7	* * * * *
— 25, —	Schooner	Carolina	Victor Nobre de Brito	Cacheco	135	2	133	Condemned as an illegal Trader.
— 30, —	Brig	Joaninha (Coaster)	Joaquim Gonçalves Maya	Pernambuco	13	—	13	* * * * *
Feb. 5, —	Ditto	Bizarria Triunfante (ditto)	João Antonio Ribeiro	Ditto	12	—	12	* * * * *
Mar. 18, —	Schooner	Emilia (ditto)	Antonio da Silva Pereira	Ditto	4	—	4	* * * * *
April 10, —	Sumaca	Activa (ditto)	Manoel Gonçalves da Costa	Acaracú	15	—	15	* * * * *
June 22, —	Ditto	Gerves	Joze Gomes Cardias	Rio de Janeiro	25	—	25	* * * * *
— 22, —	Brig	Resolucao (Coaster)	João Gomes Velludo	Aracaty	8	—	8	* * * * *
— 25, —	Schooner	Nove de Março	Joze Fernandes de Pinho	Cacheco	86	—	86	Legal Proceedings against this Vessel impeded by the President.
July 26, —	Brig	Dos Amigos	Pascoal de Sza. Neri Masseio	Bahia	1	—	1	+
— 31, —	Ditto	Camocens	Joze Joaqui. de Souza Fojo	Pernambuco	6	—	6	+
Aug. 13, —	Ditto	Pedro Primeiro	Jacinto Joze da Silva	Cacheco	160	—	—	+
Sept. 30, —	Ditto	Andorinha do Norte	Joze da Silva Santos	Pernambuco	8	—	8	+
Oct. 29, —	Schooner	Andorinha	Manoel Pedro dos Reys	Rio de Janeiro	15	—	15	+
Dec. 5, —	Brig	Bom Fim	Antonio Joaquim	Pernambuco	7	—	7	+
					553	2	391	Smuggled as above.
							160	Total.
							551	

ROBERT HESKETH.

No. 69.—*Mr. Consul Hesketh to Mr. Sec<sup>y</sup>. Canning.*—(Rec. May 28.)  
SIR, Maranham, 19th March, 1827.

ON the 14th instant, I had the honour to receive by the Post from Pernambuco, the Despatch, dated September 23, 1826, remarking on what took place at this Port with the Slave-vessel *Nove de Março*.

For your approbation of my exertions on this occasion, even though unsuccessful, I hope, Sir, you will accept my humble and most grateful thanks.

I have, &c.

*The Right Hon. George Canning.*

ROBERT HESKETH.

No. 70.—*Mr. Consul Hesketh to Mr. Sec<sup>y</sup>. Canning.*—(Rec. June 7.)  
(Extract.) Maranham, 26th April, 1827.

I BEG leave to state that a Passport to proceed to Africa for Slaves, was granted by the Vice-President of this Province, Romualdo Antonio Franco de Sa, dated March 8, 1827, for a Brig, under Brazilian colours, called the *Provincia do Maranhao*, of 320 tons burthen, Joao Vaz de Sam Paio, Master, and the Owner, Sebastiao Pinto, a resident in this City. This Passport is intended to authorize the following Voyage; the Vessel to sail from hence to Lisbon, and from thence to the Ports of Moçambic, Molembo, Cabiuda, Angola, or any Port on the South Coast of Africa, and then to return to any Brazil Port with 800 Slaves.

On the 21st of February last, a Schooner called the *Imperatriz*, Thomé Joaquim Rodrigues Palavra, Master, arrived at this Port from Bahia, having on board 132 Negroes, all originally from the Northern Coast of Africa, belonging to a Nation called in this Place, Minas, or Nagees. On enquiring I found that these Negroes were part of a Cargo brought to Bahia by that Vessel from Africa, and shipped at the Island of Corisco, and no doubt imported surreptitiously into Bahia; but as the Custom-house Authorities there had granted regular Documents for the Duties and Entry of these Negroes as legal Slaves, all application regarding them to the Authorities here would have been fruitless.

*The Right Hon. George Canning.*

ROBERT HESKETH.

No. 71.—*Mr. Consul Hesketh to Mr. Sec<sup>y</sup>. Canning.*—(Rec. July 19.)  
SIR, Maranham, 22d May, 1827.

I HAD the honour to receive yesterday, the Despatch of the Slave-trade Series, dated December, 30th, 1826.

I beg leave, Sir, most respectfully to declare the high gratification I feel, in receiving the flattering and encouraging approbation which, in that Despatch, you have been pleased to bestow on me, for the manner I performed my duty, while acting under your orders, respecting the African Slave-trade.

I have, &c.

*The Right Hon. George Canning.*

ROBERT HESKETH.

## NETHERLANDS.

No. 72.—*Sir C. Bagot to Mr. Sec<sup>y</sup>. Canning.*—(Rec. Jan. 27).

SIR,

*Brussels, 2d January, 1827.*

I HAVE had the honour to receive your Despatch of the 29th of last month, transmitting to me the Copy of a Letter from His Majesty's Commissioners in Surinam, enclosing Copies of 3 Papers which had been made publick by the Netherland Authorities in that Colony, in regard to the registration of Slaves; and I had yesterday an opportunity of conveying to the Minister of Foreign Affairs, the expression of His Majesty's high satisfaction at this new proof of the unabated zeal with which His Netherland Majesty continues to co-operate with His Majesty in His endeavours for the suppression of the traffick in Slaves.

I have the honour, &c.

*The Right Hon. George Canning.*

CHARLES BAGOT.

No. 73.—*Viscount Dudley to Sir Charles Bagot.*

SIR,

*Foreign Office, 30th April, 1827.*

I SEND herewith to your Excellency, the Copy of a Despatch, from His Majesty's Commissioners at Surinam, dated the 1st of February last, reporting that, since the month of June, 1826, they have been wholly without any Naval assistance, towards fulfilling the objects of the Treaty subsisting between Great Britain and The Netherlands for the abolition of African Slave-trade.

I have to desire that your Excellency will communicate to the Government of the King of The Netherlands the facts contained in the enclosed Despatch, together with the expression of His Majesty's confidence, that The Netherland Government will lose no time in taking steps to remedy the evil here represented.

I am, &c.

*H. E. Sir C. Bagot, G.C.B.*

DUDLEY.

No. 74.—*Sir C. Bagot to Viscount Dudley.*—(Rec. May 10.)

MY LORD,

*Brussels, 8th May, 1827.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 30th of last month, enclosing the Copy of a Letter from His Majesty's Commissioners at Surinam, reporting that, since the month of June last, there has been no assistance given on that Station by the Navy of His Netherland Majesty, towards fulfilling the objects of the Treaty between His Majesty and this Country, for the prevention of the traffick in Slaves.

I shall take an immediate opportunity of making a Representation to His Netherland Majesty's Government upon this subject.

I have the honour to be, &c.

*The Right Hon. Viscount Dudley.*

CHARLES BAGOT.



No. 75.—*Sir Charles Bagot to Viscount Dudley.*—(Rec. June 8.)  
 MY LORD, *Brussels, 5th June, 1827.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 22d of last month, transmitting to me printed Copies of the Papers relative to the Slave-trade, which have been laid before the two Houses of Parliament during the present Session.

I have the honour to be, &c.

*The Right Hon. Viscount Dudley.* CHARLES BAGOT.

No. 76.—*Viscount Dudley to Sir Charles Bagot.*  
 SIR, *Foreign Office, 13th June, 1827.*

WITH reference to the Despatch from Mr. Secretary Canning to your Excellency, of the 21st July, 1826; I send to your Excellency the accompanying Copies of a Despatch, and of its Enclosures, from His Majesty's Commissioner at Sierra Leone, dated the 31st of March last,\* containing further proof of the irregularities which are practised in The Netherland West Indian Colonies, in the granting of Ships' Papers, to the furtherance of illegal Slave-trade.

I have to desire that your Excellency will communicate these Papers to the Government of His Netherland Majesty, and will express to them the confidence which His Majesty's Government feel, that the necessary steps will be taken to put an end to the evil here represented.

I am, &c.

*H. E. Sir C. Bagot, G.C.B.* DUDLEY.

No. 77.—*Sir Charles Bagot to Viscount Dudley.*—(Rec. June 23.)  
 MY LORD, *Brussels, 18th June, 1827.*

IMMEDIATELY, after the date of my Despatch of the 8th of last month, I had an opportunity of speaking to Monsieur Verstolk, upon the subject of your Lordship's Despatch of the 30th of April, representing the want of Naval assistance on the part of The Netherland Government, at Surinam, towards fulfilling the objects of the Treaty between the two Countries for the suppression of the African Slave-trade.

In the course of my conversation with Monsieur Verstolk, I put into His Excellency's hands a Copy of Monsieur Lefroy's Letter to Mr. Secretary Canning, of the 1st of February, with a request that he would have the goodness to communicate the substance of it to the Minister of Marine and Colonies.

Enclosed I have the honour to transmit to your Lordship the Copy of a Note Verbale, which Monsieur Verstolk delivered to me this morning, stating the General Orders which had been already given for the constant maintenance of a sufficient Naval Force in the neighbourhood of Surinam; and your Lordship will observe, that it appears by

\* See Class A. No. 82.

this Note that, while it is proposed to renew these Orders to the Governor of Curaçoa, it is also intended to send in the course of the Year, two more Vessels of War to that Station. I have, &c.

*The Right Hon. Viscount Dudley.*

CHARLES BAGOT.

(*Enclosure.*)—*Note Vcrbale of Baron Verstolk.*

MONSIEUR le Gouverneur de Curaçao, et autres Iles qui en dépendent, est instruit des intentions du Gouvernement, qu'il se trouve assidument un Bâtiment de Guerre de l'Escadre des Pays-Bas aux Indes Occidentales sous ses Ordres, dans la proximité de Surinam, pour reprimer la Traite des Nègres.

Il est possible que des causes imprévues, comme la nécessité où l'on s'est trouvé de réparer l'un ou l'autre des Bâtimens stationnés à Curaçao, ou d'en faire momentanément emploi pour un service extraordinaire, aient occasionné quelque interruption dans le séjour d'un Bâtiment aux Environs de Surinam, mais sûr est il qu'en Mars dernier la Corvette *la Pallas*, se trouvait à Surinam à l'effet d'empêcher tout commerce illicite, et attendu que le Département de la Marine et des Colonies a le projet d'envoyer encore à la Station de Curaçao une couple de Bâtimens pendant le courant de l'année, M. le Gouverneur de Curaçao aura suffisamment les moyens pour tenir la main aux Instructions, qui lui ont été données dans le tems, et qui par surabondance vont être renouvelées.

No. 78.—*Sir Charles Bagot to Viscount Dudley.*—(*Rec. June 25.*)

MY LORD,

*Brussels, 22d June, 1827.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 13th instant, transmitting to me the Copy of a Despatch from His Majesty's Commissioner at Sierra Leone, reporting the detention and condemnation of the Brig *Lynx*, sailing under Netherland Colours, and having on board 265 Slaves.

In the Note which I Yesterday addressed to the Minister of Foreign Affairs, and of which I enclose a Copy, I transmitted to His Excellency a Copy of Sir Neil Campbell's Despatch, and I, at the same time, pointed out to his notice, the fresh Evidence which it afforded of the continuance of those practices, to which I had last Year occasion, more than once, to call his attention. I have, &c.

*The Right Hon. Viscount Dudley.*

CHARLES BAGOT.

(*Enclosure.*)—*Sir Charles Bagot to Baron Verstolk.*

*Brussels, 21st June, 1827.*

IN conformity with the Instructions which he has received from his Government, the Undersigned, &c. has the honour to transmit herewith to his Excellency The Baron Verstolk, &c. the Copy of a Despatch, which has been addressed to Mr. Secretary Canning by His Majesty's

Commissioners at Sierra Leone, reporting the condemnation, by the British and Netherland Mixed Court of Justice, of the Brig *Lynx*, sailing under Netherland Colours, and detained, with 265 Slaves on board, on the 9th of January last, by His Majesty's Ship *Esk*.

In communicating these Papers to M. Verstolk, the Undersigned is particularly directed to point out to his Excellency's notice, the fresh Evidence which they afford of the continuance of those practices, to which he had the honour to call his Excellency's attention by his Notes of the 11th June and 27th of July last, and of the facility with which Papers are still granted by some of The Netherland Colonial Authorities, to Vessels which are in reality engaged in the African Slave-trade.

The Undersigned is directed to express to M. Verstolk the confidence which is felt by His Majesty's Government, that His Netherland Majesty will take such further measures as His Majesty may deem most effectual for the prevention of this most serious evil, and he has the honour, at the same time, to renew to his Excellency the assurance, &c.  
*H. E. the Baron Verstolk de Soelen.* CHARLES BAGOT.

*No. 79.—Sir Charles Bagot to the Earl of Dudley.—(Rec. Oct. 29.)*  
 MY LORD, *The Hague, 26th October, 1827.*

IN my Despatch of the 22d of June last, I had the honour to enclose to your Lordship, the Copy of a Note which I had addressed to the Minister of Foreign Affairs, for the purpose of again calling his serious attention to the great irregularities which were still practised in the Netherland West Indian Colonies, in granting Papers to Ships notoriously engaged in the Slave-trade; in further proof of which, I transmitted to him a Copy of Sir Neil Campbell's Report to Mr. Secretary Canning, of the Case of the Brig *Lynx*, condemned for this offence on the 21st of February last, as Prize to His Majesty's Ship *Esk*.

Enclosed, I transmit to your Lordship a Copy of the Answer to this Note, which I received Yesterday from M. Verstolk, and by which your Lordship will learn that The Netherland Government has since taken such measures upon this subject as will, I trust, prove effectual for the remedy of similar abuses in future. I have, &c.

*The Right Hon. the Earl of Dudley.* CHARLES BAGOT.

*(Enclosure.)—Baron Verstolk to Sir Charles Bagot.*

*La Haye, le 23 Octobre, 1827.*

LE Soussigné, Ministre des Affaires Etrangères, ayant reçu les données nécessaires pour répondre à la Note, que Son Excellence Sir C. Bagot, &c. lui a fait l'honneur de lui adresser le 21 Juin dernier, touchant les facilités avec lesquelles on continuerait à délivrer dans les Possessions des Indes Occidentales du Royaume des Pays-Bas, de Lettres de Mer à des Bâtimens employés en suite à la Traite des Nègres,

s'empresse de faire part à Son Excellence, que le Ministère de la Marine et des Colonies prévenu par le Commissaire Juge des Pays-Bas à la Cour Mixte de Sierra Leone, que plusieurs Navires, et entre autres le Brick négrier le *Lynx*, qui se trouve plus particulièrement désigné dans la Note de M. l'Ambassadeur, avaient été capturés, naviguant sous le Pavillon des Pays-Bas, avec des Papiers de St. Eustache, en a pris occasion pour appeler très sérieusement l'attention de l'Administration de cette Colonie sur la dite circonstance, et que cette démarche qui date du 31 Octobre, 1826, a paru avoir eu son effet, attendu que d'après des nouvelles transmises récemment par le Commissaire Juge précité, aucun Navire sous le Pavillon des Pays-Bas n'a été capturé et conduit à Sierra Leone, pendant le premier Semestre de 1827.

Le Soussigné peut encore ajouter, que M. le Général Major Van de Bosch, nommé Commissaire Général du Roi pour les Indes Occidentales, a été chargé par ses Instructions d'examiner sur les lieux-mêmes quelles seraient les Ordonnances qu'il conviendrait d'adopter, à fin de mettre un terme à l'abus, qui se ferait du Pavillon des Pays-Bas pour la Traite des Nègres, et que le Ministère de la Marine et des Colonies lui a remis à cet effet Copie de toutes les Pièces qui se rapportent à la dite matière.

Le Soussigné se flatte que Son Excellence Sir C. Bagot reconnoitra dans la présente Communication, combien le Gouvernement des Pays-Bas, a à cœur de prévenir le renouvellement des plaintes sur cet objet, et il saisit cette occasion pour lui réitérer, &c.

S. E. Sir Charles Bagot.

VERSTOLK DE SOELEN.

No. 80.—*The Earl of Dudley to Sir Charles Bagot.*

SIR,

Foreign Office, 3d November, 1827.

I HAVE received your Excellency's Despatches of this Series, up to the 26th October last.

I am glad to observe the very satisfactory assurances which are contained in the Note from M. Verstolk, of the 23d October, on the subject of the irregularities which have been practised in the issue of Licences to Vessels trading from The Netherland Colonies in the West Indies; irregularities which had given facilities to the illegal Traffick in Slaves.

I am, &c.

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

DUDLEY.

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## FRANCE.

No. 81.—*Viset. Granville to Mr. Secy. Canning.*—(Rec. Jan. 27.)  
(Extract.) Paris, 1st January, 1827.

I HAVE to acknowledge the receipt of your Despatch of the 29th of December, 1826.



The Law for the more effectual prevention of Slave-trading by the Subjects of France, has been already submitted to the consideration of the Chamber of Peers, and will probably pass through both Chambers.

*The Right Hon. George Canning.*

GRANVILLE.

*No. 82.—Mr. Secretary Canning to Viscount Granville.*

MY LORD,

*Foreign Office, 26th February, 1827.*

THE accompanying Copy of a Communication from the Admiralty gives an account of the Slave-trade now openly carried on upon the Western Coast of Africa under the French Flag.

It appears from the Communication in question, that 11 French Vessels, having on board 2,577 Slaves, have been met with by the Squadron under Commodore Bullen on the Coast above-mentioned, between the 3d day of August, and the 23d day of November, 1826, comprizing a period of little more than 3 months.

The fact of the many gross instances of French Slave-trade thus met with in so short a period of time, and within so narrow a space, corroborates the statement of Captain Bullen, that the Flag of France now absorbs nearly the whole of this disgraceful Traffick.

The Captains of these French Traders, it appears, as if secure of indemnity under the cover of their Flag, do not scruple openly to avow their undertakings,

The accompanying List contains the names of the Vessels, their Masters and their Owners, the number of Men and of guns, of which their Crew and Force consist, the amount of their tonnage, the Places to which they belonged, the Ports from whence they came, the spots to which they were bound, the dates and Places where they were met with, and the number of Slaves they had on board; in fact, every detail that can be wanted to ensure the conviction of the Offenders.

The accompanying Letter from Commodore Bullen, contains particulars revolting to humanity, of the transactions in which these Slave-vessels were concerned.

Surely if the Government of His Most Christain Majesty continue to have at heart, as they have so often declared, the putting down of this nefarious Traffick, they will not omit this opportunity of proving the sincerity of their professions, by instituting the most severe enquiry into the transactions, by inflicting due and publick punishment upon the Offenders, and by issuing the strictest Orders to their Authorities, Colonial and others, for the prevention of similar Slave-trade undertakings under cover of the Flag of France.

I am, &c.

*His Excellency Viscount Granville.*

GEORGE CANNING.

(Enclosure.)—*John Barrow, Esq. to Joseph Planta, Jun. Esq.*

SIR,

*Admiralty Office, 30th January, 1827.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Mr. Secretary Canning, an Extract of a Letter from Commodore Bullen, dated at the Island of St. Thomas, on the Coast of Africa, the 26th November last, with a Copy of the List therein referred to, of French Slave-vessels boarded by His Majesty's Squadron on the African Station. I am, &c.

*Joseph Planta, Jun. Esq.*

JOHN BARROW.

(Sub-Enclosure A.)—*Commodore Bullen to J. W. Croker, Esq.*

*H. M. S. Maidstone, S. Anna da Chaves Roads,*

(Extract.)

*Island St. Thomas, 26th November, 1826.*

BEING completed on the 28th, I weighed in chase of the French Schooner *Le Daniel*, with 200 Slaves, described in the accompanying List. I must again, although extremely sorry to trespass so much on their Lordships' time, call their attention to the enormous extent to which the French still continue to carry on the Slave-trade on this Coast. This Vessel was in a most horrid crowded state, her Slave-deck being only 2 feet 5 inches in height, and, although only 2 days out from the Old Calabar, was very sickly. The daring Miscreant refused to heave to, although my Colours were flying, until my shot fell a considerable distance over him. He had also the audacity 4 days afterwards to stand into West Bay, Princes Island, where I was lying with 2 of the Squadron, wooding and watering. I again dispatched a Boat out to board him, and found that the night I first intercepted him off the River Cameron, in consequence of the heavy rain which commenced shortly after I brought him to, the Slaves quarrelled among themselves regarding the right of precedence of those below to get on deck for fresh air, and those who had already the possession of it, when, shocking to relate, 19 fell victims.

The *North Star* shortly after this boarded the *Victor*, with 497 Slaves from the Bonny, in a very crowded, sickly state, and although but out a few days 20 had died, and 2 more were expected that evening; on the 2d, 5th, and 15th instant, *L'Heniter* with 203, *L'Henriette* with 427, and *La Felicie* with 348, were successively boarded by the *Esk*, and the Boat of His Majesty's Ship under my command; the latter, upon Lieutenant Tucker's arriving on board, and requesting the particulars of her Cargo, the Master assured him he had nothing in but palm-oil, ivory, &c. and bound to Mòbille, but upon my Lieutenant's looking into her hold, and perceiving the Slaves, he smiled, and calmly told him he had 348 on board, was out 2 days from River Gabon, and that his Vessel was in such a leaky condition, as scarcely able to be kept free. This Fellow had then before him a Voyage of several weeks to Martinique.

Captain Clavering in his late visit to the River Benin, boarded 3 Vessels, described in the accompanying List, all of which had part of their Cargoes on board. When they have hitherto perceived British Boats coming up to examine them, they have repeatedly disembarked their Cargoes, to avoid, either from shame or other motives, being detected in the actual fact; in this instance, however, no effort was offered to avoid the search: on the contrary, upon Lieutenant Wilson, of that Ship, expressing his astonishment to one of the Masters, that he had not landed his Slaves, he, with the greatest carelessness, told him, that as he knew the French Cruizers were seldom on the Coast, and never during the rains, he had nothing to fear from the Visits made to him by the British Men-of-War. The *Conflict* has, during the last 2 months, visited the Rivers Bonny, Calabar, and Cameroons, and so extensive is the trade carried on under the French Flag in those Rivers, that they monopolize the whole, and not a Spaniard was found in either. In the Bonny 4 French Brigs alone were waiting the completion of their Cargoes: one of them, the *Confidence* of Nantz, landed 400 on Lieutenant Wakefield's arrival. In the old Calabar, 2 Vessels, a Ship and a Brig, were lying, the former *L'Arion* of Marseilles, owned by Touissant, Benet and Sons, had only 7 Frenchmen on board, out of her Crew of 32 Persons, and was cleared out at St. Thomas, West Indies, by the French Consul Hurault de Ligny. Since I left Sierra Leone, on the 3d of August last, 2,577 Slaves have been found on board French Vessels by the Squadron under my orders, the whole of whom are more particularly described in the accompanying Return. It was my intention to have visited the before-mentioned Rivers, but the tremendous rains which we have experienced this Season, more severe than any hitherto, entirely frustrated my attempts.

Their Lordships must fully perceive that 3-4ths of the Slave-trade is now carried on by that Nation, and unless something is done to prevent it, ere long, few Vessels will shew any other Colours than white, when the Papers seem to be so easily and readily obtained from their Possessions in the West Indies; whether correct or false, it is impossible for us to determine. The rainy Season having now pretty nearly ceased, I am happy to say the Squadron are again getting tolerably healthy. Lieutenant Tour, of the *Esk*, Lieutenant Campbell, of the Royal Marines, and Mr. Rogan, Surgeon of the *North Star*, have, however, been invalided for ill health. In the vacancy occasioned by the former I have appointed Mr. J. S. Tollervy, Admiralty-Mate of the *Esk*, which I trust will meet with their Lordships' approbation.

I have also to acquaint their Lordships, that the *Intrepida*, Spanish Schooner, captured by the *Esk* on the 10th of August last, with a Cargo of 292 Slaves, and sent up in charge of the Master of that Ship, was in so sickly a condition, that 57 died previous to her Condemnation.

CHARLES BULLEN.

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(Sub Enclosure B.)—Return of French Vessels boarded with Slaves by the African Squadron under the Command of Commodore Bullen, C.B. between 3d day of August and 23d day of November, 1826.

Boarding Vessel,	Date,	Place, Lat. Lon.	Name of			Rigged,	Number of		Time of Sailing,	Where.			Number of Slaves,	REMARKS, &c.
			Vessel.	Master.	Owner.		Men.	Guns, Tons.		From.	Bound.	Belonging.		
Brazen	Aug. 5	Off Princes Island	Levrier	Justam	Bonaffé	Brig	35	6	189 Aug. 1	R. Bonny	Surinam	Guadaloupe	397	Consigned to Messrs. Joulfrein and Co.
Esk	— 10	—	Maria Modelin	Lestiert	Dellie	Schooner	12	2	94 July 31	—	Martinique	Martinique	115	
Redwing	Sept. 28	River Benin	L'Hersilie	Auglade	Auglade	—	24	1	76	Martinique	—	—	106	These Vessels were completing their Car-goes.
—	—	—	La Caravane	Quorniam	Quorniam	—	22	—	65	—	—	—	99	
—	—	—	Elane	Bouit	Bouit	Brig	21	—	57	—	—	—	15	
Conflict	Oct 3	Old Calabar	Justin	Tardy	Tardin de Roche	Brigantine	24	4	124 April	St. Barto.	—	—	200 and upwards	
North Star	— 6	Off Island St. Thomas	Victor	Jardan	Rauson and Co.	—	22	2	198 Sept. 16	Guadaloupe and R. Bonny	Guadaloupe	Guadaloupe	497	Slaves in a very sickly state; 20 had died already, and 2 expected that evening.
Maidstone	— 28	Off R. Cameron	Le Daniel	Achillo le dize	Guillon	Schooner	15	1	85 Oct. 26	O. Calabar	—	Point à Pitre	200	Her Slave-deck 2 feet 5 inches in height. This fellow afterwards had the audacity to stand into West Bay, Princes Island, where the Squadron were assembled, and was again boarded by my Boats on the 4th November. In the intervening time his Slaves had quarrelled amongst themselves, and 19 were killed.
Esk	Nov. 2	4.0 N. 5.0 E.	L'Heniter	Auglave	Hastings	Do.	15	1	67 June 12	St. Thomas's, West Indies.	Martinique	Martinique	203	
—	— 5	Off Fernando Po.	L'Henrietta	Salony	Robberith	Brig	29	6	198 Nov. 2	R. Bonny	Do.	St. Malo	427	
Maidstone	— 15	Off Princes Island	La Felicie	Desseyras	Revette	—	37	6	196 Nov. 12	R. Gabon	Do.	Martinique	348	Upon Lieut. Tucker's boarding him, he stated his Cargo to consist of palm-oil, &c. Afterwards, upon the Slaves being discovered, he told him the number, and said the Vessel was so leaky, he could scarcely keep her free.
												Total	2577	

CHARLES BULLEN, Commodore.



*No. 83.—Mr. Secretary Canning to Viscount Granville.*

MY LORD,

*Foreign Office, 27th February, 1827.*

IN reference to my Despatch to your Excellency of Yesterday, on the subject of the Slave-trade, carried on under the Flag of France, upon the Western Coast of Africa; I furnish your Excellency with the Extract of a Communication received by the Colonial Department, from His Majesty's Governor of Sierra Leone, containing matter corroborative of the assertion, as to the facility with which Papers are obtained for Vessels in the French West Indies, to enable such Vessels to proceed from thence to Africa, with the purpose of trading in that Quarter illegally for Slaves.

I am, &c.

*H. E. Viscount Granville, G. C. B.*

GEORGE CANNING.

*(Enclosure.)—R. W. Hay, Esq. to Joseph Planta, Jun. Esq.*

SIR,

*Downing Street, 14th February, 1827.*

I HAVE received the Earl Bathurst's directions to transmit to you, for the information of Mr. Secretary Canning, the enclosed Extract of a Despatch, with its Enclosure, from Governor Sir Neil Campbell, stating that the Slave-trade on the Western Coast of Africa is increasing, in consequence of the facility with which it is asserted that Foreign Vessels may obtain the protection of the French Flag, and in consequence also of the connivance of the Portuguese Authorities at the proceedings of Vessels engaged in the Traffick in Slaves.

I am, &c.

*Jos. ph Planta, Jun. Esq.*

R. W. HAY.

*(Sub Enclosure A.)—Governor Sir Neil Campbell to Earl Bathurst.*

(Extract.)

*Sierra Leone, 29th November, 1826.*

ANOTHER occurrence which has been made known to me since my return, relating to the Slave-trade and Piracy in this Vicinity, is what is detailed in the Enclosure.

The Surgeon of *Le Felix*, M. Salaberry, informs me that the French Papers, with the regular Seal of Office, are obtained without difficulty by stealth and breach of trust, from subordinate Persons in the Departments [at Guadaloupe and Martinique] of the Marine. The object of calling at the Cape de Verd Isles was to see a *Signior Martinez*, formerly Deputy to the Cortes, who holds an Appointment under the Governor, or who has considerable influence with him, by which they were to obtain Portuguese Papers or other facilities, for their Slave-trading with the Portuguese Factories between this and the Gambia, and which is openly carried on by the Governor at Bissao, with the Chiefs on all the Rivers, to obtain Cargoes for Foreign Vessels, and for large Canoes from the Cape de Verd Islands, and Coasting-traders, who also frequent the different Ports between this and the Gambia, for any other Articles of Commerce as well as Slaves.

(Sub Enclosure B.)—Statement of the Surgeon of *Le Félix*.

*Sierra Leone, le 28 Novembre, 1826.*

ARRIVANT à St. Thomas, le 23 Février de cette année, venant de la Guadeloupe, je trouvai dans le dit Port de St. Thomas, le Brig Espagnol *Le Félix*, Capitaine Maury, du Port de St. Jago de Cuba, armé de 10 canons, dont 4 de 12, 2 de 9, et 4 carronades de 18, qui se trouvait en armement pour la Côte d'Afrique. Il me proposa de faire le Voyage avec lui en ma qualité de Chirurgien. J'acceptai sa proposition.

Nous sortîmes de St. Thomas le 25 Mars, nous étions 56 hommes d'équipage, tout compris. Le Brig *Le Félix* arbora dans le dit Port son Pavillon Espagnol, avec lequel nous sortîmes à la Mer. Deux ou trois jours après être sortis, le Capitaine Maury m'appelle dans la chambre, et me dit: Docteur, voici nos Papiers François que j'ai fait venir de la Pointe à Pitre, Guadeloupe. Me les ayant montré, il me pria de remplir le rôle d'équipage qui se trouvait en blanc, revêtu seulement des signatures de la Marine, ce que je fis. Il me dit, vous allez porter sur le rôle le nom de Théophile Cruvelier comme Capitaine, conservant toujours le nom de *Félix* au Brig.

Le 1<sup>er</sup> Mai nous arrivâmes à Bonavista, Cap Verd, sans avoir rencontré aucun Bâtiment de Guerre à la Mer. Nous fûmes dans ce Port dans l'intention d'y voir Don Manuel Martinez, que notre Capitaine connoissoit, et tâcher de faire des affaires avec lui. Celui ci se trouvant absent, nous en partîmes le 5 du même Mois, et fîmes route pour Rio Pongo, où nous mouillâmes. Le Capitaine fut à terre pour se procurer un Pilote de la barre, et vit un nommé Hurtis, qui lui offrit 375 Esclaves pour notre Facture. Il ramena 2 Pilotes qui nous échouèrent sur un banc. Nous nous vîmes forcés de nous mettre sous voile, après avoir vidé presque toutes nos pièces à eau, afin d'alléger le Navire.

Le lendemain matin nous aperçûmes une Goëlette Americaine qui sortoit de Rio Pongo pour se rendre à Rio Nuñez. Nous la fîmes mouiller. Notre Capitaine fut à son bord, s'informer du Capitaine Americain, s'il connoissoit Rio Nuñez. Il lui répondit que oui. Il lui demanda s'il pensoit que nous pourrions faire des Esclaves dans cet endroit là. Il répondit également par l'affirmative.

Nous nous mîmes immédiatement sous voile, suivant la Goëlette précitée, et nous mouillâmes au Village de Vassassy, dans la dite Rivière, qui se trouve à la distance à peu près de 75 milles de la barre, le 8 Juin dernier.

Le 10 nous mîmes notre Facture à terre, et notre Capitaine pris des arrangemens avec trois Individus du Pays, qui prirent nos marchandises, se rendant cautions, et s'obligeant de nous donner 350 Captifs, dans l'espace de 2 Mois. L'un est nommé Macandy, qui est le Roi du Pays; le second, Carmot, Chef du Village de Guayquiry; et le troisième, David, Chef du Village de Vassassy. Après avoir resté dans la Rivière près de 5 Mois, et n'ayant pu obtenir de ces Fripons que

106 Nègres, et 12 que nous achetâmes d'un reste de Facture, le Capitaine détermina, le 3 Novembre, de descendre la Rivière, et de se payer sur les pirogues qu'il rencontrerait, en captivant tous les Individus qu'elles contiendroient. Il effectua effectivement son plan, car, le 6 ou le 7 du courant, il en fit saisir une appartenant à M. Bateman, laquelle avoit 6 Nègres à bord, dont 4 Nageurs et 2 Négrillons qu'il esclavisa sur le champ. Nous trouvâmes dans la dite pirogue qui était chargée de sel deux petites caisses pleines de nos marchandises, des pièces de mouchoirs entières, des Indiennes, &c. &c. [preuve évidente que M. Bateman a aidé les Nègres à nous voler.]

Le 8 dans l'après diner nous laissa mouiller près d'un endroit périlleux, où nous attendions la pleine Mer, pour continuer de descendre la Rivière. Il fût sonder, dans un Canot, l'endroit, où se trouvoit une roche au milieu de la dite Rivière où nous touchâmes en entrant. Le 9 il fit appareiller au petit jour. On le prévint que la roche étoit devant nous. Il ne voulût rien écouter, et fit gouverner droit sur elle, où le Navire se cassa dans le moment et tomba sur tribord. Dans l'espace de 10 minutes il se trouva plein d'eau. Voyant cela on fit monter les Esclaves sur le pont; on les embarqua et on les mit à terre. Une fois sur la plage nous leur donnâmes deux ciseaux à froid, et deux marteaux, pour qu'ils ôtassent leurs fers, et par conséquent leur donnâmes leur liberté. Cela terminé, nos primes du bord quelques vivres et de l'eau, 45 fusils qui étoient de l'armement du Brig, 19 sabres d'abordage, 72 machettes restantes de la traite, 500 cartouches, 2 boites de mitraille, contenant chacune 350 balles, 2 barrils de poudre de 25liv. et le Capitaine avoit pour sa défense personnelle une paire de pistolets, un poignard, et un sabre. Avant de quitter le Navire il ordonna de mettre le feu à bord, pour que les Nègres du Pays ne profitassent de rien. Tout l'équipage débarqué, il nous dit: nous allons nous porter sur l'Ile qui se trouve près de la Barre, et là le premier Batiment qui entrera ou sortira nous le prendrons pour aller chercher fortune ailleurs. Vous savez tous qu'il y a à Vassassy une Goëlette qui est en partance pour Sierra Leone, et qui nous conviendrait parfaitement. C'étoit celle de M. Parker.

Nous descendîmes à quelque distance du Brig. Nous aperçûmes un Bateau qui remontait la Rivière. Le Capitaine crie: à bord, mes enfans! Mais le Bateau se trouvant être la propriété de M. Castagnet, il le fit mouiller pour quelques instans, et défendit expressément de ne rien toucher au dit Bateau.

Ayant bien réfléchi, je dis à mon Capitaine; Monsieur, je ne me suis point embarqué avec vous pour faire le Pirate; les intentions que vous venez de manifester sont trop évidentes pour suivre votre exemple, qui est celui d'un homme sans caractère et sans honneur. Je remonte chez M. Castagnet avec son Bateau; les 3 Officiers et 12 Matelots suivent mon exemple.

Arrivé chez M. Castagnet, j'y trouvai M. Parker qui faisait des préparatifs de départ; je le prévins des intentions et dispositions de notre Capitaine; je lui annonçai qu'il avoit été se réfugier à l'Ile, et qu'il l'attendait. D'après mes informations, Messieurs Samo, Parker, et Castagnet, décidèrent à se réunir et sortir armés, accompagnés de quelques pirogues du Pays, ce qu'ils firent. On descendit à l'Ile, le 20 du Courant. On parcoura toute l'Ile qu'on visita avec grande précaution, et on trouva que le Capitaine en étoit parti, avec les 22 Matelots qui lui restoient. On reconnût l'endroit où ils séjournèrent.

A. SALLABERRY.

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No. 84.—*H. C. J. Hamilton, Esq. to Mr. Sec<sup>y</sup>. Canning.*—(*Rec. Mar. 15.*)  
SIR, *Paris, 12th March, 1827.*

I HAVE the honour to acknowledge the receipt of your Despatches of the 26th and 27th of February last, (addressed to Viscount Granville) on the subject of the Slave-trade, now openly carried on upon the Western Coast of Africa, under the French Flag, and the facility with which Papers are obtained for Vessels in the French West Indies, to enable such Vessels to proceed from thence to Africa, for the purpose of illegal Trade for Slaves in that Quarter; and I shall lose no time in bringing the subject under the consideration of the French Government.

I have, &c.

*The Rt. Hon. George Canning.*

HAMILTON HAMILTON.

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No. 85.—*Mr. Secretary Canning to H. C. J. Hamilton, Esq.*  
SIR, *Foreign Office, 26th March, 1827.*

THE accompanying Papers contain Statements as to Slave-trade, said to be carried on under the Flag of France, in various points to the Eastward of the Cape of Good Hope.

You will communicate these accounts to the Government of His Most Christian Majesty, adding an expression of confidence, on the part of the British Government, that the Government of France will take an early opportunity of instituting an enquiry into the facts alleged, with a view of putting down the illegal traffick, and of punishing those who shall be found to have offended against the humane wishes of the King of France in respect to the Slave-trade.

I am, &c.

*H. C. J. Hamilton, Esq.*

GEORGE CANNING.

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(*First Enclosure A.*)—*R. W. Hay, Esq. to Joseph Planta, Jun. Esq.*  
SIR, *Downing Street, 8th March, 1827.*

I AM directed by Earl Bathurst to transmit to you the enclosed Extract of a Letter from the Commissioners of Inquiry at the Mauritius, dated 25th October, 1826, and the Copy of another, dated 21st November, relative to a trade in Slaves which is alleged to be carried on by the French to a considerable extent at one of the Islands on the



West Coast of Sumatra, called *Pulo Nyas*, and I am to request that you will lay the same before Mr. Secretary Canning for his information.

I am, &c.

*Joseph Planta, Jun. Esq.*

R. W. HAY.

(First Enclosure B.)—*The Commissioners of Inquiry at the Mauritius to Earl Bathurst.*

(Extract.)

*Mauritius, 25th October, 1826.*

WE do ourselves the honour to inform your Lordship, that since the dispatch of our Letter to your address, of the 18th instant, a Dutch Ship has arrived at this Port from Padang, the principal Dutch Settlement on the West Coast of Sumatra, and we were surprized to learn from the Master of this Ship (an Englishman), that the Slave-trade was universally believed there to be carried on by the French to a considerable extent at one of the Islands on the West Coast, called *Pulo Nyas*, which had been a principal Slave-mart, previous to the abolition of the Trade in Slaves formerly carried on by the Dutch in those Seas.

As this Ship, the *Padang*, was on the point of departure for England and Holland, and as it was alleged that rumours prevailed at Padang, that the French Slaving-vessels, in their Voyages to Bourbon, attempted occasionally to introduce Slaves into Mauritius, through the medium of the Island of Rodrigues, a Dependency situated to the Eastward of this Colony, we considered it our duty to take the Evidence of Captain Rogers; and we have now the honour to enclose it to your Lordship, in order that you may judge of the nature of the information he possesses on the subject, and the sources from which he derived it.

We think it right to add, that although from the situation of these Islands, great facilities exist for the illicit introduction of Slaves into this Colony and its Dependencies, yet we have no authentick information which would justify us in assuming that the reports prevalent at Padang are correct, in so far as they impute to the Inhabitants of this Island and its Dependencies, a participation in the crimes of the French Slave-traders. We are assured by the Registrar of Slaves, that very few Malay Slaves exist in the Colony, and the progress of the new Registration, under the provisions of the Order in Council of 30th January, 1826, will determine, in a short time, the actual number in the Colony, as they are readily distinguished from the African Slaves.

We beg leave to add, that although the Evidence of Captain Rogers, of the Ship *Padang*, requires confirmation from more direct sources, yet we have no reason to doubt the authenticity of his Statements; which we are induced to transmit to your Lordship, as connected

with the subject of our last Despatch, and as other communications on the same subject are likely to be made to England.

The Rt. Hon. Earl Bathurst, K. G.      W. M. E. COLEBROOKE.  
W. BLAIR.

(Enclosure 1. C.)—*Evidence of Captain Rogers of the Dutch Ship Padang.*

You are a Native of England I believe?

I am.

You command the Dutch Ship the *Padang*?

I do.

What is the Port from whence you took your last departure?

From Padang, on the West Coast of Sumatra.

Are the Dutch Authorities established on that Station?

They are: it is their principal Station on the West Coast.

Are you aware if the Slave-trade has been entirely suppressed in that Quarter by the Dutch?

I believe it has, to the extent that no Slaves are allowed to be brought into their Settlements.

Have you any information whether it is carried on there by any other European Nation?

Only by the French; and confined, I believe, to the Island of Nyas, off that Coast, and which was an old Mart for Slaves.

Under what Flag do the French carry on this Slave-trade?

Under different European Flags, particularly the English, Dutch, and French Flags.

Do you know from whence the Vessels engaged in this traffick clear out, and to what Ports they carry their Slaves?

They clear out, principally from the Island of Bourbon, to which Colony, I am informed, they carry their Slaves.

Do these Vessels trade on the Coast of Sumatra?

They, ostensibly, trade in coffee, pepper, and other produce, with the Ports of Sumatra, but they chiefly exchange dollars and cloths for gold dust, with which they make their purchases of Slaves at Pulo Nyas.

Where do they obtain the gold dust?

From Padang, to which Place it is brought from various parts of Sumatra.

Did any of these Vessels visit Padang while you were there?

Several of them.

Was it generally known that these Vessels were engaged in the Slave-trade?

Not at the time, but from the frequent communication by Boats with the Northern parts of Sumatra, and with Pulo Nyas itself, information of their being engaged in that trade has been generally acquired, and it is quite notorious.

What course do these Vessels take when they quit Padang?

They go to the Northern Ports, and take their final departure from Nyas.

By what description of Men are these Vessels usually commanded and navigated?

Generally by Frenchmen, or Creoles, of Bourbon.

Of what burthen are they in general, and of what description?

They are generally from 50 to 120 tons burthen, and are light fast-sailing Vessels, drawing little water.

Have you ever been on board one of these Vessels?

I have.

Did they appear to be equipped in a particular manner so as to denote that they were engaged in the Slave-trade?

I have had no opportunity of seeing them in that mannerequipped.

Can you state how long it may have been the practice for these Vessels to frequent those Coasts?

It has become most notorious within the last 2 Years, but they were known to have frequented those Coasts at an earlier period.

Have you been long a resident in those Countries?

I have been established at Padang for several Years, though occasionally absent.

Are there any English or Dutch Cruizers on the West Coast of Sumatra?

There are some Dutch Cruizers on the West Coast, but they seldom go so far to the Northward as to Pulo Nyas.

What is the object of these French Vessels in hoisting the English and Dutch Flags?

In frequenting the different Parts on the West Coast they take the Flag of the Nation that is most acceptable to the Inhabitants, on which account they occasionally hoist the English Flag, and sometimes the Dutch.

Have you received any information as to the manner in which these Slaves are procured?

They are obtained in the Wars carried on between the Tribes on the Island, which are promoted with the object of procuring Slaves for sale.

Have you understood that the French take an active part in these Wars, or whether they confine themselves to the purchase of the Captives?

I believe they in general purchase their Slaves.

Have you any knowledge of the number of Vessels from Bourbon that are engaged in the Slave-trade at Pulo Nyas, or elsewhere, in those Seas?

I have authority for stating that about 80 Vessels are engaged in the Slave-trade from Bourbon, of which from 15 to 20 are employed in carrying Slaves from Pulo Nyas.

Can you state your authority for this information ?

I have derived it from various sources, but particularly from the Captain and Supercargo of a French Ship, called the *Bourbon*, which arrived at Padang from the Ports of France and Bourbon in the month of September last, and which had left Bourbon in August.

Do you recollect his name ?

I do not.

The Ship *Bourbon* I conclude was not engaged in the Slave-trade ?

She was not, she came for a Cargo to Padang, and the Northern Ports.

Have you any information respecting the treatment of the Slaves on board these Vessels, or the number they receive on board ?

I have heard that the treatment of the Slaves in these Vessels is not unusually severe, but that they are very crowded.

Are you aware whether the Slave-trade formerly carried on at Nyas had been suppressed previously to the French engaging in it ?

I believe not, and that the French from Bourbon have at all times been more or less engaged in it.

What is the course that these Vessels are understood to take in their Passage from Nyas, and do they touch at any intermediate Ports ?

It is reported at Padang, but I cannot state on what authority, that they sometimes make an attempt to introduce Slaves into Mauritius, and with this object occasionally touch at the Island of Rodrigues, which lies in their track to Bourbon, and where they can ascertain whether any British Cruizers are on the Mauritius Coast.

Have they a fair wind from Rodrigues to Mauritius and Bourbon ?

They have always an Easterly wind, which is fair.

Are they understood to visit any others of the Dependencies of this Colony ?

It is understood that they sometimes visit the Northern Islands, the Seychelles.

Have you ever been at Rodrigues ?

I have never landed there.

Are you aware if it is frequently visited by small Vessels from the Mauritius ?

It was frequently visited by small Vessels for fish and turtle. I have no recent information concerning this intercourse.

Have you ever heard where the Bourbon Vessels fit out that are engaged in the Slave-trade ?

At Bourbon.

Have the Dutch Government established any President at Pulo Nyas ?

The Dutch Government have hoisted their Flag at Pulo Nyas, and a Functionary has resided there, but not with any power : no troops are on the Island.



Have you ever been informed of the number of Slaves taken from Nyas by the French Vessels?

Not precisely, but I think that the number cannot be less than 1,000 Slaves in a Year.

What is the length of the Voyage from thence to Rodrigues and Bourbon?

Generally a month, but sometimes less.

Do they obtain provisions and water on the Sumatran Coast for the support of the Slaves on the Voyage?

They obtain these supplies from Nyas itself, which is a very fertile Island.

What is the average value of the Slaves purchased at Nyas?

The average value in gold-dust, is from 50 to 100 Spanish dollars for each Slave.

Are Slaves procured by the French from any other Ports of the Eastern Archipelago?

I am not aware that they are.

Have the Dutch Authorities in general taken any active measures for the suppression of the Slave-trade in those Seas?

They have prohibited the admission of Slaves into their Settlements, but have not had it in their power to take any active measures to suppress the Slave-trade.

Did the Captain of the Ship *Bourbon* speak of the Slave-trade, carried on by his Countrymen in these Seas, as likely to attract the attention of the French Government with a view to its suppression?

No: he merely mentioned it incidentally.

Have you seen many of the Natives of Pulo Nyas?

I have seen a great many of them.

What in general is their character?

They have in general appeared to me to be a quiet, harmless and industrious race, but not so intelligent as the Malays.

Is there any trade between the Coast of Sumatra and Pulo Nyas?

Small Vessels carry on a trade between the Coast and that Island, bringing supplies of cocoa nuts and rice, in exchange for various articles in request with the Islanders.

Have you ever visited Pulo Nyas yourself?

I have been in sight of the Island, but I have never landed on it.

EDWARD ROGERS,

*Partner of the Firm of Vanden Berg and Co. at Padang, and  
Commander of the Dutch Ship Padang.*

A true Copy of the original Evidence, as given by Captain Rogers before the Commissioners of Inquiry,

W. J. MACKRIL,

*Chief Clerk of the Commission of Inquiry.*

(Enclosure 1. D.)—*The Commissioners of Inquiry at the Mauritius to Earl Bathurst.*

MY LORD,

*Mauritius, 21st November, 1826.*

IN transmitting the Duplicate of our Despatch of the 25th October last, we have the honour to state, for your Lordship's further information, that the Island of Diego Garcia, 7. 15. S. 72. 32. E. one of the *Chagos* Archipelago, and a Dependency of this Colony, was visited, in the month of March last, by a Vessel, under French Colours, called the *Chicken*, which was suspected at the time, and has since been found, to have been employed in the conveyance of a Cargo of Slaves from Pulo Nyas to Bourbon. We have collected much evidence upon the subject of this transaction, but which it may be desirable to reserve until the completion of our enquiries.

The Vessel put into Diego Garcia for refreshment on her Voyage from the Eastward, and the circumstance, when reported to the Governor, was made known by him to Commodore Christian. Two other Vessels touched at the Island about the same period, the one under Dutch, and the other under English, Colours; these Vessels had some Malays on board, but no proof has appeared of their being Slaves; the Inhabitants of the Island furnished supplies to all these Vessels. Diego Garcia is described to be possessed of an excellent Harbour, and yields an abundant supply of water: it is in the track of Ships bound from the Eastward. The Island has been settled from Mauritius, and the Slaves employed in the cultivation of cocoa nuts, and the preparation of cocoa nut oil, are superintended by Regisseurs, or Agents, deputed by the Proprietors who are resident in Port Louis.

Some other Islands of the same cluster (*Les 6 Iles*) have been settled by the Inhabitants of Seychelles, to which they refer; but in none of these Islands do we find that any publick Functionary resides, and being situated, as well as Rodrigues, beyond the limits of the Naval command, they are not visited by the Ships of this Squadron.

We have, &c.

W. M. E. COLEBROOKE.

*The Rt. Hon. Earl Bathurst, K.G.*

W. BLAIR.

(Enclosure 2. A.)—*R. W. Hay, Esq. to Joseph Planta, Jun. Esq.*

SIR,

*Downing Street, 12th March, 1827.*

I AM directed by Earl Bathurst to transmit to you, for the information of Mr. Secretary Canning, the Extract of a Despatch from the Governor of the Mauritius, dated the 29th of October, 1826, accompanied by the Copy of a Letter from Commodore Christian, with the Extract of one from Captain Acland, relative to the Slave-trade, as still carried on by French Vessels on the East Coast of Africa.

I am, &c.

*Joseph Planta, Jun. Esq.*

R. W. HAY.

(Enclosure 2. B.)—*Licut.-Gen. Sir G. Lowry Cole to Earl Bathurst.*  
(Extract.) *Mauritius, 29th October, 1826.*

I TAKE this opportunity of forwarding to your Lordship the Copy of a Letter from Commodore Christian, with the Extract of one from Captain Acland, and the substance of a Representation from Amease, relative to the Slave-trade, as still carried on by French Vessels on the East Coast of Africa.

*The Right Hon. Earl Bathurst, K.G.*

G. L. COLE.

(Enclosure 2. C.)—*Comm. Christian to Licut.-Gen. Sir G. Lowry Cole.*  
SIR, *Owen Glendower, Port Louis, 10th September, 1826.*

I HAVE the honour to enclose, for your Excellency's information, an extract of a Letter from Captain Acland, of His Majesty's Sloop *Helicon*, respecting the Slave-trade, with the Copy of a Representation made to me by Amease, the Interpreter. I am, &c.

*His Excellency Sir G. Lowry Cole, G.C.B.* H. H. CHRISTIAN.

(Enclosure 2. D.)—*Captain Acland to Commodore Christian.*  
(Extract.) *Bell Buoy, off Port Louis, Mauritius,—September, 1826.*

WE did not reach Oibe until the 23d June, where we anchored on the following day.

From the best information I could obtain, it appears the French have much forsaken this Port in quest of Slaves, arising partly from the Imaum's Territories being forbid to import them, and partly from the heavy duties levied by the Portuguese on all Foreign Vessels shipping Slaves, and lastly from the high price Slaves bear amongst the Portuguese for their own exportation to the Brazils, which mostly takes place towards the termination of the S. W. Monsoon.

The Portuguese Commander informed us, that the French carried on the trade very actively to the Northward of Cape Delagardo.

We arrived off Mougorella on the 4th of July. We observed a Brig bearing a very large Red Ensign and Pendant, and a Schooner, just under weigh, with French Colours, laden with Blacks; on our approaching the Harbour we observed her to heave about, beat in again, and with the assistance of many Boats land her Cargo in haste, marching them in pairs across the Beach towards the Factory, which we understood afterwards to be the abode of the Captain of the Schooner; upon our boarding her we found that the Captain, and most of the Crew, had deserted her, taking with them Colours and Papers.

From the Papers which the Captain sent on board for my inspection, shortly after, I ascertained her to be the French Schooner *l'Union*, of 33 tons, belonging to Bourbon, commanded by Monsieur Frisco, and owned by Messrs. Robins, (frères.)

The Vessel under the Red Flag proved to be the French Brig *Le Louis*, belonging to Bourbon, of 196 tons, mounting 6 guns, com-

manded by Monsieur Oyouz, and owned by Monsieur Monfort. The Surgeon, who went on board to see their sick, reported to me her being nearly ready for sailing, her water being completed, and her masts overlaying the casks, ready for the reception of Slaves.

This place appears to be as great a mart for French Slave-dealers, as the Mozambique is for the Portuguese, being beyond the Territories of the latter, and situated at the extreme of the Imaum of Muscat's. Being at such a distance, it is not sufficiently under his controul to protect it from such an iniquitous trade, (which the French are so wilfully guilty of actively encouraging) amongst the unenlightened Negroes.

I have also to remark to you that, since my return to this Port, I have ascertained, from the Books at the Post-Office, that the 2 above-mentioned Vessels have been in this Harbour this Year; and I have little doubt it was for the purpose of refitting.

Finding, on leaving Mongorella, that a considerable portion of my Cruize had expired, I made the best of my way to Zanzibar, having, by report, been led to believe that an extensive Traffick in Slaves was carried on there.

On my arrival I was surprised to find the Harbour destitute of Shipping.

From all the conversation and intercourse which both myself and Officers have held with the Governor, and other Persons of this Island, I have every reason, conscientiously to believe, that there is a sincere desire of actively checking any Slave dealing, within the Powers of Muscat, with all Foreign States.

As a further earnest on the part of the Governor to abolish Slave-dealing with Foreign Powers, I have to inform you, that I have been given to understand, that he lately seized a Dow, immediately on her return to Zanzibar, for having sold Slaves to a French Vessel at Monfier, the Captain of which he sent prisoner to the Imaum.

Owing to our short stay at the Seychelles, I had no opportunity of forming my conclusions respecting the Slave-trade at that Place.

*Commodore Christian.*

C. ACLAND.

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(*Enclosure 2. E.*)—*Representation of Amease, the Interpreter.*

THE principal Places on the Coast of Zanzibar where the Slave-trade is at present carried on, are in the Bays of Mongro, Lindy, Macindanee, and Kaswanree. For the last 3 Years, about 8 French Vessels resorted thither, making generally 2 voyages annually, and carrying away from 150 to 300 Slaves at a time. From all the information I have been able to collect, I believe the French are the only Europeans who purchase Slaves along the Coast, and that they do not carry them to the Mauritius or Seychelles, but to the Island of Bourbon.



The Slaves, as they arrive from the interior of the Country, are brought in small numbers by Canoes, along the Coast from Zanzibar, Quilon, &c. and are purchased by Arab Merchants, who keep them till a Vessel arrives, in consequence of which there is little difficulty in procuring a Cargo, and Ships seldom require to remain longer in the Bays than 6 weeks.

Although these Bays are said to be under the dominion of the Imaum of Muscat, and there are many of his Subjects residing there, yet no Governor being present, or Men with the Imaum's authority, to enforce the Law, the Slave-trade is carried on openly, and probably without his knowledge.

Having been engaged several Years ago by Captain Moresby, of His Majesty's Ship *Menai*, in making a Treaty with the Imaum of Muscat for the suppression of the Slave-trade on this Coast, I am confident he would use further means to put a stop to it, if proper representations were made to him. It would not be necessary to send an armed force to these Bays, but 1 or 2 Men, with the Imaum's authority, residing at each, could prevent the French from purchasing a single Slave; and, from knowing the disposition of the Imaum, I have no doubt but that he would readily comply with any proposal to that effect. As the Minister of the Imaum, with whom Captain Moresby drew up the Treaty, is now dead, it would be useful to continue the enforcement of it, that it might be renewed, as the present Minister will not consider himself bound by the acts of his Predecessor, further than he may see it his interest. The Island of Mombas, also, being now abandoned by the English, and the Arabs of that Place doing what they can to induce the French to resort thither, application to the Imaum to take possession of it again, could it be done without bloodshed, would prevent the Slave-trade recommencing in that Quarter. Sometimes Slaves in small numbers are carried from Zanzibar, Quilon, and other Places, where there are Arab Governors, to the Bays frequented by the French; an application to the Imaum to prevent such a proceeding would be immediately attended to.

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*No. 86.—H.C. J. Hamilton, Esq. to Mr. Sec<sup>y</sup>. Canning.—(Rec. April 2.)*

SIR,

*Paris, 30th March, 1827.*

ON the receipt of your Despatch, dated the 26th and 27th of February last, addressed to Viscount Granville, I sent to the Baron de Damas, on the subject, a Note, of which the enclosed is a Copy; and I have now the honour to forward to you a Copy of the Answer, which I have just received from His Excellency.

I have the honour to be, &c.

*The Right Hon. George Canning.*

HAMILTON HAMILTON.

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(*Enclosure 1.*)—*H. C. J. Hamilton, Esq. to the Baron de Damas.*

MONSIEUR LE BARON,

*Paris, 15th March, 1827.*

I HAVE the honour to submit to your Excellency 2 Despatches from His Majesty's Government on the much agitated topick of the Slave-trade, still pursued upon the Western Coast of Africa.

Although there are, I believe, no features strictly new, apparent in the Statements communicated by these Despatches, yet some circumstances are disclosed of a very flagrant and aggravated kind, and to these I would draw the particular and serious attention of the French Government.

The first of the 2 Despatches enumerates the French Vessels met with by the British Commodore commanding on the Coast above-mentioned; and they are so many, and the period in which they were met is so brief, that it appears as if this horrible traffick were monopolized, nearly, by Ships bearing the French Flag.

In the second place it shews so little scruple to be felt by the Captains of these Traders, in openly acknowledging the traffick they pursue, that we are warranted in inferring them to be confident, and secure of indemnity under the cover of their Flag.

And yet so minutely does it detail, in the next place, all the particulars which can possibly have relation to these Vessels, that the conviction of the Offenders, were the case submitted to judicial decision, would not admit of the slightest doubt.

The second Despatch transmits information supplied by His Majesty's Governor of Sierra Leone, in proof of the exceeding facility with which the necessary Papers are furnished to Ships in the French West Indies, for the purpose of pursuing the said nefarious traffick on the Western Coast of Africa, and it is such as must place the complicity of the French Colonial Authorities in that Quarter in the clearest light.

On the anticipations felt and expressed by the Government of the King, my Master, as to the sincerity of the French Government, in their endeavours to suppress the Slave-trade, it is at this moment superfluous, I trust, to enlarge. The Legislature of the Country has the subject now once more under its solemn consideration, and I will, therefore, venture only to add my hope, that the decision may prove such as, by arraying against this revolting traffick the very energies which have hitherto so mainly served to encourage and sustain it, will the more effectually consummate its abolition, and that no other regrets will hereafter be associated with the remembrance of it, than that this consummation had been so long delayed.

I avail myself, &c.

*His Excellency The Baron de Damas.* HAMILTON HAMILTON.

(Enclosure 2.)—*The Baron de Damas to H. C. J. Hamilton, Esq.*

MONSIEUR,

*Paris, le 23 Mars, 1827.*

J'AI reçu, avec la Lettre que vous m'avez fait l'honneur de m'écrire, les différentes pièces qui l'accompagnaient, et qui signalent, comme faisant la Traite des Noirs sur la Côte d'Afrique, plusieurs Navires sous Pavillon Français, et munis de Papiers qu'on suppose délivrés par les Autorités de quelques unes des Colonies Françaises.

Je me suis empressé de transmettre ces Documens au Ministre de la Marine, avec invitation de prendre des renseignemens sur les faits qui y sont exposés, et d'en faire poursuivre les auteurs.

Au surplus, Monsieur, l'assentiment unanime que viennent d'obtenir les nouvelles mesures de repression proposées par le Gouvernement du Roi, prouvent que, d'accord avec lui, l'opinion publique en France n'est pas moins qu'en Angleterre prononcée contre cet infame trafic; Elles donnent l'espérance fondée, qu'ainsi que je l'annonçais dès l'Année dernière, à Son Excellence Lord Granville, le Gouvernement de Sa Majesté est parvenu à couper le mal dans sa racine.

Recevez, Monsieur, &c.

*M. Hamilton Hamilton.*

LE BARON DE DAMAS.

No. 87.—*H. C. J. Hamilton, Esq. to Mr. Sec<sup>y</sup> Canning.—(Rec. April 2.)*

SIR,

*Paris, 30th March, 1827.*

I HAVE the honour to acknowledge the receipt of your Despatch of the 26th Instant, on the Slave-trade, and I shall fulfil the Instructions it conveys to me, without delay. I have, &c.

*The Right Hon. George Canning.*

HAMILTON HAMILTON.

No. 88.—*H. C. J. Hamilton, Esq. to Mr. Sec<sup>y</sup> Canning.—(Rec. April 16.)*

SIR,

*Paris, 13th April, 1827.*

IN obedience to the Instructions contained in your Despatch of the 27th of February last, I transmitted to the French Government, in a Note, of which I enclose a Copy, Copies of the several Enclosures it conveyed, regarding that traffick, as now pursued under the Flag of France, to the Eastward of the Cape of Good Hope. To that Communication, the Baron de Damas has sent the Answer, of which I enclose a Copy, stating that the Documents in question have been submitted to the Minister of Marine, with a request that due enquiry into the circumstances alleged may be instituted, and judicial measures directed against the Individuals guilty of the traffick. I have, &c.

*The Right Hon. George Canning.*

HAMILTON HAMILTON.

(Enclosure 1.)—*H. C. J. Hamilton, Esq. to the Baron de Damas.*

MONSIEUR LE BARON,

*Paris, 4th April, 1827.*

THE accompanying Documents comprehend Statements as to the Slave-trade, said to be carried on under the French Flag in various points to the Eastward of the Cape of Good Hope.

In communicating them, through your Excellency, to the Government of His Most Christian Majesty, I am directed to express the confidence entertained by the British Government, that that of France will, at an early opportunity, institute an enquiry into the circumstances alleged therein, with a view to suppress the illegal traffick, and to punish the Individuals who shall be found to have contravened the humane intentions directed by The King of France to that object.

I avail, &c.

H. E. *The Baron de Damas.*

HAMILTON HAMILTON.

(*Enclosure 2.*)—*The Baron de Damas to H. C. J. Hamilton, Esq.*

MONSIEUR,

*Paris, le 11 Avril, 1827.*

J'AI reçu, avec la Lettre que vous m'avez fait l'honneur de m'écrire le 4 de ce Mois, les divers Documens qui l'accompagnaient relatifs à la Traite des Noirs qui aurait lieu sous Pavillon Français sur différens points à l'Est du Cap de Bonne-Espérance.

Je me suis empressé de les transmettre au Ministre de la Marine, avec invitation de prendre des informations sur les faits qui y sont signalés, et d'ordonner les poursuites nécessaires contre les Individus qui seraient reconnus pour s'être livrés à cet odieux trafic.

J'ai l'honneur, &c.

M. *Hamilton Hamilton.*

LE BARON DE DAMAS.

No. 89.—*H. C. J. Hamilton, Esq. to Mr. Sec<sup>y</sup> Canning.*—(*Rec. May 3.*)

SIR,

*Paris, 30th April, 1827.*

I THINK it my duty to transmit to you the enclosed Copy of the Law for the Suppression of the Slave-trade, which, having been passed by both Chambers of the Legislature, has just been published in the Government Paper.

I have, &c.

*The Right Hon. George Canning.*

HAMILTON HAMILTON.

(*Enclosure.*)—*Loi relative à la Répression de la Traite des Noirs.*

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. 1. 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 III, 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 Etrangers, 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<sup>me</sup> jour du mois d'Avril, l'an de Grace, 1827, et de notre Règne le 3<sup>ème</sup>.

Par le Roi :

CHARLES.

Le Pair de France, Ministre, Secrétaire d'Etat, de la

Marine et des Colonies,

COMTE DE CHABROL.

No. 90.—*Viscount Dudley to H. C. J. Hamilton, Esq.*

SIR,

*Foreign Office, 8th May, 1827.*

YOUR Despatches of the Slave-trade Series have been received up to the 30th of April last, inclusive.

His Majesty's Government have learnt with much satisfaction the enactment of the Bill, for the better suppression of the Slave-trade (a Copy of which was enclosed in your Despatch of the 30th April) affording proofs of the sincere desire of the King, the Government, and the People of France, to repress a practice so replete with evils to humanity.

Little will be left to desire in this respect, if the provisions of that Bill shall be found to produce an effect correspondent with the humane spirit which appears in its enactment.

You will avail yourself of a convenient opportunity to express, verbally, to the French Minister, the sentiments of His Majesty's Government to the above effect. I am, &c.

*H. C. J. Hamilton, Esq.*

DUDLEY.

No. 91.—*H. C. J. Hamilton, Esq. to Viscount Dudley.*—(Rec. May 17.)

MY LORD,

*Paris, 14th May, 1827.*

I HAVE the honour to inform you, that I have obeyed the Orders contained in your Lordship's Despatch of the 8th instant, of the Slave-trade Series, directing me to communicate, verbally, to the Minister for Foreign Affairs, the satisfaction with which His Majesty's Government has learnt the enactment in this Country of a Bill for the better suppression of that odious Traffick, which affords proof of the sincere desire of the King, the Government, and the People of France, to repress a practice so replete with evils to humanity, and leaves little to be desired, if its provisions shall be found to produce an effect correspondent with the humane spirit which appears in its enactment.

I have the honour to apprise your Lordship that the above Orders have been fulfilled, and that, in answer, the Baron de Damas assured me, that the French Government are sanguine in their expectations of the success of the Law; that even previously to its having passed the Chambers, the decisions of the Courts of Law had evidently operated powerfully towards the suppression of the Traffick; and that if the Government persisted in its enactment, it was only that assurance might be made doubly sure.

I have, &c.

*The Right Hon. Visc. Dudley.*

HAMILTON HAMILTON.

No. 92.—*Viscount Granville to Viscount Dudley.*—(Rec. June 7.)

MY LORD,

*Paris, 1st June, 1827.*

I HAD the honour to receive last night your Despatch of the 22d of May, 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. Viscount Dudley.*

GRANVILLE.

No. 93.—*Viscount Granville to Viscount Dudley.*—(Rec. June 11.)

MY LORD,

*Paris, 8th June, 1827.*

I ENCLOSE herewith the Copy of a Note from the Baron de Damas, written in reply to a Communication made by Mr. Hamilton to His Excellency, of the 15th March last, on the subject of the Slave-trade, continuing to be openly carried on upon the Western Coast of Africa under the French Flag, and on the facility with which Papers are obtained for French Vessels in the French West India Islands, to proceed from thence to Africa, for the purpose of illegal Trade in Slaves.

I am happy to perceive that, since the adoption of the Regulations by the 2 Chambers, during the last Session, for the more effectual repression of this odious Traffick, there appears to be, on the part of the Government of His Most Christian Majesty, a sincere desire to carry into effect those Regulations.

I have, &c.

*The Right Hon. Viscount Dudley.*

GRANVILLE.

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*(Enclosure.)—The Baron de Damas to Viscount Granville.*

MONSIEUR L'AMBASSADEUR,

*Paris, le 1er Juin, 1827.*

SUR la communication que je lui ai donnée des pièces qui accompagnaient la Lettre de M. Hamilton, du 15 Mars dernier, relative à plusieurs Navires appartenant aux Colonies Françaises, et prévenus de faire la Traite des Noirs, le Ministre de la Marine vient d'appeler à cet égard la surveillance des Gouvernemens de la Martinique et de la Guadeloupe, et d'ordonner les poursuites nécessaires contre les Individus qui seraient reconnus pour se livrer à cet infâme trafic.

Quant aux expéditions représentées comme délivrées par les Autorités de nos Colonies, cette circonstance a déjà été signalée au Gouvernement à la suite de l'arrestation de différens Bâtimens; examen fait des Papiers trouvés à bord, il a été facile d'y reconnaître tous les caractères du faux; il n'est pas hors de vraisemblance et de probabilité que les doubles expéditions, dont il est fait mention dans les derniers Documens qui m'ont été remis par M. Hamilton, ont pu avoir la même origine; il n'en sera pas moins donné suite aux informations propres à enlever aux spéculateurs le moyen de masquer leurs coupables opérations.

J'ai l'honneur, &c.

*Son Excellence Lord Granville.*

LE BARON DE DAMAS.

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*No. 94.—Viscount Granville to Viscount Dudley.—(Rec. July 26.)*

MY LORD,

*Paris, 23d July, 1827.*

THE enclosed Extract from the "Moniteur" of Yesterday, contains a Report from the French Naval Station on the Coast of Africa, and as it indicates an improved spirit in the execution of the Regulations of the French Government for the suppression of the Slave-trade, I have thought fit to transmit it to your Lordship.

I have, &c.

*The Right Hon. Viscount Dudley.*

GRANVILLE.

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*(Enclosure.)—Report from the French Naval Station on the Coast of Africa.*

*Station Extérieure d'Afrique, le 7 Février, 1827.*

EN traversant le Golfe de Bénin, la Frégate de Sa Majesté *La Flore*, a communiqué avec la Corvette Anglaise *Esk*, qui avait à bord les équipages de 2 Bâtimens Négriers, l'un et l'autre ayant des Papiers Français. L'un d'eux, le Brick *l'Elina* avait fait côte à l'entrée de la Rivière Saint Jean, et l'équipage de ce Brick *l'Elina* avait trouvé

moyen de se rendre, par des criques qui communiquent d'une Rivière à l'autre, à bord d'un autre Brick, mouillé dans le troisième Rivière du Cap Formose ; ce second Brick, nommé *Le Lynx*, peu de jours après la sortie de la deuxième Rivière, fût chassé et arrêté, sous Pavillon Hollandais, par la Corvette de Sa Majesté Britannique *Esk*, qui, pour le tromper, avait arboré Pavillon Blanc.

*La Flore* a été prendre connaissance de terre dans le Nord du Cap Formose, et, autant qu'il a été possible de s'en assurer, à-peu-près vis-à-vis la Rivière Dos Ramos, en suivant la Côte : elle a pu facilement ensuite se rendre à l'entrée de la Rivière Bonni. La Frégate est restée mouillée par neuf brasses d'eau vis-à-vis la Pointe Foehée et à vue de la Pointe de Rough Corner ; de ce mouillage *La Bressanne*, ainsi que le grand Canot de *La Flore*, avec un détachement de 30 Hommes, ont été expédiés pour explorer la Rivière. M. le Lieutenant de Vaisseau Lefebvre, commandant *La Bressanne*, et l'expédition, est entré en Rivière dans la journée du 21 Janvier, et le 24 il en est reparti, conduisant avec lui les Navires *l'Elise*, Capitaine Trobriant, et *Le Destin*, Capitaine Amouroux, l'un et l'autre soupçonnés d'être destinés à faire la Traite des Noirs. Il résulte de l'examen des Papiers et de l'Interrogatoire des Capitaines de ces Bâtiments, ainsi que des visites exercées à leurs bords, que toutes les circonstances se réunissent pour prouver leur culpabilité.

*L'Elise* a été expédié de Nantes, avec un équipage de 11 Hommes, et il lui avait été positivement défendu d'en prendre un plus grand nombre : mais le Capitaine a jugé à propos d'augmenter son équipage, d'embarquer un Médecin comme Passager pour Ténériffe, de prendre en outre 4 autres Passagers ; enfin, d'embarquer des Matelots par dessus le bord à Madère, et de se compléter ainsi un équipage de 25 Hommes.

Sa cuisine, ses fers, et ses chaudières de traite sont à bord ; son entrepont est entièrement disposé pour recevoir les Noirs, et les ignames destinés à la nourriture des Noirs sont également à bord. On a assuré que déjà même toute la traite du Brick *l'Elise* était prête à être embarquée lorsque ce Bâtiment a été arrêté.

En pareille circonstance, les Anglais, quand ils arrêtent un Bâtiment, vont aussi quelquefois à terre s'emparer des Noirs qu'il peut avoir déjà traités, et les considèrent comme pris sur le Bâtiment même ; mais pour en agir ainsi, il aurait fallu qu'il eût été possible d'acquérir la certitude positive et la preuve juridique, que des Esclaves arrêtés dans un magasin à terre font partie de telle ou telle cargaison, et qu'ils n'appartiennent plus au Souverain du Pays.

*Le Destin*, Goëlette, expédiée de Nantes en 1825, a touché à Saint Thomas, au retour d'une première expédition : là, elle a augmenté son équipage (il n'était que de 11 Hommes au départ de Nantes, il paraît avoir été porté à 20.) Six ou 7 Hommes, et entr'autres un Médecin,



embarqué d'abord comme Passager, sont sur cette Goëlette sous des noms supposés. Ce sont des nouveaux venus, qui ont pris les noms des morts et des débarqués dans une première expédition.

*Le Destin* a été arrêté ayant à bord un très-grand nombre de pièces à eau, un entrepont prêt à être monté, une cuisine de traite, et toutes les dispositions convenables pour recevoir une Cargaison de Noirs dans un entrepont recouvert de caillebotis. Ce Navire avait à bord la majeure partie des Marchandises de sa Cargaison.

En arrivant sous l'Île du Prince, *La Flore* a retrouvé *La Bressanne*. L'une et l'autre ont eu connaissance d'une Goëlette portant Pavillon Blanc, qui faisait route pour le Port Saint Antoine. *La Bressanne*, beaucoup plus rapprochée que *La Flore* du mouillage, l'a poursuivie jusques dans le fond de la baie, et s'en est immédiatement emparée. Cette Goëlette, nommée *l'Hermione*, expédiée de Saint Barthélemy, sous Pavillon Français, et ayant à bord 123 Noirs de traite, et 2 Esclaves de la Guadeloupe dans son équipage, après avoir pris des vivres et de l'eau à Saint Antoine, devait continuer sa route pour la Pointe-à-Pitre, sous le commandement du Sieur Gouy; elle faisait beaucoup d'eau. Après lui avoir donné des vivres et de l'eau, et l'avoir fait réparer, en ayant le soin de mettre, chaque jour, les Noirs à terre, le Commandant de la Station l'a expédiée le 7 Février pour Cayenne, sous le commandement de M. Guizolphe.

*L'Hermione* venait de la Rivière Formose; les Noirs paraissaient avoir beaucoup souffert.

Le Brick *Le Destin* et la Goëlette *l'Elise*, que M. le Commandant Massieu de Clerval venait de retrouver sur la Rade de St. Antoine, allaient être expédiés pour Gorée, et *La Flore*, devait ensuite reprendre la Mer, accompagnée de *La Bressanne*, après avoir fait l'eau et le bois qui leur étaient nécessaires.

Les Portugais de l'Île du Prince font eux-mêmes la Traite d'une manière très-active; ils paraissent avoir des signaux de convention avec les Négriers de toutes les Nations qui fréquentent ces parages, et ils les préviennent de la présence des Navires de Guerre. C'est ainsi qu'avant-hier matin, un Brick-goëlette, dont on n'a pu voir le Pavillon, entré dans la Baie avec presque calme, au point du jour, et ne pouvant apercevoir la Frégate; mais des signaux du Fort l'ont engagé à chercher à prendre le large, et le grand Canot de *La Flore*, ainsi que le Brick *l'Elise*, qui avait été armé et qui était remarqué par des canots, ont été vainement expédiés contre ce Bâtiment suspect.

Indépendamment des 3 Bâtiments dont il vient d'être fait mention, la Station Française a également arrêté dans ces parages, pour motifs de contravention en matière de Traite des Noirs, les Navires *l'Amazone*, de Saint Pierre (Martinique); *La Créole*, de la Basse Terre (Guadeloupe); *La Diane*, *Les Deux Frères*, et *La Louise*, armés à Saint Thomas des Antilles.

Ces 5 Bâtimens, ainsi que les Navires Français *l'Elise* et *Le Destin*, dont nous avons déjà annoncé l'arrestation dans notre numéro du 3 de ce mois, ont été déclarés confisqués par jugemens rendus à Gorée dans le Courant des mois d'Avril et Mai derniers, lesquels ont prononcé en même tems l'interdiction des Capitaines.

Nous avons fait connaître précédemment (numero du 3 Juin) la saisie et la confiscation de la Goëlette *l'Hermione*.

Ainsi, dans les premiers mois de cette Année, 8 Navires ont été capturés à la Côte d'Afrique par les Bâtimens de la Station Française, pour contravention aux dispositions prohibitives de la Traite des Noirs.

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*No. 95.—The Earl of Dudley to Viscount Granville.*

MY LORD,

*Foreign Office, 13th November, 1827.*

I TRANSMIT, herewith, to your Excellency, the Copy of a Letter from the Colonial Office, containing one from the Governor of His Majesty's Island of Mauritius, enclosing the Copy of a Deposition of a French Sailor, named Aubin, who had deserted at the Mauritius from on board of a French Vessel named the *Pauline*.

Suspicion naturally attaches to the Evidence of a Person in the situation of Aubin; I do not, therefore, instruct your Lordship to make it the subject of a formal Representation to the French Government. The account, however, which he gives of the Slave-trade, carried on between Bourbon and the Eastern Coast of Africa, is so full, and the details which he furnishes of the mode in which the Slaves were disposed of, and of the Persons to whom they were given in charge at Bourbon, are so particular, that I cannot but think that the Government of France would judge it to be worth while to institute enquiries at the Island of Bourbon for ascertaining their truth. You will, therefore, take an opportunity of communicating the Papers, with this view, to the French Ministry.

I am, &c.

*His Excellency Viscount Granville, G.C.B.*

DUDLEY.

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*(Enclosure.)—R. W. Horton, Esq. to Lord Howard de Walden.*

MY LORD,

*Downing Street, 13th October, 1827.*

I AM directed by Mr. Secretary Huskisson to transmit to you, for the information of the Earl of Dudley, the enclosed Copy of a Letter from Lieutenant-General Sir Lowry Cole, Governor of the Mauritius, accompanied by the Copy of a Deposition taken before the Acting Chief Commissary of Police, of a Frenchman named Aubin, giving a full account of the Slave-trade, as carried on between Bourbon and the East Coast of Africa, by Vessels under the French Flag.

I have, &c.

*The Lord Howard de Walden.*

R. W. HORTON.

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(Sub-Enclosure A.)—*Lieut.-General Sir Lowry Cole to R. W. Hay, Esq.*

MY DEAR SIR,

(Private.)

25th June, 1827.

I DEEM it advisable to forward to you the Copy of a Deposition, taken before Mr. Finniss, the Acting Chief Commissioner of Police, of a French Sailor, named Aubin, and who had deserted in this Port from a French Vessel called the *Pauline*.

You will perceive that Aubin gives a very full account of the Slave-trade, as carried on between Bourbon and the East Coast of Africa, by Vessels under the French Flag; and although I cannot take upon myself to vouch for the truth of his declaration, I have thought it my duty to send the same to you.

Believe me, &c.

R. W. Hay, Esq.

LOWRY COLE.

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(Sub-Enclosure B.)—*Deposition of L. J. B. Aubin, late a Sailor on board the Pauline.*

AUJOURD'HUI, le 22 Mai, 1827, au Bureau de Police, pardevant nous John Finniss, Commissaire en Chef de Police, est comparu le nommé Pierre Etienne Chauvallon, Novice à bord du Brick Français *la Pauline*, Capitaine Bernard, parti ce jour, lequel a été déclaré ce jour déserteur au moment de l'appareillage du dit Navire. A lui demandé son véritable nom, son âge, sa Nation, et sur quel Navire il est arrivé à Bourbon: a répondu se nommer Louis Jean Baptiste Aubin, âgé de 16 Ans, Hollandais, né à St. Laurent, embarqué à Nantes sur le Navire Français *la Delphine*, Capitaine Berteau, en qualité de Novice, à trois piastres par Mois; être arrivé à Bourbon il y a environ un an. A lui demandé pourquoi il a quitté *la Delphine* à Bourbon: a répondu, qu'il en a déserté, attendu que n'ayant que de faibles appointemens, il a déserté à Bourbon, parcequ'il savait que tous les Marins y avaient 20 piastres par Mois: A lui demandé sur quel Navire il s'est embarqué après avoir déserté de *la Delphine*: a répondu qu'il a déserté de *la Delphine* pour s'engager à bord de la Goëlette Française *l'Union*, Capitaine Fresque, s'étant engagé avec le dit Capitaine après sa désertion à 15 piastres par Mois, en qualité de Novice pour aller à un Voyage à la Côte d'Afrique: A lui demandé combien de jours après sa désertion de *la Delphine* il a rallié *l'Union*, et nous dire ce qu'il a fait depuis: a répondu que 5 jours après sa désertion de *la Delphine* il s'est rendu à bord de *l'Union*, (sans avoir passé au Bureau des Classes) qu'il y a trouvé un autre Matelot, nommé Joseph, déserteur à bord de *l'Union* comme lui par dessus bord: que le même jour ils ont appareillé sans visite d'aucune Autorité, quoique le Capitaine ait envoyé à bord de la Corvette de Sa Majesté Très Chrétienne *Le Colibry*, pour annoncer que Sa Goëlette allait appareiller; qu'environ 14 jours après le Navire est arrivé à Mongale, Côte d'Afrique, où il a mouillé; qu'ils n'y ont trouvé aucun autre Navire au mouillage; que 8 jours après leur arrivée, 2 Bâtimens de Guerre Anglais, dont

un Brick peint en noir, et l'autre, un trois mats, peint comme la Samarangue, dont il ne connaît pas le nom ; qu'il y avoit à bord du Brick en question, un Français, qui était Maître Charpentier et qui a parlé au déclarant ; que la même jour de l'arrivée des deux dits Bâtimens, les Officiers vinrent visiter *l'Union*, qu'une visite stricte s'y fit dans l'intérieur, et que le lendemain les mêmes Officiers y revinrent, et qu'une nouvelle visite s'y fit ; qu'ils ne trouvèrent aucune chose contraire ; que le Docteur du Bâtiment de Guerre déclara au Capitaine Fresque, qui se disait malade, qu'il n'était pas bien indisposé ; que les deux Bâtimens de Guerre, trois jours après leur mouillage à Mongale en appareillèrent pour aller mouiller à *Lundi* et à *Jeudi*, deux petites Iles à 7 lieues de Mongale, à l'effet d'arrêter *l'Union*, à son départ ; que cette déclaration leur a été faite par des Arabes, qui sont arrivés de ces deux Iles pour en informer le Capitaine Fresque ; que le 17<sup>e</sup> jour après leur arrivée, dans la même journée ils embarquèrent 180 Noirs, qui furent portés le long du bord par des Arabes dans leur Pirogue, les quels furent payés environ 40 piastres d'Espagne par tête ; que ces piastres furent prises à Bourbon ; que le même jour, vers quatre heures du soir, ils appareillèrent, et que les Noirs en se rendant à bord avaient les chaines aux pieds, au col, et avec des oreilles ; que plusieurs qui sont rendus à bord du dit Navire qui n'avaient pas encore été mis aux fers, l'ont été par l'équipage d'ordre du Capitaine ; que 5 Noirs étaient admis à manger dans la même gamelle, qu'on leur ôtait les fers pour les laisser manger, et qu'après qu'ils avaient fini, on les leur remettait ; que la plupart des Noirs furent achetés du nommé Bonamour, Arabe, second Chef de Mongale ; que 40 jours après leur départ de cette dernière Ile, ils reçurent un coup de vent qui leur fit perdre deux Mats : qu'ils relachèrent dans le sud de Madagascar, même jour ; qu'il ne connaît pas le nom du lieu, mais qu'ils y ont été remarqués par le Brick Français *le Victor*, Capitaine Dubois, qui leur a dit sur l'interpellation du Capitaine Fresque, qu'il avait 300 et quelques Noirs à bord, tous Mozambiques ; que *le Victor* a pris, dans la même journée, une vingtaine de barriques d'eau et a fait voile pour Bourbon ; que *l'Union* s'est fait reparer dans le lieu qu'ils ont relâché, où ils lui ont fait mettre deux Mats qui ont coûté 60 piastres, et ont pris 27 barriques d'eau ; que 18 jours après leur relâché, ils ont fait voile pour Bourbon, où ils sont arrivés le treizième jour à 4 ou 5 heures du soir, et que le débarquement des 180 Noirs s'est fait au Bois Rouge, Isle Bourbon ; que ces hommes ont été mis immédiatement à terre par les bateaux pêcheurs de la Côte, et que l'arrangement a été fait par lui par les pêcheurs au Capitaine de 5 piastres par tête ; et qu'ils ont été tous mis chez M. Manville, habitant au Bois Rouge, lequel a la réputation de recevoir tous les Noirs nouveaux qui débarquent dans ce lieu ; que lui comparant, et le nommé Joseph, déjà mentionné, furent aussi débarqués au Bois Rouge parcequ'étant déserteurs, on a craint la visite des Bâtimens de Guerre ; qu'ils ont accompagné les



Noirs à St. Denis sur l'habitation du Capitaine Fresque, où ils ont été déposés ; que 15 jours après il s'est embarqué sur le Brick Français *les Deux Clementines*, Capitaine Pagelet (qui commande aujourd'hui le Brick *Lévrier* ; ) que deux jours après ils ont appareillé de St. Denis ; et 17 jours de traversée les ont fait arriver au Cap des Courants (Mozambique) sans avoir rencontré aucun Navire ; qu'aussitôt leur arrivée le Capitaine et le seconde furent à terre, où ils firent l'acquisition de leur chargement, qui leur fût conduit à bord par les Arabes, au nombre de 345 Noirs, et 55 Femmes ; que les Noirs ont été payés 40 piastres, et les Femmes de 30 à 35 piastres ; qu'ils ont été conduits à bord avec les chaines au pieds, mains, et au col ; que ces Noirs firent beaucoup de difficulté pour s'embarquer, mais qu'ils y étaient forcés par les coups qu'on leur infligeait ; qu'ils n'ont trouvé dans l'endroit aucun Navire pendant leur séjour ; et qu'au bout de 51 jours ils ont appareillés du Cap des Courants et sont arrivés au Bois Rouge, Isle Bourbon, après une traversée de 69 jours, sans avoir rencontré aucun Navire ; que le débarquement s'est opéré à 11 heures du soir, par des pirogues appartenant à M. Manville où les Noirs ont été déposés : que par des signaux fait du bord par des flambeaux hissés aux Mats on a immédiatement envoyé les pirogues déjà mentionnées, qu'ils ont appareillés immédiatement du Bois Rouge, et ont mouillé de grand Matin à St. Denis ; qu'il a été payé de ses gages comme il s'était engagé à 15 piastres par Mois, et une gratification de 60 Piastres ; que dans leur traversée ils n'ont perdu qu'un seul Noir, qui appartenait à un des Matelots ; qu'il a omis de déclarer qu'avant de partir du Bois Rouge, ils y ont débarqué tout ce qui pouvait compromettre *la Clementine*, c'est à dire, les fers marmittes, et les pièces à eau, que les nattes ont été jetées à la mer ; qu'il a resté 6 jours à terre à St. Denis, et s'est embarqué à bord du Brick Français *la Pauline*, Capitaine Carle ; que le Porteur d'expédition est M. Bernard, et que le véritable Capitaine est M. Carle ; s'est engagé à 20 piastres par Mois pour venir à Maurice, et s'en retourner à Bourbon :—A lui demandé, comment il arrive que d'après la déclaration du Capitaine il est porté sur le Rôle d'Equipage sous le nom de Pierre Etienne Chauvallon, et qu'il se déclare s'appeler Louis Jean Baptiste Aubin : a répondu que quand il a été question de son embarquement, il s'est présenté au Commissaire des Classes pour le Billet d'Embarquement, que comme le Bureau était fermé et qu'il était 4 heures de l'après midi, il lui dit de se rendre pour le moment à bord des *Deux Clementines*, et qu'il lui enverrait son billet le lendemain ; que conformément à cette promesse, il s'y est rendu ; et que le Capitaine Carle lui dit, qu'il venait de lui désertir deux hommes, et qu'il pouvait prendre le nom d'un de ceux qui avaient déserté, Pierre Etienne Chauvallon, et qu'un autre Matelot qui se trouverait à bord remplacerait le nommé Jean Baptiste Chavron ; et que son véritable nom était Baderne : A lui demandé qu'elle est la cargaison que *la Pauline* a prise ici : a répondu que sa cargaison consistait en riz, et en

sucre, pour Bourbon : A lui demandé s'il sait où doit se diriger *la Pauline* de Bourbon : a répondu qu'elle doit se rendre de nouveau à Mozambique pour chercher des Noirs : A lui demandé s'il n'a pas d'autres déclarations à faire : a répondu, que non, et plus n'a été interrogé ; lecture faite, l'interrogé a dit, que ses reponses contenaient vérité, et qu'il y persistait ; requis de signer, a déclaré le savoir, et a signé avec nous, les jour, mois, et an, que d'autre part.

JOHN FINNISS.

LOUIS JEAN BAPTISTE AUBIN.

Est de nouveau comparu, ce jour 23 Mai 1827, pardevant nous John Finnis, Commissaire en Chef de Police, le nommé Jean Baptiste Aubin, Novice, Déserteur du Brick *la Pauline*, lequel a déclaré qu'il y a 4 mois et demi, que, se trouvant à Bourbon, il y a vu le nommé Honoré, Matelot embarqué à bord du Brick *le Zéphir*, qui lui a dit que ce Navire faisait de l'eau, pour partir immédiatement pour aller à Gambane, Côte de Mozambique, à fin d'y chercher des Noirs ; que la Goëlette *le Victor* se trouvait, il y a environ 2 mois et demi, à Bourbon, et que le nommé Joseph, Matelot du dit Navire, lui dit qu'il faisait des dispositions pour partir, et qu'ils allaient à *Jeudi*, Côte de Mozambique, pour y chercher des Noirs ; que le Brick *les Deux Frères*, armateur M. Desroche, se trouvait, il y a environ 3 mois, à Bourbon ; que lui déclarant devait s'y embarquer avec le Capitaine Laroche, et que ce Navire devait aller à Mozambique pour chercher des Noirs ; que le Brick *le Lévrier*, Capitaine Pagelet, se trouvait à Bourbon, il y a environ 3 mois, prêt à partir pour Mozambique pour chercher des Noirs, et que lui comparant a dû s'embarquer à bord de ce même Navire allant à Ohive ; qu'il y a environ 4 mois et demi à 5 mois, que venant à Bourbon, ils reconnurent, étant sur *l'Union*, qui était chargé des Noirs, le Brick *la Mouche*, qui partait pour Mozambique, allant y chercher des Noirs ; qu'il y a 2 mois et demi, que se trouvant à Bourbon il y a vu un petit Brick Hollandais appelé *le Chiecken*, qui était disposé à partir pour aller à Mozambique chercher des Noirs, et que ce Navire faisait constamment le même voyage, qu'il y a 3 mois qu'il a aussi vu à Bourbon la Goëlette *la Petite Clementine*, se disposant à partir pour Mozambique, allant y chercher des Noirs ; que le Brick *le Louis*, se trouvait, il y a environ 5 mois, à Bourbon, et qu'il allait partir pour Mozambique pour y chercher des Noirs : qu'il déclare de plus, que tous les Bricks et Goëlettes armés à Bourbon, ne font d'autres Voyages que ceux du Commerce des Esclaves ; qu'à son départ de Bourbon sur *la Pauline*, il y a 2 mois et demi, il y a vu 7 à 8 Navires ; que tous se préparaient à aller à Mozambique prendre des Noirs : A lui demandé comment les Bâtimens qui font la Traite des Noirs peuvent se procurer les équipages suffisants à Bourbon : a répondu que chaque Bâtiment de France qui arrive à Bourbon, est assuré de perdre des hommes, par

l'embauchage des Bâtimens Négriers; que ces mêmes Navires sont obligés de s'en retourner en France faibles en équipage, par ce qu'ils ne peuvent pas se procurer aucun Matelot: A lui demandé s'il a eu connaissance que quelques Matelots de Maurice aient été portés à Bourbon pour alimenter les Négriers: a répondu qu'il n'en a pas entendu parler, mais qu'il a vu à bord de la Goëlette *l'Union*, sur laquelle il a fait le voyage de Mozambique, avec des Noirs, un nommé Jn. Pierre, Créole de Maurice, qui lui a dit qu'il avait été gendarme ici, et qu'aujourd'hui ce même Jean Pierre est embarqué en qualité de Matelot sur le Brick Goëlette *le Jeune Bellier*, qui fait le voyage de Madagascar à Bourbon, ayant des Noirs à bord; et le comparant a de plus déclaré que si on voulait le mettre à bord d'un Bâtiment de Guerre Anglais, qu'il se fesait fort de faire découvrir et arrêter tous les Bâtimens qui font la Traite des Noirs, qu'il livrera les marchands qui les vendent, et qu'il connaît de plus le dépôt des Noirs à la Côte de Mozambique après leur acquisition; et plus n'a déclaré: lecture faite, l'interrogé a dit que ses reponses contenaient vérités, et qu'il y persistait; requis de signer, a signé avec nous, les jour, mois et an, que d'autre part.

JOHN FINNISS.

LOUIS J. B. AUBIN.

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No. 96.—*Viscount Granville to the Earl of Dudley.*—(Rec. Nov. 19.)  
 MY LORD, *Paris, 16th November, 1827.*

I HAVE to acknowledge the receipt of your Lordship's Despatch, of the 13th instant with its Enclosures, and, agreeably to your directions, I have communicated the contents of them to the French Government.

I have the honour to be, &c.

*The Right Hon. Viscount Dudley.*

GRANVILLE.

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No. 97.—*Viscount Granville to the Earl of Dudley.*—(Rec. Dec. 11.)  
 MY LORD, *Paris, 3d December, 1827.*

HAVING communicated to the French Government, in the Note of which I enclose a Copy, the Deposition transmitted by your Lordship in your Despatch of the 13th November last, made by the French Sailor Aubin, at the Mauritius, shewing the continued prosecution of the traffick in Slaves between Bourbon and the Eastern Coast of Africa, by Vessels under the French Flag; I have just received from His Excellency the Minister of Foreign Affairs, the Answer, of which I have the honour to transmit a Copy. I have, &c.

*The Right Hon. the Earl of Dudley.*

GRANVILLE.

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(Enclosure 1.)—*Viscount Granville to the Baron de Damas.*

MONSIEUR LE BARON,

*Paris, 16th November, 1827.*

I TRANSMIT herewith to your Excellency, the Copy of a Letter from the Governor of His Majesty's Island of Mauritius, enclosing the

Copy of a Deposition of a French Sailor, named Aubin, who had deserted at the Mauritius, from on board a French Vessel, named the *Pauline*.

Although suspicion may be attached to the Evidence of a Person in the situation of Aubin, still the account which he gives of the Slave-trade carried on between the Island of Bourbon and the Eastern Coast of Africa, is so full, and the details which he furnishes, of the mode in which the Slaves were disposed of, and of the Persons to whom they were given in charge at Bourbon, are so particular, that I cannot but think that the Government of His Most Christian Majesty will deem it expedient to cause enquiries to be instituted at the Island of Bourbon, for ascertaining their truth. I avail myself, &c.

*His Excellency the Baron de Damas.* GRANVILLE.

(*Enclosure 2.*)—*The Baron de Damas to Viscount Granville.*

MONSIEUR L'AMBASSADEUR, *Paris, le 1er Decembre, 1827.*

J'AI reçu, avec la Lettre que votre Excellence m'a fait l'honneur de m'écrire, la déclaration faite aux Autorités de l'Ile Maurice par le nommé Aubin, Matelot Français, relativement au Commerce d'Esclaves qui aurait lieu entre l'Ile Bourbon et la Côte Orientale d'Afrique. Je l'ai transmise au Ministre de la Marine, avec invitation de prendre des renseignemens sur les faits qu'y sont rapportés, et qui bien que permettant quelque doute sur leur exactitude, n'en exciteront pas moins toute l'attention du Gouvernement. J'ai l'honneur, &c.

*S. E. le Vicomte Granville.* LE BARON DE DAMAS.

## DENMARK.

No. 98.—*The Right Hon. H. W. W. Wynn to Viscount Dudley.*

(*Received June 27.*)

MY LORD, *Copenhagen, 11th June, 1827.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 22d ultimo, enclosing Papers, marked A. and B. relative to the Slave-trade, which have been laid before Parliament in the course of the present Session. I have, &c.

*The Right Hon. Viscount Dudley.* H. W. W. WYNN.

## SWEDEN.

No. 99.—*The Hon. J. Bloomfield to Viscount Dudley.*—(*Rec. June 30.*)

MY LORD, *Stockholm, 15th June, 1827.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 22d ultimo, enclosing 2 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 have, &c.

*The Right Hon. Viscount Dudley.*

J. BLOOMFIELD.

## UNITED STATES.

*No. 100.—Albert Gallatin, Esq. to Viscount Dudley.*

MY LORD,

*Upper Seymour Street, 1st June, 1827.*

A NUMBER of Africans, found on board of Vessels illegally engaged in the Slave-trade, have come into the possession of The United States, by the Capture and Condemnation of such Vessels under their Slave-trade Laws. Measures have been taken by Government, and, in most instances, carried into effect, for returning the Persons thus rescued, to their Native Country. But some difficulties having occurred in Cases where they belonged to interior Provinces of Africa, I have been charged by my Government to enquire, whether that of His Britannick Majesty would be disposed to afford facilities to the landing and safe passage, through His Majesty's Possessions on the Coast of Africa, of such Africans as may have come, or may hereafter come, in the possession of The United States, in the manner above-mentioned, and whom the American Government may desire to restore to the particular Territories to which they respectively belong. From the nature of the object in view, and the generous interest which Great Britain takes in arresting the progress of the Traffick, by which the Africans referred to came into the possession, and fall under the protection, of The United States, the President confidently hopes that the facilities which may be necessary will be accorded by His Majesty's Government.

I pray your Lordship to take the matter into consideration, and to accept the assurances, &c.

*The Right Hon. Viscount Dudley.*

ALBERT GALLATIN.

*No. 101.—Viscount Dudley to Albert Gallatin, Esq.*

SIR

*Foreign Office, 7th July, 1827.*

I RECEIVED, and transmitted for the consideration of the proper Department, the Note which you did me the honour to address to me on the 1st of last month, enquiring, on the part of the Government of The United States, whether, with a view of restoring liberated Africans to the particular Countries to which they belong, His Majesty's Government would be disposed to facilitate the safe passage through the British Possessions on the Coast of Africa, of such Natives of that Country as may have come, or may hereafter come, into the possession of The United States, by the condemnation of Vessels engaged in the Slave-trade.

I have to request that you will assure the President of The United States, that His Majesty's Government have a strong disposition to afford every practicable assistance to the Government of The United States, for accomplishing the humane object which they have in view.

At the same time, I feel bound not to conceal from you, that His Majesty's Government entertain much apprehension of the practicability of any general Measure for restoring captured Africans to their homes; and that, without a more particular opportunity of considering the details of those Measures which the Government of The United States may have in contemplation, as connected with the special circumstances of the Settlements, at which it may be proposed to land the Individuals in question, and with the mode in which they are to be passed to their particular Countries, His Majesty's Government must hesitate in pledging themselves decidedly to an undertaking which, in the end, they may find themselves unable to carry into execution, and the failure of which would only aggravate the misfortunes of the unhappy Persons whom it was designed to relieve.

I am, &c.

*Albert Gallatin, Esq.*

DUDLEY.

## HAYTI.

No. 102.—*Mr. Consul-General Mackenzie to Mr. Secretary Canning.*  
(Received March 3, 1827.)

SIR,

*Port-au-Prince, 30th December, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch, dated the 22d of May last, with its 6 accompanying Enclosures, being the Slave-trade Papers presented, by His Majesty's Command, to Parliament.

Since my arrival in this Island, I have found that there is not the smallest disposition to enter into Slave-dealings among the People of the Country; on the contrary the Government are not unwilling to repress the Trade even by acts which might be deemed piratical.

In the month of May, or June, 1818, the Haitian Ship-of-War *Wilberforce*, met with a Spanish Slaver on her way to Cuba, and captured and brought her into the Harbour of Port-au Prince, where the Slaves were liberated.

The Supercargo claimed them; the President refused to give them up, but offered to resign the Vessel. This being declined, he appealed to the Courts—his Advocate was stoned by the mob—the Ship and Cargo were both condemned,—and the Spaniard was lucky enough to escape from the Island, before he could be arrested for the Costs.

I have the honour to be, &c.

*The Right Hon. George Canning.*

CHARLES MACKENZIE.

**BRITISH ORDER IN COUNCIL**, *permitting the exportation of Salt and Fruit from Anguilla, in Vessels of The United States.*—26th January, 1828.

*At the Court at Windsor, the 26th day of January, 1828.*

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," 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, 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-men-

tioned 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 His Majesty's Island of Anguilla, in the West Indies; 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 said Island of Anguilla, 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 Island 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 Island of Anguilla, so soon as the Governor, or the Officer administering the Government of His Majesty's Island of Saint Christopher's for the time being, shall have made known the same to the Inhabitants of the said Island of Anguilla, 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.

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**BRITISH ORDER IN COUNCIL, prohibiting the exportation of Arms, Gunpowder, &c. to certain Parts of Africa.—7th May, 1828.**

*At the Court at St. James's, the 7th day of May, 1828.*

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the time limited by His Majesty's Order in Council, of the 18th of October last, for prohibiting the exportation of Gunpowder, Salt-petre, or any sort of Arms or Ammunition, to any Port or Place on the Coast of Africa (except to any Ports or Places within the Streights of Gibraltar), will expire on the 23d day of this instant May; 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 this instant May,) presume to transport any Gun-powder or Salt-petre, or any sort of Arms or Ammunition to any Port or Place on the Coast of Africa (except to any Ports or Places within the Streights of Gibraltar) or ship or lade any Gun-powder or Salt-petre, or any sort of Arms or Ammunition, on board any Ship or Vessel, 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, intituled "An Act for the General Regulation of the Customs:"

And the Right Honourable the Lords Commissioners of His 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.

**CORRESPONDENCE between Great Britain and The United States, respecting the Question of Territorial Jurisdiction and Boundary, between the Province of New Brunswick and the State of Maine; and the Arrest and Trial of John Baker by the British Authorities.—1825 to 1828.\***

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(1.)—*Mr. Clay to Mr. Addington.*

SIR, *Department of State, Washington, 27th March, 1825.*

I HAVE the honour to transmit to you, herewith, a Report made by a Committee of the Senate of the State of Maine, on the 18th day of January last, and Extracts from certain Letters, relating to encroachments by British Subjects upon the Territory of The United States. These Documents shew that an extensive system of depredation has been adopted and persevered in, under which large quantities of timber have been cut and removed from Lands within the limits of the State of Maine, belonging to that State and to the State of Massachusetts; that the Trespassers pretend to derive authority for their intrusions from Licences and Permits which are said to have been granted by the Government of the Province of New Brunswick; that the timber is transported down the St. John's, and subsequently exported to the Dominions of His Britannick Majesty; and that schemes have been probably formed by the Colonial Authorities, if they are not now in a progress of execution, for granting the Lands within the State of Maine to British Subjects, for the purpose of occupation and settlement. It is entirely unnecessary to make any observation upon the character or impropriety of these proceedings, which must be altogether unauthorized by the Government of Great Britain. I am instructed by the President to demand that immediate and efficacious measures be adopted to put a stop to them all; and to communicate to you his just

expectation that a full indemnity and reparation be made to the States of Massachusetts and Maine, for the value of the timber which has been cut and removed from their lands.

I pray you, Sir, to accept, &c.

Henry U. Addington, Esq.

H. CLAY.

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(Enclosure 1.)—*Report of the Senate of the State of Maine.*

*In Senate, 18th January, 1825.*

THE Committee on Publick Lands, to whom was referred so much of the Governor's Message as relates to depredations committed upon Publick Lands, have had the same under consideration, and report: That from the Documents accompanying the Message, and other sources of information, it is evident that very great quantities of timber, upon Lands belonging to this State and the Commonwealth of Massachusetts, and also upon Lands granted by that Commonwealth, near the Line heretofore recognized as the Dividing Line between The United States and the British Province of New Brunswick, have been cut and carried down the River St. John's by British Subjects, and thence transported to Great Britain.

The principal scene of these depredations is upon the Aroostook and Madawaska, many miles within the Territory and Jurisdiction of this State, and far West of the Line settled by the Treaty of 1783, as claimed by the Government of The United States. These depredations are still continued upon a large scale: and the value of the timber annually taken from our Territory is so great, as to render it the duty of the Government to adopt some efficient measures, to obtain satisfaction for the past, and to prevent further destruction of its property.

But what is more interesting to this State, and to The United States, than the value of the timber, is the adjustment and settlement of the Boundary Line between this State and the Province of New Brunswick, which is the appropriate business of the National Government to effect.

The Committee are well satisfied, although they have not legal evidence of the fact, that the Persons who have taken the timber, and who are now employed in cutting it, within the Line as claimed by this State and The United States, are Persons furnished with Permits and Licences from the Government of the Province of New Brunswick; that it is the policy of that Government, availing itself of the controversy respecting our North-eastern Boundary, to strengthen their Claim to the disputed Territory, by allowing the timber thereon to be cut under its authority, and by placing Settlers upon portions of it, to whom that Government proffer very liberal encouragement.

When it is considered, that, should the pretensions of the British Government, in regard to our North-eastern Boundary be acceded to, this State will lose a quarter or a third of its Territory and Jurisdiction, and all participation in the Waters of the St. John's and its important branches, it behoves the State, as well as the Commonwealth of

Massachusetts, to adopt the most efficient measures to prevent further encroachments upon this Territory, and to urge upon the National Government the necessity and importance of bringing to a speedy and favourable termination, the Negotiation on this interesting subject, which has been so long protracted.

The Territory upon which most of the depredations have been, and are committing, is situate from 60 to 100 miles from any Settlements by our Citizens, and where legal process cannot be expected to produce much effect, either to obtain satisfaction for the past, or to deter the Depredators from pursuing a business, which proves profitable to them, and satisfactory to their Employers. To authorize the employment of a Military Force to expel the Depredators from our Territory, would be unavailing, unless it be continued to prevent their return to the work of destruction. The expense of adopting and carrying into effect such a measure would not only be very great, but might involve the National Government, and our Citizens near the Line, in serious difficulties; and it is questionable whether it ought to be adopted without the concurrence of Massachusetts, and until the result of the pending Negotiation shall be known.

With these views of this important and highly interesting subject, your Committee respectfully submit the accompanying Resolve.

JONAS PARLIN, Jr. *Chairman.*

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*(Enclosure 2.)—From Samuel Cook, Esq. Assistant Land Agent.*

*(Extract.)*

*25th March, 1824.*

I HAVE just returned from the Aroostook, where I found and seized about 600 tons of timber, the Settlers not feeling disposed to give their security for the same. On my way there, I met with George West, Esq. who informed me that he had been sent by the Governor of the Province of New Brunswick up the Aroostook, and seized all the timber; and that he should soon sell it at auction. He said that the British Government was going to give Permits for timber to be cut up there this Year, and intended to plant 150 Settlers there, and grant them lands. He likewise informed me that he had been up to Madawaska, and seized about 2,500 tons of timber; and that his Government was going to give Permits for cutting timber there. One thing is certain; and that is, they mean to get all the timber up the Aroostook, and up the Madawaska, unless our Government take some measures to prevent it.

SAMUEL COOK.

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*(Enclosure 3.)—One of the Justices of the Court of Sessions to the Governor of Maine.*

*Received in October, 1824*

I WAS at Madawaska on the St. John's River in July last, and learnt the course the Government of that Province are pursuing, in



regard to the Inhabitants of that part of the Settlement which falls into The United States, or State of Maine. They have organized them into a Militia District, and are commanded by Colonel Peter Frazier, of Frederickstown. The Government have also opened a Land-office, with Officers authorized to give Grants of Lands that are 50 or 60 miles West of the original Line. There are about 300 lots taken up; and 60 dollars have been paid for each Grant, which amounts to the sum of 18,000 dollars. The Government also are giving Permits for cutting timber on the same Territory, and also on the Aroostook River. The amount cut the last season, I learnt from the best authority I could obtain, was about 4 or 5,000 dollars. I also understood that a very large number of Men and teams are now, and have been for 3 months past, employed in cutting timber on the waters of the St. John's, which are in the State of Maine.

Being a Citizen of this State, I have thought it my duty to give this information, for your consideration.

*The Governor of the State of Maine.*

ASA WYMAN.

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*(Enclosure 4.)—The General Land Agent for Maine to the Governor of that State.*

SIR,

*Land-Office, Portland, 14th July, 1824.*

INFORMATION has been received from our Assistant Land Agents, on the St. John's, and on the Schoodie, that depredations have been committed to a very considerable extent, by the British Provincials, on the Aroostook and on the Madawaska; that a large quantity of timber was cut the last winter on the Aroostook, which was immediately seized, while in our Territory, and conveyed to the British market, in the name of His Majesty; and that George West, Esq. Custom-house Officer, had also been up to the Madawaska, and taken, in the name of His Majesty, a very large amount of timber. Said West informed Mr. Cook that it was the intention of his Government to settle 150 Families on the Aroostook this season. Mr. Cook further states, that, from his own knowledge, Permits have been granted by the Government of the Province for about 25,000 tons on the Aroostook, at the mouth of the Machias, for which £50 had actually been paid to the British Government, exclusive of all Office Fees, and £4 to the Surveyor. They are also giving Permits on the Madawaska, and granting lands. Mr. Cook says, that it appears from the conversation of some, that they do not expect to hold the Territory, but are determined to destroy all the timber: others pretend to believe they shall hold it, and are very abusive. Mr. Cook writes again, under a later date, and says, Jeremiah Hilton has settled with the British Government for his timber, and has gone to Frederickstown with it. He has to pay 2 shillings per ton, and 1 shilling per ton, in addition, for cutting without a Permit. All the rest have to pay the same. Peter Watson has got a Permit for a large quantity up the Aroostook. Mr. Chandler corroborates

the above statement, and expresses much anxiety, and adds, if these things are permitted, it will discourage our good Citizens, and very much impede the progress of our Settlements; and in his opinion I most heartily concur. And may it please the Governor to interfere in behalf of his good People.

Albion K. Parris.

I am, &c.

JAMES IRISH, *Land Agent.*

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(Enclosure 5.)—*The Assistant Land Agent to the General Land Agent of Maine.*

(Extract.)

*Calais, 25th December, 1824.*

By Colonel Whitney, who leaves Calais for Portland on Tuesday next, if nothing happens, I shall transmit to you my Account, and the report concerning this branch of the Agency.

My principal object in addressing to you this Letter, is, to mention the reports, which appear well founded, concerning the very great depredations which are making on the Aroostook by British Subjects, under the authority of Permits from the British Government. Boies, whom you saw here, though you may not recollect him, was at Frederickstown 3 or 4 weeks since, and was told by Mr. Fitzgerald, I think, who moved his family to the Aroostook last September or October, that there would be on that river, this winter, at least 100 six-ox-teams. Further he was told that the firm of Cruickshank and Johnson, of St. John's, had furnished supplies for timber Men, on the Aroostook, this Winter,—£ 30,000 worth. Further, that he was in the Surveyor-General's Office, and there were two Men having Permits made out for the same place. The depredations must be immense; and had not the subject been spoken of by you before, I should feel myself obliged to repair to that place, though I confess that I know not what could be done to remove them, against such a host at least.

A more particular account might be had of them. As you had spoken of it, and left it in the manner it was, I of course deem it under your immediate control. But the land will be stripped; the Plymouth Township and Eaton half, especially.

*The General Land Agent.*

ANSON G. CHANDLER.

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(Enclosure 6.)—*J. B. Quinby to the Senators in Congress from Maine.*

GENTLEMEN,

*Boston, 4th December, 1824.*

As the Representatives in the Senate of The United States from the State of Maine, I beg to call your attention to some facts, interesting to you, your Constituents, and the general Government.

During the present Year, I had occasion at different times, to visit St. John's in Nova Scotia. I found, to my great surprize, that one half or more of all the timber, shipped during the present season, from that Port to Europe, was cut and procured from American soil, according to the construction of our Government of the Treaty of 1783 with Great Britain.

A considerable portion of this timber is cut and brought to market by the Lumber-men, under Licences granted at St. John's, by order of the British Government. These Licences, I understood, not only extended to the cutting of timber, but, in some measure, to the right of soil, by which it was expected that the Persons holding these grants would become identified with the Country in dispute between the two Governments, and give to Great Britain still stronger claims to the right of Sovereignty. I also understood that the British Government, as an additional inducement to Settlers to take out Licences and locate themselves in the section of Country in dispute, exempted them, for a time, from taxes, and provided them with implements for the woods, and some provisions and stores.

I have taken measures to procure a statement of the above facts from Gentlemen of St. John's, who are largely interested in the timber trade of that Place, with their opinion of the amount annually shipped from St. John's, and what proportion so shipped is the growth of the soil of The United States, according to our construction of the Treaty of 1783. As soon as I receive answers to my inquiries, I shall communicate the result to you, at Washington. I am, &c.

*John Holmes, Esq. and Gen. J. Chandler.*

J. B. QUINBY.

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(2.)—*Mr. Addington to Mr. Clay.*

SIR,

*Washington, 30th March, 1825.*

I HAVE had the honour to receive your Letter of the 27th instant, with its accompanying Documents. I shall lose no time in transmitting Copies of all these Papers, both to His Majesty's Secretary of State and to the Governor of New Brunswick; and I doubt not, that if, upon investigation upon the part of Great Britain, the Territory of The United States, and the rights of the States of Maine and Massachusetts, shall be found to have been violated by British Settlers, such measures will, without hesitation, be taken by His Majesty's Government, as shall be equally satisfactory to the President and the Government of the States aggrieved. I have, &c.

*The Hon. H. Clay.*

H. U. ADDINGTON.

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(3.)—*Mr. Addington to Mr. Clay.*

SIR,

*Washington, 23d May, 1825.*

IN a Letter which you did me the honour of addressing to me on the 27th March, you preferred a complaint against certain Subjects and Settlers of the Province of New Brunswick, for encroachments and depredations committed by them on the States of Maine and Massachusetts, in felling and carrying off timber within the Boundaries of those States; and in the Enclosures which accompany that Letter, the Districts in which those acts were stated to have been perpetrated were specifically designated; namely, that bordering on the Aroostook River, and that at Madawaska.

The whole of these Papers were immediately referred by me to the Governor of New Brunswick, and at the same time to His Majesty's Government.

From the former I have recently received a reply, containing certain explanations and remarks upon those transactions, with the substance of which I think it expedient that you should at once be made acquainted.

With respect to that part of the complaint which regards encroachments stated to have been made by British Subjects upon the *acknowledged* Territory of the States abovementioned, Sir Howard Douglas assures me that the charge as far as the *Government* of New Brunswick is concerned, is entirely groundless; and that he shall not fail to use his best endeavours to put a stop to such practices, "in themselves so disgraceful, and so inconsistent with the duty and disposition which teach him to be vigilant in repressing such disorders, and maintaining that good understanding which so happily exists between the respective Governments and People of the two Countries."

With respect to the charge touching the Aroostook and Madawaska Settlements, Sir Howard Douglas states, that, on assuming the Government of New Brunswick, he found that Licences to cut timber, and other acts of Sovereignty, had long been exercised on the part of Great Britain, over certain tracts of land, in which the Aroostook and Madawaska were included, heretofore well understood to belong to New Brunswick, but subsequently claimed by the Commissioners of The United States, appointed to negotiate with the British Commissioners for adjusting the Boundary Line of the respective Countries. To these Claims, no disposition was ever shewn, on the part of Great Britain, to accede.

In fact, by reference to Documents in the possession of the British Colonial Department, it appears that the Settlement of Madawaska, in the Province of New Brunswick, was made, under a grant from the Crown, upwards of 30 Years ago. So late as the Year 1810, no claim had been advanced by The United States to that District, although the Settlements had been established at that time upwards of 20 Years, under a grant from the Government of New Brunswick, and had been constantly designated "The Madawaska Settlement."

With regard to the timber cut by British Subjects on the River Aroostook, the very circumstance of its having been seized by Mr. Porter, of the State of Maine, proves that the Inhabitants of that State consider themselves as at full liberty to appropriate all the timber in that District to their own use. In truth, that Territory is explicitly represented by the Senate of Maine as lying within the *acknowledged* Boundaries of that State.

Now this is notoriously not the fact. The British Government contend that the Northern Boundary Line of The United States, running from the source of the St. Croix to the high lands, is terminated at



Mars Hill, which lies to the Southward of the Aroostook. At least, therefore, the Aroostook Territory, declared to be the undoubted property of the State of Maine, is but a point in abeyance. Both Parties claim, and it appears have exercised, an equal right over it.

Under these circumstances, the Governor of New Brunswick informs me that he does not consider himself at liberty to alter, in any way, the existing state of things, in as far as regards the Districts above-mentioned; but he assures me that he will take especial care to keep well within the limits of the line of duty marked out for him; and, considering the shape which this Question is now assuming, he will feel it imperative on him to apply immediately for still more precise Instructions for the guidance of his conduct in a matter of so much delicacy.

I have entered thus at length into the subject, not with a view to provoke discussion here, but simply with the object of shewing to you, that whatever measures it may be found expedient to take on the subject of your representation, cannot originate with the Authorities of New Brunswick, but must be derived directly from His Majesty's Government, under whose view the Question has already been placed by me.

I have the honour to be, &c.

*The Hon. H. Clay.*

H. U. ADDINGTON.

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(4.)—*Mr. Vaughan to Mr. Clay.*

SIR,

*Washington, 15th November, 1825.*

I HAVE the honour to lay before you a Copy of a Letter with its Enclosures, which I have received from Sir Howard Douglas, His Britannick Majesty's Lieutenant-Governor of New Brunswick.

It appears that 2 American Citizens, representing themselves to be accredited Agents of the Commonwealth of Massachusetts and of the State of Maine, have circulated a Notice amongst the Settlers upon the Rivers St. John and Madawaska, that they were authorized to execute Deeds of Conveyance of Lands in those Districts; and the same Persons, on their passage through the Settlement of Madawaska, endeavoured to induce the Men belonging to the Militia not to attend the general training; asserting that they could not be fined for their absence, as the Territory which they occupied belonged to The United States.

I regret that the difference of opinion which has resulted from the deliberations of the Commissioners under the Vth Article of the Treaty of Ghent, for fixing the Boundary between the Possessions of His Britannick Majesty and the Territory of The United States, has not yet been adjusted; and that an opening is thereby left for complaints of the nature I am now called upon to represent to you. I am sure, however, that you will concur with me in opinion, that, so long as the question of the Boundary remains in the present undecided state, it will be the duty of our Governments to control, mutually, any conduct,

on the part of their respective Subjects, which is calculated to produce disunion and disagreement.

I trust, therefore, that the conduct of the Individuals, which I have thought it my duty to bring before you, will meet with the disapprobation and discountenance of the Government of The United States.

I have the honour, &c.

*The Hon. H. Clay.*

CHAS. R. VAUGHAN.

(Enclosure.)—*The Lieut.-Governor of New Brunswick to Mr. Vaughan.*

SIR,

*Frederickstown, N. B. 24th October, 1825.*

I HAVE the honour to transmit to your Excellency Copies of 2 Papers, communicated to me from Peter Fraser, Esq. one of the Magistrates, and Commandant of a Battalion of Militia, in the County of York in this Province, stating the conduct of 2 American Subjects, who have represented themselves as accredited Agents of the Commonwealth of Massachusetts and State of Maine.

I submit to your Excellency's consideration the propriety of making a representation to the American Government, and demanding that an immediate stop be put to practices which have such a marked tendency to sow dissention and insubordination, in Settlements long since established by grant from His Majesty, and considered as subject to the British Crown: and which, if persisted in, may lead to serious consequences, which it will not be in my power to prevent. I have, &c.

*The Right Hon. C. R. Vaughan.*

HOWARD DOUGLAS.

(Sub-Enclosure 1.)—*Major Fraser to Lieut.-Colonel Shore.*

SIR,

*Madawaska, 8th October, 1825.*

ON the 2d instant, 2 Americans passed through here to Baker's, at the head of the Settlement on the Saint John's River. They are Land Agents from the Commonwealth of Massachusetts and the State of Maine. They returned on Tuesday; and, on their way down, offered money to the Militia-men not to appear at the general training on that day, and said to them that, as this part of the Country belonged to them, we could not fine them for non-attendance. They also left at Captain Firman Thibideau's, on the same day, the enclosed Paper, for him to make publick in the Settlement, which you will be pleased to lay before his Excellency the Governor.

These Americans came and returned so rapidly, that I had it not in my power to see them personally, for, if I had received the enclosed Paper, and the information of their having offered money to prevent the men from attending the training, before their departure from here, I would have considered it my duty to have sent them down Prisoners to Frederickstown.

I have the honor, &c.

J. S. FRASER, *Major Com. 4th Battalion, Y. C. Militia.*

*The Hon. Lt.-Col. George Shore, Adj.-Gen. Y. C. Militia.*

(Sub-Enclosure 2.)—*Notice of Messrs. Coffin and Irish, Land Agents of Massachusetts and Maine.*

WE, the Subscribers, Land Agents for the Commonwealth of Massachusetts and State of Maine, hereby give notice, that we are authorized and directed, by the Legislatures of said Commonwealth and State, to make and execute good and sufficient Deeds, conveying to each Settler on the Saint John's and Madawaska Rivers, now in actual possession, their heirs, and assigns, 100 acres each of the Land by them possessed, to include their improvements on their respective lots, they paying to the Undersigned, for the use of the said Commonwealth and State, 10 dollars each, and the expence of surveying the same.

Those Persons desirous of availing themselves of the above advantage may obtain the same by applying to Samuel Cook, Esq. of Houlton Plantation, who will be authorized to survey the same; and Deeds will be executed conformable to said Cook's Survey, whenever the same is made, and Plans returned to us.

GEO. W. COFFIN.  
JAMES IRISH.

*Madawaska, October 3, 1825.*

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(5.)—*Mr. Clay to Mr. Vaughan.*

SIR,

*Department of State, 25th November, 1825.*

I HAVE the honour to acknowledge the receipt of your Note of the 15th current, transmitting a Copy of a Letter, with its Enclosures, received by you from the Lieutenant-Governor of New Brunswick. These Papers relate to certain proceedings of Persons, presumed to be the Agents of the States of Massachusetts and Maine, in respect to Settlers and Settlements formed or forming on the Rivers St. John's and Madawaska, which the Lieutenant-Governor supposes to be prejudicial to the rights and interests of Great Britain. Having no information whatever of the particular circumstances detailed in the Papers which you have transmitted, other than that which is derived from a perusal of them, I have caused the necessary inquiries to be made; and as soon as I shall be put in possession of the requisite information to which they will lead, I will be able to give what I hope may prove to be satisfactory explanations of the transactions to which the Lieutenant-Governor refers.

In the mean time, I pray you to accept, &c.

*The Right Hon. C. R. Vaughan.*

H. CLAY.

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(6.)—*Mr. Vaughan to Mr. Clay.*

SIR,

*Washington, 2d December, 1825.*

I HAD the honour of calling your attention, in a Note dated 15th November, to the conduct of 2 American Citizens in the British Settlement of Madawaska, who called themselves Land Agents in the

employment of the States of Maine and Massachusetts. I have since received several Documents relative to this business, from His Majesty's Lieutenant-Governor, Sir Howard Douglas: and I think it right to select from them, and lay before you, Copies of two Grants of Lands made by these Commissioners, in the British Settlement of Madawaska, and of their instructions respecting the cutting down and seizure of timber.

The Grants of Land, it is stated, have been made in virtue of certain Resolutions of the Legislatures of Maine and Massachusetts, of the dates of February and June of the present Year.

As I find that the conduct of the above-mentioned Agents has excited great attention and alarm in the British Settlements, I have the honour, upon submitting the inclosed additional Papers to your consideration, to repeat my request that this conduct may be disavowed and discountenanced by the Government of The United States.

I have the honour to be, &c.

*The Right Hon. Henry Clay.*

CHAS. R. VAUGHAN.

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*(Enclosure 1.)—Grants of Land made by Messrs. Coffin and Smith, Agents for Massachusetts and Maine.*

Know all men by these presents, that we, George W. Coffin, Agent for the Commonwealth of Massachusetts, and James Irish, Agent for the State of Maine, upon the subject of the Publick Lands in the said State, by virtue of powers vested in us by Resolves of the said Commonwealth, dated the 11th of June, 1825, and by Resolves of the said State, dated 26th February, 1825, and in consideration of the sum of 10 dollars to us paid by John Baker, of a plantation called and known by the name of Madawaska Settlement, in the County of Penobscot, and State aforesaid, situate upon the River St. John, yeoman, for the use of the said Commonwealth and State, the receipt whereof we do hereby acknowledge, do, by these presents, in behalf of the Commonwealth and State aforesaid, give, grant, bargain, sell, and convey, to the said John Baker, his heirs and assigns, for ever, the following parcel of Land, viz: beginning at Maryumticook stream or point, on the St. John's River; thence, running west by said River, 63 rods, to a stone marked No. 1, S. W.; thence, north, 320 rods; thence, east, 50 rods; thence, south,  $31\frac{1}{2}$  rods, to a stake standing on south side of said stream; thence, by said stream, south  $38\frac{1}{2}$  degrees; east, 15 rods and 17 links, to the bounds first mentioned; containing 100 acres, be the same more or less: To have and to hold the same, with all the privileges and appurtenances thereof to the said John Baker, his heirs and assigns, to his and their use and behoof for ever.

In testimony whereof, we, the said Agents, in behalf of the said



Commonwealth and State, have hereunto subscribed our names, and affixed our Seals, this 3d day of October, 1825.

(L. S.) GEORGE W. COFFIN.

(L. S.) JAMES IRISH.

Signed, Sealed, and delivered in presence of us,

WALTER POWERS.

HIRAM BAKER.

I certify the above to be a true Copy.

GEORGE MOREHOUSE, *Magistrate for York County.*

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KNOW all men by these presents, that we, George W. Coffin, Agent for the Commonwealth of Massachusetts, and James Irish, Agent for the State of Maine, upon the subject of the Publick Lands in the said State, by virtue of powers vested in us by Resolves of the said Commonwealth, dated the 11th day of June, 1825, and by Resolves of the said State, dated 26th February, 1825, and in consideration of the sum of 10 dollars to us paid by James Bacon, of a plantation called and known by the name of the Madawaska Settlement, in the County of Penobscot, and State aforesaid, situate upon the River St. John, yeoman, for the use of the said Commonwealth and State, the receipt whereof we do hereby acknowledge, do, by these presents, in behalf of the Commonwealth and State aforesaid, give, grant, bargain, sell, and convey, to the said James Bacon, his heirs and assigns, for ever, the following parcel of land, viz : beginning at a cedar tree on the east side of the Maryumticook stream, near the bank of St. John's River, thence, north 40 degrees, west, by said stream, 25 rods, to the east line of lot No. 1, conveyed to John Baker; thence, north, on said east line of said lot No. 1, 303 rods, to the north-east corner of the said Baker's lot; thence, east, 52 rods; thence, south, 320 rods, to an elm tree standing near the bank of the St. John's River, marked as follows, I. I. A. October 4th, 1825, G. W. C. No. 2; thence 52 rods, by said River, to said cedar tree, marked I. I. A. No. 2, being the first mentioned bounds; containing 100 acres, be the same more or less: to have and to hold the same, with all the privileges and appurtenances thereof, to the said James Bacon, his heirs and assigns, to his and their use and behoof for ever.

In testimony whereof, we, the said Agents, in behalf of the said Commonwealth and State, have hereunto subscribed our names, and affixed our Seals, this 4th day of October, 1825.

(L. S.) GEORGE W. COFFIN.

(L. S.) JAMES IRISH.

Signed, Sealed, and delivered, in presence of us,

WALTER POWERS.

OWEN FITZGERALD.

I certify the above to be a true Copy.

GEORGE MOREHOUSE, *Magistrate for York County.*

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(Enclosure 2.)—*Instructions respecting Timber, issued by Messrs. Coffin and Irish, Agents for Massachusetts and Maine.*

SIR,

10th October, 1825.

WE hereby authorize and direct you to ascertain the amount of timber that may be cut the approaching season upon the St. John's River, and upon the several streams and rivers emptying into the St. John's River above the Grand Falls; and where Permits have been granted by us, to settle with the holders of said Permits, conformable to the conditions thereof.

But where any Persons have presumed to cut without our permission, or permission obtained from you upon the same terms, (a Copy of one of said Permits is here enclosed,) you will require such Persons to pay 50 cents per ton for timber, and 1 dollar and 25 cents per 1,000 for boards; or, on refusing to pay as aforesaid, seize the logs and timber, and sell the same at publick Auction for the benefit of said Commonwealth and State; first giving 30 days' publick notice of the time and place of sale, by posting the advertisements at one or more publick Places within your District.

GEORGE COFFIN,

*Land Agent for Commonwealth of Massachusetts.*

JAMES IRISH, *Land Agent for State of Maine.*

I certify the above to be a true Copy.

GEORGE MOREHOUSE, *Magistrate for York County.*

*Mr. James Bacon.*

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(7.)—*Mr. Clay to Mr. Vaughan.*

SIR,

*Department of State, 18th January, 1826.*

IN consequence of the Letter which you did me the honour to address to me on the 15th November last, I instituted a Correspondence with the Governors of the States of Massachusetts and Maine, to ascertain on what foundation the Representations of Sir Howard Douglas rested. I have received Letters from them both; but I consider it necessary only to transmit to you a Copy of that from the Governor of Massachusetts, under date the 6th day of December, 1825; a Copy of mine of the 15th of the same month, which is the same in substance as one I addressed at the same time to the Governor of Maine; and a Copy of a Letter from the Governor of Massachusetts, of the 22d day of December.

It appears that the measures adopted by those two States, to which Sir Howard refers, were altogether precautionary, and occasioned by previous acts of asserted authority over the disputed Territory; which, if unopposed by countervailing acts, might have been relied on, at some future day, as strengthening the British and weakening the American Claim. The cause having been withdrawn, its consequence will no longer exist; and you will accordingly observe that I have, by the direction of the President, inculcated a spirit of forbearance and moderation on our side, which we hope will be hereafter practised on

yours. Both Governments should derive, from the existence of those mutual complaints, a new motive for guarding, in future, against their recurrence, which can be effectually done only by a settlement of the Question of Boundary, out of which they arise.

I pray you to accept, &c.

*The Right Hon. C. R. Vaughan.*

H. CLAY.

(Enclosure 1.)—*The Governor of Massachusetts to the Secretary of State.*  
SIR, *Worcester, Mass. 6th December, 1825.*

I HAVE the honour to reply to your Note of the 25th ult. that I have no other information of the conduct of the Persons referred to in the Communications made to you by the British Minister, than is contained in an Official Report to me by George W. Coffin, Esq. Land Agent of this Commonwealth, a Copy of which I had the honour, a few days since, to transmit to the President of The United States. For several years past, depredations of valuable timber from the unsettled lands belonging to Massachusetts and Maine, within the jurisdictional limits of the latter State, have been committed, to a ruinous extent; partly by Persons claiming to act under Permits issued from the Surveyor General's Office of the Province of New Brunswick, and partly by lawless Individuals, without pretence of authority, but who, from their transient residence and the facility of their disguises, could easily elude detection and responsibility. To ascertain the precise character of the mischiefs thus perpetrated, and how far these acts of wrong had been sanctioned by Officers of Government in the neighbouring Province, and as far as possible, by publick notice and a manifest assertion of the right which this Commonwealth and the State of Maine have to the property, to protect the lands from further injury, the Legislature of the Commonwealth, by Resolves of the 26th of February and the 11th of June last, directed the Land Agent, in conjunction with the Land Agent of Maine, "forthwith to take effectual measures to ascertain the extent of the depredations committed on the lands belonging to this Commonwealth and the State of Maine; by whom the same have been committed; and under what authority, if any, such depredations have been made; and all other facts necessary to bring the Offenders to justice: also, to make and execute good and sufficient Deeds, conveying to the Settlers on the undivided Publick Lands on the St. John's and Madawaska Rivers, in actual possession as aforesaid, their heirs or assigns, 100 acres each of the land by them possessed, to include their improvements, on their paying to said Agents, for the use of the Commonwealth, 5 dollars each, and the expence of surveying the same; and, also, to sell the timber on such of the undivided publick Lands as lie contiguous to and near to the waters of the River St. John's, in all cases where such sale will, in the opinion of the Land Agent, promote the interests of this Commonwealth."

No other Instructions than are contained in the Resolves before referred to have been given to the Agent of this Commonwealth; and unless he has transcended his authority, in which he would not be justified, but which, from his known character for intelligence and discretion, I should be reluctant to believe, the British Government can have no just cause of complaint against his proceedings. Indeed, the object of the Legislature of Massachusetts was, in a great degree, precautionary. While Persons, assuming to act under Permits obtained from Officers of His Majesty's Provincial Government, were justifying the destruction and appropriation to their own use of our valuable timber, and under Deeds from like authority were claiming title to the soil itself, it was fit to admonish them of their error, and at the same time to seek for evidence by which a remonstrance against these injuries might be effectually addressed to the Parent Government. It was justifiable for us still further, under these circumstances, by the execution of Deeds and the sale of timber on our part, to assert a possessory right to property of which we claim to have an incontrovertible legal title. Nothing could be more remote from the intention of the Legislature of Massachusetts than to authorize acts of aggression upon the Territory or Subjects of His Majesty's Province, or to give just cause of offence to his Government; and I trust that, upon better information of the character of the measures of our Agents, they will cease to be regarded by that Government in an unfriendly light.

Permit me, Sir, to urge the occurrence of the present misunderstanding as an additional motive for pressing to obtain a speedy establishment of the true Line of division between the British Provinces and The United States, upon our North-eastern Boundary. The delay which has already taken place in the settlement of this Question has been of the most serious prejudice to the interests of the States of Massachusetts and Maine: for, whatever may be their right of property, the persistence of the British Government to claim the Territory to an undefined extent, cannot but discourage the purchase and settlement of the lands, by men who would value most to retain the character and privileges of American Citizens.

I beg to avail myself, &c.

*The Hon. Henry Clay.*

LEVI LINCOLN.

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*(Enclosure 2.)—The Secretary of State to the Governor of Massachusetts.*  
SIR, *Department of State, Washington, 15th Dec. 1825.*

I HAVE the honour, by the direction of the President, to acknowledge the receipt of your Letter, addressed to him on the 26th ultimo, transmitting a Copy of the Report of the Land Agent of the Commonwealth of Massachusetts, and to assure you of the anxious desire of the Government of The United States to make a satisfactory arrange-



ment with that of Great Britain, of our North-eastern Boundary. No time will be unnecessarily lost in bringing the Negotiation to a final conclusion. In the mean time, it is desirable that each Party, governed by a spirit of moderation, should refrain from the adoption of any measures which may tend to give just inquietude to the other. It would, perhaps, be best for neither to do any act which would change the state of the Question, as it existed when the Commission under the Treaty of Ghent, was constituted. If one attempt to strengthen his pretensions, by the exercise of acts of Sovereignty or ownership over parts of the disputed Territory, which were then waste and uninhabited, the other will resort to the same expedient, and the collisions which would inevitably follow, would place both Parties in a state less propitious to an amicable settlement of the difference. It was under this view of the propriety of mutual forbearance, that, when, in the course of last Spring, statements were received at this Department of depredations committed, under colour of British authority, within the limits of the State of Maine, as claimed by us, I addressed a Note to the British Chargé d'Affaires, near this Government, remonstrating against those depredations. It appears from the above Report of your Commissioner, and from other sources of information, that our remonstrance has had the desired effect; that the Governor of the adjoining British Province has been directed by proper authority to discontinue granting Licences to cut timber; and that he has accordingly discontinued. The President wishes that this conciliatory course on the part of Great Britain should be reciprocated by us; and I am, therefore, directed by him respectfully to suggest to your Excellency the propriety of its being observed by the Government of Massachusetts.

I seize the occasion, &c.

*His Excellency Levi Lincoln.*

H. CLAY.

*(Enclosure 3.)—The Governor of Massachusetts to the Secretary of State.*

*Executive Department of Massachusetts,*

SIR,

*Worcester, Mass. 22d December, 1825.*

I HAVE the honour to acknowledge the receipt of your Letter of the 15th inst. My reply, under date of the 6th of December, to your former Communication, has, I trust, satisfactorily explained the occasion and character of the measures which had been authorized by the Government of Massachusetts, for the protection of the property of this Commonwealth within the limits of the State of Maine. The early re-assembling of the Legislature will enable me to bring the subject again very immediately under their consideration. In the mean time, you will please to assure the President that no steps are in contemplation which can, in any degree, tend to produce further excitement on the part of the British in the neighbourhood of the lands, or

to embarrass the Government of The United States, in their endeavours to obtain a satisfactory arrangement with that of Great Britain, in the establishment of the true Line of our North-eastern Boundary.

It is gratifying to know that this subject, of such peculiar importance to the interests of this Commonwealth and of the State of Maine, has already received so much of attention from the National Executive.

I have the honour to be, &c.

*The Hon. Henry Clay.*

LEVI LINCOLN.

(S.)—*Mr. Clay to Mr. Vaughan.*

*Department of State, Washington, 23d June, 1826.*

THE Secretary of State presents his compliments to Mr. Vaughan, and has the honour to transmit to him, herewith, a Copy of a Letter from the Governor of the State of Massachusetts to the President of The United States, communicating a Resolution of the Legislature of that State, in regard to the Boundary Line between the Province of New Brunswick and the Territories of The United States; in which Mr. Vaughan will recognize a strong proof of the disposition of that State to contribute to the harmony and friendly relations which are happily now subsisting between Great Britain and The United States.

*The Right Hon. C. R. Vaughan.*

H. CLAY.

(Enclosure)—*The Governor of Massachusetts to the President.*

*Executive Department of Massachusetts,*

SIR,

*Boston, 20th June, 1826.*

THE accompanying Resolve of the Legislature of this Commonwealth, which I hasten to communicate for your notice, will apprize you of the respectful regard which has been paid to the suggestions of the Executive of The United States, upon the subject to which it refers.

With renewed assurances, &c.

*The Hon. J. Q. Adams.*

LEVI LINCOLN.

(Sub-Enclosure.)—*Resolutions of the Legislature of Massachusetts.*

*19th June, 1826.*

THE Committee of both Houses, on Publick Lands, have had the subject of Eastern Lands under consideration, and ask leave to make the following Report, which is respectfully submitted.

Per order,

JONAS SIBLEY, *Chairman.*

From the friendly disposition of late manifested by the Government of Great Britain, in relation to the subject of the Boundary Line between The United States and the Province of New Brunswick, and from an expectation that an early adjustment will take place;

*Resolved.* That the operation of the provisions in the Resolves of the 26th day of February, and the 11th day of June, 1825, which authorize the conveyance of the undivided lands on the St. John's and Madawaska Rivers to the Settlers in actual possession, and the sales of timber on

such of the undivided Publick Lands as lie contiguous to and near the waters of the St. John's, be suspended until the further order of the General Court.

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(9.)—*Mr. Vaughan to Mr. Clay.*

SIR,

*Washington, 16th January, 1827.*

ABOUT the latter end of the Year 1825, and about the beginning of the last Year, a Correspondence took place between us, relative to encroachments of Persons calling themselves Agents from the States of Maine and Massachusetts, in the Territory in dispute between His Majesty's Government and that of The United States, in consequence of the unsettled state of the North-eastern Line of Boundary under the Treaty of Ghent.

The representation which I had then the honour to make was promptly answered by the Government of The United States. An inquiry into the circumstances of the encroachments complained of took place, and a spirit of forbearance and moderation was inculcated by the directions of the President, which induced me to hope that I should not have occasion to recur again to a representation of a similar nature.

I have received, however, a Letter from Sir Howard Douglas, His Majesty's Lieutenant-Governor of New Brunswick, acquainting me with some further proceedings of Persons calling themselves Land Agents and Surveyors, acting under the authority of the Governments of the States of Maine and Massachusetts, in surveying and laying out Townships in the disputed Territory in question.

The particular acts which have excited uneasiness in the Government of New Brunswick are, the laying out of land into Townships, and marking out Roads, within a Territory, the assignment of which is not yet made to either of the Parties to the Treaty of Ghent.

My former representation was met by you in so conciliatory a spirit, that I am encouraged to hope that the intervention of the Government of The United States will be effectually exerted, to induce the Governments of the States of Maine and Massachusetts to abstain from measures, which can be construed into a premature exercise of authority in a disputed Territory, and which may lead to collision of a most disagreeable nature between the Settlers in that Territory.

I think it advisable to make you acquainted, without delay, with the complaint which I have received from the Lieutenant-Governor of New Brunswick, who, I beg leave to assure you, cautiously abstains, on his part, from exercising any authority in the disputed Territory which could invite any encroachment as a measure of retaliation.

I have the honour, &c.

*The Hon. Henry Clay.*

CHAS. R. VAUGHAN.

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(10.)—*Mr. Clay to Mr. Vaughan.*

SIR, *Department of State, Washington, 26th January, 1827.*

I HAVE the honour to acknowledge the receipt of your Note of the 16th instant, stating, upon the representation of Sir Howard Douglas, His Britannick Majesty's Lieutenant-Governor of New Brunswick, that the Agents and Surveyors of the States of Maine and Massachusetts are proceeding to lay out Townships, and open Roads, in the Territory which is mutually claimed by the Governments of The United States and Great Britain, bordering on that Province; and requesting the interposition of the Government of The United States, to induce the States of Massachusetts and Maine to abstain from measures which would amount to a premature exercise of authority in the disputed Territory.

No information has reached this Department of the acts complained of by Sir Howard Douglas, other than that which is contained in your Note. But, as the President's views and wishes remain the same as were communicated to you in the Correspondence to which you refer, I shall lose no time, by his directions, in transmitting Copies of your Note to the Governors of the States of Massachusetts and Maine, and requesting them, respectively, to continue, until the question is settled, to practice that system of forbearance and moderation which it appears to the President to be expedient for both Governments to observe.

I pray you to accept, &c.

*The Right Hon. C. R. Vaughan.*

H. CLAY.

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(11.)—*Mr. Clay to Mr. Vaughan.*

SIR, *Department of State, Washington, 14th September, 1827.*

I HAVE the honour to transmit to you, herewith, an Extract from a Letter, under date the 3d instant, addressed by his Excellency Enoch Lincoln, Governor of the State of Maine, to me, to which I invite your particular attention. It is alleged in that Extract, that, under the authority of the Government of New Brunswick, measures have been adopted, and acts performed, within the Territory respectively claimed by The United States and Great Britain, inconsistent with that mutual forbearance which it has been understood, in the Correspondence on this subject which has passed between us, would be inculcated and practised on both sides. Assuming the statements of Governor Lincoln to be correct, as I presume they are, a confident reliance is placed in the Government of His Britannick Majesty, to cause an immediate correction of the irregular proceedings of which complaint is made.

I request you to accept, &c.

*The Right Hon. C. R. Vaughan.*

H. CLAY.



(*Enclosure.*)—*The Governor of the State of Maine to Mr. Clay.*  
(Extract.) *Portland, 3d September, 1827.*

SINCE I had the honour of addressing you on the subject of the North-eastern Boundary of this State, facts have been placed within my knowledge, which, more imperatively than any other, urge me to solicit the attention of the President to the situation in which we are placed. It is now rendered evident that the representation made to you, and communicated in your Letter of the 27th of March last, that the British Government had abstained from the performance of any new acts, which might be construed into an exercise of the Rights of sovereignty or soil over the disputed Territory, was entirely incorrect. That representation, connected with the recommendation of the President, has undoubtedly had much influence with Maine in producing a forbearance which will probably be objected against her, in comparison with the opposite course pursued by Great Britain, as containing an implied acknowledgment of the rightfulness of the jurisdiction, which has been exercised for years by a Foreign Power, in the manner and to the extent which I beg leave now to exhibit, as presented to me by credible testimony.

Along the St. John's River, following it up westwardly from the junction of the Madawaska, is a very flourishing Settlement, containing a considerable number of peaceably disposed and industrious Inhabitants. Among them is a proportion of American Emigrants, some of whom hold their land under Deeds from Massachusetts and Maine; and the others, or nearly all of them, are anxious to obtain titles in the same way. The latter at present occupy as Tenants at sufferance, and neither recognize the Lands as being Crown Lands, nor do they voluntarily submit to British Authority. These Persons the Government of New Brunswick treats, in all respects, as Aliens, denies them their right to hold real estate, assesses upon them the alien tax, and refuses to permit to them the transmission of their produce as Americans. I forbear to speak of many acts of violence and petty vexation of which they also complain. The other Inhabitants are uniformly treated as British Subjects; and new acts of jurisdiction, even to the requirement of military duty, are as frequently exercised as the ordinary operations of a municipal control require.

*The Hon. Henry Clay.*

ENOCH LINCOLN.

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(12.)—*Mr. Vaughan to Mr. Clay.*

*Washington, 16th September, 1827.*

THE Undersigned, His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honour to acknowledge the receipt of Mr. Clay's Note of the 14th instant, communicating a representation made to the Government of The United States by his Ex-

cellency Enoch Lincoln, Governor of the State of Maine, respecting certain acts of the Government of New Brunswick, which are considered as an undue exercise of jurisdiction, in a Settlement upon the River St. John, within the Territory in dispute between Great Britain and The United States.

It appears from Governor Lincoln's statement, that the Settlement in question is a British Settlement upon the River St. John, Westward of the Madawaska, and that it is composed of the families of the original Settlers, and of Emigrants from The United States. The Inhabitants of the latter description, it is stated, are considered by the Government of New Brunswick as Aliens, and they are therefore, not entitled to hold real estate, are assessed to pay an alien tax, and cannot transmit the produce of their land as Americans. Some of these Emigrants, the Governor observes, hold land under Deeds from the States of Maine and Massachusetts.

The Undersigned begs leave to remind Mr. Clay, that, in the months of November and December, 1825, and again in the month of January, 1827, he had occasion to remonstrate against the conduct of Persons calling themselves Agents, accredited by the States of Maine and Massachusetts, for offering to sale in the British Settlements upon the Madawaska River, grants of lands, and for surveying and laying out new Settlements in that direction, within the Territory in dispute between Great Britain and The United States.

Ever since the Province of New Brunswick was established, in the Year 1784, the Territory in dispute has always been considered as forming part of it; and previously to that period, it was laid down as forming part of the Province of Nova Scotia, in a map published by the Board of Trade, in 1755. The rights of Sovereignty have, in consequence, been exercised by the British Government, and the Undersigned must protest against the validity of any title to lands in these ancient British Settlements, granted by the States of Maine and Massachusetts, until a change in the right of possession shall have been effected in consequence of the Vth Article of the Treaty of Ghent.

According to the statement of Governor Lincoln, the Inhabitants of the Settlement in question upon the St. John's River, Westward of the Madawaska, who are not Emigrants from The United States, are treated by the Government of New Brunswick as British Subjects; and it is observed that they are called upon to perform Military Service, an act of jurisdiction which may be made to imply a "*rightfulness*" of that jurisdiction.

The Undersigned is persuaded that no act of jurisdiction, exercised in the Settlements made by Great Britain, and still in her possession, though that possession may be disputed, can influence, in any shape, the decision of the Question of Boundary under the Treaty of Ghent.

The Undersigned will transmit a Copy of Mr. Clay's Note, containing the representation of Governor Lincoln, to His Majesty's Lieutenant-Governor of New Brunswick, whose wish and whose duty it has always been, to avoid giving the slightest uneasiness to the Government of The United States, in the Territory which has, unfortunately, remained so long in dispute between the two Governments.

No attempt has ever been made to form new Settlements, and the Lieutenant-Governor has abstained from exercising any authority over the unoccupied parts of the disputed Territory, excepting for the purpose of preserving it in its present state. In proof of the friendly disposition which animates him, the Undersigned has the honour to enclose a Copy of a Letter which Sir Howard Douglas addressed, in the month of March last, to the Magistrates residing in the neighbourhood of the disputed Territory, and a Copy of a Letter dated the 13th of April, in which his Excellency informs the Undersigned, that he had directed the Attorney-General of New Brunswick to prosecute some British Subjects who had cut down timber upon the St. John's River.

The Undersigned begs leave to assure Mr. Clay that he will submit to His Majesty's Government a Copy of his Note; and he cannot help expressing an anxious wish that the Negotiations which are now going on in London, may finally terminate the Question of Boundary between New Brunswick and the Territory of The United States, and put an end to the collision of Authority for the future in the Territory which is now in dispute.

The Undersigned avails himself, &c.

*The Hon. Henry Clay.*

CHAS. R. VAUGHAN.

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(*Enclosure 1.*)—*The Lieutenant-Governor of New Brunswick to the Magistrates of the County of York.*—(Circular.)

SIR, *Secretary's Office, Frederickstown, 9th March, 1827.*

SATISFACTORY assurances having been conveyed to His Majesty's Government, of the earnest wish of the Government of The United States to reciprocate the conciliatory disposition shewn, in regard to the disputed Territory at the upper part of the River St John, it is most desirable, until the Question relating thereto shall be finally settled, that no new Settlements shall be made, or any timber or other trees felled, in the wilderness part of that Territory, nor any act done which may change the state of the Question as it existed when the Treaty of Ghent was executed.

I am therefore commanded by his Excellency the Lieutenant-Governor to desire, that you will be vigilant, and use your utmost diligence, to discover any attempts which may be made by any of His Majesty's Subjects, to intrude upon any part of that Territory, with a view to make Settlements or to procure timber; and to make immediate representa-

tion thereof to His Majesty's Attorney-General, that legal steps may be taken to punish such intruders and trespassers; and should you discover similar attempts to be made by any other Persons, whether unauthorised or appearing to act under colour of authority, that you will use your best endeavours to ascertain the names of such Persons, and report the same to me, with Affidavits to establish the facts, for his Excellency's consideration.

I have, &c.

W. F. ODELL.

*The Magistrates in the upper part of the County of York.*

(Enclosure 2.)—*The Lieutenant-Governor of New Brunswick to Mr. Vaughan.*

SIR,

*Frederickstown, 13th April, 1827.*

IN my Letter of the 20th ultimo, I had the honour to transmit to your Excellency a Copy of a Circular Letter, which I had directed to be sent to all Magistrates residing in the vicinity of the disputed Territory, instructing them how to act in the event of any depredations being attempted by either Party on the lands in question.

I have just received a report, stating that a quantity of pine timber had been cut by certain British Subjects on the waste lands now subject to negotiation; and I lose no time in putting your Excellency in possession of Documents, which will shew the prompt steps I have taken to repress and punish these depredations.

I beg further to acquaint your Excellency, that I immediately sent, by express, Instructions to the nearest Magistrate, to repair to the spot, to procure information and proper proofs of the act charged, and to transmit these to His Majesty's Attorney-General, who has already received my directions to proceed against the Parties implicated in this transaction without delay.

I have, &c.

*The Right Hon. C. R. Vaughan.*

HOWARD DOUGLAS.

(13.)—*Mr. Clay to Mr. Vaughan.*

*Department of State, Washington, 19th September, 1827.*

THE Undersigned, Secretary of State of The United States, has the honour to acknowledge the receipt of the Note of Mr. Vaughan of the 16th instant, in answer to that which had been addressed to him, on the 14th, by the Undersigned, on the subject of acts of territorial jurisdiction, exercised, under the authority of the Government of the Province of New Brunswick, over the Territory claimed by The United States and Great Britain, respectively. As this latter Note was founded, exclusively, on the representations of the Governor of Maine, the Undersigned will transmit to his Excellency a Copy of Mr. Vaughan's Note, and request such information as may throw any light on the statement, made by him, that the American Settlers on the St. John's have recently established themselves there, within an ancient



British Settlement, and that their titles have been lately obtained from the Agents of the States of Massachusetts and Maine.

In the meantime, the Undersigned owes it to candour, to admit that the Letters of Sir Howard Douglas, of which Copies accompany Mr. Vaughan's Note, manifest a just solicitude, on the part of that Officer, to prevent and punish any acts, on the disputed Territory, which might lead to the interruption of a good understanding between the two Countries, in relation to that subject.

Participating with Mr. Vaughan, most fully, in the wish that the Negotiations which are now going on in London, may finally terminate the Question of Boundary between The United States and Great Britain, and thereby prevent all collisions of authority, for the future, in the disputed Territory, the Undersigned prays Mr. Vaughan, on this occasion, to accept, &c.

*The Right Hon. C. R. Vaughan.*

H. CLAY.

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(14.)—*Mr. Vaughan to Mr. Clay.*

*Washington, 26th October, 1827.*

THE Undersigned, His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, had the honour to inform Mr. Clay, in a Note dated the 16th of September, that he should transmit to His Majesty's Lieutenant-Governor of New Brunswick, a Copy of the Correspondence which had passed between Mr. Clay and the Undersigned, about that period, in consequence of a representation made to the Government of The United States, by the Governor of the State of Maine, respecting proceedings in a British Settlement on the Madawaska River.

The Undersigned has now the honour to lay before the Secretary of State of The United States, a Copy of a Letter which he has received from Sir Howard Douglas, the Lieutenant-Governor of New Brunswick, in answer to the communication made to him of the Correspondence above-mentioned, as it will serve to explain the conduct which has hitherto been observed by the Lieutenant-Governor, and the view which his Excellency takes of the duty imposed upon him, until the Question of Boundary shall be finally adjusted.

The Undersigned begs, &c.

*The Hon. Henry Clay.*

CHAS. R. VAUGHAN.

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(Enclosure.)—*The Lieut.-Governor of New Brunswick to Mr. Vaughan.*  
SIR,

*St. John, N. B., 4th October, 1827.*

I HAVE the honor to acknowledge the receipt of your Excellency's Despatch of the 16th September, 1827, transmitting the Copy of a Note which you had received from the Secretary of State of The United States, containing a representation made to him by the Governor of the State of Maine, relative to a Settlement on the St. John, westward

of the junction of the Madawaska with that River, and requesting me to make such remarks or explanations as might suggest themselves to me, upon a perusal of your Excellency's Correspondence with Mr. Clay.

The very able, correct and just view of the state of the Question, contained in your Excellency's Note of the 16th September, addressed to Mr. Clay, in reply to Governor Lincoln's representations, leaves me nothing further to add, but to convey to you my assurances, that all the acts of this Government are in strict conformity with the positions and statements contained in your Excellency's Note.

I have been careful to do nothing that can change the state of the Question as it existed when the Treaty of Ghent was executed. No new acts of Sovereignty have been exercised by this Government; no Surveys, fresh Grants, or Locations, have been made or issued, to extend or insinuate British Settlements into any part of the disputed Territory; no Permits granted to fell or carry timber. But, whilst I observe this forbearance in all my measures, and enforce their observance on the part of this People, I cannot relinquish any actual possession, or abandon any right of practical Sovereignty, which has been, *de facto*, exercised over any portion of Territory, located and held as British Settlements before the Treaty of Ghent was executed. The Settlement of industrious Persons, among whom some American Citizens were placed, in 1825, by Agents acting for Massachusetts and Maine, is one of these. I protested, at the time, against those operations; and your Excellency's remonstrance procured the suspension of such proceedings. Yet, upon these recent encroachments, Mr. Lincoln's representations are grounded; and the Aliens, so settled, proceed, as I have already reported to your Excellency, to resist our authority, to stop the Post, to instigate the British Settlers to refuse obedience to the Laws; and, finally, to hoist the American Flag, and to rescue from due custody, Persons apprehended by our Peace Officers.

This Settlement I am bound to consider as part of New Brunswick; and I can neither permit the actual possession to be disturbed, nor suspend the municipal Laws of the Province from their ordinary operation over those parts.

Whilst I am thus acting, to keep the Question in its present state free from stratagem or open violence, there is nothing done on this side that can influence, in any shape, the final decision of the Boundary under the Treaty of Ghent.

The long established British Settlements in the disputed Territory must necessarily remain under the jurisdiction of this Government, or be abandoned to anarchy in the absence of all rule, until a final decision be made of the question of right under the Treaty of Ghent. If, on the other hand, attempts be now made, to establish Settlements and jurisdiction in the wilderness part of the Territory, or to subvert the

actual possession and jurisdiction of His Majesty in the parts long since settled,—as measures expressly devised to meet, or countervail, in the pending Negotiations, our actual possession of the Settlements in question, by assumptions of jurisdiction, resistance to the municipal Laws of this Province, and co-ordinate exercise of rule,—then much disorder, outrage, and strife, must ensue. Such assumptions would, moreover, be a direct departure, on the part of The United States, from that course of mutual forbearance which has been *here* strictly observed. They would change the state of the Question as it stood at the time the Treaty of Ghent was executed; and, without influencing, in any shape, the principles upon which the final decision of the Question of Boundary depends, would make chargeable to the Authorities, executing or countenancing these measures, any consequences that may ensue, in collisions and outrages, which it is, and has been, my earnest desire to prevent and repress, but which such extraordinary countervailing maxims and assumptions, as those which it may be presumed are intended, would directly and powerfully encourage.

I have, &c.

*The Right Hon. C. R. Vaughan.*

HOWARD DOUGLAS.

(15.)—*Mr. Clay to Mr. Vaughan.*

SIR, *Department of State, Washington, 17th November, 1827.*

IN the Note which I had the honour to address to you on the 19th day of September last, I informed you that I would transmit a Copy of yours of the 16th, in answer to mine of the 14th of the same month, to his Excellency Enoch Lincoln, Governor of Maine, to obtain from him such information, on the subject to which that Correspondence related, as he might communicate. I now transmit to you an Extract from a Letter of Governor Lincoln, under date the 2d instant, together with Copies of 2 Affidavits to which he refers. From one of those Affidavits (that of William Dalton), it would appear, that he had resided during 3 Years on the Aroostook river, 30 miles within the Line on the American side; that the Constables and Officers of the Province of New Brunswick have been in the habit, under the pretence of collecting debts, of coming to the Settlement where he lived, with Precepts, and taking and carrying away every species of property they could find; that they generally carried it to the Parish of Kent or Frederickstown; and there sold it at auction; that in a particular instance, of which the circumstances are detailed in the Affidavit, the Acting British Officer declared that he did not care whether he was within or without his jurisdiction, for that a higher Officer would bear him out in any thing he did; that he even employed a menace of resorting to physical force, using at the same time opprobrious language; that the Witness, in consequence of the disturbances created in the Settlement by British Officers, sold his possessions at a great sacrifice in their value, and removed to another part of the State of Maine; and that the Inhabitants of the

Aroostook Settlement have been unwilling and afraid to sleep in their own houses, and have spent the night on the banks of the River, and in the woods, and kept watch night and day, as is customary in Indian warfare.

The Affidavit of the other Witness (Jonathan Wilson) states, that, at Woodstock, in the Province of New Brunswick, he learned that Mr. Baker had been arrested by the British Authorities, with the agency of 45 Men, sent up in barges, armed; that he was taken from his bed in the night; that the charge against him was for refusing and objecting to permit the British Mail to pass over his land; that he was confined in a jail, which is known to the Witness to be extremely loathsome, filthy, and dangerous to health; that he has been tried and sentenced to 6 months' imprisonment, and to the payment of £150; that he lived on Madawaska River, within the American Line; and that the Witness had learned from his Son, who had recently been on the Aroostook, that the Settlers there complained bitterly of the oppression of the Officers and Subjects of the British Provinces; that their property was taken forcibly from them, and carried off, to the last cow.

Such is the case made out by this testimony. I shall abstain, at this time, from particular comments upon it. The proceedings which it discloses, being incompatible with the rights of The United States; at variance with that forbearance and moderation which, it has been understood between us, were to be mutually observed, and exhibiting the exercise of rigorous acts of authority within the disputed Territory, which could only be justified by considering it as constituting part of the British Dominions, I have to request such explanation as the occasion calls for.

In the mean time, I avail myself, &c.  
*The Right Hon. C. R. Vaughan.*

H. CLAY.

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(Enclosure 1.)—*The Governor of Maine to Mr. Clay.*

(Extract.)

2d November 1827.

I HAVE the honour to transmit to you, for the consideration of the President, Copies of the Affidavits of William Dalton and Jonathan Wilson, to the truth of the statements in which I have reason to attach full credit.

*The Hon. Henry Clay.*

ENOCH LINCOLN.

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(Enclosure 2.)—*Affidavit of William Dalton, of the State of Maine.*

I, WILLIAM DALTON, born in Bloomfield, State of Maine, County of Somerset, say: That for the last 3 Years I have resided on the Aroostook River, 30 miles within the Line, on the American side, 33 miles up said River. Many of the Settlers on the River are Emigrants from New Brunswick, others from the States. Many of these Settlers are poor. The Constables and Officers of the Provinces have



been in the habit, under the pretence of collecting debts, of coming to the Settlement where I lived, with Precepts, and taking and carrying away every species of property they could find. They generally carried it to the Parish of Kent, or Frederickstown, and there sold it at auction. As an instance of the violent proceedings of the Officers and Subjects of the Provinces, I would state, that, at the Settlement where I lived, a certain Man, named Joseph Arnold, had a dispute with one William M'Cray, about a cow, which was referred to 3 Referees, chosen among the Neighbours, who decided that Arnold should keep the cow. Said M'Cray then went to one Esquire Morehouse, said to be a Magistrate in the Parish of Kent. Morehouse sent M'Neil, a Constable of that Parish, to the Aroostook Settlement. The Constable came with 5 Men, armed with guns, pistols, and swords, and took the cow by force from Arnold. Whilst they were there, I asked the Constable for his Precept, and for his authority to come into the American Territory. He said Morehouse told him to go and take the animal and the Man, wherever he could find them. I saw the *Writ*. It was an order to *replevy* in the *Parish of Kent*. I asked him if he did not know that he was out of the Parish of Kent. He said he did not care, for Morehouse would bear him out in any thing he did. I told him he had better not come again on any such business. He said, "When I come again, I shall not be obliged to shew my authority to a parcel of d——d Yankee Settlers of Aroostook: that if 25 or 50 Men would not do he would bring 500, armed and equipped, and take every soul, Men, Women, and Children, to Frederickstown jail." He did not pretend that he was in the Parish of Kent. He said "he was doing his duty, and would go wherever his Master should send him."

In consequence of this state of things, I have sold out all I possessed for what I could get, and left the Country, to return to China, in the County of Kennebeck, in the State of Maine. I raised this Year 150 bushels of wheat, 175 of oats, 60 of corn, 200 of potatoes, and garden vegetables. I had built a decent and comfortable loghouse and a barn. I had 5 swine, 1 cow, and farming utensils. I had cleared 30 acres. I sold all my property for 184 dollars 28. all on credit, except 32 dollars in cash. I made this sacrifice *solely* on account of publick difficulties. My farm, I think, was as good land as any in North America; and the whole of the Country on the Aroostook is very excellent land, and would be rapidly settled if it were not for publick difficulties. My Family were contented before the troubles; and had it not been for them, I would not have taken 700 dollars for my property. For the last 7 weeks, the Inhabitants of the Aroostook Settlement have been unwilling and *afraid* to sleep in their own houses, and have retired to the lower part of the Settlement, and spent the night on the banks of the River, and in the woods, and kept watch night and day, as in an Indian war.

I arrived here at Bangor, this 27th of October, 1827, direct from Aroostook. WM. DALTON.

*State of Maine, Penobscot,—ss.*

Town of Bangor. On this 27th of October, 1827, the aforesaid William Dalton, personally appeared, and made Oath to the truth of the foregoing statement. Before me,

EDWARD KENT, J. P.

(Enclosure 3.)—*Affidavit of Jonathan Wilson, of the State of Maine.*

I, JONATHAN WILSON, of Fairfield, County of Somerset, State of Maine, on Oath depose and say: That I left Fairfield about the 1st of October instant for Houlton Plantation and the British Provinces, to collect some debts due to me and others. I arrived at Houlton about the 10th instant, and from thence went to Woodstock in the Province of New Brunswick, to collect debts. Woodstock is about 65 miles above Frederickstown. I there learned that Mr. Baker had been arrested by the British Authorities. I was told this by Joshua Harvey, formerly of Bangor, State of Maine: that he was arrested by 45 Men, sent up in barges, armed; that he was taken from his bed in the night; that the charge against Baker was for refusing and objecting to permit the British Mail to pass over his land; that they confined Baker in jail, have since tried him, and sentenced him to pay a fine of £150, and to 6 months' imprisonment in jail, which, to my knowledge, is extremely loathsome, filthy, and dangerous to health; and that Baker is now confined there. Baker lived on Madawaska River, within the American Line. I also learned at Houlton, by my Son, Leonard Wilson, who has recently been at the Aroostook, that the Settlers there complained bitterly of the oppression of the Officers and Subjects of the Provinces; that their property was forcibly taken from them, and carried off, even to the last cow. JONATHAN WILSON.

*State of Maine, Penobscot,—ss.*

Town of Bangor. On the 27th day of October, 1827, the aforesaid Deponent personally appeared, and made Oath to the truth of the foregoing statement. Before me,

EDWARD KENT, J. P.

(16.)—*Mr. Vaughan to Mr. Clay.*

*Washington, 21st November, 1827.*

THE Undersigned, His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honour to acknowledge the receipt of a Note from the Secretary of State of The United States, relative to the proceedings of the Magistrates acting under the authority of His Britannick Majesty in the Province of New Brunswick, against 2 Citizens of The United States established in British Settlements upon the Rivers Aroostook and Madawaska.

The Proceedings, as described in Mr. Clay's Note, are supported by 2 Depositions on Oath, which have been transmitted to the Government of The United States by his Excellency Enoch Lincoln, Governor of the State of Maine.

The Affidavit of William Dalton, residing upon the River Aroostook, relates to legal process having been instituted against him, by Magistrates acting under British authority, for the recovery of debts, or for a misdemeanor. The Affidavit of Jonathan Wilson relates to the arrest, at Woodstock, upon the Madawaska River, within 65 miles of Frederickstown, of Mr. Baker, for having interrupted the passage of the Mail from New Brunswick to Canada.

The Rivers Aroostook and Madawaska are to be found, on a reference to a Map made by the British Commissioners of Boundary, under the 5th Article of the Treaty of Ghent, in that portion of the Territory of New Brunswick, enclosed between 2 lines of Boundary laid down, the one by the British Commissioners, which runs by Mars Hill, and the other by the American Commissioners, which runs at the distance of about 144 miles from Mars Hill, and to the North of it.

Whatever may have induced the Commissioners on both sides to trace the lines abovementioned, as according with the true intent of the Boundary laid down in the Treaty of 1783, and subsequently in that of Ghent, the Government of Great Britain and of The United States have not yet been able to reconcile the different Reports of their Commissioners; and the Territory in which the proceedings have occurred lately, and which form the subject of Mr. Clay's Note, is still in dispute. The sovereignty and jurisdiction over that Territory have consequently remained with Great Britain, having been in the occupation and possession of the Crown, previously to the conclusion of the Treaty of 1783.

The undefined, or rather unsettled, claim of The United States to a portion of that Territory, cannot furnish any pretext for an interference with, or an interruption of, the exercise of the jurisdiction within that Territory, by Magistrates acting under British authority, on the part of the Citizens of The United States who may choose to reside in those ancient Settlements: the Undersigned, therefore, is convinced that Mr. Clay will agree with him, that there cannot be any grounds for complaint of an undue and illegal exercise of jurisdiction, whatever motive there may be for remonstrance, against the severity with which the Laws may have been executed.

With regard to one of the Affidavits transmitted by the Governor of Maine, that of Jonathan Wilson, it appears that he undertakes to relate the circumstances attending the arrest of Baker, on the Madawaska, from what he had been told by Joshua Harvey, formerly of Bangor, in the State of Maine. The Undersigned takes this opportunity of communicating to the Secretary of State some circumstances attending

that transaction, with which he has been made acquainted by His Majesty's Lieutenant-Governor of New Brunswick. In a Letter which the Undersigned received, on the 7th of October last, from his Excellency, dated the 11th of September, he was informed that an Alien, of the name of Baker, residing in a British Settlement on the Madawaska, had, on the 18th of July last, interrupted the passage of the Mail from New Brunswick to Canada, by the long established road through that Settlement. Sir Howard Douglas transmitted to him, at the same time, Copies of Depositions taken on Oath respecting the conduct of Baker; and feeling that it was his duty, as Lieutenant-Governor, not to abandon any right of practical sovereignty which had been exercised in the disputed District, which has been held, occupied, and located, as British Settlements, for any period within the last century, or even later, he considered that the report which had been made to him of the conduct of Baker was fit matter for the cognizance of the Law Officers of the Crown; and his Excellency accordingly directed the Attorney-General to take such measures as he might deem necessary, to enforce the municipal Laws of the Province, and to repress and punish the disorders which had been committed.

The Undersigned has not received from Sir Howard Douglas any report of the Proceedings against Baker, subsequently to his arrest. He has the honour to submit to the consideration of the Secretary of State the accompanying Documents, viz :

No. 1. A Report made to the Lieutenant-Governor by Mr. Morehouse, a Magistrate in the neighbourhood of Madawaska.

No. 2. The Deposition of Peter Sileste, relative to the stopping of the Mail.

No. 3. The Deposition of William Ferrio, relative to the Flag of The United States having been hoisted by Baker.

Nos. 4 and 5. The Depositions of Abraham Chamberland and Peter Markee, relative to a Paper circulated in a Settlement upon the Madawaska, for signature, amongst the Inhabitants, by which they were to bind themselves to resist the British Authority.

No. 6. The Opinion of the Attorney and Solicitor General of the Province.

The Secretary of State will observe, in the enclosed Depositions, that Baker and others asserted that, in the measures which they took, they would be supported by the Government of The United States. It is hardly necessary for the Undersigned to repeat the assurances which he has received from the Lieutenant-Governor of New Brunswick, that his Excellency is convinced that the Government of The United States was not, in any shape, aware of the intentions and movements of Baker and his Associates.

It is evident from the enclosed Documents, that the offensive conduct of Baker was not confined to stopping the Mail, but that he had



hoisted the Flag of The United States, in defiance of British claims, and had sought to engage a Party in an ancient British Settlement, to transfer the possession to The United States.

The Undersigned has already communicated to the Secretary of State sufficient proofs of the decided resolution of His Majesty's Lieutenant-Governor of New Brunswick, to maintain the disputed Territory in the same state in which his Excellency received it, after the conclusion of the Treaty of Ghent; and the Undersigned is convinced that a mutual spirit of forbearance animates the General Government of The United States. It is painful to reflect upon the collisions of authority to which both Countries are so repeatedly exposed, by the long delay which has taken place in finally adjusting the Line of Boundary, on the North-east Frontier of The United States. In the present state of uncertainty, the limits of the jurisdiction of each Government are misapprehended and misunderstood, by the class of Persons becoming, from time to time, Settlers in the disputed District; and too much vigilance cannot be exerted by the Authorities, on both sides, to remove that misapprehension, and controul all misconduct arising out of it.

The Undersigned requests, &c.

*The Hon. Henry Clay.*

CHAS. R. VAUGHAN.

(*Enclosure 1.*)—*Mr. Morehouse to Mr. Odell.*

SIR,

*Kent, 26th July, 1827.*

I HAVE the honour to enclose a Letter, addressed to me by Mr. Francis Rice, Adjutant of the Madawaska Militia, by which you will see, the American Subjects residing in that Settlement, are disposed to acts of aggression, which his Excellency may think proper to take measures to put a stop to. I therefore request that you will lay this before his Excellency for his consideration.

I have the honour, &c.

*W. P. Odell, Esq. Frederickstown.*

GEORGE MOREHOUSE.

(*Sub-Enclosure 1. A.*)—*Mr. Rice to Mr. Morehouse.*

SIR,

*Grand River, Madawaska, 25th July, 1827.*

HAVING commenced (Saturday, 21st instant) the Militia Company training, and finding some disorder among the People, occasioned by Baker and others, in the Upper Settlement, I find it my duty to let you know as much as I am informed concerning them. In the first place, they have a written Document, wherein they say they have authority from the States to have it signed by the French People of Madawaska. This they have proposed to many of the Inhabitants, and I am sorry to say they have persuaded some of them to sign it. The name of one of the signers is *Abraham Chamberland*. *Baker is the head man.* All this can be proved on oath. In the second place, Baker met the Postman, and asked him what he had got with him: he

told him it was the Province Mail. Then Baker told the Postman that he had Orders from the States to stop it: the Man told him that if he was a better Man than him, to try and take it: Baker answered, and said that he would let it pass for this time, but at a future period he would put his Orders in execution.

Sir, if this Baker and others are not stopped immediately, they will corrupt a great part of our Militia. You have heard of the Liberty-pole he has raised in this Settlement. I need not give you any information as to that. Any thing strange that may happen in this Place, I will trouble you with, the shortest notice. I am, &c.

George Morehouse, Esq. Kent.

FRANCIS RICE.

(Sub-Enclosure 1. B.)—*The Attorney-General of New Brunswick to Mr. Morehouse.*

SIR,

Fredericton, 31st July, 1827.

YOUR Letter of the 26th, to the Provincial Secretary, enclosing a Letter from Mr. Francis Rice to you, dated 25th instant, having been referred to me by his Excellency the Lieutenant-Governor, with directions to procure the necessary Affidavits of the facts stated by Mr. Rice, I must request you will be pleased, with the least possible delay, to proceed to the Place, and possess yourself of the best proofs of the conduct of Baker and others, which you will forward to me, under cover to the Secretary.

I send herewith a Copy of Mr. Rice's Letter, for your guidance.

You will be particularly careful to ascertain, if possible, whether Baker is acting under any pretended authority or not; and procure, if you can, a Copy of the Paper which has been offered for signature.

Should Baker, or any other Person, use any violence or force to obstruct the Post, you will of course consider it your duty, upon receiving the complaint under Oath, to cause the Offender to be arrested and committed to gaol, unless he gives satisfactory security for his appearance at the next Supreme Court, to answer to the charge.

I must beg you will furnish me with a sketch or general description of the Lands, of which Baker, or any other American Citizen, is in possession, in the neighbourhood of Madawaska, and the length of time they have possessed the same. I have, &c.

George Morehouse, Esq.

T. WETMORE, Attorney-General.

*Endorsed.*—Refer to the Attorney-General, to procure the necessary Affidavits of the facts, as stated in this.

H. D

July 31, 1827.

(Sub-Enclosure 1. C.)—*Mr. Morehouse to the Attorney-General of New Brunswick.*

SIR,

Kent, 11th August, 1827.

IN compliance with your request, contained in your Letter of the 31st July, I proceeded without delay to Madawaska, to inquire into

the conduct of Baker and the American Citizens in that Settlement; on which, for the information of Government, I beg leave to make the following Report:—After getting the Affidavits of some of the French Settlers, I went up the River to where there is a Settlement forming by Americans, and endeavoured to get in my possession the Paper which had been offered for signatures, but found that quite out of the question: they positively refused to let me see it. As soon as it was known that I was in the Settlement, Baker and others hoisted the American Flag, as a token of defiance. I ordered him to pull it down: instead of complying, Baker, as their organ, made the following declaration:—That they had hoisted that Flag, and that they had mutually entered into a written Agreement to keep it there; and that nothing but a force superior to their own should take it down. That they considered, and had a right to consider, themselves on the Territory of The United States; and that they had bound themselves to resist by force the execution of the Laws of Great Britain amongst them; and that they had a right to expect, and would receive, the protection and support of their Government in what they were doing.

It seems the Flag in question was first raised on the 4th of July last, when Baker, a few days previous, personally invited most of the French Settlers to join them in that act; but I am happy to have it in my power to say, that but few complied.

I find that they are using every argument to induce the French People to declare themselves American Subjects; and I fear, if these Fellows are not well looked after, they will eventually succeed in their designs; for I find their insinuations have already had the effect to throw some of the People in doubt, whether they are to consider themselves as British or American Subjects; and I trust that His Majesty's Government will speedily take such measures, as will convince the French Settlers of Madawaska that the Americans have no right to act as they do, and crush this Banditti; for I feel convinced that, unless this transaction is promptly followed by some other to suppress them, the French, it is more than probable, will shortly consider us the Intruders.

I herewith send the Affidavits of the Postman, whom Baker was said to have stopped, which will shew what passed between them; also, a List of American Citizens settled on the River St. John, above the French Settlements.

I have, &c.

*Thomas Wetmore, Esq.*

G. MOREHOUSE.

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*(Enclosure 2.)—Affidavit of Peter Sileste, Postman, of New Brunswick. New Brunswick, York, ss.*

PETER SILESTE, of the Madawaska Settlement, in the Parish of Kent and County of York, in the Province of New Brunswick, maketh Oath, and saith, that, on the 18th day of July, 1827, as this Deponent

was proceeding up the River St. John, in charge of the Mail for Canada, one John Baker, an American Citizen, who resides in Madawaska, met him near the Chapel, when the said Baker demanded of this Deponent what he had in his Canoe: on being told by this Deponent that it was the Mail for Canada, the said Baker then declared, that England had no right to send her Mails that route, and that he (Baker) had received Orders from the Government of The United States to stop them; but, on the Deponent's saying that he should not have that Mail, without he was a better Man than Deponent, he (Baker) said it might pass for that time, but, for the future, it should not, as he was determined to put the Orders of his Government into execution.

PETER SILESTE, his x Mark.

Sworn before me, at Madawaska, in the Parish of Kent, this 9th day of August, 1827.

GEORGE MOREHOUSE, *Magistrate for the County of York.*

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(Enclosure 3.)—*Affidavit of William Ferrio, of Madawaska.*

*New Brunswick, York, ss.*

WILLIAM FERRIO, of Madawaska, in the Parish of Kent, County of York, and Province of New Brunswick, maketh Oath, and saith, that, by an invitation from John Baker, an American Citizen, who resides in Madawaska, he, the Deponent, went to the said Baker on the 4th July last, 1827; that Baker and the other American Citizens then raised a Flag-staff, and placed the American Flag thereon; that he, the said Baker, then declared that Place to be American Territory, which he repeated to this Deponent and other French Settlers then there, and that they must, for the future, look upon themselves as Subjects of The United States, who would protect them, and him in what he was doing.

WILLIAM FERRIO, his x Mark.

Sworn before me, at Madawaska, in Kent, this 8th August, 1827.

GEORGE MOREHOUSE, *Justice of the Peace.*

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(Enclosure 4.)—*Affidavit of Abraham Chamberland, of Madawaska.*

*New Brunswick, York, ss.*

ABRAHAM CHAMBERLAND, of the Madawaska Settlement, in the Parish of Kent, and County of York, in the Province of New Brunswick, maketh Oath, and saith, that, on or about the 15th July, 1827, one Charles Studson, an American Citizen, residing in Madawaska, presented a written Paper to Deponent, and asked him to sign it: that Deponent asked him, the contents of the said Paper, when the said Studson informed him, that by that Paper they bound themselves to oppose the execution of the Laws of England amongst them in Mada-



waska, and that his Government, The United States, would protect them in what they were doing.

ABRAHAM CHAMBERLAND, his x Mark.

Sworn before me, at Madawaska, in the Parish of Kent, and County of York, this 7th August, 1827.

GEO. MOREHOUSE, *Justice of Peace for the County of York.*

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(Enclosure 5.)—*Affidavit of Peter Markee, of Madawaska. New Brunswick, York, ss.*

PETER MARKEE, of the Madawaska Settlement, in the Parish of Kent, and County of York, in the Province of New Brunswick, maketh Oath, and saith, that, on or about the 15th of July last. 1827, 3 Persons, John Baker, James Bacon, and Charles Studson, American Citizens, residing in the Madawaska Settlement, came to this Deponent, and presented a Paper to him to sign his name thereto: that, on Deponent's asking them the contents of it, they declared that it was a Document drawn up by them, and others residing in Madawaska, the intention of which was, that they bound themselves to defend each other against any act of a British Officer, Civil or Military: that they did not intend to allow the British Laws to be put in force amongst them in the Madawaska Settlement: that the British Government had no right to exercise any authority over them, as that was American Territory; and that the Government of The United States would protect them in what they were doing.

PETER MARKEE, his x Mark.

Sworn before me, at Kent, in the County of York, this 7th day of August, 1827.

GEO. MOREHOUSE, *Justice of Peace, for the County of York.*

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(Enclosure 6.)—*The Law Officers, to the Lieutenant-Governor of New Brunswick.*

May it please your Excellency:

HAVING considered, with the attention which its great importance demands, the Communication from George Morehouse, Esq. of the 11th instant, with the 5 Affidavits transmitted by him, and also the other Papers accompanying the Despatch from your Excellency's Private Secretary, of the 22d instant, we feel quite prepared to express our opinion, as to the nature of the Offence committed by John Baker, and other American Citizens, at Madawaska, and also as to the course to be pursued with them. We consider the Madawaska Settlement to be within the British Territory, and unquestionably in His Majesty's possession; and that Baker and his Coadjutors were, and are, under the protection, and owe a temporary allegiance to His Majesty. But as they profess to act under the authority of The United States, and to

lay claim to the Place as part of its Territory, we beg to recommend that such steps only should be pursued as will be necessary to preserve the Possession free from any infringement, either by stratagem or open violence, until the question of right shall be finally settled. The offence with which those Persons stand charged is, at least, a high misdemeanour in Law, punishable by fine and imprisonment; and we beg leave to advise that Mr. Morehouse be desired, without delay, to proceed, upon the Evidence now before him, (which we think quite sufficient,) to arrest the Offenders, and to commit them to jail, unless they will give sufficient security for their appearance at the next Term of the Supreme Court, to take their Trials, and, in the mean time, to be of good behaviour; and that the High Sheriff be directed to attend in person the execution of the Process. And we further recommend that Informations for trespass and intrusion be immediately filed against the Persons named in Mr. Morehouse's List.

Respectfully submitted,

T. WETMORE, *Attorney-General*.

C. PETERS, *Solicitor-General*.

*His Excellency Sir Howard Douglas.*

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(17.)—*Mr. Vaughan to Mr. Clay.*

*Washington, 20th November, 1827.*

THE Undersigned, &c. has the honour to acknowledge the receipt of Mr. Clay's Note, requesting a Letter of introduction to the Lieutenant Governor of New Brunswick, for Mr. Barrell, about to be sent on a Commission from the Government of The United States to the State of Maine and the Province of New Brunswick, for the purpose of obtaining information in regard to the Settlements on the Madawaska and Aroostook, within the Territory mutually claimed by The United States and Great Britain. The Undersigned has the honour to comply with the request of the Secretary of State, by transmitting to him, immediately, a Letter addressed to Sir Howard Douglas, His Majesty's Lieutenant-Governor of the Province of New Brunswick, recommending Mr. Barrell to his Excellency's particular attention.

The Undersigned has the honour, &c.

*The Hon. Henry Clay.*

CHARLES R. VAUGHAN.

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(18.)—*Mr. Clay to Mr. Vaughan.*

*Department of State, Washington, 20th February, 1828.*

THE Undersigned, &c. has the honour to inform Mr. Vaughan, &c. that, about the date of his Note of the 21st of November last, in answer to one from the Undersigned of the 17th of the same month, it was deemed expedient to depute an Agent, to that portion of the State of Maine, which is claimed by the British Government as being part of the Province of New Brunswick, to inquire into the origin of Settlements made

thereon, the causes of recent disturbances among the Settlers, and especially into the grounds of the arrest, deportation, and detention in confinement, at Fredericton, of John Baker, a Citizen of The United States. Accordingly, Mr. S. B. Barrell was selected for the purpose, and sent on that service. About the same period, the Government of Maine also appointed an Agent to proceed to the disputed Territory, and to Fredericton, for the purpose of making the same investigations. The Undersigned postponed transmitting to Mr. Vaughan a Reply to his above mentioned Note, until the Report of Mr. Barrell should be received. He has now the honour of laying before Mr. Vaughan a Copy of that Report, and also a Copy of the Report made by the Agent of the Government of Maine; and he avails himself of this occasion to submit a few observations.

The Undersigned, in the actual state of the Negotiations between the two Governments, having for their object the settlement of the question of disputed Boundary, heartily concurs with Mr. Vaughan, in the sentiment expressed in the conclusion of his Note, that too much vigilance cannot be exerted by the Authorities on both sides, to remove misapprehension, and to controul all misconduct arising out of it. The Undersigned also participates with Mr. Vaughan, in the regret which he feels on account of the collisions of authority, to which both Countries are so repeatedly exposed, by the long delay which has taken place in the final adjustment of the Boundary on the North-east Frontier of The United States. Without meaning to allege that the British Government is justly chargeable with having intentionally contributed to that delay, the Undersigned is fully persuaded that Mr. Vaughan must agree that that of The United States has not unnecessarily prolonged it. Considering the course which the business is now likely to take, it ought to be the earnest endeavour of both Governments, and it will certainly be that of the Government of The United States, to avoid giving any just occasion of inquietude, until the experiment of the Arbitration shall have been crowned with success or been attended with failure. Although the Reports of the 2 Agents, before referred to, establish that there was some misrepresentation, in the accounts of the disturbances which had reached the Government of The United States, prior to Mr. Barrell's departure on his Agency, and which had been communicated to Mr. Vaughan, they disclose some transactions which the President has seen with regret.

The Undersigned cannot agree with Mr. Vaughan, in the conclusion to which he has brought himself, that the sovereignty and jurisdiction over the Territory in dispute have remained with Great Britain, because the two Governments have been unable to reconcile the difference between them respecting the Boundary. Nor can he assent to the proposition, stated by him, that the occupation and possession of that Territory was in the Crown of Great Britain, prior to the conclusion of

the Treaty of 1783, if it were his intention to describe any other than a constructive possession. Prior to that epoch, the whole Country now in contest was an uninhabited waste. Being, then, an undisputed part of the Territory of the King of Great Britain, he had the constructive, and the right to the actual, possession. If, as the Government of The United States contends, the disputed Territory is included within their limits, as defined in the Provisional Articles of Peace between The United States and Great Britain, of November, 1782, and the Definitive Treaty which was concluded in September of the following Year, the prior right of Great Britain became, thereby, transferred to the Government of The United States, and it drew after it the constructive possession of the disputed Territory. The Settlement on the Madawaska, the earliest that has been made within its limits, was an unauthorized intrusion on the property of the State of Massachusetts, to which the Territory then belonged, by Individuals, posterior to the Treaty of 1783. That Settlement of those Individuals could not affect or impair, in any manner whatever, the right of the State of Massachusetts, or give any strength to the pretensions of the British Government. The Settlers, in consequence, probably, of their remoteness, and their quiet and peaceable conduct, do not appear, for a long time, to have attracted the attention of either the State of Massachusetts or that of the adjoining British Province. It was not until the Year 1790, that the Government of New Brunswick took upon itself to grant Lands to the Intruders. No knowledge of these Grants is believed to have been obtained, until recently, by either the Government of Massachusetts or Maine, or that of The United States. The Provincial Government had no colour of authority to issue those Grants, for Lands then lying within the State of Massachusetts. It cannot be admitted that they affected the rights of The United States, as acquired by the Treaty of Peace. If, in consequence of the Madawaska Settlement, a possession, *de facto*, was obtained by the Government of New Brunswick, it must be regarded as a possession, limited by the actual occupancy of the Settlers, and not extending to the uninhabited portions of the adjoining waste. Although, subsequent to the Year 1790, the Provincial Government appears to have exercised, occasionally, a jurisdiction over the Settlement, it has not been exclusive. As late as 1820, the Inhabitants of the Settlement were enumerated as a part of the Population of The United States, by their Officers charged with the duty of taking the periodical Census for which their Constitution and Laws provide.

The Settlement of John Baker appears to have been made outside of the Madawaska Settlement, upon contiguous Waste Lands. Other American Citizens established themselves in his neighbourhood. Whatever jurisdiction the Government of New Brunswick might claim, in



virtue of the Madawaska Settlement being confined to it, could not be rightfully extended to Baker and his American neighbours. Even if he had been guilty of any irregularity of conduct, he was not amenable to the Provincial Government, but to his own. His arrest, therefore, on the disputed ground, and transportation from it to Fredericton, at a considerable distance from his family, and his confinement there in a loathsome jail, cannot be justified. It is a proceeding which seems to have been adopted, without regard to the rights of The United States in the Territory in question, and which assumes an exclusive jurisdiction on the part of the Provincial Government. Nor is it compatible with that moderation and forbearance which, it has been understood between the two Governments, should be mutually practised, until the question of right between them was finally settled. I am charged, therefore, by the President, to demand the immediate liberation of John Baker, and a full indemnity for the injuries which he has suffered in the arrest and detention of his person.

Nor can the President view with satisfaction the exercise of jurisdiction, on the part of the Provincial Government, over the Settlement on the Aroostook. That Settlement was made only about 6 Years ago, partly by American Citizens, and partly by British Subjects. The Settlers supposed they were establishing themselves on American ground, and beyond the British jurisdiction. It has been only within these 3 or 4 Years past, that the Provincial Government has undertaken to issue Civil Process against the Settlers; and as late as last summer, Process for Trespass and Intrusion on the Crown Lands was, for the first time, issued. These proceedings cannot be reconciled with the resolution, which you state to have been adopted by His Britannick Majesty's Lieutenant-Governor of New Brunswick, to maintain the disputed Territory in the same state in which his Excellency received it after the conclusion of the Treaty of Ghent. Nor can they be reconciled with that mutual forbearance to perform any new act of sovereignty within the disputed Territory, having a tendency to strengthen the claim of the Party exercising it, which it has been expected would be observed by the two Governments, during the progress of their endeavours amicably to adjust the Question of Boundary. The Undersigned must protest, in behalf of his Government, against any exercise of acts of exclusive jurisdiction by the British Authority on the Madawaska, the Aroostook, or within any other part of the disputed Territory, before the final settlement of that Question: and he is directed to express the President's expectation, that Mr. Vaughan will make such representations as will prevent, in future, any such jurisdiction from being exerted.

The Undersigned, &c.

*The Right Hon. C. R. Vaughan.*

H. CLAY.

*(Enclosure 1.) Report of Mr. Barrell, Agent of The United States.*

*Washington, 11th February, 1828.*

THE Undersigned has the honour to report, that, in pursuance of the Instructions which he received from the Department of State on the 19th of November last, he proceeded to Portland in the State of Maine, and explained to His Excellency Enoch Lincoln, the Governor of that State, the object of his Commission, and requested of him such assistance and information in the execution of it, as he was able, and might think proper to render. His Excellency expressed his ready compliance with the request of the Undersigned, and in reply to a Letter addressed to him, the Undersigned received the Letter from His Excellency, with its accompanying Document herewith presented; and marked A. and B.

From Portland the Undersigned proceeded to Fredericton, the Capital of New Brunswick, and the Residence of Sir Howard Douglas, the Lieutenant-Governor of that Province; to whom he transmitted, upon his arrival, a Letter of Introduction from the Minister of His Britannick Majesty, near The United States, a Copy of which is herewith presented, marked C.

In consequence of severe bodily indisposition, Sir Howard Douglas was unable to give the Undersigned a personal interview; but he was, without delay, informed by other Members of the Government of New Brunswick, that he was fully accredited as the Representative of his Government, and that any information, documentary, or otherwise, relating to his Mission, which he desired, should be promptly furnished.

Soon after his arrival at Fredericton, the Undersigned received a Letter from the Attorney-General of the Province, under date of December 23d, which, together with a Copy of his Letter in reply, are herewith presented; marked D. and E.

On the 23d December, the Attorney-General transmitted to the Undersigned the Letter herewith presented, and marked F. together with sundry Documents which are also herewith presented, and numbered from 1 to 6, inclusive: and, on the 25th December, the Undersigned received from the Attorney-General, his Letter of that date, marked G., and which, with the accompanying Documents, numbered from 7 to 10 inclusive, are also herewith presented.

The Undersigned, while at Frederickton, had repeated interviews with Mr. John Baker, whom he found confined in prison in that Place. In conformity with his Instructions, he applied for permission to see Mr. Baker in prison, in order that he might ascertain the circumstances of his situation; and an opportunity was readily afforded him for that purpose. The apartment of the prison in which Mr. Baker is confined, is of a description that precludes the possibility of rendering its tenants comfortable. But the prison affords none better, and it is appropriated to Prisoners in confinement for debt. The Undersigned found,

in the same apartment with Mr. Baker, an Individual who was imprisoned at the Suit of a Creditor. It is but justice to add, that the Undersigned was informed by Mr. Baker, that both the High Sheriff of the County, and the Keeper of the Prison, had done all, which, consistently with duty they could do, to alleviate his situation and to render him as comfortable as circumstances would authorize. The Undersigned was informed at Frederickton, that the prison had been recently presented by the Grand Jury of the County as a publick nuisance.

It will be found, from an examination of the Document (No. 2,) accompanying the Letter from the Attorney-General of New Brunswick to the Undersigned, under date of 23d December, that the Offences with which Mr. Baker stands charged, and for which he is to be tried at Frederickton, are for exciting sedition among the French Settlers at Madawaska, and endeavouring to obstruct the passage of the British Mail upon the River St. John; Mr. Baker is also imprisoned on Civil Process, at the Suit of Robert Shear, residing in Lower Canada. He confessed a Judgment to Shear at Quebec for about £ 230, in the Year 1821, and upon this Judgment the present Suit is founded. On the criminal Suit he was required to find Bail for his appearance, in the Sum of £ 100, which he informed the Undersigned he could readily obtain, if he could be discharged from the Civil Process.

The Undersigned proceeded from Fredericton to Houlton Plantation, a Settlement within the acknowledged bounds of the State of Maine, and about 12 miles distant from Woodstock on the River St. John. At this place he met with several of the Settlers upon the Aroostook River, from whom he received all the information he sought, respecting the first Settlements upon that River, and the causes of recent disturbances among the Settlers.

The earliest Settlement upon the Aroostook was made about 6 years since. The Settlers are about 40 in number. Nine of whom are Citizens of The United States, and the residue are British Subjects. No one of them has a Grant of Land, either from the Government of the Province of New Brunswick, or that of the States of Massachusetts or Maine, nor any other Title to the Land occupied, than that which arises from possession. Lewis Johnson, and Charles Johnson, born in the British Province of Nova Scotia, and William M'Crea, born in Ireland, were the earliest Settlers. The disturbances which have taken place have been confined, almost exclusively, to what is termed the upper Settlement upon the Aroostook, about 30 miles from the mouth of the River. The Settlers, generally, are composed of Individuals who have fled from the British Provinces, involved in debt, and probably with a view of avoiding their Creditors, and who settled themselves upon the Aroostook, under an impression, as they state, that they were going upon American ground, and, doubtless,

under the expectation that they should find themselves beyond the reach of the Laws of Great Britain. Of this description, as the Undersigned was informed, was *William Dalton*, the Individual whose statement under Oath was transmitted to the Department of State, in November last, and which has been productive of so much excitement in all parts of The United States, and more especially in the State of Maine. Dalton was born in the State of Maine; but, for some years before he settled upon the Aroostook, he resided in the Province of New Brunswick, and at different places upon the River St. John, where he was engaged in the business of Lumbering. It is said that he failed in business, and left the Province of New Brunswick deeply involved in debt, and took up his residence upon the Aroostook River, where the Undersigned has reason to believe he would have remained to the present time, if he had found himself without the reach of his British Creditors. From information derived from other Settlers upon the Aroostook, the Undersigned is himself satisfied, and feels it to be his duty to report to the Government, that the statement of Mr. Dalton, above alluded to, is substantially, and in every material point, absolutely false. The facts respecting the taking away of Joseph Arnold's Cow, as represented by James Armstrong, one of the Settlers, as well as by Arnold himself, are briefly these: Arnold had exchanged a Cow belonging to him, for another in possession of one William M'Crea, and which the latter claimed as his property. The Cow received from Mc. Crea by Arnold, was subsequently taken from the latter, by due Process of Law, by one John Bradley, who claimed to be the Owner of the Cow, and who stated that he had sold the Cow to M'Crea, only *conditionally*, and that as M'Crea had not complied with the terms of the contract, he (Bradley,) was entitled to his Cow again. Arnold applied for relief to the Magistrate by whom the Writ of Repleven had been issued, under which the Cow he had received from M'Crea had been taken from him: but, failing to procure redress, he returned home, and told M'Crea that he must either furnish him with legal evidence of his Ownership in the Cow which he had received from him, or return to him the Cow which he had given in exchange for that which Bradley had taken from him. M'Crea refused to deliver up the Cow, but consented to leave the matter to be settled by Referees. Referees were agreed upon by the Parties, who decided that if M'Crea, within a certain specified period, should not furnish Arnold with proof of his being the Owner of the Cow which he had exchanged for that of Arnold, that he should restore to Arnold the Cow he had received from him. The time prescribed having elapsed, and M'Crea having neglected to furnish the proof required, and the Cow received from Arnold being yet in M'Crea's possession, Arnold took the cow from M'Crea, and carried her to his own house; thus exercising a summary act of justice, not unusual it is believed, in Communities like that at the



Aroostook. M'Crea pretended that he had sold Arnold's cow to one Michael Cummings, whom he accompanied to the residence of Justice Morehouse, and procured in his behalf a Writ of Replevin, for the return of the animal. It was the service of this Writ that was successfully resisted by the Settlers, (as stated in Document No. 9, furnished by the Attorney-General of New Brunswick,) and the cow has since remained in the possession of Arnold. According to Dalton's statement the cow was *taken away from Arnold*, and, the public are led to infer, was restored to M'Crea. That part of Dalton's statement, relative to the loss he sustained in removing from the Aroostook, was represented to the Undersigned as exaggerated. Armstrong states that his property was not of the value he represents it, and was disposed of by him for a larger amount than he acknowledges to have received. The concluding and most material part of his statement that "for the last 7 weeks the Inhabitants of the Aroostook Settlement have been unwilling and afraid to sleep in their own houses, and have retired to the lower part of the Settlement, and spent the night on the banks of the River and in the Woods, and kept watch night and day, as in an Indian War," is stated by others of the Settlers to be absolutely false, and the fact is said to be that, for *two nights* only, and when a force was expected to arrive at the Settlement from Frederickton, sent thither by the Government, for the purpose of apprehending those who were concerned in the rescue of Arnold's cow from the Constable, some of the Settlers, to use their own term "mustered together", and lodged *one* night in a barn, and *one* night in a house belonging to one of them.

The Undersigned deems it proper, in this place, to remark upon the testimony of Jonathan Wilson, whose statement was taken under Oath, and transmitted to the Government at the same time with that of Dalton's, that his statement is founded entirely upon hearsay testimony, which, upon investigation, has been ascertained, in every material respect, to be entirely unfounded.

Civil Process has been occasionally issued, against the Settlers upon the Aroostook, by British Magistrates, for 3 or 4 Years past; and during the last summer, Process for trespass and intrusion was issued, at the instance of the Attorney-General of the Province of New Brunswick, against the Settlers generally, who were compelled to go to Frederickton, and employ Counsel in their defence. These Suits are still pending.

It was the intention of the Undersigned, in conformity with his Instructions, to have gone from Houlton Plantation to the Settlement upon the Aroostook; but he was informed, that a journey to that Settlement was, at that time, hazardous and almost impracticable, and it would have necessarily produced in his progress great delay; and as he had seen at Houlton, some of the Settlers, who appeared to be Men of intelligence, and had received from them the information which it

would have been the principal object of his journey there to procure, he deemed it inexpedient to do so, and proceeded directly to the Madawaska Settlement.

This Settlement derives its name from the River Madawaska, which empties itself into the River St. John, about 36 miles above the Grand Falls, and about 160 miles above Frederickton. The first Settlers arrived soon after the Treaty of 1783, and the first Grant, which was "*of fifty-one several lots, or Plantations of Land*," was made to Joseph Muzeroll, and 50 other French Settlers, in the month of October, 1790, by Thomas Carleton, Esq. the then Lieutenant-Governor of the Province of New Brunswick. The land granted lay, at intervals, between the River Verte, and the Madawaska River, 9 miles distant from each other, and on both sides of the River St. John. The second Grant was of 5,253 acres of land lying below the River Verte, and was made to Joseph Soucer and others, by Lieutenant-Governor Carleton, in August, 1794. These are the only Grants ever made by the British Government within the Settlement, excepting one to Louis Hibert, of 250 acres of Land, opposite to, and upon the River Madawaska, in May, 1825.

The Laws of the Province of New Brunswick, appear to have been always in force, since the origin of that Settlement. The Settlers have acquiesced in the exercise of British Authority, both Civil and Military, among them: and have, for many Years, had an organized Militia in the Settlement. In 1826, three new Companies were organized, and the number of enrolled Militia now exceeds 400. The Population of Madawaska amounts to about 2,000, and is almost exclusively French. The French Settlement commences a few miles above the Grand Falls, and extends to the Marigoumtigook (or Mariumpicook) Creek. There was one French Settler within half a mile from the mouth of that Creek, at the period when the earliest of the American Settlers went to reside there, and, at the distance of about 6 miles further down the River St. John, there now resides Joseph Mishut, a Frenchman, the Wife of whom informed the Undersigned that her former Husband settled upon the spot where they now reside, and built the house they now occupy, about 30 Years ago. The number of American Settlers is about 25.

The Undersigned proceeded up the River St. John, as far as the mouth of the Mariumpicook Creek, which is about 15 miles above the River Madawaska. At the mouth of this Creek is the residence of several of the American Settlers, and among others is that of Mr. John Baker. The Undersigned had free and unreserved communications with all the American Settlers upon the River St. John; and, from information derived from them, corroborated in all material points from other sources, he is enabled to make the statement which follows, respecting

the origin of the American Settlements, and the causes of recent disturbances among the Settlers.

Nathan Baker, John Harford, and his Son, John Harford, Jun. were the first American Citizens who settled upon the River St. John, within the Territory mutually claimed by The United States and Great Britain. John Harford and his Son came, in June, 1817, and were followed, a few months afterwards, by Nathan Baker, and were all engaged in the lumbering business. In the summer of 1818, they removed their respective Families from the Kennebec River. Baker established himself at the mouth of the Mariumpicook, and Harford about 15 miles further up the River St. John. The Undersigned was informed by John Harford, that Nathan Baker formed a connection in business with Mr. Samuel Nevers, a merchant of St. John's, and, under Nevers, who had obtained licence from the Government of New Brunswick, to cut timber, he engaged in the lumbering business. In the Summer of 1819, a Subpœna was served upon John Harford, (which is herewith presented, and marked H.) requiring him to appear at Frederickton, to answer to a Suit for trespass and intrusion on Crown Lands, instituted by the Attorney-General. Similar Process was issued against his Son, John Harford, Jun., and also against Nathan Baker. John Harford states, that he went to Frederickton, in obedience to the Summons, and that he, together with Nathan Baker, submitted to the Authority of the Government of New Brunswick, and were both permitted to return to their Settlements.

John Baker, the Brother of Nathan Baker, was born in Moscow, in the County of Somerset, in the then District of Maine, in the Year 1787. In 1816, he left The United States, and took up his residence in the Province of New Brunswick, where he remained about 2 Years, and then left New Brunswick for the Province of Lower Canada, where he resided about the same length of time. During the whole of this period he was engaged in the lumbering business. In 1820, he left the British Provinces and went to reside with his Brother Nathan at the Madawaska Settlement, and engaged in the lumbering business with him, under Nevers. In 1821, Nathan Baker died, and John Baker continued to carry on the lumbering business under Nevers.

On the 4th October, 1825, Deeds were given, by the Agents of the States of Massachusetts and Maine, to John Baker and James Bacon, two of the American Settlers. Each Deed was for 100 acres of land, of which the Grantees were previously in possession. And, on the 10th of the same month, Bacon was authorized by the same Agents to grant Licences to cut timber within the disputed Territory, as appears from the Document herewith presented and marked I. This authority was subsequently revoked. The Undersigned was informed by the Settlers, that John Baker had previously made application to

the Authorities at Frederickton to become a naturalized British Subject, and that he was actually upon his way to Frederickton, for the purpose of becoming naturalized, when he met with the Agents of Massachusetts and Maine, with whom he returned to the Settlement, and from whom he subsequently received a Deed for the property he then had in possession. They state also, that in 1822, he applied for and received from the Government of New Brunswick, the Bounty paid to those who raise grain, upon lands recently cleared and cultivated: that Mr. Nevers, with the knowledge, consent, and concurrence of Mr. Baker, had applied for a Grant of the very tract of land, for which Baker afterwards received a Deed from the States of Massachusetts and Maine; but that the Grant was refused by the Governor of New Brunswick, and that Baker and others of the Settlers, both before and subsequent to the period when Deeds were given by the Agents of Massachusetts and Maine, voluntarily applied to the British Authorities for the enforcement of the British Laws among the American Settlers, both in Civil and Criminal matters.

The 4th of July last was celebrated by the American Settlers at Madawaska. A Flag-staff was raised by them upon the land of John Baker, and the American Flag displayed thereon. Many of the French Settlers were invited to join in the celebration, several of whom accepted the invitation and were present, and two assisted in the ceremony of raising the American Flag. Most of the American Settlers participated in the proceedings of the day; and it was represented to the Undersigned, by others of the American Settlers, that Mr. Baker was the principal personage among them, and that it was he who proposed the celebration and the raising of the American Flag. An Address was delivered, and the Party dined together at Mr. Baker's house. A ball, in the evening, at the house of Mr. Bacon, where were present, by invitation, many of the French Settlers of both sexes, concluded the festivities of the day.

On the day following, a Paper was drawn up by one of the Settlers, which, it was said, was dictated by Baker and Bacon. This Document, as the Undersigned was informed by several of the Settlers, was in the form of Bye-laws; and the purport of it was, that the Signers, in consequence of their great distance from their own Government, thinking it expedient to form themselves into a Society, and have Laws of their own, agreed that they would resist any future attempt to enforce the Laws of Great Britain among them, and would make Laws for themselves. John Baker, James Bacon, and Daniel Savage, were constituted a Tribunal for the enforcement of Law among them; with power to seize and sell property, in satisfaction of debts contracted among the Settlers. One of the Settlers was appointed to the Office of Constable. These Bye-laws were to be in force for one Year, unless sooner annulled by the American Government. This Document, they state, was signed



by most of the American Settlers, and was offered for signature, and the contents explained, to several of the French Settlers, one of whom was induced to put his name to it. It was destroyed in about a month afterward.

On the 11th August last, a Suit was instituted before Mr. Justice Morehouse, by Phineas R. Harford against James Bacon, for a debt of about 8 dollars, due from Bacon to Harford. A Writ was issued against Bacon by Mr. Morehouse, and delivered to a Constable for service. It was the service of this Writ which was successfully resisted by the American Settlers, who rescued Bacon from the hands of the Officer, and drove the latter, but without either threatening or attempting his personal injury, from the Settlement. The debt was afterwards paid by Bacon to Harford. Baker is represented, by the Settlers, as having taken the lead in this affair. The Undersigned deems it scarcely necessary to add, that the proceedings of the Settlers on the 4th and 5th of July last, and on the 11th August following, were without the authority or knowledge of the Executive of the State of Maine.

The Undersigned recommended to the American Settlers at Madawaska forbearance and moderation in their future proceedings, during the pendency of the existing Negotiation between their Government, and that of Great Britain, in relation to the disputed Territory; assuring them that, if their conduct should be inoffensive and peaceable, they might rely upon the protection of their Government; and he has the satisfaction to believe, that reliance may be placed upon the assurances he received from the Settlers, generally, that they would hereafter abstain from all acts of individual violence, and from all unnecessary collision with the Authorities of the neighbouring Province.

All which is respectfully submitted.

*The Hon. Henry Clay.*

S. B. BARRELL.

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(Enclosure 2.—) *Report of Mr. Davis, Agent of the State of Maine.*  
SIR, *Portland, 31st January, 1828.*

I HAVE already acquainted your Excellency with my proceedings at Frederickton, and the manner in which I had performed the duty assigned to me by your appointment, within the Province of New Brunswick.

In pursuance of the further appointment, to enquire into the nature of aggressions complained of as having been committed by Inhabitants of New Brunswick, upon Persons residing near the Frontier, within the limits of this State, I endeavoured to prosecute the enquiry, and to obtain correct information, by the best means that were in my power. In the actual condition in which your Excellency will perceive the whole inhabited portion of the Country, bordering upon the River St. John, or any of its branches, within our Boundary, or the region that is now termed disputed Territory, to be, it will be for your Excellency

to judge with what benefit I could have proceeded to the highest points of American Settlement, without the advantage of a sanction from the adjoining Authority. It happened, however, that I was enabled, in company with the Gentleman appointed to make corresponding enquiries by the President of The United States, to see several Persons, who had come to Houlton from the Country above the River Madawaska, in consequence of the state of things there existing, or who were engaged in opening a winter road, as a communication for the People living on the River Aroostook, direct to that Plantation. The statements of these Persons were taken under Oath, at my request, before a Magistrate of the County of Washington. Other testimony has been also collected in the same form, by another respectable Magistrate of the same County, among the Settlers on the Aroostook: and other Evidence has likewise been obtained, from which your Excellency may be able, in some measure, to fill up the outline thus exhibited in regard to the true state of affairs in that quarter. It is proper for me to say, that I should not have been deterred from undertaking to complete it, by any apprehension of inconvenience; but my situation was not perfectly free from embarrassment; time had been consumed by circumstances beyond my expectation or controul, and obstacles existed to my progress, which would have rendered it difficult to procure positive testimony, any where, in the district of Country upon the River St. John, extending above the River Madawaska.

The first course of enquiry relates to the condition of Settlers on the river Aroostook. The rights of the Commonwealth of Massachusetts were exercised upon the Territory situated on this River, at a very early period after the source of the St. Croix was settled, under the Convention of 1794. In executing this Convention it was distinctly admitted, by the Representatives of the British Government in this Country, that the Boundary Line of the Treaty of 1783 crossed the St. John. Grants were accordingly made by the Legislature of Massachusetts, of sections of land embracing both banks of the Aroostook and bordering on the Boundary Line, namely—one to the Town of Plymouth, and one to General Eaton. Locations of these lands were made, and surveys were commenced under the authority of Massachusetts, and lines were run around one of the tracts more than 20 Years ago; and lottings were made in the Year 1812.

These acts were performed in the presence of the Provincial Government established on the Borders of the River St. John. That stream afforded the only communication then open to this Country, and thence supplies and Assistants were procured, for the purpose of making the above Survey, in 1806 or 1807. It is not known that any further acts were exercised on behalf of the original Proprietors of these granted lands, or that any improvements were made upon them prior to the late War with Great Britain. The further occupation of this

remote Frontier, for the purpose of agriculture, was necessarily suspended during that period; nor is it known, that there was a single Settler of any description upon the Aroostook, when this interruption ceased, at the conclusion of Peace in 1815. This event was succeeded by a course of seasons and circumstances, unfavourable to the progress of Population and improvement in that quarter; and also by the measures which ensued for the separation of Maine. Upon the establishment of this State, the survey of this Section of Country was resumed, by a joint Commission of the two States, for the purpose of dividing their common property, pursuant to the provisions of the Act of Separation, according to the direction of their respective Legislatures. The progress of these Surveys was observed in the Province of New Brunswick, and they have been extended over nearly all the Country in the Territory of Maine watered by the Aroostook.

It was discovered, that trespasses were committed on this Territory by Persons belonging to the Province, in cutting timber. Opportunity had existed for pursuing such practices with impunity, in the open and unguarded state of the Country, from the ease of access thereto, by Persons engaged in that business, from the River St. John. This operation was arrested by the authority of this State, and partial indemnity obtained for the trespasses that had taken place; and, upon objection being made, the practice of granting Licences for this purpose, which it was presumed had issued improvidently, was relinquished by the Government of New Brunswick. Subsequent to the last Census, and the adoption of the above proceedings, by the authority of this State, in connexion with Massachusetts, a number of Persons, some Citizens of The United States, and others, formerly belonging to the British Provinces, principally descendants of Persons born in this Country, out of the Province of New Brunswick, before the Revolution, have settled on this Territory. A few Foreigners are intermixed with the Americans, and a small number of Irish are understood to have planted themselves in the neighbourhood of the Line. Some seem to have gone on, under the Persons who have cut timber. With whatever impression the original Trespassers may have gone on, the present Settlers appear to have established themselves, generally, in that Country, under the opinion that it was American Territory. They understood that they were within the Boundary Line, as it had been repeatedly run. They were so informed by respectable Persons, and assured to the same effect by Publick Agents. They learned that a part of the land had been granted by the Government, and knew that the Country was surveyed by the States; and their object was to obtain title of confirmation to their Possessions, either from the Proprietor or the States. It is believed that these remarks apply to all the native Americans; and the only exceptions to them are understood to be Individuals of Foreign extraction. The Population of this Settlement is represented to be of



the same general description which has been formed on the New American Settlements in the vicinity of Houlton. The traits of character by which their appearance and conduct are chiefly marked, are industry, activity, hardihood, sense, and honesty.

These Settlers have only an equitable title to their lands, some of which they have cleared up and cultivated, and from which they have taken good crops for several successive Seasons. They have made some attempts to avail themselves of the advantages afforded upon their Streams for the erection of grist-mills, which have not been fortunate; and their means for this purpose are quite inadequate.

Settlers of this Section have been peculiarly situated. They are nearly isolated from the rest of the Community. They have not enjoyed the benefit of any legal Magistracy, nor the advantage of any internal intercourse, being surrounded with wilderness, except by the circuitous course of the St. John toward Houlton. The connections of these People have been necessarily with that River, where they have sought a market or conveyance for their produce, and whence they have been obliged to derive their supplies. The American Inhabitants, whose concerns have carried them towards the River St. John, have been exposed to a system of Municipal Regulations or Inhibitions, operating on articles of domestick produce, and subjecting it to seizure any where in its transit. The manner in which some of these Regulations have been put in force, will appear from Affidavits of Persons belonging a considerable distance below the Aroostook. Instances of this description are complained of as numerous; but, as they principally relate to acts of authority performed within the Province of New Brunswick, as some of the Offices which produced these vexations have been abolished, and as some modification has lately taken place in the provisions of Province Law on this subject, the effect of which is not fully understood, the inquiry has not been extended, how far they have been applied to any Individuals above. Seizures, however, under some pretext, seem to have been committed on the Aroostook.

The Settlers upon the Aroostook, in addition to their ordinary privations, have been affected by the general depression occasioned by the recent embarrassment of business, and injury to credit among the larger dealers upon the River St. John; and it is natural to suppose that they may have thus found it difficult to obtain the means to satisfy debts, generally small, which they owe upon the River; and they are not able to defray the expenses attached there to litigation. On the other hand, the American Territory has afforded them no asylum. No acts of pretended authority, however, in violation of the jurisdiction of this State, under pretext of judicial power, are known to have taken place, until a comparatively late period. Mr. George Morehouse resides at Tobique, on the opposite bank of the St. John, within a parish recently formed, by the name of Kent; he formerly bore the Commis-



sion of a Subaltern Officer in the Army ; and, at present, it is stated, actually exercises a Commission of the Peace for the County of York. For 2 or 3 Years past, he appears to have been in the habit of issuing Precepts, directed to the Constables of the Parish of Kent, for the recovery of small demands, against Inhabitants on the Aroostook. One other Person, supposed to be a Provincial Magistrate, is mentioned as having issued a single Precept in like manner ; and service of these Precepts is made upon Inhabitants many miles within the Boundary Line, by Persons undertaking to act as Constables of the Parish of Kent. The manner in which these Persons proceed to execute their Offices, some with more mildness and civility, and one who is represented as generally coming armed, and treating them with greater harshness, is detailed in several Affidavits. In the execution of these Precepts, it appears that the cattle and moveables of the Inhabitants are subjected to be taken and immediately carried away, to be disposed of within the British Territory ; and that the practice is extended to take articles of property belonging to the Debtor, which are exempted from attachment and execution by the Laws of this State. In one instance, it appears, that the same cow, being the last and only one, was taken twice on a Warrant or Warrants from Mr. Morehouse, issued on the same demand, the second seizure being on account of costs. The Inhabitants themselves have also been arrested on these Precepts, and, not being able to find bail, where none could be legally taken, are removed as fast as possible over the Lines, to places of safety within the Province, where they may be able to procure Sureties, or settle the debts, or otherwise make their peace with the Officer or the Magistrate.

This practice appears to have prevailed with some frequency. One or two cases appear to have occurred in connection with this practice of Mr. Morehouse, in which Precepts have been served, either from him or from authority further below, by a Mr. Craig, Deputy Sheriff of the County of York. One of the Settlers on the Aroostook was solicited by Mr. Morehouse to act as Constable for the Parish of Kent, but after being qualified by him, declined to serve. It is possible, that instances have occurred, in which Settlers above the Line, from want of other resort, may have been led, incautiously, or from different motives induced, to apply to Mr. Morehouse.

But the difficulties to which the Inhabitants have been subjected in consequence of this practice, the disproportionate amount of expenses, attached to the collection of small demands, and the certainty of the Law, as they consider it to be administered by Mr. Morehouse, seem to have produced an endeavour to adjust disputes among themselves, by a species of submission to Referees, and thereby avoid the authority undertaken to be exercised among them by the Officers of the Parish of Kent, or the County of York.

That this state of things should have resulted, in the collisions that have occurred between the Persons despatched by Mr. Morehouse and the People living on the Aroostook, is rather a subject of regret than a matter of surprize. In the absence of any regular Administration of Justice, having adopted the principle of an equitable arbitration, to which they undertook to yield voluntary deference, the inconvenience of having its first operation overruled by the order of Mr. Morehouse seems to have led to a sort of after consideration or inquiry, respecting the bounds of the Parish of Kent; and, consequently, into a question concerning the applicability of Mr. Morehouse's authority within the American Boundary. Admitting that authority to extend to the Settlement on the Aroostook, the opposition into which Dalton and others, who undertook to aid Arnold in the recovery of his cow, were betrayed, would be clearly without justification. At all events it is obvious, that the state of doubt which has thus been cast upon their condition, has led to the unfortunate consequences of irregular reprisal; and, however it may be deemed a measure of venial defense against unauthorized aggression, it has involved the well meaning and otherwise unoffending Inhabitants of this Settlement in the evils of a state of Border warfare. Several illustrative details are exhibited in the Affidavits. The Inhabitants of the Aroostook, while they have thus been subject to process from Mr. Morehouse, do not seem to have been considered by him as being entitled to the protection of the Government which he undertakes to personate. Early last spring he appeared among them, and forbade their working on the lands, and continuing their usual labours of clearing and cultivation, to get a living. He posted up written Notices to this effect on the Eaton Grant, and in different Places; and marked some small parcels of lumber, which they had cut, for seizure. It was shortly after this period, that George Field, whose Affidavit is exhibited, appears to have left the Country, in consequence, as he says, of the inconveniences to which he was exposed, and went with his family to Houlton. These Settlers seem to have been generally regarded by Mr. Morehouse, in some light, as a sort of Outlaws, or wild People, who had no proper habitancy, and were liable to be dealt with, in any manner that might please the Province of New Brunswick or its proper Officers. In no legal light do they seem to have been regarded as Subjects, except as Trespassers and Intruders on Crown Lands, liable to judicial process; and, under colour of some such character, measures appear to have been subsequently applied to divest them of their property, and expel them from their possessions.

Early in the month of July last, Daniel Craig came with the first Writ from Mr. Morehouse to take the cow that Arnold had of M'Crea; and also delivered Summonses to the Settlers to appear forthwith before the Court, which was then on the point of sitting at Frederickton,

to answer to the King of Great Britain, in pleas of Trespass and Intrusion on Crown Lands. This Process was served by him indiscriminately on all the Inhabitants, including the Citizens of The United States, as well as those born in the Provinces, or others. This sudden proceeding naturally produced a state of confusion and consternation among the Settlers. No time was afforded them to deliberate. It was necessary to set out immediately in order to arrive in season. Some concluded to go, and others determined to stay. Some proceeded part way, and then returned home. Others kept on their journey to Frederickton; among whom were some of the Americans. Those who continued to the end, were subjected to severe privations, and were obliged to remain several days, without means of support, or being able to obtain any other satisfaction, than that it would be necessary to appear again, the present winter. The narrative of these circumstances is contained in some of the Affidavits, and may suffice to convey an impression of the embarrassment and distress occasioned among these Settlers, by the service of this Process.

The affair which followed soon after, respecting the taking and retaking of the cow, which was adjudged by the Referees to belong to Arnold, on the Warrant of Mr. Morehouse, accompanied with a sense of their having exposed themselves to his displeasure, and perhaps to the whole force of authority from New Brunswick, operated, with the menaces of the Constable employed on that occasion, and the conduct of the Irishmen at the lines, and the reports which they received now and then from below, to keep the Inhabitants of Aroostook in a continual state of agitation and alarm. They were particularly threatened with a visit, by a larger Party than the former, to punish those who were engaged in that affray, and put an end to any further spirit of opposition, by destroying all means of resistance, or removing the Inhabitants from the Settlement. The reality of the apprehensions entertained by the Persons who were concerned in that affair, is attested by the circumstances of their being afraid to occupy their own habitations, lodging about in different places, in barns, or in the woods, mustering together for the night in larger or smaller Parties, or separating for greater security. The statements of several of the Settlers on this subject relate to particulars within their experience or knowledge.

A circumstance, that may seem not to have diminished the ground of these apprehensions, occurred some time in the month of November last. The dwelling of Ferdinand Armstrong was entered about break of day by a small Party from below, who seized his Brother, James Armstrong, soon after he had risen from bed, and conveyed him in a Canoe, without loss of time, out of the Territory. He was obliged to give up articles of wearing apparel, and part with what means he had in order to obtain his release, the Party pretending to have authority



to compel payment of a debt and costs. Threats were also uttered that men and horses were coming up the first sledding, to take those who were concerned, in the offence about taking the cow, away. Richard Inman, who was particularly mentioned as of the coming Party, appears to be one of the Persons previously employed by Mr. Morehouse, and whom the Settlers were most afraid of, in consequence of his practice of visiting them with arms.

In consequence of these occurrences and impressions, the Inhabitants of the Aroostook have been afraid to go down to the River St. John, either to mill, or to obtain their necessary supplies, and have undertaken, the present winter, to effect a communication with Houlton, by cutting out a road altogether within the American Territory. They were employed upon it the last of December, and judged they were about abreast of Mars Hill, and hoped to accomplish it in about 30 working days. The pioneers employed to mark out the direction had found their way out at Foxcroft, after enduring intense cold, and suffering most severe hardships.

The condition of the Inhabitants of the Aroostook may be shortly summed up. They are of the same general description as those that have made purchases and improvements within the new Townships or Plantations on the American Territory, living in the neighbourhood of each other and of the River St. John. They are upon land, of which Grants and Surveys were commenced several years ago, some time before the War with Great Britain, under the authority of Massachusetts, without remonstrance or objection from New Brunswick. They have settled upon the Territory along 30 miles into the Interior, without title, subject to the rights of the Proprietor or the Proprietaries, and to the Laws of this State, then established. They acknowledge its authority, and, as it would seem to follow, are entitled to its protection.

The authority of New Brunswick cannot apply to them, on the ground that any of them had been formerly Inhabitants of that Province, any more than that of Maine extends to its Citizens in New Brunswick. A Government has no power to cause Precepts to be executed upon its own Subjects in a Foreign Jurisdiction. The Government of The United States shields Aliens who are residents, and are well affected towards its principles, and wish to become Citizens. But several of them are American Citizens.

The actual survey and occupation of this whole Country, under the publick authority of Maine and Massachusetts, were entitled to consideration from the Province of New Brunswick. These acts were at least to be respected, as assertions of right, on the part of those two States; and some regard might have been had to the circumstance, that this right was originally exercised under ignorance of any adverse Claim, and long before any was advanced. On the other hand, no act had ever been exercised on this Territory by the Government of New



Brunswick, except in permitting its Subjects to cut timber the same as on Crown Lands.

So irregular a practice could not be sanctioned or sustained; and, in compliance with the sense of the Superior Government, it is supposed, that the pretension was relinquished as untenable, with a fairness of profession which gave it credit. The power of removing the Trees from the Territory, brought into dispute, has been abandoned; and a new practice has taken place, to wit, that of removing the People there planted. If this principle can be supported, it abrogates the whole authority of the State of Maine over this portion of its Territory.

The next course of inquiry relates to the state of things upon the Territory of Maine upon the River St. John, within the Boundary Line, which crosses that River, about 3 miles above the Grand Falls, where the Navigation of the River is interrupted, and where it was contemplated, on the part of Great Britain, in determining the St. Croix, that the meridian would cross. It may be proper, in the first place, to advert to the situation of a Colony of French Settlers, which planted themselves within our Territory, principally, if not entirely, since the acknowledgment and establishment of the Bounds of Massachusetts, by the Treaty of 1783. This Settlement was composed of ancient French neutrals, who had originally endeavoured to escape from the Government of Nova Scotia, or of their descendants, who had been expelled from their farms and improvements on the establishment of the Province of New Brunswick; and who have been joined from time to time by their Countrymen from Canada, who have not chosen to continue under the Government established on its conquest.

It is not known whether any Individual of European origin existed on this Territory at the Peace of 1782; nor that, excepting Aborigines, any other than descendants of French Ancestors had made any occupation, prior to the Peace of 1815. The Acadians had retired with the Indians from the presence of the population, which took possession of that ancient part of Nova Scotia, after it was yielded to Great Britain, and settled by emigrants from The United States, who adhered to the British Government; and have always lived in great harmony among themselves, as a distinct race, preserving their own language, habits, and manners. Situated near the borders of the American Territory, at a distance from any Officers of Government, they appear to have also preserved their neutral character, and to have remained as a People by themselves, so far as they might be permitted, by their position toward the Province of New Brunswick. Without having any sympathy with the system established in that Government, they have not been in a condition to oppose the exercise of any power that might be exerted over them. Little occasion could be presented for the employment of criminal process, among the relics of a primi-

tive population, represented as of a "mild, frugal, industrious, and pious character," desirous of finding a refuge under the patriarchal and spiritual power of their religion. It has been customary for them to settle their civil affairs of every description, including their accidental disputes and differences, among themselves, by the aid of one or two Arbiters or Umpires, associated with the Catholick Priest, who is commonly a Missionary from Canada. Without any predilection toward a Foreign Faith or Power, they have had a natural desire to be quieted in their possessions; and it is stated that one or two of them, under circumstances not exactly known, either obtained or accepted Grants of certain parcels of their property, at an early period, from the Province. The propriety of relinquishing any practice of that kind, after the determination of the St. Croix, was obvious; and the benefit of a sanction might have been allowed to the previous facts of this description, without attaching to them any injurious motive or effect. The whole Country, however, not in actual possession of any Cultivator, was considered by the French Settlers as open to occupation at the period of the last Peace with England.

In 1817, an American was invited to seat himself near the mouth of the Madawaska River, where he was assured that no one had any right of property, and when it was afterwards claimed by virtue of a title, the fact was denied by the Indians, on the ground that the right belonged to them. This American, one who went from Kennebec, accordingly moved away from the place which he first took, to a situation near the St. Francis, where he still lives, unless recently removed.

It appears that a Military Post formerly existed at the Grand Falls, immediately below the Boundary; and it is said that a Militia Authority was exercised among the Inhabitants of Madawaska. Some power of this kind might perhaps have been used at an early period, before the Territory was explored, and the Boundary of New Brunswick determined under the Convention of 1794; and it is not probable, that the French would have resisted any measure taken to compel them to train as Militia. The works at the Grand Falls have been suffered to go to decay; and there is no reason to presume that a superfluous Military organization was maintained, among the remote Inhabitants of Madawaska.

It is not presumable that any usurpation of that nature existed for a long period; especially after the Settlement was known to fall within the American Territory. If such a use of form or force was continued, however, it is to be inquired whether it can be viewed in any other light than that of aggression upon the rights of the State, and those under its Jurisdiction, and entitled to its protection. The recent formation of Militia Companies in that District presents itself as an act of the same character; and it is reported that a Foreigner, by the

name of Francis Rice, has stationed himself in this Settlement, and undertakes to act as an Adjutant of the Militia of New Brunswick.

Difference of religious faith and diversity of habits have naturally tended to prevent an intermixture between the American and French population. The Country, in general, above as well as below the River Madawaska, has taken the popular description of that River, and the name is generally made use of, by the Americans, residing upon the higher and more remote branches of the St. John. The Madawaska Settlement extends several miles down the branch of the St. John, below the mouth of the Madawaska River. Several Settlers were also scattered above, and a space existed, of several miles above the mouth of that River, which has recently been occupied by French Settlers, some from Canada, and others from the Settlement below, and formed into a new Settlement by the name of Chateauqua. They have undertaken to erect a Church, and it is stated that a Militia Company has been formed among them, by authority out of this State. This new Settlement extends from the mouth of the Madawaska River to the vicinity of the mouth of the Mariumticook stream, where the American Settlement, properly so called, commences. Whether any Foreign measures have been taken, in forwarding the progress of the new French Settlement, is not known. They are without titles to their lands except by occupation, and they have not been disturbed in their possession. Fines, however, have been imposed upon some of them, for refusing to perform Militia duty, from abroad, during the past year, without regarding the objection that has been made among them to train, on the ground of their being within the American Government.

The situation of the recent Settlement seems to merit some attention, from the circumstance of its now forming the connecting link between the former French Settlement below, and the American Settlement immediately above. It is also brought into notice by the attention apparently bestowed upon it by the Province of New Brunswick, which extends the demand of Militia duty as high as this Settlement, and considers all the Americans who are settled above it as Aliens. It may be proper to remark in this place, that any occupation, which the Government of New Brunswick may have held within the American Territory, being without right, and against right, its operation is not to be enlarged by any favourable construction.

Before passing from the consideration of the French Settlement in this State, it may be proper to remark, that the Population of the whole Community, according to the Census taken by the authority of The United States in 1820, amounted to over 1,100. The computation probably included a number of American Settlers, who had come into the Country not long before, and were enrolled in the same manner with them in the body of American Citizens. If, since that period, any

of these Persons have been induced to go into the Province, in order to give their votes ; if Provincial Magistrates have been allowed to send Civil Process into this Settlement ; if Individuals have been employed to officiate in executing the Provincial Police ; these can only be viewed as acts, which it is extremely difficult to reconcile with sentiments of respect for the opinion signified by the Government of The United States. After this French Settlement was found to fall within the survey of the American Boundary, these Settlers, being in no other sense to be regarded as British Subjects, than as they might happen to reside in British Territory, it would have manifested a decent respect to the authority of The United States, beyond the most repeated exterior demonstration, to have abstained from direct exercises of supreme jurisdiction.

The first American Settlement was made above the French, and commenced, from the clearest information, in the Year 1817. It consisted of several Persons then Citizens of Massachusetts, who moved from the Kennebec, and established themselves with their families on different spots, the lowest at the mouth of the Mariumticook, and the highest not far from the mouth of the St. Francis. It was well known in the Province of New Brunswick, that these Emigrants considered they were on American Territory, and that their object was to obtain a title under the American Government. It was also understood that they carried with them a Magistrate, and that they intended to procure an incorporation. Whether any, or what measures may have been taken by Persons within the Province, acting upon this information, it is not within my power to detail. It may be remarked, however, that, according to the best account, the whole Territory of which they entered into occupation, was previously uninhabited, and unimproved. The Provincial Government had never made any Grant above the River Madawaska. The American Settlers on the St. John were above any French Settler. They and their Assigns have since continued in the occupation of their Lands, and a portion of the original Settlers still remain.

In 1825, Grants were made by George W. Coffin and James Irish, Esquires, acting as joint Agents for the Commonwealth of Massachusetts and State of Maine, by virtue of Resolves of the respective Legislatures, bearing date February 26, and June 11, 1825, to John Baker and James Bacon, severally, describing them as Inhabitants of a Plantation, called and known by the name of the Madawaska Settlement, in the County of Penobscot, situate upon the River St. John. The Land granted to Baker was described as beginning at Mariumticook Stream, or Point, on the St. John River, and bounded to contain 100 acres. This was the same point of land which was originally taken up by his Brother, Nathan Baker, one of the original Emigrants from Kennebec, then deceased. It was a mill seat, where there have been



erected a saw-mill and a grist-mill. John Baker married his Brother's Widow, and has brought up his Family. He has been building a new house, which would have been finished last fall. The Land granted to Bacon was below the Grant to Baker, between the Point and the new French Settlement. Since the foundation of the American Settlement before mentioned, a number of other American Settlers had taken possession, and made improvements, without interfering, except by purchase, with any previous occupation.

The Land Agents of Massachusetts and Maine appointed provisional Agents, with authority to grant Permits to cut pine timber on the Territory of The United States. Without a permission of this kind, it may be noticed, the mill at the mouth of the Mariumticook would have been useless. The Government of New Brunswick became informed of this fact. A considerable quantity of lumber, partly purchased by John Baker before mentioned, and partly made at his mill, was afterwards seized in passing down the River St. John. Timber cut on Crown Lands within the Province, by British Subjects, was allowed to be redeemed by paying a certain duty. This composition was a privilege denied to Baker, whose property on that occasion appears to have been confiscated, on the ground that he was not a British Subject. All the Americans settled above the River Madawaska, are regarded as Aliens by the Provincial Government of New Brunswick; and a certain fine or tax has been demanded of them, called the Alien Tax. This is a species of joint Military and Civil action, exercised in the first place by Provincial Officers of Militia, and enforced by Justices of the Peace. One or two cases have occurred, in which Precepts have been sent among the American Settlers, on Civil Suits, by Mr. Morehouse, who resides upwards of 50 miles below, on the River St. John. On one occasion, an American above Chateauqua was arrested on a Warrant from Mr. Morehouse, on a charge of Larceny by one of the Settlers; but the Evidence against him being insufficient, no final proceedings took place, and he was discharged. The real Culprit was afterwards discovered, and, on his confession, the Americans were proceeding to conduct him to Houlton, nearly 140 miles distant; but on their way he made his escape in the woods.—The American Settlers have been subject to these and similar inconveniences, no doubt, in consequence of the absence of any Civil Officers, such as were recommended to be appointed by the Land Agents; and occasions have thus been afforded for admitting the agency of Mr. Morehouse, as a Civil Magistrate, which would not otherwise have existed; and for which some possible apology might be found in the circumstances of the Country. An exercise of this intrusive authority, however, in the course of the past Year, appears to have given rise to a species of opposition among the Americans, which was construed by Mr. Morehouse as resistance to his authority.

It appears that some difficulty took place in procuring the service of a Writ, which was sent by Mr. Morehouse against James Bacon ; and it may be suitable to state the circumstances accompanying that transaction. It seems, that reflection on their situation, combined with a sense of the inconvenience to which they were exposed, from the acts of Mr. Morehouse, led to an understanding among them, to avoid any employment of his authority, and, having no regular Magistrate, to endeavour to settle their affairs, as well as they could, among themselves. The unfavourable opinion cherished by Mr. Morehouse, in respect to the Americans at that Settlement, may have contributed to increase their aversion ; and his occasional visits to view their proceedings may have tended to strengthen a mutual dislike. Mr. Morehouse had formerly demanded Bacon's Deed from the Agents, and knew the Title under which he held. He had also made inquiry into the authority given to Bacon by the Land Agents, respecting the cutting of timber, and satisfied himself on that subject. Recently he sent a Person with a Writ, to arrest Bacon, on a small demand in favour of one of the Inhabitants ; and the Deputy sent by him returned without effecting service. Another Person was then sent, accompanied by a considerable Party, with a view, probably, to make effectual service. Bacon collected a number of his Friends about him at his house, which is on the land granted to him, below Baker's, and, supported by their presence, signified his refusal to submit to the mandate of Mr. Morehouse.

The principle on which they placed their determination was, that they were Americans, on American ground, and that Mr. Morehouse had no right to extend his authority over them. Some resentment was manifested by them towards the Individual who had the indiscretion to apply to Mr. Morehouse ; but no violence used towards any of the Party who came to arrest Bacon. The Leader of the Party, who officiated on that occasion as a Constable of the Parish of Kent, became convinced of the inexpediency of proceeding to execute his Precept, and professed to respect the ground of their determination. It was agreed to settle the demand by amicable reference, which was accordingly done, and the affair terminated ; except that the Constable afterwards pretended to have an Execution from Mr. Morehouse, for the Costs. The spirit of opposition to the power of Mr. Morehouse, discovered on this occasion, assumed the form of a general agreement among the American Inhabitants, to avoid all applications of Foreign authority, and extended to an outright denial of the British provincial jurisdiction. For the legality of this position, they reasoned and relied upon their original character as American Citizens ; the circumstances of their Settlement, in that capacity, upon vacant American Territory ; and the assurances of the Land Agents, which they understood decidedly to that effect. Whether they were deceived in the ground

they took, by officious and unwarrantable acts, or whether any errors they may have committed, may be imputable to omissions on the part of either State to provide for the security of property, and preservation of Citizenship, it belongs only for those to consider, by whom the powers in fact exercised, were imparted. The measures now made use of by Mr. Morehouse, were directly brought to bear upon the right of the two States to make the Grant to Bacon. This being the lowest Grant upon the River St. John, was the only barrier against a general inroad of authority from the quarter below, where Mr. Morehouse resided, to the American Territory above; and the taking of the Person of Bacon, without remonstrance, from the position in which he was placed by the act of the two Governments, might have removed the only obstruction, and determined the practical question. A paper Writing was accordingly drawn up, and signed by the American Inhabitants generally, constituting a sort of Compact, by which they agreed to adjust all disputes among themselves, by virtue of Referees, without admission of British authority, and that they would support each other in abiding by this determination. This was to be a provisional Agreement, to continue in force only for 1 Year; and, in the mean time, application was to be made to the Government, in order to be made certain of their condition, and to obtain, if possible, the benefit of some regular Authority. Of the propriety of this resolution, or of the proceedings by which it was accompanied, it is not for me to express an opinion. It may suffice to say, that it seems to have been dictated by the necessity of their situation; that, as Citizens of Maine, some reference was proper to the rights and sentiments of the State; and that, in any judgment of their actions, some respect should be had to the authority of Maine.

As a prelude to this arrangement, the Americans, generally, assembled on land conveyed to John Baker by the States of Maine and Massachusetts, and there erected a Staff and raised a rude representation of the National Eagle. They also partook of a repast provided by Baker, and enjoyed the festivity in the manner that is usual to Americans, in celebrating that occasion. One of the French was hired as a Musician, and a few others were attracted by the spectacle, and invited to the table. The same thing has been sometimes done by Americans, transiently collected in the Provinces, on the same Anniversary, without affording offence. But, on the present occasion, there is no ground to doubt, that it was deliberately done, to advertise Mr. Morehouse of the manner in which they viewed their own rights and his authority; and when he appeared, as was probably expected, to inquire into the meaning of this Ensign, it was explained to him. Mr. Morehouse thereupon gave order for its removal, to Baker, which the latter refused to obey. It is not known that either of these Persons had any more direct authority for his proceeding than the other: which had the better right



may admit of a distinct question. But the object was to apprise Mr. Morehouse of their opinion. Neither Baker nor Bacon pretended to exercise any authority among their Fellow-Citizens, on this occasion, although they probably rendered themselves conspicuous to Mr. Morehouse. The epithet of General was one that was not bestowed on Baker until after this affair. Mr. Morehouse also demanded the Paper of Agreement that had been entered into by the Americans; which they declined to deliver. Mr. Morehouse was informed that the Paper had been offered to one Peter Markee, a French lad, who was at the American Settlement. If this was done with any intention, it was a circumstance which took place in the absence of Mr. Baker, and was contrary to the original purpose, which was to confine the step to Americans exclusively. Mr. Baker, hearing a report that the route of the Mail was altered, (a change which the Americans had no wish to take place, as it was a matter of convenience to them,) and, meeting the Carrier in his Canoe, inquired whether such was the fact. This inquiry was undoubtedly misconstrued by the Frenchman who carried the Mail, and the circumstance might have been exaggerated to Mr. Morehouse. Upon information of this kind, however, together with his own knowledge, Mr. Morehouse subsequently proceeded to issue a Warrant for the arrest of Baker, and, it is also understood, of James Bacon and Charles Studson. In the mean time the Inhabitants agreed upon Referees, and appointed Baker and Bacon a Deputation, to proceed to the Seat of Government, with a request to have their Case laid before the Legislature at its next Session; and to inquire of the Executive Authority whether they were recognized as Citizens of the State, and entitled to the protection of its Government. Having received an answer in the affirmative, to be communicated to their Constituents, with injunctions to observe the utmost caution in their conduct, and having left their Application to be laid before the Legislature, they returned through the wilderness, by the way they came, and arrived at home a short time before the execution of Mr. Morehouse's Precept.

Early in the morning of the 25th of September last, soon after their return, while Baker and his Family were asleep, his house was surrounded by an armed Force, and entered by Persons of a civil character, and others armed with fuses, &c. who seized Baker in his bed, and conveyed him without loss of time out of the State. The particulars relating to this circumstance are detailed in the statement of Asahel Baker, a Nephew of John Baker, who was first awakened by the entry, and which, although not exhibiting any solemn attestation, may, nevertheless, be relied upon as substantially correct. It is proper to add, that the Person, conducting the execution of the Warrant, proved to be of high official character and personal respectability in the Province of New Brunswick. He was informed that Papers were in possession of Baker, under the authority of the States, but he replied



that it was not in his power to attend to any remonstrance. No resistance was made by Mr. Baker, and no opportunity was afforded him to have intercourse with any of his Friends and Neighbours, from whom it is reasonable to suppose opposition might have been apprehended. Mr. Baker was carried before Mr. Morehouse, in obedience to the Warrant; it does not appear that any examination took place however; but that he was conveyed to Frederickton and there committed to gaol. The Letter from your Excellency to the American Inhabitants at the Upper Settlement, was delivered by him to the Authority under which he was imprisoned, and, after some detention, restored to him.

The immediate impression produced among the Inhabitants of the Settlement by this circumstance, may appear from the further statement of Asahel Baker. He was the Person employed to bring a representation from them of the arrest of Baker, which was deposited by him in the first Post-office he reached in Kennebec. He was absent a number of days, and on his return, found that several of the Inhabitants had departed. It appears that in the interim the Alien Tax had been again demanded, and Process had been served upon the American Settlers generally, similar to that which had been previously served on the Aroostook indiscriminately, to appear at Frederickton in October, to answer to Suits for Trespass and Intrusion on Crown Lands, under the penalty of £100. It is understood, that the service of this Process was extended to the American Settlers towards the St. Francis and upon the Fish River, where the road laid out by the Legislatures of the two States terminates. In consequence of these circumstances, it appears that 3 of the American Settlers, viz. Charles Studson, Jacob Goldthwaite, and Charles Smart, have parted with their possessions, and removed from the Settlement into the Plantation of Houlton, where they are at present seeking subsistence. Studson was a Blacksmith, in good business, and was concerned in the measures relating to Mr. Morehouse. The motives and particulars of their departure are stated by them in their respective Affidavits. In the precarious state of their affairs, it is probable that no certain estimate can be formed of their sacrifices; but it is evident that the measures made use of towards the Inhabitants in general, for whatever purpose, have had the effect to expel a portion of them, and to intimidate the remainder. It is not understood that these measures have been extended to the French Settlers on the Madawaska, who are without Title to their Lands, and it is probably not the case; but it is evident that a corresponding application of judicial proceedings has been made, from the Province of New Brunswick, upon all the Settlements above and below the French occupation of Madawaska, tending to their extermination; and that the Inhabitants are awaiting, in a state of fearful anxiety, the final measures of execution, from which they see no pros-

pect of relief. The Plantation of Houlton is the common Place of refuge to which they direct their feet, as it was the custom in the earlier annals of New England for the Frontier Settlers, in case of apprehension, to gather towards a Garrison.

In pursuing the inquiry concerning the nature of aggressions complained of as committed by Inhabitants, it may not come within the terms of my Appointment to ascertain, how far any proceedings that have been adopted, may be traced to the authority of the Government of New Brunswick. The general application of judicial process, however, from the Province of New Brunswick to all parts of the settled Territory, comprehended in the Claim of Great Britain, seems to give rise to such an inquiry. The summonses served on the Settlers on the Aroostook and upon the St. John, from the Mariumticook to the Fish River and St. Francis, appear, by comparison of numerous Copies, to be all in the same form, for trespass and intrusion on Crown Lands. A Copy of an information served on John Baker, since his imprisonment, describes the Land of which he is in occupation, as lying within the parish of Kent, in the County of York. It may be therefore pertinent to inquire into the history of the Parish of Kent, and refer to other measures of the Provincial Government, preliminary to the above-mentioned process.

The Act of incorporation of the Parish of Kent, is dated 1821. It is entitled "An Act to erect the upper part of the County of York into a Town or Parish," and provides, that "all that part of the County of York, lying above the Parish of Wakefield, on both sides of the River St. John, be erected into a Town or Parish, by the name of Kent." The Parish of Wakefield was incorporated in 1803, by an Act also entitled "An Act for erecting the upper part of the County of York into a distinct Town or Parish." A statistical account of New Brunswick, published in Frederickton, in 1825, describes the Parish of Kent as extending on both sides of the River, from the Grand Falls to Wakefield. The Parish of Wakefield, it is understood, extended above the Military Post at Presque Isle, a Station which was abandoned the Year following the creation of the Parish of Kent.

A succinct statement may be made of the measures adopted by the Government of New Brunswick the present season. By an official Act of the 9th of March last, reciting that satisfactory assurances had been conveyed to His Majesty's Government, of the earnest wish of the Government of The United States to reciprocate the conciliatory disposition shewn, in regard to the disputed Territory at the upper part of the River St. John, it was declared to be most desirable, until the present question relative thereto should be finally settled, that no new Settlement should be made, or any timber or other trees felled in the wilderness parts of that Territory, nor any act done which might change the state of the question, as it existed when the Treaty of Ghent was executed.

Instructions were accordingly issued, addressed, in general terms, to all Magistrates residing in the vicinity of what was termed disputed Territory, directing them how to proceed, in the event of "any depredations being attempted, by either Party, on the Lands in question." They were required to be vigilant, and use their utmost diligence to discover any attempts which might be made, by any of His Majesty's Subjects, to intrude upon the Territory, with a view to make Settlements, or to cut timber; and to make immediate representation thereof to His Majesty's Attorney General, that legal steps might be taken to punish such intruders and trespassers. And should they discover "similar attempts to be made by any other Person, whether unauthorized, or acting under colour of authority," to use their best endeavours to ascertain the names of such Persons, and report them to the Secretary of the Province, with Affidavits to establish the facts, for the Lieutenant-Governor's consideration.

Information of these proceedings was communicated to the Government of The United States by the British Minister, in September last, as furnishing proof of the friendly disposition which animated the Lieutenant-Governor of New Brunswick. Mr. Clay was at the same time informed by Mr. Vaughan, that no attempt had ever been made to form new Settlements, and that the Lieutenant-Governor had abstained from exercising any authority over the unoccupied parts of the disputed Territory, except for the purpose of preserving it in its present state; and he assured Mr. Clay that it was the wish and the duty of the Lieutenant-Governor to avoid giving the slightest uneasiness to the Government of The United States, on the Territory which had unfortunately remained so long in dispute between the two Governments.

The Letter of the British Minister to Mr. Clay, of September 16th, is in answer to a Communication from the Secretary of State, conveying a representation from your Excellency to the Government of The United States, respecting certain acts of the Government of New Brunswick, which were considered an undue exercise of jurisdiction in the Settlement on the River St. John, composed of the Grantees under Massachusetts and Maine, and other American Settlers. In his answer to this communication, the British Minister observes, that "it appears from Governor Lincoln's statement, that the Settlement in question is a British Settlement upon the River St. John, Westward of the Madawaska; and that it is composed of the original Settlers, and of Emigrants from The United States."

In what manner the Settlement, West of the Madawaska, can be considered a British Settlement, can only be explained by a subsequent passage in the same Letter, in which the British Minister says, that "ever since the Province of New Brunswick was established in the Year 1784, the Territory in dispute (between Great Britain and The United States) has always been considered as forming part of it;



and the rights of Sovereignty have in consequence been exercised by the British Government." He therefore protests against the validity of any title to lands in the ancient British Settlements, granted by the States of Maine or Massachusetts, "until a change in the right of possession shall have been effected, in consequence of the Vth Article of the Treaty of Ghent."

To support this position, the British Minister refers to a Map of Nova Scotia, published by the Board of Trade in 1755, including the Territory in dispute in the Province of Nova Scotia. By a Map of this Territory, published by order of the British House of Commons, 29th June, 1827, the Territory in question is not included in the Province of New Brunswick.

In a subsequent Letter, from the British Minister to Mr. Clay, dated November 21, he speaks of "the proceedings of the Magistrates acting under the authority of His Britannick Majesty in the Province of New Brunswick, against two Citizens of The United States, established in British Settlements upon the Rivers Aroostook and Madawaska." These proceedings, he observes, are supported by 2 Affidavits transmitted by your Excellency, viz. one of "William Dalton residing upon the Aroostook," and the other of Jonathan Wilson, relating "to the arrest at Woodstock, upon the Madawaska River, within 65 miles of Frederickton, of Mr. Baker, for having interrupted the passage of the Mail from New Brunswick to Canada."

The British Minister states to Mr. Clay, that the Sovereignty and Jurisdiction over the Territory claimed by the British Commissioners, according to the line laid down by them, running by Mars Hill, comprehending in that portion of the Territory of New Brunswick, the Rivers Aroostook and Madawaska, "have consequently remained with Great Britain, having been in the occupation and possession of the Crown, previously to the conclusion of the Treaty of 1783;" and that the opposite claim of The United States "cannot furnish any pretext for an interference with, or an interruption of the exercise of the jurisdiction within that Territory, by Magistrates acting under British authority, on the part of the Citizens of The United States, who may choose to reside in those ancient Settlements." He adds, that he has already communicated to the Secretary of State, sufficient proof of the decided resolution of His Majesty's Lieutenant-Governor of New Brunswick, to maintain the disputed Territory in the same state in which his Excellency received it, after the conclusion of the Treaty of Ghent; and that he is convinced that a mutual spirit of forbearance animates the general Government of The United States. The British Minister further acquaints Mr. Clay, that Sir Howard Douglas deems it his duty, as Lieutenant-Governor, not to abandon any right of practical Sovereignty, which has been exercised in the disputed Territory, "which has been held, occupied and located, as British Settlements" for any period within



the past Century, or even later. That, considering the conduct of Baker fit matter for cognizance of the Law Officers of the Crown, his Excellency had directed the Attorney-General to take such measures as he might deem necessary, to enforce the Municipal Law of the Province: and that there could be no grounds for complaint of an undue and illegal exercise of jurisdiction, whatever motive there might be for remonstrance against the severity with which the Laws might be executed.

I take occasion to collect these details from the Correspondence of the British Minister in this Country, and present them to your Excellency's attention, in order to exhibit the principles on which the acts in question may have been performed, and also, because the conclusions which he deduces from them are so undeniable. The character of this avowal is so peremptory, that it puts an end to all ground of enquiry on the part of Maine; as the position, thus taken on behalf of the British Government, extends to justify the exercise of every species of power for which a precedent can be found in the past Century, or even in the present; and Maine has no right to find fault with the manner in which the Laws of the Province may be executed in New Brunswick. So remarkable a proposition, however, is not well calculated to diminish our concern, on account of the cause for which so large a proportion of Territory may be withdrawn from the jurisdiction of the State; although it may allay your surprize at the determination of the Lieutenant-Governor of New Brunswick, to decline any intercourse with the Executive Authority of the State, of the kind that has heretofore existed between adjoining Governments.

If it be the correct state of the fact as thus represented, that the Territory in question has ever continued in the occupation and possession of the British Crown since the Treaty of 1783, it affords a strong colour, unquestionably, to the Claim insisted upon to the absolute Sovereignty; as in a dubious case of right, where Lines have become obscured, an open, notorious and exclusive possession, for a great length of time, in the presence and without the reproof of an adverse Claimant, must necessarily have great weight in determining the title. And the principle thus strongly assumed, gives an important aspect to the demand which has been made upon Maine and Massachusetts, under the form of the Vth Article of the Treaty of Ghent.

It is to be doubted, however, whether your Excellency will be able to discover evidence of the existence of any British Settlement whatever within the Boundary of Maine. The act of undertaking to remove all the Settlers, upon the Territory to which the British Government lays claim, except the French, as Trespassers and Intruders, certainly does not tend to give any portion of the Territory the character of a British Settlement by reason of their residence. Whether the act establishing the Parish of Kent was intended to form a British Settlement beyond

the Boundary, may depend upon the limits assigned to it; if it have any other than those of the disputed Territory.

The Summonses to the Settlers on the Aroostook were dated 19th of May, and served early in July, before any movement of the Americans in the upper Settlement on the St. John. On the 11th of August, Mr. Morehouse transmitted a List of American Citizens settled on the River St. John, above the French Settlement. The Summonses to the latter, so far as seen, were dated September 17th. It is not known that there was any one of the American Occupants in that quarter, where all are American Citizens, omitted in the Process. Warrants were also out against Bacon and Studson, on charges similar to those against Baker, but had not been executed. It is due to say, that I derived valuable benefit from Mr. Barrell, to whom I also endeavoured to afford all the aid in my power.

The result of this inquiry, from the justification advanced is, that the Government of New Brunswick recognizes the acts committed by her Magistrates, and adopts them in all their bearings. It is now perfectly understood, that the Government of New Brunswick claims to extend the Laws of the Province over a large portion of the Territory of Maine. The operation is not merely left to inference. The design is not affected to be concealed. The pretension is publicly announced in Official Papers and Communications, speaking the unequivocal language of the Government. We have a frank exposition of the views which are entertained by the British Minister in this Country, and the sentiments and spirit which animate the Lieutenant-Governor of New Brunswick. The whole tract of Country which has been the scene of late complaints, is challenged as being within the allegiance of His Britannick Majesty, under his Sovereignty and Jurisdiction, and subject to the Municipal Regulations and control of his Government. No Persons are considered as lawfully residing therein, except by the authority or sufferance of the Provincial Government. No Inhabitants of this Territory, whatever time they have been on, are deemed to be possessed of any estate therein, except by virtue of the Province Laws. No Residents are entitled to acquire any rights in real estate except British Subjects. All other Occupants of the soil are treated as Trespassers and Intruders. All other Inhabitants are liable to the disabilities of Aliens; and to the restrictions imposed upon their actions, intercourse, and industry, by the enactments of Provincial Legislation; and likewise in respect to the right of bearing arms. Every American Citizen is required to report himself within 2 months after his arrival, to a Regimental Quarter-master, and is subject to an annual assessment for the maintenance of the Provincial Militia. The residue of the Territory, excepting such small portions as may be parcelled out, is reserved as Crown Lands; and trees are forbidden to be cut among the Royal Forests, upon the penalty of the Province Laws. Grants and Licences are withheld or

suspended for profound considerations. In other respects the authority and Laws of the Province are put in active operation, and asserted in full vigour. This description is to be understood as applying to a large part of the State of Maine.

The consequence is, that the class of cases concerning which the Government of Maine is anxious to extend its enquiry, is not considered as coming within the scope of her constitutional care and cognizance. The Individuals, on whose behalf her solicitude is excited, are Intruders upon Lands not within the State of Maine. Although Citizens of that State, they have put themselves out of its power, and lay no longer claim to its protection; but are liable to be dealt with only according to the Laws of New Brunswick, and placed under its Provincial Police. This is the broad ground taken by the Government of that Province. While it is certain, that no undue severity of motive can be attributed to the superior Executive of New Brunswick, it is equally apparent, that the Provincial Government undertakes to exercise in all respects the rights of the most incontestable jurisdiction.

The facts are shortly these: Citizens of Maine and others, settled on lands, surveyed and granted by its authority, living within its ancient and long established limits, are subjected to the operation of Foreign Laws. These are applied to them in the ordinary course of Civil Process, in taking away their property, and also their Persons. American Citizens in this State are proceeded against as Aliens, for sedition and other offences and misdemeanors against the Crown of Great Britain; and, one of them, a Grantee of Massachusetts and Maine, seized on the land granted, remains in prison on charges of that description. A portion of this State, of considerable magnitude is thus actually incorporated into the adjoining Province; and his Excellency, the Lieutenant-Governor, a Person of great virtue, is unable, from his situation, to afford the explanations which these acts obviously require, except to those under whose Orders he is placed, or with whom he is obliged to correspond.

In begging leave to submit these circumstances to your Excellency's consideration, and requesting permission to refer to accompanying Papers, I am sensible of the occasion there is to solicit your indulgence in performing the duty I owe to yourself and to the State.

I have the honour to be, &c.

*His Excellency Governor Lincoln.*

C. S. DAVEIS.

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(19.)—*Mr. Vaughan to Mr. Clay.*

*Washington, 27th February, 1828.*

THE Undersigned, &c. has the honour to acknowledge the receipt of a Note from the Secretary of State of The United States, enclosing a Copy of the Report made by the Agent of the General Government, and a Copy of the Report made by the Agent of the Government of the State of Maine, sent to inquire into the Proceedings which took



place, not long since, in the disputed Territory within the Province of New Brunswick.

The Undersigned has not any remarks to make upon the Reports which have been submitted to him ; but he is glad to learn, from Mr. Clay's Note, that it appears from those Reports that some misrepresentation took place in the accounts which had reached the Government of The United States, respecting the recent disturbances which took place amongst the Settlers in the disputed Territory.

The Secretary of State expresses his dissent to the principle laid down by the Undersigned, in his Note of the 21st of November last, that the sovereignty and jurisdiction over the Territory in dispute continue to be vested in Great Britain, until the two Governments shall have reconciled their differences respecting the Line of Boundary. Mr. Clay observes, that The United States contend that possession was transferred to them by the Treaty of 1783, which places the disputed Territory within their limits. Whatever may be the conviction of the Government of The United States, with regard to the extent of the limits assigned to it by that Treaty, those limits are still undefined, and remain unadjusted ; and, notwithstanding the Reports of the Commissioners of Boundary, and after repeated Negotiations, remain to be settled by a reference to a Friendly Sovereign. It is the opinion of the Undersigned that the sovereignty and jurisdiction of the disputed Territory rests with Great Britain, until that portion of it designated in the Treaty of 1783 shall have been finally set apart from the British Possessions, as belonging to The United States.

The British Settlement upon the Madawaska River, is considered by Mr. Clay as an unauthorized intrusion on the property of the State of Massachusetts. When the Treaty of 1783 was concluded, New Brunswick had not been erected into a separate Province, but it was included in the Province of Nova Scotia. The St. Croix River was then considered to be the Boundary, on the North-east, of Massachusetts, and on the West, of Nova Scotia. Some difficulty might have arisen about the exact Boundary between that Province and Massachusetts, on account of the uncertainty of the limits of Acadia, (which now forms the Province of New Brunswick,) as ceded by France to Great Britain in 1713. The Undersigned, however, cannot acquiesce in the pretensions of Massachusetts to the Territory upon the Madawaska, which lies to the North of the St. John's, and falls into that River at a distance from its source. It remains to be seen, when the position of the North-west angle of Nova Scotia shall have been determined, whether the Line of Boundary between Great Britain and The United States will intersect any portion of the Madawaska Territory. In the mean time, the Undersigned begs leave to express his conviction, that neither the establishment of Settlements upon that River, nor the Grants of Land made to the Settlers by the Government of New Brunswick in



1790, can in any shape affect the final settlement of the Boundary, or tend, as Mr. Clay seems to imagine, to strengthen the claims of Great Britain, or in any manner to invalidate the rights acquired by The United States, under the Treaty of 1783.

The Secretary of State observes, in his last Note, that the jurisdiction exercised by the Government of New Brunswick in the Madawaska Settlement has not been exclusive, inasmuch as an Agent, sent by the Governor of the State of Maine, took a Census of the Population in 1820, as belonging to that State. The Undersigned begs leave to remind Mr. Clay, that that attempt of the State of Maine to interpose its jurisdiction was considered by the British Government as an encroachment, and it was the subject of a remonstrance to the Government of The United States.

With regard to the arrest of John Baker; surely his outrageous conduct in stopping the Mail from Canada, in hoisting the American Flag, and forming a combination to transfer the Territory in which he resided to The United States, made him amenable to the Laws. Although his residence, as it is observed by Mr. Clay, was not actually in the Madawaska Settlement, it was within the jurisdiction of New Brunswick, and he knew it, as he had applied for, and received, in 1822, the bounty upon corn grown in newly cultivated ground, given by the Government of that Province. A moderate bail was demanded of Baker for his appearance to take his trial. He did not profit by this offer of the Magistrates, and thereby obtain his release from confinement, because he understood that a Writ had been taken out against him by some one of his Creditors. It does not appear that the Proceedings have been carried on against him with any unusual severity; and, after the investigation which has taken place into all the circumstances attending his arrest, the Undersigned did not expect that the President of The United States would have demanded his immediate liberation, and full indemnity for the injuries he has suffered by the arrest and detention of his person. A Copy of the Note which the Undersigned has had the honour to receive from the Secretary of State, shall be immediately transmitted to His Majesty's Government, and to the Lieutenant-Governor of New Brunswick.

It appears that the President of The United States does not view with satisfaction, the exercise of jurisdiction by the Government of New Brunswick, in a Settlement upon the Aroostook River, which had its origin in the unauthorized residence of Stragglers from other Districts. They remained for some time unnoticed; but, within the last 3 or 4 Years, Civil Process has been issued against the Settlers by the Provincial Government, which Mr. Clay is at a loss to reconcile with the resolution, which the Undersigned has stated to have been adopted by the Lieutenant-Governor of New Brunswick, to maintain the disputed Territory in the state in which it was after the conclusion of the Treaty

of Ghent. The Undersigned is convinced that Mr. Clay will admit, that no part of the disputed Territory can be left without the controul of any Civil Authority. All Persons, of whatever description, who take up their residence in the disputed Territory, are within the British jurisdiction until the Boundary Line is adjusted, and are amenable to the Government of New Brunswick, and owe a temporary allegiance to His Majesty so long as they remain under his protection. It is not for the Lieutenant-Governor of New Brunswick to surrender up the exercise of an ancient jurisdiction; but, in strict conformity with his resolution, above alluded to, his Excellency has exercised it with great moderation, by refusing to make Grants of Land, and by suspending the issuing of Licences for the cutting of timber, and by strictly enjoining all Magistrates under his controul to prevent trespasses and intrusions of every description. The Secretary of State may rely upon the moderation with which the jurisdiction will be exercised by his Excellency over the disputed Territory.

The Undersigned has observed that a misconception pervades all the Papers, which have fallen under his notice, from the State of Maine. The disputed Territory is invariably represented as a part of that State, unjustly withheld from it; overlooking, always, the difficulties which Great Britain and The United States have encountered, in appropriating and setting apart that portion which belongs to The United States under the Treaty of 1783, and which have so unfortunately kept, as it were, in abeyance, the title of The United States.

The Undersigned cannot conclude this Note without expressing his anxious wishes that the measure, now resorted to by both Governments, of arbitration, may put at rest, for ever, the Question of Boundary, which has lately so repeatedly occupied the attention of the Secretary of State and of the Undersigned.

The Undersigned, &c.

*The Hon. H. Clay.*

CHAS. R. VAUGHAN.

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(20)—*Mr. Clay to Mr. Vaughan.*

*Department of State, Washington, 17th March, 1828.*

THE Undersigned, Secretary of State of The United States, in acknowledging the receipt, on the 28th ultimo of the Note of Mr. Vaughan of the 27th day of that month, in answer to that which the Undersigned had the honour to address to him, transmitting the Reports made by the Agents of The United States and the State of Maine, would have restricted himself to a simple expression of his satisfaction with the engagement of Mr. Vaughan, to lay the demand of the Government of The United States, for the immediate liberation of John Baker, and a full indemnity for the injuries he had suffered by his arrest and detention, before the Governments of Great Britain and the Province of New Brunswick, but for certain opinions and principles advanced by Mr. Vaughan, to which the Undersigned cannot assent

And he feels it to be necessary, to guard against any misinterpretation from his silence, expressly to state his dissent from them. In doing this, he will avoid, as much as possible, any discussion of the respective claims of the two Countries to the disputed Territory. If it were necessary to enter into that argument, it would not be difficult to maintain as clear a right, on the part of The United States, to that Territory, as they have to any other portion of the Territory which was acknowledged by Great Britain to belong to them by the Treaty of 1783. But as, by the arrangements between the two Governments, the Question of Right has received a different disposition, it is unnecessary to give it a particular consideration here. The Correspondence which the Undersigned has had the honour of holding with Mr. Vaughan, has related to the intermediate possession, and to acts of jurisdiction within the disputed Territory, until the Right is finally settled. It would furnish a just occasion for serious regret, if, whilst the settlement of that Question is in amicable progress, any misunderstanding should arise between the two Governments, in consequence of what must be regarded by the Government of The United States, as the unwarranted exercise of a right of jurisdiction by the Government of the Province of New Brunswick, within the disputed Territory.

The Undersigned cannot concur in the opinion that, the limits of the Treaty of 1783 being undefined and unadjusted, the sovereignty and jurisdiction of the disputed Territory rests with Great Britain, until that portion of it designated in the Treaty of 1783 shall have been finally set apart from the British Possessions, as belonging to The United States. Mr. Vaughan's argument assumes, that some other act of setting apart the Territories of The United States from those of Great Britain, than the Treaty of Peace of 1783, was necessary; and that, until that other act should be performed, The United States could not be considered in possession. This argument would prove, that The United States are not now lawfully in possession of any portion of the Territory which they acquired by the War of their Independence; the Treaty of 1783 being the only act of separation, in virtue of which they are in possession of their Territory. If, at the conclusion of the Treaty of 1783, Great Britain had had the actual, and not merely constructive, possession, and that actual possession had all along remained with her, Mr. Vaughan might have contended that the Government of Great Britain had a right to exercise a jurisdiction, *de facto*, over the disputed Territory. But at that epoch, neither party had the actual possession of the disputed Territory, which was then an uninhabited Waste. Which of the Parties had the right to the possession, depended upon the limits of the Treaty of 1783. If, as The United States contend, those limits embrace it, they had the right both of sovereignty and to the possession, and Great Britain could not lawfully exercise either. It is true that Great Britain asserts that those limits



do not comprehend the disputed Territory. On that point the Parties are at issue, and cannot agree. They have, however, amicably agreed to refer the decision of it to a common Friend. Whilst the experiment is making for this peaceful settlement of the Question, ought either of the Parties to assume the exercise of sovereignty or jurisdiction within the contested Territory? If he does, can he expect the other Party to acquiesce in it, or to look on with indifference? It was a mutual conviction, of the irritating consequences which would ensue, from the exercise of a separate jurisdiction by either of the Parties, that led to the understanding, which has so long prevailed between them, to abstain from all acts of exclusive jurisdiction which might have a tendency to produce inquietude. In conformity with that understanding, Licences to cut timber from the disputed Territory, granted by the Provincial Authority, had been revoked, and the practice of cutting and removing the timber has been understood by the Government of The United States to have been discontinued.

It follows from the view now presented, that the Undersigned cannot subscribe to the opinion that the jurisdiction of the British Government, through its Provincial Authority, over the disputed Territory, has continued with Great Britain, notwithstanding the Treaty of 1783. To maintain that opinion, Mr. Vaughan must make out, either, first, that the terms of the Treaty do exclude altogether the disputed Territory; or that, if they include it, *actual* possession of the disputed Territory was with Great Britain in 1783. Neither proposition can be established.

Mr. Vaughan seems to think that some Civil Government is absolutely necessary within the disputed Territory. If its utility be conceded in reference to the Inhabitants, it would not be a necessary consequence that the Government of New Brunswick, and not the State of Maine, ought to exert the requisite Civil Authority.

The alleged irregularity of the conduct of John Baker is relied upon by Mr. Vaughan, as forming a justification of his arrest, and the subsequent Proceedings against him in the Courts of New Brunswick. The President is far from being disposed to sanction any acts of Mr. Baker, by which, on his private authority, he would undertake the settlement of a national dispute. He derived no power for any such acts, either from the Government of The United States, or, as is believed, from the Government of Maine. National disputes ought always to be adjusted by National, and not Individual authority. The acts of Baker complained of, were, however, performed by him under a belief that he was within the rightful limits of the State of Maine, and with no view of violating the Territory, or offending against the Laws of Great Britain. His case, therefore, is very different from what it would have been, if the irregularities attributed to him had been committed on the uncontested Territory of Great Britain.



The Undersigned finds himself as unable to agree, that the misconduct of Mr. Baker, whatever it may have been, warranted the Government of New Brunswick, in taking cognizance of his case, for the purpose of trying and punishing him by British Laws, as he was unprepared to admit, that the want of Civil Government, on the part of the Inhabitants of the disputed Territory, created a right in the Government of New Brunswick to supply, in that respect, their necessities. In assuming that Baker rendered himself amenable to the Laws of New Brunswick, Mr. Vaughan decides the very Question in controversy. He decides that the part of Maine, in contest, appertains to the Province of New Brunswick, and that the Laws of New Brunswick can run into the State of Maine, as the limits of that State are understood to exist by the Government of The United States. The Provincial Government of New Brunswick, in the arrest and trial of Baker, for acts of his, done on the disputed Territory, commits the very error which is ascribed to Baker, that of undertaking, in effect, to determine a National Question, the decision of which should be left to the Governments of Great Britain and The United States, which are, in fact, endeavouring peaceably to settle it.

It would have been more conformable with good neighbourhood and the respective claims of the two Governments, as well as the mutual forbearance which they stand pledged to each other to practice, if a friendly representation had been made to the Government of The United States, of any misconduct charged against John Baker, or any other Citizen of The United States inhabiting the disputed Territory, accompanied by a request for the redress called for by the nature of the case. Such was the course pursued by Sir Charles Bagot, as far back as the Year 1818. In December of that Year, he had an interview with the then Secretary of State, in which he preferred a complaint of irregular Settlements attempted by Citizens of The United States on the Lands in controversy. The Secretary of State, on receiving the complaint, stated that he supposed the Settlers were of that class of intruders denominated Squatters, meaning Persons who commence Settlements upon the Publick Lands without title: that, as, by Mr. Bagot's representation, it appeared that they were entering on the disputed Borders in Families, peaceable means would, doubtless, be sufficient to remove them; and that, if he, Mr. Bagot, would procure and communicate their names to the Secretary of State, he would invite the Governor of Massachusetts to take the necessary measures for restraining them. But their names were never, in fact, disclosed to this Government. Among the Papers recently communicated by the Government of New Brunswick to Mr. Barrell, the Agent of The United States, the President has observed, with regret and surprize, a Letter from Mr. Bagot to the Lieutenant-Governor of the Province, bearing date the 8th of December, 1818, in which, after referring to the above

interview, Mr. Bagot gives it as his opinion that the Government of New Brunswick might remove the Settlers by force. This conclusion is not only unwarranted by any thing which passed at that interview, but, I am directed to say, is contrary to that which the Government of The United States had reason to expect would have resulted from it. So far from conceding a right in the Government of New Brunswick forcibly to remove those Persons, their names were requested, to enable their own Government to operate upon them, if necessary. In the Letter from Mr. Bagot to the Lieutenant-Governor of New Brunswick, he did, agreeably to the request of the Secretary of State, ask for their names, whilst the advice, that the Government of New Brunswick should forcibly remove them as intruders, obviously superseded the only practical purpose for which their names had been desired, that the Governor of Massachusetts might be called upon, by peaceable means, and by his lawful authority, to restrain them.

The enumeration of the Settlers on the Madawaska, as a part of the Population of The United States, which took place in 1820, was not made under the authority of the State of Maine : it was made in virtue of the Laws of The United States, and by Officers duly commissioned by them. Mr. Vaughan says there was a remonstrance against it at the time : no trace of any such remonstrance is discernible in the Records of this Department.

In the Note which Mr. Vaughan addressed to the Undersigned on the 21st day of November last, it was stated, that the Lieutenant-Governor of New Brunswick had resolved to maintain the disputed Territory in the state in which it was at the conclusion of the Treaty of Ghent : that Treaty was signed on the 24th December, 1814, and the exchange of its Ratifications was made on the 17th day of February of the ensuing Year. More than 7 Years thereafter, and 4 Years after the interview between Sir Charles Bagot and the Secretary of State, certain Persons, without authority, settled themselves on the waste and uninhabited Lands of the Aroostook, within the disputed Territory, supposing that they were occupying American ground. Within only 3 or 4 Years past, the Provincial Government has undertaken to issue Civil Process against the Settlers, for the purpose of enforcing the collection of debts and the performance of other social duties. The Undersigned, in his Note of the 20th ultimo, has stated that he could not reconcile this exercise of jurisdiction with the above resolution of the Lieutenant-Governor of New Brunswick, and he is still unable to perceive their compatibility. If the Lieutenant-Governor had applied to the Government of The United States to remove the Settlers, he would have manifested a disposition to preserve the disputed Territory in the state in which it was at the conclusion of the Treaty of Ghent. But, by treating the Settlers as British Subjects, and enforcing on them British Laws, there is, at the same time, a

manifest departure from the resolution formed by the Lieutenant-Governor, and a disregard of the lawful rights of The United States. If a succession of illegal Settlements can be made within the Territory, and if these unauthorized intrusions lay a just ground for the exercise of British authority, and the enforcement of British Laws, it is obvious that, so far from maintaining the Country in the uninhabited state in which it was at the date of the Treaty of Ghent, the whole of it may become peopled, and be brought, with its Inhabitants, under British subjection.

Mr. Vaughan supposes that the acts of British authority, to which the Undersigned, in the course of this Correspondence, has had occasion to object, can in no shape affect the final settlement of the Boundary, nor tend to strengthen the claims of Great Britain, nor in any manner to invalidate the rights of The United States. If there were an absolute certainty of a speedy settlement of the Boundary, within a definitive time, Mr. Vaughan might be correct in supposing that the rights of the respective Parties would not be ultimately affected by those acts of jurisdiction. But it is now near half a century since the conclusion of the Treaty of Peace out of which the controversy grows, and it is more than 13 Years since the final Ratification of that of Ghent, providing a mode of amicably settling the dispute. It remains unadjusted. Mr. Vaughan has himself repeatedly expressed regret, in which the Undersigned has fully participated, on account of the delay. Judging from past experience, as well as the uncertainty of human affairs in general, we are far from being sure when a decision will take place. If, in the mean time, Great Britain were to be allowed quietly to possess herself of the disputed Territory, and to extend her sway over it, she would have no motive for co-operating in quickening the termination of the settlement of the Question. Without imputing to her a disposition to procrastination, she would, in such a state of things, be in the substantial enjoyment of all the advantages of a decision of the controversy in her favour. The President of The United States cannot consent to this unequal condition of the Parties: and the Undersigned, in conclusion, is charged, again to protest against the exercise of all and every act of exclusive jurisdiction on the part of the Government of the Province of New Brunswick, and to announce to Mr. Vaughan that that Government will be responsible for all the consequences, whatever they may be, to which any of those acts of jurisdiction may lead.

The Undersigned, &c.

*The Right Hon. C. R. Vaughan.*

H. CLAY.

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(21.)—*Mr. Vaughan to Mr. Clay.*

*Washington, 25th March, 1828.*

THE Undersigned, &c. has the honour to acknowledge the receipt of the Note of the Secretary of State of The United States, dated the



17th instant, in which, in order to guard against any misrepresentation of his silence, he has taken occasion to express his decided dissent from the principles and opinions advanced by the Undersigned, in justification of certain acts of jurisdiction which have been exercised in the disputed Territory by the Provincial Authorities of New Brunswick.

As it is the intention of the Undersigned, to submit to the consideration of His Majesty's Government the Correspondence which has lately taken place between the Secretary of State of The United States and himself, he is not disposed to prolong the discussion respecting the exercise of jurisdiction in the disputed Territory.

When he received the complaints against the conduct of the Lieutenant-Governor of New Brunswick, he thought it his duty to suggest the grounds upon which that conduct might be justified, and the irritation might be mitigated which was likely to arise out of it.

The Undersigned is at a loss to understand the distinction made by Mr. Clay, between the actual and constructive possession of the disputed Territory, previously to the conclusion of the Treaty of 1783. Though a part of that Territory was uninhabited, and in a state of Waste, so far from neither Party having the actual possession, the Sovereignty and possession of the entire Province of Nova Scotia was vested, indisputably, in His Britannick Majesty; and it is the received opinion, that the Plenipotentiaries engaged in concluding the Treaty of 1783, did intend and did agree to leave untouched the rights of His Majesty over the Province of Nova Scotia.

The Boundary, from the mouth of the River St. Croix to its sources, is clearly defined: the right continuation of the Line entirely depends upon the position of the North-west angle of Nova Scotia, which the British Commissioners of Boundary, under the Vth Article of the Treaty of Ghent, have placed at Mars Hill, and the American Commissioners have placed at a great distance to the Northward, and not far from the right Bank of the River St. Lawrence.

The Undersigned agrees with Mr. Clay, in wishing to avoid any discussion of the Claims of the respective Governments; but he has ventured to point out the very great difference between the Commissioners of Boundary; as he conceives that, until that difference shall be reconciled, jurisdiction must continue to be exercised within the disputed limits by the original Possessors. A joint jurisdiction appears to the Undersigned inadmissible, as it must prove impracticable.

The Undersigned cannot acquiesce in the opinion given by Mr. Clay, that the issuing of Legal Process, within the last few Years, in a Settlement upon the River Aroostook, formed originally in an unauthorized manner by Stragglers from other Districts, is to be considered as an infringement of the engagement of the Lieutenant-Governor of New Brunswick, to preserve the disputed Territory in the state in which it



was at the conclusion of the Treaty of Ghent. These Settlements were established previously to the Government of New Brunswick being confided to Sir Howard Douglas; and the Undersigned conceives that it was not optional in his Excellency to exercise, or not, jurisdiction within the limits of his Province.

Proceedings in a tract of land upon the River Madawaska, in which a Settlement was established, soon after the Treaty of 1783, by French Acadians, have furnished, repeatedly, cause of remonstrance to both Governments. From the date of 1786, the Laws by which those Settlers have been governed, and the Magistrates by whom those Laws have been executed, have been derived from New Brunswick. Whether any, and what part of that Settlement belongs to The United States, depends upon the provisions of the Treaty of 1783. Until the two Governments can agree upon the true intent of that Treaty, possession and actual jurisdiction remains with Great Britain.

It is true that, in 1820, there was an attempt to invalidate that jurisdiction, when the Marshal of the State of Maine sent an Agent to enumerate the Population of that Settlement, under a Law enacted by the General Government of The United States. The Undersigned learns, with regret, that there is no Record in the Department of State of a remonstrance against that proceeding, by the British Government, as he had asserted. Such was the conviction upon his mind, justified by the frequent remonstrances which he has been called upon to make, since the Summer of 1825, against proceedings of Agents from the State of Maine, authorized to sell lands, and to lay out roads and townships in the same District.

With regard to the arrest of Baker, the Secretary of State, in his last Note, seems to think that, as he committed the outrage for which he was taken up, under a conviction that he was upon Territory belonging to The United States, a representation should have been made of his offence to the Government of the latter.

The Undersigned has only to refer the Secretary of State to his Note dated the 27th February, where it is shewn that Baker was perfectly aware of his residing within the jurisdiction of New Brunswick, as he had received the Provincial Bounty for corn raised upon land newly brought into cultivation.

The Undersigned regrets that he should have found himself under the necessity of making the foregoing observations; and he cannot conclude, without expressing his earnest wish that the reference to arbitration may relieve the Secretary of State and the Undersigned from any further discussion, relative to the Boundary on the North-eastern Frontier of The United States. The Undersigned, &c.

*The Hon. H. Clay.*

CHAS. R. VAUGHAN.

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(22.)—*Mr. Vaughan to Mr. Clay.*

*Washington, 4th June, 1828.*

THE Secretary of State of The United States, in a Note dated the 20th February, 1828, stated to the Undersigned, &c. that he was charged by the President to demand the immediate liberation of John Baker, (arrested by the British Authorities of New Brunswick) and a full indemnity for the injuries which he had suffered by the detention of his Person.

The Undersigned, in an Answer to that Note, dated the 27th February, had the honour to observe that, after the investigation which had then already taken place, into all the circumstances attending the arrest of Baker, and as the Proceedings instituted against him had not been carried on with any unusual severity, he did not expect that the President of The United States would have demanded his release, and an indemnity for his injuries. The Undersigned, however, assured Mr. Clay that a Copy of his Note of the 20th February, should be transmitted, both to His Majesty's Government and to the Lieutenant-Governor of New Brunswick.

The Undersigned has now the honour to lay before the Government of The United States, a Copy of a Letter which he has received from His Majesty's Lieutenant-Governor of New Brunswick, enclosing a Report of the Proceedings on the Trial of John Baker, at Frederickton, on the 8th May, which has ended in Baker being found guilty, and a Sentence being passed upon him, of fine to the amount of £25, and of imprisonment for 2 months.

The Lieutenant-Governor of New Brunswick expresses his regrets in the enclosed Letter, that he cannot remit the punishment of Baker, and states his motives for not interfering with the regular course of Law, unless he should receive Instructions to do so from His Majesty's Government, in consequence of the demand made in the Note of the Secretary of State of The United States, of the 20th of February last.

The Undersigned, &c:

*The Hon. H. Clay.*

CHAS. R. VAUGHAN,

(Enclosure.)—*The Lieut-Governor of New Brunswick to Mr. Vaughan.*

SIR,

*Frederickton, 12th May, 1828.*

I HAVE the honour to acquaint your Excellency, that John Baker appeared in Court at the Term to which the Indictment upon which he had been arraigned was traversed, and after a Trial, conducted in all respects in a mild, liberal, and satisfactory manner, was found Guilty, and has been sentenced to 2 months imprisonment, and to pay a fine of £25 to the King.

I have the honour to transmit herewith a Report of the Trial, which I certify to your Excellency to be full, authentick, and correct; and by which you will perceive, that all the subversive acts reported in my

Despatch of the 11th September, 1827, to your Excellency, have been fully proved, and that it was established in evidence, that an actual practical Sovereignty has been exercised by Great Britain, on that part of the Territory in which those subversive acts have been committed, for upwards of 30 Years.

I regret that I cannot, under existing circumstances, safely yield to those merciful considerations which might have induced me to remit the punishment to which Baker has been sentenced; but, in the face of the demand that has been made for the release of, and indemnity to, Baker, upon grounds the reverse of those shown in the Report of the American Agent, Mr. Barrell, and entirely disproved by the evidence which came out on the Trial, I consider, and am advised, that it is the safest proceeding for this Government to let the Law take its course, unless I should receive contrary Instructions from His Majesty's Government, in consequence of the demand which has been made for the release of Baker.

*The Right Hon. C. R. Vaughan.*

HOWARD DOUGLAS.

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*(Sub-Enclosure.)—Report of the Trial of John Baker, at the Bar of the Supreme Court, on Thursday, the 8th May, 1828, for Conspiracy.*

IN the Hilary Term of the Supreme Court, the Grand Jury for the County of York, found a true Bill of Indictment against John Baker, James Bacon, and Charles Studson, for Conspiracy. The two Defendants, James Bacon and Charles Studson, were not taken; but the Defendant, John Baker, being in custody, was brought to the Bar and arraigned, and thereupon pleaded Not guilty, at the same time protesting against the Proceedings, and that he was not amenable to the jurisdiction of this Court.

He was afterwards, during the Term, admitted to bail, and entered into recognizance, himself in £100 and 2 Sureties in £50 each, for his appearance at the present Term, to traverse the Indictment, and in the mean time to keep the peace and be of good behaviour.

On Wednesday, the 7th instant, the Attorney-General stated to the Court, that, having understood the Defendant, John Baker, was in attendance, he should be ready, at the opening of the Court on the next day, to proceed with the Trial. One of the Bail for the Defendant then said that the Defendant would appear whenever he was required. Thursday was, therefore, appointed by the Court for the Trial.

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*Thursday, 8th May, 1828.*

THE Honourable Chief Justice SAUNDERS,  
Mr. Justice BLISS,  
Mr. Justice CHIPMAN,  
came into Court, and took their seats.

The Defendant, John Baker, was called, and appeared, and declared he was ready for his Trial: Mr. Attorney-General then moved for Trial, and the Clerk of the Crown proceeded to call over the names of the Jury.

Mr. Justice Chipman stated to the Defendant that he might challenge any of the Jurors for cause, but he declined availing himself of this privilege.

The following Jurors were called, and sworn in the order they appeared :

Michael Fisher,	Joseph Estabrooks, Jun.
William Miller,	John Collins,
Edward Cambridge,	Samuel Curry,
John Bain,	Thomas W. Peters,
Joseph Sutherland,	William S. Esty,
Donald M'Leod,	Anthony Stewart.

The Clerk of the Crown then read the Indictment, which is as follows :

**YORK, to wit.** The Jurors for our Lord the King, upon their Oath, present, that John Baker, late of the Parish of Kent, in the County of York, Labourer, James Bacon, late of the same place, Labourer, and Charles Studson, late of the same place, Labourer, being Persons greatly disaffected to our said Lord the now King, and his Government, within this His Majesty's Province of New Brunswick, and being factiously and seditiously disposed, on the 4th day of July, in the 8th Year of the Reign of our said Sovereign Lord George the Fourth, with force and arms, at the Parish aforesaid, in the County aforesaid, did, amongst themselves, conspire, combine, confederate, and agree together, falsely, maliciously, factiously, and seditiously, to molest and disturb the peace and common tranquillity of this Province, and to bring into hatred and contempt our said Lord the King, and his Government; and to create false opinions and suspicions in the Subjects of our said Lord the King, of and concerning the Government and Administration of our said Lord the King, and of the Royal Power and Prerogative of our said Lord the King within this Province.

**First Overt Act.**—And the Jurors aforesaid, upon their Oath aforesaid, do further present, that the said John Baker, James Bacon, and Charles Studson, afterwards, to wit, on the same day and Year aforesaid, at the Parish aforesaid, in the County aforesaid, in pursuance of, and according to, the said conspiracy, combination, confederacy, and agreement, amongst themselves had as aforesaid, did erect, and cause to be raised and erected, a certain Flag-staff, and did place thereon a certain Flag, as the Standard of the United States of America, and did then and there declare, in the presence and hearing of divers liege Subjects of our said Lord the King, that the said Place on which the same Flag-staff was so erected was a part of the Territory of the said United



States, and that they, the said liege Subjects, must thereafter look upon themselves as Subjects of the said United States.

*Second Overt Act.*—And the Jurors aforesaid, upon their Oath aforesaid, do further present, that the said John Baker, James Bacon, and Charles Studson, afterwards, to wit, on the 15th day of July aforesaid, in the Year aforesaid, at the Parish aforesaid, in the County aforesaid, in further pursuance of, and according to, the said conspiracy, combination, confederacy, and agreement, amongst themselves had as aforesaid, applied to divers liege Subjects of our said Lord the King, and then and there presented to the same Subjects a paper Writing, which they the said John Baker, James Bacon, and Charles Studson, then and there requested the said Subjects to sign, then and there declaring that, by the said Paper, they the said Subjects would bind themselves to oppose the execution of the Laws of Great Britain, in that part of the said Parish, to wit, in the Madawaska Settlement, so called.

*Third Overt Act.*—And the Jurors aforesaid upon their Oath aforesaid, do further present, that the said John Baker, James Bacon, and Charles Studson, afterwards, to wit, on the 18th day of July, in the Year aforesaid, in further pursuance of, and according to, the said conspiracy, combination, confederacy, and agreement, amongst themselves had as aforesaid, did oppose and obstruct the Postman then and there having the custody and carriage of His Majesty's Mail to the Province of Lower Canada, in the prosecution of his journey with the same Mail; they, the said John Baker, James Bacon, and Charles Studson, declaring to the said Postman that the British Government had no right to send its Mails by that route, meaning through that part of the said Parish of Kent called the Madawaska Settlement; and that they, the said John Baker, James Bacon, and Charles Studson, had received orders from the Government of the said United States to stop the carriage of the said Mail through the same.

*Fourth Overt Act.*—And the Jurors aforesaid, upon their Oath aforesaid, do further present, that the said John Baker, James Bacon, and Charles Studson, afterwards, to wit, on the 10th day of August, in the Year aforesaid, at the Parish aforesaid, in the County aforesaid, in further pursuance of, and according to, the said conspiracy, combination, confederacy, and agreement, amongst themselves had as aforesaid, did hoist the Flag of the said United States of America, on a certain Flag-staff there erected and placed; they, the said John Baker, James Bacon, and Charles Studson, then and there declaring, in the presence and hearing of divers Subjects of our said Lord the King, that they, the said John Baker, James Bacon, and Charles Studson, had so hoisted the same Flag, and that they had mutually entered into a written Agreement to keep the same Flag there, and that nothing but a force superior to their own should take it down; and further, that they considered, and had a right to consider, themselves, then and there on the

Territory of the said United States; and that they had bound themselves to resist by force the execution of the Laws of Great Britain, among them there; in very great contempt of our said Lord the King and his Laws, to the evil example of all others in the like case offering, and against the peace of our said Lord the King, his Crown and dignity.

The Attorney-General, who conducted the Prosecution, then opened the Case to the Jury, and stated, generally, the nature of the offence, and the facts necessary to be proved in order to support the Indictment: he then briefly set forth the Evidence which he intended to adduce to substantiate the Charge; and particularly stated it would be shown, that the jurisdiction of this Province had always extended over the part of this Country where the offence was committed: that the Defendants were acting under no Authority whatever; and this was an Indictment found by the Grand Jury in the ordinary exercise of their duties. He desired the Jury to dismiss from their minds every thing that they had heard or seen written on this Case, and decide on the guilt or innocence of the Party by the Evidence alone; and if they could not conscientiously say he was Guilty, to acquit him. Several Authorities were then read; but, as the whole Case was most fully and ably gone into, by the learned Judge who charged the Jury, and the same view of the Law and facts taken by him as by the Attorney-General, it is not necessary to go into a full detail of the opening Speech.

Mr. Attorney-General then proceeded to call the Witnesses.

William Ferrio, one of the Witnesses recognized at the last Term, was called, but did not appear.

George Morehouse was the first Witness examined: his Evidence was as follows:

I am a Justice of the Peace for the County of York, and reside in the Parish of Kent, on the River St. John, about 30 miles below the Grand Falls. The Madawaska Settlers commence a few miles above the Falls, and extend up 40 to 50 miles. I have been settled where I now live 6 Years; but my acquaintance with the Madawaska Settlement commenced in the Year 1819. At this time the Inhabitants were principally French; there were a few American Citizens. I cannot say whether Defendant was there then; his Brother Nathan was. I do not recollect the Defendant's being there until September 1822: he and the other Americans had formed a lumbering establishment at the head of the Madawaska Settlement, on the East side of the River St. John, by the Meriumpticook stream. That part of the Country where the French and Americans were, has been invariably under the Jurisdiction and Laws of this Province since I knew it. I have been in the constant habit, as a Magistrate, of sending my Writs and Warrants there; no interruption or objection was made to the service of

them until last August: until then, it was my belief, that all the Inhabitants there considered themselves under the jurisdiction of, and subject to, the Laws of this Province, both American Citizens and the French Settlers.

When I speak of last August, I mean that this was the first intimation I had of any objection being made to the exercise of the Jurisdiction of this Province there. That intimation was made by a Report or Communication from Mr. Rice, that John Baker, the Defendant, had been guilty of seditious practices. I forwarded the Communication to the Secretary of the Province: a few days after, about the 3d of August, I received written Instructions from His Majesty's Attorney-General to proceed to Madawaska and take depositions, and get a Copy of the written Paper which it was reported the Defendants had handed about for signature. I proceeded accordingly to Madawaska on the 7th of August, and arrived at the Place where Baker's house is situate, and went into the house of James Bacon, and asked him to let me see the Paper which had been handed about for signature: he said he had it not. I then requested Bacon to go with me to Baker's to look for the Paper: he declined going: I then went towards Baker's house, and met him on his mill dam. The mill dam is made across the River Merumpticook, I stated to him that it had been reported to Government that he and other American Citizens residing there had been guilty of seditious practices; that I was authorized to make inquiry. I told him it was reported that he had drawn up, and circulated among the Settlers, a Paper, the purport of which was that they were American Citizens, and had bound themselves to resist the execution of the Laws of Great Britain: he neither admitted or denied it, but said that he had been charged with an attempt to stop the Mail, which was false. I requested him to show me the Paper which had been handed round for signature: he said he believed it was not in his possession, but did not deny the existence of such a Paper: he said he did not know whether it was in his possession or not; he thought Studson had it. I requested him to go to his house and search his Papers; perhaps he might find it; we proceeded together towards his house; between his residence and the mill, there is a new house, where 10 or 12 Americans were assembled. I did not know them to be Americans: but supposed them to be so; they were not French Settlers: when we got there, Baker took 2 or 3 aside, and consulted with them a few minutes; he then came back, and said to me, "Mr. Morehouse, I have consulted with the Committee, and we have determined that you shall not see this Paper: we have formerly shown you Papers in similar cases, which has been very prejudicial to us." I observed, when I went there, a Flag-staff erected on the point of land where Baker lives; the point is formed by the junction of the Merumpticook River with the St. John; there was then no Flag on it, but, after coming out of Bacon's, I ob-



served a Flag hoisted—a white Flag with an American Eagle and semi-circle of stars, red. In the conversation I had with Bacon, he deprecated Baker's practices, and said he would not desist until he brought the Americans there into trouble. I think the Persons Baker took aside to consult with, were Bartlett and Savage. After I had received the answer before mentioned, I pointed to the Flag, and asked Baker what that was. He said, "the American Flag, Mr. Morehouse: did you never see it before? if not, you can see it now." I asked him who placed it there: he said, "he and the other Americans there." Bacon was present at the time: I required him in His Majesty's name to pull it down. He replied, "no, I will not; we have placed it there, and we are determined we will support it, and nothing but a superior force to ourselves shall take it down; we are on American Territory; Great Britain has no Jurisdiction here; what we are doing we will be supported in; we have a right to be protected, and will be protected, in what we are doing by our Government."

He did not produce or exhibit any authority. I then turned to Bacon, and said, "Bacon, you have heard Baker's declaration, do you mean to support him in it?" He said, "of course I do." I then left him and came away. Baker, about the 1st February, 1825, applied to me as a Magistrate, for Summonses against some of the Madawaska Settlers to collect debts. I gave him 6 Summonses against Persons all living in the Madawaska Settlement; the return made to me was that the debts were paid when the Writs were served.

Baker has a considerable improvement, and raises more or less grain every Year. In 1823, I was at the place where he resides. I understood from what passed, that Baker and Bacon both acknowledged they had signed the Paper; they spoke of having bound themselves by a written Agreement to resist the Laws of England.

The direct Examination having closed, the Defendant was informed he might cross-question the Witness: he declined doing so, saying, under the circumstances in which he stood there, he did not intend asking any questions.

To questions then put by the Court, the Witness stated:

The Madawaska Settlement proper, terminates at the Madawaska River; above the River, there are a few miles interval, with a few scattering houses; the main Settlement then commences about 9 miles above the Madawaska, and extends 7 or 8 miles. The Meriumpticook is about 18 miles above the Madawaska. This Settlement has formerly gone by the name of Chateaugay; latterly it has been called Sainte Emilie by the French Settlers in the Settlement. I mean, distinctly, that the upper as well as the lower Settlement has been subject to the British Laws. It is at the head of the Settlement the Americans reside. The whole Settlement has gone by the general name of the Madawaska Settlement throughout the Country: the name Chateaugay



caused some difference amongst themselves; the Priest changed it to Sainte Emilie: there has been no obstruction in the actual exercise of Jurisdiction between the upper and lower part of this Settlement; the lower bound of the Parish of Kent is 18 miles below my residence.

Francis Rice sworn. I reside in the Madawaska Settlement, at the head of the first part. I am Adjutant of the 4th Battalion York County Militia: the Madawaska Settlers are enrolled in this Battalion. I have been in Court, and heard Mr. Morehouse's evidence. I made a report to him, as he has stated. I did not know the facts myself; they were reported to me. I accompanied Mr. Morehouse on his visit to the Settlement on the 7th August last, and was present at the conversations with Baker and Bacon: the facts all took place as he has stated: I can say nothing more. The Madawaska Settlers attend and turn out at the Militia training pretty regularly, both above and below the confluence of the Madawaska.

The French Settlers not being able to speak English distinctly, the Witness, Francis Rice, had previously been sworn as Interpreter, and acted as such throughout the Trial.

Abraham Chamberlain sworn. I live in the upper part of the Madawaska Settlement, above the Madawaska River: have resided there 4 Years this Summer: was born at the Bay Chaleur: came from there to this Province 4 Years ago and have always lived since in the Madawaska Settlement. Charles Studson presented me a Paper, I think in July last. I don't remember seeing Baker. Bacon and Emery, and some other Americans, were present. I was passing by; they were drinking rum, and asked me to take some; I agreed. When they handed me the Paper, I asked whether any of the French had signed it: they said, not yet.

The Witness being then asked as to the contents of the Paper, and the propriety of such evidence being questioned by the Court, the Attorney-General cited the case of Rex versus Hunt and others, 3 Barn. and Ald. 566, where it was decided, on an Indictment for Conspiracy, that secondary evidence of the contents of a Paper which was in the Defendant's possession was admissible, without producing the original, or giving notice to produce it; and that parole evidence of inscriptions and devices on banners and flags is also admissible. The question was then put; but the Witness could say nothing as to the contents, stating that it was read to him, but, being in English, he did not understand it. They asked him to sign it: but he did not understand for what reason. He wanted to know whether any of the French had signed it. This took place at the point of land near the mill. There was a Flag hoisted with an Eagle and stars on it: they did not say any thing about having signed the Paper themselves.

Peter Marque sworn. I live in the Ste. Emilie Settlement, (the upper one.) Bacon and Studson, some time last Summer, tried to make

me sign a Paper. Studson handed it to me; I do not know for what reason: they read the Paper, but I did not understand it, and asked whether the French had signed it: they said, not yet. I then said I would not sign it. I told Mr. Morehouse they wanted me to sign a Paper. This was at the place where the pole stands. I never understood the purpose for which I was called to sign the Paper. I worked 11 days for Baker last Year, at the time of getting hay: I now work for myself. They told me Chamberlain had signed the Paper. I don't remember any thing more.

Peter Sileste sworn. I was employed last Summer to carry the Mail from Madawaska to Lake Timisconater: as I was taking it up the River, polling up in a Canoe, I met John Baker coming down the River on a raft; he came off to me in a small Skiff: neither of us stopped. Baker asked me, in English, "Do you carry the Mail?" I said "Yes." He said he had orders from America not to let the Mail pass that way. I replied, I had no orders to stop there. This was all that passed. This was, I think, in July.

Joseph Sanfason sworn. I live in the Madawaska Settlement, half a mile below the Green River: the Green River is below the Madawaska. I was born at Madawaska. I bought land from Joseph Souci: he had a Grant from the Government of this Province. I bought it 6 Years ago. I have been a Constable for 2 Years for the Parish of Kent. I was obstructed in my duty of Constable, by Baker, Bacon, Bartlett, Savage, Shelly, and Jones. I had an execution from Mr. Morehouse against James Bacon. I asked Bacon if he would come? He said he would not leave the Place. Baker said, it is of no use for you to go there: you shall not have the man. Bacon talked about settling it. Baker said, Bacon you must not settle it now; you must settle it another time; I will not allow any Officer to go up there. He asked me if I had any authority to go there. I showed him the Warrant: he said, if it came from the States he would mind it; but it was only from Mr. Morehouse, and he would not mind it. They prevented my taking Bacon, who refused to go. This took place near Baker's mill.

Edward William Miller, Esq. sworn. I am High Sheriff of the County of York, and have been so since 1814. I have been acquainted with the Madawaska Settlement 7 years. I never could make any division in the Settlement between the upper and lower. When I first knew it, it extended to 7 miles from the Falls; lately, it has come within 3 or 4 miles. I know the Merumpticook River. I have been in the habit of serving Writs throughout the whole of the Settlement, the same as in any other part of my Bailiwick. When I first became acquainted with the Settlement, I considered the Inhabitants under the jurisdiction and government of this Province, without any dispute whatever. The distance is so great, I have never summoned them as jurors; it would be so inconvenient to attend: the Inhabitants serve

in the Militia. I never met with any obstruction in the discharge of my duty.

Peter Fraser, Esq. sworn. I have been an Inhabitant of this Province since 1784: am acquainted with the Madawaska Settlement. It is about 7 or 8 Years since I was first there; but I have been acquainted with the Settlers since 1787. I considered them always under the Government of this Province. The first Settler I knew was Captain Duperree, a Captain of the Militia of this Province: the date of his Commission was between 1787 and 1790. He resided in the Settlement. The Settlers have voted at Elections: there was some difficulty at first in their doing so, on account of the oath which was required to be taken, as they were Catholics; but when this was altered, they have voted without difficulty. To my own knowledge, they voted in 1809, and ever since. I consider the Madawaska Settlement as extending from the Great Falls to the Canada Line. I have been where Baker lives; and always deemed the part above the Madawaska River as in the Madawaska Settlement. There is no distinction, in this respect, between what is above and below that River. The Madawaska Settlers are enrolled in the Militia of this Province: in Captain Duperree's time there were 2 Companies. In 1824, they were formed into a separate Battalion, consisting of 5 Companies: I am Major of the Battalion. They turn out very regularly. I never heard of their making any objection to training.

Henry G. Clopper sworn. I am Clerk of the Peace and Register of Deeds for this County. I was appointed Clerk in 1823, and Register in 1821. I succeeded my father in both Offices. I have discharged the duties since 1820, having acted for him before receiving the appointment myself. Parish Officers were appointed by the Sessions for the Parish of Kent. There was a separate list for the Madawaska district, in that Parish. I have been as far up the River as 10 miles above the Grand Falls. There are a great many Deeds registered in my Office of Land in Madawaska, where the parties are the Madawaska Settlers, some as long since as 25 or 30 years back. As Clerk of the Peace, I receive the money given as bounty for grain raised on new Land in this Country. In May, 1825, the Defendant, John Baker, applied to me for the bounty for grain raised by him on new land. He received the bounty from me. The paper now produced by me is the Document under which he became entitled to it. I observed to him that he was an Alien, and I was not aware whether he was strictly entitled to it. He said his Certificate had passed the Session. The Paper I now hold is the Certificate, and the only one: it has been on file in my Office since.

The Paper was here put in, and read by the Clerk of the Crown, and is as follows:

I, John Baker, of Kent, do swear that 90 bushels of wheat were really and truly raised on the land occupied by me, and are actually of the crop of the Year 1823, [1822,] and that the wood was cut down, burnt, or cleared off from the land on which the same was raised, within 2 Years previous to the time that the said crop was taken off, and that they were of the first and only crop of grain raised on land from which the said wood was so cut down, burnt, or cleared off, as aforesaid.

JOHN BAKER.

Sworn before me, at Woodstock, the 2d of July, 1823.

JOHN BEDELL, *Justice of the Peace.*

I verily believe the facts above stated to be just and true.

JOHN BEDELL. J. P.

I paid him by a check on Mr. Needham; the amount was £4. 5s. 3d: this is the order I gave Mr. Needham.

Cross examined by Defendant. Have you got the receipt I gave for the money? The Witness here produced the schedule and signature to it by Baker, and said this is the only receipt he gave me, except the one given to Mr. Needham.

Mark Needham sworn. I remember the circumstance of paying this order: the words "received payment" on it are in my writing. I have no doubt I paid it, but have not now any particular recollection of the Defendant. I considered it paid, and charged Mr. Clopper with it.

George I. Dibblee sworn. I am acquainted with the hand-writing of the Defendant, John Baker—have seen him write; the signature to the receipt on the order is his hand-writing; I have no doubt of it.

Simon Abear, or Hibert, sworn. I live 2 miles below Madawaska River; have lived there 40 Years next month; I moved there from the French Village about 10 miles above Frederickton. I have a grant of my land from this Province, it is the first Grant in the Madawaska, and was made about 2 or 3 Years after I moved up. I live under this Government, and have always lived under it; all the Madawaska Settlers live under the same Government. I vote at Elections; the first time was about 8 Years ago. Baker came last Year to my house; he asked me what time I go to train my Company; I am a Captain of Militia; he said there is not much occasion to train at Madawaska; I inquired the reason; he said nothing; I told him I would go next Saturday—he must be stronger than me to prevent me. I know where Baker lives; he came 5 or 6 Years ago; he has always lived at the same place—raised grain there; I believe he cultivated no where else. Baker said I had better not train, but did not ask me not to train.

George West sworn. I know the Defendant, Baker; have known him since 1820; he was then settled at the Bay Chaleur; I saw him



next at the Madawaska; this was when Judge Bliss was President; I believe in 1824. I seized 300 logs from him; I was then a Seizing Officer; he said he wished to become a British Subject, as he had been here the necessary time; he inquired of me what steps it would be necessary for him to take; I told him, as far as my information went; this was at the place where he lives; it is called Baker's mill stream; he spoke as if he considered himself a resident within this Province, and wished to have all the lenity shown him on that account; it was shown him; he was allowed to redeem the loss at the rate of 2s. 6d. per thousand feet, counting 3 logs to a thousand. The logs were seized as cut on Crown Lands without licence. I have seen him since; there was a Warrant of survey sent to me to execute off this land where Baker resides; it was in Samuel Never's name; Baker himself attended the execution of the Warrant, and directed the course of the lines; the privilege was considered Baker's, but taken in Never's name, as Baker was not a British Subject: I think this was about 2 Years ago.

The evidence on the part of the Prosecution having here closed, the Defendant was called upon for his Defence; he addressed the Court nearly as follows:

"I am a Citizen of The United States, and owe allegiance to that Country. I have lately received my Deed from the States of Maine and Massachusetts. I hold myself bound to their Courts. I live in American Territory, and hold myself only liable to the Courts of that place, being the County of Penobscot, in the State of Maine. I enter no Defence, and call no evidence. I do decline the jurisdiction of this Court."

The Defendant alluded to a Letter he had, in the course of the Trial, handed to the Chief Justice, which was delivered to him, and he was informed he might, if he chose, read it as part of his Defence, but declined doing so.

The Attorney General then addressed the Court, and said, that, as he had, in his opening, stated generally the nature of the Case and evidence, and the Defendant had not made any Defence, he did not think it necessary, after so much time had been taken up, and the evidence so fully gone into, to address the Jury, but would merely read 2 or 3 additional Authorities, (which he did, from Starkie's Evidence, Comyn's Digest, Blackstone's Commentaries, and Archbold's Criminal Pleading,) and then leave the Case in the hands of the Court.

Mr. Justice Chipman charged the Jury. He began by stating the Indictment and Plea, the general nature of the Offence, and the proofs requisite to support the Charge. He said that the body of the Offence was the Conspiracy, the combining and confederating together with the intent laid in the Indictment. In the present case, the intent charged was to bring into contempt the King's Authority, to spread false

opinions among his Subjects as to his power and prerogative over them, and in fact completely to unsettle their minds as to their allegiance to the Government under which they lived. This mind and intention must be made manifest by Overt Acts. It was usual, though held not to be absolutely necessary, to set forth Overt Acts in the Indictment; but if, from the facts proved in evidence, the Jury should be satisfied that the Defendant, Baker, now on trial, did combine and confederate with one or both of the other Defendants named in the Indictment, with the intent imputed to them, that would be sufficient to make up the Offence. As the essence of the Crime was the combining, 2 persons at least must be engaged in it. The Judge then stated, that, before going into a consideration of the evidence, he would dispose of the ground which the Defendant had set up when called upon for his Defence: which was, that the place where the acts were committed was in the Territory of The United States, and that he, the Defendant, was not amenable to the Laws, or subject to the jurisdiction of the Courts of this Province. The Judge then stated, that the question as to the National Rights to this Territory, now well known to be in controversy, is one which this Court is utterly incompetent to enter into, and can have nothing to do with. It is a matter of State, to be settled between the two Nations, Great Britain and The United States; to be dealt with by the Governments of the two Countries, and not by this Court. The Court will only inquire whether the place in question is actually in the possession and under the jurisdiction and Laws of this Province; and, if so, the Court will maintain that jurisdiction, and continue the exercise and protection of those Laws, until some Act of the King's Government shall effect a change. There can be no stronger evidence of the possession of a Country than the free and uncontrolled exercise of jurisdiction within it; and the Court is bound by its allegiance to the Crown, and its duty to the King's Subjects, to act upon this, which it considers as the only principle truly applicable to the Case. This principle has already been acted upon in this Province.

The Learned Judge then referred to the Case of the Sloop *Falmouth*, adjudged in the Court of Vice-Admiralty of this Province many Years ago, (1806.) He stated this to have been the Case of a seizure, by a British Officer, of an American Vessel lying in the waters of Passamaquoddy Bay, for landing her Cargo within this Province; no Foreign Vessels being at that time admissible into the Ports of these Colonies. The Counsel for the prosecution in that Case went at large into the Question of Right to all the Islands in that Bay, under the provisions of the Treaty of 1783, and contended that, by virtue of that Treaty, all these Islands, including Moose, Dudley, and Frederick Islands, then in the actual possession of The United States, of right belonged to Great Britain; and that no Foreign Vessel could lawfully land a Cargo in any part of that Bay; but the learned Judge of that Court

at that time, now one of the Judges of this Court, (Mr. Justice Botsford,) in pronouncing Judgment, would not enter upon the Question of Right to the Islands, which he considered a matter of state for the 2 Governments to decide upon; but, finding the three Islands beforenamed to be under the actual possession and jurisdiction of The United States, he applied the principle of the Law of Nations applicable to a water Boundary between 2 different Countries, and directed his attention solely to the point, whether the Vessel landed her Cargo on the British side of a middle line, drawn between these Islands, then in the possession of The United States, and the British Islands opposite. It thus appears that this doctrine of taking the actual state of things as we find them, and applying the Law accordingly, has been already acted upon in this Province, in an instance where it was favourable to Citizens of The United States; and this Court has no hesitation in applying the same doctrine, which it considers as the true doctrine, to the present Case. It is to be observed that the Defendant in the present Case has given no evidence whatever, of the place in question being in the possession or under the jurisdiction of The United States; that he does not appear to be in any respect an Agent of that Government, or acting under its authority; and that what has been done must be considered as being altogether the acts of unauthorized Individuals. The place where the transaction occurred goes by the general name of the Madawaska Settlement; and if this Settlement shall appear to be, in point of fact, under the jurisdiction of this Province, the Case must receive the same consideration, and the conduct of the Defendant be viewed in the same light, as if the acts complained of had been committed in any other part of the Province, 100 miles further down on the River St. John, or even in this town of Frederickton.

The Learned Judge then proceeded to read over the whole of the testimony from his Notes, commenting upon the several parts of it as he went on. He considered the Overt Acts, as to hoisting the Flag of The United States with the express intention of subverting British Authority, as most distinctly and fully proved, and asked what more unequivocal indication there could be, of an intention to bring the King's Government into contempt, and of unsettling the administration of the Laws of the Province, than the erecting of a Foreign Standard with this declared purpose. With respect to the transaction with the Postman, he directed the Jury, that if they considered the acts of the Defendant in this instance to have proceeded from the combination and confederacy to subvert the King's Authority, the Defendant was properly chargeable with them under this Indictment; and that, in forming their judgment of this and all the other facts detailed in evidence, they should take into view all the coincidences of time and place and of action, in determining the character of the several transactions. With respect to the written Agreement, by which they bound themselves to re-



sist the British Laws, he thought that was sufficiently proved with regard to the American Citizens; but it was not made out in proof that this was the same Paper which was handed to the French Settlers; but the Learned Judge said, that he could not admit of any distinction in this respect, between Aliens being under the jurisdiction and protection of the British Laws and natural born Subjects; the former owed a local allegiance; and what would be a breach of the Laws by the one, would be so by the other.

The Learned Judge, in closing, stated, that if, in determining the present Case, this Court was undertaking to enter upon a question of rights between the two Nations, it might be disposed to approach it with a degree of trepidation: but this Case was altogether unembarrassed by any such considerations. It presented a chain of evidence, of clear possession and undisturbed jurisdiction on the part of this Province, from the period of its first erection down to the present time—a space of more than 40 Years. One of the oldest Inhabitants in the Madawaska Settlement had proved that he removed thither from the lower part of this Province 40 Years ago; that he, and all the Settlers there, always considered themselves as living under this Government. It is also proved, that these Inhabitants have received Grants of Land from this Government, and have, from the beginning, been enrolled in the Militia; that they have voted at Elections for the County of York; have applied to the Provincial Courts for redress in all Suits at Law; and have uniformly exercised all the privileges, and been subject to all the duties, of other Inhabitants of the Province; excepting only that the Sheriff states, that he has not summoned them to attend on Juries at Frederickton by reason of their great distance; but he expressly declares that he has always been in the habit of serving Writs throughout the whole of that Settlement, as much as in any other part of his Bailiwick. It appears also that the Defendant, Baker, considered himself as living within the Territory, and under the jurisdiction of this Province; that he applied to Mr. Morehouse, the Provincial Magistrate, for Processes to recover his debts from Inhabitants in the Madawaska Settlement; that he received the Provincial Bounty for grain raised on land, which there can be no question is the land on which he now resides: and this on his own Affidavit, stating himself to be John Baker, of the Parish of Kent. It further appears that he attended a Provincial Surveyor in laying out this very land, for which a Warrant of Survey, under the authority of the Province, was in a course of execution, giving directions as to the course of the lines; the Grant being intended for the benefit of Baker, although it was to be taken out in the name of Nevers, a British Subject. Baker himself, also, had an intention of being naturalized, and stated to one of the Witnesses, Mr. George West, that he had resided the necessary time, and wished to know what other steps were necessary for this purpose;



this conversation taking place on the spot where he lived, at the head of the Madawaska Settlement, and at a time when logs cut by him had been seized as being cut on Crown Lands without licence; and Baker claimed to be dealt favourably with, by reason of his residence within the Province, and his intention to become naturalized. The Learned Judge also stated, that it appeared from the evidence, that there was no line of division to be drawn between any parts of that whole Settlement, as to the possession and exercise of jurisdiction by this Province; that he could not imagine any principle upon which any such line of division could be made; that one of the Witnesses spoke of the Settlement having, when he first knew it, commenced 7 miles above the Great Falls; that it has since extended downwards to within 2 or 3 miles of the Falls. It had also been gradually extending upwards, and all the Inhabitants, in every part of it, were equally under the jurisdiction of this Province, and entitled to the benefit and protection of its Laws; and if they were to be transferred from this jurisdiction and protection, it must be by some Act of the King's Government, competent for that purpose.

The Learned Judge, with these observations, left the Case to the Jury, directing them to consider it in the same light, and to give the Defendant the benefit of the same considerations, that they would in the case of any other Inhabitant of the Province.

The Jury retired from the Box, and, after about an hour's deliberation, returned into Court with a verdict of *Guilty*.

The Defendant was then required to enter into recognizance to appear on Monday next to receive the Sentence of the Court. The same bail were accepted as before, in the same amount.

The Attorney-General stated to the Court that he should enter a *Noli prosequi* on the *ex officio* Information which had been filed against the Defendant; and also on the Indictment which had been found against John Baker and 6 others for a riot, so far as regarded the present Defendant.

The Witnesses were informed that their further attendance would not be required.

*Monday, 12th May, 1828.*

Present: His Honour the Chief Justice, Judge Bliss, and Judge Chipman.

The Defendant being called, and appearing, the Attorney General proceeded to make several observations on the Case, and concluded by moving the Judgment of the Court.

His Honour, Mr. Justice Bliss, then inquired of the Defendant if he had any thing to say in mitigation, or any Affidavits to produce.

The Defendant said he had little to say. He was brought there, and made amenable to the jurisdiction of the Court, and must of course submit. He had no Affidavits to produce: there were some facts

which, if they had been brought forward, might have been material; but as he was not prepared with the whole, he had thought it better not to adduce any proof. He concluded by submitting himself to the consideration of the Court.

Mr. Justice Bliss then proceeded to pass Sentence to the following effect:

That the Defendant had been indicted by the Grand Jury of the County of York for a seditious Conspiracy, entered into by him and others, within the jurisdiction of this Court, to which he had pleaded not guilty, alleging, at the same time, that he did not consider himself amenable to the Process of this Court, being a Citizen of The United States, and that the offence charged was committed within their Territory; but the Court could not admit this to be the case, it appearing clearly that the Madawaska Settlement, where the offence was committed, has been, from the first erection of the Province, hitherto under our Laws, and subject to our Jurisdiction; and that the Defendant, after a very fair and full investigation of the Case, had been convicted by a Jury of the Country; and it now remains for the Court to pass their Sentence upon him for this offence; in doing which their object was to treat him with that lenity which, so far as was consistent with the ends of justice, is uniformly extended to His Majesty's natural born Subjects; and, although the Court considered the offence of which he had been found guilty, of a very aggravated nature, they have had regard to his previous long imprisonment; and their object being to secure the future Peace of the Country, and not to pass a vindictive Sentence personally against him, they had awarded the punishment accordingly; and did sentence him to be imprisoned in the common gaol of the County of York for the term of 2 calendar months, and to pay a fine to our Lord the King of £25, and remain committed until the same was paid.

The Defendant, John Baker, was then taken into custody by the Sheriff.

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(23.)—*Mr. Clay to Mr. Lawrence.*

SIR, *Department of State, Washington 31st March, 1828.*

I TRANSMIT herewith a Copy of a Correspondence which has passed between Mr. Vaughan, the British Minister, and this Department,\* respecting the exercise of jurisdiction, on the part of the Government of the Province of New Brunswick, within the Territory respectively claimed by The United States and Great Britain, on our North-eastern border. In the course of it you will remark that we have demanded the liberation of John Baker, a Citizen of The United States, and full indemnity for the wrongs which he has suffered, by the seizure of his Person within the limits of the State of Maine, and his subsequent ab-

\* The preceding Papers, Nos 9 to 21 inclusive.

duction and confinement at Frederickton in jail. We have also demanded that the Government of New Brunswick shall cease from the exercise of all and every act of exclusive jurisdiction within the disputed Territory, until the Question of Right is settled by the 2 Governments. The considerations which have led to those demands are so fully set out in the Correspondence, that it is not deemed necessary now to repeat them. The President charges me to instruct you to address an official Note to the British Government, calling upon it to interpose its authority with the Provincial Government to enforce a compliance with both demands. The Government of The United States cannot consent to the exercise of any separate British Jurisdiction within any part of the State of Maine, as the limits of that State are defined by the Treaty of 1783, prior to the decision of the Question of Title. And, if there be a perseverance in the exercise of such jurisdiction, this Government will not hold itself responsible for the consequences. It may, and probably will, be urged, that, if the Province of New Brunswick should abstain from exerting its authority over the Inhabitants situated on the controverted ground, disorder and anarchy amongst them will ensue. Should such an argument be brought forward, you will reply, that the Inhabitants will no doubt institute some form of Government themselves, adapted to their condition, as they did for a long time on the Madawaska: that, whether they do or not, however, it will be competent to the Governments of Maine and New Brunswick, within their respective acknowledged limits, to guard against any disorders; that the Government of The United States cannot consent to the exercise of any exclusive British Authority within the contested Territory, founded on the plea of necessity; and that many of the Settlers, being intruders upon the soil, can have no right to complain of any disorders among themselves, resulting from their own unauthorized intrusion. The President hopes that the British Government, participating in the desire which he most anxiously feels, to avoid all collision on account of a temporary occupation of the Territory in contest, will effectually interpose its authority to restrain the Provincial Government from the exercise of any jurisdiction over it. Such an interposition alone will supersede those precautionary Measures which this Government will otherwise feel itself constrained to adopt.

I also transmit herewith Copies of the Report of Mr. Barrell, and of Mr. Daveis,\* who were respectively deputed by the Governments of The United States and the State of Maine, to proceed to the disputed Territory, and to ascertain on the spot the causes of the recent disturbances which have occurred there.

I am, &c.

*W. B. Lawrence, Esq.*

H. CLAY.

\* See Inclosures in No. 18.

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(24.)—*Mr. Lawrence to Lord Dudley.*

*Lower Seymour Street, London, 5th May, 1828.*

THE Undersigned, Chargé d'Affaires of the United States of America, regrets that he is compelled to call to the notice of His Majesty's Principal Secretary of State for Foreign Affairs, acts on the part of the Government of the Province of New Brunswick, within the Territory claimed by The United States and Great Britain respectively, not only wholly inconsistent with that mutual forbearance which, it has been understood, should govern the proceedings of both Countries, during the pendency of the Question of Boundaries, for the decision of which arrangements have recently been made, but of a character to lead, by inviting retaliation, to difficulties of the most serious nature.

The proceedings complained of, to which it will be the duty of the Undersigned particularly to refer, took place in Settlements near the Aroostook and St. John's Rivers, within the Territory which is, and always has been, considered, by The United States, as a part of the present State, formerly District, of Maine. It appears from Official Documents, that in this Section of Country, various attempts to exercise exclusive jurisdiction have been made by the Lieutenant-Governor of New Brunswick; that American Citizens residing within the Territory in dispute have been subjected to an Alien tax; that they have been compelled to serve in the British Militia; that the Provincial Government has undertaken to issue Civil Process against them, for enforcing the collection of debts, and for other purposes; that they have been summoned to appear before the Tribunals of New Brunswick for intrusion on the Land occupied by them, as if it was the uncontested property of the British Crown; and that they have been prosecuted before these Foreign Courts for alleged political offences, which, if punishable at all, were only cognizable by the Authorities of their own Country.

These attacks on the rights of Citizens of The United States having formed the subject of a Correspondence between the British Minister at Washington and the American Secretary of State, which, it is understood, has been transmitted to Lord Dudley, the Undersigned does not deem it necessary to enter into the details of the different individual acts of exclusive jurisdiction that have been matters of complaint, but hastens to a Case which he is instructed to bring particularly under the consideration of His Majesty's Government, with a view to the redress of which it may be susceptible. John Baker, a Citizen of The United States, residing on a tract of land situated at or near the junction of the Mereumpticook with the St. John's River, and held by him under a Deed from the States of Massachusetts and Maine, was arrested in his own domicile, on the 25th of September last, under circumstances of aggravation. While Mr. Baker and his family were asleep, his house was surrounded by an armed force, and entered by a Person of high



Official Character in the Province of New Brunswick, by the command of whom Mr. Baker was seized and conveyed to Frederickton, and there committed to jail, where he is still confined on a charge of an alleged misdemeanor, growing out of a denial of British jurisdiction, in the Territory where he had settled, as above stated, under the authority of a Grant from two States of the American Union. This transaction having received the special consideration of the President of The United States, the Undersigned has been charged to call upon the Government of Great Britain to interpose its authority with the Provincial Government, in order to the liberation of Mr. Baker, and to the granting to this American Citizen a full indemnity for the wrongs which he has suffered, by the seizure of his Person within the limits of the State of Maine, and his subsequent abduction and confinement in jail at Frederickton.

The Undersigned is further instructed to require that the Government of New Brunswick shall cease from the exercise of all and every act of exclusive jurisdiction within the disputed Territory, until the Question of Right is settled by the two Governments of Great Britain and The United States.

The motives which have led to these demands may be sufficiently inferred from a consideration of the occurrences already cited. In declaring through the Undersigned, that it cannot consent to the exercise of any separate British jurisdiction, within any part of the State of Maine, as it understands the limits of that State to be defined by the Treaty of 1783, prior to the decision of the Question of title, the Government of The United States is only protesting against unjustifiable encroachments on its Sovereignty, and asking from Great Britain what it is willing on its side to accord—that forbearance which the present state of the controversy most strongly inculcates. Indeed it is only by adopting such a course, that the collisions, which would arise from an attempt by each Party to give effect to its own pretensions, can be avoided. The importance of abstaining from any act which might jeopard the amicable relations between the two Powers was early perceived; and instances have not been wanting in which they have both been restrained, by considerations of prudence and mutual respect, from exercising acts of exclusive jurisdiction within the disputed Territory. To a complaint made so far back as the Year 1818, by Mr. Bagot, at that time His Majesty's Minister in America, of irregular Settlements attempted by Citizens of The United States on the lands in controversy, the most ready attention was paid. On the other hand, Licences to cut timber, granted by the Provincial Authorities, have been revoked, and the practice of cutting and removing the timber has been understood by the Government of The United States to have been discontinued. Recent cases have also occurred, in which the interposition of the American Government, requested by Mr. Vaughan, has been

promptly accorded, in the spirit of that rule, of the expediency of which no better evidence can be required than the necessity which has given rise to the present Communication.

The Undersigned purposely avoids any observations which can lead to a premature discussion, on points which are to be submitted to a Tribunal selected by the two Powers. However unanswerable he may conceive the arguments by which the Claim of his Country to the Territory in question may be sustained, he is aware that it can be attended with no advantage to adduce them on the present occasion.

The Undersigned also regards as inadmissible, all attempts to defend the exercise of British authority, in the Territory referred to, during the time which may intervene before the decision of the Arbiter is made, by asserting a title derived from possession. Considering the grounds on which the Claims of The United States are founded, it is not perceived how arguments, drawn either from first occupancy or immemorial possession, can be made to bear on the final determination of the principal subject in discussion between the two Countries, or how they can affect the question of temporary jurisdiction. Before the Independence of The United States, not only the Territory in dispute, but the whole of the adjoining Province and State, was the property of a common Sovereign. At the time of the division of the Empire, The United States and Great Britain defined, in express terms, their respective territorial Limits; and it will not, it is presumed, be asserted that, on concluding the Treaty of 1783, the jurisdiction of the one Party over the Country allotted to it was less complete than that which was granted to the other over its Territory. The Treaty by which the separation of the Dominions of the two Powers was effected may be assimilated to a Deed of Partition between Individuals holding property in common. From the exchange of Ratifications, the only doubts which could arise were necessarily restricted to the interpretation of its language. Nor has any thing occurred since the Revolutionary War to vary the rights of Great Britain and America. The object of the Vth Article of the Treaty of Ghent was merely to direct the practical business of surveying and marking out the Boundary Line, in order to give effect to previous Stipulations.

To avoid, however, any misconstruction that might be drawn from his silence on the subject of a possessory title, the Undersigned deems it proper to declare, that New Brunswick can adduce no Claims, by which a jurisdiction derived from prescription, or the first occupancy of the Country, can be sustained; and he is far from admitting that, in this view of the case, the pretensions of The United States are less valid than those of Great Britain.

It appears, from the best information that can be obtained, that no Settlement had been made in the Territory at present in dispute prior to the American Revolution; that, subsequently to that event, a small

one was formed at or near the Madawaska, by French from Nova Scotia, who had always, previously, resisted the English authority; and that, though some Grants of land may have been made to these Settlers by the Provincial Government, before the determination of the River St. Croix, in pursuance of the Treaty of 1794, the acts of Authority which took place were few and doubtful, nor is it believed that they were, till very recently, known to, much less acquiesced in by, Massachusetts, to whom, till the separation of Maine, the jurisdiction as well as soil belonged. There was little occasion for the employment of Criminal Process among the relics of a primitive Population, as these Settlers were represented to be of a "mild, frugal, industrious, and pious character," desirous of finding a refuge under the patriarchal and spiritual power of their religion. For the arrangement of their civil affairs of every description, including their accidental disputes and differences among themselves, they were in the habit of having recourse to a tribunal of their own establishment, formed of one or two Arbiters, associated with the Catholick Priest.

The Settlement on the Aroostook was made within the last 6 Years, partly by Citizens of The United States, partly by British Subjects, but with an impression, entertained by the whole Community, that they were establishing themselves on American Territory. It was not, indeed, till within 3 or 4 Years that the Provincial Government undertook to subject these Settlers to Civil Process; and last summer, for the first time, proceedings for trespass and intrusion on the Crown Lands were instituted against them.

The opinion of Great Britain, as to the practical jurisdiction exercised over the Territory in dispute, so late as the Year 1814, may be seen by a reference to the proceedings at Ghent. When proposing a revision of the Boundary Line of Maine, with reference to convenience, and asking the tract now contested as a cession, for which compensation was elsewhere to be made, it is asserted by the English Plenipotentiaries "that the greater part of the Territory in question is actually unoccupied;" and strenuous as were the efforts of His Majesty's Ministers to adjust such a variation of Line as might secure a direct communication between Quebec and Halifax, it no where appears that a fact so important to their object as the actual Settlement of the Country by Persons recognizing British authority was conceived to exist.

At as early a period as the gradual advance of Population required, the usual preliminary measures were taken by Massachusetts, with a view to the Settlement of the vacant lands on her Eastern Frontier. In 1801, a Grant of Mars Hill was made to certain Soldiers of the Revolution by a Publick Act of the Legislature of the State, which was followed by similar proceedings in favour of others. That the Country was not occupied, in conformity to these Grants, is to be ascribed to the delays usually attendant upon the Settlement of an exposed Frontier,



and to interruptions growing out of apprehensions of hostilities with the neighbouring Province, which were realized by the Declaration of War made by The United States against Great Britain in 1812. Not only have many acts of authority in the Territory now in dispute been subsequently exercised by the States of Massachusetts and Maine, but, in 1820, the enumeration of the Settlers on the Madawaska took place, under the supreme authority of The United States, and without, as far as can be ascertained, any remonstrance on the part of Great Britain, or of the Province of New Brunswick.

In the case of the land on which his unfortunate Fellow-citizen, now imprisoned at Frederickton, was arrested, the Undersigned would remark, that, though it is situated in a Section of Country to which the general description of Madawaska is applied, the Territory on which Mr. Baker and other Americans have established themselves, is to the West of the ancient Settlement of the French Acadians; and it is believed that no part of the Country where they reside, that is to say, of the tract on the St. John's, between the Mereumpticook and St. Francis's Rivers, has ever been in the possession of Persons acknowledging allegiance to the British Government. It thus appears, that to justify the unwarranted exercise of power, specially complained of, is wanting even the apology of former usage, unsatisfactory as that would be.

The Undersigned is not ignorant of the inconveniences which may arise from the disorder and anarchy to which the Inhabitants of the controverted District may be exposed, should no authority be exercised over them, either by The United States or the neighbouring British Province. This is, however, an evil, to remedy which does not necessarily demand the interposition of New Brunswick more than of the State of Maine. It is an inconvenience which The United States cannot consent to remove by subjecting American Territory to a Foreign jurisdiction. It is believed that, should the Settlers be left to themselves, they will institute some form of Government adapted to their condition, as was done for a long time on the Madawaska; that whether they do or not, it will be competent to the Governments of Maine and New Brunswick, within their respective acknowledged limits, to guard against any disorders. At all events, the Government of The United States cannot consent to the exercise of any exclusive British authority within the contested Territory, founded on the plea of necessity; and as many of the Settlers are intruders upon the soil, they can have no right to complain of any disorders among themselves, resulting from their own unauthorized acts of intrusion.

The Undersigned, on this occasion, cannot avoid observing, that the inconveniences which confessedly arise from the unsettled state of the Boundary between the Dominions of The United States and Great



Britain, constitute a most powerful reason for the adoption of every measure calculated to insure a prompt decision of the main Question at issue. A Convention, formed with a view of submitting the conflicting decisions of the Commissioners under the Vth Article of the Treaty of Ghent, to the arbitration of a Friendly Sovereign or State, having received the assent of both the High Contracting Parties, became obligatory on them by an exchange of their respective Ratifications, on the 2d of April last. In the same Official Communication in which the Undersigned acquainted the Earl of Dudley, with his authority to exchange the Ratification of the President of The United States for that of the King, he announced his having received Instructions in relation to further arrangements contemplated by the Convention; and no effort on the part of The United States, which could, with propriety, be made, has been wanting to fulfil, literally, the Stipulations by which the two Contracting Parties engaged to proceed, in concert, to the choice of a friendly Sovereign or State, as soon as the Ratifications should be exchanged.

The Undersigned would fail in obedience to his Instructions, were he to conclude this Note, without declaring to Lord Dudley that, while the President hopes that the British Government, participating in the desire, which he most anxiously feels, to avoid all collision on account of the temporary occupation of the Territory in contest, will effectually interpose its authority to restrain the Provincial Government from the exercise of any jurisdiction over it; such an interposition alone will supersede those precautionary measures which the Government of The United States will otherwise feel itself constrained to adopt.

The Undersigned, &c.

*The Earl of Dudley.*

W. B. LAWRENCE.

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(25.)—*Mr. Lawrence to Mr. Clay.*

SIR, *Legation of The United States, London, 26th June, 1828.*

AFTER having, at our Conference on the 19th instant, disposed of the business in relation to the Arbiter, Lord Aberdeen directed the conversation to the subject of the jurisdiction to be exercised over the disputed Territory, pending the Suit. He seemed to consider an exclusive authority derived from a regular Government to be indispensable; and subsequently proceeded to maintain that to Great Britain this jurisdiction belonged, at least till His Majesty was divested of it by the decision of the Arbiter.

In replying to the observations on the first point, I had little more to do than to repeat the explanations with which you had furnished me, and of which I had availed myself in my Official Note to Lord Dudley. I cited the Government which the Settlers on the Madawaska had established, in order to point out how the evils of a temporary

anarchy might be, in a great degree, obviated, without the interposition of either Maine or New Brunswick. I referred, as I had done in conversation with his Lordship's Predecessor, to the opinion expressed last summer by Mr. Canning, in an interview with Mr. Galatin, and to the Convention respecting the Territory West of the Rocky Mountains. Lord Aberdeen here inquired whether I could enter into a similar arrangement with regard to the Country now under consideration. I observed that my remark had been made merely by way of illustration; that I had, by order of the President, made a demand for the redress of a specific injury committed on an American Citizen, and had further required that this Country should abstain from the exercise of exclusive jurisdiction in a Territory which, we maintained, belonged to The United States; that no answer had been returned to my reclamations; and that, therefore, in no event, could a new proposition be expected from me; that it would be competent for him, in replying to my Note, to make any offer or suggestion he might think fit, as to the best mode of obviating inconveniences from a disputed title, till the Judgment of the King of The Netherlands is obtained; and that his proposals, if it should not be in my power to accept them, would be transmitted to my Government, who would undoubtedly give them a respectful consideration.

The other topic on which Lord Aberdeen touched gave rise to a more extended discussion. Taking the same view as Mr. Vaughan had done in his Correspondence with you, he maintained that, whatever might be the true Boundary, the jurisdiction over the disputed Territory remained with Great Britain till our title was completed by an absolute delivery of possession; observing that this was the rule of the Law of Nations in all cases of cession. I answered that the principle for which he contended, and with which I was acquainted, was adopted for the regulation of a third Power, or of Individuals, in order to prevent the inconvenience which would result in an established Community, from doubts existing as to the period when a transfer of authority took place, and a new set of duties and obligations commenced; that in no case could one of the Contracting Parties reply to the complaint of the exercise of jurisdiction, in the Territory which the other regarded as ceded to it, the fact that it had never delivered up the possession. If it has a claim of right, on that right, and not on the possession, must it support itself. If otherwise, as the withholding of the possession after its being demanded, is *per se* a continued injury, to adduce it would be to rely on one's own wrong. I further remarked that, even considering the Treaty of 1783, as one of *cession*, every delivery had taken place of which the subject matter was susceptible. The Territory now disputed was never held by Great Britain like a Town or Fortress. The possession in the Crown, anterior to the Revolution was only

constructive, of which, assuredly, the renunciation in the Treaty was fully competent to divest it; that there had been no uninterrupted exercise of an authority, by the Province of Nova Scotia or New Brunswick, since the Independence of The United States; but that, on the contrary, as had been elsewhere stated, as much at least had been done on our side as on theirs, towards obtaining a title by occupancy.

I then proceeded to say that I had thought proper to show that, even on the principle assumed by this Government, its claim of exclusive jurisdiction was untenable; but that I totally denied that we held any portion of the Territory, embraced within the original States, as a "*Grant*" or "*Cession*" from a Foreign Power, in the sense which had been attributed to those terms.

After assimilating the state of things resulting from our Revolution, as was done in my Official Note, to a division of the Empire, I remarked that there was nothing in the form of the Treaty of Peace, or in the circumstances under which it was negotiated, to lead to the conclusion that on it depended our claims to Territorial Sovereignty. Even anterior to our separation from the Mother Country, though we acknowledged the authority of the King of Great Britain, we had not acquiesced in a Parliamentary Right to interfere with our internal regulations; an attempt to assume this power having been, indeed, one of the causes of the War. From the Declaration of Independence, and long before its recognition by England, we concluded Treaties with Foreign States, and exercised all the other prerogatives of an established Government. I also adverted to the terms, as well of the Provisional Articles of 1782, as of the Definitive Treaty of the succeeding Year, in both of which the Contracting Parties treated on the footing of the most perfect equality; The United States being considered in the full possession of all the usual attributes of National Sovereignty. A reference to the Treaties with France and Spain, with respect to Louisiana and Florida, will show that, where real *Cessions* were made, a different language was employed than in that of 1783, where the terms "relinquishes all claims to the Government, Propriety and Territorial Rights" imply a renunciation of what is no longer in possession. Lord Aberdeen here interrupted me, and said that the Treaty was in the nature of a Grant or Cession, because England gave every thing, and received nothing. To this I replied, that it was not permitted to open a solemn Instrument, by which an agreement had been fairly and honestly effected between Individuals; much less could it be done in the transactions between States, in order to inquire into the consideration mutually given and received, with a view to change its legal character; and that it was, therefore, unnecessary for me to say any thing, as to the object which England had in view in saving further War expenditure, *securing her remaining Provinces*, and obtaining the other

benefits of Peace; and I would only refer to the face of the Instrument itself to ascertain its nature. If, I added, by tracing the Boundaries in the Treaty, England ceded to us the Territory on one side of the Line, as described in the 2d Article, we *ceded* to her the Territory on the other side, on which, indeed, we had, at different periods of the War, more or less pretension. The most correct way, however, of viewing the subject was, not to consider that the Treaty made *Grants* or *Cessions* to either Party, but that the Line was indicated, as is expressed in the Article itself, to prevent future disputes, a motive which frequently has led to a Convention of Limits between two Governments of equal antiquity.

As, however, Lord Aberdeen still intimated that, whatever view other Nations might take of the Question, it could not be expected that Great Britain would consider the Sovereignty of The United States as existing anterior to 1783, or regard the recognition of Independence, so far as Territory was concerned, in any other light than a Cession, I observed, that, the main Question in dispute between the Countries having been disposed of, it was desirable that difficulties, as to temporary jurisdiction, should not be occasioned by the discussion of an abstract proposition. In the inference which it had been attempted to draw from the principle of Cession, connected as it was with the character which had been ascribed to the Treaty of 1783, I felt confident that my Government could not acquiesce. If admitted, it might be construed so as to involve the most monstrous consequences, and perhaps be applied in other cases than in the one under consideration. There was, however, another view of the subject, which I would suggest. The Independence of The United States, in general, is not only acknowledged by the Treaty, but also that of each State, by name, Massachusetts being enumerated with the others. If we divest the Question of its national character, and regard it as a dispute between Maine and New Brunswick, succeeding to the respective rights of Massachusetts and Nova Scotia, the argument from the principle of *Cession* would operate altogether in our favour: for it can hardly be pretended that, when Nova Scotia, after having been annexed to Massachusetts under the Charter of William and Mary, was transferred to a separate Provincial Government, and subsequently to the French, there was, in either case, any other delivery of possession of the unsettled Territory than took place on the conclusion of our Revolutionary War.

I cannot flatter myself that I have been able to change the views of Lord Aberdeen, but it is proper for me to add, that he said that he would give to my observations a full consideration, and requested me not to regard what had fallen from him as the final opinion of the British Government.

I have the honour to be, &c.

*The Hon. Henry Clay.*

W. B. LAWRENCE.

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(26.)—*Lord Aberdeen to Mr. Lawrence.*

*Foreign Office, 14th August, 1828.*

THE Undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, has the honour to acknowledge the receipt of the Note which Mr. Lawrence, Chargé d'Affaires of The United States of America, addressed to His Majesty's Principal Secretary of State for Foreign Affairs on the 5th of May, containing representations upon certain occurrences, in that District on the North-eastern Frontier of The United States, the right of possession of which is now, by mutual agreement of the two Countries, and in compliance with the provisions of the Treaty of Ghent, referred to the arbitration of a Friendly Power.

Mr. Lawrence's representations, and the demands founded upon them, may be conveniently divided into 2 heads :

1st. The representation against the arrest of John Baker, a Citizen of The United States, and residing within the said Territory, and his removal by the Provincial Authorities of New Brunswick to the Capital of that Province for trial, on a charge of Misdemeanor, and the demand for " the liberation of Mr. Baker, and for the granting to him a full indemnity for the wrongs which he has suffered, by the seizure of his person within the limits of the State of Maine, and his subsequent abduction and confinement in the jail at Frederickton."

2d. The representation against the exercise of jurisdiction by British Authorities within the Territory in question, and the demand " that the Government of New Brunswick shall cease from the exercise of all and every act of exclusive jurisdiction within the disputed Territory, until the Question of Right is settled between the two Governments of Great Britain and The United States."

The Undersigned deems it to be his duty to remark, in the outset, with reference to the designation which Mr. Lawrence has given to the Place wherein John Baker was arrested, as being " within the limits of the State of Maine," and with reference also to the phrase " American Territory," applied by Mr. Lawrence, in another part of his Note, to the District in question, that, if The United States consider the tract of Country which forms the subject of the Arbitration now in progress as unquestionably their own, the British Government are, on their side, as firmly convinced of the justice of their claim, to designate those Lands as Territory belonging to the Crown of Great Britain.

This, however, is not the point for present consideration. The question of Sovereignty, which depends upon the definition of the true Frontier Line between the two Countries under the Treaty of 1783, having been referred, agreeably to the provisions of the Treaty of Ghent, to the Arbitration of a friendly State, it is a question of actual jurisdiction alone which can now be discussed, without interfering with the Province of the Arbitrator; and between these Questions—of Sovereignty, and the actual exercise of Jurisdiction, the Undersigned conceives there is a broad and clear distinction.

With these preliminary observations, the Undersigned will proceed to remark upon the first demand made by Mr. Lawrence ; and, if it has been a source of regret to the Undersigned, that the various and pressing calls upon the attention of His Majesty's Government, at this season of the Year, have prevented him from returning an earlier answer to Mr. Lawrence's Note, addressed to his Predecessor, that regret is materially diminished by the consideration, that this delay has enabled the Undersigned to put Mr. Lawrence in possession of the Proceedings on the Trial of John Baker, at Frederickton, in New Brunswick, (a Copy of which he has now the honour to enclose,) which he feels persuaded will, in conjunction with the remarks which he has to offer upon them, satisfy Mr. Lawrence, that the Prosecution instituted against John Baker by the Government of New Brunswick, was rendered indispensably necessary by the acts of that Individual ; that it has been conducted with a scrupulous regard to justice ; that the Sentence which has been passed upon him is, under all the circumstances of the case, a lenient one ; and that, in the whole course of these proceedings, no privilege which Baker could justly claim under the Law of Nations has been violated.

Postponing for the present any answer to Mr. Lawrence's remarks on the general question of Jurisdiction, within the District in which John Baker resided at the period of his arrest, and assuming, in this place, that such jurisdiction did belong to the Government of New Brunswick, the Undersigned will proceed to show, from the history of Baker himself, that the exercise of it, in the particular case of that Individual, is singularly free from any possible imputation of hardship or severity.

Mr. Lawrence will see, from the Report of Mr. Barrell, the Agent specially appointed by the Government of The United States to inquire into this transaction, (which Report has been officially communicated to His Majesty's Government, and is doubtless in Mr. Lawrence's possession,) that John Baker, who had, from the Year 1816, until 1820, resided in the British Provinces of New Brunswick and Canada, came, in the latter Year, to reside in the Madawaska Settlement, where he joined his Brother Nathan, then carrying on trade, in connexion with a British Merchant of the name of Nevers, established at the Capital of New Brunswick ; and that, after the death of his Brother, in 1821, John Baker continued to occupy the land on which his Brother had originally settled, and to carry on the same business as before, under the said Nevers. It further appears, as well from Mr. Barrell's Statement, as from the Evidence on Baker's Trial, that Nathan Baker had, so long ago as the Year 1819, formally admitted the jurisdiction of the Government of New Brunswick over his said possession ; that John Baker's Partner, Nevers, with Baker's concurrence, applied to the Government of New Brunswick for a Grant of the same Land, for

the benefit of John Baker; that, in 1822, Baker himself applied for, and received from the Government of New Brunswick, the Provincial Bounty for the cultivation of grain upon that land; and that, so late as the Year 1825, he had voluntarily applied to the British Authorities for the enforcement of the British Laws among the American Settlers, both in civil and criminal matters; from all which circumstances, it is manifest, that the seditious practices for which Baker was prosecuted were not committed in ignorance of the authority, which had uniformly been asserted and exercised by the Government of New Brunswick, and of which he had himself, in common with the other Settlers, claimed the benefit and protection.

It must be wholly unnecessary for the Undersigned to insist upon the serious nature of the offences themselves, with which John Baker was charged, and of which he was found guilty. The several acts of outrage and sedition proved against him on the Trial, were such as no Government actually exercising jurisdiction, and therefore responsible for the peace and security of the Community existing under its protection, could allow to pass unpunished, whether the Perpetrators of such offences happened to be its own Subjects, or Aliens settled within its jurisdiction, and therefore owing local and temporary obedience to its Laws.

Such being the facts more immediately relating to the Individual, Baker, himself, the Undersigned has now to beg the attention of Mr. Lawrence to those which relate to the Settlement in which he resided.

It is shown by the Report of Mr. Barrell, and confirmed by the Evidence on Baker's trial, that the Madawaska Settlement was formed soon after the Treaty of 1783, by British Subjects, descendants of the original French Colonists of New Brunswick. It is stated on Oath, by Simon Hibert, a Witness on the Trial, who had lived 40 Years in the Settlement, and had received a Grant of Land from the Provincial Government, 2 or 3 Years after he settled there, that he considered himself to have always lived under the Government of New Brunswick, and that all the Madawaska Settlers lived under the same Government. Testimony to the same effect is given by Mr. Fraser, a Magistrate, who has been acquainted with the Madawaska Settlers since 1787; and who further proves that the Settlers had, to his own knowledge, for a long series of Years, voted at elections like the other Subjects of the Province of New Brunswick: and, finally, Mr. Barrell reports that "the Laws of New Brunswick appear to have been always in force since the origin of the Settlement; and that the Settlers have acquiesced in the exercise of British authority among them, and have for many Years had an organized Militia."

It is further proved by the Evidence on the Trial, and is admitted by Mr. Barrell, that the lands on which Baker resided form part of the Madawaska Settlement; and the acts of Baker himself, and of his



Brother, who preceded him, show that they considered the land possessed by them, successively, to be situate under the authority of the Government of New Brunswick.

It is, moreover, not an immaterial fact, that the Settlement thus originally formed, upwards of 40 Years ago, by Settlers from New Brunswick, was found by Mr. Barrell, at the period of his visit in November last, to contain, out of a Population of 2,000 Souls, not more than 25 American Settlers.

This exposition of the substance of the information collected by the Agent of The United States, corroborated as it is by the Evidence on Oath given before the Supreme Court at Frederickton, together with the detailed narrative of the Proceedings on the Trial, will, the Undersigned trusts, satisfy Mr. Lawrence that the opinion which he has expressed in his Note, "that no part of the tract in which Baker resided had ever been in the possession of Persons acknowledging allegiance to the British Government," is founded in error; and that full and substantial justice has been done to Mr. Baker. The Undersigned will therefore proceed to the second point to which he has proposed to advert, namely, Mr. Lawrence's demand "that the Government of New Brunswick should cease from the exercise of all and every act of exclusive jurisdiction within the disputed Territory."

The consideration of this Question naturally brings before the Undersigned Mr. Lawrence's assertion, "that New Brunswick can adduce no claims, by which a jurisdiction derived from prescription, or first occupancy of the Country, can be sustained."

The reply to this allegation has been, in a great measure, anticipated, in the course of the preceding observations on the Case of John Baker. But the Undersigned desires to call the attention of Mr. Lawrence more distinctly to the following important facts:

*First*, To the fact (which the Undersigned will state in Mr. Lawrence's own words) that "before the Independence of The United States, not only the Territory in dispute, but the whole of the adjoining Province and State, was the property of a common Sovereign;"

*Secondly*, To the fact, that The United States rest their claim to the possession of the Territory upon the Treaty of 1783; by which Treaty the Independence of The United States was recognized by Great Britain, and their Boundaries attempted to be defined; thereby, in effect, admitting the previous title of Great Britain to the Territory in question;

And, in the third place, to the facts (which have either been proved upon Oath on Baker's Trial, or admitted by Mr. Barrell, the Agent of The United States) that no actual delivery of the Territory into the possession of The United States has hitherto taken place; that from, and immediately after the conclusion of the Treaty of 1783, whatever rights of sovereignty have been exercised in that Territory, have, until



the recent attempts of the State of Maine, been exercised by Great Britain; that the first Settlers were Colonial Subjects of His Majesty; that the Inhabitants have always hitherto been treated as British Subjects; that they have for many Years voted at Elections, like the other Natives of the Province; that they have long had an organized Militia, and have considered themselves to be living under British protection and jurisdiction; and that, until a very recent period, the right of Great Britain to exercise acts of sovereignty within this Territory has never been called in question by the Government of The United States. Even in the representation addressed by Mr. Clay to His Majesty's Chargé d'Affaires at Washington, on the 27th of March, 1825, (which contained the first objection of any kind, advanced by the Government of The United States, to the proceedings of the British in the District jointly claimed by the two Governments,) that objection was not directed against the exercise of jurisdiction on the part of Great Britain, (which was then, and had long been notorious,) but against the depredations of Individuals; such as the cutting of wood, and other acts tending to render the District of less value to the Party to whom it should finally be assigned.

In the face of this accumulated evidence, that Great Britain has never yet been practically divested of her ancient right of jurisdiction, it cannot reasonably be contended that the national character of the Territory has undergone any change since the period antecedent to the Treaty of 1783. It has, indeed, been formally admitted, both by Great Britain and The United States, that the right of eventual Sovereignty over that District is a question remaining in doubt; but it is consistent with an acknowledged rule of Law, that, where such a doubt exists, the Party who has once clearly had a right, and who has retained actual possession, shall continue to hold it until the Question at issue may be decided. This Territory, therefore, ought, upon every principle, to be considered, for the present at least, as subject to the authority and jurisdiction of Great Britain; unless Treaties subsequent to that of 1783 shall have imposed an obligation on her to pursue a different line of conduct with respect to it.

None of the Treaties, however, posterior to that of 1783, allude to the question of jurisdiction; and from their silence on this point, it may fairly be inferred that The United States, who cannot be supposed to have been ignorant of the acts of British authority which had been exercised throughout the Territory in question, for so many Years, did not entertain any doubt of the right of Great Britain in that respect. For, if such had been the case, they would surely have stipulated for the introduction into the latter Treaties, especially into that of Ghent, of some provision respecting the exercise of that authority against which Mr. Lawrence is now instructed to protest.

The Undersigned cannot acquiesce in Mr. Lawrence's extension to this question of jurisdiction, of that rule of forbearance which has been inculcated on both sides, with regard to the exercise of other acts of sovereignty, not necessary for the due administration of the Territory now under consideration. With respect to such jurisdiction, the Undersigned must be permitted to observe, that the circumstances of the two Countries are extremely different. The United States have never been in possession of the Territory ; their title to it, under the Treaty of 1783, is not admitted by Great Britain ; and every act of jurisdiction done by The United States is an assumption of an authority which they did not previously possess. On the other hand, Great Britain has never parted with possession ; the jurisdiction which she now exercises is the same which belonged to her before the Treaty of 1783, and which she has, ever since that period, continued to exercise within the limits of the Territory in question. The Undersigned need hardly point out to Mr. Lawrence, that there is a very material difference between suspending a jurisdiction hitherto exercised, and forbearing to introduce a jurisdiction hitherto unknown ; and that, while The United States offer to forbear from *assuming* a jurisdiction which they have never exercised, they are demanding that Great Britain should *lay down* a jurisdiction which she has ever maintained : and it may be proper here to notice the erroneous opinion to which His Majesty's Government, in common with the Government of The United States, are disposed to ascribe the recent attempts of the State of Maine to introduce its authority along the Frontier in question ; viz : that forbearance on the side of The United States might be construed into an admission of the right of Great Britain to the possession of the Frontier which she claims. Such apprehensions are without foundation. No such inference could fairly be drawn from such forbearance. But were it otherwise, how much more would the position of Great Britain be prejudiced by her relinquishment of a jurisdiction hitherto invariably maintained ?

The extent of obligation which, in the opinion of His Majesty's Government, is imposed upon both Parties by the Treaty of Ghent with regard to this Territory, is, that the Question of Title shall remain precisely in the same state in which it stood at the date of that Treaty ; and that neither Party shall do any act within its limits, by which the Claim of the other, as it then stood, may be prejudiced, or by which the Country may be rendered less valuable to that State to which the possession of it may be ultimately awarded.

It is with this view that the Provincial Government of New Brunswick have, with the approbation of the British Government, discontinued from issuing Licenses for cutting wood within the District, and have abstained from all other acts not absolutely necessary for the peaceable government of the Country ; and the Undersigned is happy to have

this opportunity of acknowledging the existence of a corresponding disposition on the part of the General Government of The United States.

The United States further propose, that, until the Arbitrator shall have given his decision, neither power shall exercise any jurisdiction in the Territory. His Majesty's Government are persuaded that the Government of The United States will, on further consideration, see the manifold and serious injuries which would result to both Powers from the proposed arrangement. It would make the Districts along the Frontier a common refuge for the Outcasts of both Nations, and introduce among the present Inhabitants, who have long lived happily under the jurisdiction of Great Britain, lawless habits, from which it would hereafter be extremely difficult to reclaim them. It would thus render those Districts of less value to the State to which they may be ultimately assigned; while, by the pernicious contact and example of a vitiated population, it would materially endanger the tranquillity and good government of the adjoining Dominions of His Majesty and of The United States.

In declining, however, to accede to this proposition of The United States, the Undersigned fulfils with pleasure the commands of his Sovereign, in disclaiming, at the same time, in the most unequivocal manner, all intention of influencing the Decision of the Arbitrator, by any argument, founded upon the continued exercise of this jurisdiction since the period at which the Right was first questioned by The United States.

The Undersigned will conclude by observing, that, as no practical inconvenience has been alleged by Mr. Lawrence to exist, and as His Majesty has renounced any advantage which might be derived in the discussion, from the continued exercise of jurisdiction during the period of arbitration, the British Government conceive that, under all the circumstances, it would clearly be more just, as well as more to the advantage of both Countries, to allow the whole Question to remain upon the footing on which it has hitherto stood, until its final settlement by the Award of the Arbitrator.

The Undersigned, &c.

*William B. Lawrence, Esq.*

ABERDEEN.

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(27.)—*Mr. Lawrence to Lord Aberdeen.*

*Lower Seymour Street, London, 22d August, 1828.*

THE Undersigned, Chargé d'Affaires of the United States of America, had the honour to receive, on the 14th instant, the Note which the Earl of Aberdeen, His Majesty's Principal Secretary of State for Foreign Affairs, addressed to him, in reply to an official Communication made by the Undersigned, on the 5th of May, to the then Principal Secretary of State for Foreign Affairs, respecting certain Acts of the

Authorities of New Brunswick, deemed by the Government of The United States, infractions on their Rights of Territorial Sovereignty.

The two specific demands, which, in consequence of the occurrences in question, the Undersigned, by the President's orders, presented to the consideration of His Majesty's Government, are severally discussed by Lord Aberdeen.

On the subject of the first of them, viz. "the liberation of Mr. Baker, and the granting to him of a full indemnity for the wrongs which he has suffered," the Undersigned does not deem it expedient, under existing circumstances, to add any thing to the representations heretofore urged. The grounds on which this demand was made are believed to have been sufficiently set forth in his former Note; and it would not be proper for him to comment on the British counter-statement without being acquainted with the President's views respecting certain proceedings in New Brunswick, officially communicated by Lord Aberdeen, and which have occurred subsequently to the date of the Instructions under which he is acting.

Having thus assigned the reason for his silence, which is applicable as well to the inferences which have been deduced from "the Trial of John Baker," as to that transaction itself, it can hardly be necessary to remind Lord Aberdeen that, if the view which The United States take of their Rights of Territorial Sovereignty be correct, all the proceedings referred to must be admitted to have been before a Tribunal wholly without jurisdiction in the Case. This topic will not, however, be further enlarged on, as it is presumed that it is not proposed to conclude, by the Sentence of a municipal Court, the Rights of a Foreign Power; and that no greater force is attached to the statements alluded to by Lord Aberdeen, as having been given in the course of the Trial, than would be attributed to any other declarations made under the solemnity of an Oath.

How far The United States may regard it as an aggravation of their original complaint, that the prosecution in New Brunswick was proceeded with during the pendency of a diplomatic discussion on the Right to arrest Mr. Baker, and that he was brought to Trial more than 2 months after a formal demand for his release had been made by the American Government to the British Minister residing at Washington, must rest with the President to decide.

On the reply of the Earl of Aberdeen to the second demand of The United States, viz: "that New Brunswick should cease from the exercise of all and every Act of exclusive jurisdiction within the disputed Territory, until the Question of Right is settled between the two Governments of The United States and Great Britain," it is the duty of the Undersigned to offer a few considerations, which, he conceives are calculated materially to affect the grounds on which the application of his Government has been resisted. He is particularly induced to



submit these remarks at this time from the circumstance that, as they embrace the substance of observations which he had the honour to make to Lord Aberdeen in Conference, they will come with more propriety from him than from the distinguished Citizen to whom the interests of The United States at this important Court are about to be confided, who, however superior his advantages in other respects, must necessarily be unacquainted with what may have passed in personal interviews between his Predecessors in office and His Majesty's Ministers.

The second demand of The United States is considered in connexion with the remark incidently introduced in the former Note of the Undersigned, "that New Brunswick can adduce no Claims by which a jurisdiction derived from prescription, or first occupancy of the Country, can be sustained."

Without repeating here what has been said on a former occasion, respecting the inapplicability of a title founded on possession, even could such a one be established, to the question in controversy, the Undersigned will proceed briefly to examine the grounds on which the allegation taken from his Note is attempted to be controverted. The 3 reasons on which the dissent of His Majesty's Secretary of State is founded will be examined in the order in which they are presented.

The first of them is, "that, before the Independence of The United States, not only the Territory in dispute, but the whole of the adjoining Province and State, was the property of a common Sovereign." To the truth of this statement, which is indeed expressed in the words of the Undersigned, no exception is taken: but as the inference which Lord Aberdeen would draw from it is not explained, he may be permitted to remark that it is not perceived how this historical fact contributes more towards establishing a title in New Brunswick than in the State of Maine.

To use the words of a celebrated Authority, "when a Nation takes possession of a distant Country, and settles a Colony there, that Country, though separated from the principal Establishment or Mother Country, naturally becomes a part of the State, equally with its ancient Possessions."

From the principle here established, that the political condition of the People of the Mother Country, and of the Colonies, during their Union, is the same, the inference is unavoidable, that, when a division of the Empire takes place, the previous Rights of the common Sovereign, on matters equally affecting both of the States, accrue as well to the one as to the other of them.

From the possession of the disputed Territory by His Britannick Majesty anterior to 1776, a title by prescription, or first occupancy, might, therefore, with the same propriety, be asserted for Massachusetts, of which the present State of Maine was then a component part,

as for Nova Scotia, through which latter Province, the pretensions of New Brunswick are deduced.

On the second point, the Undersigned conceives it proper to state, that he cannot admit, "that The United States rest their Claim to the possession of the Territory upon the Treaty of 1783," in any other sense than that in which His Britannick Majesty founds, on the same Treaty, his Claim to New Brunswick. By the Instrument in question, which, besides being a Treaty of Peace, was one of Partition and Boundaries, the title of The United States was strengthened and confirmed, but was not created. It had existed from the settlement of the Country. Where this Treaty is applicable, it, equally with all other Conventional Agreements between Nations, is of paramount authority, and many of its provisions are, from their nature, of a permanent character; but its conclusion, though it created new Claims to Territory, did not destroy any prior right of the People of The United States, that was not expressly renounced by it.

The title to the District in controversy, as well as to all the Territory embraced in the original States, is founded, independently of Treaty, on the rights which belonged to that portion of His Britannick Majesty's Subjects, who settled in his ancient Colonies, now embraced in the American Union, and upon the Sovereignty maintained by The United States, in their national character, since 4th July, 1776.

To the general rights of Colonists, under the Law of Nations, allusion has already been made. To the particular situation of the Inhabitants of the Country, now comprised in The United States, it is therefore not necessary further to refer, than merely to recall to the recollection of Lord Aberdeen, that they were not a conquered People, but Subjects of the King of Great Britain, enjoying the same rights with Englishmen; and that, although they acknowledged the authority of a common Sovereign, the right of the Parliament of the Mother Country, in which they were unrepresented, to interfere in their internal concerns, was never acquiesced in.

From the Declaration of Independence, in 1776, the Claims of The United States, in their National character, to all the Territory within the limits of the former 13 Colonies, are dated. Of the fact of their being in possession of Sovereignty, comprising of course the rights of territorial jurisdiction, no further proof can be required than that they exercised all its highest prerogatives. Nor were these confined to the limits of their own Country. Treaties of Amity and Commerce, and of Alliance, were made with France, as early as 1778, and similar Arrangements were entered into by The United States with other Foreign Powers, before any Settlement of Boundary was attempted to be defined, by Convention between the American States and the adjacent Provinces.

The terms, as well of the Provisional Articles of 1782, as of the Definitive Treaty of the succeeding Year, may be cited in confirmation of the view here taken. By the 1st Article of both these Instruments, "His Britannick Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, &c. &c. &c. to be free, sovereign, and independent States: that he treats with them as such; and for himself, his Heirs and Successors, relinquishes all claims to the Government, propriety, and territorial rights of the same, and every part thereof."

This language is sufficiently different from that employed, where it is intended to convey Territory by a grant in a Treaty, to forbid the application of the rules, in the cases of cession, to the renunciation of his claims made by His Britannick Majesty.

If, by tracing the limits in the Treaty by which the Boundaries of The United States were attempted to be defined, England ceded to them the Territory on the one side of the Line, the Possessions of Great Britain, on the other side, must be considered as held under a cession from The United States. On these Provinces, indeed, the Independent States of America had more or less pretensions at different times during the War; and they were also entitled to prefer Claims to a portion of them, founded on their being an acquisition from France, at the time they formed an integral part of the Empire.

There is, however, nothing in a Treaty of Partition or Boundaries that conflicts with the idea of a perfect equality between the Contracting Parties. For the purpose of preventing all future disputes, the avowed object of the II<sup>d</sup> Article of the Treaty of 1783, such Conventions are frequently entered into between two Nations of the same antiquity.

As it is believed that the exposition which has been given, is sufficient to show that the character of the right which The United States are entitled to advance, under the Treaty of 1783, does not imply any admission of "the previous title of Great Britain" considered distinct from that of Massachusetts "to the Territory in question," the Undersigned will now proceed to examine the allegation made, in the third place, by Lord Aberdeen, "that no actual delivery of the Territory into the possession of The United States has hitherto taken place," and the further assertion, that, since the Treaty of 1783, until the recent attempts of the State of Maine, the Rights of sovereignty have been exclusively exercised by Great Britain.

It may be here proper to remark, that the delivery necessary to effect a transfer of possession is necessarily dependent, as well upon the circumstances under which property is held, as upon the nature of that property itself.

With respect to a Town or Fortress, the delivery is made by certain distinct sensible acts. This is important in an established Community,

in order to prevent the inconvenience which would result from doubts arising, as to the period when a transfer of Authority took place, and a new set of duties and obligations commenced. The same motives do not however exist with regard to an uncultivated Wilderness ; and with no propriety can the rules which govern in the one case be applied to the other.

Without insisting in this part of the argument, that, from the possession of the "Common Sovereign" independent of that of the Provincial Authorities, anterior to the Revolution, no title in favour of New Brunswick could be derived, which would not equally accrue to Maine, it is sufficient to observe, that it is admitted on all sides that the first Settlements were formed within the last 40 Years, and that, consequently, the possession, at the conclusion of the Treaty of 1783, to which ever Party it legally belonged, was only a constructive one. If the preceding views are correct, the constructive possession in question was in The United States, long before the date of the Treaty ; and no further acts were, or could have been, required to complete any title that might then have been confirmed to the American Union. But had any ceremonies been necessary, assuredly the solemn one of making the Treaty would have been sufficient ; and, looking to the fact that the District was then wholly uninhabited, it is difficult to conjecture what other formal surrender could have been conveniently devised.

It is also to be noticed in discussing this point, that the Treaty of 1783, which is long prior in date to the present Federal Constitution, was not made with the National Government exclusively, but, as appears by the Article already cited, the States were recognized by it as distinct, independent Communities. When it is borne in mind that they are all enumerated by their ancient Colonial names, and that "the North-west angle of Nova Scotia" is also introduced as one of the points of the Boundary, it is, without other corroborating considerations, sufficiently obvious that the former Boundaries between Massachusetts and Nova Scotia were intended to be retained. Under these circumstances, it is not immaterial that Nova Scotia (including, of course, the Territory in dispute, if it belongs to that Province,) was, by a Charter of William and Mary, incorporated in the Colony of Massachusetts Bay. By what other mode of transfer, it may be asked, than that adopted in the case of The United States, was that ancient Possession of Massachusetts divested, either in favour of the separate Provincial Government afterwards established there, or of the French to whom it was restored in 1697 ? If no actual delivery of the uncultivated Lands was made on these occasions, according to the reasoning of Lord Aberdeen, the former constructive possession of Massachusetts remains at this day in full force.



Conceiving that sufficient has been said to prove that the Americans, supposing them to have a Claim of Right, either had the constructive possession at the period of the Ratification of the Treaty of 1783, or that every transfer was made of which the subject matter is susceptible, it only remains on this head, to speak of the possession subsequent to the Peace of 1783.

From the nature of things, a title founded on "immemorial prescription" cannot exist among the Descendants of Europeans established in America; but as it is implied, even in a title by "ordinary prescription," that "the proprietor cannot allege an invincible ignorance; that he cannot justify his silence by lawful and solid reasons; and that he has neglected his right, or kept silence during a considerable number of Years," it would seem that, while the Officers of the 2 Governments were actually employed in ascertaining the Boundary, no new prescriptive title could accrue.

Without, therefore, noticing any Establishments founded during the period that the business of surveying and marking out the Boundary Line was in actual progress, it may be well to consider, for a moment, the character of the Settlement through which the British Claim of possession is derived.

The first Inhabitants near the Madawaska River were, as was formerly stated, French Acadians, or, in the words of Lord Aberdeen, "Descendants of the original French Colonists of New Brunswick;" but as this People had, from the period of their subjugation by the joint arms of England and America, to the formation of their Settlement, uniformly resisted the authority of their Conquerors, it is not apparent how they are to be considered "British Subjects." The Claim which either Maine or New Brunswick has on their obedience is only one founded on local allegiance; and the existence of this Right cannot be established in behalf of either Party, except by an assumption of the point in controversy. It can, therefore, hardly be seriously contended that such a Settlement, aided by the recent attempts of New Brunswick to introduce its Authority, by enrolling the Militia, and serving Process along the Frontier, affords evidence of a possession, as against Claimants under a title confirmed by Treaty, not only of the land actually occupied by the Individuals in question, but of an extent of Country embracing several millions of acres.

The Undersigned has already disavowed for his Government any knowledge of, much less acquiescence in, these irregular intrusions on the soil; and, to avoid repetition, he also refers to his former Note, for an enumeration of the acts of Sovereignty exercised by the American Governments.

The objections offered to his allegation, "that New Brunswick can adduce no Claims, by which a jurisdiction derived from prescription or

first occupancy of the Country can be established," have now been met; and, in maintaining a position, from the attempt to controvert which Lord Aberdeen has drawn important inferences, the Undersigned has treated, somewhat at length, a topic, which, in his previous Communication, was only incidently noticed. He then conceived that it would prevent protracted discussion, and perhaps render unnecessary the introduction of principles, on which there was danger that the two Governments might not agree, to begin the deductions of the Rights of the Powers from the Treaty of partition, by which a separation of their Dominions was effected.

This method seemed also the most expedient, as, so far as the Treaty was applicable, it, from its nature, precluded all reference to pre-existing titles, which became merged in it; and it was believed that the ground which it occupied covered the whole matter in controversy. The Undersigned felt that he might then, without entering at all into the facts respecting the Settlement of the Country, have contented himself with the remark, that, "considering the grounds on which the Claims of The United States are founded, it is not perceived how arguments, drawn either from first occupancy or immemorial possession, can be made to bear on the principal subject in discussion between the two Countries, or how they can affect the question of temporary jurisdiction."

The course of reasoning, however, which Lord Aberdeen has adopted, does not now leave the Undersigned at liberty to omit the preceding exposition; and he trusts that he has shown that there is no room for the application of the rule of Law cited by the British Secretary of State, viz. "that where a doubt exists, the Party who has once clearly had a right, and who has retained actual possession, shall continue to hold it until the question at issue may be decided."

It is a sufficient reply to the inference deduced from the silence of the Treaty of Ghent, and of previous Treaties, as to the exercise of jurisdiction by Great Britain, that it is evident from the proceedings on the occasion particularly mentioned, that the impression was entertained "that the greater part of the Territory in question was then unoccupied;" nor does it appear that the French Settlement, on which the British possession is now supported, was at that time known to the Plenipotentiaries of either Power.

The Undersigned learns, with regret, that The United States must consider themselves mistaken in the opinion which they had formed of the rule of forbearance inculcated on both sides. They had supposed that, by it, the Parties stood pledged to each other to abstain from the performance of any new acts, which might be construed into an exercise of the Rights of Sovereignty or soil over the disputed Territory. As explained by Lord Aberdeen, the mutual restriction would apply

exclusively to the exercise of the presumed Rights of the respective Parties, as proprietors of the soil, not to their pretensions as Sovereigns of the Territory.

It is difficult to reconcile with the idea now conveyed, the assurance given, early in the last Year, by the British Minister at Washington, that "the Lieutenant-Governor of New Brunswick cautiously abstains, on his part, from exercising any Authority in the disputed Territory, which could invite an encroachment as a measure of retaliation." And, presuming that no more was intended to be asked from the American Government than His Majesty's Authorities were prepared to grant in return, the Undersigned cannot understand on what principle, consistent with the rule now contended for, complaints were urged by Mr. Vaughan, respecting the laying out of land into Townships, and marking out roads, by the Agents of Maine and Massachusetts. Had the impressions of the Government of The United States been the same with those of His Majesty's Government, as now explained, it is not probable that the disparity in numbers between the American Citizens and French Acadians in the disputed Territory, relied on by Lord Aberdeen as a material fact, would, at this time, have existed.

But, as the conclusion of Lord Aberdeen on the demand of the American Government, is founded on the opinion "that the circumstances of the two Countries are extremely different," and as it is believed that this supposition has been proved to be erroneous, the Undersigned still flatters himself that, on a fuller examination, all objection will cease, to a proposal which has for its motive the prevention of dangerous collisions between neighbouring and friendly Powers; and that His Majesty's Government will admit the propriety of abstaining from a jurisdiction, the exercise of which, if persevered in, may lead to consequences, for which the Undersigned is instructed to declare that the Government of The United States cannot hold themselves responsible.

The Undersigned takes the liberty of observing, that, great as may be the inconveniences of all absence of exclusive jurisdiction on the Frontiers, they have not been on other occasions deemed, either by The United States or Great Britain, of sufficient magnitude to induce any sacrifices of Territorial Claims, as is abundantly evinced by Conventions entered into by them respecting other Territory.

He would also adduce a fact, that has fallen within the scope of his official knowledge, which shows that the opinion of the President was, at no very remote period, participated in by one of Lord Aberdeen's Predecessors in Office, at the time referred to, at the head of His Majesty's Government. Mr. Gallatin, in a Despatch to the Secretary of State of The United States, dated in July, 1827, after speaking of a Conference with the First Lord of the Treasury respecting the North-

eastern Boundary, observes that, "Mr. Canning also suggested the propriety of abstaining on both sides, pending the Suit, from every act of Sovereignty over the contested Territory."

That such a Stipulation was not introduced into the late Arbitration Convention, is probably to be attributed to the supposed adequacy of the existing understanding between the Parties, and to the fact that no collision of importance, not disavowed, had then occurred.

Considering the protracted discussion on the case of Mr. Baker, and the several grievances alluded to in the Note of the 5th of May, or brought into view by the Correspondence at Washington, the Undersigned cannot account for the conclusion to which Lord Aberdeen has arrived, "that no practical inconvenience has been alleged by Mr. Lawrence to exist." He would observe, on the remark which Lord Aberdeen founds on this allegation, that, if British Jurisdiction has been heretofore occasionally exercised, in cases prejudicial to the rights of The United States, their omitting to notice these occurrences in a remote Section of their Dominions, and of which they were ignorant, is wholly different from their acquiescing in a transaction where their authority, appealed to by an American Citizen, has been openly set at defiance.

The Undersigned doubts not that the Government of The United States will do full justice to the spirit in which Lord Aberdeen disclaims, by command of his Sovereign, all intention of influencing the decision of the Arbitrator, by any exercise of jurisdiction over the disputed Territory; and he takes this opportunity to remark, that it has not been his intention, either on the present, or other occasions, by any designation which he may, for convenience, or for the purpose of expressing the conviction of his Government on the subject, have given to the District, to assume as uncontroverted any of the points in dispute. He is fully aware that, in the face of a solemn Instrument, to which his Country is a party, setting forth that differences as to the settlement of the Boundary in question do exist, and agreeing to refer them to the decision of a friendly Sovereign or State, such an attempt, if made, would be worse than useless.

He has, moreover, endeavoured, as far as practicable, to abstain from any investigation of the Question of Right—the true Province of the Arbitrator. He can now only add his regret, that there is not the same accordance of views between their respective Governments, on the subject to which this Note relates, as was on a recent occasion happily found to exist, on a more important business, affecting the same Territory, which the Undersigned had the satisfaction to arrange with Lord Aberdeen.

The Undersigned, &c.

*The Right Hon. the Earl of Aberdeen.*

W. B. LAWRENCE.

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(28.)—*The Governor of Maine to Mr. Clay.*

SIR, *Executive Department, Portland, 23d October, 1828.*

I HAVE received the enclosed Document relative to the situation of Mr. Baker, the American Citizen, confined in the prison of New Brunswick, to whose situation the attention of the President has been paid in the spirit which commands the most respectful acknowledgment.

You have seen the aggravated character of Mr. Baker's conviction, and will perceive the unfortunate effect of his detention, from the necessary influence on his health, his property, his happiness, and that of his family, by the serious disaster in which he is involved. He remains a Prisoner, under the domination of that Government, of which the President, long since, demanded his release, with indemnity. Through him, too, all his Fellow-citizens are suffering injury, may I not add, doing wrong, by too patient an endurance of his oppression.

His family is numerous and respectable, and reduced to want by the absence of a Husband and Parent's care. His property was growing by his industry and economy, but is falling fast to ruin; and he is a solitary American in a Foreign goal. In his conduct he has exhibited the utmost discreetness; and while, with the firmness of a Freeman, and the dignity of a Patriot, he has denied the jurisdiction of New Brunswick over his person and property, he has submitted, with patience, to the power which it belonged only to Maine and his Country to resist. If he shall persevere, he will deserve to be called truly great; but it is principally my object to solicit information, whether he cannot be relieved, consistently with the objects the General Government may be pursuing, so that he shall not be made absolutely the victim of tyranny and cupidity. Unwilling, after the very acceptable interposition of the President, to adopt any measure which may not accord with his wishes, and relying on the energy with which it is believed every right guaranteed by all our Constitutions will be protected, no measure in regard to Mr. Baker has been adopted, excepting the one I will mention. Finding that Mr. Baker's family are in distress, in reference to the means of support, the Council of this State has unanimously advised the advance of 212 dollars for their relief, which has been drawn, for that purpose, from the Treasury. It is deemed that this will be considered as an allowance made on account of The United States, and that, to use a mercantile expression, it will be honoured accordingly. In short, it may safely be said, that the confidence inspired, by the demand made in this Case by the Chief Magistrate of the Union, is continued as to all the objects to be insisted upon for the redress of the wrong we have suffered.

As Mr. Deane has been requested to take charge of this concern, personally, at the place of the residence of Mr. Baker's family, and is, also, in the employ of The United States, under the direction of Mr.

Preble, it may be of some advantage if you shall honour me with a Reply, if it shall be received, as soon as your convenience will permit.

I have the honour to be, &c.

*The Hon. Henry Clay.*

ENOCH LINCOLN.

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*(Enclosure.)—Mr. Davis to the Governor of Maine.*

SIR,

*Portland, 13th October, 1828.*

I AM authorized by John Baker to apply for the relief provided by the Legislature on behalf of his family.

As the Government of The United States has recognized his rights, as a Citizen thereof, to the restoration of his liberty, and an indemnity for what he has suffered, it may be proper to make this application with a due saving of the claims that have been thus asserted in his favour.

Mr. Baker desires that a representation may be made of the painful situation in which he has been placed for a Year past. He expresses a suitable sense of what has been done for his benefit, while he is made to feel that its only effect has been to give a more determined character and continuance to his confinement.

Mr. Baker, therefore, solicits that such measures may be taken as may serve to procure his release. Although it becomes his duty to wait his deliverance, he deems his liberty of too great value to be sold for gain.

Besides that he has been impoverished by the repeated seizure of his property, and the circumstances of his long imprisonment, by the Government of New Brunswick, his family is in distress for the means of support, and without sufficient shelter against the approaching winter, as the house which he was erecting, when he was taken from them, was unfinished. He is also obliged to pay for his own maintenance in prison.

I have, accordingly, to request such aid and advice, as the condition and circumstances of Mr. Baker and his family may require, and the Government of the State may see fit to extend.

I am, &c.

*Governor Lincoln, Maine.*

C. S. DAVEIS.

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*(29.)—Mr. Clay to the Governor of Maine.*

SIR,

*Department of State, Washington, 6th November, 1828.*

I HAVE the honour to acknowledge the receipt of your Excellency's Letter, under date the 23d ultimo, transmitting a Copy of a Letter addressed to you by C. S. Daveis, relative to the Case of the unfortunate John Baker. The President, participating with you in the sympathy felt on account of his condition, regrets that the efforts which have been

made to obtain his liberation, and indemnity for the wrongs which he has suffered, have been hitherto unavailing. Your Excellency states that the Council of the State of Maine has advised the advance to Mr. Baker of 212 dollars, for his present relief; which is considered to be a proper charge against the Federal Government. I am authorized by the President to say, that the State of Maine shall be reimbursed the sum thus advanced. Your Excellency's Draft for that amount upon this Department will be duly honoured, whenever presented.

I have the honour to be, &c.

*His Excellency Enoch Lincoln.*

H. CLAY.

*Message of the President, transmitting the above Papers to Congress.*

*Washington, 21st January, 1829.*

IN compliance with 2 Resolutions of the House of Representatives of the 5th instant, requesting information received, not heretofore communicated, in relation to the Arrest and Trial, in the British Province of New Brunswick, of John Baker, a Citizen of The United States, and the Correspondence between the Government of The United States and that of Great Britain, in relation to the said arrest, and to the usurpation of jurisdiction by the British Government of New Brunswick, within the limits of the State of Maine; I transmit a Report from the Secretary of State, with the Information and Correspondence requested by the House.

JOHN QUINCY ADAMS.

*To the House of Representatives of The United States.*

*(Enclosure.)—Report of the Secretary of State to the President.*

*Department of State, 20th January, 1829.*

IN pursuance of Resolutions of the House of Representatives of the 5th instant, requesting the President "to communicate, so far as he may deem it consistent with the publick interest, all the information received, not heretofore communicated, in relation to the seizure of John Baker, a Citizen of The United States, within the limits of the State of Maine, by Persons acting under colour of authority from the Province of New Brunswick, and transporting said Baker beyond the limits of The United States, and there imprisoning, trying, and punishing him, for an alleged Offence against the British Government, committed within the limits and jurisdiction of The United States and the State of Maine;" and, also, "all the Correspondence that has passed between the Government of The United States and that of Great Britain, in relation to the aforesaid arrest, and to the jurisdiction usurped by the Authorities of the British Province of New Brunswick, or of the British Government, over any portion of the Territory within

the jurisdiction of The United States, and within the limits of the now State of Maine, as defined by the Treaty of Peace of 1783\*," the Secretary of State has the honour to submit to the President the Documents embraced in the subjoined List, which contain the information and Correspondence requested by the Resolutions.

Respectfully submitted,

*The President of The United States.*

H. CLAY.

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*SPEECH of the Lords Commissioners on the Closing of the British Parliament, 28th July, 1828.*

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*My Lords, and Gentlemen,*

WE are commanded by His Majesty to acquaint you, that the business of the Session having been brought to a close, His Majesty is enabled to release you from your attendance in Parliament.

His Majesty commands us, at the same time, to return to you His warm acknowledgments for the zeal and diligence with which you have applied yourselves to the consideration of many subjects, of great importance to the Publick welfare.

The Provisions which you have made for the Regulation of the Import of Corn, combining adequate protection for domestick Agriculture with due precaution against the consequences of a deficient harvest, will, in the confident expectation of His Majesty, promote the inseparable interests of all Classes of His Subjects.

We are commanded by His Majesty to acquaint you, that His Majesty continues to receive from His Allies, and from all Foreign Powers, assurances of their friendly disposition towards this Country.

The endeavours of His Majesty to effect the Pacification of Greece, in concert with His Allies, the King of France and the Emperor of Russia, have continued unabated.

His Imperial Majesty has found himself under the necessity of declaring War against the Ottoman Porte, upon grounds concerning exclusively the interests of his own Dominions, and unconnected with the Stipulations of the Treaty of 6th July 1827.

His Majesty deeply laments the occurrence of these Hostilities, and will omit no effort of friendly interposition to restore Peace.

The determination of the Powers, Parties to the Treaty of the 6th July, to effect the objects of that Treaty, remains unchanged.

His Imperial Majesty has consented to waive the exercise in the Mediterranean Sea, of any rights appertaining to His Imperial Majesty in the character of a Belligerent Power, and to recall the separate Instructions which had been given to the Commander of His Naval

\* See State Papers, 1826, 1827. Page 1004.



Forces in that Sea, directing hostile operations against the Ottoman Porte.

His Majesty will, therefore, continue to combine His efforts with those of the King of France and His Imperial Majesty, for the purpose of carrying into complete execution the Stipulations of the Treaty of London.

His Majesty commands us to acquaint you, that His Majesty had every reason to hope when he last addressed you, that the arrangements which had been made for administering the Government of Portugal, until the period at which the Emperor of Brazil should have completed his abdication of the Throne of Portugal, would have secured the peace, and promoted the happiness of a Country, in the welfare of which His Majesty has ever taken the deepest interest.

The just expectations of His Majesty have been disappointed; and measures have been adopted in Portugal, in disregard of the earnest advice and repeated remonstrances of His Majesty, which have compelled His Majesty, and the other Powers of Europe, acting in concert with His Majesty, to withdraw their Representatives from Lisbon.

His Majesty relies upon the wisdom of the August Sovereign, the head of the House of Braganza, to take the course which shall be best calculated to maintain the interests and honour of that illustrious Family, and to secure the peace and happiness of the Dominions over which it reigns.

*Gentlemen of the House of Commons,*

We are commanded by His Majesty to thank you for the Supplies which you have granted to Him for the service of the present Year; His Majesty will apply them with the utmost regard to economy, and will continue a deliberate revision of the several Publick Establishments, with a view to any further reduction which may be compatible with the dignity of the Crown, and with the permanent interests of the Country.

*My Lords, and Gentlemen,*

His Majesty commands us to congratulate you upon the general prosperity of the Country, and upon the satisfactory state of the Publick Revenue.

His Majesty contemplates the increase of our Financial Resources with peculiar gratification, on account of the decisive proof which it exhibits, that the condition of His Subjects is one of progressive improvement.

His Majesty commands us, in conclusion, to assure you, that His unabated exertions will be directed to inculcate among Foreign Powers a spirit of mutual goodwill; and to encourage the industry, to extend the commerce; and advance the general welfare of His own Dominions.

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*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, 1828.*

SIR,

Treasury Department, 18th April, 1828.

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, &c.

RICHARD RUSH.

*The Hon. the Speaker of the House of Representatives.*

SIR,

Treasury Department, Register's Office, 16th April, 1828.

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, 1827, viz :

No.	Page
1. A General Statement of the Quantity and Value of Merchandize imported into The United States, from the 1st of October, 1826, to the 30th September, 1827 .....	599
2. A Summary Statement of the same .....	600
3. A General Statement of the Quantity and Value of Domestick Articles exported .....	602
4. A General Statement of the Quantity and Value of Foreign Articles exported .....	603
5. A Summary Statement of Domestick Articles exported .....	604
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7. A General Statement of the amount of American and Foreign Tonnage employed in the Foreign Trade of The United States .....	606
8. A Statistical View of the Commerce and Navigation of The United States ..	608
9. A Statement of the Commerce and Navigation of each State and Territory	610
10. A Statement of the Tonnage employed in the Foreign Trade which entered into, and departed from, the several Ports of The United States .....	611

From these Statements, it appears that the Imports during the Year ending on the 30th September, 1827, have amounted to 79,484,068 dollars; of which amount 74,965,496 dollars were imported in American Vessels, and 4,518,572, in Foreign Vessels;

That the Exports have, during the same period amounted to 82,324,827 dollars, of which 58,921,691 dollars were of Domestick, and 23,403,136 dollars of Foreign articles; that of the Domestick articles 50,105,379 were exported in American Vessels, and 8,816,312 dollars, in Foreign Vessels; and of the Foreign Articles, 21,987,165 dollars

were exported in American Vessels, and 1,415,971 dollars in Foreign Vessels ;

That 918,361 tons of American Shipping entered, and 980,542 cleared, from the Ports of The United States, and that 137,589 tons of Foreign Shipping entered, and 131,250 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 December, 1826, amounted to ..... 737,978 15

That the enrolled and Licensed Tonnage amounted to.....722,330 48

That the Tonnage of Fishing Vessels amounted to..... 73,882 20

Making together .....Tons 1,534,190 83

as appears by the Annual Statement of the District Tonnage of The United States, transmitted from this Office on the 31st December last.

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 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, &c.

JOSEPH NOURSE, *Register.*

*The Hon. Richard Rush, Secretary of the Treasury.*

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*Addendum.*—Abstract of the Tonnage of the Shipping of the several Districts of  
The United States, on the last day of December, 1826..... 612

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(1.)—A Statement of Goods, Wares, and Merchandize, of the Growth, Produce, and Manufacture of Foreign Countries, imported into The United States; commencing on the 1st of October, 1826, and ending on the 30th of September, 1827.

FROM WHAT COUNTRIES IMPORTED.	VALUE OF MERCHANDIZE IMPORTED FROM EACH COUNTRY.						
	Free of Duty	Paying Duties ad valorem.	Paying specific Duties.	Total.	In American Vessels.	In Foreign Vessels.	From the Dominions of each Power.
1 Russia - Dollars	28,395	1,106,528	951,154	2,086,077	2,067,611	18,466	2,086,077
2 Prussia -	5,917	26,380	7,461	39,758	39,758	-	39,758
3 Sweden and Norway -	4,890	12,854	997,763	1,015,507	852,810	162,697	1,225,042
4 Swedish West Indies -	92,570	7,205	109,760	209,535	209,535	-	-
5 Denmark -	-	5,828	34,994	40,822	40,822	-	-
6 Danish West Indies -	412,117	110,337	1,776,895	2,299,349	2,298,113	1,236	2,340,171
7 Netherlands -	133,882	480,310	351,725	965,917	965,895	22	-
8 Dutch East Indies -	41,592	13,625	181,230	236,447	236,447	-	-
9 Dutch West Indies -	140,746	3,846	375,114	519,706	519,396	310	1,722,070
10 England, Man, & Berwick	802,303	24,821,152	3,030,428	28,653,883	26,794,869	1,859,014	-
11 Scotland -	1,679	718,615	362,807	1,083,101	497,829	585,272	-
12 Ireland -	134	511,243	38,752	550,129	427,951	122,178	-
13 Gibraltar -	102,456	152,178	574,319	828,953	828,953	-	-
14 British African Ports -	13,806	25	-	13,831	13,831	-	-
15 British East Indies -	28,654	190,226	350,176	569,056	569,056	-	33,056,374
16 British West Indies -	349,047	46,818	499,342	895,207	715,219	179,988	-
17 British American Colonies -	332,552	48,015	64,551	445,118	423,274	21,844	-
18 Other British Colonies -	-	-	11,910	11,910	11,910	-	-
19 Cape of Good Hope -	331	625	4,230	5,186	5,186	-	-
20 Hans Towns -	53,327	1,440,787	144,444	1,638,558	943,193	695,365	1,638,558
21 France on the Atlantic -	177,327	6,473,901	1,032,630	7,683,858	7,537,547	146,311	-
22 France on the Mediterranean -	80,612	332,957	429,805	843,374	843,374	-	9,448,562
23 French West Indies -	232,879	33,594	654,857	921,330	880,255	41,075	-
24 Hayti -	333,458	84,770	1,363,081	1,781,309	1,459,318	321,991	1,781,309
25 Spain on the Atlantic -	2,330	127,651	24,404	154,385	154,385	-	-
26 Spain on the Mediterranean -	26,607	16,744	416,999	460,350	460,350	-	-
27 Teneriffe and other Canaries -	10,145	196	113,019	123,360	123,360	-	9,100,369
28 Manila and Philippine Isl. -	40,735	42,562	67,515	150,813	150,813	-	-
29 Cuba -	556,794	580,927	6,104,128	7,241,849	7,177,990	63,859	-
30 Other Spanish West Indies -	48,649	26,464	894,499	969,612	915,343	54,269	-
31 Portugal -	43,726	27,031	197,334	268,091	268,091	-	-
32 Madeira -	21,524	492	207,266	229,282	225,383	3,899	659,001
33 Fayal and other Azores -	21,325	19,466	43,412	84,203	72,609	11,594	-
34 Cape de Verd Islands -	69,960	2,295	5,170	77,425	77,425	-	-
35 Italy -	186,782	686,558	139,486	1,013,126	1,007,180	5,946	1,013,126
36 Trieste and other Austrian Adriatic Ports -	63,834	66,599	33,113	163,546	163,546	-	163,546
37 Turkey, Levant, and Egypt, Morocco & Barbary States -	36,832	606,357	139,939	783,128	768,606	14,522	783,128
38 China -	14,046	235	-	14,281	14,281	-	14,281
39 Mexico -	17,150	1,761,945	1,838,088	3,617,183	3,617,183	-	3,617,183
40 Central Republic of America -	4,094,114	907,125	230,628	5,231,867	5,036,273	195,594	5,231,867
41 Honduras -	172,080	34,065	45,197	251,342	251,342	-	251,342
42 Colombia -	16,942	824	181	17,947	17,947	-	17,947
43 Brazil -	689,605	74,360	786,283	1,550,248	1,545,559	4,689	1,550,248
44 Buenos Ayres -	1,046,808	123,739	890,424	2,060,971	2,052,913	8,058	2,060,971
45 Chili -	77,960	2,095	10	80,065	80,065	-	80,065
46 Peru -	146,799	24,408	13,486	184,693	184,693	-	184,693
47 South America, generally -	898,151	81,278	56,033	1,035,462	1,035,462	-	1,035,462
48 Asia, do. -	26,002	1,465	36	27,503	27,503	-	27,503
49 West Indies, do. -	9,000	380	34,926	44,306	44,306	-	44,306
50 Africa, do. -	-	22	145	167	167	-	167
51 Northwest Coast of America -	113,033	78,418	15,009	206,460	205,587	873	206,460
52 Uncertain Ports -	35,497	694	17,107	53,298	53,298	-	53,298
Total - Dollars	11,855,104	41,956,121	25,672,843	79,484,068	74,965,496	4,518,572	79,484,068

Treasury Department, Register's Office, 16th April, 1828.

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, 1826, and ending on the 30th of September, 1827.*

SPECIES OF MERCHANDIZE.		In Ameri- can Ves- sels.	In Foreign Vessels.	Total.
VALOR OF MERCHANDIZE FREE OF DUTY.				
Articles imported for the use of The United States	1,023	-	-	1,023
Articles imported for Incorporated Philosophical Societies, &c.	1,868	5,000	-	6,868
Philosophical apparatus, instruments, &c.	19,645	-	-	19,645
Books	14,493	-	-	14,493
Statuary, busts, casts, and specimens of sculpture	40	-	-	40
Paintings, drawings, etching, engraving, &c.	670	-	-	670
Anatomical preparations	12,306	-	-	12,306
Antimony, regulus of	17,650	-	-	17,650
Lapis calaminaris, teutenegue, spelter or zinc	19,255	-	-	19,255
Burr stones, unwrought	36,009	-	-	36,009
Brimstone and sulphur	3,346	-	-	3,346
Cork tree, bark of	6,380	-	-	6,380
Clay, unwrought	123,641	-	-	123,641
Rags, of any kind of cloth	346,226	-	-	346,226
Furs, of all kinds	1,454,668	-	-	1,454,668
Hides and skins, raw	74,357	-	-	74,357
Plaster of Paris	10,072	-	-	10,072
Specimens of botany, natural history, and mineralogy	2,431	-	-	2,431
Models of invention and machinery	17,074	-	-	17,074
Barilla	184,393	-	-	184,393
Wood, dye	354,133	-	-	354,133
unmanufactured mahogany, and other	27,822	-	-	27,822
Animals for breed	1,600	-	-	1,600
Pewter, old	180,200	-	-	180,200
Tin, in pigs and bars	34,697	-	-	34,697
Brass, in pigs and bars	2,624	-	-	2,624
Copper, in pigs and bars	184,941	-	-	184,941
in plates, suited to the sheathing of Ships	434,675	-	-	434,675
for the use of the Mint	22,160	-	-	22,160
old, fit only to be re-manufactured	65,083	-	-	65,083
Bullion	513,154	-	-	513,154
Specie	7,343,028	-	-	7,343,028
Domestic goods returned	1,167	-	-	1,167
All other articles	1,858	-	-	1,858
Total Dollars	11,432,689	422,415	-	11,855,104
VALOR OF MERCHANDIZE PAYING DUTIES AD VALOREM.				
Manufactures of Wool,	4,158,513	126,900	-	4,285,413
Flannels and cassimeres	568,572	18,078	-	586,650
Blankets	677,494	25,963	-	703,457
Worsted and stuff	1,372,903	9,972	-	1,382,875
Hosiery, gloves, mits, &c.	309,300	7,561	-	316,861
All other manufactures of wool paying a duty of 30 per cent.	573,142	22,431	-	595,573
Manufactures of Cotton.	1,023	-	-	1,023
White	6,868	-	-	6,868
Hosiery, gloves, mits, &c.	19,645	-	-	19,645
Twist, yarn, and thread	14,493	-	-	14,493
Nankeens	40	-	-	40
All other manufactures of cotton, paying a duty of 25 per cent.	670	-	-	670
Manufactures of Silk, from India	12,306	-	-	12,306
other places	17,650	-	-	17,650
Vestings and plaids	19,255	-	-	19,255
Flax	36,009	-	-	36,009
Hemp	3,346	-	-	3,346
Iron and steel	6,380	-	-	6,380
Copper	123,641	-	-	123,641
Brass	346,226	-	-	346,226
Tin	1,454,668	-	-	1,454,668
Pewter and lead, except shot	74,357	-	-	74,357
Wood, including cabinet wares	10,072	-	-	10,072
Leather, including saddles, bridles, and harness	2,431	-	-	2,431
Glass ware	17,074	-	-	17,074
China, earthen and stone, japanned, plated, and gilt	184,393	-	-	184,393
Gold and silver	354,133	-	-	354,133
Lace	27,822	-	-	27,822
Plated saddlery, coach and harness furniture	1,600	-	-	1,600
Square wire, used for umbrella stretchers	180,200	-	-	180,200
Marble, and manufactures of	34,697	-	-	34,697
Slates and tiles for building	2,624	-	-	2,624
Prepared quills	184,941	-	-	184,941
Black lead pencils	434,675	-	-	434,675
Paper hangings	22,160	-	-	22,160
Brushes of all kinds	65,083	-	-	65,083
Quicksilver	513,154	-	-	513,154
Hair cloth and hair seatings	7,343,028	-	-	7,343,028
Bolting cloths	1,167	-	-	1,167
Oil cloth, and oil cloth carpeting of every description	1,858	-	-	1,858
Hats, caps, and bonnets	-	-	-	-
Unmanufactures, of copper bottoms, and copper in plates or sheets, not suited to the sheathing of Ships	-	-	-	-
Brass in plates and sheets	-	-	-	-
Tin in plates and sheets	-	-	-	-
Raw silk	-	-	-	-
Wool	-	-	-	-
Opium	-	-	-	-
Articles not especially enumerated, at 12 1/2 per cent.	-	-	-	-
Do.	-	-	-	-
Do.	-	-	-	-
Do.	-	-	-	-
Do.	-	-	-	-
Do.	-	-	-	-
Total Dollars	20,432,856	2,532,366	-	22,965,222

## SUMMARY STATEMENT OF IMPORTS—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.	670,172	488,177	35,977	23,009	706,149	511,186
Cotton bagging - - - - - do.	1,009,637	118,180	2,336,790	248,733	3,346,427	366,913
Wines - - - - - gallons.	3,266,059	1,578,171	109,444	42,864	3,375,503	1,621,035
Spirits, from grain - - - - - do.	546,977	247,918	3,588	2,364	550,565	250,282
other materials - - - - - do.	2,988,359	1,374,972	48,502	26,182	2,986,861	1,401,154
Molasses - - - - - do.	13,260,867	2,791,676	115,635	27,306	13,376,502	2,818,982
Beer, ale, and porter - - - - - do.	77,902	69,515	16,784	10,075	94,686	79,590
Vinegar - - - - - do.	42,304	8,432	5,087	1,241	47,391	9,673
Oil - - - - - do.	143,909	68,109	1,246	537	145,155	68,646
Teas - - - - - pounds.	5,875,599	1,714,850	39	32	5,875,638	1,714,882
Coffee - - - - - do.	47,063,148	4,194,008	2,988,838	270,383	50,051,986	4,464,391
Cocoa - - - - - do.	3,971,696	398,475	110,179	8,074	4,081,875	406,549
Chocolate - - - - - do.	2,172	764	130	55	2,302	819
Sugar, brown and white - - - - - do.	75,416,481	4,503,351	1,285,148	74,010	76,701,629	4,577,361
candy and loaf - - - - - do.	608	96	—	—	608	96
other refined - - - - - do.	43	7	—	—	43	7
Fruits - - - - - do.	7,598,482	427,587	137,210	6,367	7,735,692	433,954
Candles, cheese, soap, and tallow - - - - - do.	1,637,928	111,736	9,251	1,170	1,647,179	112,906
Lard - - - - - do.	30	3	212	38	242	41
Beef and pork - - - - - do.	207,481	8,012	1,356	37	208,831	8,049
Bacon - - - - - do.	4,392	419	822	84	5,214	503
Butter - - - - - do.	1,380	221	374	62	1,754	283
Saltpetre - - - - - do.	27	3	—	—	27	3
Vitriol - - - - - do.	898	38	—	—	898	38
Camphor - - - - - do.	29,578	8,251	—	—	29,578	8,251
Salts, Epsom, &c. - - - - - do.	4,458	206	—	—	4,458	206
Spices - - - - - do.	2,870,257	319,473	21,650	3,257	2,891,907	322,730
Tobacco, manufactured, and snuff - - - - - do.	22,218	20,319	14	18	22,232	20,337
Indigo - - - - - do.	672,614	1,080,420	10,182	12,664	682,796	1,093,084
Cotton - - - - - do.	112,961	13,017	10,613	1,017	123,574	14,034
Gunpowder - - - - - do.	54,353	12,299	775	196	55,128	12,485
Bristles - - - - - do.	248,092	84,891	4,089	542	252,181	85,433
Glue - - - - - do.	3,684	316	12	2	3,696	318
Paints - - - - - do.	2,252,984	102,696	1,168,868	46,892	3,421,852	149,588
Lead, pig, bar, and shot - - - - - do.	7,574,122	286,179	451,740	17,436	8,025,862	303,615
Cordage, twine, packthread, seine, &c. - - - - - do.	1,472,628	127,868	81,132	10,119	1,553,760	137,987
Corks - - - - - do.	135,410	36,473	2,130	668	137,540	37,161
Copper, rods and bolts, nails, and spikes - - - - - do.	14,141	3,187	790	198	14,931	3,385
Fire arms, muskets and rifles - - - - - No. of	4,070	13,124	52	329	4,122	13,453
Iron and steel wire - - - - - pounds.	822,596	77,655	24,314	1,602	846,910	79,257
tacks, brads & sprigs, nails & spikes - - - - - do.	506,077	48,625	60,924	4,470	567,001	53,095
cables and chains, or parts thereof - - - - - do.	281,312	17,712	107,081	7,912	388,393	25,624
mill cranks, mill irons of wrought iron - - - - - do.	—	—	37	10	37	10
mill saws - - - - - No. of	1,165	4,572	192	750	1,357	5,322
anchors, anvils, hammers, and sledges for blacksmiths, castings, vessels, and all other - - - - - pounds.	1,821,658	83,388	396,241	18,629	2,217,899	102,017
Braziers' rods, nail or spike rods, slit - - - - - do.	1,088,075	52,338	164,855	8,243	1,252,930	40,581
sheet and hoop, slit or rolled in pigs, bars, and bolts, rolled and hammered - - - - - cwt.	3,607,416	112,134	923,602	30,114	4,531,018	142,248
Steel - - - - - do.	538,394	1,459,279	99,076	259,143	637,370	1,718,422
Hemp - - - - - do.	23,069	288,630	1,943	21,567	25,012	310,197
Alum - - - - - do.	99,726	633,184	840	2,670	100,566	635,854
Copperas - - - - - do.	11	71	73	275	84	346
Wheat flour - - - - - do.	547	635	2,704	2,994	3,251	3,629
Salt - - - - - do.	47	91	—	—	47	91
Coal - - - - - bushels.	3,677,416	434,355	643,073	100,846	4,320,489	535,201
Wheat - - - - - do.	758,292	108,258	369,096	34,419	1,127,388	142,677
Oats - - - - - do.	1,064	910	—	—	1,064	910
Potatoes - - - - - do.	822	209	—	—	822	209
Paper - - - - - pounds.	22,372	8,316	17,254	5,957	39,626	14,273
Books - - - - - volumes.	201,797	42,748	14,796	1,493	216,593	44,241
Do. - - - - - pounds.	75,721	116,041	3,306	3,246	79,027	119,287
Glass, cut, not specified - - - - - do.	71,053	1,714	1,714	—	72,767	—
all other articles - - - - - do.	14,143	8,749	11,616	3,522	25,759	12,271
Apothecaries' phials - - - - - groce.	566,293	92,004	683,309	82,230	1,249,602	174,234
bottles - - - - - do.	7,171	16,355	2,667	6,548	9,838	22,903
window - - - - - sq. feet	13,719	63,867	14,120	76,876	27,839	140,743
dumjohns - - - - - No. of	2,499	34,349	3,172	37,403	5,671	71,752
Fish, dried or smoked - - - - - quintals.	36,668	14,632	16,583	6,078	53,251	20,710
pickled - - - - - barrels.	596	16,756	89	8,215	685	24,971
Shoes, boots, bootees, &c. - - - - - pairs.	1,052	—	628	—	1,680	—
Cigars - - - - - M.	6,526	5,551	336	266	7,162	5,817
Playing cards - - - - - packs	31,290	172,532	326	2,399	31,616	—
— - - - - do.	20,544	1,597	144	18	20,688	—
Total value of Merchandise paying specific duty - - - - -	—	24,108,972	—	1,563,871	—	—
Do. do. ad valorem duty - - - - -	—	39,423,835	—	2,532,286	—	—
Do. do. free of duty - - - - -	—	11,432,689	—	422,415	—	—
Total - - - - - Dollars.	—	74,965,496	—	4,518,572	—	—

(3) *A General Statement of Goods, Wares, and Merchandize, of the Growth, Produce, and Manufacture, of The United States, exported, commencing on the 1st day of October, 1826, and ending on the 30th day of September, 1827.*

	WHITHER EXPORTED.	TOTAL VALUE.			
		In American Vessels.	In Foreign Vessels.	To each Country.	To the Dominions of each Power.
1	Russia.....Dollars	45,187	323	45,510	45,510
2	Prussia.....	8,515	-	8,515	8,515
3	Sweden and Norway.....	125,471	76,017	201,488	618,310
4	Swedish West Indies.....	416,822	-	416,822	
5	Denmark.....	148,958	-	148,958	1,612,649
6	Danish West Indies.....	1,450,410	13,281	1,463,691	
7	Netherlands.....	2,222,454	116,927	2,339,381	2,765,813
8	Dutch East Indies.....	38,859	-	38,859	
9	Dutch West Indies.....	385,491	2,082	387,573	2,765,813
10	England.....	17,671,349	5,843,072	23,514,421	
11	Scotland.....	631,433	704,736	1,336,169	30,041,545
12	Ireland.....	535,283	101,837	637,120	
13	Gibraltar.....	1,040,084	915	1,040,999	30,041,545
14	British East Indies.....	32,717	-	32,717	
15	British West Indies.....	503,375	179,730	683,105	1,693,971
16	British American Colonies.....	2,615,888	181,126	2,797,014	
17	Hanse Towns.....	1,421,116	272,855	1,693,971	10,167,255
18	France on the Atlantic.....	7,905,049	806,962	7,120,111	
19	France on the Mediterranean.....	465,754	9,793	475,547	4,562,180
20	French West Indies.....	904,291	75,406	979,697	
21	Spain on the Atlantic.....	69,858	4,903	74,761	4,562,180
22	Spain on the Mediterranean.....	62,353	-	62,353	
23	Teneriffe and other Canaries.....	46,163	-	46,163	309,753
24	Cuba.....	4,097,894	62,853	4,160,747	
25	Other Spanish West Indies.....	207,070	11,086	218,156	74,417
26	Portugal.....	116,103	-	116,103	
27	Madeira.....	100,153	-	100,153	131,734
28	Fayal and other Azores.....	13,487	-	13,487	
29	Cape de Verd Islands.....	80,010	-	80,010	14,634
30	Italy and Malta.....	71,397	3,020	74,417	
31	Trieste, &c.....	42,671	-	42,671	2,031
32	Turkey, Levant, &c.....	131,734	-	131,734	
33	Greece and Grecian Archipelago.....	14,634	-	14,634	290,862
34	Morocco and Barbary States.....	2,031	-	2,031	
35	China.....	290,862	-	290,862	1,162,473
36	Hayti.....	940,633	221,840	1,162,473	
37	Mexico.....	827,735	59,172	886,907	147,574
38	Central Republick of South America.....	147,574	-	147,574	
39	Honduras.....	13,261	-	13,261	611,312
40	Colombia.....	597,206	14,106	611,312	
41	Brazil.....	1,469,724	16,709	1,486,433	100,780
42	Buenos Ayres.....	86,551	14,229	100,780	
43	Chili.....	1,040,748	-	1,040,748	71,537
44	Peru.....	202,944	-	202,944	
45	South America generally.....	71,537	-	71,537	21,139
46	Asia.....do.....	21,139	-	21,139	
47	West Indies.....do.....	439,027	15,877	454,904	150,236
48	Europe.....do.....	150,236	-	150,236	
49	Africa.....do.....	119,513	7,455	126,968	24,923
50	South Seas.....	24,923	-	24,923	
51	Northwest Coast of America.....	37,702	-	37,702	37,702
Total Dollars		50,105,379	8,816,312	58,921,691	58,921,691

Treasury Department, Register's Office, April 16, 1828.

JOSEPH NOURSE, Register.

11,856,104  
79,484,006

(4)—*Statement of Goods, Wares, and Merchandize, of the Growth, Produce, and Manufacture of Foreign Countries, exported from The United States; commencing on the 1st day of October, 1826, and ending 30th September, 1827.*

DISTRICTS.		VALUE OF MERCHANDIZE EXPORTED TO EACH COUNTRY.					
		Free of Duty.	Paying Duty ad-valorem.	Paying specific Duties.	Total.	In American Vessels.	In Foreign Vessels.
1	Russia - Dollars	47,412	24,769	264,553	336,734	334,534	2,200
2	Sweden and Norway -	17,612	-	189,941	207,553	139,451	68,102
3	Swedish West Indies -	893	6,786	17,335	25,014	25,014	-
4	Denmark -	13,346	11,081	229,556	253,983	253,983	-
5	Danish West Indies -	53,631	385,598	98,961	538,190	535,254	2,936
6	Netherlands -	215,353	33,202	640,395	888,950	846,508	42,442
7	Dutch East Indies -	96,222	24,277	7,250	127,749	127,749	-
8	Dutch West Indies -	148	29,441	14,573	44,162	44,162	-
9	England, Man, & Berwick	259,113	529,957	115,526	904,596	313,860	590,736
10	Gibraltar -	54,843	246,695	562,849	864,387	863,811	576
11	British East Indies -	942,707	23,101	52,925	1,018,733	1,018,733	-
12	British West Indies -	100	4,967	2,403	7,470	734	6,736
13	Newfoundland -	-	8	66	74	74	-
14	British American Colonies	28,574	3,490	1,596	33,660	31,226	2,434
15	Hanse Towns and Ports of Germany -	62,648	110,738	1,145,828	1,319,214	955,739	363,475
16	French Ports on the Atlantic -	1,595,568	180,073	780,228	2,555,869	2,489,894	65,975
17	French Ports on the Mediterranean -	128,874	60,424	591,778	781,076	725,713	55,363
18	French West Indies -	2,100	33,618	25,438	61,156	60,686	470
19	Hayti -	361	148,595	20,480	169,436	96,171	73,265
20	Spanish Ports on the Atlantic -	19,407	2,119	25,652	47,178	47,178	-
21	Spanish Ports on the Mediterranean -	1,844	2,385	2,933	7,112	7,112	-
22	Teneriffe and the other Canaries -	4,474	5,785	26,558	39,817	39,817	-
23	Cuba -	892,370	1,486,416	276,555	2,655,341	2,651,848	3,493
24	Other Spanish West Indies	2,000	4,426	3,937	10,363	9,298	1,065
25	Portugal -	220	-	-	220	220	-
26	Madeira -	14,000	1,330	2,951	18,281	18,281	-
27	Fayal and other Azores -	-	13,217	1,644	4,861	4,861	-
28	Cape de Verd Islands -	8,000	11,753	4,402	24,155	25,155	-
29	Italy and Malta -	9,287	38,296	488,221	535,804	529,838	5,966
30	Trieste and other Austrian Ports -	3,625	13,334	217,163	234,122	234,122	-
31	Turkey, Levant, & Egypt	59,186	27,289	383,850	470,325	470,325	-
32	Morocco & Barbary States	-	-	2,003	2,003	2,003	-
33	China -	2,518,582	836,487	218,474	3,573,543	3,573,543	-
34	Mexico -	1,926	2,728,772	555,652	3,286,350	3,178,857	107,493
35	Central Republic of America -	-	61,166	16,032	77,198	77,198	-
36	Honduras -	-	150	1,423	1,573	1,573	-
37	Colombia -	198	296,684	36,340	333,222	325,893	7,329
38	Brazil -	89,952	100,890	177,531	377,373	373,629	3,744
39	Buenos Ayres -	-	24,025	26,399	50,424	39,402	11,022
40	Chili -	20,999	476,559	164,295	661,853	661,853	-
41	Peru -	5,000	48,245	16,832	70,077	70,077	-
42	South America, generally	-	3,865	17,624	21,489	21,489	-
43	Asia - do.	590,880	40,214	9,576	640,670	640,670	-
44	West Indies, do.	5,671	4,027	2,258	11,956	11,956	-
45	Europe - do.	540	-	239	779	779	-
46	Africa - do.	16,610	25,646	25,616	67,872	66,723	1,149
47	South Seas -	-	-	287	287	287	-
48	Northwest Coast -	874	27,421	12,587	40,882	40,882	-
Total - Dollars		7,785,150	8,139,271	7,478,715	23,403,136	21,987,165	1,415,971
Entitled to drawback -		-	7,385,532	7,351,183	14,736,715	13,502,250	1,234,465
Not entitled to drawback		7,785,150	753,739	127,532	8,666,421	8,484,915	181,506

Treasury Department, Register's Office, 16th April 1828.

JOSEPH NOURSE, Register.



(5).—Summary Statement of the Value of the Exports of the Growth, Produce, and Manufacture of The United States, during the Year ending on the 30th day of September, 1827.

THE SEA.	
Fisheries :—Dried fish, or cod fisheries	747,171
Pickled fish, or river fisheries (herring, shad, salmon, mackerel)	240,276
Whale (common) oil, and whalebone	223,604
Spermaceti oil and candles	364,281
<b>THE FOREST.</b>	1,575,332
Skins and furs	441,690
Ginseng	79,566
Product of Wood :—Staves, shingles, boards, and other lumber	1,697,170
Oak, bark, and other dye	79,884
Naval stores, tar, pitch, rosin, and turpentine	402,489
Ashes, pot and pearl	643,171
<b>AGRICULTURE.</b>	3,343,970
Products of Animals :—Beef, tallow, hides, and horned cattle	772,636
Butter and cheese	184,049
Pork, (pickled) bacon, lard, live hogs	1,655,698
Horses and mules	173,629
Sheep	13,586
Vegetable food :—Wheat, flour, and biscuit	4,645,784
Indian corn and meal	1,022,464
Rye meal	47,638
Rye, oats, and other small grain and pulse	87,284
Potatoes	39,174
Apples	35,828
Rice	2,343,908
Tobacco	8,222,140
Cotton	—
All other Agricultural Products :—Indigo	—
Flaxseed	—
Hops	—
Brown sugar	—
<b>MANUFACTURES.</b>	206,737
Soap and tallow candles	901,731
Leather, boots, and shoes	388,525
Saddlery	57,717
Hats	286,624
Wax	123,354
Spirits from grain, beer, ale, and porter	144,832
Wood, (including coaches and other carriages)	874,731

*Treasury Department, Register's Office, April 16, 1898.*  
JOSEPH NOURSSE, Register.

(6.)—*Summary Statement, shewing the Value of Exports of the Growth, Produce, and Manufacture of Foreign Countries, during the Year ending on the 30th day of September, 1827.*

VALUE OF MERCHANDISE FREE OF DUTY.		Articles not specially enumerated,	
Lapis calaminaris, teutenegue, spel-	-	at 12½ per cent. -	621,897
ter or zinc -	25,720	15 do. -	796,612
Brimstone and sulphur -	1,512	20 do. -	27,741
Furs of all kinds -	2,787	25 do. -	65,143
Hides and skins, raw -	390,032	30 do. -	131,317
Plaster of Paris -	152		
Specimens of botany -	42	Dollars -	8,139,271
Wood, (dye and barilla, unmanu-	-		
factured mahogany, &c.) -	345,448		
Tin, in pigs or bars -	7,929		
Copper, in pigs and bars -	22,190		
Plates, suited for the sheath-	-		
ing of ships -	17,252		
Old copper -	780		
Bullion -	11,847		
Specie -	6,959,459		
Dollars -	7,785,150		
VALUE OF MERCHANDISE PAYING DUTIES AD VALOREM.		VALUE OF MERCHANDISE PAYING SPECIFIC RATES OF DUTY.	
Manufactures of	-	Carpeting -	1,000
Wool: Cloths and cassimeres -	166,603	Cotton bagging -	1,759
Flannels and baizes -	11,425	Wines -	342,356
Blankets -	14,317	Spirits from grain -	14,979
Hosiery, gloves, mits, &c. -	687	other materials -	208,836
Worsted and stuff -	26,956	Molasses -	6,492
All manufactures paying a	-	Beer, ale, and porter -	1,607
duty of 30 per cent -	21,713	Oils -	32,486
Cotton:	-	Teas -	772,443
Printed and coloured -	964,904	Coffee -	2,324,784
White -	495,188	Cocoa -	441,221
Nankeens -	230,448	Sugar, brown and white -	1,190,899
Hosiery, gloves, mits, &c. -	46,788	Other refined -	607
Twist, yarn, and thread -	63,413	Fruits -	54,739
All other manufactures pay-	-	Candles, spermaceti and tallow,	-
ing a duty of 25 per cent. -	38,073	soap, &c. -	47,762
Silk, from India -	891,975	Beef and pork -	28,934
other places -	798,151	Saltpetre -	31,042
Vestings and plaids -	16,525	Salts -	3
Flax -	707,444	Spices -	363,129
Hemp -	514,323	Tobacco, manufactured and snuff -	21,962
Iron and steel -	232,085	Indigo -	864,951
Copper -	849	Cotton -	9,875
Brass -	47,471	Gunpowder -	2,408
Tin -	467	Glue -	40
Pewter -	30	Paints -	11,607
Wood, including cabinet	-	Lead, pig, bar, and shot -	197,151
wares -	20,687	Cordage -	94,979
Leather, including saddles,	-	Twine, packthread, and seine -	3,176
bridles, and harness -	9,375	Corks -	1,886
Glass, not subject to a spe-	-	Copper, rods and bolts, nails and	-
cific duty -	41,519	spikes -	19,483
Wares, China and earthen,	-	Fire arms, muskets and rifles -	66,191
stone, &c. -	148,010	Iron, tacks, brads, sprigs and nails,	-
Gold, Silver, &c. -	22,472	spikes, &c. -	1,261
Lace -	74,632	Rods, brazier or round, nail	-
Marble, & manufactures of	760	or spike, slit or rolled -	2,868
Slates and tiles for building	701	Cables and chains, and	-
Prepared quills -	2,269	anchors -	577
Black lead pencils -	639	Anvils and castings -	1,804
Paper hangings -	1,881	Sheet or hoop and mill saws -	12,735
Brushes -	1,551	In pigs, bars, and bolts -	42,834
Quicksilver -	230,171	Steel -	42,662
Oil cloth and oil cloth car-	-	Hemp -	1,004
peting -	2,283	Copperas -	47
Hats, caps, and bonnets -	17,083	Salt -	16,014
Opium -	394,290	Coal -	66
Unmanufactured, copper bottoms,	-	Potatoes -	337
and copper in plates or	-	Paper -	81,190
sheets -	1,895	Books -	20,150
Brass -	1,400	Glass -	38,533
Tin -	25,272	Fish -	1,704
Silk -	181,150	Shoes and slippers -	760
Wool -	28,686	Cigars -	49,977
		Playing cards -	3,501
		Vinegar -	1,904
		Dollars -	7,478,715
		Value of merchandize free of duty	7,785,150
		Do. do. paying duties ad	-
		valorem -	8,139,271
		Do. do. paying specific	-
		rates of duty -	7,478,715
		Total value of Foreign produce	23,403,136

Treasury Department, Register's Office, April 16, 1828.

JOSEPH NOURSE, Register.

(7.)—A General Statement, exhibiting the quantity of American and Foreign Tonnage, October, 1826, and ending

		TONNAGE ENTERED INTO THE UNITED STATES.														Total.	
		AMERI- CAN.	FOREIGN.														
FROM			British.	French.	Spanish.	Dutch.	Hanse Towns.	Swedish.	Danish.	Russian.	Italian.	Haytien.	Mexican.	Brazilian.	Colombian.		Uncertain.
1	Russia - - Tons	15,310	-	-	-	-	360	-	-	-	-	-	-	-	-	-	360
2	Prussia - - -	342	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
3	Sweden - - -	11,941	-	-	-	-	-	2,760	-	-	-	-	-	-	-	-	2,760
4	Swedish West Indies	8,935	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5	Denmark - - -	889	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
6	Danish West Indies	44,878	276	-	-	182	-	-	-	-	-	-	-	-	-	-	458
7	Danish East Indies	99	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8	Netherlands - -	31,662	-	-	-	414	-	-	-	-	-	-	-	-	-	-	414
9	Dutch West Indies	17,872	-	-	-	212	-	-	-	-	-	-	-	-	-	-	212
10	Dutch East Indies	2,020	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
11	England, &c. - -	183,232	62,075	-	-	-	-	-	-	-	-	-	-	-	373	-	62,448
12	Scotland - - -	7,763	10,143	-	-	-	-	-	-	-	-	-	-	-	-	-	10,143
13	Ireland - - -	8,872	8,627	-	-	-	220	-	-	-	-	-	-	-	-	-	8,847
14	Gibraltar - - -	16,956	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
15	British African Ports	174	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
16	Mauritius - - -	327	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
17	British East Indies	1,672	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
18	British West Indies	43,687	8,431	-	-	-	-	-	546	-	-	-	-	-	-	-	9,088
19	Newfoundland - -	350	279	-	-	-	-	-	-	-	-	-	-	-	111	-	279
20	British American Colo- nies - - -	60,452	7,798	-	-	-	-	-	-	-	-	-	-	-	-	-	7,798
21	Other British Colonies	1,133	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
22	Cape of Good Hope	425	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
23	Hanse Towns and Ports of Germany - -	18,792	-	-	-	-	4,135	-	-	-	-	-	-	-	-	-	4,135
24	France on the Atlantic	64,644	-	7,506	-	-	-	-	-	-	-	143	-	-	-	-	7,649
25	France on the Mediter- ranean - - -	11,445	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
26	French West Indies	28,268	-	7,737	-	-	-	-	-	-	-	-	-	-	-	-	7,737
27	French East Indies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
28	Bourbon - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
29	Other French African Ports	-	-	73	-	-	-	-	-	-	-	-	-	-	-	-	73
30	Spain on the Atlantic	3,754	-	-	213	-	-	-	-	-	-	-	-	-	-	-	213
31	Spain on the Mediter- ranean - - -	5,302	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
32	Teneriffe and other Ca- naries - - -	1,946	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
33	Manilla - - -	795	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
34	Cuba - - -	138,996	279	-	3,696	214	-	-	117	-	193	-	-	-	71	-	4,570
35	Other Spanish West In- dies - - -	15,429	-	-	71	-	-	-	-	-	-	-	-	-	485	-	556
36	Portugal - - -	21,306	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
37	Madeira - - -	2,691	-	-	-	-	-	-	313	-	-	-	-	-	-	-	313
38	Fayal and other Azores	2,045	169	-	-	68	-	-	-	-	-	-	-	-	-	-	237
39	Cape de Verd Islands	1,496	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
40	Italy - - -	10,313	-	-	-	-	-	-	-	-	207	-	-	-	-	-	207
41	Trieste and other Aus- trian Ports on Adri- atic - - -	1,825	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
42	Ionian Islands - -	1,345	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
43	Turkey, Levant, &c. -	4,062	-	198	-	-	-	-	-	-	-	-	-	-	-	-	198
44	Morocco and Barbary States - - -	105	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
45	China - - -	8,889	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
46	Mexico - - -	18,088	1,037	403	-	-	-	-	360	-	-	2,277	-	-	-	-	4,077
47	Central Republick of South America	3,731	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
48	Colombia - - -	12,150	-	-	-	-	-	-	-	-	-	-	-	794	-	-	794
49	Brazil - - -	22,380	-	-	-	-	-	-	-	-	-	-	-	80	-	-	80
50	Buenos Ayres - -	793	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
51	Chili - - -	1,023	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
52	Peru - - -	4,086	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
53	South America generally	2,132	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
54	Hayti - - -	21,362	-	-	-	-	-	-	-	-	3,794	-	-	-	-	-	3,794
55	Asia, generally - -	1,312	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
56	West Indies, generally	430	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
57	Europe, generally -	1,110	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
58	Africa, generally -	2,560	-	149	-	-	-	-	-	-	-	-	-	-	-	-	149
59	South Seas - - -	14,368	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
60	North-west Coast of America - - -	897	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total -		918,361	99,114	16,066	3,980	1,090	4,715	2,760	976	360	400	3,937	2,277	80	865	969	137,888

employed in the Foreign Trade of The United States, commencing on the 1st day of  
on the 30th day of September, 1827.

		TONNAGE DEPARTING FROM THE UNITED STATES.															
TO		AMERI- CAN.	FOREIGN.												Total.		
			British.	French.	Spanish.	Dutch.	Hanse Towns.	Swedish.	Danish.	Russian.	Italian.	Haytien.	Mexican.	Brazilian.		Colombian.	Uncertain.
1	Russia - Tons	3,509	-	-	-	-	-	117	-	-	-	-	-	-	-	-	117
2	Prussia -	156	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
3	Sweden -	3,731	-	-	-	-	-	1,530	-	-	-	-	-	-	-	-	1,530
4	Swedish West Indies -	16,277	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5	Denmark -	2,928	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
6	Danish West Indies -	44,353	301	-	-	211	-	-	298	-	-	-	-	-	-	-	810
7	Danish East Indies -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8	Netherlands -	33,519	894	-	-	533	285	-	-	-	-	-	-	-	-	-	1,712
9	Dutch West Indies -	13,374	-	-	-	212	-	-	-	-	-	-	-	-	-	-	212
10	Dutch East Indies -	1,143	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
11	England, &c. -	202,976	63,706	-	-	-	-	-	-	-	-	-	-	-	-	-	63,706
12	Scotland -	7,296	7,521	-	-	-	-	-	-	-	-	-	-	-	-	-	7,521
13	Ireland -	8,247	1,889	-	-	-	-	-	-	-	-	-	-	-	-	-	1,889
14	Gibraltar -	26,790	-	-	-	68	-	-	-	-	-	-	-	-	-	-	68
15	British African Ports -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
16	Mauritius -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
17	British East Indies -	2,430	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
18	British West Indies -	26,796	7,622	-	-	-	-	-	-	-	131	-	-	-	-	-	7,753
19	Newfoundland -	298	84	-	-	-	-	-	-	-	-	-	-	-	-	-	84
20	British American Colo- nies -	60,378	11,145	-	-	-	-	-	-	-	-	-	-	-	-	-	11,145
21	Other British Colonies -	249	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
22	Cape of Good Hope -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
23	Hanse Towns and Ports of Germany -	25,274	184	-	-	163	4,425	262	313	360	-	-	-	-	-	-	5,707
24	France on the Atlantic -	85,651	-	10,903	-	-	-	-	-	-	-	-	-	-	-	-	10,903
25	France on the Mediter- ranean -	12,064	-	389	-	-	-	-	-	-	-	-	-	-	-	-	389
26	French West Indies -	50,031	-	4,536	-	-	-	-	-	-	-	-	-	-	-	-	4,536
27	French East Indies -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
28	Bourbon -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
29	Other French African Ports -	-	-	73	-	-	-	-	-	-	-	-	-	-	-	-	73
30	Spain on the Atlantic -	2,245	264	154	-	-	-	-	-	-	-	-	-	-	-	-	418
31	Spain on the Mediter- ranean -	1,912	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
32	Teneriffe and other Can- aries -	2,163	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
33	Manilla -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
34	Cuba -	139,381	555	-	2,431	214	-	160	117	-	-	-	-	-	71	-	3,548
35	Other Spanish West In- dies -	7,194	-	-	279	-	-	-	-	-	-	-	-	-	-	324	603
36	Portugal -	4,138	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
37	Madeira -	4,033	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
38	Fayal and other Azores -	839	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
39	Cape de Verd Islands -	2,129	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
40	Italy -	5,391	-	-	-	-	-	-	-	-	207	-	-	-	-	-	207
41	Trieste and other Aus- trian Ports on Adri- atic -	2,090	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
42	Ionian Islands -	2,846	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
43	Turkey, Levant, &c. -	3,109	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
44	Morocco and Barbary States -	105	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
45	China -	8,950	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
46	Mexico -	23,494	-	-	-	-	-	-	-	-	-	-	2,123	-	-	-	2,123
47	Central Republick of South America -	5,015	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
48	Colombia -	13,042	-	-	-	-	-	-	-	-	-	-	-	-	602	-	602
49	Brazil -	37,709	-	-	-	-	-	-	-	-	-	-	-	381	-	-	381
50	Buenos Ayres -	717	-	-	-	-	-	-	248	-	-	-	-	-	-	-	248
51	Chili -	12,654	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
52	Peru -	2,454	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
53	South America, generally -	3,821	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
54	Hayti -	25,720	-	49	-	114	-	-	-	-	3,611	-	-	-	-	-	3,774
55	Asia, generally -	6,745	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
56	West Indies, generally -	14,583	648	-	-	-	-	-	-	-	-	-	-	-	-	-	648
57	Europe, generally -	1,886	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
58	Africa, generally -	3,249	-	543	-	-	-	-	-	-	-	-	-	-	-	-	543
59	South Seas -	14,704	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
60	North-west Coast of America -	754	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total -		980,542	94,813	16,647	2,710	1,515	4,710	2,069	976	360	207	3,742	2,123	381	673	324	131,250

Treasury Department, Register's Office, 16th April, 1828.

JOSEPH NOURSE, Register.



(8.)—*Statistical View of the Commerce of The United States, exhibiting titles of every description of Exports to, each Foreign Country; also the to, each Foreign Country, and the Tonnage belonging to each Foreign ending on the 30th day of September, 1827.*

COUNTRIES.		COMMERCE.					
		VALUE OF IMPORTS.		VALUE OF DOMESTIC EXPORTS.		VALUE OF FOREIGN EXPORTS.	
		In American Vessels.	In Foreign Vessels.	In American Vessels.	In Foreign Vessels.	In American Vessels.	In Foreign Vessels.
1	Russia - - - - - Dollars.	2,067,611	18,466	45,187	323	334,534	2,200
2	Prussia - - - - -	39,758	-	8,515	-	-	-
3	Sweden and Norway - - - - -	852,810	162,697	125,471	76,017	139,451	68,102
4	Swedish West Indies - - - - -	209,535	-	416,822	-	25,014	-
5	Denmark - - - - -	40,822	-	148,958	-	253,983	-
6	Danish West Indies - - - - -	2,298,113	1,236	1,450,410	13,281	535,254	2,936
7	Danish East Indies - - - - -	-	-	-	-	-	-
8	Netherlands - - - - -	965,895	22	2,222,454	116,927	846,508	42,442
9	Dutch West Indies - - - - -	519,396	310	385,491	2,082	44,162	-
10	Dutch East Indies - - - - -	236,447	-	38,859	-	127,749	-
11	England, Man, and Berwick - - - - -	26,794,869	1,859,014	17,671,349	5,843,072	313,800	590,736
12	Scotland - - - - -	497,829	585,272	631,433	704,736	-	-
13	Ireland - - - - -	427,951	122,178	535,253	101,837	-	-
14	Gibraltar - - - - -	828,953	-	1,040,084	915	863,811	576
15	British African Ports - - - - -	13,831	-	-	-	-	-
16	Mauritius - - - - -	-	-	-	-	-	-
17	British East Indies - - - - -	569,056	-	32,717	-	1,018,733	-
18	British West Indies - - - - -	715,219	179,988	503,375	179,730	734	6,736
19	Newfoundland, &c. - - - - -	-	-	-	-	74	-
20	British American Colonies - - - - -	423,274	21,844	2,615,888	181,126	31,226	2,434
21	Other British Colonies - - - - -	11,910	-	-	-	-	-
22	Cape of Good Hope - - - - -	5,186	-	-	-	-	-
23	Hanse Towns and Ports of Germany - - - - -	943,193	695,365	1,421,116	272,855	955,739	363,475
24	France on the Atlantic - - - - -	7,537,547	146,311	7,905,049	806,962	2,489,894	65,975
25	France on the Mediterranean - - - - -	843,374	-	465,754	9,793	725,713	55,363
26	French West Indies - - - - -	880,255	41,075	904,291	75,406	60,656	470
27	French East Indies - - - - -	-	-	-	-	-	-
28	Bourbon - - - - -	-	-	-	-	-	-
29	Other French African Ports - - - - -	-	-	-	-	-	-
30	Spain on the Atlantic - - - - -	154,885	-	69,858	4,903	47,178	-
31	Spain on the Mediterranean - - - - -	460,350	-	62,353	-	7,112	-
32	Teneriffe and other Canaries - - - - -	123,360	-	46,163	-	39,817	-
33	Manilla - - - - -	150,813	-	-	-	-	-
34	Cuba - - - - -	7,177,990	63,859	4,097,894	62,853	2,651,848	3,483
35	Other Spanish West Indies - - - - -	915,343	54,269	207,070	11,086	9,298	1,063
36	Portugal - - - - -	268,091	-	116,103	-	220	-
37	Madeira - - - - -	225,883	3,399	100,153	-	18,281	-
38	Fayal and other Azores - - - - -	72,609	11,594	13,487	-	4,861	-
39	Cape de Verd Islands - - - - -	77,425	-	80,010	-	24,155	-
40	Italy - - - - -	1,007,180	5,946	71,397	3,020	529,838	5,966
41	Trieste and other Austrian Ports on the Adriatic - - - - -	163,546	-	42,671	-	234,122	-
42	Ionian Islands - - - - -	-	-	14,634	-	-	-
43	Turkey, Levant, &c. - - - - -	768,606	14,522	131,734	-	470,325	-
44	Morocco and Barbary States - - - - -	14,281	-	2,031	-	2,003	-
45	China - - - - -	3,617,183	-	290,862	-	3,573,543	-
46	Mexico - - - - -	5,036,273	195,594	827,735	59,172	3,178,857	107,493
47	Central Republic of America - - - - -	251,342	-	147,574	-	77,198	-
48	Colombia - - - - -	1,545,559	4,689	597,206	14,106	325,803	7,329
49	Brazil - - - - -	2,052,913	8,058	1,469,724	16,709	373,629	3,744
50	Buenos Ayres - - - - -	80,065	-	86,551	14,229	39,402	11,022
51	Chili - - - - -	184,693	-	1,040,748	-	661,853	-
52	Peru - - - - -	1,035,462	-	202,944	-	70,077	-
53	South America, generally - - - - -	27,503	-	71,537	-	21,489	-
54	Hayti - - - - -	1,459,318	321,991	940,633	221,840	96,171	73,265
55	Asia, generally - - - - -	44,306	-	21,139	-	640,670	-
56	West Indies, do. - - - - -	167	-	439,027	15,877	11,956	-
57	Europe do. - - - - -	-	-	150,236	-	779	-
58	Africa do. - - - - -	205,587	873	119,513	7,455	66,723	1,140
59	South Seas - - - - -	-	-	24,923	-	287	-
60	Northwest Coast of America - - - - -	53,298	-	37,702	-	40,882	-
61	Sandwich Islands - - - - -	-	-	-	-	-	-
62	Uncertain Ports - - - - -	51,184	-	-	-	-	-
63	Honduras - - - - -	17,947	-	13,261	-	1,573	-
Total - Dollars		74,965,496	4,518,572	50,105,379	8,816,312	21,987,165	1,415,971
		Foreign 4,518,572	Foreign 8,816,312	Foreign 1,415,971			
Grand Totals 79,484,068		58,921,691		23,403,136			

*the Value of Articles of every description of Imports from, and the Value of Arr-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.		
382,244	15,310	3,509	360	117	—	—
8,515	342	156	—	—	360	360 Russian.
469,041	11,941	3,731	2,760	1,530	2,760	2,069 Swedish.
441,826	8,935	16,277	—	—	—	—
402,941	889	2,928	—	—	976	976 Danish.
2,001,881	44,878	44,353	458	810	—	—
—	99	—	—	—	—	—
3,228,331	31,662	33,519	414	1,712	1,090	1,515 Dutch.
431,735	17,872	13,374	212	212	—	—
166,608	2,020	1,143	—	—	—	—
24,419,017	183,232	202,976	62,448	63,706	99,114	94,813 British.
1,336,169	7,763	7,296	10,143	7,521	—	—
637,120	8,872	8,247	8,847	1,889	—	—
1,905,336	16,956	26,790	—	68	—	—
—	174	—	—	—	—	—
—	327	—	—	—	—	—
1,051,450	1,672	2,430	—	—	—	—
690,575	43,687	26,796	9,088	7,753	—	—
74	350	298	279	84	—	—
2,830,674	60,452	60,378	7,798	11,145	—	—
—	1,133	249	—	—	—	—
—	425	—	—	—	—	—
3,013,185	18,792	25,274	4,135	5,707	4,715	4,710 Hanseatic.
11,267,889	64,644	85,651	7,649	10,903	16,066	16,647 French.
1,256,623	11,445	12,064	—	389	—	—
1,040,853	38,268	50,031	7,737	4,536	—	—
—	—	—	73	73	—	—
121,939	3,754	2,245	213	—	3,980	2,710 Spanish.
69,465	5,302	1,912	—	418	—	—
85,980	1,946	2,163	—	—	—	—
—	795	—	—	—	—	—
6,816,068	138,996	139,381	4,570	3,548	—	—
228,519	15,429	7,194	556	603	—	—
116,323	21,306	4,138	—	—	—	—
118,434	2,691	4,033	313	—	—	—
18,348	2,045	839	237	—	—	—
104,165	1,496	2,129	—	—	—	—
610,221	10,313	5,391	207	207	400	207 Italian
—	—	—	—	—	—	—
276,793	1,825	2,090	—	—	—	—
14,634	1,345	2,864	—	—	—	—
602,059	4,062	3,109	198	—	—	—
4,034	105	105	—	—	—	—
3,864,405	8,889	8,950	—	—	—	—
4,173,257	18,088	23,494	4,077	2,123	2,277	2,123 Mexican.
224,772	3,731	5,015	—	—	—	—
944,534	12,150	13,042	794	602	865	673 Colombian
1,863,806	22,380	37,709	80	381	80	381 Brazilian.
151,204	793	717	—	248	—	—
1,702,601	1,023	12,654	—	—	—	—
273,021	4,086	2,454	—	—	—	—
93,026	2,132	3,821	—	—	—	—
1,331,909	21,362	25,720	3,794	3,774	3,937	3,742 Haytien.
661,909	1,312	6,745	—	—	—	—
466,860	430	14,583	—	648	—	—
151,015	1,110	1,886	—	—	—	—
194,840	2,560	3,249	149	543	—	—
25,210	14,368	14,704	—	—	—	—
78,584	397	754	—	—	—	—
—	—	—	—	—	969	324 Uncertain.
14,834	—	—	—	—	—	—
82,324,827	918,361	980,542	137,589	131,250	137,589	131,250

Treasury Department, Register's Office, 16th April, 1828.

JOSEPH NOURSE, Register.

(9.)—Statement of the Commerce of each State and Territory of The United States, commencing on the 1st day of October, 1826, and ending on the 30th day of September, 1827.

STATES, &c.	VALUE OF MERCHANDIZE IMPORTED.		VALUE OF MERCHANDIZE EXPORTED.						Total value of Domestic and Foreign Produce.	QUANTITY OF AMERICAN TONNAGE.		QUANTITY OF FOREIGN TONNAGE.	
	In American Vessels.	In Foreign Vessels.	Domestic Produce.		Foreign Produce.					Entered.	Departing.	Entered.	Departing.
			In American Vessels.	In Foreign Vessels.	In American Vessels.	In Foreign Vessels.							
1 Maine	1,321,639	11,691	988,564	44,471	36,426	673	1,070,134	72,733	94,660	3,397	2,896		
2 New Hampshire	302,211	-	155,580	-	21,818	-	177,398	12,544	6,849	-	-		
3 Vermont	143,771	307	1,259,441	-	-	-	1,259,441	-	-	-	-		
4 Massachusetts	13,246,733	123,831	3,783,847	36,502	6,534,662	69,372	10,424,383	173,178	130,056	4,798	3,951		
5 Rhode Island	1,241,828	-	596,177	-	208,010	-	804,187	27,080	21,359	-	-		
6 Connecticut	630,004	-	567,100	-	23,175	-	590,275	20,038	18,078	-	-		
7 New York	36,600,914	2,118,730	12,320,508	1,600,119	8,908,535	1,004,975	23,834,137	261,301	239,968	39,242	33,375		
8 New Jersey	331,664	6,833	25,627	-	-	-	25,627	725	933	637	571		
9 Pennsylvania	11,056,557	156,348	3,214,235	177,061	4,091,963	92,574	7,575,833	74,705	68,753	4,007	4,097		
10 Delaware	6,993	-	9,406	-	-	-	406	697	317	-	-		
11 Maryland	4,302,701	103,007	3,294,395	163,296	972,615	86,100	4,516,406	57,940	67,430	4,515	4,191		
12 District of Colombia	315,623	12,000	1,159,579	22,563	-	-	1,182,142	10,735	17,349	485	485		
13 Virginia	378,807	52,958	4,231,969	414,768	11,201	-	4,657,938	23,488	53,235	7,386	7,843		
14 North Carolina	253,356	23,435	391,436	55,650	1,777	374	449,237	28,652	36,683	2,544	3,164		
15 South Carolina	1,072,510	361,596	5,961,805	2,227,691	92,357	40,708	8,322,561	38,665	68,854	25,418	24,601		
16 Georgia	203,926	108,683	3,446,928	813,936	691	-	4,261,555	21,406	41,519	8,874	10,646		
17 Ohio	-	-	-	-	-	-	-	-	-	-	-		
18 Louisiana	3,241,797	1,289,848	7,636,254	2,965,578	1,206,355	119,810	11,798,997	66,657	89,793	30,937	30,240		
19 Alabama	166,106	35,803	1,040,279	290,491	45,594	-	1,376,364	14,312	13,696	3,163	3,073		
20 Michigan Territory	2,518	1,256	1,320	-	-	-	1,320	-	-	-	-		
21 Florida Territory	145,748	112,246	20,929	3,186	31,986	1,385	57,486	13,505	11,010	2,186	2,117		
Total, Dollars	74,965,406	4,618,572	60,105,379	8,816,312	21,987,165	1,415,971	82,324,927	918,961	980,542	137,689	131,260		
Grand Total 79,484,068. Grand Total 69,921,091. Grand Total 29,403,156. Total Entered 1,055,960. Total Departing 1,111,792. <i>Department Report, April 16, 1828.</i>													

Total Entered 1,055,950. Total Departing 1,111,792.

Grand Total 23,493,136.

Grand Total 58,921,691.

Grand Total 79,434,068.

Treasurer Department, Register's Office, April 16, 1828.

Tons of goods shipped, 1827.

DISTRICTS.		AMERICAN.		FOREIGN.		DISTRICTS.		AMERICAN.		FOREIGN.	
		Entered.	Departing.	Entered.	Departing.			Entered.	Departing.	Entered.	Departing.
						Tons					
Pasamaquoddy	-	10,071	20,392	2,801	2,617	-	-	697	317	4,515	4,191
Machias	-	612	210	-	-	-	-	55,092	66,577	-	-
Frenchman's Bay	-	2,365	2,732	-	-	-	-	1,926	-	-	-
Waldoborough	-	2,469	1,066	-	-	-	-	-	297	-	-
Wiscasset	-	1,826	914	-	-	-	-	-	261	-	-
Bath	-	8,964	16,965	279	279	-	-	715	295	-	-
Portland	-	39,716	42,340	317	-	-	-	207	-	-	-
Kenebunk	-	1,494	4,279	-	-	-	-	-	-	-	-
Penobscot	-	8,607	3,339	-	-	-	-	2,043	5,458	144	144
Belfast	-	1,068	1,622	-	-	-	-	8,692	11,891	341	341
Saco	-	641	711	-	-	-	-	13,123	14,633	5,628	4,980
York	-	-	90	-	-	-	-	3,621	19,083	571	571
Portsmouth	-	12,544	6,849	-	-	-	-	3,535	16,675	1,167	2,292
Newburyport	-	4,372	3,795	-	-	-	-	1,162	549	-	-
Gloucester	-	4,321	4,345	-	-	-	-	1,333	1,869	-	-
Salem	-	17,255	18,748	-	-	-	-	404	260	-	-
Ipswich	-	-	-	-	-	-	-	310	166	-	-
Marblehead	-	2,366	1,233	-	-	-	-	15,275	18,892	2,430	3,050
Boston	-	118,604	86,450	4,798	3,951	-	-	2,098	2,286	-	-
Plymouth	-	2,899	941	-	-	-	-	7,739	9,049	114	114
Barnstable	-	1,627	450	-	-	-	-	574	1,545	-	-
Nantucket	-	204	-	-	-	-	-	2,372	3,735	-	-
New Bedford	-	11,199	13,569	-	-	-	-	-	-	-	-
Edgartown	-	9,812	1,339	-	-	-	-	594	1,176	-	-
Dighton	-	519	186	-	-	-	-	38,665	68,854	25,418	24,601
Vermont	-	-	-	-	-	-	-	-	-	-	-
Newport	-	6,974	3,765	-	-	-	-	21,131	40,292	8,256	9,779
Bristol	-	6,497	5,870	-	-	-	-	-	-	-	-
Providence	-	14,609	11,724	-	-	-	-	275	880	618	867
New London	-	4,230	6,530	-	-	-	-	-	-	-	-
Middletown	-	4,780	4,089	-	-	-	-	-	-	-	-
New Haven	-	8,725	6,812	-	-	-	-	14,312	13,696	3,163	3,073
Fairfield	-	2,353	647	-	-	-	-	66,657	80,793	30,937	30,240
New York	-	251,522	232,428	35,887	30,090	-	-	-	-	-	-
Sag Harbour	-	106	-	-	-	-	-	-	-	-	-
Champlain	-	4,719	2,547	-	-	-	-	-	-	-	-
Oswegatchie	-	-	-	-	-	-	-	-	-	-	-
Sacket's Harbour	-	2,523	2,737	197	245	-	-	1,121	924	266	266
Oswego	-	1,093	2,256	3,158	3,040	-	-	128	216	35	35
Gennessee	-	-	-	-	-	-	-	58	58	-	-
Niagara	-	-	-	-	-	-	-	12,198	9,812	1,920	1,816
Buffalo	-	-	-	-	-	-	-	-	-	-	-
Cape Vincent	-	-	-	-	-	-	-	-	-	-	-
Perth Amboy	-	-	-	-	-	-	-	-	-	-	-
Burlington	-	-	-	-	-	-	-	-	-	-	-
Little Egg Harbour	-	1,338	933	637	571	-	-	-	-	-	-
Bridgetown	-	725	-	-	-	-	-	-	-	-	-
Great Egg Harbour	-	-	-	-	-	-	-	-	-	-	-
Philadelphia	-	-	-	-	-	-	-	-	-	-	-
Fresque Isle	-	-	-	-	-	-	-	-	-	-	-
Total		74,705	68,753	4,007	4,097	Total		918,361	980,542	137,589	131,250

Treasury Department, Register's Office, 16th April, 1828.  
JOSEPH NOURSE Register.



(11.)—Abstract of the Tonnage of the Shipping of the several Districts of The United States, on the last day of December, 1826.

DISTRICTS.		Registered Tonnage.	Enrolled and licensed Tonnage.	Total Tonnage of each District.	DISTRICTS.		Registered Tonnage.	Enrolled and licensed Tonnage.	Total Tonnage of each District.
Tons & 95ths					Tons & 95ths				
Passamaquoddy, Maine	-	7,533 32	3,761 86	11,345 23	Wilmington, Delaware	-	158 51	10,987 04	11,145 55
Frenchman's Bay	-	4,473 10	4,944 15	4,944 15	Baltimore, Maryland	-	61,304 70	35,176 57	96,481 32
Penobscot	-	5,287 33	7,941 44	12,414 54	Oxford	-	-	18,089 37	18,089 37
Belfast	-	8,696 70	17,369 84	22,557 22	Vienna	-	320 56	23,625 75	22,946 36
Waldoborough	-	1,756 73	8,555 63	12,552 38	Snow Hill	-	386 08	7,351 06	7,737 14
Wiscasset	-	2,325 40	32,608 48	34,365 26	Annapolis	-	115 84	3,404 72	3,520 61
Bath	-	18,000 80	8,849 68	11,176 13	St. Mary's	-	-	4,120 10	4,120 10
Portland	-	33,133 41	12,516 36	30,517 21	Georgetown, Columbia	-	1,584 67	3,244 78	4,829 50
Saco	-	3,220 63	15,425 90	48,559 35	Alexandria	-	5,875 23	9,003 00	14,878 23
Kennebunk	-	6,909 29	2,500 72	5,721 40	Norfolk, Virginia	-	6,066 97	16,097 08	22,164 00
York	-	167 68	1,151 67	8,061 01	Petersburg	-	1,825 91	4,457 50	6,283 46
Portsmouth, New Hampshire	-	20,103 93	1,083 30	1,251 03	Richmond	-	3,304 20	5,541 78	8,846 03
Newburyport, Massachusetts	-	9,394 58	6,109 30	26,213 28	York town	-	-	1,546 36	1,546 36
Ipwich	-	69 60	12,986 36	22,880 94	East River	-	744 26	3,130 00	3,874 26
Gloucester	-	3,545 65	1,276 04	1,354 64	Tappahannock	-	1,591 90	10,840 44	12,432 39
Salem	-	31,641 03	10,379 82	13,925 52	Folly Landing	-	191 00	3,229 88	3,420 88
Marblehead	-	2,928 22	11,739 12	43,380 15	Cherrystone	-	-	2,198 68	2,198 68
Boston	-	109,383 47	8,391 43	11,819 65	Wilmington, North Carolina	-	8,328 80	1,286 03	9,614 83
Plymouth	-	11,258 81	62,592 60	171,976 12	Newbern	-	4,845 75	3,018 21	7,864 01
Dighton	-	842 89	13,608 07	24,608 07	Washington	-	1,438 75	2,809 91	4,248 71
New Bedford	-	27,404 22	3,257 68	4,100 62	Edenton	-	1,291 39	6,573 12	7,864 51
Barnstable	-	969 27	12,494 34	39,898 56	Camden	-	3,000 55	4,968 50	8,559 10
Edgartown	-	1,690 69	22,076 92	23,066 24	Plymouth	-	48 77	1,163 84	1,212 66
Nantucket	-	21,246 40	1,016 47	2,617 21	Beaufort	-	165 38	483 07	648 45
Providence, Rhode Island	-	14,198 14	5,161 71	26,408 16	Ocracoke	-	1,298 72	1,297 52	2,596 29
Bristol	-	6,598 77	5,083 15	19,281 29	Charleston, South Carolina	-	12,066 50	16,643 89	28,710 44
Newport	-	6,120 41	2,612 03	9,210 80	Georgetown	-	-	1,268 05	1,268 05
Middletown, Connecticut	-	6,741 39	10,779 68	17,521 12	Beaufort	-	4,457 45	4,205 31	8,662 76
New London	-	3,569 29	3,281 19	9,401 60	Savannah, Georgia	-	811 49	1,119 29	1,930 78
New Haven	-	4,823 38	9,027 62	12,616 91	Sunbury	-	494 56	818 57	1,313 18
Fairfield	-	205 21	7,456 20	12,279 58	Hardwick	-	-	991 31	991 31
Vermont	-	-	10,086 68	10,291 89	Brunswick	-	-	317 07	391 70
Champlain, New York	-	1,191 11	-	1,191 11	St. Mary's	-	-	506 20	506 20
Sackett's Harbour	-	617 85	958 92	1,576 82	Miami, Ohio	-	-	7,156 86	8,651 09
Oswego	-	46 85	381 72	428 62	Cuyahoga	-	-	664 32	664 32
Niagara	-	742 70	1,309 63	2,052 38	Sandusky	-	-	23,808 69	39,166 01
Owego	-	210 07	1,900 11	2,110 18	Detroit, Michigan	-	15,357 27	167 71	167 71
Buffalo Creek	-	2,314 00	4,702 69	7,016 69	Michilimackinac	-	646 06	362 92	909 03
Sag Harbour	-	158,451 38	157,887 58	316,289 01	Mobile, Alabama	-	-	-	-
New York	-	-	44 65	44 65	Blakely	-	-	-	-
Cape Vincent	-	1,161 83	10,873 12	12,035 00	Pearl River	-	-	-	-
Perth Amboy, New Jersey	-	266 50	15,947 59	16,214 14	New Orleans	-	-	-	-
Bridgetown	-	-	2,162 00	2,162 00	Teche	-	-	-	-
Burlington	-	-	3,763 18	3,763 18	Pensacola	-	-	-	-
Little Egg Harbour	-	-	7,876 72	7,876 72	St. Augustine	-	-	-	-
Great Egg Harbour	-	-	10,116 62	10,116 62	St. Mark's	-	-	-	-
Philadelphia, Pennsylvania	-	63,283 30	255 87	73,400 17	Key West	-	-	-	-
Presque Isle	-	190 04	-	455 91	Total	-	737,978 15	796,212 68	1,534,190 83

Treasury Department, Register's Office, April 15, 1828.

(12).—*COMPARATIVE VIEW of the Registered and Enrolled and Licensed Tonnage of The United States, from 1815 to 1826, inclusive.*

YEARS.	Registered Tonnage.	Enrolled & Licensed Tonnage.	Total Tonnage.
	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.....	619,096 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
1826.....	737,978 15	796,212 68	1,534,190 83

*Treasury Department, Register's Office, 15th April, 1828.*

JOSEPH NOURSE, *Register.*

**BRITISH ORDER IN COUNCIL**, extending the privileges of a Free Port to Pictou, and Sydney, in Nova Scotia.—13th February, 1828.

*At the Court at Windsor, the 13th day of February, 1828,*

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act, passed in the 6th Year of His Majesty's Reign, 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 Ports of Pictou and Sydney, in the Province of Nova Scotia; 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 Ports of Pictou and Sydney, in the Province of Nova Scotia:

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, prohibiting the exportation of Arms, Gunpowder, &c. to certain parts of Africa.***  
***24th November, 1828.***

*At the Court at Windsor, the 24th day of November, 1828.*

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the time limited by His Majesty's Order in Council, of the 7th of May last, for prohibiting the exportation of gun-powder, salt-petre, or any sort of arms or ammunition, to any Port or Place on the Coast of Africa (except to any Ports or Places within the Streights of Gibraltar), has expired; and whereas it is deemed 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 date of this Order), presume to transport any gun-powder or salt-petre, or any sort of arms or ammunition, to any Port or Place on the Coast of Africa (except to any Ports or Places within the Streights of Gibraltar) or ship or lade any gun-powder or salt-petre, or any sort

of arms or ammunition, on board any Ship or Vessel, 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, intituled "An Act for the general regulation of the Customs:"

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, the Lord Warden of the Cinque Ports, the Master-General and the rest of the Principal Officers of the Ordnance, and His Majesty's Secretary at War, are to give the necessary directions herein as to them may respectively appertain.

C. C. GREVILLE.

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**BRITISH ORDER IN COUNCIL, granting to Spanish Vessels certain privileges of trading with the British Possessions Abroad.—28th April, 1828.**

*At the Court at St. James's, the 28th day of April, 1828,*

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

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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," 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 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," 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, 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 the conditions mentioned and referred to in the said Acts of Parliament have not in all respects been fulfilled by the Government of His Most Catholick Majesty the King of Spain, 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 Spain, unless His Majesty, by His Order in Council, shall grant the whole or any of such privileges to such Spanish Ships:

And whereas His Majesty, by and with the advice of His Privy Council, doth deem it expedient to grant the privileges aforesaid, in certain cases, to Ships of the Dominions of His Most Catholick Majesty the King of Spain, His Majesty doth therefore, by the advice aforesaid, and in pursuance and exercise of the powers and authority in him vested by the said recited Acts of Parliament, declare and grant, that it shall and may be lawful for Spanish Ships to import into any of the British Possessions abroad, from the Colonies and Foreign plantations

of His Most Catholick Majesty, goods, the produce of those Colonies and Possessions, and to export goods from such British Possessions abroad, to be carried to any Foreign Country whatever :

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable 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.

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**LETTER from the Secretary of the Treasury, transmitting the Annual Report on the state of the Finances of The United States.—8th December, 1827.**

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SIR,

*Treasury Department, 8th December, 1827.*

I HAVE the 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 of May, 1800. I have the honour to be, &c.

RICHARD RUSH.

*The Hon. the Speaker of the House of Representatives.*

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REPORT.

IN obedience to the Act making it the duty of the Secretary of the Treasury to "lay before Congress, at the commencement of every Session, a Report on the subject of Finance, containing Estimates of the Public Revenue and Public Expenditures, and plans for improving or increasing the Revenues from time to time," the Secretary proceeds to the task which that duty enjoins upon him.

It is satisfactory to be able to state, in the beginning, that the Revenue accruing for the current Year is likely to exceed, rather than fall below, that of the last. This is the more satisfactory when considered in connexion with the fact of the unusually large importations of Foreign merchandise in 1825. The importations for that Year having greatly exceeded their average value for many Years preceding, a subsequent reduction in their value had been looked to, under analogous facts heretofore occurring in the Foreign trade of the Country. This has proved to be less the case than might have been anticipated. Although the importations for the Year ending on the 30th September last, are believed to have been less than for the Year ending on the same day in 1826, those for 1827, commencing on the 1st of January, and ending with the close of the present month, will, in all probability, be greater. It is on the Year, calculated in the latter way, that the annual Revenue from the Customs is estimated.

The importations for the 3rd Quarter of the present Year have been large, owing to the quantity of woollen goods which they embraced. If this, on the one hand, has been a cause specially operating to augment the entire importations of 1827, there are circumstances connected with other branches of the Foreign trade that have been specially in operation to diminish them. The opinion may reasonably be entertained, founded on these and other considerations, that the reaction, under the heavy importations of 1825, has arrived at its close. Aside, therefore, from unforeseen events, the importations for the next year, on which the Revenue so mainly depends, under the present system of Finance, may be expected to prove sufficiently ample for every ordinary Financial purpose. The actual receipts into the Treasury during the current Year, have been less, in particulars that will be presently stated, than the sum at which they were estimated. They have been sufficient, however, with the balance in the Treasury at the commencement of the Year, to meet every appropriation for the service of the Year, including the sum of 10,000,000 dollars on account of the Publick Debt.

As the state of the Publick Debt, and manner in which the process of extinguishment goes on from Year to Year, is a subject on which the Nation desires and expects to receive accurate and full information, it will be exhibited to Congress in the first instance upon the present occasion. The exposition of this subject will be given in connexion with a short retrospect.

From the 1st of January, 1825, to the close of the present Year, there will have been applied to the principal of the Publick Debt, the sum of 21,297,210 dollars 93; and paid on account of interest the sum of 11,863,445 dollars 20; making a total of 33,160,656 dollars 13. Of the applications on account of the Principal, during these Years, 7,725,034 dollars 88 were made in 1825; 7,064,709 dollars 21, in 1826; and 6,507,466 dollars 84, will have been made by the close of 1827. Of the preceding sum of 21,297,210 dollars 93, it is proper to state, that a portion of it, viz. 5,000,000 dollars, was borrowed under the Act of the 26th of May, 1824, at an interest of  $4\frac{1}{2}$  per cent. to pay off an equal portion of Debt, standing at an interest of 6 per cent. The aggregate amount of the Publick Debt on the 1st of January, 1825, was 83,710,572 dollars 60. To this must be added, the stock, amounting to 5,000,000, at  $4\frac{1}{2}$  per cent. created by the above Act, but which was not issued until after the commencement of 1825; and a small amount of 3 per cent. stock that was subsequently issued, viz. 16 dollars 25, making the whole of the Publick Debt, in 1825, 88,710,588 dollars 85. The aggregate amount at which it will stand on the 1st of January, 1828, will be 67,413,377 dollars 92. The whole of the 21,297,210 dollars 93, applied to the principal of the Debt, in the 3 years mentioned, have gone towards the reduction of

the 6 per cent. stock. Five millions of this sum having been replaced by the stock at  $4\frac{1}{2}$  per cent. issued under the Act of the 26th of May aforesaid, are of course again to be ranked as part of the Debt. It follows, that the Debt, in 6 per cent. stock, to the amount of 16,297,210 dollars 93 cents, will have been absolutely extinguished in the course of these 3 Years by the surplus moneys of the Treasury, in addition to 11,863,445 dollars 20, paid as interest. It also follows, that 21,062,332 dollars 17 cents, in principal and interest, will have been applied to the Publick Debt, during the Years 1826 and 1827, out of the means of the Treasury, without any assistance whatever from Loans. This is an amount greater than was required to be applied to it for these 2 Years by the obligations of the Sinking Fund Act.

It will be satisfactory to Congress to know that, during the 3 Years in question, besides these payments made on account of the Debt, and all other payments to meet the annual expenses of Government, large sums have been applied to objects wearing a character neither temporary nor annual. By these are meant, Internal Improvements, in the form of Subscriptions to Canals, and appropriations for otherwise opening and extending intercourse throughout the Country; Fortifications and Armouries; Ships of War, Naval Docks, and other Establishments connected with the Navy; Publick Edifices of various descriptions, whether for purposes Marine or Civil; arming the Militia; the purchase of Lands from the Indians, and other expenses belonging to this Department of the Publick Service. On such objects, and others kindred to them, the Expenditures, during these 3 Years, have reached a sum little short of 12,000,000 dollars. A Nation that, after providing for the regular support of its Government, is seen to proceed in this manner in the payment of its Publick Debt, and in additional disbursements so considerable, for which equivalents remain, that, for the most part, are of permanent value to the Nation, cannot be regarded as other than prosperous in its financial condition.

That the exact situation of the whole Funded Debt at this time may be seen, the several parts of which it consists will be distinctly set forth, for the full information of Congress.

Its total amount, on the first of October last, was (Statement No. 1.) 68,913,541 dollars 08. This sum comprehends the old Revolutionary 3 per cents, amounting to 13,296,247 dollars 70, redeemable at the pleasure of the Government; and the 7,000,000 subscribed to the Bank of The United States, also redeemable at the pleasure of the Government.

The residue of the Debt was contracted after the commencement of the War of 1812, and consists of various Loans and Stocks created and redeemable at periods, as follow:

1. The sum of 4,244,587 dollars 07, at 6 per cent. being the residue unpaid of the Loan under the Act of the 8th of February, 1813, and re-



deemable in 1826. The amount authorized to be borrowed under this Act, was 16,000,000. For this sum, certificates of stock issued, to the amount of 18,109,377 dollars 43, a premium having been given to the lenders. Of this amount, there remain unpaid, as above, 4,244,587 dollars 07.

2. The sum of 13,096,542 dollars 90, at 6 per cent. being the residue unpaid of Loans made under the Act of the 24th of March, 1814, and redeemable in 1827. The amount authorized by this Act was 25,000,000. Of this amount, there was borrowed, under Loans contracted in 1814, the sum of 12,942,423 dollars 26. For this sum, certificates of stock issued, to the amount of 16,108,014 dollars 43, under a premium to the Lenders as above; of which there remain unpaid, of the Loan contracted on the 2d of May in that year, 8,507,866 dollars 36; of that contracted on the 22d of August, 4,050,780 dollars 77; and of other smaller Loans contracted under the Act in the course of the same year, 537,895 dollars 77, making, in the whole, 13,096,542 dollars 90, as first above stated.

3. The sum of 9,490,099 dollars 10, at 6 per cent. being the residue unpaid of the Loan under the Act of the 3d of March, 1815, and redeemable in 1828. This Act authorized a loan of 18,452,800 dollars. There was borrowed, under it, the sum of 11,699,326 dollars 63, principally by the funding of Treasury Notes, and certificates of stock issued, to the amount of 12,288,147 dollars 56, of which there remain unpaid, as above, 9,490,099 dollars 10.

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.

6. The sum of 18,901 dollars 59, at 5 per cent. being one-third part of the sum of 56,704 dollars 77, issued in exchange for 6 per cent. stock 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 created under the Acts of the 24th and 26th of May, 1824, for sums borrowed of the Bank of The United States, one-half to pay the Florida Claims, the other half to pay off the 6 per cent. stock of 1812, and redeemable in 1832.

9. The sum of 999,999 dollars 13, at 5 per cent., being stock created by the Act of the 15th of May, 1820, and redeemable in 1832.

10. The sum of 18,901 dollars 59, at 5 per cent., being the

remaining third, subscribed under the Act of the 20th of April, 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 the 26th of May, 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 the 3d of March, 1821, and redeemable in 1835.

The foregoing enumeration gives the aggregate of 68,913,541 dollars 08, stated as the amount of the Debt on the first of October last.

Of this aggregate, it may not be improper here to state that 49,001,215 dollars 36, are owned in The United States, and 19,912,325 dollars 72, by Foreigners.

A payment being about to be made on account of the principal of the debt at the close of the present Year, in addition to one that was made in July, its total aggregate amount on the 1st of January, 1828, will be 67,413,377 dollars 92.

To make up this aggregate, all the items exhibited in the foregoing view of the whole Debt are included. But the whole together gives the nominal rather than the real amount of the Debt. Its real amount on the 1st of January, 1828, will be but a fraction above 60,000,000. The sum of 7,000,000 subscribed by the Government to the Bank of The United States, is, in effect, destroyed as Debt, by The United States owning an equal amount in the shares of the Bank. So far is this sum from being any charge upon the Treasury, that the Treasury is annually receiving interest for it in the dividends upon the shares. Whenever the latter are sold, they may at least be expected to replace the sum that was invested in them. The old Revolutionary 3 per cents., too, have now existed nearly 40 years. By the provisions of the Sinking Fund Act, this stock can only be bought up and extinguished by the Government, when the price shall fall to 65 dollars for every 100 dollars. This, in all probability, will prevent, for some time to come, the 13,296,247 dollars 70, of which this stock consists, being any charge upon the resources of the Nation, so far as paying off the Principal is concerned; as it would be difficult to say when the obligation to pay it off will attach under the above Act, or when it could otherwise be done with full advantage to the Publick. It is many Years since this stock has been as low as 65 dollars for 100, and there is no present prospect of its falling so low. The portions of the Debt, therefore, which, under the existing enactments of the law, can alone be met by an annual and ascertained process of extinguishment, unless the 3 per

cents. should be paid off at 100, cannot be computed at more than 47,117,130 dollars 22. It is plain that this amount is rapidly hastening to extinguishment. If The United States continue at peace, and there is happily no present prospect of its interruption, their Debt must, in a few years more, disappear. The new obligations which will devolve upon the National Councils, in reference to the pecuniary resources of the Country, when liberated from large annual payments on account of the Debt, the wisdom of those Councils will, at the proper season, know how to estimate.

It remains to make known, in conclusion, under this head, the operations had at the Treasury upon the Publick Debt since the adjournment of the last Session of Congress.

In the last annual Report from this Department, a Loan to the amount of 16,000,000 at an interest not to exceed 5 per cent. was recommended. The object of such a Loan was to pay off a portion of the Debt, equal to 16,000,000, bearing an interest of 6 per cent. No Law to this effect having passed, it became the duty of the Department to proceed in the work of paying off the 6 per cents. as far as the means of the Treasury would allow. Accordingly, on the 1st of July, the sum of 5,007,303 dollars 68 was paid on account of the 6 per cent. Loan, created by the Act of the 8th of February, 1813. By the decision of the Commissioners of the Sinking Fund, in September, it was agreed that the further sum of 1,500,000 should be paid, on account of the same Loan, at the termination of the present quarter of this year. Public notices have been issued in conformity with this decision, and are now outstanding. A small fraction over the sum is included in the notice, the terms of the Loan having rendered it necessary that the Certificates to be paid off, should be fixed upon by lot, and the last drawn number, in this instance, as in the payment of July, having given the fractional excess. The manner of drawing the lots having been minutely described in a Paper annexed to the last annual Report, will not here be repeated. In deciding upon the further payment of 1,500,000 dollars, the Commissioners had due reference to the 4th Section of the Sinking Fund Act of March the 3d, 1817, which declares that, "whenever there shall be, at any time after an adjournment of Congress, in any year, a surplus of money in the Treasury, above the sums appropriated for the service of such year, the payment of which to the Commissioners of the Sinking Fund will yet leave in the Treasury, at the end of the year, a balance equal to 2,000,000 of dollars, then such surplus shall be, and the same is hereby, appropriated to the Sinking Fund, to be paid at such times as the situation of the Treasury will best permit." But this provision was not viewed as creating any obstacle to the decision. The construction and practice at the Treasury, since the passage of the Act, have invariably been, not to consider the above provision as attaching, so long as any part of the 10,000,000 remain unapplied to the Debt;

this sum being considered, under the very object and terms of the Act, as a standing appropriation for the service of the Year.

No further remarks are deemed necessary at this time, in relation to the Publick Debt. Should the Laws respecting it remain unchanged, payments on account of the Principal will continue to be made throughout the ensuing Year, in such ways as the obligations of the Laws direct, and the means of the Treasury may best allow.

*Publick Revenue and Expenditure of the Years 1826 and 1827.*

The nett Revenue which accrued from duties on Imports and Tonnage, during the year 1826, amounted to.....Dollars 20,248,054 30

The actual Receipts into the Treasury, from all sources, during the Year 1826, amounted to..... 25,260,434 21

Viz:

Customs.....	23,341,331 77
Publick Lands.....	1,393,785 09
Dividends on Stock in the Bank of The United States,	
Arrears of Internal Duties and direct Taxes, and	
incidental Receipts.....	500,228 90
Repayments of advances made in the War Department	
for services or supplies, prior to the 1st of July,	
1815.....	25,088 45
Making with the balance in the Treasury on the 1st of	
January, 1826, of.....	5,201,650 43

An aggregate of.....Dollars 30,462,084 64

The actual Expenditures of The United States, on all accounts, during the Year 1826, amounted to ..... 24,103,398 46

Viz:

Civil, diplomatic, and miscellaneous...	2,600,177 79
Military Service, including Fortifications, Ordnance,	
Indian Department, Revolutionary and Military	
Pensions, arming the Militia, and Arrearages prior	
to the 1st of January, 1817.....	6,243,236 03
Naval Service, including the gradual increase of the	
Navy.....	4,218,902 45
Publick Debt.....	11,041,082 19
Leaving a balance in the Treasury on the 1st of	
January, 1827, of.....Dollars	6,358,686 18

The actual Receipts into the Treasury, during the 3 first Quarters of the Year 1827, are estimated to have amounted to..... 17,488,810 07

Viz:

Customs..... 15,142,892 68



Publick Lands..... 1,212,011 29

Dividends on Stock in the Bank of The United States..... 420,000 00

Arrears of internal Duties and direct Taxes, and incidental Receipts..... 681,561 12

(This item includes the sum of 602,480 dollars, as the first moiety of a sum paid by the British Government, by virtue of a Convention under the 1st Article of the Treaty of Ghent, for Slaves carried off by British Officers, in contravention of that Treaty; which sum, as it is paid out to the American Claimants, by Treasury Warrants in the usual form, has a place among the actual Receipts of the Year, though no part of the Revenue.)

Repayments of advances made in the War Department, for Services or Supplies prior to the 1st of July 1815..... 32,344 98

And the actual Receipts into the Treasury, during the 4th Quarter of the Year, (including the other moiety of the sum explained as above,) are estimated at... 5,117,480 00

Making the total estimated Receipts into the Treasury, during the Year 1827..... 22,606,290 07

And with the balance in the Treasury on the 31st of December, 1826, of..... 6,358,686 18

An aggregate of..... Dollars 28,964,976 25

The Expenditures of the 3 first Quarters of the Year 1827, are estimated to have amounted to..... 17,895,390 96 Viz:

Civil, Diplomatick, and Miscellaneous  
2,013,520 47

(This item includes 294,392 23, paid to the American Claimants under the 1st Article of the Treaty of Ghent, in virtue of awards duly made in their favour.)

Military Service, including Fortifications, Ordnance, Indian Department, Revolutionary and Military Pensions, arming the Militia, and Arrearages prior to the 1st of January, 1817..... 4,750,271 15

Naval Service, including the gradual increase of the Navy 3,458,575 91

Publick Debt, viz: Reimbursement of principal..... 5,007,303 68

Payment of interest..... 2,665,719 75

7,673,023 43

And the Expenditures of the 4th	
Quarter are estimated at.....	4,800,000 00
Viz :	
Civil, Diplomatick, and Miscellaneous	672,243 42
(This item includes 92,687 67, as amount of awards under the 1st Article of the Treaty of Ghent.)	
Military Service, including Fortifications, Ordnance, Indian Department, Revolutionary and Military Pensions, arming the Militia, and Arrearages prior to the 1st of January, 1817.....	900,000 00
Naval Service, including the gradual increase of the Navy.....	875,000 00
Publick Debt, viz :	
Reimbursement of Principal	
1,500,163 16	
Payment of interest....	852,593 42
	<hr/> 2,352,756 58
Making the total Expenditure of the Year 1827 .....	Dollars 22,695,390 96
And leaving in the Treasury on the 1st of January, 1828, an estimated balance of .....	<hr/> Dollars 6,269,585 29
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It will be observed, from the above Statements, that the Receipts into the Treasury, from all sources, in 1826, were 25,260,434 dollars 21. The Sum at which they were estimated, in the Annual Report of 1825, was 25,500,000 dollars. From the Statements and Estimates applicable to 1827, it will also be observed, that the Sums received, and expected to be received, from all sources, during this year (apart from the Moneys paid under the Treaty of Ghent) will amount to 21,401,330 dollars 07. The amount at which they were estimated, in the Annual Report of 1826, was 23,150,000. It is, therefore, expected, that the entire Receipts of 1827 will be 1,748,669 dollars 93 less than the Estimates presented in 1826.

Of this difference, upwards of 400,000 dollars were caused by postponements in the Sales of the Public Lands. The Estimate in 1826, of Receipts from this source, for 1827, was fixed at 2,000,000 dollars. This was founded, in part, as stated in the Report, on expected Sales of a considerable quantity of relinquished Lands in Alabama. These Sales having been postponed until 1828, the amount which it was anticipated they would yield, should, therefore, be stricken from the Estimate. With this deduction, the amount produced by the

Sales of the Public Lands, in 1827, will be found to correspond, very nearly, in all other particulars with the Estimate.

The remaining difference has been in the Customs. This has proceeded from the uncertainties that attend all Estimates of the Revenue depending upon Foreign commerce, itself ever uncertain. These Estimates, whether given by this Department, or by Committees of Congress specially scrutinizing them under all the lights attainable, have often heretofore, from causes impossible to have been foreknown, been disappointed by the result. The disappointment has sometimes been upon a larger, sometimes upon a smaller scale. Such Estimates can, therefore, on no occasion, be regarded in any other light than as an approximation to that Sum always desirable to be known, but rarely, if ever, in a long series of years, foretold with precision. The Estimates presented for 1827 were formed upon bases which had the sanction of past experience in giving reasonable promise of a fair approach to the true result. Whilst, on the one side, expectations of a redundant income should not be too confidently indulged, it becomes a duty, on the other, not to estimate the Receipts below the amount which the usual probabilities seem to warrant, lest the Public Service should be stinted in any useful particular, by the restrained appropriations of Congress. The Importations for 1827, taking into the account the Calendar Year, will, it is believed, as before intimated, exceed the Importations for 1826. But those for the 2 first Quarters of 1827 have been very small. Had they borne the same proportion to those of the 2 last Quarters, that the Importations of the 2 first Quarters have borne to those of the 2 last, on an average of 5 Years preceding, the actual Receipts into the Treasury from the Customs, in 1827, would have been larger. This effect would have grown out of the terms of credit allowed on Duty Bonds. By these terms a portion of the Payments always falls due within the Year, on Importations made during the first 6 months of the Year. The average Importations for the first 6 months during 5 Years that preceded 1827, were larger than those for the last 6 months. For 1827 there is every probability that this ratio of Importations on the time of the whole Year, will be reversed. It is so, as far as yet ascertained. We are reminded, even by the experience of recent Years, of the frequent variations between the anticipations and the issue, in this part of our fiscal system. In 1817, the estimated Receipts from the Customs were 24,000,000 dollars, and the actual Receipts 26,283,348 dollars. In 1818, the estimated Receipts were 20,000,000 dollars, and the actual Receipts 17,176,385 dollars. In 1819, 1820, and 1821, the Estimates from the same source were successively given at 21,000,000, 19,000,000, and 14,000,000 dollars. The Sums successively received were 20,283,608, 15,005,612, and 13,004,447 dollars. These disappointments sprung from supervenient causes, the means of knowing which did not exist when the Estimates were made. There have been,

at other epochs, differences much more considerable, which need not be detailed; yet it may not be irrelevant, to the purpose of setting forth the intrinsic uncertainties of this branch of Revenue, to add, that for the last of the Years here indicated, after the Estimate had been given in from the Treasury at 14,000,000 dollars, the proper Committee of one of the branches of the Legislature, thinking it too low, raised it to 15,000,000 dollars. The Receipts for that Year (1821) scarcely exceeded 13,000,000 dollars, as already stated. The allusion to these facts would be incomplete in its purpose without the further remark, that the affairs of this Department are well known to have been conducted with great general accuracy during the Years mentioned.

The balance of 6,269,585 dollars, 29, that will probably be in the Treasury on the 1st of January, 1828, will be subject to the following Charges: 1. The Balance of unapplied Appropriations, which will remain to be satisfied after the 1st of January, 1828, is estimated at 3,980,000 dollars. 2. About 1,000,000 dollars in Funds that cannot be considered as effective, being made up of Debts due from Banks in several of the States, heretofore used by the Government as Banks of Deposit, or the Notes of which were received whilst Payments in Specie were suspended. As was stated in a former Report, the recovery of these Debts, though measures to that end are in train, must, in many instances, be regarded as doubtful, and will probably be slow in all. 3. The Sum of 817,880 dollars, being the amount which it is believed will remain unpaid of the Moneys received under the 1st Article of the Treaty of Ghent.

*Estimate of the Public Revenue and Expenditure for 1828.*

THE value of Importations into the United States during the Year ending on the 30th September last, is estimated at 81,000,000 dollars. The Exportations for the same period are estimated at 80,000,000. When the more exact Statistical Returns for the Year are laid before Congress, as they will be in the course of the Session, it will be perceived that there has been a diminution in the Imports from China during the present Year, as compared with the past. The diminution has been very considerable both in teas and silks. This fact will show, in the end, the greater excess of Importations from Europe during the present Year, whence our Foreign Manufactures are principally derived. The fourth Year is now in progress since the passage of the Act of Congress augmenting the Duties on imported Merchandize. We are therefore at a point enabling us to speak on grounds more authentic than hitherto, of the effect of that Act upon the Foreign Commerce of the Nation. By comparing the time that has elapsed since its operation, with an equal portion of time that preceded, it appears that both the Imports and Exports have, in the aggregate, increased. They stand thus:—Total value of Importations for the Years 1822, 1823, and 1824, 241,000,000 dollars; total for 1825, 1826, and 1827, 262,000,000.



Total value of Exportations for the 3 former Years, 222,000,000 : total value for the 3 latter Years, 257,000,000. Fractions are dropped both ways. The result is not affected by the re-exportations of Foreign Merchandize for the same time, which bear a proportion as nearly as may be equal, on the basis of Importations for the 2 periods. It will be understood, that, in these Statements of Importations and Exportations for a term of 6 years, those for 1827 are given by estimate only, for a portion of the Year; but it is not believed that there will be any such change in them as to shake the general results. The Articles of Domestic Manufacture exported in 1827, are estimated at upwards of 7,000,000 dollars; a Sum greater than that to which they have ever before amounted in any one Year.

A Tariff of duties upon Foreign productions may, without doubt, be so raised as to affect injuriously the interests of Foreign Commerce. To suppose that the Tariff of The United States established by the Act of May, 1824, is at such a pitch, would be contrary to analogies afforded by the history of other commercial Nations, and, thus far, to the experience of our own. It is believed, on the contrary, that its rates might be augmented in important particulars, without hazarding any such consequences to Foreign trade in its ultimate course and aggregate value; and that a true national policy dictates their augmentation. The increase of our Imports and Exports since the Tariff of 1824, becomes the more striking from the consideration that, in 1826, there was witnessed in Europe an extraordinary depression of prices. This was followed by a proportionate stagnation in all the operations of purchase and sale. The evil assumed a magnitude productive, in that hemisphere, not only of great individual suffering, but of anxiety in Governments. It was at such a moment that we began to reap the benefits of the profitable turn given to a portion of the industry of our own Country, by the provisions of the Tariff. Had it not been for the demand of our own Manufacturers for some of the agricultural staples of the Country, the presumption is authorized, that the fall of prices in Europe, at that period, would have been differently felt by our agricultural classes here. Similar occurrences abroad had, on former occasions, been followed by pecuniary losses in this Country, much more extensive and formidable. The increased number of Artisans within our own borders, and greater scope of their operations, evidently tended to leave the Agriculturist less exclusively dependent upon Foreign markets, than if the latter had been his sole reliance. Nor have the benefits of manufacturing industry ended here. The proof strengthens, that many articles have become cheaper, more abundant, and of superior quality, by the effect of competition among the home Artisans, than when derived only from abroad. The opening of new objects of labour, by multiplying the occupations of Men, has also increased the public prosperity. This has produced an

increased ability to buy all articles of consumption, whencesoever obtained. Hence foreign trade has not declined, of which we have the incontestible evidence just stated, whilst new domestic resources in manufacturing labour have been unfolding themselves. As the latter are more amply brought out, it is confidently anticipated that the former will become wider and more enriching in its range. If the new fields of labour have only, as yet, been opened in particular divisions of the Country, other divisions will reap a full measure of benefit. If there can be no dissent to the maxim, as between independent Nations, that the prosperity of one promotes that of another, it cannot be doubted that different parts of the same Nation will derive reciprocal prosperity from the same cause. The United States are distinguished in this respect by a lot as peculiar as it is favourable. Nothing can exceed the inducements to various and subdivided traffick that abounds within their own limits. It is here that the Economist may hope to see exemplified every essential advantage of the foreign and home trade, blended in the same system, moulded by the same policy, and freed from the jealousies that have frustrated, and must ever continue to frustrate, the benevolent but impracticable theories of commercial intercourse as between distinct Nations. It is not merely that the extent of climate and soil in the Union are adapted to all pursuits that can give activity and fruitfulness to industry under every form. These are but natural advantages. It is the exchange of the products of industry, upon terms the most desirable and the most gainful, throughout so ample an extent of home dominion, that will exalt such natural advantages to the utmost. It is here that commerce may be carried on, freed from every restriction, and, probably, for the first time, upon a political and geographical theatre so expanded. The appropriate industry of each portion may go into unfettered action; of Louisiana and of Massachusetts, of Georgia and of Rhode Island. A vast home trade, resembling foreign trade, as well by intervening distances as the nature of its exchanges, will be prosecuted, whether along the ocean, or the water highways of the interior, untrammelled by tolls or imposts of any kind, and without even the necessity of custom houses, or giving to such establishments uses only formal. Such a trade can, only, however, have its proper value by the extensive success of manufactures. There is nothing else can impart to labour in The United States, the necessary variety in its objects, and the necessary regularity and fullness in the demand. There is nothing else can adequately augment and diversify the list of commodities for which the necessities and enjoyments of improved life are ever making calls. There is nothing else will raise up Towns on the surface of our Territory at every commanding point, without which land can never be made to yield the full amount of which it is susceptible, or the farmer

be sure of prices steady and remunerating. It hardly need be added, how a course of policy that would infuse augmented vigour and briskness into a coasting trade, embracing in its range nearly one half of a Continent, would tend to enlarge in all ways the essential foundations of naval strength.

Manufactures are recommended by every consideration that can bear upon the riches, the security, and the power of the State. The effect upon agricultural prices produced by the perpetual presence of Armies in a Country, will not too strongly illustrate the extent of the benefit that the manufacturing class renders to the class of farmers. The parallel ends, indeed, here, and ends beneficently : for, whilst the soldier does nothing but consume, the manufacturer produces as well as consumes, supplying the farmer with articles as necessary as those which he receives from him. Manufacturing industry advances the intellectual no less than the physical power of a State, by the various knowledge which its complicated pursuits put into requisition. It is the course of industry which must lay the foundation of those arts which tend to refinement in a Nation, for which intellectual Nations, and none more than Republicks, have acquired renown. The time has passed when objections might be made to manufactures from the limited amount of our Population, and the dearness of labour. The Population, throughout large portions of the Union, is now sufficient, both in amount and density, for any operations of manual labour; whilst science, by applying its inventions to this kind of labour, has abridged its expensiveness. Where a single State of the Union has recently been seen to complete a publick work, which, for its great extent and skilful execution, may compare with similar works achieved in any part of the World, it will not readily be believed that the Country, of which that State is but a part, can be deficient in the means of prosecuting manufacturing labour, however extended the scale upon which it may be demanded. The completion of such a work, (the New York Canal) is of itself a memorial of the highest authenticity, that the Nation has reached a point qualifying it for whatever undertaking its true interests point out, and to which other Nations have been found equal. As little has the objection to manufactures, founded upon moral causes, any place. That they lead to deterioration in portions of the people, is not to be admitted. Facts, on the contrary, teach, that the freest and most enlightened, as well as most opulent and powerful, Countries of Europe, are those in which manufacturers bear the greatest proportion to the other productive classes. Their success begets industry, which is favorable to good habits. It begets prosperity, which supplies them with comforts, and raises up their condition. The remark rests on general results, aside from partial exceptions. It is equally borne out by facts, that



Countries in which there is an undue predominance of agricultural population, are the poorest, and their inhabitants the most depressed. Sailors, considered as a class, have their lives shortened by the hardships that they undergo. Yet when was this alleged as a reason for extirpating Commerce? In like manner, that co-equal agent in lifting up the condition of Nations—manufacturing industry—would be entitled to favour, even if partial evils flowed from it, as these must give way, in the scheme of society, to preponderating good. But, if authentic information justifies the conclusion, that the pursuit of manufactures tends not to deterioration in a People, but the reverse, the policy inculcated acquires new force. The experience of our own Country confirms the accounts from others, and we may be allowed to add the hope, that the influence of our Political Institutions upon individual and social life, will operate to keep up still more the moral tone of this portion of our Population, as time multiplies its numbers.

Remarks like the preceding are believed to be justified by the success which manufacturing industry has already attained in The United States, as far as it has received adequate protection. They are conceived to be not less appropriate to the design which is entertained of recommending an increase of that protection where it is most demanded. There is little hazard of a Community ever forcing manufactures not adapted to its soil, climate, and all its other capabilities. Still less can the hazard exist, where the powers of Legislation are deposited in the hands of those who are imbued with the collective intelligence of the Community. Every Country possesses its physical characteristics, as those stamped by its Government, its Laws, and the leading wants and tastes of its Population. In these lie the causes that make up its inherent capabilities for the pursuit of some branches of industry more than others. Manufactures once established to the proper limit of these, and scope enough will remain for Foreign Commerce in other commodities that will come into demand. The demand for others never fails to increase, as increasing wealth at home enlarges the capacity to procure them, and superinduces the new artificial desires that crave them. Wealth at home must increase as manufacturing labour increases. Money, as representing wealth, must increase; since each Year that witnesses an increase in the amount of consumable goods, must witness a proportionate increase in the medium necessary to circulate them. These are truths too obvious to be dwelt upon, and too important to national prosperity to be disregarded in practice. Amongst the branches of home industry deserving special care at all times, are those which conduce to subsistence, shelter, clothing, and defence. It is intended, on the present occasion, respectfully to recommend to the consideration of Congress, as classing under one or other of these primary heads, the expediency of increasing the present duties—



1. Upon woollen goods and Foreign wool.
2. Upon fine cotton goods.
3. Upon bar iron.
4. Upon hemp.

The time that has passed since the Tariff of 1824, has been sufficient to show, that the duties fixed by it upon these Articles are not adequate to the measure of success in producing them at home, which their cardinal importance merits. A change, since 1824, in the Laws of Great Britain, in regard to those first named, has also rendered almost abortive the provisions of the Tariff in their favour. It belongs to the purpose of this Report, which looks to the encouragement of the national industry in preference to any that is foreign, here to state, that for a period of 6 successive Years, ending with 1826, the value of woollen goods, and cotton goods, imported into The United States from the Country just named, exceeds 100,000,000 of dollars; and the value of iron, and of articles manufactured from iron, 17,000,000. During one of these Years, the woollens exported from that Country to this, exceeded the amount of those exported to the whole of Europe put together. For the means of exchange against an amount of Foreign manufactures so great, The United States have had three principal staples of their soil, viz. wheat-flour, tobacco, and cotton. The 1st of these, the same Country has, by her Laws, positively or virtually excluded, during the same period of Years, from consumption within her Dominions. The 2d she has admitted, under a duty of more than 600 per cent. The 3d she has received with little scruple. She has known how to convert it into a means of wealth to her own industrious People, greater than had ever before, in her whole annals, been derived from any single commodity. This she has done, first, by working it up for her home use upon the largest scale, and next by making it subserve the interests of her Foreign Trade. She has sent it over all Seas, wherever a Market opened, but chiefly back again to us, to be bought under the enhancements of her own labour, at prices four and five-fold those which she paid us for it. Commerce upon the terms attested by such facts, cannot be pronounced just, as between the Parties. The conviction is deeply entertained, that the best interests of the Nation point to the expediency of reviewing and correcting a species of commercial intercourse so unequal. It may be applicable to subjoin, that the woollen, cotton, and iron goods imported from all other parts of the World, during the Years indicated, are found to be but about one-sixth part of the value of those obtained from the Country whose Laws fall with Edicts of exclusion, or with such disproportionate duties, upon the produce of The United States; not only the articles mentioned, but more that might be mentioned.

The complete establishment of American Manufactures in wool, cotton, iron, and hemp, is believed to be of very high moment to the

Nation. All the principal raw materials for carrying them on are at hand, or could be commanded. The skill for imparting excellence to them, would come at the proper time. There would be no want of labour, to which an abundant water power, as well as artificial machinery, would every where be lending its assistance. Capital would be found for investment in them. If their establishment, by the immediate protection of the Laws, should, at first, raise the cost of the articles, and, for a succession of years, keep it up, a true forecast, looking to the future, rather than adapting all its calculations to the existing hour, would not hesitate to embrace the protecting policy. Nations that would found schemes of solid and durable advantage, must be ready to do so at the peril of temporary privation. It is the great term of national, as of individual superiority and distinction. To buy cheap, is not the only or always the chief good. It is for Legislators who have to deal with the practical interests of mankind, to give to abstract propositions the necessary limitations. Considerations higher than those of present mercantile gain, have often swayed the councils of Nations; of Nations, whose wisdom in this respect, we ought not lightly to impugn, any more than we can at all question their long pre-eminence in prosperity. Need it be said that England had her Laws to protect her Tonnage for more than a Century, during all which time she might have employed the Tonnage of other States at a price much below that at which she built and used her own? Need it be added, what results to her maritime and commercial sway have flowed from her resolute perseverance in those Laws? Need it be said that France, conspicuous for positive as for progressive riches, and comforts, and power, still excludes from her Territory fabrics that might trench upon the custom of her own workshops, in branches of labour and art believed to be conducive to the national resources, whilst they confer also the means of individual thrift? Shall the many Laws of these two great States, at periods when they were laying the foundations of their manufacturing industry, be recounted, all tending to foster it, by inducements the most efficacious;—Laws to the essential principle of which they still, in so many instances, systematically adhere? Shall we call to recollection, especially, the Ordinance of M. Calonne, which invited to France Artificers from all Nations, allowing them equal privileges with those they enjoyed in their native Countries, and granting them an immunity from duties on the importation of the materials used in their manufactures; nay more, exempting them and their workmen from all personal or other taxes? These, with analogous illustrations, as numerous as applicable, will be forborne, as too familiar to be recapitulated. The Protecting Laws to our own tonnage, our own coasting trade, our own fisheries, still in force, and which first raised up the prostrate navigation of The United States, may supersede other references. These show how the Fathers of the Republic were awake

to the wisdom of other times and other Nations, knowing how to make it their own. Their recorded opinions attest that they were equally awake to the principle of encouraging manufactures in the broadest sense. If they did not carry it farther into practice, it is because a proper discrimination saw, in the circumstances of that early day, whether as regarded the state of the World from without, or our own internal condition, no sufficient motive for giving to the principle a more extended application. But, if this species of industry should not be prematurely gone into, so neither ought the Laws to neglect it too long. Excellence is of slow growth. Rarely is it quick or spontaneous in the material, any more than in the moral world. Time is an agent indispensable towards inducting a people into the full knowledge of the manufacturing arts. They are complex; they are difficult. They are to be learned only by stages, throughout a long course of application and efforts, as mind is evolved by education; institutions for promoting which, the Laws, in the wisest Countries, are careful to found and to nurture. When, therefore, neither paucity of Population nor of means any longer hold as reasons for not cultivating these arts among us, and when those external circumstances have passed away which drew nearly all of our Population into commerce or into husbandry, the period for permanently fixing them as an integral interest in the State, seems fully to have arrived. Whilst we repose in tranquillity, the season is auspicious for entering effectually upon the work of establishing those specially recommended. Should War happen, it is not easy to state the augmented resources with which we should meet its exigencies with these Manufactures flourishing in perfection, any more than to pourtray the inconvenience which we should know in their absence. It is, therefore, from the connexion of their success with the leading interests of the State, in Peace or War, that the conviction is felt that it would be expedient to secure their success, even at the sacrifice of cheapness to the individual purchaser.

But no such consequence is to be apprehended. If it were a question of fostering Manufactures for which the circumstances of the Country yielded not the abundant facilities, as with England when she fostered by her own Laws her own Tonnage, then, indeed, could success be accomplished only by indefinite forcing, to be followed by indefinite monopoly in price. Such is manifestly not the case. Manufactures of fine cottons, of woollens of almost all descriptions, of iron articles, and of those from hemp, have already arrived at a point, in The United States, justifying the conclusion that some additional encouragement from Congress is alone wanting to fix them upon lasting and profitable foundations. This additional encouragement is invoked as a proper offset to the high degree of success which foreign industry has attained in these branches, by the effect of capital and skill, long pre-existing in older Nations, and long aided by their Laws. These



are advantages not intrinsic, but accidental. Yet they cannot be countervailed but by efficient legislative aid to our own establishments in the beginning. This afforded, and there is the strongest reason from past experience, to feel assured, that American industry and resources, stimulated into full competition, will supply the commodities cheaper in price, as well as better in quality, than they have heretofore come to us from other countries. The competition, increasing with time, will unfold effects more and more useful. Every branch of manufacture brought into successful operation, is apt to become the parent of others. New materials are discovered, new combinations of skill struck out, new aptitudes developed. Industry becomes awakened where before it was inactive, carrying the Country forward in individual wealth, in general comforts, and in financial power. For promoting the last, durably, all expedients must prove fallacious that are not based upon prosperous labour pervading all classes at home. The consumption of the products of every kind of home labour would necessarily increase with the increasing amount of production, and, under more encouragement given to Manufactures in the branches recommended, might be expected to yield an excess that would flow into our export trade, augmenting its amount, and the amount of its returns. As regards cotton articles, such is the exuberance of the raw material in The United States, that it cannot be assuming too much to suppose, that the day is not remote when they will largely supply other Countries of the world with these fabrics. Already they have begun to do so, to some extent, with those of the coarser species. European science, applied to the manufacturing arts, has indeed returned to India, in the manufactured state, the native cotton of India; but it will be the effect of our own policy if a similar traffick be long permitted to go on between Europe and The United States. That the latter will continue, under all circumstances, to supply Europe with a full portion of raw cotton, cannot be doubted, from the present and growing state of that manufacture in Europe. That they might also be enabled, by the policy recommended, to vie with any Nation in sending, even to the Markets of Europe, articles manufactured from this material, is an opinion which is believed to rest upon no exaggerated estimate of their manufacturing ability, however dormant it may be in reference to such a result now. That this invaluable raw material, but thirty years ago scarcely known to our own fields any more than to the British loom, is destined to draw out a far greater portion of the productive labour of this Country than it has yet put into action, and mark an era in its manufacturing, as it has already done in its agricultural riches, is an anticipation which rational calculations of the future may justify. What is said of our cotton Manufactures, may, it is believed, be said with scarcely less confidence, eventually, though perhaps not immediately, of those of wool. The latter, from being more complicated in



their whole process, and more difficult and costly in the skill necessary to their elaboration, naturally require more time to be reared to perfection. They claim, on this account, and claim the more imperiously, the immediate and decisive succour of the Laws.

The opinion that these and other manufactures would come to be afforded to us better in quality when obtained at home, cannot be passed over with only the simple expression of it. It is of a nature entitling it to some further notice. Amongst the disadvantages of Manufactures not being more universally established in The United States, we are to rank that of their inhabitants being obliged to use wares of a low quality from abroad. It is known that a long list of articles is sent to us from both England and France, if not from other Countries, which, in those Countries, would be rejected by a large class of consumers. Furthermore, it is true, that an article injured in the making, in reference to the highest character of workmanship, will notwithstanding be sometimes shipped to this Market, in the hope of finding for it bidders, that could not so readily be commanded in Europe. If it be said that the wealth of this Country does not, at present, yield a class of purchasers for European articles of the highest workmanship, the answer recurs, that, by multiplying our own workshops, we should, at the proper time, be supplied with the like articles. It ought not to be supposed, that the resources of our own Country, and the ingenuity of our own workmen, could not, under adequate incentives, supply them as excellent in quality, and as perfect in finish, as those made elsewhere. And, although it may not now be convenient, to any considerable class of consumers in this Country, to make a call for articles of this highest stamp of manufactured excellence at the Foreign prices, it is fully believed, that the rivalry of numerous Artizans at home would raise up skill to a point that would produce such articles; whilst it would bring down the prices to limits that would put them into circulation. It has not escaped observation, that, in American Manufactures that have already, by the aid of the Laws, obtained a preference to the Foreign, there is no inferiority as compared with the best standards of the same species of manufactures, produced and consumed in the Foreign Country. By opening full scope to the competition and talents of our own Artizans, the standard of excellence, as well as the faculty of discrimination, would be raised to a higher tone than when the one is formed and the other exercised, as is now too often the case, upon the secondary productions of other Countries.

In appropriate connexion with these remarks, it may be stated as a fact also known, that the raw cotton of the first quality and price, which is sent from the United States to Europe, is not that which is returned to the United States, when manufactured. On the contrary, it is this species which is, for the most part, retained for consumption in Europe; whilst fabrics, wrought from the inferior raw cotton, are sent off to

Foreign Markets generally, and to those of the United States amongst the number. Further Legislative assistance to Manufactures at this juncture, coming, as it would, after an interval that has left time for the judgment of the Nation to pass upon the good effects of the Tariff of 1824, as far as it has proved adequate, would impress the conviction at home and abroad, that the Manufacturing system was to be incorporated with the well-understood and durable policy of the Nation. Besides other advantages from this conviction, we might reasonably expect to witness that of seeing a new class of Emigrants come to the United States. They would consist not merely of unemployed Journeymen from Foreign workshops, however useful these may be ; but, in all probability, of Master-manufacturers of capital and standing. How valuable Emigrants of this description would prove ; how they would help to quicken the progress of the Country in manufacturing skill and general riches, is attested by the experience of all Nations, the wisdom of whose Laws has superadded such Emigrants to their own Population. The effect of their coming would not be to injure our own Manufacturers. It would benefit them. It would increase their numbers. It would raise more speedily the whole class, by blending it more thoroughly with all the other interests of the State. The Foreign artizans, whom Britain sedulously drew to her shores at an early day, fully peopled as the whole of her circumscribed Territory then was, in comparison with ours now, rank among the causes that first and most prominently elevated her condition among Nations. The effects of their ingenious industry exerted a meliorating influence upon social life, by investing it with new means of accommodation and embellishment, and was soon followed by the largest additions to the rural and commercial prosperity of the whole Island. That the productiveness and perfection of English agriculture, at the present day, is owing to the size and power of her Manufacturing classes, is a truth not disputed. It is these classes to whose hands the harvests of her soil are carried, whether gathered from its surface, or extracted in exhaustless mineral wealth from beneath it, and who become the customers of it all—the ready, constant, unfailing customers.

There is an inducement to increased Legislative protection to Manufactures in the actual internal condition of the United States, which is viewed with an anxiousness belonging to its peculiar character and intrinsic weight. It is that which arises from the great extent of their unsold Lands. The magnitude of the interests at stake, in this part of our Public Affairs, ought not to appall us from approaching it. It should rather impel us to look at it with the more earnest desire to arrive at correct opinions on any course of Legislation that may affect, primarily or remotely, an interest so full of importance. The maxim is held to be a sound one, that the ratio of Capital to Population should, if possible, be kept on the increase. When this takes place, the de-

mand and compensation for labour will be proportionably increased, and the condition of the most numerous classes of the Community become improved. If the ratio of Capital to Population be diminished, a contrary state of things will be the result. The manner in which the remote Lands of the United States are selling and settling, whilst it may possibly tend to increase more quickly the aggregate Population of the Country, and the mere means of subsistence, does not increase Capital in the same proportion. It is a proposition too plain to require elucidation, that the creation of Capital is retarded, rather than accelerated, by the diffusion of a thin Population over a great surface of soil. Any thing that may serve to hold back this tendency to diffusion from running too far, and too long, into an extreme, can scarcely prove otherwise than salutary. Moreover, the further encouragement of Manufactures by Legislative means, would be but a counterbalance, and at most a partial one, to the encouragement to Agriculture by Legislative means, standing out in the very terms upon which the Public Lands are sold. It is not here intended to make the system of selling off the Territorial Domain of the Union a subject of any commentary, and still less of any complaint. The system is interwoven beneficially with the highest interests and destiny of the Nation. It rests upon foundations, both of principles and practice, deep and immovable; foundations not to be uprooted or shaken. But our gravest attention may, on this account, be but the more wisely summoned to the consideration of correlative duties, which the existence of such a system, in the heart of the State, imposes. It cannot be overlooked, that the prices at which fertile bodies of Land may be bought of the Government, under this system, operate as a perpetual allurement to their purchase. It must therefore be taken in the light of a bounty indelibly written in the text of the Laws themselves, in favour of agricultural pursuits. Such it is in effect, though not in form. Perhaps no enactment of Legislative Bounties has ever before operated, upon a scale so vast, throughout a series of Years, and over the face of an entire Nation, to turn population and labour into one particular channel, preferably to all others. The utmost extent of protection granted to Manufactures or Commerce by our Statutes, collectively, since the first foundation of the Government, has been, in its mere effect of drawing the People of the United States into those pursuits, as nothing to it. No Scale of Imposts, no Prohibitions or Penalties, no Bounties, no Premiums, enforced or dispensed at the Custom-House, has equalled it. It has served, and still serves, to draw in an annual stream, the Inhabitants of a majority of the States, including amongst them, at this day, a portion, not small, of the Western States, into the settlement of fresh Lands, lying still farther and farther off. If the Population of these States, not yet redundant in fact, though appearing to be so under this Legislative incitement to emigrate, remained fixed in more instances, as it probably would, by extending the motives to Manu-



facturing labour, it is believed that the Nation at large would gain in two ways : 1st, by the more rapid accumulation of Capital ; and next, by the gradual reduction of the excess of its Agricultural Population over that engaged in other avocations. It is not imagined that it would ever be practicable, even if it were desirable, to turn this stream of emigration aside ; but resources opened through the influence of the Laws, in new fields of industry, to the Inhabitants of the States already sufficiently peopled to enter upon them, might operate to lessen, in some degree, and usefully lessen, its absorbing force. The eye of Legislation, intent upon the whole good of the Nation, will look to each part, not separately as a part, but in conjunction with the whole. The rapidity with which, after all, a civilized Population, founding new and sovereign Communities, will grow up in those exuberant portions of Territory, presents considerations favourable to the main policy inculcated. This Population, carrying with it the wants and habits of Society, will create a demand for Manufactures, which must, at least for some time, be supplied from other sources. It will hence form the natural Market of purchase and consumption, for those produced in other parts of the Union, rather than in Foreign Countries. By this intercourse, we may hope to see multiplied the commercial and pecuniary ties, which it is fit should grow up and be cherished throughout the whole Federal Family, superadding themselves to all other ties, and harmonizing and compacting the elements of a great Empire. Should it still be apprehended, by any, that evils will be generated in a state of Society where large manufacturing classes co-exist with a full Population, to such minds the reflection must prove consolatory and re-assuring, that, in the Public Lands, a check to these evils will be at hand for ages to come. This immense Domain, besides embodying all the ingredients, material and moral, of riches and power throughout a long vista of the future, may therefore also be clung to, under the various springs, and conjoint movements of our happy political system, as a safeguard against contingent dangers. Its very possession is conceived to furnish paramount inducements, under all views, for quickening, by fresh Legislative countenance, manufacturing labour throughout other parts of the Union. It is a power to be turned to the account of manifold and transcendent blessings, rather than reposed upon for aggrandizing too exclusively the interest of Agriculture, fundamental as that must ever be in the State. Agriculture itself would be essentially benefitted ; the price of Lands in all the existing States, would soon become enhanced, as well as the produce from them, by a policy that would, in any wise, tend to render portions of their present Population more stationary, by supplying new and adequate motives to their becoming so. And, as it is the Laws that have largely, in effect, throughout a long course of time, superinduced disinclinations to manufacturing labour, by their overpowering calls to rural labour, in the mode of selling off the Public



Domain, the claim of further legal protection to the former kind of labour, at this day, seems to wear an aspect of justice, no less than of expediency.

Finally, the great plans of internal improvement, so wisely in prosecution, or contemplated in different portions of the Country, will lose much of their object and value, if activity be not imparted to manufacturing industry. The increased facilities of conveyance, which these plans are intended to effect, presuppose, as their basis, the necessity of transferring the produce of the Country from place to place. How such transfers will be increased by multiplying the products of manufacturing labour, is apparent. New resources for this kind of labour may be expected to rise up, as these plans are in progress, whether by bringing to light occult treasures, or by affording, through improved transportation, the means of use to those already known. And then, as manufacturing enterprise, acting upon a greater variety and abundance of materials, shall be seen to enlarge its spheres, how much more reciprocally beneficial will not its exchanges become with the produce of the Land? It is this state of things that will emphatically bind together the Farmer, the Manufacturer, and the Merchant, in one indissoluble connexion. Towns and Villages may be expected to rise up, in good time, under such a policy, lining the borders of our Canals, as of our natural streams. Scenes of stirring industry will strike upon the eye, flowing from various and subdivided labour, the aggregate results of all which will stand out in the advancing cultivation and embellishments of the Earth, and extended prosperity and happiness of our People. This is the broad policy suited to a Nation, destined by natural gifts to reach the heights of civilization and power. Such a Nation rejects as too confined, the Counsels that would limit her to the walks of Agriculture, of Commerce, or of Manufactures, singly; seeing that her resources and aptitudes, of all kinds, confer upon her the warrant of pre-eminence in each. Unless, in this combination, we have beheld no State enjoy any other than an imperfect or transitory greatness.

Whilst the efficient encouragement of Manufactures is earnestly dwelt upon as conducive to the fiscal strength and general prosperity of the Union, the claims of Foreign Commerce press not less forcibly upon our attention. Each interest is alike entitled, within proper bounds, to the fostering superintendence of the Legislative Power. Amongst the expedients for augmenting the Foreign Trade of a Country, otherwise than in the Exports of its own productions, none are believed to be more important than the warehousing system. It was this system that greatly contributed to the commercial riches of some of the European States of the middle ages, and that is now enlarging the commercial dominion of Nations of the present day. The situation of the United States locally; the number and position of their Ports along so extended a line of Coast; the Tonnage of which they are actually in possession,

with the Commercial experience of the People ; point them out as peculiarly fitted to derive advantage from this system, and serve to recommend for it more liberal Enactments, than any of which it has yet been subject. By our Laws, as they now stand, the Merchant is compelled to re-export within a twelvemonth, the Foreign Commodity which he has imported, or lose the benefit of drawing back the Duty he has paid upon it to the Government. Hence he loses all opportunity, after this limit of time, of sending the commodity to seek Foreign Markets, when the Market at home may fail. The restriction put upon him, in this respect, ought, it is conceived, to be done away, by extending the time during which he might exercise the right of re-exportation. It is not believed, that the increased quantity of Foreign merchandise, which such an alteration in the Laws might be the means of bringing to the Country, would interfere with the interests of home Manufactures, under the protection claimed for the latter, and the guards with which they might be surrounded. The result might be expected to prove otherwise. At present, whenever a redundancy of Foreign goods is seen in the Country, as will happen occasionally in all trading Countries, from the impossibility of adapting, precisely, the supply to the demand, the excess, if not sent abroad within the Year, is thrown upon the home Market at whatever reduction of price. This operates to the injury both of the home Manufacturer and the Importer. By enlarging the time of re-exportation, with privilege of drawback, such excess, whenever existing, would be more likely to seek a vent in other Countries, and with improved chances of finding it profitable. More especially might the prospects of this Trade, in re-exportation, be increased, if no transit Duty existed on Foreign merchandise passing through our Ports ; the necessary charges being also kept at the lowest possible point. This is a policy which the wisest Commercial Nations have observed. An increased Trade in re-exportation, by increasing the carrying Trade of The United States, may be expected to increase their tonnage ; thus giving new activity to Ship-building, so highly important and valuable a branch of manufactures to the Country. The aspect of the times recommends to favourable consideration the alteration in the drawback system proposed. Political and commercial Revolutions occurring all around us, remind us of the expediency of reviewing our own Commercial Laws, in points where these Revolutions have affected, or may affect the operation of them. We have seen the principal part of this Continent change the relations which it held to Europe. We have seen, as the effect of this and other causes, ancient channels of Trade deserted, colonial monopolies give way, and another system open. A new Commercial era is begun, of which this Hemisphere is to be the principal scene. We have beheld the Nations of Europe watching the course of these changes, and accommodating

their policy, especially the warehousing policy, to the new Commercial wants and contingencies which have grown up, or are anticipated. We have seen above all, the leading Commercial Power of Europe, whose wakeful eye is abroad throughout the Commercial World, extend this very policy, under new and advantageous facilities, to her insular positions in Seas close to our borders. This she has done with the purpose, not concealed, of availing herself of these changes, and of meeting, in the spirit of fair commercial competition, similar measures, which she naturally supposed would go into effect on the side of The United States. No such measures have been taken by The United States. In the midst of the changes adverted to, our own Commercial Legislation remains, so far as any bearing upon this new commercial era is concerned, at the point where it stood more than 25 Years ago. The single exception is in the Act of the last Session of Congress, authorizing the importation of brandy in casks of smaller size than was permitted by the Act of 1799; an Act obviously designed to improve our export Trade in this Article, to the New States of this Continent. The Merchant, like the Manufacturer, and other interests of the State, requires, at proper times, the assisting hand of Legislation; regulation, in one form or other, being the great end of Government, and useful or baffling to individual enterprise, as it is wisely or improvidently exerted.

Should the wisdom of Congress deem an alteration in the Laws, with a view to enlarge the privilege of re-exportation, expedient, an authority to build additional warehouses, in some of the principal Seaport Towns, would be a necessary adjunct to the alteration. The local accommodation for merchandise that must go into store, under the existing Laws, is insufficient. Larger and better constructed edifices are required, even for the present wants of our Commerce, and would become altogether indispensable under an extension of the warehousing system. A Commerce which yields to the National Treasury a Revenue of 20,000,000 dollars a Year, under a Tariff far more moderate, even since 1824, than that which has marked the career of any great State of modern times, is entitled to adequate and liberal provisions for the machinery necessary for carrying it on. Its local Establishments should have reference as well to the security of the Revenue, as to the reasonable accommodation of the Merchant, and the prompt dispatch of business. It is, probably, not too much to affirm, that of the Foreign merchandise, which, under the present Commercial Code of the Union, is deposited in warehouses, more than one-half is unduly exposed to depredation, to frauds, and to fire, from the nature and insecurity of the present buildings. They are, besides, too often situated in places remote from the Custom-Houses and other Commercial Establishments, and inconvenient, otherwise, to



the transaction of daily commercial business. Under circumstances such as these, the propriety of drawing the attention of Congress to the defects of the warehousing system, seems sufficiently justifiable.

Where interests are multifarious, as in free, populous, and opulent Communities must be the case, the hand of Government must be variously extended. Sometimes it is wisely applied to the effective regulation of some of these interests, and sometimes it becomes as necessary to lighten its pressure upon others. Not only is it recommended to lessen the restriction which our Laws have so long imposed upon the Merchant in an extensive branch of the Foreign Trade; but it is also conceived that there are Articles entering into the List of our imports, the Duties upon which it would be expedient to reduce. Amongst these, it is thought proper to mention teas and wines as being prominent.

The use of Tea has become so general throughout The United States, as to rank almost as a necessary of life. When to this we add, that there is no rival production at home to be fostered by lessening the amount of its importation, the Duty upon it may safely be regarded as too high. Upon some of the varieties of the article, it considerably exceeds 100 per cent., and is believed to be generally above the level which a true policy points out. A moderate reduction of the Duty would lead to an increased consumption of the article to an extent that, in all probability, would, in the end, benefit rather than injure the Revenue. Its tendency would be to enlarge our Trade in exports to China; a Trade of progressive value, as our cottons and other articles of home production (aside from specie) are more and more entering into it. It would cause more of the Trade in teas to centre in our own Ports, the present rate of Duty driving our tea Ships not unfrequently to seek their markets in Europe; not in the form of re-exportations, but in the direct voyage from China. It would also serve to diminish the risk of The United States ultimately losing any portion of a Trade so valuable, through the policy and regulations of other Nations.

The Duty upon Wines is also believed to be higher than a wise Commercial and National policy dictates. The experience of our own, as well as other Countries, has shown that high Duties upon wines do not prove beneficial to the Revenue. General experience also shews, that the consumption of wines tends to diminish the use of ardent spirits. These are inducements for keeping the Duties upon wines low. They are strengthened by the consideration, that, by lowering them, we shall increase beneficially our Trade to the Countries whence we obtain wines. Some of these Countries are unable to take our productions, unless their wines be received as an equivalent. They are, at the same time, prepared to take them, untrammelled by positive or virtual prohibitions. It seems but just that we should take freely



the productions of Nations that take ours freely. But, in point of fact, the present rates of our Tariff favour most, in many and essential things, the productions of Nations that favour ours least. The rate of Duty upon wines is not only in many instances very high, but very unequal as regards the different descriptions of wines, and the Countries producing them. The whole subject is thought to demand revision. Upon the superior wines of France, upon those of the Rhine, upon those generally of Spain, Portugal, the Italian States, and perhaps some other Countries, the Duties, it is believed, might be advantageously brought down. The manufacture of wine in The United States, does not at this juncture, comprehend any such large interest as to interpose serious objections to the policy recommended. The opinion may also be hazarded, that, in proportion as the taste for wine comes to prevail over that for ardent spirits, under the encouragement of low Duties upon those imported from abroad, will a better basis be laid for the prosecution, at a future day, of this branch of industry at home. Its prosecution might go on, hand in hand with lower Duties on Foreign wines, even at the present time; a very small amount of capital being necessary to the production of wines at home.

A few remarks upon the state of the Trade between The United States and the British Colonies, since the interdiction put upon it by Great Britain, will close the more general observations of this Report.

Sufficient time has scarcely elapsed to enable us to determine, with precision, the course that this Trade will ultimately take, as regards the amount of supplies, the channels through which they will chiefly pass, and the proportions of American and British Tonnage likely to be employed in their transportation. The British Interdict of July, 1826, left an interval before its actual operation, which did not commence until the 1st of December of that Year. The interval, it is understood, was improved in accumulating, in the British West India Ports, supplies of provisions and other necessary articles from The United States. Geographical causes, in their nature unchangeable, render it manifest, that such supplies can be sent to the British Islands in more abundance and on cheaper terms from the United States, than from parts of the World more remote, or from climates less favourable to their production. Nevertheless, the British Government, true to its invariable maxim of encouraging the industry of its own Subjects in preference to that of Foreigners, laid Duties upon those supplies when coming from The United States, designed to countervail the greater cheapness with which they could be furnished, over similar supplies from the British Colonies of North America. It was to no purpose that Britain was urged, in protracted Negotiations, to forego this discrimination in favour of her own Subjects. She steadily adhered to it, affording a fresh and signal example to other Nations, that to protect the agricultural as well as the manufacturing

labour of her own people in whatever region situated, is a point in her policy to which that of buying cheap from Strangers knows when and how to yield. As the British North American Colonies were enabled, with the aid of these protecting Duties, to furnish a portion of the supplies necessary to the British Islands, leaving The United States to furnish the residue, whilst the direct intercourse between the latter and those Islands remained open, it is not believed that the Trade, under ordinary circumstances, will be materially affected in amount by the direct intercourse being closed. The continued necessity of drawing the major part of those supplies from The United States, was seen in the fact of Quebec having been made an Entrepôt for their flour and other articles, at an early day after the commencement of the Interdict; and, afterwards, by an Act of the British Parliament, which admits, Duty free, various products of The United States into Canada, whence their exportation to the Islands is legalized, as of the proper products of Canada. It is by the establishment of such Depôts that the desire of Great Britain is also evinced to draw to herself a preponderating share of the carrying Trade between her Islands and The United States. It is through these circuitous channels; also through New Brunswick and Nova Scotia; through the Ports and Islands of intermediate Powers, as St. Jago de Cuba, Carthagen, St. Bartholomews, St. Eustatius, St. Thomas—that Jamaica and the Windward Islands will chiefly derive, from The United States, the supplies that they have heretofore had from them, and still continue to want. It is even known that biscuit has been shipped from Philadelphia for Jamaica, by way of Liverpool; and the flour of The United States, under bonds in the warehouses of Liverpool, will also, it is thought, find its way to consumption in the larger Islands of the British West Indies. The Bahamas will probably experience most inconvenience from the course of this Trade being forced into these indirect channels, from their relative inability to sustain the increased expense with which it will be burdened. This we may presume will be shared by both Parties, the transhipments and other intermediate agencies necessary to keep the Trade in activity, being, to a certain extent, common to both. What will be the relative proportion of the Tonnage of the two Nations employed in carrying on this Trade, cannot, at present, be stated with confidence. It is not probable that that of The United States will suffer, where the competition can be made equal; but it is possible that some diminution of their Shipping may be eventually witnessed in favour of the Flag of some third Power. It is the declared policy of Britain to produce such a result rather than allow, by any arrangements which She can controul, the Tonnage of a Nation, already as large as that of The United States, to become larger. Next to the augmentation of her own Tonnage, it is the aim of the British Laws to bring into employment the Tonnage of the

smaller Maritime Powers of the World. If the anticipation be correct, that the British Islands will continue to receive, indirectly, their supplies from The United States, without material diminution, the Revenue will not suffer ; since our Exports, through whatever channels they reach the Islands, may be expected to be followed by equivalent returns. It may be repeated, however, that further time is necessary for establishing definite conclusions upon this and the other points adverted to. It is ascertained, that the Imports into The United States, from the whole of the West India Islands, for the first 6 Months of the present Year, fall below the average rate of those of the first 6 Months of the 3 Years preceding, including importations from the British Islands. On the other hand, our Exports to the whole of the West Indies, during the first 6 Months of 1827, have exceeded their average amount for the same period during the 3 Years preceding, including Exports to the British Islands.

The estimates in detail of the Revenue for the ensuing Year, will now be given. For the general observations upon the home industry, and Foreign trade of the Country, that have been gone into, the indulgence of Congress is, with the utmost deference, solicited, under the motives that have prompted them. All financial plans must ultimately be dependent upon the flourishing state in which a sagacious and comprehensive policy may aid in placing the great Agricultural, Manufacturing, and Commercial Interests of the Nation ; not in a spirit of partizanship for either, but by weighing co-equally the claims of each, and striving to secure the enriching results of all. It is in the anxious endeavour and humble hope of exhibiting them under this alliance, to the correcting and controuling wisdom of Congress, that this Report has been prepared.

The gross amount of Duties which accrued on Imports and Tonnage from the 1st of January to the 30th of September last, is estimated at 21,226,000 dollars. The gross amount that will accrue for the last quarter of the Year, is estimated at 5,774,000 ; making an aggregate of 27,000,000 for the entire Year.

The debentures for drawbacks issued during the 3 first quarters of the Year, amounted to 3,381,942 dollars 79 ; and the amount outstanding on the 30th of September, was 2,516,966 dollars 45, of which 1,245,057 dollars 17 are chargeable upon the Revenue of 1828.

The amount of duty bonds in suit, on the 30th of September last, was 4,136,812 dollars 64, which is more by 128,929 dollars 88 than was in suit on the same day of the Year preceding.

In estimating the probable amount of Duties that will be received, as compared with the gross amount secured on the Importations of the Year, the necessary deductions are to be made, not only for drawbacks, but for the expences of collection, and various losses that may happen. Making what is judged to be a full allowance on all these

accounts for the present occasion, the receipts from the Customs in 1828 are estimated at.....	20,372,700
Those from the Sales of the Public Lands, are estimated at	1,400,000
From Bank Dividends, .....	420,000
And from all other sources, .....	107,300

Making an aggregate of.....Dollars 22,300,000

The Expenditure for 1828, is estimated as follows, viz.

Civil, Miscellaneous, and Diplomatic, 1,828,385 14

Military Service, including Fortifica-

tions, Ordnance, Indian Department,

Revolutionary and Military Pensions,

arming the Militia, and arrearages

prior to the 1st of January, 1817,... 4,332,091 05

Naval Service, including the gradual

Increase of the Navy,..... 3,786,649 25

Public Debt, ..... 10,000,000 00

Making a Total of ..... 19,947,125 44

And leaving an excess of Receipts for the Year, over

its Expenditures, of..... Dollars 2,352,874 56

The estimate of Revenue, from all sources, for 1828, has been made 850,000 dollars lower than that for 1827. This has been done to guard, as far as possible, against unfavourable contingencies. Nevertheless, the present estimate is formed on a larger amount of Duties secured by bond on Merchandize imported, than the estimate for 1827. Hence, there is reason, from all present appearances, to believe, that, although the Estimate for 1828 is less than that for 1827, the Receipts will prove greater.

All which is most respectfully submitted,

RICHARD RUSH.

*Treasury Department, December 8, 1827.*

(A.)—*STATEMENT exhibiting the Duties which accrued on Merchandize, Tonnage, Passports, and Clearances: of Debentures issued on the Exportation of Foreign Merchandize; of payments on Domestic 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, 1826.*

Duties on Merchandize.....	Dollars..26,087,352 78
Tonnage and Light Money.....	150,070 55
Passports and Clearances .....	11,716 00
	<hr/>
	26,249,139 33



		26,249,139 33
Debentures issued .....	5,046,310 00	
Drawback on Domestic Distilled Spirits and Domestic Refined Sugar Exported....	9,188 60	
Bounties and Allowances.....	229,683 28	
	<hr/>	5,285,181 88
Gross Revenue.....		20,963,957 45
Expences of Collection.....		715,903 15
		<hr/>
Net Revenue .....		20,248,054 30
Payments made into the Treasury.....		23,341,331 77
		<hr/>

*Treasury Department, Register's Office, 7th December, 1827.*

JOSEPH NOURSE, *Register.*

(D.)—*STATEMENT of Lands Sold at the several Land Offices of The United States, and of Moneys received in Payment of Public Lands, from 1st January to 31st December, 1826; shewing also the Incidental Expences of said Offices, and Payments made into the Treasury during the same Period.*

Quantity of Lands Sold.....	Acres. 847,996
	<hr/>
Purchase Money.....	Dollars. 1,127,500
Amount received under the Credit System.....	36,397
Aggregate Receipts.....	1,163,898
Incidental Expences.....	111,212
Payments made into the Treasury.....	1,393,785

*Treasury Department, General Land Office, October 31st, 1827.*

GEORGE GRAHAM.

(E.)—*STATEMENT of Moneys received into the Treasury, from all sources other than Customs and Public Lands, during the Year 1826.*

From Arrears of old direct Tax.....	Dollars....	1,514 28
Do. new direct Tax .....		5,124 48
Do. new internal Revenue.....		21,589 93
Fees on Letters Patent.....		9,420 00
Cents coined at the Mint.....		17,041 00
Postage of letters .....		300 14
Fines, penalties, and forfeitures.....		1,382 44
Surplus emoluments of Officers of the Customs.....		37,299 20
Interest on Balances due by Banks to The United States		720 73
Passage Money of American Seamen returned .....		50 00
Received under the Act to abolish the United States' Trading Establishments with the Indians.....		2,959 25
From Moneys previously advanced on account of Treaty with Spain .....		327 45
Dividends on Stock in the Bank of The United States..		402,500 00
		<hr/>
		500,228 90
Balances of Advances made in the War Department repaid, under the 3d Section of the Act of 1st May, 1820....		25,088 45
		<hr/>
	Dollars....	525,317 35

*Treasury Department, Register's Office, November 28th, 1827.*

JOSEPH NOURSE, *Register.*

(F.)—*STATEMENT of the Expenditures of The United States, for the year 1826.*

CIVIL, MISCELLANEOUS, AND DIPLOMATIC, VIZ :		
Legislature .....	Dollars	493,356 45
Executive Departments .....		489,776 07
Officers of the Mint .....		9,600 00
Surveying Department .....		16,718 82
Commissioner of the Public Buildings .....		1,679 94
Governments in the Territories of the United States .....		36,158 82
Judiciary .....		209,455 38
		<hr/>
		1,256,745 48
Annuities and Grants .....		2,150 00
Mint Establishment .....		34,068 27
Unclaimed Merchandize .....		356 06
Light House Establishment .....		188,849 72
Surveys of Public Lands .....		46,769 65
Registers and Receivers of Land Offices .....		2,993 96
Preservation of the Public Archives in Florida .....		750 00
Land Claims in Florida Territory .....		9,723 48
Land Claims in St. Helena Land District ...		4,487 16
Roads within the State of Ohio .....		9,799 71
do. Indiana .....		7,176 97
Roads and Canals, do. Mississippi .....		5,888 15
do. Alabama .....		12,958 28
do. Missouri .....		1,385 64
Payment to Ohio of the nett proceeds of Lands sold under the 3d Section of the Act of 28th February, 1823 .....		17,823 85
Repairing the Post Road in the Indian Country, between Jackson and Columbus, in the State of Mississippi .....		15,000 00
Repayment for Lands erroneously sold by The United States .....		342 40
Marine Hospital Establishment .....		51,236 98
Public Buildings in Washington .....		91,271 97
Bringing the Votes for President and Vice President of The United States .....		41 75
Appropriation of Prize Money .....		4,297 55
Payment of Balances due to Officers of old internal Revenue and Direct Tax .....		35 70
Payment of Balances to Collectors of new internal Revenue .....		428 02
Stock in the Chesapeake and Delaware Canal Company .....		107,500 00
Stock in the Dismal Swamp Canal Company .....		150,000 00
Stock in the Louisville and Portland Canal Company .....		30,000 00
Payment of Claims for Property lost .....		288 75
Payment of Claims for Buildings destroyed, per Act 3d March, 1825 .....		208,311 46
Miscellaneous Expenses .....		106,777 75
		<hr/>
		1,110,713 23
Diplomatic Department .....		152,476 90
Mission to the Congress of Panama .....		9,000 00
Contingent Expences of Foreign Intercourse ..		18,627 07
Relief and Protection of American Seamen ...		20,061 15
Treaty of Ghent (6th and 7th Articles) .....		10,500 00

Treaty of Ghent (1st Article) .....	10,000 00	
Payment of Claims under the 9th Article of the Treaty with Spain.....	9,967 88	
Treaties with Mediterranean Powers.....	2,086 08	
		232,719 08
	Dollars.....	2,600,177 79

*Military Establishment.*

Pay of the Army.....	1,012,243 66
Subsistence .....	254,220 41
Quartermaster's Department.....	301,370 66
Forage .....	32,253 90
Clothing.....	255,770 74
Bounties and Premiums.....	9,394 02
Expences of Recruiting .....	9,041 37
Medical Department.....	21,454 71
Purchase of Woollens for 1827.....	20,000 00
Contingencies .....	10,787 68
Military Academy at West Point.....	20,309 32
Armories .....	355,117 06
Arsenals.....	49,317 86
Arsenal at Vergennes.....	6,400 00
Arsenal at Augusta.....	6,392 95
Ordnance .....	58,766 63
Armament of New Fortifications.....	10,662 93
Arming and Equipping Militia.....	186,165 71
Maps, Plans, &c. for the War Department...	84 87
Repairs and Contingencies of Fortifications..	9,243 96
Fort Monroe .....	106,100 00
Calhoun.....	77,400 00
Delaware.....	18,479 75
at Mobile Point.....	94,714 99
Adams .....	89,221 25
Hamilton.....	78,808 00
Rigolets and Chef Menteur.....	81,329 29
Jackson .....	75,940 58
Constitution.....	2,500 00
at Beaufort.....	845 00
Cape Fear.....	57,800 00
Bienvenue.....	50,000 00
Bogue Point.....	12,100 00
Purchase of Throgg's Point.....	15,000 00
Deepening the Harbour of Presque Isle.....	9,095 00
Repairs of Plymouth Beach.....	11,000 00
Preservation of Islands in Boston Harbour...	32,950 00
Building Pier at the Mouth of Buffalo Creek.	10,000 00
Do. New Castle, Delaware.....	104 01
Do. on Steele's Ledge, Belfast, Me.	600 00
Survey of Public Piers at Chester, Pa.....	28 25
Removing Obstructions in the Mouth of Huron River, Ohio .....	1,500 00
Do. Grand River.....	1,000 00
Survey of Saugatuc River and Harbour, Ct..	400 00
Do. Piscataqua River, Maine .....	200 00
Do. the Harbour of Edgartown, &c.	500 00
Do. Sandusky Bay, Ohio.....	400 00
Do. Oswego Bay and Harbour. N.Y.	200 00
Do. La Plaisance Bay, Michigan...	200 00
Removing Obstructions in the Mouth of Ash- tabula Creek, Ohio .....	1,000 00

Removing Obstructions in the Mouth of Cunningham Creek, Ohio .....	1,000 00
Survey of the Swash in Pamlico Sound, N. C. ....	1,000 00
Improving the Ohio and Mississippi Rivers..	16,002 18
Surveys, &c. Roads and Canals.....	32,887 22
Continuation of the Cumberland Road.....	125,469 00
Road from Ohio to Detroit.....	14,107 45
Do. Missouri to New Mexico .....	15,000 00
Do. Memphis to Little Rock .....	9,204 00
Do. Pensacola to St. Augustine ....	2,069 00
Do. Little Rock to Cantonment Gibson	2,441 74
Do. Colerain to Tampa Bay.....	6,000 00
Do. Cape Sable to Suwannee.....	927 85
Florida Canal.....	16,423 29
Balances due to certain States on account of Militia.....	17,039 51
Interest due to the State of Maryland.....	66,563 22
Do. City of Baltimore.....	21,710 25
Do. State of New York.....	40,264 86
Do. State of Delaware.....	6,530 00
Invalid and Half-pay Pensions.....	251,399 01
Revolutionary Pensions.....	1,305,194 82
Ransom of American Captives in the late War	985 18
Payment for Property lost.....	168 25
Relief of Officers, &c. engaged in Seminole Campaign .....	3,764 99
Relief of Sundry Individuals.....	76,649 12
Arrearages.....	15,459 50
Civilization of Indians.....	14,914 09
Pay of Indian Agents.....	29,860 32
Pay of Sub-Agents.....	12,131 59
Presents to Indians.....	16,387 50
Contingencies of Indian Department.....	130,542 12
Compensation to Citizens of Georgia, under the Creek Treaty of 1821.....	23,000 00
General Councils with Indians on Lake Superior.....	27,000 00
Claims against Osages.....	2,407 71
Running a Line dividing the Territory of Florida from Georgia.....	300 00
Removal of Creek Indians West of the Mississippi.....	564 04
Relief of the Florida Indians.....	7,249 75
Treaty with the Florida Indians.....	3,218,00
Creek Treaty of 1825.....	20,813 88
Do. 1826.....	78,658 00
Choctaw Treaty.....	2,056 51
Choctaw Schools.....	2,804 00
Holding Treaties with the Choctaws and Chickasaws.....	15,000 00
Effecting the Treaties with the Osage and Kansas.....	18,306 18
Holding Treaties with the Miami and Patawattami Indians, &c.....	15,000 00
Negotiating and carrying into effect certain Indian Treaties.....	80,262 29
Annuities to Indians.....	243,542 93
	<hr/>
	6,250,693 91



From which deduct the following re-pay- 6,250,693 91 Dollars  
ments :—

Gratuities.....	454 73
Fortifications.....	3,791 31
Survey of the Coast of The United States.....	2,586 00
Survey of Marblehead and Holmes' Hole.....	54 76
Extinguishment of Indian Titles in Michigan.....	507 76
Purchase of Three Tracts of Land in Tuscaroras Co. O.....	63 32

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7,457 88

6,243,236 03

*Naval Establishment.*

Pay of the Navy afloat.....	1,025,968 56
Do. Shore Stations.....	131,823 56
Provisions.....	289,560 88
Repairs of Vessels.....	485,970 85
Inclined Plane, Dock, &c.....	10,017 41
Ship Houses.....	44,296 52
Navy Yard, Portsmouth.....	11,216 16
Do. Boston.....	40,000 00
Do. New York.....	53,098 58
Do. Philadelphia.....	30,490 26
Do. Washington.....	32,480 74
Do. Norfolk.....	54,063 88
Do. Pensacola.....	40,200 00
Medicines and Hospital Stores.....	32,833 18
Contingent, not enumerated, for 1824.....	304 15
Do. do. for 1825.....	673 88
Do. for 1826.....	238,855 18
Do. not enumerated, for 1826.....	1,217 80
Gradual Increase of the Navy.....	793,704 92
Ordnance and Ordnance Stores.....	36,312 84
Ten Sloops of War.....	506,163 84
Superintendents, Artificers, &c.....	53,630 13
Labourers and Fuel for Engine.....	13,461 97
Survey of Savannah, Brunswick, &c.....	1,299 43
Suppression of Piracy.....	2,559 62
Prohibition of Slave Trade.....	22,220 81
Relief of Edward Lee.....	2,812 50
Pay and Subsistence Marine Corps.....	219,686 73
Clothing do.....	25,960 47
Medicines do.....	2,283 28
Military Stores do.....	1,559 70
Contingent expences do.....	14,096 23
Fuel for Marine Corps.....	9,321 45
Barracks do.....	5,838 23

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4,223,983 74

From which deduct the following repayments :

Navy Yards, Docks, and Wharves..	2,843 23
Contingent prior to 1824.....	8,520 05
Do. for 1824.....	1,431 22
Do. for 1825.....	58 09
Arrearages of contingent, Marine Corps.....	2,228 70

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15,081 29

4,218,902 45

*Publick Debt.*

Interest on the Funded Debt.....	3,975,542 95
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Redemption of 6 per cent. Stock of 1813, (7½ millions).....	5,062,402 50	
Redemption of 6 per cent. Stock of 1813, (16 millions).....	2,002,306 71	
Redemption of 7 per cent. Stock of 1815....	25 00	
Reimbursement of Mississippi Stock .....	450 00	
Principal and Interest of Treasury Notes....	327 17	
Paying certain parts of Domestic Debt.....	27 86	
	<hr/>	11,041,082 19
	Dollars	<hr/> 24,103,398 46

*Treasury Department, Register's Office, November 28, 1827.*

JOSEPH NOURSE, *Register.*

(1.)—*Statement of the Publick Debt, on the 1st of October, 1827.*

Three per Cent. Stock .....	Dollars	13,296,247 70
Six per Cent. Stock of 1813.....	4,244,587 07	
Do.....of 1814.....	13,096,542 90	
Do.....of 1815.....	9,490,099 10	
	<hr/>	26,831,229 07
Five per Cent. Stock (Subscription to the Bank of The United States) ...	7,000,000 00	
Five per Cent. Stock of 1820.....	999,999 13	
Do.....of 1821.....	4,735,296 30	
Exchanged 5 per Cent. of 1822.....	56,704 77	
	<hr/>	12,792,000 20
Four & a half per Cent. Stocks of 1824	10,000,000 00	
Exchanged 4½ per Cent..... of 1824	4,454,727 95	
Do..... of 1825	1,539,336 16	
	<hr/>	15,994,064 11
Total.. .....	Dollars	<hr/> 68,913,541 08
Amount of the Debt on the 1st of Oct. 1826, per State- ment No. 3, which accompanied the Secretary's Report of the 12th of December, 1826.....	Dollars	75,923,151 47
Deduct 6 per Cent. Stock paid off, viz :		
On the 1st January, 1827.....	2,002,306 71	
1st July, 1827.....	5,007,303 68	
	<hr/>	7,009,610 39
Leaves the amount on the 1st of Oct. 1827, as above stated .....		68,913,541 08
From which, by deducting the Amount to be paid at the close of the present Quarter.....		1,500,163 16
Will leave as the amount of the Public Debt, on the 1st of January, 1828 .....	Dollars...	<hr/> 67,413,377 92
The Public Debt, on the 1st of Jan. 1825, amounted to		<hr/> 83,710,572 60

Add $4\frac{1}{2}$ per Cent. Stock issued since, under the Act of 26th May, 1824,	5,000,000 00	
And 3 per Cent. Stock .....	16 25	
	<hr/>	5,000,016 25
	Dollars	88,710,588 85
Deduct Payments of Principal, viz. :		
In 1825 .....	7,725,034 88	
In 1826 .....	7,064,709 21	
In 1827 .....	6,507,466 84	
	<hr/>	21,297,210 93
Amount as above, on the 1st Jan. 1828 ....	Dollars...	67,413,377 92

(2.)—*Estimated amount of Treasury Notes outstanding on the 1st October, 1827.*

Total amount issued per No. 4 of last Report .....	36,680 794
Cancelled and reported on by the First Auditor.....	36,669 854
	<hr/>
Outstanding :	Dollars... 10 940
	<hr/>
Consisting of small Treasury Notes .....	2,180
Notes bearing Interest.....	8,760
	<hr/>
	10,940

(3.)—*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 No. 5, of the last Report .....	Dollars	4,282,151 $12\frac{1}{2}$
Whereof, there was paid in for Lands, per said Report		2,447,539 39
Payments at the Treasury to the 30th September, 1826, per said Statement	1,827,215 56	
Payments from 1st October, 1826, to 30th September, 1827 .....	742 48	
	<hr/>	1,827,958 04
Balance outstanding on the 1st Octo- ber, 1827, consisting of Certificates outstanding.....	6,609 09	
Awards not applied for .....	44 $60\frac{1}{2}$	
	<hr/>	6,653 $69\frac{1}{2}$
	Dollars..	4,282,151 $12\frac{1}{2}$

*Treasury Department, Register's Office, December 8, 1827.*

JOSEPH NOURSE, Register.

***MANIFESTO of the Emperor of Russia, on the Declaration of War against Turkey, 1<sup>st</sup> April, 1828.***

PAR la Grace de Dieu, Nous Nicolas I. Empereur et Autocrate de Toutes les Russies, &c. &c. &c.

La Paix de Bucarest, conclue en 1812 avec la Porte Ottomane, après avoir été pendant 16 Ans l'objet de contestations fréquemment renouvelées, n'existe plus aujourd'hui, malgré tous Nos efforts pour maintenir cette transaction et la préserver de toute atteinte. La Porte, non contente d'avoir renversé les bases de l'état de Paix, défie en ce moment la Russie et lui suscite une Guerre à outrance; elle arme ses Peuples en masse, accuse la Russie d'être son Ennemie irréconciliable, foule aux pieds la Convention d'Akerman, et par cela même tous les Traités antérieurs; enfin, la Porte n'hésite pas à déclarer, qu'elle n'a consenti aux Clauses de cette même Convention, que pour déguiser ses desseins et les préparatifs d'une Guerre nouvelle.

A peine ce mémorable aveu a-t-il été prononcé, que les droits du Pavillon Russe sont méconnus, les Bâtimens qu'il protège arrêtés; leurs Cargaisons deviennent la proie d'un Gouvernement avide et arbitraire; Nos Sujets se voient contraints de violer leur serment, ou de quitter sans délai une terre ennemie; le Bosphore se ferme; Notre Commerce est anéanti; Nos Provinces méridionales, privées du seul débouché de leurs productions, sont menacées de pertes incalculables. Il y a plus. Au moment où les négociations entre la Russie et la Perse allaient être terminées, un changement subit de la part du Gouvernement Persan vint en arrêter le cours. Bientôt il fut constaté que c'était la Porte Ottomane qui s'efforçait d'ébranler les résolutions de la Perse, en lui promettant de puissans secours; qu'elle armait à la hâte les troupes des Pachas limitrophes, et s'appropriait à soutenir un langage aussi insidieusement hostile, par le fait d'une imminente agression.

Telle a été la série des attentats de la Turquie, depuis la conclusion du Traité de Bucarest jusqu'à ce jour. Tel a été malheureusement le fruit des sacrifices et des efforts généreux que la Russie n'a cessé de s'imposer, afin de rester en paix avec une Puissance voisine.

Mais il est des bornes à la longanimité; l'honneur du nom Russe, la dignité de l'Empire, l'inviolabilité de ses droits et celle de Notre gloire nationale, en ont marqué le terme.

Ce n'est qu'après avoir mesuré toute l'étendue de Nos devoirs fondés sur une nécessité impérieuse, qu'animés Nous-mêmes de la plus intime confiance dans la justice de Notre cause, Nous avons ordonné à Nos Armées de marcher, avec l'assistance divine, contre un Ennemi violateur des Engagemens les plus sacrés et de la Loi des Nations.

Nous sommes persuadés que Nos fidèles Sujets uniront à Nos prières leurs vœux fervens pour le succès de Notre entreprise, qu'ils



invokeront le Tout-Puissant afin qu'il daigne accorder Sa force à Nos braves Soldats, et répandre Ses bénédictions célestes sur Nos armes, destinées à défendre Notre Sainte Religion et Notre Patrie bien-aimée.

Donné à Saint Pétersbourg, le 14 Avril de l'An de grâce 1828, et de Notre Règne le 3me.

Contresigné: *Le Vice-Chancelier,*

NICOLAS.

COMTE DE NESSELRODE.

### *RUSSIAN Declaration of War against Turkey.*

*April  $\frac{14}{26}$ , 1828.*

Tous les vœux de la Russie pour rester en Paix avec un Empire limitrophe ont été inutiles. Contrainte, malgré sa longue patience et de coûteux sacrifices, à confier aux armes le soin de protéger ses droits dans le Levant, et d'imprimer à la Porte Ottomane le respect des Traités, elle développera les motifs, tout à la fois impérieux et justes, qui lui imposent la pénible nécessité d'une telle détermination.

Seize Années se sont écoulées depuis la Paix de Bucarest, et 16 Années ont vu la Porte enfreindre les Stipulations qu'elle venait de conclure, éluder ses promesses, ou en subordonner l'accomplissement à d'interminables délais. Trop de preuves, que le Cabinet Impérial citera, démontrent cette tendance aveuglement hostile de la politique du Divan. Dans plus d'une occasion, et surtout en 1821, elle prit, à l'égard de la Russie, un caractère de provocation et d'inimitié ouvertes. Elle le reprend depuis 3 mois par des actes solennels et des mesures de notoriété Européenne.

C'est le jour où, en quittant Constantinople, les Ministres de trois Puissances, unies par une transaction désintéressée, dans une cause qui est celle de la religion et de l'humanité souffrante, exprimaient encore le vif désir de conserver la Paix; le jour où ils en indiquaient le facile moyen, et où la Porte protestait également de ses intentions pacifiques; \* c'est ce même jour qu'elle a appelé aux armes contre la Russie tous les Peuples qui professent le culte de Mahomet; qu'elle l'a proclamée l'implacable ennemie de l'Islamisme; qu'elle l'a accusée de vouloir renverser l'Empire Ottoman; qu'enfin, avouant elle-même sa résolution de négocier uniquement pour s'apprêter à combattre, et de ne jamais remplir des Articles essentiels de la Convention d'Akerman, elle a déclaré ne l'avoir conclue que dans le seul dessein de la rompre. La Porte n'ignorait pas que c'était rompre aussi tous les Traités antérieurs, dont la Convention d'Akerman a stipulé le renouvellement, mais elle avait arrêté d'avance ses décisions et sa marche.

\* Lettre du Grand-Visir au Comte de Nesselrode, publiée ci-dessous, et à laquelle succéda immédiatement le Hatti-Chérif du 20 Décembre.

A peine le Grand-Seigneur a-t-il parlé aux Vassaux de Sa Couronne, que les privilèges du Pavillon Russe sont violés ; les Bâtimens qu'ils couvraient détenus ; leurs Cargaisons saisies ; leurs Capitaines contraints de les livrer à des prix fixés arbitrairement ; les valeurs d'un paiement incomplet et tardif, réduites de moitié ; bientôt même les Sujets de Sa Majesté Impériale forcés de descendre à la condition de *Rayas*, ou de quitter en masse tous les Territoires de la Domination Ottomane. Cependant, le Bosphore se ferme, le Commerce de la Mer Noire est comme enchaîné ; la ruine des Villes Russes, qui lui doivent leur existence, devient imminente, et les Provinces Méridionales des Etats de l'Empereur perdent le seul débouché de leurs produits, la seule communication Maritime qui puisse, en y favorisant les échanges, y féconder le travail, y porter l'industrie et la richesse. Mais les limites de la Turquie ne suffisent pas à l'activité de ces malfaisantes dispositions. Quand elles éclatèrent à Constantinople, le Général Pas-kévitch, à la suite d'une glorieuse Campagne, négociait avec la Perse une Paix, dont la Cour de Téhéran avait déjà accepté les Conditions. Tout-à-coup il fut surpris des lenteurs qui succédèrent à l'empressement de signer une Convention approuvée des deux parts dans tous ses Articles. Après les délais vinrent les difficultés, après les difficultés les intentions belliqueuses, et, d'un côté, l'attitude des Pachas du voisinage, armant à la hâte, de l'autre, des renseignemens certains, des aveux positifs, nous révélèrent le secret des promesses de diversion, qui nous condamnaient à de nouveaux efforts.

Ainsi, par ses Proclamations, le Gouvernement Turc publiait le dessein de rompre ses Traités avec la Russie, et déjà, par ses mesures, il les mettait au néant. Ainsi, il lui annonçait la Guerre dans un prochain avenir, et déjà en réalité, il la faisait à ses Sujets et à son Commerce. Il la ranimait où elle venait de s'éteindre.

La Russie n'insistera pas sur les motifs qui l'autorisent à ne point tolérer des actes d'hostilité aussi manifestes, et à en empêcher le retour. Si un Etat pouvait abandonner ses intérêts les plus chers, immoler son honneur, et répudier des transactions qui sont pour lui, tout ensemble, des monumens de gloire et des garanties de prospérité, il se trahirait lui-même, et manquerait à ses devoirs en manquant à ses droits.

Mais de tels droits, de tels devoirs, deviennent plus positifs encore quand ils succèdent à une évidente modération et aux témoignages éclatans des intentions les plus pacifiques.

Les sacrifices que la Russie s'est constamment imposés, dans le but d'assurer au Monde une Paix solide, depuis l'époque à jamais mémorable qui détrôna en même tems le despotisme militaire et le génie des Révolutions ; ces sacrifices, dictés par une politique généreuse, et aussi spontanés qu'ils ont été nombreux, l'Univers les connaît, l'histoire des dernières Années les atteste, et la Turquie elle-même, quoique peu disposée à les apprécier, et nullement en droit d'y prétendre, en a éprouvé,

à son tour, les résultats conservateurs. Elle n'a cessé néanmoins de méconnaître l'utilité de ses Stipulations avec le Cabinet de St. Pétersbourg, des Traités fondamentaux de Kainardjé, de Yassi et de Bucarest, qui, en plaçant son existence et l'intégrité de ses Frontières sous la sauvegarde du droit Public, devaient, par une conséquence palpable, co-opérer à la durée de son Empire. La Paix de 1812 était à peine signée, que déjà elle crut pouvoir profiter impunément des conjonctures difficiles, mais fécondes en succès, où se trouvait alors la Russie, pour multiplier les infractions aux Engagemens qu'elle venait de prendre. Une Amnistie avait été promise aux Serviens : elle fut remplacée par une Invasion et d'affreux massacres. Des immunités étaient garanties à la Moldavie et à la Valachie : un système de spoliation acheva la ruine de ces malheureuses Provinces. Les incursions des peuplades qui habitent la rive gauche du Couban, devaient être prévenues par les soins de la Porte. Elles furent hautement encouragées, et la Turquie, non contente d'élever, au sujet de plusieurs Forteresses indispensables à la sûreté de nos Domaines Asiatiques, des prétentions dont elle-même a reconnu le peu de fondement par la Convention d'Akerman, les rendit doublement inadmissibles en favorisant aux bords de la Mer Noire, et jusque dans notre voisinage, le Commerce des Esclaves, les rapines et tous les genres de désordres. Il y eut plus : alors comme à présent les Vaisseaux sur lesquels flottait le Pavillon de Russie furent arrêtés dans le Bosphore, leurs Cargaisons saisies, et toutes les Stipulations du Traité de Commerce de 1783 ouvertement violées.—C'était au moment même où la gloire la plus pure et de bienfaisans triomphes couronnaient, dans une cause sainte, les Armes de Sa Majesté l'Empereur Alexandre, d'immortel souvenir. Il n'aurait tenu qu'à Lui de tourner sa puissance contre la Porte Ottomane. Mais, vainqueur pacifique et supérieur à tout ressentiment, ce Monarque évita jusqu'à l'occasion la plus légitime de redresser ses propres griefs, et ne voulut point interrompre, immédiatement après l'avoir affermie, cette Paix rendue à l'Europe par de nobles efforts et de nobles pensées. Sa position lui offrait d'immense avantages. Il renonça à s'en prévaloir, pour entamer, dès l'Année 1816, avec le Gouvernement Turc, une Négociation fondée sur le principe et le vœu d'obtenir exclusivement, à l'aide de la persuasion, des garanties d'ordre, de fidélité aux Conventions en vigueur, et de rapports mutuels, satisfaisans et paisibles, garanties que sa main victorieuse aurait pu imposer à la Porte, hors d'état de lui résister.

Une si haute modération ne fut pas comprise.—Pendant 5 Ans, le Divan se roidit contre les ouvertures conciliantes de l'Empereur Alexandre, s'appliqua à fatiguer sa longanimité, à contester ses droits, à révoquer en doute ses bonnes dispositions, à braver même la prépondérance de la Russie, enchaînée par le seul désir de prolonger la tranquillité générale, en poussant la patience jusqu'à ses dernières limites.

Et cependant une Guerre avec la Turquie n'entraînait aucun

complication des rapports de la Russie avec ses principaux Alliés. Nul pacte de garantie, nul solidarité politique, ne rattachaient les destinées de l'Empire Ottoman aux Stipulations réparatrices de 1814 et 1815, à l'ombre desquelles l'Europe civilisée et chrétienne respirait de ses longues discordes, et voyait les Gouvernemens unis par le souvenir d'une gloire commune, et par une heureuse identité de principes et d'intentions.

Après 5 Années d'efforts bienveillans et soutenus de la part du Représentant de la Russie, de tergiversations et de lenteurs du côté de la Porte, lorsque plusieurs points de la Négociation relative à l'exécution du Traité de Bucarest paraissaient devoir être résolus, un soulèvement général de la Morée, et l'irruption en Moldavie d'un Chef de parti, infidèle à ses devoirs, vint réveiller dans le Gouvernement et dans la Nation Turque tous les transports d'une haine aveugle contre les Chrétiens ses tributaires, sans distinction entre l'innocent et le coupable. La Russie n'hésita pas un instant à frapper d'une juste réprobation l'entreprise du Prince Ypsilanti. Elle autorisa, comme Puissance Protectrice des deux Principautés, les mesures de défense et de répression légitime, adoptées par le Divan, en insistant toutefois auprès de lui sur la nécessité de ne point confondre des Populations inoffensives avec les Fauteurs de troubles, qu'il importait de désarmer et de punir. Ces conseils furent repoussés ; le Représentant de Sa Majesté Impériale fut insulté dans sa propre demeure, l'élite du Clergé Grec et le Patriarche, qui en était le chef, subirent, au milieu des solennités de notre Sainte Religion, un supplice ignominieux. Tout ce qu'il y avait d'élevé parmi les Chrétiens fut saisi, dépouillé, massacré, sans jugement ; le reste prit la fuite. Cependant, le feu de l'insurrection, loin de se ralentir, se propageait de toutes parts. En vain le Ministre de Russie essaya de rendre à la Porte un dernier service. En vain, par sa Note du 6 Juillet, 1821, il lui indiqua des voies de conciliation et de salut. Après avoir protesté contre des crimes et des fureurs, sans exemples dans l'histoire, il se vit obligé de remplir les ordres de son Souverain en quittant Constantinople. Ce fut dans ce tems que les Puissances Amies et Alliées de la Russie, toutes intéressées au maintien de la tranquillité générale, s'empressèrent d'offrir et d'employer leurs bons offices à l'effet de conjurer l'orage qui allait fondre sur le Gouvernement Turc, frappé d'un aveuglement funeste. La Russie suspendit à son tour le redressement de ses trop justes griefs, dans l'espoir de parvenir à concilier ce qu'elle se devait à elle-même, avec les ménagemens que la situation de l'Europe, et son repos plus d'une fois compromis, paraissaient alors réclamer. D'aussi grands sacrifices demeurèrent stériles. Tous les efforts des Alliées de l'Empereur échouèrent successivement contre l'obstination de la Porte, qui, s'abusant peut-être sur les motifs de notre conduite, comme sur l'étendue de ses propres ressources, poursuivit l'exécution d'un plan destructeur contre les Populations Chrétiennes soumises à son



pouvoir. La Guerre avec les Grecs soulevés redoubla d'acharnement, au mépris des démarches qui, dès-lors, eurent pour objet la Pacification de la Grèce. L'attitude du Divan devint de jour en jour plus menaçant à l'égard de la Servie, nonobstant son exemplaire fidélité, et l'occupation de la Moldavie et de la Valachie se prolongea malgré les plus solennelles promesses faites au Représentant de la Grande Bretagne, malgré même l'empressement de la Russie à rétablir, dès qu'elles furent articulées, ses anciennes relations avec la Porte. Tant de procédés hostiles devaient enfin lasser la patience de l'Empereur Alexandre. Il fit remettre au Ministère Ottoman, en Octobre, 1825, une Protestation énergique, et quand une mort précoce l'enleva à l'amour de ses Peuples, il venait de déclarer qu'il réglerait les Affaires de Turquie selon les droits et les intérêts de son Empire.

Un nouveau Règne commença, et offrit des preuves nouvelles de cet attachement à la Paix, dont le Règne précédent lui avait légué le noble héritage. Dès son avènement au Trône, l'Empereur Nicolas entama des Négociations avec la Porte, dans le but d'ajuster plusieurs différends, qui ne regardaient que la Russie, et posa ensuite, le <sup>23 Mars</sup> 4<sup>Avril</sup> 1826, de concert avec Sa Majesté le Roi de la Grande Bretagne, les bases d'une intervention, hautement réclamée par le bien général. Un visible désir d'éviter des mesures extrêmes présidait à sa marche. D'un côté Sa Majesté Impériale, espérant de l'union des grands Cours la cessation plus facile et plus prompte de la Guerre qui ensanglante l'Orient, renonçait à toute influence isolée, écartait toute idée de mesure exclusive dans cette question majeure ; de l'autre, par Ses Négociations immédiates avec le Divan, Elle s'efforçait de lever encore un obstacle à la réconciliation entre les Turcs et les Grecs. Sous ces auspices, les Conférences d'Akerman s'ouvrirent. Elles aboutirent à la conclusion d'une Convention Additionnelle au Traité de Bucarest, Convention dont les Clauses portent l'empreinte de cette modération réfléchi, qui, subordonnant toute demande aux principes immuables d'une stricte justice, ne consulte ni les avantages de position, ni la supériorité des forces, ni la facilité du succès. L'envoi d'une Mission permanente à Constantinople suivit de près cet accommodement, dont la Porte ne pouvait assez se féliciter, et bientôt le Traité du 6 Juillet, 1827, vint encore consacrer à la face du Monde les maximes de désintéressement énoncés au Protocole du 4 Avril. Il vint, en faisant la part des droits et des vœux d'un Peuple infortuné, les concilier, à la faveur d'une combinaison équitable avec l'intégrité, le repos et le vrai bien de l'Empire Ottoman. Les voies les plus amicales furent tentées pour faire agréer à la Porte les termes de cette transaction salubre. De pressantes instances l'engagèrent à suspendre l'effusion du sang. Des communications franches, qui déroulaient à ses yeux tous les plans des trois Cours, la prévinrent que, dans le cas d'un refus, leurs flottes réunies seraient obligées d'arrêter une lutte devenue incompatible avec la sûreté des

Mers, les besoins du Commerce, et la civilisation du reste de l'Europe. La Porte ne tint aucun compte de ces avertissemens. Un Commandant des Troupes Ottomanes, aussitôt après avoir conclu un Armistice provisoire, viola sa parole, et finit par en appeler à la force. Alors eut lieu le Combat de Navarin; mais, résultat nécessaire d'un manque de foi prouvé, et d'une agression flagrante, ce combat même fournit, à la Russie et à ses Alliées, l'occasion d'exprimer au Divan les vœux qu'elles formaient pour le maintien de la Paix, et de l'inviter encore à la consolider, à l'étendre au Levant tout entier, à l'asseoir sur des clauses qui associeraient l'Empire Ottoman aux garanties réciproques dont elles seraient accompagnées, et qui, moyennant d'utiles concessions, lui assureraient le bienfait d'une sécurité profonde.

Tel est le système, tels sont les actes auxquels la Porte a répondu par son Manifeste du 20 Décembre, et par des mesures qui constituent autant d'infractions aux Traités de la Russie, autant d'insultes à ses droits, autant de graves atteintes à sa prospérité commerciale, autant de témoignages du désir de lui susciter des embarras et des ennemis.

Placée dès-lors dans une position, où l'honneur et ses intérêts en souffrance ne lui permettent plus de rester, la Russie déclare la Guerre à la Porte Ottomane, non sans regret, mais après n'avoir rien négligé, pendant 16 années consécutives, pour lui en épargner le malheur.

Les causes de cette Guerre en indiquent suffisamment les objets.

Provoquée par la Turquie, elle fera peser à sa charge l'indemnisation des frais qu'elle entraîne, et des pertes essuyées par les Sujets de Sa Majesté Impériale. — Entreprise pour remettre en vigueur des Traités que la Porte regarde comme non-avenus, elle tendra à en assurer l'observation et l'efficacité. Amenée par le besoin impérieux de garantir au commerce de la Mer Noire, et à la navigation du Bosphore, une liberté désormais inviolable, elle sera dirigée vers ce but, également utile à tous les Etats de l'Europe.

En recourant aux armes, la Russie, loin de se livrer comme le Divan l'en accuse, à des sentimens de haine contre la Puissance Ottomane, ou d'en méditer la chute, croit avoir fourni la preuve convaincante, que s'il entrait dans ses vues de la combattre à outrance, ou de la renverser, elle aurait saisi toutes les occasions de guerre que ses relations avec la Porte n'ont cessé de lui offrir.

La Russie n'est pas moins éloignée de nourrir des projets ambitieux. Assez de Pays et de Peuples reconnaissent ses Lois; assez de soins s'attachent à l'étendue de ses Domaines.

Finalement, la Russie, pour être en état de guerre avec la Porte, par des motifs indépendans du Traité du 6 Juillet, ne s'est pas écartée, et ne s'écartera pas des stipulations de cet Acte. Il ne la condamnait point, il ne pouvait la condamner à sacrifier des droits antérieurs d'une haute importance, à tolérer des provocations directes, et à ne pas demander la réparation des plus sensibles dommages. Mais les

devoirs qu'il lui impose, et les principes sur lesquels il se fonde seront, les uns, remplis par elle avec une scrupuleuse fidélité, les autres, observés sans déviation. Ses Alliés la trouveront toujours prête à concerter avec eux sa marche dans l'exécution du Traité de Londres, toujours empressée de concourir à une œuvre que sa religion et tous les sentimens dont l'humanité s'honore, recommandent à son active sollicitude ; toujours disposée à ne profiter de sa situation actuelle, que pour accélérer l'accomplissement des Clauses du 6 Juillet, et non pour en changer les effets ou la nature.

L'Empereur ne posera les armes qu'après avoir obtenu les résultats indiqués dans la présente Déclaration, et Il les attend des bénédictions de celui que la justice et une conscience pure n'ont jamais encore vainement imploré.

*Donné à Saint-Pétersbourg, le 14 Avril, 1828.*

(Annexe 1.)—*Observations Explicatives.*

LE Cabinet de Russie a cité, dans sa Déclaration de ce jour, comme griefs à la charge de la Porte Ottomane, la détention des Bâtimens sous Pavillon Russe, les entraves mises à leur passage par le Bosphore, la saisie de leurs cargaisons, l'obligation imposée à leurs Capitaines, de les livrer à des prix fixés arbitrairement, l'expulsion violente des Sujets et Négocians Russes, de tous les Territoires soumis à la domination Ottomane.

Ces actes sont autant d'infractions manifestes à la lettre des Traités, et anéantissent les articles les plus importans des transactions existantes entre la Russie et la Porte. Il suffira d'en rapporter ici le texte, pour démontrer jusqu'à quel point elles ont été violées.

I.—*Détention des Bâtimens sous Pavillon Russe.*

“ La Sublime Porte accorde aux Vaisseaux marchands Russes un *libre* passage de la Mer Noire dans la Mer Blanche, et réciproquement.” (Article XI. du Traité de Kainardjé).

“ La Sublime Porte permet entièrement à tous les Sujets Russes, en général, de naviguer *librement* sur les mers, eaux, sur le Danube et *partout* où la Navigation et le commerce pourront convenir aux Sujets Russes.” (Article I du Traité de Commerce de 1783).

“ Les Vaisseaux, qui seront sous Pavillon Russe, *ne doivent pas être exposés à la moindre détention* ou visite, de quelque marchandise qu'ils soient chargés.” (Article XXX. du même Traité).

II.—*Entraves mises au passage des Vaisseaux Russes par le Bosphore.*

“ On est convenu que tous les Vaisseaux marchands, sous Pavillon Russe, *puissent passer librement par le Canal de Constantinople*, de la Mer Noire dans la Mer Blanche, et réciproquement.” (Article XXX. du Traité de Commerce de 1783).

“ La Sublime Porte promet d'observer rigoureusement toutes les conditions dudit Traité de Commerce, de lever toutes les prohibitions

contraires à la teneur expresse de ses Stipulations, *de ne mettre aucune entrave à la libre navigation des Navires marchands sous Pavillon Russe dans toutes les mers et eaux de l'Empire Ottoman, sans aucune exception.*" (Article VII. de la Convention d'Akerman).

### III.—*Saisie des Cargaisons.*

" Les Bâtimens marchands Russes *ne doivent être forcés de décharger*, ni à Constantinople, ni dans aucun autre endroit, les cargaisons dont ils sont chargés." (Article XXXI. du Traité de Commerce de 1783).

" S'il arrivait que les Vaisseaux fussent chargés de vivres pour être exportés de la Russie dans d'autres Etats qui ne sont pas soumis à la Porte, ou bien s'il leur arrivait encore de transporter des vivres desdits Pays dans les Etats de la Russie, pourvu qu'ils ne fussent pas des Etats de la domination Ottomane, ces Vaisseaux *ne doivent être soumis à aucun règlement du Pays, mais pourront passer librement par le Canal de Constantinople.*" (Article XXXV. du Traité de Commerce de 1783).

### IV.—*Obligations imposées aux Capitaines des Bâtimens Russes, de livrer les cargaisons à des prix fixés arbitrairement.*

" La Sublime Porte s'engage à *ne point forcer* les Marchands Russes à acheter ou *vendre des marchandises contre leur gré.*" (Article VII. du Traité de Commerce de 1783).

" En vertu de clauses des Articles XXXI. et XXXV. dudit Traité (le Traité de Commerce de 1783), qui assurent le libre passage par le Canal de Constantinople des Navires marchands Russes, chargés de vivres ou autres marchandises et productions de la Russie, ou d'autres Etats non soumis à l'Empire Ottoman, ainsi que la *libre disposition de ces vivres, marchandises et productions*, la Sublime Porte promet, etc., etc." (Article VII. de la Convention d'Akerman).

### V.—*Expulsion violente des Sujets et Négocians Russes de tous les Territoires soumis à la domination Ottomane.*

" Les deux Empires permettent aux Marchands de s'arrêter dans leurs Etats autant de tems que leurs intérêts l'exigeront." (Article XI. du Traité de Kainardjé).

" Il sera libre à tout Commerçant Russe de voyager, demeurer et rester dans les Etats de la Porte, sous la protection particulière de son Gouvernement, aussi longtems que l'avantage de son commerce pourra l'exiger." (Article I. du Traité de Commerce de 1783).

" La Sublime Porte promet de faire jouir les Marchands, les Capitaines, et tous les Sujets Russes en général, des avantages et prérogatives, comme de l'entière liberté de commerce qui sont formellement stipulés par les Traités existans entre les deux Empires." (Article VII. de la Convention d'Akerman).

Après avoir annulé tous les privilèges des Sujets Russes, et tous ceux du commerce et du pavillon de Russie, la Porte promet d'acquitter immédiatement le tiers des prix, auxquels elle avait évalué elle-même



les cargaisons saisies, et de solder plus tard le reste ; mais aussitôt elle opéra une refonte de ses monnaies, et celles qui furent remises en circulation, se trouvèrent d'un titre qui en diminua la valeur de près de 30 pour cent.

A ces faits, le Cabinet Impérial en ajoutera quelques autres, qui ont rapport aux dernières négociations de la Russie avec la Perse.

En 1821, lorsque la Porte donnait les plus graves motifs de plainte à l'Empereur Alexandre, de glorieuse mémoire, lorsqu'une rupture entre les deux Etats paraissait imminente, les Persans déclarèrent la guerre à la Turquie. La Russie, loin de profiter d'un événement qui pouvait être si favorable à ses intérêts, loin de soutenir ou d'encourager la Perse, ne laissa point ignorer, que non seulement elle n'avait point provoqué les hostilités, mais qu'elle en désirait la prompte cessation. En 1828, des négociations heureuses allaient réconcilier la Cour de Téhéran avec celle de Saint Pétersbourg, quand la Turquie, par l'entremise du Pacha de Van prévint la Perse de l'explosion prochaine d'une guerre entre la Russie et la Porte, l'engagea à ne pas conclure de Traité avec nous, et lui annonça un envoi de troupes Ottomanes. Deux autres Pachas des mêmes Contrées, ceux de Kars et d'Akhaltzikh, viennent d'être destitués pour avoir, bien avant la publication du Hatti-Chérif, entretenu de bons rapports avec le Commandant-en-Chef de l'Armée Russe.

Nous remarquerons encore que, tandis que la Porte accuse la Russie d'être l'ennemie déclarée de l'Islamisme, des millions de Musulmans professent publiquement et en pleine paix, la foi de leurs Ancêtres au sein des Etats de l'Empereur. Nulle entrave ne restreint pour eux cette liberté, nul règlement ne les empêche de se livrer à toutes les pratiques de leur religion.

Il ne sera pas inutile non plus de publier ci-après la Lettre écrite le 12 Décembre 1827, par le Grand-Visir au Comte de Nesselrode, et la réponse que le Vice-Chancelier lui adresse par ordre de l'Empereur. Le premier de ces Documens fait voir comment la Porte nous assurait de ses intentions pacifiques, au moment même où elle publiait le Hatti-Chérif du 20 Décembre ; le second, comment la Russie, quoique forcée à lui déclarer la guerre, lui offre les moyens d'en abrégier la durée par le prompt rétablissement de la Paix.

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(Annexe 2.)—*Le Grand Visir au Comte de Nesselrode, le 23 de la lune de Djemaziulevel 1243. (le <sup>30</sup> Novembre 12 Décembre 1827.)—Traduction Littérale.*  
*Notre très-élevé et très-affectionné Ami,*

EN exprimant des vœux pour la conservation de votre santé et le maintien de vos dispositions amicales, notre exposé est, qu'à la suite de la Convention d'Akerman, heureusement conclue entre la Sublime

Porte et la Cour de Russie, et qui a même consolidé et raffermi les rapports d'une amitié réciproque, le très noble Ribeaupierre, étant arrivé à Constantinople revêtu du caractère d'Envoyé Extraordinaire et Ministre Plénipotentiaire de la Cour Impériale, a présenté à Sa Hautesse le Sultan, dans une audience solennelle, avec le cérémonial accoutumé, la Lettre de Sa Majesté l'Empereur, et a remis également au suprême Visiriat ses titres de créance, recevant en cette occasion l'accueil le plus gracieux, avec tous les égards et les honneurs qu'exigent les dispositions pacifiques et amicales, mutuellement existantes. Simultanément à l'accomplissement de ces formalités, on s'occupait du soin de faire marcher convenablement toutes les affaires courantes, relatives aux stipulations des Traités établis, comme aussi de régler divers autres objets, lorsque sur ces entrefaites, il a été présenté à la Sublime Porte, avec instance, certaines propositions nuisibles et étrangères aux Traités, au sujet desquelles la Porte Ottomane, dans des Communications et des Conférences itératives, a fait connaître ses réponses franches et sincères, basées sur la vérité et la droiture. Elle a finalement requis et engagé à plusieurs reprises ledit Ministre, de mander à la Cour Impériale les raisons fortes de nécessité et les véritables motifs d'excuse qui la déterminaient, et d'attendre les réponses équitables qui en arriveraient; mais ce Ministre, contre toute attente, sans avoir égard aux droits des Gouvernemens, ni aux devoirs d'un Représentant, a refusé de prêter une oreille équitable aux raisons exposées par la Sublime Porte, et, sans motif, se préparant à quitter Constantinople, il en a demandé la permission. Il est de fait cependant, que l'arrivée et le séjour à Constantinople des Représentans des Puissances amies, n'ayant uniquement pour objet que le maintien et l'exécution des Traités existans, c'est agir en contravention aux droits des Nations, que de vouloir ainsi quitter la résidence en élevant de pareilles discussions étrangères aux Traités.

D'après cette considération, il a été finalement déclaré audit Ministre que, dans le cas où il fut autorisé par sa Cour à quitter Constantinople de cette manière, il n'avait qu'à remettre à la Sublime Porte une Note, qui énoncerait le motif prescrit de son départ, pour servir d'acte, remplissant par-là la formalité des droits respectifs; mais il s'est également refusé à ce mode, de sorte que la nature de sa commission n'a pu être exempte de doute. Sur quoi la Sublime Porte, de son côté, se voyant obligée de choisir un terme moyen entre l'alternative de donner la permission, ou de la refuser, c'est de cette manière que ledit Ministre, de lui-même, a quitté Constantinople et s'en est allé. En conséquence la présente Lettre amicale est écrite et envoyée pour donner cette information à Votre Excellence.

Lorsque, à sa réception, vous saurez que la Sublime Porte, dans tous les tems, n'a d'autre intention, ni d'autre désir que de maintenir la paix et la bonne intelligence, et que l'événement en question n'a

eu lieu que par le fait dudit Ministre, nous espérons qu'en toute occasion vous donnerez vos soins à remplir les devoirs de l'amitié.

*S. E. Le Vice Chancelier, Comte de Nesselrode.*

(Annexe 3.)—*Le Comte de Nesselrode au Grand-Visir.*

TRES-ILLUSTRE GRAND-VISIR, *St. Pétersbourg, le 14 Avril, 1828.*

J'AI reçu et mis sous les yeux de l'Empereur la Lettre que Votre Altesse m'a fait l'honneur de m'adresser le 12 Décembre 1827. Si mon Auguste Maître, en différant une réponse, n'avait voulu laisser à la Sublime Porte le tems de modifier des résolutions déplorables, j'aurais eu ordre de répondre à Votre Altesse dès le jour où son office m'est parvenu : que le Ministère Ottoman commettait une grave erreur, s'il croyait que la conduite de l'Envoyé de Russie à Constantinople ne serait pas hautement et pleinement approuvée par Sa Majesté Impériale. La Sublime Porte ne pouvait ignorer que M. de Ribeaupierre n'a cessé d'agir, dans les affaires de la Grèce, d'après les ordres exprès de son Souverain, puisqu'elle avait sous les yeux les engagements qui devaient à cet égard diriger toutes les déterminations des trois Cours, et puisque l'Envoyé de Russie déclarait officiellement être l'organe des intentions et des vœux de l'Empereur. La Sublime Porte ne pouvait non plus se méprendre sur les vrais motifs des propositions qui lui ont été faites pour la pacification de la Grèce, puisqu'il lui a été démontré que, suivant leur tendance, la Paix indispensable à la sûreté du Commerce et au repos de l'Europe se rétablirait dans ces Pays sur des bases qui, loin de porter atteinte à l'intégrité de l'Empire Ottoman, et en ne modifiant que la forme de ses anciens droits, lui offriraient de grands avantages politiques, des moyens de prospérité intérieure, et des compensations pécuniaires pour les concessions peu onéreuses auxquelles il aurait souscrit. Après avoir développé de si puissantes considérations dans tous ses entretiens avec les Ministres Turcs, et dans toutes ses Notes officielles et confidentielles, l'Envoyé de Russie n'avait nul besoin de les consigner encore dans un nouvel office qui lui était demandé sans raison, comme sans but. Il connaissait, d'ailleurs, les décisions et la pensée de Sa Majesté Impériale; il connaissait aussi les réponses toujours négatives de la Sublime Porte. Il ne pouvait donc consentir à attendre, pour le cas qui se présentait, des instructions qu'il devait regarder comme entièrement superflues. Dans la situation où la Sublime Porte l'avait elle-même placé il ne lui restait qu'à sauver la dignité de sa Cour en quittant Constantinople, à donner au Gouvernement de Sa Hautesse un avertissement salutaire, et à lui laisser le loisir de réfléchir, en écartant les funestes conseils des passions, sur les dangers qui l'environnaient. L'Empereur a vu avec une douleur profonde, qu'au lieu d'apprécier une politique évidemment amicale, la Sublime Porte y ait opposé des actes qui anéantissent ses Traités avec la Russie,

qu'elle en ait violé les principaux Articles, qu'elle ait attaqué à la fois le commerce de la Mer Noire et les Sujets de Sa Majesté Impériale, qu'enfin elle ait annoncé à tous les Musulmans sa ferme résolution de rendre le mal pour le bien, la Guerre pour la Paix, et de ne jamais exécuter des transactions solennelle. Votre Altesse ne sera pas étonnée d'apprendre, qu'après des mesures si hostiles, continuées malgré les remontrances et les soins des Cours amies et alliées de la Russie, je me trouve chargé de répondre à sa Lettre du 12 Décembre 1827, en lui notifiant la Déclaration ci-jointe. Elle précède la marche des Troupes Russes, que L'Empereur a fait entrer dans les Etats de Sa Hautesse pour obtenir le redressement de ses légitimes griefs. Plus est vif et sincère le sentiment de peine qu'éprouve mon Auguste Maître, en se voyant obligé de recourir à des mesures coercitives, plus il Lui serait agréable d'en abrégier la durée, et si des Plénipotentiaires de Sa Hautesse se présentent au Quartier-général du Commandant en chef des Armées Russes, ils y recevront le meilleur accueil, pourvu que la Sublime Porte les envoie avec l'intention franche de renouveler et de rendre efficaces les Traités qui ont uni les deux Empires, d'adhérer aux Arrangemens stipulés le 6 Juillet 1827, entre la Russie, l'Angleterre et la France, de prévenir à jamais le retour des actes qui offrent à Sa Majesté Impériale de justes motifs de guerre, de compenser enfin les pertes que les actes du Gouvernement Ottoman ont occasionnées et les frais de cette guerre, qui s'accroîtront en raison directe de la prolongation des hostilités. L'Empereur ne pourrait suspendre les opérations militaires pendant les Négociations qui s'ouvriraient alors ; mais il est persuadé, d'après la modération même de ses vues, qu'elles auraient bientôt pour résultat la conclusion d'une Paix solide, objet de ses desirs les plus ardens.

J'ai l'honneur, etc.

*Le Très-illustre Grand-Visir.* LE COMTE DE NESSELRODE.

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***MANIFESTO of the Emperor of Russia, on the conclusion of Peace with Persia. 21st March, 1828.***

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PAR la grâce de Dieu, Nous Nicolas Ier, Empereur et Autocrate de toutes les Russies, &c. &c. &c.

Le Très-Haut vient encore une fois de répandre ses bénédictions sur la Russie, en terminant par une Paix glorieuse la Guerre de Perse, cette Guerre dont les commencemens faisaient craindre une longue durée.

C'est au milieu de négociations amicales, et lorsque de positives assurances Nous donnaient l'espoir de maintenir des rapports de bon voisinage avec la Perse, que le repos de Nos Peuples a été troublé sur



les Frontières du Caucase, et qu'une Invasion subite a violé le Territoire de l'Empire, au mépris de la sainteté des Traités.

Dès-lors il fallut repousser la force par la force. Obligée de poursuivre l'Ennemi à travers une contrée sans chemin, dévastée par les Troupes qui devaient la défendre, souvent aux prises avec la nature même, exposée au soleil brûlant de l'été et aux rigueurs de l'hiver, notre brave Armée parvint, après des efforts inouis, à conquérir Erivan, réputée imprenable. Elle franchit l'Araxe, planta ses Drapeaux sur le sommet de l'Ararat, et, s'enfonçant de plus en plus dans l'intérieur de la Perse, elle occupa Tébris même avec les Pays qui en dépendent. Le Khanat d'Erivan, sur les deux rives de l'Araxe, et le Khanat de Nakhitchévan, portion de l'ancienne Arménie, tombèrent au pouvoir des Vainqueurs.

Mais dans le cours de ces rapides conquêtes, les Troupes Russes acquirent encore une autre gloire. Au milieu d'une Guerre dont leur valeur avait transporté le théâtre sur le Territoire ennemi, la sûreté des personnes et tous les droits de propriété demeurèrent aussi sacrés, aussi inviolables pour elles, que si elles se fussent trouvées en pleine Paix et au sein d'un Pays allié. Humaine, douce et généreuse, leur conduite a environné le nom Russe d'un éclat supérieur à celui que donne la victoire.

C'est ainsi qu'en moins de 8 mois, après l'entrée de nos Troupes sur le Territoire Persan, des exploits décisifs, des résultats riches d'avenir, ont couronné nos armes. Leur succès a démontré que la Providence défendait Notre juste cause. Couverte de sa puissante égide, et regardant la Paix comme le premier des biens, la Russie ne la laissera jamais troubler, sans infliger à l'agresseur un juste et sévère châtiment. Le chemin à de nouveaux triomphes était frayé devant nous ; mais du moment que cette Paix si précieuse devint possible, Notre seul désir fut de la conclure.

Notre but était d'assurer à l'Empire une barrière naturelle et forte du côté de la Perse, d'obtenir une complète indemnité de toutes les pertes occasionnées par la guerre, et d'écarter ainsi toutes les causes qui pourraient en amener le retour.

Telles sont en effet les bases sur lesquelles il a été conclue et signé, le 10 Février, à Tourkmantchaï, entre la Russie et la Perse, un Traité de Paix perpétuelle, dont la publication accompagne le présent Manifeste.

Pour Nous, un des principaux résultats de cette Paix consiste dans la sûreté qu'elle garantit à une partie de Nos Frontières. C'est uniquement sous ce rapport que Nous envisageons l'utilité des nouveaux Pays que la Russie vient d'acquérir. Tout ce qui ne se rapportait pas à ce but, dans nos conquêtes, a été restitué par Notre ordre, aussitôt que les Conditions du Traité se sont trouvées remplies.

D'autres avantages essentiels découlent des Stipulations arrêtées en faveur du commerce, dont Nous avons toujours considéré le libre développement comme une des causes les plus productives de l'industrie

et du travail, et en même tems, comme la vraie garantie d'une Paix solide, fondée sur une entière réciprocité de besoins et d'intérêts.

A Celui qui règle les destinées des Empires, appartient l'humble tribut de Notre profonde reconnaissance. Que tous Nos chers et fidèles Sujets, après avoir reconnu les marques éclatantes de la faveur et de la protection du Très-Haut dans les événemens de cette guerre, et dans son heureuse conclusion, déposent sur Ses autels leurs plus ferventes prières ! Que cette Paix, ouvrage de la Providence, soit ferme et durable, et que Sa volonté sainte Nous aide à maintenir le calme et la tranquillité sur les Frontières de Nos Etats !

Donné à Saint-Pétersbourg, le  $\frac{21 \text{ Mars}}{2 \text{ Avril}}$  l'an de grâce 1828, et de Notre Règne le 3ième.

NICOLAS.

Contresigné : LE COMTE DE NESSELRODE.

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*TREATY of Peace and Friendship between Russia and Persia. Signed at Tourkmantchai,  $\frac{10}{12}$  February, 1828.*

*Traité de Paix et d'Amitié entre Sa Majesté l'Empereur de toutes les Russies et Sa Majesté Le Schah de Perse.*

Au nom de Dieu tout-puissant !

SA Majesté le Très-Haut, Très-Illustre et Très-puissant Empereur et Autocrate de toutes les Russies, et Sa Majesté le Padischah de Perse, également animés d'un sincère désir de mettre un terme aux maux d'une Guerre entièrement contraire à leurs mutuelles dispositions, et de rétablir sur une base solide les anciens rapports de bon voisinage et d'amitié entre les deux Etats au moyen d'une Paix, qui porte en elle-même la garantie de sa durée, en éloignant tout sujet de différend et de mésintelligence futur, ont désigné pour leurs Plénipotentiaires, chargés de travailler à cette œuvre salutaire, savoir :

Sa Majesté l'Empereur de toutes les Russies, le Sieur Jean Paskévitch, son Aide-de-Camp Général et Général d'Infanterie, Commandant le Corps d'Armée détaché du Caucase, dirigeant la partie civile de la Géorgie et des Gouvernemens d'Astrakhan et du Caucase, Commandant la Flotille de la mer Caspienne, et Chevalier des Ordres de Saint-Alexandre-Nevsky en Diamans, de Sainte-Anne de la 1re Classe en Diamans, de Saint-Vladimir de la 1re Classe, de St.-George de la 2de Classe, décoré de Deux Epées d'Honneur, dont une en Or, avec l'inscription *pour la valeur*, et l'autre enrichie de Diamans ; et Chevalier des Ordres Etrangers de l'Aigle Rouge de Prusse de la 1re Classe, du Croissant de la Sublime Porte Ottomane, et de plusieurs autres :

Et le Sieur Alexandre Obrescöff, son Conseiller-d'Etat actuel et Chambellan, Chevalier des Ordres de St.-Vladimir de la 3me Classe,

de St. Stanislas de Pologne de la 2de Classe, et de St.-Jean de Jérusalem ;

Et Sa Majesté le Schah de Perse, Son Altesse Royale le Prince Abbas-Mirza ;

Lesquels, après s'être réunis à Tourkmantchaï, et avoir échangé leurs Pleins Pouvoirs, trouvés en bonne et due forme, ont arrêté et conclu les Articles suivans :

ART. I. Il y aura, à compter de ce jour, paix, amitié et parfaite intelligence entre Sa Majesté l'Empereur de toutes les Russies d'une part, et Sa Majesté le Schah de Perse de l'autre part, Leurs Héritiers et Successeurs, Leurs Etats et Leurs Sujets respectifs, à perpétuité.

II. Considérant que les hostilités survenues entre les Hautes Parties Contractantes, et heureusement terminées aujourd'hui, ont fait cesser les obligations que leur imposait le Traité de Gulistan,\* Sa Majesté l'Empereur de toutes les Russies et Sa Majesté le Padischah de Perse, ont jugé convenable de remplacer ledit Traité de Gulistan par les présentes Clauses et Stipulations, lesquelles sont destinées à régler et à consolider de plus en plus les relations futures de paix et d'amitié entre la Russie et la Perse.

III. Sa Majesté le Schah de Perse, tant en son nom qu'en celui de ses Héritiers et Successeurs, cède en toute propriété à l'Empire de Russie le Khanat d'Erivan, tant en-deçà qu'en-delà de l'Araxe, et le Khanat de Nakhitchévan. En conséquence de cette cession, Sa Majesté le Schah s'engage à faire remettre aux Autorités Russes, dans l'espace de 6 mois au plus, à partir de la signature du présent Traité, toutes les Archives et tous les Documens publics concernant l'administration des deux Khanats sus-mentionnés.

IV. Les deux Hautes Parties Contractantes conviennent d'établir pour Frontière entre les deux Etats, la Ligne de Démarcation suivante : En partant du point de la Frontière des Etats Ottomans, le plus rapproché en ligne droite de la sommité du petit Ararat, cette ligne se dirigera jusqu'à la sommité de cette montagne, d'où elle descendra jusqu'à la source de la rivière dite Karassou inférieur, qui découle du versant méridional du petit Ararat, et elle suivra son cours jusqu'à son embouchure dans l'Araxe, vis-à-vis de Chérour. Parvenue à ce point, cette ligne suivra le lit de l'Araxe jusqu'à la Forteresse d'Abbas-Abad ; autour des ouvrages extérieurs de cette place, qui sont situés sur la rive droite de l'Araxe, il sera tracé un rayon d'un demi-agatch, ou 3 verstes et demie de Russie, lequel s'étendra dans toutes les directions ; tout le terrain qui sera renfermé dans ce rayon appartiendra exclusivement à la Russie, et sera démarqué avec la plus grande exactitude dans l'espace de deux mois, à dater de ce jour. Depuis l'endroit où l'extrémité orientale de ce rayon aura rejoint l'Araxe, la Ligne Frontière continuera à suivre le lit de ce fleuve

\* October 12th, 1813. See Marten's Supplement, Vol. VIII. p. 89.

jusqu'au gué de Jédiboulouk, d'où le Territoire Persan s'étendra le long du lit de l'Araxe sur un espace de 3 agatch ou 21 verstes de Russie; parvenue à ce point, la Ligne Frontière traversera en droiture la plaine du Moughan, jusqu'au lit de la rivière dite Bolgarou, à l'endroit qui se trouve situé à 3 agatch ou 21 verstes, au-dessous du confluent des deux petites rivières appelées Odinabazar et Sarakamyche. De là, cette Ligne remontera de la rive gauche du Bolgarou jusqu'au confluent desdites rivières Odinabazar et Sarakamyche, et s'étendra le long de la rive droite de la rivière d'Odinabazar jusqu'à sa source, et de là jusqu'à la cime des hauteurs de Djikoïr, de manière, que toutes les eaux qui coulent vers la Mer Caspienne appartiendront à la Russie, et toutes celles dont le versant est du côté de la Perse, appartiendront à la Perse. La limite des deux Etats étant marquée ici par la crête des montagnes, il est convenu que leur déclinaison du côté de la Mer Caspienne appartiendra à la Russie, et que leur pente opposée appartiendra à la Perse. De la crête des hauteurs de Djikoïr, la Frontière suivra jusqu'à la sommité de Kamarkouïa, les montagnes qui séparent le Talyche du district d'Archa. Les crêtes des montagnes séparant de part et d'autre le versant des eaux, détermineront ici la Ligne Frontière de la même manière qu'il est dit ci-dessus au sujet de la distance comprise entre la source de l'Odinabazar et les sommités de Djikoïr. La Ligne Frontière suivra ensuite, depuis la sommité de Kamarkouïa, les crêtes des montagnes qui séparent le District de Zouvante de celui d'Archa, jusqu'à la limite de celui de Welkidji, toujours conformément au principe énoncé par rapport aux versans des eaux. Le District de Zouvante, à l'exception de la partie située du côté opposé de la cime desdites montagnes, tombera de la sorte en partage à la Russie. A partir de la limite du District de Welkidji, la Ligne Frontière entre les deux Etats suivra les sommités de Klopouty et de la chaîne principale des montagnes qui traversent le District de Wilkidji jusqu'à la source septentrionale de la rivière dite Astara, toujours en observant le principe relatif aux versans des eaux. De là la Frontière suivra le lit de ce fleuve jusqu'à son embouchure dans la Mer Caspienne, et complétera la Ligne de Démarcation, qui séparera dorénavant les Possessions respectives de la Russie et de la Perse.

**V.** Sa Majesté le Schah de Perse, en témoignage de son amitié sincère pour Sa Majesté l'Empereur de toutes les Russies, reconnaît solennellement par le présent Article, tant en son nom qu'au nom de ses Héritiers et Successeurs au Trône de Perse, comme appartenans à jamais à l'Empire de Russie, tous les Pays et toutes les Iles situés entre la Ligne de Démarcation désignée par l'Article précédent d'un côté, et la crête des Montagnes du Caucase, et la Mer Caspienne de l'autre, de même que les Peuples nomades et autres, qui habitent ces Contrées.

**VI.** Dans le but de compenser les sacrifices considérables, que la guerre, qui a éclaté entre les deux Etats, a occasionnés à l'Empire de Russie, ainsi que les pertes et dommages qui en sont résultés pour les



Sujets Russes, Sa Majesté le Schah de Perse s'engage à les bonifier moyennant le paiement d'une Indemnité pécuniaire. Il est convenu entre les deux Hautes Parties Contractantes, que le montant de cette Indemnité est fixé à dix kurours de tomans raidje, ou 20,000,000 de roubles d'argent, et que le mode, les termes et les garanties du paiement de cette Somme seront réglés par un Arrangement particulier, qui aura la même force et valeur que s'il était inséré mot à mot au présent Traité.

VII. Sa Majesté le Schah de Perse ayant jugé à-propos de désigner pour son Successeur et Héritier Présomtif son Auguste Fils le Prince Abbas Mirza, Sa Majesté l'Empereur de toutes les Russies, afin de donner à Sa Majesté le Schah de Perse un témoignage public de ses dispositions amicales et de son désir de contribuer à la consolidation de cet Ordre de Succession, s'engage à reconnaître dès aujourd'hui dans l'Auguste Personne de Son Altesse Royale le Prince Abbas Mirza, le Successeur et l'Héritier Présomtif de la Couronne de Perse, et à le considérer comme Légitime Souverain de ce Royaume dès son avènement au Trône.

VIII. Les Bâtimens Marchands Russes jouiront, comme par le passé, du droit de naviguer librement sur la Mer Caspienne et le long de ses côtes et d'y aborder. Ils trouveront en Perse secours et assistance en cas de naufrage. Le même droit est accordé aux Bâtimens Marchands Persans de naviguer sur *l'ancien pied*, dans la Mer Caspienne et d'aborder aux Rivages Russes, où, en cas de naufrage, les Persans recevront réciproquement secours et assistance.

Quant aux bâtimens de guerre, ceux qui portent le pavillon Militaire Russe, étant *ab antiquo* les seuls qui aient eu le droit de naviguer sur la Mer Caspienne, ce même privilège exclusif leur est, par cette raison, également réservé et assuré aujourd'hui, de sorte, qu'à l'exception de la Russie, aucune autre Puissance ne pourra avoir des bâtimens de guerre sur la Mer Caspienne.

IX. Sa Majesté l'Empereur de toutes les Russies et Sa Majesté le Schah de Perse ayant à cœur de resserrer par tous les moyens, les liens si heureusement rétablis entre Eux, sont convenus que les Ambassadeurs, Ministres et Chargés d'Affaires, qui pourraient être réciproquement délégués auprès des Hautes Cours respectives, soit pour s'acquitter d'une Mission temporaire, soit pour y résider en permanence, seront reçus avec les honneurs et distinctions analogues à leur rang et conformes à la dignité des Hautes Puissances Contractantes, comme à l'amitié sincère qui Les unit et aux usages du Pays. On conviendra à cet effet, moyennant un Protocole spécial, du cérémonial à observer de part et d'autre.

X. Sa Majesté l'Empereur de toutes les Russies et Sa Majesté le Schah de Perse considérant le rétablissement et l'extension des Relations Commerciales entre les deux Etats, comme un des premiers bienfaits que doit produire le retour de la Paix, sont convenus de ré-

gler dans un parfait accord, toutes les dispositions relative à la protection du Commerce, et à la sûreté des Sujets respectifs, et de les consigner dans un Acte séparé et ci-annexé, arrêté entre les Plénipotentiaires respectifs, et qui est et sera considéré comme faisant Partie intégrante du présent Traité de Paix. Sa Majesté le Schah de Perse réserve à la Russie, comme par le passé, le droit de nommer des Consuls, ou Agens Commerciaux, partout où le bien du Commerce l'exigera, et il s'engage à faire jouir ces Consuls et Agens, chacun desquels n'aura pas une suite de plus de dix Individus, de la protection, des honneurs et des privilèges affectés à leur caractère public. Sa Majesté l'Empereur de toutes les Russies promet de Son côté, d'observer une parfaite réciprocité à l'égard des Consuls ou Agens Commerciaux de Sa Majesté le Schah de Perse. En cas de plainte fondée de la part du Gouvernement Persan contre un des Agens ou Consuls Russes, le Ministre ou Chargé d'Affaires de Russie, résidant à la Cour de Sa Majesté le Schah, et sous les ordres immédiats duquel ils seront placés, le suspendra de ses fonctions, et en conférera provisoirement la gestion à qui il jugera convenable.

XI. Toutes les affaires et réclamations des Sujets respectifs, suspendues par l'événement de la Guerre, seront reprises et terminées suivant la justice après la conclusion de la Paix. Les créances, que les Sujets respectifs peuvent avoir les uns envers les autres, ainsi que celles sur le fisc, seront promptement et entièrement liquidées.

XII. Les Hautes Parties Contractantes conviennent d'un commun accord, dans l'intérêt de Leurs Sujets respectifs, de fixer un terme de 3 Ans, pour que ceux d'entr'eux qui ont simultanément des propriétés immobilières en deçà et en delà de l'Araxe, aient la faculté de les vendre, ou de les échanger librement. Sa Majesté Impériale de toutes les Russies excepte néanmoins du bénéfice de cette disposition, en autant qu'elle La concerne, le ci-devant Sardar d'Erivan, Houssein Khan, son Frère Hassan Khan et Kérim Khan, ci-devant Gouverneur de Nak-hitchévan.

XIII. Tous les Prisonniers de Guerre faits de part et d'autre, soit dans le cours de la dernière Guerre, soit auparavant, de même que les Sujets des deux Gouvernemens réciproquement tombés en captivité, à quelque époque que ce soit, seront tous librement rendus dans le terme de 4 mois, et après avoir été pourvus de vivres et autres objets nécessaires, ils seront dirigés sur Abbas Abad pour y être remis entre les mains des Commissaires, respectivement chargés de les recevoir et d'aviser à leur renvoi ultérieur dans leurs foyers. Les Hautes Parties Contractantes en useront de même à l'égard de tous les Prisonniers de Guerre et de tous les Sujets Russes et Persans réciproquement tombés en captivité, qui n'auraient pas été restitués dans le terme susmentionné, soit en raison de l'éloignement où ils se seraient trouvés, soit par toute autre cause, ou circonstance. Les deux Gouvernemens se réservent

expressément le droit illimité de les réclamer en tout tems, et ils s'obligent à les restituer mutuellement à mesure qu'il s'en présentera, ou à mesure qu'ils les réclameront.

XIV. Les Hautes Parties Contractantes n'exigeront pas l'extradition des transfuges et déserteurs, qui auraient passé sous leur domination respective avant ou pendant la guerre. Toutefois, pour prévenir les conséquences mutuellement préjudiciables, qui pourraient résulter des intelligences, que quelques-uns de ces transfuges chercheraient à entretenir avec leurs anciens Compatriotes, ou Vassaux, le Gouvernement Persan s'engage à ne pas tolérer dans ses Possessions, situées entre l'Araxe et la Ligne formée par la Rivière dite Tchara, par le Lac d'Ourmie, par la Rivière dite Djakatou et par la Rivière dite Kizil-Ozane, jusqu'à son confluent dans la Mer Caspienne, la présence des Individus qui lui seront nominalement désignés maintenant, ou qui lui seraient signalés à l'avenir. Sa Majesté l'Empereur de toutes les Russies promet également de Son côté de ne pas permettre que les transfuges Persans s'établissent, ou restent à demeure dans les Khanats de Karabag et de Nakhitchévan, ainsi que dans la Partie du Khanat d'Erivan située sur la rive droite de l'Araxe. Il est entendu toutefois que cette clause n'est, et ne sera obligatoire, qu'à l'égard d'Individus revêtus d'un caractère public, ou de certaine dignité, tels que les Khans, les Begs et les Chefs Spirituelle ou Mollahs, dont l'exemple personnel, les instigations et les intelligences clandestines pourraient exercer une influence pernicieuse sur leurs anciens Compatriotes, Administrés, ou Vassaux. Pour ce qui concerne la masse de la Population dans les deux Pays, il est convenu entre les Hautes Parties Contractantes, que les Sujets respectifs qui auraient passé, ou qui passeraient à l'avenir d'un Etat dans l'autre, seront libres de s'établir, ou de séjourner partout où le trouvera bon le Gouvernement sous la domination duquel ils se seront placés.

XV. Dans le but bienfaisant et salulaire de ramener le calme dans ses Etats, et d'écarter de ses Sujets tout ce qui pourrait aggraver les maux qu'à déjà attirés sur eux la Guerre à laquelle le présent Traité a mis si heureusement fin, Sa Majesté le Schah accorde une Amnistie pleine et entière à tous les Habitans et Fonctionnaires de la Province dite l'Adzerbaïdjane. Aucun d'eux, sans exception de catégorie, ne pourra être ni poursuivi, ni molesté pour ses opinions, pour ses actes, ou pour la conduite qu'il aurait tenue, soit pendant la guerre, soit pendant l'occupation temporaire de la dite Province par les Troupes Russes. Il leur sera accordé en outre le terme d'un an, à dater de ce jour, pour se transporter librement avec leurs familles des Etats Persans dans les Etats Russes, pour exporter et pour vendre leurs biens-meubles, sans que les Gouvernemens, ou les Autorités Locales, puissent y mettre le moindre obstacle, ni prélever aucun droit, ou aucune rétribution sur les biens et sur les objets vendus, ou exportés par eux. Quant à leurs biens

immeubles, il leur sera accordé un terme de 5 Ans pour les vendre, ou pour en disposer à leur gré. Sont exceptés de cette Amnistie ceux qui se rendraient coupables, dans l'espace de tems susmentionné d'un An, de quelque crime, ou délit passible des peines punies par les Tribunaux.

XVI. Aussitôt après la Signature du présent Traité de Paix, les Plénipotentiaires respectifs s'empresseront d'envoyer en tous lieux les avis et injonctions nécessaires pour la cessation immédiate des hostilités.

Le présent Traité de Paix, dressé en deux Instrumens de la même teneur, signé par les Plénipotentiaires respectifs, muni du Cachet de leurs Armes, et échangé entre eux, sera confirmé et ratifié par Sa Majesté l'Empereur de toutes les Russies, et Sa Majesté le Schah de Perse, et les Ratifications solennelles, revêtus de Leur propre Signature, en seront échangées entre Leurs Plénipotentiaires, dans le terme de 4 mois, ou plus tôt si faire se peut.

Fait au Village de Tourkmantchaï, le 10 Février, de l'An de Grâce 1828, et le 5 de Schebone de l'An 1243 de l'Egyre.

(L. S.) J. PASKEVITCH.

(L. S.) ABBAS MIRZA.

(L. S.) A. OBRESCOFF.

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**CONVENTION of Commerce and Friendship between Sweden and Russia. Signed at St. Petersburg,  $\frac{14}{26}$  February, 1828.**

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*Convention de Commerce et d'Amitié entre Sa Majesté le Roi de Suède et de Norvège, d'une part, et Sa Majesté l'Empereur de Toutes les Russies, de l'autre, faite et conclue à St. Pétersbourg le  $\frac{26}{14}$  Février, 1828, et ratifiée à Stockholm le 27 Mars, et à St. Pétersbourg, le  $\frac{26}{14}$  Mars de la même Année.*

Nous Charles Jean, par la grâce de Dieu, Roi de Suède, de Norvège, des Goths et des Vandales, Savoir faisons : Que Nous et Notre Très Cher Frère et Cousin, le Sérénissime et Très Puissant Prince et Seigneur Nicolas I., Empereur et Autocrateur de Toutes les Russies, de Moscovie, Kiovie, Wladimirie et Novogorod, Czar de Casan, Czar d'Astracan, Czar de Pologne, Czar de Sibérie, Czar de la Chersonèse Taurique, Seigneur de Plescow et Grand Duc de Smolensko, Lithuanie, Wolhynie, Podolie, et de Finlande, Duc d'Estonie, de Livonie, de Courlande et Sémigalle, de Samogitie, Bélostock, Carélie, Twer, Jugorie, Permie, Wiatka, Bolgarie, et d'autres ; Seigneur et Grand Duc de Novogorod Inférieur, de Czernigovie, Resan, Polozk, Rostow, Jaroslaw, Bélo-Osérie, Udorie, Obdorie, Condinie, Witepsk, Mstislaw, Dominateur de Tout le Côté du Nord et Seigneur d'Ivérie, de Cartalinie, de Grusinie et de Cabardinie ; Prince Héréditaire et Souverain



des Princes de Czircassie, Gorsky et autres ; Héritier de Norvège, Duc de Schlesvig Holstein, de Stormarie, de Ditmarsen et d'Oldenbourg, etc. etc., animés d'un désir réciproque d'étendre et de consolider les relations d'amitié et de commerce, qui subsistent entre Nos Sujets respectifs, après que les bases, déjà posées à cet égard, ont cessé d'être obligatoires, par l'expiration de l'Acte Additionnel au Traité de Paix de Frédéricshamn conclu à St. Pétersbourg le <sup>10 Septembre</sup><sub>29 Aout</sub> 1817, ayant jugé à propos d'entrer en Négociation pour conclure une nouvelle Convention de Commerce et d'Amitié, et, à cet effet, nommé, des deux côtés, Nos Plénipotentiaires, savoir ; Nous, de Notre côté, Notre amé et féal, le Sieur Nicolas Frederic, Baron de Palmstjerna, Notre Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur de Toutes les Russies, Général-Major, Aide-de-Camp Général, Chambellan, Porte-Etendard de Nos Ordres, Commandeur de Notre Ordre de l'Etoile Polaire et Chevalier de celui de l'Epée : et Sa Majesté l'Empereur de Toutes les Russies, de Son côté, le Sieur Charles Robert, Comte de Nesselrode, Son Conseiller Privé actuel et Chambellan actuel, Membre du Conseil de l'Empire, Secrétaire d'Etat dirigeant le Ministère des Affaires Etrangères, Chevalier des Ordres de St. Alexandre Newsky, de St. Wladimir de la Première Classe, de l'Aigle Blanc de Pologne, Chevalier de l'Ordre des Séraphins de Suède, et de plusieurs autres ; et le Sieur Robert Henri, Comte de Rehbinden, Son Conseiller Privé et Chambellan actuel, Secrétaire d'Etat pour les Affaires du Grand-Duché de Finlande, Chevalier de l'Ordre de Ste. Anne de la Première Classe, et Grand Croix de celui de St. Wladimir de la Sec<sup>de</sup> ; les dits Plénipotentiaires, après avoir échangé leurs Pleins Pouvoirs, reconnus en bonne et dûe forme, ont conclu, arrêté, signé et scellé, le 26 Février de l'Année courante, à St. Pétersbourg, une Convention 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 l'Empereur de Toutes les Russies, animés d'un égal désir de resserrer de plus en plus les liens d'amitié et de bon voisinage, qui les unissent si heureusement, ont résolu, d'un commun accord, après l'expiration de l'Acte Additionnel au Traité de Paix de Frédéricshamn, conclu à St. Pétersbourg le <sup>10 Septembre</sup><sub>29 Aout</sub> 1817, de régler, par une nouvelle Convention, tout ce qui concerne les relations de commerce entre leurs Sujets respectifs. A cet effet, Leurs dites Majestés ont nommé pour Leurs Plénipotentiaires, savoir : Sa Majesté le Roi de Suède et de Norvège, le Sieur Nicolas Frédéric, Baron de Palmstjerna, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur de Toutes les Russies, Général-Major, Aide-de-Camp Général et Chambellan de Sa Majesté, Porte-Etendard de Ses Ordres, Commandeur de l'Ordre de l'Etoile Polaire et Chevalier de celui de l'Epée ; et Sa Majesté l'Empereur de Toutes les Russies, le Sieur

Charles Robert, Comte de Nesselrode, Son Conseiller Privé Actuel et Chambellan Actuel, Membre du Conseil de l'Empire, Secrétaire d'Etat dirigeant le Ministère des Affaires Etrangères, Chevalier des Ordres de St. Alexandre Newsky, de St. Wladimir de la Première Classe, de l'Aigle Blanc de Pologne, Chevalier de l'Ordre des Séraphins de Suède, et de plusieurs autres ; et le Sieur Robert Henri, Comte de Rehbinder, Son Conseiller Privé et Chambellan actuel, Secrétaire d'Etat pour les affaires du Grand-Duché de Finlande, Chevalier de l'Ordre de Ste. Anne de la Première Classe, et Grand Croix de celui de St. Wladimir de la Seconde ; lesquels, après avoir échangé leurs Pleinspouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans :

ART. I. Les bâtimens Suédois et Norvégiens, ainsi que les bâtimens Russes et Finlandais, seront traités dans les Ports respectifs des deux Hautes Puissances Contractantes, tant à leur entrée, qu'à leur sortie, à l'égal des nationaux, pour les Droits de port, de tonnage, de fanaux, de pilotage et de sauvetage, ainsi que pour tout autre droit ou imposition, payable, soit à la Couronne, soit aux Villes, ou à des Etablissements particuliers quelconques, à quel titre et sous quelle dénomination que ce soit.

Cette Stipulation est également applicable à toutes les embarcations et à tous les bâtimens marchands, chargés ou sur leur lest, quelles qu'en soient la capacité et la construction.

En attendant qu'un règlement uniforme puisse être établi dans les Ports Russes de la Mer Baltique, de la Mer Noire et de la Mer d'Azoff, pour le paiement des impositions et droits dénommés ci-dessus, les bâtimens Suédois et Norvégiens y seront traités sur le pied des Nations les plus favorisées.

Les bâtimens clincarts et non pontés des habitans de la Finlande, en naviguant directement entre la Suède et la Finlande, ne payeront, dans les Ports de Suède, que les droits de douane et autres dits *Helfria* sans l'augmentation, à laquelle les bâtimens Suédois et étrangers de la même construction ont été assujettis. Les bâtimens Suédois clincarts et non pontés jouiront de la même exemption dans les Ports de la Finlande.

Les bâtimens des Paysans Finlandais continueront à jouir, dans les Ports de Suède, des mêmes facilités, qui leur ont été accordées jusqu'ici, pour la déclaration des cargaisons, et pour le mode d'acquiescement des droits.

II. Toutes les denrées et marchandises, dont l'importation dans les Ports Russes est légalement permise sur des bâtimens nationaux, qu'elles soient les productions du sol ou de l'industrie des Royaumes de Suède et de Norvège, ou de tout autre Pays, pourront également être importées dans les dits Ports sur des bâtimens Suédois et Norvégiens, sans être assujettis à des droits plus forts ou autres, à quel titre

et sous quelle dénomination que ce soit, que si elles étaient importées sur des bâtimens nationaux.

Réciproquement, toutes les denrées et marchandises, dont l'importation dans les Ports des Royaumes de Suède et de Norvège est légalement permise sur des bâtimens nationaux, qu'elles soient les productions du sol ou de l'industrie de l'Empire de Russie, ou de tout autre Pays, pourront également être importées dans les dits Ports sur des bâtimens Russes, sans être assujetties à des droits plus forts ou autres, à quel titre et sous quelle dénomination que ce soit, que si elles étaient importées sur des bâtimens Suédois et Norvégiens.

Toutes les denrées et marchandises, dont l'exportation des Ports Russes est légalement permise sur des bâtimens nationaux, pourront également en être exportées par les bâtimens Suédois ou Norvégiens, sans être assujetties à des droits plus forts ou autres, que si l'exportation était effectuée par des bâtimens Russes.

Réciproquement, toutes les denrées et marchandises, dont l'exportation des Ports des Royaumes de Suède et Norvège est légalement permise sur des bâtimens nationaux, pourront également en être exportées par les bâtimens Russes, sans être assujetties à des droits plus forts ou autres, que si l'exportation était effectuée par des bâtimens Suédois ou Norvégiens.

Les Stipulations du présent Article ne seront applicables, ni au Pavillon Suédois et Norvégien dans les Ports Finlandais, ni au Pavillon Finlandais dans les Ports de Suède et de Norvège. Il est convenu, en outre, que les Deux Hautes Parties Contractantes n'entendent point préjudicier, par ces mêmes Stipulations, aux Conventions qu'Elles concluraient respectivement avec une Puissance tierce, et par lesquelles il serait concédé quelque avantage spécial pour l'importation ou l'exportation de certaines marchandises déterminées; et ces Conventions ne pourront être invoquées en faveur des Sujets Russes en Suède et en Norvège, ni en faveur des Sujets Suédois et Norvégiens en Russie.

III. Toutefois, les Conventions particulières, conclues ou à conclure entre l'une des deux Hautes Parties Contractantes et une Puissance tierce, ne pourront déroger à la faculté, qui, par suite de l'Article II., est accordée aux Sujets respectifs relativement à l'importation du sel, de quelque endroit que ce soit, et moyennant les mêmes droits que payent les nationaux, tant par les vaisseaux et bâtimens marchands Russes en Suède et en Norvège, que par les Vaisseaux et Bâtimens Marchands Suédois et Norvégiens en Russie.

De cette disposition sont exceptés les Ports Russes sur la Mer Noire, pour aussi longtems, que l'importation du sel y est généralement prohibée.

Les Vaisseaux et Bâtimens Marchands appartenant aux Habitans

du Grand Duché de Finlande pourront importer le sel, de quelque endroit que ce soit, dans tous les Ports des Royaumes de Suède et de Norvège, en payant les mêmes droits et aux mêmes conditions que les nationaux, et les Vaisseaux et Bâtimens Marchands Suédois et Norvégiens jouiront, avec une parfaite réciprocité, de la même faculté dans tous les Ports du Grand Duché de Finlande. Il ne pourra être dérogé à ce privilège réciproque par suite d'une Convention quelconque, qui pourrait être conclue par l'une des deux Hautes Parties Contractantes avec une Puissance tierce.

Le sel pourra être également importé des Ports de Suède dans ceux de la Finlande, par les Bâtimens ouverts ou pontés appartenans aux Habitans du Grand Duché, sans être soumis à des droits plus forts ou autres, que s'il venait directement du lieu de sa production, sur des Bâtimens Finlandais, jouissant de l'exemption dite *Helfrihet*.

IV. L'alun, le rouge souffré et le hareng pourront être importés de Suède et de Norvège sur des Bâtimens Suédois, Norvégiens, Russes ou Finlandais dans les Ports Russes de la Baltique et de la Mer Blanche, en ne payant que la moitié des droits fixés dans le Tarif des Douanes Russes.

L'huile de baleine, importée de Suède ou de Norvège sur des Vaisseaux appartenans aux Sujets de l'une ou l'autre des Hautes Parties Contractantes, ne payera qu'un tiers des droits fixés dans le Tarif des Douanes de l'Empire.

Le poisson salé, autre que le hareng, et le poisson sec importé de la même manière, payeront, dans le Port de St. Pétersbourg, un droit qui n'excédera point un Rouble en argent par poud ; dans les Ports de la Mer Blanche, un droit qui n'excédera point 7 Copeks en argent par poud, et dans les autres Ports de l'Empire, la moitié des droits fixés par le Tarif des Douanes Russes.

L'alun Suédois, importé à St. Pétersbourg, y sera libéré du triage, ainsi que de la rétribution payée à ce titre.

Le droit pour l'emmagasinage du Hareng Suédois ou Norvégien, importé dans ce Port, ne pourra dépasser 24 Copeks en assignations par tonneau.

Le suif, importé en Suède des Ports de la Russie par des Bâtimens Suédois, Norvégiens, Russes ou Finlandais, ne sera assujetti qu'à la moitié des droits d'entrée et autres, généralement fixés pour cette marchandise en Suède. Les chandelles (de suif) pourront y être importées de la même manière, moyennant un droit de 5 pour cent, en sus de ce qu'on paye pour le suif.

Le thé de caravane, importé de Russie en Suède sur des Bâtimens appartenans aux Sujets de l'une ou l'autre des Hautes Parties Contractantes, jouira d'une diminution de 10 pour cent du taux général des droits d'entrée et autres, auxquels cette denrée est soumise en Suède.



La farine, le blé, le chanvre, les cordages, la toile à voile, le goudron et les matériaux de construction, importés des Ports Russes de la Mer Blanche dans la Province Norvégienne de Finmarken, ne seront, à leur entrée, assujettis à aucun droit de douane.

V. L'expérience ayant démontré, que le droit d'entrepôt qui, en vertu de l'Article X. de l'Acte Additionel au Traité de Paix de Frédéricshamn, a été accordé aux Sujets respectifs, pourrait être, sous de certains rapports, restreint, sans qu'il en résulte un inconvénient pour leurs relations commerciales, tandis qu'en même tems il a été reconnu utile de déterminer plus spécialement les conditions, auxquelles ce droit peut être concédé de part et d'autre, les deux Hautes Parties Contractantes sont convenues des Stipulations qui suivent :

Les Commerçans Suédois et Norvégiens jouiront du droit d'entrepôt pour l'alun, le rouge souffré, le hareng et autre poisson salé, ainsi que pour le poisson sec, à St. Pétersbourg et à Riga pendant 8 mois, et à Archangel pendant 12 mois, à dater du jour de l'arrivée de la Marchandise, sans payer aucun droit ou imposition. Le sel importé sur des bâtimens Suédois ou Norvégiens à St. Pétersbourg, à Reval, ou dans les Ports de Livonie et de Courlande, pourra également y être mis en entrepôt, sans payer de droit, et aux conditions établies par le règlement actuellement en vigueur.

Toutes les Marchandises, qui sont la propriété de Commerçans Suédois et Norvégiens, pourront être mises en entrepôt à Abo et à Helsingfors. Sont exceptées les Marchandises, qui, n'étant pas des productions du sol ou de l'industrie de la Suède ou de la Norvège, sont généralement prohibées à l'entrée en Finlande. Pour les Marchandises qui seront mises en entrepôt dans les susdits Ports de Finlande, il sera payé à l'entrée un demi pour cent de leur valeur. Si ces Marchandises restaient à l'entrepôt au de là de deux ans, ce paiement d'un demi pour cent sera renouvelé, d'abord, au bout des deux premières années, et ensuite, à l'expiration de chacune des années suivantes. Quelle que soit la durée de l'entrepôt, les Marchandises payeront à leur sortie une nouvelle imposition d'un demi pour cent.

Les productions et marchandises Russes, le sel importé par les batimens Russes, et toutes les Marchandises qui sont la propriété des Commerçans Finlandais, pourront être mises en entrepôt à Stockholm, Gothenbourg, Carlshamn et Landscrona, ainsi qu' à Christiania et à Hammerfest, et dans tout autre Port Norvégien, où il y a une Chambre de douane, aux conditions qui se trouvent fixées pour les Marchandises de même nature, importées sur des bâtimens Suédois et Norvégiens.

Cependant, pour ce qui regarde les Marchandises, produites et fabriquées dans un Pays tiers, qui seraient déclarées pour la consommation intérieure du Pays, où elles ont été importées et mises en entrepôt, les droits d'entrée et autres seront perçus alors, tant en Suède et en Norvège, qu'en Finlande, selon la qualité du Bâtiment par lequel

l'importation a eu lieu, l'augmentation connue sous la dénomination de *Offri Tull* étant, en ce cas, applicable aux objets apportés par les bâtimens non privilégiés.

Le sel importé par des bâtimens appartenant aux Sujets respectifs, et qui, après avoir été mis en entrepôt, sera déclaré pour la consommation, payera les droits conformément aux Stipulations contenues dans l'Article III. sans que, dans ces cas, et pour le paiement de ces droits, il soit fait aucune distinction entre les bâtimens privilégiés et non privilégiés.

Sont exceptés du droit d'entrepôt dans les ports Norvégiens, les articles suivans, quel que soit l'endroit de leur production, et pour aussi longtems que l'importation de ces articles y est généralement prohibée, savoir: l'eau de vie de grain, les liqueurs fabriquées de cette eau de vie ou de genièvre, les cartes à jouer, le café rôti, et autres végétaux, préparés de même pour servir de surrogat au café.

La réexportation des denrées mises en entrepôt est permise de part et d'autre, dans tous les ports désignés au présent Article.

VI. Sa Majesté le Roi de Suède et de Norvège aura le droit de faire exporter, annuellement, des ports du Golfe de Finlande, ou de la Mer Baltique, sous la domination de Sa Majesté l'Empereur de Toutes les Russies, jusqu'à la concurrence de 200,000 Tschetwerts de blé, libre de tout droit de sortie, et sans qu'il soit fait aucune restriction ou exception pour les années, où l'exportation serait en général prohibée. Ceux qui feront les envois devront être munis, comme par le passé, des preuves nécessaires pour justifier, que les achats ont été faits pour compte de Sa dite Majesté, ou en vertu de Son autorisation.

S'il arrivait que la quantité stipulée ci-dessus n'eût pas été exportée avant la fin de l'année, cela ne pourra pas servir à augmenter l'exportation du blé, en faveur de la Suède, pour l'année suivante.

La Norvège pourra annuellement exporter des ports de la Mer Blanche, libre de tout droit de sortie, jusqu'à la concurrence de 25,000 Tschetwerts de blé, sur des bâtimens Norvégiens, et une égale quantité sur des bâtimens Russes. Il dépendra de la convention réciproque des acheteurs et des vendeurs de substituer la farine au blé, pour une partie ou pour la totalité de la quantité susmentionnée, et dans ce cas la farine sera également libre de tout droit de sortie.

VII. Les vaisseaux Russes venant de la Mer Blanche dans les Ports de la Province de Finmarken en Norvège, pourront vendre leurs marchandises à bord, conformément à ce qui s'est légalement pratiqué jusqu'ici, dans les Villes, pendant 4 semaines, non seulement aux Paysans, mais aussi aux bâtimens Norvégiens, et dans tout autre Port du Finmarken, aux bâtimens Norvégiens, pendant 15 jours.

VIII. Il sera permis aux habitans des Communes d'Utsjocki et d'Enara dans la Laponie Finlandaise, de faire un commerce d'échange

avec les bâtimens Russes, arrivant de la Mer Blanche sur cette partie des côtes du Golfe de Varanger, qui, ci-devant, était comprise dans les Districts appelés communs, ainsi qu'à l'embouchure de la Rivière du Pasvig, en troquant leurs propres productions contre les denrées suivantes de première nécessité, savoir : blé, farine, gruau, pois, chanvre, toile à voile, cordages, goudron, suif, chandelles et sel. Il n'y sera prélevé nul droit sur ce trafic.

**IX.** Les Bâtimens de commerce Suédois et Norvégiens, ainsi que les bâtimens Russes et Finlandais, pourront, conformément à ce qui a été pratiqué jusqu'ici, importer, directement de Suède et de Norvège en Finlande, toutes sortes d'objets manufacturés, denrées et marchandises, qui sont le produit du sol ou de l'industrie des dits Royaumes, et dont l'entrée est permise en général. Il ne sera perçu, à l'entrée de ces objets de commerce, que la moitié des droits qu'ils payeraient selon le taux du Tarif général, et d'après les Ordonnances existantes, soit à l'Etat, soit aux villes et à des établissemens particuliers, s'ils étaient importés par les bâtimens Finlandais, directement de tout autre Pays, dont ils seraient la production.

Le même avantage est accordé en Suède à toutes sortes de marchandises, denrées et productions Finlandaises, dont l'importation est permise en général, et qui viennent directement de la Finlande sur des bâtimens Suédois, Norvégiens, Russes ou Finlandais.

Le goudron pourra être importé de Finlande en Suède sans payer aucun droit de douane.

**X.** Toutes les productions du sol ou de l'industrie de la Suède et de la Norvège, dont l'entrée est en général défendue en Finlande, y seront, néanmoins, admises, conformément à ce qui a été pratiqué jusqu'ici, lorsqu'elles viendront directement de Suède et de Norvège, et sans qu'elles soient assujetties à des droits de douane, plus forts que 10 pour cent de la valeur de la marchandise.

Les produits du sol ou de l'industrie de la Finlande, dont l'entrée est généralement défendue en Suède y jouiront du même avantage, lorsqu'ils viendront directement de la Finlande.

L'eau de vie, le salpêtre, et les cartes à jouer, sont, cependant, exceptés de cette permission générale d'importation, et ces articles ne pourront être importés ni de Suède ou de Norvège en Finlande, ni de Finlande en Suède et en Norvège.

**XI.** En adoptant, par les Articles IX. et X., les principes généraux, qui régleront, pendant la durée de la présente Convention, le commerce entre la Finlande et la Suède, les deux Hautes Parties Contractantes, considérant la nature particulière de ce commerce, et voulant davantage encore faciliter les relations réciproques, sont convenues, en conformité des dispositions arrêtées précédemment, de fixer séparément par des Tarifs spéciaux, annexés à la présente Convention, les droits d'entrée auxquels seront soumises, dans les Pays respectifs,



quelques unes des productions de leur sol ou de leur industrie. Ces Tarifs, dont l'un concerne les marchandises importées de Finlande en Suède, l'autre celles qui sont importées de Suède en Finlande, auront la même force et valeur, que s'ils étaient textuellement insérés dans la présente Convention.

XII. Les bâtimens Finlandais, ouverts ou pontés, pourront exporter, d'un Port Suédois pour importer en Finlande, le vin, les épiceries et les denrées coloniales, dont l'importation est, en général, permise dans le Grand Duché, sans que, pour les dites marchandises, il soit perçû, à leur entrée en Finlande, des droits de douane plus forts ou autres, que si elles venoient directement du lieu même de leur production, sur des bâtimens Finlandais jouissant de l'exemption dite *Helfrihet*.

XIII. La présente Convention commerciale, et les Tarifs spéciaux, mentionnés à l'Article XI., ayant fixé les conditions, auxquelles les denrées et marchandises provenant des Etats de l'une des deux Hautes Parties Contractantes, pourront être importées dans ceux de l'autre, il a été reconnu indispensable d'établir des mesures de contrôle, pour prévenir les abus et pour constater l'origine ou l'endroit de fabrication des marchandises, qui devront jouir des avantages stipulés. A cet effet, les deux Hautes Parties Contractantes sont convenues des règles qui suivent.

1. Pour les denrées et marchandises, qui s'exportent d'une Ville.

(a) Toute denrée ou marchandise, arrivant d'une Ville, doit être munie d'un Certificat, émis par le Tribunal du lieu, et qui atteste, que le propriétaire ou fabriquant a affirmé par serment, devant ce même Tribunal, qu'elle a été produite ou fabriquée dans le Pays, d'où elle est exportée.

(b) Pour la validité des dits Certificats, lesquels doivent toujours accompagner la marchandise, il est requis, qu'ils soient dûment légalisés par le Consul ou Vice Consul du Pays, pour lequel la marchandise est exportée, en cas qu'un Fonctionnaire pareil se trouve établi dans la Ville.

(c) La rétribution pour ces Certificats, délivrés par les Tribunaux et légalisés par les Consuls ou Vice Consuls, ne dépassera, dans aucun des Pays respectifs, la somme de 24 Schillings de Banque de Hambourg, payable aux Autorités Judiciaires, et la même somme au Consul, pour chaque Document, comprenant toutes les marchandises expédiées par la même occasion, pour compte du même Propriétaire.

(d) Vu les circonstances locales, le port de St. Pétersbourg est excepté des dispositions générales énoncées ci-dessus, de sorte que les usages, actuellement suivis, continueront à être observés, par rapport aux Certificats, pour le suif et pour les chandelles, qui s'exportent de ce port pour ceux de la Suède et de la Norvège.

2. Pour les denrées et marchandises, qui arrivent de la campagne.

Les denrées et marchandises, arrivant de la campagne, jouiront des



avantages stipulés dès qu'elles sont accompagnées d'un Certificat, émis par l'Autorité Civile (*Kronobetjeningen*) du lieu de l'exportation, et par lequel il est attesté, qu'elles sont le produit du pays qui les exporte, qu'elles ont été produites et fabriquées à la campagne, et qu'elles en arrivent directement.

3. Les objets de commerce, qui sont spécifiés dans les listes Litt<sup>a</sup> A. et B., annexées aux Tarifs, sont entièrement exceptés des dispositions renfermées dans le présent Article : soit qu'ils viennent d'une ville, soit qu'ils arrivent de la campagne, ils pourront être importés librement, et jouiront des avantages stipulés, sans être accompagnés de Certificats.

XIV. Les Propriétaires de forges en Finlande pourront, pendant le cours de 3 ans, à dater du jour de l'échange des Ratifications de la présente Convention, faire acheter annuellement en Suède, et exporter, libres de droits, non seulement 9946½ Skeppund de Suède de Fer de fonte de toute espèce, et de tout endroit qu'ils voudront, sans être obligés de s'en tenir aux qualités, que portent leurs privilèges, mais encore 23,767 Skeppund de minerai de fer, lequel sera pris des endroits et districts, où ce minerai a été puisé auparavant, savoir : des mines de Sudermannie, 19,556 Skeppund, et de celle de Roslagen, 4211 Skeppund, ainsi que cela a été pratiqué jusqu'ici.

S'il arrivait, que les quantités stipulées n'eussent pas été exportées avant la fin d'une année, cette circonstance ne pourra servir de raison, l'année suivante, pour augmenter, en faveur du Grand Duché, l'exportation du Fer de fonte et du minerai ; et cette exportation ne pourra, dans aucun cas, outrepasser, pour chaque année, les quantités déterminées ci-dessus.

XV. L'importation du bois de chauffage de Finlande en Suède restera permise, et les droits de douane payables, soit à l'exportation de la Finlande, soit à l'importation en Suède, ne pourront excéder 20 Schillings de Banque de Suède en Argent pour une corde de bois de bouleau, et 12 Schillings en Argent pour une corde de bois de toute autre espèce.

XVI. Les deux Hautes Parties Contractantes sont convenues de limiter la durée de la présente Convention Commerciale au terme de 6 ans, à dater du jour de l'échange des Ratifications.

XVII. La présente Convention sera ratifiée, et les Ratifications seront échangées à St. Pétersbourg, dans l'espace de 6 semaines, ou plutôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée, et y ont apposé le Cachet de leurs Armes.

Fait à St. Pétersbourg le ¼ Février, l'An de grâce 1825.

(L. S.) N. F. PALMSTJERNA.

(L. S.) LE COMTE DE NESSELRODE.

(L. S.) LE COMTE DE REHBINDER.

A ces causes, Nous avons voulu ratifier, approuver et accepter la dite Convention, avec tous ses Articles, Points et Clauses, comme ils sont insérés ici, mot pour mot, ainsi que les Annexes y mentionnées,

comme aussi, par les présentes, et de la manière la plus efficace que faire se peut, Nous l'acceptons, l'approuvons et ratifions : Voulons et promettons de tenir et de remplir sincèrement, fidèlement et loyalement ce que contient la dite Convention avec tous ses Articles, Points et Clauses, ainsi que les Annexes y mentionnées. En foi de quoi, Nous avons signé la présente de Notre propre main, et y avons fait attacher Notre Grand Sceau Royal. Fait au Château de Stockholm, le 27 Jour du Mois de Mars, l'An de Grâce 1828.

(L. S.) CHARLES JEAN.

G. de WETTERSTEDT.

*Ratification de Sa Majesté l'Empereur de Toutes les Russies de la Convention susmentionnée.*

Nous, Nicolas premier, par la Grâce de Dieu, Empereur et Autocrate de Toutes les Russies, de Moscovie, Kiovie, Wladimirie, Novogorod, Czar de Casan, Czar d'Astracan, Czar de Pologne, Czar de Sibérie, Czar de la Chersonèse Taurique, Seigneur de Plescow et Grand Duc de Smolensko, de Lithuanie, Wolhynie, Podolie, et de Finlande, Duc d'Estonie, de Livonie, de Courlande et Sémigalle, de Samogitie, Bialostok, Carélie, Twer, Jugorie, Permie, Wiatka, Bolgarie, et d'autres ; Seigneur et Grand Duc de Novogorod Inférieur, de Czernigovie, Résan, Polock, Rostow, Jaroslaw, Bélo-Osérie, Udorie, Obdorie, Condinie, Witepsk, Mstislaw, Dominateur de tout le côté du Nord, Seigneur d'Ivérie, de la Cartalinie, de la Géorgie et de la Cabardie ; Prince Héréditaire et Souverain des Princes de Circassie, Gorsky, et autres ; Successeur de Norvège, Duc de Schlesvig-Holstein, de Stormarie, de Dithmarsen et d'Oldenbourg, &c. &c. &c., savoir faisons par ces présentes, que, conformément à Notre désir et à celui de Sa Majesté le Roi de Suède et de Norvège, Nos Plénipotentiaires respectifs ont arrêté et conclu à St. Pétersbourg le 14<sup>e</sup> Février, de la présente Année, une Convention de Commerce, dont la teneur, mot pour mot, est comme suit :

(Insertio.)

A ces causes, après avoir suffisamment examiné cette Convention, ainsi que les Annexes qui y appartient, et dont il est fait mention dans les Articles XI. et XIII, du présent Acte, Nous les avons agréées, confirmées et ratifiées, comme par ces Présentes les agréons, confirmons et ratifions dans tout leur contenu, en promettant sur Notre Parole Impériale, pour Nous et Nos Héritiers, d'en maintenir et observer inviolablement toutes les Stipulations. En foi de quoi, Nous avons signé notre présente Ratification Impériale de notre propre main, et y avons fait apposer le Grand Sceau de l'Empire. Donnée à St. Pétersbourg, ce 14 Mars, l'An de Grâce 1828, et de Notre Règne le 31<sup>ème</sup>.

(L.S.) NICOLAS.

*Contresigné, Le Secrétaire d'Etat,*  
COMTE DE NESSELRODE.

*Annexes mentionnées dans les Articles XI. et XIII. de la Convention de Commerce et d'Amitié, signée à St. Pétersbourg le 24 Février, 1828.*

*Tarif Spécial pour les Marchandises exportées de Finlande en Suède.*

ARGENT.		ARGENT.	
R.	sch r.	R.	sch r.
ECORCE, moulue.....1 tonneau	4	Bois ouvré, produits industriels	
non moulue... idem	1	des paysans, de la valeur de 100	
Bateaux, de la valeur de 100 R:d.		R:d. en espèces.....	3
en espèces.....	3	Langues, de boeufs, de moutons,	
Baies..... idem	3	de rennes.....1 tonneau	24
Duvet.....1 lispund	20	Bois de chauffage, jusqu'à ce	
Poisson, frais. (Exempt de droits)		qu'il soit autrement ordonné,	
salé, Saumon...1 tonneau	24	et en observant la stipulation	
Strömming et autres es-		de l'Art. XV. de la Convention	
pèces..... idem	8	Commerciale :	
Plumes à lit.....1 lispund	10	Bois de bouleau, par corde (famn)	6
Lard, salé ou fumé.... idem	7 2	de pin et de sapin... idem	5
Verre : vitres, bouteilles, flacons,		Tissus, Ruban de lin, de la valeur	
pots, verres à vin, gobelets, de		de 100 R:d en espèces	5
la valeur de 100 R:d. en espèces	10	Mouchoirs...1 douzaine	2
Paille.....1 skeppund	1	Toile d'étoupes non teinte	
Houblon..... idem	36	1 Aune	1
Fer, clous et tôle de la valeur de		teinte idem	2
100 R:d. en espèces.....	24	Toile, non teinte... idem	2
Noir de fumée..... idem	5	teinte... idem	4
Cuivre, non forgé....1 skeppund	32	Toiles à voile..... idem	1
Chevaux, par tête.....	2	Bure, de laine.... idem	1
Bestiaux, Bêtes à cornes, grandes		Oeufs.....la vingtaine	10
et petites, par tête.....	32		
Autres pièces de bétail idem	16		
Cumin.....1 tonneau	10		
Viande, salée..... idem	40		
Huile, de bouleau, 1 pot (kanna)	4		
de poix.....1 tonneau	2		
Fromage.....1 lispund	6		
Potasse, calcinée..... idem	1		
Vaisseaux, grands ou petits, con-			
struits en Finlande et pourvus			
de cordages, voiles et autres			
effets d'équipement de la valeur			
de 100 R:d. en espèces.....			
Lard de veau marin 1 barrique	5		
(Am).....	6		
Beurre.....1 lispund	7 2		
Bas de laine ou de lin....1 paire	3		
Sacs, de toile d'étoupes 1 douzaine	4		
Chandelles.....1 lispund	6		
Tabac en feuilles..... idem	3		

(L.S.) N. F. PALMSTJERNA.

(L.S.) LE COMTE DE NESSELRODE.  
(L.S.) LE COMTE DE REHBINDER.

## Tarif Spécial pour les Marchandises exportées de Suède en Finlande.

	Argent			Argent	
	Roubles	Copeks		Roubles	Copeks
ALUN.....1 tonneau	-	30	espèces, de la valeur de 100 Rou-		
Poulies en bois.....10 pièces	-	10	bles d'argent.....	2	-
Brosses de toutes espèces, de la			Cannes de bois, de la valeur de 100		
valeur de 100 Roubl. d'argent ..	5	-	Roubl. d'argent.....	2	-
Toiles de coton, imprimées et nou			Cuivre non ouvré ou forgé, de la		
imprimées, de fabrication Suédoise,			valeur de 100 Roubl. d'argent...	5	-
de la valeur de 100 Roubl. d'ar-			Cire à cacheter, fine.....1 lispund	-	25
gent.....	5	-	à empreintes.....1 lispund	-	13
Mouchoirs de coton, imprimés, de			Joujoux, en bois, de la valeur de		
fabrication Suédoise, de la valeur			100 Roubl. d'argent.....	3	-
de 100 Roubles d'argent.....	5	-	Bronze ordinaire et Fonte, tels que		
Bois de chêne, non ouvré, de la			marmites, mortiers à piler, chan-		
valeur de 100 Roubl. d'argent...	-	25	deliers, poêlons et cloches de		
Poisson : morue, hareng, cabillaud,			toutes espèces, de la valeur de		
salé.....1 tonneau	-	17	100 Roubl. d'argent.....	5	-
Homards, huitres.1 Baril (träd)	-	50	Drèche.....1 tonneau	-	10
Saumon fumé.....1 pièce	-	10	Laiton, non ouvré, en plaques,		
Fruits, de jardin, frais, pommes,			1 lispund	-	25
poires, prunes et cerises de toutes			Fil de laiton.....1 lispund	-	25
espèces, 1 quart de tonneau			Farine, de froment.....1 lispund	-	5
(fjerding)	-	10	Morilles.....1 lispund	-	10
Graines, graines de foin (exemptes			Fruits de l'Eglantier, secs.1 lispund	-	10
de droits)			Fromage.....1 lispund	-	8
Couleurs, Rouge Soufré 1 skeppund	-	50	Papier à lettres.....1 rame (ris)	-	25
Craie blanche 1 skeppund	-	25	de l'espèce dite <i>skrifpapper</i> ,		
Sarrette.....1 skeppund	-	15	1 rame	-	15
Verre, lustres et lampes, de la valeur			de celle dite <i>conceptpapper</i> ,		
de 100 Roubles d'argent.....	5	-	1 rame	-	10
Marmites, en pierre, de la valeur de			de celle dite <i>carduspapper</i> ,		
100 Roubl. d'argent.....	2	-	1 rame	-	8
Oies, fumées.....1 pièce	-	10	brouillard.....5 rames	-	10
Dragées, de plomb.....1 skeppund	-	25	d'impression.....5 rames	-	10
Gants de Canepin, de la valeur de			de doublage.....5 rames	-	8
100 Roubl. d'argent.....	5	-	de l'espèce dite <i>presspapper</i> ,		
Chapeaux, de bois, de racine et de			1 lispund	-	8
laine, de la valeur de 100 Roubles			Carton.....1 lispund	-	8
d'argent.....	5	-	Pipes à tabac, de terre, de la valeur		
Cornes de Cerf, rapées....1 lispund	-	6	de 100 Roubl. d'argent.....	2	-
Fer et Acier, fer en barres, de la			Fayence de fabrication Suédoise		
valeur de 100 Roubles d'argent..	1	-	idem	5	-
Fer blanc étamé, ancras, grappins,			Plumes à écrire.....20 paquets	-	25
canons, plaques, clous, fer à bou-			Poudre à poudrer.....1 lispund	-	25
lons, fer condensé, et menus ouvrages			Sirop, de fabrication Suédoise, de la		
en fer, de la valeur de 100 Rou-			valeur de 100 Roubl. d'argent...	5	-
bles d'argent.....	-	50	Sucre, en pains de fabrication Sué-		
Fer noir de toutes espèces de			doise, de la valeur de 100 Roubles		
fabrication Suédoise, de la valeur			d'argent.....	10	-
de 100 Roubles d'argent.....	2	-	Pierres d'Oeland de la valeur de 100		
Marmites, poêles et ouvrages en			Roubl. d'argent .....	5	-
fer fondu de toutes espèces, de la			Douves de bois de chêne et de hêtre,		
valeur de 100 Roubles d'argent..	2	-	et fonds de tonneau du même bois,		
Acier, de la valeur de 100 Roubl.			de la valeur de 100 Roubles d'ar-		
d'argent.....	-	50	gent.....	5	-
Carreaux de poêles, vernissés et non			Empois, blanc.....1 lispund	-	10
vernissés, de la valeur de 100			Savon liquide, noir, 1 quart de ton-		
Roubl. d'argent.....	2	-	neau.....	-	10
Epingles, de la valeur de 100 Roubl.			Tabac, en feuilles.....1 lispund	-	5
d'argent.....	2	-	à fumer, en paquets 1 lispund	-	50
Vases de terre et de pierre de toutes			en poudre.....1 lispund	-	65



	Argent	
	Roubles	Copeks
Tuiles, non vernissées, . . . 1000 pièces	-	25
Huile de baleine et autres sembla- bles, de la valeur de 100 Roubles d'argent. . . . .	3	-
Aunes brisées. . . . . 1 douzaine	-	12
Toile cirée, de la valeur de 100 Roubl. d'argent. . . . .	3	-
Vitriol, vert. . . . . 1 skeppund	-	15
Pois de pigeon. . . . . 1 tonneau	-	10
Tissus, de lin, toiles. . . . . 1 aune	-	1
Bonnets de nuit. . . . . 1 douzaine	-	10
de Soie, de fabrication Suédoise, espèces permises, la moitié des droits généralement fixés espèces prohibées par le Tarif géné- ral, de la valeur de 100 Roubles d'argent. . . . .	10	-
de Laine, tels que draps, flanelle, et étouffe de laine claire, de la valeur de 100 Roubles d'argent. . . . .	5	-
Vinaigre, de la valeur de 100 Rou- bles d'argent. . . . .	-	50
Double bière et porter, de fabrica- tion Suédoise, de la valeur de 100 Roubles d'argent. . . . .	-	50

Les droits de douane, désignés dans le présent Tarif, seront payés en Roubles, espèces sonnantes ou par l'équivalent en assignations de la Banque Impériale de Russie, selon le cours à fixer au commencement de chaque année.

Il en sera de même relativement aux droits de douane pour les Marchandises, taxées d'après leur valeur, et les dispositions réglementaires du Tarif général des Douanes du Grand Duché de Finlande serviront de règle quant au mode d'évaluation de ces Marchandises.

Quant aux droits revenant aux Villes, ils seront acquittés pour les Marchandises spécifiées dans le présent Tarif, conformément aux principes généraux énoncés à l'Article IX. de la Convention Commerciale.

(L.S.) N. F. PALMSTJERNA.

(L.S.) LE COMTE DE NESSELRODE.  
(L.S.) LE COMTE DE REHBINDER.*Littera A:**Liste des Objets de Commerce, qui peuvent être importés de Finlande en Suède sans Certificats d'Origine.*

Ecorce de toute espèce	Saumon
Poix	Vaccinium Vitis Idaea
Huile de Poix	Chiffons servant à la fabrication du papier
Pain	Ecorce de bouleau
Bateaux	Fromage
Poisson de toute espèce (vivant),	Oiseau-gibier
Rais et Jantes pour roues	Beurre
Poules et Poulets	Bottes et Souliers (de l'espèce d'ouvrage dit <i>Becksom</i> )
Houblon	Stromming
Noisettes	Goudron
Foin	Matériaux en bois, de toute espèce
Paille	Vases en bois
Résine	Bure de laine, apportée pour être teinte
Cumin	Bois de chauffage
Bétail de toute espèce	

(L. S.) N. F. PALMSTJERNA.

(L.S.) LE COMTE DE NESSELRODE.  
(L.S.) LE COMTE DE REHBINDER.

*Littera B.*

*Liste des Objets de Commerce, qui peuvent être importés de Suède et de Norvège en Finlande sans Certificats d'origine.*

ALUN, blanc	de Suède en Finlande par les propriétaires
Bouées, en bois	de forges Finlandaises, à l'usage de ces
Cendres : de cuivre, de laiton et de bois	forges.
Ecorce de chêne	Cardes, de toute espèce, timbrées
Pesons, Suédois, timbrés	Cuivre, ouvré et non ouvré
Ruches d'Abeilles	Saumon, fumé ou salé
Fleurs fraîches, Arbres verts	Pipes à tabac, en terre
Bardeaux, de bois de hêtre	Laiton, ouvré et non ouvré
Poulies à l'usage des vaisseaux	Bronze commun et fonte : Cloches, Ca-
Pain de froment ou de seigle	nons, Marmites, Mortiers à piler, &c.
Boussoles	Farine, de froment et de seigle
Tonneaux à bière, de bois de chêne ou de	Tuiles et briques
hêtre	Huitres
Pierres à feu, communes	Charrues et Fers de charrues
Amadou	Argent, ouvré, au timbre de Suède
Fruits et Légumes : Prunes, Pommes,	Claies, à passer du blé ou de la terre
sèches et fraîches, Cérises, Epines vi-	Pierres, à aiguiser, pour parquets et esca-
nettes et suc d'icelles, Rubus Chamæ-	liers, Meules, Carreaux, Pierres Sépul-
morus, Mûres et Rob de mûres, Rubus	crales, Marmites, Mortiers à Piler, Pierre
Arcticus et suc de cette baie, Poires,	d'Oelande et de Gottlande.
Concombres, Raifort, Asperges, Fèves,	Acier, non ouvré
Choux, blancs et Choux-fleurs, Noisettes	Empois, blanc
et Noisetiers.	Soufre
Graines de jardinage, d'herbe et de fleurs	Matériaux de bois, en blocs ou non ouvrés,
Homards	servant à confectionner les meubles : de
Fer : en barres, Fer à boulon, Fer coudé,	bois de hêtre, de chêne, d'aune, de bou-
Clous, Canons, Plaques forgées, Ancres,	leau, de tremble, de genévrier, d'orme,
Grappins, Bêches, Pelles, Fil de fer,	de frêne.
Ouvrages grossiers en fer noirci, ouv-	Aunes brisées, au timbre Suédois
rages en fonte, tels que plaques, En-	Douves et fonds de tonneaux de bois de
clumes, Marmites, Poêles, Mortiers à	chêne et de hêtre
piler, Cloches, &c. venant de Suède.	Pois de pigeon et autres
Fer de fonte et Minerai de fer, importés	Vitriol

(L.S.) N. F. PALMSTJERNA.

(L. S.) LE COMTE DE NESSELRODE.

(L. S.) LE COMTE DE REHBINDER.

*MESSAGE from the President of The United States, to both Houses of Congress at the commencement of the Second Session of the 20th Congress.—2d December, 1828.*

*To the Senate and House of Representatives of The United States.*

*Fellow-Citizens of the Senate, and of the House of Representatives :*

IF the enjoyment in profusion of the bounties of Providence forms a suitable subject of mutual gratulation and grateful acknowledgment, we are admonished at this return of the season, when the Representatives of the Nation are assembled to deliberate upon their concerns, to offer up the tribute of fervent and grateful hearts, for the never failing mercies of Him who ruleth over all. He has again favoured us with healthful seasons and abundant harvests. He has sustained us

in Peace with Foreign Countries, and in tranquillity within our borders. He has preserved us in the quiet and undisturbed possession of civil and religious liberty. He has crowned the year with His goodness, imposing on us no other conditions than of improving for our own happiness the blessings bestowed by His hands, and, in the fruition of all His favours, of devoting the faculties with which we have been endowed by Him to His glory and to our own temporal and eternal welfare.

In the relations of our Federal Union with our brethren of the human race, the changes which have occurred since the close of your last Session, have generally tended to the preservation of Peace, and to the cultivation of harmony. Before your last separation, a War had unhappily been kindled between the Empire of Russia—one of those with which our intercourse has been no other than a constant exchange of good offices, and that of the Ottoman Porte—a Nation from which geographical distance, religious opinions, and maxims of Government on their part, little suited to the formation of those bonds of mutual benevolence which result from the benefits of commerce, had kept us in a state, perhaps too much prolonged, of coldness and alienation. The extensive, fertile, and populous Dominions of the Sultan, belong rather to the Asiatic, than the European division of the human family. They enter but partially into the system of Europe; nor have their Wars with Russia and Austria, the European States upon which they border, for more than a century past, disturbed the pacific relations of those States with the other Great Powers of Europe. Neither France, nor Prussia, nor Great Britain, has ever taken part in them; nor is it to be expected that they will at this time. The Declaration of War by Russia has received the approbation or acquiescence of her Allies, and we may indulge the hope that its progress and termination will be signalized by the moderation and forbearance, no less than by the energy of the Emperor Nicholas, and that it will afford the opportunity for such collateral agency in behalf of the suffering Greeks as will secure to them ultimately the triumph of humanity and of freedom.

The state of our particular relations with France, has scarcely varied in the course of the present Year. The commercial intercourse between the two Countries has continued to increase for the mutual benefit of both. The Claims of indemnity to numbers of our Fellow-Citizens for depredations upon their property heretofore committed, during the Revolutionary Governments, remain unadjusted, and still form the subject of earnest representation and remonstrance. Recent advices from the Minister of The United States at Paris encourage the expectation that the appeal to the justice of the French Government will ere long receive a favourable consideration.

The last friendly expedient has been resorted to for the decision of the controversy with Great Britain, relating to the North Eastern Boundary of The United States. By an agreement with the British Government, carrying into effect the provisions of the 5th Article of

the Treaty of Ghent, and the Convention of 29th September, 1827, His Majesty the King of The Netherlands has by common consent been selected as the Umpire between the Parties. The proposal to him to accept the designation for the performance of this friendly office will be made at an early day, and The United States, relying upon the justice of their cause, will cheerfully commit the arbitrament of it to a Prince equally distinguished for the independence of his spirit, his indefatigable assiduity to the duties of his station, and his inflexible personal probity.

Our commercial relations with Great Britain will deserve the serious consideration of Congress, and the exercise of a conciliatory and forbearing spirit in the policy of both Governments. The state of them has been materially changed by the Act of Congress passed at their last Session, in alteration of the several Acts imposing duties on imports, and by Acts of more recent date of the British Parliament. The effect of the interdiction of direct trade commenced by Great Britain, and reciprocated by the United States, has been, as was to be foreseen, only to substitute different channels for an exchange of commodities indispensable to the Colonies, and profitable to a numerous class of our Fellow-Citizens. The exports, the revenue, the navigation of The United States, have suffered no diminution by our exclusion from direct access to the British Colonies. The Colonies pay more dearly for the necessaries of life, which their Government burdens with the charges of double voyages, freight, insurance and commission, and the profits of our exports are somewhat impaired, and more injuriously transferred from one portion of our Citizens to another. The resumption of this old and otherwise exploded system of Colonial exclusion, has not secured to the shipping interest of Great Britain the relief which, at the expense of the distant Colonies, and of The United States, it was expected to afford. Other measures have been resorted to more pointedly bearing upon the Navigation of The United States, and which, unless modified by the construction given to the recent Acts of Parliament, will be manifestly incompatible with the positive Stipulations of the Commercial Convention existing between the two Countries. That Convention, however, may be terminated, with 12 months notice, at the option of either Party.

A Treaty of Amity, Navigation and Commerce between The United States and His Majesty the Emperor of Austria, King of Hungary and Bohemia, has been prepared for signature by the Secretary of State, and by the Baron de Lederer, intrusted with Full Powers of the Austrian Government. Independently of the new and friendly relations which may be thus commenced with one of the most eminent and powerful Nations of the Earth, the occasion has been taken in it, as in other recent Treaties concluded by The United States, to extend those principles of liberal intercourse and of fair reciprocity which



intertwine with the exchanges of commerce, the principles of justice, and the feelings of mutual benevolence. This system, first proclaimed to the World in the first Commercial Treaty ever concluded by The United States, that of 6th February, 1778, with France, has been invariably the cherished policy of our Union. It is by Treaties of Commerce alone that it can be made ultimately to prevail as the established system of all civilized Nations. With this principle our Fathers extended the hand of friendship to every Nation of the Globe, and to this policy our Country has ever since adhered—whatever of regulation in our Laws has ever been adopted unfavourable to the interest of any Foreign Nation, has been essentially defensive and counteracting to similar regulations of their's operating against us.

Immediately after the close of the War of Independence, Commissioners were appointed by the Congress of the Confederation, authorized to conclude Treaties with every Nation of Europe disposed to adopt them. Before the Wars of the French Revolution, such Treaties had been consummated with the United Netherlands, Sweden, and Prussia. During those Wars, Treaties with Great Britain and Spain had been effected, and those with Prussia and France renewed. In all these, some concessions to the liberal principles of intercourse proposed by The United States had been obtained; but as, in all the negotiations, they came occasionally in collision with previous internal regulations or exclusive and excluding compacts of monopoly, with which the other Parties had been trammelled, the advances made in them towards the freedom of trade were partial and imperfect. Colonial establishments, chartered companies, and ship building influence, pervaded and encumbered the Legislation of all the great commercial States; and The United States, in offering free trade and equal privilege to all, were compelled to acquiesce in many exceptions with each of the Parties to their Treaties, accommodated to their existing Laws and anterior Engagements.

The Colonial system by which this whole Hemisphere was bound has fallen into ruins. Totally abolished by Revolutions, converting Colonies into independent Nations, throughout the two American Continents, excepting a portion of Territory chiefly at the northern extremity of our own, and confined to the remnants of dominion retained by Great Britain over the insular Archipelago, geographically the appendages of our part of the globe. With all the rest we have free trade—even with the insular Colonies of all the European Nations, except Great Britain. Her Government also had manifested approaches to the adoption of a free and liberal intercourse between her Colonies and other Nations, though, by a sudden and scarcely explained revulsion, the spirit of exclusion has been revived for operation upon The United States alone.

The conclusion of our last Treaty of Peace with Great Britain was

shortly afterwards followed by a Commercial Convention, placing the direct intercourse between the two Countries upon a footing of more equal reciprocity than had ever before been admitted. The same principle has since been much farther extended by Treaties with France, Sweden, Denmark, the Hanseatic Cities, Prussia, in Europe, and with the Republics of Colombia, and of Central America, in this Hemisphere. The mutual abolition of discriminating duties and charges, upon the navigation and commercial intercourse between the Parties, is the general maxim which characterizes them all. There is reason to expect that it will, at no distant period, be adopted by other Nations, both of Europe and America, and to hope that, by its universal prevalence, one of the fruitful sources of wars of commercial competition will be extinguished.

Among the Nations upon whose Governments many of our Fellow-Citizens have had long pending claims of indemnity, for depredations upon their property, during a period when the rights of neutral commerce were disregarded, was that of Denmark. They were, soon after the events occurred, the subject of a Special Mission from The United States, at the close of which the assurance was given by His Danish Majesty that, at a period of more tranquillity, and of less distress, they would be considered, examined, and decided upon, in a spirit of determined purpose for the dispensation of justice. I have much pleasure in informing Congress, that the fulfilment of this honourable promise is now in progress; that a small portion of the Claims has already been settled to the satisfaction of the Claimants; and that we have reason to hope that the remainder will shortly be placed in a train of equitable adjustment. This result has always been confidently expected from the character of personal integrity and of benevolence, which the Sovereign of the Danish Dominions has, through every vicissitude of fortune, maintained.

The general aspect of the affairs of our neighbouring American Nations of the South has been rather of approaching than of settled tranquillity. Internal disturbances have been more frequent among them than their common friends would have desired. Our intercourse with all has continued to be that of friendship, and of mutual good will. Treaties of Commerce and of Boundaries with the United Mexican States have been negotiated, but, from various successive obstacles, not yet brought to a final conclusion. The civil war which unfortunately still prevails in the Republics of Central America, has been unpropitious to the cultivation of our commercial relations with them; and the dissensions and revolutionary changes in the Republics of Colombia and of Peru, have been seen with cordial regret by us, who would gladly contribute to the happiness of both. It is with great satisfaction, however, that we have witnessed the recent conclusion of a Peace between the Governments of Buenos Ayres and of

Brazil; and it is equally gratifying to observe that indemnity has been obtained for some of the injuries which our Fellow Citizens had sustained in the latter of those Countries. The rest are in a train of negotiation, which we hope may terminate to mutual satisfaction, and that it may be succeeded by a Treaty of Commerce and Navigation upon liberal principles, propitious to a great and growing Commerce, already important to the interests of our Country.

The condition and prospects of the Revenue are more favourable than our most sanguine expectations had anticipated. The Balance in the Treasury on the 1st of January last, exclusive of the Moneys received under the Convention of 13th November, 1826, with Great Britain, was 5,861,972 dollars and 83 cents. The Receipts into the Treasury from the 1st of January to the 30th of September last, so far as they have been ascertained to form the basis of an Estimate, amount to 18,633,580 dollars and 27 cents, which, with the Receipts of the present Quarter, estimated at 5,461,283 dollars and 40 cents, form an aggregate of Receipts during the Year, of 24,094,863 dollars and 67 cents. The Expenditures of the Year may probably amount to 25,637,111 dollars and 63 cents; and leave in the Treasury on the 1st of January next, the Sum of 5,125,638 dollars 14 cents.

The Receipts of the present Year have amounted to near 2,000,000 more than was anticipated at the commencement of the last Session of Congress.

The Amount of Duties secured on Importations from the 1st of January to the 30th of September, was about 22,997,000, and that of the estimated accruing Revenue is 5,000,000, forming an aggregate for the Year of near 28,000,000. This is 1,000,000 more than the Estimate made last December for the accruing Revenue of the present Year, which, with Allowances for Drawbacks and Contingent Deficiencies, was expected to produce an actual Revenue of 22,300,000 dollars. Had these only been realized, the Expenditures of the Year would have been also proportionally reduced. For of these 24,000,000 received, upwards of 9,000,000 have been applied to the extinction of Public Debt bearing an Interest of 6 per cent. a Year, and of course reducing the burden of Interest annually payable in future, by the amount of more than half a million. The Payments on account of Interest during the current Year exceed 3,000,000 of dollars; presenting an aggregate of more than 12,000,000 applied during the Year to the discharge of the Public Debt, the whole of which remaining due on the 1st of January next will amount only to 58,362,135 dollars, 78 cents.

That the Revenue of the ensuing Year will not fall short of that received in the one now expiring, there are indications which can scarcely prove deceptive. In our Country, an uniform experience of 40 Years has shown, that whatever the Tariff of Duties upon Articles imported from abroad has been, the amount of Importations has always borne an



average value, nearly approaching to that of the Exports, though occasionally differing in the Balance, sometimes being more, and sometimes less. It is, indeed, a general law of prosperous Commerce, that the real value of Exports should, by a small, and only a small Balance, exceed that of Imports, that Balance being a permanent addition to the wealth of the Nation. The extent of the prosperous Commerce of the Nation must be regulated by the amount of its Exports; and an important addition to the value of these will draw after it a corresponding increase of Importations. It has happened, in the vicissitudes of the seasons, that the harvests of all Europe have, in the last Summer and Autumn, fallen short of their usual average. A relaxation of the Interdict upon the Importation of Grain and Flour from abroad has ensued; a propitious Market has been opened to the granaries of our Country; and a new prospect of reward presented to the labours of the Husbandman, which, for several Years, has been denied. This accession to the profits of agriculture in the middle and western portions of our Union is accidental and temporary. It may continue only for a single Year. It may be, as has been often experienced in the revolutions of time, but the first of several scanty harvests in succession. We may consider it certain that, for the approaching Year, it has added an Item of large amount to the value of our Exports, and that it will produce a corresponding increase of Importations. It may, therefore, confidently be foreseen, that the Revenue of 1829 will equal, and probably exceed, that of 1828, and will afford the means of extinguishing 10,000,000 more of the Principal of the Public Debt.

This new element of prosperity to that part of our agricultural industry which is occupied in producing the first article of human subsistence, is of the most cheering character to the feelings of patriotism. Proceeding from a cause which humanity will view with concern, the sufferings of scarcity in distant Lands, it yields a consolatory reflection, that this scarcity is in no respect attributable to us: that it comes from the dispensation of Him who ordains all in wisdom and goodness, and who permits evil itself only as an instrument of good: that, far from contributing to this scarcity, our agency will be applied only to the alleviation of its severity, and that in pouring forth, from the abundance of our own garners, the supplies which will partially restore plenty to those who are in need, we shall ourselves reduce our stores, and add to the price of our own bread, so as in some degree to participate in the wants which it will be the good fortune of our Country to relieve.

The great interests of an agricultural, commercial, and manufacturing Nation, are so linked in union together, that no permanent cause of prosperity to one of them can operate without extending its influence to the others. All these interests are alike under the protecting power of the Legislative Authority: and the duties of the Representative Bodies



are to conciliate them in harmony together. So far as the object of Taxation is to raise a Revenue for discharging the Debts, and defraying the expenses of the Community, its operation should be adapted as much as possible to suit the burden with equal hand upon all, in proportion with their ability of bearing it without oppression. But the Legislation of one Nation is sometimes intentionally made to bear heavily upon the interests of another. That Legislation, adapted as it is meant to be, to the special interests of its own People, will often press most unequally upon the several component interests of its neighbours. Thus, the Legislation of Great Britain, when, as has recently been avowed, adapted to the depression of a rival Nation, will naturally abound with Regulations of Interdict upon the productions of the soil or industry of the other which come in competition with its own; and will present encouragement, perhaps even bounty, to the raw material of the other State, which it cannot produce itself, and which is essential for the use of its Manufactures, competitors in the Markets of the World with those of its commercial rival. Such is the state of the commercial Legislation of Great Britain, as it bears upon our interests. It excludes, with interdicting Duties, all importation (except in time of approaching famine) of the great staple productions of our Middle and Western States; it proscribes, with equal rigour, the bulkier lumber and live stock of the same portion, and also of the Northern and Eastern part of our Union. It refuses even the rice of the South, unless aggravated with a charge of Duty upon the Northern Carrier who brings it to them. But the cotton, indispensable for their looms, they will receive almost Duty free, to weave it into a fabric for our own wear, to the destruction of our own Manufactures, which they are enabled thus to undersell. Is the self-protecting energy of this Nation so helpless, that there exists, in the political Institutions of our Country, no power to counteract the bias of this Foreign Legislation? That the growers of grain must submit to this exclusion from the Foreign Markets of their produce; that the Shippers must dismantle their Ships, the trade of the North stagnate at the wharves, and the Manufacturers starve at their looms, while the whole People shall pay tribute to Foreign industry to be clad in a Foreign garb; that the Congress of the Union are impotent to restore the balance in favour of Native industry, destroyed by the Statutes of another Realm? More just and more generous sentiments will, I trust, prevail. If the Tariff adopted at the last Session of Congress shall be found, by experience, to bear oppressively upon the interests of any one Section of the Union, it ought to be, and I cannot doubt will be, so modified as to alleviate its burden. To the voice of just complaint from any portion of their Constituents, the Representatives of the States and of the People will never turn away their ears. But so long as the Duty of the Foreign shall operate only as a Bounty upon the domestic Article—while the Planter, and the Merchant, and

the Shepherd, and the Husbandman, shall be found thriving in their occupations under the Duties imposed for the protection of domestic Manufactures, they will not repine at the prosperity shared with themselves by their Fellow-Citizens of other professions, nor denounce as violations of the Constitution, the deliberate Acts of Congress to shield from the wrongs of Foreign Laws the native industry of the Union. While the Tariff of the last Session of Congress was a subject of Legislative deliberation, it was foretold by some of its opposers, that one of its necessary consequences would be to impair the Revenue.—It is yet too soon to pronounce, with confidence, that this prediction was erroneous. The obstruction of one avenue of Trade not unfrequently opens an issue to another. The consequence of the Tariff will be to increase the Exportation, and to diminish the Importation of some specific Articles. But by the general Law of Trade, the increase of Exportation of one Article will be followed by an increased Importation of others, the Duties upon which will supply the deficiencies, which the diminished Importation would otherwise occasion. The effect of Taxation upon Revenue can seldom be foreseen with certainty. It must abide the test of experience. As yet no symptoms of diminution are perceptible in the Receipts of the Treasury. As yet, little addition of cost has even been experienced upon the articles burdened with heavier Duties by the last Tariff. The domestic Manufacturer supplies the same, or a kindred article, at a diminished price, and the Consumer pays the same tribute to the labour of his own Countryman, which he must otherwise have paid to Foreign industry and toil.

The Tariff of the last Session was, in its details, not acceptable to the great Interests of any portion of the Union, not even to the Interest which it was specially intended to subserve. Its object was to balance the burdens upon Native industry imposed by the operation of Foreign Laws ; but not to aggravate the burdens of one Section of the Union by the relief afforded to another. To the great principle sanctioned by that Act, one of those upon which the Constitution itself was formed, I hope and trust the Authorities of the Union will adhere. But if any of the Duties imposed by the Act only relieve the Manufacturer by aggravating the burden of the Planter, let a careful revisal of its Provisions, enlightened by the practical experience of its effects, be directed to retain those which impart protection to native industry, and remove or supply the place of those which only alleviate one great National Interest by the depression of another.

The United States of America, and the People of every State of which they are composed, are each of them Sovereign Powers. The Legislative Authority of the whole is exercised by Congress under authority granted them in the common Constitution. The Legislative Power of each State is exercised by Assemblies deriving their authority from the Constitution of the State. Each is Sovereign within its

own Province. The distribution of Power between them pre-supposes that these Authorities will move in harmony with each other. The Members of the State and General Governments are all under oath to support both, and allegiance is due to the one and to the other. The case of a conflict between these two Powers has not been supposed; nor has any provisions been made for it in our Institutions; as a virtuous Nation of ancient times existed more than 5 centuries without a Law for the punishment of parricide.

More than once, however, in the progress of our history, have the People and the Legislatures of one or more States, in moments of excitement, been instigated to this conflict; and the means of effecting this impulse have been allegations that the Acts of Congress to be resisted were *unconstitutional*. The People of no one State have ever delegated to their Legislature the power of pronouncing an Act of Congress unconstitutional; but they have delegated to them powers, by the exercise of which the execution of the Laws of Congress within the State may be resisted. If we suppose the case of such conflicting Legislation sustained by the corresponding Executive and Judicial Authorities, patriotism and philanthropy turn their eyes from the condition in which the parties would be placed, and from that of the people of both, which must be its victims.

The Reports from the Secretary of War, and the various subordinate Offices of the resort of that Department, present an exposition of the public administration of affairs connected with them, through the course of the current Year. The present state of the Army, and the distribution of the Force of which it is composed, will be seen from the Report of the Major-General. Several alterations in the disposal of the Troops have been found expedient in the course of the Year, and the discipline of the Army, though not entirely free from exception, has been generally good.

The attention of Congress is particularly invited to that part of the Report of the Secretary of War which concerns the existing system of our relations with the Indian Tribes. At the establishment of the Federal Government, under the present Constitution of The United States, the principle was adopted of considering them as Foreign and Independent Powers: and also as Proprietors of lands. They were, moreover, considered as Savages, whom it was our policy and our duty to use our influence in converting to Christianity, and in bringing within the pale of civilization.

As Independent Powers, we negotiated with them by Treaties; as Proprietors, we purchased of them all the lands which we could prevail upon them to sell; as brethren of the human race, rude and ignorant, we endeavoured to bring them to the knowledge of religion and of letters. The ultimate design was to incorporate in our own Institutions that portion of them which could be converted to the state of civiliza-



tion. In the practice of European States, before our Revolution, they had been considered as *children* to be governed ; as tenants at discretion, to be dispossessed as occasion might require ; as hunters to be indemnified by trifling concessions for removal from the grounds upon which their game was extirpated. In changing the system, it would seem as if a full contemplation of the consequences of the change had not been taken. We have been far more successful in the acquisition of their lands than in imparting to them the principles, or inspiring them with the spirit of civilization. But in appropriating to ourselves their hunting grounds, we have brought upon ourselves the obligation of providing them with subsistence ; and when we have had the rare good fortune of teaching them the arts of civilization, and the doctrines of Christianity, we have unexpectedly found them forming, in the midst of ourselves, Communities claiming to be independent of ours, and rivals of sovereignty within the Territories of the Members of our Union. This state of things requires that a remedy should be provided ; a remedy which, while it shall do justice to those unfortunate Children of Nature, may secure to the Members of our Confederation their rights of sovereignty and of soil. As the outline of a project to that effect, the views presented in the Report of the Secretary of War are recommended to the consideration of Congress.

The Report from the Engineer Department presents a comprehensive view of the progress which has been made in the great systems promotive of the Public interest, commenced and organized under the authority of Congress, and the effects of which have already contributed to the security, as they will hereafter largely contribute to the honour and dignity, of the Nation.

The first of these great systems is that of Fortifications, commenced immediately after the close of our last War, under the salutary experience which the events of that War had impressed upon our countrymen of its necessity. Introduced under the auspices of my immediate Predecessor, it has been continued with the persevering and liberal encouragement of the Legislature ; and combined with corresponding exertions for the gradual increase and improvement of the Navy, prepares for our extensive country a condition of defence adapted to any critical emergency which the varying course of events may bring forth. Our advance in these concerted systems have for the last 10 years been steady and progressive ; and in a few years more will be so completed as to leave no cause for apprehension that our sea coast will ever again offer a theatre of hostile invasion.

The next of these cardinal measures of policy, is the preliminary to great and lasting works of Publick improvement, in the surveys of roads, examination for the course of canals, and labours for the removal of the obstructions of rivers and harbours, first commenced by the Act of Congress of 30th April, 1824.



The Report exhibits in one Table the Funds appropriated at the last and preceding Sessions of Congress, for all these Fortifications, Surveys, and Works of Publick improvement; the manner in which these Funds have been applied, the amount expended upon the several Works under construction, and the further sums which may be necessary to complete them. In a second, the Works projected by the Board of Engineers, which have not been commenced, and the estimate of their cost.

In a third, the Report of the annual Board of Visitors at the Military Academy at West Point. For 13 Fortifications erecting on various points of our Atlantic coast from Rhode Island to Louisiana, the aggregate expenditure of the Year has fallen little short of 1,000,000 of dollars.

For the preparation of 5 additional Reports of Reconnoissances and Surveys since the last Session of Congress, for the civil constructions upon 37 different Publick Works commenced, 8 others for which specific appropriations have been made by Acts of Congress, and 20 other incipient surveys under the authority given by the Act of 30th April, 1824, about 1,000,000 more of dollars have been drawn from the Treasury.

To these 2,000,000 of dollars is to be added the appropriation of 250,000 dollars, to commence the erection of a Breakwater near the mouth of the Delaware River; the subscriptions to the Delaware and Chesapeake—the Louisville and Portland, the Dismal Swamp, and the Chesapeake and Ohio Canals; the large donations of lands to the States of Ohio, Indiana, Illinois, and Alabama, for objects of improvements within those States, and the sums appropriated for Light Houses, Buoys, and Piers on the coast, and a full view will be taken of the munificence of the Nation in the application of its resources to the improvement of its own condition.

Of these great national undertakings, the Academy at West Point is among the most important in itself, and the most comprehensive in its consequences. In that Institution, a part of the Revenue of the Nation is applied to defray the expense of educating a competent portion of her youth, chiefly to the knowledge and the duties of military life. It is the living armoury of the Nation. While the other works of improvement enumerated in the Reports now presented to the attention of Congress are destined to ameliorate the face of nature; to multiply the facilities of communication between the different parts of the Union; to assist the labours, increase the comforts, and enhance the enjoyments of individuals—the instruction acquired at West Point enlarges the dominion and expands the capacities of the mind. Its beneficial results are already experienced in the composition of the Army, and their influence is felt in the intellectual progress of society. The Institution is susceptible still of great improvement from benefac-

tions proposed by several successive Boards of Visitors, to whose earnest and repeated recommendations I cheerfully add my own.

With the usual Annual Reports from the Secretary of the Navy and the Board of Commissioners, will be exhibited to the view of Congress the execution of the Laws relating to that Department of the Publick Service. The repression of Piracy in the West Indian and in the Grecian Seas has been effectually maintained with scarcely any exception. During the War between the Governments of Buenos Ayres and of Brazil, frequent collisions between the belligerent acts of power and the rights of neutral commerce occurred. Licentious Blockades, irregularly enlisted or impressed seamen, and the property of honest commerce seized with violence, and even plundered under legal pretences, are disorders never separable from the conflicts of War upon the Ocean. With a portion of them, the correspondence of our Commanders on the Eastern aspect of the South American coast, and among the Islands of Greece, discover how far we have been involved. In these the honour of our Country and the rights of our Citizens have been asserted and vindicated. The appearance of new Squadrons in the Mediterranean, and the blockade of the Dardanelles, indicate the danger of other obstacles to the freedom of Commerce, and the necessity of keeping our Naval Force in those Seas. To the suggestions repeated in the Report of the Secretary of the Navy, and tending to the permanent improvement of this Institution, I invite the favourable consideration of Congress.

A resolution of the House of Representatives, requesting that one of our small Public Vessels should be sent to the Pacifick Ocean and South Sea, to examine the Coasts, Islands, Harbours, Shoals, and Reefs in those Seas, and to ascertain their true situation and description, has been put in a train of execution. The Vessel is nearly ready to depart; the successful accomplishment of the expedition may be greatly facilitated by suitable legislative provisions; and particularly by an appropriation to defray its necessary expense. The addition of a second or perhaps a third vessel, with a slight aggravation of the cost, would contribute much to the safety of the Citizens embarked on this undertaking, the results of which may be of the deepest interest to our Country.

With the Report of the Secretary of the Navy, will be submitted, in conformity to the Act of Congress, of 3rd March, 1827, for the gradual improvement of the Navy of the United States, Statements of the Expenditures under that Act, and of the measures taken for carrying the same into effect. Every Section of that Statute contains a distinct provision, looking to the great object of the whole, the gradual improvement of the Navy. Under its salutary sanctions, stores of ship-timber have been procured, and are in process of seasoning and preservation for the future uses of the Navy. Arrangements have been

made for the preservation of the live-oak timber growing on the Lands of The United States, and for its reproduction, to supply at future and distant days the waste of that most valuable material for ship-building, by the great consumption of it Yearly for the commercial as well as for the military Marine of our Country. The construction of the two Dry Docks at Charlestown and at Norfolk, is making satisfactory progress towards a durable Establishment. The examinations and enquiries to ascertain the practicability and expediency of a Marine Railway at Pensacola, though not yet accomplished, have been postponed, but to be the more effectually made. The Navy Yards of The United States have been examined, and plans for their improvement, and the preservation of the Publick Property therein, at Portsmouth, Charlestown, Philadelphia, Washington, and Gosport; and to which two others are to be added, have been prepared, and received my sanction; and no other portion of my Publick Duties has been performed with a more intimate conviction of its importance to the future welfare and security of the Union.

With the Report from the Postmaster General, is exhibited a comparative view of the gradual increase of that Establishment, from 5 to 5 years, since 1792 till this time—in the number of Post Offices, which has grown from less than 200 to nearly 8000; in the Revenue yielded by them, which, from 67,000 dollars, has swollen to upwards of 1,500,000; and in the number of miles of Post Roads, which, from 5,642, have multiplied to 114,536. While, in the same period of time, the Population of the Union has about thrice doubled, the rate of increase of these Offices is nearly 40, and of the Revenue, and of travelled miles, from 20 to 25 for 1. The increase of Revenue, within the last 5 Years, has been nearly equal to the whole Revenue of the Department in 1812.

The Expenditures of the Department, during the Year which ended on the 1st of July last, have exceeded the Receipts by a sum of about 25,000 dollars. The excess has been occasioned by the increase of Mail conveyances and facilities, to the extent of near 800,000 miles. It has been supplied by collections from the Postmasters of the arrearages of preceding Years. While the correct principle seems to be, that the income levied by the Department should defray all its expenses, it has never been the policy of this Government to raise from this Establishment any Revenue to be applied to any other purposes. The suggestions of the Postmaster-General, that the insurance of the safe transmission of moneys by the Mail might be assumed by the Department, for a moderate and competent remuneration, will deserve the consideration of Congress.

A Report from the Commissioner of the Publick Buildings in this City exhibits the Expenditures upon them in the course of the current Year. It will be seen that the humane and benevolent intentions of



Congress in providing, by the Act of 20th May, 1826, for the erection of a Penitentiary in this District, have been accomplished. The authority of further Legislation is now required for the removal to this Tenement of the Offenders against the Laws, sentenced to atone by personal confinement for their crimes, and to provide a Code for their employment and government while thus confined.

The Commissioners appointed, conformably to the Act of 2nd March, 1827, 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 by the Government of Great Britain under the Convention of 13th November, 1826, closed their labours on the 30th of August last, by awarding to the Claimants the sum of 1,197,422 dollars and 18 cents ; leaving a balance of 7,537 dollars and 82 cents, which was distributed rateably amongst all the Claimants to whom awards had been made, according to the directions of the Act.

The exhibits appended to the Report from the Commissioner of the General Land Office, present the actual condition of that common Property of the Union. The amount paid into the Treasury from the proceeds of Lands, during the Year 1827, and the 1st half of 1828, falls little short of 2,000,000 of dollars. The propriety of further extending the time for the extinguishment of the Debt due to The United States by the Purchasers of the Publick Lands, limited, by the Act of 21st March last, to the 4th of July next, will claim the consideration of Congress, to whose vigilance and careful attention the regulation, disposal and preservation of this great National Inheritance has, by the People of The United States, been intrusted.

Among the important subjects to which the attention of the present Congress has already been invited, and which may occupy their farther and deliberate discussion, will be the provision to be made for taking the 5th Census or enumeration of the Inhabitants of The United States. The Constitution of The United States requires that this enumeration should be made within every term of 10 Years, and the date from which the last enumeration commenced was the 1st Monday of August of the Year 1820. The Laws under which the former enumerations were taken, were enacted at the Session of Congress immediately preceding the operation. But considerable inconveniences were experienced from the delay of Legislation to so late a period. That Law, like those of the preceding enumerations, directed that the Census should be taken by the Marshals of the several Districts and Territories, under instructions from the Secretary of State. The preparation and transmission to the Marshals of those instructions, required more time than was then allowed between the passage of the Law and the day when the enumeration was to commence. The term of 6 Months, limited for the returns of the Marshals, was also found



even then too short; and must be more so now, when an additional Population of at least 3,000,000 must be presented upon the Returns. As they are to be made at the short Session of Congress, it would, as well as from other considerations, be more convenient to commence the enumeration from an earlier period of the Year than the 1st of August. The most favourable season would be the Spring. On a review of the former enumerations, it will be found that the plan for taking every Census has contained many improvements upon that of its predecessor. The last is still susceptible of much improvement. The 3rd Census was the first at which any account was taken of the manufactures of the Country. It was repeated at the last enumeration, but the Returns in both cases were necessarily very imperfect. They must always be so, resting of course only on the communications voluntarily made by Individuals interested in some of the manufacturing Establishments. Yet they contained much valuable information, and may, by some supplementary provision of the Law, be rendered more effective. The columns of age, commencing from infancy, have hitherto been confined to a few periods, all under the number of 45 Years. Important knowledge would be obtained by extending those columns, in intervals of 10 Years, to the utmost boundaries of human life. The labour of taking them would be a trifling addition to that already prescribed, and the result would exhibit comparative tables of longevity highly interesting to the Country. I deem it my duty further to observe, that much of the imperfections in the Returns of the last and perhaps of preceding enumerations proceeded from the inadequateness of the compensations allowed to the Marshals and their Assistants in taking them.

In closing this Communication, it only remains for me to assure the Legislature of my continued earnest wish for the adoption of measures recommended by me heretofore, and yet to be acted on by them; and of the cordial concurrence on my part in every Constitutional Provision which may receive their sanction during the Session, tending to the general welfare.

Washington, 2nd December, 1828.

JOHN QUINCY ADAMS.

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**CONVENTION of Friendship, Commerce, and Navigation,  
between The United States of America, and the free  
Hanseatic Republics of Lubeck, Bremen, and Hamburg.  
Signed at Washington, 20th December, 1827.**

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THE United States of America,	LA République et Ville libre et
on the one part, and the Republic	Anséatique de Lubeck, la Ré-
and free Hanseatic City of Lu-	publique et Ville libre et Anséa-

beck, the Republick and free Hanseatic City of Bremen, and the Republick and free Hanseatic City of Hamburg (each State for itself separately), on the other part, being desirous to give greater facility to their commercial intercourse, and to place the privileges of their Navigation on a basis of the most extended liberality, have resolved to fix, in a manner clear, distinct and positive, the rules, which shall be observed between the one and the other, by means of a Convention of Friendship, Commerce and Navigation.

For the attainment of this most desirable object, the President of The United States of America has conferred Full Powers on Henry Clay, their Secretary of State; and the Senate of the Republick and free Hanseatic City of Lubeck, the Senate of the Republick and free Hanseatic City of Bremen, and the Senate of the Republick and free Hanseatic City of Hamburg, have conferred Full Powers on Vincent Rumpff; their Minister Plenipotentiary near The United States of America, who, after having exchanged their said Full Powers, found in due and proper form, have agreed to the following Articles:

ART. I. The Contracting Parties agree, that whatever kind of produce, manufacture or merchandize of any Foreign Country can be, from time to time, lawfully imported into The United States, in their own Vessels, may be also imported in Vessels of the said free Hanseatic Republics of Lubeck, Bremen and Hamburg,

tique de Bremen, et la République et Ville libre et Anséatique de Hambourg, (chacun de ces Etats pour soi séparément) d'une part, et les États-Unis d'Amérique d'autre part, désirant accorder plus de facilités à leurs relations commerciales, et établir les privilèges de leur Navigation sur les bases de la libéralité la plus étendue, sont convenus d'arrêter d'une manière claire, distincte et positive, par une Convention d'Amitié, de Commerce et de Navigation, les règles qui doivent être observées entre Eux.

Pour atteindre ce but désirable, le Sénat de la République et Ville libre et Anséatique de Lubeck, le Sénat de la République et Ville libre et Anséatique de Bremen, et le Sénat de la République et Ville libre et Anséatique de Hambourg, ont muni de Pleins-Pouvoirs, Vincent Rumpff, Leur Ministre Plénipotentiaire près les États-Unis d'Amérique; et le Président des États-Unis d'Amérique a muni de Pleins-Pouvoirs, Henri Clay, Leur Secrétaire d'Etat; lesquels, après avoir échangé leur dits Pleins-Pouvoirs, trouvés en bonne et due forme, ont arrêté les Articles suivans:

ART. I. Les Parties Contractantes conviennent que toutes sortes de productions, manufactures ou marchandises, provenant de quelque Pays Etranger que ce soit, qui, de temps à autre, pourront être légalement importées dans l'une des dites Républiques Anséatiques de Lubeck, Bremen, et Hambourg, par leurs propres

and that no higher or other duties upon the tonnage or cargo of the Vessel, shall be levied or collected, whether the importation be made in Vessels of The United States, or of either of the said Hanseatic Republics. And, in like manner, that whatever kind of produce, manufacture or merchandize of any Foreign Country can be, from time to time, lawfully imported into either of the said Hanseatic Republics, in its own Vessels, may be also imported in Vessels of The United States : and that no higher or other duties upon the tonnage or cargo of the Vessel shall be levied or collected, whether the importation be made in Vessels of the one Party or of the other. And they further agree, that whatever may be lawfully exported or re-exported by one Party in its own Vessels, to any Foreign Country, may in like manner be exported or re-exported in the Vessels of the other Party. And the same bounties, duties and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in Vessels of the one Party or of the other. Nor shall higher or other charges of any kind be imposed in the Ports of the one Party on Vessels of the other, than are or shall be payable in the same Ports by national Vessels.

bâtimens, pourront aussi y être importées par les bâtimens des Etats-Unis; et qu'il ne sera imposé ni perçu sur le tonnage, ou la cargaison du Bâtiment, d'autres, ni de plus forts droits, soit que l'importation, ait lieu par Bâtimens de l'une des dites Républiques, soit par ceux des Etats-Unis. Et pareillement, que toutes sortes de productions, manufactures ou marchandises, provenant de quelque Pays Etranger que ce soit, qui, de temps à autre, pourront être légalement importées dans les Etats-Unis par Bâtimens des dits Etats, pourront également y être importées par les Bâtimens des dites Républiques Anséatiques; et qu'il ne sera imposé ni perçu sur le tonnage ou la cargaison du Bâtiment, d'autres, ni de plus forts droits, soit que l'importation ait lieu par Bâtimens de l'une des Parties, soit par ceux de l'autre. Elles conviennent, en outre, que tout ce qui pourra être légalement exporté, ou ré-exporté, pour quelque Pays Etranger que ce soit, par les Bâtimens de l'une des Parties Contractantes, pourra également en être exporté ou ré-exporté par ceux de l'autre Partie; et les mêmes droits, primes et remboursemens de droits seront perçus et alloués, soit que l'exportation ou la ré-exportation ait lieu par bâtimens de l'une des Parties, soit par ceux de l'autre. Il ne sera imposé dans les Ports de l'une des deux Parties, sur les Bâtimens de l'autre, aucuns droits ou charges de quelque nature qu'ils puissent être, plus forts ou autres que ceux qui seront imposés dans les mêmes ports sur les Bâtimens nationaux.

**II.** No higher or other duties shall be imposed on the importation into The United States of any Article, the produce or manufacture of the free Hanseatic Republics of Lubeck, Bremen and Hamburg, and no higher or other duties shall be imposed on the importation into either of the said Republics of any Article the produce or manufacture of The United States, than are or shall be payable on the like Article, being the produce or manufacture of any other Foreign Country: nor shall any other or higher duties or charges be imposed by either Party on the exportation of any Articles to The United States or to the free Hanseatic Republics of Lubeck, Bremen or Hamburg, respectively, than such as are or shall be payable on the exportation of the like Articles to any other Foreign Country: nor shall any prohibition be imposed on the importation or exportation of any Article, the produce or manufacture of The United States or of the free Hanseatic Republics of Lubeck, Bremen or Hamburg, to or from the Ports of The United States, or to or from the Ports of the other Party, which shall not equally extend to all other Nations.

**III.** No priority or preference shall be given, directly or indirectly, by any or either of the Contracting Parties, nor by any Company, Corporation, or Agent acting on their behalf, or under

**II.** Il ne sera imposé d'autres, ni de plus forts droits sur l'importation dans les Républiques libres et Anséatiques de Lubeck, Bremen et Hambourg, des Articles provenant du sol ou des manufactures des Etats-Unis; et il ne sera imposé d'autres, ni de plus forts droits sur l'importation dans les Etats-Unis des Articles provenant du sol ou des manufactures des dites Républiques, que ceux, qui sont ou seront imposés sur les mêmes Articles provenant du sol ou des manufactures de tout autre Pays Etranger. De même il ne sera imposé par l'une des Parties sur l'exportation de quelque Article que ce soit, pour les Républiques libres et Anséatiques de Lubeck, Bremen, et Hambourg, ou pour les Etats-Unis, respectivement, d'autres, ni de plus forts droits que ceux qui sont ou seront imposés sur l'exportation des mêmes Articles pour tout autre Pays Etranger. De même il ne sera imposé sur l'importation ou sur l'exportation des Articles provenant du sol ou des manufactures des Républiques libres et Anséatiques de Lubeck, Bremen et Hambourg, ou des Etats-Unis, à l'entrée ou à la sortie des Ports des Républiques Anséatiques ou de ceux de l'autre Partie, aucune prohibition qui ne soit pas également applicable à toute autre Nation.

**III.** Il ne sera accordé, ni directement, ni indirectement, par l'une ou par l'autre des Parties Contractantes, ni par aucune Compagnie, Corporation, ou Agent agissant en son nom ou par son



their authority, in the purchase of any Article, the growth, produce or manufacture of their States, respectively, imported into the other, on account of, or in reference to, the character of the Vessel, whether it be of the one Party, or of the other, in which such Article was imported, it being the true intent and meaning of the Contracting Parties, that no distinction or difference whatever shall be made in this respect.

IV. In consideration of the limited extent of the Territories of the Republics of Lubeck, Bremen and Hamburg, and of the intimate connection of trade and navigation subsisting between these Republics, it is hereby stipulated and agreed, that any Vessel which shall be owned exclusively by a Citizen or Citizens of any or either of them, and of which the Master shall also be a Citizen of any or either of them, and provided three-fourths of the Crew shall be Citizens or Subjects of any or either of the said Republics or of any or either of the States of the Confederation of Germany, such Vessel, so owned and navigated, shall, for all the purposes of this Convention, be taken to be and considered as a Vessel belonging to Lubeck, Bremen, or Hamburg.

V. Any Vessel, together with her cargo, belonging to either of the Free Hanseatic Republics of Lubeck, Bremen or Hamburg, and coming from either of the said Ports to The United States, shall, for all the purposes of this Con-

autorité, aucune priorité ou préférence quelconque, pour l'achat d'aucune production du sol ou de l'industrie de leurs Etats respectifs, importée dans le Territoire de l'autre, à cause ou en considération de la nationalité du Navire, qui aurait transporté cette production, soit qu'il appartienne à l'une des Parties soit à l'autre, l'intention bien positive des deux Parties Contractantes étant qu'aucune différence ou distinction quelconque n'ait lieu à cet égard.

IV. En considération de l'étendue limitée des Territoires des Républiques de Lubeck, Bremen et Hambourg, et de l'intime liaison de commerce et de Navigation subsistante entre ces Républiques, il est ici stipulé et convenu, que tout Navire appartenant exclusivement à un ou plusieurs Citoyens de l'une ou des autres des dites Républiques, et dont le Capitaine sera aussi Citoyen de l'une des dites Républiques, pourvu que les trois-quarts de l'Equipage se composent de Citoyens ou Sujets de l'une ou de plusieurs des dites Républiques, ou d'un ou de plusieurs des Etats de la Confédération Germanique, le dit Navire sera considéré pour tous les objets de cette Convention comme Navire appartenant à Lubeck, Bremen ou Hambourg.

V. Tout Bâtiment, ainsi que sa cargaison, appartenant à l'une des Républiques Anseatiques de Lubeck, Bremen et Hambourg, et venant de l'un des Ports des susdites Républiques aux Etats-Unis, sera considéré, pour tous les objets

vention be deemed to have cleared from the Republick to which such Vessel belongs; although, in fact, it may not have been the one from which she departed; and any Vessel of The United States and her cargo, trading to the Ports of Lubeck, Bremen or Hamburg, directly or in succession, shall, for the like purposes, be on the footing of a Hanseatic Vessel and her Cargo, making the same voyage.

VI. It is likewise agreed, that it shall be wholly free for all Merchants, Commanders of Ships, and other Citizens of both Parties, to manage, themselves, their own business, in all the Ports and Places, subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandize, by wholesale or retail, as with respect to the loading, unloading and sending off their Ships; submitting themselves to the Laws, Decrees and Usages there established, to which native Citizens are subjected; they being in all these cases to be treated as Citizens of the Republick in which they reside, or at least to be placed on a footing with the Citizens or Subjects of the most favoured Nation.

VII. The Citizens of each of the Contracting Parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their Representatives, being Citizens of the other Party, shall succeed to their

de cette Convention, comme venant de la République à laquelle il appartient, quoique, dans le fait, ce Port ne soit pas celui d'où il aurait fait voile: et tout Bâtiment des Etats-Unis, ainsi que sa cargaison, trafiquant, directement ou successivement avec les Ports de Lubeck, Bremen et Hambourg, sera placé, pour ces mêmes objets, sur le même pied qu'un Bâtiment Anseatique et sa cargaison, faisant le même voyage.

VI. Il est en outre convenu, que les Négocians, Capitaines de Navires, et autres Citoyens des deux Parties, pourront eux-mêmes diriger librement leurs propres affaires, dans tous les Ports et Places soumis à la juridiction de chacune d'elles, tant pour ce qui a rapport à la consignation, et à la vente, en gros et en détail, de leurs denrées et marchandises, que pour ce qui regarde le chargement, déchargement et expédition de leurs Bâtimens; en se conformant aux Lois, Décrets et Usages y établis, auxquels les Citoyens de l'Etat sont assujettis: ils seront dans tous ces cas traités comme Sujets de la République dans laquelle ils résideront; ou du moins ils seront placés sur le même pied que les Citoyens ou Sujets de la Nation la plus favorisée.

VII. Les Citoyens de chacune des Parties Contractantes pourront disposer de leurs biens personnels dans les limites de la juridiction de l'autre, par vente, donation, testament ou autrement, et leurs Héritiers, étant Citoyens de l'autre Partie, succéderont aux dits biens

said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves, or others acting for them, and dispose of the same at their will, paying such dues only as the Inhabitants of the Country, wherein said goods are, shall be subject to pay in like cases : and if, in the case of real estate, the said heirs would be prevented from entering into the possession of the Inheritance, on account of their character of Aliens, there shall be granted to them the term of 3 Years, to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all Duties of detraction, on the part of the Government of the respective States.

VIII. Both the Contracting Parties promise and engage, formally, to give their special protection to the persons and property of the Citizens of each other, of all occupations, who may be in the Territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the Tribunals of Justice for their judicial recourse, on the same terms which are usual and customary with the Natives or Citizens of the Country in which they may be ; for which they may employ in defence of their rights, such Advocates, Solicitors, Notaries, Agents, and Factors, as they may judge proper, in all their Trials at Law ; and such Citizens or Agents shall have as free opportunity, as Native Citizens, to be present at the

personnels, soit en vertu d'un testament, soit *ab intestato* ; ils pourront en prendre possession, soit en personne, soit par d'autres agissant en leur place ; et ils en disposeront, à leur volonté, en ne payant d'autres droits que ceux auxquels les Habitans du Pays où se trouvent les dits biens sont assujettis en pareille occasion. Et si, dans le cas de biens immeubles, les dits héritiers ne pouvaient entrer en jouissance de l'héritage, à cause de leur qualité d'Etrangers, il leur sera accordé un délai de 3 Ans, pour en disposer à leur gré, et pour en retirer le produit sans obstacle, et exempt de tous droits de détraction, de la part des Gouvernemens des Etats respectifs.

VIII. Les deux Parties Contractantes promettent et s'engagent formellement d'accorder leur protection spéciale, aux personnes et propriétés des Citoyens de chacune d'Elles, quelles que soient leurs occupations, qui pourraient se trouver dans les Territoires soumis à leur juridiction, soit pour y voyager, soit pour y séjourner, leur accordant pleine liberté de recourir aux Cours de Justice pour leurs affaires litigieuses, aux mêmes conditions qui seront accordées par l'usage aux Citoyens du Pays où ils se trouveront, et d'employer dans leurs procès, pour la défense de leurs droits, tels Avocats, Avoués, Notaires, Agens ou Mandataires, qu'ils trouveront convenable de choisir, et les dits Citoyens et leurs Agens jouiront de la même liberté que ceux du Pays, d'assister aux



decisions and sentences of the Tribunals, in all cases which may concern them; and likewise at the taking of all examinations and evidence which may be exhibited in the said Trials.

IX. The Contracting Parties, desiring to live in peace and harmony with all the other Nations of the Earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favour to other Nations, in respect of Commerce and Navigation, which shall not immediately become common to the other Party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

X. The present Convention shall be in force for the term of 12 Years, from the date hereof, and further until the end of 12 Months, after the Government of The United States, on the one part, or the Free Hanseatic Republics of Lubeck, Bremen or Hamburg, or either of them, on the other part, shall have given notice of their intention to terminate the same; each of the said Contracting Parties reserving to itself the right of giving such notice to the other, at the end of the said term of 12 Years; and it is hereby agreed between them, that at the expiration of 12 Months, after such notice shall have been received by either of the Parties from the other, this Convention and all the provisions thereof, shall altogether cease and determine, as

décisions et sentences des Tribunaux, dans tous les cas où ils s'y trouveront intéressés, ainsi qu'à l'examen des Témoins qui seraient appelés dans les dits Procès.

IX. Les Parties Contractantes désirant vivre en paix et harmonie avec toutes les Nations de la Terre, en observant envers chacune, également, une politique franche et amicale, s'engagent mutuellement à n'accorder aucune faveur particulière à d'autres Nations, en fait de Commerce et de Navigation, qui ne devienne aussitôt commune à l'autre Partie, et celle-ci jouira de cette faveur gratuitement, si la concession est gratuite, ou en accordant la même compensation, si la concession est conditionnelle.

X. La présente Convention sera en vigueur pendant 12 Ans, à dater de ce jour, et au delà de ce terme, jusqu'à l'expiration de 12 Mois, après que l'un ou l'autre des Gouvernemens des Républiques Anseatiques de Lubeck, Bremen et Hambourg, d'une part, ou le Gouvernement des Etats-Unis, d'autre part, aura annoncé à l'autre son intention de la terminer; chacune des Parties Contractantes se réservant le droit de faire à l'autre une telle déclaration, au bout des 12 Ans susmentionnés; et il est convenu entre Elles, qu'à l'expiration de 12 Mois, après qu'une telle déclaration de l'une des Parties aura été reçu par l'autre, cette Convention et toutes les Stipulations y contenues cesseront d'être obligatoires, par rapport aux Etats qui donneront et



far as regards the States giving and receiving such notice; it being always understood and agreed, that, if one or more of the Hanseatic Republics aforesaid shall, at the expiration of 12 Years from the date hereof, give or receive notice of the proposed termination of this Convention, it shall, nevertheless, remain in full force and operation, as far as regards the remaining Hanseatic Republics or Republic, which may not have given or received such notice.

XI. The present Convention being approved and ratified by the President of The United States, by and with the advice and consent of the Senate thereof, and by the Senates of the Hanseatic Republics of Lubeck, Bremen and Hamburg, the Ratifications shall be exchanged at Washington within 9 Months from the date hereof, or sooner if possible.

In faith whereof, We, the Plenipotentiaries of the Contracting Parties, have signed the present Convention, and have, thereto, affixed our Seals.

Done in Quadruplicate, at the City of Washington, on the 20th day of December, in the Year of our Lord, 1827, in the 52nd Year of the Independence of The United States of America.

(L.S.) H. CLAY.

(L.S.) V. RUMPFF.

recevront cette déclaration: bien entendu et convenu, que si l'une ou plusieurs des dites Républiques Anséatiques, à l'expiration de 12 Ans à dater de ce jour, donnent ou reçoivent la déclaration de la cessation proposé de cette Convention, la dite Convention restera néanmoins en pleine force et effet par rapport à celle ou à celles des Républiques Anséatiques qui n'aura, ou qui n'auront, ni donné, ni reçu, cette déclaration.

XI. La présente Convention étant approuvée et ratifiée par les Sénats des Républiques Anséatiques de Lubeck, Bremen et Hambourg, et par le Président des Etats-Unis, par et avec l'avis et le consentement du Sénat des dits Etats, les Ratifications en seront échangées à Washington dans l'espace de 9 Mois à dater de ce jour, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires des Parties Contractantes ont signé la présente Convention, et y ont apposé leurs Sceaux.

Fait par Quadruplicata en la Cité de Washington, le 20 Décembre, l'an de grâce 1827, et le 52<sup>e</sup> de l'Indépendance des Etats-Unis d'Amérique.

(L.S.) V. RUMPFF.

(L.S.) H. CLAY.

[The Ratifications of this Convention were exchanged at Washington, 2nd June, 1828.]

***SPEECH of the Russian Minister of Finance, on the Opening of the Council of Credit.—18th July, 1828.***

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LE Conseil des Etablissements de Crédit s'étant assemblée, le 18 de ce mois, pour la révision des Comptes desdits Etablissements, ainsi qu'il est ordonné par le Manifeste Impérial du 7 Mai, 1817, M. le Ministre des Finances, Général d'Infanterie de Cancrine, a ouvert la Séance par le Discours suivant :

MESSIEURS,

Le moment est venu de vous présenter les Comptes des Etablissements de Crédit pour l'Année 1827.

En vous donnant des Explications sur ceux de l'Année 1826, j'ai eu l'honneur de vous exposer en détail les résultats qu'a amenés le Système de Crédit que nous avons adopté, et l'influence avantageuse qu'il a eu sur l'opinion publique relativement à nos Etablissements de Crédit.

Non seulement l'Année 1827, dont les Comptes vous sont actuellement soumis, ne présente sous ce rapport aucune circonstance à notre désavantage, mais même, pendant la Guerre contre la Perse, le cours de nos Fonds n'a éprouvé aucune altération considérable.

Sur ces entrefaites, il se préparait dans les Affaires de l'Europe un changement remarquable, que je ne puis passer sous silence, quoiqu'il appartienne proprement à l'Année courante. La Paix, qui répandait ses effets salutaires sur presque toutes les Parties du Monde Civilisé, a été rompue, malgré tous nos efforts pour la maintenir, par une Guerre qui probablement ne sera pas de longue durée, mais qui néanmoins, à en juger par la marche antérieure des affaires à de semblables époques, aurait pu avoir une influence considérable sur les opérations de Crédit.

Mais la solidité de notre Crédit a été démontrée par les faits mêmes : le cours de nos Fonds, qui avait éprouvé quelque fluctuation avant la Guerre, s'est consolidé aussitôt que l'incertitude a cessé, et il s'est même sensiblement élevé. Notre cours de change, qui d'ailleurs dépend en majeure partie des mouvemens du Commerce, n'a également éprouvé presque aucune altération considérable. Il faut sans doute attribuer ces résultats à la confiance entière du Public dans la loyauté de nos intentions, et dans la solidité de nos Finances.

Les frais de la Guerre ont été complètement couverts par nos propres moyens, et particulièrement par le Capital de Réserve de la Commission d'Amortissement, qui, loin d'être épuisé, s'est fortement accru des Sommes reçues du Gouvernement Persan. Nous pouvons donc voir sans inquiétude la continuation de la Guerre qui vient de commencer, et, dans aucun cas, l'exactitude des Paiemens affectés à la partie du Crédit ne saurait être soumise au moindre doute.

Après vous avoir donné ces explications générales, je vais vous

présenter, Messieurs, l'exposé détaillé de Comptes de nos Etablissements de Crédit.

*Commission d'Amortissement.*

Il n'y a pas eu, en 1827, d'événemens particulièrement remarquables dans la Commission d'Amortissement.

Il n'a été inscrit, dans le courant de cette Année, aucunes nouvelles dettes à termes au grand livre; et du nombre des anciennes, il a été converti en Rente perpétuelle une Dette de la Banque du Commerce, s'élevant à la Somme de 19,600,000 rbls. en assign.

D'anciennes créances sur la Couronne ont été, de plus, converties en Rentes perpétuelles, et inscrites pour la somme de 23,700 rbls. en arg. 813,100 rbls. en assign.

Après ces reviremens et les paiemens et rachats effectués pendant l'année 1827, la Dette publique présentait, au 1er Janvier 1828, les quotités suivantes :

La *Dette Hollandaise* consistait en 89,600,000 florins, dont 45,600,000 pour le compte de la Russie.

*Dettes à terme.*—2,352,000 rbls. en arg. 27,558,413 rbls. 60 cop. en assign.

*Dettes à rentes perpétuelles de 6 p. ct. d'intérêt, y compris les Dettes non amortissables.*—14,220 rbls. en or. 7,055,752 rbls. 93½ cop. en arg. 236,148,211 rbls. en assign.

*Dettes à rentes perpétuelles de 5. p. ct.*—70,980,180, rbls. en arg. Total des Dettes à terme et à rentes perpétuelles, au 1er Janvier 1828, 652,396,012 rbls. 46 cop. en assign.

Jusqu'au 1er Janvier 1828, la Commission avait racheté en rentes perpétuelles à 6 p. ct. 8,700 rbls. en or; 2,760,200 rbls. en arg. 55,302,540 rbls. en assign. à 5 p. ct. 12,125,820 rbls. en argent.

La Commission d'amortissement a reçu, en 1827, pour faire face à ses opérations, la somme effective de 49,091,964 rbls. 70 cop. en assignats, laquelle, après avoir été convertie partiellement en numéraire métallique, formait, avec les résidus des années précédentes et les sommes provenant d'autres sources que l'on y avait ajoutées, un total de: 2,082 rbls. 20 cop. en or; 9,343,845 rbls. 50 cop. en arg. 33,506,034 rbls. 72½ cop. en assign.

De ces sommes il a été employé, en 1827, au paiement de la Dette Hollandaise et des Dettes intérieures à terme, capital et intérêts: 253,119 rbls. 99 cop. en arg. 8,388,255 rbls. 65 cop. en assign.

Ont été assignés au Fonds d'amortissement 746 rbls. en or; 1,640,257 rbls. en arg. 3,258,628 rbls. 17½ cop. en assign.

Il a été payé sur les rentes perpétuelles 6 p. ct. 1,072 rbls. 20 cop. en or; 442,869 rbls. 17½ cop. en arg. 13,616,157 rbls. 60½ cop. en assign. Sur les rentes 5 p. ct. 3,112,875 rbls. en argent.

Par suite de la non comparution des Créanciers et des atermoiemens à l'année 1828, il restait à payer: Sur les 6 p. ct. 264 rbls. en or.

196,884 rbls. 96½ cop. en arg. 6,202,431 rbls. 68 cop. en assign. Sur les 5 p. ct. 3,674,049 rbls. en arg. y compris 3,662,460 rbls. chez le Banquier Rothschild, sur le paiement desquels on n'a pas encore reçu d'information.

En acquittement des Dettes qui ont été inscrites en 1827 à la Commission, au lieu d'obligations, il a été payé comptant aux Créanciers des Départemens de la Guerre et à différentes administrations, tant en capital qu'en intérêts: 23,543 rbls. 55½ cop. en arg. 1,472,856 rbls. 35½ cop. en assign.

Sur les sommes qui composaient le Fonds d'amortissement de 1827, ont été employés 2,461,851 rbls. 63 cop. en arg. 395,495 rbls. 62 cop. en assign.

Ont été affectés en outre au paiement des Dettes militaires, 200,000 rbls. en assign.

En tout, il a été payé pour la somme de 11,064,314 rbls. 15½ cop. assignats de dettes.

#### *Banque des Assignations.*

En 1827, comme dans les Années précédentes, la masse des assignations en circulation n'a subi aucun changement, et s'élevait, au 1er Janvier 1828, à 595,776,310 rbls.

#### *Banque d'Emprunt.*

Quoique les prêts sous hypothèque de propriétés eussent été nombreux en 1827, néanmoins l'accroissement considérable des dépôts de capitaux qui ont été faits aux Etablissements de Crédit, a de beaucoup accru l'effectif des caisses des Banques. La cause de cette accumulation doit être attribuée à ce qu'il est généralement reconnu, que la baisse des prix de toutes les productions, ayant affaibli les reviremens pécuniaires, a laissé oisifs un grand nombre de capitaux, qui ont cherché nécessairement leur emploi dans les Banques. Cette circonstance a porté le Gouvernement à faire à la Banque d'Emprunt, à l'exemple des Années précédentes, quelques emprunts destinés à des constructions et à des établissemens d'une utilité générale; en outre, 6,700,000 rbls. ont été empruntés pour les frais de Guerre, qui demandaient des sommes proprement en assignats. Toutefois, les prêts aux Particuliers n'en ont souffert aucun retard, et, comme par le passé, ils ont présenté un utile débouché aux fonds qui chômaient sans emploi, particulièrement dans la Banque de Commerce.

Les nouveaux allégemens pour les Emprunteurs, qui avaient été soumis à votre délibération en 1827, ont été examinés par le Conseil de l'Empire, approuvés par Sa Majesté l'Empereur, et mis en vigueur dès l'Année courante. Avant leur introduction, le nombre des Débiteurs inexacts, particulièrement de ceux dont les dettes sont hypothéquées sur des fonds de terres, n'était pas très-considérable; on a lieu d'espérer qu'il diminuera encore.



Dans le courant de 1827, la Banque a reçu en dépôts portant intérêts la somme de 8,137 rbls. 70 cop. en argent, et 60,326,217 rbls. 10 $\frac{3}{4}$  cop. en assign., dont à 5 $\frac{1}{2}$  p. ct. d'intérêts, 13,000,000 rbls. de la Banque de Commerce, et 3,000,000 rbls. du lombard.

Les remboursements de dépôts se sont élevés à 18,359 rbls. 29 cop. en argent, et 45,584,432 rbls. 97 $\frac{1}{2}$  cop. en assign.

Il a été acquitté en intérêts sur ces dépôts, et ajouté au capital de ceux qui n'ont pas été rédemandés par les Propriétaires, à l'échéance du terme annuel, 68 rbls. 78 cop. en or. 2,484, rbls. 15 cop. en arg. 8,393,184 rbls. 27 $\frac{1}{2}$  cop. en assign.

La totalité des prêts accordés à différens termes, y compris d'anciens emprunts que l'on a atermoyés, s'élève à : 11,800 rbls. en argent. 32,623,688 rbls. 81 cop. en assign.

Trois terres, peuplées de 467 paysans, et valant 220,977 rbls. 17 $\frac{1}{4}$  cop., sont devenues la propriété de la Banque.

Les primes attachées aux prêts du terme de 24 ans formaient : 118 rbls. en arg. 152,573 rbls. en assign.

Dans le courant de 1827, 30 maisons ont été portées à la Banque sur les Registres d'assurance contres les incendies pour la somme de 2,502,500 rbls.

Ont été rayées de la liste 69 maisons, assurées pour 4,572,500 rbls.

Au 1er Janvier 1828, il restait 263 maisons assurées à la Banque pour 19,117,300 rbls.

La bénéfice net acquis par la Banque dans l'Année 1827 a été de 971 rbls. 87 cop. en or. 1,889 rbls. 54 $\frac{1}{2}$  cop. en arg. 1,995,735 rbls. 42 $\frac{1}{4}$  cop. en assign.

Toutes ces opérations s'élèvent ensemble à la somme de 198,772,000 rbls.

#### *Banque de Commerce.*

On sait que la Banque de Commerce ne s'occupe que de reviremens dont l'objet est de faciliter les relations commerciales.

Le Capital primitif de la Banque est de 30,000,000 rbls.

Les dépôts, tant à la Banque que dans ses comptoirs, formaient, avec les Sommes restantes de l'Année 1826, les quantités suivantes :

*Sommes destinées au transfer.*—2,500 rbls. en. or. 481,149 rbls. 26 cop. en arg. 77,438,796 rbls. 85 cop. en assign.

*Dépôts portant intérêts.*—860,485 rbls. 41 cop. en or. 4,333,404 rbls. 85 cop. en arg. 163,769,553 rbls. 36 cop. en assign.

A l'aide du capital de la Banque et de ses dépôts, dont le montant réuni forme une Somme de 271,208,350 rbls. 21 cop. en assign., on a effectué, dans le courant de 1827, les opérations suivantes :

Il a été rendu sur les dépôts destinés au transfer, 2,500 rbls. en. or. 459,769 rbls. 41 cop. en arg. 76,819,178 rbls. 51 cop. en assign.

Les Transfers d'une Ville à l'autre ont été de 56,578,169 rbls. 48 cop. et en traites de 4,409,059 rbls. 19 cop.

Il a été remboursé sur les dépôts portant intérêts : 19,530 rbls. en or. 788,617 rbls. 93 cop. en arg. 57,328,879 rbls. 35 cop. en assign.

Ont été employés à l'escompte des lettres de change, y compris celles qui ont été escomptées en 1826, et dont l'échéance tombait dans le courant de l'Année 1827, 161,012,823 rbls. 38 cop.

Il a été prêté sur dépôt de marchandises, 7,170,551 rbls. 68 cop.

Escomté sur billets du lombard, 1,120,000 rbls. en arg.

Avancé, en différentes Années, au Trésor de l'Empire, sur dépôt de monnaie de cuivre, 22,000,000 rbls.

Toutes ces opérations réunies s'élèvent à 328,740,492 rbls. 11 cop.

L'ensemble des reviremens, opérés par la Banque et ses comptoirs, embrasse un total de 955,008,125 rbls. 66 cop. en assign. 9,106,686 rbls. 94 cop. en numéraire métallique.

Parmi les lettres de change protestées, il en restait à recouvrer, au 1<sup>er</sup> Janvier, 1828, tant à la Banque que dans ses comptoirs, pour la valeur de 3,294,807 rbls. 49 cop.

Le profit net obtenu par la Banque et ses comptoirs, déduction faite de toutes les dépenses, s'est élevé à 1,608,661 rbls. 28 cop.

Je me flatte, Messieurs, que ce rapide mais fidèle aperçu de nos affaires de crédit vous convaincra, ainsi que tous ceux qui en suivent la marche, que l'état de notre crédit et de nos Finances acquiert chaque Année plus de solidité, et il n'y a nul doute que, sous l'égide de notre Auguste Monarque, ils conserveront constamment cette direction favorable.

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*TREATY of Commerce and Navigation between Denmark and Brazil.—Signed at Rio de Janeiro, 26th April, 1828.*

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Nos, o Imperador Constitucional, e Defensor Perpetuo do Brasil, &c. Fazemos saber a todos os que a presente Carta de Confirmação, Approvação, Ratificação, virem, que aos 26 dias do mez de Abril do corrente anno se concluiu, e assignou nesta Corte do Rio de Janeiro, hum Tratado de Commercio e Navegação entre Nos e o Muito Alto e Muito Poderoso Principe Frederico Sexto, Rei de Dinamarca, Nosso Bom Irmão, e Primo, com o fim de se estabelecerem e consolidarem as relações politicas entre ambas as

FREDERIC SIX, par la Grace de Dieu, Roi de Dannemarc, des Vandales et des Gothes, Duc de Sleswick, Holstein, Stormarn, des Dithmarses, de Lanenbourg et d'Oldenbourg, savoir faisons, que comme à l'effet de resserrer de plus en plus les liens d'amitié, qui subsistent entre Nous et Sa Majesté l'Empereur du Brésil, ainsi que pour donner plus d'étendue aux relations de Commerce entre les deux Etats, Nous sommes convenus avec Sa dite Majesté de conclure un Traité de Commerce et de Navigation, fondé sur des bases

Coroas, e de se promoverem e segurarem as de Commercio e Navegação, em beneficio commum de Nossos respectivos Subditos, e em vantagem reciproca de ambas as Nações, do qual Tratado o theor he o seguinte.

Em Nome da Santissima e Indivisivel Trindade.

Sua Magestade o Imperador do Brasil, e Sua Magestade el-Rei de Dinamarca, desejando igualmente estreitar cada vez mais os vinculos de amizade, que subsistem entre si, e extender as Relações Commerciaes entre os seus respectivos Estados, convierão em concluir hum Tratado de Commercio e Navegação reciprocamente vantajoso ás duas Nações; e para este fim nomearão por seus Plenipotenciarios, a saber :

Sua Magestade o Imperador do Brasil, aos Illustrissimos e Excellentissimos, Marques do Aracaty, do Seu Conselho, Gentil Homem da Sua Imperial Camara, Conselheiro da Fazenda, Comendador da Ordem d'Aviz, Senador do Imperio Ministro e Secretario de Estado dos Negocios Estrangeiros; Bento Barrozo Pereira, do Seu Conselho, Senador do Imperio, Viador Official da Imperial Ordem do Cruzeiro, Comendador da de Aviz, Brigadeiro do Exercito Nacional e Imperial, Ministro e Secretario de Estado dos Negocios da Guerra, e Inspector da Imperial Academia Militar; e Lucio Soares Teixeira de Gouvêa, do Seu Conselho, Official da Imperial Ordem do

reciprocamente advantageuses, et que cet œuvre salutaire vient d'être achevé par un tel Traité, qui a été arrêté, conclu et signé à Rio de Janeiro par les Plénipotentiaires respectifs, nommés à cette fin, et que se trouve ci-après mot-à-mot inséré.

Au Nom de la Très-Sainte et Indivisible Trinité.

Sa Majesté le Roi de Danemarck, et Sa Majesté l'Empereur du Brésil, ayant également à cœur de resserrer de plus en plus les liens d'amitié qui subsistent entre Elles, et d'étendre les relations commerciales entre leurs Etats respectifs, sont convenues de conclure un Traité de Commerce et de Navigation réciproquement avantageux aux deux Nations, et ont nommé pour cet effet pour Leurs Plénipotentiaires, à savoir :

Sa Majesté le Roi de Danemarck, le Très illustre Baron George Henri de Lowenstern, Son Chambellan, Colonel à la suite de ses armées, Chevalier de l'Ordre de Sainte Anne de la Deuxième Classe, de ceux de Saint Wladimir et de l'Epée, décoré du Sabre d'Or pour la bravoure, de la Croix d'or pour la Bataille d'Eylau, et des Médailles pour la campagne de 1812 en Russie, et pour la prise de Paris, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur du Brésil; et Sa Majesté l'Empereur du Brésil, les très illustres et très excellens, le Marquis do Aracaty, de Son Conseil, Gentilhomme de Sa Chambre Impériale, Conseiller des Finances, Commandeur de

Cruzeiro, Cavalleiro da de Christo, Desembargador da Casa da Supplicação, Ministro e Secretario de Estado dos Negocios da Justiça.

E Sua Magestade el-Rei de Dinamarca, ao Illustrissimo Jorge Henrique Barão de Lowenstern, Seu Camarista, Cavalleiro da Ordem de Santa Anna da Segunda Classe, das de S. Wladimir e da Espada, condecorado com o Sabre de Ouro da bravura, com a Cruz de Ouro pela batalha de Eylau, e com as medalhas pelas Campanhas de 1812 na Russia, e pela tomada de Pariz, e Seu Enviado Extraordinario e Ministro Plenipotenciario junto de Sua Dita Magestade o Imperador do Brasil.

Os quaes, depois de terem trocado os seus Plenos Poderes, que forão achados em boa e devida fórma, concordarão, e convierão nos Artigos seguintes :

ART. I. Haverá Paz constante e amizade perpetua entre Sua Magestade o Imperador do Brasil, e Sua Magestade el-Rei de Dinamarca, entre os Soberanos, Seus Successores, Seus Subditos e Territorios sem excepção de pessoas e de lugares.

II. Os Navegantes e Comerciantes de cada huma das Altas Partes Contractantes, que vierem de algum dos Portos e Enseadas dos seus respectivos Estados, ou de algum dos Portos e Enseadas de qualquer outro Estado, poderão com as suas embarcações em lastro ou carregadas, frequentar e visitar as Costas, Portos, Rios, Bahias, e Enseadas da Outra das Altas Partes Contractantes.

l'Ordre d'Aviz, Senateur de l'Empire, Ministre Secrétaire d'Etat des Affaires Etrangères ; le Sieur Bento Barrozo Pereira, de Son Conseil, Senateur de l'Empire, Viador, Officier de l'Ordre Impérial do Cruzeiro, Commandeur de celui d'Aviz, Brigadier de l'Armée Nationale et Impériale, Ministre et Secrétaire d'Etat de la Guerre, Inspecteur de l'Académie Impériale Militaire ; et le Sieur Lucio Soares Teixeira de Gouvêa, de Son Conseil, Officier de l'Ordre Impériale do Cruzeiro, Chevalier de celui du Christ, Desembargador da Casa da Supplicação, Ministre Secrétaire d'Etat de la Justice.

Les quels, après avoir échangé leurs Pleins Pouvoirs, trouvés en bonne et due forme, sont tombés d'accord, et convenus des Articles suivants :

ART. I. Il y aura une Paix constante et une amitié perpetuelle entre Sa Majesté le Roi de Danemarck, et Sa Majesté l'Empereur du Brésil, les Souverains, leurs Successeurs, leurs Sujets et leurs Territoires, sans exception des personnes et des lieux.

II. Les Navigateurs et Commerçans de chacune des Hautes Parties Contractantes, venant d'un des Ports ou Havres de leurs Etats respectifs, ou bien des Ports ou Havres de tout autre Etat quelconque, pourront avec leurs Navires et embarcations, sur leur lest ou chargés, fréquenter et visiter les côtes, ports, rivières, bayes et havres, de l'autre des Hautes Parties Contractantes.



Elles serão tratados na sua entrada e sahida como os Commerciantes e Navios das Nações as mais favorecidas, relativamente aos direitos de porto, tonelada, faroes, pilotagem, e salvação, e bem assim quanto a qualquer outro direito, ou encargo de qualquer especie ou denominação que seja.

Todos os productos, mercadorias, e artigos quaesquer, que forem da producção, manufactura, e industria dos Subditos e Territorios de huma das Altas Partes Contractantes, ou de qualquer outro Paiz favorecido por Tratados no Brasil, importados directa ou indirectamente, tanto em Navios Brasileiros como Dinamarquezes nos Portos da Outra, pagarão geral e unicamente os mesmos Direitos que pagão ou vierem a pagar os Subditos da Nação mais favorecida, conforme a Pauta geral das Alfandegas.

Porém sendo a intenção bem sincera das Altas Partes Contractantes dar toda a liberdade possivel ao Commercio pela adopção de hum systema de perfeita reciprocidade fundado em principios justos; conveio-se em que todas as vantagens de Navegação e de Commercio que são ou forem concedidas por huma das Altas Partes Contractantes a huma Cidade, Nação, ou hum Estado qualquer, serão de facto e de direito concedidas aos Subditos da Outra; preenchendo-se todavia as Condições que estas vantagens supõem.

Estipulou-se que, tratando-se da Nação a mais favorecida, não

Ils seront traités tant à leur entrée qu'à leur sortie sur le même pied que les Commerçans et Navires des Nations les plus favorisées, relativement aux droits de port, de tonnage, de fanaux, de pilotage et de sauvetage, ainsi qu'à tout autre droit ou charge de quelle espèce ou dénomination qu'elle soit.

Toutes les productions, marchandises ou effets de commerce quelconques, provenant du sol, des manufactures, ou de l'industrie des Sujets, et Territoires, de l'une des Hautes Parties Contractantes, ou de tout autre Pays quelconque favorisé au Brésil par des Traités, importés directement ou indirectement dans des Navires Brésiliens ou Danois, dans les Ports de l'autre, payeront généralement et uniquement les mêmes droits, que payent ou payeront les Sujets de la Nation la plus favorisée, conformément au Tarif (a Pauta geral) des douanes. L'intention bien sincère des Hautes Parties Contractantes étant de donner au Commerce toute la liberté possible, par l'adoption d'un système d'une parfaite réciprocité, fondée sur des principes justes; on est convenu que tous les avantages de Navigation et de Commerce, qui sont, ou qui seront, concédés par une des Hautes Parties Contractantes à une Ville, Nation, ou un Etat quelconque, seront de fait et de droit concédés aux Sujets de l'autre, en observant toutefois les conditions, aux quelles ils seront cependant soumis.

Il est stipulé qu'en parlant de Nation la plus favorisée, la Nation

devia servir de termo de comparação a Nação Portuguesa, ainda quando esta haja de ser a mais privilegiada no Brasil em materias de Commercio.

No Commercio directo entre o Brasil e Dinamarca, os Manifestos attestados pelos Consulados Brasileiros ou Dinamarquezes respectivamente, ou no caso que os não haja, pelas Authoridades Locaes, bastarão para admittir as Importações, ou Exportações respectivas á posse dos favores estipulados neste Artigo. E no commercio indirecto as mercadorias transportadas em Navios Dinamarquezes para os Portos do Brasil, serão sujeitas ás mesmas formalidades, por que passam, quando são introduzidas pelos Navios das Nações favorecidas por Tratados no seu Commercio directo.

III. Conveio-se em exceptuar desta concessão reciproca as Costas, Portos e Lugares, em que não serão admittidos Navios de Nação alguma Estrangeira, assim como os Artigos reservados á Corôa do Brasil, e o Commercio Costeiro de Porto a Porto, consistindo em generos do Paiz, ou Estrangeiros já despachados para consumo, cujo Commercio não se poderá fazer senão em Embarcações Nacionaes, sendo comtudo livre aos Subditos de ambas ás Partes Contractantes carregar seus effeitos e mercadorias nas ditas Embarcações, pagando huns e outros os mesmos Direitos.

Outro sim fica entendido que, não obstante ser reservado aos Navios Nacionaes o dito privilegio do

Portugaise ne devra pas servir de terme de comparaison, même quand elle viendrait à être privilégiée au Brésil en matière de Commerce.

Dans le Commerce direct entre le Dannemarc, et le Brésil, les Manifestes certifiés par les Consuls Danois ou Brésiliens respectifs, ou en cas qu'il n'y en a pas, par les Autorités Locales, suffiront pour admettre les Importations ou Exportations respectives à la jouissance des favorisations stipulées par cet Article. Dans le Commerce indirect les marchandises transportées dans des Navires Danois, dans des Ports Brésiliens, seront sujettes pour passer aux mêmes formalités, qui sont introduites pour les Nations les plus favorisées, dans leur Commerce indirect, par des Traités.

III. Il est convenu d'excepter de cette concession réciproque les Côtes, Ports et lieux, où les Navires d'aucune Nation étrangère ne seraient admis ; ainsi que les articles réservés à la Couronne du Brésil, et le Commerce le long des côtes, et de Port à Port, consistant en effets de Commerce du Pays ou étrangers déjà expédiés pour la consommation : ce Commerce ne pouvant se faire que dans des Embarcations Nationales, les Sujets des deux Hautes Parties Contractantes, seront toutefois libres de charger leurs effets et marchandises, sur les dites embarcations, payant les uns et les autres les mêmes droits.

Il est entendu toutefois que nonobstant que le privilège du Commerce des côtes est réservé aux

Commercio Costeiro, comtudo será permittido ás Embarcações de huma das Altas Partes Contractantes, navegar de hum Porto á outro, onde houver Alfandegas para completarem o seu carregamento destinado para a exportação.

IV. Todas as vezes que as mercadorias importadas, quer sejam da producção, manufactura, ou industria dos Subditos e Territorios de huma das Altas Partes Contractantes, ou de qualquer outro Paiz favorecido por Tratados no Brasil, não estiverem expressamente especificadas na Pauta publicada dos Direitos de entrada, que se devem pagar, o seu valor será determinado pela Alfandega à vista da avaliação feita pelo importador. Mas, se os Officiaes d'Alfandega encarregados da percepção dos Direitos julgarem que esta avaliação he lesiva, poderão tomar os Artigos avaliados, pagando ao importador 10 por cento sobre a avaliação, dentro do espaço de 15 dias contados do primeiro da detenção, e restituindo-se os Direitos já pagos.

Será permittido aos Consules das Altas Partes Contractantes fazerem representações, quando entendão que os Direitos impostos pela Pauta sobre alguns Artigos são excessivos, a fim de que se tomem em consideração com toda a brevidade possível, não ficando com isso suspenso o despacho do dito Artigo.

V. Os Navios e os Carregamentos Brasileiros, não pagarão na passagem do Sunda, e dos Belts, direitos ou imposições mais peizadas ou differentes das que

Navires Nationaux, il sera permis aux embarcations de l'autre des Hautes Parties Contractantes de naviguer d'un Port à l'autre, où il y a des douanes, pour compléter leurs Cargaisons destinées pour l'exportation.

IV. Toutes les fois que les marchandises importées, soit production du sol, des manufactures, ou de l'industrie des Sujets, et Territoires, de l'une des Hautes Parties Contractantes, soit de tout autre Pays favorisé au Brésil par des Traités, ne seraient pas expressément spécifiés dans le Tarif (a Pauta) publié des droits d'entrée à payer, leur valeur sera fixée à la douane d'après l'évaluation faite par l'importateur. Mais si les Officiers des douanes chargés de la perception des droits, jugeraient que cette évaluation fût trompeuse, ils pourront garder les effets évalués en payant dans le cours de 15 jours, à compter du premier jour de la détention, 10 pour cent au delà de l'estimation, à celui qui les a importé, en restituant les droits déjà payés.

Il sera permis aux Consuls des Hautes Parties Contractantes, de faire des représentations, quand ils s'apperçoivent que les droits imposés par le Tarif sur quelque Article sont excessifs, à fin que cela soit pris en considération, aussitôt que possible ; l'expédition de l'Article en question ne sera cependant pas suspendue par cette mesure.

V. Les Vaisseaux et les Cargaisons Brésiliennes ne payeront pas au passage du Sund et des Belts des droits ou impositions plus fortes, ou autres, que celles qui

paga ou pagar a Nação mais favorecida.

VI. As Altas Partes Contractantes convem em declarar que, emquanto huma Lei não regular a nacionalidade dos Navios Brasileiros, serão considerado como taes aquelles, cujo Dono e Mestre forem Subditos Brasileiros, e que levarem todos os seus Despachos e mais Documentos em fórma legal. Da mesma sorte serão considerados Navios Dinamarquezes, aquelles que estiverem munidos dos Papeis, e Certificados, que se acharem em vigor no Reino de Dinamarca. As Altas Partes Contractantes se communicarão mutuamente as formulas prescriptas para a expedição dos Papeis do Mar.

VII. Sua Magestade o Imperador do Brasil, e Sua Magestade el-Rei de Dinamarca concederão, com as formalidades do estilo, os mesmos favores, immunições, honras, privilegios, e isenções de Direitos e Impostos aos Seus Embaixadores, Ministros, e Agentes accreditados respectivamente junto das suas Cortes, e os favores concedidos por hum dos dous Soberanos a este respeito, serão igualmente concedidos pelo outro Soberano.

Cada huma das Altas Partes Contractantes terá o direito de nomear Consules-Geraes, Consules e Vice-Consules, em todos os Portos e Cidades da outra, segundo o exigirem a utilidade do Commercio, e os interesses Commercias dos seus respectivos Subditos; exceptuando-se todavia os Portos e as Cidades, em que as Altas Partes Contractantes não

sont, ou qui seront payées par la Nation la plus favorisée.

VI. Les Hautes Parties Contractantes sont convenues à déclarer que, tant qu'une Loi ne réglera pas la nationalité des Navires Brésiliens, seront regardés comme tels, ceux, dont le Propriétaire et le Capitaine sont Sujets Brésiliens, munis de leurs expéditions et autres Documens en forme légale. De même seront considérés comme Navires Danois, ceux qui seront munis des Papiers, et Certificats qui sont en vigueur dans le Royaume de Danneinarc. Les Hautes Parties Contractantes, se communiqueront mutuellement les formes prescrites pour l'expédition des Papiers de Mer.

VII. Sa Majesté le Roi de Dannemarc, et Sa Majesté l'Empereur du Brésil accorderont, selon les formalités d'usage, les faveurs, immunités, honneurs, privilèges et exemptions des droits et impôts à leurs Ambassadeurs, Ministres, et Agens diplomatiques, accredités respectivement auprès de leurs Cours; et les faveurs concédées par l'un des deux Souverains, à cet égard, seront également accordées par l'autre Souverain.

Chacune des Hautes Parties Contractantes, aura le droit de nommer des Consuls-Généraux, des Consuls et Vice-Consuls, dans tous les Ports de l'autre, où l'utilité du Commerce et les intérêts commerciaux de leurs Sujets respectifs l'exigent; toutefois seront exceptés les Ports et Villes, où les Hautes Parties Contractantes ne jugeront pas nécessaire la présence



judgarem necesarios esses Agentes. Os ditos Consules de todas as classes não poderão principiar o exercicio das suas funcções, sem serem reconhecidos, e approvados pelo Soberano, em cujos Estados residirem. Gozarão em hum e outro Paiz, relativamente ás suas pessoas, exercicio de suas funcções, e protecção que devem aos seus compatriotas, dos mesmos privilegios, que são ou forem concedidos aos Consules da Nação a mais favorecida.

O Exequatur concedido pelo Governo lhes será dado sem que delles se exijão direitos, ou despesas de expedição, ou outros de qualquer denominação que sejam mais peizados, ou differentes dos que pagão, ou pagarem para a expedição do Exequatur os Consules das Nações mais favorecidas.

VIII. Os Subditos de cada huma das Altas Partes Contractantes gozarão em todos os Estados da outra da mais perfeita liberdade de consciencia em materia de Religião, conforme o systema de Tolerancia estabelecido e praticado nos Estados da outra. Tambem gozarão, em quanto se conformarem com as Leis do Paiz em que residirem, e for compativel com a segurança do Estado, relativamente ás suas pessoas, propriedades, disposição de seus bens e effeitos, de toda a protecção e favor.

Poderão dispor livremente de suas propriedades por venda, troca, doação, ou de qualquer fórma que seja, sem que se lhes ponha obstaculo, ou impedimento algum. As suas casas, propriedades, e effeitos serão protegidos, e respei-

de ces Agens. Les dits Consuls de toutes les Classes ne pourront cependant point commencer l'exercice de leurs fonctions avant que d'être reconnus et approuvés par le Souverain, dans les Etats du quel ils résident. Ils jouiront dans l'un et l'autre Pays pour leurs personnes, dans l'exercice de leurs fonctions et par rapport à la protection qu'ils doivent à leurs compatriotes, des mêmes privilèges, qui sont, ou qui seront accordés aux Consuls des Nations les plus favorisées. L'Exequatur concédé par le Gouvernement leur sera délivré sans exiger d'eux des droits, ou charges d'expéditions, ou autres de quelle dénomination qu'ils soient, plus forts ou autres, que ceux, qui sont, ou qui seront payés pour l'Exequatur des Consuls des Nations les plus favorisées.

VIII. Les Sujets de l'une des Hautes Parties Contractantes jouiront dans tous les Etats de l'autre de la plus parfaite liberté de conscience en matière de Religion, conformément au système de Tolerance établi et pratiqué dans les Etats de l'autre.

Ils jouiront aussi, tant qu'ils se conforment aux Loix du Pays dans le quel ils resident, et autant qu'il sera compatible avec la sureté de l'Etat, relativement à leurs personnes, propriétés, et la disposition de leurs biens et effets, de toute protection, et favorisation.

Ils pourront disposer librement de leurs propriétés par vente, échange, donation, ou de toute autre manière quelconque, sans qu'il y soit mis aucun obstacle ou empêchement. Leurs maisons,

tados, e não serão tomados contra sua vontade por Authoridade alguma, sem prejuizo todavia da marcha legal da Justiça.

Serão isentos de todo o serviço militar de terra e de mar, e de qualquer outro serviço publico; assim como de todo o emprestimo forçado, e de todos os impostos e requisições militares. Não serão obrigados a pagar alguma imposição maior do que as que pagão ou vierem a pagar os Subditos da Nação a mais favorecida. Poderão outro sim nomear seus Agentes, Advogados, e Procuradores, que julgarem mais convenientes, para tratarem, e defenderem os seus direitos e causas.

Se soffrerem violencias, e vexames, os Magistrados e Tribunaes serão obrigados a examinar as suas queixas, e fazer-lhes justiça conforme as Leis.

Conceder-se-lhes-ha a permissoão de serem Assignantes das suas mercadorias nas Alfandegas da outra das Altas Partes Contractantes com as mesmas condições, e garantias, que se achão estabelecidas ácerca dos Subditos dos Estados da dita Alta Parte Contractante.

IX. Quando aconteça que alguns Navios ou Carregamentos pertencentes aos Subditos de huma das Altas Partes Contractantes sejam tomados, e trazidos por Piratas para os Portos da outra, serão os ditos Navios e Carregamentos entregues ao proprietario legitimo, ou a quem for devida-

propriétés et effets seront protégés et respectés, et ne seront point saisis contre leur volonté par aucune Autorité, sans préjudice toutefois à la marche légale de la justice.

Ils seront exempts de tout service militaire par terre et par mer, et de tout autre service public, ainsi que de tout emprunt forcé et de tout impôt et réquisitions militaires. Ils ne seront point obligés à payer aucunes impositions plus fortes que celles qui sont ou qui seront payées par les Sujets de la Nation la plus favorisée. Ils pourront aussi nommer pour leurs Agens, Avocats et Procureurs, ceux qu'ils jugeront les plus convenables, pour traiter et défendre leurs droits et causes.

S'ils souffraient des violences ou des vexations, les Magistrats et les Tribunaux seront obligés d'examiner leurs plaintes, et à leur rendre justice conformément aux Lois.

Il leur sera permis de faire assigner leurs marchandises, sur les douanes de l'autre des Hautes Parties Contractantes, avec les mêmes conditions, et contre les mêmes garanties, qui sont établies à l'égard des Sujets des Etats de la dite Haute Partie Contractante.

IX. S'il arrive que quelques Navires ou Cargaisons appartenants aux Sujets de l'une des Hautes Parties Contractantes soient pris ou amenés par des Pirates dans les Ports de l'autre, les dits Navires et Cargaisons seront rendus aux propriétaires légitimes ou à celui qui aura été dûment

mente authorisado por elle para esse fim, e os objectos reclamados serão restituídos, ainda quando fossem vendidos, logo que se provar que o comprador soube, ou poderia saber que esses Artigos tinham sido adquiridos por Pirataria.

Se succeder que hum Navio de Guerra ou Mercante pertencente a huma das Altas Partes Contractantes naufrague nos Portos ou nas Costas da outra, prestar-se-hão todos os soccorros possiveis, não só para salvar as pessoas e os effeitos, mas até para arrecadar, guardar, e conservar os Artigos salvados; os quaes não pagarão Direito algum, huma vez que não sejam destinados para venda e consumo.

X. Em caso de desintelligencia ou rompimento entre as duas Altas Partes Contractantes (o que Deos não permitta), este rompimento nunca se reputará existir, senão depois do chamamento ou partida dos respectivos Agentes Diplomaticos; e os Subditos de huma das Altas Partes Contractantes, que residirem nos Estados da outra, poderão nelles ficar para arranjarem os seus Negocios, ou continuarem o seu Commercio no interior, sem serem interrompidos de maneira alguma, com condição porém de se comportarem pacificamente, e de se submeterem ás Leis. Mas se o seu procedimento der algum motivo de suspeita, serão obrigados a sahir do Paiz, permittindo-se-lhes levarem seus effeitos, e concedendo-se-lhes para isso o tempo necessario, que comtudo não excederá o espaço de seis mezes.

autorisé par lui à cet effet; les objets réclamés seront restitués, si même ils auraient été vendus, aussitôt qu'il sera prouvé que l'acheteur a su, ou aurait pu savoir que ces objets avaient été acquis par Piraterie. S'il arrive qu'un Vaisseau de guerre ou marchand, appartenant à l'une des Hautes Parties Contractantes, échouât dans les Ports, ou contre les côtes de l'autre, on prêtera tous les secours possibles, non seulement pour sauver les personnes et les effets, mais aussi pour assembler, garder, et conserver les objets sauvés, les quels ne payeront aucun droit, à moins qu'on ne les destine à être vendus pour la consommation.

X. En cas de mésintelligence entre les deux Hautes Parties Contractantes, ou de rupture (ce qu'à Dieu ne plaise) cette rupture ne sera pas censée existante, qu'après le rappel et le départ des Agens diplomatiques respectifs. Les Sujets de l'une des Hautes Parties Contractantes, qui résideront dans les Etats de l'autre, pourront y demeurer pour arranger leurs affaires, ou pour continuer leur Commerce dans l'intérieur, sans être inquiétés en aucune manière, à condition toutefois qu'ils se conduisent paisiblement, et qu'ils se soumettent aux Lois. Mais si leur conduite donnait quelque motif de soupçon, ils sont obligés de sortir du Pays, avec permission cependant de retirer leurs effets; et on leur accordera pour cela le tems nécessaire, qui néanmoins n'excédera pas l'espace de six mois.

Se succeder que alguma das Altas Partes Contractantes esteja em guerra com alguma Potencia, Nação ou Estado, os Subditos da outra Parte poderão continuar o seu Commercio com esses Estados, exceptuando-se porém as Cidades, e Portos, que estiverem bloqueados, ou sitiados por mar ou por terra. Mas o Commercio de contrabando de guerra não se poderá fazer em Porto nenhum.

Debaixo da denominação das mercadorias de contrabando de guerra se comprehendem as peças, morteiros, espingardas, pistolas, granadas, salsixas, carros, cinturões, polvora, salitre, capacetes, ballas, dardos, espadas, alabardas, sellas, e arreios, ou quaesquer outros instrumentos destinados para o uso da Guerra.

XI. O presente Tratado estará em vigor durante 10 annos contados do dia de hoje, e além desse termo até a expiração de 12 mezes, depois que huma das Altas Partes Contractantes tiver annuciado à Outra a sua intenção de termina-lo, reservando-se cada huma das Altas Partes Contractantes o direito de fazer à Outra huma tal declaração no fim dos 10 annos acima mencionados: E fica ajustado que expirados os 12 mezes depois que tal declaração de huma das Altas Partes Contractantes for recebida pela Outra, este Tratado, e todas as Estipulações que contem, cessarão de ser obrigatorios para ambas as Partes.

XII. As Ratificações do presente Tratado serão trocadas na

S'il arrivait que l'une des Hautes Parties Contractantes entrât en guerre contre quelque Puissance, Nation ou Etat, les Sujets de l'autre Partie pourront continuer leur Commerce avec ces Etats, en exceptant néanmoins les Villes et Ports, qui seraient bloqués ou assiégés par mer, ou par terre. Mais le Commerce de la contrebande de guerre ne pourra se faire en aucun port quelconque.

Sous la dénomination des marchandises de contrebande de guerre, sont compris les canons, mortiers, fusils, pistolôts, grénades, saucisses, voitures, ceinturons, poudres, salpêtres, casques, balles, boulets, javelines, épées, hallebardes, selles et harnois ou autres instrumens quelconques destinés à l'usage de la Guerre.

XI. Le présent Traité sera en vigueur pendant 10 ans, à compter de ce jour, et au delà de ce terme jusqu'à l'expiration de 12 mois, après que l'une des Hautes Parties Contractantes aura annoncé à l'autre son intention de le terminer: Chacune des Hautes Parties Contractantes se réservant le droit de faire à l'autre une telle déclaration à la fin des 10 ans susmentionnés; et il est convenu qu'à l'expiration de 12 mois après qu'une telle déclaration aura été reçue par l'une des Hautes Parties Contractantes de la part de l'autre, ce Traité, et toutes les Stipulations qu'il contient, cesseront d'être obligatoires pour les deux Parties.

XII. Les Ratifications du présent Traité seront échangées dans



Cidade do Rio de Janeiro no espaço de 9 mezes, ou antes se for possível.

Em fé do que Nós abaixo assignados Plenipotenciarios de Sua Magestade o Imperador do Brasil, e de Sua Magestade El-Rei de Dinamarca, em virtude dos nossos Plenos Poderes, assignámos o presente Tratado, e lhe pozemos o Sello de nossas Armas.

Feito na Cidade do Rio de Janeiro, aos 26 dias do mez de Abril, do anno do Nascimento de Nosso Senhor Jesus Christo de 1828.

(L.S.) MARQUEZ DO  
ARACATY.

(L.S.) BENTO BARROZO  
PEREIRA.

(L.S.) LUCIO SOARES TEI-  
XEIRA DE GOUVEA.

(L.S.) LE BARON G. H. DE  
LOWENSTERN.

E sendo Nos presente o mesmo Tratado, cujo theor fica acima inserido, e sendo bem visto, considerado, e examinado por Nós tudo o que nelle se contem, tendo ouvido o Nosso Conselho de Estado, o approvamos, ratificamos, e confirmamos, assim no todo, como em cada hum dos seus Artigos e Estipulações; e pela presente o damos por firme e valioso, prometendo, em Fé e Palavra Imperial, observa-lo, e cumpri-lo inviolavelmente, e faze-lo cumprir e observar por qualquer modo que possa ser. Em testemunho e firmeza do sobredito, fizemos passar a presente Carta por Nós assignada, passada com o Sello Grande das Armas do Imperio, e referen-

la Ville de Rio de Janeiro dans l'espace de 9 mois, ou plutôt si faire se peut.

En foi de quoi, nous les Sous-signés Plénipotentiaires de Sa Majesté Le Roi de Dannemarc, et Sa Majesté l'Empereur du Brésil, en vertu de nos Pleins pouvoirs, signons le présent Traité et y apposons le cachét de nos Armes.

Fait à Rio de Janeiro le 26 Avril, de l'année de la naissance de nôtre Seigneur Jesus Christ 1828.

(L.S.) LE BARON G. H. DE  
LOWENSTERN.

(L.S.) LE MARQUIS DO  
ARACATY.

(L.S.) BENTO BARROZO  
PEREIRA.

(L.S.) LUCIO SOARES TEI-  
XEIRA DE GOUVEA.

A ces causes Nous avons voulu agréer, confirmer et ratifier le Traité de Commerce et Navigation ci-dessus inséré, comme par les présentes Nous l'agréons, le confirmons et le ratifions, de la manière la plus efficace qui faire se peut, pour Nous et Nos Successeurs engageant Notre parole Royale, et promettant pour Nous et pour eux de remplir et d'observer le dit Traité dans toute sa teneur et dans tous ses Articles et clauses, sincèrement, fidèlement et loyalement.

En foi de quoi Nous avons signé cette Ratification de Notre propre main, et y avons fait attacher Notre Grand Sceau Royal.

dada pelo Nosso Ministro e Secretario de Estado abaixo assignado.

Dada no Palacio do Rio de Janeiro, aos 26 dias do mez de Outubro, do anno do Nascimento de Nosso Senhor Jesus Christo de 1828.

PEDRO IMPERADOR,

Com Guarda.

MARQUES DO ARACATY.

Fait à Notre Château de Frédéricberg, le 23 Juillet, l'An de grace 1828, et de Notre Règne le 20<sup>me</sup>.

FREDERIC R.

E. C. SCHIMELMAN.

*PROCLAMATION of the King of Sweden, relative to the continuance of the Privileges granted to Netherland Ships in Swedish Ports.—30th January, 1828. (Translation.)*

WE, Charles John, &c. hereby make known, that, by a Proclamation of the 16th of May, 1827, regarding the Privileges enjoyed by Netherland Ships in Swedish Ports, we have not only provisionally suspended the Navigation Act of the 10th of November, 1724, but have also permitted that Articles, either imported or exported in the said Ships, shall not be liable to other or higher duties than those exacted, if the importation or exportation were made in Swedish Vessels; as also that Netherland Vessels, inasmuch as regards Tonnage, Pilotage, Light, Salvage, and other Dues, shall be treated like National Vessels. And His Majesty, the King of The Netherlands, having, on the 21st of December last, declared, that, in consequence of our said Proclamation, the Law issued in the Kingdom of The Netherlands against the Swedish Navigation, of date the 14th of March, 1819, shall be suspended so long as our said Proclamation shall be in force; We, therefore, have thought proper to ordain, by these Presents, that the Privileges, provisionally granted to Netherland Ships in Swedish Ports, by the Proclamation of the 16th of May, 1827, shall henceforward continue, so long as the Law of the 21st of December of the same Year, which repeals the Law of the 14th of March, 1819, shall remain in force, for the advantage of Swedish Ships in Netherland Ports, &c.

CHARLES JOHN.

C. D. SKOGMAN.

*Stockholm, January 30th, 1828.*

***TREATY of Commerce and Navigation between The United States and Sweden.—Signed at Stockholm, 4th July, 1827.***

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS a Treaty of Commerce and Navigation, between The United States of America and His Majesty the King of Sweden and Norway, together with a Separate Article thereto, were concluded and signed by their Plenipotentiaries, at Stockholm, on the 4th day of July, in the Year of our Lord 1827; which Treaty and Separate Article being in the French Language, and whereof the annexed is a faithful Translation, are, word for word, as follows:—

*Au Nom de la Très Sainte et Indivisible Trinité.*

LES Etats Unis d'Amérique, et Sa Majesté le Roi de Suède et de Norvège, également animés du désir d'étendre et de consolider les relations commerciales qui subsistent entre leurs Territoires respectifs, et convaincus que ce but ne saurait être mieux rempli, qu'en les plaçant sur la base d'une parfaite égalité et réciprocité, sont convenus, en conséquence, d'entrer en Négociation pour un nouveau Traité de Commerce et de Navigation, et ont nommé à cet effet, des Plénipotentiaires, savoir; Le Président des Etats Unis d'Amérique, John James Appleton, Chargé d'Affaires des dits Etats à la Cour de Sa Majesté le Roi de Suède et de Norvège; et 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 Ste. Anne, de la Première Classe, Chevalier de l'Ordre de l'Aigle Rouge de Prusse, de la Première Classe,

*In the Name of the Most Holy and Indivisible Trinity.*

The United States of America, and His Majesty the King of Sweden and Norway, equally animated with the desire of extending and consolidating the commercial relations subsisting between their respective Territories, and convinced that this object cannot better be accomplished than by placing them on the basis of a perfect equality and reciprocity, have, in consequence, agreed to enter into Negotiation for a new Treaty of Commerce and Navigation; and, to this effect, have appointed Plenipotentiaries, to wit: The President of The United States of America, John James Appleton, Chargé d'Affaires of the said States at the Court of His Majesty the King of Sweden and Norway; and His Majesty the King of Sweden and Norway, the Sieur Gustave, Count de Wetterstedt, his Minister of State and of Foreign Affairs, Knight Commander of his Orders, Knight of the Orders of St. Andrew, St. Alexander Newsky, and St. Ann, of the First Class, of Russia; Knight of the Order of the Red

Grand Croix de l'Ordre de Léopold d'Autriche, un des 18 de l'Académie Suédoise ; lesquels, après avoir échangé leurs Pleins Pouvoirs, trouvés en bonne et due forme, ont arrêté les Articles suivans :

ART. I. Les Citoyens et Sujets de chacune des deux Hautes Parties Contractantes, pourront avec toute sûreté, pour leur Personnes, Vaisseaux, et Cargaisons, aborder librement dans les Ports, Places, et Rivières, des Territoires de l'autre, partout où le Commerce Etranger est permis. Ils pourront s'y arrêter et résider dans quelque partie que ce soit des dits Territoires, et jouiront, généralement, de la plus entière sécurité et protection pour les affaires de leur négoce, à charge de se soumettre aux Lois et Ordonnances des Pays respectifs.

II. Les Bâtimens Suédois et Norvégiens, et ceux de l'Ile de St. Barthélémy, qui arriveront, sur leur lest, ou chargés, dans les Ports des Etats Unis d'Amérique, de quelque lieu qu'ils viennent, seront traités à leur entrée, pendant leur séjour, et à leur sortie, sur le même pied que les Bâtimens Nationaux venant du même lieu, par rapport aux Droits de Tonnage, de Fanaux, de Pilotage, et de Port, ainsi qu'aux vacations des Officiers Publics, et à tout autre droit ou charge, de quelque espèce ou dénomination que ce soit, perçus au nom, ou au profit, du Gouvernement, des Administra-

Eagle, of the first class, of Prussia ; Grand Cross of the Order of Leopold, of Austria ; one of the 18 of the Swedish Academy ; who, after having exchanged their Full Powers, found in good and due form, have agreed upon the following Articles :

ART. I. The Citizens and Subjects of each of the two High Contracting Parties may, with all security for their Persons, Vessels, and Cargoes, freely enter the Ports, Places, and Rivers, of the Territories of the other, wherever Foreign Commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said Territories ; to rent and occupy houses and warehouses for their Commerce ; and they shall enjoy, generally, the most entire security and protection in their mercantile transactions, on condition of their submitting to the Laws and Ordinances of the respective Countries.

II. Swedish and Norwegian Vessels, and those of the Island of St. Bartholomew, arriving, either laden, or in ballast, into the Ports of the United States of America, from whatever place they may come, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as National Vessels coming from the same place, with respect to the Duties of Tonnage, Light-houses, Pilotage, and Port Charges, as well as to the perquisites of Public Officers, and all other Duties or Charges of whatever kind or denomination, levied in the name, or to the profit, of



tions Locales, ou d'Etablissemens particuliers, quelconques.

Et réciproquement, les Bâtimens des Etats Unis d'Amérique, qui arriveront, sur leur lest, ou chargés, dans les Ports des Royaumes de Suède et de Norvège, de quelque lieu qu'ils viennent, seront traités, à leur entrée, pendant leur séjour et à leur sortie, sur le même pied que les Bâtimens Nationaux venant du même lieu, par rapport aux Droits de Tonnage, de Fanaux, de Pilotage, et de Port, ainsi qu'aux vacations des Officiers Publics, et à tout autre droit ou charge de quelque espèce ou dénomination que ce soit, perçus au nom, ou au profit, du Gouvernement, des Administrations Locales, ou d'Etablissemens particuliers, quelconques.

III. Tout ce qui pourra légalement être importé dans les Etats Unis d'Amérique, par Bâtimens des dits Etats, pourra également y être importé par Bâtimens Suédois et Norvégiens, ou de l'Ile de St. Barthélémy, de quelque lieu qu'ils viennent, sans payer d'autres ou plus hauts Droits ou Charges, de quelque espèce ou dénomination que ce soit, perçus au nom, ou au profit, du Gouvernement, des Administrations Locales, ou d'Etablissemens particuliers quelconques, que si l'importation avait lieu en Bâtimens Nationaux.

Et réciproquement, tout ce qui pourra légalement être importé dans les Royaumes de Suède et de Norvège, par Bâtimens Suédois ou Norvégiens, ou de l'Ile de St.

the Government, the Local Authorities, or of any private Establishment whatsoever.

And, reciprocally, the Vessels of the United States of America arriving, either laden, or in ballast, in the Ports of the Kingdoms of Sweden and Norway, from whatever place they may come, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as National Vessels coming from the same place, with respect to the Duties of Tonnage, Light-houses, Pilotage, and Port Charges, as well as to the perquisites of Public Officers, and all other Duties or Charges, of whatever kind or denomination, levied in the name, or to the profit, of the Government, the Local Authorities, or of any private Establishments whatsoever.

III. All that may be lawfully imported into the United States of America, in Vessels of the said States, may also be thereinto imported in Swedish and Norwegian Vessels, and in those of the Island of St. Bartholomew, from whatever place they may come, without paying other or higher Duties or Charges, of whatever kind or denomination, levied in the name, or to the profit, of the Government, the Local Authorities, or of any private Establishments whatsoever, than if imported in National Vessels.

And, reciprocally, all that may be lawfully imported into the Kingdoms of Sweden and Norway, in Swedish and Norwegian Vessels, or in those of the Island

Barthélémy, pourra également y être importé par Bâtimens des Etats Unis d'Amérique, de quelque lieu qu'ils viennent, sans payer d'autres ou plus hauts Droits ou Charges, de quelque espèce ou dénomination que ce soit, perçus au nom, ou au profit, du Gouvernement, des Administrations Locales, ou d'Etablissemens particuliers quelconques, que si l'importation avait lieu en Bâtimens Nationaux.

IV. Tout ce qui pourra légalement être exporté des Etats Unis d'Amérique, par Bâtimens des dits Etats, pourra également en être exporté par Bâtimens Suédois et Norvégiens, ou de l'Ile de St. Barthélémy, sans payer d'autres ou plus hauts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom, ou au profit, du Gouvernement, des Administrations Locales, ou d'Etablissemens particuliers quelconques, que si l'exportation avait eu lieu en Bâtimens Nationaux.

Et réciproquement, tout ce qui pourra légalement être exporté des Royaumes de Suède et de Norvège, par Bâtimens Suédois et Norvégiens, ou de l'Ile de St. Barthélémy, pourra également en être exporté par Bâtimens des Etats Unis d'Amérique, sans payer d'autres ou plus hauts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom, ou au profit, du Gouvernement, des Administrations Locales, ou d'Etablissemens particuliers quelconques, que si l'exportation avait lieu en Bâtimens Nationaux.

V. Les Stipulations des 3 Articles précédens sont, dans toute

of St. Bartholomew, may also be thereinto imported in Vessels of the United States of America, from whatever place they may come, without paying other or higher Duties or Charges, of whatever kind or denomination, levied in the name, or to the profit, of the Government, the Local Authorities, or of any private Establishments whatsoever, than if imported in National Vessels.

IV. All that may be lawfully exported from The United States of America, in Vessels of the said States, may also be exported therefrom in Swedish and Norwegian Vessels, or in those of the Island of St. Bartholomew, without paying other or higher Duties or Charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the Local Authorities, or of any private Establishments whatsoever, than if exported in National Vessels.

And, reciprocally, all that may be lawfully exported from the Kingdoms of Sweden and Norway, in Swedish and Norwegian Vessels, or in those of the Island of St. Bartholomew, may also be exported therefrom in Vessels of The United States of America, without paying other or higher Duties or Charges, of whatever kind or denomination, levied in the name, or to the profit, of the Government, the Local Authorities, or of any private Establishments whatsoever, than if exported in National Vessels.

V. The Stipulations contained in the 3 preceding Articles are, to

leur plénitude, applicable aux Bâtimens des Etats Unis d'Amérique qui se rendront, chargés ou non chargés, dans la Colonie de St. Barthélémy, aux Indes Occidentales, soit des Ports des Royaumes de Suède et de Norvège, soit de tout autre lieu quelconque, ou qui sortiront de la dite Colonie, chargés ou non chargés, pour se rendre, soit en Suède ou en Norvège, soit en tout autre lieu quelconque.

VI. Il est expressément entendu que les Articles précédens, 2, 3, et 4, ne sont point applicables à la navigation de côte ou de cabotage d'un Port des Etats Unis d'Amérique à un autre Port des dits Etats ; ni à la Navigation d'un Port des Royaumes de Suède ou de Norvège à un autre, ou à celle entre ces deux dernier Pays ; Navigation que chacune des deux Hautes Parties Contractantes se réserve.

VII. Chacune des deux Hautes Parties Contractantes s'engage à ne donner, dans ses achats, ou dans ceux qui seraient faits par des Compagnies, ou des Agens agissant en son nom, ou sous son autorité, aucune préférence aux importations faites par ces Bâtimens, ou par ceux d'une Nation tierce, sur celles faites dans les Bâtimens de l'autre Partie Contractante.

VIII. Les deux Hautes Parties Contractantes s'engagent à ne pas établir sur la Navigation entre leur Territoires respectifs, par les Bâtimens de l'une ou de l'autre, des droits de tonnage ou autres, de quelque espèce ou dénomina-

their full extent, applicable to the Vessels of The United States of America, proceeding, either laden or not laden, to the Colony of St. Bartholomew, in the West Indies, whether from the Ports of the Kingdoms of Sweden and Norway, or from any other place whatsoever ; or proceeding from the said Colony, either laden or not laden, whether bound for Sweden or Norway, or for any other place whatsoever.

VI. It is expressly understood, that the foregoing 2nd, 3rd, and 4th Articles, are not applicable to the Coastwise Navigation from one Port of The United States of America to another Port of the said States ; nor to the navigation from one Port of the Kingdoms of Sweden or Norway to another, nor to that between the two latter Countries ; which navigation each of the two High Contracting Parties reserves to itself.

VII. Each of the two High Contracting Parties engages not to grant, in its purchases, or in those which might be made by Companies or Agents, acting in its name, or under its authority, any preference to importations made in its own Vessels, or in those of a third Power, over those made in the Vessels of the other Contracting Party.

VIII. The two High Contracting Parties engage not to impose upon the Navigation between their respective Territories, in the Vessels of either, any tonnage, or other Duties of any kind or denomination, which shall be higher or

tion que ce soit, plus hauts ou autres que ceux qui seront établis sur toute autre Navigation, excepté celle qu'elles se sont respectivement réservée par le 6<sup>e</sup> Article du présent Traité.

IX. Il ne pourra pas être établi dans les Etats Unis d'Amérique, sur les productions du sol ou de l'industrie des Royaumes de Suède et de Norvège, et de l'Ile de St. Barthélémy, aucune prohibition ou restriction d'importation ou d'exportation, ni aucuns Droits de quelque espèce ou dénomination que ce soit, qu'autant que ces prohibitions, ces restrictions, et ces Droits, seraient également établis sur les objets de même nature provenant de toute autre Contrée.

Et réciproquement, il ne pourra pas être établi dans les Royaumes de Suède et de Norvège, ni dans l'Ile de St. Barthélémy, sur les productions du sol ou de l'industrie des Etats Unis d'Amérique, aucune prohibition ou restriction d'importation ou d'exportation, ni aucuns Droits, de quelque espèce ou dénomination que ce soit, qu'autant que ces prohibitions, ces restrictions et ces Droits, seraient également établis sur les objets de même nature provenant, dans le cas ou l'importation ou l'exportation aurait lieu, dans ou hors des Royaumes de Suède et de Norvège, de l'Ile de St. Barthélémy, ou de tout autre endroit; et dans le cas où l'importation ou l'exportation aurait lieu dans ou hors l'Ile de St. Barthélémy, des Royaumes de Suède et de Norvège, ou de tout autre endroit.

other than those which shall be imposed on every other Navigation, except that which they have reserved to themselves, respectively, by the 6th Article of the present Treaty.

IX. There shall not be established, in The United States of America, upon the products of the soil or industry of the Kingdoms of Sweden and Norway, or of the Island of St. Bartholomew, any prohibition or restriction of importation or exportation, nor any Duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and Duties, shall, likewise, be established upon articles of like nature, the growth of any other Country.

And, reciprocally, there shall not be established in the Kingdoms of Sweden and Norway, nor in the Island of St. Bartholomew, on the products of the soil or industry of The United States of America, any prohibition or restrictions of importation or exportation, nor any Duties of any kind or denomination whatsoever, unless such prohibitions, restrictions and Duties, be likewise established upon articles of like nature, the growth of the Island of St. Bartholomew, or of any other place, in case such importation be made into, or from, the Kingdoms of Sweden and Norway; or of the Kingdoms of Sweden and Norway, or of any other place, in case such importation or exportation be made into, or from, the Island of St. Bartholomew.



X. Toute faculté d'entrepôt et toutes primes et remboursements de Droits, qui seroient accordés dans les Territoires d'une des Hautes Parties Contractantes, à l'importation ou à l'exportation de quelque objet que ce soit, seront également accordés aux objets de même nature, produits du sol ou de l'industrie de l'autre Partie Contractante, et aux importations et exportations faites dans ses Bâtimens.

XI. Les Citoyens ou Sujets de l'une des Hautes Parties Contractantes, arrivant avec leurs Bâtimens à l'une des côtes appartenant à l'autre, mais ne voulant pas entrer dans le Port, ou, après y être entrés, ne voulant décharger aucune partie de leur cargaison, auront la liberté de partir et de poursuivre leur voyage, sans payer d'autres droits, impôts ou charges quelconques, pour le Bâtiment ou la Cargaison, que les droits de pilotage, de quaiage, et d'entretien de fanaux, quand ces droits sont perçus sur les Nationaux dans les mêmes cas. Bien entendu, cependant, qu'ils se conformeront toujours aux Réglemens et Ordonnances concernant la navigation, et les places ou ports dans lesquels ils pourront aborder, qui sont, ou seront en vigueur pour les Nationaux, et qu'il sera permis aux Officiers des Douanes de les visiter, de rester à bord, et de prendre telles précautions, qui pourraient être nécessaires pour prévenir tout commerce illicite, pendant que les Bâtimens resteront dans l'enceinte de leur juridiction.

X. All privileges of transit, and all bounties and drawbacks, which may be allowed within the Territories of one of the High Contracting Parties, upon the importation or exportation of any article whatsoever, shall, likewise, be allowed on the articles of like nature, the products of the soil or industry of the other Contracting Party, and on the importations and exportations made in its Vessels.

XI. The Citizens or Subjects of one of the High Contracting Parties, arriving with their Vessels on the Coasts belonging to the other, but not wishing to enter the Port, or after having entered therein, not wishing to unload any part of their Cargo, shall be at liberty to depart and continue their Voyage, without paying any other duties, imposts, or charges, whatsoever, for the Vessel and Cargo, than those of pilotage, wharfage, and for the support of light-houses, when such duties shall be levied on National Vessels in similar cases. It is understood, however, that they shall always conform to such Regulations and Ordinances concerning navigation, and the places and ports which they may enter, as are, or shall be, in force with regard to National Vessels; and that the Custom-house Officers shall be permitted to visit them, to remain on board, and to take all such precautions as may be necessary to prevent all unlawful Commerce, as long as the Vessels shall remain within the limits of their jurisdiction.

XII. Il est aussi convenu que les Bâtimens de l'une des Hautes Parties Contractantes, étant entrés dans les Ports de l'autre, pourront se borner à ne décharger qu'une partie de leur cargaison, selon que le Capitaine ou Propriétaire le désirera, et qu'ils pourront s'en aller librement avec le reste, sans payer de droits, impôts ou charges quelconques, que pour la partie qui aura été mise à terre, et qui sera marquée et biffée sur le Manifeste, qui contiendra l'énumération des effets dont le Bâtiment était chargé, lequel Manifeste devra être présenté en entier à la Douane du lieu où le Bâtiment aura abordé. Il ne sera rien payé pour la partie de la cargaison que le Bâtiment remportera, et avec laquelle il pourra continuer sa route pour un ou plusieurs autres ports du même Pays, et y disposer du reste de sa cargaison, si elle est composée d'objets dont l'importation est permise, en payant les droits qui y sont applicables, ou bien il pourra s'en aller dans tout autre Pays. Il est cependant entendu que les droits, impôts ou charges quelconques, qui sont ou seront payables pour les Bâtimens mêmes, doivent être acquittés au premier Port où ils romproient le chargement, ou en déchargeroient une partie, mais qu'aucuns droits, impôts ou charges pareils ne seront demandés de nouveau dans les Ports du même Pays où lesdits Bâtimens pourroient vouloir entrer après, à moins que les Nationaux ne soient sujets à quelques droits ultérieurs dans le même cas.

XII. It is further agreed, that the Vessels of one of the High Contracting Parties, having entered into the Ports of the other, will be permitted to confine themselves to unloading such part only of their Cargoes, as the Captain or owner may wish, and that they may freely depart with the remainder, without paying any duties, imposts, or charges, whatsoever, except for that part which shall have been landed, and which shall be marked upon, and erased from, the Manifest, exhibiting the enumeration of the articles with which the Vessel was laden; which Manifest shall be presented entire at the Custom House of the place where the Vessel shall have entered. Nothing shall be paid on that part of the Cargo which the Vessel shall carry away, and with which it may continue its voyage, to one, or several other Ports of the same Country, there to dispose of the remainder of its Cargo, if composed of Articles whose importation is permitted, on paying the duties chargeable upon it; or it may proceed to any other Country. It is understood, however, that all duties, imposts, or charges whatsoever, which are, or may become chargeable upon the Vessels themselves, must be paid at the first Port where they shall break bulk, or unlade part of their Cargoes; but that no duties, imposts, or charges, of the same description, shall be demanded anew in the Ports of the same Country, which such Vessels might, afterwards, wish to enter, unless National Vessels be, in similar cases, subject to some ulterior duties.

XIII. Chacune des Hautes Parties Contractantes accorde à l'autre la faculté d'entretenir dans ses Ports et Places de Commerce, des Consuls, Vice Consuls, ou Agens de Commerce, qui jouiront de toute la protection, et recevront toute l'assistance nécessaire pour remplir duement leurs fonctions; mais il est expressément déclaré que dans le cas d'une conduite illégale ou impropre, envers les Lois ou le Gouvernement du Pays dans lesquels lesdits Consuls, Vice Consuls, ou Agens de Commerce, résideroient, ils pourront être poursuivis et punis conformément aux Lois, et privés de l'exercice de leurs fonctions par le Gouvernement offensé, qui fera connoître à l'autre ses motifs pour avoir agi ainsi; bien entendu cependant que les Archives et Documens relatifs aux affaires du Consulat, seront à l'abri de toute recherche, et devront être soigneusement conservés sous le Scellé des Consuls, Vice Consuls, ou Agens Commerciaux, et de l'autorité de l'endroit où ils résideroient.

Les Consuls, Vice Consuls, et Agens Commerciaux, ou ceux qui seroient duement autorisés à les suppléer, auront le droit, comme tels, de servir de Juges et d'Arbitres dans les différens qui pourroient s'élever entre les Capitaines et les Equipages des Bâtimens de la Nation dont ils soignent les intérêts, sans que les Autorités Locales puissent y intervenir, à moins que la conduite des Equipages ou du Capitaine ne troublât l'ordre ou la tranquillité du Pays, ou que les

XIII. Each of the High Contracting Parties grants to the other, the privilege of appointing, in its commercial Ports and Places, Consuls, Vice Consuls, and Commercial Agents, who shall enjoy the full protection, and receive every assistance necessary for the due exercise of their functions; but it is expressly declared, that, in case of illegal or improper conduct, with respect to the Laws or Government of the Country, in which said Consuls, Vice Consuls, or Commercial Agents shall reside, they may be prosecuted and punished conformably to the Laws, and deprived of the exercise of their functions by the offended Government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the Archives and Documents relative to the affairs of the Consulate, shall be exempt from all search, and shall be carefully preserved under the Seals of the Consuls, Vice Consuls, or Commercial Agents, and of the authority of the place where they may reside.

The Consuls, Vice Consuls, Commercial Agents, or the Persons duly authorized to supply their places, shall have the right, as such, to sit as Judges and Arbitrators in such differences as may arise between the Captains and Crews of the Vessels belonging to the Nation, whose interests are committed to their charge, without the interference of the Local Authorities, unless the conduct of the Crews, or of the Captain, should disturb the order or tranquillity

dits Consuls, Vice Consuls, ou Agens Commerciaux ne réquissent leur intervention pour faire exécuter ou maintenir leurs décisions. Bien entendu que cette espèce de jugement ou d'arbitrage ne saurait pourtant priver les Parties contendantes du droit qu'elles ont à leur retour de recourir aux Autorités judiciaires de leur Patrie.

XIV. Les dits Consuls, Vice Consuls, ou Agens Commerciaux, seront autorisés à requérir l'assistance des Autorités Locales pour l'arrestation, la détention, et l'emprisonnement de Déserteurs des Navires de guerre et marchands de leur Pays, et ils s'adresseront, pour cet objet, aux Tribunaux, Juges et Officiers compétens, et réclameront, par écrit, les Déserteurs susmentionnés, en prouvant, par la communication des registres des navires, ou rôles de l'équipage, ou par d'autres Documens officiels, que de tels Individus ont fait partie desdits Equipages, et cette réclamation ainsi prouvée, l'extradition ne sera point refusée.

De tels Déserteurs, lorsqu'ils auront été arrêtés, seront mis à la disposition desdits Consuls, Vice Consuls, ou Agens Commerciaux, et pourront être enfermés dans les prisons publiques, à la réquisition et aux frais de ceux qui les réclament, pour être envoyés aux Navires auxquels ils appartenoient, ou à d'autres de la même Nation. Mais s'ils ne sont pas renvoyés dans l'espace de 2 mois, à compter du jour de

of the Country : or the said Consuls, Vice Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment, or arbitration, shall not deprive the contending Parties of the right they have to resort, on their return, to the Judicial Authority of their Country.

XIV. The said Consuls, Vice Consuls, or Commercial Agents, are authorized to require the assistance of the Local Authorities for the arrest, detention, and imprisonment, of the Deserters from the Ships of War and Merchant Vessels of their Country ; and, for this purpose, they shall apply to the competent Tribunals, Judges, and Officers, and shall, in writing, demand said Deserters, proving, by the exhibition of the registers of the Vessels, the rolls of the Crews, or by other official Documents, that such Individuals formed part of the Crews, and, on this reclamation being thus substantiated, the surrender shall not be refused.

Such Deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who claim them, in order to be sent to the Vessels to which they belonged, or to others of the same Country. But, if not sent back within the space of 2 months, reckoning from the day of their arrest, they shall be set at liberty,



leur arrestation, ils seront mis en liberté et ne seront plus arrêtés pour la même cause.

Il est entendu, toutefois, que si le Déserteur se trouvoit avoir commis quelque crime ou délit, 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.

XV. Dans le cas où quelque Bâtiment de l'une des Hautes Parties Contractantes, aura échoué, fait naufrage, ou souffert quelque autre dommage sur les Côtes de les dominations de l'autre, il sera donné tout aide et assistance aux Personnes naufragées, ou qui se trouveraient en danger, et il leur sera accordé des Passeports pour retourner dans leur Patrie. Les Bâtimens et les Marchandises naufragés, ou leur produit, s'ils ont été vendus, seront restitués à leurs Propriétaires ou ayant cause, s'ils sont réclamés dans l'An et Jour, en payant les frais de sauvetage que payeroient les Nationaux dans les mêmes cas. Et les Compagnies de Sauvetage ne pourront faire accepter leurs services que dans les mêmes cas, et après les mêmes délais qui seraient accordés aux Capitaines et aux Equipages Nationaux. Les Gouvernemens respectifs veilleront d'ailleurs à ce que ces Compagnies ne se permettent point de vexations ou d'actes arbitraires.

XVI. Il est convenu que les Bâtimens qui arriveront directement des Etats Unis d'Amérique,

and shall not be again arrested for the same cause.

It is understood, however, that, if the Deserter should be found to have committed any crime or offence, his surrender may be delayed, until the tribunal before which the case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

XV. In case any Vessel of one of the High Contracting Parties shall have been stranded or shipwrecked, or shall have suffered any other damage on the Coasts of the Dominions of the other, every aid and assistance shall be given to the Persons shipwrecked, or in danger, and Passports shall be granted to them to return to their Country. The shipwrecked Vessels and Merchandize, or their proceeds, if the same shall have been sold, shall be restored to their Owners, or to those entitled thereto, if claimed within a Year and a Day, upon paying such Costs of Salvage as would be paid by National Vessels in the same circumstances; and the Salvage Companies shall not compel the acceptance of their services, except in the same cases, and after the same delays, as shall be granted to the Captains and Crews of National Vessels. Moreover, the respective Governments will take care that these Companies do not commit any vexatious or arbitrary acts.

XVI. It is agreed that Vessels arriving directly from The United States of America, at a Port with-

à un Port de la domination de Sa Majesté le Roi de Suède et de Norvège, ou des Territoires de sa dite Majesté en Europe, à un Port des Etats Unis, et qui seroient pourvus d'un Certificat de Santé, donné par l'Officier compétent à cet égard du Port d'où les Bâtimens sont sortis, et assurant qu'aucune maladie maligne ou contagieuse n'existait dans ce Port, ne seront soumis à aucune autre quarantaine que celle qui sera nécessaire pour la visite de l'Officier de Santé du Port où les Bâtimens seroient arrivés, après laquelle il sera permis à ces Bâtimens d'entrer immédiatement, et de décharger leurs Cargaisons; bien entendu, toutefois, qu'il n'y ait eu personne à leur bord, qui ait été attaqué pendant le voyage d'une maladie maligne ou contagieuse, que les Bâtimens n'aient point communiqué dans leur traversée avec un Bâtiment qui seroit lui même dans les cas de subir une quarantaine, et que la Contrée d'où ils viendroient ne fut pas, à cette époque, si généralement infectée ou suspecte, qu'on ait rendu, avant leur arrivée, une Ordonnance, d'après laquelle tous les Bâtimens venant de cette Contrée seroient regardés comme suspects, et en conséquence, assujettis à une quarantaine.

XVII. Les Articles 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23 et 25 du Traité d'Amitié et de Commerce conclu à Paris le 3 Avril, 1783,\* par les Plénipotentiaires des Etats Unis d'Amérique, et de Sa Majesté le Roi de Suède, ainsi que les Arti-

in the Dominions of His Majesty the King of Sweden and Norway, or from the Territories of his said Majesty in Europe, at a Port of The United States, and provided with a Bill of Health granted by an Officer having competent power to that effect, at the Port whence such Vessel shall have sailed, setting forth that no malignant or contagious diseases prevailed in that Port, shall be subjected to no other quarantine than such as may be necessary for the visit of the Health Officer of the Port where such Vessel shall have arrived; after which said Vessels shall be allowed immediately to enter and unload their Cargoes; provided always, that there shall be on board no Person who, during the Voyage, shall have been attacked with any malignant or contagious diseases; that such Vessels shall not, during their passage, have communicated with any Vessel liable, itself, to undergo a quarantine; and that the Country whence they came shall not, at that time, be so far infected or suspected, that, before their arrival, an Ordinance had been issued, in consequence of which, all Vessels coming from that Country should be considered as suspected, and consequently subject to quarantine.

XVII. The 2d, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 21st, 22d, 23d and 25th Articles of the Treaty of Amity and Commerce concluded at Paris on the 3d of April, 1783,\* by the Plenipotentiaries of The United States

\* See Page 745.

cles Séparés 1, 2, 4 et 5, qui furent signés le même jour par les mêmes Plénipotentiaires, sont remis en vigueur et rendus applicables à tous les Pays sous la domination des Hautes Parties actuellement Contractantes, et auront la même force et valeur que s'ils étaient insérés textuellement dans le présent Traité. Bien entendu que les Stipulations contenues dans les Articles précités, seront toujours censés ne rien changer aux Conventions conclues de part et d'autre, avec d'autres Nations, dans l'intervalle écoulé entre l'expiration du dit Traité de 1783, et la remise, en vigueur, des dits Articles par le Traité de Commerce et de Navigation, conclu par les Hautes Parties actuellement Contractantes, à Stockholm, le 4 Septembre, 1816.

XVIII. Vu l'éloignement des Pays respectifs des deux Hautes Parties Contractantes, et l'incertitude qui en résulte sur les divers événemens qui peuvent avoir lieu, il est convenu qu'un Batiment marchand appartenant à l'une d'elles, qui se trouverait destiné pour un Port supposé bloqué au moment du départ de ce Batiment, ne sera cependant pas capturé ou condamné pour avoir essayé une première fois d'entrer dans ledit Port, à moins qu'il ne puisse être prouvé que ledit Bâtiment avait pu et dû apprendre en route que l'état de Blocus de la place en question duroit encore : mais les Bâtimens qui après avoir été ren-

of America, and of His Majesty the King of Sweden, together with the 1st, 2d, 4th and 5th Separate Articles, signed on the same day by the same Plenipotentiaries, are revived, and made applicable to all the Countries under the dominion of the present High Contracting Parties, and shall have the same force and value as if they were inserted in the context of the present Treaty : it being understood that the Stipulations contained in the Articles above cited, shall always be considered as in no manner affecting the Conventions concluded by either Party with other Nations, during the interval between the expiration of the said Treaty of 1783, and the revival of said Articles by the Treaty of Commerce and Navigation, concluded at Stockholm by the present High Contracting Parties, on the 4th of September, 1816.

XVIII. Considering the remoteness of the respective Countries of the two High Contracting Parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a Merchant Vessel belonging to either of them, which may be bound to a Port supposed, at the time of its departure, to be blockaded, shall not, however, be captured or condemned for having attempted, a first time, to enter said Port, unless it can be proved that said Vessel could, and ought to have learned, during its voyage, that the Blockade of the place in question still continued. But all Vessels which,

voyés une fois, essayeroient pendant le même voyage d'entrer une seconde fois dans le même Port bloqué, durant la continuation de ce blocus, se trouveront alors sujets à être détenus et condamnés.

XIX. Le present Traité sera en vigueur pendant 10 Années, à partir du jour de l'échange des Ratifications, et, si avant l'expiration des 9 premières Années, l'une ou l'autre des Hautes Parties Contractantes, n'avait pas annoncé à l'autre, par une Notification officielle, son intention d'en faire cesser l'effet, ce Traité restera obligatoire une Année au delà et ainsi de suite jusqu'à l'expiration des 12 mois qui suivront une semblable Notification, à quelque époque qu'elle ait lieu.

XX. Le présent Traité sera ratifié par le Président des Etats Unis d'Amérique, par et avec l'avis et le consentement du Sénat, et par Sa Majesté le Roi de Suède et de Norvège, et les Ratifications en seront échangées à Washington, dans l'espace de 9 mois après la signature, ou plutôt, si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Traité, en duplicata, et y ont apposé le Cachet de leurs Armes. Fait à Stockholm, le 4 Juillet, l'An de Grâce 1827.

(L. S.) J. J. APPLETON.

(L. S.) G. COMTE DE  
WETTERSTEDT.

after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded Port, during the continuance of said Blockade, shall then subject themselves to be detained and condemned.

XIX. The present Treaty shall continue in force for 10 Years, counting from the day of the exchange of the Ratifications; and if, before the expiration of the first 9 Years, neither of the High Contracting Parties shall have announced, by an official Notification, to the other, its intention to arrest the operation of said Treaty, it shall remain binding for one Year beyond that time, and so on, until the expiration of the 12 months which will follow a similar Notification, whatever the time at which it may take place.

XX. The present Treaty shall be ratified by the President of The United States of America, by and with the advice and consent of the Senate, and by His Majesty the King of Sweden and Norway, and the Ratifications shall be exchanged at Washington within the space of 9 months from the signature, or sooner, if possible.

In faith whereof, the respective Plenipotentiaries have signed the present Treaty, by duplicates, and have affixed thereto the Seals of their Arms. Done at Stockholm, the 4th of July, in the Year of Grace 1827.

(L. S.) J. J. APPLETON.

(L. S.) G. COUNT DE  
WETTERSTEDT.



## ARTICLE SÉPARÉ.

Des rapports de proximité et d'anciennes relations ayant fait régler l'importation des productions des Royaumes de Suède et de Norvège dans le Grand Duché de Finlande, et celle des productions de la Finlande en Suède et en Norvège sur les Bâtimens des Pays respectifs, par des Stipulations spéciales d'un Traité encore en vigueur, et dont le renouvellement forme un objet de négociation actuelle, entre les Cours de Suède et de Norvège et de Russie, sans que lesdites Stipulations soient liées aux réglemens existants pour le Commerce Etranger en général, les deux Hautes Parties Contractantes voulant écarter de leurs relations commerciales toute espèce d'équivoque ou de motif de discussion, sont tombées d'accord que les Articles 8, 9, et 10 du présent Traité, ne seront point applicables ni à la navigation et au commerce susmentionnés, et par conséquent aux exceptions dans les Tarifs généraux des Douanes, et dans les réglemens de navigation qui en résultent, ni aux avantages spéciaux qui sont ou pourroient être donnés à l'importation du suif et des chandelles de Russie, motivés par des avantages équivalens accordés en Russie à des articles d'importation de Suède et de Norvège.

Le présent Article Séparé aura la même force et valeur que s'il était inséré mot à mot dans le Traité signé aujourd'hui, et sera ratifié en même tems.

## SEPARATE ARTICLE.

Certain relations of proximity and ancient connexions having led to regulations for the importation of the products of the Kingdoms of Sweden and Norway into the Grand Duchy of Finland, and that of the products of Finland into Sweden and Norway, in Vessels of the respective Countries, by special Stipulations of a Treaty still in force, and whose renewal forms, at this time, the subject of a negotiation between the Courts of Sweden and Norway and Russia, said Stipulations being, in no manner, connected with the existing regulations for Foreign Commerce in general, the two High Contracting Parties, anxious to remove from their commercial relations all kinds of ambiguity or motives of discussion, have agreed that the 8th, 9th, and 10th Articles of the present Treaty shall not be applicable either to the navigation and commerce above mentioned, nor, consequently, to the exceptions in the general Tariff of Custom-House duties, and in the regulations of navigation resulting therefrom, nor to the special advantages which are, or may be granted to the importation of tallow and candles from Russia, founded upon equivalent advantages granted by Russia on certain articles of importation from Sweden and Norway.

The present Separate Article shall have the same force and value as if it were inserted, word for word, in the Treaty signed this day, and shall be ratified at the same time.

En foi de quoi, nous Sous-signés, en vertu de nos Pleins Pouvoirs respectifs, avons signé le présent Article Séparé, et y avons apposé le Cachet de nos Armes.

Fait à Stockholm, le 4 Juillet, 1827.

(L.S.) J. J. APPLETON.

(L.S.) G. COMTE DE  
WETTERSTEDT.

In faith whereof, we, the Undersigned, by virtue of our respective Full Powers, have signed the present Separate Article, and affixed thereto the Seals of our Arms.

Done at Stockholm, the 4th of July, 1827.

(L.S.) J. J. APPLETON.

(L.S.) G. COUNT DE  
WETTERSTEDT.

And whereas the said Treaty and Separate Article have been duly ratified on both parts, and the respective Ratifications of the same were exchanged at Washington, on the 18th day of January, 1828, by Henry Clay, Secretary of State of The United States, and Robert Baron de Stackelberg, Colonel, Knight of the Order of the Sword, and Chargé d'Affaires of His Majesty the King of Sweden and Norway, near the said United States, on the part of their respective Governments.

Now, therefore, be it known, that I, John Quincy Adams, President of the United States of America, have caused the said Treaty and Separate Article to be made public, to the end that the same, and every Clause and Article thereof, may be observed and fulfilled with good faith by The United States, and the Citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the Seal of The United States to be affixed.

Done at the City of Washington, this 19th day of January, in the Year of our Lord 1828, and of the Independence of The United States the 52nd.

(L.S.) JOHN QUINCY ADAMS.

By the President:

H. CLAY, *Secretary of State.*

***ARTICLES of the Treaty between The United States and Sweden, of the 3rd of April, 1783, revived by the 17th Article of the preceding Treaty.***

ART. II. The King and The United States engage mutually, not to grant hereafter any particular favour to other Nations in respect to commerce and navigation, which shall not immediately become common to the other Party, who shall enjoy the same favour freely, if the concession was freely

ART. II. Le Roi et les Etats Unis s'engagent mutuellement à n'accorder par la suite aucune faveur particulière en fait de commerce et de navigation à d'autres Nations, qui ne devienne aussitôt commune à l'autre Partie; et celle-ci jouira de cette faveur gratuitement si la concession est gratuite;

made, or on allowing the same compensation, if the concession was conditional.

V. There shall be granted a full, perfect, and entire liberty of conscience to the Inhabitants and Subjects of each Party, and no Person shall be molested on account of his worship, provided he submits, so far as regards the public demonstration of it, to the Laws of the Country. Moreover, liberty shall be granted, when any of the Subjects or Inhabitants of either Party die in the Territory of the other, to bury them in convenient and decent places, which shall be assigned for the purpose; and the two Contracting Parties will provide, each in its jurisdiction, that the Subjects and Inhabitants respectively may obtain certificates of the death, in case the delivery of them is required.

VI. The Subjects of the Contracting Parties in the respective States, may freely dispose of their goods and effects, either by testament, donation, or otherwise, in favour of such Persons as they think proper; and their Heirs, in whatever place they shall reside, shall receive the succession, even *ab intestato*, either in person or by their attorney, without having occasion to take out letters of naturalization. These inheritances, as well as the capitals and effects, which the Subjects of the two Parties, in changing their dwelling, shall be desirous of removing from the place of their abode, shall be exempted from all duty called "*droit de détraction*," on the part of the Government of the two States re-

ou en accordant la même compensation si la concession est conditionnelle.

V. Il sera accordé une pleine, parfaite et entière liberté de conscience aux Habitans et Sujets de chaque Partie, et Personne ne sera molesté à l'égard de son culte, moyennant qu'il se soumette, quant à la démonstration publique, aux Loix du Pays. De plus on permettra aux Habitans et Sujets de chaque Partie, qui décèdent dans le Territoire de l'autre Partie, d'être enterrés dans les endroits convenables et décents qui seront assignés à cet effet, et les deux Puissances Contractantes pourvoiront, chacune dans sa jurisdiction, à ce que les Sujets et Habitans respectifs puissent obtenir les certificats de mort en cas qu'il soit requis de les livrer.

VI. Les Sujets des Parties Contractantes pourront dans les Etats respectifs, disposer librement de leurs fonds et biens, soit par testament, donation ou autrement, en faveur de telles Personnes que bon leur semblera, et leurs Héritiers dans quelque endroit où ils demeureront, pourront recevoir ces successions, même *ab intestato*, soit en personne, soit par un procureur, sans qu'ils aient besoin d'obtenir des lettres de naturalisation. Ces héritages, aussi bien que les capitaux et fonds que les Sujets des deux Parties, en changeant de demeure, voudront faire sortir de l'endroit de leur domicile, seront exemts de tout droit de détraction, de la part du Gouvernement des deux Etats respectifs. Mais il est convenu en

spectively. But it is at the same time agreed, that nothing contained in this Article shall in any manner derogate from the Ordinances published in Sweden against emigrations, or which may hereafter be published, which shall remain in full force and vigour. The United States on their part, or any of them, shall be at liberty to make, respecting this matter, such Laws as they think proper.

VII. All and every the Subjects and Inhabitants of the Kingdom of Sweden, as well as those of The United States, shall be permitted to navigate with their Vessels in all safety and freedom, and without any regard to those to whom the merchandizes and cargoes may belong, from any Port whatever; and the Subjects and Inhabitants of the two States shall likewise be permitted to sail and trade with their Vessels, and with the same liberty and safety to frequent the places, Ports, and havens, of Powers, enemies to both or either of the two Contracting Parties, without being in anywise molested or troubled, and to carry on a Commerce not only directly from the Ports of an Enemy to a neutral Port, but even from one Port of an enemy to another Port of an enemy, whether it be under the jurisdiction of the same or of different Princes. And as it is acknowledged by this Treaty, with respect to Ships and merchandizes, that free Ships shall make merchandize free, and that every thing which shall be on board of Ships belonging to Subjects of the one or the other of the Contracting Parties,

même tems, que le contenu de cet Article ne dérogera en aucune manière aux Ordonnances promulguées en Suède contre les émigrations, ou qui pourront par la suite être promulguées, les quelles demeureront dans toute leur force et vigueur. Les Etats Unis de leur côté, ou aucun d'entre eux, seront libres de statuer sur cette matière telle Loi qu'ils jugeront à propos.

VII. Il sera permis à tous et à chacun des Sujets et Habitans du Royaume de Suède, ainsi qu'à ceux des Etats Unis, de naviguer avec leurs Bâtimens en toute sureté et liberté, et sans distinction de ceux à qui les marchandises et leurs chargemens appartiendront, de quelque Port que ce soit. Il sera permis également aux Sujets et Habitans des deux Etats de naviguer et de négocier avec leurs Vaisseaux et Marchandises, et de fréquenter avec la même liberté et sureté, les places, Ports, et havres des Puissances, ennemies des deux Parties Contractantes, ou de l'une d'elles, sans être aucunement inquiétés ni troublés, et de faire le Commerce non seulement directement des Ports de l'Ennemi à un Port neutre, mais encore d'un Port ennemi à un autre Port ennemi; soit qu'il se trouve sous la jurisdiction d'un même ou de différens Princes. Et comme il est reçu par le présent Traité par rapport aux Navires et aux marchandises, que les Vaisseaux libres rendront les marchandises libres, et que l'on regardera comme libre tout ce qui sera à bord des Navires appartenans aux Sujets d'une ou de l'autre



shall be considered as free, even though the cargo, or a part of it, should belong to the Enemies of one or both; it is nevertheless provided, that contraband goods shall always be excepted; which being intercepted, shall be proceeded against according to the spirit of the following Articles. It is likewise agreed, that the same liberty be extended to Persons who may be on board a free Ship, with this effect, that although they be enemies to both, or either of the Parties, they shall not be taken out of the free Ship, unless they are Soldiers in the actual service of the said Enemies.

VIII. This liberty of Navigation and Commerce shall extend to all kinds of merchandizes, except those only which are expressed in the following Article, and are distinguished by the name of contraband goods:

IX. Under the name of contraband or prohibited goods, shall be comprehended arms, great guns, cannon balls, arquebuses, muskets, mortars, bombs, petards, grenades, saucisses, pitch balls, carriages for ordnance, musket rests, bandoliers, cannon powder, matches, salt-petre, sulphur, bullets, pikes, sabres, swords, morions, helmets, cuirasses, halberds, javelins, pistols and their holsters, belts, bayonets, horses with their harness, and all other like kinds of arms and instruments of War for the use of Troops.

X. These which follow shall not be reckoned in the number of prohibited goods: that is to say;

des Parties Contractantes, quand même le chargement, ou partie d'icelui appartiendrait aux Ennemis de l'une des deux; bien entendu néanmoins que les marchandises de contreband seront toujours exceptées; les quelles étant interceptées, il sera procédé conformément à l'esprit des Articles suivans. Il est également convenu que cette même liberté s'étendra aux Personnes qui naviguent sur un Vaisseau libre; de manière que quoiqu'elles soient ennemis des deux Parties ou de l'une d'elles, elles ne seront point tirées du Vaisseau libre, si ce n'est que ce fussent des gens de guerre actuellement au service des dits Ennemis.

VIII. Cette liberté de navigation et de commerce s'étendra à toutes sortes de marchandises, à la réserve seulement de celles qui sont exprimées dans l'Article suivant, et désignées sous le nom de marchandises de contrebande:

IX. On comprendra sous ce nom de marchandises de contrebande ou défendues, les armes, canons, boulets, arquebuses, mousquets, mortiers, bombes, petards, grenades, saucisses, cercles poissés, affûts, fourchettes, bandoulières, poudre à canon, mèches, salpêtre, souffre, balles, piques, sabres, épées, morions, casques, cuirasses, halbardes, javelines, pistolets et leurs fourreaux, baudriers, bayonettes, chevaux avec leurs harnois, et tous autres semblables genres d'armes et d'instrumens de guerre servant à l'usage des Troupes.

X. On ne mettra point au nombre des marchandises défendues celles qui suivent, savoir; toutes

all sorts of cloths and all other manufactures of wool, flax, silk, cotton, or any other materials, all kinds of wearing apparel, together with the things of which they are commonly made, gold, silver coined or uncoined, brass, iron, lead, copper, latten, coals, wheat, barley, and all sorts of corn or pulse, tobacco, all kinds of spices, salted and smoked flesh, salted fish, cheese, butter, beer, oil, wines, sugar, all sorts of salt and provisions which serve for the nourishment and sustenance of man, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sailcloth, anchors, and any parts of anchors, ship-masts, planks, boards, beams, and all sorts of trees and other things proper for building or repairing ships; nor shall any goods be considered as contraband which have not been worked into the form of any instrument or thing for the purpose of war by land or by sea, much less such as have been prepared or wrought up for any other use: all which shall be reckoned free goods, as likewise all others which are not comprehended and particularly mentioned in the foregoing Article; so that they shall not by any pretended interpretation be comprehended among prohibited or contraband goods; on the contrary, they may be freely transported by the Subjects of the King and of the United States, even to places belonging to an Enemy, such places only excepted as are besieged, blocked, or invested; and those places only shall

sortes des draps, et tous autres ouvrages de manufactures de laine, de lin, de soye, de coton et de toute autre matière, tout genre d'habillement avec les choses qui servent ordinairement à les faire; or, argent monnoyé, ou non monnoyé étain, fer, plomb, cuivre, laiton, charbon à fourneau, bled, orge, et toute autre sorte de grains et de légumes, la nicotiane, vulgairement appelée tabac, toutes sortes d'aromates, chaires salées et fumées, poissons salés, fromage et beurre, bière, huile, vins, sucres, toutes sortes de sels et de provisions servant à la nourriture et à la subsistance des hommes; tous genres de coton, chanvre, lin, poix, tant liquide que sèche, cordages, cables, voiles, toiles propres à faire des voiles, ancres et parties d'ancres quelles qu'elles puissent être, mats de navire, planches, madriers, poutres et toute sorte d'arbres, et toutes autres choses nécessaires pour construire ou pour radoubler les Vaisseaux. On ne regardera pas non plus comme marchandises de contrebande, celles qui n'auront pas pris la forme de quelque instrument ou attirail, servant à l'usage de la guerre sur terre ou sur mer; encore moins celles qui sont préparées ou travaillées pour tout autre usage. Toutes ces choses seront censées marchandises libres, de même que toutes celles qui ne sont point comprises et spécialement désignées dans l'Article précédent, de sorte qu'elles ne pourront, sous aucune interprétation prétendue d'icelles, être comprises sous les

be considered as such, which are nearly surrounded by one of the Belligerent Powers.

XI. In order to avoid and prevent on both sides all disputes and discord, it is agreed, that in case one of the Parties shall be engaged in a War, the Ships and Vessels belonging to the Subjects or Inhabitants of the other shall be furnished with Sea Letters or Passports, expressing the name, property, and Port of the Vessel, and also the name and place of abode of the Master or Commander of the said Vessel, in order that it may thereby appear that the said Vessel really and truly belongs to the Subjects of the one or the other Party. These Passports, which shall be drawn up in good and due form, shall be renewed every time the Vessel returns home in the course of the Year. It is also agreed, that the said Vessels when loaded shall be provided not only with Sea Letters, but also with Certificates containing a particular account of the cargo, the place from which the Vessel sailed, and that of her destination, in order that it may be known whether they carry any of the prohibited or contraband merchandizes mentioned in the 9th Article of the present Treaty ; which Certificates shall be

effets prohibés, ou de contrebande ; au contraire elles pourront être librement transportées par les Sujets du Roi et des Etats Unis, même dans les lieux ennemis, excepté seulement dans les places assiégées, bloquées ou investies ; et pour telles, seront tenues uniquement les places entourées de près par quelque une des Puissances Belligérantes.

XI. Afin d'écartier et de prévenir de part et d'autre toutes sortes de discussions et de discorde, il a été convenu que dans le cas où l'une des deux Parties se trouveroit engagée dans une Guerre, les Vaisseaux et Bâtimens appartenans aux Sujets ou Habitans de l'autre, devront être munis de Lettres de Mer ou Passeports, exprimant le nom, la propriété et le Port du Navire, ainsi que le nom et la demeure du Maître ou Commandant du dit Vaisseau, afin qu'il apparaisse par là, que le dit Vaisseau appartient réellement et véritablement aux Sujets de l'une ou de l'autre Partie. Ces Passeports qui seront dressés et expédiés en due et bonne forme, devront également être renouvelés toutes les fois que le Vaisseau revient chez lui dans le cours de l'An. Il est encore convenu que ces dits Vaisseaux chargés devront être pourvus non seulement de Lettres de Mer, mais aussi de Certificats, contenant les détails de la cargaison, le lieu d'où le Vaisseau est parti et celui de sa destination, afin que l'on puisse connoître s'ils ne portent aucune des marchandises défendues ou de contrebande

made out by the Officers of the place from which the Vessel shall depart.

XII. Although the Vessels of the one and of the other Party may navigate freely and with all safety, as is explained in the 7th Article, they shall nevertheless be bound, at all times when required, to exhibit as well on the high sea as in Port, their Passports and Certificates above mentioned. And not having contraband merchandize on board for an Enemy's Port, they may freely and without hindrance pursue their Voyage to the place of their destination. Nevertheless, the exhibition of Papers shall not be demanded of Merchant Ships under the Convoy of Vessels of War, but credit shall be given to the word of the Officer commanding the Convoy.

XIII. If on producing the said Certificates, it be discovered that the Vessel carries some of the goods which are declared to be prohibited or contraband, and which are consigned to an Enemy's Port, it shall not however be lawful to break up the hatches of such Ships, nor to open any chest, coffers, packs, casks, or vessels, nor to remove or displace the smallest part of the merchandizes, until the cargo has been landed in the presence of Officers appointed for the purpose, and until an inventory thereof has been taken; nor shall it be lawful to sell, exchange, or alienate the cargo or any part thereof, until Legal Pro-

spécifiées dans l'Article 9 du présent Traité, lesquels Certificats seront également expédiés par les Officiers du lieu d'où le Vaisseau sortira.

XII. Quoique les Vaisseaux de l'une et de l'autre Partie pourront naviguer librement et avec toute sûreté comme il est expliqué à l'Article 7, ils seront néanmoins tenus toutes les fois qu'on l'exigera, d'exhiber tant en pleine mer que dans les Ports, leurs Passeports et Certificats ci-dessus mentionnés. Et n'ayant pas chargé des marchandises de contrebande pour un Port Ennemi, ils pourront librement et sans empêchement poursuivre leur Voyage vers le lieu de leur destination. Cependant on n'aura point le droit de demander l'exhibition des Papiers aux Navires marchands convoyés par des Vaisseaux de Guerre; mais on ajoutera foi à la parole de l'Officier commandant le Convoy.

XIII. Si en produisant les dits Certificats il fut découvert que le Navire porte quelques uns de ces effets qui sont déclarés prohibés ou de contrebande, et qui sont consignés pour un Port Ennemi, il ne sera pas cependant permis de rompre les écoutilles des dits Navires, ni d'ouvrir aucune caisse, coffre, malle, ballot et tonneau, ou d'en déplacer, ni d'en détourner la moindre partie des marchandises, jusqu'à ce que la cargaison ait été mise à terre en présence des Officiers préposés à cet effet, et que l'inventaire en ait été fait. Encore ne sera-t-il pas permis de vendre, échanger ou aliéner la cargaison ou quelque partie d'icelle,



cess shall have been had against the prohibited merchandizes, and sentence shall have passed declaring them liable to Confiscation, saving nevertheless as well the Ships themselves, as the other merchandizes which shall have been found therein, which, by virtue of this present Treaty, are to be esteemed free, and which are not to be detained on pretence of their having been loaded with prohibited merchandize, and much less confiscated as lawful Prize. And in case the contraband merchandize be only a part of the Cargo, and the Master of the Vessel agrees, consents, and offers to deliver them to the Vessel that has discovered them, in that case the latter, after receiving the merchandizes which are good Prize, shall immediately let the Vessel go, and shall not by any means hinder her from pursuing her Voyage to the place of her destination. When a Vessel is taken and brought into any of the Ports of the Contracting Parties, if upon examination she be found to be loaded only with merchandizes declared to be free, the Owner or he who has made the Prize, shall be bound to pay all costs and damages to the Master of the Vessel unjustly detained.

XIV. It is likewise agreed, that whatever shall be found to be laden by the Subjects of either of the two Contracting Parties, on a Ship belonging to the Enemies of the other Party, the whole effects, although not of the number of those declared contraband, shall be confiscated as if they belonged

avant qu'on aura procédé légalement au sujet des marchandises prohibées, et qu'elles auront été déclarées confiscables par sentence ; à la reserve néanmoins, tant des Navires même que des autres marchandises qui y auront été trouvées, et qui en vertu du présent Traité doivent être censées libres ; les quelles ne peuvent être retenu sous prétexte qu'elles ont été chargées avec des marchandises défendues, et encore moins être confisquées comme une prise légitime. Et supposé que les dites marchandises de contrebande, ne faisant qu'une partie de la charge, le Patron du Navire agréat, consentit et offrit de les livrer au Vaisseau qui les aura découvertes ; en ce cas, celui-cy, après avoir reçu les marchandises, de bonne prise, sera tenu de laisser aller aussitôt le Bâtiment, et ne l'empêchera en aucune manière de poursuivre sa route vers le lieu de sa destination. Tout Navire pris et amené dans un des Ports des Parties Contractantes, sous prétexte de contrebande, qui se trouve par la visite faite n'être chargé que de marchandises déclarées libres. l'armateur ou celui qui aura fait la prise, sera tenu de payer tous les frais et dommages au Patron du Navire retenu injustement.

XIV. On est également convenu que tout ce qui se trouvera chargé par les Sujets d'une des deux Parties dans un Vaisseau appartenant aux Ennemis de l'autre Partie, sera confisqué en entier, quoique ces effets ne soient pas au nombre de ceux déclarés de contrebande, comme si ces effets ap-

to the Enemy, excepting nevertheless such goods and merchandizes as were put on board before the Declaration of War, and even 6 months after the Declaration, after which term none shall be presumed to be ignorant of it; which merchandizes shall not in any manner be subject to confiscation, but shall be faithfully and specifically delivered to the Owners, who shall claim or cause them to be claimed before confiscation and sale, as also their proceeds, if the claim be made within 8 months, and could not be made sooner after the sale, which is to be public: provided nevertheless, that if the said merchandizes be contraband, it shall not be in any wise lawful to carry them afterwards to a Port belonging to the Enemy.

XV. And that more effectual care may be taken for the security of the two Contracting Parties, that they suffer no prejudice by the Men-of-War of the other Party, or by Privateers, all Captains and Commanders of Ships of His Swedish Majesty, and of The United States, and all their Subjects, shall be forbidden to do any injury or damage to those of the other Party, and if they act to the contrary, having been found guilty on examination by their proper Judges, they shall be bound to make satisfaction for all damages and the interest thereof, and to make them good under pain and obligation of their Persons and goods.

partenoient à l'Ennemi même ; à l'exception néanmoins des effets et marchandises qui auront été chargées sur des Vaisseaux Ennemis avant la Déclaration de Guerre, et même 6 mois après la Déclaration, après lequel terme, l'on ne sera pas censé d'avoir pu l'ignorer ; les quelles marchandises ne seront en aucune manière sujettes à confiscation, mais seront rendues en nature fidèlement aux Propriétaires qui les réclameront ou feront réclamer avant la confiscation et vente ; comme aussi leur provenu, si la réclamation ne pouvoit se faire que dans l'intervalle de 8 mois après la vente, laquelle doit être publique ; bien entendu néanmoins, que si les dites marchandises sont de contrebande, il ne sera nullement permis de les transporter ensuite à aucun Port appartenant aux Ennemis.

XV. Et afin de pourvoir plus efficacement à la sûreté des deux Parties Contractantes, pour qu'il ne leur soit fait aucun préjudice par les Vaisseaux de Guerre de l'autre Partie ou par des Armateurs particuliers, il sera fait défense à tous les Capitaines et Commandans de Vaisseaux de Sa Majesté Suédoise et des Etats Unis, et tous leurs Sujets, de faire aucun dommage ou insulte à ceux de l'autre Partie ; et au cas qu'ils y contreviennent, ayant été trouvés coupables, après l'examen fait par leurs propres Juges, ils seront tenus de donner satisfaction de tout dommage et intérêt ; et de les bonifier sous peine et obligation de leurs Personnes et biens.

XVI. For this cause, every Individual who is desirous of fitting out a Privateer, shall, before he receives Letters Patent, or Special Commission, be obliged to give bond with sufficient Sureties, before a competent Judge, for a sufficient Sum, to answer all damages and wrongs which the Owner of the Privateer, his Officers or others in his employ, may commit during the cruize, contrary to the tenour of this Treaty, and contrary to the Edicts published by either Party, whether by the King of Sweden or by The United States, in virtue of this same Treaty, and also under the penalty of having the said Letters Patent and Special Commission revoked and made void.

XVII. One of the Contracting Parties being at War, and the other remaining neuter, if it should happen that a Merchant Ship of the neutral Power be taken by the Enemy of the other Party, and be afterwards retaken by a Ship of War or Privateer of the Power at War, also Ships and merchandizes of what nature soever they may be, when recovered from a Pirate or Sea Rover, shall be brought into a Port of one of the two Powers, and shall be committed to the custody of the Officers of the said Port, that they may be restored entire to the true Proprietor as soon as he shall have produced full proof of the property. Merchants, Masters, and Owners of Ships, Seamen, People of all sorts, Ships and Vessels, and in general, all merchandizes and effects of one of the Allies

XVI. Pour cette cause chaque Particulier, voulant armer en course sera obligé, avant que de recevoir les Patentes ou ses Commissions spéciales, de donner par devant un Juge compétent, caution de Personnes solvables, chacun solidairement pour une Somme suffisante, afin de repondre de tous les dommages et torts que l'Armateur, ses Officiers, ou autres étant à son service, pourroient faire en leurs courses, contre la teneur du présent Traité, et contre les Edits faits de part et d'autre en vertu du même Traité, par le Roi de Suède et par les Etats Unis, même sous peine de révocation et cassation des dites Patentes et Commissions spéciales.

XVII. Une des Parties Contractantes étant en Guerre, et l'autre restant neutre, s'il arrivoit qu'un Navire Marchand de la Puissance neutre fut pris par l'Ennemie de l'autre Partie, et repris ensuite par un Vaisseau ou par un Armateur de la Puissance en Guerre; de même que les Navires et marchandises de quelle nature qu'elles puissent être lors qu'elles auront été enlevées des mains de quelque Pirate ou Ecumeur de Mer, elles seront emmenées dans quelque Port de l'un des deux Etats, et seront remises à la garde des Officiers du dit Port, afin d'être rendues en entier à leur véritable Propriétaire, aussitôt qu'il aura produit des preuves suffisantes de la propriété. Les Marchands, Patrons, et Propriétaires des Navires, Matelots, gens de toute sorte, Vaisseaux et Bà-

or their Subjects, shall not be subject to any embargo, nor detained in any of the Countries, Territories, Islands, Cities, Towns, Ports, Rivers, or Domains whatever, of the other Ally, on account of any military Expedition, or any public or private purpose whatever, by seizure, by force, or by any such manner; much less shall it be lawful for the Subjects of one of the Parties to seize or take any thing by force, from the Subjects of the other Party, without the consent of the Owner. This, however, is not to be understood to comprehend seizures, detentions, and arrests, made by order and by the authority of justice, and according to the ordinary course, for debts or faults of the Subject, for which process shall be had in the way of right according to the forms of Justice.

XVIII. If it should happen that the two Contracting Parties should be engaged in a War at the same time with a common Enemy, the following points shall be observed on both sides :

1. If the Ships of one of the two Nations, retaken by the Privateers of the other, have not been in the power of the Enemy more than 24 hours, they shall be restored to the original Owner, on payment of one-third of the value of the Ship and Cargo. If, on the contrary, the Vessel retaken has been more than 24 hours in the power of the Enemy, it shall belong wholly to him who has retaken it.

timens, et en général aucunes marchandises ni aucuns effets de chacun des Alliés ou de leurs Sujets, ne pourront être assujettis à aucun embargo, ni retenus dans aucun des Pays, Territoires, Iles, Villes, Places, Ports, Rivages, ou Domaines quelconques de l'autre Allié, pour quelque Expédition Militaire, usage public ou particulier de qui que ce soit, par saisie, par force, ou de quelque manière semblable. D'autant moins sera-t-il permis aux Sujets de chacune des Parties de prendre, ou enlever par force, quelque chose aux Sujets de l'autre Partie, sans le consentement du Propriétaire; ce qui néanmoins, ne doit pas s'entendre des saisies, détentions et arrêts qui se feront par ordre et autorité de la justice et selon les voyes ordinaires pour dettes ou délits, au sujet desquels il devra être procédé par voye de droit selon les formes de Justice.

XVIII. S'il arrivoit que les deux Parties Contractantes fussent en même tems en Guerre contre un Ennemi commun, on observera de part et d'autre les points suivans :

1. Si les Bâtimens de l'une des deux Nations repris par les Armateurs de l'autre n'ont pas été au pouvoir de l'Ennemi, au delà de 24 heures, ils seront restitués au premier Propriétaire, moyennant le payement du tiers de la valeur du Bâtiment et de celle de la Cargaison. Si, au contraire, le Vaisseau repris a été plus de 24 heures au pouvoir de l'Ennemi, il appartiendra en entier à celui qui l'aura repris.



2. In case, during the interval of 24 hours, a Vessel be retaken by a Man-of-War of either of the two Parties, it shall be restored to the original Owner, on payment of a 30th part of the value of the Vessel and Cargo, and a 10th part if it has been retaken after the 24 hours, which Sums shall be distributed as a gratification among the Crew of the Men-of-War that shall have made the recapture.

3. The Prizes made in manner above-mentioned, shall be restored to the Owners, after proof made of the property, upon giving security for the part coming to him who has recovered the Vessel from the hands of the Enemy.

4. The Men-of-War and Privateers of the two Nations shall reciprocally be admitted with their Prizes into each other's Ports; but the Prizes shall not be unloaded or sold there, until the legality of a Prize made by Swedish Ships shall have been determined according to the Laws and Regulations established in Sweden, as also that of the Prizes made by American Vessels, shall have been determined according to the Laws and Regulations established by The United States of America.

5. Moreover, the King of Sweden and The United States of America shall be at liberty to make such regulations as they shall judge necessary, respecting the conduct which their Men-of-War and Privateers respectively shall be bound to observe, with regard to Vessels which they shall take and carry into the Ports of the two Powers.

2. Dans les cas que dans l'intervalle de 24 heures un Navire est repris par un Vaisseau de Guerre de l'une des deux Parties, il sera rendu au premier Propriétaire, moyennant qu'il paye un 30me de la valeur du Navire et de sa Cargaison, et le 10me, s'il a été repris après les 24 heures, les quelles Sommes seront distribuées en guise de gratification aux équipages des Vaisseaux qui l'aurent repris.

3. Les Prises faites de la manière susdite seront restituées aux Propriétaires, après les preuves faites de la propriété, en donnant caution pour la part qui en revient à celui qui a tiré le Navire des mains de l'Ennemi.

4. Les Vaisseaux de Guerre et Armateurs des deux Nations seront réciproquement admis avec leurs Prises, dans les Ports respectifs de chacune; mais ces Prises ne pourront y être déchargées ni vendues qu'après que la légitimité de la Prise faite par des Bâtimens Suédois aura été décidée selon les Loix et Réglemens établis en Suède; tout comme celles des Prises faites par des Bâtimens Américains, sera jugée selon les Loix et Réglemens déterminés par les Etats Unis de l'Amérique.

5. Au surplus il sera libre au Roi de Suède, ainsi qu'aux Etats Unis de l'Amérique, de faire tels réglemens qu'ils jugeront nécessaires, relativement à la conduite que devront tenir leurs Vaisseaux et Armateurs respectifs, à l'égard des Bâtimens qu'ils auront pris et conduits dans les Ports des deux Puissances.

**XIX. The Ships of War of His Swedish Majesty, and those of The United States, and also those which their Subjects shall have armed for War, may, with all freedom, conduct the prizes which they shall have made from their enemies into the Ports which are open in time of War to other friendly Nations; and the said Prizes, upon entering the said Ports, shall not be subject to arrest or seizure, nor shall the Officers of the Places take cognizance of the validity of the said prizes, which may depart and be conducted freely and with all liberty to the places pointed out in their Commissions, which the Captains of the said Vessels shall be obliged to show.**

**XXI. When the Subjects and Inhabitants of the two Parties, with their Vessels, whether they be publick and equipped for War, or private, or employed in Commerce, shall be forced by tempest, by pursuit of privateers and of enemies, or by any other urgent necessity, to retire and enter any of the Rivers, Bays, Roads, or Ports of either of the two Parties, they shall be received and treated with all humanity and politeness, and they shall enjoy all friendship, protection, and assistance, and they shall be at liberty to supply themselves with refreshments, provisions, and every thing necessary for their sustenance, for the repair of their Vessels, and for continuing their Voyage; provided always that they pay a reasonable price: and they shall not in any manner be detained or hindered**

**XIX. Les Vaisseaux de Guerre de Sa Majesté Suédoise et ceux des Etats Unis, de même que ceux que leurs Sujets auront armés en guerre, pourront, en toute liberté, conduire les prises qu'ils auront faites sur leurs ennemis, dans les Ports ouverts en tems de guerre aux autres Nations amies, sans que ces prises, entrant dans les dits Ports, puissent être arrêtées ou saisies, ni que les Officiers des lieux puissent prendre connoissance de la validité des dites prises, les quelles pourront sortir et être conduites franchement et en toute liberté aux lieux portés par les Commissions, dont les Capitaines des dits Vaisseaux seront obligés de faire montre.**

**XXI. Lorsque les Sujets et habitans de l'une des deux Parties avec leurs Vaisseaux, soit publics, soit équipés en guerre, soit particuliers, ou employés au Commerce, seront forcés, par une tempête, par la poursuite des corsaires et des ennemis, ou par quelque autre nécessité urgente, de se retirer et d'entrer dans quelque une des Rivières, Bayes, Rades ou Ports de l'une des deux Parties, ils seront reçus et traités avec humanité et honnêteté et jouiront de toute amitié, protection et assistance, et il leur sera permis de se pourvoir de rafraichissemens, de vivres et de toutes choses nécessaires pour leur subsistance, pour la réparation de leurs Vaisseaux et pour continuer leur voyage, le tout moyennant un prix raisonnable, et ils ne seront retenus en aucune manière, ni empêchés**

from sailing out of the same Ports or Roads, but they may retire and depart when and as they please, without any obstacle or hindrance.

**XXII.** In order to favour Commerce on both sides as much as possible, it is agreed, that in case a War should break out between the said two Nations, which God forbid, the term of 9 months after the Declaration of War, shall be allowed to the Merchants and Subjects respectively on one side and the other, in order that they may withdraw with their effects and moveables, which they shall be at liberty to carry off or to sell where they please, without the least obstacle; nor shall any seize their effects, and much less their Persons, during the said 9 months; but, on the contrary, Passports, which shall be valid for a time necessary for their return, shall be given them for their Vessels, and the Effects which they shall be willing to carry with them. And if any thing is taken from them, or if any injury is done to them by one of the Parties, their People and Subjects, during the term above prescribed, full and entire satisfaction shall be made to them on that account. The above-mentioned Passports shall also serve as a safe conduct against all insults or prizes which privateers may attempt against their Persons and effects.

**XXIII.** No Subject of the King of Sweden shall take a Commission or Letters of Marque for arming any Vessel to act as a Privateer against The United

de sortir des dits Ports ou Rades, mais pourront se retirer et partir, quand et comme il leur plaira, sans aucun obstacle ni empêchement.

**XXII.** Afin de favoriser d'autant plus le Commerce des deux côtés, il est convenu que dans le cas où la guerre surviendrait entre les deux Nations susdites, ce qu'à Dieu ne plaise, il sera accordé un tems de 9 mois après la Déclaration de Guerre, aux Marchands et Sujets respectifs de part et d'autre, pour pourvoir se retirer avec leurs effets et meubles, lesquels ils pourront transporter, ou faire vendre, où ils voudront, sans qu'on y mette le moindre obstacle, ni qu'on puisse arrêter les effets, et encore moins les personnes pendant les dits 9 mois, mais qu'au contraire on leur donnera, pour leurs Vaisseaux et effets qu'ils voudront prendre avec eux, des Passeports valables pour le tems qui sera nécessaire pour leur retour; mais s'il leur est enlevé quelque chose, ou s'il leur a été fait quelque injure, durant le terme prescrit cy-dessus, par l'une des Parties, leurs Peuples et Sujets, il leur sera donné à cet égard pleine et entière satisfaction. Ces Passeports susmentionnés serviront également de saufconduits contre toutes insultes ou prises que les armateurs pourront tenter de faire contre leurs personnes et leurs effets.

**XXIII.** Aucun Sujet du Roi de Suède ne prendra de Commission ou Lettre de Marque pour armer quelque Vaisseau, afin d'agir comme Corsaire contre les Etats

States of America, or any of them, or against the Subjects, People, or Inhabitants of the said United States, or any of them, or against the property of the Inhabitants of the said States, from any Prince or State whatever, with whom the said United States shall be at War. Nor shall any Citizen, Subject, or Inhabitant of the said United States, or any of them, apply for or take any Commission, or Letters of Marque, for arming any Vessel to cruize against the Subjects of his Swedish Majesty, or any of them, or their property, from any Prince or State whatever, with whom his said Majesty shall be at War. And if any Person of either Nation shall take such Commissions or Letters of Marque, he shall be punished as a Pirate.

XXV. When a Vessel belonging to the Subjects and Inhabitants of either of the Parties, sailing on the high sea, shall be met by a Ship of War or Privateer of the other, the said Ship of War or Privateer, to avoid all disorder, shall remain out of cannon-shot, but may always send their Boat to the Merchant Ship, and cause two or three men to go on board of her, to whom the Master or Commander of the said Vessel shall exhibit his Passport, stating the property of the Vessel; and when the said Vessel shall have exhibited her Passport, she shall be at liberty to continue her voyage, and it shall not be lawful to molest or search her in any manner, or to give her chase, or

Unis de l'Amerique ou quelques uns d'entre eux, ou contre les Sujets, Peuples, ou Habitans d'iceux, ou contre la propriété des Habitans de ces Etats, de quelque Prince ou Etat que ce soit, avec lequel ces dits Etats Unis seront en guerre. De même, aucun Citoyen, Sujet ou Habitant des dits Etats Unis, et de quelqu'un d'entre eux, ne demandera ni n'acceptera aucune Commission ou Lettre de Marque, afin d'armer quelque Vaisseau pour courre sus aux Sujets de Sa Majesté Suédoise ou quelqu'un d'entre eux ou leur propriété, de quelque Prince ou Etat que ce soit avec qui sa dite Majesté se trouvera en guerre. Et si quelqu'un de l'une ou de l'autre Nation prenoit de pareilles Commissions ou Lettres de Marque, il sera puni comme Pirate.

XXV. Lorsqu'un Vaisseau appartenant aux Sujets et habitans de l'une des deux Parties naviguant en pleine mer, sera rencontré par un Vaisseau de Guerre ou Armateur de l'autre, le dit Vaisseau de Guerre ou armateur, pour éviter tout désordre, se tiendra hors de la portée du canon, mais pourra toutes fois envoyer sa Chaloupe à bord du Navire Marchand et y faire entrer deux ou trois hommes, auxquels le Maître ou Commandant du dit Navire, montrera son Passeport, qui constate la propriété du Navire; et après que le dit Bâtiment aura exhibé le Passeport, il lui sera libre de continuer son voyage; et il ne sera pas permis de le molester ni de chercher en aucune manière à



force her to quit her intended course.

lui donner la chasse ou à le forcer de quitter la course qu'il s'étoit proposé.

#### SEPARATE ARTICLES.

I. His Swedish Majesty shall use all the means in his power to protect and defend the Vessels and Effects belonging to Citizens or Inhabitants of The United States of North America, and every of them, which shall be in the Ports, Havens, Roads, or on the Seas near the Countries, Islands, Cities, and Towns of His said Majesty, and shall use his utmost endeavours to recover and restore to the right Owners, all such Vessels and Effects which shall be taken from them within his jurisdiction.

II. In like manner The United States of North America shall protect and defend the Vessels and Effects belonging to the Subjects of His Swedish Majesty, which shall be in the Ports, Havens, or Roads, or on the Seas near to the Countries, Islands, Cities, and Towns of the said States, and shall use their utmost efforts to recover and restore to the right Owners, all such Vessels and Effects which shall be taken from them within their jurisdiction.

IV. It is agreed and concluded that all Merchants, Captains of Merchant Ships, or other Subjects of His Swedish Majesty, shall have full liberty, in all places under the dominion or jurisdiction of The United States of America, to manage their own affairs, and to

#### ARTICLES SÉPARÉS.

I. Sa Majesté Suédoise fera usage de tous les moyens qui sont dans son pouvoir pour protéger et défendre les Vaisseaux et effets, appartenans aux Citoyens ou Habitans des Etats Unis de l'Amérique Septentrionale, et à chacun d'iceux, qui seront dans les Ports, Havres ou Rades, ou dans les Mers près des Pays, Iles, Contrées, Villes et Places de Sa dite Majesté, et fera tous ses efforts pour recouvrir et faire restituer aux Propriétaires légitimes tous les Vaisseaux et effets qui leur seront pris dans l'étendue de sa jurisdiction.

II. De même les Etats Unis de l'Amérique Septentrionale protégeront et défendront les Vaisseaux et effets, appartenans aux Sujets de Sa Majesté Suédoise qui seront dans les Ports, Havres ou Rades, ou dans les Mers près des Pays, Iles, Contrées, Villes et Places des dits Etats, et feront tous leurs efforts pour recouvrir et faire restituer aux Propriétaires légitimes, tous les Vaisseaux et effets qui leur seront pris dans l'étendue de leur jurisdiction.

IV. Il est convenu et arrêté que tous les Marchands, Capitaines des Navires marchands, ou autres Sujets de Sa Majesté Suédoise, auront l'entière liberté dans toutes les places de la domination ou jurisdiction des Etats Unis de l'Amérique, de conduire eux mêmes

employ in the management of them whomsoever they please; and they shall not be obliged to make use of any interpreter or broker, nor to pay them any reward unless they make use of them. Moreover, the Masters of Ships shall not be obliged, in loading or unloading their Vessels, to employ labourers appointed by Public Authority for that purpose; but they shall be at full liberty themselves to load or unload their Vessels, or to employ in loading or unloading them whomsoever they think proper, without paying reward, under the title of salary, to any other Person whatever; and they shall not be obliged to turn over any kind of merchandizes to other Vessels, nor to receive them on board their own, nor to wait for their lading longer than they please; and all and every of the Citizens, People, and Inhabitants of The United States of America, shall reciprocally have and enjoy the same privileges and liberties in all places under the jurisdiction of the said Realm.

V. It is agreed, that when merchandizes shall have been put on board the Ships or Vessels of either of the Contracting Parties, they shall not be subjected to any examination; but all examination and search must be before lading, and the prohibited merchandizes must be stopped on the spot before they are embarked, unless there is full evidence or proof of fraudulent practice on the part of the Owner of the Ship, or of him who has the

leurs propres affaires, et d'employer qui il leur plaira pour les conduire, et qu'ils ne seront point obligés de se servir d'aucun interprète ou courtier, ni leur payer aucun honoraire à moins qu'ils ne s'en servent. En outre, les Maîtres des Navires ne seront point obligés, chargeant ou déchargeant leurs Navires, de se servir des ouvriers qui peuvent être établis pour cet effet par l'Autorité Publique; mais ils seront entièrement libres de charger ou de décharger eux-mêmes leurs Vaisseaux, et d'employer pour charger ou décharger ceux qu'ils croiront propres pour cet effet, sans payer aucuns honoraires à titre de salaire à aucune autre Personne que ce soit, et ils ne pourront être forcés de verser aucune espèce de marchandises dans d'autres Vaisseaux ou de les recevoir à leur bord, et d'attendre pour être chargés, plus long-tems qu'il ne leur plaira; et tous et un chacun des Citoyens, Peuples et Habitans des Etats Unis de l'Amérique auront et jouiront réciproquement des mêmes privilèges et libertés dans toutes les places de la jurisdiction du dit Royaume.

V. Il est convenu que lorsque les marchandises auront été chargées sur les Vaisseaux ou Bâtimens de l'une des deux Parties Contractantes, elles ne pourront plus être assujetties à aucune visite; toute visite et recherche devant être faite avant le chargement, et les marchandises prohibées devant être arrêtées sur la plage avant de pouvoir être embarquées, à moins qu'on ait des indices manifestes ou des preuves de versement frau-

command of her; in which case only, he shall be responsible and subject to the Laws of the Country in which he may be. In all other cases, neither the Subjects of either of the Contracting Parties, who shall be with their Vessels in the Ports of the other, nor their merchandizes, shall be seized or molested on account of contraband goods, which they shall have wanted to take on board, nor shall any kind of embargo be laid on their Ships, Subjects, or Citizens of the State whose merchandizes are declared contraband, or the exportation of which is forbidden; those only who shall have sold or intended to sell or alienate such merchandizes, being liable to punishment for such contravention.

doux de la part du Propriétaire du Navire ou de celui qui en a le commandement. Dans ce cas seul, il en sera responsable et soumis aux Loix du Pais où il se trouve. Dans aucun autre cas, ni les Sujets d'une des Parties Contractantes, qui se trouveront avec leurs Navires dans les Ports de l'autre, ni leurs marchandises, ne pourront être arrêtés ou molestés pour cause de contrebande, qu'ils auront voulu prendre à leur bord, ni aucune espèce d'embargo mis sur leurs Navires; les Sujets et Citoyens de l'Etat où ses marchandises sont déclarées de contrebande, ou dont la sortie est défendue, et qui néanmoins auront vendu ou voulu vendre et aliéner les dites marchandises, devant être les seuls qui seront dûment punis pour une pareille contravention.

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***TREATY between Spain and Turkey, respecting the Navigation of the Black Sea — Signed at Constantinople, 16th October, 1827.***

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*Traduccion del Tratado concluido con la Puerta Otomana permitiendo el paso y comercio del Mar Negro a nuestros Buques Mercantes.*

HABIENDOSE dirigido á la Sublime Puerta su antigua Aliada la Corte de España, solicitando el permiso necesario para que sus Barcos mercantes naveguen y trafiquen en el Mar Negro, del mismo modo que lo practican los de algunas otras Potencias amigas; y deseando aquella manifestar su alta consideracion y deferencia hácia el muy poderoso y magnífico

*Translation of the Treaty concluded with the Ottoman Porte for permitting Spanish Merchant Vessels to navigate and trade in the Black Sea.*

THE Court of Spain having addressed the Sublime Porte, its ancient Ally, to request the necessary permission for Spanish merchant Vessels to navigate, and carry on commerce in the Black Sea, after the manner practised by those of some other friendly Powers; and the Sublime Porte being desirous of manifesting its high consideration and

Rey de España, como asimismo satisfacer al tenor del Artículo VII. del Convenio últimamente concluido en Ackerman con la Corte de Rusia,\* relativo al comercio del Mar Negro; el Ministerio de Relaciones Exteriores de la Sublime Puerta y el Esclarecido Caballero D. Luis del Castillo, actual Encargado de Negocios de Su Majestad Católica, despues de haber conferido y tratado sobre este particular, y llevando por objeto la recíproca utilidad de las dos Partes, han convenido en los Artículos siguientes:

ART. I. La Sublime Puerta permite á los Buques Españoles pasar con su propia bandera nacional del Mar Blanco al Mar Negro, cargados con productos de su Pais y de los demas Estados, y tambien regresar del Mar Negro al Mar Blanco con productos del Imperio Ruso. Todos los buques que arriben en lo sucesivo al canal de Constantinopla se conformarán desde luego á la correspondiente visita de los Comisionados establecidos á este fin, en el mismo modo y forma usada en la actualidad con respecto á los Buques Austriacos, Ingleses y Franceses; y despues de desembarcar cualquier objeto ó mercancía prohibida, que á su bordo se encuentre, que sea producto de los Estados Otomanos, tal como *terekiés* (toda especie de granos,) armas y otros utensilios de guerra, caballos, algodón en rama y en hilo, marroquines, plomo, cera, sebo, cueros, pieles de carnero, pez, azufre, seda, lana,

deference for the most powerful and most serene King of Spain, as also of complying with the tenour of Article VII. of the Convention lately concluded at Ackerman with the Court of Russia,\* relative to the commerce of the Black Sea; the Department for Foreign affairs of the Sublime Porte, and the illustrious Don Luis del Castillo, Chargé d'Affaires of His Catholick Majesty, after having conferred upon, and treated of, this subject, and having constantly kept in view the mutual advantage of the two Parties, have agreed upon the following Articles.

ART. I. The Sublime Porte permits Spanish Vessels laden with the produce of their own Country, as well as of other States, to pass, under their own national Flag, from the Sea of Marmora, &c. to the Black Sea, and also to return from the Black Sea to the Sea of Marmora, &c. with the produce of the Russian Empire. All Vessels arriving hereafter in the Channel of Constantinople shall immediately submit to the correspondent visit of the Functionaries appointed for that purpose, in the manner and form now in use with respect to Austrian, English and French Vessels; and after landing every prohibited Article or merchandize found on board that may be the produce of the Ottoman Porte, such as *terekiés* (all kinds of grain) arms, and other articles employed in war, horses, cotton wool, and cotton yarn, morocco, lead, bees wax, tallow, hides, sheep skins, fish, sulphur, silk, wool, *berenfuc*

\* See Vol. 1825, 1826. Page 904.



*berenfuc istefdié* (telas de seda y lana,) aceite, cobre, tela cruda, y ademas los *Rayás* (Subditos no Musulmanes) fugitivos y disfrazados en viajeros ó en gentes de la tripulacion, se les expedirán los respectivos *Firmanes* Imperiales de salida, sin que en ellos se inserte cláusula ni vanas dificultades que no toquen á los reglamentos Gubernativos del Imperio. Seguirá asimismo prohibida la compra de Barcos de propiedad Otomana, como en todos tiempos lo ha sido.

II. En retribucion de las ventajas que por este tráfico se podrán procurar los Comerciantes Españoles, y en virtud del derecho que por la misma razon tiene la Sublime Puerta de lograr tambien á su favor alguna compensacion y provecho, los Buques Españoles que naveguen en la forma indicada satisfarán un derecho de *firman* en proporcion de su porte y capacidad; es decir, que dichos Buques serán divididos en 3 clases: la primera que comprehenderá á los del porte de 16,000 *kilós* (1,120 toneladas:) la segunda á los de 11,000 *kilós* (750 toneladas;) y la tercera á los de 6,000 *kilós* (370 toneladas.) El porte de los buques desde 1,000 á 6,000 *kilós* se contará como de 6,000: el de mas de 6,000 se contará por 11,000, y el de los que excedan á 11,000 por 16,000. Cada vez que estos Buques lleguen al canal de Constantinopla, y obtengan el permiso de pasar al Mar Negro, pagarán á su salida, no contándose su ida y vuelta mas que por un solo viage,

*istefdié* (silken, woollen, and worsted stuffs,) oil, copper, unbleached linens, and also *Rayás* (subjects who are not Mussulmans) fugitives, and persons disguised as travellers, or as belonging to the crews, they shall receive the respective Imperial *Firman*s of Departure, which firmans shall not contain any clause or imaginary difficulty inconsistent with the regulations of the Imperial Government. The purchase of Vessels owned by Ottomans shall likewise, as at all former periods, be prohibited.

II. In return for the benefits which the Spanish Merchants may derive from this traffick, and in virtue of the right belonging, in consequence, to the Sublime Porte, of obtaining, on its part, some compensation and advantage, the Spanish Vessels, navigating as indicated above, shall pay a *firman* duty proportioned to their burden and capaciousness; that is to say, the said Vessels shall be divided into 3 classes: the first class comprehending those of 16,000 *kilós* (1120 tons) burden; the second those of 11,000 *kilós* (750 tons) burden; and the third those of 6,000 *kilós* (370 tons) burden. The burden of ships of from 1,000 to 6,000 *kilós* shall be computed as of 6,000; that of upwards of 6,000 shall be accounted as 11,000; and that of those exceeding 11,000 shall be reckoned for 16,000. Whenever such Vessels arrive in the Channel of Constantinople and obtain leave to proceed to the Black Sea, they

un derecho de *firman*, aplicado á la caja del Almirantazgo, á saber: los Buques correspondientes á la primera clasificacion 600 piastras Turcas; los de la segunda 450; y 300 los de la tercera. No podrá tener cabida ninguna contestacion ni altercado entre las dos Partes, ya sea por la oferta de una suma menor, ya por la pretension de una mayor á las que quedan estipuladas.

III. Los Buques Españoles que en lo venidero transiten por el Bósforo con su propia bandera, observados que sean los principios establecidos de la visita acostumbrada, no experimentarán traba ni dificultad alguna que no sea igualmente extensiva á las demas Potencias. Ademas de esto, si los mismos Buques al desembocar en el Puerto de Constantinopla, Cargados con frutos ó granos extraídos de las escalas Rusas del Mar Negro, exponen que hacen agua, que estan expuestos sus Cargos á humedecerse ó echarse á perder, y les acomoda traspasar sus granos á otro Buque, como asi lo ejecutan los de las citadas Potencias, la Legacion de España dará parte de ello á la Sublime Puerta; y previo el informe de los Comisarios de la Aduana y del Puerto, á cuyo examen se cometerá el expediente, se les expedirá por un *firman jughralé* la correspondiente autorizacion y permiso para efectuar el trasbordo solicitado.

shall pay at their departure (for their going and returning will be regarded only as one voyage) a *firman* duty applicable to the funds of the Admiralty, namely: the Vessels appertaining to the first class 600 Turkish piastres; those of the second class 450; and those of the third, 300. No dispute or altercation shall be allowed between the two Parties, either on the ground of a less sum being offered, or from the demand of a larger rate than those stipulated.

III. Spanish Vessels hereafter passing through the Bosphorus under their own flag, shall, upon having complied with the regulations established in regard to the usual visit or examination, not meet with any obstruction or difficulty other than to what Ships of other Powers are also subjected. Moreover, should the same Vessels, on coming into the Port of Constantinople, laden with Cargoes of fruit or grain procured in the Russian harbours of the Black Sea, give notice that they are leaky, that their Cargoes run the risk of being wetted or spoiled, and that they are desirous of transshipping their grain into another Vessel, as is practised by ships belonging to the Powers above mentioned, the Spanish Legation shall inform the Sublime Porte of the circumstance; and upon the transmission of the Report from the officers of the Custom-house and of the Port, to whose investigation the matter shall be committed, the corresponding authority and permission for shifting the Cargo, as desired,

IV. Asi como en virtud de los Tratados existentes entre las dos Cortes son protegidos los Súbditos Españoles, no solo en la residencia Imperial, sino tambien en los demas puntos del Imperio Otomano situados en el Mar Blanco, del mismo modo lo serán en adelante en todos los del Mar Negro. Si sus Barcos experimentasen alguna avería, y necesitasen hacer reparo y compostura, podrán libremente repararlos, calafatearlos, comprar los víveres y otros artículos que hayan menester, y de manera alguna serán turbados ni molestados sin causa legítima. La Corte de España observará por su parte igual reciprocidad y correspondencia para con los Súbditos de la Sublime Puerta, y promete á los Buques Otomanos que arriben á los Puertos de sus Costas, el goce de todos los privilegios y exenciones que hayan obtenido los Navios mercantes de las Potencias mas favorecidas; y se tendrá cuidado de que su observancia sea siempre mantenida en estos términos.

CONCLUSION. Las dos Partes sellarán y firmarán el Instrumento relativo á la entrada y comercio del Mar Negro en favor de los Barcos Españoles, amistosamente convenido y redactado en 4 Artículos, y lo aceptarán y ratificarán en el término de 3 meses, y antes si posible fuese, por el cange res-

shall be given to the vessels alluded to, in the form of a *firman jughralé*.

IV. As, in virtue of the Treaties subsisting between the two Courts, Spanish Subjects are protected not only in the Imperial City of residence, but also in the other Places of the Ottoman Empire situated in the Sea of Marmora, &c. so likewise shall they be protected for the future in all those of the Black Sea. Should their Vessels experience any damage, and require to be refitted and repaired, it shall be lawful for them, without any hindrance, to repair and caulk the same, and to purchase provisions and other articles which they may need, and they shall not in any way, without sufficient cause, be disturbed or molested. The Court of Spain shall, on its part, observe the like reciprocity and correspondence towards the Subjects of the Sublime Porte; and it promises to such Ottoman Vessels as shall arrive in the Ports of its Coasts, the enjoyment of all the privileges and exemptions which the Merchant Vessels of the most favoured Powers may have obtained; and care shall be taken that the observance of them be always kept up on the same footing.

CONCLUSION. The two Parties shall affix their seals to, and sign, the Instrument relative to the Spanish Vessels being allowed to enter, and trade in the Black Sea, which Instrument has been amicably agreed to, and drawn up in 4 Articles, and they shall accept and ratify it in the space of 3

pectivo de Notas Oficiales.

Escrito en Constantinopla á fines del mes de Rebbi-ul-ewel del año de la Egira 1243 (16 de Octubre de 1827.)

(L.S.) ESSEID MUHAMMED SAID PERTEW, *Reis-Effendi de la Sublime Puerta.*

**RATIFICATION.** En atencion á la antigua y sincera amistad manifestada por la Corte de España á la Sublime Puerta, tuvo esta á bien condescender á la demanda que varias veces le habia dirigido, de que se permitiese á los Buques Españoles el paso y Comercio del Mar Negro, y esta negociacion suficientemente discutida y tratada entre el Ministerio de Relaciones Exteriores del Divan Otomano y el esclarecido Caballero D. Luis del Castillo, Encargado de Negocios de Su Majestad Católica, tuvo por consecuencia y resultado un *Sened* ó Convenio, extendido en 4 Artículos y una Conclusion, que fue firmado y sellado por ambas partes á fines del mes de Rebbi-ul-ewel del Año 1243 de la Egira.

Habiéndose fijado en dicho Instrumento el término de 3 meses desde el dia en que fue firmado, para el cange de las Notas de aceptacion y ratificacion de las dos Cortes respectivas, y en vista de la remitida á la Sublime Puerta por el referido Encargado de Negocios, dando parte de haber recibido la competente autorizacion para hacer saber á la misma

months, and sooner if possible, by respectively exchanging Official Notes.

Written in Constantinople towards the end of the month of Rebbiul-ewel, in the year of the Hegira 1243 (16th October, 1827.)

(L.S.) ESSEID MUHAMMED SAID PERTEW, *Reis-Effendi of the Sublime Porte.*

**RATIFICATION.** On account of the ancient and sincere friendship manifested by the Court of Spain for the Sublime Porte, the latter has thought proper to agree to the request which it had several times addressed to it, to give permission for Spanish Ships to navigate, and carry on Commerce, in the Black Sea; and this Negotiation, having been conducted by means of a sufficient number of discussions and deliberations between the Department for Foreign Relations of the Ottoman Divan and the illustrious Don Luis del Castillo, Chargé d'Affaires of His Catholick Majesty, has terminated in a *Sened* or Convention, comprehending 4 Articles and a Conclusion, which was signed and sealed by both parties in the latter end of the month of Rebbi-ul-ewel, in the Year of the Hegira 1243.

In as much as in the said Instrument the term of 3 months from the day of its signature has been fixed for the exchange of the Notes of acceptance and ratification of the two respective Courts, and in consequence of that transmitted to the Sublime Porte by the said Chargé d'Affaires, notifying that he had received the competent authority for informing it



que su Augusto Amo, el muy poderoso y magnifico Rey de España, habia cumplidamente aceptado y ratificado el Convenio mencionado, y que prometia observar leal y constantemente todos los Artículos en él comprendidos, del mismo modo lo acepta y ratifica el glorioso Emperador Otomano en todas sus partes.

El Gobierno de la Sublime Puerta pondrá la mayor atencion y diligencia en hacerlo siempre observar literal y puntualmente, con tal que el de Su Majestad Católica cuide por su parte de su mejor ejecucion y cumplimiento: y la presente Nota Oficial ha sido dirigida y entregada á nuestro buen amigo el ya predicho Encargado de Negocios de España, en cange de la que él ha presentado con igual objeto, para informarle de la Ratificacion Imperial, y en conformidad de lo prevenido en el Convenio á que se hace relacion.

Fecho en 5 del mes de Schaában del Año 1243 (20 de Febrero de 1828.)

*Nota presentada al Reis-Efendi de la Sublime Puerta Otomana para el cange de ratificaciones al Tratado concluido con ella el 16 de Octubre del Año próximo pasado de 1827.*

El Infrascrito, Encargado de Negocios de Su Majestad Católica cerca de la Sublime Puerta Otomana, declara solemnemente por la presente, que habiendo recibido los Plenos Poderes necesarios, y autorizado con la voluntad expresa de su Gobierno,

that his August Master, the most Powerful and most Serene King of Spain, had fully accepted and ratified the Convention just mentioned, and that He promised faithfully and constantly to observe all the Articles comprized in it, the glorious Ottoman Emperor in like manner accepts and ratifies it in all its parts.

The Government of the Sublime Porte will exert the greatest attention and diligence for causing it always to be literally and punctually observed, provided that His Catholick Majesty, (on His part) shall see to its complete fulfilment and execution: and the present Official Note has been addressed and delivered to our good friend the aforesaid Chargé d'Affaires of Spain, in exchange for that which he presented with the same view, and for the purpose of informing him of the Imperial Ratification, agreeably to the provisions contained in the Convention alluded to.

Done on the 5th of the month of Schaában 1243 (20 February 1828.)

*Note presented to the Reis-Effendi of the Sublime Ottoman Porte with the intent of exchanging the Ratification of the Treaty concluded with it on the 16th October of last Year, 1827.*

The Undersigned, Chargé d'Affaires of His Catholick Majesty at the Sublime Ottoman Porte, solemnly declares herewith, that, having received the necessary Full Powers, and being authorized by the express will of his Government, he corroborates, accepts, and ra-

corroborar, acepta y ratifica en nombre de su Augusto Soberano D. Fernando VII., Rey de España, en las formas necesarias y en todas sus partes, el Convenio que fue firmado, sellado y cangeado, el 16 de Octubre del Año próximo pasado de 1827, entre Su Excelencia Pertew-Efendi, Reis-Efendi de la Sublime Puerta, y el Infrascrito, relativo al libre paso al Mar Negro de los Buques mercantes Españoles; obligándose á hacer cumplir exactamente todos los puntos y cláusulas que en él se contienen. En fe de lo cual, y en conformidad y ejecucion de lo que se previene en el último Artículo del mismo Convenio, la presente Nota ha sido oficialmente cangeada contra otra semejante, con todas las formalidades de estilo, por parte de Su Excelencia el Reis-Efendi de la Sublime Puerta, en Constantinopla á 20 de Febrero de 1828.

tifies in the name of his August Sovereign Don Ferdinand VII., King of Spain, with the necessary forms, and in all its parts, the Convention which was signed, sealed, and exchanged, on the 16th October of last Year, 1827, between His Excellency Pertew Effendi, Reis-Effendi of the Sublime Porte, and the Undersigned, relative to the Spanish Merchant Vessels freely Navigating the Black Sea; obliging himself to cause all the points and clauses contained in it to be exactly fulfilled. In faith of which, and in conformity with, and in execution of, what is laid down in the last Article of that Convention, the present Note was officially exchanged for another of the like import, with all the usual formalities, on the part of His Excellency the Reis-Effendi of the Sublime Porte, at Constantinople, the 20th February, 1828.

LUIS DEL CASTILLO.

LUIS DEL CASTILLO.

*CONVENTION between France and Prussia, for the mutual Surrender of Deserters.—Signed at Paris, 25th July, 1828.*

#### ORDONNANCE DU ROI.

CHARLES, par la Grace de Dieu, Roi de France et de Navarre.

A tous ceux qui ces présentes lettres verront salut :

Nous avons ordonné et ordonnons que la Convention suivante pour la restitution réciproque des Déserteurs, conclue et signée à Paris, le 25 Juillet de la présente Année, entre nous et Sa Majesté le Roi de Prusse, ratifiée par nous le 27 Août suivant, et dont les Ratifications ont été échangées à Paris, le 9 du présent mois de Septembre, 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 Prusse, 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 Pierre-Marie-Auguste Féron, Comte de la Ferronnays, Pair de France, Chevalier des Ordres du Roi, Chevalier des Ordres de Russie, Grand' Croix de l'Ordre de Saint-Ferdinand des Deux-Siciles, et de l'Ordre de la Couronne de Wurtemberg, Maréchal-de-camp, Ministre et Secrétaire d'Etat au Département des Affaires Etrangères.

Et Sa Majesté le Roi de Prusse, le Sieur Henri-Auguste-Alexandre-Guillaume Baron de Werther, son Chambellan et son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Très-Chrétienne, Chevalier de l'Ordre de l'Aigle Rouge de Première Classe, et de celui de Saint-Jean-de-Jérusalem de Prusse, et Grand' Croix de l'Ordre de Charles III. d'Espagne.

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 Parties 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 les Individus appartenant à la Marine, et ceux qui, appelés au service actif de la Milice Nationale, ou de toute autre branche militaire quelconque des deux Pays, ne se rendraient pas à l'appel et chercheraient à se réfugier sur le Territoire de l'une des Hautes Parties Contractantes.

Les jeunes gens résidant, soit par le fait de leur naissance, soit par toute autre circonstance, dans les Etats du Souverain dont ils ne sont pas Sujets, seront également soumis aux dispositions de la présente Convention, à moins qu'ils n'aient obtenu des lettres de naturalisation par suite de l'autorisation du Gouvernement dont ils sont Sujets.

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, par leur 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 aura lieu après que le Déserteur aura été acquitté ou aura subi sa peine.

Si un Déserteur était retenu dans quelque prison pour le paiement d'une dette civile, son extradition sera suspendue jusqu'au jour où cet emprisonnement aura dû cesser.

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. Les 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 Passeport ou d'une autorisation en règle qu'elles devront obtenir de leur Chef immédiat, se rendre au plus prochain 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 Régistre du Géolier ou Concierge de la prison ou le Déserteur aura été écroué.

VI. Dans le cas où les Déserteurs seraient encore porteurs de leurs armes, ou revêtus de leur équipement, habillement ou marques distinctives, sans être munis d'un Passeport, 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 effecteur 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 et d'équipement emportés par les Individus désignés dans l'Article III. de la présente Convention comme exceptés de l'extradition.

Les Hautes Parties Contractantes se concerteront ultérieurement sur la désignation des places frontières où la remise des Déserteurs devra être opérée.



**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 constaté par l'extrait dont il est fait mention à l'Article V., 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 6 gros 3 fenins, argent de Prusse, par jour, pour chaque homme, et à 1 franc 6 centimes, argent de France, ou 8 gros 9 fenins, argent de Prusse, par jour, pour chaque cheval : il sera payé, en outre, par la Partie requérante ou intéressée, une gratification de 25 francs, argent de France, ou de 6 écus 25 gros, argent de Prusse, pour chaque homme, et de 125 francs, ou 32 écus 24 gros, pour chaque cheval et son équipage, au profit de quiconque sera parvenu à découvrir et faire arrêter un Déserteur, ou qui aura contribué à la restitution d'un cheval et de son équipage.

**X.** Les frais et gratifications dont il est fait mention dans l'Article précédent, seront acquittés immédiatement après l'extradition.

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 Passeports en règle ;

2°. De défendre sévèrement à toute Autorité quelconque, d'enrôler ou de recevoir dans le service militaire, soit pour les armes de terre, soit pour la Marine, un Sujet de l'autre des Hautes Parties Contractantes qui n'aura pas justifié par des certificats ou des attestations en due forme qu'il est dispensé du Service Militaire dans son Pays.

La même mesure sera applicable dans le cas où l'une des Hautes Parties Contractantes aura permis à une Puissance Etrangère de faire des enrôlemens dans ses Etats.

**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 25 Juillet 1828.

(L.S.) COMTE DE LA FERRONNAYS. (L.S.) WERTHER.

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 21 jour du mois de Septembre, l'An de Grâce 1828, et de notre Règne le 5<sup>me</sup>.

CHARLES.

Par le Roi :

Pour le Ministre et Secrétaire d'Etat des Affaires Etrangères.

*Le Garde des Sceaux de France, Ministre et Secrétaire d'Etat au Département de la Justice,*

COMTE PORTALIS.

Vu et Scellé du Grand Sceau :

*Le Garde des Sceaux de France, Ministre et Secrétaire d'Etat au Département de la Justice,*

COMTE PORTALIS.

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*TREATY between France and Switzerland, relative to the reciprocal treatment and privileges of the Subjects of the two Countries.—Signed at Zurich, 18th July, 1828.*

*Ordonnance du Roi qui prescrit la Publication du Traité, concernant les rapports de voisinage, de justice et de police, conclu entre Sa Majesté Très-Chrétienne et les Etats de la Confédération Helvétique.*

Au Château des Tuileries, le 31 Décembre, 1828.

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 le Traité suivant, concernant les rapports de voisinage, de justice et de police, conclu et signé à Zurich, le 18 Juillet, 1828, entre Nous et les Etats composant la Confédération Helvétique, ratifié par Nous le 17 Octobre suivant, et dont les Ratifications ont été échangées à Berne, le 16 du présent mois de Décembre, sera inséré au Bulletin des Lois, pour être exécuté suivant sa forme et teneur.

Sa Majesté le Roi de France et de Navarre, et les Etats composant la Confédération Helvétique, également animés du désir de consolider de plus en plus les liens d'amitié et les relations de bon voisinage qui subsistent depuis si long-temps entre eux, et, dans ce but, ayant jugé convenable de fixer définitivement et sur la base d'une parfaite réciprocité les règles à suivre de part et d'autre, tant pour l'exercice de la

justice qu'à l'égard de divers autres points d'un intérêt commun pour les deux Pays, ont, à cet effet, nommé pour leurs Plénipotentiaires, savoir :

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 les Etats de la Confédération Helvétique, 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 ; lesquels, après avoir échangé leurs Pleins Pouvoirs respectifs trouvés en bonne et due forme, sont convenus des Articles suivans :

ART. 1. Les jugemens définitifs en matière civile, ayant force de chose jugée, rendus par les Tribunaux Français, seront exécutoires en Suisse, et réciproquement, après qu'ils auront été légalisés par les Envoyés respectifs, ou, à leur défaut, par les Autorités compétentes de chaque Pays.

II. Il ne sera exigé des Français qui auraient à poursuivre une Action en Suisse, et des Suisses qui auraient une Action à poursuivre en France, aucuns droits, caution ou dépôt, auxquels ne seraient pas soumis, les nationaux eux-mêmes, conformément aux Lois de chaque localité.

III. Dans les affaires litigieuses personnelles ou de Commerce qui ne pourront se terminer à l'amiable ou sans la voie des Tribunaux, le Demandeur sera obligé de poursuivre son Action devant les Juges naturels du Défendeur, à moins que les Parties ne soient présentes dans le lieu même où le contrat a été stipulé, ou qu'elles ne fussent convenues des Juges par-devant lesquels elles se seraient engagées à discuter leurs difficultés.

Dans les affaires litigieuses ayant pour objet des propriétés foncières, l'Action sera suivie par-devant le Tribunal ou Magistrat du lieu où ladite propriété est située.

Les contestations qui pourraient s'élever entre les Héritiers d'un Français mort en Suisse, à raison de sa succession, seront portées devant le Juge du dernier domicile que le Français avait en France. La réciprocité aura lieu à l'égard des contestations qui pourraient s'élever entre les héritiers d'un Suisse mort en France. Le même principe sera suivi pour les contestations qui naîtraient au sujet des tutelles.

IV. En cas de faillite ou de banqueroute de la part de Français possédant des biens en France, s'il y a des Créanciers Suisses et des Créanciers Français, les Créanciers Suisses qui se seraient conformés aux Lois Françaises pour la sûreté de leur hypothèque, seront payés sur lesdits biens, comme les Créanciers hypothécaires Français, suivant l'ordre de leur hypothèque ; et, réciproquement, si des Suisses possé-

dant des biens sur le Territoire de la Confédération Helvétique se trouvaient avoir des Créanciers Français et des Créanciers Suisses, les Créanciers Français qui se seraient conformés aux Lois Suisses, pour la sûreté de leur hypothèque en Suisse, seront colloqués sans distinction avec les Créanciers Suisses, suivant l'ordre de leur hypothèque.

Quant aux simples Créanciers, ils seront aussi traités également, sans considérer auquel des deux Pays ils appartiennent, mais toujours conformément aux Lois de chaque Pays.

V. Si des Français ou des Suisses, déclarés juridiquement coupables, dans leurs Pays respectifs, des Crimes suivans, savoir: Crimes contre la sûreté de l'Etat, assassinats, empoisonnemens, incendies, faux sur des actes publics et en écriture de commerce, fabrication de fausse monnaie, vols avec violence ou effraction, vols de grand chemin, banqueroute frauduleuse, ou qui seraient poursuivis comme tels en vertu de Mandats d'arrêt décernés par l'Autorité Légale, venaient à se réfugier, les Français en Suisse, et les Suisses en France, leur extradition sera accordée à la première réquisition. Il en sera de même à l'égard des fonctionnaires ou dépositaires publics poursuivis pour soustraction de fonds appartenant à l'Etat. Chacun des deux Pays supportera jusqu'au Frontières de son Territoire les frais d'extradition et de transport.

Les choses volées dans l'un des deux Pays et déposées dans l'autre seront fidèlement restituées.

VI. Dans toutes les procédures criminelles, ayant pour objet les mêmes Crimes spécifiés à l'Article ci-dessus, dont l'instruction se fera, soit devant les Tribunaux Français, soit devant ceux de Suisse, les Témoins Suisses qui seront cités à comparaître en personne en France, et les Témoins Français qui seront cités à comparaître en personne en Suisse, seront tenu de se transporter devant le Tribunal qui les aura appelés, sous les peines déterminées par les Lois respectives des deux Nations. Les Passe-ports nécessaires seront donnés aux Témoins, et les Gouvernemens respectifs se concerteront pour fixer l'indemnité et l'avance préalable qui seront dues à raison de la distance et du séjour. Si le Témoin se trouvait complice, il sera renvoyé par-devant son Juge naturel, aux frais du Gouvernement qui l'aurait appelé.

VII. Les Habitans Suisses des Cantons limitrophes de la France, auront la faculté d'exporter les denrées provenant des biens-fonds dont ils seraient propriétaires sur le Territoire du Royaume à une lieue des frontières respectives, et la même faculté est accordée réciproquement aux Français qui posséderaient en Suisse des propriétés foncières situées à la même distance des frontières. L'exportation et l'importation de ces denrées territoriales seront libres et exemptes de tous droits. Néanmoins les Propriétaires qui voudront user de la faculté qui leur est accordée par le présent Article, se conformeront aux Lois de Douane et de Police de chaque Pays; mais, pour éviter que les for-



malités à remplir ne causent des retards préjudiciables aux récoltes, leur transport d'un Pays dans l'autre ne pourra être retardé, si ceux qui en auront préalablement demandé l'autorisation fournissent, jusqu'à ce qu'ils aient pu l'obtenir, une caution solvable.

Il est bien entendu que cette faculté ne sera pas limitée, et qu'elle durera toute l'année; mais il est également convenu qu'elle ne s'appliquera qu'aux récoltes brutes et telles que le terrain sur lequel elles auront cru les aura produites.

VIII. Il sera conclu un Arrangement particulier entre Sa Majesté Très-Chrétienne et les Cantons limitrophes de la France, pour régler l'exploitation des forêts voisines des frontières et en prévenir la dégradation.

IX. Si par la suite on venait à reconnaître le besoin d'éclaircissements sur quelques Articles du présent Traité, il est expressément convenu que les Parties Contractantes se concerteront pour régler à l'amiable les Articles sujets à interprétation.

X. Le présent Traité sera ratifié, 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 signé, et y ont apposé le Cachet de leurs Armes.

Fait à Zurich, le 18 Juillet, de l'An de grâce 1828.

(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 des Tuileries, le 31<sup>e</sup>. jour du mois de Décembre, l'An de grâce 1828, et de notre Règne le 5<sup>ème</sup>.

CHARLES.

Par le Roi.

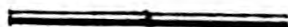
*Le Ministre et Secrétaire d'Etat au Département des Affaires Etrangères.*

COMTE DE LA FERRONNAYS.

Vu et scellé du Grand Sceau.

*Le Garde des Sceaux de France, Ministre et Secrétaire d'Etat au Département de la Justice.*

COMTE PORTALIS.



**ADDITIONAL ARTICLE to the Convention of Friendship, Commerce, and Navigation, between The United States and The Hanseatic Republics, of the 20th December, 1827.\*—Signed at Washington, 4th June, 1828.**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS an Additional Article to the Convention of the 20th of December, 1827, between The United States of America and The Hanseatic Republics of Lubeck, Bremen, and Hamburg, was concluded and signed at Washington, on the 4th day of June, 1828 which Additional Article being in the English and the French Languages, is, word for word, as follows :

**ADDITIONAL ARTICLE**  
to the Convention of Friendship, Commerce, and Navigation, concluded at Washington on the 20th day of December, 1827, between The United States of America and the Hanseatic Republics of Lubeck, Bremen, and Hamburg.

The United States of America and The Hanseatic Republics of Lubeck, Bremen, and Hamburg, wishing to favour their mutual Commerce by affording, in their Ports, every necessary assistance to their respective Vessels, the undersigned Plenipotentiaries have further agreed upon the following Additional Article to the Convention of Friendship, Commerce, and Navigation, concluded at Washington, on the 20th day of December, 1827, between the Contracting Parties.

The Consuls and Vice-Consuls may cause to be arrested, the Sailors, being part of the Crews of the Vessels of their respective Countries, who shall have deserted from the said Vessels, in order to send them back and transport them out of the Country. For

**ARTICLE ADDITIONNEL**  
à la Convention d'Amitié, de Commerce, et de Navigation, conclue à Washington le 20 Décembre, 1827, entre les Républiques Anseatiques de Lubeck, Bremen, et Hambourg, es les Etats Unis d'Amérique.

Les Républiques Anseatiques de Lubeck, Bremen, et Hambourg, et les Etats Unis d'Amérique, désirant favoriser mutuellement leur Commerce, en donnant dans leurs Ports toute assistance nécessaire à leurs Bâtimens respectifs, les soussignés Plénipotentiaires sont convenus de plus du suivant Article Additionnel à la Convention d'Amitié, de Commerce, et de Navigation, conclue à Washington, le 20 Décembre, 1827, entre les Parties Contractantes.

Les Consuls et Vice-Consuls pourront faire arrêter les Matelots faisant partie des Equipages des Bâtimens de leurs Pays respectifs, qui auroient déserté desdits Bâtimens, pour les renvoyer et faire transporter hors du Pays. Auquel effet lesdits Consuls et Vice-Con-

\* See Page 704.

which purpose, the said Consuls and Vice-Consuls shall address themselves to the Courts, Judges, and Officers competent, and shall demand the said Deserters, in writing, proving, by an exhibition of the Registers of the said Vessels, or Ships' Roll, or other official Documents, that those Men were part of said Crews; and on this demand being so proved, (saving however, where the contrary is proved,) the delivery shall not be refused; and there shall be given all aid and assistance to the said Consuls and Vice-Consuls, for the search, seizure, and arrest of the said Deserters, who shall even be detained and kept in the Prisons of the Country at their request and expense, until they shall have found opportunity of sending them back. But, if they be not sent back within 2 months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

It is understood, however, that if the Deserter should be found to have committed any crime or offence, his surrender may be delayed, until the Tribunal, before which the Case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

The present Additional Article shall have the same force and value as if it were inserted, word for word, in the Convention signed at Washington on the 20th day of December, 1827, and being approved and ratified by the President of the United States, by and

suls s'adresseront aux Tribunaux, Juges et Officiers compétens, et leur feront, par écrit, la demande desdits Déserteurs, en justifiant, par l'exhibition des Régistres du Bâtiment, ou Rôle d'Equipage, ou autres Documens officiels, que ces hommes faisaient partie desdits Equipages. Et sur cette demande, ainsi justifiée, sauf toutefois la preuve contraire, l'extradition ne pourra être refusée; et il sera donné toute aide et assistance aux dits Consuls et Vice-Consuls, pour la recherche, saisie et arrestation des susdits Déserteurs, lesquels seront même détenus et gardés dans les Prisons du Pays, à leur réquisition et à leurs frais, jusqu'à ce qu'ils aient trouvé occasion de les renvoyer. Mais s'il n'étaient renvoyés dans le délai de 2 mois, à compter du jour de leur arrêt, ils seront élargis, et ne pourront plus être arrêtés pour la même cause.

Il est entendu, toutefois, que si le Déserteur se trouvait avoir commis quelque crime ou délit, 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.

Le présent Article Additionnel aura la même force et valeur que s'il était inséré mot à mot dans la Convention signé à Washington le 20 Décembre, 1827, et étant approuvé et ratifié par les Sénats des Républiques Anséatiques de Lubbeck, Bremen, et Hambourg; et

with the advice and consent of the Senate thereof, and by the Senates of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, the Ratifications shall be exchanged at Washington within 9 months from the date hereof, or sooner, if possible.

In faith whereof, we, the Undersigned, by virtue of our respective Full Powers, have signed the present Additional Article, and have thereto affixed our Seals.

Done in quadruplicate, at the City of Washington, on the 4th day of June, in the Year of our Lord 1828.

(L.S.) H. CLAY.

(L.S.) V. RUMPF.

par le Président des Etats Unis, par et avec l'avis et le consentement du Sénat desdits Etats, les Ratifications en seront échangées à Washington, dans l'espace de 9 mois, à dater de ce jour, ou plutôt, si faire se peut.

En foi de quoi, nous, Soussignés, en vertu de nos Pleins Pouvoirs respectifs, avons signé le présent Article Additionnel, et y avons apposé nos Sceaux.

Fait par quadruplicata, en la Cité de Washington, le 4 Juin, l'An de Grace 1828.

(L.S.) V. RUMPF.

(L.S.) H. CLAY.

And, whereas, the said Additional Article has been duly ratified on both parts, and the respective Ratifications of the same have, this day, been exchanged at Washington, by Henry Clay, Secretary of State of The United States, and Anthony Charles Cazenove, Consul of the Hanseatic Republick of Bremen, and Vice Consul of the Hanseatic Republick of Hamburg, on the part of their respective Governments:

Now, therefore, be it known, that I, John Quincy Adams, President of The United States of America, have caused the said Additional Article to be made publick, to the end that the same, and every Clause thereof, may be observed, and fulfilled with good faith, by The United States and the Citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the Seal of The United States to be affixed.

Done at the City of Washington, this 14th day of January, in the Year of our Lord 1829, and of the Independence of The United States the 53rd.

JOHN QUINCY ADAMS.

By the President:

H. CLAY, *Secretary of State.*

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*SPEECH of the King of France, on the Opening of the Chambers.—5th February, 1828.*

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MESSIEURS,

C'EST toujours avec la même satisfaction que je vous vois réunis autour de mon Trône, et que je viens vous faire connaître la situation de la France.

Mes relations avec les Puissances de l'Europe continuent à être amicales et satisfaisantes. Les Affaires d'Orient présentent seules quelques difficultés ; mais le Traité que j'ai signé avec le Roi d'Angleterre et l'Empereur de Russie a posé les bases de la Pacification de la Grèce, et j'ai lieu d'espérer encore que les efforts de mes Alliés et les miens triompheront, sans les secours de la force, des résistances de la Porte Ottomane.

Le Combat imprévu de Navarin a été à-la-fois une occasion de gloire pour nos Armes et le gage le plus éclatant de l'union des trois Pavillons.

La Péninsule fut long-temps pour nous une cause de sacrifices ; ils touchent à leur terme : rassurée sur ses Frontières, l'Espagne s'occupe avec persévérance du soin d'étouffer dans son sein le déplorable germe des discordes civiles ; tout m'annonce que je pourrai très-incessamment, d'accord avec le Roi mon Neveu, rendre mes Soldats à leur Patrie, et soulager mes Peuples d'un pénible fardeau.

Un Blocus rigoureux, dont le terme est fixé au jour où j'aurai reçu la satisfaction qui m'est due, contient et punit Alger, et protège le Commerce Français.

Dans des parages lointains, et sous la Domination incertaine de Gouvernemens naissans, notre Pavillon a éprouvé quelque aggrèsions ; mais j'ai ordonné qu'on exigeât de justes réparations, et j'ai prescrit des mesures qui mettront désormais à l'abri de tout dommage la fortune de mes Sujets.

Si je puis ainsi, Messieurs, porter au dehors un regard satisfait, l'état intérieur de mon Royaume ne m'offre pas moins de motifs de sécurité.

Vous verrez par les Documens qui seront mis sous vos yeux, que si les produits des Contributions diverses ont subi quelque diminution, les sources de la richesse publique n'ont éprouvé aucune altération durable. Des circonstances extraordinaires ont produit un excédent de Dépenses auquel il sera nécessaire de pourvoir. J'ai ordonné à mes Ministres de vous en rendre compte, et je leur ai prescrit de marcher constamment vers une économie sévère et bien entendue.

J'ai appelé mon Fils à intervenir dans les Promotions Militaires. L'Armée trouvera dans cette disposition nouvelle le témoignage le plus assuré de ma bienveillance pour elle.

Le développement progressif du Commerce et de l'Industrie, cette gloire des Etats pacifiques, a accru leurs besoins et sollicite des débouchés plus nombreux. J'ai voulu qu'un Ministre créé dans leur intérêt reçût la Mission Spéciale de me proposer tout ce qui sera propre à seconder leur activité toujours croissante.

Quelle que soit l'intimité des rapports qui doivent exister entre la religion et l'éducation des hommes, l'Instruction Publique et les Affaires Ecclésiastiques m'ont paru exiger une direction séparée, et j'en ai ordonné la division.

Voulant affermir de plus en plus dans mes Etats la Charte qui fut octroyée par mon Frère, et que j'ai juré de maintenir, je veillerai à ce qu'on travaille avec sagesse et maturité à mettre notre législation en harmonie avec elle.

Quelques hautes questions d'administration publique ont été signalées à ma sollicitude. Convaincu que la véritable force des Trônes est, après la protection Divine, dans l'observation des Lois, j'ai ordonné que ces questions fussent approfondies et que leur discussion fît briller la vérité, premier besoin des Princes et des Peuples.

Messieurs, le bonheur de la France est l'objet de tous mes vœux et de toutes mes pensées. Pour l'assurer, je saurai conserver l'autorité forte et tutélaire qui appartient à ma Couronne. Je compte aussi, Messieurs, je compte beaucoup sur le concours de vos lumières et sur l'accord de vos sentimens. La parole de votre Roi appelant l'union des hommes de bien ne peut trouver ici que des cœurs disposés à l'entendre et à lui répondre.



*SPEECH of The King of The Netherlands, on the Opening of The States General.—20th October, 1828.*

NOBLES ET PUISSANS SEIGNEURS !

JE suis heureux de me voir de nouveau entouré des Représentans de la Nation, pour délibérer de commun accord sur les intérêts de la Grande Famille, et consolider de plus en plus notre édifice politique, en continuant à l'affermir sur l'ensemble de nos Institutions Constitutionnelles.

Depuis votre dernière Session, ma Maison a eu à se réjouir de la naissance d'un rejeton de mon bien aimé Fils puiné; cet heureux évènement, qui a comblé ses vœux les plus doux et ceux de sa digne Epouse, a fait éclater de nouveau ces marques si touchantes de l'intérêt que nos Concitoyens portent au bonheur de leurs Princes.

Il m'est infiniment agréable, en ouvrant cette Session, de pouvoir vous donner l'assurance que je continue à recevoir de toutes les Puissances, des preuves de bienveillance et d'amitié.

Les mesures préparatoires à l'exécution du Concordat conclu l'An

dernier avec la Cour de Rome, se règlent successivement. Les Négociations ouvertes à ce sujet, continuent avec cette sollicitude mutuelle, qui seule peut en assurer le succès; et la préconisation de l'Evêque nommé pour le siège de Namur, justifie mon attente d'un semblable accord pour remplir les autres sièges vacans.

L'extension de nos relations dans l'intérêt de notre Commerce et de nos fabriques, et les arrangemens qui peuvent y contribuer le plus efficacement, continuent à fixer mon attention.

L'industrie, ce principe vital des Etats, se développe chez la Nation d'une louable manière; si, peut être, la prospérité ne découle plus si largement pour elle des sources, qui l'alimentèrent dans les siècles précédens, du moins de grands résultats viennent encore couronner les efforts de la génération présente.

Le Commerce continue à prospérer; les divers établissemens créés ou projetés dans son intérêt, et qui ont principalement pour but d'assurer la liberté d'importation et de réexportation par mer, promettent d'accroître encore sa prospérité, surtout si nos négocians y contribuent de leur côté, en modifiant d'anciens usages, d'après l'état actuel des rapports Commerciaux, que les Nations ont entr'elles.

La situation intérieure du Royaume est en général satisfaisante. Les Autorités, auxquelles la Loi fondamentale a confié le soin de l'administration proprement dite, remplissent leurs devoirs avec zèle; et si, dans quelques Provinces, les Etats ont cherché à étendre la sphère de leurs attributions, j'aime à croire que l'indication, qui leur a été faite de ma part, de cet empiétement sur les droits, que notre Pacte fondamental attribue exclusivement au Pouvoir Législatif, suffira pour prévenir à l'avenir une semblable déviation.

Les communications par terre et par eau, si éminemment utiles dans leurs résultats, se multiplient et s'améliorent dans toutes les parties du Royaume.

Les Gardes Communales sont maintenant établies partout, conformément à la Loi, adoptée dans l'avant dernière Session de Vos Nobles Puissances. Mes Sujets ont encore une fois donné, dans cette occasion, des preuves éclatantes de leur attachement à nos Institutions fondamentales, et de leur dévouement à concourir à tout ce qui se rattache au bien-être et à la sécurité de la Patrie.

Les Autorités Provinciales et communales rivalisent d'efforts pour propager et répandre l'instruction primaire. On s'occupe activement de mettre l'instruction en harmonie avec les besoins des diverses classes de la société, et plus spécialement avec ceux de la classe industrielle.

J'ai confié à une Commission l'examen des améliorations dont l'instruction supérieure est susceptible. L'instruction publique, convenablement établie, est la base de tout bonheur social; les soins qu'elle réclame, doivent être dirigés vers ce but principal, le perfectionnement

rationnel et moral de la Nation toute entière ; aussi considèrai-je ces soins, non seulement comme un de mes devoirs les plus importants, mais aussi comme un de mes droits les plus précieux.

Les beaux-arts continuent à fleurir.

L'état de Nos Possessions dans les Indes-Orientales n'a pas empiré ; la tranquillité n'est pas encore entièrement rendue à Java, de nouveaux ordres sont donnés pour la rétablir ; les avis reçus de ces Contrées, permettent l'espoir, que lorsque les choses auront repris leur cours habituel, la Mère Patrie sera promptement libérée de la garantie pécuniaire consentie par elle ; mais la durée des troubles se prolongeant, il deviendra nécessaire qu'elle soutienne encore une fois ces Colonies de son crédit. Vos Nobles Puissances concourront sans doute avec Moi à pourvoir de cette façon aux besoins pressans de Nos Possessions des Indes-Orientales, qui, même dans les circonstances moins favorables du moment, sont encore d'un si haut intérêt pour le Commerce, la Navigation et les Manufactures.

On ressent déjà dans Nos Possessions des Indes Occidentales les bons résultats de la Mission dont j'ai annoncé l'envoi à Vos Nobles Puissances, dans leur dernière Session, et du système d'administration que j'ai donné l'ordre d'y établir ; la déclaration de franchise du port Saint-Eustache pour toutes les Nations a aussitôt ravivé le Commerce ; des obstacles de toute nature ont jusqu'à présent entravé en quelque manière l'action salutaire d'une semblable mesure à Curaçao ; j'aime à croire cependant qu'ils disparaîtront incessamment.

Le produit des Impôts de l'Etat a été satisfaisant pendant le dernier Exercice.

Les opérations du cadastre se poursuivent avec activité ; le moment approche où des bases fixes et plus égales de l'impôt foncier, mettront fin aux plaintes que faisait naître l'inégalité de sa répartition entre les diverses localités.

Les projets du Budget Extraordinaire des besoins de l'Etat pour l'Exercice prochain, et du Budget ordinaire pour la seconde période décennale, sont prêts à être présentés à votre Assemblée ; je me flatte que ces Documens fourniront à Vos Noble Puissances une preuve de l'attention scrupuleuse avec laquelle les besoins de l'Etat sont constamment examinés, et les moyens d'y faire face combinés avec les intérêts de mes Sujets bien aimés. L'expérience acquise pendant une suite d'heureuses années de paix, facilite l'examen de cet objet et donne lieu à peu d'incertitude ; plusieurs parties des dépenses de l'Etat ont, par suite des circonstances, et de l'introduction de Nos Institutions fondamentales, éprouvé successivement de considérables augmentations ; je puis toutefois donner à Vos Nobles Puissances l'heureuse assurance, que nous pourrons entrer dans la nouvelle période décennale sans que les charges publiques soient aucunement aggravées.

Le Syndicat d'Amortissement répond toujours au but de son insti-



tution ; chaque année, je suis plus convaincu de l'utilité de cet établissement et des avantages qu'il présente.

Le Code Pénal, soumis dans la dernière Session à l'examen de Vos Nobles Puissances, n'a pu être définitivement arrêté, par suite des observations auxquelles il a donné lieu ; elles exigent un examen ultérieur de cet objet, aussi important que difficile ; et déjà elles ont amené ce résultat, que plusieurs matières, traitées dans ce Projet de Code Pénal, ont été transportées dans le Code de Procédure Criminelle, lequel sera incessamment présenté à votre Assemblée.

J'ai aussi donné l'ordre qu'une Loi par suite de laquelle viendront à tomber les dispositions législatives arrêtées dans les premières années de mon Règne, pour la répression des crimes et délits en matière de sédition, serait préparée ; le Projet en sera présenté à Vos Nobles Puissances dans le cours de cette Session.

L'adoption du Code de Procédure Civile a permis de revoir dans son ensemble l'édifice de notre nouvelle législation civile ; cette révision a fait appercevoir quelques lacunes dans les Codes Civil, de Commerce et de Procédure Civile ; pour les remplir et assurer une transition régulière de la législation précédente à la nouvelle législation nationale, plusieurs Projets de Loi ont été rédigés et seront soumis à votre Assemblée.

La fixation des Arrondissemens et Cantons de Justice, qui doivent partager le Royaume, fera également l'objet de nouvelles propositions à Vos Nobles Puissances ; l'intérêt de la justice et des justiciables y a été particulièrement pris en considération. Et, bien que dans ces délimitations il ne soit guères possible de déférer à tous les désirs, J'ai éprouvé une vive satisfaction de pouvoir accéder, pour la majeure partie, aux observations émanées de votre Assemblée.

Mes propositions tendront toujours à amener ainsi une parfaite concordance de sentiment sur toutes les matières, qui, pour le bien de l'Etat doivent être réglées par Notre commun accord, de même que les nombreuses et importantes questions qui seront débattues dans l'Assemblée de Vos Nobles Puissances, offriront de nouvelles preuves de la maturité et du calme de vos délibérations. Je m'en tiens assuré, non moins que de la franche coopération de Vos Nobles Puissances à consolider le bonheur public, en maintenant notre Pacte Fondamental à l'abri des agressions de l'ignorance ou de l'exagération.

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**LOI de France, portant Règlement définitif du Budget de l'Exercice 1826.**

*Au Château de Saint-Cloud, le 6 Août, 1828.*

CHARLES, par la Grace de Dieu, Roi de France et de Navarre ;

A tous présens et à venir, salut.

Nous avons proposé, les Chambres ont adopté, nous avons Ordonné et Ordonnons ce qui suit :

**1<sup>er</sup>.—Des Annulations de Crédits.**

ART. 1<sup>er</sup>. Les Crédits ouverts par les Lois des 13 Juin, 1825, 16 Juillet, 1826, et 6 Juin, 1827, aux Ministères ci-après, pour les Services de l'Exercice 1826, sont réduits d'une Somme totale de 5,799,561 f. restée disponible et sans emploi sur ces Crédits ; savoir :

Intérêts de la dette perpétuelle.....				1,988,737f.			
Justice ..	}	Service ordinaire .....	40,654 <sup>f</sup> .	57,586			
		Frais de Justice.....	16,932				
Affaires Etrangères .....				77			
Affaires Ecclésiastiques et Instruction Publique.....				174,640			
Intérieur.	{	Administration centrale et dépenses secrètes de		155,814f.			
		Police Générale.....	62,464				
		Dépenses Départementales fixes.....	93,350				
Guerre.....				415,294			
Finances.	{	Dette viagère.....	223,368	3,007,413			
		Pensions.....	292,427				
		Intérêts de Cautionnemens.....	47,790				
		Frais de Service et de Négociations.....	1,341,377				
		Administration des Monnaies .....	25,643				
		Service administratif du Ministère.....	1,611				
		Adminis- trations et Régies Finan- cières.	{		Forêts.	Frais adminis- tratifs..... 94,200f.	136,914
						Frais de pour- suites et d'arpentage. 2,149	
						Rembourse- mens et resti- tutions..... 40,565	
					Douanes et sels.—Frais d'adminis- tration.....	52,183	
			{		Contribu- tions indi- rectes.	Exploitation des tabacs .. 175	66,433
						Rembourse- mens et res- titutions .....	
					Loterie.—Frais d'administration..	61,001	
					Non-valeurs des quatre Contribu- tions directes et Attributions aux Communes sur Patentes....	730,002	
		Contribu- tions directes.	{		Frais d'assiette et de recou- vrement.	Directions des Contributions directes dans les Départe- mens..... 187	2,907
						Centimes de perception... 2,720	
					Taxations aux Receveurs des Finances sur les recettes diverses et les coupes des bois.....	19,924	
		Fonds de dépenses communales et de réimpositions.	5,833				
Somme égale....				Francs... 5,799,561			

2. Les Crédits affectés au Service des Départemens pour les Dépenses variables, les Secours distribués en cas de Grêle, Incendies, Epizooties, etc., et les Dépenses Cadastreles, sont réduits d'une Somme de 4,507,218f. restée disponible au 31 Décembre, 1827 ; savoir :

Dépenses Départementales.	Dépenses variables spéciales.....	1,946,725	4,065,845
	Fonds de secours pour grêle, incendies, etc....	10,694	
	Dépenses sur centimes facultatifs votés par les Conseils Généraux.....	1,941,754	
	Dépenses sur ressources extraordinaires locales	166,672	
Dépenses Cadastreles.	Sur le Fonds commun compris au Budget ....	95,201	441,373
	Sur centimes facultatifs votés par les Conseils Généraux.....	346,172	
Total égal....		Francs..	4,507,218

Cette Somme est affectée et transportée au Budget de 1828, pour y recevoir la destination qui lui a été donnée par la Loi du 13 Juin, 1825.

## II.—Des Supplémens de Crédits.

3. Il est accordé, sur le Budget de 1826, au-delà des Crédits fixés par les Lois des 13 Juin, 1825, et 6 Juin, 1827, les supplémens ci-après.

1 <sup>o</sup> .	Au Ministère des Affaires Ecclésiastiques et de l'Instruction Publique	16,474
2 <sup>o</sup> .	Au Ministère de l'Intérieur.	
	Services divers d'utilité Publique.....	2,052,471
	Travaux Publics .....	90,189
3 <sup>o</sup> .	Au Ministère de la Marine.....	249,242
4 <sup>o</sup> .	Au Ministère des Finances :	
Dépenses Générales.  Frais de régie et d'exploitation des Impôts, et remboursemens et restitutions de Droits.	Légion d'Honneur.....	216,170
	Frais de liquidation de l'indemnité accordée aux anciens propriétaires dépossédés.....	1,003,675
	Frais de liquidation de l'indemnité de Saint Domingue	257,486
	Enregistrement et domaines.	
	Frais d'Administration et de perception.....	14,626
	Remboursemens et Restitutions .....	1,031,012
		1,045,638
	Douanes.	
	Escompte bonifié sur le droit des sels, et remboursemens et restitutions.....	14,893
	Primes à l'importation et à l'exportation .....	5,830,284
		5,845,177
	Contributions Indirectes.	
	Frais d'Administration et de perception.....	815,767
	Exploitation et vente des poudres à feu.....	580,755
	Avances à charge de remboursement .....	116,228
	Service Ordinaire .....	222,592
	Postes.	
	Remboursemens et Restitutions .....	56,377
	Loterie.	
	Remise de 6 pour 0/0 aux Receveurs buralistes .....	81,055
	Finances.	
	Remboursemens et restitutions sur produits divers et contributions directes.....	730,333
Total des supplémens accordés....		Francs.. 13,379,629

III.—*Fixation du Budget de l'Exercice 1826.*

4. Au moyen des dispositions précédentes, les Crédits du Budget de l'Exercice 1826, sont définitivement fixés à la Somme de 976,948,919 francs, 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, 1827, à la Somme totale de 987,620,580f. conformément à l'Etat B. aussi annexé à la présente Loi.

6. La Somme de 10,671,661f. formant la différence entre les recettes de 1826, arrêtées par l'Article précédent à.....987,620,580f.  
et les Crédits du même Exercice, définitivement réglés  
par l'Article 4 à.....976,948,919

Différence.....Francs... 10,671,661

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est affectée et transportée, savoir :

Au Budget de l'Exercice 1828, conformément à l'Article 2 de la présente Loi, pour une Somme de ..... 4,507,218f.  
A celui de 1827, pour la différence, montant à ..... 6,164,443

Total égal.....Francs... 10,671,661

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IV.—*Dispositions Générales.*

7. Les Sommes qui pourraient provenir encore des ressources affectées à l'Exercice 1826, 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 partout où besoin sera : car tel est notre plaisir ; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre Scel.

Donné en notre Château de Saint-Cloud, le 6<sup>e</sup> jour du mois d'Août, de l'An de Grâce 1828, et de notre Règne le 4<sup>ème</sup>.

CHARLES.

Par le Roi :

*Le Ministre Secrétaire d'Etat au Département des Finances,*

C<sup>te</sup>. ROY.

Vu et scellé du Grand Sceau :

*Le Garde des Sceaux de France, Ministre Secrétaire d'Etat au Département de la Justice,*

C<sup>te</sup>. PORTALIS.

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## Etat A.—Budget définitif de l'Exercice 1826.

## DEPENSES.

MINISTÈRES ET SERVICES.	Crédits législatifs accordés par les Lois de Finances.	Crédits non consommés au 31 Dec. 1827.		Crédits Supplé- mentaires accordés sur l'Exercice 1826.	
		Retranchés et annulés.	Affectés au Service des Dépenses Départementales et transportés au Budget de 1828.		
19. DETTE CONSOLIDÉE, AMORTISSEMENT ET DEPENSES GÉNÉRALES.	Francs.	Francs.	Francs.	Francs.	
Service des Intérêts de la dette perpétuelle. } Rentes 3 p. 0/0 - - - - - - 4 1/2 p. 0/0 - - - - - - 5 p. 0/0 - - - - -	201,585,785	1,988,737	-	-	
Dotation de la Caisse d'Amortissement - - - - -	40,000,000	-	-	-	
Liste Civile et Famille Royale - - - - -	32,000,000	-	-	-	
Justice - { Service Ordinaire - - - - - Frais de Justice - - - - -	15,956,600 3,400,000	40,654 16,932	-	-	
Affaires Étrangères - - - - -	10,689,000	77	-	-	
Affaires Ecclésiastiques et Instruct. Publique. { Affaires Ecclésiastiques - - - - - Instruction Publique. - - - - -	30,175,000 1,825,000	174,640 -	-	16,474	
Administration Centrale et Dépenses secrètes de Police Générale - - - - -	3,374,838	62,464	-	-	
Cultes non Catholiques - - - - -	584,162	-	-	-	
Services divers d'utilité publique - - - - -	9,763,000	-	-	2,052,471	
Travaux Publics - - - - -	38,394,906	-	-	90,189	
Intérieur. { Fixes - - - - - Variables - - - - - Restes des dépenses sur l'exercice 1824. - 2,012,195f. } Dépenses Départementales. { Transportes à 1826 par l'Art. 2 de la Loi du 21 Juin, 1826. - 114,889 } Fonds de secours pour grêle, incendies, &c. - - - - -	11,826,534 24,870,419 1,819,468	93,350 - -	- 1,946,725 10,694	- - -	
Guerre - - - - -	209,274,000	415,294	-	-	
Marine - - - - -	58,500,000	-	-	249,242	
Finances. { Dette viagère - - - - - Pensions. { Civiles - - - - - Militaires - - - - - Ecclésiastiques - - - - - Donataires dépossédés - - - - - Supplém. aux Fonds de retenues - - - - - Intérêts de cautionnements - - - - -	8,600,000 1,700,000 49,000,000 7,000,000 1,550,000 1,175,100 9,000,000	228,368 - 292,427 - - - 47,790	- - - - - -	- - -	
A reporter. Francs -	772,063,812	3,355,733	1,957,419	2,408,376	

## Etat A.—Suite du Budget définitif de l'Exercice 1826.

## DEPENSES.

MINISTÈRES ET SERVICES.		Crédits Législatifs accordés par les Lois de Finances.	Crédits non consommés au 31 Déc. 1827.		Crédits Supplé- mentaires accordés sur l'Exercice 1826.	Crédits définitifs de l'Exercice 1826.
		Francs.	Francs.	Francs.	Francs.	Francs.
Report - - -		772,063,812	3,355,733	1,957,419	2,408,376	769,159,036
Frais de Service et de Négocia- tions.	Frais de Service et de Trésorerie	2,800,000	1,341,377	-	-	2,731,801
	Frais de Négociations et inté- rêts de la Dette Flottante -	5,000,000				3,847,517
	Remises extraordinaires aux Receveurs des Finances sur le Recouvrement des Contri- butions directes -	2,500,000				2,338,928
	Taxations aux Receveurs des Finances sur les versements sur produits indirects -	1,400,000				1,440,377
	Intérêts, lots et primes des Annuités -	1,025,000				1,025,000
Chambre des Pairs - - -		2,000,000	-	-	-	2,000,000
Chambre des Députés - - -		800,000	-	-	-	800,000
Légion d'honneur - - -		3,400,000	-	-	216,170	3,616,170
Cour des Comptes - - -		1,256,300	-	-	-	1,256,300
Administration des monnaies - -		956,300	25,643	-	-	980,657
Cadastre.	Fonds commun - 1,000,000f.	1,811,910	-	95,201	-	1,716,709
	Transport à 1826 de la portion de Credi- dit non employée sur le fonds com- mun de 1824. (Loi du 21 Juin, 1826.) - -					
Bureau de Commerce et des Colonies -		125,000	-	-	-	125,000
Service administratif du Ministère -		7,054,900	1,611	-	-	7,053,289
Frais de liquidation de l'indemnité ac- cordée aux anciens propriétaires dépos- sédés. - - -		-	-	-	1,003,675	1,003,675
Commission de liquidation de l'indem- nité de Saint-Domingue - - -		-	-	-	257,486	257,486
			4,724,364	2,052,620		
Totaux de la première Partie. Francs -		802,193,222	6,776,984		3,885,707	799,301,945

## 2°. Frais d'Administration, et perception et d'exploitation.

rements et Domaines - - -	10,941,300	-	-	14,626	10,955,926
Frais Administratifs - - -	3,221,500	94,200	-	-	3,127,300
Avances à charge de remboursement (Frais de poursuites et d'arpentage.) -	337,500	2,149	-	-	335,351
et Sels - - -	23,760,800	52,183	-	-	23,708,617
A reporter. Francs -	38,261,100	148,532	-	14,626	38,127,194

## Etat A.—Suite du Budget définitif de l'Exercice, 1826.

## DEPENSES.

MINISTERES ET SERVICES.	Crédits Législatifs accordés par les Lois de Finances.	Crédits non consommés au 31 Déc. 1827.		Crédits Supplé- mentaires accordés sur l'Exercice 1826.	Crédits définis de l'Exercice 1826.
		Re- tranchés et annulés.	Affectés au Service des Dépenses Départe- mentales et transportés au Budget de 1828.		
	Francs.	Francs.	Francs.	Francs.	Francs.
Report - - -	38,261,100	148,532	-	14,626	38,127,000
Contributions indirectes { Frais d'Administration et de Perception	20,175,700	-	-	815,767	20,991,467
Contributions indirectes { Exploitation des Tabacs - - -	23,665,000	175	-	-	23,665,175
Contributions indirectes { Exploitation et vente des Poudres à feu	2,133,000	-	-	580,755	2,713,755
Contributions indirectes { Avances à charge de remboursement -	663,500	-	-	116,228	779,728
Postes - - - - -	12,325,713	-	-	222,592	12,548,305
Loterie { Frais d'Administration. (Personnel et Matériel) - - -	1,163,100	61,001	-	-	1,224,101
Loterie { Remise de 6 p. o/o aux Receveurs buralistes - - -	3,000,000	-	-	81,055	3,081,055
Contributions directes { Non-valeurs des quatre Contributions directes et attributions aux Communes sur Patentes - - -	5,738,575	730,002	-	-	6,468,577
Contributions directes { Frais d'assiette et de recouvrem. } Directions des Contributions directes - - -	3,300,000	187	-	-	3,300,187
Contributions directes { Centimes de perception -	12,711,060	2,720	-	-	12,713,780
Taxations aux Receveurs des Finances sur les coupes de bois et les Recettes diverses - - -	100,000	19,924	-	-	119,924
	123,236,748	962,541	-	1,831,023	124,199,312
REMBOURSEMENTS, RESTITUTIONS, ET PRIMES.					
Produits divers et Contributions directes - -	600,000	-	-	730,333	1,330,333
Enregistrement, Timbre et Domaines - - -	1,500,000	-	-	1,031,012	2,531,012
Forêts - - - - -	100,000	40,565	-	-	140,565
Douanes { Escompte bonifié sur le droit des sels, et remboursements et restitutions - - -	2,000,000	-	-	14,893	2,014,893
Douanes { Primes à l'Importation et à l'Exportation - - -	4,000,000	-	-	5,880,284	9,880,284
Douanes { Prélèvements sur le produit des Amendes et Confiscations - - -	1,960,724	-	-	-	1,960,724
Contributions indirectes { Remboursements et Restitutions - - -	200,000	66,258	-	-	266,258
Contributions indirectes { Prélèvements sur le produit des Amendes - - -	794,782	-	-	-	794,782
Postes - - - - -	400,000	-	-	56,377	456,377
		1,069,364	-		
Totaux de la deuxième partie. Francs -	134,792,254	1,069,364	-	9,493,922	144,355,540

## Suite du Budget définitif de l'Exercice 1826.

## DEPENSES.

MINISTÈRES ET SERVICES.	Crédits législatifs accordés par les Lois de Finances.	Crédits non consommés au 31 Décembre, 1827.		Crédits supplémentaires accordés sur l'Exercice 1826.	Crédits définitifs de l'Exercice 1826.
		Retranchés et annulés.	Affectés au Service des Dépenses Départementales et transportés au Budget de 1828.		
DES DÉPARTEMENTALES ET COMMUNALES, RÉSUMÉES POUR MÉMOIRE DANS LA LOI DE CET EXERCICE.	Francs.	Francs.	Francs.	Francs.	Francs.
Pour Dépenses d'utilité Départementale - - - - -	9,656,069f.				
Restes desdites Dépenses sur l'Exercice 1824 trans- portés à 1826 par l'Art. 2 de la Loi du 21 Juin, 1826.	2,059,901	11,715,990	—	1,941,754	—
Pour Dépenses cadastrales. Fonds avancés par les Com- munes pour Dépenses ca- dastres de 1822 à 1826 - -	3,612,950 295,367	4,262,373	—	346,172	—
Restes desdites Dépenses sur l'Exercice 1824, trans- portés à 1826, par l'Art. 2 de la Loi du 21 Juin, 1826.	354,056				
Depenses ordinaires et extraordinaires des communes - - - - -	18,419,650	2,727	—	—	18,416,923
de premier avertissement pour les Con- tributions directes - - - - -	638,474	183	—	—	638,291
de réimpositions pour décharges et ré- ductions - - - - -	727,714	2,239	—	—	725,475
valeurs extraordinaires sur Patentes pour l'industrie et le Commerce - - -	213,705	684	—	—	213,021
spéciales et produits divers appartenant à l'Etat - - - - -	912,687	—	166,672	—	746,015
		5,833	2,454,598		
Totaux de la troisième partie - Francs -	36,890,593	2,460,431	—	—	34,430,162

## RECAPITULATION.

Consolidée, amortissement et Dépenses	802,193,222	4,724,364	2,052,620	3,885,707	799,901,945
Min., de perception et d'exploitation -	134,792,254	1,069,364	—	9,493,922	143,216,812
Départementales, et Communales, sur contributions et ressources locales - -	36,890,593	5,833	2,454,598	—	34,430,162
		5,799,561	4,507,218		
Totaux généraux. Francs -	973,876,069	10,306,779	—	13,379,629	976,948,919

## DEPENSES POUR ORDRE.

de l'Instruction publique - - - - -	2,454,303	6,683,719
Ministère des Poudres et Salpêtres - - - - -	4,229,416	



## Etat B.—Budget définitif de l'Exercice 1826.

## RECETTES.

DESIGNATION DES PRODUITS.		Evaluation des Produits par les Lois des 13 Juin, 1825, 21 Juin, 1826 et 6 Juin, 1827.	Produits Recouvrés en excédant des Evalua- tions.	Diminu- tions et non- valeurs.	Fixa- déli d Pro ( l'Ex 15	
		Francs.	Francs.	Francs.	Fr	
Enregistrement, Timbre et Domaines, et produits accessoires des Forêts - - - - -		181,200,000	4,725,016	-	185,9	
Coupes de bois. (Principal des adjudications payables en traites) - - - - -		20,800,000	5,145,584	-	25,9	
Douanes et Sels.	Droits de Douanes et de Navigation, et Recettes accidentelles - - - - -	98,000,000	7,122,389	-	105,1	
	Droits de consommation sur les sels - - - - -	52,750,000	942,954	-	53,6	
	Amendes et Confiscations attribuées - - - - -	1,960,724	-	-	1,9	
Contribu- tions Indirectes	Droits généraux - - - - -	133,300,000	8,478,544	-	141,7	
	Tabacs - - - - -	66,000,000	1,035,430	-	67,0	
	Poudres à feu - - - - -	3,500,000	544,062	-	4,0	
	Recouvrement d'avances - - - - -	900,000	145,097	-	1,0	
	Amendes et confiscations (portion attribuée) - - - - -	794,782	-	-	7	
Postes - - - - -		26,400,000	1,226,238	-	27,6	
Loterie - - - - -		12,700,000	-	798,194	11,9	
Versement au Trésor sur le produit des jeux, (Loi du 9 Juillet, 1820.) - - - - -		5,500,000	-	-	5,5	
Contribu- tions directes.	Principal et centimes additionnels - - - - -	293,831,910	2,048,462	-	295,8	
	Centimes de perception - - - - -	12,711,060	-	-	12,7	
	Centimes facultative	Pour Dépenses Départemen- tales - - - - -	9,657,089			
		Pour Dépenses Cadas- trales - - - - -	3,612,950			
		Pour Dépenses ordinaires et extraordinaires des Communes - - - - -	18,419,650	33,268,582	-	33,2
		Frais de premier avertisse- ment - - - - -	638,474			
		Fonds de réimposition - - - - -	727,714			
		Fonds de non-valeurs extra- ordinaires - - - - -	213,705			
Ressources locales extraordinaires pour Dépenses Départementales - - - - -		912,687	912,687	-		
Total des Recettes articulées pour mémoire au Budget - - - - -		34,181,269				
Produits divers.	Salines et mines de sel de l'Est - - - - -	2,000,000	-	107,932	2,1	
	Recettes de diverses origines - - - - -	6,295,367	-	2,189,329	8,4	
	Droits de vérification des poids et mesures - - - - -	-	739,289	-	739,289	
A reporter - Francs		952,825,112	32,153,065	3,096,454	988,074,631	



*DISCOURS prononcé dans la Séance des Etats-Généraux du Lundi 27 Octobre, 1828, par Son Excellence le Ministre des Finances, lors de la présentation des Projets de Lois, concernant le Budget Extraordinaire pour l'Année 1829, et le Budget Ordinaire, pour un période de 10 Années, à commencer à 1830.*

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NOBLES ET PUISSANS SEIGNEURS,

Appelé pour la première fois dans cette Assemblée par les fonctions dont je suis revêtu, j'éprouve de la satisfaction d'être chargé, et en état de présenter, de la part du Roi, à Vos Nobles Puissances, non seulement le Budget extraordinaire des Dépenses publiques pour l'Année 1829, mais encore celui pour le période décennal prochain, avec toutes les pièces y relatives. Cette mission, en effet peut être considérée comme preuve de l'intention du Gouvernement, conformément au désir manifesté par Vos Nobles Puissances, de les mettre à même, dès l'ouverture de la Session, de s'occuper sans interruption des intérêts les plus chers de la Patrie, tandis, qu'à l'entrée d'une carrière nouvelle, elle me fournit l'occasion de parcourir avec Vos Nobles Puissances toutes les branches de la direction des Finances du Royaume; de jeter un coup-d'œil sur toutes les parties de l'administration qui y ont rapport, et de donner, sur tous ces objets, à Vos Nobles Puissances, les éclaircissemens qu'elles ont droit d'attendre et auxquels je me sens entièrement obligé.

Si la conjoncture, Nobles et Puissans Seigneurs dans, ces premiers momens de mon Ministère, présente de grandes difficultés, elle n'est pas moins remarquable par son importance: reporter nos regards sur les 10 Années écoulées; mettre à profit l'expérience acquise durant ce période; concourir avec persévérance au maintien de ce qu'elle a offert d'avantageux; modifier sagement, ou revenir sur ce qui s'y est trouvé moins bon ou moins convenable; respecter les préjugés répandus généralement et dans la bonne foi; contenter en chacun autant que possible; concilier tous les intérêts sur les points qui en sont susceptibles, et concourir ainsi à assurer, pour le période décennal qui va suivre, le bonheur de la Nation, la prospérité du Pays et la gloire du Gouvernement paternel sous lequel nous vivons; tels sont, Nobles et Puissans Seigneurs, les soins qui nous appellent et les devoirs qui nous sont imposés; voilà, en un mot, ce que le Roi attend de nous; voilà le but de ses constans efforts, et ce qui comporte essentiellement la mission dont Sa Majesté m'a honoré.

Les pièces, que je suis chargé de présenter à Vos Nobles Puissances, doivent être ainsi le fruit d'un travail basé sur ces principes et répondant à ce but.

Afin de mettre Vos Nobles Puissances à même d'apprécier notre travail, permettez que je donne, en premier lieu, lecture du Projet de

Loi pour la fixation de la seconde partie du Budget général pour l'Année 1829, ainsi que de celui qui détermine les moyens de faire face aux dépenses que présente cette partie; après quoi je traiterai, dans la même ordre, la première partie de ce Budget pour le deuxième période décennal.

*Projet de Loi qui règle la Seconde Partie du Budget des Dépenses du Royaume, pour l'Année 1829.*

Nous Guillaume, par la Grâce de Dieu : Roi des Pays-Bas, Prince d'Orange-Nassau, Grand-duc de Luxembourg, etc. etc. etc.

A tous ceux qui les présentes verront, salut! savoir faisons :

Ayant pris en considération que, d'après l'Art. 126 de la Loi Fondamentale, les dépenses qui appartiennent à la seconde partie du Budget, ne seront arrêtées que pour un An, et que par conséquent il convient de les régler pour 1829;

Que, d'après les dispositions arrêtées par la Loi du 27 Décembre 1822, pour l'institution d'un Syndicat d'Amortissement, et pour régler différens 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 fournissémens 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;

A ces causes, Notre Conseil d'Etat entendu, et de commun accord avec les Etats-Generaux, avons statué, comme Nous statuons par les présentes :

Art. I. La seconde partie du Budget des dépenses du Royaume pour l'Année 1829 comprendra deux subdivisions, arrêtés ainsi qu'il suit:

*Première Subdivision.*

CHAP. I. Liste Civile..... *Nihil.*

II. La Secrétairerie d'Etat, les Grand Corps de l'Etat et les Fonctionnaires qui ne font partie d'aucun Département d'Administration..... *Nihil.*

III. Département des Affaires Etrangères..... 144,000 00

IV. Département de la Justice.....2,033,203 60

V. Département de l'Intérieur.....3,212,265 26

VI. Département du culte réformé et autres, excepté le culte Catholique..... *Nihil.*

VII. Département de la Guerre.....1,629,973 70

VIII. Département de la Marine et des Colonies 2,754,173 68

IX. Département des Finances.....8,055,327 50

Total f. 17,828,943 74



*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.....	771,015 18
VI. Département du culte réformé et autres, excepté le culte Catholique.....	<i>Nihil.</i>
VII. Département de la Guerre .....	3,400,000 00
VIII. Département de la Marine et des Colonies	<i>Nihil.</i>
IX. Département des Finances.....	4,201,727 69½
<hr/>	
Total f. 8,372,742 87½	
<hr/>	

II. Afin de pourvoir aux besoins imprévus qui pourraient se présenter dans le cours de l'Année 1829, il est mis à la disposition du Roi un maximum de 1,000,000 de florins à couvrir en premier lieu par le résidu que les dépenses dont il est fait mention dans la première subdivision de la seconde partie du Budget, pourront laisser sur les sommes consenties ; en cas d'insuffisance de ce résidu, la partie restante sera portée au nombre des dépenses extraordinaires d'une Année subséquente.

La présente Loi sera insérée au Journal Officiel.

*Projet de Loi qui détermine les moyens de faire face aux dépenses comprises dans la Seconde Partie du Budget des Dépenses du Royaume pour l'Année 1829.*

Nous Guillaume, par la Grâce de Dieu, Roi des Pays-Bas, Prince d'Orange-Nassau, Grand Duc de Luxembourg, etc. etc. etc.

A tous ceux qui les présentes verront, salut ! Savoir faisons :

Ayant pris en considération, que d'après l'Article CXXVI. de la Loi Fondamentale, les moyens de faire face aux dépenses qui appartiennent à la seconde partie du Budget, ne sont arrêtés que pour un An, et que par conséquent, il convient d'arrêter ces moyens pour l'Année 1829 ;

Considérant en outre que, par la Loi du 12 Juillet, 1821, et par les Lois spéciales, arrêtées successivement, les bases du système d'impôts pour le Royaume ont été fixées, et que, par la Loi du 27 Décembre, 1822, pour l'institution d'un Syndicat d'Amortissement, et pour régler différens intérêts financiers du Royaume, ainsi que par celle 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, il a été assuré des fournissimens au Trésor pour couvrir quelques besoins, sans qu'il en résulte des charges pour les contribuables ;

A ces causes, Notre Conseil-d'Etat entendu, et de commun accord avec les Etats-Généraux, avons statué comme Nous statuons par les présentes :

ART. I. Pour faire face aux dépenses comprises dans la première subdivision de la *seconde* partie du Budget pour l'Année 1829, seront employés les moyens ci-après indiqués :

(a) Une somme de 2,963,477 florins 59½ cents, formant le total de ce que, déduction faite de 1,000,000 que la Loi du 11 Avril, 1827, a mise à notre disposition, le produit des impôts a excédé en 1827, la somme nécessaire pour couvrir les dépenses.

(b) Une somme de 29,405 florins, 82 cents, formant le résidu, que les dépenses du Budget Ordinaire de 1825 ont laissé sur les sommes consenties.

(c) Une somme de 91,721 florins, 90 cents, formant le résidu de 1,000,000 de florins qui a été réservé sur l'excédant du produit des impôts pendant l'Exercice 1825, pour couvrir les dépenses imputées sur le 1,000,000, qui par la Loi du 23 Décembre, 1824, a été mis à notre disposition pour pourvoir à des besoins imprévus.

(d) Une somme de 1,357,599 florins, 27 cents, qui constitue l'excédant de l'évaluation des Revenus Ordinaires, comparativement à celle des dépenses.

(e) Les Droits d'entrée, de sortie et de transit, le Droit de tonnage à l'extérieur, les produits des péages d'eau, les Droits de balises et de fanaux.

(f) Les Revenus des Domaines cédés par la Loi du 25 Mai, 1816, à Notre bien-aimé Fils le Prince Frédéric des Pays-Bas.

(g) La Loterie.

(h) Les produits des objets à vendre, les Revenus extraordinaires, et toutes autres recettes éventuelles.

(i) Trois centièmes additionnels sur les *contributions foncières*, sur les propriétés bâties et non-bâties ; 13 sur le *personnel* et les *patentes*, sur les *impositions indirectes*, et sur les *accises* (excepté la *mouture*,) dont la perception est autorisée par la Loi du 12 Juillet, 1821.

II. En vertu de la Loi du 21 Avril, 1810, la redevance proportionnelle des mines est fixée pour l'Année 1829, à 2½ pour cent. du produit net. Il en sera tenu un compte particulier au Trésor Public, et le montant sera appliqué aux dépenses de l'administration des mines, d'après l'Article XXXIX. de ladite Loi.

III. Pour faire face aux dépenses comprises dans la seconde Subdivision de la deuxième partie du Budget pour l'Année 1829, seront employées :

(a) Une Somme de 4,691,015 florins, 18 cents, à fournir au Trésor par le Syndicat d'Amortissement, comme solde des 30,000,000 de florins, dont le paiement doit être fait aux termes de l'Article IV. § d, de la Loi du 27 Décembre, 1822, pour l'Institution d'un Syndicat

d'Amortissement, et pour régler différens intérêts financiers du Royaume.

(b) Une somme de 2,941,727 florins, 69½ cents, à fournir également par le Syndicat d'Amortissement, d'après l'Article IX. de la Loi précitée, à l'effet de mettre le Trésor en état de payer les pensions extraordinaires, les rentes viagères et autres dépenses qui s'éteignent successivement.

(c) Une somme de 740,000 florins à fournir par le Syndicat d'Amortissement, d'après l'Article I. de la Loi du 5 Juin, 1824, à l'effet de mettre le Trésor en état de payer toutes les nouvelles pensions, les traitemens personnelles, supplémens, traitemens de non-activité et autres dépenses qui s'éteignent successivement.

Mandons et Ordonnons, &c.

Je me permettrai de remarquer préalablement et par forme d'observation générale, concernant le Budget extraordinaire de 1829, que, nonobstant que la dépense en excède bien peu celle de l'Année 1828, le résultat qu'il offre peut néanmoins être considéré comme une preuve de l'état favorable des Finances du Royaume.

En effet, si l'on est à même de faire face à toutes les dépenses inévitables qui ont dû être portées sur ce Budget, sans augmentation de Charges pour les Habitans, si l'on se trouve dispensé de remettre à un exercice subséquent des dépenses d'une utilité reconnue, et dont le retard ne fait qu'augmenter le montant en rendant leur nécessité plus urgente; surtout si, à la fin d'un période décennal, on trouve le moyen de pourvoir aux besoins extraordinaires, et de prévenir ainsi les difficultés qui pourraient se présenter dans les Années du période suivant; un tel état de choses peut à juste titre être regardé comme favorable.

Si l'on considère en outre que l'augmentation du produit des impôts, augmentation qui, en 1827, a offert, sur le montant présumé de ces rentrées, un excédant d'environ 4,000,000f., et qui, déduction faite de 1,000,000 de florins mis à la disposition du Roi, figure comme premier Article de recette, pour environ 3,000,000f., que cette augmentation, dis-je, est une preuve évidente d'une plus forte circulation, de l'activité, de l'amélioration dans la direction des impôts, ainsi que de l'état prospère, tranquille et florissant, dont la Nation jouit, je le répète, les résultats sur ce point ne sont dès lors, à coup sûr, rien moins que désavantageux.

Les II<sup>e</sup>. et III<sup>e</sup>. Articles du montant présumé des Revenus extraordinaires se composent d'économies sur les dépenses des divers Départemens pour l'Exercice maintenant définitivement arrêté, de 1825, et d'une diminution d'allocations, de la part du Roi, pour la même Année, sur le 1,000,000 de florins mis à sa disposition.

Le résidu qu'ont laissé les dépenses effectives sur les sommes portées au Budget ordinaire de 1825, semble, au premier coup-d'œil, peu considérable; cependant si Vos Nobles Puissances observent, que la

transcription au Budget décennal d'une somme de 938,386 50 ordonnée par l'Article II. de la Loi du 23 Décembre, 1824, a commencé par l'Exercice de 1825, l'économie obtenue en sus de cette transcription leur paraîtra assez importante.

L'excédant des Rentrées ordinaires devait naturellement conduire à une augmentation du montant présumé des produits. Or, comme le montant du Budget ordinaire des dépenses reste le même, il s'ensuit qu'il est resté, sur les *Revenus Ordinaires*, une somme disponible de au-delà de 1,500,000 florins, laquelle a été et a dû être portée sur le Chapitre des Revenus Extraordinaires.

Les Droits d'entrée, de sortie et de transit sont portés au même montant que pour l'Année courante. Il en est de même par rapport au produit présumé de la Loterie, attendu que le résultat de la nouvelle organisation laisse encore trop d'incertitude, pour qu'on puisse en changer l'évaluation.

Le produit de la vente d'effets et de Rentrées extraordinaires, est porté à f. 214,000 au-dessous de celui de 1828, parce qu'il n'est pas à présumer qu'en 1829 les ventes d'objets, provenant du Département de la Guerre et de celui de la Marine et des Colonies, seront aussi fréquentes et aussi considérables qu'elles l'ont été jusqu'à présent.

Les Etats que j'ai fait dresser à l'appui pour l'éclaircissement des Articles de recette, et qui sont joints au Budget, sont si clairs, que toute explication à leur égard ferait perdre le temps précieux de Vos Nobles Puissances. Je prendrai donc la liberté de passer incessamment aux dépenses.

D'après les dispositions en vigueur, les dépenses se divisent en deux parties, dont la première donne lieu aux observations suivantes :

*Premièrement*, le 3ème Chapitre (Département des Relations Extérieures) présente une légère augmentation de f. 26,000, suffisamment justifiée par l'extension progressive de nos Relations politiques et commerciales avec plusieurs Nations.

*En second lieu*, le 5ème Chapitre (Département de l'Intérieur) est augmenté au-delà de 1,000,000, mais cette augmentation même n'offre rien d'extraordinaire, si l'on considère que, par suite de la garantie accordée en vertu de la Loi du 5 Janvier, 1824, pour l'emprunt ouvert en faveur du Zuid-Willemsvaart, on a dû porter en dépense, pour remboursement et paiement d'intérêts, qui ont dû être effectués avant l'entier achèvement des travaux et la jouissance des produits, une somme de f. 424,841, 78½ ; tandis que le surplus de l'augmentation de dépense provient de réparations ou restaurations indispensables d'ouvrages de défense à la mer.

Quant à la dépense pour le Zuid-Willemsvaart, je dois encore observer que, si les produits de cette entreprise, indépendamment de la cause que je viens d'alléguer, n'ont jusqu'à présent répondu à l'attente, il semble néanmoins qu'on peut, avec quelque fondement,



compter sur de meilleurs résultats à l'avenir, parce que l'expérience ayant fait découvrir ce qu'il y avait de défectueux dans les tarifs établis sur la navigation de ce Canal, on leur a depuis peu fait subir des changemens, qui vraisemblablement provoqueront un usage plus fréquent de ce moyen de communication, et augmenteront, par conséquent, le produit des Droits d'écluse et de navigation qu'on y perçoit.

Parmi les dépenses en travaux de défense à la mer, contenues dans ce Chapitre, figure principalement une restauration indispensable de la jetée au Port du Nieuw-diep, laquelle est tellement affaissée, que les vagues, passant par-dessus, brisent ou font échouer les Navires contre le côté opposé. Quant au reste de la dépense proposée, il est justifié par la nécessité des réparations aux digues maritimes et aux Ports du Zuiderzee, sans lesquelles les îles de ce golfe cesseraient d'être habitables.

Vos Nobles Puissances s'apercevront que rien n'est porté en dépense pour frais extraordinaires d'améliorations dans la dérivation de nos Rivières.

Mon Prédécesseur, à la mémoire duquel je me fais plaisir de rendre en cette occasion un juste hommage, a déjà porté à la connaissance de Vos Nobles Puissances, durant la Session précédente, que le Roi avait l'intention de provoquer une enquête au sujet du rapport intéressant de la Commission d'Etat, qui depuis a été imprimé et mis en circulation.

Le Gouvernement a reçu en effet un grand nombre de mémoires et d'observations sur cet important objet ; et il a plu à Sa Majesté de renvoyer toutes ces pièces à une Commission Spéciale, chargée de proposer définitivement, et avec les développemens nécessaires, ce qui pourra et devra être fait à cet égard.

Cette Commission, à laquelle j'ai l'honneur de présider, s'occupe actuellement de cet examen, et quoique la nature de l'objet et les difficultés qu'il présente, jointes à l'importance d'une proposition définitive et à la responsabilité qu'elle entraîne, exigent de mûres délibérations et du temps, Vos Nobles Puissances observeront la sage et circonspecte marche que le Roi suit sur ce point intéressant, et ils sentiront toute l'importance d'une coopération éventuelle dans le cas où il s'agirait de mesures conservatrices pour l'existence physique d'une partie plus ou moins considérable du Royaume.

Je fais mention de cet objet, Nobles et Puissans Seigneurs, principalement pour faire voir qu'une impérieuse nécessité seule a conduit aux dépenses proposées, et en effet ce Budget n'en contient que d'indispensables ; tandis qu'au contraire on a fait subir des réductions à celles qui en étaient susceptibles, ainsi le 7<sup>e</sup> Chapitre (Département de la Guerre) y est diminué de f. 52,163, 52 ; le 8<sup>e</sup> (Marine) de f. 626, 32, et le 9<sup>e</sup> (Finances) de f.12,500.

Et quant à la seconde partie du Budget, l'augmentation de dépense y proposée, comparativement à celle de 1828, peut être considérée comme purement apparente et à peine digne de remarque; car Vos Nobles Puissances se rappelleront que la somme de 30,000,000 de florins, que le Syndicat, conformément à la Loi du 27 Décembre, 1822, était tenu de fournir au Trésor dans l'espace de 5 Années, pour servir à différentes fins, n'a été exigée, dans l'intérêt de cette Institution, qu'en 7 Années de temps. La partie restante, formant une somme de f.4,691,015-18, a été portée au nombre des dépenses sur le Budget maintenant proposé; de là provient la différence que présente le montant de cette subdivision, comparativement à celui de la même partie du Budget précédent. On pourra se convaincre, en revanche, que la somme proposée en 1829, pour subvenir à des paiemens qui s'éteignent successivement, présente, comparée à celle de 1828, une différence en moins de 208,229-85.

Je dois cependant faire observer à Vos Nobles Puissances relative-à la partie restante des 30,000,000 mentionnés ci-dessus, que ce reliquat pourrait sembler, au premier coup-d'œil, ne s'élever qu'à f.3,291,015-18, parce que les demandes faites sur ces 30,000,000, aux Budgets de 1823 jusques et compris 1828, forment un total de f.26,708,984-82. Mais dans ce total était comprise une avance de 1,400,000, qui a été remboursée, au moyen des fonds alloués pour cet objet dans la 1<sup>re</sup> Subdivision du Budget extraordinaire pour l'Année courante; d'où il résulte que la partie restant à fournir s'élève, comme il vient d'être dit, à f.4,691,015-18.

Il me reste, pour terminer ce que j'avais à dire concernant le Budget Extraordinaire pour l'Année 1829, à mettre sous les yeux de Vos Nobles Puissances l'état de l'emploi qui a été fait de la somme de f.2,600,000, destinée par la Loi du 24 Décembre, 1827, à l'achat et au remboursement de la Dette Publique, ainsi que des intérêts de capitaux achetés précédemment, lesquels doivent servir à l'amortissement successif de la même Dette.

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*Etat de l'emploi fait par le Syndicat d'Amortissement de la Somme de 2,600,000 florins, destinée par la Loi du 24 Décembre, 1827, à l'achat et au remboursement de Dette Publique pendant l'Année 1828, ainsi que de l'emploi du montant des Rentes d'un capital de la Dette active, portant intérêt, achetés dans les Années 1825, 1826 et 1827, conformément à la Loi du 25 Décembre, 1824, du 23 Décembre, 1825, et du 27 Décembre, 1826.*

*Exécution du prescrit de l'Art. 42 de la Loi du 27 Décembre 1822.*

Du montant de la somme ci-dessus, 1,000,000 de florins a été destiné au remboursement d'obligations du Syndicat d'Amortissement por-

tant intérêt de  $4\frac{1}{2}$  pour cent. ; ce remboursement a été ouvert le 1<sup>er</sup> Avril, 1828, ci..... f.1,000,000 00

Il a été employé, du restant de la somme de f.2,600,000 pour achat de dette avec les intérêts échus, un somme de 1,599,999 florins 14 cents; pour ce montant on a fait l'acquisition d'un capital de 2,973,500 florins, Dette active portant intérêt, dont les rentes qui s'élèvent à f.74,337 50 seront, en vertu de l'Art. 45 de la Loi du 27 Décembre 1822, employées à de nouveaux achats de Dette, ci f.1,599,999 74

————— f.2,599,999 74

Sur le montant des rentes des capitaux de la Dette active, portant intérêt, achetés en vertu de la Loi du 25 Décembre 1824, il a été employé pour achat de Dette avec les intérêts échus, 47,324 florins  $7\frac{1}{2}$  cents; pour ce montant on a fait l'acquisition d'un capital de 87,600 florins, Dette active, portant intérêt, dont les rentes qui s'élèvent à f.2,190 réunies en vertu de l'Art. 45 de la Loi du 27 Décembre 1822, à celles des capitaux de f.1,710,000, de f.77,000 et de f.87,100 Dette active, portant intérêt, achetés dans les années 1825, 1826 et 1827, seront employés à de nouveaux achats de Dette, ci .....47,324 07 $\frac{1}{2}$

Sur le montant des rentes des capitaux de la dette active, portant intérêt, acheté en vertu de la Loi du 23 Décembre 1825, il a été employé pour achat de Dette, avec les intérêts échus, 59,857 florins  $30\frac{1}{2}$ ; pour ce montant on a fait l'acquisition d'un capital de 110,800 florins Dette active, portant intérêt, dont les rentes qui s'élèvent à f.2,770, réunies en vertu de l'Art. 45 de la Loi du 27 Décembre 1822, à celles des capitaux de f.2,260,000 et de f.1,102,000, achetés en 1826 et 1827, seront employées à de nouveaux achats de Dette, ci.....59,857 30 $\frac{1}{2}$

Sur le montant des rentes du capital de la Dette active, portant intérêt, acheté en vertu de la Loi du 27 Décembre 1826, il a été employé pour achat de dette avec les intérêts échus 67,366 florins et 72 cents, pour ce montant on a fait l'acquisition d'un capital de 124,700 florins; Dette active, portant intérêt, dont les rentes qui s'élèvent à f.3,117 50, réunies en vertu de l'Art. 45 de la Loi du 27 Décembre 1822, à celles du capital de f.2,663,300, acheté en 1827, seront employées à de nouveaux achats de dette, ci .....67,366 72

Total..... f.2,774,547 84

### Récapitulation.

	Remboursement des obligations du Syndicat d'A- mortissement, 1825, 1826, 1827 et 1828.	Achat de dette ac- tive portant inté- rêt, en 1825, 1826, 1827 et 1828.
Conformément à la Loi du 25 Dec. 1824	f.1,000,000 00	f.1,710,000 00
„ „ 23 „ 1825	1,000,000 00	2,260,000 00
„ „ 27 „ 1826	1,000,000 00	2,663,300 00
„ „ 24 „ 1827	1,000,000 00	2,973,500 00

Des rentes du capital de la Dette active portant intérêt, acheté en vertu de la Loi du 25 Décembre 1824.....	251,700 00
Des rentes du capital de la Dette active, portant intérêt, acheté en vertu de la Loi du 23 Décembre 1825.....	221,000 00
Des rentes du capital de la Dette active, portant intérêt, acheté en vertu de la Loi du 27 Décembre 1826.....	124,700 00
<b>Total.....</b>	<b>f.4,000,000 00    f.10,204,200 00</b>

La Commission Permanente du Syndicat d'Amortissement,  
VAN GENNEP, *Vice-President.*

Par Ordonnance, NOEL SIMONS.

Le Syndicat d'Amortissement a depuis peu délibéré sur le montant de la somme qui maintenant pourrait être de nouveau destinée audit objet, et il sera proposé de la fixer à f.2,800,000, ainsi que Vos Nobles Puissances pourront s'en convaincre par l'Extrait ci-joint du Procès-verbal des Délibérations du 19eme Septembre dernier.

*Extrait du Procès-Verbal de la Séance du Syndicat d'Amortissement, tenue à Amsterdam, Vendredi le 19 Septembre, 1828, à deux heures de relevée.*

Le Ministre des Finances, Président du Syndicat d'Amortissement, ayant annoncé que Messieurs Van Wickevoort Crommelin, Baron de Keeverberg d'Aldengoor, Cuypers, Jarges et de Moor, se sont occupés de l'examen du rapport de la Commission permanente et des autres pièces qui leur ont été renvoyées par Arrêté du 17 de ce mois, et se trouvent en mesure de faire leur rapport; cette pièce a été lue et trouvée de la teneur suivante.

*(Fiat Insertio.)*

Aucun des Membres n'ayant demandé la parole au sujet de ce Rapport, et l'appel nominal ayant été fait par le Président, l'Assemblée s'est unanimement conformée avec son contenu, et a arrêté.

1°. Etc.

4°. Conformément à la proposition de la Commission permanente, contenue dans son rapport, et en exécution de l'Art. 46 de la Loi du 27 Décembre, 1822, la somme à destiner pendant l'Année 1829, à l'achat et au remboursement de Dette Publique, est fixée à 2,800,000 florins.

Pour Extrait conforme audit Procès-verbal,

*Le Secrétaire du Syndicat d'Amortissement,*  
NOEL SIMONS.



Cette pièce prouve, que la situation du Syndicat d'Amortissement permet de fixer la dépense, pour achat et remboursement de la Dette Publique, à une somme plus élevée que l'Année précédente; circonstance qui ne peut qu'être agréable à Vos Nobles Puissances, et sert de base au projet de Loi que je suis autorisé à vous présenter.

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*Projet de Loi, pour fixer la somme à employer pendant l'Année 1829, à l'achat et au remboursement de la Dette Publique.*

Nous Guillaume par la Grâce de Dieu, Roi des Pays-Bas, Prince d'Orange-Nassau, Grand Duc de Luxembourg, etc. etc. etc.

A tous ceux qui les présentes verront, salut! savoir faisons.

Ayant pris en considération que, d'après l'Article 199, de la Loi Fondamentale, la Dette Publique doit être tous les Ans, prise en considération dans l'intérêt des Créanciers de l'Etat.

Vu les Articles 42 et 43 de la Loi du 27 Décembre, 1822, portant institution d'un Syndicat d'Amortissement, et réglant différens intérêts financiers du Royaume.

Vu l'Etat fourni par le Syndicat d'Amortissement, conformément au premier desdits Articles de la même Loi.

A ces causes, Notre Conseil d'Etat entendu, et de commun accord avec les Etats-Généraux, avons statué comme Nous statuons par les présentes.

La somme à employer pendant l'Année 1829, par le Syndicat d'Amortissement, conformément à l'Article 43, de la Loi du 27 Décembre, 1822, à l'achat et au remboursement de la Dette Publique, est fixée à 2,800,000 florins.

Mandons et Ordonnons, &c.

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Enfin, Nobles et Puissans Seigneurs, l'Article 128, de la Loi Fondamentale porte, que le Roi fait mettre annuellement sous les yeux des Etats-Généraux un compte détaillé de l'emploi des deniers Publics. Pour exécuter cette disposition de la manière la plus convenable, je suis chargé de présenter à Vos Nobles Puissances, les comptes des recettes et dépenses du Trésor en 1827, en même temps que des Budgets pour la même Année et les précédentes, tels qu'ils ont été extraits des Registres de la Trésorerie Générale, présentés au Roi et approuvés par Sa Majesté, comme fournissant à Vos Nobles Puissances, l'exposé le plus clair de l'emploi de ces revenus.

Ces comptes, quoique rédigés à-peu-près dans la même forme que ceux des Années précédentes, en diffèrent cependant en ce que, par suite des observations auxquelles ils avaient donné lieu de la part de cette Assemblée, on y a inséré de plus amples développemens par rapport aux fonds qui, conformément aux dispositions législatives, ont été fournis par le Syndicat d'Amortissement pour subvenir à quelques dépenses publiques; de cette manière tous les versements faits au

Trésor par le Syndicat, en exécution de plusieurs dispositions législatives, figurent séparément et comme entièrement distincts du produit des impôts; en sorte qu'on peut reconnaître au premier coup-d'œil, que ces deux branches de Revenus Publics ont été spécialement employées pour le genre de dépenses auquel chacune d'elles est destinée.

Je me flatte que Vos Nobles Puissances verront avec quelque satisfaction dans ce nouveau développement la preuve du désir qu'a le Gouvernement de se conformer, autant qu'il est possible, au vœu de cette Assemblée. Cet exposé servira enfin, j'espère, à vous faire remarquer l'état favorable du Trésor Public, attesté par les détails contenus dans les comptes. Vos Nobles Puissances verront que l'Exercice de 1827, laisse un résidu de f. 3,963,477-59, qui pourra être employé à recouvrir en partie les dépenses de l'Année prochaine.

A tout ceci est joint encore, pour l'information de Vos Nobles Puissances, l'état du produit des impôts pendant les derniers 4 mois de 1827, et les premiers 8 mois de l'Année courante.

Les Communications que je viens de faire à Vos Nobles Puissances, se bornent jusqu'à présent, à ce qui concerne le règlement des intérêts financiers du Royaume pour l'Année 1829, en tant que la Loi Fondamentale prescrit, pour cet objet, le concours annuel des Etats-Généraux. Maintenant je donnerai à Vos Nobles Puissances, les renseignements, et leur transmettrai les propositions au sujet desquels la même Loi exige l'intervention de cette Assemblée à des époques plus éloignées.

A l'expiration de 1829, finit aussi le période décennal pour lequel les dépenses ordinaires sont fixées; et je vais proposer à Vos Nobles Puissances, les dispositions législatives, qui, à partir de l'Année 1830, pourront régler ce qui concerne cet objet d'une si haute importance.

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*Projet de Loi qui règle la Première Partie du Budget des Dépenses, à partir de 1830.*

Nous Guillaume, par la Grâce de Dieu, Roi des Pays-Bas, Prince d'Orange-Nassau, Grand Duc de Luxembourg, etc. etc. etc.

A tous ceux qui les présentes verront, salut ! savoir faisons.

Ayant pris en considération, que d'après les Articles 122, 123 et 124, de la Loi Fondamentale, le Budget des Dépenses du Royaume sera divisé en deux parties; que la première partie contiendra toutes les dépenses ordinaires fixes et constantes, qui résultent du cours habituel des choses et se rapportent plus particulièrement à l'Etat de Paix; que ces dépenses, étant approuvées par les Etats-Généraux, ne sont pas soumises, pendant les 10 premières Années, à un consentement ultérieur et annuel, et que, pendant cette période, elles ne deviennent le sujet d'une nouvelle délibération que lorsque le Roi fait connaître qu'un objet de dépense a cessé ou varié.

A ces causes, Notre Conseil-d'Etat entendu, et de commun accord avec les Etats-Généraux, avons statué comme nous statuons par les présentes.

La première partie du Budget des dépenses à partir de 1830,\* est arrêtée comme suit.

Chapitre	I. Liste Civile .....	2,100,000 00
—	II. La Secrétairerie d'Etat et les Grands Corps de l'Etat .....	1,160,000 00
—	III. Département des Affaires Etrangères .....	737,000 00
—	IV. — de la Justice .....	2,800,000 00
—	V. — de l'Intérieur.....	7,800,000 00
—	VI. — des Affaires du culte Réformé, etc. ....	1.400,000 00
—	VII. — de la Guerre .....	16,277,916 36
—	VIII. — de la Marine et des Colonies .....	5,920,000 00
—	IX. — des Finances .....	23,793,964 00
Total...Florins...		<u>61,988,880 36</u>

La première chose à considérer au sujet du Budget Décennal, maintenant proposé à Vos Nobles Puissances, est naturellement le montant de ce même Budget.

Le précédent Budget Décennal était d'environ f.60,000,000 ; celui-ci s'élève à un peu plus de f.68,000,000 Mais, comme d'après la forme qu'on a cru maintenant devoir adopter, et sur laquelle il sera ci-après donné les éclaircissemens nécessaires à Vos Nobles Puissances, il en est déduit environ f.7,000,000 pour frais d'administration des divers impôts : ce Budget, ainsi composé, monte à un peu plus de f.61,000,000.

Cependant, si l'on compare entre eux les deux Budgets, nommément celui du premier période décennal avec celui du second, on s'apercevra que, dans ce dernier, la dépense s'élève à environ f.8,000,000 de plus que dans l'autre, ce qui, au premier coup-d'œil, pourrait faire concevoir l'idée d'un état de choses moins favorable.

Il importe donc de commencer par expliquer les raisons de cette différence qui n'est qu'apparente, et de démontrer à Vos Nobles Puissances, que loin de considérer notre condition actuelle comme empirée comparativement au premier période décennal, nous avons en effet sujet de contempler sans inquiétude celui dans lequel nous allons entrer.

Il suffirait déjà pour cet effet, et pour justifier l'augmentation apparente de f.8,000,000, de faire observer à Vos Nobles Puissances, que les intérêts des capitaux, créés durant les 10 Années dernières, s'élèvent à environ 4,500,000 ; que les dépenses du Département de la Justice, évaluées à f.2,800,000 y compris les frais pour l'organisation de l'ordre judiciaire, sont maintenant portées sur le Budget

décennal, et ont, par conséquent, disparu entièrement du Budget Extraordinaire; que les nouvelles dépenses à faire pour le culte Catholique, par suite du Concordat conclu avec la Cour de Rome, figurent ici pour une somme de 7 à 800,000 florins; que le Budget Ordinaire comprend maintenant, pour primes d'encouragement en faveur de diverses branches de l'industrie nationale, une somme de f. 800,000 non portée sur le Budget précédent; sans entrer, en outre, dans le détail des dépenses qui mieux connues à présent qu'elles ne l'étaient autrefois, ont dû, par cette raison, être reportées sur le Budget Ordinaire.

Mais, Nobles et Puissans Seigneurs, je dirai plus encore : je me réjouis d'être à même de le faire, et je m'applaudis de pouvoir montrer, dès l'entrée de ma carrière auprès de Vos Nobles Puissances, combien je désire mériter votre confiance par des preuves de franchise et d'amour pour la vérité.

A l'entrée du précédent période décennal, la Dépense Ordinaire était d'environ.....	60,000,000
La Dépense Extraordinaire d'environ.....	21,000,000
Ensemble.....florins...	81,000,000

A l'entrée du nouveau période, la Dépense Ordinaire décennale, y compris les frais d'administration des impôts, est portée sur le Budget au-delà de 68,000,000; soit ..... 68,000,000 00 et quoique je suis jusqu'ici hors d'état de préciser, avec exactitude, le montant présumé de l'Extraordinaire, je puis cependant affirmer de bonne foi, que pour autant que cette dépense peut être prévue et calculée, et à moins qu'elle ne soit augmentée par des désastres ou événemens extraordinaires, elle n'excédera pas la somme de 12,500,000 00

Total.....florins...80,500,000 00

de manière, que la totalité du montant présumé des Dépenses Publiques pour le période décennal, qui va suivre, sera encore inférieur à celui du période précédent, et qu'ainsi il sera pourvu au paiement des intérêts, de l'organisation de l'ordre judiciaire, de l'augmentation des frais relatifs au culte Catholique et des primes en faveur de l'industrie Nationale, sans qu'il en résulte la moindre augmentation de dépense : ce qui sans doute pourra offrir un sujet de satisfaction pour Vos Nobles Puissances, et d'intérêt général pour la Nation.

Une seconde observation générale est celle qui concerne la forme dans laquelle est rédigé le présent Budget, à la différence du précédent. Vos Nobles Puissances remarqueront d'abord que, comme je l'ai déjà dit, tous les frais d'administration des impôts sont maintenant dé-



duits de la recette, et que celle-ci est portée au Budget telle qu'elle est présumée devoir rentrer au Trésor, pour faire face aux dépenses de l'Etat proprement dites.

Il a semblé au Roi, que le mode adopté jusqu'à présent à cet égard était défectueux ; que celui qu'on propose actuellement est plus convenable et mieux approprié à son objet ; qu'il indique plus distinctement le montant des Dépenses Publiques ; qu'il n'en porte pas la totalité à une hauteur imaginaire, et qu'il ne met plus sur le compte du Département des Finances une somme de quelques millions de florins, qu'on a pu considérer à tort comme faisant partie des dépenses réelles de ce Département. Or, comme malgré cette modification, la chose reste au fond la même, tandis que le produit net des impôts et les frais d'administration, déduits de leur montant et séparément énoncés et justifiés figurent comme ci-devant, au Budget dans le Chapitre du Département des Finances, Sa Majesté espère que l'adoption de ce nouveau mode obtiendra l'assentiment de Vos Nobles Puissances.

Et en effet, Nobles et Puissans Seigneurs, si l'on considère, indépendamment des raisons que je viens d'alléguer, combien, par exemple, le montant des salaires alloués pour la perception des impôts dépend de la quotité des sommes à percevoir, et combien, par conséquent, il est incertain ; si l'on fait attention qu'il paraît moins raisonnable, à l'occasion d'une Loi sur les Dépenses Publiques, de voter, pour frais d'administration, une certaine somme dont la quotité dépend néanmoins nécessairement du montant des recettes, dont *alors* on n'a encore pu juger, certainement Vos Nobles Puissances regarderont ce changement comme une véritable amélioration.

Je dois observer encore, en traitant cette matière, que l'on a déduit sur les revenus ordinaires seulement deux tiers de la plupart des frais de perception d'administration, et qu'il reste à défalquer sur les revenus extraordinaires un tiers, montant à environ f.1,800,000, lequel comparé aux cents. additionnels uniquement réservés pour cet extraordinaire, pourrait paraître exorbitant et, pour ainsi dire, hors de toute proportion ; cette fixation a été tout exprès portée à ce taux, dans la vue de laisser, chaque année au Roi plus de latitude, pour proposer à Vos Nobles Puissances le montant de ces dépenses, en raison de ce que les circonstances pourront permettre ; ce qui présente un grand avantage qui sera justement apprécié, si l'on considère, et c'est par là que je terminerai ces observations générales, que, suivant la décision que prendront Vos Nobles Puissances, par rapport aux Lois générales maintenant proposées, et surtout aux Lois spéciales qui le seront postérieurement, il sera possible de faire des économies plus ou moins considérables, dans les dépenses pour matériel, frais d'expertise et personnel.

A la suite de ces considérations générales, je vais prendre la liberté de parcourir avec Vos Nobles Puissances les chapitres de dépense, qui

demandent quelque éclaircissement, ou sur lesquels il y a quelque observation à faire. \*

D'abord le premier Chapitre, Liste Civile, me fournit la matière d'une communication de la plus haute importance et d'une explication très-utile.

La plupart des Membres de cette Assemblée se rappelleront encore clairement tout ce qui s'est passé à l'occasion de la présentation et de l'établissement de la Loi du 26 Août 1822, par laquelle, aux termes des Art. 30 et 31 de la Loi Fondamentale, il est assigné au Roi des domaines à concurrence de 500,000 florins de produit.

Tous les actes émanés du Roi, en conséquence de cette disposition législative, sont autant de preuves incontestables du but que Sa Majesté s'est proposé, en invoquant ce droit constitutionnel.

Dès le 28 Août de la même année, le Roi résolut de céder ces biens domaniaux au profit ou d'en faire servir la valeur pour contribuer à la garantie et au complément du fonds de la Société Anonyme, qui était alors sur le point d'être établie à Bruxelles, en stipulant, que, si ces biens rapportaient au-delà de f.500,000 (qui devaient compléter le revenu du Roi aux termes des Articles de la Loi Fondamentale rappelés ci-dessus), l'excédant serait versé à la caisse d'amortissement du Royaume, pour servir au remboursement de la Dette Publique, et contribuer ainsi à diminuer les charges de son Peuple chéri.

Le Roi a fait insérer au 3<sup>e</sup> Chapitre des Statuts de cette Société, établie sous le nom de Société Générale des Pays-Bas pour favoriser l'industrie nationale, toutes les dispositions particulières qui concernent l'administration de ces domaines, la perception des revenus et le remboursement de la valeur.

C'est ainsi qu'il a été réglé entre autres par l'Art. 12, que, indépendamment des f.500,000 à payer au Roi, il serait annuellement payé par la Société à la Caisse d'Amortissement, et ce à partir de 1825, une somme de f.500,000, laquelle augmentera progressivement, d'année en année, de 50,000 florins, jusqu'à ce qu'elle soit portée à f.500,000 : taux auquel elle sera maintenue jusqu'à la dissolution de la Société.

Ainsi, enfin, il est dit à l'Art. 13, que, parvenue à l'époque de sa dissolution, en 1849, la Société versera dans la Caisse de l'Etat, pour prix intégral de tous ces domaines et *pour en tenir lieu*, une Somme capitale de 20,000,000 de florins, soit en argent comptant, ou en effets publics sur l'Etat, rendant 1,000,000 d'intérêt par an.

Quoique tout cela soit évident et fasse honneur aux sentimens du Roi, puisque ces dispositions, ainsi que l'établissement et la prospérité d'une institution uniquement consacrée aux intérêts de l'industrie nationale, n'ont pour but que de venir au secours des Finances de l'Etat : le Roi cependant veut faire connaître à cette Assemblée des transactions qui ont eu lieu, *non* avec Vos Nobles Puissances, mais avec des

tiers, et donner là-dessus de tels éclaircissemens que même dans l'avenir il ne puisse s'élever ni pour lui-même et toute la Famille Royale, ni pour Vos Nobles Puissances et la Nation en général, le moindre doute, soit concernant ses vues paternelles, soit au sujet de ses droits, et moins encore par rapport aux obligations qu'il s'est, pour ainsi dire, volontairement imposées.

En conséquence, Nobles et Puissans Seigneurs, je suis chargé, en vous donnant les ouvertures qui précèdent, de déclarer au nom du Roi : que, comme en réclamant et acceptant les biens domaniaux, dont j'ai parlé ci-dessus, et en les transmettant à ladite Société, Sa Majesté a eu uniquement pour but, de trouver le moyen d'être plus utile à ses Sujets bien aimés, et de contribuer à la prospérité des Finances de l'Etat par des sacrifices personnels ; de même aussi elle assure et transmet aujourd'hui publiquement, et d'une manière officielle, à Vos Nobles Puissances, au profit du Peuples des Pays-Bas, l'effet de ce qui a été stipulé en faveur du Royaume par les Articles XII. 2<sup>e</sup> alinéa, et 13 des Statuts par elle approuvés, de la Société Générale des Pays-Bas pour favoriser l'Industrie Nationale ; de manière, que seulement par l'accomplissement final de ces stipulations, c'est-à-dire, par le paiement à faire, dans le temps, au Trésor d'une somme de 20,000,000 de florins en numéraire ou en effets publics, rendant 1,000,000 d'intérêt par an, l'Etat sera de nouveau dans l'obligation d'acquitter les 500,000 f. par an, qui manqueront alors sur les revenus de la Couronne, pour le complément de la somme assignée au Roi par les Articles XXX et XXXI de la Loi Fondamentale, et par conséquent de payer dans ce cas seul, au Roi, ou à son Successeur légitime, la somme annuelle de 2,400,000 y mentionnée.

Je m'abstiens, en m'acquittant de cette tâche, d'y joindre aucune réflexion ; en faire serait contraire au vœu du Roi, et l'acte, dont je viens d'entretenir Vos Nobles Puissances, n'a pas besoin de commentaire. Tout ici prouve le plus vif intérêt pour le bien-être de l'Etat, dont il n'est besoin de faire ressortir le mérite par de froids raisonnemens, mais que Vos Nobles Puissances, ainsi que la Nation entière, sauront justement apprécier en tout temps.

Le 2<sup>e</sup> Chapitre présente une augmentation, comparativement au Budget arrêté en 1820 ; cependant elle ne s'élève pas même au montant des sommes pour frais relatifs à la Chambre Générale des Comptes, qui y ont été postérieurement reportées du Budget extraordinaire, en vertu de la Loi du 23 Décembre 1824, de sorte que, considérée de près cette augmentation apparente est plutôt une diminution réelle.

Le 3<sup>e</sup> Chapitre contient une légère augmentation ; pour la justifier, il suffira de fixer l'attention de Vos Nobles Puissances sur l'accroissement progressif qu'ont acquis nos relations à l'étranger.

Le 4<sup>e</sup> Chapitre, Département de la Justice, conduit à quelque développement.

J'ai déjà fait observer plus haut que les dépenses de ce Département, presque totalement soustraites au Budget extraordinaire, sont maintenant transcrites au Budget décennal, augmentées des frais relatifs à l'organisation du pouvoir judiciaire. Il n'est guère nécessaire d'appuyer sur le motif qui a fait adopter ce changement; l'organisation, dont il s'agit, ayant déjà été adoptée en grande partie par Vos Nobles Puissances, en conséquence des propositions émanées du Roi, il s'ensuit que les dépenses de ce Département sont assez connues pour l'avenir, pour qu'elles ne figurent pas plus longtemps sur le Budget de l'extraordinaire.

A la vérité, les frais pour l'organisation de l'ordre judiciaire, avec tout ce qui en dépend, ne sauraient encore être précisés de manière à ce que des dispositions éventuelles ne pussent y exercer quelque influence; mais, c'est aussi par cette raison, qu'on s'est borné à former seulement quelques subdivisions des dépenses de ce Département, et même, pour quelques-unes d'entre elles, à en computer le montant, pour ainsi dire, en masse, afin d'être à portée d'en modifier la totalité, et d'en combiner les différentes parties, ainsi qu'il sera trouvé convenable à l'avenir.

Le Roi, en effet, n'a pas cru que cette incertitude peu importante, et la considération de ce qui reste encore à faire pour achever l'édifice de l'ordre judiciaire, fussent des motifs suffisans pour ne pas proposer ces dépenses sur le Budget ordinaire, attendu que Sa Majesté se flatte que la sagesse de Vos Nobles Puissances, jointe à l'intérêt qu'elles prennent à la chose, ne tardera pas à vaincre les difficultés qui ont jusqu'à présent retardé l'entier et parfait établissement de toutes les Lois relatives à cette matière.

Le 5<sup>e</sup> Chapitre, Département de l'Intérieur, exige aussi que je fixe pour un moment l'attention de Vos Nobles Puissances sur ce qui le concerne.

Il est assez difficile d'établir une comparaison entre les besoins actuels de ce Département et ceux d'autrefois, à cause des changemens qu'il a subis pendant les 10 dernières années, et des différentes branches d'administration qui y ont été réunies; néanmoins il est certain qu'en examinant séparément chacune des sommes proposées, en considérant avec attention celles qui sont maintenant portées au Budget extraordinaire sur celui des dépenses ordinaires, et en ajoutant à cela environ f.800,000 augmentation de dépense pour l'exercice du culte Catholique, on se convaincra que la totalité des fonds demandés n'excède pas le montant de la dépense précédente.

On en a agi ici comme pour la dépense du Département de la Justice, en computant plus ou moins en masse les frais relatifs au culte Catholique, avec les augmentations qui devront y être faites. Il n'est pas possible jusqu'à présent de déterminer le juste montant de ces dépenses, et moins encore de spécifier ce que chaque objet coûtera



séparément. Cependant le Roi n'a pas cru devoir s'abstenir de porter cet article sur le Budget décennal ; puisque ces dépenses résultent d'une Convention conclue entre le Roi et la Cour de Rome, Convention dont le Roi attend la pleine exécution avec intérêt ; de laquelle il prépare sans interruption l'entier accomplissement et désire, pour cet effet, le concours proposé, dans le Budget, à Vos Nobles Puissances.

Le 6<sup>e</sup> Chapitre, Département pour les affaires du culte réformé, semblerait indiquer une augmentation, en le comparant avec le montant du même Chapitre des Dépenses, tel qu'il a été fixé précédemment ; mais si l'on considère que, dès l'Année 1825, on s'est vu obligé d'augmenter par une Loi le crédit relatif à ce Département, on reconnaîtra que l'augmentation maintenant proposée se réduit à f. 10,000, somme à peine proportionnée aux besoins urgens de cette administration.

Par rapport au 7<sup>e</sup> Chapitre, Département de la Guerre, je me contenterai d'observer qu'à la seule inspection de ce Chapitre, rédigé avec économie, Vos Nobles Puissances reconnaîtront une diminution de dépenses assez considérable, nonobstant l'érection de l'Académie Militaire et l'établissement de haras, qui ont eu lieu postérieurement au période précédent.

Les subsistances des Troupes, ainsi que les frais de la Force Navale en activité hors des Ports et Rades du Royaume, au chapitre suivant, sont réservés pour le Budget extraordinaire. Sa Majesté a cru pouvoir donner cette preuve d'attention aux diverses considérations émises par l'Assemblée des Etats-Généraux, lors des délibérations sur le Budget décennal actuel, et devoir donner d'abord la préférence à ces deux objets, naturellement conduit à ce choix, par l'incertitude du prix des vivres au moment de la formation du présent Budget, et par la considération, que les frais de la Force Navale en activité dépendent du concours de diverses circonstances.

Le 8<sup>e</sup> Chapitre, Département de la Marine et des Colonies, semblerait être augmenté comparativement au période précédent, nonobstant une diminution de plus de f. 36,000, pour frais du *Ministère même*, preuve de l'esprit d'économie qui règne dans ce Département ; mais on cessera d'en être étonné, si l'on fait attention au montant des Sommes transférées des Budgets extraordinaires sur le Budget décennal, dont il s'agit maintenant, ainsi qu'à l'augmentation de dépenses pour construction et achèvement de Vaisseaux de Guerre.

Vos Nobles Puissances remarqueront ici, qu'il n'est rien porté en dépense pour nos Possessions d'outre-mer, et il a dû en effet en être ainsi. Il y a, ce semble, tout lieu de se flatter que, dans des circonstances ordinaires, les Revenus de ces Etablissements suffiront pour en couvrir la dépense, si même ils ne la surpassent ; on peut donc se dispenser de rien porter sur ce Budget, à titre de dépense ordinaire qui puisse être prévue.

Quant aux frais de la Guerre actuelle dans les Indes, qui certainement nécessitera des sacrifices extraordinaires, il sera présenté à ce sujet, dans le cours de la présente Session, une proposition particulière aux délibérations de Vos Nobles Puissances.

Pour l'éclaircissement de ce qui concerne le 9<sup>e</sup> Chapitre, Département des Finances, il est à considérer :

Premièrement, que le montant des dépenses de ce Département est naturellement diminué de la moitié de la totalité des frais d'administration et de perception, qui y figuraient ci-devant, et qui maintenant s'ont déduits du produit brut des Impositions.

Secondement, que, malgré une augmentation d'environ f. 4,500,000, survenue dans les intérêts de la Dette Publique durant le période précédent, par suite des emprunts qui ont été faits, cependant les intérêts, provenant de ce chef, sont portés sur le Budget seulement à raison de f. 19,500,000, ce qui réduit l'augmentation à f. 3,850,000.

En troisième lieu, qu'on a cru ne plus devoir comprendre dans le montant des Sommes présumées, qui figurent au Budget, les états détaillés des pensions, ce qui ne pouvait se faire ni convenablement ni avec assez d'exactitude, à cause des changemens journaliers qui surviennent à cet égard, de sorte qu'on a pensé pouvoir mieux répondre au but en présentant à ce sujet un état séparé.

Quatrièmement, j'observe que les frais du *Département des Finances*, en comparaison du période précédent, ont subi une diminution de f. 73,686, qui peut être attribuée à un changement complet, et à plus de concentration dans l'organisation de ce Département.

Cinquièmement, que les frais d'Administration du Trésor Publique ont subi une diminution de f. 162,200, par suite de la suppression des Receveurs Généraux et particuliers, et de la nomination d'un Caissier de l'Etat, ce qui doit être considéré comme une économie réelle.

En sixième lieu, que parmi les dépenses comprises dans ce Chapitre, celle de la 6<sup>me</sup> Section, Département des Recettes, est diminuée d'environ f. 60,000.

Je suis entré dans ces détails, uniquement pour donner à Vos Nobles Puissances, une preuve évidente que le Gouvernement ne cesse d'introduire, avec prudence et circonspection, toutes les améliorations, les simplifications et les économies qui peuvent se concilier avec la nature de nos Institutions.

Après avoir ainsi parcouru avec Vos Nobles Puissances, toutes les parties des dépenses, qui m'ont paru exiger quelque développement, il est temps que je considère avec vous les moyens de faire face à ces dépenses jugées nécessaires.

Ces moyens font la matière de deux Projets de Loi que je suis chargé de mettre sous les yeux de Vos Nobles Puissances, pour qu'elles soient en état d'énoncer leur opinion sur le choix à faire entre ces deux manières de pourvoir aux besoins de l'Etat.

## PROJET A.

*Projet de Loi qui détermine les moyens de faire face aux Dépenses comprises dans la Première Partie du Budget, arrêté à partir de 1830.*

Nous, Guillaume, par la Grâce de Dieu, Roi des Pays-Bas, Prince d'Orange-Nassau, Grand-Duc de Luxembourg, etc. etc. etc.

A tous ceux qui les présentes verront, salut ! savoir faisons :

Ayant pris en considération que, d'après les Articles 122, 123, et 124 de la Loi Fondamentale, le Budget de Dépenses du Royaume sera divisé en deux parties ; que la première partie contiendra toutes les dépenses ordinaires, fixes et constantes, qui résultent du cours habituel des choses et se rapportent plus particulièrement à l'état de paix ; que ces dépenses, étant approuvées par les Etats-Généraux, ne sont pas soumises pendant les 10 premières Années à un consentement ultérieur et annuel, et que, pendant cette période, elles ne deviennent le sujet d'une nouvelle délibération, que lorsque le Roi fait connaître qu'un objet de dépense a cessé ou varié ;

Qu'en arrêtant cette première partie du Budget, on détermine en même temps les moyens d'y faire face, et que ces moyens sont également arrêtés pour 10 Ans, et demeurent invariables, à moins que le Roi ne fasse connaître qu'il est nécessaire de remplacer ou de modifier un de ces moyens ;

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. 1<sup>er</sup>. Pour faire face aux dépenses du Royaume, comprises dans la première partie du Budget, arrêté à partir de 1830, seront employés les moyens ci-après indiqués :

a. Les Contributions directes du Royaume, savoir ;

La Contribution foncière sur les propriétés bâties et celles non-bâties.

La Contribution Personnelle.

Le Droit de Patente.

b. Les Droits d'Enregistrement, de Timbre, de Greffe, d'Hypothèque et de Succession.

c. Les Accises du Royaume.

Sur le Sel.

la Mouture.

l'Abattage du Bétail.

le Vin.

les Boissons distillées à l'Intérieur.

les Boissons distillées à l'Etranger.

les Bières indigènes.

les Vinaigres indigènes.

le Sucre.

Sur le Timbre collectif.

d. Le Droit sur les Ouvrages d'Or et d'Argent.

e. Le Produit des Postes.

f. Les Droits d'Entrée, de Sortie et de Transit, le Droit de Tonnage à l'extérieur, les produits des Péages d'Eau, les Droits de Balises et de Fanaux.

Le tout sauf déduction des fonds de non-valeurs à imposer en sus des Contributions foncière et personnelle, d'après l'Art. 2 et l'Art. 3 *lit. a*, et à prélever sur le montant du Droit de Patente, ainsi que de la *totalité* des frais d'administration et de perception des Droits d'Enregistrement, de Timbre, de Greffe, d'Hypothèque et de Succession, du Droit de Garantie sur les Ouvrages d'Or et d'Argent, et du Produit des Postes, et de *deux tiers* de ceux concernant le Contribution Foncière, la Contribution Personnelle, le Droit de Patente, les Accises, les Droits d'Entrée, de Sortie et de Transit, le Droit de Tonnage à l'Extérieur, les produits des Péages d'Eau, et les Droits de Balises et de Fanaux.

II. Le principal de la Contribution foncière sur les propriétés bâties et celles non-bâties est fixé à fl. 16,133,353, sauf les augmentations à résulter de la vente des bois domaniaux de l'Etat, de l'expiration d'exemptions accordées et autrement, et les diminutions provenant d'enlèvement de terrains, démolitions de Bâtimens et d'autres causes semblables.

La Contribution sera répartie entre les Provinces sur le pied fixé pour 1829, et ce jusqu'à ce qu'il en ait été autrement ordonné par la Loi; l'objet de la répartition sera en tous cas pris en considération ultérieure, lors de l'entier achèvement des opérations du cadastre.

Il sera, en sus de ce principal, imposé 2 cents additionnels pour le fonds de non-valeurs.

III. Jusqu'à ce que d'autres dispositions législatives soient intervenues à cet égard, les Contributions, Droits et Accises, mentionnés à l'Art. 1<sup>er</sup>, seront imposés et perçus d'après les Lois et Réglemens existans, à l'exception toutefois:

a. En ce qui concerne la *Contribution personnelle*, qu'il sera imposé 4 cents additionnels pour faire face aux cotes irrécouvrables; qu'il sera prélevé sur le montant des cents additionnels imposés au profit des Provinces, des Communes, ou à d'autres fins; 4 pour cent pour non-valeurs, et que les frais des expertises, recensemens, dénombremens demandés par les intéressés, qui trouveraient de la difficulté à déterminer eux-mêmes leur cotisation, seront à la charge de ceux qui demanderaient ces expertises et réglés d'après un Tarif à arrêter par le Roi.

b. En ce qui concerne les *Accises*, que la déduction pour la perte qui résulte du raffinage du sel ne pourra excéder:

Pour le Sel de Roche brun d'Angleterre.....	5 pour cent.
le Sel Brut de France .....	5 — —



Pour le Sel d'Espagne, d'Italie, des Indes Orientales et Occidentales, et pour d'autres espèces de Sel Brut non-désignées..... 3 pour cent.  
le Sel de Portugal..... 1 — —

Que le transport libre sans Documens, ne pourra avoir lieu en quantités qui excèdent à la fois :

Pour le Sel, celle de..... 5 livres.  
le Vin, celle de..... 3 litrons.

Pour les Boissons distillées, dans les Communes où il existe des distilleries de matières macérées, celle de..... 1 —

Dans les autres Communes, celle de..... 2 —

Pour la farine de froment, de seigle ou d'épeautre, mélangée ou non avec d'autre Farine, celle de.... 5 livres.

IV. L'Article 15 de la Loi du 12 Juillet, 1821, est rapporté. Les autres dispositions de cette Loi, pour autant qu'elles ne se trouvent point modifiées par la présente ou par d'autres Lois existantes, sont maintenues.

Mandons et ordonnons, etc.

#### PROJET B.

*Projet de Loi qui détermine les moyens de faire face aux Dépenses comprises dans la Première Partie du Budget, arrêté à partir de 1830.*

Nous, Guillaume, par la Grâce de Dieu, Roi des Pays-Bas, Prince d'Orange-Nassau, Grand-Duc de Luxembourg, etc. etc. etc.

A tous ceux qui les présentes verront, salut ! savoir faisons :

Ayant pris en considération que, d'après les Articles 122, 123, et 124 de la Loi Fondamentale, le Budget des dépenses du Royaume sera divisé en deux parties ; que la première partie contiendra toutes les dépenses ordinaires, fixes et constantes, qui résultent du cours habituel des choses et se rapportent plus particulièrement à l'état de paix ; que ces dépenses étant approuvées par les Etats-Généraux ne sont pas soumises, pendant les 10 premières Années, à un consentement ultérieur et annuel, et que, pendant cette période, elles ne deviennent le sujet d'une nouvelle délibération, que lorsque le Roi fait connaître qu'un objet de dépense a cessé ou varié ; qu'en arrêtant cette première partie du Budget on détermine en même temps les moyens d'y faire face, et que ces moyens sont également arrêtés pour 10 Ans et demeurent invariables, à moins que le Roi ne fasse connaître qu'il est nécessaire de remplacer ou de modifier un de ces moyens.

Considérant que le vœu Nous a été manifesté de divers côtés pour que le droit maintenant imposé sur la mouture soit supprimé et remplacé par d'autres impositions.

A ces causes, Notre Conseil-d'Etat entendu, et de commun accord avec les Etats-Généraux ;

Avons statué, comme Nous statuons par les présentes :

ARTICLE 1<sup>er</sup>. Pour faire face aux dépenses du Royaume, comprises dans la première partie du Budget, arrêté à partir de 1830, seront employés les moyens ci-après indiqués :

*a.* Les contributions directes du Royaume, savoir : la contribution foncière sur les propriétés bâties et celles non bâties. La contribution personnelle, le droit de patente.

*b.* Les droits d'enregistrement, de timbre, de greffe, d'hypothèque et de succession.

*c.* Les accises du Royaume :

Sur le Sel.

l'Abattage.

le Vin.

les Boissons distillées à l'Intérieur.

les Boissons distillées à l'Etranger.

les Bières indigènes.

les Vinaigres indigènes.

le Sucre.

le Timbre collectif.

*d.* Le droit sur les ouvrages d'or et d'argent.

*e.* Le produit des Postes.

*f.* Les droits d'entrée, de sortie et de transit, le droit de tonnage à l'extérieur, les produits des péages d'eau, les droits de balises et de fanaux.

Le tout sauf déduction des fonds de non-valeurs, qui d'après l'Article III. et l'Article IV. litt. *b.* sont imposés en sus des contributions foncière et personnelle, et de ceux prélevés sur le montant du droit de patente, ainsi que de la totalité des frais d'administration et de perception, des droits d'enregistrement, de timbre, de greffe, d'hypothèque et de succession, du droit de garantie sur les ouvrages d'or et d'argent, et du produit des postes, et de 2 tiers de ceux concernant la contribution personnelle, le droit de patente, les accises, les droits d'entrée, de sortie et de transit, le droit de tonnage à l'extérieur, les produits des péages d'eau, et les droits de balises et de fanaux.

II. L'accise du Royaume sur la mouture ne sera plus perçue à dater du 1<sup>er</sup> Janvier de 1830.

III. Le principal de la contribution foncière sur les propriétés bâties et celles non-bâties, est fixé à f. 16,133,353-00, sauf les augmentations à résulter de la vente des bois domaniaux de l'Etat, de l'expiration d'exemptions accordées et autrement, et les diminutions provenant d'enlèvement de terrains, de démolitions de Bâtimens et d'autres causes semblables.

La contribution sera répartie entre les Provinces sur le pied fixé

pour 1829, et ce jusqu'à ce qu'il en ait été autrement ordonné par la Loi. L'objet de la répartition sera en tous cas pris en considération ultérieure, lors de l'entier achèvement des opérations du cadastre.

Il sera, en sus de ce principal, imposé 2 cents additionnels pour le fonds de non-valeurs.

IV. Jusqu'à ce que d'autres dispositions législatives soient intervenues et exécutoires à cet égard, la contribution foncière, la contribution personnelle et le droit de patente, seront imposés et perçus d'après les Lois et Règlements existans, sauf les modifications suivantes, en ce qui concerne la contribution personnelle :

(a) Que les exemptions entières ou partielles, et les rachats mentionnés aux premières parties des Articles IV, XV, XXI, et XXVII, aux Articles X, XVII, XXIII, XXXII, XLIX, et L, de la Loi du 28 Juin, 1822, sont rapportés.

(b) Qu'il sera imposé 8 cents additionnels pour faire face aux cotes irrécouvrable, et qu'il sera prélevé sur le montant des cents additionnels, imposés au profit des Provinces, des Communes ou à d'autres fins, 8 pour cent pour non-valeurs.

(c) Que les frais des expertises, recensemens et dénombremens, qui seraient demandés en vertu de l'Article LVII. de la Loi du 28 Juin, 1822, seront à la charge de ceux qui les réclameraient, et ce d'après un Tarif à arrêter par le Roi, sauf aux contribuables qui, en vertu de ladite Loi, jouiraient d'une exemption entière pour leurs Bâtimens, de demander pour les Années 1830 et 1831 *aux frais du Gouvernement*, des expertises ou recensemens du chef de ces Bâtimens et du mobilier qu'ils renferment.

V. Jusqu'à ce que d'autres dispositions législatives soient intervenues et exécutoires à cet égard, les droits d'enregistrement, de timbre, de greffe, d'hypothèque et de succession, les accises, le droit sur les ouvrages d'or et d'argent, ainsi que les droits d'entrée, de sortie et de transit, le droit de tonnage à l'extérieur, les droits des péages d'eau et ceux de balises et de fanaux, mentionnés à l'Article I. seront de même imposés et perçus d'après les Lois et règlements existans, sauf les modifications suivantes :

(a) Les Tarifs des accises sur le sel, les boissons distillées à l'intérieur et celles distillées à l'étranger, et les bières et vinaigres indigènes, seront majorés en principal de 50 pour cent, avec augmentation proportionnelle des Tarifs pour les décharges, transcriptions, etc. Il est réservé au Roi de prendre en temps les mesures nécessaires pour que les augmentations dont il s'agit, ou celles résultant des dispositions de l'Article VI. ne soient point éludées au moyen d'approvisionnement ou de ventes extraordinaires.

(b) Il sera accordé une exemption de l'accise sur le sel, destiné à l'usage de l'agriculture ou à la nourriture des bestiaux, pourvu que le

sel soit mélangé de manière à ne pouvoir servir à la nourriture des hommes.

(c) La déduction pour la perte qui résulte du raffinage du sel, mentionnée à l'Article XIII. de la Loi du 21 Août, 1822, ne pourra excéder :

Pour le sel de roche brun de l'Angleterre...	5 p. cent.
Pour le sel brut de France.....	5 —
Pour le sel d'Espagne, d'Italie, des Indes Orientales et Occidentales, et pour d'autres espèces de sel brut non désignées .....	3 —
Pour le sel de Portugal .....	1 —

(d) Le transport libre, sans Documens, ne pourra avoir lieu en quantités qui excèdent à-la-fois.

Pour le sel, celle de .....	5 livres.
le vin, celle de .....	5 litrons.
les boissons distillées à l'intérieur, dans les Communes où il existe des distilleries de matières macérées, celle de ....	1 litron.

Dans les autres communes celle de..... 2 litrons.

VI. Le timbre collectif des quittances en matière d'accises, sera de 10 pour cent du montant de l'accise sur le sel, l'abattage, les boissons distillées à l'intérieur et celles distillées à l'étranger, les bières et vinaigrés indigènes, et de 20 pour cent du montant de l'accise sur le vin et le sucre.

VII. L'Art. XV. de la Loi du 12 Juillet 1821 est rapporté. Les autres dispositions de cette Loi, pour autant qu'elles ne soient point modifiées par la présente, ni par d'autres Lois existantes, sont maintenues.

Mandons et ordonnons, etc.

Il est nécessaire que j'entre ici dans quelque détail sur l'origine, la nature et la tendance de ces deux Lois.

Le système actuel des impositions, basé sur la Loi du 12 Juillet, 1821, et autres dispositions spéciales postérieurement émanées, avait été jugé suffisant pour couvrir aussi les dépenses du période décennal suivant, pourvu qu'on reportât sur le Budget ordinaire une partie des droits d'entrée et de sortie, en proportion aux articles de dépense, transcrits du Budget extraordinaire sur le Budget décennal.

Le Roi donc avait donné ordre de laisser subsister en entier le système des impositions, tel qu'il était, et de se borner uniquement à faire dans les Lois spéciales, dont l'expérience a appris à connaître les défauts ou l'insuffisance, les changemens et les améliorations propres à établir plus d'égalité entre les contribuables, à diminuer les moyens de fraude, et à augmenter ainsi les rentrées du Trésor.



C'est d'après ces vues et dans ces intentions, que les Lois pour lesquelles cette révision était généralement considérée la plus nécessaire, nommément celles sur la mouture, les eaux-de-vie, l'impôt personnel et les patentes, ont été refaites, modifiées et mises dans l'état où, suivant la décision à prendre par Vos Nobles Puissances, elles pourront être plus tard soumises à leurs délibérations.

Cependant le Roi, sollicité de plusieurs côtés et par divers arguments, quelquefois même par des motifs contradictoires, de revenir sur l'Impôt de la mouture, de ne pas le maintenir pour le second période décennal, mais de le remplacer par d'autres recettes, le Roi, dis-je, ne désirant rien plus ardemment que de voir qu'il soit pourvu aux besoins de l'Etat avec justice et égalité, d'une manière dont on soit généralement satisfait, et qui soit la moins onéreuse possible, s'est empressé de donner des ordres pour qu'il fût essayé de quelle autre manière convenable pourrait être suppléée la Somme de f. 5,500,000, que rapportait l'Impôt sur la mouture.

Après un mûr examen, auquel des hommes experts en cette matière ont été appelés à concourir, il a été reconnu que, tout considérable que sera ce déficit, et quoiqu'il semble indispensable de recourir à quelque sacrifice pour le remplir, il peut y être pourvu d'une manière qui semble peu onéreuse.

Cependant l'opinion de Vos Nobles Puissances, à ce sujet n'étant pas connue, et Sa Majesté se considérant comme liée au système actuel, jusqu'à ce qu'il y soit renoncé de commun accord, d'autant plus qu'il a été reconnu suffisant pour les besoins du Trésor, il a été résolu de rédiger deux différens projets, par l'un desquels l'état des choses est maintenu sur le pied actuel ; tandis que l'autre offre les moyens de subvenir aux dépenses publiques, tout en supprimant une taxe qui semble contraire à l'opinion publique.

Or, comme il n'était pas possible de prévoir auquel de ces deux projets Vos Nobles Puissances donneraient la préférence, et attendu que, dans l'un et l'autre cas, quelques unes des Lois spéciales devront être revues, on s'est déterminé, à l'instar de ce qui a eu lieu en 1821, d'insérer dans la Loi, les bases et les principes de la législation de nos finances, pour l'un et l'autre cas ; en se réservant de soumettre plus tard à Vos Nobles Puissances la révision des Lois spéciales, qui en auraient besoin.

Après cette explication qui, si je ne me trompe, met la marche naturelle des choses suffisamment en évidence, et justifie pleinement la conduite du Gouvernement à cet égard, je pourrai me dispenser d'entrer dans de grands détails concernant l'Impôt sur la mouture en lui-même.

Il suffira d'observer que cet Impôt, altéré de plusieurs manières, n'est plus ce qu'il était originairement ; que les Lois sur l'objet, modi-

fiées d'après une multitude d'opinions et d'intérêts divers, se trouvaient, pour ainsi dire, en opposition avec les Ordonnances locales ; qu'en plusieurs endroits les modifications partielles ont non-seulement donné lieu à des plaintes, mais encore détruit l'égalité entre les contribuables mêmes ; qu'enfin le Roi, cédant aux considérations et réclamations multipliées qui lui ont été adressées à ce sujet, a pensé qu'en laissant le choix à Vos Nobles Puissances, il fournirait à la Nation la preuve la plus évidente que, dans une affaire susceptible d'être considérée sous tant de points de vue divers, il attache le plus grand prix au jugement éclairé de ceux qui sont appelés à la représenter.

Après ces explications préalables, je vais considérer les deux Lois en général, et je fixerai particulièrement l'attention de Vos Nobles Puissances sur ses parties qui m'en ont paru les plus dignes.

La première Loi, celle qui est cotée A, maintient en majeure partie ce qui existe à présent, et n'exige d'explication, que dans les endroits où elle offre quelque différence avec celle de Juillet 1821.

Ainsi les droits d'entrée, de sortie et de transit, le droit de tonnage à l'étranger, les péages sur les Rivières, les droits de balises et de fanaux, qui jusqu'à présent étaient demeurés en grande partie sur le Budget Extraordinaire, sont maintenant portés au décennal par le motif mentionné ci-dessus.

De même, et par les raisons exposées plus haut, on a déduit du produit des impôts les frais d'administration et perception ; changement que le Roi a trouvé juste et convenable d'appliquer à l'un comme à l'autre Projet : je dois, à ce sujet, appeler l'attention de Vos Nobles Puissances sur les pièces justificatives qui présentent le montant présumé du produit brut de chaque impôt, et où sont déduits en masses les frais d'administration et de perception, avec renvoi à l'Etat séparé où ces frais se trouvent spécifiés, ainsi que cela s'est pratiqué jusqu'à présent, lorsqu'ils étaient compris parmi les dépenses mêmes.

On propose ici de maintenir provisoirement, pendant le nouveau période, le même mode de répartition des contributions foncières entre les Provinces : non qu'on ait l'intention de ne pas avoir égard aux réclamations fondées par rapport à l'inégalité de cette répartition, mais dans la vue de ne pas donner prématurément lieu à des discussions épineuses, à la veille de voir introduire la répartition cadastrale ; et toujours en réservant au Roi, pour le cas où cette répartition tarderait à pouvoir être effectuée, la faculté de proposer plus tard à Vos Nobles Puissances des dispositions dictées par cette équité, qui forme tellement la base de toutes ses actions, qu'aucune des Parties intéressées ne saurait conserver le moindre doute à ce sujet.

Ce même Projet de Loi établit en outre quelques restrictions à la circulation des objets passibles d'impôt, tels que le sel, les eaux-de-vie, le vin et la mouture, parce qu'on a reconnu par expérience le préjudice résultant du honteux abus qu'on faisait de la latitude accordée par les

Lois en vigueur ; abus, qui n'a d'autre effet que de démoraliser les contribuables, de faire disparaître l'égalité dans la participation aux charges publiques, de causer du préjudice au Trésor, et de rendre nécessaire une surveillance de plus en plus dispendieuse.

Enfin, Nobles et Puissans Seigneurs, par l'Article V. de la présente Loi il est plus particulièrement dérogé à l'Article XV. de la Loi de Juillet, 1821. La raison en est, que Sa Majesté qui à l'époque de cette Loi avait cru pouvoir proposer une restriction de la Prérogative accordée au Souverain par la Loi Fondamentale, a reconnu par expérience la nécessité de se réserver ce droit ; non que le Roi préférât d'augmenter l'impôt foncier, au moyen de cents additionnels au profit des Communes ; moins encore dans l'intention de faire servir quelque augmentation extraordinaire de cet impôt à couvrir leurs dépenses ordinaires ; mais plutôt et uniquement puisque, dans certains cas, l'imposition de ces cents additionnels fixée par la Loi a été reconnue superflue pour des Communes, dont les revenus suffisent aux dépenses, tandis que d'autres éprouvent quelquefois des besoins, auxquels il serait impossible de subvenir avec équité et d'une manière convenable, sans leur augmentation.

Je passe maintenant à l'examen de la Seconde Loi cotée de la lettre B, dans laquelle, en supprimant l'impôt sur la mouture, on propose une autre manière de pourvoir aux besoins publics.

Qu'il me soit de nouveau permis d'observer préalablement : *en premier lieu*, que le Roi a pris d'abord en considération s'il ne serait pas bon de supprimer le droit sur l'abattage, en même temps que celui sur la mouture, afin de faciliter et d'accélérer la diminution de surveillance, et l'économie dans les frais d'administration ; mais, que Sa Majesté a cru devoir consulter l'expérience sur l'effet que produirait la suppression de la mouture, sur l'utilité de la conservation de l'abattage, en se réservant de réclamer de nouveau à ce sujet le concours de Vos Nobles Puissances au cas que la chose soit jugée convenable.

Je remarque, *en second lieu*, qu'aussitôt que l'ordre a été émané de la part du Roi, de rechercher par quels moyens il pourrait être suppléé à la diminution des Revenus de l'Etat, résultant de la suppression de l'impôt sur la mouture, il a été suggéré, pour y parvenir, une multitude de moyens souvent en contradiction les uns avec les autres ; que plusieurs d'entre eux ont été trouvés peu conformes aux principes d'une sage économie politique, destructifs de l'égalité si désirable entre toutes les parties du Royaume, ou enfin incompatibles avec l'inviolabilité due aux principales branches de l'industrie nationale, ou aux sources de subsistance générale des Habitans ; enfin, qu'après mûre délibération on a cru, en supprimant des charges *générales*, devoir les remplacer de préférence par d'autres ressources qui aussi se distinguent par leur *généralité* ; qui n'ajoutent rien aux formalités des taxes à supprimer, dont la gêne a donné lieu à tant de plaintes, et qui

pourront conduire en même temps à la diminution des frais de surveillance et d'administration.

A la suite de ces éclaircissemens, je passe aux dispositions nouvelles de la Loi proposée qui, comme telles, méritent un examen particulier, et que je comparerai avec les principes qui viennent d'être posés.

Je ne reviendrai pas sur ce qui est commun aux deux Loïs, et dont j'ai déjà parlé en traitant de la Loi cotée A.

Les objets sur lesquels je dois ici fixer l'attention de Vos Nobles Puissances sont :

(a) Changement dans la base de l'impôt personnel.

(b) Augmentation de l'impôt sur le sel, les eaux-de-vie, les bières indigènes et le vinaigre.

(c) Modification dans la remise, maintenant accordée sur le raffinage du sel.

(d) Changement dans l'institution du timbre collectif sur les accises.

Permettez-moi d'entrer dans quelques développemens, au sujet de ces diverses dispositions qui vous sont proposées.

D'abord le changement proposé à la Loi sur l'impôt personnel consiste à en rendre l'application plus générale. Cette proposition se rapproche du principe primitif de la Législation, dont la Loi même est empruntée, et qui rendait passible de l'impôt tous ceux " qui n'étaient pas réputés indigens ; " généralité qui, déjà équitable en elle-même, doit le paraître infiniment davantage par la suppression de la mouture, dont l'application est si générale et dont l'action se fait sentir partout. D'ailleurs, il est d'autant plus convenable de généraliser l'impôt personnel, que, quelque base d'exemption qu'on adopte, elle sera toujours défectueuse dans son application aux diverses parties du Royaume ; le système des exemptions fournit de plus à un très-grand nombre de Personnes, qui devraient supporter une partie quelconque de l'impôt, des prétextes pour s'y soustraire. Cela est si vrai, Nobles et Puissans Seigneurs, que dans telle partie du Royaume où, sous le système précédent, on comptait jusqu'à 49,000 Contribuables à l'impôt personnel, il ne s'en trouve plus que 15,000 d'inscrits à la matrice des rôles ; au lieu que dans d'autres parties, où cette exemption n'a pas trouvé son application, le nombre des Contribuables inscrits est augmenté presque dans la même proportion.

Le Roi est cependant loin de désirer que cet impôt pèse sur la classe vraiment indigente de son Peuple ; si, pour couvrir les dépenses de l'Etat, cette classe d'Habitans supporte sa part de la taxe actuelle sur la mouture, il n'en serait pas ainsi de l'impôt personnel, qui, devant être acquitté en numéraire, à des échéances fixes, ne peut guère atteindre ceux qui n'ont rien à perdre ; d'ailleurs, Nobles et Puissans Seigneurs, le fonds de non-valeurs ouvert pour cet impôt, et pour lequel



on propose des centièmes additionnels, déterminés dans les pièces à l'appui, prouve suffisamment que ces infortunés ne sont pas l'objet de cette disposition Législative, et qu'ils n'ont par conséquent rien à appréhender de l'extension de cet impôt.

Enfin, l'on a cru pouvoir adopter comme principe, dans l'une et l'autre Loi, que celui qui, après que la Loi a été assez longtemps en vigueur, désire qu'il soit procédé à l'expertise de ses objets imposables, devra demander qu'elle soit faite *à ses frais*, d'après un Tarif modéré qui sera fixé à ce sujet, ce qui limitera le nombre des expertises qui augmente à l'infini, et épargnera au moins f. 300,000 au Trésor. En même temps, il sera proposé dans la Loi spéciale, que celui qui, ayant une fois demandé l'expertise et qui, dans les mêmes circonstances, réglera d'après elle ses déclarations subséquentes, sera exempt de toute amende et de tous frais de vérification ultérieure ; enfin, dans la vue de diminuer, en faveur des classes peu aisées, l'augmentation des charges qui résulterait en quelque manière pour elles de l'obligation de payer les frais d'expertise, il a été stipulé que, pour ceux qui, par suite de la suppression des exemptions, seraient dorénavant *pour la première fois* passibles de l'impôt, les expertises, durant le 2 premières Années, seront faites pour le compte de l'Administration.

En second lieu, l'augmentation des impôts mentionnés ci-dessus se justifie :

Premièrement, quant au sel, par la circonstance que l'impôt, s'identifiant pour ainsi dire avec le prix de l'objet imposé, cesse ainsi d'être aperçu par la considération qu'il est supporté dans une juste proportion par les diverses classes d'Habitans, et suivant le plus ou moins de consommation de chacun d'eux ; que l'action en est générale ; que l'expérience prouve, que les changemens survenus dans la quotité de cet impôt n'exercent aucune influence sensible sur la consommation même ; que l'Administration des impôts déclare ne pas avoir à craindre que cette augmentation contribue à multiplier la fraude ; enfin, qu'elle laisse subsister la taxe sur cet objet au-dessous du taux auquel elle est portée dans des Pays voisins, de manière que les importations clandestines ne sont nullement à craindre de ce côté.

Quant aux impôts sur les eaux-de-vie, la bière et le vinaigre, les considérations qui militent en faveur de leur augmentation, sont :

Qu'ils maintiennent l'égalité du système d'imposition dans toutes les diverses parties du Royaume ; que, s'il se fait dans les Provinces septentrionales une plus grande consommation de genièvre que dans les Provinces méridionales, celles-ci en revanche, consomment beaucoup plus de bière ; que cette augmentation n'exige point de nouvelles dispositions Législatives, et n'occasionne pour les Contribuables ni gêne ni frais nouveaux ; que, quand bien même on alléguerait qu'un accroissement d'impôt peut entraîner une diminution de consommation, le cas a été suffisamment prévu dans les dispositions relatives à la

matière, ainsi que Vos Nobles Puissances pourront s'en convaincre par les montans présumés auxquels on a évalué les produits ; que, dans tous les cas, le genièvre et la bière ne peuvent être assimilés au pain comme objets de première nécessité. Mais ce qui paraît décisif sur ce point, et lever toute difficulté à cet égard, c'est que, en plusieurs endroits et surtout dans les villes, ces deux objets sont déjà assujettis à des cents additionnels jusqu'au-delà de 150 ; qu'ainsi, pour autant que l'impôt au profit du Trésor s'accroît en même temps, et que l'on diminue en proportion la quotité des cents additionnels au profit des caisses communales, on ne pourra s'attendre à des plaintes ou réclamations fondées de la part des Contribuables, ou de toute autre partie intéressée.

Or, puisque le Roi a l'intention, ainsi que je suis chargé de l'annoncer de sa part à Vos Nobles Puissances, de faire procéder à une revision de ces cents additionnels communaux, et de réserver pour les Villes et les Communes, soit la taxe sur la mouture comme supprimée pour l'Etat, soit toute autre, comme par exemple l'impôt sur le vin, dont on s'abstient principalement par cette raison de proposer l'augmentation, ou enfin quelque autre taxe convenable, je pense que ces augmentations doivent être considérées comme le moyen le plus propre à mettre le Gouvernement en état de satisfaire, par la suppression de la mouture, au désir manifesté par un grand nombre d'Habitans, si du moins ce désir s'accorde avec les vœux de Vos Nobles Puissances.

La modification de la remise pour le déchet sur le raffinage du sel, est une mesure dictée par l'expérience de l'administration des impôts, qui a fait voir que la remise sur le pied actuel n'est pas nécessaire, et fournit matière à des abus ; ainsi la modification proposée ne peut être considérée que comme une amélioration.

Enfin, le changement dans la perception du timbre collectif sur les accises, est aussi une amélioration dans une des branches du Revenu Public ; car, en même temps qu'il offre moins de complication pour l'administration des impôts, il contribue à établir plus d'égalité entre les Contribuables.

Ce droit du timbre collectif était actuellement d'environ 5 ou plutôt de  $\frac{5}{8}$  ; fraction qui causait déjà beaucoup d'embarras dans la tenue des livres et dans la comptabilité, et nécessitait beaucoup d'écritures, et, lorsqu'il s'agissait de modiques déclarations au-dessous du minimum, ce droit s'élevait quelquefois jusqu'à 30 pour cent du montant de l'impôt principal, ce qui formait une charge onéreuse pour les petits Contribuables, mais beaucoup moins sensible pour ceux auxquels leurs facultés permettent de faire leurs déclarations par parties plus considérables.

Enfin, Nobles et Puissans Seigneurs, j'ajouterai encore, pour terminer ce que j'avais à dire sur cette matière :

Qu'il semble impossible d'imaginer un genre d'impôts entièrement exempts d'inconvéniens et des difficultés ; qu'en proposant ceux dont il s'agit, l'on s'est appliqué, autant qu'il était possible, à en former un

ensemble basé sur l'équité ; que, si quelque impôt, considéré séparément, pourrait donner lieu à des observations, il est juste d'en examiner l'ensemble et les différentes parties dans leurs liaisons réciproques, et surtout en ne pas perdant de vue que la mouture étant une taxe générale, on a voulu la remplacer par des taxes généralement supportées.

Après ces éclaircissemens donnés sur les deux Lois dont le choix est soumis à Vos Nobles Puissances, je passe maintenant à la dernière, et non moins importante partie des objets de vos délibérations sur le Budget Décennal, je veux dire celle qui concerne le Syndicat d'Amortissement.

Cet important établissement, dirigé par une bonne Administration, répond parfaitement au but de son institution ; c'est ce que confirme pleinement la Loi qui est maintenant soumise à la délibération de Vos Nobles Puissances.

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*Projet de Loi sur la Dette Nationale et pour régler les intérêts du Syndicat d'Amortissement, à l'occasion de la fixation du Budget pour la Période Décennale, à partir de 1830.*

Nous Guillaume, par la Grâce de Dieu, Roi des Pays-Bas, Prince d'Orange Nassau, Grand-Duc de Luxembourg, etc. etc. etc.

A tous ceux qui les présentes verront, salut ! savoir faisons :

Ayant pris en considération, que d'après l'Article 199, de la Loi Fondamentale, la Dette Publique doit être prise annuellement en considération, dans l'intérêt des Créanciers de l'Etat.

Que par la Loi du 27 Décembre, 1822, portant Institution d'un Syndicat d'Amortissement et réglant différens intérêts financiers du Royaume, il a été statué à l'Article 44 ; "que lors de l'examen décennal spécial de la Dette, il sera déterminé par une Loi, si et jusqu'à quel point, il sera apporté quelque changement aux revenus assignés au Syndicat d'Amortissement, et que les revenus qui lui seront accordés, à cette époque, seront de nouveau arrêtés pour une période décennale et feront partie du Budget Décennal," et à l'Article 45 ; qu'en même temps une Loi déterminera si une partie de la Dette achetée pourra être amortie et jusqu'à quelle concurrence, et que, pour ce qui concerne la quantité qui ne sera pas amortie, le Syndicat d'Amortissement conservera les mêmes droits que tous les autres Créanciers de l'Etat ;

Que par le 4 Article de la Loi du 5 Juin, 1824, le Syndicat d'Amortissement a été libéré pendant les Années 1824, 1825, 1826, 1827, 1828 et 1829, de l'obligation du rachat déterminé et de l'Amortissement sur le montant des Capitaux de Dette active dont la création est autorisée par les Lois du 31 Décembre, 1819, 24 Décembre, 1820, 2 Août, 1822, et 27 Décembre, 1822, et que le même Article a statué que lors des délibérations sur le Second Budget Décennal de l'Etat, à

commencer de l'An 1830, il sera pris en considération, conformément à l'Article 44, de la Loi du 27 Décembre, 1822, si l'Amortissement desdits capitaux sera repris ou modifié ;

Que la Loi du 25 Décembre, 1824, ayant ordonné un tirage au sort de la Dette différée pour une période de 25 ans, expirant l'Année 1849, a imposé en même temps au Syndicat d'Amortissement l'obligation de remplacer l'Amortissement annuel de 5,000,000, de Dette différée, prescrit par l'Article 30, de la Loi du 27 Décembre, 1822, par l'acquisition d'un capital de 125,000,000 de Dette différée et de 125,000 billets de sort qui doivent y être joints, pour être amortis pendant ladite période de 25 Ans, sans qu'il y ait translation à la Dette active ;

Considérant, que le Syndicat d'Amortissement ayant déjà satisfait à cette obligation, les revenus qui lui ont été alloués à cet effet, peuvent être employés à d'autres rachats pour l'Amortissement de la Dette Nationale ;

Voulant prescrire les mesures nécessaires à l'égard de l'Amortissement de la Dette Nationale, pendant la période décennale à partir du 1 Janvier, 1830 ;

Vu les Lois du 14 Mai, 1814, 9 Février 1818, 31 Décembre, 1819, 24 Décembre, 1820, 2 Août, 1822, 27 Décembre, 1822, et 3 Mars, 1825 ;

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. Il sera amorti au 1 Janvier, 1830, un capital de 13,700,000, Florins, sur les Capitaux de Dette active portant intérêt, rachetés ou à racheter encore par le Syndicat d'Amortissement, en exécution de l'Art. 43, de la Loi du 27 Décembre, 1822, et d'après les Lois du 25 Décembre, 1824, 23 Décembre, 1825, 27 Décembre, 1826, 24 Décembre, 1827, et—

Les Rentes dudit Capital amorti ne seront payées au Syndicat d'Amortissement, que jusqu'au 31 Décembre, 1829.

II. A la même époque il sera amorti un Capital de 36,587,600 florins, de Dette différée, ainsi que les billets de sort y appartenans, formant propriété du Syndicat d'Amortissement, et désignés par le tirage, pour :

L'Année	.....	1830	.....	f. 1,758,800
—	.....	1831	.....	1,876,800
—	.....	1832	.....	1,928,000
—	.....	1833	.....	1,915,400
—	.....	1834	.....	2,027,600
—	.....	1835	.....	1,898,400
—	.....	1836	.....	1,934,000
—	.....	1837	....	1,898,200
—	....	1838	....	1,943,800
—	.....	1839	.....	1,892,800



L'Année	.....	1840	.....	f. 1,871,800
—	.....	1841	.....	1,854,000
—	.....	1842	.....	1,900,800
—	.....	1843	.....	2,093,600
—	.....	1844	.....	1,998,600
—	.....	1845	.....	1,775,600
—	.....	1846	.....	1,654,200
—	.....	1847	.....	1,560,000
—	.....	1848	.....	1,481,200
—	.....	1849	.....	1,324,000
				<hr/>
				Florins 36,587,600
				<hr/>

Cet amortissement aura lieu sans translation à la Dette active, et la translation annuelle de 5,000,000 de Dette différée à celle active subira une réduction proportionnée audit amortissement.

III. Sont déclarés inaliénables la Dette différée et les billets de sort non sortis au tirage pour 25 Ans, appartenant au Syndicat d'Amortissement, au montant de 90,278,800 florins.

Lesdits billets de sort participeront toutefois aux tirages à partir de 1850, mais désignés par le sort, ils seront amortis sans translation à la Dette active.

IV. La somme de 19,500,000 florins, destinée annuellement au paiement des rentes de la Dette Nationale, par le Budget des dépenses de l'Etat pour la période décennale prochaine, sera payée par moitié par le Trésor au Syndicat d'Amortissement, avant le 1er Janvier et le 1er Juillet de chaque Année, à l'effet de servir audit paiement de rentes à ces échéances.

V. Le rachat et l'amortissement déterminés sur les capitaux de Dette active, dont la création est autorisée par les Lois du 31 Décembre 1819, 24 Décembre 1820, 2 Août 1822, 27 Décembre 1822, 3 Mars, 1825,—cessera entièrement à partir de l'Année 1830.

VI. Pour remplacer ledit rachat et l'amortissement, et afin que le Syndicat d'Amortissement remplisse aussi à l'avenir le but de son institution, il sera obligé de destiner annuellement, à partir de 1830, à l'achat et au remboursement de Dette, au moins une somme de 2,500,000 florins.

Conformément à cette stipulation, la somme à destiner annuellement, pour ledit objet sera déterminée par la Loi, d'après la délibération de l'assemblée générale du Syndicat d'Amortissement, au vœu de l'Art. 46 de la Loi du 27 Décembre 1822; ladite somme sera augmentée annuellement par les rentes des capitaux dont l'achat et le remboursement aura déjà eu lieu.

VII. Le Syndicat d'Amortissement étant tenu de remplir en outre toutes les autres obligations qui lui ont été imposées par les Lois du 27 Décembre, 1822, et 5 Juin, 1824, aura pendant la période décennale, à partir de 1830, la jouissance libre et continue de la dotation annuelle de 2,500,000 florins, comprise dans le Budget de l'Etat, ainsi des que Capitaux et des Revenus qui lui ont été alloués par lesdits Lois du 27 Décembre, 1822, et 5 Juin, 1824.

Mandons et ordonnons, etc.

Quoique la nature de cet Etablissement, et des opérations qui lui sont confiées, exige le secret, et qu'il soit, par cette raison, statué à l'Art. 49 de la Loi du 27 Décembre, 1822, qu'il ne sera donné connaissance à Vos Nobles Puissances de l'état du Syndicat d'Amortissement qu'une seule fois de 10 en 10 Ans, à commencer par 1829, époque à laquelle il sera rendu public, j'ai dès à présent la satisfaction de pouvoir annoncer à Vos Nobles Puissances, qu'après un examen attentif j'ai acquis la certitude, augmentée encore par ce qui m'a été affirmé de la part de la Commission permanente, que cet état est parfaitement bien, qu'il ne donne pas la moindre inquiétude pour l'avenir et, qu'à moins d'événemens fortuits, il n'exigera nul sacrifice de la part du Trésor.

Mais, quelque rassurante qu'elle puisse être, Nobles et Puissans Seigneurs, cette assertion, je le conçois, n'est pas suffisante ; il est inutile de recourir au discours quand les faits parlent par eux-mêmes, et le résultat des opérations de cet Etablissement fera connaître plus clairement l'état des choses, que je ne pourrais l'expliquer.

Permettez que j'entre encore dans quelques détails sur cet important objet, le dernier qui me reste à traiter.

Le Projet de Loi, dont il s'agit, est mis en rapport avec la proposition faite au Budget de 1829, du remboursement et de l'achat de f. 2,800,000 00, dont 1,000,000 doit servir à l'Amortissement du Syndicat, et dont le restant sera employé à l'achat de cette Dette active.

Au moyen des achats successifs, augmentés des intérêts de chaque nouvelle somme, le Syndicat d'Amortissement a mis le Gouvernement en état de proposer maintenant l'*anéantissement* de f. 13,700,000-00 de la Dette active, ce qui diminue de f. 342,500-00 le montant des intérêts annuels à la charge de l'Etat. En outre, cet Etablissement se trouve actuellement en possession d'un capital, en Dette différée et Billets de sort échus, montant à f. 36,587,600-00 dont on propose de même l'*anéantissement*.

Je trouve ici l'occasion, Nobles et Puissans Seigneurs, de jeter un coup-d'œil rapide sur l'ensemble même de la Dette Nationale, qui, aux termes de la Loi du 27 Décembre, 1822, doit être spécialement prise en considération lors des délibérations concernant la 2<sup>me</sup> période décennale.

Cette Dette, composée de Dette active portant intérêt et de Dette différée, se divise naturellement en deux grandes parties.

La *première* comprend la Dette consolidée dans les Provinces septentrionales du Royaume, dont la consolidation a été ordonnée par la Loi du 14 Mai, 1814 ; de la Dette Austro-Belge, de la Dette consolidée dans les Provinces méridionales, et de l'arrière des Pays-Bas, dont la liquidation a lieu, conformément à la Loi du 9 Février, 1818.

Ces Dettes existaient toutes au moment de l'érection du Royaume des Pays-Bas, et, par suite de ce qui a été arrêté relativement à leur liquidation, les dispositions Législatives concernant leur Amortissement n'ont pu s'étendre qu'à l'anéantissement de la Dette différée, soit par transcription sur la Dette active, soit par achat et amortissement, indépendamment de cette transcription.

Ce n'est que la Loi de 1822, portant création d'un Syndicat d'Amortissement, qui a commencé à établir des règles plus générales à cet égard ; de là l'anéantissement, actuellement proposé d'un capital de f. 13,700,000 de Dette active.

La *seconde partie* se compose des divers capitaux de la Dette active portant intérêt, lesquels ont été créés à des fins particulières par différentes Lois, tandis qu'en vertu des mêmes Lois il a été alloué au Syndicat, pour servir au paiement des intérêts, à l'achat et à l'amortissement, 3 pour cent par An du principal, dont le surplus a été employé en achat ; mais seulement jusques à 1824, le Syndicat ayant été déchargé de cette obligation par la Loi de Juin, 1824, pour cette Année-là et les suivantes, jusques et y compris 1829, et ce à l'effet de pouvoir s'acquitter, sans des sacrifices ultérieurs, d'autres obligations qui lui étaient imposées. Les anciens et les nouveaux capitaux formeront à présent un ensemble, et les achats se font sur la masse entière, de sorte qu'on n'aura besoin à l'avenir de prendre séparément en considération ces créations partielles.

La Dette Nationale, telle qu'elle est liquidée jusqu'à ce jour, monte à f. 786,556,236-30 $\frac{1}{2}$ , et la Dette différée à f. 1,203,933,512-61. Total : f. 1,990,489,748-91 $\frac{1}{2}$ .

La ci-devant Caisse d'Amortissement et le Syndicat actuel ont scrupuleusement rempli toutes les obligations qui leur étaient imposées par les différentes Lois. Le Syndicat d'Amortissement a même devancé ces obligations : il a fait anéantir en 1827 un capital de f. 125,000,000 de Dette différée et Billets de sort, dont l'amortissement, aux termes de la Loi sur le Tirage, qui doit avoir lieu tous les 25 Ans, pouvait être différé jusques et compris 1849.

Aussi toutes ces opérations avantageuses ont-elles fourni à cet Etablissement le moyen de faire au-delà de ce à quoi il était tenu : témoin les 3 premiers Articles de la Loi actuellement proposée, portant *anéantissement* de f. 13,700,000 de Dette active, et de f. 36,587,600 de Dette

différée, pendant qu'ils déclarent inaliénable un autre capital de f. 90,278,800 de Dette différée, ce qui, quand à l'effet, peut être considéré comme un anéantissement réel.

Or, si l'on additionne tous les amortissements de la Dette publique, on trouvera, ainsi qu'il est démontré par les Etats que j'ai entre les mains, que la totalité de la Dette Nationale est diminuée de f. 383,420,400.

J'ai cru qu'il importait de ne pas dérober cet aperçu à la connaissance de Vos Nobles Puissances : il peut autoriser la prolongation encore pour le période prochain, conformément au Projet de Loi, des concessions qui sont assurées à cet Etablissement aujourd'hui même, et de lui imposer par contre l'achat et l'amortissement des capitaux mentionnés au même Projet ; et cela avec d'autant plus de sûreté, qu'il est prouvé par l'expérience, que le Syndicat d'Amortissement a coutume de faire au-delà des obligations que la Loi lui impose, et d'étendre la mise hors de circulation des Dettes de l'Etat autant que les circonstances le permettent.

Me voici, Nobles et Puissans Seigneurs, parvenu à la fin de ma tâche. J'ai donné, sur les différentes parties de ce Budget important, tous les développemens et éclaircissemens qu'il m'était possible de fournir, à peine entré dans la difficile carrière où j'ai été appelé par la confiance du Roi. J'ai tâché, dès ma première apparition dans cette Assemblée, de donner à Vos Nobles Puissances, une preuve de cette franchise qui convient sous tout rapport à la marche équitable que suit le Gouvernement des Pays-Bas. Je me suis efforcé d'éviter jusqu'à l'apparence d'une réserve, peu digne de la situation favorable de nos Finances ; et en commençant ainsi, avec la résolution de finir de même, je désire mériter, de la part de Vos Nobles Puissances, cette confiance et cette bienveillance, qui, j'en fais volontiers l'aveu, sont pour moi un véritable besoin et qui rendront plus agréable, plus utile et plus prompte, la route vers le grand but, auquel nous tendons de concert, "le bonheur du Pays."

Au reste, Nobles et Puissans Seigneurs, si j'ai, cette première fois, trop longtemps occupé l'attention de Vos Nobles Puissances, l'importance du sujet me servira d'excuse. Quoi qu'il en soit, je prie Vos Nobles Puissances, de ne pas conclure de la prolixité de ce discours, que mon intention soit, pour l'avenir, de vous importuner trop souvent ou trop long temps de mes considérations ; car je n'hésite pas à annoncer, comme mon opinion personnelle qui sera la règle de mes actions, que ce sera dans des entretiens particuliers, autant que cela sera possible ou bien et principalement, *dans* les sections, ou en communiquant avec elles, que je me verrai en état de donner les meilleurs éclaircissemens à Vos Nobles Puissances.

A cet effet je déclare que je serai en tout temps disposé à donner à chaque Membre de cette Assemblée tous les éclaircissemens qui dépendront de moi ; que je tâcherai toujours de m'en acquitter clairement, et



sans réserve ; que je le ferai dans les Sections ou en m'adressant à elles, toutes les fois qu'on le désirera ; de cette manière j'aurai moins souvent besoin d'interrompre le cours des délibérations dans les Séances publiques.

Il est néanmoins une circonstance dans laquelle je considérerais toujours comme devoir de ne pas garder le silence, circonstance rendue impossible par la marche pleine de dignité, que Vos Nobles Puissances, suivent dans leurs délibérations, par cette sagesse et ce calme de vos Assemblées, dont l'Europe s'étonne et qui peut offrir un exemple à d'autres : j'ai en vue la circonstance où le maintien de l'honneur de notre chère Patrie, de la gloire du Gouvernement des Pays-Bas, et du régime paternel de son Auguste Chef, ferait une loi de parler ; car alors, de concert avec Vos Nobles Puissances, je porterais mon attention sur tout le bien dont nous jouissons dans cet heureux Pays ; sur ce haut degré de liberté sociale, dont l'un s'étonne, tandis qu'il porte à l'envie des autres ; sur cette heureuse époque, où, dans les Pays-Bas, la liberté de parler et d'écrire peut être considérée comme étant du Domaine public, avantage terni trop souvent par l'abus, mais qui n'en demeure pas moins garanti par les Lois ; sur cet équilibre, sage et juste, entre toutes les conditions, par lequel se maintient la seule égalité possible dans les Etats ; sur cet ordre judiciaire, juste dans ses décisions et parfaitement indépendant dans son action, qui est le boulevard de l'innocence ; mais principalement, Nobles et Puissans Seigneurs, sur le Père de la Patrie, le Roi qui nous gouverne, que je respecte trop et auquel je porte un amour trop sincère, pour m'étendre sur son éloge, mais de qui je dirais alors, comme je le dis aujourd'hui, en terminant ce discours : " Ce don, qui nous est accordé par la Providence, que l'Etranger souvent nous envie et que le Monde honore, puisse-t-il être pour nous tous et à toujours le point de ralliement, le fondement sur lequel reposent nos espérances, l'ornement et l'appui de la Nation entière ! "

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*INSTRUCTIONS of the Secretary of State of The United States to the Representatives of that Republic at the Congress at Panama.\*—May, 1826, March, 1827.*

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(1.) INSTRUCTIONS GENERAL.

*Mr. Clay to Messrs. Anderson and Sergeant,*

GENTLEMEN, *Department of State, Washington, 8th May, 1826.*

THE relations in which The United States stand to the other American Powers, and the duties, interests, and sympathies, which belong to those relations, have determined the President to accept an invita

\* Presented to Congress, 3d of March, 1829.

tion which has been given by the Republics of Colombia, Mexico and Central America to The United States, to send Representatives to the Congress at Panama. He could not, indeed, have declined an invitation proceeding from sources so highly respectable, and communicated in the most delicate and respectful manner, without subjecting The United States to the reproach of insensibility to the deepest concerns of the American Hemisphere, and, perhaps, to a want of sincerity in most important declarations solemnly made by his Predecessor, in the face of the Old and the New World. In yielding, therefore, to the friendly wishes of those three Republics, communicated in the Notes of their respective Ministers, at Washington, of which Copies are herewith transmitted, The United States act in perfect consistency with all their previous conduct and professions, in respect to the New American States.

The assembling of a Congress at Panama, composed of Diplomatic Representatives from Independent American Nations, will form a new epoch in human affairs. The fact itself, whatever may be the issue of the Conferences of such a Congress, cannot fail to challenge the attention of the present generation of the civilized World, and to command that of posterity. But the hope is confidently indulged, that it will have other and stronger claims upon the regard of Mankind than any which arise out of the mere circumstance of its novelty; and that it will entitle itself to the affection and lasting gratitude of all America, by the wisdom and liberality of its principles, and by the new guarantees it may create for the great interests which will engage its deliberations. On an occasion so highly important and responsible, the President has been desirous that the representation from The United States should be composed of distinguished Citizens. Confiding in your zeal, ability and patriotism, by and with the advice and consent of the Senate, he has selected you for this interesting service. And it is his wish that you should proceed, with all practicable despatch, to Panama. For the purpose of carrying out Mr. Sergeant, The United States Ship *Lexington* has been prepared, and is now ready to sail from the port of New York to Porto Bello. Mr. Anderson, having been notified of his appointment, has been directed to leave the affairs of The United States at Bogota in the charge of such Person as he may, for that purpose, designate, and to join Mr. Sergeant at Porto Bello, from whence it is supposed that it will be most convenient to proceed, by land, across the Isthmus to Panama. Ministers from several of the Powers have, probably, by this time, reached that place, and they may even have proceeded to a comparison of their respective Credentials, and to Conferences on some of the objects of the Congress; but it is probable they will have deferred, until your arrival, a consideration of those deliberations in which it was expected that we should take part.

Your Power accompanying this Letter, is joint and several, authorizing you to confer and treat with Ministers, also duly authorized, from all or any of the American Powers, of Peace, Friendship, Commerce, Navigation, Maritime Law, Neutral and Belligerent Rights, and other matters interesting to the Continent of America. After the mutual exchange of Powers, it will be necessary to determine the forms of deliberation, and the modes of proceeding, of the Congress. It is distinctly understood, by the President, that it is to be regarded, in all respects, as Diplomatic, in contradistinction to a Body clothed with powers of ordinary Legislation; that is to say, no one of the States represented is to be considered bound by any Treaty, Convention, Pact, or Act, to which it does not subscribe, and expressly assent by its acting Representative; and that in the instance of Treaties, Conventions, and Pacts, they are to be returned, for final Ratification, to each contracting State, according to the Provisions of its particular Constitution. All idea is, therefore, excluded of binding a minority to Agreements and Acts contrary to its will, by the mere circumstance of the concurrence of a majority of the States in those Agreements and Acts. Each State will, consequently, be governed and left free, according to its own sense of its particular interests. All notion is rejected of an Amphyctionic Council, invested with power finally to decide Controversies between the American States, or to regulate, in any respect, their conduct.

Such a Council might have been well enough adapted to a number of small contracted States, whose united Territory would fall short of the extent of that of the smallest of the American Powers. The complicated and various interests which appertain to the Nations of this vast Continent, cannot be safely confided to the superintendence of one Legislative Authority. We should almost as soon expect to see an Amphyctionic Council to regulate the affairs of the whole Globe. But even if it were desirable to establish such a Tribunal, it is beyond the competency of the Government of The United States, voluntarily to assent to it, without a previous change of their actual Constitution. Although the speculation of such a Council has been sometimes made, and associated in Publick Papers with the contemplated Congress, we can hardly anticipate that it will be seriously pressed by any of the Powers. The Congresses, which have been so common in Europe, especially within these later times, have been altogether Diplomatic, and, consequently, the States whose Ministers composed them, were only bound by their signatures. With this necessary and indispensable restriction, upon the action of the Congress, great advantages may, nevertheless, be derived from an Assembly, at the same time and place, of Ministers from all the American Nations. Such an Assembly will afford great facilities for free and friendly Conferences, for mutual and necessary explanations, and for discussing and establishing some

general principles, applicable to Peace and War, to Commerce and Navigation, with the sanction of all America. Treaties may be concluded, in the course of a few months, at such a Congress, laying the foundations of lasting amity and good neighbourhood, which it would require many Years to consummate, if, indeed, they would be at all practicable, by separate and successive Negotiations, conducted between the several Powers, at different times and places. Keeping constantly in view the essential character and object of the Congress, which have been described, it is not very important in what manner its conferences and discussions may be regulated. Experience has, perhaps, sufficiently established that, for precision, for safety to the Negotiators themselves, and for an early practical result, it is wisest to proceed by Protocol, in which the mutual propositions of the Parties, together with such concise observations as any of them desire to have preserved, are carefully recorded. But you are left free to agree to that mode of proceeding, with the indispensable limitation before stated, which, under all circumstances, shall appear to you most advisable. Your Power conveys an authority to treat with all or any of the Nations represented at the Congress, of any of the subjects comprised in your Instructions. And on those, especially of Commerce and Navigation, Maritime Law and Neutral and Belligerent Rights, it is the President's wish that, if those interests cannot be adjusted satisfactorily to all the attending Powers, you should form, nevertheless, Treaties with such as may be disposed to conclude them with you. But in the conduct of any such separate Negotiations, you will carefully avoid giving any occasion of offence to those Powers who may decline Treating; and, if you should have strong reason to believe that the fact itself of opening such separate Negotiations would have the tendency of creating unfriendly feelings and relations with other American Powers, you will decline entering on them altogether. You are also authorized to agree upon a transfer of the Conferences from Panama to any other place on the American Continent that may be considered more eligible for conducting them.

In now proceeding to direct your attention particularly to the Instructions of the President, by which, after having settled the preliminary point to which I have just adverted, you will govern yourselves, the first observation to be made is, that, in acceding to the invitation which has been accepted, no intention has been entertained to change the present pacific and neutral policy of The United States. On the contrary, it has been distinctly understood by the three Republics who gave the invitation, and has been enforced on our part, in all our communications with them in regard to it, that The United States would strictly adhere to that policy, and mean faithfully to perform all their neutral obligations. Whilst the existing War is limited to the present Parties, it is as unnecessary, as it would be



unwise, in The United States, to become a Belligerent. A state of things can hardly be imagined in which they would voluntarily take part on the side of Spain; and on that of the Republics, it would be entirely useless, since they have been all along able, unaided, triumphantly to maintain their Cause, and to conquer the arms, if they have not overcome the obstinacy, of Spain. By maintaining the neutral position which The United States have assumed, they have been enabled to hold strong language to Europe, and successfully to check any disposition which existed there to assist Spain in the re-conquest of the Colonies. If they had departed from their Neutrality, and precipitated themselves into the War, there was much reason to apprehend that their exertions might have been neutralized, if not overbalanced, by those of other Powers who would have been drawn by that rash example, into the War in behalf of Spain. Keeping, therefore, constantly in view the settled specific policy of The United States, and the duties which flow from their neutrality, the subjects will now be particularized, which, it is anticipated, will engage the consideration of the Congress at Panama.

These subjects may be arranged under two general heads. 1st. Such as relate to the future prosecution of the present War with Spain, by the combined or separate operation of the American Belligerents. And, 2dly. Those in which all the Nations of America, whether neutral or belligerent, may have an interest. In respect to the first, for reasons already stated, we can take no part. Discussions of them must be confined to the Parties to the War. You will refrain from engaging in them. You will not be expected or desired to do so. But, whilst it has been perfectly understood that The United States could not, at the Congress, jeopard their Neutrality, they may be urged to contract an Alliance, offensive and defensive, on the contingency of an attempt by the Powers of Europe, commonly called the Holy Alliance, either to aid Spain to reduce the new American Republics to their ancient Colonial state, or to compel them to adopt political systems more conformable to the policy and views of that Alliance. Upon the supposition of such an attempt being actually made, there can be no doubt what it would be the interest and bounden duty of The United States to do. Their late Chief Magistrate solemnly declared what, in that event, he considered they ought to do. The People of The United States acquiesced in the declaration, and their present Chief Magistrate entirely concurs in it. If, indeed, the Powers of continental Europe could have allowed themselves to engage in the War, for either of the purposes just indicated, The United States, in opposing them with their whole force, would have been hardly entitled to the merit of acting on the impulse of a generous sympathy, with infant, oppressed and struggling Nations.

The United States, in the contingencies which have been stated,

would have been compelled to fight their own proper battles, not less so because the storm of War happened to rage on another part of this Continent, at a distance from their borders. For it cannot be doubted that the presumptuous spirit which would have impelled Europe upon the other American Republics, in aid of Spain, or on account of the forms of their political Institutions, would not have been appeased, if her arms, in such an unrighteous Contest, should have been successful, until they were extended here, and every vestige of human freedom had been obliterated within these States.

There was a time when such designs were seriously apprehended: and it is believed that the declaration of the late President to the Congress of The United States, which has been already referred to, had a powerful effect in disconcerting and arresting their progress. About the same period, Great Britain manifested a determination to pursue the same policy in regard to the New Republics, which The United States had previously marked out for themselves. After these two great Maritime Powers, Great Britain and The United States, had let Continental Europe know that they would not see with indifference any forcible interposition in behalf of Old Spain, it was evident that no such interposition would, or with any prospect of success could, be afforded. Accordingly, since that period, there have been no intimations of any designs on the part of the European Alliance, against the new American Republics. If that Alliance has seen, with any dissatisfaction, (as may be well imagined,) the successful progress of those Republics, both in the War and in the establishment of their free Political Systems, they have confined themselves to silent and unavailing regrets.

The auspicious course of events has not only occasioned the abandonment of any hostile intentions which were entertained, if such were ever entertained, by the European Alliance, but there is strong reason to hope that it has led to the creation of pacific, if not friendly, views towards our Sister Republics. Upon the entry of the President of The United States on the duties of his present Office, his attention was anxiously directed to, and has been since unremittingly employed on, the object of establishing Peace between Spain and those Republics. In considering the means for its accomplishment, no very sanguine hope was indulged from an approach to Spain directly, and it was thought best to endeavour to operate on her through that Alliance, on whose countenance and support she mainly relied for the recovery of the Colonies. Russia was known to be the soul of that Alliance, and to the Emperor, of whose wisdom and friendship The United States had so many proofs, the appeal was at once made. A Copy of the Note from this Department to the American Minister at St. Petersburg on that subject,\* accompanies these Instructions. Copies

\* See State Papers, 1825, 1826, page 403.

of it were transmitted, contemporaneously, to the Courts of London and Paris, whose co-operation in the work of Peace was also invited. Our Minister at Madrid was instructed to lose no fit occasion there for creating or strengthening a disposition towards Peace. The hope was cherished that, by a general and concerted movement of The United States, and the great Powers of Europe, at the same time, the Councils of Spain might be prevailed upon to accede to a Peace, which had become more necessary, if possible, to her, than to the New Republics. An Answer has been lately received here from St. Petersburg, through Mr. Middleton, a Copy of which, together with Copies of his accompanying Notes, is placed in your hands. From a perusal of these Documents, the contents of which have been confirmed by the Russian Minister, in official interviews which I have had with him, you will perceive that the appeal to Russia has not been without effect; and that the late Emperor, sensible of the necessity of Peace, prior to his death probably employed his good offices to bring it about. His Successor has formally announced his intention to tread in the path of his illustrious Predecessor, and it is, therefore, most likely that he will also direct the influence of that Government to the conclusion of a Peace satisfactory to both Parties. It is possible that these efforts may not be effectual, and that the pride and obstinacy of Spain may be unconquerable. There is, however, much reason to hope, that she may either consent to a Peace, upon the basis of the Independence of the Colonies, or if she feels that too humiliating, that she will agree to a suspension of hostilities, as was formerly done in the case of the Low Countries, which would, in the end, inevitably lead to a formal acknowledgment of the actual Independence of the New Republics. Whatever may be the future course of Spain, the favourable reception which the Emperor of Russia has given to the overture of The United States, to say nothing of the known inclination of France and other Powers of the European Continent, to follow the example of The United States and Great Britain, fully authorizes the conclusion that the Holy Alliance will not engage in the War, on the side of Spain, but will persevere in their actual neutrality. The danger, therefore, from that quarter having disappeared, there can be no necessity, at this time, for an offensive and defensive Alliance between the American Powers, which could only find a justification, at any period, in the existence or continuation of such a danger. Such an Alliance, under present circumstances, would be worse than useless; since it might tend to excite feelings in the Emperor of Russia and his Allies, which should not be needlessly touched or provoked.

The Republic of Colombia has recently requested the friendly interposition of this Government to prevail upon Spain to agree to an Armistice, upon the conditions mentioned in Mr. Salazar's Note, of



which a Copy, together with a Copy of mine in reply, acceding to the request, is now furnished. And Instructions have been accordingly given to the Ministers of The United States at Madrid and St. Petersburg.

Other reasons concur to dissuade The United States from entering into such an Alliance. From the first establishment of their present Constitution, their illustrious Statesmen have inculcated the avoidance of Foreign Alliances as a leading maxim of their Foreign policy. It is true that, in its adoption, their attention was directed to Europe, which, having a system of connexions and of interests remote and different from ours, it was thought most advisable that we should not mix ourselves up with them. And it is also true, that long since the origin of the maxim, the new American Powers have arisen, to which, if at all, it is less applicable. Without, therefore, asserting that an exigency may not occur in which an Alliance of the most intimate kind, between The United States and the other American Republics, would be highly proper and expedient, it may be safely said that the occasion which would warrant a departure from that established maxim, ought to be one of great urgency, and that none such is believed now to exist. Among the objections to such Alliances, those which at all times have great weight are, first, the difficulty of a just and equal arrangement of the contributions of force and of other means, between the respective Parties, to the attainment of the common object; and secondly, that of providing beforehand, and determining with perfect precision, when the *casus foederis* arises, and thereby guarding against all controversies about it. There is less necessity for any such Alliance at this conjuncture, on the part of The United States, because no Compact, by whatever solemnities it might be attended, or whatever name or character it might assume, could be more obligatory upon them than the irresistible motive of self-preservation, which would be instantly called into operation, and stimulate them to the utmost exertion in the supposed contingency of an European attack upon the liberties of America.

The considerations to which I have now adverted, together with such others as may present themselves to you, will, it is hoped, satisfy the Representatives of the other American States that an Alliance, offensive and defensive, between them and The United States, for the object which has been stated, is unnecessary, if not mischievous. Should you, however, be unable to bring that conviction home to them, and should you have reason to believe that the positive rejection of such an Alliance would be regarded in an unfriendly light, and have a pernicious effect on your other Negotiations, you will invite them to reduce their proposals of the terms of such an Alliance as they may conceive proper, to a written precise form, and state that you will take them *ad referendum*. That will afford to the Government here the opportunity of reconsideration, with the advantage of all the information that may be evolved in the intervening period. The



Alliance, if ever admissible, having been a question of time, the delay incident to the reference Home, by further demonstrating its in expediency, will better prepare the Congress at Panama for the final rejection which it is most probable this Government will give to the project.

II. In treating of those subjects in which all the Nations of America, whether now at War or in Peace, may be supposed to have a common interest, you will, on all suitable occasions, inculcate the propriety of terminating the existing War as soon as may be, and of cherishing the means best adapted to the preservation of Peace among themselves, and with the rest of the World. The cultivation of Peace is the true interest of all Nations, but it is especially that of infant States. Repose is not more necessary to the growth and expansion of Individuals in their Youth, than it is to that of young Nations which have, in the midst of War, commenced the career of Independence and Self-Government. Peace is now the greatest want of America. Desirable, however, as it unquestionably is, there is nothing in the present view of the future, of which we can catch a glimpse, that should induce the American Republics, in order to obtain it, to sacrifice a particle of their Independent Sovereignty. They ought, therefore, to reject all propositions founded upon the principle of a concession of perpetual commercial privileges to any Foreign Power. The grant of such privileges is incompatible with their actual and absolute Independence. It would partake of the spirit, and bring back in fact, if not in form, the state of ancient Colonial connexion. Nor would their honour and National pride allow them to entertain, or deliberate, on propositions founded upon the notion of purchasing, with a pecuniary consideration, the Spanish acknowledgment of their Independence.

Next to the more pressing object of putting an end to the War between the New Republics and Spain, should be that of devising means to preserve Peace in future, among the American Nations themselves, and with the rest of the World. No time could be more auspicious than the present, for a successful inquiry by the American Nations, into the causes which have so often disturbed the repose of the World; and for an earnest endeavour, by wise precaution, in the establishment of just and enlightened principles, for the government of their conduct, in Peace and in War, to guard, as far as possible, against all misunderstandings. They have no old prejudices to combat; no long established practices to change; no entangled connexions or theories to break through. Committed to no particular systems of Commerce, nor to any selfish belligerent code of Law, they are free to consult the experience of Mankind, and to establish, without bias, principles for themselves, adapted to their condition, and likely to promote their peace, security, and happiness. Remote from Europe, it is not probable that they will often be involved in the Wars with which that Quarter of the Globe may be destined, hereafter, to be

afflicted. In these Wars, the policy of all America will be the same, that of Peace and Neutrality, which The United States have, heretofore, constantly laboured to preserve.

If the principles which that probable state of Neutrality indicates as best for the interests of this Hemisphere, be, at the same time, just in themselves, and calculated to prevent Wars, or to mitigate the rigour of those great scourges, they will present themselves to the general acceptance with an union of irresistible recommendations. Both those qualities are believed to be possessed by the maritime principles for which The United States have ever contended, and especially throughout the whole period of the late European Wars. The President wishes you to bring forward those principles on an occasion so auspicious as that is anticipated to be of the Congress at Panama. Uncontrolled power, on whatever element it is exerted, is prone to great abuse. But, it is still more liable to abuse on the Sea than on the Land, perhaps, because it is there exercised beyond the presence of impartial Spectators, and, therefore, with but little moral restraint resulting from the salutary influence of public opinion, which, if applied at all, has always to be subsequently, and consequently, less efficaciously applied. The moral cognizance, when it comes to be taken, finds, too, a more doubtful or contested state of fact, than if the theatre had been where there were more numerous and less prejudiced Witnesses. At all times there has existed more inequality in the distribution, among Nations, of Maritime, than of Territorial, power. In almost every Age, some one has had the complete mastery on the Ocean, and this superiority has been, occasionally, so great as to more than counterbalance the combined Maritime force of all other Nations, if such a combination were practicable. But when a single Nation finds itself possessed of a power any where, which no one, nor all other Nations can successfully check or counter-vail, the consequences are too sadly unfolded in the pages of History. Such a Nation grows presumptuous, impatient of contradiction or opposition, and finds the solution of National problems easier, and more grateful to his pride, by the sword, than by the slow and less brilliant process of patient investigation. If the superiority be on the Ocean, the excesses in the abuses of that power become intolerable. Although, in the arrangement of things, security against oppression should be the greatest where it is most likely to be often practised, it is nevertheless remarkable, that the progress of enlightened civilization has been much more advanced on the Land than on the Ocean. And, accordingly, personal rights, and especially those of property, have both a safety and protection on the former, which they do not enjoy on the latter element. Scarcely any circumstance would now tend more to exalt the character of America than that of uniting its endeavours to bring up the arrears of civilization, as applied to the

Ocean, to the same forward point which it has attained on the Land, and thus, rendering Men and their property secure against all human injustice and violence, leave them exposed only to the action of those storms and disasters, sufficiently perilous, which are comprehended in the dispensations of Providence.

It is under the influence of these, and similar considerations, that you will bring forward, at the contemplated Congress, the proposition to abolish War against private property and non-combattants upon the Ocean. Private property of an Enemy is protected when on land from seizure and confiscation. Those who do not bear arms there are not disturbed in their vocations. Why should not the same humane exemptions be extended to the Sea? If merchandise in a warehouse on shore remains unmolested, amidst the ravages of modern War, can any good reason be assigned for allowing the same merchandise, when transferred to a Ship which is peaceably navigating the Ocean, to be an object of legitimate capture and condemnation? If Artisans and Husbandmen are permitted, without hindrance, to pursue their respective callings, why should not the less useful Mariners be allowed peaceably to distribute the productions of their industry in exchanges for the common benefit of Mankind? This has been an object which The United States have had much at heart, ever since they assumed their place among the Nations. More than 40 Years ago, Dr. Franklin, one of their most enlightened and successful Ministers, thus expressed himself: "It is time, it is high time, for the sake of humanity, that a stop were put to this enormity. The United States of America, though better situated than any European Nation, to make profit by Privateering, are, as far as in them lies, endeavouring to abolish the practice, by offering, in all their Treaties with other Powers, an Article engaging solemnly that, in case of future War, no Privateer shall be commissioned on either side, and that unarmed Merchant Ships, on both sides, shall pursue their voyages unmolested. This will be a happy improvement of the Law of Nations. The humane and the just cannot but wish general success to the proposition." What the sagacious forecast of that illustrious Man enabled him to anticipate at that early day of our National existence, has been fully confirmed by our subsequent progress. We are better situated than any other Nation, and, in the event of War, we now have ample means to enable us to make profit by Privateering. But, faithful to our principles, we now offer, in our maturer and stronger condition, the same stipulations which were offered by Franklin and other American Negotiators, but which might then have been attributed to our infancy and weakness.

If, by the common consent of Nations, private property on the Ocean was no longer liable to capture, as lawful Prize of War, the principle that free Ships should make free Goods, would lose its importance, by being merged in the more liberal and extensive rule.



But, judging from the slow progress of civilization in its operation on the practices of War, and the tenacity with which power ever clings to advantages which it conceives itself to possess, it would be too much to indulge any very sanguine hope of a speedy universal concurrence in a total exemption of all private property from Capture. Some Nations may be prepared to admit the limited, who would withhold their assent from the more comprehensive, principle. You will, therefore, also propose the adoption of the rule, that free Ships shall make free Goods, and its converse, that inimical Ships shall make inimical Goods. The one seems necessarily to follow from the other, and in their practical application there is a simplicity and certainty in both, which strongly recommend them to general adoption. Both operate in favour of Neutrality, and thus present a new dissuasive to Nations from rashly engaging in War. It will occur of course, to you, to insert a provision restricting the operation of these principles, to those Nations which shall agree to observe them.

You will propose a definition of Blockade. The experience of The United States, and that of some of the new American Nations, short as has been the term of their existence, alike indicate the utility of a plain and intelligible description of the facts which constitute a legitimate Blockade. The want of such a definition has been the principal cause of any difficulties which have arisen between them and The United States. The Belligerent interest is to extend, the Neutral to contract, as much as possible, the range of a Blockade. The Belligerent interest is to insist upon the smallest possible, that of the Neutral upon the largest practical, amount of force, to give validity to the Blockade. In this conflict of opposite pretensions, as the Belligerent has arms in his hands, ready to support his, the Neutral generally suffers. The best security against abuses on either side is a clear definition, which, by presenting circumstances notorious in their nature and character, admits of no controversy among those who have a proper sense of justice, and entertain a mutual regard for their respective rights. You will find in the Treaty with Colombia, and that with the Central Republick, recently concluded and ratified here, (Copies of both of which are herewith) a definition of Blockade which may be proposed and safely followed.

In the same Treaties are also contained Articles supplying a list of contraband, and several other Articles having reference to a state of War, in which the Contracting Parties may be Belligerent or Neutral, as the case may be, all of which you are authorized to propose. In connexion with this interesting subject, you are furnished, among the accompanying Documents, with a Letter from my Predecessor, under date the 28th day of July, 1823, addressed to Mr. Rush, Minister of The United States at London, with the Draft of Articles for a Treaty which he was authorized to propose to Great Britain. They may facilitate your labours. The Articles, having been prepared with much



consideration, may serve as models for any that may be agreed on at the Congress, upon corresponding topics. It is hardly necessary to add that this recent experiment with Great Britain, like all others which preceded it, proved abortive.

Among the most important objects which are likely to engage the attention of the Congress, is that of endeavouring to fix some general principles of intercourse, applicable to all the Powers of America, for the mutual regulation of their Commerce and Navigation. The United States, from the origin of the present War, have, on all proper occasions, uniformly proclaimed that they entertained no desire to procure for themselves, from any of the new Powers, peculiar commercial advantages. They continue to adhere to this disinterested doctrine. You will state in your Conferences that, as they have not sought, in treating with the American States separately, neither will they seek, in joint negotiations with them, for any privileges which are not equally extended to every one of them. Indeed, they are prepared themselves to extend to the Powers of Europe the same liberal principles of commercial intercourse and navigation, on which The United States are ready to treat. The President hopes that you will meet with corresponding dispositions in the other American States; and that you will have no difficulty in obtaining their ready concurrence to the equitable bases of perfect equality and reciprocity, which you are hereby empowered at once to propose, for the Commerce and Navigation between all the American Nations. The whole of what is very material to their commerce and navigation may be comprised under two general principles, both of which are founded on those bases. The first is, that no American Nation shall grant any favours in Commerce or Navigation to any Foreign Power whatever, either on this or any other Continent, which shall not extend to every other American Nation. And, 2dly, that whatever may be imported from any Foreign Country into any one American Nation, or exported from it, in its own Vessels, may, in like manner, be imported into or exported from the same Nation, in the Vessels, of every other American Nation, the Vessel, whether national or foreign, and the Cargo, paying, in both instances, exactly the same duties and charges, and no more.

The first of those two principles is so strongly recommended to all Nations, by consideration of policy as well as justice, that it will command, at least in the abstract, the assent of most, as soon as it is announced. Nations are equal, common members of an universal family. Why should there be any inequality between them, in their commercial intercourse? Why should one grant favours to another, which it withholds from a third? All such partial favours are liable to excite jealousies, and, in the end, are counterbalanced or punished by the injured Powers. The principle now proposed does not preclude those particular arrangements which are founded upon real and just equivalents, independent of mere commercial reciprocity, by which

certain advantages are granted to a particular Power ; but it is wiser even to avoid these as much as possible. If the principle be correct in its universal application, it must be allowed to be particularly adapted to the condition and circumstances of the American Powers. The United States have had no difficulty in treating, on that principle, with the Republics of Colombia and Central America, and it is accordingly inserted in the Treaties which have been made with both those Powers. Other of the American Nations are believed to have a disposition to adopt it. The United Mexican States alone have opposed it, and in their Negotiations with us, have brought forward the inadmissible exception, from its operation, of those American States which have a Spanish origin, in whose behalf Mexico insists upon being allowed to grant commercial favours which she may refuse to The United States. Of the view which we entertain of such an exception, you will be able to possess yourselves, by perusing a Despatch from this Office to Mr. Poinsett, under date the 9th day of November, 1825, a Copy of which is herewith.\* He has been instructed to break off the Negotiations, if, contrary to expectation, the Mexican Government should persist in the exception. What renders it more extraordinary is, that, whilst they pretend that there has been something like such an understanding between the New Republics, no such exception was insisted upon by either Colombia or the Central Republic. It was not even mentioned during the late Negotiation here, which terminated in the Treaty with the latter Power. Whether it was adverted to or not, in that which was conducted by Mr. Anderson with Colombia, he will recollect. We can consent to no such exception. You will resist it in every form, if it be brought forward ; and you will subscribe to no Treaty which shall admit it. We are not yet informed whether Mexico has abandoned the exception, and concluded with Mr. Poinsett a Commercial Treaty, or has persevered in it, and broken off the Negotiation. The basis of the most favoured Nation leaves the Party, who treats on it, free to prohibit what Foreign produce and manufactures he pleases, and to impose on such as may be admitted into his Ports, any Duties which his policy or his interest may require. The principle only enjoins impartiality as to the Foreign Powers to whom it is applied, and consequently that his Prohibitions and his Duties, whatever they may be, shall equally extend to the produce and manufactures of all of them. If a Nation has already contracted Engagements with another Power, by which it has granted commercial favours, inconvenient or injurious to itself, it may be contrary to its interest to extend these same favours to other Nations. But The United States have made no such improvident concessions to any particular Foreign Power, nor have any of the other American States, as far as we know. The time and the theatre, therefore, are propitious

\* See State Papers, 1825, 1826, page 421.

for the adoption of a broad and liberal commercial principle, which, by dispensing equal favour to all, deprives every one of any just cause of complaint.

2. To the other leading principle which has been stated, that of allowing the importation into, or the exportation from, the Ports of any American Nation, in the Vessels of every other, of all produce and manufactures, the introduction or exportation of which is admitted by Law, both the Native and the Foreign Vessel, and the Cargo, paying the same Duties and Charges, and no other, the President attaches the greatest importance. You will press it in your Conferences, with an earnestness and zeal proportionate to its high value, and to the liberality in which it is conceived. Its reciprocity is perfect; and, when it comes to be adopted by all Nations, we can scarcely see any thing beyond it, in the way of improvement, to the freedom and interests of their mutual navigation. The devices of Maritime Nations have been various, to augment their Marine, at the expense of other Powers. Where there has been a passive acquiescence in the operation of those devices, without any resort to countervailing regulations, their success has been sometimes very great. But Nations are now too enlightened to submit quietly to the selfish efforts of any one Power to engross, by its own separate Legislation, a disproportionate share of Navigation in their mutual intercourse. Those efforts are now met by opposite efforts; restriction begets restriction, until the discovery is at last made, after a long train of vexations, and irritating acts and manœuvres, on both sides, that the course of selfish Legislation ultimately does not affect the distribution of Maritime Power, whilst it is attended with the certain evil of putting Nations into an ill humour with each other. Experience at last teaches that, in every view, it is better to begin and to continue in the career of liberality, than in that of a narrow and restricted policy, since the most that can be said against the former is, that it only conducts to the same end, without, however, the unpleasant incidents to which the other finally but inevitably leads. There is a simplicity in the principle of reciprocal liberty of Navigation, which confers on it a strong recommendation. It renders unnecessary all difficult and vexatious scrutiny into the origin of the contents of a mixed Cargo. It dispenses with all penalties and forfeitures, denounced for what is often both an ignorant and innocent violation of Custom-House Law, in the introduction, perhaps, of a single interdicted Article of small value, which is made, by arbitrary regulation, to taint the whole Cargo, of immense value. It sets up a rule at once plain and intelligible. It refers the Foreigner, for what he may lawfully do, to an observation of that which the Native actually does. It opens every American Port to every American Vessel, on the same equal terms, no matter in what distant sea her enterprise may have sought and earned the riches with which she is laden.



This principle of reciprocal freedom of Navigation, like that of the most favoured Nation, leaves every State which adopts it, a liberty to impose such tonnage Duties as its necessities or policy may dictate. It only holds out, that whatever may be imposed shall extend alike to the National and the Foreign Vessel, and also that the Cargo, whether of importation or exportation, shall be charged with the same Duties, whoever may be the Proprietor, or in whatever Vessel it may be laden. Perhaps it may be proposed to agree to the imposition of precisely the same rate of Duties, on Vessel and Cargo, in all the Ports of the American Nations. But that would be inadmissible. It would subject each State to inconvenient restrictions on its power of Taxation, instead of leaving it free, as is best for each, to consult the circumstances of its own peculiar position, its habits, its constitution of Government, and the most fitting sources of Revenue for itself. As to the Foreigner, he has no pretext to complain, when the same measure is applied to him and the Native.

It may, perhaps, be objected, that the Marine of the other American Nations is yet in its infancy; that ours has made great advances; and that they cannot be prepared for this reciprocal liberty of Navigation until they have made some further progress in establishing theirs. The difference in the condition of the Marine of the respective Countries, assumed in the supposed argument, certainly exists. But how is it to be remedied? By a system which shall aim at engrossment, and which will, therefore, provoke retaliation? Or one which, dealing liberally by others, will lead them to measure out liberality in return? These alternatives have been already discussed; and it has been shown that the first system is never successful, except from the forbearance of Foreign Powers to countervail it, which is not now to be expected in the present watchful state of the Maritime World. If we are to wait for the commencement of the equal and liberal System, until all Nations shall have brought up their respective Marines even and abreast, it may be considered as indefinitely, if not for ever, postponed. If the new States would build up for themselves powerful Marines, they must seek for their elements, not in a narrow and contracted Legislation, neutralized by the counteracting Legislation of other Nations, but in the abundance and excellence of their materials for ship-building, in the skill of their artisans and the cheapness of their manufacture, in the number of their seamen, and their hardy and enterprising character, formed by exposure in every branch of sea-faring life, by adventures on every ocean, and invigorated by a liberal, cheerful, and fearless competition with Foreign Powers.

Both of the principles which I have been discussing are provided for, though somewhat more in detail, in the 2d, 3d, 4th, and 5th Articles of the before-mentioned Treaty with the Federation of the Centre of America. They may serve as models for those which you are now



authorized to propose ; and you will consider yourselves empowered to agree to Articles similar with all the others of that Treaty, a Copy of which accompanies this Letter.

It is possible that you may not find the Ministers of the other American States prepared to agree to the second principle ; that they may be unwilling to subscribe to it in the extent now proposed ; they may not be ready to allow, at the same rate of Duties, a reciprocal liberty of Exportation and Importation, without restriction as to the place of origin of the Cargo, the ownership or destination of the Vessel. You will not abandon the effort to establish that principle, in its widest scope, until you have exhausted every means of argument and persuasion, and become perfectly satisfied that its adoption is wholly impracticable. If you find their opposition to it unyielding, you will then propose a modification of the principle, so as to make it, at least, comprehend the productions and manufactures of all the American Nations, including the West India Islands. When so limited, it will still have great practical benefit ; all Vessels of the several American Powers will enjoy under it a reciprocal liberty of Exportation and Importation, of whatever of American productions and manufactures, comprehending the produce of the Sea, is allowed, by the separate Laws of each, at the same standard of Duties for the Vessel and her Cargo. If the reasoning be correct, in support of the principle in its greatest latitude, it will of course sustain it in this more restricted operation. To which may be added, as a strong consideration in favour of its embracing, at least, the American States, that there is great similarity in the produce of various parts of them, and consequently a great difficulty in tracing articles having a common character and striking resemblance to the Countries of their respective origin, and subjecting them to different rates of Duty, as they happen to be imported in different Vessels, or blended together in the same Vessel.

If you find the principle still objected to with that modification, you will lastly propose it with the still greater restriction, of only furnishing the rule which shall be observed between any two of the American Nations who may agree to it, in regard to their mutual Navigation, when employed in transporting their respective produce and manufactures. Under this form, it was proposed by the United States, on the 3d of March, 1815, (see 4th Vol. of the Laws, page 824) to all Nations. On the 3d of July, of the same Year, it was engrafted on the Convention with Great Britain, (see 6th Vol. of the Laws, page 603.) Subsequently, it was applied to The Netherlands, The Imperial Hanseatic Cities of Hamburg, Lubeck, and Bremen, The Dukedom of Oldenburg, Norway, Sardinia, and Russia, (see Acts, 1st Session, 18th Congress, page 4.) It was also embraced in our Treaty with Sweden, of 1816, (see 6th Vol. of the Laws, page 642) and has recently been agreed to by Colombia. In the event of a concur-

rence in the principle, in this more limited import, the 1st, 2d, and 3d Articles of the before-mentioned Convention with Great Britain, will furnish models which may be followed in the Draft of those to which you are authorized to agree. These three Articles embrace other subjects besides that principle, but they are such as to have either a direct connexion with it, or are necessary to give full and complete effect to it. In describing the Territories of the new American States with which we are to maintain hereafter a commercial intercourse, you will see the propriety of employing, in any Treaty which you may conclude, such terms as may embrace whatever Territories, *Insular or Continental*, may appertain to each, upon the termination of the present War. During its future progress, Possessions may be won or lost, which, as the case may be, should be comprehended or excluded by those terms.

In December, 1823, the then President of The United States, in his Annual Message upon the opening of Congress, announced, as a principle applicable to this Continent, what ought hereafter to be insisted upon, that no European Nation ought to be allowed to plant upon it new Colonies. It was not proposed, by that principle, to disturb pre-existing European Colonies already established in America; the principle looked forward, not backward. Several of the new American States have given intimation of their concurrence in the principle; and it is believed that it must command the assent of the impartial World. Whilst America was, comparatively, a boundless waste, and an almost unpeopled desert, claimed, and probably first settled with civilized men by the European Powers who discovered it, if they could agree among themselves as to the limits of their respective Territories, there was no American State to oppose, or whose rights would be affected by the establishment of new Colonies. But now the case is entirely altered; from the North-eastern limits of The United States in North America, to Cape Horn, in South America, on the Atlantic Ocean, with one or two inconsiderable exceptions, and from the same Cape to the 51st degree of north latitude, in North America, on the Pacific Ocean, without any exception, the whole Coasts and Countries belong to Sovereign resident American Powers. There is, therefore, no chasm within the described limits in which a new European Colony could now be introduced, without violating the Territorial Rights of some American State. An attempt to establish such a Colony, and by its establishment to acquire Sovereign Rights for any European Power, must be regarded as an inadmissible encroachment. If any portion of the People of Europe, driven by oppression from their native Country, or actuated by the desire of improving the condition of themselves or their posterity, wish to migrate to America, it will no doubt be the policy of all the New States, as it ever has been ours, to afford them an asylum, and, by naturalization, to extend to such of them as are worthy, the same political

privileges which are enjoyed by the native Citizens. But this faculty of Emigration cannot be allowed to draw after it the right of the European State, of which such Emigrants shall have been native, to acquire Sovereign powers in America. The rule is good by which one, in judging of another's conduct or pretensions, is advised to reverse positions. What would Europe think of an American attempt to plant there an American Colony? If its pride would be provoked, and its power exerted, to repress and punish such a presumptuous act, it is high time that it should be recollected and felt that Americans, themselves descended from Europeans, have also their sensibilities and their rights.

To prevent any such new European Colonies, and to warn Europe beforehand that they are not hereafter to be admitted, the President wishes you to propose a joint Declaration of the several American States, each, however, acting for and binding only itself, that within the limits of their respective Territories, no new European Colony will, hereafter, be allowed to be established. It is not intended to commit the Parties who may concur in that Declaration to the support of the particular Boundaries which may be claimed by any one of them; nor is it proposed to commit them to a joint resistance against any future attempt to plant a new European Colony. It is believed that the moral effect alone of a joint Declaration, emanating from the authority of all the American Nations, will effectually serve to prevent the effort to establish any such new Colony; but if it should not, and the attempt should actually be made, it will then be time enough for the American Powers to consider the propriety of negotiating between themselves, and, if necessary, of adopting, in concert, the measures which may be necessary to check and prevent it. The respect which is due to themselves, as well as to Europe, requires that they should rest in confidence that a Declaration, thus solemnly put forth, will command universal deference. It will not be necessary to give to the Declaration now proposed, the form of a Treaty. It may be signed by the several Ministers of the Congress, and promulgated to the World as evidence of the sense of all the American Powers.

Among the Subjects which must engage the consideration of the Congress, scarcely any has an interest so powerful and commanding as that which belongs to Cuba and Porto Rico, the former especially. Cuba, from its position, the present amount and the character of its population, that which it is capable of sustaining, its vast, though almost latent resources, is at present the great object of attraction both to Europe and America. No Power, not even Spain itself, has, in such a variety of forms, so deep an interest in its future fortunes, whatever they may happen to be, as The United States. Our policy in regard to it is fully and frankly disclosed in the before-mentioned Note to Mr. Middleton. It is there stated, that, for ourselves, we desire no change



in the possession or political condition of that Island ; and that we could not, with indifference, see it transferred from Spain, to any other European Power. We are unwilling to see its transfer or annexation to either of the new American States. If the present War should much longer continue, there are three conditions, into some one of which that Island may fall during its further progress, and all of them deserve the most particular and serious consideration. The first is, its Independence, resting at the close of the War upon its own unassisted resources to maintain that Independence. 2dly. Its Independence, with the guarantee of other Powers ; either of Europe, or of America, or both. And, 3dly. Its conquest, and an attachment to the Dominions of the Republic of Colombia or Mexico. We will now examine each of those predicaments of the Island, in the order in which they have been stated.

1. If Cuba had the ability, within itself, of maintaining an Independent Self-Government against all assaults from without or within, we should prefer to see it in that state ; because we desire the happiness of others, as well as ourselves, and we believe that it is in the general most likely to be secured by a Local Government springing directly from, and identified in feeling, interest, and sympathy, with the People to be governed. But a mere glance at the limited extent, moral condition, and discordant character of its population, must convince all of its incompetency, at present, to sustain Self-Government, unaided by other Powers. And if, at this premature period, an attempt at Independence should be so far attended with success as to break the connexion with Spain, one portion of the Inhabitants of the Island, as well as their neighbours in The United States, and in some other directions, would live in continual dread of those tragic scenes which were formerly exhibited in a neighbouring Island, the population of which would be tempted, by the very fact of that Independence, to employ all the means which vicinity, similarity of origin and sympathy, could supply, to foment and stimulate insurrection, in order to gain ultimate strength to their own cause.

2. A guarantied Independence of Cuba, although it might relieve the Island from the dangers which have been just noticed, would substitute others not less formidable, and which, it is believed, are almost insuperable. Who shall be the guarantying Powers ? Shall they be exclusively American, or mixed, partly American and partly European ? What shall be the amount of their respective contributions to the protecting Force, military and naval, and to the other means necessary to uphold the Local Government ? Who shall have the command of that Force ? Will not the guarantying Powers, not in command, entertain continual apprehensions and jealousies of the commanding Power ? The candid must own that these are perplexing questions ; and that, upon the whole, although all thought of that modification of Indepen-



dence should not, perhaps, be dismissed as absolutely inadmissible, under any possible circumstances, it must be agreed to be one, to which, if assent is ultimately yielded, it must be reluctantly, from a train of unforeseen and uncontrollable events.

With respect to the conquest and annexation of the Island to Colombia or Mexico, it should be remarked, that if that be attempted, the whole character of the present War will be entirely changed. Hitherto, on the part of the Republics, the contest has been for Independence and Self-Government, and they have had on their side the good wishes and the friendly sympathies of a large portion of the World, and those especially of the people of The United States. But in the event of a military enterprise directed against Cuba, it will become a War of conquest. In such a War, whatever may be the result of that enterprise, the interests of other Powers, now neutral, may be seriously affected, and they may be called upon to perform important duties, which they may not be at liberty to neglect. The issue of such a War may have great influence upon the balance and stability of power in the West Indies. Nations of Europe may feel themselves required to interpose forcibly to arrest a course of events to which they cannot be indifferent. If they should limit their interposition merely to the object of preventing any change in the existing state of things, in respect to the Islands, The United States, far from being under any pledge, at present, to oppose them, might find themselves, contrary to their inclination, reluctantly drawn by a current of events to their side. In considering such an enterprise as has been supposed, if it be undertaken, there ought to be an anxious and deliberate examination; first into the means of Colombia and Mexico to accomplish the object; and, secondly, their power to preserve and defend the acquisition, if made. We have not the data necessary to form a certain judgment on the first point. We ought to possess, to enable us to form such a judgment, a knowledge; first of the Force, military and naval, which the Republics can apply to the operation; secondly, that which Spain can exert in resistance; and, thirdly, what portion of the Inhabitants of the Island would take part on the one and on the other side of the Belligerents. Although we have not this information in ample detail, we know that Spain is in actual possession, with a very considerable military Force; that this Force, recently much strengthened, occupies the Moro Castle, deemed almost impregnable, and other strong holds in the Island; that driven, as she has been, from the Continent of America, all her means and all her efforts will now be concentrated on this most valuable of her remaining American Possessions; that to this end she will apply her attention, which has been hitherto too much distracted by the multitude of her Belligerent exertions in North and South America, exclusively to this most important point; that to its succour she will gather up, from her vast wreck, the residue of her once powerful army

in Europe and America; and that there is reason to believe, that if she should not be openly assisted by any of the European Powers, she may receive from them covert but irresponsible aid. With all these resources and favourable circumstances combined, it must be admitted that the conquest of Cuba is very difficult, if not impracticable, without extensive and powerful means, both naval and military. But, secondly, do either Colombia or Mexico possess such means? We doubt it. They have both to create a Marine. A single Ship of the Line, two Frigates, and three or four Vessels of a smaller grade, badly manned, compose the whole Naval Force of the United Mexican States. That of Colombia is not much greater, nor better manned. But the means of transporting and defending, during its voyage, the Military Force necessary to achieve the conquest, are absolutely indispensable. Nay, more; it would be in the last degree rash and imprudent to throw an Army into Cuba, unless the two Republics possessed, and could retain, a naval superiority at least in the Gulf of Mexico, to provide for those contingencies which ought always to be anticipated in the vicissitudes of War. And, in the third place, it is well known that the inhabitants of Cuba, far from being united in favour of invasion, entertain great apprehensions as to their future safety, in such an event, and that they especially dread an invasion from Colombia, on account of the character of a portion of the troops of that Republick.

But if all difficulties were surmounted, and the conquest of the Island was once effected, we should not be without continual fears of the instability of its future condition. The same want of naval power, which would be felt in reducing, would be subsequently experienced in defending and preserving it. Neither Colombia nor Mexico is destined to be a first-rate Naval Power. They both (Mexico still more than Colombia) want an extent of sea coast, bays, inlets, and harbours, the nurseries of Seamen; in short, all the essential elements of a powerful Marine. England, France, The Netherlands, Spain herself, when she shall, as at some no very distant day she must, recover from her present debility, will, for a long time to come, if not for ever, as Naval Powers, out-rank either Mexico or Colombia. A war with any one of these European Nations would place Cuba, in the hands of either of those two Republics, at the most imminent hazard. It is impossible for the Government of The United States to close their eyes to the fact, that, in the event of a military enterprise being prosecuted by the Republics against Cuba, the Ships, the Seamen, the Cannon, and the other naval means necessary to conduct it, will have been principally obtained in The United States. Although, far from giving any countenance to the procurement of those supplies, determined to maintain a faithful neutrality, they have directed a strict enforcement of their Laws; the fact, nevertheless, of their being collected within their Ports, subjects them to unfriendly and injurious

suspensions. And they would see, with much repugnance, resources drawn from themselves applied to the accomplishment of an object to which their policy and their interests are opposed.

The President hopes that these considerations, enforced by such others as may present themselves to you, if they should not be deemed of sufficient weight to prevent altogether any invasion of Cuba, will, at least, dissuade from any rash or premature enterprise with inadequate or doubtful means. And it is required, by the frank and friendly relations which we most anxiously desire ever to cherish with the new Republics, that you should, without reserve, explicitly state, that the United States have too much at stake in the fortunes of Cuba, to allow them to see, with indifference, a War of invasion prosecuted in a desolating manner, or to see employed, in the purposes of such a War, one race of the Inhabitants combatting against another, upon principles and with motives that must inevitably lead, if not to the extermination of one Party or the other, to the most shocking excesses. The humanity of The United States in respect to the weaker, and which, in such a terrible struggle, would probably be the suffering portion, and their duty to defend themselves against the contagion of such near and dangerous examples, would constrain them, even at the hazard of losing the friendship, greatly as they value it, of Mexico and Colombia, to employ all the means necessary to their security.

If you should be unable to prevail on those Republics to renounce all designs of the invasion and conquest of Cuba and Porto Rico, you will then exert your endeavours to induce them to suspend the execution of them until the result is known of the interposition which, we are authorized to believe, the late Emperor of Russia, and his Allies, at the instance of The United States, have made, to put an end to the War, and that which has been herein stated to have been recently made at the instance of the Republic of Colombia. Such a suspension is due to Russia. It would be a deference to that great Power, which the reigning Emperor would not fail to appreciate, and the value which the new Republics might hereafter experience, if in this instance the counsels, which, we have reason to believe, will have been given to Spain, should not be followed. But there is much reason to hope, that Spain will pause before she rejects them, and will see her true interests, as all the World sees them, on the side of Peace; and the late events, the fall of the Castles of San Juan d'Ulloa and of Callao especially, must have a powerful effect in urging her to terminate the War.

A Cut or Canal for purposes of Navigation, somewhere through the Isthmus that connects the two Americas, to unite the Pacific and Atlantic Oceans, will form a proper subject of consideration at the Congress. That vast object, if it should ever be accomplished, will be interesting in a greater or less degree to all parts of the World.



But to this Continent will probably accrue the largest amount of benefit from its execution; and to Colombia, Mexico, the Central Republic, Peru, and The United States, more than to any other of the American Nations. What is to redound to the advantage of all America should be effected by common means, and united exertions, and should not be left to the separate and unassisted efforts of any one Power.

In the present limited state of our information as to the practicability, and the probable expense of the object, it would not be wise to do more than to make some preliminary arrangements. The best routes will be, most likely, found in the Territory of Mexico, or that of the Central Republic. The latter Republic made to this Government, on the 8th of February of last Year, in a Note which Mr. Canaz, its Minister here, addressed to this Department (a Copy of which is now furnished), a liberal offer, manifesting a high and honourable confidence in The United States. The Answer which the President instructed me to give (of which a Copy is also now placed in your hands) could go no further than to make suitable acknowledgments for the friendly overture, and to assure the Central Republic that measures would be adopted to place The United States in the possession of the information necessary to enlighten their judgment. If the Work should ever be executed, so as to admit of the passage of Sea-Vessels from Ocean to Ocean, the benefits of it ought not to be exclusively appropriated to any one Nation, but should be extended to all parts of the Globe, upon the payment of a just compensation, or reasonable tolls. What is most desirable at present is, to possess the data necessary to form a correct judgment of the practicability and the probable expense of the undertaking, on the routes which offer the greatest facilities. Measures may have been already executed, or be in progress to acquire the requisite knowledge. You will inquire particularly as to what has been done, or may have been designed by Spain, or by either of the new States; and obtain all other information that may be within your reach, to solve this interesting problem. You will state to the Ministers of the other American Powers that the Government of The United States take a lively interest in the execution of the Work, and will see, with peculiar satisfaction, that it lies within the compass of reasonable human efforts. Their proximity and local information render them more competent than The United States are, at this time, to estimate the difficulties to be overcome. You will receive and transmit to this Government any proposals that may be made, or plans that may be suggested, for its joint execution, with assurances that they will be attentively examined, with an earnest desire to reconcile the interests and views of all the American Nations.

It will probably be proposed, as a fit subject of consideration for the Powers represented at Panama, whether Hayti ought to be recog-



nized by them as an Independent State; and whether any decision taken, in that respect, should be joint, or each Power be left to pursue the dictates of its own policy. The President is not prepared now to say that Hayti ought to be recognized as an Independent Sovereign Power. Considering the nature and the manner of the establishment of the governing power in that Island, and the little respect which is there shown to other races than the African, the question of acknowledging its Independence was far from being unattended with difficulty, prior to the late Arrangement, which, it is understood, has been made between France and Hayti. According to that Arrangement, if we possess correct information of its terms, the Parent Country acknowledges a nominal Independence in the Colony, and, as a part of the price of this acknowledgment, Hayti agrees to receive for ever the produce of France, at a rate of duty one-half below that which is exacted, in the Ports of Hayti, from all other Nations. This is a restriction upon the freedom of its action, to which no Sovereign Power, really independent, would ever subscribe. There is no equivalent on the side of France, in the favourable terms on which the produce of Hayti is received in the Ports of France. If the Colonial relation may be correctly described to be the monopoly of the Commerce of the Colony, enjoyed by the Parent State, it cannot be affirmed that Hayti has not voluntarily, by that Arrangement, consented to its revival. There was no necessity urging her to agree to it, however she may have been called upon, by just and equitable considerations, to indemnify the former individual Proprietors for the loss of their property in St. Domingo. Prior to the conclusion of that Arrangement, Hayti enjoyed, no matter how established, a sort of independence, in fact. By that Arrangement she has voluntarily, and in a most essential particular, in respect to all Foreign Nations, changed her character, and has become, to say the least, not an Independent State. Under the actual circumstances of Hayti, the President does not think that it would be proper, at this time, to recognize it as a new State. The acknowledgment of, or declining to acknowledge, the independence of Hayti, is not a measure of sufficient magnitude to require that, in either of the alternatives, it should be the result of a Concert between all the American Powers.

You will avail yourselves of all suitable occasions to press upon the Ministers of the other American States the propriety of a free toleration of Religion within their respective limits. The Framers of our Constitution of Government have not only refrained from incorporating with the State any peculiar form of Religious worship, but they have introduced an express prohibition upon the power of our Congress to make any Law respecting an Establishment of Religion. With us, none are denied the right which belongs to all—to worship God according to the dictates of their own consciences. In our Vil-

lages and Cities, at the same hour, often in the same Square, and by the same kind of summons, Congregations of the pious and devout of every religious denomination, are gathered together in their respective Temples, and after performing, according to their own solemn convictions, their religious duties, quietly return and mix together in the cheerful fulfilment of their domestic and social obligations. Not unfrequently the heads of the same Family, appertaining to different Sects, resort to two different Churches, to offer up in their own chosen way their orisons ; each bringing back to the common household stock the moral instruction which both have derived from their respective Pastors. In The United States, we experience no inconvenience from the absence of any religious Establishment, and the universal toleration which happily prevails. We believe that none would be felt by other Nations who should allow equal religious freedom. It would be deemed rash to assert that Civil Liberty and an Established Church cannot exist together in the same State ; but it may be safely affirmed that History affords no example of their union, where the Religion of the State has not only been established, but exclusive. If any of the American Powers think proper to introduce into their Systems an established Religion, although we should regret such a determination, we should have no right to make a formal complaint, unless it should be exclusive. As the Citizens of any of the American Nations have a right, when here, without hindrance, to worship the Deity according to the dictates of their own consciences, our Citizens ought to be allowed the same privilege, when, prompted by business or inclination, they visit any of the American States. You are accordingly authorized to propose a joint Declaration, to be subscribed by the Ministers of all or any part of the Powers represented, that within their several limits there shall be free toleration of Religious Worship. And you will also, in any Treaty or Treaties that you may conclude, endeavour to have inserted an Article stipulating the liberty of Religious Worship in the Territories of the respective Parties.

When this great interest is placed on the basis of such a solemn Declaration, and such binding Treaty Stipulations, it will have all reasonable and practical security. And this new guarantee will serve to give strength to the favourable dispositions of enlightened Men in the various American States, against the influence of bigotry and superstition. The Declaration on this subject, in which you are authorized to unite, as well as that directed against European Colonization within the territorial limits of any of the American Nations, hereinbefore mentioned, does no more than announce, in respect to The United States, the existing state of their Institutions and Laws. Neither contracts any new obligation on their part, nor makes any alteration as to them, in the present condition of things. The President being the organ through which this Government communicates with

Foreign Powers, and being charged with the duty of taking care that the Laws be faithfully executed, is competent to authorize both Declarations.

Questions of Boundary, and other matters of controversy, among the new American Powers, will probably present themselves, and of which an amicable adjustment may be attempted at the Congress. Your impartial and disinterested position, in relation to any such disputes, may occasion you to be called upon for your advice and umpirage. You will, whenever your assistance may be required to settle those controversies, manifest a willingness to give your best counsel and advice; and, if it should be desired, you will also serve as Arbitrators. A dispute is understood to have existed, and to remain yet unsettled, between The United Mexican States and the Central Republic, in relation to the Province of Chiapa. The President wishes you to give it a particular investigation, and, if justice shall be found on the side of the Republic of the Centre, you will lend to its cause all the countenance and support which you can give, without actually committing The United States. This act of friendship on our part, is due, as well on account of the high degree of respect and confidence which that Republic has, on several occasions, displayed towards The United States, as from its comparative weakness.

Finally: I have it in charge to direct your attention to the subject of the forms of Government, and to the cause of free Institutions on this Continent. The United States never have been, and are not now, animated by any spirit of propagandism. They prefer to all other forms of Government, and are perfectly contented with, their own Confederacy. Allowing no Foreign interference, either in the formation or in the conduct of their Government, they are equally scrupulous in refraining from all interference in the original structure or subsequent interior movement of the Governments of other Independent Nations. Indifferent they are not; because they cannot be indifferent to the happiness of any Nation. But the interest which they are accustomed to cherish in the wisdom or folly which may mark the course of other Powers, in the adoption and execution of their political systems, is rather a feeling of sympathy than a principle of action. In the present instance they would conform to their general habit of cautiously avoiding to touch on a subject so delicate, but that there is reason to believe, that one European Power, if not more, has been active both in Colombia and Mexico, if not elsewhere, with a view to subvert, if possible, the existing forms of free Government there established, to substitute the monarchical in place of them, and to plant, on the newly-erected Thrones, European Princes. In both instances, it is due to our sister Republics, and otherwise proper, to add, that the design met with a merited and prompt repulse; but the spirit which dictated it



never slumbers, and it may be renewed. The plausible motive held out, and which may be repeated, is that of a Recognition of the Independence of the New States, with assurances that the adoption of Monarchical Institutions will conciliate the great Powers of Europe. The New Republics being Sovereign and Independent States, and exhibiting this capacity for Self-Government at home, being in fact acknowledged by The United States and Great Britain, and having entered into Treaties and other National Compacts with Foreign Powers, have a clear right to be recognized.

From considerations of policy, the act of recognition has been delayed by some of the European States, but it cannot much longer be postponed, and they will shortly find themselves required to make the concession from a regard to their own interest, if they would not from a sense of justice. But their recognition is not worth buying, and nothing would be more dishonourable than that the Republics should purchase, by mean compliances, the formal acknowledgment of that Independence which has been actually won by so much valour, and by so many sacrifices. Having stood out against all apprehensions of an attempt of the combined Powers of Europe to subdue them, it would be base and pusillanimous now, when they are in the undisturbed enjoyment of the greatest of human blessings, to yield to the secret practices or open menaces of any European Power. It is not anticipated that you will have any difficulty in dissuading them from entertaining or deliberating on such propositions. You will, however, take advantage of every fit opportunity to strengthen their political faith, and to inculcate the solemn duty of every Nation to reject all Foreign dictation in its domestic concerns. You will also, at all proper times, manifest a readiness to satisfy inquiries as to the theory and practical operation of our Federal and State Constitutions of Government, and to illustrate and explain the manifold blessings which the People of The United States have enjoyed, and are continuing to enjoy, under them.

The War which has recently broken out between the Republic of La Plata and the Emperor of Brazil is a cause of most sincere regret. To that War The United States will be strictly neutral. The Parties to it should feel themselves urged, no less by all the interests which belong to the recent establishment of their Independence, than by principles of humanity, to bring it to a speedy close. One of the first measures which has been adopted for its prosecution, by the Emperor of Brazil, is to declare the whole coasts of his Enemy, including entirely one, and a part of the other shore of the La Plata, and extending as far as Cape Horn, in a state of Blockade. That he has not the requisite Naval Force to render valid and to maintain, according to the principles of the Publick Law, such a sweeping Blockade, is quite evident. Persistence in it must injuriously affect the interests of Neutrals,



in the pursuit of their rightful Commerce, if it should involve no other consequences to them. You will avail yourselves of every proper opportunity to represent to the Parties how desirable it is to put an end to the War, and with what satisfaction The United States would see the blessings of Peace restored. And it will occur to you, whilst remonstrating against any belligerent practices which are not strictly warranted, to draw from the fact of the Brazilian Blockade fresh support to the great maritime principles to which you have been instructed to endeavour to obtain the sanction of the American Nations.

I have the honour to be, &c.

*Richard C. Anderson and John Sergeant, Esqrs..*

H. CLAY.

(2) *Mr. Clay to Messrs. Sergeant and Poinsett.*

*Department of State,*

*Washington, 16th March, 1827.*

GENTLEMEN,

By the appointment of Mr. Poinsett, made by and with the advice and consent of the Senate, as one of the Ministers of The United States to the Congress of the American Nations, expected to assemble at Tacubaya, you have become associated in that Mission. Mr. Poinsett, it is therefore anticipated, will be disposed cordially to co-operate in the performance of those duties which have been enjoined by the Instructions heretofore addressed to Mr. Anderson and Mr. Sergeant, or to either of them, so far as they remain to be executed. And the President relies with great confidence on the zeal and ability of both of you to promote, in this important service, the interests of our Country.

The Instructions addressed to Messrs. Anderson and Sergeant have been sufficiently explicit as to the nature of the Assembly. According to our views, it is to be considered as entirely Diplomatic. No one of the represented Nations is to be finally bound by any Treaty, Convention, or Compact, to which it does not freely consent according to all the forms of its own particular Government. With that indispensable qualification, the mode of conducting the Conferences and deliberations of the Ministers is left to your sound discretion, keeping in view the observations which have been made in your General Instructions. I am induced again to advert to this topic, in consequence of a Letter from the Colombian Minister, under date the 20th of November last, (a Copy of which is herewith transmitted) from the tenour of which it might probably be inferred, as his opinion, that a majority of voices in the Assembly, on any given proposition, is to be decisive. We have not yet obtained Copies of the Treaties concluded at Panama, which are mentioned in that Note. To these we have a right, and we shall continue to expect them.

We have no later information than that contained in Mr. Sergeant's Despatch under date of the 19th of January last, and its accompaniments, as to the probable time of the convention of the Ministers of

the several Powers. The course which he adopted, of announcing himself to such of them as had arrived in Mexico, is approved. From the answers he received to his Note, it appears that 8 months, from the 15th of July last, were specified as the period within which the Treaties concluded at Panama were to be ratified, and when it was expected the Congress would again meet. That term expired on the 15th instant. It is probable, therefore, that about this time the Ministers of the various Powers will assemble at Tacubaya. But if they should not meet before the 1st of June next, Mr. Sergeant may, after that day, return to The United States without further detention. In the event of his return, Mr Poinsett will consider the duties of the joint Mission as devolving on him alone; and should the Congress assemble subsequent to that period, and Mr. Sergeant should avail himself of the permission now given him to leave Mexico, Mr. Poinsett will attend the Congress in behalf of The United States.

The intelligence which has reached us from many points, as to the ambitious projects and views of Bolivar, has abated very much the strong hopes which were once entertained of the favourable results of the Congress of the American Nations. If that intelligence be well founded (as there is much reason to apprehend), it is probable that he does not look upon the Congress in the same interesting light that he formerly did. Still the objects which are contemplated by your Instructions are so highly important, that the President thinks their accomplishment ought not to be abandoned, whilst any hope remains. Their value does not entirely depend upon the forms of the Governments which may concur in their establishment, but exists at all times, and under every form of Government.

You will, in all your conversations and intercourse with the other Ministers, endeavour to strengthen them in the faith of Free Institutions, and to guard them against any ambitious schemes and plans, from whatever quarter they may proceed, tending to subvert liberal Systems.

Mr. Rochester having been appointed Chargé d'Affaires to Guatemala, Mr. John Speed Smith, of Kentucky, formerly a Member of the House of Representatives, is appointed Secretary to your Mission. In the event of his acceptance, (of which advice has not yet reached the Department) he is expected to proceed from Kentucky, by the way of New Orleans, to join you.

You are at liberty to detain the Bearer of this Letter a reasonable time, to convey any Despatches you may wish to forward to this Government. If you should not wish him to remain at Mexico for that purpose, after stopping about 2 weeks to recover from the fatigues of the journey and voyage, he will return to The United States with such Despatches as you may confide to him.

I am, &c.

*John Sergeant and J. R. Poinsett, Esqrs.*

H. CLAY.

*TREATY of Commerce between Bavaria and Wirtemberg.*  
*Signed at Munich, 18th January, 1828.* (Translation.)

*Treaty, concerning the Imposts to be levied at the Custom Houses, between Bavaria and Wirtemberg.*

HIS Majesty the King of Bavaria, and His Majesty the King of Wirtemberg, induced by the same sentiments and views which caused them to ratify the previous Treaty, concluded on the 12th April, 1827, at Munich, for reciprocally facilitating the Commerce and Trade between both States, for the object which is stated in the 2d Article of the said Treaty,—the improvement and completion provided by the established agreement concerning the Imposts,—have allowed further negotiations to be opened, and for this purpose have named as their Plenipotentiaries: viz.

His Majesty The King of Bavaria, the Minister of State of the Royal House, and of Foreign Affairs, and Justice, The Councillor of the Kingdom, Frederick Baron von Zentner, Capitular of the Royal House Order of Holy Hubert, Grand Cross of the Civil Order of Merit of the Bavarian Crown, Member of the Cross of Honour of the Royal Bavarian Order of Louis, Grand Cross of the Royal Austrian Order of Leopold, of the Royal Prussian Order of the Red Eagle, and of the Grand Ducal Hessian House Order.

His Majesty the King of Wirtemberg, the Ambassador Extraordinary and Minister Plenipotentiary to the Royal Bavarian Court, Philip Moritz, Baron von Schmitz-Grollenburg, Councillor of State and Commander of the Royal Order of the Wirtemberg Crown; and the Supreme Councillor of Finance, Mr. Christoph Ludwig von Herzog, Knight of the Royal Order of the Wirtemberg Crown;

Which Plenipotentiaries on both sides, subject to the Ratification of their High Courts, have agreed upon the following Articles.

ART. I. The Kingdoms of Bavaria and Wirtemberg unite together, in conformity with the Treaty concluded at Munich on the 12th of April, 1827, to establish a common system of Imposts, and a line of Custom Houses, which shall embrace the lands of both their States bordering on each other.

II. In conformity with the Treaty concluded with the Crown of Wirtemberg, and also with the Act of Accession executed by them, the Principalities of Hohenzollern-Hechingen and Hohenzollern-Sigmaringen accede to this Union.

III. The Bavarian Circle of the Rhine is, till further notice, excepted from the common agreement concerning the Impost Regulation; the admission of it however is reserved until either a similar System of Imposts shall be adopted there with respect to the Union, or this Circle be placed in immediate relation with the Territory of the Union. Until then the productions and manufactures of the Circle shall be admitted

into the Territories of the United Powers, with the same impost indulgences which they have hitherto enjoyed in the old Circles of the Kingdom of Bavaria, or which may still further be accorded to it by the two Governments.

IV. The possessions of the United Powers which lie without the common line of Custom Houses shall be (without prejudice however to the regulations contained in Article III. for the Circle of the Rhine) in regard to these Custom Houses, treated as foreign land.

V. In pursuance of the stipulations of Article I. the actually existing places for the collection of the Customs along the common territorial limits, shall be abolished by an especial Treaty for that purpose, and Custom Houses for import, export and transit, shall be erected in the places for receiving the duties on the borders and in the interior, for the joint account of the United Powers: nevertheless, it remains permitted to each of the two Governments to place watch-houses and protective guards on the common Line of Boundary within their Dominion, such as they may find necessary, to prevent the contraband trade in salt and malt, or any other fraud as regards their indirect imposts.

VI. The Governments of the United Powers renounce all Regulations and Treaties made by either Party, which refer to the Custom House relations, with other States not belonging to the Union; and should one or the other of the Parties be placed in the situation of being unable, with propriety, to refuse particular favours to a third State, they shall be bound to give to the Union an equivalent for the pecuniary decrease or increase thereby created.

Moreover the two High Contracting Parties will unite their endeavours, to the end that other neighbouring States may join this Custom-House union.

VII. The common Custom House Duties shall be levied according to the Custom House Ordinance and Tariff, which the two High Contracting Parties agree to regulate upon the basis of the Bavarian Custom House Ordinance and Tariff, and which shall be published in the usual manner, in each of the Territories of the United Powers, for observance.

VIII. The Balance of the common Duties which remains, after the deduction of the expenses of levying, inspection, and administration, as well as of all other outlays which fall to the share of the Union, shall be divided between The United Powers, according to the proportion of their respective population. The extent of the population of the United Powers shall be ascertained every 3 Years, by means of an appropriate Census; and the actual state of it shall always be calculated from the 1st of October of the third Year.

IX. The inferior Places for the collection and inspection of Custom



House duties, shall be ordered, settled and arranged by the United Powers, according to uniform organic regulations.

X. For the accommodation of the chief Custom House Authority, a particular and substantial superior Custom House shall exist in the Territory of each of the United Powers.

The formation of this superior Custom House, and the regulation of its business, shall be left to the Government of the State which it immediately concerns: the circle of operation, however, of the same, in so far as it is not already pointed out in the fundamental Treaty, and the common Custom House Regulations, shall be more particularly defined by means of a particular regulation.

XI. The Superior Custom House Authority of each of the United Powers shall be controuled by a Plenipotentiary General of the other United Power. The following powers shall belong to the said Plenipotentiary General, or his Representative:—

(a) Every order or instruction which the said Superior Custom House Authority, or his Delegate, despatches to the Inferior Custom House Authorities, shall be subject to his *visa*, as well in the rough Draft as in the fair Copy; and the absence of such *visa* shall render the instruction non-effective.

(b) Although he must never refuse this *visa*, he can, nevertheless, at the time of giving it, add a Protest thereto, should he apprehend that, by the execution of the order, detriment might ensue to the Union. This Protest must be placed before-hand on the rough Draft, stating the reasons for it; and he must, if required, also give a Certificate of the same.

(c) In consequence of the said Protest, should the aforesaid Government of the State, to which the Superior Custom House Authority belongs, not be able to apply a seasonable remedy, the Plenipotentiary General may have recourse to the General Congress (the formation and sphere of action of which are more particularly established by Articles XXXVI. XXXVII. and XXXVIII). Should the General Congress find that, in consequence of the absence of the instruction in question, a loss has in reality been occasioned to the Union, the Government to which the Administration belongs which was the cause of it, shall make compensation for such loss.

(d) In cases of urgency, he can order the Authorities for levying the Custom House Duties of his Government, and the Superintending Authorities or Preventive Guards established by them, to execute those measures which the Superior Administration to which he belongs may think essential, and on a requisition they must give the said orders; without prejudice, however, to the Regulations contained in the II<sup>d</sup> and III<sup>d</sup> Articles.

(e) He can send Officers belonging to his Government, to the

Custom Houses of the State in which his controul exists, in order to visit them, without, however, empowering them to give particular orders, or to introduce new Regulations in their Administration.

(*f*) When required, all Acts, Books, &c. of the Superior Custom House Administration, as well as of the inferior Custom Houses, must be laid before him for his information.

(*g*) He can be present at the delivery of the Custom House Accounts in all Places and Stations, and has the right of correcting or disapproving of them. This shall not however prevent the delivery of the Accounts, or controul the decision of the Comptrollers of Accounts; to him, however, in this case, as well as in those described under *e* and *f*, recourse will be allowed to the General Congress, subject to the consequences which are before set forth under § *c*.

(*h*) He is always to be a Member of the General Congress. The Plenipotentiaries General, on both sides, will enter upon their functions with the respective Superior Custom House Administrations, to controul and co-operate according to the Stipulations for the fulfilment of the Union, from the 1st of April 1828.

XII. A common proportional and mutual Establishment shall be formed in Munich, by Officers appointed by the respective Governments, for the general controul of the Cockets through the States of the Union, and they shall be furnished with the necessary instructions.

XIII. The Custom House Officers who collect the duties must give in Monthly Accounts, over which each Superior Custom House Administration shall have a general inspection, and on the view of which provisional reckonings shall take place between The United Powers in an account current.

The respective Superior Custom House Administrations must give in Quarterly Accounts; the definitive settlements shall be made between The United Powers after these accounts shall have been duly admitted.

XIV. General Regulations and governing dispositions, for the fulfilment of the Custom House Ordinance, and the Rules of its Administration, with a view to uniformity in their regulation, shall be issued by the two Governments, after previous consideration and mutual understanding, at the same time, and to the same effect. In particular cases, and on urgent occasions, however, under the enactments of Article XI, *a*, *b*, and *c*, measures deemed to be necessary, may be issued, by the Royal Bavarian, or by the Royal Wirtemberg, Superior Custom House Administration.

XV. This Fundamental Treaty, the organization of the Custom House Administration, the common Custom House Ordinance, and the Tariff of the Union, can only be changed, or in an authentic manner explained, in the manner set forth in the XXXVIIIth Article.

Moreover, it is reserved to the Governments of The United Powers alone—

1. To declare the General Ordinances as to the Custom House constitution of the Union, and to publish the deliberations of the General Congress, in so far as they are proper for publicity, in their own name and in their States, respectively.

2. To nominate the Officers and Servants who are necessary, as well for the Superior Custom House Administration as for the Stations for collecting and inspecting in the respective States.

3. To cause the Persons recommended to them by their Territorial Authorities as Officers and Servants, to swear allegiance to the Union.

4. To judge in their Tribunal the Officers and Servants belonging to them, when they have committed in the service of the Union any offence or fault.

5. To dispose, exclusively, of the portions of Fines falling to the Charitable Fund within their Dominion.

6. To exercise the right of pardon over those belonging to their State.

The formula of the Oath by which the Officers and Servants of the Union are to be engaged is as follows :—

“ I swear that I will not only fulfil the general duties imposed on me by my oath of allegiance towards my Sovereign, but also what the interests of the Custom House Union demands, according to the Treaties, common Ordinances and Instructions, truly, and without fraud, as far as lies in my power, and on all occasions; and that I will, to the uttermost, protect the said Union from all disadvantage and damage. So help me God and his Holy Gospel !”

XVI. The rights of the Officers and Servants placed in the Common Administration of the Custom Houses of the Union, with reference to promotion and claims for Pensions, are to be regulated according to the Laws of that State to which they belong.

XVII. The expenses of the Superior Custom House Administration shall be borne by the Government of each State respectively.

In like manner, the Pensions, Retired Allowances and Salaries of the Officers, and Servants, and of their families, whether the Officers and Servants hold places under the Superior Custom House Administration and the Central Controul Establishment, or under the Authorities for levying and inspecting, become exclusively chargeable to the Governments of the States by whom the Officers and Servants have been appointed.

On the other hand, all expenses of the Central Controul Establishment, of the exterior Places for levying and inspecting the Customs, as well as all other expenses of Administration not expressly excepted, must be defrayed out of the Duties received for the Union, and on account of the Union.

Moreover, to establish a complete equality in this respect, and to prevent all oppressive measures, particular definitive Regulations shall be settled by both Governments, concerning the Payment of

the Salaries of the Officers and Servants employed in the exterior, the house rent, the expenses for heating and lighting the Offices, the cost of stationery, the expenses of removals, and of the subsistence of the Servants of the Customs.

XVIII. The High Contracting Parties undertake to place and uphold in their Territory, at their own expense, the buildings necessary for the common service of the Custom Houses, when they cannot be hired from Corporations, Communities or private Persons: they shall, however, be indemnified, not only for the buildings which they may hereafter erect for this purpose, but also for those which are already in existence, and shall be given up to the Common Custom House Service, either out of the Duties of the Union or from the house rent paid by the respective Officers of the Custom Houses, corresponding with the Local Regulations.

XIX. The Police Enactments, as to the reciprocal visit of the publick markets, and the trade of pedlars, are reserved to the respective Governments, as well as the decision whether the Laws now in force, concerning the privileges of trade, are to continue in the States of the Union. The respective Governments, however, shall reciprocally allow such favours to the Merchants and Tradesmen of the United Powers as may be compatible with their internal Constitution and system of Taxation.

XX. Every article that is imported into, or exported from, the line of Custom Houses of the Union, for the United Sovereigns and the Members of their reigning Houses, shall be subject to the Duties according to the Tariff, and the restitution of the Duties paid, in so far as these exist, agreeably to the Regulations of the particular Government, must come from the Chest of the respective State, and shall be charged to the Government concerned at the time of settlement.

XXI. The restitution of the Duties which may be claimed by the accredited Ambassadors, Envoys, Ministers, and Chargés d'Affaires to the Courts of the United Powers, according to the Regulations of the common Custom House Laws, must fall upon the State Chest of the Court concerned, out of the Duties of the Union.

XXII. The indemnifications which, in either State, are granted to the Mediatised Princes and private Persons, in lieu of the cancelled right of levying imposts, shall be charged to that State by which it has been granted or by which it is still to be granted.

XXIII. The Mediatised Nobles shall likewise obtain the repayment of the Duties for their stipulated and limited exemption from Taxes, from the Chest of that State in which they possess and exercise those rights.

XXIV. The especial favour shewn to the manufactures and trades, with exception of the commerce on the Frontiers, as well in the import of the manufactured article only half worked, and of the materials



necessary for its fabrication, as in the export and re-importation of the manufacture for finishing or perfecting, remain left to the will of the Government of the Country, and the burthen shall fall upon the Chest of the respective State.

XXV. From thenceforward, after the mutual regulation of the Custom Houses of the Union shall be put into practice, all *staple rights* and *barter-rights* shall cease; and no one shall be restrained from loading, keeping, and re-warehousing, except in such cases as are expressly declared by the Custom House Regulations.

XXVI. With reference to the warehouse and store-house Establishments, the High Contracting Parties have agreed that the number of them shall, at present, amount to 36, in the Kingdom of Bavaria, and, in case of the junction of the Circle of the Rhine with the Union, to 40; in Wirtemberg they shall amount to 15; and it shall be left to the Governments concerned, to distribute the same as they shall judge best, in the interior of their Dominions, or, according to the necessity of circumstances, to transfer them from one place of trade to another, or to reduce their number if they choose so to do.

If, contrary to expectation, it should be found that the above number of warehouses is not sufficient for the necessities of Trade in one of the Contracting States, either Government is at liberty to establish more of them at its own cost.

The dues for warehousing are left for the private collection of the Governments concerned, out of which they bind themselves to take care of the repair and preservation of the necessary magazines, and the other appurtenances thereunto belonging.

The dues for weighing and crantage in the store-houses are also left to the Governments concerned, or to the Proprietors of the store-house buildings, for private collection.

It is however hereby expressly established, that all the Persons employed in the store-house establishments, shall be entirely appointed and paid by the Government concerned, be bound to promote the object and interest of the Union, and have the exclusive inspection and charge of the warehoused goods.

Should other States join the Union, the number of their quota of store-houses shall be so allotted, as that, upon an average, there may at most be *one* for a population of 100,000 inhabitants.

XXVII. The money for roads, ferries, bridges, and pavements, dues for wharfs, locks, and winter storage, are reserved to the United Powers for private collection.

That these Duties however may not be a burthen, to the detriment of Trade and Commerce, the High Contracting Parties have agreed to the following Resolutions.

XXVIII. The money for road tax shall only be levied on roads made, and shall not exceed two pfennings per cwt. by the league, and

in proportion to the team, or to the burden, but it shall not exceed the Duty herein fixed.

The road-tax at present levied by certain Communities, corporate bodies, or private Persons, on the ground of particular privileges, is excepted from the above.

XXIX. The Water Duties on the Rhine shall be levied according to the Regulations of the Convention of Vienna, of the 24th March, 1815,\* and to the definitive Regulation for Shipping, hereafter to be established.

The Water Duties on the Maine and Neckar shall be levied according to the Regulation for Shipping, concerning which the States on the banks of the Maine and Neckar will agree, on the bases of the Regulations of the Convention of Vienna.

The Water Duties on the Private Rivers of the united Powers shall not exceed two pfennings per cwt. and league, the same as the Road Duties on land.

Should, however, Treaties with Foreign Powers, be found to exist, stipulating for a smaller sum of Road or Water Duties than that alluded to as the maximum, the said Road Duties shall continue to be levied according to the Treaties already concluded on this subject.

The regulation of Shipping Duties on Canals is left to the Governments immediately concerned.

XXX. The Bridge and Pavement Duties shall not be available, either to the respective State Treasuries, or to the Communities, as a source of Finance, but the Money shall be applied to the periodical repair and good preservation of the Bridges and Pavements in a proper proportion, and the united Powers mutually bind themselves, in particular, not to increase the Pavement Duty on the Commercial Roads.

XXXI. The Custom-houses which levy Duties for the common account, shall be permitted, in addition to the common duties, also to levy, at their own expence, however, the Private Road, Water, and other Duties above-named, as far as possible, on account of the State concerned.

XXXII. The two High Contracting Parties reserve to themselves the Duties of Consumption which are levied in their States, on certain domestic articles of luxury and utility, and in like manner and proportion they shall cause to be levied, for the benefit of their State Treasury, Duties on articles of the same nature, which come from the Dominions of a Foreign neighbouring Power, or from Countries belonging to the Union; in such manner, however, as that such Duties may not interfere with goods merely in transitu, and may embarrass as little as possible, by the measures for levying the Duties, the free intercourse between the united Powers.

XXXIII. The Tariffs of such Duties of Consumption shall, on

\* See Act No. 16, annexed to the Vienna Congress Treaty of 9th June, 1815.

the part of the State which levies such Duties, be made public, together with the Regulations as to the manner of levying them, in all the neighbouring States, and by the Governments concerned.

XXXIV. The Governments of The United Powers promise mutually to support the ensuring of the fulfilment of their Private Duty Laws, and shall require, as regards this, that the Officers of the common Levying and Inspecting Departments co-operate as much as possible for that purpose.

XXXV. The Royal Duties laid upon Salt, in the States participating in the Union, shall be upheld and mutually supported by the Governments.

For the ensurance of the same.

(a.) The importation of Salt, and of all articles out of which culinary Salt can be extracted, is forbidden from Foreign Countries not belonging to the united Powers, unless the importation be made for the use and account of one of the united Governments, and for immediate sale in its Salt establishments, factories, or warehouses.

(b.) The transit of Salt, and of the articles before named out of which Salt may be extracted, from Countries not belonging to the Union to other such Countries, on account of Private Persons is wholly forbidden: this transit may take place, however, on account of a Foreign Government, should it not be allowed by actually existing Treaties, but solely after the mature permission of all the Governments of the Union, and under the measures of prudence which they may deem to be necessary.

(c.) The exportation of Salt to Foreign Countries not belonging to the united Powers shall be free, and it is reserved to the respective Governments of the Union to conclude particular Treaties thereupon with Foreign Governments, provided that they contain no infraction of the common system of Custom-house duties.

As to the commerce in Salt within the States of the Union, the importation of Salt from one of the States to the other shall only be allowed when particular Treaties respecting the furnishing of Salt shall have been concluded between the Governments of the Countries. Those Treaties respecting the furnishing of Salt may have reference either to publick or private Salt Works. But the latter Contracts can alone be concluded with the Governments, and any sale of Salt is forbidden to private Persons.

Should one Government bring Salt from another State within the Union, whether from publick or private Salt Works, the consignments must be accompanied with Permits from the Publick Authorities.

For this purpose the Contracting Parties bind themselves to appoint a publick Officer at the private Salt Works, in order especially to watch over the Salt trade thereof.

Whenever the circumstances of the several States require that one

State of the Union should draw its Salt supplies through a third State of the Union, or should send through such State its Salt to a Foreign Country not belonging to the Union, no impediment shall be offered to such consignments, but the Contracting States shall, by previous agreement, settle the road and adopt the requisite regulations for the security of the said transport, in so far as these points may not be regulated by previous Treaties.

The two High Contracting Governments of the States, reciprocally bind themselves, for the duration of the Union, only to suffer the Salt trade, by wholesale, to be carried on through Offices depending on their respective Crowns.

XXXVI. A General Congress shall assemble yearly, on the 1st of May, in Munich.

This General Congress shall consist of two Plenipotentiaries-General of the Kingdom of Bavaria, and of the same number of Plenipotentiaries-General of the Kingdom of Wirtemberg.

The Plenipotentiaries-General who, according to Article XI. are to be placed in the Superior Custom-house Administration, are to be also the Second in rank of the Plenipotentiaries of the respective Governments.

The First Plenipotentiary of the two States shall preside alternately each year over this Congress: the Member presiding, in case of an equality of votes, having the casting vote.

Should other States join the Union, each of them shall be authorized to send a Plenipotentiary-General to the Congress.

XXXVII. The duties of this General Congress will be :

(a) To consider of the changes in the Fundamental Treaty, and of the organization of the Administration of the Custom-house Ordinance and Tariff, which may be rendered necessary by circumstances.

(b) To prove the administrative Accounts of the Superior Custom Administration in their whole extent, to examine the results of the general Accounts of the last Year, and to settle the definitive Accounts between the States of the Union.

(c) To arrange and settle the list of Persons to be employed for the following year.

(d.) To decide upon all applications and complaints, respecting the measures taken, and arrangements made, by the Superior Custom-house Administration, addressed to the Congress.

(e.) To settle the measures, as to the police and administrative concerns, which are placed beyond the competency of the Superior Custom-house Administration, and to confirm or rescind their provisional regulations.

XXXVIII. In deliberating upon the objects set forth in § a, b, and c, of the foregoing Article, the Members of the Congress are bound by the Instructions which, for that purpose, they have received from



their respective Courts, to which is reserved the ratification of their Resolutions.

In the cases pointed out in § *d* and *e*, the Congress acts as Umpire, and the Members thereof are bound by no instructions, but only by their own conviction.

The Congress, however, can only constitute itself into such a Court of Arbitration after it shall have been reinforced by skilful Men versed in such matters.

The latter shall be chosen, after mature consideration, by the Plenipotentiaries-General; and their number is fixed at 3, so long as the Congress consists of 4 Plenipotentiaries; to 2, when the same consists of 5, 7, or 9 Plenipotentiaries, and to 1, when it consists of 6, 8, or 10 Plenipotentiaries.

Should no confirmation of the Resolutions upon the objects follow in § *b* and *c*, and no ratification take place 4 weeks after the determination, then, in the above manner, the assembled Court of Arbitration shall decide thereupon.

On the other hand, the Regulations contained in the present Fundamental Treaty can only be changed, elucidated, or added to, by the unanimous consent of the High Members of the Union.

In like manner, changes can only take place in the Custom-house Ordinance, and Tariff, and in the organization of the Administration, by the mutual consent of the High Contracting Parties.

XXXIX. Should extraordinary events occur in the course of the Year, out of the usual time of the Meeting of the Congress, which demand immediate Resolutions, concerning alterations of the Tariffs, or other Enactments, the High Contracting Parties shall assemble thereupon in a diplomatick manner, or constitute an extraordinary Congress.

XL. The expence for the Plenipotentiaries and their Colleagues falls upon that Government which appoints them.

The payment of such professional men as shall assist the Congress, as well as that of the inferior Persons for whom the Congress has occasion in its labours, shall be made at the common expence, out of the Customs of the Union.

XLI. It shall be permitted to each of the Contracting Parties, after the lapse of the first 3 Years, (reckoning from the day on which the Union comes into operation) to separate from the same at any time, provided they give notice of such intention a Year before.

The Custom-house Union can only be dissolved, in the event of the German States of the Confederation agreeing upon common Regulations, which may fulfil the intention of the Custom-house Union, and this only from the period when the Resolutions of the Assembly of the Confederacy come into effect.

In like manner, when the common Regulations, concerning the free Commerce and Trade in articles of provision, shall be resolved

upon in the German States of the Federation, those Regulations shall supersede the Enactments made upon the subject by the Union.

XLII. In case of secession from the Union, or of the dissolution of the same, each seceding State must take back the Officers and Servants appointed by it, and shall receive back again the Inventory of the Office belonging to them.

XLIII. The Bavarian weights and measures shall regulate the common Custom-house Tariff, and the Custom-house Duties levied according to the same.

For that object, the weights shall be supplied at the expence of the Union, to those Authorities who levy, and are not yet provided with them.

The measures differing from those of Bavaria shall be reduced to the scale mentioned, and particular Laws for reducing them to that scale shall be published.

XLIV. As to the Duties of appraising and stamping, the Authorities shall be guided according to the usages of the Laws of the State, in each of the States of the Union, and the Receipts shall be exclusively accounted for to the respective Governments.

XLV. The Superior Custom Administrations, and the exterior Authorities for inspection and levying, shall carry the Arms, and have the denomination, of that State in which they are established.

The same shall take place with regard to the Policies of Insurance, and the marginal legend shall designate the State in which the Establishment is situated; one stamp shall bear the Arms of the said State, along with the name and qualities of service of the Custom-house Establishment, as a legend; the other, on the opposite side, shall contain the legend, "*Custom-house Union*," and in the centre the current number.

XLVI. The Governments of the Country undertake to furnish the appurtenances and furniture for the Offices of Customs situated in their Dominions, and to keep the same in order.

XLVII. In case of the dissolution of the Union, the local, personal, and special Acts of the Governments shall be returned to that Government to which they refer.

The part which belongs to them in general, as well as the Accounts and Registers of the Union, shall remain in possession of the Crown of Bavaria, which, however, is bound, for the space of 3 Years, to permit the inspection of those Acts of Registry, as well as the taking of Extracts and Copies of the same.

XLVIII. The revisions and justifications of Accounts, not yet admitted, at the time of the commencement of this Union, shall be definitively settled by the former Custom-house Administrations of the united Powers, according to the rules laid down respecting such Accounts by the respective State, and the balances receivable

and payable, belong exclusively to the Chest of the Government concerned.

In like manner shall the legal processes for debts, concerning the non-payment of Duties, be definitively settled by the Authorities and Places of the Country.

XLIX. In case of the dissolution of the Union, the arrears shall be demanded of that Government in whose Dominion they are outstanding, and, within 2 Years, at furthest, they shall be paid to the Union in cash, and shall be then distributed among the respective States according to the standard of division laid down in the Treaty.

L. The present Fundamental Treaty, executed in duplicate, shall be submitted for the approbation of both the Royal Courts, and the mutual Exchange of the Instruments of Ratification shall take place, at Munich, at the latest, within 14 days.

In witness whereof the Plenipotentiaries of both Parties have signed this Fundamental Treaty, and sealed it, at Munich, the 18th of January, 1828.

BARON VON SCHMITZ-GROLLENBURG.

CHRISTOPH VON HERZOG.

BARON VON ZENTNER.

*TREATY of Commerce and Navigation between The United States and Prussia.—Signed at Washington, 1st May, 1828.*

*Treaty of Commerce and Navigation between The United States of America, and His Majesty the King of Prussia.*

The United States of America and His Majesty the King of Prussia, equally animated with the desire of maintaining the relations of good understanding, which have hitherto so happily subsisted between their respective States, of extending, also, and consolidating the commercial intercourse between them, and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of Navigation, and a perfect reciprocity, based upon principles of equity, equally beneficial

*Traité de Commerce et de Navigation, entre Sa Majesté le Roi de Prusse et les Etats-Unis d'Amérique.*

Sa Majesté le Roi de Prusse et les Etats-Unis d'Amérique, également animés du désir de maintenir les rapports de bonne intelligence qui ont si heureusement subsisté jusqu'ici entre Leurs Etats respectifs, et d'en étendre et consolider les relations commerciales; et convaincus que cet objet ne sauroit être mieux rempli qu'en adoptant le système d'une entière liberté de Navigation et d'une parfaite réciprocité, basé sur des principes d'équité également avantageux aux deux Pays, et applicables en temps de Paix comme

to both Countries, and applicable, in time of Peace as well as in time of War, have, in consequence, agreed to enter into Negotiations for the conclusion of a Treaty of Navigation and Commerce, for which purpose the President of The United States has conferred Full Powers on Henry Clay, their Secretary of State, and His Majesty the King of Prussia has conferred like Powers on the Sieur Ludwig Niederstetter, Chargé d'Affaires of His Majesty, near The United States; and the said Plenipotentiaries having exchanged their said Full Powers, found in good and due form, have concluded and signed the following Articles :

ART. I. There shall be between the Territories of the High Contracting Parties, a reciprocal liberty of Commerce and Navigation. The Inhabitants of their respective States shall mutually have liberty to enter the Ports, Places, and Rivers of the Territories of each Party, wherever Foreign Commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said Territories, in order to attend to their affairs; and they shall enjoy to that effect, the same security and protection as Natives of the Country wherein they reside, on condition of their submitting to the Laws and Ordinances there prevailing.

II. Prussian Vessels arriving, either laden or in ballast, in the Ports of The United States of America, and reciprocally, Vessels of the United States arri-

en temps de Guerre; sont en conséquence convenus d'entrer en Négotiation, pour conclure un Traité de Commerce et de Navigation. A cet effet, Sa Majesté le Roi de Prusse a muni de Pleins-pouvoirs le Sieur Louis Niederstetter, Chargé d'Affaires de Sa dite Majesté près les Etats-Unis d'Amérique; et le Président des Etats-Unis d'Amérique a muni des mêmes Pouvoirs Henri Clay, Leur Secrétaire d'Etat, lesquels Plénipotentiaires, après avoir échangé leurs dits Pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivans :

ART. I. Il y aura entre les Territoires des Hautes Parties Contractantes, liberté et réciprocité de Commerce et de Navigation. Les Habitans de leurs Etats respectifs pourront réciproquement entrer dans les Ports, Places et Rivières des Territoires de chacune d'Elles, partout où le Commerce étranger est permis. Ils seront libres de s'y arrêter, et résider dans quelque partie que ce soit des dits Territoires, pour y vaquer à leurs affaires; et ils jouiront, à cet effet, de la même sécurité et protection que les Habitans du Pays dans lequel ils résideront, à charge de se soumettre aux Lois et Ordonnances y établies.

II. Les Bâtimens Prussiens arrivant sur lest ou chargés dans les Ports des Etats-Unis d'Amérique, et réciproquement, les Bâtimens des Etats-Unis arrivant sur lest



ving, either laden or in ballast, in the Ports of the Kingdom of Prussia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as National Vessels coming from the same places, with respect to the duties of tonnage, light-houses, pilotage, salvage, and port charges, as well as to the fees and perquisites of Public Officers, and all other duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the Local Authorities, or of any private Establishment whatsoever.

III. All kinds of merchandize and articles of Commerce, either the produce of the soil or the industry of the United States of America, or of any other Country, which may be lawfully imported into the Ports of the Kingdom of Prussia, in Prussian Vessels, may also be imported in Vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the Local Authorities, or of any private Establishments whatsoever, than if the same merchandize or produce had been imported in Prussian Vessels. And reciprocally, all kind of merchandize and Articles of Commerce, either the produce of the soil, or of the industry of the Kingdom of Prussia, or of any other Country, which may be lawfully imported into the Ports of The United States, in Vessels of

ou chargés dans les Ports du Royaume de Prusse, seront traités à leur entrée, pendant leur séjour, et à leur sortie, sur le même pied que les Bâtimens Nationaux venant du même lieu, par rapport aux droits de tonnage, de fanaux, de pilotage, de sauvetage et de port, ainsi qu'aux vacations des Officiers Publics, et à tout autre droit ou charge, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du Gouvernement, des Autorités Locales, ou d'Etablissements particuliers quelconques.

III. Toute espèce de Marchandises et objets de Commerce, provenant du sol ou de l'industrie des Etats-Unis d'Amérique, ou de tout autre Pays, qui pourront légalement être importés dans les Ports du Royaume de Prusse, sur des Bâtimens Prussiens, pourront également y être importés sur des Bâtimens des Etats-Unis d'Amérique, sans payer d'autres ou plus forts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du Gouvernement, des Autorités Locales, ou d'Etablissements particuliers quelconques, que s'ils étaient importés sur des Bâtimens Prussiens. Et réciproquement, toute espèce de marchandises et objets de Commerce, provenant du sol ou de l'industrie du Royaume de Prusse, ou de tout autre Pays, qui pourront légalement être importés dans les Ports des Etats Unis d'Amérique, sur des Bâtimens des

the said States, may also be so imported in Prussian Vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the Local Authorities, or of any private Establishment whatsoever, than if the same merchandize or produce had been imported in Vessels of The United States of America.

IV. To prevent the possibility of any misunderstanding, it is hereby declared, that the Stipulations contained in the 2 preceding Articles, are, to their full extent, applicable to Prussian Vessels and their cargoes arriving in the Ports of the United States of America, and, reciprocally, to Vessels of the said States, and their cargoes, arriving in the Ports of the Kingdom of Prussia, whether the said Vessels clear directly from the Ports of the Country to which they respectively belong, or from the Ports of any other Foreign Country.

V. No higher or other duties shall be imposed on the importation into The United States, of any article, the produce or manufacture of Prussia; and no higher or other duties shall be imposed on the importation into the Kingdom of Prussia of any article, the produce or manufacture of The United States, than are, or shall be, payable on the like articles, being the produce or manufacture of any other Foreign Country. Nor shall any prohibition be imposed on the importation or exportation of any article, the produce or

aits Etats, pourront également y être importés sur des Bâtimens Prussiens, sans payer d'autres ou plus forts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du Gouvernement, des Autorités Locales, ou d'Etablissements particuliers quelconques, que s'ils étaient importés sur des Bâtimens des Etats-Unis d'Amérique.

IV. Afin de prévenir tout mésentendu et équivoque possibles, il est déclaré que les Stipulations contenues dans les 2 Articles précédens, sont, dans toute leur plénitude, applicables aux Bâtimens Prussiens et leurs cargaisons, arrivant dans les Ports des Etats-Unis d'Amérique; et, réciproquement, aux Bâtimens des dits Etats et leurs cargaisons, arrivant dans les Ports du Royaume de Prusse, soit que les dits Bâtimens viennent des Ports du Pays auquel ils appartiennent, soit de ceux de tout autre Pays Etranger.

V. Il ne sera imposé d'autres ni de plus forts droits sur l'importation dans les Etats-Unis, des articles provenant du sol ou de l'industrie du Royaume de Prusse; et il ne sera imposé d'autres ni de plus forts droits sur l'importation dans le Royaume de Prusse des articles provenant du sol ou de l'industrie des Etats-Unis, que ceux qui sont ou seront imposés sur les mêmes articles provenant du sol ou de l'industrie de tout autre Pays Etranger. De même, il ne sera imposé sur l'importation ou sur l'exportation des articles

manufacture of The United States, or of Prussia, to or from the Ports of the United States, or to or from the Ports of Prussia, which shall not equally extend to all other Nations.

VI. All kind of merchandize and articles of Commerce, either the produce of the soil or of the industry of the United States of America, or of any other Country, which may be lawfully exported from the Ports of the said United States, in National Vessels, may also be exported therefrom in Prussian Vessels, without paying other or higher Duties, or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the Local Authorities, or of any private Establishments whatsoever, than if the same merchandize or produce had been exported in Vessels of the United States of America.

An exact reciprocity shall be observed in the Ports of the Kingdom of Prussia, so that all kind of merchandize and articles of Commerce, either the produce of the soil, or the industry of the said Kingdom, or of any other Country, which may be lawfully exported from Prussian Ports, in National Vessels, may also be exported therefrom in Vessels of the United States of America, without paying other or higher Duties, or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the Local Authorities, or of any private Establish-

provenant du sol ou de l'industrie des Etats-Unis ou du Royaume de Prusse, à l'entrée ou à la sortie des Ports des Etats-Unis, ou de ceux du Royaume de Prusse, aucune prohibition qui ne soit pas également applicable à toute autre Nation.

VI. Toute espèce de marchandises et objets de Commerce, provenant du sol ou de l'industrie des Etats-Unis, ou de tout autre Pays, qui pourront être légalement exportés des Ports des dits Etats sur des Bâtimens Nationaux, pourront également en être exportés sur des Bâtimens Prussiens, sans payer d'autres ni de plus forts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du Gouvernement, des Autorités Locales, ou d'Etablissements particuliers quelconques, que si ces mêmes marchandises ou denrées avoient été exportées par Bâtimens des Etats-Unis d'Amérique.

Une parfaite réciprocité sera observée dans les Ports du Royaume de Prusse, de sorte que toute espèce de marchandises et objets de Commerce, provenant du sol ou de l'industrie du Royaume de Prusse, ou de tout autre Pays, qui pourront être légalement exportés des Ports du dit Royaume, sur des Bâtimens Nationaux, pourront également en être exportés sur des Bâtimens des Etats-Unis d'Amérique, sans payer d'autres ou de plus forts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du Gouvernement, des Autorités Locales, ou d'Etablissements

ments whatsoever, than if the same merchandize or produce had been exported in Prussian Vessels.

VII. The preceding Articles are not applicable to the coastwise navigation of the two Countries, which is respectively reserved by each of the High Contracting Parties, exclusively to itself.

VIII. No priority or preference shall be given, directly or indirectly, by either of the Contracting Parties, nor by any Company, Corporation, or Agent acting on their behalf, or under their authority, in the purchase of any article of Commerce lawfully imported, on account of, or in reference to, the character of the Vessel, whether it be of the one Party or of the other, in which such article was imported: it being the true intent and meaning of the Contracting Parties, that no distinction or difference, whatever, shall be made in this respect.

IX. If either Party shall hereafter grant to any other Nation, any particular favour in Navigation or Commerce, it shall immediately become common to the other Party, which shall enjoy the same freely, if freely granted to such other Nation, or on yielding the same compensation, when the grant is conditional.

X. The two Contracting Parties have granted to each other the liberty of having, each, in the Ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries, of their own appointment, who shall enjoy the same privi-

particuliers quelconques, que si ces marchandises ou denrées avoient été exportées sur des Bâtimens Prussiens.

VII. Les Articles précédens ne sont pas applicables à la navigation des côtes ou cabotage de chacun des deux Pays, que l'une et l'autre des Hautes Parties Contractantes se réservent exclusivement.

VIII. Il ne sera accordé, ni directement, ni indirectement, par l'une ou par l'autre des Parties Contractantes, ni par aucune Compagnie, Corporation, ou Agent agissant en son nom ou par son autorité, aucune priorité ou préférence quelconque pour l'achat d'aucun objet de Commerce, légalement importé, à cause ou en considération de la Nationalité du Navire qui aurait importé les dits objets, soit qu'il appartienne à l'une des Parties, soit à l'autre: l'intention bien positive des Parties Contractantes étant, qu'aucune différence ou distinction quelconque n'ait lieu à cet égard.

IX. Si l'une des Parties Contractantes accorde par la suite, à d'autres Nations, quelque faveur particulière en fait de Commerce ou de Navigation, cette faveur deviendra aussitôt commune à l'autre Partie, qui en jouira gratuitement, si la concession est gratuite, ou en accordant la même compensation, si la concession est conditionnelle.

X. Les deux Parties Contractantes se sont accordé mutuellement la faculté, de tenir dans Leurs Ports respectifs, des Consuls, Vice-Consuls, Agens et Commissaires de leur choix, qui jouiront des mêmes privilèges et pouvoirs dont



leges and powers of those of the most favoured Nations, but if any such Consul shall exercise Commerce, they shall be submitted to the same Laws and Usages to which the private Individuals of their Nation are submitted, in the same place.

The Consuls, Vice-Consuls, and Commercial Agents, shall have a right, as such, to sit as Judges and Arbitrators, in such differences as may arise between the Captains and Crews of the Vessels, belonging to the Nation whose interests are committed to their charge, without the interference of the Local Authorities, unless the conduct of the Crew, or of the Captain, should disturb the order and tranquillity of the Country; or the said Consuls, Vice-Consuls, or Commercial Agents, should require their assistance to cause their decisions to be carried into effect, or supported. It is, however, understood, that this species of judgment or arbitration, shall not deprive the contending Parties of the right they have to resort, on their return, to the Judicial Authority of their Country.

XI. The said Consuls, Vice-Consuls, and Commercial Agents, are authorized to require the assistance of the Local Authorities, for the search, arrest, and imprisonment of the Deserters from the Ships of War and merchant Vessels of their Country. For this purpose they shall apply to the competent Tribunals, Judges, and Officers, and shall, in writing, demand said Deserters, proving, by the exhibitions of the Registers of the Vessels, the Rolls of the Crews,

jouissent ceux des Nations les plus favorisées; mais dans le cas où les dits Consuls veuillent faire le Commerce, ils seront soumis aux mêmes Lois et Usages, auxquels sont soumis les Particuliers de leur Nation à l'endroit où ils résident.

Les Consuls, Vice-Consuls et Agens Commerciaux, auront le droit, comme tels, de servir de Juges et d'Arbitres dans les différends qui pourraient s'élever entre les Capitaines et les équipages des Bâtimens de la Nation dont ils soignent les intérêts, sans que les Autorités Locales puissent y intervenir, à moins que la conduite des équipages ou du Capitaine ne troublât l'ordre ou la tranquillité du Pays, ou que les dits Consuls, Vice-Consuls ou Agens Commerciaux, ne requissent leur intervention pour faire exécuter ou maintenir leurs décisions. Bien entendu, que cette espèce de jugement ou d'arbitrage ne saurait pourtant priver les Parties contendantes du droit qu'elles ont, à leur retour, de recourir aux Autorités Judiciaires de leurs Pays.

XI. Les dits Consuls, Vice-Consuls ou Agens Commerciaux, seront autorisés à requérir l'assistance des Autorités Locales, pour la recherche, l'arrestation, la détention et l'emprisonnement des Déserteurs des Navires de Guerre et marchands de leurs Pays; et ils s'adresseront, pour cet objet, aux Tribunaux, Juges et Officiers compétens, et réclameront, par écrit, les Déserteurs susmentionnés, en prouvant par la communication des Régistres des Navires ou

or by other official Documents, that such Individuals formed part of the Crews; and on this reclamation being thus substantiated, the surrender shall not be refused. Such Deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the publick Prisons, at the request and cost of those who shall claim them, in order to be sent to the Vessels to which they belonged, or to others of the same Country. But if not sent back within 3 months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the Deserter should be found to have committed any crime or offence, his surrender may be delayed until the Tribunal before which his case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

**XII.** The XIIth Article of the Treaty of Amity and Commerce, concluded between the Parties in 1785,\* and the Articles from the XIIIth to the XXIVth inclusive, of that which was concluded at Berlin, in 1799,† with the exception of the last paragraph in the XIXth Article, relating to the Treaty with Great Britain, are hereby revived, with the same force and virtue as if they made part of the context of the present Treaty; it being, however, understood, that the Stipulations contained in the Articles thus revived, shall be always considered as in no manner affecting

Rôles de l'équipage, ou par d'autres Documents officiels, que de tels Individus ont fait partie des dits équipages; et cette réclamation, ainsi prouvée, l'extradition ne sera point refusée. De tels Déserteurs, lorsqu'ils auront été arrêtés, seront mis à la disposition des dits Consuls, Vice-Consuls ou Agens Commerciaux, et pourront être enfermés dans les Prisons Publiques, à la réquisition et aux frais de ceux qui les réclament, pour être envoyés aux Navires auxquels ils appartenoient, ou à d'autres de la même Nation; mais s'ils ne sont pas renvoyés dans l'espace de 3 mois, à compter du jour de leur arrestation, ils seront mis en liberté, et ne seront plus arrêtés pour la même cause. Toutefois, si le Déserteur se trouvoit avoir commis quelque crime ou délit, il pourra être sursis à son extradition, jusqu'à ce que le Tribunal saisi de l'affaire aura rendu sa sentence, et que celle-ci ait reçu son exécution.

**XII.** L'Article XII du Traité d'Amitié et de Commerce conclu entre les Parties en 1785;\* et les Articles XIII et suivans, jusqu'à l'Article XXIV inclusivement, du Traité conclu à Berlin, en 1799,† en exceptant le dernier paragraphe de l'Article XIX, touchant les Traités avec la Grande-Bretagne, sont remis en vigueur, et auront la même force et valeur que s'ils faisaient partie du présent Traité. Il est entendu cependant, que les Stipulations contenues dans les Articles ainsi remis en vigueur, seront toujours censées ne rien changer aux Traités et Conven-

\* See Page 885.

† See Page 886.

the Treaties or Conventions concluded by either Party with other Powers during the interval between the expiration of the said Treaty of 1799, and the commencement of the operation of the present Treaty.

The Parties still being desirous, in conformity with their intention, declared in the XIIth Article of the said Treaty of 1799,\* to establish between themselves, or in concert with other Maritime Powers, further provisions to insure just protection and freedom to neutral Navigation and Commerce, and which may, at the same time, advance the cause of civilisation and humanity, engage again to treat

tions conclus de part et d'autre, avec d'autres Puissances, dans l'intervalle écoulé entre l'expiration du Traité de 1799 et le commencement de la mise en vigueur du présent Traité.

Les Parties Contractantes désirant toujours, conformément à l'intention, déclarée dans l'Article XII du dit Traité de 1799,\* pourvoir entre Elles, ou conjointement avec d'autres Puissances Maritimes, à des Stipulations ultérieures, qui puissent servir à garantir une juste protection et liberté au Commerce et à la Navigation des Neutres, et à aider la cause de la civilisation et de l'humanité, s'engagent ici,

\* Art. XII. of the Treaty between The United States and Prussia, of 1799.

Experience having proved, that the principle adopted in the XIIth Article of the Treaty of 1785,† according to which *free ships make free goods*, has not been sufficiently respected during the 2 last Wars, and especially in that which still continues, the 2 Contracting Parties propose, after the return of a general Peace, to agree, either separately between themselves, or jointly with other Powers alike interested, to concert with the great Maritime Powers of Europe, such arrangements and such permanent principles, as may serve to consolidate the liberty and the safety of the neutral Navigation and Commerce in future Wars. And if, in the interval, either of the Contracting Parties should be engaged in a War, to which the other should remain neutral, the Ships of War and Privateers of the Belligerent Power shall conduct themselves towards the Merchant Vessels of the neutral Power, as favorably as the course of the War then existing may permit, observing the principles and rules of the Law of Nations, generally acknowledged.

L'expérience ayant démontré, que le principe adopté dans l'Article XII., du Traité de 1785,† selon lequel *les Vaisseaux libres rendent aussi les marchandises libres*, n'a pas été suffisamment respecté dans les 2 dernières Guerres, et notamment dans celle qui dure encore, les 2 Parties Contractantes se réservent de s'entendre après le retour de la paix générale, soit séparément entr'elles, soit conjointement avec d'autres Puissances cointéressées, pour concerter avec les grandes Puissances Maritimes de l'Europe, tels arrangements et tels principes permanens, qui puissent servir à consolider la liberté et la sûreté de la Navigation et du Commerce neutres dans les Guerres futures. Et si, pendant cet intervalle, l'une des Parties Contractantes se trouve engagée dans une Guerre à laquelle l'autre reste neutre, les Vaisseaux de Guerre et les armateurs de la Puissance Belligérante, se comporteront, à l'égard de Bâtimens marchands de la Puissance neutre, aussi favorablement que la raison de Guerre, pour lors existante pourra le permettre, en observant les principes et les règles du droit des gens généralement reconnus.

† See Page 885.



on this subject, at some future and convenient period.

XIII. Considering the remoteness of the respective Countries of the two High Contracting Parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed, that a merchant Vessel belonging to either of them, which may be bound to a Port, supposed, at the time of its departure, to be blockaded, shall not, however, be captured or condemned for having attempted, a first time, to enter said Port, unless it can be proved that said Vessel could, and ought to have learned, during its Voyage, that the Blockade of the place in question still continued. But all Vessels, which, after having been warned off once, shall, during the same Voyage, attempt a second time to enter the same Blockaded Port, during the continuance of said Blockade, shall then subject themselves to be detained and condemned.

XIV. The Citizens or Subjects of each Party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their Representatives, being Citizens or Subjects of the other Party, shall succeed to their personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at their will, paying such dues only as the Inhabitants of the Country wherein the said goods are, shall be subject to pay in like cases. And in case

comme alors, à se concerter ensemble sur ce sujet, à quelque époque future et convenable.

XIII. Vu l'éloignement des Pays respectifs des deux Hautes Parties Contractantes, et l'incertitude qui en résulte sur les divers événemens qui peuvent avoir lieu ; il est convenu qu'un Bâtiment marchand appartenant à l'une d'Elles, qui se trouverait destiné pour un Port, supposé bloqué au moment du départ de ce Bâtiment, ne sera cependant pas capturé ou condamné pour avoir essayé, une première fois, d'entrer dans le dit Port, à moins qu'il ne puisse être prouvé, que le dit Bâtiment avait pu et dû apprendre en route, que l'état de Blocus de la place en question durait encore : mais les Bâtimens qui, après avoir été renvoyés une fois, essayeroient, pendant le même Voyage, d'entrer une seconde fois dans le même Port bloqué, durant la continuation de ce Blocus, se trouveront alors sujets à être détenus et condamnés.

XIV. Les Citoyens ou Sujets de chacune des Parties Contractantes, auront, dans les Etats de l'autre, la liberté de disposer de leurs biens personnels, soit par testament, donation ou autrement, et leurs héritiers, étant Sujets ou Citoyens de l'autre Partie Contractante, succéderont à leurs biens, soit en vertu d'un testament, ou *ab intestato* ; et ils pourront en prendre possession, soit en personne, soit par d'autres agissant en leur place, et en disposeront à leur volonté, en ne payant d'autres droits que ceux auxquels les Habitans du Pays où se trouvent les



of the absence of the Representative, such care shall be taken of the said goods as would be taken of the goods of a Native in like case, until the lawful Owner may take measures for receiving them. And if question should arise among several Claimants, to which of them said goods belong, the same shall be decided finally by the Laws and Judges of the land wherein the said goods are. And where, on the death of any Person holding real estate within the Territories of the one Party, such real estate would, by the Laws of the Land, descend on a Citizen or Subject of the other, were he not disqualified by alienage, such Citizen or Subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction, on the part of the Government of the respective States. But this Article shall not derogate, in any manner, from the force of the Laws already published, or hereafter to be published, by His Majesty the King of Prussia, to prevent the emigration of his Subjects.

XV. The present Treaty shall continue in force for 12 Years, counting from the day of the exchange of the Ratifications; and if, 12 months before the expiration of that period, neither of the High Contracting Parties shall have announced, by an official Notification, to the other, its intention to arrest the operation of said Treaty, it shall remain binding for one Year

dits biens sont assujettis en pareille occasion. En cas d'absence des Héritiers, on prendra provisoirement des dits biens les mêmes soins qu'on auroit pris en pareille occasion des biens des Natifs du Pays, jusqu'à ce que le Propriétaire légitime ait agréé des arrangements pour recueillir l'héritage. S'il s'élève des contestations entre différens Prétendans ayant droit à la succession, elles seront décidées en dernier ressort selon les Lois et par les Juges du Pays où la succession est vacante. Et si, par la mort de quelque Personne possédant des biens-fonds sur le Territoire de l'une des Parties Contractantes, ces biens-fonds venoient à passer, selon les Lois du Pays, à un Citoyen ou Sujet de l'autre Partie, celui-ci, si, par sa qualité d'Etranger, il est inhabile à les posséder, obtiendra un délai convenable pour les vendre et pour en retirer le produit sans obstacle, et exempt de tout droit de retenue de la part du Gouvernement des Etats respectifs. Mais cet Article ne dérogera en aucune manière à la force des Lois qui ont déjà été publiées, ou qui le seront par la suite, par Sa Majesté le Roi de Prusse, pour prévenir l'émigration de ses Sujets.

XV. Le présent Traité sera en vigueur pendant 12 Années, à compter du jour de l'échange des Ratifications; et si, 12 mois avant l'expiration de ce terme, ni l'une ni l'autre des Hautes Parties Contractantes n'annonce à l'autre, par une Déclaration officielle, son intention d'en faire cesser l'effet, le dit Traité restera obligatoire pendant un An au delà de ce terme, et

beyond that time, and so on, until the expiration of the 12 months which will follow a similar Notification, whatever the time at which it may take place.

XVI. This Treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Prussia, and the Ratifications shall be exchanged in the City of Washington, within 9 months from the date of the Signature thereof, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the above Articles, both in the French and English languages, and they have thereto affixed their Seals; declaring, nevertheless, that the signing in both languages shall not be brought into precedent, nor in any way operate to the prejudice of either Party.

Done in triplicate, at the City of Washington, on the 1st day of May, in the Year of our Lord 1828, and the 52nd of the Independence of the United States of America.

(L.S.) H. CLAY.

(L.S.) LUDWIG NIEDER-

STETTER. (L.S.) H. CLAY.

[The Ratifications of the above Treaty were exchanged at Washington, 14th March, 1829.]

ainsi de suite, jusqu'à l'expiration des 12 mois qui suivront une telle Déclaration, à quelque époque qu'elle ait lieu.

XVI. Le présent Traité sera approuvé et ratifié par Sa Majesté le Roi de Prusse, et par le Président des Etats-Unis d'Amérique, par et avec l'avis et le consentement du Sénat des dits Etats; et les Ratifications en seront échangées en la Ville de Washington, dans l'espace de 9 mois, à dater de ce jour, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé les Articles ci-dessus, tant en Français qu'en Anglais, et y ont apposé leurs Sceaux; déclarant, toutefois, que la signature dans ces deux langues ne doit pas, par la suite être citée comme exemple, ni, en aucune manière porter préjudice aux Parties Contractantes.

Fait par triplicata, en la Cité de Washington, le 1 Mai, l'An de Grâce 1828, et le 52 de l'Indépendance des Etats-Unis d'Amérique.

(L.S.) LUDWIG NIEDER-STETTER.

*Article XII. of the Treaty between The United States and Prussia of 1785, revived by Article XII. of the preceding Treaty.*

If one of the Contracting Parties should be engaged in War with any other Power, the free intercourse and commerce of the Subjects or Citizens of the

Si l'une des Parties Contractantes étoit en Guerre avec une autre Puissance, la libre correspondance et le commerce des Citoyens ou Sujets de la Partie

Party remaining neuter with the Belligerent Powers, shall not be interrupted. On the contrary, in that case, as in full Peace, the Vessels of the Neutral Party may navigate freely to and from the Ports and on the coasts of the Belligerent Parties, free Vessels making free goods, insomuch, that all things shall be adjudged free which shall be on board any Vessel belonging to the Neutral Party, although such things belong to an Enemy of the other; and the same freedom shall be extended to Persons who shall be on board a free Vessel, although they should be Enemies to the other Party, unless they be Soldiers in actual service of such Enemy.

qui demeure neutre envers les Puissances Belligérantes, ne seront point interrompus. Au contraire, et dans ce cas, comme en pleine Paix, les Vaisseaux de la Partie Neutre, pourront naviguer en toute sûreté dans les Ports et sur les côtes des Puissances Belligérantes, les Vaisseaux libres rendant les marchandises libres, en tant qu'on regardera comme libre tout ce que sera à bord d'un Navire appartenant à la Partie Neutre, quand même ces effets appartiendroient à l'Ennemi de l'autre. La même liberté s'étendra aux Personnes qui se trouveront à bord d'un Vaisseau libre, quand mêmes elles seroient Ennemis de l'autre Partie, excepté que ce fussent des Gens de Guerre, actuellement au service de l'Ennemi.

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*Articles of the Treaty between The United States and Prussia of 1799, revived by the XIIth Article of the preceding Treaty.*

ART. XIII. And in the same case, of one of the Contracting Parties being engaged in War with any other Power, to prevent all the difficulties and misunderstandings that usually arise respecting merchandize of contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the Vessels, or by the Subjects or Citizens of either Party, to the Enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation, and a loss of property to Individuals. Nevertheless, it shall be lawful to stop such Vessels and articles, and to detain them for such length of time as the Captors may think

ART. XIII. Dans le cas où l'une des Parties Contractantes se trouveroit en Guerre avec une autre Puissance, il a été convenu, que pour prévenir les difficultés, et les discussions, qui surviennent ordinairement par rapport aux marchandises de contrebande, telles que armes et munitions de toute espèce, aucun de ces articles, chargés à bord des Vaisseaux des Sujets ou Citoyens de l'une des Parties, et destinés pour l'Ennemi de l'autre, ne sera censé contrebande, au point d'impliquer confiscation ou condamnation, et d'entraîner la perte de la propriété des Individus. Néanmoins, il sera permis d'arrêter ces sortes de Vaisseaux et effets, et de les retenir

necessary to prevent the inconvenience or damage that might ensue from their proceeding;” paying, however, a reasonable compensation for the loss such arrest shall occasion to the Proprietors; and it shall further be allowed to use, in the service of the Captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But, in the case supposed, of a Vessel stopped for articles of contraband, if the Master of the Vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the Vessel shall not, in that case, be carried into any Port, nor further detained, but shall be allowed to proceed on her voyage.

All cannons, mortars, fire arms, pistols, bombs, grenades, bullets, balls, muskets, flints, matches, powder, saltpetre, sulphur, cuirasses, pikes, swords, belts, cartouch boxes, saddles, and bridles, beyond the quantity necessary for the use of the Ship, or beyond that which every Man, serving on board the Vessel, or Passenger, ought to have; and, in general, whatever is comprised under the denomination of arms and military stores, of what description soever, shall be deemed objects of contraband.

XIV. To ensure to the Vessels of the two Contracting Parties the advantage of being readily and certainly known in time of War, it is agreed, that they shall

pendant tout le tems que le Preneur croira nécessaire, pour prévenir les inconvéniens et les dommages qui pourroient en résulter autrement; mais dans ce cas on accordera une compensation raisonnable pour les pertes, qui auront été occasionnées par la saisie. Et il sera permis en outre aux Preneurs d'employer à leur service, en tout ou en partie, les munitions militaires detenues, en payant aux Propriétaires la pleine valeur, à déterminer sur le prix qui aura cours à l'endroit de leur destination; mais si dans le cas énoncé d'un Vaisseau arrêté pour des articles de contrebande, le Maître du Navire consent à delivrer les marchandises suspectes, il aura la liberté de la faire, et le Navire ne sera plus amené dans le Port, ni detenu plus longtems, mais aura toute liberté de poursuivre sa route.

Seront censés objets de contrebande, les canons, mortiers, armes à feu, pistolets, bombes, grenades, boulets, balles, fusils, pierres à feu, mèches, poudre, salpêtre, souffre, cuirasses, piques, épées, ceinturons, poches à cartouches, selles et brides, au dela de la quantité nécessaire pour l'usage du Vaisseau, et au dela de celle que doit avoir chaque Homme servant sur le Vaisseau, ou Passager, et en général tout ce qui est compris sous la dénomination d'armes et munitions de Guerre, de quelque espèce qu'elles puissent être.

XIV. Pour assurer aux Vaisseaux des deux Parties Contractantes, l'avantage d'être promptement et sûrement reconnus en tems de Guerre, on est convenu



be provided with the Sea-letters and Documents hereafter specified :

1. A Passport, expressing the name, the property, and the burden of the Vessel, as also the name and dwelling of the Master; which Passport shall be made out in good and due form, shall be renewed as often as the Vessel shall return into Port, and shall be exhibited whensoever required, as well in the open Sea as in Port. But if the Vessel be under convoy of one or more Vessels of War belonging to the Neutral Party, the simple declaration of the Officer commanding the Convoy, that the said Vessel belongs to the Party of which he is, shall be considered as establishing the fact, and shall relieve both Parties from the trouble of further examination.

2. A Charter Party; that is to say, the Contract passed for the freight of the whole Vessel; or the Bills of Lading given for the Cargo in detail.

3. The list of the Ship's Company; containing an indication by name, and in detail, of the Persons composing the Crew of the Vessel. These Documents shall always be authenticated according to the forms established at the place from which the Vessel shall have sailed.

As their production ought to be exacted only when one of the Contracting Parties shall be at War, and as their exhibition ought to have no other object than to prove the Neutrality of the Vessel, its Cargo, and Com-

qu'ils devront être munis des Lettres de Mer et Documents spécifiés ci-après :

1. D'un Passeport, exprimant le nom, le propriétaire et le Port du Navire, ainsi que le nom et le domicile du Maître. Ces Passeports, qui seront expédiés en bonne et due forme, devront être renouvelés toutes les fois que le Vaisseau retournera dans son Port, et seront exhibés à chaque requisi-  
sition, tant en pleine Mer, que dans le Port. Mais si le Navire se trouve sous le Convoi d'un ou de plusieurs Vaisseaux de Guerre, appartenants à la Partie Neutre, il suffira que l'Officier commandant le Convoi déclare que le Navire est de son Parti; moyennant quoi cette simple déclaration sera censée établir le fait et dispensera les deux Parties de toute visite ultérieure.

2. De la Certe-parte, c'est à dire, du Contrât passé pour le frêt de tout le Navire, ou des Connoissemens donnés pour la Cargaison en général. Et

3. Du rôle d'Equipage, contenant l'indication nominale et détaillée des Personnes, qui composent l'Equipage du Navire. Ces Documents seront toujours expédiés dans la forme établie à l'endroit d'où le Navire aura mis à la voile.

Comme leur production ne doit être exigée que dans le cas où l'une des Parties Contractantes seroit en Guerre, et que leur exhibition ne doit avoir d'autre but, que de prouver la Neutralité des Vaisseaux, de leurs Equipages et

pany, they shall not be deemed absolutely necessary on board such Vessels, belonging to the Neutral Party, as shall have sailed from its Ports before, or within 3 months after, the Government shall have been informed of the state of War in which the Belligerent Party shall be engaged. In the interval, in default of these specific Documents, the Neutrality of the Vessel may be established by such other evidence as the Tribunals, authorized to judge of the case, may deem sufficient.

XV. And to prevent entirely all disorder and violence, in such cases, it is stipulated, that when the Vessels of the Neutral Party, sailing without convoy, shall be met by any Vessel of War, public or private, of the other Party, such Vessel of War shall not send more than 2 or 3 men, in their boat, on board the said Neutral Vessel, to examine her Passports and Documents. And all Persons belonging to any Vessel of War, public or private, who shall molest or insult, in any manner whatever, the People, Vessels, or Effects of the other Party, shall be responsible, in their persons and property, for damages and interest; sufficient security for which shall be given by all Commanders of private armed Vessels before they are commissioned.

XVI. In times of War, or in cases of urgent necessity, when either of the Contracting Parties shall be obliged to lay a general embargo, either in all its Ports, or in certain particular places, the

de leurs Cargaisons, ils ne seront pas censés absolument nécessaires à bord des Navires de la Partie Neutre, qui seront sortis de ses Ports, avant, ou 3 mois après, que le Gouvernement aura eu connoissance de l'état de Guerre où se trouve la Partie Belligérante. Pendant cet intervalle le Navire pourra, au défaut des Documents ci-dessus spécifiés, prouver sa Neutralité par tel autre témoignage, que les Tribunaux, appelés à juger du cas, trouveront suffisants.

XV. Pour prévenir entièrement tout désordre et toute violence en pareil cas, il a été stipulé, que lorsque les Navires de la Partie Neutre, naviguant sans convoi, rencontreront quelque Vaisseau de Guerre, public ou particulier, de l'autre Partie, le Vaisseau de Guerre n'enverra pas plus de 2 ou 3 hommes dans sa chaloupe à bord du Navire Neutre, pour examiner les Passeports et Documents. Et toutes les Personnes appartenantes à quelque Vaisseau de Guerre, public ou particulier, qui molesteront ou insulteront, en quelque manière que ce soit, l'Equipage, les Vaisseaux ou Effets de l'autre Partie, seront responsables en leurs personnes et en leurs biens, de tous dommages et intérêts, pour lesquels il sera donné caution suffisante par tous les Commandans de Vaisseaux armés en course, avant qu'ils reçoivent leurs commissions.

XVI. Dans le tems de Guerre, et le cas de nécessité urgente, où l'une des Parties Contractantes se verroit obligée d'établir un embargo général, soit dans tous les Ports de sa domination, soit dans

Vessels of the other Party shall be subject to this measure, upon the same footing as those of the most favoured Nations, but without having the right to claim the exemption in their favour stipulated in the XVIth Article of the former Treaty of 1785.\* But, on the other hand, the Proprietors of the Vessels which shall have been detained, whether for some Military Expedition, or for what other use soever, shall obtain from the Government that shall have employed them, an equitable indemnity, as well for the freight as for the loss occasioned by the delay. And furthermore, in all cases of seizure, detention, or arrest, for debts contracted, or offences committed by any Citizen or Subject of the one Party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of Law only, and according to the regular course of proceedings usual in such cases.

XVII. If any Vessel or Effects of the Neutral Power be taken by an Enemy of the other, or by a Pirate, and retaken by the Power at War, they shall be restored to the first Proprietor, upon the conditions hereafter stipulated, in the XXIst Article, for cases of recapture.

XVIII. If the Citizens or Subjects of either Party, in danger

certain Ports particuliers, les Vaisseaux de l'autre Partie resteront assujettis à cette mesure, sur le même pied que le seront les Navires des Nations les plus avantageées, sans pouvoir réclamer l'exemption, qui avoit été stipulée en leur faveur dans l'Article XVI de l'ancien Traité de 1785\*. Mais, d'un autre côté, les Propriétaires des Vaisseaux, qui auront été retenus, soit pour quelque Expédition Militaire, soit pour tel autre usage que ce soit, obtiendront du Gouvernement qui les aura employés, une indemnité équitable, tant pour le frêt que pour les pertes occasionnés par le retard. De plus et dans tous les cas de saisie, de détention, ou d'arrêt, soit pour dettes contractées, ou offenses commises par quelque Citoyen ou Sujet de l'une des Parties Contractantes, dans la jurisdiction de l'autre, on procédera uniquement par ordre, et par autorité de la justice, et suivant les voyes ordinaires en pareil cas usitées.

XVII. S'il arrivoit que les Bâtimens ou effets de la Puissance Neutre fussent pris par l'Ennemi de l'autre, ou par un Pirate, et ensuite repris par la Puissance en Guerre, ils seront restitués au premier Propriétaire, aux conditions qui seront stipulées ci-après dans l'Article XXI, pour les cas de reprise.

XVIII. Lorsque les Citoyens ou Sujets de l'une des deux Par-

\* Article XVI. of the Treaty between The United States and Prussia, of 1785.

It is agreed, that the Subjects or Citizens of each of the Contracting Parties, their Vessels and Effects, shall not be liable to any embargo, or detention on the part of the other, for any Military Expedition, or other publick or private purpose whatsoever.

Il a été convenu que les Sujets ou Citoyens de l'une des Parties Contractantes, leurs Vaisseaux et Effets, ne pourront être assujettis à aucun embargo, ni retenus de la part de l'autre, pour quelque Expédition Militaire, ou usage public ou particulier de qui que ce soit.

from tempests, Pirates, Enemies, or other accident, shall take refuge with their Vessels or Effects, within the Harbours or jurisdiction of the other, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions, and other things necessary for their sustenance, health, and accommodation, and for the repair of their Vessels.

XIX. The Vessels of War, publick and private, of both Parties, shall carry freely, wheresoever they please, the Vessels and effects taken from their Enemies, without being obliged to pay any duties, charges, or fees to Officers of Admiralty, of the Customs, or any others; nor shall such Prizes be arrested, searched, or put under legal process, when they come to and enter the Ports of the other Party, but may freely be carried out again, at any time, by their Captors, to the places expressed in their commissions, which the commanding Officers of such Vessels shall be obliged to show.

XX. No Citizen or Subject of either of the Contracting Parties shall take from any Power, with which the other may be at War, any Commission or Letter of Marque, for arming any Vessel to act as a Privateer against the other, on pain of being punished as a Pirate; nor shall either Party hire, lend, or give, any part of its naval or

ties Contractantes, seront forcés par des tempêtes, ou par la poursuite des Corsaires ou Vaisseaux Ennemis, ou par quelque autre accident, à se réfugier avec leurs Vaisseaux ou effets dans les Havres, ou dans la jurisdiction de l'autre, ils seront reçus, protégés, et traités avec humanité et honnêteté. Il leur sera permis de se pourvoir à un prix raisonnable de rafraichissemens, de provisions, et de toutes choses nécessaires, pour leur subsistance, santé et commodité, et pour la réparation de leurs Vaisseaux.

XIX. Les Vaisseaux de Guerre, publics et particuliers, des deux Parties Contractantes, pourront conduire en toute liberté partout où il leur plaira, les Vaisseaux et effets, qu'ils auront pris sur leurs Ennemis, sans être obligés de payer aucuns impôts, charges ou droits, aux Officiers de l'Amirauté, des Douanes, ou autres. Ces prises ne pourront être non plus ni arrêtées, ni visitées, ni soumises à des procédures légales en entrant dans le Port de l'autre Partie, mais elles pourront en sortir librement et être conduites en tout tems par le Vaisseau preneur aux endroits portés par les commissions, dont l'Officier commandant le dit Vaisseau sera obligé de faire montrer.

XX. Aucun Citoyen ou Sujet de l'une des deux Parties Contractantes n'acceptera d'une Puissance, avec laquelle l'autre pourroit être en Guerre, ni Commission, ni Lettre de Marque, pour armer en course contre cette dernière, sous peine d'être puni comme Pirate. Et ni l'un ni l'autre des deux Etats ne louera, prêtera ou



military Force to the Enemy of the other, to aid them offensively or defensively, against the other.

XXI. If the two Contracting Parties should be engaged in a War against a common Enemy, the following points shall be observed between them :

1. If a Vessel of one of the Parties, taken by the Enemy, shall, before being carried into a Neutral or Enemy's Port, be retaken by a Ship of War or Privateer of the other, it shall, with the cargo, be restored to the first Owners, for a compensation of one-eighth part of the value of the said Vessel and cargo, if the recapture be made by a publick Ship of War; and one-sixth part if made by a Privateer.

2. The restitution, in such cases, shall be after due proof of property, and surety given for the part to which the Recaptors are entitled.

3. The Vessels of War, publick and private, of the two Parties, shall reciprocally be admitted, with their Prizes, into the respective Ports of each; but the said Prizes shall not be discharged, or sold there, until their legality shall have been decided, according to the Laws and Regulations of the State to which the Captor belongs, but by the Judicatories of the place into which the Prize shall have been conducted.

4. It shall be free to each Party to make such regulations as they shall judge necessary, for the conduct of their respective Vessels of War, publick and private,

donnera une partie de ses Forces navales ou militaires à l'Ennemi de l'autre, pour l'aider à agir offensively ou défensivement contre l'Etat qui est en Guerre.

XXI. S'il arrivoit que les deux Parties Contractantes fussent en mêmes tems en Guerre contre un Ennemi commun, on observera de part et d'autre les points suivans :

1. Lorsqu'un Navire de l'une des deux Nations sera repris par les Vaisseaux de Guerre ou Armateurs de l'autre, avant d'avoir été conduit dans un Port Ennemi ou Neutre, il sera restitué avec sa cargaison au premier Propriétaire, moyennant une rétribution d'un huitième de la valeur du Navire et de la cargaison, si la reprise a été faite par un Vaisseau de Guerre, et d'un sixième, si elle a été faite par un Armateur.

2. Dans ces cas, la restitution n'aura lieu qu'après les preuves faites de la propriété, sous caution de la quote-part qui en revient à ceux qui ont repris le Navire.

3. Les Vaisseaux de Guerre, publics et particuliers, des deux Parties Contractantes, seront admis réciproquement, avec leurs Prises, dans les Ports respectifs; cependant ces Prises ne pourront y être déchargées, ni vendues, qu'après que la légitimité de la Prise aura été décidée suivant les loix et réglemens de l'Etat dont le Preneur est sujet, mais par la justice du lieu où la Prise aura été conduite.

4. Il sera libre à chacune des Parties Contractantes de faire tels réglemens qu'elles jugeront nécessaires, relativement à la conduite que devront tenir respective-

relative to the Vessels which they shall take and carry into the Ports of the two Parties.

**XXII.** When the Contracting Parties shall have a common Enemy, or shall both be neutral, the Vessels of War of each shall, upon all occasions, take under their protection the Vessels of the other going the same course, and shall defend such Vessels, as long as they hold the same course, against all force and violence, in the same manner as they ought to protect and defend Vessels belonging to the Party of which they are.

**XXIII.** If War should arise between the Two Contracting Parties, the Merchants of either Country, then residing in the other, shall be allowed to remain 9 months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance; and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt, or otherwise destroyed, nor their fields wasted by the armed force of the Enemy, into whose power, by the events of

ment leurs Vaisseaux de Guerre, publics et particuliers, à l'égard des Bâtimens qu'ils auront pris et amenés dans les Ports des deux Puissances.

**XXII.** Lorsque les Parties Contractantes seront engagées en Guerre contre un Ennemi commun, ou qu'elles seront neutres toutes deux, les Vaisseaux de Guerre de l'une prendront en toute occasion sous leur protection les Navires de l'autre, qui font avec eux la même route, et ils les défendront, aussi longtems qu'ils feront voile ensemble, contre toute force et violence, et de la même manière qu'ils protégeroient et défendroient les Navires de leur propre Nation.

**XXIII.** S'il survient une Guerre entre les Parties Contractantes, les Marchands de l'un des deux Etats, qui résideront dans l'autre, auront la permission d'y rester encore 9 mois, pour recueillir leurs dettes actives et arranger leurs affaires, après quoi ils pourront partir en toute liberté, et emporter tous leurs biens sans être molestés ni empêchés. Les femmes et les enfans, les gens de lettres de toutes les facultés, les cultivateurs, artisans, manufacturiers, et pêcheurs, qui ne sont point armés, et qui habitent des villes, villages, ou places non fortifiées, et en général tous ceux dont la vocation tend à la subsistance, et à l'avantage commun du genre humain, auront la liberté de continuer leurs professions respectives, et ne seront point molestés en leurs personnes, ni leurs maisons, ou leurs biens, incendiés, ou autrement détruits, ni leurs

War, they may happen to fall ; but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price.

XXIV. And to prevent the destruction of Prisoners of War, by sending them into distant and inclement Countries, or by crowding them into close and noxious places, the two Contracting Parties solemnly pledge themselves to the World and to each other, that they will not adopt any such practice ; that neither will send the prisoners, whom they may take from the other, into the East Indies, or any other parts of Asia, or Africa ; but they shall be placed in some parts of their Dominions in Europe or America, in wholesome situations ; that they shall not be confined in dungeons, prison ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs ; that the Officers shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common Men be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the Party, in whose power they are, for their own Troops ; that the Officers shall also be daily furnished, by the Party in whose power they are, with as many rations, and of the same articles and quality, as are allowed by them, either in

champs ravagés par les Armées de l'Ennemi, au pouvoir duquel ils pourroient tomber par les évènements de la Guerre ; mais si l'on se trouve dans la nécessité de prendre quelque chose de leurs propriétés pour l'usage de l'Armée Ennemie, la valeur en sera payée à un prix raisonnable.

XXIV. Afin d'adoucir le sort des Prisonniers de Guerre, et de ne les point exposer à être envoyés dans des Climats éloignés et rigoureux, ou resserrés dans des habitations étroites et malsaines, les deux Parties Contractantes s'engagent solennellement, l'une envers l'autre, et à la face de l'Univers, qu'elles n'adopteront aucun de ces usages ; que les Prisonniers qu'elles pourroient faire l'une sur l'autre ne seront transportés ni aux Indes Orientales, ni dans aucune Contrée de l'Asie ou de l'Afrique ; mais qu'on leur assignera en Europe ou en Amérique, dans les Territoires respectifs des Parties Contractantes, un séjour situé dans un air sain, qu'ils ne seront point confinés dans des cachôts, ni dans des prisons, ni dans des vaisseaux de prison, qu'ils ne seront pas mis aux fers, ni garotés, ni autrement privés de l'usage de leurs membres ; que les Officiers seront relâchés sur leur parole d'honneur dans l'enceinte de certains districts qui leur seront fixés, et qu'on leur accordera des logemens commodes ; que les simples Soldats seront distribués dans des cantonnemens ouverts, assez vastes pour prendre l'air, et l'exercice, et qu'ils seront logés dans des barraques aussi spacieuses et aussi commodes, que

kind, or by commutation, to Officers of equal rank in their own army; and all others shall be daily furnished by them with such rations as they shall allow to a common Soldier in their own service; the value whereof shall be paid by the other Party, on a mutual adjustment of accounts for the subsistence of Prisoners, at the close of the War; and the said accounts shall not be mingled with or set off against any others, nor the balances due on them be withheld as a satisfaction or reprisal for any other article, or for any other cause, real or pretended, whatever.

That each Party shall be allowed to keep a Commissary of Prisoners, of their own appointment, with every separate cantonment of Prisoners in possession of the other; which Commissary shall see the Prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends; and shall be free to make his Reports, in open Letters, to those who employ him; but if any Officer shall break his parole, or any other Prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual Officer, or other Prisoner, shall forfeit so

le sont celles des troupes de la Puissance au pouvoir de laquelle se trouvent les prisonniers; que cette Puissance fera pourvoir journellement les Officiers d'autant de rations, composées des mêmes articles et de la même qualité, dont jouissent en nature ou en équivalent les Officiers du même rang qui sont à son propre service; qu'elle fournira également à tous les autres Prisonniers, une ration pareille à celle qui est accordée au Soldat de sa propre armée. Le montant de ces dépenses sera payé par l'autre Puissance, d'après une liquidation de compte, à arrêter réciproquement pour l'entretien des Prisonniers à la fin de la Guerre; et ces comptes ne seront point confondus, ou balancés, avec d'autres comptes, ni la solde qui en est due, retenue, comme compensation, ou représailles, pour tel autre article, ou telle autre prétention réelle, ou supposée.

Il sera permis à chacune des deux Puissances d'entretenir un Commissaire de leur choix, dans chaque cantonnement des Prisonniers, qui sont au pouvoir de l'autre. Ces Commissaires auront la liberté de visiter les Prisonniers, aussi souvent qu'ils le désiront, ils pourront également recevoir et distribuer les douceurs, que les parents ou amis des Prisonniers leur feront parvenir: enfin il leur sera libre encore, de faire leurs rapports, par lettres ouvertes, à ceux qui les emploient. Mais si un Officier manquoit à sa parole d'honneur, ou qu'un autre Prisonnier sortit des limites, qui auront été fixées à son cantonnement, un



much of the benefit of this Article as provides for his enlargement on parole or cantonnement.

And it is declared, that neither the pretence that War dissolves all Treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding Article; but, on the contrary, that the state of War is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged Articles in the Law of Nature and Nations.

tel Officier ou autre Prisonnier sera frustré individuellement des avantages stipulés dans cet Article pour sa relaxation sur parole d'honneur, ou pour son cantonnement.

Les deux Puissances Contractantes ont déclarés en outre, que ni le prétexte que la Guerre rompt les Traités, ni tel autre motif quelconque, ne sera censé annuler, ou suspendre cet Article, et le précédent, mais qu'au contraire, le tems de la Guerre est précisément celui pour lequel ils ont été stipulées, et durant lequel ils seront observés aussi saintement, que les Articles les plus universellement reconnus par le droit de la nature et des gens.

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*TREATY between Austria and Switzerland, for the mutual Surrender of Criminals.—Signed at Zurich, 14th July, 1828.*

(Translation.)

*Treaty between the Imperial Austrian States, and the Swiss Confederacy, respecting the reciprocal surrender of Criminals; signed at Zurich, the 14th July 1828, and the Ratifications of which were exchanged at Berne, on the 13th September, 1828, on one side by His Imperial and Royal Apostolick Majesty, and on the other side by the Swiss Principal City of Zurich, in the name of the Confederate States and Cantons of Zurich, Berne, Lucerne, Ury, Schweitz, Unterwalden, Friburg, Solothurn, Schaffhausen, St. Gall, Aargau, Thurgau, Tessin, Vaud, Valais, and Neuchatel.*

WE, Francis the First, by the Grace of God, Emperor of Austria, King of Jerusalem, Hungary, Bohemia, Lombardy and Venice, Dalmatia, Croatia, Slavonia, Galicia, and Lodomeria; Arch Duke of Austria; Duke of Lorraine, Salzburg, Stiria, Carinthia, Carniola, Upper and Lower Silesia; Grand Prince of Siebenburgen, Margrave of Mähren; Count of Hapsburg and Tyrol, &c. &c. &c.—declare and hereby make known, as follows:

Whereas a Treaty was signed on the 14th day of July of the present Year, at Zurich, by our Ambassador Extraordinary, and Minister Plenipotentiary to the estimable Swiss Confederation, and by the Plenipotentiary appointed by it for that purpose, in order to establish

a reciprocal surrender of Criminals between our States and the Cantons of the Confederation ; which Treaty is as follows :

Whereas His Imperial Royal Apostolick Majesty, and the Cantons of the highly estimable Swiss Confederation, in order to bind more fast the friendly and neighbourly understanding, and for the greater security of the States on both sides, have determined to establish a Convention for the reciprocal surrender of Criminals ; the Plenipotentiaries of both States, viz. : on the side of His aforesaid Imperial Royal Apostolick Majesty, Francis Baron of Binder-Kriegelstein, his actual Privy Councillor, Ambassador Extraordinary and Minister Plenipotentiary to the Swiss Confederation, Possessor of the Silver Civil Cross of Honour, and Grand Cross of several High Orders ; and, on the side of the most estimable Swiss Confederation, Mr. Vincent Von Ruttimann, Altlandamman of Switzerland, Magistrate of the City and Republick of Lucerne, Commander of the Royal French Legion of Honour ; Mr. Francis Von Meyenburg, Burgomaster of the State of Schaffhausen, and Mr. Albert Gottlieb Von Steiger, Member of the lower Senate and of the Privy Council of the City and Republick of Berne, with reservation for the direct approval of His Imperial Royal Apostolick Majesty and of the Confederate Cantons, have agreed on the following Articles.

**ART. I.** The mutual surrender of Criminals to be established by the present Convention shall only take place on account of serious Offences. By serious Offences shall be understood, high treason and rebellion, murder committed deliberately, and with premeditation ; poisoning, deliberate arson, burglary with violence against the person, theft in open bleaching grounds, stealing of horses or of cattle from open meadows, highway robbery, abstraction or peculation of public money, forgery of State Credit Paper, which either passes as money, or is issued as Bonds from a public chest, forgery of private Bonds and Bills of Exchange, coinage, and fraudulent bankruptcies.

**II.** Austrian Subjects, who shall have committed a serious Crime in the Austrian States, or shall have been guilty, in Switzerland, of the crime of high treason, rebellion, or the forgery of State Credit Paper, or Money which has reference to the Austrian States, and shall have fled to Switzerland, shall be given up to Austria.

Persons belonging to Switzerland, who shall have committed a serious Crime in Switzerland, or shall have been guilty in the Austrian States of the crime of high treason, rebellion, or the forgery of State Credit Paper, or Money which has reference to the Confederation, or the several Cantons, and shall have fled to the Austrian States, shall be given up to Switzerland.

**III.** Austrian Subjects who shall have committed any minor Offence whatsoever in Switzerland, and shall be found in the Austrian States, shall not be given up to Switzerland for trial and punishment.

Persons belonging to Switzerland who shall have committed any

minor Offence whatsoever in the Austrian States, and shall be found in Switzerland, shall not be given up to Austria for trial and punishment.

The investigation shall take place in every case according to the Laws of the Country whose Authorities preside.

IV. When a Delinquent claimed by one of the Contracting States shall have committed a greater, or as great a Crime, in the Dominion of the other State, in such case the surrender shall not take place until after trial and the execution of the sentence in the latter State.

V. Should it be necessary for the investigation of an offence or of the circumstances connected with it, that Austrian Subjects, or Persons belonging to Switzerland, should be interrogated on oath as Witnesses, they shall, after a formal application, give oral evidence before a Judge of their own Country, according to the usual form. The personal attendance of the Witnesses may, moreover, be required by the Government Authorities, in extraordinary cases; viz. when it is necessary to establish the identity of a Delinquent, or the facts of the case; and, whenever a mere voluntary deposition of a Witness is intended to be taken, the oral evidence cannot be dispensed with. Should such depositions, however, be intended to go beyond a voluntary evidence, or to the implication of the Witness with the Criminal, this intention must be expressed in the application. It will then depend on the National Judge of the Witness so summoned, whether his personal appearance shall be permitted, or the proper measures be taken by himself as regards the Witness.

VI. If an Austrian Subject, or a Person belonging to Switzerland, be brought up for examination, within the State to which he belongs, and be found guilty of a serious Crime which he may have committed in the Dominion of the other Contracting Party, notice shall be given thereof to the proper Authorities of that State, and they shall be particularly informed of whatever, in the Process, may be of moment, in order to the discovery of all and each of the Accomplices who may be resident in the last mentioned State, so that those Persons may be brought to justice.

VII. In cases where the surrender of a Criminal is demanded, neither the confession nor the conviction of the Offender is requisite for that purpose; it is sufficient that proof be shown, by the State which desires the surrender, that a Process has been instituted against the Individual, on account of one of the Crimes mentioned in Article I., and that the proofs or important facts be stated upon which the Accusation is founded.

VIII. The surrender must be applied for in a diplomatic manner, whether the capture be to be effected at the instance of the examining Authorities, or of the Magistracy of the Place. The Austrian Tribunals shall, therefore, apply directly to the Government of the Cantons, and they, on the other hand, shall apply directly to the Austrian Govern-

ment. The completion of the surrender, however, shall not take place until the identity of the Criminal be proved, and the forms prescribed in Article VII. shall have been complied with.

IX. On the surrender, on ordinary occasions, are to be paid :

(a) For the first capture, and for taking the guilty person from prison, 2 flo. convention money.

(b) For each sheet of the proceedings of the trial 10 kr. c. m.

(c) For messages, each mile 10 kr. c. m.

(d) For the support of the Accused, daily, 20 kr. c. m. all the expenses also shall be made good, which may be incurred by his surrender at the nearest place on the Frontier, which shall each time be certified in due form ; for all other proceedings, such as commissions, hearings, or by whatever name they may be described, no payment shall be made.

X. If, however, in consequence of sickness attacking the Prisoner, the costs for his support should be augmented, a reasonable increase of the amount of the expenses shall be allowed.

XI. All things which the Criminal may have brought with him, as the produce of his crime, into one Country, and which crime shall be proved against him in the other, shall be returned, gratis. The delivery of these things, as well as of those belonging to the Criminal himself, shall take place, on every occasion, at the nearest Judicial or Police Station of the claiming Party.

XII. Should any of the Articles of this Treaty hereafter require explanation, a good understanding shall be entered into thereupon, by diplomatic proceedings.

XIII. Any of the Confederate States which may not have joined this Treaty, at the period of its Ratification may, even after the exchange has taken place, become at any time a Party thereto.

XIV. The present Treaty shall be ratified, at furthest, within 6 weeks, and, after the formal exchange of the Documents, it shall be irrevocably observed on both sides, as a Treaty binding on both States, for the period of the next 25 years, reckoning from the day of the exchange, without however infringing on any previous Treaty of either of the States with a third Power. At the expiration of the period above prescribed, this Treaty may be renewed with the mutual consent of both Parties.

In confirmation whereof the Plenipotentiaries on both sides have delivered it, in duplicate, signed with their hands, and with their Seals affixed to it.

Done at Zurich, 14th July 1828.

By direction of the Principal City, the undersigned Plenipotentiaries have signed the same in behalf also of the second Plenipotentiary, now absent, Mr. Burgomaster, Von Meyenburg.

(L.S.) BINDER.

(L.S.) VINCENT RUTTINAN.

(L.S.) A. VON STEIGER.



Whereas, after mature deliberation, having given to the aforesaid Treaty and all its Articles our Imperial approval, We do hereby confirm the same, promising on our Imperial word, for Ourselves and our Successors, to order and strictly to enforce that a due observance shall take place as regards it.

In proof whereof, We have, with our own hand, signed the present Act of Ratification, and have stamped it with the impression of our Imperial Seal.

Done in our Imperial Capital and residence of Vienna, the 4th of the Month of August, in the year of our Lord 1828, and of our Reign the 37th.

(L.S.) FRANCIS.

PRINCE OF METTERNICH.

In pursuance of His Imperial and Royal Apostolick Majesty's particular command,

FRANCIS BARON VON LEBZELTERN-COLLENBACH.

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**CONVENTION of Claims between Great Britain and Spain.—Signed at London, October 28, 1828.**

*Convention between His Majesty and the Catholick King, for the final Settlement of the Claims of British and Spanish Subjects, under the Convention concluded at Madrid, the 12th of March, 1823\*.*

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Spain and the Indies, being equally convinced of the great and almost insuperable difficulties that have presented themselves in carrying into effect, by means of the Mixed Commission appointed under the Convention concluded on the 12th of March, 1823, the Stipulations of the said Convention, respecting the Claims preferred by Subjects of both Nations,—have considered that the most speedy and efficacious manner of obtaining the objects which Their Britannick and Catholick Majesties proposed to themselves, in framing the Convention above-mentioned,

Hallandose Su Magestad el Rey del Reino Unido de la Gran Bretaña y de Yrlanda, y Su Magestad el Rey de España y de las Yndias, igualmente convencidos de las graves y casi insuperables dificultades que se han presentado para llevar á efecto, por medio de la Comision Mixta creada por el Convenio celebrado en 12 de Marzo de 1823, las Estipulaciones de dicho Convenio, respectivas á las reclamaciones de Subditos de ambas Naciones,—han conceptuado que la manera mas pronta y eficaz de conseguir los objetos que Sus Magestades Británica y Católica se propusieron en la formacion del referido Convenio, seria la de una transaccion ó ajuste amistoso, en

\* See State Papers, 1823, 1824, Page 44.

would be that of a compromise, or amicable adjustment, in which Their said Majesties, by common consent, should assign fixed and proportionate Sums for the Indemnification of the Claimants of both Countries, so that each of the two High Contracting Parties should possess the power of adjudging and satisfying the legitimate Claims of its own Subjects, out of the Sums which each Government should, for such purpose, receive from the other, or of distributing those Sums among the Individuals interested, by means of an arrangement mutually agreed upon.

With this view, Their Britannick and Catholick Majesties have nominated and appointed as their respective Plenipotentiaries, namely:—His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable George Earl of Aberdeen, Viscount Gordon, Viscount Formartine, Lord Haddo, Methlick, Tarvis, and Kellie, a Peer of the said United Kingdom, a Member of His Majesty's Most Honourable Privy Council, Knight of the Most Ancient and Most Noble Order of the Thistle, and His said Majesty's Principal Secretary of State for Foreign Affairs: and His Majesty the King of Spain and the Indies, His Excellency Don Narciso de Heredia, Count of Ofalia, actual Knight of the Royal Spanish Order of Charles III, Knight Grand Cross of the American Order of Isabel the Catholick, and of the Legion of Honour of France, Councillor of State, and His said

que, de comun acuerdo, Sus referidas Magestades destinassen cantidades fijas y proporcionadas para la indemnizacion de los reclamantes de ambas Partes, quedando á cada una de las dos Altas Partes Contratantes la facultad de juzgar y satisfacer las reclamaciones legítimas de sus propios Subditos con las sumas que para ello percibiese de la otra, ó de distribuir estas entre los interesados, por medio de un arreglo particular con los mismos.

Con este objeto, Sus Magestades Británica y Católica han nombrado y constituido por sus respectivos Plenipotenciarios, á saber:—Su Magestad el Rey del Reino Unido de la Gran Bretaña y de Irlanda, al Muy Honorable Jorge Conde de Aberdeen, Vizconde Gordon, Vizconde Formartine, Lord Haddo, Methlick, Tarvis, y Kellie, Par del mencionado Reino Unido, Miembro del Muy Honorable Consejo Privado de Su Magestad Británica, Caballero de la Muy Antigua y Muy Noble Orden del Cardo, y Principal Secretario de Estado de Su referida Magestad en el Departamento de Negocios Extranjeros:—y Su Magestad el Rey de España y de las Yndias, al Escelentísimo Señor Don Narciso de Heredia, Conde de Ofalia, Caballero de numero de la Real Orden de Carlos III, Gran Cruz de la Real Orden Americana de Ysabel la Católica, y de la Legion de Honor de Francia, Conse-

Majesty's Envoy Extraordinary and Minister Plenipotentiary on a special Mission to the Court of His Britannick Majesty :—who, after having communicated to each other their respective Full Powers, found to be in due and proper form, have agreed upon and concluded the following Articles :

**ART. I.** His Catholick Majesty engages to make good to His Britannick Majesty, the Sum of £900,000 in specie, as the amount of the whole of the English Claims presented to and registered by the Mixed Commission, established by the Convention of the 12th of March, 1823.

**II.** His Britannick Majesty engages to make good, in the same manner, the Sum of £200,000 as the whole amount of the Spanish Claims, presented to and registered by the Mixed Commission, in pursuance of the said Convention.

**III.** It shall be lawful for either of the High Contracting Parties to cause to be adjudged, within its respective Territory, the Claims of its own Subjects, in order to satisfy, within 12 months from the date of the exchange of the Ratifications of the present Convention, such Claims as shall appear to be just and legitimate, out of the Sums which one of the High Contracting Parties shall receive, for this purpose, from the other : or it shall be lawful for the Government of either of the said High Contract-

jero de Estado de Su Magestad Católica, y Su Enviado Extraordinario y Ministro Plenipotenciario encargado de una Mision especial cerca de Su Magestad Británica : los cuales, despues de haberse comunicado sus respectivos Plenos Poderes, y hallandolos en buena y debida forma, han acordado y convenido en los Articulos siguientes :—

**ART. I.** Su Magestad Católica se obliga á satisfacer á Su Magestad Británica la cantidad de 900,000 libras esterlinas, en dinero efectivo, por el importe de la totalidad de las reclamaciones Ynglesas, presentadas y registradas ante la Comision Mixta, creada por el Convenio de 12 de Marzo de 1823.

**II.** Su Magestad Británica se obliga á satisfacer, en la misma forma, la cantidad de 200,000 libras esterlinas, por el importe de la totalidad de las reclamaciones Españolas presentadas y registradas ante la Comision Mixta, á consecuencia del mismo Convenio.

**III.** Cada una de las dos Altas Partes Contratantes podrá hacer juzgar dentro de su respectivo Territorio, las reclamaciones de sus propios Subditos, para satisfacer, dentro de un año contado desde el dia del cange de las Ratificaciones del presente Convenio, las que resulten ser justas y legítimas, con las sumas que para ello percibe de la otra : ó podrá el Gobierno de cada una de las referidas Altas Partes Contratantes convenirse con los interesados, ó quien los represente, en cualquiera

ing Parties to agree with the Persons interested, or their Assigns, upon any other mode of arrangement which may be deemed most expedient for satisfying them within the same term, without the necessity of any previous and formal adjudication.

IV. The Government of His Britannick Majesty shall retain in its possession the Sum of £200,000, which, by the II<sup>d</sup> Article, is to be made good to Spain, in order to set that Sum against, or deduct it from, the £900,000 which it is to receive from the same; but it is expressly declared, that this compensation is stipulated on the understanding that His Catholick Majesty, within the period specified in the preceding Article, shall pay to His own Subjects the amount of their legitimate Claims against England, preferred under the Convention of the 12<sup>th</sup> of March, 1823, in specie, or in other effective value; and in such a manner that His Britannick Majesty may be exempted from every responsibility for the amount of such Claims.

V. His Catholick Majesty shall effectuate the payment of the £900,000, in satisfaction of the English Claims, by instalments, in the following order:

£200,000 shall be delivered over on the day on which the exchange of the Ratifications of the present Convention shall take place; and another like Sum at the expiration of 3 months from the exchange alluded to.

The compensation mentioned in

otro medio de arreglo que se conceptue mas expedito para satisfacerles dentro del mismo termino, sin necesidad de que preceda un juicio formal.

IV. El Gobierno de Su Magestad Británica retendrá en su poder la Suma de 200,000 libras esterlinas, que, por el Artículo II, debe satisfacer al de España, á fin de compensarlas ó deducirlas de las 900,000 libras esterlinas que tiene que percibir del mismo; pero queda espresamente declarado, que esta compensacion se estipula en la inteligencia de que Su Magestad Católica, dentro del termino convenido en el Artículo precedente, pagará á sus propios Subditos el importe de sus reclamaciones legítimas contra la Ynglaterra, segun el Convenio de 12 de Marzo de 1823, en dinero, ó en otros valores efectivos; y de tal manera que el Gobierno de Su Magestad Británica quede exento de toda responsabilidad por el importe de las espresadas reclamaciones.

V. El pago de las 900,000 libras esterlinas respectivas á las reclamaciones Ynglesas, lo realizará Su Magestad Católica en diferentes plazos, por el orden siguiente:—

Se entregarán 200,000 libras esterlinas en el dia que se verifique el cange de las Ratificaciones del presente Convenio; y otra igual Suma á los 3 meses de dicho cange.

Se considerará como pago de



the preceding Article shall be considered as the payment of £200,000 more; and the remaining £300,000 shall be made good by 2 Instalments, at the rate of £150,000; the one at 6 months, and the other at 9 months, from the date of the exchange of the Ratifications.

VI. The 2 last Instalments of £150,000 each, His Catholick Majesty reserves to Himself the power either of paying up in Specie, at the time of that Sum falling due, or of effectuating the payment by Certificates of Inscriptions in the English and Spanish languages, expressing the purpose for which they are issued, bearing Interest at 5 per Cent. per Annum, payable half-yearly in London, at 50 per Cent. discount.

For this purpose, His Catholick Majesty shall, within 3 months from the date of the Ratifications of this Convention, cause the Sum of 60,000,000 of reals of vellon, in such inscriptions, (being equal, at 100 reals to the pound sterling, to the Sum of £600,000) to be lodged in the Bank of England, or with the Banker of the Court of Spain in London, with instructions to deliver one half of them to the Government of His Britannick Majesty, for the use of the Claimants, on the day of each of the said Instalments falling due, provided they shall not be punctually paid in Sterling Money.

otras 200,000 libras esterlinas la compensacion de que va hecha mencion en el Artículo precedente: y las 300,000 libras esterlinas restantes se satisfarán en 2 plazos, á razon de 150,000 libras esterlinas; el uno á los 6 meses, y el otro á los 9, de la fecha del cange de las Ratificaciones.

VI. Por lo que respecta á los 2 ultimos plazos de 150,000 libras cada uno, Su Magestad Católica se reserva la facultad de poder satisfacerlos en numerario, al tiempo de su respectivo vencimiento, ó de verificarlo en Certificaciones de Ynscripciones estendidas en Yngles y en Español, con expresion del objeto para que se espiden, y con el Interes de 5 por Ciento Anual, pagadero por semestres en Londres; las cuales se darán al descuento de 50 por Ciento.

Para este efecto, Su Magestad Católica dispondrá que dentro de 3 meses de la fecha de las Ratificaciones de este Convenio, una Suma de 60,000,000 de reales vellon, en dichas Ynscripciones, (la cual, á razon de 100 reales vellon por libra esterlina, es equivalente á 600,000 libras esterlinas en Ynscripciones) se deposite en el Banco de Ynglaterra, ó en poder del Banquero de la Corte de España en Londres, con las oportunas instrucciones para que se entregue la mitad de ellas al Gobierno de Su Magestad Británica, á beneficio de los Reclamantes, en el dia del vencimiento de cada uno de los referidos plazos, si no estuviese satisfecho para aquel dia en moneda esterlina.

It is likewise hereby agreed, that the Government of His Catholick Majesty shall have the power of redeeming the Inscriptions thus created, during the 4 Years succeeding, and upon giving 6 months notice, at the rate of £55 for every £100 so delivered. After such period of 4 Years, the Spanish Government shall only possess the power of redeeming the Inscriptions referred to, at the rate of £60 for every £100.

VII. His Catholick Majesty shall be at liberty to effect the payment of the 2d Instalment of £200,000, mentioned in Article V, by delivering, on its being due, £50,000 in ready Money, and £150,000 in Inscriptions at 50 per Cent. making £300,000 in Inscriptions; but this arrangement is only to take place on the express condition that the payment of one of the 2 last Instalments of £150,000 mentioned in Article VI, shall be made in ready Money.

VIII. The Inscriptions to be delivered by the Government of His Catholick Majesty, shall be, in all essential points, according to the Form which is annexed to the present Convention.

IX. As soon as the said Sum of £900,000 shall have been paid, all the Bills of Exchange, Libranzas, and other Documents, forming and constituting the value represented by the aggregate of the English Claims against Spain, shall be given up to the Government of His Catholick Majesty.

X. There shall be given up also, on the part of the Government of

Se ha convenido igualmente que el Gobierno de Su Magestad Católica tendrá la facultad de poder redimir las Ynscripciones creadas al efecto, en los 4 primeros años, y dando aviso, con 6 meses de anticipacion, á razon de 55 libras esterlinas en efectivo, por cada 100 que recoja en Ynscripciones. Despues de trascurridos los 4 años, el Gobierno Español solo podrá redimir las mencionadas Ynscripciones, á razon de 60 libras esterlinas por cada 100.

VII. Su Magestad Católica podrá hacer el pago del segundo plazo de 200,000 libras esterlinas mencionado en el Artículo V, entregando á su vencimiento 50,000 libras en efectivo, y 150,000 en Ynscripciones al 50 por 100, que hacen 300,000 de esta especie; pero, en este caso, será precisamente obligatorio el pago en dinero efectivo de uno de los 2 ultimos plazos de 150,000 libras, de que se hace mencion en el Artículo VI.

VIII. Las Ynscripciones que se espidan por el Gobierno de Su Magestad Católica, deberán ser conformes, en todo lo esencial, al Modelo de que va unida copia al presente Convenio.

IX. Verificado que sea el pago de las 900,000 libras esterlinas, se entregarán al Gobierno de Su Magestad Católica todas las Letras de Cambio, Libranzas, y demas Documentos que forman y constituyen el valor representado por la masa de las reclamaciones Ynglesas contra la España.

X. Ygual entrega se hará, por parte del Gobierno de Su Mages-

His said Catholick Majesty, at the period specified in the preceding Article, all the Documents relative to the Spanish Claims against England.

XI. To prevent any of those Claims which shall be satisfied by the present Convention, from again being produced under any other form or pretence, it is hereby agreed, that the Mixed Commission appointed under the aforesaid Convention of the 12th of March, 1823, shall, prior to the cessation of the exercise of its functions, add to the lists already formed of the English and Spanish Claims, presented to and registered by the same, such Notes or Remarks, relating to the Documents in support of those Claims, as may be deemed necessary, in order that the said Lists and Notes, after being given up to both Governments in an authentick form, may serve them as a security, till the delivery of the original Documents shall take place.

XII. The aforesaid Convention of the 12th of March, 1823, and the several Articles and things therein contained, except so far as the same are altered by this present Convention, are hereby declared to be, and shall remain, in force.

XIII. The present Convention shall be ratified, and the Ratifications shall be exchanged in 40 days 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.

tad Católica, de los Documentos respectivos á las reclamaciones Españolas contra la Ynglaterra, en el tiempo mencionado en el Artículo precedente.

XI. Para evitar que ninguna de las Reclamaciones que han de quedar fenecidas por el presente Convenio, pueda aparecer de nuevo, bajo otra forma ó pretexto; se ha convenido que la Comision Mixta nombrada en consecuencia del referido Convenio de 12 de Marzo de 1823, antes de cesar en el egercicio de sus funciones, deberá añadir á las listas ya formadas de las reclamaciones Ynglesas y Españolas presentadas y registradas ante ella, las notas ó apuntaciones referentes á los Documentos de las mismas reclamaciones, que se crean necesarias, para que entregadas á ambos Gobiernos dichas listas y notas en forma autentica, puedan servirles de resguardo, hasta tanto que se verifique la entrega de los Documentos originales.

XII. Se declara que el citado Convenio de 12 de Marzo de 1823, y los diferentes Articulos y Clausulas que contiene, subsistirán en vigor, á escepcion de aquella parte de los mismos que se halla alterada por el presente Convenio.

XIII. El presente Convenio será ratificado, y las Ratificaciones cangeadas en el termino de 40 dias contados de su fecha, ó antes si fuese posible.

En fé de lo cual, los respectivos Plenipotenciarios lo han firmado, y sellado con el Sello de sus Armas.

Done at London, the 28th day of October, in the Year of our Lord, 1828.      Fecho en Londres, el dia 28 de Octubre, 1828.

(L.S.) ABERDEEN.

(L.S.) EL CONDE DE OFALIA.

## FORMULA OF INSCRIPTION.

Nº.— Capital £500 sterling, equivalent to Capital of 50,000 reals vellon. } Annuity £25 sterling, equivalent to Annuity of 2,500 reals vellon.

This Debenture has been issued in satisfaction of an Agreement entered into at London, the 28th day of October, 1828, in execution of a Convention signed at Madrid the 12th of March, 1823, between His Britannick Majesty and His Majesty the King of Spain, for the Payment of the Claims of British Subjects.

*Spanish 5 per Cent.*

Consolidated Annuities, payable in London, inscribed on the Great Book of the Consolidated Debt of Spain.

Nº.— Capital £500 sterling equivalent to Capital of 50,000 reals vellon. } Annuity £25 sterling, equivalent to Annuity of 2,500 reals vellon.

The Bearer hereof is entitled to an Annuity of £25, payable in London in moities, every 6 months, on the      of      and the      of     

The Spanish Government reserves to itself the right of redeeming this Debenture, by payment in

## FORMULA DE YNSCRIPCION.

Nº.— Capital 500 libras esterlinas, equivalente á Capital 50,000 reales vellon. } Renta 25 libras esterlinas, equivalente á Renta 2,500 reales vellon.

Esta Ynscripcion se espide en consecuencia de un Convenio celebrado en Londres, á 28 de Octubre, 1828, en cumplimiento de otro concluido en Madrid, el 12 de Marzo de 1823, entre Su Magestad Británica y Su Magestad el Rey de España, para el pago de las reclamaciones de Subditos Yngleses.

*Cinco por Ciento Español.*

Renta Anual Consolidada, pagadera en Londres, e inscrita en el Gran Libro de la Deuda Consolidada de España.

Nº.— Capital libras esterlinas 500, equivalente á Capital reales vellon 50,000. } Renta Anual 25 libras esterlinas, equivalente á Renta Anual 2,500 reales vellon.

El Tenedor de esta Ynscripcion es acreedor á una Renta Anual de 25 libras esterlinas, pagadera en Londres por semestres, en los dias      de      y      de     

El Gobierno Español se reserva la facultad de redimir esta Ynscripcion, por medio del pago en Lon-



London, during the 4 Years succeeding the date hereof, at the rate of 55 per cent., or, at any subsequent period, at the rate of 60 per cent. on the nominal amount, giving, in either case, 6 months notice in the London Gazette.

A.B. Secretary of State, Minister of Finance.

C.D. Director of the Sinking Fund.

E.F. } British Commissioners for  
G.H. } Claims.

The Certificates of Inscriptions, which are to be deposited by the Government of His Catholick Majesty, and which will be given in payment, in the case specified in Article VI. of the Convention signed this day, shall be issued according to the following distribution :—

200, of £1,000 each.

120, of £800 each.

200, of £500 each.

400, of £250 each.

420, of £200 each.

200, of £100 each.

In witness whereof, We, the Undersigned, Plenipotentiaries of His Britannick Majesty and His Catholick Majesty, have signed the present Formula, and have affixed thereunto the Seals of our Arms.

Done at London, the 28th day of October, in the Year of our Lord 1828.

(L.S.) ABERDEEN.

(L.S.) OFALIA.

[The Ratifications of this Convention were exchanged in London, on the 8th of December, 1828.]

dres, dentro de los 4 años primeros contados desde su fecha, á razon de 55 por 100, ó, despues de dicho periodo, á razon de 60 por 100, de su valor nominal, dando, en ambos casos, aviso de ello, con 6 meses de anticipacion, en la Gaceta de Londres.

Firmas.—Del Ministro de Hacienda.

Del Director de la Caja de Amortizacion.

De los Comisarios de Reclamaciones.

#### ADVERTENCIA.

Los Certificados de Ynscripciones que han de depositarse, y que se darán en pago, en el caso prevenido por el Artículo VI. del Convenio firmado en este dia, se espedirán en el siguiente orden de distribucion :—

200, de £1,000 cada una.

120, de £800 cada una.

200, de £500 cada una.

400, de £250 cada una.

420, of £200 cada una.

200, of £100 cada una.

En fé de lo cual, nos, los abajo firmados Plenipotenciarios de Su Magestad Británica, y de Su Magestad Católica, hemos firmado la presente Formula, y hemos puesto en ella el Sello de nuestras Armas.

Fecho en Londres, á 28 de Octubre, de 1828.

(L.S.) ABERDEEN.

(L.S.) OFALIA.

*DISCOURS du Roi, à l'Ouverture du Storthing Extraordinaire de Norvège, le 21 Avril, 1828.*

MESSIEURS!

Vous avez été convoqués pour délibérer sur les premiers et les plus chers intérêts de l'Etat. Il a fallu que ces intérêts fussent évidens pour me déterminer à charger la Nation d'une dépense que j'aurais désiré lui éviter. Mais quand il s'agit de conserver l'intégrité des droits que la Constitution du 4 Novembre, 1814, lui accorde, ma sollicitude pour son observation rigoureuse ne m'a pas permis d'attendre le Storthing Ordinaire, et j'ai pensé, que Nous ne pouvions plus ajourner l'époque, où il fallait mettre en harmonie Nos principales Lois avec la Constitution.

Depuis la séparation du Storthing, Nos relations politiques n'ont point changé. Je continue de recevoir de toutes les Puissances des preuves d'amitié et de confiance.

Les Négociations avec la Prusse ont eû le succès que je Vous avais annoncé à l'Ouverture du Storthing Ordinaire. Un Traité de Commerce et de réciprocité, également utile aux deux Etats, a été conclu et ratifié.

La Navigation dans la Mer Noire a été ouverte au Pavillon des deux Royaumes, sans droit de préemption pour la Porte. Aucune clause ne peut en arrêter l'exécution, et j'espère, que les différends qui existent en Orient ne seront pas des motifs suffisans, pour que le Ministère Ottoman contrevienne à ce Traité.

Les Ratifications du Traité de Commerce avec les Etats Unis d'Amérique viennent d'être échangées à Washington. Vous verrez avec plaisir, que les entraves, qui enchaînaient le développement de Notre commerce avec ces Etats, ont été annulées.

La Convention qui vient d'être signée à St. Pétersbourg entre les Royaumes Unis et la Russie, Vous sera communiqué, aussitôt que l'échange des Ratifications aura été effectué. Ce Traité, basé sur une confiance mutuelle, offrira au commerce de la Norvège des nouveaux avantages et des facilités réelles.

La Négociation pour un Traité de Commerce avec le Brésil, a été commencée. Je m'occupe à préparer au Pavillon des Royaumes Unis, dans les autres Etats du Continent Américain, l'accueil et les facilités, que déjà depuis 6 ans, Nous leur avons accordés dans Nos Ports.

Plusieurs propositions vont être présentées à Votre examen. La première, concerne les devoirs de mes Conseillers, en matière administrative; ceux des Membres du Premier Tribunal du Royaume, en matière judiciaire; et ceux du Storthing, en matière législative, ainsi qu'il est dit dans le § 86 de la Constitution. La seconde, indique les formes à remplir, d'après le § 50 et suivans jusqu'au § 64 pour que les droits d'élection soient exercés avec la régularité uniforme, qui seule puisse leur imprimer la confiance, que le peuple doit placer dans

les Députés qu'il a élus. La troisième, conforme à la lettre et à l'esprit du § 109 oblige chaque Citoyen de l'Etat à le défendre. Les abus existans cesseront, lorsque les devoirs seront égaux, et les Habitans des campagnes ne supporteront plus seuls le service actif de l'armée.

L'expérience a prouvé que le capital du papier en circulation est loin d'atteindre le besoin du commerce, de l'agriculture et des arts industriels. La stagnation générale qui existe pour tout ce qui est échange de productions, exige, de la part du Gouvernement et de la Législature, une détermination, qui donne au producteur l'espérance de pouvoir les exporter avec quelque avantage. La Loi qui Vous sera présentée remplira ces conditions.

L'existence d'un Etat Constitutionnel est fondée sur l'équilibre des pouvoirs; Un Gouvernement qui néglige de le maintenir, expose son Pays au renversement des Institutions, établies pour l'intérêt de tous. Cet intérêt ne s'attache pas exclusivement à quelques individus; mais il en embrasse d'autres plus essentiels encore, puisqu'ils tiennent à la conservation de la Nationalité. La gloire des Nations et la force des Gouvernemens qui en est le premier mobile, dépendent de l'exécution des Lois. Il ne saurait y avoir qu'une véritable interprétation, c'est la lettre. Mon devoir Royal ne m'a pas permis d'entendre, et la Nation n'a pas entendu, que chaque Assemblée pût expliquer, à son gré, le Pacte Fondamental. Ni moi, ni elle, ne pouvons permettre, que la raison plus ou moins éclairée d'un Rigs-Ret, puisse renverser, comme il semble qu'on ait voulu le tenter, les garanties que cet Acte renferme. Les Lois qui Vous sont proposées, fortifieront ces garanties, dont ni moi, ni mon Gouvernement ne devons jamais Nous écarter, ni souffrir qu'on s'en écarte. Suivez, en examinant ces Lois, l'impulsion de Vos consciences.

Les grandes questions d'ordre politique, judiciaire, administratif et financier, ne peuvent se régler que successivement. Les heureux effets de cette marche progressive se sont déjà fait ressentir. Examinons ce que Nous avons gagné depuis l'établissement de la Constitution du 4 Novembre, et Nous reconnaitrons les prodigieux efforts, qu'il a fallu faire, et les obstacles qu'il m'a fallu surmonter pour procurer à la Norvège, malgré sa législation purement absolue, l'indépendance et le bonheur dont elle jouit. Mais pour assurer cette indépendance et cette situation tranquille, il faut que le Gouvernement et l'Assemblée Nationale s'illustrent, en s'affermissant par des Lois justes; et pour atteindre ce but, je me repose, avec confiance, sur la raison éprouvée de la Nation, et sur la coopération fidèle du Storthing.

La Nation est confiante dans ma sollicitude pour son bien être; elle reconnaît l'amélioration sensible, qui s'est opérée dans sa situation, depuis l'union avec la Suède; elle ne demande qu'à jouir tranquillement des immunités, qu'elle a acquises et qui reposent légitimement sur les concessions que je lui ai accordées. Tous les Membres du Storthing

seconderont, je n'en doute point, les vœux de leurs Commettans, en se réunissant à mes intentions paternelles ; et un heureux accord de pensées et de volontés, mettra le dernier sceau à la prospérité des deux Royaumes de la Scandinavie.

En vertu du § 74 de la Constitution, Je déclare les Séances du Storthing Extraordinaire ouvertes.

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**DISCOURS du Roi, à la Clôture du Storthing du Royaume de Norvège, le 8 Juillet, 1828.**

MESSIEURS,

Le but pour lequel je Vous avais réuni, en Storthing Extraordinaire, vient d'être obtenu.

Il est de l'essence des Gouvernemens Représentatifs de n'atteindre que graduellement à des améliorations nécessaires ; ce besoin a presque toujours été inaperçu par les premiers Législateurs, mais il appartient à un Gouvernement paternel d'en saisir l'époque. Les deux Lois organiques que j'ai approuvées par ma sanction, suppléeront au vague qui a subsisté depuis 14 ans. Je me félicite du service que je vous ai rendu, par l'établissement de ces Lois.

Une plus longue absence de la première, ou de celle sur les élections, aurait pu renouveler les erreurs et les manques de formes, qui, reconnues à la lettre l'année dernière, lors de la vérification des pouvoirs, vous aurait empêché, de Vous organiser en Storthing. Les Stipulations actuellement établies, assureront à la fois l'exercice légal de Vos droits et la sécurité de toutes les classes de la Société.

La Loi sur la responsabilité éloignera, à l'avenir, l'arbitraire des accusations et des jugemens, qui auraient pu être portés. Les Employés de l'Etat, justiciables du Rigs Ret, sont désignés par cette Loi. Ayant la ferme résolution de ne pas permettre que mon Gouvernement s'éloigne de la ligne de la Loi Fondamentale, ce sera aussi avec cette Loi à la main, que j'empêcherai les passions individuelles de la faire parler à leur gré. Dans un Etat Constitutionnel, l'organisation touche à sa ruine, aussitôt que l'arbitraire s'y introduit, et c'est dans l'intérêt même de la liberté, que la Loi doit en arrêter les manifestations injustes ou trop exaltées, quelques soient les endroits d'où elles partent.

Vous avez envisagé deux §§. de la Loi sur la responsabilité, sous la cathégorie de Questions Constitutionnelles ; et, malgré que cette opinion ne soit pas basée sur le texte de la Loi Fondamentale, j'ai cru, que dans le doute, je pouvais accéder à Votre manière de voir, sur le dernier. Je me réserve d'en entretenir la représentation, au Storthing ordinaire prochain. Quant au premier, le §. 75, litt. f. de la Constitution, étant clair, je me réfère à son contenu.

Mais la confiance avec laquelle j'ai adopté Votre opinion pour le dernier §. doit convaincre, de l'obligation, qui en résulte pour les



Assemblées à venir, de ne point donner à la Constitution d'autre interprétation, que celle dont nous serons d'accord.

Vous avez pensé pouvoir restreindre la Somme que j'avais proposée pour venir au secours des Propriétaires, gênés par la stagnation qui existe dans quelques branches principales de nos exportations. Si le but que j'ai constamment en vue, peut être atteint par ces mesures, ma satisfaction n'en sera que plus grande; mais dans le cas contraire, Vous Vous réunirez à moi pour l'adoption de dispositions plus étendues, tandis que mes efforts, pour activer le débit avantageux de Vos productions, continueront à être aussi constans que prononcés.

L'accord que j'étais en droit d'attendre, et que j'ai vu avec plaisir, de Votre part et de celle de la Nation, sur l'objet de mon Ordonnance du 7 Mai, me donne l'assurance certaine, que je n'éprouverai plus le sentiment pénible, qui m'engageait à la publier. Ma réponse, du 19 Mai, à l'adresse qui me fut présentée le même jour, fait connaître, à tous les fidèles Sujets de l'Etat, ma volonté définitive, de regarder comme une attaque à l'Union, aux droits de la Royauté et à la Constitution du 4 Novembre, 1814, tous les actes et toutes les actions qui y sont contraires.

Lorsque je Vous fis remettre le Projet de Loi sur l'armement général, les motifs, qui militaient pour que sa discussion définitive fut ajournée au Storthing prochain, ont été développés.

En retournant dans le sein de Vos familles, portez-y les vœux que je forme constamment, pour le bonheur et la prospérité de la Nation; donnez l'exemple de la confiance au Gouvernement et au Peuple frère.

En vertu du §. 70 de la Loi Fondamentale, je déclare que les Séances du Storthing Extraordinaire sont clôses; et je Vous renouvelle Messieurs, l'assurance de toute ma bienveillance Royale.



*DISCOURS du Roi, à l'Ouverture de la Diète de Suède, le  
15 Novembre, 1828.*

MESSIEURS !

DEPUIS la séparation des Etats Généraux, notre Administration a suivi son mouvement régulier, et nos relations extérieures se sont maintenues, basées sur des Traités, qui ont établi l'ordre des choses existant en Europe. Cet ordre ne peut recevoir la moindre atteinte, sans que la sécurité des Souverains et des Peuples n'en soit ébranlée.

La naissance de Mes deux Petits-fils, en remplissant les vœux de Mon cœur, assure à la Presqu'île la continuation des sentimens de respect à ses Loix Fondamentales, dont J'ai constamment donné l'exemple. Je l'ai reçu avec l'adoption du Roi Charles XIII, de glorieuse mémoire. Je conserverai fidèlement l'héritage que M'a transmis Mon Père, Votre Souverain légitime.

Vous jouissez de tous les biens acquis. La Loi, la liberté et la justice marchent ensemble. Ces avantages sont le résultat de l'union des Citoyens, de leur dévouement et de leur fidélité pour les institutions qu'ils se sont données. Le Comité secret, que Je convoquerai, aura connaissance des démarches qui ont été faites, pour détourner même l'apparence la plus éloignée d'en méconnaître la sainteté.

Avant de Vous présenter la nouvelle rédaction du Code Civil, J'ai dû la soumettre à l'examen des Jurisconsultes et des hommes éclairés du Royaume. Tout changement de cette nature doit passer au creuset de la réflexion. C'est ainsi que nous pourrons nous convaincre de l'opinion générale.

Votre industrie, votre Commerce fleurissent sous l'égide d'un Gouvernement, prêt à saisir toutes les chances pour vous conserver votre nationalité, avec les prérogatives qui en dérivent.

Pour la première fois, Je me trouve à même de vous communiquer le Budget de l'Etat, le jour de l'Ouverture de la Diète. L'exposé qui va être fait sur l'administration du Royaume, vous donnera une idée exacte de l'état prospère de nos finances, de l'amélioration de l'agriculture, du partage des terres, et des concessions accordées pour les faciliter. Après avoir soldé les dépenses portées sur le Budget et couvert celles imprévues, le Gouvernement a versé au Comptoir d'Amortissement une somme d'environ 2,000,000. Par la régularité introduite dans la comptabilité, il se trouve constaté, qu'il existe dans les différentes Caisses de l'Etat, et en impôts non rentrés, une réserve de 5,000,000. Ce résultat vous causera, J'en suis sûr, une satisfaction pareille à celle que J'éprouve en vous l'annonçant. La Banque a par des achats, accru ses fonds métalliques de près de 1,000,000 de Riksdalers, sans augmenter la masse des billets. En continuant un système semblable, nous devons porter notre pensée sur le crédit du papier-monnaie, et sur la situation des propriétaires. Le seul trésor inépuisable est la richesse des gouvernés, appuyée par l'esprit public.

Les communications dans l'intérieur du Royaume établissent chaque jour une liaison plus intime entre les différentes Provinces.

La route qui doit traverser les Alpes du Nord jusqu'à Trondhiem est déjà terminée du côté de la Suède. Les difficultés du terrain, qu'on est obligé de surmonter en Norvège, ont prolongé la durée des travaux. L'achèvement de ce grand ouvrage réunira plus étroitement le commerce des deux Peuples. Les canaux, qui touchent au terme désiré, vont nourrir l'industrie, vivifier la navigation et favoriser les échanges. Le déblayement des grands fleuves n'a pas été interrompu. Les dangers qui menaçaient les navigateurs sur certains points, commencent à disparaître. La continuation des travaux promet des résultats satisfaisants.

La population s'augmente et l'avenir s'offre à Nous sous des auspices bien différens de ceux qui se présentèrent il y a 18 années.

Aucune calamité n'est venu troubler ni le calme, ni le bonheur dont la Providence nous a gratifiés depuis si longtems. L'antique Suède a maintenu son rang parmi les Nations. Il en sera de même, tant qu'elle restera unie.

Au milieu de succès aussi rapides, aussi inattendus, l'armée éprouve cependant de grands besoins ; les ressources existent pour les remplir. Nos valeureux guerriers attendent, avec une juste confiance, l'adoption des mesures qui seront soumises à votre sagesse. Ne perdons point de vue que l'indépendance des Empires a besoin d'auxiliaires ; au dedans c'est le Peuple, au dehors c'est l'Armée.

Représentans de la Nation ! remplissez vos honorables fonctions. Appliquez vous à perpétuer cette douce liberté qui met chaque Citoyen à couvert de l'oppression, sans empiéter sur l'autorité du Monarque. Aidez le Gouvernement dans ses projets d'utilité publique ; songez qu'il ne peut jamais maintenir la dignité nationale sans votre co-opération. En surveillance permanente, il a conservé intacts, non seulement le dépôt des garanties civiles, mais encore celui des droits politiques, sans la jouissance des quels il n'y a point de Patrie pour nous.

Nobles, Clergé, Bourgeois et Paysans ! nous formons ensemble le faisceau de l'Etat. Rendons le indéstructible.

Je Vous renouvelle, Messieurs, l'assurance de toute Ma bienveillance Royale.

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***ANSWER of the Ottoman Porte to the Russian Declaration of War. — June, 1828.*** (Traduction.)

Tous les hommes sensés et clairvoyans savent que selon les maximes de la sagesse pratique et les démonstrations théoriques, la durée de l'ordre universel et de la tranquillité générale, a pour principal pivot les bonnes relations qui existent entre les Rois et les Princes, auxquels la Providence a confié le gouvernement absolu des Peuples ; que le maintien de cet ordre de choses dépend aussi de l'observation égale et uniforme des Traités conclus entre les Empires ; que graces à Dieu la Sublime Porte Ottomane depuis l'aurore de son heureuse existence, a toujours suivi plus exactement que les autres, ce système politique et cette marche si louable ; que toutes ses affaires étant basées sur les dispositions de la Sainte Loi, à laquelle elle s'est tenue constamment attachée, Elle y a recouru, soit en Paix soit en Guerre, que dans aucun cas Elle n'a dévié des principes de droiture et d'équité, qu'à aucune époque Elle ne s'est donné le tort d'avoir violé les Traités sans motif légal envers les Puissances amies Ses Alliées ; que jalouse surtout de remplir Ses engagements officiels et Ses devoirs de l'amitié avec sa voisine la Russie, Elle a en outre mis ses soins assidus à

maintenir la plus parfaite intelligence, suivant le respect dû au droit de voisinage.

Quelque notoire que soit cette conduite de la Sublime Porte, la Russie vient de rompre la Paix et de déclarer la Guerre sans motif. Elle a osé envahir l'Empire Ottoman, et voulant attribuer la cause de la Guerre à la Sublime Porte, Elle a publié une Déclaration, dans laquelle Elle nous accuse de n'avoir point exécuté les Traités de Bucharest et d'Ackermann, d'avoir punis et mis à mort des Serviens après l'amnistie promise à ce peuple, réclamé des forteresses indispensables aux Russes en Asie, anéanti les privilèges des deux Provinces de Valachie et Moldavie, sévi contres les principaux Grecs, allumé et attisé par une Proclamation la haine de tous les Mussulmans contre Elle, en lui attribuant l'insurrection Grecque, et comme étant l'Ennemi naturel de la Nation Mahométane; d'avoir en quelque sorte conclu le Traité d'Ackermann avec une arrière pensée, saisi les cargaisons des Batimens Russes, excité contre elle la Cour de Perse et ordonné des préparatifs à quelques Pachas voisins. Telles et autres semblables sont les inculpations sans fondement de la Russie; Nous allons y répondre successivement d'après le droit et la justice.

La Russie a présenté tous ces griefs comme étant les causes graves qui ont motivé sa Déclaration de Guerre; et d'abord, personne n'ignore que la Guerre précédente, qui amena la conclusion du Traité de Bucharest, eut également pour auteur spécial la Russie; que les circonstances d'alors ayant exigé, avant l'ouverture de la Campagne, la destitution et le changement des Hospodars de Valachie et de Moldavie. Elle osa crier à la violation des Traités; que nous eumes beau lui exposer amicalement la vérité, elle refusa de nous entendre, et persista dans sa prétention; qu'enfin la Sublime Porte, uniquement par amour pour la conservation de la Paix, consentit au rétablissement des mêmes Hospodars, malgré toute l'inconvenance de cette demande; que la Russie en témoigna sa satisfaction à la Sublime Porte par l'entremise du Conseiller Fouton, Premier Dragoman de la Légation, du tems que Galib Pacha était Reis Effendi, et qu'elle déclara officiellement et publiquement que tout différend entre les deux Cours avoit cessé. Immédiatement après eut lieu, l'occupation inattendue de Chotzim et de Bender, le premier mouvement de la Sublime Porte fut d'en demander raison à la Légation Russe qui se trouvait alors ici provisoirement; celle ci nia le fait, et chercha à nous endormir en disant, que la Cour de Russie était en paix et amitié avec le Gouvernement Ottoman, que si Elle était en guerre, la Légation le sauroit, et que les Troupes Russes venues de ce côté-la avoient sans doute quelque autre mission. Lorsque le fait eut été constaté, la Sublime Porte fut obligée de résister; mais finalement, ayant une répugnance naturelle pour la Guerre, et l'effusion du sang, Elle s'imposa un sacrifice, et signa le Traité de Bucharest. La Russie ne le respecta



point ; entre autres infractions, au lieu d'évacuer les Frontières Asiatiques, suivant la base et la teneur du Traité, Elle annula injustement cet Article, et écouta avec indifférence toutes les réclamations fondées de la Sublime Porte. Enfin les Plénipotentiaires Russes d'Ackermann ayant changé et interprété le sens pur du Traité, et ne trouvant rien à répondre aux argumens convaincans des Plénipotentiaires Turcs, déclarèrent qu'un long espace de tems s'étant déjà écoulé sans que l'Article en question eut été exécuté, les Forteresses réclamées ne pouvaient plus être rendues. A un pareil langage les Plénipotentiaires Turcs auroient pu répondre, que si la non-exécution en temps et lieu d'Articles officiellement conclus, suffisait pour y faire renoncer totalement, les Articles dont on demandoit à la Sublime Porte l'accomplissement plus ou moins prompt, devaient également rester *in statu quo*. Leurs instructions ne leur autorisant pas à tenir un langage aussi étranger aux Traités, et aussi contraire au droit des gens, mais plutôt leur mission se restreignant à raffermir les liens de la Paix, ils y consentirent. Néanmoins la Déclaration Russe représente cette demande d'évacuation comme n'ayant eu aucun fondement, et en prétendant que nous y avions déjà renoncé, Elle s'est évidemment écartée du chemin de la vérité.

Il avait été convenu que le Tarif Russe serait renouvelé tous les 12 Ans ; tandis que toutes les autres Puissances amies ont renouvelé leurs Tarifs suivant leur accord. Il y a 27 Ans que celui de Russie n'a subi de changement. Depuis l'expiration du terme on en a maintes fois fait la proposition aux Envoyés et Chargés d'Affaires Russes à Constantinople ; cette démarche fut inutile, la Russie refusa de rendre justice aux demandes fondées de la Sublime Porte. La conduite de la Russie, tant en paroles qu'en actions, dans ces deux seules affaires de l'Evacuation et du Tarif, donnant suffisamment à connaître son degré de respect pour les Traités et les principes d'équité, comment attribue-t-elle à la Sublime Porte leur violation, et comment une semblable imputation pourra-t-elle être admise ?

L'Amnistie Impériale promise aux Serviens à cause de la part qu'ils avaient prise dans la Guerre des Russes fut accordée pleinement à la suite de la Paix ; et par un effet de la clémence naturelle de Sa Hautesse, des concessions particulières assurèrent leur bien être et leur repos. La même Nation ayant postérieurement méconnu l'autorité de la Sublime Porte, et osé se revolter séparément et par soi-même, comme-elle est sujette de la Sublime Porte, et que le Gouvernement Ottoman est maître de la traiter suivant sa conduite, soit en sévissant contre elle, soit en lui faisant grâce, les châtimens mérités furent infligés, et le bien-être fut rendu au Pays, sans que ni la Russie ni le Traité de Bucharest, eut été heurté le moins du monde. Cette affaire de la Serbie ainsi que d'autres points semblables hors des Traités, et même quelques évènements de peu d'importance qui doivent être classés parmi

les accidens naturels, servirent toujours de motifs de contestation à la Russie, et jamais Elle ne renonça à ses procédés inconvenans. Cependant la Sublime Porte continua de voir en Elle une amie pacifique, de donner tous ses soins aux affaires qui pouvaient avoir quel que analogie avec les Traités conclus entre les deux Etats, et d'observer scrupuleusement les règles de la bonne intelligence.

Quelque tems avant l'Insurrection Grecque, le Baron de Strogonoff, Envoyé de Russie, prétendant que la Sublime Porte n'avait pas exécuté certaines Clauses, insista sur la demande de Conférences relatives au Traité de Bucharest. Des réponses positives et des entretiens convainquans, lui firent connaître à diverses reprises, que les Articles stipulés ayant déjà été ou étant effectivement et entièrement mis à exécution par la Sublime Porte, tandis qu'au contraire la Russie devoit donner un témoignage de son amicale fidélité aux Conventions, en remplissant plusieurs Clauses dont l'accomplissement avoit été différé, il n'y avoit point lieu à des Conférences. Comme il persista en exhibant les ordres de sa Cour, on finit par ouvrir les Conférences demandées, mais sous la condition expresse de ne point s'occuper d'objets tels que l'extension du cercle des Traités et le changement de la teneur des Conventions. Dans le courant des Conférences, ce Ministre ne manqua pas d'élever plus d'une discussion peu raisonnable. Quoi qu'il en soit, les Articles du Traité ci-dessus étaient examinés, un à un, lorsqu'éclata l'Insurrection Grecque, et tout le monde sait que les obstacles occasionnés par cet évènement, durent retarder le travail dont il s'agissait.

Le transfuge Ypsilanti sortit alors de Russie pour envahir publiquement et à l'improviste la Moldavie; bientôt à la tête d'une Troupe de Rebelles il répandit le trouble et le désordre dans les deux Provinces. Animé par le chimérique désir d'établir un prétendu *Gouvernement de la Grèce*, il souleva toute la Nation Grecque, sujette Tributaire de l'Empire Ottoman de père en fils, l'égara par ses maudites Proclamations répandues partout, et l'excita à méconnoître l'autorité de la Sublime Porte.

Chaque Puissance étant libre d'arrêter et punir les Malfaiteurs qui se trouvent dans ses Etats, et de s'occuper de toute affaire intérieure et particulière tendante au maintien du bon ordre,—dès que le feu de la révolte s'alluma de tout côté, la Sublime Porte prit les mesures convenables, envoya des Troupes contre les Rebelles afin de ramener la tranquillité en étouffant la Rebellion et purgeant le Pays, et travailla à rétablir un moment plutôt les privilèges des Provinces, bien loin de les anéantir par la destruction des Malfaiteurs. Il est evident que nul individu n'avoit le droit de rien objecter contre ces mesures et d'autres semblables, auxquelles la Sublime Porte était obligée par les circonstances, et qui ne pouvaient souffrir de délai en de telles conjonctures; néanmoins l'Envoyé de Russie inventa diverses objections et donna naissance à plusieurs différends sans motif, par des propos et des

procédés peu convenable à l'Agent d'une Puissance amie, au milieu d'affaires aussi majeures qui occupaient la Sublime Porte.

Plus tard Ypsilanti en déroute étant retourné en Russie, et l'Hospodar de Moldavie, Michel Soultzo, s'y étant également réfugié avec tous ses Partisans, la Sublime Porte demanda, aux termes des Traités, leur extradition, ou leur punition là où ils se trouvaient. Quoiqu'il n'y ait pas entre Puissances Alliées de meilleure humanité que la fidélité aux Conventions, la Cour de Russie ne se contenta pas de donner une vaine réponse qui était hors des règles diplomatiques, en disant que l'humanité s'opposait à leur extradition; Elle viola et anéantit les Traités et droits existans, en accueillant peut-être ces individus avec des égards.

Le reste des Rebelles se trouvait encore dans les deux Principautés, les transfuges étoient protégés par la Russie, le feu de l'insurrection se renforçait de jour en jour, lorsque la Russie demanda l'évacuation des deux Provinces par les troupes Ottomanes, la nomination des Hospodars, la modification de mesures indispensables, auxquelles les circonstances ne permettoient pas d'apporter aucun changement. A l'époque où les principaux d'entre les Grecs ayant été mis en liberté, les Chefs incensés de l'Insurrection reçurent le châtiment dû à leurs crimes trop bien constatés, des réclamations inconvenantes eurent lieu en leur faveur. On ne manifesta point la moindre envie de prêter une oreille équitable aux réponses justes et aux déclarations amicales que la Sublime Porte opposa à toutes ces prétensions, soit de vive voix soit par écrit. Finalement, l'Envoyé de Russie quitta Constantinople d'une manière contraire aux devoirs d'un Ambassadeur. Aussitôt le Grand Vizir écrivit au premier Ministre de Russie, en lui exposant la vérité; il lui représenta en détail que le système adopté et suivi en tous tems par la Sublime Porte, consistait dans la pure intention d'exécuter, à la lettre, les Traités conclus avec les Puissances amies, et surtout avec la Russie, son ami et sa voisine, d'aviser constamment aux moyens de maintenir la bonne intelligence et d'assurer la tranquillité. Contre notre espoir, la réponse que nous reçûmes s'éloignait du chemin de la justice et de la vérité.

Dès que les deux Provinces eurent été purgées des Rebelles qui les souillaient, les Hospodars furent nommés, les anciens privilèges des Principautés entièrement rétablis, et ces deux Provinces remises sur l'ancien pied. A son retour du Congrès de Vérone, Lord Strangford, Ambassadeur d'Angleterre, ayant, dans le courant de ses entretiens sur les circonstances, d'abord signalé la conduite modérée de la Sublime Porte, comme étant à l'abri de toute objection, déclara officiellement et publiquement, à plusieurs reprises en pleine Conférence, que si la Sublime Porte voulait aussi consentir à réduire le nombre des *Beschli-niferat*, qui se trouvaient sous les ordres des *Bach-Bechli-Aga* des Principautés, il ne resterait plus par la suite aucun sujet de contestation,



aucun motif de démêlé entre la Sublime Porte et la Russie, et que la bonne harmonie des deux Cours reposerait sur des bases solides. Se fiant à cette notification, et désirant enlever ainsi tout sujet de discorde, la Sublime Porte acquiesça également à cette proposition ; le nombre des Bechli-ne-ferat fut diminué. M. Minciacky, alors Chargé d'Affaires de Russie, témoigna même combien sa Cour en était satisfaite.

Peu de temps après on entama l'affaire du rang des Bach-Bechli-Aga. La Russie fit connaître officiellement, qu'elle désirait leur changement, et leur remplacement par des Individus sans rang ; cette faveur fut également accordée, uniquement pour complaire à la Russie. Immédiatement après M. Minciacky présenta une Note Officielle au nom de sa Cour, afin de demander l'envoi de Plénipotentiaires sur la frontière pour expliquer le Traité de Bucharest. Les Plénipotentiaires que la Sublime Porte envoya sur la frontière, dans le but de terminer les Conférences entamées pour le même objet avec le Baron de Strogonoff, et dans l'espoir qu'au moins cette fois, toute discussion cessant entre les deux Empires, la paix si désirée trouverait son véritable centre, ayant été ensuite attirés artificieusement par la Russie jusqu'à Ackermann, on commença par poser en principe la condition de ne point sortir du cercle des Traités, et de ne point interpréter ni changer le sens du texte des Stipulations, de même qu'on en était convenu précédemment avec le susdit Envoyé. Les deux Parties convinrent de cette base, et l'on ouvrit les Conférences. Au bout de quelques séances, les Plénipotentiaires Russes présentèrent, contrairement à la Convention, une pièce isolée, sous le nom d'*ultimatum*, en demandant qu'elle fût acceptée et approuvée telle quelle. En vain les Plénipotentiaires de la Sublime Porte s'efforcèrent-ils de faire renoncer à cette proposition, en représentant combien elle était contraire aux formes diplomatiques et à la base des Conférences. " Notre Mission " répondirent les Russes, " a pour unique objet de faire absolument accepter cette pièce " et les Conférences s'arrêtèrent là. Finalement comme les Plénipotentiaires Russes avaient reconnu dans le courant des Conférences, que l'affaire Grecque était une affaire intérieure de la Sublime Porte, et comme ils avaient déclaré officiellement et au nom de leur Cour, que la Russie ne s'en mêlerait aucunement, qu'ils rassureraient même et tranquilliseraient totalement la Sublime Porte sur ce point, attendu que cette déclaration fût consignée dans les Protocoles tenus, suivant l'usage de part et d'autre, vû d'ailleurs que d'après les raisons législatives, politiques et nationales, qui empêchaient réellement la Sublime Porte d'admettre aucune ingérence étrangère dans l'affaire Grecque, la promesse de la Russie de ne pas s'en mêler, était une marque sincère d'égards pour la Sublime Porte ; cette déclaration paraissant un gage de paix et d'amitié entre les deux Empires pour le présent et l'avenir,



la clôture des Conférences fut implicitement basée sur la dite déclaration, et l'on conclut de bonne grace le Traité sans trop regarder à chacun des Articles en particulier.

M. de Ribeaupierre, Envoyé de Russie, arrivant à Constantinople, y reçut tous les honneurs usités, toutes les marques de respect dues à sa personne. La plupart des Articles du Traité ci dessus avaient déjà été mis à exécution ; on s'occupait de régler également les autres, lors qu'il fut de nouveau question de l'affaire Grecque, dont les discussions avaient trainé si long tems et rempli toutes les oreilles ; affaire sur laquelle la Sublime Porte avait déjà donné mille fois à tous, des réponses catégoriques et officielles ; affaire dont la Russie surtout avait formellement promis de ne point se mêler. Il parut alors un Traité injustement conclu contre la Sublime Porte et à Son insçu. Malgré la présence de M. de Ribeaupierre, qui se trouvant à Ackermann, en qualité de Second Plénipotentiaire de sa Cour, était l'un de ceux, qui y avaient annoncé officiellement qu'on ne se mêlerait point de l'Affaire Grecque, malgré la présence des autres Plénipotentiaires ; malgré l'existence des Protocoles, la déclaration fut niée ouvertement. Cette proposition si violente, qu'il était impossible à la Sublime Porte d'accepter, tant selon la loi que selon la politique, fut remise en avant, et l'on refusa fièrement de prêter une oreille favorable aux excuses légales et aux obstacles réels que la Sublime Porte avaient loyalement allégués sur cet objet à diverses reprises.

Enfin le fatal évènement de Navarin, évènement inoui et sans exemple dans l'histoire des peuples, ne changea rien aux relations amicales de la Sublime Porte ; mais non content des concessions que la Sublime Porte pouvait, par égard seulement pour les trois Puissances, et sans aucune augmentation ultérieure accorder à des pays encore en révolte, l'Envoyé de Russie partit de Constantinople sans motif ni raison.

Si la Sublime Porte voulait détailler ses nombreux griefs et ses justes droits, chacun des points exposés plus haut serait susceptible en soi-même d'une déclaration spéciale. Quoiqu'il en soit, les circonstances qui ont précédé et suivi l'insurrection Grecque, ayant assez clairement démontré quelle fut son origine, et la marche naturelle des évènements n'ayant fait que confirmer les antécédens, la Sublime Porte, sans avoir besoin d'imputer à personne la naissance de la Révolution, continua à témoigner envers la Russie tout le respect et toute l'amitié qu'exigeaient les Traités et le voisinage ; elle s'efforça de maintenir les rapports les plus favorables ; on n'en tint aucun compte. Il y a plus : autant la Sublime Porte, par amour pour la conservation de la paix, montra de douceur et de condescendance, autant la Russie lui opposa de froideur et de procédés hostiles. Il était naturel qu'une pareille conduite inspirât aux Mussulmans l'idée d'une inimitié innée, et réveillât en eux l'ardeur de l'Islamisme.

Outre que rien ne peut prouver le reproche que nous adresse la Russie d'avoir conclu le Traité d'Ackermann avec une arrière-pensée ; la Proclamation que la Sublime Porte dut répandre dans ses Etats pour divers motifs, étant une Affaire intérieure dont Elle seule connaît les raisons ; il est évident que le langage tenu par un Gouvernement à ses propres Sujets, ne saurait donner lieu à aucun autre Gouvernement de lui chercher dispute. Néanmoins, immédiatement après le départ de l'Envoyé, le Grand Vizir, dans une Lettre officielle au Premier Ministre de Russie, avait exprimé clairement, que, fidèle aux bonnes intentions manifestées depuis long tems, la Sublime Porte désirait toujours le maintien de la paix : Or, si la Russie désirait également, comme elle le prétend, dans sa Déclaration, maintenir sincèrement la paix entre les deux Etats, comme toute discussion entre Puissances doit être basée sur le texte des Traités ou sur un langage officiel, la Lettre officielle du Grand Vizir méritait bien d'être accueillie et prise en considération suivant les formes diplomatiques ; et dans l'hypothèse où cette Proclamation aurait donné quelque soupçon à la Russie, la voie des communications n'ayant jamais été fermée entre les deux Cours, elle pouvait une fois écrire amicalement à la Sublime Porte, s'informer de la vérité, et éclaircir entièrement ses doutes. Loin de suivre une telle marche, peut-être même sans considérer les renseignemens exacts, que lui auront transmis sur cet objet les Représentans des autres Puissances amies qui se trouvent aujourd'hui ici ; elle se hâta de ranger encore cette prétention au nombre de ses griefs et de ses prétextes. Dès lors la partie qui déclare la guerre, n'est elle pas évidemment celle qui aurait conclu le Traité d'Ackermann avec une arrière-pensée ? Les faits portent leurs preuves en eux-mêmes, et nous dispensent de démonstrations ultérieures.

Venons à la saisie des cargaisons des batimens Russes. Quoique le blé que fournissent les Provinces Ottomanes, suffise, graces à Dieu, pour la consommation de la Capitale, cependant le blocus établi contrairement à la paix et à la bonne intelligence, afin d'empêcher l'approvisionnement des troupes Mussulmanes qui se trouvent en Morée, nous ayant déterminé à diriger de quelques parties de la Romélie sur la dite Péninsule les grains destinés à la Capitale, il a fallu suppléer ici au déficit qui en est résulté, par une mesure déjà pratiquée antérieurement, et qui a également porté sur les Négocians des autres Nations amies. Les blés des Négocians Russes sont achetés au prix courant de la place pour la subsistance des habitans de Constantinople, et les valeurs en sont comptées successivement à qui de droit. Cette mesure provenant uniquement du blocus, on ne peut en faire un juste reproche à la Sublime Porte. En outre, les pertes immenses que la Sublime Porte a éprouvées par suite de la Révolution Grecque, dont la prolongation est due à la protection accordée aux Rebelles dès le principe, et tout le dommage que lui ont causé des amis à Navarin, ainsi que plusieurs autres circonstances, lui donnent à Elle seule plein droit de se plaindre,

tandis que les autres n'ont aucun titre pour parler de pertes, tandis même que leur commerce a peut-être recueilli plus d'avantages qu'auparavant.

Quant au reproche d'avoir excité la Perse, c'est encore une pure calomnie. Jamais la Sublime Porte n'a cru de sa dignité d'instiguer un Empire contre un autre. Loin d'exciter la Perse, la Sublime Porte, occupée de ses affaires particulières, et de son organisation intérieure, a conservé une parfaite Neutralité. Elle ne s'est mêlée de connaître le principe et l'issue ni de la Guerre ni de la Paix des deux Empires. Si les Pachas voisins ont fait quelques préparatifs, c'étaient des mesures de précaution usitées dans tout Etat limitrophe de deux autres en Guerre. On voit clairement que la prétention de la Russie d'attribuer ces préparatifs à de mauvaises intentions contre elle, est aussi peu fondée que le reste.

La Russie s'est constamment servie des motifs de protection et d'intérêt en faveur des malheureux Habitans de la Valachie et de la Moldavie, pour élever toutes sortes de discussion contre la Sublime Porte. Veut-on se convaincre que son vrai but n'était point de les protéger, mais uniquement de nous chercher querrelle, que l'on considère le mal que leur ont causé et que leur causeront sans motif l'invasion intérieure d'Ypsilanti, et l'injuste envahissement que vient d'y opérer l'Armée Russe au mépris des Traités. Voilà les Habitans que la Russie prétendait protéger. C'est à la Russie même qu'ils devront leur ruine. Il était très facile et très avantageux pour la Sublime Porte de faire entrer ses Troupes victorieuses dans les deux Principautés, d'après la connaissance qu'elle avait depuis longtems des préparatifs que faisait la Russie pour les envahir ; mais n'ayant jamais permis en aucun tems, contrairement à la Sainte Loi la moindre vexation envers ses Sujets, et s'étant attachée à assurer le bien être et la tranquillité de ces deux Provinces à l'ombre du trône Impérial, elle s'en est abstenue uniquement dans le but d'épargner des malheurs aux Habitans. On ne saurait donc douter que les calamités et les dangers auxquels ils pourront être exposés par la suite des événemens futurs, après un tel acte de prépotence et une aussi perfide invasion seront l'ouvrage de la Russie.

En un mot la Sublime Porte fait sincèrement la présente Déclaration, pour que personne n'ait rien à lui dire, pour qu'on pèse dans la balance de l'équité et de la vérité, combien il y a eu d'injustice de la part de la Russie à repousser les réclamations importantes et les plaintes graves de la Sublime Porte, qui sont aussi éclatantes que le soleil, à inventer toutes sortes d'objections, en interprétant de mille manières différentes le système suivi par le Gouvernement Ottoman, et fondé sur la droiture et la loyauté à déclarer la Guerre sans motif ni nécessité ; pour qu'enfin, exempte de tout regret sur les moyens de résistance qu'emploiera la Nation Mussulmane, en s'appuyant sur l'assistance divine, et se con-

formant aux dispositions de la Sainte Loi, Elle puisse décharger totalement sa conscience d'un évènement qui occasionnera maintenant et par la suite le trouble de tant de créatures, et peut-être ébranlera même la tranquillité du monde entier.

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***TREATY of Commerce and Navigation between Austria and Brazil.—Signed at Vienna, 16th June, 1827.***

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Em Nome da Santissima e Indivisivel  
Trindade.

SUA Magestade o Imperador do Brasil, &c. e Sua Magestade o Imperador d'Austria, &c. igualmente animados dos dezejos de segurar a Seus Subditos as vantagens de hum Commercio reciproco, e de lhes facilitar ao mesmo tempo a troca dos productos respectivos dos seus Paizes, convierão em regular os objectos mais essenciaes das suas Relações Commerciaes, pelo meio de hum Tratado expresso de Commercio, e de Navegação, firmando as ditas relações nas bases da Convenção prévia, que foi assignada pelos respectivos Plenipotenciarios, no Rio de Janeiro, em 30 de Junho do Anno passado, tendo sido approvada pelas duas Altas Partes Contractantes : as quaes para este effeito nomearão por seus Plenipotenciarios, a saber: Sua Magestade o Imperador do Brasil, ao Senhor Antonio Telles da Silva Caminha, Marquez de Rezende, Grande do Imperio, Commendador da Ordem de Christo, Cavalleiro da Ordem Imperial d'Austria da Coroa de Ferro da Primeira Classe, e da Ordem de Santo João de Jerusalém, Gentil Homem da Camara de Sua Magestade o Imperador do Brasil,

Au nom de la Très-sainte et indivisible  
Trinité.

SA Majesté l'Empereur d'Autriche, etc. etc. et Sa Majesté l'Empereur du Brésil, etc. etc. également animés du désir d'assurer à leurs Sujets les avantages d'un Commerce réciproque, et de leur faciliter en même tems l'échange des produits respectifs de leurs Pays, sont convenus de régler les objets les plus essentiels de leurs Relations Commerciales au moyen d'un Traité exprès de Commerce et de Navigation, et de les établir sur les bases de la Convention préalable signée par les Plénipotentiaires respectifs à Rio de Janeiro, le 30 Juin, de l'Année dernière, et approuvée par les deux Hautes Parties Contractantes : à cet effet Elles ont nommé des Plénipotentiaires, savoir :

Sa Majesté l'Empereur d'Autriche le Sieur Clément Venceslas Lothaire, Prince de Metternich-Winnebourg, Duc de Portella, Comte de Königswart, etc. Chevalier de la Toison d'Or, Grand' Croix de l'Ordre Royal de St. Etienne, de la Croix Civile d'Honneur, de l'Ordre de St. Jean de Jerusalem, de la Croix du Midi du Brésil, de l'Ordre de Portugal du Christ, et de plusieurs autres Or-



do Seu Conselho, e Seu Enviado Extraordinario e Ministro Plenipotenciario junto a Sua Magestade Imperial e Royal Apostolica; e Sua Magestade o Imperador de Austria ao Senhor Clemente Wencesláo Lothario, Principe de Meternich Winneburg, Duque de Portella, Conde Kenigswart, &c. Cavalleiro do Tosão de Ouro, Grão Cruz da Ordem Real de Santo Estevão, da Cruz Civil de Honra, da Ordem de Santo João de Jerusalém, do Cruzeiro do Brasil, da Ordem de Christo de Portugal, e de muitas outras Ordens, Chanceller da Ordem Militar de Maria Thereza, Camarista Conselheiro intimo actual de Sua dita Magestade o Imperador d'Austria, Seu Ministro d'Estado das Conferencias, e Seu Chanceller da Corte e de Estado, e da Caza Imperial; os quaes, depois de terem apresentado os seus poderes, quese reconhecerão sufficientes, convierão nos Artigos seguintes:

ART. I. Haverá reciproca liberdade de Commercio e Navegação entre e com os Subditos das duas Altas Partes Contractantes, assim em Navios Brasileiros, como Austriacos, em todos os Portos, lugares, e Territorios dos dous Imperios, que se achão actualmente abertos, ou vierem a ser para o futuro a qualquer outra Nação estrangeira.

II. Os Subditos das duas Altas Partes Contractantes poderão, em consequencia desta liberdade reciproca de Commercio e Navegação, entrar com os seus Navios em todos os Portos, Bahias, Enseadas, Ancoradouros, e Rios dos Territorios,

dres; Chancelier de l'Ordre Militaire de Maria Thérèse, Chambellan, Conseiller intime actuel de Sa dite Majesté l'Empereur d'Autriche, Son Ministre d'Etat et des Conférences, et Son Chancelier de Cour et d'Etat, ainsi que de la Maison Impériale:

Et Sa Majesté l'Empereur du Brésil le Sieur Antoine Telles de Silva, Menezes, Caminha, Marquis de Rezende, et Grand de l'Empire du Brésil, Commandeur de l'Ordre du Christ, Chevalier de l'Ordre Impérial d'Autriche de la Couronne de fer de la 1<sup>re</sup> Classe, et de l'Ordre de St. Jean de Jerusalem; Gentilhomme de la Chambre de Sa Majesté l'Empereur du Brésil, Membre de Son Conseil, et Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Impériale et Royale Apostolique; lesquels, après avoir fait constater leurs Pouvoirs, reconnus suffisans, ont arrêté les Articles suivans:

ART. I. Il y aura pour les Navires Autrichiens et Brésiliens liberté réciproque de Commerce et de Navigation entre les Sujets des deux Hautes Parties Contractantes, dans tous les Ports, Lieux et Territoires des deux Empires, qui sont ouverts ou viendront à l'être par la suite à toute autre Nation Etrangère.

II. Les Sujets des deux Hautes Parties Contractantes pourroient en conséquence de cette liberté réciproque de Commerce et de Navigation, entrer avec leurs Navires dans tous les Ports, Baies, Anses, Mouillages, et Rivières des Terri-

pertencentes a cada huma dellas, edescarregar todo ou parte de seus carregamentos; e reexportar, segundo os regimentos estabelecidos das Alfandegas: elles poderão ahi residir, alugar cazas e armazens, viajar, e commerciar, abrir lojas, transportar mercadorias, metaes, e dinheiro amoedado; cuidar de seus interesses por si mesmos, seus Agentes, e Caixeiros, sem ser obrigados a empregar para esse effeito Correctores, ou outras pessoas, quaesquer que sejam, ou pagarlhes recompensas ou salarios, excepto se voluntariamente os empregarem, e em todos os casos terão liberdade inteira, assim os vendedores, como os compradores, de ajustar e fixar, como melhor lhes convier, o preço dos generos e mercadorias, quaesquer que sejam, importadas, ou exportadas dos Territorios das duas Altas Partes Contractantes.

III. Conveio-se porém em exceptuar os artigos de contrabando de Guerra, e os reservados ás Coroas das duas Altas Partes Contractantes, assim como o Commercio costeiro de Porto a Porto, consistindo em productos do paiz ou estrangeiros já despachados para consumo, cujo Commercio não se poderá fazer, senão em embarcações Nacionais; sendo com tudo livre aos Subditos de ambas as Partes Contractantes carregar seos effeitos e mercadorias nas ditas embarcações, pagando huns e outros os mesmos direitos.

IV. Os Navios e embarcações dos Subditos das duas Altas Partes Contractantes não pagarão nos

toires appartenans à chacune d'Elles, y décharger le tout ou partie de leurs Cargaisons, y prendre charge et réexporter selon les réglemens de Douane établis; ils pourront y résider, louer des maisons et magasins, voyager, commercer, ouvrir des boutiques, transporter des denrées, des métaux et de l'argent monnoyé, et gérer leurs affaires par eux-mêmes, ou par leurs Agens et Commis, sans être obligés à employer à cet effet des Courtiers ou autres Personnes quelconques, ou leur payer rémunération ou salaire, excepté s'ils les employaient volontairement; et il y aura dans tous les cas liberté entière pour les vendeurs ou acheteurs, d'ajuster ou de fixer, selon qu'il leur conviendra le mieux, le prix des marchandises ou denrées quelconques importées, ou exportées des Territoires des deux Hautes Parties Contractantes.

III. Il est toutefois convenu d'excepter les articles de contrebande de Guerre et ceux réservés aux Couronnes des deux Hautes Parties Contractantes, de même que le Commerce côtier de Port à Port, consistant en produits, indigènes ou étrangers déjà dépêchés pour la consommation, lequel Commerce ne pourra se faire qu'en embarcations nationales, étant libre cependant aux Sujets des Hautes Parties Contractantes de charger leurs effets et marchandises sur les dites embarcations, en payant les uns et les autres les mêmes droits.

IV. Les Navires et Bâtimens des Sujets des deux Hautes Parties Contractantes ne seront assujettis

portos, e ancoradouros da outra, a titulo de farol, tonelagem, portos, pilotagem, quarentena, ou outros direitos semelhantes, ou analogos, debaixo de qualquer denominação que seja, nenhuns outros, nem maiores direitos do que aquelles, a que são ou forem sujeitos nos mesmos Portos na entrada e sahida os Navios da Nação mais favorecida.

V. Para determinar a nacionalidade dos Navios Brasileiros, e Austriacos, as Altas Partes Contractantes convém em que sejam considerados como Navios Austriacos aquelles que forem possuidos pelos Subditos Austriacos, construidos, registrados, e navegados, segundo as Leis e Regulamentos d'Austria; e as embarcações construidas ou possuidas por Subditos Brasileiros, e cujo Capitão e trez quartas partes da tripulação forem igualmente Subditos do Brasil, serão consideradas Brasileiros. E Sua Magestade o Imperador d'Austria, tendo em vista attender à navegação do Brasil, convém em suspender provisoriamente a execução desta ultima disposição, devendo todavia ser o Dono e Mestre Brasileiros, e levarem as embarcações todos os outros seos despachos, e documentos em fórmula legal.

VI. Todos os generos, mercadorias, e artigos, quaesquer que sejam, da producção, manufactura, e industria dos Subditos e Territorios de Sua Magestade o Imperador d'Austria, e exportados dos Portos d'Austria para consummo, poderão ser livremente importados em todos e cada hum dos Portos do Imperio do Brasil, sendo consignados a

dans les Ports et Mouillages de l'autre, à titre de phare, tonnage, port, pilotage, quarantaine ou autres droits semblables ou analogues, sous quelque dénomination que ce soit, à aucun droit différent ou plus élevé que ceux, auxquels sont ou seront assujettis dans ces mêmes Ports à leur sortie, ceux de la Nation la plus favorisée.

V. Afin de déterminer la nationalité des Navires Autrichiens et Brésiliens, les Hautes Parties Contractantes conviennent, que seront considérés comme Navires Autrichiens tous ceux, qui sont la propriété de Sujets Autrichiens et construits, enrégistrés et navigués en conformité des Lois et Réglements de l'Autriche, et que ceux qui sont de construction ou propriété de Sujets Brésiliens, et dont le Capitaine et les trois quarts de l'équipage seront également Sujets du Brésil, seront considérés comme Brésiliens, et Sa Majesté l'Empereur d'Autriche ayant en vue de faciliter la Navigation du Brésil, s'engage à tenir provisoirement en suspens l'entière exécution de cette dernière disposition, le propriétaire et le Capitaine devant toutefois être Brésiliens, et les Navires devant avoir tous leurs Papiers et Documens en forme légale.

VI. Toutes les denrées, marchandises et articles quelconques, qui sont de production, de manufactures, ou de l'industrie des Sujets et Territoires de Sa Majesté l'Empereur d'Autriche, et expédiés des Ports de l'Autriche pour la consommation, pourront être librement importés dans tous et chacun des Ports de l'Empire du Brésil,



quem quer que for, sem serem sujeitos a direitos de importação diferentes ou maiores do que aquelles que ora pagão, ou houverem de pagar para o futuro os ditos generos, mercadorias, e artigos pertencentes aos Subditos da Nação mais favorecida, conforme a Pauta geral das Alfandegas que, para este fim, será promulgada em todos os Portos do Brasil, onde ha, ou forem estabelecidas Alfandegas.

Conveio-se porém em declarar, que tratando-se da Nação mais favorecida, não deve servir de termo de comparação a Nação Portuguesa, ainda quando esta haja de ser privilegiada no Brasil em materias de Commercio.

VII. He igualmente convencionado que, todas as vezes que productos do Territorio ou industria Austriaca importados nas Alfandegas do Brasil para consummo, não tiverem nas Pautas hum valor determinado, o importador de taes artigos será admittido a fazer huma declaração do seu valor, a fim de serem despachados n'Alfandega com esta declaração: porém, no caso em que os Officiaes das Alfandegas encarregados da percepção dos direitos, entendão que tal avaliação he lesiva, terão elles a liberdade de tomar por sua conta os objectos assim avaliados, pagando ao importador 10 por cento sobre a dita avaliação, dentro do prazo de 15 dias, contados do primeiro da detenção, e restituindo os direitos pagos.

VIII. Em reciprocidade dos artigos precedentes, todos os generos,

étant consignés à qui que ce soit, sans être assujettis à des droits d'importation différens ou plus élevés, que ceux que payent à présent, ou viendraient à payer par la suite pour les mêmes denrées, marchandises et articles, les Sujets de la Nation la plus favorisée, en conformité du Tarif général des Douanes, qui, à cette fin, sera promulgué dans tous les Ports du Brésil, dans lesquels des Douanes sont ou seraient établies.

Il est convenu qu'en parlant de la Nation la plus favorisée au Brésil, la Nation Portugaise ne devra pas servir de terme de comparaison, même quand elle viendrait à être privilégiée au Brésil en matière de Commerce.

VII. Il est également convenu que toutes les fois que des produits du Territoire ou de l'industrie de l'Autriche, importés dans les Douanes du Brésil pour la consommation, n'auraient point de valeur déterminée dans le Tarif, celui qui importe de tels Articles sera admis à faire une déclaration de leur valeur, afin d'être dépêchés en douane sur cette déclaration; mais dans les cas où les Officiers des Douanes chargés de la perception des droits, jugeraient, qu'il y aurait une trop grande erreur dans l'évaluation, il leur sera libre de prendre pour leur compte les objets ainsi évalués, en payant au vendeur dans le terme de 15 jours, à compter du jour de la saisie, 10 pour cent. en sus de l'évaluation, et en restituant les droits payés.

VIII. En réciprocité des Articles précédens, toutes les denrées



mercadorias, e artigos quaesquer que sejam da producção, manufactura, e industria dos Subditos, e Territorios de Sua Magestade o Imperador do Brasil, importados directamente para consummo nos Portos d'Austria, não pagarão algum outro direito, se não os que pagão ou vierem a pagar os mesmos artigos importados da mesma maneira pelos Subditos da Nação mais favorecida.

IX. Os productos e mercadorias, quaesquer que sejam, dos Subditos e Territorios de cada hum das duas Altas Partes Contractantes, importados em os Estados da outra, serão munidos de Certificados de Origem, segundo as formulas estabelecidas a este effeito em os Estados respectivos.

X. Todos os generos, mercadorias, e manufacturas dos Subditos e Territorios do Imperio d'Austria, que forem expedidos em os Portos do Imperio do Brasil para entreposto ou re-exportação, não pagarão algum outro Direito, senão aquelles presentemente estabelecidos, ou que vierem para o futuro a estabelecer-se para a Nação mais favorecida.

XI. As Duas Altas Partes Contractantes convém em que os Subditos gozarão nos respectivos Territorios e Estados, de todos e quaesquer privilegios, franquezas, e isenções, que forem concedidas ao Commercio e Navegação de qualquer outra Nação, ficando entendido que estas condições favoraveis serão logo e de direito reciprocamente concedidas, independentemente de outra qualquer

marchandises et articles quelconques du produit, des manufactures ou de l'industrie des Sujets et Territoires de Sa Majesté l'Empereur du Brésil, importés directement pour la consommation dans les Ports de l'Autriche, ne payeront aucun autre droit que ceux que payent ou viendraient à payer les mêmes articles, importés de la même manière par les Sujets de la Nation la plus favorisée.

IX. Les produits et marchandises quelconques des Sujets et Territoires de chacune des deux Hautes Parties Contractantes, importés dans les Etats de l'autre, seront munis de Certificats d'Origine, selon les formes établies à cet effet dans les Etats respectifs.

X. Toutes les denrées, marchandises et manufactures des Sujets et Territoires de l'Empire d'Autriche, qui seront expédiés dans les Ports de l'Empire du Brésil pour l'entrepôt ou la ré-exportation, ne payeront aucun autre droit que ceux établis à présent, ou qui viendraient à s'établir par la suite, pour la Nation la plus favorisée.

XI. Les deux Hautes Parties Contractantes conviennent, que leurs Sujets jouiront dans leurs Territoires et Etats respectifs de tous et chaque franchise, privilèges et exemption qui seraient concédés, pour le Commerce et la Navigation à une autre Nation quelconque; devant être entendu, que ces conditions favorables seront de suite et de droit réciproquement concédées indépendamment

estipulação, como se tivessem sido expressamente declaradas no presente Tratado.

XII. Em tudo o que for relativo ao carregamento e descarga dos Navios, e á segurança das propriedades, mercadorias e effeitos dos Subditos de cada huma das Duas Altas Partes Contractantes, os Subditos respectivos gozarão da segurança, favores, e isenções concedidas á Nação mais favorecida; poderao dispor livremente de suas propriedades por venda, troca, doação, testamento ou de qualquer fórma, sem que se lhes ponha obstaculo, ou impedimento algum, as suas casas propriedades, e effeitos, serão protegidos, e respeitados, e não serão tomados contra sua vontade por Authoridade alguma, sem prejuizo todavia da marcha legal da Justiça; serão isentos de todo o serviço Militar de terra ou de mar, de qualquer outro serviço Publico; de todo o empréstimo forçado, e de todos os impostos ou requisições Militares, e não serão sujeitos a pagar alguma imposição ordinaria maior que as que pagão, ou vierem a pagar os Subditos da Nação mais favorecida.

XIII. Cada huma das Duas Altas Partes Contractantes terá o direito de nomear Consules Geraes, Consules, e Vice-Consules, que residirão nos Portos ou Cidades dos Estados da outra, para a protecção do Commercio: mas antes de exercerem suas funcções, deverão ser admittidos, e approvados na forma do estilo pelo Go-

de toute autre Stipulation quelconque, comme si elles avaient été expressément déclarées dans le présent Traité.

XII. En tout ce qui est relatif au chargement et déchargement des Navires et à la sûreté des propriétés, marchandises et effets des Sujets de chacune des deux Hautes Parties Contractantes, les Sujets respectifs jouiront de la sûreté, des faveurs et des exemptions concédées à la Nation la plus favorisée; ils pourront disposer librement de leurs propriétés par vente, troc, donation, testament ou de toute autre manière, sans qu'il leur soit mis obstacle ou empêchement quelconque; leurs maisons, propriétés et effets seront protégés et respectés et ne seront point saisis contre leur gré par une Autorité quelconque, sans préjudice toutefois de la marche légale de la Justice; ils seront exempts de tout service Militaire de terre ou de mer, de tout autre service public, de tout emprunt forcé et de tous impôts ou réquisitions militaires, et ils ne seront assujettis à payer aucune imposition ordinaire plus élevée que celles que payent ou viendraient à payer les Sujets de la Nation la plus favorisée.

XIII. Chacune des deux Hautes Parties Contractantes aura le droit de nommer des Consuls-Généraux, Consuls et Vice-Consuls, qui résideront dans les Ports ou Villes des Etats de l'autre, pour la protection du Commerce; mais avant d'exercer leurs fonctions, ils devront avoir été admis et approuvés, dans les formes d'usage, par le Gou-

verno, junto ao qual devem residir.

Elles gozarão em hum e outro Paiz, tanto para suas pessoas, como para o exercicio de suas funcções, e protecção que devem aos seus Nacionaes, dos mesmos privilegios, que são, ou forem concedidos aos Consules da Nação mais favorecida.

XIV. Sua Magestade o Imperador do Brasil concede aos Subditos de Sua Magestade o Imperador d'Austria o privilegio de poderem ser Assignantes das Alfandegas do Brasil, com as mesmas condições e seguranças dos Subditos Brasileiros. E por outra parte se ajustou em que os Subditos Brasileiros gozarão nas Alfandegas Austriacas de todos os favores, quanto as Leis e Regulamentos o permittirem.

XV. O presente Tratado de Commercio e Navegação terá seu pleno o inteiro effeito pelo tempo de 6 annos, a contar da data da troca das Ratificações.

XVI. As Ratificações do presente Tratado serão trocadas em Vienna no espaço de 9 mezes, ou antes se for possivel, contados do dia da Assignatura.

Em testemunho do que, Nós abaixo assignados Plenipotenciarios de Sua Magestade o Imperador do Brasil, e de Sua Magestade o Imperador d'Austria, em virtude dos nossos respectivos Plenos Poderes, assignámos o presente Tratado com os nossos punhos, e lhe fizemos pôr os Sellos das nossas Armas.

vernement près du quel ils doivent résider.

Ils jouiront dans l'un et dans l'autre Pays, tant pour leurs Personnes que pour l'exercice de leurs fonctions et la protection qu'ils doivent à leurs Nationaux, des mêmes privilèges, qui sont ou seraient accordés aux Consuls de la Nation la plus favorisée.

XIV. Sa Majesté l'Empereur du Brésil concède aux Sujets de Sa Majesté l'Empereur d'Autriche le privilège d'être signataires aux Douanes du Brésil, avec les mêmes conditions et sûretés que les Sujets Brésiliens; et il est convenu d'autre part que les Sujets Brésiliens jouiront dans les Douanes de l'Autriche de toutes les faveurs compatibles avec les Lois et réglemens existans.

XV. Le présent Traité de Commerce et de Navigation aura son plein et entier effet pendant le terme de 6 Ans, à compter de la date de l'échange des Ratifications.

XVI. Les Ratifications du présent Traité seront échangées à Vienne dans l'espace de 9 mois, ou plutôt si faire se peut, à compter du jour de la Signature.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le Cachet de leurs Armes.

Feito em Vienna, aos 16 dias do      Fait à Vienne le 16 Juin, l'an  
mez de Junho, do Anno do Nasci-      de Grace 1827.  
mento de Nosso Senhor Jesus  
Christo, de 1827.

(L.S.) REZENDE.

(L.S.) METTERNICH.

(L.S.) METTERNICH.

(L.S.) REZENDE.

*MESSAGE of the Government, on the Opening of the Legis-  
lature of the Province of Buenos Ayres. 14th June, 1828.*

SENORES,

(Translation)

THE Government of the Province of Buenos Ayres sees with the greatest satisfaction the Opening of the Seventh Legislative Assembly: at this moment are realized the hopes conceived on the first days of the Revolution; therefore it presents itself with the fullest confidence to salute the honourable Representatives, and to give a faithful account of the affairs confided to its direction; nevertheless, it is not possible to do so with the same minuteness as heretofore, the War having paralyzed a portion of the means of interior improvement; and for this reason, it can only speak of the most important points, as far as the actual state of the Country will permit. Internal tranquillity has been the first object to which it directed its attention, satisfied that without that we should be contemned by the World, and be the derision of our Enemies. Past experience has not been sufficient to convince us, that the formation of a State is subjected to the general laws of nature, in which nothing can arrive at perfection except slowly and progressively. The Government, acting upon this principle, applied itself to the extinction of discord, and the re-establishment of the quiet of the interior under whose shade alone can flourish the real interests by which the Nation must be hereafter united; it has the satisfaction to announce to you, that the result has corresponded with its hopes, and that reason has rarely obtained a triumph so easy and rapid in the midst of so much agitation. The Government has cause to congratulate itself in the naming of the Deputies who have acted in a negotiation so important; the Provinces, in addition to having withdrawn their arms from Civil War, have given them a more noble direction, and have named Representatives to form a Convention in the City of Santa Fé, which will probably have the good fortune to lay the foundation of the national happiness.

The Negotiations for Peace with His Majesty the Emperor of Brazil still continue, and there are well founded hopes that the day is not far distant in which the War will terminate satisfactorily; notwithstanding which, the Government, sensible that honor is the vital principle of Nations, continues to support it at every sacrifice, until Peace



can be realized ; and it hopes that should necessity require it, you will with pleasure make every necessary sacrifice. The Nations of our Continent continue to give us proofs of their good wishes, and Great Britain constantly renders us the good offices of a true friend. The Officers and Forces by land and sea have displayed great constancy and bravery, and have obtained considerable advantages, which recommend them to the respect and gratitude of every good Citizen. When it appeared that the War was at a stand, and that the Armies of the two hostile Powers faced each other without either being able to advance, an intrepid Chief, with a handful of Argentines, has recovered our old Possessions of the "Misiones Orientales ;" his Force has been there increased, and the joy evinced by the Inhabitants in returning to the bosom of the Republick, sufficiently proves the absurdity of Conquest ; the expedition from the North, now marching to the same point, when united to the said Force, will form a respectable Army, the expense of which is inconsiderable, and which can easily combine its operations with the main Army, and will prove the symbol of the concord and enthusiasm of the Provinces.

The Militia of the City and the Country, which had been almost dissolved, and in a state of nullity, has been reorganized, and performs important services, enabling the troops of the line to be placed on the frontiers, and wherever their presence may be called for in the Foreign War. The new line of frontier is established—this undertaking, as desirable as it is important, commenced under the most auspicious circumstances. The Indians, with whom the Government continues the measures of peace and conciliation with the most happy effects, will no more commit depredations with impunity, and the immense acquisition of Territory has doubled the guarantee of the Publick Debt, so that this burthen may be taken off in a short time if it be found necessary. But the most important is, that in this establishment we have occupied the interesting position of White Bay (*Bahia Blanca*) which is surrounded with commodious harbours, agricultural land, and extensive woods : its maritime coasts abound with fisheries and some Ports, enabling us to have hereafter a respectable Marine, which will be the shield of the Republick. The communication with Chile by land from the same point is short and convenient ; and the navigation of the Red River (*Rio Colorado*) will perhaps afford a more easy exportation of the produce of some of the interior Provinces. The Government has ordered the land to be surveyed, and the most proper place to be pointed out whereon to erect a City, to be called the *New Buenos Ayres* ; the importance to which it is likely to arrive, gives it a claim to so glorious a title. The zeal manifested in this undertaking by all those charged with the execution of it, deserves the highest praise. Owing to the stagnation of our Foreign Commerce, that of the interior has

rapidly increased, especially those capitals that have been applied to agricultural purposes, Labourers being abundant owing to the cessation of the impressment.

The establishment of Publick Grammar Schools for Children in the City and Country required, at the same time, particular attention; the Government took this subject into consideration, and, having placed at the head of the Schools an Individual who is well known for his philanthropy, the desired effect has been produced. Private Colleges and houses of education have begun to be established; the Government encourages, by every means, this species of industry, the most useful for the Country, and hopes that, in a short time, it will not be necessary for Youths, in seeking the treasures of science, to cross the Seas, with the danger of losing those sentiments which can alone be cultivated in their Native Land. The Ladies of the Benevolent Society have shown, in the present Year, how much the Nation is indebted to them for their assiduous efforts to promote education. The Publick Schools continue in the same state: that of San Miguel has improved. The works at the Cathedral Church, and on the high road to Ensenada, and the Canal of San Fernando, are nearly completed. Many Country Towns have been assisted with Funds to repair their Churches, or to build new ones; and until, in process of time, our Laws and habits shall have been improved, a new Prison will be established for the confinement of Debtors. The Hospitals, especially that for the reception of Females, receive considerable improvements: the Government thus endeavouring to alleviate the sufferings of the unfortunate. The important establishment for vaccination has been augmented, and its utility has never been more felt than at this moment, for whilst the neighbouring Provinces are visited by the terrible scourge of the small pox, it has scarcely been seen in this City, and the Government has put in practice every means entirely to eradicate it.

The liberty of the press has of late been greatly abused: some ill advised Persons have carried its licentiousness to such an extent, as to bring discredit upon the Country among Foreign Nations, where it is not possible to know that such productions create here only contempt for their Authors. The Law of the 8th of May has, in a great measure, suppressed this licentious writing, and publick opinion will by degrees lead to its extirpation. The administration of Justice requires a change, from which considerable advantages may be expected; the Government will have the honour of submitting this matter for your consideration.

Of all our domestic wants, none is more urgent, than that of fixing in a certain positive manner, the basis of the National Bank; this establishment at present requires the strongest guarantees; and to obtain them it will be only necessary to act with prudence.

As the Province of Buenos Ayres has provided exclusively the

Funds for the defence of the Nation, it may be right to state, that, when the present Administration shall have been one Year in office, in August next, they will have expended 1,000,000 of dollars less than they had calculated upon: after having discharged enormous out-standing Debts; established the Frontier; clothed, armed, and paid, the Army and Navy: provided for the transport and armament of the Contingents from the Provinces; as well as the expenses of Foreign Affairs, and nearly all those of the Convention; supplied the Parks of Artillery and the Magazines: and having also, at the same time, defrayed the internal expenses of the Province. It is true, that they have suspended for the present, the payment of the interest upon the Loan in London, and that this distressing measure was foreseen at the time of making the above calculations; but it was one of those alternatives necessary to be taken, in order to avoid greater evils;—the operation of issuing Paper in Buenos Ayres, in order to send gold to England, would be like adding fuel to fire, and would in the end exhaust all our resources. The Government has had the satisfaction to learn, by means of a respectable House in London, to whom it has confided the management of this affair, that the holders of the Bonds have duly appreciated the circumstances of the Country, not doubting that the Government intends (as it most certainly does) to remit to them, upon the first opportunity, the Funds necessary for the fulfilment of its engagements.

Every day proves the necessity of placing the direct Taxes upon a solid foundation, and that the Projects of Law for that purpose, submitted in the preceding Session, should receive your sanction as soon as possible; the Government on its part is prepared to give a new form to the mode of collection; the system of contract with private Individuals, in farming it out, might have been very desirable at the commencement, but, now that more information has been obtained upon the subject, it will be advisable to administer it by Persons, who should be permanently employed, receive adequate salaries, and who might be promoted according to their labours and merits.

The Department of Architectural Engineers, and the Botanical Garden, have been suppressed; as will also be other Departments and expenses; not because the Government did not recognize their utility, taken in the abstract, but because they were out of proportion with its means to sustain and employ them, and served only as a vain appearance: the Government, disdaining an ephemeral popularity, in this respect, will perform its duty. The expenses of the War have been reduced to the lowest possible amount; and it may be confidently stated, that the burthen of them upon the Revenue, is hardly one-third of what might have been expected.

Finally, Senores Representatives, if a comparative view be taken of the present state of the Province, and of that in which it stood in the

month of August last, it ought to be regarded as highly satisfactory. The Government confides in your enlightened and cordial co-operation, not only in sustaining the present Institutions, but in advancing them to greater perfection.

MANUEL DORREGO.

JOSE MARIA ROXAS.

JUAN RAMON BALCARCE.

*The very honourable the Junta of Representatives  
of the Province of Buenos Ayres.*

**PRELIMINARY Convention of Peace between Brazil and  
Buenos Ayres.—Signed at Rio de Janeiro, 27th August, 1828.**

(Translation)

EN el nombre de la Santísima é Indivisible  
Trinidad.

EL Gobierno de la República de las Provincias Unidas del Rio de la Plata, y Su Magestad el Emperador del Brazil, deseando poner término á la Guerra, y establecer sobre principios sólidos y duraderos, la buena inteligencia, armonia, y amistad, que deben existir entre Naciones vecinas, llamadas por sus intereses á vivir unidas por lazos de alianza perpetua, acordaron, por la mediacion de Su Magestad Británica, ajustar entre sí una Convencion Preliminar de Paz, que servirá de base al Tratado Definitivo de la misma, que debe celebrarse entre ambas Altas Partes Contratantes, y para este fin nombraron sus Plenipotenciarios; á saber:

El Gobierno de la República de las Provincias Unidas á los Generales Don Juan Ramon Balcarce, y Don Tomas Guido.

Su Magestad el Emperador del Brazil, á Los Ilustrísimos y Excelentísimos Señores Marquez de Aracaty, del Consejo de Su Ma-

In the name of the Most Holy and  
Undivided Trinity.

THE Government of the Republic of the United Provinces of the River Plate, and His Majesty the Emperor of Brazil, desirous of putting an end to the War, and of establishing upon solid and lasting principles, that good intelligence, harmony, and friendship, which ought to exist between neighbouring Nations, who are called by their interests to live united by the bonds of perpetual alliance, have agreed, through the mediation of His Britannick Majesty, to settle a Preliminary Convention of Peace, which shall serve as a basis to the Definitive Treaty to be concluded between both the High Contracting Parties, and for this end they have appointed their Plenipotentiaries, viz.

The Government of the Republic of the United Provinces, the Generals Don Juan Ramon Balcarce, and Don Tomas Guido.

His Majesty the Emperor of Brazil, The Most Illustrious and Most Excellent Marquis of Aracaty, Member of His Majesty's



gestad, Gentil Hombre de Camara Imperial, Consejero de Hacienda, Comendador de la Orden de Aviz, Senador del Imperio, Ministro y Secretario de Estado en el Departamento de Negocios Estrangeros; Dr. D. José Clemente Pereira, del Consejo de Su Magestad, Desembargador de la Casa de Suplicacion, Dignitario de la Imperial Orden del Cruzero, Caballero de la de Cristo, Ministro y Secretario de Estado en el Departamento de Negocios del Imperio, y interinamente, encargado de los Negocios de Justicia; y D. Joaquim de Oliveira Alvarez, del Consejo de Su Magestad y del de Guerra, Teniente General de los Ejercitos Nacionales y Imperiales, Oficial de la Imperial Orden del Cruzero, Comendador de la de Cristo, Ministro y Secretario de Estado, en el Departamento de los Negocios de Guerra, &c.

Los cuales, despues de haber cangeado sus Plenos Poderes respectivos, que fueron hallados en buena y debida forma, convinieron en los Artículos siguientes.

ART. I. Su Magestad el Emperador del Brazil declara la Provincia de Montevideo, llamada hoy Cisplatina, separada del Territorio del Imperio del Brazil, para que pueda constituirse en estado libre y independiente de toda y cualquiera Nacion, bajo la forma de Gobierno que juzgare conveniente á sus intereses, necesidades y recursos.

II. El Gobierno de la República de las Provincias Unidas concuerda en declarar, por su parte, la

Council, Gentleman of the Imperial Chamber, Councillor of Finance, Commander of the Order of Aviz, Senator of the Empire, Minister, and Secretary of State in the Department of Foreign Affairs; Sñr José Clemente Pereira, Member of His Majesty's Council, Chief Judge of the House of Supplication, Dignitary of the Imperial Order of the Cross, Knight of that of Christ, Minister and Secretary of State for the Department of the Interior, and, *ad interim*, of Justice; and Sñr Joaquim de Oliveira Alvarez, Member of His Majesty's Council and of that of War, Lieutenant General of the National and Imperial Armies, Officer of the Imperial Order of the Cross, Commander of that of Christ, Minister and Secretary of State for the War Department, &c.

Who, after the exchange of their respective Full Powers, which were found to be in due and proper form, have agreed to the following Articles.

ART. I. His Majesty the Emperor of Brazil declares the Province of Montevideo, at present called the *Cisplatine*, separate from the Territory of the Empire of Brazil, in order that it may constitute itself into a free and Independent State, from every and any Nation, under the form of Government which may be judged suitable to its interests, necessities, and resources.

II. The Government of the Republick of the United Provinces, on their side, consent to declaring

Independencia de la Provincia de Montevideo, llamada hoy Cisplatina, y en que se constituya en Estado libre y independiente, en la forma declarada en el Artículo antecedente.

III. Ambas Altas Partes Contratantes se obligan á defender la independencia y integridad de la Provincia de Montevideo, por el tiempo y en el modo que se ajustare en el Tratado Definitivo de Paz.

IV. El Gobierno actual de la Banda Oriental, inmediatamente que la presente Convencion fuere ratificada, convocará los Representantes de la parte de la dicha Provincia, que le esta actualmente sujeta, y el Gobierno actual de Montevideo hará simultaneamente una igual convocacion á los Ciudadanos residentes dentro de esta; regulándose el número de los Diputados por el que corresponda al de los Ciudadanos de la misma Provincia, y la forma de su eleccion por el reglamento adoptado para la eleccion de sus Representantes en la última Legislatura.

V. Las elecciones de los Diputados correspondientes á la poblacion de la Plaza de Montevideo, se harán precisamente *extramuros*, en lugar que quede fuera del alcance de la artillería de la misma Plaza, sin ninguna concurrencia de fuerza armada.

VI. Reunidos los Representantes de la Provincia fuera de la Plaza de Montevideo, y de cualquier otro lugar que se hallase ocupado por Tropas, y que esté al menos 10 leguas distante de las mas próximas, establecerán un Gobi-

the Independence of the Province of Monte Video, called this day Cisplatine, and to its constituting itself into a free and independent State, in the form declared in the preceding Article.

III. Both the High Contracting Parties bind themselves to defend the Independence and Integrity of the Province of Monte Video, in the time and manner which shall be determined upon in the Definitive Treaty of Peace.

IV. The present Government of the Banda Oriental, immediately after the ratification of the present Convention, shall convoke the Representatives of that part of the said Province, which is at present subject to it; and the present Government of Monte Video shall simultaneously convoke the Citizens resident within the latter; the number of Deputies being regulated by the corresponding number of the Citizens of the same Province, and the form of their election by the Regulation adopted for the election of their Representatives in the last Legislature.

V. The Election of the Deputies corresponding to the Population of the Fortress of Monte Video, shall be made strictly "*extramuros*," in a place which shall be out of the reach of the Artillery of the said Fortress, and without the interference of any armed force.

VI. The Representatives of the Province, being assembled on the outside of the Fortress of Monte Video, and of any other place occupied by Troops, and which may be at least 10 leagues distant from the nearest, shall establish a Pro-

erno Provisorio, que debe gobernar toda la Provincia, hasta que se instale el Gobierno permanente, que hubiere de ser creado por la Constitucion. Los Gobiernos actuales de Montevideo y de la Banda Oriental cesarán inmediatamente que aquel se instale.

VII. Los mismos Representantes se ocuparán despues en formar la Constitucion Política de la Provincia de Montevideo, y esta, antes de ser jurada, será examinada por Comisarios de los dos Gobiernos Contratantes, para el único fin de ver, si en ella se contiene algun Artículo ó Artículos que se opongan á la seguridad de sus respectivos Estados. Si aconteciese este caso, será explicado pública y categóricamente por los mismos Comisarios, y en falta de comun acuerdo de estos, será decidido por los dos Gobiernos Contratantes.

VIII. Será permitido á todo y cualquiera Habitante de la Provincia de Montevideo salir del Territorio de esta, llevando consigo los bienes de su propiedad, sin perjuicio de tercero, hasta el juramento de la Constitucion, si no quisiese sujetarse á ella, ó asi le conviniese.

IX. Habrá perpetuo y absoluto olvido de todos y cualesquiera hechos y opiniones políticas, que los Habitantes de la Provincia de Montevideo, y los del Territorio del Imperio del Brasil, que hubiere sido ocupado por las tropas de la República de las Provincias Unidas, hubieren profesado ó

visional Government, which shall govern the entire Province; until the establishment of a permanent Government, which shall be created by the Constitution. The existing Government of Monte Video, and of the Banda Oriental, shall cease immediately upon the installation of the new Government.

VII. The same Representatives shall afterwards occupy themselves, in forming the Political Constitution of the Province of Monte Video, which, before it is sworn to, shall be examined by Commissioners of the two Contracting Governments, for the sole end of seeing if there be contained in it any Article or Articles, opposed to the security of their respective States. Should this prove to be the case, it shall be publicly and categorically made known by the said Commissioners, and, in the event of their disagreeing, it shall be decided by the Two Contracting Governments.

VIII. Any Inhabitant of the Province of Monte Video shall be at liberty to quit the Territory thereof, and to take with him the property belonging to him, without prejudice, however, to any third Party, before the Constitution be sworn to, if he should not wish to adhere to it, or if he should prefer to go away.

IX. There shall be a perpetual and entire oblivion of all and every act and political opinion, which the Inhabitants of the Province of Monte Video and those of the Territory of the Empire of Brazil, which has been occupied by the troops of the Republic of the United Provinces, may have committed

praticado, hasta la epoca de la Ratificacion de la presente Convencion.

X. Siendo un deber de los dos Gobiernos Contratantes auxiliar y proteger á la Provincia de Montevideo, hasta que ella se constituya completamente, convienen los mismos Gobiernos, en que si antes de jurada la Constitucion de la misma Provincia, y 5 años despues, la tranquilidad y seguridad fuese perturbada dentro de ella por la guerra civil, prestarán á su Gobierno legal el auxilio necesario para mantenerlo y sostenerlo. Pasado el plazo expresado, cesará toda la proteccion que por este Artículo se promete al Gobierno legal de la Provincia de Montevideo; y la misma quedará considerada en estado de perfecta y absoluta independencia.

XI. Ambas las Altas Partes Contratantes declaran, muy esplicita y categoricamente, que cualquiera que pueda venir á ser el uso de la proteccion que, en conformidad al Artículo anterior se promete á la Provincia de Montevideo, la misma proteccion se limitará en todo caso á hacer restablecer el orden, y cesará inmediatamente luego que este fuere restablecido.

XII. Las Tropas de la Provincia de Montevideo, y las Tropas de la República de las Provincias Unidas, desocuparán el Territorio Brasileiro en el preciso y perentorio término de 2 meses, contados desde el dia en que fueren canjeadas las Ratificaciones de la presente Convencion; pasando las se-

or expressed, before the period of the Ratification of the present Convention.

X. It being the duty of the two Contracting Governments to assist and protect the Province of Montevideo, until it shall be completely constituted, the said Governments agree that, if, before the Constitution of the Province shall be sworn to, and for 5 years afterwards, its internal tranquillity and security should be disturbed by a Civil War, they will lend to it's legal Government, the necessary aid in order to maintain and support it. After the lapse of the time above mentioned, all protection which is promised by this Article to the legal Government of the Province of Montevideo shall cease, and the same shall be considered in a perfect, and absolute state of Independence.

XI. Both the High Contracting Parties declare, explicitly and categorically, that whatever occasion there may be for the protection which, in conformity with the preceding Article, is promised to the Province of Montevideo, that protection shall be limited, in every case, to the restoration of order, and shall cease immediately after the re-establishment of it.

XII. The Troops of the Province of Montevideo, and those of the Republic of the United Provinces, shall evacuate the Brazilian Territory in the precise and peremptory term of 2 months, reckoning from the day on which the Ratifications of the present Convention shall be exchanged;



gundas á la márgen derecha del Rio de la Plata ó del Uruguay : menos una fuerza de 1500 hombres, ó mayor, que el Gobierno de la sobredicha Republica, si lo juzgare conveniente, podrá conservar dentro del Territorio de la referida Provincia de Monte Video, en el punto que escogiere, hasta que las Tropas de Su Magestad el Emperador del Brazil desocupen completamente la Plaza de Monte Video.

XIII. Las Tropas de Su Magestad el Emperador del Brasil desocuparan el Territorio de la Provincia de Montevideo, inclusa la Colonia del Sacramento, en el preciso y perentorio término de 2 meses, contados desde el dia en que se verificase el canje de las Ratificaciones de la presente Convencion, retirándose para las Fronteras del Imperio o embarcándose, menos una fuerza de 1500 hombres, que el Gobierno del mismo Señor podrá conservar en la Plaza de Montevideo, hasta que se instale el Gobierno Provisorio de la dicha Provincia ; con la expresa obligacion de retirar esta Fuerza, dentro el preciso y perentorio término de los primeros 4 meses siguientes á la instalacion del mismo Gobierno Provisorio, á mas tardar ; entregando en el acto de la desocupacion la espresada Plaza de Montevideo, *in statu quo ante bellum*, á Comisarios competentemente autorizados *ad hoc*, por el Gobierno legitimo de la misma Provincia.

XIV. Queda entendido que tanto las Tropas de la República de las

those of the latter crossing to the right bank of the River Plate or of the Uruguay ; excepting a Force of 1500 men, or more, which the Government of the said Republick, may, if it find it convenient, retain within the Territory of the said Province of Monte Video, in such part of it as it may prefer, until the Troops of His Majesty the Emperor of Brazil shall have completely evacuated the Fortress of Monte Video.

XIII. The Troops of His Majesty the Emperor of Brazil shall evacuate the Territory of the Province of Montevideo, including the Colonia del Sacramento, within the precise and peremptory term of 2 months, reckoning from the day on which the exchange of the Ratifications of the present Convention shall take place, and shall retire to the Frontiers of the Empire, or embark, excepting a Force of 1500 men, which the Government of the same Lord may retain in the Fortress of Montevideo, until the time when the Provisional Government of the said Province shall be installed ; with the express obligation of withdrawing this Force within the precise and peremptory term of the first 4 months, at the latest, following the installation of the same Provisional Government ; and the said Fortress of Monte-Video, at the time of evacuation, shall be delivered up "*in statu quo ante bellum* ;" to Commissioners fully authorized "*ad hoc*," by the legitimate Government of the said Province.

XIV. It is understood that the Troops of the Republick of the

Provincias Unidas, como las de Su Magestad el Emperador del Brasil, que, en conformidad de los 2 Articulos antecedentes, quedan temporalmente en el Territorio de la Provincia de Monte Video, no podrán intervenir en manera alguna en los Negocios Politicos de la misma Provincia, su Gobierno, Instituciones, etc. Ellas serán consideradas como meramente pasivas y de observacion, conservadas allí para proteger al Gobierno y garantir las libertades y propiedades publicas e individuales, y solo podrán operar activamente si el Gobierno legitimo de la referida Provincia de Monte Video requiese su auxilio.

XV. Luego que se efectuase el canje de las Ratificaciones de la presente Convencion, habrá entera cesacion de hostilidades por mar y por tierra. El Bloqueo será levantado en el término de 48 horas, por parte de la Escuadra Imperial: las hostilidades por tierra cesarán inmediatamente que la misma Convencion y sus Ratificaciones fueren notificadas á los Ejércitos, y por mar, dentro de 2 días hasta Santa Maria, en 8 hasta Santa Catalina, en 15 hasta Cabo Frio, en 22 hasta Pernambuco, en 40 hasta la Linea, en 60 hasta la Costa del Este, y en 80 hasta los mares de Europa. Todas las presas que se hicieren en mar ó en tierra, pasado el tiempo que queda señalado, serán juzgadas malas presas y reciprocamente indemnizadas.

United Provinces, as well as those of His Majesty the Emperor of Brazil, which, in conformity with the 2 preceding Articles, are to remain, temporarily, in the Territory of the Province of MonteVideo, shall not interfere, in any way whatever, in the political Affairs of the said Province, nor in its Government, Institutions, &c. They shall be considered as entirely passive, and for the purpose of observation, and as retained there for the protection of the Government, and in order to guarantee the publick and individual liberty and property;—and they shall actively operate only, if the legitimate Government of the said Province of Monte Video should require their assistance.

XV. So soon as the exchange of the Ratifications of the present Convention can be effected, there shall be a complete cessation of Hostilities by Sea and by Land. The Blockade shall be raised in the space of 48 hours, on the part of the Imperial Squadron; Hostilities shall cease, by Land, immediately after that the signature of the Convention, and the Ratification of it, shall have been notified to the Armies; and, by Sea, in 2 days to St. Mary's; in 8 to St. Catherine's; in 15 to Cape Frio; in 22 to Pernambuco; in 40 to the Line; in 60 to the Coast of Africa; and in 80 to the European Seas. All Prizes which may be made by Sea or Land, after the space of time above-mentioned, shall be considered as unlawful Prizes, and indemnification be reciprocally made for them.

XVI. Todos los Prisioneros de una y otra parte que hubieren sido tomados durante la guerra en mar ó en tierra, serán puestos en libertad, luego que la presente Convencion fuere ratificada, y las Ratificaciones canjeadas, con la única condicion de que no podrán salir, sin que hayan asegurado el pago de las deudas que hubieren contraido en el Pais donde se hallen.

XVII. Despues del canje de las Ratificaciones, ambas Altas Partes Contratantes tratarán de nombrar sus respectivos Plenipotenciarios, para ajustar y concluir el Tratado Definitivo de Paz, que debe celebrarse entre la República de las Provincias Unidas y el Imperio del Brasil.

XVIII. Si, lo que no es de esperar, las Altas Partes Contratantes no llegasen á ajustarse en el dicho Tratado Definitivo de Paz, por cuestiones que pueden suscitarse, en que no concuerden, à pesar de la mediacion de Su Magestad Británica, no podrán renovarse las hostilidades entre la República y el Imperio antes de pasados los 5 Años estipulados en el Artículo X ; ni aun despues de vencido este plazo, las hostilidades podrán romperse sin previa notificacion hecha reciprocamente 6 meses antes, con conocimiento de la Potencia Mediadora.

XIX. El canje de las Ratificaciones de la presente Convencion será hecho en la Plaza de Monte Video, dentro del término de 70 dias, ó antes si fuere posible, contados desde el dia de su data.

XVI. All the Prisoners on both sides, who may have been taken during the War, by Sea or by Land, shall be set free, so soon as the present Convention shall be ratified, and the Ratifications exchanged, with the sole condition that they shall not be allowed to quit the Country without giving security for the payment of the debts which they may have contracted in it.

XVII. After the exchange of the Ratifications, both the High Contracting Parties will proceed to the nomination of their respective Plenipotentiaries, in order to settle and adjust the Definitive Treaty of Peace which is to be concluded between the United Provinces and the Empire of Brazil.

XVIII. If it should happen, contrary to expectation, that the High Contracting Parties do not come to an adjustment in the said Definitive Treaty of Peace, owing to questions which may be raised, and upon which (notwithstanding His Britannick Majesty's Mediation) they may not agree, hostilities between the Republic and the Empire shall not recommence until after the 5 Years stipulated in Article X ; nor shall hostilities then commence without 6 months notice being given, reciprocally, with the knowledge of the Mediating Power.

XIX. The exchange of the Ratifications of the present Convention shall be effected in the Fortress of Monte Video, within the term of 70 days, or sooner, if it be possible, reckoning from the date hereof.

En testimonio de lo cual, nos, los abajos firmados, Plenipotenciarios del Gobierno de la República de las Provincias Unidas, y de Su Magestad el Emperador del Brasil, en virtud de nuestros Plenos Poderes, firmamos la presente Convencion con nuestra mano, y le hicimos poner el sello de nuestras Armas.

Hecha en la Ciudad del Rio Janeiro, á los 27 dias del mes de Agosto, del Año del Nacimiento de Nuestro Señor Jesu Cristo, 1828.

(L.S.) JUAN RAMON  
BALCARCE.  
(L.S.) TOMAS GUIDO.  
(L.S.) MARQUEZ DE  
ARACATY.  
(L.S.) JOSE CLEMENTE  
PEREIRA.  
(L.S.) JOAQUIM D'OLIVEIRA  
ALVAREZ.

#### ARTICULO ADICIONAL.

Ambas las Altas Partes Contratantes se comprometan á emplear los medios que estén á su alcance, á fin de que la navegacion del Rio de la Plata, y de todos los otros que desaguan en él, se conserven libre para el uso de los Subditos de una y otra Nacion, por el tiempo de 15 Años, en la forma que se ajustase en el Tratado Definitivo de Paz.

El presente Articulo Adicional tendrá la misma fuerza y vigor como si estuviera inserto palabra por palabra en la Convencion Preliminar de esta data.

Hecho en la Ciudad del Rio Janeiro, á los 27 dias del mes de Agosto, del Año del Nacimiento

In testimony whereof, We, the undersigned Plenipotentiaries of the Government of the Republic of the United Provinces, and of His Majesty the Emperor of Brazil, in virtue of our Full Powers, do sign the present Convention with our Hands, and have affixed thereto the impressions of our Arms.

Done in the City of Rio Janeiro, on the 27th day of the month of August, in the Year of the Nativity of our Lord Jesus Christ, 1828.

(L.S.) JUAN RAMON  
BALCARCE.  
(L.L.) TOMAS GUIDO.  
(L.S.) MARQUEZ DE  
ARACATY.  
(L.S.) JOSE CLEMENTE  
PEREIRA.  
(L.S.) JOAQUIM D'OLIVEIRA  
ALVAREZ.

#### ADDITIONAL ARTICLE.

Both the High Contracting Parties engage to employ such means as may be in their power, in order that the Navigation of the River Plate, and of all the Rivers that empty into it, may be kept free for the use of the Subjects of the two Nations, for the space of 15 Years, in the manner which may be agreed upon in the Definitive Treaty of Peace.

The present Additional Article shall have the same force and effect as if it were inserted, word for word, in the Preliminary Convention of this date.

Done in the City of Rio Janeiro, on the 27th day of the month of August, in the Year of the Nati-



de Nuestro Señor Jesu Cristo, vity of our Lord Jesus Christ,  
1828. 1828.

(L.S.) JUAN RAMON	(L.S.) JUAN RAMON
BALCARCE.	BALCARCE.
(L.S.) TOMAS GUIDO.	(L.S.) TOMAS GUIDO.
(L.S.) MARQUEZ DE	(L.S.) MARQUEZ DE
ARACATY.	ARACATY.
(L.S.) JOSE CLEMENTE	(L.S.) JOSE CLEMENTE
PEREIRA.	PEREIRA.
(L.S.) JOAQUIM D'OLIVEI-	(L.S.) JOAQUIM D'OLIVEI-
RA ALVAREZ.	RA ALVAREZ.

[The Ratifications of this Convention were exchanged at Monte Video, 4th October, 1828.]

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*TREATY of Peace, Friendship, Commerce, and Navigation,  
between The United States and Brazil.—Signed at Rio de  
Janeiro, 12th December, 1828.*

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS a Treaty or General Convention of Peace, Friendship, Commerce, and Navigation, between the United States of America and His Majesty the Emperor of Brazil, was concluded and signed at Rio de Janeiro, on the 12th day of December, 1828, which Treaty or General Convention is, word for word, as follows:

*In the name of the most Holy and Indivisible Trinity.*

The United States of America and His Majesty the Emperor of Brazil, desiring to establish a firm and permanent peace and friendship between both Nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall, in future, be religiously observed, between the one and the other, by means of a Treaty, or General Convention of Peace, Friendship, Commerce, and Navigation.

For this most desirable object, the President of The United States has conferred Full Powers on William Tudor, their Chargé d'Affaires at the Court of Brazil; and His Majesty, the Emperor of Brazil, on the Most Illustrious and Most Excellent Marquez de Aracaty, a Member of his Council, Gentleman of the Imperial Bed-chamber, Councillor of the Treasury, Grand Cross of the Order of Aviz, Senator of the Empire, Minister and Secretary of State for Foreign Affairs; and Miguel de Souza Mello e Alvin, a member of his Council, Commander of the Order of Aviz, Knight of the Imperial Order of the Cross, Chief of Division in the Imperial and National Navy, Minister and Secretary of State for the Marine, who, after having exchanged their said Full Powers, in due and proper form, have agreed to the following Articles:

ART. I. There shall be a perfect, firm, and inviolable Peace and friendship, between the United States of America and their Citizens, and His Imperial Majesty, his Successors and Subjects, throughout their Possessions and Territories, respectively, without distinction of persons or places.

II. The United States of America, and His Majesty the Emperor of Brazil, desiring to live in peace and harmony with all the other Nations of the Earth, by means of a policy, frank and equally friendly with all, engage, mutually, not to grant any particular favor to other Nations in respect of Commerce and Navigation, which shall not, immediately, become common to the other Party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional. It is understood, however, that the relations and Conventions which now exist, or may hereafter exist, between Brazil and Portugal, shall form an exception to this Article.

III. The two High Contracting Parties being likewise desirous of placing the Commerce and Navigation of their respective Countries on the liberal basis of perfect equality and reciprocity, mutually agree that the Citizens and Subjects of each may frequent all the coasts and Countries of the other, and reside and trade there, in all kinds of produce, manufactures, and merchandise, and they shall enjoy all the rights, privileges, and exemptions, in Navigation and Commerce, which native Citizens or Subjects do or shall enjoy, submitting themselves to the Laws, Decrees, and usages there established, to which native Citizens or Subjects are subjected. But it is understood that this Article does not include the Coasting Trade of either Country, the regulation of which is reserved by the Parties respectively, according to their own separate Laws.

IV. They likewise agree that whatever kind of produce, manufactures, or merchandise, of any Foreign Country, can be, from time to time, lawfully imported into The United States, in their own Vessels, may be also imported in Vessels of Brazil, and that no higher or other Duties upon the tonnage of the Vessel and her Cargo, shall be levied and collected, whether the importation be made in the Vessels of the one Country, or the other. And, in like manner, that whatever kind of produce, manufactures, or merchandise, of any Foreign Country, can be, from time to time, lawfully imported into the Empire of Brazil, in its own Vessels, may be also imported in Vessels of The United States, and that no higher or other Duties upon the tonnage of the Vessel and her Cargo, shall be levied or collected, whether the importation be made in Vessels of the one Country, or of the other. And they agree, that whatever may be lawfully exported or re-exported, from the one Country in its own Vessels to any Foreign Country, may, in like manner, be exported or re-exported in the Vessels of the other

Country. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation or re-exportation be made in Vessels of The United States or of the Empire of Brazil. The Government of The United States, however, considering the present state of the Navigation of Brazil, agrees that a Vessel shall be considered as Brazilian, when the Proprietor and Captain are Subjects of Brazil, and the Papers are in legal form.

V. No higher or other Duties shall be imposed on the importation into The United States of any articles, the produce or manufacture of the Empire of Brazil, and no higher or other Duties shall be imposed on the importation into the Empire of Brazil, of any articles, the produce or manufacture of The United States, than are, or shall be, payable on the like articles, being the produce or manufacture of any other Foreign Country; nor shall any higher, or other duties, or charges, be imposed in either of the two Countries, on the exportation of any articles to The United States or to the Empire of Brazil, respectively, than such as are payable on the exportation of the like article to any other Foreign Country; nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufacture of The United States, or of the Empire of Brazil, to or from the Territories of The United States, or to or from the Territories of the Empire of Brazil, which shall not equally extend to all other Nations.

VI. It is likewise agreed, that it shall be wholly free for all Merchants, Commanders of Ships, and other Citizens or Subjects of both Countries, to manage, themselves, their own business, in all the Ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandize, by wholesale or retail, as with respect to the loading, unloading, and sending off their Ships; they being, in all these cases, to be treated as Citizens or Subjects of the Country in which they reside, or at least to be placed on a footing with the Subjects or Citizens of the most favored Nation.

VII. The Citizens and Subjects of neither of the Contracting Parties shall be liable to any embargo, nor be detained with their Vessels, cargoes, or merchandize, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

VIII. Whenever the Citizens or Subjects of either of the Contracting Parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other, with their Vessels, whether of Merchant or of War, publick or private, through stress of weather, pursuit of Pirates, or Enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their Ships, procuring provisions, and placing themselves in a

situation to continue their Voyage, without obstacle or hindrance of any kind.

IX. All the Ships, merchandize, and effects, belonging to the Citizens or Subjects of one of the Contracting Parties, which may be captured by Pirates, whether within the limits of its jurisdiction or on the high Seas, and may be carried or found in the rivers, roads, ports, bays, or dominions of the other, shall be delivered up to the Owners, they proving, in due and proper form, their rights before the competent Tribunals; it being well understood that the claim should be made within the term of one Year by the Parties themselves, their Attorneys, or Agents, of their respective Governments.

X. When any Vessel belonging to the Citizens or Subjects of either of the Contracting Parties shall be wrecked, plundered, or shall suffer any damage on the coasts, or within the Dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the Vessels of the Nation where the damage happens, permitting them to unload the said Vessel if necessary, of its merchandize and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported, unless they be destined for consumption.

XI. The Citizens or Subjects of each of the Contracting Parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being Citizens or Subjects of the other Party, shall succeed to the said personal goods, whether by testament or *ab intestato*, and they make take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the Inhabitants of the Country, wherein said goods are, shall be subject to pay in like cases: and if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of Aliens, there shall be granted to them the term of 3 Years to dispose of the same, as they may think proper, and to withdraw the proceeds, without molestation, or any other charges than those which are imposed by the Laws of the Country.

XII. Both the Contracting Parties promise and engage, formally, to give their special protection to the persons and property of the Citizens and Subjects of each other, of all occupations, who may be in their Territories, subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them, the Tribunals of Justice, for their judicial intercourse, on the same terms which are usual and customary with the Natives or Citizens and Subjects of the Country in which they may be; for which, they may employ, in defence of their rights, such Advocates, Solicitors, Notaries, Agents, and Factors, as they may judge proper, in all their trials at Law.



XIII. It is likewise agreed, that the most perfect and entire security of conscience, shall be enjoyed by the Citizens or Subjects of both the Contracting Parties, in the Countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the Country. Moreover, the bodies of the Citizens and Subjects of one of the Contracting Parties, who may die in the Territories of the other, shall be buried in the usual burying-grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

XIV. It shall be lawful for the Citizens and Subjects of the United States of America, and of the Empire of Brazil, to sail with their Ships, with all manner of liberty and security, no distinction being made, who are the Proprietors of the merchandize laden thereon, from any Port, to the Places of those who now are, or who hereafter shall be, at enmity with either of the Contracting Parties. It likewise shall be lawful for the Citizens and Subjects aforesaid, to sail with the Ships and merchandize before mentioned, and to trade with the same liberty and security, from the Places, Ports and Havens of those who are Enemies of either Party, without any opposition or disturbance whatsoever, not only directly from the Places of the Enemy before mentioned, to neutral Places, but also from one place belonging to an Enemy, to another place belonging to an Enemy, whether they be under the jurisdiction of one Power, or under several. And it is hereby stipulated, that free Ships shall, also, give freedom to Goods, and that every thing shall be deemed to be free and exempt, which shall be found on board the Ships belonging to the Citizens or Subjects of either of the Contracting Parties, although the whole lading, or any part thereof, should appertain to the Enemies of either, contraband goods being always excepted. It is also agreed, in like manner that the same liberty be extended to Persons who are on board of a free Ship, with this effect, that although they be Enemies, to both or either Party, they are not to be taken out of that free Ship, unless they are Officers or Soldiers, and in the actual service of the Enemies. Provided however, and it is hereby agreed, that the Stipulations in this Article contained, declaring that the Flag shall cover the property, shall be understood as applying to those Powers only who recognise this principle; but, if either of the two Contracting Parties shall be at War with a third, and the other neutral, the Flag of the Neutral shall cover the property of Enemies whose Governments acknowledge this principle, and not of others.

XV. It is likewise agreed, that in the case where the Neutral Flag of one of the Contracting Parties shall protect the property of the Enemies of the other, by virtue of the above Stipulation, it shall always be understood that the neutral property found on board such

Enemy's Vessels, shall be held and considered as Enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such Vessel before the Declaration of War, or even afterwards, if it were done without the knowledge of it; but the Contracting Parties agree, that 4 months having elapsed after the Declaration, their Citizens shall not plead ignorance thereof. On the contrary, if the Flag of the Neutral does not protect the Enemy's property, in that case, the goods and merchandize of the Neutral, embarked in such Enemy's Ship, shall be free.

XVI. This liberty of Commerce and Navigation shall extend to all kinds of merchandizes, excepting only those which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended—

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2ndly. Bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in the form, and for a military use.

3dly. Cavalry belts, and horses, with their furniture.

4thly. And, generally, all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials, manufactured, prepared and formed, expressly to make War by Sea or Land.

XVII. All other merchandize, and things not comprehended in the articles of contraband, expressly enumerated and classified as above, shall be held and considered as free, and objects of free and lawful commerce, so that they may be carried and transported in the freest manner, by both the Contracting Parties, even to places belonging to an Enemy, excepting only those places which are at that time besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded, which are actually attacked by a Force capable of preventing the entry of the Neutral.

XVIII. The articles of contraband, before enumerated and classified, which may be found in a Vessel bound for an Enemy's Port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the Ship, that the Owners may dispose of them as they see proper. No Vessel of either of the two Nations shall be detained on the high Seas, on account of having on board articles of contraband, whenever the Master, Captain, or Supercargo, of said Vessel, will deliver up the articles of contraband to the Captor, unless the quantity of such articles be so great, and of so large a bulk, that they cannot be received on board the capturing Ship without great inconvenience; but, in this and all the other cases of just detention, the Vessel detained shall be sent to the nearest convenient and safe Port for trial and judgment, according to Law.

XIX. And whereas it frequently happens that Vessels sail for a Port or Place belonging to an Enemy, without knowing that the same is besieged, blockaded, or invested; it is agreed, that every Vessel so circumstanced may be turned away from such Port or Place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such Blockade or investment, from any Officer commanding a Vessel of the Blockading Forces, she shall again attempt to enter; but she shall be permitted to go to any other Port or Place she shall think proper. Nor shall any Vessel of either, that may have entered into such Port before the same was actually besieged, blockaded or invested, by the other, be restrained from quitting such place, with her Cargo, nor if found therein after the reduction and surrender, shall such Vessel or her Cargo be liable to confiscation, but they shall be restored to the Owners thereof; and if any Vessel having thus entered the Port before the Blockade took place, shall take on board a Cargo after the Blockade be established, she shall be subject to being warned by the Blockading Forces, to return to the Port blockaded, and discharge the said Cargo; and if, after receiving the said warning, the Vessel shall persist in going out with her Cargo, she shall be liable to the same consequences as a Vessel attempting to enter a blockaded Port, after being warned off by the Blockading Forces.

XX. In order to prevent all kinds of disorder in the visiting and examination of the Ships and Cargoes of both the Contracting Parties on the high Seas, they have agreed, mutually, that whenever a Vessel of War, public or private, shall meet with a Neutral of the other Contracting Party, the first shall remain at the greatest distance compatible with making the visit, under the circumstances of the sea and wind, and the degree of suspicion attending the Vessel to be visited, and shall send its smallest Boat in order to execute the said examination of the Papers concerning the Ownership and Cargo of the Vessel, without causing the least extortion, violence, or ill-treatment, for which the Commanders of the said armed Ships shall be responsible with their persons and property; for which purpose the Commanders of the said private armed Vessels shall, before receiving their Commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed, that the Neutral Party shall, in no case, be required to go on board the examining Vessel, for the purpose of exhibiting her Papers, or for any other purpose whatever.

XXI. To avoid all kind of vexation and abuse in the examination of the Papers relating to the Ownership of the Vessels belonging to the Citizens and Subjects of the two Contracting Parties, they have agreed, and do agree, that in case one of them shall be engaged in War, the Ships and Vessels belonging to the Citizens or Subjects of the other must be furnished with Sea-letters or Passports, expressing the name, property, and bulk of the Ship, as also the name and place of habitation



of the Master or Commander of said Vessel, in order that it may thereby appear that the Ship really and truly belongs to the Citizens or Subjects of one of the Parties; they have likewise agreed that, such Ships, being laden, besides the said Sea-letters or Passports, shall also be provided with Certificates, containing the several particulars of the Cargo, and the place whence the Ship sailed, so that it may be known whether any forbidden or contraband Goods be on board the same; which Certificates shall be made out by the Officers of the place whence the Ship sailed, in the accustomed form; without such requisites, said Vessel may be detained, to be adjudged by the competent Tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and be satisfied or supplied by testimony entirely equivalent.

XXII. It is further agreed, that the Stipulations above expressed, relative to the visiting and examining of Vessels, shall apply only to those which sail without Convoy; and when said Vessels shall be under Convoy, the verbal declaration of the Commander of the Convoy, on his word of honour, that the Vessels under his protection belong to the Nation whose Flag he carries, and when they are bound to an Enemy's Port, that they have no contraband goods on board, shall be sufficient.

XXIII. It is further agreed, that in all cases the established Courts for Prize Causes, in the Countries to which the Prizes may be conducted, shall alone take cognizance of the same. And whenever such Tribunal of either Party shall pronounce judgment against any Vessel or Goods, or Property claimed by the Citizens or Subjects of the other Party, the Sentence or Decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated Copy of the Sentence or Decree, and of all the proceedings in the Case, shall, if demanded, be delivered to the Commander or Agent of said Vessel, without any delay, he paying the legal fees for the same.

XXIV. Whenever one of the Contracting Parties shall be engaged in War with another State, no Citizen or Subject of the other Contracting Party shall accept a Commission, or Letters of Marque, for the purpose of assisting, or co-operating hostilely with the said Enemy, against the said Party so at War, under the pain of being treated as a Pirate.

XXV. If, by any fatality, which cannot be expected, and which God forbid, the two Contracting Parties should be engaged in a War with each other, they have agreed, and do agree, now, for then, that there shall be allowed the term of 6 months to the Merchants residing on the Coasts and in the Ports of each other, and the term of one Year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the Safe-conduct necessary for it, which may serve as a sufficient protection, until they arrive at the designated Port. The Citizens and Subjects, of all other



occupations, who may be established in the Territories or Dominions of The United States, and of the Empire of Brazil, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the Contracting Parties engage to give them.

XXVI. Neither the Debts due from the Individuals of the one Nation, to the Individuals of the other, nor Shares, nor Money, which they may have in Public Funds, nor in public or private Banks, shall ever, in any event of War or national difference, be sequestered or confiscated.

XXVII. Both the Contracting Parties, being desirous of avoiding all inequality in relation to their public communications, and official intercourse, have agreed, and do agree, to grant to their Envoys, Ministers, and other Public Agents, the same favours, immunities, and exemptions, which those of the most favoured Nation do, or shall enjoy ; it being understood that whatever favours, immunities, or privileges, the United States of America or the Empire of Brazil may find it proper to give to the Ministers and Public Agents of any other Power, shall, by the same act, be extended to those of each of the Contracting Parties.

XXVIII. To make more effectual the protection which The United States and the Empire of Brazil shall afford, in future, to the Navigation and Commerce of the Citizens and Subjects of each other, they agree to receive and admit Consuls and Vice Consuls in all the Ports open to Foreign Commerce, who shall enjoy, in them, all the rights, prerogatives, and immunities, of the Consuls and Vice Consuls of the most favoured Nations ; each Contracting Party, however, remaining at liberty to except those Ports and places in which the admission and residence of such Consuls may not seem convenient.

XXIX. In order that the Consuls and Vice Consuls of the two Contracting Parties may enjoy the rights, prerogatives, and immunities, which belong to them by their public character, they shall, before entering on the exercise of their Functions, exhibit their Commissions or Patent, in due form, to the Government to which they are accredited ; and, having obtained the *Exequatur*, they shall be held and considered as such, by all the Authorities, Magistrates, and Inhabitants in the Consular District in which they reside.

XXX. It is likewise agreed, that the Consuls, their Secretaries, Officers, and Persons attached to the service of Consuls, they not being Citizens or Subjects of the Country in which the Consuls reside, shall be exempt from all public service ; and, also, from all kinds of Taxes, Imposts, and Contributions, except those which they shall be obliged to pay on account of Commerce, or their Property, to which the Citizens or Subjects, Native and Foreign, of the Country in which

they reside are subject, being in every thing besides subject to the Laws of their respective States. The Archives and Papers of the Consulate shall be respected inviolably : and, under no pretext whatever, shall any Magistrate seize, or in any way interfere with them.

XXXI. The said Consuls shall have power to require the assistance of the Authorities of the Country, for the arrest, detention, and custody of Deserters from public and private Vessels of their Country ; and for that purpose they shall address themselves to the Courts, Judges, and Officers competent, and shall demand the said Deserters in writing, proving, by an exhibition of the Registers of the Vessel or Ship's Roll, or other public Documents, that those Men were part of said Crews ; and on this demand, so proved, (saving, however, where the contrary is proved) the delivery shall not be refused. Such Deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public Prison, at the request and expense of those who reclaim them, to be sent to the Ships to which they belonged, or to others of the same Nation. But if they be not sent back within 2 months, to be counted from the day of their arrest, they shall be set at liberty, and shall no more be arrested for the same cause.

XXXII. For the purpose of more effectually protecting their Commerce and Navigation, the two Contracting Parties do hereby agree, as soon hereafter as circumstances will permit them, to form a Consular Convention, which shall declare, specially, the powers and immunities of the Consuls and Vice Consuls of the respective Parties.

XXXIII. The United States of America and the Emperor of Brazil, desiring to make as durable as circumstances will permit, the relations which are to be established between the two Parties, by virtue of this Treaty or General Convention of Peace, Amity, Commerce, and Navigation, have declared solemnly, and do agree to the following points :

1st. The present Treaty shall be in force for 12 Years from the date hereof ; and further, until the end of one Year after either of the Contracting Parties shall have given notice to the other of its intention to terminate the same ; each of the Contracting Parties reserving to itself the right of giving such notice to the other, at the end of said term of 12 Years : and it is hereby agreed between them, that, on the expiration of one Year after such notice shall have been received by either, from the other Party, this Treaty, in all the parts relating to Commerce and Navigation, shall altogether cease and determine : and in all those parts which relate to Peace and Friendship, it shall be permanently and perpetually binding on both Powers.

2dly. If any one or more of the Citizens or Subjects of either Party shall infringe any of the Articles of this Treaty, such Citizen or Subject shall be held personally responsible for the same, and the harmony and good correspondence between the Nations shall not be interrupted

thereby; each Party engaging in no way to protect the Offender, or sanction such violation.

3dly. If, (which, indeed, cannot be expected) unfortunately, any of the Articles contained in the present Treaty shall be violated or infringed in any way whatever, it is expressly stipulated that neither of the Contracting Parties will order or authorize any acts of reprisal, nor declare War against the other, on complaints of injuries or damages, until the said Party, considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing in this Treaty contained, shall, however, be construed to operate contrary to former and existing Public Treaties with other Sovereigns or States.

The present Treaty of Peace, Amity, Commerce, and Navigation, shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the Emperor of Brazil, and the Ratifications shall be exchanged within 8 months from the date of the signature hereof, or sooner if possible.

In faith whereof, we, the Plenipotentiaries of The United States of America, and of His Majesty, the Emperor of Brazil, have signed and sealed these Presents.

Done in the City of Rio de Janeiro, this 12th day of the month of December, in the Year of our Lord Jesus Christ, 1828.

(L.S.) W. TUDOR.

(L.S.) MARQUEZ OF ARACATY.

(L.S.) MIGUEL DE SOUZA MELLO E ALVIN.

And whereas the said Treaty or General Convention has been duly ratified on both parts, and the respective Ratifications of the same have, this day, been exchanged, at Washington, by James A. Hamilton, Acting Secretary of State of The United States, and the Chevalier Je. Silvestre Rebello, Chargé d'Affaires of His Majesty the Emperor of Brazil, on the part of their respective Governments.

Now, therefore, be it known, that I, Andrew Jackson, President of the United States of America, have caused the said Treaty or General Convention to be made public, to the end, that the same, and every Clause and Article thereof, may be observed and fulfilled with good faith, by The United States and the Citizens thereof.

In Witness whereof, I have hereunto set my Hand, and caused the Seal of The United States to be affixed.

Done at the City of Washington, this 18th day of March, in the Year of our Lord 1829, and of the Independence of The United States the 53d.

ANDREW JACKSON.

By the President,

JAMES A. HAMILTON, *Acting Secretary of State.*

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**LOI de France, relative à la fixation du Budget des Dépenses de l'Exercice 1829.**

*Au Château de Saint Cloud, le 17 Août, 1828.*

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<sup>er</sup>.—Budget de la Dette Consolidée et de l'Amortissement.**

ART. 1<sup>er</sup>. La rente de 100,000 francs 5 pour 0/0, immobilisée sur le Grand-livre, dont jouit la Caisse de la Commission du Sceau des Titres, est annulée.

2. Les dépenses de la Dette Consolidée et de l'Amortissement sont fixées, pour l'Exercice 1829, à la somme de 248,800,947f. conformément à l'Etat A. ci-annexé.

**II.—Fixation des Dépenses générales du Service.**

3. Il est ouvert au Ministre de la Justice un Crédit de 75,000f. de subvention à la Caisse du Sceau des Titres, pour complément du service des pensions inscrites antérieurement au 1 Janvier, 1828, à ladite Caisse.

Cette somme décroîtra à mesure des extinctions, et il en sera rendu compte chaque année aux Chambres, ainsi que des recettes et des dépenses du Sceau.

4. Des Crédits sont ouverts jusqu'à concurrence de 725,383,414f. pour les dépenses générales du Service de l'Exercice 1829, conformément à l'Etat B. ci-annexé, applicables ; savoir,

Aux dépenses générales, ci.....	555,439,335f.
Aux frais d'administration et de perception des impôts directs et indirects et des Revenus de l'Etat, ci .....	128,058,685
Aux remboursemens et restitutions à faire sur le produit desdits impôts et Revenus, et au paiement des primes à l'exportation, ci.....	41,885,394

Total égal.....Francs...	<u>725,383,414</u>
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5. Il sera pourvu au paiement des dépenses mentionnées dans les Articles II. et IV. de la présente Loi, et dans les Tableaux y annexés, par les voies et moyens de l'Exercice 1829.

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 enrégistrer 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 17<sup>e</sup> jour du mois d'Août, de l'An de Grâce 1828, et de notre Règne le 4<sup>ème</sup>.

CHARLES.

Par le Roi :

*Le Ministre Secrétaire d'Etat au Département des Finances,*

ROY.

Vu et scellé du Grand Sceau :

*Le Garde des Sceaux de France, Ministre Secrétaire d'Etat au Département de la Justice,*

C<sup>te</sup>. PORTALIS.

### BUDGET GENERAL

DES DEPENSES ET SERVICES POUR L'EXERCICE 1829.

#### *Etat A.—Budget de la Dette Consolidée et de l'Amortissement.*

Rentes inscrites au 1 <sup>er</sup> Janvier, 1828	-	-	-	-	<div> <div>5 p. 0/0.</div> <div>4<math>\frac{1}{2}</math> p. 0/0.</div> <div>3 p. 0/0.</div> </div>	<div> 165,345,914f.  1,034,764  33,970,269 </div>	200,350,947f.
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*Rentes à inscrire sur le Crédit de 30,000,000 de Rentes 3 p. 0/0 accordé par la Loi du 27 Avril, 1825.*

#### SAVOIR :

En 1828, le quatrième cinquième. avec jouissance du 22 Juin, 1828	-	-	-	-	6,000,000	
Ci, pour les arrérages des 2 semestres échéant en 1829	-	-	-	-	-	6,000,000
En 1829, le dernier cinquième, avec jouissance du 22 Juin, 1829	-	-	-	-	6,000,000	
Ci, pour les arrérages du semestre à l'échéance du 22 Décembre, 1829	-	-	-	-	-	3,000,000
Montant des Rentes à inscrire en 1828 et 1829	-	-	-	-	12,000,000	
Montant des arrérages à servir sur les Rentes inscrites et à inscrire	-	-	-	-	-	209,350,947
Dont à déduire, pour les arrérages des Rentes présumées devoir être rachetées par la caisse d'amortissement,						
en 1828	-	-	-	-	3,000,000	
en 1829	-	-	-	-	3,000,000	
						6,000,000

Rayées du Grand-livre de la Dette Publique, et annulées au profit de l'Etat ;

#### SAVOIR :

Deux semestres sur les Rentes rachetées en 1828	-	-	-	-	3,000,000	
Deux semestres sur les Rentes rachetées en 1829 jusqu'au 6 Juin	-	-	-	-	1,500,000	
Un seul semestre, celui à l'échéance du 22 Décembre, 1829 sur les Rentes rachetées à partir du 6 Juin précédent	-	-	-	-	750,000	
						2,250,000
Total des arrérages à déduire	-	-	-	-	5,250,000	ci 5,250,000
Montant des arrérages de Rentes à servir pour l'Année, 1829	-	-	-	-	-	204,100,947
Dotation de la caisse d'amortissement	-	-	-	-	-	40,000,000
					Total -	Francs 244,100,947
Nouvel emprunt	-	-	-	-	-	4,800,000
A retrancher la Rente de la Commission du Sceau	-	-	-	-	-	248,900,947
						100,000
					Reste net -	Francs - 248,800,947

*Etat B.—Budget des Dépenses Générales et Services.***1ere. PARTIE.—Service Général.**

						Francs.	
Liste Civile	-	-	-	-	-	25,000,000	
Famille Royale	-	-	-	-	-	7,000,000	32,000,000
<b>Justice.</b>							
Administration Centrale	-	-	-	-	-	560,822	
Conseils du Roi	-	-	-	-	-	687,934	
Cours et Tribunaux	-	-	-	-	-	14,962,120	
Frais de Justice	-	-	-	-	-	3,400,000	19,610,876
<b>Affaires Etrangères.</b>							
Administration centrale	-	-	-	-	-	820,000	
Traitemens du service extérieur	-	-	-	-	-	5,034,000	
Dépenses variables	-	-	-	-	-	2,846,000	8,700,000
<b>Affaires Ecclésiastiques.</b>							
Administration centrale	-	-	-	-	-	370,000	
Clergé	-	-	-	-	-	33,275,000	33,645,000
<b>Instruction Publique.</b>							
Administration centrale	-	-	-	-	-	—	
Dépenses fixes des Collèges Royaux et des Bourses Royales	-	-	-	-	-	1,725,000	
Instruction primaire	-	-	-	-	-	100,000	1,825,000
<b>INTERIEUR.</b>							
Administration centrale et Police générale	-	-	-	-	-	2,860,000	
Ponts et chaussées	-	-	-	-	-	42,430,000	
Travaux Publics	-	-	-	-	-	3,757,936	
Services divers	-	-	-	-	-	9,205,500	
<b>Dépenses Départementales.</b>							
Fixes ou Communes (6 Centimes $\frac{1}{2}$ centralisés au Trésor)	-	-	-	-	-	11,669,946	
Variables spéciales (12 Centimes $\frac{1}{2}$ , dont 5 en Fonds commun.)	-	-	-	-	-	22,741,915	
Sur Centimes facultatifs et extraordinaires	-	-	-	-	-	10,600,000	
Sur ressources spéciales et éventuelles des Départemens	-	-	-	-	-	770,000	
						45,781,861	
Fonds de secours dans les cas d'incendie, de grêle, &c. (1 Centime)	-	-	-	-	-	1,819,353	106,854,650
<b>Commerce et Manufactures.</b>							
Administration centrale	-	-	-	-	-	426,400	
Services divers	-	-	-	-	-	420,000	
Primes	-	-	-	-	-	2,400,000	3,246,400
<b>Guerre.</b>							
Administration centrale	-	-	-	-	-	1,572,000	
Solde et entretien de l'Armée	-	-	-	-	-	169,685,928	
Matériel et établissemens Militaires	-	-	-	-	-	17,474,000	
Dépenses temporaires et imprévues	-	-	-	-	-	5,005,000	193,736,928
<b>Marine.</b>							
Administration centrale	-	-	-	-	-	790,000	
Personnel	-	-	-	-	-	27,595,500	
Travaux relatifs à la Flotte	-	-	-	-	-	23,621,300	
Constructions Hydrauliques et Batimens Civils	-	-	-	-	-	3,750,656	
Objets spéciaux	-	-	-	-	-	962,400	56,719,856
<b>FINANCES.</b>							
Chambre des Pairs	-	-	-	-	-	2,000,000	
Chambre des Députés	-	-	-	-	-	600,000	
Légion d'Honneur	-	-	-	-	-	3,400,000	
Cour des Comptes	-	-	-	-	-	1,256,300	
<b>Dettes inscrites.</b>							
Dettes Viagère	-	-	-	-	-	7,300,000	
<b>Pensions.</b>							
Civiles	-	-	-	-	-	1,505,000	
Militaires	-	-	-	-	-	47,000,000	
Ecclésiastiques	-	-	-	-	-	5,700,000	
De Donataires	-	-	-	-	-	1,510,000	
Subvention aux Fonds de Retenues des Ministères	-	-	-	-	-	881,325	
						56,596,325	
Intérêts des capitaux de Cautionnemens	-	-	-	-	-	9,000,000	
<b>A reporter</b>							
						80,152,625	455,338,710

*Etat B. (Suite.)—Budget des Dépenses Générales et Services.*

FINANCES. (Suite.)				Francs.
	Report	-	Hors ligne	- 455,338,710
		-	En ligne	- 80,152,625
Administration centrale des Finances	-	-	-	5,110,000
Frais de liquidation de l'indemnité accordée aux anciens propriétaires dé-	-	-	-	210,000
possédés	-	-	-	235,000
Frais de liquidation de l'indemnité de Saint-Domingue	-	-	-	
Commission des Monnaies.	-	-	-	
Service central (Personnel)	-	-	- 123,700	
Service dans les Départemens	-	-	- 315,600	
Frais de refonte	-	-	- 500,000	
				939,300
Service de Trésorerie.	-	-	-	
Frais de Service et de Trésorerie	-	-	- 2,600,000	
Intérêts de la Dette flottante, escomptes et frais de Négociations	-	-	- 6,000,000	
Bonifications d'intérêts aux Receveurs des Finances sur les antici-	-	-	-	
pations de recouvrements des Contributions directes	-	-	- 2,000,000	
Taxations aux mêmes sur les versements des Revenus indirects	-	-	- 1,400,000	
Traitemens et frais de service des Payeurs dans les Départemens et	-	-	-	
les Ports	-	-	- 1,453,700	
				13, 453,700
				100,100,62
Total de la 1ère Partie	-	-	-	Francs 555,439,336

*2e. PARTIE.—Administration des Revenus Publics.*

Contributions directes.				Francs.
Administration dans les Départemens	-	-	-	3,300,000
Frais de perception. Traitemens et Taxations des Receveurs des Finances	-	-	-	
et remises des Percepteurs	-	-	- 12,092,000	
Frais de premier Avertissement	-	-	- 650,000	
Cadastre. Fonds commun.—(Loi du 31 Juillet, 1821.)	-	-	- 1,000,000	
Centimes facultatifs votés par les Conseils Généraux	-	-	- 3,900,000	
				20,942,000
Enregistrement et Domaines.	-	-	-	
Administration centrale	-	-	- 773,200	
Service Administratif et de perception dans les Départemens	-	-	- 9,275,900	
Timbre	-	-	- 865,250	
				10,914,350
Forêts. Administration centrale	-	-	- 254,000	
Service dans les Départemens	-	-	- 3,107,500	
Avances recouvrable. (Frais divers communs aux bois de l'Etat et des	-	-	-	
Communes.)	-	-	- 658,650	
				4,020,150
Douanes. Administration centrale	-	-	- 592,800	
Service administratif et de perception dans les Départemens	-	-	- 23,868,198	
				24,460,998
Contributions indirectes.	-	-	-	
Administration centrale	-	-	- 1,109,250	
Service administratif et de perception dans les Départemens	-	-	- 20,602,450	
Exploitation des Tabacs	-	-	- 23,265,000	
Exploitation des poudres à feu	-	-	- 2,483,000	
				47,459,700
Postes. Administration centrale	-	-	- 2,197,281	
Service administratif et de perception dans les Départemens	-	-	- 4,039,799	
Transport des dépêches	-	-	- 10,290,512	
				16,527,592
Loterie. Administration centrale	-	-	- 493,995	
Service administratif dans les Départemens	-	-	- 559,900	
Frais de perception. (Remises de 5 p. 0/0 aux Receveurs Buralistes.)	-	-	- 2,600,000	
				3,653,895
Remises aux Receveurs des Finances sur le recouvrement des Produits divers et des	-	-	-	
coupes de bois	-	-	- 100,000	
Total de la 2ème Partie	-	-	-	Francs 128,058,685

*Etat B. (Suite.)—Budget des Dépenses Générales et Services.***3<sup>e</sup>. PARTIE.—Remboursements et Restitutions.**

	Francs.
<b>Restitutions sur les Contributions directes.</b>	
Pour non-valeurs sur les quatre Contributions, et pour attributions aux Communes sur les Patentes	5,171,394
Pour non-valeurs extraordinaires sur Patentes	220,000
Sur les Centimes ordinaires et extraordinaires des Communes	18,200,000
Sur les Fonds de réimpositions	770,000
	<u>24,361,394</u>
<b>Restitutions de sommes indûment reçues.</b>	
Sur les produits de l'Enregistrement et des Domaines	1,100,000
des Forêts	100,000
des Douanes	230,000
des Boissons, Tabacs et Poudres	150,000
des Postes	28,000
divers	600,000
	<u>2,208,000</u>
<b>Restitutions de produits d'amendes et confiscations.</b>	
De l'Enregistrement	4,400,000
Des Douanes	1,600,000
Des Contributions indirectes	900,000
Des Postes	16,000
	<u>3,916,000</u>
Primes à l'exportation des marchandises	10,000,000
Escompte sur le droit de consommation des sels	1,400,000
	<u>41,885,394</u>
Total de la 3 <sup>e</sup> me Partie	Francs

**Récapitulation des Dépenses.**

	Francs.
<b>Etat A.</b> Dette Consolidée et Amortissement	248,800,947
<b>Etat B.</b> 1. Partie.—Service général	555,439,335
2. Partie.—Administration des Revenus Publics	128,058,685
3. Partie.—Remboursements et restitutions	41,885,394
	<u>725,383,414</u>
Total des Dépenses de l'Exercice 1829	Francs 974,184,361

**Dépenses pour Ordre.**

<b>Instruction Publique.</b> Conseil Royal de l'Instruction Publique	2,270,000
<b>Commerce et Manufactures.</b> Produit de la taxe spéciale des brevets d'invention. (Loi du 25 Mai, 1791)	150,000
<b>Guerre.</b> Direction générale des poudres et salpêtres	3,581,797
	<u>6,001,797</u>
Total général	Francs 980,186,158

Certifié conforme : le Ministre Secrétaire d'Etat des Finances,

ROY.



*LOI de France, relative à la fixation du Budget des Recettes de l'Exercice 1829.*

*Au Château de Saint-Cloud, le 17 Août, 1828.*

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 :

§ 1<sup>er</sup>.—*Impôts autorisés pour l'Exercice 1829.*

ART. 1<sup>er</sup>. Continuera d'être faite en 1829, conformément aux Lois existantes, la perception :

Des droits d'enregistrement, de timbre, de greffe, d'hypothèques, de passe-ports et de permis de port d'armes, et des droits à percevoir pour le compte du Trésor sur l'expédition des lettres de naturalité, dispenses de parenté pour mariage, autorisations de servir à l'étranger, d'après le Tarif fixé par l'Ordonnance du Roi du 8 Octobre, 1814.

Des droits de douanes, y compris celui sur les sels.

Des contributions indirectes, des postes, des loteries, des monnaies et droits de garantie.

Des taxes des brevets d'invention.

Des droits établis sur les journaux.

Des droits de vérification des poids et mesures, conformément au Tarif annexé à l'Ordonnance Royale du 18 Décembre, 1825.

Du dixième des billets d'entrée dans les spectacles.

Du prix des poudres, tel qu'il est fixé par la Loi du 16 Mars, 1819.

D'un quart de la recette brute dans les lieux de réunion et de fêtes où l'on est admis en payant, et d'un décime pour franc sur ceux de ces droits qui n'en sont point affranchis, y compris les amendes et condamnations pécuniaires.

Des contributions spéciales destinées à subvenir aux dépenses des Bourses et Chambres de Commerce, ainsi que des revenus spéciaux accordés auxdits établissemens et aux établissemens sauitaires.

Des droits établis pour 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, des taxes pour les travaux de dessèchement autorisés par la Loi du 16 Septembre, 1807, et des taxes d'affouages là où il est d'usage et utile d'en établir.

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.

2. La contribution foncière, la contribution personnelle et mobilière, les contributions des portes et fenêtres et des patentes, seront perçues pour 1829, en principal et centimes additionnels, conformément à l'Etat A. 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 l'Etat B. annexé à la présente Loi.

3. En exécution de l'Article CVI. du Code forestier, une somme de 1,558,200 francs, montant des frais d'administration des bois des Communes et établissemens publics, sera ajoutée pour 1829 à la contribution foncière établie sur ces bois.

Cette somme sera répartie par une Ordonnance Royale entre les différens Départemens du Royaume.

#### § II.—*Evaluations des Recettes de l'Exercice 1829.*

4. Le Budget des Recettes est évalué pour l'Exercice 1829 à la somme de 986,156, 821 francs, conformément à l'Etat C. ci-annexé.

#### § III.—*Moyens de Service.*

5. 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 intérêts et payables à échéance fixe.

Les Bons Royaux en circulation ne pourront excéder 150,000,000.

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 qui sera soumise à la sanction Législative dans la plus prochaine Session des Chambres.

#### § IV.—*Dispositions Générales.*

6. Les Budgets qui régulent l'emploi de tous les centimes additionnels affectés au paiement des Dépenses Départementales de toute nature seront, ainsi que les comptes de leurs Recettes et Dépenses tant ordinaires qu'extraordinaires, rendus publics annuellement par la voie de l'impression.

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 XX et XXVIII de la Loi du 31 Juillet, 1821, et de l'Article XXII de la Loi du 17 Août, 1822, relatifs à la spécification des Dépenses variables Départementales, et 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 XXXI, XXXIX, XL, XLI, XLII, et XLIII de la Loi du 15 Mai, 1818, relatifs aux dépenses ordinaires et extraordinaires des Communes.

La présente Loi, discutée, délibérée et adoptée par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous ce jourd'hui, sera exécutée comme Loi de l'Etat; voulons, en conséquence, qu'elle soit gardée et observée dans tout notre Royaume, terres et pays de notre obéissance.

Si donnons en mandement à nos Cours et Tribunaux, Préfets, Corps Administratifs et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et, pour les rendre plus notoires à tous nos Sujets, ils les fassent publier et enregistrer partout où besoin sera : car tel est notre plaisir; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre Scel.

Donné en notre Château de Saint-Cloud, le 17<sup>e</sup> jour du mois d'Août, de l'An de Grace 1828, et de notre Règne le 4<sup>ème</sup>.

CHARLES.

Par le Roi :

*Le Ministre Secrétaire d'Etat au Département des Finances.*

ROY.

Vu et scellé du Grand Sceau :

*Le Garde des Sceaux de France, Ministre Secrétaire d'Etat au Département de la Justice,*

C<sup>te</sup>. PORTALIS.



CENTIMES ADDITIONNELS.	Fonciers.		Personnelle et mobilière.		Portes et Fenêtres.		Patentes.		Totaux.	OBSERVATIONS.
	Nombre de Centimes addition.	Francs.	Nombre de Centimes addition.	Francs.	Nombre de Centimes addition.	Francs.	Nombre de Centimes addition.	Francs.		
<b>Produits Généraux.</b>										
Principal des Quatre Contributions	-	154,774,412	-	27,160,911	-	12,812,534	-	(A) 21,455,207	216,203,064	(A) Le produit des Patentes pour l'Année 1829 est présumé de - 23,320,889f.
{ Sans affectation spéciale	10	16,477,441	10	2,716,091	10	1,281,254	-	-	19,474,786	dont à déduire pour
{ Pour Dépenses Départementales fixes, communaux à plusieurs Départemens	19	29,407,138	19	5,160,573	-	-	-	-	34,567,711	Non-valeurs et attributions aux Communes (8 p. 0/0 de ce principal) - 1,855,678
Centimes additionnels.	1	1,547,744	1	271,609	-	-	-	-	1,819,353	Reste - 21,455,207
{ Pour Fonds communs des mêmes Départemens	-	8,885,000	-	1,590,000	-	50,000	-	85,000	10,600,000	
{ Pour Secours en cas de Grêle, Incendies, &c.	-	3,900,000	-	-	-	-	-	-	3,900,000	
Centimes additionnels à voter par les Conseils Généraux (maximum, 5 centimes)	1	1,547,744	1	271,609	5	(B) 640,627	-	-	2,459,980	(B) Sur cette somme de 640,627f. il est attribué aux frais de Confection des Rôles celle de 320,313f., équivalente à 2 centimes 1/2 de ce Fonds de Non-valeurs.
Idem autorisés par des Lois spéciales pour Dépenses extraordinaires	-	-	-	-	-	-	5	1,165,049	3,251,727	
Centimes additionnels à voter par les Conseils Généraux pour Dépenses du Cadastre (maximum, 3 centimes)	-	-	-	-	-	-	-	(C) 1,855,678		(C) Cette somme de 1,855,678f. fait partie du principal des Patentes, et représente les 8 p. 0/0 attribués aux Communes sur ce principal.
<b>Produits affectés aux Non-valeurs, Dépenses des Communes, Réimpositions et Frais de perception.</b>										
{ Pour Non-valeurs et Degrèvements, &c.	1	1,547,744	1	271,609	-	-	-	-	2,459,980	
{ Pour Non-valeurs et attributions aux Communes sur les Patentes	-	-	-	-	-	-	5	1,165,049	3,251,727	
{ Pour Non-valeurs extraordinaires sur Patentes pour cessation de Commerce	-	-	-	-	-	-	-	220,000		
{ Pour Dépenses Ordinaires des Communes	-	7,775,000	-	1,225,000	-	-	-	-	9,000,000	
{ Pour Dépenses Extraordinaires des Communes	-	8,080,000	-	675,000	-	15,000	-	480,000	9,200,000	
{ Pour Réimpositions	-	470,000	-	300,000	-	-	-	-	770,000	
Totaux	31	231,864,479	31	39,380,793	15	14,799,415	5	25,221,934	311,246,621	
Centimes additionnels	-	1,822,000	-	280,000	-	118,000	-	84,000	2,304,000	
{ Traitemens et taxations des Receveurs Généraux et particuliers (par évaluation), add. réun.	-	7,548,000	-	1,083,000	-	459,000	-	688,000	9,788,000	
Frais de premier avertissement	-	-	-	-	-	-	-	-	650,000	
Totaux généraux.	-	241,234,479	-	40,723,793	-	15,376,415	-	26,003,934	323,988,621	



*Etat C.—Budget Général des Revenus de l'Etat pour l'Exercice 1829.*

## DESIGNATION DES REVENUS ET IMPOTS.

1.<sup>o</sup> *Produits spécialement affectés à la Dette Consolidée.*

Enregistrement, Timbre et Domaines.		Francs.
Droits d'enregistrement, de timbre, hypothèques, droits de greffe, &c.	-	177,700,000
Produits de Domaine	-	2,200,000
Produits Accessoires des Forêts.	Sur les coupes vendues pendant	
	l'Année 1828	- 3,550,000
	Sur les coupes vendues pendant	
	l'Année 1829	- 3,550,000
		7,100,000
Recouvrements sur les Domaines engagés. (Exécution de la Loi du 12 Mars, 1820)	-	3,000,000
		190,000,000
Coupes de Bois.		
Prix principal des adjudications payables en Traités à échéance.		
	Coupes de l'Année 1828	- 23,750,000
	Coupes de l'Année 1829	- 23,750,000
		47,500,000
Douanes et Sels.		
Droits de douanes et de Navigation et Recettes accidentelles	-	98,550,000
Droits sur les Sels	-	54,370,000
		152,920,000
Produits bruts présumés. Total		- Francs 390,420,000

2.<sup>o</sup> *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	-	-	138,900,000
Vente des Tabacs	-	-	66,700,000
Vente des poudres à feu	-	-	4,250,000
Recouvrements d'avances	-	-	1,050,000
			210,900,000
Postes	-	-	31,050,000
Loterie	-	-	12,900,000
Contributions directes.			
Principal et Centimes additionnels	-	-	277,556,621
Centimes de perception	-	-	12,092,000
Centimes facultatifs.	Pour Dépenses d'utilité départementale	- 10,600,000	
	Pour Dépenses du cadastre	- 3,900,000	
	Pour Dépenses ordinaires et extraordinaires des Communes	- 18,200,000	
			32,700,000
Frais de premier avertissement	-	-	650,000
Fonds de reimpositions	-	-	770,000
Fonds de non-valeurs extraordinaires	-	-	220,000
			323,968,621
Contribution additionnelle à celle qui est assise sur les bois des Communes et établissements publics, égale au montant des frais d'administration de ces bois			
	-	-	1,558,200
Versements au Trésor par la Ville de Paris, en vertu de la Loi du 19 Juillet, 1820	-	-	5,500,000
Salines et Mines de sel de l'Est	-	-	1,500,000
Produit divers.			
Recettes de diverses origines	-	-	4,000,000
Rétribution pour vérification des poids et mesures	-	-	770,000
Ressources spéciales et éventuelles des Départemens	-	-	770,000
Produit des amendes et saisies attribuées en matière de douanes	-	-	1,600,000
Produit des amendes et saisies attribuées en matière de contributions indirectes	-	-	900,000
			8,040,000
Produits bruts présumés. Total		-	Francs 595,736,821

<i>Récapitulation des Recettes.</i>				Francs.
1 <sup>re</sup> . Produits affectés à la Dette Consolidée	-	-	-	390,420,000
2 <sup>o</sup> . Produits affectés aux dépenses générales	-	-	-	595,736,821
Montant présumé des produits propres au Budget de l'Exercice 1829				986,156,821

<i>Recettes pour Ordre.</i>				
Instruction Publique.				
Conseil Royal de l'Instruction Publique	-	-	-	2,728,654
Commerce et Manufactures.				
Produits de la taxe spéciale des brevets d'invention	-	-	-	150,000
Guerre.				
Direction générale des poudres et salpêtres	-	-	-	3,580,500
				6,459,154
Total général	-	-	-	Francs 992,615,975

<i>Résultat.</i>				
Les Recettes présumées sont de	-	-	-	986,156,821
Les Dépenses, de	-	-	-	974,184,361
Excédant présumé de Recette				Francs 11,972,460

*Certifié conforme : le Ministre Secrétaire d'Etat des Finances,*

ROY.

## *PAPERS respecting the Relations between Great Britain and Portugal.—1826, 1827.\**

### *LIST OF PAPERS.*

*Correspondence with Sir William à Court and Sir Charles Stuart, relative to the Constitution for Portugal, granted by His Imperial Majesty the Emperor of Brazil, 1826.*

No.		1826	Page
1.	Mr. Secretary Canning to Sir William à Court	Foreign Office, June 28	966
2.	Sir Charles Stuart to Mr. Secretary Canning	Rio de Janeiro, April 30	966
3.	Sir Charles Stuart to Mr. Secretary Canning	Rio de Janeiro, April 30	966
4.	Sir Charles Stuart to Mr. Sec <sup>y</sup> . Canning	Rio de Janeiro, May 1	968
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*Communications from Sir Henry Wellesley, respecting the Engagements entered into by the Infant Don Miguel, at Vienna, on his assuming the Regency of Portugal.*

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15.	Sir Henry Wellesley to the Earl of Dudley..... Vienna,	November 5	978
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\* Presented to Parliament, 19th June, 1829.

No. 1.—*Mr. Secretary Canning to Sir William à Court.*  
(Extract.) *Foreign Office, 28th June, 1826.*

ALTHOUGH it is scarcely possible that the intelligence which has been received at Paris from Rio de Janeiro, should not be already known at Lisbon, or, at least, should not arrive there before this Packet, yet (to leave nothing to chance) I inclose to Your Excellency the Copy of a Despatch, received yesterday from His Majesty's Ambassador at Paris, inclosing the publication in the *Moniteur*, of the Act by which the Emperor of Brazil abdicates the Crown of Portugal, in favour of His Daughter.

In this Act reference is made to another, by which His Imperial Majesty has given a Constitution to the Kingdom of Portugal. But of that Act (whether it has not been received in France, or whether Lord Granville has inadvertently omitted to forward it) I am not enabled to send you a copy.

*H. E. Sir William à Court, G. C. B.*

GEORGE CANNING.

No. 2.—*Sir Charles Stuart to Mr. Sec<sup>y</sup>. Canning.—(Received 7th July.)*  
(Extract.) *Rio de Janeiro, April 30th, 1826.*

HIS Imperial Majesty then talked of conciliating the affections of the Portuguese by giving them a Constitutional Charter; and, if the War should turn out unsuccessfully in the South, of obtaining military succour from Portugal, with a view to diminish the burthen, which is already severely felt in this Country.

My suspicion of the principles which such a Charter might promulgate, induced me to point out the necessity of caution; saying, that, if the mere convocation of the Cortes, who were the ancient and legitimate Institution of the Kingdom, was viewed with jealousy by Spain and France, what mischief might not be produced by a change, in which the Cortes had borne no part; and M. de Paranagua, who saw His Majesty soon after, entered so fully into the spirit of this objection, that, for several days, no other Constitutional System, but such as should be founded upon the ancient Institutions of Portugal, was thought of.

*The Right Hon. George Canning.*

CHARLES STUART.

No. 3.—*Sir Charles Stuart to Mr. Sec<sup>y</sup>. Canning.—(Received 7th July.)*  
(Extract.) *Rio de Janeiro, 30th April, 1826.*

THE Council did not separate, on Friday, until they had determined upon a complete change of Measures, since it was resolved that His Imperial Majesty should merely accept the Crown of Portugal, for the purpose of giving to that Kingdom a Constitutional Charter, suited to the circumstances of the times, and that, in the event of this Charter being favourably received, and his eldest Daughter given to the Infante, Dom Miguel, he should abdicate in her favour.

I thought the consequences of this change too important to be passed over without comment, and I, therefore, waited upon His Imperial Majesty.

I took the liberty of remarking to His Majesty, that, since he was reluctant to depend upon the ancient Institutions of the Country, by convoking the Cortes of Lamego, it was absolutely necessary to announce the Constitutional changes which he meditated, in such a manner that they should not appear to emanate from the Councils of His Brazilian Advisers, and that I, therefore, hoped he would not wait for the Meeting of the Chambers in Rio de Janeiro, to publish His Decrees; adding that, although the same argument did not apply to the Constitution, of which the tendency might be misinterpreted in Brazil, I implored him, to bear in mind the possible hesitation of the People of Portugal to receive a boon, which should be calculated to involve them in disputes with their Neighbours, and not to allow the Constitution to transpire, before he should be certain that it had been accepted.

His Majesty said that he appreciated the justice of my reasons for preferring the old Institutions of Portugal, but that, however much I might admire those Institutions, I must admit that, since they were not, in every respect, suited to the present day, some change must necessarily be introduced, and, this necessity, once admitted, the Cortes would become a Constituent Body, subject to a thousand inconveniences which a Charter could alone remove. He then produced His Project of Constitution, already completed, to the compilation of which he had devoted the greater part of the week; and the joy with which he spoke of its contents shows, that the promulgation of this Act is the principal inducement held out to him, by His Advisers, for the abdication of the Crown of Portugal.

As it was impossible for me to look through so long a Paper at that time, he told me, generally, that it established two Chambers, and that, as it upheld the prerogatives of the Sovereign, and the power of the Nobility, he could not coincide in the fears which I seemed to entertain respecting its possible effect in other Countries.

He then proceeded to develop the plans, according to which his own abdication is conditional, and dependent upon the marriage of his Daughter, by proxy, to the Infante Dom Miguel, and upon the acceptance of the Constitution. The Regency is, in the first instance, confirmed, the Amnesty published, and, as soon as the Three Estates shall have taken the Oaths to the new Constitution, the Queen will repair to Lisbon.

After some altercation, His Majesty promised to delay the publication of the Portuguese Charter, until it should have been accepted at Lisbon, whither he stated his wish to send these Acts through my hands, as Portuguese Plenipotentiary, since he considers them the



complement of the Treaty which I had signed, for the separation of the two Countries.

I was somewhat startled by this mark of confidence, which I endeavoured to avoid, by expressing my doubts how far such a course might meet the approbation of my Court. As, however, he persisted in his determination, I replied that his request embarrassed me very much, since I was totally unprepared to take upon myself so heavy a responsibility, for that His Imperial Majesty might have observed, that, in the course of the discussions upon this subject, I had not allowed myself to give an opinion which did not directly refer to the public Acts approved by The King's Government.

Whatever may be the view taken by His Majesty's Ministers of the transactions detailed in this Despatch, they are by no means committed by my language or my proceedings, under a total want of Instructions, and they consequently remain at liberty to follow the course which they may consider expedient.

*The Right Hon. George Canning.*

CHARLES STUART.

No. 4.—*Sir Charles Stuart to Mr. Sec<sup>y</sup>. Canning.*—(Received 7th July.)

(Extract.)

*Rio de Janeiro, 1st May, 1826.*

THE Emperor sent for me, before he received the Diplomatic Corps, this morning, for the purpose of telling me that the Acts, relative to the settlement of Affairs in Portugal, having been completed, he considered it a mark of respect to the memory of his Father, to request the Plenipotentiary, whom he had chosen to negotiate the separation of the two Countries, to perfect the work which had been so successfully commenced during His life-time; adding, that when he had shewn me, in my audience on the preceding day, the several Papers which he had drawn up, he had fully opened his mind to me, and reposed in me a degree of confidence of which no other Person could boast.

I have the honour to inclose a Copy of the Full Powers which His Imperial Majesty has been pleased to express his intention to intrust to me, and shall proceed to Lisbon on board the *Diamond* as soon as she can be got ready for sea.

*The Right Hon. George Canning.*

CHARLES STUART.

(Enclosure.)—*Full Powers granted by the Emperor of Brazil to Sir Charles Stuart. May 2nd, 1826.* (Translation.)

HONoured MARQUESS OF ANGRA, SIR CHARLES STUART, MY FRIEND.

I THE KING send you Greeting as to One whom I love much. In consideration of your merits, and of the love which, on no few occasions, you have shewn for my Royal Person and Family, I am pleased to authorize you to deliver, in my Royal Name, to the Regency of the

Kingdom, my Royal Decrees of the 26th, 27th, 28th, 29th, and 30th of April, and 1st of May, as well as my Letters of Constitution and Law, the one of the 29th April, and the other of the 2nd May, all of this Year, which I have intrusted to you—equally authorizing you to do whatever may be necessary for the execution of my Royal Orders.

Given in the Palace of Rio de Janeiro, this 2nd day of May, 1826.

*The Marquess of Angra, Sir Charles Stuart.*

THE KING.

*No. 5.—Mr. Secretary Canning to Sir Charles Stuart.*

(Extract.)

*Foreign Office, 12th July, 1826.*

COLONEL FREEMANTLE arrived here on Friday evening, the 7th Instant, with your Excellency's Despatches to the 7th of May inclusive, which have been laid before the King.

Every thing of what your Excellency brings from Rio de Janeiro to Lisbon, will be precisely what the Portuguese Government and Nation are prepared to expect, except the Charter of a Constitution.

The opinion, indeed, has long prevailed at Lisbon, that a convocation of the Cortes (in some shape or other) would be necessary for the sanction of a new order of Succession to the Crown of Portugal.

Whether the substitution of a Representative Constitution for the more ancient form of National Assembly, will be received with equal satisfaction in Portugal, cannot be confidently pronounced beforehand. But there appears no reason to doubt of the acquiescence of the Nation in the dispensation of a Sovereign, for the manifestation of whose pleasure they have professed to look with the utmost deference and submission.

Whatever may be, upon the whole, the preferable choice between the respective merits of the two modes of Settlement, which were at the Emperor's option, that by a convocation of the Cortes, or that by a Constitutional Charter, it is not to be denied that there is much weight in the remark of His Imperial Majesty, that the convocation of an Assembly, which has been so long disused, that its very composition and modes of proceeding might be liable to doubt, would be even more likely to lead to the stirring of difficult questions, and to the excitement of excessive popular Claims; more likely, in short, in the Emperor's own words, to degenerate into "a Constituent Assembly," than a New Code, defining at once the rights and duties of all Ranks and Orders of the State, and prescribing the Forms of their deliberations, and the limits of their respective powers.

It is not to be denied that the *Notables* of France, in 1789, on the one hand, and the Charter of Louis XVIII., in 1815, on the other, come, in a remarkable degree, in aid of His Imperial Majesty's reasoning.

It may be hoped, therefore, that when those Courts, which are naturally most adverse to *any* convocation of National Assemblies, consider that the avoiding of *all* such convocation was absolutely impossible, and that the option was merely between Two *forms* of Assembly, they will abstain from opposition to that which has been selected; the rejection whereof in Portugal could only lead to a state of things which would revive all the difficulties that have just been overcome, and place the Crown of Portugal, and not the Crown only, but the Monarchy itself, of Brazil, in danger.

In order that we may inculcate with more effect on other Governments the duty of abstaining from any interference with the free agency of Portugal, it is particularly expedient to remove all grounds of jealousy, as to the exertion of British influence on so momentous an occasion.

For this reason, while His Majesty entirely approves of your Excellency's having consented (under the peculiar circumstances of your situation in Brazil) to be the bearer of the Emperor's Decrees from Rio de Janeiro to Lisbon, I am to signify to you His Majesty's pleasure, that, so soon as you shall have delivered those several Instruments into the proper hands, and shall have rendered account to the Portuguese Ministry of the Mission with which Your Excellency was charged from His Most Faithful Majesty's Government to the Emperor of Brazil, Your Excellency should take leave of the Infanta Regent, and return Home.

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

GEORGE CANNING.

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

(Extract.)

*Foreign Office, 12th July, 1826.*

I ENCLOSE to your Excellency a Copy of a Despatch which I address, by this occasion, to Sir Charles Stuart.

If Sir Charles Stuart sailed from Rio de Janeiro, as I understand (from other information) he was likely to do, on the 11th of May, His Excellency may have reached Lisbon early in this month, and may perhaps have embarked for England even before this Packet arrives in the Tagus.

A foolish notion had got abroad in France, that Sir Charles Stuart's Powers from the Emperor of Brazil, amounted to the constituting of His Excellency a Member of the Regency of Portugal. I see nothing in the Copy of those Powers which I have received from Sir Charles Stuart that admits such a construction.

There is nothing in Sir Charles Stuart's Despatches to countenance the gloss which it has been attempted to put upon Sir Charles Stuart's consent to be the bearer of the Emperor's Decrees to Lisbon; the instruction to Sir Charles Stuart to return Home "so soon as he shall

have delivered those Instruments into the proper hands, and have rendered to the Portuguese Ministry an account of his Mission *from His Most Faithful Majesty to Brazil*," cannot be mistaken.

I do not think it necessary to state to Sir Charles Stuart a misapprehension in which I am confident he does not participate, and which his speedy departure from Lisbon will effectually put down.

Lest, however, the Regency or Ministry of Portugal should be led into any error upon this subject, which may possibly be the case, and should consult your Excellency upon the expediency of requesting Sir Charles Stuart to remain at Lisbon, to superintend, either as a Member of the Government, or as a Commissioner of the Emperor of Brazil, or in any other character, the execution of His Imperial Majesty's Decrees, or of any of them, I am to instruct your Excellency to discourage at once any such proposition, and to decline transmitting it to your Court.

The general substance of the Instruction to Sir Charles Stuart, your Excellency will consider as addressed equally to yourself, and will make it the guide of your language in communicating with the Portuguese Government, and with your Diplomatic Colleagues.

*H. E. Sir William à Court, G. C. B.*                      GEORGE CANNING.

*No. 7.—Mr Secretary Canning to Sir William à Court.*

(Extract.)                      *Foreign Office, 17th July, 1826.*

I TRANSMIT to your Excellency Copies of all the Despatches on the Affairs of Portugal, which have been addressed to His Majesty's Ambassadors and Ministers abroad, since the date of my last Despatch to your Excellency.

Your Excellency is at liberty to make such communication of them as you may think expedient to Count de Porto Santo, who will not fail to observe with what anxious perseverance His Majesty's Government are labouring, to create in other Powers a disposition favourable to the peace and security of Portugal.

\*           \*           \*           \*           \*

In submitting these considerations to Count de Porto Santo, your Excellency will take care not to offer them as the settled opinion or peremptory advice of your Government. We are too conscious of the imperfectness of our acquaintance with the prevailing sentiments of the Portuguese Nation, and of the inability of any Foreign Government to enter fully into National feelings, prejudices or prepossessions,—to presume to offer counsel to the Portuguese Ministry, in any other sense, or with any other view, than that of laying before them the elements of a decision which it is for them, and them only to form.

It appears to us, upon the whole, that the best chance of a safe and tranquil issue to the present extraordinary crisis in Portugal, will be to be found in an acceptance (as immediate as may be suitable



with the importance of the measure) of the Charter of Don Pedro, coupled (as it is) with his Abdication of the Throne. Any other course must, as it appears to us, be full of danger; but if, nevertheless, another course shall be pursued, we shall not be the less anxious for its peaceable and happy issue, than if it were one which we had ourselves advised.

*H. E. Sir William à Court, G. C. B.*

GEORGE CANNING.

*No. 8.—Mr. Secretary Canning to Sir William à Court.*

SIR,

*Foreign Office, 19th July, 1826.*

IN my Despatch of the 17th inst. as well as in all the Despatches upon the same subject, which have been addressed to His Majesty's Ambassadors and Ministers, Copies of which I have inclosed to your Excellency, your Excellency will observe that I have cautiously abstained from entering, in the smallest degree, into the merits of the Constitutional Charter which Don Pedro has devised for Portugal. It is not for His Majesty's Government to analyze a Project, framed by a friendly Sovereign for the government of his Dominions, nor to express any other sentiment respecting it, than the wish and the hope that, if carried into effect in Portugal, it may conduce to the stability of the Monarchy, to the prosperity of the State, and to the happiness and rational liberty of the People.

There are, however, two points in this Constitutional Charter, (I am not, upon such examination, as I have yet been able to give to it, aware of more) to which I am compelled to call your Excellency's attention, and to direct you to invite that of the Portuguese Ministry; because they trench directly upon the rights of this Country under Treaty.

With any internal changes in a Foreign State, affecting only the municipal Laws of that State and the interests of its Subjects, no Foreign Government has any pretension to meddle. But Treaty is a law which binds State to State, and of which no internal changes in one State, can justify the violation, to the detriment of another.

By one Article of the proposed Constitution, the liberty of Religious Worship is restrained, far within the limits to which the British Nation is entitled to enjoy it, and does enjoy it in Portugal. It is ordained that no external appearance of a Church shall be allowed to any other than the established Religion of the Country.

I need not inform your Excellency that His Majesty's Subjects resident at Lisbon have a Church, which by no means corresponds with this limitation; and I am to direct your Excellency to lose no time in protesting, in the strongest terms, against any deterioration of this their rightful privilege.

The other point to which I particularly refer, is the abolition of Private Jurisdictions, which may be construed to involve in Portugal,

as it has been construed to involve in Brazil, the extinction of the jurisdiction of the Judge Conservator.

In Brazil we could found our remonstrance against this extinction of our privilege only upon the Treaty of 1810, which was on the point of expiring. But in Portugal, we hold that privilege by Treaties of ancient date and perpetual obligation, and your Excellency must protest against any attempt to abolish it, by inference, from any change in the internal government of Portugal.

I am, &c.

H. E. Sir William à Court, G. C. B.

GEORGE CANNING.

No. 9.—*Mr. Secretary Canning to Sir William à Court.*

(Extract.)

*Foreign Office, 22d July, 1826.*

It is the anxious wish of His Majesty's Government, that nothing may have been done by Sir Charles Stuart, whether under the Commission of the Emperor Don Pedro, or at the solicitation of the Portuguese Authorities, which can be liable, either in Portugal, or throughout Europe, to be misconstrued as an authoritative interference in the internal concerns of Portugal. Should any thing of that sort unluckily have occurred, His Majesty's Government relies confidently on your Excellency, for doing away the impression which it would be calculated to create, by a discreet use of the explanations and declarations, contained in my Despatches to your Excellency, and in those of which I have transmitted Copies for your information.

H. E. Sir William à Court, G.C.B.

GEORGE CANNING.

No. 10.—*Mr. Secretary Canning to Sir Charles Stuart.*

(Extract.)

*Foreign Office, 22d July, 1826.*

My reason for sending off this Despatch by an Extra Packet is to obviate any doubt which might possibly arise in your Excellency's mind, as to the execution of the Instructions contained in my Despatch of the 12th Instant.

I write to your Excellency for the express purpose of repeating His Majesty's pleasure that you return Home forthwith, after delivering into the hands of the Regency the Decrees of the Emperor Dom Pedro, and into the hands of M. de Porto Santo, or, in case of M. de Porto Santo's resignation, into those of his Successor, or, in default of a new Appointment, into Sir William à Court's hands, to be delivered by him to the proper Minister, at a proper time, the Papers relative to the Commercial Negotiation between Portugal and Brazil, in whatever state that Negotiation may be.

It is the desire and determination of His Majesty's Government to avoid, as far as possible, the appearance of any direct interference of British Agency in the establishment of the new Order of things in Portugal.

It is therefore His Majesty's positive command, that your Excellency should not protract your stay at Lisbon on any account whatever, nor allow any suggestions or solicitations from any quarter to induce you to delay your return Home.

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

GEORGE CANNING.

No. 11.—*Sir Charles Stuart to Mr. Sec<sup>y</sup>. Canning.*—(*Rec. 22d July.*)  
SIR, *Rio de Janeiro, 9th May, 1826.*

I HAVE this moment received from the Minister of Foreign Affairs the accompanying Note, to which I should have thought it unnecessary to call your attention, if, upon comparing it with the one sent Home by His Majesty's Chargé d'Affaires, I had not observed a material difference between the two Copies, in as much as the Note addressed to me expresses the happiness which His Imperial Majesty will derive from the *support*, in addition to the approbation, of His Britannick Majesty, of the Measures lately adopted by the Court of Brazil for the welfare of the People of Portugal.

Mr. Chamberlain having acknowledged the receipt of the Note transmitted to himself, I have not thought it expedient, upon this occasion, to return any answer to the Viscount de Inhambupe.

I have the honour to be, &c.

*The Rt. Hon. George Canning.*

CHARLES STUART.

(*Enclosure.*)—*The Visconde de Inhambupe to Sir C. Stuart.*

(Translation.)

SIR,

*Palace of Rio de Janeiro, 8th May, 1826.*

HIS Majesty the Emperor being called upon, definitively, to determine upon the course which it may be most advisable to pursue, with respect to the question of the Succession to the Crown of Portugal, which has devolved upon him by the death of his August Father, the King of Portugal and of the Algarves, and deeming his own retention of the Sovereignty of Portugal, the Algarves, and their Dominions, to be incompatible with the interests of the Empire of Brazil, as well as of those Kingdoms, has been pleased, with a view to promote the welfare thereof, to abdicate and cede the indisputable and inalienable rights, which he has to the Crown of the Portuguese Monarchy, and to the Sovereignty of the said Kingdoms, to the person of his most cherished, esteemed, and well-beloved Daughter, the Lady Princess of the Great Pará, Dona Maria da Gloria, that she may, as reigning Queen thereof, govern them, independent of this Empire, and according to the Constitution which His Imperial Majesty was pleased to give, decree, and command to be sworn to, by his Letter of Law, of the 29th of April of this Year. And His Imperial Majesty has, moreover, been pleased to declare, that His August Daughter, the reigning Queen of Portugal, shall not leave the Empire of Brazil until it shall have

been officially reported to him, that the Constitution has been sworn to, according to his orders, and that the Espousals of the Marriage, which it is the intention of the same Lord should take place between her and his much-beloved and esteemed Brother, the most Serene Infant, Dom Miguel, shall have been actually celebrated; the said abdication and cession to be null and void, in default of the fulfilment of either of these two conditions.

His Imperial Majesty, the Emperor, has been also pleased, as King of Portugal, to grant, by his Royal Decree of the 27th April, an Amnesty to all Portuguese, who may be in confinement under prosecution, in exile, or sued for political opinions; and He has been further pleased, by His Decree of the preceding day, to confirm and to continue the Regency established by His August Father, until the moment of the installation of the Regency decreed by the Constitutional Charter of the Portuguese Monarchy.

This I have the honour to communicate, for the information of your Excellency, and of your Government, requesting you to be persuaded that the Emperor, my August Master, will be most happy, if these arrangements should meet with the approbation *and support* of His Britannick Majesty, who has given so many proofs of the interest which He takes in the glory and prosperity of the August House of Braganza.

The Undersigned, &c. VISCONDE DE INHAMBUPE.  
*H. E. Sir C. Stuart, G.C.B.*

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No. 12.—*Sir Charles Stuart to Mr. Sec<sup>y</sup>. Canning.*—(*Received 9th Aug.*)  
 (Extract.) *Lisbon, 15th July, 1826.*

I ARRIVED here on the 7th Instant, and proceeded immediately to Caldas, where I found the Portuguese Regency established.

Upon delivering to Her Royal Highness the Infanta the several Publick Acts, which had been entrusted to my care by Her Brother the Emperor, I told her that, as Portuguese Plenipotentiary, I could not refuse to take charge of Papers completing the separation of the two Countries, for which purpose I had left Europe; but that, since they also regulated the internal Government of Portugal, I must wait until I learnt the sentiments of my Government, before I could express an opinion upon that part of their contents.

In the course of several interviews, to which I was admitted during my stay at Caldas, Her Royal Highness was pleased to observe, that nothing could be more natural than my desire not to commit my Government, by any participation in Measures, upon which they had not explained their views, but that I was so well acquainted with the Affairs of Portugal, that this consideration would induce her not to withhold her confidence upon any subject connected with the execution of the Emperor's Orders. She, therefore, began to state to me, in



great detail, the unhappy position in which she was placed, and the embarrassments to which she was exposed, by the divisions among the Regency, and the Ministry, respecting the adoption of a Constitutional Form of Government.

Her Royal Highness added, that she would return immediately to Lisbon, where she should take care that His Imperial Majesty's Orders, which she was certain would be enthusiastically received by the whole Nation, should be carried into effect.

I told Her Royal Highness that it appeared, from what I had been enabled to find out during the few hours I was in Lisbon, that the alleged illegality of the different Acts received from Rio de Janeiro was the ground upon which her Opponents were determined to make their stand; that I could therefore only recommend her to meet this charge, by concerting a legal mode of putting them into execution, the moment that the Government should return to the Capital, which we agreed should not be delayed beyond the following day.

The publick mind was, in the mean time, greatly agitated by imperfect versions of what had passed, and the intrigues of the various Factions were rendered evident, by the hope of the revival of the Constitution of 1820, on the one side, and by successive attempts to corrupt the Troops on the other; while the efforts of the Infanta for the maintenance of order were paralysed, by the hesitation of her Colleagues to adopt the Measures which she recommended, and by the determination of the principal Ministers to choose that moment for tendering their resignation.

Under these circumstances, the Infanta has determined to strengthen herself, by filling up the Situation of every Minister who gives in his resignation in writing, and she will insure the tranquillity of the Town, by the nomination of a new Commandant of the Province, and by the arrest of those Persons who were active in exciting the late movement of the Troops.

Her Royal Highness has also written to the Infant Dom Miguel, urging him to take no step until he should have received the Letter addressed to him by the Emperor; and She will wait until the Charter shall have been legally carried into effect, and the necessary unity of action established, which shall place in her hands the power of choosing her own Advisers.

I have confined my language to the tenor of the above-mentioned Proclamation, which has already produced a very beneficial effect, by checking the exultation of the Liberals, and conciliating the good will of the moderate Royalists; and the favourable change which is rapidly taking place in the public opinion, leaves little doubt upon my mind, that the principal Opponents of the new System will be found in the ranks of the former Party.

*The Rt. Hon. George Canning.*

CHARLES STUART.

(*Enclosure.*)—*Proclamation of the Infanta Regent of Portugal, announcing the New Constitutional Charter.*—12th July, 1826.

PORTUGUESE !

(Translation.)

THE Regency of the Kingdom is about to relieve you from anxiety, and to fix your attention upon Decrees which interest you, generally, and which His Most Faithful Majesty, Dom Pedro the Fourth, has deigned to issue from his Court at Rio Janeiro. With these Decrees will be also published the Constitutional Charter of the Portuguese Monarchy, which the same Sovereign has deigned to decree, and which, according to his intentions, must be sworn to by the three Orders of the State, in order that it may govern the Kingdom of Portugal and its Dependencies. In the mean time, the Regency informs you, that this Charter differs essentially from the Constitution produced by infatuation in 1822, and which contained principles incompatible with each other, and condemned by experience. The character of the Constitutional Charter which His Most Faithful Majesty gives you, is quite another thing. It is not a forced concession ; it is a voluntary and spontaneous gift of the legitimate power of His Majesty, and matured by his profound and Royal wisdom. This Charter tends to terminate the contest between two extreme principles which have agitated the Universe. It summonses all Portuguese to reconciliation, by the same means which have served to reconcile other People ; by it are maintained, in all their vigour, the Religion of our Fathers, decorum, and the rights and dignity of the Monarchy ; all the Orders of the State are respected, and all are alike interested in uniting their efforts, to surround and strengthen the Throne, to contribute to the common good, and to secure the preservation and amelioration of the Country, to which they owe their existence, and of the Society of which they form a part ; the ancient Institutions are adapted and accommodated to our Age, as far as the lapse of seven Centuries will permit ; and, finally, this Charter has prototypes among other Nations who are esteemed among the most civilized and the most happy. It is our duty to await tranquilly the execution of this Charter, and of the preparatory Acts which it prescribes. If any among you should, by words or actions, aggravate resentments, excite hatred, or inspire vengeance, and interpose between the provisions of the Law and its execution, he will be considered as a disturber of public order, and as an enemy of the Sovereign and of his Country ; and he will be punished with the utmost rigour of the Law. The Regency flatters itself, that the Portuguese People, both from their natural character and for their common interest, will recognise, on this occasion, both what is their most important duty, and the way in which they may become principally useful.

Given at the Palace of Ajuda, this 12th of July, 1826.

THE INFANTA.

JOSE JOAQUIM D'ALMEIDA E ARAUJO CORREA DE LA CERDA.

No. 13.—*Sir William à Court to Mr. Sec<sup>y</sup>. Canning.*—(Rec. 7th Aug.)  
(Extract.) Lisbon, 29th July, 1826.

YOUR important Despatch of the 17th Instant, with its several Enclosures, reached me on Wednesday last.

I made known, without loss of time, to Her Royal Highness the Infanta, the great interest displayed in favour of this Country by His Majesty's Government, and your active endeavours to give a right direction to the policy of Europe upon the present occasion.

The execution of the Emperor's Orders is gradually proceeding, and perhaps as rapidly as could be expected, considering the efforts made to retard it. The swearing to the Constitution commences on Monday next.

WILLIAM à COURT.

*The Right Hon. George Canning.*

No. 14.—*Sir William à Court to Mr. Sec<sup>y</sup>. Canning.*—(Rec. 19th Aug.)  
(Extract.) Lisbon, 4th August, 1826.

YOUR Despatch, forwarded by the Extra Packet, reached me about an hour after the *Lyra* had sailed with my last Letters.

In obedience to your Instructions, Sir Charles Stuart is making his preparations for departure, and will sail the beginning of next week.

It is impossible to say that there has been no interference on his part in the Affairs of this Country. There *has* been interference—a very direct and active interference—but in no other character than in that which he possesses of Portuguese Plenipotentiary. This distinction has always been most carefully marked on his side, and it has received additional force from the line which I myself adopted. The difference in the parts which we were called upon to play has never been mistaken, either by this Government or by my Colleagues; and you may be assured, Sir, whatever may be said of the Portuguese Plenipotentiary, the British Ambassador is responsible for nothing. I think, indeed, I may safely assert, that the British Government has never been committed, either by Sir Charles Stuart or myself.

I shall, nevertheless, bear in mind the concluding paragraph of your Letter, and, by a discreet use of the explanations and declarations contained in your several Despatches, endeavour to do away with every impression of the sort, should I find any such entertained.

*The Right Hon. George Canning.*

WILLIAM à COURT.

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*Communications from Sir Henry Wellesley, respecting the Engagements entered into by the Infant Dom Miguel, at Vienna, on his assuming the Regency of Portugal.*

No. 15.—*Sir Henry Wellesley to the Earl of Dudley.*—(Rec. 14th Nov.)  
(Extract.) Vienna, 5th November, 1827.

I HAVE the honour to forward to your Lordship a Copy of a Note

which I have received from Prince Metternich, forwarding to me Copies (which are likewise enclosed) of the Protocols of the Conferences, which have been held here, relative to the Affairs of Portugal.

*The Right Hon. the Earl of Dudley.*

H. WELLESLEY.

(Enclosure.)—Prince Metternich to Sir Henry Wellesley.

Vienne, le 29 Octobre, 1827.

Le Prince de Metternich a l'honneur de remettre ci-joint à Son Excellence Monsieur l'Ambassadeur d'Angleterre, des Copies vidimées des Protocoles des Trois Conférences, relatives aux Affaires du Portugal, auxquelles Monsieur l'Ambassadeur lui a fait l'honneur d'assister chez lui le 18, 20, et 23 Octobre; et il saisit, &c.

*S. E. Mons. l'Ambassadeur d'Angleterre.*

(Sub-Enclosure A.)—PROTOCOLE.—Vienne, le 18 Octobre, 1827.

PRESENTS :

De la part de	De la part de	De la part de Son Altesse
l'Autriche :	l'Angleterre :	Royale l'Infant Dom Miguel :
<i>M. le Prince de</i>	<i>M. l'Ambassadeur</i>	<i>M. le Baron de</i>
<i>Metternich.</i>	<i>d'Angleterre.</i>	<i>Villa Secca.</i>
<i>M. le Comte de</i>		<i>M. le Comte de</i>
<i>Lebzeltern.</i>		<i>Villa Real.</i>
<i>M. le Chevalier</i>		
<i>de Neumann.</i>		
<i>M. le Comte Henri</i>		
<i>de Bombelles.</i>		

M. le Prince de Metternich ayant invité M. l'Ambassadeur d'Angleterre et MM. les Plénipotentiaires Portugais à se réunir chez lui le 18 Octobre, et ces Messieurs s'étant rendus à son invitation, il leur proposa de consigner dans un Protocole Officiel, le résultat des Négociations confidentielles qui avoient eu lieu entre lui et Messieurs de Villa Secca et de Villa Real, depuis l'époque de son retour à Vienne, relativement au départ de l'Infant, au voyage de ce Prince, et à la ligne de conduite qu'il se proposait de suivre à son arrivée à Lisbonne; et M. l'Ambassadeur d'Angleterre ainsi que MM. les Plénipotentiaires Portugais, s'étant déclarés d'accord avec cette proposition, il fut décidé qu'on déposerait au Protocole de la présente Conférence les Pièces suivantes, savoir :

1.—Une Copie de la Note de M. le Marquis de Rezende à M. le Prince de Metternich, en date du 19 Septembre, 1827, qui a servi de point de départ dans la présente Négociation. Par cette Note M. l'Envoyé du Brésil annonce officiellement au Cabinet de Vienne, que l'Empereur, Dom Pedro, Son Maître, par un Décret en date du 3 Juillet, a conféré à Son Altesse Royale Monseigneur l'Infant Dom Miguel, avec le titre de Son Lieutenant en Portugal, la Régence du dit



*Royaume, aux termes des Loix existantes dans cet Etat, et conformément aux Institutions données par l'Empereur, Son Auguste Frère, à la Monarchie Portugaise.*

2.—Une Traduction du susdit Décret du 3 Juillet, de l'Empereur Dom Pedro à Son Altesse Royale l'Infant Dom Miguel.

3.—Une Traduction de la Lettre d'accompagnement de ce Souverain à l'Infant, Son Frère.

4.—Une Traduction de la Lettre de l'Empereur Dom Pedro au Roi d'Angleterre.

5.—Une Traduction de la Lettre de l'Empereur Dom Pedro à Sa Majesté l'Empereur d'Autriche.

6.—Une Copie de la Dépêche, que M. le Prince de Metternich adresse aujourd'hui à M. le Prince Esterhazy à Londres, pour charger cet Ambassadeur de porter à la connaissance du Gouvernement Britannique, la détermination que vient de prendre l'Infant de faire venir sur-le-champ des Vaisseaux Portugais en Angleterre, où Il se rendrait directement de Son côté, pour pouvoir s'y embarquer le plus promptement possible pour le Portugal.—Cette Dépêche, qui renferme un Exposé historique et fidèle de toute la Négociation, relative à la situation présente et à venir de l'Infant, ainsi que des dernières déterminations auxquelles s'est arrêté ce Prince, avait été lue dans une réunion confidentielle qui a eu lieu le 16 Octobre dans la soirée, chez M. le Prince de Metternich, et à laquelle sont intervenus M. l'Ambassadeur d'Angleterre et Messieurs les Plénipotentiaires Portugais. Ce n'est qu'après avoir obtenu leur entier assentiment, que cette Dépêche a été expédiée aujourd'hui à Londres.

MM. les Plénipotentiaires Portugais ont annoncé à la Conférence, que l'Infant leur avait également fait part de ses dernières résolutions, relativement à son voyage; que Son Altesse Royale leur avait donné l'ordre de préparer la rédaction des Lettres, qu'elle voulait adresser en conséquence, sans délai, à l'Empereur Dom Pedro, Son Frère, à Sa Majesté le Roi d'Angleterre, et à l'Infante, sa Sœur; qu'Elle leur avait également donné celui de rédiger la Lettre à l'Infante de manière à ce qu'elle puisse être rendue publique, et à ce qu'elle ne puisse en même tems laisser aucun doute sur la ferme volonté de ce Prince, en acceptant la Lieutenance du Royaume que l'Empereur, Son Frère, vient de lui confier, d'en maintenir religieusement les Institutions; de vouer le passé à un entier oubli, mais de contenir en même tems avec force et fermeté, l'esprit de parti et de faction qui a trop long tems agité le Portugal.

Tous les Membres de la Conférence n'ont pu que rendre unanimement la plus entière justice à des dispositions aussi louables de la part de l'Infant; M. Le Prince de Metternich a personnellement ajouté, que du moment où les Lettres de l'Infant seraient écrites et signées, il s'offrait de les faire parvenir promptement en Angleterre par M. de

Neumann, qui n'attendait que leur expédition pour partir, et d'en transmettre des Duplicats en Portugal par un Courier du Cabinet qu'il se proposait d'expédier incessamment par Madrid à Lisbonne.—MM. les Plénipotentiaires Portugais ayant accepté ces offres, le Prince de Metternich a cru devoir observer encore à cette occasion, que l'Infant devait, sans aucun doute, prendre, avant tout, dans les Lettres, qu'Il se propose d'adresser au Roi d'Angleterre et à l'Infante Sa Sœur, le titre de Lieutenant du Royaume, puisque c'est sous ce titre, que l'Empereur lui en confie la Régence; mais qu'il lui paraissait convenable et même nécessaire, que l'Infant pris conjointement avec le titre de Lieutenant, celui de Regent du Royaume, attendu qu'étant appelé par le Décret de l'Empereur Dom Pedro du 3 Juillet, à succéder à l'Infante, sa Sœur, dans l'exercice de la Régence,—il serait également contraire à sa dignité personnelle, à celle de la Nation Portugaise, et à la volonté de l'Empereur Dom Pedro, qu'Il prit un titre au-dessous de celui que l'Infante a porté; qu'il ne pouvait d'ailleurs exister aucun doute sur les intentions de ce Souverain à cet égard; qu'elles ressortaient clairement de la teneur de la Note du Marquis de Rezende, du 19 Septembre, de celle des Instructions dont cet Envoyé était muni, de celle enfin de la Lettre de l'Empereur Dom Pedro au Roi d'Angleterre, puisque dans ces différentes Pièces il est explicitement ou implicitement dit, que ce Souverain *confère la Régence à l'Infant*. —Il n'y a aucun doute enfin, que le Décret de l'Empereur Dom Pedro à l'Infant, Son Frère, en date du 3 Juillet, portait sur l'Adresse l'inscription: "A l'Infant Dom Miguel, Régent du Royaume de Portugal."

M. l'Ambassadeur d'Angleterre a observé qu'étant informé déjà depuis plusieurs semaines de l'opinion du Cabinet de Vienne à cet égard, il en avait rendu compte à son Gouvernement; qu'à la vérité, il n'avait point encore reçu de réponse sur cet objet, mais qu'il se flattait qu'elle serait conforme à l'opinion du Cabinet Autrichien. Quant à MM. les Plénipotentiaires Portugais, ils se sont prononcés en faveur de celle que venait d'énoncer M. le Prince de Metternich, et ils se sont chargés d'en rendre compte à l'Infant, en observant que, dans l'intérêt du Portugal, il était sans aucun doute désirable, que l'Infant n'hésitât point à prendre, conformément aux intentions de l'Empereur Dom Pedro, Son Frère, le titre de Régent du Royaume. MM. de Villa-Secca et de Villa-Real ont ajouté, qu'ils avaient l'ordre de l'Infant de déclarer que, pénétré de reconnaissance pour les bontés paternelles que Lui avait constamment témoignés Sa Majesté l'Empereur d'Autriche, depuis les premiers moments de son arrivée à Vienne, et plus particulièrement encore dans cette dernière circonstance, Son Altesse Royale se ferait un devoir d'en exprimer Elle-même verbalement sa sensible et respectueuse reconnaissance à Sa

Majesté Impériale, mais qu'Elle tenait à ce que ces sentimens à cet égard fussent portés à la connaissance de la Conférence.

M. le Prince de Metternich s'est chargé, avec empressement, de se rendre en attendant auprès de l'Empereur Son Auguste Maître l'organe des sentimens de Son Altesse Royale, en ajoutant que Sa Majesté Impériale en agréerait l'expression avec la plus sincère satisfaction.

METTERNICH.

H. WELLESLEY.

LEBZELTERN.

NEUMANN.

CONDE DE VILLA-REAL.

H. DE BOMBELLES.

BARAO DE VILLA-SECCA.

(Annex 1 to Sub-Enclosure A.)

M. le Marquis de Rezende à M. le Prince de Metternich.

Vienne, le 19 Septembre, 1827.

Le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur du Brésil, est autorisé, par un Ordre spécial de son Auguste Maître, à s'adresser à M. le Prince de Metternich, Chancelier de Cour et d'Etat de Sa Majesté Impériale et Royale Apostolique, pour notifier à Son Altesse la Résolution Souveraine du 3 Juillet de cette Année, par laquelle Sa Majesté Très Fidèle a conféré à Son Altesse Royale Monseigneur l'Infant Dom Miguel, avec le titre de Son Lieutenant en Portugal, la Régence du dit Royaume, aux termes des Lois existantes dans cet Etat, et conformément aux Institutions données par Son auguste Frère à la Monarchie Portugaise.

Le Soussigné n'hésite pas à croire, que Sa Majesté Impériale et Royale Apostolique, et Son Gouvernement, s'empresseront de reconnaître cet Acte de Sa Majesté Très Fidèle, et de prêter Sa co-opération efficace, pour qu'il puisse recevoir par le plus prompt départ de Monseigneur l'Infant Dom Miguel pour le Portugal, son entière et pleine exécution.

Le Soussigné saisit cette occasion, etc.

S. E. Le Prince de Metternich.

REZENDE.

(Annex 2 to Sub-Enclosure A.)—(Traduction.)

Décret de Sa Majesté l'Empereur Dom Pedro à Son Altesse Royale Monseigneur l'Infant Dom Miguel.

PORTE par des motifs dignes de Ma Royale considération, et attendu que la sûreté de l'Etat doit être la Loi suprême pour tout Souverain qui a à cœur le bien être et le bonheur de ses Sujets : et ayant d'ailleurs en vue les qualités, l'activité, et la fermeté de caractère qui distinguent Mon très cher et aimé Frère, l'Infant Dom Miguel; je le nomme Mon Lieutenant, lui accordant tous les pouvoirs qui,

comme Roi de Portugal et des Algarves, m'appartiennent, et qui se trouvent désignés dans la Charte Constitutionnelle, afin qu'il gouverne et régie les mêmes Royaumes conformément aux dispositions de la susdite Charte.

L'Infant Dom Miguel, mon très cher et aimé Frère, l'exécutera ainsi.

Donné au Palais de Rio Janeiro, le 3 Juillet, 1827.

*S. A. R. L'Infant Dom Miguel.*

**R.**

(*Annex 3 to Sub-Enclosure A.*)—(Traduction.)

*Sa Majesté l'Empereur Dom Pedro à Son Altesse Royale Monseigneur l'Infant Dom Miguel.*

MON CHER FRÈRE,

*Rio Janeiro, le 3 Juillet, 1827.*

J'AI la satisfaction de vous annoncer, que prenant en considération votre conduite régulière et votre loyauté reconnue, je viens de vous nommer mon Lieutenant dans le Royaume de Portugal, afin que vous le gouverniez en mon nom, et d'après la Constitution que j'ai octroyée au dit Royaume. Je m'attends, mon cher Frère, à ce que vous envisagiez cette résolution comme la plus grande preuve que je puisse vous donner de ma confiance, et de l'amour que je vous porte.

*S. A. R. L'Infant Dom Miguel.*

**PEDRO.**

(*Annex 4 to Sub-Enclosure A.*)—(Traduction.)

*Sa Majesté l'Empereur Dom Pedro à Sa Majesté Britannique.*

MONSIEUR MON FRÈRE ET COUSIN, *Rio Janeiro, le 3 Juillet, 1827.*

LA nécessité de rétablir l'ordre en Portugal et de consolider le Système Constitutionnel qui y a été juré, m'oblige, comme Roi légitime du Pays, d'ordonner, sous la date d'aujourd'hui, à l'Infant Dom Miguel, mon Frère et mon gendre, d'aller gouverner ce Royaume en mon nom, en qualité de mon Lieutenant; et dans la confiance que je place en l'amitié inaltérable qui subsiste entre Nous, je supplie Votre Majesté de m'aider, de Son côté, non seulement à faire que cette Régence entre promptement en fonctions, mais encore à effectuer, que la Charte Constitutionnelle, octroyée par moi et jurée dans ce pays, devienne la Loi Fondamentale du Royaume. Je saisis, &c.

*Sa Majesté Britannique.*

**PEDRO.**

(*Annex 5 to Sub-Enclosure A.*)—(Traduction.)

*Sa Majesté l'Empereur Dom Pedro à Sa Majesté Impériale et Royale Apostolique.*

MON TRES-CHER BEAU-PÈRE ET AMI, *Rio Janeiro, le 3 Juillet, 1827.*

LES évènements récents et inattendus, en Portugal, et la conduite ferme, constante, et loyale, que mon Frère, l'Infant Dom Miguel, a démontrée auprès de Votre Majesté Impériale et Royale Apostolique, me mettent dans le cas de lui ordonner de partir pour le Portugal,



afin qu'il gouverne ce Royaume en mon nom, et en qualité de mon Lieutenant. Convaincu ainsi que je le suis, que cette mesure aura l'approbation de Votre Majesté, je La prie de m'aider tant qu'il sera en Son pouvoir, en Lui conseillant et d'exécuter cet ordre et de gouverner ce Royaume en conformité de la Charte Constitutionnelle que je lui ai donnée, et qui a été jurée par Lui et par la totalité de mes Sujets Portugais.

En demandant à Votre Majesté cet aide, je me considérerai heureux, &c. &c.

*Sa Majesté Impériale et Royale Apostolique.*

PEDRO.

*(Annex 6 to Sub-Enclosure A.)*

*Le Prince de Metternich à M. le Prince Esterhazy.*

*Vienne, le 18 Octobre, 1827.*

PAR ma Dépêche du 8 Octobre j'ai eu l'honneur de vous informer de l'arrivée de M. Le Comte de Villa-Real, des dispositions favorables dans lesquelles je l'avais trouvé, et de l'entier assentiment que cet Ambassadeur avait donné à notre travail préparatoire sur toutes les questions relatives à la position présente et future de l'Infant Dom Miguel. M. de Villa-Real ayant également trouvé ce travail conforme aux principes et aux vœux du Gouvernement Britannique, mon premier soin fut de convenir avec lui et avec M. le Baron de Villa-Secca de la marche à suivre pour engager l'Infant à nous faire connaître le plus tôt possible ses intentions, relativement à son départ, à son voyage, et à la ligne de conduite qu'il se proposait de suivre à son arrivée en Portugal. Je crus devoir proposer en conséquence à ces deux Messieurs. de prendre pour point de départ, la Note ci-jointe en Copie, que m'avait adressée M. le Marquis de Rezende, Envoyé du Brésil à la Cour de Vienne, pour me notifier les déterminations qu'avait prises l'Empereur, son Maître, le 3 Juillet dernier, à l'égard de l'Infant Dom Miguel, son Frère, et pour réclamer, en même tems, la co-opération efficace de l'Autriche, dans le but d'engager l'Infant à se soumettre avec une entière déférence aux ordres de l'Empereur Dom Pedro, et à hâter son départ pour le Portugal, afin que le Décret du 3 Juillet puisse y recevoir le plus tôt possible, sa pleine et entière exécution. Nous convînmes ensuite, que je me chargerais de porter les premières paroles à l'Infant, que j'inviterais ce Prince, conformément aux vœux de l'Empereur, Son Frère, à nous faire connaître ses projets relativement à son départ, et à nommer sans délai MM. de Villa-Secca et de Villa-Real, pour régler et arrêter en son nom avec le Cabinet de Vienne, toutes les dispositions qui y seraient relatives. Nous convînmes enfin, que nous nous réunirions tous les jours, pour nous rendre compte mutuellement et confidentiellement du résultat de nos démarches, pour nous concerter sur celles que les circonstances pourraient exiger, et que nous tiendrions un journal de nos réunions auquel

nous éviterions, toutefois, dans l'intérêt de l'Infant, et pour laisser à ce Prince la faculté d'énoncer plus librement son opinion et ses vœux, de donner le caractère officiel d'un Protocole de Conférence.

Cette marche ayant été arrêtée, je me rendis le 6 de ce mois chez l'Infant, pour Lui représenter à quel point il était urgent qu'il voulût bien nous faire connaître, le plus tôt possible, ses intentions relativement à son voyage.—J'eus l'honneur de Lui observer que, pour régler et arrêter définitivement tout ce qui était relatif à son départ, il était désirable qu'il chargeât les Personnes, qu'il jugerait les plus dignes de sa confiance, de s'entendre sur cet objet avec moi ;—que M. le Baron de Villa-Secca, et M. le Comte de Villa-Real, qui y avaient l'un et l'autre des droits par leur fidélité et leur dévouement à sa personne, me paraissaient devoir fixer de préférence son choix ; que, s'il consentait à désigner ces deux Messieurs pour traiter avec moi, son départ serait le premier objet, dont nous aurions à nous occuper ; qu'il devenait tous les jours plus pressant d'en fixer l'époque ; qu'il ne l'était pas moins de connaître la direction que désirait prendre Son Altesse Royale pour se rendre en Portugal, afin de pouvoir Lui en préparer les moyens ; mais que je ne pouvais lui dissimuler que, quelle que fût celle pour laquelle Elle croirait devoir se déterminer, l'Empereur cependant ne pourrait, dans aucun cas, consentir à son passage par l'Espagne, attendu, qu'outre les graves inconvénients qui dans les circonstances actuelles devaient l'en détourner, il ne pourrait se le permettre sans agir contre les vœux de l'Empereur Dom Pedro, Son Frère, et contre l'opinion unanime de toutes les Puissances de l'Europe.—L'Infant, sans me faire aucune objection sur les propositions et les observations, que je venais de lui soumettre, se borna à me répondre, qu'il allait nommer sur-le-champ M. le Comte de Villa-Real et M. le Baron de Villa-Secca, pour s'entendre et se concerter avec moi sur les différens objets, dont je venais de l'entretenir. Il en donna effectivement le même jour l'ordre à ces deux Messieurs, avec lesquels je m'empressai de mon côté de me réunir dans le but que nous nous étions proposé. Le résultat de nos premières réunions, qui eurent, comme de raison, pour principal objet, celui de fixer l'époque du départ de l'Infant et de déterminer la direction qu'il devait prendre pour se rendre le plus promptement possible en Portugal, nous permit bientôt d'entrevoir, et même de nous convaincre que, si l'Infant avait eu primitivement le projet de passer par l'Espagne pour rentrer en Portugal, il Lui avait suffi, pour renoncer à ce projet, d'apprendre que l'Empereur Dom Pedro, Son Frère, et Sa Majesté l'Empereur notre Auguste Maître y étaient contraires. Je Lui dois au reste la justice d'observer ici, que ce Prince, lors qu'il s'était entretenu avec ses alentours de son désir, de prendre de préférence la route d'Espagne comme la plus courte et la plus directe, n'avait point hésité à donner en même tems les assurances les plus positives de sa ferme volonté de ne

laisser approcher de sa personne aucun Réfugié Portugais. Mais si nous fûmes bientôt tranquilisés sur ce premier projet de l'Infant, nous ne tardâmes pas à nous apercevoir d'un autre côté, que l'esprit de ce Prince était fortement préoccupé de deux idées, qui avoient toute la valeur de deux déterminations positives; nommément, celle de ne s'embarquer que sur un vaisseau Portugais, et de ne pas toucher terre entre l'Autriche et le Portugal. Du moment où j'eus acquis cette conviction, je m'empressai d'en rendre compte à l'Empereur, notre Auguste Maître, et je reçus de Sa Majesté l'ordre d'engager MM. de Villa-Real et de Villa-Secca à représenter en son nom, à l'Infant, qu'elle concevait le désir qu'il avait exprimé de pouvoir se rendre de préférence à Lisbonne sur des Vaisseaux Portugais; et que, si ce projet était exécutable, l'Empereur ne s'y opposerait pas; mais qu'il s'intéressait trop sincèrement à l'Infant, pour ne pas se faire un devoir de lui en démontrer l'impossibilité, vû la perte de tems immense et irréparable qui s'y rattacherait; qu'avant que deux Vaisseaux de guerre Portugais pussent être armés à Lisbonne et rendus à Livourne pour y recevoir l'Infant, il s'écoulerait près de trois mois, auxquels il faudrait ajouter encore au moins un mois pour la traversée de Livourne à Lisbonne, qui dans cette saison est incertaine et longue; que, par conséquent l'Infant ne pourrait pas être rendu à sa destination avant 4 ou 5 mois; qu'un aussi long retard, en prolongeant l'incertitude en Portugal compromettrait infailliblement la tranquillité intérieure de ce Royaume, et peut-être même l'existence politique de ce Prince, qui ne saurait différer impunément son arrivée à Lisbonne, chaque jour de retard pouvant rendre son début plus difficile et même plus dangereux; qu'il fallait donc avant tout s'occuper des moyens de l'y faire arriver dans le plus court délai possible; qu'il pouvait s'embarquer soit dans un des ports des mers du midi, soit dans un port des mers du nord;—que de la part de l'Autriche, on ne s'opposerait point à son désir de s'embarquer de préférence en Italie, s'il était possible de Lui en fournir les moyens; mais que ces moyens n'existaient pas, et que, pour les préparer, il faudrait plusieurs semaines, ce qui entraînerait un retard presque aussi long que celui auquel l'Infant devrait se soumettre, dans le cas où il se déciderait à faire venir à Livourne des Bâtimens Portugais; que tout retard à son voyage pouvant avoir les plus graves inconvéniens, et l'Empereur, se trouvant appelé par le véritable intérêt qu'il porte à ce Prince, à ne pas permettre qu'il compromette ainsi gratuitement son existence personnelle et la tranquillité intérieure du Royaume, dont son Auguste Frère vient de lui confier la Régence, Sa Majesté ne pouvait en conscience Lui donner qu'un conseil, celui de ne pas hésiter un instant à s'embarquer, sans délai, dans un des ports d'Angleterre ou des Pays-Bas; que l'Infant devait donc nécessairement opter entre ces deux pays, comme les plus rapprochés du but de son voyage, en prenant en considération que, s'il passait par la France.



et par L'Angleterre, il ne pourrait point se dispenser de s'arrêter à Paris et à Londres, pour y présenter ses hommages à Sa Majesté Très Chrétienne et à Sa Majesté Britannique; que, d'un autre côté, en s'embarquant dans un des Ports du Royaume des Pays-Bas, il pourrait, il est vrai, se rendre directement à Lisbonne et y arriver plus promptement; mais qu'il perdrait une occasion favorable de voir le Roi d'Angleterre, de se concilier sa bienveillance et de réclamer personnellement son appui que l'Empereur Dom Pedro, Son Frère, a sollicité dernièrement pour Lui dans la Lettre qu'il a adressé le 3 Juillet à Sa Majesté Britannique.

MM. les Plénipotentiaires Portugais s'étant chargés de porter à la connaissance de l'Infant les conseils paternels que Sa Majesté l'Empereur notre auguste Maître croyait devoir lui donner dans une circonstance aussi importante pour son avenir,—ce fut le 9 Octobre dans la soirée, qu'ils s'acquittèrent de cette commission. L'Infant les écouta avec la plus sérieuse attention, mais il n'hésita point à leur déclarer, que les considérations qu'on venait de lui soumettre, ne changeaient rien à sa détermination, qu'il était fermement résolu à ne s'embarquer que sur un Vaisseau Portugais pour se rendre directement à Lisbonne, et que, quant au retard qui en résulterait, on ne devait pas craindre, qu'il influât sur la tranquillité intérieure du Portugal; qu'il écrirait et qu'il répondait qu'elle ne serait point troublée. Cette déclaration de l'Infant rendant toute délibération ultérieure inutile, je déclarai, de mon côté, à MM. les Plénipotentiaires Portugais, que j'allais la porter sur-le-champ à la connaissance de l'Empereur. Sa Majesté se décida alors à parler Elle même à l'Infant, et Elle eut en effet avec ce Prince, le 12 Octobre, une conversation assez longue, dans laquelle Elle reproduisit tous les argumens et tous les motifs qui avaient été développés en son nom deux jours auparavant à l'Infant, par MM. les Plénipotentiaires Portugais, pour lui faire sentir les graves inconvéniens et même les dangers, auxquels il s'exposerait, s'il persistait à ne vouloir s'embarquer que dans un des Ports des États Autrichiens et sur un Vaisseau Portugais, vû le retard de plusieurs mois, qu'éprouverait alors nécessairement son départ et par conséquent son arrivée à Lisbonne. L'Empereur représenta vivement à l'Infant, qu'un Souverain, et à plus forte raison, un Régent, qui était appelé à venir prendre les rênes du Gouvernement, ne pouvait trop se hâter de se rendre au milieu de son Peuple; qu'il était par conséquent de son devoir de choisir de préférence la route la plus directe et la plus courte, et que, s'il persistait à s'y refuser, il s'exposerait à se voir soupçonné de manquer à cet égard d'empressement, et de vouloir prolonger son séjour à Vienne pour son plaisir. L'Infant ayant, malgré ces sages représentations, persisté dans sa résistance, l'Empereur Lui demanda, s'il avait peut-être quelque répugnance à s'embarquer sur un Vaisseau



Anglais? L'Infant répondit, qu'il n'avait aucune répugnance pour l'Angleterre; qu'il savait que cette Puissance était dans les meilleurs rapports avec l'Empereur, Son Frère, qu'Elle était d'ailleurs l'Alliée naturelle du Portugal; qu'il désirait sincèrement être bien avec Elle, (et il a répété plusieurs fois cette dernière phrase dans sa conversation avec l'Empereur,) mais qu'il avait le sentiment, qu'en consentant à s'embarquer sur un Vaisseau étranger, il heurterait l'opinion, et blesserait d'une manière sensible l'amour propre national; que c'était par cette raison, qu'il était décidé à ne s'embarquer que sur un Vaisseau Portugais, pour se rendre directement à Lisbonne sans toucher aucun Territoire étranger. L'Infant ajouta spontanément qu'il était également très décidé à maintenir en Portugal la Charte qu'il avait jurée; que Sa Majesté pouvait être sans inquiétude à cet égard, et qu'il la priait enfin de croire que son cœur était pénétré de reconnaissance pour les bontés dont Elle l'avait comblé. L'Empereur voyant que l'Infant était pour ce moment bien déterminé à ne point céder, Sa Majesté l'engagea à réfléchir sérieusement encore sur la conversation qu'elle venait d'avoir avec lui, et à n'énoncer, en attendant, aucune détermination définitive sur une question aussi grave et aussi compromettante pour son avenir; l'Empereur me donna en même tems l'ordre de m'assurer par moi-même, si l'Infant, après avoir plus mûrement réfléchi sur sa position, ne sentirait peut-être pas la nécessité de se rendre aux conseils de la sagesse et de la raison.

Nous voyant arrêtés ainsi dans notre marche par la résistance inattendue que nous avions rencontrée dans ce jeune Prince, je me décidai à faire part avant tout, confidentiellement et dans le plus grand détail, à M. l'Ambassadeur d'Angleterre, (que j'avais préalablement informé de l'objet et du but de mes Conférences confidentielles avec MM. les Plénipotentiaires Portugais,) de tout ce qui s'était passé entr'eux et moi, et entre Sa Majesté et l'Infant. J'invitai ensuite Sir Henry Wellesley à venir se réunir le lendemain à ces Messieurs et à moi, pour prendre ensemble en considération les moyens que nous pourrions tenter encore pour vaincre la résistance de l'Infant, et dans le cas où nous n'y réussirions pas, pour nous concerter sur les mesures que, d'accord avec son Gouvernement, dont nous étions bien décidés à ne point nous séparer dans cette circonstance, il serait nécessaire d'adopter sur-le-champ, pour ne pas prolonger plus long tems en Portugal un état d'incertitude aussi compromettant. Toutes les opinions s'étant réunies sur les graves inconvéniens auxquels s'exposerait l'Infant, s'il persistait à ne vouloir pas passer par l'Angleterre, et en même tems sur l'avantage qu'il y aurait à ce que j'eusse sur cet objet une dernière explication cathégorique avec ce Prince, il fut décidé que je l'aurais le jour même à 2 heures; comme j'étais indisposé, l'Infant voulut bien prendre la peine de se rendre chez moi sur mon invitation. Je

lui demandai la permission d'admettre en tiers le Comte de Bombelles, qui a été antérieurement attaché à sa personne en qualité de Chambellan, qu'il honore de sa bienveillance et qui est d'ailleurs destiné à accompagner ce Prince à Lisbonne, où il déploiera le caractère de Ministre Plénipotentiaire et Envoyé Extraordinaire de Sa Majesté l'Empereur.—L'Infant y ayant consenti, nous eumes ensemble la conversation dont je vais vous rendre un compte succinct, mais exact.

Je commençai par représenter à l'Infant, que nous avions perdu jusqu'ici un tems utile et précieux ; qu'en Europe, et nommément en Portugal et en Angleterre, on ne saurait à quelle cause attribuer le retard prolongé qu'éprouvait son départ, que je ne pouvais me permettre de garder à cet égard plus long-tems le silence, surtout vis-à-vis du Cabinet Britannique, qui s'était si franchement réuni à l'Autriche dans les intérêts de l'Infant, et dont il était lui-même personnellement si intéressé à se concilier la bienveillance et l'appui. Je reproduisis alors à ce Prince les argumens et les considérations les plus propres à l'ébranler ; je lui déclarai sans réserve que, dans sa position il n'avait que deux partis à prendre ; ou celui de se décider à faire venir sur-le-champ un Vaisseau de guerre Portugais en Angleterre, où il se rendrait directement de son côté, pour s'y embarquer le plustôt possible ; ou celui d'attendre à Vienne les décisions ultérieures de l'Empereur Dom Pedro, auquel les Cabinets de Vienne et de Londres seraient dans le cas de faire part des motifs qui auraient engagé l'Infant à ne pas se soumettre sur le champ à ses ordres ; j'ajoutai que, s'il se décidait pour la première alternative, j'étais prêt à expédier un Courier à Londres pour en informer le Gouvernement Britannique, et que, sans vouloir me permettre de préjuger ses décisions, je ne doutais point, qu'il ne se prêtât volontiers à seconder à cet égard ses désirs ; je finis par rappeler à l'Infant le prix que mettrait l'Empereur à lui voir suivre avec confiance ses conseils qui lui avaient été jusqu'ici si utiles, et je ne lui dissimulai point, que Sa Majesté étoit profondément affectée de la résistance qu'il leur opposait.

Je ne tardai point à m'apercevoir que j'avois eu le bonheur de faire sur l'Infant une impression profonde ; il était visiblement ébranlé, et, après quelques instans de réflexion, il céda enfin aux conseils de l'amitié et de la raison. Dès ce moment la conversation de l'Infant devint vive et animée, il s'exprima envers moi avec autant de franchise et de naturel, qu'il avait mis jusques là de réserve dans ses réponses. Il me dit, qu'il était prêt à se rendre en Angleterre, pour s'y embarquer le plustôt possible sur un Vaisseau Portugais, qu'il donnerait en conséquence les ordres nécessaires, et qu'il me priait d'écrire de mon côté en Angleterre et en Portugal pour en presser l'exécution ; qu'il croyait devoir à la Nation Portugaise et se devoir à lui même

de ne pas rentrer dans sa Patrie sous un autre Pavillon que sous le Pavillon Portugais. Dans le courant de cette conversation, il ne disconvint pas qu'il avait redouté de passer par l'Angleterre, parcequ'il savait qu'on y avait eu contre Lui de fortes préventions, et qu'il craignait d'y être mal reçu : il commença ensuite, spontanément, à me parler avec chaleur de la ligne de conduite qu'il se proposait de suivre à son arrivée à Lisbonne, et je fus surpris, je l'avoue, de la rectitude des principes et de la sagesse des vues qu'il me développa, avec un ordre et une clarté remarquables. La manière dont l'Infant s'est expliqué vis-à-vis de moi dans cette circonstance, ne me permet pas de douter, qu'il est dans les meilleures dispositions, et qu'il est non-seulement fermement résolu à maintenir la Charte, mais qu'il en sent même l'importance et la nécessité. En me quittant, il me pria de porter ses dernières déterminations à la connaissance de l'Empereur, ce que je m'empressai de faire, et il me demanda ensuite de vouloir bien m'occuper avec MM. les Ministres Portugais de toutes les dispositions relatives à son départ, ce que nous venons de faire, et ce dont j'aurai l'honneur de vous entretenir dans une Dépêche dont M. de Neumann sera porteur.

Tel est mon Prince, le récit fidèle de ce qui s'est passé ici avec l'Infant, depuis le moment de l'arrivée de M. de Villa Real ; si la résistance, qu'il nous a opposée dans le principe, est regrettable sous le rapport surtout de la perte de tems qu'elle a entraînée, elle a d'un autre côté l'avantage de nous offrir une véritable garantie de la sincérité des intentions de ce jeune Prince, qui n'a cédé que par conviction, et qui, du moment où il a été convaincu, a manifesté les dispositions les plus favorables, et les principes les plus conformes à nos vœux. C'est par un sentiment d'amour propre national peut-être exagéré, mais louable en lui-même, qu'il a tenu fortement à arriver à Lisbonne sur un Vaisseau Portugais, et sous ce rapport sa résistance est excusable. J'ai au reste mis tous mes soins à rassurer entièrement l'Infant sur la manière dont il serait reçu en Angleterre. Je lui ai promis que l'Empereur le recommanderait particulièrement à la bienveillance personnelle du Roi, et Sa Majesté m'a effectivement donné l'ordre de charger expressément Votre Altesse de mettre tous ses soins à préparer à ce jeune Prince un accueil favorable et bienveillant, tant de la part du Roi, que de celle de son Gouvernement.

Votre Altesse est autorisée à communiquer la présente Dépêche, sans aucune réserve, à M. le Principal Secrétaire d'Etat.

Recevez, &c.

*S. A. Monsr. Le Prince Esterhazy.*

METTERNICH.

(Sub-Enclosure B.)—PROTOCOLE.—*Vienne, 20 Octobre, 1827.*

## PRESENTS :

De la part de l'Autriche.	De la part de l'Angleterre.	De la part de Son Altesse Royale l'Infant Dom Miguel :
<i>M. le Prince de Metternich.</i>	<i>M. l'Ambassadeur d'Angleterre.</i>	<i>M. le Baron de Villa Secca.</i>
<i>M. le Comte de Lebzeltern.</i>		<i>M. le Comte de Villa Real.</i>
<i>M. le Chevalier de Neumann.</i>		
<i>M. le Comte Henri de Bombelles.</i>		

MESSIEURS les Plénipotentiaires Portugais ayant prié M. le Prince de Metternich de vouloir bien réunir une Seconde Conférence pour recevoir la communication des Lettres que Son Altesse Royale l'Infant avait écrites, et signées la veille, pour Sa Majesté l'Empereur Dom Pedro, son auguste Frère ; pour Sa Majesté le Roi d'Angleterre ; et pour Son Altesse Royale l'Infante, Dona Maria Isabella, Régente du Portugal ; dans lesquelles Lettres l'Infant, conformément à l'opinion du Cabinet de Vienne, prend la double qualité de Lieutenant et de Régent du Royaume, et le Prince de Metternich s'étant empressé de réunir la Conférence chez lui le 20 Octobre, selon le désir de MM. les Plénipotentiaires Portugais, ces Messieurs ont fait lecture des trois Lettres ci-dessus mentionnées, et en ont déposé au Protocole les Copies et les Traductions. On a payé généralement un juste tribut d'éloges à la sagesse, à la loyauté et à la rectitude de principes qui ont présidé à leur rédaction. Il a toutefois été observé que la Lettre de l'Infant à l'Empereur Dom Pedro, ne renfermait aucune réserve de ses droits personnels ; qu'à Londres cependant on avait pensé, que cette réserve serait désirable. Mais M. le Prince de Metternich a répondu : que l'Infant s'étant déjà explicitement réservé tous ses droits dans la Lettre qu'il a écrite à l'Empereur Dom Pedro, son Frère, en lui envoyant son serment à la Charte Portugaise, une seconde réserve seroit aujourd'hui superflue ; qu'il étoit toutefois très naturel qu'en Portugal on attachât une haute valeur à cette question, qui se lie nécessairement à celles de la confirmation de l'Acte d'Abdication de l'Empereur Dom Pedro, de l'envoi de la jeune Reine Maria da Gloria en Portugal, et de la séparation totale et définitive des deux Couronnes : qu'on pouvoit être au reste parfaitement tranquille à cet égard, vu que l'Autriche et l'Angleterre étoient pénétrées de l'importance de ne pas laisser plus long temps indécises des questions d'un si haut intérêt pour la tranquillité intérieure du Portugal, et que ces deux Puissances étoient déterminées à réunir leurs soins et leurs efforts pour en presser et en obtenir la décision à Rio Janeiro.

Les explications fournies sur cet objet par M. le Prince de Metternich ayant été trouvées pleinement satisfaisantes, on a reconnu que la réserve en question seroit inutile.



MM. les Plénipotentiaires Portugais ont annoncé ensuite à Monsieur l'Ambassadeur d'Angleterre, que l'Infant avait prévenu les vœux de son Gouvernement en se décidant spontanément à adresser une seconde Lettre confidentielle et affectueuse à l'Infante, sa Sœur, pour la rassurer sur son avenir. Ces Messieurs ont ajouté, que l'Infant s'était également décidé à écrire, par duplicata, à l'Infante, sa Sœur; que toutes ces Lettres étaient prêtes, signées et cachetées, qu'il ne leur restait par conséquent qu'à prier M. le Prince de Metternich de vouloir bien en presser l'expédition par la voie de Londres et de Madrid. M. le Prince de Metternich a donné l'assurance positive que ces deux expéditions partiraient dans le plus bref délai possible, et il a en conséquence engagé MM. de Villa Secca et de Villa Real à lui envoyer dans la journée de demain les Lettres de Son Altesse Royale ainsi que les Dépêches dont ces Messieurs pourraient désirer vouloir les accompagner.

MM. les Plénipotentiaires Portugais ont enfin observé, que l'appui franc et loyal qu'ils avaient constamment rencontré dans M. le Marquis de Rezende, pour toutes les questions relatives tant au départ de l'Infant qu'à la direction et à l'accélération du voyage de ce Prince, les avaient engagés à le tenir sommairement au courant de leurs transactions, et à le sonder sur le désir qu'il pourrait peut être avoir d'assister aux Conférences destinées à en consacrer le résultat; mais que M. l'Envoyé du Brésil leur avait répondu qu'il avait satisfait aux instructions de l'Empereur, Son Maître, en faisant connaître franchement à l'Infant les intentions de son auguste Frère relativement à son départ et à son voyage; mais que, n'étant pas spécialement autorisé à prendre part aux Affaires du Portugal, ainsi qu'il l'avait annoncé dans une des réunions confidentielles antérieures, il avait préféré de ne point assister aux Conférences qui y étaient relatives.

En suite de cette déclaration il a été convenu de ne point inviter Monsieur le Marquis de Rezende à assister à la présente Séance, d'en clore le Protocole, de le soumettre, ainsi que celui de la Séance précédente, à la signature de Messieurs les Représentans d'Autriche, d'Angleterre, et de Portugal, de conserver les deux Protocoles originaux dans les archives de la Chancellerie de Cour et d'Etat à Vienne, mais d'en délivrer des Copies légalisées à Monsieur l'Ambassadeur d'Angleterre et à MM. les Plénipotentiaires Portugais.

METTERNICH.

H. WELLESLEY.

LEBZELTERN.

NEUMANN.

CONDE DE VILLA-REAL.

H. DE BOMBELLES.

BARAO DE VILLA-SECCA.

(Annex 1 to Sub-Enclosure B.)—(Traduction.)

*S. A. Royale Mgr. l'Infant Dom Miguel à S. M. l'Empereur du Brésil.*  
Sire,

*Vienne, le 19 Octobre, 1827.*

J'ai reçu le Décret que Votre Majesté Impériale et Royale Très-fidèle a daigné m'adresser, en date du 3 Juillet, par lequel Votre

Majesté a bien voulu me nommer Son Lieutenant et Régent des Royaumes de Portugal, des Algarves, et de leurs Dépendances ; et en me conformant aux déterminations souveraines de Votre Majesté, je m'occupai aussitôt de faire les dispositions nécessaires pour me rendre à Lisbonne, afin de remplir les vues sages et paternelles de Votre Majesté, en gouvernant et régissant les dits Royaumes, conformément à la Charte Constitutionnelle que Votre Majesté a octroyée à la Nation Portugaise.

Tous mes efforts tendront au maintien des Institutions qui régissent le Portugal, et à contribuer, autant qu'il sera en mon pouvoir, à la conservation de la tranquillité publique dans ce Pays, en m'opposant à ce qu'elle soit troublée par des Factions, quelle que soit leur origine ; Factions qui n'auront jamais mon appui.

Que le Ciel conserve les jours précieux de Votre Majesté, &c.

S. M. l'Empereur du Brésil.

L'INFANT DOM MIGUEL.

(Annex 2 to Sub-Enclosure B.)—(Traduction.)

Son Altesse Royale Mgr. l'Infant Dom Miguel à Son Altesse Royale Mde. l'Infante Régente du Portugal.

Ma chère Sœur,

Vienne, le 19 Octobre, 1827.

QUOIQUE je doive supposer, que vous êtes déjà informée de la résolution prise par Notre Auguste Frère et Roi, de me nommer Son Lieutenant et Régent des Royaumes de Portugal et des Algarves, et de leurs Dépendances, pour les gouverner conformément à ce qui se trouve prescrit dans la Charte Constitutionnelle, donnée par Notre Auguste Frère à la Nation Portugaise, je ne saurais toutefois me dispenser de vous annoncer, que j'ai reçu le Décret du 3 Juillet, de l'Année courante, en vertu duquel je me trouve pleinement autorisé à prendre possession de la Régence des susdits Royaumes.

Déterminé à maintenir intactes les Lois du Royaume et les Institutions octroyées légalement par Notre Auguste Frère, et que nous avons tous juré de maintenir et de faire observer, et de régir par elles les susdits Royaumes, ils convient que je déclare ainsi, afin que vous veuillez bien, ma chère Sœur, donner à cette déclaration solennelle la publicité requise, et que vous fassiez connaître en même tems la ferme intention dans laquelle je me trouve de comprimer les Factions qui, sous quelque prétexte que ce soit, tendraient à troubler la tranquillité publique en Portugal ; désirant que les erreurs et fautes passées qui auraient pu être commises, soient livrées à un entier oubli, et que la concorde et un esprit parfait de conciliation succèdent aux agitations déplorables qui ont désuni une Nation célèbre dans les fastes de l'histoire, par ses vertus, sa valeur, sa loyauté et son dévouement à ses Princes.

Afin d'exécuter les intentions Royales de Notre Auguste Frère, je me dispose à retourner en Portugal, et je vous demande, ma chère Sœur, que sans aucune perte de tems vous fassiez préparer et partir pour le

Port de Falmouth, une Frégate et un Brick, afin qu'ils puissent servir à me transporter à Lisbonne.

Que Dieu, ma chère Sœur, vous ait en sa sainte et digne garde.  
S. A. R. *Mad<sup>e</sup>. l'Infante Régente.* MIGUEL.

(Annex 3 to Sub-Enclosure B.)—(Traduction.)

Son Altesse Royale Mgr. l'Infant Dom Miguel à Sa Majesté Britannique.  
Sire, Vienne, le 19 Octobre, 1827.

LE Décret par lequel l'Empereur et Roi, mon Frère, vient de me nommer Son Lieutenant et Régent, dans le Royaume de Portugal et des Algarves, et ses Dépendances, m'étant parvenu, un de mes premiers soins doit être de porter cette haute résolution à la connaissance de votre Majesté. Convaincu de la part qu'Elle y prendra par suite de l'ancienne et intime Alliance qui a toujours existé entre le Portugal et la Grande Bretagne, et que je désire sincèrement cultiver, j'ose me flatter qu'Elle voudra bien m'accorder Sa bienveillance et Son appui, le but que je me propose étant de maintenir invariablement la tranquillité et le bon ordre en Portugal, au moyen des Institutions octroyées par l'Empereur et Roi, mon Frère ; Institutions que je suis fermement résolu à faire respecter.

J'adresse cette demande à Votre Majesté, en attendant que j'ai l'honneur de la Lui faire personnellement, avec la confiance que m'inspire Sa haute sagesse, et l'intérêt qu'Elle a toujours porté, à tout ce qui regarde ma Famille et le bien être du Portugal.

Je prie votre Majesté d'agréer l'hommage de mes sentimens d'attachement et de haute considération.

Sa Majesté Britannique. L'INFANT DOM MIGUEL.

(Sub-Enclosure C.)—PROTOCOLE.—Vienne, le 23 Octobre, 1827.

PRESENTS.

De la part de l'Autriche :	De la part de l'Angleterre :	De la part de Son Altesse Royale l'Infant Dom Miguel :
M. le Prince de Metternich.	M. l'Ambassadeur d'Angleterre.	M. le Baron de Villa-Secca.
M. le Comte de Lebzeltern.		M. le Comte de Villa-Real.
M. le Chevalier de Neumann.		
M. le Comte Henri de Bombelles.		

LE Protocole de la Conférence du 20 de ce mois était clos et signé, lorsque M. l'Ambassadeur d'Angleterre annonça, qu'il avait encore une Communication confidentielle à faire à MM. les Membres de la Con-

férence, et il leur fit lecture d'une Lettre qui lui était parvenue ce même jour, de Paris, dans laquelle on lui mandait, que des Agens des Réfugiés Portugais y avaient été envoyés d'Espagne, pour obtenir accès auprès de l'Infant. Il paraît, d'après cette Lettre, que ces Réfugiés tâchent d'exciter une Insurrection en Portugal et de détruire la Constitution avant l'arrivée de Dom Miguel.

M. le Prince de Metternich observa que cette communication méritait une attention d'autant plus sérieuse, que les nouvelles qu'il avait reçues directement d'Espagne dans le courant de la dernière semaine, et dont il s'était empressé de faire part au Gouvernement Britannique, dès le 18 de ce mois, lui donnaient lieu de croire à l'existence de ce projet coupable; que l'Infant avait été Lui même le premier à Lui parler de ses craintes à cet égard, en exprimant le vœu qu'on s'occupât des moyens de prévenir un mouvement qui, s'il éclatait avant son arrivée à Lisbonne, pourrait le placer dans la situation la plus difficile et la plus compromettante. M. le Prince de Metternich ajouta, que l'Infant, se trouvant dans des dispositions aussi favorables, le moyen le plus efficace à employer, serait une démarche directe de ce Prince envers le Roi d'Espagne. Il proposa donc d'engager l'Infant à écrire sur le champ à Sa Majesté Catholique, pour Lui faire part des déterminations qu'il vient de prendre, conformément au Décret de l'Empereur Dom Pedro, Son Frère, du 3 Juillet, et pour Lui demander en même tems avec confiance de prendre les mesures que, dans sa sagesse, il croirait les plus efficaces pour maintenir la tranquillité dans la Péninsule, et pour faire connaître aux susdits Réfugiés, que l'Infant désapprouvait hautement de semblables tentatives, et qu'il était bien décidé à les réprimer.

Cette proposition de M. le Prince de Metternich ayant été unanimement acceptée, MM. les Plénipotentiaires Portugais s'étant chargés de la soumettre à l'Infant, et ce Prince l'ayant agréée, M. le Baron de Villa Secca et M. le Comte de Villa Real ont annoncé aujourd'hui à la Conférence, que Son Altesse Royale s'était prêtée avec empressement à écrire au Roi d'Espagne dans le sens convenu, qu'ils avaient l'ordre de remettre à M. le Prince de Metternich la Lettre de l'Infant à Sa Majesté Catholique, avec la prière de la faire parvenir le plus tôt possible à sa destination, et d'en déposer une Copie au présent Protocole.

M. le Prince de Metternich a déclaré qu'il s'en chargerait avec d'autant plus d'empressement, qu'il ne doutait pas qu'une démarche aussi franche et aussi loyale de la part de l'Infant ne produisit tout l'effet qu'on avait le droit d'en attendre. Il proposa en suite de communiquer le présent Protocole aux Cabinets de Londres, Paris, Berlin, et Pétersbourg, en le priant de transmettre, sans délai, à leurs Missions respectives à Madrid, l'ordre d'appuyer de toute leur influence la démarche que l'Infant vient de faire auprès de Sa Majesté Catholique.

Cette proposition ayant été unanimement agréée, il a été convenu



que les expéditions pour Paris et Londres se feraient sur-le-champ en conséquence, et qu'elles seraient confiées à M. de Neumann.

METTERNICH

H. WELLESLEY.

LEBZELTERN.

NEUMANN.

CONDE DE VILLA-REAL.

H. DE BOMBEILLES.

BARAO DE VILLA-SECCA.

(*Annex to Sub-Enclosure C.*)—(Traduction.)

*Son Altesse Royale Monseigneur l'Infant Dom Miguel à Sa Majesté le Roi d'Espagne.*

MON TRES CHER ONCLE,

Vienne, le 21 Octobre, 1827.

J'AI l'honneur de faire part à votre Majesté que j'ai reçu un Décret, daté de Rio Janeiro, par lequel mon Auguste Frère, l'Empereur du Brésil et Roi de Portugal et des Algarves, me nomme Son Lieutenant et Régent dans ces derniers Royaumes. Ayant accepté cette Régence, et me disposant à me rendre sous peu à Lisbonne, j'ai été informé par des voyes dignes de foi, que quelques uns des Chefs des Réfugiés Portugais qui se trouvent actuellement dans les Etats de votre Majesté, se proposent, sur ces entrefaites, d'exciter des mouvemens dont le but serait de troubler l'ordre public en Portugal, ce qui nécessairement amènerait des calamités qui n'échapperont pas à la haute pénétration de Votre Majesté.

Dans cet état des choses, je m'adresse directement à Votre Majesté avec la confiance que m'inspire le désir sincère et bien connu dont votre Majesté est animée de maintenir la tranquillité dans la Péninsule, afin que, pesant dans sa haute sagesse une affaire aussi grave, votre Majesté daigne prendre les mesures qu'Elle jugera les plus convenables pour faire connaître aux susdits Réfugiés ma plus entière désapprobation de semblables tentatives, lesquelles je suis bien résolu à réprimer.

Que Dieu, &c.

*S. M. Le Roi d'Espagne.*

L'INFANT D. MIGUEL.

*SPEECH of the Infanta, Dona Isabel Maria, to the Chambers of Portugal, on resigning the Regency.—26th February, 1828.*

WORTHY PEERS OF THE KINGDOM, AND SENHORS DEPUTIES OF THE PORTUGUESE NATION. (Translation.)

AN event out of the ordinary course, which at this moment not only attracts the attention of all Europe, by uniting the sentiments of its different Governments, which ought to leave all good Portuguese nothing further to wish for, has, this day, called you together within these august precincts. My esteemed and dear Brother the Infant Dom Miguel, appointed to assume the Regency of this Kingdom, is present, for the purpose of ratifying and confirming, by the most solemn Act, in the presence of the Nation, that Oath which he voluntarily took when

at a distance from it. My August Brother, the Infant Dom Miguel, having thus been legitimately called to such an exalted Station, having been welcomed by the good wishes of the whole Nation, and reuniting unanimously those of all the European Powers whom an enlightened policy binds together in the sacred cause of the common interest, will, happily for this Country, find himself placed in the most advantageous position, for evincing the wisdom of his intentions, the firmness of his character, and the moderation of his principles ;—principles of which the Nation has already received, in his own words, the most secure pledge.

Let us, therefore, hope that this European event, which must ever be a most distinguished epoch in the annals of Portuguese History, may as completely fulfil the wants of the People as it has satisfied their affection and wishes for his presence.

In respect to myself, relieved this day from a charge to which I felt myself so unequal, but which I submitted to with patience, from those motives of obedience which now make me resign it with pleasure, I shall, with fervent wishes for its happiness, watch over the destinies of a Nation whose real Interests must ever be dear to me, and I shall always consider my having been called to govern it as the most valued title of my glory.

***DECREE of the Infant, Dom Miguel, respecting the Election of a New Chamber of Deputies in Portugal.—13th March, 1828.*** (Translation.)

THE immediate convocation of a Chamber of Deputies, to replace that which I was pleased to dissolve by a Decree of this day's date, being at this moment impracticable, because the Law for the regulation of Elections is not yet made, and the dispositions ordered to be observed by the Decree of the 7th August, 1826, are notoriously defective, as is proved in practice ;—I am pleased, in the name of the King, to annul the said Decree of the 7th August, 1826, and to order that the framing of new Instructions shall be immediately proceeded in, which, being in conformity to what is prescribed by the Constitutional Charter, shall, at the same time, be analogous to the ancient usages and laudable customs of these Kingdoms, suitable to a Monarchy, and incapable, as far as possible, of being eluded or evaded ; thus affording to the loyal Portuguese Nation the means of being worthily represented ; and as an object of such great moment should be intrusted to Persons who fear God, are faithful to the Throne, and lovers of their Country, I have also been pleased, in the name of the King, for this purpose only, to nominate a Junta, of which the Bishop of Vizeu, a Peer of the Kingdom, shall be President ; and the Viscount de Santarem, Antonio Gomez Ribeiro, Joaõ de Mattos e Vasconcellos Barbosa de Magalhães, Antonio José Guiaõ, José Ribeiro Saraiva, José Joaquim da Cruz e

Carvalho, José Barata Freire de Lima, and João de Figueiredo, shall be Members ; as also the Councillor Manoel José Maria da Costa e Sa, who shall act as Secretary. This Junta shall produce the result of its labours before me, in the form of a Consulta.

José Antonio d'Oliveira Leite de Barros, Minister and Secretary of State for the Interior, shall see the above executed, issuing for that purpose the necessary orders and directions.

*Palace of Ajuda, 13th March, 1828.*      **THE INFANT REGENT.**

***DECREE of the Infant, Dom Miguel, for convoking the Three Estates of Portugal.—3d May, 1828.***      (Translation.)

THE necessity for convoking the Three Estates of the Kingdom, already acknowledged by the King, my Father, (now in glory) in the Decree of the 4th June, 1824, having much increased in consequence of subsequent events, and being desirous of complying with the urgent representations which the Clergy, the Nobility, the Tribunals, and all the Municipalities have conveyed to me on this subject ; I am pleased, conformably to the opinion of enlightened Persons, solicitous for the service of God, and the welfare of the Nation, to convoke the said Three Estates of the Kingdom in this City of Lisbon, within 30 days from the date of this Decree of convocation, in order that, in a solemn and legal manner, according to the usages and practices of this Monarchy, and in the forms observed on similar occasions, they may recognise the application of important points of Portuguese Law, restore peace and public tranquillity, and be enabled to agree upon a just system for the satisfactory regulation of all the important Affairs of the State.

My Council of Ministers is charged so to understand, and have it fulfilled.

**SIGNED BY THE ROYAL HAND.**

*Palace of Ajuda, 3d May, 1828.*

***SPEECH of the President, on the Opening of the Cortes of Portugal.—23d June, 1828.***      (Translation.)

AN unanimous voice has resounded throughout the Kingdom. All the Portuguese (and truly may it be said all) have offered up their most ardent and most sincere supplications to the August Prince who governs us, that He would deign to ascend the Throne of his Ancestors, and thus put an end to that fluctuation and uncertainty of the Supreme Government, which of all political disasters may be considered as the greatest. The Nobility, the Clergy, the Tribunals, the Municipalities, the Citizens, have all concurred ; with this sole difference,—in some the patriotism, less restrained or more determined, proceeded immediately to the Act of Acclamation, which others represented merely as indispen-

sable, and solicited, as ordained by the Laws and ancient usages, and as demanded by the most urgent necessities of the State : perfectly agreed in the desire, in the opinion, and in the principles on which they were founded. The only discrepancy has been in the greater or lesser resolution.

The great Prince could not neglect the voice and representations of those Bodies and of the People, whose propositions regarded the benefit, nay more, the necessity of the Country, and which they submitted in accordance with its usages and its Laws.

To no Portuguese does the name of his Country sound more sweetly than to our Prince—none has more at heart her glory and happiness. He passionately desires the advancement and security of her true interests—he venerates her discreet usages and forms. He respects the wisdom of her Laws ; at the same time he could not be, nor is he, insensible to the cry of loyalty and love of his Person, which, from the moment of his arrival, has been heard in every part of Portugal. Ill could a noble mind resist the gentle force done to it by the People, with their demonstrations of attachment, which have not, nor could have, any other motive than that of the welfare of the Country, and the hope of remedying its misfortunes. Nor could he, without much difficulty, have denied their solicitations, intended for the common good, which must be considered before their zeal.

But since Justice is his first consideration,—since he profoundly respects the Law,—from the Law he demands all, and refuses, without hesitation, whatever may not be accorded to him by the Law. The Kingdom has its own Laws of Succession to the Crown—established from its foundation—religiously observed by it,—and loudly and enthusiastically invoked and demanded, at the proper time ; whenever it has not been deprived of the full use of its liberty, upon any occasion when Foreign violence may have extinguished them. Laws which have been renewed and explained, and fortified by a provident precaution, when sad experience has caused it to fear future ambition, in order to remove every shadow of pretence under which, at another time, an insolent abuse of power might conceal itself.

If the tenour of these respected Laws, or what is the same, if the Fundamental Law of the Monarchy, calls our Prince to the Succession of the Crown, he cannot but be proud (under so sacred a Title) of presiding over a generous Nation. But is he, in fact, on this occasion, called by the Laws to the Succession of the Portuguese Crown ? This is the important question which the general interest demands, and which, therefore, the August Prince desires should be determined, without delay, but, at the same time, with a deliberation befitting its high importance. The enthusiasm of our Patriots, and the ardour of his most moderate Friends, have so decidedly settled this in the affirmative, that they are impatient at the discreet means by which severe justice would remove every doubt. But it would be highly



improper, and, with reason, blameable, in so important an affair, to listen only to the passious, which, though not always false, are ever suspected. It is true that the representations of the different *Classes* and Corporations, whose Votes are less to be suspected of prejudice, speak the same language on this point with the acclamations of love and exalted patriotism. Still the well-known firmness of our Prince did not consider this sufficient. He determined to submit to a new proof the declarations of the *Classes* and Corporations, and to bring them before a Tribunal, more competent, because authorized by the Laws—more zealous and discreet, because in prudence, rank, and wealth, it unites all that the Nation possesses most eminent—of greater weight, because its judgment in this matter is legally the judgment of the whole Kingdom.

It is not necessary to say, that by this Tribunal I mean the Assembly of the Three Estates—Clergy, Nobility, and People,—to whom the ancient Portuguese had recourse upon all important occasions of the settlement of the Kingdom. On this certainly most important one, our August Prince restores it, in his high wisdom, shewing at the same time his Royal integrity, his respect for the Institutions of his Country, and his full confidence in the intelligence of the Nation. He has convoked it for the purpose of considering well the letter and the spirit of our Fundamental Laws—of recalling the events in our History, of collecting from them the true national opinion in all times, and of comparing the present case with what has before occurred concerning the Succession to the Throne; in order to ascertain whether the application to the person of His Highness, which the *Classes*, the Tribunals, and the Camaras, have in their representations drawn from the Laws, be conformable to their true spirit and to the common national sentiment. This is the object which His Highness proposes for the deliberation of the States: each Branch, according to ancient forms, will deliberate and confer with the others, with the gravity due to themselves, to the importance of the subject, and to the advantage and honour of the Portuguese Nation—and, finally, it will come to a judgment, from which it will draw up an authentick Document, declaring to whom the Succession belongs at this time, and settling the same for the future.

May posterity look to the present Assembly, and to its results, with the same consideration and satisfaction, as we look even now to those of the Assemblies of 1385 and 1641!

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***DECREE of the Infant, Dom Miguel, respecting his assumption of the Throne of Portugal.—30th June, 1828.***

(Translation.)

HAVING maturely considered the important Question submitted to the Three Estates, assembled in the Cortes which I commanded to be

convoked, who have presented to me the Resolutions adopted by each Branch, and in which they establish, that, according to the provisions of the Fundamental Laws of this Monarchy, I am called to the possession of the Crown of these Kingdoms; beseeching me, therefore, to be pleased to assume the Dignity of King and Lord thereof, which Dignity had devolved upon me since the decease of the King, my Lord and Father, of blessed memory; reflecting, moreover, that it is incumbent on me implicitly to follow the above-mentioned Fundamental Laws of the Monarchy, on which the Portuguese Throne is established; I am pleased, for these reasons, to conform in all respects to the said Resolutions of the Three Estates, the principles upon which the same are founded being equally applicable to the present generation and to posterity.

It is further my pleasure that, after the manner practised in the Cortes of 1641, an Act be drawn up, and signed by all and each of the Three Branches, containing the grounds upon which their said Resolutions are formed.

With the Signature of Our Lord the King.

*Palace of Ajuda, June 30th, 1828.*

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***ACT of Congress of The United States, relative to the Duties on French Vessels, and their Cargoes, arriving from Martinique and Guadaloupe.—9th May, 1828.***

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***An Act regulating Commercial Intercourse with the Islands of Martinique and Guadaloupe.***

BE it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, that all French Vessels, coming directly from the Islands of Martinique and Guadaloupe, and laden with articles, the growth or manufacture of either of the said Islands, and which are permitted to be exported therefrom in American Vessels, may be admitted into the Ports of The United States, on payment of no higher Duties on Tonnage, or on their Cargoes, as aforesaid, than are imposed on American Vessels, and on like Cargoes imported in American Vessels. Provided, that if the President of The United States shall, at any time, receive satisfactory information, that the privileges allowed to American Vessels and their Cargoes, at said Islands, by the French Ordinance of February 5th, 1826, have been revoked or annulled, he is hereby authorised, by Proclamation, to suspend the operation of this Act, and withhold all privileges allowed under it.

Approved, 9th May, 1828.

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## An Account of the Ordinary Revenues and Extraordinary Resources, constituting the Public Income

HEADS of REVENUE.	1. BALANCES and BILLS outstanding on 5th Jan. 1827.	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.
<b>ORDINARY REVENUES.</b>					
CUSTOMS - - -	£ 580,385 15 9½	£ 21,009,052 10 4½	£ 1,069,659 14 6½	£ 19,939,392 15 10	£ 20,519,778 11 7½
EXCISE - - -	1,002,098 3 9½	22,224,443 15 8½	2,231,217 7 10	19,993,226 7 10½	20,985,324 11 8½
STAMPS - - -	278,388 12 11½	7,275,552 16 4½	255,046 12 4½	7,020,506 4 0½	7,285,544 17 0
TAXES, under the Manage- ment of the Commissioners of Taxes - - -	103,160 3 10	5,092,078 9 5½	8,363 18 5	5,083,714 11 0½	5,186,874 14 10½
POST OFFICE - - -	193,781 2 3	2,278,412 14 7½	88,055 10 9½	2,190,357 3 10	2,384,138 4 1
ONE SHILLING in the Pound, and Six-pence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions -	3,117 13 3	68,842 11 7½	- - -	63,842 11 7½	66,960 4 10½
HACKNEY COACHES and Hawk- ers and Pedlars - - -	376 18 0	72,254 14 11	- - -	72,254 14 11	72,631 12 11
CROWN LANDS - - -	24,776 14 2½	317,027 0 7	- - -	317,027 0 7	341,806 14 4½
SMALL BRANCHES of the King's Hereditary Revenue -	3,800 10 2½	9,172 11 7	- - -	9,172 11 7	12,973 1 10½
SURPLUS FEES of Regulated Public Offices - - -	- - -	65,995 14 0½	- - -	65,995 14 0½	65,995 14 4½
POUNDRAGE FEES, Pells Fees Casualties, Treasury Fees, and Hospital Fees - -	- - -	9,896 8 0	- - -	9,896 8 0	9,896 8 0
<b>TOTALS OF ORDINARY REVENUES</b> £	2,189,885 14 5	58,417,729 7 2½	3,652,343 3 11	54,765,386 3 3½	56,955,271 17 8½
<b>OTHER RESOURCES.</b>					
MONEY received from the East India Company, on account of Retired Pay, Pensions, &c. of His Majesty's Forces serv- ing in the East Indies, per Act 4 Geo. IV. c. 71. -	- - -	60,000 0 0	- - -	60,000 0 0	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 - - -	- - -	272,877 0 10	- - -	272,877 0 10	272,877 0 10
MONEY received from the Trustees of Naval and Mili- tary Pensions - - -	- - -	4,245,000 0 0	- - -	4,245,000 0 0	4,245,000 0 0
FROM several County Treas- urers, and others in Ireland, on account of Advances made by the Treasury, for improv- ing Post Roads, for building Gaols, for the Police, for Pub- lic Works, Employment of the Poor, &c. &c. - -	- - -	172,983 17 9½	- - -	172,983 17 9½	172,983 17 9½
IMPREST Monies, repaid by sundry Public Accountants, and other Monies paid to the Public - - -	- - -	378,788 13 7½	- - -	378,788 13 7½	378,788 13 7½
MONEY brought from the Civil List on account of the Clerk of the Hanaper - - -	- - -	2,500 0 0	- - -	2,500 0 0	2,500 0 0
REPAYMENT on account of Money advanced out of the Consolidated Fund, in the Year 1825, for Silver Coinage FROM the Bank of England, on account of Unclaimed Divi- dends - - -	- - -	199,634 5 2	- - -	199,634 5 2	199,634 5 2
- - -	- - -	19,158 13 8	- - -	19,158 13 8	19,158 13 8
<b>TOTALS of the PUBLIC INCOME of the UNITED KINGDOM</b> £	2,189,885 14 5	63,768,671 18 3½	3,652,343 3 11	60,116,328 14 4½	62,306,214 8 6½

Whitehall, Treasury Chambers, 6th March, 1828.

the UNITED KINGDOM of Great Britain and Ireland; for the Year ended 5th January, 1828.

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, 1828.	TOTAL DISCHARGE of the INCOME.	RATE Per Centum for which the GROSS RECEIPT was Collected.
HARGES of LECTION.	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.
0,169 15 8½	735,450 5 10	2,225,620 1 6½	17,894,405 4 1	399,753 6 0½	20,519,778 11 7½	7 1 10½
3,920 9 2½	276,860 7 10½	1,513,780 17 1½	18,438,707 4 7½	1,042,836 9 11½	20,995,324 11 8½	5 11 3½
1,557 14 11½	- - -	191,557 14 11½	6,811,226 8 0	296,110 14 0½	7,298,894 17 0	2 12 8
6,715 19 11½	19,134 1 8	315,850 1 7½	4,768,273 6 3	102,751 6 11½	5,186,874 14 10½	5 16 6½
3,692 18 1	48,711 10 4½	742,404 8 5½	1,463,000 0 0	178,733 17 7½	2,384,138 6 1	30 8 11
1,447 9 9	- - -	1,447 9 9	62,409 9 10½	3,103 5 3	66,960 4 10½	2 5 4
9,765 2 6	- - -	9,765 2 6	62,689 0 0	177 10 5	72,631 12 11	13 10 3½
4,973 0 5½	219,873 11 3½	264,846 11 9½	- - -	76,957 3 0½	341,803 14 9½	14 3 8½
1,214 2 10	2,000 0 0	3,214 2 10	4,973 7 11	4,785 11 0½	12,973 1 9½	13 4 8½
- - -	- - -	- - -	65,995 14 0½	- - -	65,995 14 0½	-
- - -	- - -	- - -	9,896 8 0	- - -	9,896 8 0	-
6,456 13 5½	1,302,029 17 1½	5,268,486 10 6½	49,581,576 2 9½	2,105,209 4 4½	56,955,271 17 8½	6 15 9½
- - -	- - -	- - -	60,000 0 0	- - -	60,000 0 0	-
- - -	- - -	- - -	272,877 0 10	- - -	272,877 0 10	-
- - -	- - -	- - -	4,245,000 0 0	- - -	4,245,000 0 0	-
- - -	- - -	- - -	172,983 17 9½	- - -	172,983 17 9½	-
- - -	- - -	- - -	378,788 13 7½	- - -	378,788 13 7½	-
- - -	- - -	- - -	2,500 0 0	- - -	2,500 0 0	-
- - -	- - -	- - -	199,634 5 2	- - -	199,634 5 2	-
- - -	- - -	- - -	19,158 13 8	- - -	19,158 13 8	-
66,456 13 5½	1,302,029 17 1½	5,268,486 10 6½	54,932,518 13 10	2,105,209 4 4½	62,306,214 8 9½	-



## An Account of the Ordinary Revenues and Extraordinary Resources, constituting the

HEADS OF REVENUE.	1. BALANCES and BILLS outstanding on 5th Jan. 1827.	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.
<b>ORDINARY REVENUES.</b>	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
CUSTOMS - - -	532,714 11 8½	19,008,994 14 0½	1,041,100 5 5	17,962,894 8 7½	18,495,609 0 8½
EXCISE - - -	906,168 19 5	20,447,775 18 1	2,208,765 3 9½	18,239,010 14 3½	19,145,179 12 5½
STAMPS - - -	267,357 18 11½	6,793,898 12 8	244,149 15 6	6,549,748 17 2	6,817,106 16 12
TAXES, under the Manage- ment of the Commissioners of Taxes - - -	103,160 3 10	5,092,078 9 5½	8,363 18 5	5,083,714 11 0½	5,186,874 14 10½
POST OFFICE - - -	146,380 8 4	2,062,179 15 8½	69,730 8 7½	1,992,449 7 0½	2,132,329 15 4½
ONE SHILLING in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions - - -	3,117 13 3	63,842 11 7½	- - -	63,842 11 7½	66,960 4 10½
HACKNEY COACHES, and HAW- KERS and PEDLARS - - -	376 18 0	72,254 14 11	- - -	72,254 14 11	72,631 12 1
CROWN LANDS - - -	24,776 14 2½	317,027 0 7	- - -	317,027 0 7	341,963 14 2½
SMALL BRANCHES of the King's Hereditary Revenue - - -	3,900 10 2½	9,172 11 7	- - -	9,172 11 7	12,973 1 2½
SURPLUS FEES of Regulated - Public Offices - - -	- - -	65,995 14 0½	- - -	65,995 14 0½	65,995 14 0½
<b>TOTALS</b> <b>OF ORDINARY REVENUES - £</b>	1,987,853 17 11	53,928,220 2 8	3,572,109 11 9½	50,356,110 10 10½	52,343,964 8 9½
<b>OTHER RESOURCES.</b>					
MONEY received from the East India Company on ac- count of Retired Pay, Pen- sions, &c. of His Majesty's Forces serving in the East Indies, per Act 4 Geo. IV. c. 71. - - -	- - -	60,000 0 0	- - -	60,000 0 0	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 - - -	- - -	272,877 0 10	- - -	272,877 0 10	272,877 0 10
MONEY received from the Trustees of Naval and Mili- tary Pensions - - -	- - -	4,245,000 0 0	- - -	4,245,000 0 0	4,245,000 0 0
IMPREST Monies repaid by sundry Public Accountants, and other Monies paid to the Public - - -	- - -	365,120 17 2½	- - -	365,120 17 2½	365,120 17 2½
MONEY brought from the Civil List on account of the Clerk of the Hanaper - - -	- - -	2,500 0 0	- - -	2,500 0 0	2,500 0 0
REPAYMENT on account of Money advanced out of the Consolidated Fund in 1825, for Silver Coinage - - -	- - -	199,634 5 2	- - -	199,634 5 2	199,634 5 2
FROM the Bank of England, on account of unclaimed Dividends - - -	- - -	19,158 13 8	- - -	19,158 13 8	19,158 13 8
<b>TOTALS of the PUBLIC INCOME of GREAT BRI- TAIN - - -</b>	1,987,853 17 11	59,092,510 19 6½	3,572,109 11 9½	55,520,401 7 9	57,508,255 5 8½

Whitehall, Treasury Chambers, 6th March, 1828.

lick Income of GREAT BRITAIN ; for the Year ended 5th January, 1828.

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
SECTION.		out of the In-		outstanding	INCOME.	the
		come, in its		on 5th January,		GROSS
		progress to the		1828.		RECEIPT
		Exchequer.				was
						Collected.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
313 2 6	592,348 14 9½	1,751,661 17 3½	16,891,839 1 5	352,108 1 7½	18,495,609 0 3½	6 2 0
274 2 10	176,909 19 3	1,176,184 2 1	16,969,565 12 2½	999,429 19 5½	19,145,179 13 8½	4 17 8½
974 1 7½	- - -	157,974 1 7½	6,375,140 15 0	283,991 19 5½	6,817,106 16 1½	2 6 6
715 19 11½	19,134 1 8	315,850 1 7½	4,768,273 6 3	102,751 6 11½	5,186,874 14 10½	5 16 6½
181 4 2	30,414 6 11½	625,595 11 1½	1,385,000 0 0	128,234 4 3	2,138,829 15 4½	28 17 2½
147 9 9	- - -	1,447 9 9	62,409 9 10½	3,103 5 3	66,960 4 10½	2 5 4
765 2 6	- - -	9,765 2 6	62,689 0 0	177 10 5	72,631 12 11	13 10 3½
73 0 5½	219,873 11 3½	264,846 11 9½	- - -	76,957 3 0½	341,803 14 9½	14 3 8½
14 2 10	2,000 0 0	3,214 2 10	4,973 7 11	4,785 11 0½	12,973 1 9½	13 4 9
- - -	- - -	- - -	65,995 14 0½	- - -	65,995 14 0½	-
58 6 8	1,040,680 13 11½	4,306,539 0 7½	46,085,886 6 8½	1,951,539 1 6	52,343,964 8 9½	6 1 1½
- - -	- - -	- - -	60,000 0 0	- - -	60,000 0 0	-
- - -	- - -	- - -	272,877 0 10	- - -	272,877 0 10	-
- - -	- - -	- - -	4,245,000 0 0	- - -	4,245,000 0 0	-
- - -	- - -	- - -	365,120 17 2½	- - -	365,120 17 2½	-
- - -	- - -	- - -	2,500 0 0	- - -	2,500 0 0	-
- - -	- - -	- - -	199,634 5 2	- - -	199,634 5 2	-
- - -	- - -	- - -	19,158 13 8	- - -	19,158 13 8	-
6 8	1,040,680 13 11½	4,306,539 0 7½	51,250,177 3 6½	1,951,539 1 6	57,508,255 5 8	-

## An Account of the Ordinary Revenues and Extraordinary Resources, constituting

HEADS of REVENUE.	1. BALANCES and BILLS outstanding on 5th Jan. 1827.	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 - - - -	47,671 4 1½	2,005,057 16 3½	28,559 9 1½	1,976,498 7 2½	2,024,169 11 4½
EXCISE - - - -	95,929 4 4½	1,776,667 17 7½	22,452 4 0½	1,754,215 13 6½	1,850,144 17 11½
STAMPS - - - -	11,030 14 0½	481,654 3 8½	10,896 16 10½	470,757 6 10½	481,788 0 10½
POST OFFICE - - -	47,400 13 11	216,232 18 11	18,325 2 1½	197,907 16 9½	245,308 10 6½
POUNDAGE Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees - -	- - -	9,896 8 0	- - -	9,896 8 0	9,896 8 0
<b>TOTALS</b> OF ORDINARY REVENUES - £	202,031 16 6	4,489,509 4 6½	80,233 12 1½	4,409,275 12 5	4,611,307 8 11
<b>OTHER RESOURCES.</b>					
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. III. c. 67 - - -	- - -	1,107 13 10	- - -	1,107 13 10	1,107 13 10
FROM the Board of Health, on Account of Advances for preventing Contagion, per Act 58 Geo. III. c. 47 -	- - -	867 19 3½	- - -	867 19 3½	867 19 3½
ON Account of Advances made by the Treasury for improving Post Roads in Ireland, under Act 45 Geo. III. c. 43 -	- - -	6,549 5 11½	- - -	6,549 5 11½	6,549 5 11½
ON Account of Advances made by the Treasury for building Gaols, un- der Act 50 Geo. III. c. 103 - - -	- - -	27,623 5 6½	- - -	27,623 5 6½	27,623 5 6½
ON Account of Advances made by the Treasury, for Police in Proclaimed Districts, under Acts 54 Geo. III. c. 131 and 180, and 3 Geo. IV. c. 108 -	- - -	105,752 6 0	- - -	105,752 6 0	105,752 6 0
ON Account of Advances made by the Treasury for Publick Works and Employment of the Poor, under Acts 57 Geo. III. c. 34 and 124, and 3 Geo. IV. c. 112, and 3 Geo. IV. c. 84 -	- - -	29,788 4 9½	- - -	29,788 4 9½	29,788 4 9½
REPAYMENT on Account of Advances made for Remu- neration to Commissioners of Tythes, per Act 4 Geo. IV. c. 99 - - -	- - -	1,295 2 5	- - -	1,295 2 5	1,295 2 5
IMPREST MONIES repaid by sundry Publick Account- ants, and other Monies paid to the Publick - - -	- - -	13,667 16 5	- - -	13,667 16 5	13,667 16 5
<b>TOTALS of the PUBLICK } INCOME of IRELAND. }</b>	202,031 16 6	4,676,160 18 9½	80,233 12 1½	4,595,927 6 7½	4,797,969 3 1½

Whitehall, Treasury Chambers, 6th March, 1828.

the Public Income of IRELAND; for the Year ended 5th January, 1828.

Payments out of the Income, in its Progress to the Exchequer.			9.	10.	11.	12.
6. CHARGES of COLLECTION.	7. OTHER PAYMENTS.	8. TOTAL PAYMENTS out of the In- come in its Progress to the Exchequer.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS outstanding on 5th January, 1828.	TOTAL DISCHARGE of the INCOME.	RATE Per Centum for which the GROSS RECEIPT was Collected.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
330,856 13 2½	143,101 11 0½	473,958 4 3	1,502,566 2 8	47,645 4 5½	2,024,169 11 4½	16 10 0½
237,646 6 4½	99,950 8 7½	337,596 15 0½	1,469,141 12 5	43,406 10 6	1,850,144 17 11½	13 7 6½
33,583 13 3½	- - -	33,583 13 3½	436,085 13 0	12,118 14 7	481,788 0 10½	6 19 5½
98,511 13 11	18,297 3 5	116,808 17 4	78,000 0 0	50,499 13 4½	245,308 10 8½	45 11 2
- - -	- - -	- - -	9,896 8 0	- - -	9,896 8 0	-
700,598 6 9½	261,349 3 1½	961,947 9 11½	3,495,689 16 1	153,670 2 10½	4,611,307 8 11	15 12 1½
- - -	- - -	- - -	1,107 13 10	- - -	1,107 13 10	-
- - -	- - -	- - -	867 19 3½	- - -	867 19 3½	-
- - -	- - -	- - -	6,549 5 11½	- - -	6,549 5 11½	-
- - -	- - -	- - -	27,623 5 6½	- - -	27,623 5 6½	-
- - -	- - -	- - -	105,752 6 0	- - -	105,752 6 0	-
- - -	- - -	- - -	29,788 4 9½	- - -	29,788 4 9½	-
- - -	- - -	- - -	1,295 2 5	- - -	1,295 2 5	-
- - -	- - -	- - -	13,667 16 5	- - -	13,667 16 5	-
700,598 6 9½	261,349 3 1½	961,947 9 11½	3,682,341 10 3½	153,670 2 10½	4,797,959 3 1½	-



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.	
<b>ORDINARY REVENUES:</b>	<b>£. s. d.</b>	<b>£. s. d.</b>
Balances and Bills outstanding on 5th January, 1827 . . . . .		2,189,885 14 5
Customs . . . . .	19,939,392 15 10	
Excise . . . . .	19,993,226 7 10½	
Stamps . . . . .	7,020,506 4 0½	
Taxes . . . . .	5,083,714 11 0½	
Post Office . . . . .	2,190,357 3 10	
One Shilling and Sixpenny Duty on Pensions and Salaries, and Four Shillings in the Pound on Pensions. . . . .	63,842 11 7½	
Hackney Coaches, and Hawkers and Pedlars . . . . .	72,254 14 11	
Crown Lands . . . . .	317,027 0 7	
Small Branches of the King's Hereditary Revenue. . . . .	9,172 11 7	
Surplus Fees of Regulated Public Offices. . . . .	65,995 14 0½	
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees. . . . .	9,896 8 0	
		54,765,386 3 8
Deduct Balances and Bills outstanding on 5th January, 1828 . . . . .		56,955,271 17 8
		2,105,209 4 4
<b>TOTAL Ordinary Revenues . . . . .</b>	<b>£.</b>	<b>54,850,062 13 4</b>
<b>OTHER RESOURCES:</b>		
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. . . . .	272,877 0 10	
Money received from the Trustees of Naval and Military Pensions. . . . .	4,245,000 0 0	
Money received in Ireland, on account of Advances from the Consolidated Fund, under various Acts, for Public Improvements . . . . .	172,983 17 9½	
Imprest and other Monies paid into the Exchequer. . . . .	378,788 13 7½	
Money brought from the Civil List, on account of the Clerk of the Hanaper. . . . .	2,500 0 0	
Repayment on account of Money advanced out of the Consolidated Fund in the Year 1825, for Silver Coinage . . . . .	199,634 5 2	
From the Bank of England, on account of Unclaimed Dividends . . . . .	19,158 13 8	
		5,350,942 11 0
	£.	60,201,005 4 4
Balances in the hands of Receivers, &c. on 5th January, 1827 . . . . .	£.	2,189,885 14 5
Do. . . . . do. . . . . on 5th January, 1828 . . . . .		2,105,209 4 4
Balances less in 1828 than in 1827 . . . . .		84,676 10 8
Surplus Income paid into the Exchequer over Expenditure thereout. . . . .		1,132,226 14 3
	£.	1,047,550 4 4

Year ended 5th January 1828, after deducting the Repayments, Allowances, Discounts, Drawings of the United Kingdom, exclusive of the Sums applied to the Reduction of the National Debt,

EXPENDITURE.		
	£. s. d.	£. s. d.
<b>PAYMENTS OUT OF THE INCOME</b> in its progress to the Exchequer:		
Charges of Collection.....	3,966,456 13 5½	
Other Payments.....	1,302,029 17 1½	
<b>TOTAL</b> Payments out of the Income, prior to the } Payments into the Exchequer..... }		5,238,486 10 6½
<b>PAYMENTS OUT OF THE EXCHEQUER;</b>		
Dividends, Interest, and Management of the Public Funded } Debt, (exclusive of £5,704,706. 13s. 10d. issued to the } Commissioners for the Reduction of the National Debt.) } Four Quarters to 10th October, 1827..... }	27,366,601 7 0	
Interest on Exchequer Bills.....	873,246 12 3	
Paid to the Trustees of Naval and Military Pensions, } per Act 3 Geo. IV. c. 51..... }	2,214,260 0 0	28,239,847 19 3
Transferred to the Bank of England, per Act 4 Geo. IV. c. 22..	585,740 0 0	
Interest List four Quarters to 5th January, 1828.....	1,057,000 0 0	2,800,000 0 0
Expenses charged by Act of Parliament on Consolidated } Fund, Four Quarters to 10th October, 1827.... }	365,908 15 1½	
Salaries and Allowances.....do.....	80,896 1 5½	
Expenses of Justice.....do.....	148,047 8 7½	
Expenses of the Admiralty.....do.....	14,750 0 0	
Expenses of the Navy.....do.....	2,956 13 8	
Miscellaneous.....do.....	245,459 9 11	
Expenses in Ireland.....do.....	303,199 19 0	2,218,218 7 9
Cost of the purchase of the Duke of Athol's interest in the } Public Revenues of the Isle of Man..... }	134,200 0 0	
Expenses advanced towards rebuilding London Bridge, per Act 7 } Geo. IV. c. 40..... }	120,000 0 0	
Expenses of the Mint.....	7,876,682 8 2½	254,200 0 0
Expenses of the Bank of England.....	6,414,727 4 0	
Expenses of the Navy.....	1,914,403 0 0	
Miscellaneous.....	2,863,247 19 5	19,069,060 11 7½
Prizes.....	193,044 0 0	
Expenses of the Bank of England, for Discount and Management in the } issuing £8,000,000 Exchequer Bills..... }	36,267 1 3	
Expenses of the Commissioners for issuing Exchequer Bills, per } Act 3 Geo. IV. c. 86, for the employment of the Poor... }	551,900 0 0	229,311 1 3
Expenses out of the Consolidated Fund in Ireland, for } Public Works..... }	437,753 19 9	
		989,653 19 9
		59,068,778 10 2½
<b>Surplus of Income paid into the Exchequer, over Expenditure } issued thereout .....</b>		1,132,226 14 2½
	£.	60,201,005 4 4½

Whitehall, Treasury Chambers, 6th March, 1828.

GEO. R. DAWSON.

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 of 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 .....	15,255,612 0 8	2,638,793 3 5	17,894,405 4 1
EXCISE.....	18,438,707 4 7½	— —	18,438,707 4 7½
STAMPS .....	6,811,226 8 0	— —	6,811,226 8 0
TAXES under the management of the Commissioners of Taxes, (including Arrears of Property Tax).....	4,768,273 6 3	— —	4,768,273 6 3
POST OFFICE.....	1,463,000 0 0	— —	1,463,000 0 0
One Shilling and Sixpence Duty on Pensions and Salaries; and Four Shillings in the Pound on Pensions }	62,409 9 10½	— —	62,409 9 10½
Hackney Coaches, and Hawkers and Pedlars.....	62,689 0 0	— —	62,689 0 0
Small Branches of the King's Here- ditary Revenue .....	4,973 7 11	— —	4,973 7 11
Surplus Fees of regulated Public Offices	65,995 14 0½	— —	65,995 14 0½
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees in Ireland .....	9,896 8 0	— —	9,896 8 0
<b>TOTAL ORDINARY REVENUE...</b>	— —	— —	49,581,576 2 9½
Mint Repayments on account of Sil- ver Coin.....	199,634 5 2	— —	199,634 5 2
Brought from Civil List, on account of the Clerk of the Hanaper .....	2,500 0 0	— —	2,500 0 0
Imprests and other Monies paid into the Exchequer .....	372,829 5 2½	5,959 8 4½	378,788 13 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 0 0	60,000 0 0
By the Trustees of Naval and Military Pensions, &c. ....	— —	4,245,000 0 0	4,245,000 0 0
Money paid by the Bank of England on account of Unclaimed Dividends.	— —	19,158 13 8	19,158 13 8
By the Commissioners for issuing Ex- chequer Bills for Publick Works ..	47,517,746 9 9	6,968,911 5 5½	54,486,657 15 9½
Money repaid in Ireland on account of Advances from the Consolidated Fund, under various Acts of Par- liament.....	— —	272,877 0 10	272,877 0 10
	172,983 17 9½	— —	172,983 17 9½
<b>£</b>	<b>47,690,730 7 6½</b>	<b>7,241,788 6 3½</b>	<b>54,932,518 13 2½</b>

and IRELAND, in the Year ended 5th January 1828, after abating the EXPENDITURE Payments within the same period, exclusive of the Sums applied to the Redemption paying off Unfunded Debts.

EXPENDITURE.	NET EXPENDITURE.		
	£.	s.	d.
Dividends, Interest, and Management of the Public Funded Debt, (exclusive of £5,704,706. 13. 10. issued to the Commissioners for the Reduction of the National Debt.) Four Quarters to 10th October, 1827...	27,366,601	7	0
Interest on Exchequer Bills.....	873,246	12	3
Trustees for Naval and Military Pension Money, } per Act 3 Geo. IV. c. 51... }	2,214,260	0	0
Do. .... Bank of England .... 4 Geo. IV. c. 22. ... }	585,740	0	0
Civil List, Four Quarters to 5th January, 1828.....	1,057,000	0	0
Pensions, Four Quarters to 10th October, 1827.....	365,908	15	1½
Salaries and Allowances ... do ..... do.....	80,896	1	5½
Courts of Justice ..... do ..... do.....	148,047	8	7½
Mint ..... do ..... do.....	14,750	0	0
Bounties ..... do ..... do.....	2,956	13	8
Miscellaneous ..... do ..... do.....	245,549	9	11
Do. .... Ireland ..... do ..... do.....	303,199	19	0
For the Purchase of the Duke of Athol's Interest in the public Revenues of the Isle of Man.....	134,200	0	0
Advanced towards rebuilding London Bridge, per Act 7 Geo. IV. c. 40....	120,000	0	0
	254,200	0	0
Army.....	7,876,682	8	2½
Navy .....	6,414,727	4	0
Ordnance .....	1,914,403	0	0
Miscellaneous.....	2,863,217	19	5
	193,044	0	0
Lottery Prizes.....	36,267	1	3
Bank of England, for Discount and Management in the Funding £ 8,000,000 Exchequer Bills .....			
	229,311	1	3
	52,810,637	19	10½
For the Commissioners for issuing Exchequer Bills, per Act 3 Geo. IV. c. 86, for the Employment of the Poor }	551,900	0	0
Advances out of the Consolidated Fund in Ireland, for Public Works. .... }	437,753	19	9
	989,653	19	9
TOTAL . £.	53,800,291	19	7½
SURPLUS of INCOME over Expenditure ...	1,132,226	14	2½
	£.	54,932,518	13 10

Whitehall, Treasury Chambers,  
20th February 1828. }

GEO. R. DAWSON.



AN ACCOUNT of the BALANCE of PUBLIC MONEY remaining in the EXCHEQUER on  
UNFUNDED Debt, in the Year ended 5th January 1828; the Money applied towards  
period; and the Money remaining in the

	£.	s.	d.
Balances in the Exchequer on 5th January, 1827 .....	5,119,555	3	9½
Contributions towards funding £8,000,000 Exchequer } Bills . . . . . }	168,878	5	0
MONEY RAISED in the Year ended 5th January, 1828, by the creation of Unfunded Debt:			
	£.	s.	d.
Exchequer Bills raised per Act..... } 7 Geo. IV. c. 50 }	4,333,200	0	0
— — — — s. 2. c. 2	10,000,000	0	0
— 7 & 8 Geo. IV. c. 41	13,117,500	0	0
— raised on the cre- } dit of Sugar Du- } 7 & 8 Geo. IV. } ties, &c..... } c. 7. }	3,000,000	0	0
Poor Bills..... 3 Geo. IV. c. 86	551,900	0	0
Church Bills..... 58 Geo. III. c. 45 } & 5 Geo. IV. c. 103 }	182,300	0	0
	31,184,900	0	0
Total	£.	36,473,333	8 9½
Surplus of Income over Expenditure.....		1,132,226	14 2½
	£.	37,605,560	2 11½

Whitehall, Treasury Chambers,  
20th February, 1828.

GEO. R. DAWSON.

the 5th January, 1827; the Amount of Money raised by the additions to the FUNDED or the Redemption of the Funded, or paying off Unfunded Debt, within the same Exchequer on the 5th January, 1828.

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.....	704,706	13	10	
				5,704,706 13 10
UNFUNDED DEBT.				
Paymasters of Exchequer Bills.. .....		27,672,100	0	0
				33,376,806 13 10
Balances in the Exchequer 5th January, 1828.....£.		4,228,753	9	1½
	£.	37,605,560	2	11½

N. B.—The Sum of £5,704,706. 13. 10. was applied by the Commissioners for the Reduction of the National Debt, as follows; viz.—

	£	s.	d.
By the Purchase of Stock.....	4,727,345	15	10
By cancelling Exchequer Bills to pay off £.4 per } cents.....	383,800	0	0
By Interest on .....do..... charged on Sinking } Fund .....	2,759	0	4
By Life Annuities .....	590,447	4	9
By fractional differences on the conversion of Irish Stock } into British Currency, per 6 Geo. IV. c. 79.....	354	12	11
	£.	5,704,706	13 10

AN ACCOUNT of the INCOME of the CONSOLIDATED FUND arising in the United Kingdom  
on account of the CONSOLIDATED FUND

	£.	s.	d.
The Total Income applicable to the Consolidated Fund.....	47,690,730	7	6½
Whitehall, Treasury Chambers, } 20th February, 1828.	GEO. R. DAWSON.		
	£.	47,690,730	7 6½

AN ACCOUNT of the MONEY applicable to the Payment of the CONSOLIDATED FUND  
CHARGES which have become due thereon, in the same Year, including the Amount  
of the Year.

	£.	s.	d.
Income arising in Great Britain .....	44,008,388	17	3
Income arising in Ireland.....	3,682,341	10	3½
Add the Sum paid out of the Consolidated Fund in Ireland, towards the Supplies, in the Quarter ended 5th January, 1827....	246,417	10	4
	£.	3,928,759	0 7½
Deduct the Sum paid out of the Consolidated Fund, towards the Supplies, in the Quarter ended 5th January, 1828.....	252,759	3	4½
		3,675,999	17 2½
Total Sum applicable to the Charge of the Consolidated Fund, in the Year ended the 5th day of January, 1828.....		47,684,388	14 5½
Exchequer Bills to be issued, to complete the payment of the Charge, to the 5th day of January, 1828.....		6,617,800	17 10½
	£.	54,302,189	12 4½
Whitehall, Treasury Chambers, } 20th February, 1828.	GEO. R. DAWSON.		

Kingdom, in the Year ended 5th day of January 1828; and also of the actual Payments  
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 1827. ....	33,071,308	0	10
Interest on Exchequer Bills, issued upon the Credit of the Consoli- dated Fund .....	71,060	7	4
Trustees for Naval and } Military Pensions } per Act 3 Geo. IV. c. 51. - £2,214,260 0 0			
Bank of England.....per Act 4 Geo. IV. c. 22. - 585,740 0 0			
	2,800,000	0	0
Civil List, 4 Quarters to 5th January, 1828 .....	1,057,000	0	0
Pensions charged by Act of Parliament } upon the Consolidated Fund .. ...} 4 Quarters to 10th Oct. 1827.	365,908	15	1½
Salaries and Allowances .....	80,896	1	5½
Officers of Courts of Justice .....	148,047	8	7½
Expenses of the Mint .....	14,750	0	0
Counties .....	2,956	13	8
Miscellaneous .....	499,659	9	11
Do. Ireland .....	303,199	18	11½
Advances out of the Consolidated Fund in Ireland, for Public Works	437,753	19	9
	£. 38,852,540	15	7½
SURPLUS of the CONSOLIDATED FUND.....£.	8,838,189	11	10½
	£. 47,690,730	7	6½

the United Kingdom, in the Year ended the 5th day of January 1828, and of the several  
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 1828 ... ..	33,071,054	16	4½
Interest on Exchequer Bills, issued upon the Credit of the Consoli- dated Fund .....	72,510	2	1
Trustees for Naval and } Military Pensions } per Act 3 Geo. IV. c. 51. £2,214,260 0 0			
Bank of England.....per Act 4 Geo. IV. c. 22. - 585,740 0 0			
	2,800,000	0	0
Civil List, 4 Quarters to 5th January 1828 .....	1,057,000	0	0
Pensions charged by Act of Parliament } upon the Consolidated Fund .. ...} 4 Quarters to 5th Jan. 1828	373,018	15	4½
Salaries and Allowances .....	83,497	15	10
Officers of Courts of Justice ..	147,791	3	7½
Expenses of the Mint .....	14,750	0	0
Counties .....	2,956	13	8
Miscellaneous .....	473,966	5	2
Do. Ireland .....	305,245	6	6½
Advances out of the Consolidated Fund in Ireland, for Public Works	437,753	19	9
	£. 38,839,544	18	5½
Exchequer Bills issued to make good the Charge of the Consolida- ted Fund to the 5th January 1827 .....	5,703,718	11	0½
	£. 44,543,263	9	5½
SURPLUS of the CONSOLIDATED FUND.....£.	9,758,926	2	11
	£. 54,302,189	12	4'



## 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, 4 Geo. IV. c. 19 .....	4,840,000	0	0	5,506,225	14
		To do. - Interest on Capitals standing in the names of the Commissioners, at 3 per Cent	425,649	16	0		
		3½ do. ....	228,056	13	4		
		4 do.....	4,309	1	2		
		Long Annuities .....	8,210	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.....	16,381	7	6	21,597	9
		To Bank Life Annuities, 48 Geo. 3. c. 142. unclaimed for 3 years & upwards, at 5th January 1827	3,707	15	0		
		To Cash, being a Donation of 38,500 francs sent anonymously to the Chancellor of the Exchequer from Paris, towards the payment of the National Debt of Great Britain .....	1,508	6	6		
In GREAT BRITAIN.....			£.		5,527,823	3	6
IRELAND.							
ISSUES FROM THE CONSOLIDATED FUND.	{	To CASH, being Four Quarterly Issues, 4 Geo. IV. c. 19 .....	160,000	0	0	198,480	19
		To do. Interest on Capital Stock, standing in the names of the Commissioners, at 3 per Cent.	0	9	5		
		3½ do. ....	38,468	3	11		
		4 do. ....	12	6	0		
In IRELAND.....			£.		198,480	19	4
UNITED KINGDOM .....			£.		5,726,304	2	10

## 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 -	5,506,225 14 6	21,597 9 0	5,527,823 3 6	5,337,493 0 0
In IRELAND - - -	198,480 19 4	- - -	198,480 19 4	218,287 5 3
UNITED KINGDOM £	5,704,706 13 10	21,597 9 0	5,726,304 2 10	5,555,780 5 3

National Debt Office, 9th February, 1823.

ands of the COMMISSIONERS for the REDUCTION of the NATIONAL DEBT, in the Year of January 1828.

CAPITAL STOCK placed in the Names of the Commissioners in the Year.				RATE per Cent.				Average Price of STOCK.			
£.	s.	d.		—	—	—	—	£.	s.	d.	Cr.
5,163,696	0	0	By CASH, paid for £5,163,696 Capital Stock ..	3p'cent.	4,370,765	6	8	84	12	10	
173,797	0	0	By - do. .... for £173,797 do...	3½p'cent	158,454	2	9	91	3	5	
			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..	—	386,559	0	4	—			
			By - do. set apart for the payment of Life Annuities at the Bank of England, per 48 Geo. 3. c. 142, and 59th do. c. 34	—	612,044	13	9	—			
5,337,493	0	0	By Cash paid for £218,287. 5s. 3d. Capital Stock ..	3½p'cent	5,527,823	3	6	—			
218,287	5	3	By do. to the Bank of Ireland, being pence and fractions of a penny paid to the Proprietors of Stock upon their Capitals being converted into British currency, per 6 Geo. IV. c. 79. ....	—	198,126	6	5	90	15	3	
				—	354	12	11	—			
				—	£	198,480	19	4	—		
5,555,780	5	3		—	£	5,726,304	2	10	—		

## R E S U L T.

## 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.	
1,529,219 9 5	386,559 0 4	612,044 13 9	5,527,823 3 6	In GREAT BRITAIN.
198,480 19 4	—	—	198,480 19 4	In IRELAND.
1,727,700 8 9	386,559 0 4	612,044 13 9	5,726,304 2 10	UNITED KINGDOM.

S. HIGHAM, Comptroller General.

AN ACCOUNT of the Total Amount of the UNREDEEMED FUNDED DEBT and  
in the Year ended 5th January 1828; of the Debt and Charge thereof reduced  
Charge, as it stood on the

GREAT BRITAIN.		CAPITAL STOCK.			ANNUAL CHARGE thereon.		
		£.	s.	d.			
TO Unredeemed Capital... ..		752,110,232	19	3½	-	-	24,513,592 14 1
— Schedules C. D 1. and D 2. on } account of Land Tax..... }		-	-	-	-	-	9,089 18 11½
— Long Annuities, expire 1860....		-	-	-	-	-	1,332,301 0 0
— Life Annuities payable { English. at the Exchequer. { Irish.		-	-	-	-	-	25,827 8 7½
		-	-	-	-	-	35,476 18 7
— Management .....		-	-	-	-	-	278,269 6 2½
— Military and Naval Pensions....		-	-	-	-	-	2,800,000 0 0
TOTAL DEBT at 5th Jan, 1827...£.		752,110,232	19	3½	£.	28,994,557	6 5½
DEBT created in the Year 1827.	{ TO Capital transferred from the Funded Debt in Ire- land to the Funded Debt in Great Britain..... }	678,162	19	3	3 p. cent	}	39,724 17 3.
		292,580	10	8	3½ p. cent		
		228,491	9	10	4 p. cent		
	{ To Capital transferred from the Commissioners for the Reduction of the National Debt, the Dividends upon which had remained un- claimed 10 years or up- wards, the same having been reclaimed by the Proprietors thereof..... }	3,055	11	11	3 p. cent	}	166 15 9
		1,855	13	5	3½ p. cent		
254		7	8	4 p. cent			
	{ To - d° - Long Annuities, transferred from d° to d° }	-	-	-	-	-	50 8 0
TOTAL DEBT created in 1827 £.		1,204,400	12	9	-	£.	39,912 1 0½
GENERAL TOTAL, Great Britain £.		753,314,633	12	0½	£.	29,034,499	7 5½

the CHARGE thereof, at 5th January, 1827; of the Debt and Charge thereof created in the course of that Year; and of the Total Amount of the Unredeemed Debt and Charge at 5th January, 1828.

		CAPITAL STOCK.				ANNUAL CHARGE thereon.		
		£.	s.	d.		£	s.	d.
DEBT reduced in the Year 1827.	BY Capital purchased with the Sinking Fund {	5,163,696	0	0	3 p. cent	160,993	15	5½
		173,797	0	0	3½ p. cent			
	By d° transferred for the purchase of Life Annu- ities .. {	594,044	0	0	3 p. cent	19,605	3	3½
		17,695	0	0	3½ p. cent			
		29,113	0	0	4 p. cent			
	By d° Long Annuities transferred for d° .... }	-	-	-	-	832	0	0
	By Capital transferred to the Commissioners for the Reduction of the National Debt, the Divi- dends upon which had remained unclaimed 10 years or upwards..... }	16,268	5	7	3 p. cent	488	0	11½
	By d° Long Annuities, unclaimed d° ..... }	-	-	-	-	60	14	0
	By Capital purchased with unclaimed Divi- dends ..... }	28,000	0	0	3 p. cent	840	0	0
	By Capital transferred to the Commissioners on account of the Redemp- tion of Land Tax, under Schedules A. and B... }	70,267	10	3	3 p. cent	2,108	0	5½
	By d° d° C. D 1. and D 2.	11,199	13	5	-	{ The annual Interest of this Capital is contin- ued in the ann. charge.		
	By Capital transferred from the Funded Debt in Great Britain, to the Funded Debt in Ireland }	94,694	8	1	3 p. cent	18,282	19	4½
	347,506	4	5	3½ p. cent				
	81,985	12	1	4 p. cent				
By English Life Annu- ities payable at the Ex- chequer, decreased.... }	-	-	-	-	623	9	5	
By Management decreased	-	-	-	-	277	6	10½	
TOTAL DEBT reduced in 1827...£.		6,628,266	13	10	-	204,111	9	10½
by due to the Public Creditor, 5th January 1828..... }		746,686,366	18	2½	-	28,552,395	18	3
Management..... }		-	-	-	-	277,991	19	4½
GENERAL TOTAL.....£		753,314,633	12	0½	- £	29,034,499	7	5½

Continued.



## ACCOUNT—continued.

IRELAND.		CAPITAL STOCK.			ANNUAL CHARGE thereon.		
		£.	s.	d.	£.	s.	d.
To Unredeemed Capital .....		31,691,506	18	5	-	1,169,419	17 9½
— Life Annuities .....		-	-	-	-	7,038	0 9
— Management (Sinking Fund Office)		-	-	-	-	797	10 1½
TOTAL DEBT at 5th January 1827		£ 31,691,506	18	5	-	1,177,255	8 8
DEBT created in the Year 1827. { To Capital transferred from the Funded Debt in Great Britain to the Funded Debt in Ireland }		94,694	8	1	3 p'ct.	18,282 19 4½	
		347,506	4	5	3½ p'ct.		
		81,985	12	1	4 p'ct.		
TOTAL DEBT created in 1827 .....		£ 524,186	4	7	-	18,282	19 4½
GENERAL TOTAL, Ireland .....		£ 32,215,693	3	0	-	1,195,538	8 0½

## SUMMARY:

		DEBT.			CHARGE.		
		£.	s.	d.	£.	s.	d.
TOTAL DEBT on 5th Jan. 1827.	GREAT BRITAIN.....	752,110,232	19	3¼	28,994,557	6	5½
	IRELAND.....	31,691,506	18	5	1,177,255	8	8
		£ 783,801,739	17	8¾	30,171,812	15	1½
DEBT created in the Year 1827.	GREAT BRITAIN.....	1,204,400	12	9	39,942	1	0½
	IRELAND .....	524,186	4	7	18,282	19	4½
		£ 1,728,586	17	4	58,225	0	5
TOTAL.....		£ 785,530,326	15	0¾	30,230,037	15	6½

National Debt Office, }  
9th February 1828. }

S. HIGHAM,  
Comptroller General.

## ACCOUNT—continued.

	CAPITAL STOCK.				ANNUAL CHARGE thereon.		
	£.	s.	d.		£	s.	d.
DEBT reduced in the Year 1827.	By Capital purchased with the Sinking Fund ...	218,287	5	3	3½ p'ct.	7,640	1 0½
	By Capital transferred from the Funded Debt in Ireland to the Funded Debt in Great Britain .....	678,162	19	3	3 p'ct.	39,724	17 3½
		292,580	10	8	3½ p'ct.		
		228,491	9	10	4 p'ct.		
	By Capital transferred from the Account of Savings Banks to the Account of the Sinking Fund, in discharge of the sum of £.5,000 advanced from the Sinking Fund, in the Quarter ending 15th December, 1817, to pay Savings Banks Debentures, per 57 Geo. III. c. 105, sec. 13. including accumulations thereon, up to 5th January, 1827	7,645	15	9	3½ p'ct.	267	12 0½
	By Management decreased	-	-	-	-	1	1 11½
TOTAL DEBT reduced in 1827.. £		1,425,168	0	9	-	47,633	12 3½
By due to the Public Creditor, 5th January 1828.....		30,790,525	2	3	-	1,147,108	7 7½
- Management .....		-	-	-	-	796	8 1½
GENERAL TOTAL..... £		32,215,693	3	0	-	1,195,538	8 0½

## SUMMARY:

		DEBT.				CHARGE.		
		£.	s.	d.		£.	s.	d.
DEBT reduced in the Year 1827.	GREAT BRITAIN .....	6,628,266	13	10		204,111	9	10½
	IRELAND .....	1,425,168	0	9		47,633	12	3½
	£	8,053,434	14	7		251,745	2	2
TOTAL DEBT on 5th Jan. 1828.	GREAT BRITAIN .....	746,686,366	18	2½		28,830,387	17	7½
	IRELAND .....	30,790,525	2	3		1,147,904	15	9
	£	777,476,892	0	5½		29,978,292	13	4½
TOTAL - - - £		785,530,326	15	0½		30,230,037	15	6½

Note. — Besides the Reduction of the Funded Debt in the 1827 as above stated, there was paid, in the same year, out of the Sinking Fund, to the Banks of England and Ireland, per 5 Geo. c. 45, towards the discharge of Exchequer Bills placed in their hands, for the Sums advanced them to pay off the Proprietors of £.4 per cents. who did not assent to receive £.3½ per cents. thereon:

Principal.....	£.383,800	0	0
Interest .....	2,759	0	4
	£.386,559	0	4

**AN ACCOUNT of the state of the PUBLIC FUNDED DEBT of GREAT  
DEBT.**

	C <sup>o</sup> 1. CAPITALS.	C <sup>o</sup> 2. CAPITALS transferred to the Commissioners	C <sup>o</sup> 3. CAPITALS UNREDEEMED.
<b>GREAT BRITAIN:</b>			
	£. s. d.	£. s. d.	£. s. d.
Due to the South Sea Company.... } at £3 p' ct.	3,662,784 8 6½	- - -	3,662,784 8 6½
Old South Sea Annuities do.	4,574,870 2 7	701,000 0 0	3,873,870 2 7
New South Sea Annuities do.	3,128,330 2 10	374,500 0 0	2,753,830 2 10
South Sea Annuities, 1751..... } do.	707,600 0 0	58,500 0 0	649,100 0 0
Debt due to the Bank of England..... } do.	14,686,800 0 0	- - -	14,686,800 0 0
Bank Annuities created in 1726 . . . } do.	1,000,000 0 0	434 1 0	999,565 19 0
Consolidated Annuities do.	369,138,418 13 5½	11,893,258 15 6	357,245,159 17 11½
Reduced Annuities.... do.	133,254,182 5 6	6,366,989 3 3	126,887,193 2 3
<b>TOTAL at £3 per cent .£.</b>	<b>530,152,985 12 10½</b>	<b>19,394,681 19 9</b>	<b>510,758,303 13 1½</b>
Annuities at £3½ per cent	15,062,449 13 9	773,438 0 0	14,289,011 13 9
Reduced Annuities at £3½ per cent..... }	73,373,495 19 0	5,854,256 16 9	67,519,239 2 3
New £4 per cent Annuities	145,696,842 11 3	137,030 2 2	145,559,812 9 1
Annuities created 1826, at 4 per cent..... }	8,560,000 0 0	- - -	8,560,000 0 0
<b>GREAT BRITAIN ....£.</b>	<b>772,845,773 16 10¾</b>	<b>26,159,406 18 8</b>	<b>746,686,366 18 2½</b>
<b>IN IRELAND.</b>			
Irish Consolidated Annuities £3 per cent .....	2,209,276 17 7	11 17 10	2,209,264 19 9
Irish reduced Annuities £3 per cent .....	418,338 11 7	2 10 0	418,336 1 7
£3½ per cent Debentures and Stock .....	14,393,426 5 10	898,794 17 6	13,494,631 8 4
Reduced £3½ per cent Annuities .....	1,958,025 11 7	366,957 1 11	1,591,068 9 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	10,446,659 18 6	205 0 3	10,446,454 18 3
Debt due to the Bank of Ireland, at £5 per cent }	1,015,384 12 4	- - -	1,015,384 12 4
<b>IRELAND.....£.</b>	<b>32,056,496 9 9</b>	<b>1,265,971 7 6</b>	<b>30,790,525 2 2</b>
<b>TOTAL UNITED KINGDOM.£.</b>	<b>804,902,270 6 7¾</b>	<b>27,425,378 6 2</b>	<b>777,476,892 0 3½</b>

**STOCK.**

£. s. d.  
484,597,051 11 10

*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

ITAIN and IRELAND, and the Charge thereupon, at the 5th of January 1828.

## 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 ...	809,865	0	10½	44,309	18	11½			
	Long Annuities do.	9,193	4	8½	—					
		£ 5,659,058	5	7	204,309	18	11½			
Due to the Public Debt Editor	Annual Interest on Unredeemed Debt	24,350,830	7	8½	1,140,070	6	10½			
	Long Annuities, expire 1860 .....	1,331,458	14	0	—					
	Life Annuities payable at the Exchequer } English	25,203	19	2½	—					
	Irish...	35,476	18	7	7,038	0	9			
		£ 25,742,969	19	6	1,147,108	7	7½			
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 2. 53 Geo. 3. c. 123. ....	Management.....	277,991	19	4½	796	8	1½			
	Military and Naval Pensions	2,800,000	0	0	—					
	Civil Superannuations									
TOTAL CHARGE, including Sinking Fund and Pen- sions .....		£ 34,489,446	3	2½	1,352,214	14	8½	35,841,660	17	10½

*Abstract.*



## ABSTRACT.

	CAPITALS.	CAPITALS transferred to the Commissioners	CAPITALS UNREDEEMED.
	£. s. d.	£. s. d.	£. s. d.
Great Britain	772,845,773 16 10½	26,159,406 18 8	746,686,366 18 2½
Ireland - -	32,056,496 9 9	1,265,971 7 6	30,790,525 2 3
£.	804,902,270 6 7½	27,425,378 6 2	777,476,892 0 5½

Military and Naval Pensions and }  
Civil Superannuations - - }

Purchased with the Sinking Fund (including £6,149,245 17 4)	
Non-assented £. 4 per Cents, vested in Commissioners	} 23,372,428 5 10
as £. 3½ per cents,) per 5 Geo. IV. c. 45 - - - - -	
Transferred for Life Annuities - - - - -	2,949,436 0 0
Stock Unclaimed, 10 years or upwards - - - - -	220,816 1 7
Purchased with Unclaimed Dividends - - - - -	568,500 0 0
Transferred for the Redemption of Land Tax, under Schedules C. D. 1. & D. 2. - - - - -	} 314,197 18 9
Total transferred to the Commissioners, as above -	£. 27,425,378 6 2

National Debt Office, }  
9th February 1828. }

## ABSTRACT :

## ANNUAL CHARGE.

Due to the Public Creditor.	MANAGEMENT.	SINKING FUND.	TOTAL.
£.    s.    d.	£.    s.    d.	£.    s.    d.	£.    s.    d.
25,742,969 19 6 9,425 18 9 } 1,147,108 7 7½	277,991 19 4½ 796 8 1½	5,659,058 5 7 204,309 18 11½	(a) —
26,899,504 5 10½	278,788 7 6	5,863,368 4 6½	—
2,800,000 0 0	—	—	—
29,699,504 5 10½	278,788 7 6	5,863,368 4 6½	35,841,660 17 10½

(a) { Chargeable with £.617,536. 19. 0, Life Annuities, per 48 Geo. 3 c. 142.—Do. with the sum of £71,300. 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.

On 5th January, 1828. { Also with the payment of £.125,445. 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 1828;

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 1828, 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 £.75,200 issued for paying off £.4 per cents, the payment of which is charged upon the Sinking Fund).....	3,012,650 0 0	24,534,200 0 0	27,546,850 0 0
SUMS remaining unpaid, charged upon Aids granted by Parliament .....	2,467,836 17 8½	- - -	2,467,836 17 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... ..	252,759 3 4½	- - -	252,759 3 4½
TOTAL Unfunded Debt, and Demands outstanding ... }	£ 5,733,246 1 1½	24,534,200 0 0	30,267,446 1 1½
WAYS and MEANS.....	6,085,296 9 9	—	—
Surplus Ways and Means .....	£ 352,050 8 7½	—	—
EXCHEQUER BILLS to be issued to complete the Charge upon the Consolidated Fund . . . . . }	£ 6,617,800 17 10½	6,617,800 17 10½	

Whitehall, Treasury Chambers, }  
20th February, 1828.

GEO. R. DAWSON.

## TRADE OF THE UNITED KINGDOM.

ACCOUNT of the VALUE of the IMPORTS into, and of the EXPORTS from, the United Kingdom of GREAT BRITAIN and IRELAND;

giving each of the Three Years ending the 5th January 1828, 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 Merchandise exported:—Also, stating the Amount of the Produce and Manufactures of the United Kingdom exported herefrom, 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 Merchandise.	TOTAL EXPORTS.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1826 - -	44,206,807 6 5	47,150,689 12 11	9,169,494 8 3	56,320,184 1 2	38,870,945 11 11
1827 - -	37,686,113 11 7	40,965,735 19 9	10,076,286 11 5	51,042,022 11 2	31,536,723 5 2
1828 - -	44,887,774 19 2	52,219,280 8 0	9,830,728 2 11	62,050,008 10 11	37,182,857 3 2

Director General's Office,  
Custom-House, London,  
24th March, 1828.

WILLIAM IRVING,  
Inspector General of Imports and Exports.

## TRADE OF GREAT BRITAIN WITH FOREIGN PARTS.

ACCOUNT of the VALUE of the IMPORTS into, and of the EXPORTS from GREAT BRITAIN;

giving each of the Three Years ending the 5th January 1828; calculated at the Official Rates of Valuation, and stated exclusive of the Trade with Ireland; distinguishing the Amount of the Produce and Manufactures of the United Kingdom exported, from the Value of Foreign and Colonial Merchandise exported:—Also, stating the Amount of the Produce and Manufactures of the United Kingdom exported from Great Britain, according to the Real 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 Merchandise.	TOTAL EXPORTS.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1826 - -	42,660,954 8 4	46,453,021 17 1	9,155,305 5 0	55,608,327 2 1	38,077,330 9 0
1827 - -	36,038,951 8 1	40,332,854 0 6	10,066,502 12 11	50,399,356 13 5	30,847,528 1 7
1828 - -	43,467,747 7 7	51,276,448 4 8	9,806,247 10 11	61,082,695 15 7	36,396,339 6 8

Director General's Office,  
Custom-House, London,  
24th March, 1828.

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 1826, 1827, and 1828, respectively.

	IN THE YEARS ENDING THE 5TH JANUARY					
	1826.		1827.		1828.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom .....	975	122,479	1,115	118,363	894	93,144
Isles, Guernsey, Jersey, and Man	28	1,550	24	2,171	17	1,894
British Plantations .....	536	80,895	580	86,554	374	50,771
Total .....	1,539	204,924	1,719	207,088	1,285	145,809

*Note.*—The Account rendered for the Plantations, for the year ended 5th January, 1828, is now corrected; and as several Returns from the Plantations are not yet received for the last year, a similar correction will be necessary when the next Account is made up.

Office of Regr Genl of Shipping,  
Custom House, London,  
22d March, 1828.

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 belong to the several Ports of the BRITISH EMPIRE, on the 31st December, in the Years 1826 and 1827, respectively.

	On the 31st December 1825.			On the 31st December 1826.			On the 31st December 1827.		
	Ves-sels.	Tons.	Men.	Ves-sels.	Tons.	Men.	Ves-sels.	Tons.	Men.
United Kingdom	20,087	2,298,836	146,703	20,469	2,382,069	149,894	19,035	2,150,605	132,811
Isles Guernsey, Jersey and Man .....	508	28,505	3,773	499	29,392	3,665	489	30,533	3,773
British Plantations .....	3,579	214,875	15,059	3,657	224,183	14,077	3,675	279,862	11,531
TOTAL....	24,174	2,542,216	165,535	24,625	2,635,644	167,636	23,199	2,460,500	151,115

*Note.*—The apparent decrease in the Number and Tonnage of Ships belonging to His Majesty's Dominions, for the year ended 5th January, 1828, has arisen from the operation of the Registry Acts 4 and 6 Geo. IV. which required all Vessels to be registered *de novo*, within a limited period; the consequence has been, that many Vessels which were supposed to be in existence, were found to be no longer so.

Office of Regr Genl of Shipping,  
Custom House, London,  
22d March, 1828.

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, 1828.

SHIPPING ENTERED INWARDS IN THE UNITED KINGDOM, From Foreign Parts.									
YEARS ending January	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Ves- sels.	Tons.	Men.	Ves- sels.	Tons.	Men.	Ves- sels.	Tons.	Men.
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
1828.....	13,133	2,086,898	118,680	6,046	751,864	43,536	19,179	2,838,762	162,216

SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM, To Foreign Parts.									
YEARS ending January	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Ves- sels.	Tons.	Men.	Ves- sels.	Tons.	Men.	Ves- sels.	Tons.	Men.
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	37,905	16,254	2,429,865	142,503
1828.....	11,481	1,887,682	112,385	5,714	767,821	41,598	17,195	2,655,503	153,983

of Regr Genl of Shipping,  
Custom House, London,  
22d March, 1828.

T. E. WILLOUGHBY.

***PROCLAMATION of the President of The United States,  
suspending the Foreign discriminating Duties on Hanoverian  
Vessels and their Cargoes.—1st July, 1828.***

WHEREAS, by an Act of the 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

\* *An Act concerning discriminating Duties of Tonnage and Impost.—7th January, 1824.*

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that, from and after the 1st day of January, 1824, during the continuance of this Act, and under the limitations hereinafter mentioned, 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 Hanseatic Cities of Hamburg, Lubeck, and Bremen; of the Dukedom of Oldenberg; of the Kingdom of Norway, of the Kingdom of Sardinia, and of the Empire of Russia.

SEC. II. And be it further enacted, That so much of the several Acts imposing Duties on Goods, Wares, and Merchandize, imported into The United States, as imposes a discriminating Duty between Goods imported into The United States in Foreign Vessels, and in Vessels of The United States, be, and the same is hereby suspended, so far as the same respects the produce or manufactures of the Territories in Europe, of any of the abovementioned Nations, or such produce and manufacture as can only be, or most usually are, first shipped from a Port or place in the said Territories in Europe, of either of them, respectively, the same being imported in Vessels truly and wholly belonging to the Subjects or Citizens of each of the said Nations, respectively, the Vessels of each Nation importing its own produce and manufactures as aforesaid.

III. And be it further enacted, That the suspension of the discriminating Duties of Tonnage and Impost, in the two preceding Sections of this Act prescribed, shall continue, in behalf of each of the abovementioned Nations, on condition that, and so long as, the Vessels of The United States, and truly wholly belonging to the Citizens thereof, and all Goods and Merchandize, of the produce and manufacture of The United States, laden therein, and imported into any of the Ports 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. But if, in any of the Territories in Europe, of either of the said Nations, any such discriminating Duty shall, at any time, be imposed or levied on Vessels wholly belonging to Citizens of The United States, or on the merchandize imported as aforesaid in them, then, and from that time, the said suspension herein prescribed shall cease and determine, so far as respects the Vessels, and Merchandize imported into The United States in them, of such Nations: and all the provisions of the Acts imposing discriminating Foreign Tonnage and Impost Duties in The United States, shall revive and be in full force, with regard to the said Nation.

IV. And be it further enacted, That upon satisfactory evidence being given to the President of The United States, by the Government of any Foreign Nation, that no discriminating Duties of Tonnage or Impost are imposed or levied within the Ports of the said Nation, upon Vessels wholly belonging to Citizens of The United States, or upon merchandize, the produce or manufacture thereof, imported in the same, the President is hereby authorized to issue his Proclamation, declaring that the Foreign Discriminating Duties of Tonnage and Impost, within The United States, are, and shall be, suspended and discontinued, so far as respects the 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.

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 belonging wholly to Citizens of The United States, or upon merchandise, 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 merchandise of its produce or manufacture, imported into The United States in the same; the said suspension to take effect from the time of such notification being given to the President of The United States, and to continue so long as the reciprocal exemption of Vessels belonging to Citizens of The United States, and merchandise, as aforesaid, thereon laden, shall be continued, and no longer.

And whereas satisfactory evidence has been received by me, from His Britannick Majesty, as King of Hanover, through the Right Honorable Charles Richard Vaughan, his Envoy Extraordinary and Minister Plenipotentiary, that Vessels wholly belonging to Citizens of The United States, or merchandise, the produce or manufacture thereof, imported in such Vessels, are not, nor shall be, on their entering any Hanoverian Port, subject to the payment of higher duties of Tonnage or Impost than are levied on Hanoverian Ships, or merchandise, the produce or manufacture of The United States, imported in such Vessels.

Now, therefore, I, John Quincy Adams, President of The United States of America, do hereby declare and proclaim, that so much of the several Acts imposing Duties on the Tonnage of Ships and Vessels, and on goods, wares, and merchandise, imported into The United States, as imposed a discriminating duty of Tonnage between the Vessels of the Kingdom of Hanover, and Vessels of The United States, and between goods imported into The United States in Vessels of the Kingdom of Hanover, and Vessels of The United States, are suspended and discontinued, so far as the same respect the produce or manufacture of the said Kingdom of Hanover; the said suspension to take effect this day, and to continue henceforward, so long as the reciprocal exemption of the Vessels of The United States, and of the merchandise laden therein, as aforesaid, shall continue in the Ports of the Kingdom of Hanover.

Given under my hand, at the City of Washington, this 1st day of July, in the Year of our Lord 1828, and the 52nd of the Independence of The United States.

JOHN QUINCY ADAMS.



*ACT of Congress of The United States, relative to discriminating Duties on Foreign Vessels and their Cargoes, and for equalizing the Duties on Prussian Vessels, &c.—24th May, 1828.*

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*An Act in addition to an Act, entitled “ An Act concerning discriminating Duties of Tonnage and Impost,”\* and to equalize the Duties on Prussian Vessels and their Cargoes.*

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 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, in the Ports of the said Nation, upon Vessels wholly belonging to Citizens of The United States, or upon the produce, manufactures, or merchandize, imported in the same from The United States, or from any Foreign Country, the President is hereby authorized to issue his Proclamation, declaring that the Foreign discriminating duties of tonnage and impost, within The United States, are, and shall be, suspended and discontinued, so far as respects the Vessels of the said Foreign Nation, and the produce, manufactures, or merchandize imported into The United States in the same, from the said Foreign Nation, or from any other Foreign Country; 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 their Cargoes, as aforesaid, shall be continued, and no longer.

SEC. II. And be it further enacted, that no other or higher rate of duties shall be imposed or collected on Vessels of Prussia, or of her Dominions, from whencesoever coming, nor on their Cargoes, howsoever composed, than are, or may be, payable on Vessels of The United States and their Cargoes.

III. And be it further enacted, that the Secretary of the Treasury be, and he is hereby, authorized to return all duties which have been assessed, since the 15th day of April, 1826, on Prussian Vessels, and their Cargoes, beyond the amount which would have been payable on Vessels of The United States, and their Cargoes; and that the same allowances of drawback be made on merchandize exported in Prussian Vessels as would be made on similar exportations in Vessels of The United States.

IV. And be it further enacted, that so much of this Act as relates to Prussian Vessels, and their Cargoes, shall continue and be in force during the time that the equality for which it provides shall, in

\* See Page 1030.

all respects, be reciprocated in the Ports of Prussia, and her Dominions; and if, at any time hereafter, the said equality shall not be reciprocated in the Ports of Prussia, and her Dominions, the President may, and he is hereby, authorized to issue his Proclamation, declaring that fact, and thereupon so much of this Act as relates to Prussian Vessels, and their Cargoes, shall cease and determine.

Approved, 24th May, 1828.

***CORRESPONDENCE of the Admiralty, relative to the  
Suppression of the Slave Trade, 1825, 1828.***

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*No. 1.—Captain Willes to J. W. Croker, Esq.**(Extract.) H. M. S. Brazen, off Badagry, 28th November, 1825.*

ON the 17th ultimo I reached Accra; the accounts at this place are of the same nature as those of Cape Coast. The Troops, being all Blacks except two Serjeants, were healthy, and the Fortification, such as it is, in good order; but I regret to state the Slave Trade is still carried on to a great degree within half-gun shot of our Forts: as a proof of it I have captured, since I left Sierra Leone, 2 Spanish Schooners, one off Cape Mesurada, of 56 tons, fitted for 200 Slaves, 36 only on board; the other off Accra, of 200 tons, fitted for 500, with 231; 50 of which were actually embarked at Dutch Accra, within half gun-shot of our Fort. The Vessel having been at anchor 12 days in the roads under our guns. Popoe was her head deposit or factory, and she was making her second trip.

*J. W. Croker, Esq.*

G. W. WILLES.

*No. 2.—Captain Willes to J. W. Croker, Esq.**(Extract.) H. M. S. Brazen, Prince's Island, 17th Dec. 1825.*

I PUT in here on the 13th instant, finding the English Ship *Malta*, Brig *Caledonia*, and Brigantine *Lady Combermere*, lying here; and on the 14th the Crew of the *Malta* of Liverpool complained of the Master's ill usage to them during the Voyage, as also of his having, in November last, sold 4 Women he had on board in the River Danger, as pawns or hostages for part of the Cargo landed, to a Spanish Slave Schooner. On further inquiry, I regret to say, I found it too true. The Master, Young, did not nor does he now deny it. I have consequently taken charge of the Vessel, as also the Master, and shall send them to Sierra Leone for adjudication with all dispatch. She has been 9 months on the Coast, and is quite full. I have obtained the sanction of the Authorities here to take her away. As this appears a very uncertain conveyance, I hereby enclose a Copy of the Steward's deposition for their Lordships' information and satisfaction, in the event of other intelligence arriving first in England, and the Owner of the *Malta* making application about her.

*J. W. Croker, Esq.*

G. W. WILLES.

*(Enclosure.)—Deposition of David Pepper, Steward of the Ship Malta, of Liverpool.*

DAVID PEPPER, Steward of the Ship *Malta*, of Liverpool, deposeth voluntarily, that the said Ship was in the River Danger in the month of November last, and that on or about the 18th of the same month, a Spanish Slave Vessel came up the river, and anchored near them, the Captain, Young, having agreed to sell the Master of her any thing he had on board that might be of service to him.

On the following morning the Master of the Slave Schooner came on board and commenced his bargain with Captain Young, the Depo-

nent being present; that in addition to arms, bread, iron, knives, beads, &c. he heard the said Captain Young offer for sale 4 women, who had been sent on board as hostages for a part of the Cargo landed for Trade; that he distinctly heard him ask 60 dollars for each, but afterwards agreed to let them go for 28. Through the means of the black trade-man or interpreter, the Spanish Captain informed Young that he would not pay for the Slaves until they were actually in his Boat, upon which he heard the said Young order the 4 Women up from the cabin, from thence into the Spanish Boat, and on their being there, and putting off from the side of the *Malta*, Young and the Spanish Captain returned again to the cabin, and in the presence of the Deponent the Spanish Captain did pay the sum of 112 dollars to the said Young, according to the agreement before made. This Deponent further deposeth, that on the evening of the same day the 4 Women were sold, he went on board the Slave Schooner in the *Malta's* Boat (according to Young's instruction), and saw the aforesaid 4 Women sold by Young amongst other Slaves. On the following morning the *Malta* weighed and proceeded out of the River, the Schooner following, fearing, as Young said, being attacked by the Natives, in consequence of his having sold the 4 pawns or hostages.

Dated on board His Majesty's Ship *Brazen*, the 15th day of December, 1825, at Prince's Island. DAVID PEPPER.

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No. 3.—Commodore Bullen to J. W. Croker, Esq.

(Extract.) H. M. S. Maidstone, *Sierra Leone*, 18th Dec. 1825.

I HAVE the honour to acquaint you, for the information of the Lords Commissioners of the Admiralty, that, pursuant to the intentions expressed in a former Letter, I left Prince's Island on the 15th, in company with the *Atholl*, *Esk*, *Redwing*, and *Conflict*; and having despatched them in execution of their orders, proceeded to examine the River Gabon, which I did on the 18th, and found only a Portuguese and a French Vessel, doubtless waiting for their Cargoes.

I then made the best of my way to cruize in the Bight of Benin, and on the 29th of September, at 3 P. M. discovered a suspicious Vessel a-head, to which I immediately gave chase; and at midnight, in latitude 6° 01' N. and longitude 3° 23' E. after a most determined and hard run of 9 hours, during which, and more especially after dark, every exertion and manœuvre was tried to escape, I have the gratification to inform their Lordships I succeeded in capturing the fast-sailing Spanish Schooner *Segunda Gallega*, with a Cargo of 292 Slaves, from Lagos, bound to Havanna, to which Port she belonged, only taken on board at 11 A. M. 13 hours previous to her detention. She was well supplied with provisions and water for the support of her inhuman Cargo across the Atlantic, and the Slaves, with the exception of 2, were in perfect health. I accordingly despatched her the next morning,



in charge of Lieut. Gray, to Sierra Leone, for adjudication. This is one of the Vessels lying in Port Antonio when I visited that place in July last.

Suspecting there was a brisk traffick carrying on in the vicinity of the Bonny, Calabar, and Cameroon Rivers, I was induced to despatch the *Redwing* to examine those parts, more particularly on account of her bad sailing qualities, occasioned by her having struck on a coral reef in her way from England; and their Lordships will agree with me my suspicions were well grounded.

On the 5th of October, Captain Clavering came to, off the Old Calabar, and immediately despatched his Boats, under command of Lieut. Card, to examine that River, who, at daylight, on the 6th discovered 2 Vessels working down. Upon perceiving the Boats they hoisted Spanish Colours, the headmost one a broad Pendant, and commenced a heavy fire of grape and musketry, which was returned by Lieut. Card and his Boats' Crews. After 15 minutes, from the commencement, he succeeded in boarding the first, and carried her sword in hand in a very gallant manner, but not without their slightly wounding the Gunner and 1 Seaman of the *Redwing*. The Crew of the other perceiving the fate of her consort, took to their boats and escaped among the bushes. They proved to be the *Teresa* and *Isabella*, belonging to St. Jago de Cuba, the former with 248, and the latter 273 Slaves.

Captain Clavering immediately despatched the *Isabella* to Sierra Leone, and having received authentic information of another Vessel lying in the Cameroons about to sail, proceeded thither with the *Teresa* in company, where on the 11th the Boats were again sent, manned and armed under Lieut. Card, who, upon entering the Harbour, discovered the Schooner lying apparently ready for Sea. Upon sight of the Boats she fired several guns, slipped her cables, and made all sail to escape; but after a chase of a few hours was captured by the *Teresa*, in charge of Lieut. Wilson. She proved to be the *Ana*, of St. Jago de Cuba, with 106 Slaves, making a total of 627 in the 3 Vessels; but I am sorry to have the painful duty of detailing to their Lordships, and it is with feelings of the most poignant regret I do so, that on the 19th, at 2.30. A.M. the *Teresa* experienced a heavy squall off the land, which took the Vessel so suddenly that in spite of every effort, threw her on her beam ends, and she instantly sunk, by which dreadful catastrophe, 2 Marines, 1 Seaman, and a Boy belonging to the *Redwing*, 192 Slaves, and a Spaniard, have unfortunately perished; 50 Slaves having been removed the day previous by order of Captain Clavering into the other Vessel, on account of her being too much crowded. Lieut. Wilson, Mr. M'Gowan, Mate, 4 Slaves, and the rest of the Crew, by the interposition of Providence, were picked up the next morning off loose spars, after being upwards of 8 hours immersed

in the water ; the *Redwing*, although in company, not being aware, from the darkness of the night, until day-light, of the melancholy accident.

I have further to add for their Lordships information, that Captain Willes of the *Brazen*, has been fortunate enough to detain the Spanish Schooners *Clareta* and *Ninfa*, on his way down the Coast, the former with 35, and the latter 5 Slaves.

J. W. Croker, Esq.

CHARLES BULLEN.

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No. 4.—Commodore Bullen to J. W. Croker, Esq.

(Extract.) H. M. S. Maidstone, *Sierra Leone*, 28th Jan. 1826.

THE *Brazen* is still cruizing to leeward in the Bight of Benin, awaiting the arrival of Messengers from the interior.

During her stay there she has succeeded in detaining, after a chase of 46 hours, the Spanish Schooner *Iberia*, with 423 Slaves, and also the English palm-oil Ship *Malta*, for a Slaving transaction, the Master having, by depositions from his Crew, disposed of 4 female Negroes (who were left with him as hostages for part of his Cargo by one of the Chiefs) to the Master of a Spanish Vessel lying in the River.

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 Boats of His Majesty's Ship under my command, in charge of Lieut. Gray, succeeded in capturing, off the Gallinas, on the 3d inst. the Dutch Schooner *Hoop*, for breaches of The Netherlands Treaty. She had only arrived a few days previous from St. Eustatius.

This Vessel was at the time, or would have been before she took in her Slaves, from the information of the Mate, (who, with the Master and most of the Crew, are Americans,) provided with 2 sets of Papers.

It is with feelings of the greatest pleasure that I have thus to acquaint their Lordships of the daily success and active exertions of the Squadron under my Orders towards the expulsion of this horrid traffic, in which I am sure their Lordships are so deeply interested ; and they may rely on my still continuing to strain every nerve to suppress it during the remainder of my command.

J. W. Croker, Esq.

CHARLES BULLEN.

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No. 5.—Captain Willes to J. W. Croker, Esq.

(Extract.) H. M. S. *Brazen*, *Cape Coast*, 10th Feb. 1826.

ON the *Brazen's* way down the Coast with Despatches from Commodore Bullen she captured the *Vogel*, Schooner, under Dutch Colours, off Cape Mount, with 2 sets of Papers, one French and another Dutch ; and engaged another off Cape Palmas, the *Van Tromp*, for 20 hours, chiefly running, and lost her only because they could not board her at first, being reduced to 10 men by manning the *Vogel*, and having 10 prisoners on board.

J. W. Croker Esq.

G. W. WILLES.

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No. 6.—*Vice Admiral Sir L. W. Halsted to J. W. Croker, Esq.*

*H. M. S. Serapis, Port Royal Harbour,  
Jamaica, 28th Feb. 1826.*  
(Extract.)

LIEUT. LOWE, commanding His Majesty's Schooner *Union*, has reported to Captain Hobson of His Majesty's Sloop *Ferret*, under whose orders he is cruizing, his having captured on the 22d ult. after a long chase, the Spanish Slave Brigantine *Magico*, from the Coast of Africa, with 179 Negroes on board, the remainder of her Cargo (nearly 200) having been landed when she ran on shore near the Port of Manati, on the N. E. Coast of Cuba, immediately before the *Union* took possession of her.

*J. W. Croker, Esq.*

L. W. HALSTED.

No. 7.—*Vice Admiral Sir L. W. Halsted to J. W. Croker, Esq.*

*H. M. S. Magnificent, Port Royal Harbour,  
Jamaica, 13th March, 1826.*  
SIR,

IN addition to the Slave Brigantine *Magico*, captured by the *Union* Schooner, as reported in my Letter of the 28th ult. you will be pleased to acquaint the Lords Commissioners of the Admiralty that Commander Hobson of His Majesty's Sloop *Ferret*, captured on the north-eastern Coast of Cuba, another on the 3d ult. named the *Fingal*, a Schooner under Spanish Colours, from the Coast of Africa, with 58 Negroes on board.

I have the honour to be, &c.

*J. W. Croker, Esq.*

L. W. HALSTED.

No. 8.—*Captain Willes to J. W. Croker, Esq.*

(Extract.) *H. M. S. Brazen, Sierra Leone, 27th March, 1826.*

I ARRIVED here on Monday last, 20th, for the purpose of making arrangements about the prizes I had sent in, and to take on board the officers and men; 2 of them were condemned last week, the *Iberia*, of Havanna, with 422 Slaves, and the English Ship *Malta*, for a breach of the 2nd, 3rd and 4th Articles of the Treaties, &c. relating to the Abolition of the Slave Trade.

*J. W. Croker, Esq.*

G. W. WILLES.

No. 9.—*Commodore Bullen to J. W. Croker, Esq.*

(Extract.) *H. M. S. Maidstone, Cape Coast Roads, 6th April, 1826.*

I HAVE the honour to acquaint you, for the information of my Lords Commissioners of the Admiralty, that I left Ascension on the 1st ultimo, and arrived at West Bay, Prince's Island, for the purpose of completing my wood and water on the 15th, where I found the *Redwing* with the French brig *Cantabre*, in company, which Vessel Captain Clavering had detained as Spanish property, and on suspicion of being provided with 2 sets of Papers, on the 8th ultimo.

On the 17th, on my way to Whydah to make inquiries after the success of the Mission, as also for Major Laing, I fell in with the *Esk*, and from Captain Purchas's Reports, have the satisfaction of acquainting their Lordships of his having captured, by his Boats, in the Benin River, on the 4th ultimo, the Brazilian Vessels *Neptune* and *Esperanza*, the former with 92, and the latter 4 Slaves, the remainder of their Cargoes having been disembarked, on the Boats entering the River.

J. W. Croker, Esq.

CHARLES BULLEN.

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No. 10.—Vice Admiral Sir L. W. Halsted to J. W. Croker, Esq.

H. M. S. *Isis*, Port Royal Harbour,

(Extract.)

Jamaica, 10th April, 1826.

I BEG you will represent to my Lords Commissioners of the Admiralty, that Lieutenant Bennett, commanding His Majesty's Schooner *Speedwell*, has reported his having fallen in with the wreck of the Spanish Slave Brigantine *Orestes*, from the Coast of Africa, and took from it 238 Negroes, near the Grass Cut Keys, in the Gulf of Providence, on the 5th March.

J. W. Croker, Esq.

L. W. HALSTED.

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No. 11.—Commodore Bullen to J. W. Croker, Esq.

SIR,

H. M. S. *Maidstone*, off St. Thomas, 3d May, 1826.

I HAVE the honour to acquaint you, for the information of my Lords Commissioners of the Admiralty, that on the 18th ultimo, when cruising off the Island of Anna Bona, I succeeded in detaining, after a short chase, the Brig *Perpetuo Defensor*, under Brazilian Colours, with a Cargo of 424 Slaves, stated to have been taken on board at the old place Molembo, south of the line, seven days previous, and a false log was produced to that effect, evidently copied during the chase, being scarcely dry when brought on board for my inspection; also the reason of his being here was on account of a strong westerly current; this, of course, is all a fabrication, as the Slaves themselves, one and all, declared through the aid of a Native of the place belonging to His Majesty's Ship under my command, that they were shipped from Badagry, in 6° 18' N. about 14 days previous, which I have more clearly ascertained to be the fact from 4 of the crew of the Vessel, and also Papers, &c. found on board at the time of detention. The true logs I make no doubt have been all destroyed, as they were most rigidly searched for by my Lieutenant. A track had also been pricked on a chart which was partly effaced with India rubber, but sufficient marks left from the compasses to trace them from Porgue Bank, off Accra, to 2 days previous when they crossed the line. Day's works were also found upon the mate's slates and quadrants, wherein the north latitude truly corresponds with the marks on the chart.



A short time after detention I visited her, to be an eye witness to the state of the Slaves, on their being brought on deck for the purpose of being counted; and I have to assure their Lordships that the extent of human misery evinced by these unfortunate beings is almost impossible for me to describe. They were all confined in a most crowded state below, and many in irons, which latter were released as soon as they could be got at. The putrid atmosphere emitting from the Slave deck was horrible in the extreme, and so inhuman are these Fellow-creature dealers, that several of those who were confined at the further end of the slave-room were obliged to be dragged on deck in almost a lifeless state, and wasted away to mere shadows, never having breathed the fresh air since their embarkation. Many females had infants at their breasts, and all were crowded together in a solid mass of filth and corruption, several suffering from dysentery, and although but a fortnight on board, 47 of them had died from that complaint.

This Vessel is of the burthen of 212 tons, armed with 8 long 9-pounders, 2 6-pounders, and a traversing 18-pounder, manned with 54 Persons, and belongs to the same owner as the *Aviso*, captured by me in September, 1824, with 465 Slaves; and it is rather singular both should have adopted precisely the same plans to evade detection. Her Passport authorized her to receive on board 530 Slaves, but she sailed with 471 only. She was well supplied with provisions and water for the support of her inhuman Cargo, and was accordingly despatched in charge of Lieut Lyall, to Sierra Leone, for adjudication, the same afternoon. Thus in a Vessel of so small a burthen, at the time of her departure from Badagry, were crammed 525 living beings for a passage across the Atlantic.

I have, &c.

J. W. Croker, Esq.

CHARLES BULLEN.

No. 12.—*Captain Willes to J. W. Croker, Esq.*

(Extract.)

H. M. S. Brazen, *Cape Coast*, 16th July, 1826.

THE Rivers are full of all description of Vessels slaving, the French in great numbers, and Dutch under the French Flag; there is a Spanish Corvette *Sultan*, of 14 Guns, 56 Men, lately arrived on the Coast from Bourdeaux; she will take off 700 or 800 Slaves when ready; there is also a large Spanish Frigate-built Ship at Gaboon, will take as many, if not more; she came last from Martinique; there are numerous others, Dutch and Spanish, of the fastest description.

I have sent to Sierra Leone, since I parted with the Commodore (8th May last) a Dutch Schooner, 120 tons, 245 Slaves, with 2 sets of Papers, and a Brazilian Ship with 25 on board (600 being ready for her at Lagos) making in the whole 960 since I have been on the Coasts.

J. W. Croker, Esq.

G. W. WILLES.

No. 13.—*Commodore Bullen to J. W. Croker, Esq.**H. M. S. Maidstone, Porto Praya,*

(Extract.)

*St. Jago, 20th July, 1826.*

By the Schooner *Albatross*, in command of Lieut. Owen of the *Leven*, which Vessel anchored here in her way to England, on the morning of my arrival from Sierra Leone, I learned that the Squadron to leeward continued to exert themselves, the *Brazen* having since I left there on the 4th ultimo sent in a Spanish Brigantine with upwards of 250 Slaves, although in a very sickly condition, and that the Boats of His Majesty's Ship under my command, in charge of Lieut. Tucker, had also sent in a Netherlands Schooner with 2 sets of Papers, and a Cargo of 180 Slaves, detained off the River Sestos, the particulars of which I shall feel pleasure in reporting in my next.

*J. W. Croker, Esq.*

CHARLES BULLEN.

No. 14.—*Commodore Bullen to J. W. Croker, Esq.*(Extract.) *H. M. S. Maidstone, Sierra Leone River, 3d Aug. 1826.*

UPON my arrival I had the satisfaction to learn that the Prizes of the Squadron reported in my Letter of the 20th July last, were the Spanish Schooner *Nicanor*, of Havannah, captured by the Boats of His Majesty's Ship under my command, in charge of Lieut. Tucker, on the 20th of May last, with a Cargo of 174 Slaves, off Whydah, the whole of whom were landed at this place in good health, with the exception of one who jumped overboard in a fit of delirium: the other, the Schooner *Fortuna*, with 245 Slaves, captured by the *Brazen*, under Dutch Colours, although, immediately on the Boats boarding, they were changed to French, and the Dutch Papers thrown overboard at the same instant; this has been since clearly proved in the Mixed Commission Court. As further proof of her making use of double sets of Colours and Papers, she has been repeatedly boarded in the River Bonny under French Colours, and Papers of that Nation shewn to the boarding Officer, once by the Boats of this Ship. Both these Vessels have been duly condemned and sold, but I am sorry to add that the latter Vessel *Fortuna*, buried 118 of her cargo prior to condemnation.

*J. W. Croker, Esq.*

CHARLES BULLEN.

No. 15.—*Vice-Admiral Sir L. W. Halsted to J. W. Croker, Esq.*

SIR,

*H. M. S. Isis, Jamaica, 4th August, 1826.*

THE enclosed Letter from Lieut. Lowe, commanding His Majesty's Schooner *Union*, reporting the chase and subsequent wreck of a Slave Brigantine, with 165 Negroes on board, being fully confirmed by inquiries made by Commander Hobson of His Majesty's Sloop *Scylla*, I beg you will be pleased to lay the same before the Lords Commissioners of the Admiralty for their information.

Commander Hobson reports that R. W. Elliot, Esq. one of the most

respectable Merchants at Nassau, informed him that 20 dead bodies of Negroes in a state of nudity, were found by a Providence wrecker, washed up on the Orange Keys.

*J. W. Croker, Esq.*

I have, &c.

*L. W. HALSTED.*

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(Enclosure.)—*Lieut. Lowe to Commander Hobson.*

SIR, *H. M. Schooner Union, Crooked Island, 22d June, 1826.*

IN compliance with your order of this day's date to report in writing, for the information of the Commander-in-Chief, the particulars of the chase of a suspicious Brigantine by His Majesty's Schooner *Union*, under my command, on the 27th and 28th of last April ;

I have to inform you, that being off Key Sal on the 27th April, a Brigantine came round the south end of the Key, and instantly hauled up, when she made us out ; not a moment was lost in giving chase, yet I regret to say that, although our shot took effect on her sails and hull, she increased her distance so much in the fresh breeze which was then blowing, that no effort of mine during the 2 days I kept sight of her could again bring her within range.

On the night of the 28th, having lost sight of her, and being close to those dangerous shoals on the south-west extremity of the Bahama Bank, I gave up the chase, and thought it prudent to anchor.

The Brigantine returned the fire of the *Union*, but am glad to say without effect. She did not once shew her Colours.

In forwarding this Report, I take the opportunity to acquaint you, that I since received the following information :

The Pilot of the *Union*, who speaks Spanish, being on shore at Xebarra, met a Man who said he belonged to the Brigantine chased by the *Union* on the 27th April, that the Brigantine was called the *Palocna*, from Africa, with 165 Slaves on board, with 3 guns and 29 Men ; had 3 killed and 1 wounded during the chase ; and that on the night of the 28th April the Brigantine struck on a rock, rounded off and sunk immediately : that the Captain, 2 men and the Informant secured the Boat and were the only Persons saved.

I am, &c.

*Commander Hobson.*

*A. B. LOWE.*

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*No. 16.—Captain Austin to Vice-Admiral Sir L. W. Halsted.*

(Extract.) *H.M.S. Aurora, off St. Jago de Cuba, 31st August, 1826.*

I BEG to acquaint you, that on the 29th instant, being off this Port, His Majesty's Sloop *Harlequin* in company, and His Majesty's Ship *Tweed* in sight, I captured the Spanish Brigantine *Nuevo Campeador*, from Old Calabar to St. Jago de Cuba, with a Cargo of Slaves, originally consisting of 300, but having on board at the time of capture 264. When brought to, she shewed Dutch Colours, and had a fictitious set of Papers in that language.

*Vice-Admiral Sir L. W. Halsted, K.C.B.*

*C. J. AUSTEN.*

No. 17.—*Commodore Bullen to J. W. Croker, Esq.*

(Extract.) *H. M. S. Maidstone, West Bay,  
Prince's Island, 15th September, 1826.*

It is with great pleasure I acquaint you, for the information of my Lords Commissioners of the Admiralty, that on the 6th ultimo, the Schooner *Hope* in charge of Lieut. William Tucker, (formerly prize to His Majesty's Ship under my command, but purchased on my own account at Sierra Leone in January last, for the shelter and comfort of the Officers and Crews of my Boats, when detached on distant service in this unhealthy climate, to prevent as much as possible their contracting fever from being exposed to the tremendous heat by day, and heavy dews at night), of the burden of 140 tons, armed with a long traversing 12-pounder and 4 18-pounders (govers), with a Crew consisting of Mr. R. Lamport Pengelly, Admiralty-mate, Mr. George Williams, Assistant-surgeon, 18 Seamen, 5 Marines and 8 native Africans, in all 32 Persons, succeeded in capturing, in latitude 3° 22' N. and longitude 4° 11' E. after a hard chase of 28 hours, and a most desperate action of 2 hours and 40 minutes, by boarding the Brazilian Brig *Prince of Guinea*, of the burden of 280 American tons, armed with a long traversing 24-pounder, 4 long 9-pounders, 2 long 6-pounders and 2 swivels, with a Crew consisting of 72 Persons, and a Cargo of 578 Slaves, taken on board 2 days previous at Whydah, although by her Passport she is allowed to receive 701.

*J. W. Croker, Esq.*

CHARLES BULLEN.

No. 18.—*Commodore Christian to J. W. Croker, Esq.*

(Extract.) *H. M. S. Owen Glendower, Port Louis, 16th Oct. 1826.*

As the Slave Trade is principally carried on on the east Coast during the months of September, October and November, I have ordered His Majesty's Sloop *Helicon* to resume her station in the Mozambique, in the hope of checking that traffic, as several of the Vessels employed in carrying it on have fitted out here, and one of them is commanded by a Subject of Mauritius. His Majesty's Sloop *Sparrowhawk* will relieve her at an early moment. From all I have been able to learn in regard to the trade of this Island, I cannot take upon myself to say that the Slave Trade does not exist at all, but I am sure that it does not do so to any extent.

*J. W. Croker, Esq.*

HOOD H. CHRISTIAN.

No. 19.—*Commodore Bullen to J. W. Croker, Esq.*

*H. M. S. Maidstone, North West Bay,  
Fernando Po, 25th October, 1826.*

SIR,

I BEG leave to acquaint you for the information of the Lords Commissioners of the Admiralty, with reference to my Letter of the 15th ult. detailing the capture of the Brazilian Brig *Prince of Guinea*, with 578



Slaves, by the Boat of His Majesty's Ship under my command, in charge of Lieutenant Tucker, on the 6th August, last; that the number of Slaves therein mentioned is incorrect, and have now the honour to transmit the exact account of her Cargo, which I have received from Lieutenant Tucker, viz.—

Total number of Slaves on board at commencement of action, by the Captain's statement and Cargo book	608	Killed during the action.....	2
Born on passage to Sierra Leone.....	1	Drowned in boarding and attempting to swim to my Boats.....	16
	<hr/> 609 <hr/>	Died on passage to Sierra Leone.....	12
		Total number landed at Port of Adjudication for certificate.....	579
			<hr/> 609 <hr/>

I have, &c.

J. W. Croker, Esq.

CHARLES BULLEN.

No. 20.—Commodore Bullen to J. W. Croker, Esq.

SIR, H. M. S. Maidstone at Sea, Bight of Biafra, 12th Nov. 1826.

WITH reference to their Lordships' Letter, dated 14th January, 1826, enclosing for my information and guidance Copies of Correspondence between the Brazilian Government, Mr. Secretary Canning and Mr. Chamberlain, Consul-General at Rio Janeiro, on the subject of Vessels belonging to Portugal carrying on the Slave Trade under existing Treaties, irregularly licensed to touch at any other Ports than those which, agreeably to the tenor of such Treaties, they are allowed to enter; and wherein the Brazilian Minister refers Mr. Chamberlain to such existing Treaties, by which the detention of the Vessels of that Nation found to the northward of the Line, trafficking for Slaves, would be indubitably valid;

I have the honour to acquaint you, for the information of the Lords Commissioners of the Admiralty, that on the 17th ultimo, being off Badagry in the Bight of Benin, I observed one of 4 Vessels lying there, weigh and stand out to Sea; I immediately gave chase, and at 2° 30' P.M. came up with her. She proved to be the Brazilian Brigantine *Heroína*, furnished as usual, with the Imperial Passport, authorizing her to receive 550 Slaves, and making it obligatory to touch at such Ports on the Coast of Africa, to the southward of the Line, where the Slave Trade is permitted by the Treaty.

By virtue of the Correspondence before alluded to, and for palpable breaches of the second Article of the Additional Convention, dated 28th July, 1817, and the one to which it refers, N°. 1, of the Treaty signed at Vienna, the 22d January, 1815, both strictly prohibiting

“ the Subjects of the Crown of Portugal to purchase Slaves, or to carry on the Slave Trade on any part of the Coast of Africa to the northward of the Equator, upon any pretext or in any manner whatsoever,”

I detained her and dispatched her to Sierra Leone for Adjudication in the Mixed Commission Court.

Sufficient proof exists that this Vessel was carrying on the Slave Trade, having two-thirds of her cargo on shore, with the Master and part of the Crew bartering for Slaves; yet it appears to me, from the dubious and contradictory Article to the foregoing, inserted in the Instructions for Ships of War, viz.: “ Ships on board of which no Slaves shall be found shall not be detained under any pretence whatsoever,” leaves a doubt as to her condemnation; should she be, it will very soon exterminate the Brazilian Vessels from the Bights of Benin and Biafra, and put a stop to at least two-thirds of the Slave Trade carried on in the Bight of Benin. In one anchorage alone, last month, viz. Whydah, in 6° 00' north latitude, I boarded 9 Vessels lying at one time trafficking for Slaves, 7 of which were Brazilians, and furnished with the proper Passport, obliging them “ to enter solely such Ports where the Slave Trade is permitted.” The whole of these had their cargoes on shore, and several with their Slave decks laid, wood and water on board, and in every respect perfectly ready to ship their Slaves at a moment's notice.

Owing to the immense personal risk I should incur by sending this small Fleet up to Sierra Leone for trial, in the event of their not being condemned as lawful Prizes, I have deemed it most prudent to await the issue of the *Heroína's* trial, which Vessel, according to the strict tenour and meaning of the present existing Treaties, must, in my opinion, be unquestionably forfeited.

I have, &c.

*J. W. Croker, Esq.*

CHARLES BULLEN.

No. 21.—*Commodore Bullen to J. W. Croker, Esq.*

*H. M. S. Maidstone, St. Anna da Chaves Roads,*

(Extract.)

*Island St. Thomas, 26th November, 1826.*

AFTER procuring some slight refreshments at Accra, I proceeded to examine the Bights, which I am sorry to say are numerous filled. In the old haunt, Whydah, I found 7 Brazilians and 2 Spaniards, awaiting the completion of their cargoes.

*J. W. Croker, Esq.*

CHARLES BULLEN.

No. 22.—*Commodore Bullen to J. W. Croker, Esq.*

(Extract.) *H. M. S. Maidstone, Sierra Leone River, 31st Dec. 1826.*

SINCE my arrival, I have been employed refitting the Ship after the heavy rains we have experienced this Year; and having now nearly

completed the same, and victualled her to as much as she can possibly stow, I intend proceeding to Sea on Wednesday to pay a visit to the Cape de Verd Islands, to obtain any information relative to the state of the Slave Trade, which Mr. Clarke may have to furnish me with.

*J. W. Croker, Esq.*

CHARLES BULLEN.

*No. 23.—Commodore Bullen to J. W. Croker, Esq.*

(Extract.) *H. M. S. Maidstone, Sierra Leone River, 9th Jan. 1827.*

I HAVE the honour to acquaint you, for the information of my Lords Commissioners of the Admiralty, that as I was on the point of sailing from this anchorage, the Boats of His Majesty's Ship under my command, in charge of Lieutenant Tucker, which I had left with the *Esk* to protect the Bights during my absence to windward, returned with the Spanish Schooner *Paulita*, which this Officer captured, after several hours chase, in latitude  $5^{\circ} 4'$  north, and longitude  $4^{\circ} 42'$  east, on the 6th ultimo, with a cargo of 221 Slaves, out 4 days from the River Benin. At the time of detention, sickness had already commenced to break out, and although she had a tolerable passage up, 28 died of small-pox and dysentery during the time; the remainder were delivered over to the Liberated African Department yesterday, with the exception of 12, who are left on board for the present, on account of being afflicted with small-pox.

*J. W. Croker, Esq.*

CHARLES BULLEN.

*No. 24.—Commodore Bullen to J. W. Croker, Esq.*

*H. M. S. Maidstone, Porto Praya*

SIR,

*Island St. Jago, 29th January, 1827:*

I HAVE the honour to transmit, for the information of my Lords Commissioners of the Admiralty, the Reply of Mr. Clarke, Consul-General at this place, to my Letter, desiring him to report upon the state of the Slave Trade in this quarter, and I can but observe that I perfectly agree with the latter part of Mr. Clarke's Letter, that all the while such facility is afforded by their Passports for Domesticks which are granted by the Portuguese Governor, all attempts on my part to prevent it, even should I fall in with them on their passage to the Brazils, would prove abortive.

I have, &c.

*J. W. Croker, Esq.*

CHARLES BULLEN.

(Enclosure.)—*Mr. Consul General Clarke to Commodore Bullen.*

SIR,

*St. Jago. 13th January, 1827.*

I HAVE to acknowledge the receipt of your Letter of the 31st December, 1826, requesting information relative to the Slave Trade.

I have to acquaint you that I transmitted, on the 9th October, 1826, to Mr. Secretary Canning, an account of the arrival of the Por-

tuguese Yacht, named *9th March*, having landed at Bahia 107 Slaves, the Master of which, Joze Fernandez de Pinho, has proceeded to The United States to purchase a larger Vessel for the same Trade.

The Portuguese Schooner, *Eugenia*, Antonio Joze Pereira, arrived at this anchorage on the 13th October, having landed 115 Slaves in the Bay of St. Francis, in this Island.

The Portuguese Brig, *Secours*, Freitas, Master, sailed from this Port for Bissao, on the 12th December, for a cargo of Slaves, it is said, with the intention of proceeding to Maranham.

The Portuguese Schooner, *Tonante*, Carbalha, Master, arrived at Bonavista on the 5th instant, from Cacheo, and landed upwards of 100 Slaves there, the property of the late Governor "Cabral," which Vessel arrived at this Port the 13th instant, and is at present in this harbour.

It is beyond all doubt that the Slave Trade is increasing amongst these Islands from the different Portuguese Settlements on the Coast, and must continue so while such protection is afforded by Passports for domesticks. I have, &c.

*Commodore Bullen, C.B.*

J. P. CLARKE.

No. 25.—*Commodore Bullen to J. W. Croker, Esq.*

(Extract.) *H. M. S. Maidstone, Sierra Leone River, 20th Feb. 1827.*

I HAVE pleasure in acquainting their Lordships that the *Esk* has sent in the Brig *Lynx*, under Dutch Colours, captured by her the beginning of last month, with a Cargo of 264 Slaves, off Prince's Island. The *Invincible*, Brazilian Ship, also captured by the *Esk*, in charge of Lieutenant Tollervey, arrived yesterday with 262 Slaves out of her original Cargo of 440; 178 having died in the passage up, which she has been 8 weeks in performing.

*J. W. Croker, Esq.*

CHARLES BULLEN.

No. 26.—*Commodore Bullen to J. W. Croker, Esq.*

(Extract.) *H. M. S. Maidstone, Cape Coast Roads, 6th March, 1827.*

I HAVE the honour to enclose, for the information of my Lords Commissioners of the Admiralty, Copies of several Documents I have received, on my anchoring here this morning, from Captain Ricketts, Commandant on the Gold Coast, detailing the extent to which the Slave-trade is again breaking out about these Parts, and that, even under the guns of the British Forts.

*J. W. Croker, Esq.*

CHARLES BULLEN.



(Enclosure.)—*Captain Ricketts to Commodore Bullen.*

SIR,

*Cape Coast Castle, 19th February, 1827.*

I CONSIDER it my duty to transmit for your information the 3 Enclosures relating to the Slave-trade being carried on by the Natives of the British, Dutch, and Danish Settlements at Accra. I have, &c.  
Commodore Bullen, C. B.

H. J. RICKETTS.

(Sub-Enclosure A.)—*The Commandant of British Accra, to Captain Ricketts.*

(Extract.)

*James Fort, Accra, 14th December, 1826.*

A SLAVER actually, some days back, anchored within range of my guns, and commenced Slaving, when I immediately fired at her and drove her further off; the Town-people of Dutch Accra had the impudence to call on me to know the reason I fired, and stopped their Trade, and that same night sent 36 Slaves by land through Danish Accra, which were stopped by Mr. Brock, the Commandant, and next morning delivered up, by the Dutch paying him so much per head to allow them to pass.

(True extract.)

H. J. RICKETTS.

(Sub-Enclosure B.)—*The Comm. of Annamaboe to Capt. Ricketts.*

(Extract.)

*17th February, 1827.*

IT is with great regret I have to report that the Accras, British, Dutch, and Danish, by their example and advice, have completely unsettled the minds of the Natives along the Coast and interior: during their stay in Fantee they have been indefatigably purchasing Slaves to the amount of several hundreds; all Slaves that have been guilty of any thing to displease their Masters have been seized; parties of them, 6 to 10, have been met on their way to Accra chained together, to be sold to the Vessels that now constantly call there for Slaves and Canoes; old "Palavers" have been brought up among the Natives, and accusations of alleged adultery and witchcraft, at all times the excuses for Slavery on this Coast, have been resorted to as a pretext for dragging People from their homes, and the unhappy objects are constantly coming to this Town for protection against their more powerful enemies.

The profits of the Slave-trade are so great and so easily obtained, that those engaged in it are enabled to make a more gay appearance than the People under British protection, who have hitherto (at least publicly) abstained from it, and makes them discontented with His Majesty's Government, that so strenuously opposes that vile traffick without rendering them any equivalent for what they consider a privation; and I feel myself justified in stating to you, Sir, my firm belief, that unless rigorous means are resorted to for the suppression of Slavery and the punishment of the Accras, in a short time it will be impossible to stop the Natives of Cape Coast and Annamaboe from join-

ing in it; as they are now sulkily waiting to see if those now engaged are allowed to do so with impunity. I fear, indeed, that Individuals under the British Flag "aid and abet" the traffick, at present; several circumstances having come under my notice of a very suspicious nature, and I am sorry to say, a Person in my own employ, named "Agua," who was placed by me at Zantum to purchase palm oil, has sold several Slaves under very aggravating circumstances, while at that place, particularly in one instance, where one of his People having run away, for bad usage, to a Chieftain of the Fantee Country for protection, he was sent for with the usual formalities in my name, and delivered up, and subsequently sold and shipped at Accra. The Fantee Man who gave him up, having learned that he was imposed upon, came here to complain to me of it, but was told by an Inhabitant of this Town, in whose house he lodged, and a friend of Agua's, that I was making inquiry into the affair, that he would get himself into trouble, and advised him to depart secretly into his own Village, from whence I have not been able to induce him to come here.

On my recalling Agua to answer for his conduct, he refused to give any explanation, and proceeded to the grossest acts of violence, having arranged open kegs of powder in his house, and fire, ready to blow up any Persons that might go to seize him, and sent a message defying me to go there; he also provided himself with a sabre and loaded musquet.

I understood from my Servants, who suspected his intention, and kept watch at night, that he attempted to fire my house, but was prevented by them; under these circumstances I deemed it proper to order him to quit the Town next day, which he did with fire in one hand, and powder in the other, and with his sword, and guns, carried along with him.

*Captain Ricketts.*

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(*Sub-Enclosure C.*)—*Deposition made by Quafoo, a native of Cape Coast.*

QUAFOO, a native of Cape Coast, and brother to a Soldier in the Royal African Colonial Corps, deposeth and saith, that about 3 months ago, he, this Deponent, went out a hunting in the woods a few miles from the Town of Cape Coast, and in returning home, 2 Men named *Quaeve Pan* and *Cramper* from a Croome named Yansey, belonging to Fantee, seized him, the Deponent, who told him they had done so by order of Menea, a head Man of Cape Coast Croome, called Amayon; and after keeping Deponent in irons 10 days, sold Deponent to Amissah, Chief of a Village in the Fantee Country, called Domaransay, which Chief, after keeping Deponent some time in confinement, took Deponent to the Afrafoo Country and sold him, Deponent, to

Iyca (an Accra Chief) who was purchasing Slaves in that Country, and who had got about 200 of them; that by the assistance of Attah Quasshie, Amissah's Head-man, he, the Deponent, made his escape about 8 days ago.

This Deponent further states, that the aforesaid Amissah, sold with him, the Deponent, 3 Fantee Men to the aforesaid Accra Chief Iyca, who have, with the other Slaves the said Iyca purchased in the Fantee Country, been sent to Accra.

Sworn before us, at the Government Hall, Cape Coast Castle, this 24th day of February, 1827.

H. J. RICKETTS, J. P.

W. B. SEWELL, J. P.

No. 27.—*Commodore Bullen to J. W. Croker, Esq.*

*H. M. S. Maidstone, West Bay,  
Prince's Island, 4th April, 1827.*

(Extract.)

I HAVE the honour to enclose, for the information of my Lords Commissioners of the Admiralty, in addition to the Enclosures transmitted with my Letter of the 6th ultimo, communicative of the increasing extent of the Slave Trade on the Gold Coast, more particularly at Accra, a Copy of a Letter I have received from the Governor of Elmina Castle on the same subject.

*J. W. Croker, Esq.*

CHARLES BULLEN.

(Enclosure.) *The Governor of Elmina Castle to Commodore Bullen,*  
SIR, *6th March, 1827.*

I HAVE the honour to address this Letter to your Excellency on a subject of much importance, as well to the British as Netherland Settlements on the Coast, anxiously hoping that your Excellency will favour it with your mature consideration.

Since many months the Dutch Accra People have openly acted in violation of the existing Laws against the Slave Trade, in purchasing a great many of them, to be afterwards sold to such vessels as are engaged in that detestable traffick.

I have the honour to be, &c.

*Commodore Bullen, C. B.* *J. C. VANDER BREGGEN PAAW.*

No. 28.—*Commodore Bullen to J. W. Croker, Esq.*

(Extract.) *H. M. S. Maidstone, Sierra Leone River, 22d May 1827.*

I HAVE the honour to acquaint you, for the information of my Lords Commissioners of the Admiralty, with the particulars of my late cruize in the Bights of Benin and Biafra for the suppression of the Slave Trade, in furtherance of their Lordships direction to me on this head.

On the 11th March I weighed from Accra Roads, intending to run down the different anchorages in the Bight of Benin, in order to detect and detain those Vessels carrying on the trade under the Brazilian Flag, in direct opposition to the true intent and meaning of the Treaty entered into with Portugal, and furnished with the irregular Licenses to touch at the Islands of St. Thomas and Princes, as designated in their Lordships Letter, with its Enclosures, No. 1, dated 14th January 1826.

On the evening of the 13th I came to, off Whydah, and commenced by detaining the *Trajano*. On the following day, off Badagry, the *Venturoso* and *Carlotta*, and, off Ajuda, the *Tentadora*; on the 16th, off Lagos, the *Providencia*; and on the 22d, off the Benin River, the *Conceição Paquete do Rio*; making a total of 6 Vessels seized for carrying on the illegal traffick in non-conformity to the existing Treaty, in so short a distance. The whole of these Vessels having valuable trade Cargoes, I instantly manned and armed, and dispatched to Sierra Leone for Adjudication in the Mixed Commission Court.

Standing in need of water, I made the best of my way to Prince's Island, where I arrived on the 3d April, and on the following day was joined by the *North Star*. From Captain Arabin I received the returns of his having captured the Spanish Schooners *Fama da Cuba*, in the River Old Calabar, with 100 Slaves, on the 7th February, and the *Emilia*, with 282, in the river Bonny on the 31st January; also the Brazilian Brigs *Conceição de Maria*, with 232, off Lagos, 4 hours after she took them on board, on the 4th of March; and the *Silveirinha*, with 266, at the entrance of the Old Calabar on the 12th March, making a total of 880 Slaves in the 4 Vessels. In addition also to the Captures made by Captain Purchas of His Majesty's Sloop *Esk*, of the *Lynx* and *Invincible*, the former with 264, and the latter 440 Slaves, fully detailed in my Letter dated the 20th of February, I this day received Letters from him, announcing his being necessitated to deviate from my orders, and proceed to Sierra Leone before the appointed time for his Officers and Prize Crews, in consequence of having fortunately detained the Brazilian Vessels *Venus*, with 190 Slaves, on the 6th February, and *Dous Amigos*, with 317, on the 8th February, while cruizing in the Bight of Benin.

Having dispatched the *North Star* to Sierra Leone, for her Officers and Men, detached in prizes, I left Prince's on the 8th April, with the intention of examining the Rivers in the Bight of Biafra, before the expiration of my command, and on the 10th sent the Pinnace and Cutter, manned and armed, under command of Lieutenant Lyall to search the Old Calabar.

The afternoon of the same day a suspicious Vessel was seen from the mast-head between me and the Island of Fernando Po. In conse-



quence of light winds, at dark I lost sight of her, but about 10 P. M. by aid of the moon, was again seen about 7 or 8 miles distant. At this instant the wind being light, Lieutenant Morton, first of this Ship, and who has served with me ever since I commissioned the *Maidstone*, volunteered his services to take charge of the cutter and gig, and endeavour to intercept her; and it is with feelings of great pleasure I acquaint their Lordships that, after a hard and fatiguing pull, at midnight, he succeeded in bringing to the Brazilian Brig, *Creola*, with a cargo of 309 Slaves, out 2 days from the Old Calabar River, and making a total of 2,494 liberated by the *Maidstone* alone since my command on this Station.

During my stay I found that, since my leaving here on the 11th of March, no less than 6 Brazilians had passed for Slave Cargoes in the Bight of Benin, several making it a constant practice of now anchoring and getting their large Cargoes from Dutch Accra.

Being short of provisions, and weak-handed from so many Vessels away, as well as unable to spare the time, I dispatched the 2 gun brigs, on their joining, to cruize for the interception of these Vessels during my absence to windward.

The *Conflict*, Lieutenant Wakefield, Commander, had already detained 2 fine class Vessels under the same circumstances of being furnished with irregular Passports.

Having concluded my arrangements to leeward, I weighed on the 6th inst. from Port Antonio, Prince's Island, with my Prize in tow for Sierra Leone, which River, after a very short passage of 15 days, and with loss only of 20 Slaves since capture, I am just entering.

J. W. Croker, Esq.

CHARLES BULLEN.

No. 29.—Commodore Bullen to J. W. Croker, Esq.

SIR, H. M. S. *Maidstone*, *Sierra Leone River*, 2d June, 1827.

I HAVE the honour to inclose, for the consideration of my Lords Commissioners of the Admiralty, a Copy of a Letter I received on the 29th ult. by His Majesty's Ship *Esk*, from Mr. J. P. Clarke, His Majesty's Consul-General at the Cape de Verd Islands, relative to the continued extent to which the Slave Trade is carrying on in that quarter.

I have, &c.

J. W. Croker, Esq.

CHARLES BULLEN.

(Enclosure.)—Mr. Consul-General Clarke to Commodore Bullen.

SIR, St. Jago, Cape de Verds, 13th May, 1827.

I HAVE the honour to acquaint you that on your quitting Porto Praya, on the evening of the 4th February last, the *Secours*, Captain Freitas, landed in the Bay of St. Francis 150 Slaves, and, on her arrival

in the Harbour, she was refitted, and sailed on the 18th ultimo for The Havannah, with upwards of 150 on board. No delicacy appears to be used, as to any Treaties existing between the Portuguese and English Governments, when I acquaint you that these Slaves were publickly embarked at noon day; such an occurrence never, during my residence in these Islands took place under the late Governor General Chapuzet; remonstrance is in vain, when the present Governor publickly announces he has no instructions to suppress it.

I have likewise to acquaint you, that the Portuguese National Schooner *Conception*, Lieut. Lima, arrived in this Harbour from Bissao, with the late Governor Joachim Antonio Mattas, on the evening of the 16th ult., and on the morning of the 17th landed her Slaves, to the number of 43; 32 of whom belonged to Mattas, and 11 to the Commander of the Schooner. Their arriving so frequently, and with such success, and supported with the aid and assistance of their Naval Officers, I fear that all attempts on the part of the British Government will be of little avail, unless prompt measures are used with the Government of Portugal, which so far, in my humble opinion, from wishing to suppress such a traffick, encourages it.

I have transmitted this information to His Majesty's Principal Secretary of State for Foreign Affairs, and have little doubt the conduct of the Authorities of this place, in suffering such a traffick contrary to Treaty, will be the means in some measure of checking, at least the Officers of the Crown, from such proceedings.

The *Porpoise* and *Towerie*, Portuguese Schooners, are at present at Bissao and Cacheo, no doubt with the intention of bringing a fresh import for these Islands, of which I have made Captain Purchas, Commander of His Majesty's Ship *Esk*, acquainted, as it is probable, on his return to Sierra Leone from hence, he may fall in with them.

I am, &c.

Commodore Bullen.

J. P. CLARKE.

No. 30.—Commodore Bullen to J. W. Croker, Esq.

SIR,

H. M. S. Maidstone, at Sea, 28th July, 1827.

I BEG leave to enclose, for the information of my Lords Commissioners of the Admiralty, a Return of the Slaves emancipated, and Shipping captured, during the period of my command on the Coast of Africa, by virtue of their Lordships' Commission.

I have, &c.

J. W. Croker, Esq.

CHARLES BULLEN,

(Enclosure.)—Return of Vessels Captured and Slaves Emancipated, by the African Squadron under the Command of Commodore Bullen, between the 10th of April, 1824, and the 1st of June, 1827.

Captor.	Date.	Place.	NAME OF			Rig.	Colours	Number of			Time of Sailing.	WHERE			Cargo.	REMARKS, &c.
			Vessel.	Master.	Owner.			Men.	Guns.	Tons.		From.	Bound.	Belonging.		
Bann	1824. 16 April	Lat. Long.	Bom Caminho	-	-	-	Brazilian	33	-	146	-	-	-	-	357	Recaptured from the Piratical Brig "El Romano." No Papers or Owners found or known; condemned as such at Sierra Leone.
Victor	22 April	-	El Vencedor	D.J. Bergone	Not known	Brig	-	30	6	208	-	-	-	Bahia	-	A small Boat, said to be the property of the Governor of Prince's Island.
Victor	8 June	Off Prince's Island	Piccaninny Maria	-	-	-	Portuguese	-	-	-	-	-	-	-	17	When boarded she presented a complete scene of human misery, from the effects of dirt, filth, and small pox; 9 Slaves having died since she left Benin, and 1 of her own Crew.
Victor	11 Aug.	2.15. N. 5. 13. E.	Diana	Mand. Costa	J. C. da Francesa	Brigantine	Brazilian	14	2	120	25 July	Benin	Rio Janeiro	Bahia	143	This Vessel was very healthy, no Slaves having died since she left Badagry; but they were packed together so close in the hold, as scarcely to admit of their moving themselves in any direction.
Victor	18 Sept.	1. 40. N. 6. 08. E.	Dous Amigos Brazili- lieros	A.A. da Silva	A. M. de Carvalho	-	-	31	-	146	10 Sept.	Badagry	Bahia	Ditto	260	Was in a most filthy and wretched state when detained. Buried 35 of her Cargo prior to condemnation.
Maidstone	26 -	1. 33. N. 7. 7. E.	Aviso	L.P. da Silva	A. D. C. Carvalho	Brig	-	33	-	231	14 Sept.	Ditto	Ditto	Ditto	465	
Bann	23 Oct.	-	Bella Eliza	P.J. da Maria	A. J. Matreillas	Schooner	-	24	-	147	14 Oct.	Lagos	Ditto	Ditto	371	
Swinger	1825. 16 Jan.	2. 20. N. 5. 31. E.	Bom-Fim	J.J. de Brito	Man. J. Ferreira	Ditto	Brazilian	18	-	64	6 Jan.	Ditto	St. Salvador	St. Salvador	146	
Atholl	6 March	5. 19. N. 13. 23. E.	Espanola	D. Frans. B. Rodriguez	D. Frans. B. Rodriguez	Ditto	Spanish	28	1	107	4 March	Gallinas	Havannah	Havannah	279	
Maidstone	19 May	Off R. Gallinas	Bey	Woodside	Not known	Ditto	Dutch	11	7	50	-	-	-	St. Eustatius	-	general.
Feb	17 July	4. 0. N. 44. E.	Bom-Jesus das Navil- gostas	J. Ferreira	A. Narceiza	Sumacca	Brazilian	29	1	36	13 July	Lagos	Bahia	Bahia	285	

Captor.	Date.	Place.	NAME OF			Rig.	Colours	Number of			Time of Sailing.	WHERE			Cargo.	REMARKS, &c.
			Vessel.	Master.	Owner.			Men.	Guns.	Tons.		From.	Bound.	Belonging.		
Maidstone	1825. 31 July	Lat. Long. Off R. Andony	"Z"	Den Kere	Derné	Brig	Dutch	28	6	15230	June	Island of St. Thomas, W. Indies.	R. Andony	St. Eustatius	general.	Ostensibly the property of French Merchants, as two sets of Papers, Dutch and French, were afterwards discovered.
Atholl	1 Sept.	Off C. Fomosa	Venus	A. Desbarbes	W. Mitchell	Schooner	-	28	4	8812	July	Ditto	Princes	Ditto	Do	Ditto, belonging to the Owners of the former Vessel, and provided with two sets of Papers also.
Esk, Red-wing & Atholl	9 —	1. 58. N. 4. 0. E.	Uniao	J. Gomez	Vincente de Paula Silva.	-	Brazilian	24	2	1181	Sept.	Lagos	Bahia	Bahia	384	Buried 121 of her Cargo prior to condemnation.
Maidstone	29 —	6. 01. N. 3. 18. E.	Seg. Gallega	-	Dho. Capero	-	Spanish	29	1	9111	hours	-	Havanna	Havanna	292	-
Brazen	4 Oct.	5. 15. N. 10. 30. W.	Clarita	-	Jose Morano	-	-	14	1	55	-	-	Do	Do	35	Tobacco, spirits, &c.
Red-wing	6 —	R. O. Calabar	Teresa	Francisco	Granville	-	-	23	4	120	-	-	St. Jago de Cuba	St. Jago de Cuba	248	Lost in a tornado, 3 days after capture; 192 Slaves, 1 Seaman, 2 Marines and a boy drowned. Crew escaped to the shore.
Do	-	Do	Isabella	Not known	-	Brigantine	-	-	-	135	-	-	Do	Do	273	-
Do	11 —	Off R. Came-rooms	Ana	Manuel	Sierra	-	-	25	4	90	9 Oct.	R. Bimbia	Do	Do	106	Buried 82 prior to condemnation; but 50 of the "Teresa's" Cargo were removed on board by Capt. Clavering's order.
Atholl	13 Nov.	Off Elmina	Aimable Claudine	Picaluga	Picaluga	Schooner	Dutch	22	3	8523	Aug.	Bourdeaux	Trading	St. Eustatius	49 Brandy & rice	-
Brazen	17 —	Off Accra	Ninfa	J. Puig	F. Louveiro	Brigantine	Spanish	46	4	1504	months	Havanna	Trading	Havanna	245	general
Swinger	22 —	Off Occoe	Paqueta	E. Almeida	J. V. Monero	Brig	Brazilian	33	6	24310	Nov.	Whydah	Bahia	Bahia	387	Lost only 1 Slave, and that by accident prior to condemnation.
Atholl	28 —	3. 30. N. 0. 36. E.	Seg. Rosalia	A. J. d'Silva	F. Monero	Brigantine	Do	25	-	11414	-	Lagos	-	-	260	From extraordinary length of passage to Sierra Leone, lost 82 Slaves, and, with the exception of 10, by actual starvation.
Conflict	19 Dec.	R. O. Calabar	Le Jeune Charles	Louis Guiois	M. Proniew	Brig	Dutch	30	4	19727	Oct.	Point à Petre	Guadaloupe	Guadaloupe	266	Ostensibly the property of French Merchants, having French and Dutch Papers.



## RETURN—Continued.

Captor.	Date.	Place.	NAME OF			Rig.	Colours	Number of			Time of Sailing.	WHERE.			Cargo.	REMARKS, &c.
			Vessel.	Master.	Owner.			Men.	Guns.	Tons.		From.	Bound.	Belonging.		
Brazen	1825.	Lat. Princes Island	Malta	-	-	Ship	English	12	2	180	-	-	Liverpool	Liverpool	Palm oil, ivory, wood, &c.	
Do	27 Dec. 1826.	4. 43. N. 3. 45. E. Off Manna	Iberia	Andres	Insua	Schooner	Spanish	38	2	190	24 Dec.	Lagos	Havanna	Havanna	-	
Maidstone	3 Jan.		Hoop	J. Walters	J. Walters	Schooner	Dutch	20	4	101	10 —	St. Eustatius	Trading	St. Eustatius	General	This Vessel, like several of the former ones, would have been provided with 2 sets of Papers, Dutch and French, prior to leaving the Coast with her Slaves. Provided with Dutch and French Papers.
Brazen	28 —	Off Currou	Vogel, or l'Oiseau	-	-	-	-	16	2	70	-	-	-	-	-	-
Red-wing	-	-	Pylades	-	-	-	Spanish	23	3	97	-	-	-	-	-	Recaptured by a Brazilian Privateer.
Esk	4 March	R. Benin	Netuno	J. C. Gomez	J. C. de Pinto	Brigantine	Brazilian	16	2	77	Nov.	Pernambuco	Pernambuco	Pernambuco	92	
Do	-	-	Esperanca	J. B. Lopez	C. G. da Silva	Sloop	-	12	-	46	-	Do	Do	Do	4	
Red-wing	8 —	Off Whydah	Cantabre	Chenum	Chenum	Brig	French	24	4	219	3 Jan.	Flushing	I. St. Thomas	Nantes	-	Retaken by the French Commodore on her passage to Sierra Leone, as French property. Liberated by the Court at Sierra Leone, being detained in South latitude, but the Slaves emancipated. From the great delay in bringing her to trial, and the inefficiency of the Medical Man placed in charge, 87 slaves died, 62 on passage up, and the rest in Sierra Leone River.
Maidstone	18 April	Off Anna Bona	Perpetuo Defensor	Mendonça	J. C. Silva	-	Brazilian	54	11	212	4 April	Badagry	Rio Janeiro	Rio Janeiro	424	This Vessel liberated also, being detained in South latitude, but her Slaves emancipated. Provided with 2 sets of Papers, but not allowed to conduct a cargo of her Cargo.
Atholl	18 —	5. 16. S.	Activo	F. Pinto	J. Oleveiro	-	-	15	-	140	-	Whydah	Pernambuco	Pernambuco	165	
Brazen	15 May	1. 43. N. 6. 22 E.	Fortuna	Gimbert	Gimbert	Schooner	Dutch	19	4	90	-	Bonny	Surinam	-	245	

Captor.	Date.	Place.	NAME OF			Rig.	Colours	Number of			Time of Sailing.	WHERE.			Cargo.	REMARKS, &c.
			Vessel.	Master.	Owner.			Men.	Guns.	Tons.		From.	Bound.	Belonging.		
Maidstone	1826, 20 May	Lat. Long. Off Whydah	Nicanor	J. Legrand	J. Legrand	-	Spanish	20	1	66	20 May	Popoe	Havanna	Havanna	-	Lost only one Slave, and that by accident.
Brazen	June	Off Popoe	Benedict	J. Sabino	J. Oleveira	Ship	Brazilian	32	4	251	-	Bahia	Molembo	Bahia	-	
Maidstone	6 Aug.	3. 22. N. 4. 11. E.	Principe de Guine	Albuquerque	Albuquerque	Brig	-	72	9	280	4 Aug.	Whydah	Bahia	Ditto	-	Taken after a very severe action of 2 hours and 40 minutes; 579 landed at Sierra Leone; 18 drowned and killed during the action; and 12 died on passage up.
Esk	10 -	2. 8. N. 6. 20. E.	Intrepida	Reynaldo	J. Hora	Brigantine	Spanish	32	5	113	27 July	R. Bonny	Havanna	Havanna	233	Buried 57 prior to condemnation.
Brazen	27 Sept.	-	Snelheid, also Intrepid, also Enterprise	-	-	-	Dutch, Spanish, and French	23	5	127	-	-	-	-	-	Furnished with Dutch, French, and Spanish Papers.
Maidstone	17 Oct.	Off Lagos	Heroína	M. A. Netto	J. C. Santos	-	Brazilian	30	3	224	4 July	Bahia	Molembo	Bahia	-	General
Do	6 Dec.	5. 4. N. 4. 42. E.	Paulita	Anto	Ferreiro	Schooner	Spanish	24	1	79	2 Dec.	R. Benin	Havanna	Havanna	221	Buried 18 prior to condemnation.
Esk	21 -	R. Camarpoons	Invicivel	J. Ac Guamaras	-	Ship	Brazilian	30	5	163	-	-	Rio Janeiro	Rio Janeiro	440	Was twice struck by lightning on her passage to Sierra Leone; buried 178 Slaves prior to arrival there, 5 of whom were killed by the lightning. Ostensibly French property.
Do	1827, 9 Jan.	Off Prince's 2. 20. N. 6. 0. E.	Lynx	Terrasse	Terrasse	Brig	Dutch	18	2	112	6 Jan.	River the 1st	Martinique	St. Eustatius	264	
North Star	4 -	Off Whydah	Eclipse	Fereira	Remental	Schooner	Brazilian	26	1	120	6 Sept.	Bahia	Bahia	Bahia	-	
Do	31 -	R. Bonny	Emilia	M. Prende	-	-	Spanish	18	1	90	-	-	Havanna	Havanna	282	
Esk	6 Feb.	2. 50. N. 6. 20. E.	Venus	J. Presa	Albuquerque	-	Brazilian	17	-	133	29 Jan.	Ajudo	Bahia	Bahia	190	
North Star	7 -	R. O. Calabar	Fama de Cuba	J. Migull	-	-	Spanish	12	-	33	-	-	Havanna	Havanna	100	
Esk	8 -	Off Prince's Isl. 1. 12. N. 8. 20. E.	Dous Amigos	J. Isoquim Ladistas	V. P. de Silva	Brigantine	Brazilian	24	-	136	1 Feb.	Whydah	Bahia	Bahia	317	
Conflict	28 -	Off Accra	Independencia	Pereim	J. C. Lima	Schooner	-	25	3	201	27 Aug.	Bahia	Molembo	-	-	General
North Star	4 March	Off Whydah	Conceicao de Maria	J. de Fuza	Ferrare	Brig	-	20	-	111	4 hours	Whydah	Bahia	Bahia	232	Same as "Trajano" and others.

## RETURN—Continued.

Captor.	Date.	Place.	NAME OF			Rig.	Colours	Number of			Time of Sailing.	WHERE.			Cargo.	REMARKS, &c.
			Vessel.	Master.	Owner.			Men.	Guns.	Tons.		From.	Bound.	Belonging.		
North Star	12 March 1827.	Lat. Long. R. O. Calabar	Silveirinha	Ferreira	Ben Jose da Costa	-	-	20	4	82	12 hours	O. Calabar	Pernam-buco	Pernam-buco	-	Buried 47 Slaves prior to condemnation.
Maidstone	13 -	Off Whydah	Trajano	J. A. de Silva Rios	J. A. da Cruz Rios	Brig	-	28	-	208	27 Nov.	Bahia	Molemo	Bahia	General	Detained for trafficking in Slaves to the Northward of the Line, and being furnished with Passports permitting them to call at the Coast of Guinea, and Islands of St. Thomas and Princes.
Do	14 -	Off Badagry	Venturoso	J. P. de Susa	Albuquerque	-	-	31	2	203	11 -	-	-	-	-	
Do	-	-	Carlota	F. da Costa	J. C. Lima	Schooner	-	27	4	176	19 Dec.	-	-	-	-	
Do	-	Off Ajudo	Tentadora	Jun das Stas Lopez	A. D. Passo	-	-	24	2	207	11 Nov.	-	-	-	-	
-	16 -	Off Lagos	Providencia	J. P. da Suzu	J. P. Oliveira	Brigantine	-	18	-	147	16 Jan.	-	-	-	-	
Do	22 -	Off R. Benin	Conceicao Paquete do Rio	J. Arungo	Almeida	Sloop	-	18	2	77	28 -	Pernam-buco	-	Pernam-buco	-	Buried 21 prior to condemnation.
Conflict	3 April	Off Aguay	Bahia	Carvalho	J. C. Lima	Brig	-	38	6	217	Feb.	Bahia	-	Bahia	-	
Maidstone	11 -	Off Fernando Po	Creola	Gumares	Albuquerque	Brigantine	-	22	2	89	8 April	O. Calabar	-	-	-	
North Star	17 -	Off Cape S. Leone	Tres Amigos	-	-	Schooner	-	13	1	87	16 -	S. Leone	-	-	3	Same as "Trajano" and others.
Clinker	June	-	Unknown	-	-	Brig	-	32	2	142	-	-	-	-	General	

## Making a Total of Slaves and Shipping captured.

	Slaves Emancipated.		Men.	Guns.	Tons.
In 1824	1,613	8	166	8	1904
1825	3,649	46	457	46	2,312
1826	8,589	63	402	63	2,964
1827	1,963	32	481	32	2,579
Grand Total	10,214	149	1,506	149	6,559

(B.)—*Instructions to Naval Officers.*—1826, 1828.

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2.	John Barrow, Esq. to Commodore Bullen... Admiralty Office,	July 1	1060
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4.	Instructions to Vice-Admiral Fleeming..... Admiralty Office,	Jan. 29	1061
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6.	Instructions to Commodore Collier..... Admiralty Office,	April 9	1063
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9.	John Barrow, Esq. to Commodore Collier... Admiralty Office,	Sept. 8	1064
10.	John Barrow, Esq. to Lieut. Medley, &c.... Admiralty Office,	Oct. 18	1065
11.	J. W. Croker, Esq. to Commodore Collier.... Admiralty Office,	Nov. 3	1065
12.	Instructions to Commodore Skipsey, as Senior Officer of H. M. Ships on the Cape of Good Hope Station ..... Admiralty Office,	Dec. 19	1065
		1828	
13.	John Barrow, Esq. to Commodore Collier.... Admiralty Office,	Mar. 24	1066
14.	Letter issued to the Commanders of all such of H. M. Ships and Vessels as have been ordered, from the 17th of March, 1826, to the 13th March, 1828, to proceed to either of the following Stations; viz. West Indies, South America, Cape of Good Hope, and East Indies .....		1067

*No. 1.—John Barrow, Esq. to Captain Arabin, of H. M. S. North Star.*  
SIR, *Admiralty Office, 19th June, 1826.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for your information and guidance, a Copy of an Act, 5 Geo. IV. c. 113, intituled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade;" and with reference to the Treaties which have been entered into with Spain, Portugal, and The Netherlands, for the prevention of an illicit Traffick in Slaves, and of which Copies are contained in the said Act, I am also to enclose to you 3 Instructions, signed by their Lordships, authorizing you, in conformity with the Treaties, to search Vessels bearing those Flags; in doing which, as well as in the whole of your conduct towards such Vessels, you are to be strictly governed by the said Treaties, and the Instructions attached to them.

I am, &c.

*Captain Arabin.*

JOHN BARROW.

N.B.—Similar Letters were addressed on the 17th of July, 1826, to Captain Elliott of His Majesty's Ship, *Lively*; on the 29th of Novem-



ber, 1826, to Commander Hallowell, of His Majesty's Sloop, *Cadmus*; and, on the 29th of December, 1826, to Lieutenant Matson, commanding His Majesty's Gun Brig, *Clinker*.

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No. 2.—*John Barrow, Esq. to Commodore Bullen, commanding His Majesty's Ships and Vessels on the Coast of Africa.*

SIR, *Admiralty Office, 1st July, 1826.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for your information, Copies of 2 Letters from His Majesty's Commissioners at The Havanna, respecting the departure of 3 Spanish Vessels, the *Minerva*, *Dolorita*, and *Jacinta*, from Cuba for the Coast of Africa.

I am, &c.

*Commodore Bullen, C.B.*

JOHN BARROW.

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(*Enclosure 1.*)—*His Majesty's Commissioners at The Havanna to Mr. Secretary Canning.—Havanna, 16th April, 1826.*

[See State Papers, Vol. 1826, 1827.—Page 169.]

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(*Enclosure 2.*)—*His Majesty's Commissioners at The Havanna to Mr. Secretary Canning.—Havanna, 30th April, 1826.*

[See State Papers, Vol. 1826, 1827.—Page 169.]

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No. 3.—*John Barrow, Esq. to Commodore Bullen, commanding His Majesty's Ships and Vessels on the Coast of Africa.*

SIR, *Admiralty Office, 5th September, 1826.*

I AM commanded by my Lords Commissioners of the Admiralty, to transmit to you, for your information, a Copy of a Letter from Lord Howard de Walden, with Copies of the 2 Letters therein referred to from His Majesty's Consul-General at the Cape de Verd Islands, respecting the prevalence of the Slave Trade in that quarter.

I am, &c.

*Commodore Bullen.*

JOHN BARROW.

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(*Enclosure 1.*)—*Lord Howard de Walden to J. W. Croker, Esq.*  
SIR, *Foreign Office, 31st August, 1826.*

I AM directed by Mr. Secretary Canning to send to you the accompanying Copies of Letters from Mr. Clarke, His Majesty's Consul-General at the Cape de Verds, containing Statements respecting the prevalence of the Slave Trade in those Islands; and I am to request that you will be pleased to lay the same before the Lords Commissioners of the Admiralty, for their Lordships information.

I am, &c.

*The Secretary to the Admiralty.*

HOWARD DE WALDEN.

(Enclosure 2.)—*Mr. Consul-General Clarke to John Bidwell, Esq.  
St. Jago, 20th June, 1826.*

[See State Papers, Vol. 1826, 1827.—Page 310.]

(Enclosure 3.)—*Mr. Consul-General Clarke to John Bidwell, Esq.  
St. Jago, 28th June, 1826.*

[See State Papers, Vol. 1826, 1827.—Page 311.]

*No. 4.—Instructions issued by the Lords Commissioners of the Admiralty, to Vice-Adm. the Hon. C. E. Fleeming, as Commander-in-Chief of H. M. Ships and Vessels on the West India Station.*

(Extract.)

29th January, 1827.

WE transmit to you herewith, for your information and guidance, a Copy of the Act, 5 Geo. IV. c. 113, intituled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," and Copies of Instructions, which, in conformity with the Treaties between this Country and the Kings of Spain, Portugal, and The Netherlands (of which Copies are contained in the above Act,) are issued under our signatures to the Commanders of His Majesty's Ships and Vessels on the West India and certain other Stations, to authorize them to search Vessels bearing the Flags of the three before-mentioned Nations. You will take care that the said Act, Treaties, and Instructions, be strictly adhered to by the Commanders of the Ships and Vessels under your orders; and you will observe that Vessels of the said Nations, which may be detained for illicit traffick-ing in Slaves, are to be sent for Adjudication to the following Places, as may be most convenient, according to the situation in which the detention may take place, viz.

Vessels of *any of the three Nations*, to Sierra Leone; or *Spanish Vessels* to The Havannah, and *Dutch Vessels* to Surinam; Courts having been established at these places for the trial of offences of the above description, committed by Vessels of those Nations respectively, as above detailed.

Vessels under English Colours may be sent to or tried at either of the Places above enumerated, and of course at any British Port, where proper Courts of Judicature exist, as explained in the before-mentioned Act of Parliament.

With respect to the Dutch Vessels, we have further to observe to you, that the number of His Majesty's Ships which may be authorized to search those Vessels being limited by the Treaty, Instructions to search Dutch Vessels have only been issued to 4 of the Squadron under your command; and you are therefore to take care that when-ever any Ship or Vessel furnished therewith shall be about to leave

the Station, the Dutch Instructions be transferred to another Vessel, the name of which is to be reported at the time to our Secretary.

*Vice Adm. the Hon. C. E. Fleeming.*

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No. 5.—*John Barrow, Esq. to Commodore Bullen, commanding His Majesty's Ships and Vessels on the Coast of Africa.*

SIR, *Admiralty Office, 15th February, 1827.*

I AM commanded by my Lords Commissioners of the Admiralty, to transmit to you a Copy of a Letter from Governor Sir Neil Campbell to Earl Bathurst, relative to the utility of stationing a Vessel of War between the *Gambia* and the *Gallinas*, with a view to the suppression of the Slave Trade, which may be carried on from that part of the Coast.

I am, &c.

*Commodore Bullen, C. B.*

JOHN BARROW.

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(*Enclosure.*)—*Governor Sir Neil Campbell to Earl Bathurst.*

MY LORD, *Head Quarters, Cape Coast Castle, 27th Oct. 1826.*

I HAVE the honour to submit to your Lordship the Copy of a Report, received this day, which I considered it my duty to send to Commodore Bullen, in order to draw his notice to the *Sherbro'* and *Gallinas*; for although the number of Slaves exported from that part of Africa bears but a very small proportion to those who are exported from Benin and Biafra, it is, I presume, of great importance that, in the immediate vicinity of Sierra Leone, the traffick of Slaves should be entirely put an end to, and that part of the Coast of Africa never without one Ship of the Squadron between the *Gallinas* and the *Gambia*. The casual appearance of a Ship of War in her passage from the Bight of Benin to Sierra Leone with a prize, or when sent for stores to that Place, often without even seeing the *Sherbro'*, has a very different effect from the "special appropriation" of *one Ship at all times*, and has only the effect of encouraging the preference to that part of Africa, which has the advantage of a much shorter Voyage, at any rate.

I trust that your Lordship will not consider these remarks arise from any desire to interfere with another branch of service totally distinct from my own; and it would be very unjust towards Commodore Bullen not to acknowledge that he has shown the utmost zeal to assist my wishes; but I presume to think that your Lordship will consider it essentially necessary that one Ship of the Squadron should at all times be stationed between the *Gallinas* and the *Gambia*, until relieved by another; and that the views of His Majesty's Government, with respect to that Colony, are promoted in a much greater degree, by totally extinguishing the Slave Trade in that part of Africa, than by taking an additional Slaver or two in the Bight of Benin. The triumphant acts of Piracy which have been perpetrated on that part of

the Coast by the Slavers, have served to encourage the Traffickers, and are very injurious to the Colony. I have, &c.

*The Rt. Hon. Earl Bathurst, K.G.*

NEIL CAMPBELL.

*No. 6.—Instructions issued by the Lords Commissioners of the Admiralty, to Commodore Collier, as Senior Officer of His Majesty's Ships on the African Station.*

(Extracts.)

9th April, 1827.

You are then so to employ the Force placed under your command as you may deem best, to afford every necessary countenance and assistance to the British Settlements, and protection to the British Commerce, and to prevent to the utmost of your power any illicit Traffick in Slaves by His Majesty's Subjects, or by the Subjects of the Kings of Spain, Portugal, and The Netherlands, with whom Treaties, as hereinafter mentioned, have been concluded by this Country, respecting that Traffick.

We herewith transmit to you a Copy of the Act, 5 Geo. IV, c. 113, intituled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," by which you are to be governed, with regard to such British Subjects as you may discover to be engaged in the said Traffick, and to use every means in your power to carry into full effect the said Act.

With regard to Vessels belonging to the Subjects of the Kings of Spain, Portugal, and the Netherlands, we refer you to the Treaties or Conventions concluded with those Sovereigns, and the other Documents relating thereto, of which Copies are contained in the Act before-mentioned; and we herewith inclose Instructions, signed by us, authorizing you, in conformity with the Treaties, to search Vessels bearing the Flags of the said Nations respectively.

You are to be strictly governed by these Documents in your conduct towards the Vessels in question; and you will take care that the Commanders of the Vessels under your orders also strictly attend to the same.

You will observe in the Treaty with Spain, that the period for which that Nation reserved to herself the right of trading in Slaves to the south of the Equator, is expired; and, consequently, *all* Spanish Ships which shall be found trafficking in Slaves in any part of the Coasts of Africa, whether North or South of the Equator, will be liable to be dealt with for condemnation, as directed by the said Treaty.

And you are to understand, that any Ships of the Three before-mentioned Nations which may be captured for illicit trafficking in Slaves, are to be sent for Adjudication to the following Places, as may be most convenient, according to the situation in which the capture may be made, viz. Ships of any of the three Nations, to Sierra Leone,



or *Spanish Ships* to The Havannah,—*Dutch Ships* to Surinam; Courts having been established at these Places for the trial of offences of the above description, committed by Vessels of those Nations respectively, as above detailed.

Vessels under English Colours may be sent to and tried at either of the Places enumerated.

*Commodore Collier, C. B.*

No. 7.—*John Barrow, Esq. to Commodore Christian, commanding His Majesty's Ships and Vessels on the Cape of Good Hope Station.*  
*Admiralty Office, 5th July, 1827.*  
 SIR,

I AM commanded by His Royal Highness the Lord High Admiral to transmit to you Copies of a Note and its Enclosure, addressed by the Portuguese Secretary of State to His Majesty's Ambassador at Lisbon, on the subject of the abuses stated to exist in regard to the Slave Trade on the Mozambique Coast. I am, &c.

*Commodore Christian.*

JOHN BARROW.

(Enclosure.)—*Don Francisco d'Almeida to Sir William a Court. Alfarrobeira, 29th May, 1827.—(See Page 385.)*

No. 8.—*J. W. Croker, Esq. to Commodore Christian, commanding His Majesty's Ships and Vessels on the Cape of Good Hope Station.*  
*Admiralty Office, 22nd August, 1827.*  
 (Extract.)

I AM to acquaint you that the *Espoir* is sent out for the special purpose of repressing the Slave Trade, and enabling you to keep one small Vessel always on that Station, (the Mauritius;) whose Commander should have directions to attend to the suggestions of the Governor of the Mauritius in the execution of this service.

*Commodore Christian.*

J. W. CROKER.

No. 9.—*John Barrow, Esq. to Commodore Collier, commanding His Majesty's Ships and Vessels on the Coast of Africa.*  
*Admiralty Office, 8th September, 1827.*  
 SIR,

I AM commanded by His Royal Highness the Lord High Admiral to transmit to you a Copy of a Letter from His Majesty's Consul at Bahia, with a List of Vessels which have arrived from, or sailed for, the Coast of Africa, between the 1st of April, and 9th of June last.

I am, &c.

*Commodore Collier, C. B.*

JOHN BARROW.

(Enclosure.)—*Mr. Consul Pennell to Mr. Secretary Canning. Bahia, 9th June, 1827.—(See Page 421.)*

No. 10.—*John Barrow, Esq. to Lieut. Medley, commanding His Majesty's Gun-Brig Plumper.*

SIR, *Admiralty Office, 18th October, 1827.*

I AM commanded by his Royal Highness the Lord High Admiral to transmit to you, for your information and guidance, a Copy of an Act, 5 Geo. IV. c. 113, intituled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade;" and with reference to the Treaties which have been entered into with Spain, Portugal, and The Netherlands, for the prevention of an illicit traffick in Slaves, and of which Copies are contained in the said Act; I am also to enclose to you 3 Instructions, signed by His Royal Highness, authorizing you, in conformity with the Treaties, to search Vessels bearing those Flags; in doing which, as well as in the whole of your conduct towards such Vessels, you are to be strictly governed by the said Treaties, and the Instructions attached to them. I am, &c.

*Lieut. Medley.*

JOHN BARROW.

N. B.—A similar Letter was addressed, on the 29th of October, 1827, to Commander Griffinhoofe, of His Majesty's Sloop *Primrose*.

No. 11.—*J. W. Croker, Esq. to Commodore Collier, commanding His Majesty's Ships and Vessels on the Coast of Africa.*

SIR, *Admiralty Office, 3d November, 1827.*

HAVING laid before His Royal Highness the Lord High Admiral a Letter from the Under Secretary of State for Foreign Affairs, transmitting Copies of a Despatch, and its Enclosures, from His Majesty's Commissioners at Sierra Leone, respecting the expediency of imposing some restriction upon the eventual sale, by British Naval Officers, of condemned Slave Vessels employed as Tenders by His Majesty's Ships on the African Station, in order to prevent their falling into the hands of Persons by whom they may again be used in the illegal traffick in Slaves; I am commanded by His Royal Highness to signify his direction to you, to recommend to the Officers under your Orders not to purchase Vessels of the description alluded to as Tenders; but if they do so, it is to be under a clear understanding that they are not to sell them again unless it be into the King's Service, and not to Individuals in Africa or America. I am, &c.

*Commodore Collier, C. B.*

J. W. CROKER.

No. 12.—*Instructions issued by His Royal Highness the Lord High Admiral, to Commodore Skipsey, as Senior Officer of His Majesty's Ships on the Cape of Good Hope Station.*

(Extract.)

*19th December, 1827.*

You are to appropriate, at least, one of the Squadron under your Orders for the duties of the Isle of France; and you will direct the

Officer commanding the Ship or Ships stationed at the said Island to attend to the suggestions of the Governor for the prevention of any Traffick in Slaves.

For the more effectual performance of this service, you are to observe, that in addition to the signed Instructions which that Officer will have received, in common with the other Ships on the Station, respecting Spanish and Portuguese Ships trading in Slaves, he is also to be furnished with the signed Instruction relative to Vessels engaged, in such trade under the *Dutch* Flag, which, under the limitation of the number of His Majesty's Ships which may be furnished with such Instructions, has been issued to the Squadron on the Cape Station; and that upon any change of the Ship assigned to the service of the Isle of France, this Instruction is to be successively transferred to the Commander of the Ship arriving to replace the former, with an alteration of the address of the Instruction.

You will observe, and signify the same to the Captains and Commanders under your Orders, that Vessels of the Three Nations above mentioned, captured for illicit trafficking in Slaves, are to be sent for Adjudication to the following Places, at which Courts have respectively been established for the trial of offences of that description; viz. Ships of *any of the three Nations*, to Sierra Leone; or *Spanish* Ships to The Havannah; and *Dutch* Ships to Surinam.  
*Commodore Skipsey.*

No. 13.—*John Barrow, Esq. to Commodore Collier, commanding His Majesty's Ships and Vessels on the Coast of Africa.*

SIR, *Admiralty Office, 24th March, 1828.*

WITH reference to my Letter to you of the 26th of last month, No. 9, respecting the employment of a Lieutenant in the command of the Vessel called the *Black Joke*, attached as a Tender to the Ship you command; I am commanded by His Royal Highness the Lord High Admiral, to transmit to you a Copy of the Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade; with 3 signed Instructions authorizing the search of Slave Vessels under the *Spanish, Portuguese, and Dutch* Flags; and printed Copies of the 2 Letters which are usually addressed to the Commanders of His Majesty's Ships to whom those Instructions are issued; and I am to signify His Royal Highness's direction to you, to take care that every Officer successively placed in the command of the above Tender, be regularly furnished with the said Documents, and directed to attend strictly to them in all his proceedings relative to Slave Vessels. I am, &c.

*Commodore Collier, C. B.*

JOHN BARROW.

**No. 14.**—*Letter issued to the Commanders of all such of His Majesty's Ships and Vessels as have been ordered, from the 17th of March, 1826, to the 13th of March, 1828, to proceed to either of the following Stations; viz. West Indies, South America, Cape of Good Hope, and East Indies.*

SIR,

Admiralty Office, 182 .

I AM commanded by His Royal Highness the Lord High Admiral (or, my Lords Commissioners of the Admiralty,) to transmit to you, for your information and guidance, a Copy of an Act, 5 Geo. IV. c.113, intituled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade;" and, with reference to the Treaties which have been entered into with Spain and Portugal for the prevention of an illicit traffick in Slaves, and of which Copies are contained in the said Act, I am also to inclose to you 2 Instructions signed by His Royal Highness, (or, by their Lordships), authorizing you, in conformity with the Treaties, to search Vessels bearing those Flags; in doing which, as well as in the whole of your conduct towards such Vessels, you are to be strictly governed by the said Treaties and the Instructions attached to them.

The foregoing Letter, with the Documents therein referred to, have been issued between the 17th of March, 1826, and the 13th of March, 1828, to the Commanders of the following Ships and Vessels of His Majesty.

<i>Aurora,</i>	<i>Barham,</i>	<i>Victor,</i>
<i>Espiegle,</i>	<i>Thetis,</i>	<i>Alert,</i>
<i>Success,</i>	<i>Menai,</i>	<i>Satellite,</i>
<i>Java,</i>	<i>Cadmus,</i>	<i>Maidstone,</i>
<i>Ganges,</i>	<i>Fairy,</i>	<i>Grasshopper,</i>
<i>Heron,</i>	<i>Slaney,</i>	<i>Mersey,</i>
<i>Forte,</i>	<i>Espoir,</i>	<i>Sapphire.</i>
<i>Arachne,</i>	<i>Tweed,</i>	

**PROCLAMATION** adressée aux Grecs par le Président de la troisième Assemblée Nationale, en terminant ses travaux.—*Trézène (Damala), le 17 Mai, 1827.*

LA 3me Assemblée Nationale de la Grèce a terminé ses travaux. Elle se dissout aujourd'hui, et les Représentans de la Nation retournent dans leurs foyers rendre compte à leurs Concitoyens de leur conduite et de leurs délibérations. Grecs! l'Assemblée Nationale a modifié la Loi d'Epidaure, c'est-à-dire la Constitution Provisoire de la Grèce; elle l'a perfectionnée, appropriée à la raison du Peuple qu'elle



doit régir, et rendue ainsi plus efficace à assurer le bonheur de notre Pays par sa stricte exécution. Notre nouvel Acte a pris le nom de *Constitution Politique de la Grèce*. Il assure et garantit vos droits. L'autorité rentre dans 3 pouvoirs, le Sénat, le Président et les Cours de Justice. Vos Sénateurs, déjà chargés de vos pouvoirs, forment le nouveau Sénat, et doivent approprier aux besoins de la Nation les Lois Françaises, autant qu'elles pourront s'appliquer aux circonstances où nous nous trouvons. Ce Corps doit aussi, dans ses premières séances, organiser les Tribunaux : la Commission Provisoire remplira strictement ses devoirs jusqu'à l'arrivée du Président.

Napoli de Romanie devient le siège du Gouvernement. Le Sénat et la Commission de Régence s'y réuniront pour vaquer à leurs travaux. Le Président a été invité à diverses reprises à se rendre parmi nous. Il a été autorisé, par un précédent Décret, à contracter un emprunt de 5,000,000 de piastres ; une partie de cette Somme doit servir les intérêts des deux premiers emprunts. Déjà la Grèce peut s'estimer heureuse, appuyée avec confiance sur son Président, son Grand Amiral et son Généralissime. Leur mérite doit être une source de biens pour notre Patrie. L'Assemblée Nationale a décrété qu'il serait formé une Flotte Nationale, et que l'Armée serait organisée en force active régulière, en troupes servant d'une manière éventuelle, et en milices de villes. De cette manière, le Pays concentrera toutes ses forces vers un même but. Mais, ni les bonnes Lois, ni la forme du Gouvernement, ni la formation des Tribunaux, ni l'organisation de la Flotte, ni celle de l'Armée, ni la coopération de 3 hommes aussi distingués que Lord Cochrane, le Comte Capo-d'Istrias et le Général Church, ne suffissent pour nous délivrer du péril qui nous presse : ce qu'il nous faut avant tout, c'est l'union, c'est l'amour de tous pour la Patrie, c'est un échange mutuel d'efforts pour atteindre le but proposé. Grecs ! l'expérience nous a prouvé que nous savons vaincre. Des milliers de Musulmans ont disparu du sol sacré de la Patrie. Nous pouvons en anéantir des milliers d'autres, si nous savons nous aimer, et n'avoir tous qu'une volonté, le salut de la Patrie. Concitoyens ! le bien de tous aujourd'hui, c'est de délivrer le Pays. Pour l'obtenir, cette délivrance, nous devons tous combattre, Hommes, Femmes, Enfants, Vieillards : tous nous devons voler aux armes. Oui, les Femmes elles-mêmes nous suivront au combat ; les corps de leurs Maris leur serviront de rempart. Avec ce dévouement, la victoire est sûre. Grecs ! les armes à la main, nous avons secoué le plus honteux des jougs ; les armes à la main nous défendrons notre vie et notre liberté. Tous nous les saisissons ces armes ; tous nous sacrifions nos jours pour notre foi, pour notre Patrie ; tous nous saurons mourir avec honneur, car nous ne voulons pas vivre avec honte ! Et n'est-ce pas vivre avec honte, si nous ne donnons pas mutuellement l'adieu du départ, si nous ne portons pas cette consolation au milieu du Camp ennemi ?

Grecs ! celui qui est condamné à mort épargne en vain sa vie. Eh bien ! nous le sommes tous, et notre bourreau ne remettra le glaive dans le fourreau que le jour où il nous aura tous exterminés. Où fuir ! où trouver un asile ? Il n'y en a plus qu'un : il est dans notre épée et dans notre détermination de vivre libres ou de mourir. Notre place sera belle dans l'histoire. Déjà vainqueurs des Tyrans, de Churschid de Dramali, nous finirons aussi par triompher d'Ibrahim et du Kintaki. Nous les avons déjà vaincus par notre courage ; unissons-nous pour fondre sur eux, soyons *frères d'armes* sur le champ de bataille, et nous aurons bientôt anéanti nos Ennemis. Il en tombera des milliers sous nos coups, pourvu que nous voulions rester unis, nous aimer mutuellement, nous soumettre aux saintes Lois de la Religion et aux Ordres du Gouvernement établi.

Grecs ! ce Gouvernement, soutenu du Grand Amiral et du Généralissime, accomplira tous ses devoirs ; le dévouement des Philhellènes de l'Europe ne cesse pas de concourir au succès de notre cause. Quand nous aurons triomphé des tempêtes, alors nous rentrerons dans le repos. Jusque là, prouvons notre reconnaissance pour les généreux efforts des Etrangers, en faisant un noble usage de leur secours, en nous conduisant comme un Peuple libre et digne de ce nom. Grecs ! les Puissances de l'Europe plaident aujourd'hui pour notre affranchissement. Leurs Ambassadeurs, animés d'un esprit de justice, s'efforcent de faire comprendre à notre Oppresseur que notre sol ne lui appartient pas, que ceux qui l'habitent ne sont pas *sa propriété*, mais des Etres intelligens, faits à l'image de Dieu..... Pendant qu'on négocie, nous, il ne nous reste qu'un devoir, c'est de combattre.

Pendant que la chrétienté défend nos droits, nous devons donc aussi, par amour de l'humanité, faire des vœux pour la Paix, mais en même temps assurer notre Indépendance par notre valeur, afin de ne pas devenir les honteuses victimes de la barbare vengeance d'un Sultan !

Trézène (Damala), le 5—17 Mai, 1827.

GEORY SISSINI, *Président*.

N. SPILIADI, *Secrétaire*.

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## CONSTITUTION POLITIQUE DE LA GRECE.

Trézène, Mai, 1827.

Au nom de la Sainte et Indivisible Trinité.

La Nation Grecque, rassemblée déjà pour la 3ème fois en Assemblée Nationale, proclame par ses Mandataires légitimes, devant Dieu et les Hommes, son existence Politique et son Indépendance, et établit les principes fondamentaux qui suivent pour lui servir de Constitution.

### CHAP. I<sup>er</sup>.—*De la Religion*.

ART. I<sup>er</sup>. En Grèce, chacun professe librement sa Religion, et

obtient pour son culte la même protection ; mais la Religion Orthodoxe de l'Eglise Grecque est la Religion de l'Etat.

CHAP. II.—*De l'Etat de la Grèce.*

II. La Grèce est une et indivisible.

III. Elle se compose d'Eparchies (Provinces).

IV. Sont réputées Eparchies de la Grèce toutes celles qui ont pris et prendraient les armes contre le Gouvernement despotique des Ottomans.

CHAP. III.—*Droit public des Hellènes.*

V. La Puissance Souveraine réside dans la Nation ; tout pouvoir émane d'elle et il n'existe que pour elle.

VI. Sont Hellènes : 1° Tous les indigènes qui croient en Jésus-Christ ; 2° ceux qui, oppressés sous le joug Ottoman et croyant en Jésus-Christ, sont venus et viendront dans l'Etat de la Grèce pour y prendre les armes ou pour y habiter ; 3° ceux qui sont nés dans des Etats Etrangers d'un père Hellène ; 4° ceux indigènes ou non, et leurs Descendants naturalisés avant la publication de la présente Constitution, et nés dans des Etats Etrangers, qui viendront en Grèce et prêteront serment ; 5° ceux des Etrangers qui viendront en Grèce et seront naturalisés.

VII. Tous les Hellènes sont égaux devant les Lois.

VIII. Tous les Hellènes sont reçus, chacun suivant ses talents personnels, dans tous les Emplois Publics, soit Politiques, soit Militaires.

IX. Ceux des Etrangers qui viendront habiter pour toujours ou à temps dans la Grèce, sont égaux aux Hellènes devant la Loi Civile.

X. Les Contributions seront distribuées entre tous les Habitans de l'Etat avec justice, et dans la proportion de la fortune de chacun ; mais aucune Contribution ne peut être établie sans une Loi promulguée, et aucune Loi sur les Contributions ne peut être publiée que pour une seule Année.

XI. La Loi garantit la liberté personnelle de chacun ; personne ne peut être arrêté ou emprisonné que d'après la forme de la Loi.

XII. La vie, l'honneur et les biens de tous ceux qui se trouvent dans l'intérieur de l'Etat sont sous la protection des Lois.

XIII. Aucun Ordre de recherche ou d'arrestation de Personnes ou Propriétés ne peut être rendu sans être fondé sur des preuves suffisantes, et sans désigner le lieu de la recherche, les Personnes et les choses qui doivent être arrêtées.

XIV. Dans tous les Procès en Justice, chacun a le droit de demander la cause et la nature de l'accusation portée contre lui, de répondre à ses Accusateurs et leurs Témoins, de présenter des Témoins pour sa

défense, de prendre des conseils et de requérir la prompte décision du Tribunal.

XV. Personne ne peut être réputé coupable avant sa condamnation.

XVI. Personne ne peut être jugé deux fois pour le même crime, ni condamné et privé provisoirement de ses biens sans un Procès préalable. Un jugement rendu définitivement ne peut plus être sujet à appel.

XVII. Le Gouvernement peut exiger l'abandon d'une propriété particulière pour cause d'utilité publique suffisamment démontrée, mais après une indemnité préalable.

XVIII. La torture et la confiscation sont abolies.

XIX. La Loi ne peut être rétroactive.

XX. Les Hellènes ont le droit de former des Etablissements de toute nature, de science, de philanthropie, d'industrie, et de métiers, et de choisir des Professeurs pour leur instruction.

XXI. Dans la Grèce, il n'est pas permis d'acheter ni de vendre un Homme ; tout Esclave de toute Nation et de toute Religion, dès qu'il mettra le pied sur le sol Grec, sera libre, et son Maître ne pourra plus le poursuivre.

XXII. Personne ne peut décliner son Juge compétent, ni être empêché d'y avoir recours.

XXIII. Personne ne peut être détenu en prison plus de 24 heures, sans que la cause de son arrestation lui soit signifiée, ni plus de 3 jours sans que le Procès contre lui soit commencé.

XXIV. Le Clergé, suivant les règles de notre Eglise sacrée, ne peut avoir part à aucun Emploi public ; les Presbytères (Prêtres mariés) seulement ont le droit d'élection.

XXV. Chacun peut s'adresser par écrit au Sénat, en proposant son opinion sur tout objet public.

XXVI. Les Hellènes ont le droit d'écrire et de publier librement par la Presse, ou autrement, leurs pensées et opinions, sans être soumis à aucune censure, mais en évitant toujours de franchir les restrictions suivantes :

1. De ne pas attaquer les principes de la Religion Chrétienne.
2. De ne pas franchir les bornes de la pudeur.
3. D'éviter toute insulte et calomnie personnelle.

XXVII. Le Gouvernement Grec ne donne aucun titre de Noblesse, et aucun des Hellènes ne peut, sans le consentement du Gouverneur, recevoir un service, don, récompense, emploi ou titre, de quelque espèce qu'il soit, d'aucun Monarque, Prince, ou d'aucun Etat Etranger.

XXVIII. Les épithètes *Illustre*, *Excellent*, etc. ne seront plus données à aucun des Hellènes qui habitent l'intérieur de l'Etat ; le Président seulement portera le nom d'*Excellence*, qui cessera avec sa fonction.



XXIX. Aucun Grec indigène ou naturalisé qui habite la Grèce et jouit des droits de Citoyen, ne peut avoir recours à la protection d'une Puissance Etrangère ; dans le cas contraire, il cesse d'être Citoyen Grec.

#### CHAP. IV.—*De la Naturalisation.*

XXX. Le Gouvernement naturalisera ceux des Etrangers qui apporteront des Certificats des Fonctionnaires Grecs, attestant :

1. Qu'ils ont passé dans l'intérieur de l'Etat 3 Ans entiers.
2. Que dans cette intervalle ils n'ont été frappés d'aucune condamnation infamante.
3. Qu'ils ont acquis dans l'Etat des biens immeubles d'une valeur au moins de 100 talaris (piastres fortes d'Espagne.)

XXXI. Les grandes actions et les services notoires dans les besoins de la Patrie sont des droits suffisans à la naturalisation.

XXXII. Le Gouvernement a aussi le droit de naturaliser ceux des Etrangers qui auraient fondé en Grèce des Etablissements remarquables qui tendent aux progrès des sciences, des arts, du commerce, et de l'industrie. Il peut encore abrèger le temps requis pour la naturalisation.

XXXIII. Celui des Etrangers qui a servi ou servira la Grèce comme Militaire pendant 2 Ans, et qui aura les Certificats nécessaires de Service, est par cela seul déclaré Citoyen Hellène.

XXXIV. L'homme naturalisé jouit immédiatement de tous ses droits de Citoyen ; mais le droit de la Représentation sera réglé dans la Loi de l'Election que le Sénat publiera.

XXXV. L'homme naturalisé prêtera le Serment Grec.

#### CHAP. V.—*De l'Organisation du Gouvernement Grec.*

XXXVI. La Souveraine Puissance de la Nation se devise en 3 Pouvoirs : le Pouvoir Législatif, le Pouvoir Exécutif, et le Pouvoir Judiciaire.

XXXVII. Le Pouvoir Législatif fait les Lois.

XXXVIII. Le Pouvoir Exécutif les sanctionne, suivant l'Article LXXIV, et les met à exécution.

XXXIX. Le Pouvoir Judiciaire les applique.

XL. Le Pouvoir Législatif appartient en particulier au Corps des Représentans du Peuple, qui prend le nom de Sénat.

XLI. Le Pouvoir Exécutif appartient à un seul, qui prend le nom de Président, et qui a sous ses Ordres différens Secrétaires.

XLII. Le Pouvoir Judiciaire appartient aux Tribunaux.

#### CHAP. VI.—*Du Sénat.*

XLIII. Le Sénat est composé des Représentans des Provinces de la Grèce.

XLIV. Chacun des Représentans, en prenant son siège au Sénat, prête le Serment prescrit pour ce Corps.

XLV. Les Représentans sont élus par le Peuple, d'après la Loi d'Election.

XLVI. Le Sénat, comme Corps, est inviolable.

XLVII. Le Sénat a un Président, un Vice Président, un Premier et Second Secrétaire, avec les Vice Secrétaires nécessaires.

XLVIII. Le Président et le Vice Président sont élus par le Sénat, à la pluralité des voix. Le Président peut être élu au dedans et au dehors du Corps du Sénat; le Vice Président seulement dans ce Corps.

XLIX. Les 2 Premiers Secrétaires sont élus hors du Corps à la pluralité des voix des Représentans.

L. Le Président préside dans les Séances Journalières: il fixe le jour et l'heure de leur ouverture; il le proroge, et, quand la nécessité l'exige, il convoque le Sénat en Séance extraordinaire.

LI. A la demande de 20 Sénateurs présens, le Président doit ouvrir la Séance.

LII. Quand le Président est absent, le Vice Président remplit ses fonctions; quand tous les deux sont absens, le plus âgé parmi les Représentans occupe provisoirement le Siègne du Président.

LIII. S'il arrive que l'un des deux meurt ou tombe dans une infirmité naturelle, un autre le remplacera, suivant l'Article XLVIII.

LIV. La durée de la Présidence et de la Vice Présidence est d'une Année.

LV. Les deux tiers de la totalité des Représentans est le nombre requis pour que la Séance du Sénat puisse être réputée complète.

LVI. Aucun des Représentans ne peut quitter le Sénat et partir sans la permission du Sénat, écrite d'après les formes.

LVII. Les Représentans sont élus pour 3 Ans; ils sont renouvelés tous les Ans par tiers. Le changement se fait au sort pour la première et seconde Années.

LVIII. La même Personne ne peut être élue comme Représentant deux fois de suite.

LIX. Le Sénat commence ses opérations le 1<sup>er</sup> du mois d'Octobre, et à cette époque tous les Représentans doivent être rassemblés.

LX. Les Sessions du Sénat durent de 4 jusqu'à 5 mois.

LXI. La pluralité des voix détermine les décisions du Sénat; en cas de division, celle du Président prévaut.

LXII. Quand le Président n'est pas Représentant, il n'a voix délibérante que dans le cas où la division des voix aurait lieu; mais quand il est aussi Représentant, il vote toujours en cette qualité, et dans le susdit cas de division sa voix prévaut.

LXIII. Il n'est pas permis à un Représentant de se charger d'une autre fonction publique, ou de prendre une part directe ou in-

directe à la perception des Revenus de l'Etat, sous peine de perdre sa place.

LXIV. Les Membres du Sénat reçoivent du Trésor public leurs honoraires entiers quand ils sont présents aux Séances, et la moitié quand ils sont absents.

LXV. Les Représentans ne peuvent pas être arrêtés tant que durent les Séances du Sénat, ainsi que 4 semaines avant et après ces Séances ; mais ils peuvent, dans cet intervalle, être soumis à un jugement.

LXVI. S'ils sont condamnés à une peine capitale, leur condamnation est exécutoire.

LXVII. Les Représentans n'ont aucun compte à rendre de ce qu'ils disent dans l'intérieur du Sénat.

LXVIII. Les Séances du Sénat sont publiques ; mais quand le besoin l'exige elles deviennent secrètes ; pourtant, dans ce cas, la majorité des Membres du Sénat doit le juger convenable.

LXIX. Les Membres du Sénat se divisent, selon les besoins de l'Etat, en Commissions durables, et le Sénat détermine les opérations de chacune.

LXX. Chacun des Représentans peut, par la personne du Président, proposer par écrit au Sénat un Projet de Loi.

LXXI. Les Décrets et autres Ecrits du Sénat sont signés par le Président, contre-signés par le Premier Secrétaire, et scellés du Sceau du Sénat.

LXXII. Le Premier Secrétaire du Sénat rédige ses Décrets et ses Actes, garde avec exactitude ses Archives et les Procès-verbaux des Actes de Séances.

LXXIII. Quand le Premier Secrétaire est absent, le Second remplit ses fonctions.

LXXIV. Chaque Décret doit être présenté au Président : si ce dernier l'approuve, il le sanctionne dans l'espace de 15 jours du jour de sa présentation, le promulgue, et alors le susdit Décret devient Loi ; mais s'il ne l'approuve pas, il le renvoie dans l'espace de 15 jours au Sénat, avec ses amendemens et ses observations ; le Sénat enregistre ces amendemens mot à mot, les envoie à la Commission compétente, pour qu'elle délibère et qu'elle les soumette à sa révision. Si le Sénat n'approuve pas le Décret amendé de la sorte, un second est aussi envoyé au Président ; s'il refuse de nouveau sa sanction, il le renvoie dans l'espace de 15 jours, avec le motif de son refus, au Sénat, qui le revoit encore ; et dans ce cas, si, à la pluralité des voix, le Sénat persiste dans ce Décret, il est envoyé pour la troisième fois au Président, et ce dernier doit le sanctionner immédiatement et le promulguer, et il devient ainsi Loi de l'Etat.

LXXV. Si, vers la fin de l'Assemblée, un Décret discuté entre le

Sénat et le Président n'est pas terminé, l'Assemblée suivante du Sénat compte les envois de ce Décret, faits par le Sénat, de l'Année précédente.

LXXVI. Si un Projet de Loi proposé par le Président au Sénat est discuté par ce Corps et renvoyé à son auteur trois fois, sans être accepté, il tombe de droit.

LXXVII. L'ouverture de l'Assemblée, le compte hypothétique des dépenses publiques, présenté par le Gouvernement, étant discuté, le Sénat offre les ressources nécessaires au Gouvernement.

LXXVIII. Le Sénat reçoit en détail, chaque Année, les Comptes des Revenus et des Dépenses de l'Année précédente, et les Dettes de l'Etat que le Secrétaire des Finances doit présenter enregistrés, et il ordonne que le Compte en soit publié par la presse.

LXXIX. Il prend soin de l'amortissement des Dettes publiques et du paiement régulier de ses intérêts.

LXXX. Il détermine par une Loi les Impôts directs et indirects, et les autres Contributions qui doivent être imposées dans toute l'étendue de l'Etat, suivant l'Article X.

LXXXI. Il décide par une Loi de faire un Emprunt sous la garantie de la Nation, ou en hypothéquant les Biens Nationaux.

LXXXII. Il donne, par une Loi, la permission d'aliéner les Biens Nationaux. La vente de ceux-ci doit, autant que possible, se faire méthodiquement dans toutes les Provinces de l'Etat, et être déclarée régulièrement d'avance par le Pouvoir Exécutif dans toutes les Provinces.

LXXXIII. Il veille au bon usage du Trésor Public, et, quand il le juge nécessaire, il réclame les Comptes du Secrétaire de l'Etat chargé des Finances, en accordant toujours le temps nécessaire à son enregistrement.

LXXXIV. Chacun des Représentans a le droit de demander et de recevoir des Secrétariats les instructions nécessaires, sur chaque matière discutée dans le Sénat.

LXXXV. Le Sénat règle ce qui regarde les monnaies, détermine le poids, la qualité, la forme et le nom de chaque monnaie dans tout l'Etat.

LXXXVI. Il veille sur l'instruction publique et la protège, ainsi que la liberté de la presse, l'agriculture, le commerce, le progrès des sciences et des arts utiles, et l'industrie. Il garantit par une Loi, aux inventeurs et auteurs, le droit exclusif, pour un certain temps, du gain qui provient d'une invention et d'un écrit.

LXXXVII. Il fait des Lois sur le butin et la capture.

LXXXVIII. Il fait des Lois contre la Piraterie.

LXXXIX. Il fait des Lois sur la manière d'obtenir des Soldats par enrôlement.

XC. Il a le soin de construire et d'acheter des Vaisseaux nationaux.



**XCI.** Il surveille la conservation et l'amélioration des biens nationaux.

**XCII.** Il fait des Lois sur le fermage des biens nationaux et des impôts indirects.

**XCIII.** Il doit avoir soin que des poids et des mesures d'une seule espèce soient établis dans tout l'Etat.

**XCIV.** Il détermine les honoraires du Président, des Secrétaires et des Juges.

**XCV.** Il fixe par une Loi les bornes des Provinces, de la manière la mieux appropriée à l'administration et aux intérêts des habitans.

**XCVI.** Il modifie et abroge les Lois, excepté celles de la Constitution.

**XCVII.** Le Président ne peut, sans le consentement du Sénat, faire ni Déclaration de Guerre, ni Traité de paix, d'alliance, de relation amicale, de commerce, de neutralité, etc. Sont exceptées les Conventions de trêve particulière pour peu de jours ; mais alors aussi le Président doit en avertir immédiatement le Sénat.

**XCVIII.** Le Sénat reçoit des rapports sur toute espèce d'affaires ; et ceux qu'il juge recevables sont adressés à la Commission compétente, sans en donner aucun avis.

**XCIX.** Dans toutes les séances du Sénat, les Journalistes ont leur entrée libre, et ils ne sont exclus que de celles qui sont secrètes.

**C.** Le Sénat fait tout les réglemens qu'il juge nécessaires pour le bon ordre à l'intérieur.

**CI.** Le Sénat doit prendre soin de rédiger des Codes Civil, criminel et militaire ; ces Codes doivent avoir particulièrement pour base la législation Française.

**CII.** Chacun des Représentans donne son suffrage d'après sa propre conscience, sans demander l'avis et l'instruction particulière de ceux qu'il représente.

**CIII.** S'il arrive que le Président soit mort, qu'il donne sa démission, ou qu'il se trouve atteint d'une infirmité naturelle, le Sénat nomme une Commission Vice-gouvernatrice de 3 Membres pris hors de son corps. Cette Commission exécute provisoirement les Lois, d'accord avec les Secrétaires, jusqu'à ce qu'un Président soit élu suivant la Loi d'Election.

Mais si le Sénat n'est pas réuni, les Secrétaires forment provisoirement un Conseil Vice-gouverneur, qui doit convoquer immédiatement le Sénat en Assemblée extraordinaire ; mais les Membres de celui-ci doivent aussi se rassembler pour cela, sans qu'ils attendent d'être appelés.

Dans chacun de ces deux cas, le Sénat ou le Conseil sont tenus d'informer immédiatement aussi les Provinces de l'Etat d'envoyer leurs mandataires pour élire le Président.

CHAPITRE VII.—*Du Président de la Grèce.*

CIV. Le Pouvoir Exécutif est confié à un Président.

CV. Le Président est inviolable.

CVI. Ses Secrétaires sont responsables de ses actions publiques.

CVII. Il met les Lois à exécution par ses Secrétaires dans toute l'étendue de l'Etat.

CVIII. Tous les ordres sont signés par le Président, contre-signés par le Secrétaire de la branche administrative à laquelle ils appartiennent, et scellés du Sceau du même Secrétariat.

CIX. Il met en mouvement les forces de terre et de mer.

CX. Il propose des Projets de Loi suivant l'Article LXXVI, en chargeant un ou plusieurs des Secrétaires d'Etat d'assister aux débats que le Sénat en fait. Dans cette discussion doit infailliblement être aussi présent avec les autres, le Secrétaire d'Etat à la branche duquel appartient la Loi proposée.

CXI. Il prend soin de la sécurité intérieure et extérieure.

CXII. Il nomme et change les Secrétaires d'Etat, il distribue toutes les fonctions et les emplois de l'Administration, et détermine les attributions de chacun.

CXIII. Il correspond avec les Puissances Etrangères.

CXIV. Il déclare la Guerre, fait les Traités de Paix et d'Alliance, etc. suivant l'Article XCVII.

CXV. Il envoie des Ambassadeurs, des Consuls, des Chargés d'Affaires dans les Etats Etrangers, et en reçoit de la même manière.

CXVI. Il peut convoquer le Sénat en Séance ou Assemblée Extraordinaire, quand le besoin l'exige, et prolonger, suivant les besoins de l'Etat, ses Séances jusqu'à 4 ou 5 mois.

CXVII. Il veille à ce que les Lois soient exécutées avec exactitude.

CXVIII. Il doit veiller à ce que les décisions des Tribunaux soient mises à exécution.

CXIX. Il est tenu de proposer un Projet de Loi sur l'organisation des Troupes Civiles.

CXX. Le Président n'a droit d'entrée au Sénat qu'à l'ouverture et à la clôture de l'Assemblée.

CXXI. A l'ouverture de l'Assemblée, il donnera l'état des Relations extérieures, de la situation intérieure, et surtout des Revenus et dépenses, des besoins futurs de l'Année prochaine, et des améliorations possibles dans la chose publique.

CXXII. L'Election du Président sera réglée par une Loi particulière, que fera le Sénat de l'Année présente.

CXXIII. La durée des fonctions de Président est de 7 Ans.

CXXIV. Le Président élu, jure publiquement devant le Sénat qu'il protégera et conservera la Constitution de la Grèce.

CXXV. Il sanctionne et promulgue les Lois, suivant l'Article LXXIV.

CXXVI. Le Président, par humanité et pour des raisons graves, a le droit de commuer la peine capitale ; mais il est tenu de consulter les Secrétaires d'Etat, rassemblés en forme de Tribunal.

CXXVII. Il est défendu au Président et au Sénat de donner leur consentement à un Traité quelconque qui aurait pour but la destruction de l'existence politique de la Nation et de son Indépendance.

#### CHAPITRE VIII.—*Des Secrétaires d'Etat.*

CXXVIII. Le Pouvoir Exécutif a des Secrétaires : 1° des Affaires Extérieures : 2° des Affaires Intérieures de Police : 3° des Finances : 4° de la Guerre : 5° de la Marine : 6° de la Justice, de la Religion, et de l'Instruction Publique.

CXXIX. Ceux-ci publient et exécutent toutes les Ordonnances du Président, et chacun d'eux contre-signé celles qui appartiennent à son Administration.

CXXX. Chacun des Secrétaires appelés par le Sénat, doit lui donner les instructions nécessaires sur les choses qui appartiennent à sa branche ; mais le Secrétaire des Affaires Extérieures seulement, peut ajourner la communication des choses qu'il importe de tenir secrètes pour le moment.

CXXXI. Ils ont l'entrée libre à toutes les Séances du Sénat, et ils sont entendus quand ils demandent la parole.

CXXXII. Il n'est permis à aucun des Secrétaires d'avoir part directement ou indirectement à la ferme des Revenus de l'Etat, sous peine d'être déchu de sa fonction.

CXXXIII. Les Secrétaires d'Etat sont responsables, et on peut les accuser devant le Sénat, de trahison, de concussion et de violation des Lois fondamentales par leur signature à une Ordonnance.

CXXXIV. Le Sénat a le droit d'examiner les accusations portées contre les Secrétaires d'Etat. Lorsque cet examen est décidé à la pluralité des voix, il nomme une Commission composée de 7 Membres pour examiner l'affaire. Le serment fait, la Commission choisit son Président et commence ses opérations.

CXXXV. Quand la Séance est formée pour prononcer sur le Rapport de la Commission d'Enquête, le Sénat peut accepter ou rejeter l'examen ; s'il l'accepte, il fixe un jour de Séance dans laquelle il se transforme en Tribunal. Le Président du Tribunal Suprême préside le Sénat dans l'intervalle de l'examen ; mais le Président du Sénat, ainsi que la Commission d'Enquête, ne prennent part ni à l'accusation, ni au vote.

CXXXVI. Le Président fait prêter Serment aux Sénateurs dans la forme suivante :

“ Jurez-vous devant Dieu et les hommes de peser l'accusation que le Président de la Commission d'Enquête va lire, de ne trahir les droits

ni du Défenseur ni de la Société ; de ne vous laisser influencer par la haine, ni aucune animosité personnelle, ni par la peur et la compassion ; de prononcer les sentences en vous fondant sur l'accusation et la défense de l'Accusé avec cette impartialité qui convient à l'homme juste et libre ?”

CXXXVII. Après le Serment prêté, et l'interrogatoire fait par le Président seul, les Plaidoiries commencent, sans qu'il soit permis à aucun des Sénateurs de parler pour ou contre. Le Président, ou un autre Membre de la Commission d'Enquête, remplit les fonctions d'Avoué.

CXXXVIII. La pluralité des voix suffit pour convaincre du délit. Le Sénat ne peut imposer à l'Accusé que la peine de déchéance de son ministère ; mais l'Accusé, une fois convaincu, peut être, comme simple Citoyen, poursuivi devant les Tribunaux compétens, et puni des peines que la Loi impose aux délits.

#### CHAPITRE IX.—*Des Tribunaux.*

CXXXIX. Le Pouvoir Judiciaire est indépendant des 2 autres dans ses décisions.

CXL. Il juge d'après les Lois écrites de la Nation.

CXLI. Les Tribunaux rendent la justice au nom de la Nation.

CXLII. Il n'y a en Grèce que 3 espèces de Tribunaux reconnus : 1<sup>o</sup> celui des Juges de Paix : 2<sup>o</sup> celui des Eparchies (Préfets) : 3<sup>o</sup> le Tribunal d'Appel.

CXLIII. Indépendamment de ces 3 Tribunaux, il sera nommé un autre Tribunal Suprême ou de Cassation, qui résidera auprès du Gouvernement.

CXLIV. Le Jugement par juré est adopté ; le Sénat l'établira par une Loi particulière.

CXLV. Les Commissions Judiciaires ou Tribunaux Extraordinaires sont défendus, à l'avenir.

CXLVI. Il est permis aux Hellènes d'élire des Arbitres pour décider sur leurs différens, par appel, et sans appel.

CXLVII. Les Débats sont publics ; mais toutes les fois que la publicité est contraire aux bonnes mœurs, le Tribunal doit le déclarer par un jugement.

CXLVIII. Les Décisions des Tribunaux doivent toujours être publiques.

CXLIX. Jusqu'à ce que des Codes soient publiés, suivant l'Article CI, les Lois des Autocrates de Bysance, les Lois Criminelles de la Seconde Assemblée Nationale des Hellènes, et celles publiées par le Gouvernement Grec, sont en vigueur. Quant à ce qui régarde le Commerce, le Code de Commerce de France a force de Loi.

CL. Les présentes Lois Constitutionnelles doivent être préférées à



toutes les autres, et les Lois publiées par le Gouvernement Grec aux plus anciennes Lois.

CLI. Les Juges peuvent être coupables de fraude, de vénalité, et de tous les délits spécifiés dans la Loi sur l'organisation des Tribunaux.

CLII. Les Tribunaux Inférieurs sont responsables envers leurs Supérieurs, et le Tribunal Suprême envers le Sénat.

CLIII. La Loi sur l'organisation des Tribunaux, publiée d'après l'Article XIII du Code des Lois, est en vigueur, et c'est d'après elle que les Tribunaux seront organisés.

CLIV. Le Sénat nommera dans l'Année présente, une Commission qui fera ses observations sur cette Loi, et la soumettra à son jugement.

#### *Supplément.*

Le Gouvernement avisera aux moyens de subvenir aux besoins des Veuves et des Orphelins des Soldats morts pour la Patrie, en prévenant tout abus qui pourrait s'introduire.

Après l'établissement des Affaires Grecques, le Gouvernement récompensera tous ceux qui ont contribué et contribueront jusqu'à la fin à remédier aux besoins pécuniaires de la Grèce, et soulager ceux qui sont devenus malheureux pour elle. Les Couleurs Nationales, par terre et par mer, sont le bleu et le blanc.

La forme des Drapeaux sera conforme à l'Ordonnance du Gouvernement déjà publiée; les Hellènes ne peuvent porter d'autres Drapeaux tant sur terre que sur mer.

Le Sceau de la Grèce porte pour enseigne l'image de Minerve, avec le symbole de la sagesse.

#### *Serment Grec.*

Je jure, au nom du Très-Haut et de la Patrie, de concourir toujours à la défense de la liberté et du bonheur de ma Nation, en sacrifiant aussi pour elle ma propre vie si le besoin l'exige.

Je jure en outre, d'obéir fidèlement aux Lois de ma Patrie, de respecter les droits de mes Compatriotes, et de remplir strictement les devoirs de Citoyen.

#### *Serment du Sénat.*

Je jure, au nom du Très-Haut, de conserver inébranlables les Lois Fondamentales du Gouvernement Grec, et de ne m'en écarter ni souffrir que l'on s'en écarte dans aucun cas ni sous aucun prétexte; de paraître toujours le défenseur ardent de l'indépendance de ma Nation et de la Liberté générale et particulière de mes Compatriotes; de contribuer de tous mes efforts à la conservation et à l'augmentation de la Liberté commune et individuelle des Hellènes.

Je jure en outre, de ne recevoir, directement ou indirectement, de personne, sous aucun prétexte, le moindre don ou présent pour donner mon suffrage au gré d'autrui et contre ma propre conscience.

*Serment du Président.*

Je jure, au nom du Très-Haut, de conserver inébranlables les Lois Fondamentales du Gouvernement Grec, et de ne pas les abroger ou permettre qu'on les abroge dans aucun cas et sous aucun prétexte.

Je jure en outre, de défendre et de conserver de tous mes efforts l'indépendance de la Nation Grecque et la liberté commune et individuelle, de respecter les droits de tous et de chacun ; et pour la conservation et augmentation du bonheur général et particulier, de ne négliger aucun des moyens que les Lois m'ont confiés.

*Distribution de l'Administration de la Grèce.*

ART. I. La Grèce se divise, pour son administration intérieure, en Thèmes.

II. Le Thème est un assemblage de Provinces qui, malgré cette division, gardent les droits que la Loi leur accorde.

III. Chaque Thème aura un Administrateur.

IV. Chaque Ville, Bourg et Village aura un Démogéronte (Maire.)

V. Les Démogérontes sont élus proportionnellement à la quantité des familles ; c'est-à-dire si les familles montent au nombre de 100, elles en élisent 1 ; 2, si elles montent à 200 ; 3 à 300, et 4 à 400 ; mais si elles surpassent le nombre de 400, elles ne peuvent en élire plus de 4.

VI. Chaque Province aura des Démogérontes Généraux Eparchiques (Sous-préfets) de 2 jusqu'à 5, suivant l'étendue de la Province.

*Des Administrateurs.*

VII. L'Administrateur de la Section est nommé immédiatement par le Gouvernement ; mais il ne doit pas être habitant du même Thème.

VIII. Il fait des rapports au Gouvernement par le Secrétaire d'Etat de l'intérieur. Les autres Chancelleries d'Etat, toutes les fois que le besoin l'exige, correspondent aussi avec lui par l'intermédiaire du Secrétaire d'Etat de l'Intérieur.

IX. Il veille au bon ordre intérieur du Thème.

X. Il met à exécution les Ordonnances du Gouvernement par les Démogérontes Eparchiques dans toute la circonférence du Thème.

XI. Il surveille les actions des Démogérontes.

XII. Il a la force exécutive nécessaire que le Gouvernement lui assigne.

XIII. Il met à exécution les décisions des Tribunaux par le moyen de la force exécutive qu'il a sous son pouvoir.

XIV. Il donne la force exécutive nécessaire aux Démogérontes pour qu'ils puissent remplir leurs devoirs.

XV. Il est l'Astynome (Préfet de Police) général du Thème.

XVI. Il doit faire les recherches et les observations les plus exactes pour composer la chorographie de la Section, qu'il envoie à la Chancellerie d'Etat de l'Intérieur.

XVII. La chorographie comprendra plus essentiellement les Articles suivans:

1. L'étendue du Pays, le nombre des Villes, Bourgs et Villages, et la quantité des maisons;

2. La quantité du sol, quel est celui possédé par des Particuliers, et lequel appartient à la Nation; combien est cultivé et combien reste inculte; quels et combien de produits il porte; de quelle amélioration il est susceptible; s'il comprend des pâtures, des bestiaux, des minéraux, des salines, des chasses, des pêches, etc.;

3. Le nombre des habitans, et combien d'hommes de plus peuvent y être nourris; les mœurs, les coutumes et l'industrie; s'ils ont l'habitude d'aller en pays étranger, et quelles professions et métiers exercent la plupart d'entr'eux; les écoles et avec quelles ressources elles se maintiennent; s'il est possible de les conserver; si le pays est propre à des établissemens de labouratoires, de manufactures, et de quelle espèce;

4. L'importation et l'exportation; quelle est sa valeur; s'il y a balance entre l'exportation et l'importation; quel est le genre de commerce et sa valeur; s'il peut être augmenté;

5. Quel est le nombre des hommes qui sont en état de prendre les armes;

6. Quel est le prix des revenus nationaux; s'ils entrent dans le Trésor National par les voies légales et régulières; et quel est le moyen possible de détruire les abus;

7. Il doit veiller à ce que les antiquités ne soient plus vendues ou transportées hors de l'Etat;

8. Les honoraires des Administrateurs sont payés par le Trésor National.

#### *Des Démogérontes.*

XVIII. Les Démogérontes sont élus par les habitans à la pluralité des voix.

XIX. Les Démogérontes doivent exécuter les Ordonnances données par le Gouvernement.

XX. Ils tiennent un compte exact de ce qu'ils donnent et reçoivent.

XXI. Ils rendent compte régulier au Trésor par l'Administrateur.

XXII. Ils exercent les devoirs de Juge de Paix.

XXIII. S'il arrive qu'un ou plusieurs des Démogérontes soient convaincus de violation de leurs devoirs, l'Administrateur en informe le Public, pour qu'il en élise un autre à leur place.

XXIV. Une Loi particulière fixera les limites de chaque Thème et la manière d'élire les Démogérontes.

XXV. Le Président peut proposer au Sénat un Projet de Loi avec les modifications et les amendemens qu'il jugera nécessaires à la Loi présente.

Les Notaires sont élus par les Communautés pour le présent, jusqu'à ce qu'une Loi particulière soit publiée à cet égard.

(Le numéro 15 du *Code des Décrets* contient en outre ce qui suit :)

La Troisième Assemblée Nationale des Grecs, après avoir revu, corrigé, augmenté et approuvé la Loi d'Epidaure, ou l'Organisation Provisoire de la Grèce, décrète :

1. Cette organisation, connue dorénavant sous le nom de *Constitution Politique de la Grèce*, est confiée à la fidélité du Sénat, du Président et de la Justice, pour être conservée fidèlement ; elle est confiée au bien-être des Peuples et au patriotisme de chaque Grec, pour être exécutée dans toutes ses parties ;

2. Sous aucun prétexte, et dans aucune circonstance quelconque, le Sénat ou le Gouvernement ne peut ordonner ou faire exécuter quoi que ce soit qui serait contraire à la Constitution présente ;

3. Cette Constitution sera publiée dans toute la Grèce par la voie de la Presse ;

4. L'Original sera conservé dans les Archives du Sénat ;

5. Le présent Décret sera inséré au Code des Décrets, et publié par la voie de la Presse.

Donné à Trézène, dans le mois de Mai de la 1827<sup>e</sup> Année de notre salut, et la 7<sup>e</sup> de l'indépendance.

(*Suivent les Signatures, au nombre de 171.*)

***LETTERS of the Minister for Foreign Affairs of Colombia to the French Consul General, respecting the Search of Neutral Vessels by Colombian Privateers.***

*August, September, 1828.*

MONSIEUR, (1.) *Bogota, le 11 Août, 1828.*

J'AI l'honneur de vous transmettre la Circulaire suivante, que Son Excellence le Libérateur Président a fait expédier par le Ministère de la Guerre, en date du 28 Juin dernier, aux Départemens Maritimes :

(*Circulaire.*) *Bogota, le 28 Juin, 1828.*

Son Excellence le Libérateur, Président de la République, m'ordonne de vous transmettre l'ordre qu'à l'instant même où vous recevrez la présente, vous suspendrez l'expédition de Patentes de Course en faveur de quelque Bâtiment National que ce soit, qui en aurait fait la demande, quand même il aurait commencé son armement ; et que re-



lativement aux Corsaires qui se trouvent actuellement en Mer, et qui ont été expédiés par la Commandance Générale de l'ancien Second, aujourd'hui Premier Département Maritime, vous fassiez savoir à leurs Capitaines, par tous les moyens possibles, qu'ils doivent rentrer dans le Port de leur armement pour le jour où expirera le terme de la Patente qui les autorisait à faire la course, et que vous les informiez que le Capitaine et l'Equipage de tout Corsaire qui ne retournera pas au Port d'où il est sorti, avant la fin de ce terme, seront, sans remission, traités comme Pirates, soit en les faisant poursuivre à la Mer par des Bâtimens de Guerre, ou juger par le Tribunal Maritime du Département ou du Port auquel ils appartiennent.

Le Gouvernement désire faire cesser la course jusqu'à ce que, l'Ordonnance qui la régit actuellement ayant été réformée, on puisse l'autoriser de nouveau sous des Règles plus strictes, qui empêchent que les Capitaines des Corsaires Colombiens qui seront par la suite autorisés à exercer des hostilités contre les Ennemis de la République, n'abusent désormais de cette autorisation, en exerçant des déprédations contre les Sujets des autres Nations alliées, amies ou neutres. Le Gouvernement, loin de permettre qu'on exerce des actes de cette nature contre les Sujets desdites Nations, désire au contraire cultiver la meilleure harmonie et éviter les motifs qui pourraient interrompre les relations amicales déjà établies, ou qu'il pourrait former à l'avenir ; ce qui, en effet, arriverait si des Mesures n'étaient pas prises pour apporter remède aux désordres qui pourraient occasionner un si grand mal ou pour les éviter.

On espère que cette mesure mettra fin aux inconvéniens qui, contre l'intention et le désir du Pouvoir Exécutif, sont résultés de la course, au Commerce des Nations amies et neutres ; et Son Excellence le Libérateur Président ne doute pas que votre Gouvernement ne reçoive cette nouvelle, comme une nouvelle preuve de son vif désir de conserver intacte la bonne intelligence entre les deux Pays, et d'accroître leurs Relations politiques et commerciales.

Je suis, etc.

STANISLAO VERGARA.

*M. Buchet-Martigny.*

Pour extrait et traduction conformes,

*Le Consul chargé du Consulat-Général de France à Bogota,*

BUCHET MARTIGNY.

MONSIEUR,

(2.)

*Bogota, le 17 Septembre, 1828.*

D'APRES ce que vous m'avez exposé dans la Lettre que vous avez bien voulu m'adresser, en date du 2 Juillet, le Libérateur Président a résolu (et des Ordres ont été donnés en conséquence) que, jusqu'à ce que des modifications aient été apportées à l'Ordonnance de Course actuellement en vigueur dans cette République, les Corsaires Colombiens n'arrêtent ni ne prennent, sous prétexte qu'ils ont des propriétés

Ennemies à bord, les Bâtimens des Nations Neutres qui ne reconnaissent pas actuellement le principe que le Pavillon ne couvre pas la Marchandise ; et que, dans le cas où quelqu'un des Navires précités serait pris par ce motif, il soit mis en liberté avec toute sa Cargaison, et sans qu'ils intervienne jugement ni reconnaissance de ses Papiers, aussitôt qu'il aura été conduit dans un des Ports de Colombie.

Cette mesure doit calmer les craintes que vous manifestez dans votre estimable Lettre du 9 du courant, que les Corsaires ne profitent des derniers jours qui leur restent pour faire des prises sur les Navires Français, et elle aura, sans doute, pour résultat, ou qu'ils ne seront pas détenus parce qu'ils porteront à bord des propriétés Ennemies, ou s'ils le sont, que le mal sera réparé par leur mise en liberté, aussitôt que les Autorités compétentes en seront informées. Il est donc probable que les Navires Français ne seront plus molestés en conséquence du principe qu'en vertu des droits qui lui sont inhérens comme Nation, avait adopté la Colombie dans son Ordonnance de Course, et qui a donné motif aux réclamations du Gouvernement de Sa Majesté Très Chrétienne.

Son Excellence le Libérateur Président, espère que les mesures qu'il a adoptées, prouveront au Gouvernement de Sa Majesté, les desirs qui animent celui de Colombie, de lui complaire et d'éviter tout motif de plainte de sa part.

Je suis, &c.

M. Buchet-Martigny.

STANISLAO VERGARA.

Pour traduction conforme,

*Le Consul chargé du Consulat-Général de France à Bogota,*

BUCHET MARTIGNY.

**PROCLAMATION of the President of Greece to the Greek Nation, on entering upon his Functions. —Egina,** <sup>20 January</sup> <sub>1 February,</sub> 1828.

GOUVERNEMENT GREC.

LE PRÉSIDENT DE LA GRECE AUX HELLENES.

“Si Dieu est pour nous, qui sera contre nous.”

Je suis enfin au milieu de vous, en j'en rends grâces à Dieu.

L'effusion de cœur avec laquelle vous m'avez accueilli, et les témoignages de confiance dont il vous plait de m'environner, me touchent profondément, et il me tarde de vous donner toute entière la mesure de mon dévouement et de ma gratitude.

Vous l'aurez, j'espère, dès que vos Représentans, légalement constitués en Congrès National, prendront connaissance des Communications qu'il est de mon devoir de leur faire.

Vous pourrez vous assurer alors que mes voyages, comme tous mes efforts, depuis le mois de Mai, ont eu pour but unique, de tirer notre

chère Patrie du fatal isolement où elle se trouve encore, de la faire jouir sans retard des avantages que lui promet le paragraphe 1<sup>er</sup> de l'Article Additionnel du Traité de Londres, du 6 Juillet, 1827, et de lui obtenir aussi quelques secours pécuniaires et collectifs, de la part des Puissances qui ont signé ce même Traité.

Les honneurs dont votre Pavillon, et l'inauguration de votre nouveau Gouvernement, ont été l'objet le  $\frac{1}{2}$  de ce mois, vous encouragent de croire avec moi, que si ce but n'est pas atteint, il le sera du moment que Administration intérieure, forte uniquement de la puissance des Loix, pourra vous garantir des horreurs de l'anarchie, et vous porter ainsi graduellement à avancer l'œuvre de votre restauration nationale et politique.

Ce n'est qu'alors que vous serez en état d'offrir aux Souverains Alliés les gages qui leur sont indispensables, pour ne plus douter de la part que vous suivrez, et vous pourrez prendre, à l'accomplissement des vues salutaires qui ont motivé l'Acte du 6 Juillet, et la journée à jamais mémorable du 20 Octobre.

Jusque là, vous n'avez pas le droit d'espérer les secours que j'ai sollicité pour vous, ni aucun autre secours qui puisse vous donner les moyens d'établir parmi vous l'ordre intérieur, et de sauver votre crédit dans l'Etranger.

Telles sont les considérations qui me font vivement regretter que le Congrès de Trézène, n'ait pas muni le Conseil Législatif des pouvoirs suffisans pour l'autoriser à revêtir de sa sanction les mesures, que le salut commun rend désormais d'une nécessité urgente et impérieuse.

Un nouveau Congrès ne peut s'assembler guère avant le mois d'Avril ; et dans cet intervalle la continuation de la crise actuelle peut anéantir toutes vos espérances, et frapper de stérilité les immenses sacrifices portés à la noble Cause que vous avez mis tant de courage et de persévérance à soutenir.

Convaincu de l'impatience avec la quelle vous désirez recueillir les fruits de ces sacrifices, et justifier l'attente des Puissances Alliées, ainsi que l'intérêt dont vous honore le Monde Chrétien et Civilisé, je prends la résolution de vous fournir l'unique moyen qui soit à ma portée, en convoquant, pour le mois d'Avril, un Congrès National, et en adoptant jusqu'à sa réunion, un système de Gouvernement Provisoire, fondé cependant sur les bases posées par les Actes d'Epidaure, d'Astros, et de Trézène. Je n'adopte toutefois ce système, qu'après avoir recueilli l'opinion du Conseil Législatif, et les Personnes les plus éclairées parmi vous des lumières de l'expérience, et je ne le mettrai non plus en exécution, que par la co-opération des uns, et des autres, et notamment de ceux que les suffrages des Provinces de l'Etat ont déjà portés à la place honorable de Premiers Magistrats, ou de Représentans de la Nation.

En s'associant avec moi, ils partageront mes travaux, et ma respon-

sabilité. Le Congrès National en jugera. Ma vie toute entière, une carrière publique de plus de 30 Ans, la bienveillance qu'elle m'a conciliée dans plusieurs Contrées de l'Europe, vous répondent d'avance, que je ne prends cette résolution que pour vous placer enfin sous la sauvegarde des Loix, et pour vous garantir des conséquences funestes d'un Gouvernement Arbitraire.

*Egine, le* <sup>20 Janvier,</sup>  
<sub>1 Février,</sub> 1828.

J. A. CAPO D'ISTRIA,  
*Le Président de la Grèce.*

**DECREE for the Provisional Government of Greece.**

*Egina,* <sup>20 January</sup>  
<sub>1 February,</sub> 1828.

GOUVERNEMENT GREC.

INSTITUTION DU PANHELLENIUM.

Conformément à notre Proclamation de ce jour, No. 3, et d'après le Décret 58, du Conseil Législatif, l'Administration Provisoire de l'Etat est réglée d'après les Articles suivans.

ART. I. Un Conseil composé de 27 Membres, et nommé le *Panhellénium* partage avec le Président de la Grèce, les travaux et la responsabilité du Gouvernement, jusqu'à la réunion du Congrès National, qui sera assemblé dans le courant du Mois d'Avril, 1828.

II. Le Panhellénium est divisé en 3 Sections.

La 1<sup>ère</sup> a pour objet les Finances.

La 2<sup>de</sup> l'Administration de l'Intérieur dans toutes ses branches.

La 3<sup>me</sup>. La Force Armée de terre et de mer.

III. Chaque Section est présidée par un de ses Membres. Deux autres Membres sont chargés dans chacune de la rédaction de ses Actes avec titres de 1<sup>er</sup> et 2<sup>nd</sup> Secrétaires.

IV. Le Président de la Section des Finances, conjointement avec les Présidens des 2 autres Sections, préside le Panhellénium dans ses Séances Générales. Le Secrétaire de la Section du ressort de laquelle sont les affaires dont s'occupe le Panhellénium, exerce les fonctions de Secrétaire de cette Assemblée.

V. Une Ordonnance règle plus particulièrement l'organisation du Panhellénium ainsi que des Sections, et définit leurs attributions respectives.

VI. Le Conseil Législatif et la Commission du Gouvernement laquelle vient de résigner ses fonctions, remettent aux 3 Présidens, et aux 3 Premiers Secrétaires du Panhellénium, leurs Archives, et tous leurs renseignemens qui ont servi aux fonctions que ces deux pouvoirs ont exercées, depuis le mois de Mai jusqu'à ce jour.

VII. Les Décrets du Gouvernement de la Grèce sont basés sur les rapports écrits du Panhellénium ou de ses Secrétaires, selon que l'objet



du Décret est du ressort de l'Administration, ou bien de celui de la Législation.

VIII. Les objets sont administratifs lorsque les Actes du Congrès de Trézène y ont pourvu, de manière à ce qu'il ne s'agisse que d'exécuter la Loi.

Ils sont législatifs, lorsque la Loi n'y a pas pourvu.

Ces Décrets-ci sont faits sur les rapports du Panhellénium.

Les autres sur ceux des Sections.

IX. Le Gouvernement de la Grèce a auprès de lui un Secrétaire Général avec le titre de Secrétaire d'Etat, qui contresigne les Décrets et la Correspondance.

X. Seront instituées des Commissions Spéciales hors du sein du Panhellénium, selon que l'exigent les besoins de l'Administration, et les travaux qu'il est urgent de préparer pour le Congrès National.

J. A. CAPO D'ISTRIA,  
*Le Président de la Grèce.*

***CONVENTIONAL Agreement respecting Commerce, between Saxony, Hanover, Hesse, Saxe Weimar, Saxe Altenburg and Coburg Gotha, Nassau, Schwartzburg-Rudolstadt, and Frankfort. Signed at Frankfort, 21st May, 1828.***

(Translation.)

THEIR Majesties the Kings of Saxony and Hanover; Their Royal Highnesses the Elector of Hesse, and the Grand Duke of Saxe-Weimar; Their Highnesses the Duke of Saxe-Altenburg, and Coburg-Gotha, the Duke of Nassau, and the Prince of Schwartzburg Rudolstadt, as also the Free City of Frankfort, concurring in the intention of carrying into effect, to the utmost of their power, the resolution contained in Article XIX. of the Act of Confederation\*, respecting the Trade and Commerce carried on between the different Federal States, and of reciprocally assuring to themselves all the immunities and privileges to be derived from that Act, have appointed Plenipotentiaries in order to adjust certain points, to serve as a basis for the Commercial Convention about to be entered into.

The Plenipotentiaries hereinafter-mentioned, accordingly, after exchanging their Full Powers, found in due form, have met together and agreed upon the following Resolutions:

The several Governments above-mentioned engage:

\* *Acte sur la Constitution Fédérative de l'Allemagne, signé à Vienne, le 8 Juin, 1815.* Article XIX. Les Etats Confédérés se réservent de délibérer dès la première réunion de la Diète à Francfort, sur la manière de régler les rapports de Commerce et de Navigation d'un Etat à l'autre, d'après les principes adoptés par le Congrès de Vienne.

1. That they will not, singly or separately, become a Party to any Association respecting Custom-house Duties, during the period of the next 3 Years, from the signing of the present Convention.

2. That they will not increase, singly or separately, during the same term, the Transit Duties now in force, and payable on the goods passing through their respective Countries, whether such goods proceed from Foreign States, or from the States of the Union, and whether they be imported into the latter, or into the former.

3. That they will unitedly deliberate on the interests of their Commerce and Trade, in regard as well to the facilities mutually to be afforded, as to any Treaties relating thereto, and to be negotiated with other States unconnected with the Union; and that for this purpose, before, and not later than, the 15th of August, they will depute Agents to meet at Cassel.

Eight uniform Copies of the above Agreement, which is to be mutually binding on all the High Parties, shall be prepared, 1 Copy of which shall, for the purpose of Ratification, be immediately transmitted to each of them, and the Ratifications shall, within 4 weeks, be sent to Dresden, with the view of being there deposited, for general reference.

Signed at Frankfort on the Maine, 21st May, 1828.

VON LINDENAU.

VON MARSCHALL.

VON STRALENHEIM.

VON BOTH.

VON MEYERFELD.

DANZ.

GRAF BEUST.

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*PROCLAMATION of the President of Greece to the Greek Nation, on the Russian Declaration of War against Turkey.*  
*Poros,  $\frac{12}{31}$  May, 1828.*

ETAT GREC !

Le Président de la Grèce.

Le Gouvernement reçoit en ce moment la Communication Officielle de la Déclaration de Sa Majesté l'Empereur de Russie, dont l'Armée est en marche pour le Danube.

En faisant connaître cet Acte au Panhellénium, aux Commissaires Extraordinaires des divers Départemens de l'Archipel et du Péloponèse, et aux Commandans respectifs des Forces de terre et de mer, nous devons l'accompagner de quelques explications précises, qui puissent mettre chaque Fonctionnaire Public dans le cercle légal de ses attributions, à même d'instruire la Nation sur sa véritable position, et de mettre les Citoyens en garde contre les conjectures malicieuses, erronées et decevantes, auxquelles pourrait les conduire une mauvaise fortune si long-temps prolongée.

La Déclaration du  $\frac{1}{2}$  Avril fait connaître clairement les motifs et le but de la Guerre entre la Russie et la Porte: La Pacification et l'état futur de la Grèce, sont toujours l'objet de la sollicitude chrétienne de Sa Majesté l'Empereur de Russie. Mais cette Pacification et cet état futur nous sont garantis par la Russie comme Partie Contractante du Traité du 6 Juillet, sous la protection des 3 Grandes Puissances signataires de ce Traité, et non par une Puissance isolée.

Pénétrés de cette vérité convaincante, prenons-la pour principe immuable de notre conduite et de nos efforts, et ne doutons pas que les bénédictions du ciel n'exaucent notre prière, comme elle a déjà été exaucée en partie. Nos besoins sont déjà connus, et Sa Majesté l'Empereur de Russie a la bonté de mettre à la disposition du Gouvernement Grec, un secours pecuniaire qui lui fournira infailliblement les moyens de pourvoir aux besoins les plus pressans de l'Armée, de la Flotte, et des autres parties du Service Public.

Ce secours ne nous a cependant été garanti que sous la condition d'en faire usage avec la plus grande économie, uniquement pour la défense de la Patrie, pour repousser l'Ennemi, et adoucir l'extrême misère du Peuple qui a été très-augmentée par la maladie contagieuse que nous a apporté la présence des Turcs, et qui nous menace de souffrances encore plus grandes.

Nous espérons vivement que Sa Majesté le Roi de la Grande Bretagne et Sa Majesté le Roi de France nous accorderont de leur côté de pareils secours.

Cependant, quelque considérable que puissent être les Subsidies qui pourront nous être fournis simultanément par les Puissances, la crise de nos affaires n'en est pas moins difficile, et l'unique moyen d'en sortir consiste à nous montrer dignes, par l'amélioration de notre état intérieur, des secours que nous avons reçus et de ceux que nous attendons incessamment.

Encouragés par ce premier succès de nos prières, marchons avec persévérance et loyauté au but qui nous est indiqué par le devoir, et nous l'attendrons sans doute, parce que Dieu est avec nous et que les Hautes Puissances nous protègent.

En conséquence, Messieurs, vous ferez connaître aux Citoyens que les rapports du service ont placé sous vos ordres, la situation actuelle des grands intérêts de la Patrie, et vous attirerez leur attention sur tout ce que la Patrie attend de leur prudence, de leur dévouement et de leur zèle.

Poros, le  $\frac{1}{2}$  Mai, 1828.

*Le Président de la Grèce, J. A. CAPO D'ISTRIA.*

*Le Secrétaire d'Etat, SP. TRICOUPIS.*

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**NOTIFICATIONS relative to the Blockade of Tangier, by a British Naval Force.—November, December, 1828.**

(1.)—*Proclamation of the Governor of Gibraltar. 24th Nov. 1828.*

BY HIS EXCELLENCY SIR GEORGE DON, &c.

WHEREAS it has been officially announced to me by Commander David Hope, Senior Officer of His Majesty's Ships of War in the Bay of Tangier, that, in consequence of the refusal of the Emperor of Morocco to accede to the just demands of His Majesty, Commander Hope had, pursuant to his Instructions, put the Port of Tangier into a state of Blockade; I do, therefore, hereby publickly notify the establishment of the Blockade of the Port of Tangier, and that the same will be maintained and enforced in the most effective manner.

Gibraltar, November 24, 1828.

GEORGE DON,

*General and Lieutenant-Governor.*

By command,

S. R. CHAPMAN, *Civil Secretary.*

(2.)—*Le Ministre du Commerce et des Manufactures à la Chambre de Commerce de Paris.*

MESSIEURS,

*Paris, le 9 Décembre, 1828.*

LE Gouvernement du Roi a reçu de l'Ambassadeur de Sa Majesté Britannique, Copie d'une Proclamation en date du 24 Novembre, par laquelle le Gouverneur de Gibraltar a notifié le Blocus effectif du Port de Tanger par une Division Navale Anglaise, sous le Commandement du Sr. David Hope.

Cette Proclamation fait connaître que le Blocus, dont il s'agit, sera maintenu de la manière la plus rigoureuse.

ST. CRICQ.

**NOTIFICATIONS relative to the Blockade of Oporto, by a Portuguese Naval Force.—May to July, 1828.**

(1.)—*Edict of the Junta of Commerce.—Lisbon, 22d May, 1828.*

EDICT.

(Translation.)

THE Royal Junta of Commerce, Agriculture, Manufactures and Navigation, of these Kingdoms and their Dominions, has issued the following Notification:

The Senhor Infante Regent directs the Royal Junta of Commerce, Agriculture, Manufactures, and Navigation, of these Kingdoms, to cause it to be announced in the Square, without the loss of a moment, that the Bar of the City of Oporto is blockaded by the Royal Fleet, which has repaired thither pursuant to the Maritime Laws, as well in behalf



of any Shipping that may need it, as with the view of stopping Vessels that may attempt to escape.

Your Excellency will see the above carried into execution. God preserve your Excellency.

At Court, the 22d May, 1828.

JOSE ANTONIO DE OLIVEIRA LEITE DE BARROS.

(2.) *Circular of the Minister for Foreign Affairs to the Foreign Consuls.*  
(Translation.) *Lisbon, 14th June, 1828.*

I communicate for your information, Copy of a Note which the Minister of Marine has addressed to me, relative to the effective Blockade of the City of Oporto. God preserve you, &c.

Palace of Ajuda, 14th June, 1828.

VICONDE DE SANTAREM.

(Enclosure.)—*Notification of the Minister of Marine.*  
(Translation.) *Lisbon, 7th June, 1828.*  
*Official Communication from the Minister of the Marine to the Minister for Foreign Affairs.*

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

THE City of Oporto being effectually blockaded by 2 Ships of War, according to the Maritime Laws, and the Blockade having been notified, in due form, by means of an Edict issued by the Board of Commerce, inserted in the Lisbon Gazette, No. 122, of Friday, the 23d of May, ultimo; and it being proper that the Consuls of the different Nations in this City, as well as our Agents and Consuls in Foreign Sea-port Towns, should be duly informed of the Blockade just mentioned, in order that, after it shall thus have become more generally known, the obligation of their respecting it may be more binding upon them; I convey the above to your Excellency's notice.

God preserve your Excellency.

Secretary of State's Office for the Affairs of the Marine and for those beyond Sea, 7th June, 1828.

JOSE ANTONIO DE OLIVEIRA LEITE DE BARROS.

(3).—*Notification of the British Government.*

SIR,

*Foreign Office, 24th June, 1828.*

I AM directed by the Earl of Aberdeen to acquaint you, for the information of the Committee at Lloyd's, that intelligence has been received at this Office, that an effective Blockade of the Bar of the City of Oporto has been declared by His Royal Highness the Prince Regent of Portugal.

I am, &c.

*The Secretary of the Committee at Lloyd's.*

DUNGLAS.

(4.)—*Circular of the Minister for Foreign Affairs to the Foreign Consuls.*  
(Translation.) *Lisbon, 13th July 1828.*

THE motives which had determined the Blockade of the City of Oporto having happily ceased, by its due obedience and subjection to the Government of His Faithful Majesty, His Majesty has determined that such Blockade be raised; by giving free admission to all Vessels that may make for that Port, which I communicate to you for your knowledge.—God preserve you.

Palace of Ajuda, the 13th of July, 1828.

VISCONDE DE SANTAREM.

**NOTIFICATIONS respecting the Blockade of Funchal, in  
Madeira, by a Portuguese Naval Force.  
July to September, 1828.**

(1)—*Notification of the Board of Trade at Lisbon.*

(Translation.) *Lisbon, 26th July, 1828.*

THE Board of Trade announces that it has been Officially informed, by His Majesty's Command, that he has given Orders for the Blockade of the Port of Funchal, in the Island of Madeira, according to the Maritime Law of Nations, by Ships of War that have been sent there for that express purpose, and that will effectually keep that Port in a state of strict Blockade.

Palace of Ajuda, 26th July, 1828.

(2).—*Notification of the British Government.*

SIR, *Foreign Office, 13th August, 1828.*

I AM directed by the Earl of Aberdeen to acquaint you, for the information of the Committee at Lloyd's, that intelligence has been received at this Office, that an effective Blockade of the Port of Funchal, in the Island of Madeira, has been declared by the Government existing in Portugal.

I am, &c.

*The Secretary of the Committee at Lloyd's.*

DUNGLAS.

(3.)—*Circular of the Minister for Foreign Affairs to the Foreign Consuls.*  
(Translation.) *Lisbon, 12th September, 1828.*

THE authority of the King, my August Master, being happily restored in the Island of Madeira, the Blockade of the Port of the City of Funchal is consequently raised; which I communicate to you for your knowledge. God preserve you.

Palace of Necessidades, 12th September, 1828.

VISCONDE DE SANTAREM.

*SPEECH of the Infanta Regent, on the Opening of the Chambers of Portugal.—2d January, 1828.—(Translation.)*

*Worthy Peers of the Kingdom, and Deputies of the Portuguese Nation!*

You are here assembled, for the third time, to continue the useful labours with which you are charged by the Constitutional Charter of the Portuguese Monarchy. The same continued zeal, and the daily acquisition of knowledge, the fruit of experience, give an assurance of the honourable fulfilment of your duties, and of a happy result to your efforts in the service of the Country.

You are not ignorant how much is wanting to consolidate our political edifice; nor do I doubt, that you will now display a circumspect assiduity in furthering this great work. The time is not long, but zeal and prudence can accomplish much; and you have given sufficient proofs that you are possessed of both.

The King, my august Brother, whom the desire for our happiness has moved to give us, in the Fundamental Charter, an undeniable monument of his wisdom and magnanimity, relies upon you to effect this great undertaking, in which His Royal mind has delineated his own manifest title to glory, and the precious assurance of the felicity of Portugal; and the World will now witness your claim to such high confidence.

My beloved Brother, the Infant Don Miguel, by the Laws and Orders of His Majesty, is charged with the Regency of this Kingdom, to assume which dignity he left Vienna on the 6th ultimo, and, having reached Munich on the 9th and Strasburg on the 16th, he was expected at Paris on the 18th, and he is probably at this moment in England. He has made known that his intentions are in conformity with those of the King, my august Brother; and this event, in accordance with the political views of the Great Powers, together with the measures taken by the Government, has disarmed party spirit, and calmed the agitations in the Provinces, which were the necessary consequence of the extraordinary state of our affairs.

The Government of a neighbouring Nation, duly estimating the real ties which bind the reciprocal interests of the Peninsula, opposes with sincerity the mischief that Individuals, wildly ambitious and restless, do not cease to promote.

The state of our Finances is not unfavourable to the Publick Credit; nevertheless, an unforeseen and unexpected event has affected the interests of the Nation, and more particularly those of the Inhabitants of the Capital. The Government, however, from the aid it has rendered, and from the measures taken, and to be adopted, trusts that the credit of the Bank will shortly be re-established.

We enjoy a profound Peace with Foreign Nations, a Peace founded upon Alliances, and upon mutual interests. The Government will spare no effort to secure the duration of friendship with its Allies, and the general tranquillity of the Nation.

Follow, then, the glorious career you have begun. Portugal looks upon you as the instruments of a great King to render her happy and flourishing; the King flatters himself that you will fulfil his high intentions. I am persuaded, that His Majesty will daily feel more assured of your zeal and prudence, and that the Nation will ever consider you as its true friends. It is well known, that you seek no other recompense for the inconvenience to which you subject yourselves, and for the efforts which you make to serve it. I am aware of this fact, which is known to all, and I do not hesitate to declare it. But it is certain, that for minds so zealous, for true Portuguese, the greatest reward is the entire approbation of the Monarch, and the grateful praise of their Fellow-citizens.

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***CIRCULAR of the Russian Government to its Ministers at Foreign Courts, on the Declaration of War against Turkey.***  
*14 April, 1828.*

(*Circulaire.*)

*St. Pétersbourg, le 14 Avril, 1828.*

MA Circulaire relative au départ d'une partie des Gardes Impériales, et les Publications que nous avons été obligés de faire paraître dans le Journal de St. Pétersbourg, concernant les trop justes griefs fournis à la Russie par la Porte Ottomane, vous auront fait prévoir, qu'une Guerre entre les deux Empires se trouvait désormais inévitable.

Depuis ce moment nulle mesure de conciliation n'en a diminué la triste nécessité, dans tout ce qui regarde les intérêts des Etats de Sa Majesté Impériale. Les mêmes provocations subsistent, les mêmes entraves pèsent sur notre commerce, et en se prolongeant, la violation ouverte de tous nos Traités ne devient que plus préjudiciable et plus grave.

Dans de telles circonstances, l'Empereur, malgré son vif désir de conserver la Paix, n'avait qu'un seul parti à prendre. Il l'a pris. Nous venons de publier la Déclaration de Guerre ci-jointe, contre la Porte Ottomane, et nous l'avons accompagnée de Pièces justificatives, que vous trouverez également au nombre des Annexes de la présente.

L'intention de l'Empereur est, qu'en portant officiellement à la connaissance du Gouvernement, auprès duquel vous êtes accrédité, la Déclaration dont il s'agit, et les Documents ci-dessus mentionnés, vous y ajoutiez quelques observations, dont je vais indiquer ici la substance.

Sa Majesté invite tous les Etats, Amis et Alliés de la Russie, à peser attentivement les motifs qu'Elle a fait développer à l'appui de la détermination qu'Elle adopte; Elle les invite à considérer d'un œil impartial, le tableau de la politique Russe envers la Porte Ottomane depuis le Traité de Bucarest, persuadée que cet examen ne peut avoir



qu'un seul résultat, celui de convaincre, que jamais raisons de Guerre ne furent plus légitimes, ni plus urgentes, que jamais le vœu de la prévenir ne se manifesta plus longtemps, par des faits mieux constatés, sous des formes plus solennelles, et malgré des sujets de plainte, malgré même des actes hostiles, plus positifs et plus évidens.

Pénétré de cette vérité, l'Empereur espère que le Gouvernement, auprès duquel il a fixé votre résidence, s'empressera de la reconnaître publiquement, et d'approuver les résolutions dont vous êtes chargé de lui faire part.

Elles ont été précédées d'explications amicales entre la Russie et les premières Puissances de l'Europe, la Grande Bretagne, la France, l'Autriche et la Prusse. Il n'en est aucune, qui conteste la justice du droit que nous avons de déclarer la Guerre à la Porte. Comme nous, elles déplorent l'exercice de ce droit, comme nous, elles désirent en restreindre, autant que possible, les effets, et abréger la durée de l'état de choses qu'il amène. Comme nous enfin, la Grande Bretagne et la France persistent dans la résolution d'exécuter le Traité de Londres, et si notre attitude à l'égard de la Porte doit nécessairement différer de celle que ces deux Cours conservent, n'étant pas en Guerre avec l'Empire Ottoman, le but de nos efforts et des leurs pour la pacification de la Grèce, ne cessera d'être le même, les mêmes intentions dirigeront leurs démarches et nos armes, les mêmes liens continueront de nous unir à elles, pour le visible avantage de l'Europe et de l'humanité.

Il vous sera aisé, avec ces notions, de refuter les bruits, que la malveillance ou la peur feront circuler sur de prétendus dangers, qui menaceraient le maintien de la Paix générale.

Il ne vous sera pas difficile non plus, de répondre aux assertions, qui tendent à effrayer tous les Etats Européens, des vues ambitieuses de la Russie et de ses vastes projets de conquête.

Le Traité de Londres aurait suffi pour réduire au néant ces accusations calomnieuses, s'il était possible de jamais imposer silence à la mauvaise foi. Ceux qui les répandent n'en connaissent pas moins que nous, l'absurde fausseté, et cependant ils s'efforcent d'en préoccuper les Gouvernemens et les Peuples. Sans étouffer ces clameurs, heureusement impuissantes, notre Déclaration placera encore une fois dans tout son jour la modération de l'Empereur. Sa Majesté veut, que les Traités entre la Russie et la Porte se renouvèlent de manière à être efficaces et à renfermer en eux-mêmes la garantie de leur observation scrupuleuse. Peut-il y avoir une intention plus juste, plus naturelle et plus sincèrement pacifique? Sa Majesté veut, que la liberté de la Navigation du Bosphore et du Commerce de la Mer Noire, soient désormais inviolables. Les intérêts les plus chers de Ses Etats lui dictent ce désir, et nous ne connaissons pas de Pays, qui ne doive le partager pour son propre bien. Sa Majesté veut de plus, que la crise

du moment serve à la pacification du Levant tout entier. Un Traité formel lui impose l'obligation d'y co-opérer de tout son pouvoir, et l'accomplir, c'est faire disparaître, au rétablissement de la paix, le dernier germe d'une autre Guerre. Sans doute, l'Empereur demandera à la Porte d'indemniser la Russie des frais de celle qui commence, et ses Sujets des pertes dont ils ont à se plaindre. Mais cette demande découle des principes de la plus stricte équité. Et d'ailleurs, quand nous annonçons que des vues ambitieuses nous sont étrangères, que nous n'en voulons point à la Puissance Ottomane et qu'aucun sacrifice trop onéreux ne sera réclamé de sa part, nous encouragerions ses efforts et nous l'inviterions en quelque sorte à prolonger les hostilités, si nous ne lui fesions sentir, qu'en les prolongeant, elle aggraverait sa position. Au demeurant, l'indemnité à exiger de la Turquie, sera réglée par Sa Majesté Impériale d'après cette même modération, qui caractérise toute sa politique.

Faut-il une preuve encore de ses véritables desseins? La Lettre dont j'ai eu ordre d'accompagner notre Déclaration, en la notifiant au Grand Visir, démontre qu'il ne tient qu'à la Porte de conclure la Paix avec nous; et que si, d'un côté, nous ne pouvons nous laisser entraîner dans une Négociation, qui nous ferait perdre toute une campagne, au cas où elle suspendrait les opérations militaires, de l'autre, notre unique pensée est d'ouvrir, dès à présent, les voies à une réconciliation aussi prompte que durable.

Au moment où nous traçons ces lignes, nos Troupes vont franchir nos Frontières, et le Commandant en Chef des Armées de l'Empereur adresse aux Habitans des deux Principautés une Proclamation, que je me fais un devoir de vous communiquer ci-près. Aucune espérance exagérée n'y est donnée aux Moldaves ni aux Valaques, aucun mot n'y dénote des intentions que la Porte elle-même ne puisse et ne doive approuver. Tous nos soins ont maintenant pour objet de conserver la tranquillité en Servie, et d'y empêcher une Insurrection contre les Turcs, malgré les mesures hostiles que le Divan, toujours imprudent et aveugle, adopte envers cette Province.

Vous êtes autorisé à délivrer Copie de la présente, et à remettre un Exemplaire complet de ses Annexes, au. . . . .

LE COMTE DE NESSELRODE.

*(Enclosure.)—Proclamation of the Russian General to the Inhabitants of Moldavia and Wallachia.—April, 1828.*

*Habitans de la Moldavie et de la Valachie!*

SA Majesté l'Empereur, mon Auguste Maître, m'a ordonné d'occuper votre Territoire avec l'Armée, dont Il a daigné me confier le commandement. Les Légions du Monarque, Protecteur de vos des-

tinées, en franchissant les limites de votre Terre natale, y apportent toutes les garanties du maintien de l'ordre et d'une parfaite sécurité.

Moldaves et Valaques de toutes les classes ! accueillez les braves que j'ai l'honneur de commander, comme des frères, comme vos défenseurs naturels. Empressez-vous de co-opérer, en tout ce qui vous sera demandé, aux mouvemens des Armées de Sa Majesté Impériale, et donnez à la Puissance qui a constamment veillé sur vos droits, des preuves réitérées de votre antique dévouement. La Guerre que la Russie vient de déclarer à la Porte Ottomane, n'a pour but que le redressement des plus justes griefs, et l'exécution des Traités les plus solennels. Spectateurs paisibles et soumis d'hostilités qui ne sauraient vous atteindre, occupez-vous sans inquiétude du bien-être de votre Patrie, et remplissez invariablement tous vos devoirs. Les Lois, les usages de vos Ancêtres, vos Propriétés, les droits de la Sainte Religion qui nous est commune, seront respectés et protégés. C'est pour y parvenir plus promptement que l'Empereur m'a chargé d'instituer sans retard, dans les Principautés, une Administration Centrale Provisoire, dont le Conseiller-Privé, Comte de Pahlen, est nommé Chef. Dépositaire de la confiance de Sa Majesté, il va désormais exercer parmi vous les Fonctions et les Pouvoirs de Président Plénipotentiaire des Divans de Moldavie et de Valachie. Je mettrai la plus active sollicitude à le seconder dans ses travaux. Une discipline sévère sera maintenue dans tous les Corps d'Armée, et il sera fait prompte justice des moindres désordres. Vous pouvez y compter.

Habitans de la Moldavie et de la Valachie ! La Guerre que mon Auguste Souverain est forcé d'entreprendre ne vous enlèvera que momentanément, Il se plait à l'espérer, les avantages de la Paix ; elle vous en garantit le prochain retour ; elle vous assurera le bienfait d'une existence légale et stable, fondée sur des Stipulations, qui achèveront d'effacer les traces des maux que vous avez soufferts, et vous offriront la certitude d'un heureux avenir.

La soumission aux Autorités, l'oubli des ressentimens que l'anarchie avait fait naître, le sacrifice des intérêts privés pour une cause qui les embrasse tous : tels sont les devoirs dont je vous recommande l'accomplissement spontané et unanime au nom de l'Empereur.

Conformez-vous aux magnanimes intentions dont je me félicite d'être l'organe, et vous acquerrez de nouveaux titres à la haute bienveillance de Sa Majesté.

*Au Quartier-Général de*

*le Avril, 1828.*

LE FELD-MARECHAL, COMTE DE WITTGENSTEIN,

*Commandant en Chef.*



**COMMUNICATIONS from the Ministers of Foreign Powers to the Government of the Sublime Porte, relative to the Differences between Russia and Turkey.**  
*March to December, 1827.*

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(1.) *The Austrian Minister to the Reis Effendi.*

*Constantinople, ce 12 Mars, 1827.*

LA Sublime Porte a si souvent rendu justice à la pureté, et à l'invariabilité des sentimens d'amitié de la Cour Impériale d'Autriche, qu'il seroit superflu de lui en renouveler l'assurance. C'est par une suite de ces sentimens dont Sa Majesté n'a cessé de donner des preuves réelles à Sa Hautesse toutes les fois que l'occasion s'en est présentée, qu'elle a donné l'ordre au Soussigné d'appeler l'attention la plus sérieuse de La Sublime Porte, sur un objet que touche de près les intérêts les plus essentiels de cet Empire, et auquel l'Empereur a voué depuis des Années sa constante sollicitude.

Le Soussigné a déjà eu l'honneur, il y a vingt mois, d'exposer au Ministère Ottoman, les raisons qui ne permettaient point à Sa Majesté de voir avec indifférence la prolongation indéfinie des troubles qui désolent une partie de la Turquie Européenne; il lui a développé alors les motifs très graves qui devaient engager la Sublime Porte à aviser aux moyens les plus propres et les plus efficaces de mettre un terme à ces troubles, et de parvenir à une pacification prompte, véritable, et solide des Provinces insurgées. Ces memes raisons de sollicitude de la part de l'Empereur, ces mêmes motifs déterminans du côté de la Porte, non seulement subsistent encore aujourd'hui dans toute leur force, mais ils ont acquis depuis lors un tel degré d'importance, d'urgence même, que la Cour Impériale et Royale ne sauroit plus garder le silence, qu'elle s'étoit imposé depuis cette époque.

En élevant encore une fois la voix pour cet objet, l'Empereur a la conscience de remplir un devoir sacré qui lui est dicté, et par l'intérêt de ses peuples, et par celui d'un Empire ami et voisin tel que l'Empire Ottoman.

Cette pacification, l'objet des vœux les plus ardens et les plus constants de l'Autriche, est réclamée par l'intérêt véritable de la Porte elle même, par celui de l'Europe entière, enfin par celui en particulier de l'Autriche.



Quand le Soussigné, par ordre exprès de sa Cour, et de concert avec les Ministres de quelques autres Puissances amies et alliées, a abordé pour la première fois cette même question, la Sublime Porte lui a répandu que la pacification se ferait, que Sa Hautesse était toujours disposée à pardonner à ceux de ses Sujets égarés, qui rentreraient dans leur devoir, et qu'avec l'aide de Dieu elle réduiroit par la force des armes ceux qui persisteraient dans leur révolte. Près de deux Années se sont écoulées depuis lors, et quel a été le fruit, le résultat des efforts immenses, des sacrifices incalculables faits par le Divan ? Les Insurgés sont ils rentrés de bon gré dans leur devoir ? Ont ils été soumis par la force des Armes ? L'insurrection ne subsiste-t-elle pas aujourd'hui encore dans toute sa vigueur ? Les Ottomans peuvent ils se considérer comme maîtres paisibles du Pays quand les habitants, les Districtes mêmes, où l'insurrection a été comprimée momentanément, se lèvent de nouveau en armes, dès qu'ils ne sont plus contenus par la présence des troupes Turques ? Ce que la Porte n'a point pu effectuer dans le cours de près de 6 Années il est très peu probable qu'elle l'atteigne par des moyens qui s'affaiblissent évidemment d'année en année. Elle ne pourrait peut-être pas si les Puissances Etrangères demeuroient spectatrices impassibles de la lutte, et elle le pourra bien moins dès que quelques uns d'entre elles se prononcent, ainsi qu'elles le font.

Mais supposé même que par de nouveaux efforts redoublés, la Porte réussisse à s'emparer des places et des Iles restées entre les mains des Insurgés, ce résultat pourra-t-il être obtenu autrement que par de nouveaux torrens de sang, que par l'extermination totale des Habitans ?

Un tel plan ne saurait trouver sa place dans le cœur magnanime d'un Prince appelé par la Providence à être le Père de ses Peuples.

L'expérience de 6 Années passées doit avoir prouvé à la Porte, que le véritable moyen de ramener les esprits égarés et de pacifier la Grèce, ne se trouve pas dans la seule voie des Armes ; une pareille pacification ne pourrait plus porter que le caractère de la destruction, ou bien celui d'une feinte soumission des Insurgés. Dans l'un comme dans l'autre de ces cas, où se trouveraient les garanties du repos dans l'avenir, et dans l'avenir même le plus prochain ? Or ce que les Puissances voudraient obtenir, ce que notamment l'Autriche désire, vu la situation géographique de son Empire, ses nombreux contacts avec la Turquie, et les pertes très sensibles qu'éprouve la partie la plus florissante de son Commerce, et de sa Navigation, par la perturbation de la Paix publique dans le Levant,—foyer d'où l'esprit révolutionnaire, tant que subsistera l'Insurrection des Grecs, ne cessera de menacer les Etats voisins. Ce n'est pas seulement un aplanissement apparent et passager des troubles dans le moment actuel ; c'est le gage, et la garantie d'une tranquillité stable et solide.

Cette garantie du repos et de la tranquillité future de la Grèce, et de sa soumission durable ne peut se trouver que dans la perspective, et dans la certitude que leur donnerait la Porte qu'en rentrant sous l'autorité de Sa Hautesse, leur sort, leur existence civile, et leur bien être futur ne seront point menacés, mais améliorés, et mis à l'abri des réactions et des maux qu'ils ont souffert, et dont ils craignent le retour.

Les Cabinets de St. Pétersbourg, et de Londres ont communiqué à celui de Vienne les plans qu'ils jugent propres à atteindre ce but salulaire. Sa Majesté Impériale y a reconnu non seulement tout l'intérêt que ces deux grandes Puissances attachent à un objet auquel l'Empereur a voué lui même depuis des Années sa plus vive sollicitude, mais elle y a reconnu de plus la nécessité urgente et indispensable pour la Porte de conduire, par les moyens convenables, à son terme, dans le plus bref délai possible, cette lutte déplorable. Les démarches des Représentans des deux Cours de Russie et d'Angleterre, et celles des autres Missions des Cours Alliées auprès de la Porte, ne peuvent lui laisser le moindre doute sur la réalité du fait, des plans susmentionnés, comme sur l'existence de cette nécessité indispensable pour elle.

Le Soussigné a l'ordre d'appeler l'attention la plus sérieuse de la Sublime Porte sur les propositions et les communications, qui lui seront faites par Messieurs les Représentans des deux Cours susdites ; il la prie de les peser mûrement dans sa sagesse, et de réfléchir aux conséquences incalculables, qu'une résolution inconsidérée, et contraire à ses véritables intérêts, et aux vœux des Puissances ses Amies, pourrait avoir pour cet Empire.

Organe d'une Cour amie, qui ne sait ni feindre un sentiment, ni cacher une vérité, qui ne cherche point à plaire, ni ne craint de déplaire, le Soussigné se flatte que le Ministère Ottoman voudra bien accueillir cette ouverture avec la même bienveillance, la même confiance, dont il lui a déjà donné tant de preuves dans d'autres occasions bien moins importantes que celle-ci.

Le Soussigné, &c.

S. E. *Le Reis Efendi.*

OTTENFELS.

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(2).—*The Prussian Minister to his Dragoman.*

MONSIEUR,

*Buyukdéré sur le Bosphore, ce 17 Aout, 1827.*

Vous vous présenterez demain dans la matinée chez Son Excellence le Reis-Efendi, et vous lui ferez confidentiellement la Communication suivante de ma part.

Dans un Mémoire remis à la Sublime Porte, le 12 du mois de Mars dernier, à l'époque où les Représentans de France, de Grande Brétagne, et de Russie, venoient de communiquer au Divan le Protocole du 4 Avril, 1826, j'ai développé avec une franchise sans réserve toutes les considérations qui devoient déterminer le Gouvernement de Sa Hautesse à accepter les moyens qui lui étoient offert pour pacifier la Grèce.

Je lui ai désigné ces moyens comme présentant l'unique chance d'éviter les crises que ses amis désiroient lui épargner, et dont les effets pourroient finalement être hors de tout calcul. Enfin, après avoir épuisé tous les argumens qui militoient en faveur des propositions énoncées par les Cabinets Alliés, je n'ai pas dissimulé à Son Excellence le Reis-Efendi, ma conviction intime, qu'un refus même absolu de la part du Divan ne changeroit rien aux termes de l'arrangement arrêté entre les Puissances Signatrices du Protocole, et qu'en dernière analyse, une nécessité impérieuse pourroit imposer à l'Europe l'obligation de trancher le nœud, que l'amitié et la bienveillance ont essayé en vain jusqu'ici de délier.

Au lieu de profiter de ces avertissemens salutaires, que tous les vrais amis de la Porte lui ont simultanément offerts, le Divan, en s'exagérant ses propres ressources, a préféré repousser les conseils de l'amitié, il n'a tenu aucun compte ni des vœux, ni des inquiétudes, ni des besoins réels qui lui ont été signalés, et en ne répondant que par une série de refus à une longue suite d'actes de déférence, il a forcé trois Grandes Puissances à chercher à pourvoir, par d'autres moyens, à la stabilité du repos de l'Europe.

C'est ainsi que le Protocole du 4 Avril de l'Année passée, a été suivi du Traité de 6 Juillet dernier, et c'est ainsi que de nouveaux refus et de nouveaux incidens motiveront encore de nouvelles combinaisons, de nouvelles Stipulations et de nouvelles mesures ; jusqu'à ce que la Porte se pénètre, que la Pacification de la Grèce, qui est de nécessité absolue pour l'Europe en général, l'est encore, et à plus forte raison, pour l'Empire Ottoman en particulier. Enfin ce sera encore ainsi, qu'en persévérant à se refuser aux propositions justes et conciliantes, que les trois Cours ont adressées jusqu'ici à la Porte, elle les contraindra à ne consulter désormais que leurs intérêts, leur puissance et leur dignité. Dès lors la question changera de face ; les conditions remplaceront les propositions, les nécessités les convenances, et la force triomphera de la résistance, que l'amitié et la raison ont inutilement essayé de vaincre.

Autant cet avenir est sombre et alarmant, autant il est inévitable et prochain, si la Porte persiste, à dédaigner les conseils que ses véritables amis lui font parvenir une dernière fois.

Toutefois il est tems encore d'écarter les dangers imminens qu'ont attirés sur l'Empire Ottoman les refus multipliés d'obtempérer à des nécessités, qui de jour en jour, deviennent plus urgentes et plus impérieuses. Mais le tems presse, les évènements marchent, et ce ne seroit pas la première fois que la rapidité avec laquelle ils se succèdent, feroit naître des combinaisons que la politique et la bonne foi des Cabinets ne sauroient ni prévoir, ni arrêter. Que le Divan accepte donc les Propositions que les Représentans des Cours de France, de Grande Brétagne et de Russie viennent de lui adresser par leur Note

collective d'hier, qu'il saisisse la main sécourable que lui tendent ses amis ; qu'il réponde avec confiance à leurs ouvertures ; et qu'il se persuade enfin, que le seul moyen de préserver de toute atteinte ses droits, ses intérêts et sa dignité, consiste à accueillir avec bienveillance et avec cordialité des Propositions, qui n'ont d'autre but que de faire cesser un état de choses devenu désormais incompatible avec les véritables intérêts de la Porte, avec la sûreté de Commerce en général et la parfaite tranquillité de l'Europe.

Son Excellence le Reis Efendi n'ignore point que la Prusse n'est pas Signatrice du Traité conclu à Londres le 6 Juillet dernier. Cette circonstance même doit lui fournir une nouvelle garantie de l'impartialité et du désintéressement du conseil, que, suivant les Ordres exprès du Roi, notre auguste Maître, je me fais un devoir de lui offrir dans cette grave occurrence. La Prusse n'a pas varié, elle ne variera pas dans ses sentimens envers le Divan ; mais elle veut ce que veulent ses Alliés, elle veut sans réserve le but que se proposent la France, la Grande Brétagne, et la Russie, en cherchant à assurer la Paix intérieure et extérieure de l'Empire Ottoman, à arrêter une déplorable effusion de sang, à préserver une Population Chrétienne de sa destruction, et à écarter les élémens de trouble et de discorde, qui, depuis trop long tems, menacent la tranquillité de l'Europe.

Je supplie donc une dernière fois le Ministère Ottoman de ne pas s'abuser plus long tems sur les positions respectives. Il doit avoir compris aujourd'hui quels sont les *vœux* des trois Puissances Signatrices ; il ne peut pas ignorer que ces Puissances possèdent tous les moyens nécessaires pour *réaliser* ces vœux ; et il doit également comprendre quel avenir la Sublime Porte se prépare en s'obstinant à repousser les avertissemens, les conseils, les prières mêmes de ses amis.

Vous déposerez, Monsieur, entre les mains de Son Excellence le Reis Efendi copie vidimée des présentes Instructions.

*L'Interprète de la Légation Prusse.*

MILTITZ.

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(3.)—*The British, French, and Russian Ambassadors to the Reis Effendi.*

*Constantinople, le 10 Novembre, 1827.*

LES Représentans des trois Cours Alliées de France, de Grande Brétagne, et de Russie, ayant pris connoissance des questions que Son Excellence le Reis Efendi a chargé leurs Interprètes de leur adresser, ont l'honneur d'y répondre dans la présente Note, de la seule manière qui soit compatible avec ce qu'ils sont fondés à préjuger des sentimens de leurs Cours, sur un pareil projet.

1<sup>ère</sup> Question.—Veut-on se desister entièrement de la Question Grecque ?

Les Représentans manqueroient à leur devoir et à la vérité, si, répondant à cette question, ils ne repetoient pas la déclaration déjà



faite par eux à diverses reprises, savoir ; que l'inébranlable résolution de leurs Cours est de maintenir le Traité conclu entr'elles pour la Pacification de la Grèce, et de persévérer dans l'exécution des mesures qu'elles ont arrêtées en commun pour cet objet.

2<sup>me</sup> Question.—Veut-on indemniser le Gouvernement Ottoman de la perte de sa Flotte ?

Jamais demande d'indemnité n'est admissible qu'autant qu'elle repose sur un droit certain : or, dans le cas actuel, il est démontré par tous les rapports, que l'agression est partie du côté des Escadres de la Sublime Porte.

3<sup>me</sup> Question.—Veut-on donner satisfaction à la Sublime Porte ?

Depuis 3 Ans, dans toutes leurs instances séparées ou collectives, ayant pour objet de faire agréer à la Sublime Porte leurs propositions désintéressées, les Cabinets ont assez témoigné combien étoit loin de leur pensée l'intention de manquer aux égards qu'elle peut justement prétendre. Cette conduite amicale, leur longanimité et la franche déclaration que les Représentans ont faite des mesures dont les Hautes Puissances ont prescrit l'exécution à leurs Amiraux, ne laissent pas, ce semble, à douter de l'accueil qu'elles feroient à la demande comprise dans la troisième question.

Après avoir ainsi répondu aux questions de Son Excellence, les Représentans, jaloux, en même tems, de n'épargner aucun soin pour faire comprendre à la Sublime Porte les vues désintéressées des Puissances, et pour écarter toute interpretation qui n'auroit après tout que les résultats les plus funestes, ont l'honneur de replacer sous les yeux de Son Excellence le Reis Efendi quelques considérations qu'ils espèrent encore ne pas devoir être inutiles à la cause de la Paix.

Les trois Cabinets ayant fait entr'eux un Traité, dont l'unique but est la Pacification de la Grèce, ils ont demandé à Sublime Porte, pour atteindre ce but, d'agréer leur médiation et de consentir à un Armistice. En posant d'avance quelques unes des bases d'un accord entr'elle et les Populations Grecques, livrées aux horreurs d'une dévastation sans exemple, ils n'ont rien stipulé de contraire à ses vrais intérêts. Ils n'ont fait que convenir entr'eux 'de déterminer les principes d'une Pacification, qui, loin de porter atteinte à l'intégrité de l'Empire, lui rendroit les avantages dont il est privé aujourd'hui et y ajouterait les garanties nécessaires pour leur durée. En laissant à une Négociation future entre les Parties Contendantes le soin de régler quelques autres points, sans doute importants, ils ont reconnu à la Sublime Porte le droit de les discuter et la faculté de décider elle-même, en définitif, du sort de cette Négociation.

Tels sont encore aujourd'hui leurs dispositions et leurs sentimens. La prolongation du séjour des Représentans à Constantinople, depuis même que le refus de la Sublime Porte et les instances de Son Excellence le Reis Efendi, les ont mis dans la nécessité de lui annoncer et de lui

expliquer les mesures dont l'exécution a été prescrite par les Puissances à leurs Amiraux, est, sans doute, avec tant d'autres preuves, une manifestation frappante des intentions pacifiques dont ces Puissances demeurent animées. C'est pour la Paix qu'elles se sont unies. La rétablir en Grèce sur des bases immuables, la conserver à Constantinople, tel est l'objet de leurs vœux, celui d'un Traité qu'elles sont résolues à maintenir et à exécuter.

L'évènement de Navarin a pu dans les premiers instans où la nouvelle en est parvenue à la Porte, lui inspirer des doutes sur les vues pacifiques et désintéressées des Puissances. La cause de cet évènement déplorable, aujourd'hui mieux connue, et l'empressement des Amiraux à prévenir, le lendemain de l'affaire, la nécessité d'un nouveau choc, empressement prouvé par des Documens Officiels qui sont parvenus aux Représentans, ne permettent plus d'interprétations contraires aux assurances qu'ils viennent de réitérer.

Cependant l'attitude que la Sublime Porte vient de prendre, et dont la continuation seroit incompatible avec le maintien des relations de bonne intelligence entre elle et les Cours Alliées, n'a pu qu'inspirer aux Représentans la plus pénible incertitude sur la nature de ses dispositions actuelles.

En conséquence, toujours guidés par le désir de continuer autant qu'il dépend d'eux, le ministère de paix qui leur a été confié, mais convaincus aussi de la volonté ferme où sont leurs Cours de rétablir la tranquillité en Grèce sur les seules bases qui puissent l'assurer, ils invitent Son Excellence le Reis Efendi à leur déclarer, sans plus de retard, quelles sont les intentions de la Sublime Porte ; si elle est disposée à révoquer immédiatement des mesures contraires aux Traités existans ; et si, pour mieux constater des vues pacifiques, elle adhère aux propositions antérieures des Soussignés.

STRATFORD CANNING.  
COMTE GUILLEMINOT.  
RIBEAUPIERRE.

S. E. Le Reis Efendi.

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(4.)—*The British, French, and Russian Ambassadors to their respective Dragomans.*

(Instruction.) *Constantinople, le 1 Décembre, 1827.*

Vous vous rendrez, Monsieur, chez le Reis Efendi, et vous prendrez pour base de ce que vous lui direz l'exposé suivant.

Ce Ministre vous a chargé de me faire connoître que, cédant aux sollicitations de Son Altesse Le Grand Vizir, et voulant donner aux trois Hautes Puissances, une marque de sa considération pour elles, le Sultan consentoit à exempter les Grecs du paiement de leurs Impôts arriérés depuis l'Insurrection : à renoncer au droit qu'il auroit d'exiger d'eux le remboursement des frais de la Guerre ; et enfin, à ne point

prélever de Contributions sur eux durant une Année, à dater de leur soumission.

Tout en reconnoissant, Monsieur, dans ces dispositions de Sa Hautesse, une preuve nouvelle des sentimens de clémence et de générosité qui l'animent, je ne puis me défendre de remarquer combien ces dispositions sont encore loin des résolutions de nos Cabinets, et des propositions que nous avons eu l'honneur de faire à la Sublime Porte.

Nous avons reçu des trois Hautes Puissances l'ordre formel de lui demander *l'Armistice et la Médiation*. Nous n'avons jamais pensé un moment, que sur ces deux points, leurs Résolutions pussent changer; et cette condition, nous n'en avons pas fait mystère au Reis Efendi.

Le refus qu'a opposé la Porte à ces deux demandes suffisoit déjà pour nous autoriser à quitter sans délai Constantinople.

Néanmoins, pour éloigner autant qu'il dependoit de nous, cette nécessité cruelle, et dans l'espoir que la Sublime Porte ne tarderoit pas à apprécier les vues généreuses et désintéressées de nos Cours, nous avons pris sur nous de ne plus faire dépendre actuellement la prolongation de notre séjour ici, que de l'adhésion immédiate de la Sublime Porte aux 3 Propositions suivantes : savoir,

1. Qu'Elle rétablît sans restriction ses Relations avec les trois Ambassades.

2. Qu'Elle ordonnât à ses Généraux de suspendre immédiatement les Hostilités sur Terre et sur Mer.

3. Enfin qu'Elle se déclarât prête à accorder aux Grecs, après une requête convenable de leur part, et dans les limites Territoriales dont nous avons à diverses reprises donné l'indication au Reis Efendi, des privilèges analogues à ceux que nous lui avons déjà fait connoître, conformément au Traité qui lie nos Cours.

Le Reis Efendi nous ayant déclaré que la Sublime Porte ne consentiroit pas plus à ces 3 Propositions qu'aux demandes formelles que nous avions précédemment faites au nom de nos Cours, il ne nous est plus resté d'autre parti à prendre que de demander nos Passeports.

A cette occasion, Monsieur, vous pourrez comme de vous même, faire observer à ce Ministre qu'en nous parlant de l'impossibilité de concilier les Résolutions de nos Cours, et nos Propositions en faveur des Grecs avec leur qualité de Raya, il oublioit sans doute que les Serbiens et les Habitans des Principautés du Danube réunissent néanmoins en eux, à cette qualité de Rayas celle de Sujets *privilégiés*.

Après avoir ainsi répondu à ce que le Reis Efendi vous avoit chargé de me faire savoir, et après lui avoir annoncé que je ne prétends pas insister de nouveau pour obtenir les Fermans de départ qu'il nous a refusés à mes Collègues et à moi, vous lui demanderez que du moins la Porte, ne se dépouillant pas entièrement des égards dus, en tout Pays, au caractère diplomatique, veuille bien nous accorder pour chacun des

Navires qui doivent nous emmener d'ici, nous et les Personnes de leur suite, un Officier chargé d'applanir, en toute rencontre, les obstacles qui pourroient entraver notre voyage à travers les deux détroits ou dans les Ports dépendans de l'autorité de la Sublime Porte.

Enfin, Monsieur, vous ferez connoître au Reis Efendi que M. l'Ambassadeur des Pays Bas ayant bien voulu, sur nos instances, se charger de protéger, après notre départ, les Personnes et les intérêts de nos Nationaux, nous espérons que La Sublime Porte respectera cette Délégation faite au Représentant d'une Puissance également lié d'amitié avec Elle et nos Cours.

STRATFORD CANNING.  
COMTE GUILLEMINOT.  
RIBEAUPIERRE.

*Le Dragoman, &c.*

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**NOTIFICATIONS relative to the Russian Blockade of the Dardanelles. October, December, 1828.**

**(1).—Notification of the British Government.**

SIR,

*Foreign Office, 1st October, 1828.*

I AM directed by the Earl of Aberdeen to acquaint you, for the information of the Committee of Lloyd's, that His Majesty's Government have received information that it is the intention of His Imperial Majesty, the Emperor of Russia, to establish a Blockade of the Dardanelles. This Blockade will be limited to the prevention of Vessels bound to Constantinople, and laden with provisions, or articles contraband of War, from entering the Straits.

His Majesty having declared to his Parliament that His Imperial Majesty had consented to wave "the exercise in the Mediterranean Sea, of any rights appertaining to His Imperial Majesty, in the character of a Belligerent Power," Lord Aberdeen is desirous of making the above communication with the least possible delay, for the information of all whom it may concern; and I am further directed by his Lordship to state that, in the opinion of His Majesty's Government, such commercial enterprizes of His Majesty's Subjects, as may have been already undertaken upon the faith of His Majesty's declaration in Parliament, are not liable to be affected by this Blockade.

I am, &c.

*The Chairman of the Committee at Lloyd's.*

DUNGLAS.

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**(2).—Circular of the French Minister of Commerce and Manufactures to the Chambers of Commerce.**

MESSIEURS,

*Paris, le 7 Octobre, 1828.*

LE Gouvernement du Roi est informé que l'intention du Gouvernement Russe est d'établir une Croisière aux Dardanelles, à l'effet



d'intercepter les approvisionnements en vivres et munitions de guerre qui seraient expédiés pour Constantinople. Aussitôt que j'aurai connaissance que ce Blocus a été établi de fait, je m'empresserai de vous en faire part.

La présente Communication est la seule que les principes constamment suivis par la France, en matière de blocus, me mettent, quant à présent, dans le cas de vous faire.

Agréez, etc.

SAINT-CRICQ.

(3.)—*Circular of the Russian Admiral to the Commanders of Ships of War of Neutral Powers.*— $\frac{6}{18}$  October, 1828.

MONSIEUR,

*A bord de l'Azof, Malte,  $\frac{6}{18}$  Octobre, 1828.*

L'EMPEREUR mon Auguste Maître, dans l'intention de contraindre la Porte Ottomane à une prompte et solide Paix, et de mettre le plus tôt possible un terme aux calamités que pourrait occasionner la Guerre actuelle, si, par obstination, elle était prolongée, a résolu de faire coopérer ses Forces Navales à atteindre ce but, qui n'est pas moins l'objet des vœux constans de Sa Majesté Impériale, que des desirs bien connus de ses Alliés.

Elle m'a ordonné, en conséquence, de mettre et de déclarer en état de Blocus les Dardanelles et Constantinople, et d'empêcher l'arrivée quelconque des vivres et autres articles généralement connus sous la dénomination de contrebande de Guerre, à bord des Bâtimens Turcs ou de Pavillons Neutres.

Les Lois ordinaires et positives de la Neutralité Maritime, qui imposent aux Neutres l'obligation de respecter tout Blocus effectif, donnent aux Puissances qui l'établissent, le droit légitime de le faire observer rigoureusement et sans exception. Sa Majesté Impériale, toujours fidèle à ses promesses d'occasionner le moins de dommage possible au Commerce des Nations Neutres, autorise son Escadre :

1°. A permettre l'entrée des Dardanelles et de Constantinople à tous les Bâtimens Neutres qui se soumettront à la visite, et qui n'auront à leur bord ni contrebande de Guerre ni aucun autre objet qui servirait à approvisionner la Capitale de l'Empire Ottoman.

2°. A permettre la sortie, sans être molestés, de tous les Bâtimens provenant de Constantinople et allant en Europe, à moins qu'ils n'aient à bord des Troupes, des munitions de Guerre et des vivres pour les places situées dans la circonscription déterminée par les trois Cours au Traité du 6 Juillet.

3°. A ne faire usage de la force qu'à la dernière extrémité contre les Bâtimens Neutres qui voudraient se soustraire à la visite, ou bien qui tenteraient de violer le Blocus.

Conformément à ces exceptions, qui seront sans doute appréciées par le Commerce Européen, le Vice-Amiral Ricord, qui commande la Division Navale destiné au Blocus des Dardanelles, a reçu les Ordres

les plus positifs pour faire observer les plus grands égards dans la visite des Bâtimens Neutres, et d'employer la force seulement contre ceux qui, contrairement aux Loix constitutives des Nations, et nonobstant le péril réel auquel ils s'exposeraient, tenteraient de violer le Blocus, ou au moins de l'éluder par le moyen d'embarcations.

Je dois donc vous prier de vouloir bien donner la plus grande publicité à cette mesure, et d'en informer les Négocians qui font le Commerce du Levant sous le Pavillon de votre Auguste Souverain, et qui feraient des spéculations tendantes à approvisionner la Capitale de l'Empire Ottoman en vivres ou munitions de Guerre.

Je vous annonce d'ailleurs avec un plaisir infini, qu'en conséquence des mesures efficaces prises de concert par les Puissances qui ont signé le Traité de Londres, la Morée a été entièrement évacuée par les Troupes Turco-Egyptiennes, et qu'en conséquence le Blocus de cette Péninsule a été entièrement levé, et que désormais le commerce neutre trouvera un débouché facile dans ces échelles qu'une lutte terrible avait, pendant tant d'années, rendu pour ainsi dire inaccessibles.

Recevez, etc.

COMTE DE HEYDEN.

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(4.)—*Notification of the British Government.*

SIR,

*Foreign Office, 4th December, 1828.*

WITH reference to Lord Dunglas's Letter of the 1st of October, I am directed by the Earl of Aberdeen to communicate to you, for the information of the Committee of Lloyd's, that British Vessels, whatever may be the nature of their Cargo, which have cleared out for Constantinople, from any Port of Great Britain or Ireland, before the 1st of October, or from any Port in the Mediterranean, before the 30th of October, will meet with no obstruction from the Russian Squadron blockading the entrance of the Dardanelles. Vessels which may have cleared out subsequently to these periods, and which are laden with provisions, or articles contraband of War, will be liable to interruption by the Blockading Squadron.

I am, &c.

JOHN BACKHOUSE.

*The Chairman of the Committee at Lloyd's.*

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***SPEECH of the President of Hayti, on the Opening of the Legislative Assembly.—10th June, 1828.***

CITOYENS REPRESENTANS,

J'ÉPROUVE toujours un véritable plaisir toutes les fois que, procédant à l'Ouverture de la Chambre, je vois arriver l'époque où je dois, conjointement avec les Membres de la Législature, délibérer sur les grands intérêts de l'Etat.

Je regrette d'avoir à rappeler ici que, depuis la dernière Session,

certaines tentatives<sup>9</sup> dirigées par la malveillance avaient, pendant quelques momens, troublé le repos des Citoyens paisibles. Il m'est toutefois satisfaisant de pouvoir déclarer que, dans ces fâcheuses circonstances, l'esprit public s'est partout manifesté avec autant de dévouement que de zèle pour le maintien de l'ordre établi ; et si, jusqu'alors, il pouvait encore exister quelque doute sur la fixité de la volonté Nationale, le résultat de ce qui a eu lieu a dû fortifier la conviction que rien, désormais, ne peut détruire l'édifice élevé à la liberté et à l'indépendance d'Haïti.

Toujours fidèle à mes devoirs, tout en faisant les efforts que la probité commande pour parvenir au paiement de la Dette consentie envers la France, je n'ai jamais cessé de défendre l'honneur et les droits d'Haïti. J'ai proclamé et constamment fait valoir le droit inviolable qui ne permet pas d'admettre qu'un Peuple vraiment indépendant puisse être astreint, contre ses intérêts, à reconnaître à perpétuité des privilèges exclusifs au profit du Commerce d'une Puissance Etrangère. Sur ce point important, il est entendu que, à moins de stipulations ultérieures réciproquement avantageuses, le Commerce de toutes les Nations sera placé ici, après l'Année 1830, sur le pied d'une parfaite égalité.

Je dois maintenant vous exprimer ma pensée sur la Contribution extraordinaire que la difficulté des circonstances a fait établir. L'expérience que nous venons d'acquérir a prouvé évidemment que cet impôt a trop pesé sur un grand nombre de Citoyens. Le mode employé pour sa perception a encore donné lieu à quelques abus. Ainsi, le mal étant reconnu, l'adoption d'un système plus convenable est de nécessité.

Pressés par les circonstances, nous avons émis, vous le savez, un papier-monnaie pour une certaine valeur. L'accueil favorable que le Public a fait à cette mesure a comblé mon attente, et le retrait partiel, qui vient d'en être tout récemment ordonné par le Gouvernement a prouvé que ma plus vive sollicitude sera toujours de répondre à la confiance dont la Nation n'a cessé de m'environner.

Citoyens, il me reste à témoigner ma satisfaction de pouvoir dire que, malgré la gêne qui résulte de la diminution à l'Etranger du prix de nos productions, malgré les suites déplorables de la grande sécheresse et de l'ouragan qui ont successivement désolé le Pays, le bon ordre et la sécurité, tant dans les Villes que dans les Etablissements ruraux, se sont fortifiés.

Nous avons aussi à nous féliciter de l'accroissement remarquable de la Population, et des progrès obtenus dans les soins donnés à l'instruction publique.

Nous avons donc lieu d'espérer, avec la protection de Dieu, que l'avenir de la République sera aussi heureux que ses succès ont été glorieux.

C'est dans cette attente, et avec la plus grande confiance dans votre patriotisme, que je déclare, en vertu de la Constitution, que la Session de la Chambre des Représentans est ouverte.

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*SPEECH of the Lord High Commissioner of the United States of the Ionian Islands, on the Opening of the Legislative Assembly.—8th March, 1828.*

MR. PRESIDENT AND GENTLEMEN,

THE satisfaction which I feel in meeting you in this first Session of the third Parliament, is increased by the conviction I entertain that the proceedings of the Legislative Assembly will be governed entirely by the desire to promote the improvement, and augment the welfare of the Population of these States. I can have no doubt but that these will be the principles by which the Legislative Body of the third Parliament will be guided, when I contemplate the Individuals by whom it is composed, in whom is combined so large a proportion of the rank, the property, and intelligence of the Country.

It would be superfluous to occupy any great portion of your valuable time, in observations on the admirable fitness of the provisions of the Constitutional Charter to the circumstances and condition of these Islands; but I must be permitted to observe, Mr. President and Gentlemen, and I do so with the most lively satisfaction, that, in the late Elections, the Meetings of the Synclitæ have been more numerous than on any former occasion, and that the voting for the Candidates, *viva voce*, has been made with as much openness and freedom, as if it had been the established practice of the Country for Centuries. This fact, Gentlemen, and you know it to be such, together with another which is equally notorious,—the anxiety displayed in all the Islands by all Classes to establish their rights to admission into the body of the Synclitæ,—are proofs, and undeniable ones, that the Institution itself is well adapted to the feelings and principles of the Population. This anxiety on the part of Individuals to establish their electoral right, and the frankness evinced in the exercise of it, without reserve or hesitation, shew a development of national character as new as it is satisfactory.

I consider these as most important tests of the progress which has already been made in public feeling, and as leading rapidly to the establishment of a public opinion, from which the best results must necessarily follow.

The whole duration of the last Parliament has been marked by an uninterrupted tranquillity throughout all the Islands, and by a gradual, progressive and steady improvement in their welfare, in all respects at all dependent upon, or which are within the controul of, measures emanating from a Government; and I have the most confident reliance,



that the same happy progress will continue during this Parliament, for in proportion as the People of all classes have experience of the principles on which their Government and Legislature act, they will become more and more persuaded, that the Executive Government and their Representatives have but one object in view—the general welfare of the whole.

During the whole course of the last Quinquennium the devastating War, which had already commenced, has continued without interruption in the neighbouring Continent and Islands of Greece. His Majesty, the Protecting Sovereign, from an anxious desire to put a stop to the horrors of this War, as it has been carried on by the Parties engaged, had in concert with his Allies, proposed to the Belligerents an Armistice, with the view to complete pacification. In the prosecution of this design an effusion of blood has taken place, which is deeply to be regretted; but His Majesty trusts that nothing of this kind will again occur to those who are engaged in the difficult task of reconciling the Belligerents; and that the Ottoman Porte will at last consent to those Arrangements, which have been proposed for an amicable termination of the present difference, and that thus the Treaty of London, of 6th July, will ultimately be carried into effect. The most efficient measures have been taken by His Majesty and his Allies for putting a stop to those disgraceful outrages which have for so long a time been committed by Piratical Vessels in these Seas, and those of the Archipelago, and from which the navigation and commerce of these Islands have materially suffered.

Measures the most efficient have likewise been taken for bringing to condign punishment the Miscreants who have shewn such activity in carrying on these nefarious practices.

The strict Neutrality which was observed by these States at the commencement of the contest in Greece, has undergone no relaxation, and His Majesty, the Protecting Sovereign, trusts with entire confidence to a perseverance in the same wise policy.

The Accounts of Receipts and Expenditure, as well as the Civil List, will be laid before you by the proper Officer; and I recommend that a Committee should be formed, for the thorough examination and investigation of the former, and for such full report thereon as its inquiries may warrant.

The General Statement of your Finance concerns for the last Year stands as follows :

Balance on 31st January, 1827.....	£ 92,966	6	9½
Revenue, 1827 .....	138,094	10	2½
	<hr/>		
Total.....	£ 231,060	17	0
Expenditure, 1827 .....	177,763	13	3½
	<hr/>		
Balance, 31st January, 1828 .....	£ 53,297	3	8½
	<hr/>		

I regret to observe that there has been no inconsiderable falling off in the Revenue, as compared with that of the preceding Year, the principal cause of this is the failure of the Oil crop of 1826, the produce of which, as you are aware, does not come to account in the Statement of Revenue till the Year 1827. In the Customs, likewise, there has been a deterioration: this falling off in the Customs may be easily accounted for; first, by the misfortune which has so frequently recurred of the failure of the crops in the Oil-producing Islands, and in the universal low price of that commodity in all the neighbouring parts of Europe, naturally causing diminished consumption of imports; and, secondly, and in a great degree, by the interruption which has been given to commerce by the flagitious conduct of the Greek Pirates. On the other hand, in the Expenditure, large as it has been, it is considerably reduced from that of the Year 1826, and even a considerable proportion of this diminished expenditure is to be considered, not as a permanent charge on the Revenues, but solely as extraordinaries, not again to be incurred; and of this extra expenditure, two principal items are, the purchase of the Government Steam-packet, and the expense incurred at Calamos, amounting together to nearly £25,000.

The Finance Committee, in the examination of the Accounts, will perceive that had it not been for the aggregate of extra expenditure, the balance, which I have stated to be £53,000 would have been £88,000 leaving only a difference of £4,000 between the balance of this and the past Financial Year.

A very close examination of the permanent Expenditure, and of all the Establishments of Government, has satisfied me that no inconsiderable diminutions may be made, and I shall, in the course of your Session, through the Executive Government, submit them to your consideration.

I shall also bring under your notice a material change as to the mode of levying the Import Duties, and this principally with a view of facilitating mercantile transactions, and encouraging commerce.

The improvements in your Judicial System, and the perfecting of the Administration of Justice has always been the subject of mine, as well as your most anxious solicitude. I am satisfied that these important objects can be materially advanced in conjunction with a most important diminution of Publick Expenditure; and I shall take the earliest opportunity of submitting to the Parliament the arrangements I have in view:—these arrangements are founded on what the experience of 10 Years has shewn to be practicable.

The reduction of the number of Courts, and giving a different organization to those which remain; while the principle sanctioned by the last Parliament, and partially applied, will be extended. I allude to the selection for Judges, of Persons not natives of the Islands in which they are to act, a measure which, if I am not grossly misin-

formed, has been productive of the greatest benefits, and which has given almost universal satisfaction; for it has, in those Courts where such Judges preside, produced that real equality under the Law, which is the object of every reasonable Legislation. In order to obtain these objects, a modification of some of the provisions of the Constitutional Charter will be called for, in the mode prescribed by the Charter itself. These, in due time, I shall submit to the consideration of Parliament.

Your are aware Mr. President and Gentlemen, that the Office of the Supreme Council of Justice lapses during the Session. It appears to me essential that it should be renewed, and I shall have the honour to make the necessary communication to the Assembly to this effect.

I am now to call your attention to one of the most important objects which can occupy the deliberations of this Assembly. I mean the Publick Instruction of the Youth of these Islands. I cannot approach this subject, Mr. President and Gentlemen, without advert- ing to the severe loss which the whole Ionian Population has experienced by the death of the illustrious Chancellor of its University; I say the whole Ionian Population, for, I am sure, there is not one amongst you, who does not feel that the intentions of that beneficent Nobleman embraced the advantage of all ranks and degrees of these Islands, if his benevolence did not, indeed, extend itself much beyond the limits of these Islands, and embrace within its sphere the improvement of the Youth of all Greece. You have seen him sacrificing his time, his fortune, and his health, to the praise-worthy and philanthropic object of extending Education. Gratitude to such a benefactor must be indelible, and the memory of the Earl of Guilford will be handed down to the latest posterity as the object of reverence, and affection of the whole Ionian People.

We have, Mr. President, and Gentlemen, been deprived of the assistance of his enlightened mind; and the state in which the education of the Ionian Youth has been left calls for the attention of Parliament.

I am confident that this Assembly, equally with the Executive Government, and myself, (acting as I am in conformity with the views of my gracious Sovereign,) will concur in maintaining, under the modifications, and reforms, called for by our circumstances, and by the state of our Finances, what has already been begun. With this view I shall call upon the Executive Government to present for your consideration a Bill, fixing the principles on which the University is henceforward to be conducted, and rendered practically useful, as well as settling the superintendence under which that Institution is to be carried on; and also the mode of establishing without delay, and conducting in each of the Islands, Schools for a liberal elementary education, in proportion to the respective wants of the various Islands—a measure which I am confident will, if properly conducted, be eminently useful.

I shall at the same time lay before you what may be necessary for the extension of the Schools of mutual instruction for the education of the Peasantry and the labouring Classes—an object of very great importance.

Upon the subject of these latter Institutions, I will not abstain from bestowing that praise, which has been so well deserved by the Local Government of the Island of Cerigo, where, in the Town and almost every District of the Country, excellent Schools have been established, and are producing the most beneficial effects. The Dominant Church of these States has, during the recess of Parliament, been deprived of two of its highest Dignitaries, by the death of the lamented Archbishops of Corfu and Zante. It is a matter of sincere regret to me that these high Offices should still remain unoccupied, but this has been unavoidable. The state of things at Constantinople precluded the necessary application to the Patriarch, through the Ambassador of the Protecting Sovereign. Should this continue, it may become necessary to proceed to filling up the Offices under the alternative provided for by the Legislative Enactment passed in 1825.

I cannot close this Address without expressing to you the favourable impressions which exist on my mind as to the conduct of his Highness the late President of the Senate, and of that illustrious Body, as well as of every branch of the Government during the whole Quinquennium; nor can I pass under silence the admirable conduct of the whole Population of these States during so considerable a period of time.

The same principles of moderation will, I am satisfied, pervade all operations of the Government which has now been installed; and as it has been my good fortune on more than one occasion to bring this most gratifying view of our situation under the notice of the King, my Sovereign and Master, so I anticipate with the firmest confidence that, during the third Parliament, His Majesty will have occasion to notice the continuance of the equally praiseworthy conduct of his protected Subjects; and thus have irrefragable proofs how well founded is the deep interest he takes in the welfare of the Ionian People, whose prosperity is an object of his most lively solicitude, as sole and exclusive Protector of these States.

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*TREATY of Limits between The United States and the Creek Indians.—Signed the 15th November, 1827.*

JOHN QUINCY ADAMS,

PRESIDENT OF THE UNITED STATES OF AMERICA.

WHEREAS a Treaty between the United States of America, and the Creek Nation of Indians, was made and concluded on the 15th day of



November, in the Year of our Lord 1827, at the Creek Agency, by Commissioners on the part of The United States, and the Chiefs of said Nation, on the part, and in behalf of said Nation; which Treaty is in the words following, to wit:

*Articles of Agreement made and concluded at the Creek Agency, on the 15th day of November, 1827, between Thomas L. McKenney and John Crowell, in behalf of The United States, of the one part, and Little Prince and others, Chief and Head Men of the Creek Nation, of the other part.*

Whereas a Treaty of Cession was concluded at Washington City, in the District of Columbia, by James Barbour, Secretary of War, of the one part, and Opothleoholo, John Stidham, and others, of the other part, and which Treaty bears date the 24th day of January, 1826, and whereas the object of said Treaty being to embrace a Cession, by the Creek Nation, of all the lands owned by them within the chartered limits of Georgia, and it having been the opinion of the parties, at the time when said Treaty was concluded, that all, or nearly all, of said lands were embraced in said Cession, and by the lines as defined in said Treaty, and the Supplemental Article thereto; and whereas it having been since ascertained that the said lines in said Treaty, and the Supplement thereto, do not embrace all the Lands owned by the Creek Nation within the Chartered limits of Georgia, and the President of The United States having urged the Creek Nation further to extend the limits as defined in the Treaty aforesaid, and the Chiefs and Head Men of the Creek Nation being desirous of complying with the wish of the President of The United States; therefore, they, the Chiefs and Head Men aforesaid, agree to cede, and they do hereby cede, to The United States, all the remaining Lands now owned or claimed by the Creek Nation, not heretofore ceded, and which, on actual survey, may be found to lie within the chartered limits of the State of Georgia.

In consideration whereof, and in full compensation for the above Cession, the undersigned, Thomas L. McKenney and John Crowell, in behalf of The United States, do hereby agree to pay to the Chiefs and Head Men of the Creek Nation aforesaid, and as soon as may be, after the approval and Ratification of this Agreement, in the usual forms, by the President and Senate of The United States, and its sanction by a Council of the Creek Nation, to be immediately convened for the purpose, or by the subscription of such names, in addition to those subscribed to this Instrument, of Chiefs and Head Men of the Nation, as shall constitute it the Act of the Creek Nation, the sum of 27,491 dollars.

It is further agreed by the Parties hereto, in behalf of The United States, to allow, on account of the Cession herein made, the additional sum of 15,000 dollars, it being the understanding of both the Parties,

that 5000 dollars of this sum shall be applied, under the direction of the President of The United States, towards the education and support of Creek Children, at the School in Kentucky, known by the title of the "Choctaw Academy," and under the existing regulations; also, 1000 dollars towards the support of the Withington, and 1000 dollars towards the support of the Asbury Stations, so called, both being Schools in the Creek Nation, and under regulations of the Department of War; 2000 dollars for the erection of 4 horse mills, to be suitably located under the direction of the President of The United States; 1000 dollars to be applied to the purchase of Cards and Wheels, for the use of the Creeks; and the remaining 5000 dollars, it is agreed shall be paid in blankets and other necessary and useful goods, immediately after the signing and delivery of these presents.

In witness whereof, the Parties have hereunto set their Hands and Seals, this 15th day of November, 1827.

Signed by

THOMAS L. M'KENNEY.  
JOHN CROWELL.

[And by 6 Chiefs of Indians.]

Whereas the above Articles of Agreement and Cession were entered into at the Creek Agency, on the day and date therein mentioned, between the Little Prince, the Head Man of the Nation, and 5 other Chiefs, and Thomas L. M'Kenney and John Crowell, Commissioners on the part of The United States, for the Cession of all the Lands owned or claimed by the Creek Nation, and not heretofore ceded, and which, on actual Survey, may be found to lie within the chartered limits of the State of Georgia, and which said Agreement was made subject to the approval and Ratification by the President and Senate of The United States, and the approval and sanction of the Creek Nation, in General Council of the said Nation.

Now, these presents witnesseth, that We, the undersigned Chiefs and Head Men of the Creek Nation, in General Council convened, at Wetumph, the 3rd day of January, 1828, have agreed and stipulated with John Crowell, Commissioner on the part of The United States, for, and in consideration of the additional sum of 5000 dollars, to be paid to us in blankets, and other necessary articles of clothing, immediately after the signing and sealing of these presents, to sanction, and by these presents do hereby approve, sanction, and ratify, the above-mentioned and foregoing Articles of Agreement and Cession.

In witness whereof the Parties have hereunto set their Hands and Seals, the day and date abovementioned.

Signed by

JOHN CROWELL.

[And by 60 Chiefs and Head Men of the Creek Nation.]

Now, therefore, be it known, that I, John Quincy Adams, President of the United States of America, having seen and considered the said

Treaty, do, in pursuance of the advice and consent of the Senate, as expressed by their Resolution of the 26th of February last, accept, ratify, and confirm the same, and every Clause and Article thereof.

In Testimony whereof I have caused the Seal of The United States to be hereunto affixed, having signed the same with my Hand.

Done at the City of Washington, this 4th day of March, 1828, and of the Independence of The United States the 52d.

By the President:

J. Q. ADAMS.

H. CLAY, *Secretary of State.*

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*CORRESPONDENCE between the Officers commanding the Naval Forces of Brazil and The United States, off Buenos Ayres, respecting the exclusion of Neutral Ships of War from Blockaded Ports.—November, December, 1827.*

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(1.) *The Brazilian Admiral to Commodore Biddle.*—(Translation.)

*H. I. M. Frigate Piranga, 10th November, 1827.*

THE Undersigned has the honour to thank his Excellency Commodore Biddle, for the polite message of compliments sent him this morning, which he duly reciprocates.

His Excellency Commodore Biddle having at the same time, requested that the Pilot, (o Piloto practino,) of the Rio de la Plata be lent to bring the Frigate *Macedonian* near the Harbour, and also to conduct the Corvette *Boston* to the Port of Buenos Ayres, the Undersigned conceives it his duty to make some observations to his Excellency Commodore Biddle, with regard to the second object. In consequence of the War between the Empire of Brazil and the Republic of Buenos Ayres, His Imperial Majesty declared the Ports of his Enemies within the Rio de la Plata, under Blockade. And Blockades, (Declaration of War having preceded, whence alone that right can be derived) it has been constantly admitted by all Nations, should not be violated by our Vessels of War. From this general consent, by natural consequences, the practice to the contrary is regarded as a positive offence—and it does not seem reasonable, (the two Nations, Brazil and The United States, being as yet amicable, and each Party endeavouring to continue so,) that this state of things should be altered, without, perchance, there appearing to be any necessity for such a misunderstanding.

The Undersigned, desiring to obviate, as much as possible, a measure that may excite discord, and at the same time to improve the occasion of having it in his power to render the Government of The

United States, and also to his Excellency Commodore Biddle, the services always due to Friends, offers to his Excellency any Vessel whatever of the Imperial Squadron to carry his Officers to Buenos Ayres, under a Flag of Truce: in that manner, some Person whom his Excellency may designate, will be able to go with them if it should be found necessary.

The Undersigned deems it proper to offer to his Excellency Commodore Biddle, some explanation concerning the entrance of English Vessels of War into the Port of Buenos Ayres, to prevent that fact from being adduced as a precedent.

England, as mediatory Nation for Peace between the Empire of Brazil and the Republick of Buenos Ayres, had, for that reason, to send a Corvette there, which carried one of the Negotiators and the Treaty. Reports being in circulation that it would not be ratified, the Populace of the Capital became riotous, and lampoons against the British Envoy and the English in general, were posted up. Lord Ponsonby judged it prudent to exhibit a larger British Force to compel respect, and then the Frigate *Forte* went up; to her I lent my Pilot, because as yet there was a hope of Peace, for there had been no movement which had indicated, in fact, a rejection of the Treaty; they all retired, a Brig having gone twice afterwards with Despatches, in furtherance of that end, by the mediatory Nation.

From the above his Excellency Commodore Biddle will perceive that the British Vessels of War went to Buenos Ayres, not upon the service of England, but upon that of the Empire of Brazil; and that, with the exception of these, no other Vessels of War have hitherto gone there.

If The United States were the mediatory Nation, (as surely they would have been, from the good understanding and the friendship which they have for His Imperial Majesty, if His Imperial Majesty had not anticipated them,) the same would have happened with their Vessels that has occurred with the English, and the latter would not have gone up.

Possessed of all that has been recited, his Excellency, Commodore Biddle, will form the resolution that may appear to him most suitable to the occasion, remaining responsible for the consequences.

The Undersigned will have the pleasure of sending the Pilot to obey the orders of his Excellency, in shifting the birth of the Frigate *Macedonian*, not being able to spare him for a longer time, because affairs wearing a different aspect from what they did when he allowed him to carry up the Frigate *Forte*, it may be necessary for him at any moment to get under weigh.

If in any thing else his Excellency Commodore Biddle shall find that the Undersigned has it in his power to oblige him, he may reckon



upon his willingness, to the utmost of the ability of the Squadron under his command.

The Undersigned avails himself, &c.

BARAO DO RIO DA PRATA.

*The Commandant of the Naval Forces of The United States on the Eastern Coast of South America.*

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(2.)—*Commodore Biddle to the Brazilian Admiral.*

*United States' Frigate Macedonian,*

*Off Monte Video, 11th Nov. 1827.*

SIR,

YOUR Excellency's Letter of the 10th instant has been received and attentively considered.

A number of American Vessels have recently arrived at Buenos Ayres; and the Seamen belonging to them being there discharged, are often compelled, by their necessities, to enter a Foreign Service.—It is my duty to endeavour to relieve these Seamen, as far as practicable, by furnishing them the means of quitting Byenos Ayres in a publick Vessel of The United States.

Outrages of an aggravating character have recently been committed upon the lawful Commerce of The United States, by the private armed Vessels of Buenos Ayres; and particularly the American Brig *Ruth*, bound to Santos, and the American Brig *Anna*, bound to Rio Janeiro, have been captured by Buenos Ayrean Privateers, and the Crews of both Vessels have been abused. To ascertain if these captures and this abuse be sanctioned by the Government, and to decide in what manner I shall in future treat these Privateers at Sea, it is indispensable I should communicate with the Diplomatick Representatives of The United States at Buenos Ayres. These are the considerations which have determined me to send the *Boston* to Buenos Ayres; and in communicating them I give to your Excellency a new proof of my respectful and amicable disposition. It was not necessary I should communicate them; since, in the case of the *Boston*, all that a Blockading Squadron can rightly claim, is, to be satisfied that she is a publick Vessel of The United States; and to this end, I have already ordered Captain Hoffman to show his Commission from the President of The United States to any Brazilian Cruizer that may ask to see it.

I must be permitted to say, notwithstanding your Excellency's observation to the contrary, that Blockades never have been deemed to extend to publick Ships. Great Britain, almost perpetually at War, and numerically superior at Sea to any other Nation, never for a moment pretended that neutral Ships of War could be affected by Blockades. During several Years of the War in Europe, the Government of The United States maintained its diplomatick intercourse with France, exclusively by means of its publick Ships entering the French

Blockaded Ports. In 1811, in The United States' Ship, *Hornet*, I myself went into Cherbourg, then Blockaded by a British Squadron; was boarded as I went in by the Blockading Squadron, but merely for the purpose of ascertaining our national character.

To the list of neutral Ships mentioned by your Excellency as having gone to Buenos Ayres, your Excellency might have added The United States' Ship *Cyane*, in April, 1826, and His Britannick Majesty's Packet, regularly every month, since the first establishment of the Blockade.

It results, therefore, that, in sending the Corvette *Boston* to Buenos Ayres, I exercise an indisputable and customary right. At the same time, I fully recognize the relations of amity, happily subsisting between The United States and Brazil, and I am disposed to preserve them so far as may depend upon me.

When at this anchorage in February last, the Chargé des Affaires of The United States at Buenos Ayres expressed a desire that I would visit Buenos Ayres; but I then declined, because then no object of a publick nature existed to call me there. I did not consider the Blockade as at all interfering to prevent my going to Buenos Ayres; but, as long as I had no publick duty to perform there, I deemed it proper to abstain from going there. Now, however, as your Excellency must perceive, objects important to the interest of The United States require that I should communicate with Buenos Ayres; and these objects, your Excellency must also perceive, I cannot, consistently with my duty, neglect.

And it is necessary to my views that Captain Hoffman should have a personal interview with our Chargé des Affaires at Buenos Ayres, and as it is not prudent, at this exposed anchorage, that he should be separated from his Vessels, I must decline your Excellency's offer of one of the Vessels under your command, to convey my Officers to Buenos Ayres, while I duly appreciate the kindness of the offer.

I will add, that upon my arrival here, on the 6th instant, I received communications from the Chargé des Affaires of The United States at Buenos Ayres, urging strongly, and upon publick grounds, the presence of a publick Vessel of The United States there. I have, &c.

JAMES BIDDLE.

*H. E. Sñr. Rodrigo Pinto Guedes, Baron of La Plata.*

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(3.)—*The Brazilian Admiral to Commodore Biddle.*—(Translation.)

*H. I. M. Frigate Piranga, 11th Nov. 1827.*

MOST EXCELLENT SIR,

ALTHOUGH I might have been ignorant of some facts which your Excellency recites as having occurred in the late War, I am now informed of them; yet I beg leave to make some remarks upon the

same subject, impelled to do so by the station I occupy in the Rio de la Plata.

Your Excellency knows perfectly well, that, in the late War, monstrous transactions had place, such as are no longer received in the Law of Nations. He who was then Chief of the French Nation for many Years, holding his will alone as right, forced other Nations to resort to extraordinary measures, to counteract disorganizing attacks. Your Excellency, therefore, must see that examples drawn from that War cannot well apply to periods in which more regularity existed.

The English Nation itself, from whom your Excellency argues, has given a decision, and consequently pursues a different course, in the present War between His Imperial Majesty and the Republic of Buenos Ayres. Some of the English Authorities, as well in Rio Janeiro as in the La Plata, pretending to establish the same doctrine which your Excellency lays down as certain, the question was referred to the Cabinet of London, and His Britannick Majesty decided that Vessels of War could not enter blockaded Ports, and such has continued to be the practice of the English.

Permit me, your Excellency, to deny the argument of the Packet, because it proceeds from a special Convention, and therefore cannot enter into the general rule. No one can forget that that establishment being merely commercial its continuance was indispensable for the adjustment of accounts, and the liquidation of funds, from the different circumstances which the War and the Blockade were about to impose on mercantile transactions. But it does not appear to me that Brazil, in similar cases, and by means of similar Vessels, will deny the communication to any other Power. As to the case of the *Cyane*, though I much respect Captain Elliot, who commanded her, still I cannot admit, before the act be proven a proper one, that it should authorize others.

I cannot agree in opinion with your Excellency, in adducing arguments from the English, because their maritime Force exceeds that of other Nations. The right of Blockade emanates from Sovereignty, and, as this consists in independence, the small State is Sovereign as well as the great; the rights are equal; otherwise, we are to be considered as degenerated to a state of nature, out of society, where force alone has the right to govern. From this general rule, without making relative application, concerning which I would have much to say, your Excellency will see that the comparison does not sustain them. Besides, in conflict with the arguments drawn from the principles of England, the decision of the English Government, mentioned above, will convince your Excellency that there is uncertainty in the opinion affirmed.

I cannot believe that the just requisition of the President of The

United States, depends for its satisfaction by the Government of Buenos Ayres, on a show of force which could only be employed in cases of obstinacy; and therefore, I must hope that your Excellency may order detention; and that all may terminate according to your Excellency's desires, I again offer any Vessel to the orders of your Excellency, as, in the same manner, I remain obedient in all things.

I renew my assurances, &c.

*The Commodore Biddle.*

BARAO DO RIO DA PRATA.

(4.)—*Commodore Biddle to the Brazilian Admiral.*

*United States' Frigate Macedonian,*

*Off Monte Video, 12th Nov. 1827.*

SIR,

Your Excellency's Letter of yesterday's date I received this morning.

The usage of Nations is, not to apply a blockade to Ships of War; and this usage is conformable to reason, since the legitimate and only object of a blockade is to exclude supplies; and your Excellency well knows that a Ship of War never carries supplies of any kind, except for her own use.

I beg leave to state, in addition to my Letter of the 11th instant, that in 1818, while in command of The United States' Sloop of War *Ontario*, I entered the Port of Valparaiso, then blockaded by a Spanish Squadron. The Spanish Commodore notified to me the Blockade, and requested I would acknowledge the notification of it, which I accordingly did in writing, and then entered the Port.

In 1819, The United States Frigate *Macedonian*, Captain Downes, entered the Port of Callao, then blockaded by the Chili Squadron, commanded by Lord Cochrane, who boarded the *Macedonian* as she went in.

In 1802, I was a Junior Officer in the American Squadron, then blockading the Port of Tripoli. A Danish Frigate came off the Port, which our Squadron boarded, and permitted to enter.

Independently of this general usage in regard to Blockades, the Ships of War of another neutral Nation have, during the present Blockade, passed up to Buenos Ayres. It matters not whether these Ships went to Buenos Ayres in their own right, or by the relaxation of your belligerent rights, since your Excellency knows that a Belligerent is not permitted to apply different principles to different neutral Nations, but is bound to conduct towards all alike. Submission to so injurious a distinction is inconsistent alike with national honor and the principles of strict Neutrality.

Embargoes are analogous to Blockades, and they do not extend to Ships of War. On the 13th of November last, His Imperial Majesty's Government notified to the Foreign Ships of War at Rio Janeiro, that an Embargo was laid on all the Vessels in Port. I was lying there



with three Ships; and the service for them admitting of delay, I deemed it proper, in courtesy to a friendly Nation, to respect the Embargo. Commodore Jones was lying there with two Ships of War of The United States under his command; and, as the service in which he was engaged admitted not of delay, he declined, on that account, to respect the Embargo, and accordingly put to Sea. In 1818, while I was in command of the United States Sloop of War *Ontario*, at Valparaiso, an Embargo was laid by the Government, and Lord Cochrane, then commanding the Naval Forces of Chili, requested me to continue in Port during the continuance of the Embargo. I declined, however, and went to Sea. In 1817, an embargo was laid at the Port of Callao, and the Vice King of Peru requested Commodore Bowles, of His Britannick Majesty's Frigate *Amphion*, to remain. He refused, however, and went to Sea.

I have entered thus largely into the subject, in the hope of satisfying your Excellency that I have a perfect right to communicate with Buenos Ayres. The publick objects requiring my communicating with Buenos Ayres, I have already explained, not that I deem it obligatory upon me to do so, but from sentiments of personal esteem for your Excellency. It would give me great pleasure to conform in all things to your Excellency's wishes, but my publick duty must be performed; and it only remains to me to acquaint your Excellency, that the *Boston* will proceed up the River to-morrow if the wind permits.

I have the honor to be, &c.

JAMES BIDDLE.

*H. E. Sr Rodrigo Pinto Guedes, Baron of La Plata.*

(5.)—*Commodore Biddle to the Secretary of the Navy.*

SIR, *U. S. Frigate Macedonian, off Monte Video, 9th Dec. 1827.*

I ENCLOSE Copies of my Correspondence with the Brazilian Admiral, up to this date. The *Boston* got under weigh from this anchorage, for Buenos Ayres, on the morning of the 13th ultimo, and returned yesterday. I considered it due to Mr. Forbes to leave to his discretion the length of the *Boston's* stay at Buenos Ayres. Enclosed is a Copy of my Orders to Captain Hoffman; also, a Copy of his Report to me.

In the Frigate *Congress*, in 1823, my order from the Navy Department was, not to enter Cadiz, if a Blockading Squadron should object to my doing so; but I considered the Order as applying only to that particular case, and not as governing me in all. A great desire has been felt by my Countrymen and others, since my first arrival on this Station, that I would *test the principle* as to the applicability of a Blockade to a Ship of War, but this I considered improper. My impression was, that I ought to communicate with Buenos Ayres, if any publick object rendered a communication necessary, and that

otherwise, I ought not. My reasons for sending the *Boston* to Buenos Ayres are stated in my Communications to the Admiral, and in my Letter to Mr. Forbes on the 12th ult. a copy of which is enclosed.

With respect to the American Seaman, William Nye, I received information from our Consul, on the afternoon of the 20th, that Nye had been impressed the preceding night. I sent an Officer to state this to the Admiral, desiring also that he release Nye, and his answer was, that he would inquire into the circumstances. At the end of two days, not hearing from the Admiral, not hearing from the Consul that the Man had been released, and knowing the Frigate was about to sail, I wrote my Note to the Admiral. Nye was released, not on the 20th, as stated by the Admiral, but on the succeeding day.

No Vessels have been seized by the Blockading Squadron since the date of my Letter to you of the 19th ult. During the last month, 6 American Vessels entered the blockaded Ports, of which number 5 have sailed last from Monte Video. I have the honor, &c.

Hon. Samuel L. Southard.

JAMES BIDDLE.

**CORRESPONDENCE between The United States and Brazil, respecting Complaints of the American Chargé d'Affaires against the Brazilian Government, and his departure from Rio Janeiro.—1826, 1827.**

(1.)—*Mr. Raguet to the Secretary of State.*

(Extract.)

*Rio Janeiro, 1st September, 1826.*

AT 12 o'clock, after returning to the shore, I called at the Foreign Office, but found that the Minister had not yet been there. I took advantage, however, of the occasion, to express to Mr. Lisboa, the Chief Clerk, in a conversation of half an hour, the abhorrence which I felt at the barbarous and inhuman conduct of the Commander of the Brig *Independencia ou Morte*. I pronounced it to be the greatest outrage upon civilization that had ever been practised in modern days, with the single exception of the crime lately committed by his Imperial Majesty's Brig *Emprehendedor*, who captured a Spanish Vessel (the *Escuderra*) on the Coast of Africa, and cut off the left ear of the *Supercargo*, close by the head, and threatening to hang him, from which he was restrained by his own Crew. I told him that I had only 2 hours before saw this victim of piractical barbarity, a Prisoner on board the *Prezeganga*, and expressed my astonishment that the Government, instead of making an example of such a monster, and giving him the reward due to his crime against the Laws of Nations, should actually have sent him to sea again, to cut off other People's ears, on the 26th of August, as Commander of the very Spanish Vessel which

he had captured, and which had never yet been condemned. I told him, moreover, that, if my Countrymen were not released from imprisonment without delay, I should make such a representation to his Government on the subject as they would not like to see; that I would give them a picture of the inside of the *Prezeganga*, which would make them shudder; and that I would leave no stone unturned; that I would go to the end of the World to prove them not to be a civilized People. This conversation, which, as nearly as I can recollect, was in the foregoing words, and certainly in terms not less strong, took place in English, which Mr. Lisboa understands very well. He expressed a proper abhorrence of the conduct of the Commander of the *Emprehendedor*, but thought, as he was a *Frenchman*,\* that the disgrace of the transaction would not attach to Brazil—an argument which I admitted would have been sound enough, had the barbarian been hanged for his crime, and not received the approval of the Government by a continuance of employment; seeing that the Foreign Department had already been placed in possession of Depositions on the subject, which had been shown to me by the Consul-General of Spain, placing the matter beyond all doubt. He also expressed a becoming indignation at the conduct of the Captain of the *Independencia ou Morte*, and promised to see the Minister at his house, and communicate to me forthwith the result of his deliberations.

*The Hon. Henry Clay.*

CONDY RAGUET.

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(2.)—*Mr. Clay to Mr. Raguet.*

SIR, *Department of State, Washington, 20th January, 1827.*

YOUR Despatches, from No. 14 to 19, inclusive, have been received, and submitted to the President. He regrets the personal difficulties in which you have been placed, in respect to the exemption to which you are entitled, in virtue of your publick character, from the payment of duties on objects intended for your own consumption, and in regard to the house which you had hired for your residence.

In relation to the first subject, I have nothing to add to my Letter, No. 5, under date the 22d day of October last. Foreign Ministers accredited by this Government (including the Brazilian) are allowed the full benefit of the prevailing usage, in its most liberal extent; according to which, duties are not levied upon articles bona fide imported for the consumption of their families. The President hopes the case will not arise in which it may be necessary to consider the propriety of withholding the benefit of that usage from the Foreign Minister of any Nation, in consequence of its not being reciprocated in behalf of our Representative at such Nation.

With respect to the embarrassments to which you have been exposed, on account of the house which you had hired for your use,

\* Louis Clemente Poitiers.

lively sympathy is felt on account of them; and, if any assistance could be afforded from here, to enable you to extricate yourself from them, it would be cheerfully rendered. Controversies of that description, when they unfortunately arise, must be determined, if the Minister chooses to waive his privilege, by the Local Tribunal designated for that purpose, unless they can be otherwise arranged. Our own Constitution, you are aware, contemplates the existence of such disputes, and particularizes the Tribunal to whose cognizance they are to be submitted.

From the long residence of the President abroad, he is fully sensible, from his own experience and observation, of these personal inconveniences, and justly appreciates the feelings which their occurrence naturally excites. In the general, it is best to avoid, as much as possible, a written Correspondence with the Government, where a Minister is placed, on these topics. This remark, indeed, may be applied to many of the minor public duties of a Minister. It is often much easier to effect an object by a personal interview, and oral explanations, conducted with courtesy and kindness, than by an exchange of Notes. The perusal of other parts of your Despatches has occasioned the President the most lively regret. He sees that there has unfortunately arisen a state of relation between yourself and the Brazilian Government, which may possibly affect the public interests committed to your charge. Our Commerce and Navigation have, undoubtedly, during the present War respecting the Banda Oriental, been sometimes subject to aggravating perplexities, especially on the part of the Brazilian Squadrons and Cruizers. Redress for these injuries, and others of a similar character, which we may experience in the future progress of the War ought to be sought by you in a language firm and decisive, but, at the same time, temperate and respectful. No cause is ever benefited by the manifestation of passion, or by the use of harsh and uncourteous language. If the remonstrances and reclamations which you have been called on, during your Mission, to present, have not always been attended with immediate success, several of them appear to have accomplished their purpose, although the measure of redress may sometimes have fallen short of just expectations. It is the fate of all Maritime Nations, neutral in Maritime Wars, to find their Commerce and Navigation often exposed to serious vexations. The existing Brazilian War forms no exception to their general character. But The United States do not appear to be the only injured Power: on the contrary, the Commerce and Navigation of England, France, and Spain, have all suffered; and some of them to a greater extent than ours. War is the ultimate and last resort; and much ought to be borne, before a Nation, one especially whose interests, generally, are so obviously on the side of Peace, as are those of The United States,



should appeal to arms. If we had declared War upon the occasion of causes of complaint of no greater amount than those which we have had against the South American Belligerents, (and there is no disposition to underrate them,) The United States would have enjoyed scarcely a Year of repose since the establishment of their present Constitution.

The case of the *Ruth*, which is described in your Despatch under date of the 1st of September, was one undoubtedly deserving all your zeal, and of a nature to excite all your energies, in behalf of her outraged Crew. Still the President believes that it would have been better, in the pursuit of your object, to have abstained from the use of some of the language which you employed in your interview with Mr. Lisboa, Chief Clerk in the Department of Foreign Affairs. No Nation claiming to be civilized, and christian, can patiently hear itself threatened to be characterized as an uncivilized People. It must be also recollected, that one of the topics on which you animadverted, (that of the personal outrage inflicted by the Commander of the Brig *Emphrededor* on the Supercargo of the Spanish Vessel, *Escuderra*,) did not appertain to your official functions, but belonged to those of the Representative of Spain, to whose judgment and discretion exclusively it would have been most proper to have left the conduct of it, according to his own sense of his duty.

The degree of service which a Foreign Minister is able to render his Country, depends much upon the respect and deference which he observes in his intercourse with the Ministers and Government where he is accredited; and this is, more especially, the case in Governments, constituted and administered like that of the Brazils. The President makes great allowances for the feelings which you naturally entertained as a free Citizen of The United States, and as a friend of liberal Institutions, as well as on account of the strong character of some of those injuries sustained by our Commerce and Countrymen, for which it has been your official duty to demand redress. But he would have been better satisfied if you had never allowed yourself to employ, in your Intercourse and Correspondence with the Brazilian Government, provoking or irritating expressions. These, he thinks, ought always to be avoided. The effect produced on that Government by the character of your Correspondence, is noticed in your Despatch No. 17; and you appear to have anticipated, as a possible consequence of it, that the Brazilian Government might decline all further intercourse with you. The President hopes that such will not be the termination of your Mission; and he is desirous that you should, in future, whilst you assert, with dignity, decision, and promptitude, all our rights, carefully avoid giving any just dissatisfaction in the particular which it has been my painful duty to call to your attention.

With respect to the nature of Instructions which may be sent to you, and of Orders to the Commanders of our Publick Vessels, that must rest with the President, where the Constitution has placed it. If those Instructions or Orders do not correspond in all respects with your wishes or expectations, you must recollect that he is enabled, at this distance, to take a calmer view of things than you are; that we have relations with other Nations besides those which exist with the Brazils; and that, even if we had not, War or threats of War ought not to be employed as instruments of redress, until after the failure of every peaceful experiment. It is the more incumbent on the President to be guarded in throwing out warlike menaces, because the Constitution, having wisely confided to Congress alone the power of declaring War, it cannot be known, in all cases, beforehand, that the denunciation will be certainly followed by the commencement of hostilities.

You will make to the Brazilian Government suitable acknowledgments for the accommodation afforded to our Squadron, in admitting, free of duties, the supplies destined for its use, imported in the *Draco* and *Georgiana*. It is believed to be according to usage to exempt from duties supplies belonging to the Publick, imported under such circumstances, and not intended to enter into the consumption of the Country, but designed for the use of Publick Ships. You may, therefore, assure the Brazilian Government that if, hereafter, any of their Publick Vessels should be placed in our Ports in an analogous condition, the like exemption from duties shall be extended to their supplies, according to what we understand to be the prevailing usage; or if, contrary to our belief, any defect of Law should exist in that respect, the President will recommend to Congress to reciprocate the accommodation which has been extended to our Publick Vessels.

A particular hardship appears to exist at Monte Video, in the cognizance which is there exercised over Admiralty Cases. The Tribunal appears to be unwilling to decide, or incapable of deciding, any question, but refers all Cases to Rio. The delay, expense, and uncertainty, incident to this mode of proceeding, are grievous—you will remonstrate against it, and insist upon the prompt decision of all American Cases that may be brought before it.

You will continue your exertions in behalf of such of our Citizens as shall experience injuries, in violation of the Publick Law; and you will not fail to manifest the sensibility of this Government to any and every instance of impressment which may occur of any of our Seamen.

Should the Government of Brazil decline all further intercourse with you, it is the President's wish that you should immediately return to The United States.

I am, &c.

*Condé Raguet, Chargé d'Affaires to Brazil.*

H. CLAY.

(3.)—*Mr. Raguet to the Brazilian Minister for Foreign Affairs.*

MOST EXCELLENT SIR,

*Rio Janeiro, 5th March, 1827.*

I HAVE the honour to state to your Excellency, that information was last evening communicated to me, that the American Brig *Spark*, Clark, Master, which left this Port yesterday morning, after having been regularly cleared at the Custom-house, for Monte Video, and after having undergone the examination of the Port Officers usual upon the departure of Foreign Vessels, was, in the course of the day, brought back into the Harbour by an armed Force, sent in pursuit of her by some of the Authorities of this Place.

I will thank your Excellency to make me acquainted with the ground of this proceeding; and have the honour to be, &c.

*H. E. the Marquis of Queluz.*

CONDY RAGUET.

(4.)—*The Brazilian Minister for Foreign Affairs to Mr. Raguet.*

(Translation.)

*Rio Janeiro, 7th March, 1827.*

THE Undersigned, Counsellor, Minister and Secretary of State for Foreign Affairs, acknowledges the receipt of the Note of Mr. Condy Raguet, Chargé d'Affaires of the United States of America, dated the 5th Instant, in which he asks an explanation of the motive of the detention of the American Brig *Spark*, Captain Clark.

Shortly after receiving this Note, the Undersigned received from the Minister of Marine a Communication, requesting this Department to ask from the Chargé d'Affaires of The United States, explanations upon the true character of the said Brig, which had been detained on strong suspicion of her being a Privateer bound for Buenos Ayres, and destined to increase the number of those actually engaged in insulting the Brazilian Flag, and in interrupting the Commerce of the Empire.

The Undersigned calls the attention of Mr. Condy Raguet to the consideration of the circumstances which preceded the detention of the Brig *Spark*, and determined the Government of His Imperial Majesty to order it. The first is, that, according to the Official Statement of the Minister of Marine, this Brig has not exhibited the legal License for carrying a warlike Armament. The second, that, without a permit to go thus armed, she sought to increase the number of her Crew to nearly double what it was. This Armament, without License, and this unusual increase of the Crew, in this Port, so far exceeding her proper allowance of Men, and her destination for the waters of La Plata, raised strong suspicions that said Brig was intended for a cruise against the Commerce and Navigation of the Empire.

The Undersigned ardently wishes that Mr. Condy Raguet would take such measures in relation to this Vessel, as would cause the suspicions raised against her to be completely removed, that she may be permitted to continue her voyage.

The Undersigned, &c.

*Mr. Condy Raguet.*

THE MARQUIS DE QUELUZ.

(5.)—*Mr. Raguet to the Brazilian Minister for Foreign Affairs.*

*Rio Janeiro, 7th March, 1827.*

THE Undersigned, Chargé d'Affaires of the United States of America, acknowledges the receipt of the Note addressed to him, under date of this day, by the Marquis of Queluz, Counsellor, Minister, and Secretary of State for Foreign Affairs, and has the honour, in reply to the same, briefly to state to his Excellency, that, had His Imperial Majesty's Government thought proper, before the sailing of the *Spark*, to have communicated to him its suspicions of any other destination than that expressed in her Clearance at the Custom-house, he would most cheerfully have lent his aid in causing those suspicions to be removed. In the present state of the affair, however, he declines giving any explanations; and has the honour to subscribe himself, with due respect, his Excellency's obedient and humble Servant,

*H. E. the Marquis de Queluz.*

CONDY RAGUET.

(6.)—*Mr. Raguet to the Brazilian Minister for Foreign Affairs.*

*Rio Janeiro, 8th March, 1827.*

THE Undersigned, Chargé d'Affaires of the United States of America, presents his compliments to the Marquis of Queluz, Counsellor, Minister, and Secretary of State for Foreign Affairs, and has the honour to state to his Excellency, that recent occurrences induce him to withdraw from the Court of Brazil, and he therefore requests that his Excellency will furnish him with the necessary Passports.

The Undersigned begs his Excellency, upon this last occasion of addressing him, to accept, &c.

CONDY RAGUET.

*H. E. the Marquis de Queluz.*

(7.)—*The Brazilian Minister for Foreign Affairs to Mr. Raguet.*

(Translation.)

*Rio Janeiro, 9th March, 1827.*

THE Undersigned, Counsellor, Minister, and Secretary of State for Foreign Affairs, acknowledges the receipt of the Note of Mr. Condy Raguet, Chargé d'Affaires of the United States of America, dated the 7th Instant, in which he declares, that, had the Government of His Imperial Majesty thought fit to inform him, previous to the sailing of the Brig *Spark*, of the suspicions raised against her, he would, with great pleasure, have used his endeavours to remove those suspicions; but that, in the present state of things, he declines giving any explanations.

The Undersigned, perfectly aware of the desire of the Government of His Imperial Majesty, to maintain, without interruption, the friendly relations subsisting between the two Countries, and to avoid all causes of the slightest displeasure, deems it his duty to enter into a frank exposition of the facts, with the certainty that he will convince Mr. Condy



Raguet of the correctness with which the Minister of Marine has acted in this affair; and, at least, to persuade him that it never was his intention to interrupt, in the slightest degree, the harmony subsisting between this Government and that of The United States.

On the arrival in this Port of the Brig *Spark*, carrying a warlike armament, it became essentially the duty of the Minister of Marine to inquire into the character of this Merchant Vessel. This admits of no doubt. On its being ascertained that this Brig was unprovided with legal Papers, it was signified to her that she could not, armed in this manner, leave the Port, for a southern destination; and the Captain, acknowledging the justice of this determination, agreed to leave on shore his guns, only, on retaining his other warlike stores. The Minister of Marine, satisfied with these dispositions, thought fit to end here his agency, without the necessity of Mr. Condé Raguet's intervention. Subsequently, however, the Captain of the Brig increased his Crew to double the number of Men allowed for her complement, since, having arrived with 14 Men, the Vessel sailed with 27; and, which is more, the approbation of the American Consul, and carrying, for all Cargo, goods to the amount in value of 80 milreas only. Of this fact the Minister of Marine was not apprised until she had crossed the bar. In this conjuncture, what could the Minister do, but to order the detention of this Vessel, whose Commander had, by his misconduct, excited so strong suspicions of hostile intentions against the Commerce of this Empire? After the seizure of the Vessel, the Minister of Marine, still animated by the pacific and friendly dispositions of the Government of His Imperial Majesty, instead of referring the matter to the Tribunals, sought from Mr. Condé Raguet, explanations which, without the formality of judicial proceedings, might remove the suspicions which had been entertained; and, to this effect, the Undersigned addressed him a Note, which has drawn from him a negative and rude Reply.

From this unreserved exposition, the Undersigned hopes that Mr. Condé Raguet will derive the full conviction that the Minister of Marine did not disdain his intervention, but, on the contrary, anxiously sought for it, preferring it to a judicial interference; and he now finds himself under the necessity of settling this difficulty, by such means as are within his reach, and with which the Government of His Imperial Majesty must rest satisfied, since Mr. Condé Raguet cannot but see, in all its acts, a tendency towards the adjustment of all the differences which have arisen, and from which the best constituted Governments in the civilized World are not entirely free.

The Undersigned avails himself, &c.

*Mr. Condé Raguet.*

THE MARQUIS DE QUELUZ

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(8.)—*The Brazilian Minister for Foreign Affairs to Mr. Raguet.*  
(Translation.) *Rio Janeiro, 10th March, 1827.*

THE Undersigned, Counsellor, Minister, and Secretary of State for Foreign Affairs, has laid before the August Person of His Majesty the Emperor, the Note dated the 8th Instant, in which Mr. Condé Raguet, Chargé d'Affaires of the United States of America, states that recent occurrences have induced him to leave this Capital of the Empire of Brazil, and requests that the necessary Passports may be granted to him. The magnanimous spirit of His Majesty the Emperor could not but be surprised at this precipitate request, couched in abrupt and vague language, without any allusion to any such grave motives as usually determine Ministers and Diplomatic Agents to withdraw from the Countries to which they have been accredited. But, as it does not accord with the high dignity of His Majesty the Emperor to enter into an investigation of the motives which have induced Mr. Condé Raguet to ask for his Passports, and which he has kept to himself, the Undersigned has been commanded, by his August Master, to inform Mr. Condé Raguet, that he has ordered those Passports to be delivered to him, for his departure; but that he will be answerable to his Government for the consequences which may result from this unexpected occurrence.

The Undersigned seizes this opportunity, &c.

*Mr. Condé Raguet.*

THE MARQUIS DE QUELUZ.

***CORRESPONDENCE between the United States and Brazil, respecting the exaction by the Government of the latter, of Bonds, from Neutral Vessels, not to enter the Blockaded Ports of Buenos Ayres.—March, April, 1828.***

(1)—*Mr. Wright to the Secretary of State.*

SIR,

*Rio de Janeiro, March 21st, 1828.*

ON the 2d of February, I had the honor of addressing you, and of transmitting Copies of Correspondence with the Marquis of Aracaty, relative to a Decree requiring Bonds of neutral Vessels, sailing from Monte Video, conditioned for their not entering any Buenos Ayrean Port. You will observe, by the Correspondence, that, in his Letters, both of the 16th and 24th of January, he informed me that an Order had been sent to the Authorities at Monte Video, to discontinue the exaction of such Bonds.

I enclosed Copies of the Minister's Letters to me to Commodore Biddle, at that Port, and supposed that the Order had been received there, and put into execution long since. The *Boston*, however, arrived here on the 17th instant, bringing me Letters from Commodore Biddle up to the 5th instant, informing me that Bonds were still ex-

acted, and offering the *Boston* to bear the Order of this Government for the discontinuance of the system.

To give all possible despatch to the business, on the Morning of the 18th, I called personally upon the Minister of Foreign Affairs, and stated to him the object of the *Boston's* visit to this Port, and (wishing all my Communications with the Government to be matter of record) I delivered at the same time, a Letter I had addressed to him of the same purport.

He appeared much surprised that the Order relative to the Bonds had not been received at Monte Video, and stated that it had been dispatched by the Minister of the Empire, to whose Department it particularly belonged, and offered to furnish me with a Copy of that Minister's Communication to him on the subject, which, however, I remarked was unnecessary.

He assured me that a Duplicate of the Order should be immediately sent to me, to be conveyed by the *Boston*; and I received it at a late hour of the same day, addressed to D. Thomas Garcia e Zununga, President of the Cisplatina Province.

On the 19th my Despatches for Commodore Biddle were delivered to Captain Hoffman, and on the Morning of the 20th (yesterday) he sailed again for Monte Video, having been detained here but 2 days. I have the honour to transmit Copies of my Note to the Minister, and of his reply.

In all my Communications with the present Minister of Foreign Affairs, the Marquis of Aracaty, (and I have had many, particularly relative to impressed Seamen) I have found him disposed to observe a course of the strictest justice, and with a degree of promptitude and despatch unusual at this Court. On two late occasions that I have had personal interviews with him, once at the Foreign Office and once at his private house, he assured me, in the strongest terms, of his disposition to cultivate the best feelings between our Governments, and remarked, that his house was open to me at all hours, when I might desire to communicate with him.

I have the honour, &c.

*The Hon. Henry Clay.*

W. H. D. C. WRIGHT.

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(Enclosure 1.)—*Mr. Wright to the Marquis of Aracaty.*

*Consulate, United States of America.*

MOST EXCELLENT SIR,

*Rio de Janeiro, March 17, 1828.*

NOTWITHSTANDING the Order which you did me the honour, in your Letters of the 16th and 24th of January last, to inform me had been sent to Monte Video for the discontinuance of the Bond-measure, I have to communicate to your Excellency that the same unjust system is yet practised at that place, the Authorities there disclaiming having received any instructions for its discontinuance. Having communicated to Commodore Biddle, commanding Officer of the United States' Naval Forces on this Station (now at Monte Video,) the assur-

ances contained in your Excellency's two Letters to me, on the subject, he has necessarily concluded that the Order therein mentioned has miscarried, and not doubting the disposition of the Government of His Imperial Majesty (as expressed in your Excellency's Letters) to put an immediate stop to this objectionable system, and wishing, without loss of time, to relieve the Commerce of his Country from its oppressive operation, he has despatched the United States' Sloop of War *Boston*, to this Port, for the express and sole purpose of offering her to bear to Monte Video the Order of his Imperial Majesty's Government, for the discontinuance of the system.

Should such offer be acceptable, and your Excellency will have the goodness to transmit to me the Order, the *Boston* will immediately proceed with it.

And I have the pleasure in offering to your Excellency the same conveyance for any other Despatches. I avail myself, &c.

H. E. the Marquis of Aracaty.

W. H. D. C. WRIGHT.

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(Enclosure 2.)—*The Marquis of Aracaty to Mr. Wright.*

(Translation.)

*Palace of Rio de Janeiro, 18th March 1828.*

ON my receipt of the Letter addressed to me, under date of yesterday, by Mr. W. H. D. C. Wright, Consul of the United States of America, stating that the Order no longer to exact the Bonds which neutral Vessels had been required to give, had not yet been received at Monte Video, I addressed a Letter to the Minister and Secretary of State for Affairs of the Empire, who has just informed me that said Order has been forwarded in duplicate and triplicate, and that even a quadruplicate was preparing, for fear the other should be miscarried. As there is not at present, in this Port, a National Vessel to take charge of said Order, and Mr. Wright having offered to send it by the Sloop of war *Boston*, which arrived here this day, I hasten to transmit to him the abovementioned quadruplicate, that it may be forwarded to its destination.

I take this opportunity, &c.

*The Consul of The United States.*

MARQUIS DE ARACATY.

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*The Secretary of State to Mr. Tudor.*

SIR,

*Department of State, Washington, 1st April, 1828.*

FROM late Communications received at this Department from our Consul, Mr. Wright, at Rio de Janeiro, it is seen, with surprise, that the Brazilian Government persists in the measure of exacting from Neutrals, clearing from the Port of Monte Video, Bonds, obliging them not to enter any Buenos Ayrean Port. That measure can find no justification whatever in the usage or Laws of Nations. Its pretext is, the violation of the Blockade instituted by the Government of Brazil. A Blockade must execute itself. The presence of the Force which constitutes it, is the means of its enforcement. The Belligerent has no



right to resort to any subsidiary means. Such a resort is a tacit submission of the incompetency of the Blockading Force to sustain the Blockade, and, consequently, confesses its illegality. The Belligerent can have no right, especially, to exert any Municipal Authority, as the measure in question is over Neutral Vessels, to execute his Belligerent designs. The Belligerent has no more right to lay the Neutral under bond to respect the rights of War, than the Neutral has to lay the Belligerent under bond to respect the rights of Neutrality. What would His Imperial Majesty think of a demand of the Government of The United States, if it could bring itself to make a demand, from all his Cruizers that might resort to their Ports, to enter into Bonds, with sureties, obliging them to abstain from all captures of American Vessels?

The measure in question is attended with the greatest practical inconvenience. It must be often difficult, if not altogether impracticable, for our Traders to obtain, in distant and Foreign Ports, the securities satisfactory to the Local Authority. We cannot submit to the measure. If it shall be in operation on the receipt of this Despatch, you will remonstrate against it with an urgency proportionate to its manifest want, both of principle and precedent; and, if necessary, you will notify to the Brazilian Government, that the Commanders of our Public Vessels will be instructed to disregard and resist it.

I am, &c.

H. CLAY.

*William Tudor, Chargé des Affaires at Brazil.*

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***REPORT of the Secretary of the Navy to the President of  
The United States.—1st December, 1827.***

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THE Secretary of the Navy respectfully makes the following Report:

The Vessels in Commission during the past Year have been employed in the manner exhibited in the last Annual Report.

The duties assigned to the Officers have been performed to the satisfaction of the Department, and no occurrences on board the Ships call for particular notice.

The several Squadrons have been as free as usual from disease. Paper A, shows the deaths, resignations and dismissions which have taken place.

Essential service has been rendered to our Commerce and our political relations, by the Squadron in the Mediterranean, under the command of Commodore Rogers. Although the War in the Archipelago continues, with an increasing relaxation of discipline and control over the Vessels of one of the Contending Parties, and difficulties have

existed between one or more of the Barbary States and some of the Powers of Europe, yet the presence and activity of our Vessels of War, under the skilful direction of the Commander, have protected our numerous merchant Vessels, and our growing Commerce from serious interruption. The Force should not be diminished, and no change is designed by the Department, except in the Vessels. The Squadron will this Year consist of the *Delaware*, *Java*, *Lexington*, *Warren* and *Porpoise*, and will be commanded by Captain Crane.

No Piracies have been committed in the West Indies. The prudent and active application of our small Force, has accomplished all that was anticipated from it. Captain Ridgely continues in command there.

The causes which induced the Government to order the Squadron to the Coasts of Brazil and Buenos Ayres still exist. The *Cyane* has returned, and a relief for the *Macedonian* must be sent in the course of next summer; but the Force will not be diminished. Some of our merchant Vessels, on that Coast, have been captured and otherwise interrupted, for real or pretended violations of Blockades, and of the Laws of the Country. A part of them have been released upon the application and remonstrances of our Naval Officers, whose zeal, industry and skill, have been commendable. Captain Biddle continues in command there.

A number of our Seamen have been found in a state of distress on that Station, and some in other parts of South America; having been thrown out of the foreign employment into which they had entered. In many cases their distresses have been relieved, and the means afforded them of reaching their homes. It has been the policy of the Government, seconded by our Officers, to treat them with kindness, and induce them cheerfully to return to this Country, where their services are always useful.

In the Pacific, the Squadron lately commanded by Captain Hull, and at present by Captain Jones, has afforded all the protection which the smallness of its force, its immense distance from this Country, and the nature of the navigation on the western Coasts of South America, would permit. Until within the last 18 months, its operations have been confined, almost entirely, to the neighbourhood of Chili and Peru, where the War then existing between those Countries and Spain rendered its presence necessary. That War has terminated, but the necessity for a small Force there still continues, and the wants of our Commerce in other parts of the Pacific call for its increase.

In the original Instructions to Commodore Hull, he was directed, when his presence on the Coast could be dispensed with, to visit the Sandwich Islands, to protect our interests and acquire information respecting our Commerce in that quarter. Subsequent orders to the same effect were given, and particular objects recommended to his at-

tention. His duties not permitting him to be absent, he entrusted to other officers, under his command, the execution of those orders. Lieutenant Percival, in the *Dolphin*, was sent to the Mulgrave Islands, in search of the Mutineers of the Ship *Globe*, with instructions, after accomplishing that specific duty, to visit the Sandwich and Society Islands, and the Coast of California. He was successful in discovering two of the Crew of the *Globe*, who alone remained upon the Island, and they were brought to The United States, and surrendered to the civil Authority, but were probably among the least criminal of the Mutineers. He also visited the other places pointed out in his instructions.

At a subsequent period, Master Commandant Jones, in the *Peacock*, passed over a part of the same route and obtained much valuable information in relation to our Commerce, and made arrangements with the Governments existing in some of the Society and Sandwich Islands, from which it is hoped security and advantage will result to our Vessels visiting them, either for refreshment or trade. These cruises have confirmed the opinion which dictated the original instructions to Commodore Hull. Our Commerce in that Ocean is augmenting with great rapidity. During the last Year not less than 5,000,000 of American property, and 2000 Seamen were in the single Port of Honolulu; being drawn there for traffick, refreshment, or repair. The multiplied difficulties to which they are subjected, by the nature of their employment and the character of the People and Government of the Islands, demand an effort on our part to afford efficient protection to them. At least 4 Vessels of respectable size ought to be constantly in the Pacific, and the distance from The United States renders this impossible, unless 6 Vessels in Commission be devoted to that object. With this number, and by a proper arrangement in sending them out, alternately by Cape Horn and the Cape of Good Hope, large benefits would be secured. This number, however, cannot be so employed, unless the Vessels in Commission be increased.

Master Commandant Jones was instructed to endeavour to relieve those Islands from American Seamen, who had improperly deserted from whaling and other Vessels, and taken refuge there to the annoyance, not only of the People, but to the injury of our own Citizens; to make arrangements by which such desertions might be prevented; and, if possible, to secure certain debts due to our Citizens by the People and Government. It is hoped that he was successful in these objects, and that many inconveniences to our whaling and other Vessels will be hereafter in some degree avoided.

The Sailors were removed from the Islands by being induced to enter, either on board the *Peacock*, or some other Ship which was in want of their service.

The Reports of Master Commandant Jones, upon the subjects confided to him, are too voluminous to be annexed to this Report.

In directing the movements of our Squadron in the Pacific, great difficulty is encountered from the immense distance and the impossibility of regular and speedy communication with it. It is therefore proper, again, to advert to the establishment of a regular passage and communication through the Isthmus of Panama, which has heretofore been urged in more than one Annual Report, and on which a detailed Statement was made to the Naval Committee, in January, 1826, in answer to a Resolution of the House of Representatives of 22d December preceding. It would produce a saving of money; facility in directing the operations of our Force; comfort and convenience to our Officers, and its effects on the Commerce of the Country would be salutary. Cheap as the operation might be made; simple and unostentatious as the plan is, it would go far to effect a change in our commercial transactions with the Pacific Ocean and Chinese Sea, and be the avenue through which a large amount of the precious metals would find their way to this Country.

Lieutenant McKeever, in the Schooner *Shark*, left New York on the 24th July, for a cruise among the fisheries to the North, and to look after and protect our interests in that quarter. He returned on the 6th October, having accomplished, satisfactorily, the objects of his cruise. His Report is annexed. The benefits heretofore resulting from the annual visits of our armed Vessels to these fisheries, indicate clearly the duty of continuing the practice.

Lieutenant Norris, in the Schooner *Shark*, visited the Agency at Mesurado, in January last, to render to it such assistance as its situation should require. His Report is annexed.

Occasional visits of our armed Vessels to this Agency, while in its present state, will be useful; but as one of those attached to the West India Squadron can be spared for that object, no other need be commissioned, unless it should be the will of Congress to devote one or more exclusively to cruise in connection with it and the suppression of the Slave-trade.

The state of the Agency is as favourable as could have been anticipated. Buildings and improvements are very nearly completed, which will be sufficient to receive and accommodate 150 liberated Africans, which is as many as will probably be re-captured at any one time. Those who have been sent previous to the present Year, have ceased to be an expense to the Government, and are now in a comfortable situation, capable of taking care of themselves, and acquiring property and respectability among those of their own colour, and in their native Land.

During the past Summer, 142 were sent from Savannah to the Agency. They were brought into Georgia in the Year 1820, in the *General Ramirez*, and have been from that time to the last Spring in a course of litigation, and at a great expense to the Government. As



soon as the Department was authorized to take charge of and remove them, measures were taken for that purpose. They were received at the Agency, and disposed of in such way, that they will occasion very little expense for the first 6 months, and none afterwards. And I believe it may now be confidently asserted, that the principal cost in the establishment of the Agency has been encountered, and that whenever, in the execution of the Laws, Africans shall be recaptured, it will be in the power of the Government to place them at the Agency at a sum not exceeding 25 dollars each. After their arrival, the expense will be small, and will not continue longer than 6, or, at most, 9 months.

The object of the Laws for the suppression of the Slave-trade has been, in this respect, accomplished, and the effects on the Trade itself will be salutary. It will be perceived by the Report of Lieut. Norris that it is nearly extinct in the Neighbourhood of Mesurado, and, if the Cruisers of our own and other Governments are vigilant, a check may be given to it every where, and perhaps its existence destroyed.

I annex certain Papers which show the manner in which the Agency has been conducted, the amount of money which has been expended upon it during the Year, the present state of the appropriation, and an estimate of the funds necessary for its support.

The "Act in addition to the Acts prohibiting the Slave-trade," and appropriating 100,000 dollars, was passed 3d March, 1819. Subsequent appropriations have been made for the same object, and the whole amount expended upon it is — dollars.

It has been customary with the Department, for 2 or 3 Years past, to direct the attention of our Commanding Officers abroad to the propriety of adding something to the agricultural, while they were protecting the commercial, interest of the Nation, by procuring information respecting valuable animals, seeds and plants, and importing such as they could, conveniently, without inattention to their more appropriate duties. Very few of them have returned without some valuable importations of the kind. More precise and detailed Instructions have, under your directions, and in connection with the Treasury Department, been prepared, and will hereafter be given to each Officer who commands a Vessel in Commission. The most beneficial results are anticipated from this course, and will certainly be produced, so far as they are practicable by the individual exertions of the Officers, there being no appropriation out of which any money can be taken for this desirable object.

From this rapid review of the employments of the Naval Forces in Commission, it will be perceived that it cannot with propriety be diminished if regard be paid to our commercial and other interests. And when to this consideration is added the necessity of active employment to our Officers and Men, to prepare them for the duties which a state of unfriendly relations with other Powers may impose, it is presumed

no objection will be made to the Estimates for the Year, which have been formed upon the existing state of the service and are annexed to this Report.

The amount estimated is 3,043,697 75 dollars. Last Year it was 3,014,802 92 dollars. In the present Estimates, however, there is embraced an Item of 201,350 dollars, for the completion and equipment of the 10 Sloops of War authorized to be built by the Law of 3d March, 1825, and which will be prepared for Sea in the course of this Year. The sum is not properly chargeable to the current Expenses of the Navy, and when it is deducted, the present Estimates will be found to be 172,455 17 dollars less than the last.

They embrace the support of the several Naval Establishments on shore, and preservation of the Ships in ordinary—of one Ship of the Line, 6 Frigates, 12 Sloops, and 4 Schooners in commission, and with a small increase of the number of Officers now in service.

It is presumed that the number of Naval Establishments will not be diminished. Although it is manifestly the true policy, so far as economy and efficiency are concerned, to limit, as far as possible, the number of our large Dock Yards, at which every species of labour connected with our Shipping is to be performed, yet other considerations have heretofore operated, and will doubtless continue to operate, to keep up the number now in existence. They have, therefore, been embraced in the Estimates. Of the Vessels proposed to be kept in commission, none can, with propriety, be dispensed with.

The small addition to the number of Officers arises from what is supposed to be the absolute necessity of the service. It is one of absence, privation and exposure. In such a service, it must always be expected, that about one third or one fourth will be unable to attend to active duty. Sickness and other causes will always operate to that extent, and when this deduction is made, it will be found that several of our classes of Officers are too small. This is especially the case in the Medical Branch, for with every exertion which the Department could make, it has sometimes happened, during the past as in former Years, that sufficient medical aid could not be afforded to all our Vessels, while at Sea, and to all our Establishments on Shore.

The form of the Estimates is such as the decisions of Congress require. There are one or two points in reference to them, however, which it is proper again to notice, inasmuch as they continue to operate with severity, and occasion not only inconvenience, but loss of publick money.

1st. The Estimates and Appropriations are made for the Year commencing and ending on the 1st January. The appropriation Laws are never passed until after that period. The Department is, therefore, left, sometimes for six weeks or two months, without funds for the use of the Navy. Were our Ships, Officers and Men, within the Country,

this circumstance, although very injurious, would be less felt; but as they are absent at great distances, it creates serious inconvenience, and sometimes loss of both credit and money. They must have funds for their support, and must, therefore, procure them, if they can, by drawing Bills upon the Department, and these are sometimes protested for want of the means of payment. The consequences are too palpable to require comment. The remedy is simple—to make the appropriation, in the first instance, for a Year and a quarter, and let those for subsequent Years commence on the 1st April. Should this plan be approved and adopted by Congress, an addition of one-fourth must be made to the Estimates for the quarter ending on the 1st April, 1829. All subsequent appropriations would be for a Year only.

2d. Specific sums are appropriated for specific objects, which is undoubtedly the best and safest mode, but the form in which it is done creates difficulty.

The Estimates made by the Navy Commissioners, with all the skill and accuracy which experience and intelligence can give, and the amount which will probably be wanted, for each object of pay, subsistence, &c. &c. is stated. But it is impossible to estimate these things, with the precision which can readily be secured, where the expenditure is to be made in our own Country, and under the more immediate control of the Department. Hence it is found, that although the appropriation is sufficient for the general object, yet there is sometimes a surplus under one head, and a deficiency under the other.—Aware that this difficulty would occur, Congress, by the Laws of 3d March, 1809, and 1st May, 1820, authorized the President to make transfers under a few enumerated Items. These Items have been since changed in the Appropriation Laws, and the power of transfer rendered useless. This inconvenience is increased by the fact that a large proportion of the Money is drawn for and expended by Pursers and Navy Agents abroad, who are often unavoidably ignorant of the terms of the Law under which the Expenditure is to be made, and, therefore, draw and expend the Money under one Item, when they should do it under another. As an example, they draw under *Pay of the Navy* whatever is to be paid to the Officers and Men; although a large proportion of it is for their provisions and subsistence, and is estimated for under those heads.—The head of Pay is consequently exhausted, before the end of the Year, that of Provisions is not. So of other items—and there is no remedy. The President cannot make a transfer, founded on the knowledge that this unavoidable error has been committed, nor can the accounting Officer, from the absence of the Agent, correct it in season, in the settlement of his Accounts.

It is respectfully submitted, that a remedy may be found without hazarding the proper expenditures of publick Money, by one of two modes.

1st. Authorizing the President to make, in writing, Transfers from and to certain enumerated items, so as to effect the objects which Congress had in passing the Laws of 3d March, 1809, and 1st May, 1820—or

2d. By requiring the Estimates to be made, as they now are, for each specific item, so that their propriety can be readily tested by Congress; but embracing the amount of several of them *under one head* in the Appropriation Bills.

The annual examination by the Committee of Congress into the Expenditures for the Navy, would still be made, with equal ease, and afford equal security.

There is another evil which duty requires should be brought to your notice. By a rigid enforcement of the Law, the disbursing Officers within The United States are compelled to make periodical settlements, and so far as they expend the publick Money, the accounting Departments can furnish Statements showing whether it has been properly expended, and whether the appropriations have been sufficient for the objects. But this is not the case with the large number of disbursing Officers who are out of The United States, and who are often absent 2 or 3 Years, at the distance of thousands of miles. In their absence, their Accounts cannot be settled, nor can it be known, whether they have expended the Money properly, or the appropriations of the Year are exhausted. From the same and other causes many claims upon the Department by Individuals are not and cannot be presented within the Year. It necessarily results, that when the Accounts of a particular Year are settled, there are sometimes deficiencies, and sometimes a surplus, in those items which are appropriated for certain objects, "and for no other object or purpose whatever," except what arose within that Year; as well as in the general items, which are not claimed, as to time. Confusion and want of accuracy, and sometimes want of means, for the payment of claims, are the consequences, creating both publick and private inconvenience.

The Secretary of the Navy has heretofore proposed to the Committee of Ways and Means, and now respectfully suggests two plans to obviate the inconvenience. One is, an appropriation for arrearages for the service generally, as was done last Year for the Navy, and has been done for many Years in the War Department. To this end, an item of 15,000 dollars has been added in the Estimates.

The other is, to incorporate into the Appropriation Bill a provision, that the balances of the several items, which remained at the end of the year, constitute an aggregate Fund, for the payment of such arrearages in the Naval Service as may be due and unsatisfied at that time.

This provision, it is believed, would be sufficient to enable the Department to meet the calls, publick and private, upon the Service, save great vexation to Individuals, secure more precision and certainty



in the settlement of accounts, and at the end of the limitation of the 2 Years required by Law, the balance would be passed, as it now is, to the Surplus Fund.

In the expenditure of the appropriations of the present Year, so far as the Department is informed, there has been no loss or defalcation. The disbursing Officers have exhibited punctuality and faithfulness, and as much accuracy as the circumstances before alluded to will permit.

Under the appropriation made in 1826 for a Survey, "to ascertain the practical facilities of Baltimore, Savannah, Brunswick and Beaufort, for naval purposes," that of Baltimore was completed before the last Session of Congress, and the result communicated, in answer to a Resolution of the House of Representatives. Since that time, Surveys of Brunswick and Savannah have been made by Lieutenant Stockton, and his Report is in the Department. The time necessarily occupied in them rendered it impossible to complete Beaufort, during the Spring and Summer, without great hazard to the Officers and Men, the health of several of them having suffered before that of Savannah was ended. It is now in progress, under the superintendence of the same Officer, and will be finished, without delay, when the whole will be ready to be communicated to Congress. These Surveys have been made by competent Officers, and will furnish sufficient information, to decide, how far those places afford "practical facilities for naval purposes." They are, however, unavoidably incomplete. The time within which it was supposed desirable to make them, and the means granted by the appropriation, did not permit them to be so made as to furnish perfect surveys and charts of those Harbours. Nor can such surveys be made without the aid of the means contemplated by the Act of 10th February, 1807, to provide for surveying the Coast of The United States.

The Report of The United States' Commissioners, under the Law for the gradual increase of the Navy, is annexed.

Under the second Section of the "Act for the gradual Improvement of the Navy," passed at the last Session, contracts have been made for the frames of 5 Ships of the Line, 5 Frigates, and 5 Sloops of War.

Under the authority vested in the Executive, reservations of land have been made in Louisiana and Alabama, and of a tract adjoining the Navy Yard at Pensacola. Orders have been given to the Commandant of the yard to plant live oak in the latter. An examination of the Coasts of South Carolina, Georgia and Florida, as far south as Musquito Inlet, has been made with a view to the purchase and reservation of land having timber upon it. Much less was found than had previously been hoped for. Orders have also been given, and are in a course of execution, for the examination of the west Coast of Flo-

rida. It is manifest from the information already obtained, that we shall be obliged to plant extensive tracts of Land with the live oaks, so that we shall not, after a few Years, be deprived of this most valuable timber for the uses of the Navy.

The 4th Section of the Act referred to authorized the President "to cause to be constructed 2 dry Docks for the use of the Navy, the one to the south, and the other to the north of the Potomac." The two sites selected are, at the Navy Yard at Gosport, in Virginia, and Charleston, in Massachusetts. Loammi Baldwin, Esq. was appointed the Engineer to superintend the construction of the Docks. Contracts for a large portion of the labour and materials of both have been made, and the work at Charleston commenced. That at Gosport will be commenced in a short time. Attention has been paid to the direction of the Law respecting the Marine railway at Pensacola, but the situation of the Navy Yard and improvements, with other causes, have prevented a decision upon the subject.

In the early part of last Summer a Board of Officers, composed of Commodores Bainbridge, Chauncey, and Morris, was directed "to examine thoroughly all the Navy Yards, and prepare plans for their improvement, and the preservation of the publick property therein," which might be submitted to the President for his sanction. The Officers have devoted to this object as large a portion of their time as could be spared from their other urgent duties, and have made some progress. The whole will be completed in the course of the Winter, or early in the Spring; and from what has already been done, entire confidence is felt that such plans will be prepared and sanctioned as will greatly promote the publick interest, render our Navy and Dock Yards such as the interest of the Nation demands, and prevent an unnecessary and wasteful expenditure of the publick Money. No Law which has been passed since that for the gradual increase of the Navy, has had a more salutary influence upon its interests than the one of which this provision forms a part.

A Report "of the Expenditures under this Act, and the measures taken to carry the same into effect," is subjoined.

The discipline, economy and efficiency of the service, are objects of unceasing attention, and it is believed that they are as worthy of commendation as at any former period. But in this, as in preceding Years, experience has proved, that many of the evils which have been so often noticed, still exist. Some of which were within the competency of the Executive have been removed, others must await legislative decision. It would be improper again to present, in detail, the views which have before been taken on the questions of rank and pay in the Navy; of a want of regular organization; of a code of criminal Law or Regulations; and of a Naval School. But the Department would not discharge its obligations to the Service, if it failed to express

a conviction, that discipline, economy and efficiency would be promoted by judicious legal provisions on these subjects.

In no service, either of the Army or Navy, in any age or Nation, has a force such as we now send to Sea in Squadrons, been commanded by Captains; and perfect subordination and discipline, without which there can be neither efficiency or economy, cannot prevail, unless so large a Force has Commanders of proper grade. Rank is as indispensable in the Navy as in the Army; and equal justice to the Officers calls for the establishment of a higher grade. Several of those upon our list of Captains have been such for more than a quarter of a Century; have commanded Forces superior to those always commanded by Generals on Land; have borne themselves as gallantly, and done the State as much service as their military rivals on shore; yet they are still Captains, and with the compensation of Captains, while their patriotic competitors, with a service less protracted, and not more energetic or deserving, are rewarded, by a just and wise Government, with higher rank and fuller compensation.

Promotions are made from the rank of Midshipmen. The proper education of this class of Officers is, therefore, the best mode by which we can secure talent, information and merit in the higher grades. The greater part of them enter the Service between the ages of 14 and 16, when it is impossible that they should be well-informed Scholars.— Their situation in the Service renders it equally impossible that they should there make much literary or scientific acquisition beyond the practical duties of the Seaman. Their pay is incompetent to procure the means of instruction, and their employments are too steady and active to afford the time. The science and information requisite for a Navy Officer is in no respect inferior to that required by Army Officers and Engineers, and the interest as well as the honour of the Country, are not less concerned in the correct performance of their duties. The reason therefore for the preference of the Army over the Navy, in this respect, is not perceived. All that the Department can do has been done to overcome the want of a Naval School, which shall unite a practical with a scientific education, but the evils still felt urge the Department again, respectfully but earnestly, to present it to your consideration.

At the last Session of Congress, Memorials were presented by many Citizens of New York, Pennsylvania, Maine, Virginia and Ohio, proposing "an Exploring Expedition to the North and South Hemispheres," under the Patronage of Government. The Memorial and Papers were referred, by Order of the House of Representatives to this Department, but no appropriation was made. It is presumed that the reference was intended to convey the disposition of the House in favour of the Expedition, and was to be regarded as expressing a wish that the countenance and support of the Department should be given to it.

As no appropriation was made, there was no money which could, with propriety, be used to carry into execution the object of the reference. The only aid which could, under these circumstances, be afforded, was to grant to those Officers of the Navy who might choose to join an Expedition which should be fitted out by private enterprise, a leave of absence for that object, and to order to it such Seamen as were willing and competent to navigate the Vessels. This aid would, under the sanction of the reference, have been afforded, if the Expedition had been prepared. Since the adjournment of Congress a large number of respectable Citizens of several of the States have signed Memorials of the same tenor as those referred by Order of the House.

The condition of the Marine Corps urgently demands that it should be again presented for consideration. It was "established and organized" in 1798, and consisted of 720 Men, besides Officers.—The design of Congress in creating it was to furnish a proper guard for the Navy Yards and for Ships at Sea. This design points out the extent and organization which it ought to possess. It should be numerous enough to afford a sufficient guard for each Yard and each Ship in Commission. It ought also to be so far incorporated with the Navy, and subject to Navy Regulations, as to render the Government of the two consistent and uniform; in both of these respects it needs amendment.

The Statement annexed shows the proper number for a guard at each Yard, and for each Vessel in Commission, and from that Statement it appears that—effective Men are necessary. The Corps now consists of 750 Men, besides commissioned and non-commissioned Officers; being 30 more than when it was first established, although the service to be performed by it is much more extensive. It is apparent that this number of Men cannot furnish the required Guards, and our Vessels are therefore often without the requisite number, and a very insufficient protection is afforded to the publick property. Watchmen have, during the past Year, been hired at several of the Yards, to aid the Marines, which unavoidably creates confusion and insecurity. It would be better to have the Guard composed altogether of one description of Persons, either Marines or Watchmen. The nature of the duties performed by this Corps, both on land and on water, is such that great danger results from their being insufficiently discharged. The publick interest would therefore be promoted by augmenting its numbers, or by withdrawing it altogether, either from the Navy Yards or from the Ships, and trusting to other means for protection; which would be regarded as a hazardous experiment.

There is still greater defect in the organization, than in the numbers of the Corps. By the Law of 1798, it is governed "by the same Rules and Articles of War as are prescribed for the Military Establishment of The United States, and by the Rules for the Regulation of the Navy



according to the nature of the service in which they shall be employed." By the construction uniformly given to this Law, the Corps is subject to the Naval Regulations when at Sea, and to the Army Regulations when on Land. The same Officers and Men are at one moment under one system of rules and discipline—at the next, under another. Their compensation is governed by one Law at Sea, by another on Land. The nature of their connection with the Navy is unsettled, and subject to constant disputations. And when the Laws are to be enforced in the punishment of an Officer, neither the War nor the Navy Department can, in many cases, act without the interference of the other. It is not necessary to detail the consequences which follow. It is, perhaps, matter of surprise, that confusion, disorder, and violation of duty, have not existed to an extent which might jeopardize the existence of the Corps.

I would respectfully suggest, as the proper remedy—1st. That the Corps be increased in the number of Privates, and that the number and grade of the Officers correspond with those which have been established in the Army, and approved by experience for the required number of Men.

2d. That it be placed entirely under the Laws and Regulations for the government of the Navy.

3d. That accommodations be afforded to them out of, but adjoining the Navy Yards, so that details can be sent, under proper arrangements, by the Officers commanding them, into the Yards, and, while there, be entirely subject to the controul and orders of the Commandant.

4th. That a sufficient number, for the sole purpose of guarding the property at Portsmouth, Philadelphia, Washington and Pensacola, be assigned to those Places, and the remainder be divided between the Stations at Boston, New York, and Norfolk, where they can be properly drilled and prepared for sea service, and from which our Vessels in Commission can obtain the necessary Guards when fitting for Sea.

5th. That the Commandant and Staff of the Corps remain at this place, as the most convenient for communication, both with the Department and the Corps, and for the prompt settlement of their Accounts.

If these suggestions should be adopted, it is believed that the Marine Corps would be much more efficient and less expensive to the Publick. The two first of these propositions would require legal Enactments; the others might be effected by regulation.

The Naval Hospital Fund has an intimate connection with the interests and feelings of the Officers and Seamen who are under the controul of this Department, and therefore deserves notice in this Report.

Humanity, justice and policy, require, that the diseased and wounded Seamen, when brought into Port, should have a home and the means of cure provided; and that the disabled and aged Seaman, who has worthily served the Country until his strength is exhausted, should have an Asylum where a comfortable subsistence may be found for his last days.

This truth has been felt in all civilized and commercial Nations. It was early felt in ours, and Laws were passed upon the subject; but they have thus far not accomplished their object. They direct 20 cents per month to be retained out of the pay of Officers, Seamen, and Marines, and that, from the proceeds, Hospitals and an Asylum should be erected. As yet not one Building has been completed, although the deduction has been regularly made from the Pay since the passage of the Law in 1799. The reasons for the failure were stated in a Report by the Commissioners of the Fund, at the last Session of Congress. A part of the Fund was absorbed by and expended, during the late War, in the Pay of the Navy. This sum has been repaid, under the Regulations and by the Order of this Department, in the course of the last 3 Years. There is another sum, however, of 50,000 dollars, which was declared by Law to be due to the Fund, on the 26th February, 1811, and was directed to be paid out of any Moneys in the Treasury, not otherwise appropriated, which has not yet been paid, except — dollars. This sum was by 80,000 dollars less than it ought to have been. The sum which had been paid by the Navy, amounted to, at least, 130,000 dollars, as is readily shown by calculating the number employed in the service.

It is most respectfully suggested, that the whole sum of 130,000 dollars should be restored, with interest upon it now amounting to 262,600 dollars. It is not the Money of the Government or Nation. Not one cent has been paid to the Fund by the Nation. It has been taken out of the Pay of the Officers and Men, and belongs to them as justly as any portion of their private estates.

It is now mentioned, in this Report, because their rights and interests are necessarily the object of attention by this Department, and because the Money is wanted to erect the Buildings for their accommodation.

Sites have been purchased for 4 Buildings at Boston, New York, Philadelphia, and Norfolk, which, with a small one at Pensacola, may be made sufficiently extensive to answer all the necessities of the Service at any future period.

Two Buildings, an Hospital at Norfolk and an Asylum at Philadelphia, are progressing very satisfactorily, and if the Funds were put in a proper condition, the whole might be completed in 2 Years, and form, together, an Hospital Establishment, at least as creditable to the Country and beneficial to the Service, as that belonging to any other

Nation. The completion of this Establishment is demanded by the plainest policy. In this Country the services of our Seamen are voluntary ; no impressment or other mode of compulsion is, or ought to be applied, to force them to perform the duties of Peace, or fight the battles of the Country in War.

But in proportion to the voluntary character of the Service, ought to be the effort to render that Service pleasant, and to create every inducement to join it. And when it is perfectly understood by all who are acquainted with the character of the Seaman, that his foresight is seldom directed to any other object than a place of refuge, when disease and misfortune overtake him, surely that place of refuge ought not to be wanting.

In this view, it is hoped, the Payment of the Debt before mentioned will be made ; and if something were added to it, it would be justified by the consideration, that the Nation has not yet given one dollar to so desirable an object. Respectfully submitted.

SAMUEL L. SOUTHARD.

*Navy Department, 1st December, 1827.*

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*DISCOURS prononcé par Sa Majesté le Roi de Wurtemberg, à l'Ouverture des Etats, le 15 Janvier, 1828.*

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(Traduction.)

MESSIEURS, CHERS ET FIDÈLES SUJETS,

L'IMPORTANCE de différens Articles de Législation qui vous ont été soumis lors de votre dernière réunion, et qui n'ont pu être discutés à cette époque, m'a engagé à convoquer une Session Extraordinaire pour s'occuper de leur délibération.

Cette Session n'ayant point d'autre objet, et une Commission Spéciale s'étant occupée pendant long temps, et avec un zèle digne d'éloges de l'examen préparatoire de ces divers Projets, j'ai lieu d'espérer que vos opérations, dirigées par cet esprit de confiance réciproque, qui a protégé jusqu'aujourd'hui notre Constitution, et l'a développé d'une manière si heureuse, atteindront bientôt leur but, et que le Pays n'aura qu'à s'en réjouir.

Les Projets de Loi sur lesquels vous êtes appelés à délibérer en vertu de la Constitution, comprennent des objets d'une importance évidente pour le bien être du Wurtemberg.

D'après les changemens qui ont été proposés dans la Loi sur le Recrutement, tous les Individus qui en sont reconnus capables, doivent prendre part à une mesure qui a pour but la protection de tous, sans cependant qu'on en exclue les adoucissements qui peuvent être reconnus admissibles.

Le Projet de Loi sur le Droit de Bourgeoisie à accorder dans les Communes, est destiné à régler une des branches les plus importantes de notre Administration intérieure, d'après des principes qui, tout en conservant aux Communes les droits que leur assurent les Lois, ont pour but d'écarter les obstacles qui pourraient s'opposer au bien général, et particulièrement au développement toujours croissant de l'industrie.

Encourager de plus en plus cette industrie dans des circonstances qui continuent d'être si peu favorables à l'économie rurale, tel a été l'objet constant de mes soins.

Ce sont ces motifs qui ont dicté les Propositions qui vous ont été faites relativement à une nouvelle Ordonnance sur les Corporations Industrielles ; et vous pourrez remarquer qu'on y a eu égard au principe reçu chez nous, que les changemens à faire dans la Législation pour pouvoir être durables, doivent être introduits petit à petit et pour ainsi dire par la main de l'expérience.

Plus est grande l'influence que les rapports commerciaux avec les Etats voisins produisent sur le libre et actif exercice de l'industrie, plus il m'est agréable de vous annoncer que les Négociations qui ont eu lieu sous ce rapport avec la Bavière, garantissent l'espoir fondé d'un résultat prochain et satisfaisant.

Conformément au vœu que vous avez exprimé, quelques dispositions destinées à étendre le nouveau Projet de Loi sur les hypothèques vous seront soumises, ainsi qu'une Loi pour la répression du vol.

J'ai appris avec plaisir que les craintes qui s'étaient manifestées lors de l'établissement de la Législation sur les hypothèques ne se sont pas réalisées, et qu'au contraire elle obtient de plus en plus la confiance publique.

J'aime à me persuader que lorsque vous vous occuperez des changemens à faire à la Loi concernant la Famille Royale, (*haus-gesetze*) vous aurez toujours devant les yeux les droits des Membres de ma Maison, et sa dignité extérieure. De mon côté, mes sentimens paternels doivent vous donner l'assurance que j'aurai égard à toutes les circonstances.

Je m'abandonne donc avec confiance à l'espoir que cette 4<sup>me</sup> Session, comme celles qui l'ont précédés, sera l'image du bon accord qui unit le Souverain et ses fidèles Etats, et que ce lien, se resserrant chaque jour davantage, résistera à tous les événemens que l'avenir cache dans son sein.

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*SPEECH of the Minister of the Interior, on the Closing of the Session of the States of Wirtemberg.—2d April, 1828.*

(Translation.)

**MOST NOBLE AND WORTHY GENTLEMEN,**

I FEEL myself particularly fortunate, at the moment at which I have received the command of His Majesty to announce to you the termination of the Extraordinary Session of the States, to be enabled to inform you of the recovery of our beloved King and Queen.

We have witnessed the impression which their illness has made on every Class of their Subjects, and also the continued anxiety and incessant attention with which our Sovereign, in spite of bodily suffering, has regarded the progress of our deliberations.

His Majesty offers to you His thanks for the zeal with which you deliberated upon the Projects of Law laid before you, and for the impartial manner in which you attended to the interests both of the general and particular parts thereof, and also for your acknowledgment of the well-meaning intentions of the Government.

His Majesty is gratified by the readiness which you evinced to satisfy the just claims of His Royal House, in a manner suitable to its dignity, and to the resources of the Nation. He was not insensible of the difficulties which, in the arrangement of these matters, were opposed to the fulfilment of the general wish.

The wants of the High School, and the personal interests of its Masters and of its Directors, have been settled in such manner as to be consistent with the age and with the object of the Institution. In consequence of this arrangement, the former will the more readily attend to their vocation, and the latter fulfil the duties incumbent upon them.

By the completion of the new Law of Mortgage a great step has been made towards the reformation of the rights of the Burgher Citizens, and the explaining and simplifying points so important in the daily administration of justice.

The improvements respecting the survey of land will also serve as well to assure private credit, as the equal distribution of public duties.

The Laws of Administration which have just been decided upon, will attest our advancement in civilization, agriculture, and industry. The arts and sciences will find in these Laws their developement, their support, and their encouragement.

May a glorious success crown our united endeavours, and may the important arrangements concluded with the neighbouring States, which delighted us so much at the commencement of this Session, become of mutual advantage to the Contracting Parties.

Another event, not less gratifying, has marked the period of this Session: our Negotiations with the Court of Rome, after having been prolonged for so many Years, are now terminated in a manner

equally satisfactory to the Catholick Church and to the Constitutional Rights of our Government. The newly-appointed Bishop, and the Chapter to be nominated by him, will, in the course of this month, enter upon their functions.

Thus do we separate, with a beneficial feeling of mutual confidence, and of the most sincere concord, which cannot but strengthen more firmly the union between the Government and the States.

Happy the People who have such a hold upon the affections of their Sovereign!

*DECREE of the Emperor of Brazil, completing his Act of Abdication of the Crown of Portugal.—3d March, 1828.*

(Translation.)

THE period having arrived which I in my high wisdom had appointed to complete my Abdication of the Crown of Portugal, conformably to my Royal Decree of the 3d of May, 1826, and it being most fitting to give to the Portuguese Nation, always jealous of its Independence, an indubitable proof of my desire to see it for ever separated from the Brazilian Nation, (of which I have the distinguished glory and honour to be the Sovereign) in a manner which should render even the idea of their reunion impracticable; I think it right, of my most free and spontaneous will, after having weighed the importance of this matter, to ordain, as I do ordain, by this my Royal Decree, that the Kingdom of Portugal be governed in the name of my very beloved and dear Daughter, Donna Maria II., already Queen thereof, according to the form of the Constitutional Charter, by me decreed, given, ordered to be sworn, and sworn to; and I, moreover, most expressly declare, that I have henceforth no claim or right whatsoever to the Crown of Portugal, and its Dominions.

The Infant Don Miguel, my very beloved and esteemed Brother, Regent of the Kingdoms of Portugal and Algarves, and my Lieutenant thereof, is so to understand this, and to cause it to be published and executed.

Palace of Boa Vista, this 3d day of March, 1828.

With the Signature of His Majesty, THE KING.

*SPEECH of the Emperor of Brazil, on the Opening of the Legislative Assembly.—3d May, 1828.* (Translation.)

AUGUST AND MOST WORTHY REPRESENTATIVES OF THE BRAZILIAN NATION,

I OPEN this Assembly with the satisfaction of informing you that our relations of friendship with the European Powers continue, and become daily more intimate.

The Emperor of Russia and the King of Saxony have recognized this Empire. This is not the case with the Court of Madrid, that being the only Government of Europe which has failed to do so. Treaties of Commerce and Navigation with the Kings of Great Britain and Prussia have been concluded and ratified. I have also to inform you, that I have completed the Act of my Abdication of the Portuguese Crown, which I announced on the Opening of the Session of 1826. Reciprocal relations of friendship and good intelligence exist between this Empire and the principal States of the American Continent. The Government of The United States has nominated a Chargé d'Affaires to this Court, instead of the one who has quitted, as I announced to you on the Opening of the last Session.

Negotiations are, at this moment, pending with the Government of the Republic of Buenos Ayres, in order to establish the basis of a just and equitable Convention, such as the national honour and the dignity of my Imperial Crown demand. Should that Republic refuse to acquiesce in the highly liberal and generous propositions, which will proclaim to the World the good faith and moderation of the Imperial Government, whatever may be the regret of my Imperial heart, it will be necessary to continue hostilities, and to carry them on with redoubled energy. This is my immutable resolution; and I rely upon the General Assembly for its most firm and loyal co-operation in sustaining the national honour and glory.

With respect to our internal affairs, I congratulate myself and this Assembly upon the order and tranquillity which reign in all the Provinces of this Empire, and which convinces me in the highest degree that the monarchical constitutional Regime is rapidly gaining strength.

I again call the attention of the Chambers to the Administrations of Finance and Justice, which I so much recommended to their care in the last Session. The Finances and Publick Credit will receive a beneficial impulse from the Law for funding the Publick Debt; but very prompt and effectual Legislative measures are necessary to harmonize the different branches of the Administration. The Judicial Power has not yet received the least improvement, and it is urgently necessary that, in the course of this Session, it should be regulated according to the principles of the Constitution of the Empire, in order that justice may be awarded on Constitutional principles, which, whilst it ensures to my Subjects the security of property, which the Constitution guarantees to them, will cause them to bless the system under which they live, and to assist me in maintaining it. The Ministers and Secretaries of State will present to the Chambers, with the accuracy compatible with existing circumstances, the state of the various branches of the Publick Administration.

I expect from the loyalty and wisdom of this Assembly, as well as of every Individual who composes it, that the most perfect harmony and

mutual confidence will subsist between it and the Government. Upon that perfect harmony and mutual confidence, (which on the part of Government will be unalterable,) the stability of the Constitutional System, the regular march of the Administration, and the national prosperity depend; on which last, rests the glory of my Imperial Throne. The Session is opened.

THE CONSTITUTIONAL EMPEROR,  
AND PERPETUAL DEFENDER OF BRAZIL.

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*PROCLAMATION of the Emperor of Brazil to the Portuguese Nation, on the meditated overthrow of the Constitutional Charter of Portugal.—25th July, 1828.—(Translation.)*

PORTUGUESE !

IT is not as your King that I now address you, for my Abdication is completed, but it is as the Father and Guardian of your lawful Queen, Donna Maria the II<sup>d</sup>.

The state of coercion in which my Brother the Infant Don Miguel, the Regent of the Kingdom, is placed, is clear and manifest to every one; to suppose the contrary would be to injure his honour, which I deem to be unsullied; it would be to consider him as a Traitor to the protestations which he made to me as his King, and a violator of the Oaths which he freely and spontaneously took at Vienna, in Austria, and ratified in Lisbon, in the presence of the Nation, lawfully represented, according to the Constitutional Charter which was offered to you by Me, and was by him and by you freely and solemnly accepted and sworn to.

A disorganizing Faction, under the pretext of defending the Throne and the Altar, is incessantly at work throughout unhappy Portugal, in defiance of every consideration, religious, civil, and political; it disputes the undoubted and imprescriptible rights by which your Queen has lawfully ascended the Throne of her Ancestors; it rules the Regent; it governs the Kingdom; it dissolves a Chamber of worthy and meritorious Deputies; it neglects to convoke another immediately, in compliance with the Constitution; and, in manifest violation of the Legislative Power, it appoints a Junta to draw up new Instructions for the election of Deputies, which they call lawful; these are not forthcoming; on the contrary, the Constitutional Charter is destroyed by a single blow, and the ancient Cortes, an Institution already abolished by the Oath taken to the same Constitutional Charter, are convoked; it praises and sanctions crimes committed against Citizens who are faithful to their Oaths; it consents to and even authorizes the perpetration of horrors in the very Capital, by the Troops who ought to watch over the publick safety, under the same pretext of defending the Throne and the Altar. To what lengths will not misfortune



lead Men who are weak and unwary? But this is not all; it praises the insubordination of Portuguese Soldiers against their Officers,—against those Officers who have remained true to their Oaths, and all this is said to be grounded upon the two principal Institutions—the Throne and the Altar! What Throne is capable of permitting the perpetration of such deeds? What religion can command such proceedings to be carried on, even against the dignity and honour of worthy and distinguished Families?

Portuguese! to what a wretched state is your Country reduced under the dominion of fanaticism, hypocrisy, and despotism! If it were possible for your Ancestors to arise from their tombs, they would suddenly fall dead again, on seeing that the cradle of their victories is transformed into a theatre of horrors.

You are worthy of a better lot; your happiness or your total ruin is in your own hands. Follow my counsels, Portuguese! they are given you by a philanthropic and truly constitutional heart.

It is time that you open your eyes, and unite to maintain the Oath which you have taken to the Constitutional Charter, and to the Rights of your Queen. By so doing you will not only save your Country, but also my Brother, by defending the real Throne, and the true Roman Catholick and Apostolick Religion, which you have sworn to maintain. Do not, Portuguese, give a victory to the Enemies of Constitutional Monarchical Governments, who desire to see Perjurers placed upon Thrones, in order to strengthen their arguments against such forms of Government; far be it from me to regard my Brother as guilty of perjury or treason; he is no doubt in a state of compulsion; as such I consider him, and shall continue so to do until the Leaders of this disorganizing Party shall have quitted Portugal.—Portuguese! maintain the Constitutional Charter; it was never foreign to you, it was given to you by a lawful King; what evils has it brought upon you?—that liberty of which before you had only the promise.—Yes! Portuguese, moisten with your blood the Tree of Liberty, and you will see how it will flourish amongst you, bringing forth fruit in spite of intrigues and machinations. Do not allow it to suffer from the attacks of perfidiousness and treason to the Country, which lies oppressed under the yoke of the most ferocious despotism. You are a free People, and you form an independent Nation: what would you wish for? The European Governments recognize the legitimacy of your Queen; combat then for her and for the Constitutional Charter, fear no obstacles, recollect that the Cause you are going to defend is that of justice, and that you are bound by your Oath to defend it. The truth does not reach the presence of your Regent; Fanatics, Hypocrites, Despoticks, and immoral Men conceal it from him; and the imminent danger in which his life is placed makes him submit to a Faction, the like of which has never been seen in the annals of

the Portuguese Nation, which from the beginning of the Monarchy has always been free, as the pages of history will prove. Imitate the example of the ancient Portuguese, approach the Regent, speak most clearly and respectfully to him, as they did to the King Alphonso the IVth, and say to him, "Sir, by the path in which your Highness allows yourself to be guided, you will unavoidably be precipitated into the deepest of abysses; govern us according to the Constitutional Charter to which your Highness and ourselves have sworn, and learn that in this lawful manner alone do we stand in need of you." If you do this, you will see that he, finding the Portuguese disposed to support him as Constitutional Regent, will escape from the shameful tutelage in which he is kept, and which is dragging him to the precipice from which he can never be extricated with honor, and that, throwing himself into your arms, in order that he may govern according to Law, your happiness will be ensured. Hasten to succour him, Portuguese, otherwise he and you will be the victims of anarchy. My conscience is free from remorse; I have laid the truth before you, if you choose to follow it you will be happy, if not, you will see the most obstinate despotism rear its crest amongst you, never again to be subdued.

Rio de Janeiro, 25th July, 1828.

PEDRO, EMPEROR.

*Francisco Gomez da Silva.*

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*SPEECH of the Emperor of Brazil, on the Closing of the Legislative Assembly.—20th September, 1828.—(Translation.)*

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AUGUST AND MOST WORTHY REPRESENTATIVES OF THE BRAZILIAN NATION.

THERE have been many Legislative Acts of the present Session; the Affairs of Finance have, nevertheless, not been duly taken into consideration, and those of Justice have not received the impulse which I anticipated. The patriotism which I cannot but consider as existing in a high degree in the bosoms of the Members who compose this Assembly, will, no doubt, cause matters of such importance, and which I have so often recommended to you, to be looked upon, as objects of the first consequence, and as being necessary and indispensable to the glory, security, consolidation, and stability, of the Empire, of the System of Constitutional Monarchy, and of my Imperial Throne. I do not doubt that the General Assembly will be fully aware of this truth, and I therefore hope to see the time of the next Session wisely employed.—The Session is closed.

THE CONSTITUTIONAL EMPEROR,  
AND PERPETUAL DEFENDER OF BRAZIL.

*MESSAGE of the President, to the Grand Convention of Colombia, on the state of the Republic.—29th February, 1828.*  
(Translation.)

*To the Representatives of the People assembled in National Convention.*  
FELLOW CITIZENS !

I CONGRATULATE you upon the honour which you have obtained from the Nation, which has confided to you its high destinies. In representing the legitimate interests of Colombia, you are invested with the most sublime powers. I have also the greatest happiness in restoring to you the authority which had been placed in my wearied hands. To those who possess the affections of the People belong the attributes of Sovereignty, and the rights of Supremacy, as Delegates of that august omnipotent Authority to which I owe obedience as a Subject and a Soldier. To what higher power could I resign the baton of President, and the sword of General ? Dispose freely of these symbols of authority and glory, for the general good, without regard to personal considerations, which might prove an impediment to a perfect reform.

Called upon by my duty to exhibit to you the situation of the Republic, I have the painful task of presenting to you the picture of its misfortunes. Do not imagine that the colours I make use of, derive a glow from exaggeration, or that I have sought for them in the gloomy mansion of mystery: they correctly reflect the glare of publick scandal, and the description of them, in the abstract, will not be found incorrect. Were it otherwise, would Colombia have called you together ?

The evils of the Country will begin to subside from the moment that its Deputies commence the investigation of them. Your task is, indeed, as difficult as it is glorious, and although the difficulties have somewhat diminished, by the good fortune of finding Colombia united, and obedient to your decision, I must tell you that we are indebted for this inestimable advantage solely to the hopes reposed in the Convention,—hopes which indicate the national confidence and the weight which you have to sustain.

To discover the causes of our misfortunes, it will be sufficient to cast a glance over our History. Colombia, which was enabled to raise herself into existence, is now feeble and declining. Occupied before with the publick cause alone, she no longer considers that duty as the only rule of safety. The same People, who, during the struggle, were contented in poverty, and were not indebted 3,000,000 of dollars to Foreigners, have, in order to maintain Peace, had to encumber themselves with Debts discreditable in their consequences. Colombia which, in face of the hosts of Oppressors, breathed only refined honour and virtue, endures with apparent insensibility the national discredit. Colombia, which thought only on painful sacrifices, and eminent services,

is now occupied in thinking of its rights,—not of its duties. The Nation must have perished, if a remnant of publick spirit had not impelled it to call for the remedy, and rescued it on the brink of destruction. Some horrible peril only would have made us determine upon the alteration of the Fundamental Laws; such a peril alone was capable of shewing itself superior to our devotion to legitimate Institutions of our own creation, the principles of which had procured for us the desired emancipation.

I would add nothing to this fatal picture, if the post I occupy did not compel me to expose to the Nation the practical ill consequences of its Laws. I know that I cannot do this without exposing my conduct to sinister interpretations, and my words to being construed into ambitious sentiments; but I, who have not refused to devote to Colombia my existence, and reputation, conceive myself bound to make this last sacrifice.

I must confess that our form of Government is essentially defective. Without considering that we have only just entered into political existence, we have allowed ourselves to be dazzled by aspiring theories, loftier even than those which the history of all Ages has proved to be incompatible with human nature. At other times we have erred in the means, and ascribed the failure to the not having kept sufficiently close to the deceitful guide which was leading us astray; unmindful of those who were desirous of following the natural order of things, and of comparing the different parts of our Constitution with each other, and the whole with our education, habits, and inexperience, in order that we might not plunge into a troubled ocean.

Our respective powers are not distributed in the manner required by social order, and the good of the Citizens. We have rendered the Legislative the sole Sovereign Body, whereas it should be only a member of the Sovereignty. The Executive has been in a state of subjection thereto, and it has been invested with a much greater proportion of the general Administration than our legitimate interests permit. As the climax of error, all the strength has been placed in the will, and all the weakness in the movement and action, of the social Body.

The right of presenting Projects of Law has been left exclusively to the Legislative, which, from its nature, must have but an imperfect knowledge of the real state of the Government, and whose projects are, herefore, purely theoretical.

The power of objecting to the Laws, enjoyed by the Executive, is the more inefficacious, because the delicacy of Congress is offended by opposition. This power, moreover, when fully exercised, can carry its point with even the votes of less than one-fifth of its Members, which leaves no means of avoiding the evil.

The free admission of the Secretaries of State into the Chambers, to explain the motives of the Government, being prohibited, there is no



opportunity left to the Executive of enlightening the Legislature respecting the grounds of the rejection of any of its Resolutions. Much evil might have been avoided, by allowing a certain lapse of time, or a proportionate number of votes, considerably greater than that at present required, before validity is given to the Laws objected to by the Executive.

It is to be observed that our Code of Laws, already too voluminous, instead of contributing to our felicity, presents obstacles to the progress of it. Our Laws appear to have been formed at random : they are defective in respect of order, method, classification, and legal expression. They are at variance with each other, replete with confusion, often unnecessary, and even opposed to the ends they are intended to promote. Instances have not been wanting, when it has become indispensable to restrain, by rigorous measures, destructive and widely-sprading vices, that the Laws made for that purpose have proved even less effectual than the old ones, and have indirectly promoted the vices which they were intended to check.

In our endeavours to reach perfection, we have adopted, as a basis of representation, a scale, as yet unsuited to our means. By the prodigal dispensation of this august function, it has become degraded, and it has even appeared, in some Provinces, that to represent the People is an object of indifference, and even one of dubious honour. Thus has originated, in a degree, the disrespect into which the Laws have fallen ; and, when the Laws are held in contempt, what good can be expected from them ?

The Executive is not on an equality with the Legislative ; nor is it at the head of the Judicial Power of Colombia : it is reduced to an impotent instrument of the Supreme Power, in which it does not participate in the degree it ought to do ;—inasmuch as the Congress encroaches upon its natural functions, in the administrative, judicial, ecclesiastical, and military affairs. The Government, which ought to be the source and main spring of the publick force, has to seek it without the limits of its own resources, and to look for support to others, which ought to be subjected to itself. It is an essential characteristic of Government to be the centre and depository of strength, but without possessing the power to call it into action. Deprived of its natural functions, it sinks into a lethargy, which becomes fatal to the Citizens, and entails the downfall of their institutions.

The vices of the Constitution, with reference to the Executive, do not end here. Equally prejudicial to good Government is the want of responsibility of the Secretaries of State. All the responsibility resting on the Chief of the Administration, exclusively, the effect of it is destroyed ; the harmony of the system in its constituent parts is not provided for, and the guarantees for the due observance of the Laws are equally defective. In the execution of his duties, there must be more zeal, when

to the moral responsibility of the Minister is added, that which is imposed upon him by his Office. He would then feel a more powerful stimulus for the advancement of the publick good; and the punishment which he might unfortunately incur by his demerits, would not then lead to greater evils, by creating tumults, the origin of Revolutions.

Responsibility in the Individual who may be the choice of the People will always be illusory, if he do not voluntarily submit himself thereto, or, which is not very improbable, he should possess the means of rendering himself superior to the Law. On the other hand, this responsibility can never be made effective, if the cases are undefined in which it is incurred, and the penalty be not specified.

Every one observes, with astonishment, the anomaly of the situation of the Executive, invested with a redundancy of power, conjointly with extreme weakness. It was found unable to repel Foreign Invasion, or to repress the acts of sedition, unless strengthened with dictatorial power. The Constitution, as if aware of this omission, has gone beyond itself, by the profusion with which it has granted to the Executive, in certain cases, the power which it has economized with such jealousy. The consequence is that the Government of Colombia is either a miserable source of good, or a destroying torrent.

In what Nation does the Judicial Power exist to so great an extent as in Colombia? Considering the manner in which the powers of the respective branches of our Government have been constituted, may it not be said that the functions of the body politick of the Nation, are confined to the expression of its will, and the execution of it? A third superior Agent (the Judicial Power) has been added, as if the faculty of deciding upon the expediency of the Laws, in particular cases, were not the principal function of the Executive. In order that the latter might not unduly influence the Authorities charged with the interpretation of the Laws, those Authorities have been rendered quite distinct from it, whereas, in their nature, they form an integral part of the same; and, notwithstanding the latter power was charged with the duty of a constant vigilance over the prompt and complete administration of justice, this charge was confided to it, without providing it with the means of ascertaining the occasions on which its intervention might be proper, or defining the limits of the exercise of such power. Even in the faculty of selecting efficient Persons for that purpose, the power of the Executive has been limited.

Not content with this refinement, we have by subsequent Laws, in opposition to the uniform practice of Ages, given to the Civil Tribunals an absolute supremacy in Military Trials, which is derogatory to the authority granted by the Constitution to the President, and destructive of discipline, the basis of a regular Army. Subsequent Laws, in the judicial branch, have only had the effect of extending the right of judging to a point which it never ought to have reached. In consequence of the Law relative to judicial proceedings, Law-suits have be-

come complicated. New Courts of Judicature, and Local Tribunals, are everywhere established ; for the reformation of which Courts, the unfortunate Inhabitants who dispute with each other, and make sacrifices, to the benefit of the Judges, have become clamorous. The Superior Courts, although composed almost entirely of inexperienced Persons, have repeatedly decided upon the doubtful application of Laws. The Executive has received most distressing complaints of the venality and injustice of the Judges, but has had no power to punish them : it has seen the Publick Treasury exposed to the ignorance and knavery of the Tribunals, without having had the means of applying a remedy to them.

The accumulation of the duties of all the branches of the Administration, in the hands of the Agents of the Executive in the several Departments, augments their weakness ; because the Intendants, the Chiefs of civil order and domestick security, have confided to them the administration of the National Revenue, which charge requires many Individuals, if only to prevent its deterioration. Such an accumulation of duties may appear expedient, but it is not so, except as regards the Military Authority, which, in the Maritime Departments ought to be combined with the Civil, and the latter relieved from duties connected with the Revenue, to the end, that each of these branches may perform its duty to the Publick and to the Government, in a satisfactory manner.

The Municipalities, which might be useful as Councils to the Governors of Provinces, have scarcely fulfilled their real functions : some of them have dared to take upon themselves the Sovereignty which belongs to the Nation : others have fomented sedition, and almost all the new ones have rather impeded than promoted the resources, improvement, and salubrity of their respective Districts. Such Bodies are not suited to the object for which they were intended. They have become odious, from the local burthens which are levied, the trouble they give to the Inhabitants, and from there not being in many places even a possibility of changing the Individuals employed. What renders them peculiarly objectionable is, the obligation imposed by them on the Citizens of taking upon themselves an Annual Magistracy, during which they consume their time and property, often exposing themselves to responsibility, and compromising their own honour. The voluntary exile of various Individuals from their native homes, to escape the appointment to those vexatious Offices is no rare occurrence ; and, if I must declare what is the prevalent opinion, there would be no Decree more popular than the one which should suppress the Municipalities.

There is no Law of general Police, nor does even the shadow of one exist. Hence it results that the State is a mass of confusion, or, I would rather say, of obscurity ; for the subordinate Agents of the Executive are thrown into relation with all the Individuals of the State, who are not manageable without an active and efficient Police, which may place each



**Citizen in immediate connexion with the Agents of the Government.** From this cause various obstacles result to the Intendants, in carrying into execution the Laws and Regulations, in the respective branches dependent on them.

Security and repose, the chief objects of the wishes of the Citizens, being destroyed, it has been impossible for agriculture to maintain itself, even in the deplorable state in which it existed. Its ruin has accelerated that of other kinds of industry, demoralized the labourer, and diminished the means of prosperity : all has sunk into the misery of desolation, and, in some Districts, the Citizens have reassumed their primitive condition ; for, having lost all means of rational enjoyment, nothing binds them to society, and they are even converted into its enemies. Foreign Commerce has suffered equally with that of the Interior : I might even say that it scarcely exists on a sufficient scale to secure to us the objects of indispensable necessity, more particularly so, as the frauds, favoured by the Laws and the Judges, in conjunction with numerous failures, have destroyed all confidence among the members of a Body, whose transactions should be alone founded in credit and good faith. How can Commerce exist when there is neither barter nor profit ?

Our Army was a model for America, and the glory of Liberty ; its obedience to the Law, to the Magistrate, and to the General, was such as appeared to belong to the heroic periods of republican virtue. It distinguished itself by its arms, even when it was without clothing ;—perishing with want, it subsisted on the spoils of the Enemy ;—and, void of ambition, it breathed only its love of Country. Such generous virtues have in a certain degree been eclipsed, by the new Laws passed for its regulation and protection. In the shocks which have been felt throughout society the Soldier has had his share : he no longer possesses any thing beyond devotion to the Cause he has served, and a salutary respect for his own scars. I have mentioned the fatal influence exercised over Military subordination by having subjected the Army to Civil Tribunals, whose doctrines and regulations are destructive of that strict discipline, passive submission, and blind obedience, which forms the basis of Military Power,—the support of all Society. The Law which permits the Soldier to marry without permission of Government, has been particularly injurious to the Army, in respect of its rapidity of movement, force, and spirit. It was wisely prohibited to recruit from among the Fathers of Families : but, in contravention of this principle, we have made Soldiers of the Fathers of Families. The disrespect shewn to the Chiefs by their subordinate Officers, through the channel of the Press, has also contributed to the relaxation of discipline. The declaring a correctional imprisonment as an arbitrary detention, is to establish Military Ordinances upon the principles of the Rights of Man, and to encourage anarchy among the Military, who, when they become Demagogues, are the most cruel, as well as the most formida-



ble, of their kind. Dangerous rivalries between Civil and Military Individuals have been promoted by writings, and by discussions in Congress; the Military being described, not as the Liberators of the Country, but as the destroyers of Liberty. Was this the reward due to such painful and sublime sacrifices? Was this the recompense reserved for Heroes? The scandal has even reached the height of exciting hatred and rancour among the Military of the different Provinces, in order that union and strength might no longer exist. I would fain not have noticed the indulgences which have been shewn to Military Officers during this eventful period. Every one of our Legislators is sensible of the enormity of this most blameable lenity. What Army will, in future, be worthy to defend our sacred rights; if the punishment of Criminals is to be their reward, and if glory ceases to be the attendant of fidelity, valour, and obedience?

From the Year 1821, when we commenced the reform of our System of Finance, every thing has been experimental; but the last Year has been productive of greater disappointment than either of the preceding ones. The want of vigour in the administration in all, and in each of, its branches; the general endeavour to elude the payment of the Taxes, the notorious dishonesty and neglect on the part of the Collectors, the creation of useless Functionaries, their small rate of pay, and the very Laws themselves, have contributed to destroy the Revenue. It has been thought possible, on some occasions, to overcome this phalanx of difficulties, by invoking the assistance of the Tribunals; but they, under the mask of Protectors of innocence, have acquitted the refractory Debtor and the accused Collector. In other instances the delay and consequences of their decisions have afforded an opportunity to Congress to pass new Laws which have even enervated the action of the Government. Up to this time, Congress has not regulated the Commissariats which administer the largest portion of the Revenue; nor has Congress even once, inquired into the application of the funds, of which the Government is merely the Administrator.

The delay in Europe of Mr. Hurtado, the Person to whom, in consequence of orders issued in 1823, it belongs to give an account of the millions due for the Loan contracted for, and concluded, by him in London;—the expulsion of our Chargé d’Affaires from Peru, whilst he was negotiating the recovery of the value of the supplies furnished to that Republic: and lastly, the consumption and misapplication of the National Property;—have forced us to incur, by large inscriptions in the Book of the National Debt, charges which might otherwise have been obviated. The Treasury of Colombia has, at length, reached the extreme crisis of being unable to redeem our National honour to those generous Foreigners, who advanced to us their money, relying upon our good faith. The Army does not receive one half of its pay; and, with the exception of the Officers of the Revenue, all are exposed to the greatest misery. Shame arrests my pen, and I have scarcely reso-

lution to tell you, that the National Treasury is become bankrupt, and that the Republic is beset by a formidable host of Creditors.

In describing the chaos in which we are involved, it appears to be almost superfluous to speak to you of our relations with other States. They have been satisfactory in proportion as our military glory and the prudence of our Citizens displayed themselves; which inspired the belief that, by our civil organisation and social happiness, we should attain the high rank to which Providence had destined us. The progress of our Foreign relations must always depend upon the wisdom of the Government, and the concord of the People. No Nation has ever rendered itself respected, but from the effect of these advantages; or without union, upon which its strength is founded. Colombia is at present in a state of discord, its Laws inefficient, and its credit destroyed! What inducements can it offer to friendly Powers? What security has it of preserving even those Friends which it possesses? Retrograding instead of advancing in its civil career, it inspires only contempt. It has already seen itself provoked and insulted by an Ally, which would not be in existence but for its magnanimity. Your decisions are about to determine whether the friendly Powers which have recognized us, repenting of their act, shall expunge our name from amongst the Nations of the World.

Legislators! Great and arduous is the duty which the National will has confided to you. Execute the difficult task which our Fellow Citizens have entrusted to you, by saving Colombia. Penetrate into the profound feelings of the hearts of your Constituents: you will learn from them the prolonged sufferings to which they have been a prey, and that they sigh for security and for repose. A firm, powerful, and just Government is the cry of the Nation. Behold the Country placed on the ruins left by despotism, pale with fear, deploring the loss of 500,000 Heroes, who have died for it, and by whose blood shed in its fields, its rights have been consecrated.

Yes, Legislators! the dead and the living, sepulchres and ruins, call upon you for Guarantees. I, who am now seated at the hearth of a simple Citizen, and mixed with the multitude, resume my voice and my right, and am the last to call for them, as the foundation of all Society; for I, who have consecrated a religious worship to the Country and to liberty, ought not to remain silent at so solemn a moment. Prepare for us a Government, under which the Law shall be obeyed, the Magistrate respected, and the People free;—a Government which shall conform to the general will and the commands of the People.

Consider Legislators, that energy in the publick force, is the safeguard of individual weakness, the power which deters the unjust, and the consolidation of Society. Consider that the corruption of a People is the immediate consequence of the incompetency of Tribunals, and the impunity of crime. Remember that without energy there is no

virtue, and that without virtue' the Republick must perish. Remember, in short, that anarchy destroys liberty, and that union preserves order.

Legislators! In the name of Colombia, I entreat with earnest prayers, that, like the Providence whom you represent, you will give us, as the Arbiters of our destinies,—for the People, for the Army, for the Judge, and for the Magistrate—*Inexorable Laws!*

SIMON BOLIVAR

*Bogota, 29th February, 1828.*

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***REPORT of the Secretary of War, to the President of The United States.—26th November, 1827.***

SIR,

*Department of War, 26th November, 1827.*

I SUBMIT a Report of the administration of this Department, from the date of my last Report.

I beg leave to refer you to the accompanying Reports, made up in pursuance of my Orders, marked from A, to P. They disclose, in detail, the measures which have been carried into effect in the various branches of the Publick Service, subject to the superintendence of this Department.

The Document A, is a Report of Major General Brown, on the state of the Army. I renew, with pleasure, an expression of my entire satisfaction at the condition of the Army, both as to its moral and military character. As far as I am officially advised, its Officers are now essentially exempt from the degrading vice of intemperance. The few examples which have been made, (though necessary, yet reluctantly,) to cleanse the Army from this blot, united with a declared, unalterable determination, never to pardon when a Sentence of guilt for this offence, on satisfactory evidence, was pronounced by a Court Martial, it is hoped will restrain the very few, if any, who are disposed to forget, in this indulgence, what is due to their characters as Officers of the American Army. To its good discipline, generally, the most ample testimony is borne, and particularly by Major General Brown, who, during the present year, made a tour of inspection through 3 of the great Sections of the Union. The two schools of practice, Fortress Monroe and Jefferson Barracks, will be great auxiliaries in promoting its perfection. For the benefit of the former, I again renew a recommendation for the purchase of horses, contained in former Reports, and for the reasons therein presented. The Fiscal Administration of the Army continues to be entitled to the highest commendation, both as to its economy and punctuality. In the spirit of the former, a retrenchment has been made in the article of Officers' transportation, by which

no inconsiderable expense will, in future, be avoided; and it will be seen, with satisfaction, that, in the articles of clothing and subsistence of the Army, there will be a considerable saving in the ensuing Year, compared with the Present; and, notwithstanding the increased pay and allowance, so justly given at the last Session to Company Officers, and for which no appropriation was made, and also the additional costs incurred in suppressing the threatened hostilities of the Indians, the total amount asked, to meet the various demands on this Department for the Year 1828, is less by near 1,000,000 of dollars than for the Year 1827; principally, however, resulting from surpluses in former Appropriations. And, in relation to its punctuality, no ascertained delinquency whatever has occurred, in any one of its various Departments

I beg leave, also, to recommend to the favourable consideration of Congress, the alteration proposed by the Commissary General of Subsistence, in the organization of that Department, presuming that the mode of supplying the Army by contract, whose advantages have been so satisfactorily manifested, will be continued by a new Act of Legislation, the former Law being about to expire. In confirmation of this suggestion, as to the advantage of supplying the Army by this system, I beg leave to state that the price of rations, although of a much superior quality to those formerly issued, has been reduced to 11 6-10 cents at our most expensive Posts, while at those least so, we procure them at 6 8-10 cents.

I recommend to the consideration of Congress the erection of buildings in or near the City of New York, and in the City of New Orleans, as proposed by the Quarter Master General.

I presume to suggest for the consideration of Congress, the propriety of founding an Army Asylum. Such establishments, it is believed, enter into the policy of every other Nation, and even here have obtained already in the Naval branch of the service. Uniformity of system alone, in the two arms of the national defence, therefore, would seem to require it. The condition of some of the Defenders of their Country during the Revolutionary War, excited so far the sympathy of Congress as to experience its bounty. It is highly probable, in our future History, that many, both Privates and Officers, may be in circumstances no less distressing. Indeed cases are now of frequent occurrence, where the Department is applied to for relief. An honourable Asylum from such a condition, seems to be dictated alike by policy and gratitude. A small monthly deduction from the pay of the Officers and Privates, will constitute the fund for its support. It would manifest the beneficence of the Nation, if means were furnished at once from the Publick Treasury for the erection of the necessary buildings.

The Military Academy at West Point, from the Report of the late Visitors, is progressing with its accustomed success, and loses nothing



in a comparison, according to the testimony of those whose opportunities enable them to decide, with any Establishment of the kind in the World.

In making selections from the thousands of Candidates, I have redeemed my pledge, made in a former Report, of appointing one Cadet at least from each Congressional District.

In selecting Visitors of Inspection, I have deemed it but an act of justice to invite them from every quarter of the Union; and when it suited the convenience of the immediate Representatives of the People to attend, (as it is a service without reward,) I have given them the preference, that they might, from their own observation, be the better able to decide on its value, and suggest and promote whatever was calculated to increase its usefulness.

The 2 Corps of Engineers have been actively engaged during the Year; some in field duties, others in superintending fortifications. The former have returned to this place, for the purpose of reporting upon their labours. I have had occasion, in former Reports, to suggest the utter inadequacy of the existing organization of these useful Officers, to the demand on their Services.

The various objects upon which Congress directed a reconnoissance to be made, were promptly attended to.

In selecting among the objects presented for reconnoissance by the State Authorities, and respectable Associations of private Citizens, I have to be governed by their relative importance, and a due regard to the fair claims of all parts of the Union. The result of the surveys has, in some instances, reduced the scale of the proposed objects, so as to deprive them of the character of national importance; but, even in these cases, the labours of the Corps have not been lost. By their superior science and experience, they have given valuable information to those concerned, which, from their limited resources, they would have been unable otherwise to have procured. Having finished the survey of the proposed National Road from this place to New Orleans, and made their Report which I had the honour of submitting to the 19th Congress, no further step can be taken by the Department till the pleasure of Congress is signified by Legislative Enactment. Among the many important objects to which the attention of the Department has been directed during the past season, may be particularly enumerated; the great Western National Road; the proposed Ohio and Chesapeake Canal; the Rail Road from Baltimore to the waters of the Ohio; a communication between the waters of James River and the Western waters; the improvement of the navigation in the Tennessee River; and the Canal through Florida. Although the Rail Road is proposed to be effected by individual enterprise alone, it is certainly of great national importance, and justified the Department in applying its means to ascertain its practicability. Reports on all these

subjects are in a course of preparation, except on the Rail Road, and it is hoped that most of them will be prepared in time to be laid before Congress, at its present Session. For more particular information on these subjects, I refer to Document B.

I refer to Documents B and C, containing the Reports of the Engineer and Quarter Master's Departments, in which may be seen the measures which have been pursued in execution of sundry special Acts of Congress, directing the construction of Roads and the improvement of Harbours, &c.

In the Report of the Engineer Department, will be seen the progress we have made in our several Fortifications.

Document H. is the Report of the Officer having direction of the Ordnance Department. The alterations suggested by that Officer, in the organization of that Department, have been heretofore presented, and received the favourable consideration of Congress at their last Session. I beg leave again to add my recommendation of the proposed changes.

The Report of the same Officer on the Lead Mines, gives a very satisfactory view of the importance of this property to The United States; the expected annual supply is equal to 10,000,000 pounds; a tythe of which, as rent received by the Government, will be more than sufficient for the purposes of the Army and Navy.

Document I. is the Report of the Clerk of Pensions, by which it appears the number of Revolutionary Pensioners has been diminished by death, since the last Report, 443, and of Invalid Pensioners 48.

In compliance with the Act of Congress, entitled "An Act to authorize the President of The United States to run and mark a Line, dividing the Territory of Florida from the State of Georgia," a Commissioner was appointed, on the part of The United States, to co-operate with one appointed by the State Authorities of Georgia, for the purpose of carrying the Act into effect. I regret to report that the object has not been effected; the Correspondence on the subject will present the causes of the failure, and are contained in Document K.

The Document L, is the Report of the Clerk charged with Indian Affairs, accompanied with a Treaty made with the Chippewa, Menomenie, and Winnebago Tribes of Indians.

Under the injunction of the Treaty made with the Sioux and Chippewa, Sac and Fox, Menomenie, Ioway, Sioux, Winnebago, and a portion of the Ottawa, Chippewa, and Pottawatimie Tribes of Indians, made at Prairie du Chien, on the 19th August, 1825, 2 Citizens were directed to repair to Green Bay, with a view to its fulfilment. Just, however, preceding their arrival, a portion of the Winnebagoes, a powerful and perverse Tribe, had committed serious acts of hostility, by the murder of some of our Citizens; and unfavourable appearances

among other Tribes, indicated the design, as it was apprehended, of a powerful combination, threatening to disturb the peace of our borders. Governor Cass, as soon as he was advised of these circumstances, with great promptitude, and equal prudence, appealed directly to General Atkinson, in command at Jefferson Barracks, for aid; who, with a commendable zeal, moved with about 600 Men under his command, to the anticipated theatre of hostilities, where he was met by other Detachments from the Army, and by Volunteer Companies composed of patriotic Citizens.

Governor Edwards, for the protection of the People of Illinois, also ordered out a small portion of her Militia. The celerity of these movements, with the imposing force gathered together, gave at once protection to our Citizens. As soon as the Department was advised of these movements, General Gaines was directed to proceed to the scene of operations, and to adopt the necessary measures to inflict punishment on the Offenders. The Indians sued for clemency, and obtained it, on condition of giving up the Murderers, 8 in number, who are now in custody to await the sentence of the Law. The Document M. presents the details of the subject.

The excesses of the Indians may be ascribed to their thirst for blood. Their pretext is understood to rest on a supposed intrusion of the Miners on their lands. To obviate any ground of complaint, and to meet the wishes of our Western Citizens, it is proposed to procure, by purchase, an enlargement of our Boundaries in that quarter, so as to embrace the whole of the highly valuable lead mines, said to abound in that region, and for which an appropriation will be hereafter asked.

I submit herewith, Reports, marked 1, 2, and 3, from Colonel M'Kenney, he having been charged with the business to which they refer; from which the disposition of the Chickasaws and Choctaws, in regard to emigration to lands West of the Mississippi, may be inferred; also shewing that an Agreement has been concluded with the Creeks, subject to an approval in the usual form by the Executive, and the sanction of a Creek Council to be called for that purpose, which secures to The United States the strip of land in Georgia, not embraced in the cession in the Treaty of Washington of the 24th January, 1826.

If the policy, as indicated in the ascertained dispositions of the Chickasaws especially, be approved by Congress, the appropriation of means corresponding thereto, will be required to carry the measure into effect. There is little doubt of the identity of feeling on this subject, in at least 3 of the Southern Tribes, and of a large portion of the 4th; and that this feeling may be availed of, it is respectfully suggested that means be provided to be applied in the discretion of the Executive, to profit by its existence.

The information recently acquired of the disposition of the

Indians within our limits to remove, has tended to strengthen the views which I have heretofore submitted on this subject; and I embrace the occasion, most respectfully, but earnestly, to solicit again the attention of Congress to the necessity of adopting some general system which might better the condition of the Indians, and relieve the States and Territories of the incumbrance of their residence, a never-failing source of inquietude, and, it is to be apprehended, of disturbance.

I have the honor to be, &c.

*The President of The United States.*

JAMES BARBOUR.

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*REPORT of the Secretary of the Navy to the Congress of The United States, with a Plan for a Naval Peace Establishment.—12th January, 1828.*

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SIR,

*Navy Department, 12th January, 1828.*

IN answer to a Resolution of the Senate of the 28th February, 1827, directing the Secretary of the Navy "to report a Plan for a Naval Peace Establishment for The United States," paper A, containing the plan called for, is respectfully presented. It is not accompanied with comments, but reference is made to the views expressed in former Reports from this Department on the subject; particularly to those of 24th January, 1824, and 1st January, 1825.

It will be perceived that the present varies in some points from the plans heretofore proposed, and which did not meet the approbation of Congress. The changes, it is hoped, will be found satisfactory. The intention has been to embrace only those objects supposed to be indispensable, and to make the whole plain and simple in its provisions; some of which are suggested by experience, and others are now in operation under the orders of the Department: it would be better to give them legislative sanction.

In connexion with this plan, and as an essential part of it, paper B is presented. An examination of our Statutes will exhibit great confusion and important omissions on the subject of pay. Several principles have governed in framing this part of the plan.

1st. To regard the decisions of Congress in the other branch of the publick service as the safest and best guide; under the impression that what Congress had sanctioned for the Army would meet approbation when applied to the Navy. The situation and services of the latter being such as to justify equality with the former. The pay here proposed will be found in no instance to exceed, and in almost all to fall short of that given to the relative grade of Army Officers.



2d. To increase the pay after ten Years faithful services in the same rank. In the Army there is an increase of rank by brevet, which uniformly induces a proportionate increase of pay.

3d. To add to the pay while at Sea, both as an inducement to active service, and to meet the expenses which a separation from their families always creates with Officers of the Navy; an evil to which those of the Army are less subjected. This increase is only in the number of rations.

4th. To take away all emoluments and allowances, as far as practicable, and to give, in all cases, both on Land and at Sea, definite and ascertained compensation for the performance of duty.

Under the direction in the other Resolution of the same date, the Secretary of the Navy has the honour to present paper C, containing a body of Regulations relating to offences, trials and punishments. A comparison of them with the Law now in force, "for the better government of the Navy," will exhibit the changes proposed in that Law. For the views of the Department on this subject, reference is made to the paper C, and to the Report dated 1st January, 1825.

The Secretary of the Navy would think it his duty, under these Resolutions, to present a plan for establishing a Naval School, if a Bill for that object had not been under consideration, and passed the Senate at the last Session; and, if he is correctly informed, is again under consideration. It is respectfully suggested that no plan for a Naval Establishment, and no Regulations can be perfect, unless a Naval School forms a part of them.

Some legal provisions would be useful, in relation to the disbursements made for the Navy, but that subject does not seem to be embraced within the scope of these Resolutions.

A new body of Rules and Regulations has been recently prepared, under the Law of 7th February, 1815, but has not been approved and promulgated, under the hope that important changes in the Naval Establishment would be made during the present Session, which would render alterations in them expedient.

If it should be the will of Congress to sanction the proposed Plans and Regulations, proper Rules should be prescribed by the President; and a Law passed, regulating the disbursement of the publick Moneys by the Official Agents: it is most confidently believed, that efficiency and economy would be greatly promoted.

Respectfully submitted,

SAML. L. SOUTHARD.

*The President of the Senate of The United States.*

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(A.) *Naval Establishment.*

## 1. To consist of:

1 Vice Admiral.	12 Chaplains.
2 Rear Admirals.	30 Sailing Masters.
6 Commodores.	500 Masters Mates and Midshipmen.
35 Captains.	35 Boatswains.
35 Masters Commandants.	35 Gunners.
300 Lieutenants.	35 Carpenters.
60 Surgeons.	35 Sail Makers.
70 Surgeons Mates.	7 Navy Store-keepers.
50 Pursers.	

## 2. The relative rank of Officers of the Navy with those of the Army to be:—Vice-Admiral, with Major-General.

Rear Admiral, with Brigadier General.

Commodore in actual command, with Brigadier General.

Captains of 5 Years, with Colonels.

under 5 Years, with Lieutenant Colonels.

Masters Commandants, with Majors.

Lieutenants, with Captains.

Passed Midshipmen, with Lieutenants.

Provided that no right to command each other, shall arise from the relative rank so arranged between the Officers of the Army and Navy.

3. The President to fix, by regulation, the number and pay of the Petty Officers, Seamen, Ordinary Seamen, and others, attached to the several Vessels in Commission, and to Navy Yards and Stations, according as the necessity of the publick service may require.

## 4. The Ships of the Navy to be classed as follows:

1st Rate, 3 Deckers, mounting 100 Guns and upwards.

2d Rate, 1st Class, 2 Deckers, mounting 90 and under 100 Guns.

2d Class, 2 Deckers, mounting 74 and under 90 Guns.

3d Rate, 1st Class, Frigates, mounting 54 and under 74 Guns;

2d Class, Frigates, mounting 40 and under 54 Guns.

4th Rate, 1st Class, Sloops, mounting 24 Guns and upwards.

2d Class, Sloops, mounting 18 Guns and under 24.

5th Rate, Brigs and Schooners.

5. Sailing Masters, Boatswains, Gunners, Carpenters, and Sail Makers, to be ranked in 3 grades or classes: the first for service in Vessels of the 1st and 2d rate; the second in Vessels of the 3d rate; and the third in Vessels of the 4th and 5th rate.

6. The President is authorized, by and with the advice and consent of the Senate, when the necessity of the service requires it, to increase the number of each grade of Officers, not to exceed one-fifth of the respective numbers mentioned in the first Section.

7. Masters' Mates, Midshipmen, Boatswains, Gunners, Carpenters,

and Sail Makers, shall be appointed by Warrant from the President of The United States.

8. Masters Commandants not to be promoted until they have served at Sea, as such, for 2 Years.

9. Lieutenants, before promotion, to perform active duty at Sea for 3 Years, and submit to an examination of their qualifications and fitness to perform the duties of Master Commandants, under Regulations to be prescribed by direction of the Secretary of the Navy.

10. No Person to be appointed an Assistant Surgeon, who has not been examined by a Board of Navy Surgeons, constituted by the Secretary of the Navy, for that purpose.

11. No Person to be promoted to the Office of Surgeon, who shall not have performed service for 2 Years, at least, on board a publick Vessel of The United States, and been examined by a Board of Navy Surgeons, constituted by the Secretary of the Navy for that purpose.

12. The President to designate and appoint, when necessary, Surgeons of the Fleets or Squadrons, and Purveyors of Medicine, and prescribe their compensation and duties.

13. Midshipmen, of the age of 20 Years, who have been 5 Years in the service, and have served 3 Years at Sea,  $2\frac{1}{2}$  of which in an armed Vessel of The United States, to be entitled to an examination, at such time as the President shall designate, and the convenience of the service will permit, by a Board of Officers, of a rank not less than Captain, nor in number less than 3, to be appointed for that purpose.

14. Midshipmen, who have passed the examination, and been found qualified for promotion, to receive Warrants as such, and may be appointed to perform the duties of Sailing Master of the second and third class.

15. Vessels of the 1st, 2d, and 3d rate, to be commanded by Officers of a grade not less than Captains. Vessels of the 4th rate by Masters and Commandants; of the 5th rate by Lieutenants, who shall, while in actual command, be styled Lieutenants commanding.

16. The President to fix the component parts and amount for the ration, not to exceed, in price, 25 cents.

17. The Navy Yards authorized by Law, to be Portsmouth, N. H. Charlestown, Massachusetts, New York, Philadelphia, Washington, Gosport, Va. Pensacola; and the President to designate such Navy Stations as the circumstances may require.

18. The Law of 27th March, 1804, to be repealed, and the Navy Yard at Washington placed under the same Regulations as the other Yards.

19. The President to employ such, and so many, of the Vessels, as he may believe the publick interest requires, provided that more Officers, Seamen, &c. be not employed, nor a greater sum expended, than is authorized by Law.

20. A Teacher shall be appointed to each Vessel of the 1st, 2d, 3d, and 4th rate, whose duty it shall be to give instructions, under the direction of the Commander of the Vessel, to Midshipmen and others.

21. The President of The United States to cause to be prepared, Regulations for the duties, powers, and conduct of the several Officers of the Navy, which, when approved by him, shall be laid before Congress at their next Session.

(B.)—*Plan of Law for Pay of the Navy.*

1. The following to be the pay of the several Officers attached to the Navy:

Vice-Admiral.....	200 dollars per month, and 20 rations per day.		
Rear Admiral.....	170	16	...
Commodore.....	140	12	...
Captain.....	100	8	...
Ditto of 10 years.....	110	9	...
Ditto 15.....	120	10	...
Master Commandant ...	60	5	...
Ditto of 10 years.....	70	6	...
Ditto 15.....	80	7	...
Lieutenants.....	40	3	...
Ditto of 10 years.....	45	4	...
Ditto 15.....	50	5	...
Surgeons.....	60	2	...
Ditto of 10 years.....	80	3	...
Ditto 15.....	90	5	...
Assistant Surgeons.....	40	2	...
Ditto of 10 years.....	45	3	...
Ditto 15.....	50	4	...
Pursers.....	40	2	...
Chaplains.....	50	3	...
Midshipmen.....	25	1	...
Passed do.....	30	2	...
Sailing Master, 3 grade	40	2	...
Ditto ..... 2	45	3	...
Ditto ..... 1	50	4	...
Boatswain ..... 3 grade	20	2	...
Ditto ..... 2	30	3	...
Ditto ..... 1	40	4	...
Gunners..... 3 grade	20	2	...
Ditto ..... 2	30	3	...
Ditto ..... 1	40	4	...
Carpenters, .... 3 grade	20	2	...
Ditto ..... 2	30	3	...
Ditto ..... 1	40	4	...



Sailmakers.....	3	grade	20	dollars	per	month,	and	2	rations	per	day.
Ditto .....	2	.....	25	...	.....	3	...	...			
Ditto .....	1	.....	30	...	.....	3	...	...			
Masters' Mates.....	25	...	.....	2	...	..					

Provided that no Officer who is required to pass an examination before he is promoted, shall, in any case, receive the increased pay, unless he shall, at the proper time, present himself for examination, and be declared fit for promotion.

2. Admirals, Commodores, Captains, Master-Commandants, Lieutenants-commanding, First Lieutenants, Surgeons, Sailing-Masters, Boatswains, Gunners, Carpenters, and Sail-makers, engaged in active service at sea, to receive double rations. Other Officers on sea-service, an addition of one half to the amount of rations to which they are respectively entitled.

3. Captains and Officers of higher grade, travelling under orders on publick duty, to receive 20 cents per mile; other Commissioned Officers 15 cents per mile; Warrant Officers 12 cents per mile.

4. Officers attached to the Navy Yards to receive in lieu of all compensation, except for pay, rations, and quarters, as follows:

Captains.....	1	dollar	50	cents	per	day.
Masters-Commandants .....	1	...	00	do.		
Lieutenants and Surgeons.....	75	do.				
Other Commissioned Officers.....	62½	do.				
Warrant Officers .....	50	do.				

5. Commanding Officers of Stations, the same pay and emolument as those of similar rank attached to Navy Yards.

6. Pay of Officers on furlough, who shall fail to report at the expiration of the furlough, shall cease.

7. Officers performing the duties of any grade higher than their own, to receive the pay and emoluments of the rank next above them.

8. Furlough pay to be one half the amount of full pay, including rations.

9. The Secretary of the Navy authorized to place Officers on furlough pay, when their services are not required.

10. Whenever Petty Officers, Seamen, or Ordinary Seamen, are sent from a Ship in Commission, on the requisition of a commanding Officer of a Yard or Station, to do duty in such Yard or Station, other than the Vessel to which they belong, each Petty Officer shall be entitled to, and shall receive 18 cents, and each Seaman and Ordinary Seaman 12 cents, for each and every day in which he may be so employed.

11. The pay of Deserters to be forfeited and carried to the Naval Hospital Fund; also fines imposed on all Persons in the Service.

12. The pay of Officers at Recruiting Stations, and of Receiving Ships, to be the same as Officers of their grade at Navy Yards, but no premiums for enlistment to be allowed.

13. Officers on special duty, to have pay fixed by the Secretary of the Navy, not to exceed the highest rate of pay and emoluments of Officers of the same grade when at sea.

14. The pay of Store-keepers to be fixed by the President, having regard to their responsibilities and labours.

Acts at variance with this Act, to be repealed.

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*REPORT from the Secretary of the Navy to the Congress  
of The United States, in relation to the difficulties in ob-  
taining Seamen for the Navy, the cause of such difficulties,  
and the Measures necessary to remove them.*

*23d May, 1828.*

SIR,

*Navy Department, 23d May, 1828.*

THE Secretary of the Navy, in answer to the Resolution of the Senate, directing him to report "whether any, and what difficulties have occurred in obtaining Seamen for the Navy, the cause of such difficulties, and what measures may be necessary to remove them," has the honour respectfully to present the following Report:

Previous to the time when the Resolution passed, great delay had occurred in enlisting Seamen for our publick Vessels. Some of them had been detained in Port several months by this cause, and others were permitted to go to Sea, with a smaller number of Men than was desirable, or than would, perhaps, have been entirely safe in a state of War. An allusion to this inconvenience, in a Report from the Department, probably induced the inquiries made by the Senate.

When the Resolution was received, some changes had already taken place, and, at the time mentioned for making the Report, it was not possible to designate with accuracy, or in such way as would communicate useful information, the difficulties to which it referred. Since that time, changes, both favourable and adverse, have been constantly occurring; and, even at this moment, it is not practicable to do more than to notice the circumstances which, at different periods, have created greater or less delay and trouble in manning our Vessels, and to suggest the remedies which seem best fitted to relieve from future embarrassment. These circumstances will be found to differ materially, both as to permanence and influence; but the remedies which will be suggested, are believed to be such as will grow in importance as the Navy advances in strength.

First. Inquiry, "What difficulties have occurred in obtaining Seamen for the Navy?"

Regular Recruiting Rendezvous are established at 5 Naval Stations: Boston, New York, Philadelphia, Baltimore, and Norfolk. These are opened by Officers assigned by the Department to that duty, whenever Seamen are wanted, and closed as soon as a supply for the immediate calls of the Service is obtained. In a state of War, it has been found expedient and necessary sometimes to open them at other places. In Peace, none but these are used.

The Officers who superintend the Rendezvous, are provided with appropriate Instructions, and also with Forms for the Contract which the Seamen are to sign, and for the Returns which they have to make each week, and sometimes each day, to the Department. The periods for which enlistments are made cannot exceed 3 Years. (Law of 15th May, 1820, vol. vi. page 540;) and very few are now made for a shorter time.

The Pay was fixed by the President of The United States, by authority of the Law of 18th April, 1814, (vol. iv. page 704,) and since its passage, has been invariably at 12 dollars per month for able Seamen, and less in proportion for ordinary Seamen, Landsmen and Boys. It has not been raised even when they were scarce and difficult to be procured, because it would not be easy to reduce it when the necessity had passed by, without creating dissatisfaction.

The President is also authorized to order a bounty to be given on enlistment, and it has sometimes been proposed to give it, in order to fill the Vessels more rapidly; but was declined, from a reluctance to commence a system of the kind in time of Peace, which could not well be discontinued, and which ought to be reserved for the pressure of War.

The Pay before-mentioned, has generally been inferior to that given in the Merchants' service, which has varied from 12 to 18 dollars per month, within the last 3 or 4 Years.

There are no materials in the Department, from which an accurate estimate can be formed of the average numbers enlisted in each month previous to the Year 1824. Since that time, Returns and Records have been made, which furnish this information. In 1824, the average per month was about 200—in the following Years, about 100. In these latter Years, it required 6 months to obtain the Crew for a Ship of the Line, 4 months for a Frigate, and  $1\frac{1}{2}$  for a Sloop of War. The difficulty related principally to good Seamen. Ordinary Seamen and Boys were almost always abundant. It became necessary, therefore, when Vessels were to be put in commission, that the Rendezvous should be open long before they were to sail, and a considerable portion of the term of enlistment had passed with many of the Men, before

the Cruise commenced. Thence it was impracticable to keep our Vessels out for 3 Years, without creating the necessity of re-entering the Men, or discharging them in Foreign Countries, which has sometimes been done.

These facts will explain the extent and operation of "the difficulties which have occurred in procuring Seamen for the Navy," and which will probably augment, if some provision be not made, and some system adopted, which will secure to the Nation a full and constant supply of Native American Seamen, sufficient both for the Mercantile and Military Marine.

The following may be enumerated among the causes from which the difficulties have arisen :

1. The higher Wages in the Merchant service, with the allowance of small stores, have created a temptation not easily to be resisted by Sailors, nor overcome by the recruiting Officers. The average difference in the Wages, is believed to have been about one-fourth. The allowance referred to, relieves them from some of the inconveniences to which their situation and labours expose them, especially for a short period after their enlistment and entrance on board the Vessels.

2. The failure to recall the Vessels so as to effect their discharge in our own Ports, at the expiration of their enlistment. It is exceedingly unpleasant for them to be detained longer than their Contract stipulates, and their discharge in Foreign Countries exposes them to hardships and losses, which sometimes render them unwilling again to enter into a service which they would otherwise prefer.

3. It is the practice to enlist, not for particular Ships, but for the general service, and it is not to be doubted, that this has caused delay, at times when sickness or other evils existed, or were supposed to exist, upon some of the Stations, and the Sailors were unwilling to go to them. They always prefer to enter for particular Ships, whose destinations they know ; and especially for such Ships as are esteemed fortunate. Their partialities and superstitious feelings are very strong. But this objection could not well be obviated by the Department. The number of our Vessels in commission is small ; it is necessary very often to change them from one station or cruising ground to another. Our period of enlistment is definite, and often terminates before the Vessel can be brought home. These, and other causes, sometimes occasion a transfer of the Crew from one Vessel to another. If they were enlisted for particular Vessels, we should be compelled to sustain serious inconvenience, or create dissatisfaction, by not adhering rigidly to the terms of the Contract. It is believed to be much better to enlist more slowly, and to have entire controul as to the place and time of service, and not hazard a violation of the faith of the Government.



4. The want of proper Hospital Establishments for their comfort and accommodation in sickness and old age. This is almost the only subject on which the forecast of the Seaman is exercised. He will trifle with property, disregard health, and leave to-morrow to provide for all the necessities which it may bring upon him—yet he anxiously desires to look forward to a comfortable asylum, when disease and age overtake him—and if there be better Hospitals and Asylums for him in the Merchant Service, he will make that a ground of preference. The Hospitals connected with the Navy Establishments, have heretofore been unworthy of the Naval Service, and of the Country—temporary in their nature, confined in their accommodations, and offering no anticipations of comfort to the Sailor, when misfortune shall compel him to resort to them. And he feels the more keenly on the subject, because he is obliged every month to pay his 20 cents for this object, and he knows that the Nation has never yielded a dollar of its treasure to furnish him with these necessary means of security and relief, after he shall have faithfully served it, and fought its battles.

5. A slight diminution has been produced by steam navigation, in the number of those who are employed in our Rivers and Bays, and on the Coast, and who, after a little experience there, usually find their way to the Ocean, to Vessels engaged in Foreign Commerce, and to our publick Ships. This cause has not yet effected serious results, but will probably augment in importance. The coasting tonnage of The United States, exclusive of steam-boats, rose, in the Year 1826, from 587,273 to 666,420 tons, and causes are in operation to create a further increase; still its growth will probably be less rapid than if steam were not used at all in our Navigation. The employment which it will afford, and the numbers which it will attract to the Ocean, will be proportionably less.

6. A species of Commerce has been carried on for some years past, which has drawn away some of our seafaring People, and occasionally produced delay in manning our Ships. Not less than 2000 seamen have gone out in Vessels which have been built here to be sold in the Countries to the south of us. Most of these were men who usually found employment in our Publick Vessels, and the larger part of them have not returned to the Country. Some have entered another service—some have perished—others have been restored, through the agency of our Consuls, and the Commanders of our Ships of War.

7. A number of our Seamen, principally those of Foreign birth, have entered into Privateers, and into the Service of Mexico and the South American Governments, being tempted by bounties, the promise of higher pay, and the hope of prize money. This evil is passing by. Experience has not, in its full force, continued the temptation under which they acted. They are beginning to return, and will not

probably again leave our Service for the same objects and in the same quarter.

8. The increase of our Shipping has rendered it difficult for the supply to keep pace with the demand. In 1822, our tonnage amounted to 1,324,699; in 1823, to 1,336,565; in 1824, to 1,389,163; in 1825, to 1,425,111; in 1826, to 1,534,191; being an average increase, per Year, for 4 Years, of about 52,373 tons, requiring an average annual increase of about 2,700 Sailors. If the future augmentation of our tonnage should be proportioned to that which occurred in 1825 and 1826, as it probably will be, the annual increase of Seamen to meet its demands must be more than 5000. The operation of this cause is not diminished, in its effects, by the practice of our merchants. Economy in navigation induces them to take, as far as practicable, able Seamen only, and to exclude boys and inexperienced men: hence, while in other Countries the average number of hands is about 1 for 15 tons, in ours it is about 1 for 19. Our Vessels are, therefore, navigated more cheaply. But we do not afford a proportionate opportunity and sufficient nursery for training and educating the young to meet our future wants.

9. The number of Foreign Seamen in our employ. There have, at all times, been some of these, but they increased with great rapidity during the continuance of those struggles which succeeded the commencement of the French Revolution. They sought here the greater security and comfort, and the higher wages which our prosperous Commerce afforded. Upon a change of circumstances, many returned to their respective Countries, and their places were not promptly supplied. It has been calculated that, in the Years 1806, 7, and 8, at least one-sixth of all the Seamen navigating American Vessels were Foreigners by birth. This calculation was, probably, then, and would be even yet, too low. In our Coasting Trade and Fisheries, very few but native Seamen are employed; but in the different branches of our Foreign Trade, not less than one-fourth are Foreigners. In the Navy there are more than that proportion. The effect of this circumstance, it is not difficult to estimate. Delays and embarrassments will often be produced in making enlistments, which would not exist if all or nearly all were native Americans: and it may be added, that, from the same source have arisen much the larger portion of our inconveniences, as to discipline, crimes, and punishments. It would be fortunate, in every respect, if not one man floated upon American bottom, either mercantile or military, who did not claim American soil as his birth-place.

The joint operation of these causes, with some others of less influence, will account for the "difficulties which have occurred in enlisting Seamen for the Navy." "The measures which may be necessary to remove them," should be applied to the nature of these causes, and

comport with the character of our Institutions. They should be addressed to the interests, and to the freedom of action and choice in the Citizen, and not to the exercise of violence or compulsive power. Impressment is the instrument of undelegated authority, and to be tolerated only where the Citizen does not feel his right to that equality on which our Institutions rest.

1. It is not believed to be expedient to increase the pay. It is already sufficient to procure the necessary numbers, provided other remedies within the power of the Government be applied. This one should be reserved for times of greater pressure. The ration which is fixed by Law, and which may be regarded as a part of the pay, and the allowances upon entering on Ship-board, might be usefully changed in some respects. Notice has been taken of this point, in former Reports to Congress, to which reference is made.

2. The contract with the Seaman should be scrupulously respected, and he should be discharged when it expires, and in his own Country. If this be not done, he is dissatisfied, and unwilling again to enlist; and his services are often lost for ever to his Government, when he is landed in a Foreign Country, without the means of comfort, and the power to return immediately. It is obviously impracticable, in every instance, to accomplish this desirable object, because the time of the Seamen expires at different periods. It is also difficult to reduce the length of the cruizes of our Vessels, without greatly augmenting the expense of supporting our Squadrons abroad. With the number and size of our Vessels now in commission on the different Stations, a reduction of the length of the cruise from 3 to 2 Years, would create an annual addition to the expenses of supporting the Navy of not less than 150,000 dollars; still the object is so desirable, that every effort has been, and should continue to be, made to secure it. In June, 1827, a general Circular Letter was sent to the Commanding Officers at Sea, and at the recruiting rendezvous, giving instructions upon the subject, which has already produced a salutary effect upon the feelings of the Seamen towards the Service, and will eventually lead to great good. A Copy of that Letter is added to this Report. It is not perceived that any other measure is necessary in reference to this point.

3. Hospital Establishments, suited to the wants of the Navy, and calculated to answer the just expectations of our Seamen, can only be provided, at an early period, by Legislative aid, in appropriating money for that purpose. And the conviction is earnestly, but most respectfully expressed, that there is no object on which a portion of the Public Funds could be bestowed with more advantage to the interest of the Naval Service, or to the honour and justice of the Government and Nation.

Heretofore nothing has been expended upon it, which was not drawn directly from the meagre pay of our Officers and Seamen. They have

been exclusively taxed, to provide Establishments which the humanity of the whole Nation ought to have erected, and on which a portion of the national pride should have rested. Even that money, taken from our Seamen, has not, until recently, been devoted to its proper destination, but has sometimes been used for other purposes. Reference on this point is made to the Reports heretofore presented to Congress. For 3 Years past, laborious attention has been paid to secure to the Hospital Fund all that it was entitled to receive under the Law, and to commence and prosecute a system which should, in the end, furnish the buildings and accommodations which would be necessary or useful. By an Order dated 11th March, 1824, all the money deducted from the pay of the Officers and Seamen is regularly transferred to the Fund, on the 1st day of every quarter. Sites have been purchased at Boston, New York, Philadelphia, and Norfolk, and arrangements made for selecting one at Pensacola. An Asylum at Philadelphia, and an Hospital at Norfolk, have been commenced, and are progressing as rapidly as the magnitude of the buildings will justify. With sufficient funds at the controul of the Commissioners, the Hospitals at the Places mentioned might be completed in 2 Years, and a system established which would meet the wants of the Navy for half a century to come; perhaps for ever. And should it be the will of Congress to make a suitable appropriation for this interesting object, a most salutary effect would be wrought, upon the inclinations of Seamen to enter the Service, and upon all its highest and best interests.

For those difficulties which arise from Steam Navigation—from the Commerce in Vessels—from enlistments in the Service of other Governments—from the augmentation of tonnage—from the practice of taking few boys and green hands—and from the number of Foreign Seamen in our employ,—there seems to be but one adequate and appropriate remedy; which is, such an increase of native *American Seamen* as will answer every demand of our mercantile and Naval Marine. It will not be easy, speedily, if at all, to attain this result. The process must be slow; but it is worth the sacrifice of time, convenience, and money, which it will require.

It is peculiarly important, that those who navigate our Publick Ships should be *native Americans*. Our Seamen are believed to be, at least for our own purposes, better than those of any other Nation; economical, vigorous, hardy, skilful; taught in the best schools; bred in the best nurseries; not ignorant of their rights; but governed with ease, when governed with justice. It is desirable not to mingle other and worse materials with such men; to injure their habits—create a spirit leading to insubordination and crime; and, when the hour of action comes, to have among them those who must contend, not for, but perhaps against, their native Flag. In Peace, we can do better without Foreign Seamen; in War, slight temptations of avarice, and other causes,



will lead them from us; and their presence will give us less confidence in battle. Every Sailor, in our Ships, should have, *located here*, all those attachments which bind man to his Country. Long and steady service under his native Flag, will increase fidelity to it, give a more generous courage in its defence, and ensure that devotion which shields the home and the fireside from invasion.

In attaining this condition, so far as the Navy is concerned, it is a favourable circumstance, that habit induces the Sailor to prefer our Ships of War to the merchant or any other service; that although the discipline is more rigorous, his comforts are greater, his employments and vicissitudes less changing; he, will therefore, continue in them, even at less wages. If we can procure for, and place in, our Navy, as many native American Seamen as are required, we shall probably be able to retain them, and thus be prepared for every event which peace or war may produce. The numbers necessary for our Merchant Vessels and Ships of War may be readily estimated. Our tonnage, in 1826, amounted to 1,534,191; in 1827, probably to about 1,600,000; which, at the average before-mentioned, would require about 85,000 Seamen. Our Ships of War now in commission demand about 4,800 Seamen, Ordinary Seamen, Landsmen, and Boys. To man, in time of war, all the vessels which are authorized to be built, more than 20,000, including Petty Officers and excluding Marines, would be necessary. The average annual increase has been before stated at about 5000. What is the precise number of our own Citizens, whose sole employment is upon the water, and what the number of naturalized Foreigners, cannot be precisely stated. There is a great defect in the register of our Seamen; a defect which ought to be remedied by Legislative Enactment.

It is respectfully suggested as proper;

1. That Foreign Seamen, although naturalized, be as rapidly excluded from our Navy as possible. In conformity with this suggestion, an Order has been issued to the Officers engaged in recruiting, directing them to seek, first, native Americans, and to enlist none others, except as matter of necessity. It is believed that this order will accomplish the design to a considerable extent.

2. That a larger proportion of Landsmen than heretofore, should, while peace continues, be placed in our Ships. An Order to this effect has also been issued, and a direction given that none be enlisted under 18, nor over 25 years. Good Landsmen of the proper age, will, after one cruise of 2 or 3 Years, become good Ordinary Seamen, and after a second cruise be good Seamen, and continue permanently in the service.

3. That Landsmen be enlisted in the interior. Such as are picked up in the Cities, are generally dissipated Men, advanced in years, with bad habits and enfeebled constitutions, who never can become useful in any

capacity. On the contrary, young Men may be enlisted in the country whose constitutions are vigorous, whose habits are good, and who will soon make efficient Seamen. By this course also, a more general feeling will be created in favour of the Navy,—the right arm of the national defence.

A conviction of the importance of this measure, and a desire to test its practicability, induced the Department, a short time since, to establish a *Rendezvous* in the neighbourhood of Carlisle and Harrisburg. Thus far it promises all that was hoped for from it, and should it continue to prosper, it will be used hereafter as necessity shall call for it, and the same plan will be adopted in other places.

4. That Legislative provision be made to require Merchant Vessels, in proportion to their tonnage, to carry Boys between the ages of 14 and 18; at least one for every 100 tons. In making this recommendation, it is not forgotten, that a slight effect will be produced upon the economy with which our navigation is conducted, nor that the subject has been heretofore presented to the consideration of the Senate, and the proposition resisted by an able Report of the Committee of Commerce. But the recommendation is believed to be sustained by the successful practice of other Nations; by the absolute necessity of providing a sufficient nursery, and constant supply for our rapidly increasing Mercantile and Military Marine; by the smallness of the burden which the provision would impose upon our navigation; and by the high importance of being supported in our commercial career by our own Native Citizens. The regulations for this subject do not properly find a place in this Report.

But 5th. The most important measure connected with this subject is, legal authority to enlist with the written consent of their Parents, Boys over 13 and under 16 Years, until they arrive at the age of 21; or which would, in many respects, be preferable, authority to take Apprentices of the ages and for the period mentioned. There should be from 15 to 30 in every Navy Yard, and 2 for every gun, to our Vessels in commission; making, in all, in the first instance, about 1200. Those in the Navy Yards should be assigned to the various duties performed there, and instructed in them, so as to furnish in a few Years most competent workmen in every branch, who, being habituated to their employments, would be a steady and unfailing supply for the publick wants in that Department. Those in our Ships should, according to their capacities, be assigned to the labours of the common Sailor, and as assistants to the Petty Officers, and would, before the expiration of their enlistment or indenture, be perfected in their respective duties. As their terms ended, their places should be constantly supplied, so as to keep, at every moment, the full number of Boys in the Service. Two Years would be sufficient to prepare them to act as Ordinary Seamen and 3 more as Seamen. This plan, united to that of enlisting young Landsmen, would give us an annual increase of from 3 to 500 good

Seamen, permanently united to the Service ; and ultimately secure all that our interest, on this point, can require. These Apprentices should be clothed in our own manufactures—denied spirits in their rations, until they become Men—educated by proper Teachers, in reading, writing, arithmetic, and navigation—be entitled to hospital pension and prize privileges—have a small amount of money reserved for them, and paid when their time expires, if their conduct has been good, and a premium on re-entering. They would furnish, within 8 or 10 Years from the commencement of the system, all our Petty Officers of every description, and the best rewards of virtuous effort, should be presented to them, in promotions to the rank of Warrant Officers, and if their merits justified, eventually to the highest honours of the profession.

To those who may not have carefully made the calculation, the results of such a system would appear extravagant. When compared with our present plan, it would create a saving of not less than an 150,000 dollars annually—would give us, in every Department, the greatest efficiency and skill, and above all would make the Navy what it ought to be, in every thing—American. Respectfully submitted.

SAMUEL L. SOUTHARD.

*Hon. Samuel Smith, President of the Senate of The United States.*

(Enclosure.)-Circular to the Commanding Officers at Sea, &c.-June, 1827.

SIR,

*Navy Department.*

JUSTICE to our Seamen, as well as the interests of the Service, require, that efforts should be made to remedy the inconveniences which have resulted, from the time of enlistment expiring, while the Men are abroad, and no adequate means afforded for their return home. It will be the object of the Department, hereafter, as far as circumstances will permit, so to regulate the manning of our Vessels, that the time of a majority of the Crews shall expire about the same period, and to recall the Vessels before that period arrives, so that the Men may be in The United States when their contract with the Government ends.

It will be obviously impossible that this should be effected in every individual instance. You will, therefore, consider it your duty, and it is hereby enjoined upon you, when the time of service of Seamen, Ordinary Seamen, &c., expires during your cruise, to induce them, by all proper considerations, to re-enter for the remainder of the cruise, informing them, as nearly as you can, what will be its duration. If they refuse to re-enter, and require their discharge, let it be promptly given to them, unless urgent necessity exists for their services; and you will procure for them, if possible, a passage in some Vessel to The United States, on the lowest and best conditions, giving orders on the Department for the passage money. If they refuse to take the passage, and to return home, you will apprise the Department of it, and of what you have done on the subject; and give the like information

to the Consul of the Port nearest which you are, that he may regulate his conduct towards them with a full knowledge of the facts.

In every instance in which any Person is discharged abroad, and his passage paid; or he declines accepting the passage, you will state the facts in his discharge. I am very respectfully, &c.

*ADDRESS of the Grand Convention of Colombia to the  
Inhabitants of the Republic.—Ocana, 17th April, 1828.*

(Translation.)

COLOMBIANS !

YOUR Representatives, assembled in Grand Convention, direct their voice to you from the august sanctuary of the Law. Occupied with the important business of your happiness, they have no other object than that of securing your liberties under the influence of peace. Worthy of being free, you have triumphed over your Oppressors, you have conquered your Independence, and nothing remains for you but to secure irrevocably your sacred and imprescriptible Rights.

During 18 Years of an obstinate and bloody contest, during 18 Years of a war of desolation, torrents of blood have flowed, and thousands of illustrious victims have been sacrificed ; so many sacrifices made on the altar of liberty ought not to be in vain : you should reap the precious harvest of your labours.

Colombians ! The Convention, provided for in your Constitution, in order to bring it one day to perfection, has met, in compliance with your wishes. The Legislative Body have declared that that period has arrived, because extraordinary circumstances have hastened events, which it was hardly credible could have happened within the space of 10 Years. Your Chief Executive Magistrate has proclaimed, in the face of the World, that the Grand Convention was the cry of Colombia ; convoked by Congress, all have applauded its convocation, and you have made the elections of your choice. No description of coercion has prevented the declaration of publick opinion, which this day calls together, your Representatives. The knowledge of this truth fills them with confidence and resolution in entering upon their arduous and interesting duties. It is their business to enquire into your Institutions, and to declare whether there exists a necessity to reform them. The Convention has already unanimously declared that it does exist, and the reforms will be such as are calculated to remove the causes of your evils, and to prepare for you immense advantages.

The Members of the Grand Convention, the elect of your choice, belong to no Party, they belong only to Colombia, to yourselves alone : divested of all personal motives, the common good is the sole object of their cares ; and, on the altars of the Country, they will sacrifice, with



pleasure, every private interest ; they are diffident of their talents, but their intentions are pure, their wishes for your happiness are unconnected with all personal views, and the sacred flame of a sublime patriotism, which burns incessantly in their hearts, will consume every feeling which is not essentially national.

At the installation of the Grand Convention on the 9th of this month, your Deputies have taken the most sacred of oaths, and by this solemn and religious act, they have contracted a fresh obligation of conscience, to maintain the integrity and independence of the Republic, the sovereignty of the Nation, civil and political liberty, the form of a popular, representative, elective, and alternative Government, the responsibility of Public Magistrates and Functionaries, and the division of the Supreme Authority, for the administration thereof, into the Legislative, Executive, and Judicial Powers. These are the bases on which repose the social edifice, and the foundation of your prosperity.

This has been the object which you have proposed to yourselves since the voice of Independence was raised in 1810. These are the maxims which you have consecrated in all your Constitutions, in all your labours, and in all your public and national Acts. To this end have been directed all your endeavours, all your energies, in the glorious and arduous struggle for your emancipation from an oppressive Government. This has been the universal cry of Colombians. Your Representatives will never violate, in a single point, an Oath so sacred.

It is on these sacred, these holy principles, that the throne of liberty and of the Law should be fixed. Liberty is the standard under which you have marched in your political career ; it has always formed the point of union of all opinions ; it was that which, in 1810, inspired the Patriarchs of the Revolution, which enabled the Martyrs of their Country to mount the scaffold with serenity, which inflamed the courage of your Heroes, and which has directed the steps of your Legislators and Magistrates ; it is that which has impelled its spreading flame from one extremity of Colombia to the other, and throughout the whole of America. But do not forget that liberty is a tender and delicate plant, raised in the midst of tempests, of Wars and Revolutions ; it requires the benign shades of peace for its growth, strength, and perfection.

The great Men, worthy of eternal memory, who laid the first foundation of our present edifice, so many generous Citizens who laid down their lives in the field of honour, a vast number of virtuous Patriots immolated on the scaffold,—all these sacrificed themselves to their Country alone, and sealed with their blood the justice of our cause, for the purpose of bequeathing to us, who survive them, to the entire Nation and future generations, the sublime price of their heroick services, as so many other titles, which, added to those you have had

the glory to accumulate in proportion to your means, give to you the unquestionable right to the establishment of a Government, worthy of such immense sacrifices. Colombia, when just rising into existence, enjoyed the highest reputation, which was due to her Institutions, and to her steady and majestick progress. The first Powers of the World were eager to recognize her political existence. Our Relations and National Credit were advancing with rapid strides. Philosophers, and all the friends of humanity in both Hemispheres, admired and extolled the solidity of our Republick. To be a Colombian was a high honour. Unfortunate events have eclipsed this name, and obscured the glories of Colombia. Sad and untoward circumstances have inflicted wounds on Publick Credit, and have disturbed order; and anarchy has appeared, ready to tear the Country to pieces, to root up from its foundation the work of your labours, to render useless your sacrifices, to tarnish your laurels, and to sully the chosen soil of virtue and liberty. But you have invoked this Assembly, you have freely elected your Representatives, and you cherish the hope that your wounds will now be permanently closed, that order will be re-established, that concord will be cemented, and that reason will triumph;—your wishes shall be satisfied.

Colombians! The time is come to terminate our dissensions, and to silence the harsh echo of discord. Let private views and interests, which are at variance with the publick good, perish for ever;—let there be a mutual and general reconciliation;—and let us vie with each other in promoting the national welfare. In the temple of the Country altars should not be raised, but sepulchres be opened to bury discord. The respectable name of Colombian ought to be an indissoluble bond of fraternal love: let us stifle our resentments; let us forget our past, and only endeavour to put an end to our present evils, and strive to enable Colombia, nobly and majestically, to triumph over the present crisis.

People of Colombia! Your Deputies form part of yourselves, their interests are yours, and they necessarily participate in your felicity and in your misfortunes. Circumstances of difficulty may cause the failure of their projects, but they will resolutely follow the path prescribed to them by their duty. Impartial justice shall be their guide; without this there is neither order, equality, repose, or happiness.

Colombians! Confide in those whom you have appointed to decide upon your destinies. Tranquilly await their determinations; do not allow yourselves to be deceived, either by intrigue or by imposture: be persuaded that the Grand Convention will take no step opposed to your welfare, or destructive of your happiness. The honour of your Representatives is deeply involved in the happy issue of their deliberations.

Colombians! To secure your liberty, property, equality, all your rights, shall be the exclusive occupation of your Deputies. To re-

establish order, peace, and concord is their intention. May Heaven protect them !

Ocaña, 17th April, 1828.

JOSE MARIA DEL CASTILLO, *President.*

LUIS VARGAS TEJADA, *Deputy Secretary.*

RAFAEL DOMINGUEZ, *Secretary.*

***PROCLAMATION of the President of Colombia, on the commencement of Hostilities against Peru.—3d July, 1828.***

(Translation.)

TO THE PEOPLE OF THE SOUTH.

CITIZENS AND SOLDIERS,

THE perfidy of the Government of Peru has passed every limit, and has outraged all the rights of its neighbours, Bolivia and Colombia. After a thousand injuries, suffered with heroick patience, we have been forced at length to repel injustice by force. The Peruvian Troops have entered the heart of Bolivia, without any previous Declaration of War, and without any ground of hostility. Such shameful conduct teaches us what we have to expect from a Government which neither respects the Laws of Nations, nor those of gratitude, nor even the consideration due to a people, its friends, and brothers.

It would be too much to recount the catalogue of the crimes of the Government of Peru ; for your feelings could not listen to it without a dreadful cry for revenge ; but I do not wish to excite your indignation, nor to make your grievous wounds more painful. I only invite you to prepare yourselves against those wretches who have already violated the territory of our daughter (Bolivia), and who even intend to profane that of the country of heroes. Arm yourselves Colombians of the South. Fly to the Frontiers of Peru, and there await the hour of vengeance. My presence amongst you shall be the signal of combat.

Bogota, 3d July, 1828.

BOLIVAR.

***COLOMBIAN Manifesto of War against Peru.—July 1828.***

(Translation.)

*Manifesto of the Government of Colombia, setting forth its grounds of War against the Government of Peru.*

THE Government of Colombia, being compelled to employ against Peru the arms which gave independence and liberty to that Country, owes to publick opinion, to the other States of America, and to the

whole World, an exposition of the motives which induce it to carry War into that Territory, into which it formerly carried peace and felicity.

No Nation has ever exhibited the forbearance and moderation which Colombia has exhibited towards Peru. Provocations, insults, outrages, all have been endured for the sake of peace, and to avoid a rupture between two States, whose existence is but in its infancy, and whose interests ought to be closely connected, for their mutual defence, happiness, and prosperity; but the Government of Peru, insensible to every just consideration, has persisted in its offensive conduct, which it is no longer possible to endure, without renouncing the honour of the Nation, and without rendering Colombia unworthy to be enumerated amongst the Independent Nations of the Earth.

The World has witnessed the eminent services, and the heroic sacrifices made by Colombia, in order to liberate Peru from the tyranny of her old Oppressors, and the disloyalty of her own Children, and from civil war, disorder, and anarchy. When all was lost to Peru, when no hope of salvation was left to her, owing to the overwhelming Force of the Enemy, and the general demoralization of that Country, she then called upon Colombia to assist her: Colombia succoured her with prodigality; and God, who had aided the Colombians in the destruction of their Oppressors, and in the emancipation of their own Country, also assisted them in the salvation of Peru, and in rescuing it from slavery and annihilation. Immortal victories crowned the efforts of Colombia and gave Independence to Peru.

The Congress of Peru assembled, declared the gratitude of the Nation, and not judging it, as yet, free from the influence of faction, and the evils of anarchy, again sought the aid of Colombia, and solicited from it an auxiliary Division. This Republick consented that the Colombian Troops should remain in Peru; and they became the support of order and the pledge of tranquillity. The Government of Peru then commenced its offensive conduct: ungrateful for the benefits it was receiving, and forgetting every honourable and noble feeling, it repaid Colombia by seducing the Auxiliary Troops, by disseminating amongst them the spirit of rebellion, by instigating them to depose their Generals, and by causing them to declare themselves the Arbiters of the destinies of their Country. It is impossible to doubt this: Soldiers, so subordinate as are the Colombians, who are accustomed to obey their Chiefs, to respect their Government, and who are not unmindful of their honour and glory, would not have been induced to fail in their duty, to wither their laurels, and to forfeit their reputation, without a strong temptation—without allurements which could have been offered only by the Agents of Peru, and without a reliance upon the protection which the latter could afford them.



Having violated the friendship under which it had confided the good order, discipline, and subordination of the Country to the Colombian Troops, the Government of Peru no longer dissembled its hostile intentions towards Colombia. It formed the project of taking possession, during a period of profound peace, of the Three Southern Departments; and, to render the injury greater, and the outrage more violent, it resolved to avail itself, in this attempt, of the same Colombian Troops, to whom it had confided the sacrilegious task of dismembering their own Country. With protestations of friendship, and of a desire to maintain the best understanding, the Government of Peru instigated the Troops of Colombia to acts of treason;—and this for its own advantage, and in return for the immense services it had received, and which, being so recent, it could not have forgotten!

The movement of the Auxiliary Division was concerted solely with the Individual who called himself its Commander-in-Chief,—the principal Accomplice in the Rebellion. No previous intimation was given, either to the Government of Colombia, or to its Agent in Lima: nor were the Orders of the Colombian Government awaited, or those of the General, who was applied for by the Government of Peru itself to take the command: all the necessary supplies were provided with the greatest haste and with the utmost secrecy; and to remove all suspicion of the hostility which was contemplated, and of the object of the movement of these Troops, the Port of Callao was closed until the embarkation was effected, and the Ships of War and Transports, after having disembarked part of the Division, remained opposite the Ports of the Department of Guayaquil, for some days, in expectation of the result. Providence frustrated the machinations of Traitors and unprovoked Enemies, defeated their projects, and rendered abortive their enterprise; but the Government of Peru is responsible for the act, for the crimes committed to give effect to it, and for the evils which, in consequence, for some time, afflicted Colombia.

The Agent of this Republic was informed of the approach of those Troops when they were in the act of embarking: he then remonstrated, and strongly and energetically protested against the proceedings; his remonstrances were, however, disregarded, and his protests had no other result than his own persecution, which was carried to the extremity of expelling him from the Country, within the space of 18 hours, with insult and ignominy, under a guard, and detaining him as a prisoner on board a Vessel of War, without cause, or pretext, and without his having offered the least offence. The honour of Colombia was outraged, with atrocity, in the person of its Agent; and, up to the present hour, this Government has received no satisfaction for this shameful violation of the Law of Nations.

Order having been re-established in the Southern Departments,

the Traitors who had disturbed it, fleeing from the national vengeance; took refuge in Peru; and not only were they welcomed there, but eulogiums were passed on their treason, wickedness, and perverse conduct. The scandal of their reception has been aggravated, by the expulsion from the Peruvian Territory, (as suspicious Individuals, and in violation of existing Treaties,) of those Colombian Officers who had taken no part in the operations, but had disapproved of them. Chastisement fell on honourable and peaceful Colombians, and rewards and consideration on Traitors and Delinquents.

The Government of Colombia was silent under the injuries heaped upon it. It despatched an Officer with Letters for Bolivia, who was detained in a Port of Peru, and compelled to proceed to Callao. His Despatches, which were demanded from him, he was under the necessity of throwing into the Sea, and he was taken to Lima, and there detained a considerable time. The Vice-President of this Republic sent one of his Aides-de-camp to present to the President of Bolivia the Sword decreed to him by the Congress of Colombia, and he, also, was detained in Callao; he proceeded, however, to Lima, where the risks of his journey were exaggerated to him, and he was not allowed to proceed; but was obliged to return, leaving there the Sword and the Communications which had been confided to him. Peru was at War with Colombia without having declared it; although Colombia was at Peace, and anxious to cultivate friendship with Peru.

Notwithstanding the failure of the project of conquering a part of the Territory, with the assistance of the Colombian Troops, the Government of Peru did not abandon the hope of getting possession of it by other means. With this object, it began to form an Army on the Frontier, and proceeded with such activity, that it appeared to calculate on an early opening of the Campaign. It was well aware that such a step would alarm the Government of Colombia; and, thinking to lull its vigilance, it deputed to it a Minister Plenipotentiary, but without powers or instructions to conclude anything; it was represented that the object of his Mission was to give satisfaction for the *grievances* of which Colombia might have to complain, and which the Government of Peru, itself, conceived had been committed, although it had received no complaint upon the subject of them. Such was its conviction of the hostile character of its own proceedings!

The Government of Colombia was not ignorant of the plot which had been formed against it, nor of the object for which that Minister had been sent; but it received him, notwithstanding, in order to prove how far its wishes for peace and conciliation extended. He was made acquainted with the grounds of complaint, and with the satisfaction demanded by this Government, when he openly declared himself to be without instructions, to enter into any negotiation for the adjust-

ment and liquidation of the Debt due by Peru to Colombia, on account of the supplies furnished by the latter, and to be equally incompetent to treat for the restoration of the Province of Jaen and the Part of Mainas which Peru had usurped; he disavowed the Convention, in virtue of which the Colombian Troops entered Peru, and in which the reimbursement of the losses sustained by the different Corps was solemnly stipulated on the part of his Government; and, instead of affording any satisfaction with respect to other charges, he aggravated them, by heaping abuse and insult against the Chief of the Government, and against all the Generals, Troops, and People of Colombia. His Mission, therefore, served only to add to the catalogue of outrages, and to afford another opportunity of gratifying the Government of Peru, by insulting and outraging that of Colombia, and that under cover of the immunity enjoyed by its Minister.

The Government of Peru was, at the same time, disputing the passage through a part of its Territory to the Troops to whom it was indebted for its liberty and existence, who were then in Bolivia, and who were desirous of returning to their Country; after having shed their blood, and been prodigal of their lives, in order to give independence to, and accomplish the felicity of, the very Men who then refused them permission to pass freely over the Fields which had witnessed their glory, and on which they had reaped their laurels. This refusal, and the simultaneous seduction employed by the Peruvian Generals, led to the Mutiny of those Troops in La Paz, on the 25th of December last, a Mutiny which it was found practicable to suppress on the instant, but not without an effusion of Colombian blood. When the Government of Peru announced this event, it did so with joy;—in an Official Journal it eulogized the promoters of it; and to the Ring-leader, the Serjeant who had directed it, who committed the greatest atrocities in La Paz, and plundered its Inhabitants, it gave an honourable reception in Lima, and also evinced towards him the greatest proofs of consideration. What can be expected from a Government which is insensible to honour, probity, morality, and good faith,—which excites treason—which takes delight in the shedding of the blood of its benefactors—and whose steps are marked with ingratitude and perfidy!

It now attempts the Invasion of Bolivia, with which State Colombia is connected by the closest ties of friendship and fraternity, and that without any previous Declaration of War; its General has also had the audacity to address Proclamations to the Colombian Troops, again exciting them to abandon their duty, and violate their obligations. It has resolved upon sending a Squadron to blockade the Port of Guayaquil; and intends that its Army on the frontiers shall march into Colombia, with the President of Peru at its head: it had already ordered a detachment of the same Army to enter the Town of Zapotillo, within



the Colombian Territory, there to unfurl the Peruvian Banner, and to instigate the inhabitants to insurrection. It has permitted the General of the same Army, and the Prefect of the Department of "La Libertad" to issue threatening Proclamations, in which the President of this Republic is scandalously abused and insulted; and it has inserted, in its Official Journals, malicious articles against Colombia and its Government; it has, in short, determined upon hostilities, and actually commenced War, without any regard to the Law of Nations, and whilst Negotiations with its Envoy were still pending, of the result of which it must be ignorant.

War has, therefore, become inevitable between Colombia and Peru, and the Party that has provoked it will be responsible for its consequences. The Government of Colombia has not sought it, and would have wished never to have been placed under the necessity of commencing it; but it had no alternative. Peru is already attempting to invade this Country, as it has invaded Bolivia; the Blockade of its Ports is resolved upon, and an attempt is made to induce insurrection in the Auxiliary Division which still remains in Bolivia. Shall the Government of Colombia be indifferent to these evils, and allow the intended conquest to be effected? The impartial World will decide whether its moderation and forbearance should be carried to that extreme.

The Government of Colombia has no cause of complaint against the People of Peru; it is not ignorant of their sentiments, and of the gratitude with which they are animated towards this Country. The War is not, therefore, against them, but against their Government, which is the sole cause of it, and of all the outrages, insults, and injuries which Colombia has suffered. May Heaven direct that upon that Government and its Agents, alone, the calamities which must follow, may be visited. May it also direct, that the War may soon terminate, and that that Government may be induced to recognize justice, and to give the necessary satisfaction; leaving its Neighbours in the enjoyment of peace, and giving them guarantees for its future friendship and good faith!

The Government of Colombia invokes the testimony of the other American States in proof of its pacifick disposition, and of its desire that they should assist it in cementing the ties between them all, by the strongest bonds of fraternity and alliance. To this end it promoted the American Confederation, which, if it existed, might this day have averted the extremity to which the disputes between Colombia and Peru have led. It would act as Umpire and Mediator, and its mediation would be efficacious; but the genius of evil has rendered abortive the efforts to give effect to the Confederation; and the Government of Peru has obstinately refused to become a party to it, although bound thereto by existing Treaties. It has adopted a policy of its own, in order to offend other States with impunity, and has looked with horror towards an impartial Assembly that would have condemned its conduct



The Government of Colombia enters on this War against its will; it does not desire a victory obtained with American blood; it will avoid Hostilities as long as possible, and will always be ready to listen to such proposals of Peace, as may be consistent with the honour and credit of the Nation over which it presides.

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*DECREE for the Provisional Government of Colombia.*  
*27th August, 1828.* (Translation.)

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SIMON BOLIVAR, LIBERATOR PRESIDENT OF THE REPUBLIC OF  
 COLOMBIA, &c.

CONSIDERING that, from the beginning of the Year 1826, a strong desire has been expressed for a reformation in our Political Institutions,—a desire so universally, and, in all cases, so earnestly manifested throughout the Republic, as to have induced the Congress of 1827 to convoke the Grand Convention for the 2d of March in the present Year; thereby anticipating the period appointed for its convocation, by Article CXCI of the Constitution of the Year 11, (1821):

That, as the Convention was convoked for the express purpose of effecting the Reforms so much desired, there was reason to expect the restoration of the national tranquillity:

That, the Convention being accordingly assembled at Ocaña, on the 9th day of April of the present Year, did solemnly and unanimously declare, the existence of an urgent necessity for reforming the Constitution:

That this solemn declaration of the National Representatives, convoked and assembled for the purpose of considering, in the first instance, whether such necessity and urgency existed, fully justified the universal cry for a reformation, and confirmed, in consequence, the unpopularity of the said Constitution:

That the Convention could not carry into effect the reformation which it had itself declared to be necessary and urgent; but was forced to its own dissolution, in consequence of the want of unanimity amongst its Members on points of the most grave and paramount importance:

That the People, thus circumstanced, exercising their inherent and undoubted right to free themselves from the evils of anarchy, and, in the most adviseable way, to provide for their present security and future prosperity, have invested me with the Supreme Authority, in order that the union of the State may be consolidated, internal Peace restored, and the necessary Reforms effected:

That patriotism forbids me to abandon my Country, amidst the imminent dangers which threaten it;—that, as Magistrate, Citizen, and Soldier, my duty alike commands me to save it:

That, lastly, the National voice has been found unanimous, in all the Provinces of which the Acts have hitherto reached this Capital,—these Provinces constituting the great majority of the Nation :

After a lengthened and mature deliberation, I have resolved to assume, and from this day forward I do accordingly assume, the Supreme Power of the Republick, which I shall exercise under the Title of Liberator President,—a Title bestowed upon me by the Laws and suffrages of the People; and I, therefore, issue the following

DECREE OF ORGANIZATION.

TITLE I.—*Supreme Power.*

ART. I. To the Supreme Chief of the State it belongs ;

1. To establish and maintain order and tranquillity within, as well as to defend the State against every attack from without :

2. To command the Forces by Sea and Land :

3. To direct Diplomatick Negotiations, to declare War, to conclude Treaties of Peace and Amity, of Alliance or Neutrality, of Commerce, and all others of whatsoever nature, with Foreign Governments :

4. To nominate to all Employments under the Republick, and to remove or relieve the Employés as he may deem it expedient :

5. To issue the necessary Decrees and Regulations of whatever kind, and to change, reform, or abrogate established Laws :

6. To see that all Decrees and Regulations, as well as Laws that are to continue in force, be punctually carried into execution, in all parts of the Republick :

7. To watch over the collection, application, and due Returns of the National Finances :

8. To cause justice to be promptly and impartially administered by the Tribunals and Courts of Law, and to enforce the due execution of their Decrees :

9. To confirm or modify the Sentences of the Councils of War and other Military Tribunals, in Criminal Causes instituted against Officers of the National Army and Navy :

10. To commute Capital Punishments, with the concurrence, however, of the Council of State established by this Decree, and at the instance of the Tribunals which shall have either decreed or heard them previously :

11. To grant Amnesties and Pardons, whether general or particular, and to mitigate punishments when required by weighty motives of publick expediency, but always with the concurrence of the Council of State :

12. To issue Letters of Marque and of Reprisal :

13. To exercise the powers appertaining to the Chief of the general Administration of the Republick, in all its branches,—as the Person invested with the Supreme Power of the State :

14. To preside over the Council of State, whenever he sees fit.

II. In the exercise of the Executive Power, he shall be assisted by the knowledge and opinion of a Council of Ministers.

**TITLE II.—*Ministry of State, and Council of Ministers.***

III. The Council of Ministers is composed of a President, and of the Ministers, Secretaries of State.

IV. The Ministry of State is divided into the 6 following Departments : viz.

Interior Government ; Justice ; War ; Marine ; Finance ; and Foreign Affairs.

A separate Decree will organise the Ministry and its Departments, and will assign to them their respective functions. The Liberator President may charge one Minister with the business of two or more Departments.

V. Each Minister is the Chief of his respective Department, and the necessary organ for communicating the Orders which emanate from the Supreme Power. No Order issued through another channel nor any Decree which is not authorised by the proper Minister, is to be carried into execution by any Functionary, Tribunal, or private Individual.

VI. The Ministers, Secretaries of State, shall be held responsible, whenever they may fail in the exact fulfilment of their duties, and, for such failure, they shall be tried in conformity with a Special Decree to be promulgated on the subject.

VII. In the event of the sickness, absence, or decease, of the President of the State, the President of the Council of Ministers shall take charge of the Government of the Republick, and his first Act, in such case, shall be the convoking of the National Representation, to assemble within a term not exceeding 150 days.

**TITLE III.—*Council of State.***

VIII. The Council of State is composed of the President of the Council of Ministers, of the Ministers Secretaries of State, and of one Councillor, at least, for each of the Departments of the Republick.

IX. When the Liberator does not preside in the Council of State, the President of the Council of Ministers will fill the Chair.

X. To the Council of State it belongs,

1. To draw up all Decrees and Regulations which are to be issued by the Chief of the State, whether emanating from its own authority, or that of the respective Ministers, or in virtue of Orders communicated to it: a special Regulation, which the Council shall frame for its own guidance, subject, however, to the approbation of the Government, will determine the mode of procedure and its peculiar administration

2. To advise the Government in the event of a Declaration of War the discussion of Preliminaries of Peace, and the Ratification of Treaties with other Nations, in the cases mentioned in § 9, 10 and 11 of Title I. Article I., of this Decree, and on all other occasions when its advice may be required.

3. To point out Persons of merit for the Prefectures, and Governments of Provinces; for Judges of the High Court of Justice, the Courts of Appeal, and other Courts and Tribunals; for Archbishopricks, Bishopricks, Dignitaries, Canonries, Prebendaries, and Minor Orders of the Cathedrals and Metropolitan Churches; and for Heads of the chief Offices in the Department of Finance.

**TITLE IV.—*Organization and Administration of the Territory of the Republick.***

XI. The Territory of the Republick shall, for its better administration, be divided into Prefectures, of which the Boundaries will be defined, in concurrence with the Council of State on its first assembling.

XII. The Head of each Prefecture shall be called a Prefect.

XIII. The Prefects are the superior Political Heads of their respective Districts, and, as such, the natural and immediate Agents of the Chief of the State: their functions and duties are the same as those which the Laws assign to the Intendants.

XIV. The Departmental Intendancies are suppressed: each Province will be administered by a Governor, whose functions and duties are detailed in the Laws: the classification of these functions will be regulated by a Special Decree.

**TITLE V.—*Administration of Justice.***

XV. Justice shall be administered in the Name of the Republick, and with the authority of the Law, by a High Court, by Courts of Appeal, and Tribunals of first instance, by Tribunals of Commerce, by Courts of Admiralty, and Military Tribunals.

XVI. One of the first duties of the Council of State will be to inspect the Decrees, relating to the organization of the Tribunals and Courts of Justice, as well as to discuss the propriety of establishing Justices of the Peace, (Jueces de Hecho) Tribunals of Correctional Police, and the organization of the Publick Ministry.

**TITLE VI.—*General Provisions.***

XVII. All Colombians are equal in the eye of the Law, and they are equally admissible to all Civil, Ecclesiastical, and Military Offices.

XVIII. Individual liberty shall be equally guaranteed to all, and no one shall be apprehended for ordinary Offences, except in the cases determined by the Laws, or on summary cognizance of the fact, pre-



viously taken by some competent Authority, and in virtue of its written Order. But these formalities shall not be required for arrests ordered by the Police as correctional punishments, nor for those which the public safety renders necessary in cases of Offences against the State.

XIX. The infamy attached to any punishment shall never extend to any other than to the actual Offender.

XX. All have equally a right to print and publish their opinions, without previous censorship, if duly observant of the Ordinances which repress the abuses of this liberty.

XXI. All property is strictly inviolable: but, should the public interest manifestly and urgently render indispensable the appropriation of the property of any Individual, it shall always be on the condition of an equitable indemnification.

XXII. Every branch of industry is open to Colombians, excepting in particular cases, when the Law restrains this liberty for the public benefit.

XXIII. Colombians enjoy the right of Petition, subject to the Regulations which are to govern this privilege.

XXIV. It is the duty of Colombians to live in subjection to the Government, and to comply with the Laws, Decrees, Regulations, and Directions of the Supreme Power, and to see that they are fulfilled;—to respect and obey the constituted Authorities;—to contribute towards the wants of the State, in proportion to their respective means;—to serve their Country;—and to be, at all times, ready to defend it, even at the sacrifice of their repose, their property, and, if necessary, their lives.

XXV. The Government will support and protect the Catholic, Apostolic, and Roman Religion, as the Religion of the Colombians.

XXVI. The present Decree shall be published, and obeyed by all, as the Constitutional Law of the State, until the meeting of the National Representation, which will be convoked for the 2d January, 1830, when the Constitution of the Republic will be established.

Given in the Government Palace, in Bogota, the 27th August 1828, 18th Year of Independence, and countersigned by the Ministers Secretaries of State.

SIMON BOLIVAR.

By the Liberator President of Colombia,  
Countersigned,

JOSE MANUEL RESTREPO, *Minister of the Interior.*

RAFAEL URDANETA, *Minister at War.*

ESTANISLAO VERGARA, *Minister for Foreign Affairs.*

NICOLAS M. TANGO, *Minister of Finance (ad interim.)*

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*DECREE of the President of Colombia, on assuming the  
Supreme Government of the Republic, 27th August, 1828.*

(Translation.)

SIMON BOLIVAR, LIBERATOR PRESIDENT OF COLOMBIA, &c.

COLOMBIANS !

THE Publick voice had loudly demanded the political reformation of the State: the Legislative Body yielded to your call by decreeing the Convocation of the Grand Convention, in which the Representatives of the People might realize the ardent hopes of their Constituents, by framing a system of Government, more in unison with our opinions, inclinations, and wants. In so doing, the People did but exercise their legitimate right. But the expectations of all were disappointed by the Grand Convention; for, owing to the support lent by some of the Members to the cry of the majority, and the very different nature of the measures proposed by the consciences or judgment of others, a discordance ensued which occasioned its dissolution. To the bulk of the Nation, the Constitution of the Republic had no longer the force of Law: it had been annulled by the Convention itself, in the very Act which decreed the necessity of its reform. Struck with the alarming magnitude of the evils which threatened their existence, the People then resumed a portion of the rights they had delegated, and, in the full exercise of their sovereignty, provided for their future safety, with their own hands. This undoubted Sovereign was pleased to honour me with the title of its Minister, empowering me to be the Agent of its will. My situation, as first Magistrate, imposed upon me the duty of obedience and of service, even beyond what the existing state of things might warrant. At so solemn a crisis, I could not disappoint the confidence reposed in me by the Nation,—a confidence, the glory of which overwhelms me, although, it humbles me, at the same time, by making me appear what I really am.

Colombians! I pledge myself to a strict observance of your lawful wishes: I will defend your Holy Religion as the faith of the Colombian,—as the Code of the Good: You shall have justice duly administered, in accordance with the first law of nature, and the universal guarantee of your rights as Citizens. Economy in the National Finances shall be the great object of your Servants: we will exert ourselves to the utmost to discharge the obligations which Colombia has contracted with the generous Foreigner. I will not retain the Supreme Authority beyond the day you may command me to resign it; and, if you do not order otherwise, I will, within a Year, convoke the National Representation.

Colombians! I will not speak to you of liberty, for if my promises be fulfilled you will be more than free;—you will be respected. But under a Dictatorship, who can speak of liberty? Let us mutually

compassionate each other,—the People who obey, and the Man who rules alone!

Bogota, 27th August, 1828.

BOLIVAR.

*PROCLAMATION of the President of Peru, on the War with Colombia.—Lima, 30th August, 1828. (Translation.)*

CITIZEN JOZE DE LA MAR, PRESIDENT OF THE REPUBLIC,  
TO THE PERUVIANS.

CITIZENS!

THE just indignation excited by the Proclamation of General Bolivar, and the wish so ardently manifested to answer his insolent threats, by marching against him, have had so great an effect upon me that I feel as if suddenly restored to health.

Previously to invading our soil, he has audaciously ventured to wound us in a part,—dear to us as our Country,—dearer far than our lives,—in our honour. The wars of brethren are terrible, abominable, but what can we do when two such wrongs as insulted patriotism and honour rouse us to arms?

This iniquitous aggression has long been contemplated: in order to execute it, an opportunity only was wanting, and that opportunity has now occurred. The most unblushing impudence, accompanied by galling contumely and bitter affronts, move in the van of the Army which menaces us. We are described as aggressors; and, before the civilized World,—before our Contemporaries, the witnesses of events,—we are even taxed with perfidy. But what perfidy is his, whose sacred engagement to maintain the liberties of our Country, was but a pretext to deprive us of them the more easily? What perfidy is his who, trampling on the Law, and deriding the credulity of Nations, usurped the Sovereign Power? What perfidy is his who, at the sword's point, compelled those Nations to receive his political creed, which is the execration of America, and the scandal of Europe? Peru perfidious! Both for myself, and as the organ of the national sentiment, I declare, in the face of the World, that deeply stained with perfidy is the hand that penned the monstrous accusation, and shamelessly false the lips that uttered it. Let the impartial World decide upon which side is the perfidy!

The Government saw the Republic menaced by a twofold aggression. The artful Chief of the New Nation of Upper Peru, in concert with the Man who insidiously called it "Daughter," was organizing, in the South, all the resources of his well-known machiavelism; and, at the head of an armed force, was rapidly advancing to carry into effect his nefarious purposes. In the North, General Bolivar was

levying a new Army, planning the occupation of our Frontiers, and preparing a second time, the elements of our subjugation. When the Government saw the approaching storm, when it knew of the destroying mandates secretly issued to the Chiefs, when it was aware of the steps in progress for the ruin of Peru, of the plots which were formed, and of the snares which were laid for it, could it slumber in criminal inactivity? Does it deserve the accusation of perfidy, because it has not allowed itself to be deceived and surprized? But why should we feel astonished, seeing that Bolivar has reversed the very name of things;—when despotism is denominated *firm* and *powerful authority*; when incensed Nations are *Rebels*; when the cry of the oppressed is *anarchy*; when the terrified silence of Slaves is *publick tranquillity*; when his own ebullitions of passion are *proper energy*; when force is no other than *natural right*; when the despotism of power is *order*, and individual caprices, *Laws*;—why should we feel astonished that he should characterize as *perfidy* our foresight, as well as our efforts to avert the evils with which we are menaced by this revengeful, implacable, ambitious Individual?

He terms *aggression* and *perfidy* the assistance we have afforded to the new Republick, which is already ashamed of its name, in order that it might throw off the iron yoke under which it groaned. But no one can deny that the Troops we stationed to watch what was termed the Army of Observation, or rather the “Cordon Sanitaire,” of the Frontier, advanced only in consequence of the entreaties addressed to them from all parts of Upper Peru:—every where they were received as *real* Liberators, but not in the ironical sense in which for some Years past, this term has been profaned, by those whose glory consisted in the bondage of Nations. Our Army and its meritorious General did their duty. They advanced, and restored liberty to that unhappy Country, in defiance of the open resistance and manœuvres of its Rulers; and they then retired in order that the People might be at liberty to decree the Laws suited to them. If conduct so generous, merit the disgraceful epithets of *aggressive* and *perfidious*, how shall we designate his, who, from the Orinoco to the Pilcomayo, has not left one foot of land free from devastation,—from his ruinous yoke?—whose career has ever been in accordance with that involuntary disclosure of his conscience, when he once,—probably without the power of preventing it,—denounced himself “as a Citizen dangerous to the State,—one whose very existence was a perpetual alarm to the Republick.”

Peruvians! You have asserted your dignity by subverting the factious, illegal, and extraordinary Government, under which you lived degraded: you have recovered your Independence, by destroying the notorious Charter which put the seal to your bondage, and crowned the career of the fighting Legislator. Engrave deeply upon your



minds these great and awful truths, the emanations of the national sentiment: there can be no peace with Tyrants; no faith in their promises; no Law but that of the bayonet; no security but in their expulsion for ever from the Country which they oppress, and which they cover with mourning and with sorrow.

Fellow-Citizens! Let us die with glory rather than live with ignominy: unworthy of the name of Peruvians, of the esteem of their Countrymen, and of the protection of the Laws, are they who, careless of the conflicts of the Republick, refuse to it their support, and cruelly withhold from it the sacrifices which it has a right to demand from every one of its Children.

Soldiers! beloved Companions in arms! insuperable barriers of independence! to you I owe the reputation with which I am honoured by our Country. That consoling and beneficent divinity calls upon us, this day, to defend and avenge her. Let us run to encompass her with our arms, and, with them, to form an inpregnable rampart. Let us hasten to an easy and glorious triumph. The brave of Colombia are with us: those who have conquered in the battles for Independence and Liberty, —those who have sustained with their swords the sacred rights of the People;—and who, faithful to their consciences, have never deviated from the solemn Oaths they took before God and Man. The satellites of tyranny are not Soldiers, Heroes, or Colombians.

Friends! Let us fly to a combat, which humanity has made us wish to avoid, but to which we are now compelled by the temerity of the Enemy of our Constitution and Laws. The Soldiers of the Republick bear with them the triumph of reason, and the irresistible valour which it inspires, and which controuls even fortune. Shew yourselves as worthy, as ever, to sustain the cause of justice and of honour. Yes: let us revive the sullied glory of the Republican Arms: let us prove to the Universe, and let us make our unjust Enemies sensible, that virtue is the soul of our Armies; that they are not incited by the abominable thirst of conquest which characterizes the celebrated Banditti, who, aspiring to a false and execrable heroism, sacrifice thousands of victims to their unbounded ambition.

Lima, 30th August, 1828.

JOSE DE LA MAR.

*SPEECH of the President of Mexico, on the Opening of Congress.—2d January, 1828.* (Translation.)

CITIZENS, REPRESENTATIVES, AND SENATORS OF THE CONGRESS  
OF THE UNION.

NATIONS whose existence is modern, have to struggle against old customs and prejudices, against the efforts of the Partizans of the

system which has been overturned, and sometimes against the enthusiasm which so easily degenerates into anarchy and confusion.

After the lapse of 2 Years, during which period the United States of Mexico had appeared to be exempt from those evils which from time to time afflict even the most prosperous People of the Globe,—after they had been regarded, by those who were the least confident of the stability of their system, as for ever safe from the attempts of hidden enemies, to undermine the edifice of their liberties,—on a sudden a conspiracy discovered itself, plotted by Spaniards, with the treacherous intention of again enchaining our infant Republick in the bonds of slavery. The Executive, at the onset, foresaw the consequences of this event, and employed all the means in its power, in conformity with the tenour and spirit of the Laws, for the discovery of the accomplices and the exemplary punishment of the guilty. The Tribunals which, from the nature of their institution, have taken cognizance of this important affair, have faithfully discharged their duty, and have answered the expectations of the Government. The complication of the Laws, which it has not hitherto been possible to methodize, retarded, however, the conclusion of the legal Proceedings, that ought to have been distinguished by the promptitude of their execution. The Executive perceived with sorrow that this circumstance, combined with others which all its zeal could not remove, contributed to create and diffuse alarm and distrust.

The subsequent events are notorious, and, when exposed to the civilized World, will induce it to acknowledge the expediency and wisdom of the measures adopted by the legitimate Representatives of the Nation. Their wishes have been complied with, so far as they were just. Something, however, is still wanting, in order to the consummation of the labours which will immortalize the sacred Constitutional Congress of the Republick : anarchy must be effectually restrained, and the inestimable right of petition regulated,—a privilege of vital necessity to the People, but one which if exercised beyond the bounds of prudence and reason, is capable of conducting them to their own destruction.

The Government, shielded by the Law, will support, at all risks, the will of those entrusted with the interests of the sovereign People. The Executive, which has hitherto given so many proofs of its moderation and lenity, will now, Gentlemen, evince its inexorable firmness and energy, for the purpose of restoring the community to a state of tranquillity.

The disturbances commenced in Durango in August, 1826, and whilst the question of the elections for the Legislature was under discussion, they increased to such an extent that, in March last, a small portion of the armed force of the Republick openly declared itself in favour of the fulfilment of an Article of the Law which regu-

lates the Elections of that State. The Decree of the 24th of the same month of March, issued by the General Congress, and the active measures taken by the Executive, re-established order in a part of the Federation, worthy, without doubt, of enjoying all the benefits of our system of Government.

The question respecting the choice of a suitable place for the residence of their seat of Government long agitated the State of Sonora and Sinaloa: at length the "Mineral" of Alamos has been fixed upon by the Legislature for that purpose.

If small portions of the Army have, unfortunately, taken part in the disturbances which have arisen in other parts of the Republick, it must be admitted that, at the call of the Government, they have returned to their duty with exemplary obedience; and this obedience indicates the continuance of that principle of submission to the Laws which so eminently characterizes and recommends the Mexican Soldier. The Government will use every effort to prevent the repetition of these slight deviations from strict discipline. The Army continues perfectly armed, cloathed, and equipped.

The Department of Engineers will now attain a state of complete organization, in consequence of the Law of the 5th of November last; the Executive will be careful to employ fit Persons in this Corps, and, such only as shall have previously undergone the strictest examination.

When the still pending deliberations respecting the General Staff, the Recruiting Service, Deserters, the Tribunal of War and Marine, the Adjutants of Cavalry, the Regulation of the Active Militia, Widows' Pensions, Repairs of Fortresses, Military College, the Judge Advocates of the "Commanderies," and various other points which are of the highest importance to the perfect regulation of the several different branches of the Army, and which require definitive Laws, shall have been finally concluded, the Government feels that it will have attained its proper dignity and splendour.

Our Naval Squadron has continued for 8 months cruizing along the Coasts of the Island of Cuba, in sight of the superior Forces of the Enemy, and occasioning considerable injury to its Commerce. With a view to the complete regulation of, and the adoption of a uniform system in, this branch of the Service,—a most important branch so long as the War lasts with stubborn Spain,—it is of urgent importance, that the Report of the Committee, which the Government, for that purpose, has laid before the Chambers, should meet with immediate attention.

The regulation of the Prize Courts demands also the enactment of such Laws as the General Congress may think fit to decree, for the purpose of legally substantiating the condemnation of such Prizes as may be captured by our Ships of War and Privateers. The Executive will present to the Congress, during the present Session, the Project

of a suitable Law for the establishment of a very strict system of Police, and the punctual dispatch of business, in the legally constituted Ports.

The extraordinary Expences attending our continued War with Spain, require that the Receipts of the Treasury be augmented beyond the usual Estimates. I, therefore, recommend the Chambers to give their particular attention to a matter of such paramount importance, identified, as it is, with the maintenance of good order, and the defence of the Institutions we have sworn to support. The regulation of the Receiver-Generalships, and of the important branches of the General Treasury and Maritime Custom-houses, with regard to which your labours are already advanced, will facilitate the desired result. The Congress will not forget that the prosperity of the Finance Department is the standard by which publick prosperity is estimated. The resources of the Mexican Nation are immense. You, Gentlemen, by introducing a proper system for the management of the Revenue, and adopting every possible economy, will free the Nation from the engagements which, under different circumstances, it was found indispensable to contract.

The power of granting instructions for arranging Concordats with the Apostolick See, of approving and ratifying them, and of regulating the Presentations to Ecclesiastical Benefices, having been reserved to the General Congress, the successive Congresses and Governments which have been established, since the Independence of our Country was proclaimed, have been occupied with this important subject; all of them displaying, by their assiduous labours, the greatest proof of the esteem with which they regard the Mexican Church. The Instructions for our Envoy to Rome, and the Regulation of Church Preferment, justly deserved the first consideration; and the Senate, in the Extraordinary Session which has just terminated, after a free and general discussion, have, by approving the Instructions which the Chamber of Deputies had formerly sanctioned, expedited this difficult business. The Government, always much interested in the quick dispatch of Ecclesiastical Affairs, have taken, and will continue to take, all the necessary measures for the attainment of the object in view.

The Mexican Church, so worthy of the consideration of the Executive and of the Chambers, claims, in so far as it depends upon Congress, the protection which the Constitution provides for it, and which the Secretary for that Department will explain in his Report, and by other Communications.

The Executive, in the Project of a Law presented on the 20th of April, had in view the perfection of the Tribunals of the United Mexican States: in it were afforded the explanations which appeared necessary to the Law of the 20th of May, 1826, comprehending all the



points which experience has offered to their observation, from the period that the Government was first zealously and industriously employed in establishing those Tribunals.

The increase of the salaries of several of the Judges and Attornies-General, which the Government has considered just and equitable, ought to be considered, with reference to the nature and extent of their labours, the privations and sacrifices to which they are exposed, from the unhealthiness of the climate and the poverty of the Country in which they reside: some such compensation is due to those Citizens, whose well-being is secured to them, without the necessity of their exposing themselves to such troubles and inconveniences.

The Mission to Europe of the Plenipotentiary of the Republick, Citizen Sebastian Camacho, has produced the most important results.

The Treaties of Amity, Navigation, and Commerce with His Majesty the King of England, and His Majesty the King of The Netherlands, are concluded as happily as the sincere well-wishers of our national prosperity could desire. Both have received the approbation of Congress, to which will be communicated the results of the Negotiations of the same Minister with the Governments of France, Prussia, Denmark, Hanover, and the Hanseatick Cities, so soon as the Government shall have completed its examination of them.

Our relations with England have become more intimate and cordial, notwithstanding the great loss which the Cause of the liberty of America has suffered, by the lamented death of the Right Honourable Mr. George Canning.

The Government of France has commissioned, in due form, a Consul for Xalapa and Vera Cruz, and has provisionally appointed him as Consul-General at this Capital. He has been recognized in this double capacity, and is in the full exercise of his functions, as are also the subordinate Commercial Agents whom he has nominated at certain Points in the Republick. *Our* Commercial Agents in France, whether chief or subordinate, continue in the full exercise of their duties. That Government has also taken measures for the encouragement of a direct intercourse between the two Governments, by the establishment of monthly Packets, for the convenience of individuals interested in Commerce. I expect information from our Agent, respecting the terms upon which this Arrangement has been concluded.

The Government of the Netherlands has also nominated a Consul-General, and other subordinate Agents, whose Commissions have been duly dispatched. The Government of that enlightened and philanthropick Nation proposes to recognize in form the Chargé d'Affaires of the United Mexican States, so soon as the intelligence of the Ratification of the Treaty shall arrive, and does acknowledge him, in the mean time, as Confidential Agent.

The Hanseatick Towns of Hamburgh and Bremen have comm is

sioned a Consul-General: the Patent from Hamburg having been drawn up in due form, has obtained its Exequatur; but that from Bremen has not obtained it, because the objections made to the terms in which it was conceived have not yet been removed.

The Government of Hanover has nominated a Consul-General to reside in the Republick, and his Commission will receive the corresponding Exequatur, provided it be drawn up, as is expected, according to the usual form.

The Governor of the Danish West India Islands had nominated a Consul for Mexico; but we have not had the satisfaction of granting to him his Exequatur. In return, however, an assurance has been given to the said Governor, that, if the Government of Denmark have no objection to commission, directly from itself, and in due form, the Individual whom it may select to represent its interests, the exercise of his duties will be freely and formally permitted to him.

The natural relations between our Government and the other States of the Continent of America, have not undergone any change. They will be consolidated, Gentlemen, if you give to the Treaties of League, Union, and Perpetual Confederation, between the several Powers of the New World, that favourable consideration which I particularly recommend to you.

In seasons of convulsion, the power exerted in States to promote their greatness, is limited to the securing their preservation. Thus, in the course of the Year which has just ended, certain improvements have been retarded, which we shall doubtless effect, by the continuance of peace; which the Executive regards as absolutely necessary to the prosperity of Mexico, and which it will endeavour to render permanent, by employing for that purpose all its powers, and thereby accomplishing the most important of its duties.

Fellow Citizens! If our Country, the existence of which is the fruit of long sufferings and sacrifices, shall call for your assistance in the day of trouble, that Country will be saved, and will be rendered by you great and happy.

GUADALUPE VICTORIA.

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*SPEECH of the President of Mexico, on the Closing of Congress.—21st May, 1828.* (Translation.)

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CITIZENS, REPRESENTATIVES, AND SENATORS OF THE CONGRESS OF THE UNION;

AT the commencement of the Year, and at the second meeting of the Congress of the Union, the Republick underwent a crisis; and the Institutions which we have joyfully sworn to support, and which the People have upheld, were exposed to a violent attack. The

Mexican Nation obtained its Independence by great exertions, and sealed its liberty by painful sacrifices; and, if any danger threatened, it was in a condition to exert itself with vigour, in defence of a system which places it on a level with the most civilized and happy Nations. Events have demonstrated these truths in the face of the World. By the most unanimous expression of sentiment the projected disturbance was condemned; anarchy saw her mad hopes vanish like a cloud, and was convinced by experience of her impotency. The People, the Congress, and the Government, saved the Constitution, and the political existence of the great Mexican Nation.

The cry of the general indignation predominated over that of the discontented; who were themselves precipitated into the abyss which they had intended to open for their Country. The Country has not deviated from its path, and the publick spirit having been strengthened by the triumphs gained by the cause of liberty, the Congress and the Executive have been enabled to turn their attention to the due fulfilment of their duties, after discharging that important and sacred one,—the giving peace to the interior of the Republick.

The efforts that were made to disturb the Country have served only to give it more stability, and there is not a corner in the vast extent of the United Mexican States, in which peace is not again happily enjoyed.

The Treaty of Limits between this Republick and the United States of North America has been approved, and, having been ratified by this Government, it has been transmitted to our Minister Plenipotentiary in those States, to be exchanged.

The Treaty of Amity, Navigation and Commerce, entered into with the same State, has been discussed in the Chamber of Representatives; and, when it shall have obtained the approbation of the General Congress, the harmony which already subsists between the two Nations will be rendered more perfect.

The necessary Exequaturs have been granted to the Consuls nominated by that Government for our Ports of Campeachy and Mazatlan.

The Minister Plenipotentiary and Envoy Extraordinary of the Republick of Colombia having completed the most important objects of his Mission to this Republick, has presented the Letters of Recall sent to him by his Government, and has taken his leave.

The Treaties of Union, League and perpetual Confederation, concluded at Panama between the Plenipotentiaries of the American Republicks, have been examined by the Chamber of Deputies, and I have the fullest confidence that the Congress will devote its first labours to the conclusion of an affair which has excited the attention of the World.

The Treaty of Amity, Navigation, and Commerce, with His Majesty The King of The Netherlands, having been approved by the Congress, has been transmitted for the exchange of the Ratifications.

An Exequatur has been granted to the Patent of Consul in Mexico, drawn up by the President of the Swiss Diet in favour of Senior Charles Lavater.

The Law for the Naturalization of Foreigners, which our industry and the immediate interests of the Republick has for some time required, has been passed during the Session which terminates this day. The Government have carried it into effect, and have likewise ordered the measures of police necessary for that purpose.

The Publick Treasury, in consequence of the alterations in the new Tariff, deferring the payment of the Duties for a further period of 90 days, has suffered some diminution, and the loss has been aggravated by the interested acts of Speculators. No diminution, however, in the number of Vessels which frequent our Ports has been perceived, and the Merchants in the interior, notwithstanding the mercantile changes which have occurred, calculate upon a steady consumption of produce, and invite the Trader to new enterprizes.

Happily, up to the present day, the greatest part of our demands in the interior of the Republick have been liquidated; and, if the Government studiously exerts itself in attending, with the fidelity and promptitude which the national credit demands, to the Loans obtained through Foreign houses, we may yet be certain that its energetick exertions, if warmly seconded by the indefatigable activity and zeal of the Congress, will not fail to obtain the end to which they have been directed. It has destined the eighth part of the produce of the Custom Houses towards that object, and this relief will obviate the interruption which the redemption of the debt and the payment of the dividends have suffered. In addition to this, the Executive have proposed several Laws to the Chambers, in order that, resources being provided, we may be able to give proofs of the good faith characteristic of the Mexican Nation. The urgency of these labours, Gentlemen, demands, that the period of your recess be very short.

The administration of Justice in the Tribunals of the Federation, and in those of the Districts and Territories, has been found worthy of your luminous and important discussions. Devote yourselves to the completion of your work, which is truly deserving of the National gratitude. The Government will continue to employ its care and vigilance, that this branch may be conducted with every possible regularity, and that the imperfections which are to be found in the existing legislation may be supplied. The Law relative to the proceedings against Vagrants is visibly improving the publick morals, and is protecting them from the attacks which that class of Individuals continually make upon them by their vices and idleness: the Government shortly expects to see the reputation and spirit of the Republican system secured by this salutary measure.

Our Ecclesiastical Affairs, which have, hitherto, given rise to some



difficulties, in consequence of the necessary relations with the Apostolick See not having been settled, will shortly be arranged on the basis laid down by the Congress. To this basis the Government have endeavoured to adapt the instructions which the New Minister of the Republick will have to present at Rome, and which only await the Constitutional approbation.

The Army continues to be well organized, equipped, and disciplined. The National Marine has harrassed the Enemy on the Coast of Cuba, although the Brig *Guerrero* has been taken in a battle of immortal glory for the Mexicans. You, Gentlemen, have manifested the national gratitude to the brave Defenders of the Flag of the Republick; and the construction of another Vessel has been voted, to preserve our glory and be the avenger of our injuries.

If the hated Standard of Spain should appear at our Ports, or our Enemies dare to invade our Coasts, they will be humbled and vanquished. You gave Power to the Executive. The People offer to it their arms and their fortunes. Invincible is this great Nation which is determined to be free.

Retire, Fellow Citizens, and return to those domestic labours which the Nation has prescribed to you as a duty, and imposed upon you as a Law.—Your Country owes you much; retire with the satisfaction of having been useful to it.

GUADALUPE VICTORIA.

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*PAPERS respecting the detention of Enemy's Property, found  
on board of Neutral Vessels, by Mexican Ships of War.  
May, July, 1828.*

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No.	1828.
1. Richard Pakenham, Esq. to Vice Admiral Fleeming . . . . .	Mexico, May 28. 1212
Enclosure 1. Publick Notice issued by Commodore Porter . . . . .	April 10. 1213
2. Don Juan de D. Canedo to R. Pakenham, Esq. Mexico, May 13.	1214
2. Circular Order of Vice Admiral Fleeming . . . . .	Nassau, July 19. 1215

(1.)—*Richard Pakenham, Esq. to Vice Admiral Fleeming.*

SIR, *Mexico, 28th May, 1828.*

I HEREWITH enclose, for your information, a Copy of a Publick Notice, issued by Commodore Porter, on the 3d instant, announcing that he is authorised by this Government to detain Enemy's property found on board Neutral Vessels.

I also enclose a Copy of a Note which I have received from the Minister for-Foreign Affairs, communicating to me certain Regulations which this Government has thought proper to adopt, for the exercise of the Belligerent right above-mentioned.

By the XXIVth Article of the Spanish "Ordenanza," of 1797, to which M. Canedo refers, and with a Copy of which all Mexican Cruizers are to be provided, as the rule and guide for their conduct; it is ordained, generally, that Neutral Vessels, having Enemy's property on board, are to be brought into Port, in order that the validity of the seizure may be decided by a competent Tribunal; and by the succeeding Article of the same "Ordenanza," it is provided that, if the Captain of the Neutral freely admit the character of the Enemy's property, such is to be transhipped by the capturing Cruizer, who is to pay the freight thereof to the neutral Captain.

This Regulation, which is only a modification of the more rigorous measure of detaining the Neutral Vessel, it would appear, from M. Canedo's Note, to be the intention of the Mexican Government to make absolute.

I have informed M. Canedo that I doubted much whether His Majesty's Government would admit the principle of seizure and transhipment on the high Seas, even in the modified sense of the Spanish Ordenanza; but I have not thought it advisable, until acquainted with the views of His Majesty's Government upon this point, to demand that, in every case, British Vessels having Spanish property on board, should be brought into Port for adjudication.

I shall be happy to attend to any observations, founded upon your more perfect acquaintance with the whole subject, thus brought into notice, which you may be pleased to make to me upon the Papers which I enclose; and I have the honour to be, &c.

*Vice-Adm. the Hon. C. E. Fleeming.*

R. PAKENHAM.

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(Enclosure 1.)—Notice published by Commodore Porter, in the "*Noticioso de Vera Cruz*," of 3d May, 1828. (Translation.)

SQUADRON AND MARINE DEPARTMENT OF VERA CRUZ.

IN the Ordinances of Spain, of the Year 1748, which are still in force in this Republick, unless where they contravene the existing Institutions, are the following Articles:

Treatise VI., Title V., Article X.—The Vessels on board of which shall be found, produce, merchandize, and effects, belonging to Enemies, shall be carried, in the same manner, to a Port of my Dominions, where the proper declarations shall be made, both in regard to the effects alluded to and to the Vessels, with reference to the Treaties and Conventions subsisting with the Powers to which they belong, and to what I may subsequently have determined.

Treatise VI., Title V., Article XI.—Shall always be considered as lawful prize, all effects of contraband conveyed for the service of the Enemies, in whatever Vessels they may be found; the following being understood to be the effects of contraband, viz. mortars, cannons,

muskets, pistols, and other fire arms; swords, sabres, bayonets, pikes, and other steel weapons, offensive or defensive; powder, balls, grenades, shells, and all kinds of ammunition of war; timber for building, rigging, and other articles proper for building or equipping Vessels; troops, seamen, horses, harness, military clothing, and, generally, every description of articles applicable to military service, as well at Sea as on Land.

And the Supreme Government having thought proper, on the 23d July, 1827, to sanction the carrying the said Articles into effect, I have considered it my duty to give notice thereof to the Publick, and it will in consequence be understood, that all the Enemy's effects found on board Neutral Vessels, unless they be protected by Treaties with the Powers they belong to, will be liable to detention.

God and liberty. On board the Ship *Congreso*, 10th April, 1828.

DAVID PORTER.

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(*Enclosure 2.*)—*Don Juan de D. Canedo to Richard Pakenham, Esq.*  
(Translation.) *Federal Palace, Mexico, 13th May, 1828.*

HIS Excellency the President, through the Department of War and Marine, has been pleased to direct, as a General Regulation, that when Letters of Marque are issued, the securities and other formalities pointed out in the Ordinance concerning Privateers, established in 1797, should be required of the Fitters out, in order that these, being constantly in the Port where they receive the Commissions, Persons who are responsible for excesses, for which compensations or penalties are to be paid, may comply punctually with all the Regulations; to which effect, and to prevent their pleading want of information, they shall be obliged to take with them, in their voyages or cruizes, one Copy, at least, of the said Ordinance; getting a Copy printed, if they have not one, with due examination to insure accuracy.

HIS Excellency has likewise determined, that when National Ships of War and Privateers fall in with Neutral Vessels, having on board produce or manufactures, the property of Enemies, they shall tranship the same, with the Invoices, Bills of Consignment, or other Papers shewing their derivation, quantity, and property; paying for the freight in specie or with some of the articles themselves, according to a proper valuation, mutually to be agreed upon; in order that the carrying Vessel may proceed to her destination, without suffering interruption in her voyage, or any extortion.

HIS Excellency has also determined, that such effects shall be held in deposit, with precautions against loss or deterioration, without being adjudged to be lawful prize, until it shall be ascertained that the Enemies do not deny, but on the contrary observe, the immunity of the Neutral Flag; all which shall not take place in regard to Vessels

transporting Chiefs, Officers, Troops, Seamen, arms, or naval or war-like stores, navigating for an Enemy's Ports, or recognized as its property.

These Regulations, which the Government considers as of the greatest importance, must be strictly observed, to avoid those claims to which Privateers sometimes give rise, by not complying with them.

I have the honour to communicate the same to you, for your information, and the effects resulting therefrom, &c.

JUAN DE D. CANEDO.

*Richard Pakenham, Esq.*

*Chargé d'Affaires of His Britannick Majesty.*

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(2.)—*Circular Order of Vice Admiral Fleeming, 19th July, 1828.*

GENERAL MEMORANDUM.

*His Majesty's Ship Druid, Nassau, 19th July, 1828.*

WHEREAS I have been informed, that permission has been given to the Cruizers acting under the States of South America, lately become independent of the Crown of Spain, to take from Vessels on the high Seas, property of their Enemies, upon the simple declaration of the Master of its being so; instead of carrying the said Vessels, so suspected, into Port, to be judged by a competent Tribunal; and as such proceedings will lead to innumerable Piracies, as well as to much fraud and robbery; and considering the facility with which Commissions and Letters of Marque are obtained from those Governments, by Adventurers of all Nations;

You are hereby required; on finding any Vessel which has broken bulk of the cargo of a British Ship at Sea, under any pretence whatsoever (except that of saving the goods from the risk of shipwreck) to bring her into the first British Port; there to be proceeded against according to Law; taking care to secure, and seal up, all Commissions and Papers of every description found on board; and should the majority of her Crew be composed of Foreign Adventurers, you will remove such portion of them as you may think necessary for the safety of the Vessel.

C. E. FLEEMING,

*Vice Admiral, Commander in Chief.*

*The respective Captains, Commanders, and Commanding Officers of His Majesty's Ships and Vessels in the West Indies.*

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**ACCOUNTS of the Income and Expenditure of the United Kingdom of Great Britain and Ireland, in each Year, from 1813 to 1827.**

(1.)—ACCOUNT of the Income and Expenditure of the United Kingdom of Great Britain and Ireland, in each Year, from the 5th of January, 1813, to the 5th of January, 1828, exclusive of all Advances for Public Works and of Sums received in Repayment thereof, and also exclusive of all Sums applied to the Repayment of Funded or Unfunded Debt, and of Sums raised by the creation of Funded or Unfunded Debt; with an Abstract, shewing the Surplus or Deficiency of each Year.

INCOME.	1813.	1814.	1815.	1816.	1817.	1818.	1819.
Customs - - -	£ 12,345,750	£ 12,692,287	£ 12,373,592	£ 9,716,430	£ 11,258,374	£ 11,538,745	£ 10,571,330
Excise - - -	-	-	-	-	21,483,312	24,741,555	24,994,900
Land Taxes, Assessed Taxes, and Property Tax - -	47,335,801	49,625,534	51,008,872	43,646,234	10,002,748	8,331,781	7,555,255
Stamps - - -	6,013,120	6,247,368	6,373,667	6,472,169	6,961,169	6,904,560	6,665,712
Postage of Letters - -	1,494,615	1,532,153	1,621,384	1,498,000	1,895,230	1,385,153	1,528,538
Duties on Pensions, Offices, &c. - - -	28,032	27,382	25,844	31,471	26,328	29,503	25,609
Revenue of Crown Lands -	11,016	1,216	864	890	966	966	966
Licences of Hawkers and Pedlars, and of Hackney Coaches - - -	43,227	39,430	40,200	52,025	48,280	48,820	46,891
Sundry small Branches of the Hereditary Revenue -	28,309	18,017	16,771	18,342	19,091	19,488	14,130
Lottery, after payment of Prizes - - -	423,323	367,625	302,092	385,805	293,813	120,454	219,274
Fees of suppressed Offices carried to the Public Account - - -	146,104	160,637	141,717	42,279	37,351	12,344	22,340
<b>Total Ordinary Revenue £</b>	<b>67,869,302</b>	<b>70,712,654</b>	<b>71,900,005</b>	<b>61,863,650</b>	<b>51,426,667</b>	<b>53,233,405</b>	<b>52,155,495</b>
<b>OTHER RECEIPTS.</b>							
Contributions from the East India Company - - -	-	-	-	-	-	-	-
Unclaimed Dividends -	-	-	-	101,696	55,087	67,778	-
Monies repaid by Publick Accountants, and other Miscellaneous Payments not specially appropriated	294,531	299,912	230,307	241,113	459,396	331,695	363,758
Trustees of Naval and Military Pensions - - -	-	-	-	-	-	-	-
Repayment of Money borrowed for the Service of Austria - - -	-	-	-	-	-	-	-
Indemnity paid by the French Government -	-	-	-	-	-	-	-
Interest on Loan raised for the Service of Portugal -	57,170	57,170	28,585	-	-	-	-
<b>Total Income - £</b>	<b>68,221,003</b>	<b>71,069,737</b>	<b>72,158,998</b>	<b>62,206,459</b>	<b>51,941,152</b>	<b>53,632,579</b>	<b>52,519,253</b>

(Continued.)

(1).—ACCOUNT (Continued) of the Income and Expenditure of the United Kingdom of Great Britain and Ireland, in each Year, from the 5th January, 1813, to the 5th January, 1828, exclusive of all Advances for Publick Works and of Sums received in Repayment thereof, and also exclusive of all Sums applied to the Repayment of Funded or Unfunded Debt, and of Sums raised by the creation of Funded or Unfunded Debt; with an Abstract, shewing the Surplus or Deficiency of each Year.

INCOME.	1820.	1821.	1822.	1823.	1824.	1825.	1826.	1827.
	£	£	£	£	£	£	£	£
Customs - - -	9,837,279	10,582,762	10,663,616	11,498,762	11,327,741	16,541,524	17,208,711	17,894,406
Excise - - -	27,929,832	28,183,051	27,283,408	25,342,828	26,768,039	21,004,487	19,172,019	18,438,707
Land Taxes, Assessed Taxes, and Property Tax -	7,803,004	7,814,690	7,218,844	6,206,927	4,922,070	4,990,961	4,702,743	4,768,273
Stamps - - -	6,562,253	6,513,599	6,632,546	6,801,950	7,244,042	7,447,923	6,702,350	6,811,226
Postage of Letters -	1,448,076	1,383,538	1,428,230	1,462,692	1,520,615	1,595,461	1,570,000	1,463,000
Duties on Pensions, Offices, &c. - - -	25,630	77,441	67,924	61,358	61,374	56,730	48,427	62,409
Revenue of Crown Lands -	966	966	973	966	966	-	-	-
Licences of Hawkers and Pedlars, and of Hackney Coaches -	52,027	47,570	54,580	53,880	57,134	59,857	64,151	62,689
undry small Branches of the Hereditary Revenue -	11,092	14,368	9,606	4,274	5,189	5,442	6,325	4,973
Lottery, after Payment of Prizes - - -	175,154	219,139	231,000	24,809	245,206	295,390	-	-
ees of suppressed Offices, carried to the Publick Income - - -	35,034	68,307	61,742	49,927	49,636	67,612	78,755	75,892
<b>Total Ordinary Revenue</b> £	<b>53,880,373</b>	<b>54,905,436</b>	<b>53,652,473</b>	<b>51,508,376</b>	<b>52,204,018</b>	<b>52,065,389</b>	<b>49,625,485</b>	<b>49,581,576</b>
<b>OTHER RECEIPTS.</b>								
Contributions from the East India Company - -	-	-	-	90,000	60,000	60,000	60,000	60,000
Unclaimed Dividends -	-	83,910	1,666	-	-	-	64,581	19,158
Monies repaid by Publick Accountants, and other Miscellaneous Payments not specially appropriated.	174,381	155,454	329,314	397,284	420,877	222,283	491,340	580,922
Trustees of Naval and Military Pensions -	-	-	1,400,000	4,685,719	4,660,000	4,507,500	4,380,000	4,245,000
Repayment of Money borrowed for the Service of Austria - - -	-	-	-	766,666	1,733,333	-	-	-
Indemnity paid by the French Government -	-	500,000	-	-	-	-	-	-
Interest on Loan raised for the Service of Portugal -	-	-	-	-	-	-	-	-
<b>Total Income</b> - £	<b>54,054,755</b>	<b>55,644,802</b>	<b>55,383,454</b>	<b>57,448,046</b>	<b>59,076,228</b>	<b>56,855,173</b>	<b>54,621,407</b>	<b>54,486,657</b>

(2.)—ACCOUNT of the Income and Expenditure of the United Kingdom of Great Britain and Ireland, in each Year, from the 5th January, 1813, to 5th of January, 1828, exclusive of all Advances for Publick Works and of Sums received in Repayment thereof, and also exclusive of all Sums applied to the Repayment of Funded or Unfunded Debt, and of Sums raised by the creation of Funded or Unfunded Debt; with an Abstract, shewing the Surplus or Deficiency of each Year.

EXPENDITURE.	1813.	1814.	1815.	1816.	1817.	1818.	1819.
	£	£	£	£	£	£	£
Dividends, Interest, and Management of the Publick Debt - - -	25,406,123	27,615,262	28,384,372	30,648,055	29,434,288	28,787,531	29,552,077
Civil List - - -	1,257,447	1,236,210	1,235,879	1,216,270	1,235,692	1,235,692	1,190,655
Pensions charged by Acts of Parliament upon the Consolidated Fund - -	334,341	346,985	347,601	383,101	432,228	428,035	447,355
Salaries and Allowances -	66,491	66,785	56,136	57,456	58,806	57,769	62,221
Courts of Justice - -	69,545	76,765	71,652	69,490	65,635	65,969	65,791
Other Payments out of the Consolidated Fund -	441,714	253,693	284,658	379,871	385,683	374,309	519,561
The Trustees of Military and Naval Pensions Annuity -	-	-	-	-	-	-	-
Interest on Exchequer Bills	2,624,117	2,436,103	3,191,702	2,290,696	2,001,957	2,092,714	948,173
Payments on Grants of Parliament, for the -							
Army - -	44,241,284	45,259,377	35,321,544	15,027,898	9,718,086	7,785,978	8,995,105
Navy - -	21,833,521	22,124,436	16,073,870	9,516,325	6,473,062	6,521,714	6,355,353
Ordnance -	5,241,627	4,302,892	3,248,759	2,748,841	1,417,648	1,247,197	1,233,028
Miscellaneous	1,867,593	2,480,677	3,867,592	2,438,459	1,839,999	2,634,916	1,833,791
Repayments to the Bank of England on account of unclaimed Dividends -	-	-	-	-	-	-	14,941
Lottery Prizes - -	-	-	-	-	-	-	-
East India Company, on account, for Expenses in the East Indies - -	2,000,000	-	-	-	-	-	-
<b>Total Expenditure</b> £	<b>105,383,809</b>	<b>106,198,591</b>	<b>92,083,770</b>	<b>64,776,466</b>	<b>53,013,088</b>	<b>51,231,818</b>	<b>51,571,440</b>

(Continued.)

(3.)—ABSTRACT of the Income and Expenditure of Great Britain and

	Income.			Expenditure.			Surplus.			Deficiency.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1813	68,221,003	10	4½	105,383,809	3	2½	-	-	-	37,162,805	12	10½
1814	71,069,737	3	2	106,198,591	2	1½	-	-	-	35,128,853	18	1½
1815	72,158,898	5	10½	92,083,770	9	8½	-	-	-	19,924,372	3	5½
1816	62,206,459	16	7½	64,776,466	9	4½	-	-	-	2,570,006	12	5½
1817	51,941,152	6	9½	53,013,088	12	7	-	-	-	1,071,936	3	5½
1818	53,632,879	16	3½	51,231,818	11	9½	2,401,061	4	6½	-	-	-
1819	52,519,225	0	1½	51,671,443	16	2½	847,781	3	11	-	-	-
1820	54,054,755	0	7½	51,999,259	12	5½	2,055,495	8	2	-	-	-

Mem.—In the above Account of Income is included the Sum of £8,478,219 received from and above the Amount

(2.)—ACCOUNT (*Continued*) of the Income and Expenditure of the United Kingdom of Great Britain and Ireland, in each Year, from the 5th January, 1813, to the 5th January, 1828, exclusive of all Advances for Publick Works and of Sums received in Repayment thereof, and also exclusive of all Sums applied to the Repayment of Funded or Unfunded Debt, and of Sums raised by the creation of Funded or Unfunded Debt; with an Abstract, shewing the Surplus or Deficiency of each Year.

EXPENDITURE.	1820.	1821.	1822.	1823.	1824.	1825.	1826.	1827.
	£	£	£	£	£	£	£	£
Dividends, Interest, and Management of the Publick Debt - - -	29,438,380	29,769,465	29,490,897	28,084,784	27,979,068	27,230,789	27,245,750	27,366,601
Civil List - - -	1,071,758	1,057,000	1,057,000	1,057,000	1,057,000	1,057,000	1,057,000	1,057,000
Pensions charged by Acts of Parliament upon the Consolidated Fund - -	359,400	434,819	378,432	377,776	371,644	366,028	364,268	365,908
Salaries and Allowances -	68,618	72,521	72,953	70,873	70,212	87,641	69,115	80,896
Courts of Justice - -	62,179	70,861	83,377	97,459	96,265	98,642	150,590	148,047
Other Payments out of the Consolidated Fund -	357,769	405,741	449,676	537,696	786,790	1,130,635	523,198	566,366
The Trustees of Military and Naval Pensions Annuity -	-	-	1,400,000	2,800,000	2,800,000	2,800,000	2,800,000	2,800,000
Interest on Exchequer Bills	1,719,467	2,185,840	1,430,596	1,131,121	1,087,283	829,498	831,207	873,246
Payments on Grants of Parliament, for the								
Army - -	8,944,814	9,138,845	7,698,973	7,351,991	7,573,026	7,579,631	8,297,360	7,876,682
Navy - -	6,387,799	6,107,279	5,042,642	5,613,151	6,161,818	5,849,119	6,540,634	6,414,727
Ordnance -	1,092,292	1,183,726	1,007,821	1,364,328	1,407,308	1,567,057	1,869,606	1,914,403
Miscellaneous	2,488,781	2,125,991	2,105,797	1,953,366	2,449,148	2,216,081	2,566,783	2,863,247
Repayments to the Bank of England on account of unclaimed Dividends -	7,997	-	-	52,720	48,424	49,464	-	-
Lottery Prizes - -	-	-	-	-	-	-	60,802	193,044
East India Company, on account, for Expenses in the East Indies - -	-	-	-	-	-	-	-	-
<b>Total Expenditure - £</b>	<b>51,999,259</b>	<b>52,552,093</b>	<b>50,218,168</b>	<b>50,492,270</b>	<b>51,887,989</b>	<b>50,861,619</b>	<b>52,385,318</b>	<b>52,520,170</b>

Whitehall, Treasury Chambers, }  
8th July, 1828.

GEO. R. DAWSON.

Ireland, 1813 to 1827, shewing the Surplus or Deficiency of each Year.

	Income.	Expenditure.	Surplus.	Deficiency.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1821	55,644,802 0 5	52,552,093 16 7½	3,092,708 3 9¼	- - -
1822	55,383,454 18 0¼	50,218,168 1 7½	5,165,286 16 4½	- - -
1823	57,448,046 11 0¼	50,492,270 7 2¼	6,955,776 3 10	- - -
1824	59,076,228 17 6¼	51,887,989 17 10	7,188,238 19 8¼	- - -
1825	56,855,173 7 2¼	50,861,619 8 11	5,993,553 18 3¼	- - -
1826	54,621,407 14 1¼	52,385,318 19 8¼	2,236,088 14 5	- - -
1827	54,486,657 15 2¼	52,520,170 18 7½	1,966,486 16 7	- - -
<b>Totals</b>	<b>879,319,882 3 6</b>	<b>937,275,879 8 0¼</b>	<b>37,902,477 9 7½</b>	<b>95,868,474 14 2</b>

the Bank of England, on account of the Annuity created by the 3 Geo. IV. cap. 22, over such Annuity.



*STATEMENT of the Annual Receipts and Expenditures of The United States, from the 4th of March, 1789, to the 31st December, 1827.\**

Years.	Total Receipts.	EXPENDITURES.		
		Total, exclusive of Publick Debt.	Publick Debt.	Total.
1789 } 1791 }	10,210,025	1,919,589	5,287,949	7,207,539
1792	8,740,766	1,877,903	7,263,665	9,141,569
1793	5,720,624	1,710,070	5,819,505	7,529,575
1794	10,041,101	3,500,546	5,801,578	9,302,114
1795	9,419,802	4,350,658	6,084,411	10,435,069
1796	8,740,329	2,531,930	5,835,846	8,367,776
1797	8,758,916	2,833,590	5,792,421	8,626,012
1798	8,209,070	4,623,223	3,990,294	8,613,517
1799	12,621,459	6,480,166	4,596,876	11,077,043
1800	12,451,184	7,411,369	4,578,369	11,989,739
1801	12,945,455	4,981,669	7,291,707	12,273,376
1802	15,001,391	3,737,079	9,539,004	13,276,084
1803	11,064,097	4,002,824	7,256,159	11,258,983
1804	11,835,840	4,452,858	8,171,787	12,624,646
1805	13,689,508	6,357,234	7,369,889	13,727,124
1806	15,608,828	6,080,209	8,989,884	15,070,093
1807	16,398,019	4,984,572	6,307,720	11,292,292
1808	17,062,544	6,504,338	10,260,245	16,764,584
1809	7,773,473	7,414,672	6,452,554	13,867,226
1810	12,144,206	5,311,082	8,008,904	13,319,986
1811	14,431,838	5,592,604	8,009,204	13,601,808
1812	22,639,032	17,829,498	4,449,622	22,279,121
1813	40,524,844	28,082,396	11,108,123	39,190,520
1814	34,559,536	30,127,686	7,900,543	38,028,230
1815	50,961,237	26,953,571	12,628,922	39,582,493
1816	57,171,421	23,373,432	24,871,062	48,244,495
1817	33,833,592	15,454,609	25,423,036	40,877,646
1818	21,593,936	13,808,673	21,296,201	35,104,875
1819	24,605,665	16,300,273	7,703,926	24,004,199
1820	20,881,493	13,134,530	8,628,494	21,763,024
1821	19,573,703	10,723,479	8,367,093	19,090,572
1822	20,232,427	9,827,643	7,848,949	17,676,592
1823	20,540,666	9,784,154	5,530,016	15,314,171
1824	24,381,212	†15,330,144	16,568,393	31,898,538
1825	26,840,858	11,490,459	12,095,344	23,585,804
1826	25,260,434	13,062,316	11,041,082	24,103,398
1827	22,978,508	12,730,501	10,003,668	22,734,170
	Dollars.	364,671,570	338,172,462	702,844,033

\* Laid before the House of Representatives, 15th May, 1828.

† 5,000,000 included for Florida purchase.

*PRELIMINARY Treaty of Peace and Friendship between Bolivia and Peru.—Signed at Piquisa, 6th July, 1828.*

*Tratado celebrado por los Comisionados de los Generales Urdininea y Gamarra.*

*Treaty concluded by the Commissioners appointed by Generals Urdininea and Gamarra.*

(Translation.)

EN el Pueblo de Piquisa, á 6 dias del mes de Julio, de 1828, reunidos los Señores Comisionados para celebrar un Tratado Preliminar de Paz entre los Señores, Su Excelencia José Maria Perez de Urdininea General en Gefe del Ejército Boliviano, y encargado del Mando de la República, y Don Agustin Gamarra, General de Division de los Ejércitos de la República Peruana, y en Gefe del Sud; á saber: por parte del primero, los Señores Miguel Maria Aguirre, Ministro de Hacienda, José Miguel Belasco, General Prefecto del Departamento de Chuquisaca, y como Secretario el Dr. Miguel del Carpio; y por parte del segundo, los Señores Teniente Coronel Primer Ayudante del Ejército del E. M. G. Don Juan Agustin Lira, Teniente Coronel y Ayudante de Campo, Don Juan Bautista Arguedas, y el Capitan Don José Maria Lopez como Secretario; cangearon reciprocamente sus respectivos Poderes, y constando de ellos estar suficientemente facultados para redactar los Articulos que han de servir de base á la presente Negociacion; entraron en una seria y detenida conferencia sobre los intereses de ambas Repúblicas, y sobre los motivos que habian ocasionado las marchas del Ejército Peruano sobre el Terri-

IN the Town of Piquisa, on the 6th day of July, 1828, the Commissioners having met, for the purpose of concluding a Preliminary Treaty of Peace, between his Excellency José Maria Perez de Urdininea, General-in-Chief of the Bolivian Army, intrusted with the Command of the Republic, and Don Augustin Gamarra, General-of-Division of the Armies of Peru, and General-in-Chief of that of the South,—viz., on the part of the former, Senrs. Miguel Maria Aguirre, Minister of Finance, José Miguel Belasco, Prefect-General of the Department of Chuquisaca, and Dr. Miguel del Carpio, as Secretary; and on the part of the latter, Don Juan Augustin Lira, Lieutenant-Colonel and First Adjutant of the Staff; Don Juan Bautista Arguedas, Lieut-Colonel and Aide-de-camp, and Captain Don José Maria Lopez, as Secretary;—they reciprocally exchanged their respective Powers, and it appearing from them that they were properly authorized to consider of the Articles which are to serve as a basis for the present negotiation; they entered into a formal and deliberate conference upon the interests of the two Republics, and the motives which occasioned the march of the Peruvian Army into the Territory of Bolivia; and, being mutually desirous of establishing

torio de Bolivia; y deseando mutuamente restablecer la Paz de una manera sólida, estrechar las relaciones de ambos Estados por los vinculos de una sincera amistad, y alejar las causas que han influido en los aparatos hostiles, que se han ejecutado de una y otra parte, convinieron espontaneamente en los Articulos que siguen:

**ART. I.** En el termino de 15 dias, contados desde él en que seran ratificados estos Tratados por los Señores Generales en Gefe de los Ejércitos Beligerantes, empezarán à desocupar el Territorio de la República Boliviana, todos los Individuos que existan en su Ejército, ya sean Colombianos ó Estrangeros de nacimiento.

**II.** Se esceptuan del Artículo anterior los Subalternos relacionados en el pais, de Capitanes inclusive para abajo, los cuales podrán permanecer en la República Boliviana, dejando el servicio de las Armas, mientras que nombrado el Presidente del Estado, pueda á su juicio arrimarlos al ejército.

**III.** Los Generales, Gefes y Oficiales, que segun el Artículo I. deben salir del Territorio de Bolivia, podrán regresar á la República luego que se instale la Asamblea Nacional, y durante su ausencia se les suministrará media paga de los fondos de esta República, hasta que nombrado el Presidente, resuelva, si han deser ó no, continuados en el servicio de las armas y goce de sus sueldos: de esta media paga disfrutará tambien los comprendidos en el Artículo II. bajo la calidad estipulada en el presente.

a solid and lasting Peace; of strengthening the relations between the Two States, by bonds of a sincere friendship; and of removing the causes which have led to the hostile demonstrations that have taken place on both sides; they have mutually agreed upon the following Articles:—

**ART. I.** In the space of 15 days, from the Ratification of this Treaty by the Generals-in-Chief of the Belligerent Armies, all Colombians and other Foreigners in the Army of Bolivia shall begin to evacuate the Territory of the Bolivian Republic.

**II.** From the foregoing Article are excepted all Subalterns settled in the Country, from Captains inclusive, downwards; who will be suffered to remain in the Bolivian Republic, provided they leave the Army, until a President be appointed, who will, if he please, recall them to the service.

**III.** The Generals, Chiefs, and Officers, who, agreeably to Article I, are to leave the Territory of Bolivia, may return to the said Republic, so soon as the National Assembly shall be installed; and during their absence they shall receive half-pay from the said Republic, until the President to be appointed shall determine whether or not they are to continue in the service and receive pay. The Officers mentioned in Article II. shall also receive half-pay under the conditions stipulated in this Article.

IV. Los Escuadrones de Granaderos y Husares de Colombia que existen en la República, emprenderan su marcha para su Pais, por la ruta que, hasta Arica, les designe el General en Gefe del Ejército Peruano, siendo del cargo de éste proporcionar Buques para su transporte, y de la República Boliviana la indemnizacion á la Peruana de los gastos que se ocasionen.

V. Al dia siguiente de Ratificados estos Tratados, espedirá Su Excelencia el General en Gefe del Ejército de Bolivia, un Decreto convocando para el primero de Agosto al Congreso Constituyente, que se halla en receso, el que se reunirá en la Ciudad de Chuquisaca, para ocuparse: primero, de recibir el Mensage y admitir la renuncia del Presidente de la República, Gran Mariscal de Ayacucho, Antonio José de Sucre, segun lo tiene protestado: segundo, de nombrar el Gobierno Provisorio de la República; tercero, de convocar inmediatamente, á la celeridad posible una Asamblea Nacional, que revea, modifique ó declare subsistente la actual Constitucion.

VI. Esta Asamblea Nacional se ocupará preferentemente en elegir y nombrar la Persona que ha de ejercer la Presidencia del Estado, y de fijar el dia en que el Ejército Peruano deba empezar á evacuar el Territorio de la República.

IV. The Companies of Grenadiers and Hussars of Colombia, now in the said Republick, shall commence their march for their own Country by the route, which, as far as Arica, the General-in-Chief of the Peruvian Army may point out for them, and the said General shall also undertake to provide the necessary shipping for their conveyance; the General-in-chief of the Bolivian Army undertaking to indemnify the Peruvian Republick for the expenses thereof.

V. The day following the Ratification of this Treaty, the General-in-Chief of the Bolivian Army shall issue a Decree, in order to assemble, on the 1st of August next, the Constituent Congress, not now sitting, which shall meet in the City of Chuquisaca, for the purpose of considering; first, the propriety of receiving the Message, and admitting the resignation, of the President of the Republick, Grand Marshal of Ayacucho, Antonio José de Sucre; 2dly, of nominating a Provisional Government of the Republick; and 3rdly, of immediately convoking, with all possible despatch, a National Assembly, which shall revise, modify, or declare effective, the existing Constitution.

VI. This National Assembly shall, in preference to all other matters, occupy itself in electing and appointing a Person to exercise the functions of President of the State, and in fixing the day on which the Peruvian Army shall begin to evacuate the Territory of the Republick.



VII. El Ejército Peruano ocupará el Departamento de Potosí hasta el día en que se reuna el Congreso Constituyente, en el que emprenderá su marcha para La Paz y Oruro, por el Departamento de Cochabamba, y en su tránsito se le proveerá de los artículos de subsistencia que necesite.

VIII. La Asamblea Nacional, después de llenar los objetos contenidos en el Artículo VI, suspenderá sus Sesiones para continuarlas después que el Ejército Peruano halla repasado el Desaguadero.

IX. El Ejército Boliviano ocupará los Departamentos de Chuquisaca, Cochabamba, Santa Cruz, y Tarija, y el de Potosí, al siguiente día que lo halla desocupado el del Perú. Los ingresos naturales de éste por el tiempo que lo ocupe, y los de Oruro y de La Paz por todo el que permanezca en el Territorio el Ejército Peruano, deducidas sus pensiones, cederá á beneficio de este.

X. Los Superiores Gobiernos de ambas Repúblicas se avendrán sobre los cargos que tubieren que demandar una y otra, desde que el Ejército Peruano pase el Desaguadero.

XI. Las Repúblicas Peruana y Boliviana, estrecharán sus relaciones, por medio de sus Agentes Diplomáticos, tan luego que el Ejército Peruano halla desocupado el Territorio Boliviano.

XII. No podrán las Repúblicas Peruana y Boliviana entrar en relaciones con el Imperio del

VII. The Peruvian Army shall occupy the Department of Potosí until the day of the meeting of the Constituent Congress, when it shall commence its march for La Paz and Oruro, through the Department of Cochabamba; and it shall be provided on its march with the necessary supplies for its subsistence.

VIII. The National Assembly, after having fulfilled the objects specified in Article VI. shall suspend its Sittings, and shall recommence them so soon as the Peruvian Army shall have repassed the Desaguadero.

IX. The Bolivian Army shall occupy the Departments of Chuquisaca, Cochabamba, Santa Cruz, Tarija, and Potosí, on the day following that on which they shall have been evacuated by the Army of Peru. The Revenues thereof during the stay of the Peruvian Army, and likewise those of Oruro and La Paz, shall, after deducting the pay of the said Army, be made over to the former.

X. The Supreme Governments of both Republics shall settle the charges to be demanded on both sides, after the Peruvian Army shall have passed the Desaguadero.

XI. The Republics of Peru and Bolivia shall strengthen their relations by means of Diplomatic Agents, so soon as the Peruvian Army shall have evacuated the Bolivian Territory.

XII. The Republics of Peru and Bolivia shall not enter into friendly Relations with the Empire

Brasil, hasta que este no ajuste las paces con la República Argentina.

XIII. Se entregarán inmediatamente todos los Individuos que se hallen enrollados en los Ejércitos, y pertenezcan á la República de uno y otro, con tal que los Bolivianos queden en el Pais, y los Peruanos regresen al suyo dejándolos á su libre eleccion: se comprenden los Soldados Colombianos de ambos Ejércitos, y ni uno ni otro podrán reclamar los Pasados.

XIV. Ningun Boliviano será responsable ante la ley, ni molestado, ni directa ni indirectamente, por haber emitido sus votos en las presentes circunstancias, antes si los que se hallasen en este caso, serán atendidos segun sus aptitudes y servicios.

XV. Serán responsables las Partes Contratantes de cualquier acto hostil que hubiese de parte de ambos Ejércitos, despues de la Ratificacion de estos Tratados.

XVI. Para el cumplimiento de estos Tratados, se daran dos Gefes en rehenes, y serán designados oficialmente por los Señores Generales Contratantes.

XVII. Estos Tratados serán ratificados ó rechazados en el término de 24 horas, y en caso de que sean desaprobados ó no ratificados, quedan rotas las Hostilidades á las 12 horas.

En estos términos queda acordada la presente estipulacion, á las 8 de la noche del mismo dia, mes y año; y lo firmaron en dos Ejemplares los espresados Señores

of Brazil, until the said Empire shall have made peace with the Argentine Republick.

XIII. All Persons belonging to the two Republicks, and enrolled in the Army of either, shall be immediately at liberty; the Bolivians remaining in their own Country, and the Peruvians returning to Peru; which is, however, left to their own choice. The Colombian Soldiers in both Armies are included, and neither Party shall claim their respective Deserters.

XIV. No Bolivian shall be prosecuted, directly or indirectly, on account of the manner in which he may have voted during the late occurrences; but such Persons shall be preferred according to their abilities, and the services they have performed.

XV. The Contracting Parties shall be responsible for any act of hostility committed by either Army after the Ratification of this Treaty.

XVI. Two Chiefs shall be given as Hostages for the fulfilment of this Treaty, and they shall be officially designated by the Contracting Generals.

XVII. This Treaty shall be ratified or rejected in the space of 24 hours; and in case of its disapproval or non-ratification, hostilities may recommence in 12 hours.

In these terms the present Stipulation has been agreed to, and concluded, at 8 o'clock P.M. of the day, month, and year, first above-written, and 2 Copies thereof have been

Comisionados, de que certificamos  
os infrascriptos Secretarios.

MIGUEL MARIA DE  
AGUIRRE, *General*.  
JOSE MIGUEL BELASCO.  
MIGUEL DEL CARPIO, *Sec.*  
JUAN AGUSTIN LIRA.  
JUAN BAUT. ARGUEDAS.  
JOSE MARIA LOPEZ, *Sec.*

En el Cuartel General de Ciporo, en 7 dias del mes de Julio, de 1828 años, habiéndose presentado ante el Señor General en Gefe del Ejército Peruano, Don Agustin Gamarra, los Señores Tenientes Coronales, Don Juan Agustin Lira y Don Juan Bautista Arguedas, asociados del Capitan Don José Maria Lopez, á dar cuenta de la Comision que se les confirió para que asociados con los Señores de la Comision Boliviana, procediesen á acordar las bases de una nueva sesion de Paz, entre ambos Ejércitos, actualmente Beligerantes, y habiendo en efecto recibido la Acta celebrada por la referida Comision, en el Punto de Piquisa, firmada, por las Partes Contratantes, á las 8 de la noche del dia de ayer, impuesto en ella dijo; que confirmaba, aprobaba y ratificaba solemnemente todo lo estipulado por los indicados Señores de la Comision, con sola la diferencia; de que los Gefes que se daran en rehenes para el cumplimiento de esta Capitulacion, serán designados por sus respectivos Generales, y no pedidos al arbitrio de uno ni otro; y con sola esta pequeña modificacion que se considera no tener influencia en lo substancial de los Articulos con-

signed by the aforesaid Commissioners, as we the Undersigned Secretaries do hereby certify.

MIGUEL MARIA DE  
AGUIRRE, *General*.  
JOSE MIGUEL BELASCO.  
MIGUEL DEL CARPIO, *Sec.*  
JUAN AGUSTIN LIRA.  
JUAN BAUT. ARGUEDAS.  
JOSE MARIA LOPEZ, *Sec.*

Lieutenant-Colonels Don Juan Agustín Lira, and Don Juan Bautista Arguedas, accompanied by Don Jose Maria Lopez, having presented themselves, on the 7th day of July, 1828, at the Head-Quarters at Ciporo, before Don Augustin Gamarra, General-in-Chief of the Peruvian Army, in order to render an account of the Commission intrusted to them, by which they were instructed to meet the Bolivian Commission, for the purpose of agreeing upon the bases of a Treaty of Peace between the two Belligerent Armies, and having delivered to him the Treaty entered into by the aforesaid Commissioners, at Piquisa, and signed by the Contracting Parties, at 8 o'clock P.M. of yesterday;—the said General Gamarra declares that he confirms, approves, and ratifies, in the most solemn manner, every thing stipulated by the aforesaid Commissioners; with this sole exception,—viz. That the Hostages to be given for the fulfilment of this Capitulation shall be named by their respective Generals, and not by the opposite Party; and, with this sole and trifling modification, which will not, it is considered, affect in any way the substance of

certados, ofrece su Señoría observar, guardar y cumplir religiosamente, todo lo estipulado; y promete a nombre de su Gobierno, y en uso de las facultades que a este fin se le tienen concedidas, que estos Tratados de Paz y Amistad entre las Repúblicas Peruana y Boliviana, se haran guardar, cumplir y ejecutar, por las Armas nacionales a usanza de guerra. En cuyo comprobante así lo dijo, otorgo, y firmó a las 9 horas de la mañana del día de la fecha, de que yo el infrascripto Secretario de Guerra certifico.

AGUSTIN GAMARRA.

Por órden de su Señoría.

DR. JOSE MARIA DE LA CUBA.

the other Articles agreed upon, his Excellency promises to observe, keep, and religiously fulfil all that is stipulated in the said Treaty; and he further promises, in the name of his Government, and by virtue of the authority granted to him for that purpose, that he will cause this Treaty of Peace and Friendship between the Republics of Peru and Bolivia to be kept, fulfilled, and executed by the National Arms, conformably to the custom of war.

In witness whereof the said General has agreed to and signed the same, at 9 o'clock A.M. of the above-written day, month, and year; which I, the Undersigned Secretary of War, do hereby certify.

AGUSTIN GAMARRA.

By Order of his Excellency.

DR. JOSE MARIA DE LA CUBA.

*DECREE of the King of The Netherlands, relative to the Navigation of the Rhine—1st. March, 1827.*

*Arrêté du 1er Mars, 1827, portant Règlements Provisoires sur la Navigation du Rhin.*

Nous Guillaume, par la grâce de Dieu, Roi des Pays-Bas, Prince d'Orange-Nassau, Grand Duc de Luxembourg, etc. etc. etc.

Sur les propositions faites par nos Ministres des Affaires Etrangères et de l'Intérieur, et par notre Conseiller d'Etat, Administrateur des Impositions directes, Droits d'entrée et de sortie et des Accises, en exécution de l'Article VI. dudit Arrêté (Rapports des 14 Décembre, 1826, No. 6, secret, et 30 Janvier, 1827, No. 1, secret);

Vu le Rapport ultérieur de notre Ministre de l'Intérieur et de notre Conseiller d'Etat, Administrateur des Impositions directes, Droits d'entrée et de sortie et des Accises, du 22 Février, 1827, No. 1 bis;

Après avoir de nouveau pris l'avis de notre Ministre des Affaires Etrangères (avis du 25 Février, 1827, No. 1, secret);

Avons arrêté et arrêtons:

ART. I. Pour la Navigation sur le Rhin des Pays-Bas, et pour



celle des bateaux du Rhin qui, en venant du Rhin, traversent le Territoire Maritime des Pays-Bas jusqu'à la pleine Mer, ou qui, venant de là avec destination pour le Rhin, empruntent ledit Territoire Maritime, sont approuvés et établis les Réglemens provisoires, cotés A et B. annexés à la suite de notre présent Arrêté.

II. Ces Réglemens régiront la matière et seront en vigueur jusqu'à ce que, conformément à l'Acte de Vienne, on soit convenu à Mayence, d'un Règlement définitif pour la navigation sur le Rhin, à partir du point où il devient navigable, jusqu'à la Mer, et jusqu'à ce que ce Règlement ait obtenu la sanction des Etats riverains du Rhin.

III. Nous nous réservons de faire en attendant aux Réglemens approuvés par les présentes, les changemens, modifications ou additions, que l'expérience ou de nouvelles circonstances indiqueront comme convenables.

Nos Ministres des Affaires Etrangères, de l'Intérieur et de la Justice, et notre Conseiller d'Etat, Administrateur des Impositions Directes, des Droits d'entrée et de sortie et des Accises, sont chargés de l'exécution du présent Arrêté, lequel sera inséré au *Journal Officiel*.

Donné à Bruxelles, le 1<sup>er</sup> Mars, de l'An 1827, de notre Règne le 14.

Par le Roi.

GUILLAUME.

J. G. DE MEY DE STREEFKERK.

Publié le 26 Mars, 1827.

*Le Secrétaire d'Etat,*

J. G. DE MEY DE STREEFKERK,

(Litt. A.)—*Règlement Provisoire pour la Navigation sur le Rhin des Pays-Bas, en exécution de l'Arrêté Royal du 10 Septembre, 1826, (Journal Officiel No. 61.) et en conformité des Stipulations de l'Acte du Congrès de Vienne, du 24 Mars, 1815.\**

ART. I. On comprend sous le nom de Rhin des Pays-Bas, le Rhin, ainsi que le Lek, comme continuation du Rhin, depuis Lobith du côté de terre, jusqu'à Krimpen vers la mer.

Le cours d'eau compris entre ces deux points sera, sous tous les rapports, assimilé au Rhin Conventionnel et régi d'après les mêmes règles.

II. En conséquence, et en attendant le Règlement définitif à intervenir, le système actuellement établi, pour la perception des droits et le maintien de la Police sur le Rhin Conventionnel, sera aussi provisoirement applicable au Rhin des Pays-Bas, conformément à la Convention de 1804,† et aux Ordonnances et Réglemens qui en sont résultés.

III. D'après une évaluation provisoire de l'étendue du cours d'eau entre Lobith et Krimpen, il sera perçu pour droit de navigation du

\* Act No. 16, annexed to the General Treaty.

† See Martens, Supplement, Vol. IV. Page 36.

Rhin, proportionnellement au Tarif établi par la Convention de 1804, et déclaré pour l'avenir obligatoire par l'Acte de Vienne, savoir :

A la remonte..... f. 0,18 fr. 0,39

A la descente..... 0,12 0,26

par quintal, ou 50 livres des Pays Bas. S'il arrive qu'une vérification ultérieure de l'état de la rivière, présente, sous le rapport de la longueur, un autre résultat, le Tarif ci-dessus sera modifié à proportion.

IV. Le droit de reconnaissance sera perçu conformément au Tarif suivant :

Sur chaque bâtiment de	Quintaux (à raison de 50 kilogrammes ou livres des Pays-Bas par quintal.)
50- 300.....	f. 0,07 fr. 0,15
300- 600.....	— 0,42 — 0,90
600-1000.....	— 0,84 — 1,80
1000-1500.....	— 1,40 — 3,00
1500-2000.....	— 2,10 — 4,50
2000-2500.....	— 2,80½ — 6,00
2500-3000.....	— 3,50½ — 7,50
3000-3500.....	— 4,20½ — 9,00
3500-4000.....	— 4,91 — 10,50
4000-4500.....	— 5,61 — 12,00
4500-5000.....	— 6,31 — 13,50
5000 et au-delà.....	— 7,01 — 15,00

V. Les Bureaux de perception des droits sont :

1° Pour la descente.

a. à Lobith.

b. à Vreeswyk.

2°. Pour la remonte.

a. à Krimpen.

b. à Vreeswyk.

VI. Le droit de navigation du Rhin sera perçu à proportion des distances entre les Bureaux désignés à l'Article précédent; en sorte qu'il sera payé, par quintal, comme suit :

1°. En descendant.

a. à Lobith..... f. 0,08 fr. 0,18

pour la distance de là à Vreeswyk.

b. à Vreeswyk..... f. 0,04 fr. 0,08

pour la distance de là à Krimpen.

2°. En remontant.

a. à Krimpen..... f. 0,06 fr. 0,13

pour la distance de là à Vreeswyk.

b. à Vreeswyk..... f. 0,12 fr. 0,26

pour la distance de là à Lobith.

Cependant il est libre aux bateliers qui descendent ou qui remon-

tent d'acquitter en une fois à Lobith ou à Krimpen, les droits pour la totalité de la distance d'un de ces bureaux à l'autre.

VII. Les Bâtimens partant d'Arnhem pour le Rhin Conventionnel, et réciproquement, acquitteront les droits au bureau de Lobith, et ce, quant au droit de navigation du Rhin, conformément au Tarif suivant, savoir :

1°. En descendant..... f. 0,01 fr. 0,03

2°. En remontant..... — 0,02 — 0,04

Pour toutes les autres Villes ou Places situées sur le Rhin des Pays-Bas, qui maintenant ou à l'avenir prendraient part à la navigation vers le Rhin Conventionnel et réciproquement, on fixera ultérieurement les Tarifs nécessaires.

VIII. Les droits devront être acquittés en monnaie des Pays-Bas ; cependant on admettra aussi des monnaies Etrangères d'après un Tarif à fixer ultérieurement, lequel sera imprimé et placardé dans les bureaux de perception.

IX. Les exceptions accordées par les Articles CIII, CIV, et CV de la Convention de 1804, en faveur de certaines marchandises, s'appliqueront de même à la navigation le long du Rhin des Pays-Bas.

X. Sans préjudice de ce que la Convention de 1804 et les réglemens prescrivent, au sujet de la responsabilité des bateliers concernant la cargaison, et indépendamment de ce que les règles du droit commun comportent à cet égard, il est en outre établi les mesures de précaution suivantes :

a. Défense est faite au batelier de quitter son bateau et sa cargaison pendant le voyage. En cas de contravention, un batelier de remplacement sera placé, par le Percepteur ou en son nom, à bord du Bâtiment, et ce pour le compte et aux risques du batelier.

b. Il est défendu de naviguer, tant en remontant qu'en descendant la rivière, avec deux ou plusieurs embarcations amarrées ensemble, ou attachées l'une à la suite de l'autre. Si l'eau venant à baisser oblige d'alléger le Bâtiment, les alléges seront conduites et, en cas de remonte, attelées séparément.

c. Toutes les marchandises doivent être placés à l'intérieur du bâtiment ; il n'est pas permis, en naviguant sur le Rhin d'en charger sur le tillac.

d. Il est défendu verser les marchandises de bord à bord pendant le voyage, sauf le cas mentionné sous la lettre c. et les cas de détresse dont il sera parlé ci-après.

e. Les Conducteurs de trains de bois devront se faire précéder au moins à la distance d'une lieue, par une nacelle, à l'effet d'avertir les bateliers qui remontent ou ceux dont les Bâtimens sont à l'ancre et les autres intéressés ; indépendamment de la responsabilité à laquelle continuent d'être assujettis les Conducteurs de trains pour tous

dommages qu'ils occasionneraient par imprudence, par fausse manœuvre, faute de s'être munis des agrès nécessaires, par vice dans la construction des trains, etc.

XI. A bord de chaque bateau ou embarcation devront se trouver les lettres de voiture ou connaissements y relatifs ; en outre, un Manifeste en due forme, lequel servira de base pour fixer la quotité du droit de navigation à payer ; le poids y énoncé sera contrôlé au moyen du jaugeage.

XII. Les Manifestes devront être rédigés dans la forme du modèle annexé au présent règlement ; ils énoncent en conséquence :

- 1°. Les noms du Propriétaire et du Conducteur de l'embarcation ;
- 2°. Le nom, la capacité et le Pavillon de l'embarcation ;
- 3°. Le lieu du chargement et de la destination des marchandises ;
- 4°. Les lettres de voitures ou connaissements, par ordre du numéros ;
- 5°. Les noms des chargeurs et des consignataires ;
- 6°. Les marques et le nombre des colis, futailles et ballots, etc.
- 7°. La désignation des marchandises ;
- 8°. Leur poids ;
- 9°. La signature du Batelier.

Le tout indépendamment de ce qui est en outre prescrit par la Convention de 1804, concernant les Manifestes et les obligations dont les bateliers sont tenus à cet égard.

XIII. Si un batelier a négligé ou n'a pas eu l'occasion de se pourvoir d'un Manifeste en bonne forme au lieu du chargement, il est tenu d'en rédiger un dans ladite forme lors de son arrivée à Lobith, Vreeswyk, ou Krimpen, et de le faire vérifier et légaliser par les Employés de l'un de ces bureaux.

XIV. Pour le mesurage et jaugeage des Bâtimens et la manière de procéder à ce jaugeage, comme aussi pour le mesurage du bois expédié par train, ou de quelque autre manière, et pour l'évaluation des droits dus de ce chef ; enfin, pour déterminer le poids des marchandises qu'il n'est pas d'usage de peser ou qui ne sont pas susceptibles de pesage, on se conformera aux dispositions de la Convention de 1804, et aux réglemens et tableaux publiés en conséquence, d'abord par la direction générale et postérieurement par la Commission centrale de Mayence.

XV. Pour les bateaux à vapeur, quant aux parties de ces bateaux qui sont convenables, disposées et destinées pour le transport de passagers et de marchandises, on en prendra la mesure cubique, comme cela se pratique à l'égard des Bâtimens à voiles ordinaires ; la capacité cube trouvée sera ensuite réduite en quintaux, et d'après cette réduction, on calculera la quotité des droits que chaque bateau à vapeur doit payer comme diligence d'eau, conformément à la Convention de 1804,



et la quantité de marchandises qui peut y être chargée. En même temps, le total de la capacité cube servira de base pour fixer le montant du droit de reconnaissance payable à chaque bureau ; le tout sauf des dispositions ultérieures, en tant que l'expérience en démontrera la nécessité.

Concernant les cargaisons, la représentation des manifestes, etc. les Conducteurs ou Patrons des bateaux à vapeur sont tenus des mêmes obligations que celles établies à l'égard du transport par Bâtimens à voiles ordinaires ; les bateaux à vapeur seront traités, sous ce rapport, exactement sur le même pied que ces Bâtimens.

Les Employés aux bureaux de perception du droit de navigation du Rhin sont autorisés à s'assurer, au moyen d'une visite convenable, que tout est exactement énoncé dans le Manifeste, et qu'aucune autre partie du bateau à vapeur que celles à ce destinées, ne renferme des marchandises pour être transportées, à moins qu'elles ne se trouvent aussi duement portées au Manifeste.

XVI. Les bureaux du droit de navigation du Rhin, sur le Rhin des Pays-Bas, seront organisées sur le même pied que ceux du Rhin Conventionnel ; les instructions à donner aux Employés de ces bureaux concernant l'exécution du service, la perception des droits, etc., seront de même conformes à ce qui est prescrit par la Convention de 1804, et par les réglemens ultérieurs qui en découlent. Les canots à placer auprès de ces bureaux, aux fins mentionnés dans la Convention de 1804, porteront, en signe de leur destination, le Pavillon des Pays-Bas, avec le mot "Rhenus" à la bande blanche.

XVII. Il y aura près l'administration des impositions directes, droits d'entrée et de sortie et des accises, un Inspecteur pour le droit de navigation du Rhin sur le Rhin des Pays-Bas, chargé des fonctions énoncées à l'Art. XLIV de la Convention de 1804, et de telles autres attributions qui seront ultérieurement déterminées par une instruction particulière.

XVIII. Dans les cas de détresse, comme aussi lorsque la baisse des eaux obligera d'alléger les Bâtimens, on suivra les dispositions contenues au Art. XXV jusqu'à XXX de la Convention de 1804 ; sauf les modifications que comporteront les circonstances locales et la législation en vigueur dans le Royaume des Pays-Bas. A tous autres égards l'intervention des Employés des droits d'entrée et de sortie et des accises est exclue et interdite, aussi longtemps que les Bâtimens et les marchandises se trouvent sur la Rivière ; sans préjudice néanmoins de l'établissement de Gardiens à bord des Bâtimens, et de l'apposition des scellés sur la cargaison ou de la fermeture des écoutilles, à l'effet de prévenir l'introduction clandestine ou l'échange des marchandises, ainsi qu'il est dit à l'Art. III de l'Arrêté Royale du 10 Septembre, 1826 (*Journal Officiel*, No. 61.)

**XIX.** Dans la recherche et la poursuite de toutes contraventions en matière de navigation du Rhin, dans le recouvrement des amendes, et généralement en tout ce qui concerne le maintien de la Police, les Employés du droit de navigation du Rhin, appliqueront les mêmes moyens et exerceront le même pouvoir, et suivront les mêmes règles que prescrit la Convention de 1804.

**XX.** Les Art. CXXII, CXXIII, et CXXIV, de la Convention de 1804, n'étant pas de nature à recevoir leur exécution quant au Rhin des Pays-Bas, sont remplacés par les dispositions suivantes :

*a.* Toutes les contestations provenant de l'exécution et de l'application de ladite Convention et du présent Règlement, soit qu'elles concernent le mesurage des Bâtimens et des trains de bois, soit qu'elles aient rapport au paiement ou au montant des droits, ainsi qu'aux peines et amendes provoquées ; en outre, toutes les contestations entre les bateliers, et les propriétaires des fonds riverains, pour cause de dégradation ou d'entraves ; comme aussi toutes réclamations de la part des bateliers et autres particuliers ou autorités publiques contre les conducteurs des trains de bois, pour cause d'avarie ou dommage, seront portées devant les Tribunaux ordinaires du lieu où les bureaux sont établis ; ou de l'endroit où se sont passés les faits qui ont donné lieu à la contestation ; ou, à défaut, devant ceux qui se trouveront le plus à proximité, pour y être instruites et jugées sommairement. Dans tous les cas non prévus par la Convention de 1804, ou par le présent Règlement, les Juges suivront les règles du droit commun, et en ce qui concerne la prononciation des peines et amendes, ils se conformeront aux dispositions de la Loi du 6 Mars, 1818 (*Journal Officiel*, No. 12.)

*b.* Si le batelier ou le conducteur du train ne peut attendre l'issue du procès, ou s'il désire continuer son voyage, il en aura la faculté, moyennant une caution dont le montant sera évalué par le Juge.

*c.* Les parties pourront appeler du jugement rendu en première instance, devant les Tribunaux ou Cours d'Appel à ce compétents d'après la législation en vigueur.

**XXI.** Une Copie de la Convention de 1804 sera annexée à la suite du présent Règlement, et seront les Employés du droit de navigation du Rhin, les bateliers naviguant sur le Rhin des Pays-Bas, et tous ceux que la chose pourrait concerner, tenus, indépendamment des Articles ci-dessus mentionnés, de se conformer pareillement aux autres Articles qui sont encore actuellement en vigueur et applicables au Rhin des Pays-Bas, de même que s'ils étaient insérés textuellement dans ce Règlement.

**XXII.** Le présent Règlement n'est pas applicable au transport de personnes ni à celui de chevaux, voitures et autres semblables objets d'une rive à l'autre, de même qu'à tout ce qui concerne la communication entre les deux rives ; en outre, aux bateliers et bâtimens qui se

bornent à la navigation dans l'intérieur du Royaume; enfin, aux bateaux du Rhin qui viennent d'Amsterdam et d'Utrecht avec destination (par la voie du Waal) pour le Rhin au-dessus de Lobith, ou qui, venant de cette partie du Rhin, comme dessus, avec destination pour Utrecht et Amsterdam, n'empruntent la voie du Lek que pour traverser, afin d'atteindre le Canal de Zéderick, ou réciproquement, en sortant de ce Canal, afin de passer à Vreeswyk : lesquels bateaux, sous ce rapport, demeurent soumis aux dispositions générales actuellement en vigueur.

Approuvé par Arrêté Royal du 1<sup>er</sup> Mars, 1827, No. 139.

Vu : Pour le Secrétaire d'Etat,

STRATENUS.

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(Litt. B.)—*Règlement Provisoire pour la Navigation des Bateaux du Rhin, depuis Krimpen, jusqu'en pleine Mer, et depuis la pleine Mer jusqu'à Krimpen.*

ART. I. Les bateaux du Rhin qui veulent se rendre à la pleine mer, ou qui en viennent, ne pourront prendre d'autre route qu'en allant de Krimpen par Rotterdam, et ensuite le long de la Brielle, et réciproquement le long de la Brielle, et par Rotterdam à Krimpen.

II. Les formalités et obligations à remplir par les bateliers qui naviguent le long de cette route, varieront suivant les trois cas suivans :—

- a. Si les bateaux ne font que passer, sans rompre charge ;
- b. S'ils passent avec un chargement incomplet, et prennent ensuite des marchandises à bord ;
- c. Si dans le trajet ils font usage de l'entrepôt, ou rompent charge et débarquent des marchandises dans les Pays-Bas.

III. Les bateaux descendant le Rhin et destinés pour la mer, ou venant de la mer avec destination pour le Rhin, demeureront assujettis sur le Territoire entre la rivière et la pleine mer, aux droits et autres frais dus par les Bâtimens de mer à l'entrée ou à la sortie des ports des Pays-Bas.

IV. Tout bateau quittant le Rhin des Pays-Bas jusqu'à la mer, et la route indiquée à travers le Territoire Maritime, jusqu'en pleine mer, pour naviguer dans d'autres rivières, canaux, ou parties de la Mer Territoriale, tombent, quant au chargement et déchargement et à tous autres objets de surveillance, dans le domaine des Lois du Royaume ; en conséquence, ce ne sont plus dès lors les dispositions particulières à la Navigation du Rhin, mais celles de ces Lois, qui leur sont applicables.

V. Les Conducteurs dont il est question à l'Art. II, lettre a, devront, en descendant, payer au bureau des droits d'entrée et de sortie qui sera

établi à Krimpen, les droits de transit, de tonnage et autres charges ; indépendamment de la faculté qu'ont les Employés des droits d'entrée et de sortie, d'exiger un cautionnement pour l'excédant des droits d'entrée et d'accises sur le droit de transit, s'il y a lieu. Après le paiement des droits et autres frais, il sera placé des gardiens à bord et le scellé sera apposé sur les cargaisons, ainsi qu'il est prescrit pour le Rhin. Si, à l'arrivée des bâtimens à la Brielle, les scellés se trouvent sains et entiers, et s'il conste par le rapport des gardiens que, pendant la traversée il n'a pas été opéré de changement frauduleux dans la cargaison, les cautionnemens, s'il en a été fourni, seront rendus et les bâtimens seront expédiés pour continuer leur voyage, sans autre retard, jusqu'à la pleine mer. En remontant, la déclaration au premier Bureau du côté de la mer devra être faite en la manière accoutumée, par les bateliers venant de la mer, à la Brielle sur le bureau de Rotterdam, en même temps qu'ils remettront un Manifeste en la forme prescrite par le Règlement pour la Navigation sur le Rhin. A la Brielle les gardiens seront établis à bord et les scellés apposés ; après quoi les bateliers pourront continuer leur voyage jusqu'à Rotterdam. Là devront avoir lieu la nouvelle déclaration de la cargaison et le paiement des droits de transit, de tonnage, etc. ; sauf, de nouveau, l'apposition des scellés, établissement de gardiens et la caution à fournir, s'il y a lieu, pour l'excédant des droits d'entrée et accises ; cependant, à l'arrivée à Lobith, le cautionnement sera retiré, ainsi qu'il est dit par rapport aux bateliers qui descendent.

VI. Les droits de transit seront perçus d'après les manifestes et connoissemens ou lettres de voiture et autres déclarations des bateliers. Quant au calcul du droit de tonnage, 20 quintaux compteront pour un tonneau des Pays-Bas.

VII. Les patrons des bateaux mentionnés à l'Art. II, lettre *b*, c'est-à-dire, qui relâchent, sur la route prescrite, en un endroit situé entre Krimpen et la Brielle, et où se trouve établi un bureau de perception, à l'effet d'y compléter leur chargement, seront traités à Krimpen en descendant, et à la Brielle en remontant, sur le pied voulu par l'Art. V, et ce jusqu'à leur arrivée dans l'endroit où ils se proposent de relâcher et où ils seront soumis, durant leur séjour, aux obligations que les Employés des droits d'entrée et de sortie et des accises croiront devoir leur imposer, le tout en se conformant aux dispositions de la Loi générale.

Les cautionnemens fournis subsisteront dans tous les cas, jusqu'à ce que les bâtimens quittent de nouveau le Territoire des Pays-Bas, à Lobith du côté de terre, à la Brielle, du côté de la mer.

Les droits dus par les marchandises chargées seront acquittés, en descendant, au lieu du chargement. En remontant, le batelier aura le choix de les acquitter à Rotterdam, conjointement avec les autres



droits par lui dus. Lors de la continuation du voyage, jusqu'à l'arrivée à Krimpen ou à la Brielle, les bâtimens seront de nouveau traités sur le pied prescrit à l'Art. V.

VIII. Les patrons des bateaux mentionnés à l'Art. II. lettre c, c'est-à-dire, qui ont l'intention de relâcher en un lieu situé sur la route prescrite par l'Art. I, à l'effet d'y mettre en entrepôt les marchandises qu'ils ont à bord, en tant que la faculté en est accordée par la Loi générale, seront assimilés, pour le trajet depuis Krimpen ou la Brielle, jusqu'à l'endroit où ils veulent relâcher, à ceux des Bâtimens mentionnés à l'Art. V.; mais au lieu du déchargement, ils seront traités conformément aux dispositions de la Loi générale.

IX. Le batelier descendant, qui pour la première fois va faire un voyage sur mer avec le bateau sous ses ordres, devra se munir, au bureau des droits d'entrée et de sortie établi à Krimpen, d'une déclaration semblable à celle qui, aux termes de l'Art. LIV. de ladite Loi générale, peut remplacer l'acte de décompte au dernier bureau du côté de la mer. Pour les bateaux qui remontent, après que le batelier aura acquitté les droits de transit, de tonnage, etc., l'acte de décompte lui sera délivré à Rotterdam, pour ensuite, et à sa sortie pour un nouveau voyage de mer, servir de preuve qu'il a satisfait à ses obligations.

X. Toute visite des cargaisons, dans les cas où les Employés des droits d'entrée et de sortie et des accises y sont autorisés, en vertu de la Loi générale ou des dispositions du présent Règlement, devra être faite avec toute la discrétion et la promptitude possibles. Les bateliers pourront se contenter de mettre les Employés à même de prendre sommairement inspection suffisante des marchandises qu'ils ont à bord; sans préjudice néanmoins du droit que la Loi attribue aux Employés de requérir, aux frais de la partie qui succombera, le débarquement et la visite ou vérification exacte des objets concernant lesquels ils auraient des soupçons de fraude, sauf la repression des Employés qui seraient reconnus avoir réclamé ce droit pour servir de prétexte à des vexations.

XI. Les bateliers descendant le Rhin et venant de la mer, avec la destination pour un lieu situé sur le Rhin des Pays-Bas, ou sur la route à travers le Territoire Maritime indiqué à l'Art. I. et dans lequel se trouve un bureau de perception, pourront, après s'être soumis à Lobith à l'établissement de gardiens et au plombage, poursuivre leur voyage jusqu'à ce bureau, où ensuite les dispositions de ladite Loi générale seront applicables et devront être suivies, par rapport au paiement des droits d'entrée, au déchargement, etc.

XII. A l'égard des bateliers qui, en descendant le Rhin, sont destinés pour un lieu de déchargement à l'effet d'importation pour le Rhin, auquel on ne peut atteindre qu'en quittant cette Rivière ou la route indiquée à travers le Territoire Maritime, la même chose devra être

observée, sur un des canaux qui s'y rendent, là où sera établi un bureau de recette et d'expédition.

XIII. Les bureaux mentionnés dans les 2 Articles qui précèdent sont, de même que le bureau de Krimpen, derniers bureaux d'exportation sur ces eaux en remontant le Rhin, de manière que les bateliers et bâtimens, arrivant à ces bureaux, seront immédiatement dans le cas de l'application du présent Règlement. Sont néanmoins exceptés les bateaux du Rhin d'Amsterdam et d'Utrecht qui, en allant vers le Rhin au-dessus de Lobith ou en venant de là par le Waal, traversent le Lek obliquement pour se rendre de Vreeswyk au Canal de Zederik, ou de ce Canal à Vreeswyk.

XIV. Tant que les bâtimens se trouveront sur le Rhin, ou sur le passage indiqué entre Krimpen et la Brielle, sans relâcher à l'une ou à l'autre rive, ou dans un endroit qui y soit situé, ils ne seront soumis à aucune visite de la part des Employés des droits d'entrée, de sortie et des accises ; pourront toutefois lesdits Employés, conformément à la Stipulation contenue en l'Art. I.XXXVIII. de la Convention de 1804, en cas de décharges frauduleuses de marchandises, poursuivre les bateliers qui tenteraient de s'enfuir sur la rivière ou sur ledit passage, les arrêter et les citer à se justifier. Généralement, en matière de tentative de contrebande, ou de toute autre espèce de contravention à la Loi Générale, concernant les droits d'entrée, de sortie et de transit, le batelier ne pourra se prévaloir des dispositions relatives à la liberté de la Navigation du Rhin. Dans les cas de détresse, on se conformera à ce qui est prescrit par l'Art. XVIII. du Règlement pour la Navigation sur le Rhin des Pays-Bas.

XV. Les bureaux où il sera permis de rompre charge ou de prendre des marchandises à bord, ou bien de quitter, soit le Rhin des Pays-Bas, soit la route à travers la Mer Territoriale, à l'effet d'importation dans le Royaume, lesquels bureaux sont aussi ceux par lesquels devront se faire toutes les exportations, seront ultérieurement désignés en ayant égard à ce que prescrit la Loi générale, et à l'intérêt tant de l'Administration que de la Navigation et du Commerce.

Approuvé par l'Arrêté Royal du 1 Mars 1827, No. 139.

Vu: Pour le Secrétaire d'Etat,

STRATENUS.

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*Manifeste.*

*Manifeste du Batelier Johann Seifert, demeurant à Cologne.*

Le Bâtiment *Francisca*, conduit par le Soussigné et naviguant sous Pavillon Prussien, du port de 1000 quintaux (ou 25 lasts), appartient en propriété au Soussigné (ou à N. N., demeurant à Cologne). Le chargement a été pris à Arnheim: les détails en sont indiqués dans l'état ci-dessous.

No. des Lettres de voiture et connaissements.	Noms des Chargeurs et consignataires.	Destination des Marchandises.	Caisses, Ballots, Futailles, etc.		Désignation des Marchandises.	Poids des Marchandises.	Montant du droit de Navigation du Rhin.	Amendes, Peines, etc.
			Nombre.	Marques et numeros.				
1	Gotwald et Comp. à H. Mogus.	Coblentz.	3 Tonneaux	1, 2, 3	Sucre.	19 <sup>7</sup> / <sub>16</sub> quintaux.	Fr. 7 88.	
2	Hersch à J.P. Günther.	Idem.	4 Barils.	101, 60, 61, 62, 63.	Huile.	19 quint.	- 7 60	

Vu et vérifié par moi Soussigné, Commissaire du Poids, à Arnheim, le 3 Avril, 1826, tirant d'eau du Bâtiment à son départ 10 centimètres.

N. N.

Et declare moi Soussigné, que l'état ci-dessus comprend la totalité de la cargaison, et que le contenu de ladite cargaison y est énoncé conformément à la vérité.

Arnheim, le 3 Avril, 1826.

JOHANN SEIFERT.

**NOTIFICATION of the French Minister of Commerce and Manufactures, relative to the Brazilian Blockade of the River Plate.—31st March, 1828.**

(Extrait.)

Paris, le 31 Mars, 1828.

LA France a pour principe de ne reconnaître un Blocus, qu'autant qu'il est soutenu par des Forces effectives, capables de le rendre efficace.

Sous ce rapport, la réalité de celui que la Marine du Brésil exerce contre Buenos-Ayres, ne saurait être révoquée en doute.

Du fait et du principe sort cette double conséquence, qu'autant la capture des Bâtiments Français qui n'ont point tenté de violer le Blocus doit être envisagée comme un acte illégal, et attentatoire aux droits de la neutralité, autant il serait impossible au Gouvernement de Sa Majesté de s'inscrire contre la même rigueur exercée sur des expéditions à l'égard desquelles la preuve d'une telle violation demeurerait acquise.

C'est dans la première de ces catégories que, d'après les circonstances connues, le Gouvernement du Roi croit pouvoir ranger tous les

Bâtimens Français dont la détention au Brésil est jusqu'à ce jour annoncée, et vient, en conséquence, de prendre les mesures les plus propres à appuyer ses réclamations contre la capture de ces Bâtimens par l'Escadre Brésilienne employée au Blocus de Buénos-Ayres, et ses plaintes contre le cautionnement vexatoire récemment exigé de nos Navires à leur départ de Montévideo.

Mais pour assurer l'efficacité de cette mesure, et pour conserver au Gouvernement du Roi tout l'avantage de sa position, il est indispensable que nos armateurs se renferment strictement dans les limites du droit des Neutres. Tout Bâtiment qui partirait de France avec l'intention illicite de forcer ou d'éluder le Blocus de Buénos Ayres, serait abandonné sans protection aux dangers d'une telle entreprise, avec d'autant plus de raison que ces tentatives illicites compromettraient le sort de nos Navires indûment capturés.

Dans les circonstances du moment, l'intérêt du commerce Français commande de suspendre toute expédition pour Buénos-Ayres, jusqu'à ce qu'on ait la certitude officielle que le Blocus de ce Port a cessé d'exister.

*La Chambre du Commerce.*

St. CRICQ.

**ADDITIONAL ARTICLE to the Treaty of the 8th of January, 1826, between France and Brazil.—Signed at Rio de Janeiro, 21st August, 1828.**

*Ordonnance du Roi, qui prescrit la publication de l'Article Additionnel conclu entre Sa Majesté Très-Chrétienne et Sa Majesté l'Empereur du Brésil, à l'effet de fixer d'une manière précise le sens de l'Article XXI.\* du Traité d'Amitié, de Navigation, et de Commerce, du 8 Janvier, 1826.*

*Au Château de Saint-Cloud, le 16 Août, 1829.*

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 l'Article Additionnel conclu et signé à Rio de Janeiro le 21 Août, 1828, entre Nous et Sa Majesté l'Empereur du Brésil, à l'effet de fixer d'une manière précise le sens de l'Article XXI. du Traité d'Amitié, de Navigation et de Commerce du 8 Janvier, 1826, concernant les Ports bloqués ou assiégés par les Forces de l'une des Parties Contractantes, ainsi que les mesures à prendre envers les Bâtimens de commerce de l'autre Partie qui chercheraient à s'introduire dans lesdits Ports; lequel Article Additionnel, ratifié par Nous le 3 Décembre, 1828, et dont les Ratifications ont été échangées à Rio de Janeiro, le 11 Mars de la présente Année, sera

\* See State Papers, Vol. 1825, 1826, Page 815.



inséré au Bulletin des Lois, pour être exécuté suivant sa forme et teneur.

Au Nom de la Très-Sainte et Indivisible Trinité.

Sa Majesté le Roi de France et de Navarre, et Sa Majesté l'Empereur du Brésil, désirant accroître et resserrer chaque jour davantage les relations d'amitié, de commerce, et de bonne intelligence, qui subsistent heureusement entre les deux Etats, en prévenant autant qu'il est possible tout sujet de discorde entre eux, et considérant en même temps de quelle importance il est, tant dans les circonstances actuelles que pour l'avenir, que le sens de l'Article XXI. du Traité conclu entre leursdites Majestés à Rio de Janeiro, le 8 Janvier, 1826, qui jusqu'à présent a été interprété d'une manière différente par chacune des Hautes Parties Contractantes, demeure fixé dorénavant d'une manière précise, claire, et conforme au principe de la réciprocité, en cette partie de l'Article qui stipule que les Sujets de chacune des Hautes Parties Contractantes pourront continuer leur commerce et navigation avec toute Puissance, Nation ou Etat, qui viendrait à se trouver en guerre avec l'autre, à l'exception des Villes ou Ports bloqués ou assiégés par mer ou par terre; ont résolu d'un commun accord de fixer pour l'avenir le sens dudit Article, et d'établir la règle qui doit être invariablement suivie dans son application, au moyen d'un Article Additionnel au Traité susmentionné, et, à cet effet, ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi de France et de Navarre, le Sieur Marquis de Gabriac, Chevalier de l'Ordre Royal de la Légion d'Honneur et de l'Ordre des Saints Maurice et Lazare de Sardaigne, Chevalier Commandeur de l'Ordre de Charles III. d'Espagne, et Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur du Brésil;

Et Sa Majesté l'Empereur du Brésil, leurs Excellences MM. le Marquis d'Aracaty, Membre de Son Conseil, Gentilhomme de la Chambre Impériale, Conseiller des Finances, Commandeur d'Aviz, Sénateur de l'Empire, Ministre et Secrétaire d'Etat des Affaires Etrangères, et José Clemente Pereira, Membre de Son Conseil, Desembargador da Caza da Supplicação, Dignitaire de l'Ordre Impérial du Cruzeiro, Chevalier de l'Ordre du Christ, Ministre et Secrétaire d'Etat des Affaires de l'Empire, et provisoirement chargé du Département de la Justice ;

Lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit :

#### ARTICLE ADDITIONNEL.

Aucun bâtiment de commerce appartenant aux Sujets de l'une des Hautes Parties Contractantes qui sera expédié pour un Port lequel se trouvera bloqué par l'autre, ne pourra être saisi, capturé ou condamné, si préalablement il ne lui a été faite une notification ou signification de

l'existence ou continuation du Blocus, par les Forces bloquantes ou par quelque bâtiment faisant partie de l'Escadre ou division du Blocus; et, pour qu'on ne puisse alléguer une prétendue ignorance du Blocus, et que le Navire qui aura reçu cette intimation soit dans le cas d'être capturé, s'il vient ensuite à se représenter devant le Port bloqué pendant le temps que durera le Blocus, le Commandant du Bâtiment de Guerre qui fera la notification, devra apposer son visa sur les Papiers du Navire visité, en indiquant le jour, le lieu ou la hauteur où sera faite la signification de l'existence du Blocus, et le Capitaine du Navire visité lui donnera un reçu de cette signification contenant les mêmes déclarations exigées pour le visa.

Le présent Article Additionnel aura la même force et valeur que s'il était ou avait été inséré mot à mot dans le susdit Traité. Il est bien entendu toutefois que sa durée expirera avec celle des autres Articles qui, conformément à l'Article XXV, doivent durer seulement l'espace de 6 Ans.

En foi de quoi, nous Soussignés, Plénipotentiaires de Sa Majesté Très Chrétienne le Roi de France et de Navarre, et de Sa Majesté l'Empereur du Brésil, en vertu de nos Pleins-pouvoirs respectifs, avons signé le présent Article Additionnel de notremain, et y avons fait apposer le Sceau de nos Armes.

Fait en la Ville de Rio de Janeiro, le 21 jour du mois d'Août, de l'an de grâce, 1828.

(L.S.) LE MARQUIS DE GABRIAC. (L.S.) MARQUEZ DO

ARACATY.

(L.S.) JOSE CLEMENTE

PEREIRA.

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 16 jour du mois d'Août, l'an de grâce 1829, et de notre Règne le 5<sup>me</sup>. CHARLES.

Par le Roi.

*Le Ministre et Secrétaire d'Etat au Département des Affaires  
Etrangères.* PRINCE DE POLIGNAC.

Vu et Scellé du Grand Sceau :

*Le Garde des Sceaux de France, Ministre et Secrétaire d'Etat au  
Département de la Justice.* COURVOISIER.



*CONVENTION between France and Brazil, relative to the Indemnification of French Subjects, for Vessels captured by the Brazilian Blockading Squadron, in the River Plate. Signed at Rio de Janeiro, the 21st of August, 1828.*

*Ordonnance du Roi qui prescrit la Publication de la Convention conclue entre Sa Majesté Très Chrétienne et Sa Majesté l'Empereur du Brésil, relative aux Indemnités à donner à des Sujets Français pour la valeur des Cargaisons et Navires Français saisis et capturés par l'Escadre Brésilienne, de la Rivière de la Plata, et définitivement condamnés par les Tribunaux du Brésil.*

*Au Château de Saint Cloud, le 16 Août, 1829.*

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 conclue et signée à Rio de Janeiro, le 21 Août, 1828, entre Nous et Sa Majesté l'Empereur du Brésil, relative aux Indemnités à donner à des Sujets Français pour la valeur des Cargaisons et Navires Français saisis et capturés par l'Escadre Brésilienne, de la Rivière de la Plata, et définitivement condamnés par les Tribunaux du Brésil ; laquelle Convention, ratifiée par Nous le 3 Décembre, 1828, et dont les Ratifications ont été échangées à Rio de Janeiro, le 11 Mars de la présente Année, sera insérée au Bulletin des Lois, pour être exécutée suivant sa forme et teneur.

Au nom de la Très Sainte et Indivisible Trinité.

SA Majesté le Roi de France et de Navarre, et Sa Majesté l'Empereur du Brésil, ayant, par un Article Additionnel au Traité du 8 Janvier, 1826, signé par leurs Plénipotentiaires respectifs, en date de ce jour, fixé, dans l'intérêt commun du Commerce de leurs Sujets, d'une manière claire, précise et conforme au principe de la réciprocité, le sens que doit avoir à l'avenir cette partie de l'Article XXI du même Traité, qui est relative aux droits des Belligérans envers les Neutres, en cas de Blocus d'un Port ou Ville quelconque ; et considérant que, de la diversité du principe suivi jusqu'à présent par les Hautes Parties Contractantes, est résultée la diversité et l'incertitude de la règle adoptée dans les Jugemens de quelques uns des Bâtimens Français arrêtés et capturés par l'Escadre Brésilienne, dans la Rivière de la Plata ; et Sa Majesté l'Empereur du Brésil, voulant concilier, d'une part, le respect dû aux Lois et Formes Judiciaires qui régissent l'Empire, avec ce que, de l'autre, prescrit l'équité en faveur des Réclamans ou Personnes lésées par suite de la condamnation définitive qui, par ce motif, a été prononcée contre les Bâtimens et leurs Cargaisons, et désirant en même temps donner à Sa Majesté Très Chrétienne une preuve non équivoque du prix qu'il attache à sa fidèle amitié et à sa puissante Alliance ;

leursdites Majestés ont résolu de conclure, à cet effet, une Convention spéciale, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi de France et de Navarre, le Sieur Marquis de Gabriac, Chevalier de l'Ordre Royal de la Légion d'Honneur et de l'Ordre des Saints Maurice et Lazare de Sardaigne, Chevalier Commandeur de l'Ordre de Charles III d'Espagne, et son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur du Brésil ;

Et Sa Majesté l'Empereur du Brésil, leurs Excellences MM. le Marquis d'Aracaty, Membre de son Conseil, Gentilhomme de la Chambre Impériale, Conseiller des Finances, Commandeur de l'Ordre d'Aviz, Sénateur de l'Empire, Ministre et Secrétaire d'Etat des Affaires Etrangères, et José Clément Pereira, Membre de son Conseil, Dezembargador da Caza da Supplicação, Dignitaire de l'Ordre Impérial du Cruzeiro, Chevalier de l'Ordre du Christ, Ministre et Secrétaire d'Etat des Affaires de l'Empire, et provisoirement chargé du Département de la Justice :

Lesquels, après avoir échangé leurs Pleins Pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivans :

ART. I. Le Gouvernement du Brésil s'oblige et s'engage à payer au Gouvernement Français, en indemnité de pertes causées à ses Sujets, la valeur des Coques, Agrès et Cargaisons des Navires Français, nommés le *Courrier*, le *Jules*, et le *San Salvador*, qui ont été saisis et capturés par l'Escadre de la Rivière de la Plata, et définitivement condamnés par les Tribunaux du Brésil.

II. Ces Indemnités auront pour base, quant aux Navires, la valeur de leurs Coques et Agrès, estimés d'après les Polices d'Assurance, lorsqu'il ne s'élèvera contre elles aucun soupçon fondé de dol ou de fraude dans leur évaluation, à laquelle seront ajoutés le montant du fret acquis et les Frais et Débours extraordinaires pour solde et entretien d'équipage, et pour toutes dépenses quellesconques occasionnées par l'arrestation et la capture du Bâtiment ; et quant aux Cargaisons, le compte sera réglé d'après les Manifestes, Connaissemens et Factures, et d'après les prix courans des marchandises dans le Port de Rio de Janeiro au moment de l'arrestation. Les Polices d'Assurance, Connaissemens, Factures, Comptes de Frais et Débours, et tous autres Documens quelconques, devront être présentés, légalisés en bonne et due forme.

III. A la valeur de l'Indemnité qui sera liquidée pour chaque Bâtiment, sera ajouté, à titre de dommages et intérêts, un intérêt de 6 pour Cent. par An, à partir d'un mois après la capture, jusqu'aux époques ci-dessous fixées pour les paiemens ; et au montant total des Indemnités qui seront liquidées pour les Cargaisons, Fret, Dépenses et Débours extraordinaires occasionnés par la capture, sera ajouté, à titre de dommages et intérêts, un intérêt de 5 pour Cent. par An, à partir de 6 mois après la capture jusqu'auxdites époques.



IV. Les Indemnités seront liquidées et fixées par une Commission composée de 4 Membres, savoir : 2 Commissaires Liquidateurs, et 2 Commissaires Arbitres, l'un de ceux-ci devant être appelé dans les cas seulement où les 2 premiers ne seraient pas d'accord : il sera alors désigné par la voie du sort. Un Commissaire Liquidateur et un Commissaire Arbitre seront nommés par le Gouvernement du Brésil, et l'autre Commissaire Liquidateur, et l'autre Commissaire Arbitre, par le Représentant de Sa Majesté Très Chrétienne près la Cour de Rio de Janeiro.

Les susdits Commissaires recevront des Réclamans ou autres Personnes intéressées, les comptes et documens ci-dessus énoncés, et tous autres titres qui pourront être présentés à l'appui de leurs droits; et quoique les Réclamans aient la faculté de produire toutes les pièces justificatives qui leur conviendront, jusqu'à la clôture des travaux de la Commission, il est néanmoins expressément convenu et réglé qu'aucune réclamation ne sera examinée et prise en considération, si elle n'a été présentée dans le 60 jours qui suivront immédiatement l'installation de la Commission.

V. La Commission sera installée dans l'espace d'un mois après la signature de la présente Convention, et ses fonctions devront être définitivement terminées au 28 Février, de l'Année 1829.

VI. La liquidation sera faite en Monnaie du Brésil, en tenant compte de la différence existant entre le change de l'époque de la capture et celui du moment où le paiement aura lieu; et les sommes qui seront liquidées et fixées seront soldées en paiemens égaux effectués à Rio de Janeiro, le premier, 12 mois; le second, 18 mois; et le troisième, 24 mois; après la fin et la clôture des travaux de la Commission. Les Cédules de paiement seront remises à la Légation Française près la Cour du Brésil, et comprendront les intérêts stipulés par l'Article III : chacune d'elles énoncera le nom ou les noms des intéressés au profit desquels elle sera délivrée, et indiquera la Personne ou les Personnes qui devront en acquitter le montant pour le compte du Gouvernement du Brésil, ainsi que le lieu du paiement.

VII. La présente Convention sera ratifiée, et les Ratifications en seront échangées en la Ville de Rio de Janeiro, dans l'espace de 6 mois, ou plus tôt, si faire se peut.

En foi de quoi, nous, Soussignés, Plénipotentiaires de Sa Majesté Très Chrétienne le Roi de France et de Navarre, et de Sa Majesté l'Empereur du Brésil, avons signé la présente Convention de notre main, et y avons fait apposer le Sceau de nos Armes.

Fait en la Ville de Rio de Janeiro, le 21 jour du mois d'Août, de l'An de Grâce, 1828.

(L.S.) LE MARQUIS DE GABRIAC. (L.S.) MARQUEZ DO  
ARACATY.  
(L.S.) JOSE CLEMENTE  
PEREIRA.

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 16 jour du mois d'Août, l'An de Grâce 1829, et de notre Règne le 5me.

CHARLES.

Par le Roi :

*Le Ministre et Secrétaire d'Etat au Département des Affaires Etrangères,*  
PRINCE DE POLIGNAC.

Vu et scellé du Grand Sceau :

*Le Garde des Sceaux de France, Ministre et Secrétaire d'Etat au Département de la Justice,*  
COURVOISIER.

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*TREATY, or General Convention, of Peace, Friendship, Commerce, and Navigation, between Brazil and The United States.—Signed at Rio de Janeiro, the 12th of December, 1828.\**

Nos o Imperador Constitucional, e Defensor Perpetuo do Brasil, &c. Fazemos saber aos que a presente Carta de Confirmação, approvação, e ratificação virem, que aos 12 dias do mez de Dezembro do corrente Anno de 1828, se concluiu e assignou na Corte do Rio de Janeiro, pelos respectivos Plenipotenciarios, hum Tratado de Amizade, Navegação e Commercio, entre Nós e os Estados Unidos da America, do theor seguinte :

Em Nome da Santissima e Indivisivel Trindade.

SUA Magestade o Imperador do Brasil, e os Estados Unidos da America, dezejando estabelecer huma paz, e amizade firme, e permanente entre ambas as Nações, tem resolvido fixar de huma maneira clara, distincta, e positiva, as regras, que para o futuro se hão de religiosamente observar entre huma e a outra, por meio de hum Tratado ou C nvenção Geral de Paz, Amizade, Commercio e Navegação.

Para este mui apreciavel fim, Sua Magestade o Imperador do Brasil deu Plenos Poderes aos Illustrissimos e Excellentissimos Senhores, Marquez do Aracaty, do seu Conselho, Gentil Homem da Imperial Camara, Conselheiro da Fazenda, Gram Cruz da Ordem de Aviz, Senador do Imperio, Ministro e Secretario de Estado dos Negocios Estrangeiros ; e Miguel de Souza Mello e Alvim, do seu Conselho, Commendador da Ordem de Aviz, Cavalleiro da Imperial do Cruzeiro, Chefe de Divisão da Armada Nacional e Imperial, Ministro e Secre-

\* See English Copy of this Treaty, Page 944.

tario de Estado dos Negocios da Marinha : e o Presidente dos Estados Unidos da America, ao Senhor Guilherme Tudor, encarregado de Negocios dos mesmos Estados na Corte do Brasil : os quaes, depois de terem trocado os seus ditos Plenos Poderes, que forão achados em boa e devida fórma, convierão nos Artigos seguintes :

ART. I. Haverá paz perfeita, firme e inviolavel, e sincera amizade entre Sua Magestade Imperial, e seus Successores, e Subditos, e os Estados Unidos da America, e seus Cidadãos em todas as suas Possessões, e Territorios respectivos, sem distincção de pessoas ou lugares.

II. Sua Magestade o Imperador do Brasil, e os Estados Unidos da America, dezejando viver em paz, e harmonia com todas as outras Nações do Mundo por meio de huma politica franca, e igualmente amigavel com todas, concordão reciprocamente em não outorgar nenhum favor peculiar a outras Nações em materias de Commercio, e Navegação, que se não torne immediatamente commum à outra Parte, se a concessão for feita livremente, ou sujeita à mesma compensação, se a concessão for condicional.

Fica com tudo entendido, que as Relações e Convenções, que agora existem, ou possão depois existir entre o Brasil, e Portugal, formaráo huma excepção a este Artigo.

III. As duas Altas Partes Contractantes dezejando igualmente pôr o Commercio e Navegação de seus respectivos Paizes, sobre a liberal base de perfeita igualdade e reciprocidade, convierão mutuamente, que os Subditos e Cidadãos de cada huma dellas possão frequentar todas as Costas e Paizes da outra, residir, e commerciar em todos os generos de productos, manufacturas, e mercadorias, e gozarão de todos os direitos, privilegios, e isenções, em Navegação e Commercio, de que os Subditos, ou Cidadãos naturaes gozão, ou gozarem, submettendo-se as Leis, Decretos, e usos estabelecidos, e a que se sujeitarem os Subditos, ou Cidadãos naturaes. Fica porém entendido que neste Artigo não se inclue o Commercio de Cabotagem de cada hum dos dous Paizes, o qual fica reservado, conforme as Leis dos ditos Paizes, aos seus respectivos Subditos, e Cidadãos.

IV. Ellas concordão igualmente que quaesquer generos de producção, manufactura, ou mercadoria de qualquer Paiz estrangeiro, que possão por certo espaço de tempo ser legalmente importados nos Estados Unidos em seus proprios Navios, possão tambem importar-se em Navios do Imperio do Brasil ; e que se não perceberão outros ou maiores direitos sobre a tonelagem do Navio, e sua carga, quer a importação se faça em Navios de huma das Partes Contractantes, quer da outra. E semelhantemente que qualquer genero de producção, manufactura, ou mercadoria de qualquer Paiz estrangeiro, que possa ser por certo prazo legalmente importado no Imperio do Brasil em seus proprios Navios, possa tambem ser importado em Navios dos Estados Unidos ; e que se não exigirão, ou perceberão nenhuns outros

direitos sobre a tonelagem do Navio, e sua Carga, quer a importação se faça em Navios de huma Parte Contractante, quer da outra. Concordão outro sim, que tudo o que possa ser legalmente exportado ou re-exportado de hum dos Paizes, em seus Navios proprios para qualquer Paiz estrangeiro, possa de igual fórma ser exportado, ou re-exportado em os Navios do outro Paiz. E serao concedidos, e percebidos os mesmos beneficios, direitos, e retornos (drawbacks) quer tal exportação, ou re-exportação se faça em Navios do Imperio do Brasil, ou dos Estados Unidos.

Dezejando porém o Governo dos Estados Unidos attender á Navegação do Brasil, convém em que seja, presentemente considerado Navio Brasileiro aquelle, cujo Dono, e Capitão forem Subditos Brasileiros, e cujos papeis estiverem em fórma legal.

V. Não se imporão outros, ou maiores Direitos sobre a importação nos Estados Unidos de quaesquer Artigos de producção ou manufacturas do Imperio, e não se imporão outros ou maiores Direitos sobre a importação no Imperio do Brasil, de quaesquer Artigos ou manufacturas dos Estados Unidos, do que são, ou vierem a ser pagos sobre os mesmos Artigos, que forem de producção ou manufacturas de qualquer outro Paiz estrangeiro; nem se imporão outros, ou maiores direitos ou encargos em qualquer dos dous Paizes, sobre a exportação de quaesquer Artigos para o Imperio do Brasil, ou para os Estados Unidos respectivamente, do que os que são pagos sobre a exportação de iguaes Artigos para qualquer outro Paiz estrangeiro; nem se imporá nenhuma prohibição sobre a exportação, ou importação de quaesquer Artigos de producção, ou manufacturas do Imperio do Brasil, ou dos Estados Unidos, para, ou dos Territorios do Imperio do Brasil, para, ou dos Territorios dos Estados Unidos, que se não faça extensiva igualmente a todas as outras Nações.

VI. Concordou-se igualmente, que todos os Negociantes, Commandantes de Navios, e outros Subditos, e Cidadãos de ambos os Paizes, tenham toda a liberdade de dirigirem seus proprios negocios em todos os Portos e Lugares, sujeitos á jurisdicção de qualquer delles, tanto relativamente à consignação, e venda de seus generos, e mercadorias em grosso, ou retalho, como relativamente á carga, descarga, e remessa de seus Navios, devendo elles ser tratados em todos estes casos, como Subditos, ou Cidadãos do Paiz em que residirem, ou ao menos ser equiparados aos Subditos, ou Cidadãos da Nação mais favorecida.

VII. Os Subditos, e Cidadãos de qualquer das Partes Contractantes não serão sujeitos a nenhum embargo, nem serão detidos com os seus Navios, cargas, mercadorias, ou effeitos, para qualquer expedição militar, nem para serem empregados para objectos publicos, ou particulares, quaesquer que sejam, sem se dar aos interessados huma sufficiente indemnisação.



VIII. Toda a vez que os Subditos, ou Cidadãos de qualquer das Partes Contractantes, forem obrigados a buscar refugio, ou asilo, nos Rios, Bahias, Portos, ou Dominios da outra, com seus Navios mercantes, ou de Guerra, publicos, ou particulares, por força de temporaes, ou por serem perseguidos, por Piratas, ou Inimigos, serão recebidos e tratados com humanidade, dar-se-lhes-ha todo o favor, e protecção para concertarem seus Navios, refazerem-se de viveres, e se pôrem em estado de continuar sua viagem, sem obstaculo, ou estorvo de qualidade alguma.

IX. Todos os Navios, mercadorias, e effeitos, pertencentes a Subditos, ou Cidadãos de cada huma das Partes Contractantes, que hajão de ser tomados por Piratas, quer dentro dos limites da sua jurisdicção, quer no mar alto, e sejam conduzidos, ou se achem dentro dos Rios, Enseadas, Bahias, Portos, ou Dominios da outra, serão restituídos aos Proprietarios, logo que elles provem em boa e devida fôrma, seus Direitos perante os competentes Tribunaes: ficando bem entendido que a reclamação deve ser feita dentro do prazo de hum Anno pelas proprias Partes, seus Procuradores, ou pelos Agentes de seus respectivos Governos.

X. Se algum Navio pertencente aos Subditos, ou Cidadãos de huma das Partes Contractantes der á Costa, for ao fundo, ou sofrer alguma deterioração nas Costas, ou dentro dos Dominios da outra, ser-lhes-ha dado todo o soccorro, e protecção, da mesma maneira que se uza, e pratica com os Navios da Nação, onde accontecer a deterioração, permitindo-se que se descarreguem do dito Navio, se for necessario, as mercadorias e effeitos, sem se exigir por isso nenhum direito, imposto, ou contribuição qualquer, até que sejam exportados excepto se forem despachados para consummo.

XI. Os Subditos, ou Cidadãos de cada huma das Partes Contractantes poderão dispôr de seus bens individuaes dentro da jurisdicção da outra, por venda, doação, testamento, ou por qualquer outra fôrma: herdarão os ditos bens pessoaes, quer por testamento ou *ab intestato*, podendo tomar posse delles por si mesmos, ou por outrem em seu lugar, e dispôr dos mesmos á sua vontade, pagando somente aquelles Direitos a que são obrigados os Habitantes do Paiz, em que se acharem taes bens em casos semelhantes; e no caso de serem bens de raiz, e que aos herdeiros, pela sua qualidade de Estrangeiros, se obste entrar na posse da herança, conceder-se-lhes-ha o prazo de 3 Annos, para disporem da mesma, como julgarem conveniente, arrecadando o producto sem embaraço nem outros encargos, senão os que são impostos pela Lei do Paiz.

XII. Ambas as Partes Contractantes prometem, e se obrigão formalmente a prestar sua protecção especial ás Pessoas e propriedades de seus respectivos Subditos, e Cidadãos de todas as classes, que possam achar-se nos Territorios, sujeitos á jurisdicção de qualquer

dellas, seja transitoria, ou fixamente, deixando-lhes francos, e abertos os Tribunaes de Justiça para os seus recursos judiciaes nos mesmos termos, usuaes, e do costume praticados pelos Cidadãos naturaes, ou Subditos do Paiz, em que se acharem, para cujo fim elles poderaõ empregar em defeza de seus Direitos, aquelles Advogados, Procuradores, Tabelliaes, Agentes e Correspondentes, que julgarem convenientes em todas as suas questões judiciaes.

XIII. Conveio-se igualmente que os Subditos, ou Cidadãos de ambas as Partes Contractantes, gozaraõ da mais perfeita e inteira segurança de consciencia, nos Paizes sujeitos á jurisdicção de qualquer dellas, sem que possam ser perturbados, ou molestados, por causa de suas crenças religiosas, emquanto respeitarem as Leis, e usos estabelecidos do Paiz.

Outro sim serão os corpos dos Subditos ou Cidadãos de huma das Partes Contractantes, que venhão a fallecer nos Territorios da outra, enterrados nos Cemiterios ordinarios, ou em outros lugares decentes, e apropriados, e serão protegidos contra qualquer perturbação, ou violação.

XIV. Será licito aos Subditos do Imperio do Brasil, e aos Cidadãos dos Estados Unidos da America, navegar os seus Navios com toda a liberdade, e segurança, sem se fazer distincção de quem são os proprietarios das mercadorias nelles transportadas de qualquer Porto, para os Lugares das Nações, que ora estão ou para o futuro vierem a estar em inimizade com qualquer das Partes Contractantes. Será tambem licito aos mencionados Subditos, e Cidadãos, navegar os Navios, e mercadorias referidas, e commerciar com a mesma liberdade, e segurança nos Praças, Portos, e Enseadas das Nações, que são inimigas de cada huma das Partes Contractantes, sem opposição, ou estorvo algum, não só indo directamente dos Portos do inimigo referido para Portos neutros, mas tambem de hum Lugar que pertença a hum inimigo, para outro Lugar pertencente a outro inimigo, quer elles estejam soba jurisdicção de huma só Potencia, ou de diversas. E estipula-se mais que os Navios livres tambem libertaráõ as fazendas, e que se julgue livre, e isento tudo o que se achar a bordo de Navios pertencentes a qualquer das Partes Contractantes, ainda que toda, ou qualquer parte da carga pertencesse aos Inimigos de cada huma dellas, exceptuando-se sempre generos de contrabando.

Tambem se convencionou da mesma fórma, que a dita liberdade se extenda ás pessoas, que estiverem abordo de hum Navio livre, a fim de que ainda quando ellas sejam inimigas de huma das Partes Contractantes, nunca sejam tiradas daquelle Navio neutro, excepto se forem Officiaes, ou Soldados e em serviço actual dos Inimigos.

Deve-se porém entender, e se ajustou outro sim, que as estipulações que contém este Artigo declarando que a Bandeira cobre a carga, serão applicaveis unicamente àquellas Potencias, que recon-

hecem este principio; porém se huma das duas Partes Contractantes estiver em guerra com huma terceira, ficando a outra Neutra, a Bandeira da Neutra cobrirá a propriedade dos Inimigos, cujos Governos reconhecerem este principio, e não dos outros.

XV. Convencionou-se igualmente, que no caso em que a Bandeira neutra de huma das Partes Contractantes proteja a propriedade dos Inimigos da outra, em virtude da referida estipulação, se entenderá sempre que a propriedade neutra, que se achar a bordo daquelles Inimigos, será tida, e considerada, como propriedade do Inimigo, e como tal, será sujeita a detenção, e confisco, excepto se a dita propriedade for posta a bordo daquelle Navio antes da declaração da guerra, ou mesmo depois, se o foi sem se ter essa noticia.

Convencionarão porém as duas Partes Contractantes em que, tendo decorrido 4 mezes depois da declaração, não possam seus Subditos, e Cidadãos chamar-se á ignorancia della.

Pelo contrario se a Bandeira do Neutro não protege a propriedade do Inimigo, então serão livres os generos, e mercadorias do Neutro, que estiverem embarcados naquelle Navio inimigo.

XVI. Esta liberdade de commercio e navegação se estenderá a todos os generos, e mercadorias, excepto unicamente as que se distinguem pelo nome de contrabando, e neste nome, ou no de generos prohibidos se comprehenderão;

1. Artilheria, morteiros, obuzes, pedreiros, bacamartes, mosquetes, rifles, carabinas, espingardas, pistolas, piques, espadas, sabres, lanças, venabulos, halabardas, granadas, bombas, polvora, mechas, ballas, e todas as outras cousas pertencentes ao uso destas armas.

2. Escudos, capacetes, peito de aço, saias de malha, boldriés, e roupa feita de uniforme, e para uso militar.

3. Boldriés de cavalleria, e cavallos ajaezados.

4. E geralmente toda a qualidade de armas, e instrumentos de ferro, aço, latão, e cobre, ou de qualquer outros materiaes, manufacturados, preparados, ou formados expressamente para fazer a guerra por mar ou por terra.

XVII. Todas as outras mercadorias e cousas não comprehendidas nos artigos de contrabando explicitamente enumerados, e classificados acima, serão tidas e consideradas como livres e sujeitas ao commercio livre, e legitimo, de maneira que poderão ser conduzidas, e transportadas pela fôrma mais franca por ambas as Partes Contractantes, até a Lugares que pertençam a hum Inimigo; exceptuando-se sómente aquelles Lugares, que estiverem na mesma occasião sitiados, ou bloqueados; e para evitar toda a duvida neste particular, declara-se, que só estão sitiados ou bloqueados aquelles Lugares, que o estiverem por huma força capaz de effectivamente impedir a entrada aos Neutros.

XVIII. Os artigos de contrabando acima enumerados, e classif-

cados, que possam encontrar-se em hum Navio, que se dirigisse para hum Porto Inimigo, serão sujeitos á detenção, e confisco, deixando-se livre o resto da Carga ao Navio, para que os Proprietarios delles disponhão, como lhes parecer. Nenhum Navio de qualquer das duas Nações será detido no mar alto pelo motivo de ter a bordo Artigos de Contrabando, toda a vez que o Mestre, Capitão, ou Subrecarga da dita embarcação, entregar os Artigos de Contrabando ao Captor, a não ser a quantidade dos ditos artigos tão grande, e de tão consideravel volume, que não possam ser recebidos abordo do Navio Captor sem grande inconveniente, porque neste, e em todos os outros casos de justa detenção, será o Navio detido, remetido ao Porto mais proximo conveniente, e seguro, a fim de ser processado e julgado conforme a Lei.

XIX. E por quanto acontece frequentemente partirem Navios para hum Porto, ou Lugar pertencente a hum Inimigo, sem saberem que o mesmo está sitiado, bloqueado, ou investido; conveio-se, que o Navio, que se achar naquellas circumstancias, possa ser desviado daquelle Porto, ou Lugar, mas não será detido, nem parte alguma da sua Carga, a não ser contrabando, será confiscada, huma vez que depois de avisado da existencia do Bloqueio, ou Assedio, pelo Comandante de qualquer das Embarcações pertencentes ás Forças Bloqueantes, elle não tente de novo entrar, sendo-lhe porém permittido dirigir-se para qualquer outro Porto, ou Lugar que lhe parece.

Nenhum Navio de qualquer das Partes Contractantes, que possa ter entrado no dito Porto, antes que elle estivesse effectivamente sitiado, bloqueado, ou investido pela outra, será capturado por sahir daquelle Lugar com a sua Carga, nem se for achado dentro depois de rendido, e tomado, será tal Navio, e Carga sujeito a confisco, porém sim será restituído aos seus proprietarios.

E se, tendo qualquer Navio assim entrado no Porto, antes que houvesse Bloqueio, recebesse Carga a bordo depois da existencia do mesmo Bloqueio, será elle sujeito a ser avisado pelas Forças Bloqueantes, a fim de voltar para o Porto Bloqueado, e descarregar a sua Carga, e se depois de ter o dito Navio sido avisado, persistir em sahir, incorrerá nas mesmas consequencias, como hum Navio, que entrasse em hum Porto Bloqueado, depois de ter sido avisado pela Força Bloqueante.

XX. A fim de evitar todo o genero de desordens na visita, e exame dos Navios e Cargas de ambas as Partes Contractantes, no mar alto, ellas tem concordado mutuamente em que, quando hum Navio de Guerra, publico ou particular, encontrar hum Neutro da outra Parte Contractante, o primeiro se conservará na distancia maior que for compativel com a operação da visita, attentas as circumstancias do mar, e vento, e gráo de suspeita do Navio, que se quer visitar, e mandará o seu Bote mais pequeno, para fazer o dito exame



dos Papeis relativos á propriedade e Carga do Navio, sem fazer a menor extorsão, violencia, ou máo tratamento, pelo que serão responsáveis os Commandantes dos ditos Navios armados pelas suas pessoas e bens, dando para esse fim os Commandantes dos ditos Navios armados particulares, huma fiança sufficiente para responderem por todos os damnos, que commetterem ; e se convencionar expressamente que a Parte neutra não será em nenhum caso obrigada aahir abordo do Navio examinador, para o fim de appresentar os seus Papeis ou para outro qualquer objecto.

XXI. Para evitar todo o genero de vexame, e abuso no exame dos Papeis relativos á propriedade dos Navios pertencentes aos Subditos e Cidadãos das duas Partes Contractantes, ellas convierão, e convém que, no caso de huma dellas se empenhar em Guerra, os Navios, e Vasos pertencentes aos Subditos, e Cidadãos da outra, deverão munir-se dos Papeis de Mar, ou Passaportes, que expressem o nome, propriedade, e arqueação do Navio, bem como o nome, e lugar da habitação do Mestre, ou Commandante do dito vaso, a fim de que por esse meio se conheça, que o Navio pertencia real, e verdadeiramente aos Subditos, ou Cidadãos de huma das Partes Contractantes. Convencionarão mais que os ditos Navios, se estiverem carregados, tenham além dos ditos Papeis de Mar, ou Passaportes, certificados que contenhão as diversas Partes da Carga, e o Lugar donde partio o Navio, para que se possa saber se a bordo ha algumas fazendas prohibidas, ou de contrabando ; estes Certificados serão feitos pelos Officiaes do Lugar donde sahio o Navio na fórmula ordinaria, e sem taes requisitos o Navio será detido para ser julgado pelo Tribunal competente, e será declarado preza legal, huma vez que se não dê huma prova authentica, de que aquella falta foi causada por algum accidente.

XXII. He outro sim convencionado, que as Estipulações acima declaradas relativamente ás visitas, e exames dos Navios, se applicarão sómente aos que navegarem sem Comboy, pois que, quando os ditos Navios forem comboiados, será sufficiente a declaração verbal do Commandante do Comboy, dando a sua palavra de honra, que os Navios que elle protege pertencem á Nação, cujo Pavilhão tem içado, e se se destinarem a hum Porto inimigo, que elles não tem generos de Contrabando a bordo.

XXIII. Convencionou-se mais, que em todos os casos, os Tribunaes estabelecidos para as causas de Prezas nos Paizes a que as mesmas forem conduzidas, serão os que unicamente tomarão conhecimento dellas. E toda a vez que os ditos Tribunaes de qualquer das Partes Contractantes, proferirem sentença contra qualquer Navio, ou fazendas, ou bens reclamados pelos cidadãos da outra Parte Contractante ; na sentença, ou decreto mencionarão as razões, ou motivos em que se fundarão, e sendo pedida, se dará huma copia authentica da

Sentença, ou Decreto, e bem assim de todo o processo da questão ao Commandante, ou Agente do dito Navio, sem demora alguma, e pagando-se pela mesma os emolumentos legais.

XXIV. Quando huma das Partes Contractantes estiver em Guerra com outro Estado, nenhum Subdito, ou Cidadão da outra Parte Contractante acceitará Commissão, ou Carta de Marca, com o fim de ajudar, ou cooperar hostilmente com o dito Inimigo contra as ditas Partes Contractantes, que se achão em Guerra, sob pena de ser tratado como Pirata.

XXV. Se por alguma fatalidade, que se não póde prever, e que Deos não permitta, as duas Partes Contractantes declararem Guerra entre si, ellas tem convencionado, e convencionão agora para esse caso, que será outorgado o prazo de 6 mezes aos Negociantes que residirem nas Costas, e nos Portos de cada huma dellas, e o prazo de hum anno aos que habitarem no interior, para arranjarem seus negocios, e transportarem seus bens para onde quizerem, dando-se-lhes o necessario salvo conducto para isso, o qual servirá de protecção sufficiente até que cheguem ao Porto designado.

Os Cidadãos, e Subditos de todas as outras occupações, que estiverem estabelecidos nos Territorios, ou Dominios do Imperio do Brasil, ou dos Estados Unidos, serão respeitados, e mantidos no pleno gozo de sua liberdade, pessoal e bens; excepto se a sua conducta particular lhes fizer perder esta protecção, a qual em consideração á humanidade, as Partes Contractantes se compromettem a prestar-lhes.

XXVI. As dividas de individuos de huma Nação a individuos da outra, as Acções, ou dinheiros que possuão ter nos fundos publicos, ou em Bancos publicos, ou particulares, jamais serão sequestrados, ou confiscados, no caso de sobrevir Guerra ou dissensão entre as Nações.

XXVII. Ambas as Partes Contractantes desejando prevenir toda a desigualdade relativamente ás suas communicações publicas, e relações officiaes, tem concordado, e concordão em conceder aos Seus Enviados, Ministros, e outros Agentes Publicos, os mesmos favores, immunidades, e isenções, de que gozão, ou vierem a gozar os da Nação mais favorecida, ficando entendido, que quaesquer favores, immunidades, e privilegios, que o Imperio do Brasil, e os Estados Unidos da America julgarem conveniente conceder aos Ministros, e Agentes Publicos de qualquer outra Potencia, serão extensivos pelo mesmo acto aos de cada huma das Partes Contractantes.

XXVIII. Para tornar mais effectiva a protecção que o Imperio do Brasil, e os Estados Unidos devem dar para o futuro á navegação, e commercio dos Subditos, e Cidadãos de qualquer delles, concordão em receber, e admittir Consules e Vice-Consules em todos os Portos abertos ao commercio estrangeiro, os quaes gozarão de todos os direitos, prerogativas, e immunidades dos Consules, e Vice-Consules

da Nação mais favorecida: ficando com tudo cada huma das Partes Contractantes com a liberdade de exceptuar aquelles Portos, e Lugares, em que não julgar conveniente a residencia, e admissão de taes Consules.

XXIX. Para que os Consules e Vice-Consules das duas Partes Contractantes gozem dos direitos, prerogativas, e immuniidades, que lhes competem pelo seu character publico; antes de entrarem no exercicio das suas funcções, apresentarão as suas Commissões, ou Patentes em devida fórma, ao Governo junto ao qual são acreditados; e quando houverem obtido o seu *Exequatur*, serão tidos, e considerados como taes por todas as Authoridades, Magistrados, e habitantes do Districto Consular, em que residirem.

XXX. Convencionou-se igualmente, que os Consules, seus Secretarios Officiaes, e pessoas addidas ao serviço Consular, se não forem Cidadãos do Paiz em que residir o Consul, sejam isentos de toda a qualidade de taxas, impostos, e contribuições, excepto as que elles são obrigados a pagar por motivo de commercio, ou bens seus, a que os Subditos, ou Cidadãos, e habitantes nacionaes, e estrangeiros são sujeitos no Paiz, em que elles residirem, sendo outro sim submissos em todas as cousas ás Leis dos respectivos Estados.

Os Archivos e Papeis do Consulado serão respeitados inviolavelmente, e por nenhum pretexto qualquer Magistrado os apprehenderá, ou por fórma alguma terá nelles ingerencia.

XXXI. Os ditos Consules serão authorisados para requerer a coadjuvação das Authoridades do Paiz, para se arrestarem, deterem, e prenderem os Desertores dos Navios publicos e particulares do seu Paiz, e para este fim se dirigirão aos Tribunaes, Juizes, e Officiaes competentes, requisitando os ditos Desertores por escripto, provando com a apresentação dos Registos, matricula, ou outros documentos publicos da embarcação, ou Navio, que aquellas homens fazião parte das respectivas tripulações, e a pedido seu provado por esta fórma (salvo com tudo quando se mostrar o contrario) se não negará a entrega delles.

Sendo prezos estes Desertores, serão postos á disposição dos ditos Consules, e poderão ser guardados nas prisões publicas a requerimento, e a expensas de quem os reclamar, para serem enviados aos Navios a quem pertencião, ou a outros da mesma Nação. Porém se elles não forem transferidos no espaço de 2 mezes contados do dia da sua custodia, serão postos em liberdade, e não serão mais apprehendidos pela mesma causa.

XXXII. Com o fim de protegerem mais effectivamente o seu Commercio e Navegação, as duas Partes Contractantes concordão em que tão depressa que as circunstancias permittirem, ellas formarão huma Convenção Consular, a qual declarará especialmente os poderes, e immuniidades dos Consules das Partes respectivas.

**XXXIII.** O Imperador do Brasil, e os Estados Unidos da America, desejando tornar tão duraveis quanto as circunstancias o permitirem, as relações, que se devem estabelecer entre as duas Partes Contractantes, em virtude deste Tratado, ou Convenção geral, de Paz, Amizade, Commercio e Navegação, tem declarado solemnemente, e concordado nos pontos seguintes.

1. O presente Tratado deverá ficar em vigor por espaço de 12 annos contados da sua data, e mais ainda até o fim do anno que se seguir depois que as Partes Contractantes tiverem communicado huma a outra, a sua intenção de conclui-lo, reservando-se cada huma das Partes Contractantes o direito de fazer aquella participação à outra no fim do dito prazo de 12 annos. E he mais convencionado entre ellas, que quando expirar o anno, depois que huma das Partes Contractantes houver recebido aquella communicação da outra, cessará inteiramente, e terminará este Tratado em todas as partes, relativas ao Commercio e Navegação, ficando porém nas outras partes que se referem á paz, e amizade, ligando permanente e perpetuamente ambas as Potencias.

2. Se algum ou alguns Subditos ou Cidadãos de huma das Partes Contractantes, infringir qualquer Artigo deste Tratado, será o dito Cidadão responsavel pessoalmente por isso, e a harmonia, e boa correspondencia entre as Nações não será por esse motivo interrompida, obrigando-se cada huma das Partes a não proteger o criminoso, nem authorisar tal violação.

3. Se (o que certamente não se póde esperar) infelizmente algum dos Artigos que contém o presente Tratado, for violado, ou infringido por qualquer fórmula, estipulou-se expressamente, que nenhuma das Partes Contractantes ordenará, ou authorisará algum acto de represalia, nem declarará a guerra a outra por queixas de prejuizos, ou damnos, antes que a dita Parte Contractante, que se considera offendida, tenha primeiro apresentado á outra hum relatorio daquelles prejuizos ou damnos, verificado com provas competentes, e reclamado justiça, e satisfação, e tenha a mesma sido, ou negada ou desarrazoadamente demorada.

4. Nenhuma das Estipulações contidas neste Tratado terá com tudo huma interpretação, ou effeito contrario aos precedentes Tratados publicos, que existão em vigor com outros Soberanos ou Estados. O presente Tratado de Paz, Amizade, Commercio, e Navegação, será approved e ratificado pelo Imperador do Brasil, e pelo Presidente dos Estados Unidos, com, e pelo parecer, e consentimento do Senado, e as Ratificações serão trocadas no espaço de 8 mezes, contados da data da assignatura delle, ou antes se for possivel.

Em fé do que, nós, os Plenipotenciarios de Sua Magestade o Imperador do Brasil, e os dos Estados Unidos da America, em virtude dos nossos Plenos Poderes, assignámos o presente Tratado com os nossos punhos, e fizemos pôr o Sello das nossas Armas.



Feito na Cidade do Rio de Janeiro, aos 12 dias do mez de Dezembro do anno do Nascimento de Nosso Senhor Jesus Christo de 1828.

(L.S.) MARQUEZ DO ARACATY.

(L.S.) MIGUEL DE SOUZA MELLO E ALVIM.

(L.S.) W. TUDOR.

E sendo-Nos presente o mesmo Tratado, cujo theor fica acima inserido, e sendo bem visto, considerado, e examinado por Nós tudo o que nelle se contém, tendo ouvido o Nosso Conselho de Estado, o approvamos, ratificamos, e confirmamos, assim no todo, como em cada hum dos seus Artigos e Estipulações, e pela presenté o damos por firme, e valioso para sempre, promettendo em fé, e palavra Imperial observ-o, e cumpril-o inviolavelmente, e fazel-o cumprir, e observar por qualquer modo que possa ser. Em testemunho, e firmeza do sobredito, fizemos passar a presente Carta por Nós assignada, passada com o Sello Grande das Armas do Imperio, e referendada pelo Nosso Ministro e Secretario de Estado abaixo assignado.

Dada no Palacio do Rio de Janeiro, aos 12 dias do mez de Dezembro, do anno do Nascimento de Nosso Senhor Jesus Christo de 1828.

PEDRO IMPERADOR COM GUARDA.

MARQUEZ DO ARACATY.

*MESSAGE of the Executive Government, on the Opening of the Constituent Congress of Chili.—25th February, 1828.*

GENTLEMEN,

(Translation.)

You have assembled under the happiest auspices ever known to the Republick. The ardent desire of the Nation to obtain a Constitution, its gradual relinquishment of antisocial doctrines, the exhaustion left by past changes, the peaceful union pervading the Republick, and the general tranquillity, are unequivocal signs that the period so much desired by the People, is arrived,—that of their possessing such a Constitution as may reward them for their immense sacrifices in behalf of Independence,—as may satisfy their earnest wishes, and foster the growth of every branch of our future greatness. Gentlemen, it is your good fortune to end the Revolution, and to open a new era of order and prosperity: it is mine to announce the speedy termination of the war in the South,—a war at once cruel and unnatural,—which, waged by a Banditti in the name of Spain, has prolonged the horrors of the Southern Provinces, and the anxious alarms of those adjoining. The Provinces of Conception and Maule, which, for so many Years, have been its sanguinary theatre, are now tranquil; the numerous towns which had disappeared from the face of the Country are now emerging

from their ruins and in the full enjoyment of liberty and repose. The able arrangements of the General commanding in that quarter affords us ground to hope, that even during the present Year the last traces of a scourge that has been exiled into the heart of the Andes, will disappear: the Insurgents shall be pursued to their complete extermination, if they continue to reject the benevolent offers held out to them by the Government.

During the 7 months of your recess, nothing of moment has occurred to disturb the general repose: if partial commotions have appeared in a few places, they have arisen from our inexperience in the management of popular elections. Every where has the voice of authority been respected, and order restored without violence or injury. Such at present is the happy condition of the People from Atacama to Chiloe. The noblest homage they can offer to the National Representation is to be found in the respectful feelings with which they await its labours.

The Commission appointed by the late Congress to assist the Executive with its enlightened counsels, has, by its services, proved itself worthy of the confidence reposed in it by the National Representatives. It has been a faithful and able guide, to whose wisdom and active co-operation the Nation is indebted for the useful labours the Government has been enabled to accomplish in so short a period.

Our relations of friendship and commerce with all the Republics of the New World continue in the same prosperous state as before the recess of Congress. The Minister of the United States of North America, having fulfilled the important Instructions of his Government, has returned, and is succeeded by a *Chargé d'Affaires*. We have corresponded to so high a Mission by despatching to The United States a Minister accredited with similar powers. The Republics of Mexico, Guatemala, and Colombia are advancing in their career of civilization, uninterrupted by the obstinate policy of the Cabinet of Spain.

Our Minister still remains in Peru, because the intercourse between the Two Republics requires the removal of many obstacles detrimental to the improvement of commerce, which, in fact, is fettered by the very trammels in force at the beginning of the last Century. The policy of both States demands a new modification in our mercantile relations; nor does the Government despair of effecting it, assisted as it will be by the wisdom of the Government of Peru, and the similarity of interests binding the two States.

The Argentine Republic still creditably maintains its honourable struggle against the Emperor of Brazil. Unfortunate for that Republic is her proximity to an Empire which has constrained her into a war that neither her honour, nor the principles she advocates, could avoid. With no other support than her own intrepidity, and the justice

of her cause, she hastened to the field, to combat for Republicks against Thrones. She has preferred the scourge of war to dishonour; a dreadful alternative, but an instructive lesson, for the People of America, who are thereby taught what it is to border on the Domains of a Sovereign Prince.

The Minister to the Court of Great Britain not having been recognized in that character, the Government has considered it due to the national dignity to recal him. He has proved himself worthy of our confidence, by his indefatigable exertions in behalf of the Republick, and by the signal services he has rendered it. A Consul-General has been nominated in his stead, both because he will be acknowledged as such by the British Cabinet, and because one is necessary at that Court, to look after the transactions connected with the Loan.

His Majesty the King of France has given a most decided proof of his respect for our Independence, by appointing a Consul-General to reside in this Capital. The sentiments of that Government are quite favourable to the new States of South America; and our commercial intercourse with France will, henceforth, be more extended and better regulated.

With respect to our domestick affairs the prospect is still more satisfactory. Publick instruction is a subject which has occupied the peculiar attention of the Government; but in so short a period we have scarcely been able to introduce any improvement into its various branches. It has been necessary to seek the materials required to give full force to a system of elementary education, by which it might be relieved from its present wretched state throughout the Republick. Every thing is prepared for opening two normal schools, on the basis of mutual instruction; and, by that means, furnishing Masters to all the schools of the State.

Scientific education also calls for the improvements which civilization has introduced, both into the system of teaching and the choice of the sciences. On this head something has been done. Great is the anxiety exhibited by the Nation that Colleges should be founded, and the rising Youth dedicated to the study of every thing useful. The Municipality of Talca has materials for establishing one, and that of Curico is zealously employed with the project of another. Relative to the former, you will be pleased to learn, Gentlemen, that the greater portion of the means is derived from the munificence of our illustrious Countryman, the Abbé Molina, author of the History of Chili, who, for so noble a purpose, has transmitted it from Italy. The Inhabitants of Concepcion and Coquimbo have also collected funds for augmenting the number of their Professorships; and in Santiago, the Government has itself witnessed the progress of the young Students in every thing taught them. Still the number of the existing Institutions is far from commensurate with the extent of our population; with your aid, however,

the Executive will continue to persevere, until one be founded in the Capital of each Province, and the system of instruction receive all the improvement of which it is susceptible.

In the Courts of Justice the proceedings were slow and expensive, especially at the time the National Representation was convoked. Several of the Officers being Members of the Legislature had, necessarily, Substitutes, who received no other remuneration than certain fees paid by the Parties litigant : whence the Judges were placed in no very honourable or enviable situation. To remedy the inconveniences, and to ensure, at all times, the requisite number of Judges, uninfluenced, and ready for business, new measures have been taken for providing Substitutes, who will have fixed salaries corresponding to their services.

A Commission has been appointed for the protection of the liberty of the Press : this liberty is the vital source of social happiness ; without it all other guarantees are illusory. Unfortunately as it now exists,—so replete with imperfections,—this palladium may be easily transformed into the scourge of social order. Of this truth the Government is aware, yet it has preferred that the abuses should be mildly restrained, than this sacred bulwark be assailed : to you, alone, Gentlemen, belongs the task of so regulating it, that the Commonwealth may derive from it the incalculable advantages inherent in its institution.

The legal establishment of the new Ports, Colcura, Tomé, Topocalma, Vichuquen, San Antonio, Papudo, and Conchali, for the coasting trade, has invigorated our agriculture, and removed the trammels so oppressive to our rising industry. It is difficult to calculate beforehand the vast influence such a measure must have in the advancement of Trade and Navigation : without it the commercial condition of many fertile Provinces would remain for ever stationary.

The Army and Navy are reduced to the Peace Establishment, decreed by the Congress of 1826, which limited the numbers of Corps and Ships of War. In consequence of this reduction, many brave Officers, to whose heroic deeds our Independence is greatly indebted, are unprovided for ; they have sacrificed their comfort, their years, and health, to the triumph of the cause of America : the Nation, cannot look with indifference upon the hard fate that awaits them. The Army is now well organized and appointed, but some of the corps are incomplete in numbers, for want of legal means to recruit them. Every regulation necessary to its discipline and equipment, have been made : many reforms, too, have been introduced into the military code and judicial proceedings.

Peace and perfect harmony subsist with the immortal Araucanans, who, in the war of the Banditti, afforded us the most effectual and seasonable aid. Our Citizens now enter their Villages as securely as they could any others in the Republic ; the base intrigues of the Enemy



will no longer be able to rend asunder the ties which unite us with that aboriginal race.

With regard to our Finances, they are in such a state that we are unable to meet our ordinary Expences, much less the extraordinary Debt so deeply affecting the National Credit. If we would have it more simple and better methodized, we must apply our peculiar care and unwearied exertions to the subject. An accumulated mass of regulations, equally ambiguous and contradictory, our plan of auditing the publick Accounts, expensive from the number of Offices, and obscure from the complicated mode of its proceedings, joined to an excessive disproportion in the receipts and disbursements, constitute the great defects of our Financial system. To extricate it from this chaos, Government has devised certain preparatory measures, of which one is the liquidation of our Home Debt up to the 5th of April last: there has been no hesitation to include the preceding one of 1810, contracted under the Spanish Yoke. Very powerful motives, of justice and the publick weal, advise this measure,—a measure uniformly adopted by all the Republicks of our Continent. With the view of consolidating this Debt, and remodelling our System of Finance, Government, in concert with the Commission of Congress, had passed a Decree for organizing the Publick Credit, and creating a Sinking Fund. All that had been solicited and obtained, was the permission to issue 600,000 dollars for the important end of Military Reform, leaving to your sanction the acknowledgment of other debts. The Government has prolonged your Session, in order that this Sinking Fund may be established, and the publick credit invested with the weight and dignity which must characterize an act so truly national. Every thing is prepared and ready to be laid before you by the Minister of Finance, so that under your high direction the foundation may be laid of a better system of Revenue.

The Commission nominated by Government for the improvement of the Commerce, the Customs, and Public Accounts, has been constantly occupied; the result of its labours will be laid before you. All these Departments call for a complete revision, as well to unfetter industry, as to render the Taxes more productive, and to avoid the litigations consequent upon their exaction.

A Mint has been established in the Capital of the Province of Coquimbo, the centre of the richest minerals in the Republick. The plan of this establishment is such that it will be less expensive than hitherto, from the employment of machinery, by which labour is saved and simplified.

In calling your attention to our Foreign Debt,—the unfortunate English Loan,—you will feel as I do, the deepest regret, when you consider the lamentable blow which has been given to our credit by our failure in the payment of the dividends. Most cheerfully did the People consent to the monopoly of various articles of consumption, in order that the payment of them might be effected, and the National honour

preserved; but in 1826 all-powerful necessity compelled the Representatives to apply the greater portion of the money thus raised to the maintenance of the Army of Operation. But the original intention may still be fulfilled: the dignity of the Chilian Nation, your own, and that of all the Authorities, demand from you determinate and sufficient Funds, both for the discharge of the unpaid dividends, and of those becoming hereafter annually due. For so noble a purpose no sacrifice can be too great; the credit of Chili is more to be valued than her very existence.

The ease and comparative comfort enjoyed by the People in general, contrasted with the misery and dejection formerly experienced by the labouring classes, must surprize all who are in the habit of observing the contrast. The fruits of the earth have increased four-fold, and many wealthy Capitalists have appeared. A disposition to industry, an obvious improvement in their manners, and an ardent desire for instruction, are the great distinguishing traits of our People.

Personal obligations, as if by instinct, have been religiously respected throughout the Republick. Without a Constitution, or positive Laws, the rights of property have been held so sacred, that, in the great conflicts maintained by our Military Commanders and Governors in various parts, against the incursions of the Banditti, no Individual has been deprived of the least portion of his property. In this respect our situation calls for no improvement: the Person and Property of every one have been as secure as they could be in Countries where social security has its roots in the heart of the soil.

All our People are perfectly united, not by intrigue or compulsion, but by the cordial and sincere desire of the Chilians to become one and the same indivisible Nation. The local spirit, so fatal to many parts of America, has not caused a single tear to be shed in Chili: no where has it found a single proselyte, nor disturbed the tranquillity of a single Village, however remote.

Such, Gentlemen, is the soil in which you are about to sow. If you follow the footsteps of preceding Congresses; if interests, momentary and purely local, engage your attention; if you devote not your exertions in behalf of the Republick at large; you will certainly plunge it into an abyss of misfortunes. But if, obedient to the voice of patriotism, and the warnings of experience, you satisfy the desire of the Nation for a wise and liberal Constitution, you will be blessed by all your Countrymen, who will annually commemorate the glorious day when they returned you for their Representatives to the Constituent Congress.

FRANCISCO ANTONIO PINTO.

*Santiago de Chile, 25th February, 1828.*

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*Etat relevé sur les Documents Officiels, présentant le mouvement, par Puissances, de la Navigation et du Commerce Maritime de la France avec l'Etranger, 1825, 1826.*  
1<sup>er</sup> TABLEAU.—ENTRÉE.

NOMS DES ETATS D'OU VIENNENT LES BATIMENS.		ENTREES DES BATIMENS EN 1825.										ENTREE DES BATIMENS EN 1826.														
		Français.				Etrangers sous Pavillon du Pays d'où ils viennent.				Etrangers sous Pavillon Tiers.				Français.				Etrangers sous Pavillon du Pays d'où ils viennent.				Etrangers sous Pavillon Tiers.				
		Navires.	Ton- neaux.	Hom. d'équip.	Navires.	Ton- neaux.	Hom. d'équip.	Navires.	Ton- neaux.	Hom. d'équip.	Navires.	Ton- neaux.	Hom. d'équip.	Navires.	Ton- neaux.	Hom. d'équip.	Navires.	Ton- neaux.	Hom. d'équip.	Navires.	Ton- neaux.	Hom. d'équip.	Navires.	Ton- neaux.	Hom. d'équip.	
EUROPE																										
Angleterre	-	663	30,870	3,591	220	21,260	1,450	90	10,289	601	604	26,859	3,345	460	42,291	3,125	49	7,128	409							
Idem. (Paquebots)	-	200	10,424	1,617	1,003	65,094	8,950	-	5,113	310	234	9,720	1,724	875	57,507	8,114	-	-	214							
Suède et Norvège	-	10	992	68	576	85,377	4,791	51	115	11	4	283	23	805	125,561	6,815	30	8,778								
Danemark	-	1	103	16	6	630	44	2	353	184	2	364	32	13	1,028	79	10	1,431	76							
Pays-Bas	-	86	6,746	524	109	9,720	585	26	3,353	184	87	7,870	601	115	10,365	666	29	3,701	206							
Villes Ans'atiques. (Hanovre)	-	11	1,265	93	40	4,422	257	18	1,909	107	18	1,220	146	53	5,442	328	26	2,680	153							
Russie (Baltique, Mers Noire et Blanche)	-	37	5,404	327	24	5,933	316	91	18,159	954	44	6,468	447	41	8,977	485	137	24,758	1,263							
Prusse	-	1	158	9	51	7,160	355	103	13,842	752	6	80	9	171	33,903	1,517	69	9,598	494							
Autriche	-	10	1,169	84	5	1,548	65	11	2,191	117	1	854	57	17	4,268	214	12	2,423	127							
Sardaigne	-	796	39,692	4,329	373	14,357	2,408	4	4,221	411	776	36,740	4,348	430	14,690	2,811	21	1,699	180							
Toscane et Etats Romains	-	260	10,684	1,725	150	8,654	1,098	129	12,349	1,236	220	9,725	1,572	213	13,207	1,689	83	7,179	703							
Naples et Sicile	-	57	6,571	484	126	20,533	1,501	51	5,181	449	61	7,460	519	142	23,024	1,902	29	3,562	341							
Espagne	-	316	21,159	2,012	566	17,984	4,151	67	7,391	620	276	20,405	1,790	595	17,165	4,014	67	8,625	677							
Portugal	-	44	4,952	355	6	636	83	9	907	64	77	8,192	636	3	176	23	9	1,255	96							
Turquie	-	86	13,855	885	-	-	-	13	2,828	156	93	14,440	947	2	259	23	6	1,452	70							
AFRIQUE																										
Egypte	-	63	13,537	769	-	-	-	4	924	51	74	13,898	818	-	-	-	8	1,714	90							
Etats Barbaresques	-	57	9,328	742	-	-	-	8	939	72	65	7,302	562	-	-	-	3	702	33							
AMERIQUE																										
Septentrionale	Haiti	48	8,316	559	-	-	-	4	875	44	69	12,603	793	1	160	15	2	382	17							
	Iles Danaises	17	2,665	218	-	-	-	1	92	10	22	3,163	311	3	394	35	1	233	9							
	— Anglaises	3	681	38	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
	— Espagnoles	52	10,202	676	1	300	31	7	2,425	136	54	11,308	786	3	656	29	7	1,948	100							
	Etats-Unis	25	9,672	494	213	53,638	2,492	-	-	-	-	23	4,586	284	355	96,832	4,253	3	635	34						
Mérionale	Mexique	12	2,462	156	-	-	-	6	1,270	67	54	12,081	645	3	335	14	2	381	24							
	Brésil	52	12,303	692	-	-	-	8	1,407	79	66	12,250	783	-	-	-	2	179	10							
	Buenos-Ayres	12	2,509	150	-	-	-	1	200	12	10	1,928	112	1	-	-	1	-	-							
	Guyane Hollandaise	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
	Colombie	15	3,086	180	-	-	-	-	3	450	24	25	4,801	298	-	-	-	3	424	30						
ASIE	Chili	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
	Pérou	5	1,562	98	-	-	-	2	490	34	8	2,315	181	-	-	-	2	449	23							
	Ile Maurice	19	5,334	339	-	-	-	-	-	-	11	3,037	185	-	-	-	-	-	-	-						
	Chine et Cochinchine	-	-	-	-	-	-	-	-	-	1	376	22	-	-	-	-	-	-	-						
	Inde, Possessions Anglaises	6	1,804	110	-	-	-	-	-	-	9	2,645	152	-	-	-	-	1	237	18						
Total	Portugaises	8	655	46	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-						
	Espagnoles	12	4,900	271	1	310	-	-	-	-	2	321	27	-	-	-	1	240	12							
	Hollandaises	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-						
Total		8,619	240,531	21,669	3,478	317,850	39,674	745	96,420	6,501	9,597	347,398	92,178	4,590	404,980	106,151	611	190,792	6,404							

NOMS DES ÉTATS OU VONT LES BATIMENS.																
Français.				Tiers.				du Pays où ils vont.								
Navires.	Ton- neaux.	Hom. d'équip.		Navires.	Ton- neaux.	Hom. d'équip.		Navires.	Hom. d'équip.	Ton- neaux.	Navires.	Hom. d'équip.				
EUROPE																
Angleterre	1,454	53,361	8,715	7,771	571	23,121	4,439	1,341	45,795	7,862	1,231	45,647				
Idem. (Paquebots)	203	10,963	1,881	9,158	-	727	37	222	11,347	1,960	823	56,013				
Idem. (Paquebots)	3	140	23	2,026	6	727	58	2	66	9	327	46,965				
Subde et Norvège	-	-	-	-	-	-	-	-	-	-	-	-				
Danemark	72	5,642	441	942	81	11,776	586	75	3,859	15	32	3,771				
Pays-Bas	11	823	53	753	75	9,915	535	17	5,212	479	610	32,965				
Villes Anseatiques. (Hanovre)	31	4,740	304	1,956	57	9,915	535	31	4,703	295	112	18,065				
Russie (Baltique, Mers Noire et Blanche)	-	-	-	207	24	3,359	490	-	-	-	38	5,702				
Prusse	18	2,519	167	83	6	783	176	9	1,036	77	23	6,613				
Autriche	561	27,518	3,007	2,128	39	3,636	355	421	23,143	2,492	271	14,896				
Toscane et États Romains	151	6,274	90	661	231	15,908	1,959	99	3,755	627	95	1,996				
Naples et Sicile	46	4,765	878	1,280	22	5,267	240	47	5,280	394	115	21,627				
Espagne	337	19,062	2,064	3,752	153	5,961	784	216	14,852	1,473	581	4,176				
Portugal	25	2,813	202	66	48	4,815	473	18	2,062	157	2	110				
Turquie	68	11,276	714	-	16	4,888	216	99	16,238	1,038	-	-				
AFRIQUE																
Egypte	41	8,154	486	-	3	812	35	60	13,580	808	-	-				
États Barbaresques	87	11,085	1,319	-	5	620	45	56	5,358	455	-	-				
AMÉRIQUE																
Haiti	63	11,262	744	-	1	280	12	42	7,776	482	1	172				
Îles Danoises	19	3,172	224	-	35	684	40	12	1,916	152	2	336				
Septentrionale	56	12,407	780	-	-	-	-	45	9,731	620	3	518				
— Anglaises	19	4,840	262	-	-	-	-	19	4,085	208	1	245				
— Espagnoles	41	7,087	493	-	-	-	-	37	7,492	484	144	37,310				
— États-Unis	51	11,368	719	-	13	2,861	146	52	11,949	609	-	-				
Mexique	36	8,476	478	-	22	3,959	217	15	3,014	180	-	-				
Bresil	1	71	7	-	6	1,332	65	13	2,752	179	-	-				
Buenos-Ayres	17	3,749	222	-	2	234	18	11	3,109	212	1	205				
Guyane Hollandaise	4	943	56	-	4	800	49	13	3,918	264	-	-				
Colombie	8	2,260	195	-	3	708	39	31	8,350	472	4	1,135				
Chili	25	6,863	385	-	-	-	-	3	1,419	79	-	-				
Pérou	8	2,260	195	-	-	-	-	11	4,160	258	-	-				
ASIE																
Île Maurice	-	-	-	-	-	-	-	-	-	-	-	-				
Inde, Possessions Anglaises	-	-	-	-	-	-	-	-	-	-	-	-				
Portugaises	-	-	-	-	-	-	-	-	-	-	-	-				
Espagnoles	-	-	-	-	-	-	-	-	-	-	-	-				
Hollandaises	-	-	-	-	-	-	-	-	-	-	-	-				
Françaises	-	-	-	-	-	-	-	-	-	-	-	-				
Totaux																
3,469 247,260 25,689				1,411 116,643 11,247				2,057 226,719 22,551					973 91,636 8,000			
Total 1825.													Total 1826.			
Français 3,469				Français 2,057				Français 2,057					Tonnesaux. 973		Hommes. 8,000	
Étrangers sous Pavillon du Pays 247,260				Étrangers sous Pavillon du Pays 247,260				Étrangers sous Pavillon du Pays 247,260					Tonnesaux. 226,719		Hommes. 22,551	
Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689					Tonnesaux. 3,027		Hommes. 31,365	
Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689					Tonnesaux. 3,027		Hommes. 31,365	
Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689					Tonnesaux. 3,027		Hommes. 31,365	
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Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689					Tonnesaux. 3,027		Hommes. 31,365	
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Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689					Tonnesaux. 3,027		Hommes. 31,365	
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Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689					Tonnesaux. 3,027		Hommes. 31,365	
Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689					Tonnesaux. 3,027		Hommes. 31,365	
Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689					Tonnesaux. 3,027		Hommes. 31,365	
Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689				Étrangers sous Pavillon Tiers 25,689					Tonnesaux. 3,027		Hom	

(Moniteur.)



*Etat relevé sur les Documents Officiels, présentant le mouvement, par Puissances, de la Navigation et du Commerce Maritime de la France avec l'Etranger, 1825, 1826.*  
1<sup>er</sup> TABLEAU.—ENTRÉE.

[illegible]

NOMS DES ÉTATS OU VONT LES BATIMENS.										Français.			Tiers.			du Pays où ils vont.			Total 1825.			Total 1826.			Total 1827.						
Navires.			Ton- neaux.		Hom. d'équip.		Navires.			Ton- neaux.		Hom. d'équip.		Navires.			Ton- neaux.		Hom. d'équip.		Navires.			Ton- neaux.		Hom. d'équip.					
EUROPE			1,454	53,361	8,715	1,682	45,995	7,771	571	23,121	4,439	1,341	45,795	7,802	1,231	45,647	6,132	318	10,159	2,596											
Angleterre	-	203	10,963	1,681	897	997	65,792	9,158	-	727	37	222	11,347	1,960	823	55,013	7,661	-	1,186	-	72										
Idem. (Paquebots)	-	3	140	23	23	23	33,340	2,026	6	884	58	1	359	9	32	46,965	2,573	10	1,386	56											
Suède et Norvège	-	1	77	6	6	6	2,763	169	7	942	586	75	5,212	449	610	3,771	231	89	15,019	729											
Danemark	-	72	5,642	441	165	165	15,566	942	81	11,776	583	17	1,683	112	119	52,965	2,979	68	10,782	557											
Pays-Bas	-	11	323	53	101	101	16,408	753	75	9,915	535	31	4,703	295	12	18,055	899	61	10,745	488											
Villes Ansatiques. (Hanovre)	-	31	4,740	304	15	15	4,173	195	57	9,359	490	-	-	-	38	2,519	140	25	3,455	190											
Russie (Baltique, Mers Noire et Blanche)	-	-	-	-	31	31	4,201	207	24	3,216	176	9	1,036	77	23	6,613	271	5	629	51											
Prusse	-	18	2,519	167	6	6	1,843	83	6	783	59	421	23,143	2,492	271	14,896	1,996	11	959	108											
Autriche	-	561	27,518	3,007	325	325	14,791	3,128	39	3,636	355	99	3,785	627	95	5,461	639	175	12,063	1,447											
Sardaigne	-	151	6,274	976	90	90	5,271	661	231	15,908	1,939	47	5,360	394	115	21,627	1,487	16	2,792	160											
Toscane et Etats Romains	-	46	4,765	378	97	97	17,349	1,280	22	5,267	240	216	14,332	1,473	581	21,771	4,176	102	5,372	603											
Naples et Sicile	-	337	19,062	2,064	649	649	17,775	3,752	153	5,961	784	18	2,062	157	2	110	14	12	1,655	106											
Espagne	-	25	2,813	202	7	7	671	66	48	4,815	473	99	16,238	1,038	-	-	-	13	2,760	137											
Portugal	-	68	11,276	714	-	-	-	-	16	4,888	216	60	13,580	808	-	-	-	-	-	-											
Turquie	-	41	8,154	486	-	-	-	-	3	812	35	56	5,958	455	-	-	-	-	-	-											
AFRIQUE	-	87	11,085	1,319	-	-	-	-	5	620	45	42	7,776	482	1	172	16	-	-	-											
Egypte	-	63	11,262	744	-	-	-	-	1	280	12	12	1,916	152	2	336	26	-	-	-											
Etats Barbaresques	-	19	3,172	224	-	3	457	35	3	684	40	45	9,731	620	1	245	10	-	-	-											
AMERIQUE	-	56	12,407	780	-	-	38,402	1,790	13	2,861	146	19	4,085	208	144	37,310	1,671	13	2,853	173											
Septentrionale	-	19	4,840	262	-	-	-	-	22	3,939	217	37	7,492	484	-	-	-	14	2,754	152											
— Anglaises	-	41	7,087	493	-	-	-	-	11	3,315	145	52	11,949	609	-	-	-	9	1,551	95											
— Espagnoles	-	51	11,368	719	-	-	-	-	6	1,332	65	15	3,014	180	-	-	-	-	-	-											
Etats-Unis	-	36	8,476	478	-	-	-	-	1	234	14	13	2,752	179	1	205	12	-	-	-											
Mexique	-	17	3,749	222	-	-	-	-	2	202	18	11	3,109	212	-	-	-	5	840	53											
Brésil	-	4	943	56	-	-	-	-	4	800	49	13	3,918	254	-	-	-	1	156	10											
Buenos-Ayres	-	8	2,260	195	-	-	-	-	3	708	39	31	8,350	472	4	1,135	50	-	-	-											
Guyane Hollandaise	-	25	6,863	395	-	-	-	-	-	-	-	3	1,419	79	-	-	-	-	-	-											
Colombie	-	-	-	-	-	-	-	-	-	-	-	11	4,160	258	-	-	-	-	-	-											
Chili	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-											
Pérou	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-											
Méridionale.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-											
ASIE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-											
Ile Maurice	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-											
Chine et Cochinchine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-											
Inde, Possessions Anglaises	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-											
Portugaises	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-											
Espagnoles	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-											
Hollandaises	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-											
Françaises	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-											
Totaux	-	3,469	247,260	25,689	4,583	283,797	31,016	1,411	116,643	11,247	-	3,027	226,719	22,551	4,335	341,036	31,365	973	91,636	8,000											
		Total 1825.			Total 1826.			Total 1827.			Total 1828.			Total 1829.			Total 1830.			Total 1831.			Total 1832.			Total 1833.			Total 1834.		
		Français			Navires.			Tonneaux.			Hommes.			Français			Navires.			Tonneaux.			Hommes.			Français			Tonneaux.		
		Etrangers sous Pavillon du Pays			3,469			247,260			25,689			4,335			341,036			31,365			8,000			91,636			8,335		
		Etrangers sous Pavillon Tiers			-			-			-			-			-			-			-			-			-		
		sous Pavillon Tiers			-			-			-			-			-			-			-			-			-		
		Total			4,583			1,411			11,247			4,335			973			8,335			61,976			91,636			8,335		

(Moniteur.)

***TREATY of Commerce and Navigation between Prussia and Lubeck, Bremen, and Hamburg.—Signed at Berlin, the 4th October, 1828.*** (Translation.)

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**HIS Majesty The King of Prussia, on the one part, and the Senate of the free and Hanseatic City of Lubeck, the Senate of the free and Hanseatic City of Bremen, and the Senate of the free and Hanseatic City of Hamburg, on the other part,—proceeding on the conviction that the placing of their respective Subjects and Citizens, reciprocally, upon an equal footing, with respect to the present and future Trade and Navigation Duties, will essentially tend to the furtherance of their mutual commercial undertakings,—have, in order to the conclusion of a Convention for the attainment of so desirable an object, named as their Plenipotentiaries: viz,**

**His Majesty The King of Prussia, His Privy Councillor of Legation Ernst Michaelis; and the Senate of the free and Hanseatic City of Lubeck, the Senate of the free and Hanseatic City of Bremen, and the Senate of the free and Hanseatic City of Hamburg, the Chamberlain, Resident Minister and Chargé d’Affaires of the free and Hanseatic City of Hamburg at Berlin, Ludwig August von Nebeur; who have agreed upon the following Articles:**

**ART. I.** Prussian Vessels, arriving in ballast or with cargoes in the Harbours of the free and Hanseatic Cities of Lubeck, Bremen and Hamburg, and Vessels of Lubeck, Bremen and Hamburg, arriving in ballast or with cargoes in the Harbours of the Prussian States, shall be treated, on their arrival as well as on their departure, upon the same footing as National Vessels, with regard to the present and future harbour, tonnage, light-house, pilot, and salvage duties, and to all others of the State Chest, as well as to the duties and burthens arising from State or Private Regulations, of every denomination whatsoever.

**II.** All wares, goods, and articles of commerce, whether of home or of foreign origin, which may hereafter be imported or exported in National Vessels, to or from the Royal Prussian harbours, or to or from those of the free Hanseatic Cities of Lubeck, Bremen and Hamburg, shall, in like manner, be imported and exported in Vessels of either Party, without being burthened with higher or other duties of any kind than those to which they would be subject, on their importation or exportation in National Vessels. And the same bounties, drawbacks, allowances, and immunities, shall be granted, on the importation or exportation of such wares, goods, and articles of merchandize, in Ships of the other Party, as now are, or may in future be granted on their importation or exportation in National Vessels.

III. As, agreeably to the preceding Article, with reference to the nationality of the Ships of both Parties, an equalization of the duties to be levied on their cargoes is to take place, so likewise shall every difference cease which may exist, in the amount of those duties, on account of the Ownership of such cargoes. The importation and exportation of all goods, wares, and articles of commerce, in Ships of the Contracting Parties, belonging to Royal Prussian Subjects, in the harbours of the free and Hanseatic Cities of Lubeck, Bremen and Hamburg, shall, therefore, be subject to no higher or other import, export, or other duties, than the property of the Citizens of those Cities; and, vice versa, all goods, wares and articles of commerce, belonging to Citizens of the free and Hanseatic Cities of Lubeck, Bremen, and Hamburg, in the Royal Prussian Harbours, shall be subject to no higher or other import, export, or other duties, than the property of Royal Prussian Subjects.

IV. The Stipulations of the preceding Article shall be operative, in their full extent, not only when the Ships of either Party come directly from their national harbours, or return thereto, but also when they come immediately from, or are destined to, the harbours of a third State.

V. Prussian Vessels, as well as those of Lubeck, Bremen and Hamburg, shall reciprocally enjoy the rights and privileges assured to them by the present Treaty, provided that they be furnished with Ship's Passports and Muster-rolls, according to the Regulations of the Party whose Flag they may carry.

VI. The Stipulations of the above Articles, I to IV, relative to the Ships of either Party and their cargoes, entering into or departing from their harbours respectively, shall also extend to the reciprocal commerce by River Navigation. For Ships of the River Navigation it will suffice, in proof of their Nationality, that they produce a Manifest, agreeably to the Act concerning the Weser Navigation, of the 10th of September, 1823\* and to the concluding Protocol of the Commission for revising the navigation of the Elbe, dated Hamburg, the 18th of September, 1824.†

VII. Should the Contracting Parties deem it advisable, for the promotion of their reciprocal commercial interests, to enter into Additional Stipulations, all Articles which shall be concluded for that purpose shall be considered as forming a part of this Treaty.

VIII. Although the present Treaty shall be considered valid in common to the Three free and Hanseatic Cities of Lubeck, Bremen and Hamburg, it is nevertheless agreed, that no general obliga-

\* See Martens' Supplement, Vol. 10, Page 301.

† See Martens' Supplement, Vol. 10, Page 588.



tion shall, in consequence, be binding upon their respective Governments, but that the cessation of any of the provisions of the Treaty, with regard to one of them, shall have no effect upon the engagements which it contains on the part of the others; for which other Powers the Treaty shall, consequently, remain in full force.

IX. The duration of the present Treaty, which shall come into effect from the day of the exchange of the Ratifications, is provisionally fixed for the period until the 1st of January, 1840; and if no notice be given, on either side, 12 months before the expiration of that period, it shall thenceforth be considered as subsisting for a year longer, and until the expiration of 12 months after such notice shall have been given.

X. The present Treaty shall be ratified by the Contracting Parties, and the Instruments of Ratification exchanged at Berlin, within 5 weeks, or sooner if possible.

In faith whereof this Treaty has been signed and sealed by the Plenipotentiaries on both sides.

Done at Berlin, the 4th of October, 1828.

(L.S.) ERNST MICHAELIS.

(L.S.) LUDWIG AUGUST VON NEBEUR.

[The Ratifications of this Treaty were exchanged at Berlin the 18th November, 1828.]

*TREATY between Hanover, Saxony, and several other States of Germany, for the promotion of a reciprocal Free Trade and Intercourse.—Signed at Cassel, 24th September, 1828.*  
(Translation.)

THEIR Majesties the King of Great Britain, Ireland and Hanover, and the King of Saxony; their Royal Highnesses the Elector of Hesse, and the Grand Duke of Saxe-Weimar Eisenach; their Serene Highnesses the Duke of Brunswick; the Landgrave of Hesse Homburg; the Dukes of Nassau, of Oldenburg, of Saxe Altenburg, Saxe Coburg Gotha, and Saxe Meiningen; also their Serene Highnesses the Princes of Reuss, of the Senior and Junior Branches, at Gratz, at Lobenstein, and Ebersdorf, and at Schleitz; the Prince of Schwartzburg-Rudolstadt\*; as also the High Senates of the Free Cities of Bremen and Frankfort;—with the mutual desire of giving effect to the Agreement signed at Frankfort on the Maine, on the 21st of May last, have nominated Plenipotentiaries, and have delegated the same to meet at Cassel, in order to the Conferences agreed upon to be held, namely:

\* The Prince of Schwartzburg Sondershausen acceded, subsequently, to this Treaty.

His Majesty the King of Great Britain, Ireland, and Hanover; Augustus Otto Lewis, Baron Von Grote, Privy Councillor, Director of War, Chancery, and Customs, Commander of the Royal Guelphic Order:

His Majesty the King of Saxony; Hans George Von Carlowiz, of Oberschoena, Actual Privy Councillor, Prebendary of Merseburg, Chaplain of the Royal Saxon Order of Merit, Grand Cross of the Imperial Austrian Order of Leopold, Knight of the Imperial Russian Order of St. Anne, and of the Royal Prussian Order of St. John:

His Royal Highness the Elector of Hesse; Charles Frederick Von Kopp, Privy Councillor, and President of the Chamber of Finance, Grand Cross of the Electoral Order of the Golden Lion:

His Royal Highness the Grand Duke of Saxe-Weimar Eisenach; Dr. Christian William Schweitzer, Actual Privy Councillor, Grand Cross of the Grand Ducal Saxon Order of the White Falcon, Chaplain of the Royal Saxon Order of Merit, and Knight of the Imperial Russian Order of St. Wladimir, of the 4th Class; and Charles Frederick Anthony von Conta, Actual Privy Councillor of Legation, Knight of the Grand Ducal Saxon Order of the White Falcon:

His Serene Highness the Duke of Brunswick Luneburg; Augustus Philip Christian Theodore Von Amsberg, Chamberlain, having the Waterloo Medallion:

His Serene Highness the Landgrave of Hesse Homburg; Augustus von Roentgen, Privy Councillor of Legation, Resident Minister of the Duke of Nassau at the Courts of The Netherlands and Bavaria, Commander of the Order of the Lion of the Grand Duchy of Baden:

His Serene Highness the Duke of Nassau; Augustus Von Roentgen, Privy Councillor of Legation, Resident Minister of Nassau at the Courts of The Netherlands and Bavaria, and Commander of the Baden Order of the Lion:

His Serene Highness the Duke of Oldenburg; Charles Frederick Ferdinand Suden, Councillor of State, Knight of the Prussian Order of the Red Eagle:

His Serene Highness the Duke of Saxe Altenburg; Charles John Henry Ernest Edlen Von Braun, Actual Privy Councillor and Minister, President of the Chamber, Knight Companion of the Royal Saxon Order of Civil Merit, and of the Grand Ducal Saxon Order of the White Falcon, Knight of the Wirtemberg Order of Civil Merit:

His Serene Highness the Duke of Saxe Coburg Gotha; Christopher Anthony Ferdinand Von Carlowitz, Privy Councillor and President of the Chamber, Companion of the Saxon Order of Civil Merit; and William Ernest Braun, Councillor of the Chamber:

His Serene Highness the Duke of Saxe Meiningen; Dietrich Baron Von Stein, His Highness's Actual Privy Councillor:

Their Serene Highnesses the Sovereign Princes of Reuss, of the

Senior and Junior Branches, at Gratz, at Lobenstein and Ebersdorf, and at Schleitz; Gustavus Adolphus Von Strauch, their Chancellor, President of the State and Consistory, Knight of the Saxon Order of Merit:

His Serene Highness the Prince of Schwartzburg Rudolstadt; Christian William Schwartz, President of the Chamber, Knight of the Prussian Order of the Red Eagle :

The High Senate of the Free Hanseatic City of Bremen; John Smidt, Burgomaster and Envoy Plenipotentiary to the German Diet:

The High Senate of the Free City of Frankfort; Dr. John Gerhard Christian Thomas, Senator :

Who, after exchanging their respective Full Powers, have, under reservation of the Ratification of their Sovereigns, concluded the following Articles :

ART. I. The Kingdoms of Hanover and Saxony, the Electorate of Hesse, the Grand Duchy of Saxe Weimar Eisenach, the Duchy of Brunswick, the Territories of the Landgrave of Hesse Homburg, the Duchies of Nassau, Oldenburg, Saxe-Altenburg, Saxe Coburg Gotha, and Saxe-Meiningen, also the Principalities of Reuss-Gratz, Reuss-Lobenstein and Ebersdorf, Reuss-Schleitz, and the Principality of Schwartzburg Rudolstadt, as also the Free Cities of Bremen and Frankfort, enter into a Compact or Union, the object of which is, in the sense of Article XIX.\* of the Act of the Germanic Confederation, to promote, as much as possible, a free intercourse, and an extensive commerce, as well internally, between the Contracting States themselves, as externally with other States; and also to extend to the whole of them, and to maintain and secure, the advantages which may be derived by each individual State, by means of its geographical position or otherwise, so far as its financial and mercantile relations will permit.

II. The duration of this Treaty is, for the present, limited to the 31st of December, 1834.

III. In order, progressively, to improve this Union according to its design, to become better acquainted with the obstacles which may be opposed to the attainment of its object, and to discover by free communication and mutual counsel, the surest practicable means for the removal of them, Deputies from the Contracting States shall meet from time to time—and for the first time, on the 1st June, 1829, at Cassel. The Saxon Government, at the general request of the other Contracting States, has consented, in the interim, to receive all communications relating to the Treaty, and to enter into correspondence, if requisite, with the said States. At the intended meetings, the place and the day shall be, on each occasion, fixed for the next Sitting, the further despatch of business agreed upon, and finally the prolongation of the Union, or its renewal at the expiration of the above-mentioned term, considered.

\* See Page 1088.

IV. The said States engage that they will not, separately, that is, without the express consent of the whole Union, enter into any arrangement, with regard to duties or customs, with any Foreign State not comprehended in this Treaty. From this Stipulation such Territories of the Contracting States only are excepted which are entirely surrounded by the Territories of States, not Parties to this Treaty.

V. The high-roads, especially those which connect the sea-coast with the principal trading places of Germany, as well as with the Rhine, the Maine, the Elbe, and the Weser, as also the said trading places with each other, shall be progressively improved and maintained, in furtherance of the object of this Treaty, by the respective States through which the said roads pass. The line of road shall, with the same view, be formed through the States of the Union with every possible attention to the shortening of the distances, and the new roads shall be commenced without delay. The roads chiefly demanding attention, and those to be undertaken, in conformity with the general Resolution, are laid down, with reference to their principal directions, in an Appendix to this Treaty. By the 1st of June, 1829, each State of the Union shall notify what it has already done with respect to the projected improvements, and state when they will be completed. The 1st of October, 1830, is for the present fixed as the final term for their completion, although it is understood, and is hereby acknowledged as an obligation of this Treaty, that nothing shall be omitted by any State, which may tend to greater expedition.

VI. Each State of the Union will endeavour to promote and facilitate commerce and traffick on the said roads;—by simplifying as much as possible the Regulations respecting the import, transit, and export of goods; by remedying the abuses which may have crept in; by a liberal treatment of Travellers; and, especially by expediting the duties of the Custom-House Officers and others, in drawing out, certifying, and delivering, Bills of Lading, as well as in any examinations which may be found necessary; so as to encourage and maintain frequent and uninterrupted communications upon the said roads.

VII. The said States severally bind themselves not to increase the duties hitherto or now levied in their Territories, on goods *in transitu*, whether they be described as such or not, nor the dues payable for convoy, so far as regards transit goods, or those which either come from a State of the Union, or, before entering such State, have already passed through one or more of the other States of the Union, or such goods as, on quitting a State of the Union, are forwarded to another State belonging thereto. Each State is, nevertheless, at liberty, and reserves to itself the right, to charge higher duties on transit goods, which, not having first passed through a State of the Union, are brought from States not belonging thereto,



and are forwarded to a State of the latter description, without entering a State belonging to the Union; and the same right shall belong to such States of the Union as are situated in immediate contiguity with each other, and through which the same road passes; so that they may agree between themselves, without the consent of the other States of the Union, respecting an augmentation of the transit duties on the said road, upon Foreign merchandise forwarded from a State not belonging to the Union, without having passed through a State of the Union, but entering their Territory and again quitting it, without touching another State included in the said Union. In neither of the above cases, however, shall the duties be raised upon such merchandise, as, pursuant to the Bills of Lading which accompany it, and in compliance with the Custom-house Regulations to be agreed upon by the said States, shall be ultimately destined for any other State of the Union.

VIII. The Stipulations of Article VII. against the increase of the transit duties, shall not prevent a new Regulation of the transit duties now in force in the States of the Union, provided that the said duties be not augmented, nor any additional burdens imposed. It is rather the object of this Union to introduce such a Regulation, in the States in which it has not been already adopted, so as to facilitate the dispatch of business, by simplifying the collection and comptrolling of the duties. Every State of the Union, which makes use of its right to form a new Regulation of its Customs, is bound, on communicating the new Arrangements to the other States of the Union, to shew that neither an augmentation of the duties hitherto paid will take place, nor any greater burden be imposed, on the transit trade and commerce.

IX. Every State, separately, or several States, conjointly, of the Union, possesses the right of adopting measures of retaliation or reprisal which, although not contemplated as an object of this Treaty, are nevertheless not irreconcilable with it. An augmentation of the transit duties, by way of reprisal or retaliation towards Foreign States not belonging to the Union, is expressly reserved, whenever an augmentation of the transit duties in any Foreign State should justify it. It is distinctly understood, however, that this reservation, authorizing such measures, shall apply only to a State not included in the Union, and that nothing shall be done in contravention of the Stipulations of Article VII. which give effect to the principal object of the present Treaty, and that the rights mutually conceded by the States of the Union shall not thereby be infringed.

X. In the execution of the preceding Articles, VII to IX, should a question arise as to the exact meaning of the term *transit goods*, it shall be sought for, in the first instance, by each State of the Union, in the Laws existing in such State. But the term "transit goods"

is to be generally considered as applying to such goods as cross the Frontier of a State, and pass, at another point, out of the same State, either without being unladen, or, if unladen or warehoused, without being destined for sale or consumption in such State.

XI. As with respect to the transit duties, so also the highway, bridge, and pavement duties, in the States of the Union, shall not be increased upon the publick roads beyond those at present existing in those States, respectively; with the reservation, however, of the imposition of new duties, on any newly made roads, ways, pavements and bridges, or on account of any expensive and important improvements that have been made to them.

XII. In order to obtain a complete view of the already existing or legally assessed transit duties, and also of the highway, bridge and pavement duties, on the publick roads, and to obviate future doubts and misunderstandings, correct Schedules of the same shall be drawn up by the several States of the Union, and by each in particular, referring to the legal enactments relating thereto; or, if such cannot be produced, to Certificates of the Publick Authorities, exhibiting both the amount of the duties, and the regulations and measures of control, in a distinct manner. These Schedules shall be considered as supplementary parts of the present Treaty.

XIII. No prohibition against the importation or exportation of any article of merchandize shall be enforced by one against any other State of the Union;—against that of corn, for instance,—unless it be for purely political reasons, as in the case of a supply of the same being required in consequence of war, or in the event of a monopoly being enjoyed by the Government, (as in the case of salt and playing cards.) Prohibitions founded on already existing regulations relating to particular trades, or embracing objects connected with the Commercial Police, may, however, continue in force or be renewed. Temporary measures of a sanitary nature, such as cordons and prohibitions, in cases of contagious disorders, may also continue to be adopted.

XIV. Reserving for deliberation and joint agreement, the further mutual concessions which may be deemed necessary for facilitating commerce and intercourse, the following Regulations have been already agreed upon, with respect to the traffick in the most necessary articles of consumption, and certain other articles:

1. After the 1st of January, 1829, the undermentioned articles shall be free from all import and export duties:

1 Wheat,	8 Peas,	15 Manure,	22 Charcoal,
2 Rye,	9 Beans,	16 Fresh Butter,	23 Coals,
3 Spelt,	10 Lentils,	17 Fresh Fruit,	24 Peat,
4 Barley,	11 Millet,	18 Fresh Vegetables,	25 Trees for trans-
5 Oats,	12 Potatoes,	19 Poultry,	planting,
6 Buckwheat,	13 Hay,	20 Eggs,	26 Fodder;
7 Tares,	14 Straw,	21 Fire-wood,	

provided they be brought from one State of the Union into another, without touching a Foreign State. The duties on internal commerce and consumption, payable upon the above articles, agreeably to the respective Regulations of the States of the Union, when of inland origin, are not annulled or repealed by this Stipulation.

2. The abovementioned articles shall be also free from transit duty when they pass from one through another State of the Union. On the transit of the articles, 1 to 11 inclusive, however, where a transit duty has already existed, a duty of half a good-groschen per cwt. may be levied; regard being had to the measures of control, which may be found necessary.

3. As the stipulated exemption from duty is, without interfering with mercantile speculations, merely to facilitate as much as possible the intercourse and traffick in the above named articles, within the boundaries of the States of the Union, and to promote the demand for the said productions; the traffick in the articles of corn and pulse, 1 to 11, is placed under the following limitations and regulations, viz:

*a.* That corn only which is exposed for sale at the weekly markets by the Dealers, or by Retailers, which latter are limited to quantities not exceeding 20 cwt. shall be free from all import duty, upon its being imported from one State of the Union into another, when accompanied with Certificates of origin. These Certificates shall be attested, gratis, by the Local Authorities.

*b.* No Certificate of origin shall be required, on the importation of any quantity of corn not exceeding 2 cwt.

*c.* It is left to the option of each State of the Union to regulate the quantities, denoted above by the term cwt. in *a* and *b*, with reference to the weights in use in such State.

*d.* Such corn as shall be imported without conforming to the conditions above stated, upon which an exemption from duty is granted, shall be liable to such duties as are legally demanded in each State, on imports, and on transit goods.

*e.* The States of the Union promise reciprocal aid to each other, in detecting and punishing any attempts to evade the duties, by the improper use of Certificates of origin.

Between those States of the Union, which have established mutual prior relations, legally and reciprocally admitting greater liberties in the corn trade than are granted by the present Treaty, exclusive regard shall be had to the said prior relations.

XV. After the 1st of January, 1829, commercial Travellers belonging to one State of the Union, who, in pursuance of the existing Laws of another State of the Union, are permitted to exhibit samples, or transact any other business in the latter, shall not be liable during their stay therein to any other obligations or imposts than the commercial Travellers of any other State not belonging to the Union.

XVI. The States of the Union reserve to themselves, respectively, the right of concluding Separate Commercial Treaties, as well between each other as with Foreign States, without the assent of the whole Union. It is, however, understood, that, in such Separate Treaties, nothing shall be contained in contravention of the obligations by which each State has bound itself to the Union by the present Treaty, or shall at any future period so bind itself. Separate Treaties between contiguous States of the Union, tending to facilitate the intercourse between them, shall be regarded as consistent with the object of the Union. Of every such Separate Treaty, concluded by one State of the Union with another, the other States shall be apprized, at latest, at the period when the same comes into operation.

XVII. Every advantage in respect to import, export, transit, sale, and consumption duties, granted by a State of the Union to a State not belonging to the Union, shall, from the same moment, be considered as granted to every other State of the Union, which has either already granted, or is ready to grant, a similar advantage in return.

XVIII. All general measures relative to the Union must be decided by the unanimous consent of the States concerned. The same consent must also be given to reprisals or retaliations on the part of the whole Union, as also to such Negotiations and Treaties, as the Union may consider it advisable to enter into, for the promotion of trade and commerce, with Foreign States not belonging to the Union, and which must be conformable to the general principles of the present Treaty.

XIX. The Stipulations of this Treaty are not intended to alter, or supersede, such enactments as are contained in existing Treaties, in relation to the free trade and navigation of Rivers;—the said Stipulations, referring only to an intercourse by land, and not applying either to the trade or navigation of the Rivers, or the Sea, cannot consequently affect the Treaties relating thereto.

XX. The Consuls appointed to reside in Foreign States by the respective Governments of the Union, shall be directed to uphold and protect the interests of the Subjects of all the other States of the Union, equally with the interests of the Subjects of their own Governments. The costs and charges thereby incurred, shall be defrayed by each Government for its own Subjects.

XXI. In order to facilitate trade and commercial calculations, with respect to weights, measures, and monies, by which the duties on transit goods are to be levied, comparative Tables of the same shall be drawn up and published.

XXII. As the present Treaty is concluded under the express reservation of its Ratification on the part of the High Contracting Parties, the same shall be transmitted by each and all of the Plenipotentiaries to their respective Sovereigns for that purpose, and the Ratifications shall be exchanged within 6 weeks from the date hereof.



In witness whereof, the above Treaty has been signed by all the said Plenipotentiaries in Conference, and sealed with their Arms.

Done at Cassel, the 24th September, 1828.

(L.S.) AUGUSTUS LEWIS OTTO GROTE.

(L.S.) HANS GEORGE VON CARLOWIZ.

(L.S.) CHARLES FREDERICK VON KOPP.

(L.S.) CHAS. FRED. ANTHONY VON CONTA, for himself  
and the Actual Privy Councillor Dr. SCHWEITZER.

(L.S.) AUG. P. CHRIS. THEODORE VON AMSBERG.

(L.S.) AUG. VON ROENTGEN, as Plenipotentiary of Hesse-  
Homburg and of Nassau.

(L.S.) CHAS. FRED. FERDINAND SUDEN.

(L.S.) CHAS. J. H. ERNEST EDLER VON BRAUN.

(L.S.) WM. ERNEST BRAUN, for himself and the Actual  
Privy Councillor BARON VON CARLOWIZ.

(L.S.) DIETRICH BARON VON STEIN.

(L.S.) GUSTAVUS ADOLPHUS VON STRAUCH.

(L.S.) CHRISTIAN WILLIAM SCHWARTZ.

(L.S.) JOHN SMIDT.

(L.S.) JOHN GERHARD CHRISTIAN THOMAS.

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